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REEL 7 OF 8

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code of federal regulations

LSA

List of CFR Sections Affected

December 1981

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***TITLES 1-16 (ANNUAL)**
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PARALLEL TABLE OF
AUTHORITIES AND RULES

LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
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To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Daggers † appearing on page numbers under a particular title indicate that the page numbers span 2 years. The dagger is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 45 FR for 1980 page numbers and 46 FR for 1981 page numbers. Example: Page 57234 cite as 45 FR 57234; † 4627 cite as 46 FR 4627.

ISSUES TO BE SAVED

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PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains references to new authorities cited for CFR regulations added or revised since July 1, 1981, as well as removals from Table I for CFR regulations removed since July 1, 1981.

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INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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0 Authority citation 51715
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0 Annex A revised 51717
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2.712 (f) footnote 1 revised	13681
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416.2086 (h)(2) revised 58665

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653.103 Amended 62845
653.106 Amended 62845
653.107 Amended 62845
653.108 Amended 62845
653.109 Amended 62845
653.111 Amended 62845
653.112 Amended 62845
653.230 Heading revised; (c)(1)(iii) table amended 34800
653.501 Amended 62845
653.503 Amended 62845
655.202 (b)(4) revised 57032

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655.207 Revision (46 FR 4573) withdrawn; section restored to prior status 32438
658.410 Amended 62845
658.413 Amended 62845
675.3 Amended 44731
676.16 (a) corrected 25084
676.26–1 (c)(1) through (3) revised 51217
676.40–2 (a) revised 44731
677.15 (b)(3)(ii) removed; (b)(3)(iii) redesignated as new (b)(3)(ii) 44731
677.32 Revised 44731
679 Revised 51217
Technical correction 55090
680.3 Revised 44731
680.4 (a)(1) revised 44731
680.13 Removed 44731
680.102 (c) added 44731
680.113 Revised 44731
680.119 Removed 44731
680.121 Revised 44731
680.202 Revised 44732
684.95 (d) removed; (e) and (f) redesignated as (d) and (e) 49543
689.103 Amended 20157
689.105 Revised 20157
689.204–1 (c)(5) revised 20158

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702.111 Amended 62845

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1—71 (Ch. I) 23884, 26790, 33536, 53958
214 43998
218 43998
232 43998
237 43998
401—450 (Ch. III) 24424, 55612
404 ..... 22609, 23765, 29953, 37521, 46283, 50756, 53684, 54963, 55709
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901 51258

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health and Human Services

5.1 Redesignated as 5.10 and (a)(15) amended 26052
Redesignation and amendment republished 26300
5.10 Redesignated from 5.1 and (a)(15) amended 26052
Redesignation and amendment republished 26300
(a)(2) through (7), (19), and (21) revised 50064
(c) revised 55090
Heading corrected 57032
5.11 Added 26052
Republished 26300
5.22 Revised 46310
5.37 (a)(6) revised 44755
5.45 (e) revised 31003
5.47 Revised 31003
5.49 Added 59235
5.50 Revised 31003
5.52 Revised 31003
5.53 (a) and (b) revised 31003
5.59 Revised 31004
16.1 (b)(33) effective date confirmed 22359
20.100 (c)(32) effective date confirmed 22359
21.1120b (c) amended 48642
50.1 Effective 7–27–81 35084
50.3 (b) effective 7–27–81 35084
50.40—50.48 (Subpart C) Effective date deferred pending reproposal 35085
73.169 Added 47532
73.2085 Added 38501
74.705 (d)(2) effective date deferred in part to 7–1–82 31004
74.1260 Effective date confirmed 35085
74.1261 Effective date confirmed 35085
74.1602 (c)(2) effective date confirmed 47217
Technical correction 55510
74.2260 Effective date confirmed 35085
74.2261 Effective date confirmed 35085
81 Heading corrected 57474
81.1 (b) effective date confirmed 35085
(g) amended 38501, 38502
(b) amended 47533, 59235
81.10 (m) effective date confirmed 35085

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81.27 (b) removed; (d) redesignated as (b) ... 38501
81.30 (n)(1) effective date confirmed ... 35085
82.1260 Effective date confirmed ... 35085
82.1261 Effective date confirmed ... 35085
101.22 (c) effective date deferred in part to 7–1–82 ... 31004
103.35 (a) and (d)(1) revised ... 41037
(a) and (d)(1) effective date confirmed ... 51382
109 Hearing ... 24551
130.17 (b) through (g), (i), (k), and (l) amended; (c) introductory text revised ... 37500
135.110 (f) effective date deferred to 7–1–82 ... 31004
(b) revised; eff. 7–1–83 ... 44433
135.140 (b) revised; eff. 7–1–83 ... 44434
136.115 (a)(1) revised; eff. 7–1–83 ... 43413
137.165 (a) revised; eff. 7–1–83 ... 43414
137.185 (a) revised; eff. 7–1–83 ... 43414
145.170 (a)(2)(iii) and (4)(ii) revised; eff. 7–1–83 ... 33028
145.180 (a)(1) effective date deferred to 7–1–83 ... 28840
(a)(2)(viii) and (b)(1)(ii)(*g*) revised; (a)(2)(xi) added; eff. 7–1–83 (voluntary compliance 1–25–82) ... 57475
146.132 (a)(3)(ii) correctly redesignated as (a)(3)(iii); new (a)(3)(ii) correctly added ... 21359
(a)(3)(ii) corrected ... 26300
155.170 Effective date confirmed ... 21359
(a)(2) effective date deferred ... 35086
155.172 Effective date confirmed ... 21359
155.200 (c)(9) through (12) redesignated as (c)(10) through (13) and revised; new (c)(9) added; eff. 7–1–83 (voluntary compliance 1–18–82) ... 56410
166.40 (b) revised; eff. 7–1–83 ... 31005
172.340 Added ... 38072
172.372 (a) revised ... 59968
172.399 Added ... 58297
172.804 Reinstated ... 50948
172.808 (b)(3) revised ... 57476
172.841 Added ... 30081
172.870 Revised ... 50065
172.892 (b) table amended ... 32015
173.5 (c)(1) revised ... 30494

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173.25 (a)(18) and (b)(4) added ... 40181
(a)(19) added ... 57033
(a)(19) effective date corrected ... 59235
173.340 (a)(2) amended ... 30493
(a)(2) table amended ... 57476
175.300 (b)(3) (xxix) amended ... 32015, 46796
(b)(3)(xxxii) amended ... 60566
176.170 (a)(5) table amended ... 35087
(a)(5) table corrected; CFR correction ... 38503
(b)(2) table amended ... 39589
(a)(5) table corrected; CFR correction ... 43414
176.180 (b)(2) table amended ... 57477
176.300 (c) table amended ... 36129
177 Heading corrected ... 58297
177.1010 (a)(7) redesignated as (8); new (a)(7) added ... 46796
177.1580 (b) table amended ... 23227
177.1680 (a)(1) amended ... 57033
177.2600 (c)(4)(viii) amended ... 46796
177.2800 (d)(5) table amended ... 37042
178.1010 (b)(22) and (c)(17) added ... 31006
(b)(9) revised ... 60567
178.2010 (b) table amended ... 31007, 35087, 47217, 47218, 57034
178.3295 Added ... 59236
178.3860 (b) table amended ... 51902
184.1366 Added ... 44439
184.1979 Added ... 44439
184.1979a Added ... 44440
184.1979b Added ... 44441
184.1979c Added ... 44441
193 Policy statement ... 24945
193.15 (a) correctly revised ... 39829, 42063
(a) corrected ... 45130
193.43 Added ... 58487
193.45 Added ... 32866
193.65 Added ... 32866
193.83 Added ... 57035
193.85 (e) added ... 31008
(f) added ... 54729
193.99 Revised ... 30494
193.135 Added ... 55511
193.152 (c) revised ... 26762
193.160 Existing text designated as (a); (c) added ... 30339
193.186 (d) added ... 47534
193.323 Added ... 32866
193.325 (d) added ... 23229
(a) revised ... 32239
193.375 Added ... 43965

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201.160 Removed; CFR correction ... 55512
203.31 Addition and table revision effective dates deferred ... 23739
211.137 (f) redesignated as (g) and revised; new (f) added ... 56412
211.166 (d) added ... 56412
310.516 (e)(4) redesignated as (e)(5) and revised; new (e)(4) added ... 53657
(e)(4) and (5) effective date corrected to 11-30-81 ... 57893
312.1 (a)(12) and (13) corrected ... 59969
314.1 (c)(2) and (f)(7) corrected ... 21360
314.8 (n) corrected ... 21360
(a)(5)(xiv) revised; (a)(6) removed ... 32017
314.9 (e) corrected ... 21360
314.12 (e) corrected ... 21360
314.110 (a)(11) corrected ... 21360
320.22 (c)(1) table amended ... 36130
330.10 (e) corrected ... 21360
(a)(7), (9), (10), and (12) revised; (a)(13) removed ... 47738
430.4 (a)(48) added ... 61069
(a)(27) removed ... 61071
430.5 (b)(1)(xii) added ... 25602
(a)(71) and (b)(71) added ... 25605
(a)(72) and (b)(72) added ... 58298
(a)(73) and (b)(73) added ... 61069
(a)(1)(iv) and (v) and (28), (b)(1)(iv) and (b)(29) removed ... 61071
430.6 (b)(73) added ... 25605
(b)(74) added ... 58298
(b)(75) added ... 61069
(a)(1)(iv) and (b)(28) removed ... 61071
431.53 (b)(1) table amended ... 60568, 61071
436.33 (b) table amended ... 25602, 25605, 58298, 61069, 61071
436.35 Revised ... 60568
(c) table amended ... 61071
436.105 (a) and (b) tables amended ... 25605, 46312
(a) table corrected; CFR correction ... 57477
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436.106 (b) table amended ... 25608
(a) table amended ... 33512
(b) table corrected; CFR correction ... 57477
(a) and (b) tables amended ... 61072
436.204 (b)(2) table amended ... 25602
(b)(1) table amended ... 46312
(b)(2) table amended ... 58298
(b)(1) and (2) tables amended ... 61072
436.205 (c) table amended ... 25602
(c) table corrected; CFR correction ... 57477
(b) and (c) tables amended ... 61072
436.314 Removed ... 25608
436.315 Removed ... 25608
436.330 Added ... 25602
436.332 Added ... 61069
436.333 Added ... 61070
436.541 (b) table amended; (c)(4) added ... 25603
440.3 (b)(5)(ii) corrected; CFR correction ... 57477
440.8 Added ... 25603
440.37a Added ... 58298
440.69 Removed ... 61072
440.82 Removed ... 61072
440.108 Added ... 25604
440.169 Removed ... 61072
440.169a Removed ... 61072
440.169b Removed ... 61072
440.182 Removed ... 61072
440.182a Removed ... 61072
440.182b Removed ... 61072
440.237 Added ... 58299
442.13a Added ... 25606
442.25a Heading revised and (a)(1) amended ... 46312
442.40 (b)(1)(ii)(b)(4) revised ... 25608
442.104a (b)(1)(i) and (ii) corrected ... 21360
442.104b (b)(1)(i) and (ii) corrected ... 21360
442.105 (b)(1)(ii)(c) corrected; CFR correction ... 57477
442.213 Added ... 25607
442.225c (a)(1), (3), and (b)(1) revised; (b)(7) and (8) added ... 38503
444.42b Correctly removed ... 41814, 42447
444.44 Removed ... 61072
444.62 (a)(1) introductory text corrected ... 22359
444.70a (a)(1)(v), (3)(i), and (b)(5) amended ... 60568
444.142a (b)(2) revised ... 25608

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444.220 (a)(1), (3)(ii)(b)(1), and (b)(4) revised 31009
444.270b (a)(1), (3)(i)(a) and (b), and (b)(5) amended 60568
444.380 (a)(1) heading and effective date corrected 22359
444.442f Heading revised; (a)(1) amended 25608
444.442h (a)(1) corrected 55091
444.520b (b) revised 45332
444.542k Correctly removed 41814, 42447
444.542l Correctly removed 41814, 42447
444.542m Correctly removed 41814, 42447
446.10a (a)(1)(v), (3)(i), and (b)(5) amended 60568
446.16 (b) corrected; CFR correction 57477
446.20a (a)(1)(v), (3)(i), and (b)(5) amended 60568
446.65a (a)(1)(v), (3)(i), and (b)(5) amended 60568
446.67a (a)(1)(v), (3)(i) and (b)(5) amended 60568
446.75a (a)(1)(v), (3)(i), and (b)(5) amended 60568
446.76a (a)(1)(v), (3)(i), and (b)(5) amended 60568
446.81a (a)(1)(v), (3)(i), and (b)(5) amended 60568
446.150a (a)(1) amended 46313
446.220 (a)(1), (3)(i)(b), and (b)(5) amended 60568
446.260 (a)(1), (3)(i)(b), and (b)(5) amended 60568
446.265 (a)(1), (3)(i)(b), and (b)(5) amended 60568
446.267 (a)(1), (3)(i)(b), and (b)(5) amended 60568
446.275a (b)(1) amended 46313
(a)(1), (3)(i)(b), and (b)(5) amended 60568
446.275b (b)(1) amended 46313
(a)(3)(i)(a) amended 60568
446.276a (b)(1) amended 46313
(a)(1), (3)(i)(b), and (b)(5) amended 60568
446.276b (b)(1) amended 46313
(a)(3)(i)(a) amended 60568
446.281 (a)(3)(i)(a) amended 60568
446.282 (a)(1), (3)(i)(a), and (b)(6) amended 60568
446.381b (b)(1) amended; (b)(3) revised 46313

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446.542 (b)(2)(iii) corrected 21361
448.15a (a)(1)(v), (3)(i), and (b)(5) amended 60568
448.30a (b)(1) corrected 22359
448.80a (a)(1)(v), (4)(i), and (b)(5) amended 60568
Removed 61072
448.280 Removed 61072
449.120d (a)(1) corrected 21361
(b)(1) corrected by removing the second (ii) 46313
450.10a (a)(1)(v), and (3)(i) amended 60568
450.220 (a)(1) amended; (b)(5) revised 46313
450.224 (a)(1), (3)(i)(b), and (b)(4) amended 60568
450.240 (a)(1), (3)(i)(b), and (b)(7) amended 60568
450.245 (a)(1), (3)(i)(b), and (b)(5) amended 60568
452.40 Removed 61072
452.110b (a)(1) amended 44442
452.110c (b)(3) corrected 22359
453.22a (a)(1)(vi), (3)(i), and (b)(6) amended 60568
453.30a (a)(1)(v), (3)(i), and (b)(5) amended 60568
453.222 (a)(1), (3)(i)(b), and (b)(5) amended 60568
453.230 (a)(1), (3)(i)(b), and (b)(5) amended 60568
455.80a (a)(1)(vi), (3)(i), and (b)(6) amended 60568
455.170a (a)(1) amended 46314
455.230 Added 61070
455.251 (b)(5) revised 25608
455.310a (b)(1)(i) and (ii) removed 46313
460.42 (a)(1) amended 60569
510.600 (c)(1) and (2) tables amended 20158, 21362, 22360, 23230, 33029, 37501, 45333, 48642, 50066, 50365, 56413, 60570
520.23 Revised 44443
520.82a (b) amended 48642
520.82b (b) amended 48642
520.222 (c) amended 48642
520.580 (b)(1) amended 20158
(b)(2) amended 31010
520.620b (a) revised 51383
520.622a Revised 23230
(a)(3) republished 41038
Technical correction 44443
(a)(5) added 46315

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Technical correction	55954
(a)(6) added	61653
520.622c (b)(5) added	25609
520.784 (b) amended	48642
520.863 (b) amended	48642
520.905a (e) added	29464
520.905b (c)(2) and (3) revised	37502
520.905c Added	32018
520.1120a (c) amended	48642
520.1120b (c) amended	48642
520.1236 Added	25085
520.1242a (c)(2) revised	25085
520.1320 (d)(1)(ii) revised	47218
(d)(2)(i) and (ii) amended	53658
520.1326 (c)(3) amended	52330
520.1448 (c) added	33029
(d) added	50067
520.1450 Added	50949
520.1628 (c)(2) revised	26301
(b) amended	60570
520.1638 Added	50948
520.1660c Added	32440
520.1720a (b)(1) amended	48642
520.1780b (b) amended	31010, 48642
520.1804 (b) amended	20158
520.1870 Added	60570
520.1900 (b) revised	23231, 57477
520.2002 (c) amended	60570
520.2087 Added	41039
520.2088 Added	41040
(b) added	42448
Technical correction	44443
520.2122 (b)(2) amended	60570
520.2160 Redesignated as 520.2160a and revised; new 520.2160 added	38505
520.2160a Redesignated from 520.2160 and revised	38505
520.2160b Redesignated from 520.2162 and revised	38505
520.2160c Added	38506
520.2160d Added	46316
520.2162 Redesignated as 520.2160b and revised	38505
520.2260b Revised	36132
520.2362 (c) amended	48642
520.2380f Heading, (a) and (c) revised	52330
520.2610 (a) and (b) revised	23231
(b) revised	32438
(b) amended	48642, 60570
522.23 Revised	43831
522.82 (b) amended	48642
522.518 Added	20159
522.540 (b)(2)(ii) revised	42841
522.690 (a), (b), (c), and (d)(1)(iii) revised; (d)(2)(iii)(*e*) and (*f*) removed; (d)(2)(iii)(*g*) redesignated as (d)(2)(iii)(*e*); (d)(3) added	39127
522.784 (b) amended	48642
522.863 (b) amended	48642
522.900 Revised	23232
522.1143 Removed	26763
522.1155 (b) amended	48642
522.1183 (d)(1) revised	39128
522.1235 Added	25086
522.1260 (a) amended	37043
522.1380 Technical correction	24553
522.1468 Redesignated as 522.1468a; new 522.1468 added	26763
522.1468a Redesignated from 522.1468	26763
522.1468b Added	26763
522.1660 (c)(1)(i) revised	20160
(c)(2)(i) revised	27913
522.1662a (l) added	37501
522.1680 (b) revised	61073
522.1720 (b)(1) amended	48642
522.1884 (c) revised; (d)(2)(iv) added	33513
522.2002 (c) amended	60570
522.2120 (b) amended	60570
522.2260 Added	62055
522.2610 Added	41041
522.2640 Redesignated as 522.2640a and revised; new 522.2640 added	48643
522.2640a Redesignated from 522.2640 and revised	48643
522.2640b Added	48643
524.1580b (b) revised	40183, 44755
524.1580d Added	22360
(c)(2) and (3) revised	40182
524.1742 (b) and (c)(1) introductory text revised; (c)(3) redesignated as (4) and amended; new (c)(3) added	27914
Technical correction	32440
524.2101 (b)(2) revised	37043
526.820 (b) amended	60570
529.1115 Added	27915
540.274d (a)(4)(iii)(c) amended	60569
540.814 (c)(2)(ii) and (3)(ii) added	33030
540.815a Added	55954
540.874a (c)(4)(iii)(A) and (B) redesignated as (c)(4)(iii)(*a*) and (*b*); (c)(4)(i) and new (iii)(*a*) revised	43415
544.173a (a)(1) amended	60569
544.173b (a)(1) amended	60569

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544.173c (a)(1) and (b)(2) amended 60569
544.173e (a)(1) amended 60569
544.211a (b)(3) amended 60569
544.211b (a)(1)(iv), (4)(ii)(*a*), and (b)(3) amended 60569
544.274 (a)(1)(ii), (4)(ii)(*a*), and (b)(2) amended 60569
544.370a (a)(4) and (b)(2) amended 60569
544.373a (a)(1) amended 60569
544.373b (a)(1) amended 60569
544.973b (a)(1) amended 60569
546.180i Added 25086
546.312a (a)(1)(iii) amended 60569
548.314a (c)(2)(ii) amended 48642
548.314b (c)(2) amended 48642
555.110c (a)(1) amended; (c)(2) and (3)(i) revised 21362
(c)(2)(ii) revised 59969
556.425 Added 50950
556.750 (b)(4) revised; CFR correction 53658
558.15 (g)(1) amended 23233
558.45 (c) revised 45333
558.55 (e)(2)(iv) table amended 46797
558.76 (e)(1) table amended 21363, 21749, 22361, 22755, 41042
558.78 (e)(1) table amended 21363
(e)(1) table amended; footnote 1 added 37044
(e)(1) table amended 60571, 61073
558.95 (e)(1)(x) added 54537
(b)(1) revised; (e)(3) added 58300
558.120 (e)(2)(ii) added 46797
558.195 (g)(2) table amended 32019
558.274 (a) revised; (e)(1) table amended 20161, 21364
(a)(2) revised; (a)(3) added; (e)(1) table amended 32018
(a)(4) added; (e)(1) table amended 50067
558.311 (b) revised; (e) table amended 46798
(e) table amended 54538
558.325 (f)(2)(i)(*b*), (ii)(*b*), and (iii)(*b*) amended 24553
558.355 (b)(5) and (f)(1)(xiii) added 46799
558.360 Added 50950
558.369 Added 47535
558.450 (a) revised 26764
558.485 (a)(8) added 28840
(a)(11) added 38506
(a)(10) added 39128
(a)(9) added 39129

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558.530 Revised 52331
558.565 Revised 43832
558.625 (b)(27) revised 20161
(b)(5) revised 20162
(b)(52) revised 53658
(b)(50) revised 53659
(b)(65) revised 53660
(b)(8) and (69) revised 55956
(b)(77) added 56413
(b)(29) removed 57478
558.630 (b)(3) revised; (b)(8) added 36133
(b)(9) added 40183
(b)(3) amended 55955
558.635 (f)(3)(ii) added 46798
(f)(3) added 46799
561 Policy statement 24945
561.53 (a) revised 36134
561.65 Added 55092
Technical correction 59533
561.67 Added 58488
561.93 Added 57036
561.95 Revised 57479
561.97 Added 47772
561.98 (b) revised 31638
561.145 Added 55512
561.195 Revised 50366
561.215 Added 30340
561.225 Added 47536
Correctly designated 55092
561.232 (a) revised 26765
561.385 (a) revised 37502
(a) and (b) revised 57480
561.395 (a) revised 55093
Technical correction 59533
573.310 Added 30082
573.450 (d) revised 49115
573.920 (b)(1) and (c)(1) revised; (f) removed 43416
(b)(7) added; (c)(1) revised 49116
584 Added 52333
610.13 (b) introductory text, (2), and (c) revised 62845
610.15 (a) revised 51903
610.53 (a) table amended 56412
640.63 (b)(2) revised 57480
660.2 (f) revised 36134
660.6 Added 36134
680.4 Added 39135
Technical correction 42448
680.40 (b)(2)(v) corrected 43832
700.3 (r) removed 38073
701 Incorporation by reference approvals corrected 29220
710.4 Amended 38073
720.4 (d)(2) amended; footnote 1 through 4 removed 38073

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720.5 (c)(1) amended; footnotes 1 through 4 removed 38073
730.1 Amended 38073
730.2 (b) removed 38073
730.3 Amended 38073
730.4 (a)(5) revised; (a)(7) and (8), (b), and (c)(5) removed; (d) introductory text, (1), and (3) and (e) amended 38073
730.7 Amended 38074
808.101 Corrected 59236
809.3 (a) revision and (c) removal effective date confirmed 22359
809.4 Effective date confirmed 22359
809.10 (c) introductory text effective date confirmed 22359
809.30—809.35 (Subpart D) Effective date confirmed 22359
812.65 Correctly removed 21360
812.70 Correctly removed 21360
861 Effective date confirmed 22359
880.2440 (a) corrected 21364
1030.10 (b)(8) and (c)(1), (3)(i), and (ii) effective date stayed 23233

Chapter II—Drug Enforcement Administration, Department of Justice

Chapter II Nomenclature change; CFR correction 50068
1301.26 (e) amended 28841
1301.71 (d) amended 28841
1301.74 (k) amended 28841
1303.12 (b) and (d) amended 28841
1303.22 Amended 28841
1303.27 Amended 28841
1304.35 (a) amended 28841
1304.37 (a) and (b) amended 28841
1304.39 (d) amended 28841
1304.41 (d) amended 28841
1304.42 (a) amended 28841
1306.26 Added 48919
1308.04 (a) amended 28841
1308.11 (f) added 37504
(b)(6) through (45) redesignated as (b)(7) through (46); new (b)(6) added 46800
(f) revised 59970
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1308.13 (b)(5) removed; (b)(6) redesignated as (b)(5) 52334

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1308.14 (c)(21) added 20672
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1308.23 (b) amended 28841
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201.52 (a)(4)(ii) revised; (a)(4)(iii) added ---- 47069
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(c)(22) added 44448
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81.303 (c) removed 60458
81.312 (a)(6) removed 49589
81.913 (b) revised 61887
83.134 (l)(4) through (6) added 61887
83.465 (c) revised 51616
90.17 (b) table amended; (c)(25) added 52372
90.19 (d) table amended; (e)(4) removed 52372
90.79 (c) table corrected 59996
90.129 (m) added 52372
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90.205 (b) introductory text revised; (b) table footnote 9 added	52372
90.207 (e) revised	52373
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90.213 (a) table amended; footnotes 4 through 13 redesignated as 5 through 14; new footnote 4 added	52373
90.237 (g) added	52373
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90.365 (a)(1)(i) and (3) revised	58693
90.555 (b) table amended	52374
97.61 (b)(2) corrected	53176
97.84 (a) revised; (h) added	50800
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1.48 (w) added	63294
1.49 (x) added	63294
1.53 Introductory text revised; (a)(7) added	63294
1.55 Introductory text and (f) revised	55266
6 Added; interim	49879
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172.336 (c)(8) amended	50801
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173.23 (c) added	62455
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173.63 (a)(2), (c)(1) and (2), and (d)(2) amended; (b) introductory text and (e)(1) revised 49892
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173.93 (a)(5), (6), (8), (9) and (11), (b)(3) and (d)(3) revised; (e)(1) and (g)(1) amended 49893
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58285 **IRA/Keogh Accounts** DIDC rescinds waiver of mandatory penalties for early withdrawal for transfers of certain time deposits.

58287 **Keogh Accounts** SEC provides exemption from registration of interests and participations issued in connection with certain plans.

58368 **Grant Programs—Health Care** HHS/HCFA cancels solicitation for research and demonstration grants.

58341 **Manufactured Homes** FHLBB proposes regulations to allow Federal savings and loan associations to become more involved in lending.

58464 **Surface Mining** Interior/SMREO proposes to amend standards and procedures for State regulatory authority inspection and enforcement. Federal inspection and enforcement, and civil penalty assessments. (Part III of this issue)

58304 **Oil and Gas Reserves** Interior/GS includes the National Petroleum Reserve in Alaska in operating regulations.

58369 Interior/BLM clarifies antitrust review information required by Justice for first lease sale for the National Petroleum Reserve in Alaska.

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58281 **Nuclear Power Plants and Reactors** NRC clarifies licensing requirements for storage of spent fuel in independent storage installations.

58279 NRC expedites licensing process by authorizing presiding officer to require oral answers to certain motions and service of documents by express mail.

58292 **Pipelines** DOE/FERC establishes procedures for refund of Louisiana First Use Tax.

58296 **Natural Gas** DOE/FERC issues incremental pricing acquisition cost thresholds for December 1981.

58389 **Energy** SFC adopts guidelines on disclosure and confidentiality of information.

58306 **Military Law** DOD establishes policies for enforcement of State traffic laws on military installations.

58271 **Government Employees** OPM revises back pay regulations.

58363 **Government Employees—Travel Expenses** GSA reports on cost of travel and operation of privately owned vehicles.

58315 GSA/TPUS decreases certain mileage rates for privately owned automobiles and revises list of high rate geographical areas.

58346 **Flood Insurance** Interior announces intention to propose rules on designation of undeveloped coastal barriers.

58335 **Wildlife Refuges** Interior/FWS removes regulations on establishment of wildlife development areas on land to be included in the National Wildlife Refuge System.

58351 **Vegetables** USDA/SRS implements revised acreage estimating program.

58307 **Copyright** Library of Congress prescribes methods of affixation and positions of copyright notice.

58301 **Equal Access to Justice** State adopts procedural rules.

58381 **Privacy Act Document** ICC

58391 **Sunshine Act Meetings**

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LABOR DEPARTMENT

Occupational Safety and Health Administration—

58385 Occupational Safety and Health National Advisory Committee, Washington, D.C. (open), 12–16 through 12–18–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

58386 Aerospace Safety Advisory Panel, Washington, D.C. (open), 1–21–82

NUCLEAR REGULATORY COMMISSION

Reactor Safeguards Advisory Committee (both sessions partially open) (2 documents):

58387 Class-9 Accidents Subcommittee, Denver, Colo., 12–16 and 12–17–81;

58386 Waste Management and Reactor Radiological Effects Combined Subcommittees, Washington, D.C., 12–18 and 12–19–81

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U.S. Organization for the International Telegraph and Telephone Consultative Committee, Washington, D.C. (both sessions open) (2 documents):

58389 Study Group A, 12–11–81;

58390 Study Groups A & B, 12–10–81

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Surface Mining Reclamation and Enforcement Office—

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58340 Residential Conservation Service Program, Washington, D.C., 12–14 and 12–15–81 rescheduled for 1–11 and 1–12–82

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Rules

This section contains reg general app of which ar the Code o published u U.S.C. 1510 The Code by the Sup Prices of n first FEDER month.

OFFICE OF MANAGEM

5 CFR Part

Excepted S

AGENCY: O Manageme

ACTION: Fi

SUMMARY: immediate appointing when a pos authority b making a n Schedule C OPM's app the excepte

EFFECTIVE

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SUPPLEMEN 1103 of title assigns the Manageme accuracy, u functions o President t service and the merit sy this respon determine from the co appropriate exceptions to be appro

Current r provide tha any positio position is unless OPM an addition revocation keep Sched periodic re continued provision h

Rules and Regulations

Federal Register
Vol. 46, No. 230
Tuesday, December 1, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management

ACTION: Final regulations.

SUMMARY: This amendment provides for immediate revocation of excepted appointing authority under Schedule C when a position covered by such authority becomes vacant. Before making a new appointment under Schedule C, the agency must obtain OPM's approval for reestablishment of the excepted appointing authority.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: Section 1103 of title 5, United States Code, assigns the Office of Personnel Management responsibility for securing accuracy, uniformity, and justice in the functions of the Office and for aiding the President to promote an efficient civil service and a systematic application of the merit system principles. As part of this responsibility, OPM must not only determine that exception of positions from the competitive service is appropriate, but also must ensure that exceptions already approved continue to be appropriate.

Current regulations in 5 CFR 213.3301b provide that Schedule C exception for any position is revoked when the position is vacant for more than 60 days, unless OPM approves an extension for an additional 60 days. The automatic revocation provision was adopted to keep Schedule C current and to permit periodic review of authorities for continued propriety. However, while the provision has kept Schedule C current, it has not ensured regular review of all positions for continued appropriateness of exception because many positions are filled within the current 60-day time limit. OPM has, therefore, determined that Schedule C exception should be reviewed and reestablished each time a position becomes vacant, even if it can be filled within 60 days. This amendment provides for revocation of Schedule C exception immediately upon a position becoming vacant.

Pursuant to sections 553(b)(B) and 553(d)(3) of title 5, United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking and making this amendment effective in less than 30 days. The regulation is being made effective immediately to ensure current and continued compliance with the requirement in 5 U.S.C. 1103 that OPM's use of its authority to except positions from the competitive service be fully consistent with merit principles.

E.O. 12291 Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or,

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine

Director.

PART 213—EXCEPTED SERVICE

Accordingly, OPM revises 5 CFR 213.3301b to read as follows:

§ 213.3301b Revocation of exceptions.

(a) The exception from the competitive service for each position at GS–15 and below listed in Schedule C by OPM is revoked immediately upon the position becoming vacant.

(b) An agency shall notify the Office of Personnel Management within 3 work days after a Schedule C position at GS–15 and below has been vacated. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218).

[FR Doc. 81-34412 Filed 11-30-81; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 550

Pay Administration (General); Back Pay Regulations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations revise the current back pay regulations to implement the back pay amendments of the Civil Service Reform Act of 1978, which provide for payment of reasonable attorney fees in back pay cases, and to clarify and simplify the current back pay regulations.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Donald J. Winstead, (202)–632–4634.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the **Federal Register** on February 1, 1980 (45 FR 7263–7265), for a public comment period of 60 days. A number of editorial revisions have been made in the proposed regulations, and a few substantive changes also have been made.

Analysis of Comments

The Office of Personnel Management (OPM) received written comments from 11 agencies, 4 labor organizations, 2 private interest groups, and 1 individual. Most of the comments offered specific recommendations for clarifying or modifying specific provisions of the proposed regulations. As a result, OPM has modified the proposed regulations, as discussed below. OPM will also supplement the final regulations with guidance issued through the Federal Personnel Manual (FPM) system that

will address other concerns expressed during the public comment period.

(1) Authority To Regulate

Several comments were received concerning OPM's authority to prescribe regulations affecting the entities identified as appropriate authorities in § 550.802 of the proposed regulations. In part, this reflects confusion resulting from the inadvertent omission of subsection (c) of 5 U.S.C 5596 from House Committee Print No. 95–22, "Title 5, United States Code." This subsection was not repealed or amended by the Civil Service Reform Act of 1978 (CSRA). However, Pub. L. 96–54 of August 14, 1979, amended 5 U.S.C. 5596(c) by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management". It is clear that OPM has the authority and the obligation to prescribe regulations to carry out 5 U.S.C. 5596. (The inadvertent omission of subsection (c) was corrected with the publication of House Committee Print No. 96–9.) Therefore, to the extent that an appropriate authority bases an award of back pay on 5 U.S.C. 5596, that appropriate authority is bound by the regulations prescribed by OPM to carry out this section of law.

Nevertheless, OPM is sensitive to the fact that a large number of appropriate authorities will be applying these regulations in a wide variety of contexts and under different procedures. Therefore, OPM has limited the requirements imposed upon appropriate authorities to the maximum extent possible consistent with congressional intent in enacting 5 U.S.C. 5596, as amended. OPM has rejected a number of recommendations that would have imposed unnecessary requirements upon appropriate authorities and has attempted to impose only those requirements that are necessary to carry out 5 U.S.C. 5596. This is the rationale behind the absence of specific time frames for requesting and responding to requests for payment of reasonable attorney fees and the absence of regulatory guidance concerning what is reasonable in the payment of attorney fees. Each appropriate authority is free to establish its own procedural requirements consistent with these regulations and to be guided by available precedents concerning matters such as what is reasonable in the payment of attorney fees. For the benefit of Federal agencies acting as appropriate authorities with respect to actions involving their own employees, OPM will provide further guidance through the FPM system.

(2) Scope

To clarify the coverage and applicability of the back pay regulations, OPM has modified the proposed regulations by splitting § 550.801 of the proposed regulations into two new sections—§ 550.801, "Applicability," and § 550.802, "Coverage." Subsequent sections have been renumbered accordingly. The final regulations also reflect section 3202(e)(7) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, as amended, which provides that, effective September 26, 1980, employees of the government of the District of Columbia are not covered by 5 U.S.C. 5596. The definition of "agency" in § 550.802 of the proposed regulations has been modified accordingly and appears in § 550.803 of the final regulations.)

One agency questioned the applicability of the back pay law to an employee who is found to have been affected by an unjustified or unwarranted personnel action that resulted in the *denial* of all or part of the pay, allowances, and differentials otherwise due the employee. The applicability of the back pay law in such a case is based on 5 U.S.C. 5596(b)(3), which states that the term "personnel action" includes "the omission or failure to take an action or confer a benefit." Another agency questioned the use of the phrase "reclassification * * * to a higher grade" in the definition of "unjustified or unwarranted personnel action." OPM has deleted this provision from that definition and modified § 550.801(b) of the proposed regulations to indicate that the back pay regulations do not apply to any reclassification action. (See § 550.801(b) of the final regulations.

A labor organization requested clarification concerning whether Veterans Administration employees covered by title 38, United States Code, and National Guard technicians covered by title 32, United States Code, are covered by these regulations. In both cases, the individuals are considered to be employees of an Executive agency, as defined in 5 U.S.C. 105, and are therefore covered by these regulations.

(3) Definitions

A number of comments were received concerning the definitions included in the proposed regulations. The Federal Labor Relations Authority (FLRA) indicated that the General Counsel of the FLRA should be identified as an appropriate authority. One agency requested clarification concerning the relationships among the various appropriate authorities. OPM will provide Federal agencies with further guidance concerning this matter through the FPM system.

Two comments were received suggesting that the definitions of "pay," "allowances," and "differential" found in the current back pay regulations be retained. OPM has concluded that it is impractical and unnecessary to attempt to distinguish among these three terms. The revised definition of "pay, allowances, and differentials" as "monetary and employment benefits to which an employee is entitled by statute or regulation by virtue of the performance of a Federal function" should enable agencies to determine proper back pay entitlements. For example, coverage under the Civil Service Retirement System and benefits received under the Federal employee health benefits and group life insurance programs *prior to retirement* are employment benefits to which a covered employee is entitled by virtue of the performance of a Federal function. (Benefits received following retirement are not included because they are not received for the period covered by the corrective action. However, it may become necessary to adjust such benefits following the correction of an unjustified or unwarranted personnel action.) Similarly, the special pay provided by Pub. L. 94–123 for physicians and dentists in the Department of Medicine and Surgery of the Veterans Administration is a benefit to which such employees are entitled by virtue of the performance of a Federal function. Therefore, it is considered to be part of such employees' "pay, allowances, and differentials." Additional guidance concerning the application of this definition will be provided through the FPM system.

Two agencies requested clarification of the phrase "personnel policy established by an agency" in the definition of "unjustified or unwarranted personnel action." OPM has modified this definition to clarify its intent that, to constitute the basis for a finding that an employee has been affected by an unjustified or unwarranted personnel action, a personnel policy established by an agency or through a collective bargaining agreement must be *mandatory* (i.e., nondiscretionary) in nature. One agency objected to the absence from the proposed definition of "unjustified or unwarranted personnel action" of the parenthetical explanation that follows the phrase "act of commission" in the current definition of that term. OPM has concluded that the back pay law does not exclude a

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personnel action from the category of unjustified or unwarranted personnel actions solely because it was not an action taken under authority granted to an authorized official. However, only those unjustified or unwarranted personnel actions that result in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due an employee are subject to the back pay remedy provided in 5 U.S.C. 5596.

A labor organization objected to the use of the phrase "on the basis of substantive or procedural defects" in the definition of "unjustified or unwarranted personnel action." This phrase is not intended to limit the basis for a finding that an employee has been affected by an unjustified or unwarranted personnel action in any way not intended by the statute.

Finally, OPM has modified the definitions of "appropriate authority," "grievance," and "unfair labor practice," and added a new definition of "collective bargaining agreement" to reflect amendments to the back pay law made by the Foreign Service Act of 1980, Pub. L. 96–465. In addition, OPM has modified the definition of "grievance" to indicate that grievances processed under agency administrative grievance systems are covered by the back pay law.

(4) *Determining Entitlement to Back Pay*

Several comments were received concerning the determination of entitlement to back pay. OPM has carefully reviewed the proposed change in § 550.803(a) of the current back pay regulations and all the comments concerning the proposed change. Based on this review, OPM has concluded that it is not necessary to prescribe which party bears the burden of proof for determining whether an employee is entitled to back pay.

The back pay law is essentially mechanistic in operation. In other words, an employee is not entitled to back pay *unless* an appropriate authority determines that he or she has been affected by an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee. To reach such a conclusion, the appropriate authority may require that an employee provide documentation that he or she was affected by an unjustified or unwarranted personnel action *and* that the action resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee. Depending upon the nature of the case at hand, the appropriate authority may also require the employing agency to provide documentation that the employee was not affected by an unjustified or unwarranted personnel action or that, even if an unjustified or unwarranted personnel action occurred, it did not result in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee. All such considerations are part of the process by which the appropriate authority makes a final determination.

Once a final determination has been made, however, the payment of any back pay to which the employee thus becomes entitled under 5 U.S.C. 5596 requires no further determination except with regard to the amount payable. Therefore, it is inappropriate for the back pay regulations to attempt to specify which party bears the burden of proof for determining whether an employee is entitled to back pay. OPM has modified § 550.803(a) of the proposed regulations (§ 550.804(a) of the final regulations) to reflect the minimum statutory requirement for entitlement to back pay—namely, that an appropriate authority must find that the unjustified or unwarranted personnel action resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee.

Three comments were received concerning the requirement in § 550.803(c) of the proposed regulations for a *written* determination that an employee has been affected by an unjustified or unwarranted personnel action. This is not a new requirement. (See § 550.803(b) of the current back pay regulations.) However, OPM strongly favors a policy of encouraging settlements in appropriate cases and is sympathetic to the concern that such a regulation may inhibit efforts to reach informal settlement. Therefore, OPM will continue to consider procedures similar to those worked out between the Federal Labor Relations Council and the General Accounting Office to permit settlement of unfair labor practices without requiring an admission of wrongdoing as a part of the settlement itself to be in compliance with the back pay regulations.

(5) Back Pay Computations

One labor organization suggested that § 550.804 of the proposed regulations, relating to back pay computations, interferes with the authority of appropriate authorities to determine how back pay will be computed. However, this regulation is necessary to ensure that awards of back pay are computed in accordance with the intent of the statute—namely, for the purpose of making an employee financially whole (to the extent possible). To this end, OPM has modified (§ 550.805(a) of the proposed regulations § 550.804(a) of the final regulations) to indicate that for the purpose of computing back pay, the employee concerned is deemed to have performed service for the employing agency during the period covered by the corrective action. For the same reason OPM has modified the proposed regulations to provide that, in computing the amount of back pay due an employee, the agency shall deduct any erroneous payments received from the Government as a result of the unjustified or unwarranted personnel action (§ 550.805(e) of the final regulations). Such payments may include lump-sum payments for accrued annual leave, severance pay, refunds of retirement contributions, and retirement annuity payments. Such deductions are necessary to achieve the make-whole purpose of the back pay statute.

The General Accounting Office recommended a change in § 550.804(a) of the proposed regulations to ensure that an employee who earns more from other Federal employment during the period covered by corrective action is entitled to retain the additional earnings. In response to this concern, OPM proposed the addition of the phrase "under section 5596 of title 5, United States Code, and this subpart" in § 550.804(a) of the proposed regulations. The prohibition found in § 550.804(a) of the proposed regulations appears in § 550.805(b) of the final regulations, and the remaining paragraphs of § 550.805 have been relettered accordingly.

Four comments were received objecting to the exclusion from the computation of back pay of periods during which an employee was not ready, willing, and able to perform his or her duties because of an incapacitating illness or injury or during which an employee was unavailable for the performance of his or her duties. These provisions, which are also found in § 550.804(d) of the current back pay regulations, are necessary to carry out the intent of the back pay law and are found in § 550.805(c) of the final regulations.

Finally, OPM has added a new provision concerning the scheduling and use of excess annual leave restored to an employee as the result of an unjustified or unwarranted personnel action (§ 550.805(f) of the final regulations). This provision is based on the principle that no employee should be

required to schedule and use a total amount of annual leave greater than 20 percent of his or her scheduled tour of duty.

(6) Payment of Reasonable Attorney Fees

Numerous comments were received concerning various aspects of § 550.805 of the proposed regulations, relating to the payment of reasonable attorney fees. OPM has modified § 550.805(a) of the proposed regulations (§ 550.806(a) of the final regulations) to clarify its intent that requests for payment of reasonable attorney fees may be presented only to the appropriate authority that corrected or directed the correction of the unjustified or unwarranted personnel action unless the finding that provides the basis for a request for payment of reasonable attorney fees is made on appeal from a decision by an appropriate authority other than the employing agency. This provision will not inhibit efforts to reach informal settlements because the appropriate authority in such a case is the employing agency. In addition, it is important to note that appropriate authorities retain the right to establish procedures consistent with these regulations for responding to a request for payment of reasonable attorney fees. This includes the right to remand such a request to the employing agency for an initial determination, when appropriate.

Three agencies expressed concern about allowing an employee's personal representative to request payment of reasonable attorney fees. This provision does not address the question of who may *receive payment for* reasonable attorney fees. Rather, it provides that an employee's personal representative may *request payment of* reasonable attorney fees on the employee's behalf.

Four comments were received objecting to § 550.805(b) of the proposed regulations on the basis that OPM has no authority to compel an appropriate authority to provide an agency with an opportunity to respond to a request for payment of reasonable attorney fees. This provision is necessary to carry out the intent of the statutory provisions for the payment of reasonable attorney fees It is clear that Congress did not intend to provide for payment of reasonable attorney fees in all back pay cases. It is necessary, therefore, to provide each party with an opportunity to present its case concerning whether such payment is warranted in the case at hand. Moreover, in any case in which an appropriate authority determines that such payment is warranted, it is incumbent upon that authority also to determine what amount is reasonable. Such a determination must be based on all pertinent information. Therefore, under the authority given OPM by 5 U.S.C. 5596(c), the final regulations require each appropriate authority to provide the employing agency with an opportunity to respond to a request for payment of reasonable attorney fees.

OPM received one comment expressing the belief that reasonable attorney fees should be awarded in any case in which the employee is the prevailing party. The final regulations are based on the conclusion that the incorporation of the standards established under 5 U.S.C. 7701(g) in 5 U.S.C. 5596 reflects congressional intent that reasonable attorney fees may be paid only after there has been a determination that such payment is warranted in the interest of justice except in discrimination cases. If such payment were always appropriate in non-discrimination cases, there would be no purpose to the separate requirement in 5 U.S.C. 7701(g)(1) for a determination that such payment is warranted in the interest of justice. In addition, OPM has determined that to require such a determination in some cases, but not in others, would lead to unreasonable and absurd results.

Several comments were received requesting further clarification of the phrase "in the interest of justice." OPM has modified § 550.805(c) of the proposed regulations (§ 550.806(c) of the final regulations) to indicate that the appropriate authority shall determine whether the payment of reasonable attorney fees is warranted in the interest of justice "in accordance with standards established by the Merit Systems Protection Board under section 7701(g) of title 5, United States Code." The Merit Systems Protection Board (MSPB) has issued a series of decisions in which these standards have been clarified. OPM will provide Federal agencies with further information concerning these standards through the FPM system.

Four labor organizations objected to the requirement in § 550.805(c)(2) of the proposed regulations (§ 550.806(c)(2) of final regulations) for a specific finding setting forth the reasons the payment of reasonable attorney fees is in the interest of justice. This provision is based on the requirement in 5 U.S.C. 7701(g)(1) for a determination that such payment is warranted in the interest of justice. This regulation is necessary to carry out the intent of the statutory requirement. Otherwise, it would be impossible to ascertain the basis for a determination that the payment of reasonable attorney fees is in the interest of justice.

Four agencies requested that § 550.805(c) of the proposed regulations include the requirement that, to be eligible for payment of reasonable attorney fees, an employee must actually have *incurred* such fees. OPM has not adopted this suggestion for the following reasons. First, it is not clear that the phrase "incurred by the employee" is to be considered part of the "standards established under section 7701(g)." Second, even if this is the correct interpretation of "standards established under section 7701(g)," MSPB has interpreted the phrase "incurred by the employee" more broadly to mean "incurred by or on behalf of an employee." Finally, it is not apparent that this requirement would be meaningful in practice.

Two labor organizations objected to limiting the payment of reasonable attorney fees to services rendered by members of the Bar and paralegals or law clerks assisting members of the Bar. The purpose of this provision (§ 550.806(f) of the final regulations) is to identify the class of individuals whose services may be compensable as reasonable attorney fees. To remain in substantial conformity with the regulations promulgated by the Equal Employment Opportunity Commission to permit administrative awards of attorney fees in discrimination cases, the final regulations extend this class to include law students, when assisting members of the Bar.

Two comments were received expressing concern that the proposed regulations make no specific reference to the payment of costs and other expenses incurred by an employee. In *Michael P. O'Donnell* v. *Department of the Interior* (NY075299058), MSPB determined that attorney fees paid under 5 U.S.C. 7701(g) may properly include "those reasonable out-of-pocket expenses incurred by the attorney which are normally charged to a fee-paying client, in the course of providing legal services." OPM has concluded that such expenses also may be included in the payment of reasonable attonrey fees under 5 U.S.C. 5596. Other expenses, such as witness fees and expenses, investigation expenses, deposition expenses, and the cost of charts and maps, may not be included in the payment of reasonable attorney fees under 5 U.S.C. 5596 because they are not paid to an attorney, but to a third party. Additional guidance concerning this matter will be provided through the FPM system.

Finally, several comments were received concerning § 550.805(f) of the proposed regulations, relating to the

review or appeal of attorney fees determinations. OPM has modified this provision (§ 550.806(g) of the final regulations) to clarify its intent that such determinations may be subject to review or appeal only if provided for by statute or regulation.

(7) Applicability of Reasonable Attorney Fees

OPM has received a number of inquiries concerning the effect of the "savings provision" of the CSRA on the payment of reasonable attorney fees in back pay cases. Section 902(b) of the CSRA provides the following:

> No provision of this Act shall affect any administrative proceedings pending at the time such provision takes effect. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

This provision was enacted to ensure continuity both in the procedures under which proceedings are initiated by Federal agencies and in the remedies available to Federal employees who are affected by unjustified or unwarranted personnel actions. Consequently, OPM has added a new paragraph (h) to § 550.806 of the final regulations to provide that the provisions concerning the payment of reasonable attorney fees do not apply to any administrative proceeding that was pending on January 11, 1979, the effective date of the back pay amendments of the CSRA.

In addition, a legislative branch agency requested clarification of the effect of the prohibition found in Pub. L. 95–391 against the use of funds appropriated by that law to provide legal representation for the House of Representatives or for any employee of a legislative branch agency without the specific authorization of Congress. OPM has determined that 5 U.S.C. 5596 constitutes specific authorization by Congress for payment of reasonable attorney fees in appropriate back pay cases. Therefore, the payment of reasonable attorney fees under 5 U.S.C. 5596 is not affected by the prohibition found in Pub. L. 95–391.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purpose of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more:

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the table of sections and text of Subpart H of Part 550 of Title 5, Code of Federal Regulations, are revised to read as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

. . . . . .

Subpart H—Back Pay

Sec.

550.801 Applicability.
550.802 Coverage.
550.803 Definitions.
550.804 Determining entitlement to back pay.
550.805 Back pay computations.
550.806 Payment of reasonable attorney fees.
550.807 Prohibition against setting aside proper promotions.

. . . . . .

Subpart H—Back Pay

Authority: 5 U.S.C. 5596(c).

§ 550.801 Applicability.

(a) This subpart contains regulations of the Office of Personnel Management to carry out section 5596 of title 5, United States Code, which authorizes the payment of back pay and reasonable attorney fees for the purpose of making an employee financially whole (to the extent possible) when, on the basis of a timely appeal or an administrative determination (including a decision relating to an unfair labor practice or a grievance), the employee is found by an appropriate authority to have been affected by an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee. This subpart should be read together with this section of law.

(b) This subpart does not apply to any reclassification action.

§ 550.802 Coverage.

(a) Except as provided in paragraph (b) of this section, this subpart applies to employees, as defined in § 550.803 of this subpart.

(b) This subpart does not apply to—

(1) Employees of the government of the District of Columbia; and

(2) Employees of the Tennessee Valley Authority.

§ 550.803 Definitions.

In this subpart:

"Agency" has the meaning given that term in section 5596(a) of title 5, United States Code.

"Appropriate authority" means an entity having authority in the case at hand to correct or direct the correction of an unjustified or unwarranted personnel action, including (a) a court, (b) the Comptroller General of the United States, (c) the Office of Personnel Management, (d) the Merit Systems Protection Board, (e) the Equal Employment Opportunity Commission, (f) the Federal Labor Relations Authority and its General Counsel, (g) the Foreign Service Labor Relations Board, (h) the Foreign Service Grievance Board, (i) an arbitrator in a binding arbitration case, and (j) the head of the employing agency or another official of the employing agency to whom such authority is delegated.

"Collective bargaining agreement" has the meaning given that term in section 7103(a)(8) of title 5, United States Code, and (with respect to members of the Foreign Service) in section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102(4)).

"Employee" means an employee or former employee of an agency

"Grievance" has the meaning given that term in section 7103(a)(9) of title 5, United States Code, and (with respect to members of the Foreign Service) in section 1101 of the Foreign Service Act of 1980 (22 U.S.C. 4131). Such a grievance includes a grievance processed under an agency administrative grievance system established under Part 771 of this chapter.

"Pay, allowances, and differentials" means monetary and employment benefits to which an employee is entitled by statute or regulation by virtue of the performance of a Federal function.

"Unfair labor practice" means an unfair labor practice described in section 7116 of title 5, United States Code, and (with respect to members of the Foreign Service) in section 1015 of the Foreign Service Act of 1980 (22 U.S.C. 4115).

"Unjustified or unwarranted personnel action" means an act of commission or an act of omission (i.e.,

failure to take an action or confer a benefit) that an appropriate authority subsequently determines, on the basis of substantive or procedural defects, to have been unjustified or unwarranted under applicable law, Executive order, rule, regulation, or mandatory personnel policy established by an agency or through a collective bargaining agreement. Such actions include personnel actions and pay actions (alone or in combination).

§ 550.804 Determining entitlement to back pay.

(a) When an appropriate authority has determined that an employee was affected by an unjustified or unwarranted personnel action, the employee shall be entitled to back pay under section 5596 of title 5, United States Code, and this subpart only if the appropriate authority finds that the unjustified or unwarranted personnel action resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee.

(b) The requirement for a "timely appeal" is met when—

(1) An employee or an employee's personal representative initiates an appeal or grievance under an appeal or grievance system, including appeal or grievance procedures included in a collective bargaining agreement; a claim against the Government of the United States; a discrimination complaint; or an unfair labor practice charge; and

(2) An appropriate authority accepts that appeal, grievance, claim, complaint, or charge as timely filed.

(c) The requirement for an "administrative determination" is met when an appropriate authority determines, in writing, that an employee has been affected by an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee.

(d) The requirement for "correction of the personnel action" is met when an appropriate authority, consistent with law, Executive order, rule, regulation, or mandatory personnel policy established by an agency or through a collective bargaining agreement, after a review, corrects or directs the correction of an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee.

§ 550.805 Back pay computations.

(a) When an appropriate authority corrects or directs the correction of an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due an employee—

(1) The employee shall be deemed to have performed service for the agency during the period covered by the corrective action; and

(2) The agency shall compute for the period covered by the corrective action the pay, allowances, and differentials the employee would have received if the unjustified or unwarranted personnel action had not occurred.

(b) No employee shall be granted more pay, allowances, and differentials under section 5596 of title 5, United States Code, and this subpart than he or she would have been entitled to receive if the unjustified or unwarranted personnel action had not occurred.

(c) Except as provided in paragraph (d) of this section, in computing the amount of back pay under section 5596 of title 5, United States Code, and this subpart, an agency may not include—

(1) Any period during which an employee was not ready, willing, and able to perform his or her duties because of an incapacitating illness or injury; or

(2) Any period during which an employee was unavailable for the performance of his or her duties for reasons other than those related to, or caused by, the unjustified or unwarranted personnel action.

(d) In computing the amount of back pay under section 5596 of title 5, United States Code, and this subpart, an agency shall grant, upon request of an employee, any sick or annual leave available to the employee for a period of incapacitation if the employee can establish that the period of incapacitation was the result of illness or injury.

(e) In computing the amount of back pay under section 5596 of title 5, United States Code, and this subpart, an agency shall deduct—

(1) Any amounts earned by an employee from other employment during the period covered by the corrective action; and

(2) Any erroneous payments received from the Government as a result of the unjustified or unwarranted personnel action, which, in the case of erroneous payments received from a Federal employee retirement system, shall be returned to the appropriate system. The agency shall include as other employment only employment engaged in by the employee to take the place of employment from which the employee has been separated by the unjustified or unwarranted personnel action.

(f) An agency shall credit annual leave restored to an employee as a result of the correction of an unjustified or unwarranted personnel action in excess of the maximum leave accumulation authorized by law to a separate leave account for use by the employee. The employee shall schedule and use annual leave in such a separate leave account as follows:

(1) A full-time employee shall schedule and use excess annual leave of 416 hours or less by the end of the leave year in progress 2 years after the date on which the annual leave is credited to the separate account. The agency shall extend this period by 1 leave year for each additional 208 hours of excess annual leave or any portion thereof.

(2) A part-time employee shall schedule and use excess annual leave in an amount equal to or less than 20 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks by the end of the leave year in progress 2 years after the date on which the annual leave is credited to the separate account. The agency shall extend this period by 1 leave year for each additional number of hours of excess annual leave, or any portion thereof, equal to 10 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks.

§ 550.806 Payment of reasonable attorney fees.

(a) An employee or an employee's personal representative may request payment of reasonable attorney fees related to an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee. Such a request may be presented only to the appropriate authority that corrected or directed the correction of the unjustified or unwarranted personnel action. However, if the finding that provides the basis for a request for payment of reasonable attorney fees is made on appeal from a decision by an appropriate authority other than the employing agency, the employee or the employee's personal representative shall present the request to the appropriate authority from which the appeal was taken.

(b) The appropriate authority to which such a request is presented shall provide an opportunity for the employing agency to respond to a request for payment of reasonable attorney fees.

(c) Except as provided in paragraph (e) of this section, when an appropriate authority corrects or directs the

correction of an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due an employee, the payment of reasonable attorney fees shall be deemed to be warranted only if—

(1) Such payment is in the interest of justice, as determined by the appropriate authority in accordance with standards established by the Merit Systems Protection Board under section 7701(g) of title 5, United States Code: and

(2) There is a specific finding by the appropriate authority setting forth the reasons such payment is in the interest of justice.

(d) When an appropriate authority determines that such payment is warranted, it shall require payment of attorney fees in an amount determined to be reasonable by the appropriate authority. When an appropriate authority determines that such payment is not warranted, no such payment shall be required.

(e) When a determination by an appropriate authority that an employee has been affected by an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay, allowances, and differentials otherwise due the employee is based on a finding of discrimination prohibited under section 2302(b)(1) of title 5, United States Code, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e–5(k)).

(f) The payment of reasonable attorney fees shall be allowed only for the services of members of the Bar and for the services of law clerks, paralegals, or law students, when assisting members of the Bar. However, no payment may be allowed under section 5596 of title 5, United States Code, and this subpart for the services of any employee of the Federal Government, except as provided in section 205 of title 18, United States Code, relating to the activities of officers and employees in matters affecting the Government.

(g) A determination concerning whether the payment of reasonable attorney fees is in the interest of justice and concerning the amount of any such payment shall be subject to review or appeal only if provided for by the statute or regulation.

(h) This section does not apply to any administrative proceeding that was pending on January 11, 1979.

§ 550.807 Prohibition against setting aside proper promotions.

Nothing in section 5596 of title 5, United States Code, or this subpart shall be construed as authorizing the setting aside of an otherwise proper promotion by a selecting official from a group of properly ranked and certified candidates.

[FR Doc. 81-34310 Filed 11-30-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Delay in Effective Date for Required Use of Diverter-Type Mechanical Samplers

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Emergency final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is delaying the effective date of January 1, 1982, for compliance with the provisions of § 800.83(e)(3) of the regulations under the United States Grain Standards Act (7 U.S.C. 71 *et seq.*) (Act), as amended, which requires the use of diverter-type (D/T) mechanical samplers for certain official sampling, until January 1, 1983. Changing the requirement will have the effect of providing the grain industry with the option of having official inspection results on these types of carriers and movements based on samples obtained with the D/T sampler or other approved sampling methods.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 1636, South Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447–9172.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures pursuant to Secretary's Memorandum 1512–1 and Executive Order 12291. It has been determined to be nonmajor because the action will merely delay the effective date for the required use of D/T samplers for certain official sampling and therefore does not impose any new or additional requirements on the industry or other affected parties.

Kenneth A. Gilles, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because this action does not impose any new or additional requirements upon such entities but postpones the January 1, 1982, effective date of the requirement to install D/T samplers pursuant to § 800.83(e)(3).

The Administrator has also determined that an emergency situation exists which warrants publication of this action as an emergency final rule without opportunity for a public comment period because of the need to inform, at the earliest possible date, grain elevator operators and other affected parties that the previously established effective date of January 1, 1982, is postponed until January 1, 1983. Accordingly, this action is being issued as an emergency final rule. Under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary, and contrary to the public interest; and good cause is found for making this action effective December 1, 1981.

Section 800.83 requires that, after the effective date set out in the section, each lot inspection for official grade, official factor, or official criteria on "In," "Out," or enroute bulk cargo shipments (river barges) of grain and bulk grain exported from the United States by rail or truck must be based on samples obtained from the grain with a D/T sampler. FGIS presently is considering changing this requirement to allow alternative approved sampling methods to be used for these types of carriers and movements. Changing the requirement will have the official inspection results on these types of carriers and movements based on samples obtained with the D/T sampler or other approved sampling methods.

In light of the above, it has been determined that it is in the public interest to amend § 800.83(e)(3) of the regulations to delay the effective date of January 1, 1982, until January 1, 1983.

PART 800—GENERAL REGULATIONS

§ 800.83 [Amended]

Accordingly, § 800.83(e)(3) of the regulations (7 CFR 800.83(e)(3)) is amended by changing "effective January 1, 1982" to read "effective January 1, 1983."

(Sec. 18, Pub. L. 94–582, 90 Stat. 2884 (7 U.S.C. 87e))

Done in Washington, D.C., on November 23, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 81-34449 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 907

[Naval Orange Reg. 528; Amdt. 2]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona navel oranges that may be shipped to market during the period November 20–26, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 20, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This amendment is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again on November 24, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended amendment of the quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

Section 907.828 Navel Orange Regulation 528 (46 FR 56775; 46 FR 57886) is amended to read as follows:

§ 907.828 Navel orange regulation 528.

* * * * *

(1) District 1: 1,056,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: 144,000 cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 25, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-34407 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1030

Milk in the Chicago Regional Marketing Area; Temporary Revision of Shipping Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This action temporarily relaxes the shipping requirements for pool supply plants under the Chicago Regional milk order for the months of December 1981 through March 1982 to prevent uneconomic shipments of milk to the market and to maintain the pool status of producers who regularly supply the market. The revisions are made in response to requests of cooperative associations of producers supplying the market.

DATE: Effective date: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed temporary revision of shipping percentages—Issued October 29, 1981; published November 3, 1981 (46 FR 54564).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not signficant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for December 1981 would be modified. The initial request for the action was received on October 20, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the Chicago Regional milk order.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 54564) concerning a proposed decrease in the shipping requirements for pool supply plants for the months of December 1981 through March 1982. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. Two comments were received in favor of the proposed reduction. No comments in

opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed, and other available information, it is hereby found and determined that for the months of December 1981 through March 1982 the supply plant shipping percentages should be lowered as follows:

Month/year	Percentage		Point change
	Present	Temporary	
December 1981	25	20	-5
January 1982	20	15	-5
February 1982	20	15	-5
March 1982	20	15	-5

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by up to 10 percentage points during the months of September through March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely to qualify a supply plant for pooling under the order.

The Central Milk Sales Agency, representing six cooperative associations whose members provide the majority of producer milk associated with the market, requested that the supply plant shipping percentages be decreased by 5 percentage points, to 20 percent for December 1981 and 15 percent for January, February and March 1982. The Agency estimated that producer milk receipts during the winter period would be approximately 13 percent greater than last year. The Agency also indicated that since September some milk previously associated with other markets had been pooled under the Chicago order, thereby adding to available supplies.

The Agency estimated that producer milk receipts by Agency members in December 1981 will be 530 million pounds, or 13.8 percent over December 1980 receipts. Likewise, for January, February and March 1982, the Agency estimated receipts of 554, 520, and 596 million pounds, respectively, or a 13.5, 13.3, and 13.7 percent, respectively, increase over a year earlier. The Agency estimated that the qualifying shipments for December 1981 will amount to 122 million pounds, or 23.0 percent of their receipts. For January the shipments are projected to be 118 million pounds, or 21.3 percent of receipts. The February and March shipments are projected to be 106 and 112 million pounds, respectively, or 20.4 and 18.8 percent of receipts, respectively.

The Agency stated also that the expected Class I sales will be under those of one year ago. The Agency concluded that with increased supplies and decreased sales, a reduction in the shipping percentages of supply plants is warranted to prevent uneconomic and inefficient movements of milk solely for the purpose of qualifying supply plants or units of supply plants for pooling.

Two comments were received in favor and none in opposition to the temporary revision of the supply plant shipping requirements. A proprietary handler favorably commented that the revised percentages would enable his operation to handle its milk more economically. A cooperative association stated that the current marketing conditions warranted the proposed reductions. In the cooperative's view, the temporary reduction in shipping requirements would still provide adequate supplies of Class I milk for distributing plants and would help avert disorderly marketing conditions and uneconomic movements of milk simply to meet the current pool supply plant shipping percentages. Both commentors supported the 5 percentage point reduction in the shipping percentages for each month of December 1981 through March 1982.

For September and October 1981, the producer milk receipts for the market were 10 percent greater than for the same months last year while pounds of pooled Class I milk were 2.3 percent less than for the comparable period last year. From the market data available, it is estimated that for the months of December through March 1982, producer milk will be about 9 percent greater than for the same period last year and the volume of pooled Class I milk for the market will average about 1 percent less than last year. It is concluded from these data that producer milk supplies for the market, currently and prospectively, are at a substantially higher level relative to Class I sales than previously and that consideration for lowering the supply plant shipping percentages temporarily is warranted.

On the basis of available information, it is concluded that the supply plant shipping percentages should be reduced to 20 percent for the month of December 1981 and to 15 percent for the months of January, February and March 1982. Providing the reduction for all four months at this time on the basis of current information will afford all parties adequate knowledge for adjusting operations accordingly.

The shipping percentage reductions are aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements, as set forth above, on a temporary basis.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of December 1981 and January, February and March 1982;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision. All comments received were in favor of the proposal.

Therefore, good cause exists for making this temporary revision effective December 1, 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the months of December 1981 and January, February and March 1982.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: December 1, 1981.

Signed at Washington, D.C. on November 24, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-34411 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Expediting the NRC Hearing Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission has adopted amendments to its Rules of Practice to facilitate expedited conduct of its adjudicatory proceedings. These amendments permit the presiding officer to require oral answers to motions to compel responses to discovery requests and to require service of documents by express mail.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Esq., Office of the

General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (202) 634–1465.

SUPPLEMENTARY INFORMATION: On June 8, 1981, the Commission published in the **Federal Register** (46 FR 30349) a notice of proposed rulemaking soliciting public comments on four proposed changes to its Rules of Practice, 10 CFR Part 2. The changes would (1) raise the threshold for the admission of contentions; (2) limit the number of interrogatories that a party could serve on another party, unless consent to file additional interrogatories is obtained from the presiding officer; (3) authorize the presiding officer to require that responses to motions to compel answers to discovery requests be made orally in a conference telephone call or at a prehearing conference, rather than in writing, and (4) permit the presiding officer to require service of documents by express mail. The Commission received sixty-one comments. After reviewing the comments, the Commission has adopted the proposals relating to oral responses to motions to compel answers to discovery requests, and service of documents by express mail. The Commission has adopted these proposals because they provide the presiding officer with additional means to expedite proceedings, where timely completion of the proceeding is important. The other two proposals will be addressed in subsequent **Federal Register** notices.

1. Oral Responses to Motions To Compel Responses to Discovery Requests

Under the Commission's current regulations, 10 CFR 2.730(c), parties may file responses to motions to compel answers to discovery requests. To expedite NRC proceedings, the Commission proposed amendments to its regulations which would provide the presiding officer with the discretion to order that the responses be made orally in a conference telephone call or other prehearing conference rather than in writing.

The nuclear industry commenters generally supported the proposal; intervenors generally opposed it. Both industry and intervenor commenters thought the proposed rule to be deficient because it did not provide that a written record of the arugment would be prepared. Some commenters suggested that the parties be permitted to provide the presiding officer with written summaries of their position following oral argument. Others suggested that a transcriber be made a party to the call. The commenters were concerned that, without a written record, opportunities to appeal the decision of the board could be prejudiced.

Some commenters suggested that the presiding officer should require oral responses only in those proceedings where plant construction is projected to be finished before the licensing process is completed. These commenters argued that use of oral responses should not be a routine procedure, but only used when time is of the essence.

Several commenters also suggested that if the proposed rule is adopted, it should be revised to provide that parties be given a minimum preparation time following the filing of a motion to compel before oral argument is held on the motion.

Commenters also asserted that the costs of conference telephone calls should be borne by the presiding officer, rather than the parties, and that all parties to the proceedings should be permitted to participate in the oral argument.

The Commission agrees with some of these comments and disagrees with others. Because of the difficulty in transcribing telephone calls in which several persons are participating, the Commission is not requiring that a court reporter transcribe arguments made in telephone conference calls or that minutes of the argument be prepared by the presiding officer and served on the parties. Instead the Commission has adopted a rule which provides that if the presiding officer requires oral responses, he or she shall issue a written order on the motion to compel. The order will summarize the views of the parties. This should create an adequate record for review. If a party disagrees with the presiding officer's summary of its views, it may file a motion with the presiding officer requesting that the order be modified so that it reflects accurately the views articulated by the party during the conference call. In adopting this approach the Commission is congnizant that it is not affording parties the right to submit written pleadings following oral argument. Such an approach would preclude a presiding officer from issuing an oral ruling during the conference call (which, though effective on issuance, would be followed by a written order as described above). However, if a presiding officer after hearing oral argument believes that written followup pleadings would be necessary to reach a sound decision on the motion, he or she may request such submissions.

The Commission also has not adopted the recommendation that the rule provide a standard minimum preparation time for the parties before oral argument. A party responding to a motion to compel covering one interrogatory would obviously need less time to prepare for argument than a party responding to a motion covering 25 interrogatories. Therefore, establishment of a minimum preparation time would deprive the boards of flexibility in establishing an appropriate schedule tailored to the circumstances. The Commission instead expects the presiding officer to set an appropriate schedule for oral argument on a case-by-case basis, taking into account the amount of work that will be required by the parties in preparing for oral argument.

The Commission agrees with the commenters that the presiding officer should bear the costs of the conference calls and that all interested parties should be permitted to participate in the call.

Finally, the Commission agrees that oral responses should not be used in the routine case. Oral responses should only be required where early completion of the proceeding is essential, such as in an operating license hearing where construction of the facility has been finished or may be finished prior to the completion of the hearing, in a hearing involving a request to expand spent fuel storage capacity where the plant is or may soon be operating without the benefit of a full core reserve storage capacity, or in a hearing on an operating license amendment involving a signficant hazards consideration where the issuance of the amendment is necessary for continued plant operation.

2. Use of Express Mail

Under the Commission's current rules, the presiding officer is not explicitly authorized to require service of documents by express mail (next day delivery). Accordingly, the rules provide five days for service. Use of express mail in limited circumstances would reduce the service time to two days.

The nuclear industry commenters generally supported adoption of the proposal. Intervenors in NRC proceedings opposed its adoption, emphasizing the cost of express mail. Intervenor commenters asserted that, if authorized, service by express mail should be required only when expedition is truly necessary.

Intervenor and industry commenters also pointed out that express mail service is not available in all cities, and therefore presiding officers could not require its use in some proceedings.

After reviewing the comments, the Commission has determined that on balance the arguments favoring adoption of the rule are more persuasive. The Commission emphasizes though that, because of the cost of express mail, it should only be

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required in those proceedings where early completion is essential. Parties should be required to use express mail to serve documents only on those parties (or the presiding officer) which are required to respond to the pleading. For example, a party may be required to serve interrogatories by express mail on the party who must answer the interrogatories. However, there is no reason to have that document served by express mail on the other parties or the presiding officer. When ordering use of express mail, the presiding officer should afford the parties the alternative of using first-class mail and filing the document three days earlier than would be required if express mail were used.

Finally, before ordering service by express mail the presiding officer should ascertain whether it is available. In cities where express mail is not available, the presiding officer obviously cannot order its use.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that these rules will not have a significant economic impact on a substantial number of small entities. These rules affect the Commission's rules of practice and procedure by permitting expedition of the licensing process. The rules contain no recordkeeping or reporting requirements subject to the Paperwork Reduction Act.

Because the amendments are related only to matters of procedure, the Commission is making the amendments effective December 1, 1981.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 2, are published as a document subject to codification to be effective December 1, 1981.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953 (42 U.S.C. 2201(p) and 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552; unless otherwise noted.

Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.800–2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, as amended, Pub. L. 85–256, 71 Stat. 579, and Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039).

2. Section 2.710 is revised to read as follows:

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served upon by mail, five (5) days shall be added to the prescribed period. Only two (2) days shall be added when a document is served by express mail.

3. In § 2.712, paragraph (c) is revised to read as follows:

§ 2.712 Service of papers, methods, proof.

. . . . . .

(c) *How Service may be made.* Service may be made by personal delivery, by first class, certified or registered mail including air mail, by telegraph, or as otherwise authorized by law. Where there are numerous parties to a proceeding, the Commission may make special provision regarding the service of papers. The presiding officer may require service by express mail upon some or all parties and the presiding officer.

. . . . . .

4. In § 2.730, paragraph (h) is added to read as follows:

§ 2.730 Motions.

. . . . . .

(h) Where the motion in question is a motion to compel discovery under § 2.720(h)(2) or § 2.740(f), parties may file answers to the motion pursuant to paragraph (c) of this section. The presiding officer in his or her discretion, may order that the answer be given orally during a telephone conference or other prehearing conference, rather than in writing. If responses are given over the telephone the presiding officer shall issue a written order on the motion which summarizes the views presented by the parties. This does not preclude the presiding officer from issuing a prior oral ruling on the matter which is effective at the time of such ruling, provided that the terms of the ruling are incorporated in the subsequent written order.

Dated at Washington, D.C. this 25th day of November 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-34391 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Parts 11, 19, 20, 21, 25, 72, 75, 95, and 170

Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation; Minor Clarifying and Conforming Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: This document makes minor clarifying amendments to the final rule establishing Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation. This document also makes needed conforming amendments to other parts of the Commission's regulations. The amendments are necessary to ensure proper application of the Commission's regulations.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis W. Reisenweaver, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–443–5910).

SUPPLEMENTARY INFORMATION: This final rule amends 10 CFR Part 72 of the Commission's regulations as published in final form on November 12, 1980 (45 FR 74693) to conform the description of the general license to receive title to and own spent fuel without regard to quantity established in 10 CFR 72.6(b) to the description used for comparable general licenses in 10 CFR 31.9, 40.21 and 70.20 of the Commission's regulations. These general licenses do not authorize the general licensees to receive, possess, use or transfer any radioactive material and are therefore not subject to the provisions of 10 CFR Part 21. This change to § 72.6(b) will make clear that the provisions of Part 21, which relate to the reporting of defects and noncompliance and which apply, among others, to certain persons licensed to possess, use and/or transfer source, byproduct and/or special nuclear material, are not applicable to persons generally licensed under

§ 72.6(b). In order to recognize the establishment of the general license in 10 CFR 72.6(b), a minor corrective amendment is also made to § 72.2 which describes the scope of 10 CFR Part 72.

This final rule also makes minor conforming amendments to Parts 11, 19, 20, 21, 25, 75, 95, and 170 of the Commission's regulations to incorporate in each part, as appropriate, needed references to new Part 72.

Since the amendments are corrective and of a minor nature, good cause exists for omitting notice of proposed rulemaking and public procedure thereon as unnecessary and for making the amendments effective upon publication in the **Federal Register**.

Regulatory Flexibility Act Statement

This final rule is not subject to the provisions of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164. The Commission has determined pursuant to 5 U.S.C. 553 that a notice of proposed rulemaking need not be issued and that the rule may be promulgated in final form and become effective on the date of publication in the **Federal Register**.

Paperwork Reduction Act Statement

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 94 Stat. 2812, are not applicable to this final rule because the final rule does not contain any new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

For the reasons set out in the preamble and pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1 of the Code of Federal Regulations are published as a document subject to codification.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

1. Section 11.7 is amended by revising paragraph (a) to read as follows:

§ 11.7 Definitions.

* * * * *

(a) Terms defined in Parts 10, 25, 50, 70, 72, 73, and 95 of this chapter have the same meaning when used in this part.

* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

2. Section 19.2 is revised to read as follows:

§ 19.2 Scope.

The regulations in this part appy to all persons who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in Parts 30 through 35, 40, 60, 70 or 72 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter and persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to Part 72 of this chapter.

3. Section 19.3 is amended by revising paragraph (d) to read as follows:

§ 19.3 Definitions.

* * * * *

(d) "License" means a license issued under the regulations in Parts 30 through 35, 40, 60, 70, or 72 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter and licenses to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to Part 72 of this chapter. "Licensee" means the holder of such a license.

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

4. Section 20.2 is revised to read as follows:

§ 20.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed pursuant to the regulations in Parts 30 through 35, 40, 60, 70, or 72 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter and persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) purusant to Part 72 of this chapter.

5. Section 20.3 is amended by revising paragraph (a)(9) to read as follows:

§ 20.3 Definitions.

(a) * * *

(9) "License" means a license issued under the regulations in Parts 30 through 35, 40, 60, 70, or 72 of this chapter. "Licensee" means the holder of such license;

* * * * *

6. Section 20.301 is amended by revising paragraph (a) to read as follows:

§ 20.301 General requirements.

No licensee shall dispose of licensed material except:

(a) By transfer to an authorized recipient as provided in the regulations in Parts 30, 40, 60, 70 or 72 of this chapter, whichever may be applicable; or

* * * * *

7. Section 20.408 is amended by redesignating paragraph (a)(5) as (a)(6) and adding paragraph (a)(5) to read as follows:

§ 20.408 Reports of personnel monitoring on termination of employment or work.

(a) * * *

(5) Possess spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to Part 72 of this chapter; or

(6) Possess or use at any one time, for processing or manufacturing for distribution pursuant to Parts 30, 32, or 33 of this Chapter, byproduct material in quantities exceeding any one of the following quantities:

* * * * *

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

8. Section 21.2 is revised to read as follows:

§ 21.2 Scope.

The regulations in this part apply, except as specifically provided otherwise in Parts 31, 34, 35, 40, 60, 70, or 72 of this chapter, to each individual, partnership, corporation, or other entity licensed pursuant to the regulations in this chapter to possess, use, and/or transfer within the United States source material, byproduct material, special nuclear material, and/or spent fuel, or to construct, manufacture, possess, own, operate and/or transfer within the United States, any production or utilization facility or independent spent fuel storage installation, and to each director (see § 21.3(f)) and responsible officer (see § 21.3(j)) of such a licensee. The regulations in this part apply also to each individual, corporation, partnership or other entity doing business within the United States, and each director and responsible officer of such organization, that constructs (see § 21.3(c)) a production or utilization facility licensed for manufacture, construction or operation (see § 21.3(h)) pursuant to Part 50 of this chapter or an independent spent fuel storage installation for the storage of spent fuel

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licensed pursuant to Part 72 of this chapter, or supplies (see § 21.3(l)) basic components (see § 21.3(a)) for a facility or activity licensed, other than for export, under Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter. Nothing in these regulations should be deemed to preclude either an individual or a manufacturer/supplier of a commercial grade item (see § 21.3(a–1)) not subject to the regulations in this part from reporting to the Commission a known or suspected defect or failure to comply and, as authorized by law, the identity of anyone so reporting will be withheld from disclosure.[1]

9. Section 21.3 is amended by revising paragraphs (a), (a–1), and (k) to read as follows:

§ 21.3 Definitions.

As used in this part.

(a)(1) "Basic component," when applied to nuclear power reactors means a plant structure, system, component or part thereof necessary to assure (i) the integrity of the reactor coolant pressure boundary, (ii) the capability to shut down the reactor and maintain it in a safe shutdown condition, or (iii) the capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to those referred to in § 100.11 of this chapter.

(2) "Basic component," when applied to other facilities and when applied to other activities licensed pursuant to Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter, means a component, structure, system, or part thereof that is directly procured by the licensee of a facility or activity subject to the regulations in this part and in which a defect (see § 21.3(d)) or failure to comply with any applicable regulation in this chapter, order, or license issued by the Commission could create a substantial safety hazard (see § 21.3(k)).

(3) In all cases "basic component" includes design, inspection, testing, or consulting services important to safety that are associated with the component hardware, whether these services are performed by the component supplier or others.

(4) A commercial grade item is not a part of a basic component until after dedication (see § 21.3(c–1)).

(a–1) "Commercial grade item" means an item that is (1) not subject to design or specification requirements that are unique to facilities or activities licensed pursuant to Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter and (2) used in applications other than facilities or activities licensed pursuant to Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter and (3) to be ordered from the manufacturer/supplier on the basis of specifications set forth in the manufacturer's published product description (for example a catalog).

. . . . .

(k) "Substantial safety hazard" means a loss of safety function to the extent that there is a major reduction in the degree of protection provided to public health and safety for any facility or activity licensed, other than for export, pursuant to Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter.

. . . . .

10. Section 21.21 is amended by revising paragraph (b)(1) to read as follows:

§ 21.21 Notification of failure to comply or existence of a defect.

. . . . .

(b)(1) A director or responsible officer subject to the regulations of this part or a designated person shall notify the Commission when he obtains information reasonably indicating a failure to comply or a defect affecting (i) the construction or operation of a facility or an activity within the United States that is subject to the licensing requirements under Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter and that is within his organization's responsibility or (ii) a basic component that is within his organization's responsibility and is supplied for a facility or an activity within the United States that is subject to the licensing requirements under Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter. The above notification is not required if such individual has actual knowledge that the Commission has been adequately informed of such defect or such failure to comply.

. . . . .

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

11. In § 25.5 the definition of license is revised to read as follows:

§ 25.5 Definitions.

. . . . .

"License" means a license issued pursuant to 10 CFR Parts 50, 70, or 72.

. . . . .

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION

12. Section 72.2 is amended by revising paragraph (a) to read as follows:

§ 72.2 Scope.

(a) Except as provided in § 72.6(b), licenses issued under this part are limited to the possession of power reactor spent fuel to be stored in a complex that is designed and constructed specifically for the temporary storage of power reactor spent fuel aged for at least one year, and to the possession of other radioactive materials associated with spent fuel storage.

. . . . .

13. Section 72.6 is amended by revising paragraph (b) to read as follows:

§ 72.6 License required; types of licenses.

. . . . .

(b) A general license is hereby issued to receive title to and own spent fuel without regard to quantity. Notwithstanding any other provision of this chapter, a general licensee under this paragraph is not authorized to acquire, deliver, receive, possess, use or transfer spent fuel, except as authorized in a specific license.

. . . . .

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

14. Section 75.4 is amended by revising paragraph (k)(3), redesignating paragraph (k)(4) as (k)(5), and adding a new paragraph (k)(4) to read as follows:

§ 75.4 Definitions.

. . . . .

(k) * * *

(3) A fuel fabrication plant;

(4) An independent spent fuel storage installation as defined in § 72.3(m) of this chapter; or

(5) Any location where the possession of more than one effective kilogram of nuclear material is licensed pursuant to Parts 40 or 70 of this chapter, or pursuant to an Agreement State license.

. . . . .

---

[1] NRC Regional Offices will accept collect telephone calls from individuals who wish to speak to NRC representatives concerning nuclear safety-related problems. The location and telephone numbers (for night and holidays as well as regular hours) are listed below:

Region	
I (Philadelphia)	(215) 337-5000
II (Atlanta)	(404) 221-4503
III (Chicago)	(312) 932-2500
IV (Dallas)	(817) 465-8100
V (San Francisco)	(415) 943-3700

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED AREA

15. In § 95.5 the definition of "license" is revised to read as follows:

§ 95.5 Definitions.

. . . . .

"License" means a license issued pursuant to 10 CFR Part 50, 70, or 72

. . . . .

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

16. Section 170.2 is revised to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the permits, licenses, or approvals exempted in § 170.11, the regulations in this part apply to a person who is an applicant for, or holder of, a specific byproduct material license issued pursuant to Parts 30 and 32–35 of this chapter, a specific source material license issued pursuant to Part 40 of this chapter, a specific special nuclear material license issued pursuant to Part 70 of this chapter, a specific license for the storage of spent fuel issued pursuant to Part 72 of this chapter, a specific approval of spent fuel casks and shipping containers issued pursuant to Part 71 of this chapter, a specific request for approval of sealed sources and devices containing byproduct material, source material, or special nuclear material, or a production or utilization facility construction permit and operating license issued pursuant to Part 50 of this chapter, to routine safety and safeguards inspections of a licensed person, to a person who applies for approval of a reference standardized design of a nuclear steam supply system or balance of plant, for review of a facility site prior to the submission of an application for a construction permit, for review of an independent spent fuel storage installation pursuant to Part 72 of this chapter, and for a special project review which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

17. Section 170.3 is amended by revising paragraph (c) to read as follows:

§ 170.3 Definitions.

* * * * *

(c) "Materials License" means a byproduct material license issued pursuant to Part 30 of this chapter, or a source material license issued pursuant to Part 40 of this chapter, or a special nuclear material license issued pursuant to Part 70 of this chapter, or a license for the storage of spent fuel issued pursuant to Part 72 of this chapter.

. . . . .

18. Section 170.31 is amended by revising the introductory text of subcategory 1.H and (1), (2), and (3) and subcategory 12, to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services.

. . . . .

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of materials licenses	Type of fee [1]	Fee
1. Special nuclear material: [2]		
. . .		
H. Licenses for receipt and storage of spent fuel of spent fuel at an independent spent fuel storage installation (ISFSI): [4]		
. . .		
(1) License application for an ISFSI of custom design requiring a full design review:		
. . .		
(2) License application for an ISFSI which references an approved standardized design:		
. . .		
(3) License application for an ISFSI of duplicate design—design which is identical to a previously licensed detail design.		
. . .		
12. Review of a standardized independent spent fuel storage installation design [4]	Application Approval [4]	12,000 107,200
. . .		

19. Section 170.32 is amended by revising the introductory text of subcategory 1.H and subcategory 12. to read as follows:

§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of materials licenses	Type of fee [1]	Fee [2]	Maximum frequency [3]
1. Special nuclear material:			
. . .			
H. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI)			
(1) Licenese application for an ISFSI of custom design requiring a full design review:			
. . .			
(2) License application for an ISFSI which references an approved standardized design:			
. . .			
(3) License application for an ISFSI of duplicate design—a design which is identical to a previously licensed detail design.			
. . .			
12. Review of a standardized independent spent fuel storage installation design	do		Do
. . .			

20. Section 170.41 is revised to read as follows:

§ 170.41 Failure by applicant or licensee to pay prescribed fees.

In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee required in this part, the Commission will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, 70, 71, and 72 of this chapter, and of the Act.

(Sec. 161b, i, and o, Pub. L. 83–703, 68 Stat. 948, 949, and 950, as amended, 42 U.S.C. 2201(b), (i), and (o); Secs. 201 and 206, Pub. L. 93–438, 88 Stat. 1242, as amended, and 1246, 42 U.S.C. 5841 and 5846. Amendments to Part 170 issued under authority of 31 U.S.C. 483a)

Dated at Washington, D.C. this 2d day of November 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-34349 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration published a final regulation on October 28, 1981 (46 FR 53021) addressing the special credit needs of young, beginning, and small

farmers, ranchers, and producers or harvesters of aquatic products. The final regulation also amended an existing regulation relating to the financing of specialized enterprises. Section 4.19 of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001, *et seq.*) (Act), requires Federal land bank associations and production credit associations, under district policies, to develop and implement programs for furnishing sound and constructive credit and related services to young, beginning, and small farmers and ranchers.

In accordance with § 5.18(b)(1) of the Act, the subject final regulation became effective on November 27, 1981.

EFFECTIVE DATE: November 27, 1981.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578 (202–755–2181).

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, as amended, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,

Governor.

[FR Doc. 81–34427 Filed 11–30–81; 8:45 am]

BILLING CODE 6705–01–M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D–0024]

New IRA/Keogh Time Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Rescission of final rule on waiver of penalties for early withdrawal.

SUMMARY: The Depository Institutions Deregulation Committee (the "Committee") has rescinded the waiver of mandatory penalties for early withdrawal for transfers within an institution of IRA/Keogh time deposits in existence on or prior to December 1, 1981, to the new IRA/Keogh time deposit category established by the Committee at its last meeting. On the basis of information developed since its adoption, the Committee has determined that the waiver is likely to have adverse effects (in terms of increased costs) to depository institutions. Accordingly, transfers within an institution of any existing time deposit to the new IRA/Keogh category will be subject to the rules governing penalties for early withdrawal.

EFFECTIVE DATE: November 20, 1981.

FOR FURTHER INFORMATION, CONTACT: Allan Schott, Attorney-Advisor, or Elaine Boutilier, Attorney-Advisor, Department of the Treasury, (202) 566–6798 or 566–8737; Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System, (202) 452–3711; Rebecca H. Laird, Senior Associate General Counsel, Federal Home Loan Bank Board, (202) 377–6446; David Ansell, Attorney, Office of the Comptroller of the Currency, (202) 447–1880; Randall J. Miller, Acting Director, Office of Policy Analysis, National Credit Union Administration, (202) 357–1090; and F. Douglas Birdzell, Counsel, or Joseph A. DiNuzzo, Attorney, Federal Deposit Insurance Corporation, (202) 389–4324 or 389–4237.

SUPPLEMENTARY INFORMATION: At its meeting of September 22, 1981, the Committee adopted a final rule establishing a new IRA/Keogh time deposit category to be effective on December 1, 1981. *See* Committee Docket No. D–0024 (October 23, 1981); 46 FR 53395 (October 29, 1981). The new deposit category is to have a minimum maturity of 1½ years and no regulatory interest-rate ceiling. Accounts established under the new category may be structured to permit additions at an time without extending the maturity of the funds in the account. The Committee also waived mandatory penalties for early withdrawal for transfers within an institution from any other IRA/Keogh account in existence on or prior to December 1, 1981, to the new account category

On the basis of information developed since its last meeting, the Committee has determined that waiver of the mandatory penalties for early withdrawal is likely to have adverse effects on the cost to depository institutions of the transferred accounts Moreover, the effects of these increased costs would have a greater impact on thrift institutions, which already are experiencing severe pressure on earnings. These adverse effects outweigh the potential benefits to existing IRA/Keogh account depositors that would result from the waiver.

Therefore, the Committee has decided to rescind the waiver of the mandatory penalties for early withdrawal contained in the final rule on the new IRA/Keogh time deposit category. Accordingly, transfers within an institution of any existing time deposit to the new IRA/Keogh category will be subject to the rules governing penalties for early withdrawal of time deposits. This action will not affect the other provisions of the rule to be effective on December 1, 1981.

The Committee requested comments on options, including waiver of the mandatory penalties for early withdrawal, for IRA/Keogh time deposits at its meeting of December 12, 1980, and finds that further notice and public procedure pursuant to the provisions of 5 U.S.C. 553 with regard to this action are unnecessary. The Committee also finds that waiver of the deferred effective date provision of 5 U.S.C. 553 is necessary to assure rescission of the previous action before its effective date. In view of the Committee's findings, sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) are not applicable. Furthermore, because of the nature of this action, the Committee finds that good cause exists under § 1201.6(e) of the Committee's regulations for making the action effective less than 30 days from the date of publication in the **Federal Register.**

Pursuant to its authority under section 203(a) of the Depository Institutions Deregulation Act of 1980 (Title II of Pub L. 96–221; 12 U.S.C. 3502(a)), the Committee amends Part 1204, Chapter XII of Title 12, *Code of Federal Regulations* as set forth below:

PART 1204—INTEREST ON DEPOSITS

§ 1204.118 [Amended]

Amend § 1204.118 by removing paragraph (b) and the designation "(a)" from the first paragraph.

By order of the Committee, November 24 1981.

Steven L. Skancke,

Executive Secretary.

[FR Doc. 81–34489 Filed 11–30–81; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–CE–4–AD; Amdt. 39–4273]

Beech Models 99, 99A, A99A, A99, and B99 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of effective date of final rule.

SUMMARY: This amendment extends the effective date of Amendment 39–4235 (46 FR 51734–51736), Airworthiness Directive (AD) 81–18–08 which concerns revised operating limitations in the FAA Approved Airplane Flight Manual (AAFM) for Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD's

extended effective date provides approximately 60 days beyond the effective date of the FAA Master Minimum Equipment List (MMEL) to be issued on these Beech Model 99 airplanes for the accommodation of affected operators to develop and process Minimum Equipment Lists (MELs) with their local FAA office to this latest issue of the Beech 99 series MMEL. This reissued MMEL will be available after the Central Region's next meeting of the Flight Operations Evaluation Board (FOEB) meeting scheduled for December 1981.

DATES: Extends effective date of Amendment 39–4235, AD 81–18–08 to February 16, 1982.

SUPPLEMENTARY INFORMATION: The FAA issued an airworthiness directive, Amendment 39–4196, AD 81–18–08, on August 17, 1981, effective October 3, 1981, and revised the AD by Amendment 39–4235 (46 FR 51734–51736) effective December 2, 1981, applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD, as amended, requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) in the Limitations Section of the AAFM for these Beech Model 99 airplanes. This action was taken pursuant to a notice of proposed rulemaking and is necessary to preclude unsafe operation of the airplanes with certain inoperative equipment. Consistent and in accordance with the AD, the FAA was to issue a new MMEL on these Beech Model 99 airplanes to be used as a guide by operators of these airplanes in updating their MELs or develop new MELs to the new MMEL. Issuance of the new MMEL has been unduly delayed due to various reasons. Since the new MMEL will not be issued prior to the Amendment 39–4235 effective date of December 2, 1981, there will not be sufficient time to allow operators to adjust their MELs or develop new MELs to the new MMEL. Accordingly, the FAA has determined there is a need to extend the AD effective date beyond the projected new MMEL issue date to be established at the December meeting of the Beech 99 FOEB. Therefore, the FAA believes that it is in the public interest to extend the effective date of Amendment 39–4235 until February 16, 1982. This should allow affected operators and their local FAA offices ample time to develop and process MELs on these Beech Model 99 airplanes to the above new MMEL.

FOR FURTHER INFORMATION CONTACT:
Paul A. Cormaci, Aerospace Engineer, FAA, Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6942.

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4235, AD 81–18–08, as follows:

This amendment extends the effective date of Amendment 39–4235, AD 81–18–08 to February 16, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—Since this document involves an extension of effective date of a regulation which is not major, the FAA has determined that it is not major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This regulatory action imposes no additional burden on any persons, and the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on November 25, 1981.

Murray E. Smith,

Director, Central Region.

[FR Doc. 81–34456 Filed 11–30–81; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

Requirement to Specify (in Some Nuclear Non-Proliferation Cases) Subentry Letter of ECCN on Validated License Application and Reexport Request

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule requires that when an exporter fills out item 9(c) on the Application for Export License, form ITA–622P, he or she should write not only the Export Control Commodity Number (ECCN) but subentry letter as well, for items where some subentries are controlled for nuclear non-proliferation reasons and some subentries are not. This subentry letter is only required for ECCNs 1110A, 2120A, 1131A, 1205A, 1312A, 1529A, 1541A, 1555A, 1568A, 1570A, 1585A, 4585B, and 5585D. To effect this requirement, a footnote explaining the requirement is added to each of these entries in the Commodity Control List. This should speed up the processing of commodities classified in the above ECCNs when the commodities are not controlled for nuclear non-proliferation reasons.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is not a formal comment period, public comments on this regulation are welcome on a continuing basis.

This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Accordingly, Supplement No. 1 to § 399.1 of the Export Administration Regulations (15 CFR Parts 368–399) is amended as follows:

For the CCL entries 1110A, 2120A, 1131A, 1205A, 1312A, 1529A, 1541A, 1555A, 1568A, 1570A, 1585A, 4585A, and 5585D, the footnote below is added after the Export Control Commodity Number (ECCN) number:

"On the Application for Export License, form ITA–622P, and the Request to Dispose of Commodities or Technical Data Previously Exported, form ITA–699P, specify, following the ECCN in item 9(c), the *subentry* letter ((a), (b), etc.) of the commodity to be exported."

(Sections 4, 13, 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; E.O. No. 12214 (45 FR 29783, May 6, 1980); Dept. Org. Ord. 10–3 (45 FR 6141, January 25, 1980); ITA Org.

and Func. Ords. 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: November 6, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–34372 Filed 11–30–81; 8:45 am]

BILLING CODE 3510–25–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33–6363]

Exemption From Registration of Interests and Participations Issued in Connection With Certain H.R. 10 Plans

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is adopting a rule that provides an exemption from the registration requirements of the Securities Act of 1933 for interests and participations issued in connection with the tax-qualified retirement plans (commonly called "H.R. 10" or "Keogh" plans) that meet the criteria set forth in the rule. Since interests and participations issued in connection with H.R. 10 plans are not entitled to the statutory exemption from registration available to corporate tax-qualified pension plans, many H.R. 10 plans have applied to the Commission for, and received, exemptions from such registration requirements. The rule obviates the need for most, if not all, of such applications.

EFFECTIVE DATE: November 24, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur J. Brown, Chief (202–272–2048) or Paul F. Roye, Esq. (202–272–3014), Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting rule 180 [17 CFR 230.180] under the Securities Act of 1933 ("Act") [15 U.S.C. 77a et seq.] to exempt from the registration requirements of section 5 of the Act [15 U.S.C. 77e] interests and participations issued to participants in connection with the H.R. 10 plans and interests, participations and securities issued to H.R. 10 plans that meet certain criteria. The reasons for proposing rule 180 are discussed thoroughly in Securities Act Release No. 6247 (October 14, 1980) [45 FR 83259, December 18, 1980]. Persons interested in more detailed discussions of the various conditions of proposed rule 180 should refer to that release.

In response to its request for comments, the Commission received 25 letters. As a result of its consideration of the comments, the Commission has determined to adopt the rule, subject to several modifications of the proposal.

Proposed rule 180 recognizes that two securities are created when an H.R. 10 plan invests in a trust or separate account, i.e., the interest of the beneficiary in the plan and the interest of the plan in the trust or separate account in which plan assets are invested.[1] In order to resolve any uncertainty regarding the status of either interests or participations in plans or interests of plans in funding media, the proposed rule would exempt both, subject to compliance with the rule, from the registration requirements of the Act.[2]

Paragraph (a) of rule 180, as proposed, would exempt interests or participations in a single trust, in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company issued to H.R. 10 plans where: (1) The plan covers employees of a single employer or is a single plan covering employees of interrelated partnerships; and (2) either (i) the employer is a financially sophisticated law firm, accounting firm or investment banking firm, or (ii) the employer has secured independent expert advice in connection with its plan.

Paragraph (b) of rule 180, as proposed, would exempt any interests or participations in an H.R. 10 plan if, inter alia, the assets of such plan are invested in a single trust, in a collective trust fund maintained by a bank, in a separate account maintained by an insurance company, or by a life insurance company under an annuity contract. The H.R. 10 plan would be entitled to the exemption provided for in proposed paragraph (b) only if interests or participations in the funding media held by the plan are exempt from the registration requirements of the Act pursuant to either paragraph (a) of proposed rule 180 or any other rules, regulations or provisions of the Act or if such interests or participations in the funding media are registered under the Act.

[1] In Securities Act Release No. 6188 (February 1, 1980) [45 FR 8960, February 11, 1980], and subsequently in Securities Act Release No. 6281 (January 15, 1981) [46 FR 8446, January 27, 1981], the views of the Commission's Division of Corporation Finance were discussed concerning the application of the Act to employee benefit plans. The releases were issued primarily for the purpose of resolving the uncertainty that had arisen concerning this subject as a result of the Supreme Court's decision in *International Brotherhood of Teamsters v. Daniel*, 439 U.S. 551 (1979). The view was expressed that two securities are issued in connection with H.R. 10 plans, *i.e.*, the interests of a plan in a funding medium and the interests of participants in a plan.

[2] The Commission believes that the language of the statute is broad enough to authorize it to adopt a rule recognizing that two securities are created and to provide a means for exempting both. Section 3(a)(2) of the Act [15 U.S.C. 77c(a)(2)] provides that the Commission shall exempt from the provisions of section 5 of the Act, by rule, regulation or order, any interest or participation issued in connection with a pension or profit-sharing plan that covers such self-employed persons, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Discussion of Comments

Expansion of the Exemption

Several commentators contend that the Commission should expand the proposed rule to provide an exemption from registration for interests or participations created in connection with all H.R. 10 plans. Other commentators express the opinion that paragraph (a) of the proposed rule should be expanded to exempt from the Act all investment media available to H.R. 10 plans. They argue that the adoption of the Employee Retirement Income Security Act of 1974 ("ERISA") [codified in scattered sections of 26, 29 U.S.C.], with its extensive disclosure requirements as well as its substantive protections, requires a finding by the Commission that a blanket exemption for all H.R. 10 plans is appropriate.

In 1970, when Congress amended section 3(a)(2) to exempt interests in bank and insurance vehicles sold to corporate pension plans, it specifically rejected an exemption for interests or participations issued in connection with Keogh plans. Congress delegated to the Commission the authority to provide an exemption for such H.R. 10 plans only upon a finding that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the policy and provisions of the Act. This was done apparently because it was believed that participants would need the protection afforded by the Act because many participants were unsophisticated in securities matters.[3] The subsequent enactment of ERISA in 1974 did not wholly eliminate the need for coverage of Keogh plan interests and participations under the Act. ERISA does not regulate matters covered by the federal securities laws, such as the

[3] S. Rep. No. 184, 91st Cong., 2d Sess. 27–28 (1970); H.R. Rep. No. 1382, 91st Cong., 2d Sess. 44 (1970).

general requirement that the issuer of a security provide a prospectus to the purchaser of such security.[4]

The proposed rule was designed so as not to exempt those interests and participations of H.R. 10 plans where participants were unsophisticated or otherwise needed the safeguard that registration under the Act provides. Specifically, the proposed rule would require that the employer have, or obtain the advice of an expert who has, knowledge and experience in financial and business matters sufficient to enable adequate representation of the interests of plan participants. In the Commission's view, a blanket exemption would be inconsistent with the legislative history of section 3(a)(2) of the Act.[5]

Several commentators suggest that paragraph (b) of proposed rule 180 be expanded to exempt all interests or participations of covered emplyees in H.R. 10 plans. The exemption for the plan interest security in paragraph (b) of the proposed rule turned upon the funding vehicle for the plan being either registered or exempt from registration. On reconsideration, the Commission believes that all interests and participations of employees in H.R. 10 plans should be exempted from the registration requirements of the Act. The staff of the Commission already has taken this position as a matter of administrative discretion.[6] Accordingly, paragraph (b) of the rule has been modified to make it available unconditionally. The final rule also has been expanded to exempt employee interests in H.R. 10 plans that are annuity plans meeting the requirements of section 404(a)(2) of the Internal Revenue Code [26 U.S.C. 404(a)(2)]. While paragraph (a) of the proposed rule provided an exemption for the interest of the annuity plan in the funding media, paragraph (b) of the proposed rule did not include and exemption for an employee interest in such an annuity plan. The considerations applicable to participations issued by H.R. 10 plans which meet the requirements for qualification under section 401 of the Internal Revenue Code [26 U.S.C. 401] apply as well to those issued by annuity plans qualified under section 404(a)(2) of the Code.

Restriction of the Exemption

Several commentators oppose the adoption of paragraph (a) of the proposed rule, contending that its adoption would result in abuses. As stated above, paragraph (a) would exempt interests of an H.R. 10 plan in certain investment media in which the plan invests. According to these commentators, the abuses of the proposed exemption would stem, in part, from the ability of financial institutions such as banks to engage in mass-marketing campaigns in an attempt to sell interests in their collective investment funds to numerous H.R. 10 plans. Such mass-marketing and advertising, they contend, in most instances would not be subject to restraints by the federal securities laws or to adequate protections under ERISA.

The Commission believes that the conditions incorporated in proposed rule 180 minimize the potential for abuse. By requiring that (1) the plan cover only employees of a single employer[7] or of interrelated partnerships and (2) the employers be sophisticated in financial matters or obtain expert advice,[8] it is likely that the employers adopting H.R. 10 plans will be able to protect their own interests as well as those of their employees. It is not unreasonable to rely on the sophisticated employer or the qualified expert to obtain all necessary information from sponsors of potential funding media prior to making any decision or recommendation affecting the disposition of the assets of the H.R. 10 plan. Such employer or expert can also be expected to be especially concerned about the availability of such information to participants in cases where employees are able to select the funding media under the H.R. 10 plan. Moreover, an employer which establishes a plan covering one or more common law employees and which selects the investment media will be a fiduciary under ERISA.[9] Where the employer uses an expert to assist in the selection of the funding media for the plan, such expert in many cases also would be a fiduciary under ERISA.[10] These factors, together with the fact that the sale of interests issued in connection with a plan are subject to antifraud provisions under the securities laws,[11] make it unlikely that any additional benefits would be gained from requiring interests issued in connection with such H.R. 10 plans to be registered under the Act. It should be emphasized that proposed rule 180 does not exempt all interests in which H.R. 10 plans invest from the registration requirement of the Act. It exempts only those issued to plans of employers which can be expected to provide adequate representation of the interests of plan participants.

One commentator suggests that, to prevent the mass-marketing of interests in bank collective investment funds and insurance company separate accounts, the proposed rule should be modified to add conditions that limit the exemption to plans of a certain size by reference to the number of participants and the amount of annual contributions involved. It is contended that these minimum standards of size would assure that the plans are subject to the requirements of ERISA and that the exemption is available only for interests issued to plans which clearly have the requisite capability to make the necessary investment decisions even though no statutory prospectus is delivered. However, the Commission is not prepared to impose such limitations. The suggested amendment would have the effect of decreasing the options available to small sophisticated firms when establishing H.R. 10 plans. Any cutoff with regard to the number of participants or the amount contributed would be arbitrarary, because neither provides a direct test of whether the participants need the protections afforded by the registration requirements of the Act. Moreover, such minimum size standards do not ensure

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[4] Furthermore, an H.R. 10 plan covering only partners or a sole proprietor would not even be subject to the disclosure and other requirements under Title I of ERISA. *See* U.S. Dept. of Labor regulation 3–3 under ERISA [29 CFR 2510.3–3].

[5] It might be noted, however, that in many instances an exemption from the Act or from its registration requirements is available to H.R. 10 plans. Some of the exemptions that are frequently relied upon are those provided for nonpublic offerings (section 4(2) [15 U.S.C. 77d(2)] and rule 146 [17 CFR 230.146 (1980)]) and intrastate offerings (section 3(a)(11) [15 U.S.C. 77c(a)(11)] and rule 147 [17 CFR 230.147 (1980)]).

[6] In Securities Act Release No. 6188 (February 1, 1980), pt. II. A.3., the Commission pointed out that its staff has not required the registration of interests or participations in voluntary, contributory H.R. 10 plans. The release states that most plans can rely on an exemption from registration for the offer and sale of employee interests. [*See* note 5 *supra.*] The antifraud provisions of the Act, however, apply to the offer and sale of such interests to employees.

[7] For a discussion of the meaning of the term "single employer" *see* Securities Act Release No. 6188 (February 1, 1980), pt. IV, B.1.i.

[8] It should also be noted that the Commission has modified the language of the proposed rule to require that the qualified expert be unaffiliated with the entity funding the plan.

[9] ERISA 404 [29 U.S.C. 1104], ERISA 3(21)(A) [29 U.S.C. 1002].

[10] *Id. See also* U.S. Dept. of Labor regulation 3–21 under ERISA [29 CFR 2510.3–21].

[11] Section 17 of the Act [15 U.S.C. 77q], as well as the provisions of section 10(b) under the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78j(b)] and rule 10b–5 [17 CFR 240.10b–5] thereunder will be applicable to interests and participations in H.R. 10 plans. Section 17(c) of the Act makes the provisions of section 17 of the Act applicable to interests and participations in H.R. 10 plans. Section 10(b) of the Exchange Act applies to interests and participations in H.R. 10 plans because that section applies to any security even if not registered on a national securities exchange.

that the plan would be subject to the disclosure, reporting and fiduciary obligations of ERISA.[12] An H.R. 10 plan is covered under Title I of ERISA only if it covers one or more common law employees, in addition to self-employed individuals.[13]

Single Trust

Several commentators state that there is uncertainly as to whether a single trust must be maintained by a bank. The exemption is available regardless of whether the single trust is maintained by a bank. In October, 1980, section 3(a)(2) of the Act was itself amended to eliminate any confusion in this regard, [14] and the language of the rule is the same as the amended language of section 3(a)(2).

Multiple Investments

Some commentators suggest that paragraphs (a) and (b) of the proposed rule permit the inference that investment in more than one trust, bank collective trust fund or separate account would not be covered by the rule. Such a restrictive interpretation of the rule, however, is not reasonable. The language of paragraph (a) of the proposed rule parallels the language of section 3(a)(2) of the Act exempting interests and participations in various funding media for corporate pension plans. The Commission is of the opinion that the language of the statute and the proposed rule contemplates investment in more than one trust, bank collective trust fund or separate account. Indeed, in the H.R. 10 context, the Commission has granted several orders of exemption for plans whose assets are invested in more than one investment medium.[15]

Special Investments

Another commentator urged that the proposed rule be broadened to allow H.R. 10 plans to participate in bank common trust fund [16] which invest solely in money market instruments without the safeguards which proposed rule 180 would impose. It is contended that the requirements of the proposed rule are not necessary for bank common trust funds composed solely of money market instruments because the element of investment decision is not as high as in the case of equity or fixed-income common trust funds. The Commission believes that any such distinction based on the investment portfolios of the trust funds is unsound. Under the statutes administered by the Commission, no similar overall regulatory distinction exists among pools of securities based on the type or quality of such securities. A blanket exemption for such "money market" common trust funds could leave unsophisticated investors without adequate disclosure to make an informed decision as to whether a bank common trust fund investing in money market instruments is appropriate for their particular H.R. 10 plan. In this respect, the relative safety of the portfolio securities does not eliminate the interest of an investor in many other characteristics of the fund, such as expenses and portfolio valuation procedures.

Master and Prototype Plans

Several commentators expressed uncertainty as to whether the rule would exempt interests and participations issued in connection with master or prototype plans [17] sponsored by banks or insurance companies. As stated above, the legislative history of section 3(a)(2) of the Act indicates that, in excluding interests in H.R. 10 plans from the exemption from registration provided by that provision, Congress was concerned that sponsoring financial institutions would mass-market their products to numerous unrelated self-employed persons for whom such plans might not be suitable.[18] Recognizing this concern, proposed rule 180 includes a condition that the plan cover employees of a single employer or be a single plan covering employees of interrelated partnerships.[19] However, the single plan requirement does not prohibit the use of plans adopted through the use of master or prototype documents. In the Commission's view a sole proprietorship or partnership which executes a master or prototype document in connection with its adoption of an H.R. 10 plan is sufficiently protected so long as the employer is financially sophisticated or obtains the assistance of an expert as described below.

Eligible Firms

Subsection (a)(2) of proposed rule 180 would require as a condition for exemption either that the employer be a "law firm, accounting firm or investment banking firm that is engaged in furnishing services of a type that involves such knowledge and experience in financial and business matters that the employer is able to represent adequately its interests and those of its employees" or that the employer obtain the "advice of an expert that (A) is not affiliated directly or indirectly with the employer and (B) is, by virtue of its knowledge and experience in financial and business matters, able to represent adequately the interests of the employer and its employees."

Several commentators state that employers other than law firms, accounting firms and investment banking firms should be permitted to represent themselves without independent experts. They contend that there are employers in certain other areas that are sufficiently sophisticated in financial and business matters to protect their own interests and the interests of their employees. Pension consulting organizations specializing in the adoption and administration of qualified plans and investment advisory firms are cited as examples of the type of organization which should be included within the scope of the rule.

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[12] 29 U.S.C. 101–111, 401–414 (1980).

[13] *See* note 4 *supra*. *See e.g.*, Securities Act Release No. 5989 (October 31, 1978), concerning Milbank, Tweed, Hadley & McCloy who filed an application for a Commission order exempting interests in its H.R. 10 plan. Since the plan covered only the applicants' partners, the disclosure requirements of ERISA were not applicable.

[14] Section 3(a)(2) of the Act conditionally exempts "any interest or participation in a single trust fund or in a collective trust fund maintained by a bank." Prior to the amendment of section 3(a)(2) in the Small Business Investment Incentive Act of 1980 (Pub. L. No. 96–477, 94 Stat. 2275 (Oct. 21, 1980), the language was unclear as to whether a single trust had to be maintained by a bank in order for the exemption to be available. However, the legislative history made it clear that Congress intended in drafting this section to conform it in all material respects to section 3(c)(11) of the Investment Company Act of 1940 [15 U.S.C. 80a–3(c)(11)]. Moreover, the Commission had interpreted section 3(a)(2) as not requiring that a single trust be maintained by a bank. *See* Securities Act Release No. 6188 Part IV, B.3.a. (February 1, 1980).

[15] *See e.g.*, Morrison & Foerster Retirement Plan, Securities Act Release No. 6226 (July 21, 1980); Willkie, Farr & Gallagher Pension Plan for Partners and Associates, Securities Act Release No. 6217 (June 24, 1980); and Squire, Sanders & Dempsey Retirement Plan for Partners, Securities Act Release No. 6154 (November 27, 1979).

[16] A common trust fund is maintained by a bank as an investment vehicle solely for trusts, estates or similar entities for which the bank acts in a bona fide fiduciary capacity, such as that of trustee, executor, administrator or guardian. H.R. Rep. No. 1382, 91st Cong., 3d Sess. 43 (1970).

[17] The term "master plan" refers to a standardized form of plan with a related form of trust or custodial agreement, administered by the sponsoring organization for the purpose of providing plan benefits on a standardized basis. The term "prototype plan" refers to a standardized form of plan with or without a related form of trust or custodial agreement which is made available by the sponsoring organization for use without change by employers who wish to adopt the plan. In the case of a prototype plan, the organization supplying the standard plan form does not administer the plan. *See* CCH Pension Plan Guide ¶9567.

[18] *See* note 3 *supra*.

[19] The Commission has granted exemptive orders under section 3(a)(2) to several partnerships which encompass individual offices in various cities because they do not appear to present the risks with which Congress was concerned. *See e.g.*, Sidley & Austin, Securities Act Release No. 6052 (April 6, 1979); Stroock & Stroock & Lavan, Securities Act Release No. 6063 (April 27, 1979).

The commentators point out that these consultants or advisers may be the very entities furnishing an unsophisticated employer with expert advice thereby enabling that employer to satisfy the sophistication requirements of the rule. Since there appears to be no policy reason to require such entities to retain unrelated experts, we have revised the language of the rule so as to extend the exemption to pension consultants and investment advisory firms.

Paragraph (a)(2)(ii) of rule 180, as proposed, would enable an unsophisticated employer to qualify for the exemption by obtaining the services of a qualified expert who is knowledgeable and experienced in financial and business matters and who is not directly or indirectly affiliated with the employer. In obtaining the advice of the expert, the employer must consider in good faith the recommendations of such expert in setting up its H.R. 10 plan. The expert can be expected to advise the employer about the same matters which we would expect the financially sophisticated employer to consider, including among other things the terms of the plan; the accounting, investment advice and administrative services necessary for the establishment of the plan; the information which will be provided to its employees, including information that would have been provided under the requirements of the Act and information necessary for their decision making on investment media or other matters; and the qualifications of persons managing the investment media.

Several commentators criticize the requirement that the expert be independent of the employer. One commentator states that it should not be relevant whether the expert adviser to an unsophisticated employer is related or not. On the other hand, several commentators contend that the expert providing advice should be independent not only of the employer, but also of the financial institution funding the plan.

The requirement that the expert be independent of the employer was included in the proposed rule because it was thought that the interests of the employer and its employees could best be represented when the expert provides totally unbiased advice regarding the provisions of the plan and the investment of fund assets. Upon reconsideration, however, requiring the expert to be independent of the employer appears to be unnecessary. On the other hand, requiring independence from the financial institution funding the plan appears appropriate to help assure the reliability of such advice and avoid the potential for abuse. Otherwise, the expert could be, for example, an officer of a bank maintaining a collective investment fund which is being offered to the employer as the investment medium for plan assets. Thus, the final rule has been revised to require that those furnishing expert advice be independent not of the employer, but of the financial institution providing the funding vehicle for the plan.[20]

Several commentators also requests clarification of how the independence of the expert would be measured. In order to avoid ambiguity with respect to the issue of affiliation in the rule, the Commission has deleted the subclause "affiliated directly or indirectly" in (a)(2)(ii)(A) of the proposed rule and substituted the subclause "an affiliated person of." "Affiliated person" has been defined in the rule to include those persons defined as such in section 2(a)(3) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(3)][21] as well as persons having a material business relationship with the financial institution providing a funding vehicle for the plan. Thus, for example, a controlling shareholder, an officer, a partner or an employee of, or a salesman for, either a firm managing the funding vehicle for the plan or a firm distributing the interests or securities of such funding vehicle would not qualify as an independent expert for purposes of the rule. The Commission's intent is to assure that the unsophisticated employer and its employees be represented by, or at least obtain the advice of, an expert which has no conflict of interest in providing such representation or advice.

One commentator expressed concern about the ability of the financial institution managing the funding medium whose interests are issued to the H.R. 10 plan to know that the employer has "sufficient expertise" or has obtained advice of a "qualified" expert. It proposed that the financial institution be able to rely on the employer to certify that sufficient financial expertise exists in the employer or that a qualified expert has been retained by an unsophisticated employer. The rule has been amended to require only that the issuer have reasonable grounds to believe, and in fact believe, immediately prior to any sale that the employer is of the type described in paragraph (a)(3) of the rule. As such, certification by the employer should ordinarily be sufficient unless the issuer knows or should have known that such certification was false or otherwise improper.

Finally, to conform with the amendments to section 3(a)(2) of the Act adopted in Pub. L. 96–477 (Oct. 21, 1980), the phrase "in a separate account maintained by an insurance company" in paragraph (a) of the rule has been replaced by "any security arising out of a contract issued by an insurance company."

In summary, Rule 180 is adopted to provide an exemption from the registration provisions of the Act for both the participants' interests in the H.R. 10 plan itself and the plan's interest in the collective investment vehicles in which such plan invests its assets. Paragraph (a) of rule 180 exempts interests or participations in a single trust, collective trust fund maintained by a bank or any securities arising out of a contract issued by an insurance company sold to H.R. 10 plans where: (1) The plan covers employees of a single employer or employees of interrelated partnerships; and (2) either (i) the employer is a financially sophisticated law firm, accounting firm, investment banking firm, pension consultant or investment advisory firm, or (ii) the employer has secured independent expert advice in connection with its plan.

Paragraph (b) of rule 180 exempts from the registration requirements of the Act any interest or participation of a participant in an H.R. 10 plan.[22]

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[20] One commentator suggested that the requirement relating to experts be expanded to provide that the expert must be knowledgeable not only in financial and business matters, but also in pension matters. The Commission believes that such an additional requirement is unnecessary. Since expert advice will be required only with respect to the choice of funding media, financial and business knowledge on the part of the expert should be sufficient to protect plan participants even if the expert is not knowledgeable in other aspects of pension matters, such as vesting requirements.

[21] An affiliated person is defined in section 2(a)(3) of the Investment Company Act as:

(A) any person directly or indirectly owning, controlling or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof.

[22] It should be noted that any interest or participation in a H.R. 10 plan would be outside the coverage of the Act if such interests or participations are not securities, e.g., property interests such as traditional life insurance policies.

Authority, Effective Date

The Commission adopts rule 180 pursuant to the provisions of sections 3(a)(2) and 19(a) (15 U.S.C. 77c(a)(2) and 77s(a)) of the Act. Because the rulemaking is exemptive in nature, the foregoing adoption becomes effective on November 24, 1981 (5 U.S.C. 553(d)(1))

Text of Amended Rule

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 230.180 as follows.

§ 230.180 Exemption from registration of interests and participations issued in connection with certain H.R. 10 plans.

(a) Any interest or participation in a single trust fund or in a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, issued to an employee benefit plan shall be exempt from the provisions of section 5 of the Act if the following terms and conditions are met:

(1) The plan covers employees, some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, and is either: (i) A pension or profit-sharing plan which meets the requirements for qualification under section 401 of such Code, or (ii) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code;

(2) The plan covers only employees of a single employer or employees of interrelated partnerships; and

(3) The issuer of such interest, participation or security shall have reasonable grounds to believe and, after making reasonable inquiry, shall believe immediately prior to any issuance that:

(i) The employer is a law firm, accounting firm, investment banking firm, pension consulting firm or investment advisory firm that is engaged in furnishing services of a type that involve such knowledge and experience in financial and business matters that the employer is able to represent adequately its interests and those of its employees; or

(ii) In connection with the plan, the employer prior to adopting the plan obtains the advice of a person or entity that (A) is not a financial institution providing any funding vehicle for the plan, and is neither an affiliated person as defined in section 2(a)(3) of the Investment Company Act of 1940 of, nor a person who has a material business relationship with, a financial institution providing a funding vehicle for the plan; and (B) is, by virtue of knowledge and experience in financial and business matters, able to represent adequately the interests of the employer and its employees.

(b) Any interest or participation issued to a participant in either a pension or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954 or an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, and which covers employees, some or all of whom are employees within the meaning of section 401(c)(1) of such Code, shall be exempt from the provisions of section 5 of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary

November 24, 1981.

[FR Doc. 81-34422 Filed 11-30-81, 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Release No. 34-18279]

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 (the "Act") to delegate authority to the Director of the Division of Market Regulation to extend for up to sixty days the Division's consideration of certain notices filed by self-regulatory organizations.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: H. Steven Holtzman, Esq., Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities Exchange Commission, Washington, D.C. 20549, (202) 272-2842.

SUPPLEMENTARY INFORMATION: Securities Exchange Act Rule 19h-1 (17 CFR 240.19h-1) (the "Rule") relates to notices filed by self-regulatory organizations ("SRO's") with the Commission concerning proposed admissions to, or continuances in, membership or participation in an SRO or association with a member of persons subject to statutory disqualifications. Paragraph (a)(7) of the Rule, as amended effective January 1, 1982, provides that the Commission may, by written notice to an SRO, extend for up to sixty days its consideration of the merits of a proposed admission to an SRO when circumstances require a period of deliberation longer than thirty days. The Commission believes that it would facilitate the processing of admission notices under Rule 19h-1 if authority to extend the time period for consideration of a proposed admission were delegated to the Director of the Division of Market Regulation. Accordingly, the Commission, acting pursuant to the Act of August 20, 1962, Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29, 89 Stat. 163 (June 4, 1975), hereby amends Section 200.30-3 (17 CFR 200.30-3) of the Commission's rules relating to general organization by amending paragraph (a)(4) to delegate to the Director of the Division of Market Regulation authority to grant extensions of time for consideration of notices for admission filed pursuant Rule 19h-1.

The Commission finds, in accordance with 5 U.S.C. 553(b)(A) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure, or practice and that notice and public procedures in accordance with 5 U.S.C. 553 are not necessary, pursuant to subsection (b) thereof. In addition, the Commission finds that the foregoing action does not impose any burden on competition.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Part 200 of Title 17 of the Code of Federal Regulations is amended by revising paragraph (a)(4) of § 200.30-3 to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

(a) * * *

(4) Pursuant to Rule 19h-1 (§ 240.19h-1 of this chapter):

(i) To grant applications with respect to membership in, association with a member of, or participation in, a self-regulatory organization and for other relief as to persons who are subject to an applicable disqualification where such relationships or other relief have been approved or recommended by a self-regulatory organization;

(ii) To extend the time for Commission consideration of notices for admission to membership or participation in a self-regulatory organization or association with a member of persons subject to a

statutory disqualification pursuant to paragraph (a)(7) of that rule.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

November 20, 1981.

[FR Doc. 81-34421 Filed 11-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket Nos. RM78-23 and RM81-37; Order No. 194]

Regulations Implementing Procedures for Refund of Louisiana First Use Tax

Issued November 20, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission amends and issues as final regulations the interim regulations contained in paragraph (h) of 18 CFR 154.38 relating to recovery and pass-through of Louisiana First Use Tax by interstate pipelines. The regulations are amended in paragraphs (h)(3), which applies to any interstate pipeline which paid the First Use Tax directly to Louisiana ("primary pipelines"), and (h)(9), which applies to any pipeline which receives First Use Tax refunds from other pipelines ("secondary pipelines"), to clarify the refund allocation methodology. Otherwise, the interim rules are being issued as final rules as originally promulgated.

The rules for primary and secondary pipelines were issued in separate dockets. Since the changes effected in the final rules are relatively minor, the Commission combines the two dockets in issuing the final rules.

EFFECTIVE DATES: The final rules are effective upon issuance as of the effective dates of the interim rules: July 17, 1981 for primary pipelines, 18 CFR 154.38(h)(3); July 22, 1981 for secondary pipelines, 18 CFR 154.38(h)(9).

FOR FURTHER INFORMATION CONTACT:

Fredrick L. Jaffe, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-9221.

Sherri L. Booye, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-5378.

SUPPLEMENTARY INFORMATION:

In the matter of Final Rule: Clarification of Regulations Implementing Procedures for Refund of Louisiana First Use Tax by Primary and Secondary Pipelines.

By this rule, the Federal Energy Regulatory Commission (Commission) is amending and issuing as final regulations the interim regulations contained in paragraph (h) of 18 CFR 154.38 relating to recovery and pass-through of Louisiana First Use Tax by interstate pipelines. The regulations are amended in paragraphs (h)(3), which applies to any interstate pipeline which paid the First Use Tax directly to Louisiana ("primary pipelines"), and (h)(9), which applies to any pipeline which receives First Use Tax refunds from other pipelines ("secondary pipelines"), to clarify the refund allocation methodology. Otherwise the interim rules are being issued as final rules as originally promulgated.

The rules for primary and secondary pipelines were issued in separate dockets. Since the changes effected in the final rule are relatively minor, we are combining the two dockets for the final rule.

I. Background

On July 17, 1981 and July 22, 1981, the Commission issued interim regulations [1] which established procedures for refund by the primary and secondary pipelines of Louisiana First Use Tax revenues collected by Louisiana and the interest accrued thereon. The Commission asked interested persons to submit comments to those regulations by August 12, 1981. In response to those requests, the Commission received three comments that raised issues affecting primary and secondary pipelines.

II. Discussion of Comments

One party requested waiver of a portion of the refund methodology prescribed for primary pipelines in § 154.38(h)(3)(vi) for determining the jurisdictional portion of all refunds. However, because our response to the request for waiver will apply to all pipelines, we are treating the request as a comment. The commenter points out an inconsistency in the allocation methodology for primary pipelines. While § 154.38(h)(3)(iv)(*a*) of the interim regulations requires allocation of the jurisdictional portion of the refund received on the basis of the amounts paid by each jurisdictional customer as recorded in the pipeline books and records, subparagraph (vi)(*c*) determines the *jurisdictional portion* on the basis of volumes of gas sold with LFUT charges attached. The commenter states that the Commission should allow both the determination of the jurisdictional portion and the allocation of this jurisdictional portion to be based upon the amounts paid as reflected in the pipelines books and records.

Another commenter raised an issue regarding the allocation of refunds between jurisdictional and non-jurisdictional customers applicable to primary and secondary pipelines. The commenter is concerned that the Commission has required that refunds be based upon only those customers who paid the tax rather than based upon the volumes on which the tax was charged. In effect, the commenter believes that under the regulation, if a non-jurisdictional customer did not pay the tax and, under the terms of a fixed rate contract, the pipeline paid the tax, the pipeline would be denied its share of the refund and the pipeline would be required to prorate its share of the refund among its jurisdictional customers. Specifically, the commenter cites the following language of § 154.30(h)(9)(vi)(*c*) as causing the ambiguity:

> The denominator of which is the total volume sold by such pipeline to all customers during such period which were subject to First Use Tax charges.

Another commenter objected to the cash flow-through procedures required in the interim rules when, as in its case, the refunds are extremely small and requested waiver of the provisions. The Commission has treated this objection as a petition for waiver rather than as a comment to the interim rules. Accordingly, the Commission has separately considered the request and has issued an order granting the petitioner's waiver request. [2]

III. Correction and Clarification

In its interim regulations, the Commission inadvertently failed to permit primary pipelines both to determine the jurisdictional portion and to allocate the jurisdictional portion so determined on the basis of the amounts paid as reflected in the books and records of the pipeline. Accordingly, we amend the language in paragraphs (h)(3)(iv) (*a*) (*b*) and (*c*) to make this intention clear.

The Commission intended § 154.38(h)(3)(vi)(*c*) affecting primary

[1] "Regulations Implementing Procedures for Refund of Louisiana First Use Tax by Primary Pipelines," Interim Rule, 46 FR 38681 (July 29, 1981) and "Regulations Implementing Procedures for Refund of Louisiana First Use Tax by Secondary Pipelines," 46 FR 38906 (July 30, 1981).

[2] "Order Granting Waiver of Interim Rules Subject to Conditions", (Issued September 30, 1981).

pipelines, and § 154.33(h)(9)(vi)(*b*), affecting secondary pipelines, to require that pipelines apportion refunds among jurisdictional customers on the same basis as was used to allocate LFUT costs when incurred. In light of this affirmation of our original intent, we clarify the interim language in paragraph (h)(3)(vi)(*c*) and paragraph (h)(9)(vi)(*b*) to eliminate any possible ambiguity that the refunds must be apportioned on any other basis than what was originally intended.

The Commission also corrects a typographical error in paragraph (h)(3)(vi).

IV. Effective Date

Because the amendments effect no substantive change in the interim rules, but are necessary only for correction and clarification, the amendments are being made effective as of the date the interim regulations became effective

(Natural Gas Act, 15 U.S.C. 717–717(n); Department of Energy Organization Act, 42 U.S.C. 7101–7352; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, the interim rules amending § 154.38(h) Part 154 of Title 18 Code of Federal Regulations published in 46 FR 38681 (July 29, 1981), 18 CFR 154.38(h)(3), and 46 FR 38906 (July 30, 1981), 18 CFR 154.38(h)(9), are deemed to be final. In addition, § 154.38(h), Part 154 of Title 18 Code of Federal Regulations, is amended as set forth below. Because this amendment effects no substantive changes, it is effective upon issuance as of the effective dates of the interim rules—July 17, 1981 for primary pipelines and July 22, 1981 for secondary pipelines.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

Section 154.38 is amended by revising paragraphs (h)(3)(vi)(*c*) and (h)(9)(vi)(*b*) as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(h) *Pipeline recovery of the State of Louisiana First Use Tax.* * * *

(3) * * *

(vi) Any LFUT funds received by a pipeline shall be flowed through to each jurisdictional customer of such pipeline in amounts in the following manner:

(*a*) if the amount the pipeline collected pursuant to its First Use Tax tariff provision may be determined readily and expediously from its books and records, then, using the jurisdictional portion determined from such books and records, multiply the jurisdictional portion of the total amount of each LFUT fund refund received by the pipeline by the ratio of the LFUT tracker amount which the pipeline billed the customer for the period from April, 1979, through April, 1981, pursuant to its Louisiana First Use Tax tariff provision to the total amount which the pipeline billed as a LFUT tracker during the same period pursuant to that tariff provision: or

(*b*) if paragraph (h)(3)(vi)(*a*) of this section does not apply, then multiply the jurisdictional portion, as defined in paragraph (h)(3)(vi)(*c*), of the total amount of each refund received by the pipeline by the ratio of the total commodity billing determinants of the customer during the period from April, 1979, through April, 1981, to the pipeline's total jurisdictional commodity billing determinants during that period.

(*c*) if paragraph (h)(3)(vi)(*b*) applies, the jurisdictional portion of each refund received by a pipeline shall be computed by multiplying the amount so received by a fraction, the numerator of which is the total volume sold by such pipeline to jurisdictional customers during the period from April, 1979, through April, 1981 which were subject to First Use Tax charges and the denominator of which is the total volume subject to First Use Tax charges sold by such pipeline to all customers during such period.

* * * * *

(9) * * *

(vi) * * *

(*b*) the jurisdictional portion of each refund received by a pipeline shall be computed by multiplying the amount so received by a fraction, the numerator of which is the total volume sold by such pipeline to jurisdictional customers during the period from April, 1979, through April, 1981 which were subject to First Use Tax charges and the denominator of which is the total volume subject to First Use Tax charges sold by such pipeline to all customers during such period.

[FR Doc. 81–34415 Filed 11–30–81; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76 (Texas–12)]

High-Cost Gas Produced from Tight Formations; Final Rule

Issued: November 20, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recomendation of the Railroad Commission of Texas that the Frio Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include the Frio Formation in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued July 30, 1981 (46 FR 40044, August 6, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that the Frio Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Frio Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18,

[1] Comments were invited and one favorable comment was received. No party requested a public hearing and no hearing was held.

Code of Federal Regulations, is amended as set forth below, effective November 20, 1981.

By the Commission.

Kenneth F. Plumb.

Secretary.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(57) to read as follows:

§ 271.703 Tight formations.

. . . . .

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

. . . . .

(57) *The Frio Formation in Texas.* RM79–76 (Texas—12).

(i) *Delineation of formation.*—The Frio Formation is encountered in the LaSal Vieja (8 9680–9935) Field, located in the central portion of Willacy County, Texas Railroad District No. 4.

(ii) *Depth.* The top of the Frio Formation is located at approximately 9,635 feet below sea level and extends to approximately 9,887 feet, giving it a maximum thickness of 252 feet.

[FR Doc. 81-34419 Filed 11-30-81; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76 (Oklahoma-1)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: November 20, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Oklahoma Corporation Commission that the Atoka Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or John Roy Johnson, (202) 357–8731.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Atoka Formation in Oklahoma as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued August 25, 1981 (46 FR 43845, September 1, 1981) [1] based on a recommendation by the Oklahoma Corporation Commission (Oklahoma) in accordance with § 271.703(c) that the Atoka Formation be designated as a tight formation.

Evidence submitted by Oklahoma supports the assertion that the Atoka Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Oklahoma recommendation as amended.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective November 20, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(59) to read as follows:

[1] Comments were invited on the proposed rule and none were received. No party requested a hearing and no hearing was held.

§ 271.703 Tight formations.

. . . . .

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.* * *

(59) *Atoka Formation in Oklahoma.* RM79–76 (Oklahoma–1).

(i) *Delineation of formation.* The Atoka formation is found in Washita County, Oklahoma, in Township 9 North, Range 14 West, Sections 2 through 11; Township 9 North, Range 15 West, Sections 1 through 3, 11 and 12; Township 10 North, Range 14 West, Section 5 through 8, 17 through 21, and 27 through 35; Township 10 North, Range 15 West, Sections 6 through 30, 33 through 36; Township 10 North, Range 16 West, Sections 1 through 5, 8 through 14, 24 and 25; Township 11 North, Range 16 West, Sections 16, 20 through 22, 27 through 29, and 32 through 35.

(ii) *Depth.* The Atoka formation is defined as the uppermost sandstone development in the Atoka Series of the Lower Pennsylvania System which underlies the Cherokee/Red Fork Group and overlies the post-13 Finger Lime shale. The average depth to the Atoka formation is approximately 14,800 feet.

[FR Doc. 81-34414 Filed 11-30-81; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76 (Colorado-14)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued November 20, 1981

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to

submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was first proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued May 4, 1981 (46 FR 25643, May 8, 1981)[1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c) that the Dakota Formation be designated as a tight formation. On August 11, 1981, Colorado filed an amendment to its recommendation containing additional data is support of the recommendation. The amendment also deleted some acreage from the recommendation, as Colorado had found that expected production from wells in this area would be in excess of the production guideline found in § 271.703(c)(2)(i)(B). Notice of the deletion of acreage was given by the Commission in a Notice of Proposed Rulemaking issued on August 25, 1981 (46 FR 43843, September 1, 1981.)

Evidence submitted by Colorado supports the assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation as amended.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective November 20, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(58) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(58) *The Dakota Formation in Colorado.* RM79–76 (Colorado—14).

(i) *Delineation of formation.* The Dakota Formation is found in Mesa and Garfield Counties, Colorado, Township 7 South, Ranges 96 through 98 West, all Sections; Township 7 South, Range 99 West, Sections 1, 2, 11 through 14, 23, 24; Township 8 South, Ranges 96 through 98 West, all Sections; Township 8 South, Range 99 West, Sections 1 through 3, 10 through 16, 17: Tract 53, Section 20: Tract 53, 56, Section 21, all except Tract 55, Sections 22 through 28, 29: Tract 56, Sections 31 through 36; Township 8 South, Range 100 West, Sections 27, 28, 33 through 36; Township 9 South, Ranges 96 through 99 West, all Sections; Township 9 South, Range 100 West, Sections 1 through 4, 9 through 14, 23 through 26, 36; Township 10 South, Ranges 96 through 98 West, all Sections; Township 10 South, Range 99 West, Sections 1 through 18, 22 through 27, 34, 35, 36; Township 11 South, Range 97 West, Sections 1 through 12, 17 through 20; Township 11 South, Range 98 West, Sections 1 through 14, 23, 24; Township 11 South, Range 99 West, Sections 1, 2, 11, 12.

(ii) *Depth.* The Dakota Formation occurs at an average measured depth of 7,705 feet.

[FR Doc. 81–34416 Filed 11–30–81; 8:45 am]

BILLING CODE 6717–01–M

18 CFR Part 271

[Docket No. RM 79–76 (Virginia–1); Order No. 191]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation

Issued: November 20, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Virginia Department of Labor and Industry, Division of Mines and Quarries that the Berea Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson (202) 357–8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Berea Formation in Virginia as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued July 30, 1981 (46 FR 40044, August 6, 1981)[1] based on a recommendation by the Virginia Department of Labor and Industry, Division of Mines and Quarries (Virginia) in accordance with § 271.703(c) that the Berea Formation be designated as a tight formation.

Evidence submitted by Virginia supports the assertion that the Berea Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Virginia recommendation.

[1] Comments were invited and none were received No party requested a public hearing and no hearing was held.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective November 20, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 27—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(56) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.* * *

(56) *The Berea Formation in Virginia.* RM79–76 (Virginia-1).

(i) *Delineation of formation.* The Berea Formation is found in the Plateau Region of southwestern Virginia, an area including all of Dickenson County, and parts of Lee, Scott, Wise, Russell Buchanan and Tazewell Counties, Virginia.

(ii) *Depth.* The thickness of the Berea Formation ranges from 20 feet to 125 feet, thickening toward the central portion of the Plateau Region. The depth to the top of the Berea Formation ranges from 3,365 feet in northern Buchanan County to 6,028 feet in eastern Buchanan County.

[FR Doc. 81–34371 Filed 11–30–81; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 282

[Docket No. RP79–14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978; Publication of Incremental Pricing Acquisition Cost Thresholds

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

In the matter of publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978.

Issued: November 23, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(l) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of December 1981 is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec
Calender Year 1980												
Incremental pricing threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.377
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 pct of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.530
Calender Year 1981												
Incremental pricing threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA section 102 threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130 pct of No. 2 fuel oil in New York City threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990

[FR Doc. 81–34428 Filed 11–30–81; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 80F-0011]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Zinc Methionine Sulfate Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of zinc methionine sulfate tablets as a means of providing dietary zinc. This action is based on a petition filed by Zinpro Corp.

DATES: Effective December 1, 1981; objections by December 31, 1981.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 22, 1980 (45 FR 11911), FDA announced that a food additive petition (FAP 7A3268) had been filed by the Zinpro Corp., 303 Hazeltine Gates Office Park, Chaska, MN 55318, proposing that the food additive regulations be amended to provide for the safe use of zinc methionine sulfate tablets as a means of providing dietary zinc.

FDA has evaluated data in the petition and other relevant material and concludes that zinc methionine sulfate in tablet form is safe under its prescribed conditions of use and that the food additive regulations should be amended as set forth below.

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 172 is amended in Subpart D by adding new § 172.399, to read as follows:

§ 172.399 Zinc methionine sulfate.

Zinc methionine sulfate, CAS Reg. No 56329-42-1, may be safely used in accordance with the following prescribed conditions:

(a) The additive is the product of the reaction between equimolar amounts of zinc sulfate and DL-methionine in purified water.

(b) The additive meets the following specifications:

Zinc content—19 to 22 percent

$C_5H_{11}NO_2S$ "DL-methionine"—46 to 50 percent.

Cadmium—not more than 0.05 part per million.

(c) The additive is used in tablet form as a source of dietary zinc.

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 31, 1981, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 1, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: November 23, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34228 Filed 11-30-81; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 80F-0073]

Indirect Food Additives; Polymers Bis (Isocyanatomethyl) Benezene and Bis(Isocyanatomethyl) Cyclohexane

Correction

In FR Doc. 81-33508 appearing on page 57033 in the issue of Friday, November 20, 1981, make the following correction:

On page 57033, in the third column, the part heading for Part 177 should have read

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

BILLING CODE 1505-01-M

21 CFR Parts 430, 436, and 440

[Docket No. 81N-0291]

Antibiotic Drugs; Sterile Mezlocillin Sodium Monohydrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new antibiotic drug, sterile mezlocillin sodium monohydrate. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective December 1, 1981; comments, notice of participation, and request for hearing by December 31, 1981; data, information, and analyses to justify a hearing by February 1, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, sterile mezlocillin sodium monohydrate. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as

directed in the labeling and that the regulations should be amended in Parts 430, 436, and 440 (21 CFR Parts 430, 436, and 440) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 430, 436, and 440 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding paragraphs (a)(72) and (b)(72) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(72) *Mezlocillin.* The term "mezlocillin master standard" means a specific lot of mezlocillin that is designated by the Commissioner as the standard of comparison in determining the potency of the mezlocillin working standard.

(b) * * *

(72) *Mezlocillin.* The term "mezlocillin working standard" means a specific lot of a homogeneous preparation of mezlocillin.

(b) In § 430.6, by adding paragraph (b)(74) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) * * *

(74) *Mezlocillin.* The term "microgram" applied to mezlocillin means the mezlocillin activity (potency) contained in 1.1086 micrograms of the mezlocillin master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item into the table as follows:

§ 436.33 Safety test.

(b) * * *

Antibiotic drug	Test dose: Diluent (diluent number as listed in § 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
Mezlocillin	1	100 mg	5	Intravenous

b. In § 436.204(b)(2) by alphabetically inserting a new item into the table as follows:

§ 436.204 Iodometric assay.

(b) * * *

(2) * * *

Antibiotic	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration in units or milligrams of activity per milliliter of sample
Mezlocillin	None	Distilled water	2.0 mg

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. Part 440 is amended:

a. By adding new § 440.37a to read as follows:

§ 440.37a Sterile mezlocillin sodium monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile mezlocillin sodium monohydrate is the monohydrate sodium salt of (2*S*, 5*R*, 6*R*,)-3,3-dimethyl-6-[(*R*)-2-[3-(methylsulfonyl)-2-oxo-1-imidazolidine-carboxamido]-2-phenylacetamido]-7-oxo-4-thia-1-azabicyclo[3.2.0] heptane-2-carboxylic acid. It is so purified and dried that:

(i) It contains not less than 838 micrograms and not more than 978 micrograms of mezlocillin per milligram on an anhydrous basis. If it is packaged for dispensing, its mezlocillin content is not less than 90 percent and not more than 115 percent of the number of milligrams of mezlocillin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 6.0 percent.

(vi) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 4.5 and not more than 8.0.

(vii) The specific rotation in an aqueous solution containing 10 milligrams of mezlocillin per milliliter at 25° C is 185°±10°.

(viii) It gives a positive identity, test for mezlocillin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, specific rotation, and identity.

(ii) Samples required:

(*a*) If it is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams; and 5 packages, each containing approximately 1 gram.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If it is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained

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from the hydroxylamine colorimetric assay shall be conclusive.

(i) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except:

(*a*) *Buffer.* In lieu of the buffer described in § 442.40(b)(1)(ii)(*b*)(*2*) of this chapter, use the buffer prepared as follows: Dissolve 200 grams of primary standard tris (hydroxymethyl) aminomethane in sufficient distilled water to make 1 liter. Filter before use.

(*b*) *Preparation of working standard solution.* Dissolve and dilute an accurately weighed portion of the mezlocillin working standard with sufficient distilled water to obtain a concentration of 2.0 milligrams of mezlocillin per milliliter.

(*c*) *Preparation of sample solution.* Dissolve an accurately weighed portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration; also, if packaged for dispensing, reconstitute as directed in the labeling using distilled water in lieu of the reconstituting fluid. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to a concentration of 2.0 milligrams of mezlocillin per milliliter (estimated).

(*d*) *Calculations*—(*1*) Calculate the mezlocillin content in micrograms per milligram as follows:

$$\text{Micrograms of mezlocillin per milligram of sample} = \frac{A_u \times P_a}{A_s \times W_u}$$

where:

A_u = Absorbance of sample solution;
P_a = Potency of working standard solution in micrograms per milliliter;
A_s = Absorbance of working standard solution;
W_u = Milligrams of sample per milliliter of sample solution.

(*2*) Calculate the mezlocillin content of the single-dose vial as follows:

$$\text{Milligrams of mezlocillin per single-dose vial} = \frac{A_u \times P_a \times d}{A_s \times 1.000}$$

where:

A_u = Absorbance of sample solution;
P_a = Potency of working standard solution in micrograms per milliliter;
A_s = Absorbance of working standard solution;
d = Dilution factor of the sample.

(*3*) Calculate the mezlocillin content of the multiple-dose vial as follows:

$$\text{Milligrams of mezlocillin per multiple-dose vial} = \frac{A_u \times P_a \times d}{A_s \times 1.000 \times n}$$

where:

A_u = Absorbance of sample solution;
P_a = Potency of working standard solution in micrograms per milliliter;
A_s = Absorbance of working standard solution;
d = Dilution factor of the sample.
n = Volume of sample solution assayed.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 100 milligrams of mezlocillin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams of mezlocillin per milliliter.

(7) *Specific rotation.* Dilute an accurately weighed sample with sufficient distilled water to obtain a concentration of approximately 10 milligrams of mezlocillin per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1-decimeter polarimeter tube.

(8) *Identity.* Proceed as directed in § 436.311 of this chapter, diluting the sample with distilled water to a concentration of 4 milligrams of mezlocillin per milliliter, except:

(i) Use the mezlocillin working standard and dilute with distilled water to a concentration of 4 milligrams of mezlocillin per milligram;

(ii) In lieu of the ninhydrin spray solution, after the plate is dried with a current of warm air, expose the plate to iodine vapors for about 30 seconds; and

(iii) Mezlocillin has an R_f value of about 0.67.

b. By adding new § 440.237 to read as follows:

§ 440.237 Sterile mezlocillin sodium monohydrate.

The requirements for certification and the tests and methods of assay for sterile mezlocillin sodium monohydrate packaged for dispensing are described in § 440.37a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective upon the date of publication in the **Federal Register** (December 1, 1981). However, interested persons may, on or before December 31, 1981, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the hearing of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before December 31, 1981, a written notice of participation and request for hearing, and (2) on or before February 1, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective December 1, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: November 19, 1981

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-34164 Filed 11-30-81; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) sponsored by American Hoechst Corp., providing for safe and effective use of bambermycins premixes for manufacture of complete turkey feeds used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Route 202–206 North, Somerville, NJ 08876, filed a supplemental NADA (44–759) providing for safe and effective use of bambermycins (Flavomycin) premixes containing 2 or 10 grams of bambermycins activity per pound for the manufacture of complete turkey feeds containing 2 grams per ton for increased rate of weight gain and improved feed efficiency, or 1 to 2 grams per ton for improved feed efficiency only. Bambermycins are currently approved for use in broilers and swine as reflected in § 558.95 *Bambermycins* (21 CFR 558.95). Use of bambermycins in turkeys is based on data from clinical and nonclinical studies demonstrating safety and effectiveness to the target animal and safety to humans from residues in the edible tissues of treated animals. The supplemental NADA is approved, and the regulations are amended accordingly.

Under the Bureau of Veterinary Medicine's proposed supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplemental NADA required a complete reevaluation of safety data supporting the NADA. The studies submitted were judged to be acceptable for demonstrating safety and effectiveness of bambermycins under the recommended conditions of use. Standards prescribed in the agency's proposal of March 20, 1979 (44 FR 17070) on chemcial compounds in food-producing animals were not applied to either the pure antibiotic or the biomass portion of the product. Approval of the pure antibiotic portion is based on alternative criteria that ensure that the product is safe and on factors that justify the equitable treatment of this sponsor that completed drug development testing in accordance with existing scientific standards before March 20, 1979. Data supporting safety of the biomass portion of this product were derived according to criteria now in the process of being modified. The agency has concluded that because the sponsor has so conclusively demonstrated the safety of bambermycins for this use under criteria in effect until very recently, the approval should be granted without requiring additional studies to be conducted according to any modified criteria.

The available toxicity data of bambermycins demonstrate that a residue of 0.1 part per million (ppm) in the edible tissues of turkeys is safe. No measurable microbiologically active residues of bambermycins were found at zero-day withdrawal in muscle, liver, kidney, skin, and fat of turkeys fed up to 100 milligrams (mg) of the drug per kilogram of feed (a fifty-fold overdose). This supplemental NADA is approved under § 556.1(a)(4) (21 CFR 556.1(a)(4)), on a no-tolerance basis.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding may be seen in the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) (formerly 5.1; see 46 FR 26052; May 11, 1981) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.95 by revising paragraph (b)(1) and by adding new paragraph (e)(3), to read as follows:

§ 558.95 Bambermycins.

. . . . .

(b) *Approvals.* (1) Premix levels of 2 and 10 grams of bambermycins activity per pound have been granted to 012799 in § 510.600(c) of this chapter for use in paragraph (e)(1), (2) (i) and (ii), and (3) of this section.

. . . . .

(e) * * *

(3) *Growing turkeys.* It is used as follows:

(i) *Amount per ton.* 1 to 2 grams.

(*a*) *Indications for use.* For improved feed efficiency.

(*b*) *Limitations.* Feed continuously as the sole ration.

(ii) *Amount per ton.* 2 grams.

(*a*) *Indications for use.* For increased rate of weight gain and improved feed efficiency.

(*b*) *Limitations.* Feed continuously as sole ration.

Effective date. December 1, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))

Dated: November 23, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-34227 Filed 11-30-81; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 134

[Dept. Reg. 108.813]

Equal Access to Justice Act; Implementation

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: In compliance with the Equal Access to Justice Act, the Department of State hereby is adopting implementing regulations which establish procedures for making awards of attorney fees and other expenses under the Act. The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to individuals and small businesses who prevail against the Federal Government in certain administrative and court proceedings. The Department of State regulations follow the model rules adopted by the Administrative Conference of the United States, with conforming changes.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Written comments should be addressed to Assistant Legal Adviser for Management, Office of the Legal Adviser, U.S. Department of State, Washington, D.C. 20520, or delivered to Room 4427A, 2201 C Street, N.W., Washington, D.C. between 9 a.m. and 4 p.m., Monday through Friday. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 4427A, 2201 C Street, N.W., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Paul M. Coran, Office of the Legal Adviser, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. (202) 632–3022.

SUPPLEMENTARY INFORMATION: On June 25, 1981, the Chairman of the Administrative Conference of the United States issued model rules for Federal agency implementation of the Equal Access to Justice Act, Pub. L. 96–481, 94 Stat. 2325 (46 FR 32900). Draft model rules had been published for comment in the **Federal Register** on March 10, 1981 (46 FR 15895). The regulations adopted by the Department of State in this document follow closely the Administrative Conference model rules. The Department of State has made certain minor adjustments to adapt the model rules to its own use. Generally, the words "Department of State" have been inserted where the words "this agency" appeared in the model rules. Covered proceedings, those relative to controlling export of defense articles through administrative sanctions pursuant to 22 U.S.C. 2778 and 50 U.S.C. App. 2410(c)(2)(B), have been listed. In addition, the model rules' provision regarding "awards against other agencies" was deleted because the Department of State does not conduct any covered proceedings in which another agency would participate. The model provision on delegation of authority to make awards has been revised to provide that the official authorized to render the final decision on behalf of the Department of State in a proceeding (ordinarily the Hearing Commissioner) is also authorized to take final action under the Equal Access to Justice Act for the same proceeding.

Regulatory Flexibility

In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Department of State has determined that these rules will not have a significant economic impact upon a substantial number of small entities. The Equal Access to Justice Act itself may have such an impact, since it applies to individuals and small business entities. The Act represents a Congressional determination that small entities should not bear the burden of litigation where the Government's position is not substantially justified. The Rules simply implement the Act in carrying out Congressional intention, and do not, by themselves, impose significant economic burdens or benefits. The Department of State notes the efforts of the Administrative Conference to "produce a scheme that is as clean, simple and straight forward as possible * * * " (46 FR at 32900). The record-keeping requirements of the rules (see sec. 134.13) appear to add little burden to small business, since such records should ordinarily be kept in the course of adjudication. Thus the rules will not have a significant negative impact on small businesses.

Because the Equal Access to Justice Act takes effect on October 1, 1981, it is necessary that this rule be effective on that date. The rule is largely identical to the model rules, which were adopted following public notice and comment. However, comments on the coverage of the rule, as well as any other comments, are invited and will be given serious attention.

In consideration of the foregoing, Subchapter N of Title 22, Code of Federal Regulations, is amended by adding a new Part 134 as follows:

PART 134—EQUAL ACCESS TO JUSTICE ACT; IMPLEMENTATION

Subpart A—General Provisions

Sec.
134.1 Purpose of these rules.
134.2 When the Act applies.
134.3 Proceedings covered.
134.4 Eligibility of applicants.
134.5 Standards for awards.
134.6 Allowable fees and expenses.
134.7 Rulemaking on maximum rates for attorney fees.
134.8 Official authorized to take final action under the Act.

Subpart B—Information Required From Applicants

134.11 Contents of application.
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134.14 When application may be filed.

Subpart C—Procedures for Considering Applications

134.21 Filing and service of documents.
134.22 Answer to application.
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134.24 Comments by other parties.
134.25 Settlement.
134.26 Further proceedings.
134.27 Decision.
134.28 Further Department of State review.
134.29 Judicial Review.
134.30 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provisions

§ 134.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Department of State. An eligible party may receive an award when it prevails over the Department of State, unless the Department of State's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Department will observe to make them.

§ 134.2 When the Act applies.

The Act applies to any adversary adjudication pending before the Department of State at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when

they were initiated or when final agency action occurs.

§ 134.3 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Department of State. These are adjudications under 5 U.S.C. 554 in which the position of the Department of State is presented by an attorney or other representative who enters an appearance and participates in the proceeding. For the Department of State, the type of proceeding covered are proceedings relative to controlling export of defense articles through administrative sanctions pursuant to 22 U.S.C. 2778 and 50 U.S.C. App. 2410 (c)(2)(B).

(b) The Department of State may also designate a proceeding not listed in paragraph (a) of this section as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 134.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show by clear and convincing evidence that it meets all conditions of eligibility set out in this subpart and in subpart B and must submit additional information to verify its eligibility upon order by the adjudicative officer.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 134.5 Standard for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Department of State which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 134.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Department of State pays expert witnesses, which is generally $50.00 per hour. However, an award may also include the reasonable expenses of the attorney, agent or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) the time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of applicant's case.

§ 134.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the

Department of State may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Department of State will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may request the Department of State to initiate a rulemaking proceeding to increase the maximum rate for attorney fees. The request should identify the rate the person believes the Department of State should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Department of State will respond to the request within 60 days after it is filed, by determining to initiate a rulemaking proceeding, denying the request, or taking other appropriate action.

§ 134.8 Official authorized to take final action under the Act.

The Department of State official who renders the final agency decision in a covered proceeding is authorized to take final action on matters pertaining to the Equal Access to Justice Act as applied to the proceeding.

Subpart B—Information Required From Applicants

§ 134.11 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Department of State in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualfies under such section; or

(2) It states on the application that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Department of State to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of prejury that the information provided in the application is true and correct.

§ 134.12 Net worth exhibit.

(a) Each applicant except a qualifed tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 960.4(f)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in his part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act. 5 U.S.C. 551(b) (1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Department of State established procedures under the Freedom of Information Act, Part 6 of this title.

§ 134.13 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 134.14 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Department of State's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an adjudicative officer or intermediate review board becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Department of State's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject

to a petition for reconsideration or to a petition for judicial review; or (5) completion of judicial action on the underlying controversy and any subsequent Department of State action pursuant to judicial mandate.

Subpart C—Procedures for Considering Applications

§ 134.21 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 134.12(b) for confidential financial information.

§ 134.22 Answer to application.

(a) Within 30 days after service of an application, counsel representing the Department of State may file an answer to the application. Unless the Department of State counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30 day period may be treated as a consent to the award requested.

(b) If the Department of State counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by Department of State counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Department of State position. If the answer is based on any alleged facts not already in the record of the proceeding the Department of State shall include with the answer either supporting affidavits or a request for further proceedings under § 134.26.

§ 134.23 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 134.26.

§ 134.24 Comments by other parties.

Any party to a proceeding other than the applicant and Department of State may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comment.

§ 134.25 Settlement.

The applicant and the Department of State may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Department of State counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 134.26 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Department of State counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 134.27 Decision.

The adjudicative officer shall issue an initial decision on the application as promptly as possible after completion of proceedings on the application. The decision shall include written fundings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Department of State position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against the Department of State and another agency, the decision shall allocate responsibility for payment of any award made between the Department of State and the other agency, and shall explain the reasons for the allocation made.

§ 134.28 Further Department of State review.

Either the applicant or Department of State counsel may seek review of the initial decision. If neither the applicant nor the Department of State counsel seeks review, the initial decision shall become a final decision of the Department of State 30 days after it is issued. If review is taken the Judicial Officer will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 134.29 Judicial review.

Judicial review of final Department of State decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 134.30 Payment of award.

An applicant seeking payment of an award shall submit to the Comptroller or other disbursing official of the Department of State a copy of the final decision granting the award accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Requests for payment should be sent to: Executive Director, Office of the Comptroller, Room 1328, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The Department of State will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Dated: October 19, 1981.

Richard T. Kennedy,

Under Secretary for Management.

[FR Doc. 81-34433 Filed 11-30-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend Part 221 to broaden the applicability of the part to include oil and gas operations on the National Petroleum Reserve, Alaska (NPR-A) and to include a reference to the statutory

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authority for such operations in this designated area. In addition, obsolete references to the Secretary of the Navy and an obsolete Naval Petroleum Reserve form will be eliminated.

EFFECTIVE DATE: December 31, 1981.

ADDRESS: Acting Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, (703) 860–7535, (FTS) 928–7535, or Mr. Stephen H. Spector, Branch of Rules and Procedures, (703) 860–6259, (FTS) 928–6259.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Stephen H. Spector, Branch of Rules and Procedures, Office of the Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia, and William James Weber, Office of the Deputy Conservation Manager, Onshore Minerals, U.S. Geological Survey, Anchorage, Alaska.

The final rulemaking is intended to provide regulations to govern industry operations on oil and gas leases issued in NPR–A without the need for separate rules.

The Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514, 94 Stat. 2964), directs the Secretary of the Interior to conduct an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve, Alaska (NPR–A), appropriates funds for such leasing, and outlines procedures to be followed in the issuance of the leases. In order to exercise regulatory jurisdiction over the operations which will commence after the issuance of the leases, it is necessary to specifically establish operating regulations.

The regulations in Part 221 govern development and production of oil and gas contained in lands that are owned or controlled by the United States and are under the jurisdiction of the Secretary of the Interior (30 CFR 221.1). This final rulemaking will specifically incorporate within the scope of the existing operating regulations, oil and gas leases issued for lands within NPR–A. It has not had prior publication as proposed rulemaking because it is basically administrative in nature and no substantial changes are made to the operating regulations at this time. The September 10, 1981, **Federal Register** Notice (46 FR 45205), published by the Bureau of Land Management (BLM), making the NPR–A lease form available for public review and comment, specifically states that leases issued pursuant to the form are subject to the operating regulations in 30 CFR Part 221. The comments received by the BLM raise no objection to the use of existing operating regulations for leases issued for lands within NPR–A. The changes being made in Part 221 by this rulemaking merely conform the regulations in this part to the BLM lease form. Other minor changes correct references that have been obsolete by statutory amendments and changed conditions. Finally, the entire Part 221 is the subject of a separate rulemaking published as proposed rulemaking November 17, 1981 (46 FR 56564). Individuals may comment upon the effect of each of the regulations in Part 221 upon operations in the NPR–A as part of this separate, comprehensive rulemaking. For the above reasons, it is determined that publication of the present rulemaking as a proposed rulemaking is unnecessary under 5 U.S.C. 553(b).

The FY 1981 Appropriation Act provides the Department of the Interior with the authority to lease areas within NPR–A for oil and gas. While this authority necessitates the adoption of new procedures to accommodate leasing of NPR–A lands, it has been concluded that no substantive changes are required at this time in the existing onshore oil and gas operating regulations, 30 CFR Part 221. This conclusion is based on the belief that, in general, exploration, development, and producing operations within NPR–A will utilize technology and operating procedures which closely parallel those which have been used on Federal lands elsewhere on the North Slope. The existing 30 CFR Part 221 regulations have served effectively in regulating those activities. Adequate authority exists in these regulations, in the related guidelines, and in existing cooperative procedures for the U.S. Geological Survey, in consultation with other involved Agencies, to impose such conditions as are considered necessary to ensure that operations within NPR–A will be carried out in an environmentally acceptable manner. If any specific provision is determined to be required for operations in NPR–A prior to the revision of Part 221 in its entirety, this can be addressed by orders, notices to lessees and operators, or by the imposition of special stipulations as a condition of approval. Accordingly, it has been determined that the circumstances do not justify the promulgation of new and separate operating regulations for NPR–A, and that the most efficient approach is to amend the existing 30 CFR Part 221 regulations to make them applicable to NPR–A.

Obsolete references to jurisdiction over the naval petroleum reserves, which were transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act of 1977, 42 U.S.C. 7101, 7156, are also being corrected in this rulemaking. The references to "the Secretary of Navy" in §§ 221.1 and 221.2 are being replaced by "the Secretary of Energy." Section 221.64 is modified to eliminate reference to a naval petroleum reserve form which the Department of Energy indicates is no longer used.

The information collection requirements contained in the current Part 221 which are hereby made applicable to NPR–A have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned the following clearance numbers:

Form No.	Name	OMB No
9–330	Well Completion or Recompletion Report and Log.	1028–0004
9–329/9–329A	Monthly Report of Operation (and Continuation).	1028–0005
9–361	Monthly Report of Sale and Royalty.	1028–0006
9–614A	Rental and Royalty Remittance Advice	1028–0007
9–391	Sundry Notice and Reports on Wells.	1028–0011
9–331C	Application for Permit to Drill, Deepen, or Plug Back.	1028–0012

A new section designated 221.2–1, *Information Collection*, will be added to Part 221 as part of the comprehensive rulemaking currently underway and therefore is not added to the part at this time.

It is hereby determined that modification of these provisions does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of the Department of Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514, 94 Stat. 2964), and the Department of Energy Organization Act (42 U.S.C. 7101, 7156).

Part 221, Chapter II; Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: November 9, 1981.

William P. Pendley,

Assistant Secretary of the Interior.

PART 221—OIL AND GAS OPERATING REGULATIONS

1. Part 221 is amended by revising the Authority provision to read as follows:

Authority: Sec. 3, 26 Stat. 795, secs. 18, 14, 27, 28, 32, 41 Stat. 426, 442, as amended, 448, as amended, 449, as amended, 450 sec. 7, 42 Stat. 1450, 43 Stat. 244, sec. 6, 46 Stat. 374, sec 39, 47 Stat. 798, as amended, sec. 40, 48 Stat 977, sec. 3, 49 Stat. 679, 40 Stat. 842, as amended, sec. 4, 52 Stat. 348, sec. 10, 61 Stat 915, 94 Stat. 2964; 25 U.S.C. 397, 356, 30 U.S.C. 223, 184, 185, 189, 236, 25 U.S.C. 398, 30 U.S.C 306, 209, 229a, 236a, 221; 25 U.S.C. 396d, 30 U.S.C. 359, 42 U.S.C. 7101, 7156.

2. Section 221.1 is revised to read as follows:

§ 221.1 Introduction.

The regulations in this part will govern the development and production of deposits of oil, gas, and casinghead or natural gasoline, including propane, butane and other hydrocarbons, and fluids, and lands containing such deposits owned or controlled by the United States, under jurisdiction of the Secretary by law or administrative arrangement, including the National Petroleum Reserve in Alaska. The regulations in this part shall be administered under the Director of the Geological Survey, except that as to lands within naval petroleum reserves, they shall be administered under such official as the Secretary of Energy shall designate.

3. Section 221.2 is amended by revising paragraph (a) and adding new paragraph (q) to read as follows:

§ 221.2 Definitions.

* * * * *

(a) *Secretary.* The Secretary of the Interior, except where lands in naval petroleum reserves are involved, and in that case the Secretary of Energy

* * * * *

(q) *National Petroleum Reserve in Alaska.* The area also known as NPR–A which was designated by section 102 of the Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303) and established by Executive Order of the President, dated February 27, 1933, except for tract Number 1 as described in Public Land Order 2344, dated April 24, 1961.

4. Section 221.64 is revised to read as follows:

§ 221.64 Royalty and rental remittance (Naval Petroleum Reserves).

Remittance covering payments of royalty or rental on naval petroleum reserves must be accomplished by necessary identification information and sent direct to the Director, Naval Petroleum Reserves in California.

[FR Doc. 81-34430 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 210

[DOD Directive 5525.4] [1]

Enforcement of State Traffic Laws on DOD Installations

AGENCY: Office of the Secretary, DOD

ACTION: Final rule.

SUMMARY: The Department of Defense published a directive governing the enforcement on DOD installations of those state traffic laws that cannot be assimilated under the Assimilative Crimes Act. This directive sets forth policies and standards under authority delegated to Secretary of the Defense by the Administrator, General Services Administration.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Colonel John L. Fugh, USA, Office of the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), the Pentagon, Room 3C980, Washington, D.C. 20301, telephone 202–697–9283.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–24112, appearing in the **Federal Register** (46 FR 42083) on August 19, 1981, the Office of the Secretary of Defense published a proposed rule on this subject matter. No comments from the public were received, and the directive, after some editorial improvements, was signed by the Deputy Secretary of Defense on November 2, 1981.

Accordingly, Chapter I of Title 32 of the Code of Federal Regulations is amended by adding Part 210, reading as follows:

PART 210—ENFORCEMENT OF STATE TRAFFIC LAWS ON DOD INSTALLATIONS

Sec.

210.1 Purpose.
210.2 Applicability and Scope
210.3 Policy.
210.4 Responsibilities.

Authority: 63 Stat. 377, as amended, 18 U.S.C. 13; 40 U.S.C. 318a through d., 40 U.S.C. 612.

§ 210.1 Purpose.

This part establishes policies pursuant to the requirements of DOD Directive 6055.4,[1] "Department of Defense Traffic Safety Program," November 7, 1978, and to authority delegated to the Secretary of Defense under Enclosure 1 for the enforcement, on DOD military installations, of those state vehicular and pedestrian traffic laws that cannot be assimilated under U.S.C., Title 18, Section 13.

§ 210.2 Applicability and Scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

(b) The provisions encompass all persons who operate or control a motor vehicle or otherwise use the streets of a military installation over which the United States exercises exclusive or concurrent legislative jurisdiction.

(c) The provisions govern only vehicular and traffic offenses or infractions that cannot be assimilated under U.S.C. Title 18, Section 13, thereby precluding application of state laws to traffic offenses committed on military installations.

§ 210.3 Policy.

(a) It is the policy of the Department of Defense that an effective, comprehensive traffic safety program be established and maintained at all military installations as prescribed in DOD Directive 6055.4.[1]

(b) State vehicular and pedestrian traffic laws that are now or may hereafter be in effect shall be expressly adopted and made applicable on military installations to the extent provided by this part. All persons on a military installation shall comply with the vehicular and pedestrian traffic laws of the state in which the installation is located.

(c) A person found guilty of violating, on a military installation, any state vehicular or pedestrian traffic law made applicable to the installation under the provisions of this part is subject to a fine of not more than $50 or imprisonment

[1] Copies may be obtained, if needed, from the U.S Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301

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for not more than 30 days, or both, for each violation (40 U.S.C. 318c).

(d) This part does not limit the application of any federal law or regulation or, under 18 U.S.C. 13 any state law made applicable to offenses committed on military installations.

(e) A copy of this part shall be posted in an appropriate place on the DoD installation concerned.

§ 210.4 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall modify this part as appropriate.

(b) Secretaries of the Military Departments shall comply with this part.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 25, 1981.

Enclosure 1

General Services Administration (D–81–).

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to assist in controlling vehicular and pedestrian traffic on military installations in the United States.

2. *Effective date.* This delegation became effective on March 20, 1981.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Defense to make all needful rules and regulations, and to attach to these rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for governing vehicular and pedestrian traffic on military installations of the Department of Defense, as defined in 40 U.S.C. 612, in the United States and over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. *Effect on other directives.* FPMR Temporary Regulation D–28 is revoked.

Dated: June 24, 1981.

Gerald P. Carmen,

Administrator.

[FR Doc. 81–34399 Filed 11–30–81, 8:45 am]

BILLING CODE 3810–01–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket Rm 77–14A]

Methods of Affixation and Positions of the Copyright Notice

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Regulation.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting a final regulation implementing section 401(c) of the Copyright Act of 1976, title 17 of the United States Code. That section directs the Register of Copyrights to "prescribe by regulation, as examples, specific methods of affixation and positions of the copyright notice on various types of works" that will satisfy the requirment that the copyright notice "be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright." The effect of the regulation is to provide examples of methods of affixation and positions for the guidance of persons seeking to affix the notice in a manner and location that will comply with the statutory requirements.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287–8380.

SUPPLEMENTARY INFORMATION: Section 401 of the Copyright Act of 1976, title 17 of the United States Code, establishes the basic requirement that notice of copyright shall appear on "visually-perceptible copies."[1] Section 401(a) provides generally[2] that:

> Whenever a work protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section shall be placed on all publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device.

Subsection (b) of section 401 sets out the required form of notice for visually perceptible copies (generally, the symbol ©, the word "Copyright," or the abbreviation "Copr.", the year of first pubication, and the name of the owner of copyright).

"Position of notice" is dealt with in section 401(c). It provides:

> The notice shall be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright. The Register of Copyrights shall prescribe by regulation, as examples, specific methods of affixation and positions of the notice on various types of works that will satisfy this requirement, but these specifications shall not be considered exhaustive.

In commenting on this subsection, both legislative reports on the Copyright Act of 1976 [3] declared:

> By providing simply that the notice "shall be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright," subsection (c) follows the flexible approach of the Universal Copyright Convention. The further provision empowering the Register of Copyrights to set forth in regulations a list of examples of

[1] The requirements for the copyright notice to appear on "phonorecords of sound recordings" are contained in section 402, a provision to some extent paralleling section 401. Subsection (c) of section 402 provides that "the notice shall be placed on the surface of the phonorecord, or on the phonorecord label or container, in such manner and location as to give reasonable notice of the claim of copyright." Unlike section 401, section 402 contains no provisions under which the Register of Copyrights is called upon to issue regulations setting forth methods of affixation and positions of notice on various types of sound recordings. This final rule therefore deals only with notices under section 401, that is, notices on "publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device." It should be noted that the notice requirements of section 402 apply only to sound recordings considered as copyrightable works in themselves for musical, dramatic, and literary works that are issued to the public in the form of phonorecords, there is no requirement that a copyright notice relating to such works must appear on the phonorecords.

[2] This general requirement for notice of copyright on visually-perceptible copies is expanded by section 403, dealing with publications incorporating United States Government works; also, it is amplified by section 404, with respect to contributions to collective works, and its is qualified by sections 405 and 406, which concern omissions and errors in notice.

[3] S. Rep. No. 94–473, 94th Cong., 1st Sess., Nov. 20, 1975, at 127; H.R. Rep. No. 94–1476, 94th Cong., 2d Sess., Sept. 3, 1976, at 144.

"specific methods of affixation and positions of the notice on various types of works that will satisfy this requirement" will offer substantial guidance and avoid a good deal of uncertainty. A notice placed or affixed in accordance with the regulations would clearly meet the requirements but, since the Register's specifications are not to "be considered exhaustive," a notice placed or affixed in some other way might also comply with the law if it were found to "give reasonable notice" of the copyright claim.

The provision of the Universal Copyright Convention ("U.C.C.") referred to in the legislative reports is found in paragraph 1 of Article III of the Convention signed at Geneva in 1952 (and revised without change on this point at Paris in 1971). The U.C.C. notice shall be "placed in such manner and location as to give reasonable notice of claim of copyright."

The legislation enacted in 1954 to permit U.S. adherence to the U.C.C. (Act of August 31, 1954, 68 Stat. 1030, effective September 16, 1955) amended section 9 of the Copyright Code (17 U.S.C.) then in effect to allow use of the flexible U.C.C. notice on copies of foreign works qualifying under the Convention.

In 1957 the second session of the Intergovernmental Copyright Committee (established under Article XI of the Universal Copyright Convention) adopted an "Advisory Statement"[4] expressing the view that the following positions of the copyright notice would generaly satisfy the provisions of Article III, paragraph 1, of the Convention:

—In the case of *books or pamphlets*, on the title page or the page immediately following, or at the end of the book or pamphlet,

—In the case of a *single sheet*, on either of the sides,

—In the case of *printed music*, on the title page or first page of music, or at the end of the printed music,

—In the case of *newspapers, magazines or other periodicals*, under the main title or the "masthead",

—In the case of *maps, prints, or photographs*, on their face side, either on the actual map or picture (but somewhere near the title or the margin) or on the margin,

—In the case of *independent parts of a whole* (if a separate copyright is claimed in the independent parts), under the title of the independent part,

—In the case of *motion pictures*, on the frames which carry its title (whether appearing at the beginning or the end) or credits * * *[5]

[4] Records of the Second Session of the Intergovernmental Copyright Committee (ICC/II/25, 1957) at 18–20.

[5] *Ibid.* at 19.

This advisory opinion included, in its list of acceptable locations, all of the specific positions provided for U.S. works in the Copyright Code then in effect, and also included a number of other acceptable locations.

On December 23, 1977, the Copyright Office published in the **Federal Register** [42 FR 64374] a proposal to adopt new regulation § 201.20 setting forth examples of acceptable methods of affixation and positions of the copyright notice on various types of works. Proposed § 201.20 included as acceptable locations: (1) All of the locations specified in the U.S. copyright law in effect before 1978; (2) all of the locations listed in the IGCC Advisory Opinion of 1957; and (3) additional examples based on the Copyright Office's experience in examining copyright notices as part of the registration system in effect since 1909. Twenty-three comments were received in response to the Notice of Proposed Rulemaking. After careful consideration of all the comments, the Office has decided to adopt the proposed regulation with several changes. A discussion of the major substantive comments appears below.

1. *Applicability of the regulation.* Paragraph (a)(2) of the proposed regulation provides:

> The provisions of this section are only applicable to works first published on or after the effective date of this section. The adequacy of a copyright notice on works first published before such date shall be determined by the law in effect at the time of first publication.

One comment noted that the proposed rule incorrectly limits the application of the regulation since Sec. 108 of the Transitional and Supplementary Provisions of the Act states:

> The notice provisions of sections 401 through 403 of title 17 as amended by the first section of this Act apply to all copies or phonorecords *publicly distributed on or after January 1, 1978*. However, in the case of a work published before January 1, 1978, compliance with the notice provisions of title 17 either as it existed on December 31, 1977, or as amended by the first section of this Act, is adequate with respect to copies publicly distributed after December 31, 1977 (emphasis added).

The Copyright Office agrees with this observation in part and we have revised paragraph (a)(2) to make clear that the provisions of § 201.20 are applicable to "copies publicly distributed" on or after the effective date of the regulation. However, the Office has also specified that the regulation does not govern the form of the notice, and we have retained the point that the adequacy or legal sufficiency of the notice is governed by the law in effect at the time of first publication.

Comments submitted on behalf of several professional sports leagues expressed concern that the voluntary affixation of copyright notice on unpublished television transmission programs may be interpreted erroneously to constitute an admission that the notice is required, or that the copyright owner must satisfy other requirements imposed upon published works. The comments requested that paragraph (a)(2) be amended to declare that presence of a copyright notice should not be construed as evidence that the work containing notice has, in fact, been published or as an admission that notice is required.

The Copyright Office has not acceded to this request. Section 401(a) of the Act specifies that the obligation to affix the copyright notice to copies of a work is triggered by *publication* of the work in the United States or elsewhere by authority of the copyright owner. Furthermore, paragraph (b)(2) of section 401 requires that the notice shall include the year of *first publication* of the work. Although affixation of copyright notice on unpublished works may not necessarily evidence publication, it would be beyond the regulatory authority of section 401(c) to impose the requested restriction. The Office has decided it would not be appropriate to resort to the general regulatory authority of section 702 in this case. We do note that the mere act of transmission does not constitute publication as defined in section 101 of the Copyright Act.

Another comment suggested that an additional clause be added to paragraph (a)(2) to read as follows:

> The adequacy of a copyright notice on works first bearing a copyright notice after such date but which would not have required such notice except for the definition of 'Publication' in new 17 U.S.C. Sec. 101 shall be determined by the provisions of this section.

The Office has expressed its view that the law in effect at the time of first publication governs the legal sufficiency of the notice. Presumably, the same principle applies with respect to the definition of publication, if differences exist between the current Act and the former law. We believe that it is unnecessary to include this point in this regulation.

2. *Title page.* One comment suggested that the definition of "title page" in paragraph (b)(5) of the regulation be broadened to include those cases where the title page consists of two consecutive pages facing each other wherein part of the title is on the left-

hand page and the remaining part of the title is on the right-hand page. The Copyright Office has amended the regulation in accordance with this suggestion.

3. *Manner of affixation and position generally.* Paragraph (c)(1) of the proposed regulation states:

> In all cases dealt with in this section, the acceptability of a notice depends upon its being permanently legible to an ordinary user of the work, and affixed to the copies in such manner and position that is it not concealed from view upon reasonable examination.

One commentator expressed the view that imposition of a "permanently legible" requirement imposes an unrealistic and superhuman standard. Instead, a standard based on the notice being "designed to be legible to an ordinary user of the work under normal conditions of use" was suggested. The Copyright Office has not adopted the first part of this suggestion because it would essentially impose a standard of subjective intent, which we consider undesirable. However, we have adopted the concluding phrase, "under normal conditions of use."

4. *Works published in book form.* Paragraph (d) of the proposed regulation lists eight general examples of acceptable positions of the copyright notice. A comment submitted by the Special Libraries Associations suggested the elimination of four of the eight general examples. First, the comment proposed deletion of paragraphs (d)(3) and (d)(4) pertaining to a copyright notice affixed to:

> (3) Either side of the front cover, if any; or if there is no front cover, either side of the front page of the copies; [or]
>
> (4) Either side of the back cover, if any, or if there is no back cover, either side of the back page of the copies.

The comment noted that copies of a work often are rebound during library use. This rebinding, they indicate, occasionally may block the visibility of the copyright notice.

The Copyright Office does not believe that this possibility warrants the elimination of these two positions which ordinarily would give reasonable notice of the claim of copyright. If rebinding becomes necessary, and if such rebinding obscures the notice, care could be exercised to assure that the notice is reprinted on the new binding or added in some other acceptable location. Section 405(c) expressly provides that the removal or obliteration of the notice from publicly distributed copies without the authorization of the copyright owner has no affect on copyright protection.

The comment also proposed elimination of paragraphs (d)(7) and (d)(8) concerning a copyright notice located on:

> (7) Any page between the front page and the first page of the main body of the work, if: (i) There are no more than ten pages between the front page and the first page of the main body of the work; and (ii) the notice is reproduced prominently and is set apart from other matter on the page where it appears; [or]
>
> (8) Any page between the last page of the main body of the work and the back page, if: (i) There are no more than ten pages between the last page of the main body of the work and the back page; and (ii) the notice is reproduced prominently and is set apart from the other matter on the page where it appears.

The comment pointed out that libraries often must determine the copyright status of many publications, particularly with respect to the guidelines developed pursuant to sections 107 and 108 of the Act. The commentator expressed the opinion that designating the above two locations as acceptable positions of the copyright notice could increase the burdens placed on librarians and library users both in terms of time and labor.

The Copyright Office agrees that a librarian or library user should not be forced to embark on a "treasure hunt" in search of a copyright notice. However, the Office also believes that limiting the examination to no more than the first or last ten pages of a work will not prove onerous provided "the notice is reproduced prominently and is set apart from the other matter on the page where it appears."

Finally, the comment suggested that the examples of acceptable positions of the copyright notice be designated in descending order of preference. The Office has not adopted this suggestion. Section 401(c) of the Act directs the Register of Copyrights to prescribe examples of specific positions that will "give reasonable notice of the claim of copyright." The Office believes that ranking various positions in preferential order would be inconsistent with this mandate.

5. *Works published as an issue of a periodical or serial.* In addition to the eight general examples of acceptable positions of the copyright notice for works published in book form, paragraph (d)(9) of the proposed regulation provides an alternative example specifically designed for a work published as an issue of a periodical or serial. The Special Libraries Association recommended that this provision be the exclusive example governing these types of works. The Office believes that this example, taken alone, is too limitative for these purposes and has, therefore, not adopted this recommendation.

Another comment, on the other hand, contended that this example was overly restrictive since many periodicals carry their notice at the bottom of the masthead page, rather than "as a part of, or adjacent to, the masthead." Upon reconsideration, the Office agrees. Accordingly, we have added another example to paragraph (d)(9) providing that in the case of a work published as an issue of a periodical or serial, a notice is acceptable if it is located "on the page containing the masthead if the notice is reproduced prominently and is set apart from the other matter appearing on the page."

6. *Contributions to collective works.* Section 404 of the Act permits separate contributions to a collective work to bear their own notices of copyright. Paragraph (f) of the proposed regulations prescribes examples of acceptable locations of the notice for these separate contributions. The first clause of paragraph (f) states, in part:

> Where the separate contribution is reproduced on a single page, a notice is acceptable if it appears: * * * (iii) on the same page if, through format, wording, or both, the application of the notice to the particular contribution is made clear.

A comment submitted by the Authors League of America, Inc. voiced concern that qualifying the acceptability of a notice position by the above clause could cast doubt unfairly on the validity of some notices. In particular, they questioned what "format" or "wording" would be necessary where the contribution is the *only one* appearing on a single page.

In this situation, placement of the copyright notice either at the top or the bottom of the page would be considered acceptable. Where several contributions appear on a single page, however, a notice that is neither located under the title of the contribution nor adjacent to the contribution should, "through format, wording, or both," be identified as referring to a specific contribution. Included among the various methods by which this can be accomplished are: repeating the title of the contribution above, below or adjacent to the notice; itemizing particular contributions appearing on a single page numerically or alphabetically, and accompying the notice with the proper identifying symbol; and cross-referencing contributions and copyright notices visually by arrows or other graphics which would lead the reader of the contribution naturally to the copyright notice.

The second clause of paragraph (f) states:

> Where the separate contribution is reproduced on more than one page of the collective work, a notice is acceptable if it appears: (i) Under a title appearing at or near the beginning of the contribution; (ii) on the first page of the main body of the contribution; (iii) immediately following the end of the contribution; or (iv) on any of the pages where the contribution appears if: (A) The contribution is reproduced on no more than twenty pages of the collective work; (B) the notice is reproduced prominently and is set apart from other matter on the page where it appears; and (C) through format, wording, or both, the application of the notice to the particular contribution is made clear.

The Authors League made several comments relating to this provision.

First, they inquired whether a notice affixed to the first page of the main body of a contribution would be acceptable if located anywhere on the page. Several examples included in the regulation refer to affixing the copyright notice to a particular page or leaf of copies of a work. Unless a specific example further qualifies the particular location of the notice, for instance, "the notice is reproduced prominently and is set apart from the other matter on the page where it appears," a notice would be acceptable if it is located anywhere on the page or leaf.

Second, the Authors League criticized the fourth example in clause (f)(2) which permits notice to be affixed "on any of the pages where the contribution appears" so long as the three conditions set forth in subparts (A), (B), and (C) are met. The League suggested that the three conditions be eliminated as being vague and unnecessary.

The Copyright Office has not adopted this suggestion. These conditions need only be met where the notice does not appear either under a title appearing at or near the beginning of the contribution, on the first page of the main body of the contribution, or immediately following the end of the contribution. Where the notice is not affixed in any of these three positions, but rather, is affixed "on any of the pages where the contribution appears", the Office believes that certain additional safeguards should be required to assure that the notice can be readily found and is not "buried" on one of the inner pages of the article.

The fourth clause of paragraph (f) permits the notice to be placed on pages where a separate contribution itself does *not* appear "if the notice appears clearly in juxtaposition with a separate listing of the contribution by full title and author." One comment questioned the necessity of identifying the separate contribution by the author in addition to the "full" title. Furthermore, the commentator noted that requiring the "full" title could jeopardize the validity of the notice in cases where a minor omission in the title has occurred. After careful consideration, the Office has decided to amend this provision by requiring merely identification of the contribution by title.

Another comment suggested that the Copyright Office provide an alternative identification in cases where the contribution is untitled. We have adopted this suggestion by adding the following clause just preceding subpart (i): "or if the contribution is untitled, by a description reasonably identifying the contribution." The description should explain that the work is untitled and should indicate the specific subject matter of the work, include the name of the author, and provide other appropriate methods of identification, if any.

7. *Works reproduced in machine-readable copies.* Paragrapah (g) of the proposed regulation identifies four examples of acceptable methods of affixation and position of the copyright notice for works reproduced in machine-readable copies. One comment submitted on behalf of a computer manufacturer noted that the basic 48 character print matrix for computer mechanical printers does not include the symbol ©. Accordingly, the comment urged that the final regulation provide that an affixation consisting of a "(c)", would constitute an acceptable substitute for the symbol ©.

Section 401(b)(1) of the Act specifies that one of the elements contained in the notice shall be "the symbol © (the letter C in a circle), or the word 'Copyright', or the abbreviation 'Copr.' " The Copyright Office has no authority to alter this requirement. We have therefore not adopted the suggestion of the computer manufacturer. Furthermore, although the print matrices may not presently be equipped to print the symbol ©, they can presumably, print either of the alternative indicia, (C), or the abbreviation "Copr."

8. *Motion pictures and other audiovisual works.* Paragraph (h) of the proposed regulation provides:

> The following constitute examples of acceptable methods of affixation and positions of the copyright notice on motion pictures and other audiovisual works: A notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it appears whenever the work is performed in its entirety, and that is located: (i) With or near the title; (ii) with the cast, credits, and similar information; (iii) at or immediately following the beginning of the work; or (iv) at or immediately preceding the end of the work.

A comment submitted by a copyright owner of motion pictures suggested the elimination of the requirement that the notice appear "whenever the work is performed in its entirety." The commentator expressed the view that this requirement exceeds the conditions for an acceptable copyright notice set forth in section 401 of the Act since it makes it incumbent upon a copyright owner to include in any licensing arrangement a provision insuring that the licensee will display the notice whenever the work is performed in its entirety. Although the Copyright Office disagrees with the contractual implications perceived by the commentator, we have decided to modify this clause by inserting the words "ordinarily would" before "appear" in the final regulation to clarify this point.

The comment also inquired as to whether affixing the notice "at or immediately preceding the end of the work" would permit the interruption of a story by a commercial advertisement before the final credits (including the notice) are presented. The Copyright Office interprets the provision as permitting an interruption for a commercial advertisement (as well a interruptions for noncommercial, public service or other annoucements) prior to completion of the work. We believe it is unnecessary, however, to amend the regulation on this point.

Comments submitted on behalf of professional sports leagues requested that the Copyright Office consider adopting a procedure by which a notice could be made aurally, rather than visually. Section 401 of the Act provides, however, that the notice shall *appear* on the copies. The Copyright Office believes that an aural copyright notice does not satisfy the notice requirements of the Act.

The Copyright Office received several comments on behalf of the advertising industry concerning the position of the notice on audiovisual works. The comments emphasized the limited time constraints placed upon most advertisers in which to put across an idea to the viewing audience. Placement of the copyright notice on part of the commercial that is broadcast, they contended, could divert the attention of the audience away from the advertiser's primary message. Accordingly, they proposed several examples of acceptable methods of affixation and positions of the copyright notice for television commercials which would not

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necessitate the viewing of the notice by the television audience.

After consideration of this problem, and in recognition of the unique nature of these types of works, the Copyright Office has decided to add a new provision to paragraph (h) of the final regulation to read as follows:

> In the case of an untitled motion picture or other audiovisual work whose duration is sixty seconds or less, in addition to any of the locations listed in paragraph (h)(1) of this section, a notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it ordinarily would appear to the projectionist or broadcaster when preparing the work for performance, is acceptable if it is located on the leader of the film or tape immediately preceding the beginning of the work.

This provision will permit the placement of the notice on the film or tape immediately preceding the beginning of the commercial under the condition that the notice ordinarily appear to the projectionist or broadcaster either during threading of the film or tape or during cueing of the film or tape of the work for performance. This condition will conform with paragraph (c)(1) f the final regulation which requires that, in all cases, the notice be "permanently legible to an ordinary user of the work under normal conditions of use, and affixed to the copies in such manner and position that, when affixed, it is not cencealed from view upon reasonable examination."

Other examples proposed in the comments would have permitted the notice to be affixed on the cassette housing of the film or tape or on the film or tape itself in such position that, when broadcast, the notice would appear in an area known as "TV Safe" zone, located outside the normal picture zone, of the television tube. The Copyright Office does not believe that either proposal adequately assures giving "reasonable notice of the claim of copyright" in the case of works that reach the public through television, theatrical or other exhibition.

Upon reconsideration, however, the Office has decided to specify the permanent container of a film or tape as an appropriate position for the notice on audiovisual works marketed in copies to the general public for private use. Such audiovisual works are distributed to the public in a manner that is analogous to the distribution of sound recordings. Notice on the permanent container therefore seems reasonable for such audiovisual works by analogy to the positions prescribed by statute for sound recordings.

9. *Pictorial, graphic, and sculptural works.* Paragraph (i) of the regulation specifies several examples of acceptable methods of affixation and positions of the copyright notice on various forms of pictorial, graphic, and sculptural works. These works often are incorporated in useful articles. One comment suggested several modifications in the regulation to provide greater latitude in affixing the copyright notice on works that are permanently attached to or incorporated in useful articles. In addition to the examples specified in paragraph (i) of the proposed regulation, the commentator requested that a copyright notice be considered generally acceptable when affixed to:

> Any useful article or any other article to which the copies are permanently attached, or in which they are permanently housed or incorporated.

The Copyright Office has not adopted this suggestion. Indiscriminant placement of the copyright notice anywhere on a useful article incorporating a copyrighted work may lead persons mistakenly to conclude that copyright protection extends to the entire useful article. The Office does not believe that practices leading to this incorrect conclusion should be encouraged through this regulation. It should be recalled, however, that the examples specified in the regulation are not to be considered exhaustive of methods of affixation and positions giving reasonable notice of the claim of copyright.

Paragraphs (i)(1) and (2) of the proposed regulation require that, for pictorial, graphic, and sculptural works reproduced in two-dimensional or three-dimensional copies, the notice be affixed either directly to the work "or by means of a label cemented, sewn, or otherwise permanently secured" to copies of the work.

The standard of "permanency", which is also reflected in other parts of paragraph (i), was objected to in several comments. These comments contended that requiring "permanency" would impose on copyright owners an unrealistic condition. One of the comments suggested that this standard be replaced in the final regulations with one based on "durability, so as to withstand normal use."

With one exception, the Copyright Office has decided to adopt this suggestion throughout paragraph (i).[6] This exception concerns affixation of the copyright notice on receptacles in which the work is "permanently housed." Section 401(a) of the Act requires that notice "shall be *placed* on all publicly distributed copies * * *." The Office does not believe that affixation of the notice on a receptacle or countainer in which a work may be "durably housed", but which is intended to be discarded when the work is put in use, would comply with the requirements of this provision.

Another comment requested that the Copyright Office clarify the type of receptacle or container that would be considered a "permanent house" of a copyrighted work. The Office interprets a "permanent house" to include receptacles or containers which are ordinarily intended to remain with the copyrighted work before and after, and possibly during, its use. Common examples would include game or puzzle boxes; containers for children's toys; and storage spaces for certain sculptural works that are intended to be used in conjunction with the display of the works.

Paragraph (i)(3) of the proposed regulation states:

> Where, because of the size or physical characteristics of the material in which copies ae reproduced, it is impossible or extremely impracticable to affix a notice to the copies directly or by means of a permanent label, a notice is acceptable if it appears on a tag that is of durable material and that is attached to the copy with sufficient permanency that it will remain with the copy during the entire time it is passing through commerce.

In accordance with the above discussion, the standard of *permanency* in this provision has been replaced with one based on *durability*.

Several comments noted that this provision may be applicable to consumable products, such as cakes, cookies, and frozen confections ("ice cream pops") as well as to small pieces of jewelry. The commentators have indicated that attachment of a durable tag containing notice to these types of works may be as impracticable as affixing the notice directly to the work. Instead, they have requested that, in these cases, the Copyright Office consider as acceptable a notice appearing on a wrapper or container in which such copies of a work may be enclosed. Since the Copyright Office does not believe that affixation of the notice in this manner clearly would comply with the requirements of section 401(a) of the Act, we have denied this request.

Another comment asked us to consider a position of the copyright notice for "cookie cutters and molds which incorporate copyrighted works and for the products which are made with the cutters and molds." The comment indicated that although it is

[6] Paragraph (g)(4) of the final regulation also has been amended accordingly.

possible to affix a legible notice on the cutters and molds, it would be "impossible or extremely impractical" to have a notice on the cutters and molds in reverse form which will reproduce in a legible form on the cookies produced with the cutters and on the figures produced with the molds. The comment requested that paragraph (i)(3) be amended to state:

> * * * A notice affixed to the mold directly or by means of a label cemented or otherwise permanently secured to any visible portion of the mold is acceptable both for the mold itself and the copies of the copyrighted works reproduced from the mold.

The Copyright Office does not believe that the mere placement of the notice on a mold would satisfy clearly the requirements of the Act with respect to the copies reproduced from the mold under the authority of the copyright owner, and, therefore, we have not adopted this suggestion.

Paragraph (i)(4) of the proposed regulation includes several examples of acceptable methods of affixation and positions of the copyright notice for works reproduced in copies consisting of sheetlike or strip materials bearing multiple or continuous reproductions of the work. The second clause of this provision permits the notice to be applied "to the margins, selvage, or reverse side of the material at frequent and regular intervals." One comment suggested that, in view of the difficulty in defining *frequent and regular intervals*, and determining the absence or presence of a *reverse side*, it would be simpler and more direct to require the affixation of a notice which is *visible* during the entire time the copies are passing through the normal channels of commerce, and place upon any vendor of a portion of the work where the copyright notice does not appear, the obligation to apply the copyright notice to any subdivisional portion sold, under penalty of being an infringer if the subportion sold does not have a copyright notice applied to it.

The Copyright Office has not adopted this request. Merely to require that the notice be "visible" while the work passes through the normal channels of commerce would be too general a standard to satisfy the mandate placed upon the Copyright Office in section 401(c) of the Act. Further, it would be beyond our statutory authority to impose obligations on a vendor of the work accompanied by legal implications for lack of compliance not specified in the Act.

Finally, section 101 of the Act defines "copies" as:

> * * * Material objects, other than phonorecords, in which a work is fixed by any method now known or later perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. *The term "copies" includes the material object, other than a phonorecord, in which the work is first fixed.* (Emphasis added.)

Notwithstanding the emphasized language, the Copyright Office received several comments questioning whether paragraph (i) applied to pictorial, graphic, and sculptural works in their original form. The Office affirms that this provision applies to the original form of a work, if published, and it is unnecessary to amend the text of the regulation.

PART 201—GENERAL PROVISIONS

In consideration of the foregoing, Part 201 of 37 CFR, Chapter II, is amended by adding a new § 201.20 which reads as follows:

§ 201.20 Methods of affixation and positions of the copyright notice on various types of works.

(a) *General.* (1) This section specifies examples of methods of affixation and positions of the copyright notice on various types of works that will satisfy the notice requirement of section 401(c) of title 17 of the United States Code, as amended by Pub. L. 94–553. A notice considered "acceptable" under this regulation shall be considered to satisfy the requirement of that section that it be "affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright." As provided by that section, the examples specified in this regulation shall not be considered exhaustive of methods of affixation and positions giving reasonable notice of the claim of copyright.

(2) The provisions of this section are applicable to copies publicly distributed on or after December 1, 1981. This section does not establish any rules concerning the form of the notice or the legal sufficiency of particular notices, except with respect to methods of affixation and positions of notice. The adequacy or legal sufficiency of a copyright notice is determined by the law in effect at the time of first publication of the work.

(b) *Definitions.* For the purposes of this section:

(1) The terms "audiovisual works," "collective works," "copies," "device," "fixed," "machine," "motion picture," "pictorial, graphic, and sculptural works," and their variant forms, have the meanings given to them in section 101 of title 17.

(2) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94–553.

(3) In the case of a work consisting preponderantly of leaves on which the work is printed or otherwise reproduced on both sides, a "page" is one side of a leaf; where the preponderance of the leaves are printed on one side only, the terms "page" and "leaf" mean the same.

(4) A work is published in "book form" if the copies embodying it consist of multiple leaves bound, fastened, or assembled in a predetermined order, as, for example, a volume, booklet, pamphlet, or multipage folder. For the purpose of this section, a work need not consist of textual matter in order to be considered published in "book form."

(5) A "title page" is a page, or two consecutive pages facing each other, appearing at or near the front of the copies of a work published in book form, on which the complete title of the work is prominently stated and on which the names of the author or authors, the name of the publisher, the place of publication, or some combination of them, are given.

(6) The meaning of the terms "front," "back," "first," "last," and "following," when used in connection with works published in book form, will vary in relation to the physical form of the copies, depending upon the particular language in which the work is written.

(7) In the case of a work published in book form with a hard or soft cover, the "front page" and "back page" of the copies are the outsides of the front and back covers; where there is no cover, the "front page," and "back page" are the pages visible at the front and back of the copies before they are opened.

(8) A "masthead" is a body of information appearing in approximately the same location in most issues of a newspaper, magazine, journal, review, or other periodical or serial, typically containing the title of the periodical or serial, information about the staff, periodicity of issues, operation, and subscription and editorial policies, of the publication.

(9) A "single-leaf work" is a work published in copies consisting of a single leaf, including copies on which the work is printed or otherwise reproduced on either one side or on both sides of the leaf, and also folders which, without cutting or tearing the copies, can be opened out to form a single leaf. For the purpose of this section, a work need not consist of textual matter in order to be considered a "single-leaf work."

(c) *Manner of Affixation and Position Generally.* (1) In all cases dealt with in this section, the acceptability of a notice

depends upon its being permanently legible to an ordinary user of the work under normal conditions of use, and affixed to the copies in such manner and position that, when affixed, it is not concealed from view upon reasonable examination.

(2) Where, in a particular case, a notice does not appear in one of the precise locations prescribed in this section but a person looking in one of those locations would be reasonably certain to find a notice in another somewhat different location, that notice will be acceptable under this section.

(d) *Works Published in Book Form.* In the case of works published in book form, a notice reproduced on the copies in any of the following positions is acceptable:

(1) The title page, if any;

(2) The page immediately following the title page, if any;

(3) Either side of the front cover, if any; or, if there is no front cover, either side of the front leaf of the copies;

(4) Either side of the back cover, if any; or, if there is no back cover, either side of the back leaf of the copies;

(5) The first page of the main body of the work;

(6) The last page of the main body of the work;

(7) Any page between the front page and the first page of the main body of the work, if: (i) There are no more than ten pages between the front page and the first page of the main body of the work; and (ii) the notice is reproduced prominently and is set apart from other matter on the page where it appears;

(8) Any page between the last page of the main body of the work and back page, if: (i) There are no more than ten pages between the last page of the main body of the work and the back page; and (ii) the notice is reproduced prominently and is set apart from the other matter on the page where it appears.

(9) In the case of a work published as an issue of a periodical or serial, in addition to any of the locations listed in paragraphs (d)(1) through (8) of this section, a notice is acceptable if it is located: (i) As a part of, or adjacent to, the masthead; (ii) on the page containing the masthead if the notice is reproduced prominently and is set apart from the other matter appearing on the page; or (iii) adjacent to a prominent heading, appearing at or near the front of the issue, containing the title of the periodical or serial and any combination of the volume and issue number and date of the issue.

(10) In the case of a musical work, in addition to any of the locations listed in paragraphs (d)(1) through (9) of this section, a notice is acceptable if it is located on the first page of music.

(e) *Single-Leaf Works.* In the case of single-leaf works, a notice reproduced on the copies anywhere on the front or back of the leaf is acceptable.

(f) *Contributions to Collective Works.* For a separate contribution to a collective work to be considered to "bear its own notice of copyright," as provided by 17 U.S.C. 404, a notice reproduced on the copies in any of the following positions is acceptable:

(1) Where the separate contribution is reproduced on a single page, a notice is acceptable if it appears: (i) Under the title of the contribution on that page; (ii) adjacent to the contribution; or (iii) on the same page if, through format, wording, or both, the application of the notice to the particular contribution is made clear;

(2) Where the separate contribution is reproduced on more than one page of the collective work, a notice is acceptable if it appears: (i) Under a title appearing at or near the beginning of the contribution; (ii) on the first page of the main body of the contribution; (iii) immediately following the end of the contribution; or (iv) on any of the pages where the contribution appears, if: (A) The contribution is reproduced on no more than twenty pages of the collective work; (B) the notice is reproduced prominently and is set apart from other matter on the page where it appears; and (C) through format, wording, or both, the application of the notice to the particular contribution is made clear;

(3) Where the separate contribution is a musical work, in addition to any of the locations listed in paragraphs (f)(1) and (2) of this section, a notice is acceptable if it is located on the first page of music of the contribution;

(4) As an alternative to placing the notice on one of the pages where a separate contribution itself appears, the contribution is considered to "bear its own notice" if the notice appears clearly in juxtaposition with a separate listing of the contribution by title, or if the contribution is untitled, by a description reasonably identifying the contribution: (i) on the page bearing the copyright notice for the collective work as a whole, if any; or (ii) in a clearly identified and readily-accessible table of contents or listing of acknowledgements appearing near the front or back of the collective work as a whole.

(g) *Works Reproduced in Machine-Readable Copies.* For works reproduced in machine-readable copies (such as magnetic tapes or disks, punched cards, or the like, from which the work cannot ordinarily be visually perceived except with the aid of a machine or device,[1] each of the following constitute examples of acceptable methods of affixation and position of notice:

(1) A notice emodied in the copies in machine-readable form in such a manner that on visually perceptible printouts it appears either with or near the title, or at the end of the work;

(2) A notice that is displayed at the user's terminal at sign on;

(3) A notice that is continuously on terminal display; or

(4) A legible notice reproduced durably, so as to withstand normal use, on a gummed or other label securely affixed to the copies or to a box, reel, cartridge, cassette, or other container used as a permanent receptacle for the copies.

(h) *Motion Pictures and Other Audiovisual Works.* (1) The following constitute examples of acceptable methods of affixation and positions of the copyright notice on motion pictures and other audiovisual works: A notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it ordinarily would appear whenever the work is performed in its entirety, and that is located: (i) with or near the title; (ii) with the cast, credits, and similar information; (iii) at or immediately following the beginning of the work; or (iv) at or immediately preceding the end of the work.

(2) In the case of an untitled motion picture or other audiovisual work whose duration is sixty seconds or less, in addition to any of the locations listed in paragraph (h)(1) of this section, a notice that is embodied in the copies by a photomechanical or electronic process, in such a position that it ordinarily would appear to the projectionist or broadcaster when preparing the work for performance, is acceptable if it is located on the leader of the film or tape immediately preceding the beginning of the work.

(3) In the case of a motion picture or other audiovisual work that is distributed to the public for private use, the notice may be affixed, in addition to

[1] Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films, and works published in any variety of microform) and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category.

the locations specified in paragraph (h)(1) of this section, on the housing or container, if it is a permanent receptacle for the work.

(i) *Pictorial, Graphic, and Sculptural Works.* The following constitute examples of acceptable methods of affixation and positions of the copyright notice on various forms of pictorial, graphic, and sculptural works:

(1) Where a work is reproduced in two-dimensional copies, a notice affixed directly or by means of a label cemented, sewn, or otherwise attached durably, so as to withstand normal use, of the front or back of the copies, or to any backing, mounting, matting, framing, or other material to which the copies are durably attached, so as to withstand normal use, or in which they are permanently housed, is acceptable.

(2) Where a work is reproduced in three-dimensional copies, a notice affixed directly or by means of a label cemented, sewn, or otherwise attached durably, so as to withstand normal use, to any visible portion of the work, or to any base, mounting, framing, or other material on which the copies are durably attached, so as to withstand normal use, or in which they are permanently housed, is acceptable.

(3) Where, because of the size or physical characteristics of the material in which the work is reproduced in copies, it is impossible or extremely impracticable to affix a notice to the copies directly or by means of a durable label, a notice is acceptable if it appears on a tag that is of durable material, so as to withstand normal use, and that is attached to the copy with sufficient durability that it will remain with the copy while it is passing through its normal channels of commerce.

(4) Where a work is reproduced in copies consisting of sheet-like or strip material bearing multiple or continuous reproductions of the work, the notice may be applied: (i) To the reproduction itself; (ii) to the margin, selvage, or reverse side of the material at frequent and regular intervals; or (iii) if the material contains neither a selvage nor a reverse side, to tags or labels, attached to the copies and to any spools, reels, or containers housing them in such a way that a notice is visible while the copies are passing through their normal channels of commerce.

(5) If the work is permanently housed in a container, such as a game or puzzle box, a notice reproduced on the permanent container is acceptable.

(17 U.S.C. 401, 702)

Dated: November 17, 1981.

David Ladd,

Register of Copyrights.

Approved:

William J. Welsh,

Acting Librarian of Congress.

[FR Doc. 81-34379 Filed 11-30-81; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP OF2404/R365; PH-FRL-1995-2]

Nitrapyrin; Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the soil microbiocide nitrapyrin and its metabolite in or on the raw argicultural commodities rice grain at 0.2 ppm and rice straw at 2.0 ppm. This regulation was requested by Dow Chemical Co. This regulation establishes the maximum permissible level for residues of nitrapyrin in or on the commodities.

EFFECTIVE DATE: Effective on December 1, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of October 29, 1980 (45 FR 71678) that Dow Chemical Co., PO Box 1706, Midland, MI 48640, has submitted a pesticide petition (PP OF2404) to EPA. The petition proposed that 40 CFR 180.350 be amended by the establishment of tolerances for the residues of the soil microbiocide nitrapyrin [2-chloro-6-(trichloromethyl) pyridine] and its metabolite, 6-chloropicolinic acid in or on the raw argicultural commodity rice grain at 0.05 part per million (ppm). Dow Chemical Co. subsequently amended the petition (46 FR 51643, October 21, 1981) by increasing the proposed tolerance of 0.05 ppm to 0.2 in or on rice grain and adding the commodity rice straw at 2.0 ppm.

No comments were received in response to the notices of filing.

The data submitted in this petition and other relevant material have been evaluated. The data included metabolism studies in plants, dogs, and rats; plant residue studies; 90-day dog and rat feeding studies (parent compound-nitrapyrin) with no-observable-effect level (NOEL) of 600 ppm and 300 ppm respectively; 90-day dog and rat feeding studies (metabolite 6-chloropicolinic acid) with a NOEL of 2,000 ppm and 300 ppm, respectively; a rat acute oral toxicity study with a lethal dose (LD_{50}) equal to 1.23 grams (g)/kilogram (kg) of body weight (bw); 2-year dog and rat feeding studies (metabolite) with a NOEL greater than 2,000 ppm and equal to 300 ppm respectively; a 3-generation rat reproduction study (metabolite) with a reproductive NOEL of 1,000 ppm and a rat teratology study (metabolite) with no teratogenic potential noted at 1,000 ppm; and a 2-year rat oncogenicity study (metabolite) with no oncogenic potential noted at 300 ppm (same study as above 2-year rat feeding study). An oncogenicity study in a second species is lacking and needed to reinforce the present findings. Dow Chemical Co., has agreed to submit the second oncongenicity study by January 1, 1983. A second teratology study using a second species dosed by gavage will be required.

Tolerances have been previously established for residues of the metabolite 6-chloropicolinic acid ranging from 0.05 ppm in the meat byproducts of cattle, goats, hogs, horses, poultry, and sheep to 1.0 ppm on cottonseed. Because nitrapyrin *per se* has been found to be a part of the residue on some crops, § 180.350 is being revised to express the tolerances in terms of combined residues of nitrapyrin and its metabolite 6-chloropicolinic acid.

The already established tolerances for the various commodities in this regulation are adequate to cover the combined residues of nitrapyrin and its metabolite.

Based upon the NOEL of 300 ppm in the rat 2-year feeding study, the acceptable daily intake (ADI) has been set at 0.15 mg/kg of bw/day with a maximum permissible intake (MPI) of 9/mg/day/60 kg person. The previously established and proposed tolerances for nitrapyrin utilize 0.38 percent of the ADI.

There are no regulatory actions pending against the registration of this chemcial. The metabolism of nitrapyrin

in plants and animals is adequately understood. Analytical methods for nitrapyrin and its 6-chloropicolinic acid metabolite (gas-liquid chromatography using an electron capture detector) are available for enforcement purposes.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerance for residues of nitrapyrin and its 6-chloropicolinic acid metabolite in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before December 31, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Aalysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: December 1, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: November 17, 1981

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore 40 CFR 180.350 is revised as follows:

§ 180.350 Nitrapyrin; tolerances for residues.

Tolerances are established for the combined residues of the soil microbiocide nitrapyrin [2-chloro-6-(trichloromethyl) pyridine] and its metabolite, 6-chloropicolinic acid in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	0.05(N)
Cattle, mbyp	0.05(N)
Cattle, meat	0.05(N)
Corn, fodder	1.0
Corn, forage	1.0
Corn, grain	0.1(N)
Corn, fresh (including sweet K + CWHR	) 1(N)
Cottonseed	1.0
Goats, fat	0.05(N)
Goats, mbyp	0.05(N)
Goats, meat	0.05(N)
Hogs, fat	0.05(N)
Hogs, mbyp	0.05(N)
Hogs, meat	0.05(N)
Horses, fat	0.05(N)
Horses, mbyp	0.05(N)
Horses, meat	0.05(N)
Poultry, fat	0.05(N)
Poultry, mbyp	0.05(N)
Poultry, meat	0.05(N)
Rice, grain	0.2
Rice, straw	2.0
Sheep, fat	0.05(N)
Sheep, mbyp	0.05(N)
Sheep, meat	0.05(N)
Sorghum, fodder	0.5
Sorghum, forage	0.1(N)
Sorghum, grain	0.1(N)
Wheat, forage	0.5
Wheat, grain	0.1(N)
Wheat, straw	0.5

[FR Doc. 81–34336 Filed 11–30–81; 8:45 am]

BILLING CODE 6560–32–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–7

[GSA Bulletin FPMR A–40, Supp. 2]

Changes to Federal Travel Regulations

AGENCY: Transportation and Public Utilities Service, GSA.

ACTION: Final rule.

SUMMARY: GSA has issued GSA Bulletin FPMR A–40, Supplement 2, transmitting changed pages to amend the Federal Travel Regulations (FTR), FPMR 101–7, to (a) decrease the mileage rate from 22.5 to 20.0 cents per mile for use of a privately owned automobile under certain circumstances and (b) revise the listing of high rate geographical areas. These FTR changes reflect the results of GSA's recent report to the Congress on the investigations of the cost of travel and the operation of privately owned vehicles. GSA is required by statute to conduct these cost investigations and report the results to the Congress annually. The report to the Congress is published as a notice document in this **Federal Register.**

DATES: Effective December 6 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Jones, Federal Travel Management Division (202–275–0651).

SUPPLEMENTARY INFORMATION: 1. The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101–7 FEDERAL TRAVEL REGULATIONS

2. Accordingly, the Federal Travel Regulations which are incorporated by reference in Part 101–7, are amended as follows:

a. Paragraphs 1–4.2a(2) and 1–4.2c (1) and (2) are revised to reflect a decrease in the mileage rate from 22.5 to 20.0 cents per mile for the use of privately owned automobiles in certain circumstances.

b. The HRGA listing previously found in paragraph 1–8.6 is revised to designate additional HRGA's and to increase the maximum actual subsistence expense rate and/or redefine the boundaries of certain existing HRGA's. The HRGA listing is moved to appendix 1–A.

Note.—The GSA has published the revised HRGA listing as a notice document in this **Federal Register.**

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: November 10, 1981.

Ray Kline,

Acting Administrator of General Services

[FR Doc. 81–34329 Filed 11–30–81; 8:45 a.m.]

BILLING CODE 6820–AM–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[Circular No. 2493]

Application Procedures; Alaska Oil and Gas Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This procedural rulemaking is to notify the public that all oil and gas leasing responsibilities for Alaska will reside in the Alaska State Office in Anchorage and not in the Fairbanks District Office. Therefore, all applications and documents pertaining to oil and gas leasing must be filed in the Alaska State Office in Anchorage and not in the Fairbanks District Office. This rulemaking also notifies the public of the new mailing address of the Colorado State Office.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jan Homant, (202) 343–7753.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 25, 1981.

Under the authority of section 2478 of the Revised Statutes (43 U.S.C. 1201), § 1821.2–1, subpart 1826, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as follows.

PART 1820—APPLICATION PROCEDURES

§ 1821.2–1 [Amended]

1. Paragraph (d) is amended by:

(a) Amending Office and Area of Jurisdiction of the Alaska State Office to read: Alaska State Office, 701 "C" Street, Box 13, Anchorage, Alaska 99513—Southern Alaska, plus *all* oil and gas leasing.[1]

(b) Amending Office and Area of Jurisdiction of the Fairbanks District Office to read: Fairbanks District Office, N. Post of Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707—Northern Alaska except for oil and gas leasing.[1]

(c) Amending the address of the Colorado State Office to read: Colorado State Office, 1037 20th Street, Denver Colorado 80202—Colorado.

[FR Doc. 81–34432 Filed 11–30–81 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6199]

National Flood Insurance Program; Changes in Special Flood Hazard Areas; Florida, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0220.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.4 (Presently appearing at its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No
Florida: St. Lucie	City of Fort Pierce	*News Tribune:* Sept. 11, 1981; Sept. 18, 1981	The Honorable Buell Brown, Mayor, City of Fort Pierce, City Hall, P.O. Box 1480, Fort Pierce, FL 33450.	Aug. 19, 1981	120286C
Iowa: Muscatine	City of Muscatine	*The Muscatine Journal:* Aug. 24, 1981; Aug. 25, 1981	The Honorable Evelyn L. Scheuland, Mayor, City of Muscatine, Third and Sycamore, Muscatine, IA 52761	Aug. 25, 1981	190213B

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Kansas: Leavenworth	(Unincorporated areas)	*The Leavenworth Times*: Aug. 17, 1981, Aug. 18, 1981	Mr. Louis A. Klemp, Chairman, Board of Commissioners, Leavenworth County Courthouse, Fourth and Walnut, Leavenworth, KS 66048	Aug. 18, 1981	200186C
Missouri: Clay and Jackson	City of Independence	*The Examiner*, Aug. 18, 1981; Aug. 19, 1981	The Honorable E. Lee Comer, Jr., Mayor, City of Independence, 103 North Main, Independence, MO 64050	Aug. 18, 1981	290172B
Nebraska: Burt	City of Tekamah	*The Burt County Plaindealer*: Aug. 13, 1981, Aug. 20, 1981	The Honorable Carl L. Schroeder, Mayor, City of Tekamah, P.O. Box 145, Tekamah, NE 68061	Aug. 11, 1981	3100245
Pennsylvania: Bradford	Borough of Monroe	*The Daily Review*, Aug. 21, 1981, Aug. 28, 1981	Honorable Paul F. Thrasher, Mayor, Borough of Monroe, R.D. 1, Monroeton, PA 18832	Aug. 28, 1981	420170B
Washington: King	City of Issaquah	*The Issaquah Press*, Sept. 9, 1981; Sept. 16, 1981	The Honorable H. G. Hemington, Mayor, City of Issaquah, P.O. Box M, Issaquah, WA 98027	Aug. 25, 1981 (66-B)	530079B
Kitsap	City of Poulsbo	*Kitsap County Herald*, Aug. 12, 1981, Aug. 19, 1981	The Honorable Clyde C. Caldart, Mayor, City of Poulsbo, 127 Jensen Way, P.O. Box 98, Poulsbo, WA 98370	Aug. 11, 1981	530241C
Connecticut: Hartford	City of Hartford	*The Hartford Courant*, Oct. 2, 1981, Oct. 9, 1981	The Honorable George A. Athanson, Mayor, City of Hartford, City Hall, Hartford, CT 06103	Sept. 24, 1981	095080A
Hartford	Town of West Hartford	*The Hartford Courant*, Sept. 18, 1981, Sept. 25, 1981	The Honorable Ann Streeter, Mayor, Town of West Hartford, 26 S. Main Street, West Hartford, CT 06107	Sept. 25, 1981	095082B
Texas: Tarrant	City of North Richland Hills	*Mid-Cities Daily News*: Sept. 21, 1981; Sept. 22, 1981	The Honorable Dick Faram, Mayor, City of North Richland Hills, P.O. Box 18609, North Richland Hills, TX 76118	Sept. 8, 1981 (65-B)	480607B
Alabama: Autauga and Elmore	City of Prattville	*The Prattville Progress*, Oct. 15, 1981; Oct. 22, 1981	The Honorable C. M. Gray, Mayor, City of Prattville, P.O. Box 277, Prattville, Alabama 36067	Oct. 23, 1981	010002C
California: Santa Clara	City of Gilroy	*The Gilroy-Morgan Hill Dispatch*: Oct. 14, 1981; Oct. 16, 1981	The Honorable Norman B. Goodrich, Mayor, City of Gilroy, 7390 Rosanna Street, P.O. Box 66, Gilroy, CA 95020	Oct. 6, 1981	060344C
Yolo	City of Woodland	*The Daily Democrat*, Oct. 14, 1981; Oct. 15, 1981	The Honorable Harry O. Walker, Mayor, City of Woodland, 300 First Street, Woodland, CA 95695	Oct. 13, 1981	060426B
Colorado: Morgan	City of Brush	*The Brush News-Tribune*: Oct. 14, 1981; Oct. 21, 1981	The Honorable Raymond M. Paulsen, Mayor, City of Brush, 600 Edison Street, P.O. Box 363, Brush, CO 80723	Oct. 13, 1981	080130C
Connecticut: Hartford	Town of East Hartford	*The East Hartford Gazette*, Oct. 14, 1981, Oct. 21, 1981	The Honorable George A. Dagon, Mayor, Town of East Hartford, 740 East Main Street, East Hartford, CT 06108	Oct. 23, 1981	090026D
Florida: Orange	City of Apopka	*The Apopka Chief*, Oct. 16, 1981; Oct. 23, 1981	Mr. Thomas E. Richeson, P.E., P.O. Drawer 1229, Apopka, Florida 32703	Oct. 23, 1981	120160C
Hillsborough	Hillsborough County	*Tampa Tribune*, Nov. 6, 1981; Nov. 13, 1981	The Honorable Jan Platt, Chairperson, County Commissioners, Hillsborough County, P.O. Box 1110, Tampa, Florida 33601	Oct. 8, 1981	120112B
Palm Beach	Village of Palm Springs	*The Evening Times*, Oct. 16, 1981, Oct. 23, 1981	Mr. Arthur F. Rudford, Director of Public Works, Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461	Oct. 23, 1981	120222C
Osceola	City of St. Cloud	*The St. Cloud Times*, Oct. 15, 1981, Oct. 22, 1981	The Honorable Sarah Lewis, Mayor, City of St. Cloud, City Hall, 1300 9th Street, St. Cloud, FL 32769	Oct. 23, 1981	120191C
Iowa: Iowa	City of Marengo	*The Pioneer-Republican*, Oct. 15, 1981, Oct. 22, 1981	The Honorable Otto Maas, Mayor, City of Marengo, 153 East Main Street, Marengo, IA 52301.	Oct. 13, 1981	190157C
Illinois: Jersey	City of Grafton	*Democrat News*, Oct. 13, 1981; Oct. 20, 1981	Honorable Gerald Nairn, City of Grafton, Box 251, City Hall, Grafton, IL 62037	Oct. 23, 1981	170314C

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
McLean	City of LeRoy	*LeRoy Journal:* Sept. 24, 1981; Oct. 1, 1981	Honorable Jack Moss, City of LeRoy, 111 East Center Street, LeRoy, IL 61752.	Oct. 2, 1981	170499C.
Kansas: Harvey	City of Burrton	*Burrton Graphic:* Oct. 15, 1981; Oct. 22, 1981	The Honorable Brian Boston, Mayor, City of Burrton, P.O. Box 146, Burrton, KS 67020.	Oct. 13, 1981	200130C.
Johnson	City of Gardner	*The Gardner News:* Oct. 14, 1981; Oct. 21, 1981	The Honorable Phyllis Thomen, Mayor, City of Gardner, 112 South Elm Street, Gardner, KS 66030.	Oct. 13, 1981	200164C.
Michigan: Newaygo	City of Fremont	*Fremont Times Indicator:* Sept. 23, 1981; Sept. 30, 1981	Henry Van Dop, City Manager, City of Fremont, 101 East Main Street, Fremont, MI 49412.	Oct. 2, 1981	260167C.
Minnesota: Stearns	City of Cold Spring	*Cold Spring Record:* Sept. 24, 1981; Oct. 1, 1981	James Trueman, Clerk-Treasurer, City of Cold Spring, 27 Red River South, Cold Spring, MN 56320	Oct. 2, 1981	270444C.
Roseau	City of Roseau	*Roseau Times Region:* Oct. 20, 1981; Oct. 27, 1981	Honorable Milton Arneson, City of Roseau, Box 307, Roseau, MN 56751	Oct. 30, 1981	270414C.
New Hampshire: Merrimack	Town of Bow	*The Concord Monitor:* Oct. 9, 1981; Oct. 16, 1981	Ms. Sarah Swenson, Chairman, Board of Selectmen, Town of Bow, 10 Grandview Road, Bow, New Hampshire 03301.	Oct. 16, 1981	330107C
North Carolina: Carteret	Carteret County	*Carteret County News Times:* Nov. 19, 1981; Nov. 26, 1981	The Honorable Mary Sue Noe, County Commissioner, Carteret County Courthouse, P.O. Drawer 630, Beaufort, NC 28516	Oct. 19, 1981	370043A.
Cleveland	City of Shelby	*The Shelby Daily Star:* Oct. 16, 1981; Oct. 23, 1981	The Honorable George W Clay, Jr., Mayor, City of Shelby, City Hall, P.O. Box 207, Shelby, North Carolina 28150	Oct. 23, 1981	370064C
Oklahoma: Rogers	(Unincorporated area)	*The Clarmore Progress:* Oct. 14, 1981; Oct. 15, 1981	Mr. Elmer L. McGuire, Chairman, Rogers County Commissioners, County Courthouse, 219 South Missouri, Claremore, OK 74017.	Oct. 5, 1981 (66–B).	405379A
Pennsylvania: Berks	Township of Cumru	*Reading Eagle Times:* Oct. 23, 1981; Oct. 30, 1981	Edgar I. Zerbe, President-Commissioner, Township of Cumru, R.D. 3005, Welsh Road, Mohnton, PA 19540.	Oct. 30, 1981	420130B.
Chester	Township of Thornbury	*West Chester Daily Local Times:* Oct. 9, 1981; Oct. 16, 1981	Harold Smithson, Secretary, Thornbury Township Supervisors, P.O. Box 11, Westtown, PA 19395	Oct. 16, 1981	420290C
Rhode Island: Bristol	Town of Barrington	*Barrington Times* Nov. 13, 1981, Nov 20, 1981	Mr Robert J. Schiedler, Town Manager, Town Hall, 283 County Road, Barrington, RI 02806	Oct. 29, 1981 (66–B).	445392C
Texas: Bandera	City of Bandera	*The Bandera Bulletin:* Oct. 15, 1981; Oct. 22, 1981	The Honorable W. D. Smith, Mayor, City of Bandera, P.O. Box 896, Bandera, TX 78003	Oct. 13, 1981	480021C
Virginia: Independent City.	City of Radford	*Radford News Journal:* Oct 2, 1981, Oct. 9, 1981	Robert Ashbury, City Manager, City of Radford, 619 Second Street Radford, VA 24141	Oct 9, 1981	510127B
Wisconsin: Waukesha	Village of Menomonee Falls	*Menomonee Falls News:* Oct. 1, 1981, Oct. 8, 1981	Frederick Gottlieb, Village Manager, West 156 North, 8480 Pilgrim Road, Menomonee Falls, WI 53051.	Oct. 9, 1981	550483C
St Croix	Village of North Hudson	*Hudson Star Observer:* Oct. 1, 1981; Oct. 8, 1981	Honorable Wally Gregarson, Village of North Hudson, 309 7th Street North, North Hudson, WI 54176.	Oct. 9, 1981	555568C

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 4, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-34143 Filed 11-30-81; 9:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Alabama, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the Provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated areas of Etowah County (FEMA-6074)	Coosa River	Just upstream of State Highway 177	*514
		Big Wills Creek	Just upstream of U.S. Highway 59	*531
			Just upstream of U.S. Highway 431 and 278	*556
		Little Wills Creek	Just upstream of Madison Avenue	*529
		Dry Creek	Just upstream of Pleasant Valley Road	*514
		Airport Tributary	Approximately 7,000 feet upstream of State Highway 77.	*523
		Black Creek	Just upstream of Delmont Drive	*718
	Maps available for inspection at Etowah County Courthouse, 800 Forrest Avenue, Gadsden, Alabama 35901			
Colorado	Collbran (town) Mesa County (FEMA-6121)	Plateau Creek	20 feet downstream from center of Main Street over channel.	*5,984
		Grove Creek	Downstream edge of Park Street over channel	*5,966
	Maps available for inspection at Town Hall, Collbran, Colorado			
Illinois	(Unincorporated), Du Page Country (Docket No. FEMA-5920)	Des Plaines River	At the southern county boundary	*594
			At the eastern county boundary	*596
		East Branch Du Page River	At the southern county boundary	*649
			Just upstream of 75th Street	*655
			About 0.23 mile upstream of Maple Avenue	*664
			About 0.23 mile downstream of State Route 5	*669
			About 00 feet downstream of State Route 53, near Arboretum Road	*672
			About 0.17 mile upstream from the confluence of East Branch Tributary No. 4.	*682
			Just upstream of the State Route 53 second crossing	*687
			Just upstream of St. Charles Road	*692
			Just upstream of North Avenue	*696
			About 1.1 miles upstream of North Avenue	*701
			Just upstream of Illinois Central Gulf Railroad	*711
			About 0.98 mile upstream of Illinois Central Gulf Railroad	*712
		East Branch Tributary No. 1	Mouth at East Branch Du Page River	*694
			About 710 feet downstream of Swift Road	*697
			About 600 feet downstream of Swift Road	*700
			Just upstream of Swift Road	*706
			About 100 feet upstream of North Avenue	*719
		East Branch Tributary No. 2	About 1,200 feet downstream of Eastern Avenue	*693
			About 100 feet upstream of Eastern Avenue	*705
			Just downstream of Goodrich Avenue	*715
			Just upstream of Park Boulevard	*716
			About 290 feet upstream of Main Street	*724
		East Branch Tributary No. 4	About 450 feet downstream of Sunny Brook Road	*680
			Just upstream of Bryant Road	*710

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1,000 feet upstream of Bryant Road	*715
			Just upstream of 22nd Street	*728
			About 0.27 mile upstream of Sheffield Road	*731
			About 2,100 feet upstream of Sheffield Road	*736
		East Branch Tributary No. 5..	Mouth at East Branch Du Page River	*671
			About 0.16 mile upstream of mouth	*671
			About 0.20 mile upstream of mouth	*679
			About 0.38 mile upstream of mouth	*680
			About 370 feet downstream of Arboretum Road	*686
			About 320 feet upstream of Arboretum Road	*689
			About 0.29 mile upstream of Arboretum Road	*692
			About 60 feet downstream of Leask Lane	*697
			About 0.19 mile upstream of Leask Lane	*703
			About 0.42 mile upstream of Leask Lane	*714
			About 0.17 mile downstream of Butterfield Road	*725
			Just downstream of Butterfield Road	*740
			Just upstream of Butterfield Road	*746
			About 100 feet upstream of Naperville-Wheaton Road	*750
		East Branch Tributary No. 7..	About 680 fee upstream of mouth	*656
			Just upstream of Greene Road	*668
			About 0.20 mile upstream of Greene Road	*669
		West Branch Du Page River..	Just upstream of Palomino Drive	*726
			At the southern county boundary	*646
			About 0.55 mile upstream of the southern county boundary.	*650
			About 0.29 mile downstream of 75th Stree	*655
			Just downstream of 75th Street	*657
			About 320 feet upstream of Hobson Road	*660
			About 0.70 mile upstream of Hobson Road	*662
			About 1.2 miles downstream of Ogden Avenue	*677
			Just upstream of Ogden Avenue	*681
			Just downstream of Fawell Dam	*682
			Just upstream of Fawell Dam	*691
			Just upstream of State Route 5	*692
			About 0.29 mile downstream of Williams Street	*698
			About 750 feet downstream of Geneva Road	*720
			Just upstream of abandoned railroad located about 0.71 mile downstream of North Avenue.	*726
			Just downstream of St. Charles Road	*730
			About 290 feet upstream of Army Trail Road	*738
			Just upstream of the Illinois Central Gulf Railroad located about 0.35 mile upstream of Schick Road.	*746
			Just upstream of Jefferson Road	*767
			About 400 feet downstream of Lake Street	*774
			About 100 feet downstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*781
			At the northern county boundary	*785
		West Branch Tributary No. 1	About 0.44 mile of downstream of Cloverdale Road	*769
			Just downstream of Cloverdale Road	*770
			Just upstream of Gary Avenue	*772
		West Branch Tributary No. 2..	About 1,000 feet downstream of Stearns Road	*762
			About 750 feet downstream of Stearns Road	*765
			Just upstream of Stearns Road	*767
			About 0.68 mile upstream of Stearns Road	*779
			About 1.09 miles upstream of Stearns Road	*782
		West Branch Tributary No 3	Mouth at West Branch Du Page River	*726
			About 0.14 mile downstream of Prince Crossing Road	*726
			Just downstream of Prince Crossing Road	*729
			Just upstream of Prince Crossing Road	*733
			About 25 feet upstream of Chicago and North Western Railroad.	*734
			About 0.49 mile upstream of Chicago and North Western Railroad.	*735
			About 580 feet downstream of Woodcrest Drive	*750
			Just downstream of Woodcrest Drive	*751
		West Branch Tributary No. 4	Mouth at West Branch Du Page River	*726
			About 0.21 mile upstream of mouth	*727
			Just downstream of North Avenue	*735
			Just upstream of North Avenue	*739
			Just upstream of St. Charles Road	*740
			About 0.34 mile upstream of Timber Lane	*746
		West Branch Tributary No. 5	Mouth at West Branch Du Page River	*710
			Just upstream of Lester Street	*710
			Just upstream of Bolles Avenue	*717
			Just downstream of Donald Avenue	*718
			About 50 feet upstream of Chicago and North Western Railroad.	*725
		West Branch Tributary No. 6..	Mouth at West Branch Du Page River	*660
			About 350 feet upstream of mouth	*660
			About 0.47 mile upstream of mouth	*685
		West Branch Tributary No 7	Mouth at West Branch Du Page River	*657
			About 360 feet upstream of mouth	*657
			Just upstream of unnamed road, about 470 feet downstream of Oxford Lane	*669
			About 0.28 mile upstream of Oxford Lane	*687
		Brewster Creek..	Just upstream of Munger Road	*774
			About 0.28 mile upstream of Munger Road	*774
		Ferry Creek	Mouth at West Branch Du Page River	*691

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FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1,200 feet upstream of Ferry Road	*692
			About 0.7 mile upstream of Ferry Road	*695
			About 650 feet downstream of Home Avenue	*707
			About 200 feet downstream of Home Avenue	*708
			Just downstream of Home Avenue	*711
			About 80 feet upstream of State Route 59	*712
			About 0.4 mile upstream of State Route 59	*716
		Ferry Creek Tributary No. 1	Mouth at Ferry Creek	*691
			About 850 feet upstream of River Road	*692
			About 0.46 mile upstream of McDowell Road	*704
		Klein Creek	About 0.43 mile above mouth	*722
			About 320 feet downstream of Farm Road	*725
			About 250 feet upstream of Farm Road	*729
			Just upstream of County Farm Road	*735
			About 0.23 mile upstream of County Farm Road	*736
			Just upstream of St. Charles Road	*743
			Just upstream of Kuhn Road	*746
			About 0.29 mile upstream of Kuhn Road	*746
			Just upstream of Lies Road	*755
			About 110 feet downstream of Illinois Central Gulf Railroad	*756
			Just upstream of Illinois Central Gulf Railroad	*761
			Just downstream of Schmale Road	*767
			About 0.30 mile upstream of Schmale Road	*769
		Klein Creek Tributary No. 1	About 240 feet upstream of mouth	*722
			About 100 feet upstream of Prairie Road	*726
			About 0.23 mile upstream of Prairie Road	*726
			About 600 feet downstream of County Farm Road	*738
			Just upstream of County Farm Road	*738
			About 710 feet upstream of Center Avenue	*752
			Just upstream of Pleasant Hill Road	*767
		Klein Creek Tributary No. 3	Mouth at Klein Creek	*756
			Just upstream of unnamed bridge about 1,000 feet upstream of Gary Avenue	*762
			About 0.41 mile upstream of Gary Avenue	*767
		Kress Creek	About 0.34 mile above the mouth	*706
			About 600 feet downstream of Joy Road	*718
			Just upstream of Joy Road	*720
			Just upstream of Elgin, Joliet and Eastern Railway	*724
			Just upstream of Town Road	*727
			About 0.5 mile upstream of Town Road	*728
			Just upstream of Road A	*734
			Just upstream of Burlington Northern Railroad	*738
			Just downstream of Roosevelt Road	*745
			Just upstream of Indian Boundary Road	*750
			About 50 feet upstream of Industrial Drive	*753
			About 70 feet upstream of Powis Road	*756
		Unnamed Tributary to Kress Creek	Just upstream of Town Road	*736
			About 170 feet upstream of Town Road	*737
		Lacy Creek	About 0.26 mile above the mouth	*677
			About 0.77 mile downstream of Finley Road	*679
			About 0.54 mile downstream of Finley Road	*682
			Just upstream of Finley Road	*689
			About 400 feet downstream of Highland Avenue	*697
			About 0.42 mile upstream of Highland Avenue	*697
		Meacham Creek	Just downstream of Medinah Country Club Road	*703
			About 0.51 mile upstream of Medinah Country Club Road	*705
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*714
			Just downstream of Medinah Road	*716
		Norton Creek Tributary	Just upstream of Chicago and North Western Railroad	*745
			Just downstream of Powis Road	*747
			Just upstream of Powis Road	*749
		Prentiss Creek	About 830 feet upstream of mouth	*658
			About 150 feet upstream of State Route 53	*665
			About 1,850 feet upstream of State Route 53	*664
			About 200 feet upstream of Hobson Road	*697
			About 0.36 mile upstream of Hobson Road	*700
			About 0.75 mile upstream of Hobson Road	*709
		St. Joseph Creek	Just upstream of Main Street	*670
			About 0.65 mile upstream of Burlington Northern Railroad	*680
			About 0.6 mile downstream of Lee Street	*693
			About 0.4 mile upstream of Lee Street	*696
			Just upstream of 59th Street	*730
			Just downstream of 61st Street	*734
		Salt Creek	About 1,800 feet downstream of Roosevelt Road	*661
			Just upstream of the Illinois Central Gulf Railroad	*672
			About 0.91 mile upstream of Interstate 90	*677
			About 0.82 mile downstream of Thorndale Avenue	*680
			At the northern county boundary	*683
		Sawmill Creek	About 0.20 mile upstream of mouth	*595
			About 0.17 mile downstream of Eastwood Drive	*652
			About 150 feet downstream from confluence of Sawmill Creek Tributary No. 1.	*674
			At the southern corporate limits of the City of Darien	*688
		Sawmill Creek Tributary No. 1	Mouth at Sawmill Creek	*6[illegible]

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			About 200 feet upstream of Clarendon Hills Road	*695
			Just downstream of 79th Street	*700
		Sawmill Creek Tributary No. 3	Mouth at Des Plaines River	*594
			About 760 feet upstream of Atchison, Topeka and Santa Fe Railroad.	*598
			Just upstream of Forest Preserve Road	*618
			About 900 feet upstream of Forest Preserve Road	*632
			About 80 feet downstream of Bluff Road	*647
			Just upstream of Bluff Road	*652
			Just upstream of Front Street	*657
			About 900 feet upstream of Cass Avenue	*670
			About 1,750 feet downstream of 91st Street	*701
			Just upstream of 91st Street	*706
		Wards Creek	Mouth at Sawmill Creek	*666
			About 0.28 mile downstream of Interstate 55	*689
			About 320 feet upstream of Interstate 55	*704
			About 1.10 miles upstream of Interstate 55	*727
		Winfield Creek	About 150 feet downstream of Roosevelt Road	*720
			Just upstream of Roosevelt Road	*722
			About 2.75 miles upstream of mouth	*727
			About 2.98 miles upstream of mouth	*728
			About 1,180 feet downstream of Gary Avenue	*732
			About 1,055 feet upstream of Gary Avenue	*732
			About 0.56 mile downstream of Bloomingdale Road	*747
			About 0.21 mile downstream of Bloomingdale Road	*748
			About 100 feet downstream of Bloomingdale Road	*756
			Just downstream of Bloomingdale Road	*764
		Ginger Creek	At the downstream Oak Brook corporate limit	*684
			About 1,600 feet downstream of concrete dam	*688
			About 950 feet downstream of concrete dam	*693
			About 850 feet upstream of concrete dam	*695
			About 950 feet upstream of concrete dam	*699
		Crabtree Creek	Just upstream of State Route 53	*661
			About 0.34 mile upstream of State Route 83	*676
		Unnamed Creek North of 22nd Street	About 0.76 mile upstream of mouth	*694
			About 1.02 miles upstream of mouth	*703
		Waubansee Creek	About 8.01 miles upstream of mouth	*678
			About 8.06 miles upstream of mouth	*679
		Winding Creek	About 0.65 mile downstream of Modaff Road	*672
			About 580 feet downstream of Modaff Road	*685
			Just downstream of Modaff Road	*686
		Sugar Creek	About 940 feet downstream of Ardmore Avenue	*672
			Just downstream of Ardmore Avenue	*679
		Spring Brook No. 1	About 150 feet downstream of Morris Court	*699
			Just upstream of Pamela Road	*707
			Just downstream of Essex Road	*720
			About 0.75 mile upstream of Essex Road	*724
			Just downstream of Gables Boulevard	*726
			About 180 feet upstream of Hawthorne Lane	*730
		Spring Brook No. 2	At the county boundary	*657
			Just upstream of Naperville Road	*668
			About 1.16 miles upstream of Naperville Road	*673
			Just upstream of 75th Street	*682
			Just upstream of Ogden Avenue	*691
		Tributary A	About 0.23 mile downstream of Warrenville Road	*683
			About 100 feet downstream of Warrenville Road	*690
			Just downstream of Warrenville Road	*696
		Tributary B	About 160 feet upstream of mouth	*677
			Just upstream of Burlington Northern Railroad	*685
			About 1,400 feet upstream of mouth	*685
		Armitage Ditch	Mouth at East Branch Du Page River	*698
			About 1,220 feet upstream of mouth	*707
		63rd Street Ditch	About 2,200 feet downstream of Madison Street	*691
			About 1,900 feet downstream of Madison Street	*693
			Just upstream of Madison Street	*711
			About 3,800 feet upstream of Madison Street	*719
		Spring Brook	About 500 feet upstream of Interstate 90	*688
			About 1,850 feet upstream of State Route 53	*689
			About 900 feet downstream of Pine Avenue	*749
			About 2,800 feet upstream of Pine Avenue	*773
		Westwood Creek	At Addison Avenue	*676
Maps available for inspection at the Planning Commission Office, Du Page Center, 421 North County Farm Road, Wheaton, Illinois.				
Illinois	(Uninc.) Madison County (Docket No. FEMA-6121)	Wood River	At mouth	*437
			At confluence of East Fork Wood River	*437
		East Fork Wood River	At confluence of West Fork Wood River	*437
			About 1,100 feet upstream of confluence of West Fork Wood River.	*437
			About 1,000 feet downstream of State Route 140	*446
			About 2,000 feet upstream of Fosterburg Road	*503
		Stanley Creek	At mouth	*449
			About 2,650 feet upstream of Deyana Street	*454
			About 3,450 feet upstream of Culp Lane	*486
		West Fork Wood River	About 600 feet downstream of Harris Road	*460
			About 2,200 feet upstream of Straube Lane	*523
		Honeycut Branch	At mouth	*472

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FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 300 feet upstream of County Road 52	*494
		Tributary E	About 2.2 miles upstream of County Road 52	*517
			About 0.75 mile upstream of mouth	*451
			Just downstream of Valley Drive	*486
			Just upstream of Valley Drive	*494
			Just downstream of Oaklane Road	*500
			Just upstream of Oaklane Road	*505
		Tributary F	About 3,250 feet upstream of mouth	*451
			About 1,100 feet upstream of confluence of Tributary G	*475
		Tributary G	At mouth	*464
			About 180 feet downstream of Sitze Street	*480
		Tributary X	Just upstream of Sitze Street	*492
			At mouth	*487
			Just downstream of Straube Lane	*524
		Tributary Z	At northern county boundary	*550
			At mouth	*473
			Just upstream of Melody Lane	*494
		Cahokia Creek	At mouth	*438
			At confluence of Indian Creek	*441
			Just downstream of State Route 159	*457
			About 600 feet upstream of State Route 140	*473
			Just downstream of Bode Road	*507
		Indian Creek	About 600 feet downstream of Old Edwardsville Road	*446
			About 800 feet upstream of Rock Hill Road	*460
			Just upstream of State Route 140	*480
			Just upstream of Moro-Holiday Shores Drive	*496
		Paddock Creek	At mouth	*472
			At confluence of Joulters Creek	*476
			Just upstream of St. James Drive	*485
			About 250 feet upstream of Yorkville Road	*516
			Just downstream of northern county boundary	*563
		Mississippi River	Just downstream of McKinley Bridge	*430
			Just upstream of Interstate 270	*434
			About 5.0 miles upstream of U.S. Route 67	*436
		Joulters Creek	Just downstream of dam at Holiday Lake	*477
			Just upstream of dam at Holiday Lake	*506
			About 600 feet upstream of Waikiki Drive	*512
			Just downstream of Renken Road	*556
			Just upstream of Renken Road	*564
			About 450 feet upstream of Renken Road	*566
		Sherry Creek	About 3,000 feet downstream of Moro-Holiday Shores Drive	*476
			About 700 feet upstream of Sherry Creek Road	*492
		East Fork Sherry Creek	Mouth at Sherry Creek	*496
			About 100 feet upstream of Renken Road	*505
		Mooney Creek	At mouth	*458
			About 1,225 feet downstream of Chicago and North Western Railroad	*458
			About 125 feet downstream of Chicago and North Western Railroad	*463
			About 150 feet upstream of Chicago and North Western Railroad	*473
			Just downstream of Schwartz Road	*481
		Canteen Creek	About 0.8 mile downstream of Conrail (City of Collinsville corporate limits)	*484
			Just downstream of Conrail	*490
			About 1,000 feet upstream of Lebanon Road	*495
			Just downstream of Frontage Road (downstream of Interstate 70)	*519
			About 0.6 mile upstream of Interstate 70	*526
		Silver Creek	At downstream county boundary	*454
			About 1,000 feet upstream of Interstate 70	*474
			About 900 feet upstream of State Route 4	*507
			About 4 miles upstream of County Road 27	*544
		East Fork Silver Creek	At mouth	*455
			About 100 feet downstream of Conrail	*457
			Just upstream of U.S. Route 40	*462
			At confluence of Sugar Fork	*468
			Just downstream of Highland Silver Lake Dam	*486
			Just upstream of Highland Silver Lake Dam	*506
			About 1.0 mile upstream of Pocahontas Road	*517
		Sugar Fork	Just upstream of mouth	*466
			About 200 feet downstream of Lower Manne Road	*480
			About 4,800 feet upstream of Mayer Road	*497
		Silver Creek Tributary No. 1	At mouth	*508
			About 200 feet upstream of County Road 13	*511
			About 1.85 miles upstream of County Road 13	*526
		Silver Creek Tributary No. 2	At mouth	*518
			About 200 feet downstream of Brandt Road	*526
			Just downstream of Missouri Pacific Railroad	*567
		Ponding From Rainfall	Just downstream of State Route 143, about 1.5 miles northwest of Indian Creek crossing	*434
			Just upstream of State Route 143, about 1.5 miles northwest of Indian Creek crossing	*435
			Just east of Woodland Drive, south of 9th Street	*438

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Area bounded by Cahokia Creek on south, Illinois Central Gulf Railroad on north, 1.0 mile east of and 1.0 mile west of State Route 111.	*428
			An area bounded on the north by Interstate 270, on the south by Norfolk and Western Railway, and on the west by a drainage ditch running south from the Illinois Terminal Railroad.	*422
			An area bounded on the north by Interstate 270, on the south by Norfolk and Western Railway, and on the east by a drainage ditch running south from the Illinois Terminal Railroad	*423
			An area bounded on the north by Poag Road, on the west by State Route 111, on the south by Interstate 270, and on the east by Sand Road	*429
			An area northwest of Poag Road, southeast of Illinois Central Railroad, and surrounding Cemetery Road.	*425
			An area lying between State Route 111, Oldenburg Road, Cahokia Creek, and Illinois Central Gulf Railroad	*425
			An area lying just to the southeast of the Illinois Central Gulf Railroad switchyard, and northwest of Poag Road	*425
			An area adjacent to a drainage ditch running between Poag Road and the intersection of State Route 111 and Interstate 270.	*424
			An area adjacent to a drainage ditch running southeast from the intersection of State Route 111 and Interstate 270 to Illinois Terminal Railroad.	*429
			Adjacent to and including Long Lake, in the vicinity of the Village of Pontoon Beach.	*417
			An area lying north of Cahokia Creek, south of Madison Avenue, east of Burlington Northern Railroad, and west of Hedge Road.	*428
			An area bounded on the north and east by Breckenridge Road, on the west by Alton and Southern Railway, and on the south by Pontoon Avenue within the City of Granite.	*417
			Low lying areas to the west of Alton and Southern Railway, north of the City of Granite, and southeast of State Route 203.	*419
			An area adjacent to and east of State Route 111, and just north of Georgetown Drive.	*419
			An area including and adjacent to McDonough Lake, west of State Route 157 and east of Cahokia Canal.	*417
			A low-lying area between Cahokia Canal and State Route 162, about 1,500 feet southeast of State Route 162, and northeast of Horseshoe Lake Road.	*411
			About 500 feet southeast of State Route 162 and adjacent to Lake Drive.	*415
			Between Alton and Southern Railway, Norfolk and Western Railway, and the southern Village of Pontoon Beach corporate limits.	*417
			An area south of U.S. Route 40 and west of Canteen Creek	*421
			An area south of U.S. Route 40 and southwest of Canteen Creek	*419
			An area south of U.S. Route 40, completely surrounded by incorporated areas of City of Collinsville.	*419
			Just west of City of Collinsville corporate limits and about 1,000 feet south of Interstate 70.	*419
			Just north of City of Collinsville corporate limits and east of Black Lane.	*419

Maps available for inspection at the Building Environmental and Zoning Department, 103 Purcell, Edwardsville, Illinois.

Illinois	(Uninc.) Will County (Docket No. FEMA-6000)	Des Plaines River	At downstream county boundary	*510
			Just downstream of Brandon Lock and Dam	*515
			Just upstream of Brandon Lock and Dam	*540
			At downstream City of Cresthill corporate limits	*545
			About 1,100 feet downstream of Stateville Road	*552
			About 1,200 feet downstream of Ninth Street	*562
			About 200 feet downstream of Materials Service Road and Dam.	*568
			About 100 feet upstream of Materials Service Road and Dam	*572
			About 100 feet upstream of 135th Street	*586
			At upstream county boundary	*592
		Kankakee River	Just upstream of County Line Road	*510
			Just downstream of Atchison, Topeka and Santa Fe Railroad.	*512
			Just upstream of Illinois Central Gulf Railroad	*513
			About 300 feet downstream of U.S. Route 66	*517
			At confluence of Prairie Creek	*523
			At downstream City of Wilmington corporate limit	*531
			About 1.0 mile upstream of Wilmington Dam	*540
			Just upstream of Norfolk and Western Railway	*548
			About 1,200 feet upstream of confluence of Ryans Creek	*551

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FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Forked Creek	About 4,100 feet downstream Kahler Road	*546
			About 100 feet upstream of Kahler Road	*548
			About 1,100 feet upstream of Ballou Road	*553
			About 1,400 feet downstream of Norfolk and Western Railway	*556
			About 100 feet upstream of Norfolk and Western Railway	*558
			Just downstream of Ritchie Road	*559
			About 2,300 feet upstream of Ritchie Road	*560
		Lily Cache Creek	Mouth at Du Page River	*592
			Just upstream of U.S. Route 30	*593
			About 200 feet upstream of Renwick Road	*595
			About 100 feet upstream of Lockport Road	*598
			About 2,000 feet upstream of Lockport Road	*599
			About 300 feet downstream of Railroad Spur	*602
			Just downstream of Taylor Road	*604
			About 800 feet upstream of Taylor Road	*606
			About 200 feet downstream of State Route 126	*610
			Just downstream of Quarry Road	*614
			Just upstream of Quarry Road	*616
			Just downstream of Essington Road	*622
			Just upstream of Essington Road	*623
			About 250 feet downstream of 127th Street	*626
			About 450 feet upstream of 127th Street	*628
			About 650 feet downstream of 119th Street	*632
			About 300 feet upstream of 119th Street	*634
			About 250 feet downstream of Weber Road	*646
			About 500 feet upstream of Naperville Road	*656
			About 1.0 mile upstream of Naperville Road	*662
			Just upstream of Schmidt Road	*672
			Just 1,000 feet upstream of Schmidt Road	*674
			About 600 feet upstream of Preston Drive	*720
			About 300 feet downstream of Murphy Road	*726
			About 1,700 feet upstream of Murphy Road	*730
			Just downstream of Boughton Road	*738
			At upstream county boundary	*741
		Lily Cache Tributary	Mouth at Lily Cache Creek	*673
			About 250 feet upstream of Woodcreek Road	*680
			About 150 feet upstream of Village of Bolingbrook corporate limits	*694
		Fiddyment Creek	Just upstream Illinois Central Gulf Railroad	*564
			Just downstream of State Street	*594
			Just upstream of Oak Street	*623
			Just downstream of Farrell Road	*656
		Spring Creek	About 700 feet upstream of Elgin, Joliet and Eastern Railway	*565
			About 1,000 feet downstream of Farrell Road	*620
			About 100 feet downstream of Farrell Road	*625
			About 350 feet upstream of Farrell Road	*628
			About 450 feet downstream of farm bridge	*632
			Just upstream of farm bridge	*635
			About 2,500 feet upstream of Gougar Road	*638
			Just downstream of Cedar Road	*666
			Just downstream of Bruce Road	*670
			Just upstream of Bruce Road	*675
			Just upstream of Parker Road	*679
			At upstream county boundary	*685
		Spring Creek Tributary	About 2,100 feet downstream of Voiletta Avenue	*594
			Just upstream of Voiletta Avenue	*623
			About 2,400 feet upstream of Voiletta Street	*645
		Plum Creek	Just upstream of Steger Road	*645
			About 3,600 upstream feet of Steger Road	*646
			Just downstream of Farthhorn Road	*668
			About 8,000 feet upstream of Farthhorn Road	*675
			About 11,600 feet upstream of Farthhorn Road	*682
			About 500 feet downstream of Unnamed Road	*686
			About 100 feet upstream of Chicago, Milwaukee, St Paul and Pacific Railroad.	*692
			Just downstream of State Route 1	*707
		Thorn Creek	About 1.15 miles downstream of Monee Road	*698
			About 0.28 mile upstream of Monee Road	*720
		Deer Creek	About 4,700 feet downstream of Kings Road	*696
			Just upstream of Kings Road	*710
			About 3,000 feet downstream of Western Avenue (downstream crossing).	*727
			About 100 feet upstream of Exchange Road	*738
			About 1.6 miles upstream of Exchange Road	*744
		Hickory Creek	Mouth at Des Plaines River	*517
			About 800 feet downstream of McKinley Avenue	*521
			About 250 feet downstream of Gardner Street	*532
			About 800 feet upstream of Elgin, Joliet and Eastern Railway.	*563
			About 3,500 feet upstream of Elgin, Joliet and Eastern Railway	*572
			Just downstream of Lincoln Highway	*580
			Just upstream of Interstate 80	*612
			Just upstream of Vine Street	*622

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 350 feet downstream of Norfolk and Western Railway.	*637
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*649
			Just downstream of Wolf Road	*663
		Sugar Run	Just upstream of Illinois Central Gulf Railroad (downstream crossing).	*540
			Just downstream of Illinois Central Gulf Railroad (upstream crossing)	*552
			About 250 feet downstream of State Route 53	*564
			Just upstream of Mills Road	*570
			Just downstream of Wildwood Lane	*588
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*598
			Just downstream of Old Manhattan Road	*622
		Long Run	About 1,700 feet downstream of State Route 171	*644
			About 300 feet upstream of Cedar Road	*660
			Just downstream of Will Cook Road	*686
		Sunnyland Drain	Just downstream of Caton Farm Road	*591
			Just upstream of U.S. Route 30	*606
			Just upstream of Gaylord Road	*619
			About 100 feet upstream of Elgin, Joliet and Eastern Railway.	*625
		Sunnyland Drain Tributary	Just upstream U.S. Route 30	*606
			Just upstream of Elgin, Joliet and Eastern Railway	*610
		Hammel Creek	About 1,500 feet downstream of Raven Road	*597
			Just downstream of River Road	*617
		Naperville Road Tributary	Mouth at Lily Cache Creek	*652
			Just downstream of Naperville Road	*656
			About 100 feet upstream of Naperville Road	*659
			About 1,650 feet upstream of Lily Cache Lane	*664
		Manhattan Road Ditch	Mouth at Sugar Run	*607
			About 70 feet downstream of Manhattan Road	*612
			About 300 feet upstream of Elgin, Joliet and Eastern Railway	*615
		Du Page River	Just upstream of U.S. Route 6	*523
			About 500 feet upstream of Shepley Road	*540
			About 1,000 feet upstream of Chicago, Rock Island and Pacific Railroad.	*545
			About 200 feet upstream of Interstate 80	*556
			About 1,100 feet upstream or Seil Road	*568
			About 300 feet upstream of Black Road	*584
			Just upstream of State Route 59	*594
			About 1,200 feet upstream of Renwick Road	*599
			About 100 feet downstream of 111th Street	*622
		West Branch Du Page River	Confluence of East Branch Du Page River	*632
			About 1.6 miles upstream of confluence of East Branch Du Page River	*641
		East Branch Du Page River	Confluence with Du Page River	*632
			About 450 feet upstream of Joliet Road	*636
			About 100 feet downstream of Schmith Road	*644
			At upstream county boundary	*649
		Rock Run	Just upstream of confluence with Illinois and Michigan Canal.	*530
			About 100 feet downstream of Chicago, Rock Island and Pacific Railroad.	*543
			About 100 feet upstream of Chicago, Rock Island and Pacific Railroad	*546
			About 1,000 feet downstream of confluence of Rock Run Slough.	*550
			About 300 feet upstream of Houbolt Road	*572
			About 1,800 feet upstream of Black Road	*576
			About 2,800 feet upstream of Essington Road	*581
		Rock Run Tributary No. 1	About 125 feet downstream of Essington Road	*581
			About 75 feet upstream of Rosary Lane	*586
			Just upstream of Cassie Drive	*596
			About 300 feet upstream of Barber Lane	*608
		Rock Run Tributary No. 2	At confluence with Rock Run	*575
			About 40 feet upstream of Timberline Road	*600
			About 180 feet upstream of Essington Road	*613
		Rock Run Tributary No. 3	At confluence with Rock Run	*575
			Just upstream Cemetary entrance (downstream crossing).	*598
			About 1,700 feet upstream of Rebecca Road	*619
		Rock Run Slough	Confluence with Rock Run	*554
			Just downstream of Troy Street	*572
			At divergence from Rock Run	*576
		Rock Run South	At City of Joliet corporate limits (about 700 feet downstream of private road).	*516
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*522
			About 2,350 feet upstream of Chicago, Rock Island and Pacific Railroad.	*522

Maps available for inspection at the County Planning Commission, County Building, 14 West Jefferson Street, Joliet, Illinois. Send comments to Honorable Lyman Tieman, Chairman of the County Board, Will County, County Building, 14 West Jefferson Street, Joliet, Illinois 60431

Kansas	(C), Americus, Lyon County (Docket No. FEMA-6121)	Pester Creek	About 0.6 mile downstream of Walnut Street	*1,143

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FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1,500 feet upstream of Sycamore Street	*1,155
Maps available for inspection at the City Hall, P.O. Box 187, Americus, Kansas				
Maine	Baileyville, town, Washington County (Docket No. FEMA-6079).	St. Croix River	Downstream corporate limits	*93
			Confluence with Wapsaconhagan Brook	*103
			2,500' upstream of confluence with Wapsaconhagan Brook.	*108
		Wapsaconhagan Brook	Confluence with St. Croix River	*103
			120' downstream of Main Street	*109
			80' upstream of Main Street	*117
			80' upstream of U.S. Route 1	*124
			2,330' upstream of U.S. Route 1	*134
			8,000' upstream of U.S. Route 1	*144
			13,000' upstream of U.S. Route 1	*154
Maps available for inspection at the Baileyville Town Office on Broadway Street, Baileyville, Maine.				
Maine	Harrison, town, Cumberland County (Docket No. FEMA-6121).	Crooked River	Approximately 520' downstream of Scribner's Mill Dam	*331
			Upstream of Scribner's Mill Dam	*345
			Approximately 3,450' downstream of Bolster's Mills Dam	*351
			Upstream of Bolster's Mills Road	*378
			Approximately 100' downstream of Ryefield Bridge Road	*382
			Approximately 1,600' downstream of State Route 117	*387
			Approximately 700' upstream of State Route 117	*400
		Crystal Lake Brook	Confluence with Long Lake	*274
			Crystal Lake Dam	*300
		Crystal Lake	Entire shoreline	*300
		Long Lake	Entire shoreline within Harrison	*274
Maps available for inspection at the Town Office, Harrison, Maine.				
Michigan	(Twp.), Charleston, Kalamazoo County (Docket No. FEMA-6094).	Kalamazoo River	About 3,000 feet downstream of Climax Road	*785
			About 800 feet upstream of U.S. Highway 12	*787
			About 1.0 mile downstream of Conrail	*793
			About 500 feet downstream of Conrail	*794
Maps available for inspection at the Township Hall, 1499 South 38th Street, Galesburg, Michigan.				
Michigan	(Twp.), Williamstown, Ingham County (Docket No. FEMA-6121.	Red Cedar River	About 0.35 mile downstream of Grand River Avenue	*852
			About 500 feet upstream of Zimmer Road	*860
			About 1.1 miles upstream of South Putnam Street	*868
		Unnamed Tributary	Mouth at Red Cedar River	*864
			Just upstream of Williamston Road	*868
Maps available for inspection at the Township Hall, 4990 North Zimmer Road, Williamston, Michigan.				
Minnesota	(C), Dover, Olmsted County (Docket No. FEMA-6122)	South Fork Whitewater River	Approximately 100 feet downstream of downstream corporate limit.	*1,136
			Approximately 50 feet downstream of the Chicago and North Western Railroad.	*1,139
			Approximately 100 feet upstream of the Chicago and North Western Railroad	*1,142
			Approximately 1,000 feet upstream of County Highway 10.	*1,144
		Tributary B	Approximately 80 feet downstream of the Chicago and North Western Railroad	*1,144
			Approximately 750 feet upstream of the Chicago and North Western Railroad.	*1,146
Maps available for inspection at the City Hall, P.O. Box 116, Dover, Minnesota.				
Minnesota	(C), Dundas, Rice County (Docket No. FEMA-6122)	Cannon River	About 3,400 feet downstream of Hester Street	*917
			About 4,400 feet upstream of Hester Street	*926
		Cannon River Overbank Channel	About 1,430 feet downstream of County Road 1	*917
			Just downstream of East Street	*923
			About 900 feet upstream of East Street	*926
Maps available for inspection at the City Hall, P.O. Box 75, Dundas, Minnesota.				
Minnesota	(C), Medicine Lake, Hennepin County (Docket No. FEMA-6122).	Medicine Lake	Within corporate limits	*890
		Bassett Creek	About 200 feet downstream of Chicago and North Western Railroad.	*888
			Just upstream of Chicago and North Western Railroad	*888
Maps available for inspection at the City Hall, 10609 S. Shore Drive, Medicine Lake, Minnesota.				
Minnestoa	(C), St. Charles, Winona County (Docket No. FEMA-6122).	South Fork Whitewater River	At downstream corporate limits	*1,104
			At upstream county boundary	*1,112
		Tributary C	At mouth	*1,108
			About 275 feet upstream of Third Street	*1,112
			About 630 feet downstream of Chicago and North Western Railroad.	*1,147
			Just downstream of Chicago and North Western Railroad.	*1,154

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the City Hall, 1242 Whitewater Avenue, St., Charles, Minnesota				
Missoun	(Unincorporated), Cass County (Docket No. FEMA-6122)	West Fork—East Creek	Just upstream from State Route Y	*942
			About 3,000 feet upstream from State Route Y	*957
			About 100 feet upstream of corporate limit (about 5,900 feet upstream of 187th Street)	*981
		Poney Creek	Approximately 7,460 feet downstream from Old State Route 0	*823
			Just downstream from Old State Route 0	*834
			About 2,800 feet upstream of State Highway 0	*843
		Muddy Creek	About 2,900 feet above mouth	*842
			About 6,100 feet upstream of confluence of Muddy Creek Tributary No. 1.	*856
			About 860 feet downstream from Orchard Road	*890
			About 2,300 feet upstream from Orchard Road	*900
		Muddy Creek—Tributary No. 1	At mouth	*846
			Just downstream from State Route 2	*851
			Just upstream from State Highway 2	*855
			About 5,350 feet upstream of State Highway 2	*868
Maps available for inspection at the County Clerk's Office, Cass County Courthouse, Harrisonville, Missoun.				
Nebraska	(Unincorporated), Dakota County (Docket No. FEMA-6122).	Missoun River	Downstream county boundary	*1,070
			Downstream extraterritonal limits of city of Dakota City	*1,081
			About 2.4 miles downstream of confluence of Elk Creek.	*1,092
		Pigeon Creek	Upstream county boundary	*1,100
			About 1,300 feet downstream of U.S. Highway 77	*1,094
			At eastern village of Hubbard extraterritonal limits	*1,130
			At southwestern village of Hubbard extraterritonal limits.	*1,171
		Elk Creek	South line of section 33, T. 28 N., R. 7 E	*1,226
			About 270 feet downstream of village of Jackson west extraterritonal limits.	*1,133
			Just upstream of Burlington Northern Railroad	*1,150
			About 6,300 feet upstream of Burlington Northern Railroad.	*1,159
Maps available for inspection at the County Clerk's Office, Dakota County Courthouse, Dakota City, Nebraska.				
Nebraska	(C), Waverly, Lancaster County (Docket No. FEMA-6122)	Salt Creek	Just downstream North 141st Street	*1,111
			Confluence of Ash Hollow Ditch	*1,115
			About 3,400 feet upstream of North 120th Street	*1,120
		Ash Hollow Ditch	About 1,600 feet downstream of U.S. Highway 6	*1,115
			Just upstream of U.S. Highway 6	*1,121
			Just downstream of Interstate 80	*1,140
Maps available for inspection at the City Hall, P.O. Box 427, Waverly, Nebraska.				
New Hampshire	Epping, town, Rockingham County (Docket No FEMA-5938)	Lamprey River	Downstream corporate limits	*95
			Upstream side of State Route 87	*103
			Upstream side of State Route 125	*110
			Upstream side of Main Street	*112
			Downstream side of Blake Road	*134
			Upstream side of Blake Road	*138
			Upstream side of Bunker Pond Dam	*148
			Downstream side of State Route 101	*155
			Upstream corporate limits	*164
Maps available for inspection at the Town Office, Epping, New Hampshire				
New Hampshire	Hampton Falls, town, Rockingham County (Docket No FEMA-6073).	Atlantic Ocean	Entire Hampton Falls shoreline	*9
Maps available for inspection at the Town Office, Exeter Road, Hampton Falls, New Hampshire				
New Hampshire	Raymond, town, Rockingham County (Docket No. FEMA-6012)	Lamprey River	Downstream corporate limits	*160
			Downstream side of State Route 102	*167
			Approximately 1,000' upstream of State Route 107	*180
			Upstream side of Epping Road	*188
			Approximately 800' upstream of Langford Road	*196
			Downstream side of State Route 101	*209
			Upstream corporate limits	*217
Maps available for inspection at the Town Office, Epping Street, Raymond, New Hampshire.				
New Jersey	Bordentown, township, Burlington County (Docket No FEMA-6080).	Delaware River	Downstream corporate limits	*12
			Confluence of Crosswicks Creek	*14
		Blacks Creek	Confluence with Crosswicks Creek	*14
			U.S. Route 206 (upstream side)	*15
		Crosswicks Creek	Confluence with Delaware River	*14
			Upstream corporate limits	*19
Maps available for inspection at the Office of the Township Administrator, Township Building, Municipal Drive, Bordentown, New Jersey.				
New Jersey	Colts Neck, township, Monmouth County (Docket No FEMA-6094)	Hockhockson Brook	Confluence with Pine Brook	*47
			Upstream of Hockhockson Road	*53
		Barren Neck Creek	Downstream of downstream private road	*46
			Downstream of Long Bridge Road	*52
			Approximately 1,600' upstream of Long Bridge Road	*63
		Big Brook	Approximately 2,630' downstream of Cross Road	*38
			Approximately 2,500' upstream of Cross Road	*49
			Approximately 3,400' upstream of State Route 34	*60

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FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Mine Brook	Approximately 3,400' upstream of State Route 34	*60
			Confluence with Yellow Brook	*43
			Downstream of State Route 34	*57
			Downstream of Hominy Hill Road	*78
		Yellow Brook	Downstream of Mercer Road	*91
			Upstream of Muhlenbrink Road	*39
			Downstream of State Route 34	*49
			Upstream of Heyers Mill Road	*60
			Downstream of private road	*73
			Upstream of dam No. 1	*85
			Upstream corporation limits	*99
		Mari Brook	Confluence with Mine Brook	*66
			Approximately 4,940' upstream of confluence with Mine Brook	*84
		Tributary to Yellow Brook	Confluence with Yellow Brook	*64
			Downstream of Cedar Drive	*7
			Upstream side of upstream lake embankment	*84
		Pine Brook	Downstream corporate limits	*35
			Confluence with Hockhockson Brook	*48
		Willow Brook	Confluence with Hop Brook	*41
			Approximately 2,000' upstream of Willow Brook Road	*46
			Upstream of South Street	*62
			Downstream of Main Street	*75
Maps available for inspection at the Municipal Building, Cedar Drive, Colts Neck, New Jersey.				
New Jersey	Saddle Brook (township), Bergen County (FEMA-6122).	Saddle River	350 feet upstream of centerline of Market Street	*40
			feet upstream of centerline of Garden State Parkway	43
		Coalberg Brook	100 feet upstream of centerline of U.S. Route 80	*44
			50 feet upstream of centerline of Market Street	*47
		Coalberg Brook Tributary	At confluence with Coalberg Brook	*47
Maps available for inspection at Town Hall, Saddle Brook, New Jersey.				
New Jersey	Tewksbury, township, Hunterdon County (Docket No. FEMA-6094)I52Lamington River.		Downstream corporate limits	*116
			wnstream Lamington Road	129
			Confluence of Cold Brook	*133
			Black River Road (downstream crossing, upstream side)D*150.	
			Black River Road (upstream crossing, upstream side)	*162
			Approximately 2,20' upstream McCans Mill Road	*173
			Approximately 7,040' upstream McCans Mill Road	*193
			Confluence of Tributary A	*213
			Upstream corporate limits	*254
		Rockaway Creek	Downstream corporate limits	*125
			Oldwick Road (upstream side)	*146
			Interstate Route 78 (upstream side)	*159
			Rockaway Road (first crossing, upstream side)	*182
			Potterstown Road (upstream side)	*204
			Meadow Lane (upstream side)	*263
			Rockaway Road (fourth crossing, upstream side)	*322
			Approximately 2,040' upstream Rockaway Road (fourth crossing).	*361
			Rockaway Road (fifth crossing)	*414
			Confluence of Tributary B	*423
			Approximately 3,400' upstream confluence of Tributary B	*479
			Approximately 1,090' downstream abandoned road	*529
			Mountain Road (upstream side)	*585
			Saw Mill Road (upstream side)	*622
			Farmersville Road (upstream side)	*667
			Approximately 3,000' upstream Farmersville Road	*695
			Fairmount Road West (downstream side)	*726
		South Branch Raritan River	Downstream corporate limits	*475
			Stone Dam Ruins (upstream side)	*483
			Upstream corporate limits	*488
		Tributary A	Confluence with Lamington River	*213
			McCans Mill Road (upstream side)	*221
			Approximately 1,400' upstream McCans Mill Road	*241
			Approximately 950' downstream Homestead Road	*271
			Homestead Road (upstream side)	*293
			Hollow Brook Road extended (downstream side)	*308
		Tributary B	Confluence with Rackaway Creek	*423
			Guinea Hollow Road (upstream side)	*450
			Approximately 1,440' upstream Guinea Hollow Road	*477
Maps available for inspection at the Tewksbury Municipal Building, Water Street, Tewksbury, New Jersey.				
New Jersey	Tinton Falls, borough, Monmouth County (Docket No. FEMA-6094)	Jumping Brook	Downstream corporate limits	*73
			Upstream of Asbury Avenue	*79
			Upstream of private drive	*91
		Pine Brook	Confluence with Swimming River	*12
			Downstream of Tinton Avenue	*18
			Upstream of Tinton Avenue	*35
			Downstream of private road	*45
			Upstream corporate limits	*48
		Swimming River	Downstream corporate limits	*9
			Downstream of Normandy Road	*13
			Upstream of Government Railroad crossing	*23

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Shark River	Upstream corporate limits	*23
			Downstream corporate limits	*32
			Upstream of dam	*47
			Upstream of State Route 33	*57
			Downstream of Shark River Road	*75
		Parkers Creek	Downstream corporate limits	*12
			Downstream of Conrail crossing	*16
Maps available for inspection at the Office of the Borough Administrator, Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey.				
New Jersey	Union, township, Hunterdon County (Docket No FEMA-6094)	Mulhockaway Creek	Confluence with Spruce Run Reservoir	*275
			Van Syckles Corner Road (upstream side)	*309
			Baptist Church Road (upstream side) (downstream crossing)	*351
			Conrail Railroad (upstream side)	*452
			Gravel Hill Road (downstream side)	*512
		Tributary A to the South Branch Raritan River	Pittstown Road (upstream side)	*215
			Dam (downstream side)	*267
			Dam (upstream side)	*279
			Approximately 150' upstream of Conrail crossing	*291
		Tributary B to Mulhockaway Creek	Confluence with Mulhockaway Creek	*282
			Van Syckles Corner Road (upstream side)	*297
			Upstream corporate limits	*348
		Tributary C to Mulhockaway Creek	Van Syckles Corner Road (upstream side)	*301
			Upstream corporate limits	*369
		Tributary D to Mulhockaway Creek	Confluence with Mulhockaway Creek	*291
			Approximately 200' downstream of County Route 173	*334
		Tributary E to Mulhockaway Creek	Confluence with Tributary D to Mulhockaway Creek	*299
			Approximately 200' downstream of County Route 173	*337
		Tributary F Mulhockaway Creek	Confluence with Mulhockaway Creek	*373
			Approximately 200' upstream of Baptist Church Road	*391
		Spruce Run	Approximately 430' upstream of confluence with Spruce Run Reservoir	*275
			Upstream corporate limits	*313
Maps available for inspection at Union Township Municipal Building, Jutland Road, Hampton, New Jersey				
New York	Bridgewater, village, Oneida County (Docket No FEMA-6094)	West Branch Unadilla River	Downstream corporate limits	*1,175
			Upstream corporate limits	*1,181
Maps available for inspection at the residence of the Village Clerk, Mrs. Beatrice Roberts, Route 8 South, Bridgewater, New York.				
New York	Fulton, city, Oswego County (Docket No. FEMA-6080)	Lake Neatahwanta	Entire shoreline within community	*373
		Oswego River	Downstream corporate limits	*318
			Confluence of Waterhouse Creek	*318
			Downstream Lock No. 3	*326
			Approximately 100' upstream Lock No. 3	*344
			Downstream Lock No. 2	*346
			Upstream Lock No. 2	*358
			Upstream corporate limits	*358
		Tannery Creek	Downsteam corporate limits	*360
			Upstream Hannibal Street	*371
			Confluence of Lake Neatahwanta	*373
		Waterhouse Creek	Confluence with Oswego River	*318
			Downstream North Sixth Street	*321
			Approximately 75' upstream North Sixth Street	*331
			Downstream dam	*340
			Upstream dam	*348
			Upstream corporate limits	*354
Maps available for inspection at the Office of the City Engineer, Municipal Building, South First Street, Fulton, New York.				
New York	Geneva, city, Ontario and Seneca Counties (Docket No. FEMA-6080)	Castle Creek	Confluence with Seneca Lake	*449
			Upstream Conrail	*461
			Upstream of Hammond Lane	*477
			Downstream of Castle Street	*497
			Downstream of Brook Street	*513
			2,600' upstream of Brook Street	*547
		Marsh Creek	Confluence with Seneca Lake	*449
			Upstream of East North Street	*454
			Upstream corporate limits	*455
Maps available for inspection at the Office of the City Engineer, City Hall, 47 Castle Street, Geneva, New York.				
New York	Mendon, town, Monroe County (Docket No. FEMA-6080)	Irondequoit Creek	Downstream corporate limits	*511
			Mile Square Road (upstream side)	*537
			Approximately 4,000' upstream of Mile Square Road	*553
			Mendon-Ionia Road (upstream side)	*569
			West Bloomfield-Pittsford Road (upstream side)	*576
			Taylor Road (upstream side)	*585
			Cheese Factory Road (upstream side)	*607
			Chamberlain Road (extended)	*625
			Boughton Hill Road (upstream side)	*655
			Approximately 1,000' upstream, of Boughton Hill Road	*657
		Honeoye Creek	Downstream corporate limits	*555
			Plains Road (upstream side)	*558
			Approximately 4,400' upstream of Plains Road	*565
			Approximately 3,200' downstream of Sibley Road	*571
			Sibley Road (upstream side)	*580
			Upstream crossing of Conrail	*596

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FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Approximately 2,800' upstream of Conrail crossing (upstream crossing)	*600
			Upstream corporate limits	*670
		Tributary A	Confluence with Irondequoit Creek	*572
			Rush-Mendon Road (upstream side)	*589
			West Bloomfield-Pittsford Road (upstream side)	*592
			Approximately 1,100' upstream of West Bloomfield-Pittsford Road	*598
		Tributary B	Confluence with Irondequoit Creek	*576
			Pond Road Dam (upstream side)	*597
			Approximately 3,000' upstream of Pond Road Dam	*603
			Mendon Center Road (upstream side)	*623
			Approximately 3,100' upstream of Mendon Center Road	*641
		Tributary C	Confluence with Irondequoit Creek	*604
			West Bloomfield-Pittsford Road (upstream side)	*608
			Lanning Road (upstream side)	*618
			Approximately 3,800 upstream of Lanning Road	*629
			Approximately 600 upstream of Boughton Hill Road	*658
		Tributary D	Confluence with Tributary C	*618
			Approximately 1,300' downstream of Boughton Hill Road	*630
			Approximately 550 upstream of Boughton Hill Road	*646
		Tributary E	Confluence with Irondequoit Creek	*607
			Approximately 2,100' upstream of West Bloomfield-Pittsford Road	*625
			Approximately 500' upstream of Boughton Hill Road	*649
		Tributary F	Downstream corporate limits	*543
			New York State Thruway (upstream side)	*569
			Approximately 1,000' upstream of Cole Road	*572
Maps available for inspection at the Mendon Town Hall, 9 North Main Street, Honeoye Falls, New York				
New York	Morrisville, village, Madison County (Docket No. FEMA-6094)	Callahan Brook	Downstream corporate limits	*1,263
			Upstream of dam	*1,274[22]
			Upstream corporate limits	*1,285
Maps available for inspection at the Office of the Village Clerk, 22 East Maple Avenue, Morrisville, New York				
New York	New Paltz, village, Ulster County (Docket No. FEMA-6094	Wallkill River	Tributary 13	*193
			State Route 299 bridge	*194
Maps available for inspection at the Village Hall, 25 Platterskill Avenue, New Paltz, New York				
New York	Pomona, village, Rockland County (Docket No. FEMA-6094).	South Branch Minisceongo Creek	At most downstream corporate limits	*378
			Upstream of dam	*389
			Downstream of Quaker Road	*394
			At most upstream corporate limits	*416
			1,350' downstream of East Village	*407
Maps available for inspection at the Village Hall, Camp Hill Road, Pomona, New York.				
New York	Tuxedo, town, Orange County (Docket No. FEMA-6094)	Ramapo River	Downstream corporate limits	*397
			Downstream of dam	*412
			Upstream of dam	*433
			400' downstream of Conrail bridge (1st crossing)	*436
			130' downstream of Conrail bridge (1st crossing)	*444
			Upstream of Conrail bridge	*452
			Confluence of Warwick Brook	*462
			8,600' downstream of Arden Valley Road	*472
			3,940' downstream of Arden Valley Road	*482
			1,930' downstream of Arden Valley Road	*492
			180' downstream of Arden Valley Road	*502
			150' upstream of Arden Valley Road	*504
			Upstream corporate limits	*515
		Indian Kill	Palisades Interstate Park Boundary	*611
			500' upstream of Palisades Interstate Park Boundary	*621
			55' downstream of Sylvan Way	*631
			Upstream of Sylvan Way	*641
			320' upstream of Sylvan Way	*651
			590' upstream of Sylvan Way	*661
			320' downstream of dirt road	*671
			390' upstream of dirt road	*681
			490' downstream of dam (first)	*691
			Downstream of dam (first)	*694
			Upstream of dam (first)	*714
			Upstream of private drive (second)	*722
			750' downstream of dam (second)	*733
			600' downstream of dam (second)	*743
			460' downstream of dam (second)	*754
			360' downstream of dam (second)	*762
			Downstream of dam (second)	*770
			Upstream of dam (second)	*779
			830' upstream of Greenwood Lake Road (third crossing).	*789
			Downstream of Benjamin Meadow Road	*795
			Upstream of Benjamin Meadow Road	*805
		Warwick Brook	Confluence with Ramapo River	*462
			Downstream corporate limits	*471

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream coporate limits	*502
			470' upstream of upstream corporate limits	*512
			810' upstream of upstream corporate limits	*522
			1,130' upstream of upstream corporate limits	*532
			1,460' upstream of upstream corporate limits	*542
			1,960' upstream of upstream corporate limits	*552
			2,890' upstream of upstream corporate limits	*562
			3,290' upstream of upstream corporate limits	*572
			3,600' upstream of upstream corporate limits	*582
			3,840' upstream of upstream corporate limits	*592
			4,100' upstream of upstream corporate limits	*602
			4,350' upstream of upstream corporate limits	*612
			4,710' upstream of upstream corporate limits	*622
			670' downstream of Warwick Turnpike	*632
			230' downstream of Warwick Turnpike	*642
			Downstream of Warwick Turnpike	*651
			390' upstream of Warwick Turnpike	*661
			Downstream of private road	*670
			Upstream of private road	*680
			Upstream of Long Swamp Road	*684
		Summit Brook	Confluence with Ringwood River	*427
			950' upstream of Route 84	*437
			1,870' upstream of Route 84	*447
			170' downstream of Scottmine Road	*457
			130' downstream of Access Road (first)	*467
			170' downstream of dam (first)	*477
			270' upstream of South Gate Road	*487
			910' downstream of Access Road (fifth)	*497
			Upstream of access road (fifth)	*506
			Upstream of Pine Hill Drive	*516
			700' downstream of Brook Road	*526
			Upstream of Brook Road	*536
			790' upstream of Brook Road	*545
			400' downstream of Southgate Road (second crossing)	*556
		Ringwood River	Upstream of East Lake Road	*563
			Downstream corporate limits	*421
			Confluence of Summit Brook	*427

Maps available for inspection at the Town Hall, Route 17, Tuxedo, New York.

New York	Volney town, Oswego County (Docket No FEMA-6094).	Oswego River	Downstream corporate limits	*298
			Upstream of lock and dam No. 5	*314
			Downstream Fulton corporate limits	*318
			Upstream Fulton corporate limits	*358
			Upstream corporate limits	*361
		Waterhouse Creek	Corporate limits	*333
			Downstream of dam and spillway	*340
			Upstream of foot bridge	*348
			Upstream of dirt road	*354

Maps available for inspection at the residence of the Town Clerk, County Route 6, R.D. 2, Fulton, New York.

Ohio	(V) Portage, Wood County (Docket No. FEMA-6122)	North Branch Portage River	About 0.5 mile downstream of Conrail	*676
			About 0.35 mile upstream of U.S. Route 25	*679

Maps available for inspection at the Mayor's Office, Town Hall, Portage, Ohio.

Oklahoma	Town of Gans, Sequoyah County (FEMA-6067)	Onion Creek	Just downstream of Kobel Avenue (low water crossing).	*516
			At confluence with Onion Creek Tributary	*524

Maps available for inspection at Town Hall, Gans, Oklahoma 74936.

Oklahoma	Town of Howe, LeFlore County (FEMA-6067)	Morris Creek	Intersection of Rock Street and North Railroad Street	*476
		Morris Tributary	Just upstream of Second Street	*481
			Approximately 300' downstream of U.S. Highway 59 (corporate limits).	*487

Maps available for inspection at City Hall, Howe, Oklahoma 74940.

Oklahoma	Town of Hulbert, Cherokee County (FEMA-6073)	Double Spring Creek	Just upstream of State Highway 51	*598
			Just upstream of Birch Street	*609
		Stream A	Just upstream of Main Street	*598
		Stream B	Just upstream of State Highway 80	*589

Maps available for inspection at Town Hall, Main Street, Hulbert, Oklahoma 74441.

Oklahoma	Town of Kiefer, Creek County (FEMA-6073)	Childres Creek	Just upstream of county road	*674
			Just upstream of State Highway 67	*681

Maps available for inspection at Town Hall, Ohio Avenue, Kiefer, Oklahoma 74041.

Oklahoma	Town of Moffett, Sequoyah County (FEMA-6067)	Arkansas River	Just upstream of U.S. Highway 64	*420

Maps available for inspection at City Hall, Moffett, Oklahoma 74946.

Oklahoma	Town of Mounds, Creek County (FEMA-6080)	North Duck Creek	Just upstream of St. Louis-San Francisco Railroad	*726
		Middle Duck Creek	Just upstream of Cemetery Road	*707
		Stream A	Just upstream of 8th Street	*724

Maps available for inspection at City Hall, Mounds, Oklahoma 74047.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oklahoma	Town of Muldrow, Sequoyah County (FEMA-6073)	Little Skin Bayou	Just upstream of U.S. Highway 64	*463
		Poague Branch	Approximately 400 feet upstream of Bland Street	*481
			Just upstream of U.S. Highway 64	*494
	Maps available for inspection at Town Hall, 100 South Main Street, Muldrow, Oklahoma 74948.			
Pennsylvania	Perry, township, Fayette County (Docket No. FEMA-6027.	Youghiogheny River	Downstream corporate limits	*790
			Upstream corporate limits	*810
		Washington Run	Downstream corporate limits	*965
			Confluence with Tributary A	*984
			Upstream of Front Street	*995
		Tributary A	Approximately 1,380' upstream of Front Street	*1,006
			Confluence with Washington Run	*984
			Approximately 310' upstream of Front Street	*1,011
	Maps available for inspection at the Perry Municipal Building, Star Junction, Pennsylvania.			
Texas	Town of Prairie View, Waller County (FEMA-6122)	Ponds Creek	Just upstream of Brooks Road	*219
			Just upstream of Bean Road	*225
		Mound Creek	Just upstream of U.S. Highway 290	*256
	Maps available for inspection at Town Hall, Prairie View, Texas 77445.			
Texas	City of Rosenberg, Fort Bend County (FEMA-6122)	North Branch of Dry Creek	Just downstream of Laurel Avenue	*98
			Just upstream of Laurel Avenue	*99
		Dry Creek	Approximately 250 feet upstream of Louise Avenue	*98
			Approximately 200 feet downstream of Fourth Street	*99
			Just downstream of State Highway 36	*100
		Seabourne Creek	Just upstream of Bernard Avenue extended	*98
			Just downstream of Grundwald Heights Blvd. extended	*99
		Brazos River	Just upstream of 6th Street extended	*93
	Maps available for inpsection at City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.			
Vermont	Waterbury, town, Washington County (Docket No. FEMA-6080).	Winooski River	Downstream corporate limits	*353
			stream of Bolton Falls Dam	*405
			Upstream Central Vermont Railway	*419
			Upstream corporate limits	*433
		Thatcher Brook	Downstream corporate limits	*503
			Downstream of Laurel Road	*575
			Upstream Guptil Road (1st crossing)	*587
			Upstream Guptil Road (2d crossing)	*592
			Upstream Guptil Road (3d crossing)	*610
			Approximately 75' upstream from Guptil Road (4th crossing)	*643
	Maps available for inspection at the Town Offices, 43 South Main Street, Waterbury, Vermont.			
Vermont	Waterbury, village, Washington County (Docket No. FEMA-6080).	Winooski River	Downstream corporate limits	*421
			Winooski Street (upstream side)	*425
			Upstream corporate limits	*428
		Thatcher Brook	Confluence with Winooski River	*423
			Interstate 89 (upstream side)	*430
			Interstate 89 off ramp (upstream side)	*440
			Dam approximately 310' upstream of Interstate 89 off ramp	*454
			Dam approximately 400' downstream of Stowe Street	*492
			Stowe Street (downstream side)	*499
			Corporate limits	*504
	Maps available for inspection at the Waterbury Municipal Offices, Waterbury, Vermont.			
Virginia	City of Bristol (Independent City) (FEMA-5738)	Beaver Creek	Just upstream of Moore Street	*1,675
			Just upstream of Elm Street	*1,698
			Just upstream of Lee Highway	*1,805
		Little Creek	Just upstream of Euclid Avenue (U.S. Highway 421)	*1,683
			Just downstream of Island Road	*1,728
		Susong Branch	Just upstream of Euclid Avenue (U.S. Highway 421)	*1,683
			Just upstream of Randolph Avenue	*1,693
		Mumpower Creek	Just upstream of Madison Street	*1,705
			Just upstream of Meadow Drive	*1,722
			Just downstream of Chesterhills Estates Road	*1,763
	Maps available for inspection at City Hall, Bristol, Virginia 24201.			
Washington	Kittitas (town), Kittitas County (FEMA-6122)	Caribou Creek	100 feet upstream from center of Badger Creek Road	*1,633
		Cook Creek	Intersection of Third Avenue and Pierce Street	#1
	Maps available for inspection at Town Hall, Kittitas, Washington.			
Washington	Lewis County (Unincorporated Areas) (FEMA-6000)	Skookumchuck River	50 feet downstream from center of JW Downing Road	*201
		Chehalis River	Intersection of Southgate Drive and Oakland Avenue	*169
			300 feet upstream from center of Elk Creek Road	*307
			300 feet upstream from center of State Highway 6	*366
		South Fork Chehalis River	50 feet upstream from center of Boistfort Road	*227
		Newaukum River	Intersection of Taylor Road (South) and Jackson Highway	*261
		South Fork Newaukum River	100 feet upstream from center of Gish Road	*376
		North Fork Newaukum River	200 feet upstream from center of North Fork Road	*271
		Middle Fork Newaukum River	200 feet downstream from center of Tauscher Road	*300

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City, town, county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tilton River	Intersection of State Highway 7 and Lester Road	*940
		South Fork Tilton River	Intersection of river and center of State Highway 7	*1,040
		Cispus River	Intersection of Park Lane and Firwood Drive (North)	*1,192
		Cowlitz River	Intersection of Main Street and U.S. Highway 12	*#3
			Intersection of Ray Road (West) and Ray Road	*100
			Intersection of Cipus Road and Woods Creek Road	*686
		China Creek	Intersection of Halliday Road and Little Hanaford Road	*191
		Coffee Creek	250 feet upstream from center of Lowery Lane	*206
		Dillenbaugh Creek	Intersection of creek and center of Bishop Road	*200
		Berwick Creek	50 feet downstream from center of Jackson Highway	*268
		Hanaford Creek	200 feet downstream from center of Big Hanaford Road	*202
		Salzer Creek	Intersection of Alvord Road and State Street East	*176
		Salzer Creek Middle Fork	200 feet downstream from center of Salzer Valley Road	*192
		Salzer Creek South Fork	Intersection of Proffitt Road and Salzer Road	*189
		Salzer Creek North Fork	100 feet upstream from center of Salzer Valley Road	*193
		Lake Creek (Tributary to South Fork Chehalis River).	400 feet downstream from center of King Road	*236
		Elk Creek	200 feet upstream from center of Elk Creek Road	*307
		Lake Creek (Tributary to Tilton River)153150 feet downstream from center of Temple Road.	*936	
		Big Creek	Intersection of Nisqually Way and Osborn Road	*1,756
		Olequa Creek	100 feet upstream from center of Annonen Road	*132
			50 feet upstream from center of North Military Road	*449
		Mineral Creek	Intersection of creek and center of Mineral Creek Road.	*1,426
		Roundtop Creek	25 feet upstream from center of Mineral Creek Road	*1,393
		Lacamas Creek	Intersection of Frost Road and Jackson Highway	*352
		Siler Creek	100 feet upstream from center of Cispus Road	*904
		No Name Creek (Tributary to Siler Creek).	300 feet downstream from center of Cispus Road	*914
		Surrey Creek	The area south of Silverbrook Road, 800 feet west of the intersection of the creek and Silverbrook Road.	*908
		Silver Creek	50 feet upstream from center of U.S. Highway 12	*915
		Hall Creek	50 feet downstream from center of Snyder Road	*1,054
		Coal Creek	50 feet upstream from center of Coal Creek Road	*203
	Maps available for inspection at Planning Department, 344 West Main, Chehalis, Washington.			
West Virginia	Belle, town, Kanawha County (Docket No. FEMA-6089).	Kanawha River	Downstream corporate limits	*602
			Upstream corporate limits	*603
	Maps available for inspection at the Town Offices, Dupont and 11th Street, Belle, West Virginia.			
West Virginia	Marmet, town, Kanawha County (Docket No. FEMA-6094)	Kanawha River	Downstream corporate limits	*600
			Upstream corporate limits	*602
	Maps available for inspection at the Town Hall, 9208 McCortue Avenue, Marmet, West Virginia.			
West Virginia	Nitro, city, Kanawha and Putnam Counties (Docket No. FEMA-6089)	Kanawha River	Downstream corporate limits	*586
			East Nitro Bridge (upstream)	*588
			Upstream corporate limits	*589
		Armour Creek	Downstream corporate limits	*585
			Escoe Drive (upstream)	*589
			Interstate 64 (upstream)	*592
			3d private road (upstream)	*604
			Upstream corporate limits	*624
		Blakes Creek	Confluence with Armour Creek	*586
			Third Avenue (upstream)	*590
			South 21st Street (upstream)	*598
			Private road (upstream)	*604
	Maps available for inspection at the City Hall, 20th Street and Second Avenue, Nitro, West Virginia.			
West Virginia	Smithers, town, Fayette and Kanawha Counties (Docket No. FEMA-6094).	Kanawha River	Downstream corporate limits	*625
			Confluence of Smithers Creek	*626
			Upstream corporate limits	*630
		Smithers Creek	Confluence with Kanawha River	*626
			Bridge Street (upstream side)	*636
			County Route 2/2 (upstream side)	*655
	Maps available for inspection at the City Hall, 176½ Michigan Avenue, Smithers, West Virginia.			
West Virginia	Weston, city, Lewis County (Docket No. FEMA-6122)	West Fork River	Downstream corporate limits	*1,016
			Fourth Street bridge (upstream side)	*1,018
			Upstream crossing of Chessie System bridge	*1,020
			Approximately 0.5 mile upstream of State Route 24 bridge	*1,022
		Polk Creek	River Avenue bridge (upstream side)	*1,017
			Howell Street bridge (upstream side)	*1,018
			Approximately 0.2 mile upstream of Kuntz Avenue bridge	*1,022
		Stonecoal Creek	Confluence with West Fork River	*1,018
			Upstream corporate limits	*1,019
	Maps available for inspection at the Municipal Building, Weston, West Virginia.			
Wisconsin	(C), Edgerton, Rock County (Docket No. FEMA-6122)	Saunders Creek	About 2,300 feet downstream of Fulton Street	*799
			Just upstream of Fulton Street	*810

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just upstream of Randolph Street	*816
			At the county boundary	*822
Maps available for inspection at the Office of the Village Clerk, City Hall, 12 Albion Street, Edgerton, Wisconsin.				
Wisconsin	(V), West Salem, La Crosse County (Docket No. FEMA-5978).	La Crosse River	Downstream corporate limit	*687
			Upstream corporate limit	*690
		Lake Neshonoc	Shoreline	*702
Maps available for inspection at the Office of the Village Clerk, Village Hall, 902 E. Garland, West Salem, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-34145 Filed 11-30-81: 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Wildlife Development Areas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service is removing those regulations found at 50 CFR 20.141–20.143 entitled "Wildlife Development Areas" which provide for the establishment of wildlife development areas on land to be included at a later date within the National Wildlife Refuge System. The procedures of these sections have been used only once since their inception on May 1, 1947, and the program has thus far provided insignificant benefit with no expectation of providing any benefit in the future.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, telephone (202) 343–9242.

SUPPLEMENTARY INFORMATION: In 1947 the Service promulgated regulations entitled "Wildlife Development Areas," 50 CFR 20.141–20.143, which established an optional procedure for the management of land by the owner of a possessory estate who has conveyed a future interest in the land to the United States for refuge purposes. Under this procedure, the owner of a possessory interest may engage in the shooting of migratory birds and take measures to maintain and increase the waterfowl population of the area if these are done in compliance with a development program approved by the Secretary of Interior. The regulations also provide notice and hearing procedures for violation of a development program and revocation of program approval. The intended purpose of this section is to enhance the development of future wildlife refuge areas and protect wildlife on those lands.

The regulations have been proven unnecessary. The application of this subpart is limited solely to owners of possessory estates who have conveyed a future interest to the United States for refuge purposes. As a result the procedure has been used only on one occasion and the benefits have thus far been negligible. Further, if the procedure had been invoked more frequently, the insignificant benefits derived would have been outweighed by the administrative cost and difficulty in overseeing the development programs. For these reasons, the Service is discountinuing the program.

On July 11, 1979, a proposal to delete 50 CFR 20.141–20.143 was published in the **Federal Register** (44 FR 40534–40535). This proposal invited interested persons to participate in the rulemaking and submit comments. No comments were received by the Service.

Determination of Effects

In accordance with Executive Order 12291 entitled "Federal Regulation," the Department of the Interior has determined that this final rule is not major. This determination is discussed in more detail in a Determination of Effects prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." Because this rule was proposed before January 1, 1981, the Regulatory Flexibility Act (Pub. L. 96–354) does not apply.

The primary author of this final rule is John T. Webb, Division of Law Enforcement, Fish and Wildlife Service.

Regulations Promulgation

For the reasons set out in the preamble, Part 20, Subchapter B, Chapter I of Title 50, *Code of Federal Regulations* is amended as follows:

PART 20—MIGRATORY BIRD HUNTING

1. The authority citation for Part 20 reads as follows:

Authority: Migratory Bird Treaty Act, Sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); Sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

2. Amend the Table of Contents for Part 20 by removing and reserving Subpart M and by removing §§ 20.141, 20.142, and 20.143 under Subpart M.

Subpart M—[Reserved]

§§ 20.141–20.143 [Removed]

3. Remove and reserve Subpart M. Remove §§ 20.141, 20.142, and 20.143.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

October 30, 1981.

[FR Doc. 81-34357 Filed 11-30-81: 8:45 am]

[BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration, (NOAA)/ Commerce.

ACTION: Notice of reinstatement of DAH, reserve, and TALFF specifications.

SUMMARY: The NOAA announces that initial specifications for two fisheries are reinstated for 1982. During 1981, NOAA apportioned fish from reserve among domestic and foreign fishermen, and transferred some of the estimated domestic harvest to foreign fishermen. Under the management plans, the initial specifications are reinstated at the beginning of a fishing year.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Robert McVey, Director, Alaska Region, National Marine Fisheries Service, Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska 99802, (907) 586–7221.

SUPPLEMENTARY INFORMATION: This notice reinstates specifications for two fisheries in the United States fishery conservation zone (FCZ) for 1982.

These specifications are set out for the Gulf of Alaska Groundfish Fishery at 45 FR 73486 (November 5, 1980) and for the Trawl and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific Ocean at 46 FR 20822 (January 8, 1981).

The public is advised that the total allowable level of foreign fishing (TALFF) for Pacific ocean perch in the eastern area of the Gulf of Alaska may be reduced to 200 mt (Amendment 10 to the Gulf of Alaska FMP), in the spring of 1982, because of the poor condition of the stock.

PART 611—FOREIGN FISHING

1. The authority citation is:

Authority: 16 U.S.C. 1821 and 1855.

2. For reasons in the preamble, 50 CFR Part 611 is amended by revising the title of appendix 1 and the entries 4A and 4E, to read as follows:

Dated: November 20, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

APPENDIX 1.—OPTIMUM YIELD (OY), ESTIMATED DOMESTIC ANNUAL HARVEST (DAH), ESTIMATED DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NON-PROCESSED FISH (DNP), AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY = DAH + RESERVES + TALFF. DAH = DAP + JVP + DNP

Species	Species code	Areas	OY	DAH	DAP	DNP	JVP	Reserve	TALFF
4. Alaska fisheries									
A. Bering Sea and Aleutian Islands groundfish fishery									
Pollock	701	Bering Sea [1]	1,000,000	19,550	10,500	9,050	.....	50,000	930,450
		Aleutians [2]	100,000	0	0	0	.....	0	100,000
Yellowfin sole	720		117,000	26,200	1,200	25,000	.....	5,850	84,950
Turbots	721, 118		90,000	1,075	1,000	75	.....	4,500	84,425
Other flatfish	129		61,000	4,200	1,200	3,000	.....	3,050	53,750
Pacific ocean perch [4]	780	Bering Sea [1]	3,250	1,380	550	830	.....	162	1,708
		Aleutians [2]	7,500	1,380	550	830	.....	375	5,745
Other rockfish	849		7,727	1,550	1,100	450	.....	500	5,677
Sablefish	709	Bering Sea [1]	3,500	700	500	200	.....	350	2,450
		Aleutians [2]	1,500	700	500	200	.....	150	650
Pacific cod	702		78,700	43,265	26,000	17,065	200	3,935	31,500
Atka mackerel	207		24,800	100	0	100	.....	1,240	23,460
Squid	509		10,000	50	0	50	.....	500	9,450
Other species [3]	499		74,249	2,000	1,800	200	.....	3,712	68,537
E. Gulf of Alaska groundfish fishery									
Pollock	701	Western [1]	57,000	5,775	25	5,750	.....	11,400	39,825
		Central [5]	95,200	13,320	5,380	7,940	.....	19,040	62,840
		Eastern [6]	16,600	2,215	695	1,520	.....	3,320	11,065
		Total	168,800	21,310	.....	.....	.....	33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	16,050	3,480	1,370	1,200	6,708	20,782
		Eastern	9,900	2,070	280	590	1,200	1,980	5,850
		Total	60,000	10,000	.....	.....	.....	12,000	38,000
Flounders	129	Western	10,400	700	100	600	.....	2,080	7,620
		Central	14,700	1,120	300	820	.....	2,940	10,640
		Eastern	8,400	1,360	900	460	.....	1,680	5,360
		Total	33,500	3,180	.....	.....	.....	6,700	23,620
Pacific ocean perch [4]	780	Western	2,700	345	25	320	.....	540	1,815
		Central	7,900	1,255	295	960	.....	1,580	5,065
		Eastern	14,400	1,315	80	1,235	.....	2,880	10,205
		Total	25,000	2,915	.....	.....	.....	5,000	17,085
Other rockfish [6]		Total	7,600	900	700	200	.....	1,520	5,180
Sablefish [7]	703	Western	2,100	270	100	170	.....	420	1,410
		Central	3,800	1,220	1,000	220	.....	760	1,820
		Yakutat district [8]	3,400	1,380	1,180	200	.....	1,420	600
		Southeast outside district [8]	3,000	2,910	2,820	90	.....	0	90
		Total	12,300	5,780	.....	.....	.....	2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290	.....	936	3,452
		Central	20,836	1,080	0	1,080	.....	4,167	15,589
		Eastern	3,186	700	0	700	.....	637	1,849
		Total	28,700	2,070	.....	.....	.....	5,740	20,890
Squid	509	Total	5,000	150	0	150	.....	1,000	3,850
Other species [3]		Total	16,200	1,720	300	620	800	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0	.....	750	2,994

[FR Doc. 81-34140 Filed 11-30-81; 8:45 am]

BILLING CODE 3510-22-M

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Proposed Rules

Federal Register
Vol. 46, No. 230
Tuesday, December 1, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR 1004

[Docket No. AO-160-A57]

Milk in the Middle Atlantic Marketing Area; Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the Middle Atlantic milk order based on industry proposals considered at a public hearing in September 1981. These changes would reduce for part of the year the proportion of receipts at a distributing plant which must be disposed of as Class I milk, while increasing the percentage of producer milk which may be diverted to nonpool plants. Also, plants that process the market's reserve milk supplies and meet pool performance requirements during certain months of the year would continue to be automatically qualified for pooling for the remaining months. The recommended changes are necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic order area.

DATE: Comments are due on or before December 16, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-6273.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued August 18, 1981: published August 21, 1981 (46 FR 42486).

Order Suspending Certain Provisions: Issued September 30, 1981; published October 6, 1981 (46 FR 49102).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Middle Atlantic marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, on or before December 16, 1981. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The Proposed amendments set forth below are based on the record of a public hearing held at Philadelphia, Pennsylvania, on September 15, 1981, pursuant to notice thereof issued August 18, 1981 (46 FR 42486).

The material issues on the record of the hearing relate to:

1. Performance standards for pool distributing plants.

2. Application of the automatic pool plant qualification provision to pool plants other than supply plants.

3. Allowable diversions of producer milk to nonpool plants.

(a) Allowable diversions of individual producers' milk.

(b) Allowable diversions of all producer milk handled by a cooperative association or proprietary handler.

Finds and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Performance standards for pool distributing plants.* The percentage of receipts disposed of as Class I milk that is now required of pool distributing plants should be changed from 40 percent each month of the year to 30 percent for each month of March through August, with the performance standard remaining at 40 percent for the months of September through February.

A proprietary handler receiving milk from nonmember producers proposed that the Class I disposition standard for pool distributing plants be reduced to 30 percent of the plant's receipts for each month of the year. The handler's representative claimed that without such a reduction the handler would be unable to meet the pooling requirements since his Class I utilization percentage is expected to fall short of 40 percent. He asserted that failure of the handler to maintain pooled status would force him to cease his fluid milk operations. The witness pointed out that this handler's declining percentage of Class I use follows the same trend observable in the market as a whole, although admittedly to a greater degree. The frequent suspensions in recent years of distributing plant performance standards for the Middle Atlantic order to facilitate the continued pooling of the milk of producers normally associated with the market were cited as evidence that those standards are too high. A reduction of those standards, he claimed, would obviate the need for continued suspensions.

A representative of a federation of cooperatives supplying over 60 percent of the milk priced under Order 4 testified in opposition to any reduction of the distributing plant performance requirements. This witness stated that the marketwide Class I utilization is adequate to accommodate the pooling of reserve supplies associated with the market's fluid needs under the present

40 percent performance standard during the months of September through February. Pooling of the seasonal increase in production in the months of March through August, the witness explained, could be accommodated by adoption of the proposal to include all types of plants in the provision for automatic pooling during those months if such plants were pool plants in each of the previous months of September through February. A principal objection voiced in opposition to the proposed reduction of pooling standards was the possible association with the market of additional supplies of milk not needed as reserve supplies. Such additional supplies, it was feared, would reduce overall returns to producers already associated with the market.

This decision takes official notice of the commercial fact that the proponent of reduced distributing plant performance standards discontinued operating a distributing plant a short time after the hearing. However, the problem addressed by the handler's proposal is reflective of market conditions in general, and still may serve as a valid basis for re-examining pool plant performance standards.

Before October 1978, the performance standard required of pool distributing plants was that 50 percent of receipts be used as Class I milk during each month of the year. It was found necessary to suspend those standards for June and July 1976 and May through August 1977, as some handlers experienced difficulty in meeting the 50 percent requirement. A hearing was held in October 1977 at which testimony was given to the effect that producer receipts had been increasing significantly since a marketing area expansion in June 1975, while Class I utilization remained relatively unchanged. As a result, the percentage of producer milk used in Class I had declined from 61 percent in June 1975 to 54 percent in June 1977. No problems had been encountered in operating within the 50 percent performance requirement during the months of September through February, and the Class I utilization percentage had remained above 60 percent for those months. As a result of the October 1977 hearing, performance standards for pool distributing plants were reduced for the months of March through August from 50 percent to 40 percent. The 50 percent standard for September through February was left unchanged.

By October 1978, when the amendments resulting from the previous hearing became effective, some distributing plant operators were encountering difficulty in maintaining their Class I dispositions at 50 percent of their receipts during the months of September through February. The largest distributing plant regulated under Order 4 had become regulated under Order 2, and as a result Class I utilization by Order 4 handlers had declined considerably without a proportionate decline in production. From September–October 1977 to September–October 1978, Class I use as a percent of producer receipts fell from 61 percent to 57 percent. These developments had necessitated the suspension of the 50 percent performance standard for September 1978 through February 1979, and caused handlers to propose a reduction in the performance requirement for September through February from 50 percent to 40 percent. The proposal was adopted on the basis of reduced Class I use, and in May 1979 a 40 percent performance standard for all months became effective. An additional proposal at the October 1978 hearing requested the reduction of the 40 percent standard for March through August to 30 percent. It was determined that such a reduction was not necessary at that time.

After the most recent amendment to distributing plant performance standards in May 1979, handlers continued to experience difficulty in meeting pooling qualifications. Performance standards were suspended for May through August 1980, and for March through August 1981. As a result of a request for emergency suspension at this hearing, pooling requirements were further suspended for September 1981 through February 1982. Although the expected inability of distributing plants to meet pooling standards can be relieved by suspension of those requirements, such suspensions are emergency actions which should be minimized by providing lower pooling standards.

For the months of September through February, it appears that a 40 percent performance standard is liberal enough to assure continued inclusion in the marketwide pool of producers normally associated with the market. For the September 1977 through February 1978 period, when handlers found it possible to operate without suspension of the 50 percent performance standard, Class I utilization averaged 60 percent, with a low of 59 percent. The reduction to a 40 percent standard for those months was requested a year later when Class I use dipped to 55 percent in December 1978. Class I use during September 1980 through February 1981 averaged 52 percent with a low of 50 percent. As in the 1977–78 period, this spread of 10 percentage points between the performance standard and the lowest marketwide Class I utilization experienced in the period should cause distributing plant operators no difficulty in maintaining their pool status.

Since the proceeding in which performance standards for March through August were reduced from 50 to 40 percent, the Class I utilization percentage for that period has fallen from 55 percent in 1977 to 46 percent in 1981. In view of these changes, a 40 percent requirement for the months of March through August is too high for distributing plant operators to operate within consistently. Such a requirement most likely would make it necessary for some handlers to request frequent suspension of the standard in order to remain pooled.

The proposal to include distributing plants in the provision allowing supply plants meeting pool qualifications during the months of September through February to be automatically qualified for the months of March through August is not adopted in this decision. Furthermore, the opportunity for handlers to attach additional supplies of surplus milk to the market because of a reduction in March through August performance standards would be minimal in view of the fact that standards for September through February are to remain at 40 percent. Accordingly, the proposal to reduce the performance standard for pool distributing plants to 30 percent should be adopted for the months of March through August.

2. *Application of the automatic pool plant qualification provision to pool plants other than supply plants..* Application of the order provision which allows a supply plant meeting pooling qualifications for the months of September through February to remain pooled during the following March through August period should be expanded to include reserve processing plants, but not distributing plants. A proprietary handler proposed that the provision be amended to include all pool plants which meet performance standards for the months of September through February, and that proposal was supported by a federation of cooperative associations. Witnesses for both parties testified that inclusion of all types of plants in this provision would assure that all producers normally associated with the market would continue to have their milk pooled. The market's declining Class I use and increased volume of milk production were cited as the principal factors which might be expected to prevent handlers from

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meeting performance requirements in the months of seasonally heavy milk production.

The rationale for the inclusion of the automatic pooling provision in the Middle Atlantic order is the reduced demand for supply plant milk during the generally flush production months of the year. The reserve milk handled by supply plants is an integral part of the market's supply for class I use during the short production months. During the months of flush production, however, the direct farm supply received at a pool distributing plant is more likely to be sufficient to supply its Class I requirements. At that time, requiring qualifying shipments from supply plants may force handlers to resort to uneconomic movements of milk in order to remain pooled. The automatic pooling provision is designed to make such uneconomic movements unnecessary.

A major proportion of the reserve milk supply for the market is processed at the reserve processing plants pooled under the order. A reserve processing plant operated by a proprietary handler, a cooperative association, or a federation of cooperatives which does not meet performance standards as a pool distributing or pool supply may be a pool plant if a specified percentage of the milk handled by the plant operator or cooperative is delivered to pool distributing plants. By balancing surplus milk supplies and requirements for fluid milk, reserve processing plants perform much the same function as supply plants in this market. Therefore, the provision that allows plants performing a substantial reserve supply role to be automatically qualified during the flush production months should be made applicable to them as well as to supply plants.

Application of the automatic pooling provision to distributing plants should not be necessary. Distributing plants generally do not carry reserve supplies of milk for the market and thus are not affected as greatly by seasonal fluctuations of production as are supply plants and reserve processing plants. The reduction in distributing plant performance standards for the months of March through August should be adequate to solve any problems caused by fluctuations in production which are encountered by distributing plants in their role as handlers of producer milk.

3. *Diversion provisions.* The order should be amended to increase allowable diversions of producer milk to nonpool plants to 30 percent of a handler's milk supply which is received at all pool plants during any month of September through February. A proposal to increase the number of days' production for each producer that may be diverted to nonpool plants during those months should not be adopted.

The order now provides that a handler's total monthly diversions to nonpool plants during September through February may not exceed 25 percent of the producer milk delivered by the handler to pool plants during the month. Alternatively, up to 18 days' production of each dairy farmer may be diverted during the month to nonpool plants. No diversion limitations apply during the months of March through August.

The increased percentage of allowable diversions was proposed by a cooperative association and supported by the federation of cooperatives of which it is a member and by another cooperative association. The witness testifying on behalf of the proposal stated that as production has expanded and the number of plants processing Class I milk has declined, it has been necessary to place more reliance on nonpool plants for handling the reserve supplies of the market. Estimated deliveries by this cooperative association for August 1981–July 1982 to three nonpool plants in Pennsylvania were projected at 24 percent over deliveries to those plants in 1977. Due to these factors, the cooperative claims it is necessary to modify the diversion limit in order to accommodate efficient handling and pooling of milk production of its members, which is an important part of the necessary reserve milk supply for the market. There was no testimony in opposition to the requested increase of allowable diversions to nonpool plants.

Testimony given at the hearing relating to current levels of production, Class I use, and the capacity of the market's reserve processing plants to handle surplus milk indicates that failure to increase the diversion allowance is likely to result in uneconomic movements of milk during the September through February period in order to qualify it for pooling. Since 1971 when the present diversion allowances were determined, production in the Middle Atlantic market has increased more than 25 percent, while the amount of producer milk used in Class I has increased just over 1 percent. As a result, from 1971 to 1980 Class I utilization of producer milk in the market declined from 63.6 percent to 51.5 percent. During this same period, handlers have followed a trend of bottling milk on fewer days of the week. Most bottling plants have tended to require milk only on those days that they are bottling due to demand patterns of schools and supermarkets. Consequently, a large proportion of the milk received on heavy bottling days may be required to meet the demand for fluid needs while milk received from farms on other days of the week is almost entirely surplus. In view of these facts, it is hardly surprising that provisions for disposing of surplus milk considered appropriate in 1971 have since become inadequate. The allowance for diversions to nonpool plants in September through February should therefore be increased from 25 to 30 percent of a handler's milk received at pool plants.

The proposal to increase a producer's allowable days of production diverted to a nonpool plant from 18 to 21 was made by the same proprietary handler who proposed reducing distributing plant performance standards to 30 percent for all months of the year. Twenty-one days' diverted production would correspond to the 70 percent of receipts supplemental to the 30-percent Class I disposition required by the proposal. The cooperative federation opposed this proposal as they did the 30-percent performance standard with which it correlates. Because the 30-percent pool qualification has not been adopted for the months of September through February to which the diversion allowances apply, there should be no change in the days' production of each producer's milk which may be diverted to nonpool plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

Findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous finding and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict

with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the mimimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes to industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Middle Atlantic marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.7 paragraphs (a) and (e) are revised to read as follows:

§ 1004.7 Pool plant.

* * * * *

(a) A plant from which during the month a volume not less than 40 percent in the months of September through February, and 30 percent in the months of March through August, of its receipts described in subparagraph (1) or (2) of this paragraph is disposed of as Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area.

* * * * *

(e) Subject to the conditions of paragraph (e)(1) of this section, a plant that was qualified pursuant to paragraph (b), (c), or (d) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b), (c), or (d):

* * * * *

2. In § 1004.12 paragraph (d)(2) (i) and (ii) is revised to read as follows:

§ 1004.12 Producer.

* * * * *

(d) * * *

(2) * * *

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 30 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 30 percent of the total of such nonmember milk delivered to such handler during the month.

* * * * *

Signed at Washington, D.C., on November 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-34425 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Petitions for Rulemaking; Issuance of Quarterly Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the September 30, 1981, Quarterly Report on Petitions for Rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

ADDRESSES: A copy of this report, designated NRC Petitions for Rulemaking—September 30, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Requests for single copies of this report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Telephone: 301-492-7086.

Dated at Bethesda, Md., this 29th day of October 1981.

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-34342 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 456

[Docket No. CAS-RM-81-130]

Residential Conservation Service Program; Extension of Comment Period and Change in Hearing Dates

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Extension of comment period and change in Washington, D.C., hearing dates.

SUMMARY: On November 12, 1981, the Department of Energy published proposed amendments to the Residential Conservation Service Program (46 FR 55836). Because of the requests received, the Department is extending the comment period and postponing the hearing dates for the Washington, D.C., hearing from December 14 and 15 to January 11 and 12 in order to provide additional time to comment on the proposed rule.

DATES: Written comments on the proposed rule must be received by January 20, 1982, 4:30 p.m., e.s.t., in order

to insure their consideration. The public hearing in Washington, D.C. will be held beginning at 9:00 a.m. on January 11 and 12, 1982, at the location specified below. Requests to speak must be received no later than 4:30 p.m. on January 5, 1982. The dates for the Chicago and San Francisco hearings remain unchanged.

ADDRESSES: The Washington, D.C. hearing will be held in the DOE Auditorium, GE–086, Forrestal Building, 1000 Independence Avenue, S.W.

All written comments and requests to speak should be addressed to Conservation and Renewable Energy, Office of Hearings and Dockets, Mail Station, 6B–025, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585; or phone (202) 252–9319. All other details on the comment and hearing procedures are included in the November 12 Federal Register notice.

FOR FURTHER INFORMATION CONTACT: Mark Friedrichs or Dan Quigley, Building Services Division, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Room 8F–055, Mail Stop CE–115, Washington, D.C. 20585, (202) 252–1650.

Issued in Washington, D.C., November 20, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81–34309 Filed 11–30–81; 8:45 am]

BILLING CODE 6450–01–M

10 CFR Part 456

[Docket No. CAS–RM–81–130]

Residential Conservation Service Program

Correction

In FR Doc. 81–32458 appearing on page 55836 in the issue of Thursday, November 12, 1981, make the following corrections in **Appendix I to Part 456—Program Measures,** paragraph (e), *Table of Program Measures by State,* on pages 55860 through 55870:

State	HUD/MPS region	Fuel	Measure	Correct indicator
Arizona	II	Electric	Solar domestic water heater	C.
Hawaii	II	Gas	Water heater insulation	RC
Iowa	8	Electric	Solar domestic water heater.	
Iowa	7	Electric	Solar domestic water heater.	
Iowa	8	Electric	Solar domestic water heater.	
Iowa	II	Electric	Replacement solar pool heater.	C.
Iowa	7	Electric	Replacement solar pool heater.	C
Iowa	8	Electric	Replacement solar pool heater.	C
New Hampshire.	7	Heat pump.	Duct insulation	RC
New Mexico.	5	Electric	Replacement solar pool heater.	
New Mexico.	5	Electric	Solar domestic water heater	C
New York.	6	Gas	Duct insulation	R
New York.	7	Gas	Duct insulation	R
North Carolina.	3	Oil	Replacement heating system.	
North Carolina.	3	Oil	Replacement oil burner	C
North Carolina.	4	Heat pump.	Wind energy	
Ohio	6	Gas	Wall insulation	C
Ohio	8	Electric	Storm or thermal doors.	
Ohio	6	Electric	Heat reflective and heat absorbing window materials	R
Ohio	8	Electric	Replacement solar pool heater	C
Ohio	6	Oil	Replacement solar pool heater	C
Ohio	6	Heat pump.	Replacement solar pool heater	C
Ohio	7	Heat pump.	Replacement solar pool heater.	C
Ohio	6	Electric	Wind energy	
Ohio	6	Oil	Wind energy	
Ohio	6	Heat pump.	Wind energy	
Oklahoma	5	Electric	Wind energy	XY
Oklahoma	5	Heat pump.	Wind energy	XY
Pennsylvania	6	Electric	Pipe insulation	RC
Vermont	I	Heat pump	Heat reflective and heat absorbing window materials.	R
Virginia	6	Electric	Storm or thermal windows.	C
Virginia	I	Electric	Storm or thermal doors.	
Virginia	6	Electric	Heat reflective and heat absorbing window materials.	RC
Virginia	I	Electric	Replacement heating system.	C
Wyoming	7	Oil	Replacement solar pool heater.	C

Also, on page 55867, the portion of the table for North Dakota was inadvertently placed between Ohio and Oklahoma and should have appeared alphabetically after North Carolina.

BILLING CODE 1505–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81–678]

Manufactured Home Loans

Dated: November 12, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank board is proposing to amend the regulations for Federal savings and loan associations to liberalize the manufactured home lending rules. The proposal would allow Federal associations to become more involved in this lending activity.

DATE: Comments must be received by: January 18, 1982.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel ((202) 377–6442), at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to amend the regulations governing mobile home lending by Federally-chartered savings and loan associations to: (1) Allow associations to finance insurance premiums as part of a mobile home loan; (2) eliminate the percentage-of-assets limit on mobile home lending; (3) remove certain restrictions on the purchase of interests in out-of-territory mobile home loans; and (4) effect certain terminology changes. These amendments will enable Federal associations to finance more affordable housing profitably and help meet the housing needs of the lower- and moderate-income residents of their communities.

A. *Insurance Premium Financing.* Under current regulations, Federal associations are prohibited from financing, as part of a mobile home loan, insurance premiums other than three-year premiums for vendors' single-interest coverage and physical damage insurance. 12 CFR 545.7–6(e)(2)(iv) (1981). As a result of this prohibition, associations may not finance premiums for credit life and disability insurance and may therefore impair their loan customers' ability to obtain these insurance products. An additional consequence of the restriction is that associations are foreclosed from

receiving the commission income generated by credit life placements.

The insurance premium financing ban was introduced into the mobile home lending regulations in 1979, in connection with substantial liberalization of those regulations. *See* 44 FR 45116 (Aug. 1, 1979). At that time, the Board took the position that only insurance coverage essential to the protection of all parties should be financed. *Id.* at 45118. Insurance other than physical damage and vendors' single-interest coverage was determined not to be in this category and therefore could not be financed. It was suggested in the preamble to the regulation that the appropriate method of making these forms of coverage available would be to escrow funds for premiums.

This restriction, however, may make credit life and disability insurance unavailable to the consumer who finances a mobile home through a Federal association. Credit life and disability generally are single-premium policies for multi-year coverage; in order to obtain the insurance, the consumer must pay for the policy at its inception. Often the only way for the consumer to afford the large premium is to finance it. While there are other types of life and disability insurance coverage that consumers could obtain, credit life policies may be desired by consumers because of the convenience of obtaining them in connection with their housing loans, and because physical examinations generally are not required. The Board also notes that credit life insurance provides an additional measure of security to the association as well as to the borrower.

The Board's restriction also serves to place Federal associations at a disadvantage in comparison to lenders that are able to freely finance premiums. Therefore, the Board proposes to delete the restriction found in the current regulation with respect to premium financing and to remove the requirement that financed premiums for physical damage and vendors' single-interest insurance not exceed three years. Under the Board's proposal, the amount of the premiums for credit life and disability, physical damage, and vendors' single-interest insurance could be considered part of the buyer's total costs for purposes of determining the permissible loan amount.

The Board notes that the proposed amendment brings out an inconsistency between the requirements imposed on the offering of insurance services in connection with real estate mortgages and manufactured home loans. Under Insurance Regulation 563.35(b), insured institutions are required to give borrowers notice of their right to freely select the provider of insurance services in connection with loans secured by an owner-occupied home. 12 CFR 563.35(b). Manufactured home loans are not covered by this rule. The Board requests comment on whether the insurance services notice requirements should be equalized for both types of loans.

B. *Percentage-of-Assets Limitations.* The Board's mobile home lending regulations impose a 20-percent-of-assets limitation on this type of residential lending, although there is no longer a statutory requirement to do so. 12 C.F.R. § 545.7–6(b) (1980). Since many Federals wish to become more involved in mobile home lending, the Board proposes to remove the current 20-percent-of-assets limitation.

C. *Out-of-Territory Purchases.* Section 545.7–6(e)(3) prohibits Federal associations from purchasing interests in retail mobile home chattel paper where the security property is located outside the association's normal lending territory unless the seller is a Federally-insured depository institution. This limitation was imposed to ensure regulatory oversight of loan origination and servicing and roughly paralleled the former limitations on the purchase of out-of-territory mortgage interests. In view of the relaxation of those rules, the Board proposes to delete the requirement that associations only purchase interests from Federally-insured institutions. This change will allow associations to take advantage of out-of-territory lending opportunities without the interposition of middlemen.

D. *Terminology Changes.* In the Depository Institutions Deregulation and Monetary Control Act, Congress revised the Home Owners' Loan Act to change references from mobile homes to manufactured homes. Subsequently, Congress also decided to delete all Federal statutory references to mobile homes in favor of the term manufactured homes. Housing and Community Development Act of 1980 § 308, Pub. L. No. 96–399, 94 Stat. 1640. In the interests of uniformity, the Board proposes to adopt the term manufactured home in its regulations. The Board also proposes to delete its definition of mobile home in favor of a reference to the statutory definition of manufactured homes in the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401–26.[1] This revision will promote uniformity in terminology and ease regulatory compliance.

The Board is also proposing to make a technical amendment to the definition of manufactured home chattel paper to clarify that the scope of that term includes installment loan contracts on manufactured homes.

E. *Regulatory Flexibility.* The Board has determined that these proposed amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities. Each of the proposed amendments is enabling, not restrictive. They will not impose increased costs or expenses on Federal associations. Therefore, the Board concludes that a regulatory flexibility analysis is unnecessary.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 545, Subchapter C, Part 584, Subchapter F, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise paragraph (a)(1) of § 545.7–6 to read as follows:

§ 545.7–6 Manufactured home financing.

(a) *Definitions used in this Part.* (1) "Manufactured home" shall have the same definition as that contained in the National Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5402(6).

2. Amend paragraph (a)(2) of § 545.7–6 by adding the phrase "an installment sales contract on a manufactured home or" after the word "evidencing".

3. Amend paragraph (b) of § 545.7–6 by removing the phrase "up to 20 percent of assets" and add at the end of that paragraph the phrase "without limitation as to percentage of assets."

4. Amend paragraph (e)(2)(iv) of § 545.7–6 by striking the word "and" and the period from the first clause of that section and adding the phrase", and premiums for related insurance." and by removing the second sentence thereof.

5. Amend paragraph (e)(3) by removing the phrase "shall be an institution whose accounts or deposits

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[1] The current version of that definition states:

(6) "manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary [of HUD] and compiles with the standards established under this chapter; * * *

are insured by a Federal agency or a service corporation thereof and the seller."

6. Amend § 545.7–6 by removing the phrase "mobile home(s)" wherever it appears and replacing it with the phrase "manufactured home(s)."

§ 545.9–1 [Amended]

7. Amend paragraph (c)(1)(i) of § 545.9–1 by removing the phrase "mobile homes" and replacing it with the phrase "manufactured homes.".

SUBCHAPTER F—SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

§ 584.2–1 [Amended]

8. Revise paragraph (b)(1)(ii) of § 584.2–1 by removing the phrase "mobile home" and replacing it with the phrase "manufactured home".

(Home Owners' Loan Act Section 5(c), 12 U.S.C. 1464(c), as amended by Depository Institutions Deregulation and Monetary Control Act § 401, 94 Stat. 153)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–34429 Filed 11–30–81; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 148

[Docket No. 81N–0272]

Quick Frozen Blueberries; Advance Notice of Proposed Rulemaking on Possible Establishment of a Standard

Correction

In FR Doc. 81–30470, appearing at page 51926 in the issue of Friday, October 23, 1981, the designation "CAC/RS 103–1978" should have appeared above the heading "Recommended International Standard for Quick Frozen Blueberries" in the second column of page 51927.

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 5H5097/P73B; PH–FRL–1994–3]

Diquat; Proposed Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice reproposes that 21 CFR 193.160 be amended by extending the current regulation to permit additional uses of diquat in reservoirs, marshes, bayous, drainage ditches, canals, rivers, and streams that are quiescent or slow-moving with a tolerance limitation of 0.01 part per million for diquat in potable water. The proposal was submitted by the Department of the Army. This amendment to the regulations would establish the maximum permissible level for residues of diquat in potable water.

DATE: Written comments must be received on or before February 1, 1982.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of March 5, 1981 (46 FR 15281) that the Department of the Army and Chevron Chemical Co. had petitioned the EPA to establish a regulation permitting residues of diquat in potable water.

The notice proposed that Subpart A of 21 CFR Part 193 be amended by revising § 193.160 to read as follows:

§ 193.160 Diquat.

(a) A tolerance of 0.01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) derived from application of the dibromide salt in potable water resulting from the application of the pesticide for control of aquatic weeds in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, streams, and rivers which are slow-moving or quiescent in programs of the Corps of Engineers or other federal or State public agencies. These agencies or contractors under their direct control will make certain that the treated water will not be used for animal consumption, swimming, spraying, domestic purposes, or for irrigation for 14 days post-treatment or until approved analysis shows that the water does not contain more than 0.01 ppm of diquat (calculated as the cation) and that no treatment will be made where commercial processing of fish is practiced.

(b) A tolerance of 0.01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) (calculated as the cation) derived from application of the dibromide salt in potable water resulting from the application of the pesticide in ponds, lakes, and drainage ditches where there is little or no outflow of water and which are totally under the control of the user. The applicator will make certain that treated water will not be used for animal consumption, swimming, spraying, irrigation, or domestic purposes for 14 days posttreatment. These applications of diquat are not to be used in aquatic sites in Florida.

A correction document was published in the **Federal Register** of April 22, 1981 (46 FR 22907).

No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Comments on the proposed rule were received from twenty different parties. Four of the commenters expressed support of the proposed rule without reservation. The remaining sixteen commenters expressed support for establishing the rule, but stated reservations about the text at several places in the proposal. The major issues revolved around the following three points:

(1) Ten commenters requested clarification of the restriction under § 193.160(a) concerning commercial processing of fish. The restriction is included because the Agency has residue data showing higher levels of diquat in fish viscera than in the edible portions for which the tolerance is intended. The Agency is concerned that the viscera residues will concentrate during processing to fish protein concentrate or fish meal. However, the Agency is not attempting to limit diquat use in situations where private or commercial fishing occurs. The Agency has, therefore, clarified the restriction to read: "* * * no treatment will be made where commercial processing of fish, resulting in the production of fish protein concentrate is fish meal, is practiced."

(2) Eleven commenters opposed or requested clarification of the restriction under § 193.160(b) prohibiting private applicator use of diquat in ponds, lakes, and drainage ditches in Florida. Two commenters cited diquat's propensity to bind readily to soil particles. They reasoned that this property would mitigate against diquat residues transferring from treated sites to other bodies of water. Private use of diquat in aquatic situations is acceptable where the user can follow label directions prescribed to assure that residues in drinking water, irrigated crops, fish and shellfish are within established limits. The Agency considers all bodies of water in Florida to be interconnected because of the high water table. The Agency does not, therefore, consider any body of water to be totally under control of the user. One commenter suggested that "totally" be omitted from the restriction because it implies the absolute. The Agency does not believe that omitting the word "totally" would

change the sense of the restriction, which is that the applicators have control of the treated water. We do believe the term is useful in reinforcing our intent to restrict private applicator use of diquat in lakes, ponds, and drainage ditches and thus, have retained it with this reproposal. The restriction will not prohibit the use of diquat in any aquatic site in Florida. It will limit diquat use in Florida to persons described under paragraph § 193.160(a) The Agency will reconsider the restriction if adequate data from field trials or documented evidence from actual use are presented to show that diquat residues will not transfer through the shallow water aquifers typical of Florida (particularly sandy soils). The Agency is modifying the restriction so that it clearly applies to private applicator use as follows: "§ 193.160(b) * * * "For the purposes of this paragraph only [§ 193.160(b)], these applications of diquat are not to be used in aquatic sites in Florida."

(3) Five commenters requested addition of the category licensed or certified applicators to the user groups cited under § 193.160 (a) (licensees of Federal or State public agencies). These commenters were concerned that the proposed languge was too restrictive with regard to who could apply diquat to the listed aquatic sites under such programs. The Agency's position is that appropriate Federal or State agencies administering public water management programs should determine which categories or groups of applicators are qualified and can adhere to the restrictions on diquat aquatic use described in § 193.169(a).

Water management district personnel, municipal officials, applicators certified for aquatic pesticides use and other trained, experienced applicators may be eligible as licensees. The agency concludes that addition of the category licensed applicators would be consistent with the regulation described in § 193.160(a). The pertinent language, therefore, is revised to read as follows: "§ 193.160(a) xxx. These agencies or contractors or licensees under their direct control xxx". The proposed tolerance represents 12.73 percent of the maximal permitted intake (MPI) for diquat residues. These values are based on a no-observable-effect level (NOEL) of 10 ppm (0.5 mg/kg of body weight; 2-year rat feeding study), a safety factor of 100, and an MPI of 0.3000 mg/day for a 60 kg person. Since the production of cataracts in experimental animals is the most sensitive indicator of diquat toxicity, the NOEL quoted above is the noncataractogenic level.

The evaluation of the scientific data supporting this proposed regulation is presented in the **Federal Register** of March 5, 1981 (46 FR 15281).

As discussed in the Agency's proposal of March 5, 1981, the Agency will, at a later date, establish regulations under the Safe Drinking Water Act to limit concentrations of pesticides in drinking water. Until these regulations are established, the Agency will continue to rely on food additive tolerances established under section 409 of the Federal Food, Drug, and Cosmetic Act to describe limits on residues in drinking water resulting from direct applications of pesticides in aquatic situations. The establishment of a diquat tolerance for potable water is not intended to substitute for, nor will it preclude the subsequent development, if necessary, of a national drinking water standard (Maximum Containment Level (MCL)) for this chemical, nor would it necessarily determine what the MCL would be.

It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the prescribed label and labeling registered pursuant to FIFRA, as amended (86 Stat. 973, 89 Stat. 751; U.S.C. 135(a) *et seq.*). Therefore, it is proposed that 21 CFR 193.160 be amended as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[FAP 5H5097/P73B]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Richard Mountfort from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1))).

Dated: November 16, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, it is proposed that 21 CFR 193.160 be revised to read as follows:

§ 193.160 Diquat.

(a) A tolerance of 0.01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) derived from application of the dibromide salt in potable water resulting from the application of the pesticide for control of aquatic weeds in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, streams, and rivers which are slow-moving or quiescent in programs of the Corps of Engineers or other Federal or State public agencies. These agencies or contractors or licensees under their direct control will make certain that the treated water will not be used for animal consumption, swimming, spraying, domestic purposes, or for irrigation for 14 days posttreatment or until approved analysis shows that the water does not contain more than 0.01 ppm of diquat (calculated as the cation) and that no treatment will be made where commercial processing of fish, resulting in the production of fish protein concentrate or fish meal, is practiced.

(b) A tolerance of 0 01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidiinium) (calculated as the cation) derived from application of the dibromide salt in potable water resulting from the application of the pesticide in ponds, lakes, and drainage ditches where there is little or no outflow of water and which are totally under control of the user. The applicator will make certain that treated water will not be used for animal consumption, swimming, spraying, irrigation, or domestic purposes for 14 days posttreatment. For the purposes of this paragraph only [§ 193.160(b)] these applications of diquat are not to be used in aquatic sites in Florida.

[FR Doc. 81-34410 Filed 11-30-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 141

[WH-FRL-1938-2]

Maximum Contaminant Levels for Fluoride

AGENCY: Environmental Protection Agency (EPA or the Agency).

ACTION: Response to petition for rulemaking.

SUMMARY: On June 4, 1981, the South Carolina Department of Health and Environmental Control, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(e) filed a petition requesting that EPA exercise its rulemaking authority by repeal of 40 CFR 141.11(c), that portion of the National Interim Primary Drinking Water Regulations establishing Maximum Contaminant Levels (MCLs) for fluoride. The Administrator hereby acknowledges receipt of the petition and agrees to consider the actions proposed by the petitioners as part of the process of developing Revised National Primary Drinking Water Regulations under the Safe Drinking Water Act.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/472-5016.

SUPPLEMENTARY INFORMATION:

I. Petition

The petition filed by the South Carolina Department of Health and Environmental Control seeks repeal of the National Interim Primary Drinking Water Regulations for Fluoride, 40 CFR 141.11(c). The petitioner contends that: (1) The costs of reducing fluoride levels in water supplies with naturally high fluoride content is prohibitive and in excess of the supposed benefits and (2) fluoride in public water supplies does not present a health hazard.

The petitioner commissioned a study of fluoride reduction alternatives for forty-three South Carolina community water supplies. On the basis of results from that study, petitioner has concluded that the costs of fluoride reduction would make compliance with the current regulations economically burdensome. A copy of the report of the commissioned study was filed with the EPA Regional Office in Atlanta, Georgia. The petitioner noted that the costs of fluoride reduction, as determined by the study, are much higher than the cost estimates relied upon by EPA at the time of promulgation of the fluoride regulations in 1975.

The petitioner also submits that fluorosis, the visible effect of elevated fluoride levels, is not an adverse health effect that should be regulated under the Safe Drinking Water Act. Rather, the petitioner maintains that fluorosis is essentially an aesthetic effect, and therefore should not be controlled by a national drinking water regulation. Petitioner asserts that fluoride should be controlled only by a secondary drinking water regulation, pending further study of the medical and economic aspects of fluoride removal from drinking water. Secondary drinking water regulations are intended to specify maximum contaminant levels that are requisite to protect the public welfare, and are not Federally enforceable.

II. Agency Action in Response to Petition

A. Background

During the development of the National Interim Primary Drinking Water Regulations, EPA consulted the Department of Health, Education and Welfare, specifically the National Institute of Dental Research, the Division of Dental Health and the Deputy Surgeon General on the effects of fluoride in drinking water. EPA sought to ascertain whether fluoride should be included as a health-related contaminant, and if so, at what levels.

Acting upon the advice of the Surgeon General, EPA categorized dental fluorosis in its more severe forms as an adverse health effect. In addition to staining of dental enamel, severe fluorosis is characterized by pitting and flaking of dental enamel.

At the time of its development the 1975 National Interim Primary Drinking Water Regulation for fluoride was designed to be protective against the more severe levels of fluorosis and not against the merely cosmetic staining that also occurs. As the amount of fluoride in drinking water is increased, the incidence of all levels of fluorosis increases, including the more severe form. It is believed that the extent of the various degrees of dental fluorosis is a function of the amount of fluoride exposure during the years when tooth enamel generation is occurring, roughly up to ages 8 to 10.

B. Revised National Primary Drinking Water Regulations

The Agency has been actively attempting to resolve these questions and will continue to address the issues during the development of Revised Primary Drinking Water Regulations.

1. *Epidemiology Studies.* To reevaluate the issue regarding fluoride health effects, EPA has funded two epidemiology studies. A third epidemiology study, funded by the National Institute of Dental Research, has a similar goal—to determine if fluoride naturally occurring in drinking water causes adverse effects, and if so, at what levels.

After some delay, the study in Texas is now nearing completion, and the final report is scheduled for delivery in February 1982. The objectives of the project are the identification of the significant dental effects which occur in a specific age strata of a human population and the relationship of these to consumption of water containing natural fluorides and other sources of fluoride. Another aspect of the Texas project involves a survey of public opinion, in which participants will provide their perception of the problems related to dental fluorosis.

As an expansion of the Texas epidemiologic study, another project is intended to assess the benefits of normal dentition as compared to costs associated with fluorosed teeth. This study will examine caries incidence versus fluoride levels and fluorosis occurrence, and the costs of corrective dental care for caries and fluorosis.

The study in South Carolina conducted by the State of South Carolina and support by EPA funds, and submitted in support of the petition, is as yet unreported in the scientific literature and therefore has not yet undergone peer review. However, the study did show that moderate and severe fluorosis, the type associated with physiological damage to teeth, had been detected apparently as frequently as reported in the earlier literature.

The National Institute of Dental Research (NIDR) study, carried out in Illinois, is also nearing completion. In this investigation, dental caries experience and the prevalence and severity of dental fluorosis is being assessed among children who have consumed continually since birth, drinking water containing natural fluoride at two, three or four times the concentrations currently recommended as optimal by the U.S. Public Health Service for reducing dental caries for the specific geographic area. In addition to the conventional criteria used in diagnosing fluorosis, which involve an index based on the condition of the most affected teeth, NIDR will also utilize criteria which involve the most visible teeth, in an effort to assess the sociological impact and the aesthetic aspects of fluorosis.

All of the reports from these studies will be subject to formal peer review by a cross section of interested institutions. EPA will seek advice on the physiological effects of fluoride in water from experts in the field including the

Surgeon General, the American Dental Association and State authorities. The evaluations resulting from the review process will contribute significantly to the reapparisal of fluoride's status in revised drinking water regulations by providing an understanding of the frequency, extent and effect of dental fluorosis, and the effect of fluoride in water on dental caries.

2. *Treatment Options and Costs.* In the area of fluoride treatment and associated costs, EPA has underway a number of projects having a direct bearing on the issue raised by the petitioner. These projects include:

(a) Field studies of treatment processes including activated alumina and reverse osmosis, for the removal of inorganic contaminants from water.

(b) An evaluation of operating costs and effectiveness of low and highpressure reverse osmosis for the removal of specific contaminants, including fluoride, from drinking water.

(c) A project involving the use of a mobile pilot plant to evaluate and compare ion exchange, reverse osmosis and activited alumina for the removal of fluoride and other ground-water contaminants.

(d) Evaluation of performance and cost of full-scale treatment facilities for the removal of fluoride by activated alumina.

(e) Comparative evaluation of full-scale and individual fluoride removal systems, involving cost and efficacy evaluations in both existing and new installations.

(f) In addition to the data generated by EPA studies, data from existing fluoride removal plants are being compiled so that up-to-date actual cost figures will be available.

C. Decision of the Administrator

EPA hereby acknowledges receipt of the petition from the South Carolina Department of Health and Environmental Control. EPA will review the information supplied by the petitioner, along with all information related to the health effects of elevated fluoride levels and treatment costs during its ongoing regulatory development process. The objective of this process is to develop Revised Primary Drinking Water Regulations. The development of Revised Primary Drinking Water Regulations is already underway.

The present target date for comprehensive proposed Revised Primary Drinking Water Regulations is the fall of 1983. However, in response to the petition, EPA will accelerate the development process for the fluoride portion of those regulations and will make a decision regarding revised fluoride regulations as soon as the current epidemiology studies are completed, reported, and reviewed, and revised treatment and economic impact assessments are completed. The current schedule would allow a decision in approximately August of 1982.

Dated: November 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-34233 Filed 11-30-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Prohibition of Flood Insurance for Undeveloped Coastal Barriers

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of intent to issue proposed rule.

SUMMARY: The Secretary of the Interior intends to issue a proposed rule on or about August 13, 1982, which will delineate those coastal barriers along the Atlantic Coast and Gulf of Mexico which are determined to be undeveloped and unprotected as defined in the Omnibus Budget Reconciliation Act (OBRA) of 1981. He will also issue a proposed definitional framework which amplifies the language of the Act and provides the basis for consistent and accurate delineation of boundaries. Data summaries on each designated unit will accompany the maps. The Secretary will take this action pursuant to Title III, Part 4 of OBRA, which requires that he designate those coastal barriers which are undeveloped so that no new Federal flood insurance shall be provided on or before October 1, 1983 for any new construction or substantial improvements of structures located on those undeveloped coastal barriers. The draft definitional framework will be made available for review and comment on December 8, 1981. The draft maps and data summaries will be made available on January 15, 1982 for a 60-day comment period. Comments on the draft definitional framework, maps and data summaries should be received prior to the close of the comment period on March 15, 1982. Proposed designations for submission to the Congress will be based on the actual-on-the-ground conditions in existence as of this date, March 15, 1982.

DATES:

Draft definitions to be released for public review and comment on or about: December 8, 1981.

Draft maps and data summaries to be released for public review and comment on or about: January 15, 1982.

Comments on the definitions, maps and data summaries to be received on or before: March 15, 1982.

On-the-ground conditions for proposed designations established as of this date: March 15, 1982.

Proposed designations and Report to Congress: August 13, 1982.

Final designations: October 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240, (202-343-5347).

SUPPLEMENTARY INFORMATION: On August 13, 1981, the Omnibus Budget Reconciliation Act was enacted. Title III, Part 4 of this legislation concerned Flood, Crime, and Riot Insurance. Within that Part, section 341, subsections (a)–(c) and (e), amended specific portions of the National Flood Insurance Act of 1968. Section 341, subsection (d)(1) of that Act, also amended the National Flood Insurance Act by adding a new section. That new section, section 1321(a)–(c) of the National Flood Insurance Act, is entitled "Undeveloped Coastal Barriers". Section 341, subsection (d)(2) of OBRA while not an amendment to the National Flood Insurance Act, also establishes responsibilities within the Department of the Interior with regard to undeveloped coastal barriers.

This document is to provide a notice of the procedure and methodology with which the Department of the Interior intends to develop and implement its responsibilities under new section 1321 of the National Flood Insurance Act to designate undeveloped coastal barriers and its responsibilities with regard to section 341(d)(2) of OBRA to conduct a study of undeveloped coastal barriers. This notice identifies the key responsibilities established by this legislation and advises the public where additional information may be obtained and where comments should be sent. It is also designed to identify a process through which the Department of the Interior will consider the requirements of the Executive Order on Federal Regulation, E.O. 12291; the Regulatory Flexibility Act; the Paperwork Act of 1980; the National Environmental Policy Act, as implemented by the Council on Environmental Quality and by this

Department; and, Departmental regulations.

New section 1321 of the National Flood Insurance Act—entitled *Undeveloped Coastal Barriers*—establishes limits on the availability of flood insurance with regard to certain undeveloped coastal barriers. Subsection (a) provides that "(no) new flood insurance coverage shall be provided under this title on or before October 1, 1983, for any new construction or substantial improvements of structures located on undeveloped coastal barriers which shall be designated by the Secretary of the Interior." All flood insurance issued prior to that date will remain in effect regardless of location. The exclusion on flood insurance coverage will only be applicable to new construction or substantial improvements after October 1, 1983, on undeveloped coastal barriers, as designated by the Secretary of the Interior. Subsection (b), and its legislative history, provide definitions of the term "coastal barrier" and the word "undeveloped". This subsection also provides that certain already protected coastal barriers shall be excepted from these definitions and shall not be designated. These provisions will be implemented in the following manner.

First, the Department has determined that implementation of this new section will require the development of a definitional framework in order to designate undeveloped coastal barriers with precision. This effort has been initiated within the Department. The Department intends to further refine the statutory definition of terms "coastal barrier", "undeveloped", and similar terms within the latitude afforded by this legislation and its legislative history prior to final designation of undeveloped coastal barriers.

Second, the Department intends to integrate into the process of developing this definitional framework, and designations of undeveloped coastal barriers the requirements of E.O. 12291, the Regulatory Flexibility Act, the Paperwork Reduction Act of 1980, and the National Enironmental Policy Act to the degree they are applicable.

Third, the Department has also determined that public participation in the development of draft definitional framework, maps and data summaries will be beneficial. Accordingly, the Department has issued this Notice and will provide the public with a minimum of a 60 day comment period on draft maps and data summaries and will take additional steps to assure public participation during that comment period. In addition, the draft definitional framework will be made available to members of Congress, State and local officials and the public on or about December 8, 1981.

Fourth, it is contemplated that draft maps (indicating application of the draft definitional framework to coastal barriers) and data summaries will be available for public review and comment on or about January 15, 1982. The boundaries of undeveloped coastal barriers will be based upon the best data available to the Department at the time of printing. It is expected, however, that updating of that data both by the Department and the public will be necessary. The Department intends to develop proposed designations for submission to Congress based on actual on-the-ground conditions in existence at the close of the comment period. This is presently scheduled to be March 15, 1982. This approach means that changes in the geomorphic status or development status of potential undeveloped coastal barriers will be taken into consideration as of that date. To facilitate this process, comments submitted within one week after the close of the comment period will be accepted to ensure that the Department has the most accurate information possible as of that point in time. This approach is necessary to ensure that proposed designations can be provided the Congress in a timely manner.

Fifth, the Department intends to issue a final definitional framework and final designations in the fall of 1982. These final designations will follow transmission of the proposed delineations and the study to Congress as required by section 341(d)(2) of OBRA. These designations will be based on the definitional concepts adopted, after public comment, to implement the law.

The second component of the Department of the Interior's responsibilities with regard to undeveloped coastal barriers as provided by the terms of the OBRA is the study required by section 341(d)(2) of that Act. That provision requires that:

> (2) The Secretary of the Interior shall conduct a study for the purpose of designating the undeveloped coastal barriers which will be affected by the amendment made by paragraph (1). Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a report of the findings and conclusions of such study together with a proposed designation of the undeveloped coastal barriers and any recommendation regarding the definition of the term "coastal barrier" as enacted by such amendment.

This study shall be conducted as a part of the process of developing definitions and designations as discussed above. It will also be closely integrated with the NEPA process. A significant portion of this study will be based upon new information received as a result of comments on the draft maps and definitions issued earlier and from other sources. As required by law, this study (including recommendations regarding the definition of the term "coastal barrier" and "undeveloped" if any) and the Department's proposed definitions and designations—as they may be revised following the close of the public review and comment period—will be provided to the Congress prior to August 13, 1982. Further public review and comment will also be provided at that time. Transmission of the study and proposed designations to the Congress will, in essence, provide the public with a second comment period prior to final designation.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-34355 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 81

[Docket No. 81-657]

Vessel Traffic Service System (VTS) Communications in the Houston VTS Area; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule on the Vessel Traffic Service (VTS) System communication in the Houston VTS area that appeared at page 50573 in the Federal Register of Wednesday, October 14, 1981 (46 FR 50573). The action is necessary to correct typographical errors in the west longitudes in the Appendix.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda R. Figueroa, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Errata, PR Docket No. 81-657

Released: November 18, 1981.

In the matter of amendment of Parts 81 and 83 of the rules to make the frequency 156.55 MHz available exclusively for Vessel Traffic Service (VTS) communications in the Houston VTS radio protected area.

The following corrections are made in PR Doc. 81-657 appearing on FR page 50573 in the issue of October 14, 1981:

1. On page 50574 in column three under the headings "Appendix" and "§ 81.357 Frequencies available for use in Vessel Traffic Service Systems" in paragraph (b)(3) "west longitudes 93°30′ and 93°" is corrected to read "west longitudes 93°30′ and 96°".

2. On page 50574 in column three under the headings "Appendix" and "§ 83.361 Frequencies available for use in Vessel Traffic Service Systems" in paragraph (b)(3) "west longitudes 93°30′ and 93°" is corrected to read "west longitudes 93°30′ and 96°".

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-34375 Filed 11-30-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 16

Review of Information Concerning the Raccoon Dog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service is reviewing available biological and economic information on the raccoon dog, *Nyctereutes procyonoides*, for possible addition to the list of injurious wildlife under the Lacey Act. Importation and introduction of this species into the natural ecosystem of the United States appears to pose a threat to native wildlife species. Listing the raccoon dog as an injurious species would prohibit its importation into, or its transportation between, the United States and any territory or possession of the United States with limited exceptions. This notice seeks comments from the public to aid in determining if a proposed rule is warranted.

DATE: Comments must be submitted on or before January 15, 1982.

ADDRESS: Comments may be mailed to Chief, Division of Wildlife Management, Mail Code 355, U.S. Fish and Wildlife Service, 1717 H Street, NW., Room 512, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

James F. Gillett, Chief, Division of Wildlife Management, 202-632-7463.

SUPPLEMENTARY INFORMATION: The principal author of this notice is Jeffrey L. Horwath of the Division of Wildlife Management, U.S. Fish and Wildlife Service. An exchange of letters constituting a cooperative arrangement between the Assistant Secretary for Fish and Wildlife and Parks of the Department of the Interior and the Canadian Ministry of the Environment obligates both Governments to use their best efforts under existing legal authority to effect prohibition of importation of the raccoon dog, *Nyctereutes procyonoides*. The agreement obligates the Department of the Interior to initiate the process required for action toward prohibition of importation of raccoon dogs, but not to list or treat them as injurious, pending the outcome of a full study. Indigenous to Japan, eastern Siberia, and Vietnam, this species was released into the natural ecosystem in parts of the western Soviet Union where it apparently established a viable population. It has migrated northward and westward and now occurs in Finland, Sweden, Norway, Rumania, Hungary, Czechoslovakia, Poland and parts of Germany. It has been bred in captivity with its fur marketed under the name "ussurian raccoon."

Available evidence suggests that importation and introduction of the raccoon dog into the natural ecosystem of North America could pose a threat to indigenous wildlife species. At the present time, importation of this species into North America is not restricted.

The Lacey Act (18 U.S.C. 42) and implementing regulations contained in 50 CFR Part 16 restrict the importation into, or transportation between, the United States and any territory or possession of the United States of any nonindigenous species of wildlife determined to be injurious or potentially injurious to the natural ecosystem except for zoological, educational, medical, or scientific purposes, or by Federal agencies solely for their own use. Adding the raccoon dog to the list of injurious wildlife contained in 50 CFR Part 16 would prohibit its importation into, and transportation within the United States and its territories and possessions for any purposes other than as listed above.

This notice solicits biological, economic, or other information concerning the raccoon dog. The information will be used by the Service to determine the extent the raccoon dog has been imported and bred in the United States, and its possible introduction into the natural ecosystem. The information will also assist in preparing impact analyses and examining alternative protective measures under Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601).

Dated: November 18, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-34436 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-55-M

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Notices

Federal Register
Vol. 46, No. 230
Tuesday, December 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Crop Price Support Rates; Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of Determination of 1981 Crop Fire-Cured (Types 22 and 23), Dark Air-Cured (Types 35 and 36) and Virginia Sun-Cured (Type 37) tobacco price support rates; correction.

SUMMARY: This document corrects a notice of determination of the price support rates applicable to eligible grades of 1981-Crop Kentucky-Tennessee Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco that appeared in FR Doc. 81–28832 at page 49627 in the Federal Register on Wednesday, October 7, 1981. This action is necessary to correct errors in support rates which appeared in the table of grade loan support rates for 1981 Crop Virginia Sun-Cured Tobacco Type 37.

EFFECTIVE DATE: December 1, 1981.

ADDRESS: Director, Tobacco and Peanuts Division, ASCS, USDA, Room 5750-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Program Specialist, ASCS, (202) 447–2715.

Correction

The following corrections are made in FR Doc. 81–28832 appearing on page 49627 in the issue of October 7, 1981 (46 FR 49627): On page 49629 at the end of column four entitled "length 44," the loan support rate for C3G is corrected to read 91 and C5G is corrected to read 82.

Signed at Washington, D.C., on November 20, 1981.

Merritt W. Sprague,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–34424 Filed 11–30–81; 8:45 am]
BILLING CODE 3410–05–M

Determination; 1981 Virginia Fire-Cured (Type 21) Tobacco, Price Support Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1981 Virginia Fire-Cured (Type 21) tobacco price support rates; correction.

SUMMARY: This document corrects a notice of determination of price support rates applicable to eligible grades of 1981-Crop Virginia Fire-Cured tobacco tied in hands and in certain down-stalk grades in united form that appeared in FR Doc. 81–24100 at page 41832 in the Federal Register on Tuesday, August 18, 1981. This action is necessary to correct errors in grades and loan rates which appeared in the table of support rates.

EFFECTIVE DATE: December 1, 1981.

ADDRESS: Director, Tobacco and Peanuts Division, ASCS, USDA, Room 5750-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Program Specialist, ASCS, (202) 447–2715.

Correction

The following corrections are made in FR Doc. 81–24100 appearing on page 41832 in the issue of August 18, 1981 (46 FR 41832):

On page 41832 at the middle of column two entitled "length 47," the support rate for B3D is corrected to read 150; at the middle of column six entitled "length 43," the support rate for B4D is corrected to read 85. On page 41833 at the end of column one entitled "Grade," NIDG is corrected to read NIGD.

Signed at Washington, D.C., on November 20, 1981.

Merritt W. Sprague,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–34428 Filed 11–30–81; 8:45 am]
BILLING CODE 3410–05–M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) for the proposed financing assistance by REA for Brazos Electric Power Cooperative, Inc., (Brazos) of Waco, Texas, to convert approximately 30 miles (48.3 km) of 69 kV transmission line to 138 kV, construct 5 miles (8 km) of new 138 kV line, convert four substations in Denton, Dallas, and Tarrant Counties, Texas, and install microwave facilities at two of the substations. This finding, in accordance with REA Bulletin 20–21:320–21, Part 1, was based on REA's independent evaluation, REA's Environmental Assessment (EA) and Brazos' Environmental Report (BER).

Threatened and endangered species, important farmland, archaeological and historical sites, wetlands, floodplains, and other potential impacts of the proposed project have been adequately investigated in the BER and EA.

The transmission line will cross 0.72 mile (1.6 km) of floodplain and 0.5 mile (0.8 km) of wetland. Approximately 7 miles (11 km) of prime farmland will be crossed, however, the amount of prime farmland impacted by the project will be insignificant.

Several alternatives were evaluated including taking no action, instituting conservation measures, interconnection into other existing transmission lines, developing other sources of power generation, utilizing other communication sources and other construction methods. Relative to these alternatives the project, as proposed, would be the most economically and environmentally efficient solution.

Copies of the Finding of No Significant Impact, EA and the BER may be obtained from or reviewed in the Office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Adminstration, Washington, D.C. 20250, or may be reviewed in the Offices of Brazos Electric Power Cooperative, Inc., 2404 LaSalle Avenue, Waco, Texas 76706.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of November 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-34009 Filed 11-30-81;8:45 am]

BILLING CODE 3410-15-M

Cajun Electric Power Cooperative, Inc., New Roads, Louisiana; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65), and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $830,000,000 to Cajun Electric Power Cooperative, Inc., (Cajun) of New Roads, Louisiana. This loan guarantee will be used to finance a 75 percent ownership interest in the 540 MW Big Cajun Oxbow, Unit 1, lignite-fired generating plant, approximately 13 miles of 500 kV and 7 miles of 230 kV transmission line, and related substations. It is contemplated that Gulf States Utilities will obtain and finance the remaining 25 percent ownership interest in the plant.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. James R. Smith, Manager, Cajun Electric Power Cooperative, Inc., P.O. Box 578, New Roads, Louisiana 70760.

In order to be considered, proposals must be submitted on or before December 31, 1981 to Mr. Smith. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as Cajun and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of November, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-34208 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-15-M

Pacific Northwest Generating Co., Portland, Oregon; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $924,000 to the Pacific Northwest Generating Company, Portland, Oregon (PNGC). These loan funds will be used to finance front-end engineering and environmental studies, permit and license fees, and other related front-end costs in connection with the proposed construction of the Eagle Rock 20 MW Hydroelectric Project. This facility, if feasible, will be constructed on the Snake River in Power County, Idaho.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. David E. Piper, General Manager, Pacific Northwest Generating Company, 8383 N. E. Sandy Blvd., Suite 330, Portland, Oregon 97220.

In order to be considered, proposals must be submitted on or before December 31, 1981 to Mr. Piper. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as PNGC and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of November, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-34208 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-15-M

Tri-State Generation and Transmission Association, Inc., Denver, Colorado; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $49,400,000 to Tri-State Generation and Transmission Association, Inc., Denver, Colorado. These loan funds will be used to finance the construction of (1) 1 mile of 230 kV and 20 miles of 115 kV transmission line; (2) 3 new substations, 1 new switching station and various substation and switching stations additions and improvements; (3) a new headquarters office facilities and energy management systems center; and (4) a warehouse service facility.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. William Mickey, Manager, Tri-State Generation and Transmission Association, Inc., 12076 Grant Street, P.O. Box 33695, Denver, Colorado 80233.

In order to be considered, proposals must be submitted on or before December 31, 1981 to Mr. Mickey. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Tri-State and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of

Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of November, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-34207 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Pastime Park RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio, Telephone No. (614)-469-6962.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pastime Park RC&D Measure, Union County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for providing flood control and land drainage improvements. Catch basins and drains to intercept and convey surface runoff off the fairgrounds will be installed. Seeding will be applied to control erosion on areas disturbed by construction.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until December 31, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: November 16, 1981.

Robert R. Shaw,

State Conservationist.

[FR Doc. 81-34257 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-16-M

Statistical Reporting Service

Changes in Fresh Market Vegetable Estimating Program

Notice is hereby given that effective with the January 7, 1982 *Vegetable* report, the Statistical Reporting Service (SRS) is implementing a revised vegetable estimating program.

Estimates of acres for harvest during the coming quarter will be reinstated in the quarterly reports published in January, April, July and October. Acres for harvest will continue to be published by "deal" or area in major States having a demonstrated industry need and local capability for producing estimates at less than State totals. Changes will affect quarterly acreage estimates for fresh market snapbeans, broccoli, cabbage, cantaloups, carrots, cauliflower, celery, sweet corn, cucumbers, eggplant, escarole/endive, honeydew melons, lettuce, green peppers, spinach, tomatoes, and watermelons. Estimates for other fresh and processed vegetables will be unchanged.

Forecasts of harvested acreage, yield and production for the first six months (January–June) will be published in the April report, and forecasts for the last half of the year (July–December) will be published in October.

For further information, contact R. D. Fenley, Head, Fruit and Vegetable Section, Room 5175–S, USDA/SRS, Washington, D.C. 20250, Phone (202) 447–2127.

Done at Washington, D.C. this 25th day of November, 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81-34435 Filed 11-30-81; 8:45 am]

BILLING CODE 3410-18-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting for 10:00 am, on December 1, 1981, to consider decisive action on the revision or rescission (ATBCB Dockets No. 81–G–2 and 81–G–1) of the ATBCB Minimum Guidelines and Requirements for Accessible Design as published in the **Federal Register** as a Final Rule on January 16, 1981. As deferred from the September 22, 1981, meeting, the Board will also consider the conduct of public hearings, the involvement of the American National Standard Institute standard A117.1, and Board funding for public participation in the rulemaking process.

DATE: December 1, 1981, 10:00 AM–5:00 PM.

ADDRESS: Main Hall, Disabled American Veterans National Service and Legislative Headquarters, 807 Maine Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

SUPPLEMENTARY INFORMATION: The meeting of the ATBCB will enable the Board to further consider developments, including modification, rescission, amendment, of its accessibility rule adopted January 6, 1981. 46 FR 4270. The ATBCB will also hold its annual election of a Chairperson for a term of one year effective December 5, 1981.

ATBCB Committee meetings are scheduled for Monday, November 30, 1981. These meetings will be held from 9:30 am–5:00 pm, Rooms 5167 and 5169, 330 Independence Avenue SW., Washington, D.C. Contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD), for exact time of each committee meeting.

Mason H. Rose, V,

Chairperson.

[FR Doc. 81-34359 Filed 11-30-81; 8:45 am]

BILLING CODE 4000-07-M

CIVIL AERONAUTICS BOARD

[CAB-R-403; 81-47]

Applications and/or Amendments Thereto Filed During the Week Ending November 20, 1981; Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No	Description
11-18-81	40253	Northeast Sunrise Airlines, Inc., c/o Arthur Todman, President, One Penn Plaza, Suite 100, New York, N.Y. 10119. Application of Northeast Sunrise Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to perform scheduled air transportation of persons, property and mail as follows: "Between the terminal point of Albany, New York and the intermediate points: Atlanta, GA, Boston, MA, Buffalo, NY, Chicago, IL, Dallas/Ft Worth, TX, Detroit, MI, Houston, TX, Jacksonville, FL, Louisville, KY, Miami, FL, Minneapolis/St Paul, MN, New York, NY-Newark, NJ, Orlando, FL, Philadelphia, PA/Wilmington, DE, Pittsburgh, PA, Providence, RI, San Juan, PR, St. Croix, VI, and the terminal point: Washington, D.C." Conforming Applications, motions to modify scope, and Answers may be filed by December 17, 1981

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-34389 Filed 11-30-81; 8:45 am]
BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
81-11-127	Airline Holdings, Inc., d/b/a Air Hawaii	Dec. 10, 1981
81-11-134	Dolphin Airways, Inc.	Dec. 10, 1981
81-11-161	Cosmopolitan Airlines, Inc.	Dec 15, 1981
81-11-165	Kingman Aviation, Inc., d/b/a Golden Pacific Airlines	Dec. 10, 1981

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

For further information contact: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Orders 81-11-127, 161, and 165: Mr. J. Kevin Kennedy, (202) 673-5918; for Order 81-11-134: Mr. James Lawyer, (202) 673-5088.

By the Civil Aeronautics Board, November 24, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-34388 Filed 11-30-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-11-160]

South Pacific Kwajalein/Majuro Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-11-160).

SUMMARY: The Board is instituting the *South Pacific Kwajalein/Majuro Proceeding* and is proposing to grant unrestricted authority to South Pacific at Kwajalein and Majuro, Marshall Islands under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATE: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than December 16, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 40131, which we have entitled the *South Pacific Kwajalein/Majuro Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon South Pacific; the mayors and airport managers of Kwajalein and Majuro, Marshall Islands; and the President of the Marshall Islands.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-11-160 is available from our Distribution Section, Room 100, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-11-160 to that address.

By the Bureau of Domestic Aviation, November 24, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-34390 Filed 11-30-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-11-74; Dockets 39456 and 31290]

Standard Industry Fare Level Based on Domestic Common Fares and Establishment of Standard Industry Fare Level; Final Orders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of November, 1981.

By Order 81-4-108, adopted April 16, 1981, we directed all persons to show cause why we should not make final our tentative conclusion that for markets where there were common fares in effect on July 1, 1977 that were found to be unlawful in Docket 27330 (Orders 77-6-21, June 7, 1977 and 77-9-132, September 29, 1977) the SIFL fare should be recalculated on the basis of ratemaking mileage for said markets using the fare formula in accordance with the Board's standard methodology; and that ceiling fares should be computed from recalculated SIFL fares.

The order directed persons objecting to the tentative finding set forth in that order to file their objections within 21 days. In addition, the order provided that if no objections were filed, all procedural steps would be deemed waived, and the Secretary would enter an order which would make final the Board's tentative finding and recalculate prospectively SIFL fares and ceiling fares as described in Order 81-4-108.

No objections to Order 81-4-108 have been received.

Accordingly,

1. We hereby reset the SIFL fare level as of July 1, 1977 predicated on the finding in Docket 27330, for those markets in the Attachment hereto [1] where there were common fares in effect on July 1, 1977; and

[1] Attachment filed as part of original document.

2. We will serve a copy of this order on all U.S. certificated air carriers and the Seattle parties.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-34434 Filed 11-30-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Maine Advisory Committee; Cancelled Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights that a meeting of the Maine Advisory Committee of the Commission originally scheduled for December 1, 1981, at Augusta, Maine, (FR Doc. 81-32501 on page 55554) has been cancelled.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-34384 Filed 11-30-81; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on December 15, 1981, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to discuss the project on affirmative action in the private sector and the report on layoffs in public education.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548-5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 25, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-34386 Filed 11-30-81; 8:45 am]

BILLING CODE 6350-01-M

[2] All members concurred.

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:30 p.m., on December 18, 1981, at the Phelps Stokes Funds, 10 East 87th Street, New York, New York. The purpose of this meeting is to discuss program planning for the fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Franklin H. Williams, Phelps Stokes Funds, 10 East 87th Street, New York, New York, 10028, (212) 427-8100 or the Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, New York, 10278, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 25, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-34385 Filed 11-30-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 17, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was established on October 5, 1981, pursuant to the charter of the Committee.

The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Time and place: December 15, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Avenue NW., Washington, D.C.

Agenda:

General Session

(1) Opening remarks by the Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of CCL entry 1565, as it relates to computer controlled switching equipment.

(4) Industry comments on relevant control parameters for export licensing purposes are requested.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: November 24, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-34419 Filed 11-30-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products from Macau

November 24, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward, the levels of restraint established for women's, girls' and infants' cotton knit shirts and blouses in Category 339 from 489,475 dozen to 556,915 dozen and for man-made fiber coats in Category 633/634/635 from 139,924 dozen to 165,264 dozen, produced or manufactured in Macau and exported during the agreement year which began on January 1, 1981.

(A detailed description of the texile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979 between the Governments of the United States and Portugal, as amended, concerning products produced or manufactured in Macau, provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the succeeding year's level. Pursuant to the terms of the bilateral agreement, the levels of restraint for Categories 339 and 633/634/635 are being adjusted for the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 11, 1980, there was published in the **Federal Register** (45 FR 81643) a letter dated December 8, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 339, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. A further letter dated August 25, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** on August 28, 1981 (46 FR 43482) which established a level of restraint for Category 633/634/635 during the same twelve-month period. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint previously established for cotton and textile products in Categories 339 and 633/634/635 to the designated amounts during the twelve-month period which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 24, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 8, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 25, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 339 and 633/634/635, produced or manufactured in Macau, in excess of the following adjusted levels of restraint:

Category	Amended 12-mo. level of restraint [1]
339	556,915 dozen.
633/634/635	165,264 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton and man-made fiber textile products from Macau, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34331 Filed 11-30-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal, which provide, in part, that: (1) Within the aggregate and group limits, specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Adjusting the Import Restraint Levels for Certain Cotton Apparel Products From the Republic of the Philippines

November 25, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Reducing the import charges to the level of restraint for cotton playsuits in Category 337 (Non-Traditional) by 6,544 dozen; (2) Applying special carryforward amounting to 12,000 dozen to the level of restraint established for men's and boys' cotton trousers in Cagegory 347, increasing it to 248,391 dozen; and (3) Applying special carryforward amounting to 15,000 dozen to the level of restraint for women's, girls' and infants' cotton trousers in Category 348 (Non-Traditional), raising it to 225,373 dozen.

All of the foregoing adjustments apply to goods produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46

FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, it was agreed in consultations held November 9 and 10, 1981 between representatives of the two governments to apply special carryforward to the levels of restraint established during the agreement year which began on January 1, 1981 for Categories 347 and 348 (Non-Traditional). The amounts of special carryforward will be deducted from the 1982 levels for these two categories. It was also agreed, following a data investigation of imports in Category 337 (Non-Traditional) that charges to the level for this category during the current agreement year should be reduced by 6,544 dozen.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. On June 23 and July 15, 1981, further letters were published in the **Federal Register** (46 FR 32470 and 36725) which amended the December 19, 1980 letter to establish levels of restraint for Categories 347 and 348 (Non-Traditional) and 337 (Non-Traditional) during the same twelve-month period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with consultations held pursuant to the bilateral agreement, to adjust the levels of restraint previously established for Categories 337 (Non-Traditional), 347 and 348 (Non-Traditional).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States or certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 1, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347 and 348pt., produced or manufactured in the Philippines, in excess of the following amended levels of restraint:

Category	Amended 12-mo. Level of Restraint [1]
347	248,391 dozen.
348pt. [2]	225,373 dozen

[1] The levels of restraint have not been adjusted for any imports after December 31, 1980.

[2] In Category 348, all T.S.U.S.A. numbers except 382.0087, 382.0691, 382.3349, 382.3355, 382.3359 and 382.3363.

You are further directed, effective on December 1, 1981, to reduce the import charges to the level of restraint established for Category 337pt.[1] by 6,544 dozen.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34421 Filed 11-30-81; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 337, all T.S.U.S.A. numbers except 382.0073, 382.0020 and 382.3329.

Announcing Additional Import Controls on Certain Cotton Textile Products from Thailand

November 25, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton poplin and broadcloth in Category 314, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981, at a level of 9,000,000 square yards.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), and October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand, the United States Government has decided to control imports of cotton textile products in Category 314, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–2184).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85141) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Thailand, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In accordance with the terms of the bilateral agreement, as amended, the United States Government has decided also to control imports of cotton textile products in Category 314, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on January 1, 1981. Accordingly, in the

letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 314, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981, in excess of 9,000,000 square yards. The level has not been adjusted to reflect any imports after December 31, 1980. Imports during the January-September 1981 period amounted to 1,536,243 square yards and will be charged. As the data become available, further charges will be made to account for imports during the period which began on October 1, 1981 and extends to the effective date of this action.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 3, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 314, produced or manufactured in Thailand and exported on and after January 1, 1981, in excess of 9,000,000 square yards.[1]

Cotton textile products in Category 314 which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Cotton textile products in Category 314 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34420 Filed 11-30-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Imports during the period, January through September 1981, have amounted to 1,536,243 square yards.

Economic Regulatory Administration

[ERA Case No. 52053-2539-01, 02, 03, 04-84]

Niagara Mohawk Power Corp.; Disclosure of Information

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Disclosure of Information.

SUMMARY: In connection with its proposed prohibition order to a powerplant owned by the Niagara Mohawk Power Corporation of Syracuse, New York (units identified as Albany Generating Station Nos. 1, 2, 3, 4), pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), 15 U.S.C. 791 et seq., as amended, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) received a request for the disclosure of a Draft Environmental Impact Report (DEIR) prepared by Princeton Aqua Science, Inc., from the Niagara Mohawk Power Corporation. ERA has decided to release the requested information and has placed a copy of the DEIR in the public record of this proceeding.

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW.—Room 6128, Washington, D.C. 20461, (202) 653-3379.

Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319 (15 U.S.C. § 791 et seq.) as amended by Pub. L. 94-163, Pub. L. 95-70, and Pub. L. 95-620; Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. § 7101 et seq.) as amended by Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620 and Pub. L. 95-621; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (42 U.S.C. § 8301 et seq.) as amended by Pub. L. 97-35; E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (September 15, 1977); Freedom of Information Act, Pub. L. 89-554 (5 U.S.C. § 552) as amended by Pub. L. 90-23, Pub. L. 93-502, Pub. L. 94-409, and Pub. L. 95-454; DOE Freedom of Information Regulations, 10 CFR Sec. 1004, 44 FR 1908 (January 8, 1979).

Issued in Washington, D.C., on November 20, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81-34408 Filed 11-30-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Cases Filed; Week of November 6 Through November 13, 1981

During the week of November 6 through November 13, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

November 24, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 6 through Nov. 13, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Nov 9, 1981	Foremost Petroleum Co., Houston, Tex.	HEG-0005	Request for Special Redress. If granted: The October 22, 1981 Special Report Order issued to Foremost Petroleum Company by the Acting Deputy Director of the Office of Hearings and Appeals would be reviewed.
Do	Louisiana Land & Exploration Co., Washington, D.C.	HRD-0010	Motion for Discovery. If granted: Discovery would be granted to Louisiana Land & Exploration Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc. by the Office of Special Counsel
Do	M&A Petroleum Co., Victoria, Tex.	HEG-0006	Request for Special Redress. If granted: The October 22, 1981 Special Report Order issued to M&A Petroleum Company by the Acting Deputy Director of the Office of Hearings and Appeals would be reviewed.
Do	Texaco, Inc., Washington, D.C.	HRD-0009	Motion for Discovery. If granted: Discovery would be granted to Texaco, Inc. in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc. by the Office of Special Counsel
Nov 10, 1981	Cracker Barrel Stores, Inc., Baton Rouge, La.	HRH-0004	Motion for Evidentiary Hearing. If granted: an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Cracker Barrel Stores, Inc. in response to the Proposal Remedial Order (Case No. HRO-0002) issued to the firm.
Do	Double U Oil Co., Washington, D.C.	HRD-0008	Motion for Discovery. If granted: Discovery would be granted to Double U Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1536) issued to Double U Oil Company by the Office of Enforcement.
Do	Glen A. Martin, Washington, D.C.	HRD-0011	Motion for Discovery. If granted: Discovery would be granted to Glen A. Martin in connection with the Statement of Objections submitted in response to the June 1, 1981, Proposed Remedial Order (Case No. BRO-1466) issued to Glen A. Martin by the Office of Enforcement.
Do	Jack A. Guenther, Washington, D.C.	HRD-0012	Motion for Discovery. If granted: Discovery would be granted to Jack E. Guenther in connection with the Statement of Objections submitted in response to the June 1, 1981, Proposed Remedial Order (Case No. HRO-1533) issued to the firm by the Office of Enforcement.
Nov 12, 1981	Babcock Contractors, Inc., Vienna, Va.	HFA-0013	Appeal of Information Request Denial. If granted: The October 22, 1981, Information Request Denial issued by the Office of Procurement Operations would be rescinded and Babcock Contractors, Inc. would receive access to certain DOE information.
Do	Conoco, Inc., Washington, D.C.	HFA-0014	Appeal of Information Request Denial. If granted: The October 2, 1981, Information Request Denial issued by the Office of Special Counsel would be rescinded, and Conoco, Inc. would receive access to documents involving the November 8, 1979, Notice of Probable Violation issued to the firm.

[FR Doc. 81-34406 Filed 11-30-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed Week of November 9 Through November 13, 1981

During the week of November 9 through November 13, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceedings the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before December 21, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceedings and will prepare official service lists, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service lists as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: November 24, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Culpepper Oil Company Oklahoma City, Oklahoma, HRO-0010, crude oil

On November 9, 1981 and November 10, 1981, Culpepper Oil Company (c/o Bright & Nichols, 1700 First City Bank Tower, Oklahoma City, Oklahoma), Energy Cooperative, Inc. (c/o Ginsburg, Feldman, Weil & Bress, 1700 Pennsylvania Avenue NW., Washington, D.C.), and Commonwealth Oil Refining Co., Inc. (c/o Ginsburg, Feldman, Weil & Bress, 1700 Pennsylvania Avenue NW., Washington, D.C.) filed Notices of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to Culpepper on October 1, 1981. In the PRO the Southwest District found that during the period September 1, 1973 to May 31, 1977, Culpepper maintained inadequate sales records in violation of 10 CFR § 210.92(a) and improperly certified various properties as stripper well properties in violation of 10 CFR §§ 210.32 and 212.54. According to the PRO, the Culpepper violation resulted in $560,669.76 of overcharges.

W. R. Hughey Operating CO., Tyler, Texas. HRO-0011, crude oil

On November 10, 1981, W. R. Hughey Operating Company of Tyler, Texas filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on October 14, 1981. In the PRO, the Southwest District found that during the period September 1973 through September 1, 1980 the firm sold crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D.

According to the PRO, the W. R. Hughey Operating Company violation resulted in $1,167,845.76 of overcharges.

[FR Doc. 81-34405 Filed 11-30-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed Week of November 2 Through November 6, 1981

During the week of November 2 through November 6, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceedings the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before December 21,

1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceedings and will prepare official service lists, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service lists as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: November 24, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Hamilton Brothers Petroleum Corp., Denver, Colorado HRO–0008, natural gas liquid products

On November 4, 1981, Hamilton Brothers Petroleum Corp., 1600 Broadway, Suite 2600, Denver, Colorado, 80202, filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District of Enforcement issued to the firm on October 2, 1981. In the PRO, the Central Enforcement District found that during the period September 1, 1973 through March 31, 1975, Hamilton failed to apply, or improperly applied, the applicable regulations regarding the computation of maximum allowable selling prices for its natural gas liquid products.

According to the PRO, Hamilton's violations resulted in $899,133.41 of overcharges (exclusive of interest).

Sauvage Gas Company, Oberlin, Kansas, HRO–0007, natural gas liquids

On November 4, 1981, Sauvage Gas Company, P.O. Box 132, Oberlin, Kansas filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on September 28, 1981. In the PRO, the Central Enforcement District found that during the period September 1973 through July 1977, Sauvage sold natural gas liquids (NGLs) and NGL products in excess of the maximum lawful selling prices established by applicable DOE regulations.

According to the PRO the Sauvage violation resulted in $13,797,232.38 of overcharges.

Spruce Oil Corporation, Denver, Colorado, HRO–0006, Motor Gasoline, diesel fuel

On November 2, 1981, Spruce Oil Corp., P.O. Box 5660, Denver, Colorado 80217 filed a Notice of Objection to a Proposed Remedial Order which the DOE Rocky Mountain District Office of Enforcement issued to the firm on September 30, 1981. In the PRO, the Rocky Mountain District found that during the period November 1, 1973 to January 31, 1976, prices charged by Spruce in certain sales of motor gasoline and diesel fuel constituted violations of applicable pricing regulations.

According to the PRO, the Spruce violation resulted in $1,396,512.82 of overcharges.

T&S Refining, Inc., Houston, Texas, HRO–0009, crude oil

On November 6, 1981, and November 9, 1981 T&S Refining, Inc. (c/o Roger Carter, 1660 L St. N.W., Washington, D.C.) Energy Cooperative, Inc. (c/o Ginsburg, Feldman, Weil and Bress, 1700 Pennsylvania Ave. N.W., Washington, D.C.) and Commonwealth Oil Refining Co., Inc. (c/o Ginsburg, Feldman, Weil and Bress, 1700 Pennsylvania Ave., N.W., Washington, D.C.) filed Notices of Objection to a Proposed Remedial Order which the DOE Office of Enforcement issued to T&S Refining on September 18, 1981. In the PRO the Office of Enforcement found that during the period April 1978 to December 1979, T&S Refining improperly failed to file Refiner's Monthly Reports as required by 10 CFR 211.66.

According to the PRO the T&S Refining violation resulted in $4,490,405.79 of overcharges.

[FR Doc. 81–34409 Filed 11–30–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51357; TSH–FRL–1995–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMNs and provides a summary of each.

DATES: Written comments by: PMN 81–594, January 17, 1982. PMN 81–595 and 81–596, January 18, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51357]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–594

Close of Review Period. February 16, 1982.

Importer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $500 million.

Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Mixed aromatic diazo dye.

Use. The importer states that the PMN substance will be used as a dye for paperboard.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Black liquid with slight ammoniacal odor.

pH, 10 g/l water—7.5.

Boiling point—100°C.

Solubility: water—Miscible.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5g/kg.

Acute intraperitoneal toxicity LD_{50} (rat)—810 mg/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Non-irritating.

Exposure. The importer states that during processing, use and disposal 4 workers may experience dermal exposure 2 hrs/day, 60 days/yr during opening drums and cleaning up spills or leaks.

Environmental Release/Disposal. The importer states that 10–100 kg/yr will be released to land and 1000–10,000 kg/yr will be released to water 2 hrs/day, 60 days/yr. Disposal is by reprocessing or incineration.

PMN 81–595

Close of Review Period. February 17, 1982.

Manfacturer's Identity. Superior Varnish and Drier Company, P.O. Box 1310, Merchantville, NJ 08109.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Tall oil/soya/safflower-styrene/acrylic copolymer resin.

Use. The manufacturer states that the PMN substance will be used as a printing ink vehicle.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	12,000
2d year	26,000	28,000
3d year	26,000	28,000

Physical/Chemical Properties

Viscosity—150 poises @ 77°F.
Tack—10 @ 400 RPM.
Volatility—Non-volatile.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 3 workers may experience dermal exposure 6 hrs/day, 24 days/yr during sampling and discharging the material in drums.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81-596

Close of Review Period. February 17, 1982.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Phenylenediimino-bis (chlorotriazinylimino-substituted phenyleneazo-naphthalenetrisulfonic acid), hexasodium salt.

Use. Claimed confidential business information.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Free flowing powder
Solubility:
water @ 20°C—200 g/l
oil (fat stimulant) @ 37°C—8.4×10^{-5} g/kg
Octanol/water Partition—1.3×10^{-4} Coefficient @ 25°C
Vapor pressure @ 25°C—$<1\times10^{-4}$ Pa

Toxicity Data

Acute oral toxicity LD_{50} (rat)—<5,000 mg/kg
Acute dermal toxicity LD_{50} (rat)—>5,000 mg/kg
Skin irritation (rabbit)—Slight irritant
Eye irritation (rabbit)—Mild irritant
Skin sensitization (guinea pig)—Not a skin sensitizer

Environmental Test Data

COD—0.054 g/g
BOD_5—<0.05 g/g
TOC—9.26 g/g
Aerobic biological elimination—3%
EC_{50} 5 day (green algae)—>100 mg/1
EC_{50} @ 24, 48, 72, and 96 hr. (rainbow trout)—100 mg/1
EC_{50} @ 24 and 48 hr. (daphnia magna)—>100 mg/1
Accumulation study (mirror carp)—Did not accumulate

Exposure. The importer states that no exposure is anticipated.

Environmental Release/Disposal. The importer states that no release to the environment is anticipated.

Dated: November 20, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-34380 Filed 11-30-81; 8:45 am]

BILLING CODE 6560-31-M

[PP 6G1807/T333; PH-FRL-1995-4]

Thidiazuron; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide thidiazuron (*N*-phenyl-*N*'-1,2,3-thiadizol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultrual commodities milk at 0.05 part per million (ppm); eggs at 0.1 ppm; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

DATE: These temporary tolerances expire July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, that was published in the Federal Register of June 25, 1981 (46 FR 32935), extending temporary tolerances established for residues of the herbicide thidiazuron (*N*-phenyl-*N*'-1,2,3-thiadizol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultrual commodities cottonseed at 0.2 ppm; milk at 0.05 ppm; eggs at 0.1 ppm; and the meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm. These temporary tolerances were extended in response to pesticide petition (PP 6G1807), submitted by Nor-Am Agricultural Products, Inc., 350 West Shuman Blvd., Napierville, IL 60566.

Since then, the company has submitted an amendment requesting that cottonseed be deleted from petition (PP 6G1807) and has requested a one-year extension of the temporary tolerances to permit the continued marketing of the remaining raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit (2139-EUP-23), which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

Nor-Am Agricultural Products, Inc., at the same time submitted pesticide petition (PP 1G2458) requesting the establishment of a tolerance for residues of the herbicide thidiazuron and its aniline-containing metabolites in or on cottonseed at 0.4 ppm. This request was granted in a notice that appeared in the Federal Register of November 4, 1981 (46 FR 54794).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the herbicide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Nor-Am must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire July 1, 1983. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the herbicide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164 (5 U.S.C. 601–612)), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: November 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–34361 Filed 11–30–81; 8:45 am]

BILLING CODE 6560–32–M

[AEN–FRL–1988–1]

Ethyl Corp.; Denial of Application for Fuel Waiver; Summary of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 211(f) of the Clean Air Act (Act), the Administrator of EPA is denying the waiver requested by the Ethyl Corporation (Ethyl) for the use of methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of up to 1/64 gram of manganese per gallon of unleaded gasoline.

ADDRESS: Public Docket: Copies of information on this waiver application and the Administrator's decision are available for inspection in public docket EN–81–15 at the Central Docket Section (A–130) of the Environmental Protection Agency, Gallery I—West Tower, 401 M Street, SW, Washington, D.C. 20460, (202) 755–0245, between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of the Administrator's decision are also available by contacting James W. Caldwell at the address or phone number below.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell or Robert Gelman, Fuels Section, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 382–2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), prohibits the introduction into commerce of certain automotive fuels and fuel additives. Section 211(f)(4) of the Act, 42 U.S.C. 7545(f)(4), provides that the Administrator of EPA, upon application by a fuel or fuel additive manufacturer, may waive the prohibitions established under section 211(f) if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause vehicles to fail emission standards. The Ethyl Corporation (Ethyl) has submitted such an application for the use of methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of up to 1/64 gram of manganese per gallon of unleaded gasoline.

For reasons specified in the decision document, I have denied the waiver request. This denial is based on the determination that Ethyl has failed to demonstrate that MMT, used as an additive in unleaded gasoline in the requested concentration, will not cause or contribute to a failure of any 1975 or subsequent model year vehicle or engine to comply with the emission standards with respect to which it was certified under section 206 of the Act.

This action was submitted to the Office of Management and Budget (OMB) for review pursuant to Executive Order 12291.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

This is a final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit on or before February 1, 1982. Under section 307(b)(2), today's action may not be challenged later in a separate judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: November 20, 1981.

John E. Daniel,

Acting Administrator.

[FR Doc. 81–34362 Filed 11–30–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup Meeting

November 20, 1981.

Subgroup 2: Technical Parameters.

Meeting: Tuesday, December 15, 1981, 9:30 A.M.–4:30 P.M., Federal Communications Commission, 1229 20th Street, N.W., Room A–110, Washington, D.C.

Agenda: 1) Approval of Agenda, 2) Announcements, 3) Status Report by Working Group 2A—J. Ramasastry, 4) Status Report by Working Group 2B—E. Martin, 5) Organization for Future Work, 6) Other Business, 7) Date of Next Meeting and Adjournment.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–34418 Filed 11–30–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1320]

Petitions for Reconsideration and Applications for Review of Actions in Rule Making Proceedings

November 20, 1981.

The following listings of petitions for reconsideration and applications for review filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration and applications for review must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of 73.202(b), Table of Assignments, FM Broadcast Stations. (Christiansted and Frederiksted, Virgin Islands) (BC Docket No. 81–284, RM's 3696, 3822, 3927 and 3928)

Filed by: Lee M. Mitchell, Tom W. Davidson & Grier C. Raclin, Attorneys for CDI Communications WIVI Partnership, (WIVI–FM) on 11–16–81.

Subject: Amendment of 73.202(b), Table of Assignments, FM Broadcast Stations. (Falmouth, Massachusetts) (BC Docket No. 80–159, RM–3326)

Filed by: Louis Schwartz & Malcolm G. Stevenson, Attorneys for New England Media Corporation, (WCIB–

FM) on 11–16–81. (Application for Review)

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–34417 Filed 11–30–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or befor December 11, 1981 in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or dispproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. T–3761–1.

Filing party: Milton A. Mowat, Manager, Traffic & Regulatory Affairs, Port of Portland, P.O. Box 3529, Portland, Oregon 97208.

Summary: Agreement No. T–3761–1 between the Port of Portland and Matson Terminals, Inc., amends the basic Agreement No. T–3761 by extending its term from December 31, 1981, through February 28, 1982. Upon the termination date, Matson Navigation Company will transfer its vessel operations from Terminal 4 to Terminal 6 in the Port of Portland, under provisions of Portland Terminal Tariff No. 4.

By Order of the Federal Maritime Commission.

Dated: November 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–34358 Filed 11–30–81; 8:45 am]

BILLING CODE 6730–01–M

Greater Detroit Chamber of Commmerce and Greater Detroit Board of Commerce; Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P–73; Order of Revocation

Wheras, the Greater Detroit Chamber of Commerce and its predecessor, the Greater Detroit Board of Commerce, 150 Michigan Avenue, Detroit, Michigan 48226, have completed their charters of the passenger vessels Sagafjord, Cunard Adventurer, Cunard Ambassador, Southward, Renaissance, Mississippi Queen and Caribe.

It is ordered, the Certificate (Performance) No. P–73 issued to the Greater Detroit Board of Commerce covering the Sagafjord and Certificate (Performance) No. P–73 reissued to the Greater Detroit Chamber of Commerce covering the Sagafjord, Cunard Adventurer, Cunard Ambassador, Southward, Renaissance, Mississippi Queen and Caribe be and are hereby revoked effective November 13, 1981.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served on certificants.

By the Commission, November 13, 1981

Francis C. Hurney,

Secretary.

[FR Doc. 81–34396 Filed 11–30–81; 8:45 am]

BILLING CODE 6730–01–M

Carnival Cruise Lines, Inc., et al.; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons or Voyages pursuant to the provisions of Section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. 540): Carnival Cruise Lines, Inc., and Festivale Maritime Incorporated and AVL Maritime Inc. c/o Carnival Cruise Lines, Inc., 3915 Biscayne Boulevard, Miami, Florida 33137.

Dated: November 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–34397 Filed 11–30–81; 8:45 am]

BILLING CODE 6730–01–M

Scandinavian World Cruises (Bahamas) Ltd. and DFDS Seacruises (Bahamas) Ltd.; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and DFDS Seacruises (Bahamas) Limited c/o Scandinavian World Cruises, 1080 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: November 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–34398 Filed 11–30–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound bank practices." Any comment on an application that requests

a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 21, 1981.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (mortgage activities; insurance activities; North Carolina): To retain shares of its wholly-owned subsidiary Manufacturers Hanover Mortgage Corporation (MHMC) after MHMC expands the service area of its office located in Newport News, Virginia, which is authorized to engage in the activities of arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing any such loans and other extensions of credit for any person; acting as agent or broker, through its subsidiary, CMC Insurance Agency, Inc., for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. The Newport News office services customers in the cities of Newport News, Hampton, Poquoson, Williamsburg and the counties of Gloucester, James City, and York; MHMC will continue to serve these customers and proposes to expand the service area to include Currituck and Dare Counties in North Carolina.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Northern Trust Corporation, Chicago, Illinois (trust activities; Arizona and 49 other States); To engage, through its subsidiary, The Northern Trust Company of Arizona, in trust company activities. Such activities are to be conducted from an office in Tucson, Arizona, serving customers primarily in the State of Arizona, and secondarily in the other 49 States of the United States. Comments on this application must be received not later than December 18, 1981.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Suburban Bancorporation, Hyattsville, Maryland (financing, leasing, and servicing activities; Maryland): To relocate the office of its subsidiary, Suburban Funding Corporation, currently located in Hyattsville, Maryland, to an office in Bethesda, Maryland. Suburban Funding Corporation currently engages, and would continue to engage, in making and acquiring for its own account or the account of others, loans and other extensions of credit, such as would be made by a commercial finance company; making and acquiring loans and other extension of credit for itself and others; leasing real and personal property and acting as agent, broker, and adviser in the leasing of real and personal property in accordance with the Board's Regulation Y; servicing loans and other extensions of credit for any person, and arranging financing, financial structuring, and analysis of equipment financing problems. The service area of this office has been before the relocation, and will continue to be after the relocation, Maryland, Virginia, and the Washington, D.C. metropolitan area.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (data processing activities; expansion of geographic scope; all fifty (50) States and the District of Columbia): To continue to engage, through its direct subsdiary, Decimus Corporation, a California corporation, in the activities of storing and processing banking, financial or related economic data. Such activities will include, but not be limited to, account reconciliation, deposit accounting, general ledger accounting, loan accounting, credit union accounting and providing payroll, accounts receivable and payable, billing and other similar data processing service.

These activities will be conducted from four existing data centers located in Piscataway, New Jersey; Elk Grove Village, Illinois; San Francisco, California and Cerritos, California, serving all fifty (50) States and the District of Columbia. Comments on this notice must be received not later than December 18, 1981.

2. *Imperial Bancorp,* Inglewood, California (financing, servicing, industrial loan company, and insurance activities; California): to engage *de novo* through it subsidiary, Imperial Plan, Inc., in making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit for any person. Applicant also proposes to engage *de novo* through its subsidiary, Imperial Thrift and Loan Association, in the activities of an industrial loan company, including offering credit life and disability insurance in connection with such activities. These activities would be performed from offices of the subsidiaries located in Beverly Hills, San Jose, Tustin, Panorama City, Fresno, Sacramento, San Diego, Covina, Fullerton, Hayward, and Stockton, California, serving the State of California.

3. *Central Pacific Corporation,* Bakersfield, California (leasing activities): to establish a *de novo* subsidiary, Gateway Leasing, to engage in leasing automobiles, planes, manufacturing and industrial equipment, machinery and other personal property and servicing leases in accordance with the Board's Regulation Y. These activities would be conducted from offices in Bakersfield, Fresno, and Sacramento, California, serving the State of California.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, November 23, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34344 filed 11-30-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue

concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings would identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than December 18, 1981.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation,* Los Angeles, California (escrow activities; California): To engage through its subsidiary, SP Escrow Service, Inc., in acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions, and all other activities engaged in by an escrow company. These activities would be conducted from an office of the subsidiary located in Irvine, California, serving the State of California.

2. *Security Pacific Corporation,* Los Angeles, California (commercial financing activities; United States): To engage through its subsidiary, Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, asset based business loans and other commercial or industrial loans and extensions of credit such as would be made by a factoring, rediscount, or commercial finance company. These activities would be conducted from an office of Security Pacific Finance Corp. in San Jose, California, serving the United States.

3. *Security Pacific Corporation,* Los Angeles, California (mortgage banking and credit-related life, accident and health insurance activities; California): To engage through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multifamily and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others; the servicing of such loans for others; and acting as broker or agent for the sale of credit-related life, accident and health insurance. These activities would be conducted from an office of Security Pacific Mortgage Corporation in Ontario, California, serving the State of California.

4. *Security Pacific Corporation,* Los Angeles, California (loan servicing activities; United States): To engage through its subsidiary, Security Pacific Finance Corp. in servicing loans and other extensions of credit. These activities would be conducted from an office of Security Pacific Finance Corp. in San Diego, California, serving the United States.

5. *Security Pacific Corporation,* Los Angeles, California (underwriting, Connecticut, Massachusetts, Tennessee, Washington): To engage *de novo* through its indirect subsidiary, General Fidelity Life Insurance Company, in underwriting or reinsurance or both, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant and its subsidiaries. These activities would be conducted from an office in Richmond, Virginia and would serve Connecticut, Massachusetts, Tennessee, and Washington.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, November 23, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34343 Filed 11-30-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

The Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) requires the periodic investigation of the cost of travel and of the operations of privately owned vehicles (automobiles, motorcycles, and airplanes) to employees while engaged on official business. Further, the Act requires that the results of these investigations be reported to the Congress and published in the **Federal Register.**

Publication of the following report is in compliance with the requirements of the Act.

Dated: November 10, 1981.

Ray Kline,

Acting Administrator of General Services.

Report to Congress

The General Services Administration has concluded the investigations of the cost of travel and the cost of operating privately owned automobiles, airplanes, and motorcycles. We have identified the costs and consulted with representatives of employee organizations, the General Accounting Office, and the Departments of Defense and Transportation.

Based on the results of the current investigations, we are reporting our determination that a per diem allowance of $57 would be necessary to adequately compensate Government travelers. We can take no administrative action to increase the per diem rate, however, since the current allowance is already at the statutory maximum of $50.

The investigations also show that the costs have increased in all 62 of the existing high rate geographical areas (HRGA's) (Table 1). Travel expenses in HRGA's are reimbursed on an actual expense basis subject to a statutory maximum of $75 per day. Reimbursement rates in seven (7) of the existing HRGA's are already at the $75 statutory maximum level and cannot be increased until legislation is enacted to provide for further increases. Subsistence costs in the 7 areas range from $83.55 to a high of $141.35 in New York City. Reimbursement rates in the 55 other existing HRGA's are currently under the $75 statutory maximum and can be increased. However, only 35 can be increased to the level of cost reported in our study. Subsistence costs in the remaining 20 areas range from $75.50 to $101.05; thus an increase in the reimbursement rates for those areas is restricted to the $75 statutory maximum.

Additionally, the investigations reveal that 64 new localities (Table 2) now qualify for designation as HRGA's. To qualify as an HRGA, an area's subsistence cost must exceed the maximum per diem by 10 percent or more; based on a $50 maximum per diem, the minimum qualifying cost for HRGA status is $55. Current subsistence costs in the 64 areas range from $55.54 to over $75 per day. Designation of these additional HRGA's brings to 126 the total number of high rate areas within the conterminous United States. We will issue the regulations necessary to so designate these additional localities and to increase the amounts allowed in the 62 localities already designated as high rate areas. As indicated above, however, the current $75 statutory

maximum for actual subsistence expense reimbursement is not adequate to cover travel expenses incurred in all areas. The subsistence cost actually exceeds the statutory maximum in 28 of the 126 areas.

With respect to privately owned vehicles (POV's) used on official Government business, our investigations reveal that the average cost per mile for operating an automobile is 20.0 cents; for a motorcycle is 24.0 cents; and for an airplane is 60.0 cents. These costs represent an increase for motorcycles and airplanes but a decrease for privately owned automobiles. The lower automobile operating cost is primarily a result of our having changed our automobile cost study methodology. Recently we decided to adopt as the basis for GSA's automobile cost investigation, a study on the cost of operating privately owned automobiles prepared for the Internal Revenue Service (IRS) by Runzheimer and Company, Inc. (a Rochester, Wisconsin, business consultant firm).

We had used as the cost basis for our previous privately owned automobile cost investigations a periodic report issued by the Department of Transportation (DOT) most recently titled, "Cost of Owning and Operating Automobiles and Vans 1979." There were several shortcomings to using this report as the cost basis for determining a national reimbursement figure, however. Most notable among them were: a limited mix of automobiles surveyed in the DOT report (one each of 8, 6 and 4 cylinder vehicles); data collection geographically restricted to suburban Baltimore, Maryland, only; and infrequent updating of the report (approximately every two years). We have compensated for these shortcomings by incorporating in our past cost investigations adjustments in the formula for the composite reimbursement figure. However, we recognized that these adjustments did not correct the more fundamental, statistical shortcoming in the base data and scope of the DOT report where used for purposes of Federal employee reimbursement. The decision to adopt the Runzheimer methodology resolves these shortcomings without compromising equitable reimbursement of the employees.

We believe the methodology developed by Runzheimer and Company for use in the IRS report is superior to GSA's previous methodoloy and will result in more accurate reimbursement. The Runzheimer methodology reflects a broader range of direct source data than included in GSA's previous methodology, and it is also more representative of all sizes and types of automobiles used on a nationwide basis than the previous GSA methodology. We will issue regulations to adjust the automobile mileage rate from 22.5 cents to 20 cents. We estimate that this reduction in the mileage rate will result in approximately $25 million less in Government mileage reimbursement payments. The current allowances for motorcycles (20 cents per mile) and airplanes (45 cents per mile) are at their respective statutory maximums and cannot be administratively increased.

As noted above, GSA's flexibility in adjusting the POV and subsistence allowances is limited to adjusting the automobile mileage allowance and certain HRGA rates. Legislative action would be required to allow GSA to administratively adjust all of the allowance rates to levels which adequately cover the costs.

This report on the cost of travel and the operation of privately owned vehicles will be published in the **Federal Register**. The governing regulations will be amended within 30 days to reflect the subsistence and mileage allowance changes discussed above.

TABLE 1.—EXISTING HIGH RATE GEOGRAPHICAL AREA (HRGA) ALLOWANCE CHANGES

HRGA	Current rate	Current cost	Proposed rate
1. Atlanta, GA	[illegible]	$77.70	[1] $75
2. Atlantic City, NJ	63	[illegible]	[1] 75
3. Baltimore, MD	59	77.10	[1] 75
4. Boston, MA	[illegible]	90.95	[1] 75
5. Burlington, VT	[illegible]	58.95	59
6. Charleston, WV	[illegible]	62.15	63
7. Cheyenne, WY	[illegible]	60.65	61
8. Chicago, IL	74	[illegible]01.05	[1] 75
9. Cleveland, OH	71	76.30	[1] 75
10. Coatesville, PA	59	[illegible]	64
11. Dallas/Ft. Worth, TX	71	96.20	[1] 75
12. Denver, CO	67	[illegible]	[1] 75
13. Detroit, MI	75	86.70	[1] 75
14. Eatontown, NJ	[illegible]	60.52	61
15. El Paso, TX	58	60.20	61
16. Ft. Wayne, IN	62	64.05	65
17. Fresno, CA	57	62.15	63
18. Harrisburg, PA	58	68.15	69
19. Hartford, CT	[illegible]	72.50	73
20. Houston, TX	74	94.45	[1] 75
21. Indianapolis, IN	62	67.65	68
22. Kalamazoo, MI	57	58.10	[illegible]
23. Kansas City, MO/KS	[illegible]	76.85	[1] 75
24. Lake Placid, NY	56	61.07	62
25. Las Vegas, NV	75	83.55	[1] 75
26. Lexington, KY	[illegible]	67.40	[illegible]
27. Los Alamos, NM	[illegible]	63.04	64
28. Los Angeles, CA	[illegible]	92.60	[1] 75
29. Louisville, KY	[illegible]	67.75	68
30. Memphis, TN	[illegible]	64.65	65
31. Miami, FL	[illegible]	79.95	[1] 75
32. Milwaukee, WI	61	73.45	74
33. Minneapolis/St. Paul, MN	61	75.50	[1] 75
34. Monroeville, PA	[illegible]	68.85	69
35. Newark, NJ	67	[illegible]	[1] 75
36. New Haven, CT	[illegible]	73.15	74
37. New Orleans, LA	75	94.60	[1] 75
38. New York, NY	75	141.35	[1] 75
39. Philadelphia / Bala Cynwyd, PA	75	[illegible]	[1] 75
40. Pittsburgh, PA	65	77.60	[1] 75
41. Portland, OR	56	61.55	62

TABLE 1.—EXISTING HIGH RATE GEOGRAPHICAL AREA (HRGA) ALLOWANCE CHANGES—Continued

HRGA	Current rate	Current cost	Proposed rate
42. Rochester, NY	[illegible]	73.95	74
43. St. Louis, MO	67	76.35	[1] 75
44. Sacramento, CA	[illegible]	67.00	67
45. San Antonio, TX	61	71.25	72
46. San Diego, CA	70	94.40	[1] 75
47. San Francisco, CA	75	104.10	[1] 75
48. San Jose, CA	[illegible]	76.70	[1] 75
49. Santa Barbara, CA	68	87.20	[1] 75
50. Seattle, WA	72	77.50	[1] 75
51. Spokane, WA	[illegible]	63.30	[illegible]
52. Springfield, MA	[illegible]	62.15	63
53. Syracuse, NY	[illegible]	66.55	67
54. Tampa/St. Petersburg, FL	62	72.20	73
55. Toledo, OH	59	62.55	63
56. Tucson, AZ	61	[illegible]5.30	[illegible]
57. Vail, CO	69	74.40	75
58. Valley Forge/King of Prussia, PA	58	63.04	[illegible]
59. Washington, DC	75	123.75	[1] 75
60. Wichita, KS	59	65.20	66
61. Wilmington, DE	62	74.15	75
62. Worcester, MA	[illegible]	59.70	60

[1] Although the subsistence costs exceed $75 per day, the daily allowance cannot exceed the statutory maximum rate of $75.

TABLE 2.—NEW AREAS WHICH QUALIFY FOR DESIGNATION AS HRGA'S

HRGA's	Proposed maximum rate
1. Akron, OH	$57
2. Albany, NY	[illegible]
3. Albuquerque, NM	[illegible]
4. Annapolis, MD	[illegible]
5. Ann Arbor, MI	56
6. Asheville, NC	[illegible]
7. Aspen, CO	75
8. Austin, TX	69
9. Baton Rouge, LA	69
10. Beaumont, TX	56
11. Birmingham, AL	[illegible]
12. Boise, ID	57
13. Bridgeport, CT	61
14. Buffalo/Niagara Falls, NY	[illegible]
15. Camden, NJ	56
16. Carson City, NV	56
17. Charleston, SC	61
18. Charlestown, IN	56
19. Charlotte, NC	57
20. Cincinnati, OH	[illegible]
21. Columbus, OH	65
22. Covington, KY	59
23. Dayton, OH	63
24. Des Moines, IA	59
25. Dover, NJ	57
26. Edison, NJ	56
27. Evendale, OH	56
28. Ft. Myers, FL	56
29. Ft. Walton Beach, FL	56
30. Ft. Washington, PA	57
31. Grand Rapids, MI	67
32. Groton, CT	58
33. Huntsville, AL	58
34. Jackson, MS	57
35. Jacksonville, FL	56
36. Little Rock, AR	56
37. Madison, WI	61
38. Manchester, NH	59
39. Nashville, TN	59
40. New London, CT	56
41. Newport, RI	59
42. Norfolk, VA	64
43. Oklahoma City, OK	56
44. Omaha, NE	61
45. Orlando, FL	64
46. Palm Springs, CA	59
47. Panama City, FL	56
48. Phoenix, AZ	64
49. Pittsfield, MA	57
50. Portland, ME	58
51. Portsmouth, NH	59

TABLE 2.—NEW AREAS WHICH QUALIFY FOR DESIGNATION AS HRGA'S—Continued

HRGA's	Proposed maximum rate
52. Providence, RI	69
53. Raleigh, NC	60
54. Redwood City, CA	64
55. Reno, NV	56
56. Richmond, VA	58
57. Salt Lake City, UT	70
58. San Bernardino, CA	56
59. San Luis Obispo, CA	63
60. Santa Cruz, CA	56
61. Sparks, NV	56
62. Springfield, IL	56
63. Williamsburg, VA	56
64. York, PA	58

Addendum to the Report to Congress on the Cost of Subsistence and the Cost of Operation of Privately Owned Vehicles

1. The changes to the mileage rate for use of a privately owned automobile in certain circumstances and travel allowances reflected in the preceding report are effective for travel beginning on or after December 6, 1981. The Federal Travel Regulations, FPMR 101–7, transmitted by FPMR Bulletin A–40, Supplement 1, dated September 28, 1981, are amended as follows:

a. Paragraphs 1–4.2a(2) and 1–4.2(c) (1) and (2) are revised to reflect a decrease in the mileage rate from 22.5 to 20.0 cents per mile for the use of privately owned automobiles in certain circumstances.

b. The HRGA listing previously found in paragraph 1–8.6 is revised to designate additional HRGA's and to increase the maximum actual subsistence expense rate and/or redefine the boundaries of certain existing HRGA's. The HRGA listing (as shown below) will be published in appendix 1–A.

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA'S)

High rate geographical area [1] [2]	Prescribed maximum daily rates (in dollars)
Alabama:	
Birmingham (all locations within Jefferson County) [3]	
Huntsville (all locations within Madison County) [3]	58
Arizona:	
Phoenix/Scottsdale (all locations within Maricopa County, including Humboldt Mountain Air Force Station) [3]	64
Tucson (all locations within Pima County, including Davis Monthan AFB) [4]	66
Arkansas: Little Rock (all locations within Pulaski County) [3]	56
California:	
Fresno (all locations within Fresno County) [4]	63
Los Angeles (all locations within the counties of Los Angeles, Kern, Orange, and Ventura, including Edwards AFB) [4]	75
Palm Springs (all locations within Riverside County) [3]	59

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA'S)—Continued

High rate geographical area [1] [2]	Prescribed maximum daily rates (in dollars)
Redwood City (all locations within San Mateo County) [3]	
Sacramento (all locations within Sacramento County) [4]	67
San Bernardino (all locations within San Bernardino County) [3]	56
San Diego (all locations within San Diego County) [4]	75
San Francisco/Oakland (all locations within the counties of San Francisco, Alameda, Contra Costa, and Marin) [4]	75
San Jose (all locations within Santa Clara County) [4]	75
San Luis Obispo (all locations within San Luis Obispo County) [3]	63
Santa Barbara (all locations within Santa Barbara County) [4]	75
Santa Cruz (all locations within Santa Cruz County) [3]	56
Colorado:	
Aspen (all locations within Pitkin County) [3]	75
Denver (all locations within the counties of Denver, Adams, Arapahoe, and Jefferson) [4]	75
Vail (all locations within Eagle County) [4]	75
Connecticut:	
Bridgeport (all locations within Fairfield County) [3]	61
Hartford (all locations within the counties of Hartford and Middlesex) [4]	73
New Haven (all locations within New Haven County) [4]	74
New London/Groton (all locations within New London County) [3]	56
Delaware: Wilmington (all locations within New Castle County) [4]	75
District of Columbia: Washington, DC (all locations within the corporate limits of the District of Columbia; the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (see also Maryland and Virginia)	
Florida:	
Ft. Myers (all locations within Lee County) [3]	56
Ft. Walton Beach (all locations within Okaloosa County) [3]	
Jacksonville (all locations within Duval County, including Naval Station Mayport) [3]	
Miami (all locations within the counties of Dade, Broward, Palm Beach, and Monroe) [4]	75
Orlando (all locations within Orange County) [3]	64
Panama City (all locations within Bay County) [3]	56
Tampa/St. Petersburg (all locations within the counties of Hillsborough and Pinellas) [4]	73
Georgia: Atlanta (all locations within the counties of De Kalb, Fulton, and Cobb) [4]	75
Idaho: Boise (all locations within Ada County) [3]	57
Illinois:	
Chicago (all locations within the Counties of Du Page, Cook, and Lake) [4]	75
Springfield (all locations within Sangamon County) [3]	
Indiana:	
Charlestown (all locations within Clark County, including Indiana Army Ammunition Plant) [3]	56
Ft. Wayne (all locations within Allen County) [4]	65
Indianapolis (all locations within Marion County, including Fort Benjamin Harrison) [4]	
Iowa: Des Moines (all locations within Polk County) [3]	59
Kansas	
Kansas City (all locations within Wyandotte County) (see also Kansas City, MO) [4]	75
Wichita (all locations within Sedgwick County) [4]	66

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA'S)—Continued

High rate geographical area [1] [2]	Prescribed maximum daily rates (in dollars)
Kentucky:	
Covington (all locations within Kenton County) [3]	59
Lexington (all locations within Fayette County) [4]	68
Louisville (all locations within Jefferson County) [4]	68
Louisiana:	
Baton Rouge (all locations within East Baton Rouge Parish) [3]	69
New Orleans (all locations within the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard)	75
Maine:	
Portland (all locations within Cumberland County) [3]	58
Kittery (all locations within York County, including the Portsmouth Naval Shipyard) (see also Portsmouth, NH) [3]	59
Maryland:	
Annapolis (all locations within Anne Arundel County) [3]	56
Baltimore (all locations within Baltimore City and the counties of Baltimore and Harford) [4]	75
Montgomery County (see also District of Columbia)	75
Prince Georges County (see also District of Columbia)	75
Massachusetts:	
Boston (all locations within the counties of Middlesex, Norfolk, and Suffolk) [4]	75
Pittsfield (all locations within Berkshire County) [3]	57
Springfield (all locations within Hampden County) [4]	63
Worcester (all locations within Worcester County) [4]	60
Michigan:	
Ann Arbor (all locations within Washtenaw County) [3]	56
Detroit (all locations within WayneCounty)	75
Grand Rapids (all locations within Kent County) [3]	67
Kalamazoo (all locations within Kalamazoo County) [4]	59
Minnesota: Minneapolis/St. Paul (all locations within the counties of Anoka, Hennepin, and Ramsey, including the Fort Snelling Military Reservation) [4]	75
Mississippi: Jackson (all locations within Hinds County) [3]	57
Missouri:	
Kansas City (all locations within Jackson County) (see also Kansas City, KS) [4]	75
St. Louis (all locations within the counties of St. Charles and St. Louis) [4]	75
Nebraska: Omaha (all locations within Douglas County) [3]	61
Nevada	
Carson City (all locations within Carson City County) [3]	56
Las Vegas (all locations within Clark County, including Nellis AFB) [3]	75
Reno/Sparks (all locations within Washoe County) [3]	56
New Hampshire	
Manchester (all locations within Hillsborough County) [3]	59
Portsmouth/Newington (all locations within Rockingham County, including Pease AFB) see also Kittery, ME) [3]	59
New Jersey:	
Atlantic City (all locations within Atlantic County) [4]	75
Camden (all locations within Camden County) [3]	56
Dover (all locations within Morris County, including Picatinny Arsenal) [3]	57
Eatontown (all locations within Monmouth County, including Ft. Monmouth) [4]	61
Edison (all locations within Middlesex County) [3]	56
Newark (all locations within the counties of Bergen, Essex, Hudson, Passaic, and Union) [4]	75

DESIGNATED HIGH RATE GEOGRAPHICAL AREAS (HRGA'S)—Continued

High rate geographical area [1] [2]	Prescribed maximum daily rates (in dollars)
New Mexico:	
Albuquerque (all locations within Bernalillo County) [3]	63
Los Alamos (all locations within Los Alamos County) [4]	64
New York:	
Albany (all locations within Albany County) [3]	68
Buffalo/Niagara Falls (all locations within the counties of Erie and Niagara Falls) [3]	64
Lake Placid (all locations within Essex County) [4]	62
New York (all locations within the Boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island, and the counties of Nassau and Suffolk)	75
Rochester (all locations within Monroe County) [4]	74
Syracuse (all locations within Onondaga County) [4]	67
North Carolina:	
Asheville (all locations within Buncombe County) [3]	58
Charlotte (all locations within Mecklenburg County) [3]	57
Raleigh (all locations within Wake County) [3]	■
Ohio:	
Arkon (all locations within Summit County) [3]	57
Cincinnati/Evendale (all locations within Hamilton County) [3]	■
Cleveland (all locations within Cuyahoga County) [3]	75
Columbus (all locations within Franklin County) [3]	■
Dayton (all locations within Montgomery County, including Wright-Patterson AFB) [3]	63
Toledo (all locations within Lucas County) [4]	63
Oklahoma: Oklahoma City (all locations within Oklahoma County) [3]	56
Oregon: Portland (all locations within Multnomah County) [4]	■
Pennsylvania:	
Coatesville/Valley Forge (all locations within Chester County) [4]	64
Harrisburg (all locations within Dauphin County) [4]	69
Philadelphia/Bala Cynwyd (all locations within Philadelphia County and the city of Bala Cynwyd in Montgomery County) [4]	75
Pittsburgh/Monroeville (all locations within Allegheny County) [4]	75
King of Prussia/Ft. Washington (all locations within Montgomery County, except Bala Cynwyd) (see also Philadelphia, PA) [4]	64
York (all locations within York County) [3]	■
Rode Island:	
Newport (all locations within Newport County) [3]	59
Providence (all locations within Providence County) [3]	■
South Carolina: Charleston (all locations within the counties of Charleston and Berkeley) [3]	61
Tennessee:	
Memphis (all locations within Shelby County) [4]	65
Nashville (all locations within Davidson County) [3]	59
Texas:	
Austin (all locations within Travis County) [3]	69
Beaumont (all locations within Jefferson County) [3]	56
Dallas/Ft. Worth (all locations within the counties of Dallas and Tarrant) [4]	75
El Paso (all locations within El Paso County) [4]	61
Houston (all locations within Harris County, including the L. B. Johnson Space Center and Ellington AFB) [4]	75
San Antonio (all locations within Bexar County) [4]	72
Utah: Salt Lake City (all locations within Salt Lake County, including Dugway Proving Ground) [3]	70
Vermont: Burlington (all locations within Chittenden County) [4]	59
Virginia:	
Alexandria (see also District of Columbia)	75
Fairfax (see also District of Columbia)	75
Falls Church (see also District of Columbia)	75
Norfolk (all locations within the cities of Norfolk, Virginia Beach, Portsmouth, Hampton, Newport News, and Chesapeake, VA, and the county of York, including the Naval Weapons Station, Yorktown, VA) [3]	64
Richmond (all locations within the city of Richmond and the counties of Chesterfield and Henrico, including the Defense General Supply Center) [3]	58
Williamsburg [3]	56
Arlington County (see also District of Columbia)	75
Fairfax County (see also District of Columbia)	75
Loudon County (see also District of Columbia)	75
Washington:	
Seattle (all locations within King County) [4]	75
Spokane (all locations within Spokane County) [4]	64
West Virginia: Charleston (all locations within Kanawha County) [4]	■
Wisconsin:	
Madison (all locations within Dane County) [3]	61
Milwaukee (all locations within Milwaukee County) [4]	74
Wyoming: Cheyenne (all locations within Laramie County) [4]	61

[1] HRGA's without a specific definition are defined as "all locations within the corporate limits or entirely surrounded by the boundaries thereof, including independent entities located within the boundaries" unless otherwise specified.

[2] HRGA's with county definitions shall include "all locations entirely surrounded by the boundaries thereof, including independent entities located within the boundaries."

[3] Newly designated HRGA.

[4] Increased maximum rate or redefined boundary for previously designated HRGA.

2. The changes explained above will be incorporated in the revised edition of the Federal Travel Regulations. Changed pages will be transmitted by GSA Bulletin FPMR A–40, Supplement 2.

[FR Doc. 81-34328 Filed 11-30-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225-79-4009]

Fresh or Fresh-Frozen Bivalve Mollusca Destined For the United States; Memorandum of Understanding With the Secretariat of Health And Welfare of the United States of Mexico

AGENCY: Food and Drug Administration; HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration has executed a memorandum of understanding with the Secretariat of Health and Welfare, United States of Mexico. The purpose of the memorandum is to affirm their intention to cooperate in assuring that fresh and fresh-frozen bivalve mollusca exported to the United States conform to certain regulations. This revised memorandum replaces the memorandum that was signed March 7, 1979 (see 44 FR 29162, May 18, 1979).

DATE: The memorandum of understanding became effective October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Water J. Kustka, Interagency and Industry Affairs Staff (HFC–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the **Federal Register** all agreements and memoranda of understanding between FDA and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding To Control the Sanitary Quality of Fresh or Fresh-Frozen Bivalve Mollusca Destined for Exportation to the United States of America

Between the

Food and Drug Administration, Department of Health and Human Services, United States of America

And the

Secretariat of Health and Welfare, United States of Mexico

I. Purpose

The Secretariat of Health and Welfare of the United States of Mexico that hereafter will be designated by the initials SSA and the Food and Drug Administration of the Department of Health and Human Services of the United States of America that hereafter will be designated by the initials FDA affirm by this document their intention to cooperate in assuring that fresh and fresh-frozen oysters, clams, and mussels exported to the United States of America are safe, wholesome, and have been harvested, transported, processed, and labeled in accordance with the provisions of the Mexican Regulations for the Sanitary Control of Seafoods, the Mexican Bivalve Mollusca Sanitation Program (PMSMB), the National Shellfish Sanitation Program (NSSP), and requirements of the Federal Food, Drug, and Cosmetic Act of the United States of America.

II. Definitions and Responsibilities

A. Terms

For the purposes of this Memorandum, both parties agree to the following definitions:

1. *Shellfish.* All edible species of molluscan bivalves except scallop species from the family Pectinidae.

2. *Lot.* Means a collection of primary containers or units of the same size, type, and style, produced under conditions as nearly uniform as possible, designated by a common

container code or marking, and in any event, no more than a day's production.

3. *Marine biotoxins.* Toxins produced by marine dinoflagellates such as *Gonyaulax catenella, Gonyaulax tamarensis,* and *Gymnodinium breve* and concentrated by shellfish during the feeding process.

4. *Central file.* The location where shellfish control program information, data, and reports are stored and maintained.

B. SSA Responsibilities

SSA agrees to:

1. Promulgate and enforce sanitation laws and regulations govening the growing, harvesting, processing, and shipment of shellfish to the United States.

2. Classify its shellfish harvesting waters in accordance with the procedures and standards set forth in the NSSP and the PMSMB.

3. Assure that only shellfish harvested from areas which meet NSSP- and PMSMB-approved water quality and marine biotoxin standards and processed according to NSSP and PMSMB guidelines will be exported to the United States of America.

4. Inspect the harvesting, transporting, and processing of shellfish at sufficient frequency to assure compliance wth NSSP and PMSMB sanitary control practices.

5. Issue sanitation quality certificates for harvesting areas, only to those shellfish exporting firms and cooperatives that comply with NSSP recommended practices and to notify FDA of the name, location and certification number of these firms or cooperatives on Form FD–3038b "Shellfish Certification". To cancel a firm's certification, SSA will send a completed Form FD–3038c "Certification Cancellation" to FDA.

6. Require that all containers or units of each lot of shellfish exported to the United States of America be identified by the name, address, and certification number of the shipper and the code of marking of the lot. Any other information required by the U.S. Federal Food, Drug, and Cosmetic Act and Mexican Regulations for the Sanitary Control of Seafoods will be also on each container.

7. Invite technical advisors of FDA to visit the firms or cooperatives which have certificates, and shellfish growing areas which have been identified for export harvesting. Such visits will be made on an annual basis or at a frequency considered appropriate by both parties to observe the operation of the Mexican Bivalve Molusca Sanitation Program.

8. Make travel arrangements for FDA technical advisors and provide the necessary facilities for carrying out their observations within Mexico.

9. Participate in FDA's laboratory quality assurance programs for seawater or shellfish including indicator and pathogenic bacteria, marine toxins, heavy metals, and radionuclides as considered necessary.

10. Participate as appropriate in the evaluation of new methods and procedures, including reagents, media, or other materials as well as instrument and equipment performance.

11. Establish a central office located in Mexico City in the Office of the Liaison Officer where a central file of laboratory results, including routine monitoring data, and data from quality assurance programs, will be maintained. Standard formats for collecting and reporting data should be used and these will be printed in English and Spanish.

C. FDA Responsibilities

FDA agrees to:

1. Publish the names, locations, and certification numbers of firms or cooperatives submitted by SSA. These will appear in the monthly publication of the Interstate Certified Shellfish Shippers List.

2. Provide training in technical and administrative procedures, including inspection, laboratory methods, and classification of shellfish growing areas, upon request of the SSA.

3. Inform the Mexican Liasion Officer of the reason or reasons for FDA detentions of Mexican shellfish imports. Additional information which will be provided will include, but not necessarily be limited to:

a. Commodity, identification, and the code or marking of the lot.

b. Name, address, and certification number of the shipper.

c. Date and other pertinent information on the shipping label.

d. Sampling procedure.

e. Methods of analysis.

f. Administrative procedures.

4. Recognize the United States of Mexico as a participant in the NSSP with full rights to particpate in national workshops, cooperative research programs, seminars, training courses, and other NSSP activities, and to make recommendations for changes and improvements in procedures, methods, standards, and guidelines of the NSSP.

5. Participate in joint FDA/SSA evaluations of NSSP practices as they pertain to Mexican shellfish imports.

6. Make travel arrangements for, and pay round trip transportation expenses of, its advisory team between the United States and Mexico. FDA will also pay all per diem of the advisory team.

7. To exchange appropriate information concerning questions by United States of America State or local food control officials regarding the certification, safety, and wholesomeness of shellfish imported from the United States of Mexico. FDA will, if so requested, seek to determine the reason for the problem and inform the SSA of any action taken relative to United States of America State and local laws governing such shellfish imports.

8. The Memorandum of Understanding is subject to the availability of appropriate funds and personnel to each party.

D. Shared Responsibilities

Both parties agree:

1. To name a liaison officer who will coordinate all operational matters relating to this Memorandum. The liaison officers will be responsible for facilitating exchanges of information and expeditiously informing other interested parties within their respective countries on shellfish control problems requring prompt attention. Each party will provide notification of any changes in liaison officer appointments. Such notification shall constitute a formality and does not require a revision of this agreement.

2. To provide information concerning proposed changes in the following:

a. Methods and procedures for sampling.

b. Methods of analysis.

c. Methods of confirmation.

d. Administrative guidelines, tolerances, specification standards, and nomenclature.

e. Reference standards.

f. Inspectional procedures.

3. To inform each other on a timely basis of the fundamentals of the following:

a. Proposed modifications of existing Federal or local regulations.

b. Proposed new Federal regulations.

c. Proposed new legislation.

d. Proposed modifications to the NSSP.

III. Period of Agreement

This agreement will come into force upon signature of both parties and will remain in force until terminated. It may be modified by mutual written consent or terminated by either party upon a sixty (60) day advance written notice to the other.

IV. This agreement supersedes the Memorandum of Understanding to control the Sanitary Quality of Fresh or Fresh-Frozen Bivalve Mollusca Destined for Exportation to the United States of America between the Food and Drug Administration, Department of Health, Education, and Welfare, United States of America, and the Secretariat of Health and Welfare of the United States of Mexico which entered into force March 1979, which agreement is hereby terminated.

V. Done at Washington, D.C. this 15th day of October 1981, in duplicate in the English and Spanish languages, both texts being equally authentic.

For the Food and Drug Administration, Department of Health and Human Services, United States of America.

Arthur Hull Hayes, M.D.

For the Secretariat of Health and Welfare, United Sates of Mexico.

Dr. Manuel Lopez Portillo

Effective date. This memorandum of understanding became effective October 15, 1981.

Dated: November 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34181 Filed 11-30-81; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Minneapolis District Office, Chaired by Henry P. Roberts, District Director.

DATE: Monday, December 7, 1981, 1:30 p.m.

ADDRESS: Northside Senior Citizen Center, 1711 W. Broadway Ave., Minneapolis, MN 55411.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612–725–2121. Los Angeles District Office, Chaired by Abraham I. Kleks, District Director.

DATE: Tuesday, December 8, 1981, 9:30 a.m.

ADDRESS: Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015.

FOR FURTHER INFORMATION CONTACT: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015, 213–688–4395. Minneapolis District Office, Chaired by Henry P. Roberts, District Director.

DATE: Tuesday, December 8, 1981, 9:30 p.m..

ADDRESS: Merriam Park Community Center, 2000 St. Anthony Ave., St. Paul, MN 55104.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612–725–2121. New York District Office, Chaired by George J. Gerstenberg, District Director.

DATE: Wednesday, December 9, 1981, 9:30 a.m. to 12 m.

ADDRESS: North County Center, Veterans Memorial Highway, Bldg. 340, Hauppauge, NY 11788.

FOR FURTHER INFORMATION CONTACT: Alicia Martinez, Consumer Affairs Officer, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212–965–5043. Dallas District Office, Chaired by James E. Anderson, District Director.

DATE: Thursday, December 10, 1981, 9:30 a.m. to 11 a.m.

ADDRESS: The High School, Mart, TX.

FOR FURTHER INFORMATION CONTACT: Hazel L. Wallace, Consumer Affairs Officer, Food and Drug Administration, 500 S. Ervay St., Suite 470–B, Dallas, TX 75201, 214–767–5433. Chicago District Office, Chaired by William R. Clark, District Director.

DATE: Thursday, December 10, 1981, 1 p.m. to 3 p.m.

ADDRESS: Chicago District Office, 433 W. Van Buren St., Rm. 1222, Chicago, IL 60607.

FOR FURTHER INFORMATION CONTACT: Marie A. Ekvall, Consumer Affairs Officer, Food and Drug Administration, 433 W. Van Buren St., Rm. 1222, Chicago, IL 60607, 312–353–7126. Dallas District Office, Chaired by James E. Anderson, District Director.

DATE: Friday, December 11, 1981, 9:30 a.m. to 11 a.m.

ADDRESS: Texas Power and Light Co. Bldg., Downtown, McGregor, TX.

FOR FURTHER INFORMATION CONTACT: Hazel L. Wallace, Consumer Affairs Officer, Food and Drug Administration, 500 S. Ervay St., Suite 470–B, Dallas, TX 75201, 214–767–5433.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: November 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–34451 Filed 11–30–81; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Health Financing Research and Demonstration Grants; Cancellation of Grants Solicitation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General Notice.

SUMMARY: The purpose of this notice is to cancel the solicitation for HCFA research and demonstration grants, as described in the standing grants announcement (45 FR 12362, February 25, 1980). We will announce fiscal year 1982 priorities in special grant solicitations in the **Federal Register**, as needed throughout the year.

DATES: Effective December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Frances D. Lariviere, 301–594–7474. You may also write for further information to the following address: Health Care Financing Administration, Office of Research, Demonstrations and Statistics, Program Support Office, Area 2–D–6, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

SUPPLEMENTARY INFORMATION: In a general notice on availability of funds for research and demonstration grants, published in the **Federal Register** on February 25, 1980 (45 FR 12362), we announced priority subject areas for HCFA grants. That notice was supplemented by two HCFA pamphlets, one each for fiscal years 1980 and 1981, entitled "Grants for Research and Demonstrations" (HCFA Pub. No. 03017 and HCFA Pub. No. 03074). We distributed the pamphlet for fiscal year (FY) 1980 in February 1980 and that for FY81 in January 1981. In addition to describing priority subject areas for HCFA grants, the **Federal Register** notice and each of the pamphlets listed closing dates for the HCFA grants processing cycles for FY80–FY82.

Because of reductions in the HCFA budget for research and demonstration activities, we are canceling the solicitations announced in the three documents noted above. However, the priority areas may be announced again at a later date. In addition, we will review and decide whether to approve applications already received for the FY 82 processing cycle that ended on October 5, 1981. Applications received by HCFA after October 5, 1981 and by the date of publication of this notice in the **Federal Register** will also be included in that review process. We will designate panels to review these applications.

3087D/0174D tp 11–9–81

We also expect to approve some applications based on special grant solicitations that we will publish in the **Federal Register** during FY82. We anticipate that we will solicit applications for grants in the following areas:

- Competition for Medicaid.
- Co-payments for Medicaid health care services.

We will announce each special solicitation in the **Federal Register** throughout the course of the year. We do not plan to distribute specially printed brochures for the special solicitations.

We also anticipate soliciting other applications and proposals, through various procurement mechanisms, for:

- Closure and conversion of unnecessary health facilities.
- Competition with Medicare.

We will review on a quarterly basis applications for pilot experimental or demonstration projects that seek only waivers of statutory State Medicaid plan requirements under section 1115(a) of the Social Security Act. Experiment or demonstration projects under section 222(a) of the Social Security Amendments of 1972 or section 402 of the Social Security Amendments of 1967 that only involve benefit payments, and not additional grants for administration or research costs, will also be reviewed on a quarterly basis. Review panels will make recommendations of approval or disapproval to the Director of HCFA's Office of Research, Demonstrations and

Statistics. All waiver-only applications must explicitly describe the goals of the demonstration, including the questions to be addressed, and the evaluation methods and data to be used in conducting the demonstration. Closing dates for quarterly reviews of waiver only applications will be the first Monday of January, April, July and October of each year beginning Monday, January 4, 1982.

All unsolicited applications received after publication of this announcement will be returned to the applicant. When a final decision is made on the appropriateness and structure of future standing grants solicitations, we will publish an announcement in the **Federal Register.**

(Secs. 1110, 1115, and 1875 of the Social Security Act (42 U.S.C. 1310, 1315, 1395ll); section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b–1 (note)); section 402 of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1); and section 3(a) of Pub. L. 95–210 (42 U.S.C. 1395b–1 (note)))

(Catalog of Federal Domestic Assistance Programs No. 13.766 Health Financing Research, Demonstrations and Experiments)

Dated: November 17, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81–34377 Filed 11–30–81; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for Use and Distribution of Confederated Tribes of the Colville Reservation Judgment Funds in Dockets 181–C, 342–70 and 343–70 Before the United States Court of Claims

November 18, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated in satisfaction of the awards granted to the Confederated Tribes of the Colville Reservation in United States Court of Claims Dockets 342–70 and 343–70 on January 27, 1981, and in Docket 181–C on January 30, 1981. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated May 22, 1981, and was received (as recorded in the Congressional Record) by the Senate on June 2, 1981, and by the House of Representatives on June 4, 1981. The plan became effective on September 22, 1981, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

The funds appropriated on January 9 [27], 1981, and January 30, 1981, in satisfaction of awards granted to the Confederated Tribes of the Colville Reservation in Dockets 181–C, 342–70 and 343–70 before the United States Court of Claims, including all interest and investment [income] accrued, less attorney fees and litigation expenses shall be distributed as herein provided.

The Colville Confederated Tribes' latest approved membership roll shall be brought current to include all eligible members born on or prior to and living on the effective date of this plan.

Subsequent to the preparation and approval of this roll, the Secretary shall make a per capita distribution of the totality of the funds, in a sum as equal as possible, to each enrollee. Any amount remaining after the per capita payment to the enrollees shall revert to the Colville Business Council for use in [ongoing] programs.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares in excess of $100, including all interest and investment income accruing thereto, will be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minor'[s] shares, including all interest and investment income, will be placed in a private trust as approved by the Secretary. In those cases where a minor would reach the age of eighteen within six months after establishment of a trust, such funds shall instead be retained in IIM accounts. Upon reaching the age of eighteen, unless under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. If a minor's per capita share is not in excess of one hundred dollars ($100.00), it may be expended for the minor's benefit as provided in 25 CFR 104.4.

None of the funds distributed pursuant to this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local program[s].

Kenneth L. Payton,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 81–34350 Filed 11–30–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Oil and Gas Leasing; National Petroleum Reserve, Alaska; Antitrust Review Information

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of antitrust review information required by the Department of Justice—preliminary determination and final determination.

SUMMARY: In the Notice of the First Oil and Gas Lease Sale for the National Petroleum Reserve—Alaska, 46 FR 55426 (November 9, 1981), the Department of the Interior published a statement prepared by the Department of Justice of the antitrust review information required by the Department of Justice of successful bidders in the first lease sale. *See* 46 FR 55431–32.

Consistent with the revised Attorney General review provision in the leasing regulations, 43 CFR 3130.1(b), *see* 46 FR 55494 and 55498 (Nov. 9, 1981), the published statement is the Attorney General's "preliminary determination of the information each successful bidder shall be required to submit for antitrust review purposes." Once the results of the lease sale are received by the Attorney General, a final determination of the information requirements for each successful bidder will be made. The Attorney General will promptly consider requests by successful bidders that are not affiliated with major oil companies for waivers of compliance with any one or more of the requirements for reserve or production information. The Attorney General will also consider any other requests for relief from or alteration of the information requirements in particular cases.

This notice of clarification is being made in response to expressed concerns that some of the information requirements may prove, in individual cases or in view of the actual results of the sale, either unnecessary or unduly burdensome in comparison to the

Attorney General's need for the information. In addition, some bidders wished to have it made clear that if the Attorney General determined after the sale that certain information need not be submitted in light of the sale results, potential bidders who refrained from bidding in the belief that the information requirements were absolute would not thereby have a basis on which to challenge any award. Prospective bidders may, as contemplated in the leasing regulations, 43 CFR 3130.1(b), still wish to seek expedited antitrust review by availing themselves of the option of submitting all the specified information in advance of or accompanying their bids, as such information will ordinarily be sufficient for antitrust review purposes.

ADDRESS: Any suggestions or inquiries should be sent to: Dave Brown, Attorney, Energy Division, Antitrust Division, Department of Justice, P.O. Box 14141, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Dave Brown, (202) 724–6608.

Arnold E. Petty,

Acting Associate Director.

November 25, 1981.

[FR Doc. 81-34404 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Revised Draft Environmental Impact Statement for Grizzly Bear Management Program at Yellowstone National Park, Wyoming, Montana, and Idaho

AGENCY: National Park Service, Interior.

ACTION: Availability of Revised Draft Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a revised draft environmental impact statement (RDEIS) for the proposed grizzly bear management program at Yellowstone National Park. This RDEIS brings up to date a similar draft environmental impact statement issued in 1974. The RDEIS incorporates research data gathered from 1974 to the present and includes slightly revised alternatives. The proposal is to continue to implement the Yellowstone National Park bear management policy contained in Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area approved June 16, 1980. This program would perpetuate a wild, free-ranging grizzly bear population in the park, and minimize conflicts between bears and humans in the park. The five alternatives considered are: (A) the proposal, (B) no action, (c) eliminate grizzly bears from the Yellowstone ecosystem, (D) further restrict visitor use, and (E) maintain grizzly bear population by artificial feeding.

A limited number of copies are available upon request to: Mr. Bob Kasparek, Compliance Officer, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225, telephone (303) 234–4942.

Public reading copies will be available for review at the above address and at the following locations: Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, telephone (202) 343–6843; and the office of the Superintendent, Yellowstone National Park, Wyoming 82190, telephone (307) 344–7381.

Comments on the RDEIS are invited from all interest parties and should be forwarded to Mr. Kasparek at the above address no later than 60 days from the date of this notice.

Dated: November 20, 1981.

Lorraine Mintzmyer,

Regional Director, Rocky Mountain Region.

[FR Doc. 81-34354 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 20, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by December 16, 1981.

Carol D. Shull,

Acting Keeper of the National Register.

CALIFORNIA

Los Angeles County

Long Beach, *Puvunga Indian Village Sites*, E. Boxby Hill Rd. and E. 7th St. (boundary increase)

MISSOURI

Clay County

Kearney vicinity, *Claybrook House*, NE of Kearney

NEW JERSEY

Cape May County

Cape May Court House, *Old Cape May County Courthouse Building*, N. Main St.

[FR Doc. 81-34353 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-70-M

Appalachian Trail Route Changed

Two proposed relocations of the Appalachian Trail right-of-way, and Trail routes within those rights-of-way, were published on October 2, 1981 (46 FR 48782) to provide an opportunity for public review and comment. No substantive comments were received on the proposals. Environmental assessments have been prepared, and a Finding of No Significant Impact for each of these relocations is on file in the Supervisor's Office, Cherokee National Forest, 2321 N. Ocoee Street, N.W., Cleveland, Tennessee 37311, and in the Supervisor's Office, Chattahoochee-Oconee National Forest, 601 Broad Street, S.E., Gainesville, Georgia 30501. This notice confirms these right-of-way relocations as the official route of the Appalachian Trail.

David A. Richie,

Project Manager.

November 16, 1981.

[FR Doc. 81-34351 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources

By notice published in the **Federal Register** on October 29, 1981 (46 FR 53529), it was announced that the Commission on Fiscal Accountability of the Nation's Energy Resources would hold meetings in Washington, D.C. on December 10 and 11, 1981. This amended notice announces that an additional meeting has been scheduled for December 9, 1981, in Washington, D.C. The specific location for the meeting is yet to be determined. For additional information, including the site location for the meeting, interested parties should contact the Commission staff at the Commission on Fiscal Accountability of the Nation's Energy Resources, Suite 403, 1111 18th Street, NW., Washington, D.C. 20036, telephone (202) 653–9051.

Dated: November 25, 1981.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 81-34382 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[EX PARTE No. MC-156]

Applications for Motor Carrier Operating Authority by Railroads and Rail Affiliates

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing comments to Notice of Proposed Policy Statement.

SUMMARY: At 46 FR 50423, October 13, 1981, the Commission proposed to re-examine its policy of placing certain restrictions on operating authority issued to rail affiliated motor carriers unless "special circumstances" are demonstratred. Comments in this proceeding were due on November 27, 1981. This notice extends that date to December 11, 1981.

DATES: Comments should be filed by December 11, 1981.

ADDRESSES: An original and 10 copies, if possible, of any comment should be sent to: Ex Parte No. MC-156, Room 5416, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Harold Jackson, (202) 275-7887.

Decided: November 23, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34368 Filed 11-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the exent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: November 16, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14727 filed October 26, 1981. Trans Canada Truck Lines, Inc. (Trans Canada) (P.O. Box 900, Station U, Toronto, Ontario, Canada, M82 5R3)-Purchase (Portion)-Killian Bulk Transport, Inc. (Killian) (100 Katherine Street, Buffalo, NY 14210). Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara, Street, Buffalo, NY 14202. Trans Canada seeks to purchase a portion of the interstate operating rights of Killian. Trans Canada is a wholly owned subsidiary of Inter-City Truck Lines Inc., (Inter-City) which is in turn affiliated with Roadway Transport Limited and Automobile Transport Limited. An appropriate application under 49 U.S.C. 11343 and 11344 for control will be filed. Trans Canada is purchasing a portion of the operating rights of Killian that are contained in Certificate No. MC-99019 (Sub-No. 12X) dated June 1, 1981, which authorizes the transportation, transporting general commodities (except commodities in bulk on classes A and B explosives), between points in Erie County, NY, on the one hand, and, on the other, points in NY western counties, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans.

MC-F-14725, filed October 26, 1981 HYMAN FREIGHTWAYS, INC. (HYMAN) (2380 Wycliff, P.O. Box 43393, St. Paul, MN 55164—Control—STURM FREIGHTWAYS, INC. (Sturm) (8919 North University, Peoria, IL 61614). Representative: Robert D, Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Hyman seeks authority to acquire control of Sturm through the purchase by Hyman of all the issued and outstanding capital stock of Sturm. Eugene Pikovsky, the individual in control of Hyman, seeks authority to acquire control of the operating rights and property of Sturm through the transaction. Hyman is a motor common carrier pursuant to authority issued in MC-108835 and Sub-numbers thereunder, operating over regular and irregular routes, in the States of MN, SD, IA, NE, MO and other States. The operating rights to be controlled are contained in certificates issued in MC-108649 and sub-numbers thereunder, which authorize the transportation of general commodities (with the usual exceptions) over regular routes between named points in the states of IA, IL, IN, MN and NE. Condition: Eugene Pikovsky is the majority shareholder of Hyman

Freightways, Inc., and therefore approval of this application is conditioned upon his joining in the application as the person in control of Hyman Freightways, Inc. Impediment: Hyman Freightways, Inc. holds authority in MC–108835 to operate over regular routes between Minneapolis-St. Paul, MN and Omaha, NE, which duplicates routes held by Sturm. In a letter dated October 26, 1981, the parties state that Hyman does not seek duplicating authority and that it proposes to either merge the two carriers within 3 to 5 years after consummation or to seek cancellation of the duplicating authority held by Sturm. The Commission's regulations pertaining to duplicating authority held by commonly-controlled carriers are found in 49 CFR 1134.51. Subsection (a) provides three alternatives by the involved carriers: (1) cancellation of the duplicating authority of one of the carriers, (2) a plan and timetable to eliminate the duplications at the "earliest practicable date," and (3) involves the imposition of a non-severability provision, if cogent reasons are shown for the continued existence of the commonly-controlled duplications. Subsection (b) provides that if the first alternative-cancellation is not selected by the parties, they must state with particularity, the facts and circumstances relied upon to warrant continuance of the duplications. Subsection (c) provides that if a plan for elimination is proffered, the parties must report, at six-month intervals, on the progress of the plan. The information submitted by the parties herein is defective in that there are no facts or circumstances justifying the continuance of commonly-controlled duplications for as much as 3 to 5 years. Rather than require immediate cancellation of duplications, however, we will permit the parties an opportunity to submit the justification under 49 CFR 1134.51 (a)(2) and (b).

[FR Doc. 81–34369 Filed 11–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–227

Decided: November 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 159183, filed November 6, 1981. Applicant: GREAT WESTERN FREIGHTLINES, INC., 3455 52nd Ave., Denver, CO 80216. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 8901 State Line, Kansas City, MO 64114, 816–444–7474. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159202, filed November 6, 1981. Applicant: JOHN M. HAM, d.b.a. HAM TRUCKING, 93 West Harford Rd., Newington, CT 06111. Representative: John M. Ham (same address as applicant), 203–561–0532. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditoners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159242, filed November 12, 1981. Applicant: CENTRAL MOTIVE PARTS, P.O. Box 4371, Fort Smith, AR 72914. Representative: Hugh Stouffer (same address as applicant), 501–474–7282. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–217

Decided: November 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155234 (Sub-2), filed November 13, 1981. Applicant: STOW TRANSPORT, INC., 3275 Kent Rd., Stow, OH 44224. Representative: Gary J. Boecker (same address as applicant), (216) 688–6262. Transporting, for or on behalf of the United States Government, *general commodities* (except used household

goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159264, filed November 13, 1981. Applicant: WILLIAM A. RICHARDSON, d.b.a. R&T REFRIGERATED SERVICE, POB 611, Ramona, CA 92065. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–451

Decided: November 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159177, filed November 6, 1981. Applicant: RONJO DELIVERY SERVICE, INC., 296 Nevada Ave., Williamstown, NJ 08094. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159187, filed November 9, 1981. Applicant: MERVIN E. JUNKER, d.b.a. J. T. L. TRUCKING, P.O. Box 8306, Roseville, MN 55113. Representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, MN 55118, (612) 457–6889. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159207, filed November 9, 1981. Applicant: SPEEDWAY EXPRESS, INC., 3605 Long Beach Blvd., Suite 421, Long Beach, CA 90807. Representative: Eduardo C. Ferrer (same address as applicant), (213) 595–1247. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–453

Decided: November 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157437, filed November 3, 1981. Applicant: PRIORITY AIR COURIER, INC., 250 Richards Rd., Suite 267, Kansas City, MO 64116. Representative: Lawrence N. Short (same address as applicant), (816) 221–4411. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–34367 Filed 11–30–81; 8:00 a.m.]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a mjaor Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–310

Decided: November 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 30450 (Sub-5), filed November 12, 1981. Applicant: TAYLORVILLE TRANSIT, INC., R. R. 1, Box 5–A, Taylorville, IL 62568. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004 (202) 737–1030. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Christian, Macon, McLean, DeWitt, Logan, Tazewell, Peoria, Woodford, Piatt, Macoupin, Montgomery, Shelby, Morgan, Pike, Scott, Adams, Moultrie, Sangaman, and Fulton Counties, IL, and extending to points in the U.S.

MC 45630 (Sub-6), filed November 9, 1981. Applicant: OSAR TRUCKING CO., INC., 94 Sylvan Ave., Clifton, NJ 07011. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Transporting *solidified carbon dioxide, and machinery and equipment for the foregoing commodity and for cryogenic gases*, between points in CT, MA, RI, NH, VT, NY, NJ, PA, DE, MD, VA and DC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, TN, MS and LA.

MC 129410 (Sub-28), filed November 9, 1981. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *food and related*

products, between points in the U.S., under continuing contract(s) with Tri-State Sweeteners, Inc., of Cincinnati, OH.

MC 142431 (Sub-13), filed October 23, 1981, previously noticed in the **Federal Register** issue of November 9, 1981. Applicant: WAYMAR TRANSPORT CORP., 5225 E. University, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting (1) *paper products*, between points in IA and MI, on the one hand, and, on the other, points in IL, MN, MO, NE, MA, NY, OH, WI, IA and MI, (2) *food and related products*, between points in IA, NE, RI, MN and WI, on the one hand, and, on the other, those points in the U.S. in and east of MN, NE, MO, OK and TX, and (3) *floor coverings*, between points in AR, IL, NY, and PA, on the one hand, and, on the other, points in IA, NE and MO.

Note.—This republication includes the state of WI to the radial movement in part (2).

MC 144061 (Sub-25), filed November 9, 1981. Applicant: SICOMAC CARRIERS, INC., 1109 Goffle Road, Hawthorne, NJ 07506. Representative: Jack L. Schiller, 123–60 83rd Avenue, Kew Gardens, NY 11415, (212) 263–2078. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Industrial Products Group—Stokely Van Camp, Inc., of Columbus, OH.

MC 144221 (Sub-4), filed November 10, 1981. Applicant: KINGSWAY FREIGHTLINES LIMITED, 212 24th Street, N.E., Calgary, Alberta, Canada T2A 2N6. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226, (313) 963–3750. Over regular route, transporting *general commodities* (except classes A and B explosives), between Sweetgrass and Great Falls, MT, over Interstate Hwy 15, serving all intermediate points.

MC 151951, filed October 27, 1981. Applicant: TACOMA HAULING CO., INC., 19060 Frager Road, Kent, WA. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *animal and poultry feed, feed ingredients, feed supplements, seed and salt*, between points in the U.S., under continuing contract(s) with A. R. Smith & Co., Inc., of Redmond, WA.

MC 152730 (Sub-11), filed November 9, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South, P.O. Box 349, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), 317–348–0051. Transporting *plastic articles*, between points in the U.S. (except AK and HI).

MC 152730 (Sub-12), filed November 12, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 349, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348–0051. Transporting *pulp, paper and related products*, between points in Blackford County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153850 (Sub-1), filed November 10, 1981. Applicant: COOK'S TANK LINES, INC., 110–116 N. Franklintown Road, Baltimore, MD 21223. Representative: Leo C. Franey, 918 16th Street NW., Washington, D.C. 20006, (202) 785–3700. Transporting *petroleum and petroleum products*, between Baltimore, MD, on the one hand, and, on the other, points in MD, VA, WV, PA, DE and DC.

MC 154760 (Sub-1), filed November 10, 1981. Applicant: JEFFREY C. GALANTE, d.b.a. GALANTE'S MARINE TRANSPORT, 1812 Grantwood Drive, Toms River, NJ 08753. Representative: Mark D. Russell, Suite 348 Pennsylvania Bldg., 425–13th Street NW., Washington, D.C. 20004, (202) 737–2188. Transporting *boats, boat trailers, and marine equipment*, between points in AL, CA, CT, DE, FL, GA, IL, IN, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TX, VA, VT, WA, and WI.

MC 158511 (Sub-2), filed November 9, 1981. Applicant: WISCONSIN GENERAL CARTAGE AND WAREHOUSE, INC., 4080 North Port Washington Road, Milwaukee, WI 53212. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. (608) 273–1003. Transporting *such commodities* as are dealt in or used by a manufacturer of spices and seasonings, between points in the U.S., under continuing contract(s) with Wisconsin Spice, Inc., of Berlin, WI.

MC 159190, filed November 9, 1981. Applicant: CURTIS MUSE, 9000 NE Union #55, Portland, OR 97211. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Pennzoil Products Company, of Houston, TX.

MC 159200 (Sub-1), filed November 6, 1981. Applicant: ALMA ORTIZ AND JULIO C. ORTIZ, d.b.a. AIR-MOSA TRAVEL, 3960 Wilshire Blvd., Suite 404, Los Angeles, CA 90010. Representative: Alma Ortiz (same address as applicant), (213) 383–3967. As a *broker* at Los Angeles, CA, in arranging for the transportation of *passengers and their baggage*, between points in CA, on the one hand, and, on the other, points in the U.S.

MC 159220, filed November 9, 1981. Applicant: REFRIGERATED INTERNATIONAL CARGO HAULERS, INC., 1195 Niagara Street, Buffalo, NY 14213. Representative: Charles H. White, Jr., Suite 800, 1019 19th Street NW., Washington, D.C. 20036, (202) 785–3420. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Rich-SeaPak Corporation of St. Simons Island, GA.

MC 159230, filed November 9, 1981. Applicant: DEAN H. YEATON, INC., RFD 2, Yeaton Road, Plymouth, NH 03264. Representative: Dean H. Yeaton (same address as applicant), (603) 536–2738. Transporting *lumber and wood products, petroleum, natural gas, and their products, farm products, and coal products*, between points in OH, MD, DE, VA, WV, PA, NJ, NY, CT, RI, MA, VT, NH, and ME.

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Decided: November 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 75603 (Sub-1), filed November 2, 1981. Applicant: THE REED WAREHOUSE, INC., 572 E. Liberty, Wooster, OH 44691. Representative: William Musser (same address as applicant), 216–263–0515. Transporting *household goods*, between points in AL, AR, CT, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 93393 (Sub-22), filed November 6, 1981. Applicant: NIGHTWAY TRANSPORTATION CO., INC., 4100 South Emerald Ave., Chicago, IL 60609. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601, 312–332–5106. Transporting *food and related products*, between points in IL, IN, KY, OH, and MI.

MC 148143 (Sub-15), filed October 21, 1981. Applicant: MID-AMERICA FARM LINES, INC., P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (Same address as applicant), 417–866–7460. Transporting general commodities (except classes A and B explosives), between the facilities of ConAgra, Inc. and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150093 (Sub-5), filed November 9, 1981. Applicant: THE TOM DAVIS CORP. d.b.a. DAVIS LINES, 5335 N.W. 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309,

515–244–2329.Transporting *machinery*, between points in IL, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI).

MC 152102, filed November 9, 1981. Applicant: WDP TRANSPORTATION, INC., 453 Versailles Rd., Frankfort, KY 40601. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, 502–227–7384 Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Mitchell Aluminum Products Company, Inc., and Ohio Valley Aluminum Company, Inc., both of Shelbyville, KY, (b) MB Food Corporation, of Versailles, KY, and (c) Southern Molding, Inc., of Frankfort, KY.

MC 155223 (Sub-3), filed November 6, 1981. Applicant: HIGHWAY EXPRESS, INC., P.O. Box 580, Glendale, AZ 85301 Representative: Robert Fuller, 13215 E. Penn. St. Suite 310 Whittier, CA 90602, 213–945–3002. Transporting *electronic components*, between points in the U.S., under continuing contract(s) with Molex, Inc., of Nogales, AZ.

MC 157112, filed October 9, 1981 (Correction), previously published in the **Federal Register** of October 28, 1981, and republished this issue. Applicant: MICHAEL D. SMITH, d.b.a. M & S TRANSFER, 2371–34th St., Moline, IL 61265. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, (319) 557–1320. Transporting *electric motors, welders, equipment, and supplies*, between points in Rock Island County, IL, on the one hand, and, on the other, points in IA and NE.

Note.—This republication corrects the commodity description.

MC 158412, filed September 23, 1981, published in the **Federal Register** issue of October 28, 1981, and republished, as corrected, this issue. Applicant: HAROLD MARCUS LIMITED, R.R. #3, Bothwell, Ontario, Canada NOP 1CO. Representative: Wilhelmina Boersma, 1600 1st Federal Bldg., Detroit, MI 48226, 313–962–6492. Transporting *waste materials and liquid tire fill*, between ports of entry on the International Boundary line between the U.S. and Canada in MI and NY, on the one hand, and, on the other, points in MI, OH, PA, NY, IL, IN, WI, MO, KY, MD, NH, MA, ME, RI, VT, and CT. The purpose of this republication is to correct the commodity description.

MC 159163, filed November 5, 1981. Applicant: MICHAEL W. JOHNSON, Rte. 3, Carbondale, IL 62901. Representative: Michael W. Johnson (same address as applicant), 618–549–2478. Transporting *concrete products*, between points in the U.S., under continuing contract(s) with Anna Ready Mix, Inc., of Anna, IL.

MC 159182, filed November 6, 1981. Applicant: BLUEBIRD TRANSPORTATION, INC., 1 West Pineloch Ave., Orlando, FL 33856. Representative: M. Craig Massey, 215 East Lime St., P.O. Drawer 1109, Lakeland, FL 33802, (813) 682–1178. Transporting *such commodities* as are manufactured or distributed by the food processing industry between points in FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 159233, filed November 10, 1981. Applicant: IRENE YOUNG d.b.a. YOUNG'S LIMOUSINE SERVICE, 945 Newtown Road, Warminster, PA 18974. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd & Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *passengers and their baggage*, limited to the transportation of not more than 7 passengers, excluding the driver, in one vehicle at one time, between points in Montgomery and Bucks Counties, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY and DC.

Volume No. OPY–3–217

Decided: November 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 24784 (Sub-43), filed November 17, 1981. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *salt and salt products* (except commodities in bulk), between (1) St. Martin Parish, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, OK, NC, SC, TN, and TX, and (2) between points in Reno County, KS, and Tooele, Weber, and Salt Lake Counties, UT, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, LA, MO, ND, NE, NM, SD, TN, and TX.

MC 125254 (Sub-87), filed November 16, 1981. Applicant: MORGAN TRUCKING CO., a Corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and related products*, between points in Black Hawk and Louisa Counties, IA, on the one hand, and, on the other, points in AL, AR, IN, GA, KS, KY, LA, MI, MN, MS, NE, NC, OH, PA, SC, TN, and WI.

MC 140484 (Sub-102), filed November 17, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *food and related products*, between points in Cleveland, OH, on the one hand, and, on the other, points in IL, KS, MN and IN.

MC 145715 (Sub-21), filed November 16, 1981. Applicant: BELL TRUCKING, INC., P.O. Box 165, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 146964 (Sub-20), filed November 17, 1981. Applicant: RELIABLE TRUCK LINES, INC., R.D. #5, 5 Marianne Dr., York, PA 17402. Representative: Michael Valencik (same address as applicant), (717) 767–6639. Transporting *paper and paper products*, between points in the U.S. (except AK and HI).

MC 155595 (Sub-2), filed November 17, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert St., Dallas, TX 75215. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of wearing apparel, between points in Rutherford County, TN, Kennebec County, ME, Fairfield County, CT, and Blair County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158075, filed November 16, 1981. Applicant: T & S BUS SERVICE, INC., 5009 Wheeler Rd., Oxon Hill, MD 20754. Representative: Brian L. Troiano, 918 16th St., N.W., Washington, D.C. 20006, (202) 785–3700. Transporting *passengers and their baggage*, in charter operations, beginning and ending at Washington, DC, points in Arlington, Fairfax, and Loudoun Counties, VA, Alwxandria, Falls Church, and Fairfax, VA, and points in Montgomery, Prince Georges, Anne Arundel, and Charles Counties, MD, and extending to points in the U.S. (except AK and HI).

MC 158874, filed November 16, 1981. Applicant: OF SERVICE, INC., 1400 S. Goodrich Blvd., City of Commerce, CA 90040. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting (1) *printed matter*, and (2) *paper and paper products*, between points in the U.S. (including AK and HI).

MC 159314, filed November 17, 1981 Applicant: DAVID McCOY, d.b.a. JAY N ZEE TOURS AND DAD–D–TOURS, 3040 East Olive Unit 106A, Fresno, CA 93701. Representative: David McCoy (same address as applicant), (209) 268–5570. As

a *broker*, at Fresno, CA, in arranging for the transportation by motor vehicle of *passengers and their baggage*, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159324, filed November 17, 1981. Applicant: OVERLAND TOURS, INC., 75 Federal St., Stratford, CT 06497. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. As a *broker*, at Stratford, CT, in arranging for the transportation of *passengers and their baggage* in special and charter operations, beginning and ending at points in Fairfield and New Haven Counties, CT, and extending to points in the U.S. (except AK and HI).

MC 159325, filed November 17, 1981. Applicant: ZINC, INC., Rt. 3, Box 157, El Campo, TX 77437. Representative: Steven W. Anders, 2117 Potomac, Houston, TX 77057, (713) 877–6442. Transporting *zinc and zinc products*, between points in the U.S. (except AK and HI), under continuing contract(s) with National Zinc of Bartlesville, OK.

MC 157274, filed November 17, 1981. Applicant: AMERICAN CONCORD LINES, INC., U.S. Hwy 6 and 15, New Paris, IN 46553. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, (317) 638–1301. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in IN, and those in Kent, Ingham, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, St. Joseph, Jackson and Branch Counties, MI, and McHenry, Lake, DeKalb, Kane, DuPage, Cook, Kendall and Will Counties, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OPY–4–450

Decided: November 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1017 (Sub-2), filed November 9, 1981. Applicant: SWAN TRUCKING CORP., INC., 3433 Holyoke Rd., Philadelphia, PA 19114. Representative: Francis W. Doyle, 323 Maple Ave., Southhampton, PA 18966, (215) 357–7220. Transporting *farm products and food and related products* between points in the U.S., (except AK and HI) under continuing contract(s) with Ward–Johnson of Milwaukee, WI, Sweet Service Corp., of Pennsauken, NJ and Alpha Aromatics, Inc., of Croydon PA.

MC 76677 (Sub-16), filed November 5, 1981. Applicant: HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth St., Holbrook, MA 02343. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S. (except AK and HI).

MC 104967 (Sub-15), filed November 9, 1981. Applicant: TIGHE TRUCKING, INC., 45 Holton Street, Winchester, MA 01089. Representative: David M. Marshall, 101 State St., Suite 304 Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives household goods and commodities in bulk), between points in Middlesex County, MA, on the one hand, and, on the other, points in NY, NJ and PA.

MC 108247 (Sub-10), filed November 9, 1981. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Rd., New Haven, CT 06512. Representative: Ronald G. Esposito (same address as applicant), (203) 468–0500. Transporting *dental, medical and hospital supplies*, between points in Chenango and Oneida Counties, NY, on the one hand, and, on the other points in Middlesex County, CT.

MC 120547 (Sub-3), filed November 6, 1981. Applicant: PARKER'S EXPRESS, INC., 21 Parker Drive, Avon Industrial Park, Avon, MA 02322. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *general commodities* (except household goods and classes A and B explosives), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC.

MC 136077 (Sub-32), filed November 6, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102, (215) 854–6444. Transporting *commodities in bulk* between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western bondary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 139207 (Sub-20), filed October 8, 1981, previously noticed in the **Federal Register** issue of October 29, 1981, and republished this issue. Applicant: McNABB-WADSWORTH TRUCKING CO., INC., 305 S. Wilcox Dr., Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004, (202) 347–8862. Transporting (1) *such commodities* as are dealt in or used by grocery houses, between points in Benton, Crawford, and Washington Counties, AR, on the one hand, and, on the other, points in AL, TN, GA, SC, NC, WV, KY, VA, PA, MS, FL, and MD, and (2) *clay, concrete, glass or stone products*, between points in Navarr County, TX, on the one hand, and, on the other, points in MO, AR, LA, MS, AL, GA, NC, SC, TN, KY, VA, FL, WV, OH, and PA.

Note.—The purpose of this republication is to indicate that Navarr County is in the state of TX.

MC 146817 (Sub-14), filed November 6, 1981. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 685429. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting *such commodities* as are dealt in and used by automotive supply stores, between points in Johnson County, KS, on the one hand, and, on the other, points in Adams, Christian, Fulton, Hancock, Henry, Rock Island, Schuyler, and Whiteside Counties, FL, and points in IA.

MC 148577 (Sub-3), filed November 6, 1981. Applicant: ORVILLE HOWARD, INC., 2724 Unbrella Tree Drive, Edgewater, FL 32032. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Roebling Wire Co., of Roebling, NJ.

MC 148737 (Sub-12), filed November 5, 1981. Applicant: SUNSET EXPRESS CORPORATION, P.O. Box 27043, Salt Lake City, UT 84125. Representative: Joseph Michael Roberts, 1730 M. St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Church & Dwight Co., Inc., of Piscataway, NJ.

MC 149497 (Sub-20), filed November 9, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Transportation Systems International, Inc., of Minneapolis, MN.

MC 155577 (Sub-1), filed November 6, 1981. Applicant: CAMELOT DISTRIBUTING COMPANY, 400 Fish

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Drive, S.W., Atlanta, GA 30336. Representative: Clifford G. McGehee, III (same address as applicant), (404) 349–7680. Transporting *waste paper, paper and paper products,* between points in the U.S. (except AK and HI), under continuing contract(s) with H. Vander Kley and Associates Ltd., of Atlanta, GA.

MC 156387 (Sub-1), filed November 9, 1981. Applicant: JIM L. LAGENFELD d.b.a. D & J ENTERPRISES, Rural Route #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and related products,* between points in CA, IL, IA, KS, NE, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157457 (Sub-1), filed November 9, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46514. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting (1) *furniture and fixtures,* and (2) *rubber and plastic products,* between Seattle, WA, St. Louis, MO, Philadelphia, PA, Roanoke, VA, and Knoxville, TN, and points in Marathon County, WI, Winston County, AL, Marion County, MS, and Logan County, OK, and points in FL, NC, GA, and AR, on the one hand, and, on the other, points in AL, GA, SC, MI, FL, NC, AZ, ID, OR, TX, MO, KS, IN, MS, CA, PA, VA, TN, WI, IL, KY, NV, NY, MA, and OH.

MC 159197, filed November 9, 1981. Applicant: BURLINGTON STATE LINES, LTD., d.b.a. BURLINGTON TRAILWAYS, 504 Spring St., W. Burlington, IA 52655. Representative: Lawrence E. Lindeman, 425 13th St., NW., Suite 1032, Washington, DC 20004, (202) 628–4600. Over regular routes, transporting *passengers and their baggage, and express and newspapers* in the same vehicle, between Muscatin and Grandview, IA, over U.S. Hwy 61, serving all intermediate points.

Volume No. OPY–4–454

Decided: November 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 74346 (Sub-4), filed October 19, 1981, previously noticed in the **Federal Register** issue of November 11, 1981, and republished this issue. Applicant: GARRETT BROS., INC., 1300 S. Meridian, P.O. Box 19190, Oklahoma City, OK 73144. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *Mercer and earth drilling commodities,* between points in AR, CO, ID, KS, LA, MT, MS, NE, NM, ND, OK, SD, TX, UT, and WY.

Note.—The purpose of this republication is to correctly state the commodity description.

MC 119936 (Sub-4), filed October 22, 1981, previously noticed in the **Federal Register** of November 12, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION COMPANY, 4350 W. 123rd St., Alsip, IL 60658. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602 (312) 725–9722. Transporting (1) *solar equipment, furnaces, air-conditioning machinery, heaters, and containers,* between Chicago, IL, Indianapolis, IN, and Fort Smith, AR, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MI, MN, OH, and WI, and (2) *metals and related products,* between Chicago, IL, Toledo, OH, and points in Butler, Montgomery, and Warren Counties, OH, and Detroit, MI, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MI, MN, MO, OH, TN, and WI.

Note.—The purpose of this republication is to include Detroit, MI, which was inadvertently omitted from the previous notice.

MC 118306 (Sub-1), filed November 16, 1981. Applicant: R. H. LEAHY TRANSPORT, LIMITED, P.O. Box 9, Trenton, Nova Scotia, Canada. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points of entry on the international boundary line between the U.S. and Canada at points in Aroostook, Washington, and Hancock Counties, ME, on the one hand, and, on the other, points in CT, DE, FL, GA, MA, MD, ME, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC.

MC 123916 (Sub-20), filed November 16, 1981. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, PA 16127. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005 (202) 783–3525. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S., including AK but excluding HI, under continuing contract(s) with Earth Tours, Inc., of Grove City, PA.

MC 130156 (Sub-2), filed November 5, 1981. Applicant: WEGIEL TRAVEL SERVICE, INC., 1985 Main St., Springfield, MA 01103. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103 (413) 781–8205. To engage in operations, in interstate or foreign commerce, as a *broker,* at Springfield, MA, in arranging for the transportation, by motor vehicle, of *passengers,* in special and charter operations, between points in the U.S., including AK and HI.

MC 134156 (Sub-5), filed November 13, 1981. Applicant: AL SALEM, d.b.a. AL SALEM PRODUCE, 5136 Cherokee Hill Dr., Salem, VA 24153. Representative: Terrell C. Clark, P.O. Box 25 Stanleytown, VA 24168–(703) 629-2818. Transporting *pulp, paper, and related products,* between points in Worcester, MA and points in the U.S. (except AK and HI).

MC 139006 (Sub-37), filed November 23, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto RD., Bardstown, KY 40004. Representative: William P. Whitney, Jr. (same address as applicant) (502) 348–5159. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between the facilities utilized by Holiday Inn, Inc., Products Services Division and its vendors in the U.S. on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143776 (Sub-35), filed November 16, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., SE, Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant) (800) 253–9527. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with John Morrell and Company, of Chicago, IL.

MC 147536 (Sub-37), filed November 16, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64802. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *clay, concrete, glass or stone products,* between points in Wayne County, MI, Davidson County, TN, and Tulsa County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147906 (Sub-7), filed November 13, 1981. Applicant: KOHN TRANSPORT, INC., 4840 Southway, SW, Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products,* between Memphis, TN, on the one hand, and, on the other, points in OH.

MC 151206 (Sub-2), filed November 16, 1981. Applicant: NANCY & DWIGHT'S HOLIDAY TOURS, INC., P.O. Box 188,

Randleman, NC 27317. Representative: Dwight E. Thompson (same address as applicant) (919) 498–2003. Transporting *passengers and their baggage*, in special and charter operations, between points in Guilford County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OPY–4–455

Decided: November 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 151746 (Sub-6), filed November 16, 1981. Applicant: ORANGE DISTRIBUTION SERVICE, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728–0700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151946 (Sub-2), filed November 13, 1981. Applicant: BIG LAKE TRANSPORT, INC., P.O. Box 98, Charleston, MO 63834. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496, (216) 652–2789. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 151946 (Sub-3), filed November 13, 1981. Applicant: BIG LAKE TRANSPORT, INC., P.O. Box 98, Charleston, MO 63834. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496, (216) 652–2789. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Morton Chemical Company, a division of Morton-Norwich Products, Inc., of Woodstock IL.

MC 157586,, filed November 16, 1981. Applicant: RICHARD PATTERSON, d.b.a. PATTERSON TRUCKING COMPANY, Rt. 6, Box 50, Brownsville. Representative: Richard Patterson (same address as applicant), (901) 772–3821. Transporting (1) *lawn and garden tractors, lawn edgers and shredders*, and (2) *recreational vehicles and parts*, between points in the U.S. (except AK and HI) under continuing contract(s) with Modern Tool and Die Co., Inc., of Brownsville, TN.

MC 158386, filed November 13, 1981. Applicant: HAB–NAB TRUCKING, INC., F.R.D. No. 2, Box 303, Federalsburg, MD 21632. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *chemicals and related products*, between Baltimore, MD and Norfolk, VA, and points in Sussex County, DE, on the one hand, and, on the other, points in MD, NJ, and VA.

MC 159286, filed November 16, 1981. Applicant: MALICO, INC., 223 Maple St., Waukesha, WI 53186. Representative: Richard Salentine, 5260 S. Brennan Dr., New Berlin, WI 53151, (414) 679–2997. Transporting (1) *driveway sealer*, between points in the U.S. (except AK and HI) under continuing contract(s) with Good Seal Products, Corp., of Milwaukee, WI, (2) *food and related products*, between points in the U.S. (except AK and HI), under continuing Contract(s) with Jack Gronik Co., Inc. of Milwaukee, WI, (3) *office furniture and warehouse equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Burrall Storage Design and Equipment, of Green Bay, WI, and (4) *chemical and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cargill, Inc., Salt Division, of Minneapolis, MN.

MC 159276, filed November 13, 1981. Applicant: FLEET-RAIL, INC., 8063 Tennessee, Clarendon Hills, IL 60513. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106.Transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), (1) between points in Lake County, IL, on the one hand, and, on the other, points in IL, IN, WI, TN, and MO, and (2) between Chicago, IL, on the one hand, and, on the other, points in IL, IN, WI, MI, OH, KY, IA, and TN.

Volume No. OPY–5–204

Decided: November 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 579, filed November 9, 1981. Applicant: FRE[GHT EXPEDITERS, INC., 600 Erieside Ave., Dock 26, Cleveland, OH 44114. Representative: Arthur E. Gogel, 7723 Greenwich Rd., Lodi, OH 44254, 216–948–2531. To operate as a *freight forwarder* of *general commodities* (except classes A and B explosives) between ports in the U.S. (except AK and HI), on the one hand, and, on the other, points in OH and KY.

MC 57239 (Sub-60), filed November 6, 1981. Applicant: RENNER'S EXPRESS, INC., 1350 South West St., Indianapolis, IN 46225. Representative: James R. Smith (same address as applicant), (317) 635–9312. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, MI, OH, and TN.

MC 140889 (Sub-24), filed November 12, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. (216) 589–0448. Transporting *chemicals and related products and rubber and plastic products* between points in the U.S., under continuing contract(s) with BF Goodrich Co., of Akron, OH.

MC 144399 (Sub-2), filed November 9, 1981. Applicant: CRAWFORD TRUCKING CO., INC., P.O. Box 532, Montrose, AL 36559. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201; (205) 254–3880. Transporting (1) *food and related products*,(2) *paper and paper products*, (3) *rubber and related products*, and (4) *building materials, equipment, and supplies* between points in AL, and points in FL in and west of Jefferson County, FL, on the one hand, and, on the other, points in the U.S.

MC 145559 (Sub-15), filed November 10, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *food and related products* between points in Malheur County, OR, Cassia County, ID, Montcalm County, MI, Stark County, OH, and Portage County, WI, on the one hand, and, on the other, points in the U.S.

MC 145679 (Sub-20), filed November 9, 1981. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (404) 397–7033. Transporting *food and related products* between points in Kankakee County, IL, Tarrant County, TX, and Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 147969 (Sub-9), filed November 9, 1981. Applicant: JOE S. BOWEN, INC., P.O. Box 262, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting (1) *food and related products* (a) between points in AR, on the one hand, and, on the other, points in the U.S., and (b) between points in TX, on the one hand, and, on the other, points in the U.S., and (2) *paper and paper products*, (3) *rubber and plastic products*, (4) *non-woven articles*, and (5)

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metal products between points in the U.S.

MC 148478 (Sub-3), filed November 9, 1981. Applicant: TIMBER EXPRESS, INC., P.O. Box 302, Cedarville, OH 45314. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of lumber and wood products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150398 (Sub-8), filed November 9, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036, (202) 223–5900. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Jason Foods, Inc., of Northbrook, IL.

MC 150519 (Sub-2), filed November 3, 1981. Applicant: PETER PICKNELLY and LOUIS MAGNANO, d.b.a. VIP COACH SERVICES, 1776 Main St., Springfield, MA 01103. Representative: Robert J. Brooks, 1828 L Street NW., Washington, D.C. 20036, (202) 466–3892. Transporting *passengers and their baggage,* in same vehicle with passengers, in charter and special operations, between Atlantic City, NJ, on the one hand, and, on the other, points in CT, NY, PA, DE, MD, VA, and DC, under continuing contract(s) with Happy Day Tours, Inc., of Atlantic City, NJ, Peter Pan World Travel, Inc., of Springfield, MA, and Blue Bird World Travel, Inc., of Olean, NY.

MC 151788 (Sub-15), 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *general commodities* (except classes A and B explosives), between points in KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152509 (Sub-20), filed November 9, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566–2677. Transporting *general commodities* between points in the U.S., under continuing contract(s) with The Scott & Fetzer Company of Lakewood, OH.

MC 155529 (Sub-1), filed November 9, 1981. Applicant: G & D TRANSPORT, INC., P.O. Box 3754, Alliance, OH 44601. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, 614–464–4103. Transporting *such commodities* as are dealt in or used by (1) manufacturers and distributors of clay, concrete, glass or stone products, and building materials, between Cleveland, OH, on the one hand, and, on the other, points in the U.S.; (2) commercial fabricators, manufacturers and distributors of transportation equipment, between Chicago, IL, on the one hand, and, on the other, points in the U.S.; and (3) manufacturers and distributors of welding equipment and supplies, between Dayton, OH, on the one hand, and, on the other, points in the U.S.

MC 156399 (Sub-2), filed November 9, 1981. Applicant: CASTLE CONTRACT CARRIER, INC., 2337 Summer St., Lauderdale, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164, 612–633–7911. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

MC 157179, filed November 9, 1981. Applicant: WARRIOR TRANSPORT, INC., 2334 Havenhurst, Farmers Branch, TX 75234. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112, 817–457–0804. Transporting *general commodities,* between points in the U.S. under continuing contract(s) with Intertrans Corp., Expeditors International Inc., Pan World Shipping, Inc., Galbraith International, Inc., and Wallace International, Ltd, all of Dallas, TX; and Comet International Airfreight, of Miami, FL.

MC 159079, filed November 2, 1981. Applicant: TRI-BORO TRAVEL ENTERPRISES, INC., 4130 Birney Ave., Moosic, PA 18505. Representative: Edward F. V. Pietrowski, 430 Scranton Life Bldg., Scranton, PA 18503, 717–346–5761. As a *broker* at Moosic, PA, in arranging for the transportation of passengers and their baggage, between points in Lackawana County, PA on the one hand, and, on the other, points in the U.S.

MC 159189, filed November 9, 1981. Applicant: MERRITT TRUCKING COMPANY, INC., P.O. Box 11206, Greensboro, NC 27409. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *liquefied petroleum gas,* (a) between points in Wake County, NC, on the one hand, and, on the other, points in VA and WV, (b) between Chesapeake, VA, on the one hand, and, on the other, points, in DE, MD, NC, SC, and WV, and (c) between points in York County, VA, on the one hand, and, on the other, points in DE, MD, NC, PA, and WV. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 159188, filed November 9, 1981. Applicant: MISSOURI RIVER TRUCKING, 1490 Southern Road, Kansas City, MO 64120. Representative: Warren H. Sapp, 4420 Madison, Kansas City, MO 64111, (816) 931–8711. Transporting *general commodities* (except classes A and B explosives) between points in MO, AR, IA, KS, NE, OK, TX, IL, and CO.

MC 159238, filed November 10, 1981. Applicant: CHARLES A. PRESLEY, d.b.a. GREAT AMERICAN VACATIONS, P.O. Box 14009, Pittsburgh, PA 15239. Representative: Charles A. Presley, 409 Presque Isle Drive, Pittsburgh, PA 15239, (412) 327–8260. To engage in operations as a broker at Pittsburgh, PA, arranging the transportation of *passengers and their baggage,* in the same vehicle with passengers, between points in the U.S.

Volume No. OPY–5–206

Decided: November 20, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 47898 (Sub-10), filed November 12, 1981. Applicant: WISCONSIN-PACIFIC EXPRESS, INC., P.O. Box 190, Weyauwega, WI 54983. Representative: Gerald K. Gimmel, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840–8565. Transporting *food and related products,* between points in Lawrence, Barry, Jasper and Newton Counties, MO, on the one hand, and, on the other, points in MO, KS, NE, ND, SD, MN, IA, WI, IL, KY, IN, OH, and MI.

MC 67308 (Sub-7), filed November 9, 1981. Applicant: COLONIAL TRAILWAYS, 400 South Royal St., Mobile, AL 36601. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, D.C. 20004, 202–628–4600. Transporting *passengers and their baggage* in special and charter operations, beginning and ending at points in Mobile, Baldwin, Escambia, Clark, and Conecuh Counties, AL; Escambia, Santa Rosa, and Okaloosa Counties, FL; St. Tammany Parish, LA; and Jackson, Harrison, Hancock and Pearl River Counties, MS and extending to points in the U.S.

MC 78728 (Sub-7), filed November 5, 1981. Applicant: EVERETT EXPRESS, INC., Hwy 258, North, Tarboro, NC 27886. Representative: John H. Everett, P.O. Box 6274, Chesapeake, VA 23323, 804–487–2575. Transporting *general commodities* (except classes A and B

explosives), between points in AL, AR, DE, FL, GA, IN, KY, LA, MD, MS, NC, NY, NJ, OH, PA, SC, TN, TX, VA, WV, and DC.

MC 88818 (Sub-6), filed November 5, 1981. Applicant: MAYNARD T. WEDUL, d.b.a. WEDUL TRUCK LINE, P.O. Box 293, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul , MN 55118, 612–457–6889. Transporting *salt, cement and lime,* between points in St. Louis County, MN and Douglas County, WI on the one hand, and, on the other points in MN, ND, SD, IA and WI.

MC 105159 (Sub-46), filed November 12, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *containers,* between Minneapolis, MN, on the one hand, and, on the other, points in CA, IA, IL, IN, KS, MA, MI, NY, PA, SD, and WV.

MC 121508 (Sub-3), filed November 9, 1981. Applicant: WESTERN CARTAGE, INC., 5050 First Ave., So., Seattle, WA 98124. Representative: Henry C. Winters, 12600 Southeast 38th St., Suite 200, Bellevue, WA 98006, 206–644–2100. Transporting *general commodities* (except classes A and B explosives) between points in OR and WA.

MC 134978 (Sub-27), filed November 2, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Rt. 3, Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288–6000. Transporting *petroleum, natural gas and their products,* between points in GA and SC.

MC 140149 (Sub-3), filed November 3, 1981. Applicant: M. C. BUNCH, INC., Rt. #1, Box 52, Lake City, AR 72437. Representative: Wayne Mooney, 404 Market St., Harrisburg, AR 72432, (501) 578–2422. Transporting (1) *machinery and equipment,* between points in the U.S., under continuing contract(s) with (a) PCR, Inc., of Jonesboro, AR, (b) Collier Equipment Company, of Paragould, AR, (c) Farmers, Inc., of Wynne, AR, and (d) Blytheville Equipment Company, of Blytheville, AR, and (2) *metal products,* between points in the U.S., under continuing contract(s) with (a) Delta, Inc., and (b) Hytrol Conveyor Co., Inc., both of Jonesboro, AR.

MC 141379 (Sub-6), filed October 7, 1981, previously noticed in (Republication) **Federal Register** publication of November 4, 1981. Applicant: CALVIN C. HARTSFIELD d.b.a. SOUTHSIDE AUTO, Highway 25 South, P.O. Box 161, Rt. 1, Malden, MO 63863. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *used automobiles, trucks and parts,* between points in FL, on the one hand, and, on the other, points in Adams, Cook, Madison, Lake, LaSalle, Peoria, St. Clair, Sangamon, Will, and Winnebago Counties, IL, Clay, Dunklin, Howell, Jackson, New Madrid, Platte, and St. Louis Counties, MO, Johnson and Leavenworth Counties, KS, Cass, Douglas, and Sarpy Counties, NE, Mills and Pottawattamie Counties, IA, Eaton and Wayne Counties, MI, Dallas, Harris and Tarrant Counties, TX, Anoka, Hennepin, Ramsey and Washington Counties, MN, Coffee and Davidson Counties, TN, Craighead, Pope and Pulaski Counties, AR, and Sacramento County, CA.

Note.—This application is republished to show "Sacramento County, CA" in lieu of Sacramento, CA.

MC 159209, filed November 9, 1981. Applicant: POODLE BUS LINES CORPORATION, 1122 Wikiup Dr., Santa Rosa, CA 95401. Representative: Jim Fitzer, 15 S. Grady Way, Renton, WA 98055, (206) 235–1111. Transporting *passengers and their baggage* in same vehicle with passengers, in special or charter operations, between points in Sonoma, Marin, Napa, Mendocino, Solano and Lake Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 143179 (Sub-27), filed November 9, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant), 712–323–9124. Transporting *furniture and fixtures and metal products,* between points in Newton County, MO on the one hand, and, on the other, points in IN, IA, KS, MN and NE.

MC 143348 (Sub-3), filed November 9, 1981. Applicant: PROFESSIONAL DELIVERY SYSTEMS, INC., 8408 Zell Lane, Richmond, VA 23229. Representative: Paul C. Anderson (same address as applicant), 804–285–8879. Transporting *such commodities* as are dealt in, used, or distributed by, manufacturers of cosmetics and cleaning, scouring and washing compounds, between points in the U.S. under continuing contract(s) with Amway Corporation of Norcross, GA.

MC 146929 (Sub-2), filed November 9, 1981. Applicant: PARK MOVING & STORAGE CO., INC., U.S. Route 40 South, Aberdeen, MD 21001. Representative: Charles A. Schneider, 1819 H Street NW, Suite 1000, Washington, DC 20006, 202–775–1300. Transporting *household goods as defined by the Commission,* between points in Anne Arundel, Baltimore, Carroll, Cecil, Harford and Howard Counties, MD on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC.

MC 148479 (Sub-28), filed November 6, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Kenneth E. Smith (same address as applicant), (913) 367–1480. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 151788 (Sub-13), filed November 5, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 913–234–0565. Transporting *Mercer commodities,* between points in Hitchcock and Red Willow Counties, NE and Ellis, Graham and Rooks Counties, KS, on the one hand, and, on the other, points in CO, KS, NE, OK, and TX.

MC 151788 (Sub-14), filed November 9, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *metal products,* between points in Saline County, KS, on the one hand, and, on the other, points in the U.S. (except AK & HI).

MC 152568 (Sub-2), filed November 9, 1981. Applicant: KISTLER AMELING TRANSPORTATION, INC., 408 East Indiana St., Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, 317–638–1301. Transporting *chemicals and related products,* between points in the U.S. under continuing contract(s) with Overton Chemical Sales, Inc., of Sumner, IA.

MC 158828, filed October 16, 1981. Applicant: BORDER STATES TRANSPORT, INC., 2434 Hillview Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Bis-Man Ford, McGrath Machinery Co., and NPN Inc., all of Bismarck, ND, and

Standard Steel Warehouse Company, of Portland, OR.

MC 158839 (Sub-1), filed November 5, 1981. Applicant: SHAMROCK TRUCKING, INC., 5258 Springdale Road, Forest Park, GA 30050. Representative: Archie B. Culbreth and John P. Tucker, Jr., 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting (1) *animal feed* and (2) *metal containers*, between points in Fulton County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK and TX.

MC 159008, filed November 5, 1981. Applicant: NORTHERN CARRIERS, INC., 3814 11th St., Rockford, IL 61110. Representative: Thomas L. Brejcha, Jr., 69 W. Washington St., Chicago, IL 60602, (312) 269–0300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marathon Electric Manufacturing Corporation, of Wausau, WI.

MC 159149, filed November 4, 1981. Applicant: ADVENTURE TRAILS, INC., 430 East 56th St., New York, NY 10022. Representative: Jerrold A. Schwartz (same address as applicant), 212–688–8144. To operate as a *broker* in New York, NY, of *passengers and their baggage* in special and charter operations, beginning and ending in New York, NY; points in Westchester and Nassau Counties, NY; and points in Essex, Bergen and Passaic Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 159178, filed November 6, 1981. Applicant: THIRTY SIX MIDLAND AVENUE CORP., 36 Midland Avenue, Port Chester, NY 10573. Representative: Anthony Tesoriero, 92 Calvin Ave., Syosset, NY 11791, 516–364–3387. Transporting *tobacco and tobacco products* and *portable cigarette making kits*, between points in Westchester County, NY, on the one hand, and, on the other, points in Fairfield and New Haven Counties, CT.

MC 159229, filed November 10, 1981. Applicant: GULF COAST TOURS, INC., 123 East Mineola Ave, Valley Stream, NY 11580. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. To engage in operations, as a *broker* at New York, NY and Miami, FL, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in NY, NJ, and FL, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34365 Filed 11-30-81; 8:45 am]

BILLING CODE 7035-01-M

Privacy Act Records; Minority and Female-Owned Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of additional Privacy Act system of records.

SUMMARY: Pursuant to 5 U.S.C. (e)(4), the Commission hereby publishes a notice pertaining to the existence and character of an additional Privacy Act System of Records. The categories of individuals covered by the System are minority and female-owned motor carriers. The categories of records in the System are developed by questionnaires which are mailed to all ICC-regulated carriers and to each new applicant for authority. This data is compiled into a register which serves as a useful means of communicating with minority firms already in or interested in entering the trucking business. The information obtained will be made available to the Commission and the Congress, as well as to other agencies and organizations, to assist in designing and delivering programs to address the specific needs of these firms. Participation in this data collection program is voluntary.

ADDRESSES: The System is located at the Interstate Commerce Commission Headquarters in Washington, DC.

The System manager and address are as follows: Chief, Section of Systems Development, Room B–114, Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: S. Arnold Smith, 202–275–7076.

SUPPLEMENTARY INFORMATION: The above described System is called Identification and Measurement of Minority and Female-Owned Motor Carriers (#32–20–0013). The policies and practices for storing, retrieving, accessing, retaining and disposing of the records in the System are as follows: The records are maintained on magnetic tape, and kept in a locked file cabinet under direct control of the responsible official. They are retained for an unlimited period of time. The record source categories for the System are the licensees and applicants for authority who receive questionnaries on this matter from the Commission. Access to these files will be made upon request and presentation of proper identification. Notification and contesting record procedures are the same as for all other privacy act files. No exemption in the Privacy Act applies to this system of records.

The authority for maintenance of the System is found at 5 U.S.C. 553 and 49 U.S.C. 10101 and 10321.

Agatha L. Mergenovich,

Secretary.

Pursuant to 5 U.S.C. 552a(e)(4), the Interstate Commerce Commission hereby publishes notice pertaining to the existence and character of an additional Privacy Act System of Records:

32–20–0013

SYSTEM NAME:

Identification and Measurement of Minority and Female Owned Motor Carriers.

SYSTEM LOCATION:

ICC Headquarters, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Minority and female owned motor carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaires are mailed to all ICC regulated carriers and to each new applicant for authority. This data is compiled into a register which serves as a useful means of communicating with minority firms already in or interested in entering the trucking business.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 553 and 49 U.S.C. 10101 and 10321.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information will be made available to the Commission and the Congress, as well as to other agencies and organizations, to assist in designing and delivering programs to address the specific needs of these firms. Participation in this data collection program is voluntary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on magnetic tape.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Kept in locked file cabinet under direct control of responsible official.

RETENTION AND DISPOSAL:

To be retained for an unlimited period of time.

SYSTEM MANAGER AND ADDRESS:

Chief Section of Systems Development, B–411, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Licensees and applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–34278 Filed 11–30–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 19, 1981, Wyeth Laboratories, Inc., 611 E. Nield Street, P.O. Box 565, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Meperidine Intermediate A (9232).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537. Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than January 4, 1982.

Dated: November 24, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–34363 Filed 11–30–81; 8:45 am]

BILLING CODE 4410–09–M

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet on Wednesday, December 16, 1981, in the Department of Labor's Francis Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Conference Rooms 4215 A, B and C South. The meeting will be open to the public and will begin at 10:00 a.m.

This meeting will feature the selection of priorities for the 1982 Council agenda. A discussion of program and budget changes affecting Federal delinquency related programs and an update on research efforts concerning Native American Youth. Other items to be discussed include a presentation of the National Institute of Juvenile Justice and Delinquency Prevention study on the relationship between learning disabilities and delinquency, and a presentation on International Youth Year.

For further information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, N.W., Room 442, Washington, D.C. 20531. Telephone: (202) 724–7751.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81–34380 Filed 11–30–81; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Associated Spring, et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period November 16–20, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

NEGATIVE DETERMINATIONS

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–11,538; Associated Spring, Ann Arbor, MI

TA–W–12,242 & 12,243; Texas Apparel Co., Del Rio & Eagle Paso, TX

TA–W–10,003, 10,426, & 11,227; Henry I. Siegel Co., Inc., Dickson, TN, Fulton, KY, and Johnson City, TN

TA–W–10,931; Commercial Shearing, Inc., Youngstown, OH

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,367; American Can Company, Geneva, NY

TA–W–12,382; Hastings Mfg. Co., Hastings, MI

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA–W–10,865; Interlake, Inc., Globe Metallurgical Div., Beverly, OH

With respect to perrosilicon and silicon metal, aggregate U.S. imports did not increase as required for certification.

With respect to ferrochrome alloys, increased imports did not contribute importantly to sales, production and employment declines at the firm.

TA–W–12,757; Port Huron Machine Products, Port Huron, MI

Aggregate U.S. imports of electric arc welding equipment are negligible.

TA-W-12,333; Erin Industries, Erin, TN

Aggregate U.S. imports of men's and boys' cotton and manmade fiber work shirts did not increase as required for certification.

TA-W-12,249; Brauer Knitting Co., Little Ferry, NJ

Aggregate U.S. imports of finished fabric and finished manmade knit fabric are negligible.

AFFIRMATIVE DETERMINATION

TA-W-11,862; Imperial Glass Corp..Bellaire, OH

A certification was issued for a petition received on December 4, 1980 covering all workers separated on or after December 1, 1980.

I hereby certify that the aforementioned determination were issued during the period November 16–20, 1981. Copies of these determinations are available for inspection in Room 10.332, U.S. Department of Labor, 601 D Street NW, Washington, D.C. 20213 during normal working hours or will be mailed to persons who write to the above address.

Dated: November 24, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-34224 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-30-M

Determination of States' Eligibility for "Cap" on Reduced Credits Under Federal Unemployment Tax Act (FUTA)

The Secretary of Labor has determined that six States with outstanding Federal loans to their unemployment funds are eligible for a "cap" on the repayment requirements in section 3302(c)(2) of FUTA.

The determinations were made as of November 10, 1981, and the Secretary of the Treasury was informed in a letter of November 19, 1981, to the Secretary of the Treasury, which is printed below.

Albert Angrisani,

Assistant Secretary of Labor.

November 19, 1981.

Hon. Donald T. Regan,

Secretary of the Treasury, Washington, D.C.

Dear Don: This is to verify the status of States which have had an outstanding balance of repayable advances under Title XII of the Social Security Act on January 1 in at least two consecutive years and are, therefore, subject to the reduction in credit provisions of section 3302(c)(2) of the Federal Unemployment Tax Act (FUTA).

Employers in 11 States are subject to a reduction in FUTA offset credit for taxable year 1981:

Connecticut
Delaware
District of Columbia
Illinois
Maine
New Jersey
Pennsylvania
Puerto Rico
Rhode Island
Vermont
Virgin Islands

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) added a new subsection (f) to section 3302 of FUTA which limits the FUTA tax credit reduction in 1981 to an amount which will not exceed the greater of 0.6 percent of wages subject to FUTA or the percentage reduction that was in effect for the preceding taxable year under certain conditions.

To quality for the "cap" in taxable year 1981, a State must have taken no action after August 12, 1981, and before October 1, 1981, unless required under State law in effect before August 13, 1981, which has resulted or will result in:

(1) A reduction in the State's unemployment tax effort, or

(2) A net decrease in the solvency of the State unemployment compensation system.

I have determined that under these criteria six States qualify for the "cap" and are subject to the reduced 1981 FUTA credits indicated:

Connecticut*, 0.7%
Delaware, 0.6%
District of Columbia, 0.6%
Pennsylvania, 0.6%
Rhode Island, 0.6%
Vermont, 0.6%

* Additional 0.1% is difference between average contribution rate and 2.7% in 1979 per Section 3302(c)(2)(B).

The five States not yet affected by the "cap" are subject to the credit reductions as shown:

Illinois, 0.6%
Maine, 0.6%
New Jersey, 0.6%
Puerto Rico, 0.6%
Virgin Islands, 0.6%

The States of Arkansas, Kentucky, Michigan, Minnesota, Ohio, and West Virginia have outstanding Title XII advances but are not subject to reduced credit for 1981.

Sincerely,

Raymond J. Donovan.

[FR Doc. 81-34332 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-57-M]

Conoco, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Conoco, Inc., 907 Rancho Road, Casper, Wyoming 82601 has filed a petition to modify the application of 30 CFR 57.19-54 (rope guides requirements) to its North Tisdale Mine Shaft located in Johnson County, Wyoming. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that where rope guides are used in shafts other than in shaft sinking operations, the rope guides be a type of lock coil construction.

2. As an alternative method, petitioner proposes to use bridge strand ropes which are more applicable to spelter sockets which will be at the shaft headframe and counterweights. In addition, these proposed ropes will be protected by solid oak rope guides which are installed on the hoisting cage. After completion of the shaft, the hoist will only be used one to two times per month and at a maximum governed speed of 200 feet per minute.

3. Petitioner states that this proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 34333 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-59-M]

Glens Falls Portland Cement Co.; Petition for Modification of Application of Mandatory Safety Standard

Glens Falls Portland Cement Company, P.O. Box 440, Glens Falls, New York 12801 has filed a petition to modify the application of 30 CFR 56.16-14(b) (operator cranes; requirements) to its Howes Cave Terminal located in Schoharie County, New York. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that operator-carrying

overhead cranes be provided with automatic switches to halt uptravel of the blocks before they strike the hoist.

2. Petitioner is using an eleven and-half ton capacity overhead crane with a 100 foot span to move clinker and gypsum from one section of the storage building to another and to feed clinker and gypsum into grinding mill bins.

3. The crane was originally equipped with an automatic limit switch to halt uptravel of the bucket but the walls of the mill bins were so high the crane operators were continuously tripping out the switch and causing physical damage to it.

4. The crane operates in a raw material storage hall where no one ever works. No miners work in this area because the building is only used to store clinker and gypsum. The only maintenance work performed in this building is on the crane bucket and that is performed with the bucket on the ground.

5. Petitioner states that there are rare occasions when raw material is brought in by truck into the storage hall.

6. As an alternative method which will provide the same degree of safety to the miners affected as that afforded by the standard, petitioner proposes to cease crane operations anytime trucks or other vehicles are within operating distance of the crane. Crane operation will not be resumed until the vehicles are out of the area. In addition, petitioner proposes to place barricades at both ends of the storage hall to prevent any unauthorized entry. The crane will also be equipped with a highly audible siren which will be operated by the crane operator to warn anyone near the storage hall.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in the office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 19, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34336 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-210-C]

Jones & Laughlin Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jones & Laughlin Steel Corporation, Dehue, West Virginia 25618 has filed a petition to modify the application of 30 CFR 49.6 (mine rescue teams) to its Dehue Mine located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that a mine rescue station be provided with equipment for two mine rescue teams.

2. As an alternative method, petitioner proposes to assure that at least two mine rescue teams and the necessary equipment for two teams, as required by the standard, are available when miners are underground. In this regard, petitioner proposes to maintain the appropriate equipment for one mine rescue team and provide a second equipped mine rescue team by agreement with the Amherst Coal Company which is within two hours travel time from the petitioner's mine.

3. Petitioner states that the method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 19, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34335 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-204-C]

Mt. Run Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mt. Run Coal Company, Route 1, Box 8AA, Masontown, WV 26542 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 5 Mine located in Preston County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The Upper Freeport coal seam has an average height of 48 inches.

3. Because of the low coal seam, equipping the electric face equipment with a canopy would cause the canopy to strike and dislodge roof support. To set the canopy low enough to miss the roof would cause the operator to stick his or her head out of the machine to see. Either condition would constitute a diminution of safety.

4. For these reasons, petitioner requests a modification of the standard.

Requests for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 19, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34337 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-213-C]

National Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

National Mines Corporation, P.O. Box 12022, Lexington, Kentucky 40579 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Stinson No. 1, No. 2, No. 3, and No. 5 Mines, located in Knott County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seams average 32 to 40 inches in height.

3. Petitioner states that the use of cabs or canopies would result in a diminution

of safety for the miners affected because:

a. The canopies impair the equipment operator's visibility;

b. The operator must lean out from the canopy to see properly, exposing body parts to injury by striking the coal rib;

c. The canopies may strike and dislodge roof support.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 19, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34338 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-201-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, R.R. #1, Box 135D, Marissa, Illinois 62257 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Marissa Mine located in Washington County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure screw caps in place on plugs of a battery operated S & S Scoop tractor.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a short circuit occurring in the Scoop's electrical components.

3. As an altenative method, petitioner proposes that a modified bolt and nut locking device be used, in lieu of a padlock. This modified locking device will serve the same purpose as a padlock; the plug could not be pulled apart without removing the bolt and nut.

4. Petitioner states that the proposed alternative method will provide the same measure of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 19, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34339 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-231-C]

Sewell Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sewell Coal Company, Nettie, West Virginia 26681 has filed a petition to modify the application of 30 CFR 75.1704 (escapeways) to its Sewell No. 4 Mine located in Nicholas County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The fourth West return airway has deteriorated due to bad roof conditions and pressure from the roof, making travel and examination of the airway extremely hazardous for the miners affected.

2. As an alternative method, petitioner proposes to change the return escapeway at the shaft bottom and have it established on intake. This intake is separate from the main intake and would shorten the traveling distance from 3100 feet to 1100 feet. Also, this area is approximately 35 to 40 inches in height and requires crawling to travel.

3. This escapeway is not the only means of escape from the mine. There are two escapeways to the No. 2 Portal and one escapeway to the slope.

4. Petitioner states that by changing this escapeway, a greater measure of safety will be provided and will at all times guarantee no less protection for the miners affected as that afforded by the standard.

Request for Comments

Person interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 31, 1981. Copies of the petition are available for inspection at that address.

Dated: November 19, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34334 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in Washington, D.C. on December 16-18, 1981. The meeting will begin at 9:00 a.m., on Wednesday, December 16 in Room 800 of the Hubert Humphrey Department of Health and Human Services Building, Third Street and Independence Avenue, SW, Washington, D.C. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the Administration of the Act.

The agenda will include reports on OSHA and NIOSH activities and discussions of matters of importance to the programs of these agencies, which will include the following topics:

NIOSH Respirator Research and Certification;

Trade Name Certification;

Plans and Procedures for maintaining the Quality of NIOSH Research; and OSHA Enforcement Policies.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief

outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, Third Street and Constitution Avenue, NW, Washington, D.C. 20210, Telephone: (202) 523-8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 25th day of November 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-34527 Filed 11-30-81; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-79)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATE AND TIME: January 21, 1982, 2 p.m. to 4 p.m.

ADDRESS: National Aeronautics and Space Administration, Review Center, Room 7002, 400 Maryland Avenue SW., Federal Building 6, Washington, D.C. 20546.

TYPE OF MEETING: Open.

PURPOSE OF MEETING: The Panel will present its annual report to the NASA Administrator. This is pursuant to carrying out its statutory duties for which the Panel reviews, evaluates, and advises on those program activities, systems, procedures and management policies that contribute to risk and the identification and assessment of these for management. Priority is given to those programs that involve the safety of manned flight. The major subject will be the Space Shuttle Program and Space Transportation System Operations.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Roth, Staff Director, Aerospace Safety Advisory Panel, Natonal Aeronautics and Space Administration, Code LB-4, Washington, D.C. 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The Panel is chartered by the Congress (Pub. L. 90-67), and chaired by Willis M. Hawkins. This meeting is open to the public up to the seating capacity of the room (approximately 55 persons, including Panel members). Visitors will be requested to sign a visitor's register. To assure adequate seating for all, members of the public planning to attend the meeting should contact Gilbert L. Roth on 202/755-8380.

November 24, 1981.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

[FR Doc. 81-34341 Filed 11-30-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Combined Subcommittees on Waste Management and Reactor Radiological Effects; Meeting

The ACRS Combined Subcommittees on Waste Management and Reactor Radiological Effects will hold a meeting on December 18 and 19, 1981, Room 1046, 1717 H Street NW., Washington, D.C. The Subcommittees will review the current research in waste management and siting policy. Notice of this meeting was published October 29.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. (Sunshine Act exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday and Saturday, December 18 and 19, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Herman Alderman (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure, is Exemption 4 to the Sunshine Act, 5 U.S.C. 552(c)(4).

Dated: November 25, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-34393 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Location Change

The ACRS Subcommittee on Advanced Reactors scheduled to be held on December 3 and 4, 1981 at the Bellevue Hotel in San Francisco, CA has been changed to the Argonne National Laboratory, Building 208, Room C-234, Argonne, IL.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, November 16, 1981 (46 FR 56263).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

V 46 / 230 DEC 1 81 UMI

Dated: November 25, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-34392 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on December 16 and 17, 1981, at the Rodeway Inn, 4590 Quebec at I-70, Denver, CO. The Subcommittee will continue its review of core melt mitigation systems and degraded core rulemaking. Notice of this meeting was published October 29.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, December 16, 1981—1:00 p.m. until the conclusion of business.

Thursday, December 17, 1981—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m and 5:00 p.m., est.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552(b)(c)(4).

Dated: November 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-34340 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

List of Applications for License to Export/Import Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following application for an export/import license. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed December 31, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export/import production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this 24th day of November at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, and application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Edlow Int'l, 11/04/81, 11/06/81, XSNM01403(02)	4.05% enriched uranium	Additional 1,250.0	Additional 361.5	For reload fuel for Forsmark I power reactor.	Sweden
Edlow Int'l, 11/04/81, 11/06/81, XSNM01752(01).	4.05% enriched uranium	Additional 34,130	Additional 1,492	For reload fuel for Forsmark II power reactor.	Sweden
Edlow Int'l, 11/05/81, 11/09/81, XSNM01886.	4.05% enriched uranium	102,000	4,131	5 reloads for Oskarshamn unit II	Sweden
Edlow Int'l, 11/05/81, 11/09/81, XSNM01887.	4.05% enriched uranium	84,000	3,402	3 reloads for Barsebaeck I	Sweden
Edlow Int'l, 11/05/81, 11/09/81, XSNM01888.	4.05% enriched uranium	96,000	3,888	3 reloads for Barsebaeck II	Sweden
Transnuclear, 11/09/81, 11/10/81, XSNM01725(01).	93.3% enriched uranium	Additional 0.0290	Additional 0.0272	For Astra	Austria
M.G. Maher & Co., Inc., 11/05/81, 11/13/81, IU81022.	Natural uranium	730,000		For conversion and enrichment for use in U.S. nuclear powerplants.	Australia

[FR Doc. 81-34394 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-470F]

Combustion Engineering, Inc.; Combustion Engineering Standard Safety Analysis Report (Cesar System 80 Nuclear Steam Supply System Standard Design); Notice of Issuance of a Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has issued a Safety Evaluation Report (SER) dated November 1981, for the nuclear steam supply system portion of a nuclear power plant, as described in the Combustion Engineering Standard Safety Analysis Report (CESSAR-FSAR) and designated as a System 80. The reactor is designed for core thermal power levels up to 3800 megawatts. CESSAR-FSAR has been reviewed pursuant to Appendix 0 to 10 CFR Part 50.

Notice of receipt of Combustion Engineering's application for the CESSAR-FSAR Final Design Approval was published in the **Federal Register** on March 24, 1980 (45 FR 19103). The CESSAR-FSAR System 80 design as described in the CESSAR-FSAR will be utilized and relied upon by the Commission and the Advisory Committee on Reactor Safeguards in their review of facility license applications that incorporate by reference the CESSAR-FSAR System 80 standard design.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. The report (Document No. NUREG-0852) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 and by GPO deposit account holders by calling (301) 492-9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 20th day of November 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 81-34395 Filed 11-30-81; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Senior Executive Service; Bonus Schedule

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the agency's schedule for awarding Senior Executive Service bonuses.

DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Costello, Bureau of Personnel, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611 (312-751-4570).

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least fourteen days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service Bonuses at least fourteen days prior to the date on which the awards will be paid. The U.S. Railroad Retirement Board intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1980 through September 30, 1981, with payouts scheduled by December 30, 1981.

Dated: November 19, 1981.

By authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 81-34401 Filed 11-30-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18069; SR-CBOE-81-17]

Chicago Board Options Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

August 28, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on August 21, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission copies of a proposed rule change which provides the specifications for the CBOE's Interest Rate Options Qualification Examination to be administered pursuant to CBOE Rule 20.28 and proposed CBOE Rule 21.28.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before December 22, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-81-17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in order to allow maximum time for the CBOE to prepare for the administration of the examination and for member firms to prepare personnel for testing prior to the CBOE's contemplated start-up date of its GNMA options trading program.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34347 Filed 11-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18138; SR-CBOE-81-20]

Chicago Board Options Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

October 1, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on September 21, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60606, filed with the Commission copies of a proposed rule change which would clarify the obligations of member organizations with respect to receipt and delivery of GNMA securities in transactions resulting from the exercise of GNMA put and call options.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before December 22, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-81-20.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that it is intended merely to clarify the responsibilities of member organizations under the CBOE's existing rules. Moreover, since CBOE has indicated that it intends to start up trading in GNMA options on October 30, 1981, approval of the proposed rule change on an accelerated basis will give CBOE, its member organizations and public investors the maximum possible time to prepare for the commencement of trading.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34348 Filed 11-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18283; (SE-MSE-81-9)]

The Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

November 24, 1981.

On October 9, 1981, the Midwest Stock Exchange, Inc., 120 LaSalle Street, Chicago, IL 60603; filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would require a member of the Committee on Floor Procedure or the Chairman to suspend the registration of a specialist, co-specialist or relief specialist if it appears to the Committee member or Chairman that such specialist is violating any MSE rule or federal securities law, or is conducting business in an unethical manner. At present, the rule requires a member of the Committee on Specialist Assignment and Evaluation or its Chairman to suspend a specialist's registration under these circumstances.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18177, October 16, 1981) and by publication in the **Federal Register** (46 FR 51845, October 22, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34364 Filed 11-30-81; 8:45 am]

BILLING CODE 8010-01-M

SYNTHETIC FUELS CORPORATION

Guidelines on Disclosure and Confidentiality

AGENCIES: Synthetic Fuels Corporation.

ACTION: Notice of adoption by the Board of Directors of final Guidelines on Disclosure and Confidentiality.

SUMMARY: The United States Synthetic Fuels Corporation gives notice that the Revised Interim Guidelines on Disclosure and Confidentiality, as published in the **Federal Register** on September 17, 1981 (46 FR 46266), were approved by the Corporation's Board of Directors at the board meeting on October 28, 1981, and thereby, are adopted as the Corporation's final Guidelines on Disclosure and Confidentiality to carry out the requirements of section 121 of the United States Synthetic Fuels Corporation Act of 1980, Pub. L. 96-294 relating to public access to information.

EFFECTIVE DATE: October 28, 1981.

FOR FURTHER INFORMATION CONTACT: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, Suite 310, 2000 "L" Street NW., Washington, D.C. 20586, (202) 653-4359.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board of Directors.

[FR Doc. 81-34383 Filed 11-30-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/466]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on December 11, 1981 at 10:00 a.m. in Room A 110, of the Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C. This Study Group will deal with U.S. Government aspects of

international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at the upcoming international CCITT meetings. This meeting of Study Group A will examine the questions and contributions relating to upcoming meetings of CCITT Study Groups I and III.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

This notice is being published less than 15 days prior to the meeting because the scheduling of a joint meeting of Study Groups A and B on December 10 was considered urgend and this meeting of Study Group A has been scheduled the following day for the convenience of Study Group members who do not reside in the Washington area.

Dated: November 24, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-34403 Filed 11-30-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/465]

Study Group A and B of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A & B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on December 10, 1981 at 1:00 p.m. in Room 856, of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. These Study Groups will deal with the issues of developing a U.S. position relating to international inter-active videotex services which would be proposed at upcoming meetings of CCITT Study Groups I and VIII.

The meeting will examine certain proposals that were discussed at the previous videotex meeting held on November 18.

This meeting is an open public forum. It will review the various aspects of videotex service as they relate to industry, data base providers, equipment manufacturers, terminal and chip producers. Protocol flexibility and complexity will also be considered as they relate to accomodating future technological advances and ultimate cost to the consumer.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

This notice is being published less than 15 days prior to the meeting because the urgency of the question and the need to develop a U.S. position prior to the January 1982 meeting of Study Group II requires adequate lead time.

Dated: November 20, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-34402 Filed 11-30-81; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Advisory Committee for Trade Negotiations; Meeting and Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Tuesday, December 15, 1981, from 2:00 p.m. to 5:00 p.m. at the Federal Home Loan Bank Board, Amphatheatre, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees established under section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Advisory Committee for Trade Negotiations will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-34346 Filed 11-30-81; 8:45 a.m.]

BILLING CODE 3190-01-M

Amendment of Determination Regarding Application of Agreement on Government Procurement

Section 1-104 of Executive Order 12260 provides that the United States Trade Representative shall determine, from time to time, the dollar equivalent of 150,000 Special Drawing Right units.

Now, therefore, I, William E. Brock, III, United States Trade Representative, in conformity with the provisions of Executive Order 12260, do hereby determine, effective January 1, 1982, that, with respect to the Agreement on Government Procurement, the dollar equivalent of 150,000 Special Drawing Right units is $182,000. This determination may be modified from time to time as appropriate.

William E. Brock III,

United States Trade Representative.

[FR Doc. 81-34345 Filed 11-30-81; 8:45 am]

BILLING CODE 3190-01-M

V 46 / 230 / DEC 1 81 UMI

Sunshine Act Meetings

Federal Register
Vol. 46, No. 230
Tuesday, December 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C 552b(e)(3).

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[M-338]

CIVIL AERONAUTICS BOARD

November 24, 1981.

TIME AND DATE: 10 a.m., December 1, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 39964, Application of Midstate Airlines, Inc. under expedited procedures for a 401 certificate. (BDA)
3. Docket EAS-713—Essential Air Service Determination for Seward, Alaska. (BDA)
4. Dockets 39289 and 39480—Essential Air Service for Norfolk, Nebraska, and Yankton, South Dakota. (Memo 884-B, BDA, OCCR)
5. Commuter carrier fitness determination of Ford-Aire, Inc. d.b.a. Susquehanna Airlines. (BDA)
6. Commuter carrier fitness determination of Direct Air, Inc. (BDA, OCCR)
7. Commuter carrier fitness determination of Minuteman Aviation, Inc. (Memo 937, BDA)
8. Agreements among members of the International Air Transport Association (IATA) amending the IATA Passenger Sales Agency Administration Rules (Agreement CAB 28518-R1) and the IATA Passenger Sales Agency Agreement (Agreement CAB 28518-R2) applicable in the United States. (Memo 938, BDA, OGC, BIA)
9. Dockets 39387 and 35388. Order denying petitions for rulemaking by US Air and American Airlines to amend domestic service segment reporting requirements and granting USAir motion for confidential treatment, in part. The order would also extend the same confidential treatment of all other carriers filing domestic service segment data. (OC, BDA, BIA, OEA, OCCR, BCCP, OGC)
10. Docket 39310, Aeroamerica, Inc. petition for reconsideration of Board action upholding staff denial of exemption and waiver. (OGC)
11. Docket 39958, *Tiger International-Seaboard World Airlines, Inc., Acquisition Case, Petition of Aprile, et al.*, for order directing arbitration of LPP disputes. (OGC)
12. Docket 40080, *Pan American-Acquisition of control of, and merger with National, Petition of Billy J. Williams* to enforce LPP seniority integration arbitration award. (Memo 939, OGC)
13. Docket 38185, *Lone Star Airways, Inc. Fitness Investigation Opinion and Order on Discretionary Review. (Memo 914, OGC)*
14. Dockets 39540, 39631 and 39777—Application of Northwest Airlines, Inc. for U.S.-Switzerland/Israel/Jordan/Jamaica authority; conforming application of Eastern Air Lines, Inc. (U.S.—Switzerland/Israel/Jordan); and application of United Air Lines, Inc. for U.S./Jordan and Israel. (Memo 658-A, BIA, OGC, BALJ)
15. Docket 39924, Application of Flying Tiger for an amendment to its certificate of public convenience and necessity for Route 205F to (a) combine its two transatlantic routes into a single entity; (b) eliminate the designation of specific domestic coterminals in conjunction with its authority between the United States and Belgium, the Netherlands, and Luxembourg, and (c) add as additional points on its transatlantic routes the countries of Israel, Switzerland, Spain, and Portugal. (BIA, OGC)

STATUS: Open.

Phyllis T. Kaylor,

The Secretary.

[S-1789-81 Filed 11-27-81; 11:47 am]

BILLING CODE 6320-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Times of Agency Meetings

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice if hereby given that the Open and Closed Meetings of the Board of Directors of the Federal Deposit Insurance Corporation scheduled for 9:00 a.m. and 9:30 a.m., respectively, on Monday, November 30, 1981, have been rescheduled for 9:30 a.m. and 9:45 a.m., respectively, that same date.

Dated: November 27, 1981.

Hoyle L. Robinson,

Executive Secretary, Federal Deposit Insurance Corporation.

[S-1788-81 Filed 11-27-81; 10:45 am]

BILLING CODE 6714-01-M

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FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, no issue number at this time. No page number at this time. No date of publication at this time.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, December 4, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The notice that was sent over on Wednesday, November 25, 1981, had a mistake in it. The date of the meeting should have read Friday, December 4, 1981 instead of Wednesday, December 4, 1981. Also the time of the meeting has been changed from 10 a.m. to 1 p.m.

No. 569, November 27, 1981.

[S-1790-81 Filed 11-28-81; 1:00 pm]

BILLING CODE 6720-01-M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, December 7, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignment, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1794-81 Filed 11-27-81; 4:01 pm]

BILLING CODE 6210-01-M

5

NATIONAL COUNCIL ON THE HANDICAPPED

DATE AND TIME:

December 3, 1981 9 a.m. to 5 p.m.
December 4, 1981 10 a.m. to 12:30 p.m.

PLACE: Capitol Holiday Inn, Lewis Room, 550 C Street SW., Washington, D.C. 20024.

STATUS: Open.

MATTERS TO BE CONSIDERED:

It has been determined that it will not be necessary to close a portion of the December 3, meeting as previously announced in the **Federal Register.** The agenda and matters to be considered as the same as previously announced.

Observers requiring special services should notify NCH staff immediately.

CONTACT PERSON FOR MORE INFORMATION: Hilda Gay Legg, National Council on the Handicapped, Staff Assistant, 202-245-3498.

[S-1791-81 Filed 11-27-81; 2:25 pm]

BILLING CODE 4000-01-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-81-38]

TIME AND DATE: 2 p.m., Thursday, December 10, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Vacuum cleaner brush rollers (Docket No. 768).
5. Investigation 104-TAA-4 (Steel Units for Electrical Transmission Towers from Italy)—briefing and vote.
6. Investigation 701-TA-82 [Preliminary] (Hard-Smoked Herring Filets from Canada)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1786-81 Filed 11-25-81; 4:56 pm]

BILLING CODE 7020-02-M

7

NATIONAL RAILROAD PASSENGER CORPORATION

Board of Directors Meeting

In Accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on December 9, 1981.

A. The meeting will be held on Wednesday, December 9, 1981, in the Renoir I Salon, 2nd Floor, at Loews L'Enfant Plaza Hotel, Washington, D.C. at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 4, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation

Meeting of the Board of Directors, December 9, 1981.

Closed session (9:30)

1. Internal personnel matters.
2. Litigation matters.
3. Discussion of safe harbor lease transactions.

Open Session (10:30)

4. Approval of minutes of regular meeting of October 28, 1981.
5. Resolution modifying equipment retirement policy.
6. Resolution authorizing participation in 1982 safe harbor lease transactions.
7. Resolution authorizing joint venture agreement for development of 30th Street Station, Philadelphia, Pa.
8. Resolution authorizing initial working capital to determine feasibility of high speed trains in the U.S.
9. Commitment Approval Requests:

82-13 Renew the New York City Ticket Office lease.
80-197-R2 Purchase Fort Washington Reservation and Sales Office.
82-04 Pollution Control System, Hialeah, Fla.
82-06 Track Upgrading—Porter to Michigan City, IN.
77-154-S5 Michigan track upgrading—phase VI.
82-5 Conversion of four bag-dorms to wheel transport cars.
82-14 Retire and sell car 9363.
82-17 Autonmate Bridge and install interlocking, Lumber Street, Chicago.
82-12 Modular office systems.
82-11 Retirement and sale of ARTS computer equipment.
81-68-R1 Purchase of IBM tape storage equipment.
81-67-R1 Purchase data Processing equipment now on month-to-month lease.
80-114-R1 Purchase IBM disk storage equipment.
80-195-R1 Purchase automatic call distributors.

10. Board Committee Reports:

Finance.
Northeast corridor improvement project.
Organization and compensation.

11. President's report.
12. Date and time of next meeting.
13. New business.
14. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3754.

Sandra Spence,

Corporate Secretary.

November 27, 1981.

[S-1787-81 Filed 11-27-81; 10:37 am]

BILLING CODE 0000-00-M

8

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-81-41]

TIME AND DATE: 9 a.m., Tuesday, December 8, 1981.

PLACE: Conference Rooms 8-ABC, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report:* The United States Air Traffic Control System and *Recommendations* to the Federal Aviation Administration.
2. *Aircraft Accident Report:* Universal Airways, Inc., Beech 65-A-80/Excalibur, N100UV, near Madisonville, Texas, July 2, 1981.
3. *Marine Accident Report:* Grounding of the U.S. Sailboat MR. B, near Punta Chivata, Mexico, November 25, 1980, and *Recommendations* to Vision Quest National, Ltd.; the U.S. Coast Guard; and the National Association of State Boating Law Administrators.
4. *Marine Accident Report:* Explosion and Fire on Board the U.S. Tankship MONTICELLO VICTORY at Port Arthur, Texas, May 31, 1981, and *Recommendations* to the U.S. Coast Guard and Victory Carriers, Inc.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

November 27, 1981.

[S-1793-81 Filed 11-27-81; 3:00 pm]

BILLING CODE 4910-58-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of November 30, 1981 and Week of December 7, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Friday, December 4

10:00 a.m.: Briefing on PWR Steam Generator Problems (Public meeting).

2:00 p.m.: Affirmation/Discussion Session (Public meeting).

Items to be affirmed and/or discussed:

a. Final Amendment to 10 CFR Part 50, Clarifications to Emergency Preparedness Regulations

b. Proposed Amendment to 10 CFR Part 50 and to Appendix E: Modification to Emergency Preparedness Regulations

c. Amendments to 10 CFR Chapter I Parts 19, 30, 40, 50, 60, 70, 72 and 150 with Respect to Employees Who Provide Information

d. Issuance of Notice of Hearing in Civil Penalty Action

e. Proposed Amendment to 10 CFR Part 50, Appendix E, Frequency of Emergency Preparedness Exercises

f. Final Rule for Pending CP/ML Applications

g. Draft Commission Order on San Onofre Sua Sponte Issue

Wednesday, December 9

10:00 a.m.: Discussion of Scheduling Matters Regarding TMI–1 Restart (Closed meeting)

2:00 p.m.: Discussion of Policy and Planning Guidance (Public meeting)

Thursday, December 10

10:00 a.m.: Discussion of Management-Organization and Internal Personnel Matters (Closed meeting)

2:30 p.m.: Affirmation/Discussion Session (Public meeting)

Items to be affirmed and/or discussed:

a. Proposed Amendment to 10 CFR 50.54(r)—Modification of Requirements for Submittal of Emergency Plans by Research and Test Reactor Licensees

b. Final Amendments to 10 CFR Parts 71 and 73 for Advance Notification to Governors of Transportation of Nuclear Waste Including Spent Fuel

c. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants"

d. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance

e. Suggested Time Periods for Issuance of Initial Decisions

f. Review of Director's Decision on 2.206 Petition (Florida Power and Light Company)

1:30 p.m.: Discussion of Operational Data Evaluation (Public meeting)

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634–1410.

Gary Gilbert,

Office of the Secretary.

November 27, 1981.

[S–1792–81 Filed 11–27–81; 3:00 pm]

BILLING CODE 7590–01–M

V 46/23 30 DE 1 81 UMI

Tuesday
December 1, 1981

Part II

Department of the Interior

Office of the Secretary

Employee Responsibilities and Conduct

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 7 and 20

Employee Responsibilities and Conduct

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is revising the regulations governing the conduct and responsibilities of regular and special Department employees. Proposed revisions to 43 CFR Part 20 were published on October 6, 1980, (45 FR 66370–66408). This revision:

(1) Revokes 43 CFR Part 7 dealing with employee interests in public lands, and revises and incorporates the regulations contained in that part into Part 20;

(2) Adds two new subparts and revises one subpart to allow consolidation of rules governing conflict of interest prohibitions, financial disclosure reporting requirements and resolution of conflicts of interest into separate and easily referenced subparts;

(3) Adds a new subpart to incorporate enforcement provisions governing post employment restrictions as required by section 501(a) of the Ethics in Government Act of 1978, 18 U.S.C. 207 (Supp. II 1978);

(4) Incorporates recommendations made by the General Accounting Office in its report, Federal Agency Standards of Employee Conduct Need Improvement, FPCD–80–8 (October 18, 1979);

(5) Clarifies which rules apply to regular employees and which rules apply to special government employees;

(6) Deletes obsolete requirements;

(7) Clarifies rules and definitions which are vague, imprecise, or misleading; and

(8) Incorporates new statutory requirements and Department policy decisions not previously published as regulations. This revision involves extensive reorganization and editing of the current regulations in 43 CFR Part 20. The reorganization is designed to advise more clearly departmental employees of applicable ethical conduct standards, including conflict of interest prohibitions, and of the possible consequences of noncompliance. New statutory requirements aimed at abuse of official position are referenced. Modifications are made to existing provisions to facilitate employee understanding of and compliance with ethical conduct standards.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai at (202) 343–3932.

SUPPLEMENTARY INFORMATION: The proposed regulations published October 6, 1980 (45 FR 66370–66408) provided a 45 day period for public comment. The Department received comments from 31 employees and one from the American Federation of Government Employees. A number of comments offered specific recommendations for clarifying or modifying specific provisions of the proposed regulations. The Department has modified certain of the proposed regulations, as explained below.

Subpart A—General Provisions

Definitions of words and phrases used throughout Part 20 are moved to section 1 for quick reference and clarity.

Five commenters asked that the term minor child be added to the definitions. The term minor child has been replaced with the term dependent child and dependent child has been defined. Also, a definition of the term personal residence has been added and modifications have been made to the definition of employee to clarify that contract education employees in Indian Affairs are included.

A sentence has been added to the paragraph on equal employment opportunity policy to state that the policy does not affect, in any way, the law dealing with Indian preference in employment.

Two commenters felt that the language contained in the proposed § 20.735–2(d) dealing with conformance with policy, was not clear and that it conflicted with § 20.735–2(g). The language has been changed to clarify the meaning of the policy and to correct the apparent conflict with paragraph 2(g). Also, the title of paragraph 2(d) is changed to clarify that the conformance policy is also the policy governing subordination to authority.

Proposed § 20.735–2(e) drew attention to the fact that the Secretary gave special consideration to the application of these conduct regulations to employees in Indian Affairs and decided that all provisions contained in 43 CFR 20.735 shall, except where indicated, apply to regular and special Indian and non-Indian employees working in Indian Affairs. Only two comments were received on this proposed decision and after further consideration, the paragraph is included in the final rule to eliminate questions of applicability which have been raised by *Oglala Sioux Tribe of Indians v. Andrus, 603 F.2d 707 (8th Cir. 1979).* In this case, the 8th Circuit held that portions of the Department's general employee conduct regulations could not be extended to Indian employees working in Indian Affairs without specific consideration for the effect such extension may have.

One commenter requested that an employee's responsibility to report violations of law to the Inspector General be added to the final regulations. The addition has been made to § 20.735–2(g) by reformatting the paragraph and by numbering major responsibilities.

An adjustment has been made to § 20.735–3 to explain that:

(1) Employees may also seek counseling advice from Regional Solicitors, the Associate Solicitor—General Law and other Solicitor Office officials specifically designated by the Solicitor,

(2) Advice given by ethics officers, counselors and by attorneys in the Solicitor's office should be coordinated for consistency in application and

(3) The Associate Solicitor for General Law has official responsibility for providing and coordinating legal advice on ethics and conduct matters.

One commenter suggested that the identification of the types of disciplinary action that can be taken for violation of the regulations was unnecessary and should be deleted from § 20.735–4(a). On the contrary, we believe employees have a right to know what possible actions may be taken against them for violations of the regulations in 43 CFR Part 20 and therefore the suggestion is not adopted. A second commenter suggested adding commonly used sanctions to the listing already proposed and the suggested additions were adopted. Also, a paragraph has been added to reference the regulations in 25 CFR 31(g)(7) which contain the procedures for disciplinary action involving contract education employees in Indian Affairs.

Subpart B—Ethical and Other Conduct And Responsibilities of Employees

The current Subpart C of Part 20 is redesignated as Subpart B and revised, reorganized and expanded. Subpart B is divided into sections presented in an order of priority that reflects trends identified by analyzing referrals and inquiries received by the Designated Agency Ethics Official.

With regard to § 20.735–7 on Gifts, Entertainment and Favors, several commenters recommended that the term "nominal value" be specifically defined and that more of a distinction be made between the rules for foreign gifts and the rules for domestic gifts. In response

to these comments the title of the section has been changed to indicate that the section contains the rules on acceptance of gifts from domestic sources. "Nominal value" is defined as a dollar value of $35 or less. Commenters suggested amounts ranging from $5 to $100 for nominal value, and one individual recommended that no value be set and that acceptance of all gifts be discouraged. The policy on acceptance of gifts from domestic sources does discourage the acceptance of gifts. However, the Secretary has determined that employees should be allowed to accept gifts of nominal value in some circumstances and that employees should be given guidance on the value of gifts that may be accepted in the allowed circumstances. The $35 value is a reasonable amount for the types of gifts allowed by the few exceptions. Also, the filing requirements of the Ethics in Government Act of 1978 do not require employees to aggregate gifts valued at or below $35 for purposes of financial disclosure. See 5 CFR 734.301(c)(5). These factors are the bases for the final $35 value determination.

Two commenters each felt that the proposed rule on acceptance of gifts from officials and inhabitants of the islands administered by the Department was ambiguous, unfair and inaccurate. Ambiguous because it was not clear if gifts of nominal value, or of a perishable nature such as food or flowers, could be accepted and retained by employees; unfair because the rule seemed to place an undue burden on a special class of employees; and inaccurate because the clause "islands administered by the Assistant Secretary—International and Territorial Affairs" does not encompass all of the islands, territories or possessions for which the Department is responsible and the proposed rule did not treat the islands, territories and possessions as foreign governments.

In response to these comments, the rules on acceptance of gifts from official and inhabitants of the territories have been changed to state clearly that the policy applies to all Department employees and that employees offered gifts under the provision may accept and retain gifts of nominal value as nominal value is defined in that same section. The rule was proposed and is retained in the section dealing with the acceptance of domestic gifts based on the interpretation by the Associate Solicitor—General Law that the islands of Guam, Samoa and the Virgin Islands are not foreign governments as that term is defined in 5 U.S.C. 7342. The locations at which the policy shall apply are more clearly delineated, and the clause beginning "islands administered by * * *" has been deleted.

Upon the recommendation of one respondent, a sentence has been added to proposed § 20.735–8(d)(2)(ii) to remind employees that when acceptance of travel expenses for travel taking place entirely outside of the United States is approved, an appropriate adjustment must be made to the associated travel voucher claim form.

Concern was expressed in one comment that the policies on reimbursement of travel and related expenses were difficult to relate to specific situations. To help alleviate this concern an example has been inserted in § 20.735–9(a) to explain how the policies apply to a frequently asked question. Also, § 20.735–9(b) has been changed to indicate clearly that approval for use of the exception of 5 U.S.C. 4111 must be based on a decision that no real or apparent conflict of interest will result.

One commenter suggested listing a series of examples of prohibited teaching, lecturing and writing activities in § 20.735–10. This suggestion is rejected since any such listing could not be all-inclusive and since specific activities are prohibited by statute or by Office of Personnel Management regulations, and the final rule makes it clear that those types of activities are not allowed.

One commenter felt that the requirement in proposed § 20.735–11(c) for clearing outside presentations with the Director, Office of Public Affairs was too burdensome and would generate unnecessary paperwork. The overall policy as proposed is based on existing Department policy contained in Part 470 of the Department of the Interior Administrative Manual (DM). See 470 DM 1.2 D and E. The comment did, however, result in the discovery that the language in the proposed section is broader than that contained in the Department Manual. Appropriate changes have been made in the final version to bring it into conformance with the Department Manual and a citation to the Manual is referenced.

Concerning the nepotism provisions of proposed § 20.735–12 one Department manager commented that it is difficult to understand how an employee could direct the work of a relative without becoming involved at some time in a decision about that relative's performance, promotions or advancement. The statutory provisions of 5 U.S.C. § 3110 absolutely prohibit an employee from appointing, employing, promoting in or to a position in the Department over which he or she exercises jurisdiction or control, and from advocating such actions, for any individual who is a relative. Therefore, we have adopted the commenter's recommendation that when an exception is approved for related employees to work together, a decision be made as to who, other than the related workers, will have the authority to make decisions on performance, promotions and advancements. This recommendations is adopted in order to protect related employees who work together on a project from potential violations of the statute and in order to sensitize managers to the specific prohibitions in the statutory provisions of 5 U.S.C. 3110. Special consideration for employees in Indian Affairs is expressed by wording added to § 20.735–12(c) of the final rule.

The same commenter recommended that the exception allowing related employees to work together on a project be applied only to scientists. This recommendation is not adopted since the statutory provisions of 5 U.S.C. 3110 apply to all employees and there are many related employees other than scientists who may work together on the same project as long as each refrains from advocating a relative for or from actually appointing, employing, promoting or advancing a relative.

A paragraph has been added to § 20.735–13(b) to give special recognition to the negotiating for employment rules as they apply to communications made by Tribal organizations in accordance with 25 U.S.C. 450.

With respect to the prohibitions on political activity a sentence from the Federal Personnel Manual has been added to clarify that intermittent employees, for example experts or consultants, are subject to the political activity restrictions of the law while in an active duty status only and for the entire 24 hours of any day of actual employment (733 FPM Subchapter 2–4).

Two individuals commented that the interpretation in proposed § 20.735–14(c) that Federal employees are prohibited from contributing funds to the President is not appropriate. Based on advice from the General Counsel, Federal Election Commission, this interpretation has been deleted.

Three people commented that the automatic one month suspension penalty for employees who misuse Government vehicles is excessive and unfair. The suspension, without compensation, for "not less than one month" is contained in statute at 31 U.S.C. 638(a) and cannot be changed by regulation. One comment concerning the omission in the proposed rules of the

word willful as it appears in 31 U.S.C. 638(a) is adopted and the word willful is added to the final rule.

Final determination of indebtedness for taxes is defined in § 20.735–16(a)(3) of the final rules based on a suggestion from one individual that the Department make clear to employees what is meant by "final determination." Final determination is defined to mean the last decision that ends those available administrative and judicial appeals and remedies which an employee actively pursues.

One commenter indicated that the clause "or the appropriate grievance process" as that clause was used in proposed § 20.735–17(a)(3)(i) is inaccurate and should be deleted in the final version. Section 20.735–17(a)(3)(i) deals with complaints of sexual harassment and while such complaints are to be handled through Equal Employment Opportunity complaint procedures employees may choose to pursue related matters through other grievance procedures therefore, the wording is not changed.

One commenter suggested that incidents of sexual harassment which occur after hours and outside the work place should also be included in § 20.735–17(a)(3)(ii). This section is changed to state that any incident of sexual harassment may be reported to the Inspector General.

One commenter recommended that language be added to § 20.735–17(c) to permit solicitations for government bonds, United Givers Fund, and other activities covered under the President's fund raising policy. No change is made to 17(c) since the proposed wording clearly prohibits only those activities which result in personal gain and not public service fund raising activities sanctioned by the President.

One individual asked why no flexibility is incorporated into the prohibitions on gambling activities. The individual felt that recognition should be given to the fact that baseball and football pools are likely to be found and tolerated in many offices. The prohibition is not changed since anything less stringent could be construed as Departmental encouragement of gambling activity. Further, with legalized lotteries and off-track betting in some states, it becomes especially important to inform employees that participation in any gambling activity will not be condoned when the employee is on official duty.

One commenter cited an apparent contradiction between the proposed policy on employee lobbying in § 20.735–17(i) and the statutory provisions of 5 U.S.C. 7211 which protect the rights of employees individually or collectively to communicate with the Congress. The proposed policy has been modified to distinguish between lobbying with appropriated funds which is prohibited by 18 U.S.C. 1913 and petitions for redress of grievances which is protected by 5 U.S.C. 7211.

The same commenter suggested reorganizing § 20.735–17(j), on employee organizations. The suggestion is adopted by retitling 17(j) as *Unlawful organizations* and by moving the provisions on striking against the Government to a new paragraph 17(q) entitled *Labor practices.*

Two commenters questioned the appropriateness of prohibiting employees from using government envelopes to mail their personal job applications (proposed § 20.735–17(m)). This proposed provision is retained based on advice from the Solicitor that the statutory provisions of 18 U.S.C. 1719 and 39 U.S.C. 3201 *et seq.* are interpreted as prohibiting such use. The proposed reference to the Federal Personnel Manual Bulletin 735–6 is deleted since the Bulletin has expired.

Subpart C—Conflict of Interest Prohibitions

The existing Subpart B (Conflict of Interest) is reorganized into three separate subparts. The first, Subpart C, contains all conflict of interest prohibitions that are applicable to Department employees. The second, Subpart D, contains all financial disclosure reporting requirements that are applicable to Department employees. The third, Subpart E, contains procedures for resolution of conflicts of interest and other conduct violations. This reorganization facilitates reference to the conflict of interest rules and helps to clarify that many of the conflict of interest prohibitions apply to employees regardless of whether they have to file a financial disclosure report.

One individual questioned the use of the clause "reasonable member of the public" as it was used in the proposed definition of Apparent Conflict—§ 20.735–21(b)(2). The individual asked who would determine if a member of the public was "reasonable" and what criteria would be used? The wording is changed in the final rule, but the word reasonable is retained to mean that a charge of apparent conflict must be based on logical analysis which a majority of objective individuals could accept as being a valid point of view. The initial determination of reasonableness will be made by the ethics counselor who reviews the employee's financial statement or the allegation of apparent conflict, and subsequently, by other ethics and Department officials designated to perform duties related to the appeals process.

Several comments were received stating that the definition of "direct interest" as proposed in § 20.735–21(b)(3), was confusing and needed clarification. The definition is modified in the final rules to (1) delete wording already covered under the definition of "indirect interest", (2) move coverage of a spouse, dependent child and other relative living in the employee's personal residence to the definition of indirect interest. Both dependent child and personal residence are defined in § 20.735–1 and the word relative, as defined in the Ethics in Government Act of 1978, has been added to the definitions in § 20.735–21. Also, a note has been inserted into § 20.735–21 to give examples of the kinds of financial holdings that are not covered by the definitions of direct and indirect interests.

Several commenters feel that the prohibitions on financial interests proposed in § 20.735–21(c) are too broad and certain portions should be deleted. No changes were made as this language was taken directly from Section 203 of Executive Order 11222.

One commenter asked how U.S. Mineral Surveyors would be affected by the statutory prohibitions of 18 U.S.C. 203–209 as consolidated into § 20.735–22. U.S. Mineral Surveyors are special government employees. However, by law, they are paid directly by the private business entities who hire them to conduct surveys necessary for Bureau of Land Mangement programs. Given this situation, one commenter asked if U.S. Mineral Surveyors would, because of the nature of their work, automatically be in violation of 18 U.S.C. 203–209. The question points up the problem between the nature of the work performed by U.S. Mineral Surveyors and the application of the conflict of interest statutes contained in 18 U.S.C. 203–209. Therefore, the commenter's question is being sent to the Justice Department for an official ruling. However, because of the ruling in *Waskey* vs. *Hammer*, 223 U.S. 85 (1912), U.S. Mineral Surveyors are considered to be special government employees and the definition of special government employee contained in § 20.735–1 is not changed to delete U.S. Mineral Surveyors.

One commenter asked why the Department changed the one year ban on post-employment activities contained in 18 U.S.C. 207(b) to a two year ban. This change is statutory and is

contained in Title 5 of the Ethics in Government Act of 1978. The change was inserted into the revision of Departmental regulations to inform employees that the one year ban had been changed to a two year ban by Congress.

Several people commented that the proposed definition of outside work should be changed to delete work performed for no monetary compensation. This suggestion is adopted. Others felt that the definition should state that outside work does not include work performed only occasionally for short periods of time, such as an occasional weekend or a single night or day. This suggestion is not adopted since occasional work that impairs an employees' ability to perform his or her Government duties is prohibited. However, under the final rule voluntary and compensated work performed only occasionally for short periods of time does not have to be reported to one's supervisor.

One person felt that prohibiting employees from performing outside work for a person or enterprise that conducts operations or activities that are regulated by the Department was too broad. The commenter suggested that the final rule clarify that such outside work is prohibited only when an employee takes an outside job that is of a sensitive nature. This suggestion is adopted and the final rule in § 20.735–23(c)(v) is modified to provide guidance on what is meant by the words "sensitive nature".

One commenter felt that the prohibition on performing outside work of the type that an employee would be expected to do as a part of his or her duties was vague. The commenter asked if a clerk-typist would be prohibited from outside work requiring typing. The answer is no. However, a clerk-typist whose official duties require him or her to process and type applications for permits would be prohibited from accepting employment to prepare applications for permits to be filed with his or her office. In this situation, the employee's outside work would appear to give preferential treatment to an applicant and appear to place others at a disadvantage. The prohibition is retained and will be applied only in relationship to the substantive work an employee performs for the Government and not in relationship to the same general nature of the work. The wording in § 20.735–23(c)(2)(i) has been modified to clarify this distinction.

At the suggestion of one commenter, a clause is added to § 20.735–23(e)(1)(i) to indicate that for some employees the exception criteria of 18 U.S.C. 209(b) which allows the retention of interests in stock options or profit sharing benefit plans maintained by a former employer may be prohibited by other statutory requirements.

Four commenters feel that it is discriminatory and unnecessary to prohibit regular employees in the Bureau of Land Management (BLM) from working as real estate agents. See § 20.735–23(c)(3). This long standing BLM policy was inserted into the proposed revision as part of the Department's effort to consolidate into one place as many of the existing conduct rules as possible. The policy is retained to prevent real and apparent conflicts of interest on the part of BLM employees. State real estate licensing authorities do recognize such potential conflicts and most States do allow federal employees to place active real estate licenses into an inactive status for the duration of their federal employment. At the request of officials in Indian Affairs a similar policy applicable to real estate specialists and appraisers in Indian Affairs has been added to the final rule at § 20.735–23(c)(6).

Many commenters took exception to the proposal in § 20.735–23(g) which would require employees to report outside work to their supervisor and to their assigned ethics counselor. Commenters argued that the proposed requirement was unnecessary, would increase paperwork, was unconstitutional, and was an unwarranted invasion of privacy. Since some bureaus currently require certain employees to obtain approval for outside work, we do not feel that it is inappropriate to establish a Department policy to require employees simply to report their outside work to their supervisors. Such information is important to the management of office operations and the reports will benefit the employee by documenting officially that proper consideration was given to potential conflicts of interest or improper outside work activity. Therefore, the provision is retained. However, several modifications have been made to:

1. Except Mineral Surveyors from the requirement because of the nature of their assignments,

2. Limit reports only to outside work that is performed frequently and on a standardized schedule,

3. Delete the requirement that reports automatically be sent to the designated deputy ethics counselors.

The need to obtain prior approval to participate in outside work or activity is not required by this final rule. However, the final rule states that bureau and office heads may issue supplementary requirements to require employees to obtain approval before engaging in outside work or activities. This provision is retained to allow the continuance of some existing bureau and office policies and to allow bureau heads to impose such a requirement on employees or a class of employees when sensitive situations require it.

Several comments were received regarding the proposed rules on Interests in Federal Lands—§ 20.735–24. Two commenters stated that prohibiting all Department employees from acquiring or retaining personal rights to Federal lands was too restrictive. This rule is already contained in 43 CFR Part 7 and it was incorporated into proposed § 20.735–24 in an effort to consolidate into one section, all regulations dealing with interests in Federal lands. The prohibition dates back to the early 1900's and is based on the facts that (1) a primary mission of the Department of the Interior is the administration of the Federal lands, (2) particular rights to use federal lands for personal needs are granted by the Bureau of Land Management (BLM) and (3) there is often competition to obtain BLM permits or other rights. Given these facts, the rule was adopted to avoid allegations that Department employees received preferential treatment in the awarding of BLM rights because of their employment in the Department. Accordingly, the prohibition is not changed in the final rule.

Several commenters stated that the prohibition on stock ownership should define a minimum aggregate percentage of the total ownership of the corporation below which the definition and the requirements for a waiver do not apply. This suggestion is not adopted since: (1) The statutory prohibitions of 43 U.S.C. 11 and 31(a) are absolute and do not allow for the establishment of a *de minimis* amount, (2) the question of whether or not an employee owns enough stock to effect the company's policies is not the most important question for determining the existence of a conflict of interest. More important is the question—Can the employee's official government duties be substantially biased because he or she has financial interests in a particular company?

For example, it is a fact that a $1,000,000 financial interest in the common stock of a single major oil company will in the majority of cases represent an interest in far less than 1% of the common stock outstanding. Yet, if the employee has anything at all to do with administering or influencing the

administration of Federal lands which are of interest to the oil industry as a whole, a $1,000,000 interest in the stock of an oil company is certainly going to result in a conflict of interest or an appearance of conflict of interest which (i) will violate Executive Order 11222 (§ 20.735–21), (ii) may violate 18 U.S.C. 208 (§ 20.735–22), and (iii) may violate other statutory prohibitions which are unique to the Department of the Interior (§§ 20.735–24, 26, 27 and 29).

Most of the prohibitions unique to the Department are absolute prohibitions and prevent the acquisition or retention of even small financial interests. The other prohibitions do allow for consideration of the substantiality of the holding and bureau and office Directors are encouraged to apply these other regulations in a reasonable manner with consideration for the value of the financial interest, in relationship to the duties of the employees. Bureau and office Directors are also encouraged to provide employees with information about which financial interests are prohibited.

One individual commented that the requirement to disclose personal financial interests is an invasion of privacy and unconstitutional. Numerous court decisions have rejected this view holding that the need to insure that public employees are completely impartial in the performance of their duties outweighs the privacy of the individual who chooses to serve the public. Most recently, the Supreme Court upheld the public disclosure requirements of the Ethics in Government Act of 1978, which requires employees in positions classified at GS–16 or above to disclose publicly certain personal financial interests. See *Duplantier v. United States*, 606 F. 2d 654 (5th Cir. 1979), *cert. denied*, No. 79–1180 (Jan. 12, 1981).

In response to a comment received from Bureau of Land Management officials, language has been added to § 20.735–24(d)(2) to clarify that U.S. Mineral Surveyors, because of their important and influential duties, are prohibited from retaining or acquiring any interests or rights in Federal lands in the same way as regular BLM employees.

One commenter stated that the waiver criteria contained in § 20.735–24(e)(1) seemed to be superceded by the flat prohibitions of 43 U.S.C. 11. Based on past cases, BLM and Geological Survey employees who meet the criteria of 24(e)(1) and whose duties do not conflict or appear to conflict with their interests will be allowed to retain interests without violating the provisions of 43 U.S.C. 11. Decisions must be made by the Designated Agency Ethics Official on a case-by-case basis.

Proposed § 20.735–24(f) is moved to 24(g) and corrected to read *Advisory Councils*. This change is made in accordance with the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1739.

One commenter asked if the prohibitions on ownership of financial interests in federal lands prohibits investments in diversified mutual funds, or in Federal, State or municipal bonds. The answer is no. Language added by Note to § 20.735–21(b)(4) clarifies that financial interests in diversified (non-specialized) mutual funds or in Federal, State and municipal bonds are allowed. Financial interests in other investment clubs may be approved as long as the investment portfolio of the club is well diversified and independently managed by a licensed investment broker.

One commenter asked that a special definition of apparent conflict be used when applying the prohibitions of § 20.735–29 dealing with Native American government employees and their role in Tribal Government. The term apparent conflict is defined in § 20.735–21(b) and it is our determination that the definition as stated, provides managers in Indian Affairs with enough flexibility to render a reasonable judgment about the substantiality of an appearance of conflict of interest. A cross reference to the definition is added to § 20.735–29. In arriving at our determination not to change the definition, consideration was given to the special needs of Native American employees. We feel the final regulations establish a reasonable policy which will protect the rights of employees and prevent serious allegations of conflict of interest against employees in Indian Affairs.

Subpart D—Financial Reporting Requirements

One individual inquired as to whether all four conditions under § 20.735–30(b)(5)(iii) had to be met before an employee classified at GS–12 or below was required to file a financial statement. If any one of the conditions is met the employee should be required to file and the language in this section was changed to clarify this determination. The same commenter also remarked that federal recruitment for highly qualified professionals will be more difficult as the conflict of interest regulations become more restrictive. The point is well taken, but the Department's conflict of interest regulations are based entirely on Executive Order or statutory provisions which cannot be changed or eliminated by this Department.

For clarity, § 20.735–30(d) is moved to § 20.735–35(c) and the remaining paragraphs of § 30 are relettered accordingly. Also, one commenter recommended that the term "Nonsecurity Controlled" in proposed § 20.735–30(g) be changed to "For Official Use Only" to conform to Department policy on similar confidential documents. The recommendation is adopted in § 20.735–30(f).

One individual requested that we include in § 20.735–30 the requirement that all Contract Specialist and Procurement Agents in the Office of the Secretary be required to file confidential statements of employment and financial interests. We feel that it is inappropriate to add this requirement to the regulations since the rules already require the head of each Office to review annually his or her staff and determine which staff members should be required to file. This determination should, in our opinion, be made by the manager who is most knowledgeable about an employee's duties.

A number of commenters wrote in reference to the filing provisions in the Ethics in Government Act of 1978. (§ 20.735–31) One individual questioned whether the definition of "relative" should include "fiance or fiancee," and requested an explanation of the reporting requirements of an employee's relatives. The definition of relative is a statutory definition and cannot be changed by regulation. See 5 U.S.C. App. section 209. However, the reporting requirements of the Ethics in Government Act of 1978 restrict reporting information primarily to the holdings of the employee and his or her spouse and dependent children.

One commenter recommended that we add to § 20.735–31(e)(6) a requirement to disclose the prior employment of an employee's spouse. In accordance with the filing requirements of the Ethics in Government Act of 1978, information regarding a spouse's prior employment does not have to be reported and therefore, the recommendation is rejected.

Another commenter suggested that the definition of earned income be included in § 20.735–31. This suggestion is not adopted because the directions contained in the Executive Personnel Financial Disclosure Statement (SF–278) provide an explanation to the filer in the appropriate context and because adding the definition could create confusion with the statutory definition of the term "Income". Another person recommended that we clarify the language in § 20.735–31(f)(3)(ii)

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pertaining to the reporting of accounts in a financial institution. The commenter stated that it was unclear whether this provision requires the aggregation of savings accounts owned by an employee's dependent child. This subparagraph is reworded to state that the requirement does include the financial holdings of the employee, his or her spouse and dependent children. The same commenter stated that the term, "personal residence" as used in § 20.635–31(f)(4)(ii) was imprecise and could be interpreted to include a second or vacation home. This term is defined in § 20.735–1(15).

In response to one commenter, language has been added to § 20.735–31(i) to state that referrals made by the Designated Agency Ethics Official to the Department of Justice, will be coordinated with the Department's Solicitor and with the Department's Inspector General.

In response to one commenter, the letters GM before an employee's grade level indicate that the employee is in a "merit-pay" position as described in 5 U.S.C. 7103. The commonly used "GS" acronym is retained to identify non-merit pay positions classified in the General Schedule.

The statutory requirements contained in the laws cited in § 20.735–34 contemplated the publications of positions exempted from the filing requirements. To simplify and reduce the size of the publication required by these statutes the Secretary has determined that the publication of the list of covered positions is preferable. Section 20.735–34(c)(2) is modified accordingly.

Subpart E—Resolution of Conflicts of Interest

One individual argued that employees ordered to divest of prohibited financial interests should not be required to provide written proof that the divestiture was accomplished. The requirement is retained since acceptable written evidence can be a signed statement from the employee. Copies of broker's receipts are preferable since such receipts are normally provided by brokers and they negate the need for an employee to prepare a new statement.

In March 1981, the Secretary delegated responsibility for the Department's ethics functions to the Assistant Secretary—Policy, Budget and Administration. In recognition of this change, the membership of the Appeals Review Board is changed in the final rule to eliminate the Assistant Secretary—Policy, Budget and Administration. See § 20.735–43(c). The new membership will consist of the Associate Solicitor—General Law, the Director or Deputy Director—Office of Personnel and a program Assistant Secretary or Deputy Assistant Secretary on a select basis. Selection of the program Assistant Secretary will be made by the Designated Agency Ethics Official and will depend on which bureau or office head issued the remedial order. For example if the majority of the appeal cases to be considered derive from remedial orders issued by the Director, Bureau of Land Management then the Assistant Secretary—Land and Water will be selected to serve on the Review Board to hear those cases.

In response to one comment, a specific statement has been added stating that the appeal procedures in § 20.735–43 for remedial orders issued under § 20.735–40 supercede other grievance procedures described in the Departmental Administrative Manual.

Subpart F—Special Government Employee Responsibilties, Ethics and Other Conduct

The present regulations in Subpart D are moved to Subpart F, renumbered and retained with only minor grammatical changes and with the following modifications.

Language has been added to § 20.735–52(4) to make the provisions on coercion parallel with the provision in § 20.735–23(c)(4) that is applicable to regular employees.

A sentence has been added to § 20.735–53(a) to inform special government employees who occupy confidential or policymaking Excepted Service positions of the filing requirements of the Ethics in Government Act of 1978.

Subpart G—Prohibitions Affecting Former Government Employees

This new subpart prescribes policies and procedures for identifying, correcting and preventing post employment conflicts of interest. The provisions in this subpart set forth and implement new requirements contained in Title V of the Ethics in Government Act of 1978. Title V of that Act revised 18 U.S.C. 207 by adding new post employment restrictions and by amending the restrictions that were already imposed on former employees.

Subpart H—Bibliography of Statutes

This subpart replaces the Subpart E which is moved and revised to delete obsolete listings, update citations, and add new statutory references.

Only minor changes to update position titles, administrative procedures to correct grammatical errors were made to the regulations contained in subparts G and H.

Through this document, whenever the context so requires, the use of any gender shall include both genders.

Appendix B is reserved for samples of financial interest disclosure forms. The increased number of forms and the frequent necessity to revise them would require many republications of Appendix B. Sample forms may be obtained from the Designated Agency Ethics Official or from Bureau Ethics Counselors upon request.

Appendices C, D, E, F, and G will not be published in the **Federal Register**. Instead, the appendices will be published annually by the Department of the Interior and be available from the Designated Agency Ethics Official and Bureau Ethics Counselors. Only a notice of the annual update and publication of these appendices will be printed in the **Federal Register**. This procedure satisfies the administrative requirements which affect only Department employees and saves the Department the costs of publishing the document in the **Federal Register**.

The primary authors of these final regulations are Gabriele J. Paone, Deputy Agency Ethics Official, Mason Tsai, Assistant Agency Ethics Official and Kathleen A. O'Neil, former Assistant Agency Ethics Official

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that the rule will not have a significant economic effect under the Regulatory Flexibility Act.

Accordingly, the Department of the Interior revokes 43 CFR Part 7 and revises 43 CFR Part 20 to read as follows:

Dated: November 24, 1981.

Donald Paul Hodel,

Acting Secretary.

PART 7 [REVOKED]

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

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20.735–22 Statutory prohibitions.
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Subpart D—Financial Reporting Requirements

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20.735–34 Other statutory filing requirements.
20.735–35 How to file.
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Subpart E—Resolution of Conflicts of Interest

20.735–40 Procedures for resolving conflicts or prohibited holdings.
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Subpart F—Special Government Employee Responsibilities, Ethical and Other Conduct

20.735–50 Scope of subpart.
20.735–51 Conflict of interest statutes relating to special government employees.
20.735–52 Conduct provisions of particular interest to special government employees.
20.735–53 Statements of employment and financial interests.

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20.735–60 Scope of subpart.
20.735–61 Post-employment restrictions.
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Subpart H—Bibliography of Statutes

20.735–70 Bibliography of statutes.

Appendices

Appendix A–1 Employee Certification—U.S. Geological Survey
Appendix A–2 Employee Certification—Indian Affairs
Appendix A–3 Employee Certification—Bureau of Land Management
Appendix A–4 Employee Certification—Bureau of Mines
Appendix A–5 Employee Certification—Office of the Secretary
Appendix B Reserved
Appendix C List of Employees, in Addition to GS–15's and Higher, Required to File Confidential Statements of Employment and Financial Interests
Appendix D List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Federal Land Policy Management Act and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 313 of the Act
Appendix E List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Mining in the Parks Act and Positions Which the Secretary has Determined Are Subject To the Reporting Requirements of Section 13 of the Act
Appendix F List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Energy Policy and Conservation Act and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 522 of the Act
Appendix G List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Outer Continental Shelf Lands Act Amendments of 1978 and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 605 of the Act.
Appendices C, D, E, F and G are not published with this Part. Copies of the appendices are on file with the Office of the **Federal Register.** Copies are available from the Designated Agency Ethics Official, Main Interior Building, Washington, D.C. 20240 and from Bureau Ethics Counselors.

Authority: 5 U.S.C. 301; Sec. 13, Pub. L. 94–429, 90 Stat. 1344 (16 U.S.C.A. 1912 (Supp. 1980)); 18 U.S.C. 207(j) (Supp. II 1978); Sec. 12, Ch. 576, 48 Stat. 986 (25 U.S.C. 472); Sec. 201(f), Pub. L. 95–87, 91 Stat. 450–51 (30 U.S.C. 1211 (Supp. II 1978)); Sec. 522, Pub. L. 94–163, 89 Stat. 961, as amended by Sec. 691(b)(2), Pub. L. 95–619, 92 Stat. 3288 (42 U.S.C. 6392 (Supp. II 1978)); Sec. 313, Pub. L. 94–579, 90 Stat. 2768 (43 U.S.C. 1743); Sec. 605, Pub. L. 95–372, 92 Stat. 695 (43 U.S.C. 1864 (Supp. II 1978)); E.O. 11222, 30 FR 6469, 3 CFR 1964–65 (Comp.), as amended (18 U.S.C. 201 note); 5 CFR 735.104; 5 CFR 734.103; 5 CFR 737.1(c)(7).

Subpart A—General Provisions

§ 20.735–1 Definitions.

(a) *General.* The following terms are used throughout this Part and have the following meanings: (1) "Department" means the United States Department of the Interior and any of its components.

(2) "Secretary" means the Secretary of the Interior.

(3) "Bureau" means each major program operating organization of the Department, the Office of the Secretary, and each other Departmental Office.

(4) "Employee" means a regular employee, a special government employee, and a contract education employee in Indian Affairs as defined in 25 CFR 31(g)(2) (h) and (i) unless the text of a particular subpart, section, or paragraph indicates that either regular employees or special government employees are not intended to be covered by that subpart, section or paragraph. Volunteers in Parks accepted pursuant to 16 U.S.C. 18(g) are not employees.

(5) "Regular employee" means any officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 consecutive days.

(6) "Special government employee" means any employee or officer of the Department who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time, part-time or intermittent basis (18 U.S.C. 202). U.S. Mineral Surveyors are considered to be special government employees.

(7) "U.S. Mineral Surveyor" means a person appointed under the authority of 30 U.S.C. 39, and as such is included within the term "officers, clerks, and employees" of the Bureau of Land Management as that term is used in 43 U.S.C. 11 and construed in *Waskey* v. *Hammer,* 223 U.S. 85 (1912).

(8) "Executive Order" means Executive Order 11222 of May 8, 1965 (18 U.S.C. 201 note).

(9) "Designated Agency Ethics Official" means the Principal Deputy Assistant Secretary—Policy, Budget and Administration.

(10) "Ethics Counselor" means the head of each bureau, as that term is defined in paragraph (3) above, except that the Assistant Secretary—Policy, Budget and Administration is the Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by the Division of Personnel Services, Office of Administrative Services excluding the Office of Hearings and Appeals and the Office of Water Research and Technology.

(11) "Deputy Ethics Counselor" means the bureau personnel officer or other qualified headquarters employee who has been delegated responsibility for the operational duties of the Ethics Counselor for that bureau. The Director, Office of Administrative Services is the Deputy Ethics Counselor for employees

in the Office of the Secretary and other offices for which personnel services are provided by that Office, excluding the Office of Hearings and Appeals, and the Office of Water Research and Technology. In accordance with rules in 5 CFR 738.202(b), the Deputy Agency Ethics Official shall serve as alternate agency ethics official.

(12) "Assistant Ethics Counselor" means a bureau, regional or area personnel officer or other qualified employee who has been delegated responsibility to perform the operational duties of the Ethics Counselor at the field level. Assistant Ethics Counselors may also be designated within the bureau headquarters.

(13) "Indian Affairs" means the Office of the Assistant Secretary—Indian Affairs and the Bureau of Indian Affairs.

(14) "Dependent child means a son, daughter, stepson, or stepdaughter who (i) is unmarried and under age 21 and is living in the household of the employee or (ii) is a dependent of the employee within the meaning of section 152 of Internal Revenue Code of 1954 (26 U.S.C. 152).

(15) "Personal residence" means any real property used exclusively as a private dwelling by the reporting individual or his or her spouse, which is not rented for any period during a calendar year. There may be more than one personal residence, and the term may include a vacation home. The term is not limited to domicile.

(b) *Specific definitions.* Additional definitions of terms specifically associated with a particular subpart or section are found in that subpart or section.

§ 20.735–2 Purpose, policy, and general responsibilities.

(a) *Purpose.* These regulations set forth Departmental policies and identify principal statutes and regulations which relate to employee conduct and responsibilities. These regulations ordinarily apply to all regular and special employees of the Department. Exceptions to this general rule are stated in the specific subpart, section or paragraph to which they apply.

(b) *General policy.* Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Executive Orders, Office of Personnel Management regulations and Departmental regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Equal employment opportunity policy.* It is the policy of the Federal Government that there shall be no discrimination in employment based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness. This policy does not affect in any way the provisions of 25 U.S.C. 472 dealing with Indian preference in employment.

(d) *Conformance with policy and subordination to authority.* Employees are required to carry out the announced policies and programs of the Department and to obey proper requests and directions of supervisors. While policies related to one's work are under consideration employees may, and are expected to, express their professional opinions and points of view. Once a decision has been rendered by those in authority, each employee is expected to comply with the decision and work to ensure the success of programs or issues affected by the decision. An employee is subject to appropriate disciplinary action, including removal from office, if he or she fails to: (1) Comply with any lawful regulations, orders, or policies, or

(2) Obey the proper requests of supervisors having responsibility for his or her performance.

(e) *Applicability to Indian Affairs employees.* The provisions of this part apply to non-Indian employees in Indian Affairs in the same manner as they apply to all other employees employed elsewhere in the Department. Except where otherwise indicated, the provisions of this part shall also apply to Indian and Alaska Native employees in Indian Affairs.

(f) *Bureau responsibilities.* Ethics Counselors shall (1) Establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau. Supplementary guidelines must be approved by the Designated Agency Ethics Official before they are issued.

(2) Give a copy of the regulations in this part to each employee upon entrance to duty. At least once annually, each Ethics Counselor shall: (i) Remind each employee of the regulations in this part; and

(ii) Inform each employee of the name, location and telephone number of bureau officials who can properly counsel them on ethics and conduct matters.

This annual reminder shall be accomplished through a publication or memorandum issued to all employees. In addition, vacancy announcements for those positions which require any statement of employment and financial interest shall alert applicants to the filling requirement.

(3) Notify the Designated Agency Ethics Official of the names and locations of each Deputy and Assistant Ethics Counselor and of changes in such designations.

(g) *Employee responsibilities.* It is the responsibility of employees (1) to be familiar with and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest, employees may obtain advice and guidance from their Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, the Department Ethics Official, or the Office of the Solicitor, (2) to be careful in dealing with the public and with representatives of private industry so as not to give an opinion or decision contrary to expressed Departmental or bureau policy, (3) to avoid expressing personal opinions or making unauthorized decisions about work situations where those opinions or decisions may be mistakenly taken to be the opinion or decision of the bureau or Department. A memorandum of discussion should be prepared by employees providing ethics advice to representatives of private industry, (4) to report directly or through appropriate channels to the Office of Inspector General matters coming to their attention which do or may involve violations of law or rule by employees, contractors, sub-contractors, grantees, subgrantees, lessees, licensees or other persons having official business with the Department.

(h) *Conduct codes for specific groups.* (1) Special codes of conduct not in derogation of this part may be

developed or adopted (if established by the profession in which the employee is engaged, such as attorneys and accountants) by a bureau or the Department for specific groups of employees engaged in the same occupation or profession.

(2) Certain individuals, for example, volunteers in National Park Service programs and enrollees and corps members in youth and young adult programs administered by the Office of Youth Programs, are Federal employees only as specifically provided in the statute which authorizes their particular program. In the absence of a statutory provision which makes the individual in one of these programs a regular or special Government employee, the individual is not subject to the regulations in this part. However, the head of a bureau responsible for individuals in such a program may submit a proposal requesting that all or part of the regulations in this part be made applicable to the particular category.

(3) Proposals for special codes of conduct, including procedures for their implementation, and proposals for applying a portion of these regulations to specific categories of individuals shall be submitted to the Designated Agency Ethics Official for approval. The Office of Personnel and the Office of the Solicitor shall also approve such proposals before they are adopted.

§ 20.735–3 Responsibilities of ethics officials and channels for counseling.

(a) *Responsibilities of ethics officials.* (1) The Designated Agency Ethics Official (or the Deputy Agency Ethics Official in his or her absence) shall: (i) Administer the regulations governing the conduct and responsibilities of employees in the Department;

(ii) Develop and administer an effective system and procedures for the collection, filing, review, and public inspection of financial disclosure statements in accordance with applicable statutes and regulations;

(iii) Provide advice, assistance, training, and guidance to all levels of Ethics Counselors and to any employee within the Department;

(iv) Monitor the conflict of interest program, using reports requested of bureaus and periodic internal audits and administrative reviews performed by the Office of Inspector General or by the Designated Agency Ethics Official. These reviews will be conducted on a cyclical basis to ensure that each bureau is reviewed at least once every three years;

(v) Review statements of employment and financial interests for those Department employees cited in section 20.735–30(d) (2) and (6);

(vi) Ensure that all financial disclosure statements filed by employees with bureaus are completely and effectively maintained and consistently reviewed for conformance to all applicable laws and statutes;

(vii) Assume the authorities and responsibilities of any Ethics Counselor within the Department, either for the duration of an individual case or for a period or periods not to exceed six months each;

(viii) Develop and supervise an education and counseling program for employees on all ethics and standards of conduct matters; the program shall include counseling on post employment matters and shall provide that adequate and specific records are kept on any advice rendered;

(ix) Evaluate periodically, in conjunction with the Office of Government Ethics, the Department's standards of conduct regulations, financial disclosure systems and post-employment enforcement systems to determine their adequacy and effectiveness in relation to current Departmental responsibilities;

(x) Act as liaison with and, as necessary or required, provide information to the Office of Government Ethics concerning the Department's ethics function.

(xi) Develop, maintain and publish a list of those circumstances or situations which have resulted or may result in noncompliance with ethics laws and regulations;

(xii) Keep appropriate records on advice rendered;

(xiii) Take prompt and effective action to insure that appropriate remedial actions are taken.

(2) Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus. Ethics Counselors shall: (i) Order remedial action in accordance with the provisions of § 20.735–40. This authority may not be redelegated;

(ii) Designate the Bureau Personnel Officer (or other qualified headquarters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situations, and answering employee conduct questions;

(iii) Consolidate the final review, certification and filing of financial interest statements at the headquarters level; and,

(iv) Designate regional or area personnel officers (or other qualified employees) as Assistant Ethics Counselors to perform ethics counseling and the initial financial statement review at the field office level. Assistant Ethics Counselors may also be designated within the bureau headquarters.

(b) *Channels for counseling.* Employees may seek advice from any bureau ethics counselor, the Designated Agency Ethics Official or the Office of the Solicitor. It is the Department's policy to encourage responsible disposition of counseling requests and to strive for consistency in the application of employee responsibility and conduct regulations. To achieve this: (1) Ethics Counselors shall, if possible, consolidate the operation of the ethics counseling function at the headquarters level. Employee inquiries should be directed to that office. In bureaus where consolidation is not feasible, Assistant Ethics Counselors shall seek concurrence in their final decisions from the bureau Deputy Ethics Counselor or Ethics Counselor. Ethics Counselors may seek advice from the Designated Agency Ethics Official, Regional Solicitors, the Associate Solicitor for General Law or other Solicitor Office officials designated by the Solicitor.

(2) The Designated Agency Ethics Official shall provide advice on any ethics matter to employees and to Ethics Counselors and shall seek advice from the Associate Solicitor—General Law.

(3) Employees wishing to request advice from the Solicitor's Office shall submit requests to Regional Solicitors or to the Associate Solicitor—General Law, in Washington, D.C., as appropriate. Regional Solicitors called upon to render advice which will affect interpretations of the employee responsibility and conduct regulations shall seek concurrence in their final decisions from the Associate Solicitor—General Law.

§ 20.735–4 Sanctions.

(a) Violations of the regulations in this part by an employee may be cause for appropriate corrective, remedial or disciplinary action, which may be in addition to any criminal or civil penalty provided by law. Such disciplinary action may include, but is not limited to, oral or written warning or admonishment, reprimand, suspension, reassignment, reduction in grade or pay, or removal from office and shall be taken in accordance with Departmental policies, applicable statutes, Executive Orders, and regulations (see Federal

Personnel Manual and additions thereto).

(b) Employees having financial or other interests prohibited by statute or regulation may be ordered to divest themselves of such interests. Failure to comply with appropriate divestiture orders may result in suspension or removal from office, or other disciplinary action. Employees may appeal divestiture orders in accordance with procedures contained in § 20.735–43.

(c) The procedures for disciplinary action involving contract education employees in Indian Affairs are contained in 25 CFR 31(g)(7).

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 20.735–6 Scope of subpart.

(a) *Standards of conduct.* This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of both regular and special government employees in the discharge of their official responsibilities. Employees are expected to maintain high standards of honesty, integrity, impartiality, and other ethical and moral conduct and to avoid any actions, whether on or off duty, which could reflect adversely on the Department or Government service or which would jeopardize the employee's fitness for duty or effectiveness in dealing with other employees or with the public.

(b) *Prohibited Activities.* (1) An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of: (i) Using public office for private gain;

(ii) Giving preferential treatment to any person, except as authorized or required by law;

(iii) Impeding Government efficiency or economy;

(iv) Losing independence or impartiality;

(v) Making a Government decision outside official channels; or

(vi) Affecting adversely the confidence of the public in the integrity of the Government.

(2) An employee shall not have any interest (financial or non-financial) in any contract, grant or other particular matter administered or controlled by this Department in which the employee was personally or substantially involved through the performance of his or her duties.

(3) Contracts shall not knowingly be entered into between the Government and employees of the Government or business concerns or organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied. (41 CFR 1–1.302–3)

(4) When a contracting officer has reason to believe that an exception as described in paragraph (3) of this section, should be made, approval of the decision to make such an exception shall be handled in accordance with agency procedures and shall be obtained prior to entering into any such contract. (41 CFR 1–1.302–3)

§ 20.735–7 Gifts, entertainment, and favors from domestic sources.

(a) *Soliciting or accepting gifts.* Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, regardless of its value, from a person who: (1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

The prohibitions in this paragraph apply to special government employees while they are employed by the Department or in connection with their work with the Department.

Note.—For purposes of the exclusions in this subparagraph (b) where the term "nominal value" is used it means a value of $35 or less.

(b) *Exclusions.* (1) The prohibitions of paragraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(2) An employee may accept: (i) Food and refreshments of nominal value on infrequent occasions in the ordinary course of an official luncheon or dinner meeting or other official meeting or on an inspection tour where an employee may properly be in attendance,

(ii) Loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans,

(iii) Unsolicited advertising or promotional material, of nominal value such as pens, pencils, note pads, calendars, and other similar items,

(iv) Gifts, on behalf of the Department, which are offered for the advancement of the American Indian, or for the National Parks; such gifts shall be deposited with the bureau property officer, and

(v) Suitable mementos or awards of nominal value for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(3) All Department employees may accept gifts offered to them by inhabitants or officials of the islands, territories and possessions which fall within the responsibility of the United States, when refusal to accept such gifts would be likely to cause offense or embarrassment or otherwise adversely affect relations with the United States. Gifts of nominal value or perishable gifts such as food or flowers accepted under this provision may be retained by the employee. Non-perishable gifts of more than nominal value accepted under this provision shall be deemed to have been accepted for the Department, shall become the property of the United States upon acceptance, and shall be deposited by the employee with his or her property officer within 60 days of acceptance.

(c) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself or herself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift or donation made on a special occasion such as a marriage, illness, or retirement.

§ 20.735–8 Gifts and decorations from foreign governments.

(a) This section implements the Foreign Gifts and Decorations Act (5 U.S.C. 7342).

(b) *Definitions.* (1) "Employee" means all regular and special government employees of the Department, experts and consultants of the Department appointed under 5 U.S.C. 3109, spouses of all such individuals (unless such individual and his or her spouse are separated) and dependents (within the meaning of section 152 of the Internal Revenue Code, 26 U.S.C. 152) of such an individual.

(2) "Foreign government" means any unit of foreign governmental authority, including any foreign national, State, local and municipal government; any international or multinational organization whose membership is

composed of any unit of foreign government; and any agent or representative of any such unit or organization while acting in that capacity.

(3) "Gift" means a tangible or intangible present, other than a decoration, tendered by, or received from, a foreign government. Examples of intangible gifts are travel and subsistence expenses.

(4) "Decoration" means an order, device, medal, badge, insignia, emblem or award tendered by, or received from, a foreign government.

(5) "Minimal value" means a retail value in the United States at the time of acceptance of $100.00 or less.

(c) *Prohibited activities.* An employee is prohibited from: (1) Requesting or otherwise encouraging the tender of a gift or decoration from a foreign government; or

(2) Accepting a gift or decoration from a foreign government, except in accordance with the rules and procedures of the Department. These prohibitions apply whether an employee is on or off duty.

(d) *Exceptions.* An employee may: (1) Accept and retain a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(2) Accept a gift of more than minimal value when such a gift is in the nature of an educational scholarship or medical treatment, or when it appears to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, provided that: (i) When a tangible gift of more than minimal value is accepted, it will be deemed to have been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance; and

(ii) An employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and determined by the Assistant Secretary—Policy, Budget and Administration to be in the best interests of the Department. In such cases, an appropriate adjustment must be made to the travel voucher claim covering per diem, lodging, etc.;

(3) Accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Department, *Provided,* That: (i) Without such approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States upon acceptance, and shall be deposited by the employee with the Department within 60 days of acceptance; and

(ii) Requests for approval should be sent to the Assistant Secretary—Policy, Budget and Administration.

§ 20.735–9 Reimbursement of travel and related expenses.

(a) *Policy.* (1) Except as specifically authorized by law, when an employee is on official duty (no leave status) all travel and accommodations shall be at Government expense and his or her acceptance of outside reimbursement for travel expenses or services in kind from private sources, either in his or her behalf or in behalf of the government, is not allowed (18 U.S.C. 209). This includes instances where an employee is officially directed to participate in a convention, seminar, or similar meeting sponsored by a private source for the mutual interest of the Government and the private source. In such instances, expenses shall be charged to the appropriate bureau or Department appropriation.

(2) When a bureau is authorized by statute to accept gifts, the travel expenses incurred by an employee directed to participate in a convention, seminar, or similar meeting sponsored by a private source for the mutual interest of the Government and the private source may be reimbursed to the bureau and credited to its appropriation. The employee shall be paid by the bureau in accordance with the law relating to reimbursement for official travel and any accommodations and goods or services in kind furnished an employee shall be treated as a donation to the bureau and an appropriate reduction shall be made to the employee's reimbursement (46 CG 689 (1967)).

(3) When participation at a function is not in an official capacity, an employee may accept reimbursement of travel and accommodation expenses from a private source, provided that such acceptance creates no conflict or appearance of a conflict of interest with one's official duties. Participation as a private citizen must occur on one's own time, such as while on leave. If participation should occur during the course of official travel (i.e., evening or weekend hours during official travel status), the travel voucher submitted for Government reimbursement of official duty expenses must be adjusted to claim only that per diem and travel attributable to official duty. Employees who are appointed by the President and paid at a rate higher than the highest rate for GS–18 are on 24 hour duty and determinations of what constitutes official duty and what is private participation should be carefully made.

Example: An employee who is a member of a professional society is asked to speak at a society meeting. The society offers the employee air fare to and from the meeting and meals, but hotel accommodations are not offered. In order for the employee to attend while on official duty (no leave status) a decision must be made by his or her supervisor that attendance will result in sufficient benefits to the Government. If it is decided that there will be benefit to the Government all expenses: air fare, meals, and hotel, must be paid to the employee by the Government. In this situation, if the employee's bureau is authorized by statute to accept gifts then (1) the air fare offered by the Society can be paid to the bureau, (2) the employee may accept the meals and the employee expenses for air fare and per diem shall be paid by the bureau with an appropriate reduction for the meals. If the supervisor decides that attendance at the meeting will not benefit the Government the employee may participate in the meeting and accept the air fare and meals offered by the Society in a non-official capacity, while on leave, provided that such participation creates no conflict or appearance of conflict with his or her official duties. Hotel and other related costs will be at the employee's personal expense.

(b) *Exclusions.* (1) When on official duty, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at training meetings may be accepted by an employee when the payment is made by a nonprofit, tax exempt organization as described in 26 U.S.C. 501(c)(3) and when no real or apparent conflict of interest will result. Prior advice should be obtained from the employee's ethics counselor in this circumstance (5 U.S.C. 4111).

(2) Employees may accept reimbursement by the Department of travel and related expenses when assigned (official personnel action detail) to state and local governments and to universities in accordance with 5 U.S.C. 3375.

(3) Should the Director of the International Communication Agency, with the approval of the employing agency, assign a Departmental employee to a foreign government, reimbursement for the employee's pay and allowances shall be made to the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the

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period of such assignment, in accordance with 22 U.S.C. 1451.

(4) Should an employee be detailed by the Secretary to an international organization which requests services, the employee is deemed to be (for the purpose of preserving his or her allowances, privileges, rights, seniority, and other benefits) an employee of the Department and the employee is entitled to pay, allowances, and benefits from funds available to the Department. The international organization may reimburse the Department for all or part of the pay, travel expenses, and allowances payable during the detail; or, the detailed employee may be paid or reimbursed directly by the international organization for allowances or expenses incurred in the performance of duties required by the detail without regard to 18 U.S.C. 209 (5 U.S.C. 3343).

§ 20.735–10 Teaching, lecturing and writing.

(a) *General policy.* Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by statute, the Executive Order, Office of Personnel Management regulations, or this part.

(b) *Using information obtained because of employment.* An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public.

(c) *Preparing persons for examinations.* An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Office of Personnel Management or the Board of Examiners for the Foreign Service.

§ 20.735–11 Honorariums and outside earned income.

(a) *Definition.* The term "honorarium" means a payment of money or anything of value received by an employee as consideration for an appearance, speech, article, or consultation when such money is accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. Excluded for purposes of this paragraph are any payments of actual and necessary travel and subsistence expenses for an employee and spouse or aide of the employee and any amounts paid or incurred for any agent's fees or commissions.

(b) *Policy on acceptance of honorariums.* (1) No employee shall accept an honorarium for any activity the subject of which is devoted substantially to the responsibilities, programs, or operations of the Department, draws substantially on official data or ideas not part of the body of public information, or involves any other contribution of Government facilities, materials, funds, or services.

(2) The acceptance of honorariums by employees from groups doing business with or whose interests can be affected by the Department presents the potential for a conflict or the appearance of a conflict of interest. An employee is prohibited from receiving an honorarium from an organization at a time when the employee has before him or her issues the resolution of which will affect the interests of that organization.

(3) Acceptance of honorariums by employees in circumstances other than those enumerated in this subsection is permissible if the article, speech, or appearance for which payment is accepted, was not written, delivered or made while the official was on duty and if acceptance would not create an appearance of a conflict of interest.

(4) Under 2 U.S.C. 441i, an employee is prohibited from (i) accepting an honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such employee and his or her spouse or an aide to such employee, and excluding amounts paid or incurred for any agent's fees or commissions) for any appearance, speech, or article or (ii) accepting honorariums aggregating more than $25,000 in any calendar year. Amounts returned to the payor of an honorarium shall not be aggregated.

(c) All speeches to be made by members of the Office of the Secretary, and by headquarters officials of bureaus and offices, shall given prior review by the Office of Public Affairs. All articles for publication that deal with policies or programs of the Department, its bureaus or offices, are subject to prior review by the Office of Public Affairs. See 470 DM 1.2D and E of the Departmental Manual for more detail about this provision. These requirements are applicable whether or not an honorarium is to be paid.

(d) *Restriction on Outside Earned Income.* All employees who are compensated at a pay grade in the General Schedule of grade 16 or above and who occupy full-time positions appointment to which must be made by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary. Outside earned income is all income earned from services rendered and excludes income from interest, dividends, royalties, or rents derived from financial investments.

(e) *Honorariums transferred to charitable organizations.* If an honorarium payable to an employee, is paid instead, at the employee's request, to a charitable organization operated exclusively for educational purposes and selected by the payor from a list of 5 or more charitable organizations provided by the employee, then, that employee shall not be treated as accepting that honorarium for purposes of 2 U.S.C. 411i. However, the employee must include the amount in gross income, as defined in 26 U.S.C. 61, for individual tax purposes. In such situations, the amount can be claimed as a charitable contribution deduction, subject to limitations set forth in 26 U.S.C. 170. For purposes of this provision "charitable organization" means an organization as described in § 26 U.S.C. 170(c).

(f) *Violation.* In addition to the potential sanctions in § 20.735–4, any individual who knowingly and willfully violates the honorarium provisions of this section shall be reported to the Federal Election Commission and may be subject to civil and criminal penalties as provided for by section 108 of Pub. L. 96–187, 93 Stat. 1368–1369.

§ 20.735–12 Nepotism.

(a) *Definition.* "Relative" means an individual who is related to the employee as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daugther-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) *Policy.* An employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the Department or over which he or she exercises jurisdiction or control, any individual who is a relative of the employee. An individual may not be appointed, employed, promoted, or advanced in or to a position in the Department if such appointment, employment, promotion, or advancement has been advocated by an employee, who is a relative of the individual and who is serving in or exercising jurisdiction, or control over the position. (5 U.S.C. 3110)

(c) *Exceptions.* (1) An employee may appoint, or employ or advocate for appointment or employment, in or to a position in the Department or over which he or she exercise jurisdiction or

control any individual who is a relative of the employee only in emergency situations such as forest fires, floods, earthquakes, or other natural disasters. Exceptions may also be made in situations involving special scientific needs, or at isolated field stations, or where there is a shortage of quarters. (In regard to summer employees, refer to current Department directives.)

(2) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under 5 U.S.C. 3317(a) will result in the selection for appointment of an individual who is not a preference eligible.

(3) An employee may supervise a relative when: A bureau director or the Assistant Secretary—Policy, Budget and Administration for Office of the Secretary and other Departmental office employees, (i) finds that all merit-related provisions of Federal law have been observed, (ii) determines that such supervision would result in a net benefit to the Government, and (iii) assigns a non-related individual as manager to conduct performance evaluations and recommend promotions or advancements.

Supervision under this exception is limited to activities other than appointing, employing, promoting, advancing or advocating the appointment, employment, promotion or advancement of a relative. Effectively then, this exception allows an employee to work with his or her relative on the same project and to direct the work of a relative. Appointment, employment, promotion or advancement of a relative, and the advocacy of these actions for a relative, are prohibited by statute (5 U.S.C. 3110) and this exception does not allow these activities. It is recognized that the policy of Indian Self Determination, the application of Indian Preference and the isolation of many Indian Affairs installations may create situations where Indian Affairs employees exercise supervision or administrative control over an individual who is a relative. In such instances, except for emergency situations, all supervisory or administrative controls to be exercised over a relative shall be referred, without recommendation or advocacy, to the next higher administrative level for review and action.

(d) *Violation.* An individual supervised, appointed, employed, promoted, or advanced in violation of this section shall not receive salary. And, an employee who supervises, appoints, employs, promotes, advances or advocates these actions in violation of this section shall be subject to the sanctions in § 20.735–4.

§ 20.735–13 Negotiations for non-Federal employment.

(a) Negotiation for employment commences when: (1) The employee or anyone at the direction of and on behalf of the employee, initiates a communication in writing or orally, directly or indirectly, to the prospective employer for the purpose of discussing rendering service to the prospective employer upon termination of the employee's service as an employee of the Department, or

(2) An individual, partnership, association, corporation or organization initiates a communication to the employee or representative of the employee and the employee or the employee's representative responds directly or indirectly with the communicator and indicates that the employee is interested in serving the communicator upon termination of employment with the Department.

(b) *Policy.* (1) An employee shall not without permission negotiate for future non-Federal employment with persons or organizations having business with the Department if the employee is called upon to render advice or make judgments which may affect those persons or organizations.

(2) In the event that an employee desires to negotiate for future employment with organizations he or she is called upon to render advice or make judgments about, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate ethics counselor. If the supervisor and the ethics counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize, in writing, the employee to proceed to negotiate.

(3) Where authorization is granted the employee shall be restricted from participating in his or her governmental capacity in any matter in which the employee, or the employee's spouse, minor child, outside business associate, or person with whom he or she is negotiating for employment has a financial interest (18 U.S.C. 208).

(4) Nothing in this section prohibits an employee from negotiating with a tribal organization that initiates a communication directly or indirectly to an employee for the purpose of employment or temporary reassignment in accordance with the Indian Self Determination Act (25 U.S.C. 450).

§ 20.735–14 Political activity.

(a) *Hatch Act.* 5 U.S.C. 7324 states generally that an employee may not use his or her official authority or influence for the purpose of interfering with or affecting the results of an election; or take an active part in political management or in policital campaigns. An employee is subject to dismissal for violation of this prohibition. Persons who are employed on an irregular or occasional basis, e.g., experts and consultants, are subject to the political activity restrictions of 5 U.S.C. 7324 while in an active duty status only and for the entire 24 hours of any day of actual employment. In accordance with regulations contained in 5 CFR Part 733, the following definitions, permissible activities and prohibited activities help to interpret the restrictions in 5 U.S.C. 7324.

(1) Definitions include: (i) "Political party" means a National political party, a State political party, and an affiliated organization;

(ii) "Election" includes a primary, special, and general election;

(iii) "Nonpartisan election" means: (A) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential election received votes in the last preceding election at which presidential electors were selected, and

(B) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

(iv) "Partisan" when used as an adjective refers to a political party.

(2) Permissible activities consistent with the restrictions imposed by 5 U.S.C. 7324 include the right to: (i) Register and vote in any election;

(ii) Express opinions as an individual privately and publicly on political subjects and candidates;

(iii) Display a political picture, sticker, badge, or button;

(iv) Participate to the extent consistent with law in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(v) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(vi) Attend a political convention, rally, fund-raising function, or political gathering;

(vii) Sign a political petition as an individual;

(viii) Make a financial contribution to a political party or organization except as restricted by provisions explained in § 20.735–14(c);

(ix) Take an active part as an independent candidate, or in support of an independent candidate, in a partisan election covered by rules in 5 CFR 733.124;

(x) Take an active part as a candidate or in support of a candidate, in a nonpartisan election;

(xi) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(xii) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(xiii) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise one's efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the Department.

(3) Prohibited activities include, but are not limited to: (i) Any activity listed in § 20.735–14(a)(2) if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest;

(ii) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(iii) Organizing or reorganizing a political party organization or political club;

(iv) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(v) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a candidate in a partisan election or a political party, or political club;

(vi) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;

(vii) Becoming a candidate for, or campaigning for, an elective public office in a partisan election except as indicated in 20.735–14(a)(2)(ix);

(viii) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

(ix) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;

(x) Driving voters to the polls on behalf of a political party or a candidate in a partisan election;

(xi) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(xii) Serving as a delegate, alternate, or proxy to a political party convention;

(xiii) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office; and

(xiv) Initiating or circulating a partisan nominating petition.

(4) Additional information regarding employees' participation in political activities, including certain exceptions for employees appointed by the President, by and with the advice and consent of the Senate, is contained in 5 CFR Part 733.

(b) *Political Affiliation.* No person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his or her political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive Branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his or her political affiliation (5 CFR 4.2).

(c) *Federal Election Campaign Act Amendments of 1979.* The Federal Election Campaign Act Amendments of 1979, 93 Stat. 1339, prohibit, under threat of criminal penalty, Federal employees from contributing to a person if the person receiving said contribution is the employer or employing authority of the contributor.

§ 20.735–15 Government property.

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to them in connection with their official duties. It is each employee's responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government motor vehicles or aircraft.* Employees shall not willfully use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes. Violation of this provision shall automatically result in suspension from duty without compensation, for not less than one month. See 31 U.S.C. 638a(c)(2) and 41 CFR Subpart 114–38.50 for additional interpretation and guidance on official use of motor vehicles or aircraft.

(c) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property, or equipment; nor use Government purchase authority, even though reimbursement is made, for personal acquisitions (18 U.S.C. 641, 643 and 654).

§ 20.735–16 Indebtedness.

(a) *Employee responsibility.* An employee: (1) Shall pay each just financial obligation (one either acknowledged by the employee or reduced to judgment by a court);

(2) Shall refund salary overpayments, excess travel expense advances, and pay income taxes when due;

(3) Shall pay a final determination of indebtedness for Federal, state or local taxes. Final determination means the last decision that ends those available administrative and judicial appeals and remedies which an employee actively pursues.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department or any bureau determine the validity or amounts of its employees' disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he or she shall inform the creditor or collector that he or she is not allowed to transact private business during official hours and that any discussions must be held during non-duty hours and away from Departmental premises.

(d) *Disciplinary action.* An employee may be subject to removal or other disciplinary action for his or her failure to meet just financial obligations. A proposal to remove or otherwise discipline an employee for these reasons must be taken only after full consideration for the effect on the Department and any mitigating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

§ 20.735–17 Other conduct.

(a) *Sexual harassment.*—(1) *Definition.* Sexual harassment means deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome.

(2) No employee shall sexually harass another employee of the Executive Branch or a member of the public having business with the Department. All employees and members of the public are entitled to work or conduct official business in an environment free from sexual harassment. Sexual harassment debilitates morale and productivity, and undermines confidence in the fairness and integrity of government. Sexual harassment is, therefore, a form of employee misconduct which shall subject the employee engaging in such conduct to discipline. Sexual harassment also constitutes sex discrimination, which is a prohibited personnel practice, when it affects an employee's employment status or conditions on the basis of conduct related to gender rather than job performance, such as the taking or refusal to take a personnel action, including, but not limited to, promotion of employees who submit to sexual advances or refusal to promote employees who resist or protest sexual overtures. For example, a supervisor who, on or off duty, uses implicit or explicit sexual behavior to control, influence, or affect the career, salary, or job performance of an employee is engaging in sexual harassment, sex discrimination and a prohibited personnel practice.

(3) *Reporting a violation.*

(i) If an employee believes he or she is being or has been sexually harassed, and such harassment relates to his or her employment status or conditions, such as promotion, training, step increase, work assignments, etc., the standard Equal Employment Opportunity complainant process or the appropriate grievance process can be followed. The affected employee may contact either his or her Equal Employment Opportunity Officer or Personnel Specialist for further information concerning these procedures.

(ii) Individuals may also report any incident of sexual harassment to the Inspector General either by using the hotline 343–2424 (local) or 800–424–5081 (long distance) or by writing to Post Office Box 57016, Washington, D.C. 20037.

(iii) Individuals who in good faith report violations of this sexual harassment policy are assured of freedom from restraint, interference, coercion, discrimination or reprisal for reporting violations, and any employee found to have violated this assurance shall be disciplined pursuant to § 20.735–4.

(b) *Scope of authority.* Employees shall not engage in any conduct or activity which is in excess of his or her authority, or is otherwise contrary to any law or departmental policy.

(c) *Selling or soliciting.* Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by the Department. Exception is granted for Department authorized operations, including, but not limited to, the Interior Department Recreation Association, the Indian Arts and Crafts store, and for cafeteria, newsstand, snack bar and vending machine operations which are authorized by the Department for the benefit of employees or the public.

(d) *Gambling activity.* An employee shall not participate in or promote while on duty for the government any gambling activity, including the operation of a gambling device, a lottery or pool, a numbers game for money or property, or the selling or purchasing of gambling slips or tickets. However, this paragraph does not preclude activities:
(1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(e) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees except when officially sponsored by the Department are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(f) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(g) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess may be subject to removal (5 U.S.C. 7352). The provisions of 370 DM 792 should be thoroughly reviewed before considering any such action.

(h) *Community and professional activities.* (1) Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed.

(2) Participation in professional societies or organizations must not be incompatible with an employee's performance at his or her regularly assigned duties or detrimentally affect the Department's capacity to accomplish its missions.

(3) No Indian Affairs employee may hold a position on a tribal election board, or on a tribal school board which oversees Bureau of Indian Affairs schools. An employee in Indian Affairs may hold an office in other organizations, including organizations involving his or her own tribe in accordance with provisions in § 20.735–29(c).

(i) *Appropriations, legislation and lobbying.*

(1) Unless expressly authorized by Congress, employees are prohibited from using any part of the money appropriated by any enactment of Congress to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any *legislation* or *appropriation* by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; this prohibition does not prevent any employee from communicating to Members of Congress on the request of any Member *or* through proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business (18 U.S.C. 1913). The right of employees, individually or collectively, to otherwise petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a Committee or Member thereof, shall not be interfered with or denied (5 U.S.C. 7211).

(2) Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Departmental authority.

(j) *Unlawful organizations.* An employee may not advocate the violent overthrow of our constitutional form of government nor may an employee be a member of an organization that he or she knows advocates the violent overthrow of our constitutional form of government.

(k) *Patents.* Patent regulations issued by the Secretary, 43 CFR Part 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the Department. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his or her materials.

(l) *Notary.* An employee is prohibited from charging fees for performance of any notarial act for any employee of the Federal Government acting in his or her official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(m) *Penalty and franked mail and official stationery.* An employee is prohibited from using official Government envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719 and 39 U.S.C. 3201 *et seq.*). These statutory requirements prohibit employees from using Government envelopes to mail their own personal job applications.

(n) *Fraud or false statements in a Government matter.* Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly or willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both (18 U.S.C. 1001). Special attention is required in the certification of time and attendance reports, applications for employment, requests for travel reimbursement, and purchase orders and receiving forms.

(o) *Use of official title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public group activities. Use is strictly limited to those occasions and circumstances where representation is official.

(p) *Carrying of firearms.* Employees, except those specifically designated to perform enforcement, police or other official duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior. Employees who are officially stationed in parks, refuges, Indian reservations, other Tribal lands or other wilderness areas which are known to be inhabited by wild animals, are permitted, when on those lands, to carry and use firearms for personal protection as permitted by existing policy or as authorized by the park, refuge or area supervisor. Notwithstanding this paragraph, employees may carry firearms on Departmental lands under the same conditions and in accordance with procedures and authorization established for members of the general public.

(q) *Labor practices.* Employees are prohibited from striking against the Government of the United States (5 U.S.C. 7311). Additional information regarding affiliation with employee organizations is found in the Department Manual, Part 370, Chapter 711, Labor Management Relations.

Subpart C—Conflict of Interest Prohibitions

§ 20.735–20 Scope of subpart.

(a) This subpart deals with restrictions on the outside financial and other interests of employees and on outside work by employees.

(b) General conflict of interest prohibitions based on Executive Order 11222 are contained in § 20.735–21. Statutory prohibitions against conflict of interests found in Federal criminal statutes and in enabling legislation for various Departmental bureaus and programs are summarized in § 20.735–22. Restrictions on outside work are contained in § 20.735–23. The remainder of the subpart consolidates the Department's regulatory prohibitions against ownership of certain interests in areas of special Departmental responsibility: (1) Federal lands, (2) mining activity, and (3) Indians and Alaska natives.

(c) For purposes of applying the prohibitions in § 20.735–24 Interests in federal lands, § 20.735–27 Interests in mining activities, and § 20.735–28 Interests in trading with Indians, of this Subpart, the term "Office of the Secretary and other Departmental Offices reporting directly to a Secretarial Officer" means the following offices:

The Immediate Office of the Secretary
Solicitor
Inspector General
Hearings and Appeals
Congressional and Legislative Affairs
Public Affairs
Executive Secretariat
All Assistant Secretary Immediate Offices
The following offices under the Assistant Secretary—Policy, Budget and Administration
Acquisition and Property Management
Budget
Environmental Project Review
Policy Analysis
Outer Continental Shelf Program Coordination

(d) Except where otherwise indicated, the restrictions contained in this subpart apply without regard to grade level or the requirements of Subpart D for filing of financial interest statements. The individual sections of the subpart explain their applicability to special government employees.

§ 20.735–21 General conflict of interest prohibitions.

(a) This section sets out general conflict of interest restrictions which are applicable to all financial and other interests without regard to the subject matter of the particular interest involved. The restrictions are based on Executive Order 11222 and apply to both regular and special government employees. Violation of these restrictions may subject an employee to the administrative sanctions outlined in § 20.735–4. In addition, in certain instances, a conflict between an employee's outside interests and his or her duties and responsibilities may subject the employee to prosecution under Federal criminal statutes. These statutes are summarized in § 20.735–22 (a) and (b).

(b) *Definitions.* (1) "Conflict" means a situation where:

(i) An employee's public duty is or will be affected by his or her financial interest, or

(ii) An employee's financial interest is or will be affected by decisions he or she makes or operations in which he or she is involved in an official capacity.

(2) "Apparent conflict" means a situation where a member of the public would have reasonable cause to believe that an employee may be in conflict, even though he or she might not be. It is not necessary for an employee to have actually taken a Government action related to private financial interests for there to be an apparent conflict.

(3) "Direct interest" means ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest also includes membership or outside employment in a firm.

(4) "Indirect interest" means ownership of a financial interest by an employee in the name of another person where the employee still reaps the benefits. Indirect interest extends to: (i)

Holdings in a corporation that has a subsidiary whose business is related to the employees duties,

(ii) Partnership agreements,

(iii) Sole proprietary or personal relationships where the employee still reaps the benefits,

(iv) The holdings of a spouse or dependent child, and

(v) The holdings of other relatives who live in the employee's personal residence.

See 20.735–1 for definitions of "dependent child" and "personal residence".

Note.—Examples, not all-inclusive, of the types of interests that are *not* covered by the terms "direct interest" or "indirect interest" are: diversified mutual funds, vested pension plans, life insurance investments, state and municipal bonds, U.S. Savings bonds and bank, credit union or loan association savings certificates. Financial interests in other investment clubs may be approved by the appropriate ethics counselor if the club's portfolio is well diversified and independently managed by a licensed investment broker. These examples also apply to the definitions of direct and indirect interests contained in §§ 20.735–24—Interests in federal lands, 26—Interests in mining activities, and 27—Interests in trading with Indians.

(5) "Substantially" means having a significant relationship between either:

(i) The dollar value of the financial interest and the employee's specific official duties, or

(ii) The dollar value of the financial interest and the employee's general position within the Department.

"Substantially" is not measured by percentage of ownership.

Example: An employee who works as a Contracting Officer owns $5,000 worth of stock in a computer company. This employee has a significant relationship between that financial interest and the computer company if either of the following situations exist: (1) He or she is required to deal directly with or make decisions concerning the company, or

(2) He or she may potentially be required to deal with or make decisions concerning the company and it is reasonable for members of the public to perceive of such potential activity as being a conflict of interest.

In the first instance there is a substantial conflict. In the second instance there is a substantial apparent conflict. It is important to understand that for a Personnel Officer a $5,000 interest in the same computer company may not create a substantial conflict or apparent conflict but for the Contracting Officer even a $1,000 interest in that computer company may still be considered substantial.

(6) "Relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, halfsister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancee of the reporting individual.

(c) *Prohibitions.* No employee shall:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities.

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his or her Government employment.

These prohibitions apply whether or not the employee has to file a financial interest statement.

§ 20.735–22 Statutory prohibitions.

(a) The criminal statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are 18 U.S.C. 203, 205, 207, 208, and 209. In summary, a regular employee may not in accordance with these statutes: (1) Directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a Government agency in connection with a particular matter in which the United States is a party or has an interest, except as authorized by law (18 U.S.C. 203).

(2) Except in the discharge of his or her official duties, represent anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 205).

(3) Participate in his or her governmental capacity in any matter in which he or she, his or her spouse, dependent child, outside business associate, or person with whom he or she is negotiating for employment has a financial interest (18 U.S.C. 208).

(4) After his or her Government employment has ended, represent any other person (except the United States) before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a)). See § 20.735–61 for more information about this prohibition.

(5) For two years after his or her Government employment has ended, represent any other person (except the United States) before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and which was actually pending under his or her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)(i)). This temporary restraint of course gives way to the permanent restraint described in paragraph (4) above if the matter is one in which he or she participated personally and substantially for the Government. See § 20.735–61 for more information about this prohibition.

(6) Receive any salary, or supplementation of his or her Government salary, from a private source as compensation for his or her services to the Government (18 U.S.C. 209).

(b) The criminal conflict of interest statutes summarized in paragraph (a) of this section also apply, in part, to special government employees. In general a special government employee may not: (1) Except as authorized by law, directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a Government agency in connection with a particular matter in which the United States is a party or has an interest, and in which the employee has at any time participated personally and substantially or which is pending in the Department if he or she has served in the Department for at least 61 days during the preceding 365 days (18 U.S.C. 203).

(2) Except in the discharge of his or her official duties, represent anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest, and in which the employee has at any time participated personally and substantially or which is pending in the Department if he or she has served in the Department for at least 61 days during the preceding 365 days. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 205).

(3) Engage in any of the activities proscribed by paragraphs (a)(3) through (a)(5) of this section.

(c) In addition to the prohibitions that are generally applicable, the following statutory prohibitions are imposed on specific classes of employees or former employees. These prohibitions apply to

both regular and special government employees within the identified class.

(1) The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his or her office (43 U.S.C. 11). Notwithstanding this prohibition, the Secretary is authorized to sell or lease to a BLM employee, or the spouse of a BLM employee, stationed in Alaska one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska (43 U.S.C. 682a). See § 20.735–24 for prohibitions on interests in Federal lands by employees of the Department generally.

(2) Neither the Director nor any member of the Bureau of Mines, in conducting inquiries and investigations authorized under 30 U.S.C. 1, 3, and 5 to 7 shall have any personal or private interest in any mine or the products of any mine under investigation, nor shall accept employment from any private party for services in the examination of any mine or private mineral property or issue any report as to the valuation or the management of any mine or other private mineral property (30 U.S.C. 6). See § 20.735–27 for prohibitions on ownership of mining interests by employees generally.

(3) "The Director and members of the Geologic Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations." Members of the Geological Survey are prohibited from holding any personal or private interests, direct or indirect, in lands whose title is in the United States. They are also prohibited from holding personal or private interests, direct or indirect, in the mineral wealth of such lands (43 U.S.C. 31(a)). See § 20. 735–24 for prohibitions on interests in Federal lands and resources by employees of the Department generally.

(4) No person employed in Indian Affairs shall have any interest or concern in any trade with the Indians. See § 20.375–28 for prohibitions and exceptions concerning trade with Indians. Any person violating this prohibition shall be liable to a penalty of $5,000, imprisoned not more than six months, or both and shall be removed from his or her office. (Sec. 1, Pub. L. 96–277, 94 Stat. 544.)

(5) No employee of the Office of Surface Mining Reclamation and Enforcement and no other federal employee who performs functions or duties under the Surface Mining Control and Reclamation Act shall have any direct or indirect financial interest in surface or underground coal mining operations (30 U.S.C. 1211(f)). Regulations implementing this prohibition are found in 30 CFR Part 706 and in § 20.735–26 of this part.

(6) For two years after his or her Government employment has ended, no former Senior Employee may assist, by personal appearance, in the representation of any other person (except the United States) in connection with an appearance before the Government on any particular matter in which the United States is a party or has an interest and in which he or she participated personally and substantially (18 U.S.C. 207(b)(ii)). For purpose of this prohibition and the prohibition in paragraph (7) below, the term "Senior Employee" is defined in § 20.735–61(a)(5) and 5 CFR 737.25. See § 20.735–61 and 5 CFR Part 737 for more information on this prohibition.

(7) For one year after his or her Government employment has ended, no former Senior Employee of the Department of the Interior may represent himself or herself or anyone other than the United States in appearing before or attempting to influence the Department on a matter pending before, or of substantial interest to, the Department (18 U.S.C. 207(c)). See § 20.735–61 and 5 CFR Part 737 for more information about this prohibition.

(8) An employee appointed to a grade GS–16 or higher non-judicial fulltime position by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income, including honorariums, attributable to such calendar year which is in excess of 15 percent of his or her salary (Pub. L. 95–521, § 210, 92 Stat. 1850).

(d) No partner of a regular or special government employee of the Department may represent anyone other than the United States before a Government agency or court in connection with a particular matter in which the United States is a party or has an interest and in which such employee participates or has participated personally and substantially, or which is the subject of his or her official responsibility (18 U.S.C. 207(g)).

§ 20.735–23 Outside work and interests.

(a) *Definitions.* (1) "Outside Work" means all gainful employment other than the performance of official duties, including, but not limited to, self-employment, working for another employer, the management or operation of a private business for profit (including personally-owned businesses, partnerships, corporations, and other business entities).

(2) "Outside activity" means outside work, lectures, consultations, discussions, writings, appearances and other similar activities.

(3) "Active proprietary management" means an outside work business affiliation in which ownership is coupled with responsibility for day-to-day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

(b) *General policies and prohibitions.* (1) Outside work is permitted to the extent that it does not prevent a regular employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the department or create a conflict or apparent conflict between the private interests of a regular or special government employee and the employee's official responsibilites. A regular or special government employee's outside work shall not reflect discredit on the United States or the Department.

(2) Active proprietary management by a regular employee of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their ethics counselors before committing themselves to such activities.

(3) Outside work or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of a regular or special government employee's Government employment is prohibited. Incompatible activities include but are not limited to outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest falls into this category. In this connection, it is not necessary that there be an actual conflict of interest before applying this policy. The fact that the general public could logically perceive a conflict of interest is enough for a determination that the work or activity be prohibited.

(c) *Specific regulatory prohibitions applicable to regular employees.* (1) A

regular employee shall not perform outside work or outside activity which:
(i) Is of such a nature that it may be reasonably construed by the public to be the official act of the Department.
(ii) Involves the use of Government facilities, equipment, and supplies which are not routinely available to the public for similar use.
(iii) Involves the use of official information not available to the public.
(iv) Involves outside work of a sensitive nature for a person or enterprise that has or is seeking to obtain contractual or other business or financial relations with the employee's bureau.
(v) Involves outside work of a sensitive nature for a person or enterprise that conducts operations or activities that are regulated by the Department, or
(vi) Involves a person or enterprise that has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

Note.—"Sensitive nature" means a job the duties and responsibilities of which (i) require or authorize the individual to formulate, determine, or influence the policies of the organization or (ii) create a substantial appearance of conflict of interest, or

(2) While a regular employee is not prohibited from performing outside work or other outside activity solely because the work is of the same general nature as the work he or she performs for the Department such an employee may not perform outside work if: (i) The work that the employee would be expected to do is substantively the same as that required by his or her regular duties; or
(ii) The work involves active proprietary management of a business closely related to the official work of the employee; or
(iii) The work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.
(3) Regular Bureau of Land Management employees are prohibited from working as real estate agents and realty specialists and appraisers employed in Indian Affairs are prohibited from working as real estate agents or appraisers. Such employees, however are not required to cancel a real estate license, but, rather, may maintain the license on an inactive basis.
(4) A regular employee shall not use his or her Government employment to influence or coerce, or give the appearance of influencing or coercing, a person to provide financial benefit to the employee or another person with whom he or she has family, business or financial ties.
(5) A regular employee shall not be granted leave without pay to engage in outside work or other outside activity unless granting such leave is done in accordance with and in consideration of civil service rules and regulations governing leave without pay.
(d) *Specific regulatory prohibitions applicable to special government employees.* (1) A special government employee shall not perform outside work or outside activity which:
(i) Is of such a nature that it may be reasonably construed by the public to be the official act of the Department,
(ii) Involves the use of Government facilities, equipment, and supplies which are not routinely available to the public for similar use,
(iii) Involves the use of official information not available to the public, or
(iv) Involves a person or enterprise that has interests that may be substantially affected by the performance or non-performance of the employee's official duties.
(2) While a special government employee is not prohibited from performing outside work or other outside activity solely because the work is the same general nature as the work he or she performs for the Department, such an employee may not perform outside work if: (i) The work is such that the employee would be expected to do it as a part of his or her regular duties; or
(ii) The work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.
(3) A special government employee shall not use his or her Government employment to influence or coerce, or give the appearance of influencing or coercing, a person to provide financial benefit to the employee or another person with whom he or she has family, business or financial ties.
(e) *Statutory restrictions related specifically to outside work and activity.* (1) A regular employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This statute does not apply to a regular employee serving without compensation, nor does it prevent an employee from: (i) Continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit sharing, stock bonus or other employee welfare or benefit plan maintained by a former employer;

Note.—Continued participation in stock options or profit sharing benefit plans maintained by a former employer may be prohibited by other statutory requirements, or

(ii) Accepting contributions, awards, or other expenses under 5 U.S.C. 4111 as amended by Pub. L. 96–54, 93 Stat. 381; or
(iii) Accepting payment by his or her former private employer of actual relocation expenses incident to participation in an executive exchange or fellowship program in the Department, provided that such program has been established by statute or Executive Order, offers appointments not to exceed 365 days, and permits no extensions in excess of 90 additional days.

(2) A regular or special Bureau of Mines employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration (30 U.S.C. 6).

(3) A regular or special Geological Survey employee may not work on any surveys or examinations for private parties or corporations with or without remuneration (43 U.S.C. 31(a)).

(4) An employee appointed to a grade GS–16 or higher non-judicial full-time position by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income, including honorariums, attributable to such calendar year which is in excess of 15 percent of his or her salary (Pub. L. 95–521, § 210, 92 Stat. 1850). See § 20.735–11 for more information on honorariums.

(f) *Exceptions.* This section does not preclude an employee from: (1) Participation in the activities of national or state political parties which are not otherwise prohibited by law. (See § 20.735–15)

(2) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(g) *Notification requirements.* (1) Except for U.S. Mineral Surveyors, a regular or special government employee engaged in outside work shall report that work to his or her immediate supervisor if the work is to be performed frequently or on a standardized schedule.

(2) Each report shall contain: (i) A description of the outside work,
(ii) An estimate of the number of hours per week spent engaged in the outside work, and
(iii) A statement of the employee's opinion of any apparent or potential

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conflict of interest between the work and his or her official duties.

(3) Each report shall be reviewed by the employee's supervisor and a determination shall be made by the supervisor whether there is compliance with the regulations in this section. Supervisors may seek the assistance of the appropriate ethics counselors in arriving at a determination. Reports revealing potential problems should be sent to the *bureau* deputy ethics counselor for review. Each bureau Deputy Ethics Counselor shall:

(i) Maintain a file of each report for the duration of an individual's employment with the Department or until the employee notifies the counselor or supervisor in writing that the outside work has ended.

(ii) Take remedial action to correct any situations, which violate the policies, prohibitions or restrictions in this section.

(h) *Requests for approval or guidance* (1) Bureaus may require employees to obtain approval to engage in outside work by issuing supplementary requirements.

(2) Employees who are uncertain about the propriety of a potential outside work or outside activity situation should seek guidance from their appropriate Ethics or Deputy Ethics Counselor prior to engaging in outside work or activity.

§ 20.735–24 Interests in Federal lands

(a) *Definitions.* (1) "Federal lands" means lands or resources or an interest in lands or resources administered or controlled by the Department of the Interior, including, but not limited to, the Outer Continental Shelf.

(2) "Outer Continental Shelf" means all submerged lands lying seaward outside of the area of "lands beneath navigable waters" as defined in 43 U.S.C. 1301(a), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(3) "Direct interest in federal lands" means any ownership or part ownership in federal lands or any participation in the earnings therefrom, or the right to occupy or use the property or to take any benefits therefrom, based upon a lease, permit, easement, rental agreement, or application, or upon any formal or informal contract with a person who has such an interest. Direct interest in federal lands also includes: (i) Membership or outside employment in a firm which has such an interest, and

(ii) Ownership of stock or other securities in a corporation which has interests in federal lands.

(4) "Indirect interest in federal lands" means ownership or part ownership of an interest by an employee in the name of another where the employee still reaps the benefits. Indirect interest in federal lands also includes: (i) Holdings in a corporation that has a subsidiary with lease, contract, other use permit or financial interests in federal lands, and

(ii) Holdings in land, mineral rights, grazing rights or livestock which in any manner is connected with or involves the use of the resources or facilities of the federal lands, and (iii) the holdings of a spouse or dependent child.

Refer to Note in 20.735–21(b)(4) for examples of the kinds of interests that are not covered.

(b) *Prohibitions.* (1) The Director and members of the U.S. Geological Survey and of the Bureau of Land Management are prohibited from: (i) Voluntarily acquiring a direct or indirect interest in federal lands; or

(ii) Retaining an interest in federal lands acquired voluntarily or by any other method, before or during employment by the Department.

(2) The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer, who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1), are prohibited from: (i) Voluntarily acquiring a direct or indirect interest in federal lands,

(ii) Retaining an interest in federal lands acquired voluntarily or by any other method before or during employment by the Department. *See 20735–20(c) for the definition of Office of the Secretary and other Departmental Offices.*

(3) All employees not identified in § 20.735–24(b) (1) and (2) are prohibited from acquiring or retaining any claim, permit, lease, small tract entries, or other rights in federal lands either in their own name or in the name of their spouse, dependent child, or solely-owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735–24(e). Also, such employees may purchase or retain stocks or securities traded on the open market in companies having interests in federal lands, provided that such acquisition will not interfere or appear to interfere with the proper and impartial performance of their official duties.

(4) No employee whose duties are connected in any way with federal lands, may hold a direct or indirect financial interest in federal lands that conflicts substantially or appears to conflict substantially with his or her Government duties or responsibilities.

(c) The prohibitions of this section apply to both regular and special government employees.

(d) *Exceptions.* (1) A Bureau of Land Management employee (or the spouse of a Bureau of Land Management employee) stationed in Alaska, may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in that state.

(2) Except for U.S. Mineral surveyors an individual employed on an intermittent or seasonal basis for a period not exceeding 180 working days in each calendar year, and a special government employee engaged in field work relating to land, range, forest, and mineral conservation and management activities, and the spouse of such an individual shall not be precluded from retaining any interest, including renewal or continuation of existing rights, in federal lands, provided that such an individual or his or her spouse shall not acquire any additional interest in federal lands during employment.

(3) An employee or any member of an employee's family may acquire wild free-roaming horses or burros from federal lands for maintenance and protection through a cooperative agreement entered into in accordance with 43 CFR 4740.e and 4740.4–2.

(4) Nothing in this section shall prohibit the recreational or other personal and noncommercial use of the federal lands by an employee, the employee's spouse or minor child, on the same terms as use of the federal lands is available to the general public.

(e) *Waivers.* (1) The Designated Agency Ethics Official may approve the retention of an interest in federal lands for employees identified in § 20.735–24(b) when there is little or no relationship between the employee's functions or duties and the particular interest in federal lands and: (i) The employee, or the spouse, minor child or relative of the employee, acquired such an interest by gift, devise, bequest, or operation of law, or

(ii) The employee, or the spouse, minor child or relative of the employee, acquired such an interest prior to the time the employee entered on duty in the Department, or

(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship.

(2) No waiver is needed for holding an interest consistent with paragraph (d) of this section.

(3) Each request for waiver must consist of: (i) A written request submitted to the Department Ethics Counselor within 90 days from the effective date of these regulations or

within 60 days of employment by the Department or acquisition of the holding,

(ii) A full and complete disclosure of the interest in federal lands,

(iii) A disclosure of the date and manner of acquisition (evidence to support this information may be required),

(iv) An explanation of why denial of the right to retain such interests will work a hardship upon the employee, and

(v) An opinion explaining why retention of the interest will not be contrary to the interests of the Department.

(4) Waivers for U.S. Geological Survey and Bureau of Land Management employees shall not be permitted where retention of the interest violates 43 U.S.C. 31(a) or 43 U.S.C. 11, respectively.

(f) *Advisory councils.* Nothing contained in this section shall disqualify individuals appointed pursuant to the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1739, as members of advisory boards or councils from acquiring or retaining grazing licenses or permits issued pursuant to Section 3 of the Taylor Grazing Act (43 U.S.C. 315b), or any other interest in land or resources administered by the Bureau of Land Management: Provided, that in no case shall the member of any such board or council participate in any advice or recommendation concerning such license or permit in which such member is directly or indirectly interested.

(g) *Requests for advice.* When an employee is in doubt as to whether the acquisition or retention of any interest in lands or resources administered by the Department would violate the provisions of this section, a statement of the facts should be submitted promptly by the individual involved to his or her Ethics Counselor for transmittal to the Designated Agency Ethics Official for guidance.

§ 20.735–26 Interests in underground or surface coal mining operations.

(a) *Definitions.* (1) "Direct financial interest in underground or surface coal mining operations" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests also include employment, pensions, creditor, real property and other financial relationships.

(2) "Indirect financial interest in underground or surface coal mining operations" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests including interests held by his or her spouse, dependent child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, dependent children or other resident relatives hold a financial interest.

Refer to Note in § 20.735–21(b)(4) for examples of the kinds of interests that are not covered.

(3) "Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite or lignite or of reclaiming the areas upon which such activities occur.

(4) "Performing any function or duty under the Surface Mining Control and Reclamation Act of 1977" means those decisions or actions, which if performed or not performed by an employee, affect the programs under that Act.

(b) *Prohibitions.* (1) Neither the Director nor any member of the Office of Surface Mining Reclamation and Enforcement shall have a direct or indirect financial interest in underground or surface coal mining operations. The Assistant Secretary—Energy and Minerals, her or his staff, and no other employee performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1200 *et seq.*) shall have a direct or indirect financial interest in underground or surface coal mining operations. Section 201(f) of the Act provides that anyone who knowingly violates these prohibitions shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both.

(2) No other employee whose duties are connected in any way with coal mining activities may hold a direct or indirect financial interest in underground or surface coal mining operations or in mining enterprises conducting coal mining activities, when that financial interest conflicts substantially or appears to conflict substantially with his or her government duties or responsibilities (Executive Order 11222).

(c) The prohibitions of this section apply to both regular and special government employees.

(d) Employees are encouraged to review regulations contained in 30 CFR Part 706 which pertain to the prohibitions of this section.

§ 20.735–27 Interests in mining activities.

(a) *Definitions.* (1) "Direct interest in mining activities" means ownership or part ownership in mining activities or any participation in the earnings therefrom or the right to take any benefits therefrom based upon lease, permit, rental agreement, application, or upon any formal or informal contract with a person who has such an interest. Direct interest also includes: (i) Membership or outside employment in a firm which has such an interest,

(ii) Ownership of stock or other securities in a corporation which has interests in mining activities, and

(iii) The holdings of a spouse or child.

(2) "Indirect interest in mining activities" means ownership or part ownership of an interest in mining activities by an employee in the name of another person where the employee still reaps the benefits. Indirect interest in mining activities also includes: (i) Holdings in a corporation that has a subsidiary with financial interests in mining activities,

(ii) Holdings in lands or rights which in any manner are connected with mining activities, and (iii) The holdings of a spouse or dependent child.

Refer to Note § 20.735–21(b)(4) for examples of the kinds of interests that are not covered.

(3) "Mining activities" means any mining operations which: (i) Involve exploration, development, or extraction of oil, gas, coal or other minerals, or reclamation of lands after extraction, and

(ii) Are or will be affected by programs, policies, research or other actions initiated by this Department.

(4) "Investigation" means inquiries, scientific and technological research, tests and other activities conducted under provisions in 30 U.S.C. 1, 3, and 5 to 7.

(5) "Mine or products of any mine" means the specific mine or products of the specific mine under investigation and does not include other mines or the products of other mines owned by a company or other entity that are not under investigation.

(6) "Inside information" means Government information that is not available to members of the public upon request or through libraries.

(7) "Private mining enterprise" means any business organization involved in mining activities.

(b) *Prohibitions.* (1) Neither the Director nor any member of the Bureau of Mines shall: (i) Have any personal or private interest in any mine or the

products of any mine under investigation;

(ii) Accept employment from any private party for services in the examination of any mine or private mineral property;

(iii) Issue any report as to the valuation or the management of any mine or other private mineral property; or

(iv) Use inside information obtained in the collection of mineral or energy resources statistics for private gain.

(2) Neither the Director nor any member of the Geological Survey shall hold substantial personal or private interests, direct or indirect, in any private mining activities in the United States. The Director of Geological Survey may authorize exceptions to this restriction for cause on an individual basis.

(3) The Secretary and employees of the Office of the Secretary and other Departmental offices reporting directly to a Secretarial officer who are in merit pay positions described in 5 U.S.C. 5401(b)(1) are prohibited from: (i) Having any personal or private interest in any mine or the products of any mine under investigation by Bureau of Mines employees;

(ii) Accepting employment from any private party for services in the examination of any mine or private mineral property;

(iii) Issuing any report as to the valuation or the management of any mine or other private mineral property; and

(iv) Using inside information obtained in the collection of mineral or energy resources statistics for private gain.

See § 20.735–20(c) for the definition of Office of the Secretary and Other Departmental Offices.

(4) No employee whose duties are connected in any way with mining activities may hold a direct or indirect interest in a mining activity or in a mining enterprise conducting mining activities when that interest conflicts substantially or appears to conflict substantially with his or her government duties or responsibilities. This prohibition derives from Executive Order 11222 and therefore applies to the interests of a spouse, dependent child or other relative who lives in the employee's home.

(c) The prohibitions of this section apply to both regular and special government employees.

(d) The Bureau of Mines may temporarily employ in a consulting capacity or in the investigation of special subjects, any engineer or other expert whose principal professional practice is outside of employment by the Bureau of Mines as permitted in 30 U.S.C. 6.

(e) *Waivers.* (1) The Designated Agency Ethics Official may approve the retention of an interest in mining activities for employees identified in § 20.735–27(b) when there is little or no relationship between the employees functions or duties and the particular interest in mining activities, and: (i) The employee or the spouse, dependent child or relative of the employee acquired such an interest by gift, devise, bequest, or by operation of law, or

(ii) The employee or the spouse, dependent child or relative of the employee acquired such an interest prior to the time the employee entered on duty in the Department, or

(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship, and when

(2) Each request for waiver must consist of: (i) A written request submitted to the Designated Agency Ethics Official within 90 days from the effective date of these regulations or within 60 days of employment by the Department or acquisition of the holding,

(ii) A full and complete disclosure of the interest in mining activities,

(iii) A disclosure of the date and manner of acquisition (evidence to support this information may be required),

(iv) An explanation of why denial of the right to retain such interests will work a hardship upon the employee, and

(v) An opinion explaining why retention of the interest will not be contrary to the interest of the Department.

(3) Waivers shall not be applicable to cases where retention of the interest violates a statutory prohibition.

§ 20.735–28 Interests in trading with Indians.

(a) *Definitions.* For the purposes of this section,

(1) "Trade" means buying, selling, or bartering services, commodities or property with or without the use of money; and

(2) "Indian" means any member of an Indian tribe recognized as eligible for the services provided by the Bureau of Indian Affairs who is residing on a Federal Indian Reservation, on land held in trust by the United States for Indians, or on land subject to a restriction against alienation imposed by the United States. The term shall also include any such tribe and any Indian owned or controlled organization located on such a reservation or land.

(b) *Prohibitions.* No employee in Indian Affairs shall: (1) Have (other than as a lawful representative of the United States) any interest, in his or her own name, or in the name of another person where such employee benefits or appears to benefit from such interest—

(i) In any contract made or under negotiation with any Indian, for the purchase, transportation, or delivery of goods or supplies for any Indian, or

(ii) in any purchase or sale of any service of real or personal property (or any interest therein) from or to any Indian, or colludes with any person attempting to obtain any such contract, purchase, or sale.

(2) Make any purchase from or sale to an Indian of any real or personal property (or any interest therein) for the purpose of commercially selling, reselling, trading, or bartering such property; or

(3) Have any interest in any purchase or sale involving property or funds which are either held in trust by the United States for Indians or which are purchased, sold, utilized, or received in connection with a contract or grant to an Indian from the Bureau of Indian Affairs or the Indian Health Service, if such officer, employee, or agent is employed in the office or installation of such Bureau or Service which recommends, approves, executes, or administers such transaction, grant, or contract on behalf of the United States except as authorized by 18 U.S.C. 437(b)(2)(B), as amended by Sec. 1, Pub. L. 96–277, 94 Stat. 544.

(4) Acquire any interest in property held in trust, or subject to restriction against alienation imposed, by the United States unless the conveyance or granting of such interest in such property is otherwise authorized by law.

(c) *Extension of the prohibitions.* (1) The prohibitions in § 20.735–28(b) shall apply to the Secretary and employees of the Office of the Secretary and Other Departmental Offices reporting directly to a Secretarial officer who are in merit pay positions as described in 5 U.S.C. 5401(b)(1). *See § 20.735–20(c) for the definition of Office of the Secretary and Other Departmental Offices.*

(2) The Designated Agency Ethics Official may grant a waiver to such employees when denial of the right to trade with Indians will work a hardship upon the employee, and for other good cause.

(d) The prohibitions of this section apply to both regular and special government employees covered by § 20.735–28 (b) and (c).

(e) *Exceptions.* (1) Nothing contained in this section shall be construed as

preventing any employee in Indian Affairs who is an Indian, of whatever degree of Indian blood, from obtaining or receiving any benefit or benefits made available to Indians generally or to any member of his or her particular tribe, under any Act of Congress, nor to prevent any such employee who is an Indian from being a member of or receiving benefits by reason of his or her membership in any Indian tribe, corporation, or cooperative association organized by Indians, when authorized under such rules and regulations as the Secretary or his designee shall prescribe.

(2) Employees in Indian Affairs, the Office of the Secretary and Other Departmental Offices may be permitted to trade with Indians or Indian organizations under rules or regulations prescribed by the President or his designee.

(f) *Penalties.* In addition to divestiture or disciplinary action, any person employed in Indian Affairs who violates the prohibitions contained in § 20.735–28(b) shall be liable to a penalty of $5,000 or imprisoned not more than six months or both, and shall be removed from his or her office notwithstanding any other provision of law concerning termination from Federal employment.

§ 20.735–29 Indian and Alaska Native organizations.

(a) *Definition.* The term "representative" means the occupant of an elective or other position in official governing body of the tribe, band, pueblo or corporation, or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

(b) *General restrictions.* Under the authority granted by 25 U.S.C. 472, the Secretary has determined that Indian and Alaska Native employees, whether regular or special government employees, are subject to the provisions of this part.

(c) *Interest in tribal affairs.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs, are members of federally-recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. By law and policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and the Bureau is continually pursuing the policy of Indian Self-determination. In recognition of these factors, membership in an Indian tribe, band or pueblo which receives services from Interior, or ownership of interests in an Indian corporation established under the Indian Reorganization Act or Alaska Native corporation established under the Alaska Native Claims Settlement Act, shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) No person employed in Indian Affairs may hold a position on a tribal election board or on a tribal school board which oversees Bureau of Indian Affairs schools. Except for membership on a tribal election board and a tribal school board which oversees Bureau schools, an eligible person employed in Indian Affairs may, with the approval of the Deputy Assistant Secretary—Indian Affairs, become a candidate for office in his or her local tribe or may be appointed as a representative of his or her local tribe, if in the Deputy Assistant Secretary's judgment no real or apparent conflict of interest is created. *See § 20.735–21(b) for definitions of real and apparent conflict of interest.* Requests will be handled on a case-by-case basis and, if approved, will require that such duties be carried out while on: (i) Off duty hours,

(ii) Leave without pay,

(iii) Administrative leave, or

(iv) An Intergovernmental Personnel Act assignment.

If service is provided to a tribe or Alaska Native Corporation in accordance with these special conditions, the employee may not thereafter, if the tribal organization with which he or she served is within the jurisdiction or area of responsibility of the office to which the employee is assigned, participate in his or her governmental capacity in a decision or recommendation involving a particular matter in which he or she participated while serving the tribal organization. It is the duty of the employee to identify to his or her supervisor the extent of participation in tribal matters and to request, when appropriate, to be relieved from acting on such matters in his governmental capacity.

(2) An Indian or Alaska Native may hold in the Bureau of Indian Affairs a policy or decisionmaking position, as defined in the Bureau of Indian Affairs Manual Part 735, on his or her home reservation, Area Office, or in the Central Office, with approval of the Deputy Assistant Secretary—Indian Affairs when the following conditions are met: (i) During tenure the employee does not lease land more than $500 in value per year from the tribe or Alaska Native corporation for his or her personal benefit. The Deputy Assistant Secretary—Indian Affairs may authorize exceptions from the $500 limitation on an individual basis for cause;

(ii) There is divestiture of any tribal financial interest (as well as any personal outside financial interest) that creates an apparent or actual conflict situation, unless such divestiture is precluded by law or the Deputy Assistant Secretary—Indian Affairs determines that factors, such as, but not limited to, tribal custom or severe financial hardship, provide a basis for authorizing an individual exception;

(iii) Acquisition of Indian lands is limited to five (5) acres or less during tenure in office and may be further restricted to no acquisition of Indian lands if the employee presently holds any Indian lands;

(iv) Acquisition of any loans or grants through the tribal governing body is prohibited during tenure in office by the employee, spouse, dependent children or other relatives residing in the employee's home. As an exception, loans or grants are not prohibited for Higher Education and Adult Vocational Training programs;

(v) Any personal indebtedness to the tribal governing body is settled in full prior to appointment. The Appointing Office many grant extensions not to exceed 90 days after appointment; and

(vi) Any other specific conflict is satisfactorily resolved.

(3) An Indian or Alaska Native employee shall not make nor participate in a substantial manner in any decision of the Department if he or she has a private direct interest, as defined in § 20.735–21, in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department which does not have such private direct interest in an appropriate form but without recommendation by the employee having a direct private interest.

(4) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department, except employees or consultants who are members of boards or other organizations which have as a principal purpose consultation with the

Department related to Indians and Alaska Natives.

(d) *Special conditions for Bureau of Indian Affairs employees.* Approval may not be granted to Bureau of Indian Affairs employees to serve in a key decisionmaking role at their home agency or area office if a close relative or family member holds an elected position with any tribe under the jurisdiction of the home agency or area office. For the purpose of this condition, family members are defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Subpart D—Financial Reporting Requirements

§ 20.735–30 Executive order filing requirements.

(a) *General information.* By provisions contained in Executive Order 11222 and implementing civil service regulations in 5 CFR 735.401, the Department has a responsibility to obtain financial interest statements from certain employees, to review those statements and to determine if, on the basis of the information provided, there is a conflict or an apparent conflict of interest with an individual's official duties. Any employee required to file any statement of employment and financial interests under this subpart shall be given an opportunity for review through the Department's appeal procedures (§ 20.735–43) as to whether his or her position has been properly designated as one to which the filing requirement attaches.

(b) *Who shall file.* (1) All regular employees who occupy a position designated as GS (or GM)–15.

(2) Presidential Interchange Executives and other employees on loan to the Department from industry or other non-government agencies.

(3) Special Government employees as provided in Subpart F of this part.

(4) Regular employees on temporary assignment or detail to the Department or within the Department.

(i) In some instances, temporary assignments or details will involve employees in policy or decisionmaking situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in Appendix C to these regulations, or because the bureau head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for interests which conflict or might conflict with the employee's new duties. Each bureau is responsible for implementing this paragraph.

(iii) Employees assigned or detailed for 30 days or less are exempt from the filing requirement.

(5) Each regular employee whose position is listed in Appendix C to this part. The head of each bureau will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Designated Agency Ethics Official by no later than October 31 of each year. The Secretary may revise Appendix C by the addition or deletion of positions at any time he or she determines such revisions are required to carry out the purpose of statute, the Executive Order, Office of Personnel Management regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents. Appendix C shall be submitted annually for publication within the Department. Copies of Appendix C shall be available from the Designated Agency Ethics Official. Positions shall be included in Appendix C pursuant to the following criteria: (i) Positions designated as GS (or GM)–13 or GS (or GM)–14 (or comparable pay level) with duties and responsibilities which require making a Government decision or taking a Government action which could result in a direct conflict of interest. Examples (not all-inclusive) of such duties are: (A) Contracting and procurement.

(B) Administering or monitoring grants, loans or subsidies.

(C) Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.

(D) Regulating, auditing, or inspecting a private or other non-Federal enterprise.

(E) Recommending policy for private or other non-Federal enterprise.

(F) Sitting on special committees that may influence policies on a private or other non-Federal enterprise.

(G) Appraising or acquiring real estate for the Government.

(H) Enforcing Federal laws.

(I) Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(ii) Positions designated as GS (or GM)–13 or GS (or GM)–14 (or comparable pay level) with the duties and responsibilities which may result in actions that create an apparent conflict of interest. Examples (not all-inclusive) of such duties are: (A) Participation in the decisionmaking process on matters that may affect a private or other non-Federal enterprise.

(B) Planning or developing activities that may affect a private or other non-Federal enterprise.

(C) Reviewing results of program operations or administration.

(D) Meeting with public media personnel or preparing and disseminating public information.

(E) Supervising others who must file employment and financial interest statements.

(F) Analyzing or reviewing economic data relating to or of potential value to a non-Federal enterprise.

(G) Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(iii) Positions classified at GS–12 or below which have the approval of the Office of Personnel Management and meet one or more of the following criteria: (A) Have duties similar to those of a GS (or GM)–13 in the same occupation and in those areas of responsibility where a significant potential for conflict of interest exists.

(B) Require a minimum of supervision either because the nature of the job is similar to a GS or GM–13 or because of remote location in performing such a job.

(C) Involve the making of Government decision that directly affects the economic interests of any private or other non-Federal enterprise.

(D) Provide the opportunity to influence Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(c) *When to file.* The Ethics Counselors shall notify each employee covered by this section and furnish the necessary form or forms to the employee by December 15 of each year. The employee shall file a completed statement of employment and financial interest with the appropriate Ethics Counselor: (1) By no later than February

1 of each year showing holdings and interests for the prior calendar year; or

(2) Within thirty days after notification that some recent action on his or her position now requires the submission of a statement; or

(3) At the time of entrance on duty if a new employee. Persons transferring between bureaus will be treated as new employees.

(4) Nothing in these regulations shall prevent a potential employee from volunatarily filing a financial interest statement in order to determine if their financial interests will create a conflict of interest with the job they are seeking. Statements voluntarily filed before entrance on duty shall be reviewed immediately, shall not be copied and shall be returned to the potential employee within 1 week.

(d) *What to report.* An employee required to report under the Executive Order shall file a statement listing: (1) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational institutions in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have: (i) A continuing financial interest through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(ii) Any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts;

(2) Interests in real property or rights in lands in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have an interest, other than property which the employee occupies as a personal residence;

(3) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with which the employee is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant;

(4) The names of the employee's creditors, other than those to whom the employee is indebted by reason of a mortgage on property which is occupied as his or her personal residence or to whom he or she is indebted for current and ordinary household and living expenses; and

(5) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans.

(e) *What not to report.* An employee is not required to report any connection with, or interest in: (1) A professional society;

(2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests;

(3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

(4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(f) *Access to Executive Order Statements.* Each statement of employment and financial interests filed pursuant to Executive Order 11222 is a confidential document and shall be held in confidence and marked "For Official Use Only". The statement shall be transmitted in a special attention envelope so marked by the employee to the ethics counselor designated in paragraph (d) of this section.

(1) Ethics counselors shall maintain statements in strict confidence. Statements shall be kept in locked filing cabinets in locked offices. A privacy act warning notice shall be displayed in the office where statements are filed.

(2) Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities under law.

(3) Confidential statements of employment and financial interests will be retained by the ethics counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be notified when the review has been completed.

(g) *Penalty.* An employee who fails to comply with these filing requirements shall be subject to disciplinary action, as provided in § 20.735–4.

(h) *Retention and disposal of statements.* All statements shall be destroyed two years after an employee leaves a position in which a statement is required.

§ 20.735–31 Ethics in Government Act filing requirements.

(a) *General information and definitions.* Title II of the Ethics in Government Act of 1978, Pub. L. 95–521, 92 Stat. 1824, as amended, sets forth new public financial disclosure filing requirements for certain Executive Branch personnel, and new requirements for making reports available to the public. This section supplements and summarizes portions of the regulations issued by the Office of Government Ethics to implement the financial reporting requirements in Title II of the Ethics in Government Act. See 5 CFR Part 734.

(1) "Designated agency official" means the Designated Agency Ethics Official.

(2) "Income" means gross income from whatever source derived and includes items whether or not taxable for Federal income tax purposes, such as interest on municipal bonds.

(3) "Reporting individual" means those individuals obliged to file the public financial disclosure information required by Title II of the Ethics in Government Act of 1978. Such individuals are identified in § 20.735–31(b).

(4) "Relative" is defined in § 20.735–21(b)(6).

(5) "Gift" means a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, but does not include: (i) Bequest and other forms of inheritance;

(ii) Suitable mementos of a function honoring the reporting individual;

(iii) Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

(iv) Food and beverages consumed at banquets, receptions, or similar events; or

(v) Communications to the offices of a reporting individual including subscriptions to newspapers and periodicals.

(6) "Honorarium" means a payment of money or anything of value received by an employee as consideration for an appearance, speech, article or consultation when such money is accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. Excluded for purposes of this paragraph are any payments of actual and necessary travel and subsistence expenses for an employee and spouse or aide of the employee and any amounts paid or incurred for any agent's fees or commissions.

(7) "Dependent Child" is defined in § 20.735–1(14).

(8) "Personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family, or on property or facilities owned or rented by that individual or his family.

(9) "Personal residence" is defined in § 20.735.1(15).

(10) "Value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual. In the case of any interest in property, such estimation shall be made in accordance with the principles of 5 CFR 734.303(a).

(11) "Reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are: (i) Provided by the United States Government;

(ii) Required to be reported by the reporting individual under 5 U.S.C. 7342; or

(iii) Required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).

(b) *Who shall file.* (1) Each employee of the Department whose position is classified at GS–16 or above of the General Schedule or whose rate of basic pay is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16 (Step 1).

(2) Each employee appointed to an Administrative Law Judge position pursuant to 5 U.S.C. 3105.

(3) Each employee, regardless of grade or pay level, who is in a position in the Department which is excepted from the competitive service by reason of being of a confidential or policymaking character.

(i) An exclusion is available for a person in any such position classified below GS–16 (or at a rate of basic pay which is less than the minimum rate of basic pay fixed for GS–16) who has no role in advising or making policy determinations with respect to agency programs or policies. Such persons may include chauffeurs, private secretaries, stenographers and those who hold positions of similar nature where consistent with the basic criteria.

(ii) The exclusion of any person pursuant to this subparagraph will be effective as of the time the Designated Agency Ethics Official files with the Office of Government Ethics a list and description of each position for which exclusion is sought, as well as the identity of its current occupant. The exclusion applies for one year.

(iii) Such a list shall be updated annually and sent by Bureau Ethics Counselors to the Designated Agency Ethics Official by October 31 of each year. In the event that the Office of Government Ethics finds that one or more positions has been improperly excluded, it will so advise the Designated Agency Ethics Official and set a date for the filing of the report.

(4) The Designated Agency Ethics Official and the Deputy Agency Ethics Official.

(5) Each employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification to GS–16.

(6) The filing provisions shall not apply to an individual who, as determined by the Director, Office of Government Ethics, is not reasonably expected to perform the duties of his or her office or position for more than 60 days in a calendar year, except that if such individual performs the duties of his or her office or position for more than 60 days in a calendar year: (i) The SF–278 report shall be filed within fifteen calendar days after the sixty-first day of such performance, and

(ii) The SF–278 report shall be filed as provided in § 20.735–31(c)(3).

(7) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement for an individual who is expected to perform or has performed the duties of his or her office or position less than 130 days in a calendar year, but only if the Director determines that: (i) Such individual is not a full time employee,

(ii) Such individual is able to provide services specially needed by the Government,

(iii) It is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(iv) Public financial disclosure by such individual is not necessary in the circumstances.

The procedures for requesting such a waiver appear in 5 CFR 734.205(b).

(c) *When to file.* (1) Within thirty days of assuming a position as described in § 20.735–31(b), an individual shall file a Standard Form 278 unless the individual has left another position described in § 20.735–31(b) within thirty days prior to assuming such new position or unless the individual has already filed a Standard Form 278 in connection with a nomination for a new position.

(2) Within five days of the transmittal by the President to the Senate of the nomination of an individual to a position, appointment to which requires the advice and consent of the Senate, such individual shall file the required report in accordance with instructions received from the Executive Office of the President. Each report so filed, shall be reviewed by the Designated Agency Ethics Official who shall sign approval or comment on the contents of the form before it is forwarded to the Office of Government Ethics. Nothing in these regulations shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(3) On February 1 of each year each employee described in § 20.735–31(b) shall file on Standard Form 278 an annual report disclosing information for the previous calendar year.

(i) The Designated Agency Ethics Official may grant an extension of time not to exceed May 15 for filing the annual SF–278 form. Extensions will be granted to allow affected individuals to obtain necessary tax, trust or investment information that is needed to complete the annual report or to make allowances for pending termination from employment.

(ii) Requests for extension shall be in writing to the Designated Agency Ethics Official and shall be submitted by January 25.

(4) On or before the thirtieth day after termination of his or her employment from a position described in § 20.735–31(b), the employee who occupied the position shall file a Standard Form 278 termination report if: (i) The SF–278 report required by § 20.735–31(c)(3) has not been filed covering the portion of the calendar year in which such termination occurs up to the date he or she leaves such office or position, or

(ii) He or she does not enter employment in another covered position within 30 days after termination.

Example 1: A covered individual files the annual report on February 1 and resigns on February 28 that same year. An SF–278 termination report is required. The annual SF–278 report will contain information for the prior calendar year and the termination report will contain information for the first two months of the year of resignation. In this example, a separate termination SF–278 report may be avoided by requesting an extension in time for the annual filing and preparing the annual report to disclose the termination and the necessary report information for the prior 14 months (the preceding year and January and February of the current year).

Example 2. An individual files the annual report on February 1 and resigns March 15 that same year to accept a GS–16 position in

another agency. No termination SF–278 report is necessary if the individual enters the covered position within 30 days after terminating.

(d) *Where to file.* (1) Employees assuming or terminating from a covered position shall file the required report with their Bureau Ethics Counselor.

(2) Bureau heads assuming a position that does not require Congressional confirmation shall file with the Designated Agency Ethics Official.

(3) Bureau and office heads and other individuals nominated to a position, appointment to which requires the advice and consent to the Senate, shall file the required report in accordance with instructions received from the Executive Office of the President.

(4) Annual reports shall be filed in the same manner as provided for in § 20.735–30(d) for form DI–212 (Confidential Statement of Employment and Financial Interests).

(5) Bureau Ethics Counselors shall review each report and transmit it to the Designated Agency Ethics Official in accordance with the procedures in § 20.735–31(g).

(e) *What to report.* This paragraph identifies general categories of information that must be reported by covered employees. Specific details of reporting, including exceptions, are set forth in 5 CFR Part 734 and in instructions contained in the Standard Form 278 issued by the Office of Personnel Management for use by individuals who are required to file by the Ethics in Government Act of 1978. In summary, each report filed to meet the Ethics in Government Act of 1978 requirements shall include a full and complete statement with respect to the following general categories: (1) *Income.* Employees shall list income, including honorariums which exceed $100 in value, from whatever source other than from employment by the United States.

(2) *Gifts and reimbursements.* Employees shall provide the source, a brief description and the value of: (i) Lodging, transportation, food and entertainment which from each source totals $250 or more in value,

(ii) All other gifts which from each source totals $100 or more in value, and

(ii) Reimbursements which from each source totals $250 or more in amount or value.

(3) *Real and personal property.* Employees shall list any interests and assets held in a trade or business or for investment or the production of income which has a fair market value in excess of $1,000 as of the close of such preceding calendar year.

(4) *Liabilities.* Employees shall list any liabilities owed to any creditor, other than a relative, which exceeded $10,000, unless such liabilities are certified by the reporting employee as being solely the responsibility of his or her spouse or dependent child and from which he or she derives no benefits and about which he or she has no knowledge, and which is not related to his or her income, assest, or activities, and concerning which he or she neither derives nor expects to derive any financial or economic benefit.

(5) *Purchase, sale and exchange of property.* Employees shall report any purchase, sale or exchange of real property, stocks, bonds, commodities futures and other forms of securities where the property value exceeds $1,000 unless such purchases, sales or exchanges are certified by the reporting employee as being solely the responsibility of his or her spouse or dependent child and from which he or she derives no benefits and about which he or she has no knowledge, and which is not related to his or her income, assets, or activities, and concerning which he or she neither derives nor expects to derive any financial or economic benefit.

(6) *Positions held.* New employees and candidates to appointed positions shall report all positions held during the preceding two calendar years and the current calendar year at any time until the date of filing. Incumbent employees shall report all positions held at any time during the current calendar year until the date of filing. In all cases the reporting individual shall list any position currently held as an officer, director, trustee, partner, proprietor, representative, employee or consultant of (i) any corporation, company, firm, partnership, or other business enterprise, (ii) any non-profit organization, (iii) any labor organization, (iv) any educational institution, or (v) any institution other than the United States Government.

(7) *Compensation in excess of $5,000 paid by one source.* On the first report filed to meet provisions of the Ethics in Government Act of 1978, each covered employee shall identify the source and briefly describe the nature of the duties performed or services rendered for any person, other than the United States Government, from whom they received compensation in excess of $5,000 in any of the two preceding calendar years.

(8) *Relationships with other employers.* Employees shall list the date, parties to, and terms of any agreement or arrangement which they have with respect to: future employment, a leave of absence during the period of Government service, continuation of payments by a former employer other than the United States Government, or continuing participation in an employee welfare or benefit plan maintained by a former employer.

(9) *Additional information.* Employees are required to answer two additional questions: (i) Whether there are any interests in property or liabilities of a spouse or dependent child which the employee has not reported but which would be reportable, if held by him or her; and

(ii) Whether the employee, his or her spouse, or dependent child receives income from or has a beneficial interest in a trust.

(f) *What not to report.* This paragraph identifies general categories of information that are exempt from the reporting requirements. Specific details of exemptions are set forth in instructions contained in the Standard Form 278. General exemptions are shown for each of the following reporting categories.

(1) *Income.* Employees are not required to report: (i) The amount of earned income received by a spouse, or

(ii) Income from current employment by the United States Government.

(2) *Gifts and reimbursements.* Employees are not required to report gifts: (i) Of $35 or less in value per individual item (gifts of more than $35 in value must be aggregated in the total of gifts from one source),

(ii) From a relative, or

(iii) Of food, lodging or entertainment received as personal hospitality.

(3) *Real and personal property.* Employees are not required to report: (i) Assets derived from a personal liability owed to them by a relative;

(ii) Deposits in personal savings accounts in a single financial institution if the total of all family accounts (employee's, spouse's and children's) in that institution is $5,000 or less; or

(iii) Personal property not held for business, investment or the production of income. (Examples include household goods, non-interest bearing checking accounts, automobiles, paintings, jewelry, and life insurance policies. However, if an individual is in the business of buying and selling any such items for profit, their category of value must be disclosed.)

(4) *Liabilities.* Employees are not required to report: (i) Liabilities owed a relative;

(ii) A mortgage on the personal residence of oneself or spouse; or

(iii) A loan which is secured by and does not exceed the purchase price of a personal motor vehicle, household furniture or appliance.

(5) *Purchase, sale and exchange of property.* Employees are not required to report: (i) Transactions involving the personal residence of oneself or one's spouse.

(ii) Transactions solely between oneself, one's spouse or one's dependent children.

(6) *Positions held.* Employees are not required to report positions: (i) In religious, social, fraternal, or political entities;

(ii) Of solely an honorary nature, or

(iii) Being held by a spouse or dependent child.

(7) *Compensation in excess of $5,000 paid by one source.* Employees may exclude information: (i) That is considered confidential as a result of a privileged relationship established by law;

(ii) About persons for whom services were provided by a firm or an association of which an employee was a member, partner or employee unless he or she was directly involved in the provision of the services; and

(iii) Relating to a spouse or dependent child.

(8) *Relationships with other employers.* Employees are not required to report information relating to a spouse or dependent child.

(g) *Administrative procedures.* (1) *Review and analysis of statements.* Each financial disclosure report filed to meet the provisions of the Ethics in Government Act of 1978 shall be reviewed by the appropriate ethics counselor or deputy ethics counselor. Review and analysis of the statements shall be pursuant to the general provisions in § 20.735–37. In addition, each ethics counselor shall: (i) Inform affected employees of the filing requirement and obtain the required report;

(ii) Attach a position description or other description of the position duties and responsibilities to the report;

(iii) Determine which, if any, conflict of interest prohibitions in addition to Executive Order 11222 prohibitions apply to each position (e.g. organic act prohibitions);

(iv) Review the report for completeness and determine if any information disclosed reveals any conflict or appearance of conflict of interest in connection with applicable prohibitions;

(v) Prepare for each report a statement to the Designated Agency Ethics Official indicating review findings and recommending approval or, with reasons, disapproval of each report;

(vi) Send the report, position description and statement of findings and recommendation to the Designated Agency Ethics Official for review, signature and filing within 15 days after the report is received;

(vii) Take action to resolve informally any potential conflicts, actual conflicts or apparent conflicts that exist; and

(viii) Have the Ethics Counselor take remedial action if informal resolution fails.

(2) Each report required by the Ethics in Government Act must be reviewed and signed by the Designated Agency Ethics Official or designee.

(3) Annual or other reports pertinent to the Ethics in Government Act of 1978 and required by the Director, Office of Government Ethics, or Congress shall be prepared by the Designated Agency Ethics Official or designee.

(4) The Comptroller General, the Office of Inspector General, and the Director, Office of Government Ethics, shall have access to financial disclosure reports filed under the Ethics in Government Act for the purpose of carrying out their statutory responsibilities.

(h) *Public access to and fees for copying statements.* (1) Standard Forms 278 shall be available to the public for review or copying at the Department Ethics Office, 18th and C Streets, NW., Washington, D.C. 20240, within 15 days after any report is received.

(2) No report shall be available to any person, except upon his or her written application stating his or her name, occupation and address, the name and address of any other person or organization on whose behalf the report is requested, and showing that he or she is aware of the prohibitions on improper use. It is unlawful for any person to obtain or use a report—

(i) For any unlawful purpose;

(ii) For any commercial purpose, other than by news and communications media for dissemination to the general public;

(iii) For determining or establishing the credit rating of any individual; or

(iv) For use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(3) Each application for a report shall itself be made available to the public throughout the period during which the report requested by that application is made available to the public.

(4) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to these regulations.

(i) *Penalties.* (1) *Filing reports.* (i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 202 of the Ethics in Government Act of 1978. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000. Knowing or willful falsification of information required to be filed by section 202 of the Act may also subject such individual to criminal prosecution under 18 U.S.C. § 1001, leading to a fine of not more than $10,000 or imprisonment for not more than five years or both. The Designated Agency Ethics Official shall refer to the Attorney General the name of any individual he or she has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Such referrals will be coordinated with the Solicitor and with the Office of Inspector General.

(ii) In addition, the Secretary may take any appropriate personnel or other action against any individual for failing to file a report or for falsifying or failing to report information required to be reported. (See § 20.735–4.)

(2) *Inspecting or copying reports.* The Attorney General may bring a civil action against any person who obtains or uses a report for any prohibited purpose as set forth in § 20.735–31(h)(2). The court may assess against such a person a penalty in any amount not to exceed $5,000. Such remedy shall be in addition to any other remedy available under law.

(j) *Retention and disposal of financial reports.* (1) Financial Disclosure Reports filed in accordance with the provisions of this section shall be retained by the Designated Agency Ethics Official. Such reports shall be made available to the public for a period of six years after receipt of the report. After the six-year period, reports shall be destroyed unless needed in an ongoing investigation.

(2) Financial Disclosure Reports filed by individuals nominated to positions requiring Senate confirmation and who were not subsequently confirmed shall be destroyed one year after the individual is no longer under consideration by the Senate, unless the report is needed in an ongoing investigation.

§ 20.735–32 Surface Mining Control and Reclamation Act filing requirements.

(a) *General information.* Section 201(f) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1211(f), requires the Director of the Office of

Surface Mining Reclamation and Enforcement to establish provisions for the filing of financial interest statements. Regulations implementing the filing requirements of Section 201(f) are contained in 30 CFR Part 706 and are incorporated here by reference. All employees of the Office of Surface Mining Reclamation and Enforcement and all other Federal employees who perform any function or duty under the Surface Mining Control and Reclamation Act are required to comply with the filing requirements in Part 706.

(b) *What not to report.* An employee is not required to report any connection with, or interest in: (1) A professional society;

(2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests;

(3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

(4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(c) *Access to Surface Mining Control and Reclamation Act financial interest statements.* Confidential statements of employment and financial interest filed to meet requirements of the Surface Mining Control and Reclamation Act shall be handled in accordance with the regulations in § 20.735–30(g).

(d) *Penalty.* An employee who fails to comply with these filing requirements shall be subject to disciplinary action, as provided in § 20.735–4.

(e) *Retention and disposal of statements.* All statements shall be destroyed two years after an employee leaves a position.

§ 20.735–34 Other statutory filing requirements.

(a) *General information.* Four other statutes relating to Department programs have requirements for filing public disclosure financial interest statements. Each of these statutes requires public disclosure only of specific types of financial interests. Paragraph (b) of this section identifies the four statutes and contains specific definitions of the terms used in each. Paragraphs (c) through (k) of this section contain information and procedures common to all four statutes.

(b) *Statutes and definitions relating to each.* (1) Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*): (i) "Covered employee" means an employee performing a function or duty under this Act, (43 U.S.C. 1701 *et seq.*) whose position has not been exempted by the Secretary from its reporting requirements.

(ii) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or entity organized for a common business purpose, wherever situated, domiciled, or doing business.

(iii) "Public Land" means any land and interest in land owned by the United States within the several States and administered by the Secretary through the Bureau of Land Management, without regard to how the United States acquired ownership except (A) lands located on the Outer Continental Shelf, and (B) lands held for the benefit of Indians, Aleuts, and Eskimos.

(iv) "Engaged in business subject to the Federal Land Policy and Management Act" means conduct of any business involving the use, occupancy or development of public land or of mineral, timber, range, wildlife, recreation, watershed or other resources thereon. A parent company or holding company is "engaged in business subject to the Federal Land Policy and Management Act" if one or more of its subsidiaries is "engaged in business subject to the Federal Land Policy Management Act." A mutual fund or investment club is within the definition if it specializes in a business involved in the use, occupancy, or development of public lands or mineral, timber, range, wildlife, recreation, watershed or other resources thereon.

(v) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(vi) "Known financial interest" means (A) any right of a covered employee to use, occupy or develop public land or mineral, timber, range, wildlife, recreation, watershed or other resources thereon, or (B) any pecuniary interest of a covered employee in any person whom the employee knows, or could reasonably be expected to know, is engaged in a business subject to the Federal Land Policy and Management Act.

(2) Mining in the Parks Act (16 U.S.C. 1901 *et seq.*): (i) "Covered employee" means an employee performing a function or duty under this Act (16 U.S.C. 1901 *et seq.*), whose position has not been exempted by the Secretary from its reporting requirements.

(ii) "Mining claim" means any patented or unpatented mining claim within any area of the National Park System.

(iii) "Mining activity" means any exploration and assessment work, preparation of mining claims of extraction of minerals, mining, transportation of the extracted minerals, processing of the extracted minerals or reclamation of a mining claim following mining, provided these activities take place, in whole or in part, within the boundaries of any area of the National Park System.

(iv) "Engaged in business subject to the Mining in the Parks Act" means the conduct of a business involving the ownership of, or the right to use or occupy, a mining claim or the conduct of a mining activity. A parent company is "engaged in business subject to the Mining in the Parks Act" if one or more of its subsidiaries is "engaged in business subject to the Mining in the Parks Act." A mutual fund or investment club is within the definition if it specializes in a business or businesses which own or have the right to occupy or use mining claims or conduct mining activity.

(v) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or entity organized for a common business purpose, wherever situated, domiciled, or doing business.

(vi) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(vii) "Known financial interest" means (A) any mining claim which a covered employee owns or has the right to

occupy or use, (B) any mining activity in which a covered employee is engaged, or (C) any pecuniary interest of a covered person whom the employee knows, or could reasonably be expected to know, is engaged in business subject to the Mining in the Parks Act.

(3) Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*): (i) "Covered employee" means an employee performing a function or duty under this Act (43 U.S.C. 6201 *et seq.*), whose position has not been exempted by the Secretary from its reporting requirements.

(ii) "Energy property" means real property from which coal, natural gas, or crude oil is commercially produced.

(iii) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States. For purposes of this definition, the United States includes the Outer Continental Shelf.

(iv) "Engaged in energy business" means the active conduct of one or more of the businesses of exploring, developing, producing, or refining, transporting by pipeline, or distributing (other than at the retail level) coal, natural gas, or petroleum products. A parent company or holding company is "engaged in the energy business" if one or more of its subsidiaries in the United States is "engaged in the energy business." A mutual fund or investment club is within the definition, if it specializes in a business or businesses which explore, develop, refine, transport by pipeline or distribute (other than at the retail level) coal, natural gas, or petroleum products in the United States.

(v) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(vi) "Known financial interest" means (A) any energy property which a covered employee owns or has a right to occupy or use and (B) any pecuniary interest of a covered employee in a person whom the employee knows, or could reasonably be expected to know, owns or has the right to occupy energy property or is engaged in energy business.

(4) Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*): (i) "Act, as amended" means the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, 67 Stat. 462, as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*).

(ii) "Covered employee" means an employee performing a function or duty under the Act, as amended, or under the Outer Continental Shelf Lands Act Amendments of 1978, whose position has not been exempted by the Secretary from the reporting requirements (43 U.S.C. 1864).

(iii) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States. For purposes of this definition, the United States includes the Outer Continental Shelf.

(iv) "Outer Continental Shelf" means all submerged lands lying seaward, outside the area of the lands beneath navigable waters as defined in 43 U.S.C. 1301, and of which the subsoil and the seabed appertain to the United States and are subject to its jurisdiction and control.

(v) "Minerals" means oil, gas, sulphur, geopressured-geothermal and associated resources, and all other substances which are authorized by an Act of Congress to be produced from public lands.

(vi) "Engaged in business subject to the Act, as amended" means the conduct of any business involving the exploration for the development or production of, minerals of the Outer Continental Shelf. A parent company or holding company is "engaged in business subject to the Act, as amended" if one or more of its subsidiaries is "engaged in business subject to the Act, as amended". A mutual fund or investment club is within the definition if it specializes in a business or businesses involved in the exploration for or the development or production of, minerals of the Outer Continental Shelf.

(vii) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee) including but not limited to (A) the ownership of common stock, preferred stock, bonds, debentures, warrants, or a partnership share, (B) a leasehold, rental permit, license, right of way, or contract, or (C) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(viii) "Known financial interest" means any pecuniary interest in any person who the covered employee knows or could reasonably be expected to know (A) is applying for or has received any permits or leases authorizing exploration for or the development or production of, minerals of the Outer Continental Shelf or (B) is otherwise engaged in any business subject to the Act, as amended.

(c) *Who shall file.* (1) The statutes identified in this section apply to all employees who perform functions or duties under them. All such employees must file the relevant public disclosure form(s) unless the position that they occupy has been specifically exempted by the Secretary from these statutory requirements or unless they are no longer employed by the Department at the time a filing is due. Employees required to file a financial disclosure form (SF–278) by the Ethics in Government Act of 1978 (§ 20.735–31(b)) shall not be required to file the public disclosure forms required by this section. (§ 207(c) of the Ethics in Government Act of 1978, Pub. L. 95–521, 92 Stat. 1849).

(2) Appendices D (Federal Land Policy and Management Act), E (Mining in the Parks Act), F (Energy Policy and Conservation Act), and G (Outer Continental Shelf Lands Act Amendments of 1978) of this part list the bureaus and offices of the Department, or subunits thereof, performing functions or duties under these statutes and also list positions in those offices which the Secretary has determined are subject to the reporting requirement because they are regulatory and policymaking in nature.

(3) The head of each affected bureau will annually review and update the related portion of Appendices D, E, F, and G. Proposed revisions or certification that revision is not required shall be submitted to the Designated Agency Ethics Official by no later than October 31 of each year. The Secretary may revise Appendices D, E, F, and G by the addition or deletion of positions any time he or she determines such revisions are required to carry out the purpose of the laws or regulations of this part. Additions to or deletions from and other amendments to the list of positions in Appendices D, E, F, and G are effective upon the Secretary's approval

and notification to the incumbents or publication within the Department. Copies of Appendices D, E, F and G are maintained and available from the Designated Agency Ethics Official.

(d) *When to file.* The Ethics Counselor shall notify each such employee, and furnish the proper form(s) to the employee by December 15 of each year. The employee shall file a completed statement with the appropriate Ethics Counselor by no later than February 1 of each year showing applicable holdings and interests for the preceding calendar year.

(e) *Where to file.* (1) All covered employees shall file their statement(s) as provided in § 20.735–35.

(2) The statement marked Department Public Copy shall be filed by the appropriate ethics counselor with the Designated Agency Ethics Official by February 15.

(f) *What to report.* Covered employees are obligated to exercise diligence in determining whether companies or other business entities in which they own interests fall in the category covered. Interests held at any time during the previous calendar year should be reported as follows: (1) Employees required to report by section 313 of the Federal Land Policy and Management Act (43 U.S.C. 1743) must report any known financial interests as defined in § 20.735–34(b)(1)(vi).

(2) Employees required to report by section 13 of the Mining in the Parks Act (16 U.S.C. 1912) must report any known financial interests, as defined in § 20.735–34(b)(2)(vii).

(3) Employees required to report by section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392) must report any known financial interests as defined in § 20.735–34(b)(3)(vi).

(4) Employees required to report by section 605 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1864) must report any known financial interests as defined in § 20.735–34(b)(4)(viii).

(g) *What not to report.* An employee is not required to report: (1) Holdings owned by spouse or children; or

(2) Holdings acquired by a trustee for a qualified trust. Covered employees who are beneficiaries of qualified trusts are required to disclose only interests that are initially committed to the trust, not of interests thereafter acquired by the trustee of which the employee or officer has no actual knowledge.

(h) *Administrative procedures.*—(1) *Review and analysis of statements.* Each financial disclosure report filed to meet the provisions of the statutes identified in this section shall be reviewed by the ethics counselor with whom it is filed by no later than March 3. Review and analysis of the statements shall be pursuant to the general provisions in § 20.735–37. In addition, each affected ethics counselor shall: (i) Inform covered employees of the filing requirement and obtain the necessary report;

(ii) Review the report for completeness and ensure that each section has a response;

(iii) Send the public copy of each statement to the Designated Agency Ethics Official by February 15.

(iv) Take action to resolve informally any potential conflicts, or apparent conflicts that exist. For statements filed under the provisions of this section the fact that an employee has a financial interest that must be listed means that there is a high probability that Executive Order 11222 provisions prohibit the retention of the listed holding;

(v) Recommend remedial action if informal resolution fails; and

(vi) Report to the Designated Agency Ethics Official by March 18 the name of any covered individual who failed to file a required report. The Designated Agency Ethics Official shall where appropriate transmit such names to the Department of Justice.

(2) *Report to Congress.* The annual reports required by the statutes identified in this section shall be prepared by the Designated Agency Ethics Official for submission to the Congress by June 1, unless otherwise authorized by Congress.

(i) *Public access to and fees for copying of statements.* (1) Form DI–211 (revised) and Form DI–211B shall be available for review or copying to the public at the Department Ethics Office, 18th and C Streets, N.W., Washington, D.C. 20240 by February 15.

(2) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to these regulations.

(j) *Penalty.* (1) Each statute described in this section provides that any employee who is subject to and knowingly violates the filing requirements shall be fined not more than $2,500 or imprisoned not more than one year, or both.

(2) Designated Agency Ethics Official shall submit to the Department of Justice the name and address and other pertinent information about any employee who fails to comply with the filing requirements of this section.

(k) *Retention and disposal of statements.* Statements filed in accordance with the provisions of this section shall be held in accordance with the following schedule: (1) Statements filed in an individual's personal financial reports folder will be retained for a period of two years after an employee terminates employment or two years after an employee is relieved from the filing requirements, whichever occurs first.

(2) Statements filed with the Department for public inspection will be retained for two years after the filing date.

§ 20.735–35 How to file.

(a) Employees who are in positions subject to a single filing requirement.

(1) Employees who are subject only to Executive Order filing requirements shall report all information required on form DI–212, Confidential Statement of Employment and Financial Interest.

(2) Employees who are in positions subject only to Surface Mining Control and Reclamation Act filing requirements shall report all information required on form DI–212A, Confidential Statement of Employment and Financial Interests For Use by Federal Employees Who Perform Functions or Duties Under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211(f)).

(3) Employees who are in positions subject only to the Ethics in Government Act of 1978 filing requirements shall report all information required on Standard Form 278 for annual and termination of employment reports. Newly appointed or elected officials and Presidential nominees to positions requiring the advice and consent of the Senate shall also file Standard Form 278.

(4) Employees who are in positions subject only to the filing provisions of the statutes identified in § 20.735–34 shall report all information required: (i) On form DI–211 Public Disclosure Statement of Known Financial Interests for—

(A) The Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*).

(B) The Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*),

(C) The Mining in the Parks Act (16 U.S.C. 1901 *et seq.*),

(ii) On form DI–211B Public Disclosure Statement of Known Financial Interests for the Energy Policy and Conservation Act (43 U.S.C. 6201 *et seq.*).

(b) Employees who are in positions subject to multiple filing requirements.

(1) Employees who are in positions subject to—

(i) Executive Order filing requirements, and

(ii) The Surface Mining Control and Reclamation Act filing requirements

shall report all information on form DI-212A.

(2) Employees who are in positions subject to: (i) Statutory prohibitions contained in § 20.735-22(c), filing requirements of one or more statutes identified in § 20.735-34 or Surface Mining Control and Reclamation Act filing requirements, and

(ii) Ethics in Government Act of 1978 filing requirements shall file a Standard Form 278 in connection with the Ethics in Government Act of 1978 and shall meet Executive Order or Surface Mining filing requirements by also filing a DI-278. The DI-278 is an approved supplement to the Standard Form 278 and requests only that additional information required by the Executive Order or the Surface Mining Act that is not requested on the Standard Form 278.

(3) Employees who are in positions subject to: (i) Executive Order filing requirements or Surface Mining Control and Reclamation Act filing requirements, and

(ii) Filing requirements of one or more of the statutes identified in § 20.735-34 shall file the DI-212 or DI-212A and the appropriate DI-211 forms as identified in § 20.735-35(a)(4).

(c) *Where to file.* (1) The Designated Agency Ethics Official and the Deputy Agency Ethics Official shall file statements with the Under Secretary.

(2) The following employees shall file statements with the Designated Agency Ethics Official. The Secretary, the Under Secretary, Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitors; Assistant and Deputy Assistant Secretaries; Heads of bureaus; the High Commissioner and the Deputy High Commissioner of the Trust Territory; and such others as the Secretary may designate.

(3) Covered employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitors) shall file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Covered employees in the Office of Hearings and Appeals (except for the Director) shall file statements with the Director, Office of Hearings and Appeals, or the Deputy Ethics Counselor for the Office of Hearings and Appeals, as the Director may direct.

(5) Covered employees in the Office of Water Research and Technology (except for the Director) shall file statements with the Director, Office of Water Research and Technology or the Deputy Ethics Counselor for the Office, as the Director may direct.

(6) Covered employees in the Office of the Secretary and in other Departmental offices, except those employees mentioned in paragraphs (c)(1) through (5) of this section shall file statements with the Director, Office of Administrative Services.

(7) Covered employees in other bureaus (except for the head of the bureau) shall file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor, as the head of the bureau may direct.

(d) *Information for all employees.* (1) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his or her behalf to the appropriate ethics counselor.

(2) Employees required to file who have no known financial interest to report shall file the required form(s) indicating thereon where appropriate, "None."

(3) Covered employees shall complete a new form each year. A statement of "No Change From The Last Report" is not acceptable.

§ 20.735-36 Certificates of disclaimer.

(a) The following statutory restrictions apply specifically to the heads and members of the bureaus and offices identified and are extended to employees in the Office of the Secretary and in other Departmental offices who are covered by the filing requirements of Executive Order 11222 or the Ethics in Government Act of 1978: (1) 43 U.S.C. 31(a)—Geological Survey; (2) 18 U.S.C. 437—Indian Affairs; (3) 43 U.S.C. 11—Bureau of Land Management; (4) 30 U.S.C. 6—Bureau of Mines.

(b) Each employee covered by these restrictions shall sign a certificate upon entrance to or upon transfer between these bureaus or offices. The employee's signature will indicate that he or she: (1) Is aware of the specific restrictions pertinent to his or her employment, and

(2) Is in compliance with such restrictions.

(c) If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate ethics counselor for review and action under the provisions of §§ 20.735-37, 20.735-40 and 20.735-44. (See Appendix A for applicable certificate.)

§ 20.735-37 Review and analysis of statements.

(a) Review of statements of employment and financial interests is made to verify that information reported discloses no: (1) Potential, actual or apparent conflicts of interest with the employee's official duties,

(2) Interests prohibited by statute or regulation, and

(3) Discloses no other serious problems related to the employee's official duties and responsibilities.

(b) Ethics Counselors have important review and analytical responsibilities and shall conduct the following minimum procedures: (1) Ensure that all necessary statements are filed by February 1;

(2) Review statements received for completeness: (i) Each section must have a response (*i.e.*, a statement of "no change from my last report" is *not* acceptable), and

(ii) Each statement must be signed and dated;

(3) Determine which prohibitions apply to each employee and conduct the remaining procedures accordingly;

(4) Research financial interests disclosed in order to obtain enough information to make a determination;

(5) Match the confidential statement with any public disclosure statements filed by the employee to ensure that items on the confidential statement that are reportable on the public disclosure statements have been included;

(6) Match the employee's position description or other description of duties to his or her financial interests and determine if any reported interests: (i) Are prohibited by law or regulation, or

(ii) Create potential, actual or apparent conflicts of interest with the employee's duties;

(7) Initiate appropriate counseling to effect informal, voluntary resolution of any problems disclosed;

(8) Initiate remedial action by the Bureau Ethics Counselor, if necessary; and

(9) Sign each statement as the reviewing official upon completion of each case.

(c) Each employee's annual statement shall be reviewed by the ethics counselor with whom it is filed by no later than March 3 of each year to ensure that the employee is in compliance with these regulations. The ethics counselor may consult with the appropriate Regional Solicitor, or the Associate Solicitor—General Law, in the conduct of the review.

(d) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to a final determination.

(e) Each bureau shall certify to the Designated Agency Ethics Official that all required reviews of statements have been completed or that statements are still under review. Such certificates are

required annually by no later than March 18.

Subpart E—Resolution of Conflicts of Interest

§ 20.735–40 Procedures for resolving conflicts or prohibited holdings.

(a) *Remedial action to effect resolution.* (1) Violations of the regulations or the statutes referred to in this part by an employee may be cause for mandatory remedial action. Remedial action should normally be considered only after attempts to obtain voluntary resolution have failed. Voluntary resolution may include: (i) Voluntary divestiture, or

(ii) Voluntary conversion to securities which are not prohibited or which do not create actual or apparent conflicts of interest with the employee's duties.

(2) If the Bureau Ethics Counselor decides that remedial action is required, immediate action shall be initiated to remedy the holding of prohibited financial interests or to eliminate the conflict or appearance of conflict of interest created by holding of a prohibited financial interest within a reasonable time, usually ninety days.

(b) Remedial action may include: (1) *Reassignment or restriction of the employee.* If an employee is in a job where there is a conflict of interest, it may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of the interest is ordered.

(2) *Divestiture of the interest.* If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the bureau Ethics Counselor may order the employee to divest himself or herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of the interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met. Evidence of divestiture must be provided in the form of broker's sale receipts or other appropriate documents.

(3) *Establishment of a qualified trust.* The Director, Office of Government Ethics, Office of Personnel Management, may allow an employee the option to place holdings in a qualified trust. A qualified trust is established when by written agreement, the employee gives control and legal title to a trustee. Complete provisions for establishing a trust are contained in § 20.735–42. Employees are permitted to use a qualified blind trust unless such an action is specifically precluded by a statutory restriction. In order to be acceptable as a remedy for a conflict of interest situation, the qualified trust must meet the conditions set forth in § 20.735–42 which include the requirement that each new and existing trust be approved by the Designated Agency Ethics Official, the Solicitor or his or her representative, and the Director, Office of Government Ethics.

(c) *Other forms of trust.* Employees who have pre-existing trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-case basis, receive authorization from the Designated Agency Ethics Official to continue the trust, provided the employee has no control over its management or assets.

(d) *Authority to order remedial action.* (1) Each bureau Ethics Counselor is authorized and shall order resolution of conflict of interest situations within his or her bureau. The advice of the appropriate Regional Solicitor, the Associate Solicitor—General Law, the Deputy Agency Ethics Official or the Designated Agency Ethics Official may be sought before such an order is issued. This authority to order remedial action may not be redelegated.

(2) The Assistant Secretary—Policy, Budget and Administration is responsible for ordering resolution of conflict of interest situations for employees who file with the Director, Office of Administrative Services.

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary or the Designated Agency Ethics Official. The Secretary shall order resolution of conflict of interest situations involving the Under Secretary.

(e) *Disciplinary action.* An employee who fails to comply with an order for remedial action is considered to be in violation of these regulations and shall be subject to disciplinary action, as provided by § 20.735–4.

§ 20.735–42 Qualified trusts.

(a) *Definitions.* (1) "Qualified blind trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to 5 CFR 734.405, which includes the provisions described in 5 CFR 734.403(b) and has an independent trustee as defined in § 20.735–42(d)(1).

(2) "Qualified diversified trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to 5 CFR 734.405, which has a portfolio as described in § 20.735–42(e)(2)(i), includes the provisions described in 5 CFR 734.404(c), and has an independent trustee as defined in § 20.735–42(d)(1).

(3) "Excepted trust" means a trust (i) which was not created directly by an employee, his or her spouse, or any dependent child and (ii) the holdings or sources of income of which the employee, his or her spouse, and any dependent child have no knowledge.

(4) "Reporting individual" means any employee who submits a trust instrument for approval.

(5) "Interested party" means an employee, his or her spouse, and any dependent child if the reporting individual, his or her spouse, or dependent child has a beneficial interest in the principal or income of a qualified or excepted trust.

(6) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank (15 U.S.C. 78c(a)(4)).

(7) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities, but does not include a bank or any broker, lawyer, accountant, engineer or teacher whose performance of such services is solely incidental to the practice of his or her profession (15 U.S.C. 80b–2(a)(11)). The United States Code contains an additional listing of others who do not meet this definition (15 U.S.C. 80b–2(a)(11) (D), (E) and (F)).

(8) "Relative" means relative as defined in § 20.735–31(a)(5).

(b) *General information.* Section 202(f)(3) of the Ethics in Government Act of 1978, 92 Stat. 1841, 1845, contains new provisions for the establishment of qualified trusts. Under this law no employee may establish a qualified blind or diversified trust without obtaining the approval of the Director, Office of Government Ethics, in the Office of Personnel Management. In addition, any existing blind trust established before October 26, 1978 which is still being used by an employee must be submitted to the Director, Office of Government Ethics, for approval. The Office of Government Ethics rules

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governing the specifics for establishment of a qualified blind or diversified trust are contained in 5 CFR 734.401–408 and are incorporated here by reference.

(c) *Acceptable forms of trust.* Three types of trusts qualify as appropriate forms of trust for purposes of ameliorating potential conflicts of interest. They are: (1) Excepted trusts—which may be retained by any employee without the need to submit the trust document to the Office of Government Ethics for approval. Income derived from an excepted trust must, however, be reported on the SF–278.

(2) Qualified blind trust—which may be established in accordance with provisions described in this section by any employee; and

(3) Qualified diversified trust—which may be established, in accordance with provisions described in this section, only by employees appointed to a position by the President, by and with the advice and consent of the Senate.

(d) *General provisions applicable to qualified blind trusts.* (1) The trustee must be a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser who: (i) Is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party;

(ii) Is not or has not been employed by any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(iii) Is not a relative of any interested party.

(2) Any asset transferred to the trust by an interested party must be free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the Director, Office of Government Ethics.

(3) The trust instrument that establishes the trust shall provide that: (i) The trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) The trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) The trustee shall promptly notify the employee and the Director, Office of Government Ethics, when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) The trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) An interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by filing requirements of the Ethics in Government Act, but such report shall not identify any asset or holding;

(vi) Except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (A) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (B) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (C) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) The interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in Section 202(f)(3) of the Ethics in Government Act of 1978.

(4) The proposed trust instrument and the proposed trustee shall be approved by the Director, Office of Government Ethics.

(5) Within thirty days of the dissolution of a qualified trust an employee shall file with the Director, Office of Government Ethics through the Designated Agency Ethics Official: (i) A report of such dissolution, and

(ii) A list of the assets of the trust at the time of dissolution, categorized as to value in accordance with 5 CFR 734.304.

Any document filed pursuant to the requirements of this subparagraph shall be subject to the public disclosure requirements of 5 CFR 734.602.

(e) How the qualified blind trust and the qualified diversified trust differ.

(1) Qualified blind trusts are authorized by Section 202(f)(3) of the Ethics in Government Act which states:

> An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purpose of section 208 of Title 18, United States Code, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(2) Qualified diversified trusts are authorized by Section 202(f)(4)(B) of the Ethics in Government Act which provides that the provisions just stated in § 20.735–42(e)(1) do not apply to a trust created for the benefit of an employee appointed to office by the President, by and with the consent of the Senate, or to the spouse or dependent child, of such a person, if—

(i) The Director of the Office of Government Ethics, in concurrence with the Attorney General, finds that—

(A) The assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(B) None of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(C) The trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (d)(3) (iii) and (iv) of this section, from making public or informing any interested party of the sale of any securities;

(D) The trustee is given power of attorney, notwithstanding the provisions of paragraph (d)(3)(v) of this section, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(E) Except as otherwise provided in this paragraph, the trust instrument provides that the trust shall be administered in accordance with requirements of the Ethics in Government Act and the trustee of such trust meets the requirements of the Ethics in Government Act; and

(ii) The employee (other than an individual who is in such an office at the time of enactment of the Ethics in Government Act and has an existing

trust which is a good faith attempt to create a blind trust) has informed the Congressional committee considering his or her nomination at the time his financial disclosure statement is filed with the committee of his intention to comply with section 202(f)(4)(B) of the Ethics in Government Act.

(f) Employees wishing to establish a qualified trust shall seek counseling from the Designated Agency Ethics Official before initiating a request to the Director, Office of Government Ethics for approval of a qualified trust. A copy of each qualified trust agreement approved for an employee by the Director, Office of Government Ethics shall be filed with the Designated Agency Ethics Official. No trusts other than those allowed by these regulations will be recognized as a remedy for correction of a conflict or apparent conflict of interest.

§ 20.735-43 Appeal procedures.

(a) *When and how to appeal.* An employee has the right to appeal an order for remedial action under § 20.735-40 and shall have 30 days from the date of the remedial action order to exercise this right before any disciplinary action may be initiated. For appeals of remedial orders issued under § 20.735-40, the procedures described in 370 DM 771 may not be used in lieu of or in addition to those of this section. Each appeal shall be made in writing and shall contain:

(1) The basis for appeal,

(2) Facts supporting the basis, and

(3) The telephone number where appellant can be reached to discuss facts pertinent to the appeal.

(b) *Where to appeal.* (1) Orders for remedial action issued by the Assistant Secretary—Policy, Budget and Administration or by a bureau Ethics Counselor may be appealed to the Under Secretary whose decision shall be final.

(2) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(c) *Review Board analysis and recommendations.* (1) Each appeal shall be considered by a Review Board consisting of a program Assistant Secretary selected by the Designated Agency Ethics Official, the Associate Solicitor—General Law, and the Director or Deputy Director Office of Personnel. Assistant Secretaries may delegate authority to serve on the Review Board to a Deputy Assistant Secretary who has not been involved, and who has not advised or made a decision on the issue or on the order for remedial action.

(2) The Deputy Agency Ethics Official shall serve as secretary to the Board, except for cases in which he or she has previously participated. In such cases, the Board shall designate an employee who has not previously been involved with the case to serve as secretary.

(3) The Review Board members shall:

(i) Obtain from the appropriate ethics counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all facts, information, exhibits for documents which he or she feels should be considered before a final decision is made.

(iii) The secretary to the Board shall prepare a summary of the facts pertinent to the appeal. When appropriate, the Board may provide for personal appearance by the appellant before the Board if necessary to ascertain the circumstances concerning the appeal or may designate the Board secretary or another employee to conduct further fact finding, or may do both. Fact finding procedures shall be carried out by a person(s) who

(A) Has not been involved in the matter being appealed and

(B) Who does not occupy a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in, the matter being appealed.

(iv) Establish a file containing all documents related to the appeal, which shall be available to the appellant and his or her representative.

(v) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(d) *Assurances to the appellant.* Each appellant is assured of:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal in presenting an appeal,

(2) A reasonable amount of official time to present the appeal if the employee is otherwise in a duty status,

(3) The right to obtain counseling from an ethics counselor of the Department,

(4) The right to be accompanied, represented, and advised by a representative of his or her own choosing. The Board may disallow the choice of an individual as a representative if such representation would result in a conflict of interest or position which would conflict with the priority needs of the Department or which would give rise to unreasonable costs to the Government.

(e) *Assurances to the appellant's representative.* Each person chosen to represent an appellant is assured of:

(1) Freedom from restraint, interference, coercion, discrimination or reprisal, and

(2) A reasonable amount of official time to present the appeal if the representative is an employee of the Department and is otherwise in a duty status.

Subpart F—Special Government Employee Responsibilities, Ethical and Other Conduct

§ 20.735-50 Scope of subpart.

For the most part, special government employees are subject to the same conflict of interest and employee conduct provisions as regular employees. This subpart will highlight the provisions which are of concern to the special government employee and will provide information concerning the filing of financial interest forms by special government employees. Each special government employee should become familiar with the standards of conduct in Subpart B, the prohibitions in Subpart C, and the provisions of this subpart.

§ 20.735-51 Conflict of interest statutes relating to special government employees.

(a) A special government employee—that is, one who is retained, designated, appointed, or employed to perform temporary duties with or without compensation for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis—is in general subject to the following major prohibitions. A special government employee may not:

(1) Except as authorized by law, directly or indirectly receive or solicit compensation for any services rendered by the employee or another on behalf of another person before a government agency in connection with a particular matter in which the United States is a party or has an interest, and in which (i) the employee has at any time participated personally and substantially or (ii) which is pending in the Department, except (ii) is not applicable where the employee has served less than 61 days during the immediately preceding period of 365 consecutive days. (18 U.S.C. 203).

(2) Represent, except in the discharge of official duties, anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest and in which:

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(i) He or she has at any time participated personally and substantially for the Government or;

(ii) Which is pending in the Department, except (ii) is not applicable where the employee has served less than 61 days during the immediately preceding period of 365 days. (18 U.S.C. 205).

(iii) Represent, except in the discharge of official duties, anyone else in a particular matter in which the United States is a party or has an interest and which is pending before the Department unless he or she has served there no more than 60 days during the past 365 days (18 U.S.C. 205). The employee is bound by this restraint despite the fact that the matter is not one in which he or she has ever participated personally and substantially.

The restrictions described in paragraphs (a)(2) (i) and (ii) of this section apply to both paid and unpaid representation of another.

(3) Participate in his or her governmental capacity in any matter in which he or she, his or her spouse, dependent child, outside business associate or person with whom he or she is negotiating for employment, has a financial interest. (18 U.S.C. 208).

(4) Represent, after his or her Government employment has ended, any other person (except the United States) before a Government agency or court in connection with a particular matter involving a specific party or parties in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a));

(5) Represent, for two years after his or her Government employment has ended, any other person (except the United States) before a Government agency or court in connection with a particular matter involving a specific party or parties in which the United States is a party or has an interest and which was within his or her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)(i)). This temporary restraint of course gives way to the permanent restriction described in paragraph (a)(4) of this section if the matter is one in which he or she participated personally and substantially.

(b) Additional conflict of interest prohibitions applicable to special government employees may be found in §§ 20.735–21 through 20.735.29.

(c) Additional post-employment restrictions applicable to special government employees may be found in §§ 20.735–61(b) (3) and (4) and 20.735–61(c).

§ 20.735–52 Conduct provisions of particular interest to special Government employees.

(a) Special government employees are subject to the same Federal statutes and regulations relating to general standards of conduct as regular employees (Subpart B of these regulations).

(b) However, the attention of each special government employee is directed to the following regulations which are of particular application, and relate directly, to the ethical conduct of a special government employee:

(1) *Use of Government employment.* A special government employee shall not use his or her Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he or she has family, business or financial ties.

(2) *Use of inside information.* A special government employee shall not use inside information obtained as a result of his or her Government employment for private gain for himself or herself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he or she has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(3) *Teaching, lecturing or writing.* Special government employees may teach, lecture, or write in a manner consistent with § 20.735–10.

(4) *Coercion.* A special government employee shall not use his or her Government employment to influence or coerce, or to give the appearance of influencing or coercing, a person to provide financial benefit to himself or herself or another person with whom he or she has family, business, or financial ties.

(5) *Gifts, entertainment, and favors.* Except as provided in § 20.735–7, a special government employee, while so employed or in connection with employment, shall not receive or solicit from a person having business with the Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or herself or another person with whom he or she has family, business, or financial ties.

§ 20.735–53 Statements of employment and financial interests.

(a) *Who shall file.* Each special government employee who occupies a confidential or policymaking excepted service position shall file a Standard Form 278 in accordance with the provisions in § 20.735–31. See also, § 20.735–31(b)(3). In addition, each special government employee who occupies one of the following positions shall file a statement of employment and financial interests as provided in paragraph (b) of this section:

(1) A position of consultant or expert;

(2) Any other special government employee position which the appointing officer considers to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government;

(3) A position of advisory council member unless such filing is expressly prohibited by law; or

(4) A position involving a temporary assignment or detail, as provided in § 20.735–30(b)(5).

(b) *What and where to file.* Special government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735–30(d), Form DI–213, "Statement of Employment and Financial Interests". This form provides for the reporting of:

(1) All employment, including employment without compensation; and

(2) All financial interests, including any interest held by the spouse or dependent child or relative living in the same household of a special government employee. The special government employee is not required to report any connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from the contracts with the Government are deemed "business enterprises" and are required to be included in a special government employee's statement of employment and financial interests.

(iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.

(iv) Savings or deposits in banks, credit unions, U.S. savings bonds,

building and loan associations, or insurance companies.

(c) *Special filing conditions.* (1) In an instance involving the proposed employment of a special government employee for highly specialized and limited duties, the head of the bureau or office may propose to the Designated Agency Ethics Official a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special government employee is to perform. If a restricted reporting of financial interests is approved by the Designated Agency Ethics Official in advance of employment, Form DI–213 may be revised to reflect the narrower requirement.

(2) In an instance involving the proposed employment of an expert, consultant or advisory board member it may be desirable to retain an individual who has personal financial interests in an industry or a company that may be affected by the performance of the person's official duties. In such instances retention of otherwise prohibited holdings will be allowed if the appointing officer certifies in writing that:

(i) No other equally qualified expert, consultant or member is available, or

(ii) The reason for proposing the special government employment of the individual is precisely because that individual will represent the industry involved as an employee of the industry.

(d) *When to file.* The statement of employment and financial interests shall be submitted before the special government employee enters on duty. Prior to the reappointment of a special government employee to perform the same or different functions, with or without a break in service, a new statement shall be obtained. Statements filed by special government employees shall be reviewed, processed and retained in the manner provided in § 20.735–30.

(e) *Special definitions.* For the purpose of this section, the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

Subpart G—Prohibitions Affecting Former Government Employees

Note.—This subpart contains a summary of the post-employment provisions. Refer to 18 U.S.C. 207 and 5 CFR Part 737 for detailed guidance.

§ 20.735–60 Scope of subpart.

(a) *Content.* (1) This subpart prescribes policies and procedures for identifying, correcting, and preventing post-employment conflicts of interest in connection with an employee's or former employee's government position. This subpart identifies the statutory provisions governing post-employment responsibilities and conduct, sets forth administrative procedures for enforcement of the post-employment conflict of interest statutes, and describes administrative sanctions which may be imposed for their violation.

(2) Statutory restrictions on post-employment conduct are contained in 18 U.S.C. 207. Pursuant to Title IV of the Ethics in Government Act of 1978, the Office of Personnel Management (OPM), has published regulations in 5 CFR Part 737 governing post-employment conflict of interest problems. This subpart supplements the OPM post-employment regulations.

(b) *Department policy.* (1) It is the policy of the Department to provide assistance promptly to employees and former employees of the Department who seek advice on post-employment restrictions and these regulations. This assistance shall include informing employees and former employees of Departmental guidelines, counseling such employees on their participation in specific matters while working for the Department, advising the former employees as to whether the United States still has an interest in the matter and providing copies of pertinent regulations and Departmental Manual provisions.

(2) The Designated Agency Ethics Official is responsible for monitoring post employment conflict of interest matters involving employees and former employees. Inquiries concerning procedures in this subpart should be addressed to the Designated Agency Ethics Official, U.S. Department of the Interior, Washington, D.C. 20240.

§ 20.735–61 Post-employment restrictions.

(a) *Definitions.* (1) "United States" or "Government" means any department, agency, court, court-martial, or any civil, military or naval commission of the United States, the District of Columbia, or any officer or employee thereof.

(2) "Agency" includes an Executive Department, a Government corporation and an independent establishment of the executive branch, which includes an independent commission. (18 U.S.C. 6.)

(3) "Former government employee" means one who was, but is no longer, a Government employee.

(4) "Particular Government matter involving a specific party" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest.

(5) "Senior Employee" means all Executive Level employees and officers and means an officer or employee designated by the Director, Office of Government Ethics, pursuant to 18 U.S.C. 207(d) to which subsections 207 (b)(ii) and (c) shall apply (see 5 CFR 737.25). This term applies to both regular and special government employees.

(6) "Representation" means (i) acting as agent or attorney or as any other representative in an appearance.

(7) "Participated personally and substantially" means to have participated directly through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, and includes the participation of a subordinate when actually directed by the former Government employee in the matter, and that the former employee's involvement must be of significance to the matter or form a basis for a reasonable appearance of such significance. A finding of substantiality should be based not only on the effort devoted to the matter but on the importance of the effort.

(b) *Substantive provisions.* (1) *Basic prohibition of 18 U.S.C. 207(a).* No person after his or her Government employment has ceased, shall (i) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance, before, or (ii) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to (A) the United States, (B) in connection with any particular Government matter involving a specific party or parties (C) in which matter he or she participated personally and substantially as a Government employee.

(2) *Basic prohibition of 18 U.S.C. 207(b)(i).* No person, within two years after his or her employment by the United States has ceased, shall (i)

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knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or (ii) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) (A) to the United States (B) in connection with any particular Government matter involving a specific party or parties (C) if such matter was actually pending under the employee's official responsibility within a period of one year prior to the termination of such responsibility.

(3) *Basic prohibition of 18 U.S.C. 207(b)(ii).* No former Senior Employee, within two years after his or her Government employment has ceased, shall knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (except the United States) by personal presence at any formal or informal appearance before, (1) the United States (2) in connection with any particular Government matter involving a specific party or parties (3) if such matter was one in which he or she participated personally and substantially.

(4) *Basic prohibition of 18 U.S.C. 207(c).* For a period of one year after his or her Government employment has ceased, no former Senior Employee (other than a special government employee who serves for less than sixty days in a calendar year) shall (i) knowingly act as an agent or attorney for, or otherwise represent, anyone other than the United States in any formal or informal appearance before, or (ii) with the intent to influence, make any written or oral communication on behalf of anyone other than the United States to (A) the Department, or any of its employees, (B) in connection with any particular Government matter, whether or not involving a specific party, which is pending before the Department, or in which it has a direct and substantial interest.

(c) *Exemptions.* (1) Anything in 18 U.S.C. 207 to the contrary notwithstanding, employees of the United States assigned to an Indian tribe as authorized under 5 U.S.C. 3372 or 25 U.S.C. 48 and former employees of the United States employed by Indian tribes may act as agents or attorneys for or appear on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: Provided, that each such employee or former employee must advise in writing the head of the department, agency, court, or commission with which he or she is dealing or appearing before on behalf of the tribe of any personal and substantial involvement he or she may have had as an employee of the United States in connection with the matter involved (25 U.S.C. 450i(f)). Such notices should be sent to the Designated Agency Ethics Official for review and filing.

(2) Other exemptions are set forth in 5 CFR 737.15 and 737.17.

§ 20.735–62 Administrative enforcement procedures.

(a) *Content.* The procedures in this subsection are for the purpose of carrying out the authority of the Secretary under 18 U.S.C. 207(j) to enforce the post-employment conflict of interest provisions of 18 U.S.C. 207(a), (b) and (c).

(b) *Investigative procedures.* (1) Information received in the Department which indicates that a former employee has violated any post-employment provision of 18 U.S.C. 207 or any post-employment regulation of the department shall be submitted to the Inspector General for determination as to whether there is reasonable cause to believe there has been a violation. Employees have a duty to report such information to the Inspector General.

(2) Allegations submitted to the Inspector General shall be reviewed and an initial determination made as to whether such allegation warrants further investigation. If such an investigation appears warranted, the Inspector General shall:

(i) Expeditiously inform the Designated Agency Ethics Official, the Director, Office of Government Ethics, and the Criminal Division, Department of Justice, and provide them with any comments and regulations deemed pertinent,

(ii) Coordinate any investigation with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Inspector General that it does not intend to initiate criminal prosecution; and

(iii) Conduct a full investigation, or as appropriate, arrange and provide oversight for Department personnel to undertake an investigation on behalf of the Inspector General.

(3) If the Designated Agency Ethics Official determines, based on the evidence gathered during the investigation and other factors, that disciplinary action should be taken, he or she shall request the Office of Hearings and Appeals, which shall appoint an impartial and qualified hearing officer, to initiate the action and render a decision. The hearing officer shall be an individual who has not participated in any way in the decision to propose such action. The Designated Agency Ethics Official, in consultation with the Inspector General should propose a penalty when he or she asks for disciplinary action.

(c) *Hearing procedures.* (1) As soon as he or she is appointed, the hearing officer shall provide written notice to the former employee that the Department intends to institute a proceeding under these regulations and inform the former employee of the penalty being proposed. The notice shall also inform the employee that:

(i) He or she may request a hearing, in writing, within 10 days after receipt of the notice;

(ii) If a written request from the employee is not received by the hearing officer within the stated time period, the right to a hearing shall be waived;

(iii) If the employee waives the right to a hearing, the hearing officer shall consider the evidence and make a decision; and

(iv) The particular penalty proposed will be in addition to any which the Justice Department may seek to obtain in a prosecution under 18 U.S.C 207.

(2) If the former employee waives a hearing, the hearing officer shall render a decision on the basis of evidence presented by the Inspector General and shall set forth in the decision findings of fact and conclusions of law.

(3) If the former employee requests a hearing, the hearing officer shall conduct such hearing in accordance with 43 CFR Part 1.

(d) *Appeals.* Within 30 days after receipt of the decision of the hearing officer, an appeal may be filed by the former employee, the Designated Agency Ethics Official or the Inspector General, with the Solicitor whose decision shall be final for the Department. If the Solicitor modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the hearing examiner.

(e) *Administrative Sanctions.* (1) The Department may in the case of any individual found in violation of 18 U.S.C. 207(a), (b) or (c) or these regulations impose any or all of the following sanctions:

(i) Prohibit the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Department on any matter of business for a period not to exceed five years;

(ii) Cancel, or cause to be cancelled, any contract, permit, license, lease, or other business arrangement between the Department and the individual;

(iii) Take other appropriate disciplinary or administrative action.

(2) In addition, the Department reserves the right to formally notify any professional society (e.g., state bar association, American Institute of Certified Public Accountants, American Institute of Architects) to which the individual belongs and any appropriate federal, state, territorial, or tribal agency of any final decision in which the former individual is found to have violated 18 U.S.C. 207 or these regulations.

(f) An individual found to be in violation of 18 U.S.C. 207 or these regulations by the Department may seek judicial review of the administrative determination in an appropriate United States district court.

Subpart H—Bibliography of Statutes

§ 20.735–70 Bibliography of statutes.

(a) The following list consists of particularly relevant statutory provisions that relate to ethical and other conduct of federal employees. Employees must become acquainted with these provisions:

(1) House Concurrent Resolution 175, 85th Cong. 2d Sess. 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.

(3) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C 7311, 18 U.S.C. 1918).

(5) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure of which is required by that Act (5 U.S.C. 552(a)(4)(F) and (G)).

(6) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure and maintenance of information which is restricted by the Privacy Act (5 U.S.C. 552a(i)(1) and (2)).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 606, 607, and 608.

(17) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(18) The requirement that each employee of the Department performing a function or duty under the Energy Policy and Conservation Act file a written statement disclosing known financial interests in certain business and property (42 U.S.C. 6392).

(19) The requirement that each employee of the Department performing a function or duty under the Mining in the Parks Act file a written statement disclosing known financial interest in any person subject to the Act and other acts specified therein, or in any person who holds a mining claim within the boundaries of units of the National Park System (16 U.S.C. 1912).

(20) The requirement that each employee of the Secretary and of the Bureau of Land Management performing a function or duty under the Federal Land Policy and Management Act, file a written statement disclosing any known financial interest in any person who applied for or receives any permit, lease, or right-of-way under, or applies for or acquires any land or interests therein under, or is otherwise subject to the provisions of, the Act (43 U.S.C. 1743).

(21) The requirement that each employee of the Office of Surface Mining Reclamation and Enforcement or any other Federal employee performing any function or duty under the Surface Mining Enforcement and Reclamation Act file a written statement disclosing any direct or indirect financial interest in underground or surface coal mining operations (30 U.S.C. 1211(f)).

(22) The requirement that each employee of the Department performing a function or duty under the Outer Continental Shelf Lands Act, as amended, file a written statement disclosing known financial interests in any person who applies for or receives any permit or lease under, or is otherwise subject to the provisions of that Act (43 U.S.C. 1864).

(23) The requirement that prohibits employees in the Bureau of Land Management from directly or indirectly purchasing or becoming interested in the purchase of any of the public land (43 U.S.C. 11).

(24) The requirement that prohibits the Director and members of the Bureau of Mines from (i) having any personal or private interest in any mine or the products of any mine under investigation, (ii) accepting employment from any private party for services in the examination of any mine private mineral property, or (iii) issuing any report as to the valuation or the management of any mine or other private mineral property (30 U.S.C. 6).

(25) The requirement that prohibits the Director and members of the Geological Survey from having any personal or private interests in the lands or mineral wealth of the region under survey, and from executing any surveys or examinations for private parties or corporations (43 U.S.C. 31(a)).

(26) The requirement that no employee in Indian Affairs may have (other than as a lawful representative of the United States) any interest in his or her own name, or in the name of another person where such employee benefits or appears to benefit from such interest (i) in any contract made or under negotiation with any Indian, for the purchase or transportation or delivery of goods or supplies for any Indian, or (ii) in any purchase or sale of any service or real or personal property (or any interest therein) from or to any Indian, or (iii) collude with any person in attempting to obtain any such interest (18 U.S.C. 437, as amended by Sec. 1, Pub. L. 96–277, 94 Stat. 544).

(27) The requirement that no employee who has authority to take, direct others to take, recommend, or approve any personnel action shall with respect to such authority engage in personnel practices prohibited by 5 U.S.C 2302.

(b) The majority of the foregoing provisions are not discussed in depth in other sections of these regulations. They are nevertheless important provisions that employees should be reminded of

occasionally. Accordingly, the Designated Agency Ethics Official shall:

(1) Make current copies of the foregoing statutes available to each Ethics Counselor,

(2) Request Ethics Counselors to make the copies available to employees for review, and

(3) Encourage Ethics Counselors occasionally to remind employees of these provisions in appropriate annual notices or bulletins on employee conduct.

Appendix A–1

U.S. Geological Survey Employee Certification

I have been given a copy of Department of the Interior Reguations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Bureau and Deputy Bureau Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify I have been informed of the statutory restrictions contained in 43 U.S.C. 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands or mineral wealth under survey, and shall execute no surveys or examinations for private parties or corporations (43 CFR 20.735–22(c)(3)).

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in federal lands. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties. By paragraph 20.735–27(b)(2) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having a substantial personal or private interest, direct or indirect, in any private mining activities in the United States except where specifically authorized by the Director of Geological Survey.

I certify that to the best of my knowledge I do not have any personal or private interest, direct or indirect, in Federal lands as defined in §§ 20.735–24(a).

I also certify that to the best of my knowledge I do not have any substantial personal or private interest, direct or indirect, in any private mining activities, as defined in § 20.735–27(a) doing business in the United States except where the Director has authorized me to have such interest.

Note.—The provisions in 43 CFR 20.735–24 and 20.735–27 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Personnel Office.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

43 U.S.C. 31(a) and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A–2

U.S. Department of the Interior, Indian Affairs; Employee Certification.

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in 18 U.S.C. 437, as amended by Pub. L. 96–277, 94 Stat. 544 which prohibits any person employed in Indian Affairs in the Department of the Interior from having an interest or concern in any trade with the Indians, except for, and on account of, the United States.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian Affairs.

Note.—The provisions in 43 CFR 20.735–28 and 20.735–29 should be read completely before this statement is signed

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

1. All applicable employees in Indian Affairs shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

18 U.S.C. 437 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A–3

U.S. Department of the Interior, Bureau of Land Management; Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I understand and that I am in compliance with the statutory restrictions in 43 U.S.C. 11, which provides:

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from office.

I also certify that neither I nor my spouse has, nor is either of us in the process of acquiring in violation of 43 CFR 20.735–24(b), any direct or indirect interest in federal lands.

I further certify I understand that if either I or my spouse acquires during my employment, interest in lands or resources administered by the Department, by gift, devise, bequest or operation of law, that I am required to submit a statement of facts surrounding such acquisition promptly through channels to my bureau head for transmittal to the Designated Agency Ethics Official for a decision about retention or other necessary action.

Note.—The provisions in 43 CFR 20.735–24 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All employees of the Bureau of Land Management shall complete the certification of this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

43 U.S.C. 11 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A–4

U.S. Department of the Interior, Bureau of Mines: Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I have been informed of, and that I am in compliance with, prohibitions contained in 43 CFR 20.735–27 which implements the statutory restrictions in 30 U.S.C. 6. I understand that these provisions prohibit employees of the Bureau of Mines from having any personal or private interest in any mine or the products of any mine under investigation by the Bureau; accepting employment from any private party for services in the examination of any mine or private mineral property; or issuing any report as to the valuation or the management of any mine; or issuing any report as to the valuation or the management of any mine or other private mineral property other than as part of my official duties.

Note.—The provisions in 43 CFR 20.735–24 should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All employees of the Bureau of Mines shall complete the certifications on this form.

2. Signed certificates shall be maintained in the Official Personnel Folder.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

30 U.S.C. 6 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix A–5

U.S. Department of the Interior, Office of the Secretary and Other Departmental Offices: Employee Certification

Instructions and Privacy Act Notice on Reverse

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior, the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. I certify that I understand and that I am in compliance with the following restrictions except where specifically authorized by the Designated Agency Ethics Official:

(1) 43 U.S.C. 11 and 43 U.S.C. 31(a) which provide that certain employees are prohibited from (1) having a direct or indirect interest in public lands or (2) executing surveys or examinations for private parties or corporations (43 CFR 20.735–24).

(2) 30 U.S.C. 6, which provides that employees are prohibited from owning a financial interest in any mine or the products of any mine under investigation (43 CFR 20.735–27).

(3) 18 U.S.C. 437, as amended by Sec. 1, Pub. L. 96–277, 94 Stat. 544, which provides that any person employed in Indian Affairs in the Department of the Interior is prohibited from having an interest or concern in any trade with the Indians, except for, and on account of, the United States (43 CFR 20.735–28).

I understand that any person who violates these provisions shall be subject to removal from office.

Note.—The provisions in the sections cited should be read completely before this statement is signed.

Employee's name (typed or printed)

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Privacy Act Notice

5 U.S.C. 301 constitutes the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendix B—Reserved

Appendix C—List of Employees, in Addition to GS–15's and Higher, Required to File Confidential Statements of Employment and Financial Interests [1]

Appendix D—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Federal Land Policy Management Act and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 313 of the Act [1]

Appendix E—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Mining in the Parks Act and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 13 of the Act [1]

Appendix F—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Energy Policy and Conservation Act and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 522 of the Act [1]

Appendix G—List of Bureaus and Offices, or Subunits Thereof, Performing Functions or Duties Under the Outer Continental Shelf Lands Act Amendments of 1978 and Positions Which the Secretary Has Determined Are Subject To the Reporting Requirements of Section 605 of the Act [1]

[FR Doc. 81-34323 Filed 11-30-81; 8:45 am]
BILLING CODE 4310-10-M

[1] Appendices C–G filed as part of the original document. Copies may be obtained by writing to Designated Agency Ethics Official, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240.

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Federal Register

Tuesday
December 1, 1981

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program Modifications

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 840, 842, 843, and 845

State Regulatory Authority Inspection and Enforcement, Federal Inspection and Enforcement and Civil Penalty Assessments; Permanent Regulatory Program Modifications

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining (OSM) is proposing to amend 30 CFR Parts 840, 842, 843 and 845, which set forth the standards and procedures governing State regulatory authority inspection and enforcement, Federal inspection and enforcement and civil penalty assessments.

OSM has drafted these revisions as a part of the Secretary's effort to remove burdensome or counter-productive regulations and in response to comments from the States and the general public.

DATES: Comments must be received by 5:00 p.m. on February 1, 1982, at the address listed below. Comments received after that time will not be considered. Public hearings will be held on January 4, 1982 in Lexington, Kentucky, Denver, Colorado, and Washington, D.C.

Representatives of OSM will be available to meet with interested persons upon request before the close of the public comment period.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 125 South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Attention: Carl S. Pavetto. A summary of meetings with representatives of OSM and copies of all written comments submitted will be available for public review in Room 153, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl S. Pavetto, Chief, Branch of Inspection, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5384.

SUPPLEMENTARY INFORMATION:

I. Public Hearings

Public hearings will be held at 9:30 a.m. (local time) on January 4, 1982, at the following locations: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky; 1823 Stout Street, Room 269, Denver, Colorado; and in the main auditorium, Department of the Interior, 18th and 'C' Streets NW., Washington, D.C. Persons wishing to testify at the hearings should contact Carl S. Pavetto, Chief, Branch of Inspection, at the address and telephone shown at "FOR FURTHER INFORMATION CONTACT:" immediately above.

Individual testimony will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement prior to or at the time of giving oral testimony would be helpful to the hearing panel and would facilitate the job of the court reporter.

After all persons scheduled to speak at the hearing have been heard, persons in the audience who have not been scheduled to speak, but who wish to do so, will be heard. The hearing will end after all persons scheduled to speak and all persons in the audience wishing to speak have been heard.

II. Background

The Secretary of the Interior has decided to review all regulations promulgated by the Department under the Surface Mining Control and Reclamation Act of 1977 (the Act). The Secretary believes that fundamental changes in these regulations are necessary. He intends to administer the Act in a manner which ensures the protection of society and the environment, but does not unnecessarily restrict coal development or improperly intrude upon the role of the States. This approach attempts to reconcile the potentially competing mandates of the Act which require the Secretary to (1) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining (§ 102(a)); (2) recognize that the primary governmental responsibility for developing, authorizing, issuing and enforcing regulations for surface coal mining and reclamation operations should rest with the States (section 101(f)); and (3) ensure that coal supplies are adequate to meet the Nation's requirements (§ 102(f)).

To implement the provisions of sections 501(b), 503 and 504 of the Act, the Secretary promulgated Parts 840, 842, 843 and 845 of Title 30, Code of Federal Regulations (CFR) (44 FR 15455-15463, March 13, 1979).

Part 840 contains the minimum requirements for inspection and enforcement by a State where the State is the regulatory authority under an approved State program or cooperative agreement. Part 842 sets forth the procedures applicable to Federal inspections in the permanent regulatory program. Part 843 relates to Federal enforcement in the permanent regulatory program pursuant to Federal programs, the Federal lands program and any State program being enforced by the Office pursuant to sections 504(b) or 521(b) of the Act. Part 845 contains regulations regarding the assessment of civil penalties under section 518 of the Act.

III. Proposed Revisions

The proposed revisions are designed to streamline the regulations, remove burdensome or counter-productive requirements, and provide editorial clarity. Accordingly, the Secretary proposes to revise Parts 840, 842, 843 and 845 as described below.

Subchapter L is being printed in its entirety solely for continuity and the convenience of the reader. Some sections are unchanged. The Office is neither proposing substantive change to, nor soliciting comments on the following sections:

Sec.
840.1
842.1
843.1
843.15 through 843.18
845.1 through 845.16
845.20

All references in the current rules to the terms "Regional Director" and "Regional Office" have been replaced in these proposed rules with references to "Director" and "Office" to conform to the September 13, 1981, reorganization of OSM, which abolished the Office's previous regional structure.

Part 840—State Regulatory Authority Inspection and Enforcement

1. § *840.1 Scope.* Section 840.1 is proposed to be revised for precision by inserting the work "approved" before the words "State program" at the end of the sentence. The same revision is proposed throughout these rules; no change in effect is intended.

2. § *840.11 Inspections by State Regulatory Authority.* Section 840.11(a) is proposed to define partial inspections as including aerial inspections in order to allow States to use this valuable tool. Standards and procedures governing aerial inspections are contained in proposed § 840.11(d). The requirement of § 840.11(d)(1) that aerial inspections "be conducted in a manner which reasonably ensures the identification * * *" of site conditions refers to at least two aspects of aerial inspections: (1) the suitability of the

aircraft involved, and (2) the types of conditions being inspected.

The Office recognizes that regional variations both in terrain and in the characteristics of surface mining make fixed-wing aircraft more effective for aerial inspections in the West than in Appalachia. Consequently, the Office will not oridinarily consider the use of fixed-wing aircraft for aerial inspections in Appalachia as reasonably ensuring the identification of on-the-ground conditions. With respect to the types of conditions being inspected, the Office notes that certain performance standards are observed as easily from the air as on the ground, others are more easily seen from above, and still others can be observed only on-site. Aerial inspections are a useful but limited tool, and the Office considers this tool to be adequate only if it is used in ways which recognize its limitations.

The provisions in §§ 840.11 (a), (b), and (c) which mandates the collection of evidence during inspections is proposed to be deleted. The Office considers this language to be superfluous, inasmuch as it is subsumed by the larger requirement that the State regulatory authority adequately enforce its aproved program. This provision is proposed to be deleted in an effort to streamline the Chapter; no change in effect is intended.

Section 840.11(c) is proposed to be revised by changing the standard for frequency of inspections to be conducted at coal exploration operations from "periodic" to "as necessary." This is intended to recognize and provide for regional differences which warrant flexibility in determining the appropriate frequency of inspections to be conducted at coal exploration operations.

Section 840.11(d) is proposed to be redesignated § 840.11(e), and revised to replace the phrase "person being inspected" with the word "permittee." Similar revisions are proposed throughout these rules for precision, and are not intended to change the scope of OSM's jurisdiction.

The Interior Board of Surface Mining Appeals held in *Delight Coal Corporation v. OSM* (1 IBSMA 186, June 5, 1979) that the definition of "permittee" contained in 30 CFR 700.5 includes persons who, through ignorance or dishonesty, fail to obtain a permit prior to conducting coal mining operations. Subsequently, in *Claypool Construction Company v. OSM* (1 IBSMA 259, September 26, 1979), the definition was interpreted to include persons who fail to obtain a permit for *any* reason. The Secretary believes that the term "permittee," as interpreted by the Interior Board of Surface Mining Appeals, encompasses all persons presently subject to OSM's jurisdiction.

The reference in renumbered § 840.11(e)(3)—existing § 840.11(d)(3)—to violations of "* * * the State program, the Act, this Chapter, the exploration approval and the permit" is proposed to be replaced with "the approved State program." OSM believes that the terms of an approved State program encompass all requirements for which the State is responsible. Here and elsewhere in this Part, the phrase "approved State program" is proposed to replace more cumbersome phrases and references for editorial clarity and simplicity. No substantive change is intended.

3. § *840.12 Right of entry.* Proposed §§ 840.12 (a) and (b) change the requirement that a State regulatory authority "have statutory authority" to inspect surface coal mining operations within its borders to "have authority." OSM does not believe that statutory authority is necessary to safeguard inspection authority, so long as the State program provides some valid authority.

The Office notes the relevance here of the United States Supreme Court's recent holding in *Donovan* v. *Dewey* (No. 80–901, June 17, 1981, ——— U.S. ———). The Court held in *Donovan* that the warrantless inspections required by § 103 of the Federal Mine Safety and Health Act of 1977 (similar to those provided for in these rules) do not violate the Fourth Amendment to the United States Constitution, but instead are reasonable within the meaning of that Amendment (Decision at 3). While this holding confirms the State's right to provide for warrantless inspections of surface coal mining operations, proposed § 840.12(a) authorizes States to provide for the use of search warrants with respect to entry into buildings.

Section 840.12(b) is proposed to replace reference to "the Act, this Chapter, the State program, the exploration approval, or the permit" with "the approved State program." The rationale for this and similar proposed changes is described in the preceding discussion of renumbered § 840.11(e)(3).

4. § *840.13 Enforcement authority.* Proposed §§ 840.13 (b) and (c) contain minor grammatical changes for precision; no change in effect is intended.

5. § *840.14 Availability of records.* New § 840.14(c) is proposed to provide flexibility with respect to the methods by which States make records available to interested persons. This flexibility will assist those States (principally in the West) which do not have offices throughout coal mining regions. The Office believes that allowing for mail responses to requests for information submitted by interested persons would meet the "conveniently available" requirement of Section 517(f) of the Act.

Proposed § 840.14(b) limits the time during which records are to be made immediately available to the public in the area of mining to the period during which an operation is active or is covered by any portion of a reclamation bond.

6. § *840.15 Public participation.* Section 840.15 requires that State programs contain provisions for public participation in enforcement "consistent with 30 CFR Parts 842, 843, and 845 and 43 CFR Part 4." The existing preamble to this provision states that OSM interprets the regulation to provide for citizens' suits in State courts. 44 FR 15297 (March 13, 1979); see 44 FR 14965 (March 13, 1979). The United States District Court for the District of Columbia upheld this as a reasonable interpretation of the Act. *In re Permanent Surface Mining Regulation Litigation,* Civ. No. 79–1144 (D.D.C. Feb. 26, 1980), slip op. at 11–13. The District Court's ruling is now on appeal. Examination of this issue in the course of litigation has led OSM to question the validity of its existing interpretation of the Act's public participation requirements. OSM proposes to alter its interpretation of § 840.15 so that State programs need not provide for citizens' suits in State courts, and hereby solicits comment on this proposed change.

Additionally, the preamble to § 840.15 explains that the regulation is intended to require that citizens have the right to accompany State inspectors onto the mine site when the inspection is a result of a citizen's request. 44 FR 15297 (March 13, 1979); *see* 44 FR 14965 (March 13, 1979). The United States District Court for the District of Columbia has upheld this interpretation as a reasonable construction of the Act. *In re Permanent Surface Mining Regulation Litigation,* slip op. at 13–14. This ruling is now on appeal. Examination of this issue in the course of litigation has led OSM to question the validity of its existing interpretation of this issue. Accordingly, OSM proposes to delete the requirement that State programs contain this requirement, and hereby solicits comment on this proposed change.

Furthermore, on November 4, 1981, OSM published a notice in the Federal Register (46 FR 54761) postponing consideration of a petition by the State of Colorado to amend 30 CFR 840.15 by deleting the requirement that each State program provide for public participation consistent with 43 CFR 4.1294(b). The

regulations at 43 CFR Part 4 describe the procedures applicable to surface coal mining hearings and appeals. Specifically, 43 CFR 4.1294(b) permits the award of appropriate costs and expenses, including attorneys' fees, from OSM to any person other than a permittee or his or her representative, if the person initiates or participates in any proceeding under the Act, upon a finding that the person made a substantial contribution to a full and fair determination of the issues.

30 CFR 840.15 operates to make this provision a requirement of each State program. The petition and a clarifying letter, dated May 12, 1981, argue that 43 CFR 4.1294(b), as applied to State programs through 30 CFR 840.15, is arbitrary, capricious and inconsistent with all applicable law, including Section 525(e) of the Act.

In the November 4, 1981 **Federal Register** notice, OSM determined that it would make sense to consider this petition as part of the overall rule changes herein proposed, and to solicit public comments at that time. OSM hereby seeks public comments as to whether this petition should be granted in whole or in part.

Public comment on the petition may consider the entire OSM record relevant to the question of requiring that each State program provide for the award of appropriate costs and expenses as described in 30 CFR 840.15 and 43 CFR 4.1294(b), including, but not limited to, the petition, the clarifying letter of May 12, 1981, and the preamble to the permanent program regulations (44 FR 15296, March 13, 1979).

Copies of the petition and clarifying letter published in the November 4, 1981 **Federal Register** notice, and copies of 30 CFR Chapter VII, Subchapter L are available for inspection and may be obtained at OSM Headquarters, Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343–4728.

7. § *840.16 Compliance conference.* Proposed new § 840.16 would authorize the inclusion in a State program of a provision for "compliance conferences," in an effort to provide guidance to surface coal mine operators in conforming planned activities to the requirements of the Act.

Proposed § 840.16(e) limits the use of compliance conferences to one per operation in any six-month period to minimize any potential for abuse of this device and to prevent the compliance conference from supplanting competent professional advice from consultants. Additionally, the six-month limitation properly accommodates conditions which change as a function of seasonal variations.

OSM Solicits comments on the advisability of limiting the use of compliance conferences to newly opened mines (or, in the case of abandoned and inactive mines, newly re-opened mines), or, alternatively, broadening their use to include existing, rather than just prospective, conditions and practices. Since proposed § 840.16(b) specifically provides that a compliance conference would not constitute an inspection within the meaning of Section 517 of the Act, and proposed § 840.16(f) makes it clear that inspection frequency would not be affected by the use of a compliance conference, it may be counterproductive to cite a permittee for violations which exist at the time a compliance conference is held. Rather, it may be preferable to give the permittee who desires to bring his or her operation into compliance the benefit of the regulatory authority's assessment of "on-the-ground" conditions without making him or her vulnerable, at that time, to being cited for violations (other than those involving an imminent danger or significant, imminent environmental harm.)

The Office further solicits comments on the advisability of providing that compliance conferences be conducted by State technical staff, rather than by inspectors.

Part 842—Federal Inspections and Monitoring

8. Part 842 (and § 842.11) is proposed to be retitled for precision: "Federal Inspections and Monitoring."

9. § *842.11 Federal inspections and Monitoring.* Proposed § 842.11(a)(1) provides for OSM inspections to be conducted jointly with State personnel "where possible and where the State so requests." This proposal is made in recognition of the State's role as primary enforcer of its approved program. The Office notes that this provision does not affect OSM's obligations under the Act to conduct certain inspections, and to do so without notice or warning to the permittee. While OSM will make every effort to accommodate the State's wishes with respect to joint inspections, the inability to arrange joint inspections cannot affect any of OSM's statutory obligations or responsibilities.

Proposed § 842.11(b)(1) deletes unnecessary language; no change in effect is intended.

The requirement in §§ 842.11(c) (1), (2) and (3) that an inspector collect evidence of every observed violation is proposed to be deleted, on the basis of the rationale contained in the preceding discussion of §§ 840.11 (a), (b) and (c).

Proposed § 842.11(c) defines partial inspections as including aerial inspections in order to enable OSM to use this valuable tool. Standards and procedures governing aerial inspections are contained in proposed §§ 842.11)c)(1)(i) (A) and (B), and are explained in the preceding discussion of proposed § 840.11.

Proposed §§ 842.11(c) (1) and (2) distinguish between active and inactive mine sites. In administering the Act and these regulations, OSM has found that inactive mine sites present different problems than do active mine sites, both in kind and degree. Consequently, the Office believes that different standards and procedures should govern inspections of inactive mine sites, and is proposing § 842.11(c)(2).

The Office further believes that the criteria for designating a site "inactive" should be specific and reasonable. The first criterion in proposed § 842.11(c)(2)(ii) refers to the process by which the operator may notify the regulatory authority of his or her intention to temporarily cease mining and reclamation operations.

The second criterion is proposed § 842.11(c)(2)(ii) describes sites which are successfully revegetated, which are not contributing excessive suspended solids to streamflow or runoff, and, in the case of prime farmlands, which have been restored to requisite levels of productivity. Such sites clearly require a different type of surveillance by the regulatory authority than do active sites, and § 842.11(c)(2) is proposed in recognition of this.

Proposed § 842.11(c)(3) makes clear that regulatory authority jurisdiction over coal exploration operations (as provided in § 512 of the Act) is limited to those operations which substantially disturb the natural land surface.

Proposed § 842.11(d) replaces the phrase "person being inspected" with the word "permittee," and otherwise removes unnecessary language. No change in effect is intended.

10. § *842.12 Citizens' requests for Federal inspections.* Proposed § 842.12(a) would make it clear that a citizen who requests a Federal inspection must have initially contacted the State regulatory authority, if any. If the State then fails to take appropriate action, a request for a Federal inspection would be proper.

This paragraph also replaces the term "person" with "citizen" for precision.

Proposed § 842.12(d) qualifies the word "inspection" by inserting "Federal" before it for clarity.

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11. § *842.13 Right of entry.* Proposed § 842.13(a)(2) deletes unnecessary language; no change in effect is intended.

This subsection also makes it clear that an authorized representative of the Secretary has a right of entry onto coal exploration operations when conducting inspections pursuant to § 842.11.

Proposed new § 842.13(a)(3) confirms the right of the Secretary's authorized representative to gather evidence in order to document observed conditions, practices and violations.

12. § *842.14 Review of adequacy and completeness of inspections.* Proposed § 842.14 has been rephrased to eliminate redundant language; no change in effect is intended.

13. § *842.15 Review of decision not to inspect or enforce.* Proposed new § 842.15(d) provides that any determination made under this section shall constitute a "Decision of OSM" within the scope of 43 CFR 4.1281, and shall contain a right of appeal to the Office of Hearings and Appeals in accordance with 43 CFR Part 4.

14. § *842.16 Availability of records.* Portions of proposed § 842.16 have been rephrased for simplicity; no change in effect is intended, except where corresponding substantive changes in proposed § 840.14 have been accommodated.

Proposed § 842.16(a) limits the time during which records are to be made immediately available to the public in the area of mining to the period during which an operation is active or is covered by any portion of a reclamation bond. Proposed new § 842.16(b) specifies the methods by which OSM will make records and other information available for public inspection. See the preceding discussion of proposed § 840.14.

These provisions taken together more clearly define the regulatory authority's information-keeping responsibilities.

Section 842.16(b) is proposed to be redesignated § 842.16(c).

Part 843—Federal Enforcement

15. § *843.1 Scope.* Proposed § 843.1 deletes unnecessary language; no change in effect is intended.

16. § *843.5 Definitions.* Proposed new § 843.5 contains the definitions of "unwarranted failure to comply" and "willful violation" presently incorporated into the text of § 843.13. The definitions are unchanged.

17. § *843.11 Cessation orders.* Proposed § 843.11 contains various instances of rephrasing for clarity; no changes in effect are intended. Duplicative language concerning interim steps in the abatement process has been deleted. The authority to impose interim steps is still provided in § 843.11(c).

The Office believes that certain illegal mining activities should compel the issuance of a cessation order within the criteria set forth in § 521(a)(2) of the Act. A surface coal mining operation that has neither an approved permit nor a pending permit application should constitute a condition or practice which "* * * can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources * * *." Section 521(a)(2) of the Act, 30 USC 1271(a)(2).

In *Claypool Construction Company v. OSM* (2 IBSMA 81, decided May 16, 1980), the Interior Board of Surface Mining and Reclamation Appeals) (the Board) interpreted the language of § 521(a)(2) of the Act to mean that a surface mine operator's failure to have a permit does not in itself constitute a condition, practice or violation which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources. This ruling prohibits OSM from issuing a cessation order under the existing regulations on the sole basis that an operator is found mining without a permit.

The Board held futher in *West Virginia Energy, Inc, v. OSM* (3 IBSMA 301, decided September 17, 1981) that where OSM issues a notice of violation to an operator for mining without a permit (in violation of § 502(a) of the Act, 30 U.S.C. 1252(a)), the only remedial action appropriate to such a violation is to cease mining until a permit is obtained. Accordingly, the Board vacated that portion of the citation at issue which required reclamation of the disturbed area.

The Office believes that the permitting process is central to the health, safety and environmental protection provisions of the Act. Where the permitting process is circumvented or disregarded, that fact alone should compel issuance of a cessation order and the imposition of reclamation requirements. To the extent that the Board's decisions in *Claypool* and *West Virginia Energy* are inconsistent with the Office's determination of this issue, the Secretary proposes to alter the Department's interpretation of the relevant provisions of the Act and regulations.

Proposed new § 843.11(a)(2) implements this proposal by providing for the issuance of cessation orders where surface coal mining operations are conducted by anyone without a valid permit or pending permit application.

Proposed § 843.11(a)(2) deletes reference to the use of "existing" or additional personnel and equipment," since this language unnecessarily goes beyond that contained in § 521(a)(2) of the Act. The Office believes that, since § 843.18 provides that inability to comply with a notice of violation or cessation order is no defense to its issuance, any limitations on a permittee's resources would likewise be no defense. Further, while the Secretaty's authorized representative should specify what must be accomplished, it will not ordinarily be appropriate to specify how the permittee should abate a given violation.

Proposed § 843.11(c) recognizes that a cessation order may expire pursuant to § 521(a)(5) of the Act.

18. § *843.12 Notices of violation.* Proposed § 843.12 contains various instances of rephrasing for clarity; except as noted below, no changes in effect are intended.

Proposes § 843.12(a)(2) provides that OSM "shall," rather than "may," inform the State regulatory authority of violations observed during an inspection, and "shall," rather than "may," reinspect where the State fails to take appropriate action within ten days after notification. This is in keeping with section 521(a)(1) of the Act and the Office's recognition of the State as the primary enforcer of its approved program.

Proposed § 843.12(a)(2) also deletes the last sentence, and replaces the language at the end of the preceding sentence, "issue a notice of violation or cessation order, as appropriate," with the words "take appropriate action."

This proposed change is intended to raise the question whether, in a case where a State has failed to take appropriate action to ensure abatement of any violation, OSM's recourse may be with the State rather than the permittee. The Office believes that, where and approved State program is in force, OSM may lack authority to issue citations directly to permittees except in those limited circumstances where public health and safety, or significant, imminent environmental harm would justify issuance of a cessation order under section 521(a)(2) of the Act. The reinspection provided for in 30 CFR 843.12(a)(2) may simply be for the purpose of evaluating a State's performance under its approved program, rather than enforcing the Act directly against permittees.

Alternatively, OSM is considering retention of the language presently contained in 30 CFR 843.12(a)(2) which mandates issuance of a notice of

violation where a State fails to take appropriate action within ten days of notification that a violation exists.

The Office solicits public comment on the advisability of and authority for removing or retaining the provision in 30 CFR 843.12(a)(2) which mandates issuance of a notice of violation where a State is the regulatory authority during the permanent regulatory program.

Proposed § 843.12(d) makes discretionary the issuance of a cessation order for failure to meet an interim step in abatement of a violation cited in a notice of violation. This is due to the absence in the Act of any reference to interim steps with respect to notices of violation. Further, the Office believes that the imposition by the regulatory authority of step-by-step abatement requirements may intrude unnecessarily into the permittee's method of operation. It should be sufficient for the permittee to be notified of a violation and given a reasonable time within which to abate it; it will not ordinarily be appropriate to specify the detail of how the permittee should abate. Where certain sequential or immediate steps are necessary to mitigate or prevent environmental harm, however, the authorized representative must be able to direct those steps. It would be absurd to define the "abatement" called for in section 521 of the Act as being simply an ending date without component actions. Proposed § 843.12(d) therefore provides the authorized representative with authority to establish and enforce interim abatement steps where necessary, but removes the inflexible requirement of the existing regulations.

19. § *843.13 Suspension or revocation of permits.* The requirements of § 843.13(c) are inserted in proposed § 843.13(a)(1).

Sections 843.13(a)(3) and 843.13(b) are proposed to be deleted. Section 843.13(a)(3) presently requires the Director to determine that a pattern of violations exists where the listed criteria for such a determination are met. Section 843.13(b) gives the Director discretion to decline to issue a show cause order where such issuance would be "demonstrably unjust." The combination of the mandatory finding of a pattern of violations with this broad waiver provision presents a potential for inequities which can be avoided by relying on the general standards governing pattern-of-violation determinations contained in § 843.13(a)(2). As proposed, the Director is able to determine the existence of a pattern of violations in every case where such a finding is appropriate, but is no longer required to make such a finding where he or she knows it to be demonstrably unjust to issue the required show cause order. The Office believes no useful purpose is served by forcing the issuance and vacation of a show cause order which the Director knows in advance to be demonstrably unjust.

Sections 843.13 (d), (e) and (f) are proposed to be redesignated §§ 843.13 (b), (c) and (d).

Proposed § 843.13(a)(4)(ii) limits the violations which the Director may consider in determining whether a pattern of violations exists to those mentioned in § 843.13(a)(4)(i); any other violations may only be considered insofar as they evidence a willful or unwarranted failure to comply, as specified in § 521(a)(4) of the Act.

20. § *843.14 Service of notices of violation, cessation orders, and show cause orders.* Present unnecessary distinctions between notices of violation, cessation orders and show cause orders with respect to proper service are proposed to be eliminated. Section 843.14 has otherwise been modified for clarity; no change in effect is intended.

Section 843.14(b) is proposed to be deleted. Sections 843.14 (c) and (d) are proposed to be redesignated §§ 843.14 (b) and (c), respectively.

21. § *843.15 Informal public hearing.* Proposed §§ 843.15 (b) and (d) contain minor grammatical changes; no change in effect is intended.

22. § *843.19 Injunctive relief.* Section 843.19 is proposed to be deleted as superfluous. The right of the Secretary to seek injunctive relief and the jurisdiction of the United States District Courts to grant such relief are fixed by section 521(c) of the Act.

23. § *843.20 Compliance conference.* Proposed new § 843.20 provides for "compliance conferences." See the discussion of this proposal (and request for comments) in the preceding discussion of proposed § 840.16.

Part 854—Civil Penalties

24. § *845.17 Procedures for assessment of civil penalties.* Proposed § 845.17(b)(2) provides that the Office's failure to serve any proposed assessment within 30 days after a citation issues does not require vacation of the assessment, absent actual prejudice to the permittee resulting from such delay. This proposal implements the Office's interpretation that 30 CFR 723.16(b) is directory rather than mandatory, and that where no prejudice results from the Office's failure to meet the 30-day requirement, the penalty should stand.

25. § *845.18 Procedures for assessment conference.* Proposed § 845.18(b)(1) provides that the Office's failure to hold an assessment conference within 60 days after a request for a conference does not require vacation of the assessment, absent actual prejudice as a result of the delay. This proposal implements the agency's interpretation that 30 CFR 723.18(b) is directory rather than mandatory, and that where no prejudice results from the delay, no relief is appropriate. (*See Badger Coal Co. v. OSM*, 2 IBSMA 147, July 25, 1980.)

26. § *845.19 Request for hearing.* OSM is considering a provision for waiver of the penalty prepayment requirement of 30 CFR 845.19 where prepayment of all or part of a proposed penalty would prevent the person charged with the penalty from continuing in business.

Section 845.19 implements the requirement of section 518(c) of the Act that a permittee who "wishes to contest either the amount of the penalty or the fact of the violation" must "forward the proposed amount to the Secretary for placement in an escrow account."

In *Hodel v. Virginia Surface Mining & Reclamation Association* (No. 79–1538, June 15, 1981, ——— U.S. ———), the United States Supreme Court left open the question of the constitutionality of the prepayment requirement.

The application of Section 518(c) of the Act could force insolvent permittees to choose between contesting a violation or staying in business. Accordingly, OSM is considering a provision which would allow a total or partial waiver of the prepayment requirement under such circumstances to ensure that insolvency will not prevent a permittee from availing himself or herself of the full range of hearings and appeals otherwise available to all permittees. Additionally, the application of the prepayment requirement before the first adjudicatory hearing on the amount of the proposed assessment may impermissibly limit permittees' access to the administrative process, in violation of the constitutional guarantee of due process. Thus, OSM is considering a provision in 30 CFR 845.19 which would require prepayment by all permittees only with respect to proceedings which occur after an administrative law judge has determined that a penalty is lawfully due. With respect to both methods under consideration for altering the provisions of 30 CFR 845.19, OSM solicits comment on its authority to modify the interpretation of the prepayment provisions of section 518(c) of the Act contained in the existing regulations, on the basis of OSM's belief that application of the prepayment requirement in certain circumstances

would violate the constitutional guarantee of due process.

The current regulations shall remain in effect pending final promulgation of these proposed rules.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

A draft environmental assessment (EA) of the impacts of these proposed rules has been prepared and is on file in Room 153 listed under "Addresses."

The information collection requirements in existing 30 CFR Subchapter L were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507. Those approvals were identified in "notes" at the introduction to 30 CFR Parts 840, 843, and 845. OSM will delete those "notes" and codify the OMB approvals under new sections 10 in each of those Parts that contain information collection requirements. OSM is requesting OMB approval of the following information collection requirements being proposed in this rulemaking and will codify the OMB approvals in the new sections when the final rules are promulgated: 30 CFR 840.11(e), 840.14(a), 840.14(b), 842.12(a), 842.14, 842.15(a), 843.14(c), 843.16, and 845.18(c).

The information required by 30 CFR Part 840 will be used by the States in assessing penalties as evidence in enforcement cases and as an inspection management record. The information required by 30 CFR Part 843 is needed to assure that the right people in the organization are made aware of violations so that they can be corrected in a timely manner and to afford the operator an opportunity to respond to those violations. The information required by 30 CFR Parts 840 and 843 is mandatory.

The information required by 30 CFR Part 845 will be used by OSM to schedule assessment conferences with violators to discuss penalties and make necessary corrections. The information is voluntary.

Drafting Information: These regulations were drafted by Murray Newton, Chief, Branch of Regulatory Programs, and Neil Stoloff, Enforcement Specialist, Branch of Inspection.

Dated: October 30, 1981.

Daniel N. Miller,

Assistant Secretary, Energy and Minerals.

Accordingly, Subchapter L of 30 CFR is proposed to be revised as follows.

SUBCHAPTER L—PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

PART 840—STATE REGULATORY AUTHORITY INSPECTION AND ENFORCEMENT

Sec.

840.1 Scope.
840.11 Inspections by State regulatory authority.
840.12 Right of entry.
840.13 Enforcement authority.
840.14 Availability of records.
840.15 Public participation.
840.16 Compliance Conference.

Authority: Secs. 102, 201, 501(b), 503, 512, 517, 518, and 521 of Pub. L. 95–87, 91 Stat. 448, 449, 468, 470, 483, 498, 499 (30 U.S.C. 1202, 1211, 1251, 1253, 1262, 1267, 1268).

§ 840.1 Scope.

This Part sets forth the minimum requirements for the Secretary's approval of the provisions for inspection and enforcement by a State of surface coal mining and reclamation operations and of coal explorations which substantially disturb the natural land surface, where a State is the regulatory authority under an approved State program.

§ 840.11 Inspections by State regulatory authority.

(a) The State regulatory authority shall conduct an average of at least one partial inspection per month of each surface coal mining and reclamation operation under its jurisdiction. A partial inspection is an onsite or aerial review of a person's compliance with some of the permit conditions and requirements imposed under an approved State program.

(b) The State regulatory authority shall conduct an average of at least one complete inspection per calendar quarter of each surface coal mining and reclamation operation under its jurisdiction. A complete inspection is an onsite review of a person's compliance with all permit conditions and requirement imposed under the State program, within the entire area disturbed or affected by the surface coal mining and reclamation operations.

(c) The State regulatory authority shall conduct such inspections of coal explorations as are necessary to ensure compliance with the approved State program.

(d)(1) Aerial inspections shall be conducted in a manner which reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected.

(d)(2) Any potential violation observed during an aerial inspection shall be investigated onsite within three days: *Provided,* That any indication of a condition, practice or violation constituting cause for the issuance of a cessation order under Section 521(a)(2) shall be investigated onsite immediately.

(e) The inspections required under paragraphs (a), (b), (c) and (d) of this section shall:

(1) Be carried out on an irregular basis, so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;

(2) Occur without prior notice to the permittee or any agent or employee of such permittee, except for necessary onsite meetings; and

(3) Include the prompt filing of inspection reports adequate to enforce the requirements of the approved State program.

§ 840.12 Right of entry.

(a) Within its jurisdiction, the State regulatory authority shall have authority that grants its representatives a right of entry to, upon, and through any coal exploration or surface coal mining and reclamation operation without advance notice upon presentation of appropriate credentials. No search warrant shall be required, except that a State may provide for its use with respect to entry into a building.

(b) The State regulatory authority shall have authority that authorizes its representatives to inspect any monitoring equipment or method of exploration or operation and to have access to and copy any records required under the approved State program. This authority shall provide that the representatives may exercise such rights at reasonable times, without advance notice, upon presentation of appropriate credentials. No search warrant shall be required, except that a State may provide for its use with respect to entry into a building.

§ 840.13 Enforcement authority.

(a) The civil and criminal penalty provisions of each State program shall contain penalties which are no less stringent than those set forth in Section 518 of the Act and shall be consistent with 30 CFR Part 845.

(b) The enforcement provisions of each State program shall contain sanctions which are no less stringent than those set forth in Section 521 of the Act and which provisions shall be consistent with §§ 843.11, 843.12, 843.13, 843.19 and Subchapters G and J of this Chapter.

(c) The procedural requirements of each State program relating to the

penalties and sanctions mentioned in Paragraphs (a) and (b) of this Section shall be the same as or similar to those provided in Sections 518 and 521 of the Act, respectively, and consistent with 30 CFR 808, 843, 845 and Subchapter G of this Chapter.

(d) Nothing in the Act or this Part shall be construed as eliminating any additional enforcement rights or procedures which are available under State law to a State regulatory authority, but which are not specifically enumerated in Sections 518 and 521 of the Act.

§ 840.14 Availability of records.

(a) Each State regulatory authority shall make available to the Director, upon request, copies of all documents relating to applications for and approvals of existing, new, or revised coal exploration approvals or surface coal mining and reclamation operations permits and all documents relating to inspection and enforcement actions.

(b) Copies of all records, reports, inspection materials, or information obtained by the regulatory authority shall be made immediately available to the public in the area of mining for the period during which the subject operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area, except—

(1) As otherwise provided by Federal law; and

(2) Information not required to be made available under 30 CFR 776.17, 786.15, or 840.14(d).

(c) The State regulatory authority shall ensure compliance with Paragraph (b) by either:

(1) Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a Federal, State or local government office in the county where the mining is occurring or proposed to occur; or,

(2) At the regulatory authority's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur.

(d) In order to protect preparation for hearings and enforcement proceedings, the Director and the State regulatory authority may enter into agreements regarding procedures for the special handling of investigative and enforcement reports and other such materials.

§ 840.15 Public participation.

Each State program shall provide for public participation in enforcement of the State program consistent with that provided by 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4, except that State programs are not required to provide citizens with the right to participate in inspections which result from citizens' requests, or authorize legal actions by citizens in State courts similar to the citizens' legal actions which Section 520 of the Act authorizes in the Federal courts.

§ 840.16 Compliance conference.

(a) The State program may provide for compliance conferences between a permittee and an authorized representative as described in paragraphs (b)–(f) of this section.

(b) A permittee may request an onsite compliance conference with an authorized representative to review the compliance status of any condition or practice proposed at any coal exploration or surface coal mining and reclamation operation. Any such conference shall not constitute an inspection within the meaning of Section 517.

(c) The State regulatory authority may accept or refuse any request to conduct a compliance conference under paragraph (b). Where the State regulatory authority accepts such a request reasonable notice of the scheduled date and time of the compliance conference shall be given to the permittee.

(d) The authorized representative at any compliance conference shall review such proposed conditions and practices as the permittee may request in order to advise whether any such condition or practice may become a violation of any requirement of the Act, the approved State program, or any applicable permit or exploration approval.

(e) No more than one compliance conference may be held with respect to any coal exploration or surface coal mining and reclamation operation in any six-month period.

(f) Neither the holding of a compliance conference under this section nor any opinion given by the authorized representative at such a conference shall affect:

(1) Any rights or obligations of the regulatory authority or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such compliance conference; or

(2) The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.

PART 842—FEDERAL INSPECTIONS AND MONITORING

Sec.

842.1 Scope.
842.11 Federal inspections and monitoring.
842.12 Citizens' requests for Federal inspections.
842.13 Right of entry.
842.14 Review of adequacy and completeness of inspections.
842.15 Review of decision not to inspect or enforce.
842.16 Availability of records.

Authority: Secs. 102, 201, 501(b), 504, 507, 512, 517, 518, 521, and 523 of Pub. L. 95–87, 91 Stat. 448, 449, 468, 471, 474, 483, 498, 499, 504, 510 (30 U.S.C. 1202, 1211, 1251, 1254, 1257, 1262, 1267, 1268, 1271, 1273).

§ 842.1 Scope.

This part sets forth general procedures governing Federal inspections under the permanent regulatory program.

§ 842.11 Federal inspections and monitoring.

(a) Authorized representatives of the Secretary shall conduct inspections of surface coal mining and reclamation operations as necessary—

(1) To monitor and evaluate the administration of approved State programs. Such monitoring and evaluation inspections shall be conducted jointly with the State regulatory authority where possible and where the State so requests;

(2) To develop or enforce Federal programs and Federal lands programs;

(3) To enforce those requirements and permit conditions imposed under a State program not being enforced by a State, under Section 504(b) or Section 521(b) of the Act, 30 CFR Part 733, or as provided in this Section; and

(4) To determine whether any notice of violation or cessation order issued during an inspection authorized under this Section has been complied with.

(b)(1) An authorized representative of the Secretary shall immediately conduct a Federal inspection:

(i) When the authorized representative has reason to believe on the basis of information available to him or her (other than information resulting from a previous Federal inspection) that there exists a violation of the Act, this Chapter, the applicable program, or any condition of a permit or an exploration approval, or that there exists any condition, practice, or violation which creates an imminent danger to the health or safety of the public or is causing or could reasonably be expected to cause a significant, imminent environmental harm to land, air or water resources and—

(ii)(A) There is no State regulatory authority or the Office is enforcing the State program under Section 504(b) or 521(b) of the Act and 30 CFR Part 733; or

(B) The authorized representative has notified the State regulatory authority of the possible violation and within 10 days after notification the State regulatory authority has failed to take appropriate action to have the violation abated and to inform the authorized representative that it has taken such action or has a valid reason for its inaction; or

(C) The person supplying the information supplies adequate proof that an imminent danger to the public health and safety or a significant; imminent environmental harm to land, air or water resources exists and that the State regulatory authority has failed to take appropriate action.

(2) An authorized representative shall have reason to believe that a violation, condition or practice exists if the facts alleged by the informant would, if true, constitute a condition, practice or violation referred to in paragraph (b)(1)(i) of this section.

(c) The Office, when acting as the regulatory authority under a Federal program or a Federal lands program and when enforcing a State program, in whole or in part, pursuant to Section 504(b) or Section 521(b) of the Act and 30 CFR Part 733, shall conduct inspections of all coal exploration and surface coal mining and reclamation operations under its jurisdiction. The Office shall—

(1) With respect to active surface coal mining and reclamation operations:

(i) Conduct an average of at least one partial inspection per month of each active surface coal mining and reclamation operation. A partial inspection is an onsite or aerial review of a person's compliance with some of the permit requirements and conditions imposed under an applicable program.

(A) Aerial inspections shall be conducted in a manner which reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected.

(B) Any potential violation observed during an aerial inspection shall be investigated onsite within three calendar days: Provided, that any indication of a condition, practice or violation constituting cause for issuance of a cessation order under Section 521(a)(2) shall be investigated onsite immediately.

(ii) Conduct an average of at least one complete inspection per calendar quarter of each active surface coal mining and reclamation operation. A complete inspection is an onsite review of a person's compliance with all permit conditions and requirements imposed under the applicable program within the entire area disturbed or affected by surface coal mining and reclamation operations.

(2) With respect to inactive surface coal mining and reclamation operations:

(i) Conduct an average of at least one complete inspection per calendar quarter of each inactive surface coal mining and reclamation operation.

(ii) For purposes of this Section, an inactive surface coal mining and reclamation operation is one for which—

(A) The Office has secured from the permittee the written notice provided for under § 816.131(b) or § 817.131(b) of this Chapter; or,

(B) Reclamation Phase II as defined at § 807.12(e) has been completed and the liability of the permittee reduced to 0.25 by the Office as provided at § 807.12(b) of this Chapter.

(3) With respect to coal explorations, conduct such inspections as are necessary to ensure compliance with the Act by those coal explorations which substantially disturb the natural land surface.

(d) The inspections required under paragraphs (a), (b), and (c) of this section shall:

(1) Be carried out on an irregular basis, so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;

(2) Occur without prior notice to the permittee or any agent or employee of such permittee, except for necessary onsite meetings; and,

(3) Include the prompt filing of inspection reports adequate to enforce the requirements of the applicable program.

§ 842.12 Citizens' requests for Federal inspections.

(a) A citizen may request a Federal inspection under 30 CFR 842.11(b) by furnishing to an authorized representative of the Secretary a signed, written statement (or an oral report followed by a signed, written statement) giving the authorized representative reason to believe that a violation, condition or practice referred to in 30 CFR 842.11(b)(1)(i) exists, that the State regulatory authority, if any, has failed to take appropriate action, and setting forth a phone number and address where the person can be contacted.

(b) The identity of any person supplying information to the Office relating to a possible violation or imminent danger or harm shall remain confidential with the Office, if requested by that person, unless that person elects to accompany the inspector on the inspection, or unless disclosure is required under the Freedom of Information Act (5 U.S.C. 552) or other Federal law.

(c) If a Federal inspection is conducted as a result of information provided to the Office by a citizen as described in paragraph (a) of this Section, the citizen shall be notified as far in advance as practicable when the inspection is to occur and shall be allowed to accompany the authorized representative of the Secretary during the inspection. Such person has a right of entry to, upon and through the coal exploration or surface coal mining and reclamation operation about which he or she supplied information, but only if he or she is in the presence of and is under the control, direction and supervision of the authorized representative while on the mine property. Such right of entry does not include a right to enter buildings without consent of the person in control of the building or without a search warrant.

(d) Within ten days of the Federal inspection or, if there is no Federal inspection, within 15 days of receipt of the citizen's written statement, the Office shall send the citizen the following;

(1) If a Federal inspection was made, a description of the enforcement action taken, which may consist of copies of the Federal inspection report and all notices of violation and cessation orders issued as a result of the inspection, or an explanation of why no enforcement action was taken;

(2) If no Federal inspection was conducted, an explanation of the reason why; and

(3) An explanation of the citizen's right, if any, to informal review of the action or inaction of the Office under 30 CFR 842.15.

(e) The Office shall give copies of all materials in paragraphs (d)(1) and (d)(2) of this section within the time limits specified in those paragraphs to the person alleged to be in violation, except that the name of the citizen shall be removed unless disclosure of the citizen's identity is permitted under paragraph (b) of this section.

§ 842.13 Right of entry.

(a) Each authorized representative of the Secretary conducting a Federal inspection under 30 CFR 842.11:

(1) Shall have a right of entry to, upon, and through any coal exploration or surface coal mining and reclamation operation without advance notice or a

search warrant, upon presentation of appropriate credentials;

(2) May, at reasonable times and without delay, have access to and copy any records, and inspect any monitoring equipment or method of exploration or operation required under the applicable program; and,

(3) Shall have a right to gather physical and photographic evidence to document conditions, practices or violations at the site.

(b) No search warrant shall be required with respect to any activity under paragraph (a) except that a search warrant may be required for entry into a building.

§ 842.14 Review of adequacy and completeness of inspections.

Any person who is or may be adversely affected by a surface coal mining and reclamation operation or a coal exploration operation may notify the Director or his or her designee in writing of any alleged failure on the part of the Office to make adequate and complete or periodic Federal inspections. The notification shall include sufficient information to create a reasonable belief that the regulations of this Part are not being complied with and to demonstrate that the person is or may be adversely affected. The Director or his or her designee shall within 15 days of receipt of the notification determine whether adequate and complete or periodic inspections have been made. The Director or his or her designee shall furnish the complainant with a written statement of the reasons for such determination and the actions, if any taken to remedy the noncomplicance.

§ 842.15 Review of decision not to inspect or enforce.

(a) Any person who is or may be adversely affected by a coal exploration or surface coal mining and reclamation operation may ask the Director or his or her designee to review informally an authorized representative's decision not to inspect or take appropriate enforcement action with respect to any violation alleged by that person in a request for Federal inspection under 30 CFR 842.12. The request for review shall be in writing and include a statement of how the person is or may be adversely affected and why the decision merits review.

(b) The Director or his or her designee shall conduct the review and inform the person, in writing, of the results of the review within 30 days of his or her receipt of the request. The person alleged to be in violation shall also be given a copy of the results of the review, except that the name of the citizen shall not be disclosed unless confidentiality has been waived or disclosure is required under the Freedom of Information Act or other Federal law.

(c) Informal review under this Section shall not affect any right to formal Review under Section 525 of the Act or to a citizen's suit under Section 520 of the Act.

(d) Any determination made under paragraph (b) shall contain a right of appeal to the Office of Hearings and Appeals in accordance with 43 CFR 4.1281 and the regulations at 43 CFR Part 4.

§ 842.16 Availability of records.

(a) Copies of all records, reports, inspection materials, or information obtained by the Office under Title V of the Act, this Chapter, a Federal program or Federal lands program, and a State program being enforced by the Office under Sections 504(b) or 521(b) of the Act and 30 CFR Part 733 or 30 CFR 842.11 or 842.12 shall be made immediately available to the public in the area of mining for the period during which the subject operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area, except—

(a) As otherwise provided by Federal law; and

(2) Information not required to be made available under 30 CFR 776.17, 786.15, or 840.14(d).

(b) The Office shall ensure compliance with Paragraph (a) by either:

(1) Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a Federal, State or local government office in the county where the mining is occurring or is proposed to occur; or,

(2) At the Office's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur.

(c) Copies of documents and information required to be made available under Paragraph (a) shall be provided to the State regulatory authority, if any.

PART 843—FEDERAL ENFORCEMENT

Sec.

843.1 Scope.
843.5 Definitions.
843.11 Cessation orders.
843.12 Notices of violation.
843.13 Suspension or revocation of permits.
843.14 Service of notices of violation, cessation orders, and show cause orders.
843.15 Informal public hearing.
843.16 Formal review of citations.
843.17 Failure to give notice and lack of information.
843.18 Inability to comply.
843.20 Compliance Conference.

Authority: Secs. 102, 201, 501(b), 503, 504, 510, 517, 518, 520, 521, 523, 525, 526 and 701 of Pub. L. 95–87, 91 Stat. 448, 449, 468, 470, 471, 480, 498, 499, 504, 510, 511, and 516 (30 U.S.C. 1202, 1211, 1251, 1253, 1254, 1260, 1267, 1268, 1271, 1273, 1275, and 1291).

§ 843.1 Scope.

This Part sets forth general rules regarding enforcement by the Office of the Act, this Chapter, any Federal program, the Federal lands program, State programs being enforced by the Office under Section 504(b) or 521(b) of the Act and 30 CFR Part 733 and (in limited circumstances) under 30 CFR 842.11 or 842.12, and all conditions of permits and coal exploration approvals imposed under any of these programs, the Act, or this Chapter.

§ 842.5 Definitions.

As used in this Part, the following terms have the specified meanings:

(a) *Unwarranted failure to comply* means the failure of a permittee to prevent the occurrence of any violation of his or her permit or any requirement of the Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care.

(b) *Willful violation* means an act or omission which violates the Act, this Chapter, the applicable program, or any permit condition required by the Act, this Chapter, or the applicable program, committed by a person who intends the result which actually occurs.

§ 843.11 Cessation orders.

(a)(1) An authorized representative of the Secretary shall immediately order a cessation of surface coal mining and reclamation operations or of the relevant portion thereof, if he or she finds, on the basis of any Federal inspection, any condition or practice, or any violation of the Act, this Chapter, any applicable program, or any condition of an exploration approval or permit imposed under any such program, the Act, or this Chapter which:

(i) Creates an imminent danger to the health or safety of the public; or

(ii) Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

(2) Surface coal mining and reclamation operations conducted by any person without a valid surface coal

mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations are an integral, uninterrupted extension of previously permitted operation, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations.

(3) If the cessation ordered under Paragraph (a)(1) of this Section will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the authorized representative of the Secretary shall impose affirmative obligations on the permittee to abate the imminent danger or significant environmental harm. The order shall specify the time by which abatement shall be accomplished.

(b)(1) When a notice of violation has been issued under 30 CFR 843.12(a) and the permittee fails to abate the violation within the abatement period fixed or subsequently extended by the authorized representative, the authorized representative of the Secretary shall immediately order a cessation of coal exploration or surface coal mining and reclamation operations, or of the portion relevant to the violation.

(2) A cessation order issued under this paragraph shall require the permittee to take all steps the authorized representative of the Secretary deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

(c) A cessation order issued under paragraphs (a) or (b) of this section shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity: (1) the nature of the condition, practice or violation; (2) the remedial action or affirmative obligation required, if any, including interim steps, if appropriate; (3) the time established for abatement, if appropriate; and (4) a reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies. The order shall remain in effect until the condition, practice or violation resulting in the issuance of the cessation order has been abated or until vacated, modified or terminated in writing by an authorized representative of the Secretary, or until the order expires pursuant to Section 521(a)(5) of the Act and 30 CFR 843.15.

(d) Reclamation operations and other activities intended to protect public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

(e) An authorized representative of the Secretary may modify, terminate or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the permittee.

(f) An authorized representative of the Secretary shall terminate a cessation order by written notice to the permittee when he or she determines that all conditions, practices or violations listed in the order have been abated. Termination shall not affect the right of the Office to assess civil penalties for those violations under 30 CFR Part 845.

§ 843.12 Notices of violation.

(a)(1) An authorized representative of the Secretary shall issue a notice of violation if, on the basis of a Federal inspection carried out during the enforcement of a Federal program or Federal lands program or during Federal enforcement of a State program under Sections 504(b) or 521(b) of the Act and 30 CFR Part 733, he finds a violation of the Act, this Chapter, the applicable program or any condition of a permit or an exploration approval imposed under such program, the Act, or this Chapter, which does not create an imminent danger or harm for which a cessation order must be issue under 30 CFR 843.11.

(2) When, on the basis of any Federal inspection other than one described in paragraph (a)(1), an authorized representative of the Secretary determines that there exists a violation of the Act, the State program, or any condition of a permit or exploration approval required by the Act which does not create an imminent danger or harm for which a cessation order must be issued under 30 CFR 843.11, the authorized representative shall give a written report of the violation to the State and to the permittee so that appropriate enforcement action can be taken by the State. Where the State fails within ten days after notification to take appropriate action to cause the violation to be corrected, or to show good cause for such failure, the authorized representative shall reinspect and, if the violation continues to exist, shall take appropriate action.

(b) A notice of violation issued under this Section shall be in writing signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

(1) The nature of the violation;

(2) The remedial action required, which may include interim steps;

(3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and

(4) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies.

(c) An authorized representative of the Secretary may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the permittee. The total time for abatement under a notice of violation, including all extensions, shall not exceed 90 days from the date of issuance, except upon a showing by the permittee that it is not feasible to abate the violation within 90 calendar days due to one of more of the circumstances in Paragraph (f) of this Section. An extended abatement date pursuant to this Section shall not be granted when the permittee's failure to abate within 90 days has been caused by a lack of diligence or intentional delay by the permittee in completing the remedial action required.

(d)(1) If the permittee fails to meet the time set for abatement the authorized representative shall issue a cessation order under § 843.11(b).

(2) If the permittee fails to meet the time set for accomplishment of any interim step the authorized representative may issue a cessation order under § 843.11(b).

(e) An authorized representative of the Secretary shall terminate a notice of violation by written notice to the permittee when he determines that all violations listed in the notice of violation have been abated. Termination shall not affect the right of the Office to assess civil penalties for those violations under 30 CFR Part 845.

(f) Circumstances which may qualify a surface coal mining operation for an abatement period of more than 90 days are:

(1) Where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within 90 days after a valid permit expires or is required, for reasons not within the control of the permittee;

(2) Where there is a valid judicial order precluding abatement within 90 days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;

(3) Where the permittee cannot abate within 90 days due to a labor strike;

(4) Where climatic conditions preclude abatement within 90 days, or where, due to climatic conditions, abatement within 90 days clearly would cause more environmental harm than it would prevent; or,

(5) Where abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act of 1977.

(g) Whenever an abatement time in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(h) If any of the conditions in paragraph (f)(1–5) exists, the permittee may request the authorized representative to grant an abatement period exceeding 90 days. The authorized representative shall not grant such an abatement period without the concurrence of the Director or his or her designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that he or she is entitled to an extension under the provisions of § 843.12 (c) and (f). In determining whether or not to grant an abatement period exceeding 90 days the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document in the file his or her reasons for granting or denying the request. The authorized representative's immediate supervisor shall review this document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for his or her concurrence or disapproval in the file.

(i) Any determination made under paragraph (h) of this section shall contain a right of appeal to the Office of Hearings and Appeals in accordance with 43 CFR 4.1281 and the regulations at 43 CFR Part 4.

(j) No extension granted under paragraph (h) may exceed 90 days in length. Where the condition or circumstance which prevented abatement within 90 days exists at the expiration of any such extension, the permittee may request a further extension in accordance with the procedures of paragraph (h).

§ 843.13 Suspension or revocation of permits.

(a)(1) The Director shall issue an order to a permittee requiring him or her to show cause why his or her permit and right to mine under the Act should not be suspended or revoked, if the Director determines that a pattern of violations of any requirements of the Act, this Chapter, the applicable program, or any permit condition required by the Act exists or has existed, and that the violations were caused by the permittee willfully or through unwarranted failure to comply with those requirements or conditions. Violations by any person conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage. The Director shall promptly file a copy of any order to show cause with the Office of Hearings and Appeals and the State regulatory authority, if any.

(2) The Director may determine that a pattern of violations exists or has existed, based upon two or more Federal inspections of the permit area within any 12-month period, after considering the circumstances, including:

(i) The number of violations, cited on more than one occassion, of the same or related requirements of the Act, this Chapter, the applicable program or the permit;

(ii) The number of violations, cited on more than one occasion, of different requirements of the Act, this Chapter, the applicable program, or the permit; and

(iii) The extent to which the violations were isolated departures from lawful conduct.

(3) The Director shall promptly review the history of violations of any permittee who has been cited for violations of the same or related requirements of the Act, this Chapter, the applicable program, or the permit during three or more Federal inspections of the permit area within any 12-month period. If, after such review, the Director determines that a pattern of violations exists or has existed, he or she shall issue an order to show cause as provided in paragraph (a)(1).

(4)(i) In determining the number of violations within any 12-month period, the Director shall consider only violations issued as a result of a Federal inspection carried out—

(A) During enforcement of a Federal program or a Federal lands program;

(B) During the interim program and before the applicable State program was approved pursuant to Section 502 or 504 of the Act; or

(C) During Federal enforcement of a State program in accordance with Section 504(b) or 521(b) of the Act.

(a)(4)(ii) The Director may not consider violations issued as a result of inspections other than those mentioned in paragraph (a)(4)(i) in determining whether to exercise his or her discretion under paragraph (a)(2) except as evidence of the willful or unwarranted nature of the permittee's failure to comply.

(b) If the permittee files an answer to the show cause order and requests a hearing under 43 CFR Part 4, a public hearing shall be provided as set forth in that Part. The Office of Hearings and Appeals shall give thirty days written notice of the date, time and place of the hearing to the Director, the permittee, the State regulatory authority, if any, and any intervenor. Upon receipt of the notice, the Director shall publish it, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations, and shall post it at the State or field office closest to those operations.

(c) Within sixty days after the hearing, and within the time limits set forth in 43 CFR Part 4, the Office of Hearings and Appeals shall issue a written determination as to whether a pattern of violations exists and, if appropriate, an order. If the Office of Hearings and Appeals revokes or suspends the permit and the permittee's right to mine under the Act, the permittee shall immediately cease surface coal mining operations on the permit area and shall:

(1) If the permit and the right to mine under the Act are revoked, complete reclamation within the time specified in the order; or

(2) If the permit and the right to mine under the Act are suspended, complete all affirmative obligations to abate all conditions, practices, or violations as specified in the order.

(d) Whenever a permittee fails to abate a violation contained in a notice of violation or cessation order within the abatement period set in the notice or order or as subsequently extended, the Director shall review the permittee's history of violations to determine whether a pattern of violations exists pursuant to this Section, and shall issue an order to show cause as appropriate pursuant to 30 CFR 845.15(b)(2).

§ 843.14 Service of notices of violation, cessation orders, and show cause orders.

(a) A notice of violation, cessation order, or show cause order shall be served on the person to whom it is directed or his designated agent promptly after issuance, as follows:

(1) By tendering a copy at the coal exploration or surface coal mining and reclamation operation to the designated agent or to the individual who, based

upon reasonable inquiry, appears to be in charge. If no such individual can be located at the site, a copy may be tendered to any individual at the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

(2) As an alternative to paragraph (a)(1) of this section, service may be made by sending a copy of the notice or order by certified mail or by hand to the permittee or his or her designated agent. Service shall be complete upon tender of the notice or order or of the mail and shall not be deemed incomplete because of refusal to accept.

(b) Designation by any person of an agent for service of notices and orders shall be made in writing to the appropriate State or field office of the Office.

(c) The Office shall furnish copies of notices and orders to the State regulatory authority, if any, promptly after their issuance. The Office may furnish copies to any person having an interest in the coal exploration, surface coal mining and reclamation operation, or the permit area.

§ 843.15 Informal public hearings.

(a) Except as provided in paragraphs (b) and (c) of this section, a notice of violation or cessation order which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. The hearing shall be held at or reasonably close to the minesite so that it may be viewed during the hearing or at any other location acceptable to the Office and the person to whom the notice or order was issued. The Office of Surface Mining office nearest to the minesite shall be deemed to be reasonably close to the minesite unless a closer location is requested and agreed to by the Office. Expiration of a notice or order shall not affect the Office's right to assess civil penalties with respect to the period during which the notice or order was in effect. No hearing will be required where the condition, practice, or violation in question has been abated or the hearing has been waived. For purposes of this Section only, "mining" includes (1) extracting coal from the earth or from coal waste piles and transporting it within or from the permit area, and (2) the processing, cleaning, concentrating, preparing or loading of coal where such operations occur at a place other than at a minesite.

(b) A notice of violation or cessation order shall not expire as provided in Paragraph (a) of this Section if the informal public hearing has been waived, or if, with the consent of the person to whom the notice or order was issued, the informal public hearing is held later than 30 days after the notice or order was served. For purposes of this subsection:

(1) The informal public hearing will be deemed waived if the person to whom the notice or order was issued:

(i) Is informed, by written notice served in the manner provided in paragraph (b)(2) of this Section, that he or she will be deemed to have waived an informal public hearing unless he or she requests one within 30 days after service of the notice; and

(ii) Fails to request an informal public hearing within that time.

(2) The written notice referred to in paragraph (b)(1)(i) of this Section shall be delivered to such person by an authorized representative or sent by certified mail to such person no later than 5 days after the notice or order is served on such person.

(3) The person to whom the notice or order is issued shall be deemed to have consented to an extension of the time for holding the informal public hearing if his or her request is received on or after the 21st day after service of the notice or order. The extension of time shall be equal to the number of days elapsed after the 21st day.

(c) The Office shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to:

(1) The person to whom the notice or order was issued;

(2) Any person who filed a report which led to that notice or order; and

(3) The State regulatory authority, if any.

(d) The Office shall also post notice of the hearing at the State or field office closest to the mine site, and, where practicable, publish it in a newspaper of general circulation in the area of the mine.

(e) Section 554 of Title 5 of the United States Code, regarding requirements for formal adjudicatory hearings, shall not govern informal public hearings. An informal public hearing shall be conducted by a representative of the Office, who may accept oral or written arguments and any other relevant information from any person attending.

(f) Within five days after the close of the informal public hearing, the Office shall affirm, modify, or vacate the notice or order in writing. The decision shall be sent to—

(1) The person to whom the notice or order was issued;

(2) Any person who filed a report which led to the notice or order; and

(3) The State regulatory authority, if any.

(g) The granting or waiver of an informal public hearing shall not affect the right of any person to formal review under sections 518(b), 521(a)(4), or 525 of the Act.

(h) The person conducting the hearing for the Office shall determine whether or not the minesite should be viewed during the hearing. In making this determination the only consideration shall be whether a view of the minesite will assist the person conducting the hearing in reviewing the appropriateness of the enforcement action or of the required remedial action.

§ 843.16 Formal review of citations.

(a) A person issued a notice of violation or cessation order under 30 CFR 843.11 or 843.12, or a person having an interest which is or may be adversely affected by the issuance, modification, vacation or termination of a notice or order, may request review of that action by filing an application for review and request for hearing under 43 CFR Part 4, within 30 days after receiving notice of the action.

(b) The filing of an application for review and request for a hearing under this section shall not operate as a stay of any notice or order, or of any modification, termination or vacation of either.

§ 843.17 Failure to give notice and lack of information.

No notice of violation, cessation order, show cause order, or order revoking or suspending a permit may be vacated for failure to give the notice to the State regulatory authority required under 30 CFR 842.11(b)(1)(ii)(B) or because it is subsequently determined that the Office did not have information sufficient, under 30 CFR 842.11(b)(1) and 842.11(b)(2), to justify an inspection.

§ 843.18 Inability to comply.

(a) No cessation order or notice of violation issued under this part may be vacated because of inability to comply.

(b) Inability to comply may not be considered in determining whether a pattern of violation exists.

(c) Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under 30 CFR Part 845 and of the duration of the suspension of a permit under 30 CFR 843.13(c).

§ 843.20 Compliance conference.

(a) A permittee may request an onsite compliance conference with an authorized representative to review the compliance status of any condition or practice proposed at any coal exploration or surface coal mining and reclamation operation. Any such conference shall not constitute an inspection within the meaning of Section 517.

(b) The Office may accept or refuse any request to conduct a compliance conference under paragraph (a). Where the Office accepts such a request, reasonable notice of the scheduled date and time of the compliance conference shall be given to the permittee.

(c) The authorized representative at any compliance conference shall review such proposed conditions and practices as the permittee may request in order to determine whether any such condition or practice may become a violation of any requirement of the Act or of any applicable permit or exploration approval.

(d) No more than one compliance conference may be held with respect to any coal exploration or surface coal mining and reclamation operation in any six-month period.

(e) Neither the holding of a compliance conference under this Section nor any opinion given by the authorized representative at such a conference shall affect:

(1) Any rights or obligations of the Office or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such conference; or

(2) The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.

PART 845—CIVIL PENALTIES

Sec.

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Authority: Secs. 102, 201, 501(b), 517, 518, 521, 523, and 525 of Pub. L. 95–87, 91 Stat. 448, 449, 468, 498, 499, 504, 510, and 511 (30 U.S.C. 1202, 1211, 1251, 1267, 1268, 1271, 1273 and 1275).

§ 845.1 Scope.

This Part covers the assessment of civil penalties under Section 518 of the Act with respect to cessation orders and notices of violation issued under Part 843 (Federal enforcement).

§ 845.2 Objective.

Civil penalties are assessed under Section 518 of the Act and this Part to deter violations and to ensure maximum compliance with the terms and purposes of the Act on the part of the coal mining industry.

§ 845.11 How assessments are made.

The Office shall review each notice of violation and cessation order in accordance with the assessment procedures described in 30 CFR 845.12, 845.13, 845.14, 845.15, and 845.16 to determine whether a civil penalty will be assessed, the amount of the penalty, and whether each day of a continuing violation will be deemed a separate violation for purposes of the total penalty assessed.

§ 845.12 When penalty will be assessed.

(a) The Office shall assess a penalty for each cessation order.

(b) The Office shall assess a penalty for each notice of violation, if the violation is assigned 31 points or more under the point system described in 30 CFR 845.13.

(c) The Office may assess a penalty for each notice of violation assigned 30 points or less under the point system described in 30 CFR. 845.13. In determining whether to assess a penalty, the Office shall oonsider the factors listed in 30 CFR 845.13(b).

§ 845.13 Point system for penalties.

(a) The Office shall use the point system described in this section to determine the amount of the penalty and, in the case of notices of violation, whether a mandatory penalty should be assessed as provided in 30 CFR 845.12(b).

(b) Points shall be assigned as follows:

(1) *History of previous violations.* The Office shall assign up to 30 points based on the history of previous violations. One point shall be assigned for each past violation contained in a notice of violation. Five points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular coal exploration or surface coal mining operation. Points shall be assigned as follows:

(i) A violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request such review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year.

(ii) No violation for which the notice or order has been vacated shall be counted; and

(iii) Each violation shall be counted without regard to whether it lead to a civil penalty assessment.

(2) *Seriousness.* The Office shall assign up to 30 points based on the seriousness of the violation, as follows:

(i) *Probability of occurrence.* The Office shall assign up to 15 points based on the probability of the occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:

Probability of occurrence	Points
None	0
Insignificant	1–4
Unlikely	5–9
Likely	10–14
Occurred	15

(ii) *Extent of potential or actual damage.* The Office shall assign up to 15 points, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(A) If the damage or impact which the violated standard is designed to prevent would remain within the coal exploration or permit area, the Office shall assign zero to seven points, depending on the duration and extent of the damage or impact.

(B) If the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration or permit area, the Office shall assign eight to fifteen points, depending on the duration and extent of the damage or impact.

(iii) *Alternative.* In the case of a violation of an administrative requirement, such as a requirement to keep records, the Office shall, in lieu of paragraphs (b)(2) (i) and (ii) of this section, assign up to 15 points for seriousness, based upon the extent to which enforcement is obstructed by the violation.

(3) *Negligence.* (i) The Office shall assign up to 25 points based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(A) A violation which occurs through no negligence shall be assigned no penalty points for negligence;

(B) A violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence;

(C) A violation which occurs through a greater degree of fault than negligence shall be assigned 13 to 25 points, depending on the degree of fault.

(ii) In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:

(A) *No negligence* means an inadvertent violation which was unavoidable by the exercise of reasonable care.

(B) *Negligence* means the failure of a permittee to prevent the occurrence of any violation of his or her permit or any requirement of the Act or this Chapter due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care.

(C) *A greater degree of fault than negligence* means reckless, knowing, or intentional conduct.

(iii) In calculating points to be assigned for negligence, the acts of all persons working on the coal exploration or surface coal mining and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

(4) *Good faith in attempting to achieve compliance.* (i) The Office shall add points based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:

Degree of good faith	Points
Rapid compliance	-1 to -10
Normal compliance	0

(ii) The following definitions shall apply under paragraph (b)(4)(i) of this section:

(A) Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.

(B) Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.

(iii) If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

§ 845.14 Determination of amount of penalty.

The Office shall determine the amount of any civil penalty by converting the total number of points assigned under 30 CFR 845.13 to a dollar amount, according to the following schedule:

Points	Dollars
1	20
2	40
3	60
4	80
5	100
6	120
7	140
8	160
9	180
10	200
11	220
12	240
13	260
14	[illegible]
15	300
16	320
17	340
18	360
19	380
20	400
21	420
22	440
23	460
24	480
25	500
26	600
27	700
28	[illegible]
29	[illegible]
30	1,000
31	1,100
32	1,200
33	1,300
34	1,400
35	1,500
36	1,600
37	1,700
38	1,800
39	1,900
40	2,000
41	2,100
42	2,200
43	2,300
44	2,400
45	2,500
46	2,600
47	2,700
48	[illegible]
49	2,900
50	3,000
51	3,100
52	3,200
53	3,300
54	3,400
55	3,500
56	3,600
57	3,700
58	3,800
59	3,900
60	4,000
61	4,100
62	4,200
63	4,300
64	4,400
65	4,500
66	4,600
67	4,700
68	4,800
69	4,900
70 and above	5,000

§ 845.15 Assessment of separate violations for each day.

(a) The Office may assess separately a civil penalty for each day from the date of issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the Office shall consider the factors listed in 30 CFR 845.13 and may consider the extent to which the person to whom the notice or order was issued gained any economic benefit as a result of a failure to comply. For any violation which continues for two or more days and which is assigned more than 70 points under 30 CFR 845.13(b), the Office shall assess a civil penalty for a minimum of two separate days.

(b) In addition to the civil penalty provided for in paragraph (a), whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to Section 521(a) of the Act, a civil penalty of not less than $750 shall be assessed for each day during which such failure to abate continues, except that:

(1)(i) If suspension of the abatement requirements of the notice or order is ordered in a temporary relief proceeding under Section 525(c) of the Act, after a determination that the person to whom the notice or order was issued will suffer irreparable loss or damage from the application of the requirements, the period permitted for abatement shall not end until the date on which the Office of Hearings and Appeals issues a final order with respect to the violation in question; and

(ii) If the person to whom the notice or order was issued initiates review proceedings under Section 526 of the Act with respect to the violation, in which the obligations to abate are suspended by the court pursuant to Section 526(c) of the Act, the daily assessment of a penalty shall not be made for any period before entry of a final order by the court;

(2) Such penalty for the failure to abate the violation shall not be assessed for more than 30 days for each such violation. If the permittee has not abated the violation within the 30-day period, the Office shall take appropriate action pursuant to Section 518(e), 518(f), 521(a)(4), or 521(c) of the Act within 30 days to ensure that abatement occurs or to ensure that there will not be a reoccurrence of the failure to abate.

§ 845.16 Waiver of use of formula to determine civil penalty.

(a) The Director, upon his own initiative or upon written request

received within 15 days of issuance of a notice of violation or a cessation order, may waive the use of the formula contained in 30 CFR 845.13 to set the civil penalty, if he or she determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. However, the Director shall not waive the use of the formula or reduce the proposed assessment on the basis of an argument that a reduction in the proposed penalty could be used to abate violations of the Act, this Chapter, any applicable program, or any condition of any permit or exploration approval. The basis for every waiver shall be fully explained and documented in the records of the case.

(b) If the Director waives the use of the formula, he or she shall use the criteria set forth in 30 CFR 845.13(b) to determine the appropriate penalty. When the Director has elected to waive the use of the formula, he or she shall give a written explanation of the basis for the assessment made to the person to whom the notice or order was issued.

§ 845.17 Procedures for assessment of civil penalties.

(a) Within 15 days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the office and to the inspector who issued the notice of violation or cessation order. The Office shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.

(b) The Office shall serve a copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, within 30 days of the issuance of the notice or order.

(1) If the mail is tendered at the address of that person set forth in the sign required under 30 CFR 816.11, or at any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of this Paragraph shall be deemed to have been complied with upon such tender.

(2) Failure by the Office to serve any proposed assessment within 30 days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been assessed—

(A) Proves actual prejudice as a result of the delay; and,

(B) Makes a timely objection to the delay. An objection shall be timely only if made in the normal course of administrative review.

(c) Unless a conference has been requested, the Office shall review and reassess any peanlty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Office shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in Paragraph (b), within 30 days after the date the violation is abated.

§ 845.18 Procedures for assessment conference.

(a) The Office shall arrange for a conference to review the proposed assessment or reassessment, upon written request of the person to whom the notice or order was issued, if the request is received within 15 days from the date the proposed assessment or reassessment is mailed.

(b)(1) The Office shall assign a conference officer to hold the assessment conference. The assessment shall not be govered by Section 554 of Title 5 of the United States Code, regarding requirements for formal adjudicatory hearings. The assessment conference shall be held within 60 days from the date of issuance of the proposed assessment or the end of the abatement period, whichever is later, Provided: that a failure by the Office to hold such conference within 60 days shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed proves actual prejudice as a result of the delay.

(2) The Office shall post notice of the time and place of the conference at the State or field office closest to the mine at least 5 days before the conference. Any person shall have a right to attend and participate in the conference.

(3) The conference officer shall consider all relevant information on the violation. Within 30 days after the conference is held, the conference officer shall either:

(i) Settle the issues, in which case a settlement agreement shall be prepared and signed by the conference officer on behalf of the Office and by the person assessed; or

(ii) Affirm, raise, lower, or vacate the penalty.

(4) An increase or reduction of a proposed civil penalty assessment of more than 25 percent and more than $500 shall not be final and binding on the Secretary, until approved by the Director or his or her designee.

(c) The conference officer shall promptly serve the person assessed with a notice of his or her action in the manner provided in 30 CFR 845.17(b) and shall include a worksheet if the penalty has been raised or lowered. The reasons for the conference officer's action shall be fully documented in the file.

(d)(1) If a settlement agreement is entered into, the person assessed will be deemed to have waived all rights to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a clause to this effect.

(d)(2) If full payment of the amount specified in the settlement agreement is not received by the Office within 30 days after the date of signing, the Office may enforce the agreement or rescind it and proceed according to Paragraph (b)(3)(ii) within 30 days from the date of the rescission.

(e) The conference officer may terminate the conference when he or she determines that the issues cannot be resolved or that the person assessed is not diligently working toward resolution of the issues.

(f) At formal review proceedings under Sections 518, 521(a)(4), and 525 of the Act, no evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness.

§ 845.19 Request for hearing.

(a) The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty to the Office of Hearings and Appeals (to be held in escrow as provided in paragraph (b)) within 30 days from receipt of the proposed assessment or reassessment or 15 days from the date of service of the conference officer's action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under 30 CFR 843.16.

(b) The Office of Hearings and Appeals shall transfer all funds submitted under paragraph (a) to the Office, which shall hold them in escrow pending completion of the administrative and judicial review process, at which time it shall disburse them as provided in 30 CFR 845.20.

§ 845.20 Final assessment and payment of penalty.

(a) If the person to whom a notice of violation or cessation order is issued

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fails to request a hearing as provided in 30 CFR 845.19, the proposed assessment shall become a final order of the Secretary and the penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.

(b) If any party requests judicial review of a final order of the Secretary, the proposed penalty shall continue to be held in escrow until completion of the review. Otherwise, subject to paragraph (c) of this Section, the escrowed funds shall be transferred to the Office in payment of the penalty, and the escrow shall end.

(c) If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed under this Part, the Office shall within 30 days of receipt of the order refund to the person assessed all or part of the escrowed amount, with interest from the date of payment into escrow to the date of the refund at the rate of 6 percent or at the prevailing Department of the Treasury rate, whichever is greater.

(d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Office within 15 days after the order is mailed to such person.

[FR Doc. 81-34437 Filed 11-30-81; 8:45 am]
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58271-5848

Reader Aids

Federal Register

Vol. 46, No. 230

Tuesday, December 1, 1981

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FEDERAL REGISTER PAGES AND DATES, DECEMBER

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—DECEMBER, 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

All January, February, and March dates are in 1982

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
December 1	December 16	December 31	January 15	February 1	March 1
December 2	December 17	January 4	January 18	February 1	March 2
December 3	December 18	January 4	January 18	February 1	March 3
December 4	December 21	January 4	January 18	February 2	March 4
December 7	December 22	January 6	January 21	February 5	March 8
December 8	December 23	January 7	January 22	February 8	March 8
December 9	December 24	January 8	January 25	February 8	March 9
December 10	December 28	January 11	January 25	February 8	March 10
December 11	December 28	January 11	January 25	February 9	March 11
December 14	December 29	January 13	January 28	February 12	March 15
December 15	December 30	January 14	January 29	February 16	March 15
December 16	December 31	January 15	February 1	February 16	March 16
December 17	January 4	January 18	February 1	February 16	March 17
December 18	January 4	January 18	February 1	February 16	March 18
December 21	January 5	January 20	February 4	February 19	March 22
December 22	January 6	January 21	February 5	February 22	March 22
December 23	January 7	January 22	February 8	February 22	March 23
December 24	January 8	January 25	February 8	February 22	March 24
December 28	January 12	January 27	February 11	February 26	March 29
December 29	January 13	January 28	February 12	March 1	March 29
December 30	January 14	January 29	February 16	March 1	March 30
December 31	January 15	February 1	February 16	March 1	March 31

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CFR Unit (F
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7 Parts:
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53–209
210–299
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400–699
700–899
900–944
945–980
981–999
1000–1059
1060–1119
1120–1199
1200–1499
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2800–2851
2853–end
8
9 Parts:
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200–end
10 Parts:
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12 Parts:
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14 Parts:
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15 Parts:
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300–end
16 Parts:
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150–999
1000–end

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81 New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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5	10.00
6	4.00
7 Parts:	
0–52	8.50
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400–699	7.50
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981–999	6.50
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2853–end	9.00
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1–199	8.50
200–end	7.50
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0–199	12.00
200–399	8.50
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500–end	8.50
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12 Parts:	
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14 Parts:	
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16 Parts:	
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200–end	8.00
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400–699	10.00
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1–199	6.50
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1 (1–1 to 1–10)	8.00
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8	5.00
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AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
E&EO Environment and Energy Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration

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ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MA Maritime Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GOLD Gold Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing November 27, 1981

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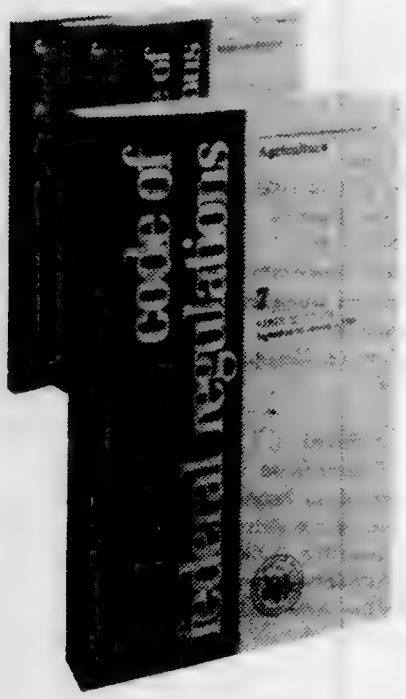

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Federal Register

Wednesday
December 2, 1981

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58481 **Eligibility of Belize to purchase defense articles and services** Presidential determination.

58636 **Veterans** VA issues guidelines to assist VA physicians in making determinations on exposure to agent orange and ionizing radiation. (Part II of this issue)

58484 **Nuclear Safety** NRC adopts interim requirements on hydrogen control.

58631 **Claims Against Iran** State issues supplemental notice on procedures for preparation and filing of statements of defense.

58547 **Grant Programs—Education** ED invites fiscal year 1982 applications for Library Career Training Program and Strengthening Research Library Resources Program. (2 documents)

58599 **Grant Programs—Health** HHS/PHS seeks 1982 applicants for Traineeships for Students in Schools of Public Health Program.

58546 **Guaranteed Student Loan Program** ED announces special allowances for quarter ending 9–30–81.

58505, 58507 **Securities** SEC proposes rules on financial statements of foreign private issuers. (2 documents)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Presidential Determination No. 82–2 of November 23, 1981

Eligibility of Belize To Make Purchases of Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles and defense services to the Government of Belize will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 FR 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 FR 12799), No 74–9 of December 13, 1973 (39 FR 3537), No. 75–2 of October 29, 1974 (39 FR 39863), No. 75–21 of May 20, 1975 (40 FR 24889), No. 76–1 of August 5, 1975 (40 FR 37205), No. 76–11 of March 25, 1976 (41 FR 14163), No. 76–12 of April 14, 1976 (41 FR 18281), No. 77–5 of November 5, 1976 (41 FR 50625), No. 77–17 of August 1, 1977 (42 FR 40169), No. 77–20 of September 1, 1977 (42 FR 48867), No. 79–5 of February 6, 1979 (44 FR 12153), and No. 79–11 of June 21, 1979 (44 FR 38437), No. 80–12 of March 3, 1980 (45 FR 16995), No. 80–14 of March 13, 1980 (45 FR 19211), No. 80–29 of December 4, 1980 (45 FR 82619), No. 81–1 of December 31, 1980 (46 FR 3491) and, No. 81–3 of February 27, 1981 (46 FR 15855), shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, November 23, 1981.

[FR Doc. 81–34757
Filed 11–30–81; 3:27 pm]
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 5, Amendment 4]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to interim rule.

SUMMARY: This amendment allows each handler to ship a quantity of smaller size Dancy variety tangerines (2$^{9}/_{16}$ inches in diameter) during the week November 30 to December 6, 1981, equal to 30 percent of total shipments during a specified prior period. In the absence of this amendment only tangerines 2$^{9}/_{16}$ inches in diameter could be shipped. This action allows an increase in the supply of tangerines during the period specified in recognition of demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This amendment is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

Interim regulation 5, setting minimum grade and size requirements for Florida Dancy tangerines, is effective for the period October 19, 1981 through December 6, 1981. The final rule is proposed to become effective on and after December 7, 1981.

This amendment would relax limitations on the handling of Dancy tangerines by permitting each handler, during the period November 30, 1981 through December 6, 1981, to ship a quantity of such tangerines of 210 size (2$^{9}/_{16}$ inches) equal to 30 percent of total shipments in a specified prior weekly period. Due to conditions in the production area, the amount of large fruit is less than anticipated and there is a need to augment the total available supply by permitting shipment of a portion of the smaller sized fruit. The committee reports that the market will accept a limited quantity of the 210 size Dancy tangerines. Thus, relaxation of the regulation is designed to allow a greater proportion of the available supply to reach the market.

It is anticipated that during subsequent weeks larger supplies of Dancy tangerines will be available for market and such fruit, left on the trees, will likely attain larger sizes. To assure the availability of the sized preferred by consumers, the proposed final rule effective on and after December 7, 1981, will continue the 2$^{9}/_{16}$ inch minimum diameter for shipments of Florida Dancy tangerines.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. This amendment relieves restrictions on the handling of Florida Dancy tangerines. Handlers have been apprised of such provisions and the effective date.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, paragraph (d) of § 905.305 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 5; (46 FR 50359; 55919; 57597; 56885), is revised as follows:

§ 905.305 Orange, Grapefruit, Tangerine, and Tangelo Regulation 5.

* * * * *

(d) *Percentage of size regulation applicable to Dancy variety tangerines.* Notwithstanding the provisions of Table I in paragraph (a) of this section, any handler may during the period November 30 through December 6, 1981, ship Dancy variety tangerines smaller than 2$^{9}/_{16}$ inches in diameter: *Provided,* That such smaller tangerines are not smaller than 2$^{9}/_{16}$ inches in diameter and: *Provided further,* That the quantity of such smaller tangerines does not exceed 30 percent of the quantity shipped in the applicable prior period as determined by the procedure specified in § 905.152 (46 FR 47056) of this part.

* * * * *

(Secs 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 27, 1981, to become effective November 30, 1981.

D. S. Kuryloski,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–34641 Filed 12–1–81; 8:45 am]
BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Interim Requirements Related to Hydrogen Control

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require inerted containment atmospheres, and additionally, both hydrogen recombiner capability to reduce the likelihood of venting radioactive gases following an accident and the provision of high point vents in the primary coolant system. The inerting requirement applies only to boiling water nuclear power reactors with either Mark I or Mark II type containments; the requirement for hydrogen recombiner capability applies to light-water nuclear power reactors that rely upon purge/repressurization systems as the primary means of hydrogen control; the requirement for the provision of high point vents applies to all light-water nuclear power reactors.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–443–5981.

SUPPLEMENTARY INFORMATION: On October 2, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 65466) a notice of proposed rulemaking on "Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations" (Interim Rule) inviting written comments or suggestions on the proposed rule by November 3, 1980. The notice concerned proposed amendments to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to improve hydrogen management in light-water reactor facilities and to provide specific design and other requirements to mitigate the consequences of accidents resulting in a degraded reactor core.

Thirty-five persons submitted comments regarding the proposed amendments. Although the comment period was scheduled to expire on November 3, 1980, comments received subsequent to that date have been considered, with the latest comment letter being dated February 9, 1981. The comments are part of the public record and may be examined and copied in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A summary of the comments along with a comment analysis and a value/impact assessment are also available for inspection and copying in the Public Document Room.

These comments have been carefully reviewed and evaluated during preparation of this final rule. The final rule contains revisions to the proposed rule that reflect these comments. The commenters were about equally divided between those in favor of and those opposed to publishing the interim amendments. Whether or not the commenter favored publishing a final rule, additional detailed comments were generally provided on specific aspects of the proposed amendments.

The NRC's Office of Nuclear Reactor Regulation sent a letter on September 5, 1980 to all nuclear power plant licensees, applicants and construction permit holders providing a "Preliminary Clarification of the TMI Action Plan Requirements." This was followed by a series of four regional meetings, noticed by publication in the **Federal Register** on September 12, 1980 (45 FR 60508) and held during the week of September 22, 1980, in order to provide a more detailed explanation of the requirements and to obtain industry comments. Based on the discussions at the meetings and other comments received, the NRC revised the requirements and notified the applicants, licensees and construction permit holders to this effect by a letter dated October 31, 1980. The letter and revised requirements are included in NUREG–0736, "Clarification of TMI Action Plan Requirements."[1]

On May 13, 1981, the Commission published in the **Federal Register** (46 FR 26491) a notice of proposed rulemaking which proposed licensing requirements for pending operating license applications (OL Rule). The proposed OL Rule was based upon the requirements described in NUREG–0737 and includes, among others, many of the requirements originally included in the proposed Interim Rule published in October 1980.

Items originally proposed in the Interim Rule were:

1. Inerting of Mark I and II boiling water reactors (BWRs).
2. Design analyses for Mark III BWRs and pressurized water reactors (PWRs).
3. Dedicated hydrogen control penetrations.
4. Hydrogen recombiner capability.
5. High point vents
6. Post-accident protection of safety equipment and areas
7. In-plant iodine instrumentation
8. Post-accident sampling
9. Leakage integrity outside containment
10. Accident monitoring instrumentation
11. Detection of inadequate core cooling
12. Training to mitigate degraded core accidents

Of the above list, all except items 1, 2 and 4 were included in the proposed OL Rule and have been appropriately revised to reflect the comments received during the comment period on the proposed Interim Rule. Hence, those items included in the OL Rule have been deleted from this Interim Rule except for item 5 (High point vents). Item 5, while previously included in the OL Rule was felt to be primarily hydrogen related and thus more appropriately included in this Interim Rule. Those public comments received pertaining to the remaining OL Rule items will not be discussed here. All of the public comments may be examined and copied in the Commission's Public Document Room along with the response to the comments (SECY 81–245, "Interim Amendments to 10 CFR Part 50 Related to Hydrogen Control and Certain Degraded Core Considerations").

The final Interim Rule contains revisions to the proposed Interim Rule that reflect all of the applicable comments including those (a) given in response to the notice of proposed rulemaking, and (b) generated during the regional meetings and in response to the clarification letters of September 5, 1980, and October 31, 1980.

Before discussing the comments and the specific revisions resulting from the comments, it should be noted that, while § 50.44 has applied only to light-water nuclear power with zircaloy fuel cladding, the new amendments in the Interim Rule are not as limited and apply to light-water nuclear power reactors with either stainless steel or zircaloy fuel cladding. The Commission will be considering further modification of § 50.44 during the long-term rulemaking effort relative to consideration of degraded or melted cores in safety regulation. Part of this long-term rulemaking will involve a thorough reevaluation of hydrogen generation and control. In the interim, the Commission wishes to leave in place the existing provisions of § 50.44 because of the requirements for dealing with design basis accidents. These include, for example, requiring:

[1] Copies of this report may be obtained from GPO Sales Program, Division of Technical Information and Document Control, U.S.C. Nuclear Regulatory Commission, Washington, D.C. 20555.

V 46 / 231 / DEC 2 81 1 UMI

1. The capability for measuring hydrogen concentrations in containment.

2. The capability for ensuring a mixed atmosphere in containment.

3. The capability for controlling combustible gas concentrations in containment following a postulated LOCA.

4. The capability to deal with hydrogen from radiolytic decomposition of the reactor coolant and the corrosion of metals. (These have release characteristics that differ from those associated with metal-water reaction.)

5. That the combustible gas control systems conform with the general requirements of Criteria 41, 42 and 43 of Appendix A of 10 CFR Part 50.

Several commenters have expressed concern that the various ruelmakings currently being pursued by NRC should be integrated, i.e., safety goal, degraded core considerations, minimum engineered safety features, siting and emergency planning. The NRC shares this concern. On October 15, 1980, the Executive Director for Operations established a Degraded Cooling Steering Group to coordinate degraded cooling and related rules. This group has completed its work and prepared a plan to ensure future integration of these activities.

Numerous commenters h ve questioned many of the implementation dates specified in the rule, indicating that they cannot be met for a variety of reasons, such as procurement lead time, need for the design studies, availability of acceptable equipment, etc. The staff agrees with these comments and has made appropriate changes to the implementation dates.

Inerting of Mark I and II BWRs [§ 50.44(c)(3)(i)]

Some commenters, particularly those associated with Mark I boiling water reactors (BWRs), questioned the advisability of requiring inerting of containments and suggested that other hydrogen control options be permitted. This issue has been extensively reviewed and discussed among the Commission, NRC staff and industry participants. Numerous reports and letters have been written and many meetings held in order to thoroughly air the issue. Considering the information previously developed, the Commission continues to believe that it would be prudent, pending completion of the long term rulemaking on degraded core cooling, to require that all Mark I and II BWR containments be provided with an inerted atmosphere during normal operations. However, one utility (Vermont Yankee) has recently expressed a renewed interest in providing a hydrogen control system, other than preinerting, for its facility. Two possible options, post-accident inerting and a deliberate ignition system, could be considered for the Mark I containment of this facility. The Commission has not received any specific proposal or analyses for either of these hydrogen control systems. Thus, it is concluded that, absent any proposed and justified alternative, preinerting is required for Mark I BWRs. If Vermont Yankee (or others) propose an alternative system backed up by suitable tests and analyses, the Commission will review it. If found acceptable, the alternative systems would be permitted, either by subsequent amendment or exemption to this section.

The proposed rule's deadline for installation of inerting systems has been extended to account for delay in publication of a final rule. The rule has also been changed to clarify that the paragraph applies only to Mark I and II BWRs.

Hydrogen Recombiner Capability [§ 50.44(c)(3)(ii)]

Several commenters have recommended that the proposed § 50.44(c)(3)(ii) be modified to allow the use of alternate means of hydrogen control, such as internal recombiners, rather than to restrict the rule to external recombiners. The proposed rule was not intended to preclude this alternative. In fact, if internal recombiners were present before or will be installed in the future, this section of the rule would not apply since purge/repressurization systems would not be the primary means for combustible gas control. This section of the rule only applies to facilities that rely upon purge/repressurization systems as the primary means of controlling combustible gases following a LOCA. Based on existing § 50.44, all facilities must have either internal or external recombiners or purge/repressurization systems for controlling combustible gases following a LOCA. For those BWRs which are inerted and which rely upon purge/repressurization for combustible gas control, the intent of the rule is to require that they be provided with either internal recombiners or the capability to install external recombiners.

It should also be noted that this section of the rule does not require actual installation of external recombiners; rather, it requires only the capability for installation. To avoid confusion, the rule has been clarified to indicate that internal recombiners are an acceptable alternative to the installation of external recombiner capability.

High Point Vents in Reactor Coolant System [§ 50.44(c)(3)iii)]

A number of commenters have remarked that there is no justification for applying the single failure criterion to the design of the high point vents. Furthermore, it has been suggested that the negative aspects of the high point vents have not been adequately considered and that, in fact, the vents may increase the risk to the public.

In response to these comments, the single failure criterion requirement has been deleted; however, one aspect of the criterion has been retained, namely, that a single failure within the power and control parts of the reactor coolant vent system should not prevent isolation of the entire vent system when required. Also a sentence has been added to require that the use of the high point vents not "aggravate the challenge to the containment or the course of the accident." Finally, the Interim Rule has been revised to relax the implementation date, in response to comments received at regional meetings with industry in September 1980.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as

amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C., 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)), §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the laws referred to in Appendices.

2. Section 50.44 of Part 50 is amended by revising paragraph (c) to read as follows:

§ 50.44 Standards for combustible gas control system in light water cooled power reactors.

* * * * *

(c)(1) For each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy cladding, it shall be shown that during the time period following a postulated LOCA but prior to effective operation of the combustible gas control system, either: (i) An uncontrolled hydrogen-oxygen recombination would not take place in the containment; or (ii) the plant could withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function.

(2) If the conditions set out in paragraph (c)(1) of this section cannot be shown, the containment shall be provided with an inerted or an oxygen deficient atmosphere in order to provide protection against hydrogen burning and explosions during the time period specified in paragraph (c)(1) of this section.

(3) Notwithstanding paragraphs (c)(1) and (c)(2) of this section:

(i) Effective May 4, 1982 or 6 months after initial criticality, whichever is later, an inerted atmosphere shall be provided for each boiling light-water nuclear power reactor with a Mark I or Mark II type containment; and

(ii) By the end of the first scheduled outage beginning after July 5, 1982 and of sufficient duration to permit required modifications, each light-water nuclear power reactor that relies upon a purge/repressurization system as the primary means for controlling combustible gases following a LOCA shall be provided with either an internal recombiner or the capability to install an external recombiner following the start of an accident. The internal or external recombiners must meet the combustible gas control requirements in paragraph (d) of this section. The containment penetrations used for external recombiners must either be:

(A) dedicated to that service only, conform to the requirements of Criteria 54 and 56 of Appendix A of this part, be designed against postulated single failures for containment isolation purposes, and be sized to satisfy the flow requirements of the external recombiners, or

(B) of a combined design for use by either external recombiners or purge/repressurization systems and other systems, conform to the requirements of criteria 54 and 56 of Appendix A of this part, be designed against postulated single failures both for containment isolation purposes and for operation of the external recombiners or purge/repressurization systems, and be sized to satisfy the flow requirements of the external recombiners or purge repressurization systems.

(iii) To provide improved operational capability to maintain adequate core cooling following an accident, by the end of the first scheduled outage beginning after July 1, 1982 and of sufficient duration to permit required modifications, each light-water nuclear power reactor shall be provided with high point vents for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate core cooling if the accumulation of noncondensible gases would cause the loss of function of these systems. (High point vents are not required, however, for the tubes in U-tube steam generators.) The high point vents must be remotely operated from the control room. Since these vents form a part of the reactor coolant pressure boundary, the design of the vents and associated controls, instruments and power sources must conform to the requirements of Appendix A and Appendix B of this part. In particular, the vent system shall be designed to ensure a low probability that (A) the vents will not perform their safety functions and (B) there would be inadvertent or irreversible actuation of a vent. Furthermore, the use of these vents during and following an accident must not aggravate the challenge to the containment or the course of the accident.

* * * * *

Dated at Washington, D.C. this 25th day of November 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-34647 Filed 12-1-81; 8:45 am]

BILLING CODE 7590-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 6H5134/R88; PH-FRL-1996-3]

Tolerances for Pesticides in Food; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation for the combined residues of the insecticide carbofuran and its metabolites in or on the food commodity raisin. This regulation to establish the maximum permissible level for residues of carbofuran was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 2, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. 3708, (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the **Federal Register** of June 14, 1976 (41 FR 23998) that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a food additive petition (FAP 6H5134) proposing that 21 CFR Part 193 be amended by the establishment of a regulation permitting the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the food commodity raisin at 2.0 parts per million (ppm) of which no more than 1.0 ppm is carbamates.

There were no comments received in response to the notice.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included two-year rat and mouse chronic feeding/oncogenicity studies with a no-observable-effect level (NOEL) of 20 parts per million (ppm) for

cholinesterase-inhibititon and a systemic NOEL of 20 ppm and 125 ppm respectively; a three-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day; a rabbit teratology study which was negative for terato and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the two year chronic rat feeding/onocogenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase inhibition and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from previously established tolerances at levels ranging from 0.05 ppm to 2.0 ppm and the proposed tolerances does not exceed the ADI.

Desirable data that are lacking from the petition is a six-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove grapes from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is scheduled to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran nor are there any other relevant considerations involved in establishing the tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before January 4, 1982, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, (5 U.S.C 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

Effective on: December 2, 1981.

(Sec. 409 (c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

Dated: November 17, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 193 is amended by adding a new § 193.43 to read as follows:

§ 193.43 Carbofuran; tolerances for residues.

A tolerance is established for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2.3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3, 7-benzofurandiol in or on the following food commodity:

Commodity	Parts per million
Raisins (of which no more than 1.0 ppm is carbamate)	2.0

[FR Doc. 81-34547 Filed 12-1-81; 8:45 am]

BILLING CODE 6560-32-M

21 CFR Part 561

[FAP 6H5134/R89; PH FRL-1996-4]

Tolerances for Pesticides in Animal Feeds; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation for the combined residues of the insecticide carbofuran in or on the feed commodities raisin waste and dried grape pomace. This regulation to establish the maximum permissible level for residues of carbofuran was requested by FMC Corp.

EFFECTIVE DATE: Effective on: December 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St. SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Production Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register of June 14, 1976 (41 FR 23998) that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a feed additive petition (FAP 6H5134) proposing that 21 CFR Part 561 be amended by the establishment of a regulation permitting the combined residues of the insecticide carbofuran (2,3-dihyrdo 2, 2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro 2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro 2,2-dimethyl 3,7-benzofurandiol in raisin waste at 6 parts per million (ppm), of which no more than 3.0 ppm are carbamates and 2 ppm is dried grape pomace, of which no more than 1.5 ppm are carbamates.

There were no comments received in response to the notice.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included two-year rat and mouse chronic feeding/oncogenicity studies with no-observable-effect level (NOEL) of 20 parts per million (ppm) for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm respectively; a three-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL of 20 ppm and a 1.2 mg/kg bw/day for fetotoxicity; a rabbit teratology study which was negative for terata and

fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the two-year chronic rat feeding/oncogenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase-inhibitions and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from previously established tolerances at levels ranging from 0.05 ppm to 2.0 ppm and the proposed tolerances does not exceed the ADI.

Desirable data that are lacking from the petition is a six-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove grapes from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is scheduled to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran nor are there any other relevant considerations involved in establishing the proposed tolerances.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before January 4, 1982, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164 (5 U.S.C. 601–612)), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

Effective on: December 2, 1981.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1)))

Dated: November 17, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by establishing a new § 561.67 as follows:

§ 561.67 Carbofuran; tolerances for residues.

Tolerances are established for the combined residues of the insecticide carbofuran (2,3-dihydro 2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro 2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro 2,2-dimethyl-3,7-benzofurandiol in or on the following animal feed commodities:

Commodity	Parts per million
Dried grape pomace (of which no more than 1.5 ppm are carbamates)	20
Raisin waste (of which no more than 3.0 are carbamates)	[illegible]

[FR Doc. 81–34545 Filed 12–1–81; 8:45 am]

BILLING CODE 6560–32–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 213

[A.I.D. Regulation 13]

Collection of Civil Claims by the Agency for International Development

AGENCY: Agency for International Development, IDCA.

ACTION: Confirmation of regulations.

SUMMARY: On October 2, 1980 in 45 FR 65258 AID published a notice that the regulation governing collection of civil claims by the Agency for International Development (at 22 CFR Part 213) was being reviewed in accordance with the Agency's plan to periodically review existing regulations. Public comments were invited and none were received. Therefore, this document confirms the regulation without change. For the official text of this regulation see Title 22 of the Code of Federal Regulations Part 213 (April 1, 1980 edition).

EFFECTIVE DATE: May 4, 1968.

FOR FURTHER INFORMATION CONTACT: Bruce K. Birnberg, Office of Financial Management, Agency for International Development, Washington, D.C. 20523. (202) 632–0110.

Executive Order No. 12291: This regulation is not a "major rule" under the Executive Order, the regulation has been submitted to and approved by the Office of Management and Budget.

Regulatory Flexibility Act: The Agency has determined that this regulation will not have a significant economic impact on a substantial number of small entities.

Dated: November 20, 1981.

John F. Owens,

Acting Assistant Administrator for Program and Management Services.

[FR Doc. 81–34615 Filed 12–1–81; 8:45 am]

BILLING CODE 6116–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W–6–FRL 1986–3]

Oklahoma Corporation Commission Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The purpose of this notice is to grant primary enforcement responsibility to the State of Oklahoma for the Underground Injection Control (UIC) program for oil and natural gas related recovery and production injection wells (Class II wells as defined by the Environmental Protection Agency) pursuant to the alternative demonstration the State has made under section 1425 of the Safe Drinking Water Act (SDWA).

On April 20, 1981, the State of Oklahoma Corporation Commission (OCC) applied to EPA for UIC primacy under SDWA section 1425. On May 15,

1981, EPA issued a notice in the **Federal Register** (46 FR 26796) of the public comment period and public hearing on the application. All comments received during the public comment period, including those made at the public hearing, have been noted and considered. Based on a review of the primacy application and the public record, it is determined that the State's program meets the requirements of section 1421(b)(1)(A) through (D) of the SDWA (including adequate recordkeeping and reporting) to prevent underground injection which endangers underground drinking water sources.

EFFECTIVE DATE: December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Dwight Hoenig, Ground Water Protection Section, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270. (214) 767–2774. Copies of the Responsiveness Summary are available from the above address.

SUPPLEMENTARY INFORMATION:

The State of Oklahoma is hereby granted primary enforcement responsibility for the Class II well underground injection control program in accordance with sections 1422 and 1425 of the SDWA. The EPA intends to implement a Federal Class II program on the Osage Mineral Reserve since the State of Oklahoma is not asserting jurisdiction over it. This grant of primacy includes the restricted lands of the Five Civilized Tribes pursuant to the provisions of Pub. L. 80–336. See also *Curry v. Corporation Commission of Oklahoma,* 617 P. 2d 177 (1980), *cert. denied* 49 U.S.L.W. 3927 (1981). On all other Indian lands, the EPA will enter into a memorandum of agreement with the OCC to establish a joint OCC–EPA Class II well program, whereby the OCC will continue the technical and administrative underground injection control activities subject to EPA's final action on permitting and enforcement.

In the May 19, 1981, **Federal Register** (46 FR 27333), the Environmental Protection Agency (EPA) published guidelines for alternative State demonstrations under section 1425 of the Safe Drinking Water Act (SDWA). The SDWA was amended on December 5, 1980, to include section 1425 which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the UIC regulations (40 CFR Parts 122, 123, 124, 146), a State may demonstrate that its program meets the statutory requirements of section 1421(b)(1)(A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

OMB Approval: Under Executive Order 12291, EPA must judge whether a rule is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because approval by EPA of the State of Oklahoma's Primacy Application for Authority to Regulate Class II Injection Wells, submitted under section 1425 of the Safe Drinking Water Act, will not impose any new requirements. Rather, this rule, if approved by EPA, only approves State actions.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to these comments are available for public inspection between the hours of 8:30 am and 4:00 pm, Monday through Friday at: Environmental Protection Agency, Region VI, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767–7341.

Certification Under The Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under section 1422 of the Safe Drinking Water Act of an application by a State to make the optional demonstration relating to oil or natural gas provided for under section 1425 of such Act will not have a significant economic impact on a substantial number of small entities, since the attached rule, if promulgated, only approves State actions. It imposes no new requirements.

Dated: November 20, 1981.

John E. Daniel,

Acting Administrator.

[FR Doc. 81–34643 Filed 12–1–81, 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 136

[RD–FRL–1995–7]

Orion Residual Chlorine Electrode, Model 97–90; Approval of Alternate Test Procedure for Water Pollutant

AGENCY: Environmental Protection Agency.

ACTION: Notice of Approval—Alternate Testing Procedure for a Water Pollutant.

SUMMARY: The Environmental Protection Agency, pursuant to section 304 of the Clean Water Act, is approving the Orion Residual Chlorine Electrode, Model 97–90, as an alternate test procedure for the measurement of total residual chlorine.

DATE: This approval is effective on December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert B. Medz, Associate Director, Water and Waste Management Monitoring Research Division (RD–680), U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460 [202/426–4727].

SUPPLEMENTARY INFORMATION: Section 304(h) of the Clean Water Act (CWA) of 1977 provides that the Administrator of the Environmental Protection Agency (EPA) shall establish test procedures for the analysis of pollutants. Those procedures must be used in reporting results under the National Pollutant Discharge Elimination System (NPDES), for state certifications of water quality under section 401 of the CWA, and for certain other purposes. EPA has provided, in 40 CFR 136.5, for the approval of alternate test procedures, following statistical verification. *See,* "Guidelines Establishing Test Procedures for the Analysis of Pollutants," 41 FR 52780, (Dec. 1, 1976). Orion Research, Incorporated, (Orion) has, in accordance with these Guidelines, applied for approval of the "Orion Residual Chlorine Electrode, Model 97–90," as an alternate test procedure for the measurement of total residual chlorine.

EPA's Environmental Monitoring and Support Laboratory (EMSL) has thoroughly reviewed and evaluated the comparability testing study and supporting data submitted by Orion. That information is on file at EMSL, 26 West St. Clair Street, Cincinnati, Ohio 45268. It is available for public inspection, to the extent consistent with 40 CFR Part 2 (EPA's "Public Information" regulations). The approved method description, electrode, and prepackaged reagents are available from Orion Research, Incorporated, 840 Memorial Drive, Cambridge, Massachusetts 02139.

Based on EMSL's review, and pursuant to 40 CFR 136.5, EPA has decided to designate the Model 97–90 procedure as an approved alternate test procedure for nationwide use. This approval is effective today. As an approved alternate test procedure, the Orion process is acceptable for use by any person required to use procedures approved under section 304(h) of the CWA. For such use the procedure must be in strict accordance with the method description and with the "Instruction Manual for Residual Chlorine Electrode, Model 97–70."

Dated: November 23, 1981.

Andrew P. Jovanovich,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-34544 Filed 12-1-81; 8:45 am]

BILLING CODE 6560-35-M

40 CFR Part 180

[PP 6F1787/R367; PH-FRL-1996-2]

Tolerances and Exemptions From Tolerances For Pesticide Chemicals in or on Raw Agricultural Commodities; Carbofuran

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide carbofuran and its metabolites in or on the raw agricultural commodity grapes. This regulation to establish the maximum permissible level for residues of carbofuran was requested by FMC Corporation.

EFFECTIVE DATE: Effective on December 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, Rm. 202 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the **Federal Register** of June 14, 1976 (41 FR 23998) that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1787) proposing that 40 CFR 180.254 be amended by the establishment of a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity grapes at 0.4 part per million (ppm), of which no more than 0.2 ppm is carbamates.

There were no comments received in response to this notice.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included two-year rat and mouse chronic feeding/oncogenicity studies with a no-observable-effect level (NOEL) of 20 parts per million (ppm) for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm respectively; a three-generation rat reproduction study with a NOEL of 20 ppm; two-rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL of 20 ppm and 1.2 mg/kg bw/day for fetotoxicity; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the two year chronic rat feeding/onocgenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase inhibition and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from previously established tolerances at levels ranging from 0.05 ppm to 2.0 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition is a six-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove grapes from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chomatography using a nitrogen specific microcoulometric detector) is available for enforcement proposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the purposed tolerance. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use. The proposed use falls under section 180.6(a)(3) with respect to poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before January 4, 1982, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, (5 U.S.C. 601-612)), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

Effective on: December 2, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: November 17, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180.254 is amended by removing all the text after the first paragraph and adding the following table:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
Alfalfa (fresh) (of which no more than 5 ppm are carbamates)	10
Alfalfa hay (of which no more than 20 ppm are carbamates)	40
Bananas	0.1
Beets, sugar	0.1
Beets, sugar (tops) (of which no more than 1 ppm is carbamates)	2
Cattle, fat (of which no more than 0.02 ppm is carbamates)	0.05
Cattle, meat (of which no more than 0.02 ppm is carbamates)	0.05
Cattle, mbyp (of which no more than 0.02 ppm is carbamates)	0.05
Coffee beans	0.1
Corn, fodder (of which no more than 5 ppm are carbamates)	25
Corn, forage (of which no more than 5 ppm are carbamates)	25
Corn, grain (including popcorn) (of which no more than 0.1 ppm is carbamates)	0.2

Commodity	Parts per million (ppm)
Goats, fat (of which no more than 0.02 ppm is carbamates)	0.05
Goats, meat (of which no more than 0.02 ppm is carbamates)	0.05
Goats, mbyp (of which no more than 0.02 ppm is carbamates)	0.05
Grapes (of which no more than 0.2 ppm is carbamates)	0.4
Hogs, fat (of which no more than 0.02 ppm is carbamates)	0.05
Hogs, meat (of which no more than 0.02 ppm is carbamates)	0.05
Hogs, mbyp (of which no more than 0.02 ppm is carbamates)	0.05
Horses, fat (of which no more than 0.02 ppm is carbamates)	0.05
Horses, meat (of which no more than 0.02 ppm is carbamates)	0.05
Horses, mbyp (of which no more than 0.02 ppm is carbamates)	0.05
Milk (of which no more than 0.02 ppm is carbamates)	0.1
Peanuts (of which no more than 0.1 ppm is carbamates)	0.2
Peanuts, hulls (of which no more than 1 ppm is carbamates)	‖
Peppers (of which no more than 0.2 ppm is carbamates)	1
Potatoes (of which no more than 1 ppm is carbamates)	2
Rice	0.2
Rice, straw (of which no more than 0.2 ppm is carbamates)	‖
Sheep, fat (of which no more than 0.02 ppm is carbamates)	0.05
Sheep, meat (of which no more than 0.02 ppm is carbamates)	0.05
Sheep, mbyp (of which no more than 0.02 ppm is carbamates)	0.05
Sorghum, fodder (of which no more than 0.5 ppm is carbamates)	3
Sorghum, forage (of which no more than 0.5 ppm is carbamates)	3
Sorghum, grain	0.1
Strawberries (of which no more than 0.2 ppm is carbamates)	0.5
Sugarcane	0.1

[FR Doc. 81-34548 Filed 12-1-81; 8:45 am]
BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6093

[U-41565]

Utah; Partial Revocation of Public Water Reserve No. 148

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order as to 80 acres of public lands withdrawn as a public water reserve. This action will restore the lands to the operation of the public land laws generally, including location for nonmetalliferous minerals under the mining laws.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Darrell Barnes, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 7, 1933, creating Public Water Reserve No. 148, is hereby revoked insofar as it affects the following described lands:

Salt Lake Meridian

T. 12 N., R. 6 E.,
Sec. 7, SW¼SE¼;
Sec. 18, NE¼NW¼.

The area described contains 80 acres in Rich County.

2. At 7:45 a.m. on December 31, 1981, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on December 31, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 7:45 a.m. on December 31, 1981, the lands will be open to location for nonmetalliferous minerals. They have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

November 25, 1981.

Garrey E. Carruthers,
Secretary of the Interior.

[FR Doc. 81-34564 Filed 12-1-81; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 9 to Service Order No. 1493]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 9 to Service Order No. 1493.

SUMMARY: Amendment No. 9 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE DATES: 11:59 p.m., November 30, 1981, and continuing in effect until 11:59 p.m., December 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: November 24, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822, 25311, 34593, 39148, 44190, 49127 and 54562), and good cause appearing therefor:

It is ordered, that Service Order No. 1493 is amended by revising paragraph (n) to read as follows:

§ 1033.1493 Service Order 1493.

(a) *Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee).* * * *

(n) *Expiration date.* The provisions of this order are extended to permit an additional thirty (30) days for the Escanaba and Lake Superior Railroad Company to complete compensation negotiations, and shall expire at 11:59 p.m., December 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1981.

This action is taken under the authority of 49 U.S.C. 10304-10305 and section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr. and Ray G. Atherton, Jr.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-34534 Filed 12-1-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 231
Wednesday, December 2, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 442

Prevented Planting Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to issue regulations prescribing procedures for a pilot program of prevented planting insurance for the first time in certain counties effective with the 1982 crop year. The proposed regulations will cover prevented planting due to excess moisture and are promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than February 1, 1982 to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to Melvin E. Sims, Chairman, Federal Corp Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Draft Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Melvin E. Sims, Chairman, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The information requirements, both recordkeeping and reporting, contained in this regulation must be cleared by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. These requirements will not become effective until that clearance has been granted.

The title and number of the Federal Assistance Program to which these regulations apply is: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that this proposed action constitutes a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date for these regulations is established as October 1, 1986.

FCIC has received many requests that it establish a program offering protection against losses due to prevented planting. In response, the Corporation proposes initially to offer such protection in 10 counties on a pilot program basis.

The counties proposed for prevented planting insurance were selected based upon recommendations from ASCS and/or a review of prevented planting payments made under the Farm Act of 1977, as follows:

Indiana	Posey, Vanderburgh
Minnesota	Marshall, Kittson
Mississippi	Leflore, Sunflower
Ohio	Brown, Highland
Wisconsin	Clark, Eau Claire

As insuring experience is gained from these pilot county programs in prevented planting, consideration will be given to expansion.

It is contemplated that the insurance concept will assure a producer that most of the cropland intended for planting will be planted to a crop. All of the cropland to be planted will be considered and protection will be offered against prevented planting due to excess moisture.

All written comments submitted pursuant to this notice will be available for public inspection in the Office of the Chairman, FCIC, during regular business hours.

Proposed Rule

Accordingly, under the authority contained in the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*), FCIC proposes to issue regulations prescribing procedures for insuring against prevented planting due to excess moisture, effective with the 1982 crop, to be known as 7 CFR Part 442 Prevented Planting Insurance Regulations, to read as follows:

PART 442—PREVENTED PLANTING INSURANCE

Subpart—Regulations for the 1982 and Succeeding Crop Years

Sec.

442.1 Availability of prevented planting insurance.
442.2 Premium rates, amounts of insurance and coverage levels.
442.3 [Reserved].
442.4 Creditors.
442.5 Good faith reliance on misrepresentation.
442.6 The contract.
442.7 The application and policy.
Appendix A—Counties Designated for Prevented Planting Insurance

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1982 and Succeeding Crop Years

§ 442.1 Availability of prevented planting insurance.

Insurance shall be offered under the provisions of this subpart on prevention of planting in counties within limits prescribed by and in accordance with the provisions of the Federal Corp Insurance Act, as amended. The counties shall be designated by the Chairman of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published the names of the counties in which prevented planting insurance will be offered.

§ 442.2 Premium rates, amounts of insurance and coverage levels.

(a) The Chairman of the Corporation shall establish premium rates, amounts of insurance and coverage levels for prevention of planting which shall be shown on the county actuarial table on file in the county service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre from among those amounts shown on the actuarial table for the crop year.

§ 442.3 [Reserved]

§ 442.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 442.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the prevented planting insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a mispresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Chairman of the Corporation in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 442.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date executed unless the application is rejected within 30 days in accordance with the terms thereof. The contract shall cover the prevention of planting as provided in the policy. The contract shall consist of the application, the policy, the attached Appendix A, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the county service office.

§ 442.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the cultivated acreage intended for planting as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the county service office on or before the applicable closing date on file in the county service office.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Chairman of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the county service office and publishing a notice in the **Federal Register** upon the Chairman of the Corporation's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* that if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) The provisions of the application and Prevented Planting Insurance Policy for the 1982 and succeeding crop years, and the appendix to the Prevented Planting Insurance Policy are as follows:

BILLING CODE 3410-08-M

FCI-12
Rev (9-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1 Name of Applicant

6 State ☐☐ - County ☐☐☐ - 7 Contract Number ☐☐☐☐☐

2 Agent, Administrator, Executor, Etc.

8 County

9 State

3 Street or Mailing Address

10 Identification Number ☐☐☐☐☐☐☐☐☐

11 SSN - TAX ☐☐

4 City and State

5 ZIP Code

12 Type of Entity

13 Applicant is Over 18: Yes____ No____ If No, Date of Birth

A The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and, where applicable, a price election or plan of insurance. **THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

14 Effective Crop Year	15 Crop	16 Type, Class Plan of Ins.	17 Price Election	18 Level Election	19	20 For Agency Use Only (A)	21 (P)
			•		☐		
			•		☐		
			•		☐		
			•		☐		
			•		☐		
			•		☐		
			•		☐		

22 Crop(s) **NOT** insured the first year:

B This application is accepted by the Corporation unless the applicant is notified of rejection within 30 days of the date hereof. Rejection shall be accomplished by depositing notification thereof in the United States Mail, postage paid, to the above address. Rejection may be for any reason which would also serve as a basis for termination under the policy, the Federal Crop Insurance Act, or the regulations issued thereunder. Outstanding and delinquent indebtedness to any United States Government Agency may be grounds for rejection. The contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, **AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED** as provided in the contract. This accepted application, the insurance policy(ies), the attached appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and where applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation. A material failure to include complete and accurate information on this application may invalidate the automatic acceptance provision hereof.

23 ☐ Applicant has received the policy(ies) and appendix(es) for the crop(s) shown above

24 ☐ Previous Carrier _____ 25 Policy Number _____

26 Applicant's Signature _____ 27 Date _____ 19__ 28 Code No ☐☐☐☐☐ 29 Witness to Signature _____

30 Location of Farm Headquarters

Phone

31 Address of Your Service Office

Phone

SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974

32 N S I O T - F U R

33 Page____ of ____ pages

BILLING CODE 3410-08-C

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Prevented Planting Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. CAUSES OF LOSS. (a) Cause of loss insured against. The insurance provided is against unavoidable prevention of planting insured acreage during the insurance period, due to excessive moisture conditions occurring within the insurance period, subject to any exceptions, exclusions or limitations shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any prevention of planting due to (1) the neglect or malfeasance of the insured, any member of the insured's household, tenants or employees, (2) failure to follow recognized good farming practices, (3) the backing up of water by any governmental or public utilities dam or reservoir project, or (4) the failure to plant insured acreage due to any cause other than excessive moisture, as determined by the Corporation.

2. ACREAGE INSURED. The acreage insured for each crop year, as determined by the Corporation, shall be the cultivated acreage intended for planting times the coverage level and the insured's share therein (a) as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect and (b) which has been assigned an amount of insurance and premium rate per acre on the actuarial table. "Cultivated acreage intended for planting" means land that was ready, or except for excessive moisture, could otherwise have been made ready for planting but does not include (i) land on which a perennial forage crop is being grown or on which a crop has been planted prior to the acreage reporting date, (ii) land on which a prevented planting indemnity has been received in the preceding crop year if the land is not worked prior to the October 31 prior to the crop year or (iii) land which will not be planted in order to comply with any other USDA or state program or for any other reason.

3. RESPONSIBILITY OF INSURED TO REPORT ACREAGE AND SHARE. The insured at the time of filing the application shall also report (a) all cultivated acreage intended for planting in the county for the crop year (including a designation of any cultivated acreage intended for planting to which insurance does not attach) and (b) the insured's share therein at the time of reporting. This report shall be submitted annually on or before the acreage reporting date of January 31. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

4. AMOUNTS OF INSURANCE AND COVERAGE LEVELS. For each crop year of the contract, the amounts of insurance and coverage levels shall be those shown on the actuarial table.

5. ANNUAL PREMIUM. (a) The annual premium is earned and payable at the time the acreage is considered reported and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time the acreage is considered reported.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

PERCENT ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

Loss ratio [1] through previous crop year	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage Adjustment Factor For Current Crop Year															
.00 to .20	100	95	90	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	100	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	85
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned

PERCENT ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

Loss ratio [1] through previous crop year	Number of loss years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 to Up	100	110	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for a crop year which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. INSURANCE PERIOD. Insurance on insured acreage shall attach March 5 of the crop year and shall cease upon the earlier of (a) planting the acreage or (b) the prevented planting date.

7. NOTICE OF DAMAGE OR LOSS. If an indemnity is to be claimed in any crop year, the insured shall give written notice thereof to the Corporation at the county service office not later than *5 DAYS* after the prevented planting date. The Corporation reserves the right (a) to provide additional time if it determines there are extenuating circumstances, or (b) to reject any claim for indemnity if any of the requirement of this section are not met.

8. CLAIM FOR INDEMNITY. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish that any prevention of planting on the unit was directly caused by excessive moisture conditions during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) The amount of indemnity under the contract shall be determined by (1) multiplying the insured acreage on the unit times the amount of insurance per acre, times the share and (2) subtracting

there from the amount obtained by multiplying the spring-planting acreage, plus any acreage which was intended for planting from which a forage crop is harvested, plus any acreage the Corporation determines could have been planted, times the amount of insurance per acre times the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

9. MISREPRESENTATION AND FRAUD. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or ommission occurred.

10. TRANSFER OF RIGHT TO INDEMNITY ON INSURED SHARE. If the insured transfers any part of the insured share during the crop year, the insured may transfer the right to an indemnity of any approved form. The insured shall be liable for the premium if such form is or is not executed. If such form is executed, the transferee shall have the same rights and responsibilities as the original insured for the current crop year.

11. RECORDS AND ACCESS TO FARM. The insured shall keep or cause to be kept for two years after the time of loss, records of all insured, uninsured, and planted acreage in the insured's farming operation. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. LIFE ON CONTRACT: CANCELLATION AND TERMINATION. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) The contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellaton and termination dates:

County	Cancellation date	Termination date for indebtedness
All counties	Dec 31	Jan. 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b) and (c) of this section, and section 5 of the appendix to the Prevented Planning Insurance Policy, the contract shall continue in force for each succeeding crop year.

Appendix (Additional Terms and Conditions)

1. MEANING OF TERMS. For the purposes of prevented planting insurance:

(a) "Acturial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the county service office, and which show the premium rates, amounts of insurance, coverage levels, insurable and uninsurable acreage, and related information regarding prevented planting insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "County Service Office" means the Corporations office(s) serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(d) "Crop year" means the period within which the crops to be planted on insured acreage are normally planted and shall be designated by the calendar year in which such crops are normally planted.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Prevented Planting Date" means the latest final planting date for any insured spring planted crop, except tobacco, in the county, including any extended date, on file in the county service office.

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured acreage at the time the acreage is considered reported, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured.

(j) "Spring planted acreage" means the insured acreage (1) planted to any crop during the insurance period or (2) which could have been planted during the insurance period, as determined by the Corporation, to a crop normally included in the insured's farming operation or shown on the actuarial table as suitable for production in the county.

(k) "Tenant" means a person who rents land from another person for a share of the crop(s) or proceeds therefrom.

(l) "Unit" means all insurable acreage in the county which the insured intends to plant (1) in which the insured has a 100-percent share or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee.

2. ACREAGE INSURED. (a) The Corporation reserves the right to limit the insured acreage to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to planting.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the county service office, the Corporation may elect to determine the insured acreage and share or declare the insured acreage to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. ANNUAL PREMIUM. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the

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insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

4. CLAIM FOR AND PAYMENT OF INDEMNITY. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action of such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c), as amended: *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(c) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(d) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(e) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

5. SUBROGATION. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

6. TERMINATION OF THE CONTRACT. If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

7. AMOUNTS OF INSURANCE AND COVERAGE LEVELS. (a) If the insured has not elected on the application an amount of insurance and coverage level from among those shown on the actuarial table, the amount of insurance and coverage level which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the amount of insurance and/or coverage level for any crop year on or before the closing date for submitting applications for that crop year.

8. ASSIGNMENT OF INDEMNITY. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

9. CONTRACT CHANGES. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the county service office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Done in Washington, D.C., on November 16, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: November 23, 1981.

Approved by:

Melvin E. Sims,

Chairman.

[FR Doc. 81-34330 Filed 12-1-81; 8:45 am]

BILLING CODE 3410-08-M

Farmers Home Administration

7 CFR Parts 1924 and 1944

Guidelines for Seasonal Farm Labor Housing

AGENCY: Farmers Home Administration.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administation (FmHA) proposes to amend its regulations regarding construction of farm labor housing to provide standards for farmworker housing that is occupied on a seasonal basis (up to 6 months per year). The intended effect of this action is to: (1) provide decent, safe, and sanitary housing for seasonal farmworkers; (2) amend regulations which restrict short term occupancy construction to comply with standards required for more permanent design and construction; and (3) furnish guidelines intended to be helpful to applicants in the design and construction of short term seasonal farmworker housing. This action is taken to comply with section 509 of the Housing and Community Development Amendments of 1979 (Pub. L. 96-153).

DATE: Comments must be received on or before February 1, 1982.

ADDRESS: Submit written comments, in duplicate, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Richard H. Slater, Architect, 202-382-9622, Farmers Home Administration, U.S. Department of Agriculture, Room 6309, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291, and has been determined to be non-major. This action requires no change in recordkeeping requirements and no increase in costs to the Government or public. There is no impact on proposed budget levels, and funding allocations will not be affected because of this action. The Exhibit is intended to provide guidance to developers of seasonal farm labor housing. The FmHA programs and projects which are affected by this Subpart are subject to state and local clearinghouse review in

the manner delineated in Part 1901, Subpart H of this Chapter. The affected program is CFDA No. 10.405, Farm Labor Housing Loans and Grants. Charles W. Shuman, Administrator, Farmers Home Administration, has determined that this action will not have a significant economic impact on a substantial number of small entities because of the relatively small scope of the program and the short term of occupancy of the housing by migrant farmworkers. This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Imact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190 an Environmental Impact Statement is not required.

Two major actions were considered: (1) Make no changes; and (2) amend FmHA Instructions to permit the financing of rental housing for farmworkers which would be occupied on a seasonal basis. Present regulations call for design and construction standards of farmworker housing on a par with rental housing for year-round occupancy. As such it requires costly features unnecessary for dwelling units which would be vacated approximatley six months of the year. This regulation has served to inhibit the production of seasonal farm labor housing, thus depriving the seasonal farmworker of decent, safe and sanitary housing, and has been a deterrent to the grower in the recruitment of labor to harvest its crops. The Agency has decided to adopt option (2). It is believed this selection to be the most practical, will benefit the farm laborer and the grower, and be the most cost effective. FmHA proposes to amend Subpart A of Part 1924, and Subpart D of Part 1944 of Chapter XVIII, Title 7, Code of Federal Regulations. The proposed change will add an Exhibit to the existing regulations that will provide guidance for the construction of housing for seasonal or migrant farmworkers. Generally, the guidelines have been derived from HUD's Minimum Property Standards (MPS) 4900.1 for single family and detached housing or contain functional standards for housing built for group living.

Seasonal labor housing is not intended for year-round occupancy but rather for use by families and individuals while employed away from their permanent homes. Since the housing will not be used as a permanent residence, it is not necessary to apply the same standards called for in the MPS in constructing seasonal labor housing. The proposed guidelines have been made flexible to meet the differing housing needs in the nation. The guidelines are to be used in conjuncton with applicable State and local building codes and health standards.

This Exhibit is needed so that construction of labor housing, while not required to meet the same standards as the MPS, will result in a project that is decent, safe and sanitary to meet the special needs of the seasonal or migrant farmworker. The Exhibit will, therefore, have a positive impact on the seasonal worker by providing the guidelines for decent, safe, and sanitary housing.

It will also have a beneficial impact for the applicant. After initial review of the Exhibit with the FmHA staff, the applicant will be given the Exhibit as a guide and should require only minimal contact with the FmHA office thereafter. This will reduce the cost to the applicant by eliminating trips to the FmHA office and by providing guidance from beginning about the type of construction desired to meet the needs of the seasonal farmworker. Also, since the guidelines are flexible and do not require the same standards as the MPS, the applicant will be able to construct the housing at less cost than could be done if all of the MPS standards were required.

FmHA has developed the proposed standards after receiving considerable input from farmworker housing organizations and other federal agencies. Shortly after passage of Pub. L. 96–153 FmHA began a series of meetings to develop the standards. Organizations involved included Housing Assistance Council, Inc., InterAmerica Research Associates, Migrant Legal Action Program, Inc., National Association of Farmworker Organizations, National Council of LaRaza, National Hispanic Housing Coalition, National Housing Law Project, National Rural Housing Coalition, Rural America, Inc., Community Services Administration, Department of Health and Human Services, Department of Housing and Urban Development and Department of Labor. Subsequent to the development of general findings by representatives of the above groups, FmHA employed a task force of architects from agency state offices to complete the proposed standards.

PART 1924—CONSTRUCTION AND REPAIR

Therefore, as proposed, Subpart A of Part 1924, and Subpart D of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations are amended by revising § 1924.5, adding Exhibit I and revising § 1944.163(e) and Exhibit A–3 as follows:

Subpart A—Planning and Performing Construction and Other Development

1. As proposed, in § 1924.5, paragraph (d)(1)(iv) is revised to read:

§ 1924.5 Planning development work.

* * * * *

(d) *Construction.* (1) * * *

(iv) Farm labor housing design and construction standards for family occupancy of 6 or more months will meet or exceed the MPS for Multifamily Housing No. 4910.1. Dormitory and other type housing units for non-family occupancy of 6 months or more should be in substantial conformance with the design and construction standards of the MPS for Multifamily Housing No. 4910.1, and must be developed for use that meets or exceeds the requirements of the Department of Labor, Bureau of Employment Security. Farm Labor housing design and construction standards for occupancy of less than 6 months may be less than MPS for Multifamily Housing No. 4910.1. It shall be constructed in accordance with Exhibit I, "Guidelines for Seasonal Farm Labor Housing."

* * * * *

2. As proposed, Exhibit I is added and reads as follows:

Exhibit I—Guidelines for Seasonal Farm Labor Housing

Section 100

General—This Exhibit sets forth the standards for planning and construction of Labor Housing (LH) that will be occupied on a seasonal basis. A seasonal basis is defined as six months or less per year. Seasonal housing for the farm worker need not be easily convertible to year-round occupancy. However, the living units shall be designed for the intended type of tenant, the time of occupancy, the location, the specific site, and the planned method of operation. It is important that the design of the labor housing site and buildings will help to create a pleasing lifestyle which will promote human dignity and pride among its tenants.

Section 200

Codes and Regulations—Compliance is required with national state and local codes or regulations affecting construction, mechanical, electrical, fire prevention, sanitation, and site improvement.

Section 300

Planning

300–1 Complete architectural/engineer services in accordance with this subpart will be required. If a LH grant is involved, or if the LH loan will involve more than four individual family units, or any number of

group living units, or dormitory units accommodating 20 or more persons.

300–2 Building and site design shall provide for a safe, secure, economical, healthful, and attractive living facility and environment suited to the needs of the domestic farm laborer and his/her family.

300–3 Five percent of all individual family dwelling units and all common use facilities shall have kitchens and bathrooms designed to accommodate wheelchair occupants, and be accessible to them.

Site Design

301–1 General—The site design shall be arranged to utilize and preserve the favorable features and characteristics of the property and to avoid or minimize the potential harmful effect of unfavorable features. Particular attention is directed to § 1944.164(k), (l) and (m) of Subpart D of Part 1944 of this Chapter with reference to compliance with Subpart G of Part 1901 of this Chapter. Some of the features which must be considered are the topography, drainage, access, building orientation to sun and breezes; and advantageous features—vegetation, trees, good views, etc.; disadvantageous features—offensive odors, noxious plants, noise, dust, health hazards, and others.

301–2 Drainage—Surface and subsurface drainage systems shall be provided in accordance with Section 311 of the MPS 4910.1 and Subpart D of Part 1804 of this Chapter (FmHA Instruction 424.5.)

301–3 Water and Sewage Disposal—Water supply and sewage disposal installations shall comply with Subpart D of Part 1804 of this Chapter (FmHA Instruction 424.5.), the Minimum Property Standards, 4910.1, and all governing state department of health requirements. Where environmentally and economically feasible, the labor housing facility shall connect to public water and waste disposal systems.

301–4 Electrical—Adequate electrical supply shall be provided for exterior and interior lighting and for the operation of equipment.

301–5 Vehicular Access and Parking

301–5.1 Safe and convenient all weather roads shall be provided to connect the site and its improvement to the off-site public road.

301–5.2 All weather drives and parking shall be provided for tenants, and for trucks and buses as needed within the site. Driveways, parking areas and walkway locations shall be in substantial compliance with the Minimum Property Standards.

301–6 Walks

301–6.1 Walks shall be provided for safe convenient access to all dwellings and for safe pedestrian circulation throughout the development between locations and facilities where major need for pedestrian access can be anticipated, such as, laundry, parking, to dwelling units, common dining rooms and other.

301–6.2 Walkways shall be hard surface such as concrete, asphalt or stabilized gravel and shall be adequately drained.

301–7 Building Location

301–7.1 Side and rear, and distances between buildings shall conform to sections 304–2 and 304–4 of the Minimum Property Standards, 4910.1.

301–8 Garbage and Refuse

301–8.1 Garbage and refuse containers for individuals units are required and shall be stored on durable functional racks or shall be located in a central screened area with easily cleaned surfaces. Single containers for multiple units shall be screened and in locations designed to accommodate collection vehicle functions.

301–9 Fencing

301–9.1 Fencing used in the site design for tenants' privacy or building security shall be harmonious in appearance with other fences and surrounding facilities which fall within the same view.

301–10 Outdoor Lighting

301–10.1 All public areas where pedestrian use can be anticipated after sunset shall be adequately lighted for security purposes, such as walkways to common use facilities—laundry, dining halls, and the like.

301–11 Planting and Landscaping

301–11.1 Planting and lawns or ground covers shall be provided as required to protect the site from erosion, control dust, for active and passive recreation areas, and provide a pleasant environment.

Building Design

302–1 Living Units Design

302–1.1 *Individual Family Unit*—One family or extended family to a unit which shall contain adequate space for living, dining, kitchen, bath and bedrooms. Multifamily type units are encouraged whenever possible for economy of site and building construction.

a. The minimum total living unit size for four occupants will be 400 square feet; sixty square feet will be added for each additional person.

b. A living/dining area shall be provided to accommodate a table and chairs with adequate dining and circulation space for the intended number of occupants. The living/dining area should be combined with the kitchen area.

c. The kitchen shall contain a sink, cooking facilities and refrigerator. A minimum free countertop area of six square feet is required. A minimum of 40 square feet of shelf area is required.

d. Each bathroom shall contain adequate space and circulation for a bathtub and/or shower, water closet and lavatory. Access to the bathroom shall not be through another bedroom in dwelling units containing more than one bedroom.

e. Bedroom areas separate from living areas are required. Minimum bedroom size shall be 50 square feet per dwelling occupant including storage. Housing for families with children shall have a separate bedroom for the adult couples.

302–1.2 *Group Living Units*—A living designed for the occupancy of more than one family or for separate occupancy of male and/or female groups. Common bath spaces shall be contained in the same building. Group living units for families shall have separate bedrooms for each adult couple.

a. Minimum total unit area shall be 590 square feet for eight persons and an additional 60 square feet for each additional occupant over eight. Additional area shall be provided for a second bathroom if required.

b. Each kitchen shall contain a sink, cooking facilities and refrigerator. A minimum of free countertop area of eight square feet is required. A minimum of 50 square feet of shelf area is required.

c. Refer to paragraph 302–1.1 b for living/dining requirements.

d. Each bathroom shall contain adequate space and circulation for comfortable access to, and use of fixtures which will include a bathtub and/or shower, water closet and lavatory. Group living units for families or for men and women shall be provided with a minimum of one bathroom for men and one for women. In no case shall minimum fixtures be less than that required per paragraph 302–1.3 c below.

e. Refer to paragraph 302–1.1 e for bedroom requirements.

302–1.3 *Dormitory Living Units*—A dormitory unit is a building which provides common sleeping quarters for persons of the same sex and may or may not contain kitchen and/or dining facilities in the same building as the sleeping quarters.

a. For sleeping purposes using single beds, provide not less than 72 square feet per occupant sleeping area including storage.

b. For sleeping purposes using double bunk beds, provide not less than 40 square feet occupant sleeping area. Triple bunk beds will not be allowed.

c. Each dormitory building must have a water closet, bathtub or shower for each 10 occupants, and a lavatory for each 6 persons. In adition, a urinal is required for each 15 male occupants.

d. Adequate kitchen and dining facilities must be provided which may be in the dormitory building or detached at a distance of not more than 200 feet from the sleeping quarters. In either case, the space must contain adequate cooking facilities, refrigerators, sinks, countertop, food storage shelves, tables and chairs, and circulation space. These facilities will comply with the requirements of the "Food Service Sanitation Ordinance and Code," Part V of the "Food Service Sanitation Manual," U.S. Public Health Service Publication 934 (1965).

302–2 Other Facilities

302–2.1 *General*—Other facilities authorized by Part 1944, Subpart D needed by farm workers may be provided in several ways: part of a living unit, located in the project, or available nearby in the community.

302–2.2 *Laundry Facilities*—Central laundry facilities shall be required unless washers and dryers are provided within each dwelling unit. Washers shall be provided at a minimum rate of one washer for each 20 occupants. One drying unit shall be provided for each washer if automatic dryers are customarily provided for rental housing in the community. If dryer units are not included, drying yards shall be required. Laundry facilities shall have adequate space for loading the units, circulation and for clothes folding.

302–2.3 *Office and Maintenance*—An office and maintenance space shall be provided commensurate with the number of

living units served and shall meet the requirements of the Minimum Property Standards and the Manual of Acceptable Practices. If necessary, the maintenance space shall have sufficient area to accommodate furniture storage.

302–2.4 *Child Care Center*—Where feasible, a child care center may be included to provide supervised activity and safety for children while the parents work. Supervisors and workers for such centers are sometimes enlisted on a volunteer basis and the cost borne by nonprofit associations or community organizations. Grants are sometimes available through Federal or State programs. Consequently, the design of the child care center should meet the requirements of those sources providing operational personnel and/or financing.

302–2.5 *Manager's Dwelling*—If a manager's dwelling is to be provided as a part of the FmHA loan or grant, it will meet the requirments of MPS 4900.1.

302–2.6 *Recreation*—Outdoor recreation space is required and shall be commensurate with the needs of the occupants. Active and passive recreation areas will be provided which may consist of outdoor sitting areas, playfields, tot lots and play equipment.

General Requirements

303–1 Materials and Construction—All materials and their installation in a labor housing facility shall meet the MPS requirements. Any exceptions to these requirements for materials and their installation must be obtained with the approval of the FmHA State Director acting on the advice of the State Architect, or through the FmHA National Office Environmental and Technology Staff. Materials should be selected that are durable and easily cleaned and maintained.

303–2 Fire Protection—Fire protection and egress shall be provided to comply with the requirements of the Minimum Property Standards, 4910.1, Section 405–4, and 405–6 except that lessor standards may be used if the state in which the facility is to be located is enforcing a nationally recognized building code.

303–3 Light, Ventilation, Screening—Natural light and ventilation requirements as specified in MPS 4900.1 or MPS 4910.1 shall be followed. Screening of all exterior openings is required.

303–4 Ceiling Heights—Ceiling heights at habitable rooms shall be a minimum of seven feet six inches clear, and seven feet in halls or baths in dwelling units. Public rooms shall have a minimum of eight feet clear ceiling height. Sloping ceilings shall have at least seven feet six inches for ½ of the room with no portion less than five feet in height.

303–5 Heating and Cooling—Heating and cooling equipment shall be installed as needed considering climate and time of year the facility will be in operation and for the comfort of the tenants. Maximum feasible use of passive solar heating and cooling techniques shall be required. All equipment installed will be in accordance with MPS requirements to protect the health and safety of the occupants.

303–6 Plumbing—Plumbing materials and their installation shall meet MPS requirements. Hot water will be required to all living units, baths, kitchens and laundry facilities.

303–7 Insulation, Thermal Standards, Winterization—Insulation will be required where either heating or cooling is provided as per paragraph 303–5 above, or when anticipated alternate or future uses will require heating and/or cooling. Insulation Standards will comply with FmHA Instruction 1924–A, Exhibit D, IV, C 3, or the State insulation standards, whichever is more stringent. Facilities shall be protected from damage during off-season by adequate heating and insulation as required.

303–8 Electrical—Electrical design, equipment and installation shall comply with the requirements of the latest edition of the National Electrical Code, and the MPS for materials and their installation. Individual family units will be separately metered; other types of dwelling units may be separately metered as required.

303–9 Security—Adequate management and physical measures shall be provided as necessary to protect the facility during off-season periods.

PART 1944—HOUSING

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations.

3. As proposed § 1944.163(e) is revised to read as follows:

§ 1944.163 Conditions under which an LH grant may be made.

* * * * *

(e) The housing must be durable and suitable for year-round use unless the need for such housing is seasonal and year-round occupancy is not practical and will not be needed. Construction of seasonal farm labor housing will be permitted upon a finding of persistent need for migrant farmworker housing in the area and such housing will be used solely by migrant farmworkers while they are away from their residence. Seasonal farm labor housing will be constructed in accordance with Exhibit I to Subpart A of Part 1924. Seasonal housing is housing that will be occupied for six months or less per year by migrant farmworkers while they are away from their residence.

* * * * *

4. As proposed, Exhibit A–3, Subpart D paragraphs II a 2 and II b 2 are revised and subpart D, paragraph II b 4 is corrected to be numbered II b 3.

Exhibt A–3—Labor Housing Construction Guidelines

* * * * *

II. Types of housing and appropriate standards

a. * * *

1. * * *

2. All planning and construction other than for seasonal farm labor housing be in conformance with the Minimum Property Standards (MPS) and applicable State and local codes.

b. * * *

1. * * *

2. Housing for seasonal occupancy (less than six months) shall be designed and constructed in accordance with Exhibit 1 to Subpart A of Part 1924 of this Chapter.

3. All planning and construction should be in conformance with applicable State and local codes.

(42 USC 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: October 30, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81–34540 Filed 11–2–81; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 478

[Docket No. CAS–RM–81–204]

Notice of Cancellation of Public Hearing for Proposed Regulations for Review and Certification of Contracts, Grants, Cooperative Agreements, and Projects Under the Methane Transportation Research, Development and Demonstration Act of 1980

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Proposed regulation; Cancellation of public hearing.

SUMMARY: On November 10, 1981 (46 FR 55628), the Office of Conservation and Renewable Energy, Department of Energy issued a notice of proposed rulemaking that proposed procedures for ensuring that new contracts, grants, cooperative agreements, Department of Energy projects or other agency projects to be funded under the Methane Research, Development and Demonstration Act of 1980, supplement rather than supplant, duplicate, displace or lesson research and development activities in the private sector. The Notice solicited comments on the proposed regulations and provided for a public hearing.

This notice is given to advise of the cancellation of the public hearing originally scheduled for December 4, 1981. The public hearing is being cancelled due to lack of interest in speaking at the hearing. Written comments may still be submitted until January 11, 1982, as provided in the original notice.

FOR FURTHER INFORMATION CONTACT:
Ralph D. Fleming, Office of Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8055
Jo Ann Scott, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9516
Hearings and Dockets (Hearing Procedures), Office of Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9319

Issued at Washington, D.C. on November 30, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81–34799 Filed 12–1–81; 11:31 am]
BILLING CODE 6450–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 373

[SPDR–85; Docket No. 40120; Dated November 25, 1981]

Implementation of the Equal Access To Justice Act

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is issuing a Notice of Proposed Rulemaking seeking comments on its rule implementing the Equal Access to Justice Act (EAJA). The EAJA, which takes effect October 1, 1981, provides for the award of attorney's fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. Because the Act was effective October 1, 1981, an interim rule was issued. This rulemaking is required by the EAJA.

DATES: Comments by: February 1, 1982. Reply comments: February 16, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: December 17, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40120, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:
Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act, Pub. L. 96–481, 94 Stat. 2325, authorizes the award of attorney's fees and other expenses to certain private litigants who prevail against the United States in adversary adjudications (proceedings under section 554 of the Administrative Procedure Act, 5 U.S.C. 554) conducted by Federal agencies and in civil court proceedings other than tort actions. Eligible prevailing parties are entitled to awards of fees and expenses, unless the presiding officer or judge finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Eligible parties include individuals with a net worth of not more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations or organizations with a net worth of not more than $5 million and not more than 500 employees; and tax-exempt charitable, educational or religious organizations and agricultural cooperative associations with not more than 500 employees, regardless of net worth. The Act applies to any proceedings pending between October 1, 1981 and September 30, 1984.

Because the Act is effective October 1, 1981, we issued an interim rule, SPR–177, 46 FR 51375, October 20, 1981, until a full, informal rulemaking proceeding can be completed. In this notice of proposed rulemaking, we are seeking comments on how best to effectuate the purposes of the Act in our rules. Although there will be an interim rule in effect when comments are filed, we consider that rule as a proposal subject to change in this rulemaking and will thoroughly consider any comments received.

The proposed rule is based on the model regulations issued by the Administrative Conference (46 FR 15895, March 10, 1981 and 46 FR 32900, June 25, 1981), the rules issued by the Department of Justice, and recommendations of the Office of Management and Budget. The Board submitted comments in response to the draft model regulations published by the Administrative Conference along with other federal agencies and interested persons. The Supplementary Information accompanying the draft and final model rules published by the Administrative Conference provide a thorough explanation of the purpose of the Act and different ways agencies could implement it.

This notice differs from the interim rule in several respects. Section 374.4, *Proceedings covered,* has been changed to make it clear that the Act only applies to proceedings required by statute to be conducted as adversary adjudications. Section 373.9 *Awards against other agencies,* has been removed and references to such awards have been deleted from other sections of the notice. After discussions with the Office of Management and Budget, we have been persuaded that the Act does not provide for an award to be made by one agency against another. This interpretation is supported by the language of the ordering section of the Act, 5 U.S.C. 504, which provides only for awards against the agency that is conducting the adversary adjudication. The final change is the elimination of confidential treatment of net worth statements in § 373.11, *Net worth exhibits.* The Act does not require confidential treatment and the provision merely duplicates other parts of our rules. A number of other minor editorial corrections have also been made.

We specifically request comments on several topics. The Equal Access to Justice Act will be in effect until September 30, 1984, if not longer. Although the Board is scheduled to sunset on January 1, 1985 under the Airline Deregulation Act of 1978, Pub. L. 95–504, 92 Stat. 1705, proposals have been made to Congress by both the Board and the Administration to accelerate that date. If the Board is terminated earlier, we have proposed that pending applications be transferred to the successor agency handling the type of proceeding from which the claim arose. This transfer would involve both the processing of the application and the payment of any award. Merger proceedings are scheduled to transfer to the Department of Justice on January 1, 1983. Any award applications from proceedings conducted at the Board would be handled by the Board, if the Board still existed. In the transition to sunset, however, the question of exactly what agency will process the application and make the award may have to be determined on a case-by-case basis.

We also solicit comments on what proceedings conducted by the Board are covered by the Act, and whether there are any additional proceedings that

should be included that are not listed. The rule lists three types of proceedings: enforcement, merger, and certain alterations, modifications, suspensions, or revocations of certificates to engage in foreign air transportation where the holder of such certificate requests an oral evidentiary hearing.

In determining eligibility for awards, the number of employees of an applicant is one of the most significant factors. In the air transportation industry, the number of persons "who regularly perform services for remuneration for the applicant, under the applicant's direction and control" may be larger than the number of regular employees. For example, some carriers have arrangements to use another carrier's ground crew in certain airports because the amount of traffic from that point may not be sufficient to warrant maintenace of full-time staffing there. In addition, there may be some travel agents that handle reservations almost exclusively for one carrier. Comments are requested on the question whether such services should be considered in the computation of the number of employees for the purposes of the EAJA.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-345, the Board certifies that these rules will not have a significant economic impact on a substantial number of small entities. While the Equal Access to Justice Act itself may have such an impact, the rules merely implement the Act's provisions and do not themselves impose significant economic burden or benefits.

Accordingly, the Civil Aeronautics Board proposes to revise Part 373, *Implementation of the Equal Access to Justice Act*, as follows:

PART 373—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.

373.1 Purpose.
373.2 Definitions.
373.3 When the Act applies.
373.4 Proceedings covered.
373.5 Eligibility of applicants.
373.6 Standards for awards.
373.7 Allowable fees and expenses.
373.8 Rulemaking on maximum rates for attorney fees.

Subpart B—Information Required From Applicants

373.10 Contents of application.
373.11 Net worth exhibits.
373.12 Documentation of fees and expenses.
373.13 When an application may be filed.

Subpart C—Procedures for Considering Applications

373.20 Filing and service of documents.
373.21 Answer to application.
373.22 Reply.
373.23 Comments by other parties.
373.24 Settlement.
373.25 Further proceedings.
373.26 Decisions.
373.27 Board review.
373.28 Judicial review.
373.29 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)); secs. 204 and 1002 of Pub. L. 85-726, as amended, 72 Stat. 743, 788 (49 U.S.C. 1324, 1482).

Subpart A—General Provisions

§ 373.1 Purpose.

The Equal Access to Justice Act, 5 U.S.C. 504, provides for the award of attorney fees and other expenses to eligible individuals and entities that are parties to certain administrative proceedings (called "adversary adjudications") before the Civil Aeronautics Board. An eligible party may receive an award when it prevails over a respondent bureau unless the respondent bureau's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards, and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Board will use to make them.

§ 373.2 Definitions.

As used in this part:

(a) "The Act" means section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96-481.

(b) "Adversary adjudication" means an adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license.

(c) "Proceeding" means an adversary adjudication as defined in paragraph (b) of this section.

(d) "Respondent bureau" means the unit of the Board that participates in a proceeding covered under this part in which the applicant prevails and that is alleged by the applicant to have taken a "substantially unjustified" position in that proceeding.

§ 373.3 When the Act applies.

The Act applies to any adversary adjudication pending before the Board at any time between October 1, 1981 and September 30, 1984, or the date of final Board sunset, whichever is earlier. This includes proceedings begun before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Board action occurs.

§ 373.4 Proceedings covered.

(a) The Act applies to proceedings of the Civil Aeronautics Board that are required by statute to be conducted as adversary adjudications. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of the Board or an intervening agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which the Board may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Civil Aeronautics Board, the types of proceedings generally covered include:

(1) Enforcement proceedings;

(2) Merger proceedings;

(3) Alterations, amendments, modifications, suspensions or revocations of a certificate to engage in foreign air transportation where the holder of such certificate requests an oral evidentiary hearing.

(b) The Board may also designate a proceeding not listed in paragraph (a) of this section as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Board's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue to be resolved in disposing of the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 373.5 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in Subpart B of this part.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting sheres or other interest, will be considered an affiliate for purposes of this part unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the administrative law judge or the Board may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 373.6 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the respondent bureau over which the applicant has prevailed was substantially justified. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 373.7 Allowable fees and expenses.

(a) The following fees and other expenses are allowable under the Act:

(2) Reasonable cost of any study, analysis, engineering report, test, or project which the Department finds necessary for the preparation of the party's case;

(3) Reasonable attorney or agent fees:

(b) The amount of fees awarded will be based upon the prevailing market rates for the kind and quality of services furnished, even if they were made available without charge or at a reduced rate to the applicant, except that:

(1) Compensation for an expert witness will not exceed $24.09 per hour; and

(2) Attorney or agent fees will not be in excess of $75 per hour.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the administrative law judge or Board shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding;

(5) Any necessary or reasonable expenses incurred; and

(6) Such other factors as may bear on the value of the services provided.

§ 373.8 Rulemaking on maximum rates or attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Board may adopt additional regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Board will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Board a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with 14 CFR 302.38. The petition should identify the rate the petitioner believes the Board should establish and types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Board will respond to the petition within 120 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

Subpart B—Information Required From Applicants

§ 373.10 Contents of application.

(a) An application for an award of fees and expenses under the Act shall be filed in the Docket Section under a new docket number and shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the respondent bureau or agencies in the proceeding that the applicant alleges was not substantially justified.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling of the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of

the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) If the applicant is a partnership, corporation, association, organization, or a sole owner of an incorporated business, the application shall state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall itemize the amount of fees and expenses for which an award is sought.

(e) The applicant may also include any other matters that the applicant wishes the Board to consider in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant or an authorized officer with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. The application shall contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and complete to the best of the signer's information and belief.

§ 373.11 Net worth exhibits.

(a) Each applicant other than a qualified tax-exempt organization or cooperative association must submit with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 373.5(f)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The administrative law judge or Board may require an applicant to file additional information to determine its eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring 1 year prior to the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were no such transactions, the applicant shall so state.

(c) Ordinarily, the net worth exhibit will be included in the public record of the proceeding.

§ 373.12 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter for which an award is sought. A separate itemized statement shall be submitted by each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The administrative law judge or Board may require the applicant to provide vouchers, receipts, or other substanitation for any expenses claimed.

§ 373.13 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this part, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Board's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order of any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 373.20 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties in accordance with 14 CFR Part 302, except as provided in § 373.11(b) for confidential financial information.

§ 373.21 Answer to application.

(a) Any answer of the respondent bureau shall be filed within 30 days after service of an application.

(b) If the respondent bureau and the applicant believe that they can reach a settlement concerning the award, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the administrative law judge or Board upon request by the respondent bureau and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on to support the objection. If the answer is based on any alleged facts not already in the record of the proceeding, the respondent bureau shall include with the answer either supporting affidavits or a request for further proceedings under § 373.25.

§373.22 Reply.

Within 15 days after service of an answer, the applicant may file a reply. if the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 373.25.

§ 373.23 Comments by other parties.

Any party to a proceeding other than the applicant and respondent bureau may file comments on an application within 30 days after it is served or on an answer within 15 days after is served. A commenting party may not participate further in proceedings on the application unless the administrative law judge or Board determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 373.24 Settlement.

The applicant and the respondent bureau may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the Board's settlement procedure. If a prevailing party and the respondent bureau agrees on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§373.25 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. Further proceedings shall be held, however, when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the administrative law judge or Board order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 373.26 Decisions.

The administrative law judge or Board shall issue an initial or tentative decision on the application within 30 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the respondent bureau's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 373.27 Board review.

Either the applicant or respondent bureau may seek review of the initial decision on the fee application, or the Board may decide to review the decision on its own initiative. If neither the applicant nor respondent bureau seeks review and the Board does not take review on its own initiative, the initial decision on the application shall become a final decision of the agency 30 days after it is issued. Whether to review a decision is a matter within the discretion of the Board. If review is taken, the Board will issue a final decision on the application or remand the application to the administrative law judge for final proceedings.

§ 373.28 Judicial review.

Judicial review of final Board decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 373.29 Payment of award.

An applicant seeking payment of an award shall submit to the Board's Comptroller a copy of the Board's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The documents should be sent to the Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. The Board will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the respondent bureau or any other party to the proceeding.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-614 Filed 12-1-81; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6361, 34-18275, IC-12051, File No. S7-915]

Age of Financial Statements of Non-North American Foreign Private Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is publishing for comment a proposed rule relating to the age of financial statements included in filings of foreign private issuers and technical amendments to other rules that would be necessitated by the adoption of such rule. Currently, foreign private issuers are technically subject to the same requirements as United States registrants, although the Commission has accepted financial statements somewhat older than specified in the current rules in recognition of the distinctive circumstances of foreign private issuers. The Rule being proposed would recognize this current practice and provide for special requirements relating to the age of financial statements for foreign private issuers.

DATE: Comments must be received on or before March 31, 1982.

ADDRESSES: Comment letters should refer to File No. S7-915 and be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and will be available for public inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ronald Adee (202) 272-3250, Office of International Corporation Finance, Division of Corporation Finance, or Clarence M. Staubs (202) 272-2133, Office of Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: As a general rule registration statements filed under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a *et seq.*] and certain reports filed under the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a *et seq.*] must include financial statements that are as of a date within 135 days of the filing date and the effective or mailing date, subject to certain exceptions.[1] These rules are premised on the requirement that most domestic registrants are required to file quarterly reports on Form 10-Q [17 CFR 249.308a].

Foreign private issuers eligible to use Form 20-F [17 CFR 249.220f] [2] are exempt from filing quarterly reports on Form 10-Q [3] and their annual report on Form 20-F is required to be filed within six months after the end of the fiscal year. Registration statements on Form 20-F must be filed within 120 days after the last day of the fiscal year in which the criteria in section 12(g) of the Exchange Act are met or with an application to list and register securities on an exchange pursuant to section 12(b) of the Exchange Act.

In the past, the Commission has permitted non-North American foreign private issuers to file registration statements under the Securities Act or section 12(b) of the Exchange Act that contain financial statements older than those required from domestic registrants. This practice has been followed because the foreign registrants often are not required to nor do they prepare quarterly or other interim financial statements. Another reason for this practice has been the requirement that foreign registrants must reconcile their financial statements to United States generally accepted accounting principles and such reconciliations may be complicated and time-consuming to prepare.[4] The decisions to accept financial statements that are older than those required by Regulation S-X involve granting waivers pursuant to Rule 3-13 [17 CFR 210.3-13] of Regulation S-X on a case-by-case basis.

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[1] Rules 3-01 [17 CFR 210.3-01], 3-02 [17 CFR 210.3-02], and 3-12 [17 CFR 210.3-12] of Regulation S-X. See also Release No. 33-6234 (September 2, 1980) [45 FR 63682].

[2] Basically, this includes all non-North American issuers and North American issuers that have registered their equity securities under section 12(g) of the Exchange Act. See the General Discussion in accompanying Release No. 33-6360.

[3] Rules 13a-13 [17 CFR 240.13a-13] and 15d-13 [17 CFR 240.15d-13].

[4] Release No. 33-6360 discusses the concept of reconciliation.

These waiver requests consume the time of the staff as well as registrants. Moreover, foreign issuers may have difficulty planning transactions in view of the uncertainty inherent in this case by case approach. In recognition of these problems, the Commission is proposing Rule 3–19 of Regulation S-X that would apply to non-North American foreign private issuers eligible to use Form 20–F.

Release No. 33–6234 (September 2, 1980) [45 FR 63682] announced the adoption of the current rules in Regulation S–X relating to the age of financial statements to be included in any registration statement or periodic report. However, the Commission stated that waiver requests by foreign registrants regarding the age of financial statements in firm commitment underwritten offerings had been granted if the foreign registrants presented financial statements at least as current as six months prior to the effectiveness of their registration statement. Many commentators on the general concept of an integrated disclosure system [5] for foreign registrants stated that foreign private issuers would be unable to comply with the age of financial statements requirements of Regulation S–X and requested a specific rule for foreign issuers permitting them to file financial statements that are as old as six months prior to the effective date.

Proposed Rule 3–19 would apply only to non-North American foreign private issuers [6] that are eligible to use Form 20–F. These registrants would be required generally to include the same audited financial statements as domestic registrants, i.e., balance sheets for the past two fiscal years and statements of income and changes in financial position for the last three fiscal years. An exception is that the audited financial statements for the most recent fiscal year would not be required if the filing were made within six months after the end of the fiscal year and audited balance sheets for the most recent fiscal year were unavailable. In such a situation, the audited balance sheets for the two preceding fiscal years would be required provided that the unaudited interim financial statements [7] are as of a date within six months of the effective date or that before the effective date audited financial statements for the most recent fiscal year are substituted for the interim financial statements.

For the reasons mentioned above, the requirements for unaudited interim financial statements would differ from the requirements applicable to domestic registrants. Proposed Rule 3–19 would require only that the financial statements, on the effective date, be no older than six months. Notwithstanding this provision, if the registrant, pursuant to foreign law or otherwise, discloses interim financial statements that are more current, those would be required to be in the filing. An exception to the proposed six month rule is that in the case of certain offerings to shareholders such as pro rata rights offerings, the financial statements may be no more than one year old. The purpose of this exception is to facilitate the registration of such offerings from which United States shareholders might otherwise be excluded.

Although the Commission believes that quarterly financial statements are important in keeping investors informed of current developments, the special circumstances and problems of foreign registrants are appreciated. Based upon its past experience, the Commission believes that requiring financial statements that are as of a date within six months of the effective date is a reasonable balance between the necessity for the protection of investors and the need to keep them reasonably informed of the registrant's current operations and activities. The Commission also believes that such a requirement can be met by most foreign registrants without undue burdens. Accordingly, the Commission would not expect to grant waivers from the provisions of proposed rule 3–19.

Text of Proposal

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Part 210 of 17 CFR Chapter II is proposed to be amended as follows:

1. By adding new paragraph (h) to § 210.3–01.

§ 210.3–01 Consolidated balance sheets.

* * * * *

(h) For filings by non-North American foreign private issuers, the requirements of § 210.3–19 shall apply in lieu of the requirements of this section.

2. By adding new paragraph (d) to § 210.3–02.

§ 210.3–02 Consolidated statements of income and changes in financial position.

* * * * *

(d) For filings by non-North American foreign private issuers, the requirements of § 210.3–19 shall apply in lieu of the requirements of this section.

3. By adding new paragraph (e) to § 210.3–12.

§ 210.3–12 Age of financial statements at effective date of registration statement or at mailing date of proxy statement.

* * * * *

(e) For filings by non-North American foreign private issuers, the requirements of § 210.3–19 shall apply in lieu of the requirements of this section.

4. By adding new § 210.3–19 to read as follows:

§ 210.3–19 Special provisions as to financial statements for non-North American foreign private issuers.

(a) A non-North American foreign private issuer, as defined in 17 CFR 240.405(t), eligible to use Form 20–F, shall include the following financial statements for the registrant and its subsidiaries consolidated:

(1) Audited balance sheets as of the end of each of the two most recent fiscal years.

(2) Audited statements of income and changes in financial position for each of the three fiscal years preceding the date of the most recent audited balance sheet being filed.

(b) If the filing, other than an annual report on Form 20–F, is made within six months after the end of the registrant's fiscal year and if the audited balance sheet for the most recent fiscal year is not available, the balance sheets in the filing may be as of the end of the two preceding fiscal years; *Provided,* That on the effective date the filing shall include a balance sheet as of an interim date within six months of the effective date (except as permitted in paragraph (e) below), and *Provided further,* That is the effective date falls after five months subsequent to the end of the most recent fiscal year, the filing shall include an audited balance sheet for the most recent fiscal year.

(c) If the filing is made after six months subsequent to the end of the most recent fiscal year, the filing shall include a balance sheet, which may be unaudited, as of an interim date within six months (except as permitted in paragraph (e) below) of the effective date.

(d) If an interim balance sheet is required by this rule, statements of income and changes in financial position for the interim period between the latest audited balance sheet and

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[5] Discussed in Release Nos. 33–6235 (September 2, 1980) [45 FR 63693].

[6] See proposed definition in Rule 405(t) [17 CFR 230.405(t)] under the Securities Act No. 33–6333 (August 6, 1981) 34–18009 [46 FR 41971].

[7] These financial statements must be as of an interim date, not the date the fiscal year ended

the date of the interim balance sheet being filed and for the corresponding period of the preceding fiscal year shall also be filed. Such interim financial statements may be unaudited and need not be presented in greater detail than is required by § 210.10–01.

(e) The balance sheet shall be as of a date within one year of the effective date if the only securities to be offered are (1) upon the exercise of outstanding rights granted by the issuer of the securities to be offered, if such rights are granted pro rata to all existing security holders of the class of securities to which the rights attach; or (2) pursuant to a dividend or interest reinvestment plan; or (3) upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer. The provisions of this paragraph (e) are not applicable if securities are to be offered or sold in a standby underwriting or similar arrangement.

(f) Notwithstanding the above provisions of this rule § 210.3–19, if a non-North American foreign private issuer prepares and discloses to its shareholders or otherwise makes public, pursuant to applicable foreign laws or regulations or stock exchange requirements or otherwise, financial statements that are more current than those specified in this rule, such financial statements shall be included in the filing.

Regulatory Flexibility Act Considerations

The Chairman has certified that the proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Statutory Basis

These amendments are proposed pursuant to authority in sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933; sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934; sections 8, 30, 31(c) and 38(a) of the Investment Company Act of 1940.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, 836, 838, 841; 74 Stat. 201, 84 Stat. 1415; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78, 78m, 78o(d), 78w(a), 80a–8, 80a–29, 80a–30(c), 80a–37(a).)

The Commission is mindful of the cost to registrants and others of its proposal and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

Pursuant to section 23(a)(2) of the Securities Exchange Act of 1934, the Commission specifically invites comments as to the competitive impact of these proposals.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 20, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rule relating to the financial statements of foreign issuers contained in Securities Act Release No. 6361 (November 20, 1981) "Age of Financial Statements of non-North American Foreign Private Issuers," will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that none of the approximately one hundred fifty registrants that would be affected by the adoption of the proposal appear to be a small entity.

John S. R. Shad,

Chairman.

November 20, 1981.

[FR Doc. 81–34565 Filed 12–1–81; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Parts 210 and 229

[Release Nos. 33–6362; 34–18276; IC–12052; File No. S7–915]

Financial Statements of Foreign Private Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules and corrections.

SUMMARY: The Commission is publishing for comment a proposed rule and corrections to existing proposed rules relating to the currency in which the financial statements of foreign private issuers are to be presented in filings with the Commission. The proposals specify the criteria for determining the currency to be used in the financial statements of a foreign private issuer and would require disclosure of a history of exchange rates and dividends per share stated in United States ("U.S.") currency. In addition, the proposed rule would require foreign private issuers from countries with high rates of inflation to disclose supplementary information relating to the effects of changing prices.

DATE: Comments must be received on or before March 31, 1982.

ADDRESSES: Comment letters should refer to File No. S7–915 and be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Ronald Adee (202) 272–3250, Office of International Corporate Finance, Division of Corporation Finance or Eugene Green (202) 272–2130, Office of Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Traditionally, the staff of the Commission has encouraged foreign private issuers in filings under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a *et seq.*) to present their primary financial statements in a foreign currency and also to provide supplemental U.S. financial statements as a convenience to U.S. investors who may be unfamiliar with the foreign currency. The dollar denominated amounts, often referred to as convenience translations, are arithmetic extensions of the foreign currency amounts and are computed usually by multiplying all amounts in the primary financial statements for each year presented by the currency exchange rate at the date of the most recent balance sheet included in the filing or by a more recent exchange rate.[1] The Commission is proposing for public comment Rule 3–20 of Regulation S–X (17 CFR 210.3–20) relating to financial statements of foreign private issuers [2] and amendments to Items 301 and 303 of Regulation S–K (17 CFR 229.300) relating to Selected Financial Data and to Management's Discussion and Analysis of Financial Condition and Results of

[1] Staff accounting Bulletin No. 40 Topic 1–D–1 ("the SAB") (January 23, 1981); and Guide 24 of Guides for Preparation and Filing of Registration Statements. The SABs and the Guides are not rules of the Commission nor are they published as bearing the Commission's approval. They represent policies and practices followed by the Commission's Office of Chief Accountant and the Division of Corporation Finance in administering the disclosure requirements of the federal securities laws.

[2] Rule 3b–4(c) (17 CFR 240.3b–4(c)) defines foreign private issuer as any foreign issuer other than a foreign government. See definitions in Rule 405(q) [17 CFR 230.405(q)]. Release No. 33–6333 (August 6, 1981) (46 FR 41971).

Operations, respectively.[3] These proposals would specify the currency in which the financial statements of foreign registrants must be stated, require a history of exchange rates, and require price-indexed financial information for certain foreign private issuers. The deletion of Guide 24 was proposed in Release No. 33–6332 (August 6, 1981) (46 FR 41925) relating to proposed revision of Regulation S–K. SAB No. 40, Topic 1–D–1 is hereby withdrawn.

General

Commencing with the international abolition of a system of fixed rates of exchange between currencies in favor of a system of exchange rates determined primarily by various market factors, American investors in foreign securities have been faced with two separate and distinct primary investment analyses: that relating to the foreign private issuer's performance and propects and that relating to projections of future exchange rates between that domicile currency and the U.S. currency. Both aspects can have a significant impact on future cash flows or returns on such investments in terms of U.S. dollars. The Commission is of the view that current staff guidelines relating to the presentation of financial statements of foreign private issuers in filings with the Commission discourage such analyses.[4] The Commission believes it is important to change current practice in order to minimize any potentially misleading effects and to develop new disclosures that are more suitable under current conditions. The Commission believes its present proposals and actions will promote continued confidence in the reporting process for foreign private issuers and encourage more informed decisions when considering investments in foreign securities.

Convenience Translations of Foreign Currency Financial Statements—Proposed Rule 3–20 of Regulation S–X

Financial statements are intended to convey relevant information regarding the financial position of a company, the results of its operations, and the changes in its financial position. Such presentations should be in the currency that best depicts the effect of financial activities in the economic environment in which the entity realizes its cash flows. In the case of foreign private issuers generally that would be the currency in which the primary books and records are maintained, in which the issuer conducts most of its business, and in which the financial statements are reported in its domicile country. Since U.S. investors may not be familiar with the foreign currency in which the financial statements are presented, the Commission historically has permitted and encouraged the primary foreign currency financial statements in registration statements filed under the Securities Act also to be restated in U.S. dollars for the convenience of the U.S. investors in order to demonstrate the order of magnitude of the foreign currency financial statements. The financial statements for each year are usually translated at one exchange rate—generally that in effect as of the latest balance sheet or as of the most recent practicable date. For many years, exchange rates were fixed and rarely changed. Thus, in the usual situation under fixed exchange rates, the single exchange rate used to compute the convenience translation had been in effect during all the periods to which the financial statements related. Consequently, such convenience translations did not distort the performance trends depicted in the primary foreign currency statements.

With the advent of floating exchange rates and the concomitant volatile fluctuations of such rates, however, the use of a simple arithmetical convenience translation rate to translate all periods in the financial statements could distort the performance data depicted for each reported period in the primary financial statements for which such translation rate was not representative of the actual rates in existence. This would be true particularly with respect to a currency undergoing continual devaluation as a result of sustained hyperinflationary conditions.

In recognition of such consequences, the staff in recent years has accepted deviations from the single translation rate method in certain registration statements filed under the Securities Act. One alternative, seldom used, is to translate to U.S. dollar figures for only the latest fiscal year and subsequent interim period, again at a single rate. Another alternative is to use the average exchange rate existing during each reported period to translate the figures for that period. An asserted advantage of this multiple translation rate approach is that the U.S. dollar denominated amounts for each period are more representative of a stable currency for that particular period; performance data for each reported period in U.S. dollar terms are not so distorted. However, since this alternative does give effect to changes in the actual exchange rates over the entire period for which financial statements are included, historical patterns of operations from period to period or performance trends can differ materially from the trends depicted in the primary foreign currency financial statements. A minor variation of this approach, also seldom used, is to use the exchange rate existing at the end of each reported period as the translation rate for that period. This alternative has substantially the same results as the average rate in each period alternative, but may not reflect as accurately the actual rates in existence during each reported period.

The primary reason that some foreign private issuers favor the use of average rates in each period is that it acts, in part, as an inflation deflator of the primary foreign currency financial statements. Currently, some countries are experiencing annual inflation rates well in excess of 100 percent. In the absence of adjustments for such inflation, the historical financial statements in the currency of such countries could be materially misleading with respect to earnings and growth trends. For example, under such rates of inflation, a trend of increased revenues and income could be shown whereas such revenues and earnings, in real terms, had been level or even decreasing. Since exchange rates between the U.S. and certain foreign currencies historically have reflected, in the long run, the differences in the rates of inflation in the two countries, the use of average exchange rates in each reported period in the financial statements as the translation rates has some of the effects which would result from deflating the foreign currency figures.

Although this exchange rate/relative inflation rate relationship between the U.S. and some foreign currencies has exhibited historical consistency, it may not continue to do so. Currency exchange rates under a floating system are determined by any different factors—both long term and short term—but relative inflation rates are only one such factor. The Commission believes that the effects of changing prices on historical financial statements are important issues but, as discussed below, can be addressed more

[3] Currently Items 10 and 11 of Regulation S–K, these Items are included substantially unchanged in the proposed revision of Regulation S–K. Release No. 33–6332 (August 6, 1981) (46 FR 41925). For convenience, the discussion in this release will refer to the proposed Regulation S–K.

[4] For critiques of the staff's current practices and evaluations of alternative methods of translating foreign currency financial statements, see generally, Brooks, "Currency Translation in the Registration Statements of Foreign Issuers," 35 Bus. Law. 435 (1980); and Wang, "Reflections on Convenience Translations: A reply to Professor Brooks," 17 San Diego L. Rev. 309 (1980).

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accurately and directly by a specific procedure of inflation adjustment rather than through the use of convenience translations.

The Commission believes that investments in foreign securities involve an analysis of exchange rate movements separate and distinct from the analysis of the issuer's performance and trends in such performance. Based on the experience gained during the past few years and consideration of alternative methods of computing convenience translations, the Commission believes the use of convenience translations, whatever method of translation used, obscures or renders more difficult such separate analysis. Although the various methods of convenience translations each have advantages and disadvantages, none provides a comprehensive solution; all can and usually do produce distortions in performance data for a particular period or trends in such performance data as reflected in the primary foreign currency financial statements. Compounding this problem is the Commission's concern that U.S. investors frequently focus exclusively on the convenience translations. The Commission is cognizant of the fact that, when choosing among foreign investment opportunities, American investors naturally rely heavily on the U.S. dollar statements and may be encouraged to do so by the foreign private issuers or the market intermediaries. This reliance, particularly on the part of less sophisticated investors, not only detracts from the importance of the primary financial statements but also may promote the misconception that the foreign private issuer possesses assets, or is obligated to pay liabilities, in United States currency. The Commission is of the further view that the presentation of multiple sets of historical cost (including derivatives) financial statements as the primary financial statements in filings with the Commission, may be more confusing than enlightening. This would be particularly true in relation to the recently revised Management's Discussion and Analysis of the financial statements requirement.

The proposed Regulation S-X Rule also addresses another practice currently being used by certain foreign private issuers, one not properly labeled "convenience translations." These issuers present two full sets of financial statements: one in foreign currency, prepared in accordance with foreign generally accepted accounting principles ("GAAP"), and the other in U.S. currency in accordance with U.S. GAAP. Unlike the situation involving convenience translations, the auditor's opinion covers both sets of financial statements. The justification advanced for this presentation is two-fold: the inadequacy of the foreign financial statements because of the sustained hyperinflationary conditions in the foreign country and the fact that these particular issuers are exporters and, consequently, conduct significant portions of the operations variously in U.S. dollars, in currencies linked to the U.S. dollar or in other foreign currencies. In such filings, the required Management's Discussion and Analysis of the financial statements is keyed to the U.S. dollar financial statements wherein it is represented variously that the U.S. dollar financial statements "more appropriately reflect business in dollar terms," or "are more applicable to an understanding of the most preferable presentation of its results of operations and financial condition for U.S. investors." The proposed rule would specify a single set of primary financial statements.

The current requirement for convenience translations specifically applies only to filings under the Securities Act of 1933, although some foreign private issuers voluntarily furnish convenience translations in filings under the Securities Exchange Act of 1934. In a related action, the Commission also proposed a separate integrated disclosure system for foreign private issuers.[5] In line therewith, proposed Rule 3-20 of Regulation S-X and the related proposed amendments to Items 301 and 303 of Regulation S-K, discussed below, will be applicable to all registration statements and reports filed by foreign private issuers under both Acts.

Proposed Amendments to Item 301 of Regulation S-K—Selected Financial Data

The Commission is aware that U.S. investors may continue to need or desire at least limited financial data stated in a currency with which they are familiar in order to provide some order of magnitude in relation to the foreign currency financial statements. Also additional information will be necessary to enable evaluations of currency risks involved. Consistent with its view that foreign investments involve separate analyses of issuer performance and currency risks, the Commission is proposing that some additional information be required under Item 301—Selected Financial Information—of Regulation S-K, the non-financial statement disclosure regulation.[6]

Specifically, one proposed instruction to Item 301 of Regulation S-K would specify that foreign private issuers shall present the required selected data in the same currency as the primary financial statements. Another proposed instruction would require the disclosure of the most recent practicable exchange rate of the foreign currency into U.S. dollars, a five year history of representative exchange rates, and a five year history of dividends per share paid stated in both the foreign and U.S. currencies based on the exchange rates at the payment dates. This requirement basically would be a codification of current practice. The Commission solicits comments specifically addressing which exchange rates should be required to be presented in the history, and the feasibility of the proposed definition of average rates. The Commission also solicits comments on what other information, if any, would assist investors in evaluating exchange rate movements of the foreign private issuer's currency which should be required disclosures, e.g., balance of payments, balance of trade, inflation rates or interest rates.

Accordingly, the Office of Chief Accountant hereby removes Staff Accounting Bulletin No. 40 Topic 1-D-1. Convenience statements are not required, and the Commission does not believe such statements are necessary. The Commission believes that tables showing the history of exchange rates and the amount of dividends paid in United States currency translated at the exchange rate in effect on the payment date are sufficient to provide an appropriate frame of reference and order of magnitude for United States investors to evaluate the historical exchange rate fluctuations between the foreign currency and United States currency. Nevertheless, the staff will not object to a voluntary translation to United States currency of the selected financial data required by Regulation S-K or of the financial statements for the most recent fiscal year and any subsequent interim period using the exchange rate as of the most recent balance sheet included in the filing. If there has been a material change in the exchange rate subsequent to the balance sheet date, the rate at or about the date of filing should be used. Such rate should be prominently disclosed in an introductory headnote.

[5] Securities Act Release No. 33-6360 (November 20, 1981).

[6] Parallel proposals are included in Item 8 of Form 20-F. Release No. 33-6360 (November 20, 1981).

Inflation Adjustments—Proposed paragraph (c) of Rule 3–20 of Regulation S–X and Proposed Amendment to Item 303 of Regulation S–K

Some foreign private issuers registering securities for sale in the United States report their financial statements in a currency of a country that has experienced sustained, high rates of inflation. A few of these countries have had annual inflation rates exceeding 100%. The Commission has been concerned because inflation can significantly affect the relevance of historical financial data to potential investors. Item 303 of Regulation S–K—Management's Discussion and Analysis—requires registrants to discuss the impact of inflation on their financial statements in order to alert users to the problem. Statement of Financial Accounting Standard No. 33, "Financial Reporting and Changing Prices," ("FAS No. 33") by its terms applies only to certain large issuers that present financial statements in U.S. currency and according to U.S. GAAP; most foreign private issuers are therefore exempt from that requirement.

As discussed above, various approaches have been used in an attempt to adjust, in part, for the impact of inflation on primary financial statements as stated in foreign currency. The Commission believes the impact of inflation should be disclosed more directly.

Therefore, the Commission is proposing alternative paragraphs (c) of Rule 3–20. One alternative requires that certain foreign private issuers present separate supplemental information on a current-cost or general price level basis to show the effects of inflation upon the individual issuer's financial condition and results of operations.[7] The other alternative requires such issuers to include supplemental financial statements indicating the effects of changing prices upon its financial condition and results of operations. The Commission requests comments on both alternatives. Specific instructions for the preparation of such supplemental information to accompany the issuer's primary financial statements are not set forth in the proposed rule because various approaches may be taken in preparing and presenting such information. Such issuers may present supplemental financial information adjusted for the effects of general inflation rates in the issuer's home country using principles similar to those set forth in FAS No. 33, or in the Statement of Standard Accounting Practice 16 adopted in the United Kingdom. However, because of initiatives currently under way in certain countries and by the International Accounting Standards Committee to develop standards for supplemental information on the effects of inflation, the Commission has decided not to propose any specific methods at this time. The Commission solicits comments specifically addressing whether any particular principles or methods should be required.

The Commission believes that the present proposals, by providing improved disclosures on how changing prices have affected issuers, will promote continued confidence in the reporting process and enable more informed investment decisions about foreign private issuers that operate in highly inflationary environments. The Commission believes that the benefits of implementing these proposals will exceed the associated costs and that these disclosures will not have an adverse effect on competition. However, comments are specifically invited on these aspects.

[7] Generally foreign private issuers must discuss the effects of inflation in their Management's Discussion and Analysis but need not present numerical data. A technical amendment to Instruction 9 in Item 303 of Regulation S–K is being proposed to implement the proposed requirements of Rule 3–20(c). A parallel proposal is made for Item 9 of Form 20–F. Release No. 33–6360 (November 20, 1981)

Text of Proposals

It is proposed to amend Part 210 and correct Part 229 of 17 CFR Chapter II as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By adding § 210.3–20 to read as follows:

§ 210.3–20 Currency for financial statements of foreign private issuers.

(a) A foreign private issuer, as defined in Rule 405(q) (17 CFR 240.405(q)), shall state its primary financial statements only in the currency of the country in which the issuer is incorporated or organized. In lieu of such financial statements, a foreign private issuer may state its primary financial statements in another currency only if all the following conditions are met:

(1) The primary books and records of the issuer are kept in the other currency;

(2) There are no exchange restrictions or controls affecting the issuer's holdings of the other currency;

(3) The issuer conducts a majority of its business (both revenues and expenses) in the other currency (not merely indexed to the other currency); and

(4) The issuer publishes financial statements to its shareholders in its country of incorporation or organization only in the other currency.

(b) The currency in which the financial statements are prepared shall be disclosed prominently on the face of the financial statements.

(c) If the financial statements of a foreign private issuer (1) are denominated in a currency of a country that has experienced inflationary effects of changing prices exceeding a total of 100 percent over the most recent three fiscal years and (2) have not been recast or otherwise supplemented to include information on a constant currency or current cost basis prescribed or permitted by appropriate authoritative standards, the issuer shall present supplementary information to quantify the effects of changing prices upon its financial condition and results of operations.

Alternative (c)

(c) If the financial statements of a foreign private issuer (1) are denominated in a currency that has experienced inflationary effects exceeding a total of 100 percent over the most recent three fiscal years and (2) have not been recast or otherwise supplemented to include a comprehensive restatement on a constant currency or current cost basis prescribed or permitted by appropriate authoritative standards, the issuer shall present supplementary financial statements that indicate the effects of changing prices upon the registrant's financial condition and results of operations. The supplemental disclosures shall be accompanied by an introductory paragraph which describes the nature and purpose of the additional information. Indexes used in preparing the supplementary data shall be identified and the index numbers shall be disclosed for each reported period.

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

2. By revising Instruction 3 and adding Instructions 7, 8 and 9 to Item 301 and revising Instructions 8 and 9 and adding Instruction 12 to Paragraph (a) of Item

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303 of § 229.300 (proposed rule which appeared Aug. 6, 1981 at page 41947) to read as follows:

§ 229.300 Financial information.

Item 301. Selected financial data.

* * * * *

Instructions to Item 301. * * *

3. Those registrants that are required to provide five year summary information in accordance with Statement of Financial Accounting Standard No. 33 "Financial Reporting and Changing Prices," or inflation adjustments pursuant to Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20(c)) may combine such information with the selected financial data appearing pursuant to this Item.

* * * * *

7. A foreign private issuer shall disclose also the following information in all filings containing financial statements:

A. In the forepart of the document and as of the latest practicable date, the exchange rate into U.S. currency of the foreign currency in which the financial statements are denominated;

B. A history of exchange rates for the five most recent years and any subsequent interim period for which financial statements are presented setting forth the rates for period end, the average rates, and the range of high and low rates for each year; and

C. A five year summary of dividends per share stated in both the currency in which the financial statements are denominated and United States currency based on the exchange rates at each respective payment date.

8. A foreign private issuer shall present the selected financial data in the same currency as its financial statements. The issuer may present the selected financial data on the basis of the accounting principles used in its primary financial statements but in such case shall present these data also on the basis of any reconciliations of such data to United States generally accepted accounting principles and Regulation S–X made pursuant to Rule 4–01 of Regulation S–X (17 CFR 210.4–01).

9. For purposes of this rule, the rate of exchange means the noon buying rate in New York City for cable transfers in foreign currencies as certified for customs purposes by the Federal Reserve Bank of New York. The average rate means the average of the exchange rates on the last day of each month during a year.

* * * * *

Item 303. Management's discusion and analysis of financial condition and results of operations.

* * * * *

Instructions to Paragraph 303(a). * * *

8. * * * Foreign registrants need not comply with SFAS 33. If the registrant otherwise discusses information on the effects of changing prices, then such information shall be given.

9. Registrants that are not required to provide supplementary information in accordance with SFAS 33 (including foreign private issuers) may discuss the effects of inflation and changes in prices in whatever manner appears appropriate under the circumstances. Although voluntary compliance with SFAS 33 is encouraged, it is not required. All that is required is a brief textual presentation of management's views. No specific numerical financial data need be presented except as Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20(c)) otherwise requires.

* * * * *

12. If the registrant is a foreign private issuer, the discussion should focus on the primary financial statements presented in the registration statement or report. There should be a reference to the reconciliation to United States generally accepted accounting principles, and a discussion of any aspects of the difference between foreign and United States generally accepted accounting principles, not discussed in the reconciliation, that the registrant believes is necessary for an understanding of the financial statements as a whole.

Regulatory Flexibility Act Considerations

The Chairman has certified that the proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Statutory Basis

These amendments are proposed pursuant to authority in sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934; sections 8, 30, 31(c) and 38(a) of the Investment Company Act of 1940.

(Secs. 6, 7, 8, 10, 19(a) , 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat.1375, 1377, 1379; sec. 203(a) , 49 stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, 836, 838, 841; 74 Stat. 201; 84 Stat. 1415 (15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78*l*, 78m, 78o(d), 78w(a), 80a-8, 80a-29, 80a-30(c), 80a-37(a).))

The Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the proposals, if adopted.

Pursuant to section 23(a)(2) of the Securities and Exchange Act of 1934, the Commission specifically invites comments as to the competitive impact on these proposals, if adopted.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 20, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rules relating to the financial statments of foreign issuers contained in Securties Act Release No. 6362 (November 20, 1981), "Financial Statements of Foreign Private Issuers," will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that it is anticipated that the effects of the proposed rules, if adopted, will not be significant for any registrant because the information is generally maintained as part of accounting records, disclosed at the registrant's option or published in readily available sources. The proposals would also delete the requirement for convenience translations.

John S.R. Shad,

Chairman.

November 20, 1981.

[FR Doc. 81–34586 Filed 12–1–81; 8:45 am]

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17 CFR Parts 210, 229, 230, 239, 240, 249, and 260

[Release Nos. 33–6360; 34–18274; 39–677; File No. S7–915]

Integrated Disclosure System for Foreign Private Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for comment three proposed new forms to be used to register offerings of securities under the Securities Act of 1933 by foreign private issuers, a proposed revision of Form 20–F (the consolidated registration and annual report form under the Securities Exchange Act of 1934 for foreign private issuers), and various amendments to related rules and forms necessitated by the proposed integrated disclosure system. This action is a significant part of the Commission's comprehensive effort to integrate the disclosure systems under the various federal securities laws and to simplify and improve the disclosure requirements. Most proposals in this release relate to non-North American foreign private issuers and, if ultimately adopted, would be a significant departure from the Commission's traditional treatment of such issuers. For the first time, some issuers would be eligible to use simplified, short-form registration.

Currently, short-form registration is available to such issuers only for certain types of rights offerings to shareholders. Public comments on specific inquiries on this general concept were solicited on September 2, 1980.

DATE: Comments should be submitted on or before March 31, 1982.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-915. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Carl T. Bodolus (202) 272-3248, or Ronald Adee (202) 272-3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing for comment three new registration statement forms to be used by foreign private issuers to register offerings of securities under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a *et seq.*), revisions to Form 20-F (17 CFR 249.220f) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a *et seq.*), and revisions to various related rules and forms. These proposals are part of the Commission's comprehensive effort to develop an integrated disclosure system. As part of this effort, the Commission has recently published for comment eight other major sets of proposals or reproposals. These proposals include: (1) A three tier system for the registration of securities of domestic and North American registrants, Forms S-1, S-2, and S-3,[1] (2) an expansion of Regulation S-K (17 CFR 229.001 *et seq.*) to include additional disclosure items;[2] (3) amendments to Regulation C to simplify and clarify procedural requirements;[3] (4) a rule relating to the responsibility of undewriters and others in an integrated disclosure system;[4] (5) a new rule governing registration of securities to be sold in a continuous or delayed offering;[5] (6) a statement of the Commission's policy with respect to the disclosure of bond ratings;[6] and (7) amendments to other Securities Act registration forms[7] and certain Exchange Act forms and schedules.[8]

The Commission, in a significant departure from its current practice, is proposing to extend the integrated disclosure system to non-North American foreign private issuers eligible to use Form 20-F under the Exchange Act. The three new Forms, which are denominated Forms F-1, F-2, and F-3, and the revised Form 20-F proposed in this release would constitute the basic framework of the integrated disclosure system for foreign private issuers. In two related releases, the Commission is proposing Rule 3-19 of Regulation S-X (17 CFR Part 210) relating to the age of financial statements in foreign issuer filings,[9] and Rule 3-20 of Regulation S-X relating to the currency in which foreign issuer financial statements in filings with the Commission should be presented.[10]

I. Background

A. The Existing System

Because the registration and reporting requirements of foreign issuers are significantly different from those to which domestic issuers are subject and involve a complicated interrelationship of statutory sections, rules, and forms, this summary may assist commentators and the public.

Much of the complexity in this area is caused by two principles the Commission adopted in its early years. First, a distinction is made between foreign issuers that voluntarily enter the United States securities markets and those companies whose securities are traded in the United States without any significant voluntary acts or encouragement by the issuer. Currently, this distinction is accomplished by deeming all foreign companies having either securities listed on a United States exchange or having made a public offering of securities registered under the Securities Act as having voluntarily entered the United States market. Other foreign companies whose securities are traded in the United States through no direct acts of the issuers are deemed not to have taken any voluntary acts to enter the United States market. Second, certain North American companies (Canadian and Mexican companies),[11] which have voluntarily entered the United States markets, are treated the same as United States companies for registration and reporting purposes.

Thus foreign issuers with a class of securities registered pursuant to section 12(b) of the Exchange Act or with a reporting obligation pursuant to section 15(d) of the Exchange Act fall within the voluntary classification. Of this group of issuers, North American issuers must file the same disclosure documents as domestic issuers. Other foreign issuers in this class generally can file on Forms 20-F and 6-K (17 CFR 249.306)[12] and thus are exempt from the proxy solicitation and information statement provisions of section 14 and from the insider reporting and short-swing trading profits provisions of section 16 of the Exchange Act.[13]

Foreign issuers with more than $1 million of assets and a class of equity securities with 500 holders world-wide are required to register that class of securities pursuant to section 12(g) of the Exchange Act, unless an exemption is available. No distinction is made between North American and other foreign issuers in this category; all foreign issuers can generally use Forms 20-F and 6-K for section 12(g) registration and will be exempt from the proxy rules. Moreover, many issuers in this category can instead rely on the exemptions from registration specified in Rule 12g3-2.[14] Two of such exemptions are especially relevant. First, paragraph (a) of Rule 12g3-2 provides and exemption from section 12(g) for the securities of a foreign company that meets the tests of $1 million assets and 500 shareholders of record world-wide but has less than 300 shareholders resident in the United States. Second, paragraph (b) of the rule provides what is frequently called the information-supplying exemption.

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[1] Release No. 33-6331 (August 6, 1981) [46 FR 41902].

[2] Release No. 33-6332 (August 6, 1981) [46 FR 41925]. All references in this release to items in Regulation S-K are to the proposals unless indicated otherwise.

[3] Release No. 33-6333 (August 6, 1981) [46 FR 41971].

[4] Release No. 33-6335 (August 6, 1981) [46 FR 42015].

[5] Release No. 33-6334 (August 6, 1981) [46 FR 42001].

[6] Release No. 33-6336 (August 6, 1981) [46 FR 42024].

[7] Release No. 33-6337 (August 6, 1981) [46 FR 42029].

[8] Release No. 34-18014 (August 6, 1981) [46 FR 42042].

[9] Securities Act Release No. 33-6361 (November 20, 1981).

[10] Securities Act Release No. 33-6362 (November 20, 1981).

[11] Proposed Rule 405(t) [17 CFR 230.405(t)], codifies the traditional interpretation that North American means Canadian and Mexican. Release Nos. 33-6333 (August 6, 1981).

[12] Form 20-F is a consolidated registration and annual report form. Form 6-K is an interim report for furnishing the same type of information required to be furnished by Rule 12g3-2(b) discussed below. These forms require less information than the Forms 10-K, 10-Q, and 8-K. *See* Securities Exchange Act Release No. 16371 (November 29, 1979).

[13] See Rule 3a12-3 [17 CFR 240.3a12-3].

[14] *See* Securities Exchage Act Release No. 8066 (April 15, 1967) for a detailed discussion of the operation of this rule.

Essentially the securities of a foreign company will be exempt from section 12(g), regardless of the number of United States shareholders, if it furnishes to the Commission for public inspection copies of the material investor information it makes public in its local jurisdiction or sends to its shareholders either voluntarily or pursuant to foreign law or exchange requirements.

This entire scheme is subject to the concept of "essentially United States companies" which are treated for reporting purposes as domestic registrants. Essentially United States companies are those with (1) more than 50 percent of their voting securities held of record by United States residents and (2) either their business administered principally in the United States or United States residents constituting at least 50 percent of the members of their board of directors.[15]

North American issuers required to file the same reports under the Exchange Act as domestic registrants are authorized to use Forms S–7 and S–16 for registration under the Securities Act provided the other conditions to the use of those Forms are met. The Commission, however, has not yet extended the general availability of the short-forms to any other foreign issuers except for certain rights offerings. Foreign issuers reporting on Form 20–F that otherwise meet the eligibility requirements for the use of Form S–7 may use Form S–16 to register rights offerings to shareholders provided the Form 20–F is either delivered with the prospectus or made available upon request. In all other situations, however, foreign private issuers must currently use Form S–1 to register their offerings of securities.

B. Development of an Integrated Disclosure System for Foreign Issuers

In a significant departure from past practice, the Commission is proposing for comment short-forms for foreign private issuers that are analogous to Forms S–1, S–2 and S–3 for domestic issuers recently proposed for comment. The Commission is considering this substantial departure from its pass practice for several reasons. First, recent adoption of Form 20–F [16] has substantially increased the amount of disclosure contained in the annual reports of foreign issuers filed with the Commission pursuant to the Exchange Act with the result that an intergrated system is now feasible. The results of a staff project to monitor the filings on Form 20–F are encouraging since most foreign registrants have complied with the increased requirements and may have furnished disclosure in excess of the literal requirements of the Form. The Commission is pleased to note that a number of foreign registrants have used their annual report to shareholders, or an English language version of it, as the core of their Form 20–F filing. Typically, the registrant incorporates by reference various portions of the annual report to shareholders into the Form 20–F,[17] such as financial statements and description of current year's business, and furnishes any additional information that is required, e.g., discussions of differences in accounting principles and background of the registrant's business, in a specially prepared text of the Form 20–F attached to the annual report to shareholders. The Commission believes that this "wraparound" approach produces a document that is readable and reduces the costs and the burdens of preparation to the registrant. Registrants are encouraged to utilize this approach. The annual reports to shareholders of several registrants using this procedure have been ranked among the best in the world according to a recent study.[18] Thus, the integration of disclosure documents of such high caliber into the Commission's disclosure system is a significant, practical step in the process of the internationalization of the world's securities markets.

The second basic reason for the Commission's belief that an integrated disclosure system is feasible is the developing disclosure practices and accounting principles in many foreign countries and the harmonization of divergent practices by international guidlines. The Commission generally supports the efforts of organizations such as the European Economic Community, the International Accounting Standards Committee, the Organization for Economic Cooperation and Development, and the United Nations to formulate guidelines and international disclosure standards. The experience of the staff in processing and reviewing the disclosure documents of foreign issuers, both registrants and those exempt by Rule 12g3–2(b), is that in many cases the disparity between the accounting and disclosure practices of the United States and many other countries is narrowing. This trend is favorable for the development of an integrated disclosure system. Finally, the Commission desires to adminster the federal securities laws in a manner that does not unfairly discriminate against or favor foreign issuers. Thus, the Commission is attempting to design an integrated disclosure system that parallels the system for domestic issuers but also takes into account the different circumstances of foreign registrants. In proposing this system the Commission has attempted to balance certain competing policies.

The legislative history of the Securities Act indicates an intent to treat foreign private issuers (as distinct from foreign governments) the same as domestic issuers.[19] Therefore, the Commission has generally perceived its function as neither discriminating against nor encouraging foreign investment in the United States or investments in foreign securities. The Commission's rulemaking authority in this area is conditioned upon findings that the relevant rule or form is necessary for the protection of investors and in the public interest.[20]

In considering these findings in the context of the position of neutrality explained above, the Commission must evaluate two competing policies. One is the recognition that the investing public in the United States needs the same type of basic information disclosed for an investment decision regardless of whether the issuer is foreign or domestic. This view suggests that foreign registrants be subject to exactly the same requirements as domestic ones. The other is that the interests of the public are served by an opportunity to invest in a variety of securities, including foreign securities. An implication of this policy is that the imposition on foreign issuers of the same disclosure standards applicable to domestic issuers could discourage offerings of foreign securities in the United States, thereby depriving United States investors of the opportunity to invest in foreign securities. According to this reasoning, the public interest would be best served by encouraging foreign issuers to register their securities with the Commission.

The Commission has never formally adopted or endorsed either of these approaches. Instead, the Commission regularly has sought to balance the competing policy interests underlying each interpretation using a principle of voluntarism. According to that principle, the more voluntary steps a foreign

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[15] *See* Rule 3a12–3 (17 CFR 240.3a12–3), and Form 20–F General Instructions A (a) and (b)(2).

[16] Release No. 34–16371 (November 29, 1979([44 FR 70132].

[17] Rule 12b–23 (17 CFR 240.12b–23).

[18] M. Lafferty and D. Cairs, "Financial Times World Survey of Annual Reports 1980."

[19] Hearings before the Senate Committee on Banking and Currency on S. 875. 73d Cong., 1st Sess. 89–90 (1983) and Hearings Before the Committee on Interstate and Foreign Commerce on H.R. 4314, 73d Cong., 1st. Sess. 12–13 (1933).

[20] Sections 7 and 10 of the Securities Act.

company has taken to enter the United States capital markets, the degree of regulation and amount of disclosure more closely approaches the degree of regulation of domestic registrants. The application of the registration and reporting requirements to foreign private issuers described above illustrates this principle.

II. Synopsis of Forms and Rules

A. Integrated System—Forms F–1, F–2, F–3, and 20–F

The Commission is proposing an integrated disclosure system for foreign private issuers that file Forms 20–F [21] initially consisting of three Forms under the Securities Act, Forms F–1, F–2, and F–3, and one Form under the Exchange Act, Form 20–F [22]

Form 20–F. In the Release proposing Forms, designated Forms A, B, and C, for an integrated disclosure system for domestic issuers,[23] the Commission solicited public comments on the general concept of an integrated disclosure system for foreign private issuers and on related specific inquiries.[24] All but one of the commentators supported this general concept. The integration system proposed in this release is, in many respects, similar to the structure of the one proposed for domestic issuers. These proposals should be considered in the context of the comprehensive project to develop an integrated disclosure system. The discussion in this release focuses on its unique features.

One of the specific inquiries was whether the Commission's rules and forms should maintain the distinction between North American and other foreign issuers. Although a few commentators recommended the elimination of the distinction, most favored its retention. Some commentators stated that there was little need to eliminate the distinction because Canadian registrants have had substantial experience complying with United States disclosure standards. As discussed below, the Commission is proposing to retain the distinction and to have special forms available for non-North American foreign private issuers eligible to use Form 20–F. The Commission has proposed that any foreign private issuer that voluntarily files the same reports as domestic registrants, i.e., Forms 10–K, 10–Q and 8–K and annual reports meeting the requirements of Rule 14a–3, be eligible to use Forms S–1, S–2, S–3 if the other eligibility criteria are met.[25] All commentators addressing this topic supported the proposal.

The Form 20–F is the basis for the system.[26] The format of Form 20–F is proposed to be substantially revised to facilitate its use in the integrated system and to conform some of the language with corresponding provisions of the proposed Regulation S–K or to clarify the existing requirements. Despite the significantly altered appearance of the Form, the Commission is proposing only two major changes: The revision of the Management's Discussion and Analysis item and the financial statements instructions. Table I summarizes the proposed changes in Form 20–F.

TABLE I.—PROPOSED REVISION OF FORM 20–F

Proposed	Current	Proposed changes
Eligibility	Eligibility.	Codify position that North American registrants required to report on Form 10–K or filing a registration statement under the Securities Act cannot use Form 20–F.
Item 1, Business	1	Discussion of special information for start-up companies in conformity with Regulation S–K, Item 101; codifies position that industry guides apply.
Item 2, Property	3	No substantive change.[1] Clarifies requirement if [2] foreign law mandates disclosure of reserves contrary to Commission requirements.
Item 3, Legal Proceedings.	8	No substantive change.[1]
Item 4, Control of Registrant.	4	No substantive change.[1]
Item 5, Market Price and Dividends.	9	Clarifies requirement that recent market prices must be shown; required annually.
Item 6, Exchange Controls	13	No substantive change.[1]
Item 7, Taxation.	14	No substantive change.[1] New item substantially identical to Regulation S–K, Item 301.[3]
Item 8, [redacted] Financial Data.		
Item 9, Management's Discussion.	2	Conformed to Regulation S–K, Item 303, discussion of financial statements, liquidity, inflation, and capital resources.
Item 10, Directors and Officers.	5	No substantive change.[1]
Item 11, Remuneration.	6	No change.
Item 12, Options.	7	No substantive change.[1]
Item 13, Transactions with Management.	17	No substantive change.[1]
Item 14, Description of Securities.	10, 11, 12.	Three items consolidated into one and consolidates disclosure of American Depositary Receipts.
Item 15, Defaults.	16	No change.
Item 16, Changes in Security	15	No change.
Item 17, Financial Statements.	Instructions.	Clarifies quantification and reconciliation requirements.
Item 18, Financial Statements.		New, clarifies the quantification and reconciliation requirements.
Item 19, List of Financial Statements and Exhibits.	18	No change.
Exhibits	Exhibits	No substantive change.[1]
Appendix A, Oil and Gas	Appendix A, oil and gas.	No substantive change.[1]

[1] Minor changes made in language to conform to style of Regulation S–K or to clarify current requirements, but no change in disclosure requirements.

[2] Minor clarifying amendments are proposed to Item 2 "Description of Property" and the related Appendix. Disclosure in the oil and gas area and the mining area is currently under study. Any necessary changes in those disclosure requirements applicable to foreign private issuers will be considered in connection with those studies.

[3] This item contains requirements for the presentation of the ratio of earnings to combined fixed charges and the ratio of earnings to fixed charges proposed in Release No. 33–6285 (February 6, 1981) (46 FR 12756). It is expected that the item, as ultimately adopted, will be consistent with the final requirements pertaining to such ratios.

In the release announcing the adoption of Form 20–F [27] the Commission noted that it was then considering amendments to the Form 10–K including the requirements relating to the Summary of Operations and the Management's Discussion and Analysis. The Commission stated that it would consider whether any revisions to that item in the Form 20–F would be necessary after the development of the final requirements for the Form 10–K. A revised Form 10–K was adopted and a new Management's Discussion and Analysis item was added to Regulation S–K last year.[28] As discussed in the release accompanying those adoptions, the Commission sought to develop a Management's Discussion and Analysis and a related item, Selected Financial Data, that would provide meaningful disclosure regarding a registrant's liquidity, capital resources, and

[21] Foreign private issuers that are required to file or voluntarily file Forms 10, 10–K, 10–Q, and 8–K must use the integrated system for domestic registrants, i.e. proposed Forms S–1, S–2, and S–3.

[22] Registrants filing annual reports on Form 20–F are also obligated to furnish copies of information made public in the home jurisdiction or furnished to shareholders under the cover of Form 6–K. These reports would not be required to be incorporated into Forms F–3 and F–2 because the contents of such reports vary according to the different requirements of various countries.

[23] Release No. 33–6235 (September 2, 1980) (The "ABC Release") (45 FR 63693).

[24] The comments received are in File No. S7–849 and are available for public inspection and copying. While cost considerations preclude a comprehensive discussion of these comments, the explanations of the proposals often refer to commentator suggestions. More than fifty commentators responded to these inquiries.

[25] Release No. 33–6331 (August 6, 1981) (46 FR 41902). See also the discussion in the ABC Release.

[26] Forms 19 (17 CFR 249.219) and 19–K (17 CFR 249.318) are proposed to be rescinded and consolidated into Form 20–F. Registrants currently using such Forms would use Forms 20–F, 10, or 10–K as authorized by those Forms.

[27] Release No. 34–16371 (November 29, 1979) (44 FR 70132).

[28] Release Nos 33–6231 and 34–17114 (September 2, 1980) (45 FR 63630).

operations. Accordingly, the Commission believes that it is now appropriate to propose amendments to Form 20–F to include these requirements with slight differences in language because the items are applicable to foreign registrants.[29] The discussion should refer to any reconciliation of the financial statements to United States generally accepted accounting principles but need not repeat the same information.[30]

The other major proposed revision to Form 20–F is the alternative use of Items 17 and 18, the financial statement requirments. These items are intended to clarify the meaning of "reconciliation." Currently, Rule 4–01 of Regulation S–X states that, except for filings on Form 20–F, a foreign private issuer may present financial statements prepared in accordance with foreign generally accepted accounting principles ("GAAP") if a reconciliation to United States GAAP and Regulation S–X is also furnished. Financial statements filed in a Form 20–F may be prepared according to foreign GAAP if the material differences from United States GAAP and Regulation S–X are identified and, if practicable, quantified. In view of the increasing inquiries on these points, the Commission believes that the difference between reconciliation and quantification should be specified.

Item 17 is required for registration statements and annual reports on Form 20–F and, as discussed below, would be permitted for offerings of non-convertible debt securities of "world class issuers"[31] registered on Form F–3 and certain offerings to shareholders or employees. In other offerings registered under the Securities Act, Item 18 must be followed.[32] Paragraphs (a), (b) and (c)(1)(2) of both items are identical; the difference is in paragraph (c)(3) of Item 18.

Paragraph (a) essentially repeats parts of the current instructions as to financial statements by requiring financial statements as if the filing were on Form 10 or 10–K. Paragraph (b) codifies an existing interpretation that the financial statements should be in a format similar to United States financial statements. Paragraph (c)(1) requires identification of the comprehensive body of generally accepted accounting principles followed. Paragraph (c)(2) requires a quantification of the material differences in the practices and methods (as distinct from disclosures and supplemental information, e.g., segment and pension information)[33] of United States GAAP and Regulation S–X from those used in the financial statements. The quantifications are required to be set forth on the face of the income statement and the balance sheet or in notes thereto.

The difference between Items 17 and 18 is in paragraph (c)(3) of Item 18. Item 18 requires the full disclosure of all information required by Regulation S–X and United States GAAP, e.g., segment information, pension information, various supplemental information, and reserve recognition accounting.[34] Item 17 does not. This distinction was made because the disclosure requirements of United States GAAP and Regulation S–X often present foreign issuers with more difficulties and burdens than the different methods of computation; the public comments reconfirmed this since many commentators pointed out the problems associated with the disclosure of complete segment information. It can be argued that requiring an Item 18 reconciliation in all filings could be too great an impediment for foreign issuers to enter the United States markets which could thereby deprive United States investors of many investment opportunities. The current reconciliation requirement in Rule 4–01(a)(2) of Regulation S–X is proposed to be amended to require Item 18 reconciliations in all filings unless a form specifies otherwise.

One consequence of this distinction between Items 17 and 18 is that, except for certain types of offerings, industry and geographic segment information will be required in Securities Act registration statements but not in filings on Form 20–F.[35] Many commentators recommended that the modified segment disclosure requirements of the Form 20–F be extended to filings under the Securities Act. The Commission believes that it would be inappropriate to propose such an extension except in certain situations discussed below. As indicated in Release No. 34–16371 (November 29, 1979) accompanying the adoption of Form 20–F, the Commission reviewed and was influenced by standards proposed or adopted by various organizations seeking to develop international accounting and disclosure standards. The Form 20–F, as adopted, was broadly consistent with such standards. Since then, segment disclosure has become more common. For example, the International Accounting Standard Committee has recently adopted a statement calling for information similar to that specified in United States GAAP and the requirements of Regulation S–K.[36] In view of the increasing acceptance of segment information as an international disclosure practice and its importance to investors, the Commission is reluctant to propose to eliminate such a requirement in most registration statements filed under the Securities Act. On the other hand, since segment disclosure is still a controversial disclosure concept in some countries, the Commission believes the modified requirement in the Form 20–F is acceptable disclosure in that document, especially for registrants that have not had an offering registered under the Securities Act for many years.

Forms F–1, F–2, F–3. The three forms proposed under the Securities Act roughly parallel proposed Forms S–1, S–2 and S–3 in the domestic integration system, but the foreign system is based on the Form 20–F instead of the Form 10–K and annual report to shareholders as the uniform disclosure package. Charts I and II summarize the proposed system.

Chart I is an outline showing the major differences among the Forms. Chart II is an algorithm designed to illustrate the eligibility requirements to use these Forms and in what circumstances a Form 20–F containing financial statements in compliance with Item 17 thereof would be acceptable for use in a Securities Act filing. The boxes on the bottom two lines of the algorithm represent the various Forms and the required financial statement item from the Form 20–F. Each of the other boxes contains a question that can be answered yes or no. To determine the proper form and financial statements

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[29] Item 10 "Selected Financial Data" and Item 11 "Management's Discussion and Analysis of Financial Condition and Results of Operations" of Regulation S–K. See also Items 301 and 303 of proposed Regulation S–K, Release No. 33–6332, 34–18008 (August 6, 1981) (46 FR 41925).

[30] Items 17 and 18 of Form 20–F.

[31] The concept of "world class issuer" is discussed below; basically it refers to any foreign private issuer eligible to use Form F–3.

[32] General Instruction G to Form 20–F; and the General Instructions to Forms F–1, F–2, and F–3. All registrants are encouraged to comply with Item 18 in their annual reports on Form 20–F and registrants eligible to use Forms F–2 and F–3 should consider the advantages of doing so.

[33] Statement of Financial Accounting Standards Nos. 14 and 36.

[34] The Financial Accounting Standards Board is currently engaged in a project to develop a comprehensive set of disclosures about oil and gas producing activities. The final standard ultimately issued may overlap Rule 4–10(k) in Regulation S–X At that time the Commission will consider the extent to which such disclosures should apply to foreign registrants. See ASR No. 289 (February 26, 1981).

[35] Item 1 of Form 20–F, both current and as proposed in this Release, contains a modified segment requirement, i.e., disclosure on a revenue basis with narrative discussion of income in some circumstances.

[36] FAS 14, Item 1 of Regulation S–K (17 CFR 229.20) and proposed Item 1 of Regulation S–K proposed in Release No. 33–6332 (August 6, 1981).

requirement, the reader should start with the box at the top and proceed according to the answers to the questions. For simplicity of presentation, the charts use two short-hand terms that are not formal definitions or used in the Forms: "world class issuer," which refers to foreign private issuers that have an equity float of at least $500 million, at least $150 million of which is beneficially held by U.S. residents, or that are registering "investment grade debt securities,"[37] and "Offerings to Secruityholders," which refers to certain rights offerings, conversions, and reinvestment plans specified in General Instruction I.E. to Form F-2 and General Instruction I.B. 4 to Form F-3. The purpose of these charts is expository and to assist the reader's understanding. Reference should be made to the text of the Forms for a full understanding.

[37] These are debt securities that have been rated in one of the four highest rating categories by at least one nationally recognized statistical rating agency.

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CHART I: OUTLINE OF FOREIGN ISSUER INTEGRATED DISCLOSURE SYSTEM

TOPIC	F-3	F-2	F-1
Issuer Qualifications	World Class Issuer and Reporting 3 yrs.	World Class Issuer or Reporting 3 yrs.	Residual
Use of Form 20-F	Incorporation by Reference, Delivery on Request	Delivery with Prospectus	Disclosure in Prospectus same as 20-F.
Type of Financial Statements - Item 17, Form 20-F	Nonconvertible Debt Offerings, Offerings to Securityholders	Offerings to Securityholders	Offering to Securityholders
Item 18, Form 20-F	All other offerings	All other offerings	All other offerings

CHART II. FOREIGN ISSUER INTEGRATED DISCLOSURE SYSTEM· AN ALGORITHM

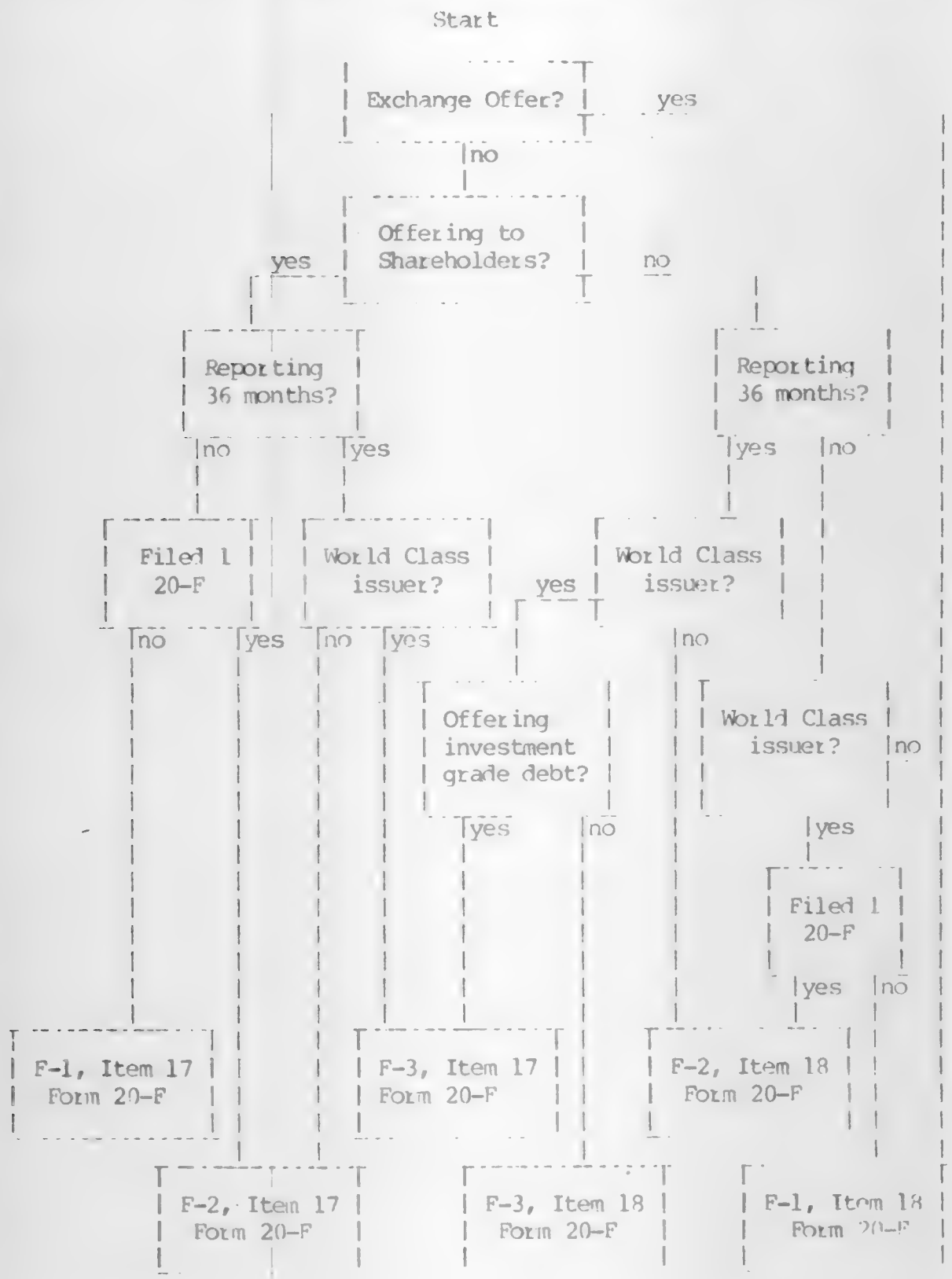

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The eligibility criteria parallel, to a great extent, the criteria in proposed Forms S–2 and S–3. The Commission solicited comments on the eligibility in the ABC Release. Most commentators stated that the type of eligibility criteria should be the same as for domestic registrants but that the standards or numerical tests could be larger and applied on a worldwide basis to ensure adequacy of the dissemination of information in conjunction with a lower float test applied solely in the United States to ensure that only large foreign issuers that analysts in this country are likely to follow will be eligible to use the short-forms. This is the approach used. The Commission again solicits comments on the eligibility criteria.

Although some commentators indicated that it was not necessary to do so, the Commission is following the recommendation of other commentators by proposing separate forms for foreign private issuers. Notwithstanding significant duplication in the proposed forms for both domestic and foreign registrants, the Commission believes that separate forms for foreign registrants are consistent with the practice under the Exchange Act and will meet the concerns of foreign issuers that their distinctive problems will continue to receive specific Commission attention in connection with any future amendments to general disclosure requirements.

A large number of commentators recommended that Form 20–F serve as the basis for the disclosure in the integrated disclosure system. To a great extent, the proposed system does that.[38] In many situations, Forms F–1, F–2 and F–3 would require financial statements that comply with the current disclosure practices on Form S–1 (proposed Item 18 of Form 20–F) rather than the current Form 20–F (proposed Item 17 of Form 20–F). Although the Commission recognizes that the theoretical basis for integration is the equivalency of disclosure but not necessarily dissemination of information in filings under the Securities Act and the Exchange Act, under current conditions the proposed integrated disclosure system for foreign registrants does not fully comport with this theory. The proposed system is new and departs from traditional practice; if adopted, it would be in the nature of an experiment. In view of the increasing internationalization of securities markets throughout the world, emerging international accounting standards and disclosure practices, and the increasing disclosure requirements in many countries, the Commission believes that the proposed system represents a pragmatic balance of the various policy interests mentioned above and protects investors as well as being in the public interest.

Although the Commission believes that, ultimately, both domestic and foreign registrants should be subject to virtually identical disclosure requirements, this is an evolutionary process of which these proposals are an initial step. The Commission has attempted to design a system that requires identical or substantially similar disclosure in as many areas as practicable. The few areas in which differences in the disclosure requirements exist are those in which the domestic disclosure requirements could be a significant impediment to foreign issuers registering their securities. The Commission is aware that United States investors, if they are so inclined, can invest in foreign securities directly in foreign markets. Therefore, discouraging registration may not be in the public interest because the disclosure in the foreign market may be less than that required in filings with the Commission even with the proposed accommodations.

Accordingly, under the proposed system, registrants eligible to use Form F–3 could incorporate by reference a Form 20–F with financial statements complying with Item 17, which is similar to the current Form 20–F requirements, for non-convertible debt offerings. If equity securities are being registered, the financial statements in the Form 20–F would be required to comply with Item 18 which is similar to the current requirements in Form S–1. Such a distinction could make the United States markets more competitive, for this particular type of offering, with other markets and could provide increased investment opportunities for United States investors.

Rights offers, conversions, and dividend or interest reinvestment plans are offerings to current securityholders. These types of offerings are more akin to transactions in the secondary trading market than to primary offerings. Therefore the Commission is proposing to expand a current accommodation [39] that allows the use of financial statements that comply with Item 17 of the Form 20–F, rather than Item 18, for these types of offerings.

The Commission is proposing that registration statements on Forms F–3 and F–2 for dividend and interest reinvestment plans will go effective automatically; this is similar to the proposals in the domestic integrated disclosure system. In order to implement these proposals, Rules 464 (17 CFR 230.464), 473 (17 CFR 230.473), 475a (17 CFR 230.475a), 477 (17 CFR 230.477), and 485 (17 CFR 230.485), must be amended to include references to Forms F–3 and F–2. Proposed versions of such amendments are not published in this release but the conforming amendments will be published upon adoption.

Exchange offers can be registered only on Form F–1; this is consistent with the proposed system for domestic registrants. The Commission intends to commence a review of the registration forms and related rules concerning acquisitions. This will involve, among other topics, whether Form F–3 or F–2 should be available for the registration of exchange offers, and whether Form S–15 or a similar form should be available to non-North American foreign private issuers reporting on Form 20–F.

B. Implementing and Other Proposals

In order to fully implement the integrated disclosure system described in this release and the proposed Regulation S–K, several rules and forms must be amended. Accordingly, the Commission is publishing for comment those amendments that involve more than a reference to the forms proposed in this release. Form S–11 is proposed to be amended to be consistent with the other forms proposed in this release. Rules 13e–4 and 14d–4 are proposed to be amended to clarify, the requirement for reconciliations in the capsule financial data required by Guide 59 and proposed to be specified in these rules.[40] Amendments clarifying the application of the safe-harbor rules for forward-looking information, Rules 175, 3b–4 and 0–11, to foreign registrants are also proposed. Rules 13a–16 and 15d–16 relating to Form 6–K are proposed to be amended in order to conform the language to Form 6–K.

If the forms proposed in this release would be adopted, reference to certain of them would be necessary in Rule 138 and Item 512 of Regulation S–K. The Commission is not publishing such

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[38] Forms F–1, F–2, and F–3 utilize only the registration statement provisions (Items 501–513), the description of securities provisions (Item 202), the Exhibits (Item 601), and the industry guides of the proposed Regulation S–K. Most other disclosures, however, are based on the Form 20–F, e.g., Descriptions of Business and Property

[39] Form S–16, General Instruction A.3. relating to certain rights offerings. If Form S–8, which would replace current Form S–16, is adopted before the adoption of Form F–3 and Form F–2, then Form S–3 will be available to foreign issuers for such rights offerings until the adoption of Forms F–3 and F–2.

[40] Release No. 34–18014 (August 6, 1981) [46 FR 42942].

proposals in this release for cost considerations and because no substantive amendment would be necessary. The text of such rules will be published upon adoption.

The Commission is also proposing Rule 12h–4 that would codify the current practice of granting suspensions from the reporting requirements under section 15(d) for a class of securities held by less than 300 holders resident in the United States. Currently, such suspensions must be granted pursuant to section 12(h) by a separate order for each class of securities. The proposed rule would streamline this procedure and reduce cost burdens on both the staff and the registrants.[41]

Form S–8 is available for the registration under the Securities Act of certain offerings to employees. Registrants that have been subject to the reporting requirements of the Exchange Act for at least 90 days and have sent to employees an annual report substantially in compliance with Rule 14a–3 are eligible to use the form. The Commission is proposing an additional instruction and a revision to an undertaking that would codify an existing staff interpretation that non-North American foreign private issuers should be eligible to use Form S–8 under the same conditions except that they can send to employees an annual report on Form 20–F in lieu of a Rule 14a–3 annual report. Since offerings registered on Form S–8 are limited to employees of the registrant, the Commission believes that the financial statements in the Form 20–F could comply with either Item 17 or Item 18. In order to implement this proposal a reference to Form F–3 in General Instruction C of Form S–8 would be necessary. This amendment is not published in this release but will be upon adoption.

The Commission is also proposing certain technical amendments to Regulation S–K that would be necessary to implement the proposed system or to make certain disclosure requirements in Regulation S–K consistent with Form 20–F.

The Commission recently issued a release [42] proposing Regulation D (17 CFR 230.501 *et seq.*), a series of new rules governing the limited offer and sale of securities pursuant to the Securities Act. Foreign private issuers are eligible to use the exemptions contained in proposed Regulation D to the same extent as domestic issuers are. The release indicated that certain revisions would be proposed concurrently with the proposal of the integrated disclosure system for foreign registrants. The revisions proposed in this release would codify a no-action position that foreign residents are excluded from the calculation of the number of purchasers [43] and would reaffirm the Commission's long-standing interpretation that exempt offerings would not be integrated with certain types of foreign offerings.[44] The proposed revisions would also clarify the disclosure requirements applicable to non-North American foreign private issuers eligible to use Form 20–F. Such issuers will be required to furnish the information that would be included in a registration statement under the Securities Act which they would be entitled to use, i.e., Form F–1. The financial statements would need to be certified only to the extent required for domestic issuers. The Form F–1 is based on Form 20–F which is similar to Form S–18 and Form 1–A of Regulation A.[45] For this reason the Commission believes that it is unnecessary to extend the availability of Regulation A and Form S–18 to non-North American foreign private issuers.

C. Proposed Deletion of Rule 15d–14

This Rule, adopted in 1951,[46] permits certain Canadian banks to file as their annual report on Form 10–K the annual report required by the Bank Act of Canada and exempts such banks from the requirements of filing current and quarterly reports. Only one bank currently files annual reports pursuant to that Rule.

In reconsidering the need for the Rule, the Commission believes that the circumstances have changed in several respects since its adoption. First, the Rule is inconsistent with the proposed integrated disclosure system which is premised on the concept of the equivalency of disclosure in filings under the Securities Act and the Exchange Act. Second, foreign banks currently registering securities with the Commission under the Securities Act are required to disclose, to the extent possible in light of different conditions, the information required from bank holding companies in the United States that has been developed since 1951.[47] Third, if certain parts of such disclosure are inappropriate for foreign banks because of different banking systems, those requirements are waived pursuant to the various waiver provisions in the statutes or regulations if such waivers are not inconsistent with the public interest or the protection of investors. Accordingly, the Commission is proposing the deletion of Rule 15d–14 because it is no longer necessary.

D. Civil Liability and Enforcement Matters

The staff frequently receives inquiries on the application of the various civil liability provisions of the federal securities laws, especially section 11 of the Securities Act, to foreign entities and on related matters such as jurisdiction, subpoena power, and the recognition of the judgments of United States courts by foreign courts. These matters will become increasingly important if the proposed integrated disclosure system is ultimately adopted and filings by foreign registrants increase.

Section 6(a) of the Securities Act requires that the registration statement of a foreign private issuer be signed by the issuer, its principal executive officer, its principal financial officer, its principal accounting officer, its duly authorized representative in the United States, and the majority of its board of directors. These persons signing the registration statement are liable for violations of section 11 of the Secutities Act. Most of these signers usually are residents of foreign countries and often a substantial portion of the registrant's assets are located in a foreign country. The staff traditionally has requested disclosure in the registration statement of how these factors affect the enforceability of civil liabilities under the Securities Act.[48] Typically this disclosure points out the potential difficulties in obtaining personal jurisdiction over foreign registrants and persons for the purpose of instituting actions and enforcing judgments of United States courts against them in foreign jurisdictions.

As mentioned above, the statute

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[41] See also the proposals in Release No. 34–18189 (October 20, 1981) (46 FR 52382).

[42] Release No. 33–6339 (August 7, 1981) (46 FR 41791).

[43] Proposed Rule 501(d)(v) (17 CFR 230.501(d)(v))

[44] Proposed Rule 502(a) (17 CFR 230.502(a)) and Release No. 33–4708 (July 9, 1964) (27 FR 9828).

[45] The main difference is that Form F–1 permits remuneration disclosure on an aggregate, rather than individual, basis.

[46] Release No. 33–4624 (July 5, 1951) (proposal). Release No. 33–4636 (August 27, 1951) (adopting)

[47] Guide 61, Guides for the Preparation and Filing of Registration Statements (17 CFR 231.4936) and Guide 5 in the list of Industry Guides in Proposed Regulation S–K. Release No. 33–6332 (August 6, 1981) and Article 9 of Regulation S–X.

[48] Guide 47, Guides for the Preparation and Filing of Registration Statements (17 CFR 231.4936) and Item 502(f) of the proposed Regulation S–K. Release No. 33–6332 (August 6, 1981).

requires that the foreign registrant's duly authorized representative in the United States sign the registration statement. Currently, the Commission generally accepts the signature of an individual who is an employee of the registrant or an affiliate, or who is the registrant's counsel or underwriter in the United States for the offering, because the signature clearly identifies an individual that is connected with the offering as subject to the liability provisions of the Securities Act. By similar reasoning, the Commission generally has refused to accept the appointment of a newly formed or shell corporation in the United States as the authorized representative.

In recent years, there has been an increasing number of cases and articles addressing various difficulties in litigation and investigation of matters involving parties residing abroad, such as the ability to institute civil actions and to serve subpoenas, the enforceability of subpoenas to produce documents located in foreign countries and the enforceability of judgments of United States courts based on violations of the federal securities laws. These problems arise both in Commission enforcement actions and in suits by investors.

Accordingly, there has been recurring discussion of requiring foreign registrants and foreign persons signing the registration statement to appoint an agent for service of process and subpoenas in actions in United States courts involving the federal securities laws and service of Commission process, such as investigative subpoenas. For many years, the Commission has required certain consents from non-resident broker-dealers [49] and non-resident issuers, directors, and officers in connection with an offering exempt pursuant to Regulation A (17 CFR Part 230 *et seq.*) under the Securities Act.[50] Foreign banks selling their commercial paper in this country, as part of their applications for exemptive orders pursuant to section 6(c) of the Investment Company Act of 1940, represent that they will consent to the jurisdiction of certain United States courts and appoint agents for service of process for actions based on the securities.[51] The securities rating agencies that rate the securities of foreign private issuers similarly require consents to service as a condition of providing a rating. A consents requirement also would be consistent with the Federal Securities Code of the American Law Institute that would require non-resident registrants and their executive officers to file consents.[52]

The Commission believes that a consent requirement is necessary. Therefore, the Commission is requesting public comments regarding the above discussion, as well as on the specific inquiries listed below.

1. Commentators are invited to address the specifics with respect to a requirement for consents to service, designation of an agent for service of process and subpoenas in actions in U.S. courts involving the federal securities laws and service of Commission process (such as investigative subpoenas), the persons and entities that should be required to consent, and the scope of the consent.

2. Public comment is sought on whether any special consents or disclosures are necessary in view of laws of some countries that restrict the manner of serving process.

3. Commentators are invited to address whether consents to service of process, similar to those required in Regulation A, should be required in proposed Regulation D (17 CFR 230.500 *et seq.*).[53]

4. Comment is solicited on whether the term "authorized representative" should be defined and eligibility criteria formally adopted.

5. Specific comment is sought on the implications of the decisions of the courts in some foreign jurisdictions to refuse to enforce the judgments of United States courts based on violations of the United States securities laws.

6. Public comment is sought on whether any distinctions should be made between consents under the Securities Act and the Exchange Act.

7. In responding to these inquiries, commentators are requested to consider these issues in the context of both Commission enforcement actions and suits by investors.

Text of Proposals

17 CFR Chapter II is proposed to be amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By revising paragraph (a)(2) of § 210.4–01 to read as follows:

§ 210.4–01 Form, order, and terminology.

(a) * * *

(2) In all filings of foreign private issuers (see § 230.405(q)), except as stated otherwise in the applicable form, the financial statements may be prepared according to a comprehensive body of accounting principles other than those generally accepted in the United States if a reconciliation to United States generally accepted accounting principles and the provisions of Regulation S–X of the type specified in Item 18 of Form 20–F is also filed as part of the financial statements.

* * * * *

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

2. By adding Instruction 6 to Item 201 of proposed § 229.200 as follows:

§ 229.200 Securities of the registrant.

Item 201. Market price of and dividends on the registrant's common stock and related stockholder matters

* * * * *

Instructions to Item 201.

* * * * *

6. If the registrant is a foreign private issuer whose common equity of the class being registered is wholly or partially in bearer form, the response to this Item shall so indicate together with as much information as the registrant is able to provide with respect to security holdings in the United States. If the securities being registered trade in the United States in the form of American Depositary Receipts or similar certificates, the response to this Item shall so indicate together with the name of the depositary issuing such receipts and the number of shares or other units of the underlying security representing the trading units in such receipts.

* * * * *

3. By adding paragraph (f) to Item 202 of proposed § 229.200 as follows:

* * * * *

Item 202. Description of registrant's securities

* * * * *

[49] Rule 15b1–5 (17 CFR 240.15b1–5).

[50] Rule 262 (17 CFR 230.262).

[51] E.g. "In the matter of Den Norske Creditbanke," Investment Company Act of 1940 Release No. 11874 (July 27, 1981).

[52] Official Draft, May 19, 1978, Section 1905(e). This code would also delete the concept of authorized representative. Section 1704.

[53] Release No. 33–6339 (August 7, 1981) (46 FR 41791).

(f) *American Depositary Receipts.* If American Depositary Receipts are being registered, furnish the following information:

(1) The name of the depositary and the address of its principal executive office.

(2) State the title of the American Depositary Receipts and identify the deposited security. Describe briefly the terms of deposit, including the provisions, if any, with respect to: (i) The amount of deposited securities represented by one unit of American Depositary Receipts; (ii) the procedure for voting, if any, the deposited securities; (iii) the collection and distribution of dividends; (iv) the transmission of notices, reports and proxy soliciting material; (v) the sale or exercise or rights; (vi) the deposit or sale of securities resulting from dividends, splits or plans of reorganization; (vii) amendment, extension or termination of the deposit; (viii) rights of holders of receipts to inspect the transfer books of the depositary and the list of holders of receipts; (ix) restrictions upon the right to deposit or withdraw the underlying securities; (x) limitation upon the liability of the depositary.

(3) Describe all fees and charges which may be imposed directly or indirectly against the holder of the American Depositary Receipts, indicating the type of service, the amount of fee or charge and to whom paid.

Instructions. 1. The response to this paragraph shall include information with respect to fees and charges in connection with (a) the deposit or substitution of the underlying securities; (b) receipt and distribution of dividends; (c) the sale or exercise of rights; (d) the withdrawal of the underlying security; and (e) the transferring, splitting or grouping of receipts.

2. Information with respect to the right to collect the fees and charges against dividends received and deposited securities shall be included in response to this item.

4. By revising paragraph (a)(5) of Item 302 of proposed § 229.300 to read as follows:

§ 229.300 Financial information.

* * * * *

Item 302. Supplementary financial information

(a) * * *

(5) This paragraph (a) applies to any registrant, except a foreign private issuer eligible to use Form 20–F, that meets both of the following tests:

* * * * *

5. By adding paragraph (4) to Item 512(a) and revising paragraph (f)(1) of Item 512 of proposed § 229.500.

§ 229.500 Registration statement and prospectus provisions.

* * * * *

Item 512. Undertakings

Include each of the following undertakings that is applicable to the offering being registered:

(a) * * *

(4) If the registrant is a foreign private issuer filing on Form F–1, Form F–2 or Form F–3, to file by post-effective amendment such interim financial statements, which may be unaudited, as are necessary so that the latest financial statements are no more than six months old and audited financial statements for each full fiscal year completed during the offering.

* * * * *

(f) * * *

(1) * * *

If the registrant is a foreign private issuer eligible to use Form 20–F, then the registrant shall undertake to deliver or cause to be delivered with the prospectus to each employee to whom the prospectus is sent or given a copy of the registrant's latest filing on Form 20–F in lieu of the annual report to stockholders.

* * * * *

6. By adding Forms F–1, F–2, and F–3 to the Exhibit Table in Item 601 of proposed § 229.600.

§ 229.600 Exhibits.

Item 601. Exhibits

* * * * *

EXHIBIT TABLE

	Securities Act forms		
	F–1	F–2	F–3
(1) Underwriting agreement	X	X	X.
(2) Plan of acquisition, reorganization, arrangement, liquidation or succession.	X	X	X.
(3) Articles of incorporation and by-laws	X		
(4) Instruments defining the rights of security holders, including indentures.	X	X	X.
(5) Opinion of legality	X	X	X.
(6) Opinion re discount on capital shares	X	X	
(7) Opinion re liquidation preference	X	X	
(8) Opinion re tax matters	X	X	X
(9) Voting trust agreement	X		
(10) Material contracts	X	X	
(11) Statement re computation of per share earnings.	X	X	
(12) Statements re computation of Ratios [1]	X	X	
(13) Annual report to security holders			
(14) Material foreign patents	X		
(15) Letter re unaudited financial information	X	X	X.
(16) Letter re change in certifying accountant			
(17) Letter re director resignation			
(18) Letter re change in accounting principles			
(19) Previously unfiled documents			
(20) Report furnished to security holders			
(21) Other documents or statement to security holders.			
(22) Subsidiaries of the registrant	X		
(23) Published report regarding matters submitted to vote of security holders.			
(24) Consents of experts and counsel	X	X	X.
(25) Power of attorney	X	X	X
(26) Statement of eligibility of trustee	X	X	X.
(27) Invitations for competitive bids	X	X	X.
(28) Additional exhibits	X	X	X.

[1] Such statements are necessary only when such ratios are furnished.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

7. By revising paragraphs (b)(1)(i) and (2) and (c)(3) of § 230.175 as follows:

§ 230.175 Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) * * *

(i) At the time such statements are made or reaffirmed, either the issuer is subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 and has complied with the requirements of Rule 13a–1 or 15d–1 thereunder; if applicable, to file its most recent annual report on Form 10–K or Form 20–F; or if the issuer is not subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933 or pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

* * * * *

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 303 of Regulation S–K (17 CFR 229.300) or Item 9 of Form 20–F (17 CFR 249.220f), management's

discussion and analysis of financial condition and results of operations, or Item 302 of Regulation S–K, supplementary financial information, or Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20), and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 303 of Regulation S–K (17 CFR 229.300) or Item 9 of Form 20–F; or

* * * * *

8. By adding subparagraph (v) to proposed § 230.501(d)(1), a sentence to the Note to proposed § 230.502(a), and subparagraphs (D) to § 230.502(b)(2) (i) and (ii) to read as follows:

§ 230.501 Definitions and terms used in §§ 230.501 to 230.506.

* * * * *

(d) * * *

(1) * * *

(v) Any person that is not a citizen or resident of the United States.

* * * * *

§ 230.502 General conditions to be met.

* * * * *

(a) * * *

Note. * * * Generally, transactions otherwise meeting the requirements of an exemption will not be integrated with simultaneous offerings being made outside the United States effected in a manner which will result in the securities coming to rest abroad. *See* Securities Act Release No. 4708 (July 9, 1964) (29 FR 9828).

(b) * * *

(2) * * *

(i) * * *

(D) If the issuer is a non-North American foreign private issuer eligible to use Form 20–F, the issuer shall disclose the same information required to be included in a registration statement filed under the Act on the form which the issuer would be entitled to use, to the extent material to an understanding of the issuer, its business, and the securities being offered. The financial statements need be certified only to the extent required by paragraphs (b)(2)(i)(A), (B), or (C) of this section as appropriate.

(ii) * * *

(D) If the issuer is a non-North American foreign private issuer eligible to use Form 20–F, the issuer may provide in lieu of the information specified in paragraphs (b)(2)(ii)(A) or (B) of this section, the information contained in its most recent filing on Form 20–F or Form F–1.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

9. By adding registration statement Forms F–3, F–2, and F–1, §§ 239.31 through 239.33, as set forth below:

§ 239.31 Form F–3, for registration under the Securities Act of 1933 of securities of certain foreign private issuers offered pursuant to certain types of transactions.

This form may be used by any non-North American foreign private issuer, as defined in Rule 405(t) (17 CFR 230.405(t)), which meets the requirements of paragraph (a) of this section ("Registrant Requirements") for the registration of securities under the Securities Act of 1933 ("Securities Act") which are offered in any transaction specified in paragraph (b) of this section ("Transaction Requirements"), provided that the requirements applicable to the specified transaction are met.

(a) *Registrant requirements.* All registrants must meet the following conditions in order to use this Form F–3 for registration under the Securities Act of securities offered in the transactions specified in paragraph (b) of this section:

(1) The registrant has a class of securities registered pursuant to section 12(b) of the Securities Exchange Act of 1934 ("Exchange Act") or a class of equity securities registered pursuant to section 12(g) of the Exchange Act or is required to file reports pursuant to section 15(d) of the Exchange Act and is eligible to file and has filed annual reports on Form 20–F (17 CFR 249.220f) under the Exchange Act.

(2) The registrant: (i) Has been subject to the requirements of section 12 or 15(d) of the Exchange Act and has filed all the material required to be filed pursuant to sections 13, 14 or 15(d) for a period of at least thirty-six calendar months immediately preceding the filing of the registration statement on this Form; and (ii) has filed in a timely manner all reports required to be filed during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement and, if the registrant has used (during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement) Rule 12b–25(b) (17 CFR 240.12b–25(b)) under the Exchange Act with respect to a report or a portion of a report, that report or portion thereof has actually been filed within the time period prescribed by the Rule.

(3) Neither the registrant nor any of its consolidated or unconsolidated subsidiaries have, since the end of their last fiscal year for which certified financial statements of the registrant and its consolidated subsidiaries were included in a report filed pursuant to section 13(a) or 15(d) of the Exchange Act: (i) Failed to pay any dividend or sinking fund installment on preferred stock; or (ii) defaulted (A) on any installment or installments on indebtedness for borrowed money, or (B) on any rental on one or more long term leases, which defaults in the aggregate are material to the financial position of the registrant and its consolidated and unconsolidated subsidiaries, taken as a whole.

(4) The aggregate market value worldwide of the voting stock held by the non-affiliates of the registrant is the equivalent of $500 million or more, the equivalent of $150 million of which is owned beneficially or of record by United States residents: Except that the provisions of this paragraph do not apply if the only securities being registered are to be offered in a transaction of the type described in B.2. of the Transaction Requirements.

Instructions. The aggregate market value of the registrant's outstanding voting stock shall be computed by use of the price at which the stock was sold, or the average of the bid and asked prices of such stock, in the principal market for such stock as of a date within 60 days prior to the date of filing. (See the definition of "Affiliate" in Securities Act Rule 405 (17 CFR 230.405).)

(5) If the registrant is a successor registrant, it shall be deemed to have met conditions in paragraph (a) (1), (2), (3) and (4) of this section if: (i) Its predecessor and it, taken together, do so, provided that the succession was primarily for the purpose of changing the state or other jurisdiction of incorporation of the predecessor or forming a holding company and that the assets and liabilities of the successor at the time of the succession were substantially the same as those of the predecessor; or (ii) if all predecessors met the conditions at the time of succession and the registrant has continued to do so since the succession.

(6) If the registrant is a majority-owned subsidiary it shall be deemed to have met the conditions of these registrant eligibility requirements (or the conditions of the Transaction Requirements below) if its parent meets the conditions and if the parent fully guarantees the securities being registered as to principal and interest.

Note.—In such an instance the parent-guarantor is the issuer of a separate security consisting of the guarantee which must be concurrently registered.

(b) *Transaction requirements.* Security offerings meeting any of the following conditions and made by registrants meeting the Registrant Requirements above may be registered on this Form:

(1) *Primary and secondary offerings by certain registrants.* Securities to be offered for cash by or on behalf of a registrant, or outstanding securities to be offered for cash for the account of any person other than the registrant, including securities acquired by standby underwriters in connection with the call or redemption by the registrant of warrants or a class of convertible securities; if the financial statements in the registrant's latest filing on Form 20–F comply with Item 18 thereof.

(2) *Primary Offerings of Certain Debt Securities.* Non-convertible debt securities to be offered for cash by or on behalf of a registrant if such debt securities are "investment grade debt securities," as defined below. A non-convertible debt security is an "investment grade debt security" if, at the time of effectiveness of the registration statement, it has been rated in one of the four highest rating categories for debt by at least one nationally recognized statistical rating organization (as that term is used in Rule 15c3–1(c)(2)(vi)(E) under the Exchange Act (17 CFR 240.15c3–1(c)(2)(vi)(E)).

(3) *Securities Registered on Form S–8.* Securities offered by affiliates for resale pursuant to the conditions specified in General Instruction C to Form S–8 (17 CFR 239.16b).

(4) *Rights Offerings, Dividend or Interest Reinvestment Plans, and Conversions or Warrents.* Securities to be offered: (i) Upon the exercise of outstanding rights granted by the issuer of the securities to be offered, if such rights are granted pro rata to all existing security holders of the class of securities to which the rights attach; or (ii) pursuant to a dividend or interest reinvestment plan; or (iii) upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer. The registration of securities to be offered or sold in a standby underwriting or similar arrangement is not permitted pursuant to this paragraph.

Form F–3—Registration Statement Under the Securities Act of 1933

(Exact name of Registrant as specified in its charter) ——————

(Translation of Registrant's name into English) ——————

(State or other jurisdiction of incorporation or organization) ——————

(Primary Standard Industrial Classification Code Number) ——————

(IRS Employer Identification No.) ——————

(Address and telephone number of Registrant's principal executive offices) ——————

(Name, address, and telephone number of agent for service) ——————

Approximate date of commencement of proposed sale to the public ——————

If the only securities being registered on this Form are being offered pursuant to dividend or interest reinvestment plans, please check the following box. ☐

If any of the securities being registered on this Form are to be offered on a delayed or continuous basis pursuant to Rule 462A under the Securities Act of 1933, please check the following box. ☐

CALCULATION OF REGISTRATION FEE

Title of each class of securities to be registered	Amount to be registered	Proposed maximum aggregate price per unit	Proposed maximum aggregate offering price	Amount of registration fee

Form F–3—General Instructions

I. Eligibility Requirements For Use of Form F–3

This instruction sets forth registrant requirements and transaction requirements for the use of Form F–3. Any non-North American foreign private issuer, as defined in Rule 405(t) [17 CFR 230.405(t)], which meets the requirements of I.A. below ("Registrant Requirements") may use this Form for the registration of securities under the Securities Act of 1933 (the "Securities Act") which are offered in any transaction specified in I.B. below ("Transaction Requirements"), provided that the requirements applicable to the specified transaction are met.

A. *Registrant Requirements.* All registrants must meet the following conditions in order to use this Form F–3 for registration under the Securities Act of securities offered in the transactions specified in I.B. below:

1. The registrant has a class of securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934 ("Exchange Act") or a class of equity securities registered pursuant to Section 12(g) of the Exchange Act or is required to file reports pursuant to Section 15(d) of the Exchange Act and is eligible to file and has filed annual reports on Form 20–F [17 CFR 249.220f] under the Exchange Act.

2. The registrant: (a) Has been subject to the requirements of Section 12 or 15(d) of the Exchange Act and has filed all the material required to be filed pursuant to Sections 13, 14 or 15(d) for a period of at least thirty-six months immediately preceding the filing of the registration statement on this Form; and (b) has filed in a timely manner all reports required to be filed during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement and, if the registrant has used (during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement) Rule 12b–25(b) (17 CFR 240.12b–25(b)) under the Exchange Act with respect to a report or a portion of a report, that report or portion thereof has actually been filed within the time period prescribed by the Rule.

3. Neither the registrant nor any of its consolidated or unconsolidated subsidiaries have, since the end of their last fiscal year for which certified financial statements of the registrant and its consolidated subsidiaries were included in a report filed pursuant to Section 13(a) or 15(d) of the Exchange Act: (a) Failed to pay any dividend or sinking fund installment on preferred stock; or (b) defaulted (i) on any installment or installments on indebtedness for borrowed money, or (ii) on any rental on one or more long term leases, which defaults in the aggregate are material to the financial position of the registrant and its consolidated and unconsolidated subsidiaries, taken as a whole.

4. The aggregate market value worldwide of the voting stock held by non-affiliates of the registrant is the equivalent of $500 million or more, the equivalent of $150 million of which is owned beneficially or of record by United States residents: except that the provisions of this paragraph do not apply if the only securities being registered are to be offered in a transaction of the type described in B.2. of the Transaction Requirements.

Instructions. The aggregate market value of the registrant's outstanding voting stock shall be computed by use of the price at which the stock was sold, or the average of the bid and asked prices of such stock, in the principal market for such stock as of a date within 60 days prior to the date of filing. (See the definition of "affiliate" in Securities Act Rule 405 (17 CFR 230.405)).

5. If the registrant is a successor registrant, it shall be deemed to have met conditions 1, 2, 3 and 4 above if: (a) Its predecessor and it, taken together, do so, provided that the succession was primarily for the purpose of changing the state or other jurisdiction of incorporation of the predecessor or forming a holding company and that the assets and liabilities of the successor at the time of sucession were substantially the same as those of the predecessor; or (b) if all predecessors met the conditions at the time of succession and the registrant has continued to do so since the succession.

6. If a registrant is a majority-owned subsidiary it shall be deemed to have met the conditions of these registrant eligibility requirements (or the conditions of the Transaction Requirements below) if its parent meets the conditions and if the parent fully guarantees the securities being registered as to principal and interest. Note: In such an instance the parent-guarantor is the issuer of a separate security consisting of the guarantee which must be concurrently registered.

B. *Transaction Requirements.* Security offerings meeting any of the following conditions and made by registrants meeting the Registrant Requirements above may be registered on this Form:

1. *Primary And Secondary Offerings By Certain Registrants.* Securities to be offered for cash by or on behalf of a registrant, or outstanding securities to be offered for cash for the account of any person other than the registrant, including securities acquired by standby underwriters in connection with the call or redemption by the registrant of warrants or a class of convertible securities; if the financial statements in the registrant's latest filing on Form 20–F comply with Item 18 thereof.

2. *Primary Offerings of Certain Debt Securities.* Non-convertible debt securities to be offered for cash by or on behalf of a registrant is such debt securities are "investment grade debt securities," as defined below. A non-convertible debt security is an "investment grade debt security" if, at the time of effectiveness of the registration statement, it has been rated in one of the four highest rating categories for debt by at least one nationally recognized statistical rating organization (as that term is used in Rule 15c3–1(c)(2)(vi)(E) under the Exchange Act (17 CFR 240.15c3–1(c)(2)(vi)(E)).

3. *Securities registered on Form S–8.* Securities offered by affiliates for resale pursuant to the conditions specified in General Instruction C to Form S–8 (17 CFR 239.16b); if the financial statements in the registrant's latest filing on Form 20–F comply with Item 18 thereof.

4. *Rights Offerings, Dividend or Interest Reinvestment Plans, and Conversions or Warrants.* Securities to be offered: (a) Upon the exercise of outstanding rights granted by the issuer of the securities to be offered, if such rights are granted pro rata to all existing security holders of the class of securities to which the rights attach; or (b) pursuant to a divident or interest reinvestment plan; or (c) upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer. The registration of securities to be offered or sold in a standby underwriting or similar arrangement is not permitted pursuant to this paragraph.

II. Application of General Rules and Regulations

A. Attention is directed to the General Rules and Regulations under the Securities Act, particularly Regulation C thereunder (17 CFR 130.400 to 230.494). That Regulation contains general requirements regarding the preparation and filing of registration statements.

B. Attention is directed to Regulation S–K (17 CFR Part 229) and Form 20–F (17 CFR 249.220f) for the requirements applicable to registration statements on Form F–3 under the Securities Act. Where this Form directs the Registrant to furnish information required by Regulation S–K or Form 20–F and the Item of Regulation S–K or Form 20–F so provides, information need only be furnished to the extent appropriate. Notwithstanding Items 501 and 502 of Regulation S–K, no table of contents and cross-reference sheet are required to be included in the prospectus or the registration statement prepared on this Form. In addition to the information expressly required to be included in a registration statement on this Form F–3, registrants also may provide such other information as they deem appropriate.

III. Divident or Interest Reinvestment Plans: Filing and Effectiveness of Registration Statement; Requests for Confidential Treatment

Original registration statements on this Form F–3 solely with respect to securities offered pursuant to divident or interest reinvestment plans will become effective automatically on the twentieth day after the date of filing (Rule 456, 17 CFR 230.456), pursuant to the provisions of Section 8(a) of the Act (Rule 459, 17 CFR 230.456). Pre-effective amendments to such a registration statement may be filed prior to effectiveness, and such amendments will be deemed to have been filed with the consent of the Commission (Rule 475a, 17 CFR 230.475a). Accordingly, the filing of a pre-effective amendment to such registration statement will not commence a new twenty-day period. Post-effective amendments to such a registration statement shall become effective upon the date of filing (Rule 464, 17 CFR 230.464). Delaying amendments are not permitted in connection with either original filings or amendments on such a registration statement (Rule 473(d), 17 CFR 239.473(d)), and any attempt to interpose a delaying amendment of any kind will be ineffective. All filings made on or in connection with this Form become public upon filing with the Commission. As a result, requests for confidential treatment made under Rule 485 (17 CFR 230.485) must be processed with the Commission staff prior to the filing of the registration statement. The number of copies of the registration statement and of each amendment required by Rules 402 and 472 (17 CFR 230.402, 230.472) shall be filed with the Commission; *Provided however,* that the number of additional copies referred to in Rule 402(a)(2) may be reduced from ten to two and the number of additional copies referred to in Rule 472(a) may be reduced from eight to two, one of which shall be marked clearly and precisely to indicate changes.

Part I. Information Required in Prospectus

Item 1. *Forepart of the Registration Statement and Outside Front Cover Page of Prospectus*

Set forth on the forepart of the registration statement and outside front-cover page of the prospectus the information required by Item 501 of Regulation S–K (17 CFR 229.500).

Item 2. *Inside Front and Outside Back Cover Pages of Prospectus*

Set forth on the inside front cover page of the prospectus or, where permitted, on the outside back cover page the information required by Item 502 of Regulations S–K (17 CFR 229.500).

Item 3. *Summary Information and Risk Factors*

Furnish the information required by Item 503 of Regulation S–K (17 CFR 229.500).

Item 4. *Used of Proceeds*

Furnish the information required by Item 504 of Regulation S–K (17 CFR 229.500).

Item 5. *Determination of Offering Price*

Furnish the information required by Item 505 of Regulation S–K (17 CFR 229.500).

Item 6. *Dilution*

Furnish the information required by Item 506 of Regulation S–K (17 CFR 229.500).

Item 7. *Selling Security Holders*

Furnish the information required by Item 507 of Regulation S–K (17 CFR 229.500).

Item 8. *Plan of Distribution*

Furnish the information required by Item 508 of Regulation S–K (17 CFR 229.500).

Item 9. *Description of Securities to be Registered*

Furnish the information required by Item 202 of Regulation S–K (17 CFR 229.200).

Item 10. *Interests of Named Experts and Counsel*

Furnish the information required by Item 509 of Regulation S–K (17 CFR 229.500).

Item 11. *Material Changes*

(a) Describe any and all material changes in the registrant's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in the latest filing on Form 20–F under the Exchange Act.

(b)(1) Include in the prospectus, if not included in the reports filed under the Exchange Act which are incorporated by reference into the prospectus pursuant to Item 12: (i) Information required by Rules 3–07 and 3–06 of Regulation S–X (17 CFR Part 210) where the registrant has effected or is about to effect a transaction for which such information is required; (ii) restated financial statements if there has been a change in accounting principles or a correction of an error where such change or correction requires a substantial retroactive restatement of financial statements; or where a business combination accounted for by the pooling of interest method of accounting has been consummated subsequent to the most recent fiscal year; or (iii) any financial information required because of a meterial disposition of assets outside the normal course of business.

(2) If the financial information specified in paragraph (b)(1) has been incorporated by reference from a previously filed report, state that such information has been incorporated by reference and briefly describe the subject transaction, accounting change, correction or disposition.

Item 12. *Incorporation of Certain Information by Reference*

(a) The registrant's latest Form 20–F filed pursuant to the Exchange Act that contains certified financial statements for the registrant's latest fiscal year for which a Form 20–F was required to have been filed shall be incorporated by reference.

Instruction. Reference is made to the Transaction Requirements in General Instruction I.B. that, in some cases, require the financial statements in the Form 20–F to comply with Item 18 thereof as a condition for eligibility to use Form F–3.

(b) The prospectus shall also state that all filings on Form 20–F filed by the registrant

pursuant to the Exchange Act, prior to the termination of the offering, shall be deemed to be incorporated by reference into the prospectus.

Instruction. Attention is directed to the requirements of Section 10(a)(3) of the Securities Act.

Part II. Information Not Required in Prospectus

Item 13. *Other Expenses of Issuance and Distribution*

Furnish the information required by Item 511 of Regulation S–K (17 CFR 229.500).

Item 14. *Indemnification of Directors and Officers*

Furnish the information required by Item 510 of Regulation S–K (17 CFR 229.500)

Item 15. *Exhibits*

Subject to the rules regarding incorporation by reference, furnish the exhibits required by Item 601 of Regulation S–K (17 CFR 229.600)

Item 16. *Undertakings*

Furnishing the undertakings required by Item 512 of Regulation S–K (17 CFR 229.500).

Signatures

Pursuant to the requirements of the Securities Act of 1933, the registrant certifies that it meets all of the requirements for filing on Form F–3 and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ————, State of ————, on ————, 19—.

(Registrant) ————

By (Signature and Title)————

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature) ————

(Title)————

(Date)————

Instructions. 1. The registration statement shall be signed by the registrant, its principal executive officer of officers, its principal financial officer, its controller or principal accounting officer, at least a majority of the board of directors or persons performing similar functions, and its authorized representative in the United States. Where the registrant is a limited partnership, the registration statement shall be signed by a majority of the board of directors of any corporate general partner signing the registration statement.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement. Attention is directed to Rule 402 concerning manual signatures and Item 601 of Regulation S–K concerning signatures pursuant to powers of attorney.

§ 239.32 Form F–2, for registration under the Securities Act of 1933 for securities of certain foreign private issuers.

This form may be used by any non-North American foreign private issuer, as defined in Rule 405(t) (17 CFR 230.405(t)), which meets the following conditions for the registration of securities under the Securities Act of 1933 ("Securities Act") which are offered or to be offered in any transaction other than an exchange offer for securities of another person:

(a) The Registrant has a class of securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934 ("Exchange Act") or has a class of equity securities registered pursuant to Section 12(g) of the Exchange Act or is required to file reports pursuant to Section 15(d) of the Exchange Act and is eligible to file annual reports on Form 20–F (17 CFR 249.220f) under the Exchange Act.

(b) The Registrant: (1) Has been subject to the requirements of Section 12 or 15(d) of the Exchange Act and has filed all the information required to be filed pursuant to Sections 13, 14 or 15(d) for a period of at least thirty-six calendar months immediately preceding the filing of the registration statement on this form; (2) has filed in a timely manner all reports required to be filed during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement and, if the issuer has used (during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement) Rule 12b–25(b) (17 CFR 240.12b–25(b)) under the Exchange Act with respect to a report or portion of a report, that report or portion thereof has actually been filed within the time period prescribed by the Rule.

The provisions of this paragraph do not apply to any registrant if: the aggregate market value worldwide of the voting stock of the registrant held by non-affiliates is the equivalent of $500 million or more, at least the equivalent of $150 million of which is owned beneficially or of record by United States residents, or if non-convertible debt securities that are "investment grade debt securities" as defined below, are being registered and the registrant has filed at least one Form 20–F that is the latest required to have been filed.

Instructions. 1. The aggregate market value of the registrant's outstanding voting stock shall be computed by use of the price at which the stock was last sold, or the average of the bid and asked prices of such stock in the principal market for such stock, as of a date within 60 days prior to the date of filing (see the definition of "affiliate" in Securities Act Rule 405 (17 CFR 230.405)).

2. A non-convertible debt security is an "investment grade debt security" if, at the time of effectiveness of the registration statement, it has been rated in one of the four highest rating categories for debt by at least one nationally recognized statistical rating organization (as that term is used in Rule 15c3–1(c)(2)(vi)(E) under the Exchange Act (17 CFR 240.15c3–1(c)(2)(vi)(E)).

(c) Neither the registrant nor any of its consolidated or unconsolidated subsidiaries have, since the end of their last fiscal year for which certified financial statements of the registrant and its consolidated subsidiaries were included in a report filed pursuant to Section 13(a) or 15(d) of the Exchange Act: (1) Failed to pay any dividend or sinking fund installment on preferred stock; or (2) defaulted (i) on any installment or installments on indebtedness for borrowed money, or (ii) on any rental on one or more long term leases, which defaults in the aggregate are material to the financial position of the registrant and its consolidated and unconsolidated subsidiaries, taken as a whole.

(d) The financial statements in the registrant's latest filing on Form 20–F comply with Item 18 thereof.

(e) The provisions of paragraphs (b)(1) and (d) of this section do not apply if the Registrant has filed at least one Form 20–F that is the latest required to have been filed and if the only securities being registered are to be offered: (1) Upon the exercise of outstanding rights granted by the issuer of the securities to be offered, if such rights are granted pro rata to all existing security holders of the class of securities to which the rights attach and there is no standby underwriting or similar arrangement; or (2) pursuant to a dividend or interest reinvestment plan; or (3) upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer of the securities to be offered, or by an affiliate of such issuer. The exemptions in this paragraph are unavailable if securities are to be offered or sold in a standby underwriting or similar arrangement.

(f) If a registrant is a successor registrant it shall be deemed to have met these requirements if: (1) Its predecessor and it, taken together, do so, provided that the succession was primarily for the purpose of changing the state of incorporation of the predecessor or forming a holding company and that the assets and liabilities of the successor at the time of succession were substantially the same as those of the predecessor; or (2) if all predecessors met the conditions at the time of succession and the registrant has continued to do so since the succession.

(g) If an issuer is a majority-owned subsidiary it shall be deemed to have

met the conditions of the Eligibility Requirements if its parent meets the conditions and if the parent fully guarantees the securities being registered as to principal and interest.

Note: In such an instance the parent-guarantor is the issuer of a separate security consisting of the guarantee which must be concurrently registered.

Form F–2—Registration Statement Under the Securities Act of 1933

(Exact name of Registrant as specified in its charter) ———
(Translation of Registrant's Name into English)———
(State or other jurisdiction of incorporation or organization) ———
(Primary Standard Industrial Classification Code number) ———
(IRS Employer Identification No.) ———
(Address and telephone number of registrant's principal executive offices) ———
(Name, address and telephone number of agent for service)———
Approximate date of commencement of proposed sale to the public———

If the only securities being registered on this Form are to be offered pursuant to dividend or interest reinvestment plans, please check the following box. ☐

If any of the securities being registered on this Form are to be offered on a delayed or continuous basis pursuant to Rule 462A under the Securities Act of 1933, please check the following box. ☐

CALCULATION OF REGISTRATION FEE

Title of each class of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering [illegible]	Amount of registration fee

Form F–2—General Instructions

I. Eligibility Requirements for Use of Form F–2

Any non-North American foreign private issuer, as defined in Rule 405(t) (17 CFR 230.405(t)), which meets the following conditions may use this form for the registration of securities under the Securities Act of 1933 ("Securities Act") which are offered or to be offered in any transaction other than an exchange offer for securities of another person:

A. The Registrant has a class of securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934 ("Exchange Act") or has a class of equity securities registered pursuant to Section 12(g) of the Exchange Act or is required to file reports pursuant to Section 15(d) of the Exchange Act and is eligible to file annual reports on Form 20–F (17 CFR 249.220f) under the Exchange Act.

B. The Registrant: (1) Has been subject to the requirements of Section 12 or 15(d) of the Exchange Act and has filed all the information required to be filed pursuant to Sections 13, 14 or 15(d) for a period of at least thirty-six calendar months immediately preceding the filing of the registration statement on this form; (2) has filed in a timely manner all reports required to be filed during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement and, if the issuer has used (during the twelve calendar months and any portion of a month immediately preceding the filing of the registration statement) Rule 12b–25(b) (17 CFR 240.12b–25(b)) under the Exchange Act with respect to a report or portion of a report, that report or portion thereof has actually been filed within the time period prescribed by the Rule.

The provisions of this paragraph (B)(1) do not apply to any registrant if: (i) The aggregate market value worldwide of the voting stock of the registrant held by non-affiliates is the equivalent of $500 million or more, at least the equivalent of $150 million of which is owned beneficially or of record by United States residents, or if non-convertible debt securities that are "investment grade debt securities" as defined below, are being registered and (ii) the registrant has filed at least one Form 20–F that is the latest required to have been filed.

Instructions. 1. The aggregate market value of the registrant's outstanding voting stock shall be computed by use of the price at which the stock was last sold, or the average of the bid and asked prices of such stock in the principal market for such stock, as of a date within 60 days prior to the date of filing (See the definition of "affiliate" in Securities Act Rule 405 (17 CFR 230.405)).

2. A non-convertible debt security is an "investment grade debt security" if, at the time of effectiveness of the registration statement, it has been rated in one of the four highest rating categories for debt by at least one nationally recognized statistical rating organization (as that term is used in Rule 15c3–1(c)(2)(vi)(E) under the Exchange Act (17 CFR 240.15c3–1(c)(2)(vi)(E))).

C. Neither the registrant nor any of its consolidated or unconsolidated subsidiaries have, since the end of their last fiscal year for which certified financial statements of the registrant and its consolidated subsidiaries were included in a report filed pursuant to Section 13(a) or 15(d) of the Exchange Act: (1) Failed to pay any dividend or sinking fund installment on preferred stock; or (2) defaulted (a) on any installment or installments on indebtedness for borrowed money, or (b) on any rental on one or more long term leases, which defaults in the aggregate are material to the financial position of the registrant and its consolidated and unconsolidated subsidiaries, taken as a whole.

D. The financial statements in the registrant's latest filing on Form 20–F comply with Item 18 thereof.

E. The provisions of paragraphs (B)(1) and (D) do not apply if the Registrant has filed at least one Form 20–F that is the latest required to have been filed and if the only securities being registered are to be offered: (1) Upon the exercise of outstanding rights granted by the issuer of the securities to be offered, if such rights are granted pro rata to all existing security holders of the class of securities to which the rights attach and there is no standby underwriting or similar arrangement; or (2) pursuant to a dividend or interest reinvestment plan; or (3) upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer of the securities to be offered, or by an affiliate of such issuer. The exemptions in this paragraph (E) are unavailable if securities are to be offered or sold in a standby underwriting or similar arrangement.

F. If a registrant is a successor registrant it shall be deemed to have met these requirements if: (1) its predecessor and it, taken together, do so, provided that the succession was primarily for the purpose of changing the state of incorporation of the predecessor or forming a holding company and that the assets and liabilities of the successor at the time of succession were substantially the same as those of the predecessor; or (2) if all predecessors met the conditions at the time of succession and the registrant has continued to do so since the succession.

G. If an issuer is a majority-owned subsidiary it shall be deemed to have met the conditions of the Eligibility Requirements if its parent meets the conditions and if the parent fully guarantees the securities being registered as to principal and interest. Note: In such an instance the parent-guarantor is the issuer of a separate security consisting of the guarantee which must be concurrently registered.

II. Application of General Rules and Regulations

A. Attention is directed to the General Rules and Regulations under the Securities Act, particularly Regulation C (17 CFR 230.400 to 230.494) thereunder. That Regulation contains general requirements regarding the preparation and filing of registration statements.

B. Attention is directed to Regulation S–K (17 CFR Part 229) and Form 20–F (17 CFR 249.220f) for the requirements applicable to registration statements on F–2 under the Securities Act. Where this Form directs the registrant to furnish information required by Regulation S–K or Form 20–F and the Item of Regulation S–K or Form 20–F so provides, information need only be furnished to the extent appropriate.

III. Filing of Other Financial Statements in Certain Cases

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary of appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

IV. Dividend or Interest Reinvestment Plans: Filing and Effectiveness of Registration Statement; Requests for Confidential Treatment

Original registration statements on this Form F–2 solely with respect to securities offered pursuant to dividend or interest reinvestment plans will become effective automatically on the twentieth day after the date of filing (Rule 456, 17 CFR 230.456), pursuant to the pre-effective amendments to such registration statement may be filed prior to effectiveness, and such amendments will be deemed to have been filed with the consent of the Commission (Rule 475a, 17 CFR 230.475a). Accordingly, the filing of a pre-effective amendment to such registration statement will not commence a new twenty-day period. Post-effective amendments to such a registration statement shall become effective upon the date of filing (Rule 464, 17 CFR 230.464). Delaying amendments are not permitted in connection with either original filings or amendments on such a registration statement (Rule 473(d), 17 CFR 239.473(d)), and any attempt to interpose a delaying amendment of any kind will be ineffective. All filings made on or in connection with this Form become public upon filing with the Commission. As a result, requests for confidential treatment made under Rule 485 (17 CFR 230.485) must be processed with the Commission staff prior to the filing of the registration statement. The number of copies of the registration statement and of each amendment required by Rules 402 and 472 (17 CFR 230.402, 230.472) shall be filed with the Commission: *Provided however*, that the number of additional copies referred to in Rule 402(a)(2) may be reduced from ten to two and the number of additional copies referred to in Rule 472(a) may be reduced from eight to two, one of which shall be marked clearly and precisely to indicate changes.

Part I. Information Required in Prospectus

Item 1. *Forepart of the Registration Statement and Outside Front Cover Page of Prospectus*

Set forth in the forepart of the registration statement and on the outside front cover page of the prospectus the information required by Item 501 of Regulation S–K (17 CFR 229.500).

Item 2. *Inside Front and Outside Back Cover Pages of Prospectus*

Set forth on the inside front cover page of the prospectus or, where permitted, on the outside back cover page, the information required by Item 502 of Regulation S–K (17 CFR 229.500).

Item 3. *Summary Information and Risk Factors*

Furnish the information required by Item 503 of Regulation S–K (17 CFR 229.500).

Item 4. *Use of Proceeds*

Furnish the information required by Item 504 of Regulation S–K (17 CFR 229.500).

Item 5. *Determination of Offering Price*

Furnish the information required by Item 505 of Regulation S–K (17 CFR 229.500).

Item 6. *Dilution*

Furnish the information required by Item 506 of Regulation S–K (17 CFR 229.500).

Item 7. *Selling Security Holders*

Furnish the information required by Item 507 of Regulation S–K (17 CFR 229.500).

Item 8. *Plan of Distribution*

Furnish the information required by Item 508 of Regulation S–K (17 CFR 229.500).

Item 9. *Description of Securities to be Registered*

Furnish the information required by Item 202 of Regulation S–K (17 CFR 229.200).

Item 10. *Interests of Named Experts and Counsel*

Furnish the information required by Item 509 of Regulation S–K (17 CFR 229.500).

Item 11. *Material Changes*

(a) Describe any and all material changes in the registrant's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in the latest filing on Form 20–F under the Exchange Act.

(b)(1) Include in the prospectus, if not included in the reports filed under the Exchange Act which are incorporated by reference into the prospectus pursuant to Item 12: (i) Information required by Rules 3–07 and 3–08 of Regulation S–X (17 CFR Part 210) where the registrant has effected or is about to effect a transaction for which such information is required; (ii) restated financial statements if there has been a change in accounting principles or a correction of an error where such change or correction requires substantial retroactive restatement of financial statements, or where a business combination accounted for by the pooling of interest method of accounting has been consummated subsequent to the most recent fiscal year; or (iii) any financial information required because of a material disposition of assets outside the normal course of business.

(2) If the financial information specified in paragraph (b)(1) has been incorporated by reference from a previously filed report, state that such information has been incorporated by reference and briefly describe the subject transaction, accounting change, correction or disposition.

Item 12. *Information With Respect to the Registrant*

The registrant shall incorporate by reference and deliver with the prospectus the latest Form 20–F filed pursuant to the Exchange Act that contains certified financial statements for the registrant's latest fiscal year for which a Form 20–F was required to have been filed.

Instructions:

1. Reference is made to General Instruction I.D. that, in some cases, requires the financial statements in the Form 20–F to comply with Item 18 thereof as a condition for eligibility to use Form F–2.

2. Attention is directed to the requirements of Section 10(a)(3) of the Securities Act.

Part II. Information Not Required in Prospectus

Item 13. *Other Expenses of Issuance and Distribution*

Furnish the information called for by Item 511 of Regulation S–K (17 CFR 229.500).

Item 14. *Indemnification of Directors and Officers*

Furnish the information called for by Item 510 of Regulation S–K (17 CFR 229.500).

Item 15. *Exhibits*

(a) Subject to the rules regarding incorporation by reference, furnish the exhibits as required by Item 601 of Regulation S–K (17 CFR 229.600).

Item 16. *Undertakings*

(a) Furnish the undertakings required by Item 512 of Regulation S–K (17 CFR 229.500).

(b) The registration statement shall contain an undertaking substantially as follows: The undersigned issuer hereby undertakes to deliver or cause to be delivered with the prospectus, to each person to which the prospectus is sent or given, the issuer's latest filing on Form 20–F.

Signatures

Pursuant to the requirements of the Securities Act of 1933, the registrant certifies that it meets all of the requirements for filing on Form F–2 and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ————, State of ————, on ————, 19—.

(Registrant) ————————————

By (Signature and Title)————————————

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature) ————————————

(Title) ————————————

(Date)————————————

Instructions:

1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer, at least a majority of the board of directors or persons performing similar functions and its authorized representative in the United States. Where the registrant is a limited partnership, the registration statement shall be signed by a majority of the board of directors of any corporate general partner signing the registration statement.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement. Attention is directed to Rule 402 concerning manual signatures and Item 601 of Regulation S–K concerning signatures pursuant to powers of attorney.

Instructions as to Summary Prospectuses

1. A summary prospectus used pursuant to Rule 434A (17 CFR 230.434a) shall at the time of its use contain such of the information specified below as is then included in the registration statement. All other information and documents contained in the registration statement may be omitted.

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(a) As to Item 1, the aggregate offering price to the public, the aggregate underwriting discounts and commissions and the offering price per unit to the public;

(b) As to Item 2, a statement concerning the enforceability of civil liabilities against foreign persons (Item 502(f) of Regulation S–K);

(c) As to Item 4, a brief statement of the principal purposes for which the proceeds are to be used;

(d) As to Item 7, a statement as to the amount of the offering, if any, to be made for the account of security holders;

(e) As to Item 8, the name of the managing underwriter or underwriters and a brief statement as to the nature of the underwriter's obligation to take the securities; or, if any securities to be registered are to be offered otherwise than through underwriters, a brief statement as to the manner of distribution;

(f) As to Item 9, a brief statement as to dividend rights, voting rights, conversion rights, interest, maturity, exchange controls, tax treaties, limitations on ownership or voting;

(g) As to Item 12, a brief statement of the general character of the business done and intended to be done and the Selected Financial Data (Item 8 of Form 20–F); and

(h) A tabular presentation of notes payable, long term debt, deferred credits, minority interests, if material, and the equity section of the latest balance sheet filed, as may be appropriate.

2. The summary prospectus shall not contain a summary or condensation of any other required financial information except as provided above.

3. The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

§ 239.33 Form F–1, registration statement under the Securities Act of 1933 for securities of certain foreign private issuers.

This Form shall be used for registration under the Securities Act of 1933 of securities of all non-North American foreign private issuers, as defined in Rule 405(t) (17 CFR 230.405(t)), eligible to use Form 20–F (17 CFR 249.220f) for which no other form is authorized or prescribed. If an issuer is a majority-owned subsidiary it shall be deemed to have met the Eligibility Requirements if its parent meets the conditions and if the parent fully guarantees the securities being registered as to principal and interest. Note: In such an instance the parent-guarantor is the issuer of a separate security consisting of the guarantee which must be concurrently registered.

Form F–1—Registration Statement Under the Securities Act of 1933

Exact name of Registrant as specified in its charter ——————

Translation of Registrant's name into English ——————

(State or other jurisdiction of incorporation or organization) ——————

(Primary Standard Industrial Classification Code Number) ——————

(IRS Employer Identification No.) ——————

(Address and telephone number of Registrant's principal executive offices) ——————

(Name, address, and telephone number of agent for service) ——————

Approximate date of commencement of proposed sale to the public ——————

If any of the securities being registered on this Form are to be offered on a delayed or continuous basis pursuant to Rule 462A under the Securities Act of 1933, please check the following box. ☐

CALCULATION OF REGISTRATION FEE

Title of each class of securities to be registered	[illegible] to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate [illegible] price	Amount of registration fee

Form F–1—General Instructions

I. Eligibility Requirements For Use of Form F–1

Form F–1 shall be used for registration under the Securities Act of 1933 ("Securities Act") of securities of all non-North American foreign private issuers, as defined in Rule 405(t) (17 CFR 230.405(t)), eligible to use Form 20–F (17 CFR 249.220f) for which no other form is authorized or prescribed.

If an issuer is a majority-owned subsidiary it shall be deemed to have met the Eligibility Requirements if its parent meets the conditions and if the parent fully guarantees the securities being registered as to principal and interest. Note: In such an instance the parent-guarantor is the issuer of a separate security consisting of the guarantee which must be concurrently registered.

II. Application of General Rules and Regulations

A. Attention is directed to the General Rules and Regulations under the Securities Act, particularly those comprising Regulation C (17 CFR 230.400 to 230.494) thereunder. That Regulation contains general requirements regarding the preparation and filing of registration statements.

B. Attention is directed to Regulation S–K (17 CFR Part 229) and Form 20–F (17 CFR 294.220f) for the requirements applicable to the content of registration statements under the Securities Act. Where this Form directs the registrant to furnish information required by Regulation S–K or Form 20–F and the item of Regulation S–K or Form 20–F so provides, information need only be furnished to the extent appropriate.

III. Filing of Other Financial Statements in Certain Cases

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

IV. Exchange Offers

If any of the securities being registered are to be offered in exchange for securities of any other issuer the prospectus shall also include the information which would be required by Item 11 if the securities of such other issuer were registered on this Form. If such other issuer is not eligible to use this Form F–1, then the prospectus shall include the information which would be required by Item 11 of Form S–1 (17 CFR 239.11) if the securities of such other issuer were registered on Form S–1. There shall also be included the information concerning such securities of such other issuer which would be called for by Item 9 if such securities were being registered. In connection with this instruction, reference is made to rule 409.

Part I. Information Required in Prospectus

Item 1. *Forepart of Registration Statement and Outside Front Cover Page of Prospectus*

Set forth in the forepart of the registration statement and on the outside front cover page of the prospectus the information required by Item 501 of Regulation S–K (17 CFR 229.500).

Item 2. *Inside Front and Outside Back Cover Pages of Prospectus*

Set forth on the inside front cover page of the prospectus or, where permitted, on the outside back cover page the information required by Item 502 of Regulation S–K (17 CFR 229.500).

Item 3. *Summary Information and Risk Factors*

Furnish the information required by Item 503 of Regulation S–K (17 CFR 229.500).

Item 4. *Use of Proceeds*

Furnish the information required by Item 504 of Regulation S–K (17 CFR 229.500).

Item 5. *Determination of Offering Price*

Furnish the information required by Item 505 of Regulation S–K (17 CFR 229.500).

Item 6. *Dilution*

Furnish the information required by Item 506 of Regulation S–K (17 CFR 229.500).

Item 7. *Selling Security Holders*

Furnish the information required by Item 507 of Regulation S–K (17 CFR 229.500).

Item 8. *Plan of Distribution*

Furnish the information required by Item 508 of Regulation S–K (17 CFR 229.500).

Item 9. *Description of Securities to be Registered*

Furnish the information required by Item 202 of Regulation S–K (17 CFR 229.200).

Item 10. *Interests of Named Experts and Counsel*

Furnish the information required by Item 509 of Regulation S–K (17 CFR 229.500).

Item 11. *Information with Respect to the Registrant*

Provide the following information with respect to the Registrant:

(a) Information required by Part I of Form 20–F [17 CFR 249.220f];

(b) Information required by Item 18 of Form 20–F (Schedules required under Regulation S–X shall be filed as "Financial Statement Schedules Pursuant to Item 15, Exhibit and Financial Statement Schedules, of this Form), as well as any information required by Rules 3–07 and 3–08 of Regulation S–X (17 CFR Part 210), except as permitted by (c) below;

(c) Information required by Item 17 of Form 20–F may be furnished in lieu of the information specified by Item 18 thereof if the only securities being registered are to be offered: (1) upon the exercise of outstanding rights granted by the issuer of the securities to be offered, if such rights are granted on a pro rata basis to all existing security holders of the class of securities to which the rights attach and there is no standby underwriting or similar arrangement; or (2) pursuant to a dividend or interest reinvestment plan; or (3) upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer of the securities to be offered, or by an affiliate of such issuer.

Instruction. Attention is directed to Section 10(a)(3) of the Securities Act.

Part II. Information not Required in Prospectus

Item 12. *Other Expenses of Issuance and Distribution.*

Provide the information called for by Item 511 of Regulation S–K (17 CFR 229.500).

Item 13. *Indemnification of Directors and Officers*

Provide the information called for by Item 510 of Regulation S–K (17 CFR 229.500).

Item 14. *Recent Sales of Unregistered Securities*

Provide the information called for by Item 701 of Regulation S–K (17 CFR 229.500).

Item 15. *Exhibits and Financial Statement Schedules*

(a) Subject to the rules regarding incorporation by reference, furnish the exhibits as required by Item 601 of Regulation S–K (17 CFR 229.600).

(b) Furnish financial statement schedules required by Regulation S–X (17 CFR Part 210) and Item 11(b) of this Form. These schedules shall be lettered or numbered in the manner described for exhibits in paragraph (a).

Item 16. *Undertaking*

Provide the undertakings required by Item 512 of Regulation S–K (17 CFR 229.500).

Signatures

Pursuant to the requirements of the Securities Act of 1933, the Registrant certifies that it meets all of the requirements for filing on Form F–1 and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ————, State of ————, on ————, 19—.

(Registrant) ————

By (Signature and Title)————

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature) ————

(Title)————

(Date)————

Instructions. 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, it controller or principal accounting officer, at least a majority of the board of directors or persons performing similar functions, and its authorized representative in the United States. Where the registrant is a limited partnership, the registration statement shall be signed by a majority of the board of directors of any corporate general partner signing the registration statement.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement. Attention is directed to Rule 402 concerning manual signatures and Item 601 of Regulation S–K concerning signatures pursuant to powers of attorney.

Instructions as to Summary Prospectuses

1. A summary prospectus used pursuant to Rule 434A (17 CFR 230.434a) shall at the time of its use contain such of the information specified below as is then included in the registration statement. All other information and documents contained in the registration statement may be omitted.

(a) As to Item 1, the aggregate offering price to the public, the aggregate underwriting discounts and commissions and the offering price per unit to the public;

(b) As to Item 2, a statement concerning the enforceability of civil liabilities against foreign persons (Item 502(f) of Regulation S–K);

(c) As to Item 4, a brief statement of the principal purposes for which the proceeds are to be used;

(d) As to Item 7, a statement as to the amount of the offering, if any, to be made for the account of security holders;

(e) As to Item 8, the name of the managing underwriter or underwriters and a brief statement as to the nature of the underwriter's obligation to take the securities; if any securities to be registered are to be offered otherwise than through underwriters, a brief statement as to the manner of distribution; and, if securities are to be offered otherwise than for cash, a brief statement as to the general purposes of the distribution, the basis upon which the securities are to be offered, the amount of compensation and other expenses of distribution and by whom they are to be borne;

(f) As to Item 9, a brief statement as to dividend rights, voting rights, conversion rights, interest, maturity, exchange controls, tax treaties, limitations on ownership or voting;

(g) As to Item 11, a brief statement of the general character of the business done and intended to be done, the Selected Financial Data (Item 8 of Form 20–F) and a brief statement of the nature and present status of any material pending legal proceedings; and

(h) A tabular presentation of notes payable, long term debt, deferred credits, minority interests, if material, and the equity section of the latest balance sheet filed, as may be appropriate.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

12. By revising paragraphs (b)(1)(i) and (2) and (c)(3) of § 240.3b–6 to read as follows:

§ 240.3b–6 Liability for certain statements by issuers.

* * * * *

(b) * * *

(1) * * *

(i) At the time such statements are made or reaffirmed, either the issuer is subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 and has complied with the requirements of Rule 13a–1 or 15d–1 thereunder; if applicable, to file its most recent annual report on Form 10–K or Form 20–F; or if the issuer is not subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933 or pursuant to section 12 (b) or (g) of the Securities Act of 1934.

* * * * *

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 303 of Regulation S–K (17 CFR 229.300) or Item 9 of Form 20–F (17 CFR 249.220f), management's discussion and analysis of financial condition and results of operations, or Item 302 of Regulation S–K, supplementary financial information, or Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20), and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 303 of Regulation S–K (229.300) or Item 9 of Form 20–F.

* * * * *

13. By adding § 240.12h–4 to read as follows:

§ 240.12h–4 Suspension of section 15(d) for foreign private issuers.

(a) Except as provided under paragraphs (b) and (c) of this section the duty of a foreign private issuer to file the reports required by section 13(a) as to any class of securities pursuant to section 15(d) shall be immediately suspended as to that class of securities upon the filing of a certification on Form 12g–4/15d–6 with respect to such class of securities confirming that the class has fewer than 300 holders resident in the United States; but if such certification is subsequently withdrawn or denied, the registrant shall, within 60 days after the date of such withdrawal or denial, file with the Commission all reports which would have been required to be filed had such certification not been filed.

(b) The suspension shall not be in effect for any subsequent fiscal year at the beginning of which securities of such class are held by 300 or more holders resident in the United States or are not exempt by Rule 15d–6.

(c) The exemption provided by paragraph (a) of this section shall not be available for any class of securities if at the end of the last fiscal year of the issuer (1) more than 50 percent of the outstanding voting securities of such issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States and (2) the business of such issuer is administered principally in the United States or 50 percent or more of the members of its Board of Directors are residents of the United States. For the purpose of this paragraph the term "resident," as applied to security holders, shall mean any person whose address appears on the records of the issuer, the voting trustee or the depositary as being located in the United States.

(d) All duties arising under section 15(d), other than the duty to file reports required by section 13(d), shall remain in effect under paragraph (b) of this section unless otherwise suspended under section 15(d).

(e) For the purposes of this rule, the number of holders resident in the United States shall be computed as provided by Rule 12g3–2(a) (17 CFR 240.12g3–2).

14. By amending Instruction B to paragraph (d) of § 240.13e–4 as follows:

§ 240.13e–4 Tender offers by issuers.

* * * * *

(d) * * *

Instruction: * * *

B. * * *

(4) * * *

If the financial statements are prepared according to generally accepted accounting principles of a foreign country, the summary financial information shall be accompanied by a reconciliation to generally accepted accounting principles of the United States.

* * * * * * *

15. By revising paragraph (e)(1)(viii) of § 240.14d–6 to read as follows:

§ 240.14d–6 Disclosure requirements with respect to tender offers.

* * * * * *

(e) * * *

(1) * * *

(viii) The disclosure required by Item 9 of Schedule 14D–1 or a fair and adequate summary thereof. If the financial statements are prepared according to generally accepted accounting principles of a foreign country, the summary financial information shall be accompanied by a reconciliation to generally accepted accounting principles of the United States. (Under normal circumstances, the following summary financial information for the period covered by the financial information furnished in response to Item 9 will be a sufficient summary. If the information required by Item 9 is summarized, appropriate instructions shall be included stating how complete finncial information can be obtained.)

§§ 240.13a–16 and 240.15d–16 [Amended]

16. By revising paragraph (c) of § 240.13a–16 and § 240.15d–16 to read as follows:

* * * * * *

(c) Reports furnished pursuant to this rule shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section.

17. By revising Instruction 1(b) of Item 9 of § 240.100 to read as follows:

§ 240.100 Schedule 14D–1. Tender offer statement pursuant to Section 14(d)(1) of the Securities Exchange Act of 1934.

* * * * * *

Item 9. Financial Statements of Certain Bidders.

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Instructions:

1. * * *

(b) Financial statements prepared in accordance with Item 17 of Form 20–F (§ 249.200f of this chapter) for a foreign bidder that is otherwise eligible to use such form.

§ 240.15d–14 [Removed]

18. By removing § 240.15d–14.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§§ 249.219 and 249.318 [Removed]

19. By removing § 249.219 and § 249.318.

§ 249.220f [Amended]

20. By revising Form 20–F (17 CFR 249.220f) as follows:

Form 20–F

(Mark one.)

☐ Registration statement pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934; or

☐ Annual report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

For the fiscal year ended _____

Commission file number _____

(Exact name of Registrant as specified in its charter) _____

(Translation of Registrant's name into English) _____

(Jurisdiction of incorporation or organization)

(Address of principal executive offices) _____

Securities registered or to be registered pursuant to Section 12(b) of the Act.

Title of each class	Name of each exchange on which registered

Securities registered or to be registered pursuant to Section 12(g) of the Act.

(Title of Class) _____

(Title of Class) _____

Securities for which there is a reporting obligation pursuant to Section 15(d) of the Act.

(Title of Class) _____

Indicate the number of outstanding shares of each of the issuer's classes of capital or common stock as of the close of the period covered by the annual report.

_____

_____

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes— No—.

(Applicable only to issuers involved in bankruptcy proceedings during the past five years.)

Indicate by check mark whether the registrant has filed all documents and reports required to be filed by Sections 12, 13 or 15(d) of the Securities Exchange Act of 1934 subsequent to the distribution of securities under a plan confirmed by a court. Yes— No—.

Indicate by check mark which financial statements item the registrant has elected to follow. Item 17— Item 18—.

Form 20–F—General Instructions

A. Rule as to use of Form 20–F

(a) This form is to be used for registration pursuant to Section 12 of the Securities Exchange Act of 1934 of any class of securities of any foreign private issuer except that it shall not be used by:

(1) Any North American issuer, as defined in Rule 12b–2(j–1) (17 CFR 240.12b–(j–1)), if (i) the securities are to be registered pursuant to Section 12(b) of the Act; (ii) the securities are to be registered under Section 12(g) of the Act as a result of the termination of the exemption provided by Rule 12g3–2(d) (17 CFR 240.12(g)(3–2(d)); (iii) the issuer has had the same or any other class of securities registered pursuant to Section 12 of the Act on Form 10 (17 CFR 249.210), or Form 8–A (17 CFR 249.208a) or Form 8–B (17 CFR 249.208b) in lieu of Form 10 within one year prior to the date on which the registration statement is filed or required to be filed under Section 12(g) or (iv) the issuer is otherwise required to file reports on Form 10–K (17 CFR 249.310); or

(2) Any foreign private issuer if at the end of the last fiscal year of the issuer (i) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (ii) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States.

(b) This form is to be used for annual reports of foreign private issuers filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 pursuant to Rule 13a–1 (17 CFR 240.13a–1) or 15d–1 (17 CFR 240.15d–1) except that it shall not be used by:

(1) Any North American issuer: (i) which has any class of securities registered pursuant to Section 12 of the Act on Form 10, or on Form 8–A or 8–B in lieu of Form 10; (ii) which is filing the report pursuant to Section 15(d) of the Act; (iii) whose obligation to file reports pursuant to Section 15(d) of the Act is suspended as a result of the registration of a class of securities pursuant to Section 12(g) of the Act; (iv) which has registered securities under Section 12(g) of the Act as a result of termination of the exemption provided by Rule 12g3–2(d); or (vi) which is otherwise required to file reports on Form 10–K; or

(2) Any foreign private issuer if at the end of the fiscal year being reported on (i) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (ii) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States.

(c) Annual reports on this form shall be filed within six months after the end of the fiscal year covered by such report.

B. Application of General Rules and Regulations

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements and reports on this form.

(b) Particular attention is directed to Regulation 12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the registration statement or report, the information to be given whenever the title of securities is required to be stated, language to be used, and the filing of the registration statement or report. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted.

C. Preparation of Registration Statements and Reports

(a) This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the registration statement or annual report. See General Instruction G as to the items to be responded to in the registration statement or annual report, respectively. The statement or report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. However, where any item requires information to be given in tabular form, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(b) With respect to a registration statement, the information required shall be given as of a date reasonably close to the date of filing the registration statement, and with respect to an annual report, the information shall be given as of the latest practicable date except where the information is required by the item to be given for the fiscal year or as of a specified date.

(c) Attention is directed to Rule 12b–20 (17 CFR 240.12b–20) which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading."

(d) Attention is directed to Rule 12b–21 (17 CFR 240.12b–21) which refers to the omission of information which is unknown or not reasonably available.

D. Signature and Filing of Registration Statements and Reports

Three complete copies of the registration statement or report, including financial statements, exhibits and all other papers and documents filed as part thereof, and five additional copies which need not include exhibits, shall be filed with the Commission. At least one complete copy of the registration statement or report, including financial statements, exhibits and all other papers and documents filed as a part thereof, shall be filed with each exchange on which any class of securities is to be registered or is registered. At least one complete copy of the registration statement or report filed with the Commission and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures.

E. Omission of Information Regarding Foreign Subsidiaries

Information required by any item or other requirement of this form with respect to any subsidiary outside the registrant's country of domicile or where organized may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental and may require its inclusion if such justification is determined not to be consistent with the public interest or the protection of investors.

F. Incorporation by Reference

Attention is directed to Rule 12b–23 (17 CFR 240.12b–23) which provides for the incorporation by reference of information contained in certain documents in answer or partial answer to any item of the registration statement or report.

G. Items to be Responded to in Registration Statements and Annual Reports

(a) A registration statement of this form shall include the information specified in Parts I, II and IV of this form.

(b) Subject to the provisions in Part III regarding the omission of previously reported information, an annual report on this form shall include the information specified in Parts I, III and IV. If the information required by Item 3 would be unchanged from that given in a previous report, a reference to the previous report which includes the required information will be sufficient. Copies of such previous report need not be filed with the report currently being filed in this form.

(c) A registration statement or annual report on this form shall contain the financial statements and related information specified in Item 17 of this form. All registrants are encouraged, but not required, to provide the financial statements and related information specified in Item 18 in lieu of Item 17. In certain circumstances, Forms F–3 or F–2 for registration of securities under the Securities Act of 1933 require that the registrant's annual report on Form 20–F contain the financial statements and information specified in Item 18. Registrants should consult those forms for the specific

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requirements and should consider the potential advantages of complying with Item 18 in lieu of Item 17 of this form.

Part I

Item 1. *Description of Business*

(a) Describe the business done and intended to be done by the registrant and its subsidiaries. Such description shall include, if material to an understanding of the registrant's business, discussion of:

(1) The general development of the business of the registrant, its subsidiaries and any predecessor(s) during the past five years, or such shorter period as the registrant may have been engaged in business. Information shall be disclosed for earlier periods if material to an understanding of the general development of the business. In describing developments, information shall be given as to matters such as the following: the year in which the registrant was organized and its form of organization; the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reclassification, merger or consolidation of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

(2) Registrants, (i) filing a registration statement on Form F–1 under the Securities Act or on Form 20–F under Exchange Act, (ii) not subject to the reporting requirements of Section 13(a) or 15(d) of the Exchange Act immediately prior to the filing of such registration statement, and (iii) that (including predecessors) have not received revenue from operations during each of the three fiscal years immediately prior to the filing of the registration statement, shall provide the following information: (A) if the registration statement is filed prior to the end of the registrant's second fiscal quarter, a description of the registrant's plan of operation for the remainder of the fiscal year; or (B) if the registration statement is filed subsequent to the end of the registrant's second fiscal quarter, a description of the registrant's plan of operation for the remainder of the fiscal year and for the first six months of the next fiscal year. If such information is not available, the reasons for its not being available shall be stated. Disclosure relating to any plan shall include such matters as:

(*1*) In the case of a registration statement on Form F–1, a statement in narrative form indicating the registrant's opinion as to the period of time that the proceeds from the offering will satisfy cash requirements and whether in the next six months it will be necessary to raise additional funds to meet the expenditures required for operating the business of the registrant; the specific reasons for such opinion shall be set forth and categories of expenditures and sources of cash resources shall be identified; however, amounts of expenditures and cash resources need not be provided; in addition, if the narrative statement is based on a cash budget, such budget shall be furnished to the Commission as supplemental information, but not as a part of the registration statement.

(*2*) An explanation of material product research and development to be performed during the period covered in the plan;

(*3*) Any anticipated material acquisition of plant and equipment and the capacity thereof;

(*4*) Any anticipated material changes in number of employees in the various departments such as research and development, production, sales or administration; and

(*5*) Other material areas which may be peculiar to the registrant's business.

(3) the principal products produced and services rendered and the principal markets for and methods of distribution of such products and services.

(4) the breakdown of total sales and revenue during the past three fiscal years by categories of activity and into geographical markets (with sales to unaffiliated customers and sales transfers to other categories of activity of the registrant shown separately). Any relatively homogenous activity which contributes significantly to total sales and revenue shall be considered a separate category of activity.

Instruction. If the contribution to total operating profit (or loss) from each of the registrant's categories of activity materially differs from their respective contributions to total sales and revenue, such categories of activity shall be identified and appropriate narrative disclosure made concerning the significance of the contributions to total operating profit (or loss) from such category of activity. The actual operating profit (or loss) attributable to each category of activity is not required to be presented unless otherwise required to be disclosed by applicable foreign law or regulations or by foreign stock exchange requirements or is otherwise disclosed.

(5) The status of a product or service if the registrant has made public information about a new product or service which would require the investment of a material amount of the assets of the registrant or is otherwise material.

(6) The research and development policy including the estimated amount spent during each of the last three fiscal years on company-sponsored research and development activities.

(b) The registrant shall also describe those distinctive or special characteristics of the registrant's operations or industry which may have a material impact upon the registrant's future financial performance. The registrant shall briefly describe any material country risks which are unlikely to be known or anticipated by investors and could materially affect the registrant's operations. Examples of factors which might be discussed include dependence on one or a few major customers or suppliers (including suppliers of raw materials or financing), existing or probable governmental regulation; expiration of material labor contracts, patents, trademarks, licenses, franchises, concessions or royalty agreements; unusual competitive conditions in the industry, cyclicality of the industry and anticipated raw material or energy shortages to the extent management may not be able to secure a continuing source of supply.

Instruction. Furnish the information specified in any industry guide listed in Part 9 of Regulation S–K (17 CFR 229) applicable to the registrant.

Item 2. *Description of Property*

(a) State briefly the location and general character of the principal plants, mines and other materially important physical properties of the registrant and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held.

Instructions. 1. What is required is such information as reasonably will inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used by the registrant. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and shall not be given.

2. In determining whether properties should be described, the registrant should take into account both quantitative and qualitative factors.

3. In the case of an extractive enterprise, material information shall be given as to production, reserves, locations, developments, and the nature of the registrant's interest. If individual properties are of major significance to the registrant: (i) more detailed information concerning these matters shall be furnished; and (ii) appropriate maps shall be used to disclose location data of significant properties except in cases for which numerous maps would be required.

4. (i) If reserve estimates are referred to in the document, the staff of the Office of Engineering, Division of Corporation Finance, of the Commission shall be consulted. That office may request that a copy of the full report of the engineer or other expert who estimated the reserves be furnished as supplemental information and not as part of the filing.

(ii) If the estimates of reserves, or any estimated valuation thereof, are represented as being based on estimates prepared or reviewed by independent consultants, those independent consultants shall be named in the document.

5. Estimates of oil or gas reserves other than proved or, in the case of other extractive reserves estimates other than proved or probable reserves, and any estimated values of such reserves shall not be disclosed in any document publicly filed with the Commission, unless it can be shown to the staff of the Office of Engineering, Division of Corporation Finance, that (i) failure to include such information would render the document materially misleading, or (ii) such information is required to be disclosed in the document by foreign law.

(b) If oil and gas operations are material to the registrant's and its subsidiaries' business operations or financial position, disclose the information specified in Appendix A to this item.

Item 3. *Legal Proceedings*

Describe briefly any material pending legal proceedings, other than ordinary routine

litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.

2. No information need be given with respect to any proceeding that involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Notwithstanding Instructions 1 and 2, any material bankruptcy, receivership, or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described.

4. Any material proceedings to which any director, officer or affiliate of the registrant, or any associate of any such director, officer, or affiliate of the registrant is a party adverse to the registrant or any of its subsidiaries or has a material interest adverse to the registrant or any of its subsidiaries, also shall be described.

5. With respect to annual reports, information relating to pending litigation shall be furnished in accordance with the provisions of Item 3, except that the report shall include also a description of the disposition of any previously reported litigation which occurred during the last fiscal year.

Item 4. *Control of Registrant*

(a) As far as known to the registrant, state whether the registrant is directly or indirectly owned or controlled by another corporation(s) or by any foreign government and, if so, give the name(s) of such controlling corporation(s) or government and briefly describe the nature of such control.

(b) If the registrant's outstanding voting securities are in registered form, furnish the following information, as of the most recent practicable date, in substantially the tabular form indicated, with respect to: (1) Any person who is known to the registrant to be the owner of more than ten percent of any class of the registrant's voting securities and (2) the total amount of any class of the registrant's voting securities owned by the officers and directors as a group, without naming them.

(1)	(2)	(3)	(4)
Title of class	Identity of person or group	Amount owned	Percent of class

(c) Describe any arrangements, known to the registrant, the operation of which may at a subsequent date result in a change in control of the registrant.

Item 5. *Nature of Trading Market*

As to each class of securities to be registered, indicate briefly the nature and extent of the principal non-United States trading market for such securities, and also the nature of the trading market in the United States. State the high and low sales prices for the securities in both such markets for each full quarterly period within the two most recent fiscal years. If practicable, indicate what portion of the outstanding securities in each such class is held in the United States and the number of record holders thereof in the United States.

Instructions. 1. If the registrant's outstanding equity securities of the class being registered are wholly or partially in bearer form, the response to this item shall so indicate together with as much information as the registrant is able to provide with respect to security holdings in the United States.

2. If the securities being registered trade in the United States in the form of American Depositary Receipts or similar certificates, the response to this item shall so indicate together with the name of the depositary issuing such receipts and the number of shares or other units of the underlying security representing the trading unit in such receipts. If the primary market in the United States involves the American Depositary Receipts, the market price information specified in this item shall relate to that market.

Item 6. *Exchange Controls and Other Limitations Affecting Security Holders*

(a) Describe briefly any governmental laws, decrees or regulations in the country in which the registrant is organized that restrict the export or import of capital, including, but not limited to, foreign exchange controls, or that affect the remittance of dividends, interest or other payments to nonresident holders of the registrant's securities.

(b) As to each class of securities to be registered hereunder, describe briefly any limitations on the right of nonresident or foreign owners to hold or vote such securities imposed by foreign law or by the charter or other constituent document of the registrant, or if no such limitations are applicable, so state.

Item 7. *Taxation*

Outline briefly all taxes, including withholding provisions, to which United States securityholders are subject under existing laws and regulations of the foreign country in which the registrant is organized. Include a brief description of pertinent provisions of any reciprocal tax treaty between such foreign country and the United States regarding withholding. If there is no such treaty, so state.

Item 8. *Selected Financial Data*

Furnish in comparative columnar form the selected financial data for the registrant, referred to below, for

(a) Each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) Any additional fiscal years necessary to keep the information from being misleading.

Instructions. 1. The purpose of the selected financial data shall be to supply in a convenient and readable format selected financial data which highlight certain significant trends in the registrant's financial condition and results of operations.

2. Subject to appropriate variation to conform to the nature of the registrant's business, the following items shall be included in the table of financial data: net sales or operating revenues; income (loss) from continuing operations; income (loss) from continuing operations per common share; total assets; long-term obligations and redeemable preferred stock (including long-term debt, capital leases, and redeemable preferred stock as defined in § 210.5–02.28(a) of Regulation S–X (17 CFR 210)); ratio of earnings to combined fixed charges and preferred dividends and the ratio of earnings to fixed charges, if required by Instruction 5 to this Item; and cash dividends declared per common share. Registrants may include additional items which they believe would enhance an understanding of and would highlight other trends in their financial condition and results of operations. A reference shall be made to any qualifications in the auditor's report with respect to the financial statements from which such data is derived.

3. Those registrants that are required to provide inflation information pursuant to Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20(c)) may combine such information with the selected financial data appearing pursuant to this Item.

4. All references to the registrant in the table of selected financial data and in this Item shall mean the registrant and its subsidiaries consolidated, except in the case of the ratio of earnings to combined fixed charges and preferred dividends and, if required, the ratio of earnings to fixed charges where a total enterprise ratio is required. (See Instruction 5 to this Item.)

5. For purposes of presenting the ratio of earnings to combined fixed charges and preferred dividends and, if required, the ratio of earnings to fixed charges ("the ratios") the following rules and definitions shall apply:

A. If debt or preferred stock securities are being registered, the registrant is required to present the ratio of earnings to combined fixed charges and preferred dividends; however, additional disclosure of the ratio of earnings to fixed charges is also required in debt or preferred stock registration statements if the registrant's ratio of earnings to fixed charges is materially different from the combined ratio.

B. The ratio(s) shall be computed on the basis of the total enterprise of the registrant. That is, the revenues and expenses should include not only the amounts reflected in consolidated income statements but also

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revenues and expenses of other activities not consolidated. In other words, the total enterprise should be considered to include the registrant, its majority-owned subsidiaries, as if they were consolidated, its proportionate share of 50-percent-owned persons, and its share of distributed income from less-than-50-percent-owned persons. If the registrant has guaranteed debt of another person (such as a supplier), the amount of fixed charges associated with such debt need not be included in the computation of the ratio unless the registrant has been required to satisfy the guarantee or it is probable that the registrant will be required to honor the guarantee and the amount can be reasonably estimated. A footnote to the ratio should disclose the amount of fixed charges associated with such guaranteed debt and whether it is included in the computation of the ratio.

C. "Earnings" shall be computed after all operating and income deductions (including results of discontinued operations and gain or loss from disposal of a segment of a business, but excluding extraordinary items and the cumulative effect of accounting changes) except fixed charges, taxes based on income, and minority interest in income or loss of subsidiaries and after eliminating undistributed income of less-than-50-percent-owned persons. The registrant, at its option, may present an additional ratio based only on continuing operations of the total enterprise.

(i) If a less-than-50-percent-owned person accounted for using the equity method has sustained a loss, such loss would also be eliminated except in the situation where the registrant has guaranteed the debt of this person. In this case, the registrant's equity in the loss would be included in "earnings" and the "fixed charges" (see D. below) would include the interest associated with the guaranteed debt.

(ii) In the case of public utilities, the allowance for funds used during construction shall be added to gross income but not deducted from interest expense. Other registrants which capitalize interest shall include capitalized interest in fixed charges but shall not add such amounts to gross income.

D. The term "fixed charges" shall mean the total of (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rental expense as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in instances where a separate ratio of earnings to fixed charges is presented, preferred stock dividend requirements of subsidiaries, excluding in all cases items which would be or are eliminated in consolidation.

E. The term "preferred stock" shall include all types of preferred and preference stocks. The dividend requirements of the outstanding preferred stock (determined as set forth in the following sentences) shall be added to "fixed charges" (as defined above) in determining the denominator to be used in the computation of the ratio.

(i) The preferred stock dividend requirements shall be increased by an amount equivalent to the income tax that would be required to obtain an after-tax income sufficient to cover such dividend requirements. The tax rate shall be based on the relationship of the applicable actual income tax provision to income before income taxes, extraordinary items, and cumulative effect of accounting changes.

F. If the ratio computation indicates a negative or less than one-to-one coverage, disclosure of the ratio should not be made. Instead, a statement of this fact shall be made and the dollar amount of the coverage deficiency stated.

G. If the registrant is filing a registration statement under the Securities Act of 1933, pro forma ratio(s) shall be presented in the case of a debt or preferred stock refinancing if the effect of the refinancing changes the historical ratio(s) by 10 percent or more. If the pro forma ratio is not presented, a footnote should disclose the reason for omission.

(i) The pro forma ratio(s), if applicable, shall be presented for only the most recent fiscal year.

(ii) The only adjustments which shall be made to the corresponding historical ratio(s) are to give effect to the net increase or decrease in interest expense or preferred dividends due to the proposed issuance of new debt or preferred stock and the corresponding retirement of any debt or preferred stock presently outstanding but which will be retired with the proceeds from the proposed offering.

H. The ratio(s) shall be computed on the basis of both the primary financial statements and their reconciliation.

6. If interim period financial statements are required to be presented by § 210.3–19 of Regulation S–X in a regiatration statement filed under the Securities Act of 1933, registrants should consider whether any or all of the selected financial data need to be updated for such interim periods to reflect a material change in the trends indicated; where such updating information is necessary, registrants shall provide the information on a comparative basis unless unnecessary to an understanding of such updating information.

7. Disclose the following information:

(a) In the forepart of the document and as of the latest practicable date, the exchange rate into United States currency of the foreign currency in which the financial statements are denominated;

(b) a history of exchange rates for the five most recent years and any subsequent interim period for which financial statements are presented setting forth the rates for period end, the average rates, and the range of high and low rates; and

(c) a five year summary of dividends per share stated in both the currency in which the financial statements are denominated and United States currency based on the exchange rates at each respective payment date for each year.

8. The selected financial data shall be presented in the same currency as the financial statements. The issuer may present the selected financial data on the basis of the accounting principles used in its primary financial statements but in such case shall present these data also on the basis of any reconciliations of such data to United States generally accepted accounting principles and Regulation S–X made pursuant to Item 17 and 18 of this Form.

9. For purposes of this rule, the rate of exchange means the noon buying rate in New York City for cable transfers in foreign currencies as certified for customs purposes by the Federal Reserve Bank of New York. The average rate means the average of the exchange rates on the last day of each month during a year.

Item 9. *Management's Discussion and Analysis of Financial Condition and Results of Operations*

Discuss registrant's financial condition, changes in financial condition and results of operations for each year and subsequent interim periods for which financial statements are required to be presented. The discussion shall provide information as specified in paragraphs (a), (b) and (c) of this section with respect to liquidity, capital resources, and results of operations, and shall provide such other information that the registrant believes to be necessary to an understanding of its financial condition, changes in financial condition and results of operations. Discussions of liquidity and capital resources may be combined whenever the two topics are interrelated. Where in the registrant's judgment a discussion of categories of activity or of other subdivisions of the registrant's business would be appropriate to an understanding of such business, the discussion should focus on each relevant category of activity or other subdivision of the business and on the registrant as a whole.

(a) Liquidity. Identify any known trends or any known demands, commitments, events or uncertainties that will result in or that are reasonably likely to result in the registrant's liquidity increasing or decreasing in any material way. If a material deficiency is identified, indicate the course of action that the registrant has taken or proposes to take to remedy the deficiency. Also identify and separately describe internal and external sources of liquidity, and briefly discuss any material unused sources of liquid assets.

(b) Capital resources. (1) Describe the registrant's material commitments for capital expenditures as of the end of the latest fiscal period and any subsequent interim periods for which financial statements are presented and indicate the general purpose of such commitments and the anticipated source of funds needed to fulfill such commitments.

(2) Describe any known material trends, favorable or unfavorable, in the registrant's capital resources. Indicate any expected material changes in the mix and the relative cost of such resources. The discussion shall consider changes between equity, debt and any off balance sheet financing arrangements.

(c) Results of operations. (1) Describe any unusual or infrequent events or transactions of any significant economic changes that materially affected the amount of reported income from continuing operations and, in each case, indicate the extent to which income was so affected. In addition, describe any other significant components of revenues or expenses that, in the registrant's judgment,

should be described in order to understand the registrant's results of operations.

(2) Describe any known trends or uncertainties that have had or that the registrant reasonably expects will have a material favorable or unfavorable impact on net sales or revenues or income from continuing operations. If the registrant knows of events that will cause a material change in the relationship between costs and revenues (such as known future increases in costs of labor or materials or price increases or inventory adjustments), the change in the relationship should be disclosed.

(3) To the extent that the financial statements disclose material increases in net sales or revenues, provide a narrative discussion of the extent to which such increases are attributable to increase in prices or to increases in the volume or amount of goods or services being sold or to the introduction of new products or services.

(4) For the three most recent fiscal years of the registrant, or for those fiscal years beginning after December 25, 1979, or for those fiscal years in which the registrant has been engaged in business, whichever period is shortest, discuss the impact of inflation and changing prices on the registrant's net sales and revenues and on income from continuing operations.

Instructions. 1. The registrant's discussion and analysis shall be of the financial statements and of other statistical data that the registrant believes will enhance a reader's understanding of its financial condition, changes in financial condition and results of operations. Generally, the discussion should cover the three year period covered by the financial statements and shall use year-to-year comparisons or any other formats that in the registrant's judgment enhance a reader's understanding. However, where trend information is relevant, reference to the five year selected financial data appearing in Item 8 may be necessary.

2. The purpose of the discussion and analysis shall be to provide to investors and other users information relevant to an assessment of the financial condition and results of operations of the registrant as determined by evaluating the amounts and certainty of cash flows from operations and from outside sources. The information provided in this Item 9 need only include that which is available to the registrant without undue effort or expense and which does not clearly appear in the registrant's financial statements.

3. The registrant's discussion and analysis shall focus specifically on material events and uncertainties known to management that would cause reported financial information not to be necessarily indicative of future operating results or of future financial condition. This would include descriptions and amounts of (A) matters that would have an impact on future operations and have not had an impact in the past, and (B) matters that have had an impact on reported operations and are not expected to have an impact upon future operations.

4. Where the consolidated financial statements reveal material changes from year to year in one or more line items, the causes for the changes shall be described to the extent necessary to an understanding of registrant's businesses as a whole; provided, however, that if the causes for a change in one line item also relate to other line items, no repetition is required and a line by line analysis of the financial statements as a whole is not required or generally appropriate. Registrants need not recite the amounts of changes from year to year which are readily computable from the financial statements. The discussion shall not merely repeat numerical data contained in the consolidated financial statements.

5. The term "liquidity" as used in this Item refers to the ability of an enterprise to generate adequate amounts of cash to meet the enterprise's needs for cash. Except where it is otherwise clear from the discussion, the registrant shall indicate those balance sheet conditions or income or cash flow items which the registrant believes may be indicators of its liquidity condition. Liquidity generally shall be discussed on both a long-term and short-term basis. The issue of liquidity shall be discussed in the context of the registrant's own business or businesses. For example, a discussion of working capital may be appropriate for certain manufacturing, industrial or related operations but might be inappropriate for a bank or public utility.

6. Where financial statements of the registrant are required by § 210.4-08(e)(iii) of Regulation S-X (17 CFR 210) to include disclosure of restrictions on the ability of both consolidated and unconsolidated subsidiaries to transfer funds to the registrant in the form of cash dividends, loans or advances, the discussion of liquidity shall include a discussion of the nature and extent of such restrictions and the impact such restrictions have had and are expected to have on the ability of the registrant to meet its cash obligations.

7. Registrants are encouraged, but not required, to supply forward-looking information. This is to be distinguished from presently-known data which will impact upon future operating results, such as known future increases in costs of labor or materials. This letter data may be required to be disclosed. Any forward-looking information supplied is expressly covered by the safe harbor rule for projections. See Rule 3b-6 under the Exchange Act (17 CFR 240.3b-6).

8. Registrants need not comply with SFAS 33 but if the registrant otherwise discloses information on the effects of changing prices, then such information shall be given.

9. Registrants may discuss the effects of inflation and changes in prices in whatever manner appears appropriate under the circumstances. All that is required is a brief textual presentation of management's views. No specific numerical financial data need be presented, except as Rule 3-20(c) of Regulation S-X (17 CFR 210.3-20(c)) otherwise requires.

10. All references to the registrant in the discussion and in this Item shall mean the registrant and its subsidiaries consolidated.

11. Registrants shall also discuss briefly any pertinent governmental economic, fiscal, monetary, or political policies or factors that have materially affected or could materially affect, directly or indirectly, their operations or investments by United States nationals.

12. The discussion should focus on the primary financial statements presented in the registration statement or report. There should be a reference to the reconciliation to United States generally accepted accounting principles, and a discussion of any aspects of the difference between foreign and United States generally accepted accounting principles, not discussed in the reconciliation, that the registrant believes is necessary for an understanding of the financial statements as a whole.

Item 10. *Directors and Officers of Registrant*

(a) List the names of all directors and executive officers of the registrant and all persons chosen to become directors or executive officers; indicate all positions and offices with the registrant held by each such person; state his term of office as director and/or as executive officer and the period duing which he has served as such; and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director or executive officer.

Instructions. 1. Do not include arrangements or understandings with directors or executive officers of the registrant acting solely in their capacities as such.

2. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) or any other person who performs similar policy making functions for the registrant. Where the registrant employs persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make significant contributions to the business of the registrant, such persons shall be identified and their background disclosed to the same extent as in the case of executive officers.

(b) State the nature of any family relationship between any other director or executive officer.

Instruction. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

Item 11. *Remuneration of Directors and Officers*

General Instructions. If the registrant discloses to its shareholders or otherwise makes public the information specified in this Item for individually named directors and officers, then such information shall also be included in response to this Item.

(a) State the aggregate amount of remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to all directors and officers as a group, without naming them, for services in all capacities.

Instructions. 1. The information is to be given on an accrual basis if practicable. The information required by this paragraph and paragraph (b) may be shown in a single table if the registrant so desires.

2. If any part of the remuneration shown in response to this Item was paid pursuant to a material bonus or profit-sharing plan, briefly describe the plan and the basis upon which

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directors or officers participate therein. See Instruction 1 to paragraph (b) for the meaning of the term "plan."

(b) State the aggregate amount set aside or accrued by the registrant and its subsidiaries during the last fiscal year of the registrant to provide pension, retirement or similar benefits for directors and officers of the registrant pursuant to any existing plan provided or contributed to by the registrant or its subsidiaries.

Instructions. 1. The term "plan" in this paragraph includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

2. Information need not be furnished with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

Item 12. *Options to Purchase Securities from Registrant or Subsidiaries*

General Instructions. 1. If the registrant discloses to its shareholders or otherwise makes public the information specified in this Item for individually named directors and officers, then such information shall also be included in response to this Item.

2. Furnish the following information as to all options to purchase securities of the class being registered from the registrant or any of its subsidiaries, which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement, report, or filing as part of a registration statement under the Securities Act of 1933:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration dates of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this Item includes all options, warrants or rights, other than those issued to securityholders as such on a pro rata basis.

Item 13. *Interest of Management in Certain Transactions*

General Instructions. 1. The information specified in this Item need be furnished only to the extent that the registrant discloses to its shareholders or otherwise makes public the information specified in this Item for individually named directors and officers.

2. With respect to annual reports, information relating to these transactions shall be furnished in accordance with the provisions of this Item 13 except that the information may be limited to the period since the beginning of the last fiscal year up to the latest practicable date.

3. If the information called for by this Item has been reported previously in a report on Form 6–K, it may be incorporated by specific reference in the annual report to the previous filing.

(a) Describe briefly any material transactions during the last three fiscal years or any presently proposed transactions, to which the registrant or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person, such person's relationship to the registrant, the nature of the interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the registrant;

(2) Any security holder named in answer to Item 4(a);

(3) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the registrant.

(b) State as to each of the following persons who was indebted to the registrant or its subsidiaries at any time during the last three years (i) the largest aggregate amount of indebtedness outstanding at any time during such period, (ii) the nature of the indebtedness and of the transaction in which it was incurred, (iii) the amount thereof outstanding as of the latest practicable date, and (iv) the rate of interest paid or charged thereon:

(1) Each director or officer of the registrant; and

(2) Each associate of any such director or officer.

Part II

Item 14. *Description of Securities to be Registered*

(a) *Capital Stock To Be Registered.* If capital stock is to be registered, state the title of the class and furnish the following information:

(1) Outline briefly (i) dividend rights; (ii) voting rights, (iii) liquidation rights; (iv) pre-emptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by registrant.

(2) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(3) Outline briefly any restrictions on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This Item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation of qualification as will enable investors to understand the rights evidenced by the securities to be registered.

(b) *Debt Securities To Be Registered.* If debt securities are to be registered, outline briefly such of the following as are relevant:

(1) Provisions with respect to interest, conversions, maturity, redemption, amortization, sinking fund or retirement.

(2) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to each lien.

(3) Provisions restricting the declaration of dividends or requiring the creation or maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(4) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

(5) The name and address of the trustee and the nature of any material relationship with the registrant or any of its affiliates, the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(6) The names and addresses of paying agents.

(7) The currency or currencies in which payable and, if payable in two or more currencies, state the basis of determination for the currency conversion and at whose option.

(8) The provisions of any law or decree determining the extent to which the securities of the issuer may be serviced.

(9) The circumstances concerning any failure to pay principal, interest, or any sinking or amortization installment.

Instructions. 1. The instructions to paragraph (a) shall also apply to this Item.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance monies, and similar provisions, need not be described in anwer to paragraph. (4).

3. If the securities to be registered are guaranteed, state the name of the guarantor and briefly outline the contract of guarantee.

(c) *American Depositary Receipts.* If American Depositary Receipts are being registered, furnish the following information:

(1) The name of the depositary and the address of its principal executive office.

(2) State the title of the American Depositary Receipts and identify the deposited security. Describe briefly the terms of deposit, including the provisions, if any, with respect to: (i) the amount of deposited securities represented by one unit of American Depositary Receipts; (ii) the procudure for voting, if any, the deposited securities; (iii) the collection and distribution of dividends; (iv) the transmission of notices, reports and proxy soliciting materials; (v) the sale or exercise of rights; (vi) the deposit or sale of securities resulting from dividends, splits or plans of reorganization; (vii) amendment, extension or termination of the deposit; (viii) rights of holders of receipts to inspect the transfer books of the depositary and the list of holders of receipts; (ix) restrictions upon the right to deposit or withdraw the underling securities; (x) limitation upon the liability of the depositary.

(3) Describe all fees and charges which may be imposed directly or indirectly against the holder of the American Depositary Receipts, indicating the type of service, the amount of fee or charge and to whom paid.

Instructions. 1. The response to this paragraph shall include information with respect to fees and charges in connection with (a) the deposit or substitution of the underlying securities; (b) receipt and distribution of dividends; (c) the sale or exercise of rights; (d) the withdrawal of the underlying security; and (e) the tranferring, splitting or grouping of receipts.

2. Information with respect to the right to collect the fees and charges against dividends received and deposited securities should be included in reponse to this item.

(d) *Other Securities To Be Registered.* If securities other than capital stock or long-term debt are to be registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to paragraph (a) shall also apply to this Item.

Part III

Item 15. *Defaults Upon Senior Securities*

General Instruction. If the information called for by this Item has been reported previously in a report on Form 6–K, it may be incorporated by specific reference in the annual report to the previous report.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends state the amount and the total arrearage on the date of filing this report.

Instruction. Item 15 need not be answered as to any default or arrearage with respect to any class of securities all of which is held, or for the account of, the registrant or its totally held subsidiaries.

Item 16. *Changes in Securities and Changes in Security for Registered Securities*

General Instruction. If the information called for by this Item has been reported previously in a report on Form 6–K, it may be incorporated by specific reference in the annual report to the previous report.

(a) If the constituent instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon payment of dividends are to be reported hereunder.

(c) If there has been a material withdrawal or substitution of assets securing any class of registered securities of the registrant, furnish the following information:

(1) give the title of the securities.

(2) identify and describe briefly the assets involved in the withdrawal or substitution.

(3) indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Instruction. This paragraph need not be answered when the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939.

(d) If the trustees or paying agents for any registered securities have changed during the last fiscal year, furnish the names and addresses of the new trustees or paying agents.

Part IV

[See General Instruction C(c)]

Item 17. *Financial Statements*

(a) The registrant shall furnish financial statements for the same fiscal years, schedules, and accountants' certificates that would be required to be furnished if the registration statement were on Form 10 or the annual report on Form 10–K.

(b) The financial statements shall be in a format substantially similar to a format that complies with United States generally accepted accounting principles and Regulation S–X.

(c) The financial statements and schedules required by paragraph (a) above may be prepared according to a comprehensive body of accounting principles other than those generally accepted in the United States if the following are disclosed:

(1) An indication, in the accountant's report or in a reasonably prominent headnote before the financial statements, of the comprehensive body of accounting principles used to prepare the financial statements.

(2) A discussion of the material variations in the accounting principles, practices, and methods used in preparing the financial statements from the principles, practices, and methods generally accepted in the United States and in Regulation S–X. Such material variations shall be quantified in the following format:

(i) For each year and any interim periods for which an income statement is presented, net income shall be reconciled in a tabular format, substantialy similar to the one shown below, on the face of the income statement or in a note thereto.

Net income, according to foreign generally accepted accounting principles	XXX
Increases	XXX
Decreases	(XXX)
Net income, according to United States generally accepted accounting principles	XXX

(ii) For each balance sheet presented, the amount of the items for which such variations exist as presented according to United States generally accepted accounting principles or Regulation S–X shall be shown in parenthesis on the face of the balance sheet or in a note thereto.

Instructions. (1) If the variations quantified pursuant to paragraph (c) above are significant, the registrant should consider presenting them on the face of the financial statements.

(2) If the registrant presents earnings per share that are materially different from earnings per share computed according to generally accepted accounting principles in the United States, the difference shall be quantified.

(3) If the registrant presents its financial statements according to generally accepted accounting principles in the United States except for SFAS 14 and if it furnishes the information relating to categories of activity required by Item 1 of Form 20–F, then such financial statements will be considered to comply with this Item, even if the auditor's report is qualified for non-compliance with SFAS 14. Such report and financial statements, however, must comply with all other applicable requirements.

Item 18. *Financial Statements*

(a) The registrant shall furnish financial statements for the same fiscal years, schedules, and accountants' certificates that would be required to be furnished if the registration statement were on Form 10 or the annual report on Form 10–K.

(b) The financial statements shall be in a format substantially similar to format that complies with United States generally accepted accounting principles and Regulation S–X.

(c) The financial statements and schedules required by paragraph (a) above may be prepared according to a comprehensive body of accounting principles other than those generally accepted in the Unites States if the following are disclosed:

(1) An indication, in the accountant's report or in a reasonably prominent headnote before the financial statements, of the comprehensive body of accounting principles used to prepare the financial statements.

(2) A discussion of the material variations in the accounting principles, practices, and methods used in preparing the financial statements from the principles, practices and methods generally accepted in the United States and in Regulation S–X. Such material

variations shall be quantified in the following format.

(i) For each year and any interim periods for which an income statement is presented, net income shall be reconciled in a tabular format, substantially similar to the one shown below, on the face of the income statement or in a note thereto.

Net income, according to foreign generally accepted accounting principles	XXX
Increases	XXX
Decreases	(XXX)
Net income, according to United States generally accepted accounting principles	XXX

(ii) For each balance sheet presented, the amount of the items for which such variations exist as presented according to United States generally accepted accounting principles or Regulation S–X shall be shown in parenthesis on the face of balance sheet or in a note thereto if there is a material variation from the amount presented according to foreign generally accepted accounting principles.

(3) All other information required by United States generaly accepted accounting principles and Regulation S–X.

Instructions. 1. If the variations quantified pursuant to paragraph (c) above are significant, the registrant should consider presenting them on the face of the financial statements.

2. If the registrant presents earnings per share that are materially different from earnings per share computed according to generally accepted accounting principles in the United States, the difference shall be quantified.

Item 19. *Financial Statements and Exhibits*

(a) List separately all financial statements filed as part of the registration statement or annual report.

(b) List all exhibits filed as part of the registration statement or annual report, including those incorporated by reference.

Instructions. 1. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this Item. See Rule 12b–23.

2. See the Instructions as to Exhibits herein.

Signatures

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the registrant certifies that it meets all of the requirements for filing on Form 20–F and has duly caused this registration statement (annual report) to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant) _____

(Signature)* _____

Date _____.

* Print the name and title of the signing officer under this signature.

Instructions as to Exhibits

A. Registration Statements

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the registration statement. Each registration statement shall contain an exhibit index. For convenient reference, each exhibit shall be listed in the exhibit index according to the number assigned to it below. The exhibit index shall immediately precede the exhibits filed with such document and shall indicate in the manually signed original the page number in the sequential numbering system where such exhibit can be found. Where exhibits are incorporated by reference, this fact shall be noted in the exhibit index referred to in the preceding sentence.

1. The articles of incorporation and bylaws of the registrant or instruments corresponding thereto as currently in effect.

2. (i) All instruments defining the rights of holders of the equity or debt securities being registered.

(ii) Except as set forth in (iii) below all instruments defining the rights of holders of long-term debt of the registrant and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(iii) Where the instrument defines the rights of holders of long-term debt of the registrant and all its subsidiaries for which consolidated or unconsolidated financial statements are required to be filed, there need not be filed (A) any instrument with respect to long-term debt not being registered hereunder if the total amount of securities authorized thereunder does not exceed 10 percent of the total assets of the registrant and its subsidiaries on a consolidated basis and if there is filed an agreement to furnish a copy of such instrument to the Commission upon request, (B) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the registrant of the securities to be registered, or (C) copies of instruments evidencing scrip certificates for fractions of shares.

3. (i) Every contract not made in the ordinary course of business which is material to the registrant and is to be performed in whole or in part at or after the filing of the registration statement or was entered into not more than two years before filing. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assignment or in which the registrant or such subsidiary has a beneficial interest. See Rule 24b–2 (17 CFR 240.24b–2) for the procedure to be followed in requesting confidential treatment of information required to be filed under the Act.

(ii) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it will be deemed to have been made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(A) Any contract to which directors, officers, promoters, voting trustees, or security holders named in the registration statement are parties other than contracts involving only the purchase or sale of current assets having a determinable market price, at such price;

(B) Any contract upon which the registrant's business is substantially dependent, as in the case of continuing contracts to sell the major part of registrant's products or services or to purchase the major part of registrant's requirements of goods, services or raw materials or any franchise or license or other agreement to use a patent, formula, trade secret, process or trade name upon which registrant's business depends to a material extent;

(C) Any contract calling for the acquisition or sale of any property, plant or equipment for a consideration exceeding 15 percent of all fixed assets of the registrant on a consolidated basis; or

(D) Any material lease under which a part of the property described in the registration statement is held by the registrant.

4. Upon the request of the Commission, each material foreign patent for an invention not covered by a United States patent furnish a list showing the number and a brief identification of each such patent or patent right.

5. Upon request of the Commission, a list or diagram of all parents and subsidiaries of the registrant indicating as to each person named (a) country or other jurisdiction of incorporation or organization, (b) relationship to the registrant and (c) the percentage of voting securities owned or other basis of control by its immediate parent, if any.

B. Annual Reports

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the annual report. Each report shall contain an exhibit index. For convenient reference, each exhibit shall be listed in the exhibit index according to the number assigned to it below. The exhibit index shall immediately precede the exhibits filed with such document and shall indicate in the manually signed original the page number in the sequential numbering system where such exhibit can be found. Where exhibits are incorporated by reference, this fact shall be noted in the exhibit index referred to in the preceding sentence.

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all contracts and other documents of a character required to be filed as an exhibit to an original registration statement which were executed or in effect during the fiscal year and not previously filed. See Rule 24b–2 for the procedure to be followed in requesting confidential treatment of information required to be filed.

3. Upon request of the Commission, a list or diagram of all parents and subsidiaries of the registrant indicating as to each person named (a) country or other jurisdiction of incorporation or organization, (b) relationship to the registrant and (c) the percentage of voting securities owned or other basis of control by its immediate parent, if any.

Appendix A to Item 2(b)—Oil and Gas Reserve and Production Disclosure

Registrants specified in Item 2(b) shall furnish the following information under appropriate captions (in tabular form if practicable, and with cross references, where applicable, to related information disclosed in financial statements):

(a) *Reserves.* As of the end of each of the last three fiscal years (but not for fiscal years ending prior to December 31, 1979), estimated net quantities of: (i) proved oil and gas reserves; (ii) proved developed oil and gas reserves; and (iii) oil and gas applicable to long-term supply or similar agreements with foreign governments or authorities in which the registrant acts as producer.

Instructions. 1. The following definitions shall apply to this Appendix:

(i) Proved oil and gas reserves. Proved oil and gas reserves are the estimated quantities of crude oil, natural gas, and natural gas liquids which geological and engineering data demonstrate with reasonable certainty to be recoverable in future years from known reservoirs under existing economic and operating conditions, i.e., prices and costs as of the date the estimate is made. Prices include consideration of changes in existing prices provided only by contractual arrangements, but not on escalations based upon future conditions.

(A) Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation test. The area of a reservoir considered proved includes (1) that portion delineated by drilling and defined by gas-oil and/or oil-water contacts, if any, and (2) the immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of the reservoir.

(B) Reserves which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

(C) Estimates of proved reserves do not include the following: (1) oil that may become available from known reservoirs but is classified separately as "indicated additional reserves"; (2) crude oil, natural gas, and natural gas liquids, the recovery of which is subject to reasonable doubt because of uncertainty as to geology, reservoir characteristics, or economic factors; (3) crude oil, natural gas, and natural gas liquids, that may occur in undrilled prospects; and (4) crude oil, natural gas, and natural gas liquids, that may be recovered from oil shales, coal, gilsonite and other such sources.

(ii) Proved developed oil and gas reserves. Proved developed oil and gas reserves are reserves that can be expected to be recovered through existing wells with existing equipment and operating methods. Additional oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery should be included as "proved developed reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

(iii) Other definitions. The definitions in Section 210.4–10(a) of Regulation S-X [17 CFR 210] shall apply to this Appendix.

2. Notwithstanding, if any foreign government restricts the disclosure of estimated reserves for properties under its governmental authority, or amounts under long-term supply, purchase, or similar agreements, or if the foreign government requires the disclosure of reserves other than proved, the registrant should notify the Office of Engineering, Division of Corporation Finance, of the Commission. If the required information is not disclosed or if categories of reserves other than proved are disclosed for these reasons, the document should identify the country, cite the law or regulation which restricts or requires such disclosure, and indicate that the reported reserve estimates or amounts do not include figures for the named country or that the reserve estimates include reserves other than proved.

3. If these reserves are located entirely within the registrant's home country, that fact shall be disclosed. If some or all of the reserves are located in foreign countries, the disclosure of net quantities of reserves of oil and gas shall be separately reported for the entity's home country (if significant reserves are located there) and each foreign geographic area in which significant reserves are located. Foreign geographic areas are individual countries or groups of countries, as appropriate, for meaningful disclosure in the circumstances.

4. Disclosure shall be given of the effect on ownership of reserves of any takeover or nationalization within the most recent fiscal year by foreign governments of properties owned by the registrant, including any change of a property interest into a long-term supply, purchase, or similar agreement.

[end of Instructions to paragraph (a)]

(b) *Production.* Net quantities of oil (including condensate and natural gas liquids) and of gas produced for each of the last three fiscal years (but not for fiscal years ending prior to December 31, 1979) and the net quantities of each received during each of these years applicable to long-term supply or similar agreements with foreign governments or authorities in which the registrant acts as producer, by areas no larger than the geographic areas used for estimated reserves in paragraph (a) above.

Instructions. 1. Generally, net production should include only production that is owned by the registrant and produced to its interest, less royalties and production due others. However, in special situations (e.g., foreign production) net production before royalties may be provided if more appropriate. If "net before royalty" production figures are furnished, the change from the common usage of "net production" shall be noted.

2. Any part of natural gas liquids production obtained through or from processing plan ownership rather than through leasehold ownership should be reported separately, if material.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

19. By revising paragraphs (b)(1)(i) and (2) and (c)(3) of § 260.0–11 to read as follows:

§ 260.0–11 Projections of future economic performance by issuers.

* * * * *

(b) * * *

(1) * * *

(i) At the time such statements are made or reaffirmed, either the issuer is subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 and has complied with the requirements of Rule 13a–1 or 15d–1 thereunder; if applicable, to file its most recent annual report on Form 10–K or Form 20–F; or if the issuer is not subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933 or pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934.

* * * * *

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 303 of Regulation S–K (17 CFR 229.300) or Item 9 of Form 20–F (17 CFR 249.220f), management's discussion and analysis of financial condition and results of operations, or Item 302 of Regulation S–K, supplementary financial information, or Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20), and disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 303 of Regulation S–K (17 CFR 229.300) or Item 9 of Form 20–F.

* * * * *

Regulatory Flexibility Act Considerations

The Chairman has certified that the proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

V 46 / 231 DEC 2 81 1 UMI

Statutory basis

These amendments are proposed pursuant to authority in Sections 6, 7, 8, 10, ans 19(a) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934; Sections 8, 30, 31(c) and 38(a) of the Investment Company Act of 1940.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs, 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379, sec. 2103(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs, 1, 2, 82 Stat. 454 sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; sec. 105(b) 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, 836, 838, 841; 74 Stat. 201; 84 Stat. 1415; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78o(d), 78w(a), 80a–8, 80a–29, 80a–30(c), 80a–37(a))

The Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the addition of the proposals, if adopted.

Pursuant to Section 23(a)(2) of the Securities Exchange Act of 1934, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By The Commission.

George A. Fitzsimmons,

Secretary.

November 20, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rules relating to registration statements of foreign issuers contained in Securities Act Release No. 6360 (November 20, 1981), "Integrated Disclosure System for Foreign Private Issuers," will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that none of the approximately one hundred fifty registrants that would be affected by the adoption of the proposals appear to be a small entity.

John S. R. Shad,

Chairman.

November 20, 1981.

[FR Doc. 81–34636 Filed 12–1–81; 8:45 am]

BILLING CODE 8010–01–M

Notices

Federal Register
Vol. 46, No. 231
Wednesday, December 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Oil and Gas Leasing in Wildernesses and Primitive Areas, Proposed Wildernesses, and Congressionally Designated Study Areas Northern Region, Montana, and North Dakota; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement for the proposed oil and gas leasing within Montana Wildernesses, proposed Wildernesses and Wilderness study areas. Also included in the study is the Twin Buttes recommended wilderness in North Dakota. Several hundred oil and gas lease applications have been received for these areas. The Regional Forester of the Forest Service Northern Region must recommend to the Secretary of the Interior through the Bureau of Land Management whether these leases should be granted, and if so, under what circumstances. The areas to be analyzed include the following lands in the State of Montana (except those withdrawn from mineral leasing):

1. Existing wildernesses
2. Administratively endorsed wilderness proposals
3. RARE II areas recommended for wilderness
4. Congressionally designated wilderness study areas

Study area lands occur in all ten Montana National Forests.

There are two alternatives—lease or withdraw. These alternatives can occur on all or any part of each of the subject areas. For the leasing alternative, there is no clearly definable proposed development. The scale of an "oil field" development cannot be predicted until enough wells are drilled to prove the existence of the necessary geologic structures and that those structures do indeed contain economically recoverable quantities of oil and gas. If development is permitted, its extent will depend on not only these geologic unknowns but also on the costs of restoration and the limitations imposed by the terms of the lease. Therefore, under the leasing alternative, this EIS will examine the effects of various levels of oil and gas development that might occur under existing Forest Service direction.

This study will establish criteria and guidelines that will identify wilderness resource values to be protected and specify applicable protection stipulations. Where stipulations cannot be written to adequately protect identified wilderness values, a basis will be provided for recommending mineral withdrawal.

Appropriate agencies and others with jurisdiction or expertise will be consulted by the study team during the analysis to obtain information as needed and to invite their participation in the study process.

Due to the overlapping jurisdictions and keen interest in the decision reached by the analysis, the Bureau of Land Management and the State of Montana will be invited to participate as cooperating agencies in this environmental analysis.

The scoping process for this EIS takes into consideration the recent public response already on record for similar proposals. These include the recent seismic applications for the Bob Marshall, Great Bear and Scapegoat Wildernesses.

A mailing list will be prepared by the study team. The list will include interested and affected groups/individuals and agencies identified by the involved Forests and Staff Units. Comments will be requested from the public during the scoping process. The time and location of public meetings will be announced through the local news media later this year. The scoping process will also include contacts by the Study Team with groups and agencies interested and/or affected by the recommendations.

The responsible official is Tom Coston, Regional Forester of the Forest Services' Northern Region. A draft environmental impact statement should be ready for public review by April 1982 with the final environmental impact statement scheduled for release in August 1982.

Written comments and suggestions concerning this analysis should be sent to Tom Coston, Regional Forester, Northern Region, USDA, Forest Service, P.O. Box 7669, Missoula, MT 59807, by January 15, 1982.

Questions about the proposed action and environmental impact statement should be directed to E. Bruce Pewitt, Minerals Impact Evaluation Group Leader, Minerals and Geology, P.O. Box 7669, Missoula, MT 59807, phone: 406–329–3516.

Dated: November 23, 1981.

Tom Coston,

Regional Forester.

[FR Doc. 81-34440 Filed 12-1-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 37554; Order 81-11-174]

Establishment of the Standard Foreign Fare Level

Served: November 27, 1981.

The International Air Transportation Competition Act (IATCA), Pub. L. 96–192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958. Order 80–2–69 established the first interim SFFL and subsequent Order 81–9–120 established the currently effective two-month SFFL applicable through November 30, 1981.

In establishing the SFFL for the two-month period commencing December 1, 1981 we have projected nonfuel costs based on the year ended September 30, 1981, and have adjusted fuel prices to reflect the latest experienced monthly fuel cost levels.

Our calculations measure inflation from October 1, 1979, to January 1, 1982, the midpoint of the December-January projection period, for the three

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

ratemaking entities: Atlantic, Latin America, and Pacific The four-month average of June-September fuel cost increases produces the following rate of escalation: −1.41 cents per gallon in the Atlantic; −.57 cents per gallon in Latin America; and −.23 cents per gallon in the Pacific. Examination of the monthly and weekly fuel prices submitted to the Board by the carriers, however, indicate to us that the recent reductions in fuel prices have moderated, and prices are essentially level. Consequently, we have decided not to project forward a rate of decrease in fuel prices, and, instead decided to use the latest actual fuel prices in the final calculations as the best current projection of future prices. The resulting projections are fuel prices of 112.74 cents in the Atlantic, 108.43 cents in Latin America, and 116.99 cents in the Pacific at January 1, 1982.

Consequently, based on our calculations, we find that projected cost adjustment factor to be 1.3766 percent in the Atlantic, 1.3185 percent in Latin America, and 1.3368 percent in the Pacific, over the October 1, 1979 level (see Appendix A.) [2] This results in changes over the last two-month SFFL of −.56 percent, .27 percent, and 3.74 percent, respectively.

We calculated both a two-month and a four-month SFFL effective October 1, 1981 in Order 81–9–120. The four-month period continues through January 31, 1982, and carriers whose filings utilized the higher four-month figures may not rely upon the increases permitted by this Order. The next four-month SFFL, along with the usual two-month projection, will be effective February 1, 1982.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective December 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level: Atlantic, 1.3766; Latin America, 1.3185; Pacific, 1.3368.

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign are carriers; and

3. We shall publish this order in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred.

[FR Doc. 81–34616 Filed 12–1–81; 8:45 am]

BILLING CODE 6320–01–M

[2] Filed as part of the original.

[Docket 39595]

Complaint of Japan Air Lines Company, Ltd. Against Northwest Airlines, Inc.; "Export Inland Contract" Rates; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled for November 30, 1981 is hereby postponed until further notice.

Dated at Washington, D.C., November 25, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81–34613 Filed 12–1–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Star Coat Manufacturing Company, Inc., 215 First Street, Hoboken, New Jersey 07030, producer of women's coats (accepted November 2, 1981); (2) Farwest Garments, Inc., P.O. Box C 88400, Seattle, Washington 98188, producer of men's women's and children's jackets (accepted November 3, 1981); (3) Richard Foundry Corporation, P.O. Box 4617, Norfolk, Virginia 23523, producer of iron construction castings and fabricated steel (accepted November 3, 1981); (4) The Original Collins of Texas, Inc., P.O. Box 1000, Medina, Texas 78055, producer of handbags (accepted November 9, 1981); (5) Theo. R. Schwalm, Inc., 510 Second Street, Lancaster, Pennsylvania 17603, producer of watch and clock faces, award pins, charms, medallions, trophies and metal parts (accepted November 9, 1981); (6) Knoxville Glove Company, 444 Blount Avenue, Knoxville, Tennessee 37920, producer of work gloves, aprons and hand pads (accepted November 16, 1981); (7) Kato Supplies, Inc., Mankato, Minnesota 56001, producer of athletic uniforms and warm-up suits (accepted November 16, 1981); (8) McCain Manufacturing company, 7708 1st Avenue North, Birmingham, Alabama 35206, producer of women's pants, shorts, skirts and culottes (accepted November 17, 1981); (9) S & B Foundry Company, Route 5, Bloomsburg, Pennsylvania 17815, producer of iron castings (accepted November 20, 1981); and (10) Phil-Maid, Inc., 1033 West Van Buren Street, Chicago, Illinois 60607, producer of women's lingerie and loungewear (accepted November 20, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 81–34617 Filed 12–1–81; 8:45 am]

BILLING CODE 3510–25–M

Initiation of Countervailing Duty Investigation; Prestressed Concrete Steel Wire Strand From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to inform the public that we are initiating a countervailing duty investigation in order to determine whether the government of Spain has given benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of prestressed concrete steel wire strand (PC strand) from Spain.

Unless we extend this investigation, we will make a preliminary determination not later than January 29, 1982.

EFFECTIVE DATE: December 2, 1981.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–1279.

SUPPLEMENTARY INFORMATION: On November 5, 1981, a petition in proper form was received from counsel on behalf of five domestic manufacturers of PC strand. Those manufacturers are: American Spring Wire Corporation, Armco Inc., Bethlehem Steel Corporation, Florida Wire & Cable Company, and Shinko Wire America, Inc. The petition alleges that the government of Spain pays or bestows, directly or indirectly, bounties or grants upon the manufacture, production or export of PC strand within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act").

Because Spain is not a "country under the Agreement," within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Since the merchandise covered by this investigation is dutiable, no injury determination is required.

Scope of the Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand. It is used to compress concrete in order to provide active resistence to loads in such items as girders, beams, pilings, and other building products. PC strand is currently classified under 624.1120 in the Tariff Schedule of the United States Annotated.

The bounties or grants alleged in the petition are as follows:

1. Remission of indirect taxes upon export (Desgravacion Fiscal). Petitioner alleges that the entire amount of the Desgravacion Fiscal, in this case 17 percent, should be found to constitute a subsidy within the meaning of the countervailing duty law.

2. Privileged Circuit Exporter Credits. The petitioner alleges that the government of Spain requires each commercial bank to maintain a specific percentage of its lendable funds in so-called "privileged circuits." Funds in these circuits are made available at preferential rates through credit programs to designated classes of borrowers. Several of these programs are available to exporters of PC strand. The "privileged circuit" subsidy programs alleged by petitioner are:

(a) Working Capital Loans. Loans ranging from 20 percent to 30 percent of the value of the Spanish firm's exports during the preceding year are available to finance working capital.

(b) Commercial Services Loans. Exporters that establish, expand or acquire commercial services in export markets or wish to maintain stocks for export may obtain preferential loans for these purposes. Commercial services loans may cover 60–65 percent of the real investment while stock maintenance loans may cover 30–35 percent of the average annual value of the stock.

(c) Short-Term Export Credit. Short-term loans for up to 80–90 percent of the contract price are available to help the exporter to finance credit terms for foreign buyers.

(d) Prefinancing Exports—Short-term loans for up to 80–85 percent of the contract price of exported goods are available in the form of prefinancing credits for certain capital and consumer goods.

(e) Warehouse Construction Loans. Exporters desiring to construct warehouse facilities adjacent to loading zones may borrow 70–75% of the total investment.

3. Export Credit Insurance. Petitioner alleges that exporters may obtain export credit insurance at premium rates for such items as contract risks, credit risks, prefinancing loans, market research, cost increases, and exchange differences.

4. *Benefits to the Steel Industry.* The petitioner further alleges that preferential terms on loans and capital grants made by the government of Spain to manufacturers of steel billets and steel wire rod should be considered subsidies to the PC strand manufacturers and producers who utilize these products in the production of PC strand.

Initiation of Investigation

After conducting a summary review of the petition, we have found that its information reasonably supports its allegations. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether the government of Spain is giving its producers and exporters of PC strand certain benefits that are bounties or grants within the meaning of section 303 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by January 29, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–34546 Filed 12–1–81; 8:45 am]

BILLING CODE 3510–25–M

Patent and Trademark Office

Schedule for Review of Commercial and Industrial Activities and Service Contracts

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: Pursuant to Office of Management and Budget (OMB) Circular A–76 and the Department of Commerce Administrative Order 201–41, implementing OMB Circular A–76, notice is hereby given that the Patent and Trademark Office (PTO) intends to conduct reviews of the feasibility and/or cost of contract operation versus Government operation of commercial and industrial activities and service contracts listed below under Supplementary Information. Specific invitation for bids or request for proposals will be announced in the Commerce Business Daily. A contract or contracts may or may not result from each feasibility or cost comparison study. Results of each study will be made available to responding bidders or offerors and other interested parties.

DATES: See specific dates in tables under Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Bradford R. Huther, Assistant Commissioner for Finance and Planning, Patent and Trademark Office, Washington, D.C. 20231, telephone (703) 557–1572.

SUPPLEMENTARY INFORMATION: Studies to be made and the scheduled dates are identified in the following tables 1 and 2:

TABLE 1.—SCHEDULE OF REVIEW OF COMMERCIAL AND INDUSTRIAL ACTIVITIES

Name of activity	Location of activity	Planned period of review	
		Start	End
1. Reproduction and sale of U.S. patent and trademark documents	Arlington, VA..	1/1/81	12/31/81
2 Public search facility file maintenance	Arlington, VA..	10/1/81	12/31/81
3 Maintenance of patent examiner search files.	Arlington, VA..	10/1/81	9/30/82
4 Reproduce copies of references cited by patent examiners.	Arlington, VA..	10/1/81	9/30/82
5. Photocopy services..	Arlington, VA..	10/1/81	6/30/82

TABLE 1.—SCHEDULE OF REVIEW OF COMMERCIAL AND INDUSTRIAL ACTIVITIES—Continued

Name of activity	Location of activity	Planned period of review	
		Start	End
6 Warehouse services for patent and trademark files.	Arlington, VA..	3/1/82	9/30/82

TABLE 1.—SCHEDULE OF REVIEW OF COMMERCIAL AND INDUSTRIAL ACTIVITIES—Continued

Name of activity	Location of activity	Planned period of review	
		Start	End
7. Microfilm services.....	Arlington, VA..	11/1/81	6/30/82

TABLE 1.—SCHEDULE OF REVIEW OF COMMERCIAL AND INDUSTRIAL ACTIVITIES—Continued

Name of activity	Location of activity	Planned period of review	
		Start	End
8. Allowed/patented file maintenance.	Arlington, VA..	10/1/81	9/30/82

TABLE 2.—SERVICE CONTRACTS

Description of service	Location	Contract expires	Planned period of review	
			Start	End
1. Prepare data base on magnetic tape for printing weekly issues of patents	Arlington, VA	9/30/82	7/1/82	9/30/82
2 Computer services for OATF and Classification program	Arlington, VA	12/31/81	10/1/81	12/31/81
3. Search room copiers facilites management	Arlington, VA	12/31/81	10/1/81	12/31/81

Dated: November 25, 1981.

Gerald M. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 81-34638 Filed 12-1-81; 8:45 am]

BILLING CODE 3510-16-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-4]

1979 Cable Royalty Distribution Proceeding

November 27, 1981.

17 U.S.C. 111(d)(4) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by cable systems to certain copyright owners. The procedure for distribution of the cable royalty fees is set forth at 17 U.S.C. 111(d)(5).

The Tribunal on February 26, 1981 (46 FR 14153) issued public notice, effective March 2, 1981, declaring pursuant to 17 U.S.C. 111(d)(5)(B) the existence of a controversy concerning the distribution among copyright owners of cable royalty fees paid by cable systems for secondary transmissions during 1979. In accordance with the conduct of the 1978 proceeding and a joint submission by most of the parties, the Tribunal resolved that the distribution proceeding would be conducted in two phases. Phase I would determine the allocation of cable royalties to specific groups of claimants. Phase II would allocate cable royalties to individual claimants within each group.

In order to permit the Tribunal to proceed to Phase II of this proceeding, the Tribunal is publishing this summary statement of its Phase I determinations. In accordance with 17 U.S.C. 803(b), a full and complete statement of the Tribunal's conclusions of law, findings of fact, and other relevant determinations will be included in the Tribunal's final determination. Final distribution of cable royalties to claimants will be made at the conclusion of this proceeding. This notice does not constitute a "final determination" pursuant to 17 U.S.C. 803(b) of a "final decision" under 17 U.S.C. 804(e) and 17 U.S.C. 810.

The Tribunal has reached its Phase I determinations by applying to the record evidence of this proceeding the primary and secondary criteria established in the Tribunal's 1978 cable distribution proceeding (45 FR 63026–63044).

The Tribunal has determined that no mathematical formula or theory or combination of formula and theories provides a satisfactory basis for the distribution of royalty fees. The Tribunal therefore proposes to distribute the royalty fees on the basis of the entire record made in this proceeding.

In accordance with its previous determinations the cable royalty fees awarded by the Tribunal for the secondary transmission of certain sporting events are distributed to the sports claimants except where contractual arrangements specifically provide that such royalties shall be distributed to broadcaster claimants. In its Phase I determination the Tribunal has awarded the full share of these royalty fees to the sports claimants.

In accordance with the above, the Tribunal, in its final determination, will provide for the following allocation to categories of the specified percentage of the sum available for distribution:

1. Motion Picture Association of America and other program syndicators including claimants for syndicated religious programs and programs syndicated by commercial television stations—70%.

2. Joint Sports Claimants—15%.

3. Public Broadcasting Service (for all purposes)—5.25%.

4. U.S. Television Broadcasters—4.50%.

5. Music Performing Rights Societies—4.25%.

6. Canadian Claimants (except commercial radio)—.75%.

7. National Public Radio—.25%.

No award for any U.S. or Canadian commercial radio claim.

In preparation for Phase II of this proceeding, the Tribunal directs that not later than December 16, 1981, each claimant category shall notify the Tribunal of any voluntary agreements for distribution of royalty fees among the claimants within a category. The Tribunal further directs that not later than December 16, 1981 any claimant desiring to present evidence during Phase II shall notify the Tribunal of such intention, and the Phase II issues to be decided.

The Tribunal directs that not later than January 7, 1982 parties participating in Phase II shall file with the Tribunal and exchange with other parties their direct, written cases, including list of witnesses, prehearing statements, any written witness statements, and all documentary evidence.

Phase II hearings will commence at 10 a.m., January 19, 1982 at a location to be announced. Dates and procedures for Phase II rebuttal cases will be announced later.

All communications on the above matters shall be addressed to Frances Garcia, Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room

450, Washington, D.C. 20036, (202) 653–5175.

Thomas C. Brennan,

Acting Chairman.

[FR Doc. 81-34618 Filed 12-1-81; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Deletions of systems notices

AGENCY: Office of the Secretary, DOD.

ACTION: Deletions of systems notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notices for systems of records: DUSDP 02, "Office of the Under Secretary of Defense for Policy (OUSDP) Locator File", DUSDP 03, "Office of the Under Secretary of Defense (OUSDP) Organizational Personnel Files", and DWHS BF01, "Travel Files", subject to the Privacy Act of 1974. It has been determined that DUSDP 02 and DUSDP 03 are covered under the OSD civilian personnel system and the military parent services privacy systems. DWHS BF01 is adequately covered by other personnel related system notices.

DATE: These deletions shall be effective January 4, 1982.

ADDRESS: Send any comments to the System Managers identified in the system notices (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 were published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5508 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40788) August 12, 1981
FR Doc. 81-25853 (46 FR 44494) September 4, 1981
FR Doc. 81-28992 (46 FR 49177) October 6, 1981
FR Doc. 81-31994 (46 FR 54791) November 4, 1981
FR Doc. 81-32109 (46 FR 54979) November 5, 1981
FR Doc. 81-32239 (46 FR 55139) November 6, 1981
FR Doc. 81-32656 (46 FR 55555) November 10, 1981
FR Doc. 81-33756 (46 FR 57339) November 23, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 25, 1981.

Deletions

DUSDP 02

SYSTEM NAME:

Office of the Under Secretary of Defense for Policy (OUSDP) Locator File

REASON:

This system is adequately covered under the OSD civilian personnel system and the military parent services privacy system.

DUSDP 03

SYSTEM NAME: OFFICE OF THE UNDER SECRETARY OF DEFENSE (OUSDP) ORGANIZATIONAL PERSONNEL FILES

REASON:

This system is adequately covered under the OSD civilian personnel system and the military parent services privacy systems.

DWHS BF01

SYSTEM NAME:

Travel Files

REASON:

This system is adequately covered by other personnel related system notices.

[FR Doc. 81-34463 Filed 12-1-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education; Meeting

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of meeting.

SUMMARY: This notice amends the announcement of the meeting of the National Commission on Excellence in Education published in the **Federal Register** on October 28, 1981 on page 53207.

DATE: December 7, 1981 (9:00 a.m. until 5:15 p.m.)

LOCATION: National Institute of Education, 1200 19th Street, NW., Room 823, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street, NW., Washington, D.C. 20208, (202) 254–7920 or Betty Baten, Program Assistant, (202) 254–7924.

The agenda for the open public meeting includes reports from two Commission subcommittees which met in November to discuss the provisions of the Commission's charter, as well as Commission review of options regarding how the Commission can carry out its responsibilities.

Dated: November 25, 1981.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 81-34455 Filed 12-1-81; 8:45 am]

BILLING CODE 4000-01-M

Guaranteed Student Loan Program; Special Allowances for Quarter Ending September 30, 1981

AGENCY: Department of Education.

ACTION: Notice of Special Allowances for Quarter Ending September 30, 1981.

The Secretary announces that for the three-month period ending September 30, 1981, except with respect to loans to which section 432(b)(2)(D) of the Higher Education Act of 1965 applies, a special allowance at an *annual rate* of twelve and one-half (12.5) percent will be paid to holders of eligible loans under the Guaranteed Student Loan Program, having an applicable annual interest rate of seven (7) percent, and a special allowance at an *annual rate* of ten an one-half (10.5) percent will be paid to holders of eligible loans under the Guaranteed Student Loan Program, having an applicable annual interest rate of nine (9) percent.

The percentage rates for these two special allowances were computed under the statutory formula of section 438(b) of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96–374, October 3, 1980). Under this formula, each quarterly special allowance rate is computed by determining the average of the bond equivalent rates of the 91-day

Treasury Bills, auctioned during this three-month period (15.94 percent); by subtracting from this average either three and one-half (3.5) percent for seven (7) percent loans (12.44 percent) or five and one-half (5.5) percent for nine (9) percent loans (10.44 percent); by rounding the remainders upward to the nearest one-eighth of one (1) percent (12.5 percent and 10.5 percent, respectively); and by dividing the resultant percentages by four (3.125 percent and 2.625 percent, respectively).

Thus, the percentage rates of the two special allowances to be paid for this period will be: 3.125 percent for loans with an applicable annual interest rate of seven (7) percent, and 2.625 percent for loans with an applicable annual interest rate of nine (9) percent, computed on the average unpaid principal balance (not including unearned interest added to principal) of all eligible loans held by lenders under the Guaranteed Student Loan Program.

(20 U.S.C. 1087–1(b))

Dated: November 25, 1981.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81-34551 Filed 12-1-81; 8:45 am]

BILLING CODE 4000-01-M

Library Career Training Program; Application Notice

AGENCY: Department of Education.

ACTION: Application Notice.

Applications are invited for projects under the Library Career Training Program for fiscal year 1982.

The Secretary awards grants to institutions of higher education and other library agencies and organizations for the purpose of training persons in librarianship through fellowship projects.

Authority for this program is contained in Part B of Title II, of the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

(20 U.S.C. 1021 *et seq.)*

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand-delivered by February 8, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.036, Washington, D.C. 20202–3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable for the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Due to the limited amount of funds available for the program during fiscal year 1982, the Secretary will award grants for fellowship projects only. The Secretary will not consider application for institute or traineeship projects.

Available Funds: It is expected that approximately $667,000 will be available for the Library Career Training Program in fiscal year 1982.

It is estimated that these funds could support 34 new projects.

It is anticipated that approximately $576,000 will be reserved for fellowships at the Master's level; ¢60.000 at the Doctoral level: $24.000 at the post-Master's level; and $7.000 at the Associate level.

The anticipated average award for each new project will be $20,000.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Application Forms: It is anticipated that application forms and program information packages will be available on December 28, 1981. They may be obtained by writing to the Library Education, Research and Resources Branch, Attn: II–B, U.S. Department of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue SW., Washington, D.C. 20202–3320.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 30 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(1) When adopted in final form, the regulations governing the Library Career Training Programs in 34 CFR Part 776 (formerly 45 CFR Part 132) Published in the **Federal Register** as a Notice of Proposed Rulemaking concurrently with this application notice. Applicants should refer to these proposed regulations in preparing their applications. If public comment on these proposed regulations results in substantive changes in the final regulations, applicant will be given the opportunity to amend their applications; and

(2) Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) (formerly 45 CFR Part 100a) and Part 77 (Definitions) (formerly 45 CFR Part 100c).

Further Information: For further information contact Frank A. Stevens, Chief, Library Education, Research and Resources Branch, Division of Library Programs, Office of Libraries and Learning Technologies, U.S. Department of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue SW., Washington, D.C. 20202–3320. Telephone: (202) 245–9530.

Dated: November 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 84.036, Library Career Training Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81-34549 Filed 12-1-81; 8:45 am]

BILLING CODE 4000-01-M

Strengthening Research Library Resources Program; Application Notice

AGENCY: Department of Education.

ACTION: Application notice.

Applications are invited for new and noncompeting continuation projects under the Strengthening Research Library Resources Program for fiscal year 1982.

The Secretary may award a grant to a public or private non-profit institution, including the library resources of an institution of higher education, an independent research library, or a State or other public library.

The purpose of these grants is to promote research and education of high quality throughout the United States by providing financial assistance that helps the Nation's major research libraries in maintaining and strengthening their collections and making their holdings available to other libraries whose users have need for research materials.

Authority for this program is contained in Part C of Title II, of the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

(20 U.S.C. 1021 *et seq.*)

Closing Date For Transmittal of Applications: An application for a new grant must be mailed or hand-delivered by February 18, 1982.

To be assured consideration for funding, an application for a noncompeting continuation award should also be mailed or hand-delivered by February 18, 1982.

If an application for a noncompeting continuation award is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education; Application Control Center, Attention: 84.091, Washington, D.C. 20202–3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications for new awards that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The fiscal year 1982 grant program will be governed by the provisions of the final regulations published on December 24, 1980 (45 FR 85430). It is anticipated that the revision of these regulations published on October 28, 1981 (46 FR 53370), as a Notice of Proposed Rulemaking, will not become effective until later in this fiscal year and, therefore, will govern the fiscal year 1983 grant program. In preparing proposals for new projects under the existing final regulations, potential applicants should give special attention to § 778.5 (Eligibility for assistance), which explains applicant eligibility, and to § 778.7 (Selection criteria), which contains specific program funding criteria and the number of points assigned to each criterion.

Applicants for noncompeting continuation projects should give special attention to § 75.253 of the Education Department General Administrative Regulations (EDGAR), which provides an explanation of the procedure used in evaluating these proposals.

Available Funds: It is expected that grant funds will be awarded to approximately 40 major research libraries, either directly or through joint applications. Thirty-six of these institutions will receive funding for new projects. Four awards will be made on a noncompetitive continuation basis. Anticipating an appropriateion of $6 million, each institution will receive an average of $150,000.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by December 21, 1981. They may be obtained by writing to the Library Education, Research and Resources Branch, Attn: II–C, U.S. Department of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202–3320.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

It will not be necessary for applicants for noncompeting continuation projects to include the basic institutional data required in the original application. The new narrative will be expected to explain project activities for the continuing year requested.

Applicable Regulations: Regulations that govern this program include the following:

(1) Final regulations for the Strengthening Research Library Resources Program in 34 CFR Part 778 (formerly 45 CFR Part 132), as published in the **Federal Register** on December 24, 1980 (45 FR 85430). Applicants should refer to these regulations in preparing their applications.

(2) Education Department Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and Part 77 (Definitions) (formerly 45 CFR Parts 100a and 100c).

Further Information: For further information contact Frank A. Stevens, Chief, Library Education, Research and Resources Branch, Division of Library Programs, Office of Libraries and Learning Technologies, U.S. Department of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202–3320. Telephone: (202) 245–9530.

Dated: November 25, 1981.

(Catalog of Federal Domestic Assistance Program No. 84.091, Strengthening Research Library Resources Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81–34550 Filed 12–1–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Mobil Oil Corp.; Proposed Remedial Order

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Mobil Oil Corporation and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy (DOE), hereby gives notice that a Proposed Remedial Order (PRO) was issued on October 2, 1981, to Mobil Oil Corporation (Mobil), 3225 Gallows Road, Fairfax, Virginia 22037. In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order on or before December 17, 1981.

II. The Proposed Remedial Order

Mobil is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products. Mobil was therefore subject to the Mandatory Petroleum Pricing and Allocation Regulations which were in effect until January 28, 1981.

In this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning Mobil's calculation and reporting of cost for purchased product under the refiner price rules in 10 CFR Part 212, Subpart E, between August 1973 and December 1980. Section 212.83 of 10 CFR Part 212 required a refiner to calculate its increased purchased product costs, the "B" factor, on a firm-wide basis. Further, 10 CFR 212.82 limited a refiner's price increases for covered products to the amount of increased product and non-product costs incurred between the month of measurement and the month of May 1973. DOE regulations required a refiner to correctly compute and calculate its monthly costs in order to insure that a refiner recovers no more than its net increased costs.

During the period August 1973 through December 1976, OSC determined that Mobil incorrectly calculated its increased purchased product costs for covered products by totalling three separate "B" factor calculations for each of its entities rather than summarizing the total increased purchased product costs for the entire Mobil "firm" and then calculating the "B" factor. Mobil thereby overstated its increased purchased product costs for this period by $10,683,000. OSC further determined that for the months of August 1976 and January 1976, Mobil incorrectly calculated and thereby overstated its increased purchased product costs for a combined amount of $132,000. Finally, for July 1980, OSC alleged that Mobil incorrectly calculated gasoline purchases for one of its entities and overstated its costs available for recovery by $1,279,000. As a result of these alleged violations, OSC determined that Mobil overstated its increased purchased product costs by $12,094,000.

As a remedy, Mobil is directed to recalculate its increased purchased product costs for the entire firm, to reduce the total amount of purchased product costs claimed by Mobil, to calculated a new maximum allowable price, and to take other remedial action as is appropriate.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before December 17, 1981. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Room IE-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Issued in Washington, D.C. November 13, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-34611 Filed 12-1-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. G-2896-002, et al.]

ARCO Oil and Gas Co., Division of Atlantic Richfield Company, et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

November 24, 1981

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission

[1] This notice does not provide for consolidation for hearing of the several matters covered herein

on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2896-002, D, Nov. 12, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Panhandle Eastern Pipe Line Company, West Panhandle Field, Moore and Hutchinson Counties, Texas.	(1)	
G-5014-000, D, Nov. 12, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company W. Panhandle Field, Moore and Hutchinson Counties, Texas.	(2)	
G-5038-000, C169-646-000, D, Nov. 12, 1981.	....do	United Gas Pipeline Company, Iowa Field, Calcasieu and Jefferson Davis Parishes, Louisiana.	(3)	
G-5038-001, C169-646-001, D, Nov. 12, 1981.	....do	United Gas Pipeline Company, Iowa Field, Calcasieu and Jefferson Davis Parishes, Louisiana.	(4)	
CI78-131-001, C, Nov. 9, 1981	....do	Montana-Dakota Utilities Co. Pennel Field, Fallon County, Montana.	(5)	15.025
CI78-182-004, D, Oct. 30, 1981	Texaco Inc. (Operator), et al., P.O. Box 2100, Denver, Colorado 80291.	Colorado Interstate Gas Company, Delaney Rim Field, Sweetwater County, Wyoming.	(6)	
CI79-332-001, D, Nov. 10, 1981	Mesa Petroleum Company, Post Office Box 2009, Amarillo, Texas 79189.	Michigan Wisconsin Pipe Line Company, High Island Blocks A-339/A-340, Offshore Texas.	(7)	
CI79-404-001, D, Nov. 10, 1981	....do	Michigan Wisconsin Pipe Line Company, High Island Block A-317, Offshore Texas.	(7)	
CI79-473-001, D, Nov. 10, 1981	....do	Michigan Wisconsin Pipe Line Company, High Island Block A-279, Offshore Texas.	(7)	
CI79-516-002, D, Nov. 10, 1981	....do	Michigan Wisconsin Pipe Line Company, High Island Blocks A-474/A-489, Offshore, Texas.	(7)	
CI82-55-000 (CS65-1185), B, Nov. 2, 1981.	Conoco Inc., P.O. Box 2197 Houston, Texas 77252.	Florida Gas Transmission Company (formerly Coastal Transmission Corporation), McGill Ranch Area, Kennedy County, Texas.	(8)	
CI62-625-000, D, Nov. 13, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Chalkley Field, Cameron Parish, Louisiana.	(9)	
CI64-1470-000, D, Nov. 13, 1981	....do	Montana-Dakota Utilities Co., Wind River, Pavillion Field, Freemont County, Wyoming.	(10)	
CI66-1246-000, D, Nov. 13, 1981	....do	Panhandle Eastern Pipeline Company, Northeast Gage-Harmon Fields, Ellis & Woodward Counties, Oklahoma.	(10)	
G-19467-006, D, Jan. 19, 1981	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001	Exxon Corporation (formerly Humble Oil & Refining Co.), Southeast Pass Field, Plaquemines Parish, Louisiana.	(11)	
CI77-488-001, C, Oct. 26, 1981	The Superior Oil Company, Post Office Box 1521, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, South Marsh Island Area, Blocks 243, 249 and 250 Offshore Louisiana.	(12)	15.025

[1] Gas being sold to various landowners for lease use.
[2] Compliance with Commission directive OPPR N840A dated October 15, 1981. Released to the lessors.
[3] The following leases, L-5622, L-5632, L-5755, L-5761, L-7895 and L-7896 are all past their primary term. Our geological interpretation indicates there are no prospects for further development on said leases; therefore, renewal of the leases is not warranted.
[4] The following lease, GL-677 is past its primary term. Our geological interpretation indicates there are no prospects for further development on said lease; therefore, renewal of the lease is not warranted.
[5] Applicant is filing under Gas Purchase Contract dated September 21, 1977.
[6] Expired BLM leases. Leases expired between 10/1/78 and 3/31/81. Requires their deletion from this contract.
[7] Purchaser has failed to take ratably as required by Article V, Section 5 of the Gas Sales Contract.
[8] Conoco retains no leasehold interest subject to Rate Schedule No. 304.
[9] Shell Lease No. L-13014-00B dated 8/11/61 located in Section 28, T-12-S, R-6-W, consisting of 9.58 acres and Shell Lease Nos. L-20001 and L-20001A dated 11/30/66 located in Section 28, T-12-S, R-6-W, consisting of 22.00 acres are both beyond their primary term. The geological interpretation indicates there are no prospects for further development on said leases. There are no zones with production potential underlying said leases; therefore, renewal of the leases is not warranted.
[10] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[11] Applicant assigned a portion of its interest in Louisiana State Lease Nos. 2090, 2091, and 2092 to Humble Oil and Refining Company, predecessor to Exxon Corporation on Februray 1, 1965.
[12] Applicant is filing under Gas Sales Contract dated March 20, 1977, amended by Amendments dated September 21, 1981 and September 22, 1981.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-34520 Filed 12-1-81: 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-42-000]

Arkansas Louisiana Gas Co.; Application

November 30, 1081.

Take notice that on October 26, 1981, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP82-42-000 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing on December 22, 1981, and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under Section 157.7(g) would not exceed $3,000,000 and the cost of any single project would not exceed $1,000,000. Applicant asserts that the $1,000,000 maximum for any single project exceeds the $500,000 maximum provided for in the present regulations but that approval of the $1,000,000 maximum is needed due to inflation and expenses incident to the installation of equipment. Such costs, it is asserted, would be financed from cash on hand, from cash generated from normal internal sources and from short-term bank loans and other short-term borrowings utilized in the normal operation of business.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in a subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34474 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-83-000]

Bangor Hydro-Electric Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 9, 1981, the Bangor Hydro-Electric Company (Bangor) tendered for filing as a rate schedule an executed agreement dated as of November 1, 1981 between Bangor and Massachusetts Municipal Wholesale Electric Company (MMWEC). The agreement provides for sale of unit power by Bangor to MMWEC from November 1, 1981 through April 30, 1982, according to Bangor.

Bangor requests an effective date of November 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34475 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-91-000]

Central Illinois Public Service Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 12, 1981, Central Illinois Public Service Company (CIPS) tendered for filing the Eighth Supplemental Agreement dated October 15, 1981, to the Interconnection Agreement between CIPS and Kentucky Utilities Company dated January 31, 1967. The Commission has previously designated this agreement as CIPS Rate Schedule FERC No. 59 and KU Rate Schedule FERC No. 81.

Copies of this filing have been sent to KU, the Kentucky Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34430 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-84-000]

Central Vermont Public Service Corp.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on November 9, 1981, tendered for filing Amendment No. 1 to its Rates Schedule FERC No. 96. The proposed change would increase revenues from jurisdictional sales and service by $14,052 for the twelve month period ending October 31, 1981. Service under Amendment No. 1 to the contract is proposed to commence as of November 1, 1981. Pursuant to Section 35.11 of the Commission's Regulations the Company requests a waiver of the sixty (60) days notice requirement. Company states that this request is made in order to permit initiation of service billing concurrently with the beginning of a power year under the NEPOOL agreement and because negotiations for Amendment No. 1 with the Customer were only recently completed. Company further states that, if a waiver is granted, it will not affect purchasers of the Company's power under other rate schedules.

The change is proposed in accordance with Amendment No. 1 and Article V of

the Company's agreement with the Village of Ludlow Electric Light Department which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding twelve months ending October and the Company's capacity cost associated with company-owned generating facilities for the proceeding calendar year.

Copies of the filing were served upon the Village of Ludlow Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in deterimining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34491 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-86-000]

Central Vermont Public Service Corp.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 9, 1981, Central Vermont Public Service Corporation (Company) tendered for filing a Power Transmission Contract between the Company and Village of Johnson Water and Light Department (Customer) dated October 21, 1981. Service under the contract is provided to commence as of November 1, 1981. Pursuant to § 35.11 of the Commission's Regulations the Company requests a waiver of the sixty (60) day notice requirement. Company states that this request is made so that there will be a rate available for the transmission of the Customer's power purchase over the Company's facilities, which purchases having an effective date of November 1, 1981. Company further states that if waiver is not granted there would be no rate available to the Customer respecting the transmission of power purchased by the Customer; and if waiver is granted it will not affect any other wholesale customer of the Company under other rate schedules.

Company states that the service to be furnished under this rate schedule consists of the transmission of essentially all the Customer's power purchases over the Company's facilities after the effective date of this contract.

Copies of the filing were served upon the Village of Johnson Water and Light Department and Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34492 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-85-000]

Central Vermont Public Service Corp.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on November 9, 1981, tendered for filing Amendment No. 1 to its Rate Schedule FERC No. 92. The proposed change would not change revenue from jurisdictional sales for the twelve month period ending October 31, 1981. No transactions have occurred under the Agreement during the preceding twelve months, and none are contemplated during the succeeding twelve months. Pursuant to § 35.11 of the Commission's Regulations the Company requests a waiver of the sixty (60) day notice requirement to allow for an effective date of November 1, 1981. Company states that this request is made in order to permit initiation of service billing concurrently with the beginning of a power year under the NEPOOL agreement and because negotiations for Amendment No. 1 with the Customer were only recently completed. Company further states that, if a waiver is granted, it will not affect purchasers of the Company's power under other rate schedules.

The change is proposed in accordance with Amendment No. 1 and Article V of the Company's agreement with the Lyndonville Electric Department which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding twelve months ending October and the Company's capacity cost associated with the company-owned generating facilities for the preceding calendar year.

Copies of the filing were served upon the Lyondonville Electric Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34493 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-32-002]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

November 27, 1981.

Take notice that Colorado Interstate Gas Company (CIG), on November 13, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective January 1, 1982.

The proposed tariff changes reflect the collection by CIG from certain of its customers of the 7.2 mills per Mcf Gas Research Institute (GRI) Adjustment Charge authorized for collection by GRI by Commission Opinion No. 131.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be file on or before Dec. 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34476 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP78-20]

Columbia Gas Transmission Corp.; Filing of Report

November 24, 1981.

Take notice that on November 12, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing a Sales Refund Obligation (SRO) report pursuant to Article V–D of its Stipulation and Agreement in Docket No. RP78–19, *et al.*

The SRO report consists of data showing that Columbia has no refund obligation pursuant to said Article V–D for the period June 1, 1980 through March 31, 1981, the end of the period during which the rates in Docket No. RP78–20 were in effect.

Columbia states that copies of the SRO report were served on all parties in Docket No. RP78–20, as well as interested state Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.18 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8, 1.10). All such petitions or protests should be filed on or before December 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34505 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP78-19-014, et al.]

Columbia Gas Transmission Corp.

November 24, 1981.

Take notice that on November 4, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised Service Agreements between Columbia and eight of its 70 jurisdictional wholesale customers. Columbia states these revised Service Agreements are for service under one or more rate schedules of Columbia's FERC Gas Tariff, Original Volume No. 1, and that all of the agreements bear an effective date of November 1, 1981.

Columbia makes reference to Article XVI of the Stipulation and Agreement in Docket No. RP78–19, *et al.*, wherein it is provided that Columbia shall take action by November 1, 1981 to convert the rates in all of its sales zones to a dekatherm basis. Columbia states that on July 1, 1981, it filed tariff sheets in Docket No. RP81–83 reflecting revisions to its FERC Gas Tariff, Original Volume No. 1 and Rate Schedule X–70 (Original Volume No. 2) to reflect billing on a dry dekatherm basis. Further, Columbia states that by tariff filing dated September 25, 1981 (subsequently revised on October 1, 1981) it filed revised tariff sheets reflecting the conversion of its then existing rates to a dry dekatherm basis, effective November 1, 1981.

Columbia states that on October 1, 1981, it filed revised Service Agreements between Columbia and 62 of its 70 jurisdictional customers for the sole purpose of converting the quantities contained therein to a dry dekatherm basis. At that time, Columbia advised the Commission that several of its wholesale customers had not yet executed and returned their respective revised Service Agreements to Columbia. Columbia stated that upon receipt of such agreements it would promptly file them with the Commission. Columbia states that it has now received the executed revised Service Agreements from these eight customers and, accordingly, is submitting the agreements to the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commissions Rules of Practice and Procedure (18 CFR, 1.8 and 1.10). All such petitions or protests should be filed on or before December 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34521 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-87-000]

The Connecticut Light and Power Co. Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 9, 1981, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Northfield Mountain Purchase Agreement between the CL&P, The Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO), (the NU Companies) and the Middleborough Gas and Electric Department (the Department) dated as of November 1, 1979.

CL&P states that the Purchase Agreement provides for a sale to the Department of a specified percentage of capacity and related pondage from the NU Companies' Northfield Mountain Pumped Storage Hydro Electric Project (Project) together with related transmission service during the period November 1, 1979 through October 31, 1983.

CL&P states that a redetermination of the method of calculating the annual costs of the transmission facilities of the NU Companies has recently been completed in order to more accurately determine those costs. CL&P states that this redetermination, together with delays experienced in arriving at the final contractual language, prevented the execution of the Purchase Agreement until a date which prevented the filing of this rate schedule in a timely manner.

CL&P requests that the Commission waive its standard notice period and

permit the rate schedule to become effective on November 1, 1979.

CL&P states that the capacity charge rate for the Project is a rate determined on a cost-of-service basis for the entire Project. For service rendered prior to October 1, 1980, the monthly transmission charge is equal to one-twelfth of the annual average cost of transmission service on the NU System determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which the Department is entitled to receive. For service rendered on and after October 1, 1980, the monthly transmission charge is equal to one-twelfth of the average annual cost of transmission service on the NU System determined in accordance with Schedule B to the Purchase Agreement, multiplied by the number of kilowatts of winter capability which the Department is entitled to receive. The station service charge is equal to the average cost of fossil generation on the system of the NU Companies for the prior month, multiplied by the Department's share of the Project's station service requirements.

CL&P states that the services to be provided under the Purchase Agreement are similar to services provided by the NU Companies related to an agreement between the NU Companies and the City of Holyoke Gas and Electric Department (Rate Schedule FPC Nos. CL&P 173, HELCO 170, and WMECO 146). CL&P further states that the associated transmission service supplied subsequent to October 1, 1980 is calculated on a rate similar to a rate determined pursuant to a Transmission Service Agreement between the NU Companies and the Connecticut Municipal Electric Energy Cooperative (Rate Schedule FERC Nos. CL&P 217, HELCO 229, and WMECO 180).

CL&P further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34494 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-61-000]

Consolidated Gas Supply Corp.; Application

November 30, 1981.

Take notice that on November 5, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-61-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of service to Rochester Gas and Electric Corporation (Rochester) under a combined service agreement reflecting Rochester's acquisition of The Pavilion Natural Gas Company (Pavilion), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is authorized to sell natural gas to Rochester and Pavilion pursuant to an order issued July 16, 1946, in Docket No. G-714 (5 FPC 184) and that it has continued sales to Pavilion and Rochester under its full requirements Rate Schedule RQ and in accordance with two service agreements dated August 20, 1963, and November 23, 1965, respectively.

It is submitted that Rochester acquired Pavilion effective February 28, 1981, and that such acquisition was approved by the New York Public Service Commission on January 19, 1981.

It is stated that on October 5, 1981, Applicant and Rochester entered into a new service agreement which consolidates the previous agreements. Applicant asserts that no change in approved sales obligations, rates or charges would result from the combination of the Rochester and Pavilion service agreements and therefore proposes to provide service to Rochester under the new service agreement effective March 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34477 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4884-000]

Consolidated Knitting Mills, Inc.; Application for Preliminary Permit

November 24, 1981.

Take notice that Consolidated Knitting Mills, Inc. (Applicant) filed on June 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4884 to be known as the Long Shoals Hydropower Project located on the South Fork Catawba River in Lincolnton County, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with Applicant should be directed to: Mr. Charles B. Mierek, P.E., Cortland Associates, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The proposed project No. 4884 would consist of: (1) An existing rock-fill and concrete dam; (2) an existing reservoir with storage of approximately 800 acre-feet and a

drainage area of 472 square miles; (3) an existing non-operating powerhouse to be used for the installation of generating units with a total capacity ranging up to 700 kW and an estimated annual energy output of up to 4.01 GWh; and (5) appurtenant facilities. Duke Power Company is the potential customer of project power.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. The Applicant estimates that the cost of studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 27, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34495 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-92-000]

Duke Power Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on November 12, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in designated demand: Delivery Point No. 6 from 10,000 KW to 9,000 KW and Delivery Point No. 20 from –0– KW to 5,900 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of September 18, 1981.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34478 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 5425-000 and 5493-000]

Eastern Sierra Energy Development and Modesto Irrigation District; Applications for Preliminary Permits

November 25, 1981.

Take notice that Eastern Sierra Energy Development and Modesto Irrigation District (Applicants) filed on September 28, 1981, and October 13, 1981, applications for preliminary permits (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Projects Nos. 5425 and 5493 to be known as the West Walker River Hydroelectric Power Project located on West Walker River in Mono County, California. Both projects would lie within Toiyabe National Forest. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. K. Thomas Miller, President, Fluid Energy Systems, Incorporated, 2210 Wilshire Boulevard, #699, Santa Monica, California 90403, and to Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed Project No. 5425 would consist of: (1) three earth-filled concrete diversion dams, 40, 40 and 80 feet high with overflow spillways and storage capacities of 69, 860 and 2,750 acre feet: (2) pipeline and penstock systems 5,000, 10,000 and 26,000 feet long; (3) three powerhouses containing turbine/generators with capacities of 6.48, 1.94 and 14.3 MW and annual energy outputs of 39.7, 11.9 and 87.7 GWh; (4) transmission lines; and (5) appurtenant facilities. Generated power will be sold to the Southern California Edison Company. The proposed Project No. 5493 would consist of: (1) 3 concrete and natural fill dams 40, 40 and 80 feet high with reservoirs having 69, 69 and 2,750 acre-feet capacities; (2) pipeline and penstock systems 5,000, 10,000 and 26,000 feet long; (3) powerhouses containing turbine generators with capacities of 6.48 MW, 1.94 MW and 14.3 MW and annual energy productions of 39.7, 11.9 and 87.7 GWh; (4) transmission lines; and (5) appurtenant

facilities. Generated power will be distributed through Modesto's existing service network or through interties with other electric systems.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicants seek issuance of a preliminary permit for a period of 36 months, during which time the firms plan engineering, economic and environmental studies, to ascertain project feasibility and to support their application for a license to construct and operate the project. The estimated cost of these actions is $250,000 for Project No. 5425 and $200,000 for Project No. 5493.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (Copies of the applications may be obtained by agencies directly from the Applicants.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34506 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-142-000]

El Paso Natural Gas Co.; Petition For Relief

November 30, 1981.

Take notice that on September 30, 1981, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed, on behalf of three customers served by El Paso's interstate pipeline system,[1] pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) a petition for relief from the unauthorized overrun gas provisions set forth in El Paso's then effective FERC Gas Tariff.

The petition states that El Paso's experience in administering said unauthorized overrun gas provisions has made it aware that such provisions fail to take into account the possibility that mechanical failure or human error may result in daily deliveries to El Paso's customers in excess of their daily entitlement. By reason of mechanical failure and/or human error, customers can and do inadvertently receive gas in excess of daily entitlements, thereby unnecessarily incurring daily overrun penalties. Upon request by certain of its customers for a joint review of El Paso's penalty invoices, El Paso has determined that three of El Paso's interstate pipeline system customers have been assessed penalty charges resulting from mechanical failures or human errors, and El Paso believes that relief therefrom is appropriate. For the period of October 28, 1980, through November 3, 1980, Inspiration incurred overrun penalties totaling $51,395.00 on March 3, 1978, and September 17, 1978, Pacific Gas incurred gas overruns of 18,324 Mcf and 871 Mcf, respectively, resulting in penalties totaling $74,005.00; and during the period of December 3, 1978, through November 26, 1980, Southwest incurred gas overrun penalties on nine separate days totaling $199,300.00 In El Paso's view, given the unintentional nature of the overruns, which occurred despite (and, perhaps even as a consquence of) the efforts made by the parties to keep overruns from occurring, it would be inequitable and serve no good purpose to require the customers to absorb the subject overrun penalties.

The petition states further that the overrun penalties in question constitute an inequitable financial burden on each of those three customers. El Paso therefore requests that the Commission expeditiously grant the relief sought by this petition.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34479 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5574-000]

Energenics Systems, Inc.; Application For Preliminary Permit

November 25, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on October 28, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5574 to be known as the Granby Dam Project located on the Colorado River in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Energenics Systems, Inc., 1727 Q Street, N.W., Washington D.C. 20009.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Granby Dam and would consist of: (1) a new powerhouse containing two generating units with a total rated capacity of 2 MW; (2) a 115-

[1] The three customers are Inspiration Consolidated Copper Company, Pacific Gas and Electric Company, and Southwest Gas Company.

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kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8 GWh. Power would be sold to the Public Service Company of Colorado, or to other nearby public institutions or industrial users.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 14, 1982, either the competing application itself (See 18 CFR § 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR § 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34507 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-93-000]

Florida Power & Light Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on November 12, 1981, tendered for filing two documents entitled "Exhibit I to Service Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibits I FPL will transmit power and energy for Lake Worth Utilities Authority (Lake Worth) as is required by Lake Worth in the implementation of its interchange agreements with the City of Tallahassee and Fort Pierce Utilities Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Chief of Engineering & Operations of Lake Worth Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34480 Filed 12-1-81; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. ER82-88-000]

Florida Power & Light Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on November 12, 1981, tendered for filing document entitled "Exhibit I to Service Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibit I FPL will transmit power and energy for Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreements with the City of Tallahassee

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34496 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-89-000]

Florida Power & Light Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice Florida Power & Light Company (FPL) on November 12, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibit I FPL will transmit power and energy for the City of Vero Beach (Vero Beach) as is required by Vero Beach in the implementation of its interchange agreement with the Orlando Utilities Commission.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the City Manager, City of Vero Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34497 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 485-007]

Georgia Power Co.; Application for Change in Land Rights

November 27, 1981.

Take notice that an application was filed on October 9, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) by Georgia Power Company for a change in land rights, for the Bartlett's Ferry Hydropower Project, FERC Project No. 485. The project lands affected are on the Halawakee Creek Arm of Bartlett's Ferry Reservoir approximately one hundred (100) feet south of Lee County Highway 79 at Prince's Bridge.

The Applicant seeks Commission approval to lease approximately 2 to 3 acres of project land to the Water Works Board of the City of Opelika, Alabama, for the construction of a submerged raw water intake structure, a subaqueous raw water pipeline, and a pumping station on project land. The City of Opelika intends to use the water in their municipal water works system. The average withdrawal rate from the proposed project is estimated to be approximately 3 million gallons per day during the first ten years of operation and increasing to approximately 7 million gallons per day during the second ten years of operation.

The water filtration plant will be located adjacent to Lee County Highway 79, approximately 2,000 feet south of Prince's Bridge. The plant's location is outside of the project boundary defined in the license held by Georgia Power Company for Bartlett's Ferry Hydropower Project.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before January 4, 1982. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34498 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5283-000]

Hale Manufacturing Co.; Application for Preliminary Permit

November 24, 1981.

Take notice that the Hale Manufacturing Company (Applicant) filed on August 26, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5283 to be known as the Cargill Falls Project located on the Quinebaug River near the Town of Putnam in Windham County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Duane T. Sargisson, Bowditch and Dewey, 311 Main Street, Worcester, Massachusetts 01608.

Project Description—The proposed project would consist of: (1) an existing concrete dam, 80 feet long and 10 feet high; (2) an existing diversion structure; (3) an existing concrete headrace, 12 feet wide, 8 feet high and approximately 200 feet long; (4) an existing 6-foot diameter penstock adjoining a control gate and trash rack and then proceeding 60 feet, expanding to a diameter of seven feet at the turbine housing; (5) the existing 20-foot square turbine housing enclosed by the main building of the Putnam Plant and containing a new 1.0-MW turbine/generator unit operating under a head of 28 feet; (6) a 250-foot long, 12.5-kVa transmission line and (7) appurtenant facilities. The average annual electrical generation of 6,110,000 kWh would be sold to Connecticut Light and Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant

estimates the cost of studies under the permit would be $41,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 29, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34508 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5519-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 25, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5519 to be known as the South Fork Lost Creek Water Power Project located on the South Fork of Lost Creek in Lake County, Montana. The project would lie partially on Flathead National Forest land. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a native rock diversion structure 3 feet high with negligible storage; (2) penstock 11,800 feet long; (3) a powerhouse containing a turbine generator with 291 kW capacity and 1,762 MWh annual energy production; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Bonneville Power Administration or the Pacific Power and Light Company.

Proposed Scope of Studies Under Permit—A perliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a perliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34499 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5520-000]

Hydro Management, Inc., Application for Preliminary Permit

November 25, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5520 to be known as the Soup Creek Water Power Project located on Soup Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a diversion structure of native rock 3 feet high with negligible storage; (2) penstock 8,200 feet long; (3) a powerhouse containing a turbine generator with 377 kW capacity and 2.28 GWh annual energy production; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Pacific Power and Light Company or the Bonneville Power Administration.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34509 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5518-000]

Hydro Management, Incorp.; Application for Preliminary Permit

November 25, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)) for Project No. 5518 to be known as the Goat Creek Water Power Project located on the Goat Creek in Lake County, Montana. The project would lie partially on Flathead National Forest land. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a native rock diversion structure 3 feet high with negligible storage; (2) penstock 12,200 feet long; (3) a powerhouse containing a turbine generator with 430 kW capacity and 2.6 GWh annual energy production; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Bonneville Power Administration or the Missoula Electric Coop., Incorporated.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34510 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5517-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 25, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5517 to be known as the Scout Creek Water Power Project located on Scout Creek in Lake County, Montana. The project would lie partially on Flathead National Forest land. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a native rock diversion structure 3 feet high with negligible storage; (2) penstock 5,000 feet long; (3) a powerhouse containing a turbine generator with 407 kW capacity and 2,462 MWh annual energy production; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Bonneville Power Administration or the Missoula Electric Coop., Incorporated.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34511 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-57-000]

Kansas-Nebraska Natural Gas Co., Inc.; Application

November 30, 1981.

Take notice that on November 5, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP82-57-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas for resale to Nebraska Natural Gas Company (Nebraska Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently authorized to make a sale of natural gas for resale pursuant to its Rate Schedules CD and WPS of its FERC Gas Tariff, Third Revised Volume No. 1 to Nebraska Natural, a distributor of natural gas in 18 communities located in central and south-central Nebraska. Applicant indicates that the 18 communities served are Lexington, Elm Creek, Elwood, Odessa, Overton, Cozad, Gothenburg, Brady, Maxwell, Fairfield, Franklin, Guide Rock, Inavale, Naponee, Nelson, Red Cloud, Darr and Willow Island.

Applicant states that effective at the close of business on October 31, 1981, Applicant would acquire Nebraska Energy, Inc. and its wholly owned subsidiary, Nebraska Natural. Applicant submits that on that date it would discontinue its sale for resale to Nebraska Natural and commencing on November 1, 1981, would begin providing service at retail to the 9,754 end-use customers formerly served at wholesale as well as 10,693 end-use customers in the four communities of Fremont, Cedar Bluffs, Hooper and Scribner, Nebraska, which would continue to be served at wholesale by another pipeline company.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34481 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-59-000]

Kansas-Nebraska Natural Gas Co., Inc.; Application

November 30, 1981.

Take notice that on November 5, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP82-59-000 an application pursuant to Section 7 of the Natural Gas Act and paragraphs (c), (e) and (g) of § 157.7 of the Regulations thereunder (18 CFR 157.7(c), 157.7(e) and 157.7(g)) (1) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1982, and operation of facilities to make miscellaneous rearrangements on its system; (2) for permission and approval to abandon during the calendar year 1982 direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers; and (3) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the calendar year 1982, operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application pursuant to § 157.7(c) of the Regulations is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant. Applicant states that the total cost of the proposed miscellaneous rearrangements would not exceed $300,000 which would be financed from current working capital or from interim bank loans which at a later date may be funded by a security issue.

The stated purpose of this budget-type application pursuant to § 157.7(e) of the Regulations is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission, it is asserted.

The stated purpose of this budget-type application pursuant to § 157.7(g) of the Regulations is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application. Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000 and no single project would exceed $500,000. Applicant states that said cost would be financed from current working capital or from interim bank loans which at a later date may be funded by a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34482 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4114-001]

Long Lake Energy Corp.; Application for Major License

November 24, 1981.

Take notice that an application was filed on October 8, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r)), by Long Lake Energy Corporation (Applicant) for a license for the Lower Saranac Project, FERC No. 4114. The project would be located on the Saranac River in the City of Plattsburgh and the town of Schuyler Falls, Clinton County, New York. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of two developments described as follows:

(A) The Upper Development consisting of: (1) an existing dam comprised of: (a) an 83-foot long, 18-foot high gate section located adjacent to the north dam abutment containing seven 7.5-foot wide, 10-foot high gates; (b) a 75-foot long, 24.25-foot high concrete spillway positioned at a right angle to the gate section; (c) a 50-foot long, 31.1-foot high gate structure located adjacent to the spillway; and (d) a 17.2-foot high, 60-foot long gate structure located approximately 200-feet south of the main dam structure containing three 6-foot high, 6-foot wide gates; (2) a reservoir with no usable storage capacity at elevation 281.5 feet m.s.l.; (3) an existing powerhouse built integrally to the dam containing two turbine-generators with a total rated capacity of 2.4 MW; and (4) appurtenant facilities.

Applicant proposes to retire the existing powerhouse and construct a new intake, a 4-foot diameter, 150-foot long steel penstock and a new powerhouse containing a single 200-kW turbine-generator which would discharge a minimum flow of 100 cfs into the Saranac River below the dam. In addition, Applicant proposes to construct a canal intake structure at the southern gate structure, a 3,800-foot long, 100-foot wide, 16-foot deep, lined power canal, a 275-foot long, 13-foot diameter concrete lined power tunnel, a powerhouse located approximately 150 feet west of Interstate 87, containing two turbine-generators with a total rated capacity of 6.4 MW, a 100-foot long tailrace channel, a 2,500-foot long, 4.16-kV transmission line and appurtenant facilities. The Upper Development would generate up to 26,200,000 kWh annually.

(B) The Lower Development consisting of: (1) an existing dam comprised of: (a) a 500-foot long, 9-foot high earth dike adjacent to the south dam abutment oriented on a north-south axis; and (b) a 170-foot long, 13-foot high concrete overflow spillway with a 53-foot long breached section; (2) a reservoir with no usable storage capacity and reduced, due to the breach, to elevation 202.0 feet m.s.l.; (3) an existing powerhouse foundation located at the south dam abutment; (4) an existing 60-foot wide, 425-foot long tailrace channel; (5) an existing substation; and (6) appurtenant facilities.

Applicant proposes to place a 60-foot wide bascule gate at the breach in the dam to restore the reservoir to an elevation of 207.2 feet m.s.l., make rapairs to the dam's concrete surface, and construct a 10-foot high earth dike on an east-west axis extending from the south dam abutment 300-feet upstream. A new powerhouse containing a single 1.1-MW turbine-generator would be constructed at the location of the old powerhouse along with modifications to the tailrace channel which would lengthen and slightly deepen it. The existing adjacent substation would be expanded to connect the upper and lower project powerhouse transmission lines to the existing grid system. The lower development would produce approximately 5,700,000 kWh annually.

Applicant also proposes to construct a visitor parking area, hiking/cross country ski trails, picnic areas, scenic overlook areas and boat and fishing access areas.

The project would utilize lands and existing facilities owned by Georgia Pacific Company and New York State Electric and Gas Corporation. In addition, the project would utilize 4.2 acres of land owned by the U.S. Government as part of Plattsburg Air Force Base for a transmission line corridor.

This application competes with the Lower Saranac Project FERC No. 5614–000 application filed jointly by Georgia-Pacific Company and New York State Electric and Gas Corporation on November 6, 1981.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 28, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before January 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34512 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5406-000]

Maintenance Consultants, Inc., Application for Preliminary Permit

November 25, 1981.

Take notice that Maintenance Consultants, Inc. (Applicant) filed on September 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5406 to be known as the Willow Falls Dam Hydropower Project located on the Willow River near the City of St. Paul, in the County of St. Croix, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Mercier, 11833 Xavis Street NW, Coon Rapids, Minnesota 55433.

Project Description—The proposed project would consist of: (1) an existing reinforced concrete, hollow arch dam 160 feet long and 60 feet high; (2) an existing reservoir with a surface area of 122 acres and a gross storage capacity of 2,000 acre-feet; (3) the proposed installation of one 700 kW generator with turbine and one 430 kW generator and turbine to provide a total installed capacity of 1.1 MW; (4) a proposed transmission line one mile in length; (5) a proposed powerhouse and penstock; and (6) appurtenant facilities. The Applicant estimates the annual energy production of the proposed project to be 6.3 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $40,000.

Competing Applications—Anyone

desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. [A copy of the application may be obtained by agencies directly from the Applicant.] If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34513 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5405-000]

Maintenance Consultants, Inc.; Application for Preliminary Permit

November 24, 1981.

Take notice that Maintenance Consultants, Inc. (Applicant) filed on September 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5405 to be known as the Winnibigoshish Dam Hydropower Project located on the Mississippi River near the town of Deer River, in the County of Itasca, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Mercier, 11833 Xavis Street NW, Coon Rapids, Minnesota 55433.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5405 would consist of: (1) a proposed powerhouse and penstock, with the penstock running through the earth dike just beyond the spillway; (2) the proposed installation of one 700 kW generator and turbine and one 300 kW generator and turbine to provide a total installed capacity of 1 MW; (3) a proposed transmission line to run from the powerhouse to a United Power Association line six miles away; and (4) appurtenant facilities. The Applicant estimates the annual energy production of the proposed project to be 4.4 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 28, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. [A copy of the application may be obtained by agencies directly from the Applicant.] If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34514 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

Project No. 4042-000

Massachusetts Municipal Wholesale Electric Co.; Surrender of Preliminary Permit

November 27, 1981.

Take notice that Massachusetts Municipal Wholesale Electric Company (MMWEC) Permittee for the proposed Barre Falls Project No. 4042 has requested that its preliminary permit be terminated. The preliminary permit was

issued on May 5, 1981, and would have expired on November 1, 1982. The project would have been located at the U.S. Army Corps of Engineers' Barre Falls Flood Control Dam in Worcester County, Massachusetts. MMWEC indicates that the Barre Falls Project would not appear to be an economic source of energy.

MMWEC filed its request on November 6, 1981, and the surrender of its permit for Project No. 4042 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34483 Filed 12-1-81: 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4694-000]

Midvale Irrigation District; Application for Preliminary Permit

November 24, 1981.

Take notice that Midvale Irrigation District (Applicant) filed on May 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4694 to be known as the Pilot Butte Dam and Power Plant Development located on the Wind River in Fremont County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jack Long, Manager, Midvale Irrigation District, Post Office Box 128, Pavillion, Wyoming 82523.

Project Description—The proposed Project No. 4694 would consist of: (1) The existing U.S. Bureau of Reclamation earthfill Pilot Butte Dam; (2) a proposed hydroelectric generating facility in the Pilot Butte Power Plant with an installed capacity of about 2.0 MW; (3) the existing, non-operating Pilot Butte Power Plant with an installed capacity of about 4.0 MW after renovation; (4) a proposed transmission line leading to the existing substation adjacent to the existing Pilot Butte Power Plant; and (5) appurtenant facilities. The total estimated average annual energy output is about 15.0 GWh. Potential customers for the project energy are located in the U.S.B.R. project area.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, consultation would be carried out with the appropriate Federal, State, and local agencies. The Applicant estimates the cost of studies and preparation of license application to be $26,000.

Competing Applications—This application was filed as a competing application to the Pilot Butte Project No. 3551 filed on October 9, 1981, by Continental Hydro Corporation, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 22, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34515 Filed 12-1-81: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-5]

Minnesota Power & Light Co.; Refund

November 24, 1981.

The filing Company submits the following:

Take notice that on November 16, 1981, Minnesota Power and Light Company filed a refund report in accordance with the Commission's letter order of October 2, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 11, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34522 Filed 12-1-81: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC82-4-000]

Montana-Dakota Utilities Co.; Gas Tariff Filing

November 20, 1981.

Take notice that on November 2, 1981, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, tendered for filing in Docket No. TC82-4-000, pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations, Fourth Revised Sheet Nos. 102 and 103 to its FERC Gas Tariff, First Revised Volume No. 1, all as more fully set forth in the filing tendered with the Commission and open to public inspection.

It is submitted that the volume changes on the tariff sheets reflect reclassification of natural gas used in boilers for the production of animal feed or food from Priority 2(c) to a Priority 4. MDU asserts that it has contacted all of its industrial customers with a Priority 2(c) allocation and only two, Hardy Salt Company, Williston, North Dakota, and Pierce Packing Company, Billings, Montana, utilize natural gas in boilers for the production of animal feed or food.

MDU states that Hardy Salt Company's Priority 2(c) allocation of 80,746 Mcf of gas has been reclassified to 37,143 Mcf in Priority 2(c) and 43,603 Mcf added to Priority 4 while Pierce Packing Company's Priority 2(c) allocation of 176,640 Mcf of gas has been reclassified to 91,853 Mcf in Priority 2(c) and 84,787 Mcf in Priority 4.

Accordingly, MDU tenders for filing Fourth Revised Sheet Nos. 102 and 103 to its FERC Gas Tariff, First Revised Volume No. 1, reflecting such reclassification and requests an effective date of November 1, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before November 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34523 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5514-000]

Newton Mill Associates; Application For Preliminary Permit

November 24, 1981.

Take notice that Newton Mill Associates (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5514 to be known as the Rocky Glen Project located on the Pootatuck River in the town of Newton, Fairfield County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael Pill, New England Energy Development Systems, Inc., 109 Main Street, Amherst, Massachusetts 01002.

Project Description—The proposed Project would utilize existing facilities and would consist of: (1) a 38-foot high, 130-foot long concrete spillway-type dam; (2) a 3.8 acre reservoir with a total storage capacity of 60 acre-feet at elevation 170.0 feet m.s.l.; (3) a 305-foot long diversion canal; (4) a 4-foot diameter, 65-foot long penstock; (5) a powerhouse inside the basement of a mill building containing a turbine-generator with a total rated capacity of 112 kW which would be rehabilitated; (6) a 220-foot long tailrace channel; and (7) appurtenant facilities. The project is owned by the Applicant. The project would generate up to 490,122 kWh annually. Energy produced at the project would be sold to Northeast Utilities Service Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 28, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copiy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34516 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-90-000]

Niagara Mohawk Power Corp.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on November 12, 1981 tendered for filing as a rate schedule, an agreement between Niagara and Orange and Rockland Utilities Inc. (Orange and Rockland) dated July 28, 1981.

Niagara presently has on file an agreement with Orange and Rockland dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 89. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Orange and Rockland as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1981.

Copies of this filing were served upon the following:

Orange and Rockland Utilities Inc., One Blue Hill Plaza, Pearl River, NY 10965;
Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223.

V 46 / 231 DEC 2 81 UMI

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practices and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *December 11, 1981.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34500 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP68-75-008]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

November 30, 1981.

Take notice that on November 2, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP68-75-008 a petition to amend the order issued May 20, 1968 [1], as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of natural gas with Phillips Petroleum Company (Phillips) at an additional delivery point in Lea County, New Mexico, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued May 20, 1968, it was authorized, *inter alia,* to transport and exchange natural gas with Phillips.

Petitioner proposes to establish the Lovington plant in Lea County, New Mexico, as an additional exchange point with Phillips. Petitioner indicates that establishing said additional exchange point would be in accord with an amendatory agreement dated June 23, 1980, to the May 2, 1976, gas purchase contract between the parties. It is submitted that pursuant to these agreements Petitioner would return residue gas volumes to Phillips at the Lovington plant. Petitioner explains that such gas would be used by Phillips to meet contractual obligations with producers of providing booster fuel for wellhead compression and field treaters that would continue in operation upstream of the plant.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34484 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-45-000 and CP82-45-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

November 30, 1981.

Take notice that on October 28, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-45-000 an application and on November 12, 1981, filed in Docket No. CP82-45-001 an amendment to the subject application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas to its utility customers under adjusted and realigned volumes of firm entitlement for the 1981-1982 heating season and thereafter, all as more fully set forth in the application and amendment which are on file with the Commission and open to public inspection.

Applicant specifically proposes to revise the presently authorized contract demand and peaking service volumes of certain of its utility customers as set forth in the exhibit hereto and in accordance with Section 17.5 of its FERC Gas Tariff, Third Revised Volume No. 1.

It is asserted that the requested realignment of volumes would help achieve maximum utilization of presently authorized service in meeting the requirements of said utilities and that the proposed realignment would have no effect on the presently authorized contract demand and peaking service under Applicant's respective rate schedules.

Any person desiring to be heard or to make any protest with reference to said application, as amended, should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commision on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear to be represented at the hearing.

Kenneth F. Plumb.

Secretary.

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Utility, group, rate zone and community	Presently authorized				Adjustments			1981–82 Heating season and thereafter				
	Contract demand	Seasonal service	Winter period service	Peaking service	Contract demand	Seasonal service	Winter period service	Contract demand	Seasonal service	Winter period service	Peaking service	Total
Brooklyn Municipal Utilities												
Group C												
Rate zone 3												
Brooklyn, Iowa	600	50				(50)		600				600
Cedar Falls Municipal Utility												
Group C												
Rate zone 3												
Cedar Falls, Iowa	8,000	2,033				837		8,000	2,870			10,870
Circle-Hutch Utility Board												
Group E–F												
Rate zone B												
Circle Pines, Minn	873	200		50				873	200		50	1,123
Hutchinson	2,500	1,030	260			(280)		2,500	750	260		3,510
Minnesota Mining & Mfg. Co	1,000							1,000				1,000
Municipal Electric Plant	1,700							1,700				1,700
Utility total	6,073	1,230	260	50		(280)		6,073	950	260	50	7,333
Great Plains Natural Gas Company												
Group E–F												
Rate zone B												
Marshall, Minn	1,804	241				250		1,804	491			2,295
Marshall Produce	200							200				200
Montevideo, Minn	1,450	150				250		1,450	400			1,850
Balance of communities	4,955	600						4,955	600			5,555
Utility total	8,409	991				500		8,409	1,491			9,900
Iowa Southern Utilities Co												
Group C												
Rate zone 3												
Grinnell, Iowa	4,704	775		267		250		4,704	1,025		267	5,996
Island Gas, Inc												
Group E–F												
Rate zone B												
Bird Island, Minn	60	360				(80)		60	280			340
Rural Dehydrators, Inc	350							350				350
Utility total	410	360				(80)		410	280			690
Lyons, Nebr.—city of												
Group B												
Rate zone 2												
Lyons, Nebr	970	50			(50)	(50)		920				920
Manilla, Iowa—city of												
Group C												
Rate zone 2												
Manilla, Iowa	400	125	20			5		400	130	20		550
Natural Gas, Inc												
Group E–F												
Rate zone B												
New Richmond, Wis., Somerset, Wis	700	602			400			1,100	602			1,702
Nebraska Natural Gas Company												
Group A												
Rate zone 2												
Fremont, Nebr	16,250	680				(680)		16,250				16,250
D. F. Industries	5,300							5,300				5,300
Balance of communities	1,860							1,860				1,860
Utility total	23,410	680				(680)		23,410				23,410
Osage Municipal Utilities												
Group C												
Rate zone 3												
Osage, Iowa	1,947	437				(300)		1,947	137			2,084
Owatonna Public Utilities												
Group E–F												
Rate zone 3												
Owatonna, Minn	10,100	1,075	490		(1,000)	1,000		9,100	2,075	490		11,665
Pender, Nebr.—village of												
Group B												
Rate zone 2												
Pender, Nebr	1,200	150	55			(150)	(55)	1,200				1,200
Sac City, Iowa—city of												
Group B												
Rate zone 3												
Sac City, Iowa	1,520	283	76			100		1,520	383	76		1,979
St. Croix Valley Nat. Gas Co., Inc												
Group E–F												
Rate zone B												
River Falls, Wis	1,408	845			500			1,908	845			2,753
Balance of communities	716	741						716	741			1,457
Utility total	2,124	1,586			500			2,624	1,586			4,210
Sioux Center Municipal Utilities												
Group B												
Rate zone 3												
Sioux Center, Iowa	1,334	801		140	25	(450)		1,359	351		140	1,850
Viroqua Municipal Nat. Gas Utility												
Group E–F												
Rate zone B												
Viroqua, Wis	1,180	384			125	(125)		1,305	259			1,564
Waukee, Iowa—city of												
Group C												
Rate zone 2												
Waukee, Iowa	752	427		42		(100)		752	327		42	1,121

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Utility, group, rate zone and community	Presently authorized				Adjustments			1981–82 Heating season and thereafter				
	Contract demand	Seasonal service	Winter period service	Peaking service	Contract demand	Seasonal service	Winter period service	Contract demand	Seasonal service	Winter period service	Peaking service	Total
Whittemore, Iowa—city of												
Group B												
Rate zone 3												
Whittemore, Iowa	400	351				(200)		400	151			551
Wisconsin Gas Company												
Sub-group D												
Rate zone B												
Monroe, Wis	2,383	[illegible]	70				55	2,383	[illegible]	125		2,814
Balance of communities	9,775	421		1,907				9,775	421		1,907	12,103
Subtotal group D	12,158	727	70	1,907			55	12,158	727	125	1,907	14,917
Wisconsin Power & Light Company												
Sub-group D												
Rate zone 3												
Platteville, Wis	1,930	505		[illegible]		(227)		1,930	278		[illegible]	2,808
Balance of communities	600	25		200				[illegible]	25		200	825
Subtotal group D	2,530	530		[illegible]		(227)		2,530	303		[illegible]	3,633
Total utilities	88,921	13,647	971	3,206	[illegible]	[illegible]	0	88,921	13,647	971	3,206	106,745

[FR Doc. 81-34485 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-98-000]

Northern States Power Co.; Filing

The filing Company submits the following:

Take notice that Northern States Power Company (NSP) on November 13, 1981, tendered for filing Supplement No. 2, dated October 22, 1981, to the Interconnection and Interchange Agreement, dated September 23, 1977, with the City of Redwood Falls.

Supplement No. 2 amends the Interconnection and Interchange Agreement to provide a Second Point of Delivery between NSP and the City of Redwood Falls.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34501 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-97-000]

Northern States Power Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, (NSP) on November 13, 1981, tendered for filing the Municipal Transmission Service Agreement, dated November 5, 1981, with the City of Hillsboro (Hillsboro).

Northern States agrees to provide transmission service to Hillsboro to deliver the City's purchase of both WAPA power and energy and power and energy purchased from an Alternate Supplier. NSP requests an effective date January 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34512 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-37-003]

Northwest Pipeline Corp.; Change in Rates

November 27, 1981.

Take notice that on November 13, 1981, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, Fifth Revised Sheet No. 10 and as part of its Original Volume No. 2 Tariff, Fifth Revised Sheet No. 2.

Fifth Revised Sheet No. 10 and Fifth Revised Sheet No. 2 reflect the revised funding unit for the Gas Research Institute ("GRI") approved by the Commission in Opinion No. 131 issued September 28, 1981. Such revised funding unit is proposed to become effective January 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34486 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-119-003]

Northwest Pipeline Corp.; Petition To Amend

November 30, 1981.

Take notice that on October 20, 1981, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-119-003 a petition to amend the order issued July 18, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to delete the authorization to construct and operate certain well connections, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued July 18, 1979, it was authorized, *inter alia*, to construct and operate certain natural gas facilities to be used for the gathering and transportation of natural gas from the area generally referred to as the Creston Nose area in Carbon County, Wyoming. Applicant explains that said facilities consisted of 6.2 miles of 8⅝-inch O.D. pipeline (Trunk A), 1.9 miles of 4½-inch O.D. pipeline, 7 wellhead meters, and appurtenant facilities to connect seven wells to Trunk A and meter facilities at the point of interconnection between Applicant's and Western Transmission Corporation's (Western) pipelines.

Applicant states that the Creston Nose Trunk A, the interconnection with Western, and five out of seven authorized Creston Nose gathering system well connections have been constructed and are in service. It is asserted that the facilities certificated for the connection of Creston Nose #1-21 and #1-4 wells have not been installed by Applicant. It is further asserted that Applicant has no future plans to connect Creston Nose #1-4 and #1-21 wells. Applicant explains that Marathon Oil Company, operator of several Creston Nose area wells, no longer plans to complete the well designated as Creston #1-4. Applicant also submits that Creston Nose #1-21 well has been completed but Applicant failed to acquire an interest in this well and no longer proposes to connect it to the Creston Nose gathering system.

Therefore, Applicant proposes deletion of authorization to construct and operate the Creston Nose #1-4 and #1-21 well connections.

Any person desiring to be heard or to make any protest with reference to said petition, to amend, should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34487 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5458-000]

Oglethorpe Power Corp.; Application for Preliminary Permit

November 24, 1981.

Take notice that Oglethorpe Power Corporation (Applicant) filed on October 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5458 to be known as the High Falls Dam Hydroelectric Power Project located on the Towaliga River near Jackson, Georgia in Monroe County, Georgia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Larry H. James, Section Manager, Energy Development, Oglethorpe Power Corporation, 2888 Woodcock, Boulevard, Atlanta, Georgia 30341.

Project Description—The proposed project would consist of: (1) an existing masonry block dam 35 feet high and 606 feet long; (2) an existing impoundment with a surface area of 740 acres and a gross storage capacity of 8,600 acre-feet; (3) the rehabilitation of an existing powerhouse and penstock; (4) the proposed installation of turbines and generators with a total installed capacity of 1,550 kW; (5) the proposed erection of a 500-foot long distribution line; and (6) appurtenant facilities. The Applicant estimates the annual energy production to be 4.7 GWh.

Proposed Scope of Studies Under Permit—A prelimiary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 12 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $15,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 29, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34517 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP72-74-007 and RP74-6-002]

Southern Natural Gas Co.; Cancellation

November 24, 1981.

Take notice that Southern Natural Gas Company (Southern) on November 6, 1981 tendered for filing First Revised Sheet No. 4B of its FERC Gas Tariff, Sixth Revised Volume No. 1. Southern states that this filing is made to cancel Original Sheet No. 4B effective November 1, 1981.

Southern states that Original Sheet No. 4B provided for the collection of a 1.245¢ per MMBtu surcharge rate until an aggregate of $6,592,641.22 had been collected which will be used to reimburse certain purchasers for costs of adjustments or modifications to facilities to accommodate the high Btu content of regasified LNG. Southern further states that the remaining balance to be collected of $387,599.05 will be invoiced with the October 1981 billing and, therefore, requests such waivers as necessary to allow cancellation of the surcharge rate effective November 1, 1981 in order to terminate the rate with the October 1981 billing. Southern also states that its filing complies with the Commission's orders of June 12, 1979 and November 26, 1980 approving the surcharge.

Copies of this filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Dec. 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34524 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. RP80-102-007]

Southern Natural Gas Co.; Proposed Changes to FERC Gas Tariff

November 24, 1981.

Take notice that Southern Natural Gas Company (Southern) on November 13, 1981 tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2. The proposed changes would reduce revenues from jurisdictional sales and transportation services by approximately $17,227,000 annually from the revenues generated by the currently effective rates.

Southern states that the filing includes revised tariff sheets with a proposed effective date of December 1, 1981. These tariff sheets are being filed pursuant to the Stipulation and Agreement in Southern's Docket No. RP80-102. The Stipulation provides that if the Commission issues a final order approving the settlement before the effective date of new rates in the next docket, Southern shall (1) reduce its effective rates to reflect an 18.40% pre-tax return, (2) reflect the change in cost allocation and rate zones made effective May 1, 1981, and (3) reflect the United Method of cost classification. This rate filing is in compliance with the terms of the settlement in Docket No. RP80-102.

Copies of this filing are being served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34518 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-362-003]

Texas Eastern Transmission Corp.; Petition To Amend

November 30, 1981.

Take notice that on November 9, 1981, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-362-003 a petition to amend the order issued August 31, 1976,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from an additional receipt point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner and Transcontinental Gas Pipe Line Corporation (Transco) are parties to a currently effective transportation agreement dated March 23, 1976, as amended, which provides for the transportation of natural gas volumes of up to 54,000 Mcf per day from Block 480 West Cameron area, South Addition, and West Cameron Block 286, offshore Louisiana.

Petitioner states that it seeks authorization herein for the inclusion of an additional point of receipt for the transportation of natural gas as provided by an amendment to the aforementioned agreement dated September 2, 1981. Petitioner explains that the amendment provides for the receipt by Petitioner at the point of interconnection of Petitioner's system in East Cameron Block 312 with the pipeline facilities to be constructed by Petitioner, Transco and Natural Gas Pipeline Company of America from Vermilion Blocks 369 and 370 of quantities of natural gas which Transco has acquired the right to purchase in Vermilion Block 370 from Shell Oil Company.

Petitioner states that such authorization would enable Transco to receive into its system the gas produced in Vermilion Block 370 without duplication of facilities. It is further submitted that no increases in the

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

volumes transported would be necessitated by the proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34488 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-522]

Virginia Electric & Power Co.; Refund

November 24, 1981.

The filing Company submits the following:

Take notice that on November 16, 1981, Virginia Electric and Power Company filed a refund compliance report pursuant to the Commission's letter order issued on October 21, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 11, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34525 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-95-000]

The Washington Water Power Co. Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 13, 1981, The Washington Water Power Company (Washington) tendered for filing copies of an Agreement applicable to what Washington refers to as a contract for the exchange of power between Bonneville Power Administation (Bonneville) and Washington. The exchange amount is based on a specified percentage of Washington's residential load, and is sold to Bonneville at Washington's average system cost. Washington can then buy at Bonneville's average system cost an equivalent amount of power.

Washington requests that the requirements of prior notice be waived and the effective date be November 13, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34503 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5448-00]

Western Power, Inc.; Application for Preliminary Permit

November 25, 1981.

Take notice that Western Power, Incorporated (Applicant) filed on October 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5448 to be known as the Cougar Rocks Power Project located on Willame Creek in Lewis County, Washington. The project will lie partially within the Gifford Pinchot National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power, Incorporated, 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a concrete diversion structure 5 feet high; (2) a pipeline 3,500 feet long, surge tank and penstock 4,100 feet long; (3) a powerhouse containing a turbine generator with 4.6 MW capacity and 21.36 GWh annual energy production; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to the Lewis County Public Utility District.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those

copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34519 Filed 12-1-81, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-94-000]

Wisconsin Electric Power Co.; Filing of Contracts of Assignments

November 27, 1981.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company ("Wisconsin Electric" or "the Company") on November 12, 1981 tendered for filing an interconnection agreement and assignment agreements between the Company and the Cities of Kaukauna and Menasha, Wisconsin ("the Cities"). The interconnection agreement sets forth the terms and conditions upon which Wisconsin Electric will provide electric services to the Cities. The interconnection agreement has been on file with the Commission as a rate schedule for electric service since October 1980. The interconnection agreement is due to become effective on October 30, 1981. The assignment agreements assign, with the Company's consent, the Cities' rights and duties under existing electric service agreements with Wisconsin Electric to Wisconsin Public Power Incorporated ("WPPI"), a bank power supply municipal electric company created under Wisconsin law. The assignment agreements are due to become effective on November 1, 1981.

Wisconsin Electric requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of October 30, 1981 for the interconnection agreement and an effective date of November 1, 1981 for the assignment agreements.

Copies of this filing have been served on the Cities and the Public Service Commission of Wisconsin.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34504 Filed 12-1-81, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-503-004]

Arkansas Louisiana Gas Co.; Petition To Amend

November 27, 1981.

Take notice that on November 4, 1981, Arkansas Louisiana Gas Company (Petitioner), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP80-503-004 a petition to amend the order issued April 27, 1981, as amended, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the construction and operation of 11 additional rural taps and appurtenant facilities on its interstate system to effect deliveries of natural gas for direct sales, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is primarily in the business of selling gas at retail to all customers within ecomomic reach of its facilities in its service areas in the several states it serves. Petitioner avers that although its pipelines from the field to its distribution systems are certificated by the Commission under the Natural Gas Act there are persons who live outside of Petitioner's distribution systems and along its pipelines who request gas service. Petitioner submits that it was authorized by order issued April 27, 1981, in the instant docket to install 80 tap points to effect retail sales to customers in the vicinity of jurisdictional lines. Petitioner maintains that by order issued September 16, 1981, Petitioner was authorized to add additional tap points and facilities.

Petitioner now proposes to add 11 additional tap points and facilities to effect retail sales from jurisdictional lines as follows:

Arkansas

Pete Hearn, Macedonia, AR
O. V. Woodrome, Marianna, AR
W. H. Gerrard Farms, Marianna, AR
City Office, Marianna, AR

Louisiana

Dr. Michael L. Barrington, Stonewall, LA
Pearlie C. Turner, Plain Dealing, LA
William T. Quirk, Shreveport, LA
St. Divine Baptist Church, Minden, LA

Oklahoma

Eberle Oil Processing Co., Ada, OK
Cecil Clovis Swindell, Coalgate, OK

Texas

Edener Deadmon, Hallsville, TX

Petitioner asserts that for an average residential customer in this area peak day sales are estimated at 1 Mcf and average day sales at 0.3 Mcf. Petitioner explained that for an average commercial customer peak day sales are estimated at 3 Mcf and average day sales at 1.1 Mcf. It is stated that gas supply for these customers would be from Petitioner's general system supply.

The cost of a typical tap and related facilities is estimated to be approximately $890 which would be financed through funds on hand, it is submitted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34602 Filed 12-1-81, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-102-000]

Central Illinois Public Service Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 17, 1981, Central Illinois Public Service Company (CIPS) tendered for filing a proposed new agreement for the purchase of firm power by the City of Flora from CIPS through a third delivery point.

Rate W-2 under which the City of Flora is billed was filed with the Commission on May 28, 1980.

A copy of the filing was sent to the City of Flora and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34587 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-101-000]

The Cleveland Electric Illuminating Co.; Filing

November 27, 1981.

The filing company submits the following:

Take notice that on November 16, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 30 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on November 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34588 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4632]

Clifton Power Corp.; Application for Short-Form License

November 30, 1981.

Take notice that Clifton Power Corporation (Applicant) filed on May 7, 1981, an application for a license [pusuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for continued operation of a water power project to be known as Clifton Mills No. 1, Project No. 4632. The project would be located on the Pacolet River near Clifton in Spartanburg County, South Carolina. Correspondence with the Applicant should be directed to: Charles B. Mierek, P.E., Cortland Associated, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The existing project consists of: (1) An existing concrete slab and buttress type dam approximately 175 feet long and 16 feet high with three tainer gates each 16.5 feet high by 25 feet wide; (2) an existing reservoir with a surface area of 15 acres with a maximum storage capacity of 150 acre-feet at a normal pool elevation of 594 feet msl; (3) an existing headworks structure approximately 100 feet long containing three vertical type wooden gates approximately 12 feet wide by 12 feet high; (4) an existing powerhouse located approximately 25 feet downstream of the dam, containing two generating units with a capacity of 800 kW; (5) an existing 12.47 kV transmission line; and (6) appurtenant facilities. The project would be operated on a run-of-river basis.

Purpose of Project—All project energy produced will be sold to the Duke Power Company for marketing to the residents and establishments of the local area. The average annual generation is expected to be 5,120 MWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 26, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 26, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commision will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before January 26, 1982. The Commission's address is: 825 North

Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34589 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-100-000]

Duke Power Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on November 16, 1981 a supplement to the Company's Electric Power Contract with Davidson Electric Membership Corporation, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 134.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 8 from 1,400 KW to 2,200 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of January 19, 1982.

According to Duke Power copies of this filing were mailed to Davidson Electric Membership Corporation, Inc., and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34591 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-106-000]

Duke Power Co.; Notice of Supplement to Electric Power Contract

November 27, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on November 18, 1981, a supplement to the Company's Interconnection Agreement with Carolina Power & Light Company. Duke Power states that this Agreement is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 10.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for an increase in the transformer capacity in Duke's Pisgah Tie Substation.

Duke Power proposes an effective date of December 1, 1981.

According to Duke Power copies of this filing were mailed to the North Carolina Utilities Commission and Carolina Power & Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34590 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-18-000]

Gulf States Utilities Co.; Application

November 27, 1981.

Take notice that on November 16, 1981, Gulf States Utilities Company, (Applicant), filed an Application seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance of unsecured short-term promissory Notes not to exceed $300,000,000 principal amount in the aggregate outstanding at any time. The notes would be issued at various times with a final maturity date of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34605 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5483-000]

Homestake Consulting & Investment Inc.; Application for Preliminary Permit

November 30, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5483 to be known as the Flat Creek Water Power Project located on Flat Creek near Eureka in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 3-foot high diversion structure with 10-square foot intake orifice; (2) a 4300-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 150 kW and (4) a 9.4-mile long, 5-kV transmission line from the powerhouse to an existing Lincoln Electric Corporation transmission line. The Applicant estimates that the average annual energy production would be 0.701 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $5200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 29, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34592 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-22-000]

Idaho Power Co.; Application

November 25, 1981.

Take notice that on November 19, 1981, Idaho Power Company (Applicant), filed an Application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act proposing to enter into lease transaction whereby it will transfer investment tax credits and cost recovery allowances (depreciation) associated with the Company's 50% interest in Unit No. 1 of the North Valmy Steam Electric Generating Plant in accordance with section 168(f)(8) of the Internal Revenue Code.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34604 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-96-000]

Illinois Power Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Illinois Power Company ("the Company") on November 13, 1981, tendered for filing proposed changes in the following schedules:

Rate Schedule FERC No. 26, applicable to the Village of Ladd
Rate Schedule FERC No. 28, applicable to the City of Oglesby
Rate Schedule FERC No. 30, applicable to Cedar Point Light and Water Company

The proposed changes would increase revenues from jurisdictional sales and service by approximately $103,000 based on the twelve month period ending June 30, 1982.

The Company states that with the present rates it would earn an adequate rate of return on electric sales to these customers during the twelve months ending June 30, 1982. Continuing increases in cost of capital, labor, materials and supplies are expected to further reduce the Company's earnings. The Company states that the electric rate changes made by this filing are necessary to more fully provide compensation for these increasing costs. The Company proposes the increased rates become effective on November 15, 1981 as agreed to by the Company and each of its three Full Requirements Wholesale customers.

Copies of this filing were served upon the Company's electric full requirements wholesale customers and the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34593 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-19-000]

Iowa Power and Light Co.; Application

November 27, 1981.

Take notice that on August 19, 1981, Iowa Power and Light Company, (Applicant) of Des Moines, Iowa, filed an Application, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate privately with respect to the guaranty of securities (Eurobonds) to be issued to overseas holders.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules

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of practice and procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34605 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC81-5-000]

Mid Louisiana Gas Co.; Tariff Filing

November 27, 1981.

Take notice that on November 18, 1981, Mid Louisiana Gas Company (Mid Louisiana), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. TC81-5-000 tariff sheets pursuant to Section 4 of the Natural Gas Act to be effective January 1, 1982, amending the index of entitlements contained in its present interim curtailment plan which comprises Section B of Mid Louisiana's FERC Gas Tariff, First Revised Volume No. 1, and extending the plan beyond its current expiration date of December 31, 1981.

To amend the index of entitlements appearing at § 13.9 of its currently effective curtailment plan, Mid Louisiana submits for filing the following sheets:

5th Revised Sheet No. 23f, superseding 4th Revised Sheet No. 23f
5th Revised Sheet No. 239, superseding 4th Revised Sheet No. 239
3rd Revised Sheet No. 23h, superseding 2nd Revised Sheet No. 23h

Mid Louisiana also proposes to amend § 13.13 by submitting for filing the following tariff sheet:

3rd Revised Sheet No. 23j, superseding 2nd substitute 2nd Revised Sheet No. 23j.

Mid Louisiana states that the purposes of this filing are to reflect more accurately (1) actual consumption levels of Mississippi Gas Corporation; (2) actual consumption level during the summer season of Peck Gas Company and to leave less of a margin for error in the summer entitlement level for Peck Gas Company; (3) the seasonability of Anderson's Minnow Farm's consumption levels since its peak period for Priority 2 consumption has been lengthened by one month; and (4) the minimum requirements of International Paper Company which has shifted 1,600 Mcf of gas daily from priority 6 to priority 3. By amending § 13.13, Mid Louisiana proposes to avoid expiration of the current curtailment plan on January 1, 1982, to extend the plan, and to remove the interim status of the plan by deleting "December 31, 1981" from the present written § 13.13.

Any person desiring to be heard or to make any protests with reference to said tariff sheet filings should on or before December 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34606 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-99-000]

Missouri Public Service Co.; Tariff Change

November 27, 1981.

Take notice that Missouri Public Service Company, on November 16, 1981, tendered for filing proposed changes in its FERC Electric Service Tariffs for wholesale firm power service to supersede and replace those rate provisions of contract rate schedules presently in effect and on file with the Commission which relate to six wholesale customers located in the state of Missouri as follows:

Wholesale customer	Superseding and replacing
1. City of El Dorado Springs	Supplements No. 8 and 9 to Supplement No. 2 to FPC Rate Schedule No. 35
2. City of Galt	Supplements No. 8 and 9 to FERC Rate Schedule No. 38
3. City of Harrisonville	Supplements No. 8 and 9 to FERC Rate Schedule No. 39
4. City of Liberal	Supplements No. 8 and 9 to Supplement No. 2 to FPC Rate Schedule No. 36
5. City of Pleasant Hill	Supplements No. 8 and 9 to Supplement No. 2 to FPC Rate Schedule No. 34
6. City of Rich Hill	Supplements No. 8 and 9 to Supplement No. 2 to FPC Rate Schedule No. 37

The proposed changes would increase revenues from jurisdictional sales and service by $595,812 based on the adjusted twelve month period ended June 30, 1981. The purposes of filing the proposed Municipalities-Resale Rate Schedule are:

(1) To cover the increased cost of service including fuel, labor, materials, cost of money, taxes, and environmental requirements.

(2) To increase revenues to produce a rate of return of percent on the Company's investment with the proposed increase applied to the six locations subject to unilateral rate filings. Company earned 3.29 percent rate of return from the Municipalities-Resale customers for Period I for the adjusted test year ending June 30, 1981.

(3) To encourage municipalities to improve their load factor in a manner that will help improve the Company's load factor thus tending to lower the system cost per KWH. A summer-winter differential has been retained for this specific purpose.

(4) To revise the fuel adjustment rider base cost through a roll-in to base rate energy charges.

Missouri Public Service Company requests an effective date of January 15, 1982.

Copies of the filing were served upon the six Municipalities-Resale customers whose rates and charges would be affected thereby, and upon the Public Service Commission of Missouuri.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34594 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-107-000]

Niagara Mohawk Power Corp.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on November 18, 1981, tendered for filing as a rate schedule, an agreement between Niagara and the Vermont Public Power Supply Authority (VPPSA) dated October 1, 1981.

The agreement provides for the purchase for resale to Vermont Public Power Supply Authority of short term

power and associated energy from Ontario Hydro and to provide transmission service for the delivery of said short term power and associated energy. Niagara is requesting an effective date as of October 1, 1981.

Copies of the filing were served upon the following:

Vermont Public Power Supply Authority, P.O. Box C–5515, South Burlington, VT 05401
Vermont Electric Power Co., Inc., P.O. Box 548, Rutland, VT 05701
Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34607 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES82–20–000]

Pacific Power and Light Co.; Application

November 27, 1981.

Take notice that on November 18, 1981, Pacific Power and Light Company, (Applicant), filed an Application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to enter into a Loan Agreement with the City of Forsyth, Montana pursuant to which Applicant will incur the obligation to make payments equal to the required payment of the principal and interest of Floating Rate Monthly Demand Pollution Control Revenue Bonds not to exceed $45,000,000 in aggregate principal amount, to be issued by the City, pursuant to an Indenture of Trust to be entered into between the City and the First National Bank of Chicago as Trustee.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34608 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–104–000]

Public Service Company of Colorado; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 18, 1981, the Public Service Company of Colorado (PSCC) tendered for filing copies of proposed revised rate schedules increasing the rates charged by the Company under the following FERC Electric Rate Schedules of the Company:

1. FERC Rate Schedule No. 3, City of Aspen
2. FERC Rate Schedule No. 6, Town of Lyons
3. FERC Rate Schedule No. 9, Home Light and Power Company
4. FERC Rate Schedule No. 11, City of Glenwood Springs
5. FERC Rate Schedule No. 12, Colorado-Ute Electric Association, Inc.
6. FERC Rate Schedule No. 13, Central Telephone and Utilities Corporation, Southern Colorado Power Division
7. FERC Rate Schedule No. 15, City of Burlington
8. FERC Rate Schedule No. 17, Town of Center
9. FERC Rate Schedule No. 20, Town of Julesbury

PSCC proposes an effective date of January 17, 1982, and therefore requests that the Commission waive its notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34595 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–105–000]

Sierra Pacific Power Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 16, 1981, Sierra Pacific Power Company ("Sierra Pacific") tendered for filing a notice of change in rates and charges in Rate Schedule R of its FERC Electric Tariff, Volume 1. Based upon the 12-month estimated test period ending December 31, 1982, Sierra Pacific estimates that the total effect of the changes in rates and charges would increase annual revenues from FERC jurisdictional sales and services by approximately $2,515,000 for Phase I rates and an additional $452,000 representing Phase II rates.

The proposed effective date for both the Phase I and Phase II rates is January 17, 1982. Sierra Pacific requests that Phase I rates be accepted without suspension or that they be suspended for no longer than one day. If Phase I rates are permitted to become effective after a suspension period of no longer than one day, Sierra Pacific states that it would not oppose a maximum five-month suspension of the Phase II rates. If the Commission does not permit the Phase I rates to become effective as requested, Sierra Pacific states that there is no purpose for the Phase I rates, in which case the Phase I rates should be deemed withdrawn and the Phase II rates would be the rates to become effective after the suspension period.

The reason for the proposed increase in rates and charges is to compensate Sierra Pacific for increases in labor costs, maintenance and operating expenses, costs associated with rate base additions, financing costs, and other costs incurred since the last general rate increase based on the 12 months ending June 30, 1978, test period.

Copies of the filing were served upon Sierra Pacific's jurisdictional customers, the California Public Utilities Commission and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34586 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-3-000]

Singer-Fleischaker Oil Operating Co.; Application for Adjustment

November 27, 1981

On November 9, 1981, Singer-Fleischaker Oil Operating Company, P.O. Box 663, Oklahoma City, Oklahoma 73101 (Applicant), filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under § 271.805(a) of the Commission's regulations wherein Applicant sought continuance of the contract price established between it, as Seller, and Delhi Gas Pipeline Corporation as buyer (i.e., continuance of the section 102 price under the Natural Gas Policy Act of 1978 on a well disqualified for Section 108 status).

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before December 17, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34597 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-16-000]

South Carolina Electric & Gas Co.; Application

November 25, 1981.

Take notice that on November 4, 1981, South Carolina Electric & Gas Company (Applicant), filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authorization to issue up to $150 million of short-term debt, to be issued from time to time on or before December 31, 1982.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34610 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-40-000]

Southern Natural Gas Co.; Application

December 1, 1981.

Take notice that on October 23, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-40-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a gas transportation agreement dated August 14, 1981, it would transport on an interruptible basis up to 3.5 billion Btu of natural gas per day or greater quantity as it may accept which Tennessee has arranged to purchase from Tenneco Oil Company in Main Pass Block 311, offshore Louisiana. It is further stated that Tennessee would deliver this gas to Applicant at the point where Applicant and Tennessee's jointly-owned 6⅝-inch pipeline interconnects with Applicant's 20-inch pipeline in Main Pass Block 311, From this point, Applicant would transport Tennessee's gas to the point of interconnection between Applicant's and Tennessee's facilities in Patterson Field, St. Mary Parish, Louisiana, it is stated.

Applicant proposes to charge Tennessee a volume charge of 23.3 cents multiplied by the total volume of gas delivered by Tennessee less quantities retained by Applicant for system fuel and uses with a provision for a minimum monthly bill. Applicant asserts it would retain 1.0 percent of the quantity received for system fuel and uses.

The proposal would allow Tennessee to take delivery of the subject gas without having to construct additional facilities, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34598 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-6]

State of Pennsylvania; Request for Withdrawal of Final Well Category Determination

Issued: November 27, 1981.

In the matter of State of Pennsylvania, section 103 NGPA Determination, J & J

Enterprises, Inc., Student Coop Assoc. #3 Well, JD No. 80–16246, Pa. Docket No. 3931.

On August 6, 1981, J & J Enterprises, Inc. (J & J) filed with the Federal Energy Regulatory Commission (Commission) an application to permit withdrawal of a final well category determination for the Student Coop Assoc. No. 3 well pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. II 1978).

The Commission received an affirmative determination from the Pennsylvania Department of Environmental Resources (PA. DER) that the above-referenced well qualifies as a new, onshore production well under section 103 of the NGPA on February 20, 1980. This determination became final on April 5, 1980 pursuant to § 275.202(a) of the Commission's regulations (18 CFR 275.202(a)). Pa. DER made the affirmative section 103 determination based, in part, on J & J's statement that the subject well was not located within 1000 feet of another well since Pa. DER regulations define a proration unit for a well drilled in a shallow reservoir as the area within a circle having a radius of at least 1000 feet from the location of the subject well. It has since been discovered that the subject well is within 600 feet of an existing well.

With respect to the question of refunds arising out of J & J's request for withdrawal of the subject final well category determination, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.102(d), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34609 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–38–000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

December 1, 1981

Take notice that on October 23, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82–38–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to make interruptible sales of natural gas to its existing on-system customers under the provisions of its proposed revised Rate Schedule R, all as more fully set forth in the application which is on file with the Commission and open to inspection.

It is stated that from time to time Applicant is faced with supplies of natural gas in excess of its current demand for natural gas because of the combination of high rates of deliverability from many of the reserves available to Applicant and the obligation to receive gas at high daily rates to avoid the take-or-pay obligations in its gas purchase contracts. Applicant, therefore, requests blanket authorization to make interruptible sales of natural gas to its existing on-system customers under its Rate Schedule R. The proposed sales, it is asserted, would provide Applicant's customers with more flexibility in meeting their requirements and the ability to utilize more fully supplies which are available from Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene, or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34599 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP79–230–003]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

December 1, 1981

Take notice that on October 23, 1981, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP79–230–003 a petition to amend the order issued on June 7, 1979, as amended, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation and delivery of natural gas to El Paso Natural Gas Company (El Paso) at an additional point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued June 7, 1979, as amended, it was authorized to transport for El Paso up to 60,000 Mcf of natural gas per day which El Paso purchases in various blocks in the High Island Area, offshore Texas, and which is received by Petitioner at the interconnection of its Southwest Louisiana Gathering System and the tailgate of the separation plant of U–T Offshore System near Johnson's Bayou, Cameron Parish, Louisiana. Petitioner further states that it delivers or causes to be delivered thermally equivalent quantities to Houston Pipe Line Company (Houston) and/or Houston's affiliate Oasis Pipe Line Company at the point of connection between the facilities of Petitioner and the Katy Plant of Exxon Company, U.S.A. in Waller County, Texas, and the point of connection between the facilities of Petitioner and Houston near Fulshear, Fort Bend County, Texas.

It is stated that pursuant to an amendment dated March 6, 1980, to the gas transportation agreement Petitioner is presently delivering a portion of the transportation quantity for the account of El Paso at a third delivery point, the existing interconnection between Petitioner and Houston near Bammel, Harris County, Texas. Petitioner proposes herein to include this delivery point on a permanent basis.

Petitioner states that no additional facilities are required to effectuate the transportation of natural gas proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34600 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-103-000]

The Washington Water Power Co.; Filing

November 27, 1981.

The filing Company submits the following:

Take notice that on November 17, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as the First Amendment to the Intercompany Pool Agreement (Revised). Revisions have been made to portions of Part III, section 8 to change the rate for nonfirm energy transfers.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to September 1, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1981. Protests will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34601 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5544-000]

Stephen J. Gaber; Application for Preliminary Permit

November 27, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on October 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5544 to be known as the Tomyhoi Creek Hydroelectric Project located on Tomyhoi Creek within Mt. Baker National Forest on lands owned by the U.S. Forest Service in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description—The project would consist of: (1) a 10-foot high, 65-foot long diversion structure; (2) a 36-inch diameter, 12,000-foot long penstock; and (3) a powerhouse containing a single generating unit with a rated capacity of 3.2 MW. Applicant estimates the average annual energy output to be 13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies is estimated by the Applicant to be $281,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 27, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34574 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5543-000]

Stephen J. Gaber; Application for Preliminary Permit

November 27, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on October 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5543 to be known as the Silesia Creek Hydroelectric Project located on Silesia Creek and unnamed tributaries and West Fork of Silesia Creek and unnamed tributaries on U.S. Forest Service Land within Mt. Baker National Forest Service in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description—The project would consist of: (1) seven 10-foot high, 65-foot long diversion structures; (2) a 96-inch diameter, 23,000-foot long pipeline with branch pipelines ranging 18 inches to 60 inches in diameter, and (3) a powerhouse containing a single generating unit with a rated capacity of 15 MW. Applicant estimates the average annual energy production would be 60 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $281,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 27, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34575 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5478-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 27, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5478 to be known as the Boulder Creek Hydroelectric Project located on Boulder Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant shoud be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 4,800 feet long; (3) a powerhouse containing five turbine generators with a total capacity of 750 kW and annual energy production of 3.2 GWh; (4) transmission line, and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility. The project would lie within Kootenai National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $6,594.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 27, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (see 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all

capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34576 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5554-000]

Hurn Shingle Company, Inc.; Application for Preliminary Permit

November 27, 1981.

Take notice that Hurn Shingle Company, Inc. (Applicant) filed on October 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5554 to be known as the Iron Mountain Project located on O'Toole Creek, near Concrete, in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Hurn Shingle Company, Inc., 5012 Sauk Valley Road, Concrete, Washington 98237.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion structure; (2) a 2,100-foot long, 24-inch diameter steel penstock; (3) a powerhouse containing an installed capacity of 1.2 MW; and (4) a 3-mile long transmission line. The average annual energy generation is estimated to be 5.26 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant proposes to sink test borings at the weir, penstock, and powerhouse sites. Disturbed areas will be restored to the natural state. The cost of the work to be performed under the preliminary permit is $90,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 29, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980) In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34577 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5556-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 27, 1981.

Take notice that Hydro Management, Inc. (Applicant) filed on October 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5556 to be known as the South Fork Woodard Creek Water Power Project located on the South Fork of Woodward Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. H. Edelman, III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The project would consist of: (1) a 3-foot high, 19-foot long diversion dam; (2) a 16-inch diameter, 18,000-foot long penstock; (3) a 11,000-foot long transmission line; and (4) a powerhouse containing a single generating unit with a rated capacity of 1,411 kW. The project would not be located on U.S. Lands. The Applicant estimates that the average annual energy output would be 8,536 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant requests a permit for 36-months to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice nd Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34578 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5559-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 27, 1981.

Take notice that Hydro Management, Inc. (Applicant) filed on October 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5559 to be known as the Lion Creek Water Power Project located on Lion Creek within the Flathead National Forest in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. H. Edelman, III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The project would consist of: (1) a 3-foot high, 20-foot long diversion dam; (2) a 14-inch diameter, 8,500-foot long penstock; (3) a 16,500-foot long transmission line; and (4) a powerhouse containing a single generating unit with a rated capacity of 314 kW. Applicant estimates that the annual average energy output would be 1,900 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month to prepare a definitive project report, including results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies and preparing a license application is estimated by the Applicant to be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34579 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-49-000]

Locust Ridge Gas Co.; Application

November 27, 1981.

Take notice that on November 2, 1981,[1] Locust Ridge Gas Company (Applicant), 4100 Southwest Freeway, Suite 320, Houston, Texas 77027, filed in Docket No. CP82-49-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas by Applicant for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant currently provides gathering and transportation service for Mid Louisiana pursuant to a December 1, 1975, gas gathering agreement between Horner & Smith, Applicant's predecessor, and Mid Louisiana. Applicant asserts that Horner & Smith never requested Commission authorization for such service as it believed that said service was a gathering service. Applicant now proposes to render the existing

[1] The application was initially tendered for filing on November 2, 1981; however, the fee required by § 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until November 3, 1981; thus, filing was not completed until the latter date.

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gathering, compression and transportation service to Mid Louisiana under an October 26, 1981, natural gas transportation agreement between Applicant and Mid Louisiana in lieu of the aforementioned December 1, 1975, gathering agreement. Applicant further requests that the Commission issue a certificate of public convenience and necessity authorizing this continued transportation service and that this certificate of public convenience and necessity be made effective on the filing date of this application.

Applicant submits that the Stipulation and Agreement in Docket Nos. RP80–4, RP80–141, and RP80–108–000 provides for a rate of 45.34 cents per million Btu for both resale and transportation service provided by Applicant to Mid Louisiana and for resale to Michigan Wisconsin Pipe Line Company. It is averred that Applicant now receives under the December 1, 1975, gathering agreement 10.0 cents to 15.0 cents per million Btu for this service and would receive 35.3 cents per million Btu for this service under the October 26, 1981, transportation agreement. Applicant therefore requests that the Commission allow at least the collection of the contract rate of 35.3 cents per million Btu by authorizing the certificate to be effective upon the filing date of this application so as to minimize the financial burden on Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34580 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST82–7–000]

Louisiana Gas Intrastate, Inc. of Shreveport; Application for Approval of Rates

November 27, 1981.

Take notice that on October 2, 1981, Louisiana Gas Intrastate, Inc. of Shreveport (Applicant), 890 Dresser Tower, Houston, Texas 77002, filed in Docket No. ST82–7–000 an application pursuant to § 284.123(b)(2) of the Commission's regulations for approval of its rate for gathering, treatment, processing, transportation and delivery of natural gas on behalf of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement dated August 14, 1981, it would transport on behalf of United up to 20 billion Btu of gas per day from a point in Claiborne Parish, Louisiana, to various points in Bienville, Jackson, and Ouachita Parishes, Louisiana.

For such service, Applicant proposes to charge United 29.51 cents per million Btu. It is further submitted that in addition to the transportation charge United would reimburse Applicant for the actual cost to Applicant of providing compression services necessary to permit delivery of the gas from United's facilities into Applicant's facilities at the delivery point. It is asserted that United would provide the fuel for such compression and would reimburse Applicant for the actual cost of providing such compression which is estimated at $14,500 per month for leasing equipment. Applicant submits that the rates and charges to be assessed United for the subject service are fair and equitable and not in excess of an amount which is reasonably comparable to the rates and charges which interstate pipelines would be permitted to charge for providing similar transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34581 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–54–000]

Northwest Pipeline Corp.; Application

November 27, 1981.

Take notice that on November 4, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82–54–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new mainline tap to be utilized as a delivery point for Northwest Natural Gas Company (Northwest Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a new mainline tap consisting of 40 feet of 1-inch line to be constructed from 2 existing 8-inch blow off valves which are located upstream and downstream of an existing 26-inch block valve. It is stated that the site of the proposed connection would be at the point of interconnection between Applicant's 18-inch Portland Lateral and 26-inch main transmission line in Clark County, Washington.

Applicant indicates that the maximum daily delivery requirements would by 137 Mcf with an annual requirement of 6,502 Mcf. It is stated that Applicant would provide firm service by utilizing existing quantities of natural gas heretofore authorized for sale and delivery by Applicant at various

mainline taps in Clark County, Washington, under its existing Rate Schedule ODL–1. Applicant states that there would be no increase in the daily contract quantity of natural gas which it is authorized to sell and deliver to Northwest Natural.

Applicant estimates the cost of constructing the proposed facilities at $700.00 which would be financed from funds on hand. It is stated that pursuant to an agreement dated October 6, 1981, Northwest Natural has agreed to reimburse Applicant for all reasonable costs excluding company labor incurred in constructing the proposed connection.

It is asserted that in lieu of the proposed main line connection Applicant would have to construct a 3-mile extension from its existing facilities thus making it economically impracticable to provide the requested natural gas service. Applicant states that the proposed facilities would be used to supply natural gas service to a greenhouse for space heating purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34582 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP81–527–001]

Sea Robin Pipeline Co.; Amendment to Application

November 27, 1981.

Take notice that on October 27, 1981, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81–527–001 an amendment to its application filed pursuant to section 7(b) of the Natural Gas Act so as to reflect abandonment of one additional compressor unit at East Cameron Block 270, offshore Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that Pennzoil Producing Company (Pennzoil) assigned to Applicant an undivided 60 percent interest in the eight compressor leases and appurtenant facilities at Block 270 in return for which Applicant agreed to reimburse Pennzoil for 60 percent of the expenses incurred by Pennzoil relating to transportation, installation, leasing, operation and maintenance of the eight compressor units. Applicant asserts that Pennzoil assigned the remaining undivided 40 percent proportionate part of the leases to Mobil Oil Exploration & Producing Southeast Inc. (Mobil). Applicant avers that Mobil has reimbursed and continues to reimburse Pennzoil for the remaining 40 percent of expenses incurred relating to transportation, installation, leasing, operation and maintenance of the eight compressors on Block 270. It is explained that under the eight leases it is the obligation of Applicant and Mobil upon termination of the leases to pay all costs of removing the compressors from Block 270 and transporting the compressors back to Houston, Texas.

Applicant submits that Pennzoil indicated that due to declining production capacity which requires less horsepower than the eight compressors presently installed at Block 270 provide, four of the the compressor units were no longer needed. Applicant states that it then filed the application for abandonment in the instant docket seeking permission and approval to abandon four compressor units. It is avered that subsequent to the filing of the application Pennzoil advised Applicant that one of the two remaining wells at Platform A on Block 270 has now watered out and that the volume of gas produced from the remaining well at Platform A is reduced significantly. Applicant states that only one compressor is now needed at Platform A. Applicant therefore now proposes to abandon a total of five compressor units from Block 270.

It is averred that Applicant and Mobil would arrange for the cut-loose and transportation onshore of the five surplus compressors. Applicant maintains that it would bear 60 percent of such costs and that Mobil would bear 40 percent. Applicant asserts that if it and Mobil are able to sell these surplus compressors "as is" on the platforms at Block 270 then Applicant would not incur its proportionate share of transportation costs.

It is stated that to eliminate the lease obligation to pay rental on the five surplus compressors Applicant and Mobil have elected to exercise the purchase option applicable to each of the five surplus compressors. Applicant submits that Pennzoil would continue to operate the three remaining compressors for Applicant and Mobil under existing operating agreements and Applicant and Mobil would continue to reimburse Pennzoil for the operating and maintenance expenses and for the platform space provided by Pennzoil for the three in-use compressors.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Reglations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34583 Filed 12–1–81; 8:45 am]

BILLING CODE 6717–01–M

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[Docket No. CP81-535-001]

Texas Eastern Transmission Corp.; Amendment to Application

November 27, 1981.

Take notice that on November 9, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-535-001 an amendment to its application filed pursuant to section 7(c) of the Natural Gas Act so as to reflect the transportation and delivery of natural gas to an additional receipt point, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on September 29, 1981, Applicant filed in the instant docket an application for authorization to transport for Public Service Electric and Gas Company (Public Service) up to 75,000 dekatherms equivalent of natural gas per day which Public Service has purchased from its subsidiary, Energy Development Corporation (EDC). Applicant asserts that this transportation was to be rendered pursuant to a gas transportation agreement dated September 22, 1981, among Applicant, Public Service, and Transcontinental Gas Pipe Line Corporation (Transco) which provided for the receipt by Transco from EDC of the stated quantities of natural gas for the account of Public Service and delivery by Transco to Applicant at Transco's meter station 503 in West Feliciana Parish, Louisiana, or at other mutually agreeable points of delivery. Applicant explains that it would then deliver the stated quantities of natural gas less applicable shrinkage to Public Service at the existing point of interconnection between Applicant and Public Service at Applicant's meter station 128 in Union County, New Jersey, or at other mutually agreeable existing points of delivery.

Applicant submits that transportation was to commence on the initial date of delivery to Applicant or sixty days after receipt of Commission authorization for a term of one year from such date.

Applicant now proposes to deliver the natural gas to Public Service at Applicant's meter station 128 in Union County, New Jersey, or other mutually agreeable existing points of delivery, or to Applicant's meter station 931 in Clinton County, Pennsylvania, for storage under Rate Schedule SS-II. Applicant states that subsequent to the filing of the application Public Service requested the option of having Applicant deliver the stated quantities of natural gas into storage for Public Service's account under Applicant's Rate Schedule SS-II. Applicant explains that Public Service, Transco, and Applicant have accordingly entered into a superseding gas transportation agreement on November 2, 1981, to reflect the change in delivery points.

Applicant maintains that in addition to the change in delivery points the superseding gas transportation agreement also provides that the natural gas to be transported by Applicant contain no more than seven pounds of water vapor per 1,000 Mcf of gas. Applicant further asserts that it waives for the term of the transportation agreement the requirement set forth in section 7.1 of its Rate Schedule SS-II that gas to be injected for the account of Public Service under Rate Schedule SS-II be gas purchased under Applicant's rate schedules.

Applicant submits that the proposed amendment would have no impact on its ability to render service to its customers under existing sales agreements.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34584 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-46-000]

Transcontinental Gas Pipe Line Corp., Algonquin Gas Transmission Co., Texas Eastern Transmission Corp.; Application

November 27, 1981.

Take notice that on October 28, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, Algonquin Gas Transmission Company (Algonquin Gas), 1284 Soldiers Field Road, Boston, Massachusetts 02135, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-46-000 a joint application pursuant to section 3 of the Natural Gas Act for authorization to import 305,882 Mcf of natural gas per day from Canada into the United States, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that on December 1, 1980, Transco and Algonquin Gas entered into gas sale contracts with Pan-Alberta Gas Ltd. (Pan-Alberta) and that Texas Eastern entered into a similar agreement with Pan-Alberta on October 28, 1981, pursuant to which Pan-Alberta would cause to be delivered to the point of importation up to 305,882 Mcf of natural gas per day to be divided equally among Applicants and that Applicants would each be required to take-or-pay for 85 percent of the maximum daily volume of 101,961 Mcf as calculated on an annual basis or an annual total of 31,633,400 for each purchaser. It is further stated that Applicants would be able to make up in any subsequent contract year any deficiency volumes which they are unable to take in any contract year and that if eighteen months prior to the end of the contract term it appears that any such make-up would be impossible during the remainder of the contract term Pan-Alberta would increase its daily deliveries so as to minimize deficiency volumes. Applicants further state that if upon expiration of the contracts they have paid for gas which they have not been able to make up Pan-Alberta would refund the money previously paid for such gas.

It is explained that the initial term of the gas purchase contracts is for 15 years from the commencement of the second contract year and that the contracts may be extended for an additional five-year period. Applicants state that the subject gas would be imported at a specific point on the U.S.-Canada border in the vicinity of St. Stephen, New Brunswick, Canada, and Calais, Maine, and would be transported by New England States Pipeline Company from the import point to Burrillville, Rhode Island, to an interconnection with Algonquin Gas.

For such natural gas service, it is submitted, Pan-Alberta would charge Applicants the regulated price as established by the National Energy Board of Canada which price is currently $4.94 per million Btu (U.S.).

Applicants assert that the proposed importation of natural gas from Canada

into the United States would augment the ability of Applicants to render natural gas service at reasonable rates to their U.S. customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-34585 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST81-315-000]

United Texas Transmission Co.; Petition to Amend

November 27, 1981.

Take notice that on October 2, 1981, United Texas Transmission Company (Petitioner), P.O. Box 1478, Houston, Texas 77002, filed in Docket No. ST81-315-000 a petition pursuant to Section 284.127 of the Commission's Regulations to amend the order issued July 20, 1981, in the instant docket so as to authorize an extension of Petitioner's transportation of natural gas on behalf of Energy Gathering Inc. (Energy Gathering), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 27, 1981, in Docket No. CP80-520-002 Natual Gas Pipeline Company of America (Natural) was authorized to sell gas to Energy Gathering. It is further stated that on August 11, 1981, Natural filed in such docket a petition to amend the order so as to authorize an extension of the term of the sale for one-year from July 23, 1981, to July 23, 1982, or until the total volume of gas to be sold has been delivered by Natural to Energy Gathering whichever occurs last.

It is submitted that by order dated July 20, 1981, in the instant docket Petitioner along with Channel Industries Gas Co. (Channel) was authorized to transport up to 100,000 Mcf of natural gas per day on behalf of Energy Gathering in connection with the purchase of such gas from Natural. Petitioner asserts that the proposal in Natural's petition to amend requires a corresponding extension in the term of the transportation of such gas by Petitioner. Petitioner further asserts that since the subject gas is not for system supply the Commission must grant authorization of the transportation pursuant to §§ 284.122(b)(2) and 284.127 of the Commission's Regulations.

Accordingly, Petitioner requests that the Commission amend the order issued July 20, 1981, in the instant docket so as to authorize Petitioner to transport gas on an interruptible basis on behalf of Energy Gathering for the period July 23, 1981, to July 23, 1982, or until the total volume of such gas to be sold has been delivered by Natural to Energy Gathering whichever occurs last.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 1981, with the the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to proceeding or to participate as a party in any hearing therein must file a petition to intevene in according with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34586 Filed 12-1-81; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Tenneco Oil Co.; Special Refund Procedures; Hearing

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures, Solicitation of Comments, and Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $5,000,000 obtained by the DOE under the terms of a consent order entered into with Tenneco Oil Company. The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Special Counsel.

DATES AND ADDRESS: Comments must be filed on or before January 4, 1982 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF-0073. A public hearing on the matter will be held on Tuesday, January 5, 1982, at 10:00 a.m. in Room 4A-1004, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to adversely affected parties a total of $5,000,000 obtained by the DOE under the terms of a consent order entered into with Tenneco Oil Company. The funds were provided to the DOE by the firm in order to settle all claims and disputes between Tenneco and the DOE regarding the manner in which Tenneco applied the federal price and allocation regulations with respect to its importation, refining, and sale of crude oil and covered petroleum products during the period between March 3, 1973 and December 31, 1980. In the consent order, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Tenneco. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of covered products from Tenneco during the audit period. In addition, the DOE determined that Applications for Refund also should be accepted from all persons who bought Tenneco products durng the relevant time periods. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the

claimant was injured by the alleged unlawful prices for covered products charged by Tenneco, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distribution of any funds remaining after all valid claims are paid. The Proposed Decision and Order states DOE's view that refunds might be made in the form of lowered energy or energy-related costs in the areas where the persons who are likely to have been injured by the alleged overcharges may reside. The DOE also solicits proposals from the public concerning the distribution of any funds remaining after claims have been paid. In the alternative, the DOE suggests that any remaining funds which would otherwise go undistributed be deposited in the Treasury of the United States.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before January 4, 1982 and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Document Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

After all comments have been received, a public hearing on this matter will be held on Tuesday, January 5, 1982, at 10:00 a.m. in Room 4A–1004, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

Issued in Washington, D.C. on November 24, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

November 24, 1981.

Proposed Decision and Order of the Department of Energy—Special Refund Procedures

Name of Petitioner: Office of Special Counsel: In the Matter of Tenneco Oil Company

Date of Filing: August 11, 1981

Case Number: BEF–0073

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Special Counsel (OSC) may request the Office of Hearings and Appeals to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the OSC recently filed a Petition for the Implementation of Special Refund Proceedings in connection with a consent order entered into with Tenneco Oil Company (Tenneco). Under the terms of this consent order, the firm agreed to make refunds for its alleged violations of the DOE price regulations in the following amounts: (i) $4 million to be distributed in accordance with the directives of the OHA pursuant to special refund proceedings; (ii) $8 million to be distributed to certain direct purchasers of heating oil and propane; and (iii) $2 million to be refunded to certain direct purchaser/end-users of petroleum products. *See* Consent Order, §§ 402–04. The consent order further provided that to the extent any funds remained from category (iii), all residual funds would be deposited with the category (i) funds for disposition through special refund proceedings. One million dollars of category (iii) funds were not distributed by Tenneco, and these funds have been remitted to the DOE. Consequently, the sum of $5 million is now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the Office of Hearings and Appeals regarding its final distribution.

I. Background

Tenneco is a "refiner" as that term was defined in 10 CFR 212.31. During the relevant time periods, Tenneco was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart E. That Subpart governed the maximum prices that could lawfully be charged by refiners in the sale of fuel oil, motor gasoline, and other covered products. In addition, Tenneco was subject to the Mandatory Petroleum Allocation Regulations set forth in 10 CFR Part 211.

In connection with its compliance activities, the OSC conducted an extensive audit of Tenneco's pricing and allocation practices, including the manner in which the firm applied the federal petroleum price and allocation regulations with respect to its importation, refining, and sale of crude oil and covered petroleum products during the period March 3, 1973 through December 31, 1980. Following extensive negotiations, the DOE and Tenneco entered into a consent order in order to resolve all of the issues raised during the OSC's audit. Only Tenneco's compliance with the regulations regarding crude oil produced from marginal properties and newly discovered crude oil was excluded from the ambit of the consent order. The proposed consent order was executed on January 18, 1981 and published for public comment in the **Federal Register** on January 26, 1981. *See* 46 FR 8102 (1981). The OSC received comments from four parties and a notice of claim from Pacific Oil Company. (*1*) After the regulatory comment period had expired and the OSC had considered all of the comments which it had received, a slightly modified consent order was adopted as a final order on May 18, 1981. *See* 46 FR 29499 (1981). (*2*)

II. Jurisdiction

The OSC filed a Petition for the Implementation of Special Refund Procedures in connection with the Tenneco consent order on August 11, 1981. We have previously discussed the jurisdictional prerequisites for such petitions in *Office of Enforcement*, 8 DOE ¶ 82.515 (1981). The Subpart V process is to be used in situations where the Department of Energy is unable to readily identify persons who are entitled to refunds or to readily ascertain the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR 205.280. After reviewing the record developed in the Tenneco case, we have concluded that the implementation of Subpart V proceedings is also appropriate here. In this case there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges and ascertaining the level of refunds that such persons should receive. Until recently, crude oil and refined petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to

adversely affected purchasers through price rollbacks. However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result of decontrol, price rollbacks can no longer be used to refund moneys to purchasers who were overcharged in the past. Therefore, to refund money to the parties affected by the alleged overcharges, a determination must generally be made regarding the extent to which purchasers of the products involved absorbed the overcharges or passed the higher costs through to their customers by raising their own sales prices. Moreover, the Tenneco consent order has already provided for substantial refunds to certain identifiable direct purchasers of heating oil and propane and to certain direct purchaser/end-users of other petroleum products. The additional, remaining persons entitled to refunds are not readily identifiable, and the amount of the refunds that any particular person should receive is not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism to refund money to persons who were likely to have been injured by alleged pricing violations. The Office of Hearings and Appeals therefore has decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petition for Implementation of Special Refund Procedures in the case of Tenneco.

III. Authority to Fashion Refund Procedures

In several recent decisions we have considered Petitions for the Implementation of Special Refund Procedures under Subpart V *See, e.g., Office of Enforcement,* No. BEF–0049 (August 18, 1981) (proposed decision) (hereinafter referred to as *Worldwide*); *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereinafter referred to as *Vickers*); *Office of Enforcement,* No. BEF–0030 (May 1, 1981) (proposed decision) (hereinafter referred to as *Fagadau*). The July 17, 1981 *Vickers* Decision is the most recent determination issued by the Office of Hearings and Appeals pursuant to Subpart V which establishes final procedures for the filing of applications for refunds of moneys received by the DOE under a consent order.

Subpart V authorizes the Office of Hearings and Appeals, upon request by the appropriate enforcement official, to fashion special procedures to distribute moneys obtained as part of settlement agreements. 10 CFR 205.281, 205.282. This special refund process is part of an overall regulatory program which is intended to implement several different statutes. Congress provided for mandatory allocation and price ceilings for crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). The authority to enforce regulations issued under the EPAA was granted by Section 5 of the EPAA, which incorporated enforcement authorities established in the Economic Stabilization Act (ESA) (12 U.S.C. 1904 note (1970)); EPAA, section 5(a) (15 U.S.C. 754(a)). The statutory authority to enforce the regulations governing the allocation and pricing of petroleum products was delegated to the Administrator of the Federal Energy Administration, and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), section 5 (15 U.S.C. 765 (1974)); Department of Energy Organization Act (DOE Act), section 201(a) (42 U.S.C. 7151(a) (1979)). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the DOE have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpart V decisions, restitution is designed to accomplish two purposes: disgorgement of the fruits of a regulatory violation from the wrongdoer, and refunds to persons injured by the regulatory violation. *See generally Vickers; Sauder v. DOE,* 648 f.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—refunds to overcharged persons—furthers the specific EPAA goal of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." (15 U.S.C. 753(b)(1)(F).)

IV. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the Tenneco consent order itself, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the refund amount to parties who were adversely affected by the alleged violations.

As we have stated before, refunding moneys obtained through DOE enforcement proceedings is the primary focus of Subpart V. 10 CFR 205.280; *see Vickers.* Subpart V offers a means of compensating many individuals who, because they either lack the resources or do not have a sufficient financial stake in the outcome to institute private lawsuits under section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning alleged overcharges to injured parties because it eliminates the need for long and costly court actions.

Based upon our experience with Subpart V cases, we believe that the distribution of funds to overcharged persons should generally take place in two stages. In the first stage of the process, payment should be made to persons and firms who file applications for refund and demonstrate that they are entitled to a portion of the funds received by the DOE. After meritorious claims are paid in the first stage, a second stage may be necessary. In the second stage, there are a number of alternative procedures which could be adopted. Under one alternative, payments for the benefit of injured persons could be made to entities that are in a position to effectuate the restitutionary purposes discussed above. As a second alternative, or in the event that implementation of the methods discussed above would not accomplish their intended objectives or fails to exhaust all of the settlement fund, § 205.287(c) provides that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.287(c).

In the present determination, we shall address the comments we have received thus far, propose first stage procedures, and suggest possible second stage procedures for the distribution of the Tenneco consent order funds. This Proposed Decision and Order shall be sent to all parties on the service list for this case and shall be published in the **Federal Register.** We are soliciting comments concerning the proposed disposition of these funds contained in this determination. Comments should be submitted within 30 days after its publication in the **Federal Register.** All comments will be made available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C., between the hours of 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays. After all comments have been received, we shall hold a public hearing

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concerning this matter. The hearing will be held on Tuesday, January 5, 1982, at 10:00 a.m. in Room 4A–1004, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

A. Refunds to Identifiable Purchasers

1. *Eligible parties.* During the first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by Tenneco's alleged violations of the DOE regulations. We note that the first purchasers of the relevant products from the firm are likely to be claimants in this proceeding. These purchasers can be categorized as follows: (1) Resellers of petroleum products, (2) firms of individuals who used the product in question for the production or distribution of goods and services which were purchased by the public, and (3) entities which were ultimate consumers of the product they purchased from Tenneco or an intermediate reseller. Many of these parties have already been identified and have received a refund through the non-Subpart V provisions of the consent order. The record in this proceeding indicates that Tenneco paid $9 million to approximately 72,000 parties pursuant to section 403 of the consent order prior to the OSC's submission of this Petition. Absent special circumstances, those parties which already received refunds will not be eligible for further refunds.

In a submission which it filed subsequent to the OSC's initiation of this proceeding, Tenneco urges us to adopt an election of remedies requirement as a precondition to filing Applications for Refund. In particular, Tenneco contends that Kern County Refining, Inc. (Kern) should be required to execute a release or waiver of its right to institute a private action concerning the same transactions covered by the consent order.[3] Tenneco contends that the OHA should adopt an election of remedies requirement because it would be consistent with the provisions of the consent order and would serve to assure the OHA that its refund proceedings will not be frivolously invoked. In this regard, Tenneco notes that section 404 of the agreement provided for a $2 million fund for refunds to certain direct purchaser/end-users of petroleum products who agreed to sign a release of all claims against Tenneco. In a letter executed after the consent order, the OSC stated that the parties "understood and agreed upon" the interpretation that up to $1 million of the section 404 funds could be used to settle allocation disputes. Tenneco maintains that this implicitly refers to an allocation dispute with Kern, which was the only known allocation dispute at that time. Tenneco states that it attempted to negotiate a settlement with Kern under the provisions of section 404, but the firms were unsuccessful in reaching an agreement. Tenneco subsequently remitted $1 million to the DOE as residual funds from the section 404 mechanism to be distributed along with the funds set aside for distribution under Subpart V. The firm therefore contends that by requiring that applicants sign a waiver as specified in section 404 of the consent order as a condition to obtaining funds through Subpart V, the OHA would be effectuating the intent of the parties to the consent order.

In addition, Tenneco contends that Kern should not be permitted in the context of a Subpart V proceeding to seek damages for alleged violations of the DOE allocation regulations rather than refund of alleged overcharges. In the alternative, Tenneco maintains that we should require an election of remedies from Kern prior to our consideration of its Application for Refund in order to insure that our administrative processes are not frivolously invoked. Finally, Tenneco argues that it would be unfair to permit Kern two chances to seek a recovery for alleged allocation violations—first from the OSH through an Application for Refund, and then from the courts through a private action under section 210 of the ESA.

After careful consideration of the issues raised by Tenneco we have concluded that we should not adopt an election of remedies provision. First, contrary to Tenneco's assertions, the consent order does not explicitly provide for such a provision. In fact, it appears that even if section 404 of the consent order is applicable to allocation disputes it expressly provided that all residual funds would be deposited with the section 402 funds for distribution through Subpart V proceedings. Subsequently, $1 million of the funds provided for by section 404 were not expended and were thus deposited in the account established pursuant to section 402 of the consent order, which does not provide for an election of remedies requirement. Furthermore, the OSC's Petition in this case does not request that the OHA limit potential claimants to parties who are willing to execute waivers. We have therefore concluded that Tenneco's requested election of remedies provision is not required or supported by the consent order. *Compare Vickers* (election of remedies provision adopted where it was recommended in both the consent order and the petition for the implementation of special refund procedures) *with Office of Enforcement*, 9 DOE, ¶ (November 20, 1981) (OHA refused to adopt such a provision where no recommendation appeared in either the consent orders or the petitions).

Furthermore, we note that Tenneco has requested that an applicant be required to elect its remedies prior to our processing of its application for refund. Tenneco's requested provision would be even more restrictive than that which we adopted in the *Vickers* case. In *Vickers*, we provided that an applicant could delay its election of remedies until the OHA had adjudicated its claim and had determined the amount of the refund which it would receive. In support of its request, Tenneco contends that requiring an election of remedies would prevent the filing of frivolous applications for refund.

We believe that it would be fundamentally unfair to require of any party a waiver and release of claims prior to the filing of an Application for Refund. A claimant could not make an intelligent decision concerning whether it should abandon its private right of action at that point in the proceedings because it would not yet know what its recovery through Subpart V proceedings might be. Placing a potential claimant in such a position would certainly discourage firms from filing any Applications for Refund, not just frivolous ones, and would be plainly inconsistent with 10 CFR 205.822(e), which provides that "(I)n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of * * * resolving to the maximum extent practicable all outstanding claims." Moreover, we disagree with Tenneco that it is unfair to permit Kern to seek redress of the alleged allocation violations through both Subpart V proceedings and a section 210, private action. Congress expressly set a policy of permitting double exposure to liability by providing in sections 209 and 210 of the ESA that a firm be subject to suit by both the government and by private firms. In interpreting these statutory provisions, the Temporary Emergency Court of Appeals has held that enforcement actions brought by the federal government and private section 210 actions serve different purposes and may be maintained separately at the same time. *Bulzan v. Atlantic Richfield Co.*, 620 F.2d 278 (Temp. Emer. Ct. App. 1980). *See also S.O.S. Gasoline*

Enterprises v. DOE, 3 Fed. Energy Guidelines ¶ 26,231 (D.D.C. July 8, 1981). Consequently, absent strong countervailing factors such as those that were present in the *Vickers* case, we decline to adopt an election of remedies provision that would limit a firm's rights under section 210. We therefore decline to adopt Tenneco's requested provision.(*4*)

To the extent that first purchasers who are resellers or who are involved in the production or distribution of goods and services can establish that they absorbed the alleged overcharges rather than passed them on to their customers, they will be entitled to a *pro rata* share of the consent order funds. In order to qualify for a refund, these first purchases will be required to demonstrate that during the period covered by the consent order they would have kept their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. While there are a variety of means by which a claimant could make this showing, a reseller or firm engaged in the production or distribution of goods and services generally should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. In addition, a reseller of petroleum products must have maintained until January 28, 1981, the date on which the President decontrolled all remaining covered products, a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.

With respect to first purchasers who are ultimate consumers, we believe that the above showing should not be necessary in order for a firm to qualify for a refund. The types of organizations and individuals that would be included in this group include home owners, schools, religious institutions, federal, state, and local government entities, research foundations, and any other individual or organization which is not engaged in the direct sale of goods or services. It is unlikely that these types of first purchasers would have passed the alleged overcharges through to others because they are non-profit entities which are not involved in the direct sale of goods or services to other consumers. In order to establish a claim, this type of first purchaser need demonstrate only that it purchased a specific quantity of product which was sold by Tenneco during the relevant time period.

If the first purchasers are able to make the showings described above, the entire amount of the funds at issue in this proceeding may be disbursed to them. In the event that they are unable to make a satisfactory showing, firms and individuals who purchased products from the first purchasers will be eligible to receive a portion of these funds. However, all purchasers of products sold by Tenneco may file refund applications.

2. Proposed procedures. In order to establish an entitlement to a refund, a person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity, of product which was sold by Tenneco. Privity with either Tenneco or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimant flowed through a chain of distribution leading back to Tenneco. In addition, unless the purchaser is an ultimate consumer, it should generally demonstrate that it did not pass through the cost increases resulting from the alleged overcharges to its own customers. For example, a purchaser who resold the identified product should be in a position to show that market conditions did not permit it to raise prices charged to downstream customers, and that consequently it was forced to absorb the cost increases that are represented by Tenneco's alleged overcharges. In the absence of that showing, we could conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, in *Vickers* we noted that this showing could be too complicated for those individuals and firms who might otherwise be entitled to apply for refunds and who purchased relatively small amounts of product from the firm. We also observed that many of those purchasers might lack the type of records required to support such a showing. We therefore established in that case a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of actual injury. For those applicants who were claiming a refund based on less than that level of purchases, we required only proof of the amount of product purchased by the applicant during the consent order period. This Proposed Decision is being published in the **Federal Register** so that interested parties will have an opportunity to submit comments on the tentative distribution scheme. We will consider a similar treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue. *See Vickers; Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511, at 85,043–44. Refunds to persons who establish an entitlement to a refund will be made on a volumetric basis—*i.e.*, based on the proportion of the product purchased by the applicant to the total amount of those products (whether motor gasoline, diesel fuel, or No. 2 fuel oil) sold by Tenneco during the relevant period.

Any purchaser claiming a portion of the refund amount should file an Application for refund pursuant to 10 CFR § 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. *See Vickers*. Before disposing of any of the funds received as a result of the consent orders involved in this proceeding, we intend to publicize widely the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided in publications in the areas in which Tenneco marketed its products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applications will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all meritorious claimants have received the share of the settlement fund to which they are entitled, the settlement fund provided by Tenneco pursuant to its consent order, while diminished, may not be exhausted. The remainder of the funds should be distributed during the second stage of the refund process in furtherance of the goals set forth in the DOE's enabling legislation and implementing regulations. In this decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers:*

[Such] a step would be difficult to justify before the analysis and processing of Applications for Refund filed in the first stage

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of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme.

Vickers at 85,397. As in that case, we intend to set forth a number of second-stage alternatives in this proposed decision, consider the comments received after publication in the **Federal Register**, and then issue a final Decision and Order establishing procedures for the first stage. In that decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and will solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to consider the outstanding issues before reaching a final decision on the second stage.

Since refunding money to adversely affected parties is the primary concern of Subpart V proceedings, any remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Tenneco. In view of the relatively small sums of money likely to be involved in claims by many ultimate consumers, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove during the first stage of the refund process that they are entitled to refunds. *See Vickers*. The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlements would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

One alternative we propose is that after payments are made to successful claimants, additional refunds might be made in the form of lowered energy or energy-related costs in areas where the products associated with the alleged overcharges by Tenneco were marketed. For example, in *Office of Special Counsel for Compliance*, No. DFF-0003 (March 13, 1981) (proposed decision), we proposed that the second-stage refund to consumers who were likely to have been overcharged be effected by using rate-regulated utilities to pass through the remaining funds to comsumers through fuel adjustment clauses or other appropriate mechanisms. We observed that it is likely that the persons who purchased motor gasoline or heating oil in a particular area would reside there as well and would be ultimate comsumers of electricity. They would therefore benefit from the proposed rate reduction. We further suggested that state governments in the affected areas also may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their direct control. Although we cannot yet determine what actions we will take in the second stage, we will consider this type of restitutionary scheme as one possible alternative.

In the event that distribution schemes for the second stage prove to be inappropriate because of administrative costs or the lack of accurate information, we propose that the portion of the settlement fund which would go undistributed after the second stage be deposited in the United States Treasury. We also propose as an alternative to the distribution scheme outlined above that any funds remaining after the first stage claims procedure be deposited directly into the United States Treasury.

Subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.287(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronelle-Mobile Gathering, Inc. v. O'Leary*, 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Co.*, 6 DOE ¶ 83,005 at 86,065 (1980); *cf. Chana's Auto Service Center*, 8 DOE ¶ 83,002 (1981). However, as noted above, we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. The amount of money available for the second stage of the refund process will be a factor that will influence the ultimate disposition of those funds.

It Is Therefore Ordered That:

The $5,000,000 refund amount supplied by Tenneco will be distributed in accordance with the foregoing Decision.

Footnotes

(*1*) The four parties who submitted comments were the Air Transport Association, the Transportation Group, the National Consumer Law Center, and Kern County Refining, Inc. These four parties and Pacific Refining Company have been included on the service list for this proceeding.

(*2*) The sole modification adopted by the parties was the elimination of provisions concerning Tenneco's treatment of its banks of unrecouped product cost increases. *See* 46 Fed. Reg. 29499 (1981).

(*3*) Although Tenneco's comments focus on Kern, it apparently contends that any party seeking a refund on the basis of a claim that it was injured by alleged violations of the DOE allocation regulations should be required to execute a waiver prior to the OHA's consideration of an Application for Refund.

(*4*) The double recovery risk feared by Tenneco may actually be far less than it appears. The courts and the OHA would certainly reduce ("set-off") any firm's recovery in one proceeding by any amount already recovered in another proceeding.

[FR Doc. 81-34812 Filed 12-1-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-3-FRL-1995-6]

Pennsylvania State Implementation Plan; Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deficiency; Pennsylvania State implementation plan.

SUMMARY: Sections 172(b)(7) and 110(a)(2)(F) of the Clean Air Act require each state to provide evidence of adequate funding for programs contained in its State Implementation Plan (SIP). On May 20, 1980 EPA approved a revision to the Pennsylvania SIP establishing a vehicle inspection/maintenance ("I/M") program for three areas: Philadelphia, Pittsburgh, and Allentown-Bethlehem-Easton. (45 FR 33607) On October 5, 1981 the Pennsylvania legislature passed a bill over the Governor's veto which prohibits the expenditure of any public funds for I/M. EPA is today notifying the state that, as result of this action, the Pennsylvania SIP now lacks the funding assurances required by Sections 172(b)(7) and 110(a)(2)(F). Under authority contained in Section 110(a)(2)(H), EPA is requesting the State to correct this SIP deficiency within 90 days of the date of publication of this notice. The notice also informs the State that the Agency is considering the promulgation of findings concering the State's failure to implement its I/M program.

FOR FURTHER INFORMATION CONTACT: Sheldon M. Novick, Regional Counsel, Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106.

SUPPLEMENTARY INFORMATION:

A. Notice of Deficiency

The Clean Air Act Amendments of 1977 added a new Part D to the Act which required states to submit revised state implementation plans ("SIPs") for

areas which had not yet attained any ambient air quality standards. These plans must meet specific requirements outlined in Part D, and generally must provide for attainment of national ambient air quality standard by December 31, 1982. For areas where a state demonstrates that it cannot attain the ozone (O_3) or carbon monoxide (CO) standards by 1982, Section 172(a)(2) allows EPA to grant an extension of the attainment deadline to 1987. If an extension is granted, states must also meet the additional requirements of Section 172(b)(11). One of these requirements is submittal of a schedule for implementation of a vehicle inspection/maintenance ("I/M") program in any area with an extended attainment deadline.

Part D also requires states to identify and commit adequate funds for Part D programs contained in their SIPs. Section 172(b)(7). Section 110 contains a similar funding requirement for all SIP activities. Section 110(a)(2)(F).

Pursuant to Section 172(a)(2), Pennsylvania submitted a Part D SIP which demonstrated that the O_3 and CO standards could not be attained by 1982 in the Philadelphia and Pittsburgh areas, and that the O_3 standard could not be attained by 1982 in the Allentown-Bethlehem-Easton area. Consequently, Pennsylvania requested an extension for attainment of the O_3 and CO standards in these areas. Pennsylvania also submitted schedules for the implementation of I/M in these areas. In addition, the state submitted evidence of adequate funding to implement its Part D SIP programs.

On May 20, 1980 (45 FR 33604), EPA approved the state's extension requests, the I/M schedules and the funding commitments.[1]

On October 5, 1981 the Pennsylvania General Assembly enacted House Bill No. 456. Section 2, which was effective immediately upon enactment, provides that the executive branch of the State government may not "expend any public funds for the establishment and administration of any system for the periodic inspection of emissions of motor vehicles." As a result of this legislation, the Pennsylvania SIP now lacks any assurances that the Commonwealth will provide adequate funding for I/M as required under Section 172(b)(7) and 110(a)(2)(F).

Under Section 110(a)(2)(H), EPA may request a state to revise its SIP where the Administrator finds "that the plan is substantially inadequate to achieve a national ambient air quality standard or to otherwise comply with any additional requirement established under the Clean Air Act Amendments of 1977." Pursuant to this authority, EPA finds that the Pennsylvania SIP no longer complies with the funding requirements of Section 172(b)(7) and 110(a)(2)(F). Consequently, EPA requests that the State revise its plan to provide assurances of funding for the I/M program. EPA requests that the State submit this revision within 90 days of the date of this notice. During this time, the State and the public may submit information showing why the state's plan is not in fact deficient.

If, within 90 days, the State either fails to revise its SIP or demonstrate to EPA that its current SIP is not deficient, under Section 110(c)(1)(C) EPA will be required to disapprove the O_3 and CO SIPs for these three areas requiring I/M programs. If EPA disapproves the SIP for failure to meet Section 172(b)(7), there will be a moratorium on the construction and modification of new sources of O_3 and CO in the three affected areas under Section 110(a)(2)(I) and 40 CFR 52.24. This moratorium will prohibit construction or modification of major stationary sources of CO and hydrocarbons (O_3) in the Pittsburgh, Philadelphia and Allentown-Bethlehem-Easton areas. EPA will publish a notice in the **Federal Register** announcing its decision and the applicability of the moratorium if it determines disapproval of the SIP is appropriate.

B. Possible Finding of a Failure To Implement the SIP

Under Sections 173(4) and 176(b) of the Clean Air Act, a state's failure to implement any element of an approved Part D plan also results in the imposition of a construction moratorium and a cut-off of air pollution planning funds granted under the Clean Air Act in any area of the state where the plan is not being implemented. EPA must propose and promulgate a finding that the state is failing to implement its plan before either of these provisions can come into effect.

In a Memorandum in Support of Motion to Stay and to Modify the Consent Decree filed with the United States District Court for the Eastern District of Pennsylvania, Pennsylvania stated that it will be unable to implement its I/M program as a result of the new legislation. Based on this representation, EPA intends to propose a finding that Pennsylvania has failed to implement its ozone and carbon monoxide plans. EPA will evaluate any comments submitted by the public, and any future actions or commitments made by the state before deciding whether to promulgate a finding that the state is not implementing its plan.

C. Miscellaneous

EPA finds it is issuing this notice without providing prior notice and opportunity to comment under Section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553(b) because EPA does not believe this notice of deficiency is a "rule" within the meaning of that Act. It is only a preliminary finding explaining that the State plan does not meet certain requirements in the Clean Air Act. This finding in itself has no future regulatory effect. Moreover, the State and the public will have an opportunity to comment before the State revises its SIP or EPA takes action to disapprove the State's plan.

(Sec. 110(a)(2)(H) (42 U.S.C. 7410(a)(2)(H)))

Dated: November 19, 1981.

Peter Bibko,

Regional Administrator.

[FR Doc. 81-34640 Filed 12-1-81; 8:45 am]

BILLING CODE 6560-38-M

[1] The I/M program submitted by the State incorporates the provisions of a consent decree entered in *Delaware Valley Citizen's Council for Clean Air v. Commonwealth of Pennsylvania* and *United States v. Commonwealth of Pennsylvania* (E.D. Pa. Civ. Nos. 76-2068 and 77-619). In these cases the citizens' group and the federal government sought to compel Pennsylvania to fulfill an earlier commitment to implement I/M which was approved by EPA as a SIP revision in 1973. The consent decree applies only to the Philadelphia and Pittsburgh areas; in its Part D SIP, the state committed to apply the provisions of the decree in the Allentown-Bethlehem-Easton area.

[TSH-FRL-1996-1; OPTS-51358]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-597 & 81-598, January 19, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51358]" and the specific PMN number should be sent to: Document

Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202)–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–597

Close of Review Period. February 18, 1982.

Importer's Identity. American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. Butanamide, 2-[(2-methoxyphenyl)azo-N-(2,3-dihydro-2-oxo-1H-benzimiazol-5-yl)-3-oxo-.

Use. The importer states that the PMN substance will be used in coloring plastic, paint and fibers.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solubility:
water and other common solvents, Insoluble
Decomposition temperature, 320°C

Toxicity Data

Acute oral toxicity LD_{50} (rat), >5,000 mg/kg
Skin irritation (rabbit), Non-irritant
Eye irritation (rabbit), Slightly irritating
Ames salmonella, Non-mutagenic

Exposure. The importer states that during processing 1 worker may experience dermal and inhalation exposure 2 hrs/day, 10 days/yr during mixing.

Environmental Release/Disposal. Disposal is by publicly owned treatment works (POTW), National Pollution Discharge Elimination System (NPDES) and approved landfill.

PMN 81–598

Close of Review Period. February 18, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:
Annual sales—Over $500 million
Manufacturing site—Middle Atlantic and East South Central regions
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: A modified polymer of alkyl methacrylates, a substituted alkyl acrylate, a substituted alkane, an alkenoic acid and a vinyl aromatic compound.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, Clear liquid
Specific gravity, 1.0–1.1
Flash point, 151°F (SFCC)
Viscosity for solids @ 25°C, 2,000–40,000 cps
Residual monomer, <.50%

Toxicity Data

Oral toxicity LD_{50} (rat), > 5 g/kg
Dermal toxicity LD_{50} (rabbit) > 5 g/kg
Skin irritation (rabbit), Slight
Eye irritation (rabbit), Moderate

Exposure. The manufacturer states that during manufacturing a total of 8 workers may experience dermal and occular exposure up to 8 hrs/day, up to 116 days/yr during sampling, analytical, equipment cleaning, filtration replacement, drumming operations, transfer and disposal.

Environmental Release/Disposal. The manufacturer states that 10–10,000 kg/yr will be released to land. Disposal is to an approved landfill and by incineration.

Dated: November 23, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81–34543 Filed 12–1–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreements Nos.: T–4005 through T–4005–I.

Filing Party: Thomas E. Fotopulos, Esquire, Fowler, White, Gillen, Boggs, Villareal & Banker, P.A., 220 Madison Street, Tampa, Florida 33601.

Summary: Agreements Nos. T–4005 through T–4005–I are components of a leveraged lease transaction concerning a 50,000 short ton capacity anhydrous ammonia storage tank terminal facility at Port Sutton, Florida, involving, *inter alia*, the Tampa Port Authority (as lessor) (Port), Security Pacific Commercial leasing, Inc., (as Lessee) (SPCL) and International Minerals & Chemical Corporation (as sublessee) (IMC). Agreement No. T–4005 is a Ground Lease for the land on which the facility is located, providing for the Port's 35-year lease of this land to SPCL for an aggregate rental of $1 and the transfer of all title to the land to IMC on the termination of the ground lease. Agreement No. T–4005–A is a Facility Lease providing for the Port's 25-year lease of the facility to SPCL for basic rent equal to the debt service on the Refunding Bonds issued to finance the facility and stipulated loss value payments in the event of casualty or condemnation or purchase of the facility by SPCL equal to the unpaid principal and accrued interest on the Refunding Bonds plus a premium. Agreement No. T–4005–B provides for SPCL's 25-year sublease (with renewal options) of both the land and facility to IMC, at a basic rent and stipulated loss value payments in amounts equal to or in excess of basic rent and stipulated loss value payments provided for in Agreement No. T–4005–A. Agreement No. T–4005–C is a Throughput Agreement between the Port and IMC, providing for rent payments to

the Port in an amount equal to the greater of (a) $22,500 annually (to be increased by 10 percent at the beginning of each 5-year period during the agreement's term); or (b) an amount equal to $0.06 per short ton on all products received at the facility. Additionally, IMC will pay the Port a Tax Factor determined annually by the Port. The term of Agreement No. T–4005–C is identical to that of Agreement No. T–4005–B. Agreement No. T–4005–D is a Bill of Sale and Assignment providing that IMC will sell and transfer all of its right and interest in the facility to the Port concurrently with the issuance of the Refunding Bonds and the equity investment by SPCL under Agreement No. T–4005–F, below. Agreement No. T–4005–E is a Bond Purchase Agreement providing for the financing of the facility's construction through the issuance and sale of $8,160,000 10 percent Secured Hillsborough County Port District Special Purpose Revenue Refunding Bonds to Nationwide Mutual Insurance Company, St. Paul Fire and Marine Insurance Company and Nationwide Mutual Fire Insurance Company (collectively Bond Purchasers). Agreement No. T–4005–F is a Participation Agreement among IMC, SPCL and the Bond Purchasers, providing for SPCL's equity investment. Agreement No. T–4005–G is a Mortgage and Deed of Trust among SPCL, the Port and Exchange Bank and Trust Company of Florida (EB&T) mortgaging, pledging and assigning all of SPCL's interest under Agreements Nos. T–4005, T–4005–A and T–4005–B. Agreement No. T–4005–H is an Indenture of Trust between the Port and EB&T, securing the bonds by creating a lien and security interest in all of the Port's rights and interests in Agreements Nos. T–4005 and T–4005–A and the rents and revenues due thereunder. Agreement No. T–4005–I subordinates IMC's fee interest in the land it will acquire through the provisions of Agreement No. T–4005.

By Order of the Federal Maritime Commission.

Dated: November 27, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–34627 Filed 12–1–81; 8:45 am]

BILLING CODE 6730–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos. T–2880–18, T–2884–11, T–3553–3 and T–3879–1.

Filing party: John C. Barnett, Deputy Chief, Leases & Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Summary: The above agreements, between the Port Authority of New York and New Jersey and respective lessees, viz: John W. McGrath Corporation (T–2880–18), Universal Maritime Service Corp. (T–2884–11), International Terminal Operating Co., Inc. (T–3553–3), Venezuelan Line/Peruvian State Line (T–3879–1) amend the basic lease agreements by providing for an increase of $.10 (from $2.50 to $2.60) in the rate per revenue ton payable by the lessees under the minimum-maximum formula, without otherwise changing the manner in which the rental is computed.

Agreement No. T–3894–2.

Filing party: Mr. Randall V. Adams, Accounting/Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T–3894–2, between the Port of Palm Beach (Port) and Johnson's Shipping Agency, Inc. (JSA), modifies the basic agreement between the parties which provides for the Port's lease to JSA of certain warehouse space at the Port of Palm Beach Terminal. The purpose of the modification is to add 8,040 square feet of warehouse space to the original lease.

Agreement No. T–3933–1.

Filing party: William E. Emick, Jr., Deputy, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T–3933–1, between the City of Long Beach (City) and Toyota Motor Sales U.S.A., Inc. (Toyota), modifies the basic agreement between the parties which provides for the 3-year lease by City to Toyota of certain premises to be used as a contract marine terminal. The purpose of the modification is to correct a miscalculation of the compensation and to provide for a realignment of the boundaries of the premises to accommodate construction in the area.

Agreement No. T–4004.

Filing party: Milton A. Mowat, Manager, Traffic and Regulatory Affairs, Port of Portland, Box 3529, Portland, Oregon 97208.

Summary: Agreement No. T–4004 is a preferential use and terminal service agreement between the Port of Portland (Port) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui-O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Ltd., Showa Line, Ltd., and Yamashita Shinnihon Steamship Company, Ltd. (Lines), and provides for the Port's preferential assignment to the Lines of 14 acres at Terminal 6, including one berth, one crane and adjacent working area. The Port will perform all terminal stevedore services, vessel stevedoring, and services required in the movement of containers and cargo on or over the premises. The Lines agree to pay for these services in accordance with Port of Portland Terminal Tariff No. 4. The Lines will compensate the Port at a minimum annual fee of $700,000, for the first year and escalating on an annual basis therafter. Revenue from dockage, wharfage, wharf demurrage, and storage paid by the Lines on their vessels and cargoes will be applied against the minimum annual guarantee. Revenues are to be shared between the Port and the Lines according to a formula set forth in the agreement. The term of the agreement is three years with an option to renew for an additional two-year term.

Agreement No. 9815–34.

Filing party: Ms. Dorothy L. Nichols, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9615–34 modifies the basic agreement of the Iberian/U.S. North Atlantic Westbound Freight Conference by reducing from six to five the number of calls required to qualify for membership in the agreement's Spanish Olive Section.

Agreement No. 10066–2.

Filing party: Hopewell H. Darneille, III, Esquire, Bowman Conner Touhey & Thornton, 2828 Pennsylvania Avenue, N.W., Washington, D.C. 20007.

Summary: Agreement No. 10066–2 is a proposal by the parties to the U.S. East and West Coast/Colombia Equal Access Agreement to extend the term of the basic agreement from January 10, 1982, to February 21, 1983.

By Order of the Federal Maritime Commission.

Dated: November 27, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–34634 Filed 12–1–81; 8:45 am]

BILLING CODE 6730–01–M

[Agreements Nos. 10424, T–1875–1, T–3450–1, T–3992, T–3996, T–3998, T–3999 and T–4003]

Availability of Findings of No Significant Impact; Various Agreements

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10424 proposes to combine three currently existing conferences (United States Atlantic & Gulf/Haiti Conference, FMC Agreement No. 8120; the United States Atlantic and Gulf/Jamaica Conference, FMC Agreement 4160; and the United States Atlantic & Gulf/Santo Domingo Conference, FMC Agreement No. 6080) to form the United States Atlantic & Gulf/Jamaica and Hispaniola Conference.

Agreement No. T–1875–1 is between the Port of Tacoma, Washington and Kaiser Aluminum & Chemical Corporation (Kaiser). The parties desire to extend the terms of the agreement to November 1, 1999 and change the rates on wharfage and crane rental Kaiser pays per short ton of alumina unloaded at the Port of Tacoma.

Agreement No. T–3450–1 is an agreement between the City of Los Angeles and Oversea Terminal Company, Inc. to extend the term of the nonexclusive preferential use of Berths 228–230 at Los Angeles Harbor to March 31, 1986. It also provides for the settlement of disputed claims by the Harbor Department.

Agreement No. T–3992 is between Global Terminal & Container Services, Inc. (Global) and Dart Containerline Company, Ltd. (Dart). Global will perform Dart's cargo handling services at the Port of New York.

Agreement No. T–3996, the Puerto Rico Ports Authority (PRPA) authorizes Molinos de Puerto Rico, Inc. (Molinos) to rapair the berthing facilites it uses in the Catano waterfront area of the Port of San Juan at Molino's own expense. PRPA also grants Molinos the use of the berthing facilities for five years with two renewal options of five years each.

Agreement No. T–3998, between The Port of Palm Beach District and Grand Bahama Hotel Co., is for the exclusive use of certain warehouse space at the Port of Palm Beach Terminal, City of Riviera, Florida. This facility will be used as office space and cargo storage.

Agreement No. T–3999 is between Puerto Rico Ports Authority (PRPA) and Van Storage & Services Corporation (VSSC). PRPA proposes to lease to VSSC 42,600 square feet of open space adjacent to PRPA's warehouse at Pier 11, San Juan, for parking vans.

Agreement No. T–4003 is a lease agreement between the City of Long Beach and Toyota Motor Sales, U.S.A. (Toyota) for the use of 75 acres of land including a site and facilities for processing vehicles. The agreement also includes preferential berthing rights at Berth 83 and tertiary berthing rights at Berth 82. These facilities will replace old facilities on Pier J which Toyota has occupied for several years.

The Findings of No Significant Impact (FONSI) will become final within 10 days of publication of this Notice in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–34628 Filed 12–1–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2360]

Edward W. Brown III; Order of Revocation

On November 13, 1981, Edward W. Brown, III, 734 15th Street, N.W., Washington, D.C. 20005 requested the Commission to revoke his Independent Ocean Freight Forwarder License No. 2360.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2360 issue to Edward W. Brown, III be revoked effective November 13, 1981.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2360 issued to Edward W. Brown, III be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Edward W. Brown, III.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81–34632 Filed 12–1–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1448]

Richard Diaz, d.b.a. C. A. Mar Freight Forwarding; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Richard Diaz, d/b/a C. A. Mar Freight Forwarding was cancelled effective October 18, 1981.

Richard Diaz, d/b/a C. A. Mar Freight Forwarding has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1448 be and is hereby revoked effective October 18, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1448 issued to Richard Diaz, d/b/a C. A. Mar Freight Forwarding be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Richard Diaz, d/b/a C. A. Mar Freight Forwarding.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-34633 Filed 12-1-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants; Pro Security Services, Inc., et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 [75 Stat. 522 and 46 U.S.C. 841(c)].

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Pro Security Services, Inc., 175 Great Neck Road, Suite 303, Great Neck, NY 11021; Officers: Jack J. Meehan, President/Secretary, Arthur B. Nelson, Vice President

Thriftcargo Florida, Inc., 3290 N.W. 79th Avenue, Miami, FL 33122; Officers: Peter Espinet, President, Robert L. Vaughn, Vice President, Saul Rubin, Secretary/Treasurer

Ohio Midwest Exports, Inc., 6601 N. Main Street, Dayton, OH 45415; Officers: M. Margaret Ewert, President, Michele Cappuccio Alam, Secretary/Treasurer

Gail Ann Garcia-Mendoza, d.b.a. Tradewinds Forwarding, c/o Robert L. Keller & Co., 1301 N.W. 89 Court, Suite 212, Miami, FL 33172

Infrex Corp., 7952 N.W. 14th Street, Miami, FL 33126; Officer: Rafael M. Montejo, President/Secretary/Treasuer

Navigato International, Inc., 9710 W. Foster Avenue, Chicago, IL 60656; Officers: W. A. Navigato, President; W. A. Navigato III, Executive Vice President, Maria A. Navigato, Treasurer, Linda A. Oclon, Vice President

Servicios Internacionales, Inc., d.b.a. SICO, 4910 Dacoma, Suite 108, Houston, TX 77092; Officers: Alejandro L. Czar, President, Jorge P Rey-Iraola, Vice President, Elba de Melo, Assistant Vice President/General Manager

Marianne Scotto, 3738 N.E. 167th Street, Miami, FL 33160

A.D.C.I., Inc., 4 Eagle Square, E. Boston, MA 02128; Officers: Armand J. Donati, President, Susan Spanoghe, Secretary, Dennis G. Sullivan, Treasurer, John A. Maiona, Clerk

By the Federal Maritime Commission.

Dated: November 27, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-34629 Filed 12-1-81; 8:45 am]

BILLING CODE 6730-01-M

Sun Line Greece Special Shipping Co., Inc.; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540): Sun Line Greece Special Shipping Co., Inc., c/o Marriott Corporation, Marriott Drive, Washington, D.C. 20058.

Dated: November 27, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-34631 Filed 12-1-81; 8:45 am]

BILLING CODE 6730-01-M

Sun Line Greece Special Shipping Co., Inc.; Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Sun Line Greece Special Shipping Co., Inc., c/o Marriott Corporation, Marriott Drive, Washington, D.C. 20058.

Dated: November 27, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-34630 Filed 12-1-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-20]

Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Virginia State Corporation Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) [40 U.S.C. 481(a)(4) and 486(d)], authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Virginia State Corporation Commission involving the application of the Chesapeake and Potomac Telephone Company of Virginia for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services

[FR Doc. 81-34557 Filed 12-1-81; 8:45 am]

BILLING CODE 6820-25-M

[F-81-19]

Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Vermont Public Service Board involving

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intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Vermont Public Service Board involving the application of the New England Telephone and Telegraph Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34558 Filed 12-1-81; 8:45 am]

BILLING CODE 6820-25-M

[F-81-21]

Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Massachusetts Department of Public Utilities involving intrastate telecommunications services.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Massachusetts Department of Public Utilities involving the application of the New England Telephone and Telegraph Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 20, 1981.

Ray Kline,

Deputy Administration of General Services.

[FR Doc. 81-34559 Filed 12-1-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Diathermy (Shortwave, Microwave and Ultrasound); Assessment of Medical Technology

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of diathermy (shortwave, microwave and ultrasound). The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessment are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than March 2, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: November 17, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research Statistics, and Technology.

[FR Doc. 81-34450 Filed 12-1-81; 8:45 am]

BILLING CODE 4110-85-M

Centers for Disease Control

Work Group To Revise Isolation Manual for Hospital Infection Control Committees; Open Meeting; Cancellation

The notice of a meeting of a work group to revise the isolation manual to provide the most reasonable and practical guidance to infection control committees in hospitals, to be held December 4-5, 1981, was published in the **Federal Register** (46 FR 55779) on Thursday, November 12, 1981. This open meeting is cancelled until further notice.

Dated: November 25, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-34561 Filed 12-1-81; 8:45 am]

BILLING CODE 4160-18-M

Health Resources Administration

Application Announcement for Grants for Traineeships for Students in Schools of Public Health (Formula)

The Bureau of Health Professions, Health Resources Administration, announces that applications for Fiscal Year 1982, Grants for Traineeships for Students in School of Public Health are now being accepted under the authority of section 792 (previously 748(a)(1)) of the Public Health Service Act as amended by Pub. L. 97-35.

Section 792 authorizes the Secretary to award grants to accredited schools of public health for traineeships for students enrolled in graduate or specialized training in public health. Traineeships may include the payment

of stipends, tuition, and fees. Of the amount received by a grantee in Fiscal Year 1982, at least 65 percent shall go to students with a previous baccalaureate degree or three years' work experience in health services and who are pursuing a course of study in:

(1) Biostatistics or epidemiology,

(2) Health administration, health planning, or health policy analysis and planning,

(3) Environmental or occupational health,

(4) Dietetics or nutrition,

(5) Preventive medicine or dentistry, or

(6) Maternal and child health.

Fiscal Year 1982 application materials are being made available prior to final action on an appropriation for this program. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) authorizes approximately $3 million in Fiscal Year 1982 for grants. However, this amount is subject to change when the final Fiscal Year 1982 appropriation is enacted.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (A–03), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–7360.

To be considered for Fiscal Year 1982 funding, applications must be received by the Grants Management Officer, at the above address no later than February 8, 1982.

Should additional programmatic information be required, please contact: Mr. Ernest W. Michelson, Chief, Education Development Branch, Division of Associated Health Professions, Bureau of Health Professions, Health Resources Administration, Center Building, Room 5–27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6800.

This program is listed at 13.964 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Robert Graham,

Acting Administrator.

November 25, 1981.

[FR Doc. 81–34561 Filed 12–1–81; 8:45 am]

BILLING CODE 4620–20–M

National Institutes of Health

Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, January 18–19, 1982, National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 AM–5:00 PM, January 18, 1982, and from 8:30 AM–4:30 PM, January 19, 1982, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the Public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: November 24, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–34464 Filed 12–1–81; 8:45 am]

BILLING CODE 4140–01–M

Cardiology Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, January 11 and 12, 1982, National Institutes of Health, Conference Room B1–19, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area, reports from subcommittees, and consideration of future needs and opportunities.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Barbara Packard, M.D., Ph.D., Acting Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20205, phone (301) 495–5421, will furnish substantive program information upon request.

NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: November 18, 1981.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–34460 Filed 12–1–81; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors of the National Institute of Environmental Health Sciences; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, January 18–19, 1982, in Building 101 conference room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

This meeting will be open to the public from 9 a.m. to 12 noon on January 18, for the purpose of presenting an overview of the organization and conduct of research in genetics in the intramural research program of the laboratories of genetics. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6) Title 5 U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 18 from approximately 1 p.m. to adjournment on January 19, 1982, for the evaluation of the programs of the laboratories of genetics, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of

which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 541–3205, FTS 629–3205, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: November 19, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–34465 Filed 12–1–81; 8:45 am]

BILLING CODE 4140–01–M

Working Group on Blood Resources and Blood Substitutes; Meeting

Notice is hereby given of the meeting of the Working Group on Blood Resources and Blood Substitutes, sponsored by the National Heart, Lung, and Blood Institute, on January 25, 1982, from 9:00 a.m. to 12:30 p.m., Building 31, C Wing, Conference Room 9 at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting, will be open to the public. The Working Group on Blood Resources and Blood Substitutes is meeting to examine and coordinate federal research activities which concern human blood and its substitutes. Attendence by the public will be limited to space available.

For detailed program information, a list of meeting participants, and a meeting summary contact: Dr. David M. Robinson, Co-Chairman, IATC Working Group on Blood Resources and Blood Substitutes, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, MD 20205, 301–496–5031.

Dated: November 17, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–34467 Filed 12–1–81; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[516 DM 6, Appendix 1]

National Environmental Policy Act Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of proposed revised instructions for the Fish and Wildlife Service

SUMMARY: This notice proposes a complete revision to the actions categorically excluded from the NEPA process for the Fish and Wildlife Service. The current categorical exclusions were published in the **Federal Register** on July 17, 1980; 45 FR 47941.

DATE: Comments due by January 18, 1982.

ADDRESS: Comments to: J. Robinson West, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–3891. For Fish and Wildlife Service, contact Gene Whitaker, Telephone (202) 343–5685.

SUPPLEMENTARY INFORMATION: This is a proposed revision to section 14 of Appendix 1 to Chapter 6, Part 516 of the Departmental Manual (516 DM 6, App. 1.4). It would completely replace the categorical exclusions previously published in the **Federal Register** on July 17, 1980; 45 FR 47941. The Department's NEPA procedures were published on April 23, 1980; 45 FR 27541.

These proposed categorical exclusions expand upon the current exclusions and are based on continued experience with the NEPA process, especially in regard to actions in the endangered species and State grant programs.

Comments on this proposed revision are invited. To be considered in the preparation of the final revision, comments must be received by January 18, 1982.

Dated: November 27, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

516 DM 6, Appendix 1

Section 1.4 is proposed to be changed as follows:

1.4 Categorical Exclusions

In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix 1 of 516 DM 2, many of which the Service also performs, the following FWS actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2.3(A)(3):

A. *Information Gathering.*

1. Inventory, data, and information collection, which does not involve substantial animal mortality, undertaken to determine the number and condition of fish and wildlife, their habitats, and the public use of these resources.

2. Research studies which do not involve substantial animal mortality, introduction of exotic organisms, long-term environmental disruption, or introduction of unpermitted contaminants into the environment.

B. *Refuge, Hatchery, and Resource Management.*

1. Routine operations and maintenance of existing structures, facilities, and resource developments, including habitats.

2. Renovation or replacement of minor structures and facilities that continue the present function in the same general location with no or minor environmental effects and that do not require a permit from another Federal agency.

3. Permitting additional use of an existing right-of-way, including the addition of new power or telephone lines when there is no change in pole configuration and the addition of buried lines, or minor deviations from or additions to an existing right-of-way when there is an environmental document that addresses the same or similar impact in the right-of-way area.

4. The maintenance and improvement of existing roads and parking lots and the installation of routine signs when there will be no or only minor environmental impact.

5. Reintroduction of endemic or native species into their historical habitat, with no or only minor effects on other species.

6. Reissuance of special use permits not entailing environmental disturbance.

7. Minor changes in amounts or types of public use or environmental education activities, in accordance with existing regulations.

8. The reissuance of annual grazing and agricultural use permits which do not increase the level of use or continue environmentally unsatisfactory conditions.

9. The addition of small buildings, structures, or facilities in existing development areas with no or minor environmental effect.

10. Removal of discarded or abandoned materials and structures, including dumps, automobiles, fences, and buildings, in order to restore natural appearances.

C. *Endangered Species.*

1. Technical assistance and recommendations provided to other agencies and private parties.

2. Consultation provided under Section 7 of the Endangered Species Act (16 U.S.C. 1536).

3. Actions under an approved recovery plan for which an environmental document has been prepared in conjunction with plan approval when taken to promote the conservation of a species providing there are no or only minor effects on other species.

D. *Permit and Regulatory Functions.*

1. Issuance of plant and wildlife permits pursuant to 50 CFR 13, including permits for: importation at non-designated ports and marking (Part 14), feather imports (Part 15), injurious wildlife (Part 16), endangered species (Part 17), marine mammals (Part 18), migratory birds (Part 21), eagles (Part 22), and endangered species convention (Part 23).

2. Issuance of routine, recurring, and special regulations for hunting, fishing, public access, recreation, and other uses of FWS-managed lands unless they involve a significant change in the level of use

previously permitted or continue enviornmentally unsatisfactory conditions.

3. Activities related to the enforcement of fish and wildlife laws including, but not limited to, the investigation of violations, inspections, and seizure of property, forfeiture or abandonment of property, and disposal of forfeited or abandoned property.

E. *Other.*

1. Issuance and modification of procedures, manuals, handbooks, orders, and field rules where the impacts are limited to administrative, economic, or technological effects and the environmental effects are minimal.

2. Training actions for personnel and efforts to make the public aware of fish and wildlife resources and their values and knowledgeable of their responsibilities toward these resources.

3. Consultation, technical guidance, and assistance, including reports or recommendations provided to other Federal or State agencies, corporations, or individuals to assist them in their planning actions to either benefit or minimize harm to fish and wildlife resources.

4. Minor changes or amendments in an approved action with an environmental document covering the same or similar impacts.

F. *Grants to States for Fish and Wildlife Restoration and Management Projects.*

1. Grants for categorically excluded actions listed in paragraphs A, B, C, and E above.

2. Grants for land acquisition by a State agency from a willing seller with consultation with local (town and/or county) governing bodies and where no major changes in land use are contemplated.

3. Grants for administrative, advisory, and clerical services for Federal Aid projects and for the development of plans and planning systems including the administrative determination by FWS that a State's planning system meets prescribed standards.

4. Grants for hunter education activities except for target range construction.

[FR Doc. 81-34637 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Big Flat-Squaw Park Management Framework Plan; Surface Mining of Carbonaceous Shale (Humate); Planning Amendment

November 24, 1981.

The Grand Resource Area of the Moab District of the Bureau of Land Management is preparing a planning amendment to consider surface mining of carbonaceous shale (humate) in the Westwater portion of the Big Flat-Squaw Park planning unit.

The proposal is to surface mine humate from a 200-acre area located within Section 22, T.19S., R.25E., SLB&M. The proposed site is approximately 65 miles East along I-70 from Green River, Utah; three miles South of Harley Dome, Utah; and five miles West of the Utah-Colorado State line.

The main issues to be considered are:

1. Alteration of 200 acres of pinyon-juniper vegetation.

2. Alteration of topography of area to be surface mined.

3. Increased scientific knowledge of fossilized flora in the area.

4. Visual intrusion for travelers on Interstate 70.

5. Destruction of six cultural sites located within the mine area.

6. Heavy truck traffic conflicts with historical use of the area (Westwater access road).

7. Rehabilitation of area following removal of humate material.

The environmental assessment (EA) is being prepared under a third party contract. A full interdisciplinary approach will be followed in reviewing the EA.

For further information concerning the planning amendment, contact Colin P. Christensen, Grand Resource Area Manager, Sand Flats Road, Moab, Utah 84532, or call (801) 259-6111. A copy of the EA is available at this address and phone number.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 81-34555 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-17872]

Conveyance of Public Lands, Ada County, Idaho

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public land has been sold by direct sale to Robert G. Lewis and Miriam E. Lewis, P.O. Box 4293, Boise, Idaho 83704.

Boise Meridian, Idaho

T. 5 N., R. 1 E.,
Sec. 20, Lot 2.
Comprising 2.14 acres.

The lands were conveyed on November 12, 1981, to settle an Unintentional Occupancy caused by an erroneous property line survey made by a private surveyor on adjacent private land. The public interest was well served through completion of the sale.

The fair value of the public land was appraised at $3,200 and payment in this amount was received by the United States.

Dated: November 24, 1981.

Louis B. Bellesi,

Chief, Division of Technical Services.

[FR Doc. 81-34552 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. OR 33587]

Designation of Myrtle Island Research Natural Area, Oregon

Pursuant to the authority in 43 CFR Part 2070 and authorization from the Director dated November 4, 1981, I hereby designate the following described public land as the Myrtle Island Research Natural Area:

Willamette Meridian

T. 24 S., R. 7 W.,
Sec. 20, lot 9
Sec. 21, lot 11.
The area described contains 28.28 acres in Douglas County, Oregon.

In accordance with 43 CFR 2071.4(a), this designation action is only for the purpose of identifying the Bureau's current management objectives for the area, and, unto, itself, has no effect upon established use or management of the lands and resources involved. The area is designated under the category of Natural Resources Experiment and Research Areas, which covers relatively small areas used for research or experimental purposes (43 CFR 2071(b)(4)). The primary management objectives for Myrtle Island are to maintain its quality as a significant example of natural diversity, and to facilitate its use by authorized persons and groups for nonmanipulative and nondestructive scientific research and education. The area has been determined to meet the criteria for BLM Research Natural Areas prescribed by 43 CFR 8223.0-5. It will be managed under regulations in 43 CFR 8223.1 and in accordance with Public Land Order 754, dated September 14, 1951, or any future amendments thereof.

William G. Leavell,

State Director.

[FR Doc. 81-34553 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-84-M

Proposed Public Land and Resource Planning Amendment; Trinity Management Framework Plan, Four-Rivers Resource Area, California

This notice is to advise the public of a proposed change in the Trinity Management Framework Plan, Four-Rivers Resource Area, Redding District Office. The Four-Rivers Resource Area Manager has proposed a change in the land use classification of the N½NW¼NW¼SE¼, Section 14, T. 32 N., R. 10 W., Mount Diablo Meridian, California (approximately 2.5 acres), from not allowing R&PP disposal action. Specifically, the site would be used for construction of the Douglas City Community Services District fire station.

No environmental or public issues are anticipated. However, an environmental assessment has been prepared by an interdisciplinary team to analyze identified affects. The team was composed of the following disciplines:

Forestry
Botany
Archaeology
Landscape Architecture
Wildlife Biology

Comments concerning the proposed amendment will be accepted until January 4, 1982.

Comments or suggestions should be sent to the Four-Rivers Resource Area Manager, Bureau of Land Management, 355 Hemstead Drive, Redding, California 96002. The Trinity Management Framework Plan, Land Report, Environmental Assessment and casefile are available for public inspection at this location.

For further information, contact Dwain Davis, (916) 246–5325.

Stanley D. Butzer,

District Manager.

[FR Doc. 81-34554 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-84-M

Platte River Resource Area, Casper District, Wyoming; Intent To Prepare Resource Management Plan and Environmental Impact Statement

November 23, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a Resource Management Plan and Environmental Impact Statement for the Platte River Resource Area, Casper District, Wyoming.

SUMMARY: The Casper District is initiating development of a Resource Management Plan (RMP), an integral component of which is an environmental impact statement (EIS). In addition, the public is invited to identify issues to be addressed in the RMP or to comment on issues identified by BLM staff and included below.

LOCATION OF DOCUMENTS:

Throughout the development of the RMP, documentation records and completed documents pertaining to the RMP will be available for public review at the Platte River Resource Area, 951 Rancho Road, Casper, Wyoming 82601

FOR FURTHER INFORMATION CONTACT:

For additional information, to be placed on the Platte River mailing list, or to add to or comment on the list of issues to be addressed in the RMP contact: Jim Melton, Area Manager, Platte River Resource Area, 951 Rancho Road, Casper, Wyoming 82601 (307) 265–5550, Ext. 5101.

SUPPLEMENTARY INFORMATION: The Casper District is initiating development of a Resource Management Plan (RMP) to guide future management actions on the public lands within the Platte River Resource Area. The Platte River Resource Area is located in the east-central Wyoming counties of Natrona, Converse, Platte, and Goshen. Within these four counties, BLM manages 19 percent of the surface, approximately 1.7 million acres, and about 66 percent of the mineral estate, approximately 5.9 million acres

The RMP will be a long-range comprehensive land use plan. The objective of the RMP is to improve resource management decisions on public lands through a planning process which incorporates public participation, maximizes use of the best available data, and analyzes alternatives for multiple use management. Resource management plans are required under the Federal Land Management Policy Act of 1976. Standards, guidelines, and procedures for RMP preparation are contained in 43 CFR Part 1600.

The steps in the RMP process include identification of issues, development of planning criteria to address the issues, inventory data and information collection, analysis of the management situation, formulation of alternatives, estimation of effects of alternatives, selection of preferred alternatives, selection of the resource management plan, and monitoring and evaluation of the plan. Completion of the RMP is scheduled for September 1984.

The identification of issues focuses the direction of the RMP at the outset of the process. BLM staff has identified general issues to be addressed. These include: rangeland uses; present and future developments for energy and non-energy minerals; land development; recreation, cultural resource and wildlife uses and managememt; social and economic conditions; access and rights-of-way; and soil, air, and water quality The public, including other federal agencies and state and local governments, is invited to suggest additional issues that should be addressed by the RMP or to comment on those issues identified by the BLM staff. Comments should be sent to the address indicated above and should be received by the BLM within 30 calendar days of publication of this notice.

Alternatives developed in the RMP process will range from those favoring resource protection to those favoring resource production and will include the no action alternative, which is a continuation of present management. An integral component of the RMP process will be an environmental impact statement (EIS).

Public participation will also be an essential element of the RMP process with opportunities for public input offered throughout the process. In addition to the opportunity to suggest or comment on issues identified at this first stage of the planning process, there will be a 30-day comment period on the planning criteria developed to address specific issues and a 90-day comment period and a public hearing on the draft EIS. Notice of all public participation opportunities will be given through Federal Register notices, local media, and mailings to all parties on the mailing list. Public meetings will be considered when requested and when accompanied by appropriate rationale.

An interdisciplinary team will be formed to develop the RMP. Disciplines to be represented include: geology, range, realty, forestry, archaeology, sociology, economics, hydrology, wildlife, recreation, soils, and air quality.

Dated: November 23, 1981

Leslie A. Olver,

Acting District Manager.

[FR Doc. 81-34556 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-16709-3]

Alaska Native Claims Selection

Correction

In FR Doc. 81–32108, appearing at page 55013, in the issue of Thursday, November 5, 1981, make the following changes:

On page 55014, in the first column, in the second paragraph, the fifth line, change "Survey No. 2564" to "Survey No. 3564".

On page 55014, in the second paragraph "2." change "Parcel 13" to "Parcel 33" and also change "Survey No. 2564" to "Survey No. 3564".

BILLING CODE 1505-01-M

Realty Action; Noncompetitive Sale of Public Lands in Cochise County, Arizona; Correction

In FR Doc. 81–19386, appearing at page 34705, in the issue of Thursday, July 2, 1981, make the following change:

On page 34705, first column, Realty Action—Noncompetitive Sale Public Lands in Cochise County, Arizona, change the 9th and 10th lines now reading "NE¼NE¼NE¼NW¼SW¼

N½N½N½NE¼SW¼" to read "NE¼NE¼NE¼NW¼SW¼, N½N½N½NE¼SW¼".

Dated: November 24, 1981.

Fritz U. Rennebaum,

Acting District Manager.

[FR Doc. 81-34439 Filed 12-1-81; 8:45 am]

BILLING CODE 4310-84-M

[M 15476]

Montana; Order Providing for Opening of Public Land

Correction

In FR Doc. 81-32104, appearing on page 55015 in the issue of Thursday, November 5, 1981, make the following changes:

1. In the first column, in the third line under the heading "Principal Meridian," "R. 38 E." should have read, "R. 28 E."

2. In the first column, in the eighth line under the heading "Principal Meridian," the number "23" should have read "13".

3. In the first column, in the 23rd line under the heading, "Principal Meridian," "SE¼" should have read "SW¼".

4. In the first column, in the 33rd line under the heading "Principal Meridian," "SE¼" should have read "SW¼".

5. In the first column, in the 36th line under the heading "Principal Meridian," "N¼SE¼" should have read, "N½SE¼".

6. In the second column, at the end of the 18th line, insert "SW¼NW¼" between the comma and the word "and".

7. In the second column, in the 31st line, "E½SE½" should have read, "E½SE¼".

8. In the second column, in the 33rd line, "SW¼NE½" should have read, "SW¼NE¼".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: November 27, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Complete legal name of cooperative association or federation of cooperative associations: International Farm Lines.

Principal mailing address (street No., city, State, and zip code): 5325 South Orange Blossom Trail, Orlando, FL 32809.

Where are records of your motor transportation maintained (street No., city, State and zip code): 5325 South Orange Blossom Trail, Orlando, FL 32809.

Person to whom inquiries and correspondence should be addressed (name and mailing address): Carroll Fulmer, 5325 S. Orange Blossom Trail, Orlando, FL 32809.

2. Complete legal name of cooperative association or federation of cooperative associations: Land O'Lakes, Inc.

Principal mailing address (street No., city, State, and zip code): P.O. Box 116, Minneapolis, MN 55440.

Where are records of your motor transportation maintained (street No., city, State, and zip code): 4001 Lexington Avenue N., Arden Hills, MN 55112.

Person to whom inquiries and correspondence should be addressed (name and mailing address): Harold O. Hoelscher, P.O. Box 116, Minneapolis, MN 55440.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34533 Filed 12-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket T-9939, filed September 14, 1981. Applicant: BEST TIME MESSENGER SERVICE INC., 38 Middle Neck Road, Great Neck, NY 11201. Representative: Herman & Natale, Esqs., 600 Old Country Road, Garden City, NY 11530. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in New York City and Nassau and Suffolk Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

North Carolina Docket T-2142, filed June 29, 1981. Applicant: ROWAN FREIGHT CO., INC., Peeler Road, Salisbury, NC 28114. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Group 1 General Commodities over irregular routes—Between points in Rowan County, NC, on the one hand, and, on the other, all points in NC. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the State of North Carolina Utilities Commission, P.O. Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34523 Filed 12-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or

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acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: November 24, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14721, filed October 23, 1981. REDSTONE CORPORATION (Redstone) (123 Coulter Avenue, Ardmore, PA 19003)–CONTROL-TRAVIS TRANSPORTATION, INC. (TTI) (6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, D.C. 20005. Redstone, a non-carrier in control of a carrier, seeks approval to control the interstate operating rights and property of TTI through the ownership of stock. TTI is generally a contract carrier of designated commodities for named shippers between points in much of the United States under docket No. MC–150567 and subs thereunder, it also holds common carrier authority under MC–150954. Redstone controls, through stock ownership, Alamo Express, Inc. (Alamo) a common carrier of property under docket No. MC–107727 and subs thereunder. Alamo is authorized to transport general commodities (with the usual exceptions) between areas in Southern Texas on the one hand, and, on the other, points and designated counties, in IN, OH, MI, AL, AZ, AR, CA, CO, FL, GA, IA, IL, KY, KS, MO, NM, NC, MS, OK, SC, TN, UT, WI and LA. No TA application has been filed.

Note.—Since a substantial portion of the investment of, and revenues derived by, Redstone Corporation involve regulated transportation, Redstone shall be considered a carrier pursuant to 49 U.S.C. 11348, to the extent of the statutory provision and the Commission's regulations pertaining to accounting procedures, record keeping, reporting requirements, and securities issuances or assumptions.

[FR Doc. 81–34628 Filed 12–1–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no futher effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–78773. (CORRECTION) (Previously published in the **Federal Register** issue of October 27, 1980). By decision of September 23, 1980, issued under 49 U.S.C. 10926 and the transfer

rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to WESTERN TURF EXPRESS INC., of Certificate No. MC–129156 (Sub-No. 1) issued April 7, 1975 to GIDDI-UP-GO HORSE TRANSPORTATION, INC. authorizing the transportation of *horses*, other than ordinary, *mascots, personal effects* of attendants, trainers, and exhibitors, and *supplies and equipment* used in the care and exhibition of such animals, between points in AZ, AR, CA, CO, IL, KY, LA, MI, NE, NV, NM, OK, OR, TX, UT, and WA. Representative: Earl Brown, 1316 Southwest 16th, Renton, WA 98055.

Note.—The purpose of this republication is to add the State of Colorado to the territorial description. It has been omitted by mistake.

MC–FC–79386. By decision of 10/21/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to R. B. RAINES, SR. AND WILLIAM RAINES, A PARTNERSHIP d.b.a. R & R TRUCKING, of Princeton, LA, of permit No. MC–143645 Sub 2 issued to HOMER JONES, d.b.a. HOMER JONES TRUCKING, of Minden, LA, authorizing: *gravel*, from Wilton, AR to named parishes in LA, under contract with Bruswell Industries, Inc. Applicant's representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. TA lease is not sought. Transferee is not a carrier.

MC–FC–79458. By decision of November 6, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to GARY ISKER d.b.a. PRAIRIE DRAY LINES of Certificate No. MC–146837 (Sub-No. 2F) issued to SOUTHERN MINNESOTA GROCERY COMPANY authorizing the transportation of *salt*, from Hutchinson, KS, to points in Iowa, Minnesota, Wisconsin, and Missouri.

Applicants' representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402.

Note.—Transferee is a non-carrier however, currently has pending a petition for substitution of applicant in MC–146837 (Sub-No. 3).

MC–FC–79448. By decision of 11/16/81 Review Board 3 approved the transfer to GLENNA HICKS, d.b.a. GENE HICKS (Madisonville, TN) of permit No. MC–146434 (Sub-No. 2) issued to GENE HICKS (Madisonville, TN) (Glenna Hicks, Executrix) authorizing *lumber* and *lumber mill products*, from Madisonville, TN, to points in KY, NC, GA, AL, IN, and OH under contract with Melvin Sheets Lumber Co., of Madisonville, TN. Applicant's representative: Rudolph L. Ennis, P.O. Box 550, Knoxville, TN 37901.

MC–FC–79449. By decision of 11/16/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to PHOENIX TRUCKING CO., of Ravenna, OH of Certificate No. MC–106373 (Sub-Nos. 36, 39, 44, 45, 47, and 48 issued, respectively, October 3, 1979, April 24, 1980, May 6, 1981, August 14, 1980, August 14, 1980, and December 11,1980, to THE SERVE TRANSPORT CO., of Ravenna, OH, authorizing the transportation of *iron and steel articles* and *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles from and to described points in the East.

MC–FC–79452. By decision of November 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GRANDVIEW ENTERPRISES, INC., of Portland, OR, or Permit No, MC–139884 (Sub-No. 6)X, issued July 17, 1981, to KLIMA, INC., of Portland, OR, authorizing the transportation of (1) *transportation equipment*, between points in the United States, Under continuing contracts with Allied Body Works, of Seattle, WA; (2) *food and related products*, between points in the United States, under continuing contracts with (a) Luden's Inc., of Reading, PA, and (b) Northwest Brokerage Co., of Seattle, WA; and (3) *lumber and wood products*, between points in the United States, under continuing contracts with (a) Dana-Deck, Inc., of Bellingham, WA, and (b) Tri-Mac Panel Products, Inc., of Portland, OR. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210.

Notes.—TA has not been filed. Transferee is a motor contract carrier operating under authority issued in MC–139588.

MC–FC–79454. By decision of 11/16/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to RICHARD HEATHERLY d.b.a. TANK TRANSPORTS, of Newport, AR, of Certificate No. MC–150530 Sub 1F, issued February 23, 1981, to IKE HALL AND JAMES THORPE, d.b.a. IKE HALL WHOLESALE CO., of Newport, AR, authorizing the transportation of *ground limestone and roofing granules*, between points in Shelby County, TN, on the one hand, and, on the other, points in Pulaski and Independence Counties, AR. Approval of this transfer is conditioned upon Ruby P. Hall submitting copies of appropriate court orders stating that she has been appointed executrix of the estate of James Ike Hall. Representative: James N. Clay, III, 222 E. Mallory Ave., Memphis, TN 38109.

Notes.—TA has been filed. Transferee is a non-carrier.

MC–FC–79455. By decision of November 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to M. L. Rogers, Inc., of South Windham, ME, of Certificate Nos. MC–31245 and MC–31245 (Sub-Nos. 4 and 7), issued to ESTATE OF MAURICE L. ROGERS, of South Windham, ME, (Jennie S. Rogers, Executrix), authorizing the transportation of (1) *building materials and supplies, heavy machinery, farm machinery, fertilizer, lumber and forest products, and snow removal equipment*, between points in ME, on the one hand, and, on the other, points in MA and NH; (2) *box shooks*, from Clarks Mill, ME, to points in NY; (3) *lumber*, from the boundary line between the U.S. and Canada, at or near Coburn Gore, ME, to South Windham, ME; and (4) *building materials, prefabricated homes, machinery, snow removal equipment*, and *fertilizer*, between points in ME, on the one hand, and, on the other, points in VT, RI, and CT. Representative: Kenneth Baird, 477 Congress Street, Portland, ME 04101.

Notes.—TA has not been filed. Transferee is not a carrier.

MC–FC–79457. By decision of 11/16/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JBM ENTERPRISES, INC., of Butler, PA of Certificate No. MC–145791 Sub 3F issued to JAMES B. MILLER, d/b/a J. B. MILLER ENTERPRISES, of Butler, PA, authorizing (1) *such commodities* as are dealt in or used by homeproducts manufacturers and distributors of cosmetics, toilet preparations and jewelry, and (2) *such commodities* as are distributed by hardware stores, between points in PA, OH, IN, IL, WV, MD, DE, NJ, NY, MA, VA, NC, SC, and DC. Applicant's representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. TA lease is not sought. Transferee is not a carrier.

MC–FC–79459. By decision of 11/16/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WOODIE EVERLY & SON, INC. of Permit No. MC–145204 (Subs 1, 2F and 3F) issued to TVF SECURITY CO. authorizing: To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting in Sub 1 *printed matter*, from the facilities of R.R. Donnelley & Sons Company, at Warsaw, IN, to Ft. Wayne, Elkhart, Indianapolis, and

Lafayette, IN, Chicago, IL, and Cincinnati, OH, under continuing contract(s) with R.R. Donnelley & Sons Company; in Sub 2 *paper and plastic disposable cups, plates, bowls, containers* without lids, and *ice cream cones,* from the facilities of Sweetheart Cup Corp., and Northwest Cone at Chicago, IL, on the one hand, and, on the other, points in Indiana, on and north of U.S. Hwy 40, under continuing contract(s) with Sweetheart Cup Corp.,—Northwest Cone, of Chicago, IL; and in Sub 3 *castings,* from the facilities of Dalton Foundries, Inc., at Warsaw, IN, to points in Illinois, Ohio, Michigan, New York, Kentucky, Tennessee, North Carolina, Ohio, and Pennsylvania, and *materials, equipment and supplies* used in the manufacture and distribution of castings, from points in Illinois, Ohio, Michigan, New York, Kentucky, Tennessee, North Carolina, Ohio, and Pennsylvania, to the facilities of Dalton Foundaries, Inc., at Warsaw, IN, under continuing contract(s) with The Dalton Foundries, Inc., of Warsaw, IN. Applicant's representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. TA lease is not sought. Transferee is not a carrier.

MC–FC–79461. By decision of 11/16/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WHITENER LINES, INC., of Springfield, MO, of Certificate Nos. MC–149568 and MC–149568 (Sub-No. 1) and Permit Nos. MC–149568 (Sub-Nos. 2, 3x, 4, 5, and 6) and MC–124988 (Sub-No. 15), issued to TRUCK SERVICE COMPANY, of Springfield, MO, authorizing the transportation of the following: (A) *common carrier,* (1) *general commodities* (with specified exceptions), for the United States Government, between points in the United States; and (2) *meats and related products,* between points in Anderson County, TX, and points in the U.S.; and (B) *contract carrier,* (1) *rubber and plastic products,* and *chemicals and related products,* between points in the U.S., under contracts with E.I. du Pont de Nemours & Co., Inc.; (2) *charcoal briquettes, processed vermiculite, wood chips, charcoal lighter fluid,* in containers, and *spices and sauces* used in outdoor cooking, betwen points in the U.S., under contracts with Kingsford Company; (3) *food and related products, chemicals and related products, synthetic fibers,* and *rubber and plastic articles,* between points in the U.S., under contracts with Hercules Incorporated; (4) *such commodities* as are dealt in or used by hospitals, between points in the U.S., under contracts with Becton Dickinson & Company; (5) *chemicals and related products,* between points in the U.S., under contracts with Philipp Brothers Chemicals, Inc.; and (6) *chemicals,* between points in the U.S., under contracts with PPG Industries, Inc. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528.

Notes.—TA has not been filed. Transferee is not an ICC carrier.

MC–FC–79466. By decision of 11/16/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MUSTANG FREIGHT LINES, INC., of Aurora, CO, of Certificate No. MC–145577 (Sub-Nos. 1, 3, 4, 5, 6, 7, 12, 14, 15, 20, 22, 24, 25, 27, and 28), issued to GULLETT-GOULD, LTD., Debtor, Albert Farb, Trustee, which authorize the transportation, as a common carrier, the following, as summarized: *compressors and evaporator coils, dry animal feed, photographic equipment, iron and steel ariticles, pet vitamins, grape juice and concentrates, coal, glass containers, metal containers, paint, air conditioners, furnaces, and heating equipment,* and *wood burning stoves,* between specified points throughout the United States. Representative: Peggy Smookler, 188 S. Dearborn Circle, Aurora, CO 80012.

Notes.—TA has not been filed. Transferee is not an ICC carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–34529 Filed 12–1–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

November 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 6801 (Sub-12)X, published July 27, 1981, September 3, 1981 and November 2, 1981 republished as corrected this issue. Applicant: G. H. HARNUM, INC., 867 Woburn Ave., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108. Lead, Subs 1, 3, 5, 6, 8, 9, 10 and 11 certificates and E letter notices E2 and E3 as previously noticed, and, in addition broaden from (a) points in MA within 50 miles of Boston, MA to points in Essex, Middlesex, Worcester, Norfolk, Plymouth, Bristol and Barnstable Counties, Sub 1 (b) Springfield, MA to Hampden and Hampshire Counties, MA and Hartford County, CT, Sub 8, (c) Springfield, MA and points within 15 miles thereof to Hampden, Hampshire, or Worcester Counties, MA and points in Hartford and Tolland Counties, CT, Sub 8.

MC 42405 (Sub-44)X, filed: November 10, 1981. Applicant: MISTLETOE EXPRESS SERVICE, P.O. Box 25614, Oklahoma City, OK 73125. Representative: Stephen L. Plake, P.O. Box 25614, Oklahoma City, OK 73125. Subs 1, 7, 10, 11, 12, 15, 16, 17, 18, 21, 22, 25, 27, 28, 29, 31, 32, 35, 37, and 39: (1) eliminate "moving in express service" restriction in the above named Subs; (2) broaden general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives," Sub 25; (3) remove the joinder only restriction, Subs 1, 7, and 10; (4) allow service at all intermediate points (except on alternate routes), Subs 1, 10, 18, and 29; and (5) remove the following restrictions: restricted to traffic moving between Dallas, TX, and Durant, OK and points beyond, Sub 22; ex-air restriction, and against the transportation of traffic moving from, to, or beyond Dallas, TX, Sub 29; against tacking or joining for through

transportation of specified commodities between Sherman and Dallas, TX in Sub 12. Placer, Nevada, Fresno, Mendocino, Napa Counties, CA.

MC 61588 (Sub-3)X, filed November 2, 1981. Applicant: CHICHESTER TRANSPORTATION COMPANY, INC., P.O. Box 28247, Sacramento, CA 95828. Representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. Lead and Sub-No. 2: (1) broaden various food items to "food and related products" in both authorities; peat moss, fertilizer, insecticides, fungicides and lime to "chemicals and related products" in the lead; paper and paper products to "pulp, paper, and related products" in the lead; steel and pipe to "metal products" in the lead; (2) authorize radial service in both authorities (3) delete restriction to traffic moving from the territories or possessions of the U.S.; (4) broaden San Leandro, Fruitvale, Berkeley, Emeryville, Elmhurst, San Jose, Sacramento, Yuba City, Chico, Santa Cruz, Montgomery, San Francisco, Richmond, Oakland, Alameda, Stockton, West Sacramento, Fairfax, Alvarado, Centerville, Mount Eden, Hayward, Pleasanton, Oakley, Byron, Tracy, Monticello, Manteca, Colma, Palo Alto, Gilroy, Salinas, Monterey, Alvender, Wallingford, Pittsburgh, Antioch, Merced, Bakersfield, Healdsburg, Redwood City, Sunnyvale, Morgan Hill, Watsonville, San Juan Bautista, Hollister, Carmel, Santa Rosa, Willows, Florin, Wheatland, Woodland, Lindsay, Marcuse, Elderwood, Newark, Modesto, Paso Robles, Lincoln, Lodi, Elk Grove, Freeport Newcastle, Sebastopol, Rio Oso, Grass Valley, Sutter, Gustine, and Marysville, CA, to Alameda, Oakland, Santa Clara, Sacramento, Sutter, Butte, Santa Cruz, San Francisco, Contra Costa, San Joaquin, Yolo, Marin, Monterey, Merced, Kern, Sonoma, San Mateo, San Benito, Glenn, Yuba, Tulare, Stanislaus, San Luis Obispo.

MC 88368 (Sub-55)X, filed November 3, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Broaden to: Sub-No. 45F, "machinery" from appliances, and remove the bulk exception from materials, equipment, and supplies; and Sub-No. 46F, "furniture and fixtures" from furniture.

MC 110166 (Sub-31)X, filed November 18, 1981. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., P.P. Box 100943, Nashville, TN 37210. Representative: Howard T. Neal (same address as applicant). Broaden Sub-No. 24 certificate to authorize service at all intermediate points along its regular route operations between points in AR and TN.

MC 113587 (Sub-9)X, filed November 6, 1981. Applicant: WARD RUGH, INC., P.O. Box 68, Ellensburg, WA 98926. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Lead and Subs 6 and 8F certificates: (1) broaden (a) fibreboard, paper and pulpboard, in rolls, fibreboard boxes, partitions, separators, and parts thereof, (Lead) and paper clippings, in bales (Sub 8F) to "pulp, paper and related products", and (b) farm machinery to "machinery", Sub 6; (2) eliminate restrictions: limiting service to traffic destined to points in British Columbia, Canada (lead) and ex-water (Sub 8F); (3) remove facilities limitations, lead and Sub 8F; (4) change one-way to radial authority, lead and Subs 6 and 8F; (5) replace cities with counties: Union Gap, WA (Yakima County), lead and Sub 8F; Jerome, ID (Jerome County), lead; and Caldwell, ID (Canyon County), Sub 6; and (6) replace ports of entry located at or near Oroville, WA with Ports of entry in WA, lead.

MC 135072 (Sub-11)X, filed November 3, 1981. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, North Evans, NY 14112. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Tower, Buffalo, NY 14202. (A) Sub-Nos. 3, 5, 8 and 10 permits, broaden all territorial descriptions to "between points in the U.S.," under continuing contract(s) with named shippers; (B) broaden commodities to: Sub-No. 5, "petroleum, natural gas and their products" from asphalt and "machinery" from equipment utilized in the application of asphalt; Sub-No. 8, "petroleum, natural gas and their products, and chemicals and related products" from asphalt emulsions, base stock asphalt, solvent type asphalt, tar and wax; and (C) delete "in bulk," "in shipper-owned tank vehicles," and "in drums" where such appears.

MC 136645 (Sub-5)X, filed November 6, 1981. Applicant: DIME DELIVERY, LIMITED, 5936 Valley Way, Niagara Falls, Ontario, Canada L2E 1Y1. Representative: Robert D. Gunderman, 101 Niagara Street, Buffalo, NY 14202. Sub-2, (1) remove restrictions in the general commodities authority, except Classes A and B explosives, (2) expand ports of entry in NY from Niagara River ports of entry, (3) delete originating at or destined to restriction points in Canada, and (4) remove the 2,500 pound weight restriction.

MC 146751 (Sub-13)X, filed November 6, 1981. Applicant: J. C. LAWRENCE TRUCKING, INC., 1519 Ripley Street, P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, Suite 475, 2550 M Street, NW., Washington, DC 20037. Sub 10X: (a) broaden metal articles, transportation equipment and machinery to "metal products, machinery, and transportation equipment and materials, equipment, supplies and machinery used in the manufacture, sale, and distribution thereof and products used in connection therewith"; and (b) replace Montgomery County, AL with Montgomery, AL and points in Montgomery County.

MC 148099 (Sub-6)X, filed November 16, 1981. Applicant: WILMINGTON CORP., 24 Industrial Way, Wilmington, MA 01887. Representative: Stanley A. Twarog, One Center Plaza, Boston, MA 02108. MC 141728 Sub-5F permit. Broaden to between points in the U.S. under continuing contract(s) with named shipper.

MC 148638 (Sub-2)X, filed November 12, 1981. Applicant: ELMO W. and GARY D. CARLSON, d.b.a. CARLSON LEASING CO., 1229 Clarke Street, Clay Center, KS 67432. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. Sub 1F, broaden from feed and feed ingredients to "feed and chemicals and related products (except classes A and B explosives)."

MC 151378 (Sub-7)X, filed November 9, 1981. Applicant: BIG B TRUCK LINES, INC., P.O. Box 67, Jonesburg, MO 63351. Representative: John R. Clark (same as applicant). Subs 1F, 3F and 5F (1) remove size and weight restriction, Sub 1F; (2) Sub 3F, broaden general commodities (with usual exceptions) to "general commodities (except classes A & B explosives)"; (3) remove the bulk restriction in Sub 5F; and (4) authorize service at all intermediate points on regular route in Sub 4F.

[FR Doc. 81-34531 Filed 12-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: November 25, 1981.

Service date: November 25, 1981.

In our recent decisions an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators

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were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.8-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.0 percent surcharge for United Parcel Service, the 6.6 percent surcharge for bus carriers, or the 3.1 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered: This decision shall become effective Friday, 12:01 a.m., November 27, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

APPENDIX.—FUEL SURCHARGE

[November 23, 1981]

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

November 23, 1981 ..... 130.5¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	[redacted] carrier	UPS
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.8	3.1	6.6	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.6	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent)
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates

[FR Doc. 81-34530 Filed 12-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. 437]

Motor Carriers Permanent Authority; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 102295 (Sub-39) (Republication), filed September 13, 1979, published in the Federal Register issue of March 18, 1980, and republished this issue. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. A Decision of the Commission, Division 1, Acting as an Appellate Division, decided October 21, 1981 and served October 27, 1981, and a Decision of the Commission, Review Board Number 3, decided July 24, 1981 and served August 19, 1981 finds on further consideration that the performance by applicant of the service as described herein will serve a useful public demand or need to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand, stone, and gravel* between points in NJ on and south of NJ Hwy 33 to those points in the United States in and east of MN, IA, NE, KS, OK, and TX; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to give notice to those parties who have relied on the previous notice in the Federal Register of the application as published and may have an interest in, and would be prejudiced by the lack of proper notice of the authority granted to the extent it authorizes two-way operations instead of one-way service from points in New Jersey.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-34535 Filed 12-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29748]

Brandywine Valley Railroad Co.; Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of its prior review and approval: (1) under 49 U.S.C. 10901, the acquisition by Brandywine Valley Railroad Company, (Brandywine) a non carrier, of 12 miles of track of Consolidated Rail Corporation extending between Coatesville and Valley Township, PA; and (2) under 49 U.S.C. 11301, the issuance by Brandywine of 1,000 shares of no par value capital stock to Lukens Steel Company for $1 million to finance the transaction and provide initial working capital.

A decision in this proceeding which is being served by the Commission concurrently with this notice contains further information..

DATES: These exemptions will be effective 30 days from the dates of this publication. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

Interstate Commerce Commission, Section of Finance, Room 5414, 12th St. and Constitution Ave. N.W., Washington, D.C. 20423; and

Petitioner's representative: James L. Slattery, 50 South First Avenue, Coatesville, PA 19320

Copies of the full decision are available from: Interstate Commerce Commission, Room 2227, 12th St. and Constitution Ave., N.W., Washington, D.C. 20423; or by calling toll-free: 800-424-5403

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson (202) 275-7245.

Dated: November 25, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34756 Filed 12-1-81: 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Comission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statues and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-311

Decided: November 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 159221, filed November 9, 1981. Applicant: S.K.T., 623 N.E. 10th Street, Minot, ND 58701. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415, (212) 263-2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159231, filed November 10, 1981. Applicant: SOUTHEASTERN BONDED WAREHOUSES, INC., 5180 Phillip Lee Drive, S.W., Atlanta, GA 30336. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036, (202) 296-2900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159250, filed November 12, 1981. Applicant: MULTIPLE MAGAZINE DISTRIBUTORS, INC., 141 West Ruby Avenue, Palisades Park, NJ 07650. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048-0640. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-2-229

Decided: November 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 159173F, filed November 6, 1981. Applicant: HOMER DAVIS, d.b.a. SILVER STATE TRANSPORTATION, 1045 Whitfield Way, Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 822-5649. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159243, filed November 12, 1981. Applicant: M. THERESA RODRIGUEZ, d.b.a. THERESA & SONS TRUCKING, 3585 Bear Creek Dr., North Las Vegas, NV 89030. Representative: M. Theresa Rodriguez (same address as applicant), (702) 643-8067. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159272, filed November 13, 1981. Applicant: DATA FREIGHT, INC., 8675 West 96th St., Suite 206, Overland Park, KS 66212. Representative: Arthur J. Cerra, 2100 CherterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159282, filed November 16, 1981. Applicant: GULF STATES EXPRESS, INC., 7218 Prestwick, Houston, TX 77025. Representative: Olen Max Coursey (same address as applicant), 713-668-7462. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159312, filed November 16, 1981. Applicant: WILLIAM R. GAGE, d.b.a. WILLIAM R. GAGE TRUCKING COMPANY, 500 South Virginia St., Charleston, MO 63834. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415, (212) 263-2078. Transporting *food and other edible products and byproducts intended for*

human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159313, filed November 16, 1981. Applicant: ALVAREZ, INC., 1021 Tervin Ave., Salinas, CA 93902. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2931. (1) As a *broker* of *general commodities* (except household goods), and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–3–218

Decided: November 23, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 142135 (Sub-3), filed November 17, 1981. Applicant: PRIORITY DISPATCH, INC., 123 East Liberty Street, Cincinnati, OH 45210. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215, (614) 228–8575. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158234 (Sub-2), filed November 17, 1981. Applicant: PACIFIC MOTOR TRANSPORT, INC., P.O. Box 759, Tenino, WA 98589. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101, (206) 624–7373. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–205

Decided: November 19, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 159179, filed November 6, 1981. Applicant: ALLEN A. ADAMS, P.O. Box 13216, Fresno, CA 93794. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306, (805) 872–1106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159198, filed November 9, 1981. Applicant: CARL D. WUELFING, 6 Craig Court, Totowa, NJ 07512. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001, (212) 279–3050. As a broker of *general commodities* (except household goods) between points in the U.S.

MC 159208, filed November 9, 1981. Applicant: ROBERT L. STREET, 100 Glacier Drive, Lolo, MT 59847. Representative: Robert L. Street (same address as applicant), (406) 273–2111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159218, filed November 9, 1981. Applicant: JOHN H. ROUTE & ROBERT L. GERICH, d.b.a. GREAT LAKES COURIER, 5641 Gage St., Rosemont, IL 60018. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting (a) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (b) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–207

Decided: November 20, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 82808 (Sub-22), filed November 9, 1981. Applicant: C. L. HUNT, d.b.a. HUNT AND SONS, P.O. Box 433, Warrensburg, MO 64093. Representative: C. L. Hunt (same address as applicant), (816) 747–7164. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 99498 (Sub-12), filed November 10, 1981. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* between Columbia, Hawthorne, and Arm, MS, on the one hand, and, on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—Applicant holds regular-route authority in its Subs 9 and 5 and applicant intends to tack the authority held in those certificates with the authority sought here. The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 120799 (Sub-6) filed November 9, 1981. Applicant: COLONIAL TRUCKING, INC., 38 May Ave., Brockton, MA 02401. Representative: John A. Buckley (same address as applicant), 617–587–3886. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–34536 Filed 12–1–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to

the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–230

Decided: November 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 52793 (Sub-86F), filed November 10, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547–2184. Transporting *household goods,* between points in the U.S., (except AK and HI), under continuing contract(s) with American Airlines, of Dallas, TX.

MC 94742 (Sub-43), filed November 9, 1981. Applicant: MICHAUD BUS LINES, INC., 61–63 Jefferson Ave., Salem, MA 01970. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *passengers and their baggage,* in charter operations, between points in the U.S., under continuing contract(s) with Michaud Trailways Tours, Inc., of Salem, MA.

MC 109593 (Sub-17F), filed November 6, 1981. Applicant: H. R. HILL, Box 875, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *such commodities* as are dealt in or used by the roofing industry, between points in the U.S. (except AK and HI), under continuing contract(s) with Elk Roofing Co., of Ennis, TX.

MC 135762 (Sub-22F), filed November 10, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902, (501) 782–1001. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Western Auto Supply Company, of Kansas City, MO.

MC 140262 (Sub-10), filed November 5, 1981. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, 714–738–3889. Transporting (1) *ores and minerals,* (2) *clay, concrete, glass or stone products,* (3) *coal and coal products,* and (4) *chemicals and related products,* between points in CA, OR, WA, ID, UT, NV, AZ, NM, CO, MT and WY.

MC 140312 (Sub-5), filed November 12, 1981. Applicant: SARGENT TRANSPORT, INC., 1882 Obi Rd., Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting (1) *food and related products,* under continuing contract(s) with (a) Farnsworth's Cookies, Inc., of Cuba, NY, and (b) Friendship Dairies, Inc., of Friendship, NY, and (2) *electrical equipment,* under continuing contract(s) with Acme Electric Corporation, of Cuba, NY, between points in the U.S. (except AK and HI).

MC 140553 (Sub-20), filed November 9, 1981. Applicant: ROGERS TRUCK LINE, INC., 3325 Highway 24 East, Logansport, IN 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products* (1) between Kenosha, WI, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA, and (2) between points in IA, WI, NE, MN, PA, NJ, NY, and IL, on the one hand, and, on the other, points in Kenosha and Milwaukee, WI, and Chicago, IL.

MC 142603 (Sub-63), filed November 10, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant), (413) 732–6283. Transporting *metal products, and waste or scrap materials not identified producing,* between points in the U.S., under continuing contract(s) with Resource Alloys & Metals, of Detroit, MI.

MC 146743 (Sub-7), filed November 16, 1981. Applicant: YAGER TRUCKING, INC., 1116 Gum Ave., Woodland, CA 95695. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, 213–655–3573. Transporting *food and related products,* between points in AZ, CA, ID, OR, UT, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, NE, NV, NM, ND, OR, SD, TX, UT, WA, and WI.

MC 152082 (Sub-8), filed November 10, 1981. Applicant: R. C. SERVICE, INC., 830 Supreme Dr., Bensenville, IL 60106. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Continental Web Press, Inc., of Itasca, IL.

MC 152663 (Sub-6F), filed November 9, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangle, Jericho, NY 11753. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *pulp, paper and related products, and machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Cecilware Corp., of Long Island City, NY.

MC 152803 (Sub-1F), filed November 13, 1981. Applicant: SAM LATTNER DISTRIBUTING CO., 114 South Ellis, P.O. Box 351, Groesbeck, TX 76642. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332–4415. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 158962, filed November 5, 1981. Applicant: CHARLES D. WILEY, d.b.a. SPARTAN CYCLE TRANSPORT, 4910 10th Ave. South, Great Falls, MT 59405. Representative: William E. O'Leary,

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Suite 4G, Arcade Bldg., 111 N. Last Chance Gulch, Helena, MT 59601, (406) 443–4010. Transporting *motor cycles, motor bikes, mini-bikes, and snow mobiles,* between Seattle, WA, and points in King County, WA, on the one hand, and, on the other, points in MT and WY.

MC 159232F, filed November 10, 1981. Applicant: ERVIN L. MAGSTADT, d.b.a. E.L.M. TRACKING, 2017 Ave., B East, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., (except AK and HI), under continuing contract(s) with Quality Builders, Inc., Wood-Pro Cabinets, Cube Distribution, Inc., and Capital City Roof & Floor Truss Co., all of Bismarck, ND, and Gibbs Lumber Company, of Lake Elmo, MN.

MC 159283, filed November 16, 1981. Applicant: W.L. LOGAN TRUCKING CO., 3224 Navarre Rd., SW, Canton, OH 44706. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215, 614–228–8575. Transporting *metal products and machinery,* between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OPY–3–220

Decided: November 24, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 115554 (Sub-43), filed November 18, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R. R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *such commodities* as are dealt in by retail, discount, and automotive supply stores, and catalog showrooms (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 121644 (Sub-12), filed November 17, 1981. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Rd., Murfreesboro, TN 37130. Representative: Roland M. Lowell, 501 Union Bldg., 5th Fl., Nashville, TN 37219, (615) 255–0540. Over *regular routes,* transporting *general commodities* (except classes A and B explosives) (A)(1) Between Marion, VA, and Erwin, TN, (a) from Marion over U.S. Hwy 11 to junction U.S. Hwy 19–11E, then over U.S. Hwy 19–11E to junction U.S. Hwy 23–19W, and then over U.S. Hwy 23 to Erwin, and return over the same route, serving all intermediate points, and (b) from Marion, over Interstate Hwy 81 to junction U.S. Hwy 19–11E, then over U.S. Hwy 19–11E to junction U.S. Hwy 23–19W, and then over U.S. Hwy 23 to Erwin, and return over the same route, serving all intermediate points, and (2) Between Chattanooga, TN, and Rome, GA, over U.S. Hwy 27, serving all intermediate points, and serving points in Floyd County, GA, as off-route points, and (B) over *irregular* routes, transporting *general commodities* (except classes A and B explosives), between points in Smyth County, VA, and Unico County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority with its existing authority and that shown in (A) above.

MC 130764 (Sub-1), filed November 18, 1981. Applicant: BARTLETT TOURS, INC., d.b.a. BARTLETT TOURS, P.O. Box 2284, 520½ South Third, Ponca City, OK 74601. Representative: Ms. Joe (Donna) Bartlett (same address as applicant), (405) 762–3406. As a *broker,* at Ponca City, OK, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, between points in the U.S.

MC 35684 (Sub-169), filed November 18, 1981. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006, (202) 331–3700. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 144154 (Sub-1), filed November 18, 1981. Applicant: 336825 ONTARIO LIMITED, d.b.a. SHORELINE COACH, Leamington, Ontario, Canada NOR 1 JO Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round trip charter operations, beginning and ending at Detroit and Port Huron, MI, and points in their respective commercial zones, and extending to points in the U.S. (except AK and HI).

MC 146075 (Sub-12), filed November 17, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 W. 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant), (303) 429–4065. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Dow Chemical, U.S.A., Texas Division, of Freeport, TX.

MC 148394 (Sub-5), filed November 18, 1981. Applicant: McKINLEY TRUCKING CO., INC., 652 N. Williams, Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *petroleum products,* between points in the U.S. (except AK and HI).

MC 148634 (Sub-2), filed November 18, 1981. Applicant: COMPASS TRANSPORTATION COMPANY, P.O. Box 81225, 3585 Corporate Ct., San Diego, CA 92123. Representative: David P. Downey (same address as applicant), (714) 571–5002. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cambridge Distribution Company, of Compton, CA

MC 152975 (Sub-1), filed November 18, 1981. Applicant: LEWIS LEASING COMPANY, P.O. Box 838, Pottstown, PA 19464. Representative: Theodore B. DeWalt (same address as applicant), (215) 327–3889. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Tubular Products, Inc. of Souderton, PA.

MC 157405, filed November 16, 1981. Applicant: LARRY LONG, d.b.a. L. L. LEASING COMPANY, 1881 Rio Vista Dr., Paris, KY 40361. Representative: Michael Preston, #6 Park Dr., Fountain Park Subdivision, Richmond, KY 40475, (606) 624–1158. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with Ramset Fastening Systems, of New Haven, CT.

MC 159334, filed November 17, 1981. Applicant: DELLE TRANSPORTATION, INC., 1002 18½ St., Albert Lea, MN 56007. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products,* between points in Freeborn County, MN, on the one hand, and, on the other, points in IL, IN, and WI.

MC 159344, filed November 19, 1981 Applicant: B. W. SERVICES, INC., P.O. Box 230, Keystone Heights, FL 32656. Representative: B. M. Bishop, Jr. (same address as applicant), (904) 473–7222. Transporting *solid wastes and hazardous materials,* between points in the U.S. (except AK and HI).

Volume No. OPY–4–458

Decided: November 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 133376 (Sub-4), filed November 16, 1981. Applicant: THOMAS A. GARRETT, d.b.a. GARRETT TRUCKING, P.O. Box 224, R.R. No. 2, Owensville, IN 47665. Representative: Walter F. Jones, Jr., 1111 East 54th St., Indianapolis, IN 46220, (317) 257–4066. Transporting *black granular,* between points in the U.S. (except AK and HI) under continuing contract(s) with Ampact Corporation of Terre Haute, IN.

MC 142086 (Sub-3), filed November 17, 1981. Applicant: JOY MOTOR FREIGHT, INC., 1616 E. 26th, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *general commodities* (except classes A and B explosives and household goods) between points in WA, OR, ID, and MT.

MC 146636 (Sub-10), filed November 17, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products,* between the facilities of John Morrell & Co., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147916 (Sub-6), filed November 18, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 Second Avenue, Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464–4224. Transporting *meats, meat products, and meat by-products,* between points in the U.S. (except AK and HI), under continuing contract(s) with National Beef Packing Company of Liberal, KS.

MC 150536 (Sub-2), filed November 17, 1981. Applicant: THE STACEY WILLIAMS CO., INC., P.O. Box 10884, Birmingham, AL 35202. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401 (205) 578–2836. Transporting *sugar, corn syrup and blends thereof, (in bulk, in tanks vehicles),* between points in Baldwin County, AL, on the one hand, and, on the other, points in AR, FL, GA, LA, MS, and TN.

MC 151536, filed November 17, 1981. Applicant: CEPHUS DALTON, Rt. 7, Box 750, Mt. Airy, NC 27030. Representative: Wayne H. Harrell, P.O. 1124, Mt. Airy, NC 27030 (919) 789–5018. Transporting *portable utility buildings,* between points in the U.S. (except AK and HI), Inc., of Mt. Airy, NC.

MC 154206 (Sub-1), filed November 18, 1981. Applicant: DELMAR DONLEY, INC., P.O. Box 13, Williamsville, IL 62693. Representative: Edward D. McNamara, Jr., 907 Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *cement,* between points in Putnam County, IN, Pike, Jefferson, Marion Counties, and St. Louis, MO, on the one hand, and, on the other, points in Sangamon County, IL.

MC 154596, filed November 12, 1981. Applicant: BILL DAVIS TRUCKING, INC., P.O. Box 2504, Batesville, AR 72501. Representative: Bill Davis (Same address as applicant) (501) 251–2806. Transporting *electric motors,* between points in Saint Francis and White Counties, AR, on the one hand, and, on the other, points in IL, IN, and OH.

MC 155386 (Sub-1), filed November 12, 1981. Applicant: BOMGAARS TRANSPORTATION, INC., P.O. Box 3408, Sioux City, IA 51102. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036 (202) 223–5900. Transporting *food and related products,* between points in Woodbury County, IA, and Dakota County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156886, filed November 18, 1981. Applicant: J. O. STRAYHORN' WRECKER SERVICE, INC., 1701 S. Miami Blvd., Durham, NC 27703. Representative: Archie W. Andrews, 617 Lynrock Terrace, Eden, NC 27288. Transporting *wrecked or disabled vehicles and replacement vehicles for wrecked or disabled vehicles,* between points in NC, on the one hand, and, on the other hand, points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 159326, filed November 17, 1981. Applicant: OVERLAND TRAVEL, INC., 5933 Somoff Dr., Toledo, OH 43613. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *passengers and their baggage,* in special and charter operations, between points in MI and OH, on the one hand, and, on the other, points in the U.S.

MC 159326 (Sub-1), filed November 17, 1981. Applicant: OVERLAND TRAVEL, INC., 5933 Somoff Dr., Toledo, OH 43613. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. To operate as a *broker,* at Toledo, OH and Whitmore Lake, MI, in arranging for the transportation of *passengers and their baggage,* in charter or special operations, between points in OH and MI, on the one hand, and, on the other, points in the U.S.

MC 159336, filed November 18, 1981. Applicant: COUGHLIN TRANSPORTATION, INC., 27050 Wick Rd., Taylor, MI 48180. Representative: Jon Feikens, 1200 Buhl Bldg., Detroit, MI 48226, (313) 962–5909. Transporting *parts, materials and equipment,* used in the manufacture, production, assembly, distribution and servicing of agricultural and construction tractors, between Detroit, MI, and points in MI, WI, IL, IN, and OH.

MC 159346, filed November 18, 1981. Applicant: DON LINMAN, d.b.a. LINMAN TRUCKING, Monmouth, IL 61462. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *petroleum and petroluem products,* and (2) *tires, inner tubes and tires related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Keister's Inc., of Monmouth, IL.

MC 135046 (Sub-23), filed October 20, 1981, previously noticed in the **Federal Register** issue of November 9, 1981, and republished this issue. Applicant: ARLINGTON J. WILLIAMS, 1398 S. DuPont Hwy, Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *rubber and plastic products,* between Chicago, IL, points in Dendall and DuPage Counties, IL, and points in Le Sueur County, MN, on the one hand, and, on the other, Richmond, VA and points in Henrico and Chesterfield Counties, VA.

Volume No. OPY–4–456

Decided: November 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42487 (Sub-1054), filed November 16, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI) under continuing contract(s) with Columbian Chemicals Company, of Tulsa, OK.

MC 42537 (Sub-69), filed November 15, 1981. Applicant: CASSENS TRANSPORT COMPANY, P.O. Box 40248, Indianapolis, IN 46240. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *transportation equipment,* between points in the U.S., (except AK and HI), under continuing contract(s) with Nissen Motor Corporation, U.S.A., of Carson, CA.

MC 59957 (Sub-70), filed November 13, 1981. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Rd. & Toronita Sts., P.O. Box 1029, York, PA 17405.

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Representative: James W. Patterson, 1200 Western Saving Bank Bldg., Philadelphia, PA 19107, (215) 735–3090. Transporting *general commodities* (except classes A and B explosives) (1) between points in AL, FL, GA, ME, MI, NH, NY, VT, WI, and those points in the U.S. in and west of MN, IA, MO, AR, and MS, and (2) between points in the area described in (1) above, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, NJ, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 128837 (Sub-42), filed November 5, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Lindsay Olive Growers, and Willamette Cherry Growers, both of Lindsay, CA.

MC 139367 (Sub-3), filed November 16, 1981. Applicant: C & S SERVICES, INC., 1910 E. Waterloo Rd., Akron, OH 44312. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MI, OH, WI, IN, IL, KY, WV, PA, and NY.

MC 136077 (Sub-33), filed November 16, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102, (215) 854–6444. Transporting *coal and coal products,* between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 142487 (Sub-8), filed November 16, 1981. Applicant: JOHN H. KOOY TRUCKING, INC., 2936 Shelby Rd., Lynnwood, WA 98036. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *plastic and plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Kohkoku, USA, of Everett, WA.

MC 146447 (Sub-17), filed November 16, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, (305) 592–0036. Transporting *rubber and plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pervil Industries, Inc., of Plainfield, CT.

MC 146447 (Sub-18), filed November 16, 1981. Applicant: TANBAC, INC., 2941 S.W. 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Pet Products, Inc., of Boston, MA.

MC 150047, filed November 13, 1981. Applicant: KOHLER TRUCKING, INC., P.O. Box 592, East 6th Ave., Clifton, IL 60927. Representative: Edward D. McNamara, Jr., 907 S. Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *insulating material,* between points in Kankakee County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156077, filed November 16, 1981. Applicant: MAXIE JAMES HUFFMAN, d.b.a. HUFFMAN TRUCKING, 11048 Roswell Ave., Pomona, CA 91766. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *such commodities* as are dealt in or used by manufacturers of metal products, between points in AZ, CA, CO, NV, OR, UT, and WA.

MC 156647, filed November 13, 1981. Applicant: BRUCE OAKLEY, INC., 3700 Lincoln Ave., North Little Rock, AR 72114. Representative: Fletcher C. Lewis, 321 Maple, P.O. Box 5578, North Little Rock, AR 72119, (501) 376–4090. Transporting *roofing granules,* between points in the U.S., (except AK and HI), under continuing contract(s) with Elk Corporation, of Ennis, TX.

MC 159157, filed November 4, 1981. Applicant: CASSARINO TRUCKING, INC., 272 Tolland St., East Hartford, CT 06108. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016, (312) 298–1668. Transporting *general commodities,* (except household goods, commodities in bulk and classes A and B explosives), between points in ME, CT, RI, VT, NH, MA, NY, NJ, PA and DE.

MC 159247, filed November 12, 1981. Applicant: YOUR TRAVEL AGENT CAROLYN ALLISON, INC., 2925 Cahaba Rd., Birmingham, AL 35223. Representative: Carolyn Allison (same address as applicant), (205) 870–4235. To operate as a *broker,* in Jefferson County, AL, in arranging for the transportation of *passengers and their baggage,* beginning and ending at points in AL and extending to points in U.S. (including AK and HI).

Volume No. OPY–4–460

Decided: November 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 154996, filed November 16, 1981. Applicant: JOHNSTON MEATS, INC., Rt. 3, Box 3514, Cabana Rd., Hermiston, OR 97838. Representative: Earl M. Johnson (Same address as applicant), (503) 567–3796. Transporting (1) *lumber and wood products,* (2) *metal products,* (3) *chemicals and related products,* (4) *machinery,* (5) *building and construction equipment,* and (6) *salt,* between points in OR, WA, ID, MT, UT, CA, WY, and NV.

MC 157476, filed November 17, 1981. Applicant: LAKEVIEW BOAT HAULERS, INC., 6223 Lake St., Box 154, Cayuga, NY 13034. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315) 797–1970. Transporting *boats* between points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VI, WI, WV.

MC 159246, filed November 19, 1981. Applicant: SHUTTLE II TRUCKING CO., INC., 27681 Stansbury, Farmington Hills, MI 48018. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *automobile parts* between points in the U.S. (except AK and HI), under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 159366, filed November 19 1981. Applicant: TOUR LINE, INC., 181 Chase Rd., Columbus, OH 43214. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *passengers and their baggage,* between points in Logan, Champaign, Clark, Marion, Union, Madison, Fayette, Morrow, Delaware, Franklin, Pickway, Ross, Knox, Licking, Fairfield, Hocking, Perry, Coshocton, Muskingum and Guernsey Counties, OH, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with AtA, Inc. d.b.a. America Interstate Travel, of Worthington, OH.

Volume No. OPY–5–206

Decided: November 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 142619 (Sub-6), filed November 2, 1981. Applicant: DASH TRANSPORTATION, INC., P.O. Box 221, Bloomingdale, IL 60108. Representative: Edward J. Kiley, 1730 M St. N.W., Washington, D.C. 20036–4579, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing

contract(s) with Champion Airfreight, Inc., of Elk Grove, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34537 Filed 12-1-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Compressors and Parts Thereof from Italy

AGENCY: International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigation under section 104(b) of the Trade Agreements Act of 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, telephone 202-523-0296.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the countervailing duty order on compressors and parts thereof from Italy (T.D. 72-122), notice of which was published on May 3, 1972, in the **Federal Register** (37 FR 8948).

The Commission received a letter on November 16, 1981, from Tecumseh Products Company, the original petitioner for the countervailing duty order, stating that it withdraws its request for the imposition of countervailing duties under the above-referenced countervailing duty order.

The legislative history of section 704(a) of the Tariff Act of 1930, as amended by the Trade Agreements Act, indicates that the Commission should solicit public comment prior to termination of an investigation and approve the termination only if it is in the public interest. In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination of the investigation on compressors and parts thereof from Italy. These written comments must be filed with the Secretary to the Commission no later than January 4, 1982.

Issued: November 27, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34642 Filed 12-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-90]

Certain Airless Paint Spray Pumps and Components Thereof; Issuance of Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation or sale of certain airless paint spray pumps and components thereof, and published notice of its investigation in the **Federal Register** November 21, 1980 (45 FR 77190).

On November 4, 1981, the Commission unanimously determined [1] that there is a violation of section 337 in the unauthorized importation and sale of certain airless paint spray pumps which infringe certain claims of U.S. Letters Patent 3,154,845, U.S. Letters Patent 3,367,270, and U.S. Reissue Patent 29,055. The Commission further determined [2] that the appropriate remedy is an order directing that the infringing articles manufactured by Larius DiCastagna and C., S.N.C., Ltd., of Lecco, Italy, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, be excluded from entry into the United States for the remaining terms of the patents, except under license granted by the patent owner.

Copies of the Commission's Action and Order, the opinions of the Commissioners, and all other nonconfidential documents on the record of this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephome 202-523-0161.

[1] Commissioner Eckes not participating.

[2] Commissioners Calhoun and Frank dissenting.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

By order of the Commission.

Issued: November 24, 1981 [1]

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34620 Filed 12-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-84]

Chlorofluorohydrocarbon Drycleaning Process, Machines and Components Therefor; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted a joint motion (Motion 84-28) to terminate the above-captioned investigation on the basis of a settlement agreement.

SUMMARY: On November 24, 1981, the Commission granted Motion 84-28 to terminate the investigation on the basis of a settlement agreement entered into between the complainant and all respondents.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523-0350.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (Motion 84-28) to terminate the above-captioned investigation, pursuant to rule 210.51(a) of the Commission's Rules of Practice and Procedure (46 FR 17530, Mar. 18, 1981), on the basis of a settlement agreement executed by all the parties. On July 28, 1981, the presiding officer recommended that the motion be granted. The settlement agreement appears to resolve all outstanding issues between the parties.

The Commission published notice of the joint motion and a request for public comments in the **Federal Register** of September 2, 1981 (46 FR 44104). In response to the notice, comments were received from two Government agencies, the complainant Research Development Co., and one of the respondents, A.M.A. Universal S.p.A. The comments raised no substantive

[1] The Commission action and order referred to herein was originally scheduled to be issued on November 23, 1981, but was not because the Commission lacked authority to do so in the absence of appropriated funds.

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objections to the settlement agreement or to the joint motion.

The Commission's Action and Order and all other nonconfidential documents on the record in this investigation are available for public inpection during official business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

By order of the Commission.

Issued: November 24, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34624 Filed 12-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-105]

Certain Coin-Operated Audiovisual Games and Components Thereof (Viz, Pac Man and Rally-X); Hearing on the Presiding Officer's Recommended Determination and on Relief, Bonding and the Public Interest, and Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: The scheduling of oral argument and briefing on the presiding officer's recommended determination and on relief, bonding, and the public interest in investigation No. 337-TA-105, Certain Coin-Operated Audiovisual Games and Components Thereof (viz, Pac Man and Rally-X).

SUMMARY: Notice is hereby given that the Commission will hold a hearing on December 11, 1981, in the Commission's Hearing Room (Room 331), 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m. At the hearing, the Commission will hear oral argument on the presiding officer's recommendation and oral presentations on the appropriate relief, bonding, and the public interest in the event that the Commission determines that there is reason to believe that there is a violation of section 337.

The parties to the investigation, interested Government agencies, and the Commission investigative attorney are encouraged to file briefs on the issues of violation (to the extent that they have not already briefed that issue in connection with their exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest in order to give greater focus to the hearing. Such briefs must be filed no later than 5:15 p.m. on December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jack M. Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION:

Background

The presiding officer has issued a recommended determination that there is reason to believe that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation into the United States and sale of certain audiovisual games and components thereof which are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the investigation have been certified to the Commission for review and a Commission determination.

Commission Hearing

The Commission will hold a public hearing on December 11, 1981, in the Commission's Hearing Room (Room 331), 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that there is reason to believe that there is a violation of section 337 of the Tariff Act of 1930. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond in the event that the Commission determines that there is reason to believe that there is a violation of section 337 and that relief should be granted.

Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officers's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination.

If the Commission finds that there is reason to believe that a violation of section 337 has occurred, it may issue (1) an order which could result in the temporary exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being temporarily required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that there is reason to believe that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

Prior to the conclusion of this investigation, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is, therefore, interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

The complainant, respondents, and Government agencies will be limited to a total of 30 minutes each (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. The respondents may determine among themselves how to allocate the 30-minute period alloted to them. Persons making only oral presentations on

remedy, bonding, and the public interest will be limited to 10 minutes each (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand these time limits upon receipt of a timely request to do so.

Written Submissions

In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of whether there is reason to believe that there is a violation of section 337 (to the extent that they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed temporary exclusion order and/or proposed temporary cease and desist orders for the Commission's consideration. Persons other than the parties and Government agencies are invited to file written submissions addressing the issues of remedy, bonding, and the public interest. All written submissions must be filed not later than the close of business on December 1, 1981. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of Appearance

Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by December 1, 1981.

Additional Information

The original and 11 true copies of all briefs must be filed with the Office of the Secretary not later than December 1, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of July 1, 1981. 46 FR 34436.

Public Inspection

The public record of this investigation, including the nonconfidential version of the presiding officer's recommended determination, is available for public inspection between the hours of 8:45 a.m. and 5:15 p.m. in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–9161.

Issued: November 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–34626 Filed 12–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–101]

Certain Hot Air Corn Poppers and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on December 14, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: November 25, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81–34621 Filed 12–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–103]

Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on December 1, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: November 25, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81–34622 Filed 12–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 751–TA–5]

Salmon Gill Fish Netting of Manmade Fibers from Japan; Postponement of Public Hearing

AGENCY: United States International Trade Commission

ACTION: Postponement of public hearing in connection with investigation No. 751–TA–5.

SUMMARY: Notice is hereby given that the United States International Trade Commission has postponed its December 17, 1981 public hearing in the subject investigation (46 FR 51675, October 21, 1981). A new hearing date and location will be announced.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy, Office of Investigations, U.S. International Trade Commission, (202) 523–1369.

By Order of the Commission.

Issued: November 25, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–34619 Filed 12–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–52 (Preliminary)]

Sheet Piling From Canada; Preliminary Antidumping Investigation; Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–52 (Preliminary) to determine, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of sheet piling of iron or steel, provided for in items 609.96 and 609.98 of the Tariff Schedules of the United States Annotated (1981), which are possibly sold in the United States at less than fair value.

EFFECTIVE DATE: November 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0242.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted following receipt of advice from the U.S. Department of Commerce on November 24, 1981, that it was initiating an antidumping investigation on sheet piling from Canada pursuant to section 732(a) of the Tariff Act of 1930 (19 U.S.C. 1673a(a)). After monitoring imports of certain steel products under the Trigger Price Mechanism, Commerce found significant sales of sheet piling from Canada being made less than the relevant trigger price. These sales constitute possible sales at less than fair value. The Commission must make its determination in the investigation within 45 days after the date of notification from Commerce, or by January 8, 1982 (19 CFR 207.17). The investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before December 18, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., e.s.t., on December 16, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. Lynn Featherstone, telephone 202–523–0242, not later than December 9, 1981, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and part 201, subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's rules of practice and procedure (19 CFR 207.12).

By order of the Commission.

Issued: November 25, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34623 Filed 12-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-50 (Preliminary)]

Stainless Clad Steel Plate From Japan

Determination

On the basis of the record [1] developed in investigation No. 731–TA–50 (Preliminary), the Commission determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Japan of stainless clad steel plate, provided for in item 607.94 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).[2]

Background

On October 6, 1981, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from Lukens Steel Co., Coatesville, Pa., alleging that imports of stainless clad steel plate from Japan are being, or are likely to be, sold in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the imports of such merchandise into the United States. The statute directs that the Commission makes its determination within 45 days of its receipt of the petition, or by November 20, 1981.

Notice of the institution of the Commission's investigation and of the public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on October 14, 1981 (46 FR 50864). The conference was held in Washington, D.C. on October 29, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Introduction

We find that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of stainless clad steel plate from Japan which is allegedly sold at less than fair value.[3] The recent rapid increase in imports has led to injury to the domestic industry, which has been manifested through price suppression, lost sales, and declining profitability. The increase in imports is almost certain to continue through the end of 1981 with additional adverse impact on the domestic industry.

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [4] The statute defines "like product" as a product which is like or in the absence of like, most similar in characteristics and uses with the article under investigation.[5]

Stainless clad steel plate, the imported article subject to this investigation, is a composite plate consisting of stsainless steel integrally bonded to a carbon or alloy steel plate base. It is produced to order and specifications in a range of types of stainless and backing steels and in a variety of lengths, widths, and

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[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Chairman Alberger and Commissioner Frank determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject merchandise.

[3] Chairman Alberger and Commissioner Frank determine only that there is a reasonable indication of material injury, and therefore do not reach the issue of reasonable indication of threat of material injury.

[4] 19 U.S.C. 1677(4)(A).

[5] 19 U.S.C. 1677(10).

thicknesses. Stainless clad steel plate is used because it combines the corrosion-resistant properties of stainless steel with the strength of carbon or alloy steel, thus allowing less of the more expensive stainless material to be used. Stainless clad steel plate is used in petroleum vessels, petrochemical vessels, ships which carry corrosive chemicals, and in the nuclear power industry.[6]

Petitioner Lukens Steel Co. alleges four instances of less than fair value sales by Japan Steel Works through their sales representatives in the United States. Although the petition stated that clad plate is a fungible product, the Lukens' witness said at the conference held on October 29, 1981, that funibility is only applicable to articles of the same specifications. In short, stainless steel clad plate of different specifications is not fungible. However, he explained that there is some degree of substitutability of slightly different types of stainless clad steel plate products.[7] Because an intended end use may be accomplished in a number of ways, specifications may be altered during the course of a project.[8]

Since this is a case in which the like product candidates consist of a group of products slightly distinguishable from each other, among which no clear dividing lines can be drawn based on characteristics and uses, we find the like product in this preliminary investigation is all members of the group. Unlike the situation in *Certain Amplifier Assemblies and Parts*

Thereof from Japan, Inv. No. 731-TA-48(P), where there was a clear dividing line between made-to-specifications products, such a clear line does not appear here. Therefore, for the purposes of this preliminary investigation, we find that the domestic industry consists of the four domestic producers of stainless clad steel plate: Lukens Steel Co., Phoenix Steel Corp., E.I. DuPont de Nemours & Co., Inc., and Explosive Fabricators, Inc.

Material Injury by Reason of LTFV Imports

Section 771(7) of the Act directs the Commission to consider, in making its determination, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on domestic prices, and (3) the consequent impact on the domestic industry.[9]

Volume of imports.—Prior to 1981, imports of stainless clad steel plate from Japan were generally very low. They declined steadily from 1978 to 1980. In the first six months of 1981, however, imports increased substantially both in absolute volume and in relation to U.S. consumption. Imports rose from less than 1 percent of consumption in 1980 to more than 10 percent of consumption in the first six months of 1981.[10] The volume of imports in the second half of 1981 is expected to be even greater than that in the first half of 1981 according to information provided by importers on contracts which they have already been awarded.

Effect of imports on domestic prices.—The significance of the imports becomes most apparent in their effect on the prices of the domestic product. Stainless clad steel plate is generally sold on a competitive bid basis. Domestic producers may bid against each other as well as against importers. The stainless clad steel plate requirements for a particular bid must meet the specifications of the fabricator/purchaser. Therefore, on any given bid inquiry the product being bid on is identical regardless of whether the source is a domestic or foreign producer.

Information on bids was solicited for comparative purposes from the producers, importers, and fabricators of stainless clad steel plate on the five largest tonnage contracts on which they quoted or requested quotes in 1980 and January-June 1981. This time period includes the period when less-than-fair-value sales were alleged to have occurred. These data provided a sample of competitive price comparisons. In every instance in which the contract was awarded to a supplier of Japanese stainless clad steel plate, the bid price for the imported Japanese product was below the domestic producer's bid price. Margins of underselling ranged from as low as 2.7 percent to as high as 31.3 percent. In several instances, the underselling has resulted in contracts being lost by the domestic producers.[11]

Such underselling has also resulted in price suppression or depression which seems to have been caused by this alleged LTFV import competition. The bid process is often evolutionary in nature. During the time between the initial submission of a bid and the final award of the contract to supply the stainless clad steel plate for the project, domestic producers and importers have an opportunity to change or lower their bids.[12] Based on information presented in the course of this investigation, it appears that domestic producers have been compelled to lower their bid prices, in some instances by more than 30 percent, due to the competition from stainless clad steel plate imported from Japan.[13]

The Commission is aware that in some of the responses by fabricator/purchasers of stainless clad steel plate, certain requirements, such as quality, adherence to specification, and customer preference, were listed as being more important than price. Notwithstanding these factors, price is always an important consideration in the final selection of the supplier

In this investigation, there is a reasonable indication of price suppression, price depression, and lost sales as a result of the importation of stainless clad steel plate allegedly being sold at less than fair value.[14]

Impact on the domestic industry.[15] The industry which produces stainless clad steel plate was in a serious decline from 1978 to 1980. Production, shipments, capacity utilization, profitability, and employment declined steadily throughout the period.[16] Imports were also at a very low level from 1978 to 1980, both in absolute numbers and as a percent of total U.S. consumption.

In the first six months of 1981, however, the market for stainless clad steel plate increased dramatically. Production and shipments of the domestic producers increased, employment levels rose, and capacity utilization was at its highest level in the period for which we have data.[17] In 1981, however, there were massive imports which caused problems for an already weakened domestic industry.

The profitability of the domestic producers declined steadily from 1978 to 1980 and dropped sharply in the first six months of 1981 despite the increase in their shipments.[18] The ratio of cost of goods sold to net sales increased by more than 10 percentage points from 1978 to 1981, indicating firms were unable to pass their increased costs on

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[6] *See* Staff report, pp. A-1 and A-2.
[7] *See* pp. 44–46 of Transcript.
[8] *See* Staff Report, p. A-27.
[9] 19 U.S.C. 1677(7).
[10] *See* Staff report, p. A-22.
[11] *See* Staff Report, p. A-27.
[12] A complete discussion of the bid process is provided in the report which follows this opinion.
[13] Chairman Alberger and Vice Chairman Calhoun note that this might not be a serious problem if prices in the industry were inflated. However, it appears clear from the data on profitability that such is not the case.
[14] If this case were to be returned for a final determination by the Commission, more information on the relationship of price to quality would be useful.
[15] Specific company-related data are confidential and cannot be discussed in this public document.
[16] *See* Staff Report, pp. A-8 through 11 and A-19.
[17] *Id.*, pp. A-8 through A-11.
[18] *Id.*, A-19.

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in the price they charged for their goods, thus lowering their profitability.[19]

It appears that the principal reason producers have been unable to raise prices and in some instances have had to roll back their prices to make sales, was the strong price competition from the imported product. The result has been a decline in both gross profit and net profit before taxes in January-June 1981, a time when shipments had increased and when profits could reasonably have been expected to increase as well. Despite lowering prices to meet the Japanese price, domestic producers nonetheless lost sales to stainless clad steel plate imported from Japan on at least six contracts.[20]

Reasonable indication of threat of material injury.—The report of the Committee on Ways and Means of the House of Representatives on the Trade Agreement Act of 1979 states that, with respect to threat, the Commission should focus on—

> demonstrable trends—for example, the rate of increase of the * * * dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other export markets, * * *.

A critical factor in considering how substantial an impact imports have had is the short period of time in which the increase occurred. The significant increase of imports in 1981 constitutes a threatening situation to the domestic industry. Imports went from less than one percent of consumption in 1980 to more than 10 percent in January–June 1981. Indications are that imports will continue to increase at least at this rate through the end of 1981.

Japan Steel Works is believed to be operating below capacity at the present time. How much of this excess capacity would be available for export to the United States is unknown.[21] Any increase in the January–June 1981 levels would have a serious detrimental impact on the domestic industry, particularly if the Japanese imports increased while total domestic consumption simultaneously decreases, as some industry sources anticipate.[22]

Conclusion

On the basis of the best information available, we find that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [23] by reason of imports of stainless clad steel plate from Japan which is allegedly being sold at less than fair value.

Date Issued: November 20, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34625 Filed 12-1-81; 8:45 am]

BILLING CODE 7020-02-M

[19] *Id.*, pp. A-17 through A-20.

[20] *Id.*, p. A-28.

[21] If the Commission undertakes a final investigation, it will attempt to ascertain what percentage of Japan Steel Works' exports could be directed to the U.S. market.

[22] Transcript p. 29.

[23] Material retardation of the establishment of an industry is not an issue in this investigation.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81-17]

Joseph Bruce Friedman, M.D.; Revocation and Modification of Registration; Final Order

On June 24, 1981, the Administrator of the Drug Enforcement Administration (DEA) directed to Joseph Bruce Friedman, M.D. (Respondent) of 6331 South Grant Drive, Littleton, Colorado, an Order to Show Cause as to why DEA Certificate of Registration AF8725890 issued to him under 21 U.S.C. 823(f) should not be revoked. The proposed revocation was based on a guilty plea Respondent entered pursuant to the Colorado statutory deferred judgment procedure on April 15, 1981, in the District Court, in and for the County of Pueblo, State of Colorado, to one (1) count of Obtaining Narcotic Drugs by Fraud and Deceit in violation of Colorado Revised Statute 12-22-319(1). This is a controlled substance-related felony.

Respondent, through counsel, requested a hearing on the issues raised by the Order. The matter was placed on the docket of the Honorable Francis L. Young, Administrative Law Judge. In lieu of a hearing on the issues raised by the Order, Respondent and the Government entered into an Agreement of Understanding. By Order dated November 10, 1981, the Administrative Law Judge terminated the proceedings in this matter.

The Acting Administrator has considered the Agreement of Understanding entered into by the parties and pursuant to 21 CFR 1316.67 publishes his Final Order in this matter. The Acting Administrator finds that Respondent entered a plea of guilty pursuant to the Colorado statutory deferred judgment procedure on April 15, 1981, in the District Court, in and for the County of Pueblo, State of Colorado, to one (1) count of Obtaining Narcotic Drugs by Fraud and Deceit in violation of Colorado Revised Statute 12-22-319(1). The Acting Administrator further finds that the parties agreed that Respondent will submit to DEA quarterly reports for a three (3) year period, including photostatic copies of all prescriptions for controlled substances in Schedules III through V and a summary report of all Schedules III through V controlled substances which he administered, dispensed and prescribed. During the same three year period, Respondent will submit monthly reports to DEA, including photostatic copies of all prescriptions for Schedule II controlled substances and a summary report of each and every Schedule II controlled substances which he administered, dispensed or prescribed. These monthly reports will include an incident report for each and every Schedule II controlled substances which he administered, dispensed or prescribed.

The Acting Administrator further finds the parties have stipulated that Respondent will only administer, dispense or prescribe controlled substances in connection with his position as an emergency physician at the Swedish Ken Caryl Emergency Clinic. The parties have agreed that Respondent will only practice at this Emergency Clinic or another emergency facility, and not in any other form of medical practice. Respondent will notify DEF of any change of employment. This limitation on Respondent's practice will also be in effect for three (3) years. Respondent understands that the agreement is probationary in nature, and that any violation of the terms of the Agreement will result in summary suspension of his controlled substances privileges by the Acting Administrator.

21 CFR 1301.76(a) provides that a "registrant shall not employ as an agent or employee who has access to controlled substances any person who has had * * * his registration revoked at any time." The Acting Administrator finds that the employment of Respondent as an emergency facility physician at Swedish Ken Caryl Clinic is in the public interest, and that the public interest will be served if Respondent is permitted to handle controlled substances according to the terms of the agreement. Accordingly, the Acting Administrator waives the prohibition of 21 CFR 1301.76(a) with respect to the employment of Joseph Bruce Freidman, M.D., as an emergency facility physician at the Swedish Ken Caryl Clinic. See *Charles J. Burks, M.D.*, Docket No. 79-4, 44 FR 61466 (1979); *David Frank Micci,*

M.D., 45 FR 71448 (1980) and 45 FR 74795 (1980) where the Administrator waived application of 21 CFR 1301.76(a) in similar cases.

The Acting Administrator finds that the agreement in this matter is an appropriate resolution to the issues raised in the Order to show Cause, and hereby incorporates the agreement into the final disposition of this case. Accordingly, pursuant to the authority vested in the Attorney General by sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator orders that DEA Certificate of Registration AF8725890, issued to Joseph Bruce Friedman, M.D. be revoked, and a registration be issued reflecting the limitations on Respondent's authority to possess, dispense, prescribe and otherwise handle controlled substances imposed by the agreement between Respondent and the Government, effective immediately.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

November 25, 1981.

[FR Doc. 81-34387 Filed 12-1-81; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-498 OL and STN 50-499 OL]

Houston Lighting & Power Co. et al.; (South Texas Project Units 1 and 2); Cancellation of Evidentiary Hearing

November 24, 1981.

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Board's Memorandum and Order of November 13, 1981, the evidentiary hearing on near-term construction activities scheduled for December 8–10, 1981 in Austin, Texas (see 46 FR 55580, November 10, 1981) has been cancelled. The prehearing conference scheduled for December 8, 1981, will convene as previously announced, beginning at 9:30 a.m. in the Austin Public Library Auditorium, Forth Floor, 800 Guadalupe, Austin, Texas 78701.

Issued at Bethesda, Maryland.

For The Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-34572 Filed 12-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications to allow credit to be taken for an acoustical monitor on an adjacent valve to provide sufficient warning of an open safety valve whose primary or secondary position indicating instrumentation is inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 24, 1981, and supporting information transmitted by letter dated November 23, 1981, (2) Amendment No. 57 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of November, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-34573 Filed 12-1-81; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL ADVISORY COMMITTEE ON FEDERALISM

Education Subcommittee; Open Meeting

The Education Subcommittee of the Presidential Advisory Committee on Federalism will meet on Tuesday, December 15, 1981, at 2:00 p.m. in Room 7008 of the New Executive Office Building, at 17th Street and Pennsylvania Avenue NW., Washington, D.C.

The Subcommittee is part of the Advisory Committee on Federalism which was established by Executive Order 12303 on April 8, 1981. The Chairman of the Full Committee is U.S. Senator Paul Laxalt. The Subcommittee is composed of members from the Full Committee which includes private citizens, public officials from state and local governments, and members of the Legislative and Executive branches of the federal government. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of overall federalism policy of the United States.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matter identified above. Approximately 25 seats will be available for the public on a first come, first served basis.

For further information, call (202) 456-7943.

Alan F. Holmer,

Deputy Assistant to the President for Intergovernmental Affairs.

[FR Doc. 81-34460 Filed 12-1-81; 8:45 am]

BILLING CODE 3195-01-M

Revenue Source Return and Sorting Out of Federal, State and Local Responsibilities; Open Meeting

The Presidential Advisory Committee on Federalism will meet on Tuesday, December 15, 1981, from 8:30 a.m. to 11:30 a.m. in Conference Room B of the Departmental Auditorium on Constitution Avenue, between 12th and 14th Streets, NW., Washington, D.C. There will be two topics of general discussion: Revenue source return and

the sorting out of Federal, state and local responsibilities.

The Advisory Committee on Federalism was established by Executive Order 12303 on April 8, 1981. The Chairman of the Full Committee is U.S. Senator Paul Laxalt. The Committee membership includes private citizens, public officials from state and local governments, and members of the Legislative and Executive branches of the Federal Government. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of the overal federalism policy of the United States.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matter identified above. Approximately 125 seats will be available for the public on a first come, first served basis.

For further information, call (202) 456–7943.

Alan F. Holmer,

Deputy Assistant to the President for Intergovernmental Affairs.

[FR Doc. 81-34459 Filed 12-1-81; 8:45 am]

BILLING CODE 3195-01-M

Regulatory and Judicial Reform Subcommittee; Open Meeting

The Regulatory and Judicial Reform Subcommittee of the Presidential Advisory Committee on Federalism will meet on Tuesday, December 15, 1981, at 2:00 p.m. in Room 2010 of the New Executive Office Building, at 17th Street and Pennsylvania Avenue, NW., Washington, D.C.

The Subcommittee is part of the Advisory Committee on Federalism which was established by Executive Order 12303 on April 8, 1981. The Chairman of the Full Committee is U.S. Senator Paul Laxalt. The Subcommittee is composed of members from the full Committee which include private citizens, public officials from state and local governments, and members of the Legislative and Executive branches of the federal government. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of the overall federalism policy of the United States.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matter identified above. Approximately 75 seats will be available for the public on a first come, first served basis.

For further information, call (202) 456–7943.

Alan F. Holmer,

Deputy Assistant to the President for Intergovernmental Affairs.

[FR Doc. 81-34461 Filed 12-1-81; 8:45 am]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22288; (70-6352)]

Wheeling Electric Co.; Proposal To Increase Amount of Long-Term Note

November 27, 1981.

Wheeling Electric Company ("Company"), P.O. Box 751, Wheeling, West Virginia 26003, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment to its previously filed declaration pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) thereunder.

The Company and Bankers Trust Company ("Bank") are parties to a Term Loan Agreement dated as of October 24, 1979 ("Agreement"), under which the Bank has agreed to lend the Company the principal sum of $19,000,000. Pursuant to the Agreement and the order of the Commission dated October 24, 1979 (HCAR No. 21265), the Company has borrowed the principal sum of $19,000,000 under the Agreement, evidenced by its unsecured promissory note due November 1, 1987, which bears interest prior to maturity at a fluctuating rate per annum equal to: (i) The prime commercial lending rate of the Bank ("Prime Rate") in effect from the date of such note through October 31, 1981; (ii) 102% of the Prime Rate from November 1, 1981, through October 31, 1983; (iii) 104% of the Prime Rate from November 1, 1983, through October 31, 1985; and (iv) 106% of the Prime Rate from November 1, 1985, to maturity. Such note bears interest from maturity at a fluctuating rate per annum equal to the greater of (a) 2% plus the Prime Rate, or (b) 106% of the Prime Rate, until payment in full.

The Company and the Bank now propose to enter into an amendment to the Agreement pursuant to which the Bank would agree to lend the Company up to an additional $3,000,000 through November 1, 1987. The Bank's commitment under the Agreement, as amended, would thereupon be in an aggregate amount of up to $22,000,000.

The Bank and the Company have also agreed to amend the Agreement to provide that the Company's unsecured notes evidencing all borrowings (i.e., original borrowings and additional borrowings) under the Agreement shall bear interest at a fluctuating rate per annum equal to the Prime Rate through October 31, 1983. All other terms, conditions, restrictions and obligations in the Agreement, to the extent not modified by amendment, will remain unchanged.

The additional borrowing under the Agreement, as amended, would be evidenced by an unsecured promissory note ("Note") of the Company. The Note will be due and payable on November 1, 1987, and will bear interest on the unpaid principal amount from the date thereof to the date of payment in full, payable quarterly on the first day of February, May, August and November in each year, at the maturity thereof (whether by acceleration or otherwise) and after such maturity on demand. The Note will be prepayable in whole at any time or in part from time to time without premium or penalty, upon at least three business days' notice to the Bank.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 21, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-34639 Filed 12-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22287; 70-6613]

Allegheny Power System, Inc. et al.; Proposed Creation of New Subsidiary, Equity Contributions to the Subsidiary by Its Parents, Guarantee of Subsidiaries Notes and Obligations; Subsidiary's Acquisition of and Capacity Purchases From Other Utility's Power Plant and Issuance of Notes and Stock

November 25, 1981.

In the Matter of Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022; Monongahela Power Co., 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Co., Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Co., 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601; Allegheny Generating Co., 320 Park Avenue, New York, New York 10022.

Allegheny Power System, Inc. ("APS"), a registered holding company, and Monongahela Power Company ("Monongahela"), the Potomac Edison Company ("Potomac"), West Penn Power Company ("West Penn") and Allegheny Generating Company ("AGC"), subsidiaries of APS, have filed an application-declaration and amendments thereto with this Commission pursuant to sections 3, 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and the applicable rules promulgated thereunder.

Monongahela, Potomac, and West Penn (the "APS Companies") seek authorization to create a new subsidiary, Allegheny Generating Company ("AGC"), to participate by ownership interest and purchase power contract in 40%, increasable to 50% through December 31, 1984, of VEPCO's 2,100 MW Bath County Pumped Storage Project ("Project"). AGC must initially acquire a 20% undivided interest in the Project scheduled for completion in 1986 at an estimated cost of $1.7 billion. AGC may acquire additional ownership interests up to the elected 40% to 50% participation level at VEPCO's book value adjusted for VEPCO's tax effects.

Monongahela's, Potomac's and West Penn's proposed ownership and participation shares are estimated to be 27%, 28%, and 45%, respectively, with total equity contributions of up to $350 million. Pursuant to an Equity Agreement, Monongahela, Potomac and West Penn will initially acquire 270, 280, and 450 shares, respectively, of AGC common stock with a par value of $1 at a purchase price of $10 per share. The purchase power contracts would be Capacity Purchase Agreements to continue for at least 10 years from commencement and subsequently be terminable upon 10 years notice with capacity purchased at a negotiated rate based on Project cost, or, if unable to agree, at a rate filed by VEPCO with FERC.

Initially, AGC will purchase 20% of VEPCO's Project investment as of the closing date plus 20% of VEPCO's continuing expenditures thereafter up to an aggregate total of $217 million. The purchase price for the initial interest, estimated to be $155 million if closing had been on July 1, 1981, will be the sum of (i) 20% of construction costs, including AFDC, as of closing, (ii) $13.3 million, representing income tax reimbursement as of July 1, 1981 and a portion of the completed plant's worth as of December 31, 1979, and (iii) any additional tax reimbursement for closing after July 1, 1981. AGC may make additional payments toward the $217 million total or may purchase additional interests.

The Agreement requires AGC to deposit with VEPCO at closing an option payment, estimated to be $12 million as of July 1, 1981, equal to the effective financing costs of $217 million from January 1, 1980 to the closing date less contruction costs included in the purchase price of the initial undivided interest. Additional quarterly option payments will be required but on a balance decreasing to zero as AGC makes progress payments of 20% of ongoing construction costs. The aggregate amounts deposited will be credited against either purchases of additional undivided interests in excess of 20% in the Project or be credited to capacity purchases.

AGC will finance the acquisition costs not covered by equity contributions by its parent through short-term and medium-term debt in an aggregate principal amount not exceeding $650 million outstanding at any one time. Borrowings by AGC from APS or the APS Companies will be at the lender's effective interest cost. Such interim debt will be refinanced by permanent debt capital. The precise form, amount, terms and conditions of such permanent debt, and such interim financing in excess of the $225 million of interim debt described below, will be subject to further Commission authorization.

AGC has entered into negotiations regarding the bank finance agreement for the first $225 million of such interim debt with a group of eleven banks with Chemical Bank serving as agent bank. The agreement provides for a revolving credit facility in the maximum aggregate principal amount of $225 million to be converted on the Completion Date (December 31, 1986 or commercial operation of the sixth unit of the Project, if earlier) into a term loan payable in four annual installments with a final maturity on the fourth anniversary of the Completion Date. On the date of regulatory approval ("approval date") a commitment fee of ¼ of 1% of the unused portion of the credit facility will be incurred provided that if the maximum amount of borrowings of AGC outstanding on any day during any January 1 through June 30 or July 1 through December 31 prior to January 1, 1984 exceeds (i) $130 million prior to January 1, 1982, (ii) $160 million after December 31, 1981 and prior to January 1, 1983, or (ii) $200 million after December 31, 1982 and prior to January 1, 1984, then AGC shall retroactively pay a usage fee for the entire such six month period equal to ⅛ of 1% of such excess amounts. From September 15, 1981 to the approval date, AGC shall pay a standby fee of ⅛ of 1% on the credit facility and if the approvals date is later than March 15, 1982, ¼ of 1% after that date. In the event the Bath County transactions for any reason should not close, AGC will be liable for the standby fee accrued between September 15, 1981 and the cancellation date.

The borrowings under the revolving credit facility and the term loans shall bear interest, computed on the basis of one of the three options chosen by AGC, as follows:

	Alternate base rate ("ABR")	LIBOR	CD
Closing to Dec. 31, 1985	ABR	LIBOR + ⅜	CD + ½
Jan. 1, 1986 to Dec. 31, 1990.	ABR + ¼	LIBOR + ½	CD + ⅝

The Alternate Base Rate is the higher of Chemical Bank's floating prime or ½ of 1% over the 90-119 day dealer-placed commercial paper rate, payable quarterly in arrears. The LIBOR is the average International London rate of Chemical Bank, Citibank, N.A. and Manufacturers Hanover Trust Company, adjusted for reserves and payable quarterly in arrears with designated maturities of 2, 3, 4, 5 and 6 months, as available. The CD rate is the reserve and insurance adjusted 3 month certificate of deposit rate, based on Chemical Bank's daily 3-dealer quote, payable quarterly in arrears. The comparative borrowing costs of the three rates as of October 20, 1981 was 18% for ABR, 16.8099% for adjusted LIBOR and 16.5507% for the adjusted CD

rate. Assuming ABR borrowings of $140,100,000 as of December 31, 1982, under a prime rate of 18%, the effective interest cost would be 18.15%. Assuming full ABR line usage and an 18% prime rate from 1986–1990 the effective interest cost would be 18.25%.

From time to time, if AGC considers a fixed rate loan to be more advantageous than the other options, AGC may request and the banks may offer such loans if available up to each bank's designated pro-rata share, in maturities of 1 year or more, but not beyond December 31, 1990.

The commitment may be reduced or terminated by AGC on 10 days' notice at any time without premium or penalty. Any borrowings made may be prepaid at any time without premium or penalty except that any loss to the banks on reinvestment of the funds which results from pre-payment prior to the end of the interest period will be reimbursed by AGC. Monongahela, Potomac and West Penn, severally and not jointly, propose to guarantee their respective ownership percentages of AGC's notes, as well as AGC's duties under the Project, Operating and Capacity Agreements.

VEPCO would continue to construct the Project and would operate the Project pursuant to an Operating Agreement. However, in the event of certain defaults AGC would be entitled to complete construction and to operate the Project.

The APS System and VEPCO are currently interconnected by three separate 500 KV transmission lines. The APS Companies propose to exchange equal interests of up to 50% in two transmission line segments to facilitate transmission of power to the APS System. The APS Companies also seek to acquire interests in other transmission and substation facilities. Appropriate reimbursement for the exchange is presently being determined.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34586 Filed 12-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12056 812-4900]

American General Life Insurance Co. of Delaware; et al.; Filing of Application for an Order Exempting Applicants and Approving Certain Offers of Exchange

November 25, 1981.

In the Matter of American General Life Insurance Co. of Delaware; American General Life Insurance Co. of Delaware Separate Account D and American General Capital Distributors, Inc. 2727 Allen Parkway, P.O. Box 1931, Houston, Texas 77001

Notice is hereby given That American General Life Insurance Company of Delaware ("AG Life"), American General Life Insurance Company of Delaware Separate Account D ("Account D"), and American General Capital Distributors, Inc. ("Distributors") (collectively, "Applicants"), filed an application on June 19, 1931, and an amendment thereto on November 12, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants, to the extent requested, from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 26(a)(2)(C), 27(a)(3), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. AG Life is a Delaware stock life insurance company. Account D is a separate account of AG Life registered under the Act as a unit investment trust. AG Life is the depositor of, and Distributors, the principal underwriter for, Account D. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Account D funds certain variable annuity contracts which AG Life currently has outstanding (the "Current Contracts"). According to the application, AG Life intends to discontinue marketing the Current Contracts and, in their place, to offer a new class of variable annuity contracts (the "Proposed Contracts"). Both the Proposed and Current Contracts are individual variable annuity contracts designed to establish retirement benefits, either on a "qualified" or "non-qualified" basis for federal tax purposes. Three types of contracts are offered: (a) single payment immediate annuity contracts, under which the owner makes only one purchase payment and annuity payments to the person entitled to receive them commence within two months; (b) single payment deferred annuity contracts, under which the owner makes only one purchase payment but the date on which annuity payments commence is deferred; and (c) periodic payment deferred annuity contracts, which contemplate a series of purchase payments and a deferred annuity date. There are minimum purchase payment requirements under the Proposed Contracts.

Purchase payments with respect to the Proposed Contracts will be placed in Account D and will be allocated at the election of purchasers of the Proposed Contracts to one or more of its divisions. The assets of each division are invested solely in shares of an open-end management investment company ("Fund"). Two such Funds will be used in connection with the Proposed Contracts, American General Money Market Fund, Inc. and High Yield Accumulation Fund, Inc. (divisions six and seven, respectively). Applicants state that additional divisions may be added to the Separate Account from time to time and existing divisions may be eliminated (or their assets invested in other Funds). During the accumulation and annuity periods, the terms of the Proposed Contract permit contractowners and, in certain cases, beneficiaries under the Proposed Contract to make transfers among the divisions available in connection with the contract, subject to certain limitations. Transfers are effected at net asset value subject to a charge of $10 with respect to each transfer. This charge is assessed against the accumulated value during the accumulation period and against the amount being transferred during the annuity period. AG Life may suspend these rights of transfer.

No sales charge is deducted from purchase payments made under the Proposed Contracts. Rather, a withdrawal charge will be imposed on surrenders during the accumulation period and in connection with certain settlement options under the Proposed Contracts. The withdrawal charge is calculated as a percentage of the dollar amount of purchase payments made

during the preceding 72 months which are withdrawn. It is always assumed that the earliest purchase payments during the 72-month period are withdrawn first and no withdrawal charge is ever imposed on any amount not actually withdrawn. The withdrawal charge equals the sum of the following: 1% of purchase payments made during the 61st through 72nd months prior to surrender; 2%of purchase payments made during the 49th through 60th months prior to surrender; 3% of purchase payments made during the 37th through 48th months prior to surrender; 4% of purchase payments made during the 25th through 36th months prior to surrender; 5% of purchase payments made during the 13th through 24th months prior to surrender; and 6% of purchase payments made during the 1st twelve months prior to surrender.

If a partial surrender is made which reduces the accumulated value of the contract by less than 80% of the accumulated value immediately preceding such partial surrender, no withdrawal charge will be imposed on any amount withdrawn (the "Exempt Amount") which, when added to all other Exempt Amounts previously withdrawn over the life of the contract, does not exceed the sum of the following: 100% of purchase payments made more than 72 months prior to the partial surrender; 50% of purchase payments made during the 61st through 72nd months prior to the partial surrender; 40% of purchase payments made during the 49th through 60th months prior to the partial surrender; 30% of purchase payments made during the 37th through 48th months prior to the partial surrender; 20% of purchase payments made during the 25th through 36th months prior to the partial surrender; and 10% of purchase payments made during the 13th through 24th months prior to the partial surrender.

If the partial surrender is for more than the Exempt Amount so calculated, the same withdrawal charge will be imposed as would be imposed on a total surrender in the amount of such excess. Once a withdrawal charge has been imposed on any purchase payment or portion of a purchase payment, that purchase payment or portion will not thereafter be considered as a purchase payment for purposes of calculating either the withdrawal charge or the Exempt Amount. If a partial surender is made which reduces the accumulated value of the contract by 80% or more of the accumulated value of the contract immediately preceding such partial surrender, or if a total surrender is made, the amount of the withdrawal charge imposed will be adjusted upward to reflect a withdrawal charge on Exempt Amounts withdrawn without a withdrawal charge pursuant to any partial surrenders made during the preceding 12 months. Under the Proposed Contracts, if the surrender value at any time during the accumulation period falls below $300, AG Life at its option may cause the contract to be involuntarily surrendered, provided the contract is not a qualified contract. A withdrawal charge will be imposed in such cases in the same amount as would be imposed on a voluntary total surrender.

The withdrawal charge will also apply in connection with certain settlement options under the Proposed Contracts. The Proposed Contracts will treat a surrender in lieu of annuitization as a total surrender during the accumulation period and such surrender will be subject to any applicable withdrawal charge. Where an annuitant is receiving annuity payments under an annuity option not providing for life contingencies, the annuitant may elect at any time to receive the commuted value of the contract, in which case any applicable withdrawal charge will be imposed on such commuted value as if it were a total surrender of the contract. Contractowners who wish to receive fixed (but not variable) annuity payments may elect to have the value of their contract applied to a fixed life annuity pursuant to a "betterment of rates" provision, rather than pursuant to the annuity rate table guaranteed in the contract; and if they make such election, any applicable withdrawal charge will be assessed against the contract value so applied, as if a total surrender of the contract had been effected. These withdrawal charges, though imposed on or after the annuity date, will be based on purchase payments, as described above in connection with surrenders made during the accumulation period. Thus, Applicants represent that no such charges would be imposed on any election of a commutation option or betterment of rates option occurring more than 72 months after the most recent purchase payment was made.

Under the Proposed Contracts, deductions for premium taxes, if any, will be made from the amount applied to an annuity option at the annuity date, even though AG Life may actually have paid the tax at the time a purchase payment was made. Under the Proposed Contracts, AG Life will charge Account D an amount (the "Asset Charge"), calculated daily, at an annual rate of 1.25% of the average daily net asset value of the separate account assets allocable to Proposed Contracts. Under the Proposed Contracts, AG Life will also receive reimbursement for administrative expenses from an annual contract maintenance charge in the amount of $30, which will be assessed on the last day of each contract year during the accumulation period, and which will be pro rated on a monthly basis for each month or part thereof during the contract year in case of a total surrender other than at the end of a contract year. This annual contract maintenance charge is not guaranteed and may be raised or lowered in AG Life's discretion as to contracts outstanding at any time and/or as to contracts issued subsequently. The Asset Charge is intended to cover additional anticipated administrative expenses and to compensate AG Life for assuming mortality risks. The Asset Charge is guaranteed and may not be increased by AG Life. Applicants estimate that approximately four-fifths of the Asset Charge is allocable to assumption of mortality risks and that anticipated administrative expenses constitute approximately one-fifth of the Asset Charge.

Exemptions for Withdrawal Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants state that, because of the timing of the withdrawal charge, that charge might not be encompassed by the definition of sales load in section 2(a)(35). Nevertheless, Applicants state that the withdrawal charge will be allocated to cover expenses associated with the offer and sale of the Proposed Contracts, including commissions paid to sales personnel, promotional expenses and sales administration expenses, just as a "front-end" sales load is. Therefore, although Applicants do not necessarily agree that the withdrawal charge is not a sales load within the meaning of section 2(a)(35), Applicants request an exemption from the provisions of that section, to the extent necessary, in order to permit the offer and sale of the Proposed Contracts with the withdrawal charge.

In general, section 2(a)(32) of the Act defines a "redeemable security" as any

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security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive "approximately his proportionate share" of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) provides, in substance, that no issuer of a periodic payment plan certificate shall sell such certificates unless the certificate is a "redeemable security." Applicants submit that although section 2(a)(32) does not specifically contemplate the imposition of a sales charge at the time of redemption, such a charge is not inconsistent with the definition of a redeemable security, and that Congress intended that a redemption charge be deemed consistent with the concept of "proportionate share" under section 2(a)(32). Therefore, although Applicants do not believe that the withdrawal charge would necessarily violate sections 2(a)(32) and 27(c)(1) of the Act, Applicants request an exemption from those sections, to the extent necessary, to permit the imposition of the withdrawal charge under the Proposed Contracts.

In effect, section 27(a)(3) of the Act prohibits the imposition of any sales load in connection with a periodic payment plan certificate if the amount of such sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment. Under the Proposed Contracts, if a partial surrender is made which reduces the accumulated value of a Proposed Contract, if a partial surrender is made which reduces the accumulated value of a Proposed Contract by 80% or more of the accumulated value of the contract immediately preceding such partial surrender, or if a total surrender is made, the amount of any withdrawal charge imposed will be adjusted upward to reflect a withdrawal charge on Exempt Amounts withdrawn without a withdrawal charge pursuant to partial surrenders made during the preceding twelve months. Applicants state that the reimposition of the withdrawal charge on such Exempt Amounts might be deemed to represent a charge that exceeds proportionately that imposed on another withdrawal and, hence, inconsistent with section 27(a)(3). Applicants state that they nevertheless do not believe that section 27(a)(3) applies to a withdrawal charge. Although Applicants do not necessarily agree that the withdrawal charge is inconsistent with section 27(a)(3), Applicants request an exemption from that section, to the extent necessary, to permit the offer and sale of the Proposed Contracts with the withdrawal charge.

Section 27(d) of the Act, in effect, requires that a holder of a periodic payment plan certificate who redeems the certificate within eighteen months of issuance receive (a) the value of his or her account and (b) an amount equal to the excess paid for sales expenses which is over 15% of the purchase payments made by the certificate holder. Applicants state that the first requirement under section 27(d), that is, that a holder receive the value of his account, is addressed above in connection with sections 2(a)(32) and 27(c)(1). As to the second requirement, Applicants assert that during the eighteen-month period addressed in section 27(d), the maximum rate for the withdrawal charge for sales expenses will be 6% of purchase payments as compared with the maximum rate of 15% under the section. Nevertheless, to eliminate any doubt as to the applicability of section 27(d), Applicants request an exemption from that section, to the extent necessary, to permit the offer and sale of the Proposed Contracts with the withdrawal charge.

Rule 22c–1 promulgated under section 22(c) of the Act, as pertinent, prohibits a registered investment company which issues a redeemable security from redeeming such security except at a price based on the current net asset value of such security which is next computed after receipt of the tender of such security. Applicants assert that the aspect of rule 22c–1 that addresses the amount to be redeemed upon withdrawal reflects the requirements of sections 2(a)(32) and 27(c)(1) discussed above. Regarding the timing requirement of rule 22c–1, Applicants state that, consistent with their current procedures, they will determine the value of any interest surrendered or commuted on behalf of an owner or annuitant on the basis of the current net asset value that is next computed after receipt of the withdrawal request. Applicants state that the proposal meets the policy and purposes of rule 22c–1. Although Applicants, therefore, do not believe that the withdrawal charge would necessarily violate such provisions, Applicants request an exemption from section 22(c) and rule 22c–1, to the extent necessary, to permit the deduction of the withdrawal charge from the value of an individual account upon surrender or commutation.

Section 27(c)(2) of the Act provides, in substance, that a periodic payment plan certificate company or a depositor or underwriter for such a company is prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants state that the withdrawal charge to be imposed under The Proposed Contracts is designed to recover costs relating to the offer and sale of the Proposed Contracts. Applicants assert, therefore, that the withdrawal charge is wholly consistent with the Congress' intent in enacting section 27(c)(2), which specifically makes provision for and excepts sales load deductions from the requirement that the proceeds of all payments under a periodic payment plan certificate be deposited with a trustee or custodian. Although Applicants, therefore, do not believe that the withdrawal charge would necessarily violate sections 26(a)(2)(C) and 27(c)(2) of the Act, Applicants request an exemption from the provisions of those sections, to the extent necessary, in order to permit the offer and sale of the Proposed Contracts with the withdrawal charge.

Exemptions for Custodianship and for Payment of Contract Fees and Charges

Section 27(c)(2) of the Act prohibits a registered investment company or any depositor or underwriter for such company from selling periodic payment plan certificates, unless the proceeds of all payments other than the sales load are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1) and held under an agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) of the Act. Applicants request exemptions from sections 26(a) and 27(c)(2) of the Act in order that: (1) assets of Account D may

be held by AG Life under the terms and conditions, and subject to the fees and charges (including the Asset Charge, the annual maintenance charge for administrative expenses, transfer fees, and any premium tax charges) set forth in the application rather than by a trustee or custodian pursuant to an indenture or agreement as provided in those sections; (2) certificates for shares in the Funds may be held in an "open-account" system; and (3) assets of Account D although segregated will not be required to be held in trust. In support of these requested exemptions, Applicants state that except for Fund shares, Account D's only assets will consist of small amounts of cash from time to time. Such cash will be kept on deposit in the name of Account D with a bank meeting the requirements of section 26(a)(1). According to Applicants, safekeeping of Account D assets does not require that Fund certificates be issued to AG Life and any such requirement would, in fact, result in unnecessary administrative expenses. The application states that AG Life is subject to extensive supervision and control by the insurance regulatory authorities of the State of Delaware and of each other state in which it does business; such supervision requires AG Life to complete and file detailed periodic reports; AG Life's activities are subject to review and examination by the Delaware Commissioner of Insurance at all times; and a full examination of AG Life's operations is conducted by the National Association of Insurance Commissioners at least once every three years. Applicants represent that the administrative charges under the Proposed Contracts (i.e., the $30 annual maintenance charge and the portion of the Asset Charge attributable to additional anticipated administrative expenses) are reasonable, in amounts not exceeding anticipated administrative expenses, and not properly chargeable to sales or promotional activities within the meaning of the Act. Applicants acknowledge that any increase of the annual maintenance charge above $30 will require additional exemptive relief.

Applicants consent to the requested exemptions from sections 26(a) and 27(c)(2) of the Act being granted subject to the following conditions: (a) the charges pursuant to the Proposed Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (b) the payment of sums and charges out of Account D shall not be deemed to be exempted from regulation by the Commission by reason of the requested order; provided, that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Exemptions Relating to Texas Optional Retirement Program

Texas institutions of higher education make available to certain of their employees an optional retirement program (the "Texas Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. Applicants state that, as interpreted by the Attorney General of Texas, Texas law, in effect, prohibits any participant in the Texas Program from receiving the redemption or surrender value of a variable annuity contract funding benefits under the Texas Program prior to termination of employment, retirement, death, or total disability. Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines a "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption, except in certain prescribed circumstances. Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (a) the value of his or her account, and (b) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is more than 15% of the purchase payments made by the certificate holder.

Applicants request exemptions from the provisions of sections 22(e), 27(c)(1) and 27(d) of the Act, to the extent necessary, to permit compliance with Section 51.358 of the Texas Education Code as it pertains to (a) any redemptions under Proposed Contracts or Current Contracts issued subsequent to the date of the exemptive order or (b) any redemption under Current Contracts issued prior to the date of the exemptive order, where the amount redeemed is not in excess of purchase payments made subsequent to such date, plus appreciation thereon. Applicants state that appropriate disclosure will be made to persons who consider participation in the Texas Program, informing them of the restriction on the availability of redemption values under contracts to be issued to them. This disclosure will take the form of an appropriate reference in each prospectus (or a sticker thereto) to the restrictions on redemption of these contracts, as well as requiring each participant, as a part of the determination that the sale of these contracts is suitable for that participant, to sign a statement indicating that he or she is aware that these restrictions will be placed on his contract when it is issued. In addition, according to Applicants, all sales literature that is to be used in conjunction with the sale of these contracts will be reviewed for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts, and the salespeople involved in soliciting in this market will be instructed to bring this restriction specifically to the attention of the potential participants. Applicants assert that if such exemptions are not granted, adherence to the opinion of the Attorney General of Texas would effectively deny persons participating in the Texas Program an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose.

Approvals Under Section 11

Section 11(a) of the Act, in effect, requires that the terms of any offer made to a security holder of an open-end investment company registered under the Act to exchange his or her security for the security of the same or another open-end investment company registered under the Act must receive prior Commission approval, if the exchange is to be made on a basis other

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than the relative net asset value of the interests to be exchanged. Section 11(c) of the Act, *inter alia*, requires that, regardless of whether an exchange referred to in section 11(a) is effected at net asset value, the Commission must approve in advance the terms of any offer of exchange of securities of a registered open-end company for securities of a registered unit investment trust and of any type of offer of exchange of the securities of a registered unit investment trust for securities of any other investment company.

Applicants state that sections 11(a) or 11(c) could be interpreted to require Commission approval of transfers between divisions six and seven of Account D pursuant to the Proposed Contracts. Although Applicants do not necessarily agree that any such interpretation would be correct, Applicants request Commission approval under those sections to the extent necessary to permit owners and beneficiaries to effect transfers among the various divisions of Account D pursuant to the Proposed Contracts, subject to an administrative charge of $10 per transfer. Applicants believe the transfers between Account D divisions contemplated by the Proposed Contracts are consistent with the purposes of sections 11(a) and (c) of the Act and the terms thereof should be approved by the Commission.

AG Life intends to offer owners of deferred Current Contracts which are in the accumulation period the opportunity to surrender such contracts and apply the proceeds to the purchase of a Proposed Contract. According to the application, no partial conversions will be permitted and the decision to convert will be completely in the discretion of the contract owner. Applicants state that since holders of Current Contracts have already paid a sales expense charge on purchase payments made thereunder, amounts converted from a Current Contract to a Proposed Contract ("Converted Amounts") will not be subject to the withdrawal charge which otherwise would be applicable under the Proposed Contracts. Purchase payments made under the Proposed Contract subsequent to the conversion, however, would be subject to such withdrawal charge under the Proposed Contract, with such exceptions and exemptions as are available to holders of Proposed Contracts generally. For this purpose, Converted Amounts would be deemed to be withdrawn only after all such subsequent purchase payments had been withdrawn. The application states that no charge will be assessed by AG Life for the privilege of converting. Applicants assert that the conversion offer will be made via the prospectus used in connection with the Proposed Contracts and a special supplement thereto which will provide full disclosure as to the terms and conditions, and advantages and disadvantages, of the conversion offer. Applicants state that section 11(a) or section 11(c) could be interpreted to require Commission approval of the proposed conversion offer. Although Applicants do not necessarily agree with such an interpretation, Applicants request Commission approval under those sections to the extent necessary to permit AG Life to offer Current Contract owners the opportunity to convert to Proposed Contracts under the terms and conditions described above. Applicants believe the conversion offer is consistent with the purposes of sections 11(a) and (c) of the Act and the terms thereof should be approved by the Commission.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, no later than December 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 16, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notice and orders issued in this matter, including any notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–34569 Filed 12–1–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–6955]

Bancroft Convertible Fund, Inc., Common Stock, $.01 Par Value; Application To Withdraw From Listing and Registration

November 25, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Bancroft Convertible Fund, Inc. ("Company") is listed and registered on the BSE and the American Stock Exchange, Inc. ("Amex"). Due to the lack of activity of the Company's stock on the BSE, the Company has determined that the costs and expenses do not justify maintaining the listing of the common stock on the BSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the BSE and shall have no effect upon the continued listing of such stock on the Amex. The BSE has posed no objection to this matter.

Any interested person may, on or before December 18, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Comission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the

Commission determines to order a hearing on the matter.

For the Commission, by the Division of Marketing Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34587 Filed 12-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18286]

Chicago Board Options Exchange, Inc. et al.; Filing and Order Approving Proposed Rule Changes

November 24, 1981.

In the Matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Philiadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, Pennsylvania 19103; Pacific Stock Exchange, Incorporated, 618 South Spring Street, Los Angeles, CA 90014; SR-CBOE-81-21 SR-Amex-81-19, SR-Phlx-81-17, SR-PSE-81-20.

The Chicago Board Options Exchange ("CBOE"),[1] the American Stock Exchange ("Amex"),[2] the Pacific Stock Exchange ("PSE"),[3] and the Philadelphia Stock Exchange ("Phlx") [4] (collectively, the "options exchanges") have filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4, proposed rule changes to amend their initial and maintenance listing standards for stocks underlying listed options.[5] The proposed amendments to the initial listing standards would, among other things: (1) reduce the float requirement from eight million to seven million shares; (2) reduce the minimum number of shareholders required from 10,000 to 6,000; (3) replace the requirement that the issuer be in compliance with Sections 13 and 14 of the Act with a requirement that the issuer be in compliance with any applicable filing or disclosure requirements under the Act; and (4) modify the default and net income criteria for issuers. The amendments would modify the options exchanges' maintenance listing standards in a similar manner, except that the issuer net income requirement would be eliminated as a maintenance standard.

Due to the derivative and highly leveraged nature of options, options listing standards are intended to ensure that the stocks underlying options have broad distribution and active trading characteristics ("quality of market" criteria) and are limited to those of certain qualified issuers ("quality of issuer" criteria). The quality of market criteria relate to public float, number of shareholders, trading volume and price. The quality of issuer criteria relate to compliance with certain Exchange Act requirements, defaults, net income and deficits.

The quality of market standards were developed primarily to limit options trading to underlying securities which appeared to be less susceptible to regulatory problems associated with unusually high market volatility, *e.g.*, manipulation, market corners, short squeezes, and excessive speculation and financial exposure. It was felt that because options are low cost and highly leveraged instruments would be easier to facilitate such occurrences through a relatively small committment of capital to an options position.

The quality of issuer standards relate in large part to the manner in which disclosure is made concerning options on particular stocks. When the CBOE initally proposed its options program it contended that it would be unnecessarily burdensome to require prospectus disclosure of specific information with respect to each issuer of stocks underlying options. The Commission agreed, provided that options trading was limited to high quality stocks issued by relatively stable companies about which considerable information was available to options investors.

The Commission believes that the modifications proposed by the options exchanges pose no significant regulatory problems, and should continue to ensure that options are listed only on stocks that are widely held and actively traded and whose issuers are relatively stable and about whom considerable information is publicly available.

Accordingly, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder. The Commission finds good cause for approving the Phlx and PSE proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof in that the terms of the Phlx and PSE proposals are identical to those of the Amex and CBOE which were published for the full statutory period.

It is therefore ordered, pursuant to sections 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34570 Filed 12-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22285, 70-6580]

Columbia Gas System Inc. et. al.; Proposed Issuance of Notes by Subsidiary to Parent; Change in Note Terms; Advances to Subsidiaries by Parent

November 24, 1981.

In the Matter of the Columbia Gas System, Inc., Columbia Gas System Service Corporation, Columbia LNG Corporation, Wilmington, Delaware; Columbia Gas Transmission Corporation, Charleston, West Virginia; Columbia Gas of Ohio, Inc., Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland Inc., Columbus, Ohio; Columbia Hydrocarbon Corporation, The Inland Gas Company, Inc., Columbia Coal Gasification Corporation, Ashland, Kentucky; Columbia Gulf Transmission Company, Houston, Texas; Columbia Gas Development of Canada, Ltd., Calgary, Aberta, Canada; Columbia Gas Development Corporation, Houston, Texas; Commonwealth Gas Pipeline Corporation Commonwealth Gas Services, Inc., Bottled Gas Corporation of Virginia, 200 South Third Street, Richmond, Virginia 23219.

The Columbia Gas System, Inc., ("Columbia"), a registered holding company, and its subsidiaries named above ("Subsidiaries"), have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended under sections 6(a), 6(b), 7, 9, 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act")

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[1] File No. SR-CBOE-81-21, as amended November 12, 1981.

[2] File No. SR-Amex-81-19, as amended November 9, 1981.

[3] File No. SR-PSE-81-20.

[4] File No. SR-Phlx-81-17, as amended November 9, 1981.

[5] Notice of the Amex and CBOE proposal rule changes together with their terms of substance was given by publication of a Commission release (Securities Exchange Act Release No. 18152, October 6, 1981) and by publication in the Federal Register, 46 FR 50836. No comments were received.

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and rules 43, 45, 50(a)(2), 50(a)(3) and 50(a)(5) thereunder.

By orders dated April 30, 1981 and July 15, 1981 (HCAR Nos. 22032 and 22130), the Commission authorized the following transactions of Columbia and certain subsidiaries: (1) the issuance of Columbia of up to $350,000,000 of notes to banks and commercial paper to dealers through May 31, 1982; (2) the advance by Columbia on open account to certain subsidiaries of up to $576,500,000 through December 31, 1981; and (3) the acquisition by Columbia, and the issuance and sale by certain subsidiaries, of up to $319,800,000 of installment and/or term notes and $9,000,000 of common stock through December 31, 1981. Jurisdiction was reserved over borrowings by Columbia Gas of New York, Inc., pending the receipt of the requisite state authorization.

By post-effective amendment, Columbia Hydrocarbon Corporation ("Hydrocarbon") requests that its authorization to issue notes to Columbia, and for Columbia to acquire such notes, be increased from $7,000,000 to $8,000,000 under the same terms and conditions specified in the order of April 30, 1981 (HCAR No. 22032). Hydrocarbon also proposes to issue and sell, and Columbia seeks to acquire, up to 136,000 shares of $25.00 per value common stock for an aggregate par value of $3,400,000. The additional funds are required because Hydrocarbon's cost of purchased products for resale has increased substantially.

By the Commission's order of April 30, 1981, (HCAR No. 22032) the Commission also authorized Columbia to advance on open account to Columbia Gas Transmission Corporation ("Transmission") and Hydrocarbon up to $250,000,000 and $1,000,000 respectively. Transmission's cost of gas purchased for storage has increased substantially, making the original authorization inadequate. Hydrocarbon's liquid stream cost has doubled, making its initial financing authorization insufficient for the remainder of the year. Columbia also seeks to include in its application-declaration and make open account advances to Commonwealth Gas Pipeline Corporation ("Commonwealth Pipeline"), Commonwealth Gas Services, Inc. ("Commonwealth Services"), and Bottled Gas Corporation of Virginia ("Bottled Gas"), three new subsidiaries resulting from the merger of Columbia and Commonwealth Natural Resources, Inc. (HCAR No. 22166, August 20, 1981). The proposed open account advances would be under indentical terms and conditions to those previously authorized and the advances would be up to the following maximum aggregate amounts:

Columbia Transmission	$330,000,000
Hydrocarbon	8,000,000
Commonwealth Pipeline	2,000,000
Commonwealth Services	4,000,000
Bottled Gas	3,500,000

Notes issued by Columbia Gas Development of Canada LTD. ("Development Canada") pursuant to our order of April 30, 1981 (HCAR No. 22032) generally have the same provisions as the other authorized notes. However, the payment of both interest and current maturities would only be made to the extent that Development Canada had U.S. taxable earnings from operations and therefore a corresponding tax liability on a year-to-year basis. Any unpaid interest and current maturities, resulting because of this provision would be accrued and carried forward to future years and would be paid at such time as Development Canada had sufficient U.S. taxable earnings. By post-effective amendment, it is proposed that this provision be changed to only defer payment of interest, not current maturities. However, the interest on such notes of Development Canada would be due and payable only if and to the extent that it is determined, as of the end of such payment period, that Columbia will be able to reduce its United States consolidated income tax liability for the taxable year in which such interest is to be paid, or for any preceding taxable year, by the full amount of any foreign taxes paid or payable by Columbia with respect to such interest or the receipt thereof.

The application-declaration as amended by said post-effective amendment and any further amendments, is available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-34571 Filed 12-1-81 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 783]

Claims Against Iran

This notice concerns the procedures applicable to the filing and hearing of claims of U.S. nationals against Iran before the Iran-United States Claims Tribunal at The Hague. It supplements information provided in Public Notices 779 (46 FR 55468, November 9, 1981), 775 (46 FR 49695, October 7, 1981), 772 (46 FR 45057, September 9, 1981) and 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

At its November preparatory session the Iran-United States Claims Tribunal adopted the following additional guidance regarding the preparation and filing of statements of defense. The text set forth below was received by the Department of State on November 25, 1981.

Iran-United States Claims Tribunal

Administrative Directive No. 4

November 21, 1981

1. Introduction

This Administrative Directive has been issued by the Iran-United States Claim Tribunal to inform interested parties concerning additional provisions of the forthcoming Tribunal Rules relating to the preparation and filing of statements of defense.

2. Statement of Defense

(A) The provisions of Administrative Directive Number 1 and 2 relating to the languages, number of copies, form, delivery, and actions of the Registrar with respect to statements of claims also apply equally to statements of defense.

(B) Each statement of defense and any

other documents filed with the Tribunal shall have a caption stating:

(i) The names of the parties,

(ii) The case number assigned by the Registrar and

(iii) The number of the Chamber seised of the case.

Gunnar Lagergren, President.

November 25, 1981

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 81-34542 Filed 12-1-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Depart. Circular Public Debt Series—No. 37-81]

Treasury Notes of Series D-1987; Interest Rate

November 25, 1981.

The Secretary announced on November 24, 1981, that the interest rate on the notes designated Series D-1987, described in Department Circular—Public Debt Series—No. 37-81 dated November 18, 1981, will be 12¾ percent. Interest on the notes will be payable at the rate 12¾ percent per annum.

Supplementary statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-34457 Filed 12-1-81; 8:45 am]

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CHANGES
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Sunshine Act Meetings

Federal Register
Vol. 46, No. 231
Wednesday, December 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Commodity Futures Trading Commission	1
Federal Home Loan Bank Board	2
Federal Maritime Commission	3
Federal Mine Safety and Health Review Commission	4
Parole Commission	5, 6
Railroad Retirement Board	7

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., Monday, November 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Litigation.

* * * * *

TIME AND DATE: 11 a.m., Friday, December 11, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1800-81 Filed 11-30-81; 12:54 pm]

BILLING CODE 6351-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46. No issue number at this time. No page number at this time. No date of publication at this time.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1 p.m., Friday, December 4, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting for Friday, December 4, 1981, which was rescheduled to start at 1 p.m., has now been rescheduled to start at 2:30 p.m.

No. 570, November 30, 1981.

[S-1795-81 Filed 11-30-81; 11:43 am]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 57959, November 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., December 2, 1981.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

7. Agreement No. 10416 between Trailer Marine Transportation Corporation and Puerto Rico Maritime Shipping Authority to permit discussion and establishment of uniform tariff rules, and regulations, and charges excluding ocean freight rates.

Addition of the following item to the closed session:

5. Agreement No. 10416 between Trailer Marine Transportation Corporation and Puerto Rico Maritime Shipping Authority to permit discussion and establishment of uniform tariff rules, and regulations, and charges excluding ocean freight rates.

[S-1796-81 Filed 11-30-81; 11:46 am]

BILLING CODE 6730-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Tuesday, November 24, 1981.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced items to be considered, the Commission will also consider and act upon the following item:

6. Secretary of Labor v. Eastover Mining Company, KENT 80-141; Petition for Interlocutory Review. (Issue is whether the ALJ erred in denying motion for change of hearing site).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the item was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-1801-81 Filed 11-30-81; 2:53 pm]

BILLING CODE 6820-12-M

5

PAROLE COMMISSION

[IP0401]

TIME AND DATE:

9 a.m. to 5 p.m., Monday, December 7, 1981

9 a.m. to 2:30 p.m., Tuesday, December 8, 1981

PLACE: Room 420-F; One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 21 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-1798-81 Filed 11-30-81; 11:49 am]

BILLING CODE 4410-01-M

6

PAROLE COMMISSION

[2P0401]

TIME AND DATE:

5 p.m. to 5:45 p.m., Monday, December 7, 1981

9 p.m. to 5:30 p.m., Wednesday, December 9, 1981

PLACE: Room 420-F, One North Park Building; 5550 Friendship Boulevard; Bethesda, Maryland 20015.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *CTC Placements.* Mr. Gerald Farkas from the Bureau of Prisons has been invited to make a presentation to the Commission on Monday, December 7, 1981 at 5:00 p.m.

2. Approval of minutes of meetings of September 11, 1981 and October 6 and 7, 1981.

3. Reports from Chairman, Commissioners, Counsel's Office, and Research and Case Operations Sections.

4. Briefing on proposed legislation

5. Consideration of rule changes, procedural changes, changes in functions, or authorization of further studies in reference to the following subjects:

(a) Parole on the record;

(b) Expansion of regional boundaries;

(c) Adding cases to hearing dockets;

(d) Combining Northeast Region with Central Office;

(e) Hearings by one examiner;

(f) Summary retardation for disciplinary infractions;

(g) Hearings at tri-monthly intervals;

(h) Similar related issues.

6. Severity Rating of Multiple Separate Offenses.

7. Wording on Notices of Action.

8. Federal Prosecution of Juvenile Delinquents.

9. Superior Program Achievement

10. Inmates Released on Bond.

11. Status of Colorado YCA cases and YCA institutions.

12. Handling of D.C. Parole Violators.

CONSENT AGENDA: The following Consent Agenda items, only if previously requested to be opened for discussion at the meeting on or before December 3, 1981:

13. Probation Violations—use of the original federal offense plus any new offense committed while on probation in determining offense severity.

14. Revision of Procedures Manual to list all non-appealable actions.

CONTACT PERSON FOR MORE INFORMATION: Ms. Billie L. Richards, Chairman's Office (301) 492–5990.

[S–1797–81 Filed 11–30–81; 11:47 am]

BILLING CODE 4410–01–M

7

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., December 10, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

(1) Appeal of Excelsior Truck Leasing, Inc.

(2) Survey of the Division of Disability Benefits, Bureau of Retirement Claims.

(3) Work management system.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312–751–4920; FTS No. 387–4920.

[S–1799–81 Filed 11–30–81; 12:13 pm]

BILLING CODE 7905–01–M

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federal register

Wednesday
December 2, 1981

Part II

Veterans Administration

Guidelines Pertaining to Treatment of Veterans Exposed to Agent Orange and Ionizing Radiation

VETERANS ADMINISTRATION

Guidelines Pertaining to Treatment of Veterans Exposed to Agent Orange and Ionizing Radiation

AGENCY: Veterans Administration.

ACTION: Publication of Guidelines.

SUMMARY: The "Veterans' Health Care, Training, and Small Business Loan Act of 1981" authorizes the Veterans Administration (VA) to treat veterans for disabilities which may have been caused by exposure to dioxins (Agent Orange) or ionizing radiation. The VA is issuing guidelines for use by VA physicians to assist them in making determinations in individual cases as to whether a disability may have been caused by such exposure. The guidelines are being issued to meet a specific requirement of the new Act.

EFFECTIVE DATE: November 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Barclay M. Shepard, Special Assistant to the Chief Medical Director, (102), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389–2241.

SUPPLEMENTARY INFORMATION: The "Veterans' Health Care, Training, and Small Business Loan Act of 1981", Public Law 97–72, authorizes the Veterans Administration to provide certain health care services: (1) to any veteran of the Vietnam era who while serving in Vietnam may have been exposed to dioxin or was exposed to a toxic substance in a herbicide or defoliant used for military purposes, and (2) to veterans who were exposed while serving on active duty to ionizing radiation from the detonation of a nuclear device as a result of participation in the test of such a device or with the American occupation of Nagasaki or Hiroshima, Japan, between September 11, 1945, and July 1, 1946.

The Act provides that the VA may not treat veterans for disabilities that are found, in accordance with guidelines issued by the Chief Medical Director of the VA, to have resulted from a cause other than exposure to dioxins or ionizing radiation.

These guidelines are being published under the authority of section 552(a)(1)(B) of title 5, United States Code. Pub. L. 97–72 uses the word "guidelines" rather than the word "regulations" and the legislative history indicates that Congress clearly intended that general guidelines be issued, rather than specific regulations. Accordingly, these guidelines are *not* being published as regulations under the authority of section 553 of title 5, United States Code.

Understanding that it was legally required that these guidelines be published in the **Federal Register** for public comment, Congress nevertheless requested that such comments be solicited. See Congressional Record, October 16, 1981, p. 11586. Accordingly, the VA is following this approach. When comments are received, they will be evaluated and, if appropriate, the guidelines will be changed. In any event, the VA anticipates republication of the guidelines after public comments are received.

In addition to publishing these guidelines in the **Federal Register**, we are instructing personnel at all VA medical facilities to provide a copy of such guidelines to all veterans seeking treatment for a disability under the authority of Pub. L. 97–72.

In accordance with Pub. L. 97–72, when a veteran seeks treatment under the authority of that law, the VA will require verification of qualifying service by official records. In the cases of exposure to dioxins or to other toxic substances in a herbicide or defoliant, verification of service in Vietnam during the Vietnam era (August 5, 1964—May 7, 1975) will be required. In the cases of nuclear test participants, claims of exposure to ionizing radiation will require verification by Department of Defense records. Verification of qualifying service with the American occupation forces of Hiroshima and Nagasaki, Japan, between September 11, 1945 and July 1, 1946 will be deemed to satisfy the requirements of exposure, not because all such troops were exposed to bomb-related doses of ionizing radiation, but because dose exposure information for these individuals is not available.

In accordance with congressional intent, a determination to furnish care under this authority does not establish that the condition for which medical care is provided is service-connected or affects in any way determinations regarding service-connection, including eligibility for compensation under Chapter 11 or for vocational rehabilitation under Chapter 31 of title 38, United States Code.

Interested persons may submit written comments, suggestions, or objections to the Administrator of Veterans Affairs (102), 810 Vermont Avenue, NW, Washington, DC 20420 on or before February 1, 1982. Material submitted will be evaluated and considered in any future revision.

Pending issuance of final guidelines, these guidelines are adopted as stated below.

Approved: November 24, 1981.

John P. Murphy,

Acting Administrator.

Circular 10–81–249

Veterans Administration
Department of Medicine and Surgery
Washington, D.C.

November 18, 1981.

To: Directors, VA Medical Centers, Medical and Regional Office Centers, Regional Offices, Regional Offices with Outpatient Clinics, Domiciliary, and Outpatient Clinics.

Subj: Interim Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Dioxins.

1. The "Veterans' Health Care, Training, and Small Business Loan Act of 1981" was signed into law on November 3, 1981. The Act, Pub. L. 97–72, authorizes the Veterans Administration to provide certain health care services, as described in paragraph 3, to any veteran of the Vietnam era (August 5, 1964–May 7, 1975) who while serving in Vietnam may have been exposed to dioxin or was exposed to a toxic substance in a herbicide or defoliant used for military purposes.

2. Health care services may not be provided under this law, for the care of conditions which are found to have resulted from a cause other than the specified exposures.

3. Health care services authorized under this provision are limited to hospital and nursing home care in VA facilities and outpatient care in VA facilities on a pre- or post-hospitalization basis or to obviate a need for hospitalization. Such health care services will be provided without regard to the veteran's age, service-connected status or the inability of the veteran to defray the expenses of such care. Veterans furnished outpatient care under this authority will be accorded priority ahead of nonservice-connected veterans and equal to former Prisoners of War who are receiving care for non-service connected conditions. Congress made it clear that this law provides for health care only, and that a determination that the veteran is eligible for such care does not constitute a basis for service-connection or in any way affect determinations regarding service-connection.

4. Each veteran who served in the Republic of Vietnam and who requests VA medical care will be provided a complete medical history, physical examination and appropriate diagnostic studies in accordance with DM&S Circular 10–81–54, "Possible Exposure of Veterans to Herbicides During the Vietnam War." If such an examination has been completed within the prior six months, only those procedures which are medically indicated by the current circumstances need be repeated. Where the findings reveal a condition requiring treatment, the responsible staff physician shall make a determination as to whether the condition resulted from a cause other than the specified exposure. In making this determination, the physician should consider that the following types of conditions are not

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ordinarily considered to be due to such exposure:

a. Congenital or developmental conditions, e.g., spina bifida; scoliosis.

b. Conditions which are known to have pre-existed military service.

c. Conditions resulting from trauma, e.g., deformity or limitation of motion of an extremity.

d. Conditions having a specific and well established etiology, e.g., tuberculosis; gout

e. Common conditions having a well recognized clinical course, e.g., inguinal hernia; acute appendicitis.

5. On occasion, the responsible staff physician may find that a veteran requires care for one or more of the conditions listed in paragraph 4, but that the case presents complicating circumstances that make the provision of care under this authority appropriate. In such instances, the physician should seek guidance from the Chief of Staff regarding authorization for treatment. If treatment is so authorized, the reasons will be clearly documented in the medical record. Veterans who are not provided needed medical care under this circular may be furnished care if they are eligible under any other statutory authority.

6. The provisions of this circular will not exclude any veteran who served in the Republic of Vietnam from being included in the VA's Agent Orange Registry Program as outlined in DM&S Circular 10–81–54, dated March 19, 1981.

7. These guidelines will be effective upon receipt. They will be published in the **Federal Register** for information and public comment. A copy of the pertinent guidelines should be made available to any veteran seeking care under this authority.

8. Following receipt of public comments, final guidance will be provided.

W. J. Jacoby, Jr.,

Deputy Chief Medical Director.

Circular 10–81–250

Veterans Administration
Department of Medicine and Surgery
Washington, D.C.

November 18, 1981.

To: Directors, VA Medical Centers, Medical and Regional Office Centers, Regional Offices with Outpatient Clinics, Regional Offices, Domiciliary, Outpatient Clinics.

Subj: Interim Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Ionizing Radiation As a Result of Detonation of Nuclear Devices.

1. The "Veterans' Health Care, Training, and Small Business Loan Act of 1981" was signed into law on November 3, 1981. The Act, Pub. L. 97–72, authorizes the Veterans Administration to provide certain health care services, as described in paragraph 3, to veterans who, while serving on active military duty, were exposed to ionizing radiation from the detonation of a nuclear device as a result of participation in either the testing of such a device or the American occupation of Hiroshima or Nagasaki, Japan, between September 11, 1945, and July 1, 1946.

2. Health care services may not be provided under this law for the care of conditions which are found to have resulted from a cause other than the specified exposures.

3. Health care services authorized under this provision are limited to hospital and nursing home care in VA facilities and outpatient care in VA facilities on a pre- or post-hospitalization basis or to obviate a need for hospitalization. Such health care services will be provided without regard to the veteran's age, service connected status or the inability of the veteran to defray the expenses of such care. Veterans furnished outpatient care under this authority will be accorded priority ahead of nonservice-connected veteran, and equal to former Prisoners of War who are receiving care for non-service connected conditions. Congress made it clear that this law provides for health care only, and that a determination that the veteran is eligible for such care does not constitute a basis for service-connection or in any way affect determinations regarding service-connection.

4. Each veteran who participated in the testing of a nuclear device or who participated in the occupation of Hiroshima or Nagasaki, Japan, between September 11, 1945, and July 1, 1946, and who requests VA medical care will be provided a complete medical history, physical examination and appropriate diagnostic studies in accordance with DM&S Circular 10–81–99, "Military Nuclear Ionizing Radiation." If such an examination has been completed within the prior six months, only those procedures which are medically indicated by the current circumstances need be repeated. Where the findings reveal a condition requiring treatment, the responsible staff physician shall make a determination as to whether that condition resulted from a cause other than the veteran's exposure to ionizing radiation. Veterans who meet the other criteria of this circular and are suffering from cancer may be treated under this authority. Conditions other than cancer are usually considered to be due to causes other than exposure to ionizing radiation.

5. If the responsible staff physician finds that the veteran requires care for a condition other than cancer and also believes that the individual case presents complicating circumstances that make the provision of care under this authority appropriate, the physician should seek guidance from the Chief of Staff as to whether treatment should be authorized. If treatment is so authorized, the reasons will be clearly documented in the medical record. Veterans who are not provided needed medical care under this circular may be furnished care if they are eligible under any other statutory authority.

6. *Verification of Exposure.* If, upon examination, the veteran is found to require care under this authority, verification of the veteran's exposure must be made but should not delay initiation of appropriate care. The following information will be obtained from the veteran by the Medical Administration Service at the local VA medical facility:

a. Social security number;

b. VA claim file number (if any);

c. Current address and telephone number;

d. Date and place of birth;

e. Branch of service and military service number;

f. Military rank or rating at time of test;

g. Period of service;

h. Military unit to which the veteran was attached/detailed at the time of the test;

i. Military unit from which the veteran may have been detailed for participation in the test;

j. Date(s) and location(s) of the test(s);

k. Code name(s) of the operation(s) or test shot(s);

l. Whether or not the veteran was wearing a dosimetry badge.

In the case of a veteran alleging exposure as a result of participation in the test of a nuclear device, the VA medical facility will request verification from the appropriate VA regional office in accordance with procedures as outlined in Chapter 6, M–1, Part I. If the regional office has a record verifying the veteran's participation in such a test, a copy of this should be forwarded to the requesting medical facility for inclusion in the veteran's medical record. In the event that it does not hold such verification, the VA regional office, in order to verify exposure, will contact the Records Processing Center, St. Louis, Missouri, with the above information.

If participation in the test of a nuclear device is verified, the regional office will confirm this fact to the VA medical facility. In the case of a veteran alleging exposure resulting from participation in the occupation of Hiroshima and Nagasaki, verification of unit assignment and location will be obtained through the appropriate VA Regional Office in accordance with procedures for similar types of verification as outlined in Chapter 6, M–1, Part I.

7. The provisions of this circular will not exclude any veteran who alleges exposure to ionizing radiation as described in paragraph 1 of this circular from being eligible for a medical examination as outlined in DM&S Circular 10–81–99 dated June 4, 1981.

8. These guidelines will be effective upon receipt. They will be published in the **Federal Register** for information and public comment. A copy of the pertinent guidelines should be made available to any veteran seeking care under this authority.

9. Following receipt of public comments, final guidance will be provided.

W. J. Jacoby, Jr.,

Deputy Chief Medical Director.

[FR Doc. 81–34438 Filed 12–1–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of December 6 through December 12, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

49569 10–7–81 / Increase in fees and charges; comments by 12–7–81

Federal Crop Insurance Corporation—

56802 11–19–81 / Wheat Crop Insurance Regulations; comments by 12–9–81

Rural Electrification Administration—

55122 11–6–81 / Advance Notice of Proposed Rulemaking; Appendix A—REA Bulletin 112–3, Area Coverage Service; comments by 12–7–81

COMMERCE DEPARTMENT

International Trade Administration—

50054 10–9–81 / Revision of regulations to require a validated license for export of technical data related to infrared imaging equipment to all destinations except Canada; comments by 12–8–81

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55276 11–9–81 / Interim adjustment of royalty payable under compulsory license for making and distributing phonorecords; comments by 12–7–81

DEFENSE DEPARTMENT

Army Department—

54964 11–5–81 / Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Services; comments by 12–7–81

EDUCATION DEPARTMENT

51870 10–22–81 / Migrant education program activities; grants to state educational agencies to improve interstate and intrastate coordination; comments by 12–7–81

ENERGY DEPARTMENT

Conservation and Renewable Energy Office—

35468 7–8–81 / Wind Energy Technology Application Program provisions; comments by 12–8–81

Federal Energy Regulatory Commission—

55536 11–10–81 / Amendments governing case-by-case exemption from all or part of Part I of the Federal Power Act of small hydroelectric power projects with an installed capacity of 5 megawatts or less; comments by 12–7–81

56428 11–17–81 / High-cost gas produced from tight formation; Niobrara Formation, Nebraska; designation; comments by 12–7–81

56429 11–17–81 / High-cost gas produced from tight formation; Lower Wilcox Formation, Texas; designation; comments by 12–7–81

55542 11–10–81 / High-cost natural gas produced from wells drilled in deep water; availability of environmental assessment; comments by 12–10–81

ENVIRONMENTAL PROTECTION AGENCY

55550 11–10–81 / Approval and promulgation of implementation plans; Georgia and South Carolina; prevention of significant deterioration regulations; comments by 12–10–81

54974 11–5–81 / Designation of areas for air quality planning purposes; Indiana; comments by 12–7–81

16096 3–10–81 / Polychlorinated biphenyls (PCBs), use in electrical equipment; comments by 12–7–81

[Corrected at 46 FR 25660, 5–8–81]

55123 11–6–81 / Revision of state implementation plan; West Virginia; comments by 12–7–81

FEDERAL COMMUNICATIONS COMMISSION

54787 11–4–81 / Amendment to eliminate the requirement that licensees retain letters received from the public; comments by 12–7–81

46355 9–18–81 / FM broadcast station in Augusta and Gardiner, Maine; changes in table of assignments; reply comments by 12–8–81

46357 9–18–81 / FM broadcast station in Billings, Mont.; reply comments by 12–8–81

46352 9–18–81 / FM broadcast station in Camden, Ala.; changes in table of assignments; reply comments by 12–8–81

46353 9–18–81 / FM broadcast station in Downs, Kans.; changes in table of assignments; reply comments by 12–8–81

46355 9–18–81 / FM broadcast station in Mountain View, Mo.; changes in table of assignments; reply comments by 12–8–81

50990 10–16–81 / FM broadcast station in Pittsburg, Kans.; changes in table of assignments; comments by 12–8–81

50989 10–16–81 / FM broadcast station in Williams, Ariz.; changes in table of assignments; comments by 12–8–81

50988 10–16–81 / TV broadcast station in Cape Coral, Fla.; changes in table of assignments; comments by 12–8–81

FEDERAL HOME LOAN BANK BOARD

49135 10–6–81 / Consumer leasing; comments by 12–6–81

FEDERAL MARITIME COMMISSION

54391 11–2–81 / Tariffs filed by common carriers in foreign commerce of U.S.; per-container rates filing; Sea-Land Service, Inc., consideration of petition; comments by 12–10–81

[Originally published at 46 FR 43474, 8–28–81]

FEDERAL RESERVE SYSTEM

50380 10–13–81 / Regulation M; Consumer Leasing; official staff interpretation; comments by 12–11–81

51920 10–23–81 / Regulation Z; Truth in Lending; definition of "arranger of credit"; comments by 12–7–81

INTERIOR DEPARTMENT

Indian Affairs Bureau—

55542 11–10–81 / Indian Fishing; Hoopa Valley Indian Reservation; comments by 12–10–81

Surface Mining Reclamation and Enforcement Office—

55275 11–9–81 / Consideration of modification of deadlines for Oklahoma's State Implementation Program; comments by 12–9–81

LABOR DEPARTMENT

Office of the Secretary—

50352 10–9–81 / Equal access to Justice; comments by 12–8–81

TRANSPORTATION DEPARTMENT

Coast Guard—

54973 11–5–81 / Safety zone; Gastineau Channel, Juneau, Alaska; comments by 12–7–81

National Highway Traffic Safety Administration—

51793 10–22–81 / Motor vehicle safety standards; multiple compartment stop lamps and turn signal lamps; minimum effective projected luminous lens area reduction; comments by 12–7–81

[Corrected at 46 FR 54392, 11–2–81]

51788 10–22–81 / Motor vehicle safety standards; speedometers and odometers; controls and displays; rescission; comments by 12–7–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

49599 10–7–81 / Limekiln Valley Viticultural Area; comments by 12–7–81

52129 10–26–81 / Production of vinegar by vaporizing process; comments by 12–10–81

Internal Revenue Service—

50014 10–8–81 / Income tax; industrial development bonds; definition of term "issue"; comments by 12–7–81

Deadlines for Comments on Proposed Rules for the Week of December 13 through December 19, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

58337 12–1–81 / Milk in the Middle Atlantic Marketing Area; recommended decision and opportunity to file written exceptions on proposal amendments to tentative marketing agreement and order; comments by 12–16–81

Animal and Plant Health Inspection Service—

50965 10–16–81 / National Poultry Improvement Plan provisions and auxiliary provisions; comments by 12–15–81

Commodity Credit Corporation—

56624 11–18–81 / Warehouses for grain, rice, dry edible beans and seed; standards for approval; comments extended to 12–16–81

[*See also* 46 FR 50378, 10–13–81]

CIVIL AERONAUTICS BOARD

56425 11–17–81 / Amendment of charter rules to allow airlines to conduct "part charters" which are flights that carry both charter- and scheduled-service passengers; comments by 12–17–81

50551 10–14–81 / Terms, conditions and limitations of certificates authorizing scheduled route service and of foreign air carrier permits; proposed rule to discontinue airport notice and service plan requirements and unnecessary operating restrictions; comments by 12–14–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

53475 10–29–81 / Foreign Fishing Regulations; Groundfish of the Bering Sea; comments by 12–14–81

CONSUMER PRODUCT SAFETY COMMISSION

56762 11–18–81 / Urea-formaldehyde foam insulation, additional data; comments by 12–18–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

56820 11–19–81 / High-cost gas produced from tight formations; Cisco Sandstone Formation, Texas; comments by 12–14–81

56819 11–19–81 / High-cost gas produced from tight formations; James Lime Formation, La.; comments by 12–14–81

56822 11–19–81 / High-cost gas produced from tight formations; Wilcox Formation, Texas; comments by 12–14–81

ENVIRONMENTAL PROTECTION AGENCY

55722 11–12–81 / Air quality planning; designation of areas; California; comments by 12–14–81

56461 11–17–81 / Approval and promulgation of implementation plans; Connecticut revision; comments by 12–17–81

56463 11–17–81 / Approval and promulgation of implementation plans; Maryland; control of lead (Pb) emissions; comments by 12–17–81

56462 11–17–81 / Approval and promulgation of implementation plans; Utah; prevention of significant deterioration (PSD); comments by 12–17–81

55714 11–12–81 / Approval and promulgation of State Implementation Plans; Arizona Department of Health Services NSR/PSD regulations; comments by 12–14–81

55716 11–12–81 / Approval and promulgation of State Implementation Plans; Connecticut revisions; comments by 12–14–81

56465 11–17–81 / Availability of Minnesota State Solid Waste Management Plan; comments by 12–17–81

54770 11–4–81 / Illinois application for interim authorization Phase I, hazardous waste management program; comments by 12–18–81

55994 11–13–81 / Ohio; sulfur dioxide control strategy; comments by 12–14–81

56626 11–18–81 / Polychlorinated biphenyls (PCBs), proposed amendment to use authorization for PCB railroad transformers; comments by 12–18–81

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50986 10–16–81 / Proposed redesignation of ocean dumping site; comments by 12–15–81

55720 11–12–81 / State implementation plans; Oregon; ambient air quality standards for ozone (O_3); comments by 12–14–81

55719 11–12–81 / State implementation plans; Vermont revision; comments by 12–14–81

55725 11–12–81 / 2-Amino-4, 5-Dihydro-6-Methyl-4-Propyl-S-Triazolo(1,5-Alpha) Pyrimidin-5-One; Proposed exemption from the requirement of a tolerance; comments by 12–14–81

FEDERAL COMMUNICATIONS COMMISSION

58110 11–30–81 / Amendment to allow the selection from among mutually exclusive competing applications using random selection or lotteries instead of comparative hearings; comments by 12–14–81

53726 10–30–81 / Annual financial report of broadcast stations (Form 324); reply comments by 12–15–81

56836 11–19–81 / Elimination of requirement for type approval of aural modulation monitors; extension of time; comments by 12–16–81

[*See also* 46 FR 52398; 10–27–81]

52151 10–26–81 / FM broadcast station; Atlantic City, N.J.; changes in table of assignments; comments by 12–15–81

52145 10–26–81 / FM broadcast station; Celina, Clinton, Knoxville, LaFollette, and Sweetwater, Tennessee; Louisville, Oneida, Radcliff, Somerset, and Stanford, Kentucky; Madison and New Albany, Indiana; changes in table of assignments; comments by 12–15–81

48258 10–1–81 / FM broadcast station; changes in table of assignments; Marco, Fla.; reply comments by 12–14–81

56466 11–17–81 / List of rules to be reviewed pursuant to the Regulatory Flexibility Act during 1981–82; comments by 12–17–81

55125 11–6–81 / Revision of programming policies and reporting requirements related to public broadcasting licensees; order extending time for filing comments and reply comments; reply comments by 12–16–81

[Original documents published at 46 FR 43190; 8–27–81]

FEDERAL RESERVE SYSTEM

50975 10–16–81 / Addition to list of activities permissible for Edge Corporations in the U.S.; comments by 12–18–81

FEDERAL TRADE COMMISSION

50977 10–16–81 / General Electric Co.; proposed consent agreement with analysis to aid public comment; comments by 12–15–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

56409 11–17–81 / Asparagus; standard of identity (final rule); objections by 12–17–81

Social Security Administration—

50756 10–14–81 / Federal old-age, survivors, and disability insurance benefits and supplemental security income for the aged, blind, and disabled; payment to States for successful rehabilitation services; comments by 12–14–81

INTERIOR DEPARTMENT

Geological Survey—

56564 11–17–81 / Oil and gas operating regulations; discovery, development and production from onshore Federal and restricted Indian leases; comments by 12–17–81

Land Management Bureau—

51258 10–19–81 / National scenic trails; use of motorized vehicles; comments by 12–18–81

National Park Service—

55709 11–12–81 / Big Cypress National Preserve, Florida Indian Use and Occupancy Regulations; comments by 12–14–81

Surface Mining Reclamation and Enforcement Office—

56433 11–17–81 / Permanent State Regulatory Program, Iowa; comments by 12–17–81

INTERNATIONAL TRADE COMMISSION

56780 11–19–81 / Implementation of the Equal Access to Justice Act; comments by 12–21–81

LABOR DEPARTMENT

Employment and Training Administration—

50981 10–16–81 / Advance notice of proposed amendment of provisions on adverse effect wage rates for temporary employment of nonimmigrant aliens on Guam in occupations other than agriculture or logging; comments by 12–15–81

50982 10–16–81 / Advance notice of proposed amendment of provisions on temporary employment apprenticeship of nonimmigrant aliens on Guam in occupations other than agriculture or logging; comments by 12–16–81

PERSONNEL MANAGEMENT OFFICE

55917 11–13–81 / Federal Employees Health Benefits Program: open season to enroll or change enrollment; interim regulation; comments by 12–14–81

POSTAL SERVICE

53458 10–29–81 / Changes in handling of undeliverable-as-addressed mail; comments by 12–18–81

RAILROAD RETIREMENT BOARD

50786 10–15–81 / Reduction in the Windfall Benefit Annuity component; comments by 12–14–81

SECURITIES AND EXCHANGE COMMISSION

48943 10–5–81 / Financial information and statements, pro forma; presentation and preparation instructions; comments by 12–18–81

52382 10–27–81 / Proposed system of classification of smaller issuers for purposes of exempting them from certain reporting and other requirements; comments by 12–18–81

SELECTIVE SERVICE SYSTEM

56434 11–17–81 / Revised procedures for Selective Service Regulations; comments by 12–17–81

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

45744 9–14–81 / Railroad-highway projects; comments by 12–14–81

Research and Special Programs Administration—

45652 9–14–81 / Definition of oxidizer; extension of comment period to 12–15–81

[*See also* 46 FR 31294, 6–15–81]

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

46347 9–18–81 / Distilled spirits, elimination of certain public use forms prepared by wholesle dealers and importers; comments by 12–17–81

46340 9–18–81 / Volatile fruit-flavor concentrates, reduction of the regulatory requirements on producers; comments by 12–17–81

VETERANS ADMINISTRATION

56213 11–16–81 / United States Government Life Insurance and National Service Life Insurance; payment to decedent's estate; comments by 12–16–81

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50813 10–15–81 / Interagency Coordination Committee, Washington, D.C. (open), 12–10–81

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56523 11–17–81 / Humanities Panel, Washington, D.C. (closed), 12–7 through 12–9–81

57377 11–23–81 / Humanities Panel, Washington, D.C. (closed), 12–10 and 12–11–81

57377 11–23–81 / Humanities Panel, Washington, D.C. (closed), 12–11–81

57657 11–24–81 / Literature Program, Washington, D.C. (partially open), 12–11 and 12–12–81

CIVIL RIGHTS COMMISSION

56486 11–17–81 / California Advisory Committee, San Francisco, Calif. (open), 12–12–81

55554 11–10–81 / Delaware Advisory Committee, Wilmington, Del. (open), 12–9–81

53736 10–30–81 / Illinois Advisory Committee, Chicago, Ill. (open), 12–8 and 12–9–81

56631 11–18–81 / New Jersey Advisory Committee, East Brunswick, N.J. (open), 12–9–81

57716 11–25–81 / Rhode Island Advisory Committee, Barrington, Rhode Island (open), 12–14–81

COMMERCE DEPARTMENT

International Trade Administration—

57335 11–23–81 / President's Export Council, DEC/ISAC Liaison Subcommittee, Washington, D.C. (open), 12–10–81

57335 11–23–81 / President's Export Council, Incentives/ Disincentives Subcommittee, Washington, D.C. (open), 12–10–81

57335 11–23–81 / President's Export Council, Trade-in-Services Subcommittee, New York, N.Y. (open), 12–9–81

54790 11–4–81 / Semiconductor Technical Advisory Committee, Washington, D.C. (closed), 12–9–81

56000 11–13–81 / Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C. (closed), 12–8–81

56000 11–13–81 / Semiconductor Technical Advisory Committee, Microcircuit Subcommittee, Washington, D.C. (closed), 12–8–81

56000 11–13–81 / Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 12–8–81

56635 11–18–81 / Telecommunications Equipment Technical Advisory Committee, Fiber Optic Subcommittee, Washington, D.C. (partially open), 12–10–81

National Oceanic and Atmospheric Administration—

55554 11–10–81 / Gulf of Mexico Fishery Management Council, Biloxi, Miss. (all sessions open): Scientific and Statistical Committee, 12–7–81; Shrimp Resources Subpanel, 12–8–81; Full council, 12–9 and 12–10–81

57104 11–20–81 / Mid-Atlantic Fishery Management Council, Philalelphia, Pa. (open), 12–9 and 12–10–81

57336 11–23–81 / New England Fishery Management Council, Danvers, Mass. (partially open), 12–8 and 12–9–81

56229 11–16–81 / North Pacific Fishery Management Council, Anchorage, Alaska (open), 12–6 through 12–9–81

57105 11–20–81 / Pacific Fishery Management Council, Portland, Oreg. (open), 12–10–81

DEFENSE DEPARTMENT

Navy Department—

57588 11–24–81 / Chief of Naval Operations Executive Panel Advisory Committee Science and Technology Sub-Panel, Alexandria, Va. (closed), 12–9 and 12–10–81

Office of the Secretary—

57339 11–23–81 / DOD Advisory Group on Electron Devices, Working Group C, Arlington, Va. (closed) 12–10–81

51798 10–22–81 / Wage Committee, Washington, D.C. (closed), 12–8–81

48285 10–1–81 / Defense Intelligence Agency Advisory Committee, Panel (Soviet naval trends), Rosslyn, Va. (closed), 12–8 and 12–19–81

[Rescheduled at 46 FR 51798, 10–22–81]

53206 10–28–81 / Electron Devices Advisory Group, Working Group B (Mainly Low Power Devices), Arlington, Va. (closed), 12–10–81

EDUCATION DEPARTMENT

57590 11–24–81 / Bilingual Education National Advisory Council, Washington, D.C. (open), 12–12 through 12–14–81

53027 10–28–81 / Excellence in Education, National Commission, Full Commission, Washington, D.C., 12–7–81

ENERGY DEPARTMENT

Bonneville Power Administration—

55859 11–19–81 / Expanded Regionwide Weatherization Program, Missoula, Mont., 12–7–81; Boise, Idaho, 12–8–81; Portland, Oreg., 12–9–81 and Seattle, Wash., 12–10–81 (all sessions open)

FEDERAL COMMUNICATIONS COMMISSION

56040 11–13–81 / Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Advisory Committee, Washington, D.C. (open), 12–11–81

56908 11–19–81 / Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference, Inter-Service Sharing Subgroup, Washington, D.C. (open), 12–10–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

56052 11–13–81 / Blood Products Advisory Committee, Washington, D.C. (partially open), 12–10 and 12–11–81

51035 10–16–81 / Technical Electronic Product Radiation Safety Standards Committee, Rockville, Md. (open), 12–9 and 12–10–81

National Institutes of Health—

57346 11–23–81 / Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee, Boston, Mass. (partially open), 12–10 and 12–11–81

56055 11–13–81 / Board of Scientific Counselors, National Eye Institute, Bethesda, Md. (partially open), 12–7 and 12–8–81

57347 11–23–81 / National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council, Denver, Colo. (open), 12–10–81

Office of the Secretary—

56911 11–19–81 / Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants Advisory Committee, San Antonio, Tex. (partially open), 12–7 and 12–8–81

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54806 11–4–81 / Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 12–10–81

56937 11–19–81 / Chevron Shale Oil Co., right-of-way, environmental impact statement on proposed shale oil project, Denver, Colo. (open), 12–7–81

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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57347 11–23–81 / HHS/NIH—Clinical Cancer Program Project and Cancer Center Support Review Committee, Clinical Cancer Program Project Review Subcommittee, Bethesda, Md. (partially open), 12–14 through 12–16–81

57347 11–23–81 / HHS/NIH—Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee, Miami Beach, Fla. (partially open), 12–7–81

57348 11–23–81 / HHS/NIH—National Heart, Lung, and Blood Institute, Research Manpower Review Committee, Bethesda, Md. (partially open), 11–30 and 12–1–81

57377 11–23–81 / NFAH—Humanities Panel, Washington, D.C. (closed), 12–11–81

57377 11–23–81 / NFAH—Humanities Panel, Washington, D.C. (closed), 12–10 and 12–11–81

57657 11–24–81 / NFAH—Literature Program Panel, Washington, D.C. (partially open), 12–11 and 12–12–81

57658 11–24–81 / NFAH—Visual Arts Panel (Painting), Washington, D.C. (closed), 12–15 through 12–17–81

57378 11–23–81 / NSF—Mathematical and Computer Sciences Advisory Committee, Mathematical Sciences Subcommittee, Washington, D.C. (partially open), 12–10 through 12–12–81

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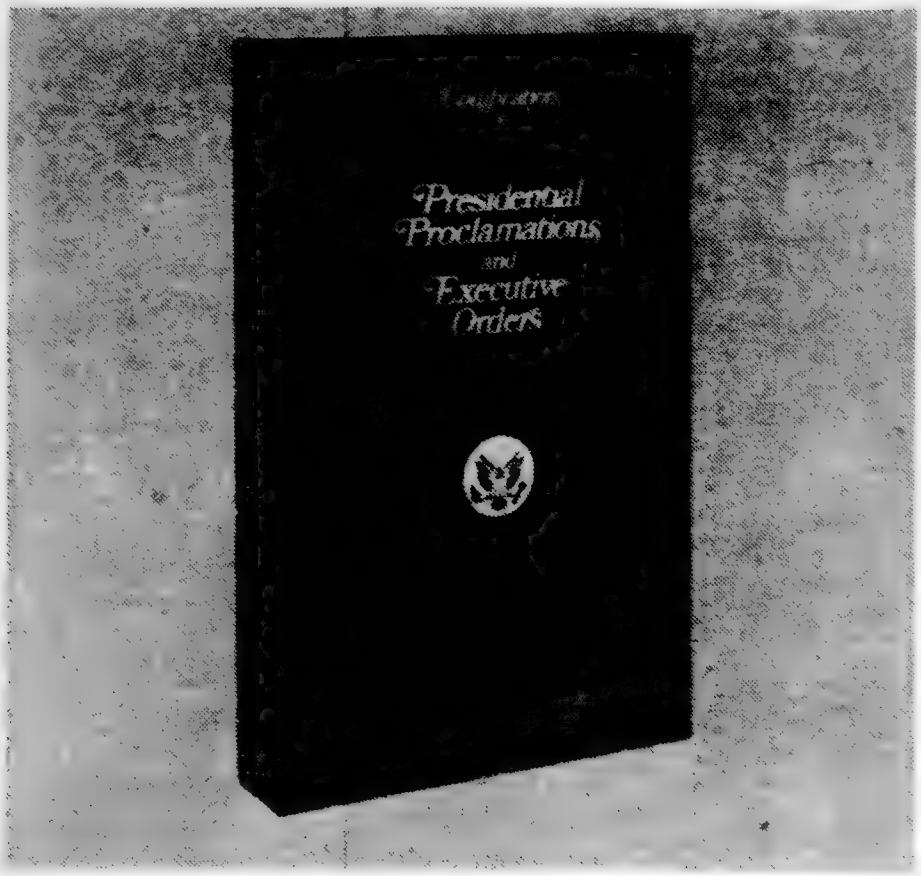

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Federal Register

Book 1 of 2 Books
Thursday, December 3, 1981

Highlights

58812 **Grant Programs—Education** ED publishes list of schools eligible for National Defense Student Loan and National Direct Student Loan Cancellation Benefits for 1981–82 school year. (Part III of this issue)

58674, 58706 **Grant Programs—Health** HHS/PHS removes prohibition on eligibility for research awards to for-profit organizations, and HHS proposes rule on grants and subgrants to for-profit organizations. (2 documents)

58675 HHS/PHS revises grant regulations of National Institute for Occupational Safety and Health.

58644 **Credit** FRS revises staff commentary to regulation Z to exempt origination fee in certain student loans from truth-in-lending disclosures until August 1982.

58701 SBA proposes standards and guidelines for Export Revolving Line of Credit loans.

58664 **Supplemental Security Income** HHS/SSA makes available to States use of regression formula in computation of Federal fiscal liability rates.

58677 **Medicaid** HHS/HCFA amends rules on public notice of changes in method or level of reimbursement.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

58773 **Employee Benefit Plans** Labor/P&WBP issues notice of proposed class exemption for transactions involving certain residential mortgage financing arrangements.

58682, 58691 **Telecommunications** FCC exempts rural areas from telephone company-cable television cross ownership rules and amends rules to permit "talk-around" in private land mobile radio services on shared channels above a certain frequency. (2 documents)

58693 **Hazardous Materials** DOT/RSPA amends general applicability regulations.

58702 **Consumer Protection** CPSC reproposes rule on risk of injury from certain stuffed toys.

58651 **Air Transportation** DOT/FAA extends termination date of Special Federal Aviation Regulation No. 36 on development of major repair data.

58665 **Drawbridges** DOT/CG establishes standard opening and acknowledging signals for most drawbridges throughout country.

58654 **Securities** SEC amends regulations on national securities exchanges membership for self-regulatory organizations.

58671 **Copyrights** Library of Congress, Copyright Office prescribes conditions for registration of certain claims to renewal copyright.

58804 **Fishing** Commerce/NOAA implements amendments to section 10 of Fisherman's Protective Act on fishing vessel or gear damage compensation. (Part II of this issue)

58731 **Imports** CITA adjusts restraint level for certain man-made fiber apparel from Republic of Korea.

58778 **Sunshine Act Meetings**

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58812 **Part III, ED**

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Federal Register
Vol. 46, No. 232
Thursday, December 3, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 530]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 4–10, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 1, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.830 is added as follows:

§ 907.830 Navel Orange Regulation 530.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 4, 1981, through December 10, 1981, are established as follows:

(a) District 1: 1,365,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 135,000 cartons;
(d) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1981.

Charles C. Brader,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–34948 Filed 12–2–81; 11:38 am]
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7 CFR Part 928

[Papaya Reg. 11, Amdt. 2]

Papayas Grown in Hawaii; Termination of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment terminates mandatory minimum grade and size requirements for shipments of fresh Hawaiian papayas. Changes in the handling requirements of California and Japan have altered the supply and demand factors upon which these grade and size requirements are based. This action recognizes the current and prospective marketing situation for Hawaiian papayas.

EFFECTIVE DATE: November 29, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This amendment has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This amendment is issued under the marketing agreement and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Papaya Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The Papaya Administrative Committee (PAC) at its meeting on September 24, 1981, unanimously recommended grade and size requirements for shipments of fresh papayas during the period November 1–December 31, 1981. Papaya Regulation 11 was published in the **Federal Register** on October 20, 1981 (46 FR 51368). Amendment 1 to Papaya Regulation 11 was published in the **Federal Register** on November 5, 1981 (46 FR 54920) which changed the effective date for minimum grade and size requirements from November 1–December 31, 1981, to November 29–December 31, 1981.

The minimum grade and size requirements recommended by the PAC were based upon a market which included California and Japan. The California Occupational Safety and Health Administration put into effect a new standard concerning the handling of commodities that have been treated with ethylene dibromide (EDB). As a result, it is not likely that Hawaiian papayas will be marketed in the State. In addition, Japan has adopted regulations similar to the new California standard and thus that market is not an outlet. Since these major markets are not available, papaya shipments are being diverted to other markets. The committee met on November 20, 1981, to review crop conditions and consider recommendations for modification or termination of quality requirements for papayas. The committee concluded that the remaining supplies of papayas for fresh shipment are satisfactory and of a quality consistent with demand and recommended termination of grade and size requirements under Papaya Regulation 11, which would have become effective November 29, 1981.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient. This amendment relieves restrictions on the handling of papayas. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 928—PAPAYAS GROWN IN HAWAII

§ 928.311 [Removed]

Accordingly, § 928.311 (Papaya Regulation 11; 46 FR 51368, 54920) is hereby terminated and removed.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: November 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-34736 Filed 12-2-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Raisins Produced From Grapes Grown in California; Preliminary Free and Reserve Percentages for the 1981-82 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule designates preliminary marketing percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins from the 1981 production. The estimated 1981 production of such raisins is in excess of domestic and Western Hemisphere market needs, and the action is intended to tailor the supply to these needs. Excess supplies would be available primarily for export to approved countries outside the Western Hemisphere.

EFFECTIVE DATES: August 1, 1981, through July 31, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 21 handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such OMB clearance has been obtained.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The percentages designated herein for the 1981–82 crop year apply to all Natural (sun-dried) Seedless and Dipped Seedless raisins acquired by handlers during that crop year; (2) handlers will be marketing these 1981 crop raisins soon, and must know what free and reserve percentages will be applicable to make marketing plans; (3) handlers are aware of this action as recommended by the Committee and require no additional time to comply; and (4) no useful purpose would be served by delaying this action.

Notice of this action was published in the **Federal Register** on October 27, 1981 (46 FR 52377). In that notice interested persons were given the opportunity to submit comments until November 12, 1981. None was received.

The rule pertains to designating preliminary free tonnage percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 71 percent for the 1981-82 crop year. Also, designated for that crop year are preliminary reserve tonnage percentages for these raisins of 29 percent. The 1981-82 crop year began August 1, 1981.

These designations are pursuant to § 989.55 of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The marketing percentages were recommended under § 989.54(b) by the Raisin Administrative Committee, established under the order as the agency to work with USDA in administering its terms and provisions.

Under § 989.54(b) of the order, the Committee is required to recommend on or before October 5, a preliminary free tonnage percentage for any varietal type of raisin for which a free tonnage has been computed. If the Committee determines that the field price is firmly established for a particular varietal type, the Committee is required to

recommend a preliminary free tonnage percentage which when applied to the estimated production of that varietal type, would release 85 percent of the computed free tonnage for that varietal type. In accordance with § 989.54(a), the Committee computed free tonnages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 180,430 natural condition tons and 6,691 natural condition tons, respectively. The field price for each of these varietal types has been firmly established and the 1981 production of Natural (sun-dried) Seedless and Dipped Seedless raisins is estimated to be 215,000 natural condition tons and 8,000 natural condition tons, respectively.

Eighty-five percent of the free tonnage quantity (180,430 tons) for Natural (sun-dried) Seedless raisins would be 153,366 tons. Dividing this by the estimated production (215,000 tons) results in a preliminary free tonnage percentage of 71 percent. Eighty-five percent of the free tonnage quantity (6,691 tons) for Dipped Seedless raisins would be 5,687 tons. Dividing 5,687 tons by the estimated production (8,000 tons) results in a preliminary free tonnage percentage of 71 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentage and 100 percent should be the reserve percentage. Thus, the preliminary reserve percentage for Natural (sun-dried) Seedless and Dipped Seedless raisins would be 29 percent.

The preliminary free tonnage percentages would make 153,366 tons of the estimated 1981 production of Natural (sun-dried) Seedless raisins, and 5,687 tons of the Dipped Seedless raisin production available for immediate sale in any marketing channel. No later than February 15, the Committee is required to recommend free tonnage percentages which when applied to the final production estimate will tend to release the full free tonnage for those varietal types. By then, the Committee will have more accurate estimates of the 1981 raisin production.

After consideration of all relevant matter presented including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is further found that the designation under § 989.55 of the preliminary free and reserve percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins, set forth below, will tend to effectuate the declared policy of the act.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Therefore, § 989.235 is added to read as follows: [The following section will not be published in the Code of Federal Regulations].

§ 989.235 Free and reserve percentages for the 1981–82 crop year.

The preliminary percentages of standard Natural (sun-dried) Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning August 1, 1981, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural (sun dried) Seedless	71	29
Dipped Seedless	71	29

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674)

Dated: November 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-34735 Filed 12-2-81; 8:45 am]

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7 CFR Part 1001

[Docket No. AO-14-A58; Milk Order No. 1]

Milk in the New England Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changing present provisions of the New England milk order is based on industry proposals which were considered at a public hearing held in September 1980. The amendments increase the total amount of transportation allowance on milk moved from country locations to city plants in order to reflect more nearly the actual costs of transportation. Related amendments permit the use of storage tanks at a nonpricing reload point, allow Class I classification of ending inventories of fluid milk products, and increase the level of allowable diversions of producer milk to nonpool plants. The procedure for applying location adjustments to shipments from supply plants is also amended. The amendments are necessary to reflect current marketing conditions and to assure orderly marketing in the New England area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 11, 1980; published August 14, 1980 (45 FR 54066).

Recommended Decision: Issued August 28, 1981; published September 2, 1981 (46 FR 43980).

Final Decision: Issued November 5, 1981; published November 12, 1981; (46 FR 55876).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New England marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feed, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the

aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Administrator, was issued August 28, 1981, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued November 5, 1981. The changes effected by this order will not require extensive preparation of substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1982, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk which is marketed within marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interest of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA; ORDER AMENDING ORDER

1. In § 1001.4 paragraph (b) is revised to read as follows:

§ 1001.4 Plant.

* * * * *

(b) Bulk reload points (separate premises used for the purpose of transferring bulk milk from one tank truck to another tank truck while en route from dairy farmers' farms to a plant). If stationary storage tanks are used for transferring milk at the premises, the operator of the facility shall make an advance written request to the market administrator that the facility be treated as a reload point; otherwise it shall be a plant. The cooling of milk, collection or testing of samples, and washing and sanitizing of tank trucks at the premises shall not disqualify it as a bulk reload point.

2. In § 1001.15 paragraph (c) is revised to read as follows:

§ 1001.15 Diverted milk.

* * * * *

(c) Milk moved, as described in paragraphs (a) and (b) of this section, from dairy farmers' farms to nonpool plants in excess of 35 percent in the months of September through November and 45 percent in other months, of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk. Such milk, and any other milk reported as diverted milk that fails to meet the requirements set forth in this section, shall be considered as having been moved directly from the dairy farmers' farms to the plant of physical receipt, and if that plant is a nonpool plant the milk shall be excluded from producer milk. If the handler fails to designate the dairy farmers whose milk is to be so excluded, the entire quantity of milk that the handler caused to be moved from dairy farmers' farms directly to nonpool plants during the month shall be excluded from producer milk.

3. Section 1001.41 is revised to read as follows:

§ 1001.41 Classification of inventories.

(a) A handler who operates a pool distributing plant may claim a Class I classification of some or all inventories of fluid milk products at the end of each month pending final disposition of such fluid milk products.

(b) If a handler does not claim a Class II classification of any fluid milk products received, inventories of fluid milk products at the end of each month shall be classified as Class I milk pending final disposition of such fluid milk products.

4. In § 1001.47 paragraphs (a), (b) and (c) are revised to read as follows:

§ 1001.47 Additional assignments to Class I and Class II milk.

(a) Assign to Class I milk bulk fluid milk products received from other pool plants, unless Class II utilization was requested by the transferee and transferor handlers.

(b) Assign to Class I milk the receipts of producer milk that have not been previously assigned pursuant to § 1001.43(d) and receipts of milk from cooperative associations in their capacity as handlers under § 1001.9(d).

(c) Assign to class I milk the bulk fluid milk products received from other pool plants that have not been previously assigned.

* * * * *

§ 1001.50 [Amended]

5. In § 1001.50(a), the amount "$2.42" is changed to "$2.28".

6. In § 1001.52, paragraph (a) is revised, paragraphs (b), (c) and (d) are removed, and paragraph (g) is revised, as follows:

§ 1001.52 Plant location adjustments.

* * * * *

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include the State of Rhode Island and the Massachusetts counties of Barnstable, Bristol, Dukes, Norfolk, Plymouth and Suffolk, and between Boston and Massachusetts highway route number 128.

(2) Zone 2 shall include the Massachusetts counties of Middlesex (only that portion south of Massachusetts highway route number 2 not included in Zone 1) and Worcester (only the townships of Berlin, Blackstone, Bolton, Douglas, Hopedale, Mendon, Milford, Millville, Northborough, Northbridge, Southborough, Sutton, Upton, Uxbridge, Westborough and that portion of Harvard township south of Massachusetts highway route number 2).

(3) Zone 3 shall include:

(i) The Connecticut counties of Middlesex (except the townships of Cromwell, Durham, Haddam, Middlefield, Middletown, and Portland), New London, Tolland (except the townships of Ellington and Somers), and Windham.

(ii) The Massachusetts county of Worcester (only the townships of Auburn, Boylston, Charlton, Clinton, Dudley, Grafton, Holden, Lancaster, Leicester, Millbury, Oxford, Paxton, Shrewsbury, Southbridge, Sterling, Webster, West Boylston, and Worcester City).

(4) Zone 5 shall include:

(i) The Connecticut counties of Fairfield, Hartford, Litchfield, Middlesex (only the townships of Cromwell, Durham, Haddam, Middlefield, Middletown and Portland), New Haven, and Tolland (only the townships of Ellington and Somers).

(ii) The Massachusetts counties of Hampden (only the townships of Brimfield, Holland, Monson, Palmer and Wales), Hampshire (only the township of Ware), and Worcester (only the townships of Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Spencer, Sturbridge and West Brookfield).

(5) Zone 6 shall include the Massachusetts counties of Hampden (except the townships of Brimfield, Holland, Monson, Palmer and Wales), and Hampshire (except the township of Ware).

(b)—(d) [Reserved]

* * * * *

(g) The location adjustments for each plant shall be the amounts shown in the following table for the zone in which the plant is located:

LOCATION ADJUSTMENTS FOR DETERMINATION OF ZONE PRICE

Distance to Boston (miles)	Plant location zone	Class I and blended price adjustments (cents per hundredweight)
1 to 10	1	+72.0
11 to 20	2	+69.5
21 to 30	3	+67.0
31 to 40	4	+64.5
41 to 50	5	+62.0
51 to 60	6	+59.5
61 to 70	7	+57.0
71 to 80	8	+54.5
81 to 90	9	+52.0
91 to 100	10	+49.5
101 to 110	11	+47.0
111 to 120	12	+44.5
121 to 130	13	+42.0
131 to 140	14	+39.5
141 to 150	15	+15.0
151 to 160	16	+12.5
161 to 170	17	+10.0
171 to 180	18	+7.5
181 to 190	19	+5.0
191 to 200	20	+2.5
201 to 210	21	+0.0
211 to 220	22	-2.5
221 to 230	23	-5.0
231 to 240	24	-7.5
241 to 250	25	10.0
251 and over	[2] 26	([1])

[1] Class I and blended price location adjustments applicable to plants located in subsequent zones shall be obtained by extending the table at the rate of 2.5 cents for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month.

[2] Includes 26 and over.

7. In § 1001.53, the word "and" at the end of paragraph (f) is removed, the period at the end of paragraph (g) is changed to a semicolon followed by the word "and", and a new paragraph (h) is added to read as follows:

§ 1001.53 Determination of applicable zone locations for pricing purposes.

* * * * *

(h) For purposes of computing the value of fluid milk products at class prices, any fluid milk products moved in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I milk shall be priced at the Class I price applicable at the location of the plant to which the milk was moved subject to a location adjustment credit for the transferee-plant determined by the market administrator as follows:

(1) After the assignments pursuant to § 1001.46 for the transferee-plant, multiply the remaining pounds of Class I skim milk by 110 percent and the remaining pounds of Class I butterfat by 150 percent;

(2) Subtract the respective pounds of skim milk and butterfat in bulk fluid milk products physically received at the plant from the following sources:

(i) Producers;

(ii) Cooperative associations in their capacity as handlers under § 1001.9(d);

(iii) Receipts of diverted milk from pool plants; and

(iv) Receipts (other than diverted milk) from pool plants at which the same or a higher Class I price applies;

(3) Assign any pounds remaining (which are not in excess of Class I transfers) to skim milk and butterfat in bulk receipts of fluid milk products (except diverted milk) from other pool plants at which a lower Class I price applies in sequence according to the zone location of the plants, beginning with the plant in the lowest numbered zone; and

(4) Multiply the hundredweight computed for each transferor-plant in paragraph (h)(3) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant and total such amounts.

8. In § 1001.60 paragraphs (a) (1) and (3), and (i) are revised to read as follows:

§ 1001.60 Computation of value of fluid milk products at class prices.

* * * * *

(a) * * *

(1) Producer milk assigned under §§ 1001.43(d) and 1001.47(b) except that for any cooperative association in its capacity as a handler under § 1001.9(d) the quantity of producer milk shall be reduced by the total quantity of milk moved to pool plants during the month, to the limit of the quantity of producer milk;

(2) * * *

(3) Milk received at a pool plant from a cooperative association in its capacity as a handler under § 1001.9(d) and assigned under § 1001.47(b).

* * * * *

(i) Add together the amounts obtained under paragraphs (a) through (d) of this section, subtract therefrom the sum of the amounts obtained under paragraphs (e) through (h) of this section, and subtract the amount of the location adjustment credit computed pursuant to § 1001.53(h).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1982.

Signed at Washington, D.C. on: November 24, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-34734 Filed 12-2-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

Food Safety and Quality Service

7 CFR Part 2856

[Docket No. 80–025F]

Revision of Shell Egg Standards and Grades; Correction

AGENCY: Agricultural Marketing Service,[1] USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects amendatory language contained in a final rule implementing changes to shell egg standards and grades which was published August 4, 1981, (46 FR 39566). This action is necessary to clarify the amendatory language so that it is clearly understood that the table and note in the affected section is not deleted or changed. This change is editorial in nature and is not substantive.

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, (202) 447–3506.

Accordingly, in FR Doc. 81–22537 published on August 4, 1981, at 46 FR 39573, the amendatory language in item number 22, in the first column is corrected to read:

[1] The Commodity Services program of the Food Safety and Quality Service, USDA, was transferred to the Agricultural Marketing Service, USDA by USDA Secretary's Memorandum 1000–1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

"22. In § 2856.228, the text of (a) is revised to read as set forth below. The note and table which follow the paragraph continue in effect."

(Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended; (7 U.S.C. 1624))

Done at Washington, D.C., on November 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-34737 Filed 12-2-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Official Staff Commentary: Revision

AGENCY: Federal Reserve System.

ACTION: Revision to official staff commentary to Regulation Z.

SUMMARY: On October 9, 1981 (46 FR 50288), the Board's staff published a final official staff commentary to Regulation Z, as revised effective April 1, 1981. One paragraph of the commentary discussed the treatment of origination fees in certain student loans and provided an exception to the annual percentage rate disclosure for such fees. The staff is now revising that position to state that until August 1, 1982, the origination fee in such student loans need not be reflected in any of the Truth in Lending disclosures. Because of the need for prompt action, the revision is being adopted in final form immediately.

EFFECTIVE DATE: December 4, 1981

FOR FURTHER INFORMATION CONTACT: Claudia J. Yarus or Rugenia Silver, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: (1) An August 13, 1981 amendment to the Higher Education Act of 1965 (Pub. L. 97-35, 536(a)(4)) permits lenders to charge an origination fee of up to 5% on certain guaranteed student loans. The amendment provides that for loans made before August 1, 1982, the disclosure of origination fees "need not meet the requirements of Truth in Lending" and "shall not be taken into account in calculating and disclosing the annual percentage rate."

After reviewing the legislative history, the staff included an interpretation of the amendment in the official staff commentary to Regulation Z (TIL-1). Comment 17(i)-4 provided that these origination fees should be excluded from the annual percentage rate, but required that all other Truth in Lending disclosures must account for the fees. Examples of such other disclosures include the prepaid finance charge and the amount financed.

After publication of the commentary, the Chairmen and Ranking Minority Members of the Subcommittee on Education, Arts and Humanities of the Senate Committee on Labor and Human Relations and the Subcommittee on Postsecondary Education of the House Committee on Education and Labor wrote to the Board regarding this matter. They stated that the congressional intent was to exclude the origination fee from Truth in Lending for all purposes and urged that the commentary be revised to reflect that intent, particularly to avoid any disruption to the student loan program.

The staff is now revising Comment 17(i)-4 to state that for loans made before August 1, 1982, the origination fee shall not be considered in calculating and disclosing the annual percentage rate and need not be taken into account for purposes of *any* other Truth in Lending calculations and disclosures. While this revision does not alter the commentary's previous treatment of the annual percentage rate, it now permits the creditor either to reflect the origination fee in the other disclosures or to disregard the fees altogether for purposes of Truth in Lending.

The revised position applies to student loans made under both previous Regulation Z and revised Regulation Z.

The Truth in Lending effects of revised Comment 17(i)-4 are set forth below. These examples contrast the disclosures as they may be made for an interim student loan pursuant to the amendment to the Higher Education Act until August 1, 1982, with the way the disclosures would be made without that amendment. An interim student loan as defined in the commentary is an extension of credit for educational purposes where the repayment amount and schedule are not known at the time the credit is advanced. Both examples are based on a typical student loan of this type involving a single advance of $2,000 for 18 months, with a 5% origination fee and a 1% guarantee insurance fee. These examples assume that the only finance charge for the repayment period is 9% simple interest.

- Before August 1, 1982, the Truth in Lending disclosures may reflect an amount financed of $1,980, a prepaid finance charge of $20 (attributable only to the guarantee fee), an annual percentage rate of .67% for the interim period, and an annual percentage rate of 9% for the repayment period.
- Beginning on August 1, 1982, the Truth in Lending disclosures will reflect an amount financed of $1,880, a prepaid finance charge of $120 ($100 attributable to the origination fee and $20 attributable to the guarantee fee), an annual percentage rate of 4.20% for the interim period, and an annual percentage rate of 9% for the repayment period.

The staff is adopting this revision in final form rather than inviting public comment on it. Immediate resolution of this issue is essential to avoid disruption to guaranteed student loan programs, and the delay required for a comment period would be contrary to the public interest.

(2) Pursuant to 15 U.S.C. 1640(f), the staff is amending TIL-1 by revising Comment 17(i)-4 to read as follows:

Section 226.17—General Disclosure Requirements * * *

17(i) Interim student credit extensions. * * *

4. *Origination fee disclosure.* Pub. L. 97-35 (August 13, 1981) amended the Higher Education Act of 1965 to permit lenders to charge up to a 5% origination fee on certain student credit extensions, such as federally-insured student loans. On such credit extended before August 1, 1982, creditors are not to take those fees into account in calculating and disclosing the annual percentage rate. Moreover, the origination fee need not be taken into account for purposes of any other Truth in Lending calculations and disclosures (for example, amount financed, prepaid finance charge, and prepayment disclosures) on such credit extended before August 1, 1982.

* * * * *

Board of Governors of the Federal Reserve System, November 27, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-34648 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-4-AD; Amdt. 39-4273]

Airworthiness Directives; Beech Models 99, 99A, A99A, A99 and B99 Airplanes

Note.—This document originally appeared in the Federal Register for Tuesday, December 1, 1981. It is reprinted in this issue

to meet requirements for publication on the Monday—Thursday schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of effective date of final rule.

SUMMARY: This amendment extends the effective date of Amendment 39–4235 (46 FR 51734–51736) Airworthiness Directive (AD) 81–18–08 which concerns revised operating limitations in the FAA Approved Airplane Flight Manual (AAFM) for Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD's extended effective date provides approximately 60 days beyond the effective date of the FAA Master Minimum Equipment List (MMEL) to be issued on these Beach Model 99 airplanes for the accommodation of affected operators to develop and process Minimum Equipment Lists (MELs) with their local FAA office to this latest issue of the Beech 99 series MMEL. This reissued MMEL will be available after the Central Region's next meeting of the Flight Operations Evaluation Board (FOEB) meeting scheduled for December 1981.

DATE: Extends effective date of Amendment 39–4235, AD 81–18–08 to February 16, 1982.

SUPPLEMENTARY INFORMATION: The FAA issued an airworthiness directive, Amendment 39–4196, AD 81–18–08, on August 17, 1981, effective October 3, 1981, and revised the AD by Amendment 39–4235 (46 FR 51734–51736) effective December 2, 1981, applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD, as amended, requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) in the Limitations Section of the AAFM for these Beech Model 99 airplanes. This action was taken pursuant to a notice of proposed rulemaking and is necessary to preclude unsafe operation of the airplanes with certain inoperative equipment. Consistent and in accordance with the AD, the FAA was to issue a new MMEL on these Beech Model 99 airplanes to be used as a guide by operators of these airplanes in updating their MELs or develop new MELs to the new MMEL. Issuance of the new MMEL has been unduly delayed due to various reasons. Since the new MMEL will not be issued prior to the Amendment 39–4235 effective date of December 2, 1981, there will not be sufficient time to allow operators to adjust their MELs or develop new MELs to the new MMEL. Accordingly, the FAA has determined there is a need to extend the AD effective date beyond the projected new MMEL issue date to be established at the December meeting of the Beech 99 FOEB. Therefore, the FAA believes that it is in the public interest to extend the effective date of Amendment 39–4235 until February 16, 1982. This should allow affected operators and their local FAA offices ample time to develop and process MELs on these Beech Model 99 airplanes to the above new MMEL.

FOR FURTHER INFORMATION CONTACT: Paul A. Cormaci, Aerospace Engineer, FAA, Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6942.

PART 39—AIRWORTHINESS DIRECTIVES

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4235, AD 81–18–08, as follows:

This amendment extends the effective date of Amendment 39–4235, AD 81–18–08 to February 16, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—Since this document involves an extension of effective date of a regulation which is not major, the FAA has determined that it is not major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This regulatory action imposes no additional burden on any persons, and the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on November 25, 1981.

Murray E. Smith,

Director, Central Region.

[FR Doc. 81–34456 Filed 11–30–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–35–AD, Amdt. 39–4270]

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG), between November 1, 1978, and December 31, 1980, that are installed on McDonnell Douglas Model DC–8 series airplanes. Due to the existence of unstable anti-ice electrical coatings in these windshields, this AD is needed to assure that proper heat generation is available for bird impact protection and anti-ice functions.

DATE: Effective date January 4, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2833.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt a new airworthiness directive to require inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG), between November 1, 1978, and December 31, 1980, that are installed on McDonnell Douglas Model DC–8 series airplanes was published in the **Federal Register** (46 FR 35523; July 9, 1981). This proposal was prompted by the events discussed below:

During the latter part of 1980, an increase in the number of DC–8/DC–9 windshield panels being returned under warranty for out of tolerance resistance coatings was investigated by the McDonnell Douglas Company. This investigation revealed that windshield panels manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978 and December 31, 1980, may have unstable anti-ice electrical coatings that increase in resistance after installation. This increase in resistance may prevent sufficient heat generation to provide ice protection. Further, the windshields' structural strength may be reduced

below that required for bird impact protection if adequate windshield heat is not available. Investigation has shown that new windshield anti-ice coatings were within specifications as measured during acceptance inspections, but that the coating's electrical resistance may increase after power application. Service reports indicate this resistance change can be measured only after 20 to 100 hours of flight operation. The rate of resistance increase is significantly reduced after 200 flight hours. An inspection of these windshields is necessary to assure that windshield heating is available or that certain operational procedures are followed when it is not available.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Seven comments were received in response to the Notice of Proposed Rule Making. Three commenters noted an erroneous reference in paragraph A.2.c.(4)(f) to manufacturer's date codes beginning with November 1, 1979, instead of November 1, 1978. The Final Rule reflects the correct date of November 1, 1978. Also, three commenters recommended that the words following the December 31, 1980, date be deleted from paragraph A.2.c(4).(f) because the manufacturer's quality assurance system will assure that the windshields are produced within the required toler .nce. Considering, in addition, that the operator's maintenance program should provide for proper maintenance practice concerning windshield tolerance checks, as noted in the maintenance manual, the FAA agrees and these words have been deleted.

One commenter pointed out that some DC–8 airplanes have a five tap transformer installed. Paragraph A.2.c.(2)(c) has been revised to reflect this configuration.

One commenter noted that the use of the statement "resistance must * * *" in paragraphs A.2.c.(1).(c) and A.2.c(1).(d) should be changed to "resistance should * * *" because paragraph A.2.c.(4).(c) provides for resistance values other than the range indicated. The FAA agrees and the final rule is so modified.

One commenter questioned the need for the airspeed limitation placard in light of the FAR 91.70 requirement that aircraft operated below 10,000 feet mean sea level be restricted to an indicated airspeed of no more than 250 knots. The FAA has determined that the airspeed placards are appropriate, since many DC–8 airplanes are operated over water and internationally where the provisions of FAR 91.70 do not apply. In addition, there is a need for the pilot in command, from an overall operational standpoint, to be aware that he is so limited because of potential bird impact protection degradation.

One commenter feels the requirement for 50 hour and 1500 hour repetitive inspections is unnecessary and inconsistent with the initial inspection requirement of the proposed airworthiness directive. The FAA does not agree. The initial inspection interval was derived and based upon the degree of operation hazard associated with the potential exposure of windshields whose electrical coatings are far out of tolerance. Once the windshield panels are initially inspected, the 50 hour and 1500 hour repetitive inspection intervals as outlined in the proposed AD are warranted based upon known unstable electrical coating characteristics.

One commenter questioned the necessity of referencing the lower limit resistance tolerance since the proposed AD is concerned with resistance instabilities which increase after installation. Though such is the case, the resistance tolerance intervals referenced in the proposed AD are those reflected by the airplane maintenance manual as established by the airplane type design. Since the airplanes involved are maintained in a manner consistent with good maintenance practice, the FAA sees no conflict in specifying the complete tolerance band.

One commenter felt that paragraphs A.2.c(4).(d) and A.2.c.(4).(e) were unclear in their intent to require that existing Airplane Flight Manual procedures be followed for all DC–8 series airplanes when windshield heat is inoperative. Since paragraph A.2.c(4).(e) applies to all DC–8 airplanes regardless of series, the wording of that paragraph has been changed to more clearly reflect this intent.

Finally, one commenter requested that the phrase "if windshield heat is unavailable for ice protection" in paragraph A.2.c.(4).(e) be clarified by providing appropriate numerical limitations. The FAA has determined that this is unnecessary since paragraphs A.2.c.(1), A.2.c.(2), and A.2.c.(4).(c) provide such numerical limits; and companion tolerance limits for proper system operation are presently reflected in the airplane maintenance manual.

After careful review of available data, including the comments above, the FAA has determined that sufficient evidence exists in the public interest in aviation safety to adopt the proposed rule with the changes previously noted.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–8 series airplanes certificated in all categories. Compliance required within six months from the effective date of this AD, unless already accomplished. To assure that proper windshield heat generation is available for bird impact protection and anti-ice functions, on aircraft that have had left, center, or right windshield panels replaced since November 1, 1978, accomplish the following:

A. Inspect windshield panels to determine manufacturer and year of manufacture. Windshield panels may be identified by the manufacturer's logo "PPG" or "LOF" in large capital letters with part number specification, and serial number adjacent to logo. These are located at the top panel on the left and right-hand windshield panels, and at the bottom or top of the center windshield panel.

1. Panels manufactured by Libbey Owens Ford (LOF), no further action is required.

2. Panels manufactured by PPG:

a. Determine the year of manufacture, which is contained in the serial number. Serial number samples are shown below:

8–H–11–20–220–315 (first digit indicates year of manufacture, 1978; third digit indicates month, November).

9–H–5–21–315–373 (first digit indicates year of manufacture, 1979; third digit indicates month, May).

0–H–4–6–219–215 (first digit indicates year of manufacture, 1980; third digit indicates month, April).

1–H–3–6–317–212 (first digit indicates year of manufacture, 1981; third digit indicates month, March).

b. Windshield panels with an October 1978 or prior manufacturing date coded or January 1981 or subsequent manufacturing date coded, no further action is required.

c. Aircraft with less than 200 flight hours on replacement panel(s), accomplish the following resistance check of PPG November 1, 1978, through December 31, 1980, date coded windshield panels:

(1) DC–8–60 series windshield resistance check:

(a) Open anti-ice windshield heat right, center, left, and right, center, left anti-fog circuit breakers on EPG circuit breaker panel.

(b) Disconnect windshield electrical conductor from receptacle on left, right, and center windshield panels.

(c) Using an ohmmeter check resistance between Terminal L and P at the receptacle on left (right) windshield panel. Resistance should be 61.2–82.8 ohms.

(d) Using an ohmmeter check resistance between Terminals E and G at receptacle on center windshield panel. Resistance should be 67.5–92.5 ohms.

(e) Reconnect the windshield electrical conductor to receptacle on windshields and close the power system circuit breakers.

(2) DC–8–50 series and prior windshield resistance check:

(a) Open the outer pane windshield heat circuit breakers for the left, right, and center windshields on the heat, vent, and ice protection (AC bus) circuit breaker panel.

(b) Remove access door No. 623 on the first officer's console and electrical power center.

(c) Disconnect the conductor connected to transformer Terminal X, Y, or Z on three tap transformer or V, W, X, Y or Z on five tap transformer of windshield to be tested.

(d) Using an ohmmeter, check resistance between transformer Terminal 1 and the conductor disconnected from the transformer. Resistance should be 81.6 to 110.4 ohms for left (right) windshield.

(e) Using an ohmmeter, check the resistance between transformer Terminal 1 and the conductor disconnected from the transformer. Resistance should be 96 to 130 ohms for the center windshield.

(f) Reconnect conductors to terminals.

(3) If windshield resistance is:

(a) Within tolerance on all three panels, aircraft may be continued in service and panels must be respectively inspected at 50-hour intervals until the accumulation of 200 flight hours.

(b) Within tolerance after the accumulation of 200 flight hours, no further action is required.

(4) If resistance is out of tolerance on one or more of the three windshield panels:

(a) For DC–8–60 series center panel out of tolerance install the following placard in full view of pilot: "Do Not Exceed 260 kts IAS Below 10,000 Feet Altitude."

(b) For DC–8–60 series with only side panel(s) out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 285 kts IAS Below 10,000 Feet Altitude."

(c) For DC–8–60 series, if left (right) windshield panel(s) resistance is 82.9 to 130 ohms and/or center windshield panel resistance is 92.6 to 130 ohms, full anti-ice capability is available. Panels must be repetitively inspected at 50-hour intervals, until the accumulation of 200 flight hours, to ascertain that the resistance remains at or below 130 ohms. After the accumulation of 200 flight hours, the repetitive inspection interval can be extended to 1500 flight hours.

(d) For DC–8–50 series and prior with resistance out of tolerance on one or more of the three windshield panels, install the following placard in full view of the pilot: "Do Not Exceed 245 kts IAS Below 10,000 Feet Altitude."

(e) If windshield heat is unavailable for ice protection, install the following placard in full view of the pilot: "Windshield Heat Inoperative." In certain cases, the rain removal system can be used to de-ice or anti-ice windshields. See procedures in the airplane Flight Manual.

(f) The above restrictions can be removed when the out-of-tolerance panel(s) is/are replaced with panel(s) manufactured by LOF or any PPG manufactured panel(s) with a date code other than November 1, 1978, through December 31, 1980.

d. For November 1, 1978, through December 31, 1980, date coded windshield panels which have over 200 flight hours, accomplish the resistance check per paragraph c(1) or c(2), as applicable.

(1) If windshield resistance is within tolerance on panels, no further action is required.

(2) If resistance is out of tolerance on any of the three panels, accomplish the instructions as outlined under paragraph c(4).

B. Alternative inspections, repairs, or other action to be accomplished on or after the effective date of this AD which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

Special flight permits may be issued in accordance with FAR §§ 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on November 20, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-34470 Filed 12-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-36-AD; Amdt. 39-4271]

Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG), between November 1, 1978, and December 31, 1980, that are installed on McDonnell Douglas Model DC–9 series airplanes. Due to the existence of unstable anti-ice electrical coatings in these windshields, this AD is needed to assure that proper heat generation is available for bird impact protection and anti-ice functions.

DATE: Effective date January 4, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or the Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2833.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt a new airworthiness directive to require inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG), between November 1, 1978, and December 31, 1980, that are installed on McDonnell Douglas Model DC–9 series airplanes was published in the **Federal Register** (46 FR 34806; dated July 6, 1981). This proposal was prompted by the events discussed below:

During the latter part of 1980, an increase in the number of DC–8/DC–9 windshields being returned under warranty for out of tolerance resistance coatings was investigated by the McDonnell Douglas Company. This investigation revealed that windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978 and December 31, 1980, may have unstable anti-ice electrical coatings that increase in resistance after installation. This increase in resistance may prevent sufficient heat generation to provide for ice protection. Further, the windshield's structural strength may be reduced below that required for bird impact protection if adequate windshield heat is not available. Investigation has shown that new windshield anti-ice coatings were within specifications as

measured during acceptance inspections, but that the coating's electrical resistance may increase after power application. Service reports indicate this resistance change can be measured only after 20 to 100 hours of flight operation. The rate of resistance increase is significantly reduced after 200 flight hours. An inspection of these windshields is necessary to assure that windshield heating is available or that certain operational procedures are followed when it is not available.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Eight comments were received in response to the Notice of Proposed Rule Making (NPRM). Three commenters noted an erroneous reference in paragraph A.2.c.6.d to manufacturer's date codes beginning with November 1, 1979, instead of November 1, 1978. The Final Rule reflects the correct date of November 1, 1978.

Also, one commenter recommended that the words following the December 31, 1980, date be deleted from paragraph A.2.c.6.d., because the manufacturer's quality assurance system will assure that the windshields are produced within the required tolerance. Considering, in addition, that the operators' maintenance program should provide for proper maintenance practice concerning windshield tolerance checks as noted in the airplane maintenance manual, the FAA agrees and these words have been deleted.

Two commenters felt the proposed amendment was unwarranted based upon prior satisfactory service experience. The FAA does not agree. Service experience of two years does not moderate the known degradation of the required bird impact protection and anti-ice functions which result from the resistance increase in the electrical coating of the windshield.

Two commenters questioned the need for the airspeed limitation placard in light of FAR 91.70 requirements that aircraft operated below 10,000 feet mean sea level are restricted to an indicated airspeed of no more than 250 knots. The FAA has determined that the airspeed placards are appropriate, since many DC–9 aircraft are operated overwater and internationally where the provisions of FAR 91.70 do not apply. In addition, there is a need for the pilot-in-command, from an overall operational standpoint, to be aware that he is so limited because of potential bird impact protection degradation.

Two commenters expressed concern regarding the availability of replacement parts. A lack of parts could ground aircraft with windshields outside the 130 ohm limit during the winter months. The FAA considered this possibility when formulating the six month period for initial inspection and the period of time involved in issuance of a Notice of Proposed Rule Making and subsequent Final Rule. At the manufacturer's rate of production of new windshields the present airline inventory was to be replaced by the end of June 1981. The FAA has determined, considering the percentage of suspect windshields which will fall outside the 130 ohm limit with the inspection intervals and windshield availability, that sufficient flexibility is provided so that accomplishment of the AD within the times allowed will have no adverse effect on operations.

One commenter requested that McDonnell Douglas Service Bulletin 56–12 be approved as an equivalent method of compliance with the proposed AD. Many of the aspects of S/B 56–12 are identical with the actions proposed in the AD, but the FAA does not agree with the structure of the compliance times as presented in S/B 56–12 so it cannot be considered an equivalent means of compliance in toto.

Finally, one commenter feels the requirement for 50 hour and 1,500 hour repetitive inspections is unnecessary and inconsistent with the initial inspection requirement of the proposed airworthiness directive. The FAA does not agree. The initial inspection interval was arrived at based upon the degree of operational hazard associated with the potential exposure of windshields whose electrical coatings are far out of tolerance. Once the windshield panels are initially inspected, the 50 hour and 1,500 hour repetitive inspection intervals, as outlined in the proposed AD, are warranted based upon known unstable electrical coating characteristics.

After careful review of all available data, including the comments above, the FAA has determined that sufficient evidence exists in the public interest in aviation safety to adopt the proposed rule with the changes previously noted.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–10, –20, –30, –40, –50, and –80 series airplanes, including C–9A, C–9B, and VC–9C airplanes, certificated in all categories. Compliance required within six months from the effective date of this AD, unless already accomplished. To assure that proper windshield heat generation is available for bird impact protection and anti-ice functions on aircraft fuselage numbers 894 through 1021 and on aircraft that have had left, center, or right windshield panels replaced since November 1, 1978, accomplish the following:

A. Inspect windshield panels to determine manufacturer and year of manufacture. Windshield panels may be identified by the manufacturer's logo "PPG" or "LOF" in large capital letters with part number, specification, and serial number adjacent to logo. These are located at the top of the panel on the left and right-hand windshield panels, and at the bottom or top of the center windshield panel.

1. Panels manufactured by Libbey Owens Ford (LOF), no further action is required.

2. Panels manufactured by PPG Industries:

a. Determine the year of manufacture, which is contained in the serial number. Serial number samples are shown below:

8–H–10–20–220–315 (first digit indicates year of manufacture, 1978; third digit indicates month, October).

9–H–5–21–315–373 (first digit indicates year of manufacture, 1979; third digit indicates month, May).

0–H–4–6–219–215 (first digit indicates year of manufacture, 1980; third digit indicates month, April).

1–H–3–6–317–212 (first digit indicates year of manufacture, 1981; third digit indicates month, March).

b. Windshield panels with an October 1978 or prior manufacturing date coded, or January 1981 or subsequent manufacturing date coded, no further action is required.

c. Aircraft with less than 200 flight hours since new or on aircraft with less than 200 flight hours on replacement panel(s), accomplish the following heating element resistance check on PPG November 1, 1978, through December 31, 1980, date coded windshield panels:

(1) Open anti-ice circuit breaker on lower electrical panel center for windshield to be checked.

(2) Disconnect electrical connector from windshield panel to be checked.

(3) Using an ohmmeter, check resistance between Pins L and P at receptacle on left (right) windshield panel. Resistance reading should measure 61.2–82.8 ohms.

(4) Using an ohmmeter, check resistance between Pins E and G at receptacle on center windshield panel. Resistance should measure 67.5–92.5 ohms.

(5) If windshield resistance is:

(a) Within tolerance on all three panels, aircraft may be continued in service, and panels must be repetitively inspected at 50-hour intervals until the accumulation of 200 flight hours.

(b) Within tolerance after the accumulation of 200 flight hours, no further action is required.

(6) If resistance is out of tolerance on one or more of the three windshield panels:

(a) Center panel out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 260 kts IAS Below 10,000 Feet Altitude."

(b) Only side panel(s) out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 285 kts IAS Below 10,000 Feet Altitude."

(c) If windshield resistance of any panel, left, right, or center is greater than 130 ohms install the following placard in full view of the pilot: "Flight into known icing conditions is prohibited." If left (right) windshield panel(s) resistance is 82.9 to 130 ohms, and/or center windshield panel resistance is 92.6 to 130 ohms, the panel(s) must be repetitively inspected at 50-hour intervals until the accumulation of 200 flight hours to ascertain that resistance remains at or below 130 ohms. After the accumulation of 200 flight hours, the repetitive inspection interval can be extended to 1,500 flight hours.

(d) The above restrictions can be removed when the out-of-tolerance panel(s) is/are replaced with panel(s) manufactured by LOF or any PPG manufactured panel(s) with a date code other than November 1, 1978, through December 31, 1980.

(7) Reconnect electrical connector to windshield panel and close circuit breakers.

d. For November 1, 1978, through December 31, 1980, date coded windshield panels which have over 200 flight hours, accomplish the following:

(1) Perform heating element resistance check, as outlined in paragraphs c(1) through c(4). If windshield resistance is within tolerance on panel(s), reconnect electrical connector to panel(s). No further action is required.

(2) If resistance is out of tolerance on any of the three panels, accomplish the instructions as outlined under paragraph c(6).

B. Alternate inspections, repairs, or other action to be accomplished on or after the effective date of this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11 89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on November 20, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-34471 Filed 12-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 81-APC-1]

Special Use Airspace; Amendment To Restricted Area R-7201, Farallon De Medinilla Island, Mariana Islands, Guam

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action amends the time of use of Restricted Area R-7201 and adds the Federal Aviation Administration, Guam Center/RAPCON as the controlling agency. This action results in more efficient joint use of the affected airspace by freeing that airspace for nonparticipating IFR and VFR aircraft when not in use

DATES: Effective date—January 21, 1982. Comments must be received on or before January 4, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Western-Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81-APC-1, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

The Rule

This amendment to § 73.72 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) changes the time of use for Restricted Area R-7201, Farallon De Medinilla Island, Mariana Islands, Guam, to read "As activated by NOTAM 12 hours in advance." and adds "Controlling agency. Federal Aviation Administration, Guam Center/RAPCON." Redesignation of this area as joint use airspace will relieve any burden the restricted area may have upon airspace users by freeing that airspace for nonparticipating IFR and VFR aircraft when not in use. Because this action results in increased public access to the affected airspace, I find that notice and public procedure are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation. Section 73.72 of Part 73 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 831).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.72 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 831) is amended, effective 0901 GMT, January 21, 1982, as follows:

Restricted Area R-7201 Farallon De Medinilla Island, Mariana Islands, Guam [Amended]

Under time of use by deleting the word "Continuous." and substituting the words "as activated by NOTAM 12 hours in advance."

By adding "Controlling agency. Federal Aviation Administration, Guam Center/RAPCON."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on November 24, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-34473 Filed 12-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 22455; Amdt. No. 1204]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document in unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective January 21, 1982*

Pontiac, MI—Oakland-Pontiac, VOR Rwy 9R, Amdt. 21
Pontiac, MI—Oakland-Pontiac, VOR Rwy 27L, Amdt. 12
Monticello, NY—Monticello, VOR/DME Rwy 1, Amdt. 2
Newburgh, NY—Stewart, VOR Rwy 27, Original
Wurtsboro, NY—Wurtsboro-Sullivan County, VOR-A, Original
New Bern, NC—Simmons Nott, VOR Rwy 22, Original
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 2, Amdt. 2
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 15, Amdt. 21
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 20, Amdt. 4
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 24, Amdt. 9
Richmond, VA—Richard Evelyn Byrd Intl, VOR Rwy 33, Amdt. 16
Roanoke, VA—Roanoke Muni/Woodrum, VOR/DME-A, Orig.

** * * Effective January 7, 1982*

Visalia, CA—Visalia Muni, VOR/DME Rwy 30, Amdt. 3
Quincy, IL—Quincy Muni Baldwin Field, VOR/DME Rwy 21, Amdt. 4
Estherville, IA—Estherville Muni, VOR Rwy 16, Amdt. 2
Estherville, IA—Estherville Muni, VOR Rwy 34, Amdt. 4
Caribou, ME—Caribou Muni, VOR-A, Amdt. 7
Midland, MI—Jack Barstow, VOR-A, Amdt. 4
Gulfport, MS—Gulfport-Biloxi Rgnl, VOR Rwy 4, Amdt. 9, cancelled

Gulfport, MS—Gulfport-Biloxi Rgnl, VOR Rwy 22, Amdt. 10, cancelled
Rolla, MO—Rolla Downtown, VOR/DME-A, Amdt. 1
Monticello, NY—Sullivan County Intl, VOR/DME Rwy 33, Amdt. 1
White Plains, NY—Westchester County, VOR/DME or TACAN A, Amdt. 1
Franklin, PA—Chess-Lamberton, VOR Rwy 2, Amdt. 2
Franklin, PA—Chess-Lamberton, VOR Rwy 20, Amdt. 6
Prospectville, PA—Turner Field, VOR Rwy 14, Amdt. 3
Titusville, PA—Titusville, VOR-A, Amdt. 3
Pago Pago, American Samoa—Pago Pago Intl, VOR/DME or TACAN-A, Amdt. 1
Pago Pago, American Samoa—Pago Pago Intl, VOR/DME or TACAN-B, Amdt. 1
Pago Pago, American Samoa—Pago Pago Intl, VOR-D, Amdt. 3
Hilton Head Island, SC—Hilton Head, VOR/DME-A, Amdt. 6
Temple, TX—Draughon-Miller Muni, VOR Rwy 15, Amdt. 13
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 31, Amdt. 16

* * * *Effective December 24, 1981*

Ogden, UT—Ogden Muni, VOR Rwy 7, Amdt. 4

* * * *Effective November 17, 1981*

Grass Valley, CA—Nevada County Air Park, VOR-A, Amdt. 1

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective January 21, 1982*

Pontiac, MI—Oakland-Pontiac, LOC BC Rwy 27L, Amdt. 5
Huntington, WV—Tri-State/Walker-Long Field, LOC BC Rwy 30, Amdt. 9, cancelled

* * * *Effective January 7, 1982*

Quincy, IL—Quincy Muni Baldwin Field, LOC/DME BC Rwy 21, Amdt. 3
Temple, TX—Draughon-Miller Muni, LOC BC Rwy 33, Amdt. 5, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective January 21, 1982*

Hot Springs, VA—Ingalls Field, NDB Rwy 24, Amdt. 5
Huntington, WV—Tri-State/Walker-Long Field, NDB Rwy 12, Amdt. 13

* * * *Effective January 7, 1982*

Visalia, CA—Visalia Muni, NDB Rwy 30, Amdt. 1
Quincy, IL—Quincy Muni Baldwin Field, NDB Rwy 3, Amdt. 13
Salem, IL—Salem-Leckrone, NDB Rwy 18, Amdt. 7
Pago Pago, American Samoa—Pago Pago Intl, NDB-C, Amdt. 3
Castroville, TX—Castroville Muni, NDB Rwy 15, Original, cancelled

* * * *Effective November 12, 1981*

Cape Girardeau, MO—Cape Girardeau Muni, NDB Rwy 10, Amdt. 5

* * * *Effective November 6, 1981*

Worcester, MA—Worcester Muni, NDB Rwy 11, Amdt. 13
Worcester, MA—Worcester Muni, NDB Rwy 29, Amdt. 5

* * * *Effective November 5, 1981*

Newport News, VA—Patrick Henry Intl, NDB Rwy 2, Amdt. 1

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective January 21, 1982*

Pontiac, MI—Oakland-Pontiac, ILS Rwy 9R, Amdt. 9
Hot Springs, VA—Ingalls Field, ILS Rwy 24, Amdt. 1
Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 6, Amdt. 21
Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 15, Amdt. 3
Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 33, Amdt. 7
Port Angeles, WA—William R. Fairchild Intl, ILS-1 Rwy 8, Amdt. 1
Port Angeles, WA—William R. Fairchild Intl, ILS-2 Rwy 8, Amdt. 1
Huntington, WV—Tri-State/Walker-Long Field, ILS Rwy 12, Amdt. 6
Huntington, WV—Tri-State/Walker-Long Field, ILS Rwy 30, Orig.

* * * *Effective January 7, 1982*

Quincy, IL—Quincy Muni Baldwin Field, ILS Rwy 3, Amdt. 12
Pago Pago, American Samoa—Pago Pago Intl, ILS/DME Rwy 5, Amdt. 9
Castroville, TX—Castroville, Muni, ILS Rwy 15, Original, cancelled
Houston, TX—Houston Intercontinental, ILS Rwy 32R, Amdt. 4
Rock Springs, WY—Rock Springs-Sweetwater County, ILS/DME Rwy 27, Amdt. 1

* * * *Effective November 12, 1981*

Cape Girardeau, MO—Cape Girardeau Muni, ILS Rwy 10, Amdt. 6

* * * *Effective November 6, 1981*

New Haven, CT—Tweed-New Haven, ILS Rwy 2, Amdt. 11
Worcester, MA—Worcester Muni, ILS Rwy 11, Amdt. 13

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective January 21, 1982*

Richmond, VA—Richard Evelyn Byrd Intl, RADAR-1, Amdt. 6

* * * *Effective January 7, 1982*

Caribou, ME—Caribou Muni, RADAR-1 Amdt. 1
Houston, TX—Andrau Airpark, RADAR-1, Amdt. 3, cancelled

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective January 21, 1982*

Newburgh, NY—Stewart, RNAV Rwy 16, Original
Charleston, WV—Kanawha, RNAV Rwy 14, Orig.
Charleston, WV—Kanawha, RNAV Rwy 32, Orig.

* * * *Effective January 7, 1982*

Little Rock, AR—Adams Field, RNAV Rwy 22, Amdt. 6
Half Moon Bay, CA—Half Moon Bay, RNAV-A, Original
Hilton Head Island, SC—Hilton Head, RNAV Rwy 3, Amdt. 3
Hilton Head Island, SC—Hilton Head, RNAV Rwy 21, Amdt. 3
Richmond, VA—Richard Evelyn Byrd Intl, RNAV Rwy 20, Amdt. 3

* * * *Effective December 24, 1981*

Ogden, UT—Ogden Muni, RNAV Rwy 7, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on November 20, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 81-34472 Filed 12-2-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Parts 121, 127, 135, and 145

[Docket No. 17551; SFAR No. 36-2]

Development of Major Repair Data

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the effectivity of Special Federal Aviation Regulation (SFAR) No. 36 which provides that repair stations, air carriers, air taxis, and commercial operators of large aircraft may accomplish major repairs using self-developed repair data which have not been specifically approved by the FAA.

EFFECTIVE DATE: January 23, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects

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Branch (AVS–24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 755–8716.

SUPPLEMENTARY INFORMATION: SFAR 36, which became effective January 23, 1978, was issued to relieve qualifying certificated air carriers, operators, and repair stations of the burden of obtaining FAA approval of data developed by them for major repairs on a case-by-case basis. The certificate holders eligible for authorization under the SFAR are those employing adequately trained personnel and complying with specified procedural requirements.

SFAR 36 was adopted as an interim rulemaking action to obtain information upon which to base a permanent rule change. However, most of the affected certificate holders did not utilize the provisions of SFAR 36 until it was well into its second year and near its expiration date of January 23, 1980. Since the FAA did not have sufficient data upon which to base a permanent rule change, the termination date for SFAR 36 was extended an additional 2 years. The termination date for SFAR 36 is January 23, 1982, and authorizations issued to date under SFAR 36 are effective for a period of 2 years.

The FAA will initiate rulemaking to make the authorization issued under SFAR 36 a permanent part of the Federal Aviation Regulations. The reasons which justified the adoption of SFAR 36 still exist, and in order to allow time for completion of the permanent rule change, it is in the public interest to extend the termination date of SFAR 36 from January 23, 1982, to January 23, 1984. So that previously authorized certificate holders will not be subjected to the unnecessary burden of requalifying upon expiration of the initial 2-year period, the amendment provides that each authorization issued under this SFAR has an effective period from the date of issuance until January 23, 1984. This rule extension should provide ample time for provisions to be incorporated into a permanent rule change.

Since this amendment continues in effect the provisions of a currently effective SFAR and imposes no additional burden on any person, I find that notice and public procedures hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective January 23, 1982, Special Federal Aviation Regulation No. 36 is amended by changing the termination date from "January 23, 1982" to "January 23, 1984", and by revising paragraph 5 to read as follows:

5. *Duration of Authorization.* Each authorization issued under this Special Federal Aviation Regulation is effective from the date of issuance until January 23, 1984, unless it is surrendered or the administrator suspends, revokes, or otherwise terminates it at an earlier date.

* * * * *

(Secs. 313(a), 601, 604 and 607, Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421, 1424, and 1427); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a rule change which is relaxatory in nature and imposes no additional burden on any person. Accordingly, it has been determined that: the rule change does not involve a major change under Executive Order 12291; it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and its anticipated impact is so minimal that an evaluation is not required.

Issued in Washington, D.C., on November 3, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81–34676 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C–3078]

Ball-Matic Corp., Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, an Orange, California corporation and corporate officer to cease representing that the use of the "Ball-Matic"or any similar retrofit device will result in substantial fuel economy improvement. Further, respondents are prohibited from making respresentations that the use of any retrofit device or product will result in an energy savings, unless substantiated by competent scientific evidence. In addition, where any claim or characterization pertaining to energy savings is made, respondents are barred from making any endorsements without written and dated authorization, and prohibited from making misrepresentations concerning the purpose, content or conclusion of any test or survey.

DATE: Complaint and order issued Oct. 29, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, William Haynes, Attorney, Washington, D.C. 20580. (202) 724–0726.

SUPPLEMENTARY INFORMATION: On Thursday, August 6, 1981, there was published in the **Federal Register**, 46 FR 40040, a proposed consent agreement with analysis In the Matter of Ball-Matic Corporation, Inc., a corporation; Lonnie W. Smith, individually and as an officer of Ball-Matic Corporation, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.110 Endorsements, approval and testimonials; § 13.170 Qualities or properties of product or service, 13.170–12. Auxiliary, improving or supplementary, 13.170–34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.250 Success, use or standing.

Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly, 13.330–94 Users, in general. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–45 Maintain records, 13.533–45(a) Advertising substantiation. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc.

Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1665 Endorsements; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing; § 13.1757 Surveys. Subpart—neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885

[1] Copies of the Complaint and the Decision and Order filed with the original document.

Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-34730 Filed 12-2-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3077]

Great North American Industries, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, two Gainesville, Texas corporations and a corporate officer to cease representing that substantial fuel economy can be achieved by the use of Teflon oil additives such as "Tephguard." Further, respondents are prohibited from making representations that the use of any automobile retrofit device, fuel or engine oil additive will increase fuel economy, unless substantiated by competent scientific evidence, and accompanied by the disclosure of any limitations on the performance or efficacy of such products. Additionally, the Order bars claims of government approval without written and dated authorization; prohibits misrepresentations concerning the conclusions of product tests or surveys; and requires that consumer endorsements of any product or service reflect typical consumer experiences.

DATE: Complaint and order issued October 29, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, William Haynes, Attorney, Washington, D.C. 20580. (202) 724-0726.

SUPPLEMENTARY INFORMATION: On Thursday, August 6, 1981, there was published in the **Federal Register**, 46 FR 40037, a proposed consent agreement with analysis in the matter of Great North American Industries, Inc., a corporation; Products on the Move, Inc., a corporation; and Patrick O. McCrary, individually and as an officer of Great North American Industries, Inc., and Products on the Move, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections, 13.15-150 Endorsement; § 13.85 Government approval, action, connection or standards; § 13.110 Endorsements, approvals and testimonials; § 13.170 Qualities or properties of product or service, 13.170-12 Auxiliary, improving, or supplementary, 13.170-34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.250 Success, use or standing.

Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly, 13.330-90 United States Government, 13.330-94 Users, in general. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-37 Formal regulatory and/or statutory requirements, 13.533-45 Maintain records, 13.533-45(a) Advertising substantiation.

Subpart—Disseminating Advertisements: § 13.1043 Disseminating advertisements. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1430 Government endorsement, sanction, or sponsorship. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1632 Government endorsement or recommendation; § 13.1645 Government standards or specifications; § 13.1665 Endorsements; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing; § 13.1757 Surveys.

Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-34731 Filed 12-2-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-2963]

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: In response to recent appeals court decisions under the National Labor Relations Act (NLRA), this order reopens the proceeding and modifies the Commission's order issued on May 9, 1979 (44 FR 34923, 93 F.T.C. 739) by modifying the last proviso of the first ordering paragraph, so as to permit Local 959 to negotiate NLRA-authorized subcontracting agreements with construction industry employers.

DATE: Order issued May 9, 1979. Modifying order issued November 2, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580 (202) 376-2863.

SUPPLEMENTARY INFORMATION: In the Matter of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 44 FR 34923, remain unchanged.

The Order is as follows:

The Commission on September 18, 1981 having issued an order against respondent to show cause why the proceeding herein should not be reopened for the purpose of modifying the first ordering paragraph of the consent order to cease and desist entered on May 9, 1979; and respondent having answered that it has no objection to the reopening of the proceeding and the modification of the consent order, as set forth in the order to show cause;

Accordingly, It is ordered that the matter is reopened and that the first ordering paragraph of the order herein is modified so that it will read:

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[1] Copies of the Complaint and the Decision and Order filed with the original document.

It is ordered that respondent International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959, its successors and assigns, affiliated subdivisions, officers, trustees, employees, agents and members, directly or indirectly through any other form of business organization, shall forthwith cease and desist from:

1. Entering into any agreement or understanding that requires an employer engaged in the construction business to use or deal only with third party businesses who agree to perform work on the same terms and conditions as are agreed to between such employer engaged in the construction business and respondent;

2. Entering into any agreement or understanding with an employer engaged in the construction business that requires a third party business to be signatory to a collective bargaining agreement or other type of agreement that is binding between respondent and such employer engaged in the construction business;

3. Entering into any agreement or understanding with an employer engaged in the construction business that requires respondent to agree to the same terms and conditions of employment with a third party business as are binding between respondent and such employer engaged in the construction business;

4. Taking any action which would discriminate against or economically injure those employers engaged in the construction business which deal with third party businesses on terms other than those agreed to between such employer engaged in the construction business and respondent.

Provided, however, that respondent shall not be prohibited from engaging in any legal activity now or later authorized by federal labor law such as the right of respondent to engage in standards picketing, or entering into any agreement authorized by section 8(e) of the National Labor Relations Act. 29 U.S.C. 158(e).

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-34732 Filed 12-2-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9142]

Lehigh Portland Cement Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, an Allentown, Pennsylvania corporation engaged in the production of cement to divest, in accordance with the terms of the Order, the Universal plant at Hannibal, Missouri and three Midwestern States distribution facilities. The Order also bars the company for specified time periods, from making certain acquisitions in prescribed areas, without prior Commission approval.

DATES: Complaint issued July 30, 1980. Final order issued October 30, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-7, Stephen Riddell, Washington, D.C. 20580. (202) 724-1122.

SUPPLEMENTARY INFORMATION: On Wednesday, July 29, 1981, there was published in the **Federal Register**, 46 FR 38707, a proposed consent agreement with analysis In the Matter of Lehigh Portland Cement Company, a corporation, and United States Steel Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stocks or Assets: § 13.5 Acquiring corporate stocks or assets, 13.5-20 Federal Trade Commission Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements.

[1] Copies of the Complaint and Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-34733 Filed 12-2-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18278; File No. S7-878]

Notice by Self-Regulatory Organizations of Proposed Admission to, or Continuance in, Membership or Participation of Certain Persons Subject to Statutory Disqualifications

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending the requirements applicable to notices and applications filed by self-regulatory organizations ("SRO's") with the Commission concerning proposed admissions to, or continuances in, membership or participation in the organization or association with a member of persons subject to statutory disqualifications. The amendments are designed to (1) provide additional specific exceptions from the notice filing requirements for SRO's in certain situations; (2) require specifically that SRO's provide certain detail in notices and applications to facilitate Commission review of the proposed SRO action; and (3) clarify certain provisions relating to notices and applications that may now be unclear, either as to their meaning or as to the proper procedures to be followed.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: H. Steven Holtzman, Esq., Officer of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2842.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of amendments to Rule 19h-1 (the "Rule")[1] under the Securities Exchange Act of 1934 (the "Act").[2] The Commission

[1] 17 CFR 240.19h-1. Rule 19h-1 was adopted on July 8, 1977 in Securities Exchange Act Release No. 13726, 42 FR 36410 (July 14, 1977).

[2] In accordance with section 17A(d)(3)(A)(i) of the Act, 15 U.S.C. 78q-1(d)(3)(A)(i), at least fifteen days

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announced its proposal to amend the Rule in its March 1981 release (the "Proposal Release") [3] concerning the requirements applicable to notices and applications filed by SRO's with the Commission concerning proposed admissions to, or continuances in, membership or participation or association with a member of persons subject to statutory disqualifications under the Act. The amendments are intended primarily to reduce the number of full notices that must be filed with the Commission by SRO's and to facilitate the review of notices and applications filed with the Commission by SRO's and persons subject to statutory disqualifications.[4]

The Commission has carefully considered the comments submitted in response to the Proposal Release by six commentators.[5] The Commission's views and actions taken in response to the comments, including a number of revisions in the Rule made pursuant to the comments, are discussed in Section II of this release. Other significant amendments to the rule that were first reflected in the Proposal Release and that have not been commented upon and further revised are also described in that section of the release.[6]

The Commission's actions are discussed in detail in the following sections of this release:

I. Background
II. Discussion of Amendments to the Rule
III. Statutory Basis
IV. Text of Rule

I. Background

Passage of the Securities Act Amendments of 1975 (the "1975 Amendments") [7] to the Act gave the Commission enhanced oversight responsibilities as to SRO activities. In particular, sections 6(c)(2), 15A(g)(2) and 17A(b)(4)(A) of the amended Act provide, among other things, that a national securities exchange, national securities association or registered clearing agency must file with the Commission a notice, whose form and content is prescribed by the Commission, not less than thirty days before approving the application of a person to become a member or participant in the organization or associated with a member firm when the SRO knows, or in the exercise of reasonable care should have known, that such person is subject to a statutory disqualification. Those sections also grant the Commission authority to direct that the SRO deny membership or participation and to bar the association with a member of the person who is subject to a statutory disqualification.[8]

The rule was adopted in response to the changes made by the 1975 Amendments and in order to codify procedures for Commission resolution of issues relating to readmission to, or continuation of disqualified persons in, the securities business. The Rule provides for Commission review of notices filed by SRO's proposing, conditionally or unconditionally, to admit to, or continue any person in, membership, participation or association with a member, notwithstanding a statutory disqualification where the SRO and the parties involved, including the person subject to the statutory disqualification and his prospective employer, have agreed on employment conditions or limitations. Rule 19h–1 establishes the review mechanism and contemplates the immediate submission, as part of the notice, of the full record in the proceeding before the SRO.

Prior to the adoption of the 1975 Amendments, proposals for admission to, or continuance in, the securities business of disqualified persons were submitted by only one SRO, the NASD, with respect to its members and persons associated with its members.[9] Since the Commission has been given specific statutory responsibility for oversight of the exchanges and clearing agencies in this area by the 1975 Amendments and as a result of other factors, including growth in the securities industry, the volume of such notices submitted to the Commission has increased substantially.[10] Both the Commission's experience in administering Rule 19h–1 and the increased level of filings have demonstrated that certain changes in the Rule are desirable. Certain of these changes will reduce significantly the volume of filings required to be made with the Commission. This will lessen the burdens on the SRO's, firms, and individuals concerned and better enable the Commission to devote its limited resources to those filings that raise important issues of investor protection. Moreover, the Rule sets forth revised procedures that will facilitate both compliance with the Rule by SRO's and its administration by the Commission.

II. Discussion of Amendments to The Rule

A. Additional Exceptions to Filing Requirements.

Under an amendment to paragraph (a)(3) of the rule, proposed in the Proposal Release, a formal notice would not have to be filed with the Commission by an SRO for an individual who changes employment if the new position is essentially on the same terms and conditions as were imposed pursuant to a prior Commission order in connection with an earlier admission or continuance of employment for that individual, notwithstanding the same disqualifying circumstances.[11] Commentators suggested that this exception also should be available in situations where an equivalent no-action or other letter, as well as an order, previously has been issued by the Commission.[12] It appears that the commentators are referring to the practice under which the Commission staff may advise an SRO, which has submitted a notice under the Rule not accompanied by a request for an order under paragraph (d),[13] that the staff does not intend to recommend that the Commission exercise its veto authority under section 6(c)(2), 15A(g)(2) or 17A(b)(4)(A) of the Act. The Commission has determined that it is appropriate to amend the Rule so as to afford equivalent treatment to such prior staff communications with Commission orders under paragraph (d) of the Rule.[14]

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before this announcement, the Commission consulted and requested the views of the Board of Governors of the Federal Reserve System, the "appropriate regulatory agency" for four bank clearing agencies.

[3] Securities Exchange Act Release No. 17615 (March 10, 1981), 46 FR 17219 (March 18, 1981).

[4] *See* Section 3(a)(39) of the Act.

[5] The Commission received comments from the American Stock Exchange, Inc. ("Amex Response"), National Association of Securities Dealers, Inc. ("NASD Response"), National Securities Clearing Corporation ("NSCC Response"), New York Stock Exchange, Inc. ("NYSE Response"), Philadelphia Stock Exchange, Inc. ("Phlx Response"), and Securities Industry Association ("SIA Response") The full texts of these comments may be found in Securities and Exchange Commission File No. S7–878.

[6] *See* the Proposal Release for a more detailed explanation of such changes.

[7] Pub. L. No. 94–29 (June 4, 1975).

[8] This authority is sometimes referred to in this release as the "veto power" or "veto authority."

[9] *See* former Rule 15Ab–1 under the Act. That rule was superseded by Rule 19h–1.

[10] In 1978, the Commission reviewed approximately 45 SRO notices. Since the beginning of 1979, the Commission has reviewed approximately 180 SRO notices.

[11] *See* new paragraph (a)(3)(ii) of the rule.

[12] NASD, NYSE and Amex Responses.

[13] Procedures for obtaining such orders will continue to be available under the Rule.

[14] Commentators also suggested that present paragraph (a)(3)(i) of the rule be similarly amended. Paragraph (a)(3)(i) currently provides that a further notice need not be filed with the Commission if a person subject to a statutory disqualification is, pursuant to an order of the Commission, a participant in, member of, or a person associated with a member of an SRO, and the SRO member or participant then joins another SRO. The Commission has determined that a no-action letter or other written determination issued by the Commission to an SRO should be a sufficient basis

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Under the exception from the formal notice filing requirement for employment changes that has been adopted, an SRO will nevertheless be required, instead of preparing and submitting a full notice, to file with the Commission a brief report, in the form of a letter, no later than 14 days after its final determination to permit the admission to, or continuance in, membership, participation, or association.[15] The report would set forth the individual's name, contemplated place of employment, name of his proposed new supervisor(s), and the SRO's finding that, after reasonable inquiry, the disqualified applicant is being employed under substantially the same terms and conditions as his/her previous, identified employment and that there is no intervening conduct or other circumstance that would cause the employment to be inconsistent with the public interest or the protection of investors.[16]

Commentators suggested that a statement be inserted in paragraph (a)(4) of the rule codifying the legal conclusion set forth in the Proposal Release that, where an exception from the full notice provisions is available, an SRO may determine whether and when a disqualified person may be permitted to engage in or continue his employment prior to transmission of the short form notification to the Commission.[17] The rule has been amended to provide that, in the case of an SRO required to file a short form notification with the Commission for an admission to membership or association with a member, an SRO may determine, without a waiting period and pending Commission review, when the new employment could commence.[18]

One commentator stated that an SRO should be able to use its discretion as to the interim employment status of a person when a disqualification, such as an injunction or conviction, first occurs during the course of a person's employment or first becomes evident in the course of an employment transfer.[19] The Commission believes, however, that both the SRO and the Commission should have an opportunity, where a person's future status in the business has not yet been fully adjudicated, to review his employment, even if on a temporary basis, when a disqualification first occurs. In such situations, the Commission may have an investigation underway or there may be risks to continued employment that the Commission would like to consider.

Nevertheless, the firm, the associated person or an SRO may seek a no-action position from the Commission (*e.g.*, under paragraph (d) of the rule) in the case of a disqualification that occurs during the course of employment. If a disqualification occurs prior to a transfer and an exemption (*e.g.*, prior Commission consideration of the conduct without any limitation on future employment) [20] from the rule is not available, the SRO should not readmit the applicant without filing a notice with the Commission. Sections 6(c)(2) and 15A(g)(2) of the Act so contemplate.

Another amendment to paragraph (a)(3) of the rule, which has been adopted as proposed, will also remove from the filing requirement cases where the sole operative statutory disqualification consists of an injunction [21] that was entered ten or more years prior to the proposed admission or continuance. The Commission believes that it is unlikely that an injunction issued more than ten years prior to reentry would, by itself, be an appropriate impediment to reentry.

One commentator suggested that, where the disqualification consists of any injunction that is not followed by administrative proceedings, the admission or continuance should be subject to an abbreviated notification under the rule**Federal Register** [22] and another commentator suggested that the Commission provide such relief with respect to all injunctions that do not raise "important issues of investor protection."[23] In the absence of more clearly defined criteria for affording exemptive relief for additional classes of injunctive actions, the Commission believes that it should not adopt the commentators' recommendations. In the Commission's experience, there have been a variety of situations where, for appropriate reasons, administrative proceedings did not immediately follow the issuance of an injunction but the Commission nevertheless wished to retain full and final authority to pass upon the future status of the subject firm or individual in the securities business. Further investigations of the underlying facts may still have been in progress, or there may not have been an immediate need to institute administrative proceedings where, for example, an enjoined person had left the securities business or an enjoined firm had become inactive. In such cases, the Commission may conclude that, because of the presence of the injunction as itself a potential bar to future reentry, administrative action should be withheld in order to better utilize currently available resources. Adoption of the commentators' suggestions could readily open up the possibility for unduly diminishing the Commission's desired role in reviewing the future participation of such persons in the business, as and when the question arises.

A further exception from the full filing requirements is being adopted, under paragraph (a)(3)(iv) of the rule, for certain reentry situations where a person's statutory disqualification was the subject of prior Commission consideration during an administrative proceeding (*e.g.*, pursuant to section 15(b) of the Act). The amendment will apply where, on the prior occasion, (1) the Commission concluded that it would not restrict or limit the future employment of the disqualified person in the securities industry on the basis of that disqualifying circumstance or (2) the Commission set forth restrictions or limitations on the person's employment in the securities industry for a specified time period and that time period has elapsed. An additional exemption is included in paragraph (a)(3)(v) of the rule to cover those situations where the same kinds of determinations respecting a person's future participation in the securities business were incorporated in the judgment or decision entered in a court enforcement action. In order to permit the Commission to oversee use by the SRO's of these exceptions, however, the Commission proposed that SRO's be required to advise the Commission, by letter, of those instances where it takes an admission or continuance action in reliance on those provisions.[24]

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on which to permit admission into another SRO without the filing of a notice with the Commission. Accordingly, the Commission has amended paragraph (a)(3)(i) as suggested by the commentators.

[15] An abbreviated format will also be applicable to certain other exceptions to the full notice requirement. *See infra* and paragraph (a)(4) of the rule.

[16] The Commission does not anticipate that it will routinely issue a response to such reports.

[17] NYSE and Amex Responses. The SIA also appeared to adopt a similar position.

[18] The Commission would, however, still not be foreclosed from instituting administrative proceedings (*e.g.*, under section 15(b) or 19(h), as applicable) based on the disqualification if it later appears that the SRO finding was in error because, for example, the employment conditions have been materially misrepresented to it or there has been a failure to comply with the approved employment conditions.

[19] NYSE Response.

[20] *See* paragraphs (a)(3)(iv) and (v) of the rule.

[21] *See* Sections 3(a)(39) and 15(b)(4)(C) of the Act.

[22] NASD Response.

[23] Amex Response.

[24] These conditional exceptions to the notice requirement would not act in any way to remove the disqualification. Therefore, among other things, the disqualification would still be required to be

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Commentators suggested that the short form notification requirement not be applicable for excepted entries under paragraphs (a)(3)(iv) and (a)(3)(v) of the rule.[25] Two commentators also believed that the short form notification should not be required for entries under paragraph (a)(3)(v) of the rule if a person remains with the same firm he was with prior to the statutory disqualification, as the court would have made its decision with the full knowledge of the person's then current employment.[26] The Commission believes, however, that the short form notification should be used in the foregoing situations since it will assist the Commission in overseeing how the exceptions are being applied and interpreted by SRO's and would not impose a substantial burden upon SRO's.

Two commentators suggested that, in paragraph (a)(3)(iv) of the rule, the category of administrative proceedings under the Act that provides the basis for a short form notification be broadened to encompass administrative proceedings under other securities laws administered by the Commission.[27] Since it is possible that the broker-dealer status of persons and firms would be addressed in administrative proceedings under federal securities laws other than the Securities Exchange Act—as, for example, in connection with the settlement of such a proceeding under the Investment Advisers Act of 1940—the rule has been amended to provide for this possibility.

Finally, an exemption from the full notice requirements has been adopted to cover situations where the Commission has previously consented, pursuant to section 15(b)(6) or 15B(c)(4) of the Act, to a particular proposed association of a person who is subject to a Commission order under one or both of those sections barring the person from being or becoming associated with a broker or dealer or municipal securities dealer.[28] Since the Commission would already have been directly informed of and would have approved the particular proposed employment, the filing of a notice under the Rule would serve no useful purpose in those situations.

B. SRO Records Filed with the Commission

Paragraphs (c) and (e) of the amended rule formally require the inclusion in SRO notices and applications of the following additional information that the Commission, through experience, has found helpful in reviewing and making determinations with respect to notices and applications filed under the rule and has previously requested that the SRO's supply:[29]

1. *Information Relating to Supervisors.* The rule has been amended to require that information be provided in the recitation of the proposed supervisory procedures concerning the pertinent qualifications of the supervisors, including prior disciplinary and enforcement actions against them and the relationship of any of the supervisors to the disqualified person.[30]

2. *Terms of Employment and Supervision.* Under the rule as amended, a statement by the proposed employer setting forth the terms and conditions of the prospective employment and supervision will be required by this provision.[31] As proposed, an affidavit by the proposed employer attesting to the accuracy of the statement would have also been required by this provision. Several commentators stated that the affidavit requirement was unnecessary.[32] Two commentators observed that the applicant and employer are already under an obligation to provide truthful information to SRO's and that failure to do so would itself constitute a statutory disqualification.[33] The same two commentators also stated that witnesses are not sworn in their disciplinary or disqualifications proceedings.[34] In response to these comments, including their recognition of the importance of assuring accuracy in the representations made to SRO's that are contained in the notices filed with the Commission, the Commission has not adopted the proposed affidavit requirement.[35]

3. *Other Disqualified Persons Employed by the Firm.* As amended, the Rule requires that the names and locations of other disqualified persons employed by the firm be included in a notice or application. One commentator suggested that such information would be of little relevance to the Commission.[36] The Commission believes, however, that such information is useful in permitting it and the SRO's to evaluate the adequacy of the proposed supervisory procedures. Those procedures may be expected to vary depending upon, among other factors, the number of disqualified persons within a firm or under the immediate supervision of a particular office or supervisor. For example, the presence of disqualified persons at offices other than the one at which an applicant is to be employed may affect the degree of secondary (*e.g.*, home office) supervision that an applicant may receive and therefore should be considered in reviewing a reentry or continuance notice or application. Accordingly, no change has been made in this provision, which has been adopted as proposed.

4. *Examinations.* The Rule as amended will require that notices and applications include a summary of the findings and disposition of the examinations that were conducted, within the prior two-year period, by all SRO's of the main office and any branch office of the proposed employer where an applicant would be employed or supervised.

Commentators criticized as unduly burdensome the proposed requirement for inclusion of results of all examinations of the firm completed by all SRO's during the previous three years.[37] They expressed concern that the examination results for an entire multi-office firm would not be pertinent for evaluating the adequacy of a firm's supervisory procedures. One SRO suggested that examination results for the main office and branch office where the individual will be employed would provide sufficient information to make an informed judgment about the firm's ability to supervise.[38] Another recommended that the examination information be limited to the branch office where the disqualified person is proposed to be employed.[39] A third SRO suggested that the statement of the filing SRO be confined to the results of the

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disclosed on Form BD and in registration filings with the SRO(s).

[25] NYSE and Amex Responses.

[26] NASD and Amex Responses.

[27] NYSE and Amex Responses.

[28] See "Clarifications," subsection C, *infra*, for a discussion of certain of the circumstances under which such prior Commission action on the proposed association may arise.

[29] The NYSE observed that paragraphs (c) and (e) contain requests for duplicative material. Although there are important distinctions between those provisions, many of the requirements set forth in paragraph (c) for contents of notices have been repeated in paragraph (e) for contents of applications for no-action orders or consents to avoid excessive cross-references in the text of the rule. If both a notice and application are filed with the Commission, however, only one set of the materials or information required by both (c) and (e) must be included in the combined filing.

[30] Paragraph (c)(4)(i) of the rule

[31] Paragraph (c)(4) of the rule.

[32] NASD, NYSE, Amex and Phlx Responses.

[33] NASD and Amex Responses.

[34] One commentator was also concerned that obtaining the affidavits could impose a substantial cost burden on member firms. Phlx Response.

[35] The Commission has also determined not to include in the amended rule the proposed affidavit requirement for certain written materials not included in a certified hearing record that are furnished by persons other than an SRO or the Commission. *See* paragraphs (c)(6) and (e)(7) of the rule as set forth in the Proposal Release. The same commentators made similar comments with respect to that proposed affidavit requirement.

[36] SIA Response.

[37] NASD, NYSE, Amex and the Phlx Responses

[38] NASD Response.

[39] Amex Response

most recent examination conducted by the SRO and only those results of that examination pertaining to problems uncovered by it in regard to related supervisory procedures.[40] Another SRO stated that the examination results may not be needed if the Rule were amended to require that firms include in notice filings any disciplinary actions taken against the firm.[41]

Two commentators suggested that a summary of examination results of other SRO's should not be required since they will generally have concurred with the filing, thereby indicating that there are not serious problems with the member firm.[42] One commentator was also concerned that SRO's should not have to make independent findings with respect to examinations conducted by other SRO's.[43]

In light of the comments, the Commission has determined that notices and applications should include a summary of all SRO inspections of the firm's main and applicable branch offices for two years prior to the filing. The Commission concurs with the commentators that inspection information concerning unaffected branch offices should not be required. It believes, however, that all recent examination information from each examining SRO is necessary to obtain a more complete basis for assessing the firm's ability to supervise. A filing SRO, as in the past, is not generally required to make independent findings with respect to examinations conducted by other SRO's. Nonetheless, it should consider the reported results in its review of a proposed reentry or continuance.

5. *Form U–4 and certification.* The Rule as amended will require inclusion of a completed Form U–4 [44] and a certification by the SRO that the disqualified person currently meets all applicable qualifications requirements with respect to the proposed employment. Commentators questioned whether the certification requirement would serve a useful purpose.[45] One commentator stated that the system of cooperative regulation between the Commission and SRO's presupposes that all statements made by an SRO will be made in good faith and that the certification requirement should therefore be deleted.[46]

The latter requirement reflects the procedures now followed under the Rule. The Commission understands that an SRO now verifies an applicant's qualifications prior to reviewing the merits of a proposed reentry or continuance. Under present practice, for example, an SRO normally ascertains whether an applicant has passed the appropriate qualifying examination by reference to its own files or by consultation with the SRO that administered the examination. The Commission is aware of at least one instance, however, where considerable effort was expended in preparing and reviewing a reentry application prior to discovery of the fact that the applicant had not passed the applicable examination. The required certification, which imposes no significant new burden, is designed merely to help the industry and the Commission avoid such unnecessary costs in the future.

6. *Materials supplied by Commission staff.* The Rule as amended will also require that any written information supplied by the Commission staff for consideration by the SRO in its disposition of the matter be (1) included as part of the notice or application or (2) incorporated by reference in the notice or application. The SRO is also required to include a statement of its views on the information supplied.

One commentator stated that the reason for the proposed "return" of materials to the Commission was not apparent. As explained in the Proposal Release, the Commission is especially concerned that existing relevant information in its files, of which the SRO initially may be unaware, be a part of the record before the SRO in reentry proceedings so that the SRO and affected persons may have an opportunity to address that information.[47] The Commission further believes that, in reviewing notices and applications filed under the Rule, it should have before it the full record that was before the SRO. The Commission nevertheless believes that the same objectives would be achieved if the materials in question were incorporated by reference in the SRO filing and has amended the Rule to so provide.

7. *Materials not part of hearing record.* The Rule as amended requires that all materials not included in a certified oral hearing record before the SRO that were considered by the SRO in its disposition of the matter be included in the notice.[48] As discussed above, the proposed requirement that such additional statements, if furnished by persons other than an SRO or the Commission, be accompanied by an affidavit has not been adopted.[49]

The Rule has contained corresponding provisions for supplemental materials that are submitted to the Commission as part of a notice or application but which were *not* a matter of record before the SRO and therefore were not considered by the SRO in reaching its decision on the merits.[50] One commentator suggested that these provisions be revised to clarify their meaning.[51] The current provisions were intended to recognize the Commission's practice of permitting the organization, firm, or associated person concerned to supplement the SRO record by including additional factual materials in the notice or application filed with the Commission. But in view of the unusual nature of such a submission and because the facts contained in it would not have been subject to the normal SRO hearing and deliberative process,[52] the Rule requires that the person or organization offering such facts for the Commission's consideration do so in affidavit form. Under the circumstances, the Commission has determined to retain these provisions with the addition of some clarifying language relating to the responsibility for the completion of the required affidavit.

8. *Notification to the Commission.* The Rule has been amended to require that, promptly after receipt by an SRO of an application for admission to, or continuance in, membership, participation or association with a member with respect to a person subject

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[40] NYSE Response.

[41] Phlx Response. Since disciplinary actions against member firms would already be a part of the Commission's official records, the Commission does not believe that it is necessary for such actions to be included as part of the SRO record in filings under the Rule. The Commission expects that such actions will be considered by SRO's in connection with reentry and continuance matters and, where relevant, will be discussed in the filings. The rule does require, however, that a copy of the disqualifying order forming the basis of the reentry or continuance proceeding accompany the SRO filing.

[42] NASD and NYSE Responses.

[43] Amex Response.

[44] Form U–4 is a uniform form for registration of individuals with the Commission, SRO's and state securities commissions that contains, among other things, information concerning the prior employment and disciplinary history of the individuals.

[45] NASD, NYSE and Amex Responses.

[46] NYSE Response.

[47] The Rule contemplates a hearing before the SRO in which the SRO gives the applicant an opportunity to support the proposed employment. In addition, an SRO favorably disposed to the application may supplement the information supplied to it by the applicant so as to present a record to the Commission supporting its proposal. There is not, however, a requirement that the hearing before the SRO be a formal evidentiary hearing.

[48] Paragraphs (c)(6) and (e)(7) of the Rule.

[49] *See* note 35, *supra*, and accompanying text.

[50] *See* the last subparagraphs of paragraphs (c) and (e) of the current Rule and the proposed revised rule, respectively.

[51] NYSE Response.

[52] *See* note 35, *supra*.

to a statutory disqualification, the SRO notify the Commission staff of such receipt. This brief notification is only required in cases where the SRO would, if it later approves the admission or continuance, be required to file a full notice pursuant to paragraph (a)(1) of the rule. The notification will enable the Commission staff to alert the SRO to the possible existence of relevant information in its files, of which the SRO may be unaware, and, in appropriate circumstances, to make such information available to the SRO in time to permit its consideration in the SRO's processing of entry or continuance applications.

C. Clarifications

1. *Categories of Persons Subject to the Rule.* Several commentators were concerned that notices would have to be filed under the Rule for all clerical and ministerial employees who are subject to statutory disqualifications and requested clarification of the Rule in that regard. [53] The Commission is clarifying the Rule to provide that member employees subject to the notice filing requirements of the Rule include only (a) employees engaged in or supervising other employees engaged in advertising, public relations, research, sales, trading, and training, except clerical and ministerial persons engaged in such activities and (b) all employees (including clerical and ministerial persons) with access to funds or securities or firm books and records. [54]

2. *Continuances in Membership or Association with a Member.* Section 6(c)(2), 15A(g) (2) and 17A(b)(4)(A) of the Act specifically require that notice be given (at least 30 days in advance) to the Commission by SRO's with respect to "admitting" any disqualified person or registered broker-dealer to membership or participation, or "permitting any [such] person to become associated with a member." Paragraph (a) of the Rule provides, however, that the filing of a notice is required not only where the SRO has determined to admit a disqualified person seeking entry or reentry but also where the SRO proposes to continue in membership or association a person who becomes subject to a disqualification while a member or associated with a member. [55]

One commentator questioned whether the Commission should require continuance notices. [56] The principal reason for the inclusion of continuance situations is that the Commission has independent authority under sections 15(b) or 19(h) of the Act [57] effectively to prevent the continuance (as well as an admission) and will need to have before it the same kinds of information in order to determine whether it wishes to exercise that authority or its authority to deny membership, participation or association under sections 6(c)(2), 15A(g)(2) and 17(A)(b)(4)(A). [58]

3. *Sections 15(b)(6) and 15B(c)(4) Consents.* Sections 15(b)(6) and 15B(c)(4) of the Act make it unlawful for any person barred under those sections to become, or to be, associated with a broker-dealer or municipal securities dealer and for any such broker, dealer or municipal securities dealer to permit such a person to become, or remain, a person associated with the firm without the consent of the Commission. Therefore, persons under such bars who are the subject of a notice filed by an SRO under the rule need such consent to make the proposed association lawful. Such consent can take the form of a declaratory order under paragraph (d) of the rule. Since there has been some uncertainty in this area, an amendment to paragraph (d) of the rule specifically clarifies that such consent can and, if needed when the notice is filed, should be sought under that paragraph.

At the same time, it has been the Commission's practice to permit an individual to apply directly to the Commission for reentry in cases where the Commission has barred that person from association with a broker-dealer in a proceeding under section 15(b)(6) of the Act and, as part of that sanction, has explicitly afforded the person a right to apply for reassociation, under appropriate conditions, at a future time. [59] A proviso has therefore been added to the new provision discussed in the preceding paragraph making it clear that that provision does not affect the individual's ability to choose to apply directly. [60]

Commentators were concerned that existence of the alternative procedure permitting persons to apply directly to the Commission may result in confusion and "forum shopping" by disqualified persons. [61] The commentators suggested that the disqualified person should be required to apply directly to the Commission for reentry in all such situations.

The Commission believes, however, that either procedure is compatible with the Act. The Commission has not found that the degree of uncertainty created by offering an election, which has been available since at least 1977, has resulted in undue confusion for affected persons or organizations. The Commission's experience also has not indicated that, as a practical matter, there is any inherent difficulty in providing disqualified persons alternative procedures.

The Commission has historically expressed a general preference, where both it and SRO's have exclusionary authority, for having reentry matters first presented to the SRO (or SRO's) concerned. [62] The Commission, however, has recognized exceptions for cases of the type described in the new proviso to paragraph (d) of the rule where it has imposed the disqualification in the form of a bar or suspension from association under section 15(b)(6) of the Act and where the Commission specifically granted the person the right to apply for reentry in the future. [63] The Commission

[53] NASD, NYSE and Amex Responses.

[54] Paragraph (a)(2)(i) of the rule as amended herein.

[55] Some types of disqualifications automatically terminate membership, participation or association. Others do not. *See* Section 3(a)(39) of the Act. Under section 17(a) of the Act, of course, the Commission has authority to require SRO's to furnish it such reports as the Commission "prescribes as necessary or appropriate in the public interest, ..."

[56] NSCC Response. NSCC also raised questions concerning the burdens of the present rule on clearing agencies, the relevance of the filing requirements to clearing agency functions and their capability to appropriately process continuance and reentry applications. With regard to reentries, NSCC recommends that the processing function be centralized in the participant's designated examining authority. The Commission notes that, while the Act requires each SRO that approves a reentry to file a notice with the Commission, the rule permits interested SRO's to coordinate their activities in this area in order to achieve the most efficient use of their collective resources. *See* the Proposal Release and paragraphs (a)(3)(i) and (a)(5) of the rule. The Commission understands that inter-SRO arrangements for such purposes have been established and expects that they would be available to all interested SRO's, including clearing agencies.

[57] Section 15(b) of the Act empowers the Commission to impose exclusionary sanctions, including revocation of broker-dealer registration, on any person who has been found to have committed certain offenses (as set forth in paragraphs (4) and (6) of the section), which findings and sanctions are included within those constituting a "statutory disqualification" (as defined in section 3(a)(39)) from SRO membership, participation or association. In addition, section 19(h) empowers the Commission directly to suspend or bar persons from SRO membership, participation or association based on similar findings.

[58] *See* the second sentence of paragraph (d) of the rule. *See* also *In the Matter of NASD and Fliederbaum and Mooradian*, Securities Exchange Act Release No. 15568 (February 13, 1979), 16 SEC Docket 1105.

[59] *See* Securities Exchange Act Release No. 11267, (February 28, 1975), 6 SEC Docket 346 (1975).

[60] Since the same principles seem to apply to bars from association with a municipal securities dealer under section 15B(c)(4) of the Act, a reference to that section has also been included in the proviso.

[61] NASD and Amex Responses.

[62] *See* the Proposal Release.

[63] Usually these are settled cases where, since the Commission itself negotiated the settlement with the disqualified person and took the disqualifying

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believes that the equities in favor of the person having a choice of two avenues for obtaining relief in such cases outweigh any disadvantages.

4. *Other Requests for Relief by Municipal Securities Firms.* Under sections 15B(a)(2) and 15B(c)(2) of the Act, the Commission has authority to exclude from registration as a municipal securities dealer any person that would be subject to denial, revocation or suspension of its broker-dealer registration if it were so registered or if it were seeking such registration under Section 15(b). For example, if a bank municipal securities dealer [64] that was seeking registration under section 15B(a)(2) were the subject of a conviction or injunction of a type described in section 15(b)(4) of the Act, the Commission could deny that registration. Thus, if that bank dealer were also seeking participation in a registered clearing agency and the clearing agency, as required by Section 17A(b)(4)(A) of the Act, filed a notice of that proposed participation under Rule 19h–1, the clearing agency (or bank dealer) might also wish to apply to the Commission for a determination that the Commission would not institute a denial proceeding against the bank dealer under section 15B(a)(2) on the basis of the conviction or injunction. Since paragraph (d) of the Rule, which permits applications for such Commission determinations in other, similar situations, [65] does not now provide explicitly for such applications by or on behalf of municipal securities dealers, paragraph (d) has been amended to so provide.

In addition, under rule G–4 of the Municipal Securities Rulemaking Board, a municipal securities broker or municipal securities dealer that is subject to certain disqualifications is considered to be unqualified to engage in the municipal securities business unless the Commission (or in some cases the NASD or appropriate bank regulatory agency), on application, finds to the contrary. Rule 19h–1 has been amended [66] to permit such applications, when required to be submitted to the Commission, to be filed at the time a notice of a proposed admission or continuance with respect to the disqualified person is filed under that rule.

5. *Standards for Issuing Declaratory Orders.* Paragraph (d) of the rule currently provides that the Commission may issue a declaratory order, upon application at the time of the filing of a notice, with respect to the membership, participation or association of any person subject to an applicable disqualification if "it finds it appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act." These standards, which are not required by the Act in this context, have been deleted and the paragraph has been amended to permit the Commission to issue such an order "should the Commission determine not to object to the position of the SRO set forth in the notice or application." This language more accurately reflects the nature of the Commission's decision-making process with respect to the issuance of such orders, which orders are, in substance, similar to traditional determinations of the Commission not to institute enforcement proceedings under the federal securities laws.

6. *Procedures to be Used by the Commission in Reviewing Notices.* Under another amendment, the Commission has set forth in paragraph (g) of the rule the procedures that it will follow in determining whether to direct, pursuant to sections 6(c)(2), 15A(g)(2), or 17A(b)(4)(A) of the Act, that a proposed admission covered by a notice be denied or an order barring association issue where the notice is filed under paragraph (a) of the rule and is not accompanied by an application for a declaratory order under paragraph (d) of the rule. These procedures parallel those for determining Commission action on an application filed under paragraph (d) of the rule.

A second revision of paragraph (g) of the rule provides that the Commission may grant or deny an application for a declaratory order on the basis of the notice or application filed by the SRO, by the person subject to the disqualification or by another applicant, such as the proposed employer, on behalf of such person. Paragraph (g) of the Rule formerly provided that the Commission could grant or deny an application under paragraph (d) on the basis of the papers filed by the "parties." Since the term "parties" was not defined in the Rule and therefore could have created some uncertainty, the Commission believes that it would be preferable to spell out its intention more clearly in this respect.

Finally, the Act does not address whether the Commission may exercise its veto authority under sections 6(c)(2), 15A(g)(2) and 17A(b)(4)(A) of the Act after expiration of the thirty day period following the Commission's receipt of notice from an SRO of a proposal to admit a disqualified person to membership, participation, or association with a member. [67] In addition, those provisions do not specify when, following the expiration of the minimum thirty day period, an SRO may admit such a person. Therefore, and in order to allow ample time for the Commission to consider the merits of a proposed admission when circumstances require a longer period of deliberation, the rule has been amended to provide that the Commission could, by written notice to the SRO, extend for up to sixty days beyond the initial minimum thirty day period, its consideration of the SRO's proposal. However, in the interests of fairness to the person seeking entry, the amendment also provides that during the Commission's extended consideration of whether to veto the SRO's proposal, the person may, if the SRO consents, temporarily commence his membership, participation or association with a member. [68] Such membership, participation or association would, of course, be required to terminate if the Commission determines to exercise its veto power during the extension period.

7. *Definition of "Control."* The Rule currently provides that notices need to be filed with the Commission with respect to a person associated with an exchange or securities association member if such person is in a control relationship with such member or controls an unregistered broker-dealer affiliated with the member. Commentators suggested that the definition of the term "control" should be changed so that the current presumption in the Rule based on a 10% voting or participation interest conforms with the 25% test in rule 19g2–1 under the Act. [69] The commentators expressed concern that the rule's 10% standard was unduly restrictive. [70] One commentator also suggested that there may be some conflict or ambiguity in the relationship between paragraph (a)(2)(ii) of the rule, which includes within the SRO's duties to file notices with the Commission unregistered non-member broker-dealers that are affiliated with

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action, the latter often may assume that, if and when he sought relief pursuant to the disqualifying order, his reentry conditions would also be primarily in the Commission's hands.

[64] Banks or separately identifiable departments or divisions of banks doing business as dealers in municipal securities are excluded from the broker-dealer registration requirements of section 15(b) but are required to register as municipal securities dealers under Section 15B. *See* Sections 3(a)(5) and 3(a)(30) of the Act.

[65] *See* section entitled "Background," *supra.*

[66] *See* paragraph (d)(3) of the rule.

[67] *See* Background section and n. 8, *supra.*

[68] *See* paragraph (a)(7) of the rule.

[69] NYSE and Amex Responses.

[70] See paragraph (a)(2) of the rule.

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SRO members and have statutory disqualifications, and rule 19g2–1, which (among other things) relieves the SRO's of their general enforcement obligations with respect to such broker-dealers.[71]

The Commission believes, however, that there are important distinctions between the policies underlying the two rules that merit different treatment. Rule 19g2–1 is intended to relieve SRO's of certain of their broad obligations to enforce the Act and the rules thereunder with respect to various classes of persons associated with members whether or not such persons are previously adjudicated offenders.[72] Rule 19h–1, on the other hand, only imposes on an SRO a limited duty—to report to the Commission an entry into the securities business—and that duty relates only to those who have found to have committed one or more significant violations of law or standards of business conduct. Because of the importance to the industry and public investors of the SRO's and the Commission's retaining close regulatory oversight concerning prior violators' participation in the securities business, and in light of the relatively small regulatory burdens that will be imposed on the Commission, SRO's and the industry, the Commission has taken the different approaches in Rule 19h–1 referred to by the commentators.

One Commentator suggested that, since the concepts of "associated persons" [73] and "control" have wide application, SRO's should be permitted to employ "realistic guideposts" in determining the applicability of the rule.[74] Under the Rule, the 10% criterion merely establishes a presumption of control that may be rebutted. Accordingly, in determining whether the presumption has been rebutted, or where the presumption is not applicable, the SRO's would be expected to employ realistic guideposts in reaching conclusions on the issue of control in specific cases.

Regulatory Flexibility Act Considerations

The Chairman has certified that the Rule amendments, if promulgated, will not have a significant economic impact on a substantial number of small entities. There were not any comments concerning the Chairman's certification that were received following publication of the Proposal Release.

[71] NYSE Response.

[72] *See* Securities Exchange Act Release No. 12994 (Nov. 15, 1976), 10 SEC Docket 998.

[73] NYSE Response.

[74] *See also* discussion in section C. 1., *supra*, concerning associated persons.

Statutory Basis

On the basis of the foregoing analysis and discussion and the Proposal Release, the Commission finds that the amendments to rule 19h–1 adopted hereby are consistent with the public interests, the protection of investors and the purposes of the Act. Overall, it is expected that the amendments to rule 19h–1 will reduce the barriers to entry or continuance in the securities industry and will result in a corresponding increase in competition in the industry. To the extent that the burdens on gaining entry or continuance in the securities industry may increase for certain individuals as a result of the amendments, such burdens on competition are necessary and appropriate in furtherance of the purposes of the Act.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The amendments to rule 19h–1 are promulgated under the Act, and particularly Sections 6, 15, 15A, 15B, 17, 17A, 19 and 23 thereof (15 U.S.C. 78f, 78*o*, 78*o*–3, 78*o*–4, 78q, 78q–1, 78s, and 78w). Therefore, the Commission is amending Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by revising § 240.19h–1 to read as follows:

§ 240.19h–1 Notice by a self-regulatory organization of proposed admission to or continuance in membership or participation or association with a member of any person subject to a statutory disqualification, and applications to the Commission for relief therefrom.

(a) *Notice of admission or continuance notwithstanding a statutory disqualification.*

(1) Any self-regulatory organization proposing, conditionally or unconditionally, to admit to, or continue any person in, membership or participation or (in the case of a national securities exchange or registered securities association) association with a member, notwithstanding a statutory disqualification, as defined in section 3(a)(39) of the Act, with respect to such person, shall file a notice with the Commission of such proposed admission or continuance. If such disqualified person has not consented to the terms of such proposal, notice of the organization's action shall be filed pursuant to rule 19d–1 under the Act and not this rule.

(2) With respect to a person associated with a member of a national securities exchange or registered securities association, notices need be filed with the Commission pursuant to this rule only if such person:

(i) Controls such member, is a general partner or officer (or person occupying a similar status or performing similar functions) of such member, is an employee who, on behalf of such member, is engaged in securities advertising, public relations, research, sales, trading, or training or supervision of other employees who engage or propose to engage in such activities, except clerical and ministerial persons engaged in such activities, or is an employee with access to funds, securities or books and records, or

(ii) Is a broker or dealer not registered with the Commission, or controls such (unregistered) broker or dealer or is a general partner or officer (or person occupying a similar status or performing similar functions) of such broker or dealer.

(3) A notice need not be filed with the Commission pursuant to this rule if:

(i) The person subject to the statutory disqualification is already a participant in, a member of, or a person associated with a member of, a self-regulatory organization, and the terms and conditions of the proposed admission by another self-regulatory organization are the same in all material respects as those imposed or not disapproved in connection with such person's prior admission or continuance pursuant to an order of the Commission under paragraph (d) of this section or other substantially equivalent written communication.

(ii) The self-regulatory organization finds, after reasonable inquiry, that except for the identity of the employer concerned, the terms and conditions of the proposed admission or continuance are the same in all material respects as those imposed or not disapproved in connection with a prior admission or continuance of the person subject to the statutory disqualification pursuant to an order of the Commission under paragraph (d) of this section or other substantially equivalent written communication and that there is no intervening conduct or other circumstance that would cause the employment to be inconsistent with the public interest or the protection of investors;

(iii) The disqualification consists of (A) an injunction from engaging in any action, conduct, or practice specified in section 15(b)(4)(C) of the Act, which injunction was entered 10 or more years prior to the proposed admission or continuance—*Provided, however*, That in the case of a final or permanent injunction which was preceded by a

preliminary injunction against the same person in the same court proceeding, such ten-year period shall begin to run from the date of such preliminary injunction—and/or (B) a finding by the Commission or a self-regulatory organization of a willful violation of the Act, the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or a rule or regulation under one or more of such Acts and the sanction for such violation is no longer in effect;

(iv) The disqualification previously (A) was a basis for the institution of an administrative proceeding pursuant to a provision of the federal securities laws, and (B) was considered by the Commission in determining a sanction against such person in the proceeding; and the Commission concluded in such proceeding that it would not restrict or limit the future securities activities of such person in the capacity now proposed or, if it imposed any such restrictions or limitations for a specified time period, such time period has elapsed;

(v) The disqualification consists of a court order or judgment of injunction or conviction, and such order or judgment (A) expressly includes a provision that, on the basis of such order or judgment, the Commission will not institute a proceeding against such person pursuant to section 15(b) or 15B of the Act or that the future securities activities of such persons in the capacity now proposed will not be restricted or limited or (B) includes such restrictions or limitations for a specified time period and such time period has elapsed; or

(vi) In the case of a person seeking to become associated with a broker or dealer or municipal securities dealer, the Commission has previously consented to such proposed association pursuant to section 15(b)(6) or 15B(c)(4) of the Act.

In the case of an admission to membership, participation, or association, if an exception provided for in this paragraph (a)(3) is applicable, the self-regulatory organization shall, pursuant to its rules, determine when the admission to membership, participation, or association shall become effective.

(4) If a self-regulatory organization determines to admit to, or continue any person in, membership, participation, or association with a member pursuant to an exception from the notice requirements provided in paragraphs (a)(3)(ii), (iv) or (v) of this section, such organization shall, within 14 calendar days of its making of such determination, furnish to the Commission, by letter, a notification setting forth, as appropriate:

(i) The name of the person subject to the statutory disqualification;

(ii) The name of the person's prospective and immediately preceding employers who are (were) brokers or dealers or municipal securities dealers;

(iii) The name of the person's prospective supervisor(s);

(iv) The respective places of such employments as reflected on the records of the self-regulatory organization;

(v) If applicable, the findings of the self-regulatory organization referred to in paragraph (a)(3)(ii) of this section and the nature (including relevant dates) of the previous Commission or court determination referred to in paragraph (a)(3)(iv) or (v) of this section; and

(vi) An identification of any other self-regulatory organization which has indicated its agreement with the terms and conditions of the proposed admission or continuance;

(5) If a notice or notification has been previously filed or furnished pursuant to this rule by a self-regulatory organization, any other such organization need not file or furnish a separate notice or notification pursuant to this rule with respect to the same matter if such other organization agrees with the terms and conditions of the membership, participation or association reflected in the notice or notification so filed or furnished, and such agreement is set forth in the notice or notification.

(6) The notice requirements of sections 6(c)(2), 15A(g)(2), and 17A(b)(4)(A) of the Act concerning an action of a self-regulatory organization subject to one (or more) of such sections and this paragraph (a) shall be satisfied by a notice with respect to such action filed in accordance with paragraph (c) of this section.

(7) The Commission, by written notice to a self-regulatory organization on or before the thirtieth day after receipt of a notice under this Rule, may direct that such organization not admit to membership, participation, or association with a member any person who is subject to a statutory disqualification for a period not to exceed an additional 60 days beyond the initial 30 day notice period in order that the Commission may extend its consideration of the proposal; *Provided, however,* That during such extended period of consideration, the Commission will not direct the self-regulatory organization to bar the proposed admission to membership, participation or association with a member pursuant to section 6(c)(2), 15A(g)(2), or 17A(b)(4)(A) of the Act, and the Commission will not institute proceedings pursuant to section 15(b) or 15B of the Act on the basis of such disqualification if the self-regulatory organization has permitted the admission to membership, participation or association with a member, on a temporary basis, pending a final Commission determination.

(b) *Preliminary notifications.* Promptly after receiving an application for admission to, or continuance in, participation or membership in, or association with a member of, a self-regulatory organization which would be required to file with the Commission a notice thereof pursuant to paragraph (a) of this section if such admission or continuance is ultimately proposed by such organization, the organization shall file with the Commission a notification of such receipt. Such notification shall include, as appropriate:

(1) The date of such receipt;

(2) The names of the person subject to the statutory disqualification and the prospective employer concerned together with their respective last known places of residence or business as reflected on the records of the organization;

(3) The basis for any such disqualification including (if based on a prior adjudication) a copy of the order or decision of the court, the Commission, or the self-regulatory organization which adjudicated the matter giving rise to the disqualification; and

(4) The capacity in which the person concerned is proposed to be employed.

(c) *Contents of notice of admission or continuance.* A notice filed with the Commission pursuant to paragraph (a) of this section shall contain the following, as appropriate:

(1) The name of the person concerned together with his last known place of residence or business as reflected on the records of the self-regulatory organization;

(2) The basis for any such disqualification from membership, participation or association including (if based on a prior adjudication) a copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such disqualification;

(3) In the case of an admission, the date upon which it is proposed by the organization that such membership, participation or association shall become effective, which shall be not less than 30 days from the date upon which the Commission receives the notice;

(4) A description by or on behalf of the person concerned of the activities engaged in by the person since the disqualification arose, the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person. This description shall be accompanied by a written statement submitted to the self-regulatory organization by the proposed employer setting forth the terms and conditions of such employment and supervision. The description also shall include (i) the qualifications, experience and disciplinary records of the proposed supervisors of the person and their family relationship (if any) to that person; (ii) the findings and results of all examinations conducted, during the two years preceding the filing of the notice, by self-regulatory organizations of the main office of the proposed employer and of the branch office(s) in which the employment will occur or be subject to supervisory controls; (iii) a copy of a completed Form U–4 with respect to the proposed association of such person and a certification by the self-regulatory organization that such person is fully qualified under all applicable requirements to engage in the proposed activities; and (iv) the name and place of employment of any other associated person of the proposed employer who is subject to a statutory disqualification (other than a disqualification specified in paragraph (a)(3)(iii) of this section);

(5) If a hearing on the matter has been held by the organization, a certified record of the hearing together with copies of any exhibits introduced therein;

(6) All written submissions not included in a certified oral hearing record which were considered by the organization in its disposition of the matter;

(7) An identification of any other self-regulatory organization which has indicated its agreement with the terms and conditions of the proposed admission or continuance;

(8) All information furnished in writing to the self-regulatory organization by the staff of the Commission for consideration by the organization in its disposition of the matter or the incorporation by reference of such information, and a statement of the organization's views thereon; and

(9) Such other matters as the organization or person deems relevant.

If the notice contains assertions of material facts not a matter of record before the self-regulatory organization, such facts shall be sworn to by affidavit of the person or organization offering such facts for Commission consideration. The notice may be accompanied by a brief.

(d) *Application to the Commission for relief from certain statutory disqualifications.* The filing of a notice pursuant to paragraph (a) of this section shall neither affect nor foreclose any action which the Commission may take with respect to such person pursuant to the provisions of section 15(b), 15B or 19(h) of the Act or any rule thereunder. Accordingly, a notice filed pursuant to paragraph (a) of this section with respect to the membership, participation, or association of any person subject to an "applicable disqualification," as defined in paragraph (f) of this section, may be accompanied by an application by or on behalf of the person concerned to the Commission for an order declaring, as applicable, that notwithstanding such disqualification, the Commission:

(1) Will not institute proceedings pursuant to section 15(b)(1)(B), 15(b)(4), 15(b)(6), 15B(a)(2), 15B(c)(2), 19(h)(2) or 19(h)(3) of the Act if such person seeks to obtain or continue registration as a broker or dealer or municipal securities dealer or association with a broker or dealer or municipal securities dealer so registered, or membership or participation in a self-regulatory organization;

(2) Will not direct otherwise, as provided in section 6(c)(2), 15A(g)(2) or 17A(b)(4)(A) of the Act; and

(3) Will deem such person qualified pursuant to Rule 15b8–2 under the Act or rule G–4 of the Municipal Securities Rulemaking Board under the Act.

If a Commission consent is required in order to render a proposed association lawful under section 15(b)(6) or 15B(c)(4) of the Act, an application by or on behalf of the person seeking such consent shall accompany the notice of the proposed association filed pursuant to paragraph (a) of this section. The Commission may, in its discretion and subject to such terms and conditions as it deems necessary, issue such an order and consent should the Commission determine not to object to the position of the self-regulatory organization set forth in the notice or application; *Provided, however,* That nothing herein shall foreclose the right of any person, at his election, to apply directly to the Commission for such consent, if he makes such application pursuant to the terms of an existing order of the Commission under section 15(b)(6) or 15B(c)(4) of the Act limiting his association with a broker or dealer or municipal securities dealer but explicitly granting him such a right to apply for entry or reentry at a later time.

(e) *Contents of application to the Commission.* An application to the Commission pursuant to paragraph (d) of this section shall consist of the following, as appropriate:

(1) The name of the person subject to the disqualification together with his last known place of residence or business as reflected on the records of the self-regulatory organization;

(2) A copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such "applicable disqualification";

(3) The nature of the relief sought and the reasons therefor;

(4) A description of the activities engaged in by the person since the disqualification arose;

(5) A description of the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person. This description shall be accompanied by a written statement submitted to the self-regulatory organization by the proposed employer setting forth the terms and conditions of such employment and supervision. The description also shall include (i) the qualifications, experience, and disciplinary records of the proposed supervisors of the person and their family relationship (if any) to that person; (ii) the findings and results of all examinations conducted, during the two years preceding the filing of the application, by self-regulatory organizations of the main office of the proposed employer and of the branch office(s) in which the employment will occur or be subject to supervisory controls; (iii) a copy of a completed Form U–4 with respect to the proposed association of such person and a certification by the self-regulatory organization that such person is fully qualified under all applicable requirements to engage in the proposed activities; and (iv) the name and place of employment of any other associated person of the proposed employer who is subject to a statutory disqualification (other than a disqualification specified in paragraph (a)(3)(iii) of this section);

(6) If a hearing on the matter has been held by the organization, a certified copy of the hearing record, together with copies of any exhibits introduced therein;

(7) All written submissions not included in a certified oral hearing record which were considered by the organization in its disposition of the matter;

(8) All information furnished in writing to the self-regulatory organization by the staff of the Commission for consideration by the organization in its disposition of the matter or the incorporation by reference of such information, and a statement of the organization's views thereon; and

(9) Such other matters as the organization or person deems relevant.

If the application contains assertions of material facts not a matter of record before the organization, such facts shall be sworn to by affidavit of the person or organization offering such facts for Commission consideration. The application may be accompanied by a brief. If any information called for in this paragraph (e) of this section is already contained in an application filed with the Commission in accordance with paragraph (b) of rule 15b8–2 under the Act concerning the same proposed employment, such information may be incorporated by reference in the application pursuant to this rule.

(f) *Definitions.* For purposes of this rule:

(1) The term "applicable disqualification" shall mean:

(i) Any effective order of the Commission pursuant to section 15(b) (4) or (6), 15B(c) (2) or (4) or 19(h) (2) or (3) of the Act—

(A) Revoking, suspending or placing limitations on the registration, activities, functions, or operations of a broker or dealer;

(B) Suspending, barring, or placing limitations on the association, activities, or functions of an associated person of a broker or dealer;

(C) Suspending or expelling any person from membership or participation in a self-regulatory organization; or

(D) Suspending or barring any person from being associated with a member of a national securities exchange or registered securities association;

(ii) Any conviction of injunction of a type described in section 15(b)(4) (B) or (C) of the Act; or

(iii) A failure under the provisions of Rule 15b8–2 under the Act or rule G–4 of the Municipal Securities Rulemaking Board under the Act, to meet qualifications standards, and such failure may be remedied by a finding or determination by the Commission pursuant to such rule(s) that the person affected nevertheless meets such standards.

(2) The term "control" shall mean the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise; *Provided, however,* That

(i) Any person who, directly or indirectly, (A) has the right to vote 10 percent or more of the voting securities, (B) is entitled to receive 10 percent or more of the net profits, or (C) is a director (or person occupying a similar status or performing similar functions) of a company shall be presumed to be a person who controls such company;

(ii) Any person not covered by paragraph (i) shall be presumed not to be a person who controls such company; and

(iii) Any presumption may be rebutted on an appropriate showing.

(g) Where it deems appropriate to do so, the Commission may determine whether to (1) direct, pursuant to section 6(c)(2), 15A(g)(2) or 17A(b)(4)(A) of the Act, that a proposed admission covered by a notice filed pursuant to paragraph (a) of this section shall be denied or an order barring a proposed association issued or (2) grant or deny an application filed pursuant to paragraph (d) of this section on the basis of the notice or application filed by the self-regulatory organization, the person subject to the disqualification, or other applicant (such as the proposed employer) on behalf of such person, without oral hearing. Any request for oral hearing or argument should be submitted with the notice or application.

(h) The Rules of Practice [17 CFR 201] shall apply to proceedings under this rule to the extent what they are not inconsistent with this rule.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 20, 1981.

[FR Doc. 81-34314 Filed 12-2-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This regulation will afford States for which SSA administers State supplementation payments under the Supplemental Security Income (SSI) program, the use of a regression formula in the computation of Federal fiscal liability (FFL) rates. Under the FFL concept, the Federal government assumes responsibility for Federal errors is State optional and mandatory supplementary payments discovered by its quality assurance system, which exceed the 4 percent tolerance for error established in the regulations. The regression formula is a mathematical means of determining the relationship between our original quality assurance findings and the results of an independent State review of a subsample of these same cases. The extent of differences derived from studying the subsample is projected to adjust the error rate in our total sample of cases. This is an alternative to the current method of correcting only the differences noted in the State's subsample, before we compute the FFL error rates. Use of the regression formula is at the option of the State, and is available beginning with 6-month sample periods beginning October 1, 1980.

EFFECTIVE DATE: This final regulation is effective December 3, 1981, but States may start applying it for 6-month sample periods beginning as early as October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Willie H. Dow, Room 3226 Annex Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 597–2516.

SUPPLEMENTARY INFORMATION: We published the interim rule providing for the use of the regression formula in the **Federal Register** on January 23, 1981 (46 FR 7269) with a 60-day comment period. Two comments were received and are discussed under the heading **Discussion of Comments.**

Background Information

Some States have enterd into agreements with the Secretary for us to administer their mandatory and optional supplementary payments in the SSI program. Part of our responsibility is to review a valid sample of cases for each 6-month period beginning in April and October of each year, and to compute our FFL if our error rate based on the review exceeds a prescribed standard (currently 4 percent). Additionally, a State may rereview a subsample of the cases we select. Traditionally, the States have chosen to rereview a small subsample of these cases. If we agree with a State's review findings, we revise our data base and compute our FFL by treating the State's findings as if they were our own on a case-by-case basis.

Recently the States, through the National Council of State Public Welfare Administrators (NCSPWA), have proposed the use of a mathematical regression formula to weight the value

of errors detected by a State in its subsample review. A regression methodology estimates the extent of differences in the full sample, whereas the present case-by-case methodology corrects only differences noted in the State's subsample of our sample. The regression formula produces a statistically valid error rate for the total sample without having to subject to rereview every case in the quality assurance sample. The effect of using the regression formula in any particular FFL determination will be to raise, lower, or not change original error rate projections.

Historically, the quality assurance systems in SSI and in AFDC have been similar. The regression formula has been used for some time in the AFDC program. The States have requested that the use of the regression formula be an available option in the SSI program. Accordingly, we have amended § 416.2086(h)(2) to allow a State, at its option, to use the regression formula for 6-month sample periods beginning October 1, 1980.

Discussion of Comments

We received two comments on the interim rule published on January 27, 1981 (46 FR 7269). One comment was entirely favorable and requires no response. That commenter stated that he is pleased to see the publication of the regulation on the regression formula because it resulted from negotiations between NCSPWA and SSA.

The other commenter stated that there is no documentation in any Department of Health and Human Services publication supporting our statement that use of the regression formula will increase accuracy of the payment error rate finding used for the Federal fiscal liability determination.

Experience in using the regression formula in the AFDC program demonstrates the formula to be a statistically proper method for taking into account, and adjusting for fallibility and possible bias that may occur in the initial review. However, to avoid misunderstanding, we have made minor editorial changes in the interim regulation as published to clarify our definition of the regression formula.

Use of the regression formula is not mandatory, but rather at the option of the State. A State is free to exercise its option to use the regression formula in any 6-month sample period. Any State which believes that the formula does not suit its needs or budget conditions, or will not adequately reflect the differences detected in rereview may refrain from exercising the option. The State then may have its Federal fiscal liability determined under the present case-by-case methodology if it chooses to rereview cases at all.

Certification under Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major regulation. In addition, we certify that this regulation does not have a significant economic impact on small entities because its use is optional by States and it affects only HHS error rates. There are no recordkeeping or reporting requirements requiring OMB clearance.

Accordingly, this regulation is adopted with minor editorial changes as set forth below.

(Secs. 1102 and 1631 of the Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1745, as amended; 42 U.S.C. 1302 and 1383)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: September 16, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: November 13, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended at § 416.2086 by revising paragraph (h)(2) to read as follows:

§ 416.2086 Federal liability when error rate in payment of federally administered State supplementation exceeds national standard.

* * * * *

(h) * * *

(2) *Adjustment to liability.* If a State's finding in a case differs from ours and if we agree that the State is correct, we will use this revised finding in computing FFL. We will then determine our liability—

(i) By treating the State's findings on cases that we agree upon as if they were the findings of our sample review; or

(ii) At the State's option, through the use of a regression formula as specified in the Federal-State agreement. For purposes of this section, a regression formula is a mathematical means of determining the relationship between the original findings of the Federal quality review and the results of an independent State rereview of a subsample of the same cases. The extent of differences derived from the subsample is projected to adjust the error rates in the total sample of cases selected for quality review. This option is available for 6-month sample periods beginning on or after October 1, 1980.

[FR Doc. 81-34716 Filed 12-2-81; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 75-237]

Drawbridge Operation Regulations; Opening Signals for Drawbridges

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations governing the operation of drawbridges by establishing standard opening and acknowledging signals for most of the drawbridges throughout the country. A diverse range of opening and acknowledging signals has been employed for many of these drawbridges. By eliminating this potential source of uncertainty and confusion for the mariner, these regulations should contribute to safer conditions on the nation's waterways. In addition, these amendments consolidate into a general section certain provisions that apply to a large number of drawbridges, such as those allowing the use of radiotelephone communication in lieu of sound and visual signals, and those prohibiting a vessel from attempting to pass through the draws of a bridge unless an opening signal has been received.

DATES: This amendment is effective on February 8, 1982.

Comments on revisions made in this final rule that were not discussed in the notice of proposed rulemaking must be received on or before January 18, 1982.

ADDRESS: Comments should be mailed to Commandant (G-CMC/44) (CGD 75-237), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Thursday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/14), Room 1420, Department of Transportation, Coast Guard Headquarters, 2100 Second

Street, SW., Washington, D.C. 20593 (202–426–0942).

SUPPLEMENTARY INFORMATION: The Coast Guard published a Notice of Proposed Rulemaking concerning this amendment on June 26, 1980 (45 FR 43226). The public was invited to submit comments on the proposal by September 1, 1980. Sixty-one comments were received. Twenty-four of these either agreed with the proposal in all particulars, or expressed no objection to it. The remaining comments generally favored the proposal, but recommended certain revisions. These comments are discussed below in the same order as the sections of the rule to which they pertain.

One comment included a request that a public hearing be held on this rulemaking. In light of the substantial information that has been provided through written comments, the Coast Guard did not consider it necessary to hold a public hearing, as it could not be expected to generate significant additional information. *Drafting Information:* The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

§ *117.b Signals.*

(a) Sound signals. Several comments recommended substitution of the expression "prolonged blast" for "long blast" in paragraph (a). A long blast was defined in the proposal as being of three seconds duration. The comments noted that "long blast" is not found in the Navigation Rules, but that "prolonged blast" is defined in these rules as a blast of four to six seconds duration. Because there is no official definition of "long blast," the Coast Guard has adopted "prolonged blast" in these final rules, giving it the same definition that it has in the Navigation Rules.

Several comments recommended that megaphones and bells be eliminated from the list of permissible signaling devices in paragraph (a). Some contended that drawtenders may have difficulty hearing signals given on these devices. Others questioned how a distinct long or short blast could be produced by them. The final rules have been changed to eliminate bells in order to preserve their uniqueness as fog signaling devices. Megaphones have not been eliminated from the list of permissible devices, as they are useful in times of emergency when other signaling devices are unavailable or malfunctioning.

One comment recommended that only signaling devices that are capable of producing 120 decibels of sound at the source be permitted. Another recommended that devices with an audible range of three miles be required. These characteristics for sound producing devices are specified in the Navigation Rules. The requirements vary according to vessel size. It would be inadvisable to include these details in the drawbridge operation regulations in order to keep them as simple as possible. The recommendations have therefore not been adopted.

One comment objected to the proposed requirement that signaling devices other than those specified be capable of "producing sound that can be clearly heard." This was felt to be too subjective a standard. The Coast Guard would be reluctant to phrase the audibility requirement with any greater specificity in the drawbridge operation regulations, as it is a subject that is treated, and properly belongs, in the Navigation Rules. The proposed language has therefore been retained.

Several comments objected to the proposed opening signal of one long blast followed by one short blast. One stated that this signal is presently used between vessels and tugs to maneuver. No confirmation of this could be found in the Navigation Rules. Others stated that one long and one short blast resembles the towing signal. Article 15(e) of the Inland Rules defines the signals for vessels towing or in tow as one prolonged and two short blasts. There should be no difficulty distinguishing this from the proposed opening signal. Several parties recommended the adoption of alternate signals presently used in their parts of the country. The Coast Guard has decided to retain the opening signal originally proposed, modified by the substitution of prolonged blast for long blast, as previously discussed. As stated in the Notice of Proposed Rulemaking, the uniqueness of this signal, and its suitability for its intended function justify its adoption nationwide.

One comment, suggesting that the interval between the long and short blast of the opening signal should be better defined, recommended that it be expressed as "one long blast followed immediately by one short blast." This recommendation has not been adopted. The Coast Guard is unaware of any problems with the proposed singal on those bridges where it is already used. The fact that the short blast should immediately follow the long blast is implied in the identification of these sounds as part of the same signal.

Several comments recommended that drawtenders be required to immediately acknowledge opening signals. It was felt that this would reduce the need for vessels to circle or take other evasive maneuvers while awaiting a response from the bridge. This would allow them to promptly pass through the draw when the bridge is opened, minimizing the disruption to land traffic. The Coast Guard recognizes the need for the drawtender to provide a prompt response, and has therefore adopted in these final rules a requirement that acknowledging signals be given not more than 30 seconds after the receipt of opening signals.

One comment suggested that the acknowledging signal should differ from the opening signal to allow drawtenders on consecutive bridges to distinguish vessel from bridge signals. This has not been adopted, as it would unduly complicate signalling procedures to benefit a relatively small number of bridges.

One comment recommended the addition of a provision specifying that vessels may pass through the draws of open, unmanned bridges without receiving an acknowledging signal. The final rules have been so amended.

Several comments recommended that five short blasts be substituted for four short blasts as the acknowledging signal when the draw cannot be opened immediately or is open and must be closed immediately. Four blasts were originally proposed to conform to the danger signal in Article 17, Rule III of the Inland Rules. These have since been amended and placed in substantial conformity with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), which, in rule 34(d) prescribes five or more short blasts as a danger signal. The new rules are to take effect in December, 1981. In anticipation of this development, the recommended change in being adopted in these final rules.

One comment questioned whether four blasts must be given by the drawtender whenever a bridge is closed. This signal need only be given in response to an opening signal from a vessel if the draw cannot open immediately or is open and must close immediately.

One comment recommended that the word "immediately" be eliminated from the heading of paragraphs (a)(2)(i), (a)(2)(ii), (b)(2)(i), and (b)(2)(ii), which prescribe acknowledging signals for drawbridges. It was felt that this terminology would require immediate openings, and would not take proper account of the time lag needed for land

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traffic to clear the bridge. The phrase "as soon as possible" was suggested as an alternative. This terminology has not been adopted, as it does not provide sufficient guidance to vessel operators and bridge tenders. However, the word "promptly" has been substituted for "immediately" to imply that some delay would be tolerated.

Another comment recommended that a provision be added requiring drawbridges to open immediately upon signal to maintain waterway navigability. This recommendation has not been adopted. As noted above, immediate openings cannot be provided in all instances, as some allowance must be made for vehicular traffic to clear the bridge. Occasionally, openings must also be delayed to allow emergency vehicles to pass.

Several comments recommended that vessels be required to signal when they have cleared a draw in order to avoid premature closings. The Coast Guard considers it unnecessary to impose this additional signalling requirement. The drawtender's visual observations should provide sufficient precaution against premature closings.

A number of comments recommended the adoption of signals that differ from those originally proposed. With the two exceptions noted above, the Coast Guard has retained the proposed signals, as they are felt to offer the least likelihood of confusion with signals given different meaning under the Navigation Rules.

(b) Visual signals. One comment recommended that visual signals be allowed whenever their use would be appropriate. It was noted that the proposal would only allow the use of visual signals when adverse weather conditions prevent sound signals from being heard, or when sound producing devices are malfunctioning. Other situations were described that might warrant the use of visual signals, such as when ambient noise levels are high, or when occupied vessels are moored close by at night. Paragraph (b) has been revised to broaden the range of situations that are cited as making the use of visual signals appropriate.

One comment recommended that the minimum range of visibility for visual signals be expanded from one-half mile to two miles. This recommendation has not been adopted, as the benefits that could be derived from added visibility are not considered sufficient to justify the expense for altering structures and installing more powerful lights.

One comment noted that some bridges presently use cylinders, balls, or other devices instead of lights and flags to give visual signals, and recommended that these still be allowed. The Coast Guard is willing to allow the use of devices other than flags and lights that are capable of rendering the same signal, especially where these have been previously used. The parenthetical note in paragraphs (b)(1) and (b)(2)(ii) has been revised to reflect this.

One comment recommended that flashing lights be principally used on bridges as signalling devices, and that the manual display of flags or lights only be allowed in the case of equipment failure. This recommendation has not been adopted. It would impose an unreasonable expense on bridge owners, especially on those whose bridges cross waterways that carry only occasional vessel traffic.

One comment recommended that visual signals be given only through the use of revolving lights with interchangeable lenses in three standard colors. This recommendation has not been adopted. The Coast Guard wishes to provide vessel and bridge owners with greater flexibility in the procurement and use of signalling devices and limit the expenses necessary to comply with these regulations.

One comment opposed the substitution of visual signals for sound signals, citing the dangers drawtenders incur in manually displaying visual signals during inclement weather. The Coast Guard has found that visual signals must be allowed. As discussed above, sound signals are ineffective or inappropriate in some situations. Bridges can be equipped with mechanical devices to eliminate the need for drawtenders to display visual signals manually. If this is not possible, drawtenders should be instructed to exercise sufficient caution to reduce the likelihood of mishaps.

One comment recommended that visual signals not apply to automated bridges. These are bridges that are not continually manned, but are equipped with opening mechanisms that are activated through a sound signal. The Coast Guard recognizes that an exception must be made for these bridges, not only in regard to visual signals, but sound signals as well. This is because they may be activated by signals that differ from those under consideration. As a consequence, signalling provisions have been retained within the individual operation regulations for all automated bridges.

One comment objected to the proposed use of a white light as an opening signal at night. It was felt that the drawtender could confuse this with other lights on the water. The Coast Guard is unaware of any problems with white lights at the numerous bridges where they are presently required. The majority of vessels that are equipped with lights for signalling purposes are most likely to have white lights. This is also the color light that is probably most readily available. The Coast Guard would be reluctant to impose a requirement for different equipment without a clearer showing that a problem exists.

One comment recommended that two green lights flashing alternately should be substituted for a white light as the acknowledging signal when the draw will be opened. It was noted that this signal is familiar to many users of United States waterways. Paragraph (b)(1) has been revised to allow the acknowledging signal to be given with a white or green light.

Several comments recommended a change in the provision in paragraph (b)(2)(ii) requiring vessels to acknowledge visual signals from the bridge "with the same signal." Some felt this could be misinterpreted as requiring vessels to be equipped with the same signalling devices, such as elaborate arrays of flashing lights. Others noted that pleasure craft might not be equipped with red flags, lanterns, or other devices employed on the bridge. Paragraph (b)(2)(ii), as well as paragraph (a)(2)(ii) containing a parallel provision on sound signals, have been revised to allow a vessel to acknowledge a bridge signal with "a signal that carries the same meaning." This would clarify the fact that similar devices need not be used, and would permit visual signals to be acknowledged with sound signals if conditions so allow, thus affording vessel operators maximum flexibility.

(c) Draw will not open. One comment stated that this paragraph's prohibition on vessel passage should not restrict a vessel from moving into fenderings or other bridge protection structures to await bridge openings under safe conditions. The paragraph has been revised to allow such maneuvers.

(d) Radiotelephones. Two comments recommended that all drawbridges be required to have radiotelephones. This recommendation has not been adopted. Many bridges do not have sufficient vessel traffic passing through them to warrant the use of radiotelephones. Nearly all of the bridges that could benefit from radiotelephones already have them installed. It should be noted that the Commandant of the Coast Guard need only require the installation of radiotelephones under 33 CFR 117.1(e) upon a finding that their use

would be essential for navigation or safety.

One comment stated the substitution of radiotelephone communication for sound and visual signals should not be permitted. Signals were considered less likely to be misunderstood than oral communication. It was also noted that the extended range afforded by radiotelephone communication may result in premature drawbridge openings disrupting vehicular traffic. Because it is less formal than exchanging signals, it was also felt that radiotelephone communication would cause the vessel operator to be less cautious in navigating through the draw. The Coast Guard has not adopted this recommendation, as it has no evidence that problems have been found on the numerous bridges that have been equipped with radiotelephones. In fact, radiotelephones have enhanced safety on waterways crossed by bridges where they are in use.

A number of comments objected to the proposed requirement for vessels to monitor the radiotelephone channel selected for communication with the drawtender until they have cleared the draw. Some contended that there is no need to communicate with the drawtender once the bridge has been opened. Others noted that masters must monitor other channels simultaneously in some locations. The monitoring requirement has been retained in these final rules. It is felt that the majority of transits are so short that this requirement is not unreasonable. Monitoring allows vessel operators and drawtenders to make rapid changes in the transiting sequence if unforeseen developments arise.

A number of comments recommended that specific channels be assigned for radiotelephone communication between vessel and bridge. The Coast Guard has no authority to do this, as it is a function that is only exercised by the Federal Communications Commission. Furthermore, in light of regional variations in the use of certain channels, it would be ill advised to designate these nationwide.

One comment requested publication of VHF channel numbers used to request bridge openings. As this is general information that is not regulatory in nature, it would be an unnecessary addition to the Code of Federal Regulations. This information could be more effectively disseminated at the Coast Guard District level through the Local Notice to Mariners.

One comment recommended that a prescribed format be adopted for radiotelephone communications. This would require that specific language be used to request or acknowledge an opening. The Coast Guard considers this unnecessary in light of its interest in keeping these regulations as simple as possible. It would also disregard regional variations that might exist in the format of radiotelephone communications.

One comment recommended that if paragraph (d) is adopted, allowing radiotelephone communications to be substituted for sound and visual signals, 33 CFR 117.1(e) should be amended. This provision describes radiotelephone communication as serving a supplementary role. It has been amended as suggested.

(e) Contiguous drawbridges. One comment recommended that a "progressive numeric" system of signalling be adopted for bridges in close proximity to one another. Presumably, this would require an increasing or decreasing number of blasts for successive bridges. A similar method of signalling is already employed on a number of contiguous drawbridges. The Coast Guard does not consider this change necessary for the small number of bridges that employ other techniques.

One comment recommended that once an opening signal has been given for a bridge, it should be eliminated for subsequent bridges in close proximity. It was felt that drawtenders should be able to provide openings on the basis of their visual observations. By eliminating excessive noise, the recommended change was described as being beneficial to shoreside residents and occupants of neighboring vessels at anchor. This recommendation has not been adopted. It is necessary for communications to be established between the vessel and each drawtender, as vehicular traffic conditions on subsequent bridges may delay their openings. The recommended change might also result in unnecessary openings for vessels intending to anchor between bridges.

Miscellaneous comments. Two comments questioned the need for nationwide uniformity in drawbridge signals, and requested that the Great Lakes region be excluded from this scheme. As stated in the Notice of Proposed Rulemaking, uniform signals will eliminate one source of confusion for mariners, thus contributing to safer conditions on the nation's waterways. Wide support for this aspect of the proposal was expressed by those submitting comments.

One comment recommended that the uniform signals apply to all drawbridges in the country. The Coast Guard does not agree with this recommendation for two reasons. First, there are a number of close proximity drawbridges in several metropolitan areas. If all of these bridges were required to open on the same signal, this could be quite confusing, and the Coast Guard's position is that different signals should be used for each bridge. The second group of drawbridges that should not require standard signals are those that are automated. Several of these bridges have been programmed to open on different signals. The Coast Guard feels that reprogramming these bridges would be an unnecessary expense to the bridge owner. The operation of these bridges is governed by the following sections, in all of which signalling provisions have been retained:

§ 117.75 Boston Harbor.
§ 117.78 Cape Cod Canal.
§ 117.130 Pequonnock River, et al.
§ 117.429 St. Johns River.
§ 117.432 Matanzas River.
§ 117.435 Indian River.
§ 117.436a Loxahatchee River.
§ 117.491 Mobile River.
§ 117.550 Cedar Bayou.
§ 117.554 Victoria Channel.
§ 117.556 Ark and White River.
§ 117.604 Illinois River.
§ 117.640a Duluth Superior Harbor.
§ 117.650 Manitowoc River.
§ 117.655 Milwaukee River, et al.
§ 117.660 Root River.
§ 117.663 Chicago River.
§ 117.670 Calumet River.
§ 117.711 Cerritos Channel.
§ 117.740 Youngs Bay.
§ 117.750 Willamette River, et al.
§ 117.760 Columbia and Snake Rivers.
§ 117.770 Willapa Harbor.
§ 117.775 Grays Harbor.
§ 117.785 Tacoma Harbor.
§ 117.790 Duwamish Slough.
§ 117.805 Snohomish River.
§ 117.900 Honolulu.

Several comments recommended that additional signalling provisions in the operation regulations for individual bridges be deleted with the adoption of these rules. As a result of these comments, and its own review of the existing regulations, the Coast Guard is deleting the following provisions that were not included in the notice of proposed rulemaking:

§ 117.156(d)
§ 117.310(c)
§ 117.706(b)(2)
§ 117.706a (a)(4) (5), and (b)(3)
§ 117.761(b)

As none of the bridges governed by these sections are automated or in close proximity to other bridges, they should properly be subject to the standard signals being established. However, since prior notice of these revisions has not been provided, the Coast Guard

invites the public to comment upon them on or before February 1, 1982. All comments submitted will be reviewed to determine whether any further modifications are necessary.

In addition, § 117.555(b) is being revised to eliminate a cross reference to paragraph (d), which is being deleted under these rules. A similar revision is being made to eliminate the cross reference to paragraph (i) in § 117.50(b), the cross reference to paragraph (d) in § 117.555(b) and the cross reference to paragraph (c)(2)(ii) in § 117.690(e).

The following provisions proposed for revision or deletion in the Notice of Proposed Rulemaking will not be modified under these final rules because they pertain to bridges which are either in close proximity to other bridges, or which would have difficulty adopting the standard signals being established:

§ 117.432 (c)(1)(i) and (c)(2)(i)
§ 117.670 (d) and (e)
§ 117.770(a) (2), (3) and (4)
§ 117.775 (a) (2) and (3)
§ 117.790 (b), (c), and (d)
§ 117.805 (b)(1)(i), (b)(1)(ii), and (b)(2)

One comment recommended a delay in the implementation of these rules so that the public can become accustomed to them. As stated above, they will not become effective until January 1, 1982, which is beyond the close of the present boating season. This will afford all Coast Guard Districts ample opportunity to inform the public of these changes through the Local Notice to Mariners, mailings, and radio broadcasts. This will also afford bridge owners or operators ample time to modify or augment their signalling devices if this is necessary.

This amendment has been reviewed and determined to be neither a major rule under Executive Order 12291, nor significant under the Department of Transportation's Policies and Procedures for Simplification, Review and Analysis of Regulations (DOT Order 2100.5). A final evaluation has been prepared and included in the public docket. This may be obtained from the Marine Safety Council (G–CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. As the notice of proposed rulemaking was issued before January 1, 1981, this rulemaking is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and these rules are not expected to have a significant effect on small entities.

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. By removing and reserving paragraph (d) of § 117.1.

§ 117.1 [Amended]

* * * * *

(d) [Reserved].

2. By revising the introductory paragraph and paragraph (4) of § 117.1(e) to read as follows:

§ 117.1 General.

* * * * *

(e) The Commandant may require the owner or operator to install and operate one or more radiotelephone stations of appropriate characteristics on a drawbridge upon finding that for navigation or safety it is essential that a means other than sound or visual signals be available to request openings of the draw.

(1) * * *

(4) The provisions of this section are not intended to restrict the voluntary installation and operation of radiotelephone stations on drawbridges.

3. By adding a new § 117.1b to read as follows:

§ 117.1b Signals.

(a) *Sound signals.* Sound signals shall be the primary signals to be used if weather conditions will permit sound signals to be heard by the drawtender and by the vessel operator. A prolonged blast shall be of four to six seconds duration and a short blast shall be of approximately one second duration. These signals may be made by a whistle, or horn, by shouting through a megaphone, or by other similar devices producing sound that can be clearly heard. If a drawbridge does not have sound signals individually specified in this Part, the following signals shall be used:

(1) Signal to request opening of draw. One prolonged blast followed by one short blast.

(2) Acknowledging signal by the drawtender.

(i) When the draw will be opened immediately. One prolonged blast followed by one short blast, sounded not more than 30 seconds after the opening signal.

(ii) When the draw cannot be opened promptly or is open and must be closed promptly. Five short blasts, sounded in rapid succession not more than 30 seconds after the opening signal, repeated at regular intervals until acknowledged by a signal which has the same meaning from the vessel. As soon as the draw can be opened the drawtender shall sound the opening signal and open the draw for any vessel waiting to pass.

(b) *Visual signals.* These signals shall be used if weather, noise, or other conditions may prevent sound signals form being heard or if sound producing devices are not properly functioning. Sound signals may be used in conjunction with visual signals. If a drawbridge does not have visual signals individually specified in this Part, the following shall be used:

(1) Signal to request opening of draw. A white flag of sufficient size to be readily visible for a distance of one-half mile by day or a white or green light of sufficient intensity to be readily visible for a distance of one-half mile by night, raised and lowered vertically in full sight of the drawtender, repeated until acknowledged by the drawtender (mechanical devices or other objects using fixed or flashing lights which produce essentially the same signal, are permitted).

(2) Acknowledging signal by the drawtender.

(i) When the draw will open promptly. Same as signal to request opening, displayed not more than 30 seconds after the opening signal.

(ii) When the draw cannot open promptly or is open and must be closed promptly. A red flag of sufficient size to be readily visible for a distance of one-half mile by day or a red light of sufficient intensity to be readily visible by night, swung back and forth horizontally in full sight of the vessel not more than 30 seconds after the opening signal is observed, and repeated until acknowledged by the vessel with a signal which carries the same meaning (mechanical devices or other objects using fixed or flashing lights which produce essentially the same signal, are acceptable). As soon as the draw can open, the drawtender shall give the opening signal and open the draw for any vessels waiting to pass.

(c) *Draw will not open.* When the signal from the bridge indicates that the draw will not open, the vessel shall not attempt to pass the closed draw until an opening signal is received from the bridge. However, if there is sufficient room, the vessel may advance into the fender system until the draw opens.

(d) *Radiotelephones.* When the request for draw opening and the answering acknowledgement is given by radiotelephone, sound or visual signals need not be used. Both vessel and bridge must continue to monitor the selected channel until the vessel has cleared the draw. If radiotelephone contact cannot be maintained, sound or visual signals shall be used.

(e) *Contiguous drawbridges.* When a vessel wishes to pass two or more drawbridges close together, the opening signal shall be given for the first bridge After acknowledgement from the first bridge that it will open promptly the opening signal shall be given for the second bridge and so on until all bridges that the vessel desires to pass have been given the opening signal and have acknowledged that they will open promptly

(f) *Vessels approaching a drawbridge.* When two or more vessels are approaching the same drawbridge at nearly the same time from the same or opposite directions with the draw open or closed, each of these vessels shall signal independently for the opening of the draw, and the drawtender shall reply in turn to the signal of each vessel.

(g) When a vessel approaches a drawbridge in the open position, the vessel shall sound the opening signal. If no response is received, the vessel may proceed through the draw.

4. By removing and reserving the following paragraphs:

§ 117.8(b)
§ 117.10(c)
§ 117.20(c)
§ 117.25 (b), (c), and (f)
§ 117.35(a) (1), (2), and (3)
§ 117.50(i)
§ 117.55(a)(5)
§ 117.60(i)
§ 117.65 (d) and (e)
§ 117.80(c)
§ 117.81(d)
§ 117.85(b)
§ 117.87(a)
§ 117.90(c)
§ 117.95 (a)(2), (b)(7) and (b)(8)
§ 117.100(b)
§ 117.105(e)
§ 117.110(c)
§ 117.115(a)
§ 117.125 (a)(2) and (b)(4)
§ 117.135 (b) and (c)
§ 117.145(c)
§ 117.150 (a) and (b)
§ 117.155(c)
§ 117.156(d)
§ 117.160(d)
§ 117.165(c)
§ 117.175(f)
§ 117.180(h)
§ 117.185(g)
§ 117.200(d)
§ 117.210(c)
§ 117.215(c)
§ 117.220(e)
§ 117.227 (a) and (b)
§ 117.235(c)
§ 117.235a (a) and (b)
§ 117.240 (b), (c) and (h)
§ 117.270(c)
§ 117.280(b)
§ 117.285(b)
§ 117.310(c)
§ 117.340 (b), (c) and (h)
§ 117.349 (a) and (b)
§ 117.555(d)
§ 117.605(b)
§ 117.642(c)
§ 117.643(d)(2)
§ 117.644a(b)
§ 117.645(b)
§ 117.652(c)
§ 117.676(d)
§ 117.690(c)
§ 117.692(e)
§ 117.695 (b), (c) and (d)
§ 117.696 (c) and (d)
§ 117.697(d)
§ 117.700 (c) and (d)
§ 117.702(c)
§ 117.703(c)
§ 117.705(d)
§ 117.705a(c)
§ 117.705b(c)
§ 117.706(a) (2), (3), (4), and (b)(2)
§ 117.706a (4) (5), and (b)(3)
§ 117.707a (c), (d), (e) and (f)
§ 117.709(d)
§ 117.710(b)
§ 117.715(a)
§ 117.716 (a)(1)(iv) and (b)(1)
§ 117.759a(b)
§ 117.759b(e)
§ 117.761(b)
§ 117.765(a) (2) and (3)
§ 117.776(b)
§ 117.784 (b)(2) and (d)(2)
§ 117.795(c)
§ 117.800(b)
§ 117.801(b)(2)

§ 117.5 [Amended]

5. In § 117.5(a) by replacing the colon after the word "minutes" with a period and removing all the remaining language in the paragraph.

§ 117.15 [Amended]

6. In § 117.15 by removing the last sentence.

§ 117.50 [Amended]

7. In § 117.50(b) by removing the words "when the signal prescribed in paragraph (i) of this section for the opening of the draw is received" and inserting in their place "upon signal."

§ 117.55 [Amended]

8. In § 117.55(a)(1) by removing the words "upon receipt of the signal prescribed in paragraph (a)(5) of this section" and inserting in their place "upon signal."

§ 117.65 [Amended]

9. In § 117.65(b) by removing the words, "upon the signal prescribed in paragraphs (d) and (e) of this section being given."

§ 117.135 [Amended]

10. In § 117.135(a) by removing the words "upon a signal given by three short blasts (each of about two seconds duration) of a horn or steam whistle" and inserting in their place "upon signal."

§ 117.156 [Amended]

11. In § 117.156(c) by removing the words "after giving a signal of three distinct blasts of a horn, whistle or megaphone, repeated at intervals when necessary until answered from the bridges" and inserting in their place "on signal."

§ 117.220 [Amended]

12. In § 117.220(c) by removing the first sentence.

§ 117.230 [Amended]

13. In § 117.230(a)(2) by replacing the comma after the word "draw" with a period, and removing all the remaining language in the paragraph.

§ 117.305 [Amended]

14. By revising paragraph (a) of § 117.305 to read as follows:

(a) From 5 a.m. to 6:30 a.m., 9:30 a.m. to 4 p.m., and 6 p.m. to 9 p.m., the draw shall open on signal.

§ 117.442 [Amended]

15. In § 117.442(a) by removing the words "need open on signal of three blasts of a whistle, horn or by shouting" and inserting in their place "need only open on signal."

§ 117.442 [Amended]

16. In § 117.442(b) by removing the last sentence.

§ 117.442(a) [Amended]

17. In § 117.442a(a) by removing the words "of three blasts of a whistle, horn or by shouting."

18. In § 117.442a(b) by removing the last sentence.

§ 117.443 [Amended]

19. In § 117.443(a) by removing the words "of three blasts of a whistle, horn or by shouting."

20. In § 117.443(b) by removing the last sentence.

§ 117.555 [Amended]

21. In § 117.555(b) by removing the words "prescribed in paragraph (d) of this section."

22. In § 117.555 (e) and (f) by removing the words "as prescribed in paragraph (d) of this section."

§ 117.643 [Amended]

23. In § 117.643(b)(3) by inserting a period after the word "season" and removing all the remaining language in the paragraph

§ 117.690 [Amended]

24. In § 117.690(e) by removing the last sentence.

§ 117.725 [Amended]

25. In § 117.725(a)(1) by removing all language after the word "upon" and inserting in its place the word "signal" followed by a period.

§ 117.755 [Amended]

26. In § 117.755(a)(1) by removing all language after the word "upon" and inserting in its place the word "signal" followed by a period.

§ 117.765 [Amended]

27. In § 117.765(a)(4) by removing the words "(paragraphs (a)(2)(ii), (2)(iv), (3)(ii), and (3)(iv) of this section)."

§ 117.801 [Amended]

28. In § 117.801(c) by removing the last sentence.

§ 117.805 [Amended]

29. In § 117.805(b)(1)(i) by capitalizing the first letter of the word "distinctive" and removing all preceding language in the paragraph.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2): 49 CFR 1.46(c)(5))

Dated: September 17, 1981.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 81-34777 Filed 12-2-81; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket RM 77-17A]

Registration of Claims to Renewal of Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office of the Library of Congress is adopting a final rule with respect to renewal registration practices and procedures under section 304(a) of the Copyright Act of 1976, title 17 of the United States Code. That section pertains to claims to renewal copyright in works for which first term copyright subsisted on January 1, 1978. The effect of the proposed regulation is to prescribe conditions for the registration of such claims to renewal copyright.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380.

On October 6, 1981, there was published in the **Federal Register** (46 FR 49145) a notice of a proposed rule governing registration of claims to renewal copyright under section 304(a) of the Copyright Act of 1976, title 17 of the United States Code. Interested persons were given 30 days in which to comment on the proposed rule.

One comment letter was received, which opposed adoption of that portion of the proposed rule governing renewal registration for works eligible for United States copyright under the Universal Copyright Convention (U.C.C.), as implemented in title 17 of the United States Code in effect on December 31, 1977. Specifically, the comment suggested that original term registration should be required for U.C.C. works as a condition for securing renewal term registration. The comment also objected to the provision for renewal registration for U.C.C. works without deposit of a complete copy, under certain circumstances.

The Copyright Office agrees that original term registration could be required for U.C.C. works, consistent with our U.C.C. obligations, as a condition precedent for renewal registration (not, of course, as a condition of protection for the original term itself). However, a comment submitted during an earlier phase of this rulemaking proceeding (**Federal Register** notice of January 5, 1978, 43 FR 964; see the discussion of this point at 46 FR 49146) argued that original term registration should not be required of *any* renewal claimant. While the Copyright Office rejected and continues to reject that contention, we concluded that some accommodation for U.C.C. works would be appropriate in view of the history and spirit of the U.C.C. and the unfamiliarity of foreigners with our registration requirements.

The Copyright Office notes that the proposed rule clearly requires deposit of one complete copy, if available, to accompany a renewal claim for a U.C.C. work not registered for the original term. It is only if the deposit copy is *unavailable* that resort can be had to alternative forms of submission to substantiate the existence of the copyright. Rather than deal with such cases under the special relief provision of 37 CFR 202.20(d), the Office has proposed a specific rule as part of this renewal registration regulation. It is anticipated that the provision for alternative forms of submission will be invoked rarely.

The comment also suggested that the Office provide by regulation for acceptance of renewal applications by hand-delivery until twelve midnight on December 31. The Office in fact does make special arrangements for Library of Congress special police to accept renewal applications until midnight on December 31. However, these arrangements require the cooperation of staff not under the control of the Copyright Office, and we have decided not to specify such arrangements in a Copyright Office regulation.

Accordingly, the proposed rule is hereby adopted without change and is set forth below.

(17 U.S.C. 304, 205, 702, and 708)

Dated: November 16, 1981.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congess.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Part 202 of 37 CFR, Chapter II, is amended by revising 202.17 to read as follows:

§ 202.17 Renewals.

(a) *General.* This section prescribes rules pertaining to the application for renewal copyright under section 304(a) of title 17 of the United States Code, as amended by Pub. L. 94-553.

(b) *Definition.* For purposes of this section, the term "posthumous work" means a work that was unpublished on the date of the death of the author and with respect to which no copyright assignment or other contract for exploitation of the work occurred during the author's lifetime.

(c) *Renewal Time-Limits.* (1) For works originally copyrighted between January 1, 1950 and December 31, 1977, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year of the copyright, and runs through December 31, of the 28th year of the copyright. The original copyright term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required applicaton and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, the copyright in the unrenewed work terminates at the expiration of twenty-eight years from the end of the calendar year in which copyright was originally secured. The Copyright Office has no discretion to extend the renewal time limits.

(2) The provisions of paragraph (c)(1) of this section are subject to the following qualification: In any case where the year date in the notice on copies distributed by authority of the copyright owner is earlier than the year of first publication, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year from the year contained in the notice, and runs through December 31 of the 28th year from the year contained in the notice.

(3) Whenever a renewal applicant has cause to believe that a formal application for renewal (Form RE), and in the case of works under paragraph (d)(2) of this section, an accompanying affidavit and submission relating to the subsistence of first-term copyright, if sent to the Copyright Office by mail, might not be received in the Copyright Office before expiration of the time limits provided by 17 U.S.C., section 304(a), he or she may apply for renewal registration by telegraphic or similar unsigned written communication. An application made by this method only will be accepted if: (i) The message is received in the Copyright Office within the specified time limits; (ii) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; (iii) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired; and (iv) a formal application for renewal (Form RE), and in the case of works under paragraph (d)(2) of this section, an accompanying affidavit and submission relating to subsistence of the first-term copyright are also received in the Copyright Office before February 1 of the following year.

(d) *Original Registration.* (1) Except as provided by paragraph (d)(2) of this section, copyright in a work will not be registered for a renewal term unless an original registration for the work has been made in the Copyright Office.

(2) An original registration in the Copyright Office is not a condition precedent for renewal registration in the case of a work in which United States copyright subsists by virtue of section 9(c) of title 17 of the United States Code, in effect on December 31, 1977 (which implemented the Universal Copyright Convention) provided, however, that the application for renewal registration is accompanied by:

(i) An affidavit identified as "Renewal Affidavit for a U.C.C. Work" and containing the following information:

(A) The date of first publication of the work;

(B) The place of first publication of the work;

(C) The citizenship of the author on the date of first publication of the work;

(D) The domicile of the author on the date of first publicaton of the work;

(E) An averment that, at the time of first publication, all the copies of the work published under the authority of the author or other copyright proprietor bore the symbol c accompanied by the name of the copyright proprietor and the year of first publication, and that United States copyright subsists in the work;

(F) The handwritten signature of the renewal claimant or the duly authorized agent of the renewal claimant. The signature shall (*1*) be accompanied by the printed or typewritten name of the person signing the affidavit and by the date of the signature; and (*2*) shall be immediately preceded by the following printed or typewritten statement in accordance with section 1746 of title 28 of the United States Code: I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

(ii) A submission relating to the notice of copyright and copyrightable content which shall be, in descending order of preference, comprised of:

(A) One complete copy of the work as first published; or

(B) (*1*) A photocopy of the title page of the work as first published, and

(*2*) A photocopy of the page of the work as first published bearing the copyright notice, and

(*3*) A specification as to the location, relative to each other, of the title and notice pages of the work as first published, if the pages are different, and

(*4*) A brief description of the copyrightable content of the work, and

(*5*) An explanation of the inability to submit one complete copy of the work as first published; or

(C) A statement describing the position and contents of the copyright notice as it appeared on the work as first published, and a brief description of the copyrightable content. The statement shall be made and signed in accordance with paragraph (d)(2)(i)(F) of this section and shall also include an explanation of the inability to submit either one complete copy of the work as first published or photocopies of the title and notice pages of the work as first published.

(e) *Application for Renewal Registration.* (1) Each application for renewal registration submitted on or after January 1, 1978 shall be furnished on Form RE. Copies of Form RE are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(2) (i) An application for renewal registration may be submitted by any eligible renewal claimant as specified in paragraph (f) of this section or by the duly authorized agent of any such claimant.

(ii) An application for renewal registration shall be accompanied by a fee of $6. The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (A) A designation of whether the applicant is the renewal claimant, or the duly authorized agent of such claimant (whose identity shall also be given); (B) the handwritten signature of such claimant or agent, accompanied by the typewritten or printed name of that person; (C) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (D) the date of certification.

(iii) In the case of an application for renewal registration for a foreign work protected under the U.C.C. which has not been the subject of an original copyright registration, the application shall be accompanied by a "Renewal Affidavit for a U.C.C. Work" and a submission relating to the notice of copyright and the copyrightable content in accordance with paragraph (d)(2) of this section.

(3) Once a renewal registration has been made, the Copyright Office will not accept a duplicate application for renewal registration on behalf of the same renewal claimant.

(f) *Renewal Claimants.* (1) Except as otherwise provided by paragraphs (f)(2) and (3) of this section, renewal claims may be registered only in the name(s) of the eligible person(s) falling within one of the following classes of renewal claimants specified in section 304(a) of the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

(i) In the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, the renewal claim may be registered in the name of the proprietor;

(ii) In the case of any work copyrighted by a corporate body (otherwise than as assignees or licensees of the individual author) or by an employer for whom such work is made for hire, the renewal claim may be

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registered in the name of the proprietor; and

(iii) In the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the renewal claim may be registered in the name(s) of the following person(s) in descending order of eligibility:

(A) the author of the work, if still living;

(B) the widow, widower, or children of the author, if the author is not living;

(C) the author's executors, if there is a will and neither the author nor any widow, widower, or child of the author is living;

(D) the author's next of kin, in the absence of a will and if neither the author nor any widow, widower, or child of the author is living.

(2) The provisions of paragraph (f)(1) are subject to the following qualification: Notwithstanding the definition of "posthumous work" in paragraph (b) of this section, a renewal claim may be registered in the name of the proprietor of the work, as well as in the name of the appropriate claimant under paragraph (f)(1)(iii), in any case where a contract for exploitation of the work but no copyright assignment in the work has occurred during the author's lifetime. However, registration by the Copyright Office in this case should not be interpreted as evidencing the validity of the claim.

(3) The provisions of paragraphs (f)(1)(iii)(C) and (D) of this section are subject to the following qualifications:

(i) In any case where: (A) the author has left a will which names no executor; (B) the author has left a will which names an executor who cannot or will not serve in that capacity; or (C) the author has left a will which names an executor who has been discharged upon settlement of the estate or removed before the estate has been completely administered, the renewal claim may be registered either in the name of an administrator cum testamento annexo (administrator c.t.a.) or an administrator de bonis non cum testamento annexo (administrator d.b.n.c.t.a.) so appointed by a court of competent jurisdiction;

(ii) In any case described in paragraph (f)(3)(i) of this section, except in the case where the author has left a will without naming an executor and a court appointed administrator c.t.a. or administrator d.b.n.c.t.a. is in existence at the time of renewal registration, the renewal claim also may be registered in the name of the author's next of kin. However, registration by the Copyright Office of the conflicting renewal claims in these cases should not be interpreted as evidencing the validity of either claim.

[FR Doc. 81-34693 Filed 12-2-81; 8:45 am]
BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1969-5]

State and Federal Administrative Orders Revising Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (EPA) approves the Michigan Air Pollution Control Commission's (Commission) request for a revision to the Michigan State Implementation Plan (SIP). The revision is contained in a Final Order issued by the Commission replacing the federally approved Final Order (APC No. 08-1979) for the Dundee Cement Company.

On August 11, 1980 (45 FR 53137), EPA approved a site-specific revision to Michigan's SIP for Total Suspended Particulates (TSP) for the Dundee Cement Company (Company) in Monroe County, Michigan. On January 14, 1981, the Michigan Department of Natural Resources (MDNR) submitted a new Stipulation for Entry of Consent Order and Final Order, APC No. 16-1980. The new Order replaces the previous order's compliance date of December 31, 1983 with earlier final compliance dates of December 31, 1980 for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases and December 31, 1981 for visible emission reductions from the Company's cement kilns. The purpose of today's rulemaking is to announce approval of the new order providing an earlier compliance schedule. This action will be effective on February 1, 1982, unless notice is received within 30 days that someone wishes to submit critical or adverse comments.

DATE: This action is effective February 1, 1982.

ADDRESSES: Copies of the SIP revision available for review at the following places.

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments on this action should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region 5, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6037).

SUPPLEMENTARY INFORMATION: The Dundee Cement plant is located on Day Road, Monroe County, in a designated attainment area for TSP (45 FR 45993). The nearest primary particulate nonattainment areas are approximately 35 km northeast and south of the plant, with the closet secondary particulate nonattainment area being approximately 6 km east.

The new order APC No. 16-1980, replaces APC No. 08-1979, the Previous Stipulation for Entry of Consent Order and Final Order, and changes Paragraphs 4, 6, 8, 9, 10, 11, and 12.

The Commission's Rules R 336.1301 and R 336.1331 set forth the visible particulate matter emission limitations for cement kilns in the State of Michigan. The new order, paragraph 5(h), states that after December 31, 1980, particulate matter emissions from the Company's two cement kilns shall not exceed 0.20 pounds per 1,000 pounds of exhaust gases. Paragraph 5(i) of the order provides that after December 31, 1981 visible emissions (excluding water vapor) from the Company's cement kilns shall not exceed 20 percent opacity except that visible emissions of not more than 40 percent opacity (excluding water vapor) are allowed for not more than three minutes in any 60-minute period, but such emissions shall not be allowed on more than three occasions during any 24-hour period. The revision does not relax the TSP emission limits, or opacity requirements of Michigan's federally approved SIP as established by the requirements of APC 08-1979.

EPA takes action today to approve APC No. 16-1980, as a revision to the Michigan SIP. EPA believes that this action is a noncontroversial rulemaking, since the new order requires earlier compliance with Michigan's TSP mass emission and opacity SIP requirements

than the previous order and provides for attainment and maintenance of the TSP National Ambient Air Quality Standards.

This action will be effective 60 days from the date of this Federal Register notice. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981, (46 FR 8709) that approvals or conditional approvals of SIPs under Sections 110 and 172 of the Clean Air Act and revisions of attainment status designations under Section 107(d) would not, if promulgated, have a significant economic impact on a substantial number of small entities. Today's action approves an action submitted pursuant to the provisions of Section 110 of the Act. It imposes no new requirements beyond those which the State has already imposed.

Under Executive Order 12291, (46 FR 13193) EPA must also judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it merely approves a State action for one source. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceeding brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act (42 U.S.C. Section 7410))

Dated: November 19, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

Section 52.1170 is amended by adding paragraph (c)(40) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(40) Revised compliance schedules were submitted by the State of Michigan, Department of Natural Resources (MDNR) to EPA on January 14, 1981, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 16—1980, adopted November 19, 1980). The revised Order provides an earlier final compliance date of December 31, 1980 for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases and December 31, 1981 for visible emission reductions from the Company's cement kilns.

* * * * *

2. In § 52.1175(e), the entry in the table for "Dundee Cement Company" is revised to read as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
•	•	•	•	•
MONROE COUNTY.				
•	•	•	•	•
Dundee Cement Co.	Dundee	336.1301 and 336.1331	Nov 19, 1980	Dec. 31, 1981.

[FR Doc. 81-34381 Filed 12-2-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 52

Grants to for-Profit Organizations; Implementing Amendments

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This issuance amends 42 CFR Part 52 applicable to grants made for research projects under sections 301 and 356 of the Public Health Service Act to delete the prohibition on eligibility for research awards to entities that are organized or operated for profit. Elsewhere in this issue of the Federal Register is a final rule which, among other things, amends 42 CFR Part 87 to allow for-profit organizations to apply for health research and demonstration grants under section 20 of the Occupational Safety and Health Act and section 501 of the Federal Mine Safety and Health Act.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas D. Shoe, Director, Division of Grants and Contracts, Office of Resource Management, OM, Room 18A-19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301-443-6630).

SUPPLEMENTARY INFORMATION: On February 28, 1980 the Public Health Service (PHS) published in the Federal Register (45 FR 13200) a notice inviting public comment on whether to change the PHS policy which precluded organizations operated for profit from applying for and receiving financial assistance awards (grants and cooperative agreements) for research activities under the following authorities: sections 301, 340, 356, and 404 of the PHS Act (42 U.S.C. 241, 256, 263d, and 285), section 20 of the Occupational Safety and Health Act (29 U.S.C. 669), and section 501 of the Federal Mine Safety and Health Act (30 U.S.C. 951).

After consideration of all comments received, the PHS published a notice in the Federal Register of April 6, 1981 (46 FR 20603) that eligibility would be extended to for-profit organizations, but that this eligibility would not become effective until existing regulations precluding awards to for-profit organizations were amended. This notice also prescribed special conditions under which assistance awards would be made to for-profit organizations. In terms of public reaction to the special conditions, the only concern related to the proposed rights-in-data requirement from the standpoint of the Government's access to data developed under an award. Upon further consideration, the Secretary has determined that for-profit organizations will be subject to the same administrative policies on this issue that are currently applicable to nonprofit institutions—as set forth in 45 CFR Part 74, Administration of Grants.

Except for rights-in-data, the remaining special conditions from the April 6 notice are now being proposed for use throughout HHS and will be included in an NPRM amending 45 CFR Part 74.

Until such time as 45 CFR Part 74 is amended, the remaining conditions in the April 6 notice, repeated below, will be applied to individual award notices. Office of Management and Budget Circular FMC 73–3 (A–100) Cost Sharing on Federal Research has been rescinded; therefore, reference to it has been deleted from the cost sharing condition. However, the legal requirement for cost sharing remains in the Department's appropriation act.

For-profit organizations will be subject to the same administrative requirements currently applicable to nonprofit institutions, with five exceptions. They are described briefly below. A more complete explanation of these exceptions and their effects is contained in a Notice of Proposed Rulemaking published elsewhere in this issue of the **Federal Register**.

a. *Cost Principles*—There are no cost principles applicable to for-profit organizations receiving financial assistance awards. Therefore, the cost principles for Contracts with Commercial Organizations set forth in 41 CFR Subpart 1–15.2 will be used. PHS has elected the option provided in 41 CFR Subpart 1–15.102 of not authorizing independent research and development costs. For hospitals, cost principles referenced in 45 CFR 74.173 will apply.

b. *Property*—Title to real property, equipment, and supplies acquired by a for-profit recipient under a financial assistance award or subaward shall vest upon acquisition in the Federal Government. The transfer, sale or other disposition of the property will be determined by the awarding office. Recipients will also be required to comply with the equipment management requirements of § 74.140 of Subpart O of 45 CFR Part 74.

c. *Cost Sharing*—The legal requirements for cost sharing will be met through separate cost sharing agreements negotiated for each research project. Cost sharing amounts will be determined in accordance with Department of Health and Human Services policy.

d. *Patents and Inventions*—The requirements set forth in 45 CFR Parts 6 and 8 as implemented by PHS govern the development and reporting of patents and inventions. Disposition of royalties or equivalent income earned on patents and inventions arising out of activities developed under financial assistance awards or subawards shall be governed by determinations made or agreements entered into under 45 CFR Parts 6 and 8 on a case-by-case basis only.

e. *General Program Income*—The additional costs alternative described in 45 CFR 74.42(e) is not an allowable alternative.

Amendments to the affected regulations are described briefly as follows:

Part 52 of Title 42, Code of Federal Regulations, which implements sections 301 and 356 of the PHS Act, is amended to remove the prohibition in § 52.3 that excepts for-profit organizations from eligibility for grant awards. In addition, in view of the promulgation of Department-wide regulations governing debarment and suspension (45 CFR Part 76), a pre-existing provision dealing with disqualification of more limited scope has been deleted from § 52.3.

Section 340 of the PHS Act does not have implementing regulations to amend. Legislative authority for this section has been extended for one year, to expire September 30, 1982. Applicant eligibility will be provided for when regulations are published.

Section 404 of the PHS Act does not have implementing regulations for the research listed under this authority and no research awards are made that use this authority. Unless and until such time as implementing regulations for research are issued for section 404, applicant eligibility is not an issue.

Elsewhere in this issue of the **Federal Register** is a final rule which, among other things, amends 42 CFR Part 87 to allow for-profit organizations to apply for health research and demonstration grants under section 20 of the Occupational Safety and Health Act and section 501 of the Federal Mine Safety and Health Act.

Because both the number of small businesses able to take advantage of this new eligibility and the impact on existing grantees are likely to be small, the Department of Health and Human Services has determined that this final rule will not significantly impact a substantial number of small entities and therefore does not require preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act.

The Department has also determined that this final rule is not a "major rule" under Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more, result in significant adverse effects in competition, or otherwise meet the thresholds established in the Executive Order. Therefore, preparation of a regulatory impact analysis is not required.

Accordingly, Title 42 of the Code of Federal Regulations is amended as set forth below:

Dated: October 5, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: November 10, 1981.

Richard S. Schweiker,

Secretary.

PART 52—GRANTS FOR RESEARCH PROJECTS

Section 52.3 is amended by revising the introductory text of paragraph (a), (a)(1), and (a)(2) to read as follows:

§ 52.3 Who is eligible to apply for a grant?

(a) *Persons eligible.* Any individual, corporation, public or private institution or agency, or other legal entity shall be eligible for a grant award except:

(1) An individual or entity which is otherwise ineligible for an award under applicable law or regulation, and

(2) Federal agencies or institutions unless specifically authorized by law to receive the grant.

* * * * *

(Sec. 215, 58 Stat. 690, as amended, 63 Stat. 835 (42 U.S.C. 216))

[FR Doc. 81–34718 Filed 12–2–81; 8:45 am]

BILLING CODE 4160–17–M

Centers for Disease Control

42 CFR Parts 55, 86, and 87

National Institute for Occupational Safety and Health; Revision of Grant Regulations

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This rule (1) revises the research and demonstration grant regulations of NIOSH to conform them to HHS's general grants administration regulation (45 CFR Part 74), and (2) implements NIOSH's authority to award grants for health research in all types of mining. This rule also reflects the Secretary's decision to change the policy which precluded organizations operated for profit from applying for and receiving PHS grants. This particular amendment is published elsewhere in this issue of the **Federal Register** along with similar amendments to various other parts of Title 42. Editorial changes have been made to delete duplicative administrative provisions and to consolidate NIOSH research and

demonstration project grant regulations into a single regulation. This rule is part of HHS's commitment to reduce the size of its program grant regulations and to bring about greater uniformity in the rules that govern the rights and obligations of the HHS granting agencies and their grantees.

DATE: Effective date: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Roger A. Nelson, Grants Administration and Review Branch, NIOSH, Rockville, MD 20857. Phone: (301) 443–4493.

SUPPLEMENTARY INFORMATION: On August 2, 1978 (43 FR 34076), HHS revised its general grants administration regulation (45 CFR Part 74) to provide uniform basic administrative provisions for virtually all HHS grants. Since that time, the Department has been systematically purging its program grant regulations of provisions that duplicate or conflict with 45 CFR Part 74. On March 13, 1980 (45 FR 16209), NIOSH proposed to revise the grant regulations affecting its programs as follows:

1. *42 CFR Part 55, Grants for Advancement of Health in Coal Mining*—NIOSH proposed to revoke Part 55 and combine the provisions pertaining to grants for health research in coal mining with the provisions of 42 CFR Part 87 (see below).

2. *42 CFR Part 86, Grants for Education Programs in Occupational Safety and Health*—All provisions that duplicate or conflict with 45 CFR Part 74 were deleted. The provisions pertaining to grantee eligibility, applications, program requirements, evaluation criteria, restrictions on use of grant funds, and applicable regulations were rewritten in updated language and standardized format.

3. *42 CFR Part 87, Grants for Research and Demonstrations Relating to Occupational Safety and Health*—The provisions in Part 87 pertaining to grantee eligibility, applications, program requirements, evaluation criteria, restrictions on use of grant funds, and applicable regulations were combined with those similar provisions from Part 55 in a revised Part 87 entitled "National Institute for Occupational Safety and Health Research and Demonstration Grants." In addition, provisions for awarding grants for health research in all types of mining were included. All provisions that duplicate or conflict with 45 CFR Part 74 were deleted.

A 45-day period was provided for the public to comment on the proposal, and no comments were received. The revisions to Parts 55 and 87 are being adopted as proposed with minor editorial changes for clarification. The reporting requirements contained in these parts have been reviewed and approved by the Office of Management and Budget (OMB Approval No. 0925–0001). This program is not subject to OMB Circular A–95 (revised) nor Health Systems Agency review.

It has been determined that the training grant application requirements as proposed in Part 86 would require approval by the Office of Management and Budget (OMB). In addition, NIOSH recently reported on the effectiveness of its Educational Resource Center (ERC) grant program. Evaluation findings indicate that modifications to the structure of the ERC program are needed. However, any modifications and subsequent OMB clearances must await evaluation of the NIOSH report. Therefore, the revisions proposed to 42 CFR Part 86 on March 13, 1980 (45 FR 6209), are not being adopted at this time.

The Department of Health and Human Services has determined that this document will not significantly impact on small entities and therefore does not require preparation of a Regulatory Flexibility Analysis under the Regulatory Flexibility Act, Pub. L. 96–354.

PART 55 [Removed]

Accordingly, Part 55 of Title 42, Code of Federal Regulations, is hereby removed, and Part 87 of Title 42 is retitled and revised as set forth below:

(Catalog of Federal Domestic Assistance Program No. 13.282, Occupational Safety and Health Research Grants)

Dated: June 30, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: November 10, 1981.

Richard S. Schweiker,

Secretary.

PART 87—NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND DEMONSTRATION GRANTS

Sec.

87.1 To which programs does this regulation apply?
87.2 Definitions.
87.3 Who is eligible to apply for a grant under this part?
87.4 For what purposes may grants be awarded?
87.5 What information must be included in the grant application?
87.6 How will grant applications be evaluated and the grants awarded?
87.7 For what period of time will grants be awarded?
87.8 How may a grantee use grant funds?
87.9 Which other HHS regulations apply?

Authority: Sec. 8(g), 84 Stat. 1600 (29 U.S.C. 657(g)), sec. 508, 83 Stat. 803 (30 U.S.C. 957).

§ 87.1 To which programs does this regulation apply?

This regulation applies to research and demonstration project grants under: (a) Section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)) for the support of studies related to occupational safety and health, and (b) section 501 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951) for the support of health research in mining. These grants are awarded and administered by the National Institute for Occupational Safety and Health, Centers for Disease Control, of the Public Health Service.

§ 87.2 Definitions.

As used in this regulation:

"Demonstration project grant" means an award of funds to an eligible applicant to assist in meeting the cost of conducting a demonstration, either on a pilot or full-scale basis, of the technical or economic feasibility or application of a new or improved procedure, method, technique, or approach that will further the research purposes described in § 87.4.

"Principal investigator" for a research project, or "project director" for a demonstration project, means a single individual who is responsible for the scientific and technical direction of the project.

"Research project grant" means an award of funds to an eligible applicant to assist in meeting the costs of conducting an identified research activity or program, study, or experiment that will further the research purposes described in § 87.4.

"Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

§ 87.3 Who is eligible to apply for a grant under this part?

Any public or private agency or institution is eligible to apply for a grant under this part, except Federal agencies or institutions not specifically authorized by law to receive such a grant.

§ 87.4 For what purposes may grants be awarded?

(a) The Occupational Safety and Health Act authorizes grants for research, experiments, and demonstrations relating to occupational safety and health, including studies of the psychological factors involved. This authority includes projects to develop innovative methods, techniques, and approaches for dealing with

occupational safety and health problems.

(b) The Federal Mine Safety and Health Act authorizes grants for research projects designed to:

(1) Improve working conditions and practices affecting health in coal or other mines and to prevent occupational diseases originating in the mining industry.

(2) Develop epidemiological information to (i) identify and define positive factors involved in occupational diseases of miners, (ii) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of miners, and (iii) improve health standards.

(3) Develop techniques for the prevention and control of occupational diseases of miners, including tests for hypersusceptibility and early detection.

(4) Evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease.

(5) Study the relationship between coal or other mine environments and occupational diseases of miners.

(6) Study matters involving the protection of life and the prevention of diseases in connection with persons who, although not miners, work with or around the products of coal or other mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.

(7) Develop effective respiratory equipment.

§ 87.5 What information must be included in the grant application?

The application must contain a complete description of the objective of the project and the plan for carrying out the research or demonstration, the name and qualifications of the principal investigator or project director and principal staff members, the total resources and facilities that will be available, and a justification of the amount of grant funds requested.

§ 87.6 How will grant applications be evaluated and the grants awarded?

(a) The Secretary may award grants to those applicants whose approved projects will best promote the purposes of either the Occupational Safety and Health Act or the Federal Mine Safety and Health Act on the basis of an evaluation conducted by experts or consultants engaged for this purpose.

(b) This evaluation will take into account the scientific merit and significance of the project, the competency of the proposed staff in relation to the type of research or demonstration involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, the adequacy of the applicant's resources available for the project, the amount of grant funds necessary for completion, and for mining grant applications, the recommendations of the Mine Health Research Advisory Committee.

(c) The Secretary may evaluate and approve two or more concurrent applications, each dealing with one or more specified aspects of the project, and make two or more concurrent grant awards for the project. This may be necessary when a project involves a number of different but related problems, activities, or disciplines which would require evaluation by different groups, or when support for a project could be more effectively administered by separate handling of various aspects of the project.

§ 87.7 For what period of time will grants be awarded?

(a) The notice of grant award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 3–5 years.

(b) Generally, the grant will initially be for 1 year and subsequent continuation awards will also be for 1 year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of such awards will be of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application, nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

§ 87.8 How may a grantee use grant funds?

A grantee shall only spend funds it receives under this part according to the approved application and budget, the authorizing legislation, the terms and conditions of the grant award, the applicable cost principles specified in Subpart Q of 45 CFR Part 74, and the regulations of this part.

§ 87.9 Which other HHS regulations apply?

Several other regulations apply to grants under this part. These include, but are not limited to:

42 CFR Part 50—Subpart D—PHS grant appeals procedure.
45 CFR Part 16—Department grant appeals process.
45 CFR Part 46—Protection of human subjects.
45 CFR Part 74—Administration of grants.
45 CFR Part 75—Informal grant appeals procedures (indirect cost rates and other cost allocations).
45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81—Practice and procedure for hearings under Part 80.
45 CFR Part 84—Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 91 [1]—Nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance from HHS.

[FR Doc. 81-34717 Filed 12-2-81; 8:45 am]
BILLING CODE 4160-19-M

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Public Notice of Changes in Method or Level of Reimbursement

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: Current regulations require that Medicaid State agencies give 60 days public notice of certain proposed changes in the Statewide method or level of reimbursement for Medicaid services. These amended rules eliminate reference to a set waiting period between the date of public notice and the proposed effective date of the change. In addition, the regulations clarify that the public notice provision applies only to significant changes in methods and standards for setting payment rates.

We expect this revision in the regulations will reduce the regulatory burden on the States and allow them greater flexibility in developing reimbursement methodologies and in adjusting reimbursement rates in response to changing fiscal situations. At the same time, it retains a public notice requirement to assure that

[1] Refer to 45 CFR Part 90 until Part 91 is issued.

interested parties are informed of Medicaid reimbursement changes.

EFFECTIVE DATE: December 3, 1981. Although these regulations are final, we will consider any written comments received by March 3, 1982 and will revise the regulations if necessary.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO–25–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., SW., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: William Hickman, 301–594–9101.

SUPPLEMENTARY INFORMATION:

I. Background

On April 6, 1979, we issued final regulations that require Medicaid agencies to give public notice at least 60 days before certain proposed changes in Medicaid reimbursement levels or methods are effective (see 44 FR 20693). These regulations are authorized under sections 1902(a)(4)(A) and 1902(a)(30) of the Social Security Act and are codified at 42 CFR 447.205.

The 60-day public notice is required for proposed reimbursement changes that:

1. Would either:

a. Affect the general method of payment to all providers of a particular service; or

b. Affect the level of payments for a particular service; for example, a change in the maximum allowable rate under a Statewide schedule of usual and customary charges due to an adjustment of the percentile ceiling; and

2. Would be projected to affect a State's Medicaid expenditures for a particular service by one percent or more during the 12 months following the effective date of change.

The notice must describe the change, give an estimate of the expected annual increase or decrease in expenditures, and explain why the agency is changing its reimbursement methodology or level. The location, date, and time of any public hearings must also be included. Public comments must be solicited and an address given where the comments may be viewed by the public. A local agency in each county must have a copy of the proposed change for public review.

The notice must be published by the Medicaid agency in a State register similar to the **Federal Register** or in the newspaper of widest circulation in each city with a population of 50,000 or more. If there is no city with a population of 50,000 or more, the notice must be published in the newspaper of widest circulation in the State. At the time of publication, the proposed change must be sent to the HCFA Regional office.

The current regulations were intended to help restrain the rapid increase in health care costs and to give the public an opportunity to comment on proposed changes in order to bring new ideas, concerns, and information to the attention of the State Medicaid agency.

II. Problems Identified Through Public Comments

When the current regulations were published as a notice of proposed rulemaking (NPRM) on May 12, 1978 (43 FR 20516), a majority of the States responded unfavorably. Their main concerns were that the 60-day public notice provision limits States' abilities to make timely changes, duplicates requirements of State administrative procedure acts, and is administratively burdensome.

The States believe that the current regulations are inflexible because they make no provision for legislatively mandated reimbursement changes that must be implemented immediately. Also, the States are unable to change rapidly their reimbursement levels in response to crises, thus causing budgetary complications.

Of the 34 States that commented on the NPRM, 26 stated that they already had procedures in place to notify the public of reimbursement changes. Often these procedures are codified in State administrative procedure acts. The requirements imposed by the 60-day public notice regulations are duplicative, overlapping, and sometimes in conflict with these State procedural requirements.

The States also cited the increased administrative costs associated with implementing these regulations. The detailed requirements (publication of the notice and analyzing and responding to public comments) may force States to hire additional professional and clerical staff. A further expense is the actual cost of preparing and publishing the public notice. The States also commented on how broadly the regulations are written, requiring the States to publish notices on a large number of routine reimbursement changes.

Several States contend that the regulations do not really help contain health care costs (the justification for the regulations). They suggest that no State operating under the tight fiscal constraints that exist today is interested in increasing unnecessarily Medicaid provider fees. In fact, the 60-day public notice requirement could very well promote increased Medicaid costs by delaying proposed reimbursement decreases and imposing unnecessary administrative costs.

We also received comments on the NPRM from providers, health care provider organizations, and beneficiary and welfare rights organizations. Many of the providers responded unfavorably because they believed the regulations impose a needless obstacle to increasing provider reimbursement rates. They contend that providers are rarely reimbursed the full amount of their costs and these regulations only delay much needed reimbursement increases.

On the other hand, health care provider organizations such as the American Medical Association and the American Hospital Association supported the regulations as giving a public forum for discussion of Medicaid reimbursement levels. In addition, beneficiary groups and welfare rights organizations favored the 60-day public notice provision because it allows Medicaid beneficiaries and their advocates a chance to comment on proposed reimbursement changes.

Decision To Proposed Revocation of the Current Regulations

These current regulations have been criticized by States as an example of Federal requirements that impose a regulatory burden on the States without a comparable return in the form of decreased health care costs. There is no statutory requirement that a 60-day public notice provision be imposed on the States. Therefore, in an NPRM published September 16, 1981 in the **Federal Register** (46 FR 45964), we proposed to delete these regulations. Generally, this action would not deprive the public of an opportunity for input into reimbursement decisions since more States have their own procedures in effect that allow for public participation. We expected that rescission of these regulations would ease the States' regulatory burden and

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allow them the flexibility to respond timely to both legislative and fiscal mandates concerning Medicaid reimbursement levels.

III. Discussion of Public Comments

We received 149 comments from health care providers and provider organizations, Medicaid agencies, beneficiary organizations and legal services, health care consultants, Members of Congress, the State Medicaid Directors Association, and the National Governors Association. Approximately 20 commenters favored the proposed rescission while the remainder opposed the changes or suggested revision of the regulation instead of revocation. A discussion of the recommendations and comments follows.

1. *Comment:* Almost two-thirds of the commenters believed that revocation of the public notice regulations would deprive providers and beneficiaries of adequate notice of program changes and their right to comment on those changes. They are concerned that in this period of cutbacks and transition in State Medicaid programs, a safeguard is needed to ensure that proposed changes in Medicaid reimbursement methods are logical and carefully considered. Without the protection of the 60-day notice regulations, these commenters fear that State reimbursement decisions will be made with little or no input from those individuals and groups that are most affected by them.

Response: The large number of comments from providers and beneficiary groups indicates that there is serious concern about the future of State Medicaid programs in a period of fiscal crisis. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) imposes a Federal funding reduction on State Medicaid programs effective October 1, 1981. It also provides the States with additional flexibility, including flexibility in setting reimbursement methods, to enable them to modify their programs to be more cost effective.

Since publication of the NPRM proposing to rescind the 60-day notice regulations, we have published interim final regulations that implement the two recent statutory provisions that deal with increased State flexibility in setting reimbursement rates for long term care facility and inpatient hospital services (section 962 of the Omnibus Reconciliation Act of 1980 and section 2173 of the Omnibus Budget Reconciliation Act of 1981). A public notice provision was incorporated in these interim final regulations (46 FR 47972, September 30, 1981). Extending procedural protection to providers and beneficiaries is a method for ensuring that rate changes are fair and equitable and conform with statutory mandates. These mandates are that reimbursement rates must be reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide care in conformity with Federal and State requirements and must assure reasonable beneficiary access to inpatient hospital services of adequate quality.

Since we do not believe that institutional and noninstitutional providers should be subject to differing public notice requirements, we have revised these regulations to conform with the interim final regulations pertaining to institutional providers, published on September 30, 1981 and codified at 42 CFR 447.254. This decision is based on the expectation that rates developed through a public process will represent an appropriate balance among provider concerns, beneficiary concerns, and State budget limitations. We are retaining a Federal rule to guarantee that rates will continue to be developed in a public process.

Significant changes in a State's methods and standards for setting payment rates for inpatient hospital and long term care facility services are governed by the requirements of 42 CFR 447.254. Changes in the methods and standards for all other services must meet the requirements of 42 CFR 447.205.

2. *Comment:* A few commenters suggested that the problems and complaints of States with regard to the 60-day public notice requirement could be overcome by revision of the regulations rather than by their removal.

Response: We agree with this comment and have revised the current regulations to allow States greater flexibility while retaining a public notice process. We have accomplished this by (1) eliminating reference to a set comment period; (2) clarifying that the rules apply only to significant changes in methods or standards for setting payment rates; and (3) eliminating a specific expenditure threshold above which public notice is required. These changes conform these regulations to those applicable to institutional providers, as mentioned above.

3. *Comment:* Many commenters opposed revocation of the 60-day notice regulations because they believe the 60-day waiting period allows providers an adequate transition period to plan effectively and make needed rate adjustments.

Response: We agree that a guaranteed two-month prior notice may be advantageous to providers in making financial plans. However, we do not think a set 60-day waiting period is a critical element of these regulations for several reasons. First, many States have their own procedures that allow for various other lengths of comment periods. The formal waiting periods contained in State procedural codes are sufficient to fulfill the intent of a public notice and comment regulation. Second, a set two-month waiting period for all reimbursement changes is too inflexible. It does not allow States to respond timely to legislatively mandated changes. Changes that are a direct result of legislative action have already gone through a public process and should not need a further prolonged notice period before finalization. We believe that specifying that a public notice must appear before the effective date of the proposed changes, without prescribing a definite comment period, is an adequate Federal requirement.

4. *Comment:* Several commenters complained that State administrative procedures are inadequate to protect the public comment process and are sometimes ignored or bypassed by Medicaid agencies.

Response: In this interim final rule, we have retained a Federal public notice requirement applicable to all States. We share the concern of commenters that State reimbursement decisions continue to be made through a public process.

5. *Comment:* A large number of commenters protested the 15-day comment period of the NPRM. They complained that such a short period of time was inadequate to permit interested parties to develop, present, and transmit their views. Several commenters requested that the comment period be extended.

Response: Although the NPRM stated that comments should be received by September 30, 1981 to assure consideration, we continued to entertain and weigh comments beyond that date. In fact, we received a substantial volume of the public comments discussed in this document after September 30. Because we realize there is considerable interest in these regulations, we are publishing an interim final rule with comment period on this subject. This will allow the public another opportunity to comment on these regulations and give us the flexibility to revise the rule further if necessary. We do not believe that extension of the NPRM comment period is in the public interest. Such an extension would delay the date on which States would know with certainty

what our policy is and therefore postpone their planning.

IV. Provisions of the Final Regulations

1. *When notice is required.* These regulations alter the requirements of the 60-day notice provision in several areas. Public notice under these rules is required for any significant proposed change in a Medicaid agency's methods and standards for setting payment rates for a service. We have deleted the requirement that any change that is expected to increase or decrease Medicaid payments for a service by one percent or more in the 12 months following the change must be published. This deletion is in the interest of promoting State flexibility. We do not believe it is necessary to set an explicit expenditure threshold above which public notice is required. A requirement that all significant changes be published will be effective in guaranteeing public notice of major changes in reimbursement.

The original intention of the 60-day notice regulation in referring to changes in level of reimbursement for a service was to cover situations such as "a change in the maximum allowable rate under a State-wide schedule of usual and customary charges due to an adjustment of the percentile ceiling". (44 FR 20693, April 6, 1979) We intend that these percentile ceiling adjustments will continue to be covered by these regulations. Any change in rate setting made by the Medicaid agency is considered a change in either the method or standard for setting payment rates and is subject to these regulations.

2. *Publication of notice.* We have made two changes related to the publication of the notice. First, in the interest of State flexibility, we have eliminated the mandatory length of the comment period. The final regulations require that the notice be published before the proposed effective date of the change.

We have also made a technical change in 42 CFR 447.205(d)(2). The current regulations require that the notice be published in a State register similar to the **Federal Register**, the newspaper of widest circulation in each city with a population of 50,000 or more, or the newspaper of widest circulation in the State, if there is no city with a population of 50,000 or more. This provision has been misinterpreted to mean that a notice must be published in both a State register and one of the newspaper options. These final regulations are revised to clarify the original intent that the notice must appear as a public announcement in one of those publications.

V. Regulatory Analysis

Executive Order 12291

We have determined that this rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this rule will not have an annual effect on the economy of $100 million or more or otherwise meet threshold criteria of the Executive Order. We believe that these regulations neither cause any increase in expenditures nor result in any appreciable savings, but allow States the flexibility they need to make appropriate reimbursement changes quickly in response to State needs.

Regulatory Flexibility Act

Section 603(a) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public a regulatory flexibility analysis when regulations have a significant economic impact on a substantial number of small businesses or small governmental jurisdictions. Because the economic impact of these regulations is not significant, we believe a regulatory analysis is not required. Therefore, the Secretary certifies, under section 605(b) of Pub. L. 96–354, that this rule will not have a significant economic impact on a substantial number of small entities.

VI. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

42 CFR Part 447 is amended as set forth below:

PART 447—PAYMENTS FOR SERVICES

1. The table of contents is amended by revising the title of § 447.205 to read as follows:

* * * * *

447.205 Public notice of changes in Statewide methods and standards for setting payment rates.

* * * * *

Authority: Section 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

2. In § 447.205, paragraph (b) is reprinted and the section is amended by revising the title and paragraphs (a), (c), and (d).

§ 447.205 Public notice of changes in Statewide methods and standards for setting payment rates.

(a) *When notice is required.* For services other than those covered by § 447.254, and except as specified in paragraph (b) of this section, the agency must provide public notice of any significant proposed change in its methods and standards for setting payment rates for services.

(b) *When notice is not required.* Notice is not required if—

(1) The change is being made to conform to Medicare methods or levels of reimbursement;

(2) The change is required by court order; or

(3) The change is based on changes in wholesalers' or manufacturers' prices of drugs or materials, if the agency's reimbursement system is based on material cost plus a professional fee.

(c) *Content of notice.* The notice must—

(1) Describe the proposed change in methods and standards;

(2) Give an estimate of any expected increase or decrease in annual aggregate expenditures;

(3) Explain why the agency is changing its methods and standards;

(4) Identify a local agency in each county (such as the social services agency or health department) where copies of the proposed changes are available for public review;

(5) Give an address where written comments may be sent and reviewed by the public; and

(6) If there are public hearings, give the location, date and time for hearings or tell how this information may be obtained.

(d) *Publication of notice.* The notice must—

(1) Be published before the proposed effective date of the change;

(2) Appear as a public announcement in one of the following publications:

(i) A State register similar to the **Federal Register.**

(ii) The newspaper of widest circulation in each city with a population of 50,000 or more.

(iii) The newspaper of widest circulation in the State, if there is no city with a population of 50,000 or more.

(Catalog of Federal Domestic Assistance Program No. 13.714; Medical Assistance Program)

Dated: November 1, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: November 13, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-34778 Filed 12-2-81; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 1

[FCC 81-526]

Delegation of Authority to Review Board

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is revising its rules pertaining to the delegation of authority to the Review Board in order to help achieve the Commission's objective of providing speedier service to the public.

Three major changes are being made. First, in addition to its other duties, the Board is authorized to review decisions of Administrative Law Judges in cases involving renewal or revocation of broadcast and common carrier licenses. Second, the Board is given a firm 180-day deadline by which it will have to issue a decision in each case or otherwise any party may request certification to the Commission. Third, the present rule requiring three Board Members to participate in each decision is changed to allow two members to adopt a decision in cases of emergency or necessity where a third member is unavailable.

DATES: Effective: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Allan Sacks, Review Board, Federal Communications Commission, (202) 632-7180.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: November 20, 1981.

By the Commission: Commissioner Fogarty dissenting; Commissioner Jones concurring and issuing a statement; Commissioner Dawson not participating.

1. Section 0.361, 0.365 and 0.367 of the Commission's Rules contain the delegation of authority to the Review Board. These Rules have been reviewed to make those changes necessary to insure that the public receives service in the most efficient and expeditious manner possible. To achieve that objective several changes have been made in the Board's authority, and the rules have been rewritten in simpler and more direct language. See Appendix to this Order, especially, §§ 0.361 (a) and (c), 0.362(b), and 1.301(c)(6).

2. Authority for the adoption of the foregoing revisions is contained in Section 4(f)(1), 4(i), 4(j), 5(b), 5(d), and 303(r) of the Communications Act of 1934, as amended. 47 U.S.C. 154(f)(1), 154(i), 154(j), 155(b), and 303(r).

3. In view of the fact that the proposed revision involves rules of agency organization, prior publication of a *Notice of Proposed Rule Making* under the provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary. Since the revisions are necessary to prevent undue delay in adjudicatory proceedings, delay in its implementation would be contrary to the public interest.

4. Accordingly, it is ordered, that effective January 1, 1982, Parts 0 and 1 of the Commission's Rules are amended as set forth in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 507)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—COMMISSION ORGANIZATION

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.361 is revised to read as follows:

§ 0.361 General authority.

(a) The Review Board is constituted pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, to review decisions of the Administrative Law Judges in all adjudicative proceedings unless at the time of designation, the Commission specifies otherwise. The Board shall also perform those functions set forth in §§ 0.362 through 0.365 of this Part and any additional duties assigned by the Commission not inconsistent with these functions.

(b) The Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(c) Two members of the Board shall constitute a quorum. The Board may sit in panels of two members. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument. In the case of a tie vote, a member of the Board not recused may review the record and vote; if a third member is not available, the case shall be certified to the Commission for decision.

(d) The member of the Board designated as Chairman by the Commission shall assign panels and cases on a rotational basis to the extent practicable. Each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

2. A new § 0.362 is added, to read as follows:

§ 0.362 Action on initial decisions.

(a) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.273 through 1.282 of this chapter.

(b) The Board shall adopt a decision within 180 days after the release date of an Initial Decision to which exceptions are taken; provided, however, that where, for good cause shown, extensions of time are requested by the parties and granted, the 180 days shall be extended likewise. If the Board does not adopt a decision before the appropriate date, any party may file a motion with the Commission for certification of the case for decision.

3. A new § 0.363 is added, to read as follows:

§ 0.363 Certification of matters to the Commission.

(a) The Review Board, on its own motion or upon motion to the Board by any party, may in its discretion certify any matter to the Commission with a request that the Commission act upon the matter. The Commission may act upon the matter or remand it to the Board for decision.

(b) Whenever the Commission determines that a matter pending before the Board involves a novel issue of law or policy, it may, on its own motion, direct that the matter before the Board be certified to the Commission for

decision. However, no petition requesting the Commission to take such action will be entertained.

4. Section 0.365 is revised to read as follows:

§ 0.365 Authority delegated.

(a) The Review Board is delegated general authority to take such action as may be necessary to perform those duties specified in §§ 0.361 through 0.363 of this Part.

(b) The Review Board is delegated specific authority in all adjudicative cases to act on exceptions to initial or summary decisions, appeals from other rulings of Administrative Law Judges pursuant to §§ 1.301 and 1.302 of this chapter, and all related pleadings filed in cases or matters which are before the Board.

5. Section 0.367 is revised to read as follows:

§ 367 Record of actions taken.

The official record of all actions taken by the Review Board pursuant to §§ 0.361–0.365 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

PART 1.—PRACTICE AND PROCEDURE

6. Section 1.301(c)(6) is revised to read as follows:

§ 1.301 Appeal from presiding officer's interlocutory ruling; effective date of ruling.

* * * * *

(c) * * *

(6) Appeals are acted on by the Review Board.

* * * * *

November 12, 1981.

Concurring Statement of Commissioner Anne P. Jones

In Re: Amendment to Parts 0 and 1 of the Commission's Rules to revise the Review Board's authority

I concur in these amendments because of the hope they offer of increased expedition in the Commission's adjudicatory processes. I would prefer, however, that the newly established quorum of two Board members be limited to cases of emergency or necessity when a third Board member is unavailable.

It seems to me that in cases considered and decided by only two Board members there may be too much incentive for compromise and consensus. I believe it preferable, where there is no emergency and a third member is available to have three members decide each case, so they will be free to vote strictly on their view of the merits of the case without any pressure to reach a consensus to avoid a tie vote.

[FR Doc. 81-34698 Filed 12-2-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 63

[CC Docket No. 80-767; FCC 81-520]

Elimination of the Telephone Company—Cable Television Cross-Ownership Rules for Rural Areas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission prohibits telephone companies from providing cable television service within their telephone service areas. It allows waivers for those areas where independent cable television service demonstrably cannot exist, or upon other showing of good cause. On January 22, 1981, the FCC adopted a Notice of Proposed Rulemaking to establish an exemption which would allow telephone companies to provide cable television service to rural areas without a waiver. 46 FR 9138 (January 28, 1981). The FCC hoped the exemption would facilitate cable television service to unserved rural areas. This order exempts rural areas from the prohibition. A rural area is any area outside of (a) any place, incorporated or unincorporated, with 2500 or more inhabitants; and (b) any urbanized area. This exemption will allow cable television service in rural areas which might otherwise go unserved.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Linda M. Goodman, Common Carrier Bureau, (202) 632–6920.

In the matter of elimination of the Telephone Company—Cable Television Cross-Ownership Rules, §§ 63.54–63.56, for Rural Areas, CC Docket No. 80–767.

Report and Order

Adopted: November 5, 1981.

Released: November 27, 1981.

By the Commission: Commissioner Fogarty concurring and issuing a statement.

1. In a *Notice of Proposed Rulemaking* adopted December 19, 1980,[1] we announced an intention to create an exemption from the telephone company—cable television cross-ownership rules[2] in rural areas. We found, upon initial analysis, that requiring waivers for rural areas appeared to be imposing costs which exceeded benefits. We proposed several alternative definitions of rural areas and requested interested parties to submit their comments on those definitions, as well as to submit additional proposals.

2. We find herein that our initial analysis was correct. Accordingly, we are supplementing our waiver policy with an exemption for rural areas. We adopt the definition of rural area used by the U.S. Department of Commerce, Bureau of the Census.

I. Background

3. The telephone company—cable television cross-ownership rules generally prohibit telephone common carriers from furnishing directly, or through affiliates, cable television service within their telephone service areas. Provisions exist for waiver of the rules

> [i]n those areas where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon other showing of good cause * * *.[3]

4. Since adoption of the cross-ownership rules in 1970,[4] the Commission has instituted several proceedings designed to ensure that the rules not impose unreasonable barriers to the growth of desired cable services. The Commission has attempted to better define "those areas where cable television service demonstrably could not exist," and to streamline the procedures pursuant to which petitioners might seek waivers of the cross-ownership prohibition. Nevertheless, many rural areas have remained unserved by cable television.

5. A number of rural telephone companies have filed for waivers to provide cable television service in their telephone service areas.[5] Most petitions have been unopposed and have been

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[1] Notice of Proposed Rulemaking in the Elimination of the Telephone Company—Cable Television Cross-Ownership Rules for Rural Areas, 84 FCC 2d 335 (1981) (hereinafter cited as NPRM).

[2] Sections 63.54–63.56 of the Commission's rules, 47 CFR 63.54–63.56. Previously, the caption in this docket included § 63.57. However, that section is only applicable to certain Section 214 applications in which the telephone company is constructing and leasing the cable system to an independent cable operator. Therefore, the caption of this proceeding has been amended to read "§§ 63.54–63.56."

[3] Section 63.56(a) of the Commission's rules, 47 CFR 63.56(a).

[4] Applications of Telephone Companies for Section 214 Certificates for Channel Facilities Furnished to Affiliated Community Antenna Television Systems, 21 FCC 2d 307 (1970) (hereinafter cited as *Section 214 Certificates*), *recons. in part*, 22 FCC 2d 746 (1970), *aff'd sub nom.* General Telephone Company of the Southwest v. U.S., 449 F. 2d 846 (5th Cir. 1971).

[5] *NPRM, supra* note 1, at 338.

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granted routinely. However, action on some opposed petitions has taken longer than 18 months. Service has been denied to the public while the matters were being resolved by the Commission.

6. This proceeding was undertaken to determine whether the benefits of the cross-ownership rules in rural areas continued to outweigh the costs. We sought comment on whether the policies underlying the rules remained relevant in such areas. Our initial analysis indicated that the restrictions were not working to the public benefit in rural areas, and therefore we proposed to eliminate the requirement of waivers for rural areas. We proposed several definition of "rural areas" and also invited other proposals. The definitions we proposed for comment were:

a. *Less than 30 Homes per Route Mile, Franchise Area.* This was the level (measured within a franchise area) established in CC Docket No. 78–219. We found that independent cable television systems generally were not viable in franchise areas with populations at this level.[6]

b. *Less than 30 Homes per Route Mile, Service Area.* This standard was broader than the preceding one because a telephone company could determine the density of the entire area it proposed to serve with cable television, regardless of franchise area boundaries. Although we had rejected this approach in the *First Reconsideration in CC 78–219, supra* note 6, we believed it appropriate to reevaluate the standard and propose it for comment.

c. *No Community of Greater than 1500 Persons.* The Rural Electrification Administration (REA) administers financing for cable television services and facilities. The REA gives priority consideration to:

> low density rural areas, particularly those outside the boundaries of incorporated or unincorporated cities, villages, or boroughs having a population in excess of 1500 inhabitants.[7]

d. *Areas Outside the Top 100 Major Television Markets.* For administrative ease, we proposed using the specified zone and major market concepts found in our cable television rules, 47 CFR 76.5(f), 76.51. Thus, any area more than 35 miles from the center of a city to which stations in the top 100 television markets are licensed would have been considered rural. We speculated that areas outside these 35 mile zones would generally be rural and not prime candidates for independent cable television operations. The standard also would be convenient to administer.

e. *Areas Outside the Top 200 Television Markets.* This standard would exclude the second 100 television markets' 35 mile zones from the definition of rural.

f. *Combined Measure.* We asked comment on any combination of the above. We asked if it would be appropriate to eliminate the rules for those areas outside the specified zones of all major markets where the community size was less than 1500 or where there were fewer than 30 homes per mile.

II. Summary of Pleadings

7. The formal comments filed in this proceeding were received from the cable television industry,[8] the telephone industry,[9] government agencies [10] and a not-for-profit organization unaffiliated with either industry (the National Citizens Committee for Broadcasting (NCCB)).

8. The cable television group, except for CATV Service, Inc., unanimously rejected the proposed exemption from the telephone company-cable television cross-ownership rules. Their arguments consisted for the most part of a reiteration of the policies underlying the adoption of the cross-ownership rules. For example, they claimed that concerns about control over the media and anticompetitive abuses are still warranted, and that cable is a potential alternative to the telephone local distribution monopoly. Furthermore, they asserted that the waiver procedure has sufficiently reduced the administrative burden caused by the rules, and that the Commission's burden is now "more ministerial than substantive." They argued that the relatively few opposed petitions demonstrate that the independent cable industry is as interested as the telephone industry in getting service to rural areas. They also stated that furtherance of the Commission's national communications policies is sufficient reason to overrule local franchising authorities who might prefer the local telephone company to an independent operator, and that the Commission need not worry about frustrating REA policies, because REA's budget has been reduced severely. The comments made little distinction between the application of the rules in rural and nonrural areas. Furthermore, they offered but few suggestions or comments concerning an appropriate definition of "rural area" for purposes of the exemption.

9. Times Mirror Cable Television, Inc., while rejecting the proposed exemption, included an alternative position in its comments. In lieu of the exemption, it proposed that unopposed waiver petitions be granted automatically. However, if an exemption were to be adopted, it suggested that the exemption apply only to areas more than 35 miles from any community which has a licensed television station, so long as the area has a population of less than 1500 or a density of less than 30 households per route mile measured on a franchise area basis. It argued that its alternative to an exemption—the automatic grant of unopposed petitions—would expedite the waiver process and the commencement of cable

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[6] This franchise area standard was incorporated in the provision for obtaining waiver of the cross-ownership rules. *See* Section 63.56 of the Commission's rules, 47 CFR 63.56. Memorandum Opinion and Order in Revision of the Processing Policies for Waivers of the Telephone Company—Cable Television "Cross Ownership Rules," 82 FCC 2d 254, 258 (1980) (hereinafter cited as *First Reconsideration in CC 78–219).* However, subsequent to the filing dates for comments in this proceeding, the standard was modified to apply the presumption on a cable television service area basis (proposal b). Memorandum Opinion and Order in the Revision of the Processing Policies for Waivers of the Telephone Company—Cable Television "Cross Ownership Rules," 86 FCC 2d 983 (1981) (hereinafter cited as *Second Reconsideration in CC 78–219).*

[7] Interim REA Bulletin 328–1, Sec. VI.A.1., page 5, June 28, 1979.

[8] The cable television group consisted of American Cable Television, Inc.; Arizona Cable Television Association, Cablecom-General, Inc., Coaxial Communications, Inc., Essex Communications Corporation, Horizon Communications Corporation, McCaw Communications Companies, Inc., Mid-America Cable TV Association, New England Cable Television Association, North Carolina CATV Association, Tele-Media Corporation, Vision Cable Communications, Inc., Whitney Communications Corporation, and W.W. Communications, Inc. (filing consolidated comments) (Arizona Group); CATV Service, Inc.; Colonial Cablevision of Revere, Inc.; Community Antenna Television Association, Inc.; National Cable Television Association, Inc. (NCTA); New York State Cable Television Association; Palmer Communications, Inc.; Multimedia Cablevision, Inc., and Nor Cal Cablevision, Inc. (filing consolidated comments); Storer Broadcasting Company; Tele-Communications, Inc.; Teleprompter Corporation; and Times Mirror Cable Television, Inc.

[9] The telephone company group consisted of Ardmore Telephone Company, Inc. (Ardmore); Continental Telephone Companies (Continental); GTE Service Corporation and its affiliated domestic telephone companies (GTE); Missouri Telephone Company, North-West Telephone Company, and Platteville Telephone Company (filing consolidated comments) (Missouri Group); National REA Telephone Association (NREATA); National Telephone Cooperative Association (NCTA); Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO); Telephone and Data Systems, Inc. (TDS); United States Independent Telephone Association (USITA); and United Telephone Systems, Inc. (UTS).

[10] This group was made up of the New York Public Service Commission (NYPSC), the Rural Electrification Administration (REA), and the United States Department of Justice (Department of Justice).

television service. Its proposal for a rural definition allegedly reflects the built-up nature of television markets and the threshold levels at which independent cable television service is presumptively unattractive.

10. CATV Service, Inc., limited its comments to whether a waiver should be required for a telephone company to compete with an existing cable television operator at franchise renewal time. It argued in favor of such a waiver requirement. It stated that to permit telephone companies to serve areas where there are operating cable systems would undermine the rationale on which the present cross-ownership restrictions are based.

11. The comments received from the telephone interests were more diverse. GTE, NREATA, Ardmore, and UTS were joined by NYPSC in arguing that the cross-ownership rules should be eliminated for all areas. They reiterated the reasoning in the *NPRM, supra* note 1, and professed that it could be applied generally. GTE and UTS did not propose any definition of rural area to be used in the event that the Commission decided against their broader proposal. Ardmore and NREATA suggested exemption of proposed cable television systems with less than 10,000 actual subscribers or 20,000 potential subscribers measured on a headend basis. They claimed that the use of that measure would ensure the provision of cable television service by telephone companies only in areas of insubstantial population.

12. Continental and TDS proposed that rural areas be defined as those areas having less than 30 households per cable route mile measured on a cable television service area basis. This definition was one of those proposed for comments in the *NPRM, supra* note 1. They pointed out that this was the density level below which independent cable television operation generally is not viable.

13. Two parties proposed that telephone companies be allowed several alternative definitions under which to claim an exemption. The Missouri Group proposed the following alternatives: (i) Areas having less than 30 households per route mile measured on a service area basis; (ii) areas containing no municipality with a population greater than 10,000; or (iii) areas outside the municipal boundaries of the nation's 100 largest cities. NTCA's alternatives included (i) and (ii) above, and added an exemption for cooperatively-owned telephone companies and an exemption for areas outside of the cities of license of the top 100 television markets. The Missouri Group argued that (ii) is found in the only federal law which authorizes loans for cable television service, and that it includes most towns and small cities in the telephone service areas of independent telephone companies. It further argued that (iii) was more appropriate than using the top 100 television markets, because those markets bear no relationship to the problems of encouraging cable television service, to the concept of "rural," or to the availability of other cable entertainment and services. NTCA argued for exempting areas outside of the cities of license of the top 100 television markets for the same reason, *i.e.*, that the entire "markets" exclude too large an area.

14. OPASTCO suggested that the entire United States be defined as rural except the cities of license of the top 100 television markets, and adjacent cities with populations exceeding 10,000. It argued that this standard would be easy to administer and would exclude those cities containing licensed full-service television stations.

15. USITA, along with REA, argued for an exemption for all areas that do not include a municipality with a population of over 10,000. Its reasons were similar to those of other parties espousing the same viewpoint. USITA would also exempt areas containing less than 40 households per route mile measured on a service area basis. It proposed this standard based on "current economic conditions and the prospects for the future," stating that a density of 30 households per route mile is no longer realistic.

16. NCCB proposed that an exemption be created for cooperatively-owned telephone companies. It, along with NTCA, argued that cooperative ownership of the media is in the public interest.

17. The Department of Justice noted that in franchise areas containing less than thirty households per cable route mile, independent cable television service is presumably infeasible.[11] It requested that the rural exemption apply only to places where independent cable television service is unquestionably infeasible. Although it made no concrete suggestion, the Department of Justice proposed that the definition of rural area be narrower than the 30 households per route mile standard.

18. Reply comments were filed by the Arizona Group, the Missouri Group, NCTA, NTCA, the New England Cable Television Association (filing separately from the Arizona group), OPASTCO, TDS, USITA, UTS, and Teleprompter Corporation. The reply comments largely reiterated the positions taken in the initial comments.

19. Reply comments also were received from two parties who had not participated in the initial round of filings. Cascade Utilities, Inc., voiced general support for the adoption of a rural exemption. The New York State Commission on Cable Television expressed general disapproval of the creation of a rural exemption. It expressed particular concern that any federal deregulation in the cross-ownership area not preempt the states' right to retain cross-ownership prohibitions.

20. We also received a number of informal comments. Most of these expressed views similar to those expressed in various formal comments. A few, however, suggested an exemption for all independent telephone companies. One suggested an exemption for any telephone company proposing to serve its entire telephone service area, so long as the overall density was less than 10 or 12 households per route mile. These informal comments were brief and usually contained little hard evidence to justify the proposals.

21. Many of the parties also responded to the questions we raised in paragraph 21 of the *NPRM*.[12] The first question asked whether a waiver should be required for a telephone company to compete with an existing independent cable company at franchise renewal time. Cable interests stated that such waivers should be required, while telephone interests, joined by REA and NYPSC, argued against such waivers. Similar responses by those groups were submitted as to whether waivers should be required for telephone company acquisitions of existing independent systems.

22. All parties agreed that divestiture should not be required of a telephone company when a formerly exempt area grows to be nonrural. The cable interests did suggest a requirement that leaseback arrangements be offered. All parties also agreed that cooperatively-owned telephone companies make up only a small number of the independent telephone companies interested in serving rural areas. Furthermore, all parties agreed that cable television service offered by telephone companies should be treated the same as independent cable television service with respect to rules concerning access to the cable, channel capacity, etc.

23. The cable interests feared that the provision of cable services by telephone companies might retard the provision of

[11] *See* note 6, *supra*.

[12] *NPRM, supra* note 1, at 342.

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nonvoice, nonvideo communications services in rural areas. Conversely, the telephone interests, along with REA and NYPSC, felt that cross-ownership would enhance the possibilities of such services.

24. Finally, the cable interests proffered that REA policies afford the telephone companies a competitive advantage in providing cable television service in rural areas. The telephone interests, REA and NYPSC claimed that REA policies treat everyone equally.

III. Discussion

A. General Considerations and Conclusions

25. Before discussing the merits of the alternatives before us, we believe it would be helpful to outline the reasons that led us to propose an exemption from the cross-ownership rules. The Commission has long been concerned that its rules not deprive rural Americans of cable television service.[13] Indeed, the waiver mechanism was created for those situations in which the local telephone company or its affiliate might be the only feasible provider of cable television service.[14]

26. We revisited the waiver question in a proceeding initiated in 1978.[15] Ultimately, we refined the waiver process [16] to reduce the impediments to the development of rural cable television service caused by the cross-ownership prohibition.[17] In promulgating that refinement,[18] we acknowledged that our waiver procedures may have discouraged the initiation of new rural cable television service by needlessly requiring complicated and expensive presentations by rural telephone companies.[19] As a result of the easing of the impediments, there has been a marked increase in the number of waiver petitions filed.[20] It is our hope that even more service to rural areas will follow the elimination of the rules for those areas.

27. The cost of applying these rules to rural areas has been high. The majority of the waiver petitions we have received for rural areas have been unopposed. In such cases, when it appeared that service would not otherwise be provided, waivers were usually granted. Yet, the filing of these petitions has placed a considerable burden upon both the rural telephone companies and the Commission. Furthermore, service to communities has been delayed, and that is especially unfortunate in the many cases in which a franchise was obtained prior to the filing of the waiver petition.

28. The major benefit supporting the cross-ownership prohibition in 1970 was the preservation of an environment for the unhindered development of wideband services. Eleven years later, the benefit to be gained from continuation of the prohibition in rural areas is, at best, illusory. Our concerns must seem ironic to residents of rural areas without any wideband service.

29. Nor have the general comments submitted by the cable interests demonstrated that the analysis proffered in the *NPRM* was incorrect. While we are aware of the problems that can arise from telephone company provision of cable television service, we find that an exemption for rural areas is important to ensure that such areas have an opportunity to enjoy the same benefits associated with broadband services which urban areas are already experiencing or are more likely to experience sooner. Many small telephone companies, not familiar with our waiver procedures, may be discouraged from implementing broadband services in rural areas by the mere presence of the Commission's prohibition. Furthermore, the expense of acquiring legal, engineering and other assistance to obtain a waiver may be an additional impediment. In a rural area where the profitability of providing broadband services may be slim, these considerations may be real barriers to initiation of new cable service. Moreover, since we have not observed rapid or significant penetration into rural areas by independent cable operators even under the prohibition, we believe that its costs to the rural public have far exceeded its benefits.[21]

30. Accordingly, we reject the proposals made by the cable television interests that the rules remain intact. We see the more immediate availability of cable television service to rural areas, that an exemption should bring to fruition, as outweighing our earlier expressed concerns supporting the prohibition. Therefore, we will exempt "rural areas" from the telephone company—cable television cross-ownership rules.

31. We similarly believe that proposals to eliminate the cross-ownership rules entirely, or to eliminate their applicability to independent or cooperatively-owned telephone companies, are inappropriate in this proceeding. In the *NPRM, supra* note 1, we stated that "the policies our rules are designed to promote no longer outweigh the burdens imposed on rural areas."[22] We are not rejecting the policies underlying the cross-ownership rules. We merely find them to be overly costly in rural areas. Complete elimination of the cross-ownership rules is beyond the contemplation of this proceeding.[23] We also reject a blanket exemption for independent or cooperative telephone companies. No evidence has been presented to show that the rationale behind the cross-ownership rules is any less applicable to cooperative telephone companies, or that independents or cooperatives operate only in rural areas. We now turn to the question of what is a rural area.

B. Proposals Based on the Number of Households per Route Mile

32. Although two of the standards we proposed for identifying rural areas were based on population density (the number of households per route mile), further reflection and the comments convince us that such a definition is too difficult to implement. Under an exemption, a telephone company that

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[13] From the inception of the cross-ownership rules, the Commission has sought to ensure that no substantial segment of the public would be without the opportunity of having cable television service. *See* Notice of Proposed Rulemaking and Notice of Inquiry in the Applications of Telephone Companies for Section 214 Certificates For Channel Facilities Furnished to Affiliated Community Antenna Television Systems, 34 FR 6290, 6292 (1969).

[14] *Section 214 Certificates, supra* note 4, at 326.

[15] Clarification and Notice of Proposed Rulemaking in Revision of the Processing Policies for Waivers of the Telephone Company—Cable Television "Cross Ownership Rules," 69 FCC 2d 1097 (1978) (hereinafter cited as *NPRM in CC 78–219).*

[16] The refinement was the adoption of the rebuttable presumption that independent cable operation is not economically feasible in areas having a density of fewer than thirty households per cable route mile. *See* § 63.56(b) of the Commission's rules, 47 CFR 63.56(b).

[17] Report and Order in Revision of the Processing Policies for Waiver of the Telephone Company—Cable Television "Cross Ownership Rules," 82 FCC 2d 233 (1979) (hereinafter cited as *Report and Order in CC 78–219*).

[18] *Second Reconsideration in CC 78–219, supra* note 6.

[19] *NPRM in CC 78–219, supra* note 15, 1113–14.

[20] *NPRM, supra* note 1, at 338.

[21] The cable interests also argue that the process is not administratively burdensome to the Commission. However, we anticipate that elimination of the rules in rural areas will permit the reallocation of at least two workyears time annually. Such a reallocation, given the Commission's current budgetary constraints, is not insignificant.

[22] *NPRM, supra* note 1, at 341.

[23] The Commission's staff has completed a study of all cable television cross-ownership rules. We invite all interested parties to comment on whether the reasons for the telephone company—cable television cross-ownership rules have continued viability or whether other valid reasons exist for the continuation of the prohibition. *See* Staff Report on FCC Policy on Cable Ownership, released November 17, 1981 (hereinafter cited as *Staff Report).*

decides to provide cable television service to an area defined as rural does so with no need to come before the Commission for a waiver. Therefore, the status of the area as rural must be readily apparent. Unfortunately, household density is not apparent. It requires engineering studies and surveying techniques. Even then, the results are not irrefutable. In our experience with waiver petitions, we have seen a number of disputes as to actual household density. Such uncertainty renders any household density standard administratively impractical, since the exemption must be based on a definition of rural area that is easily identifiable and verifiable.

C. Proposals To Exempt Areas Outside Certain Television Markets

33. Unlike the household density proposals, an exemption granted to areas outside certain television markets would be easy to administer. However, the number and signal strength of the television outlets in an area are not necessarily determinative of whether the area is urban or rural. Those facts may be indicative of other aspects of the area, *e.g.*, size, proximity to major urban centers, and growth trends, which might be relevant to a classification of the area as urban or rural. But many areas not well served by television are not rural areas, and have proved very attractive to independent cable operators. We believe that the standard discussed below gives a more accurate definition of rural—one which is related to size and population density of an area.

D. Proposals To Exempt Areas Which Do Not Contain a Sizeble Community

34. An exemption standard based upon the population in the area has the benefit of being precise and easily enforceable. If we establish that an exemption is warranted for those areas that do not include population centers exceeding a specific size, we could use publicly available census data to determine eligibility. Some commenters suggested that an area should not be considered rural if it contains a community with a population in excess of 1500. We had proposed that figure for comment, since it was utilized by REA. However, several parties pointed out that even truly rural areas can contain towns much larger than 1500.

35. REA argued against making 1500 the standard. It urged the adoption of a community population of 10,000 persons. Although several good reasons were given for adopting that standard, most of the commenters admitted that at populations close to 10,000, independent cable television service often becomes feasible. We also recognize the Department of Justice's concerns that our exemption only be applicable in areas where independent cable television service is truly infeasible. Therefore, it is our belief that a population figure of 10,000 is too high.

36. We believe the most appropriate and administratively manageable definition of "rural area" is that used by the U.S. Department of Commerce, Bureau of the Census. The Census Bureau began utilizing a rural/urban dichotomy over one hundred years ago.[24] It has been refining its definitions ever since.[25] The definition of rural is related to the population density and overall size of an area. Our experience shows that this definition adequately describes those areas in which cable operators have been reluctant to initiate service. We, therefore, are adopting an exemption for areas which are defined as rural by the Census Bureau.

37. The Census Bureau defines as rural all areas outside of:

(a) Places of 2500 inhabitants or more, incorporated or unincorporated;[26] and

(b) Other territory, incorporated or unincorporated, included in urbanized areas.

We want to emphasize that the telephone company's entire cable television service area must be rural in order to qualify for the exemption. The exemption will be inapplicable if the area includes even a portion of a place defined as nonrural in subparagraph (a) or (b) above.[27]

38. The most easily identifiable determinant leading to classification of an area as "nonrural" is whether it contains any incorporated places having 2500 inhabitants or more. However, a definition of urban territory restricted to such places would exclude a number of large and densely settled places merely because they are not incorporated. Therefore, in 1950, the Census Bureau adopted the urbanized area concept and delineated boundaries for unincorporated places.[28]

39. For purposes of the 1980 census, an urbanized area is composed of an incorporated place and surrounding densely settled areas that together have a combined population of at least 50,000. There is no minimum size for the incorporated place that forms the central city of the area. Areas surrounding the central city are included in the urbanized area only if they are sufficiently densely populated. This population density factor is used so that the physical extent of a city or cities can be clearly delineated.[29]

40. According to the 1980 census, 26.3 percent of the U.S. population live in rural areas. State population census volumes for 1980 will list the number of inhabitants of each incorporated or unincorporated place and will contain maps and other information relating to each urbanized area. The Census Bureau will release each volume as it is published. In the meantime, such information is available from the Census Bureau by telephone.

41. We expect that only the most recent U.S. Census Bureau statistics will be used in qualifying for the rural exemption. We realize there will be times when all available Census Bureau statistics seem out of date. However, we cannot involve ourselves in determinations as to the accuracy of conflicting statistics. If we were to get involved in these determinations, we would be thwarting one of the reasons for eliminating these areas from the prohibition—elimination of unnecessary delay caused by resolution of issues by this Commission. Therefore, administrative finality requires that statistics from other sources be rejected.

E. Requirement of Waiver for Acquisitions and for Oppositions to Franchise Renewals

42. In rural areas, we have determined that the costs of imposing the cross-ownership rules outweigh their benefits. Those costs include foreclosure or delay of cable television service to rural residents and wasted administrative resources at the Commission. Neither of these costs is substantial in the case of acquisitions, or oppositions to franchise

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[24] *See*, Statistical Atlas of the United States, 1874.

[25] U.S. Department of Commerce, Bureau of the Census, Series P–23, No. 1, The Development of the Urban—Rural Classification in the United States: 1874–1949, Aug. 5, 1949.

[26] The first publication in which the population of places having 2500 inhabitants or more was officially designated as urban was the Supplementary Analysis of the Twelfth Census (1900), published in 1906. *Id.* Since that time, the Census Bureau has used this definition with minor modifications. *See* U.S. Department of Commerce, Bureau of the Census, Number of Inhabitants, 1970, Series PC(1)–A (hereinafter cited as *Number of Inhabitants, 1970*).

[27] The Census Bureau has defined some incorporated places of 2500 inhabitants or more as "extended cities." Such cities consist of a rural part and an urban part. The rural part of such "extended cities" will qualify for the exemption from the telephone company—cable television cross-ownership rules.

[28] The introduction of the concept of "extended cities" in 1970 has had very little impact on the numbers of areas classified as either urban or rural. *Number of Inhabitants, 1970, supra* note 26.

[29] U.S. Department of Commerce, Bureau of the Census, Release No. 81–125, Large Increase in Number of Urbanized Areas Shown by Census Figures, July 27, 1981.

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renewals. In these instances, an independent cable operator continues to provide service to the community. Furthermore, such waiver petitions have been few. We therefore find that a continuation of the waiver requirement in these situations is not overly burdensome to either the rural areas or the Commission. We will continue to require waivers of telephone companies who propose cable television service in any area where a competing cable television system is under construction or in existence.

F. Other Matters

43. In order to distinguish those telephone company applications which propose cable television service in exempted areas from those which do not, we will require telephone companies to state in their applications for authority under Section 214 of the Act that they are relying upon the rural exemption. We are therefore adding to our rules a new § 63.01(r) that will describe this requirement.

44. We wish to make it clear that any party filing an opposition to a Section 214 application to which the exemption may apply must confine its arguments to issues relevant to whether the "public convenience and necessity" will be served by the applicant's proposal. For example, an opposition may contain current Census Bureau figures showing that an exemption claimed pursuant to § 63.01(r) is inapplicable. However, considering the years that many rural areas have gone without cable service while we have precluded telephone company involvement, we believe it would be inappropriate and counterproductive for us to continue to take into account naked assertions that independent cable television service is feasible in these areas.

45. Telephone companies will still need waivers to provide cable television service within their telephone service areas if any part of the area to be served is not rural. We are retaining our present waiver standards for this purpose. A telephone company must show, pursuant to § 63.56, that service otherwise would not exist or, alternatively, that other good cause warrants waiver. Telephone companies will continue to enjoy a rebuttable evidentiary presumption that service would not otherwise exist where the proposed cable television service area has fewer than 30 households per cable route mile. This standard is based on our findings in the *Report and Order in CC 78–219, supra* note 17, that cable television systems generally are not profitable when density is below that level. Unaffiliated cable television systems may, of course, rebut the presumption by demonstrating an intent to offer essentially the same service as proposed by the telephone company within the same time frame.

46. The exemption will relieve petitioners, the Commission and the public of the costs and burdens associated with the waiver process where the benefits of the process are least apparent—in rural areas. Permitting telephone companies located outside these areas to continue to seek waiver under our present standards will provide a means by which to evaluate the public interest aspects of individual situations on a case-by-case basis. Moreover, comments on the *Staff Report, supra* note 23, may indicate that further refinements in our telephone company-cable television cross-ownership rules and policies are necessary. Until that record is compiled, we believe continuing our present policies, with the exemption for rural areas adopted today, is the most administratively sound way of proceeding.

47. It is not our intention to preempt the rights of the states to adopt cross-ownership prohibitions as they see fit. In this proceeding, we do not reject the policies underlying the cross-ownership rules. We merely wish to eliminate any barriers to *rural* cable television service stemming from *our* rules. Therefore, state and local officials may continue to assess the effects of cross-ownership within their jurisdictions, and may make any rules or judgments that seem appropriate to them. Thus, our action in no way affects local requirements that the telephone company first obtain a cable television franchise.

48. We want to assure any telephone companies contemplating service to rural areas that divestiture will not be required solely because an area becomes nonrural at some future time. Also, any telephone company providing cable television service must comply with the same Commission rules with which independent cable television operators must comply. *See* Parts 76 and 78 of the Commission's rules, 47 CFR Parts 76 and 78.

49. Finally, a number of petitions for waiver are pending. Review of several of these petitions reveals that in many situations waivers will no longer be necessary. On or before the effective date of this order, the staff will notify parties to those waiver petitions of the determination that the telephone company's proposed cable television service area is rural. Those parties will then have 10 working days from the effective date of this order to rebut that determination with recent census data that shows the area is not rural. Absent that showing, those waiver petitions will be dismissed and the requirement of the new § 63.01(r) will be waived to facilitate processing of the corresponding Section 214 applications.

50. In light of the above, any delay in the effectiveness of this order would be contrary to the public interest. Accordingly, pursuant to Section 553(d)(1) and (3) of the Administrative Procedure Act, 5 U.S.C. 553 (d)(1) and (3), the new rules will be effective December 3, 1981.

Ordering Clauses

51. Accordingly, it is ordered that, pursuant to Sections 2, 3, 4 (i) and (j), 205, 214, 303, 307, 308, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 152, 153, 154(i) and (j), 205, 214, 303, 307, 308, 309, and 403, Part 63 of the Commission's rules is amended as set forth in the attached Appendix below, effective December 3, 1981.

52. It is further ordered that, parties who receive the notification outlined in paragraph 49 above, may file, within 10 working days after the effective date of this order, any response thereto.

(Sec. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Part 63 of Chapter I of Title 47 of the Code of Federal Regulations is amended as set forth below.

1. By adding a new paragraph (r) to § 63.01 to read as follows:

§ 63.01 Contents of applications.

* * * * *

(r) A statement as to whether the applicant is relying upon the exemption found in § 63.58, if the proposed facilities are to be used to provide a communication service prohibited by §63.54.

2. By adding a new § 63.58 to Part 63 to read as follows:

§ 63.58 Exemption.

(a) A telephone common carrier shall be exempt from the provisions of §§ 63.54–63.56 if no cable television system is under construction or in

existence within the proposed cable television service area, and that area contains none of the following:

(1) Any incorporated place of 2,500 inhabitants or more, or any part thereof;

(2) Any unincorporated place of 2,500 inhabitants or more, or any part thereof; or

(3) Any other territory, incorporated or unincorporated, included in an urbanized area.

(b) All population statistics and definitions used in qualifying for this exemption shall be the most recent available from the U.S. Department of Commerce, Bureau of the Census. In no event shall any statistics resulting from censuses prior to 1980 be used.

Note.—The Census Bureau has defined some incorporated places of 2,500 inhabitants or more as "extended cities." Such cities consist of an urban part and a rural part. If the proposed cable television service area includes a rural part of an extended city, but otherwise includes no territory described in paragraphs (a) (1), (2), or (3) of this section, the exemption shall apply.

Concurring Statement of Commissioner Joseph R. Fogarty

In Re: Elimination of the Telephone Company-Cable Television Cross-Ownership Rules, §§ 63.54–63.56, for Rural Areas.

I have repeatedly called for a complete exemption from the cable/telco cross-ownership prohibition for rural areas of the United States,[1] and I am therefore pleased to have this *Report and Order* approved by the Commission. Cable service that could have been provided to rural America by telephone companies has been too long denied in favor of protecting a vague future possibility of service from independent operators. As this decision so correctly emphasizes:

(C) Considering the years that many rural areas have gone without cable service while we have precluded telephone company involvement, we believe it would be inappropriate and counterproductive for us to continue to take into account naked assertions that independent cable televison service is feasible in these areas.

I do question, however, the assertion in this *Report and Order* that there is no evidence indicating that the rationale of the cross-ownership prohibition is any less applicable to telephone cooperatives. The existing cross-ownership prohibition is heavily predicated on the spectre of cross-subsidization between basic telephone service and cable television service. In the context of a telephone cooperative—where the subscribers are also the owners—it is either ludicrously mindless or diabolically paternalistic to worry about any "danger"of cross-subsidy. I note that the Commission will soon have the opportunity to address this matter, as well as the issue of whether the cable/telco cross-ownership prohibition should be completely rescinded, in considering the Office of Plans & Policy Staff Report on cable television ownership issues and public comment thereon.

[FR Doc. 81-34702 Filed 12-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] *Revision of Processing Policies for Waivers of Telephone Company-Cable Television "Cross-Ownership Rules," On Reconsideration*, Separate Statement of Commissioner Joseph R. Fogarty, 82 FCC 2d 266 (1980); *Sugar Land Telephone Company*, Concurring Statement of Commissioner Joseph R. Fogarty, 76 FCC 2d 237 (1980); *Elimination of the Telephone Company-Cable Television Cross-Ownership Rules for Rural Areas, Notice of Proposed Rule Making*, Separate Statement of Commissioner Joseph R. Fogarty, 84 FCC 2d 344 (1980); *Concord Telephone Exchange, Inc.*, Concurring Statement of Commissioner Joseph R. Fogarty, 78 FCC 2d 683 (1980).

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47 CFR Part 73

[BC Docket No. 81-154; RM-3692]

FM Broadcast Station in Ansley, Alabama; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein denies a petition to assign FM Channel 261A to Ansley, Alabama, in response to a petition from Reid Spann. Petitioner failed to establish community status for Ansley.

DATES: Effective: Non-Applicable.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: November 16, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ansley, Alabama) BC Docket No. 81-154 RM-3692.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 Fed. Reg. 17809, published March 20, 1981, proposing the assignment of FM Channel 261A to Ansley, Alabama, as its first FM allocation, in response to a petition filed by Reid Spann ("petitioner"). Comments in opposition were filed by Talton Broadcasting Company ("TBC"), licensee of FM broadcast Station WTUN, Selma, Alabama, to which the petitioner responded.

2. The *Notice* indicated that the Commission was prepared to consider assigning Channel 216A to Ansley, Alabama, as its first FM assignment, contingent upon the petitioner's submission of economic and demographic information to demonstrate that Ansley is a community for assignment purposes. His petition asserted that Ansley's population consists of approximately 600 persons, 30% of which are Black, and that the nucleus of its social and entertainment activities is provided by the nearby communities of Troy and Montgomery. Further, petitioner stated that Ansley is in need of a station that will relate to its needs, although it is dependent on the support of larger cities. Petitioner was therefore requested to submit a recent population estimate for Ansley, and furnish additional data to demonstrate the need for the proposed FM assignment. Additionally, petitioner was requested to make a showing of his present intent to apply for the channel, if assigned.

3. Ansley (not listed in the U.S. Census), is located approximately 56 kilometers (35 miles) south of Montgomery, Alabama. It currently has no local aural broadcast service.

4. In its opposition, TBC challenges petitioner's showing of Ansley as a community for assignment purposes. It cites such factors as petitioner's admission of dependence on the nearby urban areas of Troy and Montgomery as the focal points of Ansley's employment and social activities, as precluding a finding of an independent and distinct community, citing *Musical Heights*, 19 RR 49, 50 (1959). Further, it disputes petitioner's allegation that Ansley has a population of approximately 600 persons. TBC states that not only is Ansley not listed in the U.S. Census Reports, but neither is it attributed any population by state or local sources. It adds that Ansley does not appear on the 1980 Alabama road map, and has no identifiable boundaries. Further, it claims that according to Rand-McNally 1980 (p. 564), Ansley has a population of 50 persons. It also points out the total absence of a business district, as precluding the attainment of community status, citing *Musical Heights, supra*, and *Risner Broadcasting, Inc.*, 20 FCC 2d 790 at 791 (1969). Also, TBC alleges that it was unable to locate any social

organizations in Ansley, which is another recognized community component, as established in such cases as *Naples, Florida*, 41 RR 2d 1549 at 1553 (1977), *Hymen Lake*, 22 RR 2d 1553 (1974), *Mercer Broadcasting Co.*, 13 RR 891 at 909 (1957), and *Coker, Alabama*, 43 RR 2d 190 at 193 (1978). It notes also that Ansley does not have an individual telephone exchange or post office, but that these services are provided to it by the nearby community of Troy.

5. As a final matter, TBC contends that an assignment to Ansley will cause objectionable interference to the secondary services of nearby co-channel stations. The distance between the proposed Ansley site 7 kilometers (4.4 miles) northwest of the community and WTUN is approximately 66 miles, whereas 65 miles is required for co-channel Class A assignments. It recognizes that the Commission does not protect such co-channel stations beyond the normally predicted 1 mV/m contour. However, it states that the Commission plainly acknowledges secondary service (§ 73.315(b)) which, in the absence of interference, will provide a listenable signal to rural areas. It states that an Ansley assignment would curtail service to a significant portion of such a rural area. TBC is correct in stating that the Commission does not protect a station's "secondary service," and, in any event, because of our disposition herein, this will not be discussed further.

6. In his reply comments, in response to the *Notice*, petitioner merely states that even though the Census does not reflect population data for Ansley, that it does have a population, albeit small. He adds that "[a]ccording to the residents . . . the Ansley area is a community, consisting of Ansley, Shell Horn and Shady Grove." And that "[o]ne resident . . . *thought* the community consisted of over 500 persons." (emphasis added) As to the area's business concerns, petitioner states that four (unidentified) businesses serve the residents with goods and services and that automotive services, supplies and groceries are available from two identified groceries, both of which it states are within five miles of each other in the "general community."

7. After a careful review and consideration of the comments, we do not find that petitioner has submitted sufficient information in response to our *Notice* to establish that Ansley, Alabama, qualifies as a community for assignment purposes. We are not inferring that Ansley could not be identified as a community, but merely that based upon the information submitted by petitioner, a sufficient showing has not been made to establish it as such under the Commission's criteria. Petitioner has not demonstrated that Ansley contains any of the components which are considered in determining community status, such as banks, post office, library, schools, shopping centers, churches, social and/or civic organizations, newspapers, or other indicia. As the Commission has consistently held, ". . . the term community means a specific locality, with defined boundaries, where the residents share common interests." *See, Naples, Florida, supra.* And, as we held in *Coker, Alabama, supra*, absent other evidence ". . . which demonstrates that the [local] businesses, organizations or services meet the needs of a recognizable group with common interests," we will not make an FM assignment.

8. In view of the above, it is ordered, That the petition of Reid Spann, requesting the assignment of Channel 261A to Ansley, Alabama, is denied.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-34712 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-405; RM-3775]

FM Broadcast Stations in St. Johns, Arizona; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 239 to St. Johns, Arizona, in response to a petition filed by Plateau Communications, Inc. The assignment could provide St. Johns with a first local aural service.

DATE: Effective January 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: November 16, 1981.

Released: November 19, 1981.

By the Acting Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (St. Johns, Arizona) BC Docket No. 81-405 RM-3775.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 Fed. Reg. 34603, published July 2, 1981, proposing the assignment of Class C FM Channel 239 to St. Johns, Arizona, as that community's first FM allocation, in response to a request filed by Plateau Communications, Inc. ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. St. Johns (population 3,343),[1] the seat of Apache County (population 52,083), is located approximately 272 kilometers (170 miles) northeast of Phoenix, Arizona. It presently has no local aural service. Channel 239 could be assigned to St. Johns consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In supporting comments, petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a first FM assignment to St. Johns, Arizona.

4. As stated in the *Notice*, the assignment of Channel 239 to St. Johns will cause preclusion on Channels 236, 237A, 238, 239, 240A, 241, and 242. However, petitioner stated that alternate channels are available to those precluded communities which contain a population in excess of 1,000.

5. In view of the above, we believe that the public interest would be served by the assignment of Channel 239 to St. Johns, Arizona. An interest has been shown for its use and such an assignment could provide the community with a first local aural broadcast service, as well as render service to surrounding areas and populations.[2]

6. Mexican concurrence in the assignment has been obtained.

[1] Population figures are extracted from the 1980 U.S. Census.

[2] In our *Notice*, we pointed our that when a community of St. Johns size requests a Class C assignment, a *Roanoke Rapids/Anamosa* showing is required. However, since it appeared that a Class C assignment to St. Johns would provide a substantial first and/or second service based on its isolated location, we waived the necessity for such a study.

7. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, IT IS ORDERED, That effective January 4, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to St. Johns, Arizona, as follows:

City	Channel No.
St. Johns, Ariz.	239

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact, Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34709 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-322; RM-3722 and RM-3935]

FM Broadcast Station Coxsackie and Rotterdam, New York; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 252A to Rotterdam, New York, in response to a proposal filed by John D. Flanders. The assignment would provide Rotterdam with a first local aural broadcast service. It also denies the request of Catskill Communications, Inc. to assign the same channel to Coxsackie, New York, as that community's first local aural broadcast service.

DATE: Effective January 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: November 16, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Coxsackie and Rotterdam,[1] New York) BC Docket No. 81-322, RM-3722, RM-3935.

1. On May 1, 1981, the Commission issued a *Notice of Proposed Rule Making*, 46 Fed. Reg. 26513, published May 13, 1981, in RM-3722, proposing the assignment of FM Channel 252A to Coxsackie, New York, as that community's first local aural service, in response to a petition filed by Catskill Communications, Inc. ("petitioner").[2] In response to our *Notice*, comments and a counterproposal were filed by John D. Flanders ("Flanders")[3] seeking assignment of Channel 252A to Rotterdam, New York, as that community's first local aural service, to which petitioner responded. Reply comments were filed by both proponents.[4] Appended to the petitioner's comments were letters from several of Coxsackie's community leaders in support of the proposal.

2. Since the distance between Coxsackie and Rotterdam is approximately 46 kilometers (29 miles), whereas the required mileage separation for co-channel Class A assignments is 104 kilometers (65 miles), the proposals are mutually exclusive. No other channels are available for assignment to either community.

3. Coxsackie (population 2,786),[5] in Greene County (population 40,861), is located approximately 32 kilometers (20 miles) south of Albany, New York. It currently has no local aural broadcast service. In the *Notice*, we set forth information submitted by petitioner which we believed merited exploration of the need for a first FM assignment to the community.

4. Rotterdam (population 29,451), in Schenectady County (population 149,946), is located approximately 18 kilometers (11 miles) northwest of Albany, New York. This community, like Coxsackie, is devoid of any local aural service, nor does it have any local newspaper available to its residents.

5. In support of its proposal, Flanders states that Rotterdam has its own government unit, schools, civic organizations, churches, and retail outlets. It adds that the principal economy of the community is derived from industrial and retail elements, as well as truck farming. Further, it states that a portion of the General Electric Company complex is located within its town boundaries. Channel 252A could be assigned to Rotterdam in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules.

6. Flanders states in its comments that neither assignment will provide any first or second service, and that both proposals would have only slight preclusive effects. It adds that each community is served by fulltime AM Station WGY, Schenectady, New York, as well as the following six commercial FM stations:

Coxsackie	*Rotterdam*
WGNA (Albany)	WGNA (Albany)
WPYX (Albany)	WPYX (Albany)
WROW-FM (Albany)	WROW-FM (Albany)
WGFM (Schenectady)	WWOM (Albany)
WFLY (Troy)	WGFM (Schenectady)
WHUC-FM (Hudson)	WFLY (Troy)

7. Flanders urges the Commission to consider its suggestion that Channel 272A be assigned to Saugerties, New York, in an attempt to satisfy petitioner's request for a Class A assignment to its proposed service area. It states that the terrain in that area is such as to permit 1 mV/m service to the Catskill area as well as Coxsackie. We do not have a commitment from any party that the channel would be utilized in Saugerties but would entertain such a request, if properly made.

8. Petitioner did not file supporting comments reaffirming its intention to apply for the channel if assigned to Coxsackie. However, the Commission does not have reason to believe otherwise since its late-filed reply pleading implies its continuing interest, although such is not clearly stated. In any event, this factor is not controlling in our determination of the community to be preferred for assignment purposes.

9. Our finding herein rests solely on satisfying one of the most important assignment priorities, which is to provide a first FM service to as much of the population of the United States as possible. Each proposal would provide a first local service but, in keeping with our assignment priorities, Rotterdam must be preferred since it is significantly more populous. See, *Theodore and Chickasaw, Alabama*, 39 RR 2d 412 (Broadcast Bureau, 1976).

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[1] This community has been added to the caption.

[2] Petitioner is the licensee of Station WCKL (AM), Catskill, New York.

[3] Public Notice of the petition was given July 17, 1981, Report No. 1299.

[4] The reply of petitioner was filed late and petitioner requested that the pleading be accepted on that basis. We have considered the pleading herein since it would aid us in making a comparative determination of the merits of assigning the channel to Coxsackie as requested. Flanders also submitted a reply to petitioner's reply comments. However, the Commission's procedures do not contemplate such a filing (see § 1.415 of the Commission's rules) and we do not find sufficient justification to give consideration to that filing.

[5] All population figures herein are extracted from the 1980 U.S. Census.

10. The assignment of Channel 252A is made to Rotterdam consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules. Canadian concurrence in the assignment has been obtained.

11. In view of the foregoing and pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective January 4, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, as follows:

City	Channel No
Rotterdam, NY	252A

12. It is further ordered, That the petition of Catskill Communications, Inc. (RM–3722), proposing the assignment of FM Channel 252A to Coxsackie, New York, is hereby denied.

13. It is further ordered, That this proceeding is terminated.

14. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief Policy and Rules Division Broadcast Bureau.

[FR Doc. 81–34711 Filed 12–2–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–401; RM–3733]

FM Broadcast Station in Midland, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 294 to Midland, Texas, in response to a petition filed by Stephen L. Wood and D. Lloyd Henderson. The assigned channel could provide a fourth FM service to Midland.

DATE: Effective January 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and order

Adopted: November 16, 1981.

Released: November 19, 1981.

By the Acting Chief, Policy and Rules Division.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Midland, Texas) BC docket No. 81—401, RM–3733.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 Fed. Reg. 35133, published July 7, 1981, proposing the assignment of Class C FM Channel 294 to Midland, Texas, as that community's fourth FM assignment in response to a request from Stephen L. Wood and D. Lloyd Henderson ("petitioners"). Comments in support of the proposal were filed by Albert C. Hajny, by Richard L. and Ladona L. Moore, and by the petitioners, each stating their intent to apply for the channel, if assigned.

2. Midland (population 70,525),[1] seat of Midland County (population 82,636) is located approximately 496 kilometers (310 miles) west-southwest of Dallas, Texas. It is served locally by one fulltime AM station, three daytime-only AM stations, and three FM stations.

3. In its comments, the petitioners incorporated by reference the information contained in the *Notice* demonstrating the need for a fourth FM assignment.

4. As stated in the *Notice*, the proposed assignment would provide no new first or second service to Midland. The petitioners have stated that alternate channels are available to the communities precluded by the assignment. Since alternate channels are available to the communities precluded by the assignment, we consider the preclusion impact minimal. On the basis of the interest expressed and the apparent need for a fourth FM station at this growing community, we find the proposal justified. The transmitter site is restricted to 11.2 kilometers (7 miles) southeast of the city, to avoid short spacing to Channel 296A, Jal, New Mexico.

5. Mexican concurrence has been obtained in the assignment of Channel 294 to Midland, Texas.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective January 4, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with respect to the community listed below:

City	Channel No
Midland, Texas	222, 227, 277, 294

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–34710 Filed 12–2–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are taken from the 1980 U.S. Census.

47 CFR Part 90

[PR Docket No. 81–215; RM–3742; FCC 81–527]

Talk-Around in Private Land Mobile Radio Services on Shared Channels Above Certain Frequency

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC adopts revisions to its rules which permit "talk-around" on a primary basis in the private land mobile radio services on conventional and trunked channels above 806 MHz thereby allowing mobile-to-mobile intercommunication in areas in which it is difficult or unnecessary to access the mobile relay station.

DATE: Effective December 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman, Private Radio Bureau, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of the Commission's rules and regulations to permit Talk-around in the private land mobile radio services on shared channels above 806 MHz, Report and Order.

Adopted: November 12, 1981.

Released: November 27, 1981.

1. We initiated this proceeding on March 26, 1981, in response to a petition from the Special Industrial Radio Service Association Inc. (SIRSA),[1]

[1] SIRSA's August 18, 1980 petition (RM–3742) was subsequently supported, prior to any Commission action, in comments received from the Central

Continued

which sought the institution of rule making looking towards an amendment of Subpart M of Part 90 of our rules to permit mobile stations operating in the private land mobile radio services on shared conventional channels above 806 MHz to transmit mobile-to-mobile by employing the assigned paired base station frequency, thereby avoiding the associated mobile relay or "repeater" station.[2] This change would permit mobile units to talk directly to each other in situations when they had no need to talk through the mobile relay or where this was not feasible (at the fringes of the mobile relay's signal or in hilly terrain).

2. By way of explanation, channels in the 800 MHz band are assigned in pairs, as is also the case in the 450–470 MHz and 470–512 MHz bands. Ordinarily mobile units and control stations transmit on frequency A and receive on frequency B; base stations transmit on frequency B and receive on frequency A. In the 800 MHz band this channel pair operation is prescribed by 47 CFR 90.365(a)(3).

3. In a mobile relay system, the relay is the base station. Hence, all communications between mobile units or between a mobile unit and a control station must ordinarily go through the mobile relay (commonly known as the "repeater"), because the only frequency the mobile or control station can receive is the repeater transmit frequency. The operating technique termed "talk-around" permits a mobile unit in a paired frequency operation to communicate with another mobile unit without going through the mobile relay. This is accomplished by the mobile unit using the base or mobile relay channel to transmit. (We noted in the *Notice* initiating this proceeding that although talk around capability primarily benefits users of mobile relay systems, it can also be employed in two-frequency simplex systems.)[3]

4. In proposing to amend the rules to permit talk-around, we explained that under existing rules talk-around is permitted below 806 MHz.[4] With respect to the 800 MHz band, however, an implicit prohibition of this mode is contained in 47 CFR 90.365(a)(3). In contrast, 47 CFR 90.385(c) permits—again by implication—the employment of talk-around where a licensee has exclusive use of an 800 MHz conventional channel pair. The purpose of the restriction upon talk-around in the case of shared systems was to permit the other sharing users of the same frequency pair to operate free from mobile station interference.[5]

5. We commenced this proceeding because SIRSA and the parties supporting its petition expressed confidence that talk-around at 800 MHz would not create a significant interference problem for sharing users of the co-channel base frequency while providing concomitant benefits to licensees needing mobile-to-mobile communications in situations where use of the repeater would not be feasible or desirable.[6]

6. However, our *Notice* differed from that which was sought in the SIRSA petition in two respects. First, we proposed to authorize talk-around above 806 MHz only on a secondary basis to the usual mobile relay mode of operation. In addition, we invited comments on whether talk-around should be authorized on trunked frequencies, a point not raised by SIRSA or any other party which supported its petition. We asked whether special problems might be encountered in trunked operations.

7. Comments were received from Charley Murray, Inc. (Murray), the Central Committee on Telecommunications of the American Petroleum Institute (API), the Manufacturers Radio Frequency Advisory Committee (MRFAC), Motorola, Inc., the National Association of Business and Educational Radio, Inc. (NABER), as well as SIRSA, the original petitioner. These parties, most of whom also commented in favor SIRSA's initial rule making submission, are unanimous in support of talk-around at 800 MHz. However, none support limiting talk-around to a secondary use. Talk-around on trunked facilities also meets with approval from all who address that point.

8. Murray, an equipment hauling firm, noted that it is often outside or on the edge of repeater range. Murray urges adoption of talk-around at 800 MHz. NABER reiterates its earlier firm support of 800 MHz band talk-around, but criticizes our proposal to authorize it only on a secondary basis. Pointing out that neither SIRSA nor any other interested party supported secondary use, NABER contends that there is no record to justify that limitation.

9. API's experience with talk-around, it asserts, does not support the secondary use restriction. Moreover, API states, there is no reason to preclude talk-around on trunked facilities, even if currently available trunked equipment does not have that capability. We should allow it now, API reasons, so that it may be implemented as soon as suitable trunked equipment is on the market. SIRSA, the original petitioner, notes that talk-around is not relegated to secondary status below 512 MHz, and the petitioner finds no rationale offered by us to support that limitation. SIRSA also approves of talk-around on trunked systems barring any serious engineering considerations. MRFAC, while not addressing the issue of secondary use, believes that talk-around on trunked facilities should be encouraged unless technical difficulties are foreseen.

10. Motorola, the only equipment manufacturer to comment, strongly opposes secondary use, saying it is unaware of interference complaints arising from talk-around operation in the lower frequency bands. It takes note of the Commission's occasional grant of waivers to permit talk-around at 800 MHz. Those given waivers, Motorola stresses, have been authorized operation on a primary basis. It would make no sense, Motorola submits, to accord waiver recipients primary status while those using talk-around pursuant to a rule amendment permitting it must do so on a secondary basis. The latter would be justifiable, Motorola contends, only where there is demonstrable evidence of or a legitimate question concerning interference. Motorola does support its use on trunked systems. It is technically feasible, Motorola says, and it will not precipitate co-channel interference problems. Many potential talk-around users, e.g., construction crews and quarry workers, now use 800 MHz trunked facilities, and these types of operations, Motorola asserts, are good candidates for talk-around operation.

Committee on Telecommunications of the American Petroleum Institute, the Manufacturers Radio Advisory Committee, Forest Industries Telecommunications, and Motorola, Inc. SIRSA and the National Association of Business and Educational Radio, Inc., filed supporting reply comments.

[2] The proceeding was commenced by *Notice of Proposed Rule Making, PR Docket No. 81–215*, (FCC 81–120), adopted March 26, 1981, released April 9, 1981, 46 22624, April 20, 1981.

[3] Two frequency simplex is a system where the mobile transmits on one frequency and the base on a different frequency; neither the base nor the mobiles may both transmit and receive simultaneously because each station's receiver is muted when its associated transmitter is activated. This is contrasted to two frequency duplex, where either the base or mobile, or both, may transmit and receive simultaneously.

[4] Talk-around is explicitly authorized in the 450–470 MHz and 450–512 MHz bands, 47 CFR 90.173(i), and has been permitted as a matter of administrative policy in the bands below 450 MHz.

[5] See *Land Mobile Service, Docket No. 18262, Memorandum Opinion and Order*, 51 FCC 2d 945, 981 (1975).

[6] See *Notice of Proposed Rule Making, PR Docket No. 81–215*, f.n. 2, *supra*, at paras. 4–5.

11. We have carefully considered all of the comments and are persuaded not only that talk-around on shared channels above 806 MHz should be authorized, but that we should permit its use on a primary basis with both conventional and trunked shared facilities, so that when trunked equipment which can be employed in the talk-around mode becomes available, its use need not await further rule making proceedings. There have been no allegations that primary operation in the talk-around mode, whether on conventional or trunked shared channel pairs, would create a significant interference hazard or present any other problems. We have already noted, in issuing the *Notice*, that mobile transmissions on the base transmit frequency are unlikely to overpower mobile relay or base transmissions because the maximum effective radiated power of mobile units is normally much less than that of base stations.[1] The only interference would be to other users operating on the same channel pair in the talk-around mode. Yet talk-around permits mobiles to communicate with each other in areas where it is difficult to access the repeater, e.g., at the fringe of the mobile relay's signal or in hilly terrain. Moreover, because talk-around tranmission at a single site eliminates the need to use the repeater, mobile relay congestion will thus be alleviated.

12. For the foregoing reasons, we conclude that authorization of talk-around operation on a primary basis on shared 800 MHz conventional or trucked frequency pairs is in the public interest. Accordingly, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communication Act of 1934, as amended, it is ordered, that effective December 30, 1981, Part 90 of the Commission's rules, 47 CFR Part 90 , is amended as set forth in the Appendix.

13. It is further ordered that this proceeding is terminated.

14. It is further ordered that the Secretary of the Commission shall cause this Report and Order to be published in the **Federal Register**.

15. For further information concerning this document, contact Lewis H. Goldman, Room 5120, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6497.

(Secs., 4, 303, 307, 48 Stat., as amended. 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

[1] See 47 CFR § 90.379 (a) and (d).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 90.365(a) (1)(i) and (a)(3) are revised to read as follows:

§ 90.365 Selection and assignments of frequencies.

(a) * * *

(1) * * *

(i) All Mobile and control station frequencies will be chosen from those allocated in the 806–821 MHz band. Mobile station transmitting frequencies will commence with Channel No. 1 at 820.9875 MHz, followed by Channel No. 2 at 820.9625 MHz, and proceed to the band end with uniform 25 kHz channeling; and base station transmitting frequencies will be selected by the Commission and assigned from those allocated in the 851–866 MHz band, commencing with Channel No. 1 at 865.9875 MHz, followed by Channel No. 2 at 865.9625 MHz, and proceed to the band end with uniform 25 kHz channeling. A mobile station is authorized to transmit on any frequency assigned to its associated base station.

* * * * *

(3) For conventional systems, mobile station transmitting frequencies, as well as those for use by control stations, will be selected from those allocated in the 806–821 MHz band. Mobile and control station transmitting frequencies will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. Base station transmitting frequencies will be selected and assigned from those allocated in the 851–866 MHz band, with Channel No. 1 commencing at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz. A mobile station is authorized to transmit on any frequency assigned to its associated base station.

* * * * *

[FR Doc. 81-34897 Filed 12-2-81: 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, 175, 176, and 178

[Docket HM-139D; Amdt. Nos. 172-72, 173-151, 175-21, 176-14, and 178-68]

Conversion of Individual Exemptions to Regulations of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analyses supplied in selected exemption applications or from existing exemptions. The need for this action has been created by the public demand to make available new packagings and shipping alternatives that have proven themselves safe under the Department's exemptions program. The intended effect of these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: These amendments are effective January 4, 1982. However, compliance with the regulations as amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: On June 4, 1981 the MTB published Notice No. 81-3 (46 FR 29973) under Docket HM-139D which proposed to amend the Hazardous Materials Regulations by incorporating the provisions of certain DOT exemptions and applications for exemptions into the general regulations. The public comment period ended July 20, 1981. A total of ten comments were received which referenced Docket HM-139D.

Two commenters requested that MTB consider including their exemption(s) into the next HM-139 rulemaking. One commenter requested that the mandatory compliance date for calcium silicon (powder) be at least six months after publication in the **Federal Register**. As a matter of information, holders of exemptions that are terminated by Docket HM-139 are given approximately six months to deplete their existing

stock before the exemption number has to be removed from the containers and shipping papers.

One comment received which was undated and unsigned recommended that MTB publish an amended notice so as to include such data as the number of units/carload commodities handled under each of the subject exemptions; the accident experience, if any, under each of the subject exemptions; and the types and characteristics of commodities handled under each of the exemptions. Apparently, this commenter is not familiar with the rulemakings under Docket HM–139. Approximately 300 exemptions have been terminated under HM–139 since November 15, 1976. Any exemption that has a questionable shipping experience is not considered for rulemaking under this docket.

A couple of changes have been made regarding the use of Specification 56 and 57 tanks that were not fully addressed in the notice.

First, for transportation by water in the Specification 57 tanks, frangible devices are not authorized in §§ 173.119(b)(6), 173.128(a)(3), 173.132(a)(2), 173.245(a)(38), 173.256(b)(1), 173.263(a)(8), 173.276(a)(12), and 173.277(c). These changes are necessary in order to provide a package that will not leak during transportation by water. Second, the authorized use of the Specification 56 tank has been expanded to include flammable solids (including water reactive materials) and dry oxidizers. During the past several years commodities such as calcium carbide, sodium nitrate, sodium hydrosulfite, phosphorous pentasulfide, magnesium powder, ammonium perchlorate, and others, have been transported in Specification 56 tanks or nonspecification portable tanks equivalent to Specification 56 tanks under the terms of a DOT exemption without incident. In view of the above, § 173.154 has been revised accordingly.

Other than minor editorial changes, the only other change of any significance is the revision of § 176.340. Because of the change being made in § 173.119, it is necessary to amend § 176.340; otherwise, combustible liquids not having any other hazards would not be allowed in the same portable tanks as authorized for flammable liquids.

In consideration of the foregoing, 49 CFR Parts 172, 173, 175, 176, and 178 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101, the Hazardous Materials Table is amended by adding Calcium silicon (powder) and Magnesium, granules, coated. The entry Magnesium metal (*powdered, pellets, turnings,* or *ribbons*) is revised to read as follows:

§ 172.101 Hazardous materials table.

* * * * *

(1)	(2)	(3)	(3A)	(4)	(5)		(6)	(7)		
					Packaging		Maximum net quantity in 1 package (pounds)	Water shipments		
. /E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification No	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	.	.	.	.	.	.	.	.	.	.	
	Calcium silicon (*powder*)	Flammable solid..	UN1406	Flammable solid and Dangerous when wet	173.153	173.178	Forbidden	25	1.2	4	Segregation same as for flammable solids labeled Dangerous when wet
	.	.	.	.	.	.	.	.	.	.	
	Magnesium granules coated, *particle size not less than 149 microns*	Flammable solid...	UN2950	Flammable solid and Dangerous when wet.	173.153	173.178	25	100	1.2	1.2	Segregation same as for flammable solids labeled Dangerous when wet.
	Magnesium metal (*powder, pellets, turnings, or ribbon*) or Magnesium aluminum powder	Flammable solid...	UN1869	Flammable solid and Dangerous when wet	173.153	173.220	25	100	1.2	1.2	Segregation same as for flammable solids labeled Dangerous when wet
	.	.	.	.	.	.	.	.	.	.	

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.119, paragraph (b)(6) is added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(b) * * *

(6) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253–4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig. Authorized for liquids with flash points above 20° F and a vapor pressure not over 16 psia at 100° F.

* * * * *

3. In § 173.128, paragraph (a)(3) is revised to read as follows:

§ 173.128 Paints and related materials (flammable liquids).

(a) * * *

(3) Specification 52[1] or 57 (§§ 178.251, 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter.

* * * * *

4. In § 173.131, paragraph (a)(2) is revised to read as follows:

§ 173.131 Road asphalt, or tar, liquid.

(a) * * *

(2) In cargo tanks that are at least equivalent in design and construction to Specification MC–306 (§§ 178.340, 178.341 of this subchapter) except for the requirements of §§ 178.340–10, 178.341–3, 178.341–4, and 178.341–5.

* * * * *

5. In § 173.132, paragraph (a)(2) is revised to read as follows:

§ 173.132 Cement liquid, n.o.s.; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement; coating solution (flammable liquids).

(a) * * *

(2) Specification 52[1] or 57 (§§ 178.251, 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter.

* * * * *

6. In § 173.154, paragraph (a)(5) is added to read as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) * * *

(5) Specification 56 (§ 178.252 of this subchapter). Metal portable tank. Authorized only for flammable solids (including water reactive materials) and dry oxidizers.

* * * * *

7. In § 173.164, paragraph (a)(7) is added to read as follows:

§ 173.164 Chromic acid or chromic acid mixture, dry.

(a) * * *

(7) Specification 56 (§ 178.252 of this subchapter). Steel portable tank.

* * * * *

8. In § 173.178, the heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.178 Calcium carbide, calcium silicon powder, and magnesium granules, coated.

(a) Calcium carbide, calcium silicon powder, and magnesium granules, coated must be packed as follows:

* * * * *

9. In § 173.182 the last sentence of paragraph (b)(6)(ii) is revised to read as follows:

§ 173.182 Nitrates.

* * * * *

(b) * * *

(6) * * *

(i) * * *

(ii) * * * Authorized only for amonium nitrate (no organic coating), ammonium nitrate fertilizer, and potassium nitrate; or

* * * * *

10. In § 173.220, the heading and the introductory texts of paragraphs (b) and (b)(2) are revised to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powder, pellets, turnings, or ribbon; magnesium aluminum powder.

* * * * *

(b) Magnesium metallic (other than scrap), powder, pellets, turnings or ribbon, magnesium aluminum powder, must be packed in containers as prescribed in § 173.154.

* * * * *

(2) Specification 56 (§ 178.252 of this subchapter). Portable tank. Not authorized for transportation by water. For magnesium powder or magnesium aluminum powder, the following additional requirements must also be met:

* * * * *

11. In § 173.245, paragraph (a)(38) is added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

* * * * *

(38) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized only for acetic acid, glacial; acetic acid solutions; compound, cleaning liquid; compound, lacquer, paint, or varnish removing, liquid; compound, rust preventing or compound, rust removing; *orthochlorophenol;* and phosphoric acid not exceeding 85 percent strength. For acid solutions, tanks constructed of a steel other than stainless steel must have a polyethylene liner impervious to the solution. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253–4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig.

* * * * *

12. In § 173.256, paragraph (b) is added to read as follows:

§ 173.256 Compounds, cleaning, liquid.

* * * * *

(b) Compounds, cleaning, liquid containing not more than 20 percent hydrofluoric acid, by weight, may also be shipped in specification containers as follows:

(1) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253–4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig. Tanks must have a polyethylene liner impervious to the solution.

13. In § 173.263, paragraph (a)(8) is added to read as follows:

§ 173.263 Hydrochloric (muriatic) acid; hydrochloric (muriatic) acid mixtures; hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite); and cleaning compounds, liquids, containing hydrochloric (muriatic) acid.

(a) * * *

(8) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized only for cleaning compounds, liquid, containing hydrochloric (muriatic) acid of not over 20 percent total acid by weight. Tank must have a polyethylene liner impervious to the solution. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253–4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig.

* * * * *

14. In § 173.276, paragraph (a)(12) is added to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

* * * * *

(12) Specification 57 (§ 178.253 of this subchapter). Stainless steel portable tank. Authorized for hydrazine, aqueous solution only. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253–4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig.

15. In § 173.277, paragraph (c) is added to read as follows:

§ 173.277 Hypochlorite solutions.

* * * * *

(c) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized for not over 15 percent solutions of sodium hypochlorite only. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253–4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig. Tanks constructed of a steel other than stainless steel must have a polythylene liner impervious to the solution. Vented closures are authorized.

* * * * *

16. In § 173.301, paragraph (k) is amended by revising (k) introductory text as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

* * * * *

(k) *Outside packagings.* Specification 2P, 2Q, 3E, 3HT, 4BA spherical type, 4D, 4DA, 4DS, 9[1], 39, 40[1], and 41[1] must be shipped in strong outside packagings, except that the 4BA spherical type may

be securely mounted on pallets to provide protection for the spheres and any attachments.

* * * * *

17. In § 173.357, paragraph (b)(3) is revised to read as follows:

§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.

* * * * * * *

(b) * * *

* * * * *

(3) Specification 17C or 17E (§§ 178.115, 178.116 of this subchapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Capacity not to exceed 55 gallons for Spec. 17C nor 30 gallons for Spec. 17E. Authorized only for chloropicrin mixtures containing not over 15 percent chloropicrin by weight or 15 percent by volume chloropicrin, 85 percent by volume dichloropropene technical, and only authorized for such mixtures not classed as flammable under these regulations.

* * * * *

18. In § 173.365, paragraph (a)(11) is added to read as follows:

§ 173.365 Poison B solids not specifically provided for.

(a) * * *

* * * * * * *

(11) Specification 56 (§ 178.252 of this subchapter). Metal portable tank. Authorized only for *p-nitrobenzyl bromide.*

* * * * * * *

19. In § 173.375, paragraph (a)(3) is added to read as follows:

§ 173.375 Sodium azide.

(a) * * *

* * * * * *

(3) Specification 56 (§ 178.252 of this subchapter). Stainless steel portable tank designed for top loading and unloading only. Tanks may be equipped with a bottom clean out plug. No part of the tank or fittings that come in contact with the sodium azide may contain any metal such as copper, lead, silver or mercury which can form explosive azide compounds. Each transport vehicle must be loaded by the consignor and unloaded by the consignee or by persons trained by the consignor. Not authorized for transportation by water.

20. In § 173.505, paragraph (b) is revised to read as follows:

§ 173.505 Exceptions for Other Regulated Material (ORM).

* * * * * *

(b) Strong outside packagings as specified in § 173.1200 of this subchapter are not required for materials classed as ORM–D when unitized in cages, carts, or similar overpacks and when shipped by a private or contract motor carrier from a distribution center to a retail outlet.

PART 175—CARRIAGE BY AIRCRAFT

21. In § 175.310, paragraph (c)(1) is revised to read as follows:

§ 175.310 Transportation of flammable liquid fuel in small, passenger-carrying aircraft.

* * * * * *

(c) * * *

(1) In strong tight metal containers of not more than 5 gallons capacity, each packed inside a DOT Specification 12B fiberboard box or each packed inside a DOT Specification 15A, 15B, 15C, 16A, 19A or 19B wooden box, or in the case of a small aircraft in Alaska, each packed inside a wooden box of at least one-half inch thickness;

* * * * * *

PART 176—CARRIAGE BY VESSEL

22. In § 176.340, the entire section is revised to read as follows:

§ 176.340 Combustible liquids in portable tanks.

(a) Combustible liquids may be transported by vessel in portable tanks only as specified below:

(1) Portable tanks authorized in § 173.119 of this subchapter.

(2) Portable tanks approved and maintained in accordance with 46 CFR 98.35, constructed prior to October 1, 1974. Such tanks may continue in service only until October 1, 1984.

(3) Portable tanks approved by the Commandant of the Coast Guard (G–MHM).

PART 178—SHIPPING CONTAINER SPECIFICATIONS

23. In § 178.51, §§ 178.51–2, 178.51–10 ((b) and (c) revised and (d) added), 178.51–12, 178.51–13 (heading and paragraph (a)) and 178.51–19 ((c) revised) are revised to read as follows:

§ 178.51–2 Type, size, and service pressure.

(a) *Type.* Cylinders may be spherical or cylindrical in shape. Closures made by the spinning process are not authorized.

(1) Spherical type cylinders must be made from two seamless hemispheres joined by the welding of one circumferential seam.

(2) Cylindrical type cylinders must be of circumferentially welded or brazed construction.

(b) *Size.* The capacity of the cylinder must be 1,000 pounds water capacity or less.

(c) *Service pressure.* The service pressure must be at least 225 and not over 500 pounds per square inch gauge.

§ 178.51–10 is amended by revising (b) and (c) and adding (d) to read as follows:

§ 178.51–10 Wall thickness.

(a) * * *

(b) Cylinders that are cylindrical in shape must have the wall stress calculated by the formula:

$$S=[P(1.3D^2+0.4d^2)]/(D^2-d^2)$$

Where:

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for water jacket test;
D = outside diameter in inches;
d = inside diameter in inches.

(c) Cylinders that are spherical in shape must have the wall stress calculated by the formula:

$$S=PD/4tE$$

Where:

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for water jacket test;
D = outside diameter in inches;
t = minimum wall thickness in inches;
E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
E = 1.0 (for all other areas).

(d) For cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

§ 178.51–12 is revised to read as follows:

§ 178.51–12 Openings in cylinders.

(a) Any opening must be placed on other than a cylindrical surface.

(b) Each opening in a spherical type cylinder must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding.

(c) Each opening in a cylindrical type cylinder must be provided with a fitting, boss, or pad, securely attached to container by brazing or by welding.

(d) If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

§ 178.51–13 is revised to read as follows:

§ 178.51–13 Pressure relief devices and protection for valves, safety devices, and other connections, if applied.

(a) Must be as required by the Department of Transportation's regulations that apply (see §§ 173.34(d), 173.124(a), 173.301(g), and 173.301(k) of this subchapter).

§ 178.51–19 is amended by revising (c) to read as follows:

§ 178.51–19 Marking.

* * * * *

(c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder:

(1) On shoulders and top heads not less than 0.087 inch thick.

(2) On side wall adjacent to top head for side walls not less than 0.090 inch thick.

(3) On a cylindrical portion of the shell which extends beyond the recessed bottom of the cylinder constituting an integral and non-pressure part of the cylinder.

(4) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1100°F., throughout all edges of the plate.

* * * * *

24. In § 178.118, the introductory text of § 178.118–10(a) introductory text is revised to read as follows:

§ 178.118–10 Marking.

(a) Marking requirements for new or altered drums are as follows: *New drums.* Marking on each drum by embossing on the permanent head, with raised marks, or by embossing or die stamping on footring, (if equipped), or on metal plates securely attached to drum by brazing or welding not less that 20 percent of the perimeter. *Altered drums.* Drums which have been altered to Specification 17H from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1).

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of E.O. 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, et seq.) A regulatory evaluation and an environmental assessment are available for review in the docket. I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on November 25, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81–34845 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1499]

Chicago and North Western Transportation Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1499.

SUMMARY: Service Order No. 1499, authorizes Chicago and North Western Transportation Company (CNW) to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW). This order permits CNW, under agreement with the Trustee, to operate MILW lines between Jefferson and Herndon, Iowa, as part of a program to provide access to lines under purchase agreement which are in need of refurbishing.

EFFECTIVE DATES: 12:01 a.m., December 1, 1981, and continuing in effect until 11:59 p.m., March 31, 1982, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: November 27, 1981.

Pursuant to section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, the Commission is authorizing the Chicago and North Western Transportation Company (CNW) to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

This order permits CNW, under agreement with the Trustee, to operate MILW lines between Jefferson and Herndon, Iowa, as part of a program to provide access to lines under purchase agreement which are in need of refurbishing. This order is issued separately from Service Order No. 1474 due to the extended period of time agreed to by the Trustee.

It is the opinion of the Commission that an emergency exists requiring that the CNW be authorized to conduct operations, identified in the appendix, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1499 Service Order No. 1499.

(a) *Chicago and North Western Transportation Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee).* Chicago and North Western Transportation Company (CNW) is authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, to provide interim service over the MILW as agreed to by the Trustee.

(b) The Trustee shall permit the CNW to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by section 122(a) Pub. L. 96–254.

(d) The interim operator, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) The interim operator, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of this operation over the MILW lines, the interim operator shall be responsible for preserving the value of the lines associated with this interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized

operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United Stated Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by an interim operator over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, the interim operator involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees*—In providing service under this order the interim operator, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., December 1, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304–10305 and sec. 122, Pub. L. 96–254)

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members John H. O'Brien, William F. Sibbald, Jr. and Ray G. Atherton, Jr. William F. Sibbald, Jr. not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—MILW Lines Authorized To Be Operated By Interim Operator

1. *Chicago and North Western Transportation Company (CNW):*

A. Between Jefferson (milepost 67.2) and Herndon (milepost 54.2), Iowa, a distance of approximately 13 miles.

[FR Doc. 81-34775 Filed 12-2-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This action increases the total allowable level of foreign fishing (TALFF) of Pacific whiting in the fishery conservation zone off the Washington, Oregon, and California coasts by releasing the reserve of Pacific whiting for allocation by the Department of State. Regulations require the Regional Director to release any part of the whiting reserve to TALFF in excess of domestic needs as soon after August 1 as practical.

EFFECTIVE DATE: December 2, 1981.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115, 206–527–6150.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a preliminary fishery management plan (PMP) prepared by the Secretary of Commerce was published in the **Federal Register** (42 FR 8578). The PMP established conservation and management measures for the foreign trawl fisheries of the Washington, Oregon, and California region under authority of Section 201(h) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.* The fourth amendment to the PMP, published in the **Federal Register** on May 20, 1981 (46 FR 27483), established on optimum yield of 175,000 metric tons (mt), a domestic annual harvest (DAH) of 80,000 mt, and a total allowable level of foreign fishing (TALFF) of 60,000 mt. Because of uncertainties in stock abundance and DAH, 35,000 mt of the optimum yield were held in reserve until better information could be obtained. Provisions in the fourth amendment required the Regional Director to release to TALFF any part of the whiting reserve and DAH in excess of domestic needs as soon as practical after August 1 if domestic fishery performance and other available data justified such action. A 15-day comment period followed publication of the proposal on September 15, 1981, in 46 FR 45656 to allow for public review of the proposal to release any part of the whiting reserves or DAH. All pertinent statistics were available for public review in the Regional Office during this time. No comments were received on the proposed action.

The Regional Director may supplement TALFF with all part of the Pacific whiting reserve and DAH in excess of domestic needs if, as of July 1:

(1) The results of the spring larval whiting assessment support the optimum yield (OY) estimate; and

(2) The part of the Pacific whiting reserve and DAH to be added to TALFF will not be harvested by domestic vessels during the rest of the fishing year, as determined by U.S. catch and effort statistics compared to previously projected U.S. catch and effort for the rest of the fishing year.

These statistics indicate that, by July 1, the criteria for release of the whiting reserve were met:

(1) The 1981 whiting larvae survey showed no significant changes in spawning biomass, and thereby supports the 1981 estimate of OY; and

(2) The unharvested balance of the intital DAH estimate of 80,000 mt represents domestic needs and intentions for the remainder of 1981.

The inseason survey of shore-based processors reaffirmed the accuracy of the initial domestic annual processing (DAP) estimate of 5,000 mt of whiting. Although one foreign processor (joint venture) ceased processing U.S.-harvested whiting in June, demand from other joint venture participants increased and compensated for this withdrawal. The initial estimate for joint venture processing (JVP) of 75,000 mt remains the same. Consequently, no part of the DAH is available for TALFF and domestic intentions are not to harvest

any part of the whiting reserve of 35,000 mt.

Based on the above information, the Regional Director has determined that the 35,000 mt reserve should be added to TALFF, raising TALFF to 95,000 mt. The DAH (80,000 mt), DAP (5,000 mt), and JVP (75,000 mt) estimates are unchanged.

This action is prescribed by the regulations which implemented Amendment 4 to the PMP. These regulations at 50 CFR 611.70 were determined then to be consistent with the national standards, other provisions of the Magnuson Act and other applicable law; to be non-significant under E.O. 12291; and not to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This action does not change any existing collection of information requirements, and is in compliance with the Paperwork Reduction Act.

Dated: November 24, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for 50 CFR Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In § 611.20, Appendix I, Entry 5 is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

APPENDIX 1.—OPTIMUM YIELD (OY), ESTIMATED DOMESTIC ANNUAL HARVEST (DAH), ESTIMATED DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NON-PROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS

	Species	Species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
5. Northeast Pacific Ocean Fishery: Washington, Oregon and California fisheries	Pacific whiting	704	175,000	[illegible]	5,000	[13] 75,000		0	95,000
	Shortbelly rockfish	850	10,000	10,000	7,500	[14] 2,500		0	[illegible]
	Flounders	129	38,400	38,400	38,400	[14] 0		0	[illegible]
	Jack mackerel	208	55,000	55,000	55,000	[14] 0		0	[illegible]
	Rockfishes, excluding Pacific ocean perch	849	43,300	43,300	43,300	[14] 0		0	0
	Pacific ocean perch	780	1,000	1,000	1,000	[14] 0		0	[illegible]
	Sablefish	703	13,400	13,400	13,400	[14] 0		0	[illegible]
	Other species	499	26,100	26,100	26,100	[14] 0		0	0

[13] Includes 200 mt taken incidentally in shortbelly joint venture.
[14] See § 611.70(b)(1)(ii) for incidental catch allowances.

[FR Doc. 81-34526 Filed 12-2-81; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 671

Tanner Crab off Alaska; Opening Season Dates

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The Secretary of Commerce issues a final rule which delays the opening season dates in five districts of Registration Area J for U.S. Tanner crab fishing. Regulations allow the Secretary to adjust opening and closing dates of fishing seasons for the Federal registration areas under certain specified conditions met in this action. The intended effects are to maintain orderly, uniform fisheries management in contiguous State and Federal waters, and to safeguard stock conditions.

EFFECTIVE DATES: December 1, 1981. Public comments are invited until December 16, 1981.

ADDRESSES: Comments may be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: Regulations implementing the fishery management plan (FMP) for the Commercial Tanner Crab Fishery Off the Coast of Alaska provide for inseason adjustments to season dates and are a openings and closures. Rules specify in 50 CFR 671.27(b) that these decisions shall be made by the Secretary under criteria set out in that section. The Tanner crab fishery is conducted simultaneously in the fishery conservation zone (FCZ) and contiguous State waters. The Alaska Board of Fisheries altered the opening dates of the 1981-82 Tanner crab fishery in State waters within Registration Area J as follows:

Kodiak—from January 22 to February 10.

South Peninsula—from December 1 to December 15.

Chignik—From November 1 to December 15.

Aleutians—from January 15 to February 15 east of 172° W. longitude. In that part of the Aleutians west of 172° W. longitude the opening date shall remain January 15.

Bering Sea—from January 15 to February 15.

These opening date changes are conservation measures intended to safeguard stock condition by allowing the harvest of crab during the period of their prime physical condition, thereby minimizing handling mortality of female and sublegal male crab which must be returned to the sea and minimizing dead loss of legal male crab which are retained. This rule changes the opening dates of the Tanner crab fishery in the FCZ within Registration Area J to coincide with those of State waters. This action follows consultation with the Alaska Department of Fish and Game and is taken to extend the stock condition safeguards to the FCZ and to provide for a uniform fishing season to

preclude the overharvest of Tanner crab in the FCZ.

Rapid implementation of this rule is in the public interest to prevent conflicts between State and Federal enforcement of the Tanner crab fishery that could occur because of different season opening dates. Under present Federal rules, the first district opening date is November 1, 1981, but the State's first opening date is December 15, 1981. For these reasons, the Secretary finds, under 50 CFR 671.27(b)(4)(i), that there is good cause for not providing opportunity for public comment on this rule prior to its promulgation, and for not allowing the passage of the normal 30-day period before it goes into effect. Therefore, under 50 CFR 671.27(a)(2) and 5 U.S.C. 553 (b)(3) and (d)(3), this rule shall become effective immediately following its filing for publication in the **Federal Register** and publication for 48 hours through Alaska Department of Fish and Game (ADF&G) procedures.

Under 50 CFR 671.27(b)(4)(iii), public comments on this field order (rule) may be submitted to the Regional Director at the address stated above for 15 days following the effective date. During the 15-day comment period, the data upon which this field order is based will be available for public inspection during business hours (8:00 a.m.–4:30 p.m.) at the NMFS Kodiak field office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska. If comments are received, the Secretary will reconsider the necessity of this rule, and subsequently publish in the **Federal Register** a notice either extending, modifying, or rescinding this rule.

A final environmental impact statement was prepared for implementation of the FMP under section 102(2)(C) of the National Environmental Policy Act and is on file with the Environmental Protection Agency. The notice of availability for § 671.27 was published in the **Federal Register** on October 28, 1977 at 42 FR 56772.

The Administrator of NOAA (Administrator) has determined that this is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

Because this rule implements a field order, which does not have a general notice of proposed rulemaking, it is exempt from the requirements of the Regulatory Flexibility Act and a determination on the need for a regulatory flexibility analysis is unnecessary.

Finally, this rule does not contain a collection of information requirement or involve any agency in the collection of information. Therefore, the Paperwork Reduction Act of 1980 does not apply.

Dated: November 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 671 is amended as follows:

PART 671—TANNER CRAB OFF ALASKA

1. The authority citation for Part 671 reads as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 671.26 paragraphs (f)(2) (i), (ii), (iii), (iv) and (v) are revised to read as follows:

§ 671.26 Season and gear restrictions.

* * * * *

(f) *Registration area J.*

* * * * *

(2) * * *

(i) In all sections of the Kodiak District from 12:00 noon February 10, through 12:00 noon April 30 only, except that in the Semidi Island section Tanner crab may be taken from 12:00 noon February 10 through 12:00 noon May 15 only.

(ii) In the South Peninsula District from 12:00 noon December 15 through 12:00 noon, May 15 only.

(iii) In the Chignik District from 12:00 noon December 15 through 12:00 noon May 15 only.

(iv) In the Aleutians District from 12:00 noon February 15 through 12:00 noon June 15 only east of 172° W. longitude and from 12:00 noon January 15 through 12:00 noon June 15 only west of 172° W. longitude.

(v) In the Bering Sea District from 12:00 noon February 15 through 12:00 noon June 15 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon January 15 until closed by field order under § 671.27.

* * * * *

[FR Doc. 81–34766 Filed 12–1–81; 8:45 am]

BILLING CODE 3510–22–M

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Proposed Rules

Federal Register
Vol. 46, No. 232
Thursday, December 3, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans; Export Revolving Line of Credit Loans

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: These proposed regulations outline the standards and guidelines to implement the new financial assistance authority in the Small Business Export Expansion Act of 1980, Part B of Pub. L. 96–481 (94 Stat. 2321). They incorporate normal criteria and cite any special criteria relating to eligibility, maturity, collateral or special loan conditions. the SBA proposes to limit this expanded Section 7(a) authority to guarantee loans, to provide extensions or revolving lines of credit to enable small businesses to develop foreign markets and for pre-export expense.

DATE: Comments are to be received on or before January 4, 1982.

ADDRESS: Written comments are to be submitted in duplicate to the Director, Office of Business Loans, Small Business Administration, 1441 L Street, NW, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rule may be directed to: Richard L. Wray, Financial Analyst, (202) 653–6470.

SUPPLEMENTARY INFORMATION: In 1980, SBA administratively authorized a pilot Export Revolving Line of Credit program in four states. The six month pilot period was to expire August 31, 1980, to be followed with an evaluation period. Before the evaluation was completed, the new legislation was enacted on October 21, 1980.

While there was only limited interest expressed in the pilot program these proposed regulations would carry out the legislative purpose to provide limited financial assistance, as necessary, to promote the competitive viability of small business in export.

The financial requirements of the applicant should be established by the participating lender based on its full understanding of the applicant's financial capability and managment ability and the requirements for domestic and international trade and finance. For example, the lender's commercial loan officer with the advice of an international division's loan officer (or with the help of its correspondent) will determine whether a term loan, a seasonal or contract line of credit loan, a revolving line of credit loan or a combination of two or more of these Section 7(a) plans is needed to achieve the optimum lending plan for the applicant. These proposed regulations deal only with the revolving line of credit plan.

A monthly cash flow projection is a vital tool in this analysis and should be examined to see that the extent and length of the financial needs correspond to the loan request. The cash flow projection should clearly show the status of the credit line at the end of each month. This can be a valuable guide to monitor a borrower's progress and, if properly used, can anticipate problems before they become insoluble.

In the final analysis our position will rest on management's ability and its financial capacity and we shall depend to the greatest extent on the lender's analysis. SBA will make the final credit decision based on a review of the credit analysis submitted by the lender.

The legislation also provided that participating lenders may charge a rate of interest that is both legal and reasonable. We believe that the existing regulations (§ 120.3(b)(2) of this Chapter) that cover our interest rate policy adequately define what is considered reasonable.

SBA has determined that this proposal does not constitute a major rule for the purposes of Executive Order 12291. In this regard we are certain that the annual effect of this rule of the economy will be less than $100 million. In addition this proposed rule, if promulgated as final, will not result in a major increase in costs or price for consumers, individual industries, Federal, State or local government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, for the purpose of compliance with the Regulatory Flexibility Act, P.L. 96–354, effective January 1, 1981, SBA hereby certifies that this proposed rule, if promulgated in final form, will not have a significant economic impact on a substantial number of small entities. Our own estimate, based upon this agency's experience with the pilot program referred to above, and budgetary resources available for the program, indicates that we may expect to make perhaps one hundred loans averaging $95,000, or a total of less than $10 million available to qualified applicants in Fiscal Year 1982, and that we may indeed expect to service a relatively small number of qualified applicants.

This action is being proposed in order to implement the specific statutory authority contained in Pub. L. 96–481. This statute authorized a revolving line of credit for export subject to the conditions in this proposal. This rule would be applicable to any small business involved in export trade, but still contemplates that guaranteed business loan applicants are subject to all other relevant eligibility criteria for receipt of SBA assistance. In addition, no additional appropriations for this type of loan are available to SBA. The loans, if any, will be funded from part of our overall business loan guarantee authority. Thus, these proposed rules, if promulgated in final form do not of themselves create additional benefits for a class of small businesses. Finally, these proposed regulations, if promulgated in final form would not impose any special reporting or record keeping requirements on the small businesses that avail themselves of this assistance.

Accordingly, pursuant to the authority in section 5(b)(6) of the Small Business Act (15 U.S.C. 631 et seq.), Part 122, Chapter 1, Title 13 of Code of Federal Regulations would be amended by designating Subpart A as "General" and adding a new Subpart D to read as follows:

PART 122—BUSINESS LOANS

* * * * *

Subpart D—Export Revolving Line of Credit

Sec.
122.400 General.

Sec.
122.401 Eligibility.
122.402 Use of Proceeds.
122.403 Fees.
122.404 Maturity.
122.405 Collateral.
122.406 Additional Loan Conditions.

Authority: Sec. 5(b)(6), Small Business Act, 15 U.S.C. 631 et seq.

Subpart D—Export Revolving Line of Credit

§ 122.400 General.

The statute authorizes the use of Sec. 7(a) regular business loans to finance export assistance, and specifically authorizes extensions and revolving lines of credit for export purposes, to develop foreign markets and for pre-export financing. The interest rates, allowable fees, size limitations and other standards or guidelines that are applicable to all 7(a) loans (see Subpart A of this Part and Part 120 of this Chapter) also apply to these loans unless modified by this subpart. A small business may have other 7(a) loans in addition to an Export Revolving Line of Credit loan, so long as the total outstanding balance of all such loans will not exceed the $500,000 (SBA share) Statutory ceiling. This Subpart deals only with Export Revolving Line of Credit (ERLC) loans which are available only as an SBA guaranteed loan.

§ 122.401 Eligibility.

Applicants for an ERLC, in addition to meeting the eligibility criteria applicable to all 7(a) loans, must have been in operation for at least 12 full months prior to filing an application.

§ 122.402 Use of Proceeds.

Proceeds of an ERLC loan can be used only to penetrate or develop a foreign market and to finance labor and materials for pre-export production. Professional export marketing advice or services, foreign business travel or participation in trade shows are examples of eligible expenses to develop or penetrate a foreign market. The cost of acquiring or renting office or commercial space in a foreign country, equipping such an office or wages for a staff in such an office are examples of ineligible uses of proceeds, since these funds should be provided through equity capital or a term loan.

§ 122.403 Fees.

In addition to fees permitted under § 120.3(b) of this Chapter and § 122.18 of this part, the participant in an ERLC loan is permitted to charge the borrower a commitment fee equal to one-fourth of one percent of the loan or $200.00 dollar minimum. This fee cannot be charged until the SBA has approved the lender's request for guarantee.

§ 122.404 Maturity.

The maturity of an ERLC loan, together with all extensions and renewals, cannot exceed eighteen (18) months.

§ 122.405 Collateral.

Only collateral that is located in the United States, its territories and possessions will be acceptable security for these loans.

§ 122.406 Additional Loan Conditions.

(a) *Projected Cash Flow Statement.* All ERLC loan applications must include a projected cash flow that supports the need for the funds and that evidences repayment ability. The projection must cover the applicant's total operation and clearly identify the use(s) of the loan proceeds and source(s) of repayment. The projection must cover 12 months or the term of the loan, whichever is greater.

(b) *Monthly Progress Reports.* The ERLC borrowers must submit monthly progress reports to the lender and explain discrepancies between the projected cash flow and the progress report.

(c) *Withholding Taxes.* Applicants must be current on all payroll taxes and have in operation a depository plan for the payment of future withholding taxes.

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: November 3, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-34779 Filed 12-2-81; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

Advisory Circular for Airplane System Design Analysis

Correction

In FR Doc. 81-32031, appearing at page 54958, in the issue of Thursday, November 5, 1981, make the following changes:

On page 54958, in the third column, paragraph "3. a.", the tenth line, insert (between considered and section.

On page 54959, in the first column, paragraph "4.b.", the fourth line should read "occurrence of a hazardous failure condition is".

On page 54959, in the third column, paragraph "5.m.", in the eighth line, change "even" to "event".

On page 54960, in the first column, paragraph "5.o.1." change 10^{5} to 10^{-5}.

On page 54960, in the first column, paragraph "5.o.2." change 10^{5} to 10^{-5} and change 10^{9} to 10^{-9}.

On page 54960, in the first column, paragraph "5.o.3." change 10^{9} to 10^{-9}.

On page 54960, in the first column, in the **Note** subsection (b) change 50 in the third line to read 5o and change "realiability" in the sixth line of the same paragraph to read "reliability".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Withdrawal of Proposed Rule and Reproposal of Rule To Regulate Under the CPSA Risk of Injury That May Be Presented by Certain Stuffed Toys

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule and reproposal.

SUMMARY: The Commission has reason to believe that a potential strangulation hazard may be presented by certain stuffed toys suspended from one or more strings, elastic, springs, or other cords, which form a loop in conjunction with the toy to which they are attached. The Commission proposes to use the procedures of the Consumer Product Safety Act rather than those of the Federal Hazardous Substances Act should regulatory action become necessary regarding this potential risk of injury. The Commission preliminarily determines that this transfer of procedures is necessary because, if the Commission finds that the products present a strangulation hazard, public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA. The Commission also withdraws the proposed regulation published at 45 FR 75685, November 17, 1980, and publishes a new proposed regulation to include some products which were not covered in the proposed rule of November 17, 1980.

DATE: Comments concerning this proposal must be received in the Office of the Secretary by January 4, 1982.

ADDRESS: Comments should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (202) 634-7700.

FOR FURTHER INFORMATION CONTACT: William J. Moore, Jr., Administrative Litigation Division, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Maryland (mailing address: Washington, D.C. 20207), telephone: (301) 492–6626.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 17, 1980 (45 FR 75685), the Commission proposed to regulate a risk of injury associated with certain stuffed animal toys under the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*) rather than under the Federal Hazardous. Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*). The risk which the Commission proposed to regulate under the CPSA was one of strangulation which may be presented by stuffed animal toys suspended from two or more cords (strings, elastic, springs or other types of cord) when such cords, in conjunction with the product, form a loop. The proposal was limited to products manufactured before the effective date of any final rule based on the proposal. See,45 FR 75685 at 75686.

The proposal to regulate under the CPSA was made in accordance with section 30(d) of that act (15 U.S.C. 2079(d)), which provides:

> A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act . . . may be regulated under [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act.

Although the risk of injury presented by the products which were the subject of the proposal of November 17, 1980, could have been eliminated or reduced to a sufficient extent under the FHSA, the Commission proposed to regulate these products under the CPSA because it had preliminarily determined that it would be in the public interest to regulate that risk of injury under the CPSA. This preliminary determination was based on provisions of the FHSA and CPSA which in effect in 1980, and on information about the physical characteristics of the products available to the Commission before it published the proposal.

Since publication of the proposal of November 17, 1980, provisions of the FHSA which were factors in the Commission's preliminary determination to regulate under the CPSA rather than the FHSA have been modified by the Consumer Product Safety Amendments of 1981 (section 1211(f)(1), Pub. L. 97–35, 95 Stat. 721), effective August 13, 1981. Additionally, after consideration of comments received in response to the proposal, and evaluation of additional information about the products which may present the risk of injury, the Commission has decided to broaden the scope of the proposal to include some products which were not covered by the proposal of November 17, 1980.

Therefore, the Commission is withdrawing the proposal of November 17, 1980, and publishing a new proposal to regulate a risk of injury associated with certain stuffed toys under the CPSA rather than the FHSA under provisions of section 30(d) of the CPSA.

A. Background

The Commission's investigation of this hazard began in 1979, after R. Dakin and Company (Dakin) reported to the Commission staff an infant death, apparently by strangulation, involving a stuffed animal mobile that Dakin had imported. The toy had been hung from a crib corner post on the inside portion of the crib. The product was one of six models of stuffed toy animals imported by Dakin. Each product used an identical three elastic cord suspension system. One cord was attached to the body of the toy. Two other cords were attached to the toys's body parts (*e.g.*, wings, ears). The three elastic cords met and were fastened together at a single point above the toy. The size and configuration of the openings created by the elastic cords, as well as the elastic property of the cords themselves, appeared to permit an infant to get the head and neck entangled in the cords. The Commission staff is aware of two incidents, involving two different Dakin stuffed toy animals, in which an infant allegedly became entangled in the elastic cords, strangled, and died.

After Dakin filed its report to the Commission in 1979 concerning the death associated with a stuffed animal toy it had imported, Dakin voluntarily recalled the stuffed animal products of the type involved in the report.

In the course of its investigation of the products imported by Dakin, the Commission staff learned that at least two other firms manufactured or imported products similar to those which were the subject of the investigation.

B. Proposal of November 17, 1980

After considering these facts, the Commission published its proposal of November 17, 1980, to regulate the risk of injury presented by these products under the CPSA rather than the FHSA. The notice of that proposal set forth the following reasons for the Commission's determination that regulation of that risk under the CPSA is in the public interest:

At the time the proposal was published, the FHSA authorized the Commission to issue a regulation by following the provisions of the Administrative Procedure Act (APA, 15 U.S.C. 553) to declare the products in question to be "banned hazardous substances" if the Commission determined that they were toys or other children's articles which present a mechanical hazard. (These provisions were contained in sections 2(f)(1)(D), 2(q)(1(A), 2(s)(9), and 3(e) of the FHSA (15 U.S.C. 1261(f)(1)(D), 1261(q)(1)(A), 1261(s)(9), and 1262(e)) prior to the amendment of the FHSA by the Consumer Product Safety Amendments of 1981 (section 1211(f)(1), Pub. L. 97–35, 95 Stat. 721)).

Under the repurchase provisions of section 15 of the FHSA (15 U.S.C. 1276) and the Commission's regulations implementing that section (16 CFR 1500.202, 203) which were in effect in 1980, retail stores in the distribution chain of any "banned hazardous substance" were required to place an identification of the banned product on a "Banned Articles or Substances List," to be displayed in various store locations for not less than 120 days. No other form of notice to consumers of the hazard presented by these products and the manufacturer's or importer's duty to recall them could be required under the provisions of the FHSA and implementing regulations in 1980.

When Dakin carried out its voluntary recall effort, it notified consumers in a manner similar to that then required by the FHSA and implementing regulations, described above. Dakin also provided additional notice to consumers in the form of press releases and mailings to newspapers and television stations. Despite Dakin's efforts to notify consumers, fewer than 36.000 products were returned of the more than 422.000 that Dakin had imported; and of the products recovered, fewer than 1.500 were returned by consumers.

In contrast to the limited requirements for notification to consumers which could be imposed under the FHSA and implementing regulations, the CPSA (in 1980 and after passage of the 1981 amendments) gives the Commission several ways to seek recall of hazardous products in the possession of consumers. Section 12 of the CPSA (15 U.S.C. 2061) authorizes the Commission to file an action in a United States district court against a manufacturer, importer, distributor, or retailer of a consumer product which presents an imminent and unreasonable risk of death or severe personal injury. The court has the authority to order recall of the product,

its repair or replacement, or refund of the purchase price of the product. The court also has authority to order a firm to undertake extensive notification efforts to advise purchasers and the general public of the nature of the risk and of the firm's obligation for remedial action.

Under provisions of section 15 of the CPSA (15 U.S.C. 2064) in 1980 and after the 1981 amendments, the Commission may determine, after conducting a hearing, that a product presents a substantial product hazard and order the manufacturer, importer, distributor, or retailer to repair, replace or refund its purchase price. Additionally, the Commission may order the manufacturer, importer, distributor, or retailer of a product which has been determined to present a substantial product hazard to undertake a broad notification program to inform the public of the hazard and of the corrective action to be taken, if the Commission determines that notification is required to adequately protect the public from the hazard.

Thus, when the Commission proposed in 1980 to regulate the risk of injury associated with the products in question under the CPSA, it believed such action to be in the public interest because the Commission then had greater authority to require widespread notification of the public concerning the nature of the hazard associated with the products and to require the recall, repair, or replacement of the product, or the refund of the purchase price under the CPSA than under the FHSA.

C. Consumer Product Safety Amendments of 1981

On August 13, 1981, the Consumer Product Safety Amendments of 1981, (1981 amendments, Pub. L. 97–35, 95 Stat. 703), became law. This legislation modified both the CPSA and the FHSA. Among the changes made by the 1981 amendments is modification of section 15 of the FHSA to make its provisions regarding notification to the public and recall of "banned hazardous substances" similar to those provisions of section 15 of the CPSA regarding notification to the public and requirements for repair, replacement, or refund of the purchase price of consumer products which present a "substantial product hazard."

Consequently, many of the reasons set forth in the proposal of November 17, 1980, for the Commission's preliminary determination that it is in the public interest to regulate the risk of injury associated with the products which were the subject of that proposal are no longer valid.

The modification of section 15 was not the only change to the FHSA made by the 1981 amendments. That legislation also changed the procedures required to issue a regulation which declares a toy or children's article to be a "banned hazardous substance."

As indicated above, before the 1981 amendments, such a regulation could be issued by following the procedures set forth in the APA at 5 U.S.C. 553. Those procedures involve publication of a proposal and giving opportunity for submission of written comments; consideration of any comments received; and publication of a notice to issue the rule on a final basis.

The 1981 amendments added several steps to the procedure required to issue a regulation declaring a product to be a "banned hazardous substance." These additional steps now appear in section 3 (f), (g), (h), and (i) of the FHSA (15 U.S.C. 1262 (f), (g), (h), and (i)). They require the Commission to publish an advance notice of proposed rulemaking in the **Federal Register** which identifies the product and the risk of injury associated with it; summarizes regulatory alternatives being considered by the Commission; identifies any existing standards which may be relevant and states the reason why the Commission believes they may not be adequate; solicits comments on the product and risk of injury which are the subject of the notice; and invites interested parties to submit existing standards or offers to develop or modify a voluntary standard to address the risk of injury presented by the product.

If, after consideration of all information received in response to the advance notice of proposed rule making, the Commission determines that a rule declaring the product to be a "banned hazardous substance" may be needed, the 1981 amendments require the Commission to publish a notice in the **Federal Register** to propose the rule. The notice of proposal must also include a preliminary analysis of anticipated benefits and costs of the proposed rule; the Commission's reasons for deciding that no existing standard or offer to develop or modify a voluntary standard would be adequate to address the risk of injury; and a description of alternatives to the proposed regulation considered by the Commission, including benefits and costs of each such alternative, and an explanation of why each alternative should not be proposed as a regulation.

If, after consideration of comments received in response to the proposal, the Commission decides to issue a final regulation declaring a product to be a "banned hazardous substance," the FHSA now requires the Commission to publish a notice in the **Federal Register** to issue the rule on a final basis. That notice must include an analysis of potential benefits and costs of the rule; a description of alternatives considered by the Commission and the reasons for rejecting each alternative; and a summary of significant issues raised by comments on the proposal. Additionally, the Commission must make and include in the final rule findings: that the benefits anticipated from the rule bear a reasonable relationship to its costs; that the regulation imposes the least burdensome requirements which adequately reduce the risk of injury under consideration; and, if a voluntary standard is applicable to the product which is the subject of the rule, that the voluntary standard is not expected to adequately address the risk of injury associated with the product.

Thus, while the provisions of section 15 of the FHSA have been changed to authorize the Commission to give wider notice to the public that a product is banned and subject to remedial action, the procedures now prescribed by the FHSA to declare the product to be a "banned hazardous substance" have become significantly more complex and time-consuming.

The 1981 amendments also made changes to the CPSA. However, they do not add to the complexity of the procedure set forth in section 30(d) for issuing a rule to regulate a risk of injury covered by the FHSA under the CPSA. The 1981 amendments also do not affect the authority contained in section 12 of the CPSA for a court to order notification of the public and recall, repair, replacement, or refund of the purchase price of a consumer product which presents an imminent hazard. Also unchanged are the procedures under section 15 of the CPSA for ordering notice to the public that a product presents a substantial product hazard and for ordering repair, replacement, or refund of the purchase price of a product which presents a substantial product hazard.

While section 15 of the FHSA now contains provisions for consumer notification and corrective action which are similar to those contained in section 15 of the CPSA, they would not become applicable to the toys in question until the Commission issues a regulation to declare them to be "banned hazardous substances." As indicated above, the 1981 amendments to the FHSA have added new steps to the procedure required to issue such a regulation. By increasing the complexity of the rulemaking proceeding, the 1981 amendments to the FHSA add

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considerably to the length of time needed to issue a banning rule applicable to a toy under the FHSA on a final basis.

However, if a product is subject to regulation under the CPSA, no preliminary rule-making proceeding is required before the Commission may take action under section 12 of that act to deal with any imminent hazard which it may present, or under section 15 of the CPSA to require notification or corrective action of any substantial product hazard which it may pose.

Consequently, as a result of the 1981 amendments to the FSHA, the Commission has again preliminarily determined that it would be in the public interest to regulate the products which were the subject of the November 17, 1980, proposal under the CPSA rather than the FHSA. The reason for this preliminary determination is that as a result of the 1981 amendments, notification of the public and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA.

Sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058) set forth procedures for issuing safety standards applicable to consumer products. The CPSA also contains authority at section 8 (15 U.S.C. 2057) for issuance of regulations to declare consumer products to be "banned hazardous products." As a result of the 1981 amendments, the procedures in the CPSA for issuance of consumer product safety standards and banning regulations are similar to those prescribed by the FHSA for issuance of a regulation to declare a toy or children's article to be a "banned hazardous substance."

If the rule proposed below is issued on a final basis and the Commission thereafter determines that a consumer product safety standard or banning regulation is needed for the products covered by the rule, such a standard or regulation will be issued by following the provisions of the CPSA rather than the FHSA.

Provisions of section 15(b) of the CPSA, which require manufacturers, distributors, and retailers of a consumer product which could create a "substantial product hazard" to notify the Commission, are applicable regardless of whether the product in question is or is not subject to a consumer product safety standard or banning rule.

D. Comments on the Proposal of November 17, 1980

In response to the proposal of November 17, 1980, the Commission received three comments. Comments from a toy manufacturer and a trade association of toy manufacturers objected to the limitation of the proposed rule to those products manufactured prior to the effective date of any final rule based on the proposal. These comments stated that section 30(d) of the CPSA provides for the complete transfer of an entire risk of injury from the FHSA to the CPSA, and not a "piecemeal" transfer of the risk.

The Commission has reconsidered the proposal of November 17, 1980, and in view of the changes made to the FHSA by the 1981 amendments, now agrees with these comments that it would be more efficient to regulate under the CPSA the entire risk of injury posed by stuffed toys suspended by strings, elastic, springs, or other cords which may, in conjunction with the toy to which they are attached, form a loop, regardless of the date on which the toys were manufactured. Accordingly, the regulation proposed below would be applicable to any toy described in proposed § 1145.9(a), regardless of date of manufacture.

A third comment suggested that the proposed rule should be extended to include any toy of the type described in the proposal of November 17, 1980, and not limited to those in the configuration of stuffed animals. This comment suggested that the proposed rule should be applicable to any toy presenting the same risk of injury as the products which were the subject of the proposal of November 17, 1980, regardless of the material from which it is made, or its shape, if it is capable of being suspended from strings, elastic, springs, or other cords supplied with the toy, and if the cords, in conjunction with the toy, form a loop. This comment also suggested that a toy suspended from a single cord could present a strangulation hazard.

From the investigation which was initiated in response to the death reported in 1979, the Commission has learned that only stuffed toys of the type described by the commenter have been associated with incidents involving a strangulation hazard.

However, the Commission agrees with the commenter that a stuffed toy in the shape of some object other than an animal (for example, a clown or an airplane) could present the same hazard as the toys which were the subject of the proposal of November 17, 1980. The Commission also agrees with this commenter that a stuffed toy suspended by a single cord, elastic, or spring, could present a strangulation hazard, if both ends of the cord were attached to the body of the toy in such a manner as to form a loop in conjunction with the toy.

For these reasons, proposed § 1145.9 published below describes the products covered by the proposals as "stuffed toys" rather than "stuffed animal toys." Additionally, the toys which are the subject of the proposal are described in proposed § 1145.9(a) as stuffed toys suspended from "one or more strings, elastic, springs, or other cords" rather than stuffed toys suspended from "two or more" strings or cords. Of course, any subsequent action commenced under the CPSA would not necessarily be as broad as the risk of injury which is the subject of the proposal published below.

E. Impact on Small Businesses

Section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603) requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis of the impact of any proposed rule on small entities, including small businesses. Section 605(b) of the RFA provides that an agency is not required to prepare a regulatory flexibility analysis if the agency certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small entities.

The regulation proposed below, if issued on a final basis, will not by itself impose any legal or other obligation on any person or firm. The rule would simply announce that any action taken to eliminate or reduce the risk of injury with which it is concerned will be taken following the procedures set forth in the CPSA rather than the FHSA.

If the Commission issues a final rule based on the proposal issued below, and then determines that it should act to eliminate or reduce the risk of injury which is the subject of the rule, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Since a final rule based on the proposal imposes no obligation on any person or firm, the Commission hereby certifies that it will not have a significant economic impact on a substantial number of small businesses.

F. Environmental Considerations

The regulation proposed below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

G. Withdrawal and Reproposal

After consideration of the information set forth above, changes to the FHSA made by the Consumer Product Safety Amendments of 1981 (Pub. L. 97–35), and comments received, the Commission hereby withdraws the proposal published in the **Federal Register** of November 17, 1980 (45 FR 75685). Until issuance of any final regulation under section 30(d) of the CPSA, the Commission has authority to regulate the products described in the proposal of November 17, 1980, and in this notice, under provisions of the FHSA.

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Under provisions of the Consumer Product Safety Act (section 30(d), Pub. L. 92–573, 86 Stat. 1231, as amended Pub. L. 94–284, 90 Stat. 3472, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d)), the Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter B, Part 1145, by adding a new § 1145.9, as follows:

§ 1145.9 Certain stuffed toys; risk of strangulation injury.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, the risk of strangulation that may be presented by stuffed toys suspended from one or more strings, elastic, springs, or other cords when such cords, in conjunction with the product, form a loop.

(b) Therefore, if the Commission finds regulation necessary, any such toys shall be regulated only under one or more provisions of the Consumer Product Safety Act.

Interested persons are invited to submit written comments by January 4, 1982. Comments may be accompanied by written data, views, and arguments and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, Third floor, 1111 18th Street, N.W., Washington, D.C. between 8:30 a.m. and 5:00 p.m., Monday through Friday.

(Sec. 30(d) Pub. L. 92–573, 86 Stat. 1231, as amended Pub. L. 94–284, 90 Stat. 3472, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d))

Dated: November 24, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-34787 Filed 12-2-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Public Health Service

Office of Human Development Services

42 CFR Parts 52d and 86

45 CFR Parts 74 and 1336

Grants and Subgrants to For-Profit Organizations

AGENCY: Department of Health and Human Services (HHS).

ACTION: Proposed rules.

SUMMARY: This rule proposed to remove regulatory bars to grants to for-profit organizations under three HHS grant programs in which the for-profit organizations are not barred by statute from receiving grants.

It also proposes (1) to make HHS's Department-wide grants administration regulations, 45 CFR Part 74, apply automatically to grants and subgrants to for-profit organizations and (2) to add to those regulations additional provisions for grants and subgrants to for-profit organizations.

These actions reflect a reversal of the Department's generally policy of not making for-profit organizations eligible for grants in those few programs where they are not statutorily barred from receiving grants.

DATE: Comments must be received on or before February 1, 1982.

ADDRESS: Send comments to: Matthias Lasker, Department of Health and Human Services, Room 513D, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. The public may see the comments received in Room 517D from 9 a.m. to 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Matthias Lasker, Director, Division of Grants Policy and Regulations Development, 202–245–7565.

SUPPLEMENTARY INFORMATION:

Background: Eligibility of For-Profit Organizations for HHS Grants

Under a few HHS discretionary grant programs, for-profit organizations are not barred by the authorizing statute from receiving grants. However, for many years HHS policy has been not to award grants to for-profit organizations. These organizations have been eligible for procurement contracts but not grants.

With the passage of the Federal Grant and Cooperative Agreement Act (Pub. L. 95–224, 41 U.S.C. 501–509) and the issuance of OMB guidance for implementing the Act (43 FR 36860, August 18, 1978), the policy is no longer appropriate. That Act makes choice of funding instrument—grant, cooperative agreement or contract—dependent upon factors other than kind of recipient. The OMB guidance states that grants may be made to for-profit organizations when deemed by the agency to be consistent with legislative intent and program purposes.

Accordingly, the Department now intends to make for-profit organizations eligible for grants in those grant programs where the OMB critieria are met.

When for-profit organizations are made eligible under a discretionary program, their applications will normally compete on equal terms with other applications and be evaluated according to the same priorities and criteria.

We believe the public will benefit from this new approach. The HHS grant programs affected will likely have more projects or activities to select from. The programs will be able to choose the best of those projects or activities, without regard to the kinds of organizations that will receive the grants except to the extent that that factor bears upon program objectives.

Note.—The Federal Grant and Cooperative Agreement Act provides that, if substantial Federal involvement is anticipated during performance of what would otherwise be a grant, the instrument is to be designated a "cooperative agreement." Please take all statements we make in this preamble on grants as applying equally to cooperative agreements. The Department's grants administration regulations in 45 CFR Part 74, which are discussed later in this preamble, define "grant" broadly enough to include cooperative agreements, and in this preamble we are using "grant" in that broad sense.

As a first step in exploring and adopting the new approach, on February 28, 1980, HHS's Public Health Service (PHS) published a notice in the **Federal Register** (at 45 FR 13200) inviting comments on a proposal to begin permitting grants (including cooperative agreements) to for-profit organizations under certain PHS research programs.

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In a **Federal Register** notice on April 6, 1981, (at 46 FR 20603), PHS responded to the comments and announced its decision to amend its regulations to remove bars to grants to for-profit organizations in the research programs identified in the earlier notice.

Extending Eligibility to For-Profits in additional Grant Programs

After reviewing its statutory authorities and its regulations, the Department has identified four additional HHS grant programs which have no statutory bars to grants to for-profit organizations but do have regulations containing such bars.

The regulations for one of these programs (Health Care Technologies Research) are the same as those which apply to some of the programs PHS listed in its April 6, 1981 announcement on grants to for-profit organizations. Elsewhere in this issue of the **Federal Register** the Department is issuing final amendments to those regulations to remove the non-statutory bars.

This notice proposes to remove the non-statutory bars from the regulations of the other three programs and so make for-profit organizations eligible for grants under those programs. The programs are: National Cancer Institute Clinical Cancer Education Program (Secs. 404(a)(4) and 404(b)(7) of the Public Health Service Act, 42 U.S.C. 285(a)(4) and (b)(7), 42 CFR Part 52d) (Amendments A below.)

(Grants for Educational Programs in Occupational Safety and Health (Sec. 21(a)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 670, 42 CFR Part 86) (Amendment B below))

Native American Programs—Research, Demonstrations, and Pilot Projects (Sec. 805 of the Native American Programs Act of 1974, 42 U.S.C. 2991d, Subpart E of 45 CFR Part 1336) (Amendment D below).

The Department has also identified additional programs under which grants to for-profit organizations are statutorily authorized. However, these programs either have no regulations or have regulations that contain no bars to grants to for-profit organizations. The programs are:

- Substances and Living Organisms for Biomedical and Behavioral Research (Sec. 301(a) of the PHS Act, 42 U.S.C. 241(a)) (Grants of property)
- Health Statistics Research and Epidemiological Research (Secs. 306(b) (2) and (3) of the PHS Act, 42 U.S.C. 242k(b) (2) and (3))
- Biological Products (Sec. 352(b) of the PHS Act, 42 U.S.C. 263(b)) (Grants of property)
- National Cancer Program (the rest of the program besides the Clinical Cancer Education subprogram, whose regulations this notice proposes to amend, as explained above) (Sec. 404(b)(7) of the PHS Act, 42 U.S.C. 285(b)(7))
- National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (Sec. 413(c)(3) of the PHS Act, 42 U.S.C. 287b(c)(3))
- Experiments and Demonstration Projects Under Titles XVIII and XIX of the Social Security Act (Medicare and Medicaid) (Sec. 222(a) of Pub. L. 92–603, 42 U.S.C. 1395b–1 (note))
- Grants to "Alternate" Professional Standards Review Organizations (Sec. 1152 of the Social Security Act, 42 U.S.C. 1320c–1)
- National Impact Demonstrations Under Title IV of the Older Americans Act (Sec.424 of the Act, 42 U.S.C. 3035e)
- Projects to Relieve Older Individuals from High Utility and Home Heating Costs (Sec 425 of the Older Americans Act, 42 U.S.C. 3035f)
- Evaluation of Projects Assisted by the Native American Programs Act of 1974 (Sec. 810 of the Act, 42 U.S.C. 2992)
- Research, Demonstration, and Pilot Projects under Headstart (formerly Sec. 552 of the Economic Opportunity Act, now Sec. 649 of Pub. L. 97–35,, the Omnibus Budget Reconciliation Act of 1981)

As explained above, PHS has already invited comments on a proposal to begin permitting grants to for-profit organizations under certain programs. Any future invitations for grant applications in those programs will not preclude applications from for-profit organizations unless there are exceptional circumstances. We now propose, and seek comments on, following the same policy for the programs identified in this preamble. These programs are the Health Care Technologies Research program (Sec.309(b) of the PHS Act, 42 U.S.C. 242n, 42 CFR Part 52), the three programs listed above whose regulations are to be amended, and the programs listed above that have neither statutory nor regulatory bars.

Making 45 CFR Part 74 Apply to Grants and Subgrants to For-Profit Organizations

HHS's Department-wide grants administration regulations, 45 CFR Part 74, presently do not apply to grants and subgrants to for-profit organizations.

There is currently no body of government-wide or HHS-wide guidance or rules on the administration of grants or subgrants to for-profit organizations. OMB has been studying the question, but it may be some time before government-wide guidance is issued. In the meantime, to assure orderly administration of any HHS grants or subgrants awarded to for-profit organizations, we propose to make Part 74 apply to those awards. (Amendment C.3 below.)

Adding Provisions to 45 CFR Part 74 for Grants and Subgrants to For-Profit Organizations

In making 45 CFR Part 74 apply to grants and subgrants to for-profit organizations, we also propose to add some provisions to Part 74 to deal specifically with the administration of these grants and subgrants. The proposed provisions are similar to those special conditions listed in the April 6, 1981 **Federal Register** notice for PHS grants to for-profit organizations.

When enacted the provisions will apply to all HHS grants and subgrants to for-profit organizations, including PHS grants, thus eliminating the present need for any special conditions in PHS grants to for-profit organizations.

We do not propose provisions for Federal access or rights to data, such as those described in the April 6, 1981 **Federal Register** notice referring to PHS grants to for-profit organizations.

After further review the Department believes that further regulation on Federal rights to data is not necessary. We have no evidence that research data are withheld in practice and in the absence of such evidence, we believe it would be arbitrary to impose special conditions for one group of grantees.

For-profit organizations will be subject to the same administrative policies as apply to non-profit institutions—as set forth in 45 CFR Part 74.

Following are descriptions of the additional provisions we are proposing for awards to for-profit organizations:

1. *Cost principles.* Some set of principles must be prescribed for determining allowable costs of for-profit organizations under grants and subgrants. We are proposing a section providing for use of the cost principles used in cost-type Federal procurement contracts awarded to for-profit organizations.

The section makes an exception for for-profit organizations that are hospitals. We believe the hospital cost principles in Appendix E to Part 74 are clearly more suitable and should apply to all hospitals, whether public, private nonprofit, or for-profit.

The section also continues a long-standing HHS policy of not allowing the

costs of independent research and development, which would otherwise be allowable as indirect costs. The exception will apply to for-profit organizations performing as contractors under grants or subgrants as well as those performing as grantees or subgrantees. (Amendment C.8 below.)

2. *Prohibition against profit.* A section will be added drawing the attention of for-profit organizations to the Part 74 rule that prohibits the payment of grant funds as profit to any grantee or subgrantee.

This prohibition is one of the fundamental features that characterize grants and distinguish them from contracts. We intend no exception for any kind of recipient.

We propose to add this section solely because for-profit organizations may not be sufficiently aware of the prohibition. (Amendment C.9 below, § 74.705.)

3. *Real property, equipment, and supplies.* A section will be added containing special rules for real property, equipment, and supplies acquired with grant financial support by a for-profit grantee or subgrantee.

The special rules provide that title to the property vests in the Federal Government rather than the recipient. When the Federally-owned property is no longer to be used for grant-supported activities, the recipient must follow disposition instructions from the granting agency.

When for-profit organizations receive HHS contracts, title to property acquired under the contracts normally vests in the Federal Government. By applying the same policy to property under grants, we will reduce the differences in rules for these organizations under these instruments. We may also enable some of these organizations to use essentially the same property control and management systems for grant property as they use for contract property.

The proposed section expands slightly upon the special condition with the same intent, described in the PHS April 6, 1981 **Federal Register** notice referred to above. Most of the added material describes when property disposition instructions are to be requested from the granting agency. (Amendment C.9 below, § 74.710.)

4. *General program income.* A section will be added providing that, of the three alternatives in Part 74 regarding the use of general program income earned from grant-supported activities, the "additional costs alternative" will not be used if the income is earned by a for-profit recipient.

Under this alternative, the income is used for any costs that further the objectives of the Federal statute under which the grant was made, and the term "objectives" has been interpreted broadly. That kind of general support is not normally appropriate for for-profit organizations. (Amendment C.9 below, § 74.715.)

5. *Royalties on patents and inventions.* A section will be added on the disposition of royalties (or equivalent income) on inventions or patents arising out of the activities assisted by a grant or subgrant to a for-profit organization other than a small business firm. The section will provide that determinations or agreements on disposition of these royalties will be made or entered into on a case-by-case basis only.

Currently, with some grantee organizations, HHS enters into blanket agreements covering inventions, patents, and associated royalties arising out of any of HHS's research project grants to the organization. The agreements provide for the retention of royalties by the organization, subject to certain conditions and requirements.

It is likely that HHS will be amending its patent regulations to implement 35 U.S.C. Chapter 18, "Patent Rights in Inventions Made With Federal Assistance," added by Pub. L. 96–517. At that time, we will review the entire question of inventions developed by for-profit grantees other than small business firms and income earned on those inventions. In the meantime, we think it prudent to deal with patent and invention royalties earned by these grantees on a case-by-case basis only. (The section will not apply to inventions made by grantees or subgrantees that are small business firms. Rights to those inventions are governed by 35 U.S.C. 200–211.) (Amendment C.9 below, § 74.720.)

6. *Prohibition against institutional cost-sharing agreements.* A section will be added providing that, under research grants to for-profit organizations, HHS will implement statutory requirements for cost sharing through project-by-project cost-sharing agreements only; it will not enter into "institutional cost-sharing agreements."

Under project-by-project cost-sharing agreements, for each research project supported by a grant, HHS negotiates a percentage of cost sharing for that particular project.

Under an institutional cost-sharing agreement, a percentage is negotiated for all or some of HHS's research project grants to the grantee in the aggregate. The actual amount of cost sharing may vary among individual projects at the discretion of the grantee.

Because the number of grants to any one for-profit organization will likely be few, an institutional cost-sharing agreement with a for-profit organization makes little sense and has no advantage. (Amendment C.9 below, § 74.725.)

Other Proposed Amendments

In addition to the amendments discussed above and associated technical conforming amendments, we proposed a few additional amendments to Part 74, as follows:

1. We propose to add a simple definition of "for-profit organization." (Amendment C.2 below.)

2. Section 74.130 of Part 74 provides that equipment or supplies acquired by a contractor under a grant or subgrant is subject to the Part 74 rules on grant property only if, by the terms of the contract, the property is to be owned by the grantee or subgrantee. However, under one of the proposed provisions (No. 3 in the above discussion of provisions), if title is not to vest in the contractor or another third party, situations will arise in which property will be owned not by the grantee or subgrantee—but by the Federal Government—and yet be subject to some property rules in Part 74.

We are proposing to change the wording of § 74.130 to eliminate the conflict with the new provision. (Amendment C.7 below.)

3. As explained above (No. 1 in the above discussion of provisions), we are proposing a new section specifying the cost principles for determining the allowable costs of for-profit organizations. The section will apply to for-profit cost-type contractors as well as to for-profit grantees and subgrantees. As a result, a paragraph now in Part 74 on cost principles for these contractors will no longer be needed and is being proposed for deletion. (Amendment C.8 below.)

Other Information

The Department has determined that this is not a major rule as defined in Executive Order 12291. Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entitles.

Approved: November 10, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Accordingly, the Department of Health and Human Services proposes to amend Titles 42 and 45 of the Code of Federal Regulations as follows:

A. 42 CFR Part 52d is amended as follows:

PART 52—NATIONAL CANCER INSTITUTE CLINICAL CANCER EDUCATION PROGRAM

1. Section 52d.2 is amended to remove and reserve paragraph (c), the definition of "nonprofit."

§ 52d.2 [Amended]

* * * * *

(c) [Reserved]

* * * * *

2. Section 52d.3 is amended to revise introductory paragraph and paragraph (a) to read as follows:

§ 52d.3 Eligibility.

To be eligible for a grant under this part, an applicant must be:

(a) A public or private school of medicine, osteopathy, dentistry, or public health, affiliated teaching hospital, or specialized cancer institute; and

* * * * *

3. Section 52d.4 is amended to remove and reserve paragraph (b).

Authority: Sec. 215, 58 Stat. 690, as amended 63 Stat. 835 (42 U.S.C. 216); sec. 404(a)(4), 92 Stat. 3426 (42 U.S.C. 285).

§ 52d.4 [Amended]

* * * * *

(b) [Reserved]

* * * * *

B. 42 CFR Part 86 is amended as follows:

PART 86—GRANTS FOR EDUCATION PROGRAMS IN OCCUPATIONAL SAFETY AND HEALTH

1. Section 86.2 is amended to remove and reserve paragraph (b), the definition of "nonprofit agency or institution."

§ 86.2 [Amended]

* * * * *

(b) [Reserved]

* * * * *

2. Section 86.11 is amended to revise paragraph (a) to read as follows:

§ 86.11 Eligibility.

(a) *Eligible applicants.* Any public or private educational or training agency or institution located in a state is eligible to apply for a grant under this subpart.

* * * * *

3. Section 86.31 is amended to revise introductory paragraph and paragraph (a) to read as follows:

§ 86.31 Eligibility; minimum requirements.

In order to be eligible for an award under this subpart an applicant must:

(a) Have been accepted by a public or private institution for the purpose of the activity for which the traineeship is sought.

* * * * *

Authority: 84 Stat. 1600, 29 U.S.C. 657(g); 84 Stat. 1612, 29 U.S.C. 670(a).

C. 45 CFR Part 74 is amended as follows:

1. The Table of Contents is amended to revise the entries for Subpart Q and to add entries for Subparts U through AA as follows:

PART 74—ADMINISTRATION OF GRANTS

* * * * *

Subpart Q—Cost Principles

* * * * *

Sec.

74.175 For-profit organizations other than for-profit hospitals.
74.176 Subgrants and cost-type contracts.
74.177 Costs allowable with approval.

* * * * *

Subparts U–Z [Reserved]

Subpart AA—Special Provisions for Grants and Subgrants to For-Profit Organizations

74.701 Scope of subpart.
74.705 Prohibition against profit.
74.710 Real property, equipment, and supplies.
74.715 General program income.
74.720 Royalties or equivalent income earned from patents or inventions.
74.725 Cost sharing under research grants.

* * * * *

Authority: 5 U.S.C. 301.

2. Section 74.3 is amended to add the following definition after the definition of "Federally recognized Indian tribal government":

§ 74.3 Definitions.

* * * * *

"For-profit" organization or institution means a corporation or other legal entity which is organized or operated for the profit or benefit of its shareholders or other owners.

* * * * *

3. Section 74.4 is amended to remove the words "for-profit organization" from paragraphs (a) and (b) and to add a new paragraph (d). As revised, § 74.4 reads as follows:

§ 74.4 Applicability of this part.

(a) *General.* Except where inconsistent with Federal statutes, regulations, or other terms of a grant, this part applies to all HHS grants. However, unless expressly made applicable by the granting agency, this part shall not apply when the grantee is a Federal agency, foreign government or organization, international organization such as the United Nations, or individual.

(b) *Subgrants.* For each substantive provision in this part, either the language of the provision itself or other text in the same subpart will indicate whether the provision affects only grants, only subgrants, or both. Use of the term "recipient" (as defined in § 74.3) in a provision shall be taken as referring equally to grantees and subgrantees. Similarly, use of the term "awarding party" (as defined in § 74.3) shall be taken as referring equally to granting agencies and to grantees awarding subgrants. However, unless expressly made applicable by the granting agency, this part need not be applied by the grantee to a subgrant if the subgrantee is a Federal agency, foreign government or organization, international organization such as the United Nations, or individual.

(c) *Public institutions of higher education and hospitals.* Grants and subgrants to institutions of higher education and hospitals operated by a government shall be subject only to provisions of this subpart that apply to nongovernmental organizations.

(d) *For-profit organizations.* The attention of for-profit organizations is directed to Subpart AA of this part. The special provisions in that subpart for grants and subgrants to those organizations contain exceptions to other portions of this part.

4. Section 74.22 is amended to add to paragraph (b) a cross reference to new § 74.710(e), as follows:

§ 74.22 Starting date of retention period.

* * * * *

(b) *Equipment records.* The retention period for the equipment records required by § 74.140(a) starts from the date of the equipment's disposition (§§ 74.139 or 74.710(e)) or replacement (§ 74.138) or transfer at the discretion of the awarding party (§ 74.136).

* * * * *

§ 74.101 [Amended]

5. Section 74.101 is amended by revising the reference to § 74.176 in the first sentence to § 74.177.

§ 74.105 [Amended]

6. Section 74.105 is amended by revising the reference to § 74.176 in paragraph (c) to § 74.177.

7. Section 74.130 is amended to revise paragraph (d) to read as follows:

§ 74.130 Scope and applicability of this subpart.

* * * * *

(d) Equipment or supplies acquired by a contractor under its contract are not subject to this subpart if, by the terms of

the contract, title to the property vests in the contractor or another third party.

* * * * *

8. Subpart Q is amended by adding a new § 74.175, by redesignating current §§ 74.175 and 74.176 as §§ 74.176 and 74.177 respectively, and by deleting the second paragraph in the section redesignated as § 74.176. As amended, §§ 74.175 and 74.176 read as follows:

§ 74.175 For-profit organizations other than for-profit hospitals.

(a) The principles to be used in determining the allowable costs of activities conducted by for-profit organizations (other than for-profit hospitals) are contained in the Federal Procurement regulations at 41 CFR Subpart 1–15.2. *Exception:* Independent research and development costs (including the indirect costs allocable to them) are unallowable. Independent research and development are defined in the Federal Procurement Regulations at 41 CFR 1–15.205–35.

(b) For hositals, see § 74.173.

§ 74.176 Subgrants and cost-type contracts.

The cost principles applicable to a subgrantee or cost-type contractor under an HHS grant will not necessarily be the same as those applicable to the grantee. For example, where a State government awards a subgrant or cost-type contract to an institution of higher education, OMB Circular A–21 would apply to the costs incurred by the institution of higher education, even though OMB Circular A–87 would apply to the costs incurred by the State.

§ 74.177 Costs allowable with approval.

* * * * *

9. Suparts U through Z are reserved and a new Subpart AA is added as follows:

Subparts U-Z [Reserved]

Subpart AA—Special Provisions for Grants and Subgrants to For-Profit Organizations

§ 74.701 Scope of subpart.

(a) This subpart contains provisions that apply to grants and subgrants to for-profit organizations. These provisions are in addition to other portions of this part that apply to all recipients, or they make exceptions for awards to for-profit organizations from other provisions of this part.

(b) This subpart also draws attention to, or discusses, provisions elsewhere in this part that need special emphasis or clarification with respect to awards to for-profit organizations.

§ 74.705 Prohibition against profit.

Attention is directed to § 74.170 which provides, in effect, that no grant funds may be paid as profit to any recipient of a grant or subgrant, even if the recipient is a for-profit organization. Profit is any amount in excess of allowable direct and indirect costs of the recipient.

§ 74.710 Real property, equipment, and supplies.

(a) *Applicability.* (1) This section applies to real property, equipment, and supplies which, in accordance with § 74.130, would be suject to Subpart O of this part but is acquired under a grant or subgrant to a for-profit organization.

(2) A grantee that is not a for-profit organization may take title to property acquired under a subgrant to a for-profit organization. If so, the property will be considered as acquired by the grantee under its grant, and this section will not apply to the property.

(b) *Exemptions from Subpart O.* Property subject to this section is exempt from Subpart O of this part except for the definitions in § 74.132 and except, with respect to equipment, for the equipment management requirements in § 74.140.

(c) *Title.* The recipient shall vest title to the real property, equipment, and supplies in the Federal Government.

(d) *Inventory results.* The recipient shall inform the granting agency of the results of each physical inventory taken of the equipment. (Inventory requirements are in § 74.140 of this part.)

(e) *Disposition.* The recipient shall request and follow the instructions of the granting agency regarding disposition of the property as follows:

(1) For real property and equipment, whenever an item is no longer needed for the grant-supported activities.

(2) For supplies, annually during the performance of its grant or subgrant with respect to any supplies that during the preceding year ceased to be needed for the grant-supported activities.

(3) For all property, at the end of the recipient's grant or subgrant, with respect to any of the property which it still holds.

(f) *Other instructions.* The recipient shall follow any other instructions issued by the granting agency regarding use, management, or disposition of the property.

§ 74.715 General program income.

The additional costs alternative described in § 74.42(e) of this part may not be applied to general program income earned by a recipient that is a for-profit organization.

§ 74.720 Royalties or equivalent income earned from patents or inventions.

(a) As explained in § 74.45 of this part, disposition of royalties or equivalent income earned on patents or inventions arising out of activities assisted by a grant or subgrant is governed by determinations made or agreements entered into under HHS's patent regulations (45 CFR Parts 6 and 8). However, in the case of patents or inventions arising out of activities assisted by a grant or subgrant to a for-profit organization, those determinations or agreements will be made or entered into on a case-by-case basis only, and hence §§ 8.1 (b) and (c) will not apply to these awards.

(b) This section does not apply to small business firms, as defined in section 201(h) of Chapter 18 of Title 35, United States Code. For inventions made with Federal assistance by those firms, determinations of ownership and disposition of rights are made in accordance with that Chapter 18.

§ 74.725 Cost sharing under research grants.

Under research grants to for-profit organizations, HHS does not enter into institutional cost-sharing agreements that cover all or a number of its research project grants to the grantee in the aggregate. In research grants to these organizations, HHS implements statutory requirements for cost sharing through separate cost-sharing agreements negotiated for each research project.

PART 1336—NATIVE AMERICAN PROGRAMS

D. In 45 CFR Part 1336, § 1336.30 is amended to delete the word "nonprofit" in the two places that it occurs.

Authority: 88 Stat. 2324 (42 U.S.C. 2991d).

[FR Doc. 81–34719 Filed 12–2–81; 8:45 am]
BILLING CODE 4150–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–774; RM–3947]

FM Broadcast Stations in Key West, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 254 to Key West, Florida, in response to a

petition filed by B.F.J. Timm. The proposed assignment could provide a fourth FM broadcast service to Key West.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

Adopted: November 6, 1981.

Released: November 24, 1981.

By the Acting Chief, Policy and Rules Division.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Key West, Florida), BC Docket No. 81–774 RM–3947.

1. The Commission herein considers a petition for rule making,[1] filed by B.F.J. Timm ("petitioner"), proposing the assignment of Class C FM Channel 254 to Key West, Florida, as that community's fourth FM assignment. Petitioner stated his intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Key West (population 24,292),[2] in the Key West Division (population 31,637), is located approximately 208 kilometers (130 miles) southwest of Miami, Florida. It is served locally by daytime-only AM Station WKWF, fulltime AM Station WKIZ, and three FM stations: WIIS (Channel 296A), WFYN (Channel 223) and WVFK (Channel 258).

3. According to petitioner, year-round tourism, trade and the fishing industry are the primary sources of Key West's economy. Key West is also the location of an anti-submarine and training Naval base and Navy hospital, which tends to boost the economy. Petitioner claims that approximately 48,000 people would be served by the proposed Channel 254 assignment (Key West Division 31,637, Lower Keys Division 6,353, and Middle Keys Division 10,221). It is the belief of the petitioner that the above factors contribute to an active community with a strong need for expanded communications facilities.

4. The study submitted by the petitioner shows that no community with a population greater than 1,000 will be precluded by the proposed assignment of Channel 254 to Key West.

[1] Public Notice of the petition was given on July 28, 1981. Report No. 1300.

[2] Population figures are taken from the 1980 U.S. Census.

5. This proposal exceeds the Commission's population guidelines for a fourth FM assignment. However, since we are more concerned with the efficiency of allocations, than with the total number of allocations to a community, we have analyzed the preclusive impact of the proposal. See *Waycross, Georgia,* 47 RR 2d 319 (1980). Here preclusion appears to present no obstacle to the proposed assignment since no community appears to be adversely affected.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows for the listed community:

City	Channel No.	
	Present	Proposed
Key West, Florida	223, 258,	223, 254, 258, 296A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division. Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the Decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this

Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34894 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-812; RM-3941]

FM Broadcast Station in Lamoni, Iowa; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 249A to Lamoni, Iowa, in response to a petition filed by Lamoni Broadcasting Co. The assignment could provide Lamoni with a first local aural broadcast service.

DATES: Comments may be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: November 18, 1981.

By the Acting Chief, Policy and Rules Division.

In the Matter of amendment § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lamoni, Iowa) BC Docket No. 81-812 RM-3941.

1. Lamoni Broadcasting Co. ("petitioner") has filed a petition for rule making [1] seeking assignment of FM Channel 249A to Lamoni, Iowa, as that community's first assignment. The assignment can be made in compliance with the Commission's rules, and petitioner states that it will apply for the channel, if assigned. No oppositions to the proposal were received.

2. Lamoni (population 2,705),[2] in Decatur County (population 9,794), is located approximately 112 kilometers (70 miles) south of Des Moines, Iowa. It presently has no local aural service.

3. Petitioner states that Lamoni, the largest city in Decatur County, is growing and has an excellent potential for development, due largely to its accessible location adjacent to an interstate and U.S. Highway. A further indicator of its growth potential is attributed to its equi-distant location between Des Moines and Kansas City. The proposed station would fill an important community need for coverage of general events and especially sports activities, for which there is considerable interest in the Lamoni area, according to petitioner.

4. In view of the fact that the proposed FM assignment could provide a first local aural broadcast service to Lamoni, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No	
	Present	Proposed
Lamoni, Iowa		249A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before January 4, 1982 and reply comments on or before January 19, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

[1] Public Notice of the petition was given on July 28, 1981, Report No. 1300.

[2] Population figures are extracted from the 1980 U.S. Census.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the

proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34708 Filed 12-2-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR PART 73

[BC Docket No. 81-778; RM-3946]

FM Broadcast Station in Great Bend, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 300 to Great Bend, Kansas, in response to a petition filed by John E. Bozeman. The proposed assignment could provide a second commercial FM service to Great Bend.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Great Bend, Kansas) BC Docket No. 81-778 RM-3946.

1. The Commission herein considers a petition for rule making [1] filed by John E. Bozeman ("petitioner"), proposing the assignment of Class C Channel 300 to Great Bend, Kansas. The proposal could provide Great Bend with its second commercial FM assignment. Petitioner stated his intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Great Bend (population 16,606),[2] seat of Barton County (population 31,343), is located approximately 144 kilometers (90 miles) northwest of Wichita, Kansas. It is served locally by fulltime AM Station KVGB, FM Station KVGB (Channel 282), and noncommercial FM Station KBJC (Channel 220A).

3. Petitioner states that the proposed assignment would provide Great Bend with a second commercial broadcast service under separate ownership. Petitioner's preclusion study indicates that nine communities [3] with a population greater than 1,000 people, having no FM service, would be affected by the assignment. An alternative channel is available to each of the communities in the precluded area.

4. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the city of Great Bend, Kansas, as follows:

City	Channel No.	
	Present	Proposed
Great Bend, Kansas	282	282, 300

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549. published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits

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[1] Public Notice of the petition was given on July 28, 1981, Report No. 1300.

[2] Population figures are taken from the 1980 U.S. Census.

[3] *Oklahoma:* Buffalo (1,381). *Kansas:* Greensburg (1,885); Kinsley (2,074); St. John (1,346); Ness City (1,769); Dighton (1,390); La Crosse (1,618); Syracuse (1,654); and Leoti (1,869).

or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission s Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34705 Filed 12-2-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-780; RM-3922]

TV Broadcast Station in Lawrence, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 38 to Lawrence, Kansas, in response to a petition filed by Telegraphics, Inc. The assignment could provide Lawrence with its first local television service.

DATES: Comments must be filed on or before January 4, 1982, and reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lawrence, Kansas) BC Docket No. 81-780 RM-3922.

1. A petition for rule making [1] was filed by Telegraphics, Inc. ("petitioner") proposing the assignment of UHF television Channel 38 to Lawrence, Kansas, as that community's first local commercial television broadcast service. The assignment could be made in compliance with the minimum distance separation requirements of § 73.610 of the Commission's rules. Supporting comments were filed by the petitioner in which it reaffirmed its intent to apply for the channel, if assigned. Appended to those comments were letters from citizens of the community advocating support of the proposal. No oppositions to the proposal were received.

2. Lawrence (population 52,738),[2] the seat of Douglas County (population 67,640), is located in the northeastern part of Kansas, approximately 60 kilometers (37 miles) southwest of Kansas City. It presently has no local television channel assignment.[3]

3. Petitioner advises that Lawrence has its own government unit, municipal services, health care services, a library, schools, banks, savings and loan associations, and recreational facilities. Additionally, it is the location of the University of Kansas, as well as Haskell Indian Junior College, one of the largest Indian schools in the United States, according to petitioner. It further asserts that a substantial portion of its economy is derived from agriculture, although several major industries in Lawrence also contribute to its economic base. It adds that the community is well served by a multiplicity of transportation services, and indicates the availability of several local newspapers to its residents. Petitioner has submitted suitable data to demonstrate a need for the proposed television assignment to Lawrence.

4. In view of the foregoing, and the fact that the proposed television channel assignment could provide a first local commercial television broadcast service to Lawrence, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Rules, as follows:

City	Channel No	
	Present	Proposed
Lawrence, Kans.		■

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments or or before January 4, 1982 and reply comments on or before January 19, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act do not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the*

[1] Public Notice of the petition was given on July 8, 1981, Report No. 1296.

[2] Population figures are extracted from the 1980 U.S. Census.

[3] Petitioner observes that Channel *11, formerly assigned to Lawrence, was reassigned to Topeka in 1962, where it is in use today by the Washburn University of Topeka. (Such reassignment was made in order to facilitate development of a statewide educational network (Docket No. 13860).)

Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amended the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34706 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-783; RM-3939]

FM Broadcast Station in McPherson, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 240A to McPherson, Kansas, in response to a petition filed by Dean Curfman. The assignment could provide McPherson with a second FM station.

DATES: Comments must be filed on or before January 4, 1982, and reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (McPherson, Kansas) BC Docket No. 81-783 RM-3939.

1. Dean Curfman ("petitioner") has filed a petition for rule making,[1] seeking assignment of Channel 240A to McPherson, Kansas, as that community's second FM assignment. The assignment could be made with a site restriction, as noted *infra*, to comply with the minimum distance separation requirements, and petitioner stated that he will apply for the channel, if assigned. Comments were filed by McPherson Broadcasting, Inc. ("MBI"), licensee of co-owned Stations KNEX (AM-FM), in McPherson, to which the petitioner responded.

2. McPherson (population 11,753),[2] in McPherson County (population 26,855), is located approximately 80 kilometers (50 miles) north of Wichita, Kansas. It is presently served locally by daytime-only AM Station KNEX and KNEX (FM) (Channel 244A).

3. Petitioner indicates that McPherson's present aural facilities are co-owned by MBI, which, in turn, is owned by the community's local newspaper. It adds that a second diverse voice is needed in the community for the presentation of new and public affairs.

4. MBI stated that petitioner's preclusion study was incomplete in that a number of Kansas communities not mentioned in the petition would be precluded by the assignment of Channel 240A to McPherson.[3]

5. Petitioner advises that the assignment of Channel 240A to McPherson will cause preclusion on Channels 240A and 242. Petitioner should provide a list of all precluded

[1] Public Notice of the petition was given on July 28, 1981, Report No. 1300.

[2] Population figures are extracted from the 1980 U.S. Census.

[3] MBI also alleged that the petitioner recently passed away and attached an obituary notice. Petitioner responded that the notice pertained to his late father, Dean Curfman.

communities containing a population in excess of 1,000 persons which would sustain preclusion as a result of the assignment, and a list of alternate channels for all precluded communities without local service. This information should be supplied in its supporting comments.

6. As a final matter, it is noted that the transmitter site must be located approximately 10.6 kilometers (6.6 miles) north-northwest of McPherson to avoid short-spacing to Station KGCS in Derby, Kansas.

7. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
McPherson, Kans.	244A	240A, 244A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceedings will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-34699 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-773; RM-3871, RM-3913]

TV Broadcast Station Norwell, New Bedford and Vineyard Haven, Massachusetts, and Kittery, Maine; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 46 to Norwell, Massachusetts, substitution of Channel *34 for Channel *47 at New Bedford, Massachusetts, and substitution of Channel *39 for channel *34 at Kittery, Maine, in response to a petition filed by Mid-Shore Communications, Inc. This action also proposes the assignment of UHF television Channel 58 to Vineyard Haven, Massachusetts, in response to a petition filed by Metrovision, Inc.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rule Making

Adopted: November 6, 1981.

V 46 / 232 / DEC 3 81 UMI

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Norwell, New Bedford and Vineyard Haven, Massachusetts, and Kittery, Maine) BC Docket No. 81–772 RM–3871 RM–3913.

1. The Commission has before it for consideration two separate petitions for rule making. The first filed by Mid-Shore Communications, Inc. ("Mid-Shore"),[1] proposes the assignment of UHF television Channel 46 to Norwell, Massachusetts, the substitution of Channel *34 for Channel *47 at New Bedford, Massachusetts, and the substitution of Channel *39 for Channel *34 at Kittery, Maine. The second petition filed by Metrovision, Inc. ("Metrovision"),[2] proposes the assignment of UHF television Channel 19 to Vineyard Haven, Massachusetts. Although the requests can be resolved independently, we are consolidating them for consideration here due to the short spacing conflict between Vineyard Haven, Massachusetts (Channel 19) and New Bedford, Massachusetts (Channel *34). Both petitioners have stated their intent to apply for their respective requested channels, if assigned. The Association of Maximum Service Telecasters, Inc. ("MST") filed comments on both proposals.

2. MST in comments to the Mid Shore proposal contends that short spacing exists between the reference point proposed for Channel *39 at Kittery, Maine, and WXNE–TV (Channel 25), Boston, Massachusetts. It does not object to the proposal, provided a site restriction is imposed. With regard to the Vineyard Haven proposal (Channel 19), the transmitter site is approximately 21 miles from the proposed New Bedford, Massachusetts, Channel 34 assignment, whereas 75 miles is required. It appears impossible to comply with the mileage separation requirements for both proposals based on the engineering data submitted. MST states that it takes no position as to which proposal should be granted, provided no short spacing results.

3. Norwell (population not listed in U.S. Census) in Plymouth County (population 405,437),[3] is located approximately 37 kilometers (23 miles) southeast of Boston. It has no local television service. Vineyard Haven (population 1,600), in Dukes County (population 8,942), is located on the Island of Martha's Vineyard, approximately 105 kilometers (67 miles) south of Boston. It is also without local television service.

4. Mid-Shore states that it earlier applied for authority to construct a low-power translator station at Hanover-Norwell on Channel 46, but now feels that a full service operation with a significant orientation toward public concerns, community needs and local interests, would best serve the community. Due to Federal Aviation Administration restrictions, the antenna height of the translator would have been restricted. An alternate site would have provided excellent coverage of Massachusetts Bay but poor coverage in the areas of greatest population concentration. Both are to be considered unfavorable since restricted coverage would limit revenues and the ability to finance programming. Mid-Shore noted, in connection with the proposed changes, the short spacing of Channel *39 at Kittery to Channel 25 at Boston, but claims that little difficulty would be encountered in meeting the requirements. The proximity of the proposed assignment to Pease Air Force Base would virtually mandate a location beyond the business district of Kittery at a site north or northeast of the city. According to Mid-Shore, Norwell's growing economy and population is supportive of a first television assignment.

5. Metrovision contends that Martha's Vineyard (Dukes County) has a seasonably variable population (winter approximately 6,100; and summer approximately 54,000). It is within the Grade A contour of most Providence and New Bedford stations, yet it is still without local television, cable or radio service. Vineyard Haven does, however, have two weekly newspapers.

6. *Comments:* The proposed assignment of Channel 19 to Vineyard Haven, Massachusetts, is short spaced to the proposed assignment of Channel *39 at Kittery, Maine. A staff study shows that Channel 58 is available for assignment to Vineyard Haven. No other channel was available as a substitute at Kittery. The proposal for Kittery (Channel *39) will require a site restriction of 1.5 kilometers (0.9 miles) northeast. All other proposals can be made in compliance with the minimum distance separation requirements.

7. Canadian concurrence in the assignments and substitutions must be obtained.

8. The Commission believes that consideration of the proposals would be in the public interest. Accordingly, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules, for the communities listed below:

City	Channel No.	
	Present	Proposed
Kittery, Maine	*34	*39
New Bedford, Massachusetts	6+, 28–, *47–	6+, 28–, *34
Norwell, Massachusetts		46+
Vineyard Haven, Massachusetts		58+

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.*

12. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[1] Public Notice of the petition was given on April 7, 1981, Report No. 1279

[2] Public Notice of the petition was given on June 19, 1981, Report No. 1293

[3] Population figures are taken from the 1980 U.S. Census.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 11.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 34696 Filed 12-2-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-775; RM-3942]

FM Broadcast Station in Leland, Mississippi and McGehee, Arkansas; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Leland, Mississippi, and the substitution of one Class A channel for another at McGehee, Arkansas, in response to a petition filed by River Broadcasting Co., Inc. The proposed channel assignment at Leland could provide for a second FM service to that community.

DATES: Comments must be filed on of before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rule Making

Adopted: November 6, 1981.

Released: November 24, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Leland, Mississippi, and McGehee, Arkansas) BC Docket No. 81-775; RM-3942.

1. A petition for rule making [1] was filed by the River Broadcasting Co., Inc. ("petitioner"), proposing the assignment of FM Channel 272A to Leland, Mississippi,[2] and the substitution of FM Channel 276A for unused Channel 272A at McGehee, Arkansas. Petitioner has expressed a desire to apply for Channel 272A, if assigned.

2. Leland (population 6,667),[3] in Washington County (population 72,344), is located approximately 136 kilometers (85 miles) northwest of Jackson, Mississippi. It is served locally by daytime-only AM Station WESY and FM Station WBAD (Channel 232A).

3. Petitioner asserts that Leland is only ten miles from the recreational advantages of the Mississippi River and the cultural advantages of Greenville. Although primarily an agricultural area, the economy is based largely on oil production and manufacturing. The community is said to be healthy and orderly with an expectation of future growth. There is a need for an additional assignment, based on its economy and projected growth, according to petitioner.

4. *Comments:* Petitioner did not submit a preclusion study for the proposed second FM assignment at Leland (Channel 272A) and is requested to do so in comments to this proposal, indicating alternate channels available to the communities precluded by the assignment.

5. In view of the apparent need for a second local FM broadcast service to Leland, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Leland, Mississippi, and McGehee, Arkansas, as follows:

City	Channel No.	
	Present	Proposed
McGehee, Arkansas	272A	276A.
Leland, Mississippi	232A	232A, 272A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures,

[1] Public Notice of the petition was given on July 28, 1981, Report No. 1300.

[2] The assignment of Channel 272A to Leland, Mississippi, was mutually exclusive with a pending request to assign Channel 272A to Belzonia, Mississippi. Since Channel 296A is available for assignment to Belzonia, whereas there are no other channels available for assignment to Leland, we have substituted Channel 296A for consideration at Belzonia.

[3] Population figures are taken from the 1980 U.S. Census.

and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the Decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34895 Filed 12-2-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-782; RM-3937]

FM Broadcast Station Cozad, Nebr.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes two optional assignment plans regarding allocation of an FM channel to Cozad, Nebraska, in response to a petition filed by Tri-City Broadcasting, Inc. The proposal could provide Cozad with its first FM service.

DATES: Comments must be filed on or before January 4, 1982, and reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cozad, Nebraska), BC Docket No. 81–782, RM–3937.

1. Tri-City Broadcasting, Inc. ("petitioner"), has filed a petition for rule making [1] seeking assignment of Channel 283 to Cozad, Nebraska, as its first FM assignment. Petitioner states that it will apply for the channel, if assigned to Cozad. No oppositions to the petition have been filed, and the channel could be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Cozad (population 4,453),[2] in Dawson County (population 22,162), is located approximately 280 kilometers (175 miles) west of Lincoln, Nebraska. It is currently served by daytime-only Station KAMI.

3. Petitioner states that Cozad's principal economic base is derived from agriculture and industrial

[1] *Public Notice* of the petition was given on July 28, 1981, Report No. 1300.

[2] Population figures are extracted from the 1980 U.S. Census.

manufacturing. It also has its own government unit, municipal services, retail outlets, schools, health care accommodations, a library, churches, a post office, and recreational facilities. Further, it is stated that Cozad is served by rail and is accessible by an Interstate highway and an airport.

4. Petitioner asserts that the assignment of Channel 283 to Cozad will cause preclusion on Channels 280A, 282, 283, 284, 285A and 286. Twenty-two communities with populations over 1,000 lie within the precluded areas. Petitioner determined that eleven of these communities do not presently have FM assignments. It submitted a study for three of those communities, determined that a number of alternate channels are available for each, and assumed that the remaining eight would likewise have obtainable frequencies.

5. Normally, high-powered, wide-coverage area Class C channels are not assigned to communities as small as Cozad. Exceptions to this policy are made, however, where a Class C channel could provide a significant amount of first or second FM or aural service to surrounding areas and population. Therefore, petitioner should provide a *Roanoke Rapids/Anamosa* study to indicate whether its proposal would cover any unserved and underserved areas. See, *Roanoke Rapids, North Carolina*, 9 FCC 2d 672 (1967), and *Anamosa, Iowa*, 46 FCC 2d 520 (1974). Absent justification for the proposed Class C assignment, a Class A channel may be more appropriate for assignment. Therefore, we are proposing the alternate assignment of Channel 221A to Cozad. Interested parties should indicate whether they would be interested in applying for a Class A channel in Cozad in the event that the Commission determines that a Class C assignment is inappropriate.

6. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to Cozad, Nebraska, as follows:

City	Channel No.	
	Present	Proposed
Cozad, Nebr.		283
Alternative II		
Cozad, Nebr.		221A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

10. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, They will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–34701 Filed 12–2–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81-781; RM-3869]

TV Broadcast Station in Las Vegas, Nev.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 15 to Las Vegas, Nevada, in response to a petition filed by Doctor R. Crants, Jr. The proposed assignment could provide for a fifth commercial television service to Las Vegas.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Las Vegas, Nevada) BC Docket No. 81-778 RM-3946.

1. The Commission herein considers a petition for rule making [1] filed by Doctor R. Crants, Jr. ("petitioner"), proposing the assignment of UHF television Channel 15 to Las Vegas, Nevada, as its fifth television assignment. Petitioner stated that he will apply for the channel, if assigned. Opposing comments were filed by Carson Broadcasting Corporation,[2] to which the petitioner responded.

2. Las Vegas (population 164,674),[3] in Clark County (population 471,816), is located at the southern tip of Nevada, approximately 370 kilometers (230 miles) northeast of Los Angeles, California. It is served locally by television Stations KVBC (Channel 3), KLAS-TV (Channel 8), KTNV-TV (Channel 13), Channel 21 (four applications for construction permits are pending) and KLVX (noncommercial educational Channel *10).

3. Petitioner states that Las Vegas is the sixth fastest growing major in city in the United States. The county's projected population for 1990 is approximately 668,000 persons, which, according to petitioner, is due primarily to tourism, new and expanding industry, and the city's attraction as a retirement community and convention center. Petitioner contends that Las Vegas needs and can readily support an additional television station.

4. Carson in opposing comments, argues that the proposed assignment would represent the sixth commercial television station to the Las Vegas-Henderson market, resulting in economic injury to the present licensees. According to Carson, the addition of a sixth station ignores the recognized unitary nature of the Las Vegas-Henderson market and the pending proceeding (BC Docket 80-399) in which another licensee is to be selected for a Las Vegas station.[4] Carson claims that the addition of another television facility would impair the ability of the stations now operating to present programming in the public interest, referring to the Commission's Broadcast Financial Data for 1978 and 1979, as an indication of how the Las Vegas-Henderson market is being severely affected by slowing revenues and rapidly escalating operating costs. It also claims that other markets of comparable size have not had to support as many as six commercial television stations.[5] Additionally, Carson claims that the petitioner has also made a commitment to apply for FM Channel 277 at Las Vegas, and if the Commission considers these commitments reliable, there must be some explanation as to how it will reconcile these commitments with the cross-ownership prohibition in § 73.636(a)(1).[6]

5. Petitioner, in reply comments, asserts that the thrust of the opposition's allegation is the alleged unwholesome economic impact on the market. It has been Commission policy not to place artificial limits on the number of channels assigned to a community, where additional channels can be made available without seriously impairing future assignments, citing *Topeka, Kansas*, 4 FCC 2d 536, 537, 7 RR 2d 1753, 1755 (1966). Petitioner contends that the economic impact argument should be resolved at the application stage, instead of the rule making stage. With regard to the reconciliation of his commitments to apply for an FM and television channel at Las Vegas, petitioner states that the Commission cannot assume that he will be the ultimate licensee of either of the proposed allocations.

6. The opposition's focus on the economic viability for an additional television facility in the Las Vegas-Henderson market, should be resolved at the application stage, and so should the matter of cross-ownership. In a recent proceeding at *Tullahoma, Tennessee* (BC Docket No. 79-179 (Mimeo No. 29965), 46 Fed. Reg. 43170 (published August 27, 1981), we have refused to suspend action on requests for new assignments pending the outcome of the cited rule making in BC Docket No. 79-233. Especially since this is merely the notice stage, we do not believe that this step of the proceeding should be delayed. Therefore we shall propose to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules, as it pertains to Las Vegas, Nevada, as follows:

City	Channel No	
	Present	Proposed
Las Vegas, Nev.....	3, 8-, *10+, 13-, and 21+.	3, 8-, *10+, 13-, 15+, and 21+

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b), of the Commission's rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of

[1] Public Notice of the petition was given on April 7, 1981, Report No. 1279.

[2] Carson is licensee of Station KVVU-TV, Henderson, Nevada.

[3] Population figures are taken from the 1980 U.S. Census.

[4] BC Docket No. 80-399 involves four mutually exclusive applications for a construction permit to operate on Channel 21 at Las Vegas, Nevada.

[5] As reported in the Commission's Television Channel Utilization Report, Public Notice No. 85889, of October 30, 1980, the Las Vegas-Boulder area (Boulder assignment used at Henderson) is shown as Market 137.

[6] Section 73.636(a)(1) is currently under review in BC Docket No. 79-233, a proceeding to delete the UHF-FM exception to the multiple ownership rules.

Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission,

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as a comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this preceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-34692 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-568; RM-3861]

FM Broadcast Station in Las Vegas, Nevada; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning the proposed assignment of an FM channel to Las Vegas, Nevada. Counsel states that an extension of time is needed to permit petitioner's consulting engineer to complete an evaluation of certain preclusion data.

DATE: Reply comments must be filed on or before November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Reply Comments

Adopted: November 17, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Las Vegas, Nevada), BC Docket No. 81-568 RM-3861.

1. On August 11, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 43207, published August 27, 1981, in the above-referenced proceeding. Comments were filed, and reply comments were due November 9, 1981.

2. We now have before us for consideration a motion for extension of time for filing reply comments to and including November 23, 1981, filed by counsel for Doctor R. Crants ("petitioner"), noting that the request is late pursuant to the requirements of § 1.46(b) of the Rules. Counsel states that petitioner's consulting engineer has recently been summoned as a juror by a local Nashville, Tennessee, court. As a result of this unanticipated commitment, counsel states that the additional time is needed to permit him to evaluate certain preclusion considerations raised in comments filed herein by Western Cities Broadcasting, Inc. ("Western").

3. Counsel for petitioner states that counsel for Western has been contacted and advises that he will interpose no objection to this extension request.

4. We are of the view that, under the circumstances mentioned, additional time is warranted to afford petitioner a moderate period in which to formulate his reply comments. Therefore, we will waive the requirements of Section 1.46(b) since such extension will assure development of a sound and comprehensive record on which to base a decision herein.

5. Accordingly, it is ordered, That the time for filing reply comments in BC Docket No. 81-568 (RM-3861) is extended to and including November 23, 1981.

6. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34714 Filed 12-2-81, 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-615; RM-3897]

FM Broadcast Station in Thoreau, New Mexico; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time.for filing reply comments in a proceeding involving a proposed FM channel to assignment to Thoreau, New Mexico. Counsel for petitioner states that the additional time is needed to formulate a proper response.

DATE: Reply comments must be filed on or before December 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Thoreau, New Mexico), BC Docket No. 81-615 RM-3897.

1. On August 25, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 45169, published September 10, 1981, in the above-entitled proceeding. Comments have been filed and reply comments are due November 23, 1981.

2. On November 16, 1981, counsel for HAL, Inc. ("petitioner") filed a motion for extension of time to and including December 7, 1981, in which to file reply comments herein. Counsel states that opposition comments have been filed by at least two parties, but that due to a change in office location, one of these comments was not received by him in time to formulate an adequate reply. Therefore, a two-week extension of time is requested to enable counsel to confer with the petitioner and prepare a proper response to the opposition comments.

3. Counsel states that counsel for the other parties have been notified of this extension request.

4. In view of the foregoing, we believe that additional time is warranted. Such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

5. Accordingly, it is ordered, That the motion for extension of time filed on behalf of HAL, Inc., is granted, and the time for filing reply comments is extended to and including December 7, 1981.

6. This action is taken pursuant to section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-34715 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-785; RM-3940]

FM Broadcast Station in Minor Hill, Tenn.; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 221A to Minor Hill, Tennessee, in response to a petition filed by Burwood Broadcasting Corporation. The assignment could provide Minor Hill with a first local FM service.

DATES: Comments may be filed on or before January 4, 1982, and reply comments may be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Minor Hill, Tennessee), BC Docket No. 81-785 RM-3940.

1. A petition for rulemaking [1] was filed by Burwood Broadcasting Corporation ("Petitioner"), seeking assignment of Channel 221A to Minor Hill, Tennessee, as that community's first FM assignment. The assignment can be made with a site restriction, as noted *infra*, to conform with the minimum distance separation requirements of § 73.207 of the Commission's rules. Petitioner states that it will apply for the channel, if assigned. No oppositions to the proposal were received.

2. Minor Hill (population 564),[2] in Giles County (population 24,625), is located approximately 167 kilometers (104 miles) west of Chattanooga, Tennessee. It presently has no local aural service.

3. Petitioner states that Minor Hill has its own government unit, municipal services, an elementary school, civic and social organizations, a bank, and churches. Further, petitioner asserts that the community is comprised also of numerous retail and industrial concerns, and that it is the center of commerce for the surrounding portion of Giles County. In justification of its proposal, petitioner asserts that in addition to a lack of local aural service in the community, it also has no local newspaper. The nearest community to provide broadcast service, according to petitioner, is Pulaski, Tennessee, approximately 16 kilometers (10 miles) distant. Hence, petitioner has set forth sufficient data to demonstrate a need for the proposed service to Minor Hill.

4. In order to accommodate this proposal, the transmitter site must be located at least 2.9 kilometers (1.8 miles) northwest of Minor Hill to avoid short-spacing to Stations WKLN (Channel 221A), Cullman, Alabama, and WDEF (Channel 222), Chattanooga, Tennessee.

5. In view of the fact that the proposed FM channel could provide a first local aural broadcast service to Minor Hill, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Minor Hill, Tennessee		221A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

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[1] *Public Notice* of the petition was given July 28, 1981, Report No. 1300.

[2] Population figures are extracted from the 1980 U.S. Census.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, member of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or othe documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34700 Filed 12-2-81, 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-772; RM-3938]

FM Broadcast Station in Denton, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 256 to Denton, Texas, in response to a petition filed by New Century Broadcasting, Inc. The proposed assignment would provide for a second commercial FM broadcast service to Denton.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Denton, Texas), BC Docket No. 81-772 RM-3938.

1. The Commission herein considers a petition for rule making [1] filed by New Century Broadcasting, Inc. ("petitioner"), proposing the assignment of Class C Channel 256 to Denton, Texas, as its second commercial FM assignment. Comments were filed by the petitioner reaffirming its commitment to apply for the channel, if assigned, and by KIX Radio, Inc.[2]

2. Denton (population 48,063),[3] seat of Denton County (population 143,126) is located approximately 56 kilometers (38 miles) northwest of Dallas. It is currently served by fulltime AM Station KDNT, FM Station KIXK (Channel 291) and noncommercial FM Station KNTU (Channel 201).

3. Petitioner states that the economy of Denton is supported by local and federal government, industrial companies and manufacturing. It claims that during the past year 155 new businesses became operational. Petitioner also claims that Denton's 1980 population figures showed an increase

[1] Public Notice of the petition was given on July 28, 1981. Report No. 1300.

[2] KIX Radio, Inc. is licensee of Station KIXK (FM), Denton, Texas.

[3] Population figures are taken from the 1980 U.S Census.

of 21 percent (48,063) over the 1970 population (39,874), and the projected increase for the year 1990 is (73,000) 52 percent over the 1980 figures.[4] Based on the present population, projected future growth and the stable economy of Denton, petitioner alleges a second commercial FM assignment is warranted.

4. KIK in comments to the proposal contends that it is not opposed to the allocation of Channel 256 to Denton. It is however distressed that petitioner made certain allegations about the inadequacy of Station KIXK's programming in meeting the needs of the community. KIX asserts that it is both unfair and misleading for petitioner to make these charges, since it only assumed operation of KIXK (formerly KDDC) on January 2, 1981. It further states it has since that date planned and produced a variety of programs which service the needs of Denton. It is the opinion of KIX that today KIXK(FM) is a station the community of Denton can be proud of.

5. According to the information submitted by the petitioner, the assignment of Channel 256 to Denton will cause preclusion on Channels 255, 256 and 257. The study including communities with populations in excess of 3,000. However, it has been Commission policy to consider the impact of the proposal on the future needs of communities with population greater than 1,000. Petitioner lists only Jacksboro, Texas (population 3,554), as a community with no FM assignment precluded by the assignment of Channel 256 to Denton. Petitioner is requested to submit a list of alternate channels available to that community and to other communities over 1,000 population with no local service in comments to this proposal.

6. The proposed assignment requires a site restriction of 21.6 miles northwest of the city due to Stations KTXU in Paris, KNUS in Dallas, and KPLX in Fort Worth, Texas. Petitioner proposed locating the transmitter approximately 29 miles west-northwest of Denton, indicating that a transmitter located at such a distance would cover Denton with the required 70 dBu signal.

7. In view of the foregoing information and the fact that the assignment would provide a second commercial FM broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to Denton, Texas, as follows:

City	Channel No	
	Present	Proposed
Denton, Texas	291	256, 291

8. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assignment.

9. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 Fed. Reg. 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or

[4] Population figures are estimated by the Denton Chamber of Commerce.

other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-34703 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-816; RM-3948]

FM Broadcast Station in Mathis and Robstown, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the deletion of FM Channel 252A from Mathis, Texas, and its reassignment to Robstown, Texas, in response to a petition filed by Humberto Lozano Lopez. The proposed assignment could provide a second local broadcast service to Robstown.

DATES: Comments must be filed on or before January 4, 1982, and reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 16, 1981.

Released: November 23, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mathis and Robstown, Texas), BC Docket No. 81-816, RM-3948.

1. The Commission herein considers a petition for rule making,[1] filed by Humberto Lozano Lopez ("petitioner"), requesting the deletion of FM Channel 252A from Mathis, Texas, and its reassignment to Robstown, Texas. Petitioner expressed an interest in applying for the channel, if assigned to Robstown. No oppositions to the proposal were received.

2. Mathis (population 5,667),[2] in San Patricio County (population 58,013), is located appoximately 48 kilometers (30 miles) northwest of Corpus Christi, Texas. Mathis has no local broadcast service. Channel 252A is assigned but unoccupied at Mathis. Robstown (population 12,100), in Nueces County (population 268,215), is located approximately 24 kilometers (15 miles) west of Corpus Christi. It is served locally by Stations KROB (AM) and KROB-FM, Channel 260.

3. Petitioner asserts that there are no other FM frequencies available for assignment to Robstown. The proposed assignment (to a community somewhat larger than Mathis) would provide an additional programming source for the Hispanic community, resulting in a fair and equitable use of spectrum space, according to the petitioner.

4. The petitioner did not submit a preclusion study, and is requested to do so in comments to this proposal, listing the communities with a population greater than 1,000 precluded by the proposed assignment and whether alternate channels are available to those communities.

5. We are satisfied from the information submitted by the petitioner, that a sufficient showing has been made to justify proposing a second FM assignment to Robstown, Texas. However, we are reluctant to delete a channel from Mathis which represents the opportunity for a first local service at that community. Since no interest has been expressed for the use of Channel 252A at Mathis, we have decided to seek comments on the proposal. As we indicated in *Greenfield and Springfield, Mo.* (Docket 81-503) 46 FR 42703, published August 24, 1981, the public interest may be better served by putting to use a vacant frequency if there is no interest in its use at the place of assignment. Here Channel 252A was assigned to Mathis in 1973 not in response to an expression of interest but to conform to the Mexican-U.S. agreement. In view of that fact, we believe it may not be in the public interest to continue to reserve the channel for future use at Mathis.

6. The assignment to Robstown would result in an intermixture of a Class A and a Class C channel (260). The Commission has a policy of permitting such intermixture where no other Class C channels are available for assignment and where, as here, the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation.

7. In view of the foregoing information, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to the following communities:

City	Channel No.	
	Present	Proposed
Mathis, Texas	252A	
Robstown, Texas	260	252A, 260

8. That Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

[1] *Public Notice* of the petition was given on July 28, 1981, Report No. 1300.

[2] Population figures are taken from the 1980 U.S. Census.

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the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34704 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-811; RM-3944]

FM Broadcast Station in Raymond, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 249A to Raymond, Washington, in response to a petition filed by David E. Gauger. The assignment could provide Raymond with a first local FM and second nighttime aural broadcast service.

DATES: Comments may be filed on or before January 4, 1982 and reply comments may be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

Adopted: November 12, 1981.

Released: November 19, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Raymond, Washington), BC Docket No. 81-811 RM-3944.

1. David E. Gauger ("petitioner") has filed a petition for rule making [1] seeking assignment of Channel 249A to Raymond, Washington, as that community's first FM assignment. The assignment can be made in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules, and petitioner states that he will apply for the channel, if assigned. No oppositions to the proposal were received.

2. Raymond (population 2,991),[2] in Pacific County (population 17,237), is located approximately 80 kilometers (50 miles) southwest of Olympia, Washington. It is currently served locally by full-time AM Station KAPA.

3. According to petitioner, the area's economic base is derived primarily from the lumber and fishing industries, although tourism, recreation and agriculture also lend support to its economy. Additionally, petitioner indicates that Raymond has its own governmental structure, municipal services, educational institutions, library, health care and recreational facilities.

4. Since Raymond is located within 400 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 249A to that community requires coordination with the Canadian Government.

5. In view of the fact that the proposed FM channel assignment would provide Raymond with a first local FM and second nighttime aural broadcast service, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Raymond, Washington		249A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V.

[1] Public Notice of the petition was given on July 28, 1981, Report No. 1300.

[2] Population figures are extracted from the 1980 U.S. Census

Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filled at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a countproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.414 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-34707 Filed 12-2-81: 8:45 am]

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47 CFR Part 90

[PR Docket 79-191; RM-3380; Docket 79-334, RM-3691]

Release of 800 MHz Reserve Channels; Order Extending Reply Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: This order extends by 45 days the time for filing reply comments to the Further Notice of Proposed Rule Making in PR Docket 79-191 concerning the release of the remaining 250 channels in the 800 MHz land mobile reserve band. This action is taken in response to a request for a time extension filed by the Land Mobile Communications Council who indicated that the analysis of the Comments submitted in this proceeding will require this additional time in order for them to provide comprehensive and responsive reply comments.

DATES: Reply Comments are now due by January 15, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: November 16, 1981.

Released: November 20, 1981.

By the Chief, Private Radio Bureau.

In the matter of amendment of Part 90 of the Commission's rules to designate frequencies in the 806-821 and 851-866 Mhz bands for Slow-Growth Land Mobile Radio Systems of utilities and public safety Agencies, PR Docket No. 79-191, RM-3380; Amendment of Part 90 of the Commission's rules to allocate frequencies in the 806-821 and 851-866 MHz bands for Public Safety/Special Emergency, Industrial/Land Transportation, Business Radio Service and SMRS/CR Frequency Pools; Amendment of Part 90 of the Commission's rules to facilitate authorization of Wide-Area Mobile Radio Communications Systems on frequencies allocated for Trunked Systems, PR Docket No. 79-334; Amendment of Part 90 of the Commission's rules to allocate additional frequencies from the 800 MHz Spectrum Reserve to Loaded Specialized Mobile Radio-Trunked Systems in markets having all presently-allocated SMR-Trunked frequencies assigned, RM-3691.

1. A Further Notice of Proposed Rule Making in the above-captioned matter was released July 14, 1981. The deadline for filing comments was October 30, 1981, and for filing Reply Comments is November 30, 1981. On November 12, 1981, the Land Mobile Communications Council (LMCC) requested that the date for filing Reply Comments in this proceeding be extended by 45 days.

2. The LMCC states that since over 20 major sets of comments were filed, in addition to numerous smaller filings by other parties, extensive Reply Comments will be required on the part of the LMCC and its constituent members. They estimate it will take until the end of December 1981 to complete the work on their reply comments, and that an additional 15 days will be necessary for review and approval by the LMCC Directors.

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3. Due to the importance of this proceeding to the private land mobile community, and because of the Commission's desire to have the most definitive and complete responses possible, an additional forty-five (45) days for filing Reply Comments will be allowed.

4. Accordingly, it is ordered, pursuant to §§ 0.331 and 1.46 of the Commission's rules and regulations, that the time for filing Reply Comments in the above-captioned proceeding is extended from November 30, 1981 to January 15, 1982.

Federal Communications Commission.

Robert S. Foosaner,

Acting Chief, Private Radio Bureau.

[FR Doc. 81-34713 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 232
Thursday, December 3, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 180]

Resolution and Order Approving Application of Maryland Department of Transportation for Foreign-Trade Zone at Baltimore/Washington International Airport, Maryland

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Maryland Department of Transportation, filed with the Foreign-Trade Zones Board (the Board) on May 14, 1981, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone at the Baltimore/Washington International Airport, Maryland, with the Baltimore Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MARYLAND

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Maryland Department of Transportation (the Grantee) has made application (filed May 14, 1981) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone at the Baltimore/Washington International Airport, within the Baltimore Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 73 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and retrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any other manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 19th day of November 1981, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,
Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 81-34722 Filed 12-2-81; 8:45 am]
BILLING CODE 3510-25-M

International Trade Administration

Louisiana World Exposition Public Hearing; Environmental Impact

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The International Trade Administration (ITA) announces a public hearing on a draft Environmental Impact Statement regarding the proposed 1984 International Exposition in New Orleans, Louisiana.

DATE: The hearing will be held at 6:30 p.m., January 6, 1982.

ADDRESS: The hearing will be held at the City of New Orleans Council Chambers, City Hall, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Ed Wilczynski, Department of Commerce, Room 7614, Washington, D.C. 20230, (202) 377–2938.

SUPPLEMENTARY INFORMATION: The purpose of the hearing is to solicit views of all interested and affected parties on matters concerning, among other things, the major site, design, and transportation features for the proposed Louisiana World Exposition (May through October, 1984), New Orleans, Louisiana. The proposed action consists of the development and operation of a

Special Category International Exposition to be held in the City of New Orleans, Louisiana in 1984. The Exposition is proposed for an area along the Mississippi River immediately adjacent to the City's Warehouse District.

Oral statements will be received. However, in order that all persons desiring to present statements have an equal opportunity to express their views, it is requested that all persons limit their oral comments to approximately ten (10) minutes. The cooperation and assistance of persons in conforming to this request will be appreciated. Written statements and exhibits will be accepted by the Department of Commerce official conducting the hearing, or they may be mailed to Mr. Wilczynski at the above address, postmarked within ten (10) calendar days following the hearing.

Copies of the Draft Environmental Impact Statement are available for review at the following locations:

(1) City Planning Commission, Room 9W, City Hall, 1300 Perdido Street, New Orleans, Louisiana 70130.

(2) New Orleans Central Library, 219 Loyola Avenue, New Orleans, Louisiana 70112.

(3) Algiers Regional Library, 3014 Holiday Drive, New Orleans, Louisiana 70114.

(4) East New Orleans Regional Library, 5641 Read Boulevard, New Orleans, Louisiana 70127.

(5) Gentilly Branch Library, 3000 Foy Street, New Orleans, Louisiana 70122.

(6) Milton Latter Branch Library, 5120 St. Charles Avenue, New Orleans, Louisiana 70115.

(7) Broadmoor Branch Library, 3841 Washington Avenue, New Orleans, Louisiana 70125.

(8) Nix Branch Library, 1401 South Carrollton Avenue, New Orleans, Louisiana 70118.

(9) Special Collections Earl K. Long Library, University of New Orleans, Lakefront, New Orleans, Louisiana 70122.

(10) International Expositions Staff, Room 4225, U.S. Department of Commerce, Washington, D.C. 20230.

(11) Louisiana Exposition Authority, 1575 Riverside North, Suite 230, Baton Rouge, Louisiana 70802.

W. H. Morris, Jr.,

Assistant Secretary for Trade Development, International Trade Administration, United States Department of Commerce.

[FR Doc. 81-34665 Filed 12-2-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Apparel From the Republic of Korea

November 30, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing from 1,838,541 dozen to 2,188,541 dozen the level of restraint established for man-made fiber shirts, other than dress shirts, in Category 640, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: Pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, consultations have been held between representatives of the two governments concerning, among other things, man-made fiber textile products in Category 640. Agreement has been reached to increase the 1981 level for man-made fiber shirts, other than dress shirts, in Category 640 by 350,000 dozen; a decrease of an equivalent amount will be made in the 1982 level for man-made fiber dress shirts in Category 640.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 30, 1980, there was published in the **Federal Register** (45 FR 85811) a letter dated December 23, 1980 from the the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including man-made fiber textile products in Category 640, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the level of restraint established for man-made fiber textile products in Category 640pt. (man-made fiber shirts, other than dress shirts) during the agreement year which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 30, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 23, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in certain specific categories, produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on January 1, 1981, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1978, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 3, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 640pt.[2] in excess of 2,188,541 dozen.[3]

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea

[1] The term "adjustment" refers to those provisions of th Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and Republic of Korea, which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels or restraint may be adjusted by designated percentages; (2) these same levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

[2] In Category 640, all T.S.U.S.A. numbers except 380.0455, 380.8431 and 380.8433.

[3] The level of restraints has not been adjusted to account for any imports after December 31, 1980.

have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34723 Filed 12-2-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-003]

Energy Conservation Program for Consumer Products; Petition of Energy Kinetics Incorporated for Waiver of DOE Furnace Test Procedures

AGENCY: Department of Energy.

ACTION: Decision and order.

SUMMARY: Today's Decision and Order denies in part and grants in part the petition of Energy Kinetics Incorporated for a waiver from the existing DOE test procedures for furnaces. The use of the alternate test procedures recommended by petitioner to determine the energy efficiency or consumption of its "purgeable low thermal mass" boiler is denied. Today's Decision and Order modifies the existing DOE test procedures to permit testing of petitioner's purgeable-type boiler.

EFFECTIVE DATE: November 18, 1981.
Expiration Date: November 18, 1982.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9127, Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94-163, as amended by the National Energy Conservation Policy Act, Pub. L. 95-619, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy, on September 18, 1980 (45 FR 64108, Sept. 26, 1980), amended the prescribed test procedure regulations to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data.

On December 27, 1980, Energy Kinetics Incorporated filed a Petition for Waiver from the DOE test procedure requirements for measuring the energy consumption of furnaces. In accordance with the provisions of Part 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE published in the **Federal Register** on February 23, 1981 the Energy Kinetics petition and thereby solicited comments, data, and information respecting the content of the petition (46 FR 13566). By letters dated February 24, 1981, Energy Kinetics notified all known manufacturers of domestically marketed furnaces of similar design. Comments were received from the Hydronics Institute, Hydrotherm, Incorporated, Lawrence D. Spielvogel, Incorporated, and Weil-McLain, Incorporated. The first three comments were sent to the petitioner on April 6, 1981, and Energy Kinetics responded by letter to DOE on April 23, 1981. The comments of Weil-McLain were received late by DOE but nevertheless were sent to the petitioner on April 16, 1981. The petitioner's rebuttal comments to Weil-McLain were contained in its April 23 response. The commenters recommended that DOE deny the petition on the grounds that the test procedures do give representative results; to grant otherwise would give unfair advantage to petitioner because other manufacturers also may deserve some additional credits for their boiler designs. DOE consulted with the Federal Trade Commission on August 20, 1981 concerning the petition from Energy Kinetics, Inc.

The Energy Kinetic's petition contends that the low mass purgeable boiler manufactured by the company has design characteristics which prevent testing in accordance with the prescribed DOE test procedures. The petitioner adds further that even if the test procedures were modified to allow testing of the model, the results obtained from the test procedures would provide materially inaccurate comparative data. Specifically, the petitioner asserts that since the boiler has low mass and low water volume, the temperature rise range of 120°F specified in the existing DOE test procedures (Appendix N, § 2.5.4) will create an inadequate flow rate through the boiler such that the water would flash to steam during the test causing damage to the test unit. The temperature rise range has been the subject of past "applications for exception" filed by manufacturers of finned tube boilers and resulted in amendments to test procedure section 2.5.4. Today's decision and order modifies the test procedures to allow Energy Kinetics "purgeable boiler" to be tested in accordance with the provisions heretobefore applicable only to finned tube boilers. Since the problem for both types of boilers is attributable to low thermal mass, similar testing provisions are appropriate, i.e., the water temperature rise is to be 20°F to 40°F. The modification will allow petitioner to test in accordance with existing DOE test procedures.

Even with granting of the above-mentioned modifications, petitioner believes the test procedure still will provide inaccurate information because credits for energy savings attributable to "purgeable features" are not allowed. Thus, petitioner requests a waiver from the DOE test procedures. Petitioner requests that it be allowed to use other test procedures (for instance, Brookhaven National Laboratory) which give additional credits to designs with "purgeable features," i.e., low thermal mass, low standby temperatures, circulating pump delay, to obtain boiler efficiency. DOE rejects, at this time, the contention of Energy Kinetics. DOE and National Bureau of Standards are studying the various designs of purgeable boilers to determine what, if any, test procedure modifications are justified, and will address the issue in a forthcoming rulemaking to amend the DOE furnace test procedures. The rulemaking process will allow all interested parties to participate in determining what changes, if any, are necessary to accurately evaluate these designs.

In consideration of the foregoing, it is therefore ordered that: (1) The "Petition for Waiver" filed by Energy Kinetics Incorporated on December 27, 1980 is hereby denied except as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4) and (5).

(2) Notwithstanding any contrary provisions of 10 CFR, Part 430, Energy Kinetics shall be permitted to test its "purgeable type boiler" with the provisions allowed finned tube boilers in § 2.5.4 of Appendix N.

The Energy Kinetics "purgeable boiler" shall be allowed to have a water flow rate adjusted to produce a temperature rise during steady state operation of 20°F to 40°F and outlet water temperature of 200°F ± 5°F. The maximum permissible temperature variation of the return water is limited to 50°F.

(3) With the exception of the modifications set forth in paragraph (2) above, Energy Kinetics shall comply in all respects with the test procedures specified in 10 CFR, Part 430, Appendix N.

(4) The waiver shall remain in effect only until the Department of Energy issues test procedures appropriate to the type of purgeable boiler manufactured by Energy Kinetics and shall in any event expire (one year from issuance).

(5) The decision is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner and commenters. The decision may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

Issued in Washington, D.C., November 18, 1981.

Joseph J. Tribble,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 81-34875 Filed 11-2-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Pioneer Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for pubic comment on the proposed Consent Order.

DATE: Comments by: January 4, 1982.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager for Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager for Enforcement, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On November 19, 1981 the Office of Enforcement of the ERA executed a proposed Consent Order with Pioneer Corporation of Amarillo, Texas. Under 10 CFR 205.199J(b) a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. THE CONSENT ORDER

Pioneer Corporation, with its home office located in Amarillo, Texas, is a firm engaged in the processing of natural gas and sale of natural gas liquids, natural gas liquid products and plant condensate, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by this Consent Order ("settlement period"). To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Pricing Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with Pioneer Corporation's transactions involving natural gas liquids, natural gas liquid products and plant condensate during the period September 1, 1973 through January 28, 1981, the Office of Enforcement, ERA, and Pioneer Corporation entered into a Consent Order, the significant terms of which are as follows:

A. Pioneer Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart I, and 10 CFR Part 212, Subparts D, E and K, when determining the prices to be charged for its natural gas liquid products and plant condensate and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

B. The period covered by the Consent was September 1, 1973 through January 28, 1981, and it included all sales of natural gas liquids, natural gas liquid products and plant condensate which were made during that period.

C. The Consent Order constitutes neither an admission by Pioneer Corporation that ERA regulations have been violated nor a finding by the ERA that Pioneer Corporation has violated ERA regulations.

D. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. REFUNDS

In this Consent Order, Pioneer Corporation will pay the sum of $14,907,060 including interest in 24 equal monthly installments commencing on or before 30 days after the effective date of this Consent Order, plus installment interest. Pioneer Corporation may accelerate payment at its election without penalty. Upon full satisfaction of the terms and conditions of this Consent Order by Pioneer Corporation, the DOE releases Pioneer Corporation from any civil claims that the DOE may have arising out of the specified transaction during the settlement period. The Director, Office of Enforcement, ERA, shall direct that these monies be deposited in a suitable account for ultimate disposition by DOE.

III. SUBMISSION OF WRITTEN COMMENTS

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, District Manager for Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Pioneer Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on January 4, 1982. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 24th day of November, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-34758 Filed 12-2-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[RD-FRL-1997-4]

PCI Ozone Corp.; Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for Equivalent Method Determination

Notice is hereby given that on October 19, 1981, the Environmental Protection Agency received an application from PCI Ozone Corporation, West Caldwell, New Jersey, to determine if its Model LC-12 Ozone Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53 (40 FR 7049, February 18, 1975, 41 FR 11255, March 17, 1976). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the Federal Register.

Andrew P. Jovanovich,

Acting Assistant Administrator for Research and Development.

November 25, 1981.

[FR Doc. 81-34725 Filed 12-2-81; 8:45 am]

BILLING CODE 6560-35-M

[OPTS-51359; TSH-FRL-1997-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by: January 19, 1982; PMN 81-599, 81-600 and 81-601.

ADDRESS: Written comments, identified by the document control number "[OPTS-51359]" and the specific PMN number should be sent to: Document Conrol Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-599

Close of Review Period. February 18, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted benzenesulfonic acid salt.

Use. The manufacturer states that the PMN substance will be used as a site-limited intermediate.

PRODUCTION ESTIMATES

	Maximum kilograms per year
1 year	3,000
2 year	4,000
3 year	5,000

Physical/Chemical Properties

Melting point—270° C with decomposition.

Solubility: water—0.1-1%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 15 workers may experience dermal and inhalation exposure up to 2 hrs/day, up to 2 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by inceneration.

PMN 81-600

Close of Review Period. February 18, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Dichroic tetra-azo ester dye.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	.025	[illegible]
2 year	05	1
3 year	.1	5

Physical/Chemical Properties

Melting point—>250° C.

Vapor pressure—$<1\times10^{-6}$ Torr.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 1 worker may experience synthesis exposure 100 days/yr during filling operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by approved waste disposal firm.

PMN 81-601

Close of Review Period. February 18, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Dichroic tetra-azo dye.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	025	050
2 year	05	1
3 year	.1	5

Physical/Chemical Properties

Melting point—>250° C.

Vapor pressure—$<1\times10^{-6}$ Torr.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 1 worker may experience synthesis exposure 100 days/yr during filling operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by approved waste disposal firm.

Dated: November 24, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-34726 Filed 12-2-81; 8:45 am]

BILLING CODE 6560-31-M

V 46 / 232 DEC 3 81 UMI

[OPTS–51360; TSH–FRL–1997–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATES: Written comments by: January 24, 1982; PMN 81–602 and 81–603.

ADDRESS: Written comments, identified by the document control number "[OPTS–51360]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460 (202–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, D.C. 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–602

Close of Review Period. February 23, 1982.

Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, Building 220–3N–02, St. Paul, MN 55144.

Specific Chemical Identity. Decanoic acid, decyl ester.

Use. The manufacturer states that the PMN substance will be used in industrial and commercial temperature indicating devices for perishable products.

PRODUCTION ESTIMATES

	Maximum kilograms per year
1st year	3
2d year	5
3d year	5

Physical/Chemical Properties

Appearance—Oily liquid.
Specific gravity @ 20° C—0.84.
Boiling point—164–170/1 mm.
Flash point COC—350° F.
% volatile by volume—0.5%.
Freezing point—20° C.
Evaporation rate—< 1.
Solubility: water % by wt. @ 20° C—Insoluble.
Vapor pressure @ 20° C—< 1 mm Hg.

Toxicity Data

Acute oral toxicity LD_{50}—> 5.0 ml/kg.
Skin irritation—Very slight irritation.
Eye irritation—Non-irritant.

Exposure. The manufacturer states that during manufacture and use 2 workers may experience dermal exposure up to 0.5 hr/day, up to 20 days/yr during transfer and clean up.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land and water. Disposal is to a publicly owned treatment works (POTW) and by landfill.

PMN 81–603

Close of Review Period. February 23, 1982.

Manufacturer's Identity. Claimed confidential business information.
Organization information provided:
Annual sales—Over 500 million.
Manufacturing site—Middle Atlantic and East South Central regions.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: A modified polymer of substituted and unsubstituted alkyl methacrylates, a substituted alkane, an alkenoic acid and an alkyl acrylate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear liquid, amber solution.
Specific gravity—1.0–1.1.
Flash point (SFCC)—151° F.
Viscosity for solids @ 25° C—8,000–100,000 cps.
Solvent—60/40.
Residual monomer—< .50%.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5 g/kg.

Acute dermal toxicity LD_{50} (rat)—> 5 g/kg.

Skin irritation—Slight.
Eye irritation—Moderate.

Exposure. The manufacturer states that during manufacture a total of 8 workers may experience dermal and ocular exposure up to 8 hrs/day, up to 116 days/yr during sampling, analytical, equipment cleaning, filtration replacement or drumming.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is by landfill and incineration.

Dated: November 30, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81–34729 Filed 12–2–81; 8:45 am]

BILLING CODE 6560–31–M

[PP 1G2511/T336; PH–FRL–1997–2]

Pendimethalin; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultrual commodities, sweet corn grain, fodder and forage at 0.1 part per million (ppm).

DATE: These temporary tolerances expire April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1800).

SUPPLEMENTARY INFORMATION: American Cyanamid Co., PO Box 400, Princeton, NJ 08540, has requested the establishment of temporary tolerances for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodities, sweet corn grain, fodder and forage at 0.1 ppm.

These temporary tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 241–EUP–98 which is being

issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the herbicide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 1, 1983. Residues in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the herbicide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this herbicide indicate that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that these temporary tolerances are not a "Major" rule and therefore do not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted these temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: November 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-34728 Filed 12-2-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-788 et al.; File No. BPCT-790130LI et al.]

Bay Television Inc., et al.; Hearing Designation Order

Adopted: November 9, 1981.

Released: November 24, 1981.

In re applications of: Bay Television, Inc., St. Petersburg, Florida, BC Docket No. 81-788 File No. BPCT-790130LI; Home TV, Incorporated, St. Petersburg, Florida, BC Docket No. 81-789 File No. BPCT-790803KF; Oak Television of Tampa Bay Inc., St. Petersburg, Florida, BC Docket No. 81-790 File No. BPCT-790615KH for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Bay Television, Inc. (Bay), Home TV, Inc. (Home), and Oak Television of Tampa Bay, Inc. (Oak) for authority to construct a new commercial television broadcast station on Channel 38, St. Petersburg, Florida.

2. Home and Oak contemplate operating subscription television (STV) over their proposed facilities. STV is essentially an entertainment format comparable to other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. In the *Second Report and Order in Docket 21502*, FCC 81-13 (released March 25, 1981) The Commission decided not to consolidate STV authorization requests with applications designated for hearing, where some propose STV operation and others conventional facilities. Accordingly, the STV authorization requests will not be consolidated for hearing in this proceeding.

3. Minority Broadcasters of Florida, Inc. (Minority), filed four oppositions against Oak's November 21, 1980, February 23, March 20, and August 31, 1981 amendments. Minority was an applicant for a construction permit on Channel 38, St. Petersburg, Florida when it filed its oppositions. However, on October 29, 1981 Minority's application was dismissed.[1] Although Minority is no longer a party to this proceeding, the objections raised by their oppositions are a matter of record and will be discussed.

4. Oak's amendment of November 21, 1980 notified the Commission that Oak's 95% shareholder, Oak Industries, Inc. (OIC), had applied for consent to transfer negative control of KBSC-TV, Corona, California. By its February 23, 1981 amendment, Oak informed the Commission that OIC had effectuated the transfer of control. Oak's March 20, July 20, and August 31, 1981 amendments contain revised exhibits of OIC's broadcast interests which reflected OIC's transfer of control of KBSC-TV to a voting trustee. Each of these amendments states that the information provided is being submitted pursuant to §§ 1.65 and 73.3522, that acceptance of the amendment would not disrupt processing of the applications, and that the other applicants would not be prejudiced by the acceptance of the amendment.

5. Minority proposes that Oak's amendments referring to the transfer of its stock in KBSC-TV be accepted for § 1.65 purposes only. They point out that the transfer of control was a voluntary action taken and reported after the period for amendment as a matter of right had expired. In addition, they contend that this action would improve Oak's comparative posture by improving its diversification showing.

6. The Commission does not allow applicants to amend their applications after the pre-hearing period for filing amendments as a matter of right has passed, in a manner which would improve their comparative posture. *Mid-Florida Television Corporation*, 76 FCC 2d, 158, 46 RR 2d 1503 (1980). The divestiture of an applicant's broadcast interests improves its comparative posture. See, *Azalea Corporation*, 38 FCC 2d 95, 104; 25 RR 2d 975, 986-87 (Rev. Bd. 1972). OIC's transfer of negative control of KBSC-TV took place, and was reported, after the period to amend as of right had passed. Since OIC owns 95% of Oak's stock, Oak's comparative posture would be improved by an unconditional acceptance of the amendments. In light of Commission policy prohibiting applicants from accruing a comparative advantage from post cut-off amendments and Oak's repeated assurance that the other applicants would not be prejudiced by the amendments' acceptance, Oak's four

[1] On October 29, 1981 the Commission approved the merger agreement between Home and Minority which required Minority to dismiss its application. Under the terms of the agreement Minority's principals would each be offered a one-thirteenth interest in Home.

amendments will be accepted on the condition that its comparative posture will not be improved by their acceptance.

7. *Bay Television, Inc.* (Bay) [2] Applicant estimates that $692,140 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment downpayment	None
Equipment lease (5 months)	$139,140
Land	100,000
Building	85,000
Miscellaneous	150,000
Operating Costs	218,000
Total	692,140

Applicant plans to finance construction and operation with the following funds: a bank loan of up to $1,775,000 to Chesapeake Television, Inc. and $1,000 existing capital.

8. Applicant relies on a bank loan to Chesapeake Television, Inc. which was originally applicant's parent corporation. However, in its amendment of August 15, 1979, applicant notified the Commission of its reorganization. Chesapeake Television, Inc. terminated its involvement with the applicant. Chesapeake's seven shareholders acquired shares of the applicant corporation in direct proportion to their holdings in Chesapeake. Since Chesapeake has terminated its relationship with the applicant, Bay cannot rely on the $1,775,000 bank loan to Chesapeake to finance its proposed station. However, applicant has demonstrated that it has $1,000 existing capital. Accordingly, an issue will be designated to determine whether applicant can obtain the $691,140 it needs to construct and operate its proposed station.

9. Bay proposes a transmitter site which is 1 mile short-spaced to an existing station, WXLT–TV, Sarasota, Florida.[3] Applicant has not requested waiver § 73.610(d) of the Rules. Accordingly, an issue with respect to the short-spacing of Bay's proposed transmitter site will also be specified.

10. *Home TV, Inc.* (Home). Home estimates that $920,259 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment downpayment	$529,250
Equipment payments	134,959
Building	45,000
Miscellaneous	68,000
Operating Costs, three months[1]	143,050
Total	920,259

[1] Includes land

Home plans to finance construction and operation with the following funds: [4] $1,580,000 from its STV franchisee, Suncoast STV, Inc. (Suncoast); either $200,000 from the sale of air time to Suncoast or 6% of the gross monthly program receipts from Suncoast's STV operation, whichever is greater; $15,000 is existing capital; and $1,000 from its stock subscription agreements.

11. Applicant relies on the proceeds of a $5,000,000 bank loan which will be made to Subscription Television of America, Inc. (STA). STA will then make available the portion of these funds that its subsidiary, Suncoast, requires to meet its commitment to Home. Suncoast states in a letter of intent that it will make up to $1,580,000 of the funds it receives from STA available to the applicant. Suncoast conditions the availability of these funds on both the grant of the construction permit and STV authorization. Since STV authorization is granted independently of the grant of the construction permit, the applicant cannot rely on the $1,580,000.

12. Applicant also relies on payment of the greater sum: either $200,000 [5] from the sale of its air time to Suncoast, or 6% of the gross monthly program receipts of Suncoast's STV operation. Since payment of either amount is conditioned upon STV authorization, and STV authorization is granted independently from the grant of the construction permit, applicant cannot rely on either the $200,000 or a percentage of the proceeds from Suncoast's STV operation. Further, Suncoast is not required to pay applicant the $200,000 until STV operations commence. Payment of percentage of gross receipts would not occur until 30 days after the close of the quarterly account period. Therefore, applicant would not receive the funds in time for it to be used for the construction and operation of the station during the first three months. For the reasons discussed above, applicant may not rely on either the $200,000 or a percentage of the proceeds from Suncoast's STV operation.

13. Applicant relies on $15,000 in existing capital and $1,000 to be raised by stock subscriptions. Home has demonstrated that it has $15,000 in existing capital to finance and construct the proposed station. According to the merger agreement between Home and Minority Broadcasters of Tampa Bay, each of the thirteen principals will receive 769 shares of the merged entity. The shares will be purchased for $0.10 each. Home will receive approximately $1,000 from these subscriptions. In light of the nominal amount raised by the subscriptions, the Commission will not require the submission of thirteen separate subscription agreements or inquire into the principals' ability to meet their commitments. Therefore, applicant may rely on the $1,000 it will raise by its stock subscriptions. Accordingly, an issue will be designated to determine whether Home has the additional $904,259 necessary to construct and operate its proposed station.

14. Section 73.636(a)(1) sets forth a policy against granting television construction permits to applicants who directly or indirectly own, operate or control the radio station licensed to a community which is completely encompassed by the predicted Grade A contour of their proposed television station. Since Home filed its application before September 13, 1979, its application is subject to Note 8 of the Rule. Note 8 exempts UHF applicants from the blanket prohibition of § 73.636(a)(1) and, instead, requires case-by-case analysis to determine whether common ownership, operation, or control of the stations in question would be in the public interest. *Notice of Proposed Rule Making in BC Docket 79–233*, 44 FR 5603 (1979). Two of Home's principals, Robert L. Gilder, and J. Eugene Danzey, have broadcast interests in radio stations which would raise Note 8 issues if Home's application were granted. Robert L. Gilder, 7.69% shareholder of the applicant, is the President of WTMP (AM), Tampa,

[2] Bay Television, Inc. is 39.1% owned by the Commercial Radio Institute, Inc. (CRI). David D. Smith is a 4.8% shareholder of CRI. CRI has ownership interests in:

WPTT–TV, Pittsburgh, Pennsylvania
WBFF–TV, Baltimore, Maryland
Channel 28, Columbus, Ohio (construction permit granted)
Channel 38, St. Petersburg, Florida (application)
Channel 61, Wilmington, Delaware (application)
Channel 61, Hartford, Connecticut (application)

In addition, David Smith owns 33% of Comark Television, Inc., the applicant for television stations in:

Channel 26, Daytona Beach, Florida
Channel 38, New Orleans, Louisiana
Channel 18, San Juan, Puerto Rico
Channel 15, Portland, Maine
Channel 62, Syracuse, New York

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

[3] Applicant submitted an FAA Determination of No Hazard to Air Navigation for a site with different co-ordinates from the site mentioned in its application. Applicant has never amended its application to reflect a change of location of its transmitter site.

[4] Applicant's source of funding was assigned to applicant by MBF as a product of their merger. See, footnote 1 supra.

[5] Suncoast has agreed to pay $800,000 to Home for air time. Applicant then divided that figure by four to determine what it would receive for the first three months of operation.

Florida. Since Home's proposed station's Grade A contour would envelop Tampa, a one-to-a-market issue will be designated regarding Mr. Gilder's broadcast interests. J. Eugene Danzey, Director, Vice-President Sales and 7.69% shareholder of Home, is the Vice-President, General Manager and fifty percent shareholder of WRXB (AM), St. Petersburg Beach, Florida. If Home's application were granted, the predicted Grade A contour would completely encompass the community of license of WRXB. However, Mr. Danzey has agreed to divest himself of all interest in WRXB upon grant of a construction permit for Home's proposed station. Accordingly, no issue will be specified regarding Mr. Danzey's broadcast interests, but any grant of Home's construction permit will be conditioned on Mr. Danzey severing his association with WRXB (AM).

15. On June 15, 1981, Home amended its application to reflect the results of election of officers held during its annual stockholders meeting of May 25, 1981. Several officers changed position within the applicant's corporation. In addition, a new officer, Beverly Ann Kennard, was elected Assistant Secretary.[6] On August 3, 1981, Home further amended its application to provide the information required by Form 301, Section II, Tables I and II for Ms. Kennard. In its August 3, 1981, amendment, Home renounced any comparative advantage which might accrue by virtue of its amendment.

16. Bay filed an opposition to Home's June 15, 1981 amendment. Bay contends that the applicant was attempting to accrue an improper comparative advantage by virtue of its post cut-off amendment. Bay objects to Ms. Miller's elevation from Secretary to Vice-President and Mr. Rahall's advancement from Comptroller to Secretary-Treasurer. In addition, Bay objects to the inclusion of Ms. Kennard's name as an officer, and Home's failure to include Table I and II data on her. While Bay does not object to the acceptance of the June 15, 1981, amendment, it advocates barring Home from receiving any comparative advantage by its acceptance.

17. Since Home's June 15, 1981 and August 3, 1981, amendments were timely filed and their acceptance would not disrupt the proceeding, these two amendments will be accepted for § 1.65 purposes. In light of Home's renunciation of any comparative advantage arising from the acceptance of its August 3rd amendment and its statement that acceptance of its June 15, 1981, amendment will not prejudice any other parties to the proceeding, these two amendments are accepted on the condition Home's comparative posture will not be improved by their acceptance. Accordingly, Bay's opposition will be denied.

18. *Oak Television of Tampa Bay, Incorporated* (Oak). We have not received a determination from the Federal Aviation Administration that Oak's proposed tower height and location would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place before an Administrative Law Judge to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Bay Television, Inc.:

(a) whether it has the additional $691,140 available to finance the construction and operation expenses;

(b) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of Section 73.610 and if not, whether circumstances exist which would warrant a waiver of that rule.

(c) whether, in light of the evidence adduced pursuant to (a) and (b), applicant is financially and technically qualified.

2. To determine with respect to Home TV, Inc.:

(a) whether Home has the additional $904,259 available to finance the construction and operation expenses;

(b) whether, in light of Mr. Gilder's interest in WTMP(AM), Tampa, Florida, grant of Home TV, Inc.'s application would be in the public interest.

(c) whether, in light of the evidence adduced pursuant to (a) and (b) applicant is financially and legally qualified.

3. To determine, with respect to Oak Television of Tampa Bay, Incorporated: Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, That, grant of a construction permit to Home TV Inc., will be subject to the following condition: Prior to the commencement of operation, Mr. Danzey shall certify to the Commission that he severed all interest in and connection with WRXB (AM), St. Petersburg Beach, Florida.

22. It is further ordered, That, Bay Television, Inc.'s Opposition to Home's June 15, 1981 amendment is denied.

23. It is further ordered, That, the Federal Aviation Administration is made a party respondent with respect to issue three.

24. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

25. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief Broadcast Facilities Division, Broadcast Bureau

[FR Doc. 81-34651 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

[6] Home's June 15, 1981 amendment states that the election results do not alter the previously filed integration proposal with respect to full time participation of its officers. In addition, in its petition for leave to amend, Home states that acceptance of the amendment would not prejudice any party, or prove disruptive of the proceeding.

Radio Technical Commission for Marine Services (RTCM) Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 79

"Universal Marine Radiotelephone Compatibility"

Notice of 4th Meeting: Wednesday, December 16, 1981—9:30 a.m., Conference Room A–106, FCC Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative Matters.
2. Discussion concerning tasks and organization.
3. Report of Working Groups.

T. B. Miller, Chairman SC–79, WJG Telephone Company, P.O. Box 9363, Memphis, TN 38109, Phone: (901) 789–3800

Special Committee No. 81

"Review of FCC Rules Applicable to VHF–FM Maritime Frequencies"

Notice of 3rd Meeting: Wednesday, December 16, 1981—1:00 p.m., Conference Room A–106, FCC Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative Matters.
2. Review of FCC Rules, Parts 81 and 83.

Carl Gray, Chairman SC–81, Consultant, American Waterways Operators, Inc., 1055 Dalebrook Drive, Alexandria, VA 22308, Phone: (703) 360–4625

Executive Committee Meeting

Notice of December Meeting: Thursday, December 17, 1981—9:30 a.m., Conference Room A–110, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Terms of Reference for new Special Committees:
   a. Minimum Performance Standards (MPS) for Automated Vessel Reporting Systems.
   b. Update of RTCM SC–65 final report concerning "Ship Radar and Related Matters".

Special Committee No. 80

"FCC Rules Review as Required by Regulatory Flexibility Act of 1980"

Notice of 1st Meeting: Thursday, December 17, 1981—1:30 p.m., Conference Room A–110, FCC Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative Matters.
2. Discussion concerning tasks and organization.
3. Working group assignments.

Charles S. Carney, Chairman SC–80, Nav-Com, Inc., 711 Grand Blvd., Deer Park, NY 11729, Phone: (516) 667–7710

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–34652 Filed 12–2–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 81–824 and 81–825; File Nos. BPET–558 and 595]

Public Communication Foundation for North Texas and Denton Channel Two Foundation, Inc.; Hearing Designation Order

Adopted: November 24, 1981.
Released: December 1, 1981.

In the matter of Public Communication Foundation for North Texas, Flower Mound, Texas; BC Docket No. 81–824, File No. BPET–558, and Denton Channel Two Foundation, Inc., Denton, Texas, BC Docket No. 81–825, File No. BPET–595, For a Television construction permit.

1. The Commission has before it: (a) above-captioned mutually exclusive applications of Public Communication Foundation for North Texas (PCF) and Denton Channel Two Foundation, Inc. (Denton Foundation) for a new noncommercial educational television station to operate on Channel 2, allocated to Denton, Texas;[1] (b) petitions to deny filed by each applicant against the other;[2] and (c) related pleadings.

2. PCF and Denton Foundation specify Flower Mound and Denton, respectively, as their communities of license. Consequently, it will be necessary to determine, pursuant to section 307(b) of the Communications Act of 1934, as amended, whether a new station in Flower Mound or Denton would better provide a fair, efficient, and equitable distribution of radio service. If the section 307(b) issue is not determinative (the applicants would serve substantial areas in common), the applications can be considered under the comparative issue.

Public Communication Foundation for North Texas

3. PCF's proposal embodies several factors identified by the United States Court of Appeals for the District of Columbia Circuit as relevant to a determination as to whether an applicant realistically proposes to serve another (usually larger) community rather than the one specified as its proposed community of license (*de facto* reallocation). *Communications Investment Corporation v. Federal Communications Commission*, 641 F 2d 954 (1981). PCF plans to locate its transmitter near Cedar Hill, Texas, approximately 12 miles southwest of Dallas, Texas, and 28 miles south of Flower Mound. This represents a distance ratio of approximately 2:1. The site is within two miles of the sites of 12 radio and television stations licensed to Dallas and/or Fort Worth. From the proposed site, PCF would encompass all of Dallas, Fort Worth, and Flower Mound within its predicted city grade contour (74 dBu). Flower Mound is a rural community of 4,402 persons with no major industry and only one public elementary school. The 1980 Census indicates that Dallas has a population of 904,078 and Fort Worth has a population of 385,141. PCF, the licensee of KERA-TV and KERA-FM, Dallas, proposes to locate its main studio in Dallas and share staff and facilities with its Dallas stations. PCF's administrative offices are located in Dallas and 52 of its 54 officers and directors reside in either Dallas or Fort Worth; no members of the governing board or officers or directors are residents of Flower Mound. These factors raise a substantial question as to whether PCF realistically intends to serve Dallas and Fort Worth, rather than Flower Mound, and an appropriate issue will, therefore, be specified.

4. Section 73.1125 of the Commission's rules requires that the main studio of a television station be located within the city of license but that, on a showing of good cause, the main studio may be located outside that community. As stated in paragraph 3 above, PCF proposes to locate its main studio in Dallas. Since the main studio location is

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[1] Pursuant to § 73.607(b) of the Commission's Rules, PCF proposes Flower Mound, Texas, as its community of license.

[2] The petitions are, in essence, pre-designation petitions to specify issues. Since such petitions are no longer permitted, they will be dismissed. *Processing of Contested Broadcasting Applicotions*, 72 F.C.C. 2d 202 (1979).

[3] The Commission recently has indicated that it intends to revisit its current *de facto* reallocation policy. The staff has been directed to prepare an item for the Commission's consideration for the purpose of reexamining that policy. *Son Broadcasting, Inc.*, FCC 81–542 (released November 19, 1981). If and when the Commission's *de facto* reallocation policy is changed, the new policy will be applied to all pending applications, including any then in hearing.

a factor to be considered in a determination of the *de facto* reallocation question of Channel 2 to Dallas or Fort Worth, we are unable to determine that good cause exists or that locating the main studio in Dallas would be consistent with operation of the station in the public interest. Accordingly, an appropriate issue will be specified.

5. PCF estimates that $2,840,445 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$2,162,695
Land	400,000
Building	125,000
Other Costs	105,000
Total construction costs	2,742,695
Operating costs (three months)	97 750

To meet its construction expenses, PCF intends to rely upon $2,946,795 from a fund-raising drive and upon a loan of $500,000 from the First National Bank in Dallas, and to meet its operating costs for three months, the applicant relies on annual project income of $491,400 from the Dallas County Community College District (DCCCD). Section 73.621(d) of the Commission's Rules prohibits the sale of time by a noncommercial educational television station and limits consideration to be received to the costs incidental to the production and broadcasting of programs. In any case, the agreement with DCCCD is too speculative, since DCCCD states only that it ". . . would almost certainly be interested in negotiating an agreement with (PCF) for the use of some of the additional time which would be available." With respect to a planned fund-raising campaign, in the absence of a showing that nearly $3,000,000 can be raised from the public, we also find this source of funds too speculative to rely upon. Consequently, it appears that the applicant will have only $500,000 upon which it can rely, and an appropriate financial issue will be specified.

6. As stated in Paragraph 3 above, Dallas is the community of license of KERA–TV and KERA–FM, and PCF's predicted city grade contour for its proposed Flower Mound facility would encompass the entire city of Dallas. The Commission has under consideration a proposal which would extend our multiple ownership rules to include noncommercial stations. *Notice of Proposed Rule Making in BC Docket No. 78–165*, 43 F.R. 31047 (July 19, 1978). Accordingly, in the event of a grant of PCF's application, the construction permit will be subject to the outcome of that proceeding.

Denton Channel Two Foundation, Inc.

7. Denton Foundation estimates that $1,821,550 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,488 850
Building	115,000
Other (including earth station, engineering equipment, miscellaneous and pre-operation expenses)	100,660
Operating Costs (three months)	117,040
Total	1,821,550

The applicant does not indicate the costs it will incur in acquiring a tower site. Accordingly, as appropriate financial issue will be specified.

8. To meet its expenses, Denton Foundation intends to rely on $393,500 in existing capital, a $1,191,833 grant from the National Telecommunications and Information Administration (NTIA), an anticipated $318,000 from unnamed universities, $138,777 in anticipated donations, $65,200 from project income, and an anticipated community service grant of $150,000 from the Corporation for Public Broadcasting (CPB). Although NTIA will not commit funds to an applicant in hearing, we have no reason to suppose that, in the event of a grant of its application, Denton Foundation will not receive the full $1,191,833 which it has requested. Nevertheless, we cannot find that the applicant will have available any of the other funds upon which it relies. Since the applicant has failed to submit a balance sheet, as required by FCC Form 340, Section III, Question 2(b), we cannot determine the availability of any existing capital. No university, corporation, or individual has committed any other funds, and it is unclear what the $65,200 from "project income" represents. Finally, credit cannot be given for a prospective CPB grant, since grants are not awarded until after a station is operational. Consequently, even with a full grant from NTIA, Denton Foundation would require an additional $629,717 plus the cost of acquiring a transmitter site, and an appropriate financial issue will be specified.

9. On August 18, 1978, counsel for PCF advised the Commission that Roy Appleton, the president of Denton Foundation, may have improperly solicited or encouraged another person to make an improper *ex parte* presentation in support of its application. In June, 1978, Appleton contacted Congressman Ray Roberts about the delayed acceptance of its application for filing. Roberts brought the matter to the attention of Congressman Lionel Van Deerlin, then-Chairman of the House Communications Subcommittee, who, in turn, wrote then-Chairman Charles Ferris. Van Deerlin's letter primarily focused on the status of Denton Foundation's application. It did not go to the merits of this case and was essentially a request for expeditious processing. Consequently, we find no improper *ex parte* presentation.

10. On July 27, 1978, Appleton wrote then Chairman Ferris expressing his views in favor of the proposed rule making which would extend the multiple ownership rules to include noncommercial educational FM and TV stations. *Notice of Proposed Rule Making in BC Docket No. 78–165*, 43 FR 31047 (July 19, 1978). The outcome of that proceeding could affect the grant of PCF's application. (See Paragraph 6 above). Since Appleton's letter did not speak to the merits of PCF's application, we find no improper *ex parte* presentation.

11. In February, 1980, the General Investigating Committee of the Texas House of Representatives issued a report regarding the alleged misappropriation of funds by North Texas State University and Texas Women's University. The report alleges that, contrary to state law, some of Denton Foundation's legal and travel expenses and the cost of postage and aerial photographs were paid by the universities. This matter was referred to the State Auditor and, ultimately, to the District Attorney; however, no formal charges have been made. Consequently, no further inquiry is warranted.

Conclusion and Order

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

13. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Public Communication Foundation for North Texas:

(a) Whether the proposal is realistically one to serve Dallas and/or Fort Worth, Texas, rather than Flower

Mound, Texas, and, if so, the effect thereof on the applicant's basic qualifications;

(b) Whether, in the light of the evidence adduced pursuant to (a) above, the applicant has demonstrated good cause for locating its main studio outside its community of license and whether to do so would be consistent with operation of the station in public interest;

(c) Whether the applicant has available an additional $2,340,445 for its construction and three months operating costs;

(d) Whether, in light of the evidence adduced pursuant to (c) above, the applicant is financially qualified.

2. To determine, with respect to Denton Channel Two Foundation, Inc.:

(a) The cost of purchasing or leasing its proposed tower site for five months;

(b) Whether the applicant has available an additional $629,717 plus the cost of purchasing or leasing its proposed tower site;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of television service.

4. In the event that it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), to determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That, in the event of a grant of the application of Public Communication Foundation for North Texas, the grant shall be made subject to the outcome of the rule making proceeding in Docket No. 78–165.

15. It is further ordered, That the petitions to deny filed by PCF and Denton Foundation against each other are dismissed.

16. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in perons or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall pursuant to section 311(a)(2) of the Communications Act and § 73.3594 of the Commission's rules give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-34653 Filed 12-2-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Eastern Steamship Lines, Inc. et al.; Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Eastern Steamship Lines, Inc., d/b/a Eastern Cruise Lines and Ares Shipping Corporation, c/o Eastern Cruise Lines, 1220 Biscayne Boulevard, P.O Box 010882, Miami, Florida 33101.

Dated: November 30, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-34649 Filed 12-2-81; 8:45 am]

BILLING CODE 6730-01-M

Eastern Steamship Lines, Inc., et al.; Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540): Eastern Steamship Lines, Inc., d/b/a Eastern Cruise Lines and Ares Shipping Corporation, c/o Eastern Cruise Lines, 1220 Biscayne Boulevard, P.O. Box 010882, Miami, Florida 33101.

Dated: November 30, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-34650 Filed 12-2-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Commerce Bancshares of Wyoming, Inc.; Acquisition of Bank

Commerce BancShares of Wyoming, Inc., Sheridan, Wyoming, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. Section 1842(a)(3) to acquire 75 percent or more of the voting shares of The First National Bank of Greybull, Greybull, Wyoming. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. Section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34664 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

F&M National Corp.; Acquisition of Bank

F&M National Corporation, Winchester, Virginia, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Suburban Bank, Richmond, Virginia. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 23, 1981. Any comment on an

application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any question of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34667 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

Montana Bancsystem, Inc.; Acquisition of Bank

Montana Bancsystem, Inc., Billings, Montana, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Security Bank of Havre, Havre, Montana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34672 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Banks

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Pasadena State Bank, Pasadena, Texas, and 100 percent of the voting shares of Republic State Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34674 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

CBC, Inc.; Formation of Bank Holding Company

CBC, Inc., Clovis, New Mexico, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of The Citizens Bank of Clovis, Clovis, New Mexico. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34683 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

De Leon Bancshares, Inc.; Formation of Bank Holding Company

De Leon Bancshares, Inc., De Leon, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Farmers & Merchants Bank, De Leon, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34666 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

Financial Dominion of Kentucky Corp.; Formation of Bank Holding Company

Financial Dominion of Kentucky Corporation, Radcliff, Kentucky, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the Bank of North Hardin, Radcliff, Kentucky. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34668 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

First Morton Bancorp, Inc.; Formation of Bank Holding Company

First Morton Bancorp, Inc., Morton, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Morton, Morton, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34669 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

First National of Elbow Lake Bancshares, Inc.; Formation of Bank Holding Company

First National of Elbow Lake Bancshares, Inc., Elbow Lake, Minnesota, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.4 percent or more of the voting shares of The First National Bank of Elbow Lake, Elbow Lake, Minnesota. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34671 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

First Union Bancorporation, Inc.; Formation of Bank Holding Company

First Union Bancorporation, Inc.; Streator, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Union National Bank of Streator, Streator, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34670 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

Sesser Bancorporation, Inc.; Formation of Bank Holding Company

Sesser Bancorporation, Inc., Sesser, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.3 percent or more of the voting shares of Bank of Sesser, Sesser, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34673 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

Tri-States Bankshares, Inc.; Formation of Bank Holding Company

Tri-States Bankshares, Inc., Trenton, Georgia, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of Bank of Dade, Trenton, Georgia. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-34662 Filed 12-2-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

National Council on Health Planning and Development; Steering Subcommittee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of December 1981:

Name: Steering Subcommittee of the National Council on Health Planning and Development.

Date and Time: Friday, December 11, 1981; 9:30 a.m. – 3:00 p.m.

Place: Conference Room 525–529A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objectives of the Agenda Planning Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda: The Subcommittee will review status reports from HRA officials and plan two FY 1982 plenary sessions for the National Council on Health Planning and Development.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate.

Dated: November 23, 1981.

Jackie E. Nylen,

Advisory Committee Management Officer, HRA.

[FR Doc. 81–34740 Filed 12–2–81; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–87]

Intended Environmental Impact Statement; Rochester, N.Y.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared by the City of Rochester, New York, for the following project under HUD programs as described in the appendix to this Notice: Convention Center. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register,** then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., November 23, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on the Convention Center Project

The City of Rochester, New York intends to prepare an Environmental Impact Statement on the project described below and solicits information and comments for consideration in the EIS.

Description: The proposed Convention Center will have a 5,000 to 7,000 person seating capacity and be approximately 205,000 square feet in size. The project will be located in downtown Rochester, New York in the area bounded on the north by East Main Street, on the east by South Avenue, on the south by Broad Street and on the west by the East Bank of the Genesee River. The estimated cost of the project is $40,000,000. The proposed project is being developed in accordance with the city's Urban Renewal Plan and may be assisted under the Department of Housing and Urban Development's Community Development Block Grant program.

Need: The City of Rochester determined to prepare an EIS due to the large-scale nature of the project in a dense urban setting and the possible impact on traffic. The EIS will be published and distributed on or about January, 1982. Copies will be on file for public inspection or may be obtained at the address given below.

Alternatives: Alternatives to be considered are: Accept project as proposed; accept smaller project; and no project.

Scoping: The responses to this Notice will assist in identifying data sources and significant environmental issues which the EIS should address, and will help to identify cooperating agencies.

Comments: Comments should be sent by December 24, 1981 to: Peter A. Korn, City Manager, 30 Church Street, Rochester, New York 14614 (or call (716) 428–6924).

[FR Doc. 81–34681 Filed 12–2–81; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. NI–88]

Intended Environmental Impact Statement; Rich County, Utah

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Eagle Springs planned development, Rich County, Utah. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives,

and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., November 24, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—Environmental Impact Statement on the Eagle Springs Planned Development, Rich County, Utah

The HUD Area Office in Denver, Colorado intends to prepare an EIS on the Eagle Springs development as described below, and requests information and comments for consideration in the EIS.

Description: Approximately 2,750 dwelling units will be constructed on 1,800 acres in Rich County, Utah. Eagle Springs is located approximately 1½ miles south of Woodruff, Utah on County Road. A potential 1,892 additional units could be built on 520 acres of land under the developer's option.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or rejection of participation in the development.

Scoping: A scoping meeting will not be held. HUD will request imput from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Evanston, Wyoming.

Comments: Comments should be forwarded by December 24, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202. Telephone Number (303) 837–3103, FTS 327–3103.

[FR Doc. 81–34682 Filed 12–2–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR–031177; A–17378]

Arizona; Non-Competitive Sale; Public Land in Greenlee County, Arizona, and Termination of Recreation and Public Purposes Classification

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Mangement Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Gila and Salt River Meridian

T. 8S., R. 32E.,
Sec. 30, E½NW¼SE¼.

The offering of the subject land for sale will terminate the Recreation and Public Purposes classification AR–031177 on the subject land.

The above described land, comprising 20 acres, is being offered as a direct, non-competitive sale at no less than fair market value, to Rural Housing Development Association, Incorporated. Purchase price will be $24,000.

Rural Housing Development Association, Incorporated would acquire the land for development of a senior citizen housing complex for southern Greenlee County. The senior citizen complex is a part of the flood relocation project for the Town of Duncan.

Disposal will serve the public interest. The sale is consistent with the Bureau's planning for the land.

The land will be offered for sale within 60 days after the date of this Notice.

Patent when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. A right-of-way for the road which traverses section 30.

2. A 20' wide right-of-way for a natural gas pipeline for City Utilities Company which traverses the E½NW¼SE¼, section 30.

Detailed information concerning the sale is available for review at the Safford District Office, 425 E. 4th Street, Safford, Arizona.

For a period of 45 days, interested parties may submit comments to the Safford District Manager, 425 E. 4th Street, Safford, Arizona 85546. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of Interior.

Dated: November 25, 1981.

Kurt J. Kotter,

Acting District Manager.

[FR Doc. 81–34688 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–84–M

[U–2924; U–3057]

Utah; Termination of Classification for Multiple Use Management

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Orders dated August 16, 1967 and October 4, 1967, Serial No's: U–2924 and U–3057 published in the **Federal Register** August 17, 1967, Vol. 32, No. 159, Pages 11894 and 11895, and October 5, 1967, Vol. 32, No. 193, Pages 13876 and 13877 respectively, are hereby terminated.

The public lands involved aggregate 312,609 acres in Daggett, Duchesne, and Uintah Counties.

2. The classification orders segregated the public lands from appropriation under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. 334), from sale under Section 2455 of the Revised Statutes (43 U.S.C. 1171), and from disposition through State and private exchanges under Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) at 10:00 a.m. on December 31, 1981, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: November 23, 1981.

Roland G. Robison Jr.,

State Director.

[FR Doc. 81–34689 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–84–M

Oklahoma; Intention To Amend Southeast Oklahoma Management Framework Plan

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of intent to amend southeast Oklahoma management framework plan.

SUMMARY: This notice is to advise the public that the Albuquerque, New Mexico District Office of the Bureau of Land Management (BLM) is reviewing and will amend a portion of the Southeast Oklahoma Management Framework Plan (MFP). The review and amendment are in response to an application for competitive lease sale submitted by HFCO, Inc. (NM–50410 (OK)). During the amendment process, the application area will be evaluated to identify areas acceptable for further consideration for leasing.

FOR FURTHER INFORMATION CONTACT: Srinivas Rao, (405) 231–4481, Oklahoma Resource Area Office, Bureau of Land Management, Room 548, 200 NW. Fifth Street, Oklahoma City, Oklahoma 73102.

SUPPLEMENTARY INFORMATION: The Oklahoma Subregion of the Western Interior Coal Production Region was cancelled August 6, 1981 and the six-county Southeast Oklahoma Planning Unit opened to lease by application. The background for this action is contained in the **Federal Register**, Vol. 46, No. 157, 41218–41219 of August 14, 1981. The MFP Amendment, planned for completion in March, 1982, will incorporate the 170-acre coal Lease Application Area (LAA) into the land use planning process. The LAA was not included in the existing Southeast Oklahoma MFP. The potential for leasing interest was considered low due to the small size of the tract and limited amount of recoverable coal reserves. HFCO, Inc. is now interested in surface mining the Stigler coal bed. HFCO, Inc. is currently mining a private coal lease adjacent to the lease application area on the north. The decision to offer the area at a competitive coal lease sale will be based on the following criteria: The application of unsuitability criteria (43 CFR Part 3461), the resolution of conflicts with existing MFP decisions, the results of public participation and review, surface owner consultation, coordination with other state and federal agencies, and analysis of those values that could be impacted by coal development (for example but not limited to rights-of-way, residences, and socio-economic values).

The application area is located approximately 7 miles northwest of the town of Spiro, in LeFlore County, Oklahoma. The application includes the following described lands:

Indian Meridian, Oklahoma

T. 9 N., R. 24 E.,
Sec. 3, NE¼NE¼, NW¼SE¼NE¼, SW¼NE¼, NW¼NW¼SE¼, NE¼SW¼, NW¼SE¼SW¼, N½SW¼SW¼.

Background standards and procedures for MFP Amendment preparation are contained in 43 CFR Part 3400 and 43 CFR Part 1600. The standards for this review are also discussed in the Final Environmental Statement—Federal Coal Management Program, describing the Secretary of the Interior's preferred coal program and alternatives, released in April 1979.

An interdisciplinary team of specialists in the Oklahoma Resource Area Office will conduct the amendment process. Disciplines to be represented include cultural resources, geology, hydrology, land uses, socioeconomics, soils, vegetation, and wildlife.

Public participation opportunities will be provided in the following ways: (1) A notice of intent to amend the MFP will be sent to federal, state, and local governments that would be concerned with the plan or have land use regulatory authority in the vicinity of the proposed amendment, asking them to identify issues and concerns; (2) A news release will appear in local newspapers, asking interested parties to identify issues of concern and impacts that should be addressed; (3) A draft MFP amendment will be distributed for a 30-day public review and comment period in January, 1982; (4) A public meeting will be held during the 30-day review and comment period and will be announced by a news release to appear in local newspapers; (5) Public comments will be considered in the preparation of the final amendment which will be completed and made available to the public in March, 1982. On publication of the final amendment a 30-day protest period will be in effect before a decision can be implemented.

Documents relevant to the planning process are available for public inspection at the BLM Oklahoma Resource Area Office in Oklahoma City at the address provided above.

Dated: November 25, 1981.

L. Paul Applegate,

Albuquerque District Manager, New Mexico State Office.

[FR Doc. 81–34690 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–84–M

California; Application To Renew Airport Lease Los Angeles 0165216

Notice is hereby given that pursuant to the Act of May 24, 1928, as amended (49 U.S.C. 211–214), the County of San Bernardino, California, has filed an application to renew its airport lease Los Angeles 0165216 for the following described land:

San Bernardino Meridian, California

T. 14 N., R. 8 E.,
Sec. 24, W½NE¼ and SE¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use of disposal under the public land laws.

Interested persons may submit comments to the District Manager, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: November 24, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–34745 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–84–M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a special meeting of the Medford District Advisory Council will be held on Saturday, December 12, 1981.

The meeting will begin at 10:00 a.m. in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The purpose of the meeting is for the Council to make recommendations to the District Manager on the designation of Areas of Critical Environmental Concern.

The meeting is open to the public and news media. Summary minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Hugh R. Shera,

District Manager.

November 27, 1981.

[FR Doc. 81–34747 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–84–M

Montrose District Advisory Council; Meeting Cancelled

The previously scheduled meeting of the Montrose District Advisory Council on December 9, 1981, has been cancelled (46 FR 50857; Oct. 15, 1981). This meeting

was intended to be a working session to review and discuss wilderness suitability recommendations contained in the Draft Gunnison Basin and American Flats/Silverton Wilderness Study Environmental Impact Statement. The meeting will be rescheduled at a later date.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-34742 Filed 12-2-81, 8:45 am]

BILLING CODE 4310-84-M

New Mexico Redelegation of Authority

November 27, 1981.

SUMMARY: Section 1.1(a)(2) of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 25, 1980 (FR Doc. 80-2428 filed 1-24-80; 8:45 a.m.), authorizes the Bureau of Land Management State Directors the opportunity to redelegate the authority to grant, renew, reassign or revoke rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976 to Bureau of Land Management District and Area Managers.

That authority is hereby redelegated to the Albuquerque District Manager.

This notice has no other effect on the provisions of FR Doc. 80-2428.

EFFECTIVE DATE: This redelegation will become effective January 4, 1982.

FOR FURTHER INFORMATION CONTACT: New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Billy M. Brady,

Acting State Director.

[FR Doc. 81-34744 Filed 12-2-81, 8:45 am]

BILLING CODE 4310-84-M

[U-45943]

Salt Lake District, Utah; Realty Action-Land Exchange

AGENCY: Bureau of Land Management, Salt Lake District.

ACTION: Notice.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

SELECTED (PUBLIC LAND)

6 N. 18 W. 14, all	640
6 N. 18 W. 26, all	640
7 N. 18 W. 4, SW¼	160
7 N. 18 W. 8, all	640
7 N. 18 W. 10, E½NE¼, NW¼SW¼, S½SW¼, SW¼SE¼	240
7 N. 18 W. 14, all	640
7 N. 18 W. 22, all	640
7 N. 18 W. 26, all	640
Total	1,240

In exchange for these lands the Federal Government will acquire the following privately-owned land from Monte Tipton, c/o Herbert H. Halleday, trustee:

OFFERED (PRIVATELY-OWNED LAND)

4 N. 19 W. 23, E½	320.00
4 N. 19 W. 27, E½	320.00
4 N. 19 W. 35, all	640.00
5 N. 19 W. 5, Lots 1-4	41.44
5 N. 19 W. 27, all	640.00
6 N. 19 W. 3, Lot 4, SW¼NW¼, W½SW¼	159.93
6 N. 19 W. 5, Lots 1-4	34.17
6 N. 19 W. 9, Lot 1, NE¼NE¼, W½NE¼NW¼, NE¼SW¼, NW¼SE¼	396.95
6 N. 19 W. 17, Lots 1-4	37.40
6 N. 19 W. 27, W½	320.00
7 N. 19 W. 17, Lots 1-4	39.52
7 N. 19 W. 17, Lots 1-4	13.20
7 N. 19 W. 21, all	640.00
7 N. 19 W. 29, Lots 1-4	25.04
7 N. 19 W. 33, all	640.00
Total	4,269.65

The exchange will involve the surface estates only, of the above described lands. All of the lands, both public and private, are hereby segregated from the workings of the land laws and from mining claim locations.

DATE: For a period of 45 days interested parties may submit comments to the District Manager, BLM, Salt Lake District, 2370 South 2300 West, Salt Lake City, UT 84119. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the exchange, including the environmental assessment, is available for review at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119, or call Evan N. Rudd at 524-5348.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire non-federal lands valuable for wildlife management purposes and to dispose of public lands designed for agricultural purposes. The exchange has been discussed with Box Elder County officials and is consistent with planning. The public interest will be well served by making this exchange.

The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize the values, upon completion of the final appraisal of the lands. The terms and conditions applicable to the exchange will be as follows:

(1) Ditches and canals reservation on the selected land.

(2) All minerals, together with the rights of ingress and egress to prospect for, mine and remove the same under applicable law, on the offered and the selected land.

(3) Right-of-way for the county roads which pass through the selected land.

(4) Oil and gas leases numbered U-31579, U-31580, U-3582, U-3583 and U-3584, issued to Sue Hartley, Suite 1520, United Bank Center Bldg., Denver, CO 80202.

Frank W. Snell,

District Manager.

[FR Doc. 81-34743 Filed 12-2-81; 8:45 am]

BILLING CODE 4310-84-M

[W-52857 and W-73129]

Wyoming; Termination of Segregation

November 20, 1981.

Two proposals for exchange under the authority of the General Exchange Act of March 20, 1922 (42 Stat. 465) were filed with the Regional Forester and serialized and noted to the records of the Wyoming State Office of the Bureau of Land Management. The selected lands were segregated from entry under the General Mining Law. The lands involved are described as:

Sixth Principal Meridian, Wyoming

(W-52857)

T. 41 N., R. 116 W.,
Sec. 33: N½NE¼SE¼SW¼, NW¼SE¼SW¼, N½SW¼SW¼.
Containing 35.00 acres.

(W-73129)

T. 35 N., R. 118 W.,
Sec. 30: Lots 4, 5, 8, 9, 10 and 11.
Containing 81.23 acres.

The lands are within the Teton and Bridger National Forests respectively.

These exchange proposals no longer being viable, the notation of the applications is being removed. Accordingly, pursuant to 43 CFR 2091.2-3, the lands shall be opened to operation of the mining laws at 7:45 a.m. on January 4, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828,

2515 Warren Avenue, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-34746 Filed 12-2-81; 8:45 am]

BILLING CODE 4310-84-M

Craig District, Little Snake Resource Area, Colo.; Amendment to Management Framework Plan

In accordance with 43 CFR Part 1601 and Pub. L. 94-579, section 603, the Bureau of Land Management, Craig District, Colorado, is in the process of amending the Williams Fork Management Framework Plan. The purpose of the MFP amendment is to identify areas of high to moderate coal development potential that are suitable for further consideration for competitive coal leasing.

In addition to studying the area listed in the Williams Fork MFP coal amendment announced in the notice published in the **Federal Register**, Volume 46, Number 191, Friday, October 2, 1981, the areas previously found unsuitable for further consideration for coal development will be reviewed. Any corrections or additions to legal descriptions or stipulations which may be found to be needed will be proposed in the draft environmental assessment for the Williams Fork MFP coal amendment.

BLM Contacts

Comments or requests for further information should be addressed to Duane Johnson, Team Leader, Little Snake Resource Area Office, P.O. Box 1136, Craig, Colorado 81626; or telephone (303) 824-4441.

Dan Martin,

Acting District Manager.

[FR Doc. 81-34748 Filed 12-2-81; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Regional Coal Team Meeting for Final Tract Ranking, Final Tract Selection, and Final Selection of Alternatives for the Fort Union Regional EIS

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Regional Coal Team Meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR Part 3400, the Montana State Office is issuing this notice to announce a Fort Union Regional Coal Team meeting January 6 and 7, 1982, in the large conference room (6th floor) of the Granite Tower Building, 222 North 32nd Street, Billings, Montana. On January 6 the meeting will begin at 10:00 a.m. and on January 7 at 8:15 a.m.

The Fort Union Coal Team agenda includes: (1) Final tract ranking; (2) final tract selection; and (3) final selection of alternatives for the regional EIS.

FOR FURTHER INFORMATION CONTACT:

Bill Frey, Assistant Project Manager, Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107, (406) 657-6632/FTS 585-6632.

SUPPLEMENTARY INFORMATION: At its November 2-4 meeting, the Fort Union Regional Coal Team made preliminary tract rankings, preliminary tract selections, and preliminary selections of alternatives for the Fort Union Regional EIS. The Regional Coal Team also extended the public comment period for the Site-Specific Analyses and the Preliminary Facility Evaluation Reports until December 15, 1981. The Regional Coal Team invites public comment until this date.

The following describes the federal coal being considered for leasing in each of the 24 tracts.

Recoverable Federal coal reserves potential lease tract and description	Acreage	Million tons
Bloomfield—Montana		
T. 20 N., R. 53 E., P.M.M. Sec. 4, 1, 2, 3, 4, S½N½, S½; Sec. 6, Lots 1, 2, S½NE¼, SE¼; Sec 8, All. Sec 10, All; Sec. 14, NE¼, N½NW¼, SW¼NW¼; Sec. 18, Lot 1, N½NE¼, NE¼NW¼, Sec 22, N½, SE¼. T. 21 N., R. 53 E., P.M.M., Sec. 30, Lots 3, 4, E½SW¼, SE¼, Sec 32, All.	4,145	135.9
Central Bloomfield—Montana		
T. 20 N., R. 53 E., P.M.M. Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, Sec. 6, Lots 1, 2, S½NE¼, SE¼, Sec 8, All Sec. 10, All; Sec. 18, Lot 1, N½NE¼, NE¼NW¼ T. 21 N., R. 53 E., P.M.M., Sec. 32, All.	3,065	105.1
Circle West I—Montana		
T. 20 N., R. 44 E., P.M.M. Sec. 24, E½NE¼, E½SW¼, SE¼ T. 19 N., R. 45 E., P.M.M., Sec. 8, N½, W½SW¼. T. 20 N., R. 45 E., P.M.M., Sec. 4, SW¼NW¼, W½SW¼, Sec. 8, NE¼, NE¼NW¼, S½NW¼, SW¼, N½SE¼; Sec 18, E½, E½SW¼; Sec 20, E½NE¼, NW¼, S½, Sec. 30, Lots 1, 2, 3, 4, E½, E½W½, Sec. 32, N½NE¼, SW¼NE¼, NW¼, S½; Sec. 33, SW¼SW¼	3,589	85.5
Circle West II—Montana		
T. 19 N., R. 44 E., P.M.M. Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, Sec. 8, NE¼NE¼, S½NE¼, E½SW¼, SE¼; Sec 10, All. Sec. 12, N½, N½SW¼, SE¼SW¼, SE¼. T. 20 N., R. 44 E., P.M.M., Sec 26, S½SW¼, SW¼SE¼, Sec 34, S½NE¼, S½ T. 19 R. 45 E., P.M.M., Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼, Sec 18, N½NE¼, E½NW¼	4,193	89.1
Circle West III—Montana		
T. 19 N., R. 44 E., P.M.M. Sec 2, Lots 1, 2, 3, 4, S½N½, S½; Sec. 4, Lots 1, 2, 3, 4, S½N½, S½; Sec. 8, NE¼NE¼, S½NE¼, E½SW¼, SE¼; Sec 10, All; Sec 12, N½, N½SW¼, SE¼SW¼, SE¼. T 20 N., R 44 E., P.M.M., Sec 24, E½NE¼, E½SW¼, SE¼; Sec 26, S½SW¼, SW¼SE¼, Sec. 34, S½NE¼, S½. T. 19 R., 45 E., P.M.M., Sec 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼SW¼, E½SW¼, SE¼; Sec 8, N½, W½SW¼, Sec 18, N½NE¼, E½NW¼ T. 20 N., R 45 E., P.M.M., Sec. 4, SW¼NW¼, W½SW¼, Sec 8, NE¼, NE¼NW¼, S½NW¼, SW¼, N½SE¼; Sec 18, E½, E½SW¼, Sec 20, E½NE¼, NW¼, S½, Sec. 30, Lots 1, 2, 3, 4, E½, E½W½, Sec. 32, N½NE¼, SW¼NE¼, NW¼, S½, Sec 33, SW¼SW¼	7,782	174.6
Redwater I—Montana		
T. 19 N., R. 48 E., P.M.M. Sec. 2, Lots 1, 2, 3, S½N½, S½, Sec. 12, N½NE¼, NW¼, N½SW¼, SW¼SW¼. T. 20 N., R. 48 E., P.M.M., Sec 2, SW¼; Sec. 12, S½NW¼, SW¼, Sec 14, N½, N½SW¼, SE¼SW¼, SE¼; Sec 24, N½, NE¼SE¼ T 19 N., R. 49 E., P.M.M., Sec. 2, Lot 1, SE¼NE¼, NE¼SE¼; Sec. 4, Lots 1, 2, 3, 4, SW¼NE¼, S½NE¼, NE¼SW¼, SW¼SW¼; Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼; Sec. 8, All. T 20 N., R. 49 E., P.M.M., Sec 18, Lots 1, 2, 3, 4, NE¼, E½W½, NW¼SE¼, S½SE¼ T. 20 N., R. 49 E., P.M.M., Sec 20, All; Sec. 22, All; Sec. 23, NW¼NE¼, S½N½, NE¼NW¼, E½SE¼; Sec 24, All; Sec. 26, N½, NE¼SW¼, E½SE¼; Sec. 28, All; Sec. 30, Lots 3, 4, E½, E½W½; Sec. 32, All, Sec 34, W½.	9,474	201.6
Redwater II—Montana		
T 21 N., R 48 E., P.M.M.	7,935	111.2

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Recoverable Federal coal reserves potential lease tract and description	Acreage	Million tons
Sec. 26, S½NE¼, SE¼;		
Sec. 34, SE¼.		
T. 20 N., R. 49 E., P.M.M.,		
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½;		
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;		
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;		
Sec. 8, NE¼, N½NW¼, SE¼NW¼;		
Sec. 10, All;		
Sec. 12, All;		
Sec. 14, All.		
T. 21 N., R. 49 E., P.M.M.,		
Sec. 20, S½SW¼, SW¼SE¼;		
Sec. 22, E½, E½W½, W½SW¼;		
Sec. 24, SW¼NE¼, N½SW¼, SW¼SW¼;		
Sec. 26, N½, N½S½, S½SW¼;		
Sec. 28, All;		
Sec. 30, E½NE¼, SE¼;		
Sec. 32, All;		
Sec. 34, N½, N½SW¼, SW¼SW¼, NW¼SW¼.		
Southwest Glendive—Montana		
T. 15 N., R. 53 E., P.M.M.	7,543	174.1
Sec. 10, SE¼NE¼;		
Sec. 14, NE¼, E½NW¼, S½;		
Sec. 22, All;		
Sec. 24, NW¼;		
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼.		
T. 16 N., R. 53 E., P.M.M.,		
Sec. 10, N½NE¼, SW¼NE¼, W½;		
Sec. 14, S½NE¼, NW¼, S½;		
Sec. 22, N½NE¼, NE¼NW¼, NE¼SE¼,		
Sec. 24, W½E½, W½, SE¼SE¼.		
T. 14 N., R. 54 E., P.M.M.,		
Sec. 4, Lots 3, 4, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;		
Sec. 6, Lot 1, SE¼NE¼, NE¼SE¼;		
Sec. 8, N½NE¼, NE¼NW¼		
T. 15 N., R. 54 E., P.M.M.,		
Sec. 6, Lots 6, 7, E½SW¼, S½SE¼;		
Sec. 8, NW¼NE¼, W½, SW¼SE¼.		
Sec. 20, All;		
Sec. 28, W½NW¼;		
Sec. 30, Lots 1, 2, 3, 4, E½, E½W½;		
Sec. 32, All.		
T. 16 N., R. 54 E., P.M.M.,		
Sec. 30, Lots 1, 2, 4, SE¼SW¼, S½SE¼;		
Sec. 32, Lots 1, 2, NW¼NW¼, S½NW¼, N½SW¼.		
Burns Creek—Montana		
T. 19 N., R. 55 E., P.M.M.	2,152	31.1
Sec. 10, N½NE¼, SE¼NE¼;		
Sec. 12, Lots 1, 2, 3, 4, W½E½, E½W½;		
Sec. 24, Lots 2, 3, 4, SW¼NE¼, W½, W½SE¼.		
T. 19 N., R. 56 E., P.M.M.,		
Sec. 6, Lots 1, 2, 3, 4;		
Sec. 30, Lots 1, 2, 3, 4, NE¼NE¼, S½NE¼, E½W½, SE¼;		
Sec. 32, N½NE¼, SW¼NE¼, NW¼.		
Schoolhouse—North Dakota		
T. 142 N., R. 87 W., 5th P.M.	3,001	38.7
Sec. 4, Lots 1, 4;		
Sec. 6, Lots 1, 2, 3, 4.		
T. 143 N., R. 87 W., 5th P.M.,		
Sec. 6, N½SE¼, SE¼SE¼;		
Sec. 8, E½NE¼, NW¼NW¼, S½SE¼;		
Sec. 20, NW¼NE¼, S½NE¼, N½SE¼;		
Sec. 28, NE¼SW¼, S½SW¼;		
Sec. 30, Lots 3, 4, NW¼NE¼, S½NE¼, E½SW¼, SE¼;		
Sec. 32, NW¼;		
Sec. 34, N½, SW¼, N½SE¼, SW¼SE¼.		
T. 143 N., R. 88 W., 5th P.M.,		
Sec. 2, SW¼;		
Sec. 10, SE¼SE¼;		
Sec. 14, NW¼NW¼, S½NW¼, SW¼, S½SE¼;		
Sec. 24, NW¼NW¼, S½NW¼, SW¼, S½SE¼;		
Sec. 26, E½NE¼.		
Antelope—North Dakota		
T. 145 N., R. 87 W., 5th P.M.	688	12.5
Sec. 6, SE¼;		
Sec. 20, NW¼;		
Sec. 32, NE¼, NE¼SE¼,		
Sec. 34, NE¼NE¼.		
T. 145 N., R. 88 W., 5th P.M.,		
Sec. 2, Lot 1, SE¼NE¼.		
Zenith—North Dakota		
T. 139 N., R. 98 W., 5th P.M.	4,593	181.8
Sec. 8, S½NW¼, N½SW¼, S½S½;		
Sec. 18, Lots 1, 2, 3, 4, E½, E½W½;		
Sec. 20, All;		
Sec. 30, Lots 1, 2, 3, 4, E½W½		
T. 139 N., R. 99 W., 5th P.M.,		
Sec. 2, S½SE¼,		
Sec. 10, SW¼;		
Sec. 12, N½, SE¼;		
Sec. 22, NE¼, S½;		
Sec. 24, N½, SE¼,		
Sec. 26, All;		
Sec. 28, S½.		
Center—North Dakota		
T. 142 N., R. 83 W., 5th P.M.	882	19.1
Sec. 30, Lot 4.		
T. 141 N., R. 84 W., 5th P.M.,		
Sec. 2, Lots 3, 4 SW¼NW¼,		
Sec. 10, N½NE¼, NE¼NW¼		
T. 142 N., R. 84 W., 5th P.M.,		
Sec. 14, N½;		
Sec. 20, N½NE¼, SW¼NE¼, NW¼.		
Glenharold—North Dakota		
T. 143 N., R. 83 W., 5th P.M.	3,612	42.7
Sec. 20, NW¼SW¼, S½SW¼;		
Sec. 30, Lots 1, 2, 3, 4, NE¼NE¼, SE¼NW¼, NE¼SW¼.		
T. 143 N., R. 84 W., 5th P.M.,		
Sec. 6, Lot 5, SW¼NE¼, SE¼NW¼, SE¼;		
Sec. 8, E½, N½NW¼, S½SW¼,		
Sec. 14, SW¼SE¼;		
Sec. 18, Lots 1, 2, 3, 4, NW¼NE¼, E½W½, W½SE¼,		
Sec. 22, S½SW¼;		
Sec. 24, SE¼NW¼, NE¼SW¼, SW¼SW¼, NE¼SE¼, S½SE¼;		
Sec. 26, All,		
Sec. 28, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼;		
Sec. 30, Lot 1, NW¼NE¼, NE¼NW¼.		
T. 144 N., R. 84 W., 5th P.M.,		
Sec. 28, SW¼, NW¼SE¼,		
Sec. 30, N½NE¼, SE¼NE¼		
T. 143 N., R. 85 W., 5th P.M.,		
Sec. 24, NW¼.		
T. 144 N., R. 85 W., 5th P.M.		
Sec. 22, SE¼NE¼		
Sec. 24, S½SE¼.		
Renner—North Dakota		
T. 145 N., R. 87 W., 5th P.M.	7,011	102.4
Sec. 32, NW¼SW¼, S½SW¼		
T. 144 N., R. 88 W., 5th P.M.,		
Sec. 2, Lots 3, 4, S½NW¼, NW¼SE¼;		
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;		
Sec 8, N½SW¼		
Sec. 18, Lot 1, N½NE¼, NE¼NW¼.		
T. 145 N., R. 88 W., 5th P.M.,		
Sec. 4, Lot 4, SW¼NW¼, SW¼;		
Sec 22 All;		
Sec. 26, N½NE¼, SW¼NE¼, W½, NW¼SE¼;		
Sec. 28, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;		
Sec. 32, NE¼NW¼, S½NW¼, SW¼;		
Sec. 34, N½N½, SE¼NE¼, SW¼, NE¼SE¼, S½SE¼.		
T. 146 N., R. 88 W., 5th P.M.,		
Sec 18, Lots 3, 4, E½SW¼,		
Sec 20, NW¼NW¼, S½NW¼, S½;		
Sec. 28, SW¼NE¼, NW¼, NE¼SW¼, NW¼SE¼;		
Sec. 30, Lots 1, 2, E½W½, SE¼,		
Sec. 32, S½NE¼, NW¼, S½.		
T. 144 N., R. 89 W., 5th P.M.,		
Sec. 2, Lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;		
Sec 12, All;		
Sec 14, N½.		
Truax—North Dakota		
T. 145 N., R. 86 W., 5th P.M.	2,233	28.8
Sec. 2, SE¼NW¼, NE¼SW¼, S½SW¼;		
Sec. 4, Lots 2, 3, 4, S½NW¼, SW¼SW¼;		
Sec. 6, Lots 3, 4, 5, SE¼NW¼;		
Sec. 8, E½E½, NW¼NW¼, SE¼NW¼, SE¼SW¼, SW¼SE¼;		
Sec. 10, NW¼NW¼, S½NW¼,		
Sec. 18, E½;		
Sec 20, SW¼;		
Sec 26, E½SE¼.		
T. 146 N., R. 86 W., 5th P.M.,		
Sec 32, E½E½,		
Sec 34 SE¼;		
Sec 36, NW¼, SW¼, N½N½SE¼.		
Dunn Center—North Dakota		
T. 143 N., R. 93 W., 5th P.M.	11,790	336.7
Sec 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼		
T. 144 N., R. 93 W., 5th P.M.,		
Sec 4, Lots 1, 2, 3, 4, S½NE¼, SE¼,		
Sec 6, Lots 4, 5, 6, E½SW¼,		
Sec 8, W½NE¼, NW¼, SE¼,		
Sec 18, Lots 1, 2, 3, 4, E½W½, SE¼,		
Sec 20, W½;		
Sec 30, Lots 1, 2, 3 4, E½, E½W½,		
Sec 32 All		
T. 145 N., R 93 W., 5th P.M.,		
Sec. 28, N½, NE¼SW¼,		
Sec. 32 All;		
Sec 34 N½, SE¼		
T. 143 N., R 94 W., 5th P.M.,		
Sec 2, Lots 1, 2, 3, 4, S½N½, S½,		
Sec 4, Lots 1, 2 3, 4, S½N½, S½,		
Sec 12, N½S½,		

Recoverable Federal coal reserves potential lease tract and description	Acreage	Million tons
T. 144 N., R. 94 W., 5th P.M. Sec. 2, Lots 1, 2, S½NE¼, SE¼; Sec. 10, NW¼, S½; Sec. 11, SE¼; Sec. 12, All; Sec. 14, NE¼, S½; Sec. 22, All; Sec. 24, All; Sec. 26, All; Sec. 28, NE¼NW¼, SE¼; Sec. 32, SE¼SE¼; Sec. 34, All.		
North Beulah—North Dakota		
T. 144 N., R. 88 W., 5th P.M. Sec. 10, SW¼, NW¼SE¼, S½SE¼; Sec. 14, N½SW¼, SW¼SW¼; Sec. 20, SE¼NE¼; Sec. 22, N½NE¼, SW¼NE¼, NW¼.	720	6 4
Underwood—North Dakota		
T. 146 N., R. 81 W., 5th P.M. Sec. 30, Lot 4, SE¼SW¼, S½SE¼. T. 146 N., R. 82 W., 5th P.M., Sec. 2, Lot 4, S½NW¼; Sec. 3, Lots 1, 2, S½NE¼, SE¼; Sec. 6, N½SE¼, SE¼; Sec. 10, E½ Sec. 24, NE¼NW¼; Sec. 34, NE¼NE¼, NW¼SW¼, S½SW¼. T. 146 N., R. 83 W., 5th P.M. Sec. 24, E½SE¼.	1,319	8 4
Sakakawea—North Dakota		
T. 148 N., R. 84 W., 5th P.M. Sec. 13, NW¼; Sec. 14, E½NE¼; Sec. 23, SW¼NW¼.	280	2 0
North Wibaux—Beach; Montana—North Dakota		
T. 14 N., R. 60 E., P.M.M. Sec. 2, Lots 1, 2, 3, 4, S½N½, S½; Sec. 4, Lots 1, 2, 3, 4, S½NE¼, SW¼NW¼, NW¼SW¼; Sec. 6, Lot 1; Sec. 10, E½E½, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼; Sec. 12, NW¼, S½; Sec. 14, All; Sec. 22, E½E½, NW¼NE¼; Sec. 24, NW¼, NW¼SW¼, SE¼. Sec. 26, N½NW¼. T. 15 N., R. 60 E., P.M.M., Sec. 26, SW¼; Sec. 28, E½SE¼; Sec. 32, E½, E½W½, SW¼NW¼, Sec. 34, N½, NW¼SW¼, S½SW½, NE¼SE¼. T. 14 N., R. 61 E., P.M.M., Sec. 6, Lots 1, 2, 3, 4; Sec. 18, Lots 1, 2. T. 15 N., R. 61 E., P.M.M., Sec. 30, Lots 1, 2, 3, 4. T. 141 N., R. 105 W., 5th P.M., Sec. 18, Lots 1, 2, 3, 4, NE¼, E½W½; Sec. 20, NE¼, S½; Sec. 30, Lot 1, E½, E½NW¼; Sec. 32, W½. T. 140 N., R. 106 W., 5th P.M., Sec. 2, Lots 5, 6, 11, 12; Sec. 10, Lots 1, 2.	6,678	194.7
South Wibaux—Beach; Montana—North Dakota		
T. 13 N., R. 60 E., P.M.M. Sec. 2, Lots 1, 2, 3, 4, S½NE¼, N½SE¼;	3,128	135.4
Sec. 10, NE¼NE¼, S½NE¼, E½SW¼, SE¼; Sec. 12, N½, SW¼; Sec. 14, NE¼, NE¼SW¼; Sec. 24, S½SW¼. T. 14 N., R. 60 E., P.M.M. Sec. 26, S½SE¼; Sec. 28, NW¼NW¼, S½NW¼, S½; Sec. 34, W½. T. 13 N., R. 61 E., P.M.M., Sec. 6, Lots 1, 2, 3, 4; Sec. 18, Lots 1, 2. T. 139 N., R. 106 W., 5th P.M., Sec. 10, Lots 1, 2, 3, 4; Sec. 14, NW¼; Sec. 22, Lots 2, 3, 4 T. 140, N., R. 106 W., 5th P.M., Sec. 34, Lots 3, 4.		
Garrison—North Dakota		
T. 149 N., R. 84 W., 5th P.M. Sec. 4, Lots 3, 4, S½NW¼, NE¼SW¼, S½SW¼; Sec. 5, Lots 1, 2, 3, 4, SE¼SE¼; Sec. 6, Lots 6, 7, E½SW¼; Sec. 7, NE¼; Sec. 8, SW¼; Sec. 9, W½NE¼; Sec. 15, W½SW¼; Sec. 17, SE¼. T. 149 N., R. 85 W., 5th P.M., Sec. 3, Lot 3, SE¼NE¼, E½SW¼, SE¼; Sec. 4, SE¼; Sec. 9, E½NW¼, SW¼; Sec. 13, N½SW¼, SW¼SW¼; Sec. 15, SE¼; Sec. 17, N½, SE¼; Sec. 21, E½NE¼, SE¼; Sec. 24, W½NW¼, NW¼SW¼; Sec. 27, N½NW¼; Sec. 28, N½NE¼, SW¼NE¼. T. 150 N., R. 85 W., 5th P.M., Sec. 34, N½NE¼, SW¼NE¼.	3,437	44 9
Werner—North Dakota		
T. 145 N., R. 93 W., 5th P.M. Sec. 2, Lots 1, 2, 3, 4, S½N½, S½; Sec. 4, Lots 1, 2, S½NE¼, S½; Sec. 8, NW¼, S½; Sec. 10, All; Sec. 12, N½, SW¼; Sec. 14, NE¼, S½NW¼, S½; Sec. 20, All; Sec. 22, E½, N½NW¼, SE¼NW¼; Sec. 24, N½, N½SW¼, SW¼SW¼, NE¼SE¼.	4,835	112 0

Dated: Nov. 25, 1981.

Kannon Richards,

Acting State Director.

[FR Doc. 81-34749 Filed 12-2-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District; Final Management Decisions, Coal, Wyoming

November 24, 1981.

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Final Coal Management Decisions, Rock Springs District.

SUMMARY: The Rock Springs, Wyoming District Office of the Bureau of Land Management has reviewed and made final decisions for federal coal management in the Big Sandy and Salt Wells Resource Areas. The prupose for the review was to update the Management Framework Plans (MFPs) for the two areas and to make certain that the MFPs reflect current statutory requirements and policies to continue carrying out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977. The decisions affect the Rock Springs Known Recoverable Coal Resource Area (KRCRA) which is located in both the Big Sandy and Salt Wells Resource Areas. The KRCRA extends approximately 30 miles north, 30 miles south, and 30 miles to the east of Rock Springs.

Public participation opportunities were provided by **Federal Register** notice of June 22, 1981; by an open house conducted in Rock Springs on July 8 to discuss the proposed decisions; by a public hearing on the evening of July 8 in Rock Springs; by public review of the proposed decisions brochure of June 19, 1981; and by informal public contacts in the process of reviewing the area. Public comments were carefully considered and the final coal decisions contained in the Management Framework Plans reflect those considerations.

Two brochures summarizing these final coal decisions will be available about December 7, 1981 in the Rock Springs District Office, the Big Sandy Resource Area Office, and the Salt Wells Resource Area Office. Those who attended the public hearing or requested that their name be placed on the coal mailing list will be mailed a copy of each brochure.

DATES: The two brochures will be available to the public on about December 7, 1981.

ADDRESSES: The Rock Springs District, Big Sandy Resource Area, and Salt Wells Resource Area are all located at: Highway 187 North—Box 1869, Rock Springs, Wyoming 82901.

FOR FURTHER INFORMATION:

For further information please contact the appropriate Area Manager or the District Geologist at the above address; or call (307) 382-5350. Big Sandy Resource Area Manager: Clint Hanson. Salt Wells Resource Area Manager: Bob Bierer. District Geologist: Steve Ellis.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-34750 Filed 12-2-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas Sulphur Operations, Outer Continental Shelf; Conoco, Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0146, Block 58, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays, 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 25, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–34680 Filed 12–1–81; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations, Outer Continental Shelf; Marathon Oil Co.

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2601, 2894, and 2895, Blocks 57, 38, and 58, respectively, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 25, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–34679 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations, Outer Continental Shelf; Transco Exploration Co.

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3949, Block A–552, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 25, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–34678 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 27, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by December 18, 1981.

Carol D. Shull,

Acting Keeper of the National Register.

CALIFORNIA

Los Angeles County

Los Angeles, *Congregation B'nai B'rith*, 3663 Wilshire Blvd.

[FR Doc. 81–34738 Filed 12–2–81; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 27, 1981. Waiver of the 15-day public commenting period following

this publication is necessary for the Oregon nominations listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Oregon's Historic Property Tax Law of 1975 (ORS 358.475), which provides that owners of properties entered into the National Register of Historic Places, including those properties which have been designated as contributing features of historic districts, may apply for special assessment status—a freeze of the assessed valuation for a 15-year period. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properties.

Carol D. Shull,

Acting Keeper of the National Register.

Oregon

Baker County

Baker, *Rand, Ed, House,* 1700 4th St.

Benton County

Corvallis, *Arnold, Earnest, House,* 806 SW. 5th St.
Corvallis, *Bosworth, Ralph Lyman, House,* 833 NW. Buchanan Ave.
Corvallis, *Farra, Dr. George R., House,* 660 SW. Madison Ave.
Corvallis, *First Congregational Church,* 8th and Madison Sts.
Corvallis, *Kline, Lewis G., House,* 308 NW. 8th St.
Corvallis, *Taylor, George, House,* 504 SW. 6th St.

Clackamas County

Oregon City vicinity, *Jackson, C. S. "Sam", Log House (Alder Lea)* 14999 S. Springwater Rd.

Clatsop County

Seaside vicinity, *Tillamook Rock Lighthouse,* SW of Seaside

Douglas County

Roseburg, *Rice, Napoleon, House,* 709 Kane St.

Jackson County

Ashland, *Boslough-Claycomb House,* 1 Hillcrest St.
Ashland, *McCall, John, House,* 153 Oak St.
Central Point, *Fiero, Conro, House (Woodlown Acres)* 4615 Hamrick Rd.
Jacksonville vicinity, *Bybee, Frank E., House,* 4491 Jacksonville Hwy.

Lane County

Eugene, *Calkins, Windsor W., House,* 588 E. 11th Ave.

Lincoln County

Newport, *Roper, Charles and Theresa, House (Hilian Castle)* 620 SW. Alder St.

Linn County

Albany, *Ralston, John, House,* 632 Baker St., SE.

Marion County

Aurora vicinity, *Bents, Frederick, House,* 22776 Bents Rd., NE.

Multnomah County

Portland, *Adams, Charles F., House,* 2363 NW. Flanders

Polk County

Independence vicinity, *Wells, George A., Jr., House,* 10635 Buena Vista Rd.

[FR Doc. 81-34739 Filed 12-2-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams.

Agatha L Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-4-457

Decided: November 20, 1981.

MC 159277, filed November 13, 1981. Applicant: WALLACE JACKSON TRUCKING CO., P.O. Box 6003, 751 S. Orange Ave., Newark, NJ 07106. Representative: Wallace Jackson (same address as applicant), (201) 374-3871. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159287, filed November 16, 1981. Applicant: PAUL WORTH SALMON, Rt. 2, Box 551, Lillington, NC 27546. Representative: Paul Worth Salmon (same address as applicant), (919) 893-3962. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs),

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agricultural limestone and fertilizer, and other soil conditioners, by the owner of the motor vehicle in such vehicle, and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–459

Decided: November 25, 1981.

MC 148086 (Sub-1), filed November 12, 1981. Applicant: NATIONAL BOOK CONSOLIDATORS, INC., 1227 Madison Avenue, Paterson, NJ 07053. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds,* between points in the U.S. (except AK and HI).

[FR Doc. 81–34752 Filed 12–2–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 203]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: November 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 65802 (Sub-78X), filed November 16, 1981. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way, S.W., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, NW., Washington, DC 20004. Lead and Sub-Nos. 15 and 21: Broaden (1) general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in the lead and Sub 21, and general commodities (except those of unusual value and household goods as defined by the Commission) to "general commodities" in Sub 15; (2) in Sub 21 ports of entry on the United States-Canada Boundary line at or Seattle, Blaine, Lynden, Oroville, and Sumas, WA to "Snohomish, King, Pierce, Thurston, Mason, Jefferson, Clallam, Skagit, Whatcom, and Okanogan Counties, WA", Eastport, ID to "Boundary County, ID", on AK Hwy 2 between and including the port of entry at or near Northway Junction, AK, and Fairbanks, AK, points within 5 miles of said hwy and points within 85 miles of Fairbanks, and on AK Hwy 3 between and including Tok Junction, AK, and Anchorage, AK and points within 10 miles of Anchorage, AK, to "Third and Fourth Judicial Districts of AK" (3) to allow service at all intermediate points. in the lead (4) remove the restriction precluding joint line service with other carriers in MC-65802; (5) to radial service in the lead.

MC 107913 (Sub-23X), filed November 3, 1981. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Sub-20 certificate. Authorize service at all intermediate points in parts (5) and (8).

MC 128539 (Sub-18X), filed August 10, 1981, previously noticed in the **Federal Register** of September 1, 1981, republished as corrected this issue. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4718, Rocky Mount, NC 27801. Representative: James F. King, Jr. (same address as applicant). Sub 13F certificate: Broaden to (1) "chemicals and related products" from terephthalic acid; (2) Morgan County, AL (Decatur); and (3) radial authority. The purpose of this republication is to include Sub-13F, which was inadevertently excluded in the previously published caption.

MC 143059 (Sub-191X), filed November 16, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Debra K. Belmonte (same as applicant). Sub 23F: (1) broaden sodium bicarbonate, sodium carbonate, and cleaning compound to "chemicals and related products"; (2) remove except commodities in bulk, in tank vehicles restriction and the facilities limitation at Sweetwater County, WY; (3) change one-way to radial authority; and (4) remove except WY restriction.

MC 146282 (Sub-5X), filed November 18, 1981. Applicant: BILL HEAD TRUCKING, INC., P.O. Box 9632, Birmingham, AL 35215. Representative: John R. Frawley, Jr., 120 Summit Parkway, Birmingham, AL 35209. Sub-Nos. 2 & 4: broaden (1) bananas to "food and related products" in Sub-No. 4; (2) authorize radial service in Sub-No. 4; (3) delete exception of Montgomery, AL, in Sub-No. 4; (4) remove facilities limitation and broaden Birmingham, AL, to Jefferson and Shelby counties, in Sub-No. 2.

MC 150069 (Sub-2X), filed November 17, 1981. Applicant: RARITAN TRANSPORTATION SERVICES, INC., P.O. Box 1384, Nixon Station, Edison, NJ 08817. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006. Sub 1F: (1) broaden Perth Amboy, NJ, to Middlesex, Monmounth and Union Counties, NJ, and Richmond County, NY; and (2) change one-way to radial authority.

MC 151088 (Sub-1X), filed November 16, 1981. Applicant: McGILLION & COMPANY LIMITED, 141 Healey Rd., Bolton, Ontario, Canada LOP 1AO. Representative: Allan C. Zuckerman, 29 South LaSalle St., Suite 905, Chicago, IL 60603. Lead certificate: Broaden to radial authority.

MC 153671 (Sub-1X), filed November 12, 1981. Applicant: AMERICAN INTERSTATE DRIVEAWAY, INC., 710 Southwest 25th Place, Boynton Beach, FL 33435. Representative: Gary E. Thompson, 4304 East-West Hwy., Bethesda, MD 20814. Lead: broaden (1) motorhomes, in driveaway service, to "transportation equipment" and Decatur and Elkhart, IN, to Adams and Elkhart Counties.

MC 140511 (Sub-13X), filed November 9, 1981. Applicant: AUTOLOG CORPORATION, 100 Pavonia Avenue, Jersey City, NJ 07302. Representative: Larsh B. Mewhinney, 555 Madison Avenue, New York, NY 10022. Sub-No. 12F certificate, broaden to "transportation equipment," from motor vehicles, in truckaway service.

MC 148086 (Sub-2X), filed November 12, 1981. Applicant: NATIONAL BOOK

CONSOLIDATOR, INC., 1227 Madison Avenue, Paterson, NJ 07053. Representative: Morton D. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead certificate, broaden to city-wide authority: Paterson, NJ (facilities in Paterson).

[FR Doc. 81-34751 Filed 12-2-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29772]

Guilford Transportation Industries, Inc.; Control; Delaware and Hudson Railway Co.; Intent To File

Guilford Transportation Industries, Inc. (GTI), hereby gives notice that it will file with the Interstate Commerce Commission on or about December 15, 1981, an application under 49 U.S.C. 11343 seeking authorization to acquire control of Delaware and Hudson Railway Company (D&H), a class I rail carrier, through stock ownership.

GTI, a non-carrier, currently controls Maine Central Railroad Company (MEC), and has filed an application in Finance Docket No. 29720 (Sub-No. 1) for authority to control the Boston & Maine Corpration (B&M).

GTI has agreed to purchase, from a subsidiary of Norfolk and Western Railway Company (N&W), all of the outstanding common stock of D&H. GTI's agreement is conditioned on its obtaining Commission approval of its acquisition of control of both D&H and B&M.

GTI and D&H will prepare a traffic study based on trafffic for the 1980 calendar year. Because GTI will not acquire control of D&H unless it also can acquire B&M, GTI's traffic study must be prepared as if GTI controlled B&M.

This application will be filed under the requirements of 49 CFR Part 1111 relating to major transactions.

The Commission has waived the 3 to 6 month advance notice requirement (49 CFR 1111.4(b)) for the filing of this application.

Because this case must be decided within 180 days of its receipt under section 1164 of the Northeast Rail Service Act of 1981, the Commission cannot follow the procedural schedule of 49 CFR 1111.4. Upon receipt of the application an expedited procedural schedule will be issued.

Dated: November 20, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-34755 Filed 12-2-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-66)]

Louisville and Nashville Railroad Company Exemption for Contract Tariff ICC-L&N-C-0005

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and its contract and contract tariff to be filed may be made effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Louisville and Nashville Railroad Company (L&N) filed on November 17, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make tariff ICC-L&N-C-0005 effective on one day's notice. The contract involves the movement of coal over the lines of the L&N from Scotia, KY to Mobile, AL. The duration of the contract is five months and renewal options are available. The contract and contract tariff were filed with the Commission on November 17, 1981, and bear the statutorily required effective date of December 18, 1981.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. Based on the development of a requirement to ship test coal, shipper and petitioner have negotiated in emergency sessions and have agreed to an interim short-term contract to cover the experimental, or test, shipments of coal to begin immediately and to end no later than April 30, 1982. It is imperative that this contract be made effective as soon as possible in order for the shipper to fulfill its requirements and to avoid placing a multi-year contract, scheduled to be in place in April, 1982, in jeopardy. Petitioners state that there has been no procrastination on the part of any of the parties involved in the contractual process. We find that this is the type of exceptional circumstance which warrants an exemption. Contract tariff ICC-L&N-C-0005 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings;

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: November 24, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-34754 Filed 12-2-81; 8:45 am]
BILLING CODE 7035-01-M

Service of Decisions Upon Tariff Bureaus and Members in Rate Cases; Procedural Change

AGENCY: Interstate Commerce Commission.

ACTION: Notice of adoption of procedural change.

SUMMARY: The Commission is adopting the procedure of serving decisions in certain rate cases involving tariffs filed by the tariff bureau on behalf of its members only on the agent, who filed the tariff. Also, bureau members who are participating formally in the proceeding will be served. This procedural change does not apply to independent action filings or formal complaints.

EFFECTIVE DATE: This procedural change is effective upon publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Darlene Proctor, (202) 275–7233.

SUPPLEMENTARY INFORMATION: By notice published at 46 FR 41639 (08–17–81), the Commission informed the public that it was considering changing its procedure regarding service of certain rate decisions. The Commission proposed that it would serve such decisions on the agent for the tariff bureau and upon those members of the tariff bureau who were formally participating in the proceeding, rather than serve all bureau members. The agent for the tariff bureau would be responsible for notification of the bureau members, who were not formally participating in the proceeding, if the agent deemed such notification necessary.

Comments were received from the Eastern Central Motor Carriers Association, Inc., Central States Motor Freight Bureau, Inc., Rocky Mountain Motor Tariff Bureau, Inc., and Waterways Freight Bureau. The comments were generally favorable. Misunderstanding arose, however, regarding the scope of the proposal.

In response to those comments, we want to clarify that this procedural change will only affect those proceedings in which the tariff bureau has made a collective filing on behalf of its members. Primarily, this would involve a rate investigation and suspension case set for modified procedure. In those cases the Commission will serve only the agent who filed the tariff, and any members who are formally participating in the proceeding. It will be the agent's responsibility to notify the bureau members, if the agent finds that such notification is necessary.

This procedure will not apply to rate cases which involve independent actions of bureau members. We will continue to serve the bureau member or members involved. It will not apply to formal complaints. We will serve all defendants individually.

Accordingly, the Commission adopts the procedural change as discussed above, to become effective upon publication of this notice in the **Federal Register.**

Decided: November 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, and Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–34753 Filed 12–2–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree in Action To Require Compliance With Particulate Emission Regulations at Boise Cascade's Paper Mill, Beaver Falls, New York

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on November 16, 1981 a proposed consent decree in *United States of America* v. *Boise Cascade Corporation,* Civil No. 81–CZ–1242 was lodged with the United States District Court for the Northern District of New York.

The proposed consent decree requires the Boise Cascade Corporation to achieve compliance by January 15, 1983 with particulate emissions regulations pertaining to a boiler at the Lewis Mill portion of its Beaver Falls, New York facility.

The proposed consent decree may be examined at the Office of the United States Attorney, 369 Federal Building, 100 South Clinton Street, Syracuse, New York 13260; at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and at the Office of the Environmental Enforcement Section, Land and Natural Resources Division of the U.S. Department of Justice, Room 1252, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.30 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America* v. *Boise Cascade Corporation,* D.J. Ref. 90–5–2–1–486.

Carol E. Dinkins,

Assistant Attorney General.

[FR Doc. 81–34685 Filed 12–2–81; 8:45 am]

BILLING CODE 4410–01–M

Proposed Consent Decree in Action; Abatement of Pollution by Vertac Chemical Corporation and Hercules, Inc.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 18, 1981, a proposed consent decree in *United States of America* v. *Vertac Chemical Corporation and Hercules, Inc.,* Civil Action No. LR–C–80–109, and *Arkansas Department of Pollution Control and Ecology* v. *Vertac Chemical Corporation and Hercules Inc.,* Civil Action No. LR–C–80–110, was lodged in the United States District Court for the Eastern District of Arkansas.

The consent decree concerns the Jacksonville, Arkansas facility owned and operated by the defendants. The decree provides for the conduct of studies regarding contamination, proposals for remedial action as appropriate, management of drummed waste, interim pretreatment requirements on discharges into the City of Jacksonville sewage treatment facility and for maintenance of remedial measures. A separate letter confirms that the case does not involve conditions at the Jacksonville sewage treatment plant or its system lines. The Department of Justice will receive until January 4, 1981 written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Vertac Chemical Corporation and Hercules, Inc.,* D.J. Ref. 90–7–1–18.

The proposed consent decree may be examined at the office of the United States Attorney, Room 327, 600 W. Capitol Street, Little Rock, Arkansas 72201, at the Region VI Office of the Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. All requests for copies must be accompanied by a check covering reproduction costs ($0.10 per page) in the amount of $2.60 (decree without plan of study) or $21.20 (decree

with plan of study) made payable to the Treasurer of the United States.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-34686 Filed 12-2-81; 8:45 am]

BILLING CODE 4410-01-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Hearing; Collective Ratemaking

Date: December 10, 1981.

Place: Conference Room 1013, Federal Building, 230 North First Avenue, Phoenix, Arizona.

Time: 9:00 a.m.

Purpose: To receive testimony from various parties on collective ratemaking.

The Motor Carrier Act of 1980, Pub. L. 96-296, directs the Motor Carrier Ratemaking Study Commission (Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity thereof. The Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

The Commission, through its Hearings Committee, calls for this regional hearing for the purpose of receiving testimony from representatives of key communities of interest which shall focus on:

1. Motor Carrier Regulation: the Arizona Experience;

2. Small Communities and Rural Areas; and

3. Clarifying the Terminology

Anyone who is interested in submitting written testimony for the record of the Commission may do so by sending same to: Larry F. Darby, Executive Director, Motor Carrier Ratemaking Study Commission, 214 Massachusetts Avenue, NE., Washington, D.C. 20002.

For further information contact: J. Dent Jarrell, General Counsel, (202) 724-9600.

This notice is being submitted late due to the uncertainty of the availability of Congressional members due to recent changes in the Congressional calendar.

Submitted this, the 30th day of November 1981

Larry F. Darby,

Executive Director.

[FR Doc. 81-34720 Filed 12-2-81; 8:45 am]

BILLING CODE 6820-80-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

November 30, 1981.

Changes have been made to the Agenda for the December 8-9, 1981 Meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA), published in the **Federal Register** of November 23, 1981 (Page 57376). The agenda has been revised as follows:

Note.—Please note that the swear-in ceremony will be held at the Department of Commerce in Room 5843. The remaining sessions of the agenda will be held at the Page Complex, Page Building #1 at 2001 Wisconsin Avenue, NW.

Tuesday, December 8, 1981

8:45 a.m.–10:30 a.m.
Plenary
8:45 a.m.–9:00 a.m.
• Announcements
9:00 a.m.–10:30 a.m.
• Swear-In Ceremony for New Members
Guest Speakers
Honorable Ted Stevens, Committee on Commerce, Science, and Transportation, U.S. Senate
Honorable Don Fuqua, Chairman, Committee on Science and Technology, U.S. House of Representatives (Invited)
Honorable Norman E. D'Amours, Chairman, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, U.S. House of Representatives (Invited)
10:30 a.m.–11:00 a.m.
Break

Page Building #1, Rooms B-100 and 418, 2001 Wisconsin Avenue, NW., Washington, D.C.

11:00 a.m.–12:00 Noon
• Briefings to New NACOA Members
NACOA Staff, Room 418
12:00 Noon–1:00 p.m.
Lunch
1:00 p.m.–5:00 p.m.
Panel Meetings
1:00 p.m.–5:00 p.m.
• Environment and Regulations
Co-Chairmen: Sylvia A. Earle Michael R. Naess
Room B-100
Topic: Clean Water Act—Section 404 (Permits)
Speakers: Corps of Engineers (TBA); Environmental Defense Fund James Tripp, Counsel; American Petroleum Institute David Lindgren, Assistant General Counsel
Topic: Offshore Diving Regulations Scientific Exemption
1:00 p.m.—5:00 p.m.
• Hydrology
Chairman: Paul Bock
Worksession: Review of Draft Report
5:00 p.m.
Recess

Page Building #1, Room 418, 2001 Wisconsin Avenue, NW., Washington, D.C.

Wednesday, December 9, 1981

8:15 a.m.–11:15 a.m.
Panel Meeting
• Weather Services
Chairman: Warren M. Washington Room 418
Topic: Provision of Weather Services to the Nation
U.S. Dept. of Agriculture (TBA)
Environmental Data and Information Service, National Oceanic and Atmospheric Administration (TBA)
Federal Aviation Administration (TBA)
Aircraft Owners and Pilots Association (TBA)
11:15 a.m.–12:00 Noon
Plenary
• User Fees
Speaker: Dr. Steve Hanke, Senior Economist, President's Council of Economic Advisers
12:00 Noon–1:00 p.m.
Lunch
1:00 p.m.–3:00 p.m.
Plenary
• Panel Reports
• Discussion of Preliminary Trends
Marine Transportation: Don Walsh
3:00 p.m.
Adjourn Regular NACOA Meeting
3:00 p.m.–6:00 p.m.
Panel Meeting (continued)
• Hydrology
Chairman: Paul Bock
Worksession: Review of Draft Report
Adjourn

Additional information concerning this portion of the meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Page Building #1, Room 438), Washington, DC 20235. The telephone number is 202/653-7818.

Dated: November 30, 1981.

James A. Almazan,

Staff Physical Scientist.

[FR Doc. 81-34771 Filed 12-2-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of Meeting.

V 46 / 232 / DEC 3 81 UMI

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: December 17–18, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Marerials Program: Translations Western Languages Panel, Division of Research Programs, for projects beginning after April 1, 1982.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose, (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) Information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call 202–724–0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81–34759 Filed 12–2–81; 8:45 am]
BILLING CODE 7536–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Railroad Accident Report: *Derailment of Amtrak Train No. 97 on Seaboard Coast Line Railroad Track, Lochloosa, Fla., May 26, 1981 (NTSB–RAR–81–9).*—Related recommendations sent Oct. 21 to—

The Family Lines Rail System, R–81–99 through –101: compliance with Federal railway signal regulations; confirmation of signal system operation after equipment/circuitry change; resolution of conflicting operating department instructions to signal maintainers, unsafe acts to avoid train delays.

Association of American Railroads, R–81–102: inform membership of subject accident, need to check signal systems, maintenance procedures.

Recommendation Responses from—

Federal Aviation Administration: Nov. 16, A–81–19 and –20: ground proximity warning system alarms, Change 24 to Handbook 8430.17. *Nov. 16, A–81–24:* Part 135 operators' training in handling takeoff emergencies, Change 3 to Handbook 8430.1B. *Nov. 10, A–81–33:* emergency/park brake light "out" before taxi/takeoff, Change 25 to Handbook 8440.5A. *Nov. 16, A–81–45:* Airworthiness Directive 81–16–04 revises Bellanca Decathlon flight manual re competition harness. *Nov. 16, A–81–70:* design of flanges and fasteners on fan case of JT9D turbofan engines reviewed. *Nov. 16, A–81–88 through –91:* nonconcurrence in changing terminal air traffic control accident notification procedures, training, supervision, performance monitoring; nonconcurrence in maintenance of current standardized search area maps; nonconcurrence in installing kit 101–3062–1 on all Beech aircraft having remote ELT switch; General Aviation Airworthiness Alert issued re updated owner's manual, Document 950012, for ELT Model CIR–11–2. *Nov. 10, A–81–94 and –95:* FAA will audio-record and retain all weather briefings provided by flight service station personnel; compliance with weather briefing procedures in Flight Services Handbook 7110.10.

United States Coast Guard: Nov. 9, M–79–73 and –74: 26th session, subcommittee on Safety of Navigation (SUBNAV) set for Feb. 15–19, 1982, vessel traffic service Strait of Gibraltar; report to Maritime Safety Committee, 25th Session, SUBNAV re worldwide VFH navigational channel. *Nov. 10, M–79–88 through –95:* nonconcurrence in combining an Engine Order Telegraph with sound-powered telephone system at local control stations; publication of final rule on CGD 74–125A not expected before Dec. 1981, thrust indicator standards; U.S. position paper to Intergovernmental Maritime Consultative Organization pending; awaiting completion, July 1983, of upgrade of automated systems of Sealift Pacific class vessels by Military Sealift Command.

Note.—Single copies of reports, recommendation letters and responses are free on written request, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are available from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.)

Margaret L. Fisher,
Federal Register Liaison Officer.
November 27, 1981.

[FR Doc. 81–34539 Filed 12–2–81; 8:45 am]
BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8771]

Arizona Public Service Co.; for Operation of R&D in Situ Leach Project, Converse County, Wyoming

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a Source Material and Byproduct Material License to Arizona Public Service Company authorizing R&D-scale uranium solution mining operations at their South Powder River Basin Peterson Project Site in Converse County, Wyoming.

The Commission's Division of Waste Management has prepared an environmental impact appraisal for the proposed action. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted for there will be no significant environmental impact attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Silver Spring, Maryland, this 29th day of October 1981.

For the Nuclear Regulatory Commission.

Ross A. Scarano,
Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81–34761 Filed 12–2–81; 8:45 am]
BILLING CODE 7590–01–M

[Byproduct Material License No. 34–06943–01; EA 81–65]

Dayton X-Ray Co.; Order To Show Cause

I

Dayton X-Ray Company 1150 West Second Street, Dayton, OH 45407, (the "licensee") holds Byproduct Material License No. 34–06943–01, (the "license") which authorizes the licensee to possess and use byproduct material for industrial radiography. The license was originally issued on December 20, 1960, and will expire on April 30, 1985.

II

On November 27, 1974, the Commission imposed a civil penalty of $2,350 on the licensee for failure to provide adequate training to individuals acting as radiographers. On April 21, 1978, the Commission imposed a civil penalty of $6,000 on the licensee for again failing to provide adequate training to individuals acting as radiographers. A January 1979 inspection disclosed numerous deficiencies in the licensee's training program. On July 20, 1979, the licensee attended an enforcement conference at the NRC office in Bethesda, Maryland. The enforcement conference resulted in the licensee making several commitments to the NRC. These commitments were confirmed by telephone on July 23, 1979, and in an Immediate Action Letter dated July 23, 1979. One of these commitments as described in the Immediate Action Letter was that the licensee would:

"Permit no individual, other than Mr. Dennis Taylor, to act as Radiographer as defined in 10 CFR 34.2(b), nor permit any individual to act as Radiographer's Assistant as defined in 10 CFR 34.2(c), until such time as Dayton X-Ray Company's program for training and qualification of Radiographers and Radiographer's Assistants has been upgraded, and approved by the Commission, and License No. 34–06943–01 has been amended accordingly."

Amendment No 22, dated May 1, 1980, amended the license in its entirety. License Condition 12 of that amendment designated Taylor as the only individual authorized to perform radiography. Amendment No. 23, dated June 13, 1980, changed License Condition 12 to permit radiography to be performed by individuals who had completed the licensee's training program which was described in letters dated September 26, 1979, February 18, 1980, and May 14, 1980.

An investigation was conducted on October 20, 21 and 28, November 5 and December 3, 1980, and January 20–22 and March 2, 1981, in response to an allegation that unauthorized personnel were permitted to perform radiography.

During the investigation it was determined that from July 23, 1979, (the date of the Immediate Action Letter) to June 13, 1980, (the date of License Amendment No. 23 which lifted the named radiographer restriction) four individuals other than Taylor acted as radiographers. This included the period May 1–June 13, 1980, when Amendment No. 22 to the license authorized only Taylor to act as a radiographer. It was also determined that, contrary to the licensee's training program approved by the NRC, personnel were permitted to act as radiographers and radiographer's assistants before they demonstrated their competence to do so through written and practical examinations.

During the inspection that was conducted concurrent with the investigation described above, a total of nine violations were discovered. Another inspection was conducted on September 22–23, 1981. During that inspection five violations were discovered.

From the foregoing, it is apparent that despite the NRC's identification of serious inadequacies in the licensee's program and demand for appropriate corrective action through two civil penalties, a license modification, an Immediate Action Letter and several enforcement conferences, including at least two with NRC Headquarters staff, the licensee has not demonstrated the capacity to conduct its industrial radiography program in accordance with NRC regulatory requirements. Particularly, the licensee has demonstrated an inability and unwillingness over a period of almost six years to assure that radiographic procedures were performed only by authorized personnel. This has occurred even though the licensee assured the NRC that effective corrective actions had been implemented, and more recently, in direct contradiction of specific commitments by the licensee and a license condition.

III

Accordingly, pursuant to section 161b and section 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 20, 30 and 34, it is hereby ordered that:

The licensee show cause, as specified in section IV of this order, why License No. 34–06943–01 should not be revoked.

IV

The licensee may, in accordance with 10 CFR 2.202, show cause within 30 days of the date of this order by filing a written answer under oath or affirmation which sets forth matters of fact and law on which the licensee relies. Upon failure of the licensee to file an answer within the specified time, the Director of the Office of Inspection and Enforement may issue without further notice an Order revoking the license as described in section III above.

V

The licensee or any other person who has an interest affected by this Order may request a hearing within 30 days of the date of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a person other than the licensee requests a hearing, that person shall describe specifically, in accordance with 10 CFR 2.714(a)(2), the person's interest and the manner in which that interest is affected by this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in section II of this Order, License No. 34–06943–01 should be revoked as provided in section III of this Order.

Dated at Bethesda, Maryland this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 81–34762 Filed 12–2–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp., et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR–72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specification requirements for testing of Radiation Monitor RM–A5 to be consistent with Standard Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 15, 1980, (2) Amendment No. 44 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-34766 Filed 12-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 1); Modification of Order

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License No. DPR-33 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 1 at steady state reactor power levels not in excess of 3293 megawatts thermal rated power. The facility consists of a boiling water reactor located at the licensee's site in Limestone County, Alabama.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: 1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661; and 2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the **Federal Register** on January 28, 1981 (46 FR 9318) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than October 31, 1981, or, if the plant is shutdown on that date, before the resumption of power thereafter. In addition, the Order provided for extending, up to that same date, an exemption from General Design Criteria 50 of Appendix A to 10 CFR Part 50.

III

On October 31, 1979, the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments where necessary and modifications to be undertaken.

Since the development of these acceptance criteria significant progress has been made by the licensee in meeting the Order requirements. However, by letter May 22, 1981 the licensee stated that unforeseen difficulties and delays have been encountered primarily related to torus and torus attached piping analyses, equipment delivery, outage scheduling at a three unit site, and personnel safety concerns associated with prolonged overtime during extended outages that has necessitated revision of the Order date(s).

Browns Ferry Unit 1 was shutdown for six months (April 11 to October 1, 1981) primarily for torus modifications. During that outage most of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping were completed. These modifications comprise a significant portion of the total program effort. Consequently substantial improvements have already been made in the margins of safety of the containment systems. The major delays in program completion are primarily associated with the torus attached piping modifications.

The staff currently has under review a generic proposal to extend the completion dates for the Mark I containment long term program modifications for all affected licensees. In light of the above, the Director has determined that there is good cause for modidying the Order and granting an extension of 45 days from the date of this Order.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the: completion date specified in section V of the January 13, 1981 "Order for Modification of License", is extended to 45 days following the effective date of this Order. The Order of January 13, 1981, except as modified herein remains in effect in accordance with its terms.

Dated at Bethesda, Maryland, this 25th day of November 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-34783 Filed 12-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8786]

Uranium Resources, Inc.; Negative Declaration Regarding Issuance of Source and Byproduct License for Operation of R&D in Situ Leach Project, Converse County, Wyoming

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a Source Material and Byproduct Material License to Uranium Resources Inc. authorizing R&D-scale uranium solution mining operations at their South Powder River Basin North Platte Project Site in Converse County, Wyoming.

The Commission's Division of Waste Management has prepared an environmental impact appraisal for the proposed action. On the basis of this appraisal, the Commission has concluded that an environmental impact

statement for this particular action is not warranted for there will be no significant environmental impact attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Silver Spring, Maryland, this 30th day of October 1981.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-34764 Filed 12-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Plant); Modification of Order

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes the operation of the Vermont Yankee Nuclear Power Plant at steady state reactor power levels not in excess of 1593 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Windham County, Vermont.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: 1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661; and 2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The order, published in the **Federal Register** on January 28, 1981 (46 FR 9323) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than November 30, 1981, or, if the plant is shut down on that date, before the resumption of power thereafter. In addition, the Order provided for extending, up to that same date, an exemption from General Design Criteria 50 of Appendix A to 10 CFR Part 50.

III

On October 31, 1979, the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage plant-unique assessments where necessary and modifications to be undertaken.

Since the development of these acceptance criteria significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 23, 1981 the licensee stated that unforseen difficulties and delays have been encountered primarily related to torus and torus attached piping analysis, and equipment delivery that has necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief value piping, which comprise approximately 75% of the total program effort, have been completed. Consequently substantial improvements have already been made in the margins of safety of the containment systems. The delays in program completion are primarily associated with the torus attached piping modifications.

The staff currently has under review a generic proposal to extend the completion dates for the Mark I long term program containment modifications for all affected licensees. In light of the above, the Director has determined that there is good cause for modifying the Order and granting an extension of 45 days from the date specified in Section V of the January 13, 1981 Order.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the: November 30, 1981 completion date specified in Section V of the January 13, 1981 "Order for Modification of License", is extended to January 14, 1982. The Order of January 13, 1981, except as modified herein remains in effect in accordance with its terms.

Dated at Bethesda, Maryland this 25th day of November 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-34765 Filed 12-2-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

November 30, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96-511 applies

The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the porposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

(Agency Clearance Officer—Richard J. Schrimper—202–447–6201)

Extensions (Burden Change)

• Federal Crop Insurance Corporation
Application (Multi-Crop) For Insurance
FCI–12
On occasion
Individuals or households/farms
Individual farmers
SIC: 011 013 016 017
Farm income stabilization: 50,000 responses; 4,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The FCI–12 Application is a revision of the former named crop application, however, the proposed form is a mult-crop application. The form is used to apply for crop insurance protection. The information is used to compute coverage and premium rate.

DEPARTMENT OF COMMERCE

(Agency Clearance Officer— Edward Michals—202–377–3627)

Revisions

• National Oceanic and Atmospheric Administration
Application For Federal Fisheries Permit
NOAA 88–155
On occasion/annually
Individuals or households/businesses or other institutions
US fishermen
SIC: 091
Other Advancement and regulation of commerce: 10,000 responses; 5,000 hours; $11,625 Federal cost; 2 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

The application provides information required for issuance of permit to domestic fishermen engaged in fishing in the U.S. fisheries conservation zone. The permit is used to enumerate the participants in individual fisheries and to determine the level or fishing effort.

• National Oceanic and Atmospheric Administration
Logbook Family of Forms
NOAA 88–176 88–59 88–140 88–153
On occasion/weekly/monthly
Businesses or other institutions
Captains of fishing craft
SIC: 091
Small Businesses or organizations
Other advancement and regulation of commerce: 225,028 responses; 8,978 hours; $25,100 Federal cost; 2 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

Data are needed to monitor fisheries managed under fishery management plans and to update these plans.

DEPARTMENT OF ENERGY

(Agency Clearance Officer—John Gross—202–633–9770)

Extensions (Burden Change)

• Energy Information Administration
Weekly Pipeline Stocks of Finished Products
EIA–163
Weekly
Businesses or other institutions
Pipeline product operators
SIC: 461
Small businesses or organizations
Energy information, policy, and regulation: 392 responses; 14,398 hours; $721,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340.

Data are used as input to "weekly petroleum status report." Data are used to project energy supplies and provide early warning of potential shortages.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(Agency Clearance Officer—Joseph Strnad—202–245–7488)

New

• Health Care Financing Administration
Contractors' Information Collection Supplemental Desk Review[1]
HCFA–9021
Annually
Businesses or other institutions
Hospitals, skilled nursing fac., home health agencies
SIC: 806 808
Small businesses or organizations
Health: 14,300 responses; 114,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Supplemental desk review forms are used to obtain pertinent information from providers. Desk reviews are performed on all cost reports. This enables intermediaries to cut down on full scale field audits, and to pinpoint areas to be examined during audits.

• Health Care Financing Administration
Contractors' Information Collections—Extended [1] Repayment Schedule
9004
Annually
Businesses or other institutions
Facilities participating in the medicare program
SIC: 805, 806, 808, 809
Small businesses or organizations
Health: 5,000 responses; 25,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Forms are used by intermediaries to recover and return to the medicare trust fund overpayments made to providers.

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[1] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and recipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewers listed.

Providers requesting extended repayment schedules are requested to submit a variety of financial statements documenting their current financial status. It is then determined if an extended repayment schedule will be granted.

• Health Care Financing Administration
Contractor Information Collection—Home Office Cost [1]
9018
Annually
Businesses or other institutions
Chain organizations which participate in medicare
SIC: 805, 806, 807, 808, 809
Health: 900 responses; 900,000 hours; $0 Federal cost; $9,000,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary forms gather information on home office costs and equity capital of chain organizations.

• Health Care Financing Administration
Contractors' Information Collections—Collateral Contacts [1]
9007
On occasion
Individuals or households/businesses or other institutions
Financial institutions, insurance companies, employers, etc.
SIC: 919
Small businesses or organizations
Health: 3,051 responses; 3,051 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

State and medicaid agencies conduct quality control reviews of their eligibility claims processing, and third party liability findings. HCFA's regional office (RO) may need to make collateral contacts to substantiate State medicaid determinations. This clearance is for RO collateral contact forms sent to financial institutions, employers, etc.

• Health Care Financing Administration
Contractors Information Collection—HCFA Program Integrity [1] Forms to Verify Services
9011
On occasion
Individuals or households
Medicare beneficiaries and medicaid beneficiaries
Health: 1,400 responses; 700 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA's regional offices investigate allegations of fraud and abuse against suppliers and physicians. These RO forms verify services rendered to medicare beneficiaries and medicaid recipients by the supplier/physician.

Revisions

• Health Care Financing Administration
Contractor Information Collection Interim Payment Adjustment [1] Forms for Hospitals/SNFs
9019, 91
Quarterly
Businesses or other institutions
Hospitals and SNFs which receive periodic interim payments
SIC: 805, 806
Small businesses or organizations
Health: 17,400 responses; 174,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary forms collect cost and medicare utilization data from hospitals and skilled nursing facilities. The data allows adjustments of interim payments, if necessary.

Reinstatements

• Health Care Financing Administration
Contractors' Information Collections—Admission and Open [1] Item Forms
9003, 292
On occasion
Businesses or other institutions
Facilities which participate in the medicare program
SIC: 805, 806
Small businesses or organizations
Health: 513,600 responses; 128,400 hours; $0 Federal cost; $52,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms were developed by intermediaries to collect admission information from hospitals and skilled nursing facilities (SNFS). They are used when a medicare beneficiary enters a hospital or SNF before a final bill has been submitted for a prior stay in a hospital or SNF.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Management and Administration
Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements
1422
On occasion
Businesses or other institutions
Construction contractors—subcontractors
SIC: 152, 154, 161
Small businesses or organizations
Multiple functions: 75,000 responses; 18,750 hours; $13,974 Federal cost; 1 form; not applicable under 3504(h).
Richard Sheppard, 202–395–6880.

Ascertain compliance in accordance with Title 29 CFR, Part 5, Sec. 5.5.

• Management and Administration
Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements
HUD–1421
On occasion
Businesses or other institutions
Prime contractors only
SIC: 152, 154, 161 MUL
Multiple functions: 15,000 responses; 3,750 hours; $13,974 Federal cost; 1 form; not applicable under 3504(h).
Richard Sheppard, 202–395–6880.

Ascertain compliance in accordance with Title 29, Part 5, Sec. 5.5

• Management and Administration
Survey of Prevailing Maintenance Wage Rates
5136
Annually
Businesses or other institutions/State or local governments, management companies, local public entities, apt. managers
SIC: Multiple 651, 653, 839, 863
Small businesses or organizations
Multiple functions: 15,000 responses; 2,500 hours; $740,000 Federal cost; 1 form; not applicable under 3504(h).
Richard Sheppard, 202–395–6880.

Form is used to obtain current data on wages paid maintenance workers in the private and public sector. Data is then used to determine and establish wage rates for PHAS' maintenance workforce.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Outer Continental Shelf Minerals and Rights-of-Way Management
1140–7, 1140–8, 3300–1
On occasion
State or local governments/businesses or other institutions, oil and gas industry, State and local government, interest grps.
SIC: 131, 144, 147, 148, 149
Small businesses or organizations
Conservation and land management: 4,704 responses; 67,669 hours; $239,206 Federal cost; 3 forms; $4,080,310 public cost; NPRM under 3504(h).
Robert Shelton, 202–395–7340.

43 CFR 3300 and related information collection requirements establish the procedures under which the secretary exercises the authority granted to administer a leasing program on the Outer Continental Shelf.

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DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

Extensions (Burden Change)

• Drug Enforcement Administration
Application for Permit To Export Controlled Substances
DEA 161
On occasion
Individuals or households/businesses or other institutions, manufacturers of controlled substances
SIC: 800
Small businesses or organizations
Federal law enforcement activities: 675 responses; 170 hours; $12,510 Federal cost; 1 form; not applicable under 3504(h).
Andy Uscher, 202–395–4814.

Section 1312.22, CFR 21, requires individuals who export controlled substances listed in schedules I and II to obtain a permit from the Drug Enforcement Administration. The information is used by the Drug Enforcement Administration for issuing export permits and exercising control over the exportation of controlled substances.

• Drug Enforcement Administration
Report of theft or loss of controlled substances
DEA 106
On occasion
Individuals or households/State or local governments/businesses or other institutions
All regist. (Mfgrs., distrib., pharmacies, physicians, etc.)
SIC: 801
Small businesses or organizations
Federal law enforcement activities: 13,000 responses, 6,500 hours; $123,107 Federal cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202–395–4814

Sections 1301.74(C) and 1301.76(F), CFR 21, require that a registrant upon discovery of a theft or loss of controlled substances, submit DEA Form 106 regarding such theft or loss to the Drug Enforcement Administration for monitoring quantities of controlled substances diverted into the illicit market and developing investigative leads pursuant to criminal prosecutions.

DEPARTMENT OF TRANSPORTATION

(Agency Clearance Officer—John Windsor—202–426–1887)

New

• Coast Guard
Report of Oil or Hazardous Substance Discharge
On occasion
Individuals or households/businesses or other institutions
Vessel operators or individuals observing
SIC: 441 442
Small businesses or organizations
Water transportation: 9,000 responses; 2,250 hours; $309,900 Federal cost; 1 form; $102,800 public cost; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

33 USC 1321(B)(5)—As required by law, any discharge of oil, hazardous substances, hazardous material, or hazardous wastes must be reported to the National Response Center in order to insure that the predesignated on scene coordinator is aware of the incident so that adequate spill mitigation may be effected.

• Coast Guard
Records and Reports of Inspections
CG 2832 840AA 840BB
On occasion/annually/biennially
Businesses or other institutions
Owner/operators of U.S. merchant vessels
SIC: 441, 442
Small businesses or organizations
Water transportation: 2,471 responses; 354 hours; $65,144 Federal cost; 3 forms; $5,499 public cost; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

49 USC 481 and 399—These forms are used to document the construction, alteration, repair and maintenance of U.S. merchant vessels in order to insure safety of life and property at sea.

• Research and Special Programs Administration
Petitions for rulemaking
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Shippers, carriers & manufacturers of hazardous materials
SIC: 919 401 421 451 281 282 283 374 371 443
Small businesses or organizations
Other transportation: 75 responses; 75 hours; $400,000 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

To provide a means by which shippers, manufacturers, and carriers of hazardous materials, as well as other interested parties, may request changes to the hazardous materials regulations.

• Reserach and Special Programs Administration
Request for Confidential Treatment
Nonrecurring
Individuals or households/businesses or other institutions
Shippers, carriers & manufacturers of hazardous materials
SIC: 401, 421, 451, 281, 282, 283, 374, 371, 443, 348
Small businesses or organizations
Other transportation: 20 responses; 5 hours; $125 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

To allow persons submitting information which contains trade secrets or material exempt from public disclosure to request confidential handling of this material.

Extensions (No Change)

• Federal Highway Administration
Planning Program Performance Report
Quarterly
State or local governments
State highway agencies
SIC: 999
Ground transportation: 208 responses; 8,320 hours; $10,000 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

OMB Circular No. A–102, Attachment I, requires grantees to submit periodic performance reports as prescribed by the granting agency. These reports will be used by the FHWA to monitor the performance of the States in administering highway planning programs supported with Federal funds authorized by title 23 U.S.C. 307. (reporting requirement)

DEPARTMENT OF THE TREASURY

(Agency Clearance Officer—Ms. Joy Tucker—202–634–5394)

New

• Internal Revenue Service
VITA/TCE Retest (Spanish)
6743
On occasion
Individuals or households
Gen., vol. include col. stud. mbrs of exis. retiremt., etc.
Central fiscal operations: 150 responses; 300 hours; $340 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

As part of VITA/TCE training program, the Spanish-speaking volunteers who fail the initial VITA/TCE test are permitted to take a retest. If they pass the retest, they may prepare tax returns.

ACTION

(Agency Clearance Officer—Mr. Don Romine—202–254–8523)

New

• Nomination Form for "The President's Volunteer Action Awards"
Annually
Individuals or households

Individuals or groups involved in private or fed., etc
Social services: 50,000 responses; 50,000 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Diane Wimberly, 202–395–6880

This is the nomination form for a volunteer recognition award program to be administered by ACTION and a non-profit organization, "volunteer." The awards, to be called "The President's Volunteer Action Awards," will provide recognition of exemplary volunteer service to individuals or groups involved in volunteer activities.

FEDERAL EMERGENCY MANAGEMENT AGENCY

(Agency Clearance Officer—Linda Shiley—202–287–9906)

Extensions (Burden Change)

• Application for Participation in the National Flood Insurance Program
HUD–1650
On occasion
State or local governments
Towns, cities, counties and other local govts
SIC: 911
Disaster relief and insurance: 300 responses; 1,200 hours; $1,725 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

To provide communities the opportunity to become eligible to participate in the National Flood Insurance Program

FEDERAL RESERVE SYSTEM

(Agency Clearance Officer—William Jones—202–452–2983)

New

• Quarterly Reports of International Banking Facilities
FR 2073A B, C, 2074 2075
Quarterly
Businesses or other institutions
International banking facilities
SIC: 602 605
General government: 1,264 responses; 1,436 hours; $110,464 Federal cost; 5 forms; $28,720 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

The reports provide information needed by the Federal Reserve to monitor international banking facilities (IBF). These reports enable the user to adjust report of condition information for IBF assets and liabilities. Among other things these data will be used in interpreting monetary aggregates and bank credit measures.

INTERNATIONAL DEVELOPMENT ASSISTANCE

(Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084)

New

• Registration of Agencies for Voluntary Foreign Aid (Regulation 3)
Annually
Businesses or other institutions
U.S. and foreign private, nonprofit voluntary organizations
SIC: Multiple
Foreign economic and financial assistance: 155 responses; 310 hours; $223,300 Federal cost; 1 form; NPRM under 3504(h)
Phillip T. Balazs, 202–395–4814.

Aid uses this regulation and the registration process described therein for the purposes of identifying which U.S. and foreign organizations are private and voluntary organizations (PVO's) and therefore eligible to seek AID/PVO type grants and/or subventions. AID, pursuant to statutory authority, is responsible for registering, as PVO's organizations meeting the conditions. Thus the regulation is used both by AID, U.S. nonprofit, voluntary organizations and foreign nonprofit.

INTERSTATE COMMERCE COMMISSION

(Agency Clearance Officer—Carroll Stearns—202–633–0204)

New

• Application for Authority Under 49 U.S.C. 11343, 11344 to Acquire Control of a Motor Carrier or Motor Carriers Through Ownership of Stock or Otherwise
OP–F–45
Nonrecurring
Businesses or other institutions
Privately owned motor common carriers
SIC: 421
Groung transportation: 83 responses; 9,960 hours; $133,962 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Motor carriers proposing to acquire control of a motor carrier(s) under 49 U.S.C. 11343 or 11344 submit information about their business structure, financial status, affiliates, transportation operations under the proposal, and terms of the transaction to the ICC. The information provides the minimum factual basis to determine whether the transaction may be authorized.

RAILROAD RETIREMENT BOARD

(Agency Clearance Officer—Pauline Lohens—312–751–4692)

Revisions

• Application for Survivor Death Benefits
AA–11A, AA–21, G–131, G–273A
On occasion
Individuals or housholds/businesses or other institutions
Individuals, funeral directors
SIC: 726
Small businesses or organizations
General retirement and disability insurance: 32,000 responses; 11,125 hours; $2,100,000 Federal cost; 4 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

The applications obtain information from persons eligible to receive survivor death benefits under the Railroad Retirement Act. Benefits include lump-sum death benefits, annuities due but unpaid at death and reimbursement for burial expenses. Benefits are paid to designated beneficiaries or to survivors in a priority designated by law.

Extensions (Burden Change)

• Prior Service Reports
AA–2P (R), AA–15, G–86
On occasion
Businesses or other institutions/ individuals or households
Claimants for benefits under RRA, former co-workers an RR empl
SIC: 401
GeneralrRetirement and disability insurance: 1,050 responses; 450 hours; $196,600 Federal cost; 3 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Railroad service prior to 1937 which can be used for entitlement to and amount of annuity under the Railroad Retirement Act is not carried on board records. The reports obtain verification of such service from employer records or in the absence of such records, obtain information from the applicant to support the claim.

TENNESSEE VALLEY AUTHORITY

(Agency Clearance Officer—Eugene E. Mynatt—615–751–2146)

Extensions (Burden Change)

• Solar Home Load Research Worksheet
TVA 6280
On occasion
Individuals or households
Electrical customers served on residential rates
Multiple functions: 75 responses; 38 hours; $2,532 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340.

The program will evaluate the impact of residential solar space conditioning and water heating on distributor and TVA systems by monitoring requirements for total and backup

V46/232
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electric service. The program evaluates customer reactions to time-of-day rates and their incentives to shift loads to periods of cheaper power production.

VETERANS ADMINISTRATION

(Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146)

Revisions

- Application for Veterans Group Life Insurance (Veterans separated 120 days or less)

29–8714 & 29–8714–1
On occasion
Individuals or households
Veterans separated 120 days or less
Income security for veterans: 75,000 responses; 15,000 hours; $108 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

These forms are used by veterans to apply for veterans group life insurance. The information requested is required by law, 38 U.S.C. 777, and is used to determine eligibility for insurance coverage.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 81–34785 Filed 12–2–81; 8:45 am]

BILLING CODE 3110–01–M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06–0253]

Business Capital Corp. of Arlington; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of Business Capital Corporation of Arlington, Suite 100, 711 E. Lamar Blvd., Arlington, Texas 76011, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Chairman of the Board, President, Director
James E. Sowell, 3600 Drexel, Dallas, Texas 75205
Vice President, Director
Keith D. Martin, 6705 Elvedon, Dallas, Texas 75248
Secretary, Treasurer Director
Elizabeth F. Sowell, 3600 Drexel, Dallas, Texas 75205
Sole Stockholder
Quoin Corporation, Suite 100, 711 E. Lamar Blvd., Arlington, Texas 76011

Mr. Sowell beneficially owns all of the outstanding capital stock of Quoin Corporation, a Texas corporation.

There will be one class of stock authorized: five million shares of common stock. Initially only five hundred thousand shares will be issued with a resultant private capital of $510,000. Applicant proposes to conduct its operations principally in the State of Texas.

Matters involved in SBA's consideration of the application include the general reputation and character of shareholder and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than December 18, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Arlington, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 4, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81–34774 Filed 12–2–81; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 2017]

New York; Declaration of Disaster Loan Area

Cortland and Tompkins Counties, and the adjacent counties of Onondaga, Cayuga and Madison in the State of New York constitute a disaster area as a result of damage caused by flooding due to substantial rainfall which occurred on October 26–28, 1981. Eligible persons, firms and organizations may file applications for loan for physical damage until the close of business on January 25, 1982, and for economic injury until the close of business on August 25, 1982, at: Small Business Administration, District Office, 100 South Clinton Street, Room 1073, Syracuse, New York 13260; or other locally announced locations.

Information on regulatory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–34773 Filed 12–2–81; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 2016]

Texas; Declaration of Disaster Loan Area

Calhoun County in the State of Texas constitutes a disaster area as a result of damage caused by flooding which occurred on October 24–25, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 25, 1982, and for economic injury until the close of business on August 25, 1982, at: Small Business Administration, District Office, 727 East Durango Street, Room A–513, San Antonio, Texas 78206; or other locally announced locations.

Information on recent regulatory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–34772 Filed 12–2–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–81–09]

Intent To Prepare an Environmental Impact Statement for Proposed South Bronx-Oak Point Link Project, Harlem River, Bronx County, N.Y.

AGENCY: U.S. Coast Guard.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The U.S. Coast Guard is preparing an Environmental Impact Statement (EIS) for the Oak Point Link Railroad project which involves the permitting of new railroad bridge(s) and the amending of permits for existing highway bridges. The proposed project is located along the east side of the Harlem River, between Highbridge and Oak Point Yard, The Bronx, New York.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Heming, Bridge Administrator or Mr. John G. Waffenschmidt, Environmental Protection Specialist, Commander (oanbr), Third Coast Guard District, Governors Island, New York 10004, Telephone (212) 668–7994.

SUPPLEMENTARY INFORMATION: The U.S. Coast Guard is the lead federal agency with the U.S. Corps of Engineers as a cooperating agency. The New York State Department of Transportation (NYSDOT) is the lead state agency as well as the applicant for the bridge project.

The proposed project involves the construction of a new rail freight connection between Highbridge and the Oak Point Yard as part of the New York State "Full Freight Access Program". Various alternatives are being evaluated. All of the alternatives except the no build alternative require the construction of bridge structures.

The project's various build alternatives could deny waterway access to up to 1.7 miles of the shoreline, and cut off various slips and docks. In addition, the bridge structure(s) could increase the likelihood of a vessel collision on the waterway. The overall length of this project is approximately 1.7 miles. The primary reason for the project is to reverse the ongoing decline of rail freight service to New York City and Long Island by creating a freight only route capable of handling trailer on-flat-car and container on-flat-car traffic requiring clearances of 17'6". The "Full Freight Access Program" is intended to provide and increase full service rail accessibility into and within the New York metropolitan area.

Significant issues to be evaluated, based upon the ongoing scoping process, are social and economic impacts, intermodal conflicts, land use planning, aquatic ecology, noise and air quality and impacts on cultural resources and navigation. Alternatives being considered are no-build, Shore Route, Market West Route and the Offshore Route which would be outside the pierhead and bulkhead line.

The applicant, NYSDOT, has prepared and submitted an environmental assessment to the Third Coast Guard District. The development of this document has been the result of the scoping process which has been and will continue to be conducted in accordance with 40 CFR 1501.7. Many scoping meetings have been held with various groups. The need for a final scoping meeting has not yet been determined.

The Coast Guard invites the participation of Federal, State, local agencies and other interested parties in determining the scope of issues to be addressed and the need for a final scoping meeting.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

November 18, 1981.

[FR Doc. 81–34400 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Aircraft Microphones (Except Carbon), Headsets and Speakers, Audio Selector Panels, and Amplifiers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO–C58a/C57a/C50c prescribes the minimum performance standard that aircraft microhones (except carbon), headsets and speackers, audio selector panels, and amlifiers must meet in order to be identified with the TCO marking "TSO–C58a/C57a/C50c."

DATE: Comments must identify the TSO file number and be received on or before March 1, 1982.

ADDRESS: Send all comments on the draft Technical Standard Order to:

Federal Aviation Administration, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C58a/C57a/C50c, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Or deliver comments to:

Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Systems Branch, ASW–130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All comunications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How to Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C58a/C57a/C50c references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–170 dated February 28, 1975, for the minimum performance standard and either RTCA Document No. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–170 and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H. Street, N.W., Washington, D.C. 20006. A copy of RTCA Document No. DO–160 is available for inspection at any FAA regional office, in the Engineering and Manufacturing Branch Standards Division (or in the Northwest-Mountain Region, the Aircraft Certification Division).

Issued in Washington, D.C., on November 17, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81–34446 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

Doppler Radar Navigation Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO–C65a/C68a prescribes the minimum performance standard that doppler radar (C65a) and dead reckoning computer (C68a) must meet in order to be identified with the TSO marking "TSO–C65a or/and C68a."

DATE: Comments must identify the TSO file number and be received on or before March 1, 1982.

ADDRESS: Send all comments on the draft Technical Standard Order to:

Federal Aviation Administration, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C65a/C68a, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Or deliver comments to:

Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Ms. Bobbie J. Smith, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How to Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C65a/C68a references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–158 dated October 17, 1975, for the minimum performance standard and either RTCA Document No. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–158 and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, N.W., Washington, D.C. 20006. A copy of RTCA Document No. DO–160 is available for inspection at any FAA regional office, in the Engineering and Manufacturing Branch of the Flight Standards Division (or in the case of the Northwest-Mountain Region, the Aircraft Certification Division).

Issued in Washington, D.C., on November 17, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81–34447 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

Engine-Driven Direct Current Generators/Starter-Generators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO–C56a prescribes the minimum performance standard that engine-driven direct current generators/starter-generators must meet in order to be identified with the TSO marking "TSO–C56a."

DATE: Comments must identify the TSO file number and be received on or before March 1, 1982.

ADDRESS: Send all comments on the draft Technical Standard Order to:

Federal Aviation Administration, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C56a, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Or deliver comments to:

Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Ms. Bobbie J. Smith, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How to Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C56a references Society of Automotive Engineers, Inc. (SAE), Aerospace Standard (AS) 8020 dated January 1980 for the minimum performance standard and either Radio Technical Commission for Aeronautics (RTCA) Document Nos. DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. SAE AS 8020 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. RTCA Document No. DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, N.W., Washington, D.C. 20006. A copy of RTCA Document No. DO–160 is available for inspection at any FAA regional office, in the Engineering and Manufacturing Branch of the Flight Standards Division (or in the Northwest-Mountain Region, the Aircraft Certification Division).

Issued in Washington, D.C., on November 17, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81–34445 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

HF Radio Communications Transmitting and Receiving Equipment Operating Within 1.5 to 30 Megahertz

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO–C31d/C32d prescribes the minimum performance standard that HF radio communications transmitting and receiving equipment operating within 1.5 to 30 megahertz must meet in order to be identified with TSO marking "TSO–C31d or/and C32d."

DATES: Comments must identify the TSO file number and be received on or before March 1, 1982.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C31d/C32d, 800 Independence Avenue, S.W., Washington, D.C. 20591, or deliver comments to: Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Ms. Bobbie J. Smith, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C31d/C32d references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–163 dated March 19, 1976, for the minimum performance standard and either DO–138 dated June 27, 1968 or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–163 or DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, N.W., Washington, D.C. 20006. A copy of RTCA Document NO. DO–138 is not available from RTCA, but is available for inspection at any FAA regional office, in the Engineering and Manufacturing Branch of the Flight Standards Division (or in the Northwest-Mountain Region, the Aircraft Certification Division).

Issued in Washington, D.C., on November 17, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81–34443 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

ILS Localizer Receiving Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO–C36d prescribes the minimum performance standard that ILS localizer receiving equipment must meet in order to be indentified with the TSO marking "TSO–C36d."

DATES: Comments must indentify the TSO file number and be received on or before March 1, 1982.

ADDRESS: Send all comments on the Draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C36d, 800 Independence Avenue, S.W., Washington, D.C. 20591, or deliver comments to: Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How to Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C36d references Radio Technical Commission for Aeronautics (RTCA) Document No. 131A dated November 2, 1978, for the minimum performance standard and either RTCA Document No. 160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. 131A and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, N.W., Washington, D.C. 20006. A copy of RTCA Document No. DO–160 is available for inspection at any FAA regional office, in the Engineering and Manufacturing Branch of the Flight Standards Division (or in the Northwest-Mountain Region, the Aircraft Certification Division).

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81–34444 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

Low Range Radio Altimeters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on draft technical standard order (TSO).

SUMMARY: The draft TSO–C87a prescribes the minimum performance standard that low range radio altimeters must meet in order to be identified with the TSO marking "TSO–C87a."

DATE: Comments must identify the TSO file number and be received on or before March 1, 1982.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C87a, 800 Independence Avenue, SW., Washington, D.C. 20591, or deliver comments to: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Systems Branch, AWS–130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO–C87a references Radio Technical Commission for Aeronautics (RTCA) Document No. DO–155 dated November 1, 1974, for the minimum performance standard and either DO–160 dated February 28, 1975, or DO–160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO–155 and DO–160A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, NW., Washington, D.C. 20006. A copy of RTCA Document No. DO–160 is available for inspection at any FAA regional office in the Engineering and Manufacturing Branch of the Flight Standards Division (or in the Northwest-Mountain Region, the Aircraft Certification Division).

Issued in Washington, D.C., on November 17, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 34448 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

Temporary Airman Certificates; Effective Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of the effective period of temporary airman certificates.

SUMMARY: This notice announces the extension of the effective period from 120 to 180 days for temporary airman certificates. These certificates are issued to applicants for certificates and ratings pending FAA review of their applications and supplementary documents, and the issue of the certificate and rating applied for. This extension is necessary because administrative workload has prevented the timely issuance of some permanent certificates. It is intended to relieve applicants of the burden of possibly having to obtain a second temporary certificate.

DATE: This extension is effective immediately.

FOR FURTHER INFORMATION CONTACT: Joseph Brennan, Aeronautical Center Counsel (AAC–7), Federal Aviation Administration, Aeronautical Center, Oklahoma City, Oklahoma 73125. Telephone: (405) 686–2296.

SUPPLEMENTARY INFORMATION: Sections 61.17, 63.13, and 65.13 of the Federal Aviation Regulations state that a temporary airman certificate or rating, effective for a period of not more than 120 days, is issued to a qualified applicant pending a review of his or her application and the issuance of a permanent certificate or rating.

A notice was published in the **Federal Register** of March 26, 1981, at 46 FR 18845, stating that from that date until June 30, 1981, the effective period of temporary airman certificates was extended to 180 days.

At that time it was anticipated that with the acquisition in April 1981 of direct access from terminals in the Airmen Certification Branch to the computers printing the permanent certificates, the present backlog could be reduced and the 120-day deadline met later in the calendar year 1981. However, it now appears that it will take until the end of 1982 to reduce the continuing backlog and again meet the 120-day deadline. In the meantime, to relieve the burden on those receiving temporary airman certificates the FAA is again extending the effective period of these temporary certificates to 180 days. Instructions are being issued to all persons authorized to issue temporary airman certificates, directing them to amend all temporary certificates issued between the date of this notice and December 31, 1982, by a pen and ink change, so that the effective period of the certificate is 180 days.

Issued in Washington, D.C., on November 20, 1981.

Bernard A. Geier,

Chief, General Aviation and Commercial Division, Office of Flight Operations.

[FR Doc. 81–34441 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–81–31]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: December 23, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204). Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591: telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on November 27, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
22417	Ozark Air Lines	14 CFR § 121.311(f)	Extension of the March 6, 1982, compliance date for each flight attendant to have a seat in the passenger compartment for takeoff and landing with a combined safety belt and shoulder harness for petitioner's DC-9 aircraft.
19910	Canadian Warplane, Heritage Inc.	14 CFR § 91.27(a)(1)	Extension of Exemption No. 2478c which permits certain Canadian-registered aircraft currently operating in Canada on a valid flight permit to attend various airshows in the United States during calendar year 1982.
22418	Air Transport Association of America	14 CFR § 63.39(b)(2)	To allow petitioner's members to conduct flight engineer training and certification in normal procedures in an airplane simulator rather than in flight.
22436	American Airlines	14 CFR §§ 121.351(a) and 121.99	To permit operation of petitioner's turbojet aircraft on routes in the New York Oceanic Control Area between the east coast and Bermuda with one of two installed HF communications sytems inoperative at the time of departure and without maintaining two-way radio communications between each aircraft and the dispatch office along the named route.
22168	Executive Air Fleet Corporation	14 CFR § 135.297(a)	Extension of Exemption No. 3203 which permits petitioner to use as pilots in command persons who have within the past 12 months completed an instrument proficiency check and, in addition, within the past 6 months have either completed an instrument proficiency check or trained to proficiency in an approved simulator.
22435	Northern Air Cargo, Inc.	14 CFR § 121.185(a)	To allow petitioner's DC-6 aircraft to use 100 percent of the effective length of all the runways it serves within Alaska in determining gross landing weight.
22434	Chalk's International Airline, Inc.	14 CFR § 61.151(a)	To permit Mr. James W. Tarr to obtain an airline transport pilot certificate before reaching his 23rd birthday.
22048	Steven S. Fern	14 CFR § 61.65(e)(1)	To permit petitioner to apply for an instrument-helicopter rating even though he does not have the required 50 hours of cross-country flight experience in helicopters.
22444	Transamerica Airlines	14 CFR § 121.311(e)	Extension of the March 6, 1982 compliance date to September 15, 1982, for the shoulder harness requirement for petitioner's Lockheed L-382 aircraft.
22442	Air Exec, Inc	14 CFR §§ 135.85(c) 135.91	To permit petitioner to carry on its helicopters the personnel and equipment of the IT Corp. required to respond to incidents of hazardous materials spills within the State of California.
22441	United Airlines, Inc.	14 CFR §§ 121.433, 121.441 and Appendix F of Part 121.	To permit the line check required for pilots in command to be administered in the sixth calendar month subsequent to an annual combined training and proficiency check session, except that a line check given the month before or the month after the sixth calendar month subsequent to such a combined restructured training session would be considered to have been accomplished in the sixth calendar month subsequent to such session. In addition, in lieu of the proficiency check described in Appendix F petitioner would be permitted to use a check concept designed for a particular crew position, aircraft type, and line operation.
22445	Southwest Airlines	14 CFR § 121.391	To permit petitioner to use only two flight attendants aboard its B-737-200 aircraft configured with 118 or more passenger seats when all seats over 100 are blocked from use and when a third flight attendant is not available or cannot be made available without undue delay or flight cancellation.
22359	Kenn-Air	14 CFR § 135.261	To permit petitioner to operate on a 48-hour on/48-hour off duty cycle while ensuring that the pilot on duty will receive at least 10 consecutive hours of rest.
22440	Florida Dept. of Law	14 CFR §§ 91.65(b), 91.73(a), 91.79(c), 91.85(b), and 91.109(a).	To carry out law enforcement air support without complying with the cited sections.
22437	Trans World Airlines	14 CFR § 25.853(b)	To permit the use of Type A Temperfoam on B-747 and L-1011 captain, first officer, and flight engineer's crew seat bottom cushions.
22328	Flying Tiger Line	14 CFR § 121.578	To extend for 6 months the February 20, 1982, compliance date for installation of cabin ozone catalytic converter.
13416	Sierra Academy of	14 CFR § 63.39(b)(2)	To extend Exemption No. 2095C which permits flight engineer applicants being trained by petitioner to show that they can satisfactorily perform the normal duties and procedures in an airplane simulator rather than in flight.
22409	Interstate Airlines	14 CFR § 91.305	To allow petitioner to temporarily operate B-707 aircraft in the U.S. without the required 50 percent fleet compliance with the noise standards.
22282	Commuter Airline Association of America	14 CFR § 135.261(b)	To permit petitioner's members to assign a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during that 24-hour period preceding the planned completion of the flight assignment. *Note: This petition was previously published. The comment period is reopened and extended until December 15, 1981, at the request of ALPA to allow additional study and response.*

Disposition of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought—Disposition
22141	Royal American Airways, Inc.	14 CFR § 121.291(a)(1)	To permit petitioner to increase the seating capacity of Viscount 745D aircraft from 43 seats to 47 seats and introduce the aircraft into service without first conducting an emergency evacuation demonstration of the full-passenger-seating capacity. *Denied 11/10/81.*
189125	Virgin Air, Inc	14 CFR § 135.243	To permit petitioner to use pilots in command, who do not hold airline transport pilot certificates, for flights under day VFR on direct routes between St. Thomas and St. Barthelemy and St. Thomas and St. Croix *Granted 11/9/81.*
21678	Los Angeles Dodgers, Inc	14 CFR Portions of Parts 21 and 91	To permit use of an FAA-approved minimum equipment list and configuration deviation list for one B-720B aircraft in Part 91 operations. *Granted 11/9/81.*

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DISPOSITION OF PETITIONS FOR EXEMPTION—Continued

Docket No	Petitioner	Regulations affected	Description of relief sought—Disposition
22080	Midway Airlines, Inc	14 CFR § 121.311(f)	To permit petitioner to operate their newly acquired or soon to be acquired Douglas DC–9–31 aircraft in Part 121 operations without having installed the required approved shoulder harnesses for all flight attendant seats. *Granted 11/9/81*
22121	Southwest Forest Industries	14 CFR § 91.32(b)(1)(ii)	To permit petitioner to operate the Gates Learjet Model 36A aircraft above flight level 410 without the use of oxygen masks. *Denied 11/12/81.*
22277	Horizon Air	14 CFR § 121.61	To permit petitioner to employ Mr. Roy G. Kogle as its Chief Inspector with 3 years of experience as an engineering aide for a Part 121 air carrier substituted as equivalent experience for the required 1-year experience as a maintenance inspector. *Granted 11/10/81.*
22423	Aerovias Nacionales, De Colombia, S.A	14 CFR §§ 61.77 and 63.23	To permit petitioner's airmen who possess current U.S. special purpose airman certificates with appropriate pilot and flight engineer ratings to serve as flight crewmembers of one-time ferry flights of three U.S.-registered Boeing 727 aircraft not under lease to Avianca from Georgetown, Grand Cayman Island, to Phoenix, Arizona, on or about November 9, 12 and 17, 1981. *Granted 11/10/81*
22414	Nomads, Inc	14 CFR § 121.291(a)(b)	To allow petitioner to introduce its B–727 aircraft into passenger-carrying operations without first conducting a full-seating capacity emergency evacuation and ditching demonstration. *Granted 11/10/81*
21903	Dale Logsdon	14 CFR § 65.91(c)(1)	To permit petitioner to become eligible for an Inspection Authorization without meeting the three year waiting period requirement after acquiring airframe and powerplant ratings. *Denied 11/10/81*
21737	Alan Kappmeier	14 CFR § 141.33(b)	To permit petitioner to be designated to serve as chief flight instructor for more than one pilot school. *Denied 11/10/81.*
22096	United Air Lines, Inc	14 CFR § 121.291(a)(2)	To allow petitioner to increase the seating capacity of its Boeing B–747–100 series aircraft from 424 to 429 passenger seats and in the future to 527 passenger seats without first conducting an emergency evacuation demonstration of the full-passenger-seating capacity. *Granted 11/16/81*
16243	Scenic Airlines, Inc	14 CFR § 135.113	To the extend Exemption 2631A which presently permits passenger seating in the co-pilot seat of petitioner's Cessna 404 airplanes. *Denied 11/16/81*
22040	Ball Brothers, Inc	14 CFR § 91.31(a)	To permit petitioner to operate their McDonnell Douglas DC–6 aircraft at a 5-percent increase in zero fuel and landing weight. *Granted 11/12/81*
21817	Robert Wood	14 CFR § 121.383(c)	To permit petitioner to serve as a pilot on an airplane engaged in air carrier operations after his 60th birthday. *Denied 11/18/81*
22191	American Airlines	14 CFR § 121.434	To permit 50 percent of the operating experience requirement to be accomplished in a simulated flight of at least 2.5 hours duration on a static airplane in lieu of actual aircraft operating experience. *Withdrn 11/13/81*
22408	Cascade Airways, Inc	14 CFR Portions of Parts 61 and 121	To allow petitioner to utilize a British Aerospace instructor, Captain Peter Henley, to conduct flight training for petitioner's pilots at Cascade's installation even though Mr. Henley does not have a U.S. Airline Transport Pilot Certificate. *Withdrn 11/16/81*
22319	Commerical Airlines, Inc	14 CFR § 121.291(a)	To permit petitioner to introduce its DC–9–30 series aircraft into passenger-carrying service in a 120-seating configuration without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 11/17/81.*
21824	Pan American World Airways	14 CFR § 121.318(b)(2)	To permit petitioner to operate its B–727–100 and L–1011–385 airplanes after December 1, 1981 and until March 6, 1982 and April 1, 1983, respectively, without having the required public address system microphone installed for each flight attendant seated near a floor-level exit. *Granted 11/18/81.*
22143	Airwest Offshore, Inc	14 CFR § 43.3(h)	To permit petitioner's pilots to remove, check, and reinstall magnetic chip detector plugs on Allison 250C series engines used on Bell 206 helicopters. *Granted 11/20/81.*
17397	Delta Air Lines, Inc	14 CFR § 121.291 and Appendix D to Part 121	Amendment to Exemption No. 2480 to permit petitioner to increase the passenger-seating capacity of the DC–8–61 airplane to 212 without complying with limitation No. 1 of the exemption. That limitation states a demonstration must be conducted in which line flight attendants open 50 percent of the exits and deploy 50 percent of the slides on the DC–8–61 airplanes in a 244 passenger-seat configuration. *Denied 11/20/81*
22129	Chaparral Airlines	14 CFR § 121.61(a)	To permit Mr. Frank Eddy to serve as Director of Operations without the required 3 years of experience as pilot in command of a large aircraft or as Director of Operations of an operation using large aircraft. *Granted 11/20/81*
21992	Earth Space Transport Systems, Corporation	14 CFR §§ 91.55 and 125	To operate two Concorde aircraft for limited periods, at supersonic speeds, within segments of U.S. airspace. The proposed flight would follow this route: Heathrow, London; JFK, New York; Orlando, Florida, Johnson Space Cener, Houston; Dryden Flight Research Center, California, Everett, Washington; and back to New York and/or Dulles, Washington, D.C. *Denied 11/3/81*
15819	United Airlines	14 CFR § 121.285	Extension of Exemption No. 2343A which permits the carriage of organ transplant modules in any passenger seat, subject to the condition that the modules be carried in accordance with the requirements of § 121.285(c)(1) through (5). *Granted 11/20/81*
21961	Deere and Company	14 CFR § 91.45	To permit petitioner's Pilots to perform ferry flights with one engine inoperative from time to time as the necessity arises without obtaining a ferry permit for each flight. *Denied 11/20/81.*
22146	Transamerica Airlines	14 CFR § 121.318	To permit petitioner to operate DC–8 aircraft after December 1, 1981, without having a public address system at each floor-level exit in a passenger compartment which is readily accessible to a flight attendant seated in a seat adjacent to that exit. *Granted 11/23/81*
22275	Comair, Inc	14 CFR § 61.31	To permit petitioner's pilots to serve as pilots in command of Embraer Banderante EMB–110 aircraft without possessing the appropriate type rating for that aircraft. *Granted 11/25/81*
19504	Lineas Aereas, Costamicenses, S.A	14 CFR Parts 21, 61, 63, and 91	To allow petitioner to continue to operate leased U.S.-registered B–727 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program. *Granted 11/24/81*

[FR Doc. 81–34677 Filed 12–2–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Establishment of National Motor Carrier Advisory Committee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA announces establishment of a National Motor Carrier Advisory Committee. The Committee will consult with and make recommendations to the Federal Highway Administrator on matters relating to the activities and functions of the FWHA in areas affecting commercial motor vehicles. Meetings of the Committee will be open to the public and announced in the **Federal Register.** Copies of the Committee charter are available on request.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas P. Holian, Attorney-Adviser, Office of the Chief Counsel, Federal Highway Administration, HCC-10, Room 4223, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-0761. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Issued on: November 23, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-34691 Filed 12-2-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Docket No. AM-80-1]

National Railroad Passenger Corp. v. Grand Trunk Western Railroad Co.; Hearing

ACTION: Notice of hearing.

SUMMARY: This notice is of the Presiding Officer's Order dated November 18, 1981 setting for hearing the National Railroad Passenger Corporation's (Amtrak) application, pursuant to 45 U.S.C. 562(f), for an order requiring Grand Trunk Western Railroad Company to accelerate the speeds at which it operates Amtrak's passenger trains between Battle Creek and Port Huron, Michigan. The Order is attached as the Appendix.

DATE: The hearing will begin at 10:00 a.m. on February 3–5, 1982.

ADDRESS: U.S. Court of Claims, Courtroom 3, Room 309, 717 Madison Place, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory B. McBride, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202/472-5438).

Michael T. Haley,

Deputy Chief Counsel.

November 23, 1981.

Appendix

U.S. Department of Transportation

Federal Railroad Administration

National Railroad Passenger Corporation, Petitioner, v. *Grand Trunk Western Railroad Company,* Respondent.

FRA Docket No. AM-80-1.

Notice of Hearing Order

1. *Nature of hearing.* The purpose of the hearing is to determine whether the petitioner's application of June 17, 1980, pursuant to 45 U.S.C. 562(f), for an order requiring the respondent to operate the petitioner's passenger trains at an accelerated speed of 79 miles per hour on the respondent's Flint subdivision between Battle Creek and Port Huron, Michigan, should be granted. The petitioner represents that its application applies to all segments of the rail line on which the respondent operates freight trains in excess of 40 miles per hour, except:

a. On curved sections of the rail line where the respondent contends that the combination of degree of curvature and elevation of the outer rail indicates slower maximum allowable speeds computed in accordance with Federal Railroad Administration track safety regulations, 49 CFR Part 213, Appendix A;

b. On sections of the rail line where the respondent contends that crossing protection is inadequate for 79 miles per hour operations under the laws of the State of Michigan; and

c. On sections of the rail line on which the respondent has from time to time imposed temporary slow orders to accomplish track maintenance or for other safety-related reasons.

The petitioner also represents that the application does not extend to improvements necessary to render rail line facilities safe and practicable if it is determined that the accelerated speed requested would be unsafe or otherwise impracticable as to any portion of the rail line.

2. *Place and date of hearing.* The hearing will commence at 10:00 a.m., on February 3–5, 1982, at the U.S. Court of Claims, Courtroom 3, Room 309, 717 Madison Place, N.W., Washington, D.C.

3. *Legal authority.* The hearing is to be conducted pursuant to 5 U.S.C. 556 and 557, 45 U.S.C. 562(f), and the Federal Railroad Administration's Formal Rules of Practice for Passenger Service, 46 FR 2613–2618 (1981).

4. *Issues of fact.* The principal issues in controversy are whether an increase in speed to 79 miles per hour will create any unsafe condition or otherwise be impracticable. The following ancillary issues appear to be in issue:

a. Whether the track is a Class 4 level track. See 49 CFR 213.9(a) and (b).

b. Whether crossing protection is inadequate for an accelerated speed of 79 miles per hour under laws of the State of Michigan or for other reasons and, if so, where.

c. Whether an accelerated speed of 79 miles per hour will be safe or materially lessen the quality of freight service provided to shippers because of inadequate facilities for passing and meeting other trains.

d. Whether an appreciable reduction in travel time will result if the petitioner's application is granted.

5. *Final date for intervention and submission of direct testimony.* Any party desiring to intervene in these proceedings should file by December 15, 1981, a notice of intent to participate in the hearing. The final date for submitting direct testimony in written documents is also December 15, 1981. The final date for submitting direct testimony in written documents to rebut testimony previously submitted is January 11, 1982. The original copy of notices to intervene and of direct testimony should be filed with: George O. Taylor, Jr., Administrative Law Judge, Occupational Safety and Health Review Commission, Presidential Building, 6525 Belcrest Road, Suite 1005, Hyattsville, Maryland 20782, Telephone: (301) 436-8870.

6. *Additional copies of documents.* An intervenor shall provide one copy of his notice to intervene and of direct testimony submissions to:

Roderick C. Dennehy, Jr. Esq., Deputy General Counsel, National Railroad Passenger Corporation, 400 North Capitol Street, N.W., Washington, D.C. 20001

John C. Danielson, Esq., Law Department, Grand Trunk Railroad Company, 131 West Lafayette Boulevard, Detroit, Michigan 48226

At the hearing, the parties shall provide the original and four copies of each document and exhibit offered into evidence.

7. *Inspection of record and direct testimony.* The case record and submitted direct testimony will be available for public inspection from 8:30 a.m. to 5:00 p.m. on weekdays, except federal hoildays, at the office specified in paragraph 5, above.

8. *Prehearing conference.* No prehearing conference is contemplated.

9. *Potential witnesses.* a. By virtue of an affidavit contained in the record, the following person appears to be a potential witness for the petitioner: James L. Larson, Assistant Vice President—Contracts, National Railroad Passenger Corporation, 400 North Capitol Street, N.W., Washington, D.C. 20001.

b. By virtue of affidavits contained in the record, the following persons appears to be potential witnesses for the respondent:

William G. Liftin, NRPC Operations Officer, Grand Trunk Western Railroad Company, 131 West Lafayette Boulevard, Detroit, Michigan 48226

Joseph M. Letro, Chief Engineer, Grand Trunk Western Railroad Company, 131 West Lafayette Boulevard, Detroit, Michigan 48226

James L. McNutt, General Superintendent of Transportation, Grand Trunk Western

Railroad Company, 131 West Lafayette Boulevard, Detroit, Michigan 48226

10. *Parties.* At present, the only parties to the proceedings are the respondent, who opposes the petitioner's application, and the petitioner.

11. *Conduct of the hearing.* The hearing shall be conducted in accordance with §§ 201.18 through 201.21, Formal Rules of Practice for Passenger Service, *supra.* Following presentation of evidence by the petitioner in support of its application, evidence will be presented by any intervenors who support the application. Therefore, evidence will be presented by the respondent and ay intervenors who oppose the application. Rebuttal evidence will be received in the same order.

12. *Final agenda.* This order constitues the final agenda for the hearing unless direct testimony submitted pursuant to this order raised other issues. In that event, appropriate notice of the additional issues shall be provided. Any person who submits direct testimony in written documents shall be considered as a potential witness, and the petitioner, the respondent, and any intervenors shall be provided appropriate notice of the submission of such testimony.

13. *Discovery.* The discovery provisions in the Federal Rules of Civil Procedure shall be used as a guide on discovery matters, except that the presiding officer will impose time restraints more stringent than those prescribed in the Federal Rules of Civil Procedure.

Dated: November 18, 1981, Hyattsville, Maryland.

George O. Taylor, Jr.,

Presiding Officer.

[FR Doc. 81-34563 Filed 12-2-81; 8:45 am]

BILLING CODE 4910-06-M

Urban Mass Transportation Administration

Seattle, Washington; Intent To Prepare Environmental Impact Statement

Pursuant to the National Environmental Policy Act (83 Stat. 852), the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508), and UMTA/FHWA Regulations (49 CFR Part 622), the Urban Mass Transportation Administration (UMTA) gives notice that an environmental impact statement is being prepared for alternative transit circulation options for downtown Seattle, Washington.

The Municipality of Metropolitan Seattle (Metro) and the City of Seattle are investigating alternatives that would provide transit operating capacity commensurate with the level of demand projected for 1990. Metro's 1990 Comprehensive Plan for Public Transportation calls for an alternative that would meet the capacity needs, as well as the environmental and urban design goals of downtown Seattle. To achieve these goals, four alternatives are being considered. These include: A Do Nothing (or Null) Alternative; a Transportation Systems Management (TSM) Alternative; a Transit Mall Alternative; and a Transit Mall with Intercept Terminals Alternative. Diesel and electric trolley buses would be the vehicles used.

Scoping meetings for the proposed project are scheduled for Monday, December 14, 1981 at 3:00 p.m. in the Federal Office Building, room 2866, 915 2nd Avenue, Seattle, Washington 98174 and at 7:00 p.m. in the third floor conference room of the Seattle First Bank Building, 1001 Fourth Avenue, Seattle, Washington. The Urban Mass Transportation Administration invites the participation of agencies and individuals with expertise or interest to comment on the scope of the environmental impact statement that will be prepared for this project.

Comments and questions regarding the proposed action and environmental impact statement should be referred to Sue C. Kaminsky, Office of Program Analysis, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone (202) 472–7100.

Dated: November 17, 1981.

Franz K. Gimmler,

Associate Administrator for Transit Assistance.

[FR Doc. 81-34370 Filed 12-2-81; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Customs Service

[81-293]

Reimbursable Services; Excess Cost of Preclearance Operations

November 25, 1981.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning December 13, 1981.

Installation	Biweekly excess cost
Montreal, Canada	$16,152
Toronto, Canada	30,393
Kindley Field, Bermuda	5,991
Nassau, Bahama Islands	13,778
Vancouver, Canada	10,511
Winnipeg, Canada	1,676
Freeport, Bahama Islands	11,025
Calgary, Canada	7,863
Edmonton, Canada	8,925

Mitchell A. Levine,

Acting Comptroller.

[FR Doc. 81-34724 Filed 12-2-81; 8:45 am]

BILLING CODE 4830-02-M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Applications D-1937, D-2004]

Proposed Class Exemption for Transactions Involving Certain Residential Mortgage Financing Arrangements

AGENCY: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption would exempt transactions related to the issuance by an employee benefit plan of a commitment to provide mortgage financing to purchasers of certain residential construction and to the provision of loans pursuant to such commitments. The proposed exemption, if granted, would affect participants and beneficiaries of employee benefit plans involved in such transactions, certain employers who contribute to such plans, and other persons engaging in the described transactions.

DATES: Written comments must be received by the Department of Labor on or before January 4, 1982.

EFFECTIVE DATE: It is proposed to make the exemption effective as of January 1, 1975.

ADDRESSES: All written comments (preferably at least three copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Applications D-1937, and D-2004. The applications for exemptions and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Esq., Plan Benefits Security Division, Office of the Solicitor,

U.S. Department of Labor, (202) 523–8658. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(a) of ERISA and from certain taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) of the Code. Exemptive relief for transactions described herein was requested in applications filed by the National Coordinating Committee for Multiemployer Plans (NCCMP) (D–1937), and by the National Association of Home Builders (NAHB) (D–2004) (collectively referred to herein as the applicants) pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

It should be noted that the applicants have requested retroactive and prospective relief for transactions which are described below. Since it appears that transactions of the general types described are customary for the residential mortgage financing industry, the Department proposes, in accordance with the applicants' requests, that the exemption be granted retroactively as well as prospectively.

A. Summary of the Applications

The facts and representations contained in these applications are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. *Background.* Residential building projects generally proceed with two types of financing: short-term loans to the project developer to pay for the cost of construction; and long-term (mortgage) loans to the purchasers of the residential units, the proceeds of which are used as partial payment to the developer for those units. The developer pays off the construction loan with the proceeds from the sales of the units.

Before a lender will make a construction loan, it must generally be satisfied that mortgage financing for purchasers of the units will be available when the units are ready for sale. Generally, such a lender, if it does not intend to provide the mortgage financing itself, will require a commitment from another lender obligating the second lender to make such mortgage financing available. Once a satisfactory commitment has been obtained, the construction loan will be made.

Often a developer seeking a short-term construction loan will contact a company that specializes in providing or obtaining commitments for mortgage financing, such as a state or federally chartered bank or savings and loan association, an insurance company, or similar entity (financial institution).

The financial institution first typically makes a determination as to the feasibility of the proposed project. If that determination is favorable, it may agree to provide or attempt to obtain a commitment for long-term financing. It charges the developer a fee for this service, usually a percentage of the total long-term financing obtained. The financial institution usually looks to institutional investors, including employee benefit plans, for such commitments.

A commitment to provide mortgage financing may take several forms. One typical arrangement obligates the lender to make loans up to a specific aggregate amount directly to purchasers of particular new dwelling units who qualify under guidelines set forth in the commitment.

Another common arrangement obligates the lender to purchase loans up to a specific aggregate amount that are originally made by the financial institution to the purchasers of the units, provided that the mortgages meet requirements set forth in the commitment. In this case, the financial institution itself will make a mortgage financing commitment to the short-term lender, and will rely on the commitment of the lender to purchase the resulting mortgages from it.

A typical commitment might contain requirements concerning, among other things, the type and quality of the underlying real estate security, the credit worthiness of the prospective borrowers, and the terms of the individual loans.

When a commitment is issued by a lender, a loan fee is normally paid to it by the financial institution. Part of the fee may be refundable if loans are made or mortgages are tendered and purchased pursuant to the commitment. It is the Department's understanding that this type of fee is designed to cover the lender's administrative and other expenses in connection with considering and issuing the commitment, and to compensate the lender in part for its having arranged to have funds available to meet its obligations under the commitment.

2. *Request for relief.* The applicants have requested relief which would enable employee benefit plans to issue written commitments to provide mortgage financing to purchasers of certain residential construction and, after the units are completed, to honor the commitments by making mortgage loans to purchasers of the units (or by buying mortgage loans on such units which have been originated by another financial institution) under the following circumstances.

Financing would be provided only for owner-occupied, single family dwelling units. These may consist of detached houses, town houses, condominiums or units in a multi-unit subdivision restricted by recorded documents which limit the use of the property to residential purposes and provide for maintenance of common facilities (planned unit development). A developer or builder of the units might be an employer of employees who are covered by the plan making the commitment, but in such a case the commitment and financing could only be made if the developer or builder (or any affiliate thereof) does not act as a plan fiduciary with respect to the issuance of the commitment or the provision of the financing. Similarly, the applicant have proposed that no financial institution or construction lender associated with the financial arrangement or origination of mortgages to be purchased pursuant to the exemption (or any affiliate thereof) would be a plan fiduciary with respect to the issuance of the commitment or the provision of the financing by the plan.

Commitments issued by a plan would be in writing, and the loans made by a plan would be evidenced by a written note secured by a first lien on the new dwelling unit. The terms of the commitments, and of the loans, would be at least as favorable to the plan as similar commitments and loans involving unrelated parties, and would be consistent with customary practices in the residential mortgage industry. The commitments would set forth specific requirements for the loans regarding such matters as borrower qualification, fair market value appraisals of the units to be used as collateral, loan-to-value ratios, and insurance requirements. The loans would be made through an established financial institution which would select the receipient of the loan on behalf of the plan and make the loan on terms which are consistent with customary practices in the residential mortgage industry. A person may be retained to service the loans for the plan, which would include such duties as collecting and remitting payments to the plan, assuring payment of taxes and insurance premiums, and making decisions regarding foreclosures.

The applicants propose that loans be available to persons who are parties in interest with respect to the plan under section 3(14) of ERISA, but only if they are parties in interest solely by reason

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of being an employee of: an employer any of whose employees are covered by the plan; a person providing services to the plan; an employee organization any of whose members are covered by the plan; or any affiliate of the above. The exemption would not be available for loans from a plan to a person who would be a disqualified person with respect to the plan under section 4975(e)(2) of the Code.[1]

Finally, applicants propose that the plan would maintain, for the duration of any loan made under the exemption, records necessary to enable interested persons to determine whether the conditions of the exemption have been met.

Applicants represent that investments of this type are expected to provide a consistent high rate of return as well as the security and stability of income which is desirable for effective plan administration. They also represent that the requested exemption would help plans to achieve a better diversification of plan investments. Additionally, applicants believe that significant protections are inherent in mortgage lending because the lender can look to the credit worthiness of each individual borrower, backed by the security of the property as collateral. In this regard, they represent, and have submitted data to substantiate, that losses on loans of the type involved in this request have historically been minimal, and suggest that loans made pursuant to the requested exemption would be at least as secure due to the requirement that these loans and commitments be made only in the circumstances described above.

3. *Prohibited Transactions.* Applicants indicate that the above described transactions might violate the prohibited transactions provisions of ERISA and the Code[2] as a result of the following relationships. The financial institution to which the plan makes a commitment in exchange for a fee, or which sells loans to a plan, or selects loan recipients or services loans on behalf of the plan, may have a pre-existing relationship with the plan so as to make it a party in interest with respect to the plan as defined in section 3(14) (A) or (B) of ERISA. A developer of a project or a builder involved in the construction of the dwelling units who employs persons covered by the plan would be a party in interest under section (3)(14)(C) and, perhaps, section 3(14)(A). A mortgage loan might be made to a person who is a party in interest under section 3(14)(H) solely by reason of being an employee of an employer, a service provider, or an employee organization that is related to the plan.

Based on the above relationships, applicants represent that the following prohibited transactions might occur.

The receipt of a fee in exchange for a loan commitment between a plan and a financial institution which, for example, already services mortgages for the plan, might violate section 406(a)(1)(A) (which prohibits the sale or exchange or leasing of property between a plan and a party in interest) or section 406(a)(1)(D) (which prohibits a transfer to, or use by or for the benefit of, a party in interest of any assets of the plan). A commitment by a plan to make loans or purchase mortgages (or the making of such loans or purchasing of such mortgages), the proceeds of which will be used to purchase units developed or built, in whole or in part, by an employer who contributes to the plan, might give rise to a violation of section 406(a)(1)(B) (which prohibits a lending of money or other extension of credit between a plan and a party in interest) or section 406(a)(1)(D). If such a contributing employer is a fiduciary with respect to the plan, applicants suggest that the mere involvement of the builder might, in itself, constitute a violation of section 406(b)(1) (which prohibits a fiduciary from dealing with the assets of the plan in his own interest or for his own account), or section 406(b)(2) (which prohibits a plan fiduciary from acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or its participants and beneficiaries), or section 406(b)(3) (which prohibits a plan fiduciary from receiving any consideration for his own personal account from any party dealing with the plan in connection with a transaction involving plan assets).

The purchase of a mortgage by a plan from a financial institution providing services to the plan, or a direct loan by a plan, the proceeds of which are used to purchase a dwelling unit where the purchase results in the repayment of a construction loan made by such financial institution, might give rise to a violation of section 406(a)(1) (A) and (D).

A direct or indirect (through the purchase of a mortgage) loan by a plan to a purchaser of a dwelling unit who is an employee of a contributing employer, service provider, or related union might give rise to a violation of section 406(a)(1) (B) and (D).

Applicants also express concern that the provision of additional loan administration services by a financial institution already providing services to the plan might violate section 406(a)(1)(C) (which prohibits a furnishing of goods, services or facilities between the plan and a party in interest) or 406(a)(1)(D).

B. Description of the Proposed Exemption

On the basis of the applications for class relief filed by the NAHB and the NCCMP, and in view of the individual exemption requests for similar relief already received and acted upon by the Department,[3] and the expectation that similar individual requests would continue to be filed, the Department has determined to propose for public comment a class exemption along the lines suggested by the applicants, as described above. However, as explained below, the class exemption proposed herein does not provide all the relief requested by the applicants, and includes a number of conditions, in addition to those suggested by the applicants, which the Department believes would be necessary in order to make the findings required by section 408(a).

1. Applicants request that the Department grant relief from the prohibitions against fiduciary self-dealing and conflict of interest contained in section 406(b) for acts in connection with the above described transactions. The applications, however, were not specific enough to afford a sufficient basis for proposing such relief. Moreover, the Department is concerned that provision of such relief would not be in the interests of plans, and their participants and beneficiaries, or protective of the rights of participants and beneficiaries, because it appears that the decision to commit a plan to making or purchasing mortgages for a given project could be subject to certain abuses of the types which section 406(b) is designed specifically to guard against. The Department is proposing to require that such commitments be made on behalf of the plan by a financial institution which is not subject to the

[1] Under section 3(14) of ERISA, all employees of certain parties in interest with respect to a plan (for example, contributing employers, or unions covering plan members) are themselves parties in interest with respect to the plan. Under section 4975(e)(2) of the Code, relatively few of such employees would be disqualified persons. Accordingly, the exemption would include loans to "rank and file" employees, but would not cover loans to, for example, corporate directors or union officers.

[2] References herein to sections of ERISA also include the corresponding sections of the Code.

[3] *See*, for example, Prohibited Transaction Exemption (PTE) 80–76, 45 FR 69065, October 17, 1980; PTE 80–37, 45 FR 41089, June 17, 1980; and PTE 79–34, 44 FR 40950, July 13, 1979.

controlling influence of certain interested persons. The Department believes that this requirement should make unnecessary the granting of relief from section 406(b) by sufficiently insulating plan fiduciaries who might have an interest in the transaction from the decision making process. In addition, this requirement will help assure that conditions suggested by the applicants (for example, that such commitments must be no less favorable to the plan than commitments involving unrelated persons) would be met. This position is consistent with the position the Department has taken on matters involving very similar transactions.[4]

2. The NAHB application requested special relief to permit a non-profit corporation, which would be established by a regional, state or local home building association affiliated with NAHB, to amalgamate small loan commitments from employee benefit plans for presentation to financial institutions. According to the NAHB, such corporation would not actually place loans or handle loan servicing, but would arrange loan commitments working through plans and financial institutions. After amalgamating small commitments from plans, the corporation would take them to a financial institution for actual placement of the loan. As in the case of loans placed directly through a financial institution, certain general criteria might be established by the non-profit organization or the plans concerning the types of loans that would be acceptable. It is anticipated that the corporation may receive a fee for its loan placement activities, which the NAHB estimated "might be approximately ⅛ of one point."

In this regard, it does not appear to the Department that the NAHB has demonstrated that the inclusion of relief of this nature in the class exemption would be necessary in order to achieve the purposes for which the exemption was requested. Addtitionally, it appears that, to the extent an exemption would be required, plans wishing to avail themselves of this type of service might be able to do so under section 408(b)(2) of ERISA and 29 CFR 2550.408b–2 which, if certain conditions are met, exempt provision of services to plans from the prohibitions of section 406(a). For this reason, the Department is also not proposing relief under the class exemption for other transactions which involve solely the provision of services to a plan.

3. In addition to the above-described conditions suggested by the applicants, the Department believes that the following safeguards would be appropriate.

Under the proposed exemption, the financial institution which approves loans on behalf of the plan must be one which commonly makes mortgage loans on similar terms and conditions from its own funds. This condition will help assure that such institution has the expertise required, for example, to make competent selections of borrowers, and that the representations (that these transactions will be consistent with customary lending practices and at least as favorable to the plan as transactions involving unrelated parties) will be met. The Department has added a condition which will help assure that, in those instances where the plan will service the loans made pursuant to the exemption, such servicing will be carried on in a commercially reasonable manner, pursuant to appropriate procedures. Finally, as discussed above, the Department has conditioned relief on the making of the commitment by an independent financial institution.

Notice to Interested Persons

Because all plan participants and beneficiaries whose plans might invest in mortgages could conceivably be considered interested persons, the Department has determined that the only practical form of notice is publication in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of ERISA and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of ERISA and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of ERISA which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of ERISA; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of ERISA and section 4975(c)(1)(E) and (F) of the Code.

Written Comments

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

On the basis of the facts and representations set forth in the applications, the Department is considering granting the following class exemption under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1:

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[4] *See*, PTE 76–1, Part B, 41 FR 12740, 12742, March 26, 1976; and the matters cited in footnote 3 above.

In this regard, the Department has given serious consideration to an alternative method of providing adequate safeguards. This would involve setting forth in the exemption very detailed standards (such as a variety of percentage limitations, specific requirements as to the content of commitments, etc.) which would help to decrease the possibility that the interests and rights of plan participants and beneficiaries would suffer as a result of issuing a commitment to a party in interest. The Department has used this type of approach in the area of individual exemptions, where it is possible to tailor the conditions and scope of relief to fit a particular situation. In the context of a request for relief for a large and varied class of persons, however, such an approach would deprive parties of desirable flexibility in establishing and maintaining a program which best suits them and which could be adapted to developments in the mortgage financing industry. Accordingly, it is the Department's view that this would not be a desirable approach. However, the Department continues to be willing to explore viable alternatives to an "independent fiduciary" requirements, and specifically requests public comment on this aspect of the proposed exemption.

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I. Transactions

Effective January 1, 1975, the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (ERISA) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (Code) by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the following transactions if the conditions set forth in part II below are met:

A. The issuance of a commitment by an employee benefit plan to provide mortgage financing to purchasers of new single-family residential dwelling units, either by making loans directly to purchasers or by purchasing mortgages originated by a third party;

B. The receipt by the plan of a fee in exchange for issuing such commitment; and

C. The actual making or purchase of a mortgage loan by the plan pursuant to such commitment.

II. Conditions

The following conditions apply to the transactions described in part I above:

A. The commitment must be in writing and must be at least as favorable to the plan as a commitment involving unrelated parties and consistent with customary practices in the residential financing industry;

B. The commitment must set forth customary guidelines concerning the loans that will be made pursuant to the commitment, including (but not limited to) appropriate requirements concerning the income levels and credit worthiness of borrowers, fair market value appraisals of the collateral, loan to value ratios, and title, hazard and private mortgage insurance;

C. The decision to issue the commitment must be made on behalf of the plan by an established financial institution, as to which neither the plan, an employer or group of employers contributing to the plan, nor an employee organization any of whose members are covered by the plan, has the power to exercise a controlling influence over the management or policies of such established financial institution;

D. The financing must be provided through an established financial institution which selects the recipient and makes (or, on behalf of the plan, purchases) the loan based on criteria that are consistent with customary practices in the residential mortgage industry, and which commonly makes mortgage loans on similar terms and conditions from its own funds;

E. The loan must be evidenced by a written note, the terms of which are (1) at least as favorable to the plan as the terms of a loan involving unrelated parties and (2) consistent with customary practices in the residential mortgage industry; and must be secured by a duly recorded first lien on the unit;

F. No person who is a developer or a builder involved in the development or construction of the units, or a lender who is associated with the construction financing arrangement for the units, or who is the originator of a mortgage which may be purchased by the plan pursuant to the commitment (or any affiliate of such person) shall have exercised any discretionary authority or control or rendered any investment advice that would make that person a fiduciary with respect to the decision to issue a commitment, setting the terms thereof, or the decision to make (or purchase) any loan pursuant thereto;

G. No loan may be made to a disqualified person as defined in section 4975(e)(2) of the Code, and, if the loan is made to a party in interest (as defined in section 3(14) of ERISA), that person is a party in interest solely by reason of being an employee of a person described in section 3(14)(B), (C), (D), (E) or (G) of ERISA;

H. If the loans are to be serviced by the plan, the plan shall have adopted in writing reasonable procedures, consistent with customary practices in the residential mortgage industry, designed to ensure that the loans will be serviced in a diligent and systematic manner (servicing a loan includes such duties as, for example, collecting mortgage payments, assuring that taxes and insurance premiums for the units are paid, and making all decisions relating to, and handling, foreclosures); and

I. (1) The plan shall maintain for the duration of any loan made pursuant to this exemption records necessary to enable the persons described in paragraph (2) of this section to determine whether the conditions of this exemption have been met, except that (a) a prohibited transaction will not be deemed to have occurred, if, due to circumstances beyond the control of the fiduciaries of the plan, records are lost or destroyed prior to the termination of the loan and, (b) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of ERISA, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained or are not available for examination as required by paragraph (2) below.

(2) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of ERISA, the records referred to in paragraph (1) of this section must be unconditionally available at their customary location for examination during normal business hours by: any trustee, investment manager, participant or beneficiary of the plan, or any duly authorized employee or representative of such person or of the Department of Labor or the Internal Revenue Service.

III. Definitions

For purposes of this exemption—

A. An "affiliate" of a person means a person defined in 29 CFR § 2510.3–21(e).

B. An "established financial institution" means an investment manager described in section 3(38) of ERISA with respect to the plan, or a savings and loan association subject to regulation by the Federal Home Loan Bank Board, which, in the normal course of its business, engages in transactions of the types described in part I of this exemption.

C. A "residential dwelling unit" or "unit" means an owner-occupied, detached house, townhouse, condominium, or unit in a multi-unit subdivision (planned unit development) restricted by recorded documents which limit the use of the property to residential purposes and provide for maintenance of common facilities.

Signed at Washington, D.C., this 2d day of December, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–34947 Filed 12–3–81; 11:40 am]

BILLING CODE 4510–29–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 232
Thursday, December 3, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 7, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,977-L—The Hamilton Bank & Trust Company, Atlanta, Georgia
Memorandum and Resolution re: Watkins Banking Company, Faunsdale, Alabama
Memorandum and Resolution re: City Bank of Philadelphia, Philadelphia, Pennsylvania

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Morrison, Hecker, Curtis, Kuder & Parrish, Kansas City, Missouri, in connection with the liquidation of The Mission State Bank and Trust Company, Mission, Kansas.

Memorandum and Resolution re: Proposed amendments to Part 309 of the Corporation's rules and regulations, entitled "Disclosure of Information," which would permit banks to disclose their examination reports to majority shareholders under certain conditions.

Memorandum and Resolution re: Amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which would include stock savings banks within the definition of "mutual savings banks."

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Report of the Director, Office of Corporate Audits:
Audit Report re: Liquidation Audits, dated September 3, 1981.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 30, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1802-81 Filed 11-30-81; 4:14 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 7, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for relief from a previously imposed condition of an order issued pursuant to Section 18(c) of the Federal Deposit Insurance Act:

Peoples Westchester Savings Bank, Tarrytown, New York, in connection with its application to merge with Peekskill Savings Bank, Peekskill, New York and the Greenburgh Savings Bank, Dobbs Ferry, New York.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,005-L—American Bank & Trust, Orangeburg, South Carolina

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Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: November 30, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1803–81 Filed 11–30–81; 4:15 pm]

BILLING CODE 6714–01–M

3

FEDERAL ELECTION COMMISSION

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, December 8, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, December 9, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Continuing agenda of December 8, 1981 executive session, if necessary.

* * * * *

DATE AND TIME: Thursday, December 10, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Followup on House appropriations subcommittee testimony
Proposed revisions of collecting agent and joint fund raising draft regulations
FY 1982 Management plan (tenative)
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Lena Stafford,

Acting Secretary of the Commission.

[S–1808–81 Filed 12–1–81; 3:21 pm]

BILLING CODE 6715–01–M

4

FEDERAL HOME LOAN BANK BOARD

Public notice of meeting closed by regulation

The Board having provided by regulation that a majority of its meetings or portions thereof may properly be closed to the public pursuant to paragraphs (4), (8), (9)(A), or (10) of subsection (c) of 5 U.S.C. 552b, or any combination thereof, public announcement is made of the following closed meeting:

Date: December 4, 1981
Time: 2:30 p.m.
Place: 1700 G Street, N.W., board room, Sixth floor
Subject Matter: Merger

Announcement is being made at the earliest practicable time.

[S–1804–81 Filed 12–1–81; 11:40 am]

BILLING CODE 6720–01–M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., December 9, 1981.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Notice of Proposed Rulemaking—Amendment to General Order 4, Revised, for the purpose of Implementing Pub. L. 97–35.
2. Docket No. 80–56: Temporary Tariff Amendments—Proposed Rule Changes.

Portions closed to the public:

1. Western Pioneer, Inc.—Operations between State of Washington and State of Alaska.
2. Agreement No. 150–70: Modification of the Trans-Pacific Freight Conference of Japan/Korea to provide for rate initiatives.
3. Docket No. 80–45: Agreement Nos. 10386, As Amended, 10388, 10382, As Amended, and 10389—Cargo Revenue Pooling/Equal Access Agreements in the United States/Argentine Trades—Consideration of request for oral argument and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1809–81 Filed 12–1–81; 3:22 pm]

BILLING CODE 6730–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

November 24, 1981.

TIME AND DATE: 10 a.m., Wednesday, December 2, 1981.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Oliver M. Elam, Jr., Company, Inc., VINC 78–447–P, etc. (Issues include whether commercial dock facility is within the jurisdiction of MSHA under the 1977 Mine Act.)
2. Sam Kennedy, d.b.a. Energy Salvage Company, VINC 78–11, etc., IBMA 78–4. (Issues include whether the company's coal slurry reclamation activities constituted "mining" under the 1969 Coal Act.)
3. William A. Haro v. Magma Copper Company, WEST 79–49–DM, WEST 80–116–DM; Petition for Discretionary Review. (Issues include whether judge erred in finding illegal discrimination under the 1977 Mine Act.)
4. Joseph A. Campbell v. The Anaconda Company, WEST 80–221–DM; Petition for Discretionary Review. (Issues include whether judge erred in finding illegal discrimination under the 1977 Mine Act.)
5. Juan Munoz v. Summit Minerals, Inc., CENT 80–331–DM; Petition for Discretionary Review. (Issues include whether judge erred in failing to find illegal discrimination under the 1977 Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1809–81 Filed 12–1–81; 3:23 pm]

BILLING CODE 6820–12–M

7

PAROLE COMMISSION

TIME AND DATE: 2:30–5:30 p.m., Tuesday, December 8, 1981.

PLACE: Rm. 420 F, One North Park Bldg., 5550 Friendship Blvd., Bethesda, Maryland.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of budget reductions for balance of fiscal year 1982 and related budgetary issues.
2. Consideration of revision of the agency's personnel rules and/or practices, and related personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Ms. Billie L. Richards. Chairman's Office (301) 492–5990.

[S–1807–81 Filed 12–1–81 3:22 pm]

BILLING CODE 4410–01–M

8

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors may consider a resolution to close a portion of the meeting pursuant to Article II section 4 of the Corporation's By-laws, section 116(f) of the said Act and sections 4 and 5 of the said policy.

MEETING OPEN TO THE PUBLIC: 8:30 a.m.

1. Approval of minutes of prior meeting.
2. Meeting with Advisory Committee to the Board of Directors.
3. Consideration of Supplement to Initial Solicitation for Proposals and Second Solicitation for Synthetic Fuel Projects.
4. Tranfer of Department of Energy Projects.
5. Audit Committee Functions.
6. Report of independent auditor.
7. Annual Report of the Inspector General.
8. Resource, Maturity Criteria, and Project Briefings.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

TIME AND DATE: 8:30 a.m., December 11, 1981.

PLACE: Hotel Utah, Salt Lake City, Utah.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 653–4230.

December 1, 1981.

Edward E. Noble,

Chairman of the Board.

[S–1805–81 Filed 12–1–81; 2:16 pm]

BILLING CODE 6450–01–M

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Federal Register

Thursday
December 3, 1981

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Fishermen's Protective Act; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

Fishermen's Protective Act

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: This final rulemaking implements amendments to section 10 of the Fishermen's Protective Act effected by the American Fisheries Promotion Act (Pub. L. 96–561, enacted December 22, 1980). The amendments (1) eliminate compensation for fishing gear casualties attributable to an "act of God"; (2) provide a rebuttable presumption that fishing gear casualties are attributable to other vessels; and (3) provide compensation for up to 25 percent of the gross income lost because of not being able to fish or having to fish at a reduced level of effort as a result of a fishing gear or vessel casualty. These statutory amendments became effective on the date of enactment of the American Fisheries Promotion Act.

Because of the additional time and administrative cost required to process claims for economic loss, the following fee changes have been made. The filing fee has been changed from 1 percent of the lower of two estimates for the repair or replacement cost to a flat fee of $75 per claim, regardless of the amount claimed. The 4 percent approval fee, currently deducted only from compensation for property loss, shall now be deducted from the total amount compensable for both economic loss and property loss. In addition, the limit on the combined total of the filing fee and the approval fee is raised from $1,000 to $2,000.

Two other minor changes are made. The 90-day filing requirement may be satisfied by the submission of an incomplete application; and the previously nonrefundable filing fee shall be refunded when the claim is withdrawn because the applicant has received or will receive compensation from another source.

Because of the number of changes required by the statutory amendments, this final rulemaking is in the form of a complete set of regulations, as amended.

EFFECTIVE DATE: December 3, 1981, except for amendments to the filing and approval fees which will be effective January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven St., NW., Washington, D.C. 20235, Telephone (202) 634–1900.

SUPPLEMENTARY INFORMATION: Final rules implementing section 10 of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95–376, were published on October 25, 1979 (44 FR 61546). These were amended on March 17, 1980, September 15, 1980, and November 3, 1980.

On August 7, 1981 (46 FR 40228), NOAA published proposed rulemaking and invited comments for 45 days (ending September 21, 1981). The following summarizes the comments received and the Agency's responses.

Section 258.34(c)(1)

Rebuttal of presumption. The proposed rulemaking provides that weather and sea conditions greater than one standard deviation from the historical mean for the time and place of an unobserved casualty shall constitute sufficient evidence to rebut the presumption that the casualty was caused by another vessel.

Comment: Under certain conditions, properly deployed gear will withstand weather and sea conditions much greater than one standard deviation from the historical mean. Consequently, the one standard deviation test does not constitute proper and sufficient evidence to rebut the presumption.

Response: After conferring with the Oceanic Services Branch of the National Oceanic Data Center, we have determined that the one standard deviation test may be too severe and might result in the denial of claims for unobserved casualties which were, in fact, caused by other vessels. Experience to date with the section 10 program shows that wind velocities meeting the one standard deviation test are generally within the range of gale force intensity (i.e., 34 to 47 knots), but may be significantly lower depending on the geographical area. In one area of the Gulf of Mexico, for example, winds of 18 knots or more and waves of 7 feet or higher constitute conditions greater than one standard deviation from the historical mean.

Since radically different weather conditions in different geographical areas (the Gulf of Mexico versus the Bering Sea, for example) will constitute one standard deviation from the historical mean for the particular time and place, the Agency has determined that a standard more reliable than the one standard deviation test is required to rebut the presumption. Weather and sea conditions meeting the definition of a "storm" (winds of 48 knots or greater), provide a reliable basis for rebuttal. Use of the "storm" conditions standard is reasonable since mobile fishing operations (the source of most conflicts with fixed gear) are not generally conducted during weather of storm intensity. Consequently, under storm conditions, there is a reduced probability that casualties will be attributable to other vessels and an increased probability that they will be attributable to weather and sea conditions. However, use of the "storm" conditions standard for rebuttal of the presumption of causation does not affect the possibility that a loss may be attributable to other environmental phenomena (e.g. ice floes) which would make the loss ineligible.

Section 258.40(b)

Approval fee. The proposed rulemaking provides for (1) the deduction of a 4 percent approval fee from the total amount compensable for both property loss and economic loss and (2) raising the limit on the combined total of the filing fee and the approval fee from $1,000 to $2,000.

Comment: The 4 percent approval fee should not be deducted from amounts compensable for economic loss because the deduction will reduce the benefit to the fisherman and "deteriorate the value of the Act."

Response: The program's authorizing legislation, Pub. L. 95–376, provides for the payment of a reasonable administrative fee. The purpose of this fee is to cover the approximate costs of administering the Fishing Vessel and Gear Damage Compensation Fund. To date, administrative costs have been greater than revenues received from filing and approval fees. It is anticipated that the 4 percent approval fee to be deducted from amounts compensable for economic loss will make up the shortfall. The extension of the approval fee to economic loss will reduce compensation for economic loss by one twenty-fifth. We do not believe this small amount ($40 out of each $1,000) will impose a hardship or constitute a burden which can be fairly described as a deterioration of the value of the Act.

Comment: Raising the limit on the total of the two fees would constitute an additional burden on fishermen who are already experiencing economic difficulties and would reduce the value of the section 10 program.

Response: The average amount claimed for compensation from the Fund is approximately $7,500. The 4 percent approval fee on this amount is $300. Only for claims in amounts greater than $23,125 will the combined filing and approval fees exceed $1,000. The $2,000 limit will be reached only with claims for $48,125. The increased limit of the filing and approval fees will, thus, affect

only a small minority of claimants. Moreover, because processing time increases with claims for larger amounts and because the computation of economic loss will impose additional administrative costs, deductions exceeding $1,000, but limited to $2,000, will not result in a greater revenue than is needed to offset administrative expenses.

Section 258.36 Compensation for Resulting Economic Loss

The proposed rulemaking provided for compensation for resulting economic loss sustained (1) on the vessel trip of the discovery of the casualty and (2) on subsequent vessel trips which are made at a reduced level of effort or, if fishing is discontinued, which would have been made at full operational capacity between the dates of order and receipt of replacement gear or the dates when repair begins and ends, whichever is appropriate.

Since fixed gear is seldom replaced or repaired at the time of the discovery of the casualty, fishermen will generally sustain a loss of income on the next vessel trip after the one on which they discover the casualty, regardless of whether they have ordered replacement gear or begun repair. Generally, fishermen will replace fixed gear on the next vessel trip after the casualty; so the economic loss on this trip will be sustained even if a fisherman has a reserve inventory of gear from which to replace that involved in the casualty. We have, consequently, added a provision in this rulemaking for payment of compensation for resulting economic loss sustained on the next vessel trip after the trip on which the casualty was discovered if repair or replacement could not be made between the time of the discovery of the casualty and the next vessel trip afterward, regardless of whether replacement gear has been ordered or repair begun.

Having reviewed this final rulemaking in accordance with the specifications of Executive Order 12291, "Federal Regulation," and the Departmental guidelines implementing that order, the Agency has determined that it is not "major" because it has no significant effect on the economy, cost or prices, and no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

Since this final rulemaking relates only to benefits, it is exempt from the notice and comment provisions of the Administrative Procedure Act and, thus, from the Regulatory Flexibility Act requirement of regulatory flexibility analysis.

The statutory amendments will necessitate the collection of additional information from claim applicants to document and establish the amount of resulting economic loss. This collection is necessary for the proper performance of the Agency in determining both the eligibility of claims and the amounts to be paid for compensation of resulting economic loss. The collection of information request has been approved by OMB (#0648–0094) in accordance with the Paperwork Reduction Act of 1980.

Because the final rulemaking will affect only fishing vessel owners or operators who may suffer casualties eligible for compensation from the Fishing Vessel and Gear Damage Compensation Fund, it will not have a significant economic impact on a substantial number of small entities. The Administrator of NOAA has certified that these regulations do not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Dated: November 27, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Accordingly, the present 50 CFR Part 258 Subpart C is revised to read as follows:

Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage Attributable to Other Vessels in a U.S. Fishery

Sec.

258.30 Purpose and scope.
258.31 Definitions.
258.32 Eligibility.
258.33 Applications.
258.34 Rebuttable presumption of causation and proof of casualty.
258.35 Amount of compensation for actual damage, loss, or destruction.
258.36 Compensation for resulting economic loss.
258.37 Initial determination.
258.38 Final determination.
258.39 Subrogation.
258.40 Payments.
258.41 Penalties.

Authority: Pub. L. 95–376 Pub. L. 96–289, and Pub. L. 96–561; 92 Stat. 715 (22 U.S.C. 1980).

Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage Attributable to Other Vessels in a U.S. Fishery

§ 258.30 Purpose and scope.

(a) This subpart contains the regulations for compensating the owners or operators of United States commercial fishing vessels or fishing gear for casualties occurring on or after December 22, 1980. Eligible vessel casualties are those which are attributable to any foreign vessel (or its crew or fishing gear). Eligible fishing gear casualties are those which are attributable to any other vessel (of its crew or fishing gear), whether or not such vessel is a vessel of the United States.

(b) For regulations governing casualties occurring before January 1, 1979, see Subpart B.

§ 258.31 Definitions.

Unless the context otherwise requires, in this subpart:

(a) "Assistant Administrator" means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

(b) "Casualty(ies)" means loss, damage, or destruction of fishing vessels which is attributable to foreign vessels (or their crew or fishing gear) or loss, damage, or destruction of fishing gear which is attributable to any other vessels (or their crew or fishing gear).

(c) "Chief, FSD", means Chief, Financial Services Division, National Marine Fisheries Service.

(d) "Commercial shipping lane" means any area designated for commercial shipping traffic by vessel tracklines shown on pilot charts published by the U.S. Defense Mapping Agency Hydrographic Center or vessel traffic separation lanes as depicted on U.S. National Ocean Survey nautical charts.

(e) "Compensable period" means that period after the discovery of the casualty between the date of order and receipt of replacement gear, or the date repair begins and ends (whichever is appropriate), or such other period as the Chief, FSD, determines to be reasonable.

(f) "Fishery" means: one or more stocks of fish which can be treated as a unit for purposes of conservation, management, and utilization and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.

(g) "Fishery Conservation Zone" means the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976, as amended.

(h) "Fishing" means:

(1) The commercial catching, taking, or harvesting of fish; and

(2) Any operations at sea in support of, or in preparation for, any activity described in paragraph (h)(1) of this section. Fishing does not include any

scientific research activity conducted by a scientific research vessel.

(i) "Fishing gear" means any equipment or appurtenance which is:

(1) Used for, or of a type which is normally used for, fishing by a fishing vessel, whether or not attached to the vessel; and

(2) Not considered a part of the fishing vessel for the purpose of recovery under a commercial policy of full hull and machinery and protection and indemnity insurance.

(j) "Fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(k) "Foreign vessel" means a vessel other than a vessel of the United States, regardless of such vessel's trade or use.

(l) "Rebuttable presumption" means a presumption which may be overcome by additional evidence which may be available.

(m) "Resulting economic loss" means the gross income that an eligible fishing vessel owner or operator will lose, as a direct result of the casualty with respect to which a claim is filed, (1) on the vessel trip during which the casualty was discovered; (2) if appropriate under § 258.36(a)(2), on the next vessel trip after that during which the casualty was discovered; and (3) on later vessel trips which would normally have been made at full operational capacity during the compensable period (as defined under paragraph (e) of this section) because of not being able to fish or having to fish at a reduced level of effort.

(n) "Trip ticket" means a receipt documenting the amount and value of fish sold from the catch of a fishing vessel.

(o) "United States fishery" means any fishery subject to the exclusive fishery management authority of the United States under the Magnuson Fishery Conservation and Management Act of 1976, as amended.

(p) "United States fishing vessel" means any fishing vessel which is a vessel of the United States.

(q) "Unobserved fishing gear casualty" means a fishing gear casualty which was not observed by the applicant or any other witness known to the applicant.

(r) "Vessel of the United States" means any vessel documented under the laws of the United States or registered under the laws of any State, regardless of such vessel's trade or use.

§ 258.32 Eligibility.

(a) *Applicants.* Only the owner or operator of a United States fishing vessel or fishing gear is eligible for compensation under this subpart.

(b) *Dates.* Casualties occurring on or after December 22, 1980, are eligible for compensation under this subpart. Casualties occurring on or after January 1, 1979, and before December 22, 1980, are governed by program regulations published October 25, 1979, and subsequent amendments published before December 22, 1980. See Subpart B of this part for regulations governing casualties occurring before January 1, 1979.

(c) *Casualty to fishing vessels.* A casualty to a United States fishing vessel is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to any foreign vessel (or its crew or fishing gear).

(d) *Casualty to fishing gear.* A casualty to fishing gear is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to any other vessel (or its crew or fishing gear, even if such gear was not attached to the vessel), whether or not such vessel is a foreign vessel.

(e) *Reporting requirement.* A casualty to fixed fishing gear attributable to any other vessel is not eligible for compensation unless the claimant has met all mandatory reporting requirements regarding gear deployment set forth in any applicable Fishery Management Plan or other Federal regulation. Fishermen are encouraged to participate in voluntary gear reporting programs. A record of gear deployment broadcast to other vessels may be considered evidence of prudent care on the part of a fisherman to notify other vessels in a particular area of the presence of that fisherman's gear.

(f) *Insurance.* Compensation for property loss under this subpart will not be made for any part of a casualty which would have been recoverable under a commercial policy of full hull and machinery and protection and idemnity insurance, regardless of whether or not such insurance was in effect. The Fund will, however, compensate for United States fishing vessel casualties caused by foreign vessels (or their crew or fishing gear) to the extent of a reasonable deductible under full hull and machinery and protection and indemnity insurances even if such insurances were not in effect. It will also compensate for economic loss resulting from fishing vessel casualties.

(g) *Commercial Shipping Lanes.* No casualty incurred in a commercial shipping lane caused by a vessel transiting such lane is eligible for compensation under this subpart.

§ 258.33 Applications.

(a) *Who may apply.* Applications under this subpart shall be submitted by the owner or operator whose United States fishing vessel or fishing gear suffered the casualty and the resulting economic loss for which compensation is sought.

(b) *Where to apply.* Applications shall be submitted to the Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235.

(c) *Time requirement.* After June 30, 1980, applications must be submitted to the Financial Services Division within 90 calendar days of the date the owner or operator became aware of the casualty. Applications sent by mail must be postmarked during that 90-day period. Applications made later than 90 days are not eligible. The 90-day filing requirement is satisfied by the filing of an improperly completed or incomplete application.

(d) *Contents.* (1) Applications may be submitted on forms provided by the Financial Services Division when such forms are available. Until such forms are available, applications shall include the information required by paragraphs (d) through (l) of this section.

(2) Each application shall be signed by the applicant and shall state the applicant is the owner or operator of the United States fishing vessel or fishing gear involved in the casualty.

(3) Each application shall include as attachments the affidavits and supporting documentation required by this section. For the purposes of this section, an affidavit is a written statement sworn to or affirmed before a notary public or other official empowered to administer oaths.

(e) *Affidavit of vessel master.* Each application shall include an affidavit of the master of the United States fishing vessel which suffered, or whose fishing gear suffered, the casualty and the resulting economic loss for which compensation is sought. If more than one master was involved at any material time before, during, or after the casualty, the application shall include an affidavit from each master. The affidavit shall set forth a full statement of all facts and circumstances before, during, and after the incident resulting in the casualty and the resulting

economic loss for which compensation is sought, including:

(1) A full description of the nature of the fishing operations engaged in prior to the casualty. The description of casualties to fixed fishing gear shall ordinarily include a diagram and accompanying explanation showing the various components of the gear involved in the casualty and how they were arranged while operating.

Example. The description for a casualty to fixed fishing gear should explain:

(i) How the gear was fixed, anchored, or otherwise prevented from drifting and with what size, weight, type, construction material, and number of anchors or other means of fixation;

(ii) How many pots, traps, or other units of gear of what size, weight, type, and construction material were fixed to the gear; how they were fixed; and at what intervals;

(iii) How the gear was buoyed with what size, shape, type, and construction material buoys, and how many buoys were used at what intervals on the gear set;

(iv) What size, weight, type, grade, and construction material lines, ropes, or cables were used;

(v) What provisions were made to ensure the gear could be seen by other vessels;

(vi) What provisions were made to ensure the gear could be located and retrieved;

(vii) At what depth the gear operated, its length, and what area it covered;

(viii) What weather or sea conditions the gear was designed to withstand; and

(ix) Any other relevant details of the casualty.

(2) A full description of the nature and extent of loss, damage, or destruction involved in the casualty, including photographs of the damage where possible.

(3) The time, date, and location (in latitude and longitude coordinates or Loran C readings) of the incident resulting in the casualty.

(4) If the casualty was not observed at the time it happened, include:

(i) The time, date, and location when the gear was first deployed;

(ii) The time, date, and location when the gear was last observed to be in a sound state (if different from the time and date of its deployment);

(iii) The time, date, and location when the casualty first became known; and

(iv) A full statement (to the best of applicant's knowledge) of the weather and sea conditions which existed during the period after deployment and before first knowledge of the casualty.

(5) If the casualty was observed, a full description of the vessel which caused the casualty (for instance, the vessel's size, type, flag, name, number, color of house or hull, and other identifying characteristics) and a full description of such vessel's and/or its crew's action before, during, and after the casualty.

(6) A full description of the actions of the applicant's fishing vessel and its crew before, during, and after the casualty, including all circumstances involving deployment of any fishing gear involved in the casualty and locating and retrieving it, or all attempts at locating and retrieving it.

(7) A full statement of the reasons for believing the casualty was caused by another vessel (or its crew or gear) rather than by weather and sea conditions or by other ineligible causes (for example, defective deployment, defective retrieval, or other circumstances which constitute normal operating contingencies);

(8) A full inventory of all property involved in the casualty, including: the number of all components lost, damaged, or destroyed; their size, type, grade and construction material; their age; their useful economic life; whether the damage was total or repairable (and, if a combination of both, what components were totally damaged or lost and what components were retrieved in what condition, etc.).

(f) *Affidavit of the owner.* Each application shall also include an affidavit of the owner of the United States fishing vessel or fishing gear involved in the casualty. A single affidavit of the vessel master and owner may be submitted if the vessel master is also the owner of the property concerned. Each affidavit shall include:

(1) A complete inventory of all fishing gear owned by the applicant of a type similar to any fishing gear involved in the casualty for which a claim for compensation is being made. The inventory shall be current as of the date of the casualty and must include the lost, damaged, or destroyed fishing gear. The age and remaining useful economic life of each unit of fishing gear in the inventory shall be specified.

(2) The date, place, and cost of acquisition of all fishing gear and components lost, damaged, or destroyed in the casualty. Purchase invoices or other acceptable proof of ownership for such gear shall be submitted.

(g) *Estimates.* Each application shall include two estimates (or one estimate and one purchase invoice or receipt) from commercial sources, acceptable to the Chief, FDS, of the replacement cost of the property lost, damaged, or destroyed or its repair cost if it is repairable.

(h) *Documentation of resulting economic loss.* Each application shall include proper and complete documentation of all facts necessary to substantiate the resulting economic loss as defined in § 258.31(m).

(1) In support of any claim for economic loss sutained on the vessel trip during which the casualty was discovered, the claimant shall submit:

(i) Copies of trip tickets (or other suitable documentation of gross income) for the three vessel trips immediately before that during which the casualty was discovered or, if these are not available, documentation of gross income for three other vessel trips nearest in time to that during which the casualty was discovered;

(ii) A statement of the number of gear units (traps, longlines, pots, gillnets, etc.) hauled on each of the three vessel trips; or if the casualty involves mobile gear, a statement of fishing time involved on each of the three vessel trips; and

(iii) If available, documentation (such as copies of relevant pages from the vessel's log book) supporting the statement of the number of gear units hauled or time involved on each of the three vessel trips.

(2) In support of any claim for resulting economic loss sustained on the next vessel trip after that on which the casualty was discovered, the applicant shall submit:

(i) A copy of a trip ticket (or other suitable documentation of gross income) for the vessel trip; and

(ii) A statement of the number of operable gear units in the applicant's total inventory.

(3) To establish the compensable period for resulting economic loss sustained following the next vessel trip after that during which the casualty was discovered, the claimant shall submit documentation establishing the date of order of the replacement gear and the date of its receipt, or the date repair began and ended (whichever is appropriate). Appropriate documentation may consist of purchase orders, bills of lading, or statements from commercial repair or supply sources.

(4) In support of any claim for resulting economic loss sustained during the compensable period, the applicant shall submit:

(i) If fishing is continued at a reduced level, copies of trip tickets (or other suitable documentation of gross income) for vessel trips made during the compensable period, along with a statement of the number of gear units

(traps, longlines, pots, gillnets, etc.) deployed and hauled during each trip, and any available documentation (such as copies of relevant pages from the vessel's log book) supporting the statement of the number of gear units deployed and hauled during each trip;

(ii) If fishing is discontinued because of the casualty, copies of trip tickets (or other suitable documentation of gross income) for vessel trips made the previous year during the period corresponding to the compensable period, along with a statement of the number of gear units (traps, longlines, pots, gillnets, etc.) deployed during each trip and the number hauled during each trip, and any available documentation (such as copies of relevant pages from the vessel's log book) supporting the statement of the number of gear units deployed and hauled during each trip.

(i) *Witnesses.* Each application shall include:

(1) The name, address, and telephone number of each known witness to the casualty; and

(2) An affidavit from any material witness to the casualty setting forth material information possessed by such witness.

(j) *Efforts to retrieve fishing gear.* A full description of the actions taken to retrieve the fishing gear involved in the casualty must accompany the claim. The applicant is responsible for reporting any fishing gear retrieved to the Chief, FSD, whether retrieved before or after a decision is made on a claim.

(k) *Other evidence.* The Chief, FSD, may require an applicant to submit affidavits, information, explanations, or estimates in addition to those specified in this section.

(l) *Filing fee.* Each application for each casualty shall include a check or money order made payable to the National Marine Fisheries Service for a filing fee of $75. The filing fee is nonrefundable, except when the claim is withdrawn because the applicant has received or will receive compensation from another source.

(m) *Incomplete and abandoned applications.* All applications for compensation for property loss or for resulting economic loss under this subpart must be filed within 90 days after the date of discovery of the casualty. When necessary, however, additional time, as determined reasonable by the Chief, FSD, will be allowed to enable applicants to submit information and documentation required for the computation of resulting economic loss. As soon as practicable after receipt of an incomplete or improperly completed application, the Chief, FSD, shall so notify the applicant.

(1) If the application is incomplete or improperly completed with regard to the claim for compensation for actual loss, damage, or destruction, the Chief, FSD, shall notify the applicant, and the applicant shall have 60 calendar days following the date of notification to correct the deficiency. If the applicant without good cause fails to correct the deficiency within such 60-day period, the application will be considered abandoned.

(2) If the application is incomplete or improperly completed with regard to the claim for compensation for resulting economic loss, the Chief, FSD, may grant the applicant additional time as is deemed reasonable to correct the deficiency. If the applicant without good cause fails to correct the deficiency of the claim for resulting economic loss within the additional time allowed, the application will be considered abandoned.

(3) If a claim is considered abandoned because of the failure of the applicant to correct a deficiency after notice from the Chief, FSD, the claim shall not be eligible for compensation under this subpart.

(4) An application may be amended at any time before issuance of the initial determination specified in § 258.37. The Chief, FSD, will then make an initial determination on the application, as amended.

§ 258.34 Rebuttable presumption of causation and proof of casualty.

(a) *Proof of casualty.* An applicant seeking compensation for a fishing vessel or gear casualty must submit evidence:

(1) That a casualty actually occurred; evidence of the occurrence may consist of affidavits of material witnesses (affidavits should be submitted by the vessel's Master and its crew);

(2) Of ownership of the vessel or gear involved in the casualty; evidence of gear ownership may consist of receipts, itemized income tax statements, cancelled checks, or affidavits of sellers; and

(3) That the gear involved in the casualty was deployed in conformity with customary usage and practice.

(b) *Rebuttable presumption.* Claims for unobserved casualties to fishing gear shall be afforded a rebuttable presumption that the damage, loss, or destruction is attributable to another vessel, its crew, or its gear. The presumption of causation for unobserved fishing gear casualties shall not apply to observed fishing vessel or fishing gear casualties.

(c) *Rebuttal of presumption.* In the case of an unobserved casualty, the Chief, FSD, may rebut the presumption that any damage, loss, or destruction of fishing gear is attributable to another vessel if there is sufficient evidence that:

(1) The casualty was caused by weather and sea conditions or other natural causes. Weather and sea conditions of storm intensity or greater (i.e., wind velocities of 48 knots or more) for the time and place of an unobserved casualty shall constitute sufficient evidence to rebut the presumption that the casualty was caused by another vessel. The Office of Oceanic and Atmospheric Services of the National Oceanic and Atmospheric Administration will provide data on weather and sea conditions for the general location and time of the casualty.

(2) The casualty resulted from the negligence or fault of the claimant or from a normal operating contingency; or

(3) The casualty resulted from some other cause unassociated with other vessels.

(d) *Proof after rebuttal of presumption.* Once the presumption of causation has been rebutted, the burden rests with the applicant to provide sufficient evidence that the damage, loss, or destruction of the fishing gear was in fact caused by other vessels.

§ 258.35 Amount of compensation for actual damage, loss, or destruction.

(a) *General.* The amount of compensation under this section is the amount determined in accordance with paragraph (b) of this section minus the sum of any deduction for the negligence of the applicant determined under paragraph (e) of this section and minus any deduction for insurance proceeds under paragraph (f) of this section.

(b) *Amount of compensation.* If the property concerned is determined by the Chief, FSD, to be repairable at a cost less than its depreciated replacement cost, the compensable amount is the repair cost. The compensable amount for property which is totally (actually or constructively) lost or destroyed is its depreciated replacement cost.

(c) *Depreciated replacement cost.* For purposes of this section the depreciated replacement cost is the present replacement cost of the property (at the time the claim is submitted) involved in the casualty, depreciated (on a straightline basis over the property's economically useful life) so as to exclude from the replacement cost the value of the property's economically useful life which is already expired. The present replacement cost is the lower of the two submitted estimates required to be submitted under § 258.33(g).

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(d) *Economically useful life remaining.* (1) If the age, condition, and value of individual units of fishing gear involved in the casualty cannot be established to the satisfaction of the Chief, FSD, the Chief, FSD, shall use the average remaining economically useful life for all units identified in the inventory required by § 258.33 in calculating the depreciated replacement cost.

(2) If the average remaining economically useful life of fishing gear involved in the casualty is less than the average remaining economically useful life of all the property in the inventory required by § 258.33, the average remaining economically useful life of the fishing gear in the casualty will be used as the basis for calculating the depreciated replacement cost.

Example No. 1

(i) Applicant claims to have lost 100 crab pots with various remaining economically useful lives averaging 2.5 years. The applicant's fishing gear inventory shows that the applicant owns 500 crab pots (including the 100 involved in the casualty) with various remaining economically useful lives averaging 3.5 years.

(ii) The replacement cost of the 100 pots involved in the casualty will be depreciated as if they each had a remaining economically useful life of 2.5 years.

(iii) If the present replacement cost of the pots is $500 each and they have an economically useful life when new of 5 years, the depreciated replacement cost of each pot will be $250 (or 50 percent of the replacement cost), since 2.5 years (or 50 percent of their new economically useful life) was regarded as remaining at the time of the casualty.

(iv) Thus, the compensation would be 100 pots at a depreciated replacement cost of $250 each, for a total of $25,000.

(3) If the average remaining economically useful life of the fishing gear involved in the casualty is more than the average remaining economically useful life of all the fishing gear in the inventory required by § 258.33, the average remaining economically useful life of all the fishing gear in the inventory will be used as the basis for calculating the depreciated replacement cost.

Example No. 2

If the 100 crab pots described in Example No. 1 above, had an average remaining economically useful life of 4 years (instead of 2.5 years), then the 3.5-year average remaining economically useful life of all the fishing gear in the inventory would be used as the basis for depreciating the cost of the replacement pots. Since 3.5 years is 70 percent of the new economically useful life (5 years) of the pots, the compensation would be $35,000 (70 percent of $500 equals $350 times 100 pots equals $35,000).

(e) *Comparative negligence.* In calculating the amount of compensation under this section, the compensable amount determined under paragraph (b) of this section will be reduced proportionally to the extent that any negligence of the applicant (or the applicant's agents) contributed to the cause or extent of the casualty.

Example

If the applicant's total damages (property and resulting economic loss) were $25,000 and 10 percent of the damages were the result of the applicant's negligence, the applicant would receive $22,500 in compensation. If the negligence of the applicant had caused 90 percent of the loss, $2,500 in compensation would be paid.

(f) *Insurance proceeds.* For purposes of calculating the amount of compensation under this section, the amount of compensation determined under paragraph (b) of this section will be reduced by the amount the applicant has, or reasonbly would have, received under a commercial policy of full hull and machinery and protection and indemnity insurance, whether or not such insurance was in effect at the time the casualty occurred. Recovery will be allowed for a reasonable deductible as set forth in § 258.32(f).

§ 258.36 Compensation for resulting economic loss.

(a) *General.* Applicants shall be eligible to receive compensation for up to 25 percent of the gross income lost as a direct result of the casualty with respect to which the claim is filed. The amount of compensation will be reduced proportionally to the extent that any negligence of the applicant (or applicant's agents) contributed to the cause or extent of the casualty. (See example of proportionate reduction under § 258.35(e)). No compensation will be paid for economic loss resulting from a gear or vessel casualty for which a vessel owner or operator is not otherwise entitled to compensation for property loss under this subpart. Compensation will be made for up to 25 percent of:

(1) Gross income lost on the vessel trip during which the casualty was discovered; and

(2) Gross income lost on the next vessel trip which was made or, if fishing is discontinued because of the casualty, would have been made after the vessel trip of the casualty, if the gear involved in the casualty was not replaced or repaired between the vessel trip of the discovery of the casualty and the next vessel trip; and

(3) Gross income lost within the compensable period specified in paragraph (b) of this section on vessel trips made at a reduced level of effort because of the casualty or, if fishing is discontinued because of the casualty, on vessel trips which would normally have been made at full operational capacity.

(b) *Compensable period.* Except as specified in paragraph (a)(2) of this section, applicants will be eligible for compensation for income lost after the vessel trip on which the casualty was discovered only during the period between the dates of order and receipt of replacement gear or the dates repair begins and ends (whichever is appropriate), or such other period as the Chief, FSD, determines to be reasonable.

(c) *Calculation of economic loss for the vessel trip of discovery of casualty.* Compensation for economic loss on the vessel trip during which the casualty was discovered shall be determined as follows:

(1) For casualties involving fixed gear by:

(i) Totaling the dollar value of the catch for the three vessel trips immediately before the trip of the casualty, or the three trips nearest in time to that of the casualty, if the former is unavailable;

(ii) Dividing this total value by the total number of gear units hauled during these three trips;

(iii) Multiplying this average dollar value per gear unit times the number of units lost or damaged; and

(iv) Computing 25 percent of the result.

(2) For casualties involving mobile gear by:

(i) Totaling the dollar value of the catch for the three vessels trips immediately before the trip of the casualty, or the three trips nearest in time to that of the casualty if the former is unavailable;

(ii) Dividing this total value by the total number of units (hours, days) of fishing time during these three trips;

(iii) Multiplying this average dollar value per unit of fishing time times the number of units of fishing time lost as a result of the casualty; and

(iv) Computing 25 percent of the result.

(d) *Calculation of economic loss on the next vessel trip after the discovery of the casualty.* (1) If fishing is continued at a reduced level of effort because of the casualty, compensation for resulting economic loss on the next vessel trip made after the discovery of the casualty shall be computed by dividing the value of the catch by the number of operable gear units (units in the total inventory minus those involved in the casualty); multiplying this average value per gear unit times the number of units involved

in the casualty; and computing 25 percent of the result.

(2) If fishing is discontinued because of the casualty, the compensation for economic loss on the next vessel trip which would normally have been made shall be the same as the amount computed under paragraph (c)(1) of this section.

(e) *Calculation of economic loss during the compensable period.* Resulting economic loss suffered during the compensable period may result from an inability to fish or from fishing at a reduced level of effort because of the casualty. In either case, the calculation of the amount of the loss shall be based upon:

(1) The number of gear units lost, or damaged, or destroyed in the casualty or, in the case of mobile gear, the amount of fishing time lost;

(2) The length of the compensable period;

(3) The number of gear units hauled on each vessel trip made during the compensable period or during the corresponding period of the previous year;

(4) Information, such as amount and value of catch, available from trip tickets, or other suitable documentation, for the vessel trips made during the compensable period or the corresponding period of the previous year; and

(5) The number of operable gear units in the claimant's complete inventory under § 258.33(f)(1).

§ 258.37 Initial determination.

After receipt of an application which is properly completed as to claims for actual loss, damage, or destruction, the Chief, FSD, will make an initial determination of the amount of any compensation to be paid the applicant for such loss, damage, or destruction. After receipt of all required information and documentation of resulting economic loss, the Chief, FSD, will make an initial determination of the amount of any compensation to be paid to the applicant for resulting economic loss.

(a) *Contents.* An initial determination shall state:

(1) If the application is disapproved, the reasons therefore; or

(2) If the application is approved. the amount of compensation and the basis upon which the amount was determined.

(b) *Notice.* The initial determination, along with the subrogation agreement (where applicable) provided for in § 258.38, shall be mailed to the applicant.

§ 258.38 Final determination.

(a) *Final determination.* Unless appealed under subsection (b) the initial determination of the Chief, FSD, shall become final 30 days after its issuance under § 258.37.

(b) *Appeal.* Any applicant may, within 30 days after the date of issuance of an initial determination under § 258.37, file with the Assistant Administrator at 3300 Whitehaven Street, Washington, D.C. 20235 a written request for review of the initial determination.

(c) *Additional evidence.* The applicant may submit to the Assistant Administrator written data relating to the initial determination no later than 30 calendar days after the filing of a petition under paragraph (b) of this section.

(d) *Appellate determination.* The Assistant Administrator shall issue a final determination on an appealed application within 60 days of the submission of any written data by the applicant under paragraph (c) of this section. A copy of the final determination shall be mailed to the applicant.

§ 258.39 Subrogation.

(a) After approval of an applicant's claim, but before compensation is disbursed, the applicant shall execute a subrogation agreement in a form satisfactory to the Chief, FSD, which:

(1) Assigns to the United States all rights which the applicant may have to proceed against any party who may be liable for damages with respect to any part of a casualty for which compensation is being made hereunder. and;

(2) Requires, as a condition of continuing to retain any compensation, that the applicant assist the Chief, FSD, in any reasonable way to pursue collection of the subrogated rights.

§ 258.40 Payments.

(a) *Amount.* The Chief, FSD, shall compensate the applicant in the amount calculated under §§ 258.35 and 258.36 minus the approval fee as determined according to the paragraph (b) of this section. Payment shall be made to the applicant upon receipt of a properly executed subrogation agreement under § 258.39.

(b) *Approval fee.* The approval fee is 4 percent (4%) of the amount of compensation calculated under §§ 258.35 and 258.36, but in no case shall the sum of the approval fee and the filing fee under § 258.33(l) exceed $2,000.

§ 258.41 Penalties.

Persons who willfully make any false or misleading statement or representation for the purpose of obtaining compensation under this subpart are subject to criminal prosecution pursuant to the provisions of 22 U.S.C. 1980(g), which provides penalties, upon conviction, of a fine of not more than $25,000, or imprisonment for not more than one year, or both. Any evidence of false or misleading statements or representations will be promptly forwarded to the U.S. Department of Justice for action.

[FR Doc. 81-34721 Filed 12-2-81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing November 27, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 815 / Pub. L. 97–86 Department of Defense Authorization Act, 1982, (Dec. 1, 1981; 95 Stat. 1099) Price: $2.50.

S. 1133 / Pub. L. 97–87 To amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such Act for fiscal year 1982, and for other purposes. (Dec. 1, 1981; 95 Stat. 1134) Price: $1.50.

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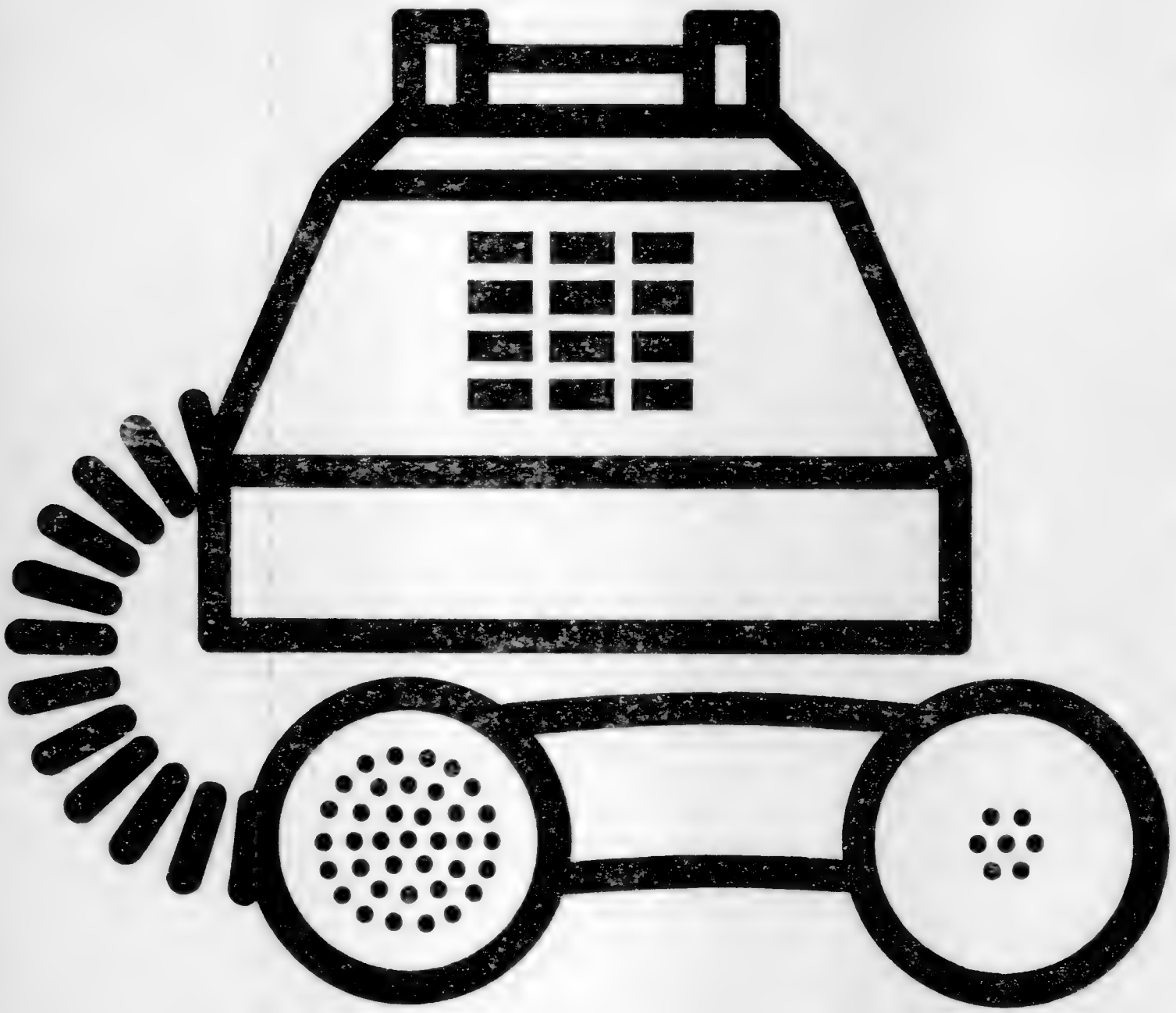

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Book 2 of 2 Books
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Part III

Department of Education

National Defense Student Loan Program and National Direct Student Loan Program; Cancellation of Loan for Teaching Service

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

National Defense Student Loan Program and National Direct Student Loan Program; Cancellation of Loan for Teaching Service

AGENCY: Department of Education.

ACTION: Notice of cancellation of loan for teaching service.

SUMMARY: The Secretary of Education is publishing the list of schools which the Secretary has determined to have a high concentration of students from low-income families. The list identifies schools in which the enrollment of students from low-income families exceeds thirty percent of the total enrollment of students.

FOR FURTHER INFORMATION CONTACT: Inquires concerning these lists may be made to the appropriate State educational agency or to Ronald Allen, Campus and State Grants Branch, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, Washington, D.C. 20202, Telephone (202) 245–9640.

SUPPLEMENTARY INFORMATION:

Defense Loans

Borrowers under the National Defense Student Loan Program may cancel the entire amount of their loan plus interest, if they teach full-time in one of the schools listed. For each complete year of full-time teaching a borrower may cancel 15 percent of his or her loan and the interest on that amount.

The procedures used for selecting schools are described in the National Defense Student Loan Program regulations (34 CFR 674.53).

The Secretary has determined that for the 1981–82 academic year teaching service in the schools set forth below qualifies for cancellation in accordance with the above provision.

Direct Loans

Borrowers under the National Direct Student Loan Program may cancel the entire amount of their loan plus interest, if they teach full-time in one of the schools listed. For the first two complete years of full-time teaching, the cancellation rate is 15 percent; for the third and fourth complete years of fulltime teaching, the cancellation rate is 20 percent; for the fifth complete year, the cancellation rate is 30 percent.

The procedures used for selecting schools are described in the National Direct Student Loan Program regulations (34 CFR 674.54).

The Secretary has determined that for the 1981–82 academic year teaching service in the schools set forth below qualifies for cancellation in accordance with the above provision.

The schools are listed alphabetically under county and/or school district designation, by State. The entries for American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands appear following the list for the State of Wyoming. The District of Columbia is included in the alphabetical sequence.

(Catalog of Federal Domestic Assistance Number 84.037: Higher Education—National Defense/Direct Student Loan Cancellations)

Dated: November 24, 1981.

T. H. Bell,

Secretary of Education.

BILLING CODE 4001-01-M

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ALABAMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR.

LOCATIONS	CODE *	SCHOOL NAME	
AUTAUGA			
	1	AUTAUGAVILLE ELEMENTARY	PK-06
	1	AUTAUGAVILLE HIGH	07-12
	1	BILLINGSLEY	PK-12
BALDWIN			
	1	BELFOUNTAIN	01-06
	3	FOLEY	PK-12
	3	LOXLEY	PK-09
	3	PERDIDO	PK-09
BARBOUR			
	1	BAKERHILL	PK-12
	3	BLUFF CITY ELEMENTARY	PK-05
	1	CLAYTON	PK-12
	1	CLIO	PK-12
	1	COMER	PK-12
	1	LOUISVILLE	PK-12
	3	WESTERN HEIGHTS ELEMENTARY	PK-05
BIBB			
	1	BIBB COUNTY HIGH SCHOOL	07-12
	1	BRENT ELEMENTARY	05-06
	1	CENTREVILLE ELEMENTARY	PK-04
	3	RANDOLPH ELEMENTARY	PK-06
	1	SIX MILE ELEMENTARY	PK-05
	3	WEST BLOCTON HIGH SCHOOL	07-12
BLOUNT			
	1	ALLGOOD LEARNING CENTER	01-12
BULLOCK			
	1	BULLOCK COUNTY HIGH	09-12
	1	MERRITT JUNIOR HIGH	PK-08
	1	SOUTH HIGHLANDS SCHOOL	05-08
	1	UNION SPRINGS ELEMENTARY	PK-04
BUTLER			
	1	BAPTIST HILL KINDERGARTEN	PK-01
	1	GEORGIANA HIGH	07-12
	1	GREENVILLE ELEMENTARY	04-06
	1	GREENVILLE HIGH	09-12
	1	GREENVILLE JUNIOR HIGH	07-08
	1	MCKENZIE HIGH	PK-12
	1	R L AUSTIN	PK-06
	1	W O PARMER ELEMENTARY	PK-03
CALHOUN			
	3	ANNISTON HIGH SCHOOL	09-12
	1	CHILDREN DEVELOPMENT CENTER	SP-ED
	1	COBB JUNIOR HIGH	07-09
	1	CONSTANTINE ELEMENTARY	PK-06
	1	COOPER ELEMENTARY	PK-06
	1	JOHNSTON ELEMENTARY	PK-06
	1	NORWOOD ELEMENTARY	PK-03
CALHOUN (CONTINUED)			
	1	RANDOLPH PARK ELEMENTARY	PK-05
	1	TENTH STREET ELEMENTARY	PK-04
CHAMBERS			
	3	CHAMBERS COUNTY HIGH	PK-12
	1	EASTSIDE ELEMENTARY	PK-12
	1	FIVE POINTS ELEMENTARY	PK-05
	1	FIVE POINTS HIGH	07-12
	1	LAFAYETTE HIGH	PK-12
	1	PLAINVIEW ELEMENTARY	PK-05
	3	SHAWMUT ELEMENTARY	PK-05
	1	SOUTHSIDE ELEMENTARY	PK-07
	3	VALLEY HAVEN CENTER	09-12
CHOCTAW			
	3	BUTLER ELEMENTARY	PK-08
	1	CHOCTAW COUNTY HIGH	09-12
	1	EAST CHOCTAW SCHOOL	PK-08
	1	GILBERTOWN JR HIGH	PK-12
	1	LISMAN JR HIGH	PK-08
	1	SHADY GROVE JR HIGH	PK-08
	1	SILAS ELEMENTARY	PK-05
	1	SOUTHERN CHOCTAW HIGH	09-12
CLARKE			
	1	CLARKE COUNTY HIGH	09-12
	1	COFFEEVILLE ELEMENTARY	PK-05
	1	COFFEEVILLE HIGH	07-12
	1	FULTON ELEMENTARY	PK-05
	1	GILLMORE ELEMENTARY	PK-04
	1	GROVE HILL ELEMENTARY	PK-06
	1	HARPER MIDDLE	05-08
	3	JACKSON HIGH	09-12
	1	WILSON HALL MIDDLE	05-08
COFFEE			
	3	GOODMAN	PK-12
	3	NEW HOPE	PK-12
COLBERT			
	3	ALLSBORO ELEMENTARY	PK-12
	1	BARTON ELEMENTARY	PK-06
	1	BLAKE	PK-06
	1	BRICK ELEMENTARY	PK-06
	3	CHEROKEE ELEMENTARY	PK-04
	1	CHEROKEE MIDDLE	05-08
	3	HATTON ELEMENTARY	PK-06
	1	LEIGHTON ELEMENTARY	PK-06
	1	LEIGHTON MIDDLE	05-08
	3	LITTLEVILLE ELEMENTARY	PK-06
	3	NEW BETHEL ELEMENTARY	PK-06
	1	SOUTHEAST	PK-05

* CODE 1 - SCHOOLS DESIGNATED FOR BOTH NATIONAL DEFENSE AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS
CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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ALABAMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	GRADES
COLBERT (CONTINUED)	1	SOUTHWEST	03-05
	1	SPRING VALLEY ELEMENTARY	01-08
	1	THREADGILL	0K-05
	1	THREADGILL	0K-05
	3	UNDERWOOD	01-08
	3	WILLSON	05-08
CONECUH			
	1	CONECUH COUNTY HIGH	0K-12
	1	EVERGREEN CITY	0K-03
	1	EVERGREEN HIGH	09-12
	1	LYEFFION	0K-12
	1	MARSHALL MIDDLE	06-08
	1	NICHBURG	01-03
	1	REPTON	0K-12
	1	SOUTHSIDE	04-05
COOSA			
	1	COOSA COUNTY HIGH	0K-12
	1	GOODWATER ELEMENTARY	0K-05
	1	GOODWATER HIGH	06-12
	1	KELLYTON JR HIGH	0K-08
	3	STEWARTVILLE JR HIGH	01-08
COVINGTON			
	1	ANDALUSIA PUBLIC KINDERGARTEN	0K-0K
	1	CHURCH STREET SCHOOL	0K-05
	1	FLEETA	0K-08
	1	FLORALA CITY SCHOOL	0K-08
	1	RED LEVEL	0K-12
	3	STRAUGHN	0K-12
	1	W S HARLAN	0K-08
CRENSHAW			
	1	BRANTLEY	0K-12
	1	DOZIER	0K-12
	1	HIGHLAND HOME	0K-12
	1	LUVERNE	0K-12
DALE			
	1	EMMA P FLOWERS	01-06
	1	GEORGE W LONG SCHOOL	01-12
	1	HARRY N MIXON	01-06
	1	MIDLAND CITY ELEMENTARY	0K-05
	1	NEWTON ELEMENTARY	0K-06
	3	SOUTH DALE JR HIGH	0K-08
	1	THOMPKINS EARLY CHILDHOOD CTR	0K-0K
DALLAS			
	1	BRANTLEY	0K-09
	1	BYRD ELEMENTARY	0K-06
	1	CLARK ELEMENTARY	0K-06
	1	DALLAS COUNTY HIGH	07-12
DALLAS (CONTINUED)	1	EAST END ELEMENTARY	0K-06
	1	EASTSIDE JUNIOR HIGH	07-09
	3	EDGEWOOD ELEMENTARY	0K-06
	1	FIVE POINTS	01-06
	1	FRANCES THOMAS ELEMENTARY	0K-06
	1	HAZEN-HARRELL	0K-03
	1	HUNTER MISSION	01-06
	1	J E TERRY	0K-06
	1	KEITH	07-12
	1	KNOX ELEMENTARY	0K-06
	1	MARTIN STATION	0K-06
	1	PAYNE ELEMENTARY	0K-06
	1	SALEM	01-06
	1	SELMA HIGH SCHOOL	10-12
	1	SHILOH	0K-09
	1	SOUTHSIDE ELEMENTARY	0K-06
	1	SOUTHSIDE HIGH	07-12
	1	TIPTON	0K-09
	1	VALLEY GRANDE	0K-06
	1	WESTSIDE JUNIOR HIGH	07-09
DEKALB			
	1	ADAMSBURG	0K-09
	1	COLLINSVILLE	0K-12
	1	MOON LAKE	0K-06
	1	RUHAMA	0K-09
	3	VALLEY HEAD	0K-12
ELMORE			
	3	ECLECTIC	0K-12
	1	FRANK LEE YOUTH CENTER	
	1	J F INGRAM TRADE TECH	
	1	MILLBROOK MIDDLE	06-08
	1	ROBINSON SPRINGS	0K-03
	1	TUTWILER PRISON	
	1	WALLSBORO ELEMENTARY	0K-06
	1	WETUMPKA ELEMENTARY	0K-06
	1	WETUMPKA HIGH	09-12
	1	WETUMPKA MIDDLE	07-08
ESCAMBIA			
	3	A C MOORE	01-06
	1	ESCAMBIA COUNTY HIGH	10-12
	1	ESCAMBIA COUNTY MIDDLE	05-08
	3	FLOMATON	0K-12
	3	MUXFORD	0K-06
	3	RACHEL PATTERSON	0K-06
	1	SOUTHERN NORMAL HIGH	07-12
	3	W S NEAL	0K-12
ETOWAH			

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ALABAMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

ALABAMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ETOWAH (CONTINUED)	1	ANN CATHEY	OK-05
	1	ATTALLA ELEMENTARY	01-05
	1	CORY	06-08
	1	DISQUE	06-08
	3	EAST ELEMENTARY	OK-05
	3	ETOWAH MIDDLE SCHOOL	06-08
	1	FORREST	06-08
	1	G W FLOYD ELEMENTARY	OK-05
	3	GADSDEN	09-12
	3	LITCHFIELD	09-12
	3	SANSOM	09-12
	1	SMITH	OK-05
	1	STRIPLIN	OK-05
	3	WALNUT PARK	OK-05
FAYETTE			
	3	BERRY	OK-12
	1	HUBBERTVILLE	OK-12
GREENE			
	1	BIRDINE JR HIGH SCHOOL	OK-06
	1	CARVER JR HIGH	OK-08
	1	EATMAN JR HIGH SCHOOL	OK-06
	1	EUTAW HIGH SCHOOL	09-12
	1	PARAMOUNT HIGH SCHOOL	01-12
HALE			
	1	AKRON COMMUNITY	OK-12
	1	GREENSBORO PUBLIC	OK-12
	1	HALE COUNTY HIGH	07-12
	1	MOUNDVILLE ELEMENTARY	OK-06
	1	NEWBERN ELEMENTARY	OK-08
	1	SAWYERVILLE ELEMENTARY	OK-09
	1	SUNSHINE HIGH	OK-12
HENRY			
	1	ABBEVILLE HIGH	07-12
	1	ABBEVILLE INTERMEDIATE	04-06
	1	ABBEVILLE PRIMARY	OK-03
	1	HEADLAND ELEMENTARY	OK-05
	1	HEADLAND HIGH	09-12
	1	HEADLAND MIDDLE	06-08
HOUSTON			
	1	CARVER MIDDLE	06-08
	3	EAST HIGHLANDS ELEMENTARY	OK-02
	1	SELMA ST ELEMENTARY	OK-02
	1	SOUTHSIDE ELEMENTARY	OK-05
JACKSON			
	1	BRYANT ELEMENTARY	OK-08
	1	DUTTON ELEMENTARY	01-08
	1	FLAT ROCK ELEMENTARY	01-08
JACKSON (CONTINUED)	1	HOLLYWOOD ELEMENTARY	OK-08
	1	MACEDONIA ELEMENTARY	OK-08
	1	NORTH SAND MOUNTAIN HIGH	OK-12
	1	PAINT ROCK VALLEY HIGH	01-12
	3	PISGAH SCHOOL	OK-12
	1	ROSALIE ELEMENTARY	OK-08
	1	SKYLINE HIGH	OK-12
	1	WOODVILLE HIGH	OK-12
JEFFERSON			
	1	ABRAMS HIGH	06-12
	1	ADDISON ELEMENTARY	01-06
	3	BARRETT	OK-08
	1	BRIGHTON ELEMENTARY	OK-06
	1	BRIGHTON HIGH	07-12
	1	C J DONALD	OK-06
	1	CALLOWAY	OK-08
	3	CARVER HIGH SCHOOL	09-12
	3	CENTER STREET	OK-08
	1	CHALKVILLE CAMPUS	OK-12
	1	COUNCILL	OK-08
	1	DAVIS ELEMENTARY	OK-08
	1	DUNBAR PRIMARY	OK-06
	3	DUROY	OK-08
	1	EAGAN	OK-08
	1	EDGEWATER JUNIOR HIGH	06-08
	3	ELYTON	OK-08
	1	FAIRFIELD HIGH SCHOOL	09-12
	1	FINLEY AVENUE	OK-08
	1	FOREST HILLS MIDDLE	07-08
	1	FOSTER ELEMENTARY	OK-06
	1	GASTON JUNIOR HIGH	06-08
	1	GATE CITY	OK-08
	1	GIBSON	OK-06
	3	GLENN HIGH SCHOOL	09-12
	1	HARD MIDDLE	06-08
	1	HARD PRIMARY	OK-06
	3	HAYES HIGH SCHOOL	09-12
	1	HEMPHILL	OK-06
	1	HILL	OK-08
	1	HUDSON	OK-08
	3	INGLENOOK DUDLEY	OK-06
	1	JACKSON OLIN HIGH SCHOOL	09-12
	1	JAMES A DAVIS MIDDLE	06-08
	3	JONES VALLEY ELEMENTARY	OK-06
	3	JONES VALLEY HIGH SCHOOL	09-12
	3	JONESBORO PRIMARY	OK-06
	1	KINGSTON	OK-08

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ALABAMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
JEFFERSON (CONTINUED)	1	LAKEVIEW	0K-08
	1	LANIER HIGH	09-12
	3	LEE	06-08
	3	LEEDS JUNIOR HIGH	06-08
	1	LEWIS	0K-08
	1	LINCOLN	0K-08
	1	LIPSCOMB JUNIOR HIGH	0K-09
	1	MAC ARTHUR	0K-04
	1	MARTIN	0K-05
	3	MCCAW	0K-08
	1	MCNEIL JUNIOR HIGH	0K-09
	3	MIDFIELD ELEMENTARY	0K-06
	1	MINOR	0K-05
	1	MOORE	0K-05
	3	MULGA ELEMENTARY	0K-04
	1	NORTH BIRMINGHAM	0K-08
	3	NORTH ROEBUCK	01-08
	1	NORTHSIDE	0K-08
	1	OAK GROVE HIGH	0K-12
	1	OLIVER	0K-08
	1	PATTERSON	0K-05
	1	POWDERLY	0K-08
	1	POWELL	0K-08
	1	PRATT	0K-08
	3	PRINCETON	0K-05
	1	RAIMUND ELEMENTARY	01-06
	1	RAMSEY HIGH SCHOOL	09-12
	1	RIGGINS	0K-08
	1	RILEY	0K-08
	1	ROBINSON	01-05
	1	ROBINSON ELEMENTARY	0K-06
	1	ROEBUCK CAMPUS	0K-12
	1	RUTLEDGE SCHOOL	01-08
	3	SCOTT	0K-08
	3	SHANNON ELEMENTARY	001-0
	1	SHERMAN HEIGHTS	0K-08
	1	SHIELDS	0K-08
	1	SPAULDING	0K-09
	1	SPRINGDALE ELEMENTARY	0K-06
	1	TRAFFORD ELEMENTARY	0K-06
	1	TUGGLE	01-08
	1	TUXEDO	0K-08
	1	WARRIOR HIGH	0K-12
	1	WASHINGTON	0K-08
	1	WENONAH ELEMENTARY	0K-08
	3	WENONAH HIGH SCHOOL	09-12
	3	WEST END HIGH SCHOOL	09-12
JEFFERSON (CONTINUED)	3	WYLAM	0K-09
LAUDERDALE			
	3	ANDERSON	0K-09
	3	BRANDON	0K-05
	1	ELGIN	0K-05
	1	OAKLAND	0K-05
	1	WATERLOO	0K-12
LAWRENCE			
	1	COURTLAND ELEMENTARY	0K-07
	1	COURTLAND HIGH	08-12
	3	HAZLEWOOD ELEMENTARY	0K-05
	3	HAZLEWOOD HIGH	07-12
	1	TENNESSEE VALLEY	0K-05
LEE			
	3	PEPPERELL INTERMEDIATE	04-05
LIMESTONE			
	3	EAST LIMESTONE	01-12
	3	LIMESTONE COUNTY HIGH SCHOOL	01-12
	3	MOORESVILLE-BELLE MINA	01-06
	1	TANNER	01-12
	3	WEST LIMESTONE	01-12
LOWNDES			
	1	CALHOUN ELEMENTARY	0K-05
	1	CALHOUN HIGH SCHOOL	07-12
	1	CENTRAL ELEMENTARY	0K-05
	1	CENTRAL HIGH SCHOOL	07-12
	1	HAYNEVILLE HIGH	06-12
	1	LOWNDES COUNTY HIGH	0K-12
	1	RUSSELL	0K-05
	1	WHITE HALL	0K-09
MACON			
	1	CHISHOLM	0K-07
	1	D C WOLFE	0K-12
	1	LEWIS ADAMS	0K-07
	1	NOTASULGA	01-12
	1	SOUTH MACON	0K-12
	1	TUSKEGEE INST HIGH SCHOOL	09-12
	1	TUSKEGEE PUBLIC	0K-09
	1	WASHINGTON PUBLIC	0K-07
MADISON			
	3	CAVALRY HILL	0K-09
	3	CENTRAL	0K-09
	1	COLONIAL HILLS	0K-06
	3	ED WHITE MIDDLE	07-08
	3	HARVEST	0K-09
	3	LAKEWOOD	0K-05
	1	LINCOLN	0K-05

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LOCATIONS	CODE *	SCHOOL NAME	
MADISON (CONTINUED)	3	MADISON	04-08
	3	NEW MARKET	OK-08
	1	STONE MIDDLE	06-08
	1	TERRY HEIGHTS	OK-05
	3	UNIVERSITY PLACE	03-06
	1	WEST HUNTSVILLE	OK-05
	1	WEST MADISON	OK-03
MARENGO			
	1	AMELIA L JOHNSON HIGH SCHOOL	OK-12
	1	DEMOPOLIS HIGH SCHOOL	09-12
	1	DEMOPOLIS JR HIGH	07-08
	1	GEORGE P AUSTIN JR HIGH	07-09
	1	JOHN ESSEX HIGH SCHOOL	OK-12
	1	LINDEN ELEMENTARY SCHOOL	OK-06
	1	LINDEN HIGH	10-12
	1	MARENGO HIGH SCHOOL	OK-12
	1	SWEET WATER HIGH SCHOOL	OK-12
	1	U S JONES ELEMENTARY	04-06
	1	WESTSIDE ELEMENTARY	OK-03
MARSHALL			
	3	ASBURY JR HIGH SCHOOL	OK-09
	1	CLAYSVILLE JR HIGH	OK-09
	1	GRASSY JUNTOR HIGH	OK-09
	3	UNION GROVE JR HIGH SCHOOL	OK-08
MOBILE			
	1	ADELIA WILLIAMS	OK-05
	3	ALBA ELEMENTARY	OK-05
	1	BELSAW	06-08
	1	BLOUNT	09-12
	1	BRAZIER	OK-05
	1	BROOKLEY	OK-05
	1	BURROUGHS	OK-06
	1	CALCEDEAVER	OK-06
	1	CHICKASAW	OK-05
	3	CITRONELLE	06-12
	1	CLARK	06-08
	1	COUNCIL	OK-05
	1	CRAIGHEAD	OK-05
	1	CRICHTON	OK-05
	1	DIXON	OK-06
	1	DUNBAR	06-08
	1	EANES	06-08
	1	EIGHT MILE	OK-05
	3	FONDE	OK-05
	1	FONVIELLE	OK-05
	1	GLENDALE	OK-05
	1	HAMILTON	OK-05
MOBILE (CONTINUED)	1	LEINKAUF	OK-05
	1	MARYVALE	OK-05
	1	MERTZ	OK-05
	1	MOBILE COUNTY TRNG	06-08
	1	MORNINGSIDE	OK-05
	1	MOUNT VERNON	OK-03
	1	OLD SHELL ROAD	OK-05
	1	PALMER	OK-05
	1	PHILLIPS	06-08
	1	PILLANS	06-08
	1	PRICHARD	06-09
	1	ROBBINS	OK-05
	1	STANTON ROAD	OK-05
	3	TANNER WILLIAMS	OK-05
	1	THOMAS	OK-06
	1	TOULMINVILLE	09-12
	1	TRINITY GARDENS	06-08
	1	VIGOR	09-12
	1	WASHINGTON	06-08
	1	WHISTLER	01-05
	1	WHITLEY	OK-05
	1	WILLIAMSON	09-12
	1	WILMER	OK-05
	1	WOODCOCK	OK-05
MONROE			
	1	BEATRICE ELEMENTARY	OK-05
	1	EXCEL HIGH	09-12
	1	FRISCO CITY ELEMENTARY	OK-05
	1	FRISCO CITY HIGH	09-12
	1	J F SHIELDS	7-12
	1	J U BLACKSHER	OK-07
	3	MONROE COUNTY HIGH	1-12
	1	MONROE SENIOR	OK-12
	1	MONROEVILLE ELEMENTARY	OK-07
	1	MONROEVILLE JR HIGH	07-08
	1	MONROEVILLE MIDDLE	OK-06
MONTGOMERY			
	1	BALDWIN	7-08
	1	BELLINGRATH	OK-03
	3	CAPITOL HEIGHTS JR	7-08
	1	CARVER ELEMENTARY	OK-06
	1	CARVER JUNIOR	07-08
	1	CARVER SENIOR	1-12
	3	CATOMA	OK-08
	3	CHISHOLM	OK-08
	1	DAISY LAWRENCE	OK-07
	1	DAVIS	OK-06

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ALABAMA

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LOCATIONS	CODE *	SCHOOL NAME	
MONTGOMERY (CONTINUED)	1	DUNBAR	OK-06
	1	FEWS	OK-06
	1	FOREST AVENUE ELEMENTARY	OK-06
	1	GOODWYN	07-09
	1	HARRISON	OK-06
	1	HAYNEVILLE ROAD	OK-06
	1	HIGHLAND AVENUE	OK-06
	1	HIGHLAND GARDENS	OK-06
	1	HOUSTON HILL JR HIGH	07-09
	1	LOVELESS	OK-06
	1	MACMILLAN	OK-06
	1	MCINTYRE	07-09
	1	MONTGOMERY COUNTY	07-12
	1	MT MEIGS CAMPUS	OK-12
	1	PATERSON	OK-06
	1	PETERSON	OK-06
	1	PINTLALA	OK-06
	1	SOUTHLAWN	OK-06
PERRY			
	1	EAST PERRY HIGH	09-12
	1	HEIBERGER	OK-08
	1	MARION ELEMENTARY	OK-06
	1	MARION HIGH	07-12
	1	ROBERT C HATCH	09-12
	1	SUTTLE COMMUNITY	OK-08
	1	UNIONTOWN ELEMENTARY	OK-04
	1	UNIONTOWN MIDDLE	05-08
	1	WESTSIDE HIGH SCHOOL	OK-12
PICKENS			
	1	ALICEVILLE ELEMENTARY SCHOOL	OK-04
	1	ALICEVILLE HIGH SCHOOL	09-12
	1	ALICEVILLE MIDDLE SCHOOL	05-08
	3	CARROLLTON SCHOOL	OK-12
	1	GORDO HIGH	07-12
	1	PICKENS COUNTY HIGH SCHOOL	07-12
PIKE			
	1	BANKS JUNIOR HIGH	OK-09
	1	CHARLES HENDERSON JR HIGH	06-08
	1	GOSHEN ELEMENTARY	OK-06
	1	GOSHEN HIGH SCHOOL	07-12
	1	LAURA MONTGOMERY HENDERSON	OK-05
	1	OAKLAND HEIGHTS	OK-03
	1	PIKE COUNTY ELEMENTARY	OK-06
	1	PIKE COUNTY HIGH SCHOOL	07-12
	1	SHELLHORN ELEMENTARY	OK-06
	1	SPRINGHILL ELEMENTARY	OK-06
RANDOLPH			
(CONTINUED)	1	KNIGHT-ENLOE	OK-06
RUSSELL			
	1	CENTRAL ELEMENTARY SCHOOL	OK-06
	1	CHAVALA HIGH	07-12
	1	DIXIE ELEMENTARY	OK-06
	1	MEADOWLANE ELEMENTARY SCHOOL	OK-06
	1	MT OLIVE HIGH	07-12
	1	OLIVER ELEMENTARY	OK-06
	1	PHENIX CITY MIDDLE SCHOOL	05-06
	3	PHENIX CITY MIDDLE-ANNEX	07-07
	1	PITTSVIEW ELEMENTARY	OK-06
	1	RUSSELL ELEMENTARY	OK-06
	1	RUSSELL HIGH	07-12
	1	SOUTH GIRARD HIGH SCHOOL	08-09
	1	SUSIE E ALLEN ELEMENTARY	OK-06
	1	WESTVIEW ELEMENTARY SCHOOL	OK-06
SHELBY			
	1	CALERA ELEMENTARY	OK-06
	3	CALERA HIGH	09-12
	3	ELVIN HILL ELEMENTARY	OK-06
	3	MONTEVALLO HIGH	09-12
	1	MONTEVALLO MIDDLE	06-08
	1	VINCENT ELEMENTARY	OK-06
	1	VINCENT HIGH	09-12
	1	VINCENT MIDDLE	06-08
SUMTER			
	1	KINTERBISH JR HIGH	01-09
	1	LIVINGSTON HIGH	09-12
	1	LIVINGSTON JR HIGH	01-08
	1	NORTH SUMTER JR HIGH	01-09
	1	SUMTER COUNTY HIGH	09-12
	1	YORK WEST END JR HIGH	01-08
TALLADEGA			
	1	CENTRAL ELEMENTARY	OK-06
	1	GRAHAM ELEMENTARY	OK-06
	1	HAL HENDERSON ELEMENTARY	OK-06
	3	HANNAH J MALLORY	OK-06
	1	R L YOUNG ELEMENTARY	OK-06
	1	SALTER ELEMENTARY	OK-06
	3	TALLADEGA COUNTY TRNG	OK-12
	1	TALLADEGA MIDDLE SCHOOL	05-08
TALLAPOOSA			
	1	EDWARD BELL SCHOOL	OK-12
TUSCALOOSA			
	1	BOTELER JR HIGH	07-09
	3	BUHL ELEMENTARY	OK-06
	1	CENTRAL	OK-12

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LOCATIONS	CODE *	SCHOOL NAME	
TUSCALOOSA (CONTINUED)	3	CENTRAL HIGH	09-12
	1	EAST END	0K-05
	1	ENGLEWOOD ELEMENTARY	0K-06
	3	HILLCREST JR HIGH	07-09
	1	HOLT ELEMENTARY	0K-06
	1	MATTHEWS ELEMENTARY	0K-06
	3	MAXWELL ELEMENTARY	0K-06
	1	MYRTLEWOOD ELEMENTARY	0K-06
	1	PARKVIEW	0K-05
	1	STILLMAN	0K-05
	1	THIRTY-SECOND AVENUE	0K-05
	1	TWENTIETH STREET	0K-05
	3	WALKER ELEMENTARY	0K-06
WALKER	3	CARBON HILL ELEMENTARY	0K-04
	1	PARRISH ELEMENTARY	0K-08
	3	SHRINE SCHOOL FOR HANDICAPPED	00-00
	3	WEST JASPER ELEMENTARY	0K-05
WASHINGTON	1	CHATOM ELEMENTARY	0K-05
	1	CHATOM MIDDLE SCHOOL	06-08
	1	FRANK BOYKIN ELEMENTARY	0K-06
	1	FRUITDALE HIGH SCHOOL	0K-12
	1	LEROY HIGH SCHOOL	0K-12
	1	MCINTOSH HIGH	07-12
	1	MILLRY HIGH SCHOOL	0K-12
	1	REEDS CHAPEL ELEMENTARY	0K-06
	3	WAGARVILLE ELEMENTARY	0K-06
	1	WASHINGTON COUNTY HIGH SCHOOL	09-12
WILCOX	1	ALBERTA ELEMENTARY	0K-06
	1	BOYKIN ELEMENTARY	0K-06
	1	CAMDEN ACADEMY MIDDLE	05-08
	1	HOBBS ELEMENTARY	0K-06
	1	MOORE ACADEMY	0K-06
	1	PINE HILL CONSOL ELEMENTARY	0K-04
	1	PINE HILL CONSOL MIDDLE	05-08
	1	PINE HILL HIGH SCHOOL	09-12
	1	TATES CHAPEL	0K-06
	1	W J JONES HIGH SCHOOL	07-12
	1	WILCOX COUNTY HIGH SCHOOL	09-12
	1	WILCOX COUNTY TRAINING SCHOOL	01-06

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ALASKA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
AK GATEWAY			
	1	DOT LAKE	1-12
	1	MENTASTA	1-9
ALEUTIAN			
	1	AKUTAN	K-12
	1	ATKA	K-12
	1	NIKOLSKI	K-12
ANCHORAGE			
	1	JESSIE LEE HOME	
	1	MCLAUGHLIN YOUTH CENTER	
BERING STRAIT			
	1	BREVIG MISSION	9-12
	1	COVENANT HIGH SCHOOL	9-12
	1	ELIM	9-12
	1	GAMBELL	9-12
	1	KOYUK	K-12
	1	SAVOONGA	9-12
	1	SHISHMAREF	K-12
	1	TELLER	K-12
	1	UNALAKLEET	9-12
	1	WALES	K-12
	1	WHITE MOUNTAIN	K-12
CHATHAM			
	1	ANGOON	EL
	1	ANGOON	J-SHS
HOONAH			
	1	HOONAH ELEMENTARY	K-7
	1	HOONAH HIGH SCHOOL	8-12
HYDABURG			
	1	HYDABURG ELEMENTARY	K-6
	1	HYDABURG HIGH SCHOOL	7-12
IDITAROD			
	1	ANVIK	1-12
	2	GRAYLING	9-12
	1	HOLY CROSS	1-12
	1	LIME VILLAGE	K-12
	1	MCGRATH	K-12
	1	NIKOLAI	K-12
	2	SHAGELUK	9-10
	1	TAKOTNA	K-12
	1	TELIDA	1-12
KAKE			
	1	KAKE	EL
	1	KAKE	J-SHS
KENAI			
	2	ENGLISH BAY	K-12
	2	PORT GRAHAM	K-12
KODIAK			
	1	AKHIOK	K-12
	1	KARLUK	K-9
	1	LARSEN BAY	K-9
	1	OLD HARBOR	K-12
KUSPUK			
	1	CHUATHBALUK	1-12
	1	CROOKED CREEK	1-12
	1	LOWER KALSKAG	K-12
	1	SLEETMUTE	1-12
	1	STONY RIVER	K-12
	1	UPPER KALSKAG	1-9
LAKE & PENINSULA			
	1	IGIUGIG	K-12
	1	KOKHANOK	K-12
	1	NONDALTON	K-12
	1	PERRYVILLE	K-12
LOWER KUSKOKWIM			
	1	AKIACHAK	9-12
	1	AKIAK	K-12
	1	ATMAUTLUAK	K-12
	1	CHEFORNAK	9-12
	1	EEK	K-12
	1	KASIGLUK	K-12
	1	KIPNUK	9-12
	1	KONGIGANAK	K-12
	1	KWETHLUK	9-12
	1	KWIGILLINGOK	9-12
	1	MEKORYUK	9-12
	1	NAPAKIAK	9-12
	1	NAPASKIAK	9-12
	1	NELSON ISLAND HIGH SCHOOL	7-12
	1	NEWTOK	9-12
	1	NUNAPITCHUK	9-12
	1	PLATINUM	K-8
	1	QUINHAGAK	9-12
	1	TULUKSAK	K-12
	1	TUNTUTULIAK	9-12
	1	TUNUNAK	9-12
LOWER YUKON			
	1	ALAKANUK	9-12
	1	EMMONAK	K-12

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ALASKA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LOWER YUKON	1	HOOPER BAY	K-12
	1	KOTLIK	K-12
	1	MARSHALL	K-12
	1	MOUNTAIN VILLAGE	K-12
	1	PILOT STATION	K-12
	1	PITKAS POINT	K-12
	1	RUSSIAN MISSION	K-12
	1	SCAMMON BAY	9-12
	1	SHELDON POINT	K-12
MAT-SU	2	GLACIER VIEW	1-12
	2	TRAPPER CREEK	1-6
NORTH SLOPE	2	NUIQSUIT	K-12
NORTHWEST	1	AMBLER	K-12
	1	BUCKLAND	K-12
	1	DEERING	K-12
	2	KIANA	K-12
	1	KIVALINA	K-12
	2	KOTZEBUE	EL
	2	KOTZEBUE	JHS
	2	KOTZEBUE	HS
	1	NOATAK	K-12
	1	NOORVIK	K-12
	1	SELAWIK	K-12
	1	SHUNGNAK	K-12
SOUTHWEST	1	EKWOK	K-9
	1	KOLIGANEK	K-12
	1	MANOKOTAK	1-12
	1	PORTAGE CREEK	1-9
	2	TWIN HILLS	K-12
ST MARY'S	2	ST MARY'S	JHS
	1	ST MARY'S	EL
	1	ST MARY'S CATHOLIC	HS
YAKUTAT	1	YAKUTAT HIGH SCHOOL	9-12
YUKON FLATS	2	ARCTIC VILLAGE	K-12
	2	BIRCH CREEK	K-12
	2	CHALKYITSIK	K-12
	2	CIRCLE	K-12
	1	FT YUKON ELEMENTARY	EL
	1	FT YUKON HIGH SCHOOL	HS
	2	NORTHERN LIGHTS	1-12
YUKON FLATS (CONTINUED)	2	RAMPART	1-12
	2	STEVENS VILLIAGE	K-12
	2	VENETIE	2-12
YUKON-KOYUKUK	1	ALLAKAKET	K-12
	1	HUGHES	1-8
	2	HUSLIA	1-12
	1	KALTAG	K-12
	1	KOYUKUK	K-12
	2	MANLEY	K-8
	1	MINTO	K-12
	2	NULATO	K-12
	2	RUBY	1-12

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ARIZONA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)

LOCATIONS	CODE *	SCHOOL NAME	
APACHE			
	1	CHINLE EL	EL
	1	CHINLE HS	HS
	1	CHINLE JHS	JHS
	1	CHINLE PRIMARY	PRIM
	1	FT DEFIANCE EL	EL
	1	FT DEFIANCE JHS	JHS
	1	GANADO EL/INTERM	EL
	1	GANADO HS	HS
	1	GANADO JHS	JHS
	1	HOGAN HOZHONI	EL-HS
	1	MANY FARMS EL	EL
	1	MCNARY EL	EL
	1	NAVAJO EVANGELIST LUTH MISSION	EL
	1	PUERCO EL	EL
	1	PUERCO HS	HS
	1	RED MESA EL	EL
	1	RED MESA HS	HS
	1	ROUND ROCK EL	EL
	1	ST MICHAEL'S EL	EL
	1	ST MICHAEL'S HS	HS
	1	SWEETWATER EL	EL
	1	TSAILE EL	EL
	1	TSE HO TSO MIDDLE	MDL
	1	WINDOW ROCK EL	EL
	1	WINDOW ROCK HS	HS
COCHISE			
	1	A AVENUE EL	EL
	1	ASH CREEK EL	EL
	2	BENSON MIDDLE	MDL
	1	BENSON PRIMARY	PRIM
	1	CLAWSON EL	EL
	1	DOUBLE ADOBE EL	EL
	1	DOUGLAS JHS	JHS
	1	FARAS EL	EL
	1	FT GRANT TRAINING CENTER	HS
	1	GREENWAY EL	EL
	1	HUACHUCA CITY EL	EL
	2	JOE CARLSON EL	EL
	2	LORETTO SCHOOL	EL
	1	LOWELL EL	EL
COCHISE (CONTINUED)	1	SARAH MARLEY EL	EL
	1	VISION QUEST INC	EL
	1	W J MEYER EL	EL
	1	15TH STREET EL	EL
COCONINO			
	1	LEUPP EL	EL
	2	MOCCASIN EL	EL
	1	NAVAJO GOSPEL MISSION	EL
	1	PAGE EL	EL
	1	PAGE HS	HS
	1	PAGE MIDDLE	MDL
	1	SOUTH BEAVER EL	EL
	1	TUBA CITY HS	HS
	1	TUBA CITY INTERMED	INTER
	1	TUBA CITY JHS	JHS
	1	TUBA CITY PRIMARY	PRIM
	1	W F KILLIP EL	EL
GILA			
	1	GLOBE ALTERNATIVE SCHOOL	HS
	1	RICE EL	EL
	1	YOUNG EL	EL
	1	YOUNG JHS & HS	JH-HS
GRAHAM			
	1	FT THOMAS EL	EL
	1	FT THOMAS HS	HS
	2	JACK DALEY PRIMARY	PRIM
	1	OUR SAVIOR'S LUTHERAN MISSION	EL
	1	PIMA EL	EL
	1	SOLOMONVILLE EL	EL
MARICOPA			
	1	ADELINE GRAY EL	EL
	1	ADOBE MOUNTAIN	K-12
	1	ALTA E BUTLER EL	EL
	2	ALTA LOMA EL	EL
	2	ANDALUCIA EL	EL
	1	ANN OTT EL	EL
	1	ARIZONA BAPTIST CHLDRN'S SRVCS	HS
	2	ARIZONA BOYS COMMUNITY	EL-HS
	1	ARIZONA BOYS RANCH	EL
	1	ARIZONA CENTER FOR WOMEN	K-12
	1	ARLINGTON EL	EL
	1	AVONDALE EL	EL
	1	AVONDALE JHS	JHS
	2	BALSZ EL	EL
	1	BETHUNE EL	EL
	1	BOOKER T WASHINGTON EL	EL
	1	C J JORGENSEN	EL

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ARIZONA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MARICOPA (CONTINUED)	1	C O GREENFIELD JHS	JHS
	1	CANON EL	EL
	1	CAPITOL EL	EL
	1	CHANDLER HEIGHTS EL	EL
	1	CORTEZ HOUSE	HS
	1	CROCKETT EL	EL
	1	DENVER EL	EL
	1	DESERT VALLEY LEARNING CENTER	K-12
	2	DESERT VIEW EL	EL
	1	DEVEREUX DAY SCHOOL	EL-HS
	1	DUNBAR EL	EL
	1	DYSART EL	EL
	1	EDISON EL	EL
	1	EISENHOWER EL	EL
	1	EL MIRAGE EL	EL
	1	EMERSON EL	EL
	2	ENCANTO-CLARENDON EL	EL
	1	FRANK EL	EL
	1	FRYE EL	EL
	2	GALVESTON EL	EL
	1	GARFIELD EL	EL
	1	GARFIELD GIRLS	HS
	1	GETZ EL	EL
	1	GILA BEND EL	EL
	2	GILLILAND INTERMEDIATE	MDL
	1	GLEN F BURTON EL	EL
	2	GRANADA-VALENCIA EL	EL
	1	HAROLD W SMITH EL	EL
	1	HARQUAHALA VALLEY EL	EL
	1	HAWKINS EL	EL
	1	HELAMAN HOUSE	EL-HS
	1	HIGLEY EL	EL
	1	ISAAC E IMES EL	EL
	1	J B SUTTON EL	EL
	1	J F KENNEDY MIDDLE	MDL
	1	JANE WAYLAND CENTER	EL-HS
	1	JEFFERSON EL	EL
	1	KENILWORTH EL	EL
	1	LATTIE COOR	4-6
	2	LAVEEN EL	EL
	2	LINCOLN EL	EL
	1	LINCOLN/HERRERA EL	EL
	1	LITTLETON EL	EL
	1	LONGFELLOW EL	EL
	1	LONGVIEW EL	EL
	1	LOS NINOS FOUND FOR GRP HMS	HS
	1	LOWELL EL	EL
MARICOPA (CONTINUED)	1	LOWELL EL	EL
	2	LUKE EL	EL
	1	M C CASH EL	EL
	1	M L KING JR EL	EL
	2	MARYLAND EL	EL
	1	MITCHELL EL	EL
	2	MONTEBELLO EL	EL
	1	MORRISTOWN EL	EL
	1	MOUNTAIN VIEW EL	EL
	1	MURPHY NO 1	EL
	1	MURPHY NO 3	EL
	1	NADABURG EL	EL
	1	NEW FOUNDATION	HS
	1	OUTREACH SERVICES	EL-HS
	1	P L JULIAN JHS	JHS
	1	PALMDALE EL	EL
	2	PALO VERDE EL	EL
	1	PHOENIX UNION HS	HS
	1	PREHAB	EL-HS
	2	QUEEN CREEK EL	EL
	1	QUEEN OF PEACE EL	EL
	1	RIO VISTA EL	EL
	1	RIVERSIDE EL	EL
	1	ROOSEVELT EL	EL
	1	ROSE LINDA EL	EL
	1	SAN PABLO RESIDENTIAL TRTMNT	HS
	1	SCALES EL	EL
	1	SIERRA VISTA EL	EL
	1	SKIFF EL	EL
	1	SOLANO-GRANDVIEW EL	EL
	2	ST AGNES EL	EL
	1	ST MARY'S	EL
	2	ST MARY'S-BASHA EL	EL
	1	ST MATTHEWS	EL
	2	STEVENSON EL	EL
	1	SULLIVAN EL	EL
	1	SUNLAND EL	EL
	1	SUNNYDALE CHILDRENS HOME	EL
	1	SUNNYSLOPE EL	EL
	1	SUNSHINE ACRES CH HOME	EL-HS
	1	SURPRISE EL	EL
	1	T G BARR EL	EL
	2	TAFT EL	EL
	1	THEW EL	EL
	1	TOLLESON JHS	JHS
	1	UNDERDOWN JHS	JHS
	1	UNION EL	EL

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ARIZONA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MARICOPA (CONTINUED)	1	UNIT I EL	EL
	1	UNIT I EL	EL
	1	UNIT II EL	EL
	1	V H LASSEN	K-6
	1	WASHINGTON EL	EL
	1	WESTERN ACADEMY	EL-HS
	1	WHITTIER EL	EL
	1	WILLIAM C JACK EL	EL
	1	WILLIAM T MACHAN EL	EL
	1	WILLIS JHS	JHS
	1	YOUTH EVALUATION TRTMNT CNTR	HS
MOHAVE			
	1	CHLORIDE EL	EL
	1	OWENS WHITNEY EL	EL
	1	PEACH SPRINGS EL	EL
NAVAJO			
	1	ALCHESAY HS	HS
	2	BONNIE BRENNAN EL	EL
	1	EAST FORK MISSION	EL-HS
	1	HOLBROOK HS	HS
	1	HOLBROOK JHS	JHS
	1	HOPI EL	EL
	1	HOPI MISSION	EL
	1	HULET EL	EL
	1	JEFFERSON EL	EL
	1	KAYENTA EL	EL
	1	KAYENTA JHS	JHS
	1	MONUMENT VALLEY HS	HS
	1	PARK EL	EL
	1	SEVEN MILE EL	EL
	1	SEVENTH DAY ADVENTIST MISSION	EL-HS
	1	SHELDON EL	EL
	1	TWIN WELLS INDIAN SCHOOL	K-9
	1	WASHINGTON/LINCOLN EL	EL
	1	WHITERIVER EL	EL
	1	WHITERIVER JHS	JHS
	1	WINSLOW HS	HS
	1	WINSLOW JHS	JHS
	1	WOODRUFF EL	EL
PIMA			
	1	ANNA LAWRENCE	K-6
	1	APOLLO JHS	JHS
	1	ARIZONA CHILDRENS HOME	EL-HS
	1	AZ CORRECTIONAL TRNNG FCLTY	HS
	1	BABOQUIVARI HS	HS
	1	BABOQUIVARI JHS	JHS
	1	BLENMAN EL	EL
PIMA (CONTINUED)	1	BREWSTER HOME	EL-HS
	1	CARRILLO EL	EL
	1	CATALINA MOUNTAIN	K-12
	1	CAVETT EL	EL
	1	CRAYCROFT EL	EL
	1	CREATIVE LEARNING SYSTEMS	EL-HS
	1	DAVIS EL	EL
	1	DESERT WILLOW RANCH	EL-HS
	1	DRACHMAN EL	EL
	1	DREXEL EL	EL
	1	E C NASH EL	EL
	2	E L WETMORE EL	EL
	1	ELIZABETH BORTON	K-3
	1	ELVIRA EL	EL
	1	HELEN KEELING EL	EL
	1	HOLLADAY EL	EL
	1	HOLLINGER EL	EL
	1	JAY MCCAFFERY	EL-HS
	1	JEFFERSON PARK EL	EL
	1	JOHN B WRIGHT EL	EL
	2	JULIA KEEN EL	EL
	1	KINO LEARNING CENTER	EL-HS
	1	L M PRINCE EL	EL
	1	LIBERTY EL	EL
	2	LOS NINOS EL	EL
	1	LOS RANCHITOS EL	EL
	1	MANZO EL	EL
	1	MAXWELL JHS	JHS
	1	MENLO PARK EL	EL
	1	MISSION MANOR EL	EL
	1	MISSION VIEW EL	EL
	1	OCHOA EL	EL
	1	PISTOR JHS	JHS
	1	PUEBLO GARDENS EL	EL
	1	PUEBLO HS	HS
	1	RICHEY EL	EL
	2	ROBERTS EL	EL
	1	ROSE EL	EL
	1	ROSKRUGE EL	EL
	1	SAFFORD EL	EL
	1	SAFFORD JHS	JHS
	1	SAN XAVIER	EL
	1	SANTA CLARA EL	EL
	1	SANTA CRUZ EL	EL
	1	SELLS EL	EL
	2	SUNNYSIDE JHS	JHS
	1	TOPAWA EL	EL

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ARIZONA

ARIZONA

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LOCATIONS	CODE *	SCHOOL NAME	
PIMA (CONTINUED)	2	TUCSON HS	HS
	1	TULLY EL	EL
	1	UTTERBACK JHS	JHS
	1	VAN BUSKIRK EL	EL
	1	VISION QUEST INC	EL-HS
	1	WAKEFIELD JHS	JHS
PINAL			
	1	APACHE JUNCTION JHS	JHS
	1	ARIZONA STATE PRISON	HS
	1	AVENUE B EL	EL
	1	CASA GRANDE JHS	JHS
	1	CHOLLA EL	EL
	1	COOLIDGE JHS	JHS
	1	CURIEL EL	EL
	1	ELOY INTERMEDIATE	INTER
	1	ELOY JHS	JHS
	1	EVERGREEN EL	EL
	1	FIRST AVENUE EL	EL
	1	FLORENCE EL	EL
	1	FLORENCE HS	HS
	1	FLORENCE MIDDLE	MDL
	1	FOUR PEAKS EL	EL
	1	GARDNER MIDDLE	MDL
	1	INTERMEDIATE SCHOOL	5-6
	1	KENILWORTH EL	EL
	1	MAMMOTH EL	EL
	1	MARICOPA EL	EL
	1	MARICOPA HS	HS
	2	MARY C O'BRIEN EL	EL
	1	NORTH EL	EL
	1	OCOTILLO EL	EL
	1	PALO VERDE EL	EL
	1	PICACHO EL	EL
	1	SACATON EL & MIDDLE	EL-MD
	1	SAN MANUEL HS	HS
	1	SANTA CRUZ VALLEY UHS	HS
	1	ST PETER'S	EL
	1	STANFIELD EL	EL
	1	SUPERSTITION MOUNTAIN EL	EL
	1	WEST EL	EL
SANTA CRUZ			
	1	A J MITCHELL	K-6
	1	ELM STREET EL	EL
	1	LINCOLN EL	EL
	1	MARY WELTY EL	EL
	1	NOGALES HS	HS
	1	OUR LADY OF LOURDES ACADEMY	JH-HS
SANTA CRUZ (CONTINUED)	1	PATAGONIA EL	EL
	1	SACRED HEART	EL
	1	SONOITA EL	EL
	1	WADE CARPENTER JHS	JHS
YAVAPAI			
	2	ASH FORK EL	EL
	2	DEXTER EL	EL
	1	QUIXOTE COMMUNITY	EL-HS
YUMA			
	1	BLAKE EL	EL
	2	C W MCGRAW EL	EL
	1	CARVER EL	EL
	2	CRANE RANCHO EL	EL
	1	CRANE VIEJO EL	EL
	1	DATELAND EL	EL
	1	EHRENBERG EL	EL
	1	FOURTH AVENUE JHS	JHS
	1	GADSDEN EL	EL
	1	LE PERA EL	EL
	1	MARY E POST EL	EL
	1	MOHAWK VALLEY EL	EL
	1	O L CARLISE EL	EL
	1	ROOSEVELT EL	EL
	1	VICKSBURG EL	EL
	1	WALLACE EL	EL
	1	WELLTON EL	EL
	1	WENDEN EL	EL

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ARKANSAS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ARKANSAS			
	3	BUERKLE	1-4
	3	DEWITT	9-12
	3	DEWITT	6-8
	3	DEWITT KINDERGARTEN	K
	3	HOLMAN	5
	3	JULIA SHANNON	K-4
	3	NORTHSIDE	1-4
	3	SOUTHSIDE	K-3
	1	ST CHARLES	K-12
	3	STUTTGART	6-7
	3	STUTTGART	8-9
	3	WESTSIDE	4-5
ASHLEY			
	1	FOUNTAIN HILL	K-12
	3	HAMBURG	K-5
	3	HAMBURG	9-12
	3	HAMBURG	6-8
	1	PARKDALE	K-12
	1	PORTLAND	K-12
	1	WILMOT	K-12
BAXTER			
	1	BIG FLAT	1-12
	3	COTTER	K-12
	3	KINDERGARTEN	K
	3	NORFORK	K-12
BENTON			
	3	NORTHSIDE	K-6
BOONE			
	3	BERGMAN	K-12
	3	EAGLE HEIGHTS	K-6
	1	LEAD HILL	K-12
	3	OMAHA	K-12
	3	WOODLAND HEIGHTS K-6	K-6
BRADLEY			
	1	BANKS	K-12
	3	EAST SIDE	K-3
	1	HERMITAGE	K-12
	3	WARREN	7-8
	3	WEST SIDE	4-6
CALHOUN			
	1	HAMPTON	K-12
	1	THORNTON	K-12
CARROLL			
	2	BERRYVILLE	K-12
CHICOT			
	1	CENTRAL	4-6
	1	CENTRAL	7-9
CHICOT (CONTINUED)	1	DERMOTT	K-6
	1	DERMOTT	7-12
	1	EUDORA	K-2
	1	EUDORA	3-6
	1	EUDORA	10-12
	1	JOHNS	7-9
	1	LAKESIDE	K
	1	LAKESIDE	10-12
	1	REEVES	K-9
CLARK			
	1	OKOLONA	K-12
CLAY			
	1	CENTRAL	K-4
	3	CENTRAL	5-6
	1	GREENWAY	K-12
	1	KNOBEL	K-12
	3	PARK	K-2
	3	PIGGOTT	3-12
	1	PIGGOTT	5-8
	3	RECTOR	K-12
CLEBURNE			
	3	CONCORD	K-12
	3	WEST SIDE	K-12
	1	WILBURN	K-12
CLEVELAND			
	3	KINGSLAND	K-12
	3	NEW EDINBURG	K-12
	1	RISON	K-12
COLUMBIA			
	3	CENTRAL	5-6
	1	EAST	1-4
	1	EMERSON	K-12
	3	MAGNOLIA	7-9
	3	MAGNOLIA	10-12
	1	MCNEIL	K-12
	3	TAYLOR	K-12
	1	VILLAGE	K-12
	1	WALDO	K-12
	1	WALKER	K-12
	3	WEST	K
CONWAY			
	3	MORRILTON	10-12
	3	NEMO VISTA	K-12
	3	NORTH	1-4
	3	PLUMERVILLE	7-9
	3	REYNOLDS	1-4
CRAIGHEAD			

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ARKANSAS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

ARKANSAS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CRAIGHEAD			
(CONTINUED)	1	BAY	K-12
	3	CARAWAY	K-12
	3	CASH	K-6
	3	DOUGLAS MCARTHUR	6-8
	3	EAST	K-5
	3	EGYPT	K-6
	3	LAKE CITY	K-12
	3	MONETTE	K-12
	3	NORTH	K-5
CRAWFORD			
	3	ALMA	K-4
	3	CEDARVILLE	K-12
	3	KIBLER	K-5
	1	MOUNTAINBURG	K-12
	3	OAK GROVE	K-5
	1	SOPHIA MEYER	K-5
	3	VAN BUREN	6-7
CRITTENDEN			
	3	AVONDALE	1-2
	3	BRAGG	K-6
	1	CRAWFOROSVILLE	K-12
	1	EARLE	K-6
	1	EARLE	7-9
	1	EARLE	10-12
	3	EAST	7-9
	3	FAULK	K-6
	3	J S PHELIX	K-6
	1	JACKSON	K-6
	3	MADDUX	K-6
	1	TURRELL	K-12
	1	WEDLOCK	K-6
	3	WEST	7-9
	1	WEST MEMPHIS	10-12
	1	WONDER	K-6
	1	WONDER	7-9
CROSS			
	3	CROSS COUNTY	7-12
	3	HICKORY RIDGE	K-6
	1	PARKIN	5-7
	1	PARKIN	8-12
	1	STELLA CAMPBELL	K-4
	3	VANNDALE	K-6
	3	WYNNE	3-5
	3	WYNNE	K-2
	1	WYNNE	6-8
	1	WYNNE	9-12
DALLAS			
(CONTINUED)	1	CARTHAGE	K-12
	3	FORDYCE	6-8
	3	FORDYCE	K-3
	3	FORDYCE	9-12
	3	SPARKMAN	K-12
DESHA			
	1	ARKANSAS CITY	K-5
	1	ARKANSAS CITY	7-12
	1	CENTRAL	K-2
	1	DELTA	K-5
	1	DELTA	7-12
	1	DESHA-DREW	7-12
	1	DUMAS	7-8
	3	DUMAS	9-12
	3	MCGEHEE	7-8
	3	MCGEHEE	9-12
	1	MCGEHEE	K-5
	1	PREWITT	K-6
	1	REED	3-6
DREW			
	3	CITY PARK	4-6
	3	DREW CENTRAL	7-12
	3	DREW CENTRAL	K-6
	3	KINDERGARTEN	K
	3	MONTICELLO	10-12
	1	MONTICELLO	7-9
	3	W C WHALEY	1-3
	1	WILMAR	K-12
FAULKNER			
	1	ENOLA	K-12
	1	GUY-PERKINS	K-12
	3	MAYFLOWER	K-12
	1	MT VERNON	K-12
	3	SALLIE CONE	K-5
FRANKLIN			
	3	ALTUS-DENNING	K-6
	3	ALTUS-DENNING	7-12
	3	PLEASANT VIEW	K-12
FULTON			
	3	MAMMOTH SPRING	K-12
	3	SALEM	K-6
	3	SALEM	7-12
	3	VIOLA	K-12
GARLAND			
	3	CENTRAL	7-9
	3	CUTTER-MORNING STAR	K-12
	3	GARDNER	K-6

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GARLAND (CONTINUED)	3	GOLDSTEIN	K-6
	3	GREENWOOD	K-5
	2	LAKE HAMILTON	K-6
	1	LANGSTON	K-6
	1	MOUNTAIN PINE	K-12
	1	PARK	K-6
	3	SOUTHWEST	7-9
GREENE			
	3	DELAPLAINE	K-12
	3	EAST	K-6
	1	ELMWOOD	1-5
	3	LAFE	K-6
	3	LAFE	7-12
	3	MARMADUKE	K-12
	1	OAK GROVE	K-12
	1	OAKWOOD	K-5
	3	PARAGOULD	6-8
	3	STANFORD	K-12
HEMPSTEAD			
	3	BERYL HENRY	1-5
	3	BLEVINS	K-12
	3	EDITH BROWN	1-5
	3	GARLAND	1-5
	1	LINCOLN	K-12
	3	PAISLEY	K-3
	3	RUTHERFORD	6
	1	SARATOGA	K-12
	1	SPRING HILL	K-12
	3	YERGER	6-8
HOT SPRING			
	3	FIELDS	1-6
	3	KINDERGARTEN	K
	3	L C SMITH	1-6
	3	MALVERN	7-9
	3	PRATT	1-6
HOWARD			
	3	MINERAL SPRINGS	K-12
	3	NASHVILLE	10-12
INDEPENDENCE			
	3	CUSHMAN	K-12
	3	OIL TROUGH	K-12
	3	PLEASANT PLAINS	K-12
IZARD			
	3	CALICO ROCK	K-12
	1	MT PLEASANT	K-12
	1	OXFORD	K-12
	3	VIOLET HILL	K-12
JACKSON			
	3	ALBRIGHT	K-6
	3	BEEDEVILLE	K-12
	1	CASTELBERRY	K-5
	3	GRUBBS	K-12
	3	NEWPORT	7-8
	3	SWIFTON	K-12
JEFFERSON			
	1	ALTHEIMER	6-8
	1	ALTHEIMER	K-5
	1	ALTHEIMER	9-12
	1	BELAIR	8-9
	3	BROADMOOR	K-4
	1	CARVER	K-4
	1	COLEMAN	4-6
	1	CUMMINS	1-8
	3	DIAL	8-9
	3	DOLLARWAY	10-12
	3	DOLLARWAY	7-9
	1	DOLLARWAY	1-2
	1	EDGEWOOD	K-3
	1	FIRST WARD	K-6
	3	FORREST PARK	K-4
	3	GABE MEYER	K-4
	1	GREENVILLE	K-5
	3	HUMPHREY	K-12
	3	INDIANNA STREET	K-6
	1	KNOX-NELSON	9-11
	3	L L OWEN	K-3
	3	LAKESIDE	K-4
	1	LINWOOD	K-5
	3	OAK PARK	5-6
	2	PINE BLUFF	10-12
	1	PINECREST	3-4
	1	PLUM BAYOU	K-12
	1	SAM TAYLOR	K-4
	1	SAMUEL VASTER	7-12
	3	SOUTHEAST	7
	3	THIRTY-FOURTH AVENUE	5-6
	3	TOWNSEND PARK	K-6
	1	TUCKER	1-8
	1	WABBASEKA	7-12
	1	WABBASEKA	K-6
	1	WATSON CHAPEL	7-12
	1	WOMEN'S REFORMATORY	1-8
JOHNSON			
	3	CLARKSVILLE	5-8
	3	CLARKSVILLE	2-4

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LOCATIONS	CODE *	SCHOOL NAME	
JOHNSON (CONTINUED)	3	COAL HILL	K-12
	1	HARTMAN	K-12
	3	KNOXVILLE	K-8
	3	LAMAR	K-6
	3	MICHIE	K-1
	1	OARK	K-12
LAFAYETTE			
	1	BRADLEY	K-12
	1	LEWISVILLE	5-8
	3	LEWISVILLE	K-4
	3	LEWISVILLE	9-12
	3	STAMPS	7-12
	1	STAMPS	K-6
LAWRENCE			
	1	BLACK ROCK	K-12
	3	CLOVER BEND	K-12
	1	HOXIE	K-12
	3	LYNN	K-12
	1	SLOAN-HENDRIX	K-12
	3	STRAWBERRY	K-12
	3	WALNUT RIDGE	K-4
LEE			
	1	ANNA STRONG	6-8
	1	ANNA STRONG	3-5
	1	AUBREY	K-6
	1	FUTRALL	9
	1	LEE	10-12
	1	MORO	K-6
	1	NUNNALLY	1-3
	1	WHITTEN	K-3
LINCOLN			
	3	GLENDALE	K-12
	1	GOULD	K-12
	1	GRADY	K-12
	3	STAR CITY	K-5
	3	STAR CITY	9-12
	3	STAR CITY	6-8
LITTLE RIVER			
	3	BROWN	K
	1	FOREMAN	9-12
	1	FOREMAN	K-5
	1	FOREMAN	6-8
LOGAN			
	1	A R HEDERICK	K-6
	3	BOONEVILLE	10-12
	3	BOONEVILLE	7-9
	3	MAGAZINE	K-12
LOGAN (CONTINUED)	3	PARIS	1-6
	3	PARIS	7-12
	3	PRAIRIE VIEW	K-6
	3	SCRANTON MIDDLE	5-8
	3	ST BENEDICT'S	K-6
LONOKE			
	1	ENGLAND	K-7
	1	ENGLAND	8-12
	1	HUMNOKE	K-12
	3	LONOKE	4-6
	3	LONOKE	K-3
	3	LONOKE	7-9
MADISON			
	1	BILL D WATSON	K-6
	3	HUNTSVILLE	4-9
	1	KINGSTON	K-12
	1	ST PAUL	K-12
MARION			
	1	BRUNO-PYATT	K-6
	1	BRUNO-PYATT	7-12
	3	FLIPPIN	K-12
	1	YELLVILLE-SUMMIT	K-12
MILLER			
	1	ARKANSAS HIGH	10-12
	3	CARVER	K
	3	COLLEGE HILL	1-4
	1	COLLEGE HILL	7-9
	3	FAIRVIEW	1-4
	1	GARLAND	K-12
	3	UNION	1-4
	1	WASHINGTON	5-6
MISSISSIPPI			
	1	ARMOREL	K-12
	2	BLYTHEVILLE	10-12
	1	BLYTHEVILLE UNIT	1-12
	1	BURDETTE	K-6
	1	CENTRAL	K-6
	3	DELL	K-12
	1	DYESS	K-6
	1	EAST	7-9
	1	EAST	K-6
	3	FAIRVIEW	4-6
	1	FRANKLIN	1-3
	1	GOSNELL	K-6
	1	HARRISON	K
	3	KEISER	K-6
	3	LEACHVILLE	K-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MISSISSIPPI (CONTINUED)	1	LUXORA	K-12
	1	MANILA	6-8
	3	MANILA	K-5
	1	MISSCO	K-6
	1	MISSISSIPPI COUNTY	7-12
	3	NORTH	K-3
	3	OSCEOLA	6-7
	3	OSCEOLA	10-12
	1	OSCEOLA	8-9
	3	RIVERCREST	10-12
	3	RIVERCREST NORTH	7-9
	1	RIVERCREST SOUTH	7-9
	1	ROBINSON	1-3
	1	SHAWNEE	K-6
	1	WEST	7-9
	1	WEST	1-5
	1	WILSON	K-6
MONROE	1	BRINKLEY	5-8
	3	BRINKLEY	9-12
	1	C B PARTEE	K-4
	1	CLARENDON	K-4
	3	CLARENDON	5-8
	3	CLARENDON	9-12
	1	HOLLY GROVE	K-5
	1	HOLLY GROVE	6-8
	1	HOLLY GROVE	9-12
MONTGOMERY	3	CADDO HILLS	7-12
	3	CADDO HILLS	K-6
	3	NORMAN	K-3
	3	ODEN	K-12
NEVADA	1	CALE	K-12
	3	EMMET	K-12
	1	OAK GROVE	K-12
	1	PRESCOTT	5-8
	3	PRESCOTT	K-4
	3	PRESCOTT	9-12
NEWTON	1	DEER	K-12
	1	JASPER	K-12
	1	MOUNT JUDEA	K-12
	1	WESTERN GROVE	K-12
OUACHITA	3	BEARDEN	K-12
	3	CAMDEN	9-12
OUACHITA (CONTINUED)	1	CAMDEN	5-8
	3	CARVER	K-?
	1	CHIDESTER	K-12
	1	FAIRVIEW	K-6
	3	FAIRVIEW	7-12
	1	FRED WHITESIDE	1-5
	1	STEPHENS	K-12
PERRY	3	CASA	K-6
	3	CASA	7-12
	3	EAST END	K-12
	1	PERRY	1-6
	2	PERRYVILLE	K-12
PHILLIPS	1	BARTON	K-?
	1	BARTON	6-6
	1	BARTON	7-12
	1	BEECH CREST	1-?
	1	C V WHITE	7-12
	1	CENTRAL	11-12
	1	CENTRAL	9-10
	1	ELAINE	11-12
	1	ELAINE	7-9
	1	ELIZA MILLER	7-8
	1	HELENA CROSSING	1-6
	1	J F WAHL	3-6
	1	JEFFERSON	K
	1	LAKE VIEW	K-6
	1	LUCILIA WOOD	K-6
	1	MARVELL	5-8
	1	MARVELL	9-12
	1	MARVELL	K-6
	1	NORTH END	1-?
	1	WEST SIDE	3-4
	1	WOODRUFF	5-5
PIKE	3	MURFREESBORO	K-12
POINSETT	3	COMMON	K-12
	3	HARRISBURG	5-8
	3	HARRISBURG	K-6
	1	LEPANTO	K-12
	1	MARKED TREE	K-12
	1	TRUMANN	K-6
POLK	3	ACORN	K-12
	3	HATFIELD	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
POLK (CONTINUED)	3	LOUISE DURHAM	K-3
	3	MENA	6-8
	3	STILWELL	4-5
	3	VAN COVE	7-12
	1	VAN COVE	K-6
	3	WICKES	K-12
POPE			
	1	ATKINS	K-12
	1	DOVER	K-12
	3	HECTOR	K-12
	3	LONDON	K-5
PRAIRIE			
	3	DES ARC	7-12
	1	DES ARC	K-6
	3	DEVALLS BLUFF	K-12
	3	HAZEN	K-12
PULASKI			
	1	ARGENTA	K-6
	3	BADGETT	K-6
	3	BALE	K-3
	3	BASELINE	K-6
	1	BOOKER	7-9
	1	BOONE PARK	K-6
	1	BRADY	K-3
	1	CARVER	K-6
	2	CENTRAL	10-12
	3	CLOVERDALE	7-9
	1	COLLEGE STATION	K
	1	COOK	K
	3	DUNBAR	7-9
	1	FAIR PARK	K-3
	3	FOREST HEIGHTS	7-9
	3	FOREST PARK	K-3
	3	FRANKLIN	K-6
	3	FULBRIGHT	K-3
	3	FULLER	7-9
	3	FULLER	1-6
	3	GARLAND	K-6
	3	GIBBS	K-6
	1	GILLAM	K-3
	3	GLENVIEW	K-6
	3	HOMER ADKINS	K-6
	3	HORACE MANN	7-9
	3	ISH	K-6
	1	JACKSONVILLE	K-6
	3	JACKSONVILLE NORTH	7-9
	1	JEFFERSON	K-3
PULASKI (CONTINUED)	3	LEVY	K-6
	3	LITTLE ROCK AIR FORCE BASE	K-3
	3	LYNCH DRIVE	K-6
	3	MARTIN LUTHER KING	K-6
	1	MCDERMOTT	K-3
	1	MCRAE	K-5
	3	MEADOW PARK	K-5
	1	MEADOWCLIFF	K-3
	3	MITCHELL	K-6
	1	OAK GROVE	K-5
	3	OAKHURST	K-5
	3	PINE STREET	K-5
	1	POPLAR	8-9
	1	PULASKI HEIGHTS	7-9
	3	REDWOOD	K-5
	3	RIGHTSELL	K-5
	1	ROCKEFELLER	K-5
	3	ROMINE	K-3
	3	ROSE CITY	K-5
	1	SCOTT	K-5
	3	SEVENTH STREET	K-5
	3	SOUTHWEST	7-9
	3	STEPHENS	K-5
	3	TERRY	K-3
	3	WASHINGTON	K-5
	1	WESTERN HILLS	K-3
	1	WILLIAMS	K-3
	3	WILSON	K-3
	1	WOODRUFF	K-3
RANDOLPH			
	3	ALMA SPIKES	K-6
	3	RIGGERS-REYNO	K-12
	1	MAYNARD	K-12
	1	OAK RIDGE CENTRAL	K-12
	3	POCAHONTAS	5-8
SALINE			
	1	ALEXANDER	7-12
	3	RINGGOLD	K-6
SCOTT			
	3	WALDRON	7-9
	3	WALDRON	10-12
	1	WALDRON	K-6
SEARCY			
	1	LESLIE	K-12
	1	MARSHALL	K-12
	1	ST JOE	K-12
	1	WITTS SPRINGS	1-12

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LOCATIONS	CODE *	SCHOOL NAME	
SEBASTIAN			
	3	ALBERT PIKE	K-6
	1	BELLE POINT	1-6
	3	DARBY	7-9
	1	DUVAL	1-6
	3	HARTFORD	K-12
	1	HOWARD	K-6
	3	KIMMONS	7-9
	2	NORTHSIDE	10-12
	1	PARKER	K-6
	3	SPRADLING	K-6
	3	SUTTON	1-6
	1	TRUSTY	K-6
SEVIER			
	3	GILLHAM	K-6
	3	GRANNIS	7-12
SHARP			
	1	CAVE CITY	K-12
	1	EVENING SHADE	K-12
	1	HIGHLAND	7-12
	3	HIGHLAND	K-6
	1	POUGHKEEPSIE	1-12
	1	WILLIFORD	K-12
ST FRANCIS			
	3	CALDWELL	K-5
	1	CENTRAL PRIMARY	K-5
	1	DEROSSITT	K-5
	1	EVANS	K-5
	1	FORREST CITY	9-12
	1	FORREST CITY	7-8
	3	FORREST HILLS	K-5
	1	HUGHES	K-6
	1	HUGHES	7-12
	1	LINCOLN	6
	1	MADISON-BUTLER	K-5
	1	PALESTINE	K-12
	1	STEWART	3-5
	1	STEWART	K-2
	1	WHEATLEY	K-12
STONE			
	1	FIFTY-SIX	K-12
	1	MOUNTAIN VIEW	K-12
	1	RURAL SPECIAL	K-12
	1	TIMBO	K-12
UNION			
	3	BARTON	7-9
	1	BOZEMAN	1-6
	2	EL DORADO	10-12
UNION (CONTINUED)	1	FAIRVIEW	K
	3	HUGH GOODWIN	1-6
	3	HUTTIG	K-12
	1	JUNCTION CITY	K-12
	1	MORNING STAR	K
	3	MOUNT HOLLY	K-12
	3	MURMIL HEIGHTS	1-5
	3	NORTHWEST	1-5
	3	RETTA BROWN	1-5
	1	ROGERS	7-9
	3	SMACKOVER	K-5
	3	SMACKOVER	6-8
	1	SOUTHSIDE	1-6
	1	STRONG	7-12
	1	STRONG	K-6
	3	WATSON	6
	3	WEST WOODS	1-5
	3	YOCUM	1-5
VAN BUREN			
	3	ALREAD	1-12
	3	CLINTON	6-8
	3	CLINTON	K-5
	1	SCOTLAND	1-12
	1	SHIRLEY	K-12
	1	SOUTHSIDE	K-12
WASHINGTON			
	3	FARMINGTON	K-12
	3	GREENLAND	K-12
	3	JEFFERSON	K-6
	1	JONES	1-5
	1	LINCOLN	K-12
	3	T L BATES	K-5
	1	WINSLOW	K-12
WHITE			
	1	BALD KNOB	K-5
	3	BEEBE	7-9
	3	CENTRAL	K-12
	3	GRIFFITHVILLE	K-12
	3	JUDSONIA	K-12
	1	KENSETT	K-12
	3	PANGBURN	K-12
	1	WEST POINT	K-5
WOODRUFF			
	1	AUGUSTA	9-12
	1	AUGUSTA	K-4
	1	AUGUSTA	5-8
	1	COTTON PLANT	K-5

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ARKANSAS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

ARKANSAS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	GRADES
WOODRUFF (CONTINUED)	1	COTTON PLANT	7-12
	3	MCCRORY	K-6
YELL			
	1	BELLEVILLE	K-12
	3	FOURCHE VALLEY	K-12
	3	HAVANA	K-12
	3	OLA	K-12
	3	PLAINVIEW-ROVER	K-12

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CALIFORNIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
ABC UNIFIED			
	1	BLOOMFIELD ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	FURGESON ELEMENTARY YR	K-06
	1	HAWAIIAN ELEMENTARY	K-06
	2	KILLINGSWORTH JUNIOR HIGH	08-09
	1	VALLEY CHRISTIAN HIGH	9-12
ADELANTO ELEMENTARY			
	1	ADELANTO ELEMENTARY	K-08
ALAMEDA CITY UNIFIED			
	3	CHILD DEVELOPMENTS CTRS	UG-UG
	1	HAIGHT ELEMENTARY	K-08
	1	ST BARNABA EL	1-8
	1	ST JOSEPH EL	1-8
	1	WASHINGTON ELEMENTARY	K-05
ALHAMBRA CITY ELEMENTARY			
	1	ALL SOULS EL	1-8
	1	EMERY PARK ELEMENTARY	K-08
	1	GARFIELD ELEMENTARY	K-08
	1	GRANADA ELEMENTARY	K-08
	1	NORTHROP (WILLIAM) ELEMENTARY	K-08
	1	PARK ELEMENTARY	K-08
	1	RAMONA ELEM	K-08
	1	ST STEPHEN	1-8
	1	YNEZ ELEMENTARY	K-08
ALHAMBRA CITY HIGH			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	MARK KEPPEL HIGH	09-12
ALISAL UNION ELEMENTARY			
	1	ALISAL ELEMENTARY	K-06
	2	BARDIN ELEMENTARY	K-06
	2	FREMONT ELEMENTARY	K-06
	1	SANBORN ELEMENTARY	K-06
ALLENSWORTH ELEMENTARY			
	1	ALLENSWORTH ELEMENTARY	K-08
ALPAUGH UNIFIED			
	1	ALPAUGH ELEMENTARY	K-08
	2	ALPAUGH JUNIOR-SENIOR HI	09-12
ALPINE COUNTY UNIFIED			
	2	DIAMOND VALLEY ELEMENTARY	K-08
ALTA VISTA ELEMENTARY			
(CONTINUED)	1	ALTA VISTA ELEMENTARY	K-08
ALUM ROCK UNION ELEMENTA			
	1	ARBUCKLE (CLYDE) ELEMENTARY	K-05
	1	CASSELL (SYLVIA) ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	CUPETON (HORACE) ELEMENTARY	K-05
	1	DORSA (A. J.) ELEMENTARY	PK-06
	1	FISCHER (CLYDE L.) MIDDLE	06-08
	1	GOSS (MILDRED) ELEMENTARY	PK-06
	1	HUBBARD (O. S.) ELEMENTARY	K-05
	1	LYNDALE ELEMENTARY	PK-05
	1	MATHSON (LEE) MIDDLE	06-08
	1	MAYFAIR ELEMENTARY	K-05
	1	MCCOLLAM (MILLARD) ELEMENTARY	K-05
	1	MEYER (DONALD J.) ELEMENTARY	K-05
	1	MILLER (GRANDIN) ELEMENTARY	K-05
	1	MOST HOLY TRINITY	1-8
	1	OCALA INTERMEDIATE	06-08
	2	PAINTER (BEN) ELEMENTARY	PK-05
	1	PALA MIDDLE	06-08
	1	ROGERS (WILLIAM W.) ELEMENTARY	K-05
	1	RYAN (THOMAS P.) ELEMENTARY	PK-05
	1	SAN ANTONIO ELEMENTARY	PK-06
	1	SHEPPARD (WILLIAM L.) MIDDLE	06-08
	1	SHIELDS (LESTER W) ELEMENTARY	K-06
	1	SLONAKER (HARRY) ELEMENTARY	K-05
ALVIEW UNION ELEMENTARY			
	1	ALVIEW ELEMENTARY	K-03
ALVORD UNIFIED			
	2	ALVORD CONTINUATION HIGH	UG-UG
	1	ARLANZA ELEMENTARY	PK-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLLETT ELEMENTARY	K-05
	1	FOOTHILL ELEMENTARY	K-05
	1	LA GRANADA ELEMENTARY	K-05
	2	LOMA VISTA INTERMEDIATE	06-08
	1	MYRA LINN ELEMENTARY	K-05
	2	NORTE VISTA HIGH	09-12
	1	QUEEN OF ANGEL EL	K-8
	2	TERRACE ELEMENTARY	K-05
	1	TWINHILL ELEMENTARY	K-05
	1	WELLS INTERMEDIATE	06-08
ANAHEIM ELEMENTARY			
	2	FRANKLIN ELEMENTARY	K-05
	2	HENRY ELEMENTARY	K-05
	2	MANN ELEMENTARY	K-05
	2	PALM LANE ELEMENTARY	K-05

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LOCATIONS	CODE *	SCHOOL NAME	
ANAHEIM ELEMENTARY (CONTINUED)	2	PRICE ELEMENTARY	K-06
	2	REVERE ELEMENTARY	K-06
	1	ST BONIFACE EL	1-8
ANAHEIM UNION HIGH	2	BROOKHURST JUNIOR HIGH	07-08
	2	DALE JUNIOR HIGH	07-08
ANALY UNION HIGH	1	LAGUNA HIGH	09-12
ANDERSON UNION HIGH	1	NORTH VALLEY HIGH	09-12
ANDERSON VALLEY UNIFIED	1	ANDERSON VALLEY ELEMENTARY	K-06
ANTELOPE VALLEY UNION HI	2	PALMDALE HIGH	09-12
ANTIOCH UNIFIED	2	ANTIOCH JUNIOR HIGH	07-09
	2	BIDWELL ELEMENTARY	K-06
	1	FREMONT ELEMENTARY	K-05
	1	HOLY ROSARY EL	1-8
	2	KIMBALL ELEMENTARY	K-06
	1	LIVE OAK HIGH	09-12
	1	MARSH ELEMENTARY	K-06
	2	TURNER ELEMENTARY	K-06
APPLE VALLEY ELEMENTARY	1	MARIANA ELEMENTARY	K-06
	2	RANCHO VERDE ELEMENTARY	K-06
ARCATA ELEMENTARY	1	BLOOMFIELD ELEMENTARY	PK-05
	1	SUNNY BRAE MIDDLE	06-08
	1	SUNSET ELEMENTARY	PK-05
ARCATA UNION HIGH	2	ARCATA CONT HIGH	09-12
	2	MCKINLEYVILLE CONT HIGH	09-12
ARENA UNION ELEMENTARY	1	ARENA ELEMENTARY	K-08
ARMONA UNION ELEMENTARY	1	ARMONA ELEMENTARY	K-04
	2	PARKVIEW ELEMENTARY	05-08
ATASCADERO UNIFIED	2	SANTA ROSA ROAD ELEMENTARY	K-06
ATWATER ELEMENTARY	1	AILEEN COLBURN ELEMENTARY	K-06
	1	MITCHELL ELEMENTARY	K-06
	1	MITCHELL INTERMEDIATE	07-08
	1	SHAFFER ELEMENTARY	K-05
	2	THOMAS OLAETA ELEMENTARY	K-06
AUBURN UNION ELEMENTARY	2	ALTA VISTA ELEMENTARY	K-05
(CONTINUED)	2	E V CAIN ELEMENTARY	07-08
	2	LINCOLN WAY ELEMENTARY	K-05
	2	ROCK CREEK ELEMENTARY	K-05
AZUSA UNIFIED	3	CHILD DEVELOPMENT CTRS	US-US
	1	DALTON (HENRY) ELEMENTARY	K-05
	2	GLADSTONE HIGH	09-12
	1	LEE (CHARLES H) ELEMENTARY	K-06
	1	MOUNTAIN VIEW ELEMENTARY	K-06
	1	MURRAY (CLIFFORD D) ELEMENTARY	K-05
	1	SLAUSON INTERMEDIATE	07-08
	1	ST FRANCES OF ROME EL	1-8
BAKER UNIFIED	2	BAKER ELEMENTARY	K-08
BAKERSFIELD CITY ELEMENT	1	CASA LOMA ELEMENTARY	PK-06
	1	COLLEGE HEIGHTS ELEMENTARY	K-05
	1	COMPTON (JOHN) ELEMENTARY	07-08
	1	CURRAN (JAMES) ELEMENTARY	07-08
	1	EMERSON ELEMENTARY	07-08
	1	FRANKLIN ELEMENTARY	K-05
	1	FREMONT ELEMENTARY	PK-06
	1	GUADALUPE EL	1-8
	1	HORACE MANN ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-05
	1	LONGFELLOW ELEMENTARY	K-05
	1	MCKINLEY ELEMENTARY	K-06
	1	MOUNT VERNON ELEMENTARY	PK-06
	1	MUNSEY ELEMENTARY	K-05
	1	NOBLE (MYRA A) ELEMENTARY	K-06
	1	OWENS (BESSIE E) ELEMENTARY	PK-06
	1	PAULY (LEO G) ELEMENTARY	K-05
	1	PIONEER DRIVE ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-05
	1	SIERRA ELEMENTARY	07-08
	1	WASHINGTON ELEMENTARY	07-08
	1	WAYSIDE ELEMENTARY	K-06
	1	WILLIAM PENN ELEMENTARY	K-05
	1	WILLIAMS ELEMENTARY	K-06
BALDWIN PARK UNIFIED	1	BALDWIN PARK HIGH	09-12
	1	BURSCH ELEMENTARY	PK-05
	1	CENTRAL ELEMENTARY	PK-06
	1	CHARLES D JONES JUNIOR HIGH	07-08
	3	CHILD DEVELOPMENT CTRS	US-US
	1	DEANZA ELEMENTARY	PK-06

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CALIFORNIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BALDWIN PARK UNIFIED (CONTINUED)	1	ELWIN ELEMENTARY	PK-06
	1	FOSTER ELEMENTARY	PK-06
	1	GEODES ELEMENTARY	PK-06
	1	KENMORE ELEMENTARY	PK-06
	1	LANDIS JUNIOR HIGH	06-08
	1	MARGARET HEATH ELEMENTARY	PK-06
	1	OLIVE JUNIOR HIGH	06-08
	1	PLEASANT VIEW ELEMENTARY	PK-06
	2	SIERRA VISTA HIGH	09-12
	1	SIERRA VISTA JUNIOR HIGH	07-08
	2	ST JOHN THE BAPTIST	1-8
	1	TRACY ELEMENTARY	PK-06
	1	VINELAND ELEMENTARY	PK-06
	1	WALNUT ELEMENTARY	PK-06
BANGOR UNION ELEMENTARY	1	BANGOR ELEMENTARY	K-08
BANNING UNIFIED	2	BANNING HIGH	09-12
	1	CENTRAL ELEMENTARY	01-03
	1	COOMBS (SUSAN B) INTERMEDIATE	06-08
	1	HEMMERLING ELEMENTARY	PK-05
	1	HOFFER ELEMENTARY	K-04
	1	PRECIOUS BLOOD EL	1-8
	1	RAMSEY HIGH	09-12
BARSTOW UNIFIED	1	CRESTLINE ELEMENTARY	K-06
	1	HENDERSON ELEMENTARY	K-06
	1	HINKLEY ELEMENTARY	K-08
	1	LENWOOD ELEMENTARY	K-06
	1	MT ST JOSEPHS EL	K-8
	1	THOMSON ELEMENTARY	K-06
BASSETT UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	DON JULIAN ELEMENTARY	K-05
	1	EDGEWOOD MIDDLE	06-08
	1	ERWIN (THOMAS E) ELEMENTARY	K-05
	2	NUEVA VISTA CONTINUATION HIGH	09-12
	1	ST LOUIS OF FRANCE EL	1-8
	1	SUNKIST ELEMENTARY	K-05
	1	TORCH MIDDLE	06-08
BAYSHORE ELEMENTARY	1	BAYSHORE ELEMENTARY	K-04
	1	GARNET ROBERTSON INTERMEDIATE	05-08
BEAR VALLEY UNIFIED	2	CHAUTAUQUA HIGH	09-12
	2	NORTH SHORE ELEMENTARY YR	K-05
BEARDSLEY ELEMENTARY (CONTINUED)	1	BEARDSLEY ELEMENTARY	K-08
BEAUMONT UNIFIED	2	MOUNTAIN VIEW JUNIOR HIGH	07-08
	1	PALM ELEMENTARY	02-03
	2	SAN ANDREAS HIGH	09-12
	1	SUMMIT ELEMENTARY	04-06
	1	WELLWOOD ELEMENTARY	K-01
BELLEVUE UNION ELEMENTAR	1	BELLEVUE ELEMENTARY	K-06
	1	KAWANA ELEMENTARY	K-05
BELLFLOWER UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	JEFFERSON (THOMAS) ELEMENTARY	K-06
	2	PYLE (ERNIE) ELEMENTARY	K-06
	2	RAMONA ELEMENTARY	K-06
	1	ST BENARD EL	1-8
	1	WASHINGTON ELEMENTARY	K-06
BENICIA UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	ST DOMINIC'S	1-8
BERKELEY UNIFIED	1	BERKELEY ALTERNATIVE ELEM	PK-09
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLUMBUS INTERMEDIATE	04-06
	1	CRAGMONT PRIMARY	K-03
	2	EAST CAMPUS BERKELEY HIGH	09-12
	1	EMERSON PRIMARY	K-03
	1	FRANKLIN INTERMEDIATE	04-06
	1	GRIZZLY PEAK PRIMARY	K-03
	1	HILLSIDE PRIMARY	K-03
	1	JEFFERSON PRIMARY	PK-03
	2	JOHN MUIR PRIMARY	K-03
	2	KING JUNIOR HIGH	07-08
	1	LE CONTE PRIMARY	PK-03
	1	LONGFELLOW INTERMEDIATE	04-06
	1	MALCOLM X INTERMEDIATE	04-05
	1	OXFORD PRIMARY	K-03
	1	SCHOOL OF THE MADALEINE	1-8
	1	ST JOSEPH EL	1-8
	1	THOUSAND OAKS PRIMARY	K-03
	1	WASHINGTON PRIMARY	PK-03
	2	WEST CAMPUS BERKELEY HIGH	09-09
	1	WHITTIER PRIMARY	PK-03
BERRYESSA UNION ELEMENTA	3	CHILD DEVELOPMENT CTRS.	UG-UG
BIG SPRINGS UNION ELEMEN	1	BIG SPRINGS ELEMENTARY	K-08

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LOCATIONS	CODE *	SCHOOL NAME	
BIGGS UNIFIED			
	1	BIGGS ELEMENTARY	K-06
BIOLA PERSHING UNION ELE			
	1	BIOLA-PERSHING ELEMENTARY	K-08
BLACK BUTTE UNION ELEMEN			
	2	BLACK BUTTE ELEMENTARY	K-08
BOGUS ELEMENTARY			
	1	BOGUS ELEMENTARY	K-06
BOLINAS STINSON UNION EL			
	1	BOLINAS ELEMENTARY	K-08
BONITA UNIFIED			
	1	FRED EKSTRAND ELEMENTARY	K-05
BORREGO SPRINGS UNIFIED			
	1	BORREGO SPRINGS ELEMENTARY	K-06
BRAWLEY ELEMENTARY			
	1	BARBARA WORTH ELEMENTARY	07-08
	1	HIDALGO/WITTER ELEMENTARY	PK-03
	1	OAKLEY/SWING ELEMENTARY	PK-03
	2	PHIL SWING ELEMENTARY	K-06
	1	SACRED HEART	K-8
BREA OLINDA UNIFIED			
	2	ST PIUS V EL	1-8
BRENTWOOD UNION ELEMENTA			
	1	BRENTWOOD ELEMENTARY	K-02
	1	EDNA HILL ELEMENTARY	06-08
BRIDGEVILLE ELEMENTARY			
	1	BRIDGEVILLE ELEMENTARY	K-08
BUCKEYE ELEMENTARY			
	1	BUCKEYE ELEMENTARY	K-08
BUENA PARK ELEMENTARY			
	1	GILBERT (CARL E) ELEMENTARY	K-06
	1	LINDBERGH (CHARLES A) ELEMEN	K-06
	1	WHITAKER (JAMES A) ELEMENTARY	K-06
BURBANK UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	MCKINLEY ELEMENTARY	K-06
	1	ST ROBERT BELLARMINE EL	K-8
	1	WASHINGTON ELEMENTARY	K-06
BURNT RANCH ELEMENTARY			
	1	BURNT RANCH ELEMENTARY	K-06
BURTON ELEMENTARY			
	1	BURTON ELEMENTARY	K-12
BUTTE VALLEY UNIFIED			
	1	DORRIS ELEMENTARY	K-08
BUTTEVILLE UNION ELEMENT			
	2	BUTTEVILLE ELEMENTARY	K-08
CAJON VALLEY UNION ELEME			
	2	ANZA ELEMENTARY	K-06
CAJON VALLEY UNION ELEME (CONTINUED)	1	BALLANTYNE (JOHN) ELEMENTARY	K-06
	1	BOSTONIA ELEMENTARY	K-06
	1	CAJON VALLEY INTERMEDIATE	07-08
	2	CHASE AVENUE ELEMENTARY	K-07
	1	CUYAMACA ELEMENTARY	K-06
	2	FLYING HILLS ELEMENTARY AND P	K-06
	1	HOLY TRINITY	K-8
	1	JOHNSON AVENUE ELEMENTARY	K-06
	2	LEXINGTON ELEMENTARY	K-06
	2	MAGNOLIA ELEMENTARY	K-06
	2	MERIDIAN ELEMENTARY	K-06
	1	NARANCA ELEMENTARY	K-06
	1	ST KIERAN	K-8
CALAVERAS UNIFIED			
	1	SAN ANDREAS ELEMENTARY	K-8
	1	WEST POINT ELEMENTARY	K-08
CALEXICO UNIFIED			
	1	DE ANZA JUNIOR HIGH	07-08
	1	DOOL ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	PK-06
	1	OUR LADY OF GUADALUPE	K-8
	1	ROCKWOOD ELEMENTARY	K-06
CALIPATRIA UNIFIED			
	1	CALIPATRIA HIGH	09-12
	1	FREMONT ELEMENTARY	PK-08
	1	MILAND ELEMENTARY	PK-08
CAMPBELL UNION ELEMENTAR			
	1	BLACKFORD ELEMENTARY	K-06
	2	LYNHAVEN ELEMENTARY	K-06
	1	ROSEMARY ELEMENTARY	K-06
	1	ST LUCY'S EL	K-8
CAMPBELL UNION HIGH			
	2	WILLIAMS HIGH	09-12
CAMPTONVILLE ELEMENTARY			
	1	CAMPTONVILLE ELEMENTARY	K-08
CANYON UNION ELEMENTARY			
	1	CANYON ELEMENTARY	K-08
CARLSBAD CITY UNIFIED			
	2	JEFFERSON ELEMENTARY	K-06
	1	PINE ELEMENTARY	06-08
CARPINTERIA UNIFIED			
	2	SUMMERLAND ELEMENTARY	01-05
CARUTHERS UNION HIGH			
	1	CARUTHERS HIGH	09-12
CASCADE UNION ELEMENTARY			
	1	ANDERSON ELEMENTARY	05-08
	1	ANDERSON HEIGHTS ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
CASCADE UNION ELEMENTARY (CONTINUED)	1	MEADOW LANE ELEMENTARY	K-05
	1	SACRED HEART EL	1-8
	1	VERDE VALE ELEMENTARY	K-05
CASTRO VALLEY UNIFIED	2	OUR LADY GUADALUPE	1-8
CAYUCOS ELEMENTARY	1	CAYUCOS ELEMENTARY	K-08
CENTER JOINT ELEMENTARY	1	CYRIL SPINELLI ELEMENTARY	K-06
CENTINELA VALLEY UNION H	2	LAWNDALE HIGH	09-12
	2	LENNOX HIGH	09-12
	2	LEUZINGER HIGH	09-12
CENTRAL UNION ELEMENTARY	1	CENTRAL ELEMENTARY	K-08
CENTRAL UNION HIGH	2	CENTRAL HIGH	09-12
CENTRALIA ELEMENTARY	2	DANBROOK ELEMENTARY	K-06
CERES UNIFIED	1	CASWELL ELEMENTARY	K-06
	2	CERES HIGH	09-12
	1	DON PEDRO ELEMENTARY	K-06
	1	MAE HENSLEY JUNIOR HIGH	07-08
	2	MODESTO ADVENTIST ACAD	9-12
	1	WALTER WHITE ELEMENTARY	K-06
	1	WESTPORT ELEMENTARY	K-06
CHAFFEY UNION HIGH	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	MOUNTAIN HIGH ALTERNATIVE	10-12
	2	ONTARIO HIGH	09-12
	2	VALLEY VIEW HIGH	10-12
CHICO UNIFIED	1	CHAPMAN ELEMENTARY	K-06
	1	CITRUS AVENUE ELEMENTARY	K-06
	1	COHASSET ELEMENTARY	K-06
	2	FAIRVIEW HIGH	09-12
	2	HOOKER OAK ELEMENTARY	K-06
	1	NOTRE DAME EL	K-9
	1	PARTRIDGE JAY E ELEMENTARY	K-06
	1	ROSEDALE ELEMENTARY	K-06
CHINO UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	ST MARGARETS EL	1-8
CHOWCHILLA ELEMENTARY	1	FAIRMEAD ELEMENTARY	04-05
	1	FULLER (MERLE L) ELEMENTARY	01-03
CHOWCHILLA ELEMENTARY (CONTINUED)	1	STEPHENS ELEMENTARY	K-K
	1	WILSON ELEMENTARY	[illegible]
CHOWCHILLA UNION HIGH	3	CHILD DEVELOPMENT CTRS	UG-[illegible]
CHULA VISTA CITY ELEMENT	1	CASTLE PARK ELEMENTARY	K-[illegible]
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	FEASTER (MAE L) ELEMENTARY	K-05
	1	FINNEY (MYRTLE S) ELEMENTARY	K-05
	1	HARBORSIDE ELEMENTARY	K-05
	1	LAUDERBACH (J CALVIN) ELEMEN	K-05
	1	MONTGOMERY (JOHN J) ELEMENTA	04-05
	2	MUELLER (ROBERT L) ELEMENTARY	K-06
	2	OTAY ELEMENTARY	K-03
	1	ROSEBANK ELEMENTARY	K-05
	1	ST PIUS X EL	1-8
	1	ST ROSE OF LIMA	1-8
	1	VISTA SQUARE ELEMENTARY YR	K-06
CIENEGA UNION ELEMENTARY	2	CIENEGA ELEMENTARY	K-03
CLAREMONT UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	OAKMONT ELEMENTARY YR	[illegible]K-05
CLOVERDALE UNIFIED	1	JEFFERSON ELEMENTARY	K-03
CLOVIS UNIFIED	1	CLOVIS OPPORTUNITY SCHOOL	07-09
	2	GATEWAY HIGH	09-12
	1	NELSON ELEMENTARY	K-05
	2	SIERRA VISTA ELEMENTARY	K-05
	2	TARPEY ELEMENTARY	K-06
	2	TEMPERANCE-KUTNER ELEMENTARY	K-05
COACHELLA VALLEY UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COACHELLA VALLEY HIGH	09-12
	1	DATELAND ELEMENTARY	07-09
	2	LA FAMILIA CONT HIGH	09-12
	1	PALM VIEW ELEMENTARY	K-05
	1	PETER PENDLETON ELEMENTARY	K-06
	1	SEA VIEW ELEM	K-08
	2	VALLEY VIEW ELEMENTARY	K-05
COARSEGOLD UNION ELEMENT	1	ST ROSE	1-11
COLFAX ELEMENTARY	2	COLFAX ELEMENTARY	K-08
COLTON JOINT UNIFIED	2	BLOOMINGTON HIGH	09-12

* CODE 1 - SCHOOLS DESIGNATED FOR BOTH NATIONAL DEFENSE AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS
CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

CALIFORNIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COLUSA UNIFIED	1	ALLEN (JOSEPH) ELEMENTARY	K-06
	1	CENTENNIAL ELEMENTARY	K-06
	2	COLUSA HIGH	09-12
	1	GRATTAN ELEMENTARY	K-06
	1	WILLIAMS ELEMENTARY	K-06
COMPTON UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	DOMINGUEZ ELEMENTARY	K-06
	1	ENGLEWOOD ELEMENTARY	K-06
	1	HARBOR ELEMENTARY	K-06
	1	HOLLY PARK ELEMENTARY	K-06
	1	KELLY (WALTER P) ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MANN (HORACE) ELEMENTARY	K-06
	1	MARKHAM (EDWIN) ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
CONEJO VALLEY UNIFIED	1	ACACIA ELEMENTARY	K-06
	1	BERYESSA ELEMENTARY	K-06
	1	CITRUS ELEMENTARY	K-06
	1	COLINA ELEMENTARY	K-06
	1	LOS ALAMOS ELEMENTARY	K-06
	1	MADRONA ELEMENTARY	K-06
	1	MESA ELEMENTARY	K-06
	1	NEWBURY PARK ELEMENTARY	K-06
	1	NORTH RANCH ELEMENTARY	K-06
	1	OAK PARK ELEMENTARY	K-06
	1	PARK VISTA ELEMENTARY	K-06
	1	SOUTH LAKE ELEMENTARY	K-06
	1	THOUSAND OAKS ELEMENTARY	K-06
	1	WESTLAKE ELEMENTARY	K-06
	1	WESTLAKE HIGH	09-12
	1	WESTLAKE JUNIOR HIGH	07-08
CORCORAN JOINT UNIFIED	1	CORCORAN HIGH	09-12
	1	CORCORAN JUNIOR HIGH	07-08
	1	DEVONSHIRE ELEMENTARY	K-06
	1	FAIRMEAD ELEMENTARY	K-06
	1	HANNA ELEMENTARY	K-06
	1	KINGS RIVER ELEMENTARY	K-06
	1	PATTERSON ELEMENTARY	K-06
	1	WHITLEY ELEMENTARY	K-06
CORNING UNION ELEMENTARY	1	CORNING ELEMENTARY	K-06
	1	OLIVE GROVE ELEMENTARY	K-06
CORNING UNION HIGH	2	CORNING HIGH	09-12
CORONA-NORCO UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CENTENNIAL ELEMENTARY	K-06
	1	CORONA HIGH	09-12
	1	CORONA PARK ELEMENTARY	K-06
	1	EL CERRITO ELEMENTARY	K-06
	1	EL CERRO ELEMENTARY	K-06
	1	EL SOBRANTE ELEMENTARY	K-06
	1	GARRETSON ELEMENTARY	K-06
	1	HARADA ELEMENTARY	K-06
	1	HILLSIDE ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MAGNOLIA ELEMENTARY	K-06
	1	NORCO HIGH	09-12
	1	NORTH MAIN ELEMENTARY	K-06
	1	ORANGE GROVE ELEMENTARY	K-06
	1	PARKRIDGE ELEMENTARY	K-06
	1	PRADO ELEMENTARY	K-06
	1	RAINCROSS ELEMENTARY	K-06
	1	RIVERVIEW ELEMENTARY	K-06
	1	SANTIAGO ELEMENTARY	K-06
	1	SIERRA ELEMENTARY	K-06
	1	SUNRISE ELEMENTARY	K-06
	1	TERRACINA ELEMENTARY	K-06
	1	VICENTIA ELEMENTARY	K-06
	1	WOODROW WILSON ELEMENTARY	K-06
CORONADO UNIFIED	1	CORONADO ELEMENTARY	K-06
	1	SILVER STRAND ELEMENTARY	K-06
	1	VILLA ELEMENTARY	K-06
COTATI-ROHNERT PARK UNIF	1	ROHNERT PARK ELEMENTARY	K-06
	1	SONOMA MOUNTAIN ELEMENTARY	K-06
	1	WASHOE ELEMENTARY	K-06
COVINA-VALLEY UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CITRUS ELEMENTARY	K-06
	1	COVINA HIGH	09-12
	1	EDGEWOOD ELEMENTARY	K-06
	1	GRANADA ELEMENTARY	K-06
	1	HOLLENBECK ELEMENTARY	K-06
	1	LARKIN ELEMENTARY	K-06
	1	MERLINDA ELEMENTARY	K-06
	1	NORTHVIEW ELEMENTARY	K-06
	1	ROWLAND ELEMENTARY	K-06
	1	SOUTHWEST ELEMENTARY	K-06
	1	VALLEY VIEW ELEMENTARY	K-06
	1	WORKMAN ELEMENTARY	K-06
CRESCENT ELEMENTARY	1	CRESCENT ELEMENTARY	K-08
CUCAMONGA ELEMENTARY	1	ALTA VISTA ELEMENTARY	K-06
	1	CUCAMONGA ELEMENTARY	K-06
	1	DEER CANYON ELEMENTARY	K-06
	1	HERMOSA ELEMENTARY	K-06
	1	HILLSIDE ELEMENTARY	K-06
	1	MEADOW PARK ELEMENTARY	K-06
	1	RED HILL ELEMENTARY	K-06
	1	VICTORIA ELEMENTARY	K-06
CUTLER-OROSI JOINT UNIFI	1	CUTLER ELEMENTARY	K-06
	1	OROSI ELEMENTARY	K-06
	1	OROSI HIGH	09-12
DAVIS JOINT UNIFIED	1	CHAVEZ (CESAR E) ELEMENTARY	K-06
	1	CLARK (WILLIAM) ELEMENTARY	K-06
	1	DAVIS SENIOR HIGH	10-12
	1	EMERSON JUNIOR HIGH	07-09
	1	FAIRFIELD ELEMENTARY	K-06
	1	HARPER JUNIOR HIGH	07-09
	1	HOLMES JUNIOR HIGH	07-09
	1	KING (MARTIN L) ELEMENTARY	K-06
	1	MACE RANCH ELEMENTARY	K-06
	1	MARSHALL ELEMENTARY	K-06
	1	MONTGOMERY ELEMENTARY	K-06
	1	PIONEER ELEMENTARY	K-06
	1	SHELDON ELEMENTARY	K-06
	1	SLATTER (HARRY) ELEMENTARY	K-06
	1	WILLOWCREEK ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
	1	WINTERS JOINT UNIFIED	K-06
	1	WINTERS JUNIOR HIGH	07-08
	1	WINTERS SENIOR HIGH	09-12
	1	WOLFSKILL ELEMENTARY	K-06
	1	YOLO ELEMENTARY	K-06
DEHESA ELEMENTARY	1	DEHESA ELEMENTARY	K-08
DELANO JOINT UNION HIGH	1	DELANO HIGH	09-12
	1	DELANO JUNIOR HIGH	07-08
	1	FREMONT ELEMENTARY	K-06
	1	GARFIELD ELEMENTARY	K-06
	1	HARRISON ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	LONGFELLOW ELEMENTARY	K-06
	1	MORSE ELEMENTARY	K-06
	1	NAVE ELEMENTARY	K-06
	1	PEARSON ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
DELHI UNIFIED	1	DELHI ELEMENTARY	K-06
	1	DELHI HIGH	09-12
	1	DELHI JUNIOR HIGH	07-08
	1	HOLMES ELEMENTARY	K-06
	1	LATTIMORE ELEMENTARY	K-06
	1	MEADOW LANE ELEMENTARY	K-06
	1	SUNOLA ELEMENTARY	K-06
DESERT SANDS UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	ADAMS ELEMENTARY	K-06
	1	BERMUDA DUNES ELEMENTARY	K-06
	1	CAHUILLA ELEMENTARY	K-06
	1	CARVER ELEMENTARY	K-06
	1	CATHEDRAL CANYON ELEMENTARY	K-06
	1	CHAVEZ (CESAR E) ELEMENTARY	K-06
	1	CIVIC CENTER ELEMENTARY	K-06
	1	DESERT SANDS HIGH	09-12
	1	DESERT SANDS JUNIOR HIGH	07-08
	1	EISENHOWER ELEMENTARY	K-06
	1	GARDEN VILLA ELEMENTARY	K-06
	1	GEORGE ELEMENTARY	K-06
	1	GOLDEN SANDS ELEMENTARY	K-06
	1	HARRISON ELEMENTARY	K-06
	1	HOPE ELEMENTARY	K-06
	1	JACKSON ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	KENNEDY ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	MARSHALL ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	MONTEREY ELEMENTARY	K-06
	1	PALM DESERT ELEMENTARY	K-06
	1	PALM SPRINGS ELEMENTARY	K-06
	1	PALO VERDE ELEMENTARY	K-06
	1	PIONEER ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	SAN GORGONIO ELEMENTARY	K-06
	1	SAN JACINTO ELEMENTARY	K-06
	1	SUNNYLANDS ELEMENTARY	K-06
	1	TWENTYNINE PALMS ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WESTERN HILLS ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
DINUBA ELEMENTARY	1	DINUBA ELEMENTARY	K-08
DINUBA UNION HIGH	2	DINUBA HIGH	09-12
DOS PALOS ELEMENTARY	1	DOS PALOS ELEMENTARY	K-08
DOS PALOS JOINT UNION HI	2	DOS PALOS HIGH	09-12
DOWNEY UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	ALAMEDA ELEMENTARY	K-06
	1	CARPENTER ELEMENTARY	K-06
	1	DOWNEY HIGH	09-12
	1	GALLATIN ELEMENTARY	K-06
	1	GAUDIN ELEMENTARY	K-06
	1	GRIDLEY ELEMENTARY	K-06
	1	LEWIS ELEMENTARY	K-06
	1	MAXSON ELEMENTARY	K-06
	1	MELVILLE ELEMENTARY	K-06
	1	MOORE ELEMENTARY	K-06
	1	PRICE ELEMENTARY	K-06
	1	RIO HONDO ELEMENTARY	K-06
	1	SUSSMAN ELEMENTARY	K-06
	1	UNSWORTH ELEMENTARY	K-06
	1	WARREN ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
DUARTE UNIFIED	1	DUARTE ELEMENTARY	K-06
	1	DUARTE HIGH	09-12
	1	DUARTE JUNIOR HIGH	07-08
	1	HUNTINGTON ELEMENTARY	K-06
	1	MAYWOOD ELEMENTARY	K-06
	1	MONTE VISTA ELEMENTARY	K-06
	1	ROYAL OAKS ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
EARLIMART ELEMENTARY	1	EARLIMART ELEMENTARY	K-08
EARLIMART JOINT UNION HI	2	EARLIMART HIGH	09-12
EAST NICOLAUS JOINT UNIO	1	EAST NICOLAUS ELEMENTARY	K-08
EAST NICOLAUS JOINT UNIO	2	EAST NICOLAUS HIGH	09-12
EAST SIDE UNION HIGH	2	ANDREAS (ALBERT) HIGH	09-12
	2	EAST SIDE HIGH	09-12
	2	EVANS (GEORGE) HIGH	09-12
	2	MAYFAIR HIGH	09-12
	2	OLINDER (GEORGE) HIGH	09-12
	2	PIEDMONT HIGH	09-12
	2	SILVER CREEK HIGH	09-12
	2	YERBA BUENA HIGH	09-12
EASTON ELEMENTARY	1	EASTON ELEMENTARY	K-08
EDISON ELEMENTARY	1	EDISON ELEMENTARY	K-08
EL CENTRO ELEMENTARY	1	CENTRAL ELEMENTARY	K-06
	1	CROSTHWAITE ELEMENTARY	K-06
	1	EL CENTRO ELEMENTARY	K-06
	1	FEARING ELEMENTARY	K-06
	1	HARDING ELEMENTARY	K-06
	1	HEMPHILL ELEMENTARY	K-06
	1	HOOVER ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	MCKNIGHT ELEMENTARY	K-06
	1	MEADOWS ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
EL DORADO UNION HIGH	2	EL DORADO HIGH	09-12
	2	GOLDORADO HIGH	09-12
	2	RAY (JAMES) HIGH	09-12
EL MONTE CITY ELEMENTARY	1	ARROW ELEMENTARY	K-06
	1	CLOVERLEAF ELEMENTARY	K-06
	1	EL MONTE CITY ELEMENTARY	K-06
	1	FAIRVIEW ELEMENTARY	K-06
	1	GARVEY ELEMENTARY	K-06
	1	LEXINGTON ELEMENTARY	K-06
	1	MANZANITA ELEMENTARY	K-06
	1	MARSHALL ELEMENTARY	K-06
	1	MOUNTAIN VIEW ELEMENTARY	K-06
	1	NOGALES ELEMENTARY	K-06
	1	PALO VERDE ELEMENTARY	K-06
	1	RANCHITO ELEMENTARY	K-06
	1	RIO VISTA ELEMENTARY	K-06
	1	SHULL ELEMENTARY	K-06
	1	VALLEY ELEMENTARY	K-06
	1	WILLOW ELEMENTARY	K-06
EL RANCHO UNIFIED	1	EL RANCHO ELEMENTARY	K-06
	1	EL RANCHO HIGH	09-12
	1	EL RANCHO JUNIOR HIGH	07-08
	1	GRANADA ELEMENTARY	K-06
	1	LOS NIETOS ELEMENTARY	K-06
	1	MESA ELEMENTARY	K-06
	1	PALOMARES ELEMENTARY	K-06
	1	RIVERA ELEMENTARY	K-06
	1	SORENSEN ELEMENTARY	K-06
	1	WHITTIER ELEMENTARY	K-06
EL RETIRO ELEMENTARY	1	EL RETIRO ELEMENTARY	K-08
EL SOBRANTE ELEMENTARY	1	EL SOBRANTE ELEMENTARY	K-08
ELK GROVE UNIFIED	1	ELK GROVE ELEMENTARY	K-06
	1	ELK GROVE HIGH	09-12
	1	ELK GROVE JUNIOR HIGH	07-08
	1	FRANKLIN ELEMENTARY	K-06
	1	FRANKLIN HIGH	09-12
	1	FRANKLIN JUNIOR HIGH	07-08
	1	HARKINS ELEMENTARY	K-06
	1	HOUSTON ELEMENTARY	K-06
	1	JACKSON ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	LAGUNA ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	PINKERTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
ENCINITAS UNION ELEMENTA	1	ENCINITAS ELEMENTARY	K-06
	1	FLORENCE ELEMENTARY	K-06
	1	OLIVENHAIN ELEMENTARY	K-06
	1	PARK DALE ELEMENTARY	K-06
	1	PARK ELEMENTARY	K-06
	1	SAN DIEGUITO ELEMENTARY	K-06
	1	SOLANA ELEMENTARY	K-06
	1	SOLANA HIGH	09-12
	1	SOLANA JUNIOR HIGH	07-08
	1	SOLANA VISTA ELEMENTARY	K-06
	1	SOUTH PARK ELEMENTARY	K-06
	1	TERRACE ELEMENTARY	K-06
	1	WEST PARK ELEMENTARY	K-06
ENCINO ELEMENTARY	1	ENCINO ELEMENTARY	K-08
ESCALON ELEMENTARY	1	ESCALON ELEMENTARY	K-08
ESCALON UNION HIGH	2	ESCALON HIGH	09-12
ESCONDIDO UNION ELEMENTA	1	BOOKMAN ELEMENTARY	K-06
	1	CENTRAL ELEMENTARY	K-06
	1	DEL DIOS ELEMENTARY	K-06
	1	ESCONDIDO ELEMENTARY	K-06
	1	FELICITA ELEMENTARY	K-06
	1	HARMONY GROVE ELEMENTARY	K-06
	1	HIDDEN VALLEY ELEMENTARY	K-06
	1	JUNIPER ELEMENTARY	K-06
	1	LAKE ELEMENTARY	K-06
	1	MISSION ELEMENTARY	K-06
	1	NORTH BROADWAY ELEMENTARY	K-06
	1	NORTH ESCONDIDO ELEMENTARY	K-06
	1	ROCK SPRINGS ELEMENTARY	K-06
	1	ROMOLAND ELEMENTARY	K-06
	1	SOUTH ESCONDIDO ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILLIAMS ELEMENTARY	K-06
ESCONDIDO UNION HIGH	2	ESCONDIDO HIGH	09-12
	2	ORANGE GLEN HIGH	09-12
	2	VALLEY HIGH	09-12
ETIWANDA ELEMENTARY	1	ETIWANDA ELEMENTARY	K-06
EUREKA CITY ELEMENTARY	1	CLARK (JOHN) ELEMENTARY	K-06
	1	CLEVELAND ELEMENTARY	K-06
	1	GRANT ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	LAFAYETTE ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
EUREKA CITY HIGH	2	EUREKA HIGH	09-12
	2	ZANE (JOHN) HIGH	09-12
EUREKA UNION ELEMENTARY	1	EUREKA ELEMENTARY	K-08
FAIRFIELD-SUISUN UNIFIED	1	ANDRUS ELEMENTARY	K-06
	1	ANDRUS INTERMEDIATE	07-08
	1	ARMIJO ELEMENTARY	K-06
	1	ARMIJO HIGH	09-12
	1	BRAIRWOOD ELEMENTARY	K-06
	1	CRESCENT ELEMENTARY	K-06
	1	DELAINE ELEMENTARY	K-06
	1	FAIRFIELD ELEMENTARY	K-06
	1	GRANGE ELEMENTARY	K-06
	1	GREEN VALLEY ELEMENTARY	K-06
	1	HOLIDAY ELEMENTARY	K-06
	1	IRELAN ELEMENTARY	K-06
	1	LAUREL CREEK ELEMENTARY	K-06
	1	MANKAS CORNER ELEMENTARY	K-06
	1	MARIE ELEMENTARY	K-06
	1	MARSHALL ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	MOLLER ELEMENTARY	K-06
	1	NORTH CORDELIA ELEMENTARY	K-06
	1	PHOENIX ELEMENTARY	K-06
	1	SUISUN ELEMENTARY	K-06
	1	SUNSET ELEMENTARY	K-06
	1	TOLENAS ELEMENTARY	K-06
	1	TRAVIS ELEMENTARY	K-06
	1	VANDEN ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WESTWOOD ELEMENTARY	K-06
FALLBROOK UNION ELEMENTA	1	ALVARADO ELEMENTARY	K-06
	1	BONSALL ELEMENTARY	K-06
	1	FALLBROOK ELEMENTARY	K-06
	1	MAIE ELEMENTARY	K-06
	1	MONTE VISTA ELEMENTARY	K-06
	1	OAK GROVE ELEMENTARY	K-06
	1	POTTER JUNIOR HIGH	07-08
	1	REIDY CREEK ELEMENTARY	K-06
	1	SOUTH FALLBROOK ELEMENTARY	K-06
	1	VISTA GRANDE ELEMENTARY	K-06
FALLBROOK UNION HIGH	2	FALLBROOK HIGH	09-12
FIREBAUGH-LAS DELTAS UNI	1	FIREBAUGH ELEMENTARY	K-06
	1	LAS DELTAS ELEMENTARY	K-06
	1	MENDOTA ELEMENTARY	K-06
	1	MENDOTA HIGH	09-12
	1	MENDOTA JUNIOR HIGH	07-08
	1	MONTE VERDE ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
FIREBAUGH-LAS DELTAS UNI	2	FIREBAUGH HIGH	09-12
FOLSOM-CORDOVA UNIFIED	1	BLANCHE KINNEY ELEMENTARY	K-06
	1	CORDOVA HIGH	09-12
	1	CORDOVA MEADOWS ELEMENTARY	K-06
	1	CORDOVA VILLA ELEMENTARY	K-06
	1	FOLSOM ELEMENTARY	K-06
	1	FOLSOM HIGH	09-12
	1	FOLSOM JUNIOR HIGH	07-08
	1	GEORGE ROBERTS ELEMENTARY	K-06
	1	GOLD RIVER ELEMENTARY	K-06
	1	HAZEL ELEMENTARY	K-06
	1	MARY DEWITT ELEMENTARY	K-06
	1	NAVIGATOR ELEMENTARY	K-06
	1	NIMBUS ELEMENTARY	K-06
	1	RIVERSIDE ELEMENTARY	K-06
	1	SUTTER ELEMENTARY	K-06
	1	VALLEY HI ELEMENTARY	K-06
	1	WILLOW CREEK ELEMENTARY	K-06
FONTANA UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	ALDER ELEMENTARY	K-06
	1	ARROW ELEMENTARY	K-06
	1	BEECH ELEMENTARY	K-06
	1	CITRUS ELEMENTARY	K-06
	1	DUNN ELEMENTARY	K-06
	1	FONTANA ELEMENTARY	K-06
	1	FONTANA HIGH	09-12
	1	FONTANA JUNIOR HIGH	07-08
	1	HEMLOCK ELEMENTARY	K-06
	1	JURUPA ELEMENTARY	K-06
	1	KAWAHARA ELEMENTARY	K-06
	1	LIVE OAK ELEMENTARY	K-06
	1	MAPLE ELEMENTARY	K-06
	1	OLEANDER ELEMENTARY	K-06
	1	PALM ELEMENTARY	K-06
	1	PEPPER ELEMENTARY	K-06
	1	REDWOOD ELEMENTARY	K-06
	1	SEQUOIA ELEMENTARY	K-06
	1	SPRUCE ELEMENTARY	K-06
	1	WALNUT ELEMENTARY	K-06
	1	WILLOW ELEMENTARY	K-06
FORT BRAGG UNIFIED	1	FORT BRAGG ELEMENTARY	K-06
	1	FORT BRAGG HIGH	09-12
	1	FORT BRAGG JUNIOR HIGH	07-08
	1	MENDOCINO ELEMENTARY	K-06
	1	PACIFIC ELEMENTARY	K-06
	1	WESTPORT ELEMENTARY	K-06
FOWLER UNIFIED	1	FOWLER ELEMENTARY	K-06
	1	FOWLER HIGH	09-12
	1	FOWLER JUNIOR HIGH	07-08
	1	MARKS ELEMENTARY	K-06
	1	MCCARTHY ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
FRANKLIN-MCKINLEY ELEMEN	1	FRANKLIN-MCKINLEY ELEMENTAR

CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COLTON JOINT UNIFIED (CONTINUED)	1	BLOOMINGTON JUNIOR HIGH	06-08
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	COLTON HIGH	09-12
	1	COLTON JUNIOR HIGH	06-08
	1	CRESTMORE ELEMENTARY	K-05
	1	GRANT ELEMENTARY	K-05
	1	GRIMES (RUTH) ELEMENTARY	K-05
	1	LEWIS (MARY B) ELEMENTARY	K-05
	1	LINCOLN ELEMENTARY	K-05
	1	MCKINLEY ELEMENTARY	K-05
	1	ROGERS (PAUL J) ELEMENTARY	K-05
	2	SLOVER MOUNTAIN HIGH	09-12
	1	TERRACE HILLS JUNIOR HIGH	06-08
	1	WILSON (WOODROW) ELEMENTARY	K-05
	1	ZIMMERMAN (WALTER) ELEMENTARY	K-05
COLUMBIA ELEMENTARY	1	COLUMBIA ELEMENTARY	K-08
COLUMBIA UNION ELEMENTAR	2	COLUMBIA ELEMENTARY	K-08
COMPTON UNIFIED	1	ANDERSON ELEMENTARY	PK-06
	1	BUNCHE (RALPH) ELEMENTARY	K-06
	1	BUNCHE JUNIOR HIGH	07-09
	1	BURSCH ELEMENTARY	PK-06
	1	CALDWELL STREET ELEMENTARY	PK-06
	1	CARVER ELEMENTARY	PK-06
	1	CENTENNIAL SENIOR HIGH	10-12
	1	COMPTON SENIOR HIGH	10-12
	1	DAVIS JUNIOR HIGH	07-09
	1	DICKISON ELEMENTARY	K-06
	1	DOMINGUEZ SENIOR HIGH	10-12
	1	EL SEGUNDO ELEMENTARY	PK-06
	1	EMERSON ELEMENTARY	PK-06
	1	ENTERPRISE JUNIOR HIGH	07-09
	1	FOSTER ELEMENTARY	PK-06
	1	JEFFERSON ELEMENTARY	K-06
	1	KELLY ELEMENTARY	K-06
	1	KENNEDY (ROBERT F) ELEMENTARY	K-06
	1	KING (MARTIN LUTHER) ELEMENTA	PK-06
	1	LAUREL STREET ELEMENTARY	PK-06
	1	LINCOLN ELEMENTARY	PK-06
	1	LONGFELLOW ELEMENTARY	PK-06
	1	MAYO ELEMENTARY	PK-06
	1	MCKINLEY ELEMENTARY	PK-06
	1	OUR LADY OF VICTORY	K-8
	1	ROOSEVELT ELEMENTARY	K-06
	1	ROOSEVELT JUNIOR HIGH	07-09
COMPTON UNIFIED (CONTINUED)	1	ROSECRANS ELEMENTARY	PK-06
	1	ST ALBERT THE GREAT	K-8
	1	ST TIMOTHYS EPIS	K-5
	1	TIBBY ELEMENTARY	PK-06
	1	TUBMAN HIGH	07-12
	1	TWAIN (MARK) ELEMENTARY	PK-06
	1	VANGUARD JUNIOR HIGH	07-09
	1	WALTON JUNIOR HIGH	07-09
	1	WASHINGTON ELEMENTARY	PK-06
	1	WHALEY JUNIOR HIGH	07-09
	1	WILLOWBROOK JUNIOR HIGH	07-09
CORCORAN JOINT UNIFIED	2	CORCORAN HIGH	09-12
	1	FREMONT ELEMENTARY	K-06
	1	JOHN MUIR MIDDLE	06-08
	1	MARK TWAIN ELEMENTARY	03-06
CORNING UNION ELEMENTARY	1	WEST STREET ELEMENTARY	K-06
CORNING UNION HIGH	1	CENTENNIAL (CONTINUATION) HIGH	09-12
CORONA NORCO UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	JEFFERSON ELEMENTARY YR	K-06
	1	ST EDWARD'S EL	K-8
CORONADO UNIFIED	1	SACRED HEART EL	K-8
COTATI-ROHNERT PARK UNIF	2	COTATI ELEMENTARY	PK-06
	2	PAGE (THOMAS) ELEMENTARY	03-05
	2	RICHARD CRANE ELEMENTARY	PK-05
	2	ROHNERT (WALDO) ELEMENTARY	PK-05
COTTONWOOD UNION ELEMENT	1	EAST COTTONWOOD ELEMENTARY	K-06
COVINA VALLEY UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COVINA ELEMENTARY	K-06
CUCAMONGA ELEMENTARY	1	GUASTI KINDERGARTEN	K-K
	1	LOS AMIGOS SCHOOL	07-08
	1	RANCHO CUCAMONGA MIDDLE	07-08
CULVER CITY UNIFIED	1	BETSY ROSS ELEMENTARY	K-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	WASHINGTON ELEMENTARY	K-05
CUPERTINO UNION ELEMENTA	2	QUEEN OF APOSTLES	1-8
	2	ST JOSEPH OF CUPERTINO	1-8

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
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LOCATIONS	CODE *	SCHOOL NAME	
CUTLER OROSI JOINT UNIFI			
	1	CUTLER ELEMENTARY	K-08
	1	LOVELL HIGH	09-12
	2	OROSI HIGH	09-12
	1	PALM ELEMENTARY	02-05
	1	YETTEM ELEMENTARY	04-04
CUTTEN ELEMENTARY			
	2	RIDGEWOOD ELEMENTARY	K-02
DAVIS JOINT UNIFIED			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	2	NORTH DAVIS ELEMENTARY	K-06
	1	VALLEY OAK ELEMENTARY	K-06
DEHESA ELEMENTARY			
	2	DEHESA ELEMENTARY	K-06
DEL NORTE COUNTY UNIFIED			
	1	BESS MAXWELL ELEMENTARY	PK-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	JOE HAMILTON ELEMENTARY	K-04
	2	MARGARET KEATING ELEMENTARY	K-08
	2	MOUNTAIN ELEMENTARY	K-08
	2	PINE GROVE ELEMENTARY	K-05
	1	ST JOSEPH'S EL	1-8
DEL PASO HEIGHTS ELEMENT			
	1	DEL PASO HEIGHTS ELEMENT	K-06
	1	FAIRBANKS ELEMENTARY	K-06
	1	GARDEN VALLEY ELEMENTARY	01-06
	1	NORTH AVENUE ELEMENTARY	K-06
DELANO UNION ELEMENTARY			
	1	CECIL AVENUE JR HIGH	07-08
	1	DEL VISTA ELEMENTARY	K-03
	1	ST MARY'S EL	K-8
	1	TERRACE ELEMENTARY	K-03
DELHI ELEMENTARY			
	1	EL CAPITAN ELEMENTARY	06-08
	1	SCHENDEL ELEMENTARY	K-05
DESERT SANDS UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EISENHOWER (DWIGHT) ELEMENTARY	03-05
	1	HOOVER (HERBERT)ELEMENTARY	03-05
	1	JACKSON (ANDREW) ELEMENTARY	K-02
	1	JEFFERSON (THOMAS) MIDDLE	06-08
	1	KENNEDY (JOHN F) ELEMENTARY	K-02
	1	OUR LADY OF PERPETUAL HELP	1-8
	1	ROOSEVELT (THEODORE) ELEMENTA	03-05
	1	VAN BUREN (MARTIN) ELEMENTARY	K-02
	1	WILSON (WOODROW) MIDDLE	06-08
DINUBA ELEMENTARY			
	1	GRAND VIEW ELEMENTARY	05-06
DINUBA ELEMENTARY (CONTINUED)	1	JEFFERSON ELEMENTARY	K-05
	1	WASHINGTON ELEMENTARY	07-08
	1	WILSON ELEMENTARY	K-05
DINUBA JOINT UNION HIGH			
	1	MAGNOLIA HIGH	09-12
DIXIE ELEMENTARY			
	1	ST ISABELLA'S PAROCHIAL	1-8
DOS PALOS JOINT UNION EL			
	1	BRYANT ELEMENTARY	K-08
	1	GEORGE CHRISTIAN ELEMENTARY	K-08
DOS PALOS JOINT UNION HI			
	1	DOS PALOS HIGH	09-12
DOWNEY UNIFIED			
	1	ALAMEDA ELEMENTARY	K-05
	1	GAULDIN ELEMENTARY	K-05
	1	ST RAYMONDS EL	1-8
	1	WARD ELEMENTARY	K-05
DUARTE UNIFIED			
	1	BEARDSLEE ELEMENTARY	K-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	DUARTE HIGH	09-12
	2	MAXWELL ELEMENTARY	K-05
	1	MT OLIVE CONTINUATION HIGH	09-12
	1	NORTHVIEW MIDDLE	06-08
	1	ROYAL OAKS ELEMENTARY	K-05
DUCOR UNION ELEMENTARY			
	1	DUCOR UNION ELEMENTARY	K-08
DUNSMUIR ELEMENTARY			
	1	DUNSMUIR ELEMENTARY	K-08
EARLIMART ELEMENTARY			
	1	EARLIMART ELEMENTARY	K-05
	1	EARLIMART INTERMEDIATE	06-08
EAST SIDE UNION HIGH			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	HILL (ANDREW P.) HIGH	09-12
	2	LICK (JAMES) HIGH	09-12
	1	OVERFELT (WILLIAM C.) HIGH	09-12
	2	SILVER CREEK HIGH	09-12
	1	YERBA BUENA HIGH	09-12
EAST WHITTIER CITY ELEME			
	1	EVERGREEN ELEMENTARY	K-05
EASTERN SIERRA UNIFIED			
	1	ANTELOPE ELEMENTARY	K-08
EASTSIDE UNION ELEMENTAR			
	1	EASTSIDE ELEMENTARY	K-08
EL CENTRO ELEMENTARY			
	2	DE ANZA ELEMENTARY	K-04

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LOCATIONS	CODE *	SCHOOL NAME	
EL CENTRO ELEMENTARY (CONTINUED)	1	HARDING ELEMENTARY	K-06
	1	KENNEDY ELEMENTARY	05-08
	1	LINCOLN ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-04
	1	ST MARY'S EL	K-8
	1	TRI-TEAM ELEMENTARY	K-02
EL DORADO UNION HIGH	2	INDEPENDENCE CONT	09-12
EL MONTE ELEMENTARY	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLUMBIA ELEMENTARY	K-08
	1	CORTADA ELEMENTARY	K-06
	1	DURFEE ELEMENTARY	K-06
	1	EPIPHANY	1-8
	1	GIDLEY ELEMENTARY	K-09
	1	LEGORE ELEMENTARY	K-06
	1	LOMA ELEMENTARY	K-06
	1	MULHALL ELEMENTARY	K-06
	1	NEW LEXINGTON ELEMENTARY	K-06
	1	POTRERO ELEMENTARY	K-08
	1	SHIRPSER ELEMENTARY	K-02
	1	WILKERSON ELEMENTARY	K-06
	1	WRIGHT ELEMENTARY	K-08
EL MONTE UNION HIGH	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EL MONTE HIGH	09-12
	1	MOUNTAIN VIEW HIGH	09-12
	2	ROSEMEAD HIGH	09-12
EL RANCHO UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	EL RANCHO HIGH	10-12
	1	MAGEE (LAWRENCE T) ELEMENTARY	K-06
	1	MAIZELAND ELEMENTARY	K-06
	1	MELLER (MARY E) JUNIOR HIGH	07-09
	1	NATIVITY EL	K-8
	1	NORTH RANCHITO ELEMENTARY	K-06
	1	PIO PICO ELEMENTARY	K-06
	1	RIO VISTA ELEMENTARY	K-06
	1	RIVERA ELEMENTARY	K-06
	1	RIVERA JUNIOR HIGH	07-09
	1	SELBY GROVE ELEMENTARY	K-06
	1	SOUTH RANCHITO ELEMENTARY	K-06
	1	ST HILARY	1-8
	1	ST MARIANNE DE PAREDES	1-8
	1	VALENCIA ELEMENTARY	K-06
ELK GROVE UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
ELK GROVE UNIFIED (CONTINUED)	2	ELK GROVE ELEMENTARY	K-06
	2	FLORIN ELEMENTARY	PK-06
	2	KENNEDY (SAMUEL) ELEMENTARY	K-06
	2	KIRCHGATER (ANNA) ELEMENTARY	K-06
	2	LEIMBACH (HERMAN) ELEMENTARY	K-06
	1	REESE (DAVID) ELEMENTARY	K-06
	2	REITH ELEMENTARY	K-06
	2	RUTTER (JAMES) JUNIOR HIGH	07-08
ELKINS ELEMENTARY	2	ELKINS ELEMENTARY	K-08
ELSINORE UNION ELEMENTAR	1	ELSINORE ELEMENTARY	K-06
	1	MACHADO ELEMENTARY	K-06
	1	WILDOMAR ELEMENTARY	K-06
ELSINORE UNION HIGH	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	ELSINORE JUNIOR HIGH	07-08
	2	ORTEGA HIGH	09-12
ELVERTA JOINT ELEMENTARY	1	ALPHA ELEMENTARY	K-06
	2	ELVERTA ELEMENTARY	K-08
EMERY UNIFIED	1	ANNA YATES ELEMENTARY	K-06
	2	EMERY HIGH	09-12
	1	RALPH HAWLEY ELEMENTARY	K-06
EMIGRANT GAP ELEMENTARY	2	EMIGRANT GAP ELEMENTARY	K-08
EMPIRE UNION ELEMENTARY	1	CAPISTRANO ELEMENTARY	K-06
	1	EMPIRE ELEMENTARY	K-06
ENCINITAS UNION ELEMENTA	2	CENTRAL ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
ENTERPRISE ELEMENTARY	2	LASSEN VIEW ELEMENTARY	K-06
	1	MISTLETOE ELEMENTARY	K-06
	1	ROTHER ELEMENTARY	K-06
ESCONDIDO UNION ELEMENTA	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	FELICITA ELEMENTARY	K-06
	2	HIDDEN VALLEY MIDDLE	05-08
	1	LINCOLN ELEMENTARY	PK-06
	1	OAK HILL ELEMENTARY	K-06
EUREKA CITY ELEMENTARY	1	ALICE BIRNEY ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	JEFFERSON ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
EUREKA CITY ELEMENTARY (CONTINUED)	1	LINCOLN ELEMENTARY	K-06
	1	ST BERNARDS EL	K-8
EUREKA CITY HIGH	1	GEORGE C JACOBS JUNIOR HIGH	07-09
	2	ZOE BARNUM HIGH	09-12
EVERGREEN ELEMENTARY	2	GEORGE V. LEY VA INTERMEDIATE	06-08
	1	KATHERINE R. SMITH ELEMENTARY	K-06
	1	O. B. WHALEY ELEMENTARY	K-06
	2	QUIMBY OAK INTERMEDIATE	06-08
EXETER UNION ELEMENTARY	1	LINCOLN ELEMENTARY	K-03
	1	WILSON ELEMENTARY	04-06
EXETER UNION HIGH	1	EXETER HIGH	09-12
	1	KAWEAH HIGH	09-12
FAIRFAX ELEMENTARY	1	ST RITA EL	K-8
	1	VIRGINIA AVENUE ELEMENTARY	K-06
FAIRFIELD SUISUN UNIFIED	2	BIRD (MARY) HIGH	07-11
	1	BRANSFORD ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	CRESCENT ELEMENTARY	K-03
	1	CRYSTAL ELEMENTARY	04-06
	2	DOVER ELEMENTARY	K-06
	1	FAIRVIEW ELEMENTARY	K-06
	1	HOLY SPIRIT EL	1-8
	1	KYLE (ANNA) ELEMENTARY	K-06
	1	SHELDON (S. RUTH) ELEMENTARY	K-06
	2	SULLIVAN (CHARLES L.) INTERME	07-08
	1	WEIR (DAVID A.) ELEMENTARY	K-06
FARMERSVILLE ELEMENTARY	1	FARMERSVILLE JUNIOR HIGH	07-08
	1	HESTER (J. F.) ELEMENTARY	K-03
	1	SNOWDEN (GEORGE L.) ELEMENTARY	04-06
FEATHER FALLS UNION ELEM	1	FEATHER FALLS ELEMENTARY	K-08
FILLMORE UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
FIREBAUGH LAS DELTAS UNI	1	ARTHUR E MILLS INTERMEDIATE	04-05
	2	EL PUENTE HIGH	09-12
FOLSOM CORDOVA UNIFIED	2	CORDOVA LANE ELEMENTARY	PK-06
	2	CORDOVA MEADOWS ELEMENTARY	PK-06
	1	CORDOVA VILLA ELEMENTARY	PK-06
FOLSOM CORDOVA UNIFIED (CONTINUED)	1	JUDAH (THEODORE) ELEMENTARY	PK-06
	2	KINNEY HIGH	10-12
	2	MILLS JUNIOR HIGH	07-09
	2	MITCHELL (W E) JUNIOR HIGH	07-09
	1	RANCHO CORDOVA ELEMENTARY	PK-06
	1	RIVERVIEW ELEMENTARY	PK-06
	1	SHIELDS (PETER J) ELEMENTARY	PK-06
	2	SPRENTZ (BLANCHE) ELEMENTARY	05-06
	1	ST JOHN VIANNEY	K-8
	1	WALNUTWOOD ELEMENTARY	PK-06
	1	WHITE ROCK ELEMENTARY	PK-06
	1	WILLIAMSON ELEMENTARY	PK-06
FONTANA UNIFIED	2	ELDER JUNIOR HIGH	07-09
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	FIRST LUTHERAN CHRISTIAN	K-6
	2	FONTANA CHRISTIAN	K-8
	2	FONTANA HIGH	10-12
	2	FONTANA JUNIOR HIGH	07-09
	1	JUNIPER ELEMENTARY	K-06
	1	JURUPA HILLS ELEMENTARY	K-06
	1	LIVE OAK ELEMENTARY	K-06
	1	MAPLE ELEMENTARY	K-06
	1	NORTH TAMARIND ELEMENTARY	K-06
	1	OLEANDER ELEMENTARY	K-06
	1	POPLAR ELEMENTARY	K-06
	1	RANDALL PEPPER ELEMENTARY	K-06
	1	REDWOOD ELEMENTARY	K-06
	1	RESURRECTION ACADEMY	K-8
	2	SEQUOIA JUNIOR HIGH	07-09
	1	ST JOSEPH ACADEMY	1-8
FORESTHILL UNION ELEMENT	1	FORESTHILL ELEMENTARY	K-08
FORESTVILLE UNION ELEMEN	2	FORESTVILLE ELEMENTARY	K-08
FORKS OF SALMON ELEMENTA	1	FORKS ELEMENTARY	K-08
FORT BRAGG UNIFIED	1	LEGGETT VALLEY ELEMENTARY	K-06
	1	LEGGETT VALLEY HIGH	07-12
	2	NORTH COAST CONTINUATION HIGH	09-12
FORT ROSS ELEMENTARY	2	FORT ROSS ELEMENTARY	K-03
FORTUNA UNION ELEMENTARY	2	SOUTH FORTUNA ELEMENTARY	K-06
FOUNTAIN VALLEY ELEMENTA	1	OKA (ISOJIRO) ELEMENTARY	K-06

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FOWLER UNIFIED			
	1	FOWLER HIGH	09-12
	1	FREMONT ELEMENTARY	05-08
	1	MALAGA ELEMENTARY	K-08
	1	MARSHALL ELEMENTARY	K-05
FRANKLIN MCKINLEY ELEMEN			
	1	FAIR (J. WILBUR) JUNIOR HIGH	07-08
	1	FRANKLIN ELEMENTARY	K-06
	1	HILLSDALE ELEMENTARY	K-06
	1	KENNEDY (ROBERT F.) ELEMENTARY	K-06
	1	LOS ARBOLES ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	SANTEE ELEMENTARY	K-06
	1	SEVEN TREES ELEMENTARY	K-06
	1	SYLVANDALE JUNIOR HIGH	07-08
FREMONT UNIFIED			
	1	DUNHAM J HALEY ELEMENTARY	K-06
	1	ST LEONARD	1-8
FRESNO COLONY ELEMENTARY			
	1	IVY ELEMENTARY	07-08
	1	JOHN HAROLD JOHNSON ELEMENTARY	K-03
	1	WESTERN ELEMENTARY	04-06
FRESNO UNIFIED			
	1	ADDAMS ELEMENTARY	K-06
	1	AYNESWORTH ELEMENTARY	K-06
	1	BETHUNE ELEMENTARY	K-06
	1	BIRNEY ELEMENTARY	K-06
	1	BURROUGHS ELEMENTARY	K-06
	1	CALWA ELEMENTARY	K-06
	1	CARVER ELEMENTARY	K-06
	1	CENTENNIAL ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLUMBIA ELEMENTARY	K-06
	1	COOPER MIDDLE	07-08
	1	DAILEY ELEMENTARY	K-06
	1	DEL MAR ELEMENTARY	K-06
	1	EASTERBY ELEMENTARY	K-06
	1	EDISON HIGH	09-12
	1	ERICSON ELEMENTARY	K-06
	1	EWING ELEMENTARY	K-06
	1	FREMONT ELEMENTARY	K-06
	2	FRESNO HIGH	10-12
	1	FT MILLER MIDDLE	07-08
	2	HAMILTON FRESHMAN	09-09
	1	HEATON ELEMENTARY	K-06
	1	HOMAN ELEMENTARY	K-06
	1	JACKSON ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
FRESNO UNIFIED (CONTINUED)			
	1	KING ELEMENTARY	K-06
	1	KINGS CANYON MIDDLE	07-08
	1	KIRK ELEMENTARY	K-06
	1	LANE ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	LOWELL ELEMENTARY	K-06
	1	MAYFAIR ELEMENTARY	K-06
	2	MCLANE HIGH	10-12
	1	MUIR ELEMENTARY	K-06
	1	NORSEMAN ELEMENTARY	K-06
	2	PYLE ELEMENTARY	K-06
	1	ROEDING ELEMENTARY	K-06
	1	ROOSEVELT HIGH	09-12
	1	ROWELL ELEMENTARY	K-06
	1	SCANDINAVIAN MIDDLE	07-08
	1	SEQUOIA FRESHMAN	09-09
	1	SIERRA FRESHMAN	09-09
	1	SUNSET ELEMENTARY	K-06
	1	TEHIPITE MIDDLE	07-08
	2	THOMAS ELEMENTARY	K-06
	1	TIOGA MIDDLE	07-08
	1	TURNER ELEMENTARY	K-06
	2	VINLAND ELEMENTARY	K-06
	1	WAWONA MIDDLE	07-08
	1	WEBSTER ELEMENTARY	K-06
	1	WINCHELL ELEMENTARY	K-06
	1	WOLTERS ELEMENTARY	K-06
	1	YOSEMITE MIDDLE	07-08
FULLERTON ELEMENTARY			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	COMMONWEALTH ELEMENTARY	K-06
	1	RICHMAN ELEMENTARY	K-06
	2	ST MARY EL	1-8
	1	ST PHILIP BENIZI	K-8
	1	VALENCIA PARK ELEMENTARY	K-06
	1	WOODCREST ELEMENTARY	K-06
GALT JOINT UNION ELEMENT			
	1	FAIRSITE ELEMENTARY	PK-06
	1	GALT ELEMENTARY	06-08
	1	VALLEY OAKS ELEMENTARY	K-06
GALT JOINT UNION HIGH			
	1	DEL PASO JUNIOR HIGH	07-08
	1	DON JULIO JUNIOR HIGH	07-08
	2	FOOTHILL FARMS JUNIOR HIGH	07-08
	2	FOOTHILL HIGH	09-12
	2	GALT HIGH	09-12
	1	GRANT UNION HIGH	09-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GALT JOINT UNION HIGH (CONTINUED)	2	HIGHLANDS HIGH	09-12
	1	LAS PALMAS JUNIOR HIGH	07-08
	1	NORTE DEL RIO HIGH	09-12
	1	OUR LADY OF FATIMA	1-8
	2	RIO LINDA HIGH	09-12
	1	RIO LINDA JUNIOR HIGH	07-08
	1	RIO TIERRA JUNIOR HIGH	07-08
	1	VISTA NUEVA HIGH	09-12
GARDEN GROVE UNIFIED	1	ALAMITOS JUNIOR HIGH	07-08
	1	BRYANT ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COOK (A J) ELEMENTARY	K-06
	1	EISENHOWER (DWIGHT D) ELEMEN	K-06
	1	EVANS (ETHEL M) ELEMENTARY	K-06
	1	HERITAGE ELEMENTARY	K-06
	2	JORDAN (DONALD S) INTERMEDIA	07-08
	1	MITCHELL ELEMENTARY	K-06
	1	NEWHOPE ELEMENTARY	K-06
	1	ROSITA ELEM	K-06
	1	RUSSELL (EDWARD) ELEMENTARY	K-06
	1	ST COLUMBAN EL	K-8
	1	ST POLYCARP EL	K-8
	2	STANFORD ELEMENTARY	K-06
	1	WAKEHAM ELEMENTARY	K-06
	1	WARREN (EARL) ELEMENTARY	K-06
	1	WOODBURY ELEMENTARY	K-06
GARVEY ELEMENTARY	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	DAN T WILLIAMS ELEMENTARY	K-06
	1	DEWEY AVENUE ELEMENTARY	K-06
	1	ELDRIDGE RICE ELEMENTARY	K-06
	1	FERN ELEMENTARY	K-08
	1	FRANCES E WILLARD ELEMENTARY	K-06
	1	JOHN MARSHALL ELEMENTARY	K-06
	1	MARGARET DUFF ELEMENTARY	K-05
	1	MONTEREY VISTA ELEMENTARY	K-05
	1	RALPH WALDO EMERSON ELEMENTARY	K-06
	1	RICHARD GARVEY ELEMENTARY	06-08
	1	ST ANTHONY	1-8
GERBER UNION ELEMENTARY	1	GERBER ELEMENTARY	K-08
GEYSERVILLE UNIFIED	1	GEYSERVILLE EDUCATIONAL PARK	06-12
	1	GEYSERVILLE ELEMENTARY	K-05
GILROY UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
GILROY UNIFIED (CONTINUED)	1	EL ROBLE ELEMENTARY	K-06
	1	GLEN VIEW ELEMENTARY	K-06
	2	JORDAN ELEMENTARY	K-05
	1	LAS ANIMAS ELEMENTARY	PK-06
	2	MT. MADONNA HIGH	09-12
	1	RUCKER ELEMENTARY	K-05
	1	SAN YSIDRO ELEMENTARY	K-05
	1	ST MARY'S EL	1-8
GLENDALE UNIFIED	1	CERRITOS ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLUMBUS ELEMENTARY	K-05
	1	EDISON (THOMAS) ELEMENTARY	K-06
	1	HOLY FAMILY EL	1-8
	1	HOLY FAMILY HIGH	9-12
	1	MANN (HORACE) ELEMENTARY	K-05
	1	MARSHALL (JOHN) ELEMENTARY	K-06
	1	MUIR (JOHN) ELEMENTARY	K-06
	1	ROOSEVELT (THEODORE) JUNIOR	07-09
GOLDEN FEATHER UNION ELE	1	CONCOW ELEMENTARY	03-08
	1	SPRING VALLEY ELEMENTARY	K-02
GOLETA UNION ELEMENTARY	1	ISLA VISTA ELEMENTARY	K-05
GRASS VALLEY ELEMENTARY	2	BELL HILL ELEMENTARY	K-02
	1	HENNESSY ELEMENTARY	01-05
	1	ST MARY'S	1-8
GREEN POINT ELEMENTARY	2	GREEN POINT ELEMENTARY	K-08
GREENFIELD UNION ELEMENT	1	GREENFIELD ELEMENTARY	K-08
	1	OAK AVENUE ELEMENTARY	01-02
GRIDLEY UNION ELEMENTARY	2	SYCAMORE ELEMENTARY	06-08
	2	WILSON ELEMENTARY	03-05
GRIDLEY UNION HIGH	2	ESPERANZA HIGH	09-12
GROSSMONT UNION HIGH	2	EL CAJON VALLEY HIGH	09-12
GUADALUPE UNION ELEMENTA	1	MAIN STREET ELEMENTARY	06-08
GUERNEVILLE ELEMENTARY	1	GUERNEVILLE ELEMENTARY	K-08
HACIENDA LA PUENTE UNIFI	1	BALDWIN ELEMENTARY	K-06
	1	CALIF ELEMENTARY	K-05

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LOCATIONS	CODE *	SCHOOL NAME	
HACIENDA LA PUENTE UNIFI (CONTINUED)	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	DEL VALLE ELEMENTARY	K-05
	1	GLENELDER ELEMENTARY	K-06
	2	LA PUENTE HIGH	09-12
	1	LASSALETTE ELEMENTARY	K-06
	1	NELSON ELEMENTARY	K-06
	1	SHADYBEND ELEMENTARY	K-06
	1	SIERRA VISTA ELEMENTARY	06-08
	1	SPARKS ELEMENTARY	K-06
	1	SPARKS INTERMEDIATE	07-08
	1	ST JOSEPH EL	1-8
	1	WORKMAN ELEMENTARY	K-05
HANFORD ELEMENTARY			
	1	JEFFERSON ELEMENTARY	04-06
	1	LINCOLN ELEMENTARY	K-03
	1	MONROE ELEMENTARY	K-06
	1	RICHMOND (LEE) ELEMENTARY	K-06
	1	WILSON (WOODROW) ELEMENTARY	07-08
HANFORD JOINT UNION HIGH			
	2	HANFORD HIGH	09-12
HAPPY VALLEY UNION ELEME			
	2	HAPPY VALLEY PRIMARY	K-03
HAWTHORNE ELEMENTARY			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EUCALYPTUS ELEMENTARY	K-06
	1	HAWTHORNE INTERMEDIATE	07-08
	1	WILLIAMS ELEMENTARY	04-05
	1	YORK ELEMENTARY	K-06
	1	YUKON INTERMEDIATE	06-08
	1	ZELA DAVIS ELEMENTARY	K-03
HAYFORK VALLEY UNION ELE			
	1	HAYFORK VALLEY ELEMENTARY	K-08
HAYWARD UNIFIED			
	1	ALL SAINTS	1-8
	2	BAYWOOD ELEMENTARY	K-06
	1	BOWMAN ELEMENTARY	K-06
	1	BURBANK ELEMENTARY	K-06
	1	CHERRYLAND ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	GLASSBROOK ELEMENTARY	K-06
	2	HAYWARD CHRISTIAN	K-6
	1	LA VISTA JUNIOR HIGH	07-08
	2	LAUREL ELEMENTARY	K-06
	1	LONGWOOD ELEMENTARY	K-06
	1	LORIN A EDEN ELEMENTARY	K-06
	1	MARKHAM ELEMENTARY	K-06
	1	MUIR ELEMENTARY	K-06
HAYWARD UNIFIED (CONTINUED)	1	PARK ELEMENTARY	K-05
	1	RUUS ELEMENTARY	K-05
	1	SHEPHERD ELEMENTARY	K-06
	1	ST BEDE'S	1-8
	1	ST CLEMENTS	1-8
	1	ST JOACHIM'S	1-8
	1	SUNSET HIGH	09-12
	2	TENNYSON HIGH	09-12
	1	TREEVIEW ELEMENTARY	K-05
	1	WINTON JUNIOR HIGH	07-08
HEALDSBURG UNION ELEMENT			
	1	ST JOHN'S EL	K-8
HEALDSBURG UNION HIGH			
	1	WINDSOR JUNIOR HIGH	07-08
HEMET UNIFIED			
	1	COTTONWOOD ELEMENTARY	K-06
	1	HEMET ELEMENTARY	K-05
	1	WHITTIER ELEMENTARY	K-05
HERLONG ELEMENTARY			
	1	HERLONG MIDDLE	05-08
	2	SIERRA PRIMARY	K-04
HERMOSA BEACH CITY ELEME			
	1	OUR LADY OF GUADALUPE EL	1-8
HESPERIA ELEMENTARY			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	JOSHUA CIRCLE ELEMENTARY YR	K-05
	1	JUNIPER ELEMENTARY YR	K-05
	1	MESA GRANDE ELEMENTARY	K-05
HICKMAN ELEMENTARY			
	1	HICKMAN ELEMENTARY	K-08
HILMAR UNIFIED			
	1	MERQUIN ELEMENTARY	K-06
HOLLISTER ELEMENTARY			
	1	SACRED HEART EL	1-8
HORICON ELEMENTARY			
	1	HORICON ELEMENTARY	K-08
HORNBROOK ELEMENTARY			
	1	HORNBROOK ELEMENTARY	K-08
HOUGHTON KEARNEY UNION E			
	1	HOUGHTON-KEARNEY ELEMENTARY	K-08
HOWELL MOUNTAIN ELEMENTA			
	1	HOWELL MOUNTAIN ELEMENTARY	K-08
HUENEME ELEMENTARY			
	1	HAYCOX (ART) ELEMENTARY	K-05
	2	HOLLYWOOD BEACH ELEMENTARY	K-05
	1	HUENEME ELEMENTARY	K-05
	1	LARSEN (ANSGAR) ELEMENTARY	K-05

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HUGHES ELIZABETH LAKES U			
	2	HUGHES-ELIZABETH LAKES ELEMEN	K-08
HUGHSON UNION ELEMENTARY			
	1	EMILLE J. ROSS ELEMENTARY	07-08
	2	HUGHSON CHRISTIAN SCHOOL	K-9
HUNTINGTON BEACH CITY EL			
	1	PERRY (JOSEPH R) ELEMENTARY	K-05
	1	PETERSON (JOHN R) ELEMENTARY	K-05
	2	ST SIMONS	K-8
IMPERIAL UNIFIED			
	1	BEN HULSE ELEMENTARY	K-06
INDIAN SPRINGS ELEMENTAR			
	1	INDIAN SPRINGS ELEMENTARY	K-08
INGLEWOOD UNIFIED			
	1	BENNETT ELEMENTARY	K-03
	1	CENTINELA ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CROZIER JUNIOR HIGH	07-09
	1	FREEMEN ELEMENTARY	K-06
	1	HIGHLAND ELEMENTARY	K-06
	2	HUDNALL ELEMENTARY	K-06
	2	INGLEWOOD HIGH	09-12
	1	KELSO ELEMENTARY	K-06
	2	KEW ELEMENTARY	04-06
	1	LANE ELEMENTARY	K-06
	1	MARY CELESTE SCOTT CHRISTIAN	K-6
	1	MONROE JUNIOR HIGH	07-08
	1	MORNINGSIDE HIGH SCHOOL	09-12
	1	OAK STREET ELEMENTARY	K-06
	1	PAYNE ELEMENTARY	K-06
	1	ST EUGENE EL	K-8
	1	ST JOHN CHRYSOSTOM EL	1-8
	1	WOODWORTH ELEMENTARY	K-06
	1	WORTHINGTON ELEMENTARY	K-06
JAMESTOWN ELEMENTARY			
	1	JAMESTOWN ELEMENTARY	K-08
JEFFERSON ELEMENTARY			
	1	COLMA ELEMENTARY	K-05
	1	GEORGE WASHINGTON ELEMENTARY	K-05
	1	MARGARET PAULINE BROWN ELEMEN	K-06
	1	OUR LADY OF PERPETUAL HELP	1-8
JOHN SWETT UNIFIED			
	1	CARQUINEZ ELEMENTARY	K-06
	2	GARRETSON HEIGHTS ELEMENTARY	07-08
	2	HILLCREST ELEMENTARY	K-06
	2	JOHN SWETT HIGH	09-12
	1	ST PATRICK'S EL	1-8
	2	WILLOW HIGH	09-12
JUNCTION CITY ELEMENTARY			
	1	JUNCTION CITY ELEMENTARY	K-08
JURUPA UNIFIED			
	1	INA ARBUCKLE ELEMENTARY	K-06
	1	MISSION BELL ELEMENTARY	K-06
	1	MISSION JUNIOR HIGH YR	06-09
	2	NUEVA VISTA CONTINUATION HIGH	09-12
	1	PACIFIC AVENUE ELEMENTARY YR	K-06
	1	RUSTIC LANE ELEMENTARY	K-06
	1	WEST RIVERSIDE ELEMENTARY YR	K-06
KEPPEL UNION ELEMENTARY			
	1	ALMONDALE ELEMENTARY	06-08
	1	ALPINE ELEMENTARY	K-03
	1	ANTELOPE ELEMENTARY	04-06
	1	ST MARYS	1-8
KERMAN FLOYD UNION ELEME			
	1	KERMAN-FLOYD INTERMEDIATE	04-05
	1	KERMAN-FLOYD PRIMARY-INTERMED	K-03
	1	KERMAN-FLOYD SENIOR ELEMENTARY	06-08
KERMAN UNION HIGH			
	1	KERMAN HIGH	09-12
KERN JOINT UNION HIGH			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EAST BAKERSFIELD HIGH	09-12
	1	FOOTHILL HIGH	09-12
	2	GARCES MEMORIAL HIGH	9-12
KEYES UNION ELEMENTARY			
	1	KEYES ELEMENTARY	K-08
KING CITY UNION ELEMENTA			
	1	ST JOHN'S EL	1-8
KINGS CANYON JOINT UNIFI			
	2	CITRUS ELEMENTARY	07-08
	1	DUNLAP ELEMENTARY	K-08
	1	JEFFERSON ELEMENTARY	K-06
	1	KINGS CANYON CONTINUATION	09-12
	1	MCCORD ELEMENTARY	04-06
	1	MIRAMONTE ELEMENTARY	K-08
	1	SHERIDAN ELEMENTARY	K-03
	1	ST LA SALLE EL	K-8
KINGS RIVER UNION ELEMEN			
	1	KINGS RIVER ELEMENTARY	K-08
KLAMATH TRINITY JOINT UN			
	1	HOOPA VALLEY ELEMENTARY	K-08
	1	JACK NORTON ELEMENTARY	K-08
	1	WEITCHPEC ELEMENTARY	K-06
KONOCTI UNIFIED			
	1	BURNS VALLEY ELEMENTARY	K-04
	1	EAST LAKE ELEMENTARY	K-04

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LOCATIONS	CODE *	SCHOOL NAME	
KONOCTI UNIFIED (CONTINUED)	2	LOWER LAKE HIGH	09-12
	1	LOWER LAKE JUNIOR HIGH	07-08
	1	OAK HILL	04-06
LA HABRA CITY ELEMENTARY	1	EL CERRITO ELEMENTARY	K-03
LA MESA SPRING VALLEY EL	2	BANCROFT ELEMENTARY YR	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	KEMPTON STREET ELEMENTARY	K-06
	2	LA MESA DALE ELEMENTARY	PK-06
	1	LA PRESA ELEMENTARY YR	PK-06
	1	LA PRESA INTERMEDIATE YR	07-08
	2	ROLANDO ELEMENTARY	K-06
	1	SANTA SOPHIA ACAD	K-8
	1	SPRING VALLEY ELEMENTARY	PK-06
LAGUNA SALADA UNION ELEM	1	HIGHLANDS CHRISTIAN ACAD	K-12
	1	WESTVIEW ELEMENTARY	K-06
LAGUNITAS ELEMENTARY	1	SAN GERONIMO VALLEY ELEMENTARY	K-06
LAKE TAHOE UNIFIED	1	AL TAHOE ELEMENTARY	K-06
	1	SIERRA HOUSE ELEMENTARY	K-06
	2	TAHOE VALLEY ELEMENTARY	K-06
LAKEPORT UNIFIED	1	LAKEPORT ELEMENTARY	K-04
	1	NATURAL HIGH	09-12
LAKESIDE UNION ELEMENTAR	1	LAKESIDE ELEMENTARY YR	K-08
	1	LINDO PARK ELEMENTARY YR	K-05
	1	OUR LADY OF PERPETUAL HELP	K-8
	2	WINTER GARDENS ELEMENTARY	01-05
LAMONT ELEMENTARY	1	LAMONT ELEMENTARY	K-03
	1	MOUNTAIN VIEW JUNIOR HIGH	07-08
	1	MYRTLE AVENUE ELEMENTARY	04-06
LANCASTER ELEMENTARY	1	DESERT VIEW ELEMENTARY	K-06
	2	LINDA VERDE ELEMENTARY	K-06
	1	MARIPOSA ELEMENTARY	K-06
	1	SACRED HEART EL	K-8
	2	SIERRA ELEMENTARY	K-06
LARKSPUR ELEMENTARY	1	ST PATRICK EL	1-8
LASSEN UNION HIGH	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	CREDENCE HIGH	09-12
LATON JOINT UNIFIED	1	CONEJO ELEMENTARY	07-08
	1	LATON ELEMENTARY	K-06
LAWNDALE ELEMENTARY	1	BILLY MITCHELL ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	F D ROOSEVELT ELEMENTARY	K-06
	1	JANE ADDAMS ELEMENTARY	K-08
	1	WILL ROGERS INTERMEDIATE	07-08
	1	WILLIAM ANDERSON ELEMENTARY	K-06
	1	WILLIAM GREEN ELEMENTARY	K-06
LE GRAND UNION ELEMENTAR	1	LE GRAND ELEMENTARY	K-08
LE GRAND UNION HIGH	1	LE GRAND HIGH	09-12
LEMON GROVE ELEMENTARY	2	GOLDEN AVENUE ELEMENTARY	K-05
	1	LEMON GROVE INTERMEDIATE	07-09
	1	MONTEREY HEIGHTS ELEMENTARY	K-05
	1	SAN MIGUEL ELEMENTARY	K-05
	1	ST JOHN OF THE CROSS	K-8
	1	VISTA LA MESA ELEMENTARY	K-05
LEMOORE UNION ELEMENTARY	1	LEMOORE ELEMENTARY	K-06
	2	MEADOW LANE ELEMENTARY	K-05
	2	P W ENGVALL ELEMENTARY	07-08
LENNOX ELEMENTARY	1	BUFORD ELEMENTARY	K-05
	1	FELTON INTERMEDIATE	07-08
	1	JEFFERSON ELEMENTARY	K-05
	1	LARCH ELEMENTARY	K-05
	1	WHELAN ELEMENTARY	K-06
LERDO ELEMENTARY	1	LERDO ELEMENTARY	K-08
LEWISTON ELEMENTARY	1	LEWISTON ELEMENTARY	K-08
LIBERTY ELEMENTARY	1	LIBERTY ELEMENTARY	K-08
LIBERTY UNION HIGH	2	LIBERTY HIGH	09-12
LINCOLN UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	LINCOLN ELEMENTARY	K-05
	1	TULLY C. KNOLES ELEMENTARY	K-05
	1	VILLAGE OAKS ELEMENTARY	K-06
LINDSAY UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	GARVEY (STEVE) JUNIOR HIGH	07-08

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LINDSAY UNIFIED (CONTINUED)	2	GROVE HIGH	09-12
	1	JEFFERSON ELEMENTARY	04-06
	2	LINDSAY SENIOR HIGH	09-12
	1	WASHINGTON ELEMENTARY	PK-03
LITTLE LAKE CITY ELEMENT			
	1	CRESSON ELEMENTARY	K-06
	2	GETTYSBURG ELEMENTARY	K-06
	1	LAKELAND ELEMENTARY	K-06
	2	ST PIUS X	1-8
LIVE OAK ELEMENTARY			
	2	DEL MAR MIDDLE	06-08
	1	LIVE OAK ELEMENTARY	K-02
LIVE OAK UNIFIED			
	1	LIVE OAK ELEMENTARY	K-08
	1	LUTHER ELEMENTARY	K-04
LIVERMORE VALLEY JOINT U			
	1	FIFTH STREET ELEMENTARY	K-06
	2	ST MICHAEL'S	1-8
LIVINGSTON UNION ELEMENT			
	1	CAMPUS PARK ELEMENTARY	K-03
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	HERNDON (SELMA) ELEMENTARY	04-06
LODI UNIFIED			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	2	CLEMENTS ELEMENTARY	K-01
	2	DAVIS (MINI) ELEMENTARY	K-01
	2	DAVIS ELEMENTARY	K-06
	2	ELKHORN ELEMENTARY	01-03
	2	ELKHORN MINI	K-K
	2	GEORGE WASHINGTON ELEMENTARY	K-06
	1	HERITAGE ELEMENTARY	K-05
	1	LAWRENCE ELEMENTARY	K-05
	2	MORADA MIDDLE	07-08
	2	NEEDHAM ELEMENTARY	K-06
	2	NICHOLS (LEROY) ELEMENTARY	K-06
	2	OAKWOOD ELEMENTARY	01-06
	2	PARKLANE ELEMENTARY	K-06
	1	ST ANNES EL	K-8
	1	TOKAY COLONY ELEMENTARY	01-06
	1	VENICE-KING ELEMENTARY	04-04
	2	WOODBRIDGE ELEMENTARY	07-08
LOLETA UNION ELEMENTARY			
	2	LOLETA ELEMENTARY	K-08
LOMPOC UNIFIED			
	1	EL CAMINO ELEMENTARY	K-05
	1	FILLMORE (LEONORA) ELEMENTARY	K-05
	1	LA CANADA ELEMENTARY	K-05
LOMPOC UNIFIED (CONTINUED)	2	LA HONDA ELEMENTARY	K-05
	1	LOMPOC MIDDLE	06-09
	1	MAPLE HIGH	09-12
LONE PINE UNIFIED			
	1	LO-INYO ELEMENTARY	K-08
LONG BEACH UNIFIED			
	1	ADDAMS ELEMENTARY	PK-05
	1	BARTON ELEMENTARY	PK-05
	1	BIRNEY ELEMENTARY	K-05
	1	BRYANT ELEMENTARY	K-05
	1	BURBANK ELEMENTARY	PK-05
	1	BURNETT ELEMENTARY	K-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLLEGE INTERMEDIATE	06-06
	1	EDISON ELEMENTARY	PK-05
	1	FIRST LUTHERAN EL	K-8
	1	FRANKLIN JUNIOR HIGH	06-09
	1	GARFIELD ELEMENTARY	PK-05
	1	GRANT ELEMENTARY	PK-05
	1	HAMILTON JUNIOR HIGH	07-09
	1	HARTE ELEMENTARY	K-05
	1	HOLY INNOCENTS EL	1-3
	1	HUGHES JUNIOR HIGH	07-09
	1	JEFFERSON JUNIOR HIGH	07-09
	1	JORDAN SENIOR HIGH	10-12
	1	KING ELEMENTARY	K-05
	1	LAFAYETTE ELEMENTARY	K-05
	1	LEE ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	PK-06
	1	LINDBERGH JUNIOR HIGH	07-09
	1	MANN ELEMENTARY	K-05
	1	MCKINLEY ELEMENTARY	PK-06
	1	MUIR ELEMENTARY	PK-05
	1	POLYTECHNIC SENIOR HIGH	10-12
	1	ROOSEVELT ELEMENTARY	K-06
	1	SIGNAL HILL ELEMENTARY	K-06
	1	ST ANTHONY EL	1-8
	1	ST ATHANASIUS EL	1-8
	1	ST LUCY EL	1-8
	1	ST MATHEW EL	1-8
	1	STEPHENS JUNIOR HIGH	07-09
	1	STEVENSON ELEMENTARY	K-06
	1	SUTTER ELEMENTARY	K-05
	1	WASHINGTON JUNIOR HIGH	07-09
	1	WEBSTER ELEMENTARY	K-05
	1	WHITTIER ELEMENTARY	PK-06
	1	WILLARD ELEMENTARY	K-05

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LOCATIONS	CODE *	SCHOOL NAME	
LOOMIS UNION ELEMENTARY			
	2	LOOMIS ELEMENTARY	K-08
LOS ANGELES UNIFIED			
	2	ADAMS (JOHN) JUNIOR HIGH	07-09
	2	ALBION STREET ELEMENTARY	K-06
	2	ALDAMA ELEMENTARY	K-06
	2	ALEXANDRIA AVENUE ELEMENTARY	K-06
	1	ALL SAINTS EL	1-8
	2	ALLESANDRO ELEMENTARY	K-06
	1	ALTA LOMA ELEMENTARY	K-06
	2	ANCHORAGE STREET ELEMENTARY	K-06
	1	ANGELES MESA ELEMENTARY	K-06
	1	ANN STREET ELEMENTARY	K-06
	2	ANNANDALE ELEMENTARY	K-06
	2	ARAGON AVENUE ELEMENTARY	K-06
	1	ARLINGTON HEIGHTS ELEMENTARY	K-06
	2	ARMINTA STREET ELEMENTARY	K-06
	1	ASCENSION EL	K-8
	1	ASCOT AVENUE ELEMENTARY	K-06
	1	ASSUMPTION EL	1-8
	2	AUDUBON JUNIOR HIGH	07-09
	1	AVALON GARDENS ELEMENTARY	K-06
	1	BALDWIN HILLS ELEMENTARY	K-06
	2	BANDINI STREET ELEMENTARY	K-06
	2	BANNING (PHINEAS) SENIOR HIGH	10-12
	1	BARTON HILL ELEMENTARY	K-06
	2	BELL SENIOR HIGH	09-12
	1	BELMONT SENIOR HIGH	10-12
	2	BELVEDERE ELEMENTARY	K-06
	2	BELVEDERE JUNIOR HIGH	07-09
	2	BERENDO JUNIOR HIGH	07-09
	1	BETHUNE (MARY MCLEOD) JUNIOR	07-09
	1	BISHOP CONATY MEM HIGH	9-12
	1	BISHOP MORA SALESIAN	9-12
	2	BLYTHE STREET ELEMENTARY	K-06
	1	BRADDOCK DRIVE ELEMENTARY	K-06
	2	BREED STREET ELEMENTARY	K-06
	2	BRIDGE STREET ELEMENTARY	K-06
	1	BROADWAY ELEMENTARY	K-06
	2	BROOKLYN AVENUE ELEMENTARY	K-06
	2	BUCHANAN STREET ELEMENTARY	K-06
	1	BUDLONG AVENUE ELEMENTARY	K-06
	2	BURBANK (LUTHER) JUNIOR HIGH	07-09
	1	BUSHNELL WAY ELEMENTARY	K-06
	2	CABRILLO AVENUE ELEMENTARY	K-06
	2	CAHUENGA ELEMENTARY	K-06
	2	CANFIELD AVENUE ELEMENTARY	K-06
	1	CARVER (GEORGE WASHINGTON) JU	07-09
LOS ANGELES UNIFIED (CONTINUED)			
	2	CASTELAR STREET ELEMENTARY	K-06
	2	CATHEDRAL HIGH	9-12
	2	CATSKILL AVENUE ELEMENTARY	K-06
	1	CENTURY PARK ELEMETARY	K-06
	2	CHARNOCK ROAD ELEMENTARY	K-06
	2	CHEREMOYA AVENUE ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	[illegible]
	1	CIENEGA ELEMENTARY	K-06
	1	CIMARRON AVENUE ELEMENTARY	K-06
	2	CITY TERRACE ELEMENTARY	K-06
	1	CLAY (HENRY) JUNIOR HIGH	07-09
	2	CLIFFORD STREET ELEMENTARY	K-06
	2	COEUR D'ALENE AVENUE ELEMENTA	K-06
	2	COHASSET STREET ELEMENTARY	K-06
	2	COLDWATER CANYON AVENUE ELEM	K-06
	1	COLISEUM STREET ELEMENTARY	K-06
	2	COMMONWEALTH AVENUE ELEMENTAR	K-06
	1	COMPTON AVENUE ELEMENTARY	K-06
	2	CORONA AVENUE ELEMENTARY	K-06
	2	CORTEZ STREET ELEMENTARY	K-06
	1	CRENSHAW SENIOR HIGH	10-12
	2	CRESCENT HEIGHTS BOULEVARD EL	K-06
	2	DACOTAH STREET ELEMENTARY	K-06
	2	DANA (RICHARD HENRY) JUNIOR H	07-09
	2	DAYTON HEIGHTS ELEMENTARY	K-06
	1	DIVINE SAVIOR EL	1-8
	1	DOLORES MISSION	1-8
	2	DORRIS PLACE ELEMENTARY	K-06
	1	DORSEY (SUSAN MILLER) SENIOR	10-12
	1	DREW (CHARLES) JUNIOR HIGH	07-09
	2	DUBLIN AVENUE FUNDAMENTAL MAG	K-06
	2	DYER STREET ELEMENTARY	K-06
	2	EASTMAN AVENUE ELEMENTARY	K-06
	1	EDISON (THOMAS A) JUNIOR HIGH	7-9
	2	EL DORADO AVENUE ELEMENTARY	K-06
	1	EL SERENO ELEMENTARY	K-06
	2	EL SERENO JUNIOR HIGH	7-9
	2	ELYSIAN HEIGHTS ELEMENTARY	K-06
	2	ERWIN STREET ELEMENTARY	K-06
	2	ESHELMAN AVENUE ELEMENTARY	K-06
	2	EUCLID AVENUE ELEMENTARY	K-06
	2	EVERGREEN AVENUE ELEMENTARY	K-06
	1	EVERGREEN COMMUNITY	K-12
	2	FAIS AVENUE ELEMENTARY	K-06
	2	FARMDALE ELEMENTARY	K-06
	2	FENTON AVENUE ELEMENTARY	K-06
	2	FIFTEENTH STREET ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
LOS ANGELES UNIFIED (CONTINUED)	1	FIFTY-FOURTH STREET ELEMENTARY	K-06
	1	FIFTY-NINTH STREET ELEMENTARY	K-06
	1	FIFTY-SECOND STREET ELEMENTARY	K-06
	1	FIGUEROA STREET ELEMENTARY	K-06
	1	FILMORE STREET ELEMENTARY	K-06
	2	FIRST STREET ELEMENTARY	K-06
	2	FISHBURN AVENUE ELEM	K-05
	2	FLETCHER DRIVE ELEMENTARY	K-06
	2	FLORENCE AVENUE ELEMENTARY	K-06
	2	FORD BOULEVARD ELEMENTARY	K-06
	1	FORTY-NINTH STREET ELEMENTARY	K-06
	1	FORTY-SECOND STREET ELEMENTARY	K-06
	1	FOSHAY (JAMES A) JUNIOR HIGH	07-09
	2	FOURTH STREET ELEMENTARY	K-06
	2	FRANKLIN (BENJAMIN) SENIOR HI	10-12
	1	FREMONT (JOHN C) SENIOR HIGH	10-12
	2	FRIES AVENUE ELEMENTARY	K-06
	2	FULLBRIGHT AVENUE ELEMENTARY	K-06
	2	GAGE (HENRY T) MIDDLE	06-08
	1	GARDEN GROVE AVENUE ELEMENTARY	K-06
	2	GARDNER STREET ELEMENTARY	K-06
	1	GARFIELD (JAMES A) SENIOR HI	10-12
	2	GARVANZA ELEMENTARY	K-06
	2	GATES STREET ELEMENTARY	K-06
	2	GLASSELL PARK ELEMENTARY	K-06
	1	GLEN ALTA ELEMENTARY	K-06
	1	GOLDEN DAY	K-6
	1	GOMPERS (SAMUEL) JUNIOR HIGH	07-09
	2	GRAHAM ELEMENTARY	K-06
	2	GRAND VIEW BOULEVARD ELEMENT	K-06
	1	GRANT ELEMENTARY	K-06
	1	GRAPE STREET ELEMENTARY	K-06
	2	GRIDLEY STREET ELEMENTARY	K-06
	2	GRIFFIN AVENUE ELEMENTARY	K-06
	2	GRIFFITH (DAVID WARK) JUNIOR	07-09
	1	GUARDIAN ANGEL	1-8
	2	GULF AVENUE ELEMENTARY	K-06
	2	HADDON AVENUE ELEMENTARY	K-06
	2	HAMILTON (ALEXANDER) SENIOR H	10-12
	2	HAMMEL STREET ELEMENTARY	K-06
	2	HARBOR CITY ELEMENTARY	K-06
	2	HARRISON STREET ELEMENTARY	K-06
	2	HART STREET ELEMENTARY	K-06
	1	HARTE (BRET) JUNIOR HIGH	07-09
	2	HAWAIIAN AVENUE ELEMENTARY	K-06
	2	HAZELTINE AVENUE ELEMENTARY	K-06
	2	HELIOTROPE AVENUE ELEMENTARY	K-06
LOS ANGELES UNIFIED (CONTINUED)	1	HILLCREST DRIVE ELEMENTARY	K-06
	2	HILLSIDE ELEMENTARY	K-06
	2	HOBART BOULEVARD ELEMENTARY	K-06
	2	HOLLENBECK JUNIOR HIGH	07-09
	2	HOLLYWOOD SENIOR HIGH	10-12
	1	HOLMES AVENUE ELEMENTARY	K-06
	1	HOLY CROSS MIDDLE	7-8
	1	HOLY FAMILY EL	K-8
	1	HOLY NME OF JESUS	1-8
	1	HOOPER AVENUE ELEMENTARY	K-06
	2	HOOVER STREET ELEMENTARY	K-06
	2	HUMPHREYS AVENUE ELEMENTARY	K-06
	2	HUNTINGTON DRIVE ELEMENTARY	K-06
	2	HUNTINGTON PARK SENIOR HIGH	09-12
	1	HYDE PARK BLVD ELEMENTARY	K-06
	1	IMMACULATE CONCEPTION EL	1-8
	2	IRVING (WASHINGTON) JUNIOR HI	07-09
	1	JEFFERSON (THOMAS) SENIOR HIGH	10-12
	1	JORDAN (DAVID STARR) SENIOR H	10-12
	2	KENNEDY (ROBERT F) ELEMENTARY	K-06
	2	KING (THOMAS STARR) JUNIOR HI	07-09
	2	KITTRIDGE STREET ELEMENTARY	K-06
	1	LA SALLE AVENUE ELEMENTARY	K-06
	2	LANGDON AVENUE ELEMENTARY	K-06
	2	LANKERSHIM ELEMENTARY	K-06
	1	LATONA AVENUE ELEMENTARY	K-06
	2	LAUREL ELEMENTARY	K-06
	2	LE CONTE (JOSEPH) JUNIOR HIGH	07-09
	2	LE LYCEE FRANCAIS DE LA	K-12
	2	LIBERTY BOULEVARD ELEMENTARY	K-06
	2	LILLIAN STREET ELEMENTARY	K-06
	2	LIMERICK AVENUE ELEMENTARY	K-06
	1	LINCOLN (ABRAHAM) SENIOR HIGH	10-12
	1	LOCKE (ALAIN LEROY) SENIOR HI	10-12
	2	LOCKWOOD AVENUE ELEMENTARY	K-06
	2	LOGAN STREET ELEMENTARY	K-06
	2	LOMA VISTA AVENUE ELEMENTARY	K-06
	2	LORENA STREET ELEMENTARY	K-06
	2	LORETTA STREET ELEMENTARY	K-06
	2	LOS ANGELES SENIOR HIGH	10-12
	2	LOS FELIZ ELEMENTARY	K-06
	1	MACLAY (CHARLES) JUNIOR HIGH	07-09
	2	MAGNOLIA AVENUE ELEMENTARY	K-06
	1	MAIN STREET ELEMENTARY	K-06
	2	MALABAR STREET ELEMENTARY	K-06
	1	MANCHESTER AVENUE ELEMENTARY	K-06
	1	MANHATTAN PLACE ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
LOS ANGELES UNIFIED (CONTINUED)	1	MANN (HORACE) JUNIOR HIGH	07-09
	1	MANUAL ARTS SENIOR HIGH	10-12
	2	MARIANNA AVENUE ELEMENTARY	K-06
	2	MARINA DEL REY JUNIOR HIGH	07-09
	2	MARK TWAIN JUNIOR HIGH	07-09
	1	MARKHAM (EDWIN) JUNIOR HIGH	07-09
	2	MARSHALL (JOHN) SENIOR HIGH	10-12
	1	MARVIN ELEMENTARY	K-06
	1	MARY IMMACULATE	K-8
	2	MAUDE BOOTH FAMILY CENTER	UG-UG
	2	MAYBERRY STREET ELEMENTARY	K-06
	1	MCKINLEY AVENUE ELEMENTARY	K-06
	1	MENLO AVENUE ELEMENTARY	K-06
	2	MEYLER STREET ELEMENTARY	K-06
	2	MICHELTORENA STREET ELEMENTARY	K-06
	2	MIDDLETON STREET ELEMENTARY	K-05
	2	MILES AVENUE ELEMENTARY	K-05
	1	MILLER (LOREN) ELEMENTARY	K-06
	2	MIRAMONTE ELEMENTARY	K-06
	2	MONTAGUE STREET ELEMENTARY	K-06
	2	MONTE VISTA STREET ELEMENTARY	K-06
	2	MORNINGSIDE ELEMENTARY	K-06
	1	MOTHER OF SORROWS EL	1-8
	1	MT VERNON JUNIOR HIGH	07-09
	1	MUIR (JOHN) JUNIOR HIGH	07-09
	2	MULTNOMAH STREET ELEMENTARY	K-06
	1	MURCHISON STREET ELEMENTARY	K-06
	2	NAPA STREET ELEMENTARY	K-06
	1	NATIVITY EL	1-6
	1	NAZARENE CHRISTIAN	K-11
	1	NAZARENE CHRISTIAN EL	K-8
	1	NEVIN AVENUE ELEMENTARY	K-06
	2	NIGHTINGALE (FLORENCE) JUNIOR	07-09
	2	NIMITZ (CHESTER W) MIDDLE	06-08
	1	NINETY-FIFTH STREET ELEMENTARY	K-06
	1	NINETY-NINTH STREET ELEMENTARY	K-06
	1	NINETY-SECOND STREET ELEMENTA	K-06
	1	NINETY-SEVENTH STREET ELEMENT	K-06
	1	NINETY-SIXTH STREET ELEMENTAR	K-06
	1	NINETY-THIRD STREET ELEMENTARY	K-06
	2	NOBLE AVENUE ELEMENTARY	K-06
	1	NORMANDIE AVENUE ELEMENTARY	K-06
	1	NORMANDIE CHRISTIAN	K-6
	1	NORMONT ELEMENTARY	K-06
	1	NORMONT ELEMENTARY	K-06
	2	NORWOOD STREET ELEMENTARY	K-06
	1	NOTRE DAME HIGH	9-12
LOS ANGELES UNIFIED (CONTINUED)	2	O'MELVENY ELEMENTARY	K-06
	1	ONE HUNDRED EIGHTEENTH ST ELE	K-06
	1	ONE HUNDRED NINTH STREET ELEM	K-06
	1	ONE HUNDRED SECOND STREET ELE	K-06
	1	ONE HUNDRED SEVENTH STREET EL	K-06
	1	ONE HUNDRED SIXTEENTH STREET	K-06
	2	ONE HUNDRED THIRTY-FIFTH ST E	K-06
	1	ONE HUNDRED TWELFTH STREET EL	K-06
	1	ONE HUNDRED TWENTY-SECOND ST	K-06
	1	OUR LADY HELP OF CHRISTIANS	1-8
	2	OUR LADY OF GUADALUPE	1-8
	1	OUR LADY OF GUADALUPE EL	1-8
	1	OUR LADY OF LORETTO	1-8
	1	OUR LADY OF LOURDES	1-8
	1	OUR LADY OF SOLEDAD EL	1-8
	1	OUR LADY OF THE ROSARY	K-8
	2	OXNARD STREET ELEMENTARY	K-06
	1	PACOIMA ELEMENTARY	K-06
	2	PACOIMA JUNIOR HIGH	07-09
	2	PALMS ELEMENTARY	K-06
	2	PALMS JUNIOR HIGH	07-09
	1	PARK AVENUE ELEMENTARY	K-06
	2	PARK WESTERN PLACE ELEMENTARY	K-06
	1	PARMELEE AVENUE ELEMENTARY	K-06
	1	PASTEUR (LOUIS) JUNIOR HIGH	07-09
	2	PINEWOOD AVENUE ELEMENTARY	K-06
	2	PLAINVIEW AVENUE ELEMENTARY	K-06
	2	PLUMMER ELEMENTARY	K-06
	2	POINT FERMIN ELEMENTARY	K-06
	2	PUPCHE AVENUE ELEMENTARY	K-06
	1	QUEEN ANNE PLACE ELEMENTARY	K-06
	1	RAMONA ELEMENTARY	K-06
	1	RAYMOND AVENUE ELEMENTARY	K-06
	1	RESURRECTION EL	1-8
	1	RIGGIN ELEMENTARY	K-06
	1	RITTER ELEMENTARY	K-06
	2	ROCKDALE ELEMENTARY	K-06
	2	ROOSEVELT (THEODORE) SENIOR H	10-12
	2	ROSCOE ELEMENTARY	K-06
	2	ROSEMONT AVENUE ELEMENTARY	K-06
	2	ROWAN AVENUE ELEMENTARY	K-06
	1	RUSSELL ELEMENTARY	K-06
	1	SACRED HEART EL	1-8
	1	SACRED HEART HIGH	9-12
	2	SAN FERNANDO ELEMENTARY	K-06
	2	SAN FERNANDO JUNIOR HIGH	07-09
	2	SAN FERNANDO SENIOR HIGH	10-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LOS ANGELES UNIFIED (CONTINUED)	2	SAN GABRIEL AVENUE ELEMENTARY	K-06
	1	SAN MIGUEL EL	1-8
	2	SAN PASCUAL AVENUE ELEMENTARY	K-06
	2	SAN PEDRO STREET ELEMENTARY	K-06
	1	SANTA BARBARA ELEMENTARY	K-06
	1	SANTA ISABEL EL	1-8
	1	SANTA MONICA BOULEVARD ELEMEN	K-06
	1	SANTA ROSA DE LIMA	K-8
	1	SANTA TERESITA EL	1-8
	1	SATURN STREET ELEMENTARY	K-06
	1	SECOND STREET ELEMENTARY	K-06
	1	SELMA AVENUE ELEMENTARY	K-06
	2	SEQUOIA JUNIOR HIGH	07-09
	1	SEVENTY-FIFTH STREET ELEMENTA	K-06
	1	SEVENTY-FOURTH STREET ELEMENT	K-06
	2	SHARP AVENUE ELEMENTARY	K-06
	1	SHENANDOAH STREET ELEMENTARY	K-06
	2	SHERIDAN STREET ELEMENTARY	K-06
	2	SIERRA PARK ELEMENTARY	K-06
	2	SIERRA VISTA ELEMENTARY	K-06
	1	SIXTH AVENUE ELEMENTARY	K-06
	1	SIXTY-EIGHTH STREET ELEMENTARY	K-06
	1	SIXTY-FIRST STREET ELEMENTARY	K-06
	1	SIXTY-SIXTH STREET ELEMENTARY	K-06
	2	SOLANO AVENUE ELEMENTARY	K-06
	2	SOTO STREET ELEMENTARY	K-06
	2	SOUTH GATE JUNIOR HIGH	07-09
	2	SOUTH GATE SENIOR HIGH	09-12
	1	SOUTH PARK ELEMENTARY	K-06
	1	ST AGNES EL	1-8
	1	ST ALOYSIUS EL	1-8
	1	ST ALPHONSUS	1-8
	1	ST ANSELM EL	1-8
	2	ST ANTHONY OF PADUA	1-8
	2	ST AUGUSTINE	K-8
	1	ST BERNARD	1-8
	2	ST BERNARDETTE EL	K-9
	1	ST CECILIA EL	K-6
	1	ST CLEMENT EL	1-8
	1	ST COLUMB	1-6
	1	ST EUGENE	K-8
	1	ST FRANCES X CABRINI	K-8
	1	ST JOHN THE EVANGELIST	K-8
	1	ST LAWRENCE OF BRINDISI	1-8
	1	ST LINUS	1-8
	1	ST MALACHY EL	1-8
	1	ST MARY EL	1-8
LOS ANGELES UNIFIED (CONTINUED)	1	ST MATTHIAS	1-8
	1	ST MICHAEL AND ALL ANGELS	K-8
	1	ST MICHAELS	9-12
	1	ST ODELIA EL	1-6
	1	ST PAUL EL	1-8
	1	ST PHILIP NERI	1-8
	1	ST RAPHAEL EL	K-8
	1	ST TERESA OF AVILA EL	1-6
	1	ST THOMAS THE APOSTLE	1-8
	1	ST TURIBIUS EL	1-6
	1	ST VINCENT EL	K-8
	2	STANFORD AVENUE ELEMENTARY	K-06
	2	STEVENSON (ROBERT LOUIS) JUNI	07-09
	2	STONER AVENUE ELEMENTARY	K-06
	1	STS PETER & PAUL	1-8
	2	SUN VALLEY JUNIOR HIGH	07-09
	2	SUNLAND ELEMENTARY	K-06
	2	SUNNY BRAE AVENUE ELEMENTARY	K-06
	2	SYLMAR ELEMENTARY	K-06
	2	SYLVAN PARK ELEMENTARY	K-06
	2	TELFAIR AVENUE ELEMENTARY	K-06
	2	TENTH STREET ELEMENTARY	K-06
	2	THIRTY-SECOND STREET FUNDAMEN	K-06
	1	THIRTY-SIXTH STREET ELEMENTARY	K-06
	2	TOLAND WAY ELEMENTARY	K-06
	2	TOWNE AVENUE ELEMENTARY	K-06
	1	TRANSFIGURATION EL	K-8
	2	TRINITY STREET ELEMENTARY	K-06
	2	TWEEDY ELEMENTARY	K-06
	2	TWENTIETH STREET ELEMENTARY	K-06
	2	TWENTY-EIGHTH STREET ELEMENTA	K-06
	1	TWENTY-FOURTH STREET ELEMENTA	K-06
	2	UNION AVENUE ELEMENTARY	K-06
	1	UTAH STREET ELEMENTARY	K-06
	2	VALLEY VIEW ELEMENTARY	K-06
	2	VAN NESS AVENUE ELEMENTARY	K-06
	2	VAN NUYS ELEMENTARY	K-06
	2	VANALDEN AVENUE ELEMENTARY	K-06
	1	VAUGHN STREET ELEMENTARY	K-06
	2	VENICE SENIOR HIGH	10-12
	2	VERMONT AVENUE ELEMENTARY	K-06
	2	VICTORIA AVENUE ELEMENTARY	K-06
	2	VICTORY BOULEVARD ELEMENTARY	K-06
	2	VINE STREET ELEMENTARY	K-06
	2	VINEDALE ELEMENTARY	K-06
	2	VIRGIL JUNIOR HIGH	07-09
	1	VIRGINIA ROAD ELEMENTARY	K-06

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LOS ANGELES UNIFIED (CONTINUED)	1	WADSWORTH AVENUE ELEMENTARY	K-06
	1	WASHINGTON (GEORGE) SENIOR HI	10-12
	2	WEBSTER (DANIEL) JUNIOR HIGH	07-09
	1	WEEMES (LENICIA B) ELEMENTARY	K-06
	1	WEIGAND AVENUE ELEMENTARY	K-06
	1	WEST ATHENS ELEMENTARY	K-06
	1	WEST HOLLYWOOD ELEMENTARY	K-06
	1	WEST VERNON AVENUE ELEMENTARY	K-06
	1	WESTERN AVENUE ELEMENTARY	K-06
	1	WESTMINSTER AVENUE ELEMENTARY	K-06
	2	WILMINGTON JUNIOR HIGH	07-09
	2	WILMINGTON PARK ELEMENTARY	K-06
	2	WILSHIRE CREST ELEMENTARY	K-06
	2	WILSON (WOODROW) SENIOR HIGH	10-12
	2	WILTON PLACE ELEMENTARY	K-06
	2	WINDSOR HILLS ELEMENTARY	K-06
	1	WOODCREST ELEMENTARY	K-06
	2	WOODLAWN AVENUE ELEMENTARY	K-06
	2	YORKDALE ELEMENTARY	K-06
LOS BANOS UNIFIED	1	HENRY MILLER ELEMENTARY	K-06
	1	LOS BANOS ELEMENTARY	K-06
	2	LOS BANOS HIGH	09-12
	1	MIANO ELEMENTARY	K-06
	1	OUR LADY OF FATIMA	K-8
LOS MOLINOS UNIFIED	1	LOS MOLINOS ELEMENTARY	K-08
LOS NIETOS ELEMENTARY	1	AEOLIAN ELEMENTARY	K-06
	1	LOS NIETOS INTERMEDIATE	07-08
	1	RANCHO SANTA GERTRUDES ELEMEN	K-06
LUCERNE ELEMENTARY	2	LUCERNE ELEMENTARY	K-08
LUCERNE VALLEY UNION ELE	1	LUCERNE VALLEY ELEMENTARY	K-08
LUCIA MAR UNIFIED	1	DANA ELEMENTARY	K-06
	1	GROVER CITY ELEMENTARY	K-06
	2	GROVER HEIGHTS ELEMENTARY	K-06
	1	JUDKINS INTERMEDIATE	07-08
	1	NIPOMO ELEMENTARY	K-06
	1	OCEANO ELEMENTARY	K-06
	1	ST PATRICK'S PAROCHIAL	1-8
LUTHER BURBANK ELEMENTAR	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	LUTHER BURBANK ELEMENTARY	K-08
LYNWOOD UNIFIED	1	ABBOTT (JANIE P) ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	HOSLER (FRED W) JUNIOR HIGH	07-08
	1	LINCOLN ELEMENTARY	K-06
	1	LINDBERGH ELEMENTARY	K-06
	1	LUGO ELEMENTARY	K-06
	1	ROGERS (WILL) ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	ST EMYDIUS EL	1-8
	1	ST PHILIP NERI EL	1-8
	1	TWAIN (MARK) ELEMENTARY	K-06
	1	VISTA HIGH	09-12
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
MADERA UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	MADERA HIGH	09-12
	1	MADISON (JAMES) ELEMENTARY	K-06
	1	MILLVIEW ELEMENTARY	K-06
	1	SIERRA VISTA ELEMENTARY	K-06
	1	ST JOACHIM EL	K-8
	1	THOMAS JEFFERSON UPPER ELEMEN	07-11
	1	WASHINGTON (GEORGE) ELEMENTARY	K-06
MAGNOLIA ELEMENTARY	1	MYLES (ROBERT M) ELEMENTARY	K-06
	1	SALK (JONAS E) ELEMENTARY	K-06
	1	WALTER (ESTHER L) ELEMENTARY	K-06
MANHATTAN BEACH CITY ELE	3	CHILD DEVELOPMENT CTRS	UG-UG
MANTECA UNIFIED	1	CALLA HIGH	09-12
	1	FRENCH CAMP ELEMENTARY	K-08
	1	LATHROP ELEMENTARY YR	K-08
	2	LINCOLN ELEM.	K-08
	1	SHASTA ELEMENTARY	K-06
	1	ST ANTHONYS	K-8
	1	YOSEMITE ELEMENTARY	K-06
MANTON JOINT UNION ELEME	1	MANTON ELEMENTARY	K-08
MARCUM ILLINOIS UNION EL	2	MARCUM-ILLINOIS UNION ELEMENT	K-8
MARIPOSA COUNTY UNIFIED	1	COULTERVILLE-GREELEY ELEMENTA	K-11
	1	HORNITOS ELEMENTARY	01-06
MARTINEZ UNIFIED	1	MARTINEZ ELEM	K-06
	1	MARTINEZ HIGH	07-12

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LOCATIONS	CODE *	SCHOOL NAME	
MARTINEZ UNIFIED (CONTINUED)	1	ST CATHERINE OF SIENA	1-8
MARYSVILLE JOINT UNIFIED	1	ALICIA INTERMEDIATE	06-08
	1	ARBOGA ELEMENTARY	01-05
	1	CEDAR LANE ELEMENTARY	K-05
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	COVILLAUD (MARY) ELEMENTARY	K-05
	1	DOBBINS ELEMENTARY	K-05
	1	ELLA ELEMENTARY	K-05
	1	JOHNSON PARK ELEMENTARY	K-05
	1	KYNOCH (WALTER) ELEMENTARY	K-05
	1	LINDA ELEMENTARY	K-05
	1	LINDHURST HIGH	09-12
	1	MCKENNEY (ANNA D.) INTERMEDIA	06-08
	1	NOTRE DAME EL	1-8
	1	OLIVEHURST ELEMENTARY	K-08
	1	ROSE BAR ELEMENTARY	K-04
	1	W. T. ELLIS HIGH	09-12
	1	YUBA FEATHER ELEMENTARY	K-08
	1	YUBA GARDENS INTERMEDIATE	06-08
MATTOLE UNION ELEMENTARY	2	MATTOLE UNION ELEMENTARY	K-08
MCFARLAND UNIFIED	2	MCFARLAND HIGH	09-12
MCKINLEY ROOSEVELT UNION	1	EL CAPITAN ELEMENTARY	07-08
MCKINLEYVILLE UNION ELEM	2	MCKINLEYVILLE ELEMENTARY	K-08
	1	MORRIS ELEMENTARY	K-06
MENDOCINO UNIFIED	1	GREENWOOD ELEMENTARY	K-05
	1	MENDOCINO ELEMENTARY	K-05
MENDOTA UNION ELEMENTARY	1	MCCABE ELEMENTARY	04-06
	1	MCCABE JUNIOR HIGH	07-08
MERCED CITY ELEMENTARY	1	ADA GIVENS ELEMENTARY	K-05
	1	CHARLES WRIGHT ELEMENTARY	K-05
	1	FRANKLIN ELEMENTARY	K-05
	1	HERBERT HOOVER INTERMEDIATE	06-08
	1	JOHN FREMONT ELEMENTARY	K-05
	1	JOHN MUIR ELEMENTARY	K-05
	1	LUTHER BURBANK ELEMENTARY	K-05
	1	MARGARET SHEEHY ELEMENTARY	K-05
	1	RUDOLPH RIVERA INTERMEDIATE	06-08
	1	TENAYA INTERMEDIATE	06-08
MERCED UNION HIGH	1	LIVINGSTON HIGH	09-12
	1	MERCED HIGH EAST	09-12
	2	MERCED HIGH NORTH	10-12
MERIDIAN ELEMENTARY	2	MERIDIAN ELEMENTARY	K-08
MIDDLETOWN UNIFIED	1	LOCONOMA VALLEY HIGH	10-12
MILLBRAE ELEMENTARY	1	LOMITA PARK ELEMENTARY	K-06
MILPITAS UNIFIED	1	BURNETT (WILLIAM) ELEMENTARY	K-07
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	RANDALL (ROBERT) ELEMENTARY	K-07
	2	SPANGLER (ANTHONY) ELEMENTARY	K-07
	1	WELLER (JOSEPH) ELEMENTARY	K-07
MODESTO CITY ELEMENTARY	2	BEARD ELEMENTARY	K-07
	1	BRET HARTE ELEMENTARY	K-07
	1	BURBANK ELEMENTARY	K-07
	2	ENSLEN ELEMENTARY	K-06
	2	EVERETT ELEMENTARY	K-06
	1	FAIRVIEW ELEMENTARY	K-06
	1	FRANKLIN ELEMENTARY	K-06
	1	GARRISON ELEMENTARY	K-06
	1	MARK TWAIN INTERMEDIATE	07-08
	1	MARSHALL (JAMES) ELEMENTARY	K-06
	2	MUIR (JOHN) ELEMENTARY	K-06
	1	ROBERTSON ROAD ELEMENTARY	K-06
	2	ROOSEVELT INTERMEDIATE	07-08
	1	SHACKELFORD ELEMENTARY	K-06
	1	ST STANISLAUS	1-8
	2	SUTTER ELEMENTARY	K-06
	1	THERAPEUTIC HOMES	K-6
	1	TUOLUMNE ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
	1	WRIGHT (ORVILLE) ELEMENTARY	K-06
MODESTO CITY HIGH	1	CENTRAL CATHOLIC HIGH	9-12
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	2	MODESTO HIGH	09-12
	2	THOMAS DOWNEY HIGH	09-12
MODOC JOINT UNIFIED SCHO	1	ALTURAS ELEMENTARY	K-06
	1	STATE LINE ELEMENTARY	K-07
	2	WARNER HIGH	09-12
MOJAVE UNIFIED			

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LOCATIONS	CODE *	SCHOOL NAME	
MOJAVE UNIFIED (CONTINUED)	1	RED ROCK ELEMENTARY	K-03
MONROE ELEMENTARY	1	MONROE ELEMENTARY	K-08
MONROVIA UNIFIED	1	ANNUNCIATION EL	1-8
	1	BRADOAKS ELEMENTARY	K-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	CLIFTON MIDDLE	06-08
	1	IMMACULATE CONCEPTION EL	1-8
	1	MAYFLOWER ELEMENTARY	K-05
	1	MONROE ELEMENTARY	K-05
	2	MONROVIA HIGH	09-12
	2	PLYMOUTH ELEMENTARY	K-05
	1	SANTA FE MIDDLE	06-08
	1	WILD ROSE ELEMENTARY	K-05
MONSON SULTANA JOINT UNI	1	MONSON-SULTANA ELEMENTARY	K-08
MONTE RIO UNION ELEMENTA	1	MONTE RIO ELEMENTARY	K-08
MONTEBELLO UNIFIED	1	BANDINI ELEMENTARY	K-04
	1	BELL GARDENS ELEMENTARY	PK-04
	1	BELL GARDENS HIGH	09-12
	1	BELL GARDENS INTERMEDIATE	04-07
	1	BELLA VISTA ELEMENTARY	K-04
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COLMAR ELEMENTARY	K-04
	1	EASTMONT ELEMENTARY	PK-04
	1	EASTMONT INTERMEDIATE	04-07
	1	FREMONT ELEMENTARY	K-04
	1	GARFIELD ELEMENTARY	PK-04
	1	GREENWOOD ELEMENTARY	K-04
	1	LA MERCED INTERMEDIATE	04-07
	1	MONTEBELLO GARDENS ELEMENTARY	K-04
	2	MONTEBELLO HIGH	09-12
	1	MONTEBELLO INTERMEDIATE	04-07
	1	MONTEBELLO PARK ELEMENTARY	K-04
	1	ROSEWOOD PARK ELEMENTARY	K-04
	2	SCHURR HIGH	09-12
	1	ST BENEDICT EL	1-8
	1	ST GERTRUDE EL	1-8
	1	SUVA ELEMENTARY	PK-04
	1	SUVA INTERMEDIATE	04-07
	2	VAIL HIGH	09-12
	1	WASHINGTON ELEMENTARY	K-04
	1	WINTER GARDENS ELEMENTARY	PK-04
MONTEREY PENINSULA UNIFI (CONTINUED)	2	BAY VIEW ELEMENTARY	K-06
	1	CABRILLO (JUAN) ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COVELL (ELDON J) ELEMENTARY	K-06
	2	CYPRESS HIGH	09-12
	1	DEL MONTE ELEMENTARY	K-06
	2	DEL REY WOODS ELEMENTARY	K-06
	1	FREMONT JUNIOR HIGH	07-09
	1	HIGHLAND ELEMENTARY YR	K-06
	1	KING (MARTIN LUTHER) JUNIOR H	07-09
	1	MANZANITA ELEMENTARY	K-06
	1	MARINA DEL MAR ELEMENTARY	K-06
	1	ORD TERRACE ELEMENTARY	K-06
MONTGOMERY ELEMENTARY	1	MONTGOMERY ELEMENTARY	K-08
MORELAND ELEMENTARY	2	GEORGE C. PAYNE ELEMENTARY	K-06
	2	LEROY ANDERSON ELEMENTARY	K-06
MORENO VALLEY UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EDGEMONT ELEMENTARY	K-06
	1	MORENO VALLEY CONTINUATION HI	09-12
	1	SUNNYMEAD ELEMENTARY	K-06
MORGAN HILL UNIFIED	1	NORDSTROM ELEMENTARY	K-06
	1	SAN MARTIN ELEMENTARY	K-06
	1	ST CATHERINE'S EL	1-8
	1	WALSH (P. A.) ELEMENTARY	K-06
MORONGO UNIFIED	1	JOSHUA TREE ELEMENTARY YR	K-06
	2	YUCCA VALLEY ELEMENTARY	K-06
MOUNTAIN EMPIRE UNIFIED	1	CAMPO ELEMENTARY	K-06
	2	CLOVER FLATS ELEMENTARY	K-06
	2	DESCANSO ELEMENTARY	K-06
	1	JACUMBA ELEMENTARY	K-06
	2	MOUNTAIN EMPIRE HIGH	09-12
	1	MOUNTAIN EMPIRE JUNIOR HIGH	07-08
MOUNTAIN UNION ELEMENTAR	1	CEDAR CREEK ELEMENTARY	K-06
	1	MONTGOMERY CREEK ELEMENTARY	05-08
MOUNTAIN VIEW ELEMENTARY	1	BAKER ELEMENTARY	04-08
	1	CASTRO (MARIANO) ELEMENTARY	K-06
	1	CHARLES T KRANZ INTERMEDIATE	07-08
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	COGSWELL ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
MOUNTAIN VIEW ELEMENTARY (CONTINUED)	1	LA PRIMARIA ELEMENTARY	K-03
	1	LINDA VISTA ELEMENTARY	K-05
	1	MAXSON ELEMENTARY	K-06
	1	MIRAMONTE ELEMENTARY	K-06
	1	MONTE VISTA ELEMENTARY	K-06
	1	PARKVIEW ELEMENTARY	K-06
	1	SLATER (KENNETH N.) ELEMENTARY	PK-06
	1	WILLARD F PAYNE ELEMENTARY	K-06
MT DIABLO UNIFIED			
	1	DEL AIR ELEMENTARY	K-02
	1	HOLBROOK ELEMENTARY	K-05
	1	MEADOW HOMES ELEMENTARY	K-06
	2	MT DIABLO HIGH	09-12
	1	PINEHAVEN ELEMENTARY	K-08
	1	RIVERVIEW INTERMEDIATE	06-08
	1	SHORE ACRES ELEMENTARY	03-05
	2	WREN AVENUE ELEMENTARY	K-06
MT. PLEASANT ELEMENTARY			
	1	BOEGER (AUGUST) MIDDLE	07-08
	1	MARTEN (FRED) ELEMENTARY	K-06
	1	MT. PLEASANT ELEMENTARY	K-06
	1	SANDERS (ROBERT) ELEMENTARY	K-06
MUROC UNIFIED			
	2	LYNCH (RICHARD B) ELEMENTARY	K-06
NAME UNKNOWN			
	3	CHILD DEVELOPMENT CTRS	UG-UG
NAPA VALLEY UNIFIED			
	1	CAPELL ELEMENTARY	K-06
	1	DEE T DAVIS ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	2	MCPHERSON ELEMENTARY	K-06
	2	PHILLIPS ELEMENTARY	K-06
	1	SHEARER ELEMENTARY	K-06
	1	ST JOHN'S CATHOLIC EL	K-8
	1	TEMESCAL HIGH	09-12
	1	WESTWOOD ELEMENTARY	K-06
NATIONAL ELEMENTARY			
	1	CENTRAL ELEMENTARY	PK-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EL TOYON ELEMENTARY	PK-05
	1	KIMBALL ELEMENTARY	PK-06
	1	LAS PALMAS ELEMENTARY	K-06
	1	LINCOLN ACRES ELEMENTARY	PK-06
	1	OLIVEWOOD ELEMENTARY	K-06
	1	OTIS (JOHN A) ELEMENTARY	K-06
	1	PALMER WAY ELEMENTARY	PK-06
	1	ST MICHAEL	K-8
NEEDLES UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	D STREET ELEMENTARY	K-05
	2	GRACE HENDERSON CONTINUATION	07-12
	1	NEEDLES INTERMEDIATE	07-08
	2	NEEDLES SENIOR HIGH	09-12
	1	VISTA COLORADO ELEMENTARY	K-05
NEW HAVEN UNIFIED			
	1	BARNARD-WHITE MIDDLE	05-08
	2	HILLVIEW CREST ELEMENTARY	K-04
	1	OUR LADY OF THE ROSARY	1-8
NEW HOPE ELEMENTARY			
	1	NEW HOPE ELEMENTARY	K-08
NEWARK UNIFIED			
	1	GRAHAM JAMES A ELEMENTARY	K-05
	1	SCHILLING AUGUST ELEMENTARY	K-05
	1	ST EDWARD'S	1-8
NEWPORT MESA UNIFIED			
	1	COLLEGE PARK ELEMENTARY	K-06
	1	REA (EVERETT A) MIDDLE	06-08
	1	SONORA ELEMENTARY	K-05
	1	WILSON ELEMENTARY	K-05
NORTH FORK UNION ELEMENT			
	1	NORTH FORK ELEMENTARY	K-08
NORTH SACRAMENTO ELEMENT			
	1	ALETHEA B SMYTHE ELEMEN	PK-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	D W BABCOCK ELEMENTARY	K-06
	1	DOS RIOS ELEMENTARY	PK-06
	1	HAGGINWOOD ELEMENTARY	PK-06
	1	HARMON JOHNSON ELEMENTARY	PK-06
	1	HAZEL STRAUCH ELEMENTARY	PK-06
	1	MCCLELLAN ELEMENTARY	PK-06
	1	NORALTO ELEMENTARY	PK-06
	1	NORTHWOOD ELEMENTARY	PK-06
	1	WOODLAKE ELEMENTARY	K-06
NORWALK LA MIRADA UNIFIE			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	DOLLAND (JOHN) ELEMENTARY	K-07
	1	EDMONDSON (EARL E) ELEM	PK-07
	1	FOSTER ROAD ELEMENTARY	PK-07
	1	GLAZIER (ANNA M) ELEMEN	K-07
	2	GLEN (JOHN H) HIGH	08-12
	1	HARGITT (CORA) ELEMENTAR	K-07
	1	LAMPTON (LORETTA) ELEMEN	K-07
	1	MOFFITT (THOMAS B) ELEM	PK-07
	1	MORRISON (JULIA B) ELEM	K-07
	1	NEW RIVER ELEMENTARY	K-07

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NORWALK LA MIRADA UNIFIE (CONTINUED)	1	ST JOHN OF GOD EL	1-8
	1	ST PAUL OF THE CROSS EL	1-8
	1	WAITE (NETTIE L) ELEMENTARY	K-07
NOVATO UNIFIED			
	1	OUR LADY OF LORETTO	1-8
NUVIEW UNION ELEMENTARY			
	1	NUVIEW ELEMENTARY	PK-06
OAK GROVE ELEMENTARY			
	2	CHRISTOPHER ELEMENTARY	K-06
	2	DEL ROBLE ELEMENTARY	K-06
	2	EDENVALE ELEMENTARY	K-06
	1	SAMUEL STIPP ELEMENTARY	K-06
OAK RUN ELEMENTARY			
	1	OAK RUN ELEMENTARY	K-08
OAK VALLEY UNION ELEMENT			
	2	OAK VALLEY ELEMENTARY	K-08
OAKDALE JOINT UNION HIGH			
	2	EAST STANISLAUS HIGH	09-12
OAKDALE UNION ELEMENTARY			
	1	FAIR OAKS ELEMENTARY	K-05
OAKLAND UNIFIED			
	1	ALLENDALE ELEMENTARY	K-06
	1	BELLA VISTA ELEMENTARY	K-06
	1	BROOKFIELD VILLAGE ELEMENTARY	K-06
	1	CASTLEMONT SENIOR HIGH	10-12
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CLAREMONT JUNIOR HIGH	07-09
	1	CLEVELAND ELEMENTARY	K-06
	1	COLE ELEMENTARY	04-06
	1	DAG HAMMARSKJOLD ELEMENTARY	K-06
	1	E MORRIS COX ELEMENTARY	K-06
	1	ELISABETH SHERMAN ELEMENTARY	K-06
	1	ELMHURST JUNIOR HIGH	07-09
	1	EMERSON ELEMENTARY	K-06
	1	FRANKLIN ELEMENTARY	K-06
	1	FREMONT SENIOR HIGH	10-12
	1	FRICK JUNIOR HIGH	07-09
	1	FRUITVALE ELEMENTARY	K-06
	1	GARFIELD ELEMENTARY	K-06
	1	GLENVIEW ELEMENTARY	K-06
	1	GOLDEN GATE ACADEMY	9-12
	1	GOLDEN GATE ELEMENTARY	K-06
	1	HAMILTON JUNIOR HIGH	07-09
	1	HAVENSCOURT JUNIOR HIGH	07-09
	1	HAWTHORNE ELEMENTARY	K-06
	1	HIGHLAND ELEMENTARY	K-06
	1	HOLY NAMES HIGH	9-12
OAKLAND UNIFIED (CONTINUED)	1	HOOVER ELEMENTARY	K-05
	1	HORACE MANN ELEMENTARY	K-05
	1	INNER PEACE TEMPLE SCHOOL	K-8
	1	JAMES MADISON JUNIOR HIGH	07-09
	1	JEFFERSON ELEMENTARY	K-05
	1	LA ESCUELITA EL	1-8
	1	LAFAYETTE ELEMENTARY	K-05
	1	LAKESIDE SCHOOL	K-12
	1	LAKEVIEW ELEMENTARY	K-05
	1	LONGFELLOW ELEMENTARY	K-06
	1	LOWELL MIDDLE	07-08
	1	LUTHER BURBANK ELEMENTARY	K-05
	1	MANZANITA ELEMENTARY	K-06
	1	MARCUS A FOSTER MIDDLE	05-08
	1	MARKHAM ELEMENTARY	K-05
	1	MARTIN LUTHER KING JR ELEME	K-03
	1	MAXWELL PARK ELEMENTARY	K-05
	1	MCCHESNEY JUNIOR HIGH	07-09
	1	MCCLYMONDS SENIOR HIGH	09-12
	1	MELROSE ELEMENTARY	K-05
	2	OAKLAND SENIOR HIGH	10-12
	1	OAKLAND STREET ACADEMY	9-12
	1	OAKLAND TECHNICAL SENIOR HIGH	09-12
	1	PARKER ELEMENTARY	K-05
	1	PERALTA YEAR-ROUND ELEMENTARY	K-04
	1	PIEDMONT AVENUE ELEMENTARY	K-05
	1	PRESCOTT ELEMENTARY	K-05
	1	ROCKRIDGE ELEMENTARY	K-05
	1	ROOSEVELT JUNIOR HIGH	07-09
	1	SACRED HEART EL	1-8
	1	SANTA FE ELEMENTARY	K-05
	1	SOBRANTE PARK ELEMENTARY	K-05
	1	ST ANTHONY'S	1-8
	1	ST BENEDICT'S	1-8
	1	ST BERNARD'S	1-8
	1	ST COLUMBA	1-8
	1	ST CYRIL'S	1-8
	1	ST ELIZABETH HIGH	9-12
	1	ST ELIZABETH'S	1-8
	1	ST JARLATH'S	1-8
	1	ST LEO'S	1-8
	1	ST LOUIS BERTRAND	1-8
	1	ST PASCHAL BAYLON	1-8
	1	ST PATRICK'S	1-8
	1	STONEHURST ELEMENTARY	K-05
	1	VERDESE P CARTER MIDDLE	07-08
	1	WASHINGTON ELEMENTARY	K-05

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
OAKLAND UNIFIED (CONTINUED)	1	WEBSTER ELEMENTARY	K-05
	1	WHITTIER ELEMENTARY	K-06
	1	WOODLAND ELEMENTARY	K-06
OAKLEY UNION ELEMENTARY			
	1	GEHRINGER PRIMARY	K-03
	1	OAKLEY ELEMENTARY	04-07
OCEAN VIEW ELEMENTARY			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	MAR VISTA ELEMENTARY	K-05
	1	OAK VIEW ELEMENTARY	K-06
OCEANSIDE CITY UNIFIED			
	1	DITMAR ELEMENTARY	K-06
	1	JEFFERSON JUNIOR HIGH	07-08
	1	LAUREL ELEMENTARY	K-06
	1	LIBRY ELEMENTARY	K-06
	1	MISSION ELEMENTARY	K-06
	2	OCEANSIDE HIGH	09-12
	1	PACIFICA ELEMENTARY	K-06
	1	SAN LUIS REY ELEMENTARY	K-06
	1	ST MARY STAR OF THE SEA	1-8
OFFICE OF CO SUPT			
	1	CALIF CORRECTIONAL CENTER.	UG-UG
	1	CALIF REHABILITATION CENTER	UG-UG
	1	CALIF YOUTH AUTH PRESTON SCH	UG-UG
	1	CALIF YOUTH AUTH YOUTH TRAIN	UG-UG
	1	CALIF YTH AUTH FRED C NELL	UG-UG
	3	CHILD DEVELOPMENT CTRS

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LOCATIONS	CODE *	SCHOOL NAME	
OFFICE OF CO SUPT (CONTINUED)	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	1	NEGLECTED & DELINQUENT INST	UG-UG
	2	SAN ANDREAS SCHOOL	07-12
OFFICE OF CO. SUPT.	1	CA. YOUTH AUTH.-EL PASO DE ROB	UG-UG
	1	CA. YOUTH AUTH.-VENTURA SCH	UG-UG
	1	CALIF. YTH. AUTH. DEWITT NELSO	UG-UG
	1	CALIF. YTH. AUTH. KARL HOLTON	UG-UG
	1	CALIF. YTH. AUTH. O. H. CLOSE	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	DEPT. CORRECTIONS DEUEL VOCA.	UG-UG
OFFICE OF CO. SUPT. (CONTINUED)	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	MIGRANT EDUCATION	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	1	NEGLECTED & DELINQUENT INST.	UG-UG
	2	RICHARD D. STRUCK COMMUNICATI	03-05
OJAI UNIFIED	2	ST THOMAS AQUINAS	K-8
ONTARIO MONTCLAIR ELEMEN	1	BERLYN AVENUE ELEMENTARY	UG-UG
	1	BETHEL CHRISTIAN PENT	K-6
	1	BON VIEW ELEMENTARY	UG-UG
	1	CORONA ELEMENTARY	UG-UG
	1	DEANZA JUNIOR HIGH	UG-UG
	1	DEL NORTE ELEMENTARY	UG-UG
	1	EDISON ELEMENTARY	UG-UG
	1	EUCLID ELEMENTARY	UG-UG
	2	HAWTHORNE ELEMENTARY	UG-UG
	1	KINGSLEY ELEMENTARY	UG-UG
	1	LEHIGH ELEMENTARY	UG-UG
	1	LINDA VISTA ELEMENTARY	UG-UG
	1	MARIPOSA ELEMENTARY	UG-UG
	1	MISSION ELEMENTARY	UG-UG
	1	MONTE VISTA ELEMENTARY	UG-UG

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ONTARIO MONTCLAIR ELEMEN (CONTINUED)	1	MORENO ELEMENTARY	UG-UG
	1	ONTARIO CHRISTIAN EL	K-8
	1	RAMONA ELEMENTARY	UG-UG
	1	SERRANO JUNIOR HIGH	UG-UG
	1	ST GEORGE EL	1-8
	1	SULTANA ELEMENTARY	UG-UG
	2	VERNON JUNIOR HIGH	UG-UG
	2	VINA DANKS MIDDLE	UG-UG
	1	VINEYARD ELEMENTARY	UG-UG
ORANGE CENTER ELEMENTARY	1	ORANGE CENTER ELEMENTARY	K-08
ORANGE UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	LA PURISMA EL	K-8
ORICK ELEMENTARY	3	ORICK ELEMENTARY	K-08
ORO GRANDE ELEMENTARY	1	ORO GRANDE ELEMENTARY	K-06
ORO LOMA ELEMENTARY	1	ORO LOMA ELEMENTARY	K-08
ORO MADRE UNIFIED	2	PLYMOUTH ELEMENTARY	K-08
OROVILLE CITY ELEMENTARY	1	CENTRAL ELEMENTARY	07-08
	1	EASTSIDE ELEMENTARY	K-04
	1	OAKDALE HEIGHTS ELEMENTARY	K-06
	1	STANFORD AVENUE ELEMENTARY	K-06
	1	WYANDOTTE AVENUE ELEMENTARY	K-06
OUTSIDE CREEK ELEMENTARY	1	OUTSIDE CREEK ELEMENTARY	K-08
OXNARD ELEMENTARY	1	CURREN ELEMENTARY	K-06
	1	DRIFFILL ELEMENTARY	K-06
	1	ELM STREET ELEMENTARY	K-06
	1	FREMONT JUNIOR HIGH	07-08
	1	HAYDOCK JUNIOR HIGH	07-08
	1	JUANITA ELEMENTARY	K-03
	1	KAMALA ELEMENTARY	K-06
	1	MARINA WEST ELEMENTARY	K-03
	1	MCKINNA ELEMENTARY	PK-06
	1	OUR LADY OF GUADALUPE EL	1-8
	1	RAMONA ELEMENTARY	K-03
	1	ROSE AVENUE ELEMENTARY	PK-06
OXNARD UNION HIGH	1	CHANNEL ISLANDS HIGH	09-12
	1	HUENEME HIGH	09-12
	1	SANTA CLARA HIGH	9-12
PACIFIC ELEMENTARY	1	PACIFIC ELEMENTARY	K-05
PACIFIC GROVE UNIFIED	1	DOWN (ROBERT) ELEMENTARY	K-05
PAJARO VALLEY JOINT UNIF	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	FREEDOM ELEMENTARY YR	K-05
	1	HYDE (H. A.) ELEMENTARY	K-05
	1	LINSCOTT (J. W.) ELEMENTARY	K-02
	1	MONTEREY BAY ACAD	9-12
	1	RADCLIFF (W. R.) ELEMENTARY	K-03
PALERMO UNION ELEMENTARY	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	HELEN M WILCOX ELEMENTARY	K-06
	1	MONCUT SCHOOL	K-02
	1	PALERMO ELEMENTARY	K-08
PALM SPRINGS UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CIELO VISTA ELEMENTARY	K-05
	1	DESERT HOT SPRINGS ELEMENTARY	K-06
	1	ST THERESA EL	1-7
	1	VISTA DEL MONTE ELEMENTARY	K-06
PALMDALE ELEMENTARY	1	MANZANITA ELEMENTARY	K-05
	1	SAGE ELEMENTARY	06-08
	1	ST MARY EL	1-8
	1	TUMBLEWEED ELEMENTARY	K-05
	1	YUCCA ELEMENTARY	K-05
PALO ALTO CITY UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	ST ELIZABETH SETON	K-8
PALO VERDE UNIFIED	1	APPLEBY (FELIX J) ELEMENTARY	K-04
	1	BROWN (RUTH) ELEMENTARY	K-04
	2	TWIN PALMS CONTINUATION	09-12
PALO VERDE UNION ELEMENT	1	PALO VERDE ELEMENTARY	PK-08
PARADISE UNIFIED	1	BRAKEBILL HORACE ELEMENTARY	K-06
	1	ST THOMAS MORE EL	K-8
PARAMOUNT UNIFIED	1	ALONDRA INTERMEDIATE	06-08
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CLEARWATER INTERMEDIATE	06-08
	1	COLLINS (CAPTAIN RAYMOND) ELE	K-05
	1	GAINES (WESLEY) ELEMENTARY	K-05
	1	HOLLYDALE ELEMENTARY	K-05
	1	KEPPEL (MARK) ELEMENTARY	K-05

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LOCATIONS	CODE *	SCHOOL NAME	
PARAMOUNT UNIFIED (CONTINUED)	1	LINCOLN ELEMENTARY	K-05
	1	LOS CERRITOS ELEMENTARY	K-05
	1	MOKLER (MAJOR LYNN) ELEMENTARY	K-05
	1	OUR LADY OF THE ROSARY	1-8
	2	PARAMOUNT HIGH	09-12
	1	ROOSEVELT ELEMENTARY	K-05
PARLIER UNIFIED			
	1	CENTRAL ELEMENTARY	04-06
	1	MENDOCINO JUNIOR HIGH	07-08
	1	PARLIER HIGH	09-12
	2	SAN JOAQUIN VALLEY HIGH	09-12
	1	TUOLUMNE ELEMENTARY	K-03
PASADENA UNIFIED			
	1	ALLENDALE PRIMARY	K-03
	1	ALTADENA ELEMENTARY	04-06
	1	ASSUMPTION OF THE BLESSED	1-8
	2	BLAIR HIGH	09-12
	1	BURBANK PRIMARY	K-03
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CLEVELAND ELEMENTARY	04-06
	1	EDISON ELEMENTARY	K-03
	1	ELIOT JUNIOR HIGH	07-08
	1	FIELD ELEMENTARY	04-06
	1	FRANKLIN PRIMARY	K-03
	1	HAMILTON PRIMARY	K-03
	1	JACKSON ELEMENTARY	04-06
	1	JEFFERSON PRIMARY	K-03
	1	LINDA VISTA PRIMARY	K-03
	1	LOMA ALTA ELEMENTARY	04-06
	1	LONGFELLOW ELEMENTARY	04-06
	1	MADISON ELEMENTARY	04-06
	2	MUIR HIGH	09-12
	1	NOYES PRIMARY	K-03
	1	PASADENA HIGH	09-12
	1	SAN RAFAEL PRIMARY	K-03
	1	SIERRA MADRE PRIMARY	K-03
	1	ST ANDREWS EL	1-8
	1	ST ELIZABETHS EL	K-8
	1	ST PHILIP THE APOSTLE EL	1-8
	1	WEBSTER PRIMARY	K-03
	1	WILLARD PRIMARY	K-03
	1	WILSON JUNIOR HIGH	07-08
PASO ROBLES JOINT UNION			
	1	LIBERTY HIGH	09-12
PASO ROBLES UNION ELEMEN			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	GEORGIA BROWN ELEMENTARY	K-06
PASO ROBLES UNION ELEMEN (CONTINUED)	2	GLEN SPECK ELEMENTARY	07-08
	1	ST ROSE GRAMMAR	1-8
PATTERSON JOINT UNIFIED			
	1	GRAYSON ELEMENTARY	PK-05
	1	HARNEY ELEMENTARY	01-09
	1	LAS PALMAS ELEMENTARY	04-05
	1	NORTHMEAD ELEMENTARY	PK-03
	1	PATTERSON HIGH	09-12
	1	RISING SUN ELEMENTARY	PK-05
PAUMA ELEMENTARY			
	2	PAUMA ELEMENTARY	K-08
PERRIS ELEMENTARY			
	1	GOOD HOPE INTERMEDIATE	04-05
	1	PERRIS PRIMARY	K-03
PERRIS UNION HIGH			
	1	PERRIS HIGH	09-12
	1	PERRIS VALLEY JUNIOR HIGH	07-09
PETALUMA CITY ELEMENTARY			
	2	PENNGROVE ELEMENTARY YR	K-05
PHELAN ELEMENTARY			
	1	PHELAN ELEMENTARY	K-08
PIONEER UNION ELEMENTARY			
	1	BERRY CREEK ELEMENTARY	K-08
PITTSBURG UNIFIED			
	1	CENTRAL JUNIOR HIGH	06-08
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	DELTA HIGH	09-12
	1	FOOTHILL ELEMENTARY	K-05
	1	HEIGHTS ELEMENTARY	K-05
	1	HIGHLANDS ELEMENTARY	K-05
	1	HILLVIEW JUNIOR HIGH	06-08
	1	LOS MEDANOS ELEMENTARY	K-05
	1	PARKSIDE ELEMENTARY	K-05
	2	PITTSBURG SENIOR HIGH	09-12
	1	ST PETER MARTYR	K-08
	1	VILLAGE ELEMENTARY	K-05
PIXLEY UNION ELEMENTARY			
	1	PIXLEY ELEMENTARY	PK-08
PLACENTIA UNIFIED			
	2	ST ANTHONY	K-08
PLACERVILLE UNION ELEMEN			
	1	GREEN VLY CHRISTIAN SCHOOL	K-08
	2	SCHNELL LOUISIANA ELEM	K-08
PLANADA ELEMENTARY			
	1	PLANADA ELEMENTARY	K-08
PLEASANT VIEW ELEMENTARY			
	1	PLEASANT VIEW ELEMENTARY	K-08

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
PLUMAS UNIFIED			
	1	GREENVILLE ELEMENTARY	K-06
POLLOCK PINES ELEMENTARY			
	1	POLLOCK PINES ELEMENTARY	01-03
POMONA UNIFIED			
	1	ALCOTT ELEMENTARY	K-06
	1	ALLISON ELEMENTARY	K-06
	1	ARROYO ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	EMERSON JUNIOR HIGH	07-08
	1	FREMONT JUNIOR HIGH	07-08
	2	GANESHA SENIOR HIGH	09-12
	1	GAREY SENIOR HIGH	09-12
	1	HAMILTON ELEMENTARY	K-06
	1	HARRISON ELEMENTARY	K-06
	1	JOHN MARSHALL JUNIOR HIGH	07-08
	1	KELLOGG ELEMENTARY	K-06
	1	KINGSLEY ELEMENTARY	K-06
	1	LEXINGTON ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	MONTVUE ELEMENTARY	K-06
	1	NORTH SAN ANTONIO ELEMENTARY	K-06
	1	PALOMARES JUNIOR HIGH	07-08
	2	POMONA SENIOR HIGH	09-12
	1	ROOSEVELT ELEMENTARY	K-06
	1	SACRED HEART EL	1-8
	1	SAN JOSE ELEMENTARY	K-06
	1	SIMONS JUNIOR HIGH	07-08
	1	ST JOSEPH EL	1-8
	1	WASHINGTON ELEMENTARY	K-06
	1	WESTMONT ELEMENTARY	K-06
PORTERVILLE ELEMENTARY			
	1	BARTLETT INTERMEDIATE	07-08
	1	BELLEVIEW ELEMENTARY	K-06
	1	JOHN J. DOYLE ELEMENTARY	K-06
	1	OLIVE STREET ELEMENTARY	K-06
	1	PIONEER INTERMEDIATE	07-08
	1	ROCHE ELEM.	K-06
	1	ST ANNE EL	K-8
	1	VANDALIA ELEMENTARY	K-06
	1	WEST PUTNAM ELEMENTARY	K-06
PORTERVILLE UNION HIGH			
	2	PORTERVILLE HIGH	09-12
POTTER VALLEY UNIFIED			
	2	LAYTONVILLE ELEMENTARY	K-08
POWAY CITY UNIFIED			
	1	LOS PENASQUITOS ELEMENTARY	PK-05
RAISIN CITY ELEMENTARY			
	1	RAISIN CITY ELEMENTARY	K-08
RAVENDALE ELEMENTARY			
	1	RAVENDALE ELEMENTARY	K-08
RAVENSWOOD CITY ELEMENTA			
	1	BELLE HAVEN ELEMENTARY	K-08
	1	BRENTWOOD-GARDEN OAKS	K-08
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	COSTANO ELEMENTARY	K-08
	1	KAVANAUGH-GREEN OAKS	K-08
	1	WILLOW OAKS	K-08
RED BLUFF UNION ELEMENTA			
	1	BIDWELL ELEMENTARY	04-05
	1	JACKSON HEIGHTS ELEMENTARY	K-03
	1	SACRED HEART EL	K-8
RED BLUFF UNION HIGH			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	MERCY HS	9-12
	1	SALISBURY HIGH (CONT)	09-12
REDDING ELEMENTARY			
	1	BONNY VIEW ELEMENTARY	K-06
	1	CYPRESS ELEMENTARY	K-06
	1	JUNIPER ELEMENTARY	K-06
	2	MANZANITA ELEMENTARY	K-06
	2	SEQUOIA ELEMENTARY	07-08
	1	ST JOSEPH'S EL	K-8
	2	SYCAMORE ELEMENTARY	K-06
REDLANDS UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CLEMENT JUNIOR HIGH	07-08
	1	FRANKLIN ELEMENTARY	K-06
	1	LUGONIA ELEMENTARY	K-06
	1	MENTONE ELEMENTARY	K-06
	1	MISSION ELEMENTARY	K-06
	2	ORANGEWOOD HIGH	11-12
	1	VICTORIA ELEMENTARY	K-06
REDONDO BEACH CITY ELEME			
	2	BIRNEY ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	FULTON ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
REDWOOD CITY ELEMENTARY			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	FAIR OAKS ELEMENTARY	K-06
	1	GARFIELD ELEMENTARY	K-06
	1	HOOVER ELEMENTARY	K-06
	1	NATIVITY	1-8

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LOCATIONS	CODE *	SCHOOL NAME	
REEF-SUNSET UNIFIED			
	1	AVENAL ELEMENTARY	K-08
	1	AVENAL HIGH	09-12
RESERVATION ELEMENTARY			
	1	RESERVATION ELEMENTARY	K-08
RIALTO UNIFIED			
	1	BEMIS ELEMENTARY	K-06
	1	BOYD ELEMENTARY	K-06
	1	CASEY ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	DUNN ELEMENTARY	K-06
	2	EISENHOWER SENIOR HIGH	10-12
	2	FRISBIE JUNIOR HIGH	07-09
	1	KELLEY ELEMENTARY	K-06
	1	MYERS ELEMENTARY	K-06
	2	PRESTON ELEMENTARY	K-06
	2	RIALTO JUNIOR HIGH	07-09
	1	ST CATHERINE OF SIENA EL	1-8
RICHFIELD ELEMENTARY			
	1	RICHFIELD ELEMENTARY	K-09
RICHGROVE ELEMENTARY			
	1	RICHGROVE ELEMENTARY	K-08
RICHLAND ELEMENTARY			
	1	RICHLAND SENIOR ELEMENTARY	07-08
RICHMOND UNIFIED			
	1	ADAMS JUNIOR HIGH	07-08
	1	ALVARADO ELEMENTARY	K-06
	1	BELROA ELEMENTARY	K-06
	1	BAYVIEW ELEMENTARY	K-06
	1	BELDING ELEMENTARY	K-06
	1	BROADWAY ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CORONADO ELEMENTARY	K-06
	1	CORTEZ ELEMENTARY	K-06
	1	DOVER ELEMENTARY	K-06
	1	DOWNER JUNIOR HIGH	07-08
	2	EL CERRITO SENIOR HIGH	09-12
	1	EL PORTAL ELEMENTARY	K-06
	1	ELLS HIGH	09-12
	1	FAIRMEDE ELEMENTARY	K-06
	1	FAIRMONT ELEMENTARY	K-06
	1	FORD ELEMENTARY	K-06
	1	GRANT ELEMENTARY	K-06
	1	HELMS JUNIOR HIGH	07-08
	2	HILLVIEW ELEMENTARY	K-06
	2	KENNEDY HIGH	09-12
	1	KING ELEMENTARY	K-06
	1	LAKE ELEMENTARY	K-06
RICHMOND UNIFIED (CONTINUED)	1	LINCOLN ELEMENTARY	K-06
	1	MONTALVIN MANOR ELEMENTARY	K-06
	1	MURPHY ELEMENTARY	K-06
	1	NYSTROM ELEMENTARY	K-06
	1	PERES ELEMENTARY	K-06
	1	PORTOLA JUNIOR HIGH	07-08
	1	RANCHO ELEMENTARY	K-06
	1	RICHMOND HIGH	09-12
	1	RIVERSIDE ELEMENTARY	K-06
	1	SERRA ELEMENTARY	K-06
	2	SHANNON ELEMENTARY	K-06
	1	ST CORNELIUS	1-8
	1	ST DAVID'S	1-8
	1	ST JOHN	1-8
	1	ST PAUL'S	1-8
	1	STEGE ELEMENTARY	K-06
	1	VERDE ELEMENTARY	K-06
	1	VISTA HILLS ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
	1	WOODS ELEMENTARY	K-06
RIM OF THE WORLD UNIFIED			
	2	VALLEY OF ENCHANTMENT ELEMENT	K-03
RINCON VALLEY UNION ELEM			
	2	VILLAGE ELEMENTARY	K-06
RIO DELL ELEMENTARY			
	1	RIO DELL ELEMENTARY	K-08
	1	RIO DELL PRIMARY	01-03
RIO ELEMENTARY			
	1	RIO REAL ELEMENTARY	K-06
RIO LINDA UNION ELEMENTA			
	1	AERONAVEN ELEMENTARY	K-06
	2	ALLISON (WARREN A) ELEMENTARY	K-06
	1	DRY CREEK ELEMENTARY	K-06
	1	FREDERICK JOYCE	K-06
	1	HILLSDALE ELEMENTARY	K-06
	1	HOLMES (OLIVER WENDELL) ELEME	K-06
	1	KOHLER ELEMENTARY	K-06
	1	LARCHMONT ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	OAKDALE ELEMENTARY	K-06
	1	ORCHARD ELEMENTARY	K-06
	2	PIONEER ELEMENTARY	K-06
	1	RIO LINDA ELEMENTARY	K-06
	1	SIERRA VIEW ELEMENTARY	K-06
	1	VILLAGE ELEMENTARY	K-06
	2	WOODRIDGE ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
RIVER DELTA JOINT UNIFIE			
	1	BATES ELEMENTARY	K-06
	1	ISLETON ELEMENTARY	K-08
	1	WALNUT GROVE ELEMENTARY	K-08
RIVERBANK ELEMENTARY			
	1	RIO ALTURA ELEMENTARY	K-03
RIVERSIDE UNIFIED			
	2	ADAMS ELEMENTARY	K-06
	2	ADVOCATE SCHOOL	7-12
	1	BRYANT ELEMENTARY	K-03
	1	CENTRAL MIDDLE	07-08
	2	CHEMAWA MIDDLE	07-08
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	FREMONT ELEMENTARY	K-06
	1	GRANT ELEMENTARY	04-06
	1	HAWTHORNE ELEMENTARY	K-06
	1	HIGHGROVE ELEMENTARY	K-06
	1	HIGHLAND ELEMENTARY	K-06
	1	HYATT ELEMENTARY	K-06
	1	JACKSON ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	LIBERTY ELEMENTARY	K-06
	1	LONGFELLOW ELEMENTARY	PK-06
	1	MADISON ELEMENTARY	K-06
	2	MAGNOLIA ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	MOUNTAIN VIEW ELEMENTARY	K-06
	2	NORTH (JOHN W) HIGH	09-12
	1	OUR LADY OF PERPETUAL HELP	1-8
	2	SIERRA MIDDLE	07-08
	1	ST FRANCIS DE SALES EL	K-8
	1	ST THOMAS THE APOSTLE EL	1-8
	2	UNIVERSITY HEIGHTS MIDDLE	07-08
	2	WASHINGTON ELEMENTARY	K-06
ROBLA ELEMENTARY			
	1	BELL AVENUE ELEMENTARY	K-06
	1	ROBLA ELEMENTARY	K-06
ROCKFORD ELEMENTARY			
	1	ROCKFORD ELEMENTARY	K-08
ROCKLIN ELEMENTARY			
	2	PARKER WHITNEY ELEMENTARY	K-03
ROHNERVILLE ELEMENTARY			
	1	RIO DELL ELEMENTARY	K-08
	2	TODDY THOMAS ELEMENTARY	04-08
ROMOLAND ELEMENTARY			
	1	ROMOLAND ELEMENTARY	PK-06
ROSELAND ELEMENTARY			
	1	ROSELAND ELEMENTARY	K-06
ROSELAND ELEMENTARY (CONTINUED)	2	SHEPPARD ELEMENTARY	01-06
ROSEMEAD ELEMENTARY			
	1	ENCINITA ELEMENTARY	K-06
	1	JANSON (MILDRED B) ELEMENTARY	K-06
ROSEVILLE CITY ELEMENTAR			
	2	CIRBY ELEMENTARY	K-06
	2	CRESTMONT ELEMENTARY	K-06
	2	EICH INTERMEDIATE	07-09
	1	KASEBERG ELEMENTARY	04-06
	2	SIERRA GARDENS ELEMENTARY	K-06
	1	ST ROSE	K-8
	1	WOODBRIDGE ELEMENTARY	K-03
ROSEVILLE JOINT UNION HI			
	2	SUCCESS HIGH CONT	UG-UG
ROUND VALLEY UNIFIED			
	1	ROUND VALLEY ELEMENTARY	K-08
	1	ROUND VALLEY HIGH	09-12
ROWLAND UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	HURLEY ELEMENTARY	PK-06
	1	NORTHAM ELEMENTARY	K-06
	1	ST MARTHA EL	1-8
SACRAMENTO CITY UNIFIED			
	2	A M WINN ELEMENTARY	K-06
	2	ALBERT EINSTEIN JUNIOR HIGH	07-09
	2	AMERICAN LEGION HIGH	09-12
	2	ARGONAUT HIGH	09-12
	2	BEAR FLAG ELEMENTARY	K-06
	1	BISHOP MANOGUE HIGH	9-12
	1	BOWLING GREEN ELEMENTARY	K-06
	1	BRET HARTE ELEMENTARY	K-06
	2	C K MCCLATCHY HIGH	09-12
	1	CALIF MIDDLE	07-08
	2	CALVARY CHRISTIAN SCHOOL	K-12
	1	CHARLES M GOETHE MIDDLE	07-09
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CLAYTON B WIRE ELEMENTARY	K-06
	2	COLLIS P HUNTINGTON ELEMENTA	K-06
	1	DAVID LUBIN ELEMENTARY	K-06
	1	EARL WARREN ELEMENTARY	K-06
	1	EDWARD KEMBLE ELEMENTARY	K-06
	1	ELDER CREEK ELEMENTARY	K-06
	1	ETHEL I BAKER ELEMENTARY	K-06
	1	ETHEL PHILLIPS ELEMENTARY	K-06
	2	FERN BACON MIDDLE	07-09
	1	FREEPORT ELEMENTARY	K-06
	1	FRUIT RIDGE ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
SACRAMENTO CITY UNIFIED (CONTINUED)	2	GOLDEN EMPIRE ELEMENTARY	K-06
	1	H W HARKNESS ELEMENTARY	K-06
	2	HIRAM W JOHNSON SENIOR HIGH	09-12
	1	HOLLYWOOD PARK ELEMENTARY	K-06
	1	IMMACULATE CONCEPTION EL	1-8
	2	ISADOR COHEN ELEMENTARY	K-06
	1	JEDEDIAH SMITH ELEMENTARY	K-06
	1	JOAQUIN MILLER MIDDLE	07-08
	1	JOHN BIDWELL ELEMENTARY	K-06
	1	JOHN D SLOAT ELEMENTARY	K-06
	1	JOHN F MORSE ELEMENTARY	K-06
	1	JOHN H STILL MIDDLE	07-09
	1	JOSEPH BONNHEIM ELEMENTARY	K-06
	1	KIT CARSON MIDDLE	07-08
	2	LELAND STANFORD JUNIOR HIGH	07-09
	2	LUTHER BURBANK HIGH	09-12
	1	MAPLE ELEMENTARY	K-06
	1	MARIAN ANDERSON ELEMENTARY	K-02
	1	MARK HOPKINS ELEMENTARY	K-06
	1	MARK TWAIN ELEMENTARY	K-06
	1	NICHOLAS ELEMENTARY	K-06
	1	OAK RIDGE ELEMENTARY	K-06
	1	PACIFIC ELEMENTARY	K-06
	1	PARKWAY ELEMENTARY	K-06
	1	PETER BURNETT ELEMENTARY	K-06
	1	PETER LASSEN JUNIOR HIGH	07-09
	1	PHOEBE A HEARST ELEMENTARY	03-06
	2	SACRAMENTO SENIOR HIGH	09-12
	1	ST ANNE'S EL	K-8
	1	ST FRANCIS OF ASSISI EL	1-8
	1	ST PATRICK'S EL	K-8
	1	ST PETER'S EL	K-8
	1	SUSAN B ANTHONY ELEMENTARY	K-03
	1	SUTTER MIDDLE	07-08
	1	TAHOE ELEMENTARY	K-06
	1	THEODORE JUDAH ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-02
	1	WILL C WOOD JUNIOR HIGH	07-09
	1	WILLIAM LAND ELEMENTARY	K-06
	1	WOODBINE ELEMENTARY	K-06
SALIDA UNION ELEMENTARY			
	1	SALIDA ELEMENTARY	K-08
SALINAS CITY ELEMENTARY			
	1	BORONDA ELEMENTARY	K-06
	1	EL GABILAN ELEMENTARY	PK-06
	1	LINCOLN ELEMENTARY	PK-06
	1	MADONNA DEL SASSO	1-8
SALINAS CITY ELEMENTARY (CONTINUED)	1	NATIVIDAD ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	PK-06
	1	SHERWOOD ELEMENTARY	PK-06
SALINAS UNION HIGH			
	1	ALISAL HIGH	09-12
	3	CHILD DEVELOPMENT CTRS	[illegible]
	1	EL SAUSAL JUNIOR HIGH	07-08
	2	MOUNT TORO HIGH	09-12
	1	SACRED HEART	K-8
SAN ANSELMO ELEMENTARY			
	1	ST ANSELM'S EL	K-8
SAN BERNARDINO CITY UNIF			
	1	ARROWHEAD ELEMENTARY	K-06
	1	ARROWVIEW INTERMEDIATE	07-08
	1	BELVEDERE ELEMENTARY	K-06
	1	BRADLEY ELEMENTARY	K-06
	1	BURBANK ELEMENTARY	K-06
	2	CAJON HIGH	09-12
	1	DALIA ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	[illegible]
	1	COLE AVENUE ELEMENTARY	K-06
	1	CURTIS INTERMEDIATE	07-08
	1	CYPRESS ELEMENTARY	K-06
	1	DAVIDSON ELEMENTARY	K-06
	1	DEL ROSA ELEMENTARY	K-06
	1	DEL VALLEJO MIDDLE	06-08
	1	EMMERTON ELEMENTARY	K-06
	1	FAIRFAX ELEMENTARY	K-06
	1	GOLDEN VALLEY INTERMEDIATE	07-08
	1	HUNT ELEMENTARY	K-06
	1	KENDALL ELEMENTARY	K-06
	1	KIMBARK ELEMENTARY	K-06
	1	LANKERSHIM ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	LYTLE CREEK ELEMENTARY	K-06
	1	MARSHALL ELEMENTARY	K-06
	1	MITCHELL ELEMENTARY	K-06
	1	MONTEREY ELEMENTARY	K-06
	1	MOUNT VERNON ELEMENTARY	K-06
	1	MUSCOTT ELEMENTARY	K-06
	1	MUSCOY ELEMENTARY	K-06
	1	NEWMARK ELEMENTARY	K-06
	1	NORTH PARK ELEMENTARY	K-06
	2	OEHL ELEMENTARY	K-06
	1	OUR LADY GUADALUPE	K-8
	2	PACIFIC HIGH	09-12
	1	PARKSIDE ELEMENTARY	K-06

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
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LOCATIONS	CODE *	SCHOOL NAME	
SAN BERNARDINO CITY UNIF (CONTINUED)	1	RAMONA-ALESSANDRO ELEMENTARY	K-05
	2	RICHARDSON PREPARATORY HIGH	07-08
	1	RILEY ELEMENTARY	K-06
	1	RIO VISTA ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	2	SAN BERNARDINO HIGH	09-12
	2	SAN GORGONIO HIGH	09-12
	2	SERRANO INTERMEDIATE	07-08
	1	SHANDIN HILLS INTERMEDIATE	07-08
	2	SIERRA HIGH	UG-UG
	1	ST ANTHONY EL	K-8
	1	THOMPSON ELEMENTARY	K-06
	1	URBITA ELEMENTARY	K-06
	1	VERMONT ELEMENTRY	K-06
	1	WARM SPRINGS ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
SAN BRUNO PARK ELEMENTAR	3	CHILD DEVELOPMENT CTRS.	UG-UG
SAN DIEGO CITY UNIFIED	1	ADAMS ELEMENTARY	K-06
	1	ANGIER ELEMENTARY	K-06
	1	ASELTINE EL	1-12
	1	AUDUBON ELEMENTARY	K-06
	1	BAKER ELEMENTARY	K-06
	1	BALBOA ELEMENTARY YR	K-06
	1	BARNARD ELEMENTARY	K-06
	2	BARTON ELEMENTARY	K-06
	1	BEALE ELEMENTARY	K-06
	1	BELL JUNIOR HIGH	07-09
	1	BIRNEY ELEMENTARY	K-06
	1	BLESSED SACRAMENT	K-8
	1	BOONE ELEMENTARY	K-06
	1	BROOKLYN ELEMENTARY YR	K-06
	1	BURBANK ELEMENTARY	K-03
	1	CABRILLO ELEMENTARY	K-06
	1	CADMAN ELEMENTARY	K-06
	1	CARSON ELEMENTARY	K-06
	1	CARVER ELEMENTARY	K-06
	1	CENTRAL ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CHOLLAS ELEMENTARY	03-06
	1	COLLIER JUNIOR HIGH	07-09
	2	CROWN POINT ELEMENTARY	K-06
	1	DARNALL ELEMENTARY	K-06
	1	DEWEY ELEMENTARY	K-06
	1	EDISON ELEMENTARY	K-06
	1	EINSTEIN JUNIOR HIGH	07-09
SAN DIEGO CITY UNIFIED (CONTINUED)	1	EMERSON ELEMENTARY	K-06
	1	ENCANTO ELEMENTARY	K-06
	1	EUCLID ELEMENTARY	K-06
	2	FAIRHAVEN ELEMENTARY	K-06
	2	FARB MIDDLE	05-07
	2	FARNUM ELEMENTARY	K-06
	2	FIELD ELEMENTARY	K-06
	2	FLORENCE ELEMENTARY	K-06
	1	FRANKLIN ELEMENTARY	K-06
	1	FREESE ELEMENTARY	K-06
	1	FREMONT ELEMENTARY	K-06
	1	FULTON ELEMENTARY	K-06
	1	GARFIELD INDEPENDENT LEARNING	07-12
	2	GOMPERS JHS	07-12
	1	HAMILTON ELEMENTARY	K-06
	1	HANCOCK ELEMENTARY	K-06
	1	HOLY FAMILY	1-8
	1	HOLY SPIRIT	K-8
	2	HOOVER SENIOR HIGH	10-12
	1	HORTON ELEMENTARY	K-06
	1	JACKSON ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	2	JOHN MUIR ALTERNATIVE SCHOOL	K-12
	1	JOHNSON ELEMENTARY	K-06
	2	KEARNY SENIOR HIGH	10-12
	1	KEILLER ELEMENTARY	K-06
	1	KENNEDY ELEMENTARY	K-06
	1	KNOX ELEMENTARY	K-06
	1	LEE ELEMENTARY	K-06
	2	LINCOLN SENIOR HIGH	09-12
	1	LINDA VISTA ELEMENTARY	K-06
	2	LINDBERGH ELEMENTARY	K-06
	1	LOGAN ELEMENTARY	K-06
	1	LOWELL ELEMENTARY	K-06
	1	MANN JUNIOR HIGH	07-09
	1	MARSHALL ELEMENTARY	K-06
	1	MARSTON JUNIOR HIGH	07-09
	1	MCKINLEY ELEMENTARY	K-06
	1	MEAD ELEMENTARY	K-06
	1	MEMORIAL JUNIOR HIGH	07-09
	1	MILLER ELEMENTARY	K-06
	2	MISSION BEACH ELEMENTARY	K-06
	1	MONTEZUMA ELEMENTARY	K-06
	1	MONTGOMERY JUNIOR HIGH	07-09
	2	MUIRLANDS JUNIOR HIGH	07-09
	1	O'FARRELL JUNIOR HIGH	07-09
	1	OAK PARK ELEMENTARY	K-06

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SAN DIEGO CITY UNIFIED (CONTINUED)	1	OCEAN BEACH ELEMENTARY	K-06
	1	OUR LADY OF THE SACRED HEART	K-9
	1	OUR LADYS SCHOOL	K-8
	2	PACIFIC BEACH JUNIOR HIGH	07-09
	1	PARADISE HILLS ELEMENTARY	K-06
	1	PERRY ELEMENTARY	K-06
	2	RILEY ELEMENTARY	K-06
	1	ROLANDO PARK ELEMENTARY	K-06
	2	ROOSEVELT JUNIOR HIGH	07-09
	2	SAN DIEGO SENIOR HIGH	10-12
	2	SCHWEITZER ELEMENTARY	K-06
	1	SEQUOIA ELEMENTARY YR	K-06
	2	SERRA JUNIOR SENIOR HIGH	08-12
	1	SHERMAN ELEMENTARY	K-06
	1	ST AUGUSTINE HIGH	9-12
	1	ST DIDACUS	K-8
	1	ST JUDES ACADEMY	K-8
	1	ST MICHAELS ACADEMY	K-8
	1	ST PATRICK	1-8
	1	ST RITA SCHOOL	K-8
	1	ST VINCENT	1-8
	1	STEVENSON ELEMENTARY	K-06
	1	STOCKTON ELEMENTARY	K-06
	1	VALENCIA PARK ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WEBSTER ELEMENTARY	K-06
	1	WILSON JUNIOR HIGH	07-09
	2	WRIGHT BROTHERS CAREER HIGH	09-12
SAN FRANCISCO UNIFIED	2	ALAMO PARK HIGH	09-12
	1	ALL HALLOWS EL	K-8
	1	ALVARADO ELEMENTARY	K-05
	1	ANZA ELEMENTARY	K-05
	2	BALBOA HIGH	09-12
	1	BENJAMIN FRANKLIN MIDDLE	06-08
	1	BESSIE CARMICHAEL ELEMENTARY	K-05
	1	BRET HARTE ELEMENTARY	K-05
	1	BRYANT ELEMENTARY	K-05
	1	BUENA VISTA ANNEX	K-05
	1	CATHEDRAL INT	7-8
	1	CHARLES R. DREW	K-05
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CHINESE EDUCATION CENTER	01-06
	1	CLEVELAND ELEMENTARY	K-05
	1	COMMODORE STOCKTON ELEMENTARY	K-05
	2	COVENANT OF THE SACRED HEART E	K-8
	1	DANIEL WEBSTER ELEMENTARY	K-05
SAN FRANCISCO UNIFIED (CONTINUED)	1	DOUGLAS TRADITIONAL	K-05
	1	EDISON ELEMENTARY	K-05
	1	EDWARD R TAYLOR ELEMENTARY	K-05
	1	EL DORADO ELEMENTARY	K-05
	1	EPIPHANY EL	1-8
	1	EVERETT MIDDLE	06-08
	1	FAIRMOUNT ELEMENTARY	K-05
	1	FILIPINO EDUCATION CENTER	K-08
	1	FRANCISCO MIDDLE	06-08
	1	GALILEO HIGH	09-12
	1	GARFIELD ELEMENTARY	K-05
	1	GEORGE PEABODY ELEMENTARY	K-05
	1	GEORGE R. MOSCONE ELEMENTARY	K-05
	1	GEORGE WASHINGTON CARVER ELEM	K-05
	1	GLEN PARK ELEMENTARY	K-05
	1	GOLDEN GATE ELEMENTARY	K-05
	1	GRATTAN ELEMENTARY	K-05
	1	GUADALUPE ELEMENTARY	K-05
	1	HANCOCK/COOPER ELEMENTARY	K-05
	1	HAWTHORNE ELEMENTARY	K-05
	1	HORACE MANN MIDDLE	06-08
	2	IMMACULATE CONCEPTION EL	K-8
	1	JAMES DENMAN MIDDLE	06-08
	1	JAMES LICK MIDDLE	06-08
	1	JEAN PARKER ELEMENTARY	K-05
	1	JOHN MUIR ELEMENTARY	K-05
	1	JOHN SWETT ELEMENTARY	K-05
	1	JOSE ORTEGA ELEMENTARY	K-03
	1	JUNIPERO SERRA ELEMENTARY	K-05
	1	LAFAYETTE ELEMENTARY	K-05
	1	LE CONTE ELEMENTARY	K-05
	1	LUTHER BURBANK MIDDLE	06-08
	1	MARSHALL ELEMENTARY	K-05
	1	MCKINLEY ELEMENTARY	K-05
	1	MISSION DOLORES EL	5-8
	1	MISSION HIGH	09-12
	1	MONROE ELEMENTARY	K-05
	1	MORNING STAR EL	K-5
	2	NEW TRADITIONS CENTER	K-05
	1	NOTRE DAME EL	1-4
	1	PAUL REVERE ELEMENTARY	K-05
	1	PELTON MIDDLE	06-08
	1	POTRERO HILL MIDDLE	06-08
	1	RAPHAEL WEILL ELEMENTARY	K-05
	1	REDDING ELEMENTARY	K-05
	1	SACRED HEART GRAMMAR	1-8
	2	SACRED HEART HIGH	9-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SAN FRANCISCO UNIFIED (CONTINUED)	1	SAN FRANCISCO COMMUNITY ALTER	K-08
	1	SANCHEZ ELEMENTARY	K-05
	2	SECOND COMMUNITY	K-05
	1	SIR FRANCIS DRAKE ELEMENTARY	K-05
	1	SPRING VALLEY ELEMENTARY	K-05
	1	ST AGNES EL	1-8
	1	ST ANTHONYS EL	K-8
	1	ST CHARLES EL	1-8
	1	ST DOMINICS EL	1-6
	1	ST JAMES EL	1-8
	1	ST JOHNS LUTHERAN EL	K-8
	1	ST JOSEPH EL	1-6
	1	ST MICHAEL SCHOOL	1-8
	1	ST PAUL OF THE SHIPWRECK	K-8
	2	ST PAULS HIGH	9-12
	1	ST PAULS INTERMEDIATE	4-8
	1	ST PAULS PRIMARY	K-3
	1	ST PAULUS LUTHERAN EL	K-8
	1	ST PETER	1-8
	1	ST PETERS EL	K-3
	1	STARR KING ELEMENTARY	K-05
	1	STUART HALL EL	K-8
	1	SUNNYSIDE ELEMENTARY	K-05
	1	SUNSET COMMUNITY EL	K-9
	1	SUTRO ELEMENTARY	K-05
	1	ULLOA ELEMENTARY	K-05
	1	VISITACION VALLEY ELEMENTARY	K-05
	1	VISITACION VALLEY MIDDLE	06-08
	1	WILLIAM DE AVILA ELEMENTARY	K-05
	1	WILLIAM L COBB ELEMENTARY	K-05
	1	WOODROW WILSON HIGH	09-12
SAN GABRIEL ELEMENTARY			
	1	MADISON ELEMENTARY	K-06
	1	MCKINLEY ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	ST ANTHONY EL	1-8
SAN JACINTO UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EDWARD HYATT ELEMENTARY	UG-UG
	1	MONTE VISTA MIDDLE	UG-UG
	2	MOUNTAIN VIEW HIGH	UG-UG
	1	SAN JACINTO ELEMENTARY	UG-UG
	2	SAN JACINTO SENIOR HIGH	UG-UG
	1	ST HYACINTH ACAD	1-8
SAN JOAQUIN ELEMENTARY			
	1	SAN JOAQUIN ELEMENTARY	K-08
SAN JOSE UNIFIED			
(CONTINUED)	2	ALMADEN ELEMENTARY	K-06
	1	ANNE DARLING ELEMENTARY	K-06
	1	BACHRODT (WALTER L.) ELEMENTA	K-06
	1	BROADWAY ELEMENTARY	K-06
	1	BURNETT (PETER) JUNIOR HIGH	07-08
	1	CANOAS ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	EMPIRE GARDENS ELEMENTARY	K-06
	1	FIVE WOUNDS EL	K-8
	1	GARDNER ELEMENTARY	K-06
	1	GRANT ELEMENTARY	K-06
	1	HESTER ELEMENTARY	K-06
	1	HOOVER (HERBERT) JUNIOR HIGH	07-08
	1	LINCOLN (ABRAHAM) HIGH	09-12
	1	LOWELL ELEMENTARY	K-06
	1	MANN (HORACE) ELEMENTARY	K-06
	1	OLINDER (SELMA) ELEMENTARY	K-06
	1	SAN JOSE HIGH	09-12
	2	ST JOSEPH'S EL	K-8
	2	ST LEO THE GREAT	1-8
	1	ST PATRICK EL	K-8
	1	TRACE (MERRITT) ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
SAN JUAN RIDGE UNION ELE			
	1	OAK TREE ELEMENTARY	01-07
SAN JUAN UNIFIED			
	2	ALDAR ACADEMY	7-12
	2	CAMERON RANCH ELEMENTARY	K-06
	2	CARMICHAEL ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	CITRUS HEIGHTS ELEMENTARY	K-06
	2	COTTAGE ELEMENTARY	K-06
	2	COYLE AVENUE ELEMENTARY	K-06
	2	CREEKSIDE ELEMENTARY	K-06
	1	DEL PASO MANOR ELEMENTARY	K-06
	2	DETERDING ELEMENTARY	K-06
	1	DYER-KELLEY ELEMENTARY	K-06
	1	EDISON ELEMENTARY	K-06
	2	GARFIELD ELEMENTARY	K-06
	2	GRAND OAKS ELEMENTARY	K-06
	1	GREER ELEMENTARY	K-06
	2	HOLST ELEMENTARY	K-06
	1	HOLY FAMILY EL	K-8
	1	HOWE AVENUE INTERMEDIATE	K-08
	2	KELLY ELEMENTARY	K-06
	2	KINGSWOOD ELEMENTARY	K-06
	2	LITTLEJOHN ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
SAN JUAN UNIFIED (CONTINUED)	2	MARIPOSA AVENUE ELEMENTARY	K-06
	2	MARSHALL ELEMENTARY	K-06
	2	MESA VERDE HIGH YR	09-12
	2	MISSION AVENUE ELEMENTARY	K-06
	1	ORANGE GROVE ELEMENTARY	K-06
	2	ORANGEVALE ELEMENTARY	K-06
	2	PALISADES ELEMENTARY	K-06
	2	PERSHING ELEMENTARY	K-06
	1	PRESENTATION EL	K-8
	2	ROGERS INTERMEDIATE	07-08
	2	SKYCREST ELEMENTARY	K-06
	1	ST PHILOMENE'S EL	K-8
	1	SYLVAN INTERMEDIATE	07-08
	2	WHITNEY AVENUE ELEMENTARY	K-06
	2	WINTERSTEIN ELEMENTARY	K-06
SAN LEANDRO UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	3	JEFFERSON ELEMENTARY	K-05
	1	ST LEANDER	1-8
SAN LORENZO UNIFIED	1	EDENDALE ELEMENTARY	K-07
	1	HILLSIDE ELEMENTARY	K-07
	1	ST JOHN'S	1-8
	1	SUNSET ELEMENTARY	K-07
SAN LORENZO VALLEY UNIFI	2	BOULDER CREEK ELEMENTARY	K-06
	2	SAN LORENZO ELEMENTARY	K-06
SAN LUIS COASTAL UNIFIED	1	DEL MAR ELEMENTARY	01-06
	1	EMERSON ELEMENTARY	K-06
	1	MORRO ELEMENTARY	K-06
SAN MARCOS UNIFIED	1	SAN MARCOS ELEMENTARY	K-05
SAN MATEO CITY ELEMENTAR	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	LAWRENCE CHILDHOOD CENTER	K-K
	1	NORTH SHOREVIEW ELEMENTARY	K-05
	1	ST MATTHEW'S EL	1-8
	1	ST MATTHEW'S EPISCOPAL	K-8
	1	ST TIMOTHY'S EL	K-8
SAN MIGUEL JOINT UNION E	1	LARSON (LILLIAN) ELEMENTARY	K-08
SAN PASQUAL VALLEY UNIFI	1	SAN PASQUAL VALLEY ELEMENTARY	K-06
SAN RAFAEL CITY ELEMENTA	1	BAHIA VISTA ELEMENTARY	K-05
	2	COLEMAN ELEMENTARY	K-05
SAN RAFAEL CITY ELEMENTA (CONTINUED)	1	ST RAPHAEL'S	1-8
SAN YSIDRO ELEMENTARY	1	BEYER	PK-06
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	SAN YSIDRO MIDDLE	07-08
	1	SMYTHE ELEMENTARY	K-06
	1	SUNSET ELEMENTARY	PK-06
	1	WILLOW ELEMENTARY	PK-06
SANGER UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	DEL REY ELEMENTARY	K-06
	1	JEFFERSON ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	07-08
	1	WILSON ELEMENTARY	K-06
SANTA ANA UNIFIED	1	ADAMS ELEMENTARY	K-06
	1	CARR (GERALD P) INTERMEDIATE	06-08
	1	FRANKLIN ELEMENTARY	K-06
	1	FREMONT ELEMENTARY	K-06
	1	GRANT (MARGARET S) ELEM	K-06
	1	IMMACULATE HEART OF MARY	1-8
	1	JACKSON (ANDREW) ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	MATER DEI HIGH	9-12
	2	MOUNTAIN VIEW HIGH	09-12
	1	OUR LADY OF THE PILLAR	1-8
	1	ROOSEVELT ELEMENTARY	K-06
	1	SPURGEON INTERMEDIATE	06-08
	1	ST ANNE EL	1-8
	2	ST BARBARA EL	1-8
	1	ST JOSEPH EL	1-8
	1	VALLEY HIGH	09-12
	1	WASHINGTON ELEMENTARY	K-06
	1	WILSON ELEMENTARY	K-06
SANTA BARBARA CITY ELEM	1	ADAMS ELEMENTARY	K-06
	1	CLEVELAND ELEMENTARY	K-06
	1	FRANKLIN ELEMENTARY	K-06
	1	HARDING ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	NOTRE DAME EL	K-8
	1	OPEN ALTERNATIVE ELEMENT	K-06
	2	PEABODY ELEMENTARY	K-06
	1	ROOSEVELT ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
SANTA BARBARA CITY HIGH			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
SANTA CLARA UNIFIED			
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	SCOTT LANE ELEMENTARY	K-06
SANTA CRUZ CITY ELEMENTA			
	1	BAY VIEW ELEMENTARY	K-06
	2	BRANCIFORTE ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	GAULT ELEMENTARY	K-06
	1	NATURAL BRIDGES ELEMENTARY	K-06
SANTA CRUZ CITY HIGH			
	1	HOLY CROSS	1-8
SANTA MARIA ELEMENTARY			
	1	ADAM (WILLIAM LAIRD) ELEMENTA	K-06
	1	ALVIN ELEMENTARY	K-06
	1	FAIRLAWN ELEMENTARY	K-06
	1	MILLER (ISAAC) ELEMENTARY	K-06
	1	RICE (WILLIAM) ELEMENTARY	K-06
	1	ST MARY'S EL	1-8
SANTA MONICA UNIFIED			
	2	ADAMS (JOHN) JUNIOR HIGH	07-09
	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	EDISON ELEMENTARY	K-06
	1	MADISON ELEMENTARY	K-06
	1	MUIR (JOHN) ELEMENTARY	K-06
	1	ST ANNE EL	1-8
SANTA PAULA ELEMENTARY			
	1	BARBARA WEBSTER ELEMENTARY	04-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	2	GRACE S. THILLE ELEMENTARY	K-03
	1	ISBELL JUNIOR HIGH	07-08
	1	MCKEVETT ELEMENTARY	K-03
	1	SANTA PAULA CHRISTIAN	K-4
	1	THELMA B. BEDELL ELEMENTARY	K-04
SANTA ROSA ELEMENTARY			
	1	BROOK HILL ELEMENTARY	K-06
	1	BURBANK ELEMENTARY	K-06
	1	DOYLE PARK ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	MONROE ELEMENTARY	K-06
	1	STEELE LANE ELEMENTARY	K-06
SANTA ROSA HIGH			
	1	LAWRENCE COOK JUNIOR HIGH	07-09
	1	SANTA ROSA JUNIOR HIGH	07-09
SANTEE ELEMENTARY			
	1	PROSPECT AVENUE ELEMENTARY	PK-08
	1	SANTEE ELEMENTARY	K-08
SANTEE ELEMENTARY (CONTINUED)	2	SYCAMORE CANYON ELEMENTARY	K-03
SAUSALITO ELEMENTARY			
	1	BAYSIDE ELEMENTARY	PK-06
	2	MARTIN LUTHER KING ELEMENTARY	05-08
SAVANNA ELEMENTARY			
	2	HANSEN ELEMENTARY	K-06
	1	ST JOSEPH EL	1-8
SAWYERS BAR ELEMENTARY			
	1	SAWYERS BAR ELEMENTARY	K-08
SEBASTOPOL UNION ELEMENT			
	2	PARK SIDE ELEMENTARY	K-06
SEIAD ELEMENTARY			
	1	SEIAD ELEMENTARY	K-06
SELMA UNIFIED			
	1	ERIC WHITE ELEMENTARY	07-08
	1	GARFIELD JAMES ELEMENTARY	01-06
	1	HEARTLAND HIGH	07-12
	1	INDIANOLA ELEMENTARY	K-06
	1	ROOSEVELT JUNIOR HIGH	07-08
	1	SELMA HIGH	09-12
	1	WASHINGTON GEORGE ELEMENTARY	K-06
SEQUOIA UNION ELEMENTARY			
	1	SEQUOIA ELEMENTARY	K-07
SHANDON JOINT UNIFIED			
	2	PARKFIELD ELEMENTARY	K-06
SHASTA LAKE UNION ELEMEN			
	1	CENTRAL VALLEY INTERMEDIATE	07-08
	1	DEER CREEK ELEMENTARY	04-06
	1	PROJECT CITY ELEMENTARY	K-06
	1	TOYON ELEMENTARY	K-06
SHASTA UNION HIGH			
	2	NOVA HIGH	09-12
	2	PIONEER CONTINUATION HIGH	10-12
SHORELINE UNIFIED			
	2	BODEGA BAY ELEMENTARY	K-08
SIERRA JOINT UNION HIGH			
	1	SIERRA HIGH	09-12
SIERRA PLUMAS JOINT UNIF			
	1	ALLEGHANY ELEMENTARY	K-06
	1	ALLEGHANY JUNIOR-SENIOR HIGH	07-12
SIERRA SANDS UNIFIED			
	3	CHILD DEVELOPMENT CTRS	UG-UG
SILVER VALLEY UNIFIED			
	1	DAGGETT ELEMENTARY	K-06
	1	SILVER VALLEY CONTINUATION HI	07-09
	1	YERMO ELEMENTARY	K-08

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LOCATIONS	CODE *	SCHOOL NAME	
SIMI VALLEY UNIFIED (CONTINUED)	2	ST ROSE OF LIMA	1-8
SNELLING MERCED FALLS UN	1	SNELLING-MERCED FALLS ELEMENT	K-08
SOLEDAD UNION ELEMENTARY	1	MAIN STREET ELEMENTARY	04-08
	1	SAN VINCENTE ELEMENTARY	K-03
SONOMA VALLEY UNIFIED	1	FLOWERY ELEMENTARY	K-06
	1	SASSAPINI ELEMENTARY	K-06
	1	ST FRANCIS SOLANO	1-8
SOQUEL UNION ELEMENTARY	1	CAPITOLA ELEMENTARY	K-06
	1	CAPITOLA JUNIOR HIGH	07-08
	1	SANTA CRUZ GARDENS ELEMENTARY	K-06
SOUTH BAY UNION ELEMENTA	1	BAYSIDE ELEMENTARY	K-06
	1	CENTRAL ELEMENTARY	K-03
	1	IMPERIAL BEACH ELEMENTARY	K-06
	1	NESTOR ELEMENTARY	K-05
	1	ONEONTA ELEMENTARY	K-05
	1	SOUTH BAY ELEMENTARY	K-06
	1	ST CHARLES	K-8
	1	WEST VIEW ELEMENTARY	K-05
SOUTH FORK UNION ELEMENT	1	SOUTH FORK ELEMENTARY	K-08
SOUTH PASADENA UNIFIED	2	SOUTH PASADENA CONTINUATION	09-12
SOUTH SAN FRANCISCO UNIF	1	ALL SOUL EL	K-8
	3	CHILD DEVELOPMENT CTRS.	UG-UG
SOUTH WHITTIER ELEMENTAR	1	LAKE MARIE ELEMENTARY	K-06
	1	LOMA VISTA ELEMENTARY	K-06
	1	LOS ALTOS ELEMENTARY	K-06
	1	SOUTH WHITTIER INTERMEDIATE	07-08
	1	TELECHRON ELEMENTARY	K-06
SOUTHERN HUMBOLDT JOINT	1	AGNES J JOHNSON ELEMENTARY	K-06
	1	ALICE JEWETT ELEMENTARY	K-01
	1	CASTERLIN ELEMENTARY	02-07
	1	CONTINUATION CLASSES	07-12
	1	MIRANDA JUNIOR HIGH	07-08
	1	REDWAY ELEMENTARY	K-06
	1	WHITETHORN ELEMENTARY	K-06
SOUTHERN KERN UNIFIED	2	HAMILTON JUNIOR HIGH	07-08
	1	ROSAMOND ELEMENTARY	K-06
SOUTHERN TRINITY JOINT U	1	HOAGLIN-ZENIA ELEMENTARY	K-08
ST HELENA UNIFIED	2	ST HELENA CONTINUATION	09-12
	1	ST HELENA EL/J-SHS	K-12
STANDARD ELEMENTARY	1	STANDARD ELEMENTARY	K-06
	1	WINGLAND ELEMENTARY	01-06
STANISLAUS UNION ELEMENT	1	CHRYSLER (JOSEPHINE) ELEMENTA	K-05
	2	PRESCOTT SENIOR ELEMENTARY	07-09
STOCKTON CITY UNIFIED	1	ADAMS ELEMENTARY	PK-03
	1	ANNUNCIATION EL	K-8
	1	AUGUST ELEMENTARY	PK-05
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	CLEVELAND ELEMENTARY	PK-05
	2	COMMUNITY SERVICES SCHOOL	10-12
	1	EDISON SENIOR HIGH	09-12
	1	EL DORADO ELEMENTARY	K-05
	1	ELMWOOD ELEMENTARY	PK-03
	1	EVANGELICAL CHRISTIAN PRIMARY	K-7
	1	FILLMORE ELEMENTARY	K-06
	1	FRANKLIN SENIOR HIGH	09-12
	1	FREMONT MIDDLE	07-08
	1	GARFIELD ELEMENTARY	PK-05
	1	GOLDEN VALLEY HIGH	10-12
	1	GRANT ELEMENTARY	K-03
	1	GRUNSKY ELEMENTARY	PK-05
	1	HAMILTON MIDDLE	07-08
	1	HAZELTON ELEMENTARY	PK-05
	1	HOOVER ELEMENTARY	K-03
	1	KENNEDY ELEMENTARY	K-05
	1	KING ELEMENTARY	PK-03
	1	KOHL (HERBERT) OPEN	K-05
	1	MADISON ELEMENTARY	K-06
	1	MARSHALL MIDDLE	07-08
	1	MCKINLEY ELEMENTARY	PK-03
	1	MONROE ELEMENTARY	PK-03
	1	MONTEZUMA ELEMENTARY	PK-05
	1	NIGHTINGALE ELEMENTARY	K-03
	1	PULLIAM ELEMENTARY	K-03
	1	ROOSEVELT ELEMENTARY	PK-05
	1	SAN JOAQUIN MIDDLE	6-8
	1	ST GEORGE EL	K-5
	1	ST GERTRUDE EL	1-5
	1	ST LUKE EL	1-1
	2	STAGG SENIOR HIGH	10-12

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LOCATIONS	CODE *	SCHOOL NAME	
STOCKTON CITY UNIFIED (CONTINUED)	1	STOCKTON CHRISTIAN	K-12
	1	TAYLOR ELEMENTARY	PK-06
	1	TYLER ELEMENTARY	K-03
	1	VALENZUELA (RICHARD) MULTILIN	K-06
	1	VAN BUREN ELEMENTARY	PK-06
	1	VICTORY ELEMENTARY	K-06
	1	WEBSTER MIDDLE	07-08
STONE CORRAL ELEMENTARY	1	STONE CORRAL ELEMENTARY	K-08
STONY CREEK JOINT UNIFIE	2	ELK CREEK JUNIOR-SENIOR HIGH	07-12
STRATHMORE UNION ELEMENT	1	STRATHMORE ELEMENTARY	K-08
STRATHMORE UNION HIGH	2	STRATHMORE DISTRICT CONT	09-12
	1	STRATHMORE HIGH	09-12
SUMMERVILLE ELEMENTARY	1	SUMMERVILLE ELEMENTARY	K-08
SUNDALE UNION ELEMENTARY	1	SUNDALE ELEMENTARY	K-08
SUNNYSIDE UNION ELEMENTA	1	SUNNYSIDE ELEMENTARY	K-08
SUNNYVALE ELEMENTARY	1	BISHOP ELEMENTARY	K-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	ELLIS ELEMENTARY	K-06
	1	LAKEWOOD ELEMENTARY	K-06
SUSANVILLE ELEMENTARY	2	MCKINLEY ELEMENTARY	K-04
SWEETWATER UNION HIGH	1	CASTLE PARK JUNIOR HIGH	07-09
	1	CHULA VISTA JUNIOR HIGH	07-09
	2	CHULA VISTA SENIOR HIGH	09-12
	1	GRANGER JUNIOR HIGH	07-09
	1	MAR VISTA JUNIOR HIGH	07-09
	2	MONTGOMERY SENIOR HIGH	10-12
	1	NATIONAL CITY JUNIOR HIGH	07-09
	1	SOUTHWEST JUNIOR HIGH	07-09
	2	SOUTHWEST SENIOR HIGH	10-12
	1	SWEETWATER UNION SENIOR HIGH	10-12
SYLVAN UNION ELEMENTARY	2	BROWN (COLEMAN F.) ELEMENTARY	K-06
TAMALPAIS UNION HIGH	3	CHILD DEVELOPMENT CTRS	UG-UG
TEAGUE ELEMENTARY	1	TEAGUE ELEMENTARY	K-08
TERRA BELLA UNION ELEMEN (CONTINUED)	1	TERRA BELLA ELEMENTARY	K-08
THERMALITO UNION ELEMENT	1	NELSON AVENUE ELEMENTARY	K-08
	1	POPLAR AVENUE ELEMENTARY	02-05
	1	SIERRA AVENUE ELEMENTARY	K-06
TIPTON ELEMENTARY	2	TIPTON ELEMENTARY	K-08
TORRANCE UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	2	NATIVITY EL	K-8
TRACY ELEMENTARY	1	CENTRAL ELEMENTARY	K-05
	1	M. ALFRED CLOVER MIDDLE	06-08
	1	MONTE VISTA MIDDLE	06-08
	1	NORTH ELEMENTARY	K-05
	1	SOUTH ELEMENTARY	K-05
	1	ST BERNARDS EL	1-8
	1	WEST PARK ELEMENTARY	K-05
TRACY JOINT UNION HIGH	2	DUNCAN-RUSSELL CONTINUATION	09-12
TRANQUILLITY UNION HIGH	1	TRANQUILLITY HIGH	09-12
TRAVER JOINT ELEMENTARY	1	TRAVER ELEMENTARY	K-08
TRINIDAD UNION ELEMENTAR	1	TRINIDAD ELEMENTARY	K-08
TULARE CITY ELEMENTARY	1	CHERRY AVENUE JUNIOR HIGH	07-09
	2	KOHN (FRANK) ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-03
	1	MAPLE ELEMENTARY	K-06
	1	MULCAHY (ALICE G.) JUNIOR HIGH	06-08
	1	ROOSEVELT ELEMENTARY	K-05
	1	WILSON ELEMENTARY	K-06
TULARE UNION HIGH	3	CHILD DEVELOPMENT CTRS.	UG-UG
	2	TULARE HIGH	09-12
	2	TULARE WESTERN HIGH	09-12
	1	VALLEY HIGH	09-12
TURLOCK JOINT ELEMENTARY	2	CRANE EARLY LEARNING CENTER	K-K
	2	CROWELL ELEMENTARY	K-06
	1	CUNNINGHAM ELEMENTARY	K-05
	1	OSBORN ELEMENTARY	K-05
	1	WAKEFIELD ELEMENTARY	K-06
TURLOCK JOINT UNION HIGH	3	CHILD DEVELOPMENT CTRS.	UG-UG

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LOCATIONS	CODE *	SCHOOL NAME	
TURLOCK JOINT UNION HIGH (CONTINUED)	1	ROSELAWN HIGH	09-12
TUSTIN UNIFIED	2	CALIF LUTHERAN HS	9-11
	1	ST CECILIA	1-8
UKIAH UNIFIED	1	CALPELLA ELEMENTARY	K-03
	1	FRANK ZEEK ELEMENTARY	K-05
	2	MARIPOSA EL	K-8
	1	REDWOOD VALLEY MIDDLE	04-08
	1	RIVER ELEMENTARY	K-05
	1	ST MARY'S	1-8
	2	UKIAH HIGH	09-12
	1	YOKAYO ELEMENTARY	K-05
UPLAND ELEMENTARY	1	FOOTHILL KNOLLS ELEMENTARY	K-06
	1	ST JOSEPH EL	1-8
	1	UPLAND ELEMENTARY	K-06
UPPER LAKE UNION ELEMENT	1	UPPER LAKE ELEMENTARY	K-08
UPPER LAKE UNION HIGH	1	RECLAMATION CENTER CONTINUATI	09-12
	1	UPPER LAKE UNION HIGH	09-12
VACAVILLE UNIFIED	1	ELM ELEMENTARY	K-06
	2	MARKHAM (EDWIN) ELEMENTARY	K-06
	1	PADAN (EUGENE) ELEMENTARY	K-06
	1	ULATIS ELEMENTARY	K-06
VAL VERDE ELEMENTARY	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	MEAD VALLEY ELEMENTARY	04-06
	1	VAL VERDE ELEMENTARY	PK-02
VALLE LINDO ELEMENTARY	1	EPIPHANY EL	1-8
VALLEJO CITY UNIFIED	1	BEVERLY HILLS ELEMENTARY	PK-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	ELSA WIDENMANN ELEMENTARY	04-06
	1	FAIRGUT ELEMENTARY	PK-06
	1	FEDERAL TERRACE ELEMENTARY	PK-06
	1	FRANKLIN JUNIOR HIGH	07-09
	1	HIGHLAND ELEMENTARY	PK-06
	1	JOHN DAVIDSON ELEMENTARY	K-06
	1	LINCOLN ELEMENTARY	K-06
	1	LOMA VISTA ELEMENTARY	PK-03
	2	PEOPLES HIGH	10-12
	2	SOLANO JUNIOR HIGH	07-09
	1	ST BASIL'S EL	K-8
VALLEJO CITY UNIFIED (CONTINUED)	1	ST VINCENT FERRER EL	1-8
	1	STERPAN MANOR ELEMENTARY	K-06
	2	VALLEJO JUNIOR HIGH	07-09
	2	VALLEJO SENIOR HIGH	10-12
VENTURA UNIFIED	1	AVENUE ELEMENTARY	04-06
	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	DE ANZA JUNIOR HIGH	07-09
	1	E.P. FOSTER ELEMENTARY	K-06
	1	MAR VISTA HIGH	07-12
	1	MILL ELEMENTARY	K-06
	1	MONTALVO ELEMENTARY	K-06
	1	OAK VIEW ELEMENTARY	K-06
	1	PIERPONT ELEMENTARY	K-06
	1	SHERIDAN WAY ELEMENTARY	K-06
	1	WASHINGTON ELEMENTARY	K-06
	1	WILL ROGERS ELEMENTARY	K-06
VICTOR ELEMENTARY	1	IRWIN ELEMENTARY	K-06
	1	PARK VIEW ELEMENTARY	01-06
	1	ST MARYS	K-8
VICTOR VALLEY JOINT UNIO	2	HIGH DESERT HIGH	09-12
VINELAND ELEMENTARY	1	SUNSET ELEMENTARY	05-08
VISALIA UNIFIED	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	CROWLEY ELEMENTARY	K-06
	1	ELBOW CREEK ELEMENTARY	K-06
	1	ELBOW ELEMENTARY	01-03
	1	FAIRVIEW ELEMENTARY	K-06
	1	GEORGE MCEARR EL	K-8
	2	GOLDEN WEST HIGH	09-11
	1	GOSHEN ELEMENTARY	K-06
	1	HIGHLAND ELEMENTARY	K-06
	1	HOUSTON ELEMENTARY	K-06
	1	IVANHOE ELEMENTARY	K-06
	1	LINWOOD ELEMENTARY	K-06
	1	MINERAL KING ELEMENTARY	K-06
	2	MOUNTAIN VIEW ELEMENTARY	K-06
	1	SEQUOIA HIGH	09-12
	1	UNION ELEMENTARY	K-06
	1	VALLEY OAK INTERMEDIATE	07-08
	1	WASHINGTON ELEMENTARY	K-06
VISTA UNIFIED	1	BOBIER ELEMENTARY	K-06
	2	CRESTVIEW ELEMENTARY	K-06

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LOCATIONS	CODE *	SCHOOL NAME	
VISTA UNIFIED (CONTINUED)	1	OLIVE ELEMENTARY	K-06
	1	SANTA FE ELEMENTARY	K-06
	1	ST FRANCIS OF ASSISI EL	K-9
WASCO UNION ELEMENTARY	1	THOMAS JEFFERSON ELEMENTARY	07-08
WASHINGTON ELEMENTARY	1	MALAKOFF ELEMENTARY	K-08
	1	WASHINGTON ELEMENTARY	K-08
WASHINGTON UNIFIED	3	CHILD DEVELOPMENT CTRS.	UG-UG
	1	ELKHORN VILLAGE ELEMENTARY	K-03
	1	EVERGREEN ELEMENTARY	04-06
	1	GOLDEN STATE JUNIOR HIGH	07-09
	1	HOLY CROSS EL	K-8
	1	NORMAN (ALYCE) ELEMENTARY	K-06
	1	WESTFIELD VILLAGE ELEMENTARY	K-03
	1	WESTMORE OAKS ELEMENTARY	K-03
	1	YOLO HIGH	09-12
WASHINGTON UNION HIGH	1	WASHINGTON HIGH	09-12
WATERFORD ELEMENTARY	1	RICHARD M. MOON SCHOOL	K-08
WEAVER UNION ELEMENTARY	1	WEAVER ELEMENTARY	K-08
WEST PARK ELEMENTARY	1	WEST PARK ELEMENTARY	K-08
WESTERN PLACER UNIFIED	2	PHOENIX HIGH	10-12
	1	SHERIDAN ELEMENTARY	K-06
WESTMINSTER ELEMENTARY	1	ANDERSON ELEMENTARY	PK-06
	2	FRYBERGER ELEMENTARY	K-06
	1	JOHNSON INTERMEDIATE	07-08
	2	MEAIRS ELEMENTARY	K-06
	1	MIDWAY CITY ELEMENTARY	K-06
	1	SCHMITT ELEMENTARY	K-06
	1	WEBBER ELEMENTARY	K-06
	1	WILLMORE ELEMENTARY	PK-06
WESTMORLAND UNION ELEMEN	1	WESTMORLAND ELEMENTARY	K-08
WESTSIDE UNION ELEMENTAR	1	DEL SUR ELEMENTARY	K-06
WESTWOOD UNIFIED	1	FLETCHER WALKER ELEMENTARY	K-08
WHEATLAND ELEMENTARY	1	WHEATLAND ELEMENTARY	K-06
WHEATLAND UNION HIGH			
WHEATLAND UNION HIGH (CONTINUED)	2	WHEATLAND CONTINUATION	09-12
WHISMAN ELEMENTARY	3	CHILD DEVELOPMENT CTRS.	UG-UG
WHITMORE UNION ELEMENTAR	1	WHITMORE ELEMENTARY	K-08
WHITTIER CITY ELEMENTARY	3	CHILD DEVELOPMENT CTRS	UG-UG
	1	FRANKLIN (BENJAMIN) ELEMENTARY	K-06
	1	HOOVER (LOU HENRY) ELEMENTARY	K-06
	1	JACKSON (LYDIA) ELEMENTARY	K-06
	1	MILL ELEMENTARY	K-06
	1	PHELAN (DANIEL) ELEMENTARY	K-06
	1	WASHINGTON (GEORGE) ELEMENTARY	04-06
	1	WEST WHITTIER ELEMENTARY	K-06
WILLITS UNIFIED	1	BAECHTEL GROVE ELEMENTARY	04-07
	1	BROOKSIDE ELEMENTARY	K-06
	2	CAHTO CONTINUATION	11-12
	1	LAYTONVILLE ELEMENTARY	K-06
	1	LAYTONVILLE HIGH	09-12
	2	WILLITS JUNIOR-SENIOR HIGH	09-12
WINDSOR UNION ELEMENTARY	1	STARR ELEMENTARY	04-06
	1	WINDSOR ELEMENTARY	K-06
WINTERS JOINT UNIFIED	1	WAGGONER ELEMENTARY	K-06
	1	WINTERS JUNIOR HIGH	06-08
WINTON ELEMENTARY	1	BARKER (FRANK) ELEMENTARY	05-08
	1	WINTON ELEMENTARY	K-06
WOODLAKE UNION ELEMENTAR	1	FRANCIS J. WHITE LEARNING CEN	K-03
	1	WOODLAKE INTERMEDIATE	04-08
WOODLAKE UNION HIGH	2	WOODLAKE HIGH	09-12
	1	WOODLAND CONTINUATION HIGH	09-12
WOODLAND JOINT UNIFIED	1	BEAMER ELEMENTARY	K-06
	1	DINGLE ELEMENTARY	K-06
	1	FREEMAN ELEMENTARY	K-06
	1	HOLY ROSARY EL	K-8
	1	LAUGENOUR ELEMENTARY	K-06
	1	RHODA MAXWELL ELEMENTARY	K-06
	1	T. L. WHITEHEAD ELEMENTARY	K-06
WOODVILLE ELEMENTARY	1	WOODVILLE ELEMENTARY	K-08
WRIGHT ELEMENTARY			

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
WRIGHT ELEMENTARY (CONTINUED)	2	WILSON (J. X.) ELEMENTARY		K-06	
	1	WRIGHT ELEMENTARY		K-04	
YUBA CITY UNIFIED					
	2	APRIL LANE ELEMENTARY		K-05	
	1	BRIDGE STREET ELEMENTARY		K-06	
	1	CENTRAL-GAITHER ELEMENTARY		K-08	
	3	CHILD DEVELOPMENT CTRS.		UG-UG	
	1	KING AVENUE ELEMENTARY		K-06	
	1	PARK AVENUE ELEMENTARY		K-06	
	1	ST ISADOR		K-8	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAMS			
	2	ADAMS CITY HIGH	9-12
	1	ADAMS CITY MIDDLE	6-8
	2	ALSUP ELEMENTARY	K-5
	3	ASSUMPTION PRIVATE	
	1	BAKER ELEMENTARY	K-6
	2	BERKELEY GARDENS&UTAH JCT ELEM	K-6
	2	BRIGHTON HIGH	10-12
	2	CARPENTER JR HIGH	7-9
	1	CENTRAL ELEMENTARY	K-5
	2	CLEAR LAKE JR HIGH	7-9
	2	CORONADO HILLS ELEMENTARY	K-6
	2	DUPONT ELEMENTARY	K-5
	2	FEDERAL HEIGHTS ELEMENTARY	K-6
	2	HARRIS PARK ELEMENTARY	K-6
	2	HODGKINS JR HIGH	7-9
	3	HOLY TRINITY PRIVATE	
	3	IRONDALE ELEMENTARY	K-5
	1	KEARNEY MIDDLE	6-8
	2	KEMP ELEMENTARY	K-5
	2	MERITT HUTTON JRHIGH	7-9
	2	METZ ELEMENTARY	K-6
	2	MONACO ELEMENTARY	K-5
	1	NORTH ELEMENTARY	K-6
	1	NORTH STAR ELEMENTARY	K-6
	2	NORTHEAST ELEMENTARY	K-6
	2	NORTHEAST JR HIGH	7-9
	1	OAK MEADOWS I & II INSTITUTION	
	1	ONEIDA ELEMENTARY	K-5
	2	PECOS JR HIGH	7-9
	2	RANUM HIGH	10-12
	1	ROSE HILL ELEMENTARY	K-5
	2	SKYLINE VISTA ELEMENTARY	K-6
	2	SOUTH ELEMENTARY	K-6
	1	THORNTON ELEMENTARY	K-6
	2	THORNTON HIGH	10-12
	2	VIKAN JR HIGH	7-9
	1	WESTMINSTER ELEMENTARY	K-6
	2	WESTMINSTER HIGH	10-12
ALAMOSA			
	1	ALAMOSA HIGH	9-12
	1	ALAMOSA JR HIGH	7-8
	1	BOYD ELEMENTARY	K-4
	3	EAST ALAMOSA ELEMENTARY	K-4
	1	EVANS INTERMEDIATE	5-6
	1	SANGRE DE CRISTO ELEMENTARY	K-6
	1	SANGRE DE CRISTO JSHS	7-12
	1	VALLEY CHRISTIAN PRIVATE	
ARAPAHOE			
	3	BOSTON ELEMENTARY	K-3
	1	CRAWFORD ELEMENTARY	K-5
	1	FT LOGAN ELEMENTARY	K-5
	1	KENTON ELEMENTARY	K-5
	2	MONTVIEW ELEMENTARY	K-5
	2	NORTH ELEMENTARY	K-5
	2	NORTH MIDDLE	6-8
	1	ORA OLIVER ELEMENTARY	K-5
	2	SABLE ELEMENTARY	K-5
	2	SHERIDAN HIGH	9-12
	1	SHERIDAN MIDDLE	6-8
	2	VAUGHN ELEMENTARY	K-5
	2	WEST MIDDLE	6-8
ARCHULETA			
	2	PAGOSA SPRINGS ELEMENTARY	K-5
	2	PAGOSA SPRINGS HIGH	9-12
BACA			
	3	VILAS JSHS	7-12
	1	WALSH ELEMENTARY	K-5
BENT			
	1	COLUMBIAN ELEMENTARY	K-5
	2	LAS ANIMAS HIGH	9-12
	1	LAS ANIMAS JR HIGH	6-8
	3	MCCLAVE ELEMENTARY	K-6
	1	MEMORIAL ELEMENTARY	K-5
	3	ST MARYS PRIVATE	
BOULDER			
	2	CENTRAL ELEMENTARY	K-6
	2	COLUMBINE ELEMENTARY	K-6
	2	COLUMBINE ELEMENTARY	K-6
	1	ELDORADO HEIGHTS INSTITUTION	
	2	FREDERICK ELEMENTARY	K-6
	2	FREDERICK JSHS	7-12
	2	LAFAYETTE ELEMENTARY	K-4
	2	LAFAYETTE MIDDLE	5-8
	1	LINCOLN ELEMENTARY	K-6
	1	MOUNTAIN STATES CHILDREN HOME	
	2	NORTHEAST JR HIGH	7-9
CHEYENNE			
	3	ARAPAHOE ELEMENTARY	K-6
	3	ARAPAHOE JSHS	7-12
CONEJOS			
	1	ANTONIO MIDDLE	6-8
	1	ANTONITO HIGH	9-12
	1	CENTAURI HIGH	9-12
	1	CENTAURI JR HIGH	7-8
	1	GUADALUPE ELEMENTARY	K-5

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COLORADO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CONEJOS (CONTINUED)	1	LAJARA ELEMENTARY	K-6
	1	MANASSA/ROMEO ELEMENTARY	K-6
	1	SANFORD ELEMENTARY	K-8
	1	SANFORD HIGH	9-12
COSTILLA			
	1	CENTENNIAL ELEMENTARY	K-6
	1	CENTENNIAL JSHS	7-12
	1	SIERRA GRANDE ELEMENTARY	K-6
	1	SIERRA GRANDE JSHS	7-12
CROWLEY			
	1	CROWLEY CTY ELEMENTARY	K-5
	1	CROWLEY CTY JR HIGH	6-8
CUSTER			
	1	CUSTER CTY SCHOOL	K-12
DELTA			
	1	CEDAREDGE ELEMENTARY	K-6
	2	CEDAREDGE JSHS	7-12
	3	CRAWFORD ELEMENTARY	K-8
	2	DELTA HIGH	9-12
	1	DELTA JR HIGH	7-8
	1	GARNET MESA ELEMENTARY	K-4
	1	HOTCHKISS ELEMENTARY	K-6
	1	HOTCHKISS JSHS	7-12
	1	LINCOLN ELEMENTARY	5-6
	1	PAONIA ELEMENTARY	K-4
	1	PAONIA MIDDLE	5-8
	3	ST MICHAELS PAROCHIAL PRIVATE	
DENVER			
	2	BAKER JR HIGH	7-9
	2	BRADLEY ELEMENTARY	K-6
	2	BROWN ELEMENTARY	K-6
	2	BYERS JR HIGH	7-9
	2	CHELTENHAM ELEMENTARY	K-3
	1	COLORADO CHRISTIAN INSTITUTION	
	2	COLUMBIAN ELEMENTARY	K-6
	1	CROFTON ELEMENTARY	K-3
	2	DEL PUEBLO ELEMENTARY	K-3
	1	DENVER CHRISTIANS HOME INST	
	2	EAGLETON ELEMENTARY	K-6
	2	FORT ELEMENTARY	K-5
	2	EDISON ELEMENTARY	K-6
	1	EMERSON HOUSE INSTITUTION	
	1	FAIRVIEW ELEMENTARY	K-3
	2	FORCE ELEMENTARY	K-6
	1	GILPIN ELEMENTARY	K-3
	1	GOLDRICK ELEMENTARY	K-6
	1	GREENLEE ELEMENTARY	K-3
DENVER (CONTINUED)	2	HARRINGTON ELEMENTARY	K-5
	2	HORACE MANN JR HIGH	7-9
	2	KERNER JR HIGH	7-9
	2	KNAPP ELEMENTARY	K-5
	2	LAKE JR HIGH	7-9
	2	MERRILL JR HIGH	7-9
	1	MITCHELL ELEMENTARY	K-3
	2	MOORE ELEMENTARY	K-5
	2	MOREY JR HIGH	7-9
	2	NORTH HIGH	10-12
	2	RISHEL JR HIGH	7-9
	1	ROSEDALE ELEMENTARY	K-5
	1	ROUND-UP FELLOWS INSTITUTION	
	1	SAINT VINCENTS INSTITUTION	
	2	SCHENCK ELEMENTARY	K-5
	2	SKINNER JR HIGH	7-9
	2	SMEDLEY ELEMENTARY	K-3
	2	SMITH ELEMENTARY	K-3
	2	VALDEZ ELEMENTARY	K-5
	2	WEST HIGH	10-12
	1	WHITTIER ELEMENTARY	K-5
	1	WYMAN ELEMENTARY	K-5
EAGLE			
	3	RED CLIFF ELEMENTARY	K-6
EL PASO			
	2	ABRAMS ELEMENTARY	K-5
	1	ADAMS ELEMENTARY	K-5
	1	BRISTOL ELEMENTARY	K-5
	1	BROCKHURST BOYS RANCH INST	
	1	BUENA VISTA ELEMENTARY	K-5
	1	CARMEL JR HIGH	7-9
	2	CARSON JR HIGH	7-9
	1	CENTENNIAL ELEMENTARY	K-5
	1	CHAMBERLIN ELEMENTARY	K-5
	2	COLUMBIA ELEMENTARY	K-5
	2	EDISON ELEMENTARY	K-5
	2	EMERSON JR HIGH	7-9
	2	FOUNTAIN JR HIGH	7-9
	1	FRANKLIN ELEMENTARY	K-5
	2	FREEDOMS TRAIL ELEMENTARY	K-5
	2	GIBERSON ELEMENTARY	K-5
	1	GORMAN JR HIGH	7-9
	1	HARRISON HIGH	10-12
	2	HENRY ELEMENTARY	K-5
	2	HOLMES JR HIGH	7-9
	1	HUNT ELEMENTARY	K-5
	1	IVYWILD ELEMENTARY	K-5

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
EL PASO (CONTINUED)	1	J-V RANCH HOUSE INSTITUTION	
	2	JANITELL JR HIGH	7-9
	2	KING ELEMENTARY	K-6
	1	LA CASA CONTENTA INSTITUTION	
	2	LINCOLN ELEMENTARY	K-6
	2	LORRAINE ELEMENTARY	K-6
	1	LOWELL ELEMENTARY	K-6
	1	MIAMI-YODER SCHOOL	K-12
	1	MIDLAND ELEMENTARY	K-6
	1	MONROE ELEMENTARY	K-6
	1	MONTEREY ELEMENTARY	K-6
	2	NORTH ELEMENTARY	K-6
	2	NORTH JR HIGH	7-9
	1	PANORAMA JR HIGH	7-9
	2	PIKES PEAK ELEMENTARY	K-6
	2	PINE VALLEY ELEMENTARY	K-6
	1	PINELLO ELEMENTARY	K-6
	2	ROGERS ELEMENTARY	K-6
	1	ROOSEVELT ELEMENTARY	K-6
	3	SACRED HEART PRIVATE	
	2	SOUTH ELEMENTARY	K-6
	1	SOUTH JR HIGH	7-9
	2	SPROUL JR HIGH	7-9
	1	STRATMOOR HILLS ELEMENTARY	K-6
	1	STRATTON MEADOWS ELEMENTARY	K-6
	1	TALBOTT ELEMENTARY	K-6
	2	TAYLOR ELEMENTARY	K-6
	2	TWAIN ELEMENTARY	K-6
	1	WASHINGTON ELEMENTARY	K-6
	2	WASSON HIGH	10-12
	2	WATSON JR HIGH	7-9
	2	WEST JR HIGH	7-9
	2	WHITTIER ELEMENTARY	K-6
	2	WIDEFIELD HIGH	10-12
ELBERT	1	ROUND UP RANCH INSTITUTION	
FREMONT	2	CANON CITY JR HIGH	7-9
	2	FLORENCE ELEMENTARY	K-5
	2	FLORENCE MIDDLE	6-8
	1	LINCOLN ELEMENTARY	K-6
	2	MCKINLEY ELEMENTARY	K-6
	2	PENROSE ELEMENTARY	K-5
	2	WASHINGTON ELEMENTARY	K-6
HUERFANO	1	GARDNER ELEMENTARY/MIDDLE	K-8
	1	JOHN MALL HIGH	9-12
HUERFANO (CONTINUED)	1	SAINT MARYS ELEMENTARY PRIVATE	
	1	WALSENBURG MIDDLE	5-9
	1	WASHINGTON ELEMENTARY	K-4
JEFFERSON	1	EDGEWATER ELEMENTARY	K-5
	1	FOSTER ELEMENTARY	K-5
	1	MOLHOLM ELEMENTARY	K-6
	2	SLATER ELEMENTARY	K-5
KIT CARSON	2	BURLINGTON ELEMENTARY	K-4
	2	BURLINGTON MIDDLE	5-8
	1	FLAGLER SCHOOL	K-12
	3	STRATTON ELEMENTARY	K-6
LA PLATA	1	IGNACIO ELEMENTARY	K-5
	1	IGNACIO HIGH	9-12
	1	IGNACIO JR HIGH	7-8
	2	NEEDHAM ELEMENTARY	K-5
	1	PARK ELEMENTARY	K-5
	2	SMILEY JR HIGH	7-9
LARIMER	2	DUNN ELEMENTARY	4-6
	1	FULLANA ELEMENTARY	K-5
	2	HARRIS ELEMENTARY	K-5
	2	IRISH ELEMENTARY	K-5
	2	LESHER JR HIGH	7-9
	2	LINCOLN JR HIGH	7-9
	2	PUTNAM ELEMENTARY	K-5
LAS ANIMAS	1	AGUILAR ELEMENTARY	K-6
	1	AGUILAR JSHS	7-12
	3	BRANSON SCHOOL	K-12
	1	EAST ST ELEMENTARY	K-5
	1	ECKHART ELEMENTARY	K-5
	1	HOEHNE ELEMENTARY	K-4
	1	HOEHNE HIGH	9-12
	3	HOEHNE JR HIGH	7-8
	1	HOLY TRINITY PRIVATE	
	1	MT CARMEL PRIVATE	
	1	PARK ST ELEMENTARY	K-5
	1	PRIMERO JSHS	7-12
	1	RICE ELEMENTARY	K-5
	1	TRINIDAD HIGH	9-12
	1	TRINIDAD JR HIGH	5-8
	1	WESTON ELEMENTARY	K-5
LINCOLN	3	HUGO ELEMENTARY	K-5

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LOCATIONS	CODE *	SCHOOL NAME	
LOGAN			
	2	CAMPBELL ELEMENTARY	K-6
	2	STEVENS ELEMENTARY	K-6
MESA			
	2	BOOKCLIFF JR HIGH	7-9
	2	CHATFIELD ELEMENTARY	K-6
	2	CLIFTON ELEMENTARY	K-6
	1	COLUMBINE ELEMENTARY	K-6
	2	COLUMBUS ELEMENTARY	K-6
	2	EAST JR HIGH	7-9
	2	FRUITA/SHELLEDY ELEMENTARY	K-6
	2	LINCOLN ORCHARD MESA	K-6
	1	LINCOLN PARK ELEMENTARY	K-6
	2	NISLEY ELEMENTARY	K-6
	2	ORCHARD MESA JR HIGH	7-9
	3	RIVERSIDE SPEC ED ELEMENTARY	SPEC
	1	SCENIC ELEMENTARY	K-6
	2	WEST JR HIGH	7-9
MOFFAT			
	3	DINOSAUR ELEMENTARY	K-8
MONTEZUMA			
	1	CORTEZ JR HIGH	7-8
	1	DOLORES ELEMENTARY	K-6
	3	DOLORES JR HIGH	7-8
	2	KEMPER ELEMENTARY	1-6
	1	MANAUGH ELEMENTARY	1-6
	1	MANCOS ELEMENTARY	K-6
	3	MANCOS JR HIGH	7-8
	1	MESA ELEMENTARY	1-6
	2	MONTEZUMA-CORTEZ HIGH	9-12
MORGAN			
	2	BAKER ELEMENTARY	K-6
	2	CENTRAL ELEMENTARY	K-6
	2	COLUMBINE ELEMENTARY	K-6
	2	FT MORGAN JR HIGH	7-9
	2	GREEN ACRES ELEMENTARY	K-6
	2	THOMSON ELEMENTARY	K-3
	2	WIGGINS ELEMENTARY	K-6
	3	WIGGINS JR HIGH	7-8
OTERO			
	1	COLORADO BOYS RANCH FIRST	
	1	COLUMBIAN ELEMENTARY	1-5
	1	EAST SIXTH CENTER	K-6
	1	JEFFERSON MIDDLE	6-8
	1	LA JUNTA JR HIGH	7-8
	1	LA JUNTA SR HIGH	9-12
	1	LIBERTY ELEMENTARY	3-5
	1	MANZANOLA ELEMENTARY	K-6
OTERO (CONTINUED)	3	MANZANOLA HIGH	9-12
	3	MANZANOLA JR HIGH	7-9
	1	NORTH LA JUNTA ELEMENTARY	1-4
	1	PARK ELEMENTARY	K-3
	2	ROCKY FORD HIGH	9-12
	1	WASHINGTON ELEMENTARY	K-2
	1	WEST ELEMENTARY	K-5
	3	WEST ELEMENTARY	4-6
PARK			
	1	SOUTH PARK ELEMENTARY	K-6
	1	SOUTH PARK JSHS	7-12
PHILLIPS			
	2	HOLYOKE ELEMENTARY	K-8
PROWERS			
	1	GRANADA ELEMENTARY	K-6
	1	GRANADA JSHS	7-12
	3	HOLLY JR HIGH	7-12
	2	LAMAR HIGH	10-12
	1	LAMAR JR HIGH	7-9
	1	LINCOLN ELEMENTARY	K-6
	2	PARKVIEW ELEMENTARY	K-6
	1	SHANNER ELEMENTARY	K-6
PUEBLO			
	1	BESSEMER ELEMENTARY	K-6
	1	BEULAH HEIGHTS ELEMENTARY	K-6
	1	BRADFORD ELEMENTARY	K-6
	1	CARLILE ELEMENTARY	K-6
	2	CENTENNIAL HIGH	9-12
	2	CENTRAL HIGH	9-12
	2	COLUMBIAN ELEMENTARY	K-6
	1	CORWIN MIDDLE	6-8
	2	EAST HIGH	9-12
	1	EASTWOOD ELEMENTARY	K-6
	1	EL PUEBLO INSTITUTION	
	1	FOUNTAIN ELEMENTARY	K-6
	1	FREED MIDDLE	6-8
	1	FULTON HEIGHTS ELEMENTARY	K-6
	2	GODDARD ELEMENTARY	K-6
	2	HEATON MIDDLE	6-8
	1	HYDE PARK ELEMENTARY	K-6
	1	IRVING ELEMENTARY	K-6
	1	KEATING MIDDLE	6-8
	1	LAKE VIEW ELEMENTARY	K-6
	1	MINNEQUA ELEMENTARY	K-6
	1	PARK VIEW ELEMENTARY	K-6
	2	PITTS MIDDLE	6-8
	1	RISLEY MIDDLE	6-8

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LOCATIONS	CODE *	SCHOOL NAME	
PUEBLO (CONTINUED)	2	SOUTH HIGH	9-12
	1	SPANN ELEMENTARY	K-5
	1	THATCHER ELEMENTARY	K-5
	1	WASHINGTON ELEMENTARY	K-5
RIO GRANDE			
	1	DEL NORTE ELEMENTARY	K-5
	1	DEL NORTE HIGH	9-12
	1	DEL NORTE MIDDLE	6-8
	1	MONTE VISTA ELEMENTARY	K-6
	1	MONTE VISTA JSHS	7-12
	1	SARGENT ELEMENTARY	K-6
	3	SARGENT JSHS	7-12
SAGUACHE			
	1	CENTER ELEMENTARY	K-6
	1	CENTER HIGH	9-12
	1	CENTER JR HIGH	7-8
	3	MOFFAT ELEMENTARY	K-6
	3	MOFFAT JSHS	7-12
	1	MTN VALLEY ELEMENTARY	K-6
	1	MTN VALLEY JSHS	7-12
SAN MIGUEL			
	3	EGNAR ELEM/JR HIGH	K-8
SEDGWICK			
	3	PLATTE VALLEY ELEMENTARY	K-6
WELD			
	2	ARLINGTON ELEMENTARY	K-5
	3	BRIGGSDALE ELEMENTARY	K-6
	1	BUTLER PRIMARY ELEMENTARY	K-4
	2	CAMERON ELEMENTARY	K-5
	2	CENTENNIAL ELEMENTARY	K-5
	2	CENTRAL (GREELEY) HIGH	10-12
	1	CHAPPELOW	6-7
	1	CROSSROADS INSTITUTION	
	3	DAYSPRING CHRISTIAN PRIVATE	
	1	EAST MEMORIAL ELEMENTARY	K-5
	2	EATON ELEMENTARY	K-3
	2	EATON MIDDLE	5-8
	1	EVANS	8-9
	1	FRANKLIN	6-7
	1	FRATERNITY HOUSE, INC INST	
	2	FT LUPTON HIGH	9-12
	1	FT LUPTON MIDDLE	5-8
	3	GILCREST ELEMENTARY	K-4
	3	GREELEY CATHOLIC PRIVATE	
	3	GROVER ELEMENTARY	K-6
	2	HEATH	8-9
	2	HUDSON ELEMENTARY	K-6
WELD (CONTINUED)	2	JACKSON ELEMENTARY	K-5
	1	JEFFERSON ELEMENTARY	K-5
	2	LASALLE ELEM/MIDDLE	K-8
	2	MADISON ELEMENTARY	K-5
	1	MARTINEZ ELEMENTARY	K-5
	1	MILLIKEN ELEMENTARY	K-5
	1	MILLIKEN MIDDLE	6-8
	1	OUR HOUSE, INC INSTITUTION	
	2	PLATTE VALLEY ELEMENTARY	K-5
	2	PLATTEVILLE ELEM/MIDDLE	K-8
	3	TRINITY LUTHERAN PRIVATE	
YUMA			
	2	YUMA WEST MIDDLE	4-8

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CONNECTICUT

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LOCATIONS	CODE *	SCHOOL NAME	
FAIRFIELD	1	BARNUM	EL
	1	BASSICK	HS
	1	BEARDSLEY	EL
	2	BIRDSEYE	EL
	1	BLACK ROCK	EL
	1	BLACKHAM	EL
	2	BLESSED SACRAMENT	EL
	2	BROOKSIDE	EL
	1	BRYANT	EL
	2	CATHEDRAL/KOLBE	HS
	2	CENTER FOR VOC ARTS	HS
	2	CENTRAL	HS
	1	CLEMENTE	EL
	2	CLOONAN	MDL
	1	COLUMBUS	EL
	2	CRANBURY	EL
	1	CROSS	EL
	2	DAVENPORT RIDGE	EL
	2	DOLAN	MDL
	1	EAST SIDE MIDDLE	MDL
	2	EDISON	EL
	2	FOX RUN	EL
	2	FRANKLIN	EL
	1	FRANKLIN	EL
	1	GARFIELD	EL
	1	HALL	EL
	2	HALLEN	EL
	1	HARDING	HS
	2	HART	EL
	2	HAYESTOWN	EL
	2	HOLY ROSARY	EL
	2	HONEYSPOT	EL
	2	HOOKER	EL
	1	HOWE	EL
	2	JEFFERSON	EL
	1	JOHNSON/PARK CITY	EL
	2	KENDALL	EL
	2	LAFAYETTE	EL
	1	LONGFELLOW	EL
	1	MADISON	EL
	2	MAGRATH	EL
	2	MAPLEWOOD	EL
	2	MARVIN	EL
	1	MCKINLEY	EL
	2	MCMAHON	HS
	1	MORRIS	EL
	2	MURPHY	EL
FAIRFIELD (CONTINUED)	2	NARAMAKE	EL
	2	NEWFIELD	EL
	1	NEWFIELD	EL
	2	NORTHEAST	EL
	2	NORWALK	HS
	2	PARK AVE	EL
	2	PEMBROKE	EL
	2	PONUS RIDGE	MDL
	1	READ	EL
	2	RIPPOWAM	HS
	2	RIVERBANK	EL
	2	ROBERTS AVE	EL
	2	ROGERS	EL
	2	ROGERS PARK	MS
	1	ROOSEVELT	EL
	2	ROXBURY	EL
	1	RYLE-FRANKLIN	EL
	2	SACRED HEART/ST ANTHONY	EL
	2	SHELTER ROCK	EL
	2	SHELTON	EL
	1	SHERIDEN/4 HORIZONS	EL
	2	SOUTH ST	EL
	2	SPRINGDALE	EL
	2	ST PATRICK	EL
	2	STARK	EL
	2	STILLMEADOW	EL
	2	SUNNYSIDE	EL
	2	TOQUAM	EL
	2	TRACEY	EL
	2	TURN OF RIVER	MDL
	1	WALTERSVILLE	EL
	1	WEBSTER/MULTI CULTURAL	EL
	2	WEST ROCKS	EL
	1	WESTOVER	EL
	1	WHITTIER	EL
	2	WINTHROP	EL
	2	WOLFPIT	EL
HARTFORD	2	ALEDEN	EL
	1	B BROWN - ESCUELITA BILINGUE	EL
	1	BARBOUR	EL
	2	BARNARD	EL
	2	BATCHELDER	EL
	1	BULKELEY	HS
	1	BURNS	EL
	2	BURNSIDE	EL
	1	BURR	EL

* CODE 1 - SCHOOLS DESIGNATED FOR BOTH NATIONAL DEFENSE AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS
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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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CONNECTICUT

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HARTFORD (CONTINUED)	2	CALLEN	EL
	2	CATHEDRAL OF ST JOSEPH	EL
	2	CENTER	EL
	2	CHAMBERLAIN	EL
	1	CHILD & FAMILY SERVICE	UNGR
	1	CHILDRENS VILLAGE	UNGR
	1	CLARK	EL
	1	CT DEPT OF CHILDREN & YOUTH	UNGR
	1	CT DEPT OF CORRECTIONS	UNGR
	2	DI LORETO	EL
	2	DWIGHT	EL
	2	EDGEWOOD	EL
	1	FISHER	EL
	1	FOX	EL
	1	FOX MIDDLE	MDL
	2	GAFFNEY	EL
	1	HARTFORD PUBLIC HIGH	HS
	2	HOCKANUM	EL
	2	HOLMES	EL
	1	HOOKER	EL
	2	JEFFERSON	EL
	2	KENNELLY	EL
	1	KING	EL
	1	KINSELLA	EL
	1	KLINGBERG CHILD CENTER	UNGR
	1	LINCOLN	EL
	2	MAYBERRY	EL
	2	MCALISTER MIDDLE	MDL
	1	MCDONOUGH	EL
	2	NATHAN HALE	EL
	2	NAYLOR	EL
	2	NEW BRITAIN HIGH	HS
	2	NORRIS	EL
	1	NORTHEND	EL
	1	PARKVILLE	EL
	2	PLAINVILLE JR HIGH	JHS
	2	PULASKI HIGH	HS
	1	QUIRK MIDDLE	MDL
	2	RAWSON	EL
	2	ROOSEVELT	MDL
	1	SAND EVERYWHERE	EL
	1	SILVER LANE	EL
	1	SIMPSON WAVERLY	EL
	2	SLADE	MDL
	1	SMALLEY	EL
	2	SMITH	EL
	2	SOUTH SIDE	EL
HARTFORD (CONTINUED)	1	ST ANN JR HIGH	JHS
	2	ST ANNE	EL
	1	ST PETER	EL
	2	SUNSET RIDGE	MDL
	2	TWAIN	EL
	2	VANCE	EL
	1	VINE	EL
	2	WAREHOUSE PT	EL
	2	WASHINGTON	MDL
	2	WASHINGTON	EL
	1	WEAVER HS	HS
	1	WEBSTER	EL
	2	WEBSTER HILL	EL
	1	WEST MIDDLE	EL
	2	WEST SUFFIELD/BRIDGE	EL
	1	WISH	EL
LITCHFIELD	1	CONN JR REPUBLIC	UNGR
	2	HINSDALE	EL
	2	NORTH	EL
	2	PEARSON	EL
	2	SOUTH/SOUTHEAST	EL
	2	ST ANTHONY	EL
	2	WETMORE	EL
MIDDLESEX	1	BECKETT ACADEMY	UNGR
	2	BIELFIELD	EL
	2	FARM HILL	EL
	2	KEIGWIN	MDL
	2	MACDONOUGH	EL
	2	MIDDLETOWN HIGH	HS
	2	MOODY	EL
	1	MT ST JOHN'S	UNGR
	2	SNOW	EL
	2	SPENCER	EL
	1	THE CHILDRENS HOME	UNGR
	2	WESLEY	EL
NEW HAVEN	2	ABBOTT	EL
	2	ANDREWS	EL
	2	BARNARD	EL
	1	BARNARD	EL
	2	BARRY	EL
	2	BETSY ROSS	MDL
	2	BISHOP WOOD	EL
	2	BRADLEY	EL
	1	BRENNAN	EL

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CONNECTICUT

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CONNECTICUT

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NEW HAVEN (CONTINUED)	2	BRICKS HALL	EL
	2	BUNKER HILL	EL
	2	CARRIGAN	EL
	2	CHASE	EL
	1	CLINTON	EL
	1	COLUMBUS	EL
	1	CONTE	EL
	2	CROSBY	HS
	2	CROSS	EL
	1	CROSS HIGH	HS
	2	DAVIS	EL
	2	DERBY MIDDLE	MDL
	1	DRIGGS	EL
	1	DWIGHT	EL
	1	EAST FARMS	EL
	1	EAST ROCK	EL
	2	EAST ROCK	MDL
	1	FAIR HAVEN	MDL
	1	FIRST AVENUE	EL
	2	FORREST	EL
	2	FRANKLIN	EL
	2	GIANNOTI	EL
	2	GILMARTIN	EL
	1	HAMDEN-NEW HAVEN CO-OP	UNGR
	1	HELENE GRANT	EL
	1	HIGHLAND HEIGHTS	UNGR
	1	HILL CENTRAL	EL
	1	HILLHOUSE	HS
	2	HOP BROOK	EL
	2	HOPEVILLE	EL
	2	IRVING	EL
	1	JACKIE ROBINSON	MDL
	2	JEFFERSON	MDL
	2	JEPSON	EL
	2	KENNEDY	HS
	1	KIMBERLY	EL
	2	KINGSBURY	EL
	1	LEE HIGH	HS
	2	LINCOLN	EL
	2	LINCOLN	MDL
	2	LINCOLN HAYES	EL
	1	LINCOLN-BASSETT	EL
	1	M L KING	EL
	1	MALONEY	EL
	2	MALONEY	HS
	2	MOLLOY	EL
	2	MONAUGUIN	EL
NEW HAVEN (CONTINUED)	2	NOLAN	EL
	2	NORTH END MIDDLE	MDL
	1	PECK	EL
	2	PLATT	HS
	2	POINT BEACH	EL
	1	PRINCE	EL
	2	PULASKI	EL
	2	PUMKIN DELIGHT	EL
	2	PUTNAM	EL
	2	QUINNIPAC	EL
	2	REGAN	EL
	1	ROBERTO CLEMENTE	MDL
	2	ROGER SHERMAN	EL
	2	ROTELLA	EL
	1	SACRED HEART	EL
	2	SAVIN ROCK COMMUNITY	EL
	2	SHERIDAN	MDL
	2	SHERMAN	EL
	2	SHORT BEACH	EL
	1	SLOCUM	EL
	2	SPRAGUE	EL
	2	ST BRENDAN	EL
	2	ST FRANCIS	EL
	2	ST FRANCIS XAVIER	EL
	2	ST MARGARET	EL
	2	ST MARY GRADE	EL
	2	ST PETER	EL
	2	ST ROSE	EL
	2	ST STEPHEN	EL
	2	STEVENS	EL
	2	STILES	EL
	1	STRONG	EL
	2	THOMPSON	EL
	2	TINKER	EL
	1	TROUP	MDL
	1	TRUMAN	EL
	1	TRUMBULL	EL
	2	TUTTLE	EL
	2	WALLACE MIDDLE	MDL
	1	WALSH	EL
	1	WASHINGTON	EL
	2	WASHINGTON	EL
	1	WELCH ANNEX	EL
	2	WEST HAVEN HIGH	HS
	2	WEST HILLS	EL
	2	WEST SIDE MIDDLE	MDL
	2	WESTERN	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NEW HAVEN (CONTINUED)	1	WHITNEY HALL	UNGR
	2	WHITTLESEY	EL
	2	WILBY	HS
	2	WILLIS	MDL
	1	WINCHESTER	EL
	2	WOODWARD	EL
NEW LONDON	2	BISHOP	EL
	2	BUCKINGHAM	EL
	2	CLAUDE CHESTER	EL
	2	EASTERN POINT	EL
	1	EDGERTON	EL
	2	ELIZABETH	EL
	2	FITCH JUNIOR	JHS
	2	GR HEIGHTS/COL LEDYARD	EL
	1	GREENEVILLE	EL
	2	GRISWOLD	EL
	2	HARBOR	EL
	2	JENNINGS	EL
	2	KELLY	JHS
	2	NATHAN HALE	EL
	2	NEW LONDON HIGH	HS
	2	NEW LONDON JUNIOR	JHS
	2	NORWICH FREE	HS
	2	PALMER MEMORIAL	EL
	2	SACRED HEART	EL
	2	SAYLES	EL
	1	SMITH AVE	EL
	2	ST JOSEPH	EL
	2	ST JOSEPH	EL
	2	STANTON	EL
	2	TEACHERS	JHS
	1	UNCAS	EL
	2	UNCASVILLE	EL
	2	VETERANS	EL
	1	W COUNTRY DAY	UNGR
	2	WEQUONNOC	EL
	2	WEST SIDE JUNIOR	JHS
	1	WINTHROP	EL
TOLLAND	2	BOROUGH	EL
	2	MAPLE	EL
	2	NORTHEAST	EL
	2	PINNEY	EL
	2	SKINNER	EL
	2	STAFFORD HIGH	HS
	2	STAFFORD MIDDLE	MDL
TOLLAND (CONTINUED)	2	STAFFORDVILLE	EL
	2	VINTON	EL
WINDHAM	2	GOODYEAR/CENTRAL	EL
	2	GRAMMAR	EL
	2	KILLINGLY JUNIOR	JHS
	2	KILLINGLY MEMORIAL	EL
	2	KRAMER	MDL
	2	MEMORIAL	EL
	2	MOOSUP	EL
	1	NATCHAUG	EL
	2	NOBLE	EL
	2	PLAINFIELD HIGH	HS
	2	PUTNAM ELEMENTARY	EL
	2	PUTNAM HIGH	HS
	2	STERLING MEMORIAL	EL
	2	SWEENEY	EL
	2	THOMPSON MEMORIAL	EL
	2	WINDHAM CENTER	EL
	2	WINDHAM HIGH	HS

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DELAWARE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE

DELAWARE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
APPOQUINIMINK			
	2	MIDDLETOWN	HS
	1	REDDING	MDL
	1	SILVER LAKE	EL
CAESAR RODNEY			
	2	ALLEN FREAR	EL
CAPITAL			
	2	CENTRAL	MDL
	2	DOVER	HS
DELMAR			
	2	DELMAR	J-SHS
DEPT OF CORRECTIONS			
	1	FERRIS SCHOOL FOR BOYS	
	3	WOODS/HAVEN KRUSE SCH FOR GIRL	
DEPT OF CORRECTIONS (ADU			
	1	DELAWARE CORRECTIONAL INST	
	3	SUSSEX CORRECTIONAL INST	
	3	WOMEN'S CORRECTIONAL INST	
INDIAN RIVER			
	1	EAST MILLSBORO	EL
	1	FRANKFORD	EL
	1	GEORGETOWN	EL
	2	INDIAN RIVER	HS
	1	LORD BALTIMORE	EL
	1	SELBYVILLE	MDL
	2	SUSSEX CENTRAL	JHS
LAKE FOREST			
	1	CHIPMAN	JHS
	1	EAST	EL
	2	LAKE FOREST	HS
	1	NORTH	EL
	1	SOUTH	EL
LAUREL			
	2	LAUREL	SHS
	1	LAUREL CENTRAL	MDL
	1	NORTH/WEST	EL
MILFORD			
	1	BANNEKER/WEST	EL
	1	LAKEVIEW	EL
	1	MILFORD	MDL
	1	MILFORD	SHS
	1	ROSS	EL
NEW CASTLE CO-VO TECH			
	2	HOWARD	HS
NEW CASTLE COUNTY			
	1	ALEXIS I	JHS
	2	BALTZ	EL
	2	BANCROFT	EL
NEW CASTLE COUNTY (CONTINUED)			
	2	BAYARD	EL
	2	BROOKSIDE	EL
	2	CHRISTIANA	HS
	2	CONRAD	JHS
	2	DREW PYLE	EL
	2	EISENBERG	EL
	2	GAUGER	MDL
	2	GLASGOW	HS
	2	GRAY	EL
	2	HARLAN	EL
	2	KING	EL
	2	LEASURE	EL
	1	LEWIS	EL
	2	LORE	EL
	2	MCCULLOUGH	EL
	2	MT PLEASANT	JHS
	2	NEWARK	HS
	2	OGLETOWN	MDL
	2	RICHARDSON PARK	EL
	2	SHUE	MDL
	2	WILLIAM PENN	HS
	2	WILMINGTON	HS
SEAFORD			
	1	CENTRAL	EL
	1	DOUGLAS	EL
	2	SEAFORD	JHS
	2	SEAFORD	SHS
	2	WEST	EL
SMYRNA			
	1	CLAYTON	EL
	1	NORTH	EL
	1	SMYRNA	EL
	1	SMYRNA	MDL
	2	SMYRNA	HS
WOODBRIDGE			
	1	BRIDGEVILLE/NORTH BRIDGEVILLE	EL
	1	GREENWOOD	EL
	1	WOODBRIDGE	JHS
	1	WOODBRIDGE	SHS

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DISTRICT OF COLUMBIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
WASHINGTON DC	1	ADAMS	EL
	1	AITON	EL
	1	AMIDON	EL
	2	BANCROFT	EL
	1	BIRNEY	EL
	2	BLOW	EL
	1	BOWEN	EL
	1	BRUCE-MONROE	EL
	2	BRYAN	EL
	1	CLEVELAND	EL
	1	COOK, J F	EL
	1	COOKE, H D	EL
	1	DRAPER	EL
	1	DREW	EL
	1	EMERY	EL
	1	EVANS	JHS
	2	FLETCHER-JOHNSON	EL
	2	GAGE-ECKINGTON	EL
	2	GARFIELD	EL
	1	GARNET-PATTERSON	JHS
	1	GARRISON	EL
	1	GIBBS	EL
	1	GIDDINGS	EL
	1	GODING	EL
	2	GREEN	EL
	1	HARRIS	EL
	1	HARRISON	EL
	1	HENDLEY	EL
	1	HINE	JHS
	2	HOUSTON	EL
	1	JEFFERSON	JHS
	2	KENILWORTH	EL
	2	KINGSMAN	EL
	2	LANGDON	EL
	1	LENOX	EL
	1	LEWIS	EL
	2	LOVEJOY	EL
	1	LUDLOW-TAYLOR	EL
	1	MALCOLM X	EL
	2	MCGOGNEY	EL
	2	MEYER	EL
	1	MINER	EL
	1	MONTGOMERY	EL
	1	MOTEN	EL
	2	NALLE	EL
	1	PAYNE	EL
	2	PLUMMER	EL
WASHINGTON DC (CONTINUED)	1	REED, MARIE	EL
	1	RICHARDSON	EL
	1	ROSS	EL
	1	SAVOY	EL
	1	SEATON	EL
	1	SHADD	EL
	1	SHAW	JHS
	2	SIMON	EL
	1	SLATER-LANGSTON	EL
	2	SMOTHERS	EL
	2	STANTON	EL
	1	SYPHAX	EL
	2	TERRELL, M C	EL
	1	TERRELL, R H	JHS
	1	THOMAS	EL
	1	THOMSON	EL
	1	TUBMAN	EL
	1	TURNER	EL
	1	TYLER	EL
	1	VAN NESS	EL
	1	WALKER-JONES	EL
	1	WASHINGTON HIGHLAND	EL
	1	WATKINS	EL
	1	WEATHERLESS	EL
	1	WEBB	EL
	2	WHEATLEY	EL
	1	WILKINSON	EL
	2	WILSON, J O	EL
	2	WINSTON	EL
	1	YOUNG	EL

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FLORIDA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

FLORIDA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ALACHUA			
	2	ALACHUA	EL
	1	ALTERNATIVE SCHOOL	4-12
	1	ARCHER COMMUNITY	EL
	2	BISHOP	MDL
	1	DUVAL	EL
	2	EASTSIDE	HS
	2	GAINESVILLE	HS
	2	LINCOLN	MDL
	1	NEWBERRY	HS
	2	PRAIRIE VIEW	EL
	1	SHELL	EL
	1	WALDO	EL
	1	WILLIAMS	EL
BAKER			
	2	BAKER COUNTY	MDL
	2	MACCLENNY	EL
	2	WESTSIDE	EL
BAY			
	1	CHERRY STREET	EL
	2	COVE	EL
	2	EVERITT	JHS
	2	JINKS	JHS
	2	LUCILLE MOORE	EL
	1	MILLEVILLE	EL
	2	OAKLAND TERRACE	EL
	1	ROSENWALD	JHS
	1	SPRINGFIELD	EL
	1	ST ANDREWS	EL
	1	TYNDALL	EL
	2	WALLER	EL
	1	WEST BAY	EL
BRADFORD			
	2	STARK	EL
BREVARD			
	1	BREVARD CORRECTIONAL INSTI	N/A
	1	BREVARD START CENTER	N/A
	2	COCOA	HS
	1	PINEDA	EL
	1	POINSETT	MDL
BROWARD			
	1	APOLLO	MDL
	1	ASCENSION CHILD CARE CENTER	K
	2	BAIR	MDL
	1	BETHUNE	EL
	1	BOYD H ANDERSON	HS
	1	CASTLE HILL	EL
	1	CHARLES DREW	EL

LOCATIONS	CODE *	SCHOOL NAMES	
BROWARD (CONTINUED)			
	1	COLBERT	EL
	1	COLLINS	EL
	2	CORAL SPRINGS	MDL
	1	CRYSTAL LAKE	MDL
	2	DEERFIELD BEACH	HS
	2	DEERFIELD BEACH	MDL
	2	DEERFIELD BEACH	EL
	1	DEERFIELD PARK	EL
	1	DILLARD	EL
	2	DILLARD	HS
	2	DIXIE	EL
	2	DRIFTWOOD	MDL
	1	ELY	HS
	1	EVERGLADES	MDL
	2	FORT LAUDERDALE	HS
	2	HALLANDALE	HS
	2	HALLANDALE	MDL
	1	HALLANDALE	EL
	2	HENRY D PERRY	MDL
	2	HOLLYWOOD HILLS	HS
	1	HORTT	EL
	1	LARKDALE	EL
	2	LAUDERDALE LAKES	MDL
	1	LAUDERDALE MANORS	EL
	1	LAUDERHILL	MDL
	2	MARGATE	MDL
	2	MCARTHUR	HS
	2	MCNICHOL	MDL
	2	MIRAMAR	HS
	2	NEW RIVER	MDL
	1	NORTH FORK	EL
	1	NORTH SIDE	EL
	2	NOVA	MDL
	2	OLSEN	MDL
	1	PARK RIDGE	EL
	1	PARKWAY	MDL
	2	PIPER	HS
	2	PLANTATION	MDL
	2	POMPANO BEACH	MDL
	2	RICHARDS	MDL
	1	RIVERLAND	EL
	1	ROBERT C MARKHAM	EL
	1	ROCK ISLAND	EL
	1	ROGERS	MDL
	1	SABLE PALM	EL
	1	SANDERS PARK	EL
	2	SOUTH PLANTATION	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BROWARD (CONTINUED)	2	STRANAHAN	HS
	1	SUNLAND PARK	EL
	2	SUNRISE	MDL
	1	WALKER	EL
	1	WATKINS	EL
	1	WESTWOOD HEIGHTS	EL
	2	WILTON MANORS	EL
CALHOUN	1	BLOUNTSTOWN	EL
	2	CARR	K-8
CHARLOTTE	1	BAKER	EL
CITRUS	2	CRYSTAL RIVER	MDL
	1	HERNANDO	K-4
	2	INVERNESS	MDL
CLAY	2	CHARLES E BENNETT	K-3
	2	GREEN COVE SPRINGS	MDL
COLLIER	1	BETHUNE	1
	1	HIGHLANDS	2-5
	1	IMMOLAKEE	MDL
	2	IMMOLAKEE	HS
	1	LAKE TRAFFORD	2-5
	1	PINECREST	K
COLUMBIA	2	EASTSIDE	1-5
	1	FIVE POINTS	1-5
	1	FT WHITE	K-8
	2	LAKE CITY (EAST)	JHS
	2	MELROSE	1-5
	2	SUMMERS	1-5
DADE	2	AIR BASE	EL
	1	ALLAPATTAH	JHS
	1	ALLAPATTAH	K3-6
	2	AMERICAN	HS
	1	ARCOLA LAKE	EL
	1	AUBURNDALE	EL
	2	BEL-AIRE	K-4
	1	BLANTON, VAN'E	EL
	1	BOUNCHE PARK	EL
	1	BRENTWOOD	EL
	1	BRIGHT, J. H.	EL
	1	BROADMOOR	K-3
	1	BROWNSVILLE	JHS
DADE (CONTINUED)	1	BUENA VISTA	EL
	1	CAMPBELL DRIVE	EL
	1	CAMPBELL DRIVE	JHS
	1	CAROL CITY	EL
	1	CAROL CITY	7-8
	1	CARIBBEAN	EL
	1	CHAPMAN, W. A.	EL
	1	CITRUS GROVE	EL
	1	CITRUS GROVE	7-9
	1	COMSTOCK	K-3
	1	COOPER, N. K.	EL
	2	CORAL GABLES	HS
	1	CORAL WAY	EL
	2	CORPUS CHRISTI	K-8
	1	CRESTVIEW	EL
	2	CUTLER RIDGE	7-9
	1	DOUGLAS	K-3
	1	DREW	EL
	1	DREW, C. R.	7-8
	1	DUNBAR	EL
	1	EARLINGTON HEIGHTS	K-3
	1	EDISON	MDL
	1	EDISON PARK	K2-5
	1	EVANS, L. C.	EL
	1	FIENBERG, L. D.	EL
	1	FILER	7-9
	1	FLAMINGO	EL
	1	FLORAL HEIGHTS	EL
	1	FLORIDA CITY	EL
	2	FRANKLIN, B.	EL
	1	GOLDEN GLADES	EL
	1	GOULDS	EL
	1	HIALEAH	EL
	2	HIALEAH	HS
	2	HIALEAH	7-9
	2	HIALEAH-MIAMI LAKES	HS
	1	HOLMES	EL
	1	HOMESTEAD	7-9
	2	HOMESTEAD	HS
	1	J.R.E. LEE	K
	2	JEFFERSON, T.	7-9
	1	KENSINGTON PARK	EL
	1	KING, M. L.	K-2
	2	KINLOCH PARK	EL
	2	KINLOCH PARK	7-9
	1	LAKE STEVENS	EL
	1	LAKE STEVENS	7-8

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
DADE (CONTINUED)	1	LAKEVIEW	EL
	1	LEE, R. E.	7-9
	1	LEISURE CITY	EL
	1	LEWIS, A. L.	EL
	1	LIBERTY CITY	EL
	1	LITTLE RIVER	K3-6
	1	LORAH PARK	EL
	1	LUBANITCH YESHIVA	K-12
	1	LUDLAM	EL
	1	MADISON	7-9
	1	MANN, H.	7-9
	1	MAYS	7-9
	2	MEADOWLANE	EL
	1	MELROSE	K4-6
	2	MIAMI BEACH	HS
	2	MIAMI CAROL CITY	HS
	2	MIAMI CENTRAL	HS
	2	MIAMI EDISON	HS
	1	MIAMI GARDENS	EL
	2	MIAMI HEIGHTS	EL
	2	MIAMI JACKSON	HS
	2	MIAMI LAKES	7-9
	2	MIAMI NORLAND	HS
	2	MIAMI NORTHWESTERN	HS
	1	MIAMI PARK	EL
	2	MIAMI SENIOR	HS
	2	MIAMI SOUTHRIDGE	HS
	2	MIAMI SPRINGS	7-9
	2	MIAMI SPRINGS	HS
	1	MILAM, M. A.	EL
	1	MORNINGSIDE	EL
	1	MOTON, R. R.	K5-6
	1	MYRTLE GROVE	EL
	1	NARANJA	EL
	2	NAUTILUS	7-8
	2	NORLAND	7-9
	1	NORTH CAROL CITY	EL
	1	NORTH COUNTY	EL
	1	NORTH DADE	7-9
	1	NORTH GLADE	EL
	2	NORTH MIAMI	7-9
	1	NORTH TWIN LAKES	EL
	1	OLINDA	EL
	1	OPA-LOCKA	EL
	1	ORCHARD VILLA	EL
	2	PALM SPRINGS	EL
	1	PARKVIEW	EL
DADE (CONTINUED)	1	PARKWAY	7-9
	1	PHARR, K.	K4-5
	2	PINE LAKE	K-3
	1	PINE VILLA	EL
	1	POINCIANA PARK	EL
	1	PRIMARY SCHOOL "C"	K-?
	1	RAINBOW PARK	EL
	2	REDLAND	7-9
	1	REDONDO	EL
	2	RICHMOND HEIGHTS	7-9
	1	RIVERSIDE	K4-5
	2	RIVIERA	7-9
	1	SANTA CLARA	K-?
	1	SCOTT LAKE	EL
	1	SEMINOLE	EL
	1	SHADOWLAWN	EL
	1	SHENANDOAH	EL
	1	SHENANDOAH	7-9
	1	SKYWAY	EL
	2	SOUTH DADE	HS
	1	SOUTH HIALEAH	EL
	2	SOUTH MIAMI	HS
	2	SOUTH MIAMI	7-9
	2	SOUTH MIAMI HEIGHTS	EL
	1	SOUTHSIDE	EL
	2	STIRRUP, E.W.F.	EL
	2	THOMAS, W. R.	7-9
	1	TUCKER, F. S.	EL
	1	WALTERS, M. M.	EL
	1	WASHINGTON, B. T.	7-9
	1	WEST HOMESTEAD	EL
	1	WEST LITTLE RIVER	K4-6
	1	WESTVIEW	7-9
	1	WESTVIEW	K-3
	1	WHEATLEY, P.	EL
	1	YOUNG, N.	K4-5
DESOTO	2	DESOTO	MDL
	1	DESOTO CORRECTIONAL INSTIT	N/A
	1	DESOTO START CENTER	N/A
	2	MEMORIAL GRAMMAR	K-3
	1	NOCATEE	EL
	2	WEST	EL
DIXIE		NONE	
DUVAL	2	ALTERNATIVE SCHOOL	7-11

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
DUVAL (CONTINUED)	2	ANDREW JACKSON	HS
	1	ANNIE R MORGAN	EL
	2	ATLANTIC BEACH	EL
	1	BAYVIEW	EL
	1	BEULAH BEAL	EL
	1	BILTMORE	EL
	1	BRENTWOOD	EL
	1	BROOKVIEW	EL
	1	CARTER G WOODSON	EL
	1	CENTRAL RIVERSIDE	EL
	1	CORRINE SCOTT	EL
	1	DINSMORE	EL
	2	DOUGLAS ANDERSON	7
	1	EPHESUS JUNIOR ACADEMY	K-8
	1	EUGENE BUTLER	7
	1	FOREST HILLS	EL
	1	G.W. CARVER	EL
	2	GARDEN CITY	EL
	1	GREGORY DRIVE	K-4
	1	HARBOR VIEW	EL
	2	HENRY F. KITE	EL
	2	HIGHLANDS	7-9
	1	HIGHLANDS	EL
	1	HYDE GROVE	EL
	1	HYDE PARK	EL
	1	J. ALLEN AXSON	EL
	2	J.E.B. STUART	8-9
	2	JACKSONVILLE BEACH	EL
	2	JAMES W. JOHNSON	7
	2	JEFFERSON DAVIS	8-9
	1	JOHN E. FORD	HS
	1	JOHN GORRIE	7-9
	1	JOHN LOVE	EL
	1	JOSEPH FINEGAN	EL
	2	JOSEPH STILLWELL	8-9
	1	JUSTINA ROAD	EL
	1	KIRBY-SMITH	7-9
	1	LACKAWANNA	EL
	1	LAKE FOREST	EL
	2	LANDON	7-9
	1	LOLA M. CULVER	EL
	1	LONG BRANCH	EL
	2	LOUIS S. SHEFFIELD	EL
	2	LOVE GROVE	EL
	1	MAMIE A. JONES	EL
	1	MARY M. BETHUNE	EL
	2	MATTHEW GILBERT	7
DUVAL (CONTINUED)	1	MATTIE V. RUTHERFORD	EL
	1	MAYPORT	EL
	2	MAYPORT	7-9
	1	MONCRIEF	EL
	1	MORSE AVENUE	EL
	1	NORTH SHORE	EL
	1	NORTHWESTERN	7-9
	1	NORWOOD	EL
	1	OAK HILL	EL
	1	OCEANWAY	EL
	1	OCEANWAY	7
	1	PAXON	7-9
	2	PAXON	HS
	1	PICKETT	EL
	1	PINEDALE	EL
	1	R. L. BROWN	EL
	1	R. V. DANIELS	EL
	1	RAMONA	EL
	1	REYNOLDS LANE	EL
	1	RIBAULT	8-9
	1	RIBAULT	HS
	2	RUFUS E. PAYNE	EL
	1	RUTH N UPSON	EL
	1	S. A. HULL	EL
	1	S. P. LIVINGSTON	EL
	1	SAN MATEO	EL
	2	SANDLEWOOD	7-12
	2	SEABREEZE	EL
	1	SHERWOOD FOREST	EL
	2	SOUTHSIDE	8-9
	1	SOUTHSIDE ESTATES	EL
	1	SPRING PARK	EL
	1	STANTON	HS
	2	THOMAS JEFFERSON	EL
	1	TIMUCUAN	EL
	1	VENETIA	EL
	2	WESCONNETT	EL
	1	WEST JACKSONVILLE	EL
	2	WEST RIVERSIDE	EL
	2	WHITEHOUSE	EL
	2	WILLIAM RAINES	HS
	2	WINDY HILL	EL
	1	WOODLAND ACRES	EL
ESCAMBIA			
	1	BEGGS	7-12
	2	BELLVIEW	MDL
	1	BLOUNT	MDL

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LOCATIONS	CODE *	SCHOOL NAME	
ESCAMBIA (CONTINUED)	1	BRENTWOOD	EL
	2	BRENTWOOD	MDL
	1	BROWN-BARGE	4-6
	1	BROWNSVILLE	EL
	1	BROWNSVILLE	MDL
	1	CARVER	MDL
	1	CENTURY	EL
	1	CLUBBS	MDL
	1	COOK	EL
	1	DE VAUGHN	EL
	1	DIXON	3-5
	2	ESCAMBIA	HS
	1	GOULDING	K-2
	1	HALLMARK	K-3
	1	LINCOLN PARK	EL
	1	MCMILLAN	K-2
	1	MOLINO	EL
	1	OAKCREST	EL
	2	PENSACOLA	HS
	2	PINE FOREST	HS
	2	RANSOM	MDL
	1	SEMMES	EL
	1	SPENCER BIBBS	3-6
	1	ST ANTHONY/ST JOSEPH	K-8
	2	TATE	HS
	2	WARRINGTON	MDL
	1	WARRINGTON	EL
	2	WASHINGTON	HS
	1	WEDGEWOOD	MDL
	1	WEIS	3-5
	2	WOODHAM	HS
	2	WORKMAN	MDL
	1	YNIESTRA	K-2
	1	YONGE	EL
FLAGLER	2	BUNNELL	EL
FRANKLIN		NONE	
GADSDEN	1	CARTER PARAMORE	8-9
	1	GEORGE W. MUNROE	EL
	1	GREENSBORO	EL
	1	GREENSBORO HIGH	HS
	1	GRETNA	EL
	1	HAVANA	EL
	1	HAVANA	HS
	1	HAVANA	MDL
GADSDEN (CONTINUED)	1	JAMES A. SHANKS	HS
	1	QUINCY	MDL
	1	ST. JOHN	EL
	1	STEWART ST.	EL
GILCHRIST	1	LANCASTER CORRECTIONAL INSTI.	N/A
GLADES	1	MOORE HAVEN	EL
GULF	2	WEWAHITCHKA	EL
HAMILTON	2	CENTRAL HAMILTON	K-6
	1	HAMILTON	MDL
	1	NORTH HAMILTON	K-8
HARDEE	1	BOWLING GREEN	EL
	1	HARDEE	JHS
	2	NORTH WAUCHULA	EL
	1	WAUCHULA	EL
	1	ZOLFO	EL
HENDRY	1	CLEWISTON	EL
	2	CLEWISTON	MDL
	2	LABELLE	EL
HERNANDO	2	BROOKSVILLE PRIMARY	1-3
	2	D. S. PARROTT	JHS
	2	F. W. SPRINGSTEAD	HS
	2	MITCHEL L. BLACK	EL
	1	MOTON SCHOOL CENTER	K-2
HIGHLANDS	1	AVON	EL
	2	AVON PARK	MDL
	1	HOPEWELL	EL
	2	LAKE PLACID	EL
	2	SEBRING	MDL
HILLSBOROUGH	1	ALEXANDER	EL
	1	ANDERSON	EL
	1	BALLAST POINT	EL
	2	BELLAMY	EL
	1	BROWARD	EL
	2	BRYAN	K-5
	1	CAHOON	EL
	2	CHAMBERLAIN	HS
	1	CLAIR-MEL	EL
	1	CLEVELAND	EL

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LOCATIONS	CODE *	SCHOOL NAME	
HILLSBOROUGH (CONTINUED)	2	CORK	EL
	1	DESOTO	EL
	1	DICKENSON	EL
	1	DOVER	EL
	2	DOWDELL	7-9
	2	EAST BAY	HS
	1	EDISON	EL
	2	EISENHOWER	7
	2	FOREST HILLS	EL
	1	FOSTER	EL
	2	FRANKLIN	7
	2	GIBSONTON	EL
	2	GRADY	EL
	1	GRAHAM	EL
	2	GRECO	8-9
	2	HILLSBOROUGH	HS
	1	HILLSBOROUGH CORRECTIONAL INST	N/A
	1	HILLSBOROUGH START CENTER	N/A
	2	JEFFERSON	HS
	2	JUST	K&6
	1	KENLY	EL
	2	KING	HS
	1	LANIER	EL
	1	LEE	K&6
	1	MACFARLANE	EL
	2	MADISON	8&9
	2	MANGO	EL
	1	MANHATTAN	EL
	2	MANN	8&9
	2	MCDONALD	EL
	2	MCLANE	8&9
	1	MEACHAM	K
	2	MENDENHALL	EL
	2	MIDDLETON	8&9
	2	MITCHELL	EL
	1	MONROE	8&9
	1	MORT	EL
	1	OAK GROVE	7
	1	OAK PARK	EL
	1	PALM RIVER	EL
	2	PIERCE	8&9
	2	PLANT	HS
	2	PLANT CITY	HS
	2	POTTER	K&6
	2	RIVERVIEW	EL
	2	ROBINSON	EL
	2	ROBINSON	HS
HILLSBOROUGH (CONTINUED)	2	ROBLES	EL
	1	ROOSEVELT	EL
	2	RUSKIN	EL
	2	SEMINOLE	EL
	2	SHAW	EL
	1	SHORE	K&6
	2	SLIGH	7
	1	SPRINGHEAD	EL
	1	SULPHUR SPRINGS	EL
	2	TAMPA BAY TECH	HS
	1	THOMAS, DOROTHY	1-9
	1	THONOTOSASSA	EL
	1	TINKER	EL
	2	TOMLIN	8&9
	1	TRAPNELL	EL
	2	TURKEY CREEK	7-9
	2	TWIN LAKES	EL
	2	VAN BUREN	8&9
	2	WEBB	8&9
	1	WEST SHORE	EL
	1	WEST TAMPA	6&7
	1	WIMAUMA	EL
	2	YOUNG	7
HOLMES	1	BETHLEHEM	K-12
	1	BONIFAY	EL
	2	HOLMES COUNTY	HS
	2	PONCE DE LEON	HS
	1	PONCE DE LEON	EL
	1	POPULAR SPRINGS	K-12
	1	PROSPERITY	EL
INDIAN RIVER	1	DOUGLAS	EL
	1	FELLSMERE SCHOOL	EL
	2	SEBASTIAN RIVER	MDLI
	2	VERO BEACH	HS
JACKSON	1	ALFORD	EL
	1	APALACHEE CORRECTIONAL INSTI	N/A
	1	ARTHUR G. DOZIER SCHOOL	N/A
	1	COTTONDALE	HS
	1	COTTONDALE	EL
	1	GOLSON	EL
	1	GRACEVILLE	EL
	2	GRACEVILLE	HS
	2	GRAND RIDGE	HS
	2	MARIANNA	MDLI

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LOCATIONS	CODE *	SCHOOL NAME	
JACKSON (CONTINUED)	2	MARIANNA HIGH	HS
	1	MOLONE	HS
JEFFERSON			
	1	HOWARD	MDL
	1	JEFFERSON	EL
	2	JEFFERSON	HS
LAFAYETTE			
		NONE	
LAKE			
	2	ALTOONA	EL
	1	GROVELAND	EL
	1	GROVELAND	MDL
	2	LEESBURG	JHS
	1	MASCOTTE	EL
	1	MIDWAY	EL
	1	SKEEN	EL
	1	UMATILLA	EL
LEE			
	2	CALOOSA	MDL
	1	DUNBAR	MDL
	2	EDISON PARK	EL
	1	FRANKLIN PARK	EL
	2	J. COLLIN ENGLISH	EL
	2	LEE	MDL
	1	MICHIGAN	EL
	2	ORANGE RIVER	EL
	2	RIVERDALE	HS
	2	SUNCOAST	MDL
	1	SUNCOAST	EL
	2	TICE	EL
LEON			
	1	BOND	EL
	1	BREVARD	EL
	1	CONCORD	EL
	1	FAIRVIEW	MDL
	2	GODBY	HS
	1	LEON START CENTER	N/A
	1	NIMS	MDL
	2	OAK RIDGE	EL
	1	PINEVIEW	EL
	2	RICHARDS	HS
	1	RILEY	EL
	1	WESSON	EL
LEVY			
	2	CHIEFLAND	EL
	1	JOYCE BULLOCK	EL
	2	WILLISTON INTERMEDIATE	4-6
LIBERTY			
		NONE	
MADISON			
	1	GREENVILLE	MDL
	1	GREENVILLE	K-3
	2	GREENVILLE	HS
	1	MADISON	MDL
	1	MADISON	K-3
MANATEE			
	2	BAYSHORE	HS
	1	BLACKBURN	EL
	1	BRADENTON	MDL
	1	DAUGHTREY	EL
	1	DUETTE	EL
	2	HARLEE	MDL
	1	LINCOLN	MDL
	1	MANATEE	EL
	2	MANATEE	HS
	2	MYAKKA	EL
	2	ONECO	EL
	1	ORANGE RIDGE	EL
	1	PALM VIEW	EL
	2	PALMETTO	EL
	1	SAMOSET	EL
	2	SOUTHEAST	HS
	1	TILLMAN	EL
	1	WAKELAND	EL
MARION			
	1	ALYCE D. MCPHERSON SCHOOL	N/A
	1	BELLVIEW	EL
	1	BELLVIEW-SANTOS	3-5
	1	COLLEGE PARK	K-3
	1	DUNNELLON	EL
	1	DUNNELLON	MDL
	1	EAST MARION	EL
	1	FESSENDEN	EL
	1	FLORIDA CORRECTIONAL INSTI.	N/A
	2	FOREST	HS
	2	FORT KING	MDL
	1	FORT MCCOY	EL
	1	HOWARD	MDL
	1	HOWARD UPPER	3-5
	1	LAKE WEIR	MDL
	2	LAKE WEIR	HS
	1	MADISON STREET	K-3
	1	MARION ED. RESOURCE CTR.	6-12
	1	N.H. JONES	3-5
	1	NORTH MARION	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MARION (CONTINUED)	1	NORTH MARION	MDL
	2	OSCEOLA	MDL
	1	REDDICK-COLLIER	EL
	1	SPARR	EL
	1	STANTON-WEIRSDALE	EL
	2	VANGUARD	HS
	2	WYOMINA PARK	EL
MARTIN			
	1	INDIANTOWN	MDL
	2	J. D. PARKER	EL
	2	MARTIN COUNTY	HS
	1	WARFIELD	EL
MONROE			
	1	HARRIS	EL
	1	HORACE O'BRYANT	MDL
NASSAU			
	1	NASSAU START CENTER	N/A
OKALOOSA			
	2	BAKER SCHOOL	K-12
	1	BRUNER	JHS
	2	CARVER HILL	K
	1	CHEROKEE	EL
	1	LAUREL HILL SCHOOL	K-12
	2	LONGWOOD	EL
	2	MARY ESTHER	EL
	2	NORTHWOOD	EL
	2	OAK HILL	EL
	1	SOUTHSIDE	EL
OKEECHOBEE			
	2	ELEMENTARY SCHOOL	EL
	2	JUNIOR HIGH SCHOOL	JHS
	1	OKEECHOBEE SCHOOL FOR BOYS	N/A
	2	PRIMARY SCHOOL	K-1
	1	SOUTH ELEMENTARY	EL
ORANGE			
	2	APOPKA	EL
	2	APOPKA	HS
	2	APOPKA	JHS
	1	CARVER	JHS
	2	CATALINA	EL
	2	COLUMBIA	EL
	2	CYPRESS PARK	EL
	2	ENGLEWOOD	EL
	2	FERN CREEK	EL
	1	GRAND AVENUE	EL
	1	HILLCREST	EL
	2	HOWARD	JHS
ORANGE (CONTINUED)	1	HUNGERFORD	EL
	1	IVEY LANE	EL
	2	JONES HIGH	HS
	2	LIBERTY JUNIOR	JHS
	1	MAGNOLIA	UNGR
	1	MAXEY	EL
	2	MAYNARD EVANS	HS
	2	MEADOWBROOK	JHS
	2	MEMORIAL	JHS
	2	OAK HILL	EL
	2	OAK RIDGE	HS
	1	ORANGE CENTER	EL
	1	ORLA VISTA	EL
	2	PINE HILLS	EL
	2	PINELOCH	EL
	2	ROBERT E. LEE	JHS
	2	ROBINSWOOD	JHS
	1	ROCK LAKE	EL
	1	TANGELO PARK	EL
	1	TILDENVILLE	EL
	2	UNION PARK	JHS
	2	WESTRIDGE	JHS
	1	WHEATLEY	EL
	1	WYMORE TECH.	HS
	1	YOUTH DEV. CENTER 1	UNGR
OSCEOLA			
	2	CENTRAL AVENUE	EL
	2	HIGHLANDS	EL
	2	THACKER AVENUE	EL
PALM BEACH			
	1	BELLE GLADE	EL
	2	BELVEDERE	EL
	1	CANAL POINT	EL
	2	CARVER	MDL
	2	CONGRESS	MDL
	1	EAST LAKE	MDL
	1	GLADES CENTRAL	HS
	1	GLADEVIEW	EL
	1	GOVE	EL
	2	JEFFERSON DAVIS	MDL
	2	JF KENNEDY	JHS
	1	LAKE SHORE	S-S
	1	LAKE SHORE	MDL
	2	LAKE WORTH	JHS
	2	LINCOLN	EL
	2	NORTH SHORE	HS
	1	NORTHBIRD	EL

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LOCATIONS	CODE *	SCHOOL NAME	
PALM BEACH (CONTINUED)	1	NORTHMORE	EL
	1	PAHOKEE	EL
	2	PALM BEACH GARDENS	HS
	2	PALMVIEW	EL
	1	POINCIANA	EL
	2	ROLLING GREEN	EL
	2	ROOSEVELT	JHS
	1	ROOSEVELT	EL
	1	ROSENWALD	EL
	2	SUNCOAST	HS
	2	TWIN LAKES	HS
	1	WASHINGTON	EL
	1	WEST GATE	EL
	1	WEST RIVIERA	EL
PASCO	2	HUDSON	EL
	1	LACOOCHEE	EL
	1	MOORE HICKENS	MDL
	2	PASCO	EL
	2	RIDGEWOOD	JHS
	1	RODNEY B. COX	EL
PINELLAS	2	AZALEA	MDL
	2	BARDMOOR	EL
	2	BAY POINT	MDL
	1	BLANTON	EL
	2	BOCA CIEGA	HS
	2	CHILDS PARK FUNDAMENTAL	EL
	1	CLEARVIEW AVENUE	EL
	1	CROSS BAYOU	EL
	2	DIXIE HOLLINS	HS
	2	DUNEDIN	MDL
	2	EISENHOWER	EL
	1	FAIRMOUNT PARK	EL
	2	FITZGERALD	MDL
	2	GIBBS	HS
	1	GULFPORT	EL
	1	IMMACULATE CONCEPTION DAY CARE	K
	2	KENNEDY	MDL
	1	LAKEVIEW	EL
	1	LAKEWOOD	EL
	2	LAKEWOOD	HS
	2	LARGO	MDL
	1	LARGO ALTER MIDDLE	7-12
	2	LARGO HIGH	HS
	1	LEALMAN	MDL
	1	LEALMAN AVENUE	EL
PINELLAS (CONTINUED)	2	LYNCH	EL
	2	MADEIRA BEACH	MDL
	2	MADEIRA BEACH	EL
	2	MAXIMO	EL
	2	MEADOWLAWN	MDL
	1	MELROSE	EL
	2	MT. VERNON	EL
	1	NORTH WARD, ST. PETE	EL
	2	NORTHEAST	HS
	1	NORWOOD	EL
	1	ORANGE GROVE	EL
	1	PERKINS	EL
	1	PILGRIM CHILD CARE CENTER	K
	1	PINELLAS CENTRAL	EL
	1	PINELLAS PARK	EL
	2	PINELLAS PARK	HS
	2	PINELLAS PARK	MDL
	2	RIVIERA	MDL
	2	SEMINOLE	MDL
	1	SEVENTY-FOURTH STREET	EL
	1	SIXTEENTH STREET	MDL
	1	SKYVIEW	EL
	1	SOUTH SIDE ALTER MIDDLE	7-12
	1	SOUTH WARD	EL
	2	ST PETERSBURG	HS
	2	STARKEY	EL
	2	TYRONE	MDL
	2	WALSINGHAM	EL
	2	WESTGATE	EL
	1	WOODLAWN	EL
POLK	1	ALTA VISTA	K-3
	1	AUBURNDALE	EL
	1	BARTOW	EL
	2	BARTOW	JHS
	2	BARTOW MIDDLE	6
	1	BETHUNE	K4-5
	1	CENTRAL AVENUE	EL
	2	COMBEE	EL
	2	CRYSTAL LAKE	JHS
	1	DAVENPORT	EL
	2	DENISON	JHS
	1	DUNDEE	EL
	1	EASTSIDE	P,K?
	2	FLORAL AVENUE	EL
	1	FRANK E BRIGHAM	EL
	1	FRED G. GARNER	EL

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LOCATIONS	CODE *	SCHOOL NAME	
POLK (CONTINUED)	1	FROSTPROOF	EL
	1	GIBBONS STREET	EL
	1	GRIFFIN	K-3
	1	HAINES CITY	MDL
	2	HAINES CITY	HS
	2	HAINES CITY	JHS
	2	JAMES E STEPHENS	EL
	1	JANIE HOWARD WILSON	4-5
	1	JESSE KEEN	EL
	1	JOHN E. COX	EL
	1	JOHN SNIVELY	EL
	2	KATHLEEN	EL
	2	KATHLEEN	JHS
	2	LAKE WALES	HS
	1	LAKE WALES	JHS
	2	LENA VISTA	EL
	1	LEWIS	EL
	1	LINCOLN AVENUE	K5-6
	1	NORTH LAKELAND	K-3
	2	NORTHEAST	7
	1	POLK AVENUE	K-3
	2	POLK CITY	EL
	1	ROCHELLE	K4-6
	1	ROOSEVELT	EL
	1	SETH MCKEEL	JHS
	1	SPOOK HILL	K-3
	2	UNION ACADEMY JUNIOR	7
	1	WAHNETA	EL
	1	WINSTON	EL
	2	WINTER HAVEN	HS
PUTNAM			
	2	BEASLEY	MDL
	2	BROWNING PIERCE COMMUNITY	EL
	1	CRESCENT CITY COMMUNITY	EL
	1	INTERLACHEN COMMUNITY	EL
	1	JAMES A. LONG	EL
	1	JENKINS	MDL
	2	KELLEY SMITH COMMUNITY	EL
	1	MELLON	EL
	1	MELROSE COMMUNITY	EL
	1	MILLER	MDL
	1	MOSELEY	EL
	2	PALATKA	HS
	1	PRICE	MDL
SANTA ROSA			
	2	BAGDAD	EL
	2	EAST MILTON	EL
SANTA ROSA (CONTINUED)	1	JACKSON	EL
	2	MILTON	HS
	2	PACE	EL
	2	RHODES	EL
SARASOTA			
	1	BAY HAVEN	EL
	2	BOOKER	K-12
	2	FRUITVILLE	EL
	2	MCINTOSH JUNIOR	JHS
	2	SARASOTA JUNIOR	JHS
SEMINOLE			
	1	GOLDSBORO	EL
	1	HOPPER	EL
	2	LAKEVIEW	MDL
	1	MIDWAY	EL
	1	PINE CREST	EL
	2	SANFORD	MDL
	1	SANFORD GRAMMAR	EL
	2	SEMINOLE	HS
ST. JOHNS			
	2	CROOKSHANK	EL
	2	FULLERWOOD	EL
	2	HAMBLEN	EL
	1	HASTINGS	EL
	1	HASTINGS	HS
ST. LUCIE			
	1	C. A. MOORE	3-5
	2	DAN MCCARTY	7
	1	F. K. SWEET	EL
	1	FAIRLAWN	K-2
	2	FORT PIERCE CENTRAL	HS
	1	FT. PIERCE	EL
	1	GARDEN CITY	EL
	2	LAWNWOOD	EL
	2	LINCOLN PARK	8
	1	MEANS CENTER	K-12
	2	ST. LUCIE	EL
	2	WESTWOOD	HS
SUMTER			
	1	BUSHNELL	EL
	1	NORTH SUMTER	K-2
	1	NORTH SUMTER INTERMEDIATE	3-5
	1	SOUTH SUMTER	MDL
	1	SUMTER CORRECTIONAL INSTI.	N/A
	1	WEBSTER	EL
	1	WILDWOOD	MDL
SUWANNEE			

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LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
SUWANNEE (CONTINUED)	2	BRANFORD HIGH	K-12
	2	SUWANNEE ELEM EAST	EL
	2	SUWANNEE ELEM WEST	EL
TAYLOR			
	2	PERRY PRIMARY	K-2
	1	STEINHATCHEE	EL
UNION			
		NONE	
VOLUSIA			
	1	BONNER	EL
	1	BOSTON AVENUE	EL
	1	BURNS-OAK HILL	EL
	2	CAMPBELL	8&9
	2	DELAND	SHS
	2	DELTONA	JHS
	2	DEMPSIE BREWSTER	EL
	2	ENTERPRISE	EL
	1	FAULKNER	EL
	2	GEORGE MARKS	EL
	1	HIGHLANDS	EL
	1	HOLLY HILL	EL
	2	HOLLY HILL	JHS
	1	HURST	EL
	1	LENOX	EL
	2	LONG-LAKE HELEN	EL
	2	LONGSTREET	EL
	2	MAINLAND	HS
	2	MAINLAND 7TH GRADE CENTER	7
	1	NORTH RIDGEWOOD	EL
	1	OSTEEN	EL
	1	SEVILLE	EL
	2	SOUTH RIDGEWOOD	EL
	1	TRY CENTER	7-12
	1	TURIE T. SMALL	EL
	1	WESTSIDE	EL
	2	WOODWARD	EL
WAKULLA			
	2	WAKULLA	HS
WALTON			
	1	DARLINGTON	K-8
	1	MAUDE SAUNDERS	EL
	1	VOCATIONAL SCHOOL	1-12
	2	WALTON	MDL
WASHINGTON			
	1	KATE SMITH	EL
	1	POULHAC	MDL
	1	VERNON	EL
WASHINGTON (CONTINUED)	1	VERNON	MDL
	1	VERNON	HS

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LOCATIONS	CODE *	SCHOOL NAME	
APPLING COUNTY			
	1	APPLING CO	K-6
	3	FOURTH DISTRICT	K-6
ATKINSON COUNTY			
	1	ATKINSON CO	5-8
	1	ATKINSON CO	9-12
	1	PEARSON	K-4
	1	WILLACOOCHEE	K-7
BACON COUNTY			
	2	BACON CO	K-5
BAKER COUNTY			
	1	BAKER CO	K-12
BALDWIN COUNTY			
	2	BALDWIN CO	10-12
	2	DAVIS	7
	1	GA WOMEN'S CORRECTIONAL INST	
	3	HARRISBURG	5-6
	1	MDL GA CORR INST YTHFL OFFD UT	
	1	SOUTHSIDE	K-4
	1	YOUTH DEVELOPMENT CENTER	
BARROW COUNTY			
	3	BETHLEHEM	K-6
BARTOW COUNTY			
	3	CARTERSVILLE PRESCHOOL CENTER	K
	3	KINGSTON	K-8
BEN HILL COUNTY			
	1	FITZGERALD CITY	K-4
	1	FITZGERALD CITY	4-8
BERRIEN COUNTY			
	3	ALAPAHA	K-8
	3	ENIGMA	K-8
BIBB COUNTY			
	3	APPLING A	8-9
	1	APPLING B	8-9
	2	BALLARD B	8-9
	1	BANKS ADA J	K-7
	3	BELLEVUE	K-7
	3	BERND, FLORENCE	K-7
	1	BRUCE, CHARLES H	K-7
	1	BURDELL, M M	K-7
	1	DANFORTH, METTA	K-7
	1	DURESVILLE	K-7
	1	GREEN STREET	K-7
	1	HAMILTON, EUGENIA	K-7
	1	HARTLEY, MATILDA	K-7
	1	HUNT	K-7
	1	INGRAM, B S	K-7
	1	MILLER A	8-9
BIBB COUNTY (CONTINUED)	1	MILLER B	8-9
	3	NEEL, JOSEPH	K-7
	1	PYE, MAUDE	K-7
	3	RILEY, JOSEPH	K-7
	1	STEPHENS, PEARL	K-7
	1	UNIONVILLE	K-7
	1	WEIR, CYNTHIA	K-7
	1	WILLIAMS, L H	K-7
	1	WINSHIP	K-7
	1	YOUTH DEVELOPMENT CENTER	
BLECKLEY COUNTY			
	3	COCHRAN	K-4
	3	COCHRAN	5-8
BRANTLEY COUNTY			
	2	NAHUNTA	K-7
BROOKS COUNTY			
	3	BARWICK	K-7
	1	BROOKS CO	8-9
	1	BROOKS CO	10-12
	3	MORVEN	K-7
	1	QUITMAN	4-7
	1	QUITMAN PRIMARY I	K-1
	1	QUITMAN PRIMARY II	1-3
	1	SIMMON HILL	K-7
BRYAN COUNTY			
	1	BLACK CREEK	K-5
	1	BRYAN CO	K-6
	1	BRYAN CO	7-12
BULLOCH COUNTY			
	3	BROOKLET,	K-6
	2	LIVELY, MATTIE	K-3
	3	NEVILS	K-7
	1	PORTAL	K-3,8
	3	WILLOW HILL	4-7
BURKE COUNTY			
	1	BLAKENEY	4-6
	1	BLAKENEY	7-9
	1	COUSINS	K-6
	1	DINKINS	K-8
	1	GIRARD	K-8
	3	GOUGH	K-7
	1	SARDIS-GIRARD-ALEXANDER	7-12
	1	WAYNESBORO	K-3
	1	WAYNESBORO	10-12
CALHOUN COUNTY			
	3	ARLINGTON	4
	1	CALHOUN CO	K-6

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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LOCATIONS	CODE *	SCHOOL NAME	
CALHOUN COUNTY (CONTINUED)	1	CALHOUN CO	7-12
	3	SINGLETON	5-6
CAMDEN COUNTY	2	KINGSLAND	K-7
	1	WOODBINE	K-7
CANDLER COUNTY	1	METTER	5-8
	1	METTER	K-4
CARROLL COUNTY	2	MOUNT ZION	K-7
	1	VILLA RICA	K-3
CHARLTON COUNTY	1	BETHUNE	5-8
	1	FOLKSTON	K-4
	3	ST GEORGE	K-12
CHATHAM COUNTY	1	ARNOLD, RICHARD	9-12
	1	BARNARD STREET	1-6
	1	BARTLETT, EDWARD J	7-8
	3	BARTOW	K,5-6
	2	BEACH, ALFRED E	9-12
	1	BUTLER, J H C	K-3
	1	ELLIS, CHARLES	K-4
	1	FLORANCE STREET	5-6
	1	GADSDEN, ROBERT W	K-3
	1	GOULD, CARRIE E	K,4-6
	1	HAVEN, GILBERT	5-6
	3	HAYNES, MARTIN G	4-5
	1	HEARD, VIRGINIA L	K-6
	1	HERTY, CHARLES HOLMES	K-2
	3	HESSE, HERMAN W	K,4-6
	1	HODGE, SARAH MILLS	K-3
	1	HUBERT, JOHN W	7-8
	1	ISLE OF HOPE	K,4-6
	2	JENKINS, H V	9-12
	1	LOW, JULIETTE	K,4-6
	1	MERCER, GEORGE A	6-9
	2	MYERS, LEE ROY	7-8
	1	PENNSYLVANIA AVENUE	K-6
	3	PORT WENTWORTH	1-5
	1	PULASKI, CASIMIR	K-4
	1	RILEY, ROMANA	K-3
	1	SAVANNAH	9-12
	1	SCOTT, WALTER S	7-8
	1	SHUMAN, LEISTON T	7-8
	1	SMITH, JACOB G	K-6
	1	SMITH, PEARL	K-6
CHATHAM COUNTY (CONTINUED)	1	SPENCER, FRANK W	3-6
	1	SPRAGUE, BENJAMIN O	K-3
	3	STRONG, ORMOND B	1-5
	1	THIRTY-EIGHTH STREET	5-6
	1	THIRTY-SEVENTH STREET	K,5-5
	1	THUNDERBOLT	K-4
	2	TOMPKINS, SOPHRONIA	9-12
	1	WHITE BLUFF	K-6
	1	WHITNEY, ELI	K-5
	1	WILDER, JOHN S	7-9
CHATTAHOOCHEE COUNTY	1	CHATTAHOOCHEE CO ED CENTER	K-9
	1	FAITH, DON C	6-8
	1	WILSON, RICHARD E	1-5
CHATTOOGA COUNTY	3	NORTH SUMMERVILLE	5-6
	1	PENNVILLE	1-9
CLARKE COUNTY	1	CLARKE CO REG YOUTH DEVEL CTR	
CLAY COUNTY	1	CLAY CO	K-7
CLINCH COUNTY	1	CLINCH CO	9-12
	3	CLINCH CO	5-7
	3	FARGO	K-7
	1	HOMERVILLE	K-6
COBB COUNTY	3	ALLGOOD	K-5
	3	LOCKHEED	K-5
	2	MARIETTA	6-8
	3	PARK STREET	K-5
	3	PINE FOREST	K-5
COFFEE COUNTY	1	AMBROSE	K-5
	1	BROXTON-MARY HAYES	K-12
	1	CENTRAL-EASTSIDE	2-5
	1	COFFEE CO	7-9
	1	NICHOLLS	K-12
	3	SATILLA	K,5
	3	WEST GREEN	K-5
	3	WESTSIDE	1
COLQUITT COUNTY	2	COLQUITT CO	9-7
	1	COX	K-5
	3	DOERUN	K-7
	2	GRAY, CHARLIE A	6-7
	1	STRINGFELLOW	K-5

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COLQUITT COUNTY (CONTINUED)	3	VEREEN	K-5
COLUMBIA COUNTY	2	GROVETOWN	K-7
COOK COUNTY	2	ADEL	K-4
	3	SPARKS	5
COWETA COUNTY	3	FAIRMOUNT	4-7
CRAWFORD COUNTY	3	CRAWFORD CO	6-8
	1	CRAWFORD CO	K-5
	1	CRAWFORD CO COMPREHENSIVE	9-12
CRISP COUNTY	1	BLACKSHEAR TRAIL	1-4
	2	CLARK, A S	7-8
	3	CRISP CO	9
	3	O'NEAL	1-4
	1	PATE, J S	1-4
	3	SOUTHVIEW	K
	1	SOUTHWESTERN	5-6
DADE COUNTY	3	LOOKOUT MOUNTAIN	1-6
DECATUR COUNTY	3	BAINBRIDGE	4-6
	2	BAINBRIDGE	9-12
	3	CLIMAX	K-6
	3	FLCAN-KING	K-6
	1	HUTTO	7-8
	1	JONES-WHEAT	K-6
	1	WILLIAMS, L E	K-6
DEKALB COUNTY	1	ALEXANDER, HOOPER	K-7
	2	AVONDALE	8-12
	3	CLAIREMONT	K-6
	1	COLLEGE HEIGHTS	K-6
	2	COLUMBIA	K-7
	2	COLUMBIA	8-12
	1	DECATUR	9-12
	1	18TH AVENUE	K-6
	1	FLAT SHOALS	K-7
	1	GORDON	8-12
	1	GRESHAM PARK	K-7
	1	KELLEY LAKE	EL
	1	KNOLLWOOD	K-7
	1	MEADOWVIEW	K-7
	1	OAKHURST	K-6
	1	RENFROE, EARL G	7-8
DEKALB COUNTY (CONTINUED)	1	SKY HAVEN	K-7
	3	SNOW WHITE KDGT, NURSERY & SCH	1-5
	1	STEELE, LESLIE	K-7
	1	STONEVIEW	K-7
	1	TERRY MILL	K-7
	1	TILSON	K-7
	1	TONEY	K-7
	1	WADSWORTH	K-7
	1	WALKER	9-12
DODGE COUNTY	3	CHAUNCEY	K-8
	3	CHESTER	K-8
	2	EASTMAN	K-4
	3	RHINE	K-8
DOOLY COUNTY	1	BRYONVILLE	K-7
	1	UNADILLA	7-12
	3	UNADILLA	K-5
	3	VIENNA	K-1
	1	VIENNA	2-5
	1	VIENNA	9-12
	1	VIENNA INTERMEDIATE	6-8
DOUGHERTY COUNTY	2	ALBANY-MCINTOSH	7-9
	1	BROSMAN, MAMIE	1-6
	1	COACHMAN PARK	K-5
	1	DOUGHERTY	7-9
	1	FLINTSIDE	1-6
	1	HIGHLAND-MAGNOLIA	K-5
	1	ISABELLA	K-6
	1	JACKSON-SYLVANDALE	1-6
	1	KING, M L	K-5
	1	KING, M L	7-9
	2	LINCOLN HEIGHTS	K-6
	1	MOCK ROAD	K-5
	2	MONROE	10-12
	3	MORNINGSIDE	K-5
	1	SOUTHSIDE	7-9
	1	SYLVESTER ROAD	1-5
	1	TURNER	K-5
EARLY COUNTY	1	BLAKELY REGIONAL YOUTH DEV CTR	
	1	EARLY CO	K-5
	1	EARLY CO	6-8
	2	EARLY CO	9-12
EFFINGHAM COUNTY	3	GUYTON	K-6

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GEORGIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ELBERT COUNTY			
	3	BLACKWELL	K-3
	3	ELBERTON	4-6
EMANUEL COUNTY			
	2	ADRIAN	K-12
	1	EMANUEL CO INSTITUTE	4-12
	3	OAK PARK	K-8
	1	SUMMERTOWN	K-8
	1	SWAINSBORO	K,4-7
	1	SWAINSBORO	K-3
	2	SWAINSBORO	8-12
	3	TWIN CITY	K-3
EVANS COUNTY			
	1	CLAXTON	K-4
	1	CLAXTON	9-12
	1	CLAXTON	5-8
FANNIN COUNTY			
	3	EAST FANNIN	7-9
	3	MINERAL BLUFF	K-6
	3	MORGANTON	K-6
FLOYD COUNTY			
	1	ANNA K DAVIE	K-6
	1	MAIN	K-6
	1	SOUTHEAST	K-6
FULTON COUNTY			
	1	ADAMSVILLE	K-UNG
	1	ANDERSON PARK	K-7
	1	ARCHER	8-12
	1	ARKWRIGHT	K-7
	1	AVERY, SOPHIE M	1-7
	1	BASS	8-12
	1	BEAVERS-THOMAS	K-7
	3	BEECHER HILLS	K-UNG
	3	BEN HILL	K-5
	3	BENTEEN	K-UNG
	1	BETHUNE	K-5
	1	BLAIR VILLAGE	K-5
	1	BLALOCK	K-7
	1	BOYD	K-7
	1	BREWER	K-7
	1	BROWN	8-12
	1	BUNCHE	6-8
	1	BURGESS	K-UNG
	1	CAMPBELL	K-UNG
	1	CAPITOL VIEW	K-UNG
	1	CAREY	K-7
	1	CARTER	K-7
	1	CARVER	8-12
FULTON COUNTY (CONTINUED)			
	3	CASCADE	K-7
	1	CENTER HILL	K-7
	1	CENTRAL PARK	K-7
	1	CHATTAHOOCHEE	K-7
	1	CLEMENT	K-7
	1	CLEVELAND	K-5
	1	COAN	6-8
	1	COLLIER HEIGHTS	K-7
	1	CONNALLY	K-7
	1	CONTINENTAL COLONY	K-5
	1	COOK	K-7
	1	CRADDOCK	K-6
	1	DOBBS	K-7
	1	DOUGLAS	9-12
	1	DREW	K-7
	1	DUNBAR	K-5
	1	EAST ATLANTA	9-12
	1	EAST LAKE	K-UNG
	3	EASTERN	K-7
	1	ENGLISH AVENUE	K-5
	1	FAIN	K-7
	1	FOWLER	K-5
	1	FULTON	9-12
	1	GEORGE	9-12
	1	GIDEONS	K-7
	1	GORDON	K-7
	1	GRADY	9-12
	1	GRANT PARK	K-UNG
	1	GROVE PARK	K-7
	1	GUICE	K-7
	1	HARPER	K-5
	1	HARPER	9-12
	1	HARRIS	K-UNG
	1	HARWELL ROAD	K-7
	1	HERNDON	K-5
	1	HILL	K-7
	1	HOME PARK	K-5
	1	HOPE	K-5
	1	HOWELL	K-5
	1	HUBERT	K-7
	1	HUMPHRIES	K-5
	1	HUTCHINSON	K-7
	1	INMAN	6-8
	1	JONES, JEROME	K-7
	1	JONES, M A	K-7
	1	KENNEDY MIDDLE	6-8
	1	KIMBERLY	K-7

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GEORGIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FULTON COUNTY (CONTINUED)	1	KING	6-8
	1	KIRKWOOD	K-5
	1	LAKEWOOD	K-7
	1	LIN	K-UNG
	1	LONG	6-8
	1	MCGILL	K-UNG
	1	MILES	K-UNG
	1	MITCHELL, KATHLEEN	K-7
	1	MORELAND	K-7
	1	MURPHY	9-12
	1	OGLETHORPE	K-7
	1	PARKS	6-8
	1	PEEPLES	K-7
	1	PERKERSON	K-7
	1	PETERSON	K-7
	1	PITTS	K-7
	2	PRICE	8-12
	1	PRYOR	K-5
	1	QUILLIAN-EAST POINT	K-7
	1	RAGSDALE	K-7
	1	REYNOLDS	K-UNG
	1	ROOSEVELT	8-12
	1	RUSK	K-7
	3	SANDTOWN	K-7
	1	SCOTT	K-7
	1	SISTER CLARA MUHAMMAD	1-7
	1	SLATER	K-7
	1	SLATON	K-UNG
	1	SMITH	9-12
	3	SMITH, MARION	K-7
	2	SOUTHWEST	8-12
	1	STANTON, D H	K-7
	1	STANTON, F L	K-7
	1	SYLVAN	8-12
	1	SYLVAN HILLS	K-7
	1	THOMASVILLE	K-7
	1	TOOMER	K-UNG
	1	TOWNS	K-7
	1	TURNER	8-12
	3	UTOY SPRINGS	1-7
	1	VENETIAN	K-7
	1	WALDEN MIDDLE	6-8
	2	WASHINGTON	8-12
	1	WATERS	K-7
	1	WEST	K-7
	1	WEST ATLANTA	K-7
	1	WEST FULTON	8-12
FULTON COUNTY (CONTINUED)	1	WHITE	K-7
	1	WHITEFOORD	K-1,4
	1	WILLIAMS	K-7
	1	WOODSON	K-UNG
	1	WRIGHT	K-7
	1	YOUTH DEVELOPMENT CENTER	N/A
GLYNN COUNTY	3	ALBANY	K
	1	BURROUGHS-MOLLETTE	1-5
GRADY COUNTY	3	BECKBRANCH	K
	1	NORTHSIDE	1-4
	1	SOUTHSIDE	1-4
	1	WASHINGTON	5-8
GREENE COUNTY	1	CORRY	4-7
	1	GREEN CO	8-12
	1	GREENSBORO	K-3
	3	UNION POINT	K-3
	3	UNION POINT	4-7
GWINNETT COUNTY	1	GEORGIA TRAINING AND DEV CTR	N/A
HABERSHAM COUNTY	1	GEORGIA INDUSTRIAL INST	N/A
HANCOCK COUNTY	1	HANCOCK CENTRAL	4-12
	1	HANCOCK PRESCHOOL	K
	1	SOUTHWEST	1-6
	1	SPARTA	1-4
HARALSON COUNTY	3	WACO	K-3
HARRIS COUNTY	3	HARRIS CO	K-5
	3	HARRIS CO	6-8
	2	HARRIS CO	9-12
	3	PINE MOUNTAIN	K-5
	3	WAVERLY HALL	K-5
HENRY COUNTY	2	HENRY CO	11-12
	1	MCDONOUGH PRIMARY	K-3
HOUSTON COUNTY	3	ELBERTA	1-6
	1	LINWOOD	K-6
	1	ROBINS	K-5
	1	RUMBLE	7-9
	1	SOUTHSIDE	K-5
	1	THOMAS	K-5

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CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HOUSTON COUNTY (CONTINUED)	1	WATSON	K-6
IRWIN COUNTY	1	IRWIN CO	1-3
	1	IRWIN CO	7-12
	1	IRWIN CO	K,4-6
JASPER COUNTY	1	JASPER CO COMPREHENSIVE	7-12
	1	WASHINGTON PARK	K-6
JEFF DAVIS COUNTY	2	JEFF DAVIS CO	K-3
JEFFERSON COUNTY	1	CARVER	K-5
	1	LOUISVILLE	6-12
	1	LOUISVILLE ACADEMY	K-5
	1	WADLEY	6-12
	1	WRENS	K-5
	1	WRENS	6-12
JENKINS COUNTY	1	JENKINS CO	3-5
	1	JENKINS CO	6-8
	1	JENKINS CO	K-3
JOHNSON COUNTY	1	JOHNSON CO	8-12
	3	KITE	K-7
	3	WRIGHTSVILLE	5-7
	1	WRIGHTSVILLE	K-4
JONES COUNTY	2	JONES CO	9-12
LAMAR COUNTY	1	BARNESVILLE PRIMARY	K-4
	1	LAMAR CO COMPREHENSIVE	9-12
	1	MILNER	5-8
LANIER COUNTY	1	LANIER CO	7-12
	3	LANIER CO	4-6
	1	LANIER CO PRIMARY	K-3
LAURENS COUNTY	1	CENTRAL	4-6
	3	DASHER, SUSIE	K
	1	EAST LAURENS CO	K-7
	1	NORTHWEST LAURENS CO	K-7
	1	SAXON HEIGHTS	1-3
	1	SOUTHWEST LAURENS CO	K-7
	3	WEST LAURENS CO	8-9
LEE COUNTY	2	LEE CO	K-4
	1	LEE CORRECTIONAL INSTITUTION	N/A
LIBERTY COUNTY	2	BACON PRIMARY	1-3
	2	BRADWELL INSTITUTE	9-12
	2	BUTTON GWINNETT	4-6
	2	FORT STEWART	K-6
	1	HINESVILLE	7-8
	1	LIBERTY CO	K-5
LINCOLN COUNTY	1	LINCOLN CO	K-6
	2	LINCOLN CO	7-12
LONG COUNTY	1	LONG CO	K-12
LOWNDES COUNTY	1	ELLIS, LEILA	5-6
	1	LOMAX-PINEVALE	K-4
	2	PARKER MATHIS	1-5
	3	PINE GROVE PRIMARY	K-2
	3	SOUTHEAST	5-6
	3	ST JOHN THE EVANGELIST	K-9
	2	VALDOSTA CITY	9-12
	1	VALDOSTA CITY	7-8
	3	WESTSIDE CHILDREN'S CENTER	K,SPE
LUMPKIN COUNTY	2	LUMPKIN CO	K-9
MACON COUNTY	1	DOUGLASS, D F	K-7
	1	DOUGLASS, D F	8-12
	1	LAMSON-RICHARDSON	K-9
	1	MACON CO	K-5
	1	MACON CO	6-8
	1	MACON CO	9-12
	1	MACON CO PRIMARY	1-2
MADISON COUNTY	3	COMER	K-5
	3	SOUTH MADISON	K,5-8
MARION COUNTY	1	MARION CO	K-7
	1	TRI COUNTY	8-12
MCDUFFIE COUNTY	3	MOUNT PLEASANT	K-1
	1	NORRIS	5-8
	1	PINE STREET	4-5
	1	THOMSON	K,2-3
	2	THOMSON	9-12
MCINTOSH COUNTY	1	EULONIA PRIMARY	K-3
	2	MCINTOSH CO ACADEMY	7-12
	1	TODD-GRANT	4-6

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LOCATIONS	CODE *	SCHOOL NAME	
MERIWETHER COUNTY			
	1	GREENVILLE	K-7
	1	GREENVILLE	8-12
	1	LUTHERSVILLE	K-7
	1	MCCRARY	K-7
	3	WARM SPRINGS	K-5
	1	WOODBURY	K-7
	1	WOODBURY	8-12
MILLER COUNTY			
	1	MILLER CO	K-3
	1	MILLER CO	4-8
MITCHELL COUNTY			
	1	MITCHELL CO	K-6
	1	MITCHELL CO	7-12
	3	NORTH	3-7
	1	SOUTH	1-7
MONROE COUNTY			
	2	HUBBARD	4-6
MONTGOMERY COUNTY			
	1	MONTGOMERY CO	4-8
	3	MONTGOMERY CO PRIMARY	K-3
MORGAN COUNTY			
	2	MORGAN CO	4-8
	1	MORGAN CO PRIMARY	K-3
MUSCOGEE COUNTY			
	3	BEALLWOOD	K-6
	3	BENNING HILLS	K-6
	3	BIBB CITY	K-6
	2	CARVER	9-12
	1	CARVER HEIGHTS	K-6
	1	CUSSETA ROAD	K-6
	1	DAVIS, J D	K-6
	1	DAWSON	K-6
	1	EDDY	7-8
	3	FORREST ROAD	K-6
	1	FOX	K-6
	1	GEORGETOWN	K-6
	2	JORDAN	9-12
	3	KEY	K-6
	1	LOYD, FRANK R	
	1	MARSHALL	7-8
	1	MCBRIDE MORRIS	
	1	MUSCOGEE CO	K-6
	1	ROSE HILL	K-6
	3	ROSEMONT	3-6
	1	RUTLEDGE CORRECTIONAL INST	N/A
	1	SOUTH COLUMBUS	K-6
	3	SOUTHERN	7-8
MUSCOGEE COUNTY (CONTINUED)	2	SPENCER	9-12
	3	THIRTIETH AVENUE	K-6
	3	TILLINGHURST	K-6
	1	WAVERLY TERRACE	K-6
	1	WILBUR, WILLIAM H	
	1	WINTERFIELD	K-5
	3	WOOD	1-6
NEWTON COUNTY			
	2	COUSINS	6-8
	2	FICQUETT	K-5
	3	MANSFIELD	K-5
	2	PALMER-STONE	K-5
	2	PORTERDALE	K-5
OGLETHORPE COUNTY			
	1	OGLETHORPE CO	K-5
	3	OGLETHORPE CO	6-8
PIERCE COUNTY			
	2	PATTERSON	K-2
PULASKI COUNTY			
	3	BOZEMAN	3-5
	3	PULASKI CO	K-2
	3	PULASKI CO	6-8
PUTNAM COUNTY			
	1	BUTLER-BAKER	K-5
	1	PUTNAM CO	9-12
	1	PUTNAM CO	6-8
QUITMAN COUNTY			
	1	QUITMAN CO	K-7
RABUN COUNTY			
	2	RABUN CO	7-12
	3	RABUN GAP COMMUNITY	K-6
	3	SOUTH RABUN	K-6
RANDOLPH COUNTY			
	1	RANDOLPH CO	K-4
	1	RANDOLPH CO	5-7
	1	RANDOLPH-CLAY	8-12
RICHMOND			
	1	BARTON CHAPEL	K-7
	1	BAYVALE	K-2
	3	BLYTHE	K-7
	1	BUNGALOW ROAD	K-3
	1	COLLING, URSULA	K,5-7
	1	COPELAND, SUE D	3-4
	1	CRAIG, PETER H	K-3
	1	DAVIDSON, JOHN	6-7
	1	EAST AUGUSTA	6-8
	3	FLEMING, JAMES L	4-7

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LOCATIONS	CODE *	SCHOOL NAME	
RICHMOND (CONTINUED)	1	GLENN HILLS	K-7
	1	GLENN HILLS	8-12
	1	GRACEWOOD	1-7
	1	GRIGGS, A C	5-7
	1	HAINS, A DOROTHY	4-7
	2	HEPHZIBAH	4-9
	1	HORNSBY, W S	K-7
	1	HOUGHTON, JOHN W	3-5
	3	JENKINS, CLARA E	K-3
	3	JOHNSON, A R	8-9
	1	JOSEY, T W	8-12
	1	LAMAR, JOSEPH R	K-3
	1	LANEY, LUCY C	10-12
	1	LANGFORD, RUPERT W	8-9
	1	MEADOWBROOK	K-7
	1	MILLEDGE, JOHN	K-3
	1	MONTE SANO	3-4
	1	MURPHEY, EDWARD	8-9
	1	SAND BAR FERRY	K-5
	1	SOUTHSIDE	K-4
	1	TERRACE MANOR	K-7
	1	TUBMAN	8-9
	1	WHEELESS ROAD	K-7
	3	WHITE, LEVI	K,5-7
	1	WILKINSON GARDENS	K-7
	2	WINDSOR SPRINGS ROAD	K-7
	1	YOUTH DEVELOPMENT CENTER	N/A
SCHLEY COUNTY			
	1	SCHLEY CO	K-7
SCREVEN COUNTY			
	3	ARNETT	K
	1	CENTRAL	5-8
	2	SCREVEN CO	9-12
	3	SOUTHSIDE	1-6
	1	SYLVANIA	1-4
SEMINOLE COUNTY			
	1	DONALSONVILLE	1-4
	1	SEMINOLE CO	5-8
SPALDING COUNTY			
	3	ANNE STREET	K,SPE
	1	ATKINSON, SUSIE B	1-6
	3	EAST GRIFFIN	K-6
	1	FOURTH WARD	1-6
	1	MOORE	K,3-6
	1	NORTHSIDE	1-2
	3	WEST GRIFFIN	K-6
STEPHENS COUNTY			
(CONTINUED)	1	TOCCOA	K-5
STEWART COUNTY			
	1	LUMPKIN	K-7
	1	RICHLAND	K-7
	1	STEWART-QUITMAN	9-12
SUMTER COUNTY			
	2	AMERICUS CITY	9-12
	1	CHEROKEE	3-4
	1	COBB, SARAH	5-6
	1	EASTVIEW	K-2
	1	NORTHEAST	K-3
	1	SOUTHEAST	K-3
	1	STALEY	7-8
	1	SUMTER CO	9-12
	1	WESTSIDE	K-2
TALBOT COUNTY			
	1	CENTRAL	K-5
	1	CENTRAL	7-8
	1	NORTH TALBOT	6-8
TALIAFERRO COUNTY			
	1	TALIAFERRO CO	K-12
TATTNALL COUNTY			
	1	COLLINS	K-6
	1	GLENNVILLE MIDDLE	4-8
	1	SPECKTATOR PRIMARY	K-3
	1	TATTNALL CO	K-12
TAYLOR COUNTY			
	1	BUTLER	1-6
	1	REYNOLDS	K-6
	1	TAYLOR CO	7-12
TELFAIR COUNTY			
	1	CENTRAL	4-7
	1	LUMBER CITY	K-3
	1	MCRAE-HELENA PRIMARY	K-3
	3	MILAN	K-7
	1	TELFAIR CO	9-12
	3	NORMANDY	K-7
TERRELL COUNTY			
	1	CARVER	K,4-6
	1	COOPER, LILLIE	K-3
	1	TERRELL CO	7-8
	1	TERRELL CO	9-12
THOMAS COUNTY			
	3	BALFOUR	1-6
	2	CENTRAL HIGH	7-12
	1	DOUGLAS	7-8
	3	DUNLAP	K,SPE

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GEORGIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
THOMAS COUNTY (CONTINUED)	1	GARRISON-PILCHER	K-5
	1	HARPER	1-4
	1	MACINTYRE PARK	5-6
	1	MAGNOLIA-CHAMBELLE	6-8
	1	NORTH BOSTON	K-5
	1	PAVO	K-8
	2	THOMASVILLE CITY	9-12
TIFT COUNTY			
	1	CLARK, ANNIE BELLE	K-4
	2	LEN LASTINGER	K-4
	3	SPENCER, CHARLES	K-4
TOOMBS COUNTY			
	2	DICKERSON, J D	K-3
	3	LYONS	6-8
	1	LYONS	K-5
	1	TOOMBS CENTRAL	K-12
TREUTLEN COUNTY			
	1	TREUTLEN CO	3-7
	3	TREUTLEN PRIMARY	K-2
TROUP COUNTY			
	3	DAWSON STREET	3-4
	1	EAST SIDE PRIMARY	K-2
	3	HOGANSVILLE PRIMARY	1-4
	2	LAGRANGE CITY	9-12
	1	SOUTH SIDE PRIMARY	K-2
	1	UNITY	3-4
	2	WEATHERSBEE, BERTHA	5-6
	3	WEST POINT CITY	8-12
	3	WEST POINT CITY	4-7
	3	WEST POINT PRIMARY	K-3
	3	WEST SIDE GIRLS	7-8
TURNER COUNTY			
	1	TURNER COUNTY	K,5-8
	3	TURNER COUNTY/ASHBURN	1-2
	1	TURNER COUNTY/SYCAMORE	3-4
TWIGGS COUNTY			
	1	JEFFERSONVILLE	K-8
	1	NORTH COMPLEX	K-8
	3	SOUTH COMPLEX	K-8
	1	TWIGGS CO	9-12
UNION COUNTY			
	1	UNION CO	K-7
	1	UNION CO	8-12
	3	WOODY GAP SCHOOL	K-12
UPSON COUNTY			
	2	UPSON CO	9-12
	3	YATESVILLE	K-6
WALKER COUNTY			
	3	CEDAR GROVE	K-8
	3	LINWOOD	K-5
	3	WEST LAFAYETTE	K-5
WALTON COUNTY			
	2	CARVER	7-8
	2	MONROE	4-6
	1	MONROE PRIMARY	K-3
WARE COUNTY			
	1	ALICE STREET	K-5
	1	CENTER	7-9
	1	CRAWFORD STREET	K-5
	3	MANOR	K-8
	1	MCDONALD STREET	K-5
	1	MORTON/GILCHRIST PARK	K-5
	1	WAYCROSS CITY	10-12
WARREN COUNTY			
	1	NORWOOD	6-7
	1	WARREN CO	8-12
	1	WARRENTON	K-5
WASHINGTON COUNTY			
	3	CRAWFORD, D D	K-3
	1	ELDER, T J	K-3
	1	ELDER, T J	7-9
	1	SANDERSVILLE	4-6
	3	TENNILLE	4-6
	1	WASHINGTON COL	10-12
WAYNE COUNTY			
	1	JESUP	K-5
	3	SCREVEN	K-7
WEBSTER COUNTY			
	1	WEBSTER CO	K-7
WHEELER COUNTY			
	1	WHEELER CO	7-12
	1	WHEELER CO	4-6
	1	WHEELER CO PRIMARY	K-3
WILCOX COUNTY			
	1	ROCHELLE/EXELSIOR	K-7
WILKES COUNTY			
	1	WASHINGTON-WILKES	5-7
	2	WASHINGTON-WILKES COMPREHENSIV	8-12
	1	WASHINGTON-WILKES PRIMARY	K-4
WILKINSON COUNTY			
	1	WILKINSON CO	4-6
	1	WILKINSON CO	7-9
	1	WILKINSON CO PRIMARY	K-3
WORTH COUNTY			
	1	DEARISO	1-2

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GEORGIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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GEORGIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
WORTH COUNTY (CONTINUED)	1	HOLLEY	5-7
	3	PARKER	K
	1	SYLVESTER	3-4
	1	WORTH CO	8-9

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HAWAII

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HAWAII	2	AIEA ELEM	K-6
	2	ALA WAI ELEM	K-6
	2	ALIAMANU ELEM	K-6
	2	ANUENUE ELEM	K-6
	2	AUGUST AHRENS ELEM	K-6
	1	CENTRAL INTER	JHS
	2	DOLE INTER	JHS
	2	EWA ELEM	K-6
	2	FARRINGTON HIGH	HS
	2	FERN ELEM	K-6
	1	HAAHEO ELEM	K-6
	2	HAIKU ELEM	K-8
	2	HALEIWA ELEM	K-6
	2	HANALEI ELEM	K-6
	2	HAUULA ELEM	K-6
	2	HEEIA ELEM	K-6
	2	HILO HIGH	HS
	2	HILO INTER	JHS
	2	HILO UNION ELEM	K-6
	2	HOLUALOA ELEM	K-6
	2	HONAUNAU ELEM	K-8
	2	HONOWAI ELEM	K-6
	1	HOOKENA ELEM	K-8
	2	ILIAHI ELEM	K-6
	2	JARRETT INTER	JHS
	2	JEFFERSON ELEM	K-6
	2	KAAAWA ELEM	K-6
	2	KAAHUMANU ELEM	K-6
	2	KAALA ELEM	K-6
	2	KAEWAI ELEM	K-6
	2	KAHALUU ELEM	K-6
	2	KAHUKU HIGH & ELEM	K-12
	2	KAILUA ELEM	K-6
	2	KAILUA HIGH	HS
	2	KAIMILOA ELEM	K-6
	1	KAIULANI ELEM	K-6
	2	KALAHEO HIGH	HS
	2	KALAKAUA INTER	JHS
	1	KALIHI ELEM	K-6
	2	KALIHI-KAI ELEM	K-6
	2	KALIHI-UKA ELEM	K-6
	2	KALIHI-WAENA ELEM	K-6
	2	KAPAA ELEM	K-6
	1	KAPIOLANI ELEM	K-6
	2	KAULUWELA ELEM	K-6
	2	KAUMANA ELEM	K-6
	2	KAUNAKAKAI ELEM	K-6
HAWAII (CONTINUED)	2	KEALAKEHE ELEM	K-6
	2	KEAUKAHA ELEM	K-6
	2	KILOHANA ELEM	K-6
	2	KING INTER	JHS
	2	KIPAPA ELEM	K-6
	2	KONAWAENA ELEM	K-6
	2	KUHIO ELEM	K-6
	2	LANAKILA ELEM	K-6
	2	LEIHOKU ELEM	K-6
	2	LIKELIKE ELEM	K-6
	1	LINAPUNI ELEM	K-2
	2	LINCOLN ELEM	K-6
	1	MAILE ELEM	K-6
	1	MAKAHA ELEM	K-6
	2	MOLOKAI HIGH & INTER	J-SHS
	2	MT VIEW ELEM & INTER	K-8
	2	NAALEHU ELEM	K-8
	1	NANAIKAPONO ELEM	K-6
	2	NANAKULI HIGH & INTER	J-SHS
	2	PAHOA HIGH & ELEM	K-12
	1	PAIA ELEM	K-6
	1	PALOLO ELEM	K-6
	1	PARKER ELEM	K-6
	2	PAUOA ELEM	K-6
	2	POHAKEA ELEM	K-6
	2	POPE ELEM	K-6
	2	PUUHALE ELEM	K-6
	2	ROYAL ELEM	K-6
	2	SUNSET BEACH ELEM	K-6
	2	WAHIAWA ELEM	K-6
	1	WAIAHOLE ELEM	K-6
	2	WAIALUA ELEM	K-6
	2	WAIANAE ELEM	K-6
	2	WAIANAE HIGH	HS
	2	WAIANAE INTER	JHS
	2	WAIKIKI ELEM	K-6
	2	WAIMALU ELEM	K-6
	1	WAIMANALO ELEM & INTER	K-8
	2	WAIMEA ELEM & INTER	K-8
	1	WAIPAHU ELEM	K-6
	2	WAIPAHU HIGH	HS
	2	WAIPAHU INTER	JHS
	2	WASHINGTON INTER	JHS

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IDAHO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

IDAHO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADA			
	1	ADULT CORRECTIONAL INSTITUTION	NA
	1	HILLSIDE	JHS
	1	JEFFERSON	EL
	1	LOWELL	EL
	2	MADISON	EL
	1	ST JOSEPH'S	EL
	1	ST MARK'S	EL
	1	ST MARY'S	EL
	1	STAR	EL
	2	TAFT	EL
	1	WHITNEY	EL
	1	WHITTIER	EL
BANNOCK			
	2	DOWNEY	EL
	1	JEFFERSON	EL
	1	LINCOLN	EL
	1	ROOSEVELT	EL
	1	TYHEE	EL
	1	WASHINGTON	EL
	1	WHITTIER	EL
BENEWAH			
	1	PLUMMER	EL
BINGHAM			
	1	ABERDEEN	EL-JH
	1	BLACKFOOT	JH
	1	CENTRAL	EL
	1	ELMWOOD	EL
	1	FORT HALL	EL
	1	GIBBS	JH
	2	GOODSELL	EL
	1	JOHNSON	EL
	1	MIDDLE SCHOOL	MDL
	1	MORELAND	EL
	2	PINGREE	EL
	2	RIVERSIDE	EL
	2	ROCKFORD	EL
	2	SNAKE RIVER	JH
	2	SNAKE RIVER	SH
	1	STALKER	EL
	1	STODDARD	EL
	1	STUART	EL
	1	WAPELLO	EL
BOISE			
	1	BASIN	EL
	1	HORSESHOE BEND	EL
	1	LOWMAN	EL
BONNER			
BONNER (CONTINUED)	1	COLBURN	EL
	2	FARMIN	EL
	1	HOPE	EL
	1	IDAHO HILL	EL
	2	LINCOLN	EL
	1	NORTHSIDE	EL
	1	PRIEST RIVER	EL
	1	SOUTHSIDE	EL
	1	WASHINGTON	EL
BONNEVILLE			
	1	A H BUSH	EL
	1	EMERSON	EL
	1	ERICKSON	EL
	2	HAWTHORNE	EL
BOUNDARY			
	1	NAPLES	EL
	1	VALLEYVIEW/NORTHSIDE	EL
CAMAS			
	1	CAMAS	EL
CANYON			
	1	CENTENNIAL	EL
	1	CENTRAL	EL
	1	EASTSIDE	EL
	1	HOLMES	EL
	1	JEFFERSON	JH
	1	LAKEVIEW/PARKVIEW	EL
	1	LINCOLN	EL
	1	LINCOLN	EL
	1	NOTUS	EL
	1	NOTUS	J-SHS
	1	PARMA	JH
	1	PARMA/ROSWELL	EL
	1	ROOSEVELT	EL
	1	SCISM	EL
	2	SOUTH	JH
	1	VAN BUREN	EL
	1	WASHINGTON	EL
	1	WEST	JH
	1	WEST CANYON	EL
	1	WILDER	J-SHS
	1	WILSON	EL
CASSIA			
	1	MOUNTAIN VIEW	EL
	1	OAKLEY	EL
	1	OVERLAND	EL
	1	SOUTHWEST	EL
CLARK			

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LOCATIONS	CODE *	SCHOOL NAME	
CLARK			
(CONTINUED)	1	LINDY ROSS	EL
ELMORE			
	1	AIR FORCE BASE	EL
	1	AIR FORCE BASE	JH
	1	GLENNS FERRY	EL
	1	GLENNS FERRY	JH
	1	WEST	EL
FREMONT			
	1	YOUTH SERVICES CENTER	NA
GEM			
	1	HANNA	EL
	1	LETHA	EL
	1	PARKVIEW	EL
GOODING			
	1	BLISS	K-12
	1	WENDELL	EL
	1	WENDELL	J-SHS
JEFFERSON			
	1	RIRIE	EL
JEROME			
	2	CENTRAL	EL
	1	JEFFERSON	EL
KOOTENAI			
	2	HARDING	EL
	1	HARRISON	EL
	1	ROSE LAKE	EL
	1	SORENSEN	EL
	1	WORLEY	EL
	1	WORLEY	J-SHS
LEMHI			
	1	LEADORE	EL
	1	TENDOY	EL
LEWIS			
	2	CRAIGMONT	EL
	1	KAMIAH	EL
MINIDOKA			
	1	ACEQUIA	EL
	1	HEYBURN	EL
	1	MEMORIAL	EL
	1	PAUL	EL
	1	PERSHING	EL
	1	WASHINGTON	EL
	2	WEST MINICO	JH
NEZ PERCE			
	1	LAPWAI	EL
	1	LAPWAI	J-SHS
	1	WHITMAN	EL
OWYHEE			
	1	BRUNEAU	EL
	1	GRAND VIEW	EL
	2	HOMEDALE	JH
	1	MARSING	EL
	1	MARSING	HS
	1	MARSING	MDL
	1	RIMROCK	J-SHS
	1	WASHINGTON/LINCOLN	EL
PAYETTE			
	1	EASTSIDE	EL
	1	NEW PLYMOUTH	EL
	1	NEW PLYMOUTH	J-SHS
	1	PAYETTE	JH
	1	WESTSIDE	EL
POWER			
	2	HILLCREST	EL
	1	ROCKLAND	K-12
	2	THOMAS	MDL
TWIN FALLS			
	1	BICKEL	EL
	1	CASTLEFORD	EL
	1	CASTLEFORD	J-SHS
	1	HANSEN	EL
	1	HANSEN	JH
	1	HOLLISTER	EL
	1	LINCOLN	EL
	1	MURTAUGH	EL
	1	MURTAUGH	HS
	1	MURTAUGH	JHS
	2	POPPLEWELL	EL
	2	STUART	JH
VALLEY			
	1	CASCADE	EL
	1	YELLOWPINE	EL
WASHINGTON			
	1	MIDVALE	EL
	1	PARK	MDL
	1	PIONEER	EL
	1	WEISER	JH

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ILLINOIS

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ILLINOIS

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LOCATIONS	CODE *	SCHOOL NAME	
ADAMS COUNTY			
	1	BERRIAN	EL
	1	CAMP POINT GRADE	EL
	1	CLAYTON GRADE SCHOOL	EL
	1	IRVING ELEMENTARY	EL
	1	JEFFERSON ELEMENTARY	EL
	1	MADISON ELEMENTARY	EL
	2	MENDON ELEMENTARY	EL
	2	QUINCY JUNIOR HIGH	JHS
	3	QUINCY SDA SCHOOL	EL
	2	QUINCY SR HIGH #1	HS
	1	SEYMOUR ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
	1	WEBSTER ELEMENTARY	EL
ALEXANDER COUNTY			
	1	BENNETT ELEMENTARY	EL
	1	CAIRO HIGH SCHOOL	HS
	1	CAIRO JUNIOR HIGH	JHS
	1	CAIRO-EGYPTIAN ADULT CENTER	HS
	1	EGYPTIAN ELEMENTARY	EL
	1	EGYPTIAN JR-SR HIGH	J-SHS
	1	EMERSON ELEMENTARY	EL
BOND COUNTY			
	2	MULBERRY GROVE	K-12
BUREAU COUNTY			
CALHOUN COUNTY	1	COVENANT CHILDREN'S HOME	EL
	1	FAMILY SCHOOL	EL
	2	HARDIN GRADE SCHOOL	EL
	2	ST NORBERT	EL
CARROLL COUNTY			
	2	AVENUE ELEMENTARY	EL
	2	CHESTNUT PARK ELEMENTARY	EL
	2	LINCOLN MIDDLE SCHOOL	JHS
	2	SAVANNA HIGH SCHOOL	HS
CASS COUNTY			
	1	BEARD ELEMENTARY	EL
	2	BEARDSTOWN JUNIOR HIGH	JHS
	2	CHANDERVILLE HIGH #62	HS
	1	LINCOLN ELEMENTARY	EL
	2	VIRGINIA K-12	K-12
	1	WASHINGTON ELEMENTARY	EL
CHAMPAIGN COUNTY			
	2	BROADMEADOW ELEMENTARY	EL
	2	CARRIE BUSEY EL	EL
	2	CENTRAL HIGH SCHOOL	HS
	1	COLUMBIA ELEMENTARY	EL
	1	DR HOWARD ELEMENTARY	EL
CHAMPAIGN COUNTY (CONTINUED)	1	EASTLAWN ELEMENTARY	EL
	2	FISHER GRADE SCHOOL	EL
	1	FRANKLIN MIDDLE SCHOOL	JHS
	1	GARDEN HILLS ELEMENTARY	EL
	1	J W EATER JUNIOR HIGH	JHS
	2	KENWOOD ELEMENTARY	EL
	1	LUDLOW ELEMENTARY	EL
	1	M L KING	EL
	1	MAPLEWOOD ELEMENTARY	EL
	2	NORTHVIEW ELEMENTARY	EL
	3	PENFIELD ELEMENTARY	EL
	1	PLEASANT ACRES ELEMENTARY	EL
	2	PRAIRIE ELEMENTARY	EL
	2	RANTOUL TWP HIGH SCHOOL	HS
	1	SOUTH SIDE ELEMENTARY	EL
	2	THOMAS PAINE ELEMENTARY	EL
	2	URBANA JUNIOR HIGH	JHS
	1	WASHINGTON ELEMENTARY	EL
	2	WESTVIEW ELEMENTARY	EL
CHRISTIAN COUNTY			
	1	ASSUMPTION JR-SR HIGH	J-SHS
	2	BOND ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	MEMORIAL ELEMENTARY	EL
	2	MORRISONVILLE EL	EL
	2	SOUTH ELEMENTARY	EL
	2	WASHINGTON ELEMENTARY	EL
CLARK COUNTY			
	1	WESTFIELD GRADE SCHOOL	EL
CLAY COUNTY			
	2	CLAY CITY ELEMENTARY	EL
	2	LINCOLN SCHOOL	EL
	2	MCENDREE ELEMENTARY	EL
	2	NORTH CLAY EL & JR HIGH	EL
CLINTON COUNTY			
	2	BARTELSO ELEMENTARY	EL
	2	BECKEMEYER ELEMENTARY	EL
	2	BREESE ELEMENTARY	EL
	2	CENTRAL HIGH SCHOOL	EL
	1	ST ANTHONY SCHOOL	EL
	1	ST AUGUSTINE SCHOOL	EL
	2	ST DOMINIC	EL
	2	ST MARY'S PUBLIC EL	EL
	1	WILLOW GROVE ELEMENTARY	EL
COLES COUNTY			
	2	BENNETT ELEMENTARY	EL
	1	GRANT PARK ELEMENTARY	EL

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ILLINOIS

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LOCATIONS	CODE *	SCHOOL NAME	
COLES COUNTY (CONTINUED)	2	JEFFERSON ELEMENTARY	EL
	1	LAKE CREST ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	OAKLAND HIGH SCHOOL	HS
	1	WASHINGTON EL	EL
COOK COUNTY	2	A B SHEPARD HI SCH SHEPARD NO	HS
	1	ABBOTT ELEMENTARY	EL
	1	ADLER SCHOOL	EL
	2	AGASSIZ ELEMENTARY	EL
	1	ALDRIDGE ELEMENTARY	EL
	1	ALGONQUIN ELEMENTARY	EL
	2	ALL SAINTS - ST ANTHONY	EL
	1	ALTGELD ELEMENTARY	EL
	1	ALVERNIA HIGH SCHOOL	HS
	2	AMUNDSEN HIGH SCHOOL	HS
	1	ANDERSEN ED VOC GUID CENTER	HS
	1	ANDERSEN ELEMENTARY	EL
	1	AQUINAS DOMINICAN HIGH	HS
	1	ARMOUR ELEMENTARY	EL
	1	ARMSTRONG ELEMENTARY	EL
	1	ARMSTRONG SCHOOL - BRANCH	EL
	1	ASSUMPTION BVM SCHOOL	EL
	1	ATTUCKS ELEMENTARY	EL
	2	AUDUBON ELEMENTARY	EL
	1	AUSTIN CHRISTIAN	EL
	1	AUSTIN HIGH SCHOOL	HS
	1	AVALON PARK ELEMENTARY	EL
	2	AVONDALE ELEMENTARY	EL
	1	BANNEKER ELEMENTARY	EL
	1	BARNARD ELEMENTARY	EL
	1	BARTON ELEMENTARY	EL
	1	BASS ELEMENTARY	EL
	2	BATEMAN ELEMENTARY	EL
	1	BATES ELEMENTARY	EL
	1	BEACON HILL ELEMENTARY	EL
	1	BEALE ELEMENTARY	EL
	1	BEASLEY ELEMENTARY	EL
	1	BEETHOVEN ELEMENTARY	EL
	1	BEIDLER ELEMENTARY	EL
	1	BENNETT ELEMENTARY	EL
	2	BETHEL LUTHERAN	EL
	1	BETHUNE ELEMENTARY	EL
	1	BIRNEY ELEMENTARY	EL
	2	BLACK ELEMENTARY	EL
	1	BLACK SCHOOL - BRANCH	EL
	2	BLACKHAWK ELEMENTARY	EL
COOK COUNTY (CONTINUED)	1	BLAINE ELEMENTARY	EL
	1	BLESSED SACRAMENT	EL
	2	BLOOM HIGH SCHOOL	HS
	2	BLOOM TRAIL HIGH SCHOOL	HS
	1	BOND ELEMENTARY	EL
	1	BONTEMPS ELEMENTARY	EL
	1	BOWEN HIGH SCHOOL	HS
	1	BRADWELL ELEMENTARY	EL
	1	BRENAN ELEMENTARY	EL
	1	BRENNEMAN ELEMENTARY	EL
	1	BRENTANO ELEMENTARY	EL
	1	BRIGHT ELEMENTARY	EL
	1	BROWN ELEMENTARY	EL
	1	BROWNELL ELEMENTARY	EL
	1	BRYANT ELEMENTARY	EL
	1	BRYANT ELEMENTARY	EL
	1	BRYN MAWR - BRANCH	EL
	1	BRYN MAWR ELEMENTARY	EL
	2	BUCKINGHAM BR OF WARREN	EL
	1	BUNCHE ELEMENTARY	EL
	1	BURKE ELEMENTARY	EL
	1	BURLEY ELEMENTARY	EL
	1	BURNHAM - ANTHONY BRANCH	EL
	1	BURNHAM ELEMENTARY	EL
	2	BURNHAM-GOLDSMITH	EL
	2	BURNS ELEMENTARY	EL
	1	BURNSIDE ELEMENTARY	EL
	1	BURR ELEMENTARY	EL
	1	BURR OAK ELEMENTARY	EL
	1	BURROUGHS ELEMENTARY	EL
	1	BYFORD ELEMENTARY	EL
	1	BYRD ELEMENTARY	EL
	2	CALDWELL ELEMENTARY	EL
	1	CALDWELL-MCDOWELL BRANCH	EL
	1	CALHOUN NORTH ELEMENTARY	EL
	2	CALUMET ELEMENTARY	EL
	1	CALUMET HIGH SCHOOL	HS
	1	CAM ACADEMY	HS
	1	CAMERON ELEMENTARY	EL
	1	CANCEL-MIRANDA HIGH	HS
	2	CARDENAS ELEMENTARY	EL
	1	CARNEGIE ELEMENTARY	EL
	1	CARPENTER ELEMENTARY	EL
	1	CARTER ELEMENTARY	EL
	1	CARVER AREA HIGH	HS
	1	CARVER ELEMENTARY	EL
	1	CARVER MIDDLE SCHOOL	JHS

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ILLINOIS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

ILLINOIS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	1	CATHEDRAL HIGH SCHOOL	HS
	1	CATHER ELEMENTARY	EL
	1	CCA ACADEMY	HS
	1	CENTRAL YMCA HIGH	HS
	1	CHALMERS ELEMENTARY	EL
	1	CHASE ELEMENTARY	EL
	2	CHICAGO METROPOLITAN HIGH	HS
	1	CHICAGO URBAN DAY SCHOOL	EL
	1	CHICAGO VOCATIONAL HIGH	HS
	3	CHICAGO WESTSIDE CHRISTIAN	EL
	1	CHILD & FAMILY DEVELOPMENTAL	EL
	1	CHILDS ELEMENTARY	EL
	1	CHOPIN ELEMENTARY	EL
	2	CHUTE MIDDLE SCHOOL	JHS
	1	CICERO ELEMENTARY	EL
	1	CLARK MIDDLE SCHOOL	JHS
	1	CLEMENTE HIGH SCHOOL	HS
	1	COCKRELL CHILD-PARENT	EL
	1	COLE CHILD-PARENT	EL
	1	COLES ELEMENTARY	EL
	1	COLLINS HIGH SCHOOL	HS
	1	COLMAN ELEMENTARY	EL
	1	COLUMBUS ELEMENTARY	EL
	2	COLUMBUS ELEMENTARY	EL
	1	COOK ELEMENTARY	EL
	1	COOLIDGE JR HIGH	JHS
	2	COOPER ELEMENTARY	EL
	2	COOPER UPPER CYCLE CENTER	JHS
	1	COPERNICUS ELEMENTARY	EL
	1	CORKERY ELEMENTARY	EL
	1	CORLISS HIGH	HS
	1	CORNELL ELEMENTARY	EL
	1	CORPUS CHRISTI SCHOOL	EL
	1	COTTAGE GROVE ELEMENTARY	EL
	1	CRANE HIGH SCHOOL	HS
	1	CREGIER VOC HIGH SCHOOL	HS
	1	CROWN ELEMENTARY	EL
	2	CUFFE ELEMENTARY	EL
	2	CURIE HIGH SCHOOL	HS
	1	CURTIS ELEMENTARY	EL
	2	DANIEL BURNHAM ELEMENTARY	EL
	1	DARWIN ELEMENTARY	EL
	2	DAVIS ELEMENTARY	EL
	2	DD EISENHOWER HIGH (CAMPUS)	HS
	1	DD EISENHOWER HIGH (OLD MAIN)	HS
	1	DELAND CHILD-PARENT CENTER	EL
	1	DELAND ELEMENTARY	EL
COOK COUNTY (CONTINUED)	1	DENEEN ELEMENTARY	EL
	1	DEPRIEST ELEMENTARY	EL
	1	DETT ELEMENTARY	EL
	1	DEWEY CHILD-PARENT CENTER	EL
	1	DEWEY ELEMENTARY	EL
	2	DEWEY ELEMENTARY	EL
	2	DISNEY MAGNET	EL
	2	DIXON ELEMENTARY	EL
	1	DODGE ELEMENTARY	EL
	2	DOGWOOD ELEMENTARY	EL
	1	DONOGHUE ELEMENTARY	EL
	1	DOOLITTLE INTER-UPPER EL	EL
	1	DOOLITTLE PRIMARY	EL
	1	DOUGLAS ELEMENTARY	EL
	1	DR CHARLES E GAVIN	EL
	1	DRAKE ED VOC CTR-BRANCH	JHS
	1	DRAKE ELEMENTARY	EL
	1	DREW ELEMENTARY	EL
	1	DRUMMOND ELEMENTARY	EL
	1	DUBOIS ELEMENTARY	EL
	1	DULLES ELEMENTARY	EL
	1	DUMAS CHILD-PARENT CENTER	EL
	1	DUMAS ELEMENTARY	EL
	1	DUNBAR VOC HIGH	HS
	2	DUNNE ELEMENTARY	EL
	1	DUSABLE HIGH	HS
	1	DVORAK ELEMENTARY	EL
	1	DYETT MIDDLE SCHOOL	JHS
	1	EARLE ELEMENTARY	EL
	2	EASTVIEW ELEMENTARY	EL
	1	EINSTEIN ELEMENTARY	EL
	1	EISENHOWER ELEMENTARY	EL
	1	ELLINGTON BRANCH	EL
	1	ELLINGTON ELEMENTARY	EL
	1	ELMER G KICH ELEMENTARY	EL
	1	EMERSON ELEMENTARY	EL
	1	EMERSON ELEMENTARY	EL
	1	EMMET ELEMENTARY	EL
	1	ENGLEWOOD HIGH	HS
	1	EPIPHANY SCHOOL	EL
	1	ERICSON ELEMENTARY	EL
	1	ESMOND ELEMENTARY	EL
	2	EVANSTON TWP HIGH	HS
	2	EVERETT ELEMENTARY	EL
	1	EVERETT F KEPP MIDDLE	JHS
	1	FARADAY ELEMENTARY	EL
	3	FARNSWORTH - FOREST GLEN	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	1	FARRAGUT HIGH	HS
	1	FARREN CHILD-PARENT CENTER	EL
	1	FARREN ELEMENTARY	EL
	1	FENGER HIGH SCHOOL	HS
	1	FERGUSON CHILD-PARENT CENTER	EL
	1	FERMI ELEMENTARY	EL
	1	FERNWOOD ELEMENTARY	EL
	2	FIELD ELEMENTARY	EL
	1	FISKE ELEMENTARY	EL
	1	FLOWER VOC HIGH SCHOOL	HS
	2	FOREST TRAIL JUNIOR HIGH	JHS
	1	FORT DEARBORN ELEMENTARY	EL
	1	FOSTER PARK ELEMENTARY	EL
	1	FRANKLIN ELEMENTARY	EL
	1	FRAZIER ELEMENTARY	EL
	1	FREDERICK DOUGLASS MIDDLE	JHS
	1	FULLER ELEMENTARY	EL
	2	FULTON - BRANCH	EL
	2	FULTON ELEMENTARY	EL
	1	FUNSTON ELEMENTARY	EL
	1	GAGE PARK HIGH	HS
	2	GALE ELEMENTARY	EL
	1	GARFIELD ALTERNATIVE HIGH	HS
	1	GARFIELD ELEMENTARY	EL
	1	GARFIELD ELEMENTARY	EL
	2	GARFIELD ELEMENTARY	EL
	2	GARVEY ELEMENTARY	EL
	1	GERSHWIN ELEMENTARY	EL
	2	GILLESPIE ELEMENTARY	EL
	1	GLADSTONE ELEMENTARY	EL
	1	GLENWOOD SCHOOL FOR BOYS	K-12
	1	GOETHE ELEMENTARY	EL
	1	GOLDBLATT ELEMENTARY	EL
	2	GOMPERS AREA PRIMARY	EL
	1	GOMPERS ELEMENTARY	EL
	1	GOOD NEWS EDUCATIONAL WORKSHOP	EL
	1	GOOD SHEPHERD ELEMENTARY	EL
	1	GOODLOW ELEMENTARY	EL
	1	GORDON UPPER GRADE	JHS
	1	GOUDY ELEMENTARY	EL
	1	GRAHAM ELEMENTARY	EL
	1	GRANT ELEMENTARY	EL
	2	GREELEY ELEMENTARY	EL
	1	GREENE ELEMENTARY	EL
	1	GREENWOOD ELEMENTARY	EL
	1	GREGORY ELEMENTARY	EL
	1	GRESHAM ELEMENTARY	EL
COOK COUNTY (CONTINUED)	1	GUGGENHEIM ELEMENTARY	EL
	1	HAINES - HILLIARD HOMES	EL
	1	HAINES ELEMENTARY	EL
	1	HAMILTON ELEMENTARY	EL
	2	HAMLINE ELEMENTARY	EL
	2	HAMMOND ELEMENTARY	EL
	1	HARLAN HIGH	HS
	1	HARPER HIGH	HS
	1	HARRISON HIGH	HS
	1	HARTIGAN ELEMENTARY	EL
	1	HARVARD ELEMENTARY	EL
	2	HAUGAN ELEMENTARY	EL
	2	HAVEN MIDDLE	JHS
	2	HAWTHORNE ELEMENTARY	EL
	1	HAY ELEMENTARY	EL
	1	HAY ELEMENTARY-BRANCH	EL
	2	HEALY ELEMENTARY	EL
	1	HEARST ELEMENTARY	EL
	1	HEDGES ELEMENTARY	EL
	1	HEFFERAN ELEMENTARY	EL
	1	HENDERSON ELEMENTARY	EL
	1	HENDERSON-HERMITAGE PARK BR	EL
	1	HENDRICKS ELEMENTARY	EL
	1	HENSON ELEMENTARY	EL
	1	HERBERT ELEMENTARY	EL
	1	HERZL CHILD-PARENT CENTER	EL
	1	HERZL ELEMENTARY	EL
	1	HESS UPPER CYCLE CENTER	JHS
	2	HIBBARD ELEMENTARY	EL
	1	HIGGINS ELEMENTARY	EL
	1	HINTON ELEMENTARY	EL
	1	HIRSCH HIGH	HS
	1	HODGKINS ELEMENTARY	EL
	2	HOLDEN ELEMENTARY	EL
	1	HOLMES ELEMENTARY	EL
	1	HOLMES ELEMENTARY	EL
	1	HOLY ANGELS SCHOOL	EL
	1	HOLY CROSS SCHOOL	EL
	1	HOLY FAMILY	EL
	1	HOLY FAMILY ACADEMY	HS
	1	HOLY NAME OF MARY	EL
	2	HOLY TRINITY SCHOOL	K-12
	1	HOOKWAY ELEMENTARY	EL
	1	HOPE MIDDLE SCHOOL	JHS
	1	HORACE MANN ELEMENTARY	EL
	1	HOWE ELEMENTARY	EL
	1	HOWLAND ELEMENTARY	EL

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	2	HUBBARD HIGH SCHOOL	HS
	1	HUGHES C ELEMENTARY	EL
	1	HUGHES LANGSTON ELEMENTARY	EL
	1	HYDE PARK CAREER ACADEMY	HS
	1	IDA B WELLS BARNETT	EL
	1	IMMACULATE CONCEPTION	EL
	1	INDUSTRIAL SKILL CENTER	HS
	2	IRVING ELEMENTARY	EL
	2	IRVING ELEMENTARY	EL
	2	JACKSON, MAHALIA ELEMENTARY	EL
	2	JAHN ELEMENTARY	EL
	1	JEFFERSON ELEMENTARY	EL
	1	JEFFERSON ELEMENTARY	EL
	1	JENNER ELEMENTARY	EL
	1	JENSEN ELEMENTARY	EL
	2	JIRKA ELEMENTARY	EL
	1	JOAN ARAI MIDDLE	JHS
	1	JOHNSON CHILD-PARENT CENTER	EL
	1	JOHNSON CHRISTIAN LEARNING	EL
	1	JOHNSON ELEMENTARY	EL
	2	JONAS E SALK ELEMENTARY	EL
	1	JONES COMMERCIAL HIGH	HS
	1	JOPLIN ELEMENTARY	EL
	1	JOSEPHINUM HIGH	HS
	1	JOYNER CHILD-PARENT CENTER	EL
	2	JUAREZ HIGH SCHOOL	HS
	1	JUDD ELEMENTARY	EL
	1	JULIAN HIGH SCHOOL	HS
	2	JUNGMAN ELEMENTARY	EL
	2	KANOON MAGNET ELEMENTARY	EL
	1	KELLAR JUNIOR HIGH	JHS
	2	KELLY HIGH SCHOOL	EL
	1	KELVYN PARK HIGH	HS
	1	KENNEDY ELEMENTARY	EL
	2	KENNEDY HIGH	HS
	1	KENWOOD ACADEMY	HS
	1	KERSHAW ELEMENTARY	EL
	1	KEY ELEMENTARY	EL
	2	KIMBALL HILL ELEMENTARY	EL
	1	KING ELEMENTARY	EL
	1	KING HIGH SCHOOL	HS
	2	KIPLING ELEMENTARY	EL
	1	KOHN ELEMENTARY	EL
	2	KOMENSKY ELEMENTARY	EL
	1	KOSCIUSZKO ELEMENTARY	EL
	1	KOZMINSKI ELEMENTARY	EL
	1	LAFAYETTE ELEMENTARY	EL
COOK COUNTY (CONTINUED)	3	LAKE VIEW ACADEMY	HS
	1	LAKE VIEW HIGH SCHOOL	HS
	1	LAKESHORE SDA CHURCH	EL
	2	LAKEWOOD ELEMENTARY	EL
	2	LANE TECH HIGH SCHOOL	HS
	1	LAS CASAS OCCUPATIONAL HIGH	HS
	1	LATHROP ELEMENTARY	EL
	1	LAWLESS UPPER CYCLE CENTER	JHS
	1	LAWSON ELEMENTARY	EL
	2	LEMOYNE ELEMENTARY	EL
	1	LEO HIGH SCHOOL	HS
	2	LEWIS ELEMENTARY	EL
	1	LIBBY ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	1	LINCOLN PARK HIGH	HS
	1	LINDBLOM TECH HIGH	HS
	2	LINNE ELEMENTARY	EL
	1	LITTLE FLOWER	EL
	1	LONGFELLOW ELEMENTARY	EL
	1	LOW UPPER CYCLE CENTER	JHS
	1	LOWELL ELEMENTARY	EL
	1	LOWELL-LONGFELLOW ELEMENTARY	EL
	1	LUELLA ELEMENTARY	EL
	1	LUTH CH & SCH OF RESURRECTION	EL
	1	M SHERIDAN ELEMENTARY	EL
	1	MADISON ELEMENTARY	EL
	1	MADISON ELEMENTARY	EL
	1	MANIERRE ELEMENTARY	EL
	1	MANLEY HIGH SCHOOL	HS
	1	MANN ELEMENTARY	EL
	1	MARCONI ELEMENTARY	EL
	1	MARSHALL HIGH	HS
	1	MARTIN L KING ELEMENTARY	EL
	1	MASON ELEMENTARY	EL
	1	MASON PRIMARY	EL
	1	MASON UPPER CYCLE CENTER	JHS
	1	MATERNITY B V M	EL
	1	MAY ELEMENTARY	EL
	2	MAYER ELEMENTARY	EL
	1	MAYO ELEMENTARY	EL
	1	MCCLAUGHRY ELEMENTARY	EL
	2	MCCLELLAN ELEMENTARY	EL
	1	MCCORKLE ELEMENTARY	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	1	MCCOSH ELEMENTARY	EL
	2	MCCUTCHEON ELEMENTARY	EL
	2	MCCUTCHEON-BRANCH	EL
	1	MCKAY ELEMENTARY	EL
	1	MCKINLEY MIDDLE	EL
	1	MCLAREN OCCUPATIONAL HIGH	HS
	2	MCPHERSON ELEMENTARY	EL
	1	MEDGER EVERS ELEMENTARY	EL
	1	MEDILL INT & UPPER SCHOOL	EL
	1	MEDILL PRIMARY	EL
	1	MELODY ELEMENTARY	EL
	1	MERCY MISSION LEARNING CENTER	K-12
	1	MITCHELL ELEMENTARY	EL
	2	MOHAWK ELEMENTARY	EL
	1	MOLLISON ELEMENTARY	EL
	2	MONROE ELEMENTARY	EL
	1	MOOS ELEMENTARY	EL
	1	MORGAN ELEMENTARY	EL
	1	MORGAN PARK HIGH	HS
	2	MORRILL ELEMENTARY	EL
	1	MORRIS ELEMENTARY	EL
	1	MORSE ELEMENTARY	EL
	1	MORTON UPPER CYCLE CENTER	JHS
	2	MOUNT VERNON ELEMENTARY	EL
	2	MOZART ELEMENTARY	EL
	1	MULLIGAN ELEMENTARY	EL
	2	NANSEN ELEMENTARY	EL
	1	NASH ELEMENTARY	EL
	2	NATHAN HALE MIDDLE	JHS
	1	NEAR NORTH CAREER MAGNET	HS
	1	NEIL ELEMENTARY	EL
	1	NEWBERRY ELEMENTARY	EL
	1	NEWTON ELEMENTARY	EL
	2	NIGHTINGALE ELEMENTARY	EL
	2	NIXON ELEMENTARY	EL
	2	NOBEL ELEMENTARY	EL
	1	O'TOOLE ELEMENTARY	EL
	1	OAKENWALD - NORTH	EL
	1	OAKENWALD - SOUTH	EL
	1	OAKENWALD N - ROBINSON	EL
	1	OAKENWALD N CHILD-PARENT	EL
	1	OAKLAND ELEMENTARY	EL
	2	OAKTON ELEMENTARY	EL
	2	OGDEN ELEMENTARY	EL
	1	OGLESBY ELEMENTARY	EL
	1	OKEEFFE ELEMENTARY	EL
	1	ORR HIGH SCHOOL	HS
COOK COUNTY (CONTINUED)	1	OTIS ELEMENTARY	EL
	2	OUR LADY HELP OF CHRISTIANS	EL
	2	OUR LADY OF GOOD COUNSEL	EL
	2	OUR LADY OF HUNGARY	EL
	1	OUR LADY OF LOURDES	EL
	1	OUR LADY OF SORROWS	EL
	1	OUR LADY OF THE GARDENS	EL
	1	OUR LADY OF VILNA	EL
	1	OUR LADY OF WESTSIDE CATHOLIC	EL
	1	OVERTON CHILD-PARENT CENTER	EL
	1	OVERTON ELEMENTARY	EL
	2	P SHERIDAN ELEMENTARY	EL
	1	PADEREWSKI ELEMENTARY	EL
	1	PARK MANOR ELEMENTARY	EL
	1	PARKER CHILD-PARENT	EL
	1	PARKER ELEMENTARY	EL
	1	PARKMAN ELEMENTARY	EL
	1	PARKSIDE ELEMENTARY	EL
	1	PARKVIEW ELEMENTARY	EL
	1	PAUL REVERE ELEMENTARY	EL
	2	PEABODY ELEMENTARY	EL
	1	PENN ELEMENTARY	EL
	1	PERRY ELEMENTARY	EL
	1	PHILLIPS HIGH	HS
	2	PICCOLO ELEMENTARY	EL
	2	PICKARD ELEMENTARY	EL
	2	PIERCE ELEMENTARY	EL
	2	PIRIE ELEMENTARY	EL
	1	PLAMODON ELEMENTARY	EL
	1	POPE ELEMENTARY	EL
	1	POSEN ELEMENTARY	EL
	1	POWELL ELEMENTARY	EL
	2	PRAIRIE-HILLS JUNIOR HIGH	JHS
	2	PRAIRIE-HILLS PRIMARY	EL
	2	PRESCOTT ELEMENTARY	EL
	1	PRICE ELEMENTARY	EL
	1	PROLOGUE HIGH	HS
	1	PROSSER VOCATION HIGH	HS
	1	PROVIDENCE - ST MEL	K-12
	1	PROVIDENCE OF GOD	EL
	2	PROVISO EAST HIGH	HS
	1	PULASKI ELEMENTARY	EL
	1	PULLMAN ELEMENTARY	EL
	1	RANDOLPH ELEMENTARY	EL
	1	RASTER BRANCH ELEMENTARY	EL
	1	RASTER ELEMENTARY	EL
	1	RAVENSWOOD ELEMENTARY	EL

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LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	1	RAYMOND ELEMENTARY	EL
	1	REAVIS ELEMENTARY	EL
	1	REED ELEMENTARY	EL
	1	RESURRECTION ELEMENTARY	EL
	1	REVERE ELEMENTARY	EL
	2	RICH CENTRAL CAMPUS	HS
	2	RICHARDS VOCATIONAL HIGH	HS
	2	RICKOVER JUNIOR HIGH	JHS
	1	RIIS ELEMENTARY	EL
	1	RILEY ELEMENTARY	EL
	1	ROBESON HIGH	HS
	2	ROBICHAUX BRANCH-M JACKSON	EL
	1	ROENTGEN ED VOC GUID CENTER	JHS
	2	ROOSEVELT ELEMENTARY	EL
	2	ROOSEVELT HIGH	HS
	2	ROOSEVELT JUNIOR HIGH	JHS
	1	ROSELAND COMMUNITY	HS
	1	ROSS ELEMENTARY	EL
	2	RUGGLES ELEMENTARY	EL
	1	RYDER ELEMENTARY	EL
	1	RYERSON ELEMENTARY	EL
	1	SABIN ELEMENTARY	EL
	1	SACRED HEART	EL
	1	SACRED HEART SCHOOL	EL
	1	SANDERS ELEMENTARY	EL
	1	SBARBARO ELEMENTARY	EL
	1	SCANLAN ELEMENTARY	EL
	1	SCHILLER ELEMENTARY	EL
	1	SCHMID ELEMENTARY	EL
	1	SCHNEIDER ELEMENTARY	EL
	2	SCHURZ HIGH SCHOOL	HS
	1	SCOTT CHILD-PARENT CENTER	EL
	1	SCOTT ELEMENTARY	EL
	1	SEARCH SCHOOL	EL
	1	SENN HIGH	HS
	2	SEWARD ELEMENTARY	EL
	1	SEXTON ELEMENTARY	EL
	1	SHAKESPEARE ELEMENTARY	EL
	1	SHEPARD ELEMENTARY	EL
	1	SHERMAN ELEMENTARY	EL
	1	SHERWOOD ELEMENTARY	EL
	2	SHIELDS ELEMENTARY	EL
	2	SHILOH ELEMENTARY - UNIT	K-12
	2	SHOESMITH ELEMENTARY	EL
	1	SHOOP ELEMENTARY	EL
	1	SIMEON VOCATIONAL HIGH	HS
	1	SKINNER ELEMENTARY	EL
COOK COUNTY (CONTINUED)	1	SMITH W ELEMENTARY	EL
	1	SMYTH ELEMENTARY	EL
	1	SOUTH SHORE HIGH	HS
	1	SPENCER ELEMENTARY	EL
	2	SPRY ELEMENTARY	EL
	2	ST ALPHONSUS	EL
	1	ST AMBROSE	EL
	1	ST ANN	EL
	1	ST ANN HIGH	HS
	1	ST ANSELM	EL
	2	ST ANTHONY	EL
	1	ST AUGUSTINE	EL
	1	ST BASIL	EL
	1	ST BERNARD	EL
	1	ST BONAVENTURE	EL
	1	ST BONIFACE	EL
	1	ST BRENDAN	EL
	1	ST BRIDE	EL
	1	ST CALLISTUS	EL
	1	ST CARTHAGE	EL
	1	ST CASIMIR	EL
	1	ST CHARLES LWANGA	EL
	1	ST CYRIL CARMELITE	EL
	1	ST ELIZABETH	EL
	1	ST FIDELIS	EL
	1	ST FRANCES XAVIER CABRINI	EL
	1	ST FRANCIS DE PAULA	EL
	1	ST FRANCIS XAVIER	EL
	1	ST GERTRUDE	EL
	2	ST GREGORY ELEMENTARY	EL
	2	ST GREGORY HIGH	HS
	1	ST HEDWIG	EL
	1	ST JAMES - CHICAGO	EL
	2	ST JAMES - SAUK VILLAGE	EL
	1	ST JOHN OF GOD	EL
	1	ST JOHN THE BAPTIST	EL
	1	ST JOSAPHAT	EL
	1	ST JOSEPH - CHICAGO	EL
	2	ST JOSEPH HIGH - CHICAGO	HS
	2	ST JOSEPH SCHOOL	EL
	1	ST JUSTIN MARTYR	EL
	1	ST KEVIN	EL
	1	ST LAURENCE	EL
	1	ST LEO THE GREAT	EL
	1	ST LUDMILLA	EL
	1	ST MALACHY	EL
	1	ST MARK	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	1	ST MARY BYZANTINE CATHOLIC	EL
	2	ST MARY OF THE ANGELS	EL
	1	ST MARY OF THE LAKE	EL
	1	ST MARYS ALTERNATIVE HIGH	HS
	1	ST MEL	EL
	1	ST MICHAEL GRADE - CHICAGO	EL
	2	ST NICHOLAS CATHEDRAL	EL
	1	ST PIUS W/ST ADALBERT	EL
	1	ST PROCOPIUS ELEMENTARY	EL
	1	ST PROCOPIUS HIGH	HS
	1	ST RAPHAEL	EL
	2	ST SCHOLASTICA HIGH	HS
	1	ST STEPHEN	EL
	1	ST SYLVESTER	EL
	1	ST TERESA	EL
	2	ST THADDEUS	EL
	2	ST THERESE	EL
	1	ST THOMAS AQUINAS	EL
	1	ST THOMAS OF CANTERBURY	EL
	1	STAGG ELEMENTARY	EL
	1	STEWART ELEMENTARY	EL
	1	STOCKTON CHILD-PARENT CENTER	EL
	1	STOCKTON ELEMENTARY	EL
	1	STOWE ELEMENTARY	EL
	2	STRASSBURG ELEMENTARY	EL
	1	SUDER ELEMENTARY	EL
	2	SULLIVAN ELEMENTARY	EL
	2	SULLIVAN HIGH	HS
	1	SULLIVAN HOUSE	K-12
	1	SUMNER ELEMENTARY	EL
	1	SWIFT ELEMENTARY	EL
	1	T ROOSEVELT ELEMENTARY	EL
	2	TAFT ELEMENTARY	EL
	1	TALCOTT ELEMENTARY	EL
	1	TANNER ELEMENTARY	EL
	1	TERRELL ELEMENTARY	EL
	2	THORNRIDGE HIGH	HS
	2	THORNTON TOWNSHIP HIGH	HS
	1	THORP ED VOC GUID CENTER	JHS
	1	THORP, J M ELEMENTARY	EL
	1	TILDEN HIGH	HS
	1	TILTON ELEMENTARY	EL
	2	TRUMBULL ELEMENTARY	EL
	1	TRUTH CHILD-PARENT CENTER	EL
	1	TRUTH ELEMENTARY	EL
	1	TUBMAN ALT SCHOOL	HS
	1	TULEY MIDDLE	JHS
	1	TURNER ELEMENTARY	EL
	1	U S GRANT ELEMENTARY	EL
	1	VAN VLISSINGEN ELEMENTARY	EL
	1	VAN VLISSINGEN S-WASHINGTON	EL
	2	VANDERPOEL ELEMENTARY	EL
	1	VISITATION CATHOLIC	EL
	1	VONHUMBOLDT CHILD-PARENT	EL
	1	VONHUMBOLDT ELEMENTARY	EL
	2	VONSTEUBEN HIGH	HS
	1	W GREEN ELEMENTARY	EL
	1	WADSWORTH ELEMENTARY	EL
	2	WAGONER ELEMENTARY	EL
	2	WALSH ELEMENTARY	EL
	2	WARD, JAMES ELEMENTARY	EL
	1	WARD, LAURA ELEMENTARY	EL
	2	WARREN ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
	1	WASHINGTON-MCKINLEY	EL
	2	WATERS ELEMENTARY	EL
	1	WEBSTER ELEMENTARY	EL
	1	WELLS HIGH	HS
	1	WENTWORTH ELEMENTARY	EL
	1	WESCOTT ELEMENTARY	EL
	1	WEST PULLMAN - NANSEN	EL
	2	WEST PULLMAN - WHITE	EL
	1	WEST PULLMAN ELEMENTARY	EL
	2	WESTBROOK ELEMENTARY	EL
	2	WESTDALE ELEMENTARY	EL
	1	WESTINGHOUSE AREA VOC HIGH	HS
	1	WESTSIDE PREP SCHOOL	EL
	1	WHEATLEY CHILD-PARENT	EL
	1	WHITTIER ELEMENTARY	EL
	2	WHITTIER ELEMENTARY	EL
	1	WHITTIER ELEMENTARY	EL
	1	WICKER PARK ELEMENTARY	EL
	1	WILLARD ELEMENTARY	EL
	1	WILLIAM SHERMAN BRANCH	EL
	1	WILLIAMS ELEMENTARY	EL
	2	WILLIBRORD CATHOLIC HIGH	HS
	1	WILSON ELEMENTARY	EL
	1	WILSON OCCUPATIONAL HIGH	HS
	1	WIRTH EXPERIMENTAL	JHS
	1	WOODBINE ELEMENTARY	EL
	1	WOODLAWN ELEMENTARY	EL
	1	WOODROW WILSON ELEMENTARY	EL
	1	WOODSON - NORTH	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE

ILLINOIS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COOK COUNTY (CONTINUED)	1	WOODSON - SOUTH	EL
	1	WOODSON S CHILD-PARENT	EL
	1	WRIGHT ELEMENTARY	EL
	1	YALE ELEMENTARY	EL
	1	YATES ELEMENTARY	EL
	2	YOUNG ELEMENTARY	EL
	1	YOUNG MAGNET HIGH	HS
	1	ZIEBELL ELEMENTARY	EL
CUMBERLAND COUNTY			
	2	CUMBERLAND ELEMENTARY	EL
	2	CUMBERLAND HIGH	HS
DEKALB COUNTY			
	2	LITTLEJOHN ELEMENTARY	EL
	2	THOMAS H ROBERTS ELEMENTARY	EL
DUPAGE COUNTY			
	1	AGAPE SCHOOL	K-12
	3	DUPAGE COMM SCHOOL	HS
	2	LINCOLN ELEMENTARY	EL
	2	MONTINI HIGH	HS
EDGAR COUNTY			
	2	CAROLYN WENZ ELEMENTARY	EL
	2	KANSAS HIGH	HS
	1	MAYO MIDDLE	EL
	2	MEMORIAL ELEMENTARY	EL
	1	REDMON ELEMENTARY	EL
	2	SHILOH HIGH & ELEMENTARY	K-12
	1	VANCE ELEMENTARY	EL
EDWARDS COUNTY			
	1	BONE GAP GRADE	EL
EFFINGHAM COUNTY			
	2	ALTAMONT GRADE	EL
	2	CENTRAL GRADE	EL
	2	KINDERGARTEN CENTER	EL
FAYETTE COUNTY			
	1	CENTRAL ELEMENTARY	EL
	1	LAGROVE ELEMENTARY	EL
	1	LAGROVE HIGH	HS
	2	RAMSEY ELEMENTARY	EL
	2	RAMSEY HIGH	HS
	3	SHOBONIER ELEMENTARY	EL
	2	ST ELMO ELEMENTARY	EL
	2	ST ELMO JR-SR HIGH	J-SHS
FORD COUNTY			
	1	FORD CENTRAL ELEMENTARY	EL
	2	FORD CENTRAL HIGH	HS
	1	FORD CENTRAL JR HIGH	JHS
FRANKLIN COUNTY			
(CONTINUED)	2	BENTON CON HIGH	HS
	2	BENTON MIDDLE	JHS
	2	CENTRAL JR HIGH	JHS
	1	CHRISTOPHER COMM HIGH	HS
	1	CHRISTOPHER ELEMENTARY	EL
	2	DENNING ELEMENTARY	EL
	2	FRANKFORT ELEMENTARY	EL
	2	GRANT ELEMENTARY	EL
	1	LOGAN ELEMENTARY	EL
	1	MULKEYTOWN CONS	EL
	1	WASHINGTON ELEMENTARY	EL
	2	ZIEGLER-ROYALTON	EL
FULTON COUNTY			
	2	INGERSOLL SCHOOL	JHS
	1	ISAAC SWAN ELEMENTARY	EL
	1	SOUTH FULTON GRADE	EL
GALLATIN COUNTY			
	1	EQUALITY ELEMENTARY	EL
	1	EQUALITY JR-SR HIGH	J-SHS
	1	RIDGWAY HIGH	HS
	1	SHAWNEETOWN ELEMENTARY	EL
	1	SHAWNEETOWN JR-SR HIGH	J-SHS
GREENE COUNTY			
	2	GREENFIELD ELEMENTARY	EL
	1	HILLVIEW ELEMENTARY	EL
	2	NORTH GREENE HIGH	HS
	1	NORTH GREENE JR HIGH-EL	EL
	1	PATTERSON ELEMENTARY	EL
	1	WHITE HALL ELEMENTARY	EL
HAMILTON COUNTY			
	2	DAHLGREN ELEMENTARY	EL
	1	DALE ELEMENTARY	EL
	1	MCLEANSBORO HIGH	HS
HANCOCK COUNTY			
	2	DALLAS CITY ELEMENTARY	EL
	2	PLYMOUTH COMM CONS HIGH	HS
	2	SOUTHEASTERN ELEMENTARY	EL
HARDIN COUNTY			
	1	HARDIN COUNTY EL & HS	K-12
HENDERSON COUNTY			
	2	OQUAWKA ELEMENTARY	EL
HENRY COUNTY			
	2	A ALEXANDER ELEMENTARY	EL
	2	CENTRAL ELEMENTARY	EL
	2	GALVA MIDDLE	JHS
	2	IRVING ELEMENTARY	EL
	2	KEWANEE HIGH	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HENRY COUNTY (CONTINUED)	3	KEWANEE SDA ELEMENTARY	EL
IROQUOIS COUNTY			
	1	LODA GRADE	EL
	2	MILFORD COM GRADE	EL
	1	STOCKLAND COM GRADE	EL
JACKSON COUNTY			
	2	CARRUTHERS MIDDLE	JHS
	1	ELKVILLE ELEMENTARY	EL
	1	ELVERADO HIGH	HS
	2	ELVERADO JR HIGH	JHS
	1	GLENDALE ELEMENTARY	EL
	3	GOSPEL ASSEMBLY	K-12
	1	LEWIS ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	LINCOLN JR HIGH	JHS
	1	LOGAN ELEMENTARY	EL
	1	MCELVAIN ELEMENTARY	EL
	2	MURPHYSBORO HIGH	HS
	1	MURPHYSBORO JR HIGH	JHS
	1	ORCHARD HILLS ELEMENTARY	EL
	1	SPRINGMORE ELEMENTARY	EL
	1	THOMAS ELEMENTARY	EL
	1	UNITY POINT ELEMENTARY	EL
	2	VERGENNES ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
	2	WINKLER ELEMENTARY	EL
JASPER COUNTY			
	2	NEWTON EL & JR HIGH	EL
JEFFERSON COUNTY			
	1	CASEY JR HIGH	JHS
	1	DR ANDY HALL ELEMENTARY	EL
	1	FRANKLIN ELEMENTARY	EL
	1	HORACE MANN ELEMENTARY	EL
	2	J L BUFORD ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	MOUNT VERNON HIGH	HS
	2	ROME C C ELEMENTARY	EL
	2	WALTONVILLE GRADE	EL
	1	WEBBER TWP HIGH	HS
	2	WOODLAWN COMM HIGH	HS
JERSEY COUNTY			
	2	ILLINI JR HIGH	JHS
	2	JERSEYVILLE EAST	EL
JODAVIESS COUNTY			
	2	EAST DUBUQUE ELEMENTARY	EL
	2	HANOVER C U SCHOOL	HS
JOHNSON COUNTY			
JOHNSON COUNTY (CONTINUED)	1	BUNCOMBE CONS SCHOOL	EL
	1	CYPRESS ELEMENTARY	EL
	1	GOREVILLE ELEMENTARY	EL
	1	GOREVILLE TWP HIGH	HS
	1	NEW SIMPSON HILL ELEMENTARY	EL
	2	VIENNA ELEMENTARY	EL
KANE COUNTY			
	2	BROADVIEW ACADEMY	HS
	2	C F SIMMONS JR HIGH	JHS
	2	C I JOHNSON ELEMENTARY	EL
	1	C M BARDWELL ELEMENTARY	EL
	1	CHANNING MEMORIAL ELEMENTARY	EL
	2	D D WALDO JR HIGH	JHS
	2	ELGIN HIGH	HS
	1	ELLIS JR HIGH	JHS
	1	GARFIELD ELEMENTARY	EL
	2	GRANT ELEMENTARY	EL
	2	HIGHLAND ELEMENTARY	EL
	1	HUFF ELEMENTARY	EL
	2	ILLINOIS PARK ELEMENTARY	EL
	2	JEFFERSON MIDDLE	JHS
	1	JOSEPHINE PERRY MIDDLE	JHS
	2	KIMBALL JR HIGH	JHS
	2	KINGS ROAD ELEMENTARY	EL
	1	L D BRADY ELEMENTARY	EL
	2	LARSEN JR HIGH	JHS
	2	MCKINLEY ELEMENTARY	EL
	1	MEADOWDALE ELEMENTARY	EL
	1	MOOSEHEART SCHOOL	K-12
	1	NICHOLSON ELEMENTARY	EL
	2	OAK PARK ELEMENTARY	EL
	2	OLNEY C ALLEN ELEMENTARY	EL
	2	ROSE E KRUG ELEMENTARY	EL
	2	SHERIDAN ELEMENTARY	EL
	1	ST NICHOLAS/SCHUMACHER	EL
	1	W S BEAUPRE ELEMENTARY	EL
KANKAKEE COUNTY			
	1	ABRAHAM LINCOLN MIDDLE	EL
	1	AROMA PARK PRIMARY	EL
	1	BENJAMIN FRANKLIN MIDDLE	EL
	1	EDISON PRIMARY CENTER	EL
	1	G WASHINGTON CARVER EL	EL
	1	IDA L BUSCH ELEMENTARY	EL
	1	JE-NEIR ELEMENTARY	EL
	1	JOHN F KENNEDY UPPER	JHS
	2	KANKAKEE EASTRIDGE HIGH	HS
	1	KANKAKEE WESTVIEW HIGH	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
KANKAKEE COUNTY (CONTINUED)	1	LAFAYETTE PRIMARY	EL
	1	LONGFELLOW PRIMARY	EL
	1	LORENZO R SMITH ELEMENTARY	EL
	1	MARK TWAIN PRIMARY	EL
	1	MARTIN L KING UPPER	JHS
	2	MOMENCE HIGH	HS
	1	MOMENCE JR HIGH	JHS
	2	RANGE ELEMENTARY	EL
	1	ST ANNE COMM HIGH	HS
	2	ST ANNE ELEMENTARY	EL
	1	STEUBEN PRIMARY	EL
	1	TAFT PRIMARY CENTER	EL
	1	WASHINGTON PRIMARY CENTER	EL
	1	WICHERT ELEMENTARY	EL
KNOX COUNTY			
	1	ALLEN PARK ELEMENTARY	EL
	1	COOKE ELEMENTARY	EL
	2	HEDDING GRADE	EL
	2	KING MIDDLE	JHS
	2	NIELSON MIDDLE	JHS
	2	STEELE MIDDLE SCHOOL	JHS
	2	WESTON ELEMENTARY	EL
LAKE COUNTY			
	1	A J KATZENMAIER ELEMENTARY	EL
	2	BEULAH PARK ELEMENTARY	EL
	1	CENTRAL ELEMENTARY	EL
	1	CENTRAL JR HIGH	JHS
	1	CLEARVIEW ELEMENTARY	EL
	1	DANIEL WEBSTER JR HIGH	JHS
	1	EAST ELEMENTARY	EL
	1	ELMWOOD ELEMENTARY	EL
	2	FOREST BUILDING	EL
	1	FORRESTAL ELEMENTARY	EL
	2	GAVIN NORTH INTERMEDIATE	EL
	1	GERTRUDE CARMAN ELEMENTARY	EL
	2	GLENWOOD ELEMENTARY	EL
	1	GREEN BAY ELEMENTARY	EL
	2	GREENWOOD ELEMENTARY	EL
	1	HOWARD A YEAGER ELEMENTARY	EL
	2	HYDE PARK ELEMENTARY	EL
	1	INDIAN HILL ELEMENTARY	EL
	2	JACK BENNY JR HIGH	JHS
	2	JOHN S CLARK ELEMENTARY	EL
	1	JOHN T MAGEE MIDDLE	JHS
	1	LITTLE FORT ELEMENTARY	EL
	1	LYON ELEMENTARY	EL
	1	NEAL JR HIGH	JHS
LAKE COUNTY (CONTINUED)	1	NORTH CHICAGO COMM HIGH	HS
	1	NORTH ELEMENTARY	EL
	1	NORTH ELEMENTARY	EL
	1	NOVAK-RING ELEMENTARY	EL
	2	OAKDALE ELEMENTARY	EL
	2	RAYMOND ELLIS ELEMENTARY	EL
	2	ROUND LAKE BEACH ELEMENTARY	EL
	2	ROUND LAKE SENIOR HIGH	HS
	1	ROUNDLAKE VILLAGE ELEMENTARY	EL
	1	SHILOH PARK ELEMENTARY	EL
	1	SOUTH ELEMENTARY	EL
	1	ST JOSEPH ELEMENTARY	EL
	1	THOMAS JEFFERSON JR HIGH	JHS
	1	W J MURPHY ELEMENTARY	EL
	2	WASHINGTON ELEMENTARY	EL
	1	WAUKEGAN CHRISTIAN SCHOOL	K-12
	2	WAUKEGAN EAST HIGH	HS
	2	WAUKEGAN WEST HIGH	HS
	1	WEST ELEMENTARY	EL
	1	WEST ELEMENTARY	EL
LASALLE COUNTY			
	3	EAGLE ELEMENTARY	EL
	2	JEFFERSON ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	2	LINCOLN JR HIGH	JHS
	2	NORTHLAWN SCHOOL	JHS
	2	OAKLAND PARK ELEMENTARY	EL
LAWRENCE COUNTY			
	1	LINCOLN ELEMENTARY	EL
	2	PARKVIEW JR HIGH	JHS
	2	RED HILL HIGH	HS
	2	RED HILL JR HIGH	JHS
	2	SEED ELEMENTARY	EL
LEE COUNTY			
	2	AMBOY CENTRAL ELEMENTARY	EL
	2	AMBOY JR HIGH	JHS
	2	LINCOLN ELEMENTARY	EL
	2	MADISON ELEMENTARY	EL
LIVINGSTON COUNTY			
	1	CENTRAL ELEMENTARY	EL
LOGAN COUNTY			
	2	CENTRAL ELEMENTARY	EL
	2	NORTHWEST ELEMENTARY	EL
	1	WASHINGTON-MONROE ELEMENTARY	EL
MACON COUNTY			
	1	BENJAMIN FRANKLIN ELEMENTARY	EL
	1	BRUSH COLLEGE ELEMENTARY	EL

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LOCATIONS	CODE *	SCHOOL NAME	
MACON COUNTY (CONTINUED)	2	DENNIS ELEMENTARY	EL
	1	DURFEE ELEMENTARY	EL
	1	GARFIELD ELEMENTARY	EL
	1	GRANT ELEMENTARY	EL
	2	JOHNS HILL MIDDLE	JHS
	1	LINCOLN ELEMENTARY	EL
	2	MOUND MIDDLE	JHS
	2	OGLESBY ELEMENTARY	EL
	1	ORVILLE SPENCER ELEMENTARY	EL
	1	PERSHING ELEMENTARY	EL
	1	ROACH ELEMENTARY	EL
	2	ROOSEVELT MIDDLE	JHS
	1	SOUTHEAST ELEMENTARY	EL
	1	ST JAMES ELEMENTARY	EL
	2	STEPHEN DECATUR HIGH	HS
	2	STEVENSON ELEMENTARY	EL
	2	THOMAS JEFFERSON MIDDLE	JHS
	1	WASHINGTON ELEMENTARY	EL
	1	WILLIAM HARRIS ELEMENTARY	EL
MACOUPIN COUNTY			
	2	GILLESPIE NEW ELEMENTARY	EL
	2	NORTH ELEMENTARY	EL
	1	NORTHWESTERN ELEMENTARY	EL
MADISON COUNTY			
	2	ALTON SR HIGH	HS
	1	BLAIR ELEMENTARY	EL
	2	CASEYVILLE ELEMENTARY	EL
	1	CLARA BARTON ELEMENTARY	EL
	3	COLLINSVILLE SDA	EL
	1	COTTAGE HILLS ELEMENTARY	EL
	2	DORRIS ELEMENTARY	EL
	2	EAST ALTON JR HIGH	JHS
	1	EAST JR HIGH	JHS
	1	EASTWOOD ELEMENTARY	EL
	2	EMERSON ELEMENTARY	EL
	1	EUNICE SMITH ELEMENTARY	EL
	1	FOREST HOMES ELEMENTARY	EL
	1	FRANCIS G BLAIR ELEMENTARY	EL
	1	GILSON BROWN ELEMENTARY	EL
	1	GODFREY ELEMENTARY	EL
	1	HARRIS ELEMENTARY	EL
	1	HORACE MANN	EL
	1	IRVING ELEMENTARY	EL
	1	KREITNER ELEMENTARY	EL
	1	LEWIS & CLARK ELEMENTARY	EL
	2	LEWIS & CLARK JR HIGH	EL
	2	LINCOLN ELEMENTARY	EL
MADISON COUNTY (CONTINUED)	1	LINCOLN ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	LOGAN ELEMENTARY	EL
	1	LOUIS BAER ELEMENTARY	EL
	2	LOVEJOY ELEMENTARY	EL
	1	MADISON MIDDLE	JHS
	1	MADISON SR HIGH	HS
	1	MARK TWAIN ELEMENTARY	EL
	1	MARSHALL ELEMENTARY	EL
	1	MCKINLEY ELEMENTARY	EL
	1	MILTON ELEMENTARY	EL
	2	NORTH JR HIGH	EL
	2	PRATHER JR HIGH	EL
	2	SACRED HEART/SAINT JOSEPH	EL
	1	STATE PARK ELEMENTARY	EL
	1	THOMAS JEFFERSON ELEMENTARY	EL
	1	VENICE ELEMENTARY	EL
	1	VENICE HIGH	HS
	1	WASHINGTON ELEMENTARY	EL
	2	WEBSTER ELEMENTARY	EL
	2	WEBSTER JR HI & EL	EL
	1	WEST JR HIGH	JHS
	2	WILBUR TRIMPE JR HIGH	EL
MARION COUNTY			
	1	BRONSON ELEMENTARY	EL
	1	CENTRALIA JR HIGH	JHS
	1	FIELD ELEMENTARY	EL
	2	HAWTHORN ELEMENTARY	EL
	1	IRVING ELEMENTARY	EL
	1	KINMUNDY ALMA SR HIGH	HS
	1	KINMUNDY-ALMA ELEMENTARY	EL
	1	KINMUNDY-ALMA JR HIGH	JHS
	1	LINCOLN ELEMENTARY	EL
	2	ODIN ELEMENTARY	EL
	1	SANDOVAL ELEMENTARY	EL
	2	SANDOVAL HIGH	HS
	1	SCHILLER ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
MARSHALL COUNTY			
	2	WENONA UNIT	HS
MASON COUNTY			
	1	BATH ELEMENTARY	EL
	2	FORMAN ELEMENTARY	EL
	2	NEW CENTRAL ELEMENTARY	EL
MASSAC COUNTY			
	1	BROOKPORT ELEMENTARY	EL
	2	CENTRAL ELEMENTARY	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MASSAC COUNTY (CONTINUED)	1	GEO R CLARK ELEMENTARY	EL
	2	JEFFERSON ELEMENTARY	EL
	1	JOPPA HIGH	HS
	1	MAPLE GROVE ELEMENTARY	EL
	2	METROPOLIS HIGH	HS
	2	METROPOLIS JR HIGH	JHS
	1	UNIONVILLE ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
MCDONOUGH COUNTY	2	BUSHNELL-PRAIRIE JR HIGH	JHS
	2	EAST ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
MCHENRY COUNTY	2	HARVARD JR HIGH	EL
MCLEAN COUNTY	1	BENT ELEMENTARY	EL
	2	BLOOMINGTON JR HIGH	JHS
	1	IRVING ELEMENTARY	EL
	1	SHERIDAN ELEMENTARY	EL
MENARD COUNTY	2	GREENVIEW UNIT	HS
	2	PETERSBURG ELEMENTARY	EL
MERCER COUNTY	2	WESTMER ELEMENTARY	EL
	2	WESTMER JR-SR HIGH	J-SHS
MONROE COUNTY	1	W J ZAHNOW ELEMENTARY	EL
MONTGOMERY COUNTY	2	BECKEMEYER ELEMENTARY	EL
	3	BUTLER ELEMENTARY	EL
	3	FILLMORE ELEMENTARY	EL
	2	LITCHFIELD JR HIGH	JHS
	2	NOKOMIS SOUTH JR HIGH	JHS
	1	SIHLER ELEMENTARY	EL
MORGAN COUNTY	1	EDUCATIONAL DAY CARE	EL
	1	FRANKLIN ELEMENTARY	EL
	1	JACKSONVILLE HIGH	HS
	1	JEFFERSON ELEMENTARY	EL
	2	JONATHAN TURNER JR HIGH	EL
	1	LINCOLN ELEMENTARY	EL
	1	PRESBYTERIAN DAY CARE	EL
OGLE COUNTY	1	CENTRAL ANNEX ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	2	ROCHELLE JR HIGH	JHS
PEORIA COUNTY (CONTINUED)	1	BLAINE-SUMNER ELEMENTARY	EL
	2	CALVIN COOLIDGE ELEMENTARY	EL
	2	EDELSTEIN ELEMENTARY	EL
	1	FRANKLIN ELEMENTARY	EL
	1	GARFIELD ELEMENTARY	EL
	1	GREELEY ELEMENTARY	EL
	1	HARRISON ELEMENTARY	EL
	1	IRVING ELEMENTARY	EL
	1	KINGMAN ELEMENTARY	EL
	1	LEARNING TREE DAY SCHOOL	EL
	1	LINCOLN ELEMENTARY	EL
	1	LONGFELLOW ELEMENTARY	EL
	2	MANUAL HIGH	HS
	1	ROOSEVELT ELEMENTARY	EL
	1	SALVATION ARMY DAY CARE	EL
	2	SIPP ELEMENTARY	EL
	1	SOUTHSIDE CATHOLIC	EL
	1	ST PATRICK'S DAY CARE	EL
	1	TREWYN ELEMENTARY	EL
	1	TYNG ELEMENTARY	EL
	1	WEBSTER ELEMENTARY	EL
	1	WHITE ELEMENTARY	EL
	2	WHITTIER ELEMENTARY	EL
PERRY COUNTY	3	COMMUNITY CONSOLIDATED	EL
	3	LINCOLN ELEMENTARY	EL
	1	MCKINLEY ELEMENTARY	EL
	2	R A WHEATLEY ELEMENTARY	EL
PIKE COUNTY	2	BARRY COM HIGH	HS
	1	EAST PIKE ELEMENTARY	EL
	2	PITTSFIELD-HIGBEE ELEMENTARY	EL
	2	WEST PIKE ELEMENTARY	EL
POPE COUNTY	1	POPE CO ELEMENTARY	EL
	1	POPE CO HIGH	HS
PULASKI COUNTY	1	CENTURY ELEMENTARY	EL
	1	CENTURY HIGH	HS
	1	MERIDIAN HIGH	HS
	1	TITUS ELEMENTARY	EL
RANDOLPH COUNTY	2	CHESTER ELEMENTARY	EL
	1	KASKASKIA ISLAND CONS	EL
	2	PRAIRIE DUROCHER ELEMENTARY	EL
	2	SPARTA PRIMARY ATTENDANCE	EL
	2	SPARTA-LINCOLN ATTENDANCE	EL

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LOCATIONS	CODE *	SCHOOL NAME	
RICHLAND COUNTY			
	1	CENTRAL ELEMENTARY	EL
	2	EAST RICHLAND MIDDLE	JHS
ROCK ISLAND COUNTY			
	1	AUDUBON ELEMENTARY	EL
	1	BLACKHAWK ELEMENTARY	EL
	2	BOWLESBURG ELEMENTARY	EL
	2	COOLIDGE JR HIGH	JHS
	1	EDISON JR HIGH	JHS
	1	ERICSSON ELEMENTARY	EL
	2	FRANCES WILLARD ELEMENTARY	EL
	1	GEORGE WASHINGTON ELEMENTARY	EL
	2	GLENVIEW JR HIGH	JHS
	1	GRANT ELEMENTARY	EL
	1	HAWTHORNE-IRVING ELEMENTARY	EL
	2	HOFFMAN MIDDLE	JHS
	2	HORACE MANN ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	MCKINLEY ELEMENTARY	EL
	1	MCKINLEY ELEMENTARY	EL
	2	ROCK ISLAND - WEST CAMPUS	HS
	2	WASHINGTON JR HIGH	JHS
SALINE COUNTY			
	2	CARRIER MILLS ELEMENTARY	EL
	1	EAST SIDE GRADE	EL
	2	ELDORADO ELEMENTARY	EL
	2	MALAN JR HIGH	JHS
	1	WEST SIDE GRADE	EL
SANGAMON COUNTY			
	1	BENJAMIN FRANKLIN MIDDLE	JHS
	1	BLACK HAWK ELEMENTARY	EL
	2	BUTLER ELEMENTARY	EL
	2	DUBOIS ELEMENTARY	EL
	2	ENOS ELEMENTARY	EL
	1	FAIRVIEW ELEMENTARY	EL
	1	HAY-EDWARDS ELEMENTARY	EL
	2	JANE ADAMS ELEMENTARY	EL
	2	JEFFERSON ELEMENTARY	EL
	2	LAKETOWN ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	LOAMI ELEMENTARY	EL
	1	MATHENY ELEMENTARY	EL
	1	MCCLEARNAND ELEMENTARY	EL
	1	PLEASANT HILL ELEMENTARY	EL
	1	RIDGELY ELEMENTARY	EL
	1	SACRED HEART GRADE	EL
	1	WANLESS ELEMENTARY	EL
	1	WASHINGTON MIDDLE	JHS
SANGAMON COUNTY (CONTINUED)	1	WILCOX ELEMENTARY	EL
	2	WILLIAMSVILLE HIGH	HS
	1	WITHROW ELEMENTARY	EL
SCOTT COUNTY			
	1	MANCHESTER ELEMENTARY	EL
	2	MANCHESTER ELEMENTARY	EL
SHELBY COUNTY			
	1	COWDEN-HERRICK ELEMENTARY	EL
	2	MAIN STREET ELEMENTARY	EL
	2	MOULTON ELEMENTARY	EL
ST CLAIR COUNTY			
	1	ALTA SITA ELEMENTARY	EL
	1	ATTUCKS ELEMENTARY	EL
	1	BLUFF VIEW PARK ELEMENTARY	EL
	1	BLUFFVIEW ELEMENTARY	EL
	1	BROWN ELEMENTARY	EL
	2	CAHOKIA HIGH	HS
	1	CANNADY ELEMENTARY	EL
	1	CENTERVILLE ELEMENTARY	EL
	2	CENTRAL ELEMENTARY	EL
	1	CENTRAL JR HIGH	JHS
	1	CEPT HIGH	HS
	1	CHENOT ELEMENTARY	EL
	1	CLARK JR HIGH	JHS
	1	DONALD MCHENRY ELEMENTARY	EL
	1	DUNBAR ELEMENTARY	EL
	1	EAST CARONDELET ELEMENTARY	EL
	1	EAST ST LOUIS SENIOR HIGH	HS
	1	EAST ST LOUIS-LINCOLN HIGH	HS
	1	EDGEMONT ELEMENTARY	EL
	1	ELIZABETH MORRIS ELEMENTARY	EL
	1	FRANKLIN ELEMENTARY	EL
	1	GARFIELD-CARVER ELEMENTARY	EL
	1	GARRISON ELEMENARY	EL
	1	GOLDEN GARDEN ELEMENTARY	EL
	1	HARDING ELEMENTARY	EL
	1	HAWTHORNE EL - ANNEX	EL
	1	HAWTHORNE ELEMENTARY	EL
	1	HENRY RAAB ELEMENTARY	EL
	1	HOLY ANGELS ELEMENTARY	EL
	1	HUFFMAN ELEMENTARY	EL
	1	HUGHES-QUINN JR HIGH	JHS
	2	IMMACULATE CONCEPTION	EL
	1	JACKSON ELEMENTARY	EL
	1	JEFFERSON ELEMENTARY	EL
	1	JEROME ELEMENTARY	EL
	1	JOHN F KENNEDY ELEMENTARY	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ST CLAIR COUNTY (CONTINUED)	1	KING JR HIGH	JHS
	1	LAFAYETTE ELEMENTARY	EL
	1	LALUMIER ELEMENTARY	EL
	1	LANSDOWNE JR HIGH	JHS
	2	LEBANON ELEMENTARY	EL
	1	LILLY-FREEMAN ELEMENTARY	EL
	1	LONGFELLOW ELEMENTARY	EL
	1	LOVEJOY C U SCHOOL	HS
	1	LUCAS ELEMENTARY	EL
	1	MANNERS ELEMENTARY	EL
	1	MAPLEWOOD ELEMENTARY	EL
	2	MARISSA ELEMENTARY	EL
	1	MONROE ELEMENTARY	EL
	1	MORRISON ELEMENTARY	EL
	1	PARK ANNEX ELEMENTARY	EL
	1	PENNIMAN ELEMENTARY	EL
	1	ROBINSON ELEMENTARY	EL
	1	ROCK JR HIGH	JHS
	1	ROSE LAKE ELEMENTARY	EL
	2	ST HENRY'S PREP SEMINARY	HS
	2	ST MARTIN OF TOURS	EL
	2	ST PATRICK SCHOOL	EL
	1	WASHINGTON ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
	1	WILSON ELEMENTARY	EL
	1	WIRTH JR HIGH	JHS
STARK COUNTY			
	2	WYOMING ELEMENTARY	EL
STATEWIDE			
	1	CONQUEST ALTERNATIVE-AURORA	
	1	COOK COUNTY JAIL	
	1	COOK COUNTY JUVENILE DET CTR	
	1	DWIGHT CORRECTIONAL CENTER	
	1	ILLINOIS YOUTH CENTER-BROWNFLD	
	1	ILLINOIS YOUTH CENTER-DECATUR	
	1	ILLINOIS YOUTH CENTER-GENEVA	
	1	ILLINOIS YOUTH CENTER-JOLIET	
	1	ILLINOIS YOUTH CENTER-MANTENO	
	1	ILLINOIS YOUTH CENTER-MORRIS	
	1	ILLINOIS YOUTH CTR-HANNA CITY	
	1	ILLINOIS YOUTH CTR-NAPERVILLE	
	1	ILLINOIS YOUTH CTR-ST CHARLES	
	1	ILLINOIS YOUTH CTR-VALLEY VIEW	
	1	JOLIET CORRECTIONAL CENTER	
	1	MENARD CORRECTIONAL CENTER	
	1	MENARD PSYCHIATRIC CENTER	
	1	PERE MARQUETTE RESIDENT CENTER	
STATEWIDE (CONTINUED)	1	PONTIAC CORRECTIONAL CENTER	
	1	SHERIDAN CORRECTIONAL CENTER	
	1	STATEVILLE CORRECTIONAL CENTER	
	2	THOMAS METCALF ELEMENTARY	EL
	1	VANDALIA CORRECTIONAL CENTER	
	1	VIENNA CORRECTIONAL CENTER	
STEPHENSON COUNTY			
	2	BLACKHAWK ELEMENTARY	EL
	2	CARL SANDBURG MIDDLE	MS
	1	CENTER ELEMENTARY	EL
	2	FREEPORT HIGH	HS
	2	FREEPORT JR HIGH	JHS
	2	HARLEM ELEMENTARY	EL
	2	ORANGEVILLE JR-SR HIGH	J-HS
	1	SLEEZER HOME	HS
	1	TAYLOR PARK ELEMENTARY	EL
TAZEWELL COUNTY			
	2	HOMEWOOD HEIGHTS ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	SOUTH PEKIN ELEMENTARY	EL
UNION COUNTY			
	1	COBDEN ELEMENTARY	EL
	2	DONGOLA UNIT	HS
	1	JONESBORO ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	3	LITTLE CREEK COUNTRY	EL
	1	WARE ELEMENTARY	EL
	1	WOLF LAKE ELEMENTARY	EL
VERMILION COUNTY			
	1	CANNON ELEMENTARY	EL
	1	DANIEL ELEMENTARY	EL
	2	DANVILLE HIGH	HS
	1	DOUGLAS ELEMENTARY	EL
	1	EAST PARK MIDDLE	JHS
	2	EDISON ELEMENTARY	EL
	1	FAIRCHILD ELEMENTARY	EL
	1	FRAZIER ELEMENTARY	EL
	1	GARFIELD ELEMENTARY	EL
	2	GEORGETOWN HIGH	HS
	2	GEORGETOWN JR HIGH	JHS
	1	HONEYWELL ELEMENTARY	EL
	2	HOOPESTON-EAST LYNN	J-HS
	1	JOHN GREER ELEMENTARY	EL
	2	JUDITH GIACOMA ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	MAPLE ELEMENTARY	EL

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LOCATIONS	CODE *	SCHOOL NAME	
VERMILION COUNTY (CONTINUED)	2	MCMILLAN ELEMENTARY	EL
	1	MEADE PARK ELEMENTARY	EL
	2	NORTH RIDGE MIDDLE	JHS
	1	NORTHEAST ELEMENTARY	EL
	2	PINE CREST ELEMENTARY	EL
	2	POTOMAC ELEMENTARY	EL
	2	RIDGE FARM ELEMENTARY	EL
	2	ROSELAWN ELEMENTARY	EL
	1	TILTON ELEMENTARY	EL
WABASH COUNTY			
	2	NORTH MIDDLE	JHS
	2	SOUTH ELEMENTARY	EL
WARREN COUNTY			
	2	CENTRAL JR HIGH	JHS
	1	HARDING ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	2	YORKWOOD JR-SR HIGH	J-SHS
WAYNE COUNTY			
	1	CENTER STREET ELEMENTARY	EL
	1	MERRIAM ELEMENTARY	EL
	1	NORTH SIDE ELEMENTARY	EL
	3	ORCHARDVILLE ELEMENTARY	EL
	1	SIMS ELEMENTARY	EL
	2	WAYNE CITY ELEMENTARY	EL
WHITE COUNTY			
	1	BIG PRAIRIE ELEMENTARY	EL
	1	BOOTH ELEMENTARY	EL
	2	CARMI MIDDLE	JHS
	1	CROSSVILLE ELEMENTARY	EL
	1	JEFFERSON ELEMENTARY	EL
	2	NORRIS CITY-OMAHA ELEMENTARY	EL
	2	NORRIS CITY-OMAHA HIGH	HS
WHITESIDE COUNTY			
	1	DILLON ELEMENTARY	EL
	2	ERIE ELEMENTARY	EL
	2	ERIE HIGH	HS
	2	ROCK FALLS JR HIGH	JHS
	2	ROCK FALLS TOWNSHIP HIGH	HS
	1	STERLING HIGH	HS
	2	THOME ELEMENTARY	EL
	1	WALLACE ELEMENTARY	EL
WILL COUNTY			
	1	A D MARSHALL ELEMENTARY	EL
	2	BERNARD J WARD MIDDLE	JHS
	1	BISHOP ROMEO R BLANCHETTE	EL
	2	BOOTH CENTRAL ELEMENTARY	EL
	1	CARL SANDBURG ELEMENTARY	EL
WILL COUNTY (CONTINUED)	2	CUNNINGHAM ELEMENTARY	EL
	1	DIRKSEN JUNIOR HIGH	JHS
	1	EDNA KEITH ELEMENTARY	EL
	1	EISENHOWER ELEMENTARY	EL
	1	ELIZA KELLY ELEMENTARY	EL
	1	F E MARSH ELEMENTARY	EL
	1	FAIRMONT ELEMENTARY	EL
	1	FAIRMONT JR HIGH	JHS
	1	FARRAGUT ELEMENTARY	EL
	1	FOREST PARK ELEMENTARY	EL
	1	GOMPERS JUNIOR HIGH	JHS
	1	HUFFORD JUNIOR HIGH	JHS
	2	IRENE KING ELEMENTARY	EL
	1	JOLIET JOB CORPS CENTER	HS
	3	JOLIET SDA	EL
	1	JOLIET TWP HIGH-CENT CAMPUS	HS
	1	JOLIET TWP HIGH-EAST CAMPUS	HS
	1	LARAWAY ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	MARYCREST ELEMENTARY	EL
	1	PARKS ELEMENTARY	EL
	2	PERSHING ELEMENTARY	EL
	2	REEDSWOOD ELEMENTARY	EL
	1	SHERIDAN ELEMENTARY	EL
	1	ST THADDEUS	EL
	1	T E CULBERTSON ELEMENTARY	EL
	2	TAFT ELEMENTARY	EL
	1	TALALA ELEMENTARY	EL
	2	THOMAS JEFFERSON ELEMENTARY	EL
	1	THOMPSON ELEMENTARY	EL
	2	WALSH ELEMENTARY	EL
	1	WASHINGTON JR HIGH	JHS
	2	WEST VIEW MIDDLE	JHS
	1	WOODLAND ELEMENTARY	EL
WILLIAMSON COUNTY			
	1	CAMBRIA ELEMENTARY	EL
	2	CARTERVILLE JR-EL	EL
	1	CHITTYVILLE ELEMENTARY	EL
	1	CREAL SPRINGS ELEMENTARY	EL
	1	HURST ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	LINCOLN ELEMENTARY	EL
	1	NORTH SIDE ELEMENTARY	EL
	2	SOUTH SIDE ELEMENTARY	EL
	2	WASHINGTON ELEMENTARY	EL
	2	WASHINGTON ELEMENTARY	EL
	1	WEST SIDE ELEMENTARY	EL

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LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
WINNEBAGO COUNTY			
	1	BARBOUR ELEMENTARY	EL
	1	BEYER ELEMENTARY	EL
	1	CHURCH ELEMENTARY	EL
	2	CLARK ELEMENTARY	EL
	1	DENNIS-ARTS ALTERNATIVE	EL
	1	ELLIS ELEMENTARY	EL
	1	GEORGE B HASKELL ELEMENTARY	EL
	2	GUILFORD ELEMENTARY	EL
	3	HARLEM ALTERNATIVE PROGRAM	HS
	1	HENRIETTA ELEMENTARY	EL
	2	J F KENNEDY MIDDLE	JHS
	2	JACKSON ELEMENTARY	EL
	1	JOHN NELSON ELEMENTARY	EL
	1	JULIA LATHROP ELEMENTARY	EL
	1	KISHWAUKEE ELEMENTARY	EL
	1	MARTIN HOUSE EDUCATIONAL CT	HS
	1	MARTIN LUTHER KING	EL
	2	NEW MILFORD ELEMENTARY	EL
	1	RIVERDAHL ELEMENTARY	EL
	1	RIVERVIEW ELEMENTARY	EL
	1	ROCK RIVER ELEMENTARY	EL
	2	ROCKFORD ALTER EL & MIDDLE	EL
	2	ROCKFORD AUBURN HIGH	HS
	2	SOUTH BELOIT JR HIGH	JHS
	1	SOUTH BELOIT SR HIGH	HS
	2	ST EDWARD	EL
	1	STILES ELEMENTARY	EL
	2	SUMMERDALE ELEMENTARY	EL
	1	THEODORE ROOSEVELT MIDDLE	JHS
	1	W RAY MCINTOSH ELEMENTARY	EL
	2	WALKER ELEMENTARY	EL
	1	WASHINGTON MIDDLE	JHS
	1	WHIG HILL ELEMENTARY	EL
	2	WHITE SWAN ELEMENTARY	EL
	1	WIGHT ELEMENTARY	EL
	1	WM NASHOLD ELEMENTARY	EL
	2	WOODROW WILSON MIDDLE	JHS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ALLEN			
	1	ADAMS ELEM	K-5
	1	ALLEN CO YOUTH SERVICES	5-12
	2	BETHLEHEM ELEM	K-8
	2	BLOOMINGDALE ELEM	K-5
	1	BUNCHE ELEM	K-5
	1	EMMANUEL-ST MICHAEL LUTHERAN	K-5
	1	EMMAUS LUTHERAN ELEM	K-5
	2	FAIRFIELD MIDDLE	6-8
	1	HOAGLAND ELEM	K-5
	2	IRWIN ELEM	K-5
	2	KEKIONGA MIDDLE	6-8
	1	MCCULLOCH ELEM	K-6
	2	ST JOSEPH CATHOLIC ELEM	K-5
	1	ST PATRICK CATHOLIC ELEM	K-5
	1	ST PAUL LUTHERAN ELEM	K-5
	1	STUDY ELEM	K-5
	1	WARD ELEM	K-5
	1	WASHINGTON ELEM	K-5
	1	WEISSER PARK ELEM	K-5
	1	ZION LUTHERAN ELEM	K-5
BARTHOLOMEW			
	1	ALL SAINTS ELEM	1-8
	1	CHILDREN INC	K
	1	FODREA COMM SCH	K-6
	2	HOPE ELEM	K-6
	1	LINCOLN ELEM	K-5
	2	MCDOWELL ELEM	K-6
	2	MCKINLEY ELEM	K-6
	2	ST PETERS LUTHERAN	K-8
	2	WHITECREEK LUTHERAN ELEM	1-8
BLACKFORD			
	2	SOUTH SIDE ELEM	2-5
	2	ST JOHNS RIEDMAN MEMORIAL	K-6
	2	WILLIAM REED ELEM	K-6
BOONE			
	1	STOKES ELEM	K-5
BROWN			
	2	HELMSBURG ELEM	K-6
	2	SPRUNICA ELEM	K-6
	2	VAN BUREN ELEM	K-6
CLARK			
	2	CHARLESTOWN MIDDLE	6-8
	2	EASTLAWN ELEM	K-5
	2	GEORGE ROGERS CLARK ELEM	K-5
	2	JONATHAN JENNINGS ELEM	3-5
	2	MAPLE ELEM	K-5
	2	MCCULLOCH ELEM	K-5
CLARK (CONTINUED)	2	PARKVIEW MIDDLE	6-8
	2	PLEASANT RIDGE ELEM	K-2
	2	RIVER VALLEY MIDDLE	6-8
	1	ROSE HILL ELEM	K-5
	2	SPRINGHILL ELEM	K-5
	2	ST ANTHONY'S ELEM	1-8
	2	ST MICHAEL'S ELEM	1-8
CLINTON			
	2	CLINTON CENTRAL	K-12
CRAWFORD			
	2	CRAWFORD CO JR/SR HIGH	7-12
	1	ENGLISH ELEM	K-6
	1	LEAVENWORTH ELEM	K-6
	2	MARENGO ELEM	K-5
	2	MILLTON ELEM	K-6
	2	PATOKA ELEM	K-5
DAVIESS			
	2	BARR-REEVE INTERMEDIATE	K-3
	1	ELNORA ELEM	K-5
	2	GRIFFITH ELEM	K-5
	2	HICKORY RIDGE ELEM	1-7
	1	LENA DUNN ELEM	K-5
	1	NORTH BOGARD AMISH ELEM	1-8
	2	ODON ELEM	K-6
	2	PARSONS AMISH ELEM	1-8
	2	PLAINVILLE ELEM	K-6
	2	RAGLESVILLE ELEM	1-8
	2	SOUTH BOGARD AMISH ELEM	1-8
	1	WASHINGTON CATHOLIC ELEM	K-5
	2	WASHINGTON CATHOLIC MIDDLE	6-8
	2	WASHINGTON JUNIOR HIGH	7-9
	2	ZION AMISH CHRISTIAN	1-8
DEARBORN			
	2	CENTRAL ELEM	K-5
	2	GREENDALE MIDDLE	6-8
	2	ST LAWRENCE ELEM	K-8
DECATUR			
	2	BILLINGS ELEM	K-6
	2	NORTH DECATUR ELEM	K-6
	2	SOUTH DECATUR ELEM	K-6
DEKALB			
	2	FAITH CHRISTIAN ACADEMY	K-12
	2	WATERLOO ELEM	K-5
DELAWARE			
	2	BENJAMIN FRANKLIN MIDDLE	7-8
	1	CLAYPOOL ELEM	K-6
	2	DALEVILLE ELEM	K-6

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LOCATIONS	CODE *	SCHOOL NAME	
DELAWARE (CONTINUED)			
	1	EMERSON ELEM	K-6
	2	FOREST PARK ELEM	K-6
	1	GARFIELD ELEM	K-6
	2	GRISSOM ELEM	K-6
	1	LONGFELLOW ELEM	K-6
	1	MCKINLEY MIDDLE	7-8
	2	MORRISON-MOCK ELEM	K-6
	2	MUNCIE CENTRAL HIGH	9-12
	1	RILEY ELEM	K-6
	1	SOUTH VIEW ELEM	K-6
	1	ST LAWRENCE ELEM	K-6
	2	STORER MIDDLE	7-8
	2	SUTTON ELEM	K-6
ELKHART			
	2	BEARDSLEY ELEM	K-6
	1	CHAMBERLAIN ELEM	K-6
	2	CHANDLER ELEM	K-6
	1	ELKHART CO JUVENILE CENTER	7-12
	2	GRACE FELLOWSHIP ELEM	1-8
	2	HAWTHORNE ELEM	K-6
	2	HOLBEN ELEM	K-5
	2	JIMTOWN ELEM	K-5
	2	JIMTOWN JR HIGH	6-8
	1	LINCOLN ELEM	K-6
	1	MARY BECK ELEM	K-6
	2	MONGER ELEM	K-6
	2	RIVERDALE ELEM	1-6
	1	ROOSEVELT ELEM	K-6
	2	ST JOHN'S ELEM	1-8
	1	ST THOMAS ELEM	1-8
	1	ST VINCENT ELEM	1-6
	1	TRINITY LUTHERAN ELEM	1-6
	2	WHITEMAN JR HIGH	7-8
	2	YORK ELEM	K-5
FAYETTE			
	2	EASTVIEW ELEM	K-6
	2	FRAZEE ELEM	K-6
	2	MAPLEWOOD ELEM	K-6
	2	ORANGE ELEM	1-6
	2	ST GABRIEL ELEM	K-6
	2	TEMPLE CHRISTIAN	K-12
FLOYD			
	2	CLEAR FORK CHRISTIAN	K-12
	2	FAIRMONT ELEM	K-6
	1	LILLIAN EMERY ELEM	K-6
	2	M L REISZ ELEM	K-6
	2	NATHANIAL SCRIBNER JR HIGH	7-9
FLOYD (CONTINUED)			
	2	PINE VIEW ELEM	K-6
	1	S ELLEN JONES ELEM	K-6
	1	ST MARY'S CATHOLIC ELEM	1-8
FOUNTAIN			
	2	ATTICA ELEM	K-6
	2	ATTICA JR/SR HIGH	7-12
FRANKLIN			
	2	LAUREL ELEM	K-6
GIBSON			
	2	FT BRANCH MIDDLE	6-8
	2	HOLY CROSS ELEM	1-6
	2	MARLETTE ELEM	K-6
GRANT			
	2	BETHEL ACADEMY	K-12
	1	CENTER ELEM	K-6
	1	CLAYTON-BROWNLEE ELEM	K-6
	1	FRANCES SLOCUM ELEM	K-6
	1	FRANKLIN ELEM	K-6
	1	J C KNIGHT ELEM	K-6
	1	JONES JR HIGH	7-9
	2	JUSTICE JR HIGH	7-9
	2	LAKEVIEW CHRISTIAN ELEM	K-6
	1	LINCOLN ELEM	K-6
	2	MARTIN BOOTS ELEM	K-6
	1	MCCULLOCH JR HIGH	7-9
	2	POINT ISABEL ELEM	K-6
	2	ROSEBURG ELEM	K-6
	2	SOUTHEAST ELEM	K-6
	1	THOMAS JEFFERSON ELEM	K-6
	1	WASHINGTON ELEM	K-6
GREENE			
	2	BLOOMFIELD ELEM	K-6
	1	L & M ELEM/HIGH	K-12
	2	SHAKAMAK ELEM	K-6
	1	SHAKAMAK MIDDLE	6-7
	2	WORTHINGTON-JEFFERSONS ELEM	K-6
HAMILTON			
	2	STONY CREEK ELEM	K-6
HARRISON			
	2	CORYDON JR HIGH	7-8
	2	ELIZABETH GRADE SCH	K-6
	2	HITH-WASHINGTON GRADE SCH	K-6
	2	LACONIA GRADE SCH	K-6
	2	NEW MIDDLETOWN GRADE SCH	K-6
HENRY			
	2	SULPHUR SPRINGS ELEM	K-6
HOWARD			

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LOCATIONS	CODE *	SCHOOL NAME	
HOWARD (CONTINUED)	2	BETHANY FELLOWSHIP	1-12
	2	ELWOOD HAYNES ELEM/MIDDLE	K-8
	1	JEFFERSON ELEM	K-5
	2	LINCOLN ELEM	K-5
	2	MEDORA HIGH/ELEM	K-12
	1	MERIDIAN ELEM	K-5
	2	NORTHWESTERN ELEM	K-6
	1	RILEY ELEM	K-5
	1	ROOSEVELT ELEM	K-5
	2	SYCAMORE ELEM/MIDDLE	K-8
JEFFERSON			
	2	DEPUTY ELEM	K-6
	2	DUPONT ELEM	K-6
	1	EGGLESTON ELEM	K-6
	1	LYDIA MIDDLETON ELEM	K-6
	2	RYKER'S RIDGE ELEM	K-6
	2	SOUTHWESTERN ELEM	K-6
JENNINGS			
	2	GRAHAM CREEK ELEM	1-6
	2	NORTH VERNON ELEM	1-6
	2	NORTH VERNON JR HIGH	7-8
	2	SAND CREEK ELEM	1-6
	2	SCIPIO ELEM	1-6
	2	ST MARY'S ELEM	1-6
	2	ST MARY'S JR HIGH	7-8
	2	VERNON ELEM	1-6
	2	ZENAS ELEM	1-6
JOHNSON			
	1	EDINBURG JOB CORP	9-12
	2	EDINBURG SCH	K-12
KNOX			
	2	FRANCIS VIGO ELEM	K-6
	2	JAMES WHITCOMB RILEY ELEM	K-6
	2	NORTH KNOX CENTRAL ELEM	K-6
	2	NORTH KNOX JR HIGH	7-8
	2	TECUMSEH-HARRISON ELEM	K-6
KOSCIUSKO			
	2	CLEVELAND AMISH	1-10
	2	PIERCETON ELEM	K-5
LAGRANGE			
	2	PRAIRIE HEIGHTS MIDDLE	5-9
LAKE			
	1	A L SPOHN ELEM/MIDDLE	K-8
	1	ABRAHAM LINCOLN ELEM	K-6
	2	ABRAHAM LINCOLN ELEM	K-6
	1	AETNA ELEM	K-6
	1	ALAIN L LOCKE ELEM	K-6
LAKE (CONTINUED)	1	ALFRED BECKMAN JR HIGH	7-8
	2	AMBRIDGE ELEM	K-6
	2	ARTHUR P MELTON ELEM	K-6
	2	BAILEY ELEM	K-6
	2	BAILLY JR HIGH	5-8
	1	BENJAMIN FRANKLIN ELEM	K-6
	1	BENJAMIN FRANKLIN ELEM	K-6
	2	BENJAMIN HARRISON ELEM	K-6
	1	BEVERIDGE ELEM	K-6
	2	BISHOP NOLL HIGH	9-12
	2	BISHOP NOLL HIGH	9-12
	1	BLACK OAK ELEM	K-6
	1	BLESSED SACRAMENT ELEM	K-8
	2	CALUMET BAPTIST	K-12
	1	CARRIE GOSCH ELEM	K-6
	2	CENTRAL ELEM	K-6
	1	CHARLES R DREW ELEM	K-6
	2	COLUMBIA ELEM	K-6
	1	COLUMBUS ELEM	K-6
	1	DANIEL HALE WILLIAMS ELEM	K-6
	2	DANIEL WEBSTER ELEM	K-6
	1	DAVID O DUNCAN ELEM	K-6
	1	DUNBAR-PULASKI MIDDLE	7-8
	2	EDISON JR HIGH	7-8
	2	EMERSON SR HIGH	7-12
	1	ERNIE PYLE ELEM	K-6
	1	EUGENE FIELD ELEM	K-6
	1	GEORGE WASHINGTON CARVER	K-6
	1	GEORGE WASHINGTON ELEM	K-6
	1	GEORGE WASHINGTON ELEM	K-6
	2	GRISSOM ELEM	K-6
	2	HAMILTON ELEM	K-6
	1	HARBOR CATHOLIC ELEM	1-8
	1	HEBREW ACADEMY	1-6
	1	HEBREW ACADEMY	K-8
	1	HENRY S EVANS ELEM	K-6
	1	HENRY W EGGER ELEM/MIDDLE	K-8
	1	HOLY ANGELS	K-8
	1	HOLY TRINITY ELEM	K-8
	1	HOLY TRINITY ELEM	1-6
	1	HOOSIER BOYS TOWN	9-12
	2	HOSFORD PARK ELEM	K-6
	1	IVANHOE ELEM	K-3
	2	JACQUES MARQUETTE ELEM	K-3
	1	JEFFERSON ELEM	K-6
	2	JOHN H VOHR ELEM	K-6
	2	JOHN I MEISTER	K-6

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LOCATIONS	CODE *	SCHOOL NAME	
LAKE (CONTINUED)	1	JOSEPH L BLOCK JR HIGH	7-8
	2	KENNEDY-KING MIDDLE	6-8
	2	LADY OF PERPETUAL HELP	1-6
	1	LAFAYETTE ELEM	K-6
	2	LAKE RIDGE JR HIGH	7-8
	2	LEW WALLACE ELEM	K-6
	2	LONGFELLOW ELEM	K-6
	1	MARY MCLEOD BETHUNE ELEM	K-6
	1	MAYWOOD ELEM	K-5
	2	NOBEL ELEM	K-6
	1	NORTON ELEM	K-6
	2	PITTMAN SQUARE ELEM	K-6
	2	POLK ELEM	K-6
	2	PUBLIC ALTERNATIVE ELEM	1-8
	2	RIVER FOREST ELEM	K-6
	2	RIVER FOREST JR/SR HIGH	9-12
	1	SPAULDING ELEM	K-6
	2	ST ANN ELEM	1-8
	2	ST CASIMIR ELEM	K-8
	2	ST FRANCIS XAVIER SCH	1-8
	2	ST JOHN BOSCO ELEM	K-8
	2	ST MARY'S ELEM	1-6
	1	ST MONICA ELEM	K-6
	1	ST PAUL LUTHERAN ELEM	K-8
	2	ST STANISLAUS ELEM	1-6
	2	THEODORE ROOSEVELT HIGH	9-12
	1	THEODORE ROOSEVELT HIGH	9-12
	2	THOMAS A EDISON	6-8
	2	TOLLESTON MIDDLE	7-8
	2	WASHINGTON IRVIN ELEM	K-6
	1	WEST SIDE JR HIGH	7-8
	2	WILLIAM A WIRT SR HIGH	9-12
	2	WILLIAM MCKINLEY ELEM	K-6
	2	WILLIAM MERRITT CHASE	K-6
	2	WOODROW WILSON ELEM	K-6
LAPORTE	2	BARKER JR HIGH	7-8
	1	CENTRAL ELEM	K-6
	2	EASTPORT ELEM	K-6
	2	KINGSFORD HEIGHTS ELEM	K-6
	2	LINCOLN ELEM	K-6
	1	MULLEN ELEM	K-6
	1	NIEMAN ELEM	K-6
	1	PARK ELEM	K-6
	2	PINE ELEM	K-6
	2	QUEEN OF ALL SAINTS	K-8
	2	RILEY ELEM	K-6
LAPORTE (CONTINUED)	2	RILEY ELEM	K-5
	2	SPRINGFIELD ELEM	K-5
	2	ST JOHN ELEM	K-8
	2	ST JOSEPH ELEM	K-5
	1	ST MARY'S ELEM	K-8
	1	ST PAUL'S ELEM	K-8
	1	ST STAN'S ELEM	K-8
LAWRENCE	2	BURRIS ELEM	1-5
	2	MITCHELL JR HIGH	6-8
MADISON	1	BRONNENBERG HOME	1-12
	2	EDGEWOOD ELEM	K-5
	1	HILLCREST CHRISTIAN HOME-GIRLS	9-12
	2	LIBERTY CHRISTIAN SCH	K-8
	2	LONGFELLOW ELEM	K-5
	2	MAURICE G ROBINSON ELEM	K-5
	2	ORESTES ELEM	K-5
	2	RILEY ELEM SCH	K-5
	2	SEVENTH DAY ADVENTIST	1-8
	2	SHADELAND ELEM	K-5
	2	ST AMBROSE SCH	K-5
	2	ST MARY'S ELEM	K-3
	2	TWENTY-FIFTH STREET ELEM	K-6
	2	WASHINGTON ELEM	K-5
MARION	1	ABRAHAM LINCOLN ELEM	K-8
	1	ALBERT WALSMAN ELEM	K-8
	1	ALL SAINTS ELEM	K-5
	2	ANNA BROCHHAUSE ELEM	K-5
	1	ARLINGTON WOODS ELEM	K-8
	1	ARSENAL TECH HIGH	9-12
	1	BENJAMIN HARRISON ELEM	K-5
	2	BOOTH TARKINGTON ELEM	K-5
	2	BROAD RIPPLE HIGH	9-12
	1	BROOKSIDE SCH	K-6
	2	CARLE WILDE	K-5
	1	CHARITY DYE ELEM	K-5
	2	CHARLES W FAIRBANKS ELEM	K-5
	2	CHRISTIAN PARK ELEM	K-8
	2	CLARENCE L FARRINGTON ELEM	K-8
	1	CRISPUS ATTUCKS HIGH	9-12
	1	DANIEL T WEIR ELEM	K-8
	1	DANIEL WEBSTER ELEM	K-8
	2	DECATUR CENTRAL HIGH	9-12
	2	DECATUR TWP JR HIGH	6-8
	1	EDGAR H EVANS ELEM	K-5

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MARION (CONTINUED)	1	ELDER W DIGGS ELEM	K-8
	1	ELEANOR SKILLEN ELEM	K-8
	2	ELIZA A BLAKER	K-6
	1	EMMA DONNAN ELEM	K-8
	1	EMMANUEL HAUGH ELEM	K-8
	2	ERNIE PYLE ELEM	K-8
	1	EVANS HOUSE	1-6
	1	FLORENCE FAY ELEM	K-8
	2	FLORO TORRENCE ELEM	K-8
	1	FOREST MANOR MIDDLE	7-8
	1	FRANCIS BELLAMY	K-6
	2	FRANCIS S KEY ELEM	K-8
	1	FRANCIS W PARKER ELEM	K-8
	1	FREDERICK DOUGLASS ELEM	K-6
	2	GARDEN CITY ELEM	K-6
	1	GEORGE BUCK ELEM	K-8
	2	GEORGE H FISHER ELEM	K-8
	1	GEORGE ROGERS CLARK ELEM	K-6
	1	GEORGE W CARVER ELEM	K-8
	2	GEORGE W JULIAN ELEM	K-8
	1	GEORGE WASHINGTON HIGH	9-12
	1	H L HARSHMAN MIDDLE	7-8
	1	HARRIETT B STOWE ELEM	K-8
	1	HAZEL HART HENDRICKS ELEM	K-8
	1	HENRY P COBURN ELEM	K-6
	1	HENRY W LONGFELLOW ELEM	K-8
	2	HERITAGE CHRISTIAN	1-12
	1	HOLY ANGELS ELEM	K-8
	1	HOLY CROSS ELEM	K-8
	2	INDIAN CREEK ELEM	K-6
	2	J K LILLY SR	K-6
	2	JAMES A GARFIELD ELEM	K-8
	1	JAMES P LOWELL ELEM	K-8
	1	JAMES W RILEY ELEM	K-8
	1	JOHN HOPE ELEM	K-8
	1	JOYCE KILMER	K-8
	1	JULIAN D COLEMAN ELEM	K-8
	1	JUVENILE CENTER OF MARION CO	7-12
	1	KENNETH WALKER ELEM	K-6
	2	LEW WALLACE ELEM	K-6
	1	LEWIS GILFOY ELEM	K-6
	1	LILLIAN M REIFFEL ELEM	K-6
	1	LOUIS B RUSSELL	K-6
	1	LUTHERWOOD SCH	1-12
	2	LYNWOOD ELEM	K-5
	1	MAPLETON-FALL CREEK MIDDLE	7-8
	1	MARGARET MCFARLAND ELEM	K-8
MARION (CONTINUED)	1	MARION COUNTY GUARDIAN HOME	1-12
	1	MARY E NICHOLSON ELEM	K-5
	2	MERLE SIDENER MIDDLE	7-8
	2	MINNIE HARTMANN ELEM	K-8
	1	NATHANIEL HAWTHORNE ELEM	K-8
	1	OTIS E BROWN ELEM	K-8
	1	PARKVIEW ELEM	K-6
	1	PAUL C STETSON ELEM	K-6
	1	PAUL I MILLER ELEM	K-6
	1	PLEASANT RUN CHILDRENS HOME	1-12
	2	RALPH W EMERSON ELEM	K-8
	2	RAYMOND F BRANDES	K-6
	1	RIVERSIDE ELEM	K-8
	1	ROBERT BROWNING ELEM	K-6
	1	ROUSSEAU MCCLELLAN ELEM	K-8
	2	SALEM PARK ELEM	K-8
	1	SEVENTH DAY ADVENTIST ELEM	1-8
	2	SHORTRIDGE HIGH	9-12
	1	ST ANDREWS ELEM	K-8
	1	ST BERNADETTE ELEM	1-8
	1	ST FRANCIS ELEM	1-8
	1	ST JOAN OF ARC ELEM	K-8
	1	ST PHILIP ELEM	K-8
	1	ST RITA ELEM	K-8
	1	ST SIMON ELEM	K-8
	2	STEPHEN DECATUR ELEM	K-5
	1	STEPHEN FOSTER ELEM	K-8
	2	SUSAN R LEACH	K-6
	1	T C STEELE ELEM	K-8
	1	THEODORE POTTER ELEM	K-8
	1	THOMAS A EDISON ELEM	K-8
	2	THOMAS CARR HOWE HIGH	9-12
	1	THOMAS D GREGG ELEM	K-6
	1	VALLEY MILLS ELEM	K-5
	1	WASHINGTON IRVIN ELEM	K-6
	1	WENDELL PHILLIPS ELEM	K-5
	2	WILLARD GAMBOLD MIDDLE	7-8
	1	WILLIAM A BELL	K-6
	1	WILLIAM MCKINLEY ELEM	K-8
	1	WILLIAM PENN ELEM	K-8
	1	WILLIAM W WOOLEN	K-5
	1	WITNESS FOR CHRIST	K-8
	1	WOODROW WILSON ELEM	K-8
MARSHALL	2	JEFFERSON ELEM	K-5
	2	TRITON ELEM	K-6
	2	WASHINGTON ELEM	K-5

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LOCATIONS	CODE *	SCHOOL NAME	
MARTIN			
	2	PADANARAM VILLAGE SCH	1-12
	2	SHOALS COMM ELEM	K-5
	2	SHOALS COMM MIDDLE	6-8
MIAMI			
	2	CENTRAL ELEM	K-6
	2	ELMWOOD ELEM	K-6
	2	HOLMAN ELEM	K-6
	2	LINCOLN ELEM	K-6
	2	PERU CHRISTIAN ELEM	K-6
	2	PERU JR HIGH	7-8
	2	SOUTH PERU ELEM	K-6
	2	ST JOHN'S LUTHERAN ELEM	K-6
MONROE			
	1	BROADVIEW ELEM	K-5
	2	DYER MIDDLE	6-8
	2	ELLETTSVILLE ELEM	1-5
	1	FAIRVIEW ELEM	K-5
	1	MONROE CO YOUTH SHELTER	7-12
	1	TEMPLETON ELEM	K-5
MONTGOMERY			
	2	WAVELAND ELEM	K-6
MORGAN			
	2	EMINENCE CONS SCH	K-12
NEWTON			
	2	MOROCCO ELEM	K-6
NOBLE			
	2	ALBOIN ELEM	K-5
	2	CENTRAL NOBLE HIGH	9-12
	2	CENTRAL NOBLE MIDDLE	6-8
	2	LIGONIER ELEM	K-5
	2	WOLF LAKE ELEM	K-5
ORANGE			
	1	AMISH SCHOOL #1	1-8
	2	AMISH SCHOOL #2	1-8
	2	CHURCH OF THE BIBLE COVENANT	1-12
	2	ORLEANS ELEM	K-6
	2	ORLEANS HIGH	7-12
	1	PAOLI JR/SR HIGH	7-12
	2	SEVENTH DAY ADVENTIST SCH	1-8
	1	THROOP ELEM	K-6
OWEN			
	2	GOSPORT ELEM	K-6
	2	OWEN VALLEY MIDDLE	6-8
	2	PATRICKSBURG ELEM	K-6
	2	SPENCER ELEM	K-5
PARKE			
	2	MECCA ELEM	1-5
PARKE (CONTINUED)	2	MECCA JR HIGH	6-8
	2	MONTEZUMA ELEM	1-5
	2	TURKEY RUN ELEM	K-5
	2	TURKEY RUN HIGH	7-12
PERRY			
	1	CANNELTON ELEM	K-5
	1	CANNELTON HIGH	7-12
	2	NEWMAN ELEM	1-5
	1	PERRY CENTRAL ELEM	K-5
	2	PERRY CENTRAL JR/SR HIGH	7-12
	2	ST PAUL ELEM	K-5
PULASKI			
	2	WEST CENTRAL JR HIGH	6-8
PUTNAM			
	2	AMERICAN HERITAGE	K-12
	2	BELLE UNION ELEM	K-5
	2	FILLMORE ELEM	K-5
	2	JONES ELEM	K-5
	2	MILLER ELEM	K-6
	2	RIDPATH ELEM	K-5
	2	ROACHDALE ELEM	K-5
	2	RUSSELLVILLE ELEM	K-5
RANDOLPH			
	2	NORTH SIDE ELEM	K-6
	2	OLIVER P MORTON ELEM	K-6
	2	RANDOLPH SOUTHERN ELEM	K-6
	2	UNION ELEM	K-6
	2	WEST SIDE MIDDLE	6-8
RIPLEY			
	1	HOLTON ELEM SCH	K-6
	2	MILAN ELEM	K-6
	2	MILAN JR/SR HIGH	7-12
	2	OLDENBURG ELEM	1-5
	2	VERSAILLES GRADE SCH	K-6
RUSH			
	2	ARLINGTON SCH	K-7
	2	MANILLA SCH	K-6
	2	MAYS ELEM	K-5
	2	MILROY SCH	K-6
	2	NEW SALEM SCH	K-8
	2	RUSHVILLE CONS HIGH	9-12
	2	RUSHVILLE ELEM	K-6
	2	RUSHVILLE JR HIGH	7-8
	2	ST MARY'S CATHOLIC ELEM	K-6
SCOTT			
	1	AUSTIN ELEM	K-6
	2	AUSTIN HIGH	9-12

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LOCATIONS	CODE *	SCHOOL NAME	
SCOTT (CONTINUED)	1	AUSTIN MIDDLE	6-8
	2	FINLEY ELEM	1-6
	2	HYLAND ELEM	K-6
	2	JOHNSON ELEM	K-6
	2	LEXINGTON ELEM	K-6
	2	SCOTTSBURG JR HIGH	7-8
	2	THIRD ST ELEM	5-6
	2	VIENNA ELEM	K-6
SHELBY			
	2	ADDISON ELEM	1-6
	2	BAPTIST TEMPLE	K-12
	2	COULSTON ELEM	1-6
	2	HENDRICKS ELEM	1-6
	2	LOPER ELEM	1-6
	2	MAJOR CENTRAL KINDERGARTEN	K
	2	MARION ELEM	1-6
	2	PEARSON ELEM	1-6
	2	SHELBYVILLE JR HIGH	7-8
	2	SHELBYVILLE SR HIGH	9-12
	2	ST JOSEPH'S ELEM	K-6
ST JOSEPH			
	1	BATTELL ELEM	K-6
	2	BONER/FULMER/ELM RD SCHS	K-6
	2	BRETHERN CHRISTIAN ELEM	K-8
	2	COQUILLARD ELEM	K-6
	2	EMMONS ELEM	K-8
	1	FAMILY AND CHILDREN'S CENTER	6-12
	2	LASALLE ELEM	K-6
	2	PHILLIPS ELEM	K-6
	1	SOUTH SIDE ELEM	K-6
	2	ST BAVO'S ELEM/JR HIGH	K-9
	2	ST JOSEPH'S ELEM	K-8
	2	ST MONICA'S ELEM	1-8
	2	YOUNG JUNIOR HIGH	7-9
STARKE			
	2	KNOX MIDDLE	6-8
	2	LIBERTY ELEM	K-5
	2	PALMER ELEM	2-5
	2	ST PETER LUTHERAN	K-8
	2	WASHINGTON ELEM	K-5
STATE AGENCIES			
	1	ANDERSON DAY TREATMENT UNIT	7-12
	1	EVANSVILLE DAY TREATMENT UNIT	7-12
	1	FORT WAYNE DAY TREATMENT UNIT	7-12
	1	GARY DAY TREATMENT UNIT	7-12
	1	INDIANA BOYS SCHOOL	JHS
	1	INDIANA GIRLS SCHOOL	JHS
STATE AGENCIES (CONTINUED)	1	INDIANA SOLDIERS & SAILORS HM	K-12
	1	INDIANAPOLIS DAY TREATMENT UNT	7-12
STEUBEN			
	2	PLEASANT LAKE ELEM	K-5
SULLIVAN			
	2	DUGGER ELEM	K-6
	2	HYMERA ELEM	K-8
	2	SHELBURNE ELEM	K-8
SWITZERLAND			
	2	JEFFERSON-CRAIG ELEM	K-6
	2	SWITZERLAND CO ELEM	K-6
TIPPECANOE			
	1	LAFAYETTE BAPTIST SCH	K-12
	2	LINNWOOD ELEM	K-5
	2	MILLER ELEM	K-6
	2	MONTESORRI SCH	PREK
	2	MORTON ELEM	K-6
	2	ST BONIFACE MIDDLE	6-8
	2	ST MARY'S ELEM	K-5
	2	TIPPECANOE JR HIGH	7-9
	1	WASHINGTON ELEM SCH	K-5
UNION			
	2	LIBERTY ELEM	K-6
	2	UNION SCH	K-8
VANDERBURGH			
	1	CEDAR HALL ELEM/JR HIGH	K-8
	2	CORPUS CHRISTI ELEM	1-8
	2	DANIEL WERTZ ELEM	K-5
	1	DELAWARE ELEM/JR HIGH	K-8
	2	EVANS ELEM/JR HIGH	K-8
	2	EVANSVILLE LUTHERAN ELEM	K-8
	2	GLENWOOD ELEM/JR HIGH	K-8
	2	HOLY SPIRIT ELEM	1-8
	2	HOWARD ROOSA ELEM/JR HIGH	K-8
	1	JOHN H CULVER ELEM/JR HIGH	K-8
	1	LINCOLN ELEM/JR HIGH	K-8
	2	LODGE ELEM	K-6
	2	PERRY HEIGHTS ELEM/JR HIGH	K-8
	2	ST AGNES ELEM	4-6
	1	ST ANTHONY ELEM	1-8
	1	ST JOSEPH ELEM	K-8
	2	ST THERESA ELEM	1-8
	2	TEKOPPEL ELEM/JR HIGH	K-8
	2	VOGEL ELEM/JR HIGH	K-8
VERMILLION			
	2	CENTRAL ELEM	K-6
	2	GLENDALE ELEM	K-6

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LOCATIONS	CODE *	SCHOOL NAME	
VERMILLION (CONTINUED)	2	MATTHEWS-SOUTH ELEM	K-6
	2	VAN DUYN ELEM	K-6
VIGO			
	2	CHUANCEY ROSE JR HIGH	7-9
	2	CRAWFORD ELEM	K-6
	2	DAVIS PARK ELEM	K-6
	2	DEMING ELEM	K-6
	2	DEVANEY ELEM	K-6
	2	FAIRBANKS ELEM	K-6
	2	FRANKLIN ELEM	K-6
	2	FUQUA ELEM	K-6
	1	GIBAULT SCHOOL FOR BOYS	5-12
	1	GLEN GROUP HOME	5-12
	2	GOSPEL TABERNACLE	K-12
	1	GREENWOOD ELEM	K-6
	2	KING BAPTIST SCH	K-12
	2	MAPLEWOOD CHRISTIAN ELEM	K-6
	2	QUABACHE ELEM	K-6
	2	SACRED HEART PAROCHIAL ELEM	K-8
	2	SARAH SCOTT JR HIGH	7-9
	2	SEVENTH DAY ADVENTIST	K-8
	2	ST PATRICK'S PAROCHIAL ELEM	K-8
	1	UNIVERSITY SCHOOL	K-9
	2	WARREN ELEM	K-6
	2	WEST VIGO ELEM	K-8
WABASH			
	2	LAKETON ELEM	K-6
	2	MAPLE PARK ELEM	K-6
	2	SHARP CREEK ELEM	K-6
	1	WHITE'S INSTITUTE SCH	4-12
WARREN			
	2	PINE VILLAGE ELEM	K-6
	2	SEEGER MEMORIAL JR/SR HIGH	7-12
	2	WARREN CENTRAL ELEM	K-6
	2	WILLIAMSPORT ELEM	K-6
WASHINGTON			
	2	BRADIE M SHRUM ELEM	K-6
	2	EASTERN ELEM	K-6
	2	EASTERN JR/SR HIGH	7-12
	2	FRANKLIN ELEM	1-6
	2	PIERCE ELEM	1-6
	2	POLK ELEM	1-6
	2	WEST WASHINGTON ELEM	1-6
	2	WEST WASHINGTON JR/SR HIGH	7-12
WAYNE			
	2	BAXTER ELEM	K-6
	1	C P RICHARDSON ELEM	K-6
WAYNE (CONTINUED)	1	CENTRAL ELEM SCHS	1-6
	2	DUBLIN ELEM	K-6
	2	FAIRVIEW ELEM	K-6
	2	GARRISON ELEM	K-6
	2	HIBBERD JR HIGH	7-9
	2	HILLCREST CHRISTIAN SCH	1-9
	1	LEARNING CENTER MIDDLE	7-9
	2	MILTON ELEM	K-6
	2	PARKWAY JR HIGH	7-9
	2	PERSHING ELEM	1-6
	2	SOUTHVIEW ELEM	K-6
	1	STARR ELEM	K-6
	2	TEST JR HIGH	7-9
	2	VAILE ELEM	K-6
	1	WARNER ELEM	K-6
	2	WILLIAMSBURG ELEM	1-6
WHITE			
	2	BUFFALO ELEM	K-6
WHITLEY			
	2	COLUMBIA CITY JT HIGH	9-12
	2	ETNA TROY ELEM	K-8

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LOCATIONS	CODE *	SCHOOL NAME	
ACL			
	1	ACL	HS
	1	ACL	EL
ALBIA			
	1	GRANT	EL
	2	JEFFERSON	EL
	2	KENDALL	EL
	2	LINCOLN	MDL
	1	LOVILIA	EL
	2	MELROSE	EL
ALLAMAKEE			
	2	ALLAMAKEE	HS
	2	ALLAMAKEE	JHS
	1	DORCHESTER	EL
	2	EAST	EL
	2	WATERVILLE	EL
	2	WEST	EL
ANAMOSA			
	1	IOWA MEN'S REFORMATORY	
ANDREW			
	2	ANDREW	HS
	2	ANDREW	EL
ANTHON-OTO			
	2	ANTHON-OTO	J-SHS
	2	OTO	EL
APLINGTON			
	2	APLINGTON	J-SHS
	2	APLINGTON	EL
ATLANTIC			
	1	JACKSON	EL
	1	LINCOLN	EL
	1	SCHULER	JHS
AVOHA			
	2	AVOCA	EL
BATTLE CREEK			
	1	BATTLE CREEK	EL
BEDFORD			
	1	BEDFORD	EL
	1	BEDFORD	JHS
	1	BEDFORD	MDL
	2	BEDFORD	HS
BELLE PLAINE			
	2	BELLE PLAINE	HS
	2	CENTRAL	EL
	1	LINCOLN	JHS
	1	LONGFELLOW	EL
BELLEVUE			
	1	AREA CATHOLIC SCHOOL	EL
BELLEVUE (CONTINUED)			
	2	MARQUETTE	HS
BELMOND			
	2	BELMOND	MDL
BOONE			
	2	FRANKLIN	EL
BOONE VALLEY			
	2	BOONE VALLEY	EL
BURLINGTON			
	2	APOLLO	EL
	2	GRIMES	EL
	2	NORTH HILL-CENTRAL AVENUE	EL
	2	PROSPECT HILL	EL
	1	SALTER	EL
	1	WASHINGTON	EL
C AND M			
	1	CUMBERLAND	EL
	2	MASSENA	J-SHS
CARDINAL			
	1	AGENCY	MDL
	1	BATAVIA	EL
	2	CARDINAL	HS
	1	ELDON	EL
CEDAR RAPIDS			
	2	FILLMORE	EL
	1	HARRISON	EL
	2	HAYES	EL
	1	JOHNSON	EL
	2	LASALLE	HS
	2	MCKINLEY	JHS
	1	POLK	EL
	1	ST LUDMILLA	EL
	1	ST PATRICK	EL
	1	TAYLOR	EL
	1	TYLER	EL
	2	WILSON	JHS
CEDAR VALLEY			
	?	CEDAR VALLEY	MDL
CENTERVILLE			
	?	CENTERVILLE	HS
	1	CENTRAL	EL
	1	CINCINNATI	EL
	1	GARFIELD	EL
	1	HOWAR	JHS
	1	LAKEVIEW	ELI
	1	LINCOLN	EL
	1	MYSTIC	EL
CENTRAL CLAYTON			

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LOCATIONS	CODE *	SCHOOL NAME	
CENTRAL CLAYTON (CONTINUED)			
CENTRAL DALLAS	2	CENTRAL	MDL
CENTRAL DECATUR	2	WASHINGTON	EL
	1	DECATUR	EL
	1	NORTH	EL
	1	SOUTH	EL
CENTRAL LEE			
	2	CENTRAL LEE	HS
	2	CENTRAL LEE	JHS
	2	DONNELLSON	EL
	1	MONTROSE	EL
CHARITON			
	1	CHARITON	JHS
	1	CHARITON	HS
	1	COLUMBUS	EL
	1	LUCAS	EL
	1	VAN ALLEN	EL
	1	WILLIAMSON	EL
CHARLES CITY			
CLARKE	2	LINCOLN	EL
	1	EAST	EL
	1	NORTH	EL
	2	WELDON	EL
CLEARFIELD			
CLINTON	2	CLEARFIELD	HS
	2	JEFFERSON	EL
	2	LONGFELLOW	EL
COLUMBUS			
	2	COLUMBUS	JHS
	2	CONESVILLE	EL
COON RAPIDS			
CORNING	2	COON RAPIDS	EL
	1	CORNING	HS
	1	CORNING	EL
	1	CORNING	JHS
CORWITH-WESLEY			
COUNCIL BLUFFS	2	CORWITH-WESLEY	EL
	1	BLOOMER	JHS
	1	BLOOMER	EL
	1	CARTER LAKE	EL
	1	DEFOREST	EL
	1	EDISON	JHS
COUNCIL BLUFFS (CONTINUED)			
	1	EDISON	EL
	2	FRANKLIN	EL
	1	LONGFELLOW	JHS
	1	LONGFELLOW	EL
	1	MYERS	EL
	1	PETERSON	EL
	2	PUSEY	EL
	2	ROOSEVELT	EL
	1	TINLEY	EL
	1	WALNUT GROVE	EL
	2	WASHINGTON	EL
CRESTON			
	2	CROMWELL	EL
	2	FRANKLIN	EL
	2	JEFFERSON	EL
DAVENPORT			
	2	HAYES	EL
	1	HOLY TRINITY	EL
	1	HOOVER	EL
	1	JEFFERSON	EL
	1	LINCOLN	EL
	1	MADISON	EL
	1	MONROE	EL
	2	PERRY	EL
	2	SACRED HEART	EL
	2	SMART	JHS
	1	WASHINGTON	EL
	2	YOUNG	JHS
DAVIS COUNTY			
	2	BLOOMFIELD	EL
	2	DAVIS	HS
	2	DAVIS	MDL
DEEP RIVER-MILLERSBURG			
	2	DEEP RIVER-MILLERSBURG	J-SHS
	2	DEEP RIVER-MILLERSBURG	EL
DELWOOD			
	2	DELWOOD	EL
DES MOINES			
	1	BROOKS	EL
	1	CALLANAN	JHS
	1	CASADY/MONROE	EL
	2	CATTELL	EL
	1	DUNLAP	EL
	1	EDMUNDS/JEFFERSON	EL
	1	FINDLEY/MOULTON/OAK PARK	EL
	1	GARTON	EL
	1	HARDING	JHS

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LOCATIONS	CODE *	SCHOOL NAME	
DES MOINES (CONTINUED)	1	HIATT	JHS
	2	HOLY FAMILY	EL
	2	HOWE	EL
	2	HOYT	EL
	1	KING/PERKINS	EL
	1	LONGFELLOW	EL
	2	LOVEJOY	EL
	1	LUCAS	EL
	1	MADISON	EL
	2	MANN	EL
	2	MCKEE	EL
	1	MCKINLEY	EL
	1	MITCHELL	EL
	1	NORTH	HS
	1	PHILLIPS	EL
	2	ST ANTHONY	EL
	2	STOWE	EL
	1	TECH	HS
	2	TRADITIONAL	EL
	1	WALLACE	EL
	1	WASHINGTON	EL
	2	WATROUS	EL
	2	WEEKS	JHS
	1	WILLARD	EL
DEXFIELD	2	DEXTER	EL
DIAGONAL	1	DIAGONAL	EL
	1	DIAGONAL	J-SHS
DOWS	2	DOWS	J-SHS
DUBUQUE	1	AUDUBON	EL
	2	HOLY GHOST	EL
	2	JACKSON	EL
	2	LINCOLN	EL
	2	MARSHALL	EL
	1	PRESCOTT	EL
	1	SHERRILL-BALLTOWN	EL
	1	ST MARY	EL
	1	ST PATRICK	EL
DUMONT	2	DUMONT	HS
	2	DUMONT	EL
	2	DUMONT	MDL
EAGLE GROVE	2	EAGLE GROVE	MDL
EAGLE GROVE (CONTINUED)	2	LELA HOWLAND	EL
	2	LINCOLN	EL
	2	VINCENT	EL
EAST GREENE	2	RIPPEY	EL
EAST UNION	1	AFTON	EL
	2	LORIMOR	EL
EASTERN ALLAMAKEE	2	KEE	HS
	1	LANSING	MDL
	1	LANSING	EL
EASTWOOD	2	CUSHING	EL
EDGEWOOD-COLESBURG	2	EDGEWOOD-COLESBURG	J-SHS
	1	EDGEWOOD-COLESBURG	EL
ELDORA	1	TRAINING SCHOOL FOR BOYS	
ELDORA-NEW PROVIDENCE	1	ELDORA-NEW PROVIDENCE	MDL
	2	ELDORA-NEW PROVIDENCE	EL
	2	ELDORA-NEW PROVIDENCE	HS
ESSEX	2	ESSEX	HS
	2	ESSEX	EL
ESTHERVILLE	2	DEMONEY	EL
EXIRA	2	EXIRA	J-SHS
	1	EXIRA	EL
FAIRFIELD	1	LINCOLN	EL
	1	ROOSEVELT	EL
FARRAGUT	2	FARRAGUT	HS
	2	FARRAGUT	EL
FAYETTE	2	FAYETTE	J-SHS
	2	FAYETTE	EL
FLOYD VALLEY	2	FLOYD VALLEY	JHS
FONDA	2	FONDA	HS
FORT DODGE	1	AREY	EL
	2	BADGER	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FORT DODGE (CONTINUED)	1	BUTLER	EL
	2	DUNCOMBE	EL
	1	HAWLEY	EL
	1	HIGHLAND PARK	EL
	1	HILLCREST	EL
	1	OTHO	EL
	1	RIVERSIDE	EL
	1	SOUTH	JHS
FORT MADISON	1	IOWA MEN'S PENITENTIARY	
	1	LINCOLN	EL
FOX VALLEY	1	CANTRIL	EL
FREMONT	1	FREMONT	EL
FREMONT-MILLS	2	TABOR	J-SHS
	1	THURMAN	EL
GILMORE CITY-BRADGATE	1	GILMORE CITY-BRADGATE	EL
	2	GILMORE CITY-BRADGATE	J-SHS
GLENWOOD	2	PACIFIC JUNCTION	EL
GRAND	2	BOXHOLM	EL
	2	GRAND	J-SHS
	2	PILOT MOUND	EL
GRAND VALLEY	1	GRAND VALLEY	J-SHS
	1	GRAND VALLEY	EL
GREENFIELD	2	GREENFIELD	JHS
GRINNELL-NEWBURG	1	DAVIS	EL
	2	GRINNELL	JHS
	2	GRINNELL	HS
	2	NEWBURG	EL
GUTHRIE CENTER	2	GUTHRIE CENTER	JHS
	2	GUTHRIE CENTER	EL
GUTTENBERG	2	NORTH BUENA VISTA	EL
HAMBURG	1	HAMBURG	J-SHS
	1	HARNIE SIMONS	EL
HAMPTON	2	HANSELL	EL
HAMPTON (CONTINUED)	2	PARK	EL
	2	SOUTH SIDE	EL
HARMONY	2	BONAPARTE	EL
HARRIS-LAKE PARK	1	HARRIS	EL
	1	LAKE PARK	J-SHS
HAVELOCK-PLOVER	2	HAVELOCK-PLOVER	EL
	2	HAVELOCK-PLOVER	HS
HEDRICK	2	HEDRICK	HS
	1	HEDRICK	EL
HLV	1	LADORA	EL
HOWARD-WINNESHIEK	2	CRESCO	EL
	1	CRESCO CATHOLIC	EL
	2	CRESTWOOD	JHS
	2	CRESTWOOD	HS
	2	ELMA	EL
	2	LIME SPRINGS	EL
	1	NOTRE DAME	HS
	2	RIDGEWAY	EL
HUMBOLDT	2	MEASE	EL
INDEPENDENCE	2	ST JOHN	EL
	2	ST JOHN	HS
INTERSTATE 35	2	NEW VIRGINIA	JHS
	1	NEW VIRGINIA	EL
	1	ST CHARLES	EL
	2	TRURO	HS
IOWA CITY	1	CORALVILLE CENTRAL	EL
	2	HILLS	EL
	2	TWAIN	EL
IOWA FALLS	2	CENTRAL	EL
IRWIN	2	IRWIN	J-SHS
	2	IRWIN	EL
JEFFERSON	1	NORTH	EL
	2	SOUTH	EL
KEOKUK			

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
KEOKUK (CONTINUED)	2	KEOKUK	MDL
	2	WASHINGTON	EL
	2	WELLS-CAREY	EL
KLEMME	2	KLEMME	J-SHS
KNOXVILLE	2	WEST	EL
LAKE VIEW-AUBURN	1	AUBURN	EL
	1	LAKE VIEW	EL
	1	LAKE VIEW	HS
	1	LAKE VIEW	JHS
LAMONI	1	LAMONI	EL
LAURENS-MARATHON	1	LAURENS-MARATHON	EL
LENOX	2	LENOX	EL
	2	LENOX	HS
LEWIS CENTRAL	2	KREFT	EL
	1	LAKEVIEW	EL
LINCOLN CENTRAL	1	LINCOLN CENTRAL	EL
LOGAN-MAGNOLIA	2	LOGAN	EL
	2	LOGAN-MAGNOLIA	J-SHS
LOHRVILLE	2	LOHRVILLE	HS
	2	LOHRVILLE	EL
LYTTON	2	LYTTON	EL
	2	LYTTON	HS
MALVERN	1	CHANTRY	EL
MANILLA	2	MANILLA	EL
MANSON	2	MANSON	EL
MAPLE VALLEY	2	CASTANA	EL
	2	MAPLE VALLEY	JHS
	1	MAPLETON	EL
MAR-MAC	1	MAR-MAC	EL/HS
	1	MARQUETTE	EL
	2	MCGREGOR	MDL
MARSHALLTOWN	2	GLICK	EL
	1	PALMER	EL
	2	WOODBURY	EL
MASON CITY	1	CENTRAL CATHOLIC	EL
	1	GRANT	EL
	2	MONROE	JHS
	2	WASHINGTON	EL
MELCHER-DALLAS	2	DALLAS	EL
	2	MELCHER-DALLAS	J-SHS
MFL	2	MONONA	JHS
MIDLAND	1	MONMOUTH	EL
	2	ONSLOW	EL
	2	WYOMING	EL/HS
MITCHELLVILLE	1	TRAINING SCHOOL FOR GIRLS	
MONTEZUMA	2	MONTEZUMA	EL
MONTICELLO	2	SACRED HEART	EL
MORMON TRAIL	1	GARDEN GROVE	HS
	1	HUMESTON	EL/JH
	1	LEROY	EL
MORNING SUN	2	MORNING SUN	EL
MOULTON-UDELL	1	MOULTON-UDELL	EL
MOUNT PLEASANT	1	MEDIUM SECURITY UNIT	
	2	SAUNDERS	EL
	2	VAN ALLEN	EL
MURRAY	1	MURRAY	EL
MUSCATINE	1	FRANKLIN	EL
	1	GARFIELD	EL
	1	JEFFERSON	EL
	2	MADISON	EL
	2	WASHINGTON	EL
NASHUA	2	NASHUA	EL
NEW MARKET	2	NEW MARKET	EL

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LOCATIONS	CODE *	SCHOOL NAME	
NEWELL-PROVIDENCE			
	2	NEWELL-PROVIDENCE	EL
	2	NEWELL-PROVIDENCE	HS
NEWTON			
	1	EMERSON HOUGH	EL
NISHNA VALLEY			
	2	NISHNA VALLEY	EL
NORTH WINNESHIEK			
	1	NORTH WINNESHIEK	EL
	1	NORTH WINNESHIEK	J-SHS
NORWAY			
	2	NORWAY	EL
OAKDALE			
	1	SECURITY MEDICAL FACILITY	
OAKLAND			
	2	OAKLAND	EL
ODEBOLT-ARTHUR			
	2	ODEBOLT-ARTHUR	EL
	2	ODEBOLT-ARTHUR	MDL
OELWEIN			
	1	HARLAN	EL
	1	HAZLETON	EL
	1	PARKSIDE	EL
	2	SACRED HEART	EL
OLIN			
	2	OLIN	J-SHS
	2	OLIN	EL
ORIENT-MACKSBURG			
	1	ORIENT-MACKSBURG	EL/MD
	2	ORIENT-MACKSBURG	HS
OSAGE			
	2	SACRED HEART	EL
OSKALOOSA			
	2	GARFIELD	EL
	1	JEFFERSON	EL
	2	LINCOLN	EL
OTTUMWA			
	2	AGASSIZ	EL
	1	DOUMA	EL
	2	EVANS	JHS
	1	FAIRVIEW	EL
	1	FRANKLIN	EL
	1	JAMES	EL
	1	LINCOLN	EL
	1	WASHINGTON	JHS
	1	WILSON	EL
OXFORD JUNCTION			
	2	OXFORD JUNCTION	EL
OXFORD JUNCTION (CONTINUED)	2	OXFORD JUNCTION	HS
PATON-CHURDAN			
	2	PATON	EL
POMEROY			
	2	POMEROY	HS
	1	POMEROY	EL/JH
POSTVILLE			
	1	DARLING	EL
	2	POSTVILLE	HS
PRESCOTT			
	2	PRESCOTT	EL
PRESTON			
	2	PRESTON	EL
	2	PRESTON	J-SHS
PRIMGHAR			
	2	PRIMGHAR	EL
RED OAK			
	2	BANCROFT	EL
	2	INMAN	EL
	2	JEFFERSON	EL
	2	WASHINGTON	EL
	2	WEBSTER	EL
RICEVILLE			
	2	RICEVILLE	EL
	2	RICEVILLE	J-HS
	2	RICEVILLE	HS
ROCKWELL CITY			
	1	IOWA WOMEN'S REFORMATORY	
	2	ROCKWELL CITY	EL
ROLFE			
	2	ROLFE	EL
	2	ROLFE	J-SHS
RUDD-ROCKFORD-MARBLE ROC			
	1	MARBLE ROCK	EL
	2	ROCKFORD	EL
RUTHVEN			
	2	RUTHVEN	J-SHS
	2	RUTHVEN	EL
SAYDEL			
	1	NORWOODVILLE	EL
	2	WOODSIDE	MDL
SCRANTON			
	1	SCRANTON	HS
	1	SCRANTON	J-
SEYMOUR			
	2	SEYMOUR	H
SHEFFIELD-CHAPIN			

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LOCATIONS	CODE *	SCHOOL NAME	
SHEFFIELD-CHAPIN (CONTINUED)	2	SHEFFIELD	EL
SHENANDOAH	2	CENTRAL	EL
	2	FIFTH AND SIXTH	EL
	2	LOWELL AVENUE	EL
SIOUX CITY	2	EMERSON	EL
	1	EVERETT	EL
	1	FRANKLIN	EL
	2	HUNT	EL
	1	IRVING	EL
	2	LOWELL	EL
	1	MCKINLEY	EL
	1	SMITH	EL
	1	WEBSTER	EL
	2	WEST	JHS
	2	WOODROW WILSON	JHS
SIOUX RAPIDS-REMBRANDT	2	SIOUX RAPIDS-REMBRANDT	HS
	1	SIOUX RAPIDS-REMBRANDT	EL
SIOUX VALLEY	2	LINN GROVE	EL
	2	PETERSON	EL
SOUTH CLAY	2	WEBB	EL
SOUTH PAGE	1	COLLEGE SPRINGS	J-SHS
	1	COLLEGE SPRINGS	EL
SOUTH TAMA	2	CHELSEA	EL
	1	MONTOUR	EL
	2	SOUTH TAMA	JHS
	2	TAMA INTERMEDIATE	MDL
	1	TAMA PRIMARY	EL
	2	TOLEDO PRIMARY	EL
SOUTH WINNESHIEK	2	CALMAR-FESTINA-SPILLVILLE	EL
SPENCER	2	JEFFERSON	EL
SPIRIT LAKE	2	SPIRIT LAKE	EL
STEAMBOAT ROCK	2	STEAMBOAT ROCK	EL
STUART-MENLO	2	STUART-MENLO	EL
	1	STUART-MENLO	HS
TOLEDO (CONTINUED)	1	IOWA JUVENILE HOME	
TRI-COUNTY	2	KESWICK	EL
	1	THORNBURG	EL
TURKEY VALLEY	2	TURKEY VALLEY	J-SHS
TWIN CEDARS	1	TWIN CEDARS	EL
	1	TWIN CEDARS	J-SHS
TWIN RIVERS	2	LIVERMORE	EL
UNION-WHITTEN	2	UNION-WHITTEN	J-SHS
	2	UNION-WHITTEN	EL
VAN BUREN	2	BIRMINGHAM	EL
	2	STOCKPORT	MDL
VILLISCA	2	EMARSON	EL
	1	NODAWAY	EL
	2	VILLISCA	J-SHS
WALL LAKE	2	WALL LAKE	HS
	1	WALL LAKE	EL
WALNUT	2	WALNUT	EL
WATERLOO	2	CENTRAL	HS
	2	EAST	HS
	1	EDISON	MDL
	1	FRANCES GROUT	EL
	1	GRANT	EL
	2	GREENBRIER	EL
	1	HAWTHORNE	EL
	2	JEWETT	EL
	2	KRIEG	EL
	1	LINCOLN	EL
	1	LOGAN	JHS
	1	LONGFELLOW	EL
	1	LOWELL	EL
	1	MCKINSTRY	JHS
	1	ROOSEVELT	EL
	1	ST JOHN/ST NICHOLS	EL
	1	ST MARY	EL
WAYNE	1	ALLERTON	EL
	1	CAMBRIA	JHS

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
WAYNE (CONTINUED)	1	CORYDON	EL		
	1	WAYNE	HS		
WEBSTER CITY	2	ELM PARK	EL		
	2	HILLTOP	EL		
	2	LAWN HILL	EL		
	2	PLEASANT VIEW	EL		
	2	RIVERVIEW	EL		
	2	SUNSET HEIGHTS	EL		
	2	WASHINGTON	JHS		
WEST DES MOINES	1	PHENIX	EL		
WEST HARRISON	1	PISGAH	EL		
WEST LIBERTY	1	MIDDLE	EL		
	1	NICHOLS	EL		
	2	WEST	EL		
WEST MARSHALL	2	MELBOURNE	EL		
WEST SIOUX	2	IRETON	EL		
	2	WEST SIOUX	MDL		
WESTERN DUBUQUE	2	BERNARD	EL		
	2	CASCADE	J-HS		
WESTFIELD	2	WESTFIELD	EL		
WESTWOOD	2	HORNICK	EL		
	2	SALIX	EL		
WINFIELD-MT UNION	2	MT UNION	EL		
	2	WINFIELD-MT UNION	J-HS		
WINTERSET	2	SCOTT	EL		
	2	SOUTH WARD	EL		
WODEN-CRYSTAL LAKE	2	WODEN-CRYSTAL LAKE	EL		
	2	WODEN-CRYSTAL LAKE	J-SHS		
WOODBINE	1	WOODBINE	EL		
	1	WOODBINE	HS		

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LOCATIONS	CODE *	SCHOOL NAME	
ALLEN CO			
	1	ELSMORE ELEM	EL
	1	GAS CITY ELEM	EL
	1	IOLA JR HIGH	JHS
	1	LAHARPE ELEM	EL
	1	MCKINLEY ELEM IOLA	EL
	1	MORAN ELEM	EL
	1	ZILLAH MIDDLE	EL
ANDERSON CO			
	1	GREELEY ELEM	EL
	1	HOLY ANGELS ELEM GARNETT	EL
	1	ST JOHNS ELEM GREELEY	EL
ATCHISON CO			
	1	ATCHISON HIGH	HS
	1	ATCHISON JR HIGH	JHS
	1	BERT NASH INTERMEDIATEE	EL
	1	CENTRAL ELEM ATCHISON	EL
	3	CUMMINGS ELEM	EL
	3	EFFINGHAM KINDERGARTEN	EL
	1	FRANKLIN ELEM ATCHISON	EL
	3	LANCASTER ELEM	EL
	1	MARTIN EAST ELEM ATCHISON	EL
	1	MARTIN WEST ELEM ATCHISON	EL
	1	MUSCOTAH ELEM	EL
	1	POTTER ELEM	EL
	1	WASHINGTON ELEM ATCHISON	EL
BARTON CO			
	1	PARK ELEM GREAT BEND	EL
	1	RILEY ELEM GREAT BEND	EL
	1	ROOSEVELT JR HIGH GREAT BEND	JHS
	1	ST ROSE OF LIMA ELEM GREAT BEN	EL
BOURBON CO			
	1	EUGENE WARE ELEM FORT SCOTT	EL
	1	FORT SCOTT JR HIGH	JHS
	1	UNIONTOWN HIGH	HS
	1	WEST BOURBON ELEMENTARY	EL
	3	WINFIELD SCOTT ELEM FORT SCOTT	EL
BROWN CO			
	1	HIAWATHA ELEM	EL
	1	HORTON ELEM	EL
	1	POWHATTAN ELEM	EL
	1	POWHATTAN HIGH	HS
	1	RESERVE ELEM	EL
	1	ROBINSON MIDDLE SCHOOL	EL
BUTLER CO			
	1	BLUESTEM HIGH	HS
	1	BLUESTEM JR. HIGH	JHS
	1	CASSODAY ELEM	EL
BUTLER CO (CONTINUED)	3	ELBING ELEM	EL
	1	HAVERHILL ELEM	EL
	1	LEON ELEM	EL
	3	LINCOLN ELEM ELDORADO	EL
	1	ROSALIA ELEM	EL
	1	ROSALIA FLINTHILLS HIGH	HS
	3	WASHINGTON ELEM ELDORADO	EL
CHASE CO			
	1	STRONG CITY ELEM	EL
CHAUTAUQUA CO			
	1	CEDAR VALE ELEM	EL
	3	CEDAR VALE HIGH	HS
CHEROKEE CO			
	1	GREENLAWN ELEM	EL
	1	HIGHLAND ELEM COLUMBUS	EL
	3	KINDERGARTEN BLDG GALENA	EL
	1	LIBERTY ELEM GALENA	EL
	1	LINCOLN ELEM BAXTER SPRINGS	EL
	1	PARK ELEM COLUMBUS	EL
	1	SCAMMON ELEM	EL
	1	SPENCER ELEM	EL
CHEYENNE CO			
	1	CHEYLIN EAST ELEM	EL
	1	ST FRANCIS ELEM	EL
	1	ST FRANCIS HIGH	HS
CLAY CO			
	1	GARFIELD ELEM CLAY CENTER	EL
	1	GREEN ELEM	EL
	1	LINCOLN ELEM CLAY CENTER	EL
	1	MCKINLEY ELEM CLAY CENTER	EL
	1	MORGANVILLE	EL
CLOUD CO			
	1	CONCORDIA MIDDLE	EL
	1	JAMESTOWN ELEM	EL
COFFEY CO			
	1	GRIDLEY ELEM	EL
COMANCHE CO			
	1	COLDWATER ELEM	EL
COWLEY CO			
	1	CENTRAL JR-SR HIGH BURDEN	HS
	1	DEXTER ELEM	EL
	1	DEXTER HIGH	HS
	1	FRANCES WILLARD ELEM ARK CITY	EL
	1	GRENOLA ELEM	EL
	1	IRVING ELEM WINFIELD	EL
	1	LOWELL ELEM WINFIELD	EL
	3	PERSHING ELEM ARKANSAS CITY	EL

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LOCATIONS	CODE *	SCHOOL NAME	
COWLEY CO (CONTINUED)	1	SLEETH ELEM ARKANSAS CITY	EL
	1	TRINITY LUTHERAN ELEM WINFIELD	EL
	3	UDALL HIGH	HS
	1	WASHINGTON ELEM ARKANSAS CITY	EL
CRAWFORD CO			
	1	ARMA ELEM	EL
	3	CHEROKEE ELEM	EL
	1	EUGENE FIELD ELEM PITTSBURG	EL
	3	FRANK LAYDEN ELEM FRONTENAC	EL
	1	GIRARD HIGH	HS
	1	GIRARD MIDDLE	EL
	1	HEPLER ELEM	EL
	3	LAKESIDE ELEM PITTSBURG	EL
	1	LINCOLN ELEM PITTSBURG	EL
	1	NORTH EAST HIGH ARMA	HS
	1	PITTSBURG MIDDLE SCHOOL	JHS
	1	R V HADEPLEIN ELEM	EL
	1	WALNUT ELEM	EL
	3	WEIR ELEM	EL
	1	WEST MINERAL ELEM	EL
	1	WESTSIDE	EL
	1	WESTSIDE ELEM PITTSBURG	EL
DECATUR CO			
	3	CLAYTON ELEM	EL
	1	JENNINGS ELEM	EL
DICKINSON CO			
	3	CHAPMAN ELEM	EL
	3	ENTERPRISE ELEM	EL
	1	GARFIELD ELEM ABILENE	EL
	1	HERINGTON UPPER ELEM	EL
	1	HOPE ELEM	EL
	1	SOLOMON ELEM	EL
	1	ST ANDREWS ELEM ABILENE	EL
	1	WHITE CITY ELEM	EL
DONIPHAN CO			
	1	ELWOOD ELEM	EL
	1	ELWOOD HIGH	HS
	1	HIGHLAND ELEM	EL
	3	HIGHLAND HIGH	HS
	1	MIDWAY ELEM	EL
	1	TROY ELEM	EL
	1	TROY HIGH	HS
DOUGLAS CO			
	1	CORDLEY ELEM LAWRENCE	EL
	1	EAST HEIGHTS ELEM LAWRENCE	EL
	1	NEW YORK ELEM LAWRENCE	EL
	1	WOODLAWN ELEM LAWRENCE	EL
EDWARDS CO			
	3	DEFERLE ELEM	EL
ELK CO			
	1	LONGTON ELEM	EL
	1	LONGTON HIGH	HS
	3	MOLINE ELEM	EL
ELLIS CO			
	1	SCHOENCHEN ELEM	EL
	3	ST MARYS ELEM ELLIS	EL
	1	WASHINGTON ELEM HAYS	EL
FINNEY CO			
	3	ABE HUBERT JR HIGH	JHS
	1	ALTA BROWN ELEM	EL
	1	BUFFALO JONES ELEM	EL
	3	GARFIELD ELEM	EL
	1	HUTCHISON ELEM	EL
FORD CO			
	1	BUCKLIN ELEM	EL
	1	BUCKLIN HIGH	HS
	1	MILLER ELEM DODGE CITY	EL
FRANKLIN CO			
	1	APPANOOSE ELEM	EL
	3	EUGENE FIELD ELEM OTTAWA	EL
	1	HAWTHORNE ELEM OTTAWA	EL
	1	HAWTHORNE ELEM OTTAWA	EL
	3	LINCOLN ELEM OTTAWA	EL
	1	POMONA ELEM	EL
	1	POMONA HIGH	HS
	3	WILLIAMSBURG ELEM	EL
	1	WILLIAMSBURG HIGH	HS
GEARY CO			
	1	CUSTER HILL ELEM JUNCTION CITY	EL
	1	EISENHOWER ELEM JUNCTION CITY	EL
	1	FORSYTH ELEM JUNCTION CITY	EL
	1	FORT RILEY JR HIGH	JHS
	1	FRANKLIN ELEM JUNCTION CITY	EL
	1	GRANDVIEW ELEM	EL
	1	JEFFERSON ELEM JUNCTION CITY	EL
	1	JUNCTION CITY JR HIGH	JHS
	3	LINCOLN ELEM JUNCTION CITY	EL
	3	MILFORD ELEM	EL
	1	MORRIS HILL ELEM JUNCTION CITY	EL
	1	WASHINGTON ELEM JUNCTION CITY	EL
	1	WESTWOOD ELEM JUNCTION CITY	EL
GRAHAM CO			
	1	BOGUE ELEM	EL
GRANT CO			
	3	HICKOK ELEM ULYSSES	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GRANT CO (CONTINUED)	3	JOYCE ELEM ULYSSES	EL
	1	KEPLEY ELEM ULYSSES	EL
GRAY CO			
	3	COPELAND ELEM	EL
	3	MONTEZUMA ELEM	EL
GREELEY CO			
	1	TRIBUNE EL	EL
GREENWOOD CO			
	1	EUREKA KDGN	EL
	1	HAMILTON HIGH	HS
	1	MADISON ELEM	EL
	1	MADISON HIGH	HS
	1	RANDOM ELEM EUREKA	EL
	1	TORONTO ELEM	EL
HARPER CO			
	1	LINCOLN ELEM ANTHONY	EL
	1	WASHINGTON ELEM ANTHONY	EL
HARVEY CO			
	1	BURRTON ELEM	EL
	1	COOPER ELEM NEWTON	EL
	1	LINCOLN ELEM NEWTON	EL
	3	ROOSEVELT ELEM NEWTON	EL
	3	WASHINGTON ELEM NEWTON	EL
HASKELL CO			
	1	SATANTA ELEM	EL
HODGEMAN CO			
	1	HANSTON ELEM	EL
	1	HANSTON HIGH	HS
JACKSON CO			
	3	DENISON ELEM	EL
	1	MAYETTA ELEM	EL
	1	ROYAL VALLEY HI HOYT	HS
	1	ROYAL VALLEY UPPER MAYETTA	EL
JEFFERSON CO			
	1	JEFFERSON CO N ELEM-WINCHEST	EL
	1	JEFFERSON CO N MIDDLE-NORTONV	EL
	3	ST JOSEPHS ELEM NORTONVILLE	EL
	1	VALLEY FALLS ELEM	EL
	3	WILLIAMSTOWN ELEM	EL
JEWELL CO			
	3	BURR OAK HIGH	HS
	3	JEWELL ELEM	EL
	1	RANDALL MIDDLE	EL
JOHNSON CO			
	3	EDGERTON ELEM	EL
	1	FAIRVIEW ELEM OLATHE	EL
	1	FLINT ELEM SHAWNEE	EL
JOHNSON CO (CONTINUED)	3	OVERLAND PARK ELEM	EL
	3	ROELAND PARK ELEM ROELAND	EL
	1	SOUTH PARK ELEM	EL
KEARNY CO			
	3	DEERFIELD HIGH	HS
KINGMAN CO			
	1	CUNNINGHAM ELEM	EL
	1	MURDOCK ELEM	EL
	1	NASHVILLE ELEM	EL
	1	NASHVILLE-ZENDA HIGH	HS
	3	ZENDA ELEM	EL
KIOWA CO			
	1	HAVILAND ELEM	EL
LABETTE CO			
	1	CHETOPA ELEM	EL
	1	CHETOPA HIGH	HS
	1	FAIRVIEW ELEM	EL
	1	LINCOLN ELEM PARSONS	EL
	1	MCKINLEY ELEM PARSONS	EL
	1	OSWEGO EASTSIDE ELEM	EL
	3	OSWEGO NEOSHO HGTS ELEM	EL
LANE CO			
	1	SHIELDS ELEM	EL
LEAVENWORTH CO			
	1	EASTON ELEM	EL
	1	LINCOLN ELEM LEAVENWORTH	EL
	1	NORTH BROADWAY ELEM LEAV	EL
LINCOLN CO			
	3	BEVERLY ELEM 1-6	EL
LINN CO			
	1	BLUE MOUND ELEM	EL
	1	FONTANA ELEM	EL
	1	JAYHAWK-LINN HIGH MOUND CITY	HS
	1	MOUND CITY ELEM	EL
	1	PARKER ELEM	EL
	1	PRESCOTT ELEM	EL
LOGAN CO			
	1	MONUMENT ELEM	EL
	1	ST JOSEPH ELEM OAKLEY	EL
LYON CO			
	1	LOGAN AVE ELEM	EL
	1	MAYNARD ELEM EMPORIA	EL
	1	THOMAS BUTCHER EMPORIA ESU	EL
	1	W A WHITE ELEM EMPORIA	EL
MARION CO			
	1	BURNS ELEM	EL
	1	CENTRE ELEM LOST SPRINGS	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MARION CO (CONTINUED)	1	FLORENCE ELEM	EL
	1	HILLSBORO ELEM	EL
	1	HILLSBORO HIGH	HS
	1	HILLSBORO MIDDLE SCHOOL	EL
	1	PEABODY ELEM	EL
	1	PEABODY JR HI ELEM	EL
	3	PILSEN ELEM	EL
MARSHALL CO	1	BREMEN IMMANUEL LUTHERAN ELEM	EL
	3	CORNING ELEM	EL
	1	LINCOLN ELEM MARYSVILLE	EL
	1	VALLEY HEIGHTS ELEM BLUE RAPID	EL
	1	VALLEY HEIGHTS ELEM WATERVILLE	EL
	1	VALLEY HEIGHTS HI BLUE RAPIDS	HS
	1	VERMILLION ELEM	EL
MCPHERSON CO	3	CANTON ELEM	EL
MIAMI CO	1	OSAWATOMIE EAST ELEM	EL
MITCHELL CO	1	BELOIT ELEM	EL
	1	CAWKER CITY ELEM	EL
	1	DOWNS ELEM	EL
	1	GLEN ELDER ELEM	EL
	1	NORTH BELOIT HIGH	HS
	1	ST JOHN ELEM BELOIT	EL
	3	ST JOHN HIGH BELOIT	HS
	3	TIPTON ELEM	EL
	1	TIPTON HIGH	HS
	3	WACONDA EAST HIGH	HS
MONTGOMERY CO	1	CANEY HIGH	HS
	3	CHERRYVALE JR HI	JHS
	1	ELM CITY ELEM	EL
	1	GARFIELD ELEM COFFEYVILLE	EL
	1	LIBERTY ELEM	EL
	3	LINCOLN ELEM CHERRYVALE	EL
	1	LINCOLN ELEM INDEPENDENCE	EL
	1	LINCOLN MEMORIAL ELEM CANEY	EL
	1	LONGFELLOW ELEM COFFEYVILLE	EL
	1	LOWELL ELEM COFFEYVILLE	EL
	1	MCKINLEY ELEM COFFEYVILLE	EL
	3	ROOSEVELT JR HIGH COFFEYVILLE	JHS
	1	WASHINGTON ELEM INDEPENDENCE	EL
	1	WHITTIER ELEM COFFEYVILLE	EL
MORRIS CO	1	ALTA VISTA ELEM	EL
MORRIS CO (CONTINUED)	1	DWIGHT ELEM	EL
	3	GARFIELD ELEM COUNCIL GROVE	EL
	1	WASHINGTON ELEM COUNCIL GROVE	EL
	3	WILSEY WEST ELEM	EL
MORTON CO	1	DERMOT	EL
	1	ROLLA ELEM	EL
	1	ROLLA HIGH	HS
NEMAHA CO	1	KELLY ELEM	EL
	1	SENECA ELEM	EL
	3	STS PETER AND PAUL ELEM SENECA	EL
	1	WETMORE ELEM	EL
	1	WETMORE HIGH	HS
NEOSHO CO	1	ALCOTT ELEM CHANUTE	EL
	3	GALESBURG ELEM	EL
	1	HUTTON ELEM CHANUTE	EL
	1	ROOSEVELT ELEM CHANUTE	EL
	1	ST PAUL ELEM	EL
	1	ST PAUL HIGH	HS
	1	STARK ELEM	EL
	1	THAYER ELEM	EL
	1	THAYER HIGH	HS
NESS CO	3	RANSOM JR HI ELEM	EL
NORTON CO	1	ALMENA ELEM	EL
OSAGE CO	1	CARBONDALE ELEM	EL
	1	MARAIS DES CYGNES VAL EL QUENE	EL
	1	MARAIS DES CYGNES VAL JR QUENE	EL
	1	SCHUYLER ELEM BURLINGAME	EL
OSBORNE CO	1	ALTON ELEM	EL
	1	OSBORNE ELEM	EL
OTTAWA CO	1	BENNINGTON ELEM	EL
PAWNEE CO	1	MARK ELEM LARNED	EL
PHILLIPS CO	1	EASTERN HEIGHTS UPPER ELEM AG	EL
POTTAWATOMIE CO	1	DELIA ELEM	EL
	1	EMMETT ELEM	EL
	1	HAVENSVILLE ELEM	EL
	1	ST GEORGE ELEM	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
POTTAWATOMIE CO (CONTINUED)	1	ST GEORGE HIGH	HS
	3	WESTMORELAND ELEM	EL
	1	WESTMORELAND HIGH	HS
	3	ZEANDALE ELEM	EL
RENO CO			
	3	ALLEN ELEM HUTCHINSON	EL
	3	ARLINGTON ELEM	EL
	1	AVENUE A ELEM HUTCHINSON	EL
	1	FARIS ELEM HUTCHINSON	EL
	1	GRANDVIEW ELEM HUTCHINSON	EL
	1	HUTCHINSON SHERMAN JR HI	JHS
	1	LINCOLN ELEM HUTCHINSON	EL
	1	MCCANDLESS ELEM HUTCHINSON	EL
	3	NICKERSON ELEM	EL
	1	PRETTY PRAIRIE ELEM	EL
	1	ST PAUL LUTHERAN ELEM HAVEN	EL
	1	SYLVIA ELEM	EL
	1	TURON ELEM	EL
	1	WINANS ELEM HUTCHINSON	EL
REPUBLIC CO			
	1	CUBA HIGH HILLCREST	HS
	1	MUNDEN ELEM	EL
RICE CO			
	3	CENTRAL ELEM LYONS	EL
	1	CHASE ELEM	EL
	1	CHASE HIGH	HS
	1	GENESEO ELEM	EL
	3	LITTLE RIVER ELEM	EL
	3	LYONS MIDDLE SCHOOL	EL
	1	PARK ELEM LYONS	EL
	1	RAYMOND ELEM	EL
	1	SOUTH ELEM LYONS	EL
RILEY CO			
	1	BLUEMONT ELEM MANHATTAN	EL
	1	OGDEN ELEM	EL
ROOKS CO			
	3	PLAINVILLE ELEM	EL
	1	STOCKTON ELEM	EL
RUSH CO			
	1	ALEXANDER ELEM	EL
	1	LACROSSE EAST ELEM	EL
	3	LACROSSE WEST ELEM	EL
	1	OTIS BISON HIGH OTIS	HS
	1	OTIS BISON INTERMEDIATE OTIS	EL
	1	OTIS BISON JR HIGH BISON	JHS
	1	OTIS BISON PRIMARY TIMKEN	EL
RUSSELL CO			
RUSSELL CO (CONTINUED)	1	DORRANCE ELEM	EL
	1	DORRANCE HIGH	HS
	1	GORHAM HIGH	HS
SALINE CO			
	1	HAWTHORNE ELEM SALINA	EL
	3	OAKDALE ELEM SALINA	EL
	1	WHITTIER ELEM SALINA	EL
SEDGWICK CO			
	1	ALLISON JR HIGH WICHITA	JHS
	1	ARKANSAS AVE ELEM WICHITA	EL
	1	CALDWELL ELEM WICHITA	EL
	1	CARLTON JR HIGH DERBY	JHS
	3	CARTER ELEM WICHITA	EL
	1	CESSNA ELEM WICHITA	EL
	1	CHISHOLM ELEM WICHITA	EL
	1	CLOUD ELEM WICHITA	EL
	1	COLVIN ELEM WICHITA	EL
	1	DODGE ELEM WICHITA	EL
	1	ENTERPRISE ELEM WICHITA	EL
	1	FIELD ELEM WICHITA	EL
	1	FRANKLIN ELEM WICHITA	EL
	1	FUNSTON ELEM	EL
	1	GARDINER ELEM WICHITA	EL
	3	HAMILTON JR HIGH WICHITA	JHS
	1	HARRY STREET ELEM WICHITA	EL
	1	HOLY FAMILY CENTER WICHITA	EL
	1	HOLY SAVIOR ELEM WICHITA	EL
	1	HORACE MANN MIDDLE WICHITA	EL
	1	INGALLS ELEM WICHITA	EL
	1	IRVING ELEM WICHITA	EL
	1	JARDINE JR HIGH WICHITA	JHS
	1	JEFFERSON ELEM WICHITA	EL
	1	LAWRENCE ELEM WICHITA	EL
	1	LINCOLN ELEM WICHITA	EL
	3	LINWOOD ELEM WICHITA	EL
	1	MAYBERRY JR HIGH WICHITA	JHS
	3	MCCORMICK ELEM WICHITA	EL
	1	MICHENER ELEM WICHITA	EL
	3	MUELLER ELEM WICHITA	EL
	3	NORTH SR HIGH WICHITA	HS
	1	OAKLAWN ELEM DERBY	EL
	1	PARK ELEM WICHITA	EL
	1	PAUL B COOPER ELEM DERBY	EL
	3	PLEASANT VALLEY ELEM WICHITA	EL
	3	PLEASANT VALLEY JR HI WICHITA	JHS
	1	RIVERVIEW ELEM WICHITA	EL
	1	ROOSEVELT JR HIGH WICHITA	JHS

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LOCATIONS	CODE *	SCHOOL NAME	
SEDGWICK CO (CONTINUED)	1	SIM ELEM WICHITA	EL
	1	SOUTH SR HIGH WICHITA	HS
	1	ST JOSEPH ELEM ANDALE	EL
	3	STANLEY ELEM WICHITA	EL
	3	SUNNYSIDE ELEM WICHITA	EL
	1	WASHINGTON ELEM WICHITA	EL
	1	WEST SR HIGH WICHITA	HS
	1	WHITE ELEM WICHITA	EL
	3	WILSON ELEM WICHITA	EL
	1	WINFIFER ELEM DERBY	EL
	1	WOODMAN ELEM WICHITA	EL
SEWARD CO			
	1	WASHINGTON ELEM LIBERAL	EL
SHAWNEE CO			
	1	AVONDALE EAST ELEM TOPEKA	EL
	1	BELVOIR ELEM TOPEKA	EL
	1	CHASE MIDDLE SCHOOL TOPEKA	EL
	1	EAST INDIANOLA ELEM P J TOPEKA	EL
	1	EISENHOWER MIDDLE SCHOOL TOPEK	EL
	1	HIGHLAND PARK CENTRAL TOPEKA	EL
	1	HIGHLAND PARK HIGH TOPEKA	HS
	1	HIGHLAND PARK NORTH TOPEKA	EL
	1	HIGHLAND PARK SOUTH TOPEKA	EL
	1	HUDSON ELEM TOPEKA	EL
	1	LAFAYETTE ELEM TOPEKA	EL
	1	LAWRENCE H GARDNER HI TOPEKA	HS
	1	LINN ELEM TOPEKA	EL
	1	LOWMAN HILL ELEM TOPEKA	EL
	1	LUNDGREN ELEM TOPEKA	EL
	1	LYMAN ELEM	EL
	3	MCCARTER ELEM TOPEKA	EL
	1	QUINCY ELEM TOPEKA	EL
	1	QUINTON HEIGHTS ELEM TOPEKA	EL
	1	RICE ELEM TOPEKA	EL
	1	ROBINSON MIDDLE SCHOOL TOPEKA	EL
	3	SHAWER ELEM TOPEKA	EL
	1	STATE STREET ELEM TOPEKA	EL
	1	SUMNER ELEM TOPEKA	EL
	3	TOPEKA HIGH	HS
SHERMAN CO			
	1	CENTRAL ELEM GOODLAND	EL
	1	KANORADO ELEM	EL
	1	NORTH ELEM GOODLAND	EL
	1	WEST ELEM GOODLAND	EL
SMITH CO			
	1	KENSINGTON ELEM	EL
STAFFORD CO			
STAFFORD CO (CONTINUED)	3	HUDSON ELEM	EL
	3	STAFFORD CENTRAL ELEM	EL
STANTON CO			
	3	BIG BOW ELEM	EL
STEVENS CO			
	1	MOSCOW ELEM	EL
SUMNER CO			
	3	ARGONIA ELEM	EL
	1	SOUTH HAVEN ELEM	EL
	1	SOUTH HAVEN HIGH	HS
	3	ST MARTINS ELEM CALDWELL	EL
	1	WASHINGTON ELEM WELLINGTON	EL
THOMAS CO			
	1	BREWSTER HIGH	HS
	1	GOLDEN PLAINS ELEM SELDEN	EL
	1	GOLDEN PLAINS HIGH BEXFORD	HS
	1	GOLDEN PLAINS MIDDLE	EL
WABAUNSEE CO			
	1	DOVER ELEM	EL
	1	ESKRIDGE ELEM	EL
	1	HARVEYVILLE ELEM	EL
	1	MISSION VALLEY HI ESKRIDGE	HS
	1	PAXICO ELEM	EL
	1	PAXICO JR HI	JHS
WALLACE CO			
	3	WESKAN HIGH	HS
WASHINGTON CO			
	1	BARNES ELEM	EL
	3	CLIFTON ELEM	EL
	1	CLYDE ELEM	EL
	1	HANOVER ELEM	EL
	1	HANOVER HIGH	HS
	1	LINN ELEM	EL
	1	LINN HIGH	HS
	1	LINN LUTHERAN	EL
	1	NORTH CENTRAL HIGH	HS
	1	NORTH CENTRAL LOWER ELEM	EL
	1	NORTH CENTRAL UPPER ELEM	EL
	1	PALMER ELEM	EL
	1	ST JOHN ELEM HANOVER	EL
	1	ST JOHNS LUTHERAN ELEM PALMER	EL
	1	TRINITY LUTHERAN ELEM HANOVER	EL
WICHITA CO			
	1	R B STEWART ELEM	EL
	1	WICHITA CO UPPER LEVEL	EL
WILSON CO			
	1	ALTOONA ELEM	EL

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LOCATIONS	CODE *	SCHOOL NAME	
WILSON CO (CONTINUED)	1	ALTOONA MIDDLE	EL
	3	ALTOONA-MIDWAY SR HI BUFFALO	HS
	1	FREDONIA MIDDLE	EL
	3	FREDONIA SR HIGH	HS
	1	HELLER ELEM NEODESHA	EL
	3	LINCOLN ELEM FREDONIA	EL
	1	NORTH LAWN ELEM NEODESHA	EL
WOODSON CO			
	1	YATES CENTER ELEM	EL
	1	YATES CENTER HIGH	HS
WYANDOTTE CO			
	1	ARGENTINE MIDDLE KANSAS CITY	EL
	1	ARROWHEAD JR HIGH KANSAS CITY	JHS
	1	BANNEKER ELEM KANSAS CITY	EL
	1	BLESSED SACRAMENT KANSAS CITY	EL
	1	BONNER SPRINGS JR HIGH	JHS
	1	BRYANT ELEM KANSAS CITY	EL
	1	CENTRAL ELEM KANSAS CITY	EL
	1	CENTRAL JR HIGH KANSAS CITY	JHS
	1	CHELSEA ELEM KANSAS CITY	EL
	1	CORONADO JR HIGH KANSAS CITY	JHS
	3	D D EISENHOWER J H KANS CITY	JHS
	1	DOUGLASS ELEM KANSAS CITY	EL
	1	EMERSON ELEM KANSAS CITY	EL
	1	EUGENE WARE ELEM KANSAS CITY	EL
	1	F L SCHLAGLE HIGH KANSAS CITY	HS
	1	FAIRFAX ELEM KANSAS CITY	EL
	1	FRANCES WILLARD ELEM KANS CITY	EL
	1	FRANK RUSHTON ELEM KANSAS CITY	EL
	1	GRANT ELEM KANSAS CITY	EL
	1	HAWTHORNE ELEM KANSAS CITY	EL
	3	HAZEL GROVE ELEM KANSAS CITY	EL
	1	HOLY NAME KANSAS CITY	EL
	1	J C HARMON HIGH KANSAS CITY	HS
	1	JOHN FISKE ELEM KANS CITY	EL
	1	LINDBERGH ELEM KANSAS CITY	EL
	1	MAJOR HUDSON ELEM KANSAS CITY	EL
	1	MARK TWAIN ELEM KANSAS CITY	EL
	1	MCDANIELD ELEM BONNER SPRINGS	EL
	1	MCKINLEY ELEM KANSAS CITY	EL
	1	ME PEARSON ELEM KANSAS CITY	EL
	1	MORSE ELEM KANSAS CITY	EL
	1	MUNCIE ELEM	EL
	1	NOBLE PRENTIS ELEM KANSAS CITY	EL
	1	NORTHWEST ELEM BONNER SPRINGS	EL
	1	NORTHWEST JR HIGH KANSAS CITY	JHS
	1	OUR LADY & ST ROSE	EL
WYANDOTTE CO (CONTINUED)	1	PARKER ELEM KANSAS CITY	EL
	1	PLEASANT - GREEN COMMUNITY	EL
	1	QUINDARO ELEM KANSAS CITY	EL
	1	ROOSEVELT ELEM KANSAS CITY	EL
	1	ROSEDALE MIDDLE KANSAS CITY	EL
	1	SILVER CITY ELEM KANSAS CITY	EL
	1	SINAI ELEM	EL
	1	SOUTHWEST ELEM BONNER SPRINGS	EL
	1	STANLEY ELEM KANSAS CITY	EL
	3	STONY POINT NORTH KANSAS CITY	EL
	1	TEENAGE MOTHER CENTER - WYAN	JHS
	1	THOMAS A EDISON KANS CITY	EL
	3	TIMMONS ELEM	EL
	1	WELBORN ELEM KANSAS CITY	EL
	1	WEST JR HIGH KANSAS CITY	JHS
	1	WHITTIER ELEM KANSAS CITY	EL
	1	WM A WHITE ELEM KANSAS CITY	EL
	1	WYANDOTTE HIGH KANSAS CITY	HS

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KENTUCKY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAIR COUNTY			
	1	CANE VALLEY ELEM	ELEM
	3	COL WILLIAM CASEY ELEM	ELEM
	3	JOHN ADAIR ELEM	ELEM
	3	KNIFLEY ELEM	ELEM
	1	SHEPHERD ELEM	ELEM
	1	SPARKSVILLE ELEM	ELEM
BALLARD COUNTY			
	3	WICKLIFFE ELEM	ELEM
BATH COUNTY			
	1	BETHEL ELEM	ELEM
	3	OWINGSVILLE ELEM	ELEM
	1	SALT LICK ELEM	ELEM
BELL COUNTY			
	1	BELL COUNTY HIGH SCHOOL	HS
	1	BLACKMONT ELEM	ELEM
	1	BUCKEYE ELEM	ELEM
	1	CUBAGE ELEM	ELEM
	1	EAST END ELEMENTARY	ELEM
	1	FRAKES ELEM	ELEM
	1	HARMONY ELEM	ELEM
	1	LONE JACK ELEM	ELEM
	1	LONE JACK HIGH SCHOOL	HS
	3	MIDDLESBORO HIGH SCHOOL	HS
	1	MIDDLESBORO MIDDLE	MID
	1	PAGE ELEM	ELEM
	1	RED BIRD ELEM	ELEM
	1	RIGHTFORK CTR ELEM	ELEM
	1	WARD CHAPEL ELEM	ELEM
	1	WEST END ELEMENTARY	ELEM
	1	YELLOW CREEK CTR ELEM	ELEM
BOONE COUNTY			
	1	HAMILTON ELEM	ELEM
BOURBON COUNTY			
	3	CLINTONVILLE ELEM	ELEM
	3	MILLERSBURG ELEM	ELEM
	1	NORTH MIDDLETOWN ELEM	ELEM
	3	RUDDLES MILLS ELEM	ELEM
	1	SEVENTH STREET ELEMENTARY	ELEM
BOYD COUNTY			
	3	CONDIT ELEM	ELEM
	3	CRABBE ELEM	ELEM
	3	EIDSON ELEM	ELEM
	3	GARNER ELEM	ELEM
	1	HATCHER ELEM	ELEM
	3	YOST ELEM	ELEM
BOYLE COUNTY			
	1	JUNCTION CITY ELEM	ELEM
BOYLE COUNTY (CONTINUED)	3	TOLIVER ELEM	ELEM
BREATHITT COUNTY			
	1	BREATHITT COUNTY HIGH SCHOOL	HS
	1	CANEY CONSOLIDATED ELEM	ELEM
	1	HIGHLAND ELEM	ELEM
	1	JACKSON ELEM	ELEM
	1	JACKSON HS	HS
	1	LBJ ELEM	ELEM
	1	MARIE ROBERTS ELEM	ELEM
	1	MT CARMEL ELEM	ELEM
	3	MT CARMEL HIGH SCHOOL	HS
	1	OAKDALE CHRISTIAN HIGH SCHOOL	HS
	1	RIVERSIDE CHRISTIAN TRG ELEM	ELEM
	1	RIVERSIDE CHRISTIAN TRG H S	HS
	1	ROUSSEAU ELEM	ELEM
	1	SEBASTIAN MIDDLE	MID
	1	TURNER ELEM	ELEM
BRECKINRIDGE COUNTY			
	1	BEN JOHNSON ELEM	ELEM
	1	IRVINGTON ELEM	ELEM
	1	MCQUADY ELEM	ELEM
	3	MILNER ELEM	ELEM
	1	WILLIAM H NATCHER ELEM	ELEM
BUTLER COUNTY			
	1	FIFTH DISTRICT ELEM	ELEM
	1	FOURTH DISTRICT ELEM	ELEM
	3	MORGANTOWN ELEM	ELEM
CALLOWAY COUNTY			
	3	EAST ELEM	ELEM
CAMPBELL COUNTY			
	1	A D OWENS ELEMENTARY	ELEM
	1	ARNOLD ELEMENTARY	ELEM
	1	CORPUS CHRISTI ELEMENTARY	ELEM
	1	DAYTON HIGH SCHOOL	HS
	1	DORA CUMMING ELEMENTARY	ELEM
	1	LINCOLN ELEM	ELEM
	3	NEWPORT HIGH SCHOOL	HS
	1	NEWPORT MIDDLE	MID
	1	OUR LADY OF THE HIGHLANDS HS	HS
	3	ST BERNARD ELEM	ELEM
	3	ST PHILIP ELEM	ELEM
	1	ST STEPHEN ELEMENTARY	ELEM
CARROLL COUNTY			
	3	CARROLL COUNTY MIDDLE	MID
	3	NINTH STREET ELEM	ELEM
CARTER COUNTY			
	1	CARTER ELEM	ELEM

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CARTER COUNTY (CONTINUED)	1	CLARK HILL ELEM	ELEM
	1	GRAHN ELEM	ELEM
	1	HITCHINS ELEM	ELEM
	1	LAWTON ELEM	ELEM
	1	OLIVE HILL ELEM	ELEM
	3	PRICHARD ELEM	ELEM
	1	UPPER TYGART ELEM	ELEM
	3	WEST CARTER COUNTY HIGH SCHOOL	HS
	3	WILLARD ELEM	ELEM
CASEY COUNTY			
	1	COX ELEM	ELEM
	1	DOUGLAS ELEM	ELEM
	1	GARRETT ELEM	ELEM
	1	LIBERTY ELEM II	ELEM
	1	LIBERTY I MIDDLE	MID
	1	MIDDLEBURG ELEM	ELEM
	1	PHELPS ELEM	ELEM
	1	PHILLIPS ELEM	ELEM
CHRISTIAN COUNTY			
	3	ATTUCKS MIDDLE	MID
	1	BELMONT ELEM	ELEM
	3	CHRISTIAN COUNTY MID	MID
	1	HIGHLAND ELEM	ELEM
	1	HOPKINSVILLE SDA ELEM	ELEM
	3	MORNINGSIDE ELEM	ELEM
	3	PEMBROKE ELEM	ELEM
CLARK COUNTY			
	1	FANNIE BUSH ELEM	ELEM
	3	PILOT VIEW ELEM	ELEM
	1	TRAPP ELEM	ELEM
CLAY COUNTY			
	1	BURNING SPRINGS ELEM	ELEM
	1	GOOSE ROCK ELEM	ELEM
	1	HACKER ELEM	ELEM
	1	HORSE CREEK ELEM	ELEM
	1	LAUREL CREEK ELEM	ELEM
	1	MANCHESTER ELEM	ELEM
	1	ONEIDA BAPTIST INST ELEM	ELEM
	1	ONEIDA BAPTIST INSTITUTE HS	HS
	1	ONEIDA ELEM	ELEM
CLINTON COUNTY			
	1	IRWIN ELEM	ELEM
CUMBERLAND COUNTY			
	1	BURKESVILLE ELEM	ELEM
	1	CUMBERLAND COUNTY HIGH SCHOOL	HS
	1	KETTLE ELEM	ELEM
	1	MARROWBONE ELEM	ELEM
DAVIESS COUNTY			
	1	CRAVENS ELEMENTARY	ELEM
	1	ESTES MIDDLE	MID
	1	FOUST MIDDLE	MID
	1	GOODLOE ELEMENTARY	ELEM
	1	LINCOLN ELEMENTARY	ELEM
	1	ROBERT E LEE	ELEM
	1	SEVEN HILLS ELEMENTARY	ELEM
	1	ST MARY OF THE WOODS ELEM	ELEM
	1	ST PETER ELEM	ELEM
	3	STANLEY ELEM	ELEM
	1	TRINITY HIGH SCHOOLS	HS
EDMONSON COUNTY			
	1	KYROCK ELEM	ELEM
ELLIOTT COUNTY			
	1	ELLIOTT COUNTY HIGH SCHOOL	HS
	1	LAKESIDE ELEM	ELEM
	1	SANDY HOOK ELEM	ELEM
ESTILL COUNTY			
	1	ESTILL COUNTY MID	MID
	1	HARGETT ELEM	ELEM
	1	RAVENNA ELEM	ELEM
	1	SOUTH IRVINE ELEM	ELEM
	3	WEST IRVINE ELEM	ELEM
FAYETTE COUNTY			
	1	ARLINGTON ELEM	ELEM
	1	ASHLAND ELEM	ELEM
	1	BOOKER T WASHINGTON ELEM	ELEM
	1	HARRISON ELEM	ELEM
	1	JOHNSTN ELEM	ELEM
	3	JULIA R EWAN ELEM	ELEM
	1	LEXINGTON JHS	JHS
	1	MAXWELL ELEM	ELEM
	1	RUSSELL CAVE ELEM	ELEM
	1	RUSSELL ELEM	ELEM
	3	WINBURN JHS	JHS
	1	YATES ELEM	ELEM
FLEMING COUNTY			
	1	FLEMING COUNTY HIGH SCHOOL	HS
	1	FLEMING COUNTY MID	MID
	1	FLEMINGSBURG ELEM	ELEM
	1	FOX VALLEY ELEM	ELEM
	1	HILLSBORO ELEM	ELEM
	3	MT CARMEL ELEM	ELEM
FLOYD COUNTY			
	1	ALLEN CENTRAL HS	HS
	1	ALLEN ELEM	ELEM
	1	AUXIER ELEM	ELEM

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
FLOYD COUNTY (CONTINUED)	1	BETSY LAYNE ELEM	ELEM
	1	BETSY LAYNE HIGH SCHOOL	HS
	3	BONANZA ELEM	ELEM
	1	CHARLES CLARK ELEM	ELEM
	1	DANIELS CREEK ELEM	ELEM
	1	DRIFT ELEM	ELEM
	1	GARRETT ELEM	ELEM
	1	HAROLD ELEM	ELEM
	1	HOME BRANCH ELEM	ELEM
	1	J M STUMBO ELEM	ELEM
	1	MARTIN ELEM	ELEM
	1	MAYTOWN ELEM	ELEM
	1	MCDOWELL ELEM	ELEM
	1	MCDOWELL HIGH SCHOOL	HS
	1	MELVIN ELEM	ELEM
	1	PRATER ELEM	ELEM
	1	PRESTONSBURG ELEM	ELEM
	1	SPRUCE PINE ELEM	ELEM
	1	THE DAVID SCHOOL HS	HS
	1	W D OSBORNE ELEM	ELEM
	1	WAYLAND ELEM	ELEM
	1	WHEELWRIGHT HS	HS
FRANKLIN COUNTY	3	BALD KNOB ELEM	ELEM
FULTON COUNTY	1	CARR ELEM	ELEM
	3	CAYCE ELEM	ELEM
	1	FULTON COUNTY ELEM	ELEM
	3	FULTON COUNTY HIGH SCHOOL	HS
	1	HICKMAN MID	MID
GALLATIN COUNTY	3	GALLATIN COUNTY ELEM	ELEM
	3	GLENCOE ELEM	ELEM
GARRARD COUNTY	1	BUCKEYE ELEM	ELEM
	1	PAINT LICK ELEM	ELEM
GRAVES COUNTY	3	MAYFIELD MIDDLE	MID
	3	ST JOSEPH ELEMENTARY	ELEM
	1	WASHINGTON ELEMENTARY	ELEM
GRAYSON COUNTY	1	CANEYVILLE ELEM	ELEM
	3	CLARKSON ELEM	ELEM
	3	GRAYSON COUNTY MID	MID
	1	GRAYSON COUNTY OCCUPATIONAL CT	
	1	ST PAUL ELEM	ELEM
GREEN COUNTY (CONTINUED)	3	GREEN COUNTY HS	HS
	3	GREENSBURG ELEM	ELEM
GREENUP COUNTY	3	APPALACHIAN ELEM	ELEM
	3	DANLEYTON ELEM	ELEM
	3	GREENUP ELEM	ELEM
	3	GREYSBRANCH ELEM	ELEM
	1	LYNN ELEM	ELEM
	3	MCKELL ELEM	ELEM
	1	OLDTOWN ELEM	ELEM
	1	SOUTH PORTSMOUTH ELEM	ELEM
	1	SUNSHINE ELEM	ELEM
	1	WARNOCK ELEM	ELEM
HARDIN COUNTY	3	JAMES T ALTON JHS	JHS
	1	LYNNVALE ELEM	ELEM
	3	PARKWAY ELEM	ELEM
	3	PINEYVILLE ELEM	ELEM
	1	VALLEY VIEW ELEM	ELEM
	3	VINE GROVE ELEM	ELEM
	3	WEST POINT ELEMENTARY	ELEM
	3	WESTERN ELEM	ELEM
HARLAN COUNTY	1	AGES ELEM	ELEM
	1	BENHAM ELEM	ELEM
	1	BLACK MOUNTAIN ELEM	ELEM
	1	BLACK STAR ELEM	ELEM
	1	CAWOOD ELEM	ELEM
	1	CRANKS ELEM	ELEM
	1	CUMBERLAND HIGH SCHOOL	HS
	1	ELZO GUTHRIE ELEM	ELEM
	1	EVARTS ELEM	ELEM
	1	EVARTS HIGH SCHOOL	HS
	1	GREEN HILLS ELEM	ELEM
	1	HALL ELEM	ELEM
	1	HARLAN ELEM	ELEM
	3	HARLAN HIGH SCHOOL	HS
	1	HOLMES MILL ELEM	ELEM
	1	HOLY TRINITY ELEM	ELEM
	1	JAMES A CAWOOD HIGH SCHOOL	HS
	1	LOYALL ELEM	ELEM
	1	ROSSPOINT ELEM	ELEM
	1	SHIELDS ELEM	ELEM
	3	ST STEPHEN ELEM	ELEM
	1	TOTZ ELEM	ELEM
	1	VERDA ELEM	ELEM
	1	WALLINS ELEM	ELEM

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LOCATIONS	CODE *	SCHOOL NAME	
HARRISON COUNTY			
	3	NORTHSIDE ELEM	ELEM
	3	SOUTHSIDE ELEM	ELEM
HART COUNTY			
	1	BONNIEVILLE ELEM	ELEM
	3	CUB RUN ELEM	ELEM
	1	HART COUNTY HS	HS
	1	LEGRANDE ELEM	ELEM
	1	MEMORIAL ELEM	ELEM
HENDERSON COUNTY			
	1	CENTRAL ELEM	ELEM
	1	SEVENTH STREET ELEM	ELEM
	1	SOUTH HEIGHTS ELEM	ELEM
HENRY COUNTY			
	3	EMINENCE ELEM	ELEM
	3	HENRY COUNTY MID	MID
HICKMAN COUNTY			
	1	HICKMAN COUNTY ELEM	ELEM
HOPKINS COUNTY			
	3	CHARLESTON ELEM	ELEM
	3	EARLINGTON ELEM	ELEM
	1	HALL STREET ELEM	ELEM
	3	MORTONS GAP ELEM	ELEM
	1	WADDILL AVENUE ELEM	ELEM
	3	WHITE PLAINS ELEM	ELEM
JACKSON COUNTY			
	1	HISEL ELEM	ELEM
	1	JACKSON COUNTY HS	HS
	1	MCKEE ELEM	ELEM
	1	MOORES CREEK ELEM	ELEM
	1	SAND GAP ELEM	ELEM
	1	TYNER ELEM	ELEM
JEFFERSON COUNTY			
	3	AHRENS HS	HS
	1	ATKINSON ELEM	ELEM
	1	BARRET MID	MID
	3	BATES ELEM	ELEM
	1	BENJAMIN FRANKLIN ELEM	ELEM
	1	BLAKE ELEM	ELEM
	1	BRANDEIS ELEM	ELEM
	3	BROWN HS	HS
	1	BRUCE MID	MID
	1	BYCK ELEM	ELEM
	1	COCHRAN ELEM	ELEM
	1	COLERIDGE TAYLOR ELEM	ELEM
	1	COMMUNITY CATHOLIC ELEM	ELEM
	3	CONWAY MID	MID
	1	CORAL RIDGE ELEM	ELEM
JEFFERSON COUNTY (CONTINUED)	3	DIXIE ELEM	ELEM
	3	DUPONT MANUAL HS	HS
	3	DUVALLE MID	MID
	1	ELIZABETH BRECKINRIDGE ELEM	ELEM
	1	EMERSON TEENAGE PARENT HS	HS
	1	ENGELHARD ELEM	ELEM
	3	FAIRDALE ELEM	ELEM
	3	FAIRDALE HS	HS
	1	FOSTER ELEM	ELEM
	1	FROST MID	MID
	3	GREENWOOD ELEM	ELEM
	1	HARTSTERN ELEM	ELEM
	1	HAZELWOOD ELEM	ELEM
	1	HIGHLAND MID	MID
	3	HOLY ANGELS ACAD ELEM	ELEM
	3	INDIAN TRAIL ELEM	ELEM
	1	JACOB ELEM	ELEM
	1	JOHN F KENNEDY ELEM	ELEM
	1	KING ELEM	ELEM
	1	KNIGHT MID	MID
	1	LASSITER MID	MID
	3	LAUKHUF ELEM	ELEM
	1	LAYNE ELEM	ELEM
	1	LINCOLN ELEM	ELEM
	1	LOWELL ELEM	ELEM
	3	LUHR ELEM	ELEM
	1	LYMAN T JOHNSON MID	MID
	1	MCFERRAN ELEM	ELEM
	1	MEDORA ELEM	ELEM
	3	MEYZEEK MID	MID
	1	MINORS LANE ELEM	ELEM
	1	NEWBURG MID	MID
	1	NOE MID SCHOOL	MID
	3	PARKLAND ELEM	ELEM
	1	PORTLAND ELEM	ELEM
	3	PRICE ELEM	ELEM
	3	RANGELAND ELEM	ELEM
	1	ROOSEVELT PERRY ELEM	ELEM
	1	RUTHERFORD ELEM	ELEM
	3	SEMPLE ELEM	ELEM
	3	SHAWNEE MID	MID
	1	SHELBY ELEM	ELEM
	1	SLAUGHTER ELEM	ELEM
	1	SOUTHERN MID	MID
	3	SS SIMON AND JUDE ELEM	ELEM
	1	ST ALOYSIUS ELEM	ELEM
	1	ST ANN ELEM	ELEM

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LOCATIONS	CODE *	SCHOOL NAME	
JEFFERSON COUNTY (CONTINUED)	1	ST COLUMBA ELEM	ELEM
	3	ST ELIZABETH ELEM	ELEM
	1	ST GEORGE ELEM	ELEM
	3	ST JOSEPH ELEM	ELEM
	1	ST MATTHIAS ELEM	ELEM
	3	ST THERESE ELEM	ELEM
	3	ST VINCENT DEPAUL ELEM	ELEM
	3	STONESTREET ELEM	ELEM
	1	WATSON LANE ELEM	ELEM
	1	WELLINGTON ELEM	ELEM
	1	WEST END CATHOLIC ELEM	ELEM
	1	WESTERN MID	MID
	3	WHEATLEY ELEM	ELEM
	1	WHITNEY YOUNG ELEM	ELEM
	1	WILLIAMS MID	MID
JESSAMINE COUNTY			
	3	HATTIE C WARNER ELEMENTARY	ELEM
JOHNSON COUNTY			
	1	CENTRAL ELEMENTARY	ELEM
	1	FLAT GAP ELEMENTARY	ELEM
	1	JOHNSON CENTRAL HIGH SCHOOL	HS
	1	MEADE MEMORIAL ELEMENTARY	ELEM
	1	OIL SPRINGS ELEMENTARY	ELEM
	1	PORTER ELEMENTARY	ELEM
	1	W R CASTLE MEMORIAL ELEMENTARY	ELEM
KENTON COUNTY			
	1	BISHOP HOWARD NONGRADED ELEM	ELEM
	1	FIRST DISTRICT ELEM	ELEM
	1	FOURTH DISTRICT ELEM	ELEM
	1	GLENN O SWING ELEM	ELEM
	1	JOHN G CARLISLE ELEM	ELEM
	1	NINTH DISTRICT ELEM	ELEM
	3	PINER ELEMENTARY	ELEM
	1	RYLAND HEIGHTS ELEMENTARY	ELEM
	1	SIXTH DISTRICT ELEM	ELEM
	1	ST AUGUSTINE ELEM	ELEM
	3	ST JAMES ST BONIFACE ELEM	ELEM
	1	ST JOHN ELEM	ELEM
	1	THIRD DISTRICT ELEM	ELEM
	3	VISALIA ELEMENTARY	ELEM
KNOTT COUNTY			
	1	BEAVER CREEK ELEMENTARY	ELEM
	1	BECKHAM COMBS ELEMENTARY	ELEM
	1	BIG BRANCH OF BALL ELEMENTARY	ELEM
	1	CANEY CREEK ELEMENTARY	ELEM
	1	CARR CREEK ELEMENTARY	ELEM
	1	CORDIA ELEMENTARY	ELEM
KNOTT COUNTY (CONTINUED)	1	CORDIA HIGH SCHOOL	HS
	1	DECOY ELEMENTARY	ELEM
	1	EMMALENA ELEMENTARY	ELEM
	1	HINDMAN ELEMENTARY	ELEM
	1	JONES FORK ELEMENTARY	ELEM
	1	KNOTT COUNTY CENTRAL HS	HS
	1	KNOTT COUNTY MIDDLE	MID
	1	UPPER QUICKSAND ELEMENTARY	ELEM
KNOX COUNTY			
	1	ARTEMUS ELEMENTARY	ELEM
	1	BARBOURVILLE ELEM	ELEM
	1	BARBOURVILLE HIGH SCHOOL	HS
	1	BOONE ELEMENTARY	ELEM
	1	DEWITT ELEMENTARY	ELEM
	1	FLAT LICK ELEMENTARY	ELEM
	1	GIPDLER ELEMENTARY	ELEM
	1	GRAYS ELEMENTARY	ELEM
	1	HAMPTON ELEMENTARY	ELEM
	1	JESSE D LAY ELEMENTARY	ELEM
	3	LYNN CAMP ELEMENTARY	ELEM
	3	LYNN CAMP HIGH SCHOOL	HS
LARUE COUNTY			
	3	BUFFALO ELEMENTARY	ELEM
	3	HODGENVILLE ELEMENTARY	ELEM
	3	LARUE COUNTY MIDDLE	MID
	3	MAGNOLIA ELEMENTARY	ELEM
	1	OUR LADY OF MERCY ELEMENTARY	ELEM
LAUREL COUNTY			
	3	BUSH ELEMENTARY	ELEM
	1	CAMP GROUND ELEMENTARY	ELEM
	1	COLONY ELEMENTARY	ELEM
	1	FELTS ELEMENTARY	ELEM
	1	HAZEL GREEN ELEMENTARY	ELEM
	1	JOHNSON ELEMENTARY	ELEM
	1	KEAVY ELEMENTARY	ELEM
	1	LILY ELEMENTARY	ELEM
	1	PITTSBURG ELEMENTARY	ELEM
LAWRENCE COUNTY			
	1	FALLSBURG ELEMENTARY	ELEM
	1	LAWRENCE COUNTY HIGH SCHOOL	HS
	1	LOUISA ELEMENTARY	ELEM
	1	LOUISA MIDDLE	MID
LEE COUNTY			
	1	BEATTYVILLE ELEMENTARY	ELEM
	1	CANYON FALLS ELEMENTARY	ELEM
	1	LEE COUNTY HIGH SCHOOL	HS
	1	LEE COUNTY MIDDLE	MID

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LEE COUNTY (CONTINUED)	1	SOUTH SIDE ELEMENTARY	ELEM
	1	ST HELENS ELEMENTARY	ELEM
LESLIE COUNTY	1	BIG CREEK ELEMENTARY	ELEM
	1	HAYES LEWIS ELEMENTARY	ELEM
	1	HYDEN ELEMENTARY	ELEM
	1	JACKS CREEK SETTLEMENT ELEM	ELEM
	1	LESLIE COUNTY HIGH SCHOOL	HS
	1	RED BIRD HIGH SCHOOL	HS
	1	STINNETT ELEMENTARY	ELEM
	1	W B MUNCY ELEMENTARY	ELEM
LETCHER COUNTY	1	ARLIE BOGGS ELEMENTARY	ELEM
	1	CAMPBELLS BRANCH ELEMENTARY	ELEM
	1	COLSON CONSOLIDATED ELEMENTARY	ELEM
	1	COW BRANCH ELEMENTARY	ELEM
	1	COWAN ELEMENTARY	ELEM
	1	FLEMING NEON ELEMENTARY	ELEM
	1	HEMPHILL ELEMENTARY	ELEM
	3	JENKINS MIDDLE	MID
	1	KINGDOM COME SETTLEMENT ELEM	ELEM
	1	LETCHER ELEMENTARY	ELEM
	1	LETCHER HIGH SCHOOL	HS
	1	MARTHA JANE POTTER ELEMENTARY	ELEM
	1	MCROBERTS ELEMENTARY	ELEM
	1	WEST WHITESBURG ELEMENTARY	ELEM
	3	WHITESBURG MIDDLE	MID
LEWIS COUNTY	1	GARRISON ELEMENTARY	ELEM
	1	KINNICONICK ELEMENTARY	ELEM
	1	LAUREL ELEMENTARY	ELEM
	1	LEWIS COUNTY CENTRAL ELEM	ELEM
	3	LEWIS COUNTY HIGH SCHOOL	HS
	3	TOLLESBORO ELEMENTARY	ELEM
LINCOLN COUNTY	1	BROUGHTONTOWN ELEMENTARY	ELEM
	1	CRAB ORCHARD ELEMENTARY	ELEM
	3	HIGHLAND ELEMENTARY	ELEM
	3	HUSTONVILLE ELEMENTARY	ELEM
	1	KINGS MOUNTAIN ELEMENTARY	ELEM
	1	MCKINNEY ELEMENTARY	ELEM
	3	STANFORD ELEMENTARY	ELEM
	1	WAYNESBURG ELEMENTARY	ELEM
LIVINGSTON COUNTY	3	SALEM ELEMENTARY	ELEM
LOGAN COUNTY	3	R E STEVENSON ELEMENTARY	ELEM
LOGAN COUNTY (CONTINUED)	3	RUSSELLVILLE MIDDLE	MID
	1	SACRED HEART ELEMENTARY	ELEM
MADISON COUNTY	1	BELLEVUE ELEMENTARY	ELEM
	1	BEREA COMM ELEM	ELEM
	1	FOLEY MIDDLE	MID
	3	KINGSTON ELEMENTARY	ELEM
	3	KIRKSVILLE ELEMENTARY	ELEM
	1	MADISON HIGH SCHOOL	HS
	1	MADISON MIDDLE	MID
	1	MAYFIELD ELEMENTARY	ELEM
	1	SILVER CREEK ELEMENTARY	ELEM
	1	WACO ELEMENTARY	ELEM
	3	WHITE HALL ELEMENTARY	ELEM
MAGOFFIN COUNTY	1	JOHN T ARNETT ELEMENTARY	ELEM
	1	MAGOFFIN COUNTY HIGH SCHOOL	HS
	1	MIDDLE FORK ELEMENTARY	ELEM
	1	MILLARD HENSLEY ELEMENTARY	ELEM
	1	PRATER BORDERS ELEMENTARY	ELEM
	1	SALYERS ELEMENTARY	ELEM
	1	SALYERSVILLE ELEMENTARY	ELEM
MARION COUNTY	1	BRADFORDSVILLE ELEMENTARY	ELEM
	3	CALVARY ELEMENTARY	ELEM
	1	GLASSCOCK ELEMENTARY	ELEM
	1	HOLY CROSS ELEMENTARY	ELEM
	3	LEBANON ELEMENTARY	ELEM
	1	LEBANON JUNIOR HIGH SCHOOL	JRHS
	1	MARION COUNTY SENIOR HS	SRHS
	1	RAYWICK ELEMENTARY	ELEM
	1	ST AUGUSTINE ELEMENTARY	ELEM
	1	ST CHARLES ELEMENTARY	ELEM
	1	ST CHARLES JUNIOR HIGH SCHOOL	JRHS
	1	ST FRANCIS OF ASSISI ELEM	ELEM
MARTIN COUNTY	1	GRASSY ELEMENTARY	ELEM
	3	INEZ ELEMENTARY	ELEM
	1	INEZ MIDDLE	MID
	1	MOUTH OF PIGEON ROOST ELEM	ELEM
	1	MOUTH OF TURKEY ELEMENTARY	ELEM
	1	SHELDON CLARK HIGH SCHOOL	HS
	1	TOMAHAWK ELEMENTARY	ELEM
	1	VENTERS BRANCH ELEMENTARY	ELEM
	1	WARFIELD ELEMENTARY	ELEM
MASON COUNTY	3	EARLE O JONES ELEMENTARY	ELEM

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LOCATIONS	CODE *	SCHOOL NAME	
MASON COUNTY (CONTINUED)	3	MASON COUNTY ELEMENTARY	ELEM
	1	MAYS LICK ELEMENTARY	ELEM
MCCRACKEN COUNTY			
	1	CLAY ELEMENTARY	ELEM
	1	COOPER ELEMENTARY	ELEM
	1	FREEMONT ELEMENTARY	ELEM
	1	JETTON JUNIOR HIGH SCHOOL	JR HS
	1	MCNABB ELEMENTARY	ELEM
	1	MORGAN ELEMENTARY	ELEM
	1	PADUCAH MIDDLE	MID
	1	WHITESIDE PRIMARY ELEMENTARY	ELEM
MCCREARY COUNTY			
	1	EAGLE ELEMENTARY	ELEM
	1	MCCREARY CENTRAL HIGH SCHOOL	HS
	1	PINE KNOT ELEMENTARY	ELEM
	1	PINE KNOT MIDDLE	MID
	1	SMITHTOWN ELEMENTARY	ELEM
	1	STEARNS ELEMENTARY	ELEM
	1	WHITLEY CITY ELEMENTARY	ELEM
	1	WHITLEY CITY MIDDLE	MID
MEADE COUNTY			
	3	BATTLETOWN ELEMENTARY	ELEM
	3	MEADE COUNTY MIDDLE	MID
	3	MULDRAUGH ELEMENTARY	ELEM
	3	PAYNEVILLE ELEMENTARY	ELEM
MENIFEE COUNTY			
	1	MENIFEE COUNTY ELEMENTARY	ELEM
MERCER COUNTY			
	1	BURGIN ELEM	ELEM
METCALFE COUNTY			
	1	EDMONTON ELEMENTARY	ELEM
	1	METCALFE COUNTY HIGH SCHOOL	HS
	1	NORTH METCALFE HIGH SCHOOL	HS
	1	SUMMER SHADE ELEMENTARY	ELEM
MONROE COUNTY			
	1	FOUNTAIN RUN ELEMENTARY	ELEM
	3	GAMALIEL ELEMENTARY	ELEM
	1	GAMALIEL HIGH SCHOOL	HS
	1	JOE HARRISON CARTER ELEMENTARY	ELEM
	1	TOMPKINSVILLE ELEMENTARY	ELEM
	1	TOMPKINSVILLE HIGH SCHOOL	HS
MONTGOMERY COUNTY			
	1	CAMARGO ELEMENTARY	ELEM
	3	MILLER MIDDLE	MID
	1	MT STERLING ELEMENTARY	ELEM
MORGAN COUNTY			
	1	CANNEL CITY ELEMENTARY	ELEM
MORGAN COUNTY (CONTINUED)	1	CROCKETT ELEMENTARY	ELEM
	1	EZEL ELEMENTARY	ELEM
	1	MORGAN COUNTY HIGH SCHOOL	HS
	1	MORGAN COUNTY MIDDLE	MID
	1	WEST LIBERTY ELEMENTARY	ELEM
	1	WRIGLEY ELEMENTARY	ELEM
MUHLENBERG COUNTY			
	3	DRAKESBORO CONSOLIDATED ELEM	ELEM
NELSON COUNTY			
	1	BARDSTOWN TRANSITIONAL SCHOOL	MID
	1	BLOOMFIELD ELEMENTARY	ELEM
	3	BLOOMFIELD JUNIOR HIGH SCHOOL	JR HS
	3	BOSTON ELEMENTARY	ELEM
	3	NEW HAVEN ELEMENTARY	ELEM
	3	NEW HAVEN JUNIOR HIGH SCHOOL	JR HS
	1	ST CATHERINE ELEMENTARY	ELEM
	1	ST GREGORY ELEMENTARY	ELEM
NICHOLAS COUNTY			
	1	NICHOLAS COUNTY ELEMENTARY	ELEM
OHIO COUNTY			
	3	CENTRAL PARK ELEMENTARY	ELEM
	3	DUNDEE ELEMENTARY	ELEM
OWSLEY COUNTY			
	1	OWSLEY COUNTY ELEMENTARY	ELEM
	1	OWSLEY COUNTY HIGH SCHOOL	HS
PENDLETON COUNTY			
	3	SOUTHERN ELEMENTARY	ELEM
PERRY COUNTY			
	1	A B COMBS ELEMENTARY	ELEM
	1	BIG CREEK ELEMENTARY	ELEM
	1	BUCKHORN ELEMENTARY	ELEM
	1	BUCKHORN HIGH SCHOOL	HS
	1	CHAVIES ELEMENTARY	ELEM
	3	D C COMBS MEMORIAL HS	HS
	1	DENNIS C WOOTON ELEMENTARY	ELEM
	1	LEATHERWOOD ELEMENTARY	ELEM
	1	LOST CREEK ELEMENTARY	ELEM
	1	LOWER LEATHERWOOD ELEMENTARY	ELEM
	3	M C NAPIER HIGH SCHOOL	HS
	1	ROBERT W COMBS ELEMENTARY	ELEM
	1	ROBINSON ELEMENTARY	ELEM
	1	ROY G EVERSOLE ELEM	ELEM
	1	VIPER ELEMENTARY	ELEM
	1	WILLARD ELEMENTARY	ELEM
PIKE COUNTY			
	1	BEVINS ELEMENTARY	ELEM
	1	BLACKBERRY ELEMENTARY	ELEM

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LOCATIONS	CODE *	SCHOOL NAME	
PIKE COUNTY (CONTINUED)	1	BRUSHY ELEMENTARY	ELEM
	1	DORTON ELEMENTARY	ELEM
	3	ELKHORN CITY ELEMENTARY	ELEM
	3	FEDS CREEK HIGH SCHOOL	HS
	1	FREEBURN ELEMENTARY	ELEM
	1	GEORGE F JOHNSON ELEMENTARY	ELEM
	1	GRAPEVINE ELEMENTARY	ELEM
	1	GREASY CREEK ELEMENTARY	ELEM
	1	HELLIER ELEMENTARY	ELEM
	1	JACKSON ROWE ELEMENTARY	ELEM
	3	JOHNS CREEK ELEMENTARY	ELEM
	1	KIMPER ELEMENTARY	ELEM
	1	LOOKOUT ELEMENTARY	ELEM
	1	MAJESTIC KNOX CREEK ELEMENTARY	ELEM
	1	MILLARD ELEMENTARY	ELEM
	3	MILLARD HIGH SCHOOL	HS
	3	MULLINS ELEMENTARY	ELEM
	1	ROBINSON CREEK ELEMENTARY	ELEM
	3	RUNYON ELEMENTARY	ELEM
	1	SHELBIANA ELEMENTARY	ELEM
	1	SYCAMORE ELEMENTARY	ELEM
	1	TURKEY CREEK ELEMENTARY	ELEM
	3	VARNEY ELEMENTARY	ELEM
POWELL COUNTY			
	1	BOWEN ELEMENTARY	ELEM
	1	CLAY CITY ELEMENTARY	ELEM
	1	POWELL COUNTY HIGH SCHOOL	HS
	1	POWELL COUNTY MIDDLE	MID
	3	STANTON ELEMENTARY	ELEM
PULASKI COUNTY			
	3	BURNSIDE HIGH SCHOOL	HS
	1	EUBANK ELEMENTARY	ELEM
	1	HOGUE ELEMENTARY	ELEM
	3	MEECE MIDDLE	MID
	1	MEMORIAL ELEMENTARY	ELEM
	1	MT VICTORY ELEMENTARY	ELEM
	1	PARKER ELEMENTARY	ELEM
	3	SHOPVILLE ELEMENTARY	ELEM
	1	WHITE LILY ELEMENTARY	ELEM
ROCKCASTLE COUNTY			
	1	BLUE SPRINGS ELEMENTARY	ELEM
	1	BRODHEAD ELEMENTARY	ELEM
	1	LIVINGSTON ELEMENTARY	ELEM
	1	MT VERNON ELEMENTARY	ELEM
	1	ROCKCASTLE COUNTY HIGH SCHOOL	HS
	1	ROUNDSTONE ELEMENTARY	ELEM
ROWAN COUNTY			
(CONTINUED)	1	CLEARFIELD ELEMENTARY	ELEM
	1	ELLIOTTVILLE ELEMENTARY	ELEM
	3	FARMERS ELEMENTARY	ELEM
	1	HALDEMAN ELEMENTARY	ELEM
	3	MOREHEAD ELEMENTARY	ELEM
	3	ROWAN COUNTY HIGH SCHOOL	HS
	3	TILDON HOGGE ELEMENTARY	ELEM
RUSSELL COUNTY			
	1	JABEZ ELEMENTARY	ELEM
	1	JAMESTOWN ELEMENTARY	ELEM
	3	RUSSELL SPRINGS ELEMENTARY	ELEM
	1	SALEM ELEMENTARY	ELEM
	1	UNION CHAPEL ELEMENTARY	ELEM
SCOTT COUNTY			
	3	GARTH ELEMENTARY	ELEM
SHELBY COUNTY			
	3	NORTH SIDE ELEMENTARY	ELEM
	3	SHELBY COUNTY EAST MIDDLE	MID
	3	SOUTH SIDE ELEMENTARY	ELEM
TAYLOR COUNTY			
	3	CAMPBELLSVILLE ELEM	ELEM
	3	MANNSVILLE ELEMENTARY	ELEM
	3	TAYLOR COUNTY HIGH SCHOOL	HS
TODD COUNTY			
	3	ALLEGRE ELEMENTARY	ELEM
	3	CLIFTY ELEMENTARY	ELEM
	3	ELKTON ELEMENTARY	ELEM
	1	GUTHRIE ELEMENTARY	ELEM
	3	SHARON GROVE ELEMENTARY	ELEM
TRIMBLE COUNTY			
	3	BEDFORD ELEMENTARY	ELEM
WARREN COUNTY			
	1	DELAFIELD ELEMENTARY	ELEM
	1	L C CURRY ELEM	ELEM
	3	OAKLAND ELEMENTARY	ELEM
	1	PARKER BENNETT ELEM	ELEM
WASHINGTON COUNTY			
	1	FREDRICKTOWN ELEMENTARY	ELEM
	3	MACKVILLE ELEMENTARY	ELEM
	1	SPRINGFIELD MIDDLE	MID
	3	ST DOMINIC ELEMENTARY	ELEM
	1	WASHINGTON COUNTY ELEMENTARY	ELEM
	1	WASHINGTON COUNTY HIGH SCHOOL	HS
	3	WILLISBURG ELEMENTARY	ELEM
WAYNE COUNTY			
	1	MONTICELLO ELEMENTARY	ELEM
	1	ROCKY BRANCH ELEMENTARY	ELEM

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
WAYNE COUNTY (CONTINUED)	1	SINKING CONSOLIDATED ELEM	ELEM		
	1	WAYNE COUNTY ELEMENTARY 1	ELEM		
	1	WAYNE COUNTY ELEMENTARY 3	ELEM		
	1	WAYNE COUNTY HIGH SCHOOL	HS		
	1	WAYNE COUNTY MIDDLE	MID		
WEBSTER COUNTY	3	DIXON ELEMENTARY	ELEM		
WHITLEY COUNTY	1	BOSTON ELEMENTARY	ELEM		
	1	EMLYN ELEMENTARY	ELEM		
	1	JELLICO CREEK ELEMENTARY	ELEM		
	1	LIBERTY ELEMENTARY	ELEM		
	1	NEVISDALE ELEMENTARY	ELEM		
	1	OAK GROVE ELEMENTARY	ELEM		
	1	PINE MOUNTAIN ELEMENTARY	ELEM		
	1	PLEASANT VIEW ELEMENTARY	ELEM		
	1	POPLAR CREEK ELEMENTARY	ELEM		
	1	ROCKHOLD ELEMENTARY	ELEM		
	1	WHITLEY COUNTY HIGH SCHOOL	HS		
	1	WHITLEY COUNTY MIDDLE	MID		
	1	WILLIAMSBURG ELEMENTARY	ELEM		
	1	WOFFORD ELEMENTARY	ELEM		
	1	WOODBINE ELEMENTARY	ELEM		
WOLFE COUNTY	1	BETHANY ELEMENTARY	ELEM		
	1	CAMPTON ELEMENTARY	ELEM		
	1	HAZEL GREEN ACADEMY HS	HS		
	1	RED RIVER VALLEY ELEMENTARY	ELEM		
	1	ROGERS ELEMENTARY	ELEM		
	1	WOLFE COUNTY HIGH SCHOOL	HS		
WOODFORD COUNTY	3	MIDWAY ELEMENTARY	ELEM		
	3	MILLVILLE ELEMENTARY	ELEM		
	3	SIMMONS ELEMENTARY	ELEM		

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LOCATIONS	CODE *	SCHOOL NAME	
ABBEVILLE			
	1	EAST ABBEVILLE	K-3
	1	MALTRATT	K-8
	1	MT CARMEL	K-8
ALEXANDRIA			
	1	AARON STREET ELEMENTARY	K-6
	1	ACADIAN ELEMENTARY	K-6
	1	BOYCE ELEMENTARY	K-7
	1	C C RAYMOND JR HIGH	6-9
	1	JONES STREET JR HIGH	7-8
	1	KELSO TWIN CITIES HIGH	9-12
	1	LECOMPTE ELEMENTARY	K-5
	1	LINCOLN ROAD ELEMENTARY	3-6
	1	LINCOLN ROAD PRIMARY	K-2
	1	LINCOLN WILLIAMS ELEMENTARY	K-8
	1	LOUISIANA TRAINING INSTITUTE	N/A
	1	PEABODY ELEMENTARY	K-6
	1	PECAN GROVE TRAINING CENTER	N/A
	1	PINECREST STATE SCHOOL	N/A
	1	REED AVENUE ELEMENTARY	K-6
	1	RENAISSANCE HOME	N/A
	1	ROSENTHAL ELEMENTARY	K-6
	1	SILVER CITY ELEMENTARY	K-6
	1	SLOCUM ELEMENTARY	K-6
	1	SOUTH ALEXANDRIA ELEMENTARY	K 3-6
	1	SOUTH ALEXANDRIA PRIMARY	K-2
	1	ST MARY'S TRAINING SCHOOL	N/A
	1	WETTERMARK HIGH	8-12
AMITE			
	1	AMITE ELEMENTARY	K-4
	1	CHESBROUGH HIGH	K-12
	1	CRYSTAL STREET ELEMENTARY	3-6
	1	HAMMOND ELEMENTARY	4-6
	1	HAMMOND STATE SCHOOL	N/A
	1	HAMMOND STATE SCHOOL-VOC REHAB	N/A
	1	HOLY GHOST	K-8
	1	INDEPENDENCE ELEMENTARY	K-5
	1	INDEPENDENCE MIDDLE	6-8
	1	KENTWOOD ELEMENTARY	K-6
	1	KENTWOOD HIGH	7-12
	1	MOONEY AVENUE ELEMENTARY	K-3
	1	NATALBANY MIDDLE	5-8
	1	PINE RIDGE ELEMENTARY	K-2
	1	REYNOLDS INSTITUTE	N/A
	1	ROSELAND ELEMENTARY	K-4
	1	SPRING CREEK HIGH	K-12
	1	WEST SIDE MIDDLE	5-8
BASTROP			
BASTROP (CONTINUED)	1	BASTROP JR HIGH - EAST	7
	1	BONITA	K-8
	1	CARVER	4-6
	1	COLLINSTON	K-8
	1	DELTA HIGH	9-12
	1	EAST SIDE	K-4
	1	H V ADAMS	1-6
	1	MEDC (SPECIAL EDUCATION)	58 [illegible]
	1	MER ROUGE	K-3
	1	OAK HILL	1-3
	1	OAK RIDGE	K-8
	1	OUR LADY HELP OF CHRISTIANS	K-5
	1	SOUTH SIDE	K-4
	1	WEST SIDE	K-4
BOGALUSA			
	1	SUPERIOR AVENUE ELEMENTARY P	K-3
	1	TERRACE ELEMENTARY P	4-6
BREAUX BRIDGE			
	1	BREAUX BRIDGE ELEMENTARY	4-6
	1	BREAUX BRIDGE JUNIOR HIGH	7-9
	1	CECILIA JUNIOR HIGH	7-9
	1	CECILIA PRIMARY	K-3
	1	ST MARTINVILLE ELEMENTARY	4-6
	1	TECHE ELEMENTARY	4-6
CHALMETTE			
	1	ST BERNARD GROUP HOME	N/A
COUSHATTA			
	1	COUSHATTA ELEMENTARY	K-6
	1	COUSHATTA HIGH SCHOOL	9-12
	1	HANNA ELEMENTARY	K-8
	1	MARTIN SCHOOL	K-12
	1	SPRINGVILLE SCHOOL	5-8
COVINGTON			
	1	ALTON ELEMENTARY	K-6
	1	TOWERING PINES CENTER	N/A
FRANKLINTON			
	1	ANGIE JR HIGH	5-8
	1	ENON ELEMENTARY	K-5
	1	FRANKLINTON ELEMENTARY	3-5
	1	FRANKLINTON JUNIOR HIGH	7-8
	1	FRANKLINTON PRIMARY	K-2
	1	MT HERMON	K-12
	1	PINE	K-912
	1	VARNADO ELEMENTARY	K-5
	1	VARNADO HIGH	9-12
	1	WESLEY RAY ELEMENTARY	K-5
GREENSBURG			

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LOCATIONS	CODE *	SCHOOL NAME	
GREENSBURG (CONTINUED)	1	FIFTH WARD ELEMENTARY	K-6
	1	GREENSBURG	K-12
	1	PINE GROVE ELEMENTARY	K-8
	1	ST HELENA ELEMENTARY	K-7
	1	ST HELENA HIGH	8-12
	1	WOODLAND HIGH	7-12
HOUMA	1	GRAND CAILLOU	K-8
	1	MACDONNELL UNITED METH CHILDRN	N/A
	1	ST FRANCIS	K-7
	1	TARC	SU
	1	TVRC	SU
JENA	1	TULLOS ELEMENTARY	1-7
JENNINGS	1	ELTON HIGH	K-12
	1	ELTON JUNIOR HIGH	5-8
	1	WELSH/ROANOKE	7-8
LAFAYETTE	1	ALICE BOUCHER ELEMENTARY	1-5
	1	CHILDREN'S SHELTER	N/A
	1	LAFAYETTE JUV & YNG ADLT PR HM	N/A
	1	LAFAYETTE PARISH DETENTION HME	N/A
	1	POLLUX HOUSE INC	N/A
	1	ST ANTOINE ELEMENTARY	1-5
	1	TRUMAN ELEMENTARY	1-8
	1	VERMILION ELEMENTARY	1-3
LEESVILLE	1	LEESVILLE STATE SCHOOL	N/A
	1	POLK ELEMENTARY	K-4
	1	VERNON YOUTH SERVICES	N/A
LIVINGSTON	1	ALBANY-SPRINGFIELD JUNIOR HIGH	7-8
	1	HOWELL HOUSE	N/A
LOCKPORT	1	GALLIANO ELEMENTARY	K-4
	1	GALLIANO JUNIOR HIGH	5-9
	1	GOLDEN MEADOW JUNIOR HIGH	7-9
	1	GOLDEN MEADOW LOWER ELEMENTARY	K-3
	1	GOLDEN MEADOW UPPER ELEMENTARY	4-6
	1	SOUTH LAFOURCHE HIGH	10-12
LULING	1	KILLONA ELEMENTARY	K-6
LUTCHER	1	FIFTH WARD	K-6
	1	LUTCHER	K-6
	1	PAULINA	K-6
LUTCHER (CONTINUED)	1	ROMEVILLE	K-9
	1	SIXTH WARD	K-5
	1	ST JAMES JR HIGH	7-9
MANY		NONE	
MINDEN	1	BELL OAKS GROUP HOME	N/A
	1	EVERGREEN PRESBYTERIAN VOC SCH	N/A
	1	JONES ELEMENTARY	K-5
MONROE	1	BARKDULL FAULK ELEMENTARY	K-6
	1	BERG JONES ELEMENTARY	K-6
	1	CARROLL HIGH	10-12
	1	CARROLL JR	7
	1	CARVER ELEMENTARY	K-6
	1	CLARA HALL ELEMENTARY	K-5
	1	CLARK ELEMENTARY	K-5
	1	GREENOAK DETENTION HOME	N/A
	1	JEFFERSON JR	7-8
	1	LEE JR	8
	1	LIDA BENTON ELEMENTARY	K-5
	1	LINCOLN ELEMENTARY	K-5
	1	LITTLE FLOWER ACADEMY	K-8
	1	LOUISIANA TRAINING INSTITUTE	N/A
	1	RANSOM	K-5
	1	RICHARDSON	7-9
	1	RICHWOOD	7-12
	1	ROBINSON	K-5
	1	SHADY GROVE	1-6
	1	SHERROUSE ELEMENTARY	K-5
	1	SWAYZE	K-6
	1	WOSSMAN HIGH	9-12
	1	YOUTH HOUSE OF OUACHITA INC I	N/A
	1	YOUTH HOUSE OF OUACHITA INC II	N/A
MORGAN CITY	1	SAMARITAN HOUSE	N/A
	1	THOMAS GIBBS ELEMENTARY	K-8
NATCHITOCHES	1	ALLEN	K-12
	1	ASHLAND	K-12
	1	CAMPTI ELEMENTARY	K-6
	1	CAMPTI HIGH	7-12
	1	CANE RIVER CHILDREN'S HOME	N/A
	1	CLARENCE	K-6
	1	CLOUTIERVILLE	7-12
	1	COMMUNITY HOMES INC	N/A
	1	EAST JUNIOR	7

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NATCHITOCHES (CONTINUED)	1	GORUM	K-12
	1	NATCHEZ	K-8
	1	NORTH	K-6
	1	NORTHWESTERN JR	8
	1	PARKS	K-6
	1	ROBELINE	K-12
	1	SPRINGHILL	K-6
	1	ST MATTHEW	K-12
NEW ORLEANS	1	BETHLEHEM CHILDREN'S HOME	N/A
	1	CARVER	7-8
	1	CHESTER	K-5
	1	CHILD & ADOLESCENT MENTAL HLTH	N/A
	1	COLISEUM HOUSE	N/A
	1	CRAIG	K-6
	1	DANNEEL	K-6
	1	DUNN	K-6
	1	EDWARDS	K-5
	1	FISCHER	K-6
	1	GUSTE	K-6
	1	HANBERRY HOUSE	N/A
	1	HARDIN	K-6
	1	HARNEY	K-6
	1	HENDERSON	K-6
	1	HOFFMAN	K-5
	1	HOLY GHOST	K-8
	1	HOUSE OF BROAD	N/A
	1	JACKSON	K-6
	1	JOHNSON	K-6
	1	JOLIET HOUSE	N/A
	1	K-8AR-B	N/A
	1	LAFON	K-6
	1	LAUREL	K-6
	1	LEWIS	K-6
	1	LOCKETT	K-5
	1	LOUISE DAVIS SCHOOL	N/A
	1	LUTHERAN SOCIAL SERVICES	N/A
	1	MCDONOGH #36	K-6
	1	MCDONOGH #38	K-6
	1	METHODIST HOME HOSPITAL	N/A
	1	MILNE ALEXANDER HOME FOR GIRLS	N/A
	1	MILNE HOME FOR BOYS	N/A
	1	MOTON	K-6
	1	NELSON	K-6
	1	PHILLIPS	K-6
	1	PHILLIPS	7-9
	1	RAINTREE HOUSE	N/A
NEW ORLEANS (CONTINUED)	1	REDEMPTORIST	9-12
	1	SELLERS BAPTIST HOME	N/A
	1	ST ALPHONSUS	K-8
	1	ST AUGUSTINE	9-12
	1	ST ELIZABETH'S CHILDREN'S HOME	N/A
	1	ST MARY OF THE ANGELS	K-8
	1	ST MONICA	K-8
	1	ST PHILIP THE APOSTLE	K-8
	1	ST VINCENT'S MATERNITY HOME	N/A
	1	VDA-CONSTANCE	N/A
	1	VDA-GENERAL SERVICES	N/A
	1	VDA-IBERVILLE	N/A
	1	VDA-MATERNITY	N/A
	1	WALTERS SCHOOL-REMEDIAL & ADV	N/A
	1	WHEATLEY	K-6
	1	WICKER	K-5
	1	WILLIAMS	K-5
	1	XAVIER	9-12
	1	YOUTH ALT INC - GREENHOUSE	N/A
	1	YOUTH ALT INC - HOUSE ON BROAD	N/A
	1	YOUTH ALT INC - HOUSE ON ROYAL	N/A
	1	YOUTH STUDY CENTER	N/A
	1	YWCA - CRISIS CARE CENTER	N/A
NEW ROADS	1	CATHOLIC HS OF POINTE COUPEE	
	1	LABARRE	K-8
	1	LIVONIA	7-12
	1	MORGANZA	K-12
	1	ROSENWALD	K-12
	1	UPPER POINTE COUPEE	K-12
OAK GROVE	1	FOPS HIGH SCHOOL	K-12
OPELOUSAS	1	CENTRAL ELEMENTARY	K-7
	1	COURTABLEAU ELEMENTARY	K-7
	1	CRESWELL ELEMENTARY	K-6
	1	EAST ELEMENTARY	K-6
	1	EUNICE ELEMENTARY	K-6
	1	EUNICE JR HIGH	8-9
	1	GRAND PRAIRIE HIGH	K-12
	1	GROLEE ELEMENTARY	K-5
	1	HIGHLAND ELEMENTARY	K-5
	1	KROTZ SPRINGS ELEMENTARY	K-8
	1	LA GARCONNIERE-JUVENILE SVCS	N/A
	1	LAWTELL ELEMENTARY	K-8
	1	LAWTELL HIGH	9-12
	1	LEONVILLE ELEMENTARY	K-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
OPELOUSAS (CONTINUED)	1	LEONVILLE HIGH	6-12
	1	MELVILLE ELEMENTARY	K-4
	1	MELVILLE MIDDLE	5-8
	1	MORROW ELEMENTARY	K-7
	1	MORROW HIGH	8-12
	1	NORTH ELEMENTARY	K-6
	1	NORTHEAST ELEMENTARY	K-6
	1	OPELOUSAS JUNIOR HIGH	7-9
	1	PALMETTO ELEMENTARY	K-6
	1	PALMETTO HIGH	7-12
	1	PLAISANCE HIGH	K-12
	1	PORT BARRE HIGH	4-12
	1	SOUTH STREET ELEMENTARY	K-6
	1	SOUTHWEST ELEMENTARY	K-6
	1	SUNSET ELEMENTARY	K-8
	1	SUNSET HIGH	9-12
	1	WASHINGTON HIGH	8-12
POINTE-A-LA-HACHE	1	BELLE CHASE STATE SCHOOL	N/A
	1	PADUA HOUSE	N/A
	1	PHOENIX HIGH SCHOOL	K-12
	1	ST JUDE CATHOLIC SCHOOL	K-8
RAYVILLE	1	DELHI GUEST HOME	N/A
	1	MANGHAM ELEMENTARY	K-6
	1	MANGHAM JUNIOR HIGH	7-8
	1	RAYVILLE JUNIOR HIGH	5-8
	1	RAYVILLE PRIMARY	K-4
	1	RICHLAND SPECIAL EDUCATION	SP ED
RESERVE	1	EDGARD ELEMENTARY	4-5
	1	GARYVILLE ELEMENTARY	K-2
	1	LUCY ELEMENTARY	K-3
	1	SIXTH WARD ELEMENTARY	3-6
	1	WALLACE ROSENWALD	K-3
	1	WEST ST JOHN JR HIGH	6-8
	1	WEST ST JOHN SR HIGH	9-12
RUSTON	1	METHODIST CHILDREN'S HOME	N/A
SPEARSVILLE	1	MARION	K-12
ST FRANCISVILLE	1	BAINS ELEMENTARY	K-6
	1	LOUISIANA STATE PENITENTIARY	N/A
	1	WEST FELICIANA JR HIGH	7-9
ST JOSEPH	1	DAVIDSON HIGH	7-12
ST JOSEPH (CONTINUED)	1	LISBON ELEMENTARY	K-5
	1	NEWELLTON HIGH	K-12
	1	ROUTHWOOD ELEMENTARY	6-8
	1	TENSAS ELEMENTARY	K-5
	1	WATERPROOF HIGH	7-12
TALLULAH	1	AUSTRALIA ISLAND	1-5
	1	MCCALL JUNIOR HIGH	7-9
	1	MCCALL SENIOR HIGH	10-12
	1	TALLULAH ELEMENTARY	K-5
	1	THOMASTOWN	K-12
	1	WAVERLY	1-7
	1	WRIGHT ELEMENTARY	K-5
WINNFIELD	1	ATLANTA HIGH SCHOOL	K-12
	1	DODSON HIGH	K-12
	1	WINN PARISH CAREER CENTER	SP ED

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
ANDROSCOGGIN			
	2	CENTRAL SCHOOL	MDL
	1	CHAMBERLAIN	EL
	2	FARWELL	EL
	2	FAYETTE GRAMMAR	EL
	1	FRYE	EL
	1	JORDAN	EL
	2	LEWISTON JUNIOR HIGH SCHOOL	JHS
	2	LISBON ELEMENTARY	EL
	2	MARTEL	EL
	2	MONTELLO	EL
	1	MULTIPURPOSE CENTER	EL
	2	SHERWOOD HEIGHTS	EL
	1	ST LOUIS	EL
	1	WALLACE	EL
	2	WASHBURN	EL
AROOSTOOK			
	2	ASHLAND CENTRAL SCHOOL	EL
	1	BRIDGEWATER SCHOOL	EL
	1	COMMUNITY HIGH SCHOOL	HS
	1	CONNOR CONSOLIDATED	EL
	1	DAMON ELEMENTARY	EL
	2	EAGLE LAKE ELEMENTARY	EL
	2	ELEMENTARY SCHOOL	EL
	1	FORT KENT ELEMENTARY	EL
	1	FORT STREET SCHOOL	EL
	1	GATEWAY ELEMENTARY	EL
	1	GRAND ISLE ELEMENTARY	EL
	1	HOULTON ELEMENTARY	EL
	1	KINDLE SCHOOL	EL
	2	LAMBERT SCHOOL	MDL
	2	LIMESTONE ELEMENTARY	EL
	2	LIMESTONE HIGH SCHOOL	J-SHS
	2	LITTLETON SCHOOL	EL
	2	MARS HILL HIGH SCHOOL	HS
	1	MONTICELLO SCHOOL	EL
	1	PATRICK THERIAULT	EL
	2	ROOSEVELT SCHOOL	EL
	1	SOUTHERN AROOSTOOK COMM SCH	K-12
	1	ST FRANCIS ELEMENTARY	EL
	1	VAN BUREN DIST HIGH SCHOOL	HS
AROOSTOOK (CONTINUED)			
	1	W C FOSTER SCHOOL	MDL
	2	WALLAGRASS ELEMENTARY	EL
	1	WASHBURN DISTRICT HIGH SCHOOL	HS
	2	WASHBURN ELEMENTARY	EL
	1	WELLINGTON SCHOOL	EL
CUMBERLAND			
	1	ADAMS SCHOOL	EL
	2	BRIDGTON JUNIOR HIGH SCHOOL	JHS
	1	CANAL SCHOOL	EL
	2	CASCO JUNIOR HIGH	JHS
	2	CASCO MEMORIAL SCHOOL	EL
	2	FOREST STREET SCHOOL	EL
	2	HAWTHORNE	EL
	1	JACK ELEMENTARY	EL
	1	KING JUNIOR HIGH SCHOOL	JHS
	2	LONGFELLOW	EL
	1	MAINE YOUTH CENTER	
	1	NAPLES ELEMENTARY	EL
	2	NATHAN CLIFFORD	EL
	1	PEAKS ISLAND SCHOOL	EL
	2	PRESUMPSCOT	EL
	1	REICHE	EL
	2	RIVERTON	EL
	2	SACCARAPPA SCHOOL	EL
	2	SEBAGO ELEMENTARY	EL
	1	WEST	EL
FRANKLIN			
	2	KINGFIELD ELEMENTARY	EL
	2	MT ABRAM HIGH SCHOOL	HS
	2	PHILLIPS ELEMENTARY	EL
	2	STRATTON ELEMENTARY	EL
HANCOCK			
	1	BROOKLIN ELEMENTARY	EL
	1	BROOKLIN JUNIOR HIGH	JHS
	1	DEER ISLE ELEMENTARY	EL
	1	DEER ISLE/STONINGTON J-SR HIGH	J-SHS
	1	ELLA LEWIS - STEUBEN	EL
	2	FLANDERS BAY CSD	HS
	1	GOULDSBORO GRAMMAR	EL
	2	JEWETT SCHOOL	EL
	1	SCHOODIC-FRANKLIN	EL
	1	SCHOODIC-SULLIVAN	EL
	1	SEDGWICK PRIMARY	EL
	2	STONINGTON ELEMENTARY	EL
	1	THE ALTERNATIVE SCHOOL	EL
	2	WINTER HARBOR GRAMMAR	EL
KENNEBEC			

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LOCATIONS	CODE *	SCHOOL NAME	
KENNEBEC (CONTINUED)	2	BUKER	JHS
	2	CARL B LORD	MDL
	1	CHELSEA SCHOOL	EL
	2	EAST VASSALBORO	EL
	2	FARRINGTON	EL
	1	GILBERT	EL
	1	JAMES H BEAN (SIDNEY)	EL
	2	LIBBY-TOZIER SCHOOL	MDL
	2	LITCHFIELD CENTRAL	EL
	1	MT VERNON	EL
	2	O C WOODMAN SCHOOL	MDL
	2	OAKLAND PRIMARY	EL
	2	PALERMO	EL
	2	PITTSTON CONSOLIDATED	EL
	1	PRAY STREET SCHOOL	EL
	1	RIVERSIDE SCHOOL	EL
	1	ROME	EL
	2	SABATTUS ELEMENTARY	EL
	1	SOMERVILLE	EL
	2	SOUTH GARDINER SCHOOL	EL
	1	T C HAMLIN SCHOOL	EL
	1	WALES CENTRAL SCHOOL	EL
	2	WHITEFIELD	EL
KNOX			
	1	COMMUNITY SCHOOLS, INC	HS
	2	GEORGE'S VALLEY HIGH SCHOOL	HS
	2	MCLAIN SCHOOL	EL
	1	NORTH SCHOOL	EL
	2	ROCKLAND JUNIOR HIGH SCHOOL	JHS
	1	SOUTH SCHOOL	EL
	2	ST GEORGE'S ELEMENTARY	EL
LINCOLN			
	2	A D GRAY JUNIOR HIGH SCHOOL	JHS
	2	FRIENDSHIP STREET	EL
	1	MILLER GRADE	EL
	1	PRESCOTT MEMORIAL	EL
	1	WARREN INTERMEDIATE	EL
OXFORD			
	1	BALDWIN CONSOLIDATED	EL
	1	BUCKFIELD ELEMENTARY	EL
	2	BUCKFIELD JUNIOR-SENIOR H S	J-SHS
	1	CARTHAGE SCHOOL	EL
	2	CORNISH ELEMENTARY	EL
	1	HARTFORD SUMNER ELEMENTARY	EL
	1	HIRAM ELEMENTARY	EL
	2	MILLIKEN	EL
	2	NORWAY	EL
OXFORD (CONTINUED)	1	PARSONSFIELD CONSOLIDATED	EL
	1	PORTER ELEMENTARY	EL
	2	RUMFORD ELEMENTARY	EL
	2	SACOPEE VALLEY	J-SHS
	2	WATERFORD	EL
PENOBSCOT			
	1	ABRAHAM LINCOLN	EL
	2	AIRLINE CSD	EL
	1	ALTON GRAMMAR SCHOOL	EL
	2	BRADFORD ELEMENTARY	EL
	2	BURLINGTON	EL
	2	CAPRI	EL
	2	CARAVEL JUNIOR HIGH SCHOOL	MDL
	1	CARMEL SCHOOL	EL
	2	CENTRAL HIGH SCHOOL	HS
	2	CHARLESTON ELEMENTARY	EL
	1	DEDHAM SCHOOL	EL
	2	DEXTER - PRIMARY - MIDDLE	MDL
	1	DOWNEAST SCHOOL	EL
	2	DR LEWIS LIBBY SCHOOL	EL
	2	ELLA P BURR	EL
	1	ETNA - DIXMONT	EL
	1	EULA HAM - LEE	EL
	1	EXETER CONSOLIDATED	MDL
	2	GARLAND ELEMENTARY	EL
	2	GLENBURN ELEMENTARY	EL
	1	HELEN DUNN SCHOOL	EL
	2	HELEN HUNT SCHOOL	EL
	2	HERBERT GRAY SCHOOL	EL
	1	HERBERT SARGENT SCHOOL	EL
	2	HIGHORN MIDDLE	MDL
	1	HUDSON ELEMENTARY	EL
	2	J A LEONARD JR HIGH SCHOOL	JHS
	1	JEFFERSON STREET SCHOOL	EL
	2	KENDUSKEAG ELEMENTARY	EL
	1	KINGMAN ELEMENTARY	EL
	1	LEE JUNIOR HIGH SCHOOL	JHS
	2	LEVANT SCHOOL	EL
	1	LOMBARD SCHOOL - SPRINGFIELD	EL
	2	MATTANAWCOOK JUNIOR HIGH SCH	JHS
	2	MONSON ELEMENTARY	EL
	1	MORISON MEMORIAL	EL
	2	PENOBSCOT VALLEY HIGH SCHOOL	HS
	2	SEBOMOCHA JUNIOR HIGH SCHOOL	JHS
	1	UNION STREET MIDDLE	JHS
	2	VINE STREET SCHOOL	EL
	1	VIOLA RAND SCHOOL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
PENOBSCOT (CONTINUED)			
PISCATAQUIS	1	WINN SCHOOL	EL
	2	CAMBRIDGE	EL
	2	GUILFORD MIDDLE	MDL
	2	GUILFORD PRIMARY	EL
	2	MCKUSICK	EL
	2	WELLINGTON	EL
SAGADAHOC			
	1	DRESDEN	EL
SOMERSET			
	2	ALBION ELEMENTARY	EL
	1	BURNHAM VILLAGE	EL
	1	CENTRAL ELEM - NEW PORTLAND	EL
	2	EMBDEN ELEMENTARY	EL
	2	GARRETT SCHENCK	EL
	2	GRAMMAR SCHOOL	EL
	1	HARMONY ELEMENTARY	EL
	1	HINCKLEY HOME, SCHOOL, FARM	EL
	2	LAWRENCE JUNIOR HIGH SCHOOL	JHS
	2	LAWRENCE MIDDLE	MDL
	2	MANSON PARK SCHOOL	EL
	1	MOSCOW	EL
	1	QUIMBY	EL
	2	VALLEY	HS
	1	VICKERY SCHOOL	MDL
	1	WARSAW JUNIOR HIGH SCHOOL	JHS
WALDO			
	1	APPLETON SCHOOL DEPT	EL
	2	BELMONT ELEMENTARY	EL
	2	CROSBY JUNIOR HIGH SCHOOL	JHS
	2	EAST BELFAST	EL
	1	EDNA DRINKWATER	EL
	1	GEORGE ROBERTSON	MDL
	2	GLADYS WEYMOUTH	EL
	1	GOVERNOR ANDERSON	EL
	2	HOPE SCHOOL DEPT	EL
	1	LINCOLNVILLE SCHOOL	EL
	2	PEIRCE	EL
	1	SEARSMONT	EL
	1	SWANVILLE	EL
WASHINGTON			
	1	BEALS ELEMENTARY	EL
	1	BROOKTON ELEMENTARY	EL
	2	CHERRYFIELD ELEMENTARY	EL
	1	COLUMBIA FALLS ELEMENTARY	EL
	1	D W MERRITT	EL
	1	EDMUNDS CONSOLIDATED	EL
WASHINGTON (CONTINUED)			
	2	HARRINGTON ELEMENTARY	EL
	1	JONESPORT ELEMENTARY	EL
	1	JONESPORT-BEALS HIGH SCHOOL	HS
	1	LUBEC CONSOLIDATED SCHOOL	K-12
	1	MILBRIDGE ELEMENTARY	EL
	2	NARRAGUAGUS HIGH SCHOOL	HS
	2	WASHINGTON ACADEMY	HS
YORK			
	1	CENTRAL SCHOOL	EL
	2	DAYTON CONSOLIDATED SCHOOL	EL
	2	EMERSON SCHOOL	EL
	2	H B EMERY	EL
	1	JAMESON SCHOOL	EL
	1	LAFAYETTE SCHOOL	EL
	1	LINCOLN SCHOOL	EL
	1	LORANGER MEMORIAL	EL
	2	MIDDLE SCHOOL	MDL
	2	OLD ORCHARD BEACH HIGH SCHOOL	HS
	1	OLD ORCHARD BEACH JR HIGH SCH	JHS

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MARYLAND

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

MARYLAND

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ALLEGANY COUNTY			
	2	BARTON	EL
	1	COLUMBIA STREET	EL
	1	EAST SIDE	EL
	2	FLINTSTONE	EL
	2	FLINTSTONE	J-SHS
	1	JOHN HUMBIRD	EL
	2	MCCOOLE	EL
	2	MT SAVAGE	EL
	2	MT SAVAGE	J-SHS
	2	NORTHEAST	EL
	2	OLDTOWN	EL
	2	OLDTOWN	J-SHS
	1	PENNSYLVANIA AVENUE	EL
	2	ST MARY'S	EL
	2	VALLEY	J-SHS
	2	VOCATIONAL TECH CENTER	J-SHS
	2	WASHINGTON	JHS
	2	WEST SIDE	EL
	1	WESTERNPORT	EL
ANNE ARUNDEL COUNTY			
	2	ANNAPOLIS	EL
	2	ANNAPOLIS	JHS
	2	CARRIE R WEEDON	EL
	2	EASTPORT	EL
	2	FREETOWN	EL
	2	GEORGE FOX	JHS
	1	GEORGETOWN EAST	EL
	1	GERMANTOWN	EL
	2	HIGH POINT	EL
	2	HILLSMERE	EL
	2	LOTHIAN	EL
	2	MACARTHUR	JHS
	2	MANOR VIEW	EL
	2	MARLEY	EL
	2	MEADE HEIGHTS	EL
	2	NORTH GLEN	EL
	2	ODENTON	EL
	2	PARK	EL
	2	PAROLE	EL
	2	RICHARD H LEE	EL
	2	ROLLING KNOLLS	EL
	2	SEVERN	EL
	2	SOLLEY	EL
	2	SOUTH SHORE	EL
	2	SOUTHERN	JHS
	2	TRACY'S	EL
	1	TYLER HEIGHTS	EL
ANNE ARUNDEL COUNTY (CONTINUED)			
	1	VAN BOKKELEN	EL
	2	WEST ANNAPOLIS	EL
	2	WEST MEADE	EL
	2	WILEY H BATES	JHS
	2	WOODSIDE	EL
BALTIMORE CITY			
	1	#10 JAMES MCHENRY	EL
	1	#101 ELMER A HENDERSON	EL
	1	#102 THOMAS G HAYES	EL
	1	#107 GILMOR	EL
	1	#11 EUTAW MARSHBURN	EL
	1	#115 VENABLE	JHS
	1	#117 DUKE ELLINGTON	EL
	1	#122 SAMUEL COLERIDGE TAYLOR	EL
	1	#124 BAY-BROOK	EL
	1	#125 FURMAN TEMPLETON	EL
	1	#13 TENCH TILGHMAN	EL
	1	#130 BOOKER T WASHINGTON	JHS
	1	#134 WALTER P CARTER	EL
	1	#135 LUTHER CRAVEN MITCHELL	EL
	1	#138 HARRIET TUBMAN	EL
	1	#139 CHARLES CARROLL OF CARROL	EL
	1	#14 PARK HEIGHTS	EL
	1	#142 ROBERT W COLEMAN	EL
	1	#145 ALEXANDER HAMILTON	EL
	1	#149 RUTLAND	EL
	1	#150 BENTALOU	EL
	1	#156 MT WINANS	K-12
	1	#157 GEORGE KELSON	EL
	1	#159 CHERRY HILL	EL
	1	#16 JOHNSTON SQUARE	EL
	1	#160 CARTER G WOODSON	EL
	1	#162 JOSIAH DIGGS	EL
	1	#163 PATAPSCO	EL
	1	#164 ARUNDEL	EL
	1	#177 GEORGE L MCMECHEN	EL
	1	#179 FRANCIS M WOOD	JHS
	1	#18 FRANKLIN ROOSEVELT	EL
	1	#180 CHERRY HILL	JHS
	1	#181 CHARLES HAMILTON HOUSTON	J-SHS
	1	#19 LEXINGTON TERRACE	EL
	1	#2 DAVID E WEGLEIN	EL
	1	#200 JACKIE ROBINSON	EL
	1	#202 LAFAYETTE	EL
	1	#204 MARY E RODMAN	EL
	1	#214 GUILFORD	EL
	1	#216 FRANKFORD	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BALTIMORE CITY (CONTINUED)	1	#217 BELMONT	EL
	1	#22 GEORGE WASHINGTON	EL
	1	#223 PIMLICO	EL
	1	#225 WESTPORT	EL
	1	#227 ST HELENA	EL
	1	#229 HOLABIRD	EL
	1	#23 GENERAL WOLFE	EL
	1	#238 VICTORY	EL
	1	#24 WESTSIDE	EL
	1	#240 GRACELAND PARK-O'DONNELL	EL
	1	#25 DR RAYNER BROWNE	EL
	1	#250 DR BERNARD HARRIS SR	EL
	1	#254 DR MARTIN L KING	EL
	1	#255 SOUTHEAST	JHS
	1	#26 MADISON SQUARE	EL
	1	#261 LOCKERMAN BUNDY	EL
	1	#27 COMMODORE JOHN RODGERS	EL
	1	#28 WILLIAM PINDERHUGHES	EL
	1	#29 MATTHEW A HENSON	EL
	1	#298 SAMUEL GOMPERS	JHS
	1	#30 GEORGE STREET	EL
	1	#301 WILLIAM S BAER	EL
	1	#304 HARBOR VIEW	EL
	1	#307 CLAREMONT	EL
	1	#31 COLDSTREAM PARK	EL
	1	#310 FERNHILL	EL
	1	#32 GUILFORD AVENUE	EL
	1	#34 BARRISTER CHARLES CARROLL	EL
	1	#35 HARLEM PARK	EL
	1	#36 HARFORD HEIGHTS	EL
	1	#38 MALCOLM X	EL
	1	#39 DALLAS F NICHOLAS	K-12
	1	#4 STEWART HILL	EL
	1	#40 LAKE CLIFTON	HS
	1	#400 EDMONDSON	HS
	1	#404 EASTERN	HS
	1	#412 SOUTHWESTERN	HS
	1	#414 PAUL L DUNBAR	HS
	2	#43 HAMPSTEAD HILL	JHS
	1	#45 FEDERAL HILL	EL
	1	#450 FREDERICK DOUGLASS	HS
	1	#451 JOSEPH C BRISCOE	JHS
	1	#453 FAIRMOUNT HILL	HS
	1	#454 CARVER VOC TECH	HS
	1	#457 LAWRENCE G PACQUIN	HS
	1	#48 JAMES MONROE	EL
	1	#5 LANGSTON HUGHES	EL
BALTIMORE CITY (CONTINUED)	1	#50 ABBOTTSTON	EL
	1	#52 SPRINGHILL	EL
	1	#53 MARGARET BRENT	EL
	1	#54 BARCLAY	EL
	1	#57 LOMBARD	JHS
	1	#60 GWYNNS FALLS	EL
	1	#61 JOHN EAGER HOWARD	EL
	1	#62 EDGECOMBE CIRCLE	EL
	1	#63 ROSEMONT	EL
	1	#67 EDGEWOOD	EL
	1	#68 BETSY ROSS	EL
	1	#69 MORDECAI GIST	EL
	1	#7 CECIL	EL
	1	#71 IRVINGTON	EL
	1	#75 CALVERTON	JHS
	1	#77 HERRING RUN	JHS
	1	#78 HARLEM PARK	JHS
	1	#79 WILLIAM H LEMMEL	JHS
	1	#8 CITY SPRINGS	EL
	1	#82 GREENSPRING	JHS
	1	#85 FT WORTHINGTON	EL
	1	#86 LAKEWOOD	EL
	1	#9 CARROLL PARK	JHS
	1	#90 CLIFTON PARK	JHS
	1	#91 GWYNNS FALL	JHS
	1	#95 FRANKLIN SQUARE	EL
	1	#96 NATHANIEL RAMSAY	JHS
	1	#97 COLLINGTON SQUARE	EL
	1	#98 SAMUEL F B MORSE	EL
	2	BALTIMORE HIGHLANDS	EL
	2	BALTIMORE JAIL SCHOOL	EL
	2	BATTLE GROVE	EL
	2	BERKSHIRE	EL
	2	CAMPFIELD	EL
	1	CATHOLIC COMMUNITY	MDL
	2	CATONSVILLE	EL
	2	CATONSVILLE	JHS
	2	CHADWICK	EL
	1	CHASE	EL
	2	COLGATE	EL
	2	CYLBURN CHILDREN'S HOME	EL
	2	DEEP CREEK	EL
	2	DEEP CREEK	JHS
	2	DUNDALK	MDL
	1	DUNDALK	EL
	2	EDGEMERE	EL
	1	ELMWOOD	EL

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LOCATIONS	CODE *	SCHOOL NAME	
BALTIMORE CITY (CONTINUED)	2	ESSEX	EL
	1	FEATHERBED LANE	EL
	2	FR CHARLES HALL	EL
	2	FR CHARLES HALL	MDL
	2	GLENMAR	EL
	2	HAWTHORNE	EL
	1	HILLENDALE	EL
	2	HOUSE OF GOOD SHEPHERD	EL
	2	LADY OF MOUNT CARMEL	EL
	2	LANDSDOWN	MDL
	2	LOGAN	EL
	2	MADONNA	EL
	2	MADONNA	MDL
	2	MAIDEN CHOICE	EL
	1	MARS ESTATES	EL
	1	MARTIN BOULEVARD	EL
	2	MIDDLE RIVER	JHS
	2	MIDDLEBOROUGH	EL
	1	MIDDLESEX	EL
	2	NORWOOD	EL
	2	OPENS	EL
	2	OUR LADY QUEEN OF PEACE	EL
	1	OWINGS MILLS	EL
	2	POWHATAN	EL
	2	QUEEN OF PEACE	MDL
	2	REISTERSTOWN	EL
	1	RIVERVIEW	EL
	1	ROSA PARKS	EL
	2	ROSA PARKS	MDL
	1	SANDALWOOD	EL
	1	SCOTTS BRANCH	EL
	1	SHADY SPRING	EL
	2	ST CLARE'S	EL
	2	ST JAMES/JOHN	EL
	2	ST KATHARINE	EL
	2	ST MICHAEL	EL
	2	ST PATRICK	EL
	2	ST PHILIP/JAMES	EL
	2	ST VINCENT'S CHILD CARE CENTER	EL
	2	STEMMERS RUN	JHS
	2	SUSSEX	EL
	2	TIMBER GROVE	EL
	1	VICTORY VILLA	EL
	2	VILLA MARIA	EL
	2	WESTOWNE	EL
	2	WOODBOURNE CHILD STUDY CENTER	EL
	2	WOODLAWN	MDL
	2	YOUTH RESIDENCE CENTER	JHS
CALVERT COUNTY			
	2	APPEAL	EL
	2	BEACH	EL
	2	CALVERT	JHS
	2	CENTRAL	EL
	2	MUTUAL	EL
	2	NORTHERN	JHS
CAROLINE COUNTY			
	2	COLONEL RICHARDSON	JHS
	2	COLONEL RICHARDSON	HS
	2	DENTON	EL
	2	FEDERALSBURG	EL
	1	GREENSBORO	EL
	1	PRESTON	EL
	2	RIDGELY	EL
CARROLL COUNTY			
	2	WILLIAM WINCHESTER	EL
CECIL COUNTY			
	2	RAINBRIDGE	EL
	2	RAY VIEW	EL
	2	BOHEMIA MANOR	J-SHS
	2	CECILTON	EL
	2	CHARLESTOWN	EL
	2	CHESAPEAKE CITY	EL
	2	ELKTON	JHS
	2	GILPIN MANOR	EL
	2	HOLLY HALL	EL
	2	NORTH EAST	EL
	2	NORTH EAST	JHS
	2	NORTH EAST	HS
	2	PERRYVILLE	EL
	2	THOMSON ESTATES	EL
CHARLES COUNTY			
	2	ARCHBISHOP NEALE	EL
	1	GALE-RAILEY	EL
	1	GENERAL SMALLWOOD	JHS
	2	GLASVA	EL
	2	INDIAN HEAD	EL
	2	LACKEY	HS
	2	LAPLATA	HS
	2	MALCOLM	EL
	2	MT HOPE	EL
	1	NANJEMOY	EL
	1	PICCOWAXEX	JHS
	2	PORT TOBACCO	EL
	1	T C MARTIN	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CHARLES COUNTY (CONTINUED)	1	WAYSIDE	EL
DORCHESTER COUNTY			
	2	CAMBRIDGE	JHS
	1	HURLOCK PRIMARY - INT	EL
	2	MACE'S LANE	JHS
	1	MAPLE	EL
	2	NORTH DORCHESTER	JHS
	2	NORTH DORCHESTER	HS
	1	SANDY HILL	EL
	1	ST CLAIR	EL
	2	VIENNA	EL
	2	WARWICK	EL
FREDERICK COUNTY			
	2	BRUNSWICK	EL
	2	BRUNSWICK	J-SHS
	2	CARROLL MANOR	EL
	2	EAST FREDERICK	EL
	2	EMMITSBURG	EL
	2	FREDERICK	HS
	2	GOV T JOHNSON	J-SHS
	2	NORTH FREDERICK	EL
	2	PARKWAY	EL
	2	SABILLASVILLE	EL
	2	SOUTH FREDERICK	EL
	2	THURMONT	EL
	2	WAVERLY	EL
	2	WEST FREDERICK	JHS
	2	WOODSBORO	EL
GARRETT COUNTY			
	2	BROAD FORD	EL
	2	CRELLIN	EL
	1	DENNETT ROAD	EL
	2	FRIENDSVILLE	EL
	1	GRANTSVILLE	EL
	2	KITZMILLER	EL
	2	LOCH LYNN	EL
	2	NORTHERN	JHS
	2	NORTHERN	HS
	2	RED HOUSE	EL
	2	ROUTE 40	EL
	2	SOUTHERN	JHS
	2	YODER	EL
HARFORD COUNTY			
	2	ABERDEEN	HS
	2	ABERDEEN MIDDLE	JHS
	2	BAKERFIELD	EL
	2	DARLINGTON	EL
HARFORD COUNTY (CONTINUED)	2	DUBLIN	EL
	2	EDGEMOOD	EL
	2	EDGEWOOD	MDL
	1	HALL'S CROSS ROADS	EL
	1	HAVRE DE GRACE	EL
	2	HAVRE DE GRACE	HS
	2	HAVRE DE GRACE	JHS
	2	HILLSDALE	EL
	2	MAGNOLIA	EL
	2	MEADOWVALE	EL
	1	OAKINGTON	EL
	2	SLATE RIDGE	EL
HOWARD COUNTY			
	2	GUILFORD	EL
	2	ROCKLAND	EL
	2	WATERLOO	EL
	2	WATERLOO	JHS
KENT COUNTY			
	2	CHESTERTOWN	JHS
	2	GALENA	EL
	2	MILLINGTON	EL
	2	ROCK HALL	EL
MONTGOMERY COUNTY			
	2	ARCOLA	EL
	1	BROAD ACRES	EL
	2	BROOKVIEW	EL
	2	CLARKSBURG	EL
	2	EAST SILVER SPRING	EL
	2	EDWIN W BROOME	JHS
	2	FIELDS ROAD	EL
	2	FOX CHAPEL	EL
	1	GAITHERSBURG	EL
	1	HIGHLAND	EL
	2	HUNGERFORD PARK	EL
	2	KENSINGTON	EL
	1	MARYVALE	EL
	2	MONOCACY	EL
	2	MONTGOMERY BLAIR	HS
	2	MONTGOMERY KNOLLS	EL
	1	NEW HAMPSHIRE ESTATES	EL
	1	OAK VIEW	EL
	1	PINEY BRANCH	EL
	2	POOLESVILLE	EL
	2	ROCK CREEK FOREST	EL
	1	ROLLING TERRACE	EL
	2	ROSEMARY HILLS	EL
	1	TAKOMA PARK	EL

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CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MONTGOMERY COUNTY (CONTINUED)	1	TAKOMA PARK	JHS
	2	TAYLOR	EL
	2	VIERS MILLS	EL
	2	WEST ROCKVILLE	EL
	2	WOODLIN	EL
	2	WOODSIDE	EL
	2	WORTON	EL
PRINCE GEORGE'S COUNTY			
	2	ACCOKEEK	EL
	2	ANDREW JACKSON	JHS
	1	BADEN	EL
	1	BARNABY MANOR	EL
	1	BEACON HEIGHTS	EL
	2	BEAVER HEIGHTS	EL
	2	BENJAMIN FOULOIS	JHS
	1	BERKSHIRE	EL
	2	BERWYN HEIGHTS	EL
	2	BLADENSBURG	JHS
	1	BLADENSBURG	EL
	1	BRADBURY HEIGHTS	EL
	1	CAPITOL HEIGHTS	EL
	2	CAROLE HIGHLANDS	EL
	2	CATHERINE T REED	EL
	2	CHARLES CARROLL	JHS
	1	CHILLUM	EL
	2	COLMAR MANOR	EL
	1	COLUMBIA PARK	EL
	1	CONCORD	EL
	2	COOPER LANE	EL
	1	DISTRICT HEIGHTS	EL
	1	DODGE PARK	EL
	1	DOSWELL E BROOKS	EL
	1	E A POE	EL
	2	FAIRMONT HEIGHTS	HS
	2	FOREST HEIGHTS	EL
	2	FORESTVILLE	EL
	2	FRANCIS SCOTT KEY	JHS
	2	G GARDNER SHUGART	JHS
	1	GLASSMANOR	EL
	2	GLENRIDGE	JHS
	2	GREENBELT CENTER	EL
	1	GREENBELT NORTH END	EL
	2	GWYNN PARK	JHS
	2	HILLCREST HEIGHTS	EL
	2	HYATTSVILLE	EL
	2	J ENOS RAY	EL
	2	J FRANK DENT	EL
PRINCE GEORGE'S COUNTY (CONTINUED)	2	JAMES MADISON	JHS
	2	JOHN CARROLL	EL
	1	JOHN E HOWARD	EL
	2	JOHN H WAYNE	EL
	2	KENMOOR	JHS
	1	KENMOOR	EL
	1	KENTLAND	EL
	1	LAMONT	EL
	2	LANDOVER HILLS	EL
	1	LANGLEY PARK	EL
	2	LAUREL	JHS
	1	LEWISDALE	EL
	1	LONGFIELDS	EL
	1	LYNDON HILL	EL
	1	MARGARET BRENT	EL
	2	MARY M BETHUNE	JHS
	1	MATTHEW HENSON	EL
	1	MCCORMICK	EL
	2	MORNINGSIDE	EL
	2	MT RAINIER	EL
	2	MT RAINIER	JHS
	2	OAKCREST	EL
	1	OAKLANDS	EL
	2	OWENS ROAD	EL
	2	PAINT BRANCH	EL
	2	RIVERDALE	EL
	2	RIVERDALE HILLS	EL
	2	ROBERT GODDARD	JHS
	1	ROGERS HEIGHTS	EL
	2	ROLLINGCREST	JHS
	1	SAMUEL CHASE	EL
	1	SAMUEL F B MORSE	EL
	2	SEAT PLEASANT	EL
	2	SHADYSIDE	EL
	1	SPAULDING	MDLI
	2	SUITLAND	JHS
	2	TEMPLETON	EL
	1	THOMAS CLAGGETT	EL
	1	THOMAS STONE	EL
	1	VALLEY VIEW	EL
	2	WALKER MILL	JHS
	1	WEST LANHAM HILLS	EL
	1	WILLIAM BEANES	EL
	1	WILLIAM PACA	EL
	2	WILLIAM WIRT	JHS
	1	WOODLEY KNOLL	EL
QUEEN ANNE'S COUNTY			

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LOCATIONS	CODE *	SCHOOL NAME	
QUEEN ANNE'S COUNTY (CONTINUED)	1	CENTREVILLE	EL
	1	CENTREVILLE	JHS
	2	CHURCH HILL	EL
	2	GRASONVILLE	EL
	2	KENT ISLAND	EL
	2	QUEEN ANNE'S	HS
	2	SUDLERSVILLE	EL
	2	SUDLERSVILLE	JHS
SOMERSET COUNTY			
	2	CRISFIELD	HS
	1	CRISFIELD	EL
	2	DEAL ISLAND	EL
	1	GREENWOOD	JHS
	1	MARION	EL
	2	MT VERNON	EL
	1	PRINCESS ANNE	EL
	2	SARAH PEYTON	EL
	1	WASHINGTON	HS
	1	WESTOVER	EL
	1	WOODSON	JHS
ST MARY'S COUNTY			
	2	BANNEKER	EL
	2	BETHUNE	EL
	2	CARVER	EL
	2	CHOPTICON	HS
	2	DYNARD	EL
	2	GREENVIEW KNOLLS	EL
	2	MARGARET BRENT	JHS
	2	MECHANICSVILLE	EL
	2	OAKVILLE	EL
	2	PARK HALL	EL
	2	PINEY POINT	EL
	2	PIDGE	EL
TALBOT COUNTY			
	2	CORDOVA	EL
	2	EASTON	JHS
	1	EASTON	EL
	2	ST MICHAELS	EL
	2	WHITE MARSH	EL
WASHINGTON COUNTY			
	1	BESTER	EL
	1	CASCADE	EL
	2	CLEAR SPRING	EL
	2	CONOCOCHEAGUE	EL
	2	E RUSSELL HICKS	JHS
	2	GREENBRIER	EL
	2	HANCOCK	J-SHS
WASHINGTON COUNTY (CONTINUED)	1	HANCOCK	EL
	2	HICKORY	EL
	2	KEEDYSVILLE	EL
	2	PLEASANT VALLEY	EL
	2	SALEM AVENUE	EL
	2	SHARPSBURG	EL
	2	WESTERN HEIGHTS	JHS
	1	WINTER STREET	EL
	2	WOODLAND WAY	EL
WICOMICO COUNTY			
	1	EAST SALISBURY	EL
	2	FRUITLAND	EL
	2	GLEN AVENUE	EL
	2	NORTH SALISBURY	EL
	2	PITTSVILLE	EL
	1	SALISBURY	EL
	2	WEST SALISBURY	EL
	1	WESTSIDE	EL
WORCESTER COUNTY			
	1	BUCKINGHAM	EL
	1	POCOMOKE	JHS
	2	POCOMOKE	EL
	2	POCOMOKE	HS
	2	SNOW HILL	HS
	2	SNOW HILL	EL
	1	SNOW HILL	JHS

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LOCATIONS	CODE *	SCHOOL NAME	

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LOCATIONS	CODE *	SCHOOL NAME	
ADAMS-CHESHIRE			
	1	PLUNKET INTERMEDIATE	JHS
AMESBURY			
	1	AMESBURY ELEMENTARY	EL
	1	AMESBURY MIDDLE	MDL
	1	CHARLES C CASHMAN ELEMENTARY	EL
	1	HORACE MANN	N-K
AMHERST			
	1	LIVING & LEARNING	N-K
	1	MARKS MEADOW LABORATORY	UG
ARLINGTON			
	1	ST ANNE	7-12
	1	THOMPSON	K-6
ATHOL-ROYALSTON			
	1	ELLEN BIGELOW	1-4
	1	LYMAN WARD	K
	1	SANDERS STREET	K-4
	1	SOUTH ROYALSTON	3-6
ATTLEBORO			
	1	BLISS SCHOOL	K-5
	1	RICHARDSON	1-5
AYER			
	1	PLEASANT	K-4
	1	POND ELEMENTARY	EL
BARNSTABLE			
	1	HYANNIS ELEMENTARY	EL
	1	HYANNIS WEST ELEMENTARY	EL
BARRE			
	1	STETSON SCHOOL INC	K-UG
BEVERLY			
	1	ABRAHAM EDWARDS	K-6
	1	PRESCHOOL LEARNING CTR	N-K
	1	THOMAS BEADLE JR SCHOOL	K-6
BILLERICA			
	1	MARSHALL MIDDLE SCHOOL	MDL
BOSTON			
	1	ALEXANDER HAMILTON	K-5
	1	BEETHOVEN	K-5
	1	BENEDICT BENWICK	K-5
	1	BIGELOW	1-5
	1	BLACKSTONE	K-5
	1	BLESSED SACRAMENT	1-8
	1	BOSTON HIGH SCHOOL	HS
	1	BOSTON LATIN ACADEMY	J-SHS
	1	BOSTON TECH HIGH	HS
	1	BOSTON TRADE COMP HIGH SC	HS
	1	BOWDITCH	1-5
	1	BRIGHTON HIGH	HS
BOSTON (CONTINUED)	1	BUNKER HILL	K-5
	1	CARTER DEVELOP DAY CARE	UG
	1	CATHEDRAL GRAMMAR	1-8
	1	CATHEDRAL HIGH	HS
	1	CHAMPLAIN MIDDLE	MDL
	1	CHARLES E MACKEY	MDL
	1	CHARLES SUMNER	K-5
	1	CHARLESTOWN HIGH	HS
	1	CLARENCE R EDWARDS MIDDLE	MDL
	1	COPLEY SQ HIGH	HS
	1	CURTIS GUILD	K-5
	1	DANTE ALIGHIERI	1-5
	1	DAVID L BARRETT	K-5
	1	DEARBORN	MDL
	1	DENNIS C HALEY	K-7
	1	DONALD MCKAY	K-5
	1	EAST BOSTON HIGH	HS
	1	EDWARD EVERETT	K-5
	1	EDWIN P SEAVER	K-5
	1	ELIHU GREENWOOD	K-5
	1	ELIOT ELEMENTARY	EL
	1	ELLEN H RICHARDS	K-5
	1	ELLIS MENDELL	K-5
	1	EMILY A FIFIELD	K-5
	1	EMMANUEL HOUSE KDG	K
	1	ENGLISH LANGUAGE CTR	HS
	1	FAIRMOUNT	K-5
	1	FARRAGUT	K-5
	1	FRANCIS PARKMAN	K-5
	1	FRANK V THOMPSON MIDDLE	MDL
	1	GATE OF HEAVEN ELEM	EL
	1	GEORGE BANCROFT	K-8
	1	GROVER CLEVELAND	MDL
	1	HARRIET A BALDWIN	K-5
	1	HARVARD-KENT	K-5
	1	HEMENWAY	K-5
	1	HENRY ABRAHAMS	5
	1	HENRY GREW	K-5
	1	HENRY L HIGGINSON	K-5
	1	HOLY CHILDHOOD	K-3
	1	HUGH ROE O'DONNELL	K-5
	1	JACKSON MANN	K-5
	1	JAMAICA PLAIN HIGH	HS
	1	JAMES A GARFIELD ELEM	EL
	1	JAMES CONDON ELEM	EL
	1	JAMES J CHITTICK	K-5
	1	JAMES M CURLEY	K-5

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BOSTON (CONTINUED)	1	JAMES OTIS	K-8
	1	JAMES P TIMILTY MIDDLE	MDL
	1	JAMES W HENNIGAN	K-5
	1	JENNIE L BARRON SCHOOL	K-5
	1	JEREMIAH E BURKE HIGH	HS
	1	JOHN BOYLE OREILLY	K-5
	1	JOHN D PHILBRICK	K-5
	1	JOHN F KENNEDY	K-5
	1	JOHN L MOTLEY	K-5
	1	JOHN MARSHALL	K-5
	1	JOHN P HOLLAND	K-5
	1	JOHN W MCCORMACK	MDL
	1	JOHN WINTHROP	K-5
	1	JOSEPH H BARNES MIDDLE	MDL
	1	JOSEPH J HURLEY	K-5
	1	JOSEPH LEE	K-5
	1	JOSEPH P MANNING	K-5
	1	JOSEPH P TYNAN	K-5
	1	JOSEPH TUCKERMAN	K-5
	1	JOSIAH QUINCY	K-5
	1	JOYCE KILMER	K-5
	1	LABOURE CENTER NURSERY	N-K
	1	LEWIS MIDDLE SCHOOL	MDL
	1	LONGFELLOW	K-5
	1	LUCY STONE	K-5
	1	MADISON PARK HIGH	HS
	1	MANASSAH E BRADLEY	K-5
	1	MARGARET FULLER	K-5
	1	MARIO UMANA HARBOR	J-SHS
	1	MARTIN LUTHER KING JR MID	MDL
	1	MARTIN MILMORE	K-5
	1	MARY E CURLEY MIDDLE	MDL
	1	MATHER	K-5
	1	MATTAHUNT	K-5
	1	MAURICE J TOBIN	K-5
	1	MICHAEL J PERKINS	K-5
	1	MICHELANGELO MIDDLE	MDL
	1	MISSION CHURCH HIGH	HS
	1	MOZART	K-5
	1	N E HOME LITTLE WANDERS	SP
	1	NATHAN HALE	K-5
	1	O L PERPETUAL HELP	1-8
	1	OAK SQUARE	1-5
	1	OLIVER HAZARD PERRY	K-5
	1	OLIVER WENDELL HOLMES JR	JHS
	1	PATRICK F GAVIN MIDDLE	MDL
	1	PATRICK F LYNDON	K-5
BOSTON (CONTINUED)	1	PATRICK J KENNEDY	K-5
	1	PATRICK OHEARN	K-5
	1	PAUL A DEVER	K-5
	1	PAULINE AGASSIZ SHAW	K-5
	1	PHILIP H SHERIDAN	K-5
	1	PHILLIPS BROOKS	K-5
	1	PHINEAS BATES	K-5
	1	PHYLLIS WHEATLEY MIDDLE	MDL
	1	PRINCE	K-5
	1	QUINCY E DICKERMAN	K-5
	1	RAFAEL HERNANDEZ	K-5
	1	RALPH WALDO EMERSON	K-5
	1	RANDALL G MORRIS	K-5
	1	RICHARD J MURPHY	K-5
	1	ROBERT GOULD SHAW MIDDLE	MDL
	1	ROBERT N MEAD MIDDLE	MDL
	1	ROCHAMBEAU	K-5
	1	ROGER CLAP	K-5
	1	ROXBURY HIGH	HS
	1	SAMUEL ADAMS	K-5
	1	SAMUEL W MASON	K-5
	1	SARAH GREENWOOD	K-5
	1	SOLOMON LEVENBERG MIDDLE	MDL
	1	SOPHIA W RIPLEY	K-5
	1	SOUTH BOSTON HIGH	HS
	1	ST ANTHONY	1-8
	1	ST AUGUSTINE ELEM	EL
	1	ST FRANCIS DESALES	1-8
	1	ST JOHN	1-8
	1	ST JOSEPH	K-8
	1	ST KEVIN	K-8
	1	ST LAZARUS	1-8
	1	ST MARGARET	1-8
	1	ST MARY	1-8
	1	ST PATRICK ELEM	EL
	1	ST PETER	K-8
	1	ST PETER	1-8
	1	THE ENGLISH HIGH	HS
	1	THEODORE LYMAN	K-5
	1	THEODORE ROOSEVELT MIDDLE	MDL
	1	THOMAS A EDISON JR HIGH	JHS
	1	THOMAS GARDNER	K-5
	1	THOMAS J KENNY	K-5
	1	WARREN-PRESCOTT	K-5
	1	WASHINGTON IRVING MIDDLE	MDL
	1	WEE CARE	N-K
	1	WEST ROXBURY SCH	HS

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LOCATIONS	CODE *	SCHOOL NAME	
BOSTON (CONTINUED)	1	WILLIAM BRADFORD	K-5
	1	WILLIAM E RUSSELL	K-5
	1	WILLIAM ELLERY CHANNING	K-5
	1	WILLIAM H OHRENBERGER	K-5
	1	WILLIAM MCKINLEY	UG
	1	WILLIAM MONROE TROTTER	K-5
	1	WINSHIP ELEMENTARY	EL
	1	WM B ROGERS MIDDLE	MDL
	1	WM E ENDICOTT	K-5
	1	WOODROW WILSON MIDDLE	MDL
BOURNE			
	1	COL JAMES P LYLE JR HIGH	JHS
	1	EDWARD C STONE	3-6
	1	ELLA F HOXIE SCHOOL	1-5
	1	KEMPTON J COADY JR HIGH	JHS
BROCKTON			
	1	ADOLESCENT DAY UNIT	UG
	1	ASHFIELD	1-6
	1	B B RUSSELL	1-6
	1	BROCKTON DAY NURS	N-K
	1	BROOKFIELD	1-6
	1	CHILD DEVELOPMENT CTR	N-K
	1	DOWNEY	1-6
	1	DR W ARNONE COMM SCH	1-6
	1	EAST JUNIOR HIGH	JHS
	1	FRANKLIN	1-6
	1	GEORGE S PAINE	1-6
	1	GILMORE	1-6
	1	HUNTINGTON	1-6
	1	ITHAKA ALTERNATIVE HS	HS
	1	KEITH	1-6
	1	LIVING & LEARNING	N-K
	1	NORTH JUNIOR HIGH	JHS
	1	OSCAR F RAYMOND	1-6
	1	SOUTH JUNIOR HIGH	JHS
	1	ST COLMAN PUBLIC	1-6
	1	SUPPLEMENTARY SERV CTR	MDL
	1	WHITMAN	1-6
	1	WINTHROP	1-6
BROOKLINE			
	1	NEW PERSPECTIVES	UG
	1	POLLOCK	UG
	1	SEWALL LINCOLN	2
	1	ST MARY OF THE ASSUMPTION	1-8
	1	WILLIAM H LINCOLN	K-8
CAMBRIDGE			
	1	ABRAHAM LINCOLN	K-8
CAMBRIDGE (CONTINUED)	1	BLESSED SACRAMENT	1-8
	1	CAMBRIDGE ALTERNATIVE	K-7
	1	CENTRAL SCHOOL	N-K
	1	CHARLES G HARRINGTON	K-8
	1	CHARLES RIVER ACADEMY	UG
	1	FLETCHER	K-8
	1	GORE STREET	K-6
	1	HAGGERTY	K-5
	1	JOHN M TOBIN	K-8
	1	KING	K-8
	1	LONGFELLOW	K-8
	1	M E FITZGERALD	K-8
	1	MORSE	K-8
	1	ROBERTS	K-8
	1	WEBSTER	K-8
CENTRAL BERKSHIRE			
	1	BECKET CONSOLIDATED	3-6
	1	CONGREGATIONAL CHURCH	UG
	1	DORIS S SMITH SCHOOL	3-5
	1	KITTREDGE	K-4
CHELMSFORD			
	1	HOLY UNION SPECIAL	UG
CHELSEA			
	1	PRATTVILLE	K-5
	1	SHURTLEFF ELEM	EL
	1	ST ROSE ELEMENTARY	EL
	1	WILLIAMS ELEM	EL
	1	WILLIAMS JR HIGH	JHS
CHICOPEE			
	1	ASSUMPTION	K-8
	1	BARRY	6
	1	BEECHER	K-5
	1	BELLAMY MIDDLE	MDL
	1	BOWE	MDL
	1	GEN JOHN J STEFANIK	K-5
	1	SELSER	4-6
	1	SWEENEY	MDL
	1	VALENTINE	K-5
CLINTON			
	1	CLINTON MIDDLE SCHOOL	MDL
	1	COMMUNITY DAY CARE CENTER	K-K
	1	GREELEY	K-3
DUDLEY-CHARLTON REG			
	1	CHARLTON INTERMEDIATE	4-6
EASTHAMPTON			
	1	CENTER SCHOOL	1-3
	1	PARK SCHOOL	1-4

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LOCATIONS	CODE *	SCHOOL NAME	
EASTHAMPTON (CONTINUED)	1	PARSONS	1-3
EVERETT			
	1	ADAMS ELEMENTARY	EL
	1	ALBERT PARLIN JR HIGH	JHS
	1	ALBERT W LEWIS	6
	1	CENTRE	6
	1	DEVENS	6
	1	EDWARD EVERETT HALE	K-6
	1	GEORGE G HAMILTON	K-6
	1	HORACE MANN	K-6
	1	LAFAYETTE	K-6
	1	WEBSTER	5
	1	WINSLOW	K-6
FAIRHAVEN			
	1	JOB C TRIPP	K-5
FALL RIVER			
	1	A S LETOURNEAU	K-5
	1	B M C DURFEE HIGH	HS
	1	BRAYTON AVENUE	K-6
	1	CARROLL ANNEX	2-5
	1	CHARLES V CARROLL	K-5
	1	COUGHLIN	K-5
	1	DAVOL	K-5
	1	ESPIRITO SANTO	K-8
	1	FALL RIVER MIDDLE	MDL
	1	FOWLER ELEM	EL
	1	GEORGE B STONE	K-5
	1	HARRIET T HEALY	K-6
	1	HARTWELL STREET ELEM	EL
	1	HECTOR L BELISLE	K-6
	1	HENRY LORD MIDDLE	MDL
	1	HUGO A DUBUQUE	K-5
	1	JAMES M ALDRICH	K-5
	1	JOHN J DORAN	K-5
	1	JOHN J DORAN ANNEX	K-3
	1	LAUREL LAKE	K-5
	1	LEONTINE LINCOLN	K-5
	1	LINCOLN ANNEX	K-5
	1	MATTHEW J KUSS MIDDLE	MDL
	1	MORTON MIDDLE	MDL
	1	N B BORDEN	K-5
	1	OSBORN STREET	K-6
	1	PINE STREET	K-5
	1	RALPH M SMALL	K-5
	1	SAMUEL WATSON	K-5
	1	SLADE	K-6
	1	SPENCER BORDEN	K-5
FALL RIVER (CONTINUED)	1	ST MICHAEL	K-8
	1	ST VINCENT	UG
	1	SUSAN M WIXON	K-6
	1	WESTALL	K-5
	1	WILLIAM CONNELL	K-5
	1	WILLIAM J WILEY	K-5
	1	WILLIAM S GREENE	K-6
FALMOUTH			
	1	EAST FALMOUTH ELEM	EL
	1	LAWRENCE	JHS
	1	MORSE POND SCHOOL	5-6
FITCHBURG			
	1	B F BROWN JUNIOR HIGH	JHS
	1	BARTLEY-NOLAN	4-6
	1	CROCKER ELEMENTARY	EL
	1	GOODRICH STREET	K-5
	1	MCKAY CAMPUS-FSC	K-8
	1	MEMORIAL JUNIOR HIGH	JHS
	1	REINGOLD	K-5
	1	SOUTH FITCHBURG	K-4
	1	WALNUT STREET	1-5
	1	WEST FITCHBURG ELEM	EL
FRAMINGHAM			
	1	FARLEY MIDDLE	MDL
	1	LINCOLN ELEMENTARY	EL
	1	MEMORIAL	1-5
	1	WOODROW WILSON	1-5
GARDNER			
	1	PROSPECT	K-3
	1	SCHOOL STREET	K-3
	1	WATERFORD STREET	1-5
GLOUCESTER			
	1	HOVEY	K-5
	1	MILTON L FULLER MIDDLE	MDL
	1	VETERANS MEMORIAL	K-5
GREATER FALL RIVER			
	1	DIMAN REG VOC TECH HIGH	HS
GREATER LAWRENCE			
	1	GR LAWRENCE REG VOC TECH	HS
GREATER LOWELL			
	1	GR LOWELL REG VOC TECH	HS
GREATER NEW BEDFORD			
	1	GR NEW BEDFORD VOC TECH	HS
GREENFIELD			
	1	BEACON STREET SCHOOL	K
	1	DAVIS STREET	K-6
	1	FEDERAL ST NORTH	3-6

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LOCATIONS	CODE *	SCHOOL NAME	
GREENFIELD (CONTINUED)	1	FEDERAL STREET SOUTH	1-3
	1	GREEN RIVER	K-6
	1	NEWTON ELEMENTARY	EL
	1	NORTH PARISH	K-6
HAVERHILL			
	1	BARTLETT	K-4
	1	CONSENTINO	5-8
	1	FOX	1-4
	1	MOODY	2-4
	1	SCHOOL STREET	K-4
	1	ST JAMES MIDDLE	MDL
	1	TILTON	K-4
	1	WINTER STREET	K-4
HAWLEMONT			
	1	HAWLEMONT REG	K-6
HOLYOKE			
	1	DR WM R PECK	JHS
	1	HOMEBOUND	SP
	1	JOHN J LYNCH JR HIGH	JHS
	1	KELLY	K-6
	1	LAWRENCE ELEM	EL
	1	LT CLAYRE SULLIVAN	K-6
	1	MARY IMMACULATE	K-8
	1	MAURICE ADONAHUE	K-6
	1	MORGAN	K-6
	1	O L PERPETUAL HELP	K-8
	1	WILLIAM WHITING	K-6
	1	WM J DEAN VOC TECH HIGH	HS
HULL			
	1	LEONARD L DAMON	K-5
	1	LILLIAN M JACOBS	K-5
	1	MEMORIAL MIDDLE	MDL
INSTITUTIONAL SCHOOLS			
	1	JOHN T BERRY REHAB CTR	UG
	1	LAKEVILLE HOSPITAL SCHOOL	K-12
KING PHILIP			
	1	KING PHILIP REG HIGH	HS
LANCASTER			
	1	R F KENNEDY ACTION CORPS	UG
LAWRENCE			
	1	ALEXANDER B BRUCE	K-6
	1	ARLINGTON	K-3
	1	CHARLES S STORROW 1	K-3
	1	DANIEL SAUNDERS	K-3
	1	EMILY G WETHERBEE	4-6
	1	FRANCIS M LEAHY	K-6
	1	J P KANE SOUTH JR HIGH	JHS
LAWRENCE (CONTINUED)	1	JAMES F HENNESSEY	K-5
	1	JAMES F LEONARD	K-5
	1	JAMES I LAWLOR	K-3
	1	JOHN BREEN	K-4
	1	JOHN K TARBOX	3-5
	1	JOHN R ROLLINS	3-5
	1	MAGNET JR HIGH	JHS
	1	OLIVER JR HIGH	JHS
	1	PARK STREET	K-3
	1	ROBERT L FROST	K-5
	1	SALEM STREET	5-6
LEICESTER			
	1	MCAULEY NAZARETH HOME	UG
LEOMINSTER			
	1	BENNETT	1-4
	1	GALLAGHER JR HIGH	JHS
	1	LANCASTER STREET	K-5
	1	PRIEST STREET	K-5
	1	SOUTHEAST ELEMENTARY	EL
LONGMEADOW			
	1	WILLIE ROSS SCH FOR DEAF	4
LOWELL			
	1	ABRAHAM LINCOLN	K-5
	1	AMES STREET	K-3
	1	BARTLETT JUNIOR HIGH	JHS
	1	BUTLER JUNIOR HIGH	JHS
	1	CARDINAL OCONNEL	K-5
	1	CENTRAL STREET	K-3
	1	COLBURN	1-5
	1	E N ROGERS	K-3
	1	ELIOT SCHOOL	UG
	1	ERNEST L HERRMAN	SP
	1	GREEN	4
	1	GREENHALGE	K-5
	1	HELLENIC AMERICAN	K-5
	1	HENRY L ROBINSON	9
	1	HUGH J MOLLOY	K-5
	1	JAMES S DALEY JR HIGH	JHS
	1	JOB PREPARATION PROGRAM	UG
	1	LAURA E LEE	K-3
	1	LOWELL DAY NURSERY	N-K
	1	PAWTUCKETVILLE MEMORIAL	K-6
	1	SHAUGHNESSY	K-5
	1	ST JOSEPH ELEMENTARY	EL
	1	ST PATRICK	1-8
	1	ST PETER	1-8
LUDLOW			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LUDLOW (CONTINUED)			
LYNN	1	LUDLOW SENIOR HIGH	HS
	1	A DREWICZ ELEM	EL
	1	ASTOR	8-12
	1	BREED JUNIOR HIGH	JHS
	1	BRICKETT ELEMENTARY	EL
	1	CHRIST CHILD NURSERY	N-K
	1	COBBET ELEMENTARY	EL
	1	COBBET JUNIOR HIGH	JHS
	1	COMMUNITY DAY SCHOOL	UG
	1	E J HARRINGTON	K-6
	1	HIGHLAND	K-6
	1	HOOD	K-6
	1	INGALLS	1-6
	1	INGALLS ANNEX	K
	1	JR VOC TECH	JHS
	1	JULIA F CALLAHAN	1-6
	1	OKEEFE	K-6
	1	TRACY	1-6
	1	VOC TECH INSTITUTE	HS
	1	WASHINGTON COMMUNITY	K-6
	1	WM P CONNERY	K-6
MALDEN			
	1	BELMONT	K-6
	1	BROWNE JUNIOR HIGH	JHS
	1	DANIELS	K-6
	1	FELLS ACRES DAY	N-K
	1	HOLMES	K-6
	1	INDEPENDENT ROUTE DAY	N
	1	LINCOLN ELEMENTARY	EL
	1	LINCOLN JUNIOR HIGH	JHS
	1	SALEMWOOD	K-6
MARLBOROUGH			
	1	BESSIE O FREEMAN	K-6
	1	BIGELOW	K-6
	1	JOHN J MITCHELL	K-6
	1	LIVING & LEARNING SCHOOL	N-4
	1	MARY IMMACULATE JR-SR HS	J-SHS
MASHPEE			
	1	MIDDLE SCHOOL	MDL
MAYNARD			
	1	THE COMMUNITY	N-K
MEDFORD			
	1	BROOKS	K-6
	1	COLUMBUS	K-6
	1	CURTIS	K-3
	1	HANCOCK	K-6
MEDFORD (CONTINUED)			
	1	JOHN F KENNEDY ELEM	EL
	1	LINCOLN JUNIOR HIGH	JHS
	1	OSGOOD	K-6
	1	SWAN ELEMENTARY	EL
	1	TUFTS	K-6
METHUEN			
	1	CORLISS	5
	1	STANNS HOME HILLTOP	UG
MIDDLEBOROUGH			
	1	FLORA M CLARK	1-3
	1	MEMORIAL JR HIGH	JHS
MILLVILLE			
	1	LONGFELLOW	K-6
MONTAGUE			
	1	MONTAGUE CENTER	K-6
	1	SHEFFIELD MIDDLE	MDL
NARRAGANSETT			
	1	NARRAGANSETT REG HIGH	HS
	1	PHILLIPSTON MEMORIAL	K-6
NATICK			
	1	BRANDON	K-8
	1	VISION IN ACTION	9-12
NAUSET			
	1	CLINICAL TEACHING CENTER	K-8
NEW BEDFORD			
	1	ABRAHAM LINCOLN	K-6
	1	CASMIR PULASKI	K-6
	1	CHARLES S ASHLEY	K-6
	1	ELIZABETH CARTER BROOKS	K-6
	1	ELLEN R HATHAWAY	K-6
	1	ELWYN G CAMPBELL	K-6
	1	GEORGE H DUNBAR	K-6
	1	GOMES	K-6
	1	HAYDEN MCFADDEN	K-6
	1	HORATIO A KEMPTON	K-6
	1	JAMES B CONDON	K-6
	1	JIREH SWIFT	K-6
	1	JOHN AVERY PARKER	K-6
	1	JOHN B DEVALLES	K-6
	1	JOHN HANNIGAN	K-6
	1	KEITH JR HIGH	JHS
	1	MT PLEASANT	K-6
	1	NEW BEDFORD HIGH	HS
	1	NORMANDIN JR HIGH	JHS
	1	PHILLIPS AVENUE	K-6
	1	ROOSEVELT JUNIOR HIGH	JHS
	1	SARAH D OTTIWELL	K-6

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LOCATIONS	CODE *	SCHOOL NAME	
NEW BEDFORD (CONTINUED)	1	SGT WM H CARNEY ACAD	K-6
	1	ST MARY HOME	UG
	1	THOMAS R RODMAN	K-6
	1	WILLIAM H TAYLOR	K-6
NEW MARLBOROUGH NON OP	1	KOLBURNE	K-10
NEW SALEM-WENDELL	1	SWIFT RIVER	K-6
NEWBURYPORT	1	DAVENPORT	K-4
	1	GEORGE W BROWN	K-4
	1	KELLEY	K-4
NEWTON	1	COMM CTR FOR CHILDREN	SP
	1	UNITED CEREBRAL PALSY	SP
NORTH ADAMS	1	EAST	K-5
	1	GREYLOCK	K-5
	1	JOHNSON	K-5
	1	NORTH ADAMS MIDDLE	MDL
	1	SARAH T HASKINS	K-5
NORTH ATTLEBOROUGH	1	JOHN WOODCOCK	1-4
NORTHAMPTON	1	JACKSON STREET	K-4
	1	LEEDS	K-6
NORTHBRIDGE	1	CLARKE	K-1
ORANGE	1	BUTTERFIELD	4-6
	1	DEXTER PARK	K-3
	1	GALE BROOKS	K-3
OXFORD	1	ALLEN JOSLIN	K-5
	1	OXFORD MIDDLE	MDL
PALMER	1	THORNDIKE GRAMMAR	1-7
PEABODY	1	FARNSWORTH	K-6
	1	J HENRY HIGGINS JR HIGH	JHS
	1	PEABODY VOCATIONAL HIGH	HS
	1	THOMAS CARROLL	K-6
	1	WILLIAM E WELCH SP	K-6
PITTSFIELD	1	FOLLOW THROUGH PROGRAM	K-3
	1	JOHN C CROSBY JR HIGH	JHS
	1	MORNINGSIDE COMM SCH	K-6
PITTSFIELD (CONTINUED)	1	NORTH JR HIGH	JHS
	1	PONTOOSUC	K-3
	1	RUSSELL	K-5
	1	WEST SIDE COMMUNITY SCH	K-6
PLYMOUTH	1	COLD SPRING	1-4
	1	HEDGE	K-3
	1	MOUNT PLEASANT	K-4
PROVINCETOWN	1	PROVINCETOWN ELEM	EL
	1	TITLE I	UG
QUINCY	1	BROAD MEADOWS JR HIGH	JHS
	1	FRANCIS W PARKER	K-6
	1	SNUG HARBOR	K-6
	1	THOMAS B POLLARD	K-6
REVERE	1	BEACHMONT	K-8
	1	JAMES A GARFIELD JR HIGH	JHS
	1	LIBERTY	K-5
	1	PAUL REVERE	K-3
ROCKLAND	1	JEFFERSON	K-5
	1	MCKINLEY	K-4
	1	MEMORIAL PARK	K-5
	1	ROCKLAND JR HIGH	JHS
SALEM	1	CARLTON	K-4
	1	ENDICOTT	K-5
	1	PHILLIPS	5-8
	1	SALEM PUBLIC ALTERNATIVE	K-6
	1	SALTONSTALL	K-8
	1	ST JOSEPH	K-3
SHARON	1	LAKE MASSAPOAG SCHOOL	SP
SOMERVILLE	1	ARTHUR D HEALEY	K-5
	1	BENJAMIN G BROWN	K-6
	1	CLARENDON HILL NURS	PRE-K
	1	CONWELL	K-5
	1	CUMMINGS	K-6
	1	E SOMERVILLE COMMUNITY	K-5
	1	FULL CIRCLE	PRE-K
	1	GRIMMONS	K-6
	1	JOHN F KENNEDY	K-6
	1	LINCOLN PARK COMMUNITY	K-5
	1	LITTLE FLOWER	1-7

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LOCATIONS	CODE *	SCHOOL NAME	
SOMERVILLE (CONTINUED)	1	MARTHA PERRY LOWE	K-6
	1	MARTIN W CARP	K-6
	1	NORTHEASTERN JR HIGH	JHS
	1	POWDER HOUSE COMMUNITY	K-6
	1	S NEWTON CUTLER	K-6
	1	SOMERVILLE TEC TRADE HIGH	HS
	1	SOUTHERN JR HIGH	JHS
	1	ST ANTHONY	1-8
	1	ST POLYCARP	1-8
	1	WINTER HILL COMMUNITY	K-6
SOUTHBRIDGE	1	CHARLTON STREET	K-4
	1	EASTFORD RD	K-4
	1	PINE STREET	5
	1	PLEASANT STREET	1-4
	1	PRE-VOCATIONAL SCHOOL	MDL
SOUTHERN BERKSHIRE	1	NEW MARLBOROUGH CENTRAL	1-4
SPENCER	1	MAPLE ST	5-6
SPRINGFIELD	1	ALFRED M GLICKMAN	5-6
	1	ALICE B BEAL SCHOOL	K-4
	1	ALTERNATIVE JR HIGH	JHS
	1	ARMORY STREET	5-6
	1	ARTHUR T TALMADGE	K-4
	1	BRIGHTWOOD	K-3
	1	CHESTNUT STREET JR HIGH	JHS
	1	DANIEL B BRUNTON	K-4
	1	EASTERN AVENUE	UG
	1	ELIAS BROOKINGS	K-6
	1	FOREST PARK JR HIGH	JHS
	1	FRANK M FREEDMAN	5-6
	1	FREDERICK HARRIS	UG
	1	GLENWOOD	K-4
	1	HIGH SCHOOL OF COMMERCE	HS
	1	HIRAM L DORMAN	K-4
	1	HOMER STREET	K-4
	1	HOWARD ST	K-6
	1	INDIAN ORCHARD ELEM	EL
	1	JESI ALTERNATIVE HIGH	HS
	1	JOHN F KENNEDY JR HIGH 1	JHS
	1	KENSINGTON AVENUE	K-4
	1	LIBERTY	K-4
	1	LINCOLN	K-4
	1	M MARCUS KILEY JR HIGH	JHS
	1	MARGARET C ELLS	K-4
SPRINGFIELD (CONTINUED)	1	MARY M LYNCH	K-4
	1	MARY O POTTENGER	K-4
	1	MYRTLE STREET	K-4
	1	NEW NORTH COMMUNITY SCH	5-6
	1	PAGE PROGRAM	J-S/S
	1	PUPIL ADJUSTMENT CENTER	JHS
	1	PUTNAM VOC TECH HIGH SCH	HS
	1	ROBERT O MORRIS	K-4
	1	SAMUEL BOWLES	K-4
	1	SCHOOL STREET	K-[illegible]
	1	SHRINERS HOSPITAL	[illegible]
	1	SUMNER AVENUE	K-5
	1	TAPLEY	K-4
	1	TECHNICAL HIGH	HS
	1	THOMAS M BALLIET	K-4
	1	VAN SICKLE JR HIGH	JHS
	1	WARNER	K-4
	1	WASHINGTON	5-6
	1	WHITE STREET	K-4
	1	WILLIAM N DEBERRY	K-4
STOUGHTON	1	EDWIN A JONES	5-6
SUTTON	1	SUTTON PRE SCHOOL	K
SWAMPSCOTT	1	HILLEL ACADEMY	K-12
SWANSEA	1	ELIZABETH S BROWN	K-6
	1	ST MICHAEL SCHOOL	K-6
TAUNTON	1	CALEB BARNUM	1-5
	1	COHANNET	MDL
	1	ELIZABETH POLE	1-5
	1	H H GALLIGAN	1-5
	1	HOPEWELL	1-5
	1	JAMES L MULCAHEY	MDL
	1	JOSEPH H MARTIN	MDL
	1	LEONARD	1-5
	1	LOWELL M MAXHAM	1-5
	1	WALKER	1-5
	1	WEIR GRAMMAR	1-5
TEMPLETON NON OP	1	PROTESTANT YOUTH CENTER	5-8
UPPER CAPE COD	1	UPPER CAPE COD VOC TECH	9-12
WAKEFIELD	1	MEDICAL & EDUC CENTER	HS

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LOCATIONS	CODE *	SCHOOL NAME	
WALPOLE			
	1	LONGVIEW FARM	
WALTHAM			
	1	EZRA C FITCH	K-6
	1	HENRY WHITTEMORE	K-6
	1	SCHOOL ST	K-6
	1	SOUTH JR HIGH	JHS
	1	THOMAS R PLYMPTON	K-6
WARE			
	1	MT BETHER BIBLE CENTER	N-12
WAREHAM			
	1	CLIN PRE SCHOOL NURSERY	
	1	EVERETT	K
	1	INTERMEDIATE	6-7
	1	MINOT FOREST	3-6
	1	ONSET	K-3
	1	WEST WAREHAM	1-3
WARREN			
	1	WARREN ELEMENTARY	EL
WATERTOWN			
	1	COOLIDGE	K-6
	1	MARSHALL SPRING	K-6
	1	PALFREY STREET	9-12
WEBSTER			
	1	FILMER	1-4
	1	INTERMEDIATE ANNEX	6-7
	1	NEGUS STREET	3-5
	1	THOMPSON	1-3
	1	WEBSTER INTERMEDIATE	1-8
WENDELL NON-OP			
	1	MAPLE VALLEY	K-12
WEST SPRINGFIELD			
	1	MAIN STREET	K-6
	1	MARGARET C MCDONOUGH	K-6
	1	MEMORIAL	K-6
	1	PARK AVENUE	K-5
WESTFIELD			
	1	FORT MEADOW	K-5
	1	FRANKLIN AVE	K-5
	1	HOLY TRINITY	1-8
WESTPORT			
	1	ALICE A MACOMBER	1-4
	1	WESTPORT MIDDLE	MDL
WEYMOUTH			
	1	JAMES HUMPHREY	K-5
WHITMAN			
	1	DYER	5
	1	PARK AVENUE	K-5
WHITTIER			
	1	WHITTIER REG VOC	9-12
WINCHENDON			
	1	MEMORIAL	K-5
	1	WINCHENDON MIDDLE	MDL
WOBURN			
	1	GEORGE I CLAPP	K-5
	1	MALCOLM WHITE	K-5
	1	PLYMPTON	K-5
	1	SHAMROCK MEMORIAL	K-5
WORCESTER			
	1	ABBOTT STREET	K-5
	1	ADAMS STREET	K-5
	1	BELMONT STREET COMMUNITY	K-5
	1	BLOOMINGDALE	K-5
	1	BURNCOAT STREET JR HIGH	JHS
	1	CANTERBURY STREET	K-5
	1	CHANDLER ELEM COMMUNITY	K-5
	1	CLARK ST COMMUNITY	K-5
	1	DOWNING STREET	K-5
	1	ELM PARK COMMUNITY	K-5
	1	FREELAND STREET	K-5
	1	GAGE STREET	K-5
	1	GRAFTON STREET	K-5
	1	HARLOW STREET	K-5
	1	HARRINGTON WAY JR HIGH	JHS
	1	LAMARTINE STREET	K-5
	1	MILLBURY ST	K-5
	1	NORTH HIGH	HS
	1	PROVIDENCE STREET JR HIGH	JHS
	1	QUINSIGAMOND	K-5
	1	ST AGNES DAY CARE CTR	N-K
	1	ST NICHOLAS AVE COMM SCH	K-6
	1	ST STEPHEN ELEM	EL
	1	UNION HILL SCHOOL	K-5
	1	UPSALA STREET	K-6
	1	WOODLAND ST COMMUNITY	K-6
	1	WORCESTER EAST MIDDLE	MDL
	1	YESHIVA HEBREW DAY ACAD	N-12
WORCESTER TRADE COMPLEX			
	1	CAREER EDUCATION TRNG CTR	9-12
	1	DAVID HALE PANNING TRADE	9-12
	1	WORCESTER VOC TECH HIGH	HS

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LOCATION	CODE *	SCHOOL NAME	
ALCONA COUNTY			
	1	ALCONA COMMUNITY HIGH SCHOOL	7-12
	1	BARTON CITY ELEMENTARY SCHOOL	ELE
	1	HARRISVILLE ELEMENTARY SCHOOL	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
ALGER COUNTY			
	1	BURT TOWNSHIP SCHOOL	K-12
	1	CENTRAL ELEMENTARY SCHOOL	ELE
	1	EBEN ELEMENTARY SCHOOL	ELE
	1	MATHIAS TOWNSHIP SCHOOL	K-12
ALLEGAN COUNTY			
	3	ALLEGAN COUNTY JAIL	
	1	ANNA MICHEN ELEMENTARY SCHOOL	ELE
	1	FENNVILLE MIDDLE SCHOOL	MIDDL
	1	GANGES ELEMENTARY SCHOOL	UNK
	1	MARTIN HIGH SCHOOL	7-12
	3	WEDGE FOSTER HOME	
	3	WESTON HALL	
ALPENA COUNTY			
	1	ANNA M BESSER SCHOOL	7-8
	3	BOYSVILLE COMMUNITY SERVICES-H	
	3	HOPE HOUSE	
	1	LINCOLN COMMUNITY SCHOOL	ELE
	1	LONG RAPIDS SCHOOL	ELE
	1	MAPLE RIDGE SCHOOL	ELE
	1	OSSINEKE SCHOOL	ELE
	1	WILSON COMMUNITY SCHOOL	ELE
ANTRIM COUNTY			
	1	ALBA ELEMENTARY SCHOOL	ELE
	1	ALBA HIGH SCHOOL	7-12
ARENAC COUNTY			
	1	ARENAC EASTERN HIGH SCHOOL	7-12
BARAGA COUNTY			
	1	ARVON TOWNSHIP SCHOOL	ELE
	1	BARAGA TOWNSHIP HIGH SCHOOL	7-12
	1	LAIRD ELEMENTARY SCHOOL	ELE
	1	PELKIE AGR GRADE SCHOOL	ELE
	1	PHILIP LATEN BRESSE SCHOOL	ELE
	1	SACRED HEART SCHOOL	ELE
BARRY COUNTY			
	3	PHILLIP MITCHELL GROUP HOME	
BAY COUNTY			
	3	BAY COUNTY JUVENILE DETENTION	
	2	CENTRAL INTERMEDIATE SCHOOL	MIDDL
	1	KOLB ELEMENTARY SCHOOL	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
	3	LUTHERAN CHILDRENS FRIEND SOC	
	1	MACGREGOR ELEMENTARY SCHOOL	ELE
BAY COUNTY (CONTINUED)	3	PARMENTER HALF WAY HOUSE	
	1	WASHINGTON ELEMENTARY SCHOOL	ELE
BENZIE COUNTY			
	1	BENZIE CENTRAL JUNIOR HIGH	7-9
	1	BETSIE VALLEY ELEM SCH	ELE
	1	CRYSTAL LAKE ELEM SCH	ELE
	1	ELBERTA ELEMENTARY SCHOOL	ELE
	1	PLATTE RIVER ELEM SCH	ELE
BERRIEN COUNTY			
	1	BARD SCHOOL	ELE
	1	BENTON HARBOR HIGH SCHOOL	10-12
	1	BENTON HARBOR 7-8 GRADE CTR	7-9
	3	BERRIEN COUNTY JUVENILE CENTER	
	1	BERRIEN SPRINGS MIDDLE SCHOOL	MIDDL
	1	BOYNTON SCHOOL	ELE
	1	CALVIN BRITAIN SCHOOL	ELE
	1	EDITH B GARRETT SCH	ELE
	1	FAIR PLAIN EAST SCHOOL	ELE
	1	FAIR PLAIN NORTHEAST SCHOOL	ELE
	1	FAIR PLAIN NORTHWEST SCHOOL	ELE
	1	FAIR PLAIN WEST SCHOOL	ELE
	1	FAIR PLAIN 7-8 GRADE CENTER	7-9
	1	HENRY C MORTON SCHOOL	ELE
	1	HULL SCHOOL	ELE
	1	JOHNSON SCHOOL	ELE
	1	KENNETH S MERRITT SCHOOL	ELE
	1	LAFAYETTE SCHOOL	ELE
	1	LYBROOK ELEMENTARY SCHOOL	ELE
	1	MARTIN LUTHER KING JUNIOR ELEM	ELE
	1	MARTINDALE SCHOOL	ELE
	1	MILLBURG SCHOOL	ELE
	1	MOCCASIN ELEMENTARY SCHOOL	ELE
	1	NORTH SHORE SCHOOL	ELE
	1	NORTHSIDE SCHOOL	ELE
	1	OAK MANOR ELEMENTARY SCHOOL	ELE
	1	PEARL SCHOOL	ELE
	1	RIVERSIDE SCHOOL	ELE
	1	SCHOOL AGE MOTHERS PROGRAM	7-12
	1	SEELY MCCORD SCHOOL	ELE
	1	SORTER SCHOOL	ELE
	1	STERNE BRUNSON SCHOOL	ELE
	1	STUMP-NICKERSON ELEMENTARY	ELE
	1	SYLVESTER AVENUE ELEMENTARY	ELE
	1	WASHINGTON SCHOOL	ELE
BRANCH COUNTY			
	1	JENNINGS ELEMENTARY SCHOOL	ELE
	1	QUINCY HIGH SCHOOL	10-12

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

MICHIGAN

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BRANCH COUNTY (CONTINUED)	1	QUINCY MIDDLE SCHOOL	7-9
CALHOUN COUNTY			
	1	ANN J KELLOGG SCHOOL	ELE
	1	CALDWELL ELEMENTARY SCHOOL	ELE
	3	CALHOUN COUNTY JUVENILE HOME	
	1	COBURN SCHOOL	ELE
	1	DALRYMPLE ELEMENTARY SCHOOL	ELE
	1	FRANKLIN SCHOOL	ELE
	1	HARRINGTON SCHOOL	ELE
	1	HOMER COMMUNITY HIGH SCHOOL	10-12
	3	HORIZON HOUSE	
	1	LEVEL PARK SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE
	1	MCKINLEY SCHOOL	ELE
	1	NORTHWESTERN JUNIOR HIGH SCH	7-9
	1	POST ELEMENTARY SCHOOL	ELE
	1	ROOSEVELT SCHOOL	ELE
	1	SOUTHEASTERN JUNIOR HIGH SCH	7-9
	1	SOUTHWESTERN JUNIOR HIGH SCH	7-9
	3	STARR COMMONWEALTH FOR BOYS	
	1	W K KELLOGG JUNIOR HIGH SCH	7-9
	1	WASHINGTON SCHOOL	ELE
	1	WILSON SCHOOL	ELE
CASS COUNTY			
	1	CASSOPOLIS MIDDLE SCHOOL	MIDDL
	2	CENTRAL UPPER MIDDLE SCHOOL	MIDDL
	1	FRANK SQUIRES SCHOOL	ELE
	1	HAMILTON LOWER MIDDLE SCHOOL	MIDDL
	1	JEFFERSON RED BRICK SCHOOL	ELE
	1	JUSTUS GAGE ELEMENTARY SCHOOL	ELE
	1	KINCHELOE ELEMENTARY SCHOOL	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
	1	MCKINLEY ELEMENTARY SCHOOL	ELE
	1	SISTER LAKES ELEMENTARY SCHOOL	ELE
CHARLEVOIX COUNTY			
	1	BOYNE CITY ELEMENTARY SCHOOL	ELE
CHEBOYGAN COUNTY			
	2	CHEBOYGAN JUNIOR HIGH SCHOOL	7-9
	1	INLAND LAKES ELEMENTARY SCHOOL	ELE
	1	WEST ELEMENTARY SCHOOL	ELE
	1	WOLVERINE CMNTY JR-SR HIGH SCH	7-12
	1	WOLVERINE ELEMENTARY SCHOOL	ELE
CHIPPEWA COUNTY			
	1	ALTERNATIVE HIGH SCHOOL	
	1	BRIMLEY SCHOOL	K-12
	1	DETOUR ELEMENTARY SCHOOL	ELE
	1	DRUMMOND ISLAND ELEMENTARY SCH	ELE
CHIPPEWA COUNTY (CONTINUED)	1	KINLAYSON SCHOOL	ELE
	1	IMMANUEL LUTHERAN SCHOOL	ELE
	1	JEFFERSON SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE
	2	MCKINLEY SCHOOL	ELE
	1	RUDYARD JR-SR HIGH SCHOOL	7-12
	1	TURNER HOWSON ELEMENTARY SCH	ELE
	1	WASHINGTON ELEMENTARY SCHOOL	ELE
	1	WHITEFISH TOWNSHIP #16 SCHOOL	K-12
CLARE COUNTY			
	1	CHARLES A AMBLE ELEM SCHOOL	ELE
	1	FARWELL ELEMENTARY SCHOOL	ELE
	1	FARWELL HIGH SCHOOL	10-12
	2	FARWELL MIDDLE SCHOOL	MIDDL
	1	HARRISON MIDDLE SCHOOL	7-9
	1	HILLSIDE ELEMENTARY SCHOOL	ELE
	1	ROBERT M LARSON ELEM SCHOOL	ELE
CLINTON COUNTY			
	3	GREEN HAVEN	
CRAWFORD COUNTY			
	1	FREDERIC ELEMENTARY SCHOOL	ELE
	1	GRAYLING ELEMENTARY SCHOOL	ELE
	1	GRAYLING MIDDLE SCHOOL	MIDDL
DELTA COUNTY			
	1	BALDWIN TOWNSHIP ELEM SCHOOL	ELE
	1	BARK RIVER HARRIS ELEM SCH	ELE
	1	BARK RVR HARRIS JR-SR HIGH SCH	7-12
	1	MID PENINSULA JR-SR H S	7-12
	1	PINE RIDGE SCHOOL	ELE
	1	WASHINGTON SCHOOL	ELE
DICKINSON COUNTY			
	1	NORTH DICKINSON SCHOOL	K-12
	1	ROOSEVELT SCHOOL	ELE
	1	WESTWOOD SCHOOL	ELE
EATON COUNTY			
	1	LOUCKS ELEMENTARY SCHOOL	ELE
	1	STRANGE SCHOOL	ELE
	3	VETS OF FOREIGN WARS MATL HOME	
EMMET COUNTY			
	1	CROSS VILLAGE PUBLIC SCHOOL	ELE
	3	HOLY CHILDHOOD OF JESUS	
	1	HOLY CHILDHOOD SCHOOL	ELE
	1	MONTESSORI CHILDRENS HOUSE	ELE
	1	PELLSTON ELEMENTARY SCHOOL	ELE
	1	SHERIDAN SCHOOL	ELE
GENESSEE COUNTY			
	1	ALAMEDE HOUSE	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GENESSEE COUNTY (CONTINUED)	3	BOYLAN HOUSE	
	1	BRIGGS ELEMENTARY SCHOOL	ELE
	1	BROWNELL SCHOOL	ELE
	1	BRYANT JUNIOR HIGH SCHOOL	7-9
	1	BUELL ELEMENTARY SCHOOL	ELE
	1	BUNCHE SCHOOL	ELE
	1	CARPENTER ROAD SCHOOL	ELE
	1	CIVIC PARK SCHOOL	ELE
	1	CODY SCHOOL	ELE
	1	COOK SCHOOL	ELE
	1	COOLIDGE SCHOOL	ELE
	1	CUMMINGS SCHOOL	ELE
	1	DAILEY ELEMENTARY SCHOOL	ELE
	1	DEWEY SCHOOL	ELE
	1	DOLAN JUNIOR HIGH SCHOOL	7-9
	3	DONALD WHALEY CHILDRENS CENTER	
	1	DORT SCHOOL	ELE
	1	DUKETTE CATHOLIC SCHOOL	MIDDL
	1	DURANT TUUPI MOTT SCHOOL	ELE
	1	EISENHOWER SCHOOL	ELE
	3	FLINT HALFWAY HOUSE	
	1	FLINT OPEN SCHOOL	K-12
	1	GARFIELD SCHOOL	ELE
	3	GENESSEE COUNTY SHERIFFS DEPT	
	1	GILLESPIE SCHOOL	ELE
	1	GRIFFITH CT ELEMENTARY SCHOOL	ELE
	1	GUNDRY SCHOOL	ELE
	1	HOLMES JUNIOR HIGH SCHOOL	7-9
	1	HOMEDALE SCHOOL	ELE
	1	IONE RILEY ELEMENTARY SCHOOL	ELE
	1	JEFFERSON SCHOOL	ELE
	3	KENWORTHY HOUSE	
	1	KING SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE
	1	LONGFELLOW JUNIOR HIGH SCHOOL	7-9
	1	LOWELL JUNIOR HIGH SCHOOL	7-9
	1	MANLEY SCHOOL	ELE
	1	MARTIN SCHOOL	ELE
	1	MCKINLEY JUNIOR HIGH SCHOOL	7-9
	3	MERIDITH HALFWAY HOUSE	
	1	MESSER ELEMENTARY SCHOOL	ELE
	1	MICHAEL HAMADY ELEMENTARY SCH	ELE
	1	NORTHERN HIGH SCHOOL	10-12
	1	PIERSON SCHOOL	ELE
	1	PINEHURST ELEMENTARY SCHOOL	ELE
	1	POTTER SCHOOL	ELE
	1	SCOTT SCHOOL	ELE
GENESSEE COUNTY (CONTINUED)	1	SELBY SCHOOL	ELE
	1	SOBEY SCHOOL	ELE
	1	SOUTH BENDLE ELEMENTARY	ELE
	1	STEVENSON SCHOOL	ELE
	1	STEWART SCHOOL	ELE
	1	SUMMIT JUNIOR HIGH SCHOOL	7-9
	1	WALKER SCHOOL	ELE
	1	WEST BENDLE ELEMENTARY SCHOOL	ELE
	1	WHITTIER SCHOOL	7-9
	1	WILKINS SCHOOL	ELE
	1	WILLIAMS SCHOOL	ELE
	1	WOODLAND ELEMENTARY SCHOOL	ELE
	1	ZIMMERMAN JUNIOR HIGH SCHOOL	7-9
	1	ZINK ELEMENTARY SCHOOL	ELE
GLADWIN	3	CLARE-GLADWIN GROUP HOME	
GOGEBIC	1	CENTRAL SCHOOL	ELE
	1	IRONWOOD CATHOLIC GRADE SCHOOL	ELE
	1	IRONWOOD CATHOLIC HIGH SCHOOL	10-12
	1	LUTHER L WRIGHT HIGH SCHOOL	7-12
	1	NEWPORT ELEMENTARY SCHOOL	ELE
	1	NORRIE ELEMENTARY SCHOOL	ELE
	1	RAMSAY SCHOOL	ELE
	1	ROOSEVELT SCHOOL	K-12
	1	SLEIGHT ELEMENTARY SCHOOL	ELE
	1	ST SEBASTIAN	ELE
	1	WAKEFIELD HIGH SCHOOL	7-12
	1	WASHINGTON SCHOOL	ELE
	1	WATERSMEET TWP ELEM SCHOOL	ELE
	1	WATERSMEET TWP HIGH SCHOOL	7-12
GRAND TRAVERSE COUNTY	1	BUCKLEY COMMUNITY SCHOOL	K-12
	1	CENTRAL GRADE SCHOOL	ELE
	1	KINGSLEY AREA ELEMENTARY SCH	ELE
	1	KINGSLEY AREA HIGH SCHOOL	7-12
	3	NORTHWEST MICHIGAN YOUTH HOME	
	1	OAK PARK ELEMENTARY SCHOOL	ELE
	1	SABIN SCHOOL	ELE
	1	ST MARY LEARNING CENTER	ELE
GRATIOT COUNTY	1	CARRIE KNAUSE ELEMENTARY SCH	ELE
	1	FULTON HIGH SCHOOL	10-12
	1	HILLCREST ELEMENTARY SCHOOL	ELE
	1	MICHIGAN AVENUE ELEMENTARY SCH	ELE
	3	REGULAR BAPTIST CHILDRENS HOME	
	2	WEST ELEMENTARY SCHOOL	ELE

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HILLSDALE			
	1	CAMDEN FRONTIER ELEMENTARY	ELE
	1	CAMDEN FRONTIER HIGH SCHOOL	7-12
	1	HILLSDALE HIGH SCHOOL	10-12
	3	JUVENILE COURT	
	2	LITCHFIELD HIGH SCHOOL	7-12
	1	REYNOLDS ELEMENTARY SCHOOL	ELE
HOUGHTON COUNTY			
	1	DOLLAR BAY ELEMENTARY SCHOOL	ELE
	1	DOLLAR BAY HIGH SCHOOL	7-12
	1	E B HOLMAN ELEMENTARY	ELE
	1	EDWARD RYAN SCHOOL	ELE
	1	ELM RIVER TOWNSHIP SCHOOL	ELE
	3	GOOD WILL FARM ASSOCIATION	
	1	HEIKKINEN SCHOOL	ELE
	1	JEFFERS HIGH SCHOOL	7-12
	1	KEWEENAW ELEMENTARY SCHOOL	ELE
	1	LAKE LINDEN HUBBELL ELEM SCH	ELE
	1	LAKE LINDEN HUBBELL HIGH SCH	7-12
	1	M M MORRISON SCHOOL	ELE
	1	RIPLEY SCHOOL	ELE
	1	SACRED HEART CENTRAL SCHOOL	ELE
	1	SOUTH RANGE ELEMENTARY SCHOOL	ELE
	1	THOMAS R DAVIS ELEMENTARY SCH	ELE
	1	WASHINGTON MIDDLE SCHOOL	MIDDL
HURON COUNTY			
	1	ADAMS ELEMENTARY SCHOOL	ELE
	1	BACH KILMANAGH LUTHERAN SCH	ELE
	1	BECKING SCHOOL	ELE
	1	BIG BURNING SCHOOL	ELE
	1	CASEVILLE ELEMENTARY SCHOOL	ELE
	1	CASEVILLE HIGH SCHOOL	7-12
	1	CHURCH SCHOOL	ELE
	1	ECCLES SIGEL #4 SCHOOL	ELE
	1	GAGETOWN ELEMENTARY SCHOOL	ELE
	1	KIPPER SCHOOL-SIGEL #6 SCH	ELE
	1	LAKER JUNIOR HIGH SCHOOL	7-9
	1	NORTH HURON ELEMENTARY SCHOOL	ELE
	1	NORTH HURON HIGH SCHOOL	10-12
	1	NORTH HURON MIDDLE SCHOOL	MIDDL
	1	PORT HOPE SCHOOL	K-12
	1	RAPSON ELEMENTARY SCHOOL	ELE
	1	RED SCHOOL	ELE
	1	SAINTS PETER AND PAUL	ELE
	1	ST JOHNS LUTHERAN	ELE
	1	UBLY COMMUNITY ELEMENTARY SCH	ELE
	1	VERONA MILLS SCHOOL	ELE
INGHAM COUNTY			
	1	ALLEN STREET SCHOOL	ELE
	1	BINGHAM STREET SCHOOL	ELE
	3	BRIDGE HOUSE	
	1	C W OTTO JUNIOR HIGH SCHOOL	7-9
	1	CAVANAUGH SCHOOL	ELE
	1	EVERETT ELEMENTARY SCHOOL	ELE
	1	FAIRVIEW SCHOOL	ELE
	1	GENESEE STREET SCHOOL	ELE
	1	GIDP PARK SCHOOL	ELE
	1	GRAND RIVER AVENUE SCHOOL	ELE
	1	GUNNISONVILLE SCHOOL	ELE
	1	HARLEY FRANKS SCHOOL	ELE
	1	HENRY P PATTENGILL JR H S	7-9
	1	HIGH STREET SCHOOL	ELE
	3	HIGHFIELDS	
	1	HOLMES STREET SCHOOL	ELE
	3	INGHAM COUNTY JAIL	
	3	INGHAM COUNTY SHELTER HOME	
	1	KENDON SCHOOL	ELE
	1	LYONS AVENUE SCHOOL	ELE
	1	MAPLEWOOD SCHOOL	ELE
	1	MOORES PARK SCHOOL	ELE
	1	MT HOPE AVENUE SCHOOL	ELE
	1	NORTHWESTERN ELEMENTARY SCH	ELE
	1	OAK PARK SCHOOL	ELE
	3	PINE TREE GROUP HOME	
	1	PLEASANT VIEW SCHOOL	ELE
	1	POST OAK SCHOOL	ELE
	1	RED CEDAR SCHOOL	ELE
	1	REO SCHOOL	ELE
	1	SHERIDAN ROAD SCHOOL	ELE
	1	SPARTAN VILLAGE SCHOOL	ELE
	3	ST VINCENT HOME FOR CHILDREN	
	1	VALLEY FARMS SCHOOL	ELE
	1	VERLINDEN AVENUE SCHOOL	ELE
	1	VIVIAN RIDDLE ELEMENTARY SCH	ELE
	1	WALNUT STREET SCHOOL	ELE
	1	WALTER FRENCH JUNIOR HIGH SCH	7-9
	1	WILLOW STREET SCHOOL	ELE
IONIA COUNTY			
	2	BELDING MIDDLE SCHOOL	MIDDL
	1	ELLIS ELEMENTARY SCHOOL	ELE
	1	GRATTAN ELEMENTARY SCHOOL	ELE
	1	HALLPARK ELEMENTARY SCHOOL	ELE
	1	JEFFERSON SCHOOL	ELE
	3	MOORE GROUP HOME	
	1	NORTH LF VALLEY ELEMENTARY SCH	ELE

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE #	SCHOOL NAME	
IONIA COUNTY (CONTINUED)	1	ORCHARD HILLS ELEMENTARY SCH	ELE
	3	PATRICK FOSTER HOME	
IOSCO COUNTY			
	1	HALE AREA ELEMENTARY SCHOOL	ELE
	1	OSCODA ELEMENTARY SCHOOL	ELE
	1	PRESCOTT ELEMENTARY	ELE
	1	TAWAS AREA ELEMENTARY SCHOOL	ELE
	1	TAWAS AREA JUNIOR HIGH SCHOOL	7-9
	1	WHITTEMORE PRESCOTT AREA H S	7-12
IRON COUNTY			
	1	BATES ELEMENTARY SCHOOL	ELE
	1	STAMBAUGH ELEMENTARY SCHOOL	ELE
	1	WEST IRON COUNTY HIGH SCHOOL	10-12
	1	WEST IRON COUNTY MIDDLE SCHOOL	MIDDL
ISABELLA COUNTY			
	1	FANCHER SCHOOL	ELE
	1	ROSEBUSH SCHOOL	ELE
JACKSON COUNTY			
	1	ALLEN SCHOOL	ELE
	1	AMY FIRTH SCHOOL	ELE
	1	BENNETT SCHOOL	ELE
	1	CLARK LAKE ELEMENTARY SCHOOL	ELE
	3	FLORENCE CRITTENTON SERVICES	
	3	FRANKLIN HALL HALFWAY HOUSE	
	1	FROST MIDDLE SCHOOL	MIDDL
	1	HUNT MIDDLE SCHOOL	MIDDL
	3	JACKSON COUNTY YOUTH CENTER	
	1	LINCOLN SCHOOL	ELE
	1	MCCULLOCH SCHOOL	ELE
	1	NORTHEAST MIDDLE SCHOOL	MIDDL
	1	TOMLINSON SCHOOL	ELE
KALAMAZOO			
	3	ACADEMIC HALL HALFWAY HOUSE	
	1	ARCADIA SCHOOL	ELE
	3	AUTES ASSOCIATION	
	1	BARCLAY HILLS ELEMENTARY SCH	ELE
	1	CONTINUING EDUCATION CENTER	7-12
	1	EAST ELEMENTARY SCHOOL	ELE
	1	EDISON SCHOOL	ELE
	1	GREENWOOD SCHOOL	ELE
	1	HILLSIDE JUNIOR HIGH SCHOOL	7-9
	3	KALAMAZOO COUNTY JUVENILE HOME	
	1	KAZOO SCHOOL	ELE
	3	LAKESIDE INC	
	1	LAKEWOOD SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE
	1	MILWOOD ELEMENTARY SCHOOL	ELE
KALAMAZOO (CONTINUED)	1	MILWOOD JUNIOR HIGH SCHOOL	7-9
	1	NORTHEASTERN ELEMENTARY SCH	ELE
	1	NORTHGLADE SCHOOL	ELE
	1	OAKLAND ELEMENTARY SCHOOL	ELE
	1	OAKWOOD ELEMENTARY SCHOOL	ELE
	3	PARK PLACE HALFWAY HOUSE	
	1	SOUTH JUNIOR HIGH SCHOOL	7-9
	1	SPRING VALLEY SCHOOL	ELE
	1	WASHINGTON SCHOOL	ELE
	1	WINCHELL SCHOOL	ELE
	1	WOODWARD SCHOOL	ELE
KALKASKA COUNTY			
	1	FIFE LAKE ELEMENTARY SCHOOL	ELE
	1	RAPID CITY ELEMENTARY SCHOOL	ELE
	1	SOUTH BOARDMAN ELEMENTARY SCH	ELE
KENT COUNTY			
	1	ALEXANDER SCHOOL	ELE
	1	ALGER SCHOOL	ELE
	3	BETHANY CHRISTIAN SERVICES	
	3	BROOKSIDE HOME	
	1	BUCHANAN SCHOOL	ELE
	1	BURR OAK SCHOOL	ELE
	1	BURTON ELEMENTARY SCHOOL	ELE
	1	BURTON JUNIOR HIGH SCHOOL	7-9
	1	CAMPAU PARK SCHOOL	ELE
	1	CENTRAL HIGH SCHOOL	11-12
	1	COIT SCHOOL	ELE
	1	CONGRESS SCHOOL	ELE
	1	CRESTON HIGH SCHOOL	11-12
	2	EAST KELLOGGSVILLE SCHOOL	ELE
	1	EAST LEONARD SCHOOL	ELE
	1	EASTERN PRI AND FOLLOW-THROUGH	UNK
	1	EASTERN SCHOOL	ELE
	1	FOUNTAIN SCHOOL	ELE
	1	FRANKLIN SCHOOL	ELE
	1	GODFREY ELEMENTARY	ELE
	1	HALL SCHOOL	ELE
	1	HARRISON PARK JUNIOR HIGH	7-9
	3	HATHAWAY GROUP HOME	
	1	HENRY SCHOOL	ELE
	3	HONEY CREEK CHRISTIAN HOMES	
	3	HULL FOSTER HOME	
	1	JEFFERSON SCHOOL	ELE
	1	KELLOGGSVILLE JR HIGH SCHOOL	7-9
	1	KENSINGTON SCHOOL	ELE
	1	KENT CITY MIDDLE SCHOOL	MIDDL
	3	KENT CNTY CORRECTIONAL FAC	

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LOCATIONS	CODE *	SCHOOL NAME	
KENT COUNTY (CONTINUED)	3	KENT CNTY JUVENILE COURT CTR	
	3	KENT COUNTY CHILD HAVEN	
	3	KENTWOOD BOYS HOME	
	3	KENTWOOD GIRLS HOME	
	3	LAKE DRIVE HOME	
	1	LEE ELEMENTARY SCHOOL	ELE
	1	LEE MIDDLE SCHOOL	MIDDL
	1	MADISON PARK SCHOOL	ELE
	1	MAIN ELEMENTARY	ELE
	3	MAPLE LODGE GROUP HOME	
	3	MOECHEL'S GROUP HOME	
	1	MYERS ELEMENTAPY SCHOOL	ELE
	1	OAKDALE SCHOOL	ELE
	1	PALMER SCHOOL	ELE
	1	PARK SCHOOL	7-12
	3	PATRAFKA GROUP HOME	
	3	PROJECT REHAB	
	1	RIDGEMOOR PARK SCHOOL	ELE
	3	RIVERVIEW RESIDENTIAL TRMT FAC	
	3	RIVERVIEW RESIDENTIAL TRMT FAC	
	1	SHELDON SCHOOL	ELE
	1	SIBLEY SCHOOL	ELE
	1	SIGSBEE SCHOOL	ELE
	1	SOUTH GODWIN ELEMENTARY SCHOOL	ELE
	1	ST ANDREW	ELE
	3	ST JOHNS HOME	
	1	STOCKING SCHOOL	ELE
	1	STRAIGHT SCHOOL	ELE
	1	THE CLIMBING TREE SCHOOL	ELE
	1	TOWNLINE ELEMENTARY SCHOOL	ELE
	1	VANDENBERG SCHOOL	ELE
	3	VILLA MARIA	
	1	VILLA MARIA HIGH SCHOOL	10-12
	1	WEST KELLOGGSVILLE SCHOOL	ELE
LAKE COUNTY			
	1	BALDWIN ELEMENTARY SCHOOL	ELE
	1	BALDWIN SENIOR HIGH SCHOOL	10-12
	1	BITELY ELEMENTARY SCHOOL	UNK
	1	NELSON ELEMENTARY SCHOOL	ELE
	1	YATES MIDDLE SCHOOL	MIDDL
LAPEER COUNTY			
	1	NORTH BRANCH HIGH SCHOOL	10-12
	3	TEEN RANCH	
LEELANAU COUNTY			
	1	HOLY ROSARY SCHOOL	ELE
	1	ST MARY'S JR-SR HIGH SCHOOL	K-12
LENAWEE COUNTY			
LENAWEE COUNTY (CONTINUED)	3	BOYSVILLE OF MICHIGAN	
	1	COMSTOCK ELEMENTARY SCHOOL	ELE
	1	MADISON HIGH SCHOOL	7-12
	3	MAURICE SPEAR CAMPUS	
	1	MCKINLEY ELEMENTARY SCHOOL	ELE
	1	MICHENER ELEMENTARY SCHOOL	ELE
LIVINGSTON COUNTY			
	1	HARTLAND FARMS MIDDLE SCHOOL	MIDDL
MACKINAC COUNTY			
	1	BERTRAND ELEMENTARY SCHOOL	MIDDL
	1	GROS CAP SCHOOL	ELE
	1	LASALLE HIGH SCHOOL	7-12
	1	LES CHENEAUX ELEMENTARY SCHOOL	ELE
	1	MACKINAC ISLAND SCHOOL	K-12
	1	MCCANN STREET ELEMENTARY SCH	ELE
	1	ST IGNACE TOWNSHIP SCHOOL	ELE
MACOMB COUNTY			
	1	ALEXANDER MACOMB SCHOOL	ELE
	1	BUTCHER JUNIOR HIGH SCHOOL	7-9
	1	CHRISTIAN CLEMENS SCHOOL	ELE
	1	EDGEWOOD ELEMENTARY SCHOOL	ELE
	1	ELIZABETH LITTLE SCHOOL	ELE
	1	GEORGE WASHINGTON SCHOOL	ELE
	1	HARDING SCHOOL	ELE
	1	HARRY W MILLER SCHOOL	ELE
	1	KAISER ELEMENTARY SCHOOL	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
	1	LINCOLN JUNIOR HIGH SCHOOL	7-9
	3	MACOMB COUNTY JAIL	
	3	MACOMB COUNTY YOUTH HOME	
	1	MARTIN LUTHER KING ELEM SCH	ELE
	1	MAX THOMPSON SCHOOL	ELE
	1	NEW HAVEN MIDDLE SCHOOL	MIDDL
	1	OAKWOOD JUNIOR HIGH SCHOOL	7-9
	1	ROBBIE HALL PARKER SCHOOL	ELE
	1	SELFRIDGE ELEMENTARY SCHOOL	ELE
	1	THOMAS A EDISON SCHOOL	ELE
	1	WASHINGTON SCHOOL	ELE
MANISTEE			
	1	WASHINGTON SCHOOL	ELE
MANISTEE COUNTY			
	1	BEAR LAKE ELEMENTARY SCHOOL	ELE
	1	BRETHREN HIGH SCHOOL	7-12
	1	KALEVA ELEMENTARY SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE
	1	MADISON ELEMENTARY SCHOOL	ELE
	1	WELLSTON ELEMENTARY SCHOOL	ELE

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MARQUETTE			
	3	BROOKRIDGE	
	1	CENTRAL SCHOOL	ELE
	1	K I SAWYER ELEMENTARY SCHOOL	ELE
	3	MARQUETTE COUNTY JAIL	
	3	MARQUETTE COUNTY YOUTH HOME	
	1	POWELL TOWNSHIP ELEMENTARY SCH	ELE
	1	REPUBLIC MICHIGAMME SCHOOL	K-12
	1	WELLS TOWNSHIP SCHOOL	ELE
	1	WILLARD M WHITMAN SCHOOL	ELE
MASON			
	1	EASTERN HIGH SCHOOL	7-12
	1	FOSTER SCHOOL	ELE
	1	PERE MARQUETTE SCHOOL	ELE
	1	PLEASANT VIEW SCHOOL	ELE
	1	RIVERTON ELEMENTARY SCHOOL	ELE
	3	THE STAIRCASE	
MECOSTA COUNTY			
	1	BARRYTON ELEMENTARY SCHOOL	ELE
	1	BARRYTON JUNIOR HIGH SCHOOL	7-9
	1	EASTWOOD ELEMENTARY SCHOOL	ELE
	1	MECOSTA ELEMENTARY SCHOOL	ELE
	1	MORLEY ELEMENTARY SCHOOL	ELE
	1	REMUS ELEMENTARY SCHOOL	ELE
	1	S D A ELEMENTARY SCHOOL	ELE
	1	ST MARY	ELE
	1	STANWOOD ELEMENTARY SCHOOL	ELE
	1	WEIDMAN ELEMENTARY SCHOOL	ELE
MENOMINEE COUNTY			
	1	CARNEY NADEAU SCHOOL	K-12
	1	DAGGETT ELEMENTARY SCHOOL	ELE
	1	HERMANSVILLE BUILDING ELEM	ELE
	1	NORTH CENTRAL AREA JUNIOR HIGH	7-9
	1	POWERS BUILDING ELEMENTARY	ELE
	1	ROOSEVELT ELEMENTARY SCHOOL	ELE
	1	STEVENSON ELEMENTARY SCHOOL	ELE
MIDLAND COUNTY			
	1	EASTLAWN SCHOOL	ELE
	1	GOOD SHEPHERD EV LUTH SCHOOL	ELE
	3	HARBOUR HOUSE	
	1	LONGVIEW ELEMENTARY SCHOOL	ELE
	3	MIDLAND COUNTY SHERIFF'S DEPT	
	1	PLEASANT VIEW SCHOOL	ELE
MISSAUKEE COUNTY			
	1	FALMOUTH ELEMENTARY SCHOOL	ELE
MONROE COUNTY			
	1	HURD ROAD ELEMENTARY	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
MONROE COUNTY (CONTINUED)	1	MASON MIDDLE SCHOOL	MIDDL
	3	MONROE COUNTY YOUTH CENTER	
MONTCALM COUNTY			
	1	CARSON CITY ELEMENTARY SCHOOL	ELE
	1	CRYSTAL ELEMENTARY SCHOOL	ELE
	1	LINCOLN HEIGHTS ELEMENTARY SCH	ELE
	1	MACNAUGHTON SCHOOL	ELE
	1	VESTABURG COMM ELEMENTARY SCH	ELE
	1	VESTABURG COMMUNITY HIGH SCH	ELE
MONTMORENCY COUNTY			
	1	ATLANTA COMMUNITY SCHOOL	K-12
	1	HILLMAN ELEMENTARY SCHOOL	ELE
	1	RUST ELEMENTARY SCHOOL	ELE
MUSKEGON COUNTY			
	1	ANGELL SCHOOL	ELE
	1	CARR ELEMENTARY SCHOOL	ELE
	1	CHARLES A LINDBERGH SCHOOL	ELE
	3	CHILD & FAMILY SVCS & MUSKEGON	
	3	CHILD HAVEN	
	1	CRAIG ELEMENTARY SCHOOL	ELE
	1	DUCK CREEK SCHOOL	ELE
	1	E GRACE LOFTIS SCHOOL	ELE
	1	EDGEWOOD ELEMENTARY SCHOOL	ELE
	1	FROEBEL SCHOOL	ELE
	1	GLENDALE SCHOOL	ELE
	1	GLENSIDE SCHOOL	ELE
	1	GRACE LUTHERAN	ELE
	1	GUSTAFSON SCHOOL	ELE
	3	HARBOR HOUSE	
	1	HOLTON ELEMENTARY SCHOOL	ELE
	1	HOLTON JUNIOR-SENIOR HIGH	7-12
	1	MARQUETTE SCHOOL	ELE
	1	MARSH SCHOOL	ELE
	1	MARTIN LUTHER KING JR ELEM	ELE
	1	MCLAUGHLIN SCHOOL	ELE
	1	MCMILLAN SCHOOL	ELE
	1	MOON SCHOOL	ELE
	3	MUSKEGON COUNTY YOUTH HOME	
	1	MUSKEGON HEIGHTS HIGH SCHOOL	10-12
	1	MUSKEGON HEIGHTS MIDDLE SCHOOL	MIDDL
	1	MUSKEGON HIGH SCHOOL	10-12
	1	NELSON SCHOOL	MIDDL
	1	NIMS SCHOOL	ELE
	1	OAKRIDGE MIDDLE SCHOOL	MIDDL
	1	ORCHARD VIEW ELEMENTARY SCH	ELE
	1	ORCHARD VIEW MIDDLE SCHOOL	MIDDL
	1	PHILLIPS SCHOOL	ELE

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LOCATIONS	CODE *	SCHOOL NAME	
MUSKEGON COUNTY (CONTINUED)	1	RAVENNA ELEMENTARY SCHOOL	ELE
	1	ROTHBURY ELEMENTARY SCHOOL	ELE
	1	ST MICHAEL SCHOOL	ELE
	1	THEODORE ROOSEVELT SCHOOL	ELE
	1	VANDERLAAN SCHOOL	UNK
	1	WALTER B STEELE JR HIGH SCH	7-9
	1	WHITEHALL ELEMENTARY SCHOOL	ELE
	1	WHITEHALL MIDDLE SCHOOL	MIDDL
NEWAYGO			
	1	BIG JACKSON SCHOOL	ELE
	1	HESPERIA HIGH SCHOOL	10-12
	1	HESPERIA MIDDLE SCHOOL	MIDDL
	1	PINEVIEW SCHOOL	ELE
	1	WHITE CLOUD ELEM SCHOOL	ELE
OAKLAND			
	1	ALCOTT SCHOOL	ELE
	3	AUBURN HILL	
	1	AVONDALE JUNIOR HIGH SCHOOL	10-12
	1	BAGLEY SCHOOL	ELE
	1	BETHUNE SCHOOL	ELE
	3	BOYS REPUBLIC INC	
	1	CALVIN COOLIDGE SCHOOL	7-9
	3	CAMP OAKLAND YOUTH PROGRAMS	
	1	CARVER SCHOOL	ELE
	1	CENTRAL EDUCATION CENTER	UNK
	3	CHILDRENS VILLAGE	
	1	COMMUNITY EDUCATION CENTER	UNK
	1	CROFOOT SCHOOL	ELE
	3	DETROIT BAPTIST CHILDRENS HOME	
	1	DEWEY ELEMENTARY SCHOOL	ELE
	1	DONELSON SCHOOL	ELE
	1	DUCK LAKE ELEMENTARY SCHOOL	ELE
	1	EMERSON SCHOOL	ELE
	1	FROST SCHOOL	ELE
	1	GEORGE WASHINGTON ELEM SCHOOL	ELE
	1	HALEMAN ELEMENTARY SCHOOL	ELE
	1	HERRINGTON SCHOOL	ELE
	1	JAMES MONROE ELEMENTARY SCH	ELE
	1	JEFFERSON JUNIOR HIGH SCHOOL	MIDDL
	1	KENNEDY JUNIOR HIGH SCHOOL	7-9
	1	LARKSHIRE ELEMENTARY SCHOOL	ELE
	1	LEBARON SCHOOL	ELE
	1	LESSENGER ELEMENTARY SCHOOL	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
	1	LONGFELLOW SCHOOL	ELE
	1	MADISON HIGH SCHOOL	10-12
	1	MADISON SCHOOL	MIDDL
OAKLAND (CONTINUED)	1	MALKIM SCHOOL	ELE
	1	MARTA JARDON VOCATIONAL SCH	7-12
	1	MCCARROLL SCHOOL	ELE
	1	OWEN SCHOOL	ELE
	1	PERDUE CENTER	7-12
	1	ROGERS SCHOOL	ELE
	1	ROOSEVELT MIDDLE SCHOOL	MIDDL
	1	ROOSEVELT SCHOOL	ELE
	1	SCHOENHALS ELEMENTARY SCHOOL	ELE
	1	SEVENTH DAY ADVENTIST ELEM	ELE
	3	ST VINCENT & SARAH FISHER HOME	
	1	THOMAS JEFFERSON SCHOOL	ELE
	1	TWAIN SCHOOL	ELE
	1	U S GRANT SCHOOL	ELE
	1	UNITED OAKS SCHOOL	ELE
	1	WASHINGTON JUNIOR HIGH SCHOOL	7-9
	1	WEBSTER SCHOOL	ELE
	1	WEVER SCHOOL	ELE
	1	WHITMAN ELEMENTARY SCHOOL	ELE
	1	WHITMAN RESOURCE CENTER EAST	ELE
	1	WHITTIER ELEMENTARY SCHOOL	ELE
	1	WILKINSON JUNIOR HIGH SCHOOL	7-9
	1	WILLIAM HOWARD TAFT SCHOOL	ELE
	1	WILLIS SCHOOL	ELE
	1	WOODROW WILSON SCHOOL	ELE
OCEANA COUNTY			
	1	BENONA COMMUNITY SCHOOL	ELE
	1	ELDRIDGE SCHOOL	ELE
	1	FERRY COMMUNITY SCHOOL	ELE
	1	GOLDEN SCHOOL	ELE
	1	HART HIGH SCHOOL	10-12
	1	HART MIDDLE SCHOOL	7-9
	1	SPITLER SCHOOL	ELE
	1	THOMAS READ SCHOOL	ELE
	1	WALKERVILLE ELEMENTARY SCHOOL	ELE
	1	WALKERVILLE RURAL CMNTY SCH	7-12
OGEMAW COUNTY			
	1	ROSE CITY ELEMENTARY/JUNIOR HS	ELE
ONTONAGON COUNTY			
	1	MASS-GREENLAND ELEMENTARY SCH	ELE
	1	ONTONAGON AREA HIGH SCHOOL	10-12
	1	ROCKLAND ELEMENTARY SCHOOL	ELE
	1	WHITE PINE ELEMENTARY SCHOOL	ELE
OSCEOLA COUNTY			
	3	EAGLE VILLAGE INC	
	1	LEROY ELEMENTARY SCHOOL	ELE
	1	LUTHER ELEMENTARY SCHOOL	ELE

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LOCATIONS	CODE *	SCHOOL NAME	
OSCEOLA COUNTY (CONTINUED)	1	MARION ELEMENTARY SCHOOL	ELE
	1	MARION HIGH SCHOOL	7-12
	2	PINE RIVER AREA JR-SR H S	7-12
	3	PINEVIEW HOMES	
	1	REED CITY MIDDLE SCHOOL	MIDDL
	1	TUSTIN ELEMENTARY SCHOOL	ELE
OSCODA COUNTY			
	1	FAIRVIEW ELEMENTARY SCHOOL	ELE
	1	FAIRVIEW HIGH SCHOOL	7-12
	1	MIO AU SABLE ELEMENTARY SCH	ELE
	1	MIO AU SABLE HIGH SCHOOL	7-12
OTSEGO COUNTY			
	1	JOHANNESBURG ELEMENTARY SCHOOL	ELE
	1	JOHANNESBURG/LEWISTON H S	7-12
	1	LEWISTON SCHOOL	ELE
	1	VANDERBILT ELEMENTARY SCHOOL	ELE
OTTOWA COUNTY			
	1	CENTRAL SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE
	1	LONGFELLOW SCHOOL	ELE
	1	NORTH HOLLAND SCHOOL	ELE
	3	OTTAWA COUNTY YOUTH HOME	
	1	ROBINSON SCHOOL	ELE
	1	THOMAS JEFFERSON SCHOOL	ELE
	1	VANRAALTE SCHOOL	ELE
	1	WASHINGTON SCHOOL	ELE
PRESQUE ISLE COUNTY			
	1	POSEN CONSOLIDATED ELEM SCH	ELE
	1	POSEN CONSOLIDATED HIGH SCHOOL	7-12
	1	ST CASIMIR	ELE
ROSCOMMON COUNTY			
	1	COLLINS ELEMENTARY	ELE
	1	HOUGHTON LAKE MIDDLE SCHOOL	MIDDL
	1	MERRITT ELEMENTARY SCHOOL	ELE
	1	PRUDENVILLE ELEMENTARY SCHOOL	ELE
	1	ST HELEN ELEMENTARY SCHOOL	ELE
SAGINAW COUNTY			
	1	A A CLAYTOR ELEMENTARY	ELE
	1	ARTHUR EDDY JUNIOR HIGH SCH	7-9
	3	ASHWALD RESIDENCE FOR GIRLS	
	1	C C COULTER ELEMENTARY SCH	ELE
	1	CENTRAL JUNIOR HIGH SCHOOL	7-9
	1	CONTINUATION SCHOOL	7-12
	1	EDITH BAILLIE ELEMENTARY SCH	ELE
	1	EMERSON ELEMENTARY SCHOOL	ELE
	1	HEAVEN RICH SCHOOL	ELE
	1	HENRY A DOERR SCHOOL	ELE
SAGINAW COUNTY (CONTINUED)	1	HIGHLAND PARK SCHOOL	ELE
	3	HOLLAND HOUSE	
	1	HOUGHTON ELEMENTARY SCHOOL	ELE
	1	JESSIE LOOMIS SCHOOL	ELE
	1	JESSIE POUSE SCHOOL	ELE
	1	JONES SCHOOL	ELE
	1	KAUFMANN ELEMENTARY SCHOOL	ELE
	1	LONGFELLOW SCHOOL	ELE
	1	MARTHA LONGSTREET SCHOOL	ELE
	1	MERRILL PARK SCHOOL	ELE
	1	MORLEY SCHOOL	ELE
	1	NELLE HALEY SCHOOL	ELE
	1	POTTER SCHOOL	ELE
	1	RICKER JUNIOR HIGH SCHOOL	7-9
	3	SAGINAW CNTY CHILDRENS RCV HME	
	3	SAGINAW COUNTY JUVENILE CENTER	
	1	SALIMA SCHOOL	ELE
	1	ST CHARLES COMMUNITY HIGH SCH	11-12
	1	ST MARY CATHEDRAL HIGH SCHOOL	11-12
	3	ST VINCENT'S HOME	
	1	WEBBER ELEMENTARY SCHOOL	ELE
	2	WEBBER JUNIOR HIGH SCHOOL	7-9
SANILAC COUNTY			
	1	BROWN CITY EARLY ELEM SCH	ELE
	1	PORT SANILAC ELEMENTARY SCH	ELE
	3	SANILAC COUNTY GROUP HOME	
	3	TEEN RANCH	
SCHOOLCRAFT COUNTY			
	1	DOYLE ELEMENTARY SCHOOL	ELE
	1	FAIRVIEW ELEMENTARY SCHOOL	ELE
	1	GERMFASK ELEMENTARY SCHOOL	ELE
	1	HIAWATHA SCHOOL	ELE
	1	LINCOLN ELEMENTARY	ELE
SHIAWASSEE COUNTY			
	1	CENTRAL SCHOOL	ELE
	1	EMERSON SCHOOL	ELE
	1	PERRY FIFTH GRADE SCHOOL	ELE
	1	ROOSEVELT SCHOOL	ELE
	1	WASHINGTON SCHOOL	ELE
ST CLAIR COUNTY			
	3	BRIDGEVIEW GROUP HOME	
	1	CENTRAL INTERMEDIATE SCHOOL	MIDDL
	1	CLEVELAND ELEMENTARY SCHOOL	ELE
	1	GARFIELD ELEMENTARY SCHOOL	ELE
	1	GRANT ELEMENTARY SCHOOL	ELE
	1	HARRISON ELEMENTARY SCHOOL	ELE
	1	HOLLAND WOODS INTERMEDIATE SCH	MIDDL

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LOCATIONS	CODE *	SCHOOL NAME	
ST CLAIR COUNTY (CONTINUED)	1	HOWARD CRULL ELEMENTARY SCHOOL	ELE
	1	KIMBALL ELEMENTARY SCHOOL	ELE
	1	MEMPHIS MIDDLE SCHOOL	MIDDL
	1	PROJECT E N V Y	UNK
	2	ROOSEVELT ELEMENTARY SCHOOL	ELE
	3	ST CLAIR CNTY CHILDREN'S SHELT	
	3	ST CLAIR COUNTY JUVENILE CTR	
	1	WOODROW WILSON ELEMENTARY SCH	ELE
ST JOSEPH COUNTY			
	1	ARDEN PARK SCHOOL	ELE
	1	HENRY P BARROWS SCHOOL	ELE
	1	LEONIDAS ELEMENTARY SCHOOL	ELE
	1	MURRAY J HUSS	ELE
	1	WENZEL SCHOOL	ELE
TUSCOLA COUNTY			
	1	CARO JUNIOR HIGH SCHOOL	7-9
	1	EVERGREEN ELEMENTARY SCHOOL	ELE
	1	MAYVILLE ELEMENTARY SCHOOL	ELE
	3	TEEN RANCH	
VANBUREN COUNTY			
	1	BANGOR ELEMENTARY SCHOOL	ELE
	1	BANGOR MIDDLE SCHOOL	MIDDL
	1	BANGOR PRIMARY SCHOOL	ELE
	1	BLOOMINGDALE ELEMENTARY SCH	ELE
	1	BLOOMINGDALE HIGH SCHOOL	10-12
	1	BLOOMINGDALE MIDDLE SCHOOL	MIDDL
	1	CENTRAL SCHOOL	ELE
	1	COVERT ELEMENTARY SCHOOL	ELE
	1	COVERT HIGH SCHOOL	7-12
	1	DECATUR GRADE SCHOOL	ELE
	1	GRAND JUNCTION ELEMENTARY SCH	ELE
	1	HARTFORD MIDDLE SCHOOL	MIDDL
	1	LAWRENCE ELEMENTARY SCHOOL	ELE
	1	LAWRENCE JUNIOR-SENIOR H S	7-12
	1	LAWTON ELEMENTARY SCHOOLS	ELE
	1	LINCOLN SCHOOL	ELE
	1	MAPLE GROVE SCHOOL	ELE
	1	PULLMAN ELEMENTARY SCHOOL	ELE
	1	RED ARROW ELEMENTARY	ELE
	1	SOUTH HAVEN JUNIOR HIGH SCHOOL	7-9
	1	WOOD SCHOOL	ELE
	1	WOODSIDE ELEMENTARY	ELE
WASHTENAW COUNTY			
	1	CHARLES F KETTERING SCHOOL	ELE
	1	CHENEY ELEMENTARY SCHOOL	ELE
	1	CHILDRENS COMMUNITY SCHOOL	ELE
	1	CLIFFORD E BRYANT CNTY SCH	ELE
WASHTENAW COUNTY (CONTINUED)	1	E H CHAPELLE ELEMENTARY SCH	ELE
	1	E L FLETCHER ELEMENTARY SCH	ELE
	1	E S GEORGE SCHOOL	ELE
	1	ERICKSON SCHOOL	ELE
	3	FAMILY GROUP HOMES	
	1	HENRY FORD ELEMENTARY SCHOOL	ELE
	1	HENRY J KAISER SCHOOL	ELE
	1	NORTHSIDE SCHOOL	ELE
	1	ROBERTO CLEMENTE CENTER	7-12
	1	THURSTON CHILDHOOD CENTER	ELE
	3	WASHTENAW JUVENILE CRT DET CTR	
	1	WOODRUFF SCHOOL	ELE
WAYNE COUNTY			
	1	A L HOLMES ELEMENTARY SCH	ELE
	1	AERO MECHANICS VOC HIGH SCH	UNK
	1	ALEXANDER CRUMMEL AFFIRM SCH	ELE
	3	ALLEN HOUSE	
	1	ALTERNATIVE EDUCATION CENTER	7-12
	1	ANGELL ELEMENTARY SCHOOL	ELE
	1	ANGELL PRIMARY SCHOOL	ELE
	1	ANN VISGER ELEMENTARY SCHOOL	ELE
	1	ARTHUR W MEEK ELEMENTARY SCH	ELE
	1	ATKINSON ELEMENTARY SCHOOL	ELE
	1	BALCH ELEMENTARY SCHOOL	ELE
	1	BARBOUR MIDDLE SCHOOL	MIDDL
	1	BARTH ELEMENTARY SCHOOL	ELE
	1	BARTON ELEMENTARY SCHOOL	ELE
	1	BEARD ELEMENTARY SCHOOL	ELE
	1	BELL ELEMENTARY SCHOOL	ELE
	1	BELLEVUE ELEMENTARY SCHOOL	ELE
	1	BENEDICTINE HIGH SCHOOL	11-12
	1	BENNETT ELEMENTARY SCHOOL	ELE
	1	BERRY ELEMENTARY SCHOOL	ELE
	1	BEVERLY ELEMENTARY SCHOOL	ELE
	1	BIDDLE ELEMENTARY SCHOOL	ELE
	1	BIRNEY ELEMENTARY SCHOOL	ELE
	3	BONIFACE GROUP HOME	
	3	BONIFACE GRP HME/GARRISON PL	
	1	BOW ELEMENTARY SCHOOL	ELE
	1	BOYNTON MIDDLE SCHOOL	MIDDL
	3	BOYSVILLE CORPUS CHRISTI HOUSE	
	3	BOYSVILLE XAVIER CENTER	
	1	BRADY ELEMENTARY SCHOOL	ELE
	1	BRAKE ELEMENTARY SCHOOL	ELE
	1	BREITMEYER ELEMENTARY SCHOOL	ELE
	1	BROOKS MIDDLE SCHOOL	MIDDL
	1	BUNCHE ELEMENTARY SCHOOL	ELE

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LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
WAYNE COUNTY (CONTINUED)	1	BURBANK MIDDLE SCHOOL	MIDDL
	3	BURLINGAME HALFWAY HOUSE	
	1	BURNS ELEMENTARY SCHOOL	ELE
	1	BURNS ELEMENTARY SCHOOL	ELE
	1	BURROWS MIDDLE SCHOOL	MIDDL
	1	BURTON INTERNATIONAL SCHOOL	ELE
	1	BUTZEL MIDDLE SCHOOL	MIDDL
	1	CADILLAC MIDDLE SCHOOL	MIDDL
	1	CAMPBELL ELEMENTARY SCHOOL	ELE
	1	CARLETON ELEMENTARY SCHOOL	ELE
	1	CARSTENS ELEMENTARY SCHOOL	ELE
	1	CARTER G WOODSON ELEM SCH	ELE
	1	CARVER ELEMENTARY SCHOOL	ELE
	1	CARVER ELEMENTARY SCHOOL	ELE
	1	CARY ELEMENTARY SCHOOL	ELE
	1	CERVENY MIDDLE SCHOOL	MIDDL
	1	CHADSEY HIGH SCHOOL	10-12
	1	CHANDLER ELEMENTARY SCHOOL	ELE
	1	CHANEY ELEMENTARY SCHOOL	ELE
	3	CHILDREN'S CENTER GROUP HOME	
	3	CHILDREN'S HOME OF DETROIT	
	1	CHILDRENS VILLAGE INTER CTR	ELE
	3	CHRIST CHILD HOUSE	
	3	CHRISTINE HOUSE	
	1	CLARENCE B SABBATH SCHOOL	ELE
	1	CLARENCE RANDALL ELEM SCH	ELE
	1	CLARK ELEMENTARY SCHOOL	ELE
	1	CLEVELAND MIDDLE SCHOOL	MIDDL
	1	CLINTON ELEMENTARY SCHOOL	ELE
	1	CLIPPERT MIDDLE SCHOOL	MIDDL
	1	COFFEY MIDDLE SCHOOL	MIDDL
	1	COLUMBIAN PRIMARY SCHOOL	ELE
	1	COLUMBUS MIDDLE SCHOOL	MIDDL
	1	CONDON MIDDLE SCHOOL	MIDDL
	1	CONTINUING EDUCATION FOR GIRLS	UNK
	1	COOLIDGE ELEMENTARY SCHOOL	ELE
	1	COOPER ELEMENTARY SCHOOL	ELE
	1	CORTLAND ELEMENTARY SCHOOL	ELE
	1	COURTIS ELEMENTARY SCHOOL	ELE
	1	COURVILLE ELEMENTARY SCHOOL	ELE
	1	COUZENS ELEMENTARY SCHOOL	ELE
	1	CRARY ELEMENTARY SCHOOL	ELE
	1	CUSTER ELEMENTARY SCHOOL	ELE
	3	D J HEALY CHILDREN'S CENTER	
	1	DALY SCHOOL	ELE
	1	DAVISON ELEMENTARY SCHOOL	ELE
	3	DEFER GIRLS HOME	
WAYNE COUNTY (CONTINUED)	1	DENBY HIGH SCHOOL	11-12
	3	DETROIT HOUSE OF CORRECTION	
	1	DICKINSON ELEMENTARY SCHOOL	ELE
	1	DIXON ELEMENTARY SCHOOL	ELE
	3	DON BOSCO HALL	
	1	DONALD THOMSON SCHOOL	ELE
	1	DOTY ELEMENTARY SCHOOL	ELE
	1	DOUGLASS ELEMENTARY SCHOOL	ELE
	1	DOW ELEMENTARY SCHOOL	ELE
	1	DOW WORLD OF WORK	UNK
	1	DREW MIDDLE SCHOOL	MIDDL
	1	DUFFIELD ELEMENTARY SCHOOL	ELE
	1	DUNN ELEMENTARY SCHOOL	ELE
	1	DURFEE MIDDLE SCHOOL	MIDDL
	1	DWYER ELEMENTARY SCHOOL	ELE
	1	EARHART MIDDLE SCHOOL	MIDDL
	1	EAST CATHOLIC HIGH	11-12
	1	EASTSIDE VICARIATE ELEM SCH	ELE
	1	ECORSE HIGH SCHOOL	7-12
	1	EDISON ELEMENTARY SCHOOL	ELE
	1	EDMONSON ELEMENTARY SCHOOL	ELE
	1	ELLIS ELEMENTARY SCHOOL	ELE
	1	EMERSON ELEMENTARY SCHOOL	ELE
	1	EMERSON MIDDLE SCHOOL	MIDDL
	1	EPIPHANY CHILD DEVELOPMENT CTR	ELE
	1	EUREKADALE ELEMENTARY SCHOOL	ELE
	1	FAIRBANKS ELEMENTARY SCHOOL	ELE
	3	FAMILY NEIGHBORHOOD SERVICES	
	1	FARWELL MIDDLE SCHOOL	MIDDL
	3	FED OF GIRL'S HOME (DELTA)	
	3	FED OF GIRL'S HOME (WILLIAMS)	
	1	FEDERAL ELEMENTARY SCHOOL	ELE
	3	FEDERATION OF GIRL'S HME (FFA)	
	1	FELLRATH MIDDLE SCHOOL	MIDDL
	1	FERRIS MIDDLE SCHOOL	MIDDL
	1	FERRY ELEMENTARY SCHOOL	ELE
	1	FIELD ELEMENTARY SCHOOL	ELE
	1	FITZGERALD ELEMENTARY	ELE
	1	FLEMING ELEMENTARY SCHOOL	ELE
	1	FORD ELEMENTARY SCHOOL	ELE
	1	FOSTER ELEMENTARY SCHOOL	ELE
	1	FOX PRIMARY SCHOOL	ELE
	1	FRAZIER ELEMENTARY SCHOOL	ELE
	1	GARDNER ELEMENTARY SCHOOL	ELE
	1	GEORGE ELEMENTARY SCHOOL	ELE
	3	GIRLSTOWN-LOCH RIO	
	1	GLAZER ELEMENTARY SCHOOL	ELE

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MICHIGAN

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
WAYNE COUNTY (CONTINUED)	1	GOLDBERG ELEMENTARY SCHOOL	ELE
	1	GOMPERS ELEMENTARY SCHOOL	ELE
	1	GOODALE ELEMENTARY SCHOOL	ELE
	1	GRANT ELEMENTARY SCHOOL	ELE
	1	GRANT MIDDLE SCHOOL	MIDDL
	1	GRAYLING ELEMENTARY SCHOOL	ELE
	1	GREENFIELD PARK ELEMENTARY SCH	ELE
	1	GREENFIELD UNION ELEM SCH	ELE
	1	GREUSEL MIDDLE SCHOOL	MIDDL
	1	GUEST MIDDLE SCHOOL	MIDDL
	1	GUYTON ELEMENTARY SCHOOL	ELE
	1	HAMILTON MIDDLE SCHOOL	MIDDL
	1	HAMPTON MIDDLE SCHOOL	MIDDL
	1	HANCOCK PRIMARY SCHOOL	ELE
	1	HANNEMAN ELEMENTARY SCHOOL	ELE
	1	HANSTEIN ELEMENTARY SCHOOL	ELE
	1	HARDING ELEMENTARY SCHOOL	ELE
	1	HARDING MIDDLE SCHOOL	MIDDL
	1	HARMS ELEMENTARY SCHOOL	ELE
	1	HARRIS ELEMENTARY SCHOOL	ELE
	1	HEALY ELEMENTARY SCHOOL	ELE
	1	HENRY FORD MIDDLE SCHOOL	MIDDL
	1	HERMAN ELEMENTARY SCHOOL	ELE
	1	HIGGINBOTHAM ELEMENTARY SCH	ELE
	1	HIGGINS ELEMENTARY SCHOOL	ELE
	1	HOLBROOK SCHOOL	ELE
	1	HOLCOMB ELEMENTARY SCHOOL	ELE
	1	HOLY REDEEMER ELEMENTARY SCH	ELE
	1	HOLY REDEEMER HIGH	10-12
	1	HOLY TRINITY SCHOOL	ELE
	1	HOSMER ELEMENTARY SCHOOL	ELE
	1	HOUGHTEN ELEMENTARY SCHOOL	ELE
	1	HOWE ELEMENTARY SCHOOL	ELE
	1	HUBERT ELEMENTARY SCHOOL	ELE
	1	HUNTER MIDDLE SCHOOL	MIDDL
	1	HUTCHINS MIDDLE SCHOOL	MIDDL
	1	HUTCHINSON ELEMENTARY SCHOOL	ELE
	1	ILENE PRIMARY SCHOOL	ELE
	1	IMMACULATA HIGH	10-12
	1	IVES ELEMENTARY SCHOOL	ELE
	1	JACKSON MIDDLE SCHOOL	MIDDL
	1	JAMIESON ELEMENTARY	ELE
	1	JEFFERSON ELEMENTARY SCHOOL	ELE
	1	JEFFERSON MIDDLE SCHOOL	MIDDL
	1	JEFFRIES ELEMENTARY SCHOOL	ELE
	1	JOFFE ELEMENTARY SCHOOL	ELE
	1	JOHN F KENNEDY SCHOOL	MIDDL
WAYNE COUNTY (CONTINUED)	1	JONES ELEMENTARY SCHOOL	ELE
	1	JOY MIDDLE SCHOOL	MIDDL
	1	JOYCE ELEMENTARY SCHOOL	ELE
	1	KANGAROO LEARNING CENTER	ELE
	1	KATHLEEN BRIGHT ELEM SCHOOL	ELE
	1	KEATING ELEMENTARY SCHOOL	ELE
	1	KEIDAN ELEMENTARY SCHOOL	ELE
	1	KEITH MIDDLE SCHOOL	MIDDL
	1	KETTERING SENIOR HIGH SCHOOL	11-12
	1	KING ELEMENTARY SCHOOL	ELE
	1	KNUDSEN MIDDLE SCHOOL	MIDDL
	1	KOSCIUSKO ELEMENTARY SCHOOL	ELE
	1	KOSCIUSZKO SCHOOL	MIDDL
	1	KROLIK ELEMENTARY SCHOOL	ELE
	1	LAFAYETTE SCHOOL	ELE
	1	LARNED ELEMENTARY SCHOOL	ELE
	1	LAW MIDDLE SCHOOL	MIDDL
	3	LEAGUE OF CATHOLIC WOMEN-BARAT	
	1	LESLIE ELEMENTARY SCHOOL	ELE
	1	LESSENGER MIDDLE SCHOOL	MIDDL
	1	LIBERTY SCHOOL	ELE
	1	LILLIBRIDGE ELEMENTARY SCHOOL	ELE
	1	LINCOLN ELEMENTARY SCHOOL	ELE
	1	LINGEMANN ELEMENTARY SCHOOL	ELE
	1	LODGE ELEMENTARY SCHOOL	ELE
	1	LOGAN ELEMENTARY SCHOOL	ELE
	1	LONGFELLOW MIDDLE SCHOOL	MIDDL
	3	LUTH CHILDREN'S FRIEND SCTY-LA	
	1	LYNCH ELEMENTARY SCHOOL	ELE
	3	MABLOWE HSE-LUTHERAN CHILDRENS	
	1	MACCULLOCH ELEMENTARY SCHOOL	ELE
	1	MACOMB ELEMENTARY SCHOOL	ELE
	1	MANN ELEMENTARY SCHOOL	ELE
	1	MARK TWAIN ELEMENTARY SCHOOL	ELE
	1	MARQUETTE ELEMENTARY SCHOOL	ELE
	1	MARSH ELEMENTARY SCHOOL	ELE
	1	MARSHALL ELEMENTARY SCHOOL	ELE
	1	MARTIN LUTHER KING HIGH SCH	11-12
	1	MARXHAUSEN ELEMENTARY SCHOOL	ELE
	1	MASON ELEMENTARY SCHOOL	ELE
	1	MAYBURY ELEMENTARY SCHOOL	ELE
	1	MCCOLL ELEMENTARY SCHOOL	ELE
	1	MCDONALD SCHOOL	ELE
	1	MCFARLANE ELEMENTARY SCHOOL	ELE
	1	MCGRAW ELEMENTARY SCHOOL	ELE
	1	MCGREGOR ELEMENTARY SCHOOL	ELE
	1	MCKERROW ELEMENTARY SCHOOL	ELE

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MICHIGAN

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
WAYNE COUNTY (CONTINUED)	1	MCKINSTRY ELEMENTARY SCHOOL	ELE
	1	MCLEAN ELEMENTARY SCHOOL	ELE
	1	MCMICHAEL MIDDLE SCHOOL	MIDDL
	1	MCMILLAN ELEMENTARY SCHOOL	ELE
	1	MCNAIR SCHOOL	ELE
	3	METHODIST CHILDREN'S HOME SCTY	
	1	MIDLAND ELEMENTARY SCHOOL	ELE
	1	MILLER MIDDLE SCHOOL	MIDDL
	1	MOKERSKY SCHOOL	ELE
	1	MONICA PRIMARY SCHOOL	ELE
	1	MONNIER ELEMENTARY SCHOOL	ELE
	1	MONTEITH ELEMENTARY SCHOOL	ELE
	3	MONTEVISTA SHELTER CENTER	
	1	MOORE ELEMENTARY SCHOOL	ELE
	1	MUNGER MIDDLE SCHOOL	MIDDL
	1	MURPHY MIDDLE SCHOOL	MIDDL
	1	MURRAY WRIGHT HIGH SCHOOL	10-12
	1	MYERS ELEMENTARY SCHOOL	ELE
	1	NEINAS ELEMENTARY SCHOOL	ELE
	1	NEW CENTER ACADEMY	K-12
	1	NEWBERRY ELEMENTARY SCHOOL	ELE
	1	NEWTON ELEMENTARY SCHOOL	ELE
	1	NICHOLS ELEMENTARY SCHOOL	ELE
	1	NOBLE MIDDLE SCHOOL	MIDDL
	1	NOLAN MIDDLE SCHOOL	MIDDL
	1	NORTHEASTERN HIGH SCHOOL	10-12
	1	NORTHERN HIGH SCHOOL	10-12
	1	NORTHWESTERN HIGH SCHOOL	10-12
	1	NORVELL ELEMENTARY SCHOOL	ELE
	1	O W HOLMES ELEMENTARY SCHOOL	ELE
	3	ORCHARDS CHILDREN'S SERVICES	
	1	OSBORN HIGH SCHOOL	10-12
	1	OUR LADY HELP OF CHRISTIANS	ELE
	3	OUR LADY OF PROVIDENCE	
	1	OWEN ELEMENTARY SCHOOL	ELE
	1	PALMER SCHOOL	ELE
	1	PARKE ELEMENTARY SCHOOL	ELE
	1	PARKER ELEMENTARY SCHOOL	ELE
	1	PARKMAN ELEMENTARY SCHOOL	ELE
	1	PASTEUR ELEMENTARY SCHOOL	ELE
	1	PATRONAGE ST JOSEPH ELEM SCH	ELE
	1	PATTENGILL ELEMENTARY SCHOOL	ELE
	1	PECK ELEMENTARY SCHOOL	ELE
	1	PELHAM MIDDLE SCHOOL	MIDDL
	1	PERSHING HIGH SCHOOL	10-12
	1	PETERSON-WARREN ACADEMY	K-12
	1	PIERCE ELEMENTARY SCHOOL	ELE
WAYNE COUNTY (CONTINUED)	1	PITCHER ELEMENTARY SCHOOL	ELE
	1	POST MIDDLE SCHOOL	MIDDL
	1	PRESTON ELEMENTARY SCHOOL	ELE
	1	PRIEST ELEMENTARY SCHOOL	ELE
	1	PULASKI ELEMENTARY SCHOOL	ELE
	1	RALPH J BUNCHE SCHOOL	ELE
	1	REEVES PRIMARY SCHOOL	ELE
	1	REGION 5 MIDDLE SCHOOL	MIDDL
	1	REGION 7 MIDDLE SCHOOL	MIDDL
	1	RICH PRIMARY SCHOOL	ELE
	1	RICHARD MIDDLE SCHOOL	MIDDL
	1	RIVER ROUGE HIGH SCHOOL	7-12
	1	ROBERT E BARBER SCHOOL	MIDDL
	1	ROBESON ELEMENTARY SCHOOL	ELE
	1	ROBICHAUD SENIOR HIGH SCHOOL	10-12
	1	ROBINSON ELEMENTARY SCHOOL	ELE
	1	ROBINSON MIDDLE SCHOOL	MIDDL
	3	ROMULUS HOUSE	
	1	ROOSEVELT ELEMENTARY SCHOOL	ELE
	1	ROSE ELEMENTARY SCHOOL	ELE
	1	RUDDIMAN MIDDLE SCHOOL	MIDDL
	1	RUTHRUFF ELEMENTARY SCHOOL	ELE
	1	SAINT BRIGID ELEMENTARY SCH	ELE
	1	SALINA ELEMENTARY SCHOOL	ELE
	1	SALINA JUNIOR HIGH SCHOOL	7-9
	3	SALV ARMY-EDWIN DENBY CHILDREN	
	3	SALV ARMY-WILLIAM BOOTH MEM HM	
	1	SAMPSON ELEMENTARY SCHOOL	ELE
	1	SANDERS ELEMENTARY SCHOOL	ELE
	1	SCHOOL THREE	ELE
	1	SCHOOL TWO	ELE
	1	SCRIPPS ELEMENTARY SCHOOL	ELE
	1	SERVITE HIGH SCHOOL	10-12
	1	SHERRARD MIDDLE SCHOOL	MIDDL
	1	SHERRILL ELEMENTARY SCHOOL	ELE
	1	SOUTHEASTERN HIGH SCHOOL	10-12
	1	SPAIN ELEMENTARY SCHOOL	ELE
	3	SPRINGWELL RESID CARE CENTER	
	1	ST BARTHOLOMEW	ELE
	1	ST CASIMIR SCHOOL	ELE
	3	ST CECELIA HOUSE	
	1	ST CECILIA ELEMENTARY SCHOOL	ELE
	3	ST FRANCIS HOME FOR BOYS	
	1	ST GABRIEL ELEMENTARY SCHOOL	ELE
	1	ST HYACINTH ELEMENTARY SCHOOL	ELE
	1	ST JOHN BERCHMANS	ELE
	1	ST LEO GRADE SCHOOL	ELE

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MICHIGAN

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
WAYNE COUNTY (CONTINUED)	1	ST MARTIN DE PORRES HIGH SCH	10-12
	3	ST PETER'S HOME FOR BOYS	
	1	ST THERESA-VISITATION SCHOOL	ELE
	1	ST VINCENT SCHOOL	MIDDL
	1	STARK ELEMENTARY SCHOOL	ELE
	1	STELLWAGEN ELEMENTARY SCHOOL	ELE
	1	STEPHENS ELEMENTARY SCHOOL	ELE
	1	STEWART ELEMENTARY SCHOOL	ELE
	1	TAFT MIDDLE SCHOOL	MIDDL
	1	TAPPAN ELEMENTARY SCHOOL	ELE
	1	TAPPAN MIDDLE SCHOOL	MIDDL
	1	TENDLER PRIMARY SCHOOL	ELE
	1	THIRKELL ELEMENTARY SCHOOL	ELE
	3	TODD-PHILLIPS CHILDREN'S HOME	
	1	TREADWELL ELEMENTARY SCHOOL	ELE
	1	TRIX ELEMENTARY SCHOOL	ELE
	1	TURNER PRIMARY SCHOOL	ELE
	1	VAN-ZILE ELEMENTARY SCHOOL	ELE
	1	VANDENBERG ELEMENTARY SCHOOL	ELE
	1	VISTA MARIA	7-12
	3	VISTA MARIA	
	1	VON STEUBEN MIDDLE SCHOOL	MIDDL
	1	WALTER WHITE SCHOOL	ELE
	3	WAYNE COUNTY YOUTH HOME	
	1	WAYNE ELEMENTARY SCHOOL	ELE
	1	WEBBER MIDDLE SCHOOL	MIDDL
	1	WEBSTER ELEMENTARY SCHOOL	ELE
	1	WESTERN HIGH SCHOOL	10-12
	3	WESTLAND HOUSE	
	1	WHITE ELEMENTARY SCHOOL	ELE
	1	WILKINS ELEMENTARY SCHOOL	ELE
	1	WILLIAMS ELEMENTARY SCHOOL	ELE
	1	WILSON MIDDLE SCHOOL	MIDDL
	1	WINTERHALTER MIDDLE SCHOOL	MIDDL
	1	WOODWARD ELEMENTARY SCHOOL	ELE
	1	YOST ELEMENTARY SCHOOL	ELE
	1	YOUNG MIDDLE SCHOOL	MIDDL
WEXFORD COUNTY	1	FOREST VIEW ELEMENTARY SCH	ELE
	1	KENWOOD SCHOOL	ELE
	1	LINCOLN SCHOOL	ELE

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MINNESOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
AITKIN			
	2	AITKIN	J-SHS
	1	HILL CITY	EL
	1	HILL CITY	HS
	1	MCGRATH	EL
	1	MCGREGOR	EL
	2	MCGREGOR	HS
	1	PALISADE	EL
	1	RIPPLESIDE	EL
	1	SWATARA	EL
ANOKA			
	1	ANOKA CO JUVENILE CENTER	(D)
	1	BAR NONE RANCH	(N)
	1	BAR-NONE RANCH	(N)
	1	MN SHERIFF BOY RANCH	(D)
BECKER			
	1	AUDUBON	EL
	1	AUDUBON	HS
	2	DETROIT LAKES	JHS
	1	FRAZEE	J-SHS
	1	FRAZEE-VERGAS	EL
	1	GALLAWAY	EL
	2	LAKE PARK	EL
	1	PINE POINT	EL
	2	WASHINGTON	EL
BELTRAMI			
	1	ARCH GILFILLIAN	(N)
	2	BEMIDJI	JHS
	1	BLACKDUCK	EL
	1	BLACKDUCK	HS
	1	CENTRAL	EL
	1	KELLIHER	EL
	1	KELLIHER	HS
	2	LINCOLN	EL
	1	NW JUVENILE TRAINING CENTER	(D)
	1	PLEASANT VALLEY	EL
	1	PONEMAH	EL
	1	RED LAKE	EL
	1	RED LAKE	HS
	1	SMITH	EL
	1	SOLWAY	EL
	1	ST MARY'S MISSION NP	EL
BENTON			
	2	HILLSIDE	JHS
BIG STONE			
	1	BEARDSLEY	HS
	1	BEARDSLEY	EL
	1	BIG STONE COLONY-HUTTERITTE NP	EL
BIG STONE (CONTINUED)			
	1	GRACEVILLE	EL
	2	GRACEVILLE	HS
	1	KNOLL	EL
BLUE EARTH			
	2	FRANKLIN	EL
	1	ST JOHN'S LUTH NP	EL
BROWN			
	1	ALTERNATIVE	HS
	1	JAPANESE MARTYRS SCHOOL NP	EL
	1	ST PAUL'S NP	EL
	1	ST RAPHAELS NP	EL
CARLTON			
	1	BARNUM	HS
	1	BARNUM	EL
	1	GARFIELD	EL
	2	WRIGHT	EL
CARVER			
	1	WRIGHT DIRECTION INC	(D)
CASS			
	1	ASSUMPTION NP	EL
	1	BACKUS	HS
	1	BACKUS	EL
	1	BENA	EL
	1	CASS LAKE	HS
	1	CASS LAKE	EL
	1	LITTLE SAND GROUP HOME	(D)
	1	LONGVILLE	EL
	2	PILLAGER	EL
	1	PINE RIVER	EL
	1	PINE RIVER	J-SHS
	1	REMER	EL
	2	REMER	HS
	2	WALKER-HACKENSACK	HS
	2	WALKER-HACKENSACK	EL
CHIPPEWA			
	2	CENTRAL	MDL
	1	MILAN	HS
	2	RAMSEY	EL
	2	SANFORD	EL
	2	SIBLEY	EL
	1	SIX WEST RANCH	(D)
CLAY			
	2	BARNESVILLE	EL
	1	CLAY CO REGIONAL DET CTR	(D)
CLEARWATER			
	2	BAGLEY	EL
	2	CLEARBROOK	EL

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MINNESOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

MINNESOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CLEARWATER (CONTINUED)	1	GONVICK TRAIL	EL
	1	SHEVLIN	EL
COOK	1	GRAND PORTAGE	EL
CROW WING	1	DEERWOOD	EL
	1	EMILY	EL
	1	FRANKLIN	EL
	1	GARRISON	EL
	1	HARRSON	EL
	1	IRONTON	EL
	1	LINCOLN	EL
	1	LOWELL	EL
	2	MOUNTAIN LAKE	EL
	2	PEQUOT LAKES	EL
	1	PINE CENTER	EL
	1	PORT OF CROW WING	(D)
	1	RIVERSIDE	EL
	1	WASHINGTON	JHS
	2	WHITTIER	EL
DODGE	1	WEST CONCORD	HS
DOUGLAS	2	CARLO'S	EL
	2	EVANSVILLE	HS
	2	EVANSVILLE	EL
	2	GARFIELD	EL
	2	MILTONA	EL
	2	OSAKIS	J-SHS
	2	OSAKIS	EL
	1	WASHINGTON	EL
FARIBAULT	2	BRICELYN	EL
	2	DELAVAN	HS
	1	ELMORE	EL
FILLMORE	1	MABEL-CANTON	HS
	1	PETERSON	SHS
	1	PETERSON	EL
FREEBORN	1	RAINBOW GROUP HOME	(D)
	2	RAMSEY	SL
	1	STARLITE GROUP HOME	(D)
GOODHUE	1	CANNON VALLEY CENTER	(N)
	1	COLVILL	EL
	1	MINNESOTA TRAINING SCHOOL	(D)
GRANT	1	ASHBY	HS
	1	ASHBY	EL
	1	BARRETT	EL
HENNEPIN	1	ABBOTT NW HOSPITAL	(D)
	1	AGASSIZ	EL
	1	ANDERSON	EL
	1	ANNATIN	MDL
	1	ASCENSION NP	EL
	2	AUDUBON	EL
	1	BANCROFT	EL
	1	BETHUNE	EL
	1	CATHOLIC CHARITIES/ANNEX	(N)
	1	CATHOLIC CHARITIES/MN S ST P	(D)
	1	CENTER SCHOOL NP	EL
	1	CHILDRENS RESID TRT CTR	(N)
	1	CITY INCORPORATED NP	EL
	1	CLEVELAND	EL
	1	COOPER	EL
	1	DIVISION/CHILD/ADOL/PSY	(N)
	1	EDEN REHAB/TRT FACILITY	(D)
	1	FAIRVIEW HOSPITAL	(N)
	1	FOLWELL	JHS
	1	FRANKLIN	JHS
	1	FREEPORT	(D)
	1	FRIENDSHIP HOUSE I	(N)
	1	FRIENDSHIP HOUSE II	(N)
	1	GROUP HOME OF CITY (SOUTHSIDE)	(D)
	1	HALL	EL
	1	HAMILTON	EL
	1	HARRISON	EL
	1	HEART OF THE EARTH NP	K-12
	1	HENNEPIN CO JUV CTR	(D)
	1	HENNEPIN HOME SCHOOL	(D)
	1	HIAWATHA	EL
	1	HOLLAND	EL
	1	HOLMES	EL
	1	HOLY CROSS NP	EL
	1	HOLY ROSARY NP	EL
	1	HOME AWAY FROM HOME(1,2,3,4,5)	(N)
	1	HOWE	EL
	1	JEFFERSON	EL
	1	JONATHON GROUP HOME	(N)
	1	JORDAN FUND	EL
	2	KEEWAYDIN	EL
	1	KENWOOD	EL
	1	LINCOLN INTERM	EL

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MINNESOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HENNEPIN (CONTINUED)	1	LIND	EL
	1	LORING	EL
	1	LORING-NICOLLET	EL
	1	LUTH DEACONESS HOSP(ADOL CHEM)	(D)
	2	MARSHALL-UNIV	J-SHS
	1	MORRIS PARK	EL
	1	NEW BRIDGE	(D)
	1	NORTH STAR INTERM	EL
	1	NORTH STAR PRIM	EL
	1	NORTH 4YR H S	SHS
	1	NORTHEAST JR	JHS
	2	NORTHROP	EL
	1	OLSON JR	JHS
	1	OMEGON	(D)
	1	PACE CENTER	EL
	1	PHILLIPS JR	JHS
	1	PILLSBURY	EL
	1	PRATT	EL
	1	PUTNAM	EL
	1	RAMSEY JR	JHS
	2	SANFORD JR	JHS
	1	SEWARD	EL
	1	SHANTI HOUSE	(D)
	1	SHINGLE CREEK	EL
	1	SOUTH SR	SHS
	1	SOUTHEAST FREE	EL
	2	SOUTHWEST H S	SHS
	1	ST CYRIL NP	EL
	1	ST MARY'S HOSPITAL	(D)
	2	STANDISH	EL
	1	SUMMIT HOUSE GROUP HOME	(D)
	2	TRINITY NP	EL
	1	TUTTLE	EL
	1	WEBSTER INTERM	EL
	1	WELCOME COMMUNITY HOME	(D)
	1	WILDER	EL
	1	WILLARD	EL
	1	WORK OPPORTUNITIES CENTER	SHS
HOUSTON	2	HOKAH	EL
	1	ST PETERS NP	EL
HUBBARD	1	AKELEY	EL
	2	AKELEY	HS
	1	CENTRAL	EL
	1	FRANK WHITE	EL
	1	LAPORTE	HS
HUBBARD (CONTINUED)	2	LAPORTE	EL
	1	NEVIS	EL
	1	NEVIS	HS
	1	OSAGE	EL
	1	PARK RAPIDS	HS
	1	PARK RAPIDS	MDL
ISANTI	2	BRAHAM	MDL
	2	CAMBRIDGE	HS
	1	CAMBRIDGE	JHS
	2	ISANTI	EL
	2	SOUTHVIEW	EL
ITASCA	1	BALSAM	EL
	1	BELLO LAKE CAMP GR HOME	(D)
	1	BELLOW NORTH GROUP HOME	(D)
	2	BIG FORK	EL
	1	DEER RIVER	J-SHS
	1	EFFIE	EL
	1	KING	EL
	1	MURPHY	EL
	1	NORTH	EL
	2	RIVERVIEW	EL
	1	SQUAW LAKE	EL
	1	THISTLE DEW	(D)
	1	TODD	EL
	1	WARBA	EL
KANABEC	1	OGILVIE	HS
	1	QUAMBA	EL
KANDIYOHI	1	ATWATER	HS
	2	ATWATER	EL
	2	BLOMKEST	EL
	1	COUNTY BOYS GROUP HOME	(D)
	1	COUNTY GIRLS GROUP HOME	(D)
	1	NEW LONDON SPICER	EL
	1	RAYMOND	HS
	2	RAYMOND	EL
KITTSON	2	HUMBOLDT - ST VINCENT	HS
	1	HUMBOLDT - ST VINCENT	EL
	2	KARLSTAD	HS
	2	KARLSTAD	EL
	1	LANCASTER	HS
	1	LANCASTER	EL
KOOCHICHING			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1982-83 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HENNEPIN	1	LIND	EL
	1	LORING	EL
	1	LORING-NICOLLET	EL
	1	LUTH DEACONESS HOSP(ADOL CHEM)	(D)
	2	MARSHALL-UNIV	J-SHS
	1	MORRIS PARK	EL
	1	NEW BRIDGE	(D)
	1	NORTH STAR INTERM	EL
	1	NORTH STAR PRIM	EL
	1	NORTH 4YR H S	SHS
	1	NORTHEAST JR	JHS
	2	NORTHROP	EL
	1	OLSON JR	JHS
	1	OMEGON	(D)
	1	PACE CENTER	EL
	1	PHILLIPS JR	JHS
	1	PILLSBURY	EL
	1	PRATT	EL
	1	PUTNAM	EL
	1	RAMSEY JR	JHS
	2	SANFORD JR	JHS
	1	SEWARD	EL
	1	SHANTI HOUSE	(D)
	1	SHINGLE CREEK	EL
	1	SOUTH SR	SHS
	1	SOUTHEAST FREE	EL
	2	SOUTHWEST H S	SHS
	1	ST CYRIL NP	EL
	1	ST MARY'S HOSPITAL	(D)
	2	STANDISH	EL
	1	SUMMIT HOUSE GROUP HOME	(D)
	2	TRINITY NP	EL
	1	TUTTLE	EL
	1	WEBSTER INTERM	EL
	1	WELCOME COMMUNITY HOME	(D)
	1	WILDER	EL
	1	WILLARD	EL
	1	WORK OPPORTUNITIES CENTER	SHS
HOUSTON	2	HOKAH	EL
	1	ST PETERS NP	EL
HUBBARD	1	AKELEY	EL
	2	AKELEY	HS
	1	CENTRAL	EL
	1	FRANK WHITE	EL
	1	LAPORTE	HS
HUBBARD (CONTINUED)	2	LAPORTE	EL
	1	NEVIS	EL
	1	NEVIS	HS
	1	OSAGE	EL
	1	PARK RAPIDS	HS
	1	PARK RAPIDS	MDL
ISANTI	2	BRAHAM	MDL
	2	CAMBRIDGE	HS
	1	CAMBRIDGE	JHS
	2	ISANTI	EL
	2	SOUTHVIEW	EL
ITASCA	1	BALSAM	EL
	1	BELLO LAKE CAMP GR HOME	(D)
	1	BELLOW NORTH GROUP HOME	(D)
	2	BIG FORK	EL
	1	DEER RIVER	J-SHS
	1	EFFIE	EL
	1	KING	EL
	1	MURPHY	EL
	1	NORTH	EL
	2	RIVERVIEW	EL
	1	SQUAW LAKE	EL
	1	THISTLE DEW	(D)
	1	TODD	EL
	1	WARBA	EL
KANABEC	1	OGILVIE	HS
	1	QUAMBA	EL
KANDIYOHI	1	ATWATER	HS
	2	ATWATER	EL
	2	BLOMKEST	EL
	1	COUNTY BOYS GROUP HOME	(D)
	1	COUNTY GIRLS GROUP HOME	(D)
	1	NEW LONDON SPICER	EL
	1	RAYMOND	HS
	2	RAYMOND	EL
KITTSON	2	HUMBOLDT - ST VINCENT	HS
	1	HUMBOLDT - ST VINCENT	EL
	2	KARLSTAD	HS
	2	KARLSTAD	EL
	1	LANCASTER	HS
	1	LANCASTER	EL
KOOCHICHING			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
KOOCHICHING (CONTINUED)	1	BIG FALLS	EL
	2	INDUS	HS
	2	LITTLE FORK	EL
	1	NORTHOME	EL
LAC QUI PARLE			
	1	BELLINGHAM	HS
	1	BELLINGHAM	EL
	1	MARIETTA	EL
	1	MARIETTA	HS
	1	ST MICHAEL NP	EL
LAKE			
	1	LAKE COUNTY GROUP HOME	(D)
	1	TWO HARBORS	HS
LAKE OF THE WOODS			
	2	LAKE OF THE WOODS	HS
	1	WILLIAMS	EL
LINCOLN			
	1	HENDRICKS	HS
	1	HENDRICKS	EL
	1	IVANHOE	HS
	1	IVANHOE	EL
	1	LAKE BENTON	EL
	2	LAKE BENTON	HS
	1	VERDI	HS
	1	VERDI	EL
LYON			
	1	BALATON	EL
	1	BALATON	HS
	2	HOLY TRINITY NP	EL
	1	LYND	MDL
	1	LYND	EL
	1	LYON COUNTY RES FACILITY	(D)
	1	MARSHALL	HS
	2	MINNEOTA	EL
	2	ST EDWARDS NP	EL
	2	TRACY	EL
MAHNOMEN			
	1	MAHNOMEN	HS
	1	MAHNOMEN	EL
	1	NAYTAHWAUSH	EL
	1	OGEMA	EL
	1	ST MICHAELS NP	EL
	1	WAUBUN	HS
	1	WAUBUN	EL
	1	WHITE EARTH	EL
MARSHALL			
	1	ARGYLE	HS
MARSHALL (CONTINUED)	1	GATZKE	EL
	1	GRYGLA	HS
	1	GRYGLA	EL
	1	MIDDLE RIVER	HS
	1	MIDDLE RIVER	EL
	1	OSLO	EL
	2	OSLO	HS
	2	ST ROSE OF LIMA NP	EL
	1	STEPHEN	EL
	1	STEPHEN	HS
	1	STRANDQUIST	HS
	1	STRANDQUIST	EL
	1	VIKING	EL
MARTIN			
	2	EAST CHAIN	EL
MCLEOD			
	1	STEWART	HS
	1	STEWART	EL
MEEKER			
	1	EDEN VALLEY-WATKINS	HS
	2	EDEN VALLEY-WATKINS	EL
	1	ST ANTHONY'S NP	EL
MILLE LACS			
	1	CROSIER SEMINARY NP	EL
	1	GALLOWAY BOYS RANCH	N
	1	ISLE	EL
	1	ISLE	HS
	1	MILACA	EL
	2	MILACA	HS
	2	NORTH	EL
	1	ONAMIA	HS
	1	ONAMIA	EL
	2	SOUTH	EL
	1	TIMBERLANE GROUP HOME	(D)
MORRISON			
	1	ADOLESCENT GROUP HOME	(D)
	1	COMMUNITY	MDL
	1	HARDING	EL
	1	HEALY	EL
	1	KNIGHT	EL
	1	LINCOLN	EL
	1	LINDBERGH	EL
	1	LITTLE FALLS	HS
	1	MOTLEY	HS
	1	MOTLEY	EL
	1	OUR LADY OF LOURDES NP	EL
	1	ROYALTON	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MORRISON (CONTINUED)	1	ROYALTON	HS
	1	ST JOHN'S NEPOMUK NP	EL
	1	ST JOSEPH'S NP	EL
	1	ST MARY'S NP	EL
	1	ST MICHAELS NP	EL
	1	SWANVILLE	HS
	2	SWANVILLE	EL
	1	UPSALA	HS
	1	UPSALA	EL
MOWER	2	AUSTIN CHRISTIAN ACADEMY NP	EL
	1	CENTRAL LUTHERAN NP	EL
	1	GERARD SCHOOLS	(N)
	1	MINNESOTA SHERIFF'S RANCH	(D)
	1	SHAW	EL
NOBLES	1	ADRIAN	HS
	2	ROUND LAKE	HS
	2	ROUND LAKE	EL
	1	ST ANTHONY NP	EL
NORMAN	1	BORUP	HS
	1	GARY	EL
	1	GARY	HS
	1	TWIN VALLEY	EL
	1	TWIN VALLEY	HS
OLMSTED	1	PORT GROUP HOME/BOYS	(D)
	1	PORT GROUP HOME/GIRLS	(D)
	1	ROCHESTER STATE HOSPITAL	(D)
OTTERTAIL	1	DALTON	EL
	1	DEER CREEK	HS
	1	DEER CREEK	EL
	1	DENT	EL
	1	HENNING	HS
	1	HENNING	EL
	1	NEW YORK MILLS	EL
	2	NEW YORK MILLS	HS
	1	PARKER'S PRAIRIE	HS
	1	PARKER'S PRAIRIE	EL
	1	PERHAM	EL
	1	PERHAM	J-SHS
	2	UNDERWOOD	HS
	2	UNDERWOOD	EL
PENNINGTON	1	GOODRIDGE	HS
PENNINGTON (CONTINUED)	1	GOODRIDGE	EL
	1	ST HILAIRE	EL
PINE	2	ASKOV	HS
	2	BRUNO-KERRICK	EL
	1	FINLAYSON	HS
	1	FINLAYSON	EL
	2	HINCKLEY	HS
	2	HINCKLEY	EL
	1	MISSION CREEK RANCH (BOYS)	(N)
	2	SANDSTONE	EL
	2	SANDSTONE	HS
	1	ST CROIX CAMP	(D)
PIPESTONE	1	EDGERTON	EL
	1	EDGERTON	HS
	2	HILL	EL
	1	PIPESTONE	MDL
	1	RUTHTON	HS
	2	RUTHTON	EL
POLK	2	CARMEN	EL
	1	CROOKSTON CATH NP	EL
	1	ERSKINE	HS
	2	FERTILE BELTRAMI	EL
	2	FERTILE BELTRAMI	HS
	1	FOSSTON	J-SHS
	2	LINCOLN	EL
	1	NAGELSSEN	EL
	1	MCINTOSH	EL
	1	MENTOR	EL
	1	MENTOR	HS
	1	VALLEY	EL
	1	WINGER	EL
POPE	2	CYRUS	EL
	1	GLENWOOD	J-SHS
	1	VILLARD	EL
	2	VILLARD	HS
RAMSEY	1	ADAMS	EL
	1	ALDINE CORP (TWIN TOWN)	(D)
	1	ALTERNATIVE HOMES	(N)
	1	AMES	EL
	1	ARLINGTON HOUSE SCHOOL	(N)
	1	BATTLE CREEK	EL
	2	BATTLE CREEK JR	JHS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
RAMSEY (CONTINUED)	1	BEN MAYS LEARNING CENTER	EL
	1	BOOTH BROWN HOUSE	(D)
	1	BOYS TOTEM TOWN	(D)
	1	RUSH MEMORIAL CHILD CTR	(N)
	1	CAREER STUDY CENTER I	SHS
	1	CAREER STUDY CENTER II	SHS
	1	CENTRAL SR	SHS
	2	CHELSIA HEIGHTS	EL
	1	CHEROKEE HEIGHTS	EL
	1	CLEVELAND	EL
	1	COMO PARK	EL
	1	COMO PARK SR	SHS
	1	DAYTONS BLUFF	EL
	1	DIRECTIONS FOR YOUTH	(D)
	1	EAST CONSOLIDATED	EL
	1	FARNSWORTH	EL
	1	FRANKLIN	EL
	1	FROST LAKE	EL
	1	GALTIER	EL
	1	GUADALUPE NP	EL
	1	HANCOCK	EL
	2	HARDING SR	SHS
	2	HAYDEN HEIGHTS	EL
	2	HAZEL PARK JR	JHS
	1	HIGHLAND PARK	EL
	1	HIGHLAND PARK JR	JHS
	2	HIGHLAND PARK SR	SHS
	1	HIGHWOOD HILLS	EL
	1	HILL	EL
	1	HOME/GOOD SHEPHERD	(D)
	2	HOMECROFT	EL
	1	HUMBOLDT JR	JHS
	1	HUMBOLDT SR	HSH
	1	I A O'SHAUGHNESSY GR H	(N)
	1	JACKSON	EL
	1	JEFFERSON	EL
	2	JOHNSON SR	HSH
	1	JUVENILE HORIZONS INC	(N)
	1	LINCOLN HOUSE EAST	(N)
	1	LONGFELLOW	EL
	1	MARIA GROUP HOME	(D)
	1	MAXFIELD	EL
	1	MISSISSIPPI	EL
	1	MONROE JR	JHS
	1	MOUNDS PARK JR	JHS
	1	MURRAY JR	JHS
	1	NEW CONNECTION PROGRAMS	(D)
RAMSEY (CONTINUED)	1	NORTH END	EL
	2	OUT OF SCHOOL YOUTH	J-SHS
	1	PARKWAY	EL
	1	PHALEN LAKE	EL
	1	PROSPERITY HEIGHTS	EL
	1	RAMSEY CO JUV SERV CTR	(D)
	1	RAMSEY JR	JHS
	2	RANDOLPH HEIGHTS	EL
	1	RED SCHOOL HOUSE NP	EL
	1	RIVERVIEW	EL
	1	ROOSEVELT	EL
	1	SHERBURNE HALFWAY HOUSE	(D)
	1	SHERIDAN	EL
	1	ST ANTHONY PARK	EL
	1	ST MATTHEW NP	EL
	2	ST PAUL OPEN	EL
	1	ST PETER CLAVER NP	EL
	1	STREET ACADEMY	EL
	1	UNITED HOSPITALS	(D)
	1	WASHINGTON JR	JHS
	1	WEBSTER MAGNET	EL
	1	WHEELOCK	EL
	1	WILDER YOUTH RESIDENCE	(N)
	1	WILSON JR	JHS
RED LAKE	1	LAFAYETTE	HS
	1	OKLEE	HS
	1	OKLEE	EL
	1	PERSHING	HS
	1	PLUMMER	EL
	1	ST JOSEPH'S NP	EL
	1	WASHINGTON	EL
REDWOOD	2	BELVIEW	EL
	2	OUR LADY OF VICTORY NP	EL
	2	WABASSO	EL
RENVILLE	1	BIRD ISLAND	HS
	2	BIRD ISLAND-LAKE LILLIAN	EL
	1	EMANUEL LUTHERAN NP	EL
	2	FRANKLIN	EL
	1	MORTON	EL
	1	MORTON	HS
	1	MUENCH BOY'S HOME	(D)
	2	SACRED HEART	EL
RICE	1	BUCKEYE MANOR GROUP HOME	(D)

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
RICE (CONTINUED)	1	LINCOLN	EL
ROSEAU	1	BADGER	HS
	1	BADGER	EL
	2	GREENBUSH	EL
	1	LOMAR GROUP HOME	(D)
	1	WARROAD	HS
SHERBURN	1	PITTMAN'S RANCH	(D)
	1	ROLLING HILLS BOYS HOME	(D)
SIBLEY	1	WINTHROP	HS
ST LOUIS	1	ALANGO	EL
	1	ALBORN	EL
	1	ALBROOK	HS
	1	BARNES	EL
	1	BROOKSTON	EL
	1	CENTRAL	SHS
	1	COOK	HS
	1	DENFELD	SHS
	1	EMERSON	EL
	1	FLOODWOOD	EL
	1	FLOODWOOD HS	HS
	1	GILBERT	J-SHS
	2	GNESEN	EL
	1	GRANT	EL
	2	HOMECROFT	EL
	2	HUGHES	EL
	1	IRVING	EL
	1	JEFFERSON	EL
	2	LAKEWOOD	EL
	1	LINCOLN	EL
	2	LINCOLN JR	JHS
	1	LOWELL	EL
	1	MAC ARTHUR	EL
	2	MEADOWLANDS	EL
	2	MERRITT	EL
	1	N E REGIONAL CORR CTR	(D)
	1	NETTLETON	EL
	1	NORTHWOOD CHILD HOME	(N)
	1	ORR	HS
	1	ORR	EL
	1	RIVERSIDE	EL
	1	STOWE	EL
	1	TOIVOLA-MEADOWLANDS	HS
	1	WASHINGTON	JHS
ST LOUIS (CONTINUED)	1	WEST	JHS
	1	Y P R C	(D)
STEARNS	1	BELGRADE	EL
	1	BELGRADE	HS
	2	BROOTEN	EL
	1	FARMING	EL
	2	HOLDINGFORD	HS
	1	HOLY SPIRIT NP	EL
	1	KIMBALL	HS
	1	KIMBALL	EL
	1	MCKINLEY	EL
	2	MELROSE	HS
	1	MINNESOTA HOME SCHOOL	(D)
	1	MINNESOTA STATE REFORMATORY	(A)
	2	NEW MUNICH	EL
	1	ROOSEVELT	EL
	2	SAUK CENTRE	EL
	2	SAUK CENTRE	JHS
	1	ST CLOUD CHILDRENS HOME	(D)
	1	ST MARY'S CATHEDRAL NP	EL
	2	ST MARY'S SCHOOL NP	EL
	2	ST WENDELIN'S OF LUXEMBURG NP	EL
	2	WILSON	EL
STEVENS	2	HANCOCK	HS
SWIFT	1	APPLETON	EL
	2	BENSON	J-HS
	2	NORTHSIDE	EL
	1	SOUTHSIDE	EL
	1	ST FRANCIS-XAVIER NP	EL
TODD	2	BERTHA-HEWITT	HS
	2	BERTHA-HEWITT	EL
	1	BROWERVILLE	HS
	1	BROWERVILLE	EL
	1	BROWERVILLE PAROCHIAL NP	EL
	1	CLARISSA	EL
	1	CLARISSA	HS
	1	EAGLE BEND	HS
	2	EAGLE BEND	EL
	1	GREY EAGLE	EL
	1	GREY EAGLE	HS
	1	LINCOLN MODEL	EL
	1	LONG PRAIRIE	J-SHS
	1	LONG PRAIRIE	EL

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LOCATIONS	CODE *	SCHOOL NAME	
LOCATIONS	CODE *	SCHOOL NAMES	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FOOD (CONTINUED)	1	NORTHSIDE	EL
	1	STAPLES	J-SHS
TRAVERSE			
	1	BROWNS VALLEY	HS
	1	BROWNS VALLEY	EL
	2	PEARSON	EL
	2	WHEATON	HS
WABASHA			
	2	WABASHA	MDL
WADENA			
	1	MENAHGA	EL
	1	MENAHGA	HS
	1	SEBEKA	J-SHS
	1	SEBEKA	EL
	1	ST ANN'S NP	EL
	2	WADENA	JHS
	2	WADENA	EL
WASECA			
	1	LESUEUR-WASECA HOME	(D)
	1	PEMBERTON	EL
WASHINGTON			
		STILLWATER PRISON	
	1	WASHINGTON CO EMERG SHEL	(D)
WILKINS			
	2	BRECKENRIDGE	EL
	1	VALLEY LAKE TRT CTR	(D)
WINONA			
	2	HOWARD LAKE WAVERLY	HS
	2	LEWISTON	HS
	1	REGIONAL YOUTH & FAMILY SER	(D)
	1	SANCTUARY, INC EAST HOUSE	(D)
	1	SANCTUARY, INC WEST HOUSE	(D)
	2	STOCKTON	EL
	1	WINONA HEIGHTS ACADEMY	(D)
YELLOW MEDICINE			
	1	CANBY	EL
	1	CANBY	J-SHS
	2	H A HAGG	EL
	1	ST LEO NP	EL
	1	ST PETER NP	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAMS			
	1	BRADEN	EL
	1	BRUMFIELD	EL
	1	CARPENTER I	EL
	1	HOLY FAMILY (PAROCHIAL)	K-6
	1	MARTIN	JHS
	1	NORTH NATCHEZ	HS
	1	NORTHSIDE	EL
	1	PRINCE STREET	EL
	1	THOMPSON	JHS
	1	WEST	EL
ALCORN			
	1	BIGGERSVILLE	HS
	1	GLEN	EL
	1	RIENZI	EL
AMITE			
	1	GLOSTER	HS
	1	GLOSTER	EL
	1	LIBERTY	EL
	1	LIBERTY	HS
ATTALA			
	1	CARMACK	EL
	1	ETHEL	HS
	1	KOSCIUSKO	JHS
	1	KOSCIUSKO LOWER	EL
	1	KOSCIUSKO MIDDLE	EL
	1	KOSCIUSKO UPPER	EL
	1	LONG CREEK	EL
	1	MCADAMS	HS
	1	ZAMA	EL
BENTON			
	1	ASHLAND	EL
	1	ASHLAND	HS
	1	OLD SALEM	EL
BOLIVAR			
	1	BELL	EL
	1	BOB WOODS	EL
	1	BOLIVAR CO DIST #1	JHS
	1	BOLIVAR CO DIST #1	HS
	1	BROAD STREET HS	J-SHS
	1	BROOKS	EL
	1	CYPRESS PARK	EL
	1	EAST SIDE	HS
	1	EASTWOOD	JHS
	1	I T MONTGOMERY	EL
	1	MCEVANS	EL
	1	MERIGOLD	EL
	1	MOUND BAYOU	J-SHS
BOLIVAR (CONTINUED)	1	NAILOR	EL
	1	NUGENT CENTER	K-12
	1	PACE	EL
	1	ROSEDALE	EL
	1	SHAW	J-SHS
	1	SHELBY	EL
	1	WEST BOLIVAR	EL
CARROLL COUNTY			
	1	J Z GEORGE	J-SHS
	1	MARSHALL	EL
	1	NORTH VAIDEN	EL
	1	VAIDEN	J-SHS
CHICKASAW COUNTY			
	1	HOULKA ATT CTR	K-12
	1	HOUSTON	EL
	1	OKOLONA	EL
	1	WOODLAND ATT CTR	K-12
CHOCTAW COUNTY			
	1	ACKERMAN ATT CTR	K-12
	1	FRENCH CAMP	EL
	1	WEIR ATT CTR	K-12
CLAIBORNE COUNTY			
	1	ADDISON	4-9
	1	PORT GIBSON	HS
	1	RICHARDSON	EL
CLARKE COUNTY			
	1	ENTERPRISE	K-12
	1	QUITMAN	EL
	1	QUITMAN	JHS
CLAY			
	1	CENTRAL	EL
	1	EAST SIDE	EL
	1	SOUTHSIDE	EL
	1	WEST CLAY	EL
	1	WEST CLAY	HS
COAHOMA COUNTY			
	1	BOOKER T WASHINGTON	EL
	1	CLARKSDALE	JHS
	1	CLARKSDALE	HS
	1	COAHOMA A.H.S.	HS
	1	COAHOMA COUNTY	HS
	1	DUBLIN	EL
	1	FRIARS POINT	EL
	1	GEORGE OLIVER	K-6
	1	IMMEDIATE CONCEPTION (PAROCHIA	HS
	1	JONESTOWN	EL
	1	LYON	EL

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LOCATIONS	CODE *	SCHOOL NAME	
COAHOMA COUNTY (CONTINUED)	1	MYRTLE HALL	EL
	1	OAKHURST	MDL
	1	RIVERTON	EL
	1	RIVERTON	MDL
	1	ROUNDWAY	EL
	1	SHERARD	EL
COPIAH COUNTY	1	CRYSTAL SPRINGS	K-9
	1	HAZLEHURST	HS
	1	NORTH HAZLEHURST	EL
	1	PARRISH	JHS
	1	SOUTH HAZLEHURST	EL
COVINGTON COUNTY	1	COLLINS	K-12
	1	HOPEWELL	EL
	1	MR OLIVE	K-12
DESOTO COUNTY	1	EUDORA (UNGRADED)	
	1	HERNANDO	EL
	1	OLIVE BRANCH	EL
FORREST COUNTY	1	CENTRAL	EL
	1	DAVIS	EL
	1	EARL TRAVILLION	MDL
	1	EATON	EL
	1	EUREKA	EL
	1	GRACE LOVE	EL
	1	HAWKINS	JHS
	1	MARY BETHUNE	EL
	1	SUNRISE	EL
	1	W H JONES	EL
	1	WALTHALL	EL
FRANKLIN COUNTY	1	FRANKLIN	HS
	1	FRANKLIN	K-8
GREENE COUNTY	1	MCLAIN	HS
	1	STATE LINE	HS
GRENADA COUNTY	1	CARRIE DOTSON	EL
	1	GRENADA	HS
	1	GRENADA	JHS
	1	LIZZIE HORN	EL
	1	TIE PLANT	EL
	1	WILLA WILSON	EL
HANCOCK COUNTY	1	CHARLES B MURPHY	EL
HANCOCK COUNTY (CONTINUED)	1	GULFVIEW	EL
	1	HANCOCK NORTH CENTRAL	HS
HARRISON COUNTY	1	CENTRAL	JHS
	1	DELISLE	EL
	1	DUKATE	EL
	1	GASTON POINT	EL
	1	GORENFLO	EL
	1	HARRISON CTY TNG CTR UNGRADED	
	1	HOWARD II	EL
	1	LIZANA	EL
	1	NORTH GULFPORT	MDL
	1	NORTH GULFPORT	EL
	1	PASS	MDL
	1	PASS	EL
	1	TWENTY-EIGHT STREET	EL
	1	WEST	EL
HINDS COUNTY	1	BAILEY	JHS
	1	BLACKBURN	JHS
	1	BOLTON ATT CTR	K-9
	1	BRADLEY	EL
	1	BRINKLEY	JHS
	1	BROWN	EL
	1	CARVER	EL
	1	CHASTAIN	JHS
	1	CLAUSELL	EL
	1	DAWSON	EL
	1	EDWARDS	K-9
	1	ENOCHS	JHS
	1	FRENCH	EL
	1	GALLOWAY	EL
	1	HARDY	JHS
	1	HINDS COUNTY A H S	HS
	1	HOLY GHOST (PAROCHIAL)	K-6
	1	ISABLE	EL
	1	JOHNSON	EL
	1	KEY	EL
	1	LAKE	EL
	1	LANIER	HS
	1	LESTER	EL
	1	LOVETT	EL
	1	MIXON	EL
	1	MORRISON (UNGRADED)	
	1	MURRAH	HS
	1	PERRYMAN	EL
	1	POINDEXTER	EL

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LOCATIONS	CODE *	SCHOOL NAME	
HINDS COUNTY (CONTINUED)	1	POWELL	EL
	1	POWER	EL
	1	RAINES	EL
	1	RAYMOND	HS
	1	ROWAN	JHS
	1	SMITH	EL
	1	SUMNER HILL	HS
	1	TERRY	J-SHS
	1	UTICA	J-SHS
	1	VAN WINKLE	EL
	1	WALTON	EL
	1	WHITFIELD	EL
	1	WILLIAMS ATT CTR	K-12
HOLMES COUNTY			
	1	DURANT ATT CTR	K-12
	1	DURANT MUNICIPAL SEPARATE SCH	K-12
	1	GOODMAN-PICKENS	EL
	1	LEXINGTON ATT CTR	5-12
	1	MILESTON	EL
	1	TCHULA ATT CTR	K-12
HUMPHREYS COUNTY			
	1	HUMPHREYS COUNTY SCHOOL	K-12
JACKSON COUNTY			
	1	EAST PARK	EL
	1	ED MAYO	JHS
	1	FAIR	EL
	1	KREOLE	EL
JASPER COUNTY			
	1	BAY SPRINGS	HS
	1	BAY SPRINGS	EL
	1	BAY SPRINGS	MDL
	1	HEIDELBERG	J-SHS
	1	SOUTH SIDE	EL
JEFFERSON COUNTY			
	1	JEFFERSON COUNTY	JHS
	1	JEFFERSON COUNTY	EL
	1	JEFFERSON COUNTY	HS
JEFFERSON DAVIS COUNTY			
	1	BASSFIELD	EL
	1	BASSFIELD	HS
	1	PRENTISS	EL
	1	PRENTISS	HS
	1	PRENTISS	JHS
	1	PRENTISS	MDL
	1	PRENTISS	HS
JONES COUNTY			
JONES COUNTY (CONTINUED)	1	GLADE	EL
	1	HAPPY TIMES	K
	1	LAMAR	EL
	1	MADDOX	JHS
	1	MASON	EL
	1	OAK PARK	EL
	1	PRENTISS LEARNING CENTER	5-12
	1	STAINTON	EL
KEMPER COUNTY			
	1	EAST KEMPER	EL
	1	EAST KEMPER	HS
	1	WEST KEMPER	EL
	1	WEST KEMPER	HS
LAFAYETTE COUNTY			
	1	LAFAYETTE SCHOOL	1-12
LAMAR COUNTY			
	1	BAXTERVILLE	EL
	1	LUMBERTON	HS
	1	10TH AVENUE	EL
LAUDERDALE COUNTY			
	1	CARVER	JHS
	1	CRESTWOOD	EL
	1	EAST END	K
	1	HIGHLAND	EL
	1	KATE GRIFFIN	JHS
	1	MAGNOLIA	JHS
	1	MARION PARK	EL
	1	MERIDIAN/HARRIS	10
	1	MERIDIAN/NORTH CAMPUS	11-12
	1	MT BARTON	EL
	1	NORTHWEST	JHS
	1	OAKLAND HEIGHTS	EL
	1	PARKVIEW	EL
	1	WESCHLER	K
	1	WEST END	EL
	1	WITHERSPOON	EL
LAWRENCE COUNTY			
	1	BEULAH WILLIAMS SCHOOL	EL
	1	MCCULLOUGH SCHOOL	5-9
	1	MONTICELLO	EL
	1	MONTICELLO	HS
	1	SILVER CREEK SCHOOL	5-8
LEAKE COUNTY			
	1	CARTHAGE ATT CTR	K-12
	1	EDINBURG ATT CTR	K-12
	1	LENA	EL
	1	SOUTH LEAKE ATT CTR	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
LEAKE COUNTY (CONTINUED)	1	THOMASTOWN ATT CTR	K-12
LEE COUNTY			
	1	GUNTOWN	JHS
	1	PLANTERSVILLE	JHS
	1	VERONA	JHS
LEFLORE COUNTY			
	1	AMANDA ELZY	HS
	1	DAVIS	EL
	1	DICKERSON	EL
	1	GREENWOOD	HS
	1	L S ROGERS	EL
	1	LEFLORE COUNTY	HS
	1	R S SCHLATER	EL
	1	RISING SUN	EL
	1	SAM BALKIN	EL
	1	ST FRANCIS (PAROCHIAL)	K-6
	1	SUNNY SIDE	EL
	1	T Y FLEMING	EL
	1	THEADGILL	EL
	1	WILLIAMS	EL
LINCOLN COUNTY			
	1	ENTERPRISE	HS
	1	WEST LINCOLN	HS
LOWNDES COUNTY			
	1	COLEMAN	EL
	1	COOK	JHS
	1	CRAWFORD	JHS
	1	FAIRVIEW	EL
	1	FRANKLIN	EL
	1	MITCHELL	EL
	1	MOTLEY	9-12
	1	PLUM GROVE	JHS
	1	SALE	EL
	1	STOKES BEARD	EL
	1	UNION ACADEMY	EL
	1	WEST LOWNDES	EL
MADISON COUNTY			
	1	CANTON	EL
	1	CANTON PUBLIC	8-12
	1	EAST FLORA	K-12
	1	HOLY CHILD JESUS (PAROCHIAL)	K-8
	1	LUTHER BRANSON	EL
	1	MCNEAL	EL
	1	NICHOLS	MDL
	1	ROSA SCOTT	EL
	1	SACRED HEART (PAROCHIAL)	EL
	1	VELMA JACKSON	K-12
MARION COUNTY			
	1	COLUMBIA	EL
	1	COLUMBIA PRIMARY	K-2
	1	EAST COLUMBIA	K-12
	1	EAST MARION	HS
	1	JEFFERSON	MDL
	1	WEST MARION	HS
MARSHALL COUNTY			
	1	BYHALIA	HS
	1	CADET (PAROCHIAL)	EL
	1	GALENA ATT CTR	K-12
	1	HENRY ATT CTR	K-JHS
	1	HOLLY SPRINGS	HS
	1	HOLLY SPRINGS INTERMEDIATE	MDL
	1	HOLLY SPRINGS PRIMARY	EL
	1	POTTS CAMP ATT CTR	K-12
	1	SAND FLAT ATT CTR	K-12
MONROE COUNTY			
	1	ABERDEEN	EL
	1	ABERDEEN	MDL
	1	GREENWOOD SPRINGS	EL
	1	PRAIRIE SCHOOLS	7
	1	SHIVERS	JHS
	1	SMITHVILLE	K-12
	1	VINE STREET	EL
MONTGOMERY COUNTY			
	1	DUCK HILL	EL
	1	DUCK HILL	HS
	1	KILMICHAEL	EL
	1	KILMICHAEL	HS
	1	WINONA	EL
	1	WINONA	HS
NEWTON COUNTY			
	1	BEULAH HUBBARD ATT CTR	K-12
	1	HARRIS	MDL
	1	HICKORY ATT CTR	K-12
NOXUBEE COUNTY			
	1	NOXUBEE	EL
	1	NOXUBEE	JHS
	1	NOXUBEE	HS
	1	REED	EL
	1	WILSON	EL
OKTIBBEHA COUNTY			
	1	ALEXANDER ATT CTR	K-12
	1	MABEN	HS
	1	MABEN	K-6
	1	MAGNOLIA	EL
	1	MOOR ATT CTR	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
OKTIBBEHA COUNTY (CONTINUED)	1	OSYKA	EL
	1	OVERSTREET	EL
	1	SOUTH PIKE	HS
	1	STURGIS ATT CTR	K-12
PANOLA COUNTY			
	1	BATESVILLE EL	EL
	1	BATESVILLE JHS	JHS
	1	COMO	EL
	1	EAST CRENSHAW	EL
	1	GREEN HILL	EL
	1	NORTH PANOLA	HS
	1	POPE EL-JHS	EL-JH
	1	SARDIS	EL
	1	SOUTH PANOLA HS	HS
	1	WEST CRENSHAW	EL
PEARL RIVER COUNTY			
	1	POPLARVILLE LOWER EL	EL
	1	POPLARVILLE UPPER EL	EL
PERRY COUNTY			
	1	BEAUMONT	EL-JH
	1	NEW AUGUSTA	EL-JH
	1	RUNNELSTOWN	EL-JH
PIKE COUNTY			
	1	EVA GORDON	EL
	1	FERNWOOD	EL
	1	HIGGINS	EL-JH
	1	HUGHES	EL
	1	KENNEDY	EL
	1	NETTERVILLE	HS
	1	OKTEN	EL
	1	PROGRESS	EL-JH
	1	SOUTH PIKE JUNIOR HIGH	JHS
	1	SUMMIT	EL
	1	UNIVERSAL	EL
	1	WESTBROOK	K
	1	WESTBROOK (SPEC ED)	UNGRA
PRENTISS COUNTY			
	1	BALDWYN	MDL
	1	BALDWYN	EL
	1	JUMPERTOWN	K-12
QUITMAN COUNTY			
	1	FALCON	JHS
	1	LAMBERT	JHS
	1	MARKS	JHS
	1	QUITMAN COUNTY SCHOOL	HS
	1	SLEDGE	JHS
	1	SOUTHSIDE	JHS
QUITMAN COUNTY (CONTINUED)	1	WESTSIDE	JHS
RANKIN COUNTY			
	1	PELAHATCHIE ATT CTR	K-12
	1	PINEY WOODS CTRY LIFE(PRIVATE)	K-12
	1	PISGAH ATT CTR	K-12
	1	PUCKETT ATT CTR	K-12
	1	RICHLAND	EL
SCOTT COUNTY			
	1	FOREST	EL
	1	HAWKINS	MDL
	1	LAKE ATT CTR	K-12
	1	MORTON ATT CTR	K-12
	1	SCOTT CENTRAL ATT CTR	K-12
	1	SEBASTOPOL ATT CTR	K-12
SHARKEY COUNTY			
	1	ANGUILLA	EL
	1	ANGUILLA	J-SHS
	1	ROLLING FORK	EL
	1	ROLLING FORK	MDL-HS
SIMPSON COUNTY			
	1	MAGEE ATT CTR	K-12
	1	MENDENHALL ATT CTR	K-12
	1	WEST UNION ATT CTR	K-12
SMITH COUNTY			
	1	MIZE ATT CTR	K-12
	1	RALEIGH	MDL
	1	RALEIGH ATT CTR	EL-HS
	1	TAYLORSVILLE ATT CTR	K-12
STONE COUNTY			
	1	STONE	EL
SUNFLOWER COUNTY			
	1	A W JAMES	K-?
	1	BLAINE	EL
	1	CARVER	MDL
	1	CARVER	EL
	1	DREW	HS
	1	DREW	K-?
	1	EAST MOORHEAD	EL
	1	GENTRY	HS
	1	HUNTER	MDL
	1	INDIANOLA	J-HS
	1	INVERNESS	EL
	1	LOCKARD	EL
	1	MOORHEAD	EL
	1	RULEVILLE	JHS
	1	RULEVILLE CENTRAL	EL-HS
	1	SUNFLOWER	EL

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LOCATIONS	CODE *	SCHOOL NAME	
TALLAHATCHIE COUNTY			
	1	BLACK BAYOU	K-6
	1	CHARLESTON	MDL
	1	CHARLESTON	HS
	1	CHARLESTON	EL
	1	HOPSON BAYOU	K-6
	1	SUMNER	EL
	1	WEBB-SWAN LAKE	K-2
	1	WEST DISTRICT	JHS
	1	WEST DISTRICT	EL
	1	WEST TALLAHATCHIE	HS
TATE COUNTY			
	1	COLDWATER ATT CTR	J-SHS
	1	EAST TATE ATT CTR	K-6
	1	INDEPENDENCE ATT CTR	J-SHS
	1	STRAYHORN ATT CTR	K-8
	1	TATE COUNTY ATT CTR	K-6
TIPPAH COUNTY			
	1	BLUE MOUNTAIN	K-12
	1	CHALYBEATE	EL
	1	FALKNER	K-12
	1	PINE GROVE	K-12
	1	WALNUT	K-12
TUNICA COUNTY			
	1	DUNDEE	EL
	1	ROSA FORT	ELSHS
	1	TUNICA	JHS
WALTHALL COUNTY			
	1	DEXTER ATT CTR	ELSHS
	1	SALEM ATT CTR	ELSHS
	1	TYLERTOWN	EL
	1	TYLERTOWN	HS
WARREN COUNTY			
	1	BOWMAN	EL
	1	GROVE	EL
	1	KINGS	EL
	1	VICKSBURG	JHS
	1	VICKSBURG	MDL
WASHINGTON COUNTY			
	1	AKIN	EL
	1	BASS	JHS
	1	BOYD	EL
	1	CHAMBERS ATT CTR	EL
	1	COLEMAN	JHS
	1	DARLING	EL
	1	DEAN ATT CTR	HS
	1	DEAN ATT CTR	EL
	1	FULWILER	EL
WASHINGTON COUNTY (CONTINUED)	1	GARRETT HALL	MDL
	1	GLEN ALLAN	K-12
	1	LINCOLN ATT CTR	EL
	1	MANNING	EL
	1	MCBRIDE	EL
	1	O'BANNON	K-12
	1	RIVERSIDE	K-12
	1	SIMMONS ATT CTR	K-12
	1	STERN	EL
	1	TRIGG	EL
	1	WEBB	EL
	1	WEDDINGTON	EL
WAYNE COUNTY			
	1	BEAT FOUR	K-12
	1	BUCKATUNNA	EL
	1	BUCKATUNNA	HS
	1	WAYNESBORO	EL
	1	WAYNESBORO	HS
	1	WAYNESBORO	JHS
WILKINSON COUNTY			
	1	FINCH ATT CTR	EL
	1	WILKINSON COUNTY	K-12
	1	WILLIAM WINANS ATT CTR	J-SHS
WINSTON COUNTY			
	1	LOUISVILLE	EL
	1	LOUISVILLE	MDL
	1	NANIH WAIYA	K-12
	1	NOXAPATER	K-12
YALOBUSHA COUNTY			
	1	COFFEEVILLE	EL
	1	COFFEEVILLE	HS
	1	OAKLAND	EL
	1	WATER VALLEY	EL
YAZOO COUNTY			
	1	ANNIE ELLIS	EL
	1	BENTON	HS
	1	BENTONIA	HS
	1	GIBBS	EL
	1	HOLLY BLUFF CONS SCHOOL	K-12
	1	LYNWOOD	EL
	1	SATARTIA	EL
	1	WEBSTER	EL
	1	WOOLFOLK	EL
	1	YAZOO CITY	JHS
	1	YAZOO CITY	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAIR			
	1	ADAIR	K-12
	1	WILLARD	K-3
BARRY			
	1	JENKINS	K-8
	2	MONETT	K-12
	1	SOUTHWEST	K-12
	1	WHEATON	K-12
BATES			
	1	HUDSON	1-8
	1	HUME	K-12
BENTON			
	1	SOUTH	K-7
BOLLINGER			
	1	LEOPOLD	1-12
	1	WOODLAND	K-12
	1	ZALMA	K-12
BOONE			
	1	JUVENILE JUSTICE CENTER	N/A
BUCHANAN			
	1	BLAIR	K-6
	1	BUCHANAN COUNTY BOYS HOME	N/A
	1	EDISON	K-6
	1	EVERETT	K-6
	1	HUMBOLDT	K-6
	2	LAFAYETTE	9-12
	1	LAKE CONTRARY	K-6
	1	MOYES HOME FOR CHILDREN	N/A
	1	NEELY	K-6
	1	ROBIDOUX	7-8
	1	TRUMAN	7-8
	1	WEBSTER	K-6
BUTLER			
	1	CENTRAL	K-6
	1	COON ISLAND	K-6
	1	EUGENE FIELDS	K-6
	1	FISK	K-8
	1	HILLVIEW	K-6
	1	J MINNIE SMITH	K-6
	1	KINYON	K-6
	1	MARK TWAIN	K-6
	1	NEELYVILLE	7-12
	1	POPLAR BLUFF	7-8
	2	POPLAR BLUFF	9-12
	1	QULIN	K-8
	1	W F SEARS YOUTH CENTER	N/A
	1	W KENNEDY	K-6
	1	WHEATLEY	4-6
CALDWELL			
	1	BRECKENRIDGE	K-12
	1	KINGSTON	K-8
	1	MIRABILE	1-8
	1	NEW YORK	1-8
CAMDEN			
	1	CLIMAX SPRINGS	K-12
	1	MACKS CREEK	K-12
CAPE GIRARDEAU			
	1	MAY GREENE	K-6
	1	WASHINGTON	K-6
CARROLL			
	1	HALE	K-12
	1	ROOT	5-6
	1	WAKENDA	K-8
CARTER			
	1	ELLSINORE	1-6
	1	ELLSINORE	7-12
	1	GRANDIN	1-6
	1	GRANDIN	7-8
	1	VAN BUREN	K-12
CEDAR			
	2	EL DORADO SPRINGS	K-12
CHRISTIAN			
	1	CHADWICK	K-12
	1	DELMINA WOODS REG FACILITY	N/A
COLE			
	1	JUVENILE ATTENTION CENTER	N/A
	1	MO INTERMEDIATE REFORMATORY	N/A
	1	MO STATE PENITENTIARY	N/A
	1	OUR LADY OF THE SNOW	1-8
	1	RENZ CORRECTIONAL CENTER	N/A
COOPER			
	1	BLACKWATER	K-8
	2	BOONVILLE	K-12
	1	COOPER	K-12
	1	MO TRAINING SCHOOL FOR BOYS	N/A
CRAWFORD			
	2	CRAWFORD	K-12
	2	STEELVILLE	K-12
DALLAS			
	1	D A MALLORY	K-6
	1	LONG LANE	K-6
DENT			
	1	DENT-PHELPS	K-8
	2	SALEM	K-12
DOUGLAS			
	8	AVA	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
DOUGLAS (CONTINUED)	1	PLAINVIEW	K-8
	1	SKYLINE	K-8
DUNKLIN			
	1	CAMPBELL	K-12
	1	CLARKTON	K-12
	1	KENNETT	7-8
	1	MALDEN	K-12
	1	MASTERSON	1-6
	1	SENATH	K-12
	1	SOUTH	1-6
	1	SOUTHLAND	K-12
	1	ST TERESA	1-8
FRANKLIN			
	2	ST CLAIR	K-12
	2	SULLIVAN	K-12
GREENE			
	1	BERRY	1-6
	1	BISSETT	K-6
	1	BOWERMAN	K-6
	1	BOYD	K-6
	1	CAMPBELL	K-6
	2	CENTRAL	9-12
	1	DOLING	K-6
	1	FAIR HAVEN CHILDRENS HOME	N/A
	1	FAIRBANKS	K-6
	1	MCGREGOR	K-6
	1	PIPKIN	7-8
	1	REED	7-8
	1	ROBBERSON	K-6
	1	SPRINGFIELD CHILDRENS HOME	N/A
	1	ST JOSEPH	K-6
	1	STUDY	K-6
	1	STUDY	7-8
	1	TEFFT	K-6
	1	WEAVER	K-6
	1	WELLER	K-6
	1	WESTPORT	K-6
	1	WILLIAMS	K-6
GRUNDY			
	1	LAREDO	K-12
	2	TRENTON	K-12
HARRISON			
	1	CAINSVILLE	K-12
	1	RIDGEWAY	K-12
HENRY			
	1	MONTROSE	K-12
HOLT			
HOLT (CONTINUED)	1	CRAIG	K-12
HOWARD			
	2	FAYETTE	K-12
HOWELL			
	1	BIRCH TREE	K-6
	1	CARMICAL	3-6
	1	CENTRAL	5-6
	1	FAIR VIEW	K-8
	1	FOSTER	?
	1	JUNCTION HILL	K-8
	1	LIBERTY	7-12
	1	MT VIEW	K-6
	1	PEACE VALLEY	1-3
	1	REESE	1
	1	RICHARDS	K-8
	1	RIDGEVIEW	1-5
	1	SOUTH FORK	K-6
	1	WILLOW SPRINGS	1-6
IRON			
	2	ARCADIA VALLEY	PK-12
	1	SOUTH IRON	K-12
JACKSON			
	1	ANDREW DRUMM INSTITUTE	N/A
	1	ATTUCKS	K-6
	1	BANCROFT	K-6
	1	BINGHAM	7-8
	1	BLENHEIM	K-6
	1	BORDER STAR	K-6
	1	BRYANT	K-6
	1	CENTER ANNEX	K-6
	1	CENTRAL	7-8
	1	CENTRAL	9-12
	1	CHICK	K-6
	1	COURTNEY	K-6
	1	EAST	7-8
	1	EAST	9-12
	1	EAST GROUP 1	K-6
	1	EAST GROUP 2	K-6
	1	FAXON	K-6
	1	FRANKLIN	K-6
	1	GARFIELD	K-6
	1	GILLIS HOME FOR CHILDREN	N/A
	1	GRACELAND	K-6
	1	HOLMES	K-6
	1	JACKSON COUNTY INSTITUTIONAL	N/A
	1	KING	7-8
	1	KNOTTS	K-6

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LOCATIONS	CODE *	SCHOOL NAME	
JACKSON (CONTINUED)	1	KUMPF	K-6
	1	LADD	K-6
	1	LINCOLN	7-8
	1	LINCOLN	9-12
	1	LINWOOD	K-6
	1	LONGAN	K-6
	1	LONGFELLOW	K-6
	1	MARILLAC CENTER FOR CHILDREN	N/A
	1	MERSERVEY	K-6
	1	NELSON	K-6
	1	NILES HOME FOR CHILDREN	N/A
	1	NORTHEAST	7-8
	2	NORTHEAST	9-12
	1	NORTHEAST 1	K-6
	1	NORTHEAST 2	K-6
	1	NORTHEAST 3	K-6
	1	NOWLIN	7-9
	1	OUR LADY OF THE AMERICAS	K-8
	1	OZANAM HOME FOR BOYS	N/A
	1	PASEO	9-12
	1	PERSHING	K-6
	1	PHILLIPS	K-6
	1	PINKERTON	K-6
	3	REDEMPTORIST	K-8
	1	RICHARDSON	K-6
	1	SOUTHEAST	7-8
	1	SOUTHEAST	9-12
	1	SOUTHWEST	K-6
	2	SOUTHWEST	9-12
	1	ST MARTIN DE PORRES	1-8
	3	ST THERESE LITTLE FLOWER	K-8
	1	ST VINCENT NEIGHBORHOOD	K-8
	1	TROOST	K-6
	2	VAN HORN	10-12
	1	VAN HORN 1	K-6
	1	VAN HORN 2	K-6
	1	VAN HORN 3	K-6
	1	WEEKS	K-6
	3	WEST	9-12
	1	WEST GROUP 1	K-6
	1	WESTPORT	7-8
	1	WESTPORT	9-12
	1	WHEATLEY	K-6
	1	WILLARD	K-6
JASPER			
	1	ALBA	K-6
	1	ALCOTT	1-6
JASPER (CONTINUED)	1	AVILLA	K-8
	1	CARTERVILLE	K-6
	1	EUGENE FIELD	K-6
	1	JASPER COUNTY GROUP HOMES	N/A
	1	JEFFERSON	1-6
	1	NORTH	7-8
	1	ST PETERS	6-8
	1	WASHINGTON	1-6
	1	WEBSTER	1-6
	1	WEST CENTRAL	1-6
JEFFERSON			
	2	FESTUS	K-12
	2	HILLSBORO	K-12
	2	NORTHWEST	7-12
	2	VINELAND	K-6
JOHNSON			
	1	CHILHOWEE	K-12
KNOX			
	1	HURDLAND	1-8
LACLEDE			
	1	COMPETITION	1-8
	1	GASCONADE	1-8
	1	HILLCREST	K-6
	2	LEBANON	7-9
LAFAYETTE			
	2	LEXINGTON	K-12
LAWRENCE			
	1	AURORA	K-12
	1	CENTRAL	K-6
	1	MARIONVILLE	K-12
	2	MT VERNON	K-12
	1	PIERCE CITY	1-12
	1	WEST	K-6
LIVINGSTON			
	1	MO TRAINING SCHOOL FOR GIRLS	N/A
MACON			
	2	MACON	K-12
MADISON			
	1	FREDERICKTOWN	K-6
	1	MARQUAND-ZION	K-12
	1	MILL CREEK	1-6
MARIES			
	1	VISITATION INTER-PARISH	1-8
MARION			
	1	EUGENE FIELD	K-6
MCDONALD			
	1	ANDERSON	K-8

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LOCATIONS	CODE *	SCHOOL NAME	
MCDONALD (CONTINUED)	1	NOEL	K-8
	1	ROCKY COMFORT	K-8
	1	SOUTHWEST CITY	K-8
	1	WHITE ROCK	K-6
MERCER	1	NORTH MERCER	K-12
MILLER	1	IBERIA	K-12
	1	MILLER	1-6
	1	ST ELIZABETH	K-12
MISSISSIPPI	1	CHARLESTON	K-12
	1	EAST PRAIRIE	K-12
MONITEAU	1	CLARKSBURG	K-8
MORGAN	1	MORGAN	K-12
	1	SOUTH	K-2
NEW MADRID	1	CENTRAL	9-12
	1	GIDEON	K-12
	1	LILBOURN	K-8
	1	MATTHEWS	K-6
	1	MATTHEWS	7-12
	1	NEW MADRID	K-8
	1	PARMA	K-8
	1	PORTAGEVILLE	K-6
	1	PORTAGEVILLE	7-12
	1	RISCO	K-12
NEWTON	1	FIELD	K-4
	1	WESTVIEW	K-8
OREGON	1	ALTON	K-12
	1	COUCH	K-12
	1	KOSHKONONG	K-12
	1	THAYER	K-12
OSAGE	1	ST MARY	1-8
OZARK	1	BAKERSFIELD	K-12
	1	DORA	K-12
	2	GAINESVILLE	K-12
	1	LUTIE	K-8
	1	THORNFIELD	1-8
PEMISCOT	1	CARUTHERSVILLE	7-8
PEMISCOT (CONTINUED)	1	COOTER	K-12
	1	DELTA	K-12
	1	HAYTI	K-12
	1	NORTH PEMISCOT	K-12
	1	PEMISCOT	K-8
	1	SOUTH PEMISCOT	K-12
	1	SOUTHSIDE	1-3
	1	WESTSIDE	K-6
PERRY	2	PERRY	K-12
	1	ST JOSEPH OF APPLE CREEK	1-3
PETTIS	2	SEDALIA	4-8
	1	SHOW-ME CHRISTIAN YOUTH HOME	N/A
	1	WASHINGTON	K-3
	1	WHITTIER	4-5
PHELPS	1	BOYS TOWN OF MISSOURI	N/A
	1	NEWBURG	K-12
	1	PHELPS	K-8
	2	ST JAMES	K-12
POLK	2	BOLIVAR	K-12
	1	FAIR PLAY	K-12
	1	GOOD SAMARITAN BOYS RANCH	N/A
PULASKI	1	CROCKER	K-12
	2	DIXON	K-12
	1	LAQUEY	K-12
	2	WAYNESVILLE	K-12
PUTNAM	1	PUTNAM	4-8
RANDOLPH	1	MISSOURI TRAINING CENTER-MEN	N/A
	1	NORTH PARK	K-5
REYNOLDS	1	BUNKER	K-12
RIPLEY	1	DONIPHAN	K-12
	1	LONE STAR	K-3
	1	PINE	1-5
	1	RIPLEY	1-8
SALINE	1	BUTTERFIELD YOUTH SERVICES	N/A
	1	BUTTERFIELD YOUTH SERVICES	N/A
SCOTT	1	MIAMI	K-8

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SCOTT (CONTINUED)	3	LEE HUNTER	1-5
	1	MATTHEWS	1-5
	1	MOREHOUSE	1-5
	1	SCOTT	K-12
	1	SIKESTON	6-7
	3	SIKESTON	K
	2	SIKESTON	8-9
	2	SIKESTON	10-12
	3	SOUTHEAST	1-5
	1	SOUTHWEST	1-5
SHANNON			
	1	EMINENCE	K-12
	1	WINONA	K-12
ST CHARLES			
	2	WENTZVILLE	K-12
ST CLAIR			
	1	LAKELAND NORTH	1-6
	1	ROSCOE	K-8
ST FRANCOIS			
	2	BONNE TERRE	K-6
	1	PRESBYTERIAN CHILDRENS HOME	N/A
	2	WEST COUNTY	K-12
ST LOUIS			
	1	AIRPORT	K-6
	1	BEL-RIDGE	K-6
	1	BERKELEY	7-9
	1	BERKELEY	10-12
	1	BISHOP	1-8
	3	BRUCE	K-4
	1	CAROLINE	K-6
	1	CENTRAL	1-8
	1	CENTRAL	K-6
	1	CHRISTIAN WOMENS BENEVOLENT	N/A
	1	COMBS	K-6
	1	COOL VALLEY	K-6
	1	CORPUS CHRISTI	K-8
	2	CROSS KEYS	7-9
	1	DELMAR	K-5
	1	EARLY CHILDHOOD CENTER	PK-K
	1	EDGEWOOD CHILDRENS CENTER	N/A
	1	EVANGELICAL CHILDRENS HOME	N/A
	1	FAIRVIEW	K-6
	2	FERGUSON	7-9
	1	FROSTFIELD	5-6
	1	GARFIELD	K-6
	1	GENERAL PROTESTANT CHILD HOME	N/A
	1	GERMAN ST VINCENT HOME	N/A
ST LOUIS (CONTINUED)	1	GRAHAM	K-6
	1	HARRISON	K-6
	1	HOLMAN	K-6
	1	HOLY GHOST	K-8
	1	JUVENILE DETENTION CENTER	N/A
	1	LAKESIDE CENTER FOR BOYS	N/A
	1	LEWIS & CLARK	K-6
	1	LINCOLN	K-6
	1	MARK TWAIN	K-6
	1	MCKINLEY	K-6
	1	MERCITA HALL	N/A
	1	METHODIST CHILDRENS SERVICES	N/A
	1	MO BAPTIST CHILD HOME	N/A
	1	NATHANIEL HAWTHORNE	K-5
	1	NORMANDY	7-8
	3	NORMANDY	9-12
	1	PERSHING	K-5
	1	PINE LAWN	K-6
	1	ST LOUIS CO CORRECTIONAL	N/A
	1	THOMAS	K-6
	1	UNIVERSITY FOREST	K-6
	1	VOGT	K-6
	1	WALNUT GROVE	K-4
	1	WEST RICHMOND	K-6
ST LOUIS CITY			
	1	ADAMS	K-8
	1	AMES (MAGNET)	K-8
	1	ANNIE MALONE CHILDRENS HOME	N/A
	1	BEAUMONT	9-12
	1	BLEWETT CLUSTER	K-8
	1	BLOW CLUSTER	K-8
	1	BUS MAN & FIN CTR (MAGNET)	9-12
	1	CARDINAL RITTER COLLEGE PREP	9-12
	1	CENTRAL	9-12
	1	CENTRAL CATHOLIC COMMUNITY	K-8
	1	CENTRAL CITY LUTHERAN	K-8
	1	CHILDRENS STUDY HOME	N/A
	1	CLAY	K-8
	2	CLEVELAND	9-12
	1	CLINTON CLUSTER	K-8
	1	COLUMBIA CLUSTER	K-8
	1	COOK CLUSTER	K-8
	1	DEPORRES	K-8
	1	DEWEY CLUSTER	K-8
	1	ENRIGHT (MAGNET)	7-8
	1	EUCLID (MAGNET)	PK-8
	1	FANNING CLUSTER	K-8

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LOCATIONS	CODE *	SCHOOL NAME	
ST LOUIS CITY (CONTINUED)	1	FATHER DUNNS HOME FOR BOYS	N/A
	1	FORD CLUSTER	K-8
	1	GRANT CLUSTER	K-8
	1	HAMILTON BR TII (MAGNET)	6-8
	1	HEALTH CAREERS CENTER (MAGNET)	N/A
	1	HICKEY CLUSTER	K-8
	1	HOGAN STREET REG YOUTH CENTER	N/A
	1	JESUIT PROG LIVING & LEARNING	N/A
	1	JOHN W GRISCOM SCHOOL	N/A
	1	KING CLUSTER	K-8
	1	L'OUVERTURE CLUSTER	PK-8
	1	LANGSTON CLUSTER	K-8
	2	LONG CLUSTER	K-8
	1	MADISON (MAGNET)	K-8
	1	MALLINCKRODT (MAGNET)	K-8
	1	MATH & SCI CTR (MAGNET)	9-12
	1	MCKINLEY	9-12
	1	MEDIUM SECURITY INSTITUTION	N/A
	1	METRO (ALTERNATIVE)	9-12
	1	MISSOURI HILLS SCHOOL	N/A
	1	MOST HOLY ROSARY	K-8
	2	MULLANPHY CLUSTER	PK-8
	1	NORTHWEST	9-12
	2	NOTTINGHAM CLUSTER	K-8
	1	O'FALLON (ALTERNATIVE)	9-12
	1	OUR LADY OF PERPETUAL HELP	K-8
	1	PEABODY	K-8
	1	PRUITT	7-12
	1	ROOSEVELT	9-12
	1	SALVATION ARMY RES FOR CHILD	N/A
	1	SHAW (MAGNET)	K-8
	1	SIMMONS CLUSTER	K-8
	1	SOLDAN	9-12
	2	SOUTHWEST	9-12
	1	ST FRANCIS XAVIER	K-8
	1	ST JOSEPH HOME FOR BOYS	N/A
	1	ST LOUIS CHRISTIAN HOME	N/A
	1	ST MARGARET	K-8
	1	ST MATTHEW LUTHERAN	K-8
	1	ST MATTHEW THE APOSTLE	K-8
	1	ST NICHOLAS	K-8
	1	ST PAULS LUTHERAN	K-8
	1	STEVENS CLUSTER	K-8
	1	STIX (MAGNET)	K-8
	1	STOWE CLUSTER	K-8
	1	SUMNER	9-12
	1	TRINITY LUTHERAN	K-8
ST LOUIS CITY (CONTINUED)	1	TURNER CLUSTER	K-8
	1	VASHON CLUSTER	9-12
	1	VIS & PERF ART CTR (MAGNET)	9-12
	1	WADE (MAGNET)	K-8
	1	WARING (MAGNET)	K-8
	1	WASHINGTON CLUSTER	K-8
	1	WEBSTER CLUSTER	K-8
	1	WILKINSON (MAGNET)	K-8
	1	WILLIAMS CLUSTER	K-8
	1	YEATMAN CLUSTER	K-8
STODDARD	1	ADVANCE	K-12
	1	BELL CITY	K-12
	1	BERNIE	K-12
	1	CENTRAL	1-5
	1	RICHLAND	K-12
STONE	1	BLUE EYE	K-12
	1	CRANE	K-12
	1	HURLEY	K-12
	2	REEDS SPRINGS	K-12
SULLIVAN	1	NEWTOWN-HARRIS	K-12
TANEY	1	BRADLEYVILLE	K-12
	2	BRANSON	K-12
	1	HOLLISTER	K-12
	1	MARK TWAIN	1-9
TEXAS	1	CABOOL	K-12
	1	LICKING	K-12
	1	RAYMONDVILLE	K-8
	1	SUCCESS	K-9
	1	SUMMERSVILLE	K-12
VERNON	1	BENTON	2-8
	1	NEVADA ADVENTIST	1;3-8
	1	SCHELL CITY	K-12
WASHINGTON	1	CRUISE	K-8
	1	MINERAL POINT	K-8
	1	POTOSI	5-8
	1	RICHWOODS	K-8
	1	SHIRLEY	1-4
	1	ST JOACHIM	K-8
WAYNE	1	CLEARWATER	7-8

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
WAYNE (CONTINUED)	1	GREENVILLE		K-6	
	1	MILL SPRING		5-6	
	1	PATTERSON		1-6	
	1	PIEDMONT		K-4	
	1	WILLIAMSVILLE		K-6	
WEBSTER					
	1	FORDLAND		K-7	
	1	FORDLAND HONOR CAMP		N/A	
	2	MARSHFIELD		K-12	
	1	SEYMOUR		K-12	
WRIGHT					
	1	GIRLS TOWN OF MISSOURI		N/A	
	1	GROVESPRING		K-8	
	1	HARTVILLE		K-8	
	1	MANES		K-8	
	1	MANSFIELD		K-12	
	2	MOUNTAIN GROVE		K-12	
	1	NORWOOD		K-12	

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MONTANA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES

MONTANA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
BEAVERHEAD			
	2	DILLON ELEMENTARY	K-8
	2	LIMA ELEMENTARY	1-8
	*	LIMA HIGH SCHOOL	9-12
BIG HORN			
	1	CROW AGENCY ELEMENTARY	K-6
	1	HARDIN ELEMENTARY	K-6
	2	HARDIN HIGH SCHOOL	9-12
	1	HARDIN 7-8	7-8
	1	LODGE GRASS ELEMENTARY	K-8
	1	LODGE GRASS HIGH SCHOOL	9-12
	1	PLENTY COUPS HIGH SCHOOL	9-12
	1	PRETTY EAGLE ELEMENTARY	EL
	1	PRYOR ELEMENTARY	K-8
	1	ST CHARLES MISSION ELEMENTARY	EL
	1	WYOLA ELEMENTARY	K-8
BLAINE			
	2	CHINOOK ELEMENTARY	K-8
	2	CHINOOK HIGH SCHOOL	9-12
	1	HARLEM ELEMENTARY	K-8
	1	HARLEM HIGH SCHOOL	9-12
	1	HAYS ELEMENTARY	K-8
	1	HAYS-LODGE POLE HIGH SCHOOL	9-12
	1	LODGE POLE ELEMENTARY	K-6
	1	ST PAUL MISSION ELEMENTARY	EL
CARBON			
	2	JOLIET ELEMENTARY	K-8
	2	RED LODGE HIGH SCHOOL	9-12
CASCADE			
	2	CASCADE COLONY ELEMENTARY	EL
	2	FORT SHAW-SIMMS ELEMENTARY	K-8
	2	FRANKLIN ELEMENTARY	K-6
	2	GREAT FALLS HIGH SCHOOL	10-12
	1	LONGFELLOW ELEMENTARY	K-6
	1	LOY ELEMENTARY	K-6
	2	MORNINGSIDE ELEMENTARY	K-6
	1	OUR LADY OF LOURDES ELEMENTARY	EL
	2	PARIS GIBSON JUNIOR HS	7-9
	2	ROOSEVELT ELEMENTARY	K-6
	2	ST JOSEPH ELEMENTARY	EL
	2	SUNNYSIDE ELEMENTARY	K-6
CASCADE (CONTINUED)			
	2	ULM ELEMENTARY	K-8
	2	VALLEY VIEW ELEMENTARY	K-6
	2	WEST JUNIOR HIGH SCHOOL	7-8
	1	WHITTIER ELEMENTARY	K-6
CUSTER			
	2	CUSTER COUNTY DISTRICT HS	9-12
	2	GARFIELD ELEMENTARY	K-6
	1	PINE HILLS SCHOOL	EL
	2	SACRED HEART HIGH SCHOOL	HS
DAWSON			
	2	RICHEY HIGH SCHOOL	9-12
DEER LODGE			
	2	ANACONDA 7-8	7-8
	2	LINCOLN ELEMENTARY	K-6
	2	W K DWYER-WEST ELEMENTARY	K-6
FALLON			
	2	BAKER ELEMENTARY	K-8
FERGUS			
	1	GARFIELD ELEMENTARY	K-6
	2	HIGHLAND PARK ELEMENTARY	K-6
	2	LEWISTON MIDDLE SCHOOL	7-8
	2	ST LEO ELEMENTARY	EL
FLATHEAD			
	2	COLUMBIA FALLS ELEMENTARY	1-6
	2	COLUMBIA FALLS 7-8	7-8
	2	CORNELIUS HEDGES ELEMENTARY	K-6
	2	EDGERTON ELEMENTARY	1-6
	2	ELROD ELEMENTARY	K-6
	2	EVERGREEN ELEMENTARY	K-8
	2	HUNGRY HORSE ELEMENTARY	1-6
	2	KALISPELL JUNIOR HIGH SCHOOL	7-8
	2	MOUNTAIN BROOK ELEMENTARY	1-8
	2	PETERSON ELEMENTARY	K-6
	2	SOMERS ELEMENTARY	K-8
	2	ST MATTHEW ELEMENTARY	EL
	2	TRINITY LUTHERAN ELEMENTARY	EL
GALLATIN			
	2	EMERSON ELEMENTARY	K-6
	2	HAWTHORNE ELEMENTARY	K-6
	2	IRVING ELEMENTARY	K-6
	2	WHITTIER ELEMENTARY	K-6
	2	WILLSON ELEMENTARY	5-6
GLACIER			
	1	BABB ELEMENTARY	K-6
	1	BIG SKY ELEMENTARY	1-8
	1	BROWNING HIGH SCHOOL	10-12
	1	BROWNING JUNIOR HIGH SCHOOL	7-9

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GLACIER (CONTINUED)	1	CROFF WREN ELEMENTARY	K-8
	2	EAST GLACIER PARK ELEMENTARY	K-8
	1	GLENDALE ELEMENTARY	1-8
	1	K W BERGEN ELEMENTARY	3-4
	1	NAPI ELEMENTARY	5-6
	1	PIKUNI HIGH SCHOOL	HS
	1	STARR ELEMENTARY	K-6
	1	VINA CHATTIN ELEMENTARY	K-2
GRANITE	2	GRANITE HIGH SCHOOL	9-12
	2	PHILIPSBURG ELEMENTARY	1-8
HILL	1	BOX ELDER ELEMENTARY	K-8
	1	BOX ELDER HIGH SCHOOL	9-12
	2	DEVLIN ELEMENTARY	K-6
	2	HAVRE HIGH SCHOOL	9-12
	2	LINCOLN-MCKINLEY ELEMENTARY	K-5
	1	ROCKY BOY ELEMENTARY	PK-8
	1	ROCKY BOY TRIBAL HIGH SCHOOL	HS
	2	ST JUDE THADDEUS ELEMENTARY	EL
JEFFERSON	2	BASIN ELEMENTARY	K-6
	2	BOULDER ELEMENTARY	K-8
LAKE	2	ARLEE ELEMENTARY	K-8
	2	ARLEE HIGH SCHOOL	9-12
	2	CHARLO ELEMENTARY	K-8
	2	CHARLO HIGH SCHOOL	9-12
	1	ELMO ELEMENTARY	K-8
	1	PABLO ELEMENTARY	K-5
	2	POLSON ELEMENTARY	K-8
	2	POLSON HIGH SCHOOL	9-12
	1	RONAN ELEMENTARY	K-8
	1	RONAN HIGH SCHOOL	9-12
	2	ST IGNATIUS ELEMENTARY	K-8
	2	ST IGNATIUS HIGH SCHOOL	9-12
	1	SWAN RIVER YOUTH FOREST CAMP	HS
LEWIS & CLARK	2	BROADWATER ELEMENTARY	K-6
	2	BRYANT ELEMENTARY	K-6
	2	CENTRAL ELEMENTARY	K-6
	2	HELENA HIGH SCHOOL	10-12
	2	LINCOLN ELEMENTARY	K-6
	1	MOUNTAIN VIEW SCHOOL	HS
LINCOLN	2	ASA WOOD ELEMENTARY	K-6
	2	CENTRAL ELEMENTARY	K-6
LINCOLN (CONTINUED)	2	LIBBY JUNIOR HIGH SCHOOL	7-9
	2	MCGRADE ELEMENTARY	K-6
	2	ST JOHN LUTHERAN ELEMENTARY	EL
	2	TROY HIGH SCHOOL	9-12
	2	W F MORRISON ELEMENTARY	K-8
MINERAL	2	ALBERTON ELEMENTARY	K-8
	2	ALBERTON HIGH SCHOOL	9-12
	2	SUPERIOR ELEMENTARY	K-8
MISSOULA	2	BIG SKY HIGH SCHOOL	9-12
	2	C S PORTER ELEMENTARY	1-8
	2	CLINTON ELEMENTARY	K-8
	2	DESMET ELEMENTARY	K-8
	1	EMMA DICKINSON ELEMENTARY	1-8
	1	FRANKLIN ELEMENTARY	K-8
	2	HELLGATE ELEMENTARY	K-8
	2	HELLGATE HIGH SCHOOL	9-12
	1	JEFFERSON ELEMENTARY	K-8
	2	LOLO ELEMENTARY	K-8
	1	LOWELL ELEMENTARY	K-8
	2	LOYOLA-SACRED HEART HS	HS
	1	MOUNT JUMBO ELEMENTARY	K-8
	2	ROOSEVELT ELEMENTARY	K-8
	1	RUSSELL ELEMENTARY	K-8
	1	ST JOSEPH ELEMENTARY	EL
	2	WASHINGTON ELEMENTARY	K-8
	1	WHITTIER ELEMENTARY	1-8
	1	WILLARD ELEMENTARY	K-8
MUSSELSHELL	2	ROUNDUP ELEMENTARY	1-8
	2	ROUNDUP HIGH SCHOOL	9-12
	2	ROUNDUP JUNIOR HIGH SCHOOL	7-8
PARK	2	EAST SIDE ELEMENTARY	K-6
	2	ST MARY ELEMENTARY	EL
PHILLIPS	2	DODSON ELEMENTARY	K-8
	2	DODSON HIGH SCHOOL	9-12
	2	MALTA ELEMENTARY	K-8
	2	MALTA HIGH SCHOOL	9-12
	2	ST MARY ELEMENTARY	EL
PONDERA	1	HEART BUTTE ELEMENTARY	K-8
	2	VALIER ELEMENTARY	K-8
	2	VALIER HIGH SCHOOL	9-12

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LOCATIONS	CODE *	SCHOOL NAME	
POWELL	2	DEER LODGE ELEMENTARY	K-6
	2	DEER LODGE HIGH SCHOOL	7-12
	2	GEORGETOWN LAKE ELEMENTARY	K-8
	2	OPPORTUNITY ELEMENTARY	K-8
	2	ST ANNE ELEMENTARY	K-8
	2	WARM SPRINGS ELEMENTARY	K-8
	2	WARM SPRINGS HIGH SCHOOL	9-12
	2	WARM SPRINGS STATE HOSPITAL	HS
RAVALLI	2	CORVALLIS ELEMENTARY	K-8
	2	CORVALLIS HIGH SCHOOL	9-12
	2	DARBY ELEMENTARY	K-8
	2	DARBY HIGH SCHOOL	9-12
	2	FLORENCE ELEMENTARY	K-8
	2	HAMILTON ELEMENTARY	K-8
	2	HAMILTON HIGH SCHOOL	9-12
	2	STEVENSVILLE ELEMENTARY	K-8
	2	STEVENSVILLE HIGH SCHOOL	9-12
	2	VICTOR ELEMENTARY	K-8
	2	VICTOR HIGH SCHOOL	9-12
RICHLAND	2	FAIRVIEW ELEMENTARY	K-8
	2	FAIRVIEW HIGH SCHOOL	9-12
	2	LAMBERT ELEMENTARY	K-8
	2	LAMBERT HIGH SCHOOL	9-12
	2	SIDNEY ELEMENTARY	K-6
	2	SIDNEY HIGH SCHOOL	7-12
	2	SIDNEY MIDDLE SCHOOL	7-8
ROOSEVELT	2	BAINVILLE ELEMENTARY	K-8
	2	BAINVILLE HIGH SCHOOL	9-12
	2	CULBERTSON ELEMENTARY	K-8
	2	CULBERTSON HIGH SCHOOL	9-12
	2	FROID ELEMENTARY	K-8
	2	FROID HIGH SCHOOL	9-12
	2	FT PECK ELEMENTARY	K-8
	2	FT PECK HIGH SCHOOL	9-12
	2	FT PECK TRIBAL ELEMENTARY	K-8
	2	FT PECK TRIBAL HIGH SCHOOL	9-12
	2	FT PECK TRIBAL JUNIOR HIGH SCHOOL	7-8
	2	POPLAR ELEMENTARY	K-8
	2	POPLAR HIGH SCHOOL	9-12
	2	POPLAR JUNIOR HIGH SCHOOL	7-8
	2	WOLF POINT ELEMENTARY	K-8
	2	WOLF POINT HIGH SCHOOL	9-12
ROSEBUD	2	COLSTRIP ELEMENTARY	K-8
	2	COLSTRIP HIGH SCHOOL	9-12
	2	FORSYTH ELEMENTARY	K-8
	2	FORSYTH HIGH SCHOOL	9-12
	2	ROSEBUD ELEMENTARY	K-8
	2	ROSEBUD HIGH SCHOOL	9-12
SANDERS	2	HOT SPRINGS ELEMENTARY	K-8
	2	HOT SPRINGS HIGH SCHOOL	9-12
	2	PLAINS ELEMENTARY	K-8
	2	PLAINS HIGH SCHOOL	9-12
	2	PLAINS JUNIOR HIGH SCHOOL	7-8
	2	ST REGIS ELEMENTARY	K-8
	2	ST REGIS HIGH SCHOOL	9-12
SILVER BOW	2	BUTTE HIGH SCHOOL	9-12
	2	CENTRAL ELEMENTARY	K-6
	2	EMERSON ELEMENTARY	K-6
	2	GARFIELD ELEMENTARY	K-6
	2	HAMILTON ELEMENTARY	K-6
	2	HOLY SPIRIT ELEMENTARY	K-8
	2	JEFFERSON ELEMENTARY	K-6
	2	LINCOLN ELEMENTARY	K-6
	2	MARGARET LESLIE ELEMENTARY	K-6
	2	MARY ELLEN ELEMENTARY	K-6
	2	MCKINLEY ELEMENTARY	K-6
	2	MONTANA TECH	HS
	2	MOUNTAIN VIEW ELEMENTARY	K-6
	2	ROOSEVELT ELEMENTARY	K-6
	2	ST JOHN ELEMENTARY	K-8
	2	ST JOSEPH ELEMENTARY	K-8
	2	ST MARY ELEMENTARY	K-8
	2	WASHINGTON ELEMENTARY	K-6
	2	WILSON ELEMENTARY	K-6
STILLWATER	2	ABSAROKEE ELEMENTARY	K-8
	2	ABSAROKEE HIGH SCHOOL	9-12
	2	COLUMBUS ELEMENTARY	K-8
	2	COLUMBUS HIGH SCHOOL	9-12
	2	COLUMBUS JUNIOR HIGH SCHOOL	7-8
	2	PARK CITY ELEMENTARY	K-8
	2	PARK CITY HIGH SCHOOL	9-12
SWEET GRASS	2	BIG TIMBER ELEMENTARY	K-8
	2	BIG TIMBER HIGH SCHOOL	9-12
	2	BIG TIMBER JUNIOR HIGH SCHOOL	7-8
	2	MELSTONE ELEMENTARY	K-8
	2	MELSTONE HIGH SCHOOL	9-12
TETON	2	CHOTEAU ELEMENTARY	K-8
	2	CHOTEAU HIGH SCHOOL	9-12
	2	DUTTON ELEMENTARY	K-8
	2	DUTTON HIGH SCHOOL	9-12
	2	POWER ELEMENTARY	K-8
	2	POWER HIGH SCHOOL	9-12
TOOLE	2	SUNBURST ELEMENTARY	K-8
	2	SUNBURST HIGH SCHOOL	9-12
	2	SUNBURST JUNIOR HIGH SCHOOL	7-8
	2	TOOLE ELEMENTARY	K-8
	2	TOOLE HIGH SCHOOL	9-12
TREASURE	2	HYSHAM ELEMENTARY	K-8
	2	HYSHAM HIGH SCHOOL	9-12
VALLEY	2	FRAZER ELEMENTARY	K-8
	2	FRAZER HIGH SCHOOL	9-12
	2	GLASGOW ELEMENTARY	K-8
	2	GLASGOW HIGH SCHOOL	9-12
	2	GLASGOW JUNIOR HIGH SCHOOL	7-8
	2	NASHUA ELEMENTARY	K-8
	2	NASHUA HIGH SCHOOL	9-12
	2	OPHEIM ELEMENTARY	K-8
	2	OPHEIM HIGH SCHOOL	9-12
	2	ST MARIE ELEMENTARY	K-8
	2	ST MARIE HIGH SCHOOL	9-12
	2	VANDALIA ELEMENTARY	K-8
	2	VANDALIA HIGH SCHOOL	9-12
	2	WESTBY ELEMENTARY	K-8
	2	WESTBY HIGH SCHOOL	9-12
WHEATLAND	2	HARLOWTON ELEMENTARY	K-8
	2	HARLOWTON HIGH SCHOOL	9-12
	2	HARLOWTON JUNIOR HIGH SCHOOL	7-8
	2	JUDITH GAP ELEMENTARY	K-8
	2	JUDITH GAP HIGH SCHOOL	9-12
WIBAUX	2	WIBAUX ELEMENTARY	K-8
	2	WIBAUX HIGH SCHOOL	9-12
YELLOWSTONE	2	BILLINGS ELEMENTARY	K-6
	2	BILLINGS HIGH SCHOOL	9-12
	2	BILLINGS JUNIOR HIGH SCHOOL	7-8
	2	BILLINGS SENIOR HIGH SCHOOL	10-12
	2	BLUE CREEK ELEMENTARY	K-8
	2	BROADVIEW ELEMENTARY	K-8
	2	CANYON CREEK ELEMENTARY	K-8
	2	CASTLE ROCK ELEMENTARY	K-8
	2	CENTRAL HEIGHTS ELEMENTARY	K-8
	2	COMMUNITY ELEMENTARY	K-8
	2	EDGEWOOD ELEMENTARY	K-8
	2	EMERSON ELEMENTARY	K-8
	2	HIGHLAND PARK ELEMENTARY	K-8
	2	LAKE ELEMENTARY	K-8
	2	LAUREL ELEMENTARY	K-8
	2	LAUREL HIGH SCHOOL	9-12
	2	LAUREL JUNIOR HIGH SCHOOL	7-8
	2	LINCOLN ELEMENTARY	K-8
	2	MEADOW LARK ELEMENTARY	K-8
	2	MEMORIAL ELEMENTARY	K-8
	2	MOSS AGATE ELEMENTARY	K-8
	2	NEWMAN ELEMENTARY	K-8
	2	ORCHARD ELEMENTARY	K-8
	2	PARK ELEMENTARY	K-8
	2	POLY DRIVE ELEMENTARY	K-8
	2	RIVERSIDE ELEMENTARY	K-8
	2	ROSE PARK ELEMENTARY	K-8
	2	ROYAL TEETON ELEMENTARY	K-8
	2	SACRED HEART ELEMENTARY	K-8
	2	ST JOHN LUTHERAN ELEMENTARY	K-8
	2	ST PATRICK ELEMENTARY	K-8
	2	ST VINCENT DE PAUL ELEMENTARY	K-8
	2	SUNNYSIDE ELEMENTARY	K-8
	2	WASHINGTON ELEMENTARY	K-8
	2	WESTERN HEIGHTS ELEMENTARY	K-8
	2	WESTSIDE ELEMENTARY	K-8
	2	WILLOW SPRINGS ELEMENTARY	K-8

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LOCATIONS	CODE *	SCHOOL NAME	
POWELL (CONTINUED)	1	COTTONWOOD SCHOOL (MT PRISON)	HS
	2	DEER LODGE ELEMENTARY	K-8
	2	POWELL COUNTY HIGH SCHOOL	9-12
RAVALLI			
	2	CORVALLIS ELEMENTARY	K-8
	2	DALY ELEMENTARY	1-5
	2	DARBY ELEMENTARY	1-8
	2	GRANTSDALE ELEMENTARY	1-6
	2	PINES ELEMENTARY ACADEMY	EL
	2	STEVENSVILLE HIGH SCHOOL	9-12
	2	WASHINGTON ELEMENTARY	K-4
	2	WESTVIEW 7-8	7-8
ROOSEVELT			
	1	BARBARA GILLIGAN ELEMENTARY	K-6
	1	BROCKTON HIGH SCHOOL	7-12
	2	CULBERTSON ELEMENTARY	K-8
	1	NORTH SIDE ELEMENTARY	4-6
	1	POPLAR ELEMENTARY	K-4
	1	POPLAR HIGH SCHOOL	9-12
	1	POPLAR 5-8	5-8
	1	SOUTH SIDE ELEMENTARY	1-3
	2	WOLF POINT HIGH SCHOOL	9-12
	1	WOLF POINT 7-8	7-8
ROSEBUD			
	2	ASHLAND ELEMENTARY	K-8
	2	COLSTRIP HIGH SCHOOL	9-12
	1	LAME DEER ELEMENTARY	K-8
SANDERS			
	*	DIXON ELEMENTARY	K-8
	2	HOT SPRINGS ELEMENTARY	K-8
	2	PARADISE ELEMENTARY	1-8
SILVER BOW			
	2	BLAINE ELEMENTARY	1-6
	2	BUTTE CENTRAL HIGH SCHOOL	HS
	2	BUTTE HIGH SCHOOL	10-12
	2	KENNEDY ELEMENTARY	1-6
	2	LONGFELLOW ELEMENTARY	1-6
	2	MCKINLEY ELEMENTARY	1-6
	1	MONROE ELEMENTARY	1-6
	2	WEBSTER GARFIELD ELEMENTARY	1-6
STILLWATER			
	2	ABSAROKEE HIGH SCHOOL	K-12
TETON			
	*	DUTTON ELEMENTARY	K-8
	*	FAIRFIELD HIGH SCHOOL	9-12
TOOLE			
	2	BITTERROOT ELEMENTARY	K-?
TOOLE (CONTINUED)	2	KEVIN ELEMENTARY	1-9
	2	MEADOWLARK ELEMENTARY	1-5
	2	SHELBY 6-9	6-8
	2	SUNBURST HIGH SCHOOL	9-12
TREASURE			
	2	HYSHAM HIGH SCHOOL	9-12
VALLEY			
	2	EASTSIDE ELEMENTARY	K-6
	1	FRAZER ELEMENTARY	K-8
	2	GLASGOW HIGH SCHOOL	10-12
	2	NASHUA ELEMENTARY	K-3
	1	SOUTHSIDE ELEMENTARY	K-5
WHEATLAND			
	2	HARLOWTON HIGH SCHOOL	9-12
	2	HILLCREST ELEMENTARY	K-3
WIBAUX			
	2	WIBAUX ELEMENTARY	K-8
YELLOWSTONE			
	2	BENCH ELEMENTARY	K-5
	2	BILLINGS SENIOR HIGH SCHOOL	10-12
	2	BITTERROOT ELEMENTARY	K-5
	2	BROADWATER ELEMENTARY	K-6
	2	CASTLE ROCK JUNIOR HIGH SCHOOL	7-9
	2	FRATT MEMORIAL ELEMENTARY	EL
	2	FRED W GRAFF ELEMENTARY	1-6
	1	GARFIELD ELEMENTARY	K-6
	2	HIGHLAND ELEMENTARY	K-5
	2	HOLY ROSARY ELEMENTARY	EL
	2	LINCOLN JUNIOR HIGH SCHOOL	7-9
	1	LITTLE FLOWER ELEMENTARY	EL
	2	LOCKWOOD JUNIOR HIGH SCHOOL	7-9
	2	MCKINLEY ELEMENTARY	K-6
	2	MEADOWLARK ELEMENTARY	K-5
	2	NEWMAN ELEMENTARY	K-6
	1	NORTH PARK ELEMENTARY	K-6
	1	ORCHARD ELEMENTARY	K-6
	1	PONDEROSA ELEMENTARY	K-5
	1	RIVERSIDE JUNIOR HIGH SCHOOL	7-9
	2	TRINITY LUTHERAN ELEMENTARY	EL
	2	WASHINGTON ELEMENTARY	K-5
	2	WEST ELEMENTARY	1-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAMS			
	2	ALCOTT ELEMENTARY	K-6
	2	JUNIATA ELEMENTARY	EL
	2	JUNIOR HIGH	JHS
	1	LINCOLN ELEMENTARY	K-6
	2	LONGFELLOW ELEMENTARY	K-6
	2	ROSELAND	K-12
	2	ST CECELIA	K-12
	2	ST MICHAELS ELEMENTARY	EL
ANTELOPE			
	2	CLEARWATER	K-12
	2	ELGIN ELEMENTARY	EL
	1	NELIGH	K-12
	2	ORCHARD	K-12
	2	ST BONIFACE MIDDLE	MDL
ARTHUR			
	1	ARTHUR	K-12
BOONE			
	2	ALBION	K-12
	2	CEDAR RAPIDS	K-12
	1	PETERSBURG	K-12
	1	RAEVILLE ELEMENTARY	EL
	2	ST EDWARD	K-12
	1	ST JOHNS ELEMENTARY	EL
	1	ST MICHAELS ELEMENTARY	EL
BOX BUTTE			
	2	CENTRAL ELEMENTARY	EL
	2	EMERSON ELEMENTARY	EL
	2	GRANDVIEW ELEMENTARY	EL
	2	HEMINGFORD	K-12
	2	JUNIOR HIGH	JHS
	1	NEON BOYS RANCH	
	2	ST AGNES ELEMENTARY	EL
BOYD			
	2	BUTTE	K-12
	2	NAPER	K-12
	2	SPENCER	K-12
BROWN			
	2	AINSWORTH	K-12
	1	LONG PINE ELEMENTARY	EL
BUFFALO			
	2	AMHERST	K-12
	1	BRYANT ELEMENTARY	K-6
	2	CENTRAL ELEMENTARY	K-6
	2	ELM CREEK	K-12
	2	EMERSON ELEMENTARY	K-5
	2	JUNIOR HIGH	JHS
	2	KEARNEY CATHOLIC JR SR	7-12
BUFFALO (CONTINUED)	2	KENWOOD ELEMENTARY	K-5
	2	RAVENNA ELEMENTARY	EL
	2	SHELTON	K-12
	1	YOUTH DEVELOPMENT CENTER	
BURT			
	1	DECATUR	K-12
	2	HERMAN ELEMENTARY	EL
	2	JR SR HIGH	7-12
	2	LYONS	K-12
	2	OAKLAND	K-12
	2	TEKAMAH ELEMENTARY	EL
BUTLER			
	2	DAVID CITY CATHOLIC	K-12
	2	DAVID CITY ELEMENTARY	K-5
CASS			
	2	CENTRAL ELEMENTARY	EL
	2	COLUMBIAN ELEMENTARY	EL
	2	CONESTOGA	K-12
	2	FIRST WARD ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	LOUISVILLE	K-12
	2	MIDDLE SCHOOL	MDL
	2	SENIOR HIGH	HS
	2	ST JOHN'S ELEMENTARY	EL
	2	WEEPING WATER	K-12
CEDAR			
	1	CEDAR CATHOLIC JR HIGH	JHS
	2	COLERIDGE	K-12
	1	DISTRICT #11	EL
	1	DISTRICT #57	EL
	1	EAST CATHOLIC ELEMENTARY	EL
	2	EAST CATHOLIC ELEMENTARY	EL
	2	HARTINGTON	K-12
	2	HOLY TRINITY ELEMENTARY	EL
	2	LAUREL	K-12
	2	RANDOLPH	K-12
	1	WEST CATHOLIC ELEMENTARY	EL
	1	WEST CATHOLIC ELEMENTARY	EL
	1	WEST CATHOLIC MIDDLE	MDL
	1	WYNOT	K-12
CHASE			
	2	CHASE CITY HIGH	HS
	2	WAUNETA	K-12
CHERRY			
	1	CODY UNIFIED	K-12
	2	VALENTINE ELEMENTARY	K-8
	2	VALENTINE HIGH	HS

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LOCATIONS	CODE *	SCHOOL NAME	
CHEYENNE			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CHEYENNE			
	2	CENTRAL ELEMENTARY	5-6
	2	LEYTON	K-12
	2	LODGEPOLE	K-12
	1	NORTH ELEMENTARY	K-4
	2	POTTER	K-12
	2	SOUTH ELEMENTARY	K-4
	2	ST PATRICK'S HIGH	HS
CLAY			
	2	HARVARD	K-12
	2	TRUMBULL	K-12
COLFAX			
	2	HOWELLS	K-12
CUMING			
	2	BANCROFT	K-12
	2	BEEMER	K-12
	2	CENTRAL CATHOLIC HIGH	HS
	2	GUARDIAN ANGEL ELEMENTARY	EL
	2	PEBBLE VALLEY ELEMENTARY	EL
	2	ST PAUL'S LUTHERAN ELEM	EL
	2	WEST POINT	K-12
	2	WISNER	K-12
CUSTER			
	2	ANSLEY	K-12
	2	ARNOLD	K-12
	2	BROKEN BOW JR HIGH	JHS
	2	CALLAWAY	K-12
	2	CUSTER ELEMENTARY	EL
	2	MERNA ELEMENTARY	EL
	2	NORTH PARK ELEMENTARY	EL
	2	SARGENT	K-12
DAKOTA			
	2	DAKOTA CITY ELEMENTARY	EL
	2	E N SWETT ELEMENTARY	EL
	2	HARNEY ELEMENTARY	EL
	2	HOMER	K-12
	2	JUNIOR HIGH	JHS
	1	LEWIS & CLARK ELEMENTARY	EL
	2	MIDDLE SCHOOL	MDL
	2	ST MICHAEL'S ELEMENTARY	EL
DAWES			
	2	EAST WARD ELEMENTARY	EL
	2	KENWOOD ELEMENTARY	EL
	2	MIDDLE SCHOOL	MDL
DAWSON			
	2	BRYAN ELEMENTARY	EL
	1	CENTRAL ELEMENTARY	EL
	1	EAST ELEMENTARY	EL
DAWSON (CONTINUED)	2	GOTHENBURG	K-12
	2	JUNIOR HIGH	JHS
	1	NORTON ELEMENTARY	EL
	2	NORTH ELEMENTARY	EL
	1	ST ANN'S JR SR HIGH	J-SHS
DEUEL			
	2	CHAPPELL	K-12
DIXON			
	1	ALLEN	K-12
	2	EMERSON ELEMENTARY	EL
	1	HUBBARD ELEMENTARY	EL
	1	NEWCASTLE	K-12
	2	PONCA	K-12
	1	SACRED HEART ELEMENTARY	EL
DODGE			
	2	CLARKSON ELEMENTARY	EL
	2	DAVENPORT ELEMENTARY	EL
	2	GRANT ELEMENTARY	EL
	2	HOOPER ELEMENTARY	K-6
	2	JUNIOR HIGH	JHS
	2	LINDEN ELEMENTARY	EL
	1	MASONIC EASTERN STAR HOME	
	2	NORTH BEND ELEMENTARY	EL
	2	NORTH SIDE ELEMENTARY	EL
	2	ST WENCELAS ELEMENTARY	EL
	1	WASHINGTON ELEMENTARY	EL
DOUGLAS			
	1	ASSUMPTION ELEMENTARY	EL
	1	BANCROFT JUNIOR HIGH	JHS
	1	BELVEDERE ELEMENTARY	EL
	1	BENSON WEST ELEMENTARY	EL
	1	BLESSED SACRAMENT ELEM	EL
	1	BRYAN JUNIOR HIGH	JHS
	1	CASTELAR ELEMENTARY	EL
	1	CATHEDRAL SENIOR HIGH	HS
	1	CENTRAL PARK ELEMENTARY	EL
	1	CLIFTON HILL ELEMENTARY	EL
	2	CODY ELEMENTARY	EL
	1	CORRIGAN ELEMENTARY	EL
	1	CROSS LUTHERAN ELEMENTARY	EL
	1	DOMINICAN SENIOR HIGH	HS
	1	DRUID HILL ELEMENTARY	EL
	1	FATHER FLANAGAN'S BOYS HOME	
	1	FONTENELLE ELEMENTARY	EL
	1	FRANKLIN ELEMENTARY	EL
	1	GILES ELEMENTARY	EL
	1	HIGHLAND ELEMENTARY	EL

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LOCATIONS	CODE *	SCHOOL NAME	
DOUGLAS (CONTINUED)	2	HILLRISE ELEMENTARY	EL
	2	HILLSIDE ELEMENTARY	EL
	1	HOLY NAME ELEMENTARY	EL
	1	IMMACULATE CONCEPTION ELEM	EL
	1	INDIAN HILL ELEMENTARY	EL
	1	INDIAN HILL JUNIOR HIGH	JHS
	1	IRVINGTON ELEMENTARY	EL
	1	JACKSON ELEMENTARY	EL
	1	JEFFERSON ELEMENTARY	EL
	1	KAREN-WESTERN ELEMENTARY	EL
	1	KELLOM ELEMENTARY	EL
	1	KENNEDY ELEMENTARY	EL
	1	KING JUNIOR HIGH	JHS
	1	LEWIS & CLARK JUNIOR HIGH	JHS
	1	LINCOLN ELEMENTARY	EL
	1	LOTHROP ELEMENTARY	EL
	1	MAMMOTH PARK ELEMENTARY	EL
	1	MARRS ELEMENTARY	EL
	1	MARRS JUNIOR HIGH	JHS
	1	MASON ELEMENTARY	EL
	2	MAYWOOD ELEMENTARY	EL
	1	MCMILLAN JUNIOR HIGH	JHS
	1	MILLER PARK ELEMENTARY	EL
	1	MINNE LUSA ELEMENTARY	EL
	1	MONROE JUNIOR HIGH	JHS
	1	MOUNT VIEW ELEMENTARY	EL
	1	NEBR CHILDRENS HOME SOCIETY	
	1	NORTH SENIOR HIGH	HS
	1	OMAHA HOME FOR BOYS	
	1	PARK ELEMENTARY	EL
	1	PAUL VI SENIOR HIGH	HS
	2	RIVERTON ELEMENTARY	EL
	1	ROBBINS ELEMENTARY	EL
	1	RONCALLI SENIOR HIGH	HS
	1	ROSEWATER ELEMENTARY	EL
	1	SACRED HEART ELEMENTARY	EL
	1	SARATOGA ELEMENTARY	EL
	1	SAUNDERS ELEMENTARY	EL
	1	SHERMAN ELEMENTARY	EL
	1	SPRING LAKE ELEMENTARY	EL
	1	ST ANN ELEMENTARY	EL
	1	ST BERNARD ELEMENTARY	EL
	1	ST BRIDGET ELEMENTARY	EL
	1	ST CECILIA ELEMENTARY	EL
	1	ST JOSEPH ELEMENTARY	EL
	1	ST MARY ELEMENTARY	EL
	1	ST PETER ELEMENTARY	EL
DOUGLAS (CONTINUED)	1	ST PETER-PAUL ELEM	EL
	1	ST PHILLIP NERI ELEM	EL
	1	ST RICHARD ELEMENTARY	EL
	1	ST STANISLAUS ELEMENTARY	EL
	1	ST THOMAS MORE ELEM	EL
	1	TECH/CENTRAL SENIOR HIGH	HS
	1	TRAIN ELEMENTARY	EL
	2	UNDERWOOD HILLS ELEM	EL
	1	UTA HALEE GIRLS VILLAGE	
	2	VALLEY ELEMENTARY	EL
	1	VINTON ELEMENTARY	EL
	1	WAKONDA ELEMENTARY	EL
	1	WALNUT HILL ELEMENTARY	EL
	1	WESTRIDGE ELEMENTARY	EL
	1	YATES ELEMENTARY	EL
DUNDY	2	BENKELMAN ELEMENTARY	EL
FILLMORE	2	EXETER	K-12
	2	OHIOWA	K-12
	1	YOUTH DEVELOP CNTR FOR GIRLS	
FRANKLIN	2	CAMPBELL	K-12
	2	FRANKLIN	K-12
	2	HILDRETH	K-12
	2	RIVERTON ELEMENTARY	EL
FRONTIER	2	CURTIS	K-12
FURNAS	2	BEAVER CITY	K-12
	2	HOLBROOK	K-12
GAGE	2	BARNESTON	K-12
	2	CEDAR ELEMENTARY	EL
	2	JUNIOR HIGH	JHS
	2	LINCOLN ELEMENTARY	EL
	2	PADDOCK LANE ELEMENTARY	EL
	2	STODDARD ELEMENTARY	EL
	2	WYMORE	K-12
GARDEN	2	LEWELLEN ELEMENTARY	EL
	2	LEWELLEN RURAL HIGH	HS
	2	LISCO ELEMENTARY	K-9
	2	OSHKOSH COUNTY HIGH	HS
	2	OSHKOSH ELEMENTARY	EL
GARFIELD	2	BURWELL ELEMENTARY	EL

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
GREELEY			
	2	GREELEY	K-12
	2	NO LOUP-SCOTIA	K-12
	1	SACRED HEART ELEMENTARY	EL
	1	SPALDING	K-12
	1	SPALDING ACADEMY	K-12
	1	WOLBACH	K-12
HALL			
	2	CENTRAL CATHOLIC JR SR	J-SHS
	2	CENTURA	K-12
	1	DISTRICT #38	EL
	2	DODGE ELEMENTARY	EL
	1	HOWARD ELEMENTARY	EL
	2	JEFFERSON ELEMENTARY	EL
	2	KNICKREHM ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	2	NEWELL ELEMENTARY	EL
	2	STARR ELEMENTARY	EL
	2	TRINITY LUTHERAN ELEM	EL
	2	WASMER ELEMENTARY	EL
	2	WOOD RIVER ELEMENTARY	EL
HAMILTON			
	2	AURORA	K-12
	2	GILTNER	K-12
	2	HORDVILLE	K-12
	2	MARQUETTE	K-12
HARLAN			
	2	ALMA	K-12
	2	ORLEANS	K-12
	2	REPUBLICAN CITY	K-12
HITCHCOCK			
	2	CULBERTSON	K-12
	1	STRATTON	K-12
	2	TRENTON	K-12
HOLT			
	1	EWING	K-12
	1	INMAN	K-12
	2	O'NEILL	K-12
	2	ST MARY'S ELEMENTARY	EL
	2	STUART	K-12
HOWARD			
	1	ELBA	K-12
	1	FARWELL	K-12
	2	ST PAUL	K-12
	2	ST PETER-PAUL ELEMENTARY	EL
JEFFERSON			
	2	CENTRAL ELEMENTARY	EL
	2	DILLER	K-12
JEFFERSON (CONTINUED)			
	2	EAST ELEMENTARY	EL
	2	PARK ELEMENTARY	EL
	1	WEST ELEMENTARY	EL
JOHNSON			
	2	STERLING	K-12
	2	TECUMSEH	K-12
KEARNEY			
	2	MINDEN	K-12
	2	WILCOX	K-12
KEITH			
	2	BRULE	K-12
	2	PROGRESS/WEST WARD ELEM	EL
	2	WEST FIFTH ELEMENTARY	EL
KEYA PAHA			
	2	SPRINGVIEW ELEMENTARY	EL
KIMBALL			
	1	BUSHNELL	K-12
	1	DIX	K-12
KNOX			
	1	BLOOMFIELD	K-12
	2	CREIGHTON	K-12
	1	CROFTON	K-12
	1	NIOBRARA ELEMENTARY	EL
	1	SANTEE	K-12
	2	ST LUDGER ACADEMY	
	1	ST ROSE OF LIMA ELEM	EL
	1	VERDIGRE	K-12
	2	WAUSA	K-12
LANCASTER			
	1	ARNOLD ELEMENTARY	EL
	2	BELMONT ELEMENTARY	EL
	2	BLESSED SACRAMENT ELEM	EL
	2	CERESCO ELEMENTARY	EL
	1	CLINTON ELEMENTARY	EL
	2	DAWES ELEMENTARY	EL
	2	EAGLE ELEMENTARY	EL
	1	ELLIOTT ELEMENTARY	EL
	1	EVERETT JUNIOR HIGH	JHS
	1	GOODRICH JUNIOR HIGH	JHS
	2	HAMLOW ELEMENTARY	EL
	1	HARTLEY ELEMENTARY	EL
	1	HUNTINGTON ELEMENTARY	EL
	2	LAKEVIEW ELEMENTARY	EL
	2	MCPHEE ELEMENTARY	EL
	1	NEBR CNTR FOR CHILD & YTH	
	1	NEBR PENAL & CORRECT COMP	
	2	NORRIS	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
LANCASTER (CONTINUED)	1	PARK ELEMENTARY	EL
	1	SACRED HEART ELEM	EL
	1	SARATOGA ELEMENTARY	EL
	2	ST MARY'S ELEMENTARY	EL
	1	THE CEDARS INC	
	2	VALPARAISO ELEMENTARY	EL
	1	WEST LINCOLN ELEMENTARY	EL
LINCOLN	2	BRADY	K-12
	2	BUFFALO ELEMENTARY	EL
	2	CODY ELEMENTARY	EL
	2	JEFFERSON ELEMENTARY	EL
	1	LINCOLN ELEMENTARY	EL
	1	MADISON JUNIOR HIGH	JHS
	2	MAXWELL	K-12
	2	WASHINGTON ELEMENTARY	EL
LOGAN	1	STAPLETON	K-12
LOUP	2	TAYLOR	K-12
MADISON	2	BATTLE CREEK	K-12
	2	CATHOLIC HIGH	HS
	2	CHRIST LUTHERAN ELEM	EL
	2	ELKHORN VALLEY ELEMENTARY	EL
	2	GRANT ELEMENTARY	EL
	2	JUNIOR HIGH	JHS
	2	LINCOLN ELEMENTARY	EL
	1	MONROE ELEMENTARY	EL
	2	NEWMAN GROVE	K-12
	2	NORTH HILLS ELEMENTARY	EL
	2	SACRED HEART ELEM	EL
	2	WASHINGTON ELEMENTARY	EL
MERRICK	2	CHAPMAN ELEMENTARY	EL
	2	NORTH WARD ELEMENTARY	EL
	2	PALMER	K-12
	2	SILVER CREEK	K-12
	2	SOUTH WARD ELEMENTARY	EL
MORRILL	1	BAYARD	K-12
	1	BRIDGEPORT	K-12
NANCE	2	FULLERTON	K-12
	2	GENOA	K-12
NEMAHA	2	CALVERT ELEMENTARY	EL
NEMAHA (CONTINUED)	2	MIDDLE SCHOOL	MDL
	2	PERU ELEMENTARY	EL
	2	SHERIDAN ELEMENTARY	EL
NUCKOLLS	2	LAWRENCE	K-12
	2	NELSON	K-12
	2	SUPERIOR	K-12
OTOE	2	AVOCA ELEMENTARY	EL
	2	BENNET ELEMENTARY	EL
	2	DUNBAR ELEMENTARY	EL
	1	HAYWARD ELEMENTARY	K-6
	2	JUNIOR HIGH	JHS
	1	LOURDES CENTRAL	5-12
	2	NORTHSIDE ELEMENTARY	K-6
PAWNEE	2	LEWISTON	K-12
	2	PAWNEE CITY	K-12
	2	TABLE ROCK	K-12
PERKINS	2	VENANGO	K-12
PHELPS	2	LINCOLN ELEMENTARY	EL
	2	LOOMIS	K-12
	1	WASHINGTON ELEMENTARY	EL
PIERCE	2	BRUNSWICK ELEMENTARY	EL
	1	EMMANUEL LUTHERAN ELEM	K-8
	2	OSMOND	K-12
	2	PIERCE	K-12
	2	PLAINVIEW ELEMENTARY	EL
	1	ST MARY'S ELEMENTARY	EL
PLATTE	2	HUMPHREY	K-12
	1	ST FRANCIS ELEMENTARY	EL
POLK	2	OSCEOLA	K-12
	2	POLK	K-12
	2	STROMSBURG	K-12
RED WILLOW	2	BARTLEY	K-12
	2	BEAVER VALLEY	K-12
	2	CENTRAL ELEMENTARY	EL
	2	EAST WARD ELEMENTARY	EL
	2	JUNIOR HIGH	JHS
	2	REPUBLICAN VALLEY ELEM	EL
	2	ST PATRICK'S ELEMENTARY	EL

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NEBRASKA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

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LOCATIONS	CODE *	SCHOOL NAME	
RED WILLOW (CONTINUED)	2	WEST WARD ELEMENTARY	EL
RICHARDSON	2	DAWSON	K-12
	2	HUMBOLDT	K-12
	1	JUNIOR HIGH	JHS
	2	SACRED HEART ELEM	EL
	1	SOUTH ELEMENTARY	EL
	2	STELLA	K-12
SALINE	2	ST JAMES ELEMENTARY	EL
	2	WILBER	K-12
SARPY	2	LAPLATTE ELEMENTARY	K-6
	2	LAVISTA JUNIOR HIGH	JHS
	2	LAVISTA WEST ELEMENTARY	EL
	2	MISSION JUNIOR HIGH	JHS
	2	PARKVIEW HEIGHTS ELEM	EL
	2	SPRINGFIELD ELEMENTARY	EL
	2	STANLEY HALL ELEMENTARY	EL
SAUNDERS	2	ASHLAND	K-9
	2	CEDAR BLUFFS	K-12
	1	ST WENCESLAUS ELEM	EL
	2	WAHOO	K-12
	2	YUTAN	K-12
SCOTTS BLUFF	2	GEIL ELEMENTARY	EL
	2	JUNIOR HIGH	JHS
	2	LINCOLN ELEMENTARY	EL
	1	LYMAN ELEMENTARY	EL
	1	MCKINLEY ELEMENTARY	EL
	1	MINATARE	K-12
	2	MITCHELL	K-12
	2	MORRILL	K-12
	2	NORTHFIELD ELEMENTARY	EL
	2	ROOSEVELT ELEMENTARY	EL
	2	WESTMOOR ELEMENTARY	EL
SEWARD	2	CENTENNIAL	K-12
	2	GARLAND ELEMENTARY	EL
	2	MILFORD ELEMENTARY	EL
	2	SEWARD ELEMENTARY	EL
	2	ST JOHN'S LUTHERAN ELEM	EL
	1	ULYSSES ELEMENTARY	EL
SHERIDAN	1	GORDON	K-12
	2	HAY SPRINGS	K-12
SHERIDAN (CONTINUED)	2	RUSHVILLE	K-12
SHERMAN	1	ASHTON ELEMENTARY	EL
	1	LITCHFIELD	K-12
	2	LOUP CITY ELEMENTARY	EL
	2	LOUP CITY MIDDLE	MDL
	1	ST FRANCIS ELEMENTARY	1-9
STANTON	2	ST JOHN'S LUTHERAN ELEM	EL
	2	STANTON	K-12
THAYER	2	CHESTER	K-12
	2	ST PETER'S LUTHERAN ELEM	EL
THURSTON	1	MACY	K-12
	2	PENDER	K-12
	1	ROSALIE	K-12
	1	ST AUGUSTINE INDIAN MISSION	
	1	WALTHILL	K-12
	1	WINNEBAGO	K-12
VALLEY	2	COMSTOCK ELEMENTARY	EL
	2	ORD	K-12
	2	ORD ELEMENTARY	EL
	2	ST MARY'S ELEM	K-8
WASHINGTON	2	ARLINGTON	K-12
	2	CENTRAL ELEMENTARY	EL
	2	FORT CALHOUN	K-12
	2	NORTH ELEMENTARY	EL
	2	SOUTH ELEMENTARY	EL
	2	WEST ELEMENTARY	EL
WAYNE	2	WAKEFIELD	K-12
	2	WAYNE ELEMENTARY	EL
	2	WAYNE MIDDLE	MDL
WEBSTER	2	BLADEN	K-12
	2	GUIDE ROCK	K-12
	2	RED CLOUD	K-12
WHEELER	1	CENTRAL ELEMENTARY	EL
	1	CENTRAL ELEMENTARY	EL
	2	JUNIOR SENIOR HIGH	J-S HI
YORK	2	BENEDICT	K-12
	2	BRADSHAW	K-12

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NEBRASKA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
YORK (CONTINUED)	2	EDISON ELEMENTARY		EL	
	2	LINCOLN ELEMENTARY		EL	
	2	MIDDLE SCHOOL		MDL	
	2	ST JOSEPH'S CATH ELEM		EL	
	2	WILLARD ELEMENTARY		EL	

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES

NEVADA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
CARSON CITY			
	2	BORDEWICH COMPLEX	MDL
	2	CARSON HIGH SCHOOL	HS
	2	CARSON JUNIOR HIGH SCHOOL	JHS
	1	ST THERESA	EL
CHURCHILL			
	2	E C BEST JUNIOR HIGH SCHOOL	JHS
	2	MINNIE S BLAIR	MDL
	1	NORTHSIDE ELEMENTARY	EL
	2	WEST END ELEMENTARY	EL
CLARK			
	2	BASIC	HS
	1	BISHOP GORMAN	HS
	2	BONANZA	HS
	2	C P SQUIRES	K-6
	2	C V T GILBERT	EL
	2	CLARK	HS
	2	CRESTWOOD	EL
	2	ED VON TOBEL	JHS
	2	ELDORADO	HS
	2	FAY HERRON	EL
	2	FRANK GARSIDE	JHS
	2	HALLE HEWETSON	EL
	2	HYDE PARK	HS
	2	IRA J EARL	EL
	2	J D SMITH	JHS
	2	JOHN C FREMONT	JHS
	2	JOHN S PARKER	EL
	2	K O KNUDSON	JHS
	2	KERMIT BOOKER	EL
	2	LAS VEGAS	HS
	2	LOIS CRAIG	EL
	2	LYLE BURKHOLDER	JHS
	2	MABEL HOGGARD	EL
	2	MADISON	K-6
	2	MARRION CAHLAN	EL
	2	RANCHO	HS
	2	REX BELL	EL
	2	ROBERT TAYLOR	EL
	2	ROSE MARPEN	EL
	2	ROY W MARTIN	JHS
CLARK (CONTINUED)			
	1	ST ANNE	EL
	1	ST CHRISTOPHER	EL
	2	SUNRISE ACRES	EL
	1	SUNSET	HS
	2	TOM WILLIAMS	EL
	2	WALTER BRACKEN	EL
DOUGLAS			
	2	C C MENELEY	EL
	2	CARSON VALLEY MIDDLE SCHOOL	MDL
	2	GARDNERVILLE ELEMENTARY SCHOOL	EL
ELKO			
	2	ELKO JUNIOR/SENIOR HIGH	JSHS
	1	OWYHEE COMBINED	K-12
	2	SOUTHSIDE	EL
EUREKA			
	2	EUREKA ELEMENTARY	EL
HUMBOLDT			
	1	MCDERMITT	K-12
	1	WINNEMUCCA GRAMMAR	EL
LANDER			
	2	BATTLE MOUNTAIN ELEMENTARY	EL
LINCOLN			
	2	CALIENTE ELEMENTARY	EL
	2	PANACA ELEMENTARY	EL
	2	PIOCHE ELEMENTARY	EL
LYON			
	2	FERNLEY ELEMENTARY	EL
	1	YERINGTON ELEMENTARY	EL
	1	YERINGTON INTERMEDIATE	MDL
MINERAL			
	2	HAWTHORNE ELEMENTARY/JR HS	MDL
	1	SCHURZ ELEMENTARY	EL
NYE			
	2	ARMAGOSA ELEMENTARY	EL
	2	BEATTY ELEMENTARY	EL
	2	PAHRUMP ELEMENTARY	EL
PERSHING			
	1	LOVELOCK ELEMENTARY	EL
	2	PERSHING COUNTY HIGH SCHOOL	JSHS
WASHOE			
	2	AGNES RISLEY	EL
	2	E OTIS VAUGHN	MDL
	2	ECHO LODER	EL
	2	ERNEST JOHNSON	HS
	1	GERLACH	K-12
	1	GLENN DUNCAN	EL
	2	KATE SMITH	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS
WASHOE (CONTINUED)	2	LEMMON VALLEY	EL
	2	LIBBY BOOTH	EL
	1	LITTLE FLOWER	EL
	1	NATCHEZ	EL
	1	NIXON	HS
	2	RITA CANNON	EL
	2	SIERRA VISTA	EL
	1	ST ALBERTS	EL
	2	STEAD	EL
	2	SUN VALLEY	EL
	1	TRANER	JHS
	2	VERDI	EL
	2	VETERANS	EL
	2	WILLIAM O'BRIEN	MDL
WHITE PINE	2	BAKER	EL
	1	ELY	EL
	1	LUND	HS
	2	MCGILL	EL
	1	RUTH	K-6

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NEW HAMPSHIRE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS

NEW HAMPSHIRE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BELKNAP			
	2	CENTRAL HIGH	7-12
	1	CENTRAL SANDWICH	K-6
	2	MEMORIAL	K-5
	1	MEMORIAL MIDDLE	6-8
	2	MIDDLE TILTON	5-8
	1	UNION-SANBORN NORTHFIELD	1-4
	1	WOODLAND HEIGHTS	K-5
CARROLL			
	2	CARPENTER WOLFEBORO	K-6
	1	CENTRAL OSSIPEE	K-6
	1	CENTRAL TUFTONBORO	K-4
	1	ELEMENTARY	1-6
	1	ELEMENTARY EFFINGHAM	1-3
	2	ELEMENTARY NEW DURHAM	K-6
	1	JOSIAH BARTLETT	1-8
	1	KENNETH A BRETT	1-8
	1	PAUL	1-8
	1	PINE TREE	1-6
	1	UNION	1-5
CHESHIRE			
	1	CENTRAL SULLIVAN	UNG
	1	ELEMENTARY	K-6
	1	ELEMENTARY GILSUM	UNG
	1	FRANKLIN	K-5
	1	JOHN PERKINS ELEMENTARY	1-6
	1	MT CAESAR SWANZEY CTR	UNG
	1	ROOSEVELT	K-5
	1	THAYER HIGH	7-12
	1	WHEELOCK	K-5
COOS			
	1	BARTLETT	K-4
	1	BROWN	K-4
	1	BURGESS	5-6
	1	C D MCINTIRE WHITEFIELD	1-8
	1	ELEMENTARY DALTON	1-3
	1	ELEMENTARY JEFFERSON	1-6
	1	ELEMENTARY LANCASTER	1-8
	1	GROVETON ELEMENTARY	K-6
	1	GROVETON HIGH	7-12
	1	HIGH WHITEFIELD	9-12
	1	JUNIOR HIGH	7-9
	2	NEW ELEMENTARY	6-8
	2	PRIMARY ELEMENTARY	1-5
	1	PUBLIC	K-12
	1	VILLAGE/TOWN HALL	K-6
GRAFTON			
	1	CENTRAL	K-8
GRAFTON (CONTINUED)	1	CHURCH BLDG/VILLAGE	1-8
	1	COMMUNITY NEW HAMPTON	1-5
	1	ELEMENTARY	1-8
	1	ELEMENTARY	K-5
	1	ELEMENTARY	K-8
	1	ELEMENTARY BRISTOL	2-5
	1	ELEMENTARY CANAAN	K-5
	1	ELEMENTARY DANBURY	1-5
	2	HANOVER STREET	3-6
	2	HIGH	9-12
	1	HIGH WEST CANAAN	7-12
	1	HIGH/MEMORIAL HALL	K6-12
	1	JR-SR HIGH BETHLEHEM	7-12
	2	JUNIOR HIGH	7-8
	2	JUNIOR HIGH	7-8
	1	LISBON PUBLIC	K-12
	1	MEMORIAL HIGH BRISTOL	7-12
	1	MILDRED C LAKEWAY	3-6
	2	OBER	K-6
	1	ORFORDVILLE	1-6
	1	PRIMARY BRISTOL	1-2
	2	RUSSELL	1-8
	1	SACRED HEART	K-2
	1	ST ROSE OF LIMA	K-2
	1	VILLAGE ALEXANDRIA	1-3
	1	VILLAGE ENFIELD	K-6
	1	VILLAGE HEBRON	1-3
HILLSBORO			
	1	AMHERST STREET	1-6
	1	BAKERSVILLE	K-6
	1	BEECH STREET	K-6
	1	BROWN	K-6
	1	ELEMENTARY	1-6
	1	GOSSLER	K-6
	1	HIGH	7-12
	1	HILLSIDE JUNIOR HIGH	7-8
	1	JAMES B CROWLEY	1-6
	1	LEDGE STREET	1-6
	1	MT PLEASANT	1-6
	1	PARKSIDE JUNIOR HIGH	7-8
	1	SOUTHSIDE JUNIOR HIGH	7-8
	1	SPRING STREET JR HIGH	7-9
	1	STRAW	K-6
	1	TEMPLE STREET	1-6
	1	WILSON	K-6
MERRIMACK			
	1	ARMAND R DUMONT ELEM	5-8

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NEW HAMPSHIRE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MERRIMACK (CONTINUED)	1	BESSIE ROWELL	1-6
	1	ELEMENTARY	1-5
	2	GARRISON	K-6
	1	GRAMMAR	2-4
	2	JENNIE D BLAKE	1-6
	1	MAIN STREET BOSCAWEN	1-4
	1	MEMORIAL	1-2
	1	MERRIMACK VAL CENT PENACOOK	4-6
	1	PAUL A SMITH	1-6
	1	RUMFORD	K-6
	2	SIMONDS WARNER	1-5
	1	SUMMER STREET PENACOOK	1-3
	1	WALKER	K-6
ROCKINGHAM			
	1	BRACKETT	K3-6
	1	CHARLES M FLOYD	1-2
	1	ELEMENTARY	1-8
	1	ELEMENTARY	K-8
	2	ELLIS	1-8
	1	GRINNELL	2-6
	1	JONES ELEMENTARY	K-6
	1	JR-SR HIGH	6-12
	1	JUNIOR HIGH	7-8
	1	LAMPREY RIVER	1-5
	1	LITTLE HARBOUR	K-6
	1	NEW FRANKLIN	K-6
	1	WENTWORTH	K-8
STRAFFORD			
	1	ALLEN	1-6
	1	CHAMBERLAIN STREET	2-7
	1	ELEMENTARY	1-4
	1	ELEMENTARY	1-8
	2	GRADE	1-6
	1	GREAT FALLS	1-6
	1	GREEN STREET	1-6
	1	HILLTOP	1-6
	1	JUNIOR HIGH	7-8
	1	MAIN STREET	6-8
	1	MAPLE STREET	1-6
	1	MEMORIAL DRIVE/SCHOOL STREET	1-6
	1	MIDDLE	5-8
	1	MIDDLE	7-8
	1	PIERCE STREET	1-2
	1	SPAULDING JUNIOR HIGH	8-9
	1	WOODMAN PARK	1-6
SULLIVAN			
	2	ELEMENTARY	1-8
SULLIVAN (CONTINUED)	1	ELEMENTARY ACWORTH	1-5
	1	ELEMENTARY CHARLESTOWN	6-8
	1	ELEMENTARY LEMPSTER	1-7
	2	HIGH LANGDON	9-12
	2	JUNIOR HIGH	7-8
	1	NORTH STREET	K-6
	1	NORTH WALPOLE	1-5
	1	PRIMARY ALSTEAD	K-5
	1	RICHARDS	1-6
	1	SARAH PORTER LANGDON	1-5
	1	TOWLE	6-6
	1	VILAS ALSTEAD	6-8
	1	VILLAGE	1-3
	1	WAY	1-5
	1	WEST TERRACE	K-6

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NEW JERSEY

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LOCATIONS	CODE *	SCHOOL NAME

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LOCATIONS	CODE *	SCHOOL NAME	
ALLOWAY TWP			
	2	ALLOWAY TWP	EL
	2	M ELIZABETH REMSTER	EL
ASBURY PARK CITY			
	2	ASBURY PARK HIGH	HS
	2	BANGS AVE	EL
	1	BRADLEY	EL
	1	MIDDLE SCHOOL	MIDDL
ATLANTIC CITY			
	1	ATLANTIC CITY HIGH	HS
	1	BRIGHTON AVE	EL
	1	CENTRAL JR	EL
	1	CHELSEA HEIGHTS	EL
	1	CHELSEA JR	EL
	1	INDIANA AVE	EL
	1	MASSACHUSETTS AVE	EL
	1	NEW JERSEY AVE	EL
	1	OUR LADY STAR OF THE SEA	EL
	1	RICHMOND AVE	EL
	1	ST NICHOLAS REG SCHOOL	EL
	1	UPTOWN FACILITIES COMP	EL
	1	VENICE PARK	EL
	1	WEST SIDE FACILITIES COMP	EL
ATLANTIC CTY VOC			
	1	ATLANTIC CTY VOC	HS
ATLANTIC HIGHLANDS BORO			
	2	ST AGNES SCHOOL	EL
AUDUBON BORO			
	2	HAVILAND AVE	EL
	2	MANSION AVE	EL
AVON BORO			
	2	AVON ELEM	EL
BARNEGAT TWP			
	2	BARNEGAT BLVD ELEM	EL
	2	ELIZABETH V EDWARDS	EL
BAYONNE CITY			
	2	BAYONNE HIGH	HS
	1	BAYONNE HIGH ALT ED PRO	HS
	2	HORACE MANN NO 6	EL
	2	MARY J DONOHOE NO 4	EL
	1	NUMBER 12-JOHN M BAILEY	EL
	2	NUMBER 3-WALTER F ROBINS	EL
	2	PHILIP G VROOM NO 2	EL
	2	ROOSEVELT NO 11	EL
	2	SAINT JOSEPH SCHOOL	EL
	1	SAMUEL ROBERSON NO 7	EL
BELLEVILLE TOWN			
	2	NUMBER 4	EL
BELLEVILLE TOWN (CONTINUED)	2	NUMBER 3	EL
	2	NUMBER 9	EL
	2	ST ANTHONY SCHOOL	EL
BELLMAWR BORO			
	2	BELL OAKS	EL
	2	BELLMAWR PARK	EL
BELMAR BORO			
	2	BELMAR	EL
	2	ST ROSE GRAMMAR SCHOOL	EL
BELVIDERE TOWN			
	2	THIRD STREET	EL
BERGENFIELD BORO			
	1	HOOVER	EL
BERLIN TWP			
	2	JOHN F KENNEDY MEMORIAL	EL
BERNARDSVILLE BORO			
	1	MIDDLE SCHOOL	MIDDL
BEVERLY CITY			
	1	BEVERLY SCHOOL	EL
BLOOMFIELD TOWN			
	2	BERKELEY	EL
BOUND BROOK BORO			
	2	LA MONTE	EL
	2	LAFAYETTE	EL
BRADLEY BEACH BORO			
	1	BRADLEY BEACH	EL
BRIDGETON CITY			
	1	BRIDGETON HIGH	HS
	1	BRIDGETON JR HIGH	MIDDL
	1	BUCKSHUTEM ROAD	EL
	1	CHERRY STREET	EL
	1	COHANSEY SDA SCHOOL	EL
	1	INDIAN AVE	EL
	1	IRVING AVE	EL
	1	PEARL ST	EL
	1	QUARTER MILE LANE	EL
	1	WEST AVE	EL
BROOKLAWN BORO			
	2	ALICE COSTELLO	EL
BUENA REGIONAL			
	1	BUENA REGIONAL HIGH	HS
	1	COLLINGS LAKE ELEM	EL
	1	DR J P CLEARY MIDDLE	MIDDL
	1	JOHN C MILANESI	EL
	1	MINOTOLA NO 2	EL
	1	WM R DONINI	EL
BURLINGTON CITY			

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NEW JERSEY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BURLINGTON CITY (CONTINUED)	2	BURLINGTON CITY HIGH	HS
	1	CAPTAIN JAMES LAWRENCE	EL
	1	ELIAS BOUDINOT	EL
	1	ROBERT STACY	EL
	2	SAMUEL SMITH	EL
	1	WILBUR WATTS MIDDLE SCHL	MIDDL
BURLINGTON CTY VOC	2	BURLINGTON CO VOC TECH H	HS
	2	JOHN K OSSI BURL CO VOC-T	HS
BURLINGTON TWP	2	PINEWALD	EL
	1	SPRINGSIDE	EL
	2	THOMAS O HOPKINS MIDDLE	MIDDL
CAMDEN CITY	1	BONSALL	EL
	1	BROADWAY	EL
	1	CAMDEN HIGH	HS
	1	CENTER CITY CATHOLIC	MIDDL
	1	COOPERS POYNT	EL
	1	CRAMER	EL
	1	DAVIS ELEM	EL
	1	DUDLEY	EL
	1	EAST CAMDEN MIDDLE	MIDDL
	1	FOREST HILL	EL
	1	HATCH MIDDLE	MIDDL
	1	HOLY NAME	EL
	1	LANNING SQUARE	EL
	1	MCGRAW	EL
	1	MICKLE	EL
	1	MORGAN VILLAGE MIDDLE	MIDDL
	1	NORTHEAST	EL
	1	PARKSIDE	EL
	1	POWELL	EL
	1	PYNE POYNT MIDDLE	MIDDL
	1	SACRED HEART SCHOOL	EL
	1	SHARP	EL
	1	ST ANTHONY OF PADUA SCH	EL
	1	ST BARTHOLOMEW CATH SCH	EL
	2	ST JOAN OF ARC	EL
	1	SUMNER	EL
	1	U S WIGGINS	EL
	1	VETERANS MEMORIAL MIDDLE	MIDDL
	1	WASHINGTON	EL
	1	WHITTIER	EL
	1	WILSON	EL
	2	WOODROW WILSON HIGH	HS
	2	YORKSHIP	EL
CAMDEN COUNTY VOC	2	CAMDEN C V-T GLOUCESTER C	HS
	1	CAMDEN C V-T PENNSAUKEN	HS
CAPE MAY CITY	2	OUR LADY STAR OF THE SEA	EL
CARTERET BORO	2	CARTERET HIGH	HS
	2	CLEVELAND	EL
	2	COLUMBUS	EL
	2	LINCOLN	EL
	2	MINUE	EL
	2	NATHAN HALE	EL
	2	WASHINGTON	EL
CLAYTON BORO	2	CLAYTON ELEM	EL
	2	CLAYTON HIGH	HS
	2	CLAYTON MIDDLE	MIDDL
CLEMENTON BORO	1	CLEMENTON ELEM	EL
CLIFFSIDE PARK BORO	2	CLIFFSIDE PARK HIGH	HS
	1	NUMBER 3	EL
	2	NUMBER 4	EL
	1	NUMBER 5	EL
	2	NUMBER 6	EL
CLIFTON CITY	2	NUMBER 12	EL
COLLINGSWOOD BORO	1	TRANSFIGURATION SCHOOL	EL
COMMERCIAL TWP	1	HALEYVILLE-MAURICETOWN	EL
	1	PORT NORRIS	EL
DELANCO TWP	2	BURLINGTON AVE	EL
	2	HICKORY ST	EL
DELRAN TWP	2	APONSON DELL	EL
	2	CHESTER AVE	EL
DEPTFORD TWP	2	LAKE TRACT	EL
	2	PINE ACRES	EL
	2	SHADY LANE	EL
DOVER TOWN	2	ACADEMY ST	EL
	2	DOVER HIGH	HS
	1	DOVER MIDDLE	MIDDL
	1	EAST DOVER	EL

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
DOWNE TWP (CONTINUED)	2	DOWNE TWP ELEMENTARY	EL
	1	DOWNE TWP PRIMARY	EL
EAST ORANGE			
	1	ASHLAND	EL
	2	CLIFFORD J SCOTT HIGH	HS
	1	COLUMBIAN	EL
	2	EAST ORANGE HIGH	HS
	1	ELMWOOD	EL
	1	FRANKLIN	EL
	1	HENRY E KENTORP	EL
	1	J GARFIELD JACKSON SR ACD	EL
	1	LINCOLN	EL
	1	NASSAU	EL
	1	OUR LADY OF BLESSED SACRM	EL
	1	STOCKTON	EL
	1	VERNON L DAVEY	EL
	1	WASHINGTON	EL
	1	WILLIAM S HART MIDDLE	MIDDL
EAST RUTHERFORD BORO			
	2	FRANKLIN	EL
EDISON TWP			
	2	RABBI PESACH RAYMON YESHV	EL
EGG HARBOR CITY			
	1	BUFFALO AVE	EL
	1	PHILADELPHIA AVE	EL
EGG HARBOR TWP			
	2	ACADEMY	EL
	2	CARDIFF	EL
	2	CLAYTON DAVENPORT	EL
	2	ELLMORE H SLAYBAUGH	MIDDL
	2	FARMINGTON	EL
	2	H RUSSELL SWIFT	EL
	2	MCKEE CITY	EL
	2	SCULLVILLE	EL
	2	WEST ATLANTIC CITY	EL
ELIZABETH CITY			
	1	BATTIN CAREER ED CENTER	MIDDL
	2	ELIZABETH HIGH	HS
	1	HOLY ROSARY SCHOOL	EL
	1	NO 1 GROVER CLEVELAND MID	MIDDL
	1	NO 2 ALEX HAM MIDDLE	MIDDL
	2	NO 22 WILLIAM HALLORANN	EL
	1	NO 3 LAFAYETTE MIDDLE	MIDDL
	1	NO 4 T ROOSEVELT MIDDLE	MIDDL
	1	NUMBER 1 G WASHINGTON	EL
	1	NUMBER 11 WILLIAM PENN	EL
	1	NUMBER 13 B FRANKLIN	EL
ELIZABETH CITY (CONTINUED)	1	NUMBER 14 A LINCOLN	EL
	1	NUMBER 15 C COLUMBUS	EL
	1	NUMBER 16 MADISON MONROE	EL
	1	NUMBER 17 T ROOSEVELT	EL
	2	NUMBER 18 ROBERT MORRIS	EL
	1	NUMBER 19 WOODROW WILSON	EL
	1	NUMBER 2 WINFIELD SCOTT	EL
	1	NUMBER 20 JOHN MARSHALL	EL
	2	NUMBER 21 VICTOR MRAVLAG	EL
	1	NUMBER 23 N M BUTLER	EL
	1	NUMBER 3 CONTINENTAL	EL
	1	NUMBER 6 LAFAYETTE	EL
	1	NUMBER 9 ELIAS BOUDINOT	EL
	1	SS PETER AND PAUL	EL
	2	ST CATHERINE SCHOOL	EL
	1	ST MARY ASSUMPTION ELEM	EL
	1	ST MARY ASSUMPTION HIGH	HS
	2	ST PATRICK HIGH SCHOOL	HS
	2	THOMAS EDISON VOC TECH H	HS
ELMER BORO			
	2	ELMER	EL
ENGLEWOOD CITY			
	1	CLEVELAND	EL
	2	DONALD A QUARLES	EL
	2	DWIGHT MORROW HIGH	HS
	2	ENGLEWOOD MIDDLE	MIDDL
	2	LINCOLN EARLY SCHOOL	EL
	1	ROOSEVELT	EL
	2	ST CECILIA ELEM SCHOOL	EL
ESSEX CTY VOC			
	1	ESSEX CTY V N 13TH ST NWK	HS
	1	ESSEX CTY V SUSSEX A NWK	HS
	2	ESSEX CTY VOC BLOOMFIELD	HS
	1	ESSEX CTY VOC IRVINGTON	HS
	2	ESSEX CTY VOC-WEST CALDW	HS
FAIRFIELD TWP			
	1	FAIRFIELD T INTER GOULDTN	EL
	1	FAIRFIELD T PRIM FAIRTON	EL
FIELDSBORO BORO			
	1	FIELDSBORO	EL
FLORENCE TWP			
	2	MARCELLA L DUFFY	EL
FRANKLIN TWP			
	2	CONERLY ROAD	EL
	2	ELIZABETH AVE	EL
	1	FRANKLIN PARK	EL
	2	HILLCREST	EL

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NEW JERSEY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FRANKLIN TWP (CONTINUED)	2	MACAFEE	EL
	2	MALAGA	EL
	2	PINE GROVE MANOR	EL
FREEHOLD BORO			
	1	BROAD ST	EL
	2	FREEHOLD LEARNING CENTER	EL
	2	INTERMEDIATE	MIDDL
	2	PARK AVENUE ANNEX	EL
FREEHOLD REG H			
	2	FREEHOLD BOROUGH HIGH	HS
GALLOWAY TWP			
	2	COLOGNE	EL
	2	SIXTH AVE	EL
	1	SOUTH EGG HARBOR	EL
GARFIELD CITY			
	2	LINCOLN	EL
	2	WASHINGTON IRVING	EL
GLASSBORO			
	1	ACADEMY ST	EL
	2	GLASSBORO HIGH	HS
	1	INTERMEDIATE	EL
	1	J HARVEY RODGERS MEMORIAL	EL
	1	THOMAS E HOWE	EL
GLOUCESTER CITY			
	1	BROADWAY	EL
	2	GLOUCESTER CITY JR SR H	HS
	2	GLOUCESTER HEIGHTS	EL
	1	MARY E COSTELLO	EL
GLOUCESTER TWP			
	2	BLACKWOOD	EL
	2	CHARLES W LEWIS	MIDDL
	1	ERIAL NO 5	EL
	2	GLENDORA	EL
	2	GLOUCESTER TWP	EL
GREATER EGG HARBOR REG H			
	2	ABSEGAMI H S	HS
	2	OAKCREST HIGH	HS
GREENWICH TWP			
	2	MORRIS GOODWIN	EL
	2	STEWARTSVILLE ELEM	EL
GUTTENBERG TOWN			
	2	ANNA L KLEIN	EL
HADDON TWP			
	2	CLYDE S JENNINGS	EL
HAMILTON TWP			
	2	GREENWOOD	EL
	2	J HAROLD DUBERSON	EL
HAMILTON TWP (CONTINUED)	2	JOSEPH C SHANER MEMORIAL	EL
	2	KLOCKNER	EL
	2	KUSER	EL
	2	UPTOWN	EL
HAMMONTON TOWN			
	1	HAMMONTON ELEM	EL
	2	HAMMONTON HIGH	HS
	1	HAMMONTON MIDDLE	MIDDL
	2	ST JOSEPH SCHOOL	
HARRISON TOWN			
	2	LINCOLN NO 3	EL
	1	WASHINGTON NO 1	MIDDL
HENRY HUDSON REG			
	2	HENRY HUDSON REG	HS
HIGHLAND PARK BORO			
	2	IRVING	EL
	2	LAFAYETTE	EL
HIGHLANDS BORO			
	1	HIGHLANDS	EL
HILLSIDE TWP			
	1	GEORGE WASHINGTON	EL
	2	HILLSIDE HIGH	HS
	2	HUBDEN LOOKER	EL
	1	TRINITY TEMPLE ACADEMY	EL
	2	WALTER O KRUMRIEGEL	EL
HOBOKEN CITY			
	1	DANIEL S KEALEY NO 3	EL
	1	HOBOKEN HIGH	HS
	1	JOSEPH F BRANDT NO 2	EL
	2	MUSTARD SEED	EL
	1	RUE/DEMAREST	EL
	1	SADIE F LEINKAUF NO 8	EL
	2	SAINT ANNS SCHOOL	EL
	1	SALVATORE R CALABRO NO 4	EL
	1	THE HUDSON SCHOOL	MIDDL
	1	THOMAS G CONNORS MEM NO 2	EL
	1	WALLACE NO 6	EL
HOWELL TWP			
	2	SOUTHARD	EL
IRVINGTON TOWN			
	1	AUGUSTA ST	EL
	1	BERKELEY TERRACE	EL
	2	CHANCELLOR AVE	EL
	2	FRANK H MORRELL JR HIGH	JHS
	2	FRANK H MORRELL SR HIGH	HS
	1	GROVE ST	EL
	1	MT VERNON AVE	EL

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LOCATIONS	CODE *	SCHOOL NAME	
IRVINGTON TOWN (CONTINUED)	1	MYRTLE AVE	EL
	2	UNION AVE	EL
JACKSON TWP			
	2	HOWARD C JOHNSON ELEM	EL
	2	JOSEPH E CLAYTON MIDDLE	MIDDL
	2	SWITLIK	EL
JAMESBURG BORO			
	2	GRACE M BRECKWEDEL	EL
	2	JOHN F KENNEDY	EL
JERSEY CITY			
	1	ALEXANDER D SULLIVAN 30	EL
	1	ASSUMPTION ALL SAINTS	EL
	1	CORNELIA F BRADFORD 16	EL
	1	FRANK P CONWELL #3	EL
	1	JAMES F MURRAY 38	EL
	2	JOSEPH H BRENSINGER 17	EL
	1	JOTHAM W WAKEMAN 6	EL
	1	JUVENILE DIVERSON	EL
	1	KENNEDY NUMBER 9	EL
	1	LINCOLN	HS
	2	LUTHERAN PAROCHIAL SCHOOL	EL
	2	NICOLAS COPERNICUS NUM 25	EL
	1	NUMBER 12	EL
	1	NUMBER 2	EL
	1	NUMBER 20	EL
	1	NUMBER 23	EL
	1	NUMBER 24	EL
	2	NUMBER 27	EL
	2	NUMBER 28	EL
	1	NUMBER 34	EL
	1	NUMBER 35	EL
	1	NUMBER 41	EL
	1	NUMBER 5	EL
	1	NUMBER 8	EL
	2	OUR LADY OF CZESTOCHOWA	EL
	1	RAFAEL DE J CORDERO NO 37	EL
	1	ROGOSIN YESHIVA HS	HS
	1	SAINT MARY ELEMENTARY	EL
	2	SAINT PETERS ELEM SCH	EL
	1	ST BRIDGET SCHOOL	EL
	1	ST JOSEPHS SCHOOL	EL
	1	ST PATRICK SCHOOL	EL
	2	ST PAUL OF CROSS	EL
	1	WILLIAM L DICKINSON	HS
KEANSBURG BORO			
	1	KEANSBURG	EL
	2	KEANSBURG JR SR HIGH	HS
KEANSBURG BORO (CONTINUED)	1	KEANSBURG MIDDLE	MIDDL
KEARNY TOWN			
	2	FRANKLIN	EL
	2	SAINT CECILIA HIGH SCHOOL	HS
	2	SAINT STEPHEN	EL
	2	ST CECILIA ELEM SCHOOL	EL
	2	WASHINGTON	EL
KEYPORT BORO			
	1	EAST KEYPORT	EL
LAKEWOOD TWP			
	1	CLIFTON AVE	EL
	2	ELLA G CLARKE	EL
	1	LAKEWOOD HIGH	HS
	2	LAKEWOOD MIDDLE	MIDDL
	1	PRINCETON AVENUE	EL
	1	SPRUCE ST	EL
LAMBERTVILLE CITY			
	2	LAMBERTVILLE	EL
LAWNSIDE BORO			
	1	LAWNSIDE ELEM	EL
	1	LAWNSIDE MIDDLE	MIDDL
LINDEN CITY			
	2	JOSEPH E SOEHL JR H	JHS
	2	NUMBER 2	EL
	2	NUMBER 3	EL
	1	NUMBER 4 ANNEX	EL
	2	NUMBER 5	EL
	2	NUMBER 6	EL
LINDENWOLD BORO			
	2	LINDENWOLD NO 1	EL
	1	LINDENWOLD NO 4	EL
	2	LINDENWOLD NO 5	EL
LITTLE EGG HARBOR TWP			
	2	LITTLE EGG HARBOR	EL
LONG BRANCH CITY			
	1	A A ANASTASIA	EL
	1	BROADWAY	EL
	2	ELBERON	EL
	1	GARFIELD	EL
	1	GREGORY	EL
	1	LENNA M CONROW	EL
	1	LONG BRANCH HIGH	HS
	1	LONG BRANCH MIDDLE	MIDDL
	1	WEST END	EL
LOWER CAMDEN COUNTY REG			
	1	EDGEWOOD REG JR HIGH	JHS
	1	EDGEWOOD REGIONAL SR HIGH	HS

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LOCATIONS	CODE *	SCHOOL NAME	
LOWER CAMDEN COUNTY REG (CONTINUED)	1	OVERBROOK REG JR HIGH	JHS
	1	OVERBROOK REG SR HIGH	HS
LOWER CAPE MAY REG	2	LOWER CAPE MAY REG HIGH	HS
	2	RICHARD M TEITELMAN SCH	MIDDL
LOWER TWP	2	LOWER TWP CONSOLIDATED	EL
	2	MEMORIAL SCHOOL	EL
MADISON BORO	2	LUCY D ANTHONY	EL
MANCHESTER TWP	2	MANCHESTER HIGH	HS
	2	RIDGEWAY	EL
MAPLE SHADE TWP	1	NUMBER 4 N FORKLANDING RD	EL
MATAWAN-ABERDEEN REG	2	BROAD STREET	EL
MAURICE RIVER TWP	1	LEESBURG	EL
	1	MAURICE RIVER TWP	EL
	1	PORT ELIZABETH	EL
MIDDLE TWP	2	MIDDLE TWP ELEM NO 4	MIDDL
	2	MIDDLE TWP ELEM 1	EL
	2	MIDDLE TWP ELEM 3	EL
MIDDLESEX CTY VOC	1	M SEX CTY VOC WOODBRIDGE	HS
MIDDLETOWN TWP	2	EAST KEANSBURG	EL
MILLVILLE CITY	2	BACON ELEM	EL
	2	CULVER	EL
	1	HOLLY HEIGHTS	EL
	2	MEMORIAL HIGH	HS
	2	MILLVILLE SENIOR HIGH	HS
	2	MOUNT PLEASANT	EL
	1	R D WOOD	EL
	2	RIECK AVE	EL
	2	WESTERN	EL
MONROE TWP	2	LEDA SHISHOFF ELEM	EL
	2	OAK KNOLL	MIDDL
	2	WILLIAMSTOWN HIGH	HS
MONTAGUE TWP	2	MONTAGUE TWP	EL
MONTCLAIR TOWN	2	BRADFORD	EL
MONTCLAIR TOWN (CONTINUED)	2	EDGEMONT	EL
	2	GLENFIELD MIDDLE	MIDDL
	1	GROVE STREET	EL
	2	HILLSIDE	EL
	2	MT HEBRON MIDDLE	MIDDL
	2	NORTHEAST	EL
	2	WATCHUNG	EL
MOORESTOWN TWP	2	SOUTH VALLEY	EL
MORRIS SCHOOL DISTRICT	2	FRELINGHUYSEN	MIDDL
MOUNT HOLLY TWP	1	ANNA C HELLER	EL
	2	F W HOLBEIN	EL
	2	FOLWELL	EL
	1	JOHN BRAINERD	EL
MULLICA TWP	2	AGRICULTURE	EL
	1	HILDA S FRAME	EL
	2	MULLICA TWP MIDDLE	MIDDL
	2	MULLICA TWP PRIMARY	EL
NATIONAL PARK BORO	2	NATIONAL PARK	EL
NEPTUNE TWP	1	BRADLEY PARK	EL
	2	GABLES	EL
	2	GREEN GROVE	EL
	2	NEPTUNE JUNIOR HIGH	JHS
	2	NEPTUNE SR HIGH	HS
	1	OCEAN GROVE	EL
	1	RIDGE AVE MIDDLE	MIDDL
	2	SHARK RIVER HILLS	EL
	1	SUMMERFIELD	EL
NEW BRUNSWICK CITY	1	A CHESTER REDSHAW	MIDDL
	1	LINCOLN	EL
	1	LIVINGSTON	EL
	1	LORD STIRLING	EL
	1	MCKINLEY	EL
	1	NATHAN HALE	EL
	1	NEW BRUNSWICK HIGH	HS
	1	ROOSEVELT ELEM	EL
	2	ST MARYS OF MT VIRGIN	EL
	1	WASHINGTON	EL
	2	WOODROW WILSON	EL
NEW HANOVER TWP	2	NEW HANOVER TWP	EL

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LOCATIONS	CODE *	SCHOOL NAME	
NEWARK CITY	1	ABINGTON AVE	EL
	1	ALEXANDER ST	EL
	1	ARTS	HS
	1	AVON AVE	EL
	1	BARRINGER	HS
	1	BARRINGER H S ANNEX	JHS
	1	BELMONT RUNYON	EL
	1	BERGEN ST	EL
	1	BRAGAW AVE	EL
	1	BROADWAY	EL
	1	BROADWAY JR	JHS
	1	BURNET ST	EL
	1	CAMDEN MIDDLE	MIDDL
	1	CAMDEN ST	EL
	1	CENTRAL	HS
	1	CHANCELLOR AVE	EL
	1	CHANCELLOR AVE ANNEX	EL
	1	CLEVELAND	EL
	1	CLINTON AVE	EL
	1	CLINTON PLACE SCH	MIDDL
	1	DAYTON ST	EL
	1	DR WILLIAM H HORTON	EL
	2	EAST SIDE	HS
	1	EDUCATION CENTR FOR YOUTH	HS
	1	EIGHTEENTH AVE	EL
	1	ELLIOTT ST	EL
	1	FIFTEENTH AVE	EL
	1	FIRST AVENUE	EL
	1	FOURTEENTH AVE	EL
	1	FRANKLIN	EL
	1	GEORGE WASHINGTON CARVER	EL
	1	HARRIET TUBMAN	EL
	1	HAWKINS ST	EL
	1	HAWTHORNE AVE	EL
	2	LAFAYETTE ST	EL
	2	LAFAYETTE ST ANNEX	EL
	1	LINCOLN	EL
	1	LOUISE A SPENCER	EL
	1	MADISON ELEM	EL
	1	MALCOM X SHABAZZ HIGH	HS
	1	MAPLE AVE	EL
	1	MAPLE AVE ANNEX	EL
	1	MARCUS GARVEY	EL
	1	MARTIN LUTHER KING JR	EL
	1	MCKINLEY	EL
	1	MILLER ST	EL
	1	MORTON ST	EL
NEWARK CITY (CONTINUED)	2	MT VERNON	EL
	1	NEWTON ST	EL
	1	OLIVER ST	EL
	1	OUR LADY OF GOOD COUNSEL	EL
	1	QUITMAN STREET	EL
	1	R CLEMENTE-MT PLEASANT AV	EL
	1	RIDGE ST	EL
	1	RIDGE ST ANNEX	EL
	1	ROBERTO CLEMENTE	EL
	1	ROBERTO CLEMENTE ANNEX	EL
	1	ROSEVILLE AVE	EL
	1	ROSEVILLE AVENUE ANNEX	EL
	1	SACRED HEART SCHOOL	EL
	1	SAINT ANN SCHOOL	EL
	1	SAINT MARY SCHOOL	EL
	1	SCIENCE HIGH	HS
	1	SOUTH SEVENTEENTH ST	EL
	1	SOUTH ST	EL
	1	SPEEDWAY AVE	EL
	1	SPRINGFIELD A COMMUNITY S	EL
	1	ST ALOYSIUS SCHOOL	EL
	1	ST ANNS BILINGUL LANG CTR	HS
	2	ST BENEDICT ELEM SCHOOL	EL
	1	ST COLUMBA SCHOOL	EL
	1	ST MICHAELS SCHOOL	EL
	1	ST ROCCO SCHOOL	EL
	1	ST ROSE OF LIMA SCHOOL	EL
	1	THIRTEENTH AVE	EL
	1	UNIVERSITY HIGH	HS
	2	VAILSBURG HIGH	HS
	1	WARREN ST	EL
	1	WEQUAHIC	HS
	1	WEST KINNEY MIDDLE	MIDDL
	1	WEST SIDE HIGH	HS
	1	WILSON AVE	EL
	1	YOUTH CONSULTATION ACAD	HS
NEWTON TOWN	2	HALSTED ST	EL
NORTH ARLINGTON BORO	2	ROOSEVELT	EL
NORTH BERGEN TWP	2	FRANKLIN NO 3	EL
	1	JOHN F KENNEDY NO 7	EL
	2	LINCOLN NO 5	EL
	1	MCKINLEY NO 10	EL
NORTH HALEDON BORO	1	MARY HELP CHRISTNS ACAD	HS

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NEW JERSEY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NORTH PLAINFIELD BORO			
	2	SOMERSET	EL
	2	WATCHUNG	EL
NTHN BURLINGTON REG			
	2	N BURL CTY REG SR H	HS
	2	N BURLINGTON CTY REG JR H	MIDDL
OAKLYN BORO			
	2	OAKLYN ELEM	EL
OCEAN CITY			
	2	INTERMEDIATE	EL
	2	PRIMARY	EL
OCEAN GATE BORO			
	2	OCEAN GATE	EL
OCEAN TWP			
	2	OCEAN TWP ELEM	EL
	2	WARETOWN	EL
OLD BRIDGE TWP			
	2	LEROY GORDON COOPER	EL
ORANGE CITY			
	1	CENTRAL	EL
	2	CLEVELAND ST	EL
	1	FOREST ST	EL
	2	HEYWOOD AVE	EL
	1	LINCOLN AVE	EL
	1	OAKWOOD AVE	EL
	1	ORANGE HIGH	HS
	1	ORANGE MIDDLE	MIDDL
	1	PARK AVE	EL
PALMYRA			
	1	CHARLES ST	EL
	2	DELAWARE AVE	EL
	2	SACRED HEART	EL
PASSAIC CITY			
	2	HOLY TRINITY SCHOOL	EL
	1	NUMBER 1 THOMAS JEFFERSON	EL
	1	NUMBER 10 ROOSEVELT	EL
	1	NUMBER 11 MEMORIAL	EL
	1	NUMBER 3 FRANKLIN	EL
	1	NUMBER 6 ANNEX	EL
	1	NUMBER 6 LAFAYETTE	EL
	1	NUMBER 7 GRANT	EL
	1	NUMBER 8 PULASKI	EL
	1	NUMBER 9 COLUMBIA	EL
	1	PASSAIC HIGH	HS
	2	POPE PIUS XII DIOCESAN HS	HS
	1	SAINT NICHOLAS SCHOOL	EL
PATERSON CITY			
	1	BLESSED SACRAMENT SCHOOL	EL
PATERSON CITY (CONTINUED)			
	1	DALE AVE	EL
	1	DAWN TREADER SCHOOL	EL
	2	EASTSIDE HIGH	HS
	1	EDWARD W KILPATRICK	EL
	1	MARTIN LUTHER KING	EL
	1	NUMBER 10	EL
	1	NUMBER 11	EL
	1	NUMBER 12	EL
	1	NUMBER 13	EL
	1	NUMBER 14	EL
	1	NUMBER 15	EL
	1	NUMBER 16	EL
	1	NUMBER 17	EL
	1	NUMBER 18	EL
	1	NUMBER 19	EL
	1	NUMBER 2	EL
	1	NUMBER 20	EL
	1	NUMBER 21	EL
	1	NUMBER 24	EL
	1	NUMBER 25	EL
	1	NUMBER 26	EL
	1	NUMBER 28	EL
	1	NUMBER 3	EL
	1	NUMBER 4	EL
	1	NUMBER 5	EL
	1	NUMBER 6	EL
	1	NUMBER 7	EL
	1	NUMBER 8	EL
	1	NUMBER 9	EL
	1	OUR LADY OF LOURDES	EL
	1	PATERSON CATHOLIC REG HS	HS
	1	ROBERTO CLEMENTE	EL
	1	ST ANTHONY	EL
	1	ST JOHN CATHEDRAL	EL
	1	ST JOSEPH ELEM SCHOOL	EL
	1	ST THERESE SCH	EL
PAULSBORO BORO			
	1	BILLINGSPORT	EL
	1	LOUDENSLAGER	EL
	2	PAULSBORO HIGH	HS
PEMBERTON BOROUGH			
	2	PEMBERTON BOROUGH	EL
PEMBERTON TWP			
	2	ALETTA CRICHTON	EL
	2	ALEXANDER DENRO	EL
	2	BROTHERHOOD SCH	EL
	2	HARKER WYLIE	MIDDL

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LOCATIONS	CODE *	SCHOOL NAME	
PEMBERTON TWP (CONTINUED)	2	HOWARD L EMMONS	EL
	2	ISAIAH HAINES	MIDDL
	2	JOSEPH S STACKHOUSE	EL
	2	NUMBER 1 BROWNS MILLS	EL
	2	SAMUEL T BUSANSKY	EL
PENNS GRV-CARNEYS POINT			
	1	BROAD ST	EL
	1	FIELD ST	EL
	2	LAFAYETTE-PERSHING	EL
	1	PAUL W CARLETON	EL
	1	PENNS GROVE MIDDLE SCHOOL	MIDDL
	2	PENNS GROVE REG HIGH	HS
PENNSAUKEN TWP			
	1	ALBERT BURLING	EL
	2	AMON HEIGHTS	EL
	2	DELAIR	EL
	2	G H CARSON	EL
PENNSVILLE			
	2	DEEPWATER	EL
PERTH AMBOY CITY			
	1	HEBREW ACAD OF CTRL NJ	
	1	JAMES J FLYNN	EL
	1	MC GINNIS MIDDLE SCHOOL	MIDDL
	1	NUMBER 1	EL
	1	NUMBER 10	EL
	1	NUMBER 2	EL
	1	NUMBER 5	EL
	1	NUMBER 7	EL
	1	OUR LADY OF HUNGARY SCH	EL
	1	PERTH AMBOY HIGH	HS
	1	ROSE A GALVIN	EL
	2	SAINT MARY ELEMENTARY	EL
	1	SAMUEL S SHULL MIDDLE	MIDDL
	2	ST MARY HIGH SCHOOL	HS
	2	ST STEPHENS SCHOOL	EL
PHILLIPSBURG TOWN			
	1	ANDOVER MORRIS	EL
	2	BAKER	EL
	2	FREEMAN	EL
	2	GREEN STREET	EL
	2	MIDDLE	MIDDL
PINE HILL BORO			
	1	ALBERT HENN	EL
PINELANDS REG			
	2	PINELANDS REG HIGH	HS
PISCATAWAY TWP			
	2	ARBOR	EL
PISCATAWAY TWP (CONTINUED)	2	COWACKAMACK MIDDLE	MIDDL
	2	DWIGHT D EISENHOWER	EL
	2	KNOLLWOOD	EL
	2	MARTIN LUTHER KING	EL
	2	NEW MARKET	EL
	2	QUIBBLETOWN MIDDLE	MIDDL
	2	THEODORE SCHOR MIDDLE	MIDDL
PITTSGROVE TWP			
	2	ARTHUR P SCHALICK HS	HS
	2	OLIVET	EL
PLAINFIELD CITY			
	2	CEDARBROOK	EL
	1	CHARLES H STILLMAN	EL
	1	CLINTON	EL
	1	DEWITT D BARLOW	EL
	1	EMERSON	EL
	1	EVERGREEN	EL
	2	FREDERICK W COOK	EL
	1	HUBBARD	MIDDL
	1	JEFFERSON	EL
	1	MAXSON	MIDDL
	1	PLAINFIELD HIGH	HS
	1	WASHINGTON	EL
	2	WOODLAND	EL
PLEASANTVILLE CITY			
	2	DECATUR AVE	EL
	1	LEEDS AVE	EL
	1	NORTH MAIN STREET	EL
	1	PLEASANTVILLE HIGH	HS
	1	PLEASANTVILLE MIDDLE	MIDDL
	1	SOUTH MAIN ST	EL
	2	ST PETER SCHOOL	EL
PLUMSTED TWP			
	2	NEW EGYPT	EL
QUINTON TWP			
	2	QUINTON TWP	EL
RAHWAY CITY			
	1	FRANKLIN	EL
	2	GROVER CLEVELAND	EL
	2	RAHWAY JUNIOR HIGH	JHS
	2	ROOSEVELT	EL
RANCOCAS VALLEY REG			
	2	RANCOCAS VALLEY REG H	HS
RED BANK BORO			
	1	RED BANK PRIMARY	EL
RED BANK REG			
	2	RED BANK REG HIGH	HS

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LOCATIONS	CODE *	SCHOOL NAME	
RIVERSIDE TWP			
	2	RIVERSIDE ELEM	EL
	2	ST PETERS	EL
ROSELLE BORO			
	2	HARRISON	EL
	1	LINCOLN	EL
	2	WILDAY	MIDDL
RUNNEMEDE BORO			
	2	DOWNING	EL
SALEM CITY			
	1	JOHN FENWICK	EL
	1	SALEM HIGH	HS
	1	SALEM MIDDLE	MIDDL
	2	ST MARY REGIONAL SCHOOL	EL
SEA ISLE CITY			
	2	SEA ISLE ELEM	EL
SEASIDE HEIGHTS BORO			
	2	HUGH J BOYD JR ELEM	EL
SEASIDE PARK BORO			
	2	SEASIDE PARK	EL
SO GLOUC CTY REG			
	2	DELSEA REGIONAL HIGH	HS
SOMERDALE BORO			
	2	NUMBER 1 SOMERDALE	EL
SOMERS POINT CITY			
	2	DAWES AVE ELEM	EL
	2	JORDAN RD	EL
	2	NEW YORK AVE	EL
SOUTH AMBOY CITY			
	2	SOUTH AMBOY ELEMENTARY	EL
	2	SOUTH AMBOY MIDDLE SCH	MIDDL
SOUTH PLAINFIELD BORO			
	2	ROOSEVELT	EL
SOUTH RIVER BORO			
	2	LINCOLN	EL
	2	VILLETT	EL
SPOTSWOOD BORO			
	2	E RAYMOND APPLEBY	EL
STAFFORD TWP			
	2	STAFFORD ELEM	EL
SUSSEX-WANTAGE REG			
	2	SUSSEX	EL
	2	WANTAGE ELEM	EL
SWEDESBORO-WOOLWICH			
	2	MARGARET C CLIFFORD	EL
	2	WALTER H HILL	EL
TEANECK TWP			
	2	GRACE LUTHERAN SCHOOL	EL
TINTON FALLS			
	2	MAHALA F ATCHISON	EL
TRENTON CITY			
	1	CADWALADER	EL
	1	FRANKLIN	EL
	1	GRACE A DUNN SCH	JHS
	1	GRANT	EL
	1	GREGORY	EL
	1	HARRISON	EL
	2	HOLY CROSS SCHOOL	EL
	1	JEFFERSON	EL
	1	JOYCE KILMER	EL
	1	LUIS MUNOZ-RIVERA ELEM	EL
	1	MONUMENT	EL
	1	MOTT	EL
	1	NUMBER 1 JR HIGH	JHS
	1	NUMBER 2 JR HIGH	JHS
	1	NUMBER 3 JR HIGH	JHS
	1	NUMBER 5 JR HIGH	JHS
	2	OUR LADY OF DIVINE SHEPHD	EL
	1	P J HILL	EL
	1	PARKER	EL
	1	PAUL ROBESON ELEM	EL
	1	ROBBINS	EL
	1	SACRED HEART	EL
	2	SAINT HEDWIG SCHOOL	EL
	1	SAINT JOSEPH SCHOOL	EL
	1	STOKES	EL
	2	TRENTON CENTRAL HIGH	HS
	2	WASHINGTON	EL
	1	WILSON	EL
UNION BEACH			
	2	MEMORIAL	EL
UNION CITY			
	1	EMERSON HIGH	HS
	2	HOLY FAMILY SCHOOL	EL
	1	HUDSON	EL
	2	JEFFERSON	EL
	1	ROBERT WATERS	EL
	1	ROOSEVELT	EL
	1	SARA M GILMORE	EL
	1	THOMAS A EDISON	EL
	1	UNION HILL HIGH	HS
	1	WASHINGTON	EL
UNION TWP			
	2	BURNET JR HIGH	JHS
	2	CONNECTICUT FARMS	EL
	2	FRANKLIN	EL

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LOCATIONS	CODE *	SCHOOL NAME	
VENTNOR CITY			
	2	LAFAYETTE ELEM	EL
	2	VENTNOR MIDDLE	MIDDL
VINELAND CITY			
	1	ANTHONY ROSSI	EL
	1	CUNNINGHAM	EL
	2	DANE BARSE	EL
	2	DR WILLIAM MENNIES	EL
	2	JOHN H WINSLOW	EL
	2	JOHNSTONE	EL
	2	LANDIS JR HIGH	MIDDL
	2	MAX LEUCHTER	EL
	1	MEMORIAL SCHOOL	MIDDL
	1	REBER	EL
	2	SALVE E D IPPOLITO	EL
	2	ST FRANCIS OF ASSISI	EL
	2	VINELAND SR HIGH-NORTH	HS
	2	VINELAND SR HIGH-SOUTH	HS
	2	WEST LANDIS	MIDDL
WEEHAWKEN TWP			
	2	DANIEL WEBSTER #2	EL
	1	THEODORE ROOSEVELT, #5	EL
	2	WOODROW WILSON NO 4	EL
WEST NEW YORK TOWN			
	1	HARRY L BAIN	EL
	2	MEMORIAL HIGH	HS
	1	NUMBER 1	EL
	1	NUMBER 2	EL
	2	NUMBER 3	EL
	2	NUMBER 4	EL
	1	NUMBER 5	EL
WEST ORANGE TOWN			
	2	NEW DIMENSIONS LRNG CTR	EL
	2	WASHINGTON	EL
WESTAMPTON			
	2	HOLLY HILLS ELEM	EL
	2	WESTAMPTON	EL
WESTFIELD TOWN			
	2	WESTFIELD DAY CARE CTR	EL
WEYMOUTH TWP			
	1	WEYMOUTH ELEM	EL
WILDWOOD CITY			
	1	ELEMENTARY NO 1	EL
	1	GLENWOOD AVE	EL
WILDWOOD CREST BORO			
	2	MEMORIAL	EL
	2	PHILIP P BAKER	EL
WILLINGBORO TWP			
WILLINGBORO TWP (CONTINUED)	2	COUNTRY CLUB RIDGE	EL
	2	GARFIELD PARK-EAST	EL
	1	HAWTHORNE PARK	EL
	2	J CRESSWELL STUART	EL
	2	JOHN F KENNEDY HIGH	HS
	2	MILLBROOK PARK	EL
	1	PENNYPACKER PARK	EL
	2	SYDNEY W BOOKBINDER	EL
	2	WILLINGBORO HIGH	HS
WINFIELD TWP			
	1	KOHLER CHILD DEV CTR	EL
WINSLOW TWP			
	2	WINSLOW TWP SCHOOL NO 1	EL
WOODBINE BORO			
	1	WOODBINE ELEM	EL
WOODBRIDGE TWP			
	2	KENNEDY PARK	EL
	2	ROSS STREET	EL
WOODBURY CITY			
	2	EVERGREEN AVE	EL
	2	WALNUT ST	EL
	2	WEST END	EL
WOODLYNNE BORO			
	2	WOODLYNNE	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME		
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)				
BERNALILLO				
	1	ALAMOSA EL	K-6	
	1	ARMIJO EL	K-5	
	1	ATRISCO EL	K-5	
	1	BARCELONA EL	K-5	
	1	DOLORES GONZALES EL	K-5	
	1	DURANES EL	K-5	
	1	EAST SAN JOSE EL	K-5	
	1	EMERSON EL	K-5	
	1	ERNIE PYLE MIDDLE	6-8	
	1	EUGENE FIELD EL	K-5	
	1	GARFIELD MIDDLE	6-8	
	2	HARRISON MIDDLE	6-8	
	2	JOHN ADAMS MIDDLE	6-8	
	1	KIT CARSON EL	K-5	
	1	LA LUZ EL	K-5	
	1	LA MESA EL	K-5	
	1	LARRAZOLO EL	K-5	
	2	LAVALAND EL	K-5	
	1	LONGFELLOW EL	K-5	
	2	LOS PADILLAS EL	K-5	
	1	LOWELL EL	K-5	
	2	MACARTHUR EL	K-5	
	2	MISSION EL	K-5	
	1	MOUNTAIN VIEW EL	K-5	
	1	OLD TOWN EL	K-5	
	1	SCHOOL ON WHEELS ALT HS	9-12	
	1	SCHOOL ON WHEELS ALT MS	9-12	
	1	ST FRANCIS XAVIER EL	K-8	
	2	ST MARK'S IN THE VALLEY EL	K	
	2	TRUMAN MIDDLE	6-8	
	1	VALLE VISTA EL	K-5	
	1	WASHINGTON MIDDLE	6-8	
CHAVES				
	1	CHISUM EL	K-6	
	1	DEXTER EL	K-6	
	2	DEXTER HS	9-12	
	1	DEXTER JHS	7-8	
	1	EAST GRAND PLAINS EL	K-6	
	1	EDGEWOOD EL	K-6	
	1	FLORA VISTA EL	K-6	
CHAVES (CONTINUED)	1	HAGERMAN EL	K-6	
	1	HAGERMAN HS	9-12	
	1	HAGERMAN JHS	7-8	
	1	LAKE ARTHUR SCHOOL	K-12	
	1	MESA MIDDLE	7-8	
	1	MISSOURI AVENUE EL	K-5	
	1	PECOS EL	K-5	
CIBOLA				
	1	CUBERO EL	K-5	
	1	LAGUNA-ACOMA JR/SR HS	7-12	
	1	SAN MATEO EL	K-6	
	1	SAN RAFAEL EL	K-5	
	1	SEBOYETA EL	K-6	
	1	SIERRA VISTA EL	K-6	
COLFAX				
	1	CIMARRON EL	K-5	
	1	FORRESTER/WILFERTH EL	K-6	
	1	LONGFELLOW EL	K-6	
	1	MAXWELL EL	K-6	
	1	MAXWELL JR/SR HS	7-12	
	1	SPRINGER JR/SR HS	7-12	
CURRY				
	1	BELLA VISTA EL	K-5	
	1	LA CASITA EL	K-5	
	1	LINCOLN-JACKSON EL	K-5	
	1	OUR LADY OF GUADALUPE EL	K-6	
	2	PARKVIEW EL	K-6	
	1	TEXICO MIDDLE	6-8	
DONA ANA				
	1	ANTHONY EL/MID	K-7	
	1	CENTRAL EL	K-6	
	2	CHAPARRAL EL	K-6	
	2	CONLEE EL	K-6	
	1	COURT JHS	7-9	
	2	DONA ANA/EAST PICACHO EL	K-6	
	1	FAIRACRES EL	K-6	
	1	GADSDEN HS	10-12	
	1	GADSDEN JHS	8-9	
	1	GARFIELD EL	K-6	
	1	HATCH VALLEY EL	K-6	
	1	HATCH VALLEY JR/SR HS	7-12	
	1	HERMOSA HEIGHTS EL	K-6	
	1	LA MESA EL	K-6	
	1	LA UNION EL	K-6	
	1	MACARTHUR EL	K-6	
	1	MESILLA EL	K-6	
	1	MESQUITE EL	K-6	

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LOCATIONS	CODE *	SCHOOL NAME	
DONA ANA (CONTINUED)	1	SAN MIGUEL EL	K-5
	1	SANTA TERESA MID	6-7
	1	SUNLAND PARK EL	K-5
	1	VALLEY VIEW EL	K-6
	1	WASHINGTON EL	K-6
EDDY	2	CENTRAL EL	K-5
	2	HILLCREST EL	K-5
	1	LOVING EL	K-6
	1	LOVING JHS	7-9
	1	ROSELAWN EL	K-5
GRANT	1	CENTRAL EL	K-6
GUADALUPE	1	ANTON CHICO EL	K-8
	1	SANTA ROSA EL	K-4
	2	SANTA ROSA HS	9-12
	1	SANTA ROSA MIDDLE	5-8
	1	VAUGHN SCHOOL	K-12
HARDING	1	MOSQUERO SCHOOL	K-12
	2	ROY EL	K-6
HIDALGO	2	CENTRAL EL	4-5
	2	SOUTHSIDE EL	3
LEA	1	EDISON EL	K-6
	1	JEFFERSON EL	K-6
	1	LLANO EL	K-6
	2	SOUTHERN HEIGHTS EL	K-6
LINCOLN	2	CARRIZOZO MIDDLE SCHOOL	5-8
	1	HONDO VALLEY SCHOOL	K-12
LUNA	1	BELL EL	K-6
	1	COLUMBUS EL	K-6
	1	DEMING JHS	7-8
	1	MARTIN EL	K-6
	2	SMITH EL	K-6
MCKINLEY	1	AILEEN ROAT EL	K-6
	1	CHURCH ROCK EL	K-6
	1	CROWNPOINT EL	K-6
	1	CROWNPOINT HS	7-12
	1	DOWA YALANNE EL	K-6
	1	JUAN DE ONATE EL	K-5
	1	LINCOLN EL	K-6
MCKINLEY (CONTINUED)	1	NAVAJO SCHOOL	K-7
	1	RAMAH EL	K-5
	1	RAMAH EL	K-5
	1	SMITH LAKE EL	K-4
	1	ST ANTHONY ZUNI INDIAN EL	K-4
	1	THOREAU EL	K-5
	1	THOREAU JR/SR HS	7-12
	1	TOHATCHI EL	K-5
	1	TOHATCHI JR/SR HS	7-12
	1	TSE BONITO EL	K-5
	1	TWIN LAKES EL	K-5
	1	WASHINGTON EL	K-5
	1	ZUNI CHRISTIAN REFMD MTS EL	K-8
	1	ZUNI EL	K-5
	1	ZUNI JR/SR HS	7-12
MORA	1	HOLMAN EL	1-6
	1	MORA EL	K-8
	1	MORA HS	9-12
	1	WAGON MOUND SCHOOL	K-12
NM CRIMINAL JUSTICE DEPT		NM BOYS SCHOOL SPRINGER	7-12
		NM YOUTH DIAGNOSTIC CTR ALBUQ	7-12
OTERO	1	BENT-MESCALERO EL	K-6
	1	SACRAMENTO EL	K-6
	1	TULAROSA JHS	7-8
QUAY	2	MOUNTAIN VIEW EL	3-6
	2	TUCUMCARI JHS	7-8
	2	ZIA EL	K-1
RIO ARRIBA	1	ABIQUIU EL	K-6
	1	ALCALDE EL	K-6
	1	CANJILON EL	K-3
	1	CHAMA EL	K-6
	1	CHAMA MID	5-8
	1	CHIMAYO EL	K-6
	1	CORONADO JR/SR HS	9-12
	1	COYOTE EL	K-6
	1	DIXON EL	K-6
	1	DULCE EL	K-6
	1	DULCE JR/SR HS	7-12
	1	ESCALANTE HS	9-12
	1	ESPANOLA (HILL/TOWN) JHS	7-8
	1	ESPANOLA EL	K-6
	1	ESPANOLA VALLEY HS	9-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
RIO ARRIBA (CONTINUED)	1	FAIRVIEW EL	1-6
	1	GALLINA EL	K-7
	1	HERNANDEZ EL	K-6
	1	LYBROOK EL	K-6
	1	MOUNTAIN VIEW EL	K-6
	1	SAN JUAN EL	K-6
	1	SOMBRILLO EL	1-6
	2	ST FRANCIS EL	1-8
	1	TIERRA AMARILLA EL	K-5
	1	TIERRA AMARILLA MID	6-8
	1	VELARDE EL	K-6
RIO ARRIBA & TAOS			
	1	EL RITO EL	K-8
	1	MESA VISTA HS	9-12
	1	OJO CALIENTE EL	K-8
	1	TRES PIEDRAS EL	K-8
ROOSEVELT			
	1	BROWN EL	2-3
	1	JAMES EL	4-5
	2	PORTALES JHS	7-8
	1	STEINER EL	K-1
SAN JUAN			
	1	BEREAN MISSION EL	K-8
	1	BLANCO EL	K-6
	1	CENTRAL JHS	7-9
	2	GRACE B WILSON EL	4-6
	2	MESA ALTA JHS	7-8
	1	MESA ELEMENTARY/MID	4-7
	1	NASCHITTI EL	K-8
	1	NATAANI NEZ EL	K-3
	1	NAVAJO ACADEMY	7-12
	1	NEWCOMB EL	K-9
	1	NIZHONI EL	K-4
	1	OJO AMARILLO EL	K-6
	2	RUTH N. BOND EL	K-3
	1	SHIPROCK HS	10-12
	1	TSE'BIT'AI JHS	8-9
SAN MIGUEL			
	1	ARMIJO EL	1-6
	1	BERNAL EL	1-6
	1	DOUGLAS EL	K-2
	1	GALLINAS EL	3-5
	1	LEGION PARK EL	1-5
	2	MEMORIAL MIDDLE	6-8
	1	MONTEZUMA EL	K
	1	MORA AVENUE EL	1-5
	1	NORTH PUBLIC EL	1-5
SAN MIGUEL (CONTINUED)	1	OUR LADY OF SORROWS EL	1-6
	1	PAUL D HENRY EL	K-5
	1	PECOS SCHOOL	K-12
	1	SAPELLO EL	1-5
	1	SOUTH/UNION EL	1-6
	1	ST ATHANASIUS EL	1-8
	1	TREMENTINA EL	K-8
	1	VALLEY SCHOOL	K-8
	1	VILLANUEVA EL	K-5
	1	WEST LAS VEGAS HS	10-12
	1	WEST LAS VEGAS JHS	7-9
SANDOVAL			
	1	ALGODONES EL	K-6
	1	BERNALILLO EL	K-5
	1	BERNALILLO HS	10-12
	1	BERNALILLO JHS	7-9
	1	BRETHREN NAVAJO MISSION EL	K-8
	1	COCHITI EL	K-8
	1	CUBA EL	K-6
	1	CUBA HS	9-12
	1	CUBA MIDDLE	6-9
	1	IMMACULATE CONCEPTION EL	1-8
	1	JEMEZ VALLEY EL	K-5
	1	JEMEZ VALLEY JR/SR HS	7-12
	1	SAN DIEGO MISSION EL	K-8
	1	SANTO DOMINGO SCHOOL	K-8
SANTA FE			
	1	AGUA FRIA EL	K-5
	1	ALVORD EL	K-5
	2	DE VARGAS JHS	7-8
	1	KAUNE EL	K-5
	2	POJOAQUE EL	K-4
	1	POJOAQUE JR/SR HS	7-12
	1	SANTA FE COMMUNITY SCHOOL	K-12
	1	ST ANNE EL	1-8
	1	TESUQUE EL	1-4
SIERRA			
	1	ARREY EL	K-7
	1	T OR C EL	K-5
	2	T OR C MIDDLE	6-8
SOCORRO			
	1	MAGDALENA JR/SR HS	7-12
	1	MIDWAY EL	K-5
	1	ROOSEVELT EL	K-6
	1	SAN ANTONIO EL	K-6
	1	SOCORRO MIDDLE	6-8
	1	ZIMMERLY EL	4-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
TAOS			
	1	ARROYO HONDO EL	K-4
	1	ARROYO SECO EL	K-6
	1	COSTILLA EL	K-5
	1	ENOS GARCIA MIDDLE	5-7
	1	PENASCO EL	K-5
	1	PENASCO JR/SR HS	7-12
	2	QUESTA JR/SR HS	9-12
	1	QUESTA/CERRO EL	K-8
	1	RANCHOS/TALPA EL	K-6
	1	ST ANTHONY EL	1-6
	2	TAOS EL	K-4
	1	TAOS JHS	8-9
TORRANCE			
	1	CEDAR GROVE SCHOOL	K-12
	1	ENCINO EL	K-6
	1	ENCINO JR/SR HS	7-12
	2	MORIARTY EL	K-4
	1	MOUNTAINAIR EL	K-7
	1	MOUNTAINAIR HS	8-12
UNION			
	2	ALVIS EL	K-4
VALENCIA			
	2	BELEN JUNIOR HS	7-9
	1	CENTRAL EL	4-6
	1	DANIEL FERNANDEZ EL	K-3
	1	DENNIS CHAVEZ EL	K-6
	1	GIL SANCHEZ EL	K-6
	2	JARAMILLO EL	K-3
	2	LOS LUNAS CENTRAL EL	4-6
	1	LOS LUNAS MIDDLE	6-8
	2	RIO GRANDE EL	K-6

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ALBANY			
	1	ABRAM LANSING SCHOOL	EL
	1	ALBANY HIGH SCHOOL	HS
	1	ARBOR HILL ELEMENTARY SCHOOL	K-6
	1	BERNE ELEMENTARY SCHOOL	K-6
	1	CONOES MIDDLE SCHOOL	MDL
	1	GIFFEN MEM. SCHOOL	K-6
	1	OCCUPATIONAL CENTER	HS
	1	P. LIVINGSTON MIDDLE SCHOOL	JHS
	1	PHILIP SCHUYLER ELEM. SCHOOL	K-6
	1	SACRED HEART SCHOOL	EL
	1	SCHOOL 17	K-6
	1	SCHOOL 18	K-6
	1	SCHOOL 20	K-6
	1	SCHOOL 21 - OPPORTUNITY PROG	JHS
	1	SCHOOL 4	EL
	1	SOUTH END CATH. CONSD. SCHOOL	EL
	1	STREET ACADEMY	HS
	1	SUNSHINE SCHOOL	SPEC
	1	T.S. O'BRIEN SCHOOL	K-6
	1	VAN SCHAICK ISLAND SCHOOL	EL
	1	W.S. HACKETT MIDDLE SCHOOL	JHS
ALLEGANY			
	1	ALLENTOWN ELEM. SCHOOL	K-6
	1	BELFAST SCHOOL	K-12
	2	BROOKLYN MIDDLE SCHOOL	MDL
	1	FILLMORE JSHS	JSHS
	1	FRIENDSHIP CENTRAL SCHOOL	K-12
	1	RICHBURG SCHOOL	K-12
	1	WELLSVILLE ELEMENTARY SCHOOL	EL
	1	WHITESVILLE CENTRAL SCHOOL	K-12
BRONX			
	1	ADLAI E STEVENSON HS	HS
	1	ALFRED E SMITH HS	HS
	1	BETH JACOB SCH-GIRLS S-E BRONX	EL
	1	BETH JACOB-BETH MIRIAM SCH-GIR	EL
	1	BLESSED SACRAMENT SCHOOL	EL
	1	BRONX HS OF SCIENCE	HS
	1	BRONX REGIONAL HS	HS
	1	BRONX-MANHATTAN SDA SCH	EL
	1	CARDINAL HAYES H.S.	HS
	1	CHRIST THE KING SCHOOL	EL
	1	DE WITT CLINTON HS	HS
	1	EVANDER CHILDS H.S.	HS
	1	GRACE H DODGE VOC HS	HS
	1	HARRY S TRUMAN HS	HS
	1	HOLY FAMILY SCHOOL	EL
	1	HOLY ROSARY SCHOOL	EL
BRONX (CONTINUED)	1	HOLY SPIRIT SCHOOL	EL
	1	IMMACULATE CONCEPTION SCHOOL	EL
	1	IS 115 RAFAEL HERNANDEZ SCHOOL	MDL
	1	IS 131 A EINSTEIN SCH	MDL
	1	IS 137 INTERMEDIATE SCHOOL	JHS
	1	IS 139 A. BURGER INTRMD SCHOOL	MDL
	1	IS 147	MDL
	1	IS 151 HENRY LOU GEHRIG INTRMD	MDL
	1	IS 154 JONATHAN D. HYATT SCH	K-6
	1	IS 155 ELMER E BOGART SCH	MDL
	1	IS 159 THEODORE GATHINGS SCH	MDL
	1	IS 166	MDL
	1	IS 167 LORRAINE HANSBERRY SCH	MDL
	1	IS 174 E T MALESKA INTRMD SCH	MDL
	1	IS 183 PAUL ROBESON SCHOOL	MDL
	1	IS 184 BILINGUAL INTRMD SCH	MDL
	1	IS 192 PIAGENTINI-JONES SCH	MDL
	1	IS 193	MDL
	1	IS 229	EL
	1	IS 52 T KNOWLTON SCHOOL	MDL
	1	IS 74 PENINSULA SCHOOL	MDL
	1	IS 84 EDICER RODRIGUEZ SCHOOL	MDL
	1	JAMES MONROE H.S.	HS
	1	JANE ADDAMS VOCATIONAL HS	HS
	1	JOHN F KENNEDY HS	HS
	1	MORRIS H.S.	HS
	1	OUR LADY OF ANGELS SCHOOL	EL
	1	OUR LADY OF GRACE SCHOOL	EL
	1	OUR LADY OF MERCY SCHOOL	EL
	1	OUR LADY OF MT CARMEL SCH	EL
	1	PS 1 THE CORTLAND SCHOOL	EL
	1	PS 100 ISAAC CLASON SCHOOL	EL
	1	PS 101 H BRUCKNER JHS	MDL
	1	PS 102 JOSEPH O LORETAN SCH	K-6
	1	PS 103	K-6
	1	PS 104	K-6
	1	PS 105	K-6
	1	PS 106	K-6
	1	PS 107	EL
	1	PS 108	EL
	1	PS 109 SEDGWICK SCHOOL	EL
	1	PS 11 HIGHBRIDGE SCHOOL	EL
	1	PS 110 THEO SCHOENFELD SCH	EL
	1	PS 111 SETON FALLS ELEM SCH	K-6
	1	PS 112 BRONXWOOD SCHOOL	K-6
	1	PS 113 OLINVILLE JHS	JHS
	1	PS 114	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BRONX (CONTINUED)	1	PS 115 E B BROWNING JHS	MDL
	1	PS 117 JOSEPH H WADE JHS	JHS
	1	PS 118 W W NILES JHS	JHS
	1	PS 119	K-6
	1	PS 120 P L DUNBAR JHS	JHS
	1	PS 121 THE THROOP SCHOOL	EL
	1	PS 122 MARBLE HILL SCHOOL	K-6
	1	PS 123 J M KIERNAN JHS	JHS
	1	PS 124	K-6
	1	PS 125 H HUDSON JHS	JHS
	1	PS 126	EL
	1	PS 127 CASTLE HILL JHS	JHS
	1	PS 129 TWINS PARK UPPER SCH	EL
	1	PS 130 ABRAM S HEWITT SCH	EL
	1	PS 132 GARRETT A MORGAN SCH	K-6
	1	PS 134 GEORGE F BRISTOW SCH	K-6
	1	PS 135 F D WHALEN JHS	JHS
	1	PS 136 W J DAMROSCH JHS	JHS
	1	PS 138 SAMUEL RANDALL SCH	EL
	1	PS 141 EAGLE SCHOOL	K-6
	1	PS 142 J P SOUSA JHS	JHS
	1	PS 143 JOHN P TETARD SCH	JHS
	1	PS 144 MICHELANGELO SCHOOL	MDL
	1	PS 145 A TOSCANINI JHS	MDL
	1	PS 146 EDWARD J COLLINS SCH	K-6
	1	PS 148 CHAS A DREW INTRMD SCH	JHS
	1	PS 149 E D CLARK JHS	JHS
	1	PS 150 CHAS JAMES FOX SCH	EL
	1	PS 152	MDL
	1	PS 156 BENJAMIN BANNEKER SCH	EL
	1	PS 157 GROVE HILL SCHOOL	K-6
	1	PS 16 WAKEFIELD SCHOOL	K-6
	1	PS 161 PONCE DE LEON	K-6
	1	PS 162 L RODRIGUEZ OETIO SCH	MDL
	1	PS 163	EL
	1	PS 19 JOHN PETER ZENGER SCH	EL
	1	PS 182	EL
	1	PS 198	EL
	1	PS 2 MORRISANIA SCHOOL	K-6
	1	PS 205	EL
	1	PS 21 PHILIP H. SHERIDAN SCH	K-6
	1	PS 211	K-6
	1	PS 22 JORDAN L MOTT JHS	MDL
	1	PS 234 TWIN PARKS LOWER SCH	EL
	1	PS 235	K-6
	1	PS 236	EL
	1	PS 25 BILINGUAL SCHOOL	K-5
BRONX (CONTINUED)	1	PS 26 BRUNSIDE AVENUE SCH	EL
	1	PS 261	MDL
	1	PS 27 ST. MARYS PARK SCH	K-6
	1	PS 28 MT HOPE SCHOOL	K-6
	1	PS 29 MELROSE SCHOOL	EL
	1	PS 30 WILTON SCHOOL	EL
	1	PS 31 WM FLOYD GARRISON SCH	K-6
	1	PS 32 BELMONT SCHOOL	MDL
	1	PS 33 TIMOTHY DWIGHT SCH	EL
	1	PS 35 FRANZ SIGEL SCH	EL
	1	PS 36 UNIONPORT SCHOOL	K-6
	1	PS 39 LONGWOOD SCHOOL	K-6
	1	PS 4 THE CORTONA SCHOOL	K-6
	1	PS 40	EL
	1	PS 40 SAW MILL BROOK SCHOOL	K-6
	1	PS 41 GUN HILL ROAD SCH	K-6
	1	PS 42 CLAREMONT SCH	K-6
	1	PS 43 JONAS BRONCK SCHOOL	K-6
	1	PS 44 DAVID G FARRAGUT SCH	K-6
	1	PS 45 P HOFFMAN JHS	MDL
	1	PS 46 EDGAR ALLEN PDS SCH	EL
	1	PS 47 JOHN RANDOLPH SCHOOL	K-6
	1	PS 48 JOSEPH R DRAKE SCHOOL	EL
	1	PS 49 WILLIS AVENUE SCHOOL	K-6
	1	PS 5 PORT MORRIS SCHOOL	EL
	1	PS 50 CLARA BARTON SCHOOL	K-6
	1	PS 53	EL
	1	PS 55 3 FRANKLIN JHS	K-6
	1	PS 56 NORWOOD HEIGHTS SCH	K-6
	1	PS 57 CRESCENT SCHOOL	EL
	1	PS 58	K-6
	1	PS 59	K-6
	1	PS 6 WEST FARMS SCHOOL	EL
	1	PS 60	K-6
	1	PS 61	K-6
	1	PS 62 CASANOVA SCHOOL	EL
	1	PS 63	K-6
	1	PS 64	EL
	1	PS 65	EL
	1	PS 66	EL
	1	PS 67	K-6
	1	PS 68	K-6
	1	PS 69	EL
	1	PS 7 KINGSBRIDGE SCHOOL	K-6
	1	PS 72	EL
	1	PS 73	EL
	1	PS 75	K-6

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME		LOCATIONS	CODE *	SCHOOL NAMES	
[illegible]				BRONX			
[illegible]	1	P[illegible] 76	K-6	(CONTINUED)	1	ST. JOHN VIANNEY CURE OF ARS	EL
	1	P[illegible] 77	K-6		1	ST. LUKE SCHOOL	EL
	1	PS 78 ANNE HUTCHINSON SCHOOL	K-6		1	START CENTER NO 7	HS
	1	PS 79	K-6		1	STS PETER & PAUL SCHOOL	EL
	1	PS 8 ISAAC VARIAN SCHOOL	K-6		1	STS. PHILIP & JAMES SCHOOL	EL
	1	PS 80 MOSHOLU PARKWAY JHS	EL		1	THE YELVERTON SCHOOL	EL
	1	PS 82 MACOMBS JHS	MDL		1	THEODORE ROOSEVELT HS	HS
	1	PS 83	K-6		1	WALTON H.S.	HS
	1	PS 85	K-6		1	WILLIAM H TAFT H.S.	HS
	1	PS 86	K-6		1	YOUTH DEVELOPMENT CENTER NO 1	JHS
	1	PS 87	K-6	BROOKLYN			
	1	PS 88	EL		1	ABRAHAM LINCOLN H.S.	HS
	1	PS 9	K-6		1	AHI EZER YESHIVA	EL
	1	PS 90	EL		1	ALEXANDER HAMILTON VOC & TECH	HS
	1	PS 91	K-6		1	AUTOMOTIVE HS	HS
	1	P[illegible] 92	EL		1	BAIS ISSAC ZUI	EL
	1	PS 93	EL		1	BAIS TZIPORAH	EL
	1	P[illegible] 94	K-6		1	BAIS VITZCHAK SCHOOL	EL
	1	PS 95	K-6		1	BAY RIDGE H.S.	HS
	1	PS 96	K-6		1	BETH CHANA SCHOOL FOR GIRLS	K-12
	1	PS 98 H RIDDER JHS	JHS		1	BETH JACOB OF BORO PARK	EL
	1	PS 99 HARRY T BURLEIGH SCHOOL	K-6		1	BETH RIVKA H.S.	HS
	1	PYRAMID HOUSE - DEY	SPEC		1	BETHEL ELEM SCHOOL	EL
	1	SACRED HEART MIDDLE SCHOOL	MDL		1	BNEI SHIMON YISROEL OF SOPRON	EL
	1	SACRED HEART PRIMARY DIVISION	EL		1	BOYS & GIRLS H.S.	HS
	1	SACRED HEART PRIVATE SCHOOL	EL		1	BROOKLYN TECHNICAL H.S.	HS
	1	SAMUEL GOMPERS HS	HS		1	BUSHWICK	HS
		[illegible] BRONX HS	HS		1	BUSHWICK H.S.	HS
		[illegible] ALBERT SCHOOL	EL		1	CLARA BARTON H.S.	HS
	1	ST ANGELA MERICI SCHOOL	EL		1	EAST NEW YORK VOC & TECH H.S.	HS
	1	ST ATHANASIUS SCHOOL	EL		1	EASTERN DISTRICT H.S.	HS
	1	ST ATHANASIUS SCHOOL	EL		1	EDWARD R MURROW H.S.	HS
	1	ST AUGUSTINE SCHOOL	EL		1	ELI WHITNEY VOCATIONAL H.S.	HS
	1	ST CATHARINE ACADEMY	HS		1	ERASMUS HALL H.S.	HS
	1	ST JOHN CHRYSOSTOM SCHOOL	EL		1	F D ROOSEVELT H.S.	HS
		[illegible] SCHOOL	EL		1	FRANKLIN K LANE H.S.	HS
		[illegible] MARY SCHOOL	EL		1	FT GREEN CATH SCH-ADELPHI ST	EL
		[illegible] TOURS SCHOOL	EL		1	GEO WESTINGHOUSE VOC & TECH HS	HS
		[illegible] PIUS X RI SCHOOL	EL		1	GEORGE W WINGATE H.S.	HS
		[illegible] H.S.	HS		1	H S REDIRECTION	HS
		[illegible]	EL		1	IMMACULATE CONCEPTION SCHOOL	EL
		[illegible] ACADEMY - GIRLS	HS		1	IS 111 E FERMI JHS	MDL
	1	ST RAYMOND H.S. - BOYS	HS		1	IS 162 WILLOUGHBY JHS	JHS
	1	ST RAYMOND SCHOOL	EL		1	IS 291	JHS
	1	ST SIMON STOCK ELEM SCH	EL		1	IS 302 RAFAEL CORDERO SCHOOL	JHS
	1	ST THOMAS AQUINAS SCHOOL	EL		1	IS 324	JHS
	1	ST. ANSELM SCHOOL	EL		1	IS 364	JHS

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BROOKLYN (CONTINUED)	1	IS 383 PHILIPPA SCHUYLER SCH	MDL
	1	IS 391	MDL
	1	IS 78 R H MANN IS	MDL
	1	ISRAELITE INSTITUTE	EL
	1	JHS 278 MARINE PARK JHS	JHS
	1	JOHN DEWEY H.S.	HS
	1	JOHN JAY H.S.	HS
	1	MESIVTA BEHT SHEARIM	HS
	1	MOST HOLY TRINITY SCHOOL	EL
	1	NEW UTRECHT H.S.	HS
	1	OUR LADY OF LORETTO SCHOOL	EL
	1	OUR LADY OF LOURDES SCHOOL	EL
	1	OUR LADY OF PEACE SCHOOL	EL
	1	OUR LADY-BEDFORD STUYVESANT SC	EL
	1	OUR SAVIOR SCHOOL	EL
	1	PACIFIC H.S.	HS
	1	PHHS	HS
	1	PROSPECT HEIGHTS H.S.	HS
	1	PS PHILIP LIVINGSTON SCH	K-6
	1	PS 1	K-6
	1	PS 10 LOUISA M ALCOTT SCH	K-6
	1	PS 102	K-6
	1	PS 103 BLYTHEBOURNE SCH	K-6
	1	PS 106 EDWARD E HALE SCHOOL	K-6
	1	PS 107 JOHN W KIMBALL SCH	EL
	1	PS 108 ARLINGTON SCHOOL	K-6
	1	PS 11 MURVIS J BEHAN SCHOOL	K-6
	1	PS 110 MONITOR SCHOOL	K-6
	1	PS 112 LEFFERTS PARK SCH	EL
	1	PS 115 PLYMOUTH SCHOOL	K-6
	1	PS 117 F S KEY JHS	JHS
	1	PS 120 CARLOS TAPIA SCHOOL	EL
	2	PS 121	K-6
	1	PS 122 WM H HARRISON SCH	EL
	1	PS 123 SUYDAM SCHOOL	K-6
	1	PS 124 SILAS B DUTCHER SCH	EL
	1	PS 126 J ERICSSON JHS	JHS
	1	PS 129 BENSONHURST SCHOOL	K-6
	1	PS 13	K-6
	1	PS 130 THE PARKSIDE SCHOOL	K-6
	1	PS 131	K-6
	1	PS 132 THE CONSELYEA	K-6
	1	PS 133 JAMES A BUTLER SCH	K-6
	1	PS 135 THE RUGBY SCHOOL	K-6
	1	PS 136 C J DEWEY JHS	JHS
	1	PS 137 BAINBRIDGE SCHOOL	EL
	1	PS 138	K-6
BROOKLYN (CONTINUED)	1	PS 139 THE CORTELYOU SCH	K-6
	1	PS 140 WINFIELD SCOTT SCH	K-6
	1	PS 142 STRANAHAN JHS	JHS
	1	PS 145 ANDREW JACKSON SCH	EL
	1	PS 147 ISSAC REMSEN ELEM SCH	K-6
	1	PS 149 EAST NY SCHOOL	K-6
	1	PS 15	K-6
	1	PS 150 CHRISTOPHER SCHOOL	K-6
	1	PS 151 LYNDON B JOHNSON SCH	K-6
	1	PS 152 GLENWOOD ROAD SCH	K-6
	1	PS 153 HOMECREST SCHOOL	K-6
	1	PS 154 THE WINDSOR SCHOOL	K-6
	1	PS 155 NICHOLAS HERKIMER SCH	EL
	1	PS 156 WAVERLY SCHOOL	K-6
	1	PS 157 FRANKLIN SCHOOL	EL
	1	PS 158 WARWICK SCHOOL	K-6
	1	PS 159 PITKIN SCHOOL	K-6
	1	PS 16 LEONARD DUNKLY SCHOOL	K-6
	1	PS 160 WM T SAMPSON SCHOOL	K-6
	1	PS 161	EL
	1	PS 163 BATH BEACH SCHOOL	K-6
	1	PS 164	EL
	1	PS 165 JOHN LOTT SCHOOL	K-6
	1	PS 166 G GERSHWIN JHS	JHS
	1	PS 167 PARKWAY SCHOOL	K-6
	1	PS 168 BARTLETT SCHOOL	EL
	1	PS 169 THE SUNSET PARK SCH	K-6
	1	PS 17 WOODWORTH ELEM SCH	K-6
	1	PS 171 A LINCOLN INTRMD SCH	EL
	1	PS 172 GOWANUS SCHOOL	K-6
	1	PS 174 DUMONT SCHOOL	K-6
	1	PS 175 HOPKINSON SCHOOL	K-6
	1	PS 179 MCKELWAY JHS	EL
	1	PS 179 THE KENSINGTON SCHOOL	K-6
	1	PS 18 EDWARD BUSH ELEM SCH	EL
	1	PS 180 HOMEWOOD SCHOOL	EL
	1	PS 181 WILLIAM MALBIN SCHOOL	EL
	1	PS 183	K-6
	1	PS 184	EL
	1	PS 185	K-6
	1	PS 188	K-6
	1	PS 189	EL
	1	PS 193	K-6
	1	PS 191 PAUL ROBESON SCHOOL	K-6
	1	PS 192	K-6
	1	PS 193	K-6
	1	PS 195 THE TEN EYCK SCHOOL	K-6

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BROOKLYN (CONTINUED)	1	PS 199 ELMWOOD SCHOOL	K-6
	1	PS 20 CLINTON HILL SCHOOL	K-6
	1	PS 200	K-6
	1	PS 201 GYKER HEIGHTS JHS	JHS
	1	PS 202	K-6
	1	PS 205	EL
	1	PS 206	K-6
	1	PS 208 THE HYDE PARK SCHOOL	K-6
	1	PS 21 CRISPUS ATTUCKS SCHOOL	K-6
	1	PS 210 J MARSHALL INTRMD SCH	MDL
	1	PS 212	K-6
	1	PS 213 THE NEW LOTS SCH	K-6
	1	PS 214 MICHAEL FRIEDSAM SCH	K-6
	1	PS 215	K-6
	1	PS 217	K-6
	1	PS 218 J SINNOTT INTRMD SCH	MDL
	1	PS 219	K-6
	1	PS 220 J J PERSHING JHS	JHS
	1	PS 221 EMPIRE SCHOOL	K-6
	1	PS 223 MONTAUK JHS	MDL
	1	PS 224 THE OLD MILL SCHOOL	EL
	1	PS 225	K-6
	1	PS 226	K-6
	1	PS 227 E B SHALLOW JHS	MDL
	2	PS 228 DAVID A BOODY JHS	JHS
	1	PS 23 CARTER G WOODSON SCH	K-6
	1	PS 230	K-6
	1	PS 232 WINTHROP JHS	JHS
	1	PS 233	K-6
	1	PS 235 LENOX SCHOOL	K-6
	2	PS 238	K-6
	1	PS 241 EMMA L JOHNSTON SCH	EL
	1	PS 242 WM HENRY SEWARD SCH	SPEC
	1	PS 243 ISAAC NEWTON SCH	K-6
	1	PS 244	K-6
	1	PS 246 W WHITMAN INTRMD SCH	MDL
	1	PS 248	K-6
	1	PS 249 CATON AVENUE SCH	K-6
	1	PS 25 LAFAYETTE SCHOOL	K-6
	1	PS 250 GEORGE LINDSEY SCHOOL	EL
	1	PS 252 A S SOMERS JHS	JHS
	1	PS 253	K-6
	1	PS 254 DAG HAMMARSKJOLD SCH	EL
	1	PS 255 WILLIAM F KELLY SCH	K-6
	1	PS 256 BENJAMIN BANNEKER SCH	K-6
	1	PS 257 JOHN F HYLAN SCH	EL
	1	PS 258 N MACON JHS	JHS
BROOKLYN (CONTINUED)	1	PS 259 W MCKINLEY JHS	JHS
	1	PS 26 QUINCY SCHOOL	K-6
	1	PS 260 BREUCKELEN SCHOOL	K-6
	1	PS 262 JOHN H MCCOOEY SCH	K-6
	1	PS 263 DAVID MARCUS JHS	JHS
	1	PS 265 SUSAN S MCKINLEY JHS	JHS
	1	PS 269 EMMA LAZARUS SCH	K-6
	1	PS 269	K-6
	1	PS 27 AGNES Y HUMPHREY SCH	K-6
	1	PS 270 DEKALB SCHOOL	K-6
	1	PS 271 J M COLEMAN JHS	MDL
	1	PS 273 MORTMAN SCHOOL	K-6
	1	PS 274 KOSCIUSKO SCHOOL	EL
	1	PS 275 M A EISMAN JHS	MDL
	1	PS 28 THE WARREN SCHOOL	K-6
	1	PS 281 JOS B CAVALLARO JHS	JHS
	1	PS 282 PARK SLOPE ELEM SCH	K-6
	1	PS 284	K-6
	1	PS 285 MEYER LEVIN JHS	JHS
	1	PS 287 DR BAILEY K ASHFORD SCH	K-6
	1	PS 288 GEORGE L MENTZ SCHOOL	K-6
	1	PS 289 GEORGE V BROWER SCH	EL
	1	PS 29 JOHN M HARRIGAN SCH	K-6
	1	PS 29 STOCKTON SCHOOL	EL
	1	PS 290	EL
	1	PS 292 EAST NY INTRMD SCH	JHS
	1	PS 293 NATHAN HALE SCHOOL	JHS
	1	PS 296 SIMON J ROTHCHILD SCH	JHS
	1	PS 296 HALSEY JHS	JHS
	1	PS 298 THE GLENMORE SCHOOL	K-6
	1	PS 299 THOMAS W FIELD SCH	K-6
	1	PS 3 BEDFORD VILLAGE SCHOOL	K-6
	1	PS 303 GEORGE C TILYOU SCH	JHS
	1	PS 304 THE PULASKI SCHOOL	K-6
	1	PS 305 DR PETER RAY SCHOOL	K-6
	1	PS 306 ETHAN ALLEN SCHOOL	K-6
	1	PS 307 D H WILLIAMS SCH	K-6
	1	PS 308 CLARA CARDWELL SCH	K-6
	1	PS 309 GEORGE E WIBECAN SCH	K-6
	1	PS 31	K-6
	1	PS 312 BERGEN BEACH SCHOOL	EL
	1	PS 316 CLASSON SCHOOL	K-6
	1	PS 318 E M DEHOSTOS INTRMD SCH	MDL
	1	PS 32 SPROLE SCHOOL	K-6
	1	PS 320	MDL
	1	PS 321 WILLIAM PENN SCH	EL
	1	PS 327 BOISE SYLVANUS DENT SCH	K-6

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BROOKLYN (CONTINUED)	1	PS 328 C PHYLLIS WHEATLEY SCH	K-6
	1	PS 329	K-6
	1	PS 33 M HOPKINS JHS	MDL
	1	PS 332 CHAS HAMILTON HOUSTON	K-6
	1	PS 335	K-6
	1	PS 34	EL
	1	PS 345 PTRLMN P BOLDEN SCH	K-6
	1	PS 35 S DECATUR JHS	JHS
	1	PS 377	K-6
	1	PS 38 THE PACIFIC SCHOOL	K-6
	1	PS 384 FRANCES CARTER SCH	K-6
	1	PS 39 HENRY BRISTOW SCHOOL	EL
	1	PS 396 RAMON EMETERIO BETANCES	SPEC
	1	PS 397	EL
	1	PS 398	K-6
	1	PS 40 GEORGE W CARVER SCH	K-6
	1	PS 40 GEORGE W CARVER SCH	K-6
	1	PS 41	K-6
	1	PS 44 ISRAEL PUTNAM SCHOOL	K-6
	1	PS 45 ISAAC CHAUNCEY SCHOOL	K-6
	1	PS 46 EDWARD C BLUM SCHOOL	K-6
	1	PS 48 MAPLETON SCHOOL	EL
	1	PS 49 W J GAYNOR JHS	MDL
	1	PS 5 BLANCHE K BRUCE SCH	K-6
	1	PS 50 J D WELLS JHS	JHS
	1	PS 51 W ALEXANDER JHS	MDL
	1	PS 54 SAMUEL C BARNES SCH	K-6
	1	PS 55 OCEAN HILL SCHOOL	MDL
	1	PS 56 LEWIS LATIMER SCHOOL	K-6
	1	PS 57 W REID JHS	JHS
	1	PS 57 W REID JHS	JHS
	1	PS 58 CARROLL SCHOOL	K-6
	1	PS 59 WILLIAM FLOYD SCHOOL	EL
	1	PS 61 LEFFERTS JHS	MDL
	1	PS 62 DITMAS JHS	JHS
	1	PS 63 THE HINSDALE SCHOOL	K-6
	1	PS 65	EL
	1	PS 67 ELLIOTT SCHOOL	K-6
	1	PS 71	MDL
	1	PS 72	K-6
	1	PS 73 WM J MORRISON SCH NYC	EL
	1	PS 75 EVERGREEN GROVE SCHOOL	K-6
	1	PS 8 JOHN JAY SCHOOL	K-6
	1	PS 81 THADDEUS STEVENS SCH	K-6
	1	PS 84 JOSE DE DIEGO SCHOOL	K-6
	1	PS 88 IRVINGTON SCHOOL	K-6
	1	PS 88 P BOUGET INTRMD SCH	MDL
BROOKLYN (CONTINUED)	1	PS 9 TEUNIS G BERGEN SCH	K-6
	1	PS 90 JOHN J. LOFTUS SCH	K-6
	1	PS 91 ALBANY AVENUE SCHOOL	K-6
	1	PS 92 ADRIAN HEGEMAN SCH	EL
	1	PS 93 WM H PRESCOTT SCHOOL	K-6
	1	PS 94 THE LONGFELLOW SCH	K-6
	1	PS 95 GRAVESEND SCHOOL	K-6
	1	PS 96 SETH LOW JHS	MDL
	1	PS 97 HIGHLAWN SCHOOL	K-6
	1	PS 99 MIDWOOD SCHOOL	EL
	1	ROBERTO CLEMENTE SCHOOL	K-6
	1	SARAH J HALE VOCATIONAL H.S.	HS
	1	ST ELIZABETH SETON SCHOOL	EL
	1	ST FRANCIS CABRINI SCHOOL	EL
	1	ST JOHN CANTIUS SCHOOL	EL
	1	ST JOHN THE EVANGELIST LUTH SC	MDL
	1	ST MICHAELS ELEM SCHOOL	EL
	1	ST NICHOLAS ELEM SCHOOL	EL
	1	STS CYRIL & METHODIUS SCHOOL	EL
	1	STS PETER & PAUL SCHOOL	EL
	1	TAL TORAH TOLDOS YAKOV YOSEF	K-12
	1	THOMAS JEFFERSON H.S.	HS
	1	TOMER D YORA HS FOR GIRLS	HS
	1	TOMPKINS CHILDREN CENTER	EL
	1	UHURU SASA	K-12
	1	WM H MAXWELL VOCATIONAL H.S.	HS
	1	YESH BETH YEHUDA V CHATM DRETL	EL
	1	YESH BETH YITZCHOK OSPRINKA	K-12
	1	YESH MESIVTA ARUGATH HABOSEM	K-12
	1	YESHIVA BETH JACOB SCH MIDWOOD	K-6
	1	YESHIVA CHAIZAR HAMODESH	EL
	1	YESHIVA HARAMA HS FOR GIRLS	HS
	1	YESHIVA IMREI YOSEF	EL
	1	YESHIVA YAGDIL TORAH	EL
	1	YESHIVA YESODE HATORAH	EL
	1	YOUTH DEVELOPMENT CENTER NO 2	J-SHS
	1	YOUTH DEVELOPMENT CTR NO 3	HS
BRONX	1	BENJAMIN FRANKLIN ELEM.	K-6
	1	CALVIN COOLIDGE SCHOOL	K-6
	2	CARYL F. ADAMS PRIMARY SCHOOL	EL
	1	CHESTER A. LOPO SCHOOL	SPEC
	1	EAST JHS	JHS
	2	F.H. DONNELLY SCHOOL	EL
	1	GREAT VALLEY YOUTH CAMP	
	1	HORACE MANN SCHOOL	K-6
	1	LINCOLN ELEMENTARY SCHOOL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR*

LOCATIONS	CODE *	SCHOOL NAME	
BROOME (CONTINUED)	1	MAC ARTHUR SCHOOL	K-6
	1	NORTH SHS	HS
	1	THEODORE ROOSEVELT SCHOOL	K-6
	1	WEST JHS	JHS
	2	WHITNEY POINT INTRMD. SCHOOL	EL
	1	WINDSOR ELEMENTARY SCHOOL	K-6
	1	WOODROW WILSON SCHOOL	K-6
CATTARAUGUS			
	1	EAST VIEW ELEMENTARY SCHOOL	K-6
	1	FERNWOOD ELEMENTARY SCHOOL	EL
	1	FRANKLINVILLE ELEMENTARY	K-6
	1	FRANKLINVILLE JSHS	JSHS
	1	GOWANDA ELEMENTARY SCHOOL	EL
	1	OLEAN JHS	JHS
	1	PROSPECT ELEMENTARY SCHOOL	EL
	1	SENECA ELEMENTARY SCHOOL	EL
	1	WASHINGTON WEST ELEMENTARY SCH	K-6
CAYUGA			
	2	ANDREW J. SMITH ELEMENTARY SCH	K-6
	1	AUBURN SPEC. RESDNTL. CTR-GIRL	SPEC
	2	GENDA ELEMENTARY SCHOOL	K-6
	1	GENESEE STREET ELEM. SCHOOL	EL
	1	MORAVIA JSHS	JSHS
CHAUTAUQUA			
	1	BROCTON ELEM. & MIDDLE SCHOOL	EL
	1	BROCTON HS	HS
	1	CASSADAGA ELEMENTARY SCHOOL	EL
	1	CASSADAGA VALLEY HS	JSHS
	1	CLINTON V. BUSH	K-6
	1	CLYMER ELEMENTARY SCHOOL	K-6
	1	FAIRMOUNT SCHOOL	K-6
	1	FORESTVILLE CENTRAL HS	JSHS
	1	GERRY ELEMENTARY SCHOOL	EL
	1	MAYVILLE ELEMENTARY SCHOOL	K-6
	1	MAYVILLE JSHS	JSHS
	2	PINE VALLEY ELEM. SCHOOL	EL
	2	PINE VALLEY JR-SR HIGH SCHOOL	JRSHS
	1	SAMUEL G. LOVE SCHOOL	K-6
	1	SCHOOL 3	EL
	1	SCHOOL 6	EL
	1	SINCLAIRVILLE ELEMENTARY SCH	K-6
	1	STOCKTON ELEMENTARY SCHOOL	EL
CHEMUNG			
	2	COHEN ELEMENTARY-JHS	EL
	1	ELMIRA CORR FAC-BROCKWAY SCH	SPEC
	1	ERNIE DAVIS SCHOOL	JHS
	1	GEORGE M. DIVEN SCHOOL	K-6
CHEMUNG (CONTINUED)	1	J. SLOAT FASSETT SCHOOL	K-6
	2	LENOX AVENUE ELEMENTARY SCHOOL	EL
	1	THOMAS K. BEECHER SCHOOL	K-6
CHENANGO			
	2	EARLVILLE ELEMENTARY SCHOOL	EL
	1	GEORGETOWN ELEMENTARY SCHOOL	K-6
	2	GREENLAWN ELEMENTARY SCHOOL	K-6
	1	GUILFORD ELEMENTARY SCHOOL	K-6
	1	PERRY BROWNE ELEMENTARY SCHOOL	K-6
	2	SHERBURNE PRIMARY SCHOOL	EL
	2	SMYRNA ELEMENTARY SCHOOL	EL
	2	NO. NEW BERLIN CENTRAL SCHOOL	K-12
	2	SOUTH OTSELIC SCHOOL	K-12
CLINTON			
	1	ADIRONDACK REG. START CTR NO 6	JHS
	1	ALTONA ELEMENTARY SCHOOL	K-6
	1	AUSABLE FORKS PRIMARY SCHOOL	EL
	1	AUSABLE VALLEY MIDDLE HS	JSHS
	1	CADYVILLE ELEMENTARY SCHOOL	K-6
	1	ELLENBURG ELEMENTARY SCHOOL	K-6
	1	KEESVILLE PRIMARY SCHOOL	K-6
	1	LYON MT. ELEMENTARY SCHOOL	K-6
	1	MONTY STREET SCHOOL	EL
	1	MOORES ELEMENTARY SCHOOL	K-6
	1	MORRISONVILLE ELEMENTARY SCH	K-6
	1	NO. ADIRONDACK JSHS	JSHS
	1	SARANAC ELEMENTARY JHS	JHS
	1	SARANAC ELEMENTARY SCHOOL	K-6
COLUMBIA			
	1	BROOKWOOD CENTER	JHS
	1	HUDSON CORRECTIONAL FACILITY	SPEC
	2	HUDSON MIDDLE SCHOOL	MDL
	1	ICHABOD CRANE MIDDLE SCHOOL	MDL
	1	ICHABOD CRANE SHS	HS
	1	JOHN L. EDWARDS	EL
	1	MARTIN H. GLYNN ELEM SCHOOL	EL
	1	MARTIN VAN BUREN ELEM SCHOOL	EL
CORTLAND			
	1	MARATHON ELEMENTARY SCHOOL	EL
	1	MCGRAW ELEMENTARY SCHOOL	K-6
DELAWARE			
	1	ANDES CENTRAL SCHOOL	K-12
	1	CHAS. LORING BRACE YOUTH CAMP	HS
	1	FLEISCHMANS ELEMENTARY SCHOOL	EL
	2	FRANKLIN CENTRAL SCHOOL	K-12
	1	HANCOCK ELEMENTARY SCHOOL	K-6
	1	HANCOCK JSHS	JSHS

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LOCATIONS	CODE *	SCHOOL NAME	
DELAWARE (CONTINUED)	1	SIDNEY CENTER ELEMENTARY SCH	EL
	2	SIDNEY MIDDLE SCHOOL	MDL
	1	SOUTH KORTRIGHT CENTRAL SCHOOL	K-12
	1	SOUTH KORTRIGHT CTR FOR BOYS	HS
DUTCHESS			
	1	CHARLES B. WARRING SCHOOL	EL
	1	COLUMBUS SCHOOL	EL
	2	DOVER ELEMENTARY SCHOOL	MDL
	1	FISHKILL CORRECTIONAL FACILITY	SPEC
	1	G.W. KRIEGER SCHOOL	EL
	1	GOV. GEORGE CLINTON SCHOOL	EL
	1	JV FORRESTAL ELEEMENTARY SCH	K-6
	1	MORSE SCHOOL	EL
	1	OVERBROOK CENTER	SPEC
	1	POUGHKEEPSIE HS	HS
	1	POUGHKEEPSIE MIDDLE SCHOOL	MDL
	1	SOUTH AVENUE SCHOOL	K-6
	1	WINGDALE ELEMENTARY SCHOOL	EL
ERIE			
	1	ACADEMIC CHALLENGE CENTER	EL
	1	ALL SAINTS SCHOOL	EL
	1	BENNETT HS	HS
	1	BFLO ACAD FOR VIS & PERF ARTS	JSHS
	1	BLESSED SACRAMENT SCHOOL	EL
	1	BRANT ELEMENTARY SCHOOL	EL
	1	BUFFALO ALTERNATIVE HS	JSHS
	1	BUFFALO TRADITIONAL SCHOOL	JSHS
	1	BUFFALO VOC. & TECH. SKILL CTR	HS
	1	BUILD ACADEMY	EL
	1	BURGARD VOCATIONAL HS	HS
	1	CAMPUS EAST SCHOOL	EL
	1	CAMPUS WEST SCHOOL	EL
	1	COLLINS CENTER ELEMENTARY SCH	EL
	1	DIOCESAN EDUC. CAMPUS SCHOOL	EL
	1	DR. M. L. KING JR. COMM. SCH.	K-8
	1	EMERSON VOCATIONAL HS	HS
	1	FRANKLIN ELEMENTARY SCHOOL	K-8
	1	G. CLEVELAND ELEMENTARY SCHOOL	EL
	1	GARDENVILLE SCHOOL	K-8
	1	GATEWAY-LYNDE SCHOOL	SPEC
	1	GROVER CLEVELAND HS	HS
	1	H. HOOVER JHS	JHS
	1	HERMAN BADILLO COMM. SCHOOL	EL
	1	HOLY ANGELS SCHOOL	EL
	1	HUTCHINSON CENT. TECH. HS	HS
	1	IMMACULATE CONCEPTION SCHOOL	EL
	1	KENSINGTON HS	HS
ERIE (CONTINUED)	1	LACKAWANNA SHS	HS
	1	LAFAYETTE HS	HS
	1	MASTEN PARK SECURE CENTER	HS
	1	MCKINLEY VOCATIONAL HS	HS
	1	MONTESSORI SCHOOL	EL
	1	NATIVITY OF THE BVM	EL
	1	NEW LINCOLN ELEMENTARY SCHOOL	K-8
	1	NORTH HILL ELEMENTARY SCHOOL	EL
	1	PARKSIDE ELEMENTARY SCHOOL	EL
	1	PS 11	EL
	1	PS 12	K-8
	1	PS 17 CITY HONORS SCHOOL	JSHS
	1	PS 18	EL
	1	PS 19	EL
	2	PS 21	EL
	1	PS 23	EL
	1	PS 26	EL
	2	PS 27	EL
	1	PS 28	EL
	1	PS 3	EL
	1	PS 31	EL
	1	PS 33	EL
	1	PS 36	K-8
	1	PS 37	EL
	1	PS 38	EL
	1	PS 4	EL
	1	PS 40	K-8
	1	PS 43	EL
	1	PS 44	EL
	1	PS 45	EL
	1	PS 49	EL
	1	PS 51	EL
	1	PS 52	EL
	1	PS 53	EL
	1	PS 56	EL
	1	PS 57	K-8
	1	PS 59	EL
	1	PS 60	EL
	1	PS 61	EL
	1	PS 62	K-8
	1	PS 65	EL
	2	PS 70	EL
	2	PS 71	EL
	1	PS 74	EL
	1	PS 77	EL
	1	PS 78	EL
	1	PS 80	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ERIE (CONTINUED)	1	PS 82	EL
	1	PS 84	SPEC
	1	PS 90	K-6
	1	QUEEN OF ALL SAINTS SCHOOL	EL
	1	RIVERSIDE HS	HS
	1	SCHOOL FOLLOW-THRU	EL
	1	SENECA VOCATIONAL HS	HS
	1	SOUTH PARK HS	HS
	1	SOUTHSIDE HS	HS
	1	ST. ADALBERT SCHOOL	EL
	1	ST. ANN SCHOOL	EL
	1	ST. AUGUSTINE'S SCHOOL	JSHS
	1	ST. BRIGID SCHOOL	EL
	1	ST. COLUMBA SCHOOL	EL
	1	ST. MARY OF SORROWS SCHOOL	EL
	1	ST. MARYS SCHOOL	EL
	1	ST. MATTHEW SCHOOL	EL
	1	ST. STANISLAUS SCHOOL	EL
	1	START CENTER NO. 4	HS
	1	WASHINGTON ELEMENTARY SCHOOL	K-6
	1	WATERFRONT SCHOOL	EL
	1	WEST HERTEL MIDDLE SCHOOL	JHS
	1	YOUTH DEVELOPMENT CENTER NO 6	JHS
ESSEX	1	MINERVA CENTRAL SCHOOL	K-12
	1	MORIAH ELEMENTARY SCHOOL	K-6
	1	MORIAH JSHS	JSHS
	1	TICONDEROGA ELEMENTARY SCHOOL	EL
	1	TICONDEROGA MIDDLE SCHOOL	MDL
	1	TICONDEROGA SHS	HS
	2	WESTPORT SCHOOL	K-12
FRANKLIN	1	BRUSTON MOIRA CENTRAL SCHOOL	JSHS
	1	CHATEAUGAY ELEM-JR HIGH SCHOOL	EL
	1	CHATEAUGAY SHS	HS
	1	DAVIS ELEMENTARY SCHOOL	K-6
	1	FLANDERS ELEMENTARY SCHOOL	EL
	1	LAMBERTON ELEMENTARY SCHOOL	EL
	2	LP QUINN ELEMENTARY SCHOOL	K-6
	2	MALONE JHS	JHS
	1	SALMON RIVER ELEMENTARY SCHOOL	K-6
	1	ST. REGIS FALLS JSHS	JSHS
	1	ST. REGIS MOHAWK SCHOOL	EL
	2	TUPPER LAKE JSHS	JSHS
FULTON	1	ESTEE MIDDLE SCHOOL	MDL
	2	KINGSBOROUGH SCHOOL	EL
FULTON (CONTINUED)	1	MCNAB SCHOOL	EL
	1	MOHAWK HEIGHTS SCHOOL	JSHS
	2	NORTHVILLE HS	JSHS
	1	NUEVA VISTA YOUTH CAMP	SPEC
	1	OPPENHEIM-EPHRATAH CENTRAL SCH	K-12
	1	PARK TERRACE SCHOOL	EL
	1	STRATFORD CENTRAL SCHOOL	K-12
	1	WARREN STREET SCHOOL	K-6
	1	WHEELERVILLE SCHOOL	EL
GREENE	1	COXSACKIE CORR-SCARBOROUGH SCH	SPEC
	1	DURHAM ELEMENTARY	K-6
	1	HUNTER ELEMENTARY SCHOOL	EL
HAMILTON	1	LAKE PLEASANT SCHOOL	EL
	1	WELLS SCHOOL	K-12
HERKIMER	1	BENTON HALL SCHOOL	K-6
	1	MARGARET TUGER SCHOOL	EL
	1	MOUNT MARKHAM ELEMENTARY SCH	EL
	1	POLAND JSHS	JSHS
	1	REMINGTON ELEMENTARY SCHOOL	K-6
	1	WEST FRANKFORT ELEMENTARY SCH	K-6
JEFFERSON	1	ADAMS ELEMENTARY SCHOOL	K-6
	1	ANTWERP BRANCH SCHOOL	K-6
	1	BELLEVILLE CENTRAL SCHOOL	K-12
	1	CAPE VINCENT ELEMENTARY SCHOOL	K-6
	1	CARTHAGE ELEMENTARY SCHOOL	EL
	2	CASE JHS	JHS
	1	CLAYTON ELEMENTARY SCHOOL	K-6
	1	DEXTER ELEMENTARY SCHOOL	K-6
	1	EVANS MILLS BRANCH SCHOOL	K-6
	1	HAROLD T. WILEY SCHOOL	MDL
	1	HENDERSON CENTRAL SCHOOL	K-12
	1	INDIAN RIVER JSHS	JSHS
	1	LYME CENTRAL SCHOOL	K-12
	1	MANNSVILLE MANOR ELEM SCHOOL	K-6
	1	MAYNARD P. WILSON SCHOOL	K-6
	1	MEADE SCHOOL	EL
	1	NATURAL BRIDGE ELEMENTARY SCH	EL
	1	NORTH JHS	JHS
	1	OHIO STREET SCHOOL	EL
	1	PHILADELPHIA ELEMENTARY SCHOOL	K-6
	1	SACKETTS HARBOR CENTRAL SCHOOL	K-12
	1	SHERMAN SCHOOL	EL
	1	SOUTH JEFFERSON HS	JSHS

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
JEFFERSON (CONTINUED)	1	STARBUCK SCHOOL	EL
	1	THERESA BRANCH SCHOOL	K-6
	1	WEST CARTHAGE ELEMENTARY SCH	EL
LEWIS	1	PORT LEYDEN ELEMENTARY SCHOOL	K-6
	1	SOUTH LEWIS JSHS	JSHS
LIVINGSTON	2	KESHEQUA ELEMENTARY SCHOOL	K-6
MADISON	1	CAMP GEORGETOWN CORR FACILITY	SPEC
	1	NORTH BROAD STREET SCHOOL	K-6
	1	PETERBORO ST. ELEMENTARY SCH	EL
	1	ROBERTS STREET MIDDLE SCHOOL	MDL
	1	SOUTH SIDE ELEMENTARY SCHOOL	EL
	2	HAMPSVILLE ELEMENTARY SCHOOL	K-6
MANHATTAN	1	A. PHILIP RANDOLPH HS	HS
	1	ALL SAINTS SCHOOL	EL
	1	ANNUNCIATION SCHOOL	EL
	1	ASCENSION SCHOOL	EL
	1	AUXILIARY HS	HS
	1	BENJAMIN FRANKLIN HS	HS
	1	CHARLES E. HUGHES HS	HS
	1	CHELSEA VOCATIONAL HS	HS
	1	CHLDRN LRNG CTR-OUR LITTLE SCH	EL
	1	FASHION INDUSTRIES HS	HS
	1	GEORGE WASHINGTON HS	HS
	1	H.S. OF MUSIC AND ART	HS
	1	HARLEM PREP SCHOOL	HS
	1	HOLY CROSS SCHOOL	EL
	1	HOLY NAME OF JESUS	EL
	1	IS 10	MDL
	1	IS 117 JEFFERSON PARK JHS	JHS
	1	IS 195	MDL
	1	IS 201	JHS
	1	IS 233	MDL
	1	IS 25	JHS
	1	JULIA DEBURGOS JHS	JHS
	1	JULIA RICHMOND	HS
	1	LASALLE ACADEMY	HS
	1	LOUIS D. BRANDEIS HS	HS
	1	MABEL DEAN BACON VOC H.S.	HS
	1	MANHATTAN VOC & TECH HS	HS
	1	MARTIN LUTHER KING HS	HS
	1	MARY HELP OF CHRISTIANS SCHOOL	EL
	1	MOST HOLY REDEEMER SCHOOL	EL
	1	MT. CARMEL-HOLY ROSARY CONSOL	EL
MANHATTAN (CONTINUED)	1	MURRY BERGTRAUM HS	HS
	1	NEW YORK SCHOOL OF PRINTING	HS
	1	NORMAN THOMAS H.S.	HS
	1	OUR LADY OF SORROWS SCHOOL	EL
	1	OUR LADY QUEEN-ANGELS SCHOOLS	EL
	1	OUR LADY QUEEN-MARTYRS SCHOOL	EL
	1	OUR LADY-GOOD COUNSEL SCHOOL	EL
	1	OUR LADY-PERPETUAL HELP-ELEM	EL
	1	PARK EAST HS	HS
	1	PARK WEST HS	HS
	1	PS 101	K-6
	1	PS 102 CARTIER SCHOOL	K-6
	1	PS 104 SIMON BARUCH JHS	JHS
	1	PS 108 PETER MINUIT	K-6
	1	PS 109	K-6
	1	PS 11 WILLIAM T. HARRIS SCHOOL	EL
	1	PS 110 F. NIGHTINGDALE SCHOOL	K-6
	1	PS 111 ADOLPH S. OCHS SCHOOL	K-6
	1	PS 112	EL
	1	PS 113	K-6
	1	PS 115 HUMBOLDT SCHOOL	K-6
	1	PS 116 MARY L. MURRAY SCHOOL	K-6
	1	PS 118 JOAN OF ARC JHS	JHS
	1	PS 121 GALILEO SCHOOL	K-6
	1	PS 123 ALEXANDER WEBB SCHOOL	K-6
	1	PS 124	K-6
	1	PS 125	EL
	1	PS 126 JACOB RIIS SCHOOL	K-6
	1	PS 128 AUDUBON SCHOOL	K-6
	1	PS 129	K-6
	1	PS 13 W.L. ETTINGER JHS	JHS
	1	PS 130 THE DE SOTO SCHOOL	K-6
	1	PS 132 FORT WASHINGTON SCHOOL	K-6
	1	PS 133 FRED MOORE SCHOOL	K-6
	1	PS 134 HENRIETTA SZOLDS SCHOOL	K-6
	1	PS 136 H.J. STONE JHS	MDL
	1	PS 137 JOHN L. BERNSTEIN SCH	K-6
	1	PS 140 NATHAN STRAUS SCHOOL	K-6
	1	PS 142 AMALIA CASTRO SCHOOL	K-6
	1	PS 143 F. ROOSEVELT JHS	JHS
	1	PS 144 HANS C. ANDERSON SCHOOL	K-6
	1	PS 145	K-6
	1	PS 146 ANNA M. SHORT SCHOOL	K-6
	1	PS 149 SOJOURNER TRUTH ELEM	EL
	1	PS 15 ROBERTO CLEMENTE SCHOOL	K-6
	1	PS 151 MILES M. O'BRIEN SCHOOL	K-6
	1	PS 152	K-6

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LOCATIONS	CODE *	SCHOOL NAME	
MANHATTAN (CONTINUED)	1	PS 153	EL
	1	PS 154	EL
	1	PS 155 WILLIAM PACA SCHOOL	K-6
	1	PS 156 EUGENE P. ROBERTS SCH	EL
	1	PS 161 F.H. LAGUARDIA SCHOOL	K-6
	1	PS 163 ALFRED E. SMITH SCHOOL	K-6
	1	PS 164 E.W. STITT JHS	JHS
	1	PS 165 ROBERT E. SIMON SCHOOL	K-6
	1	PS 166	EL
	2	PS 167 RF WAGNER JHS	JHS
	1	PS 17 LASALLE JHS	JHS
	1	PS 171 PATRICK HENRY SCHOOL	K-6
	1	PS 173	K-6
	1	PS 175 HENRY H. GARNET SCHOOL	K-6
	1	PS 179 DANIEL WEBSTER SCHOOL	K-6
	1	PS 180 HUGO NEWMAN SCHOOL	K-6
	1	PS 185 J. MERCER LANGSTON SCH	EL
	1	PS 187	EL
	1	PS 188 JOHN.BURROUGHS SCHOOL	K-6
	1	PS 189	K-6
	1	PS 19 ASHER LEVY SCHOOL	K-6
	1	PS 191 AMSTERDAM SCHOOL	EL
	1	PS 192 JACOB H. SCHIFF SCHOOL	K-6
	1	PS 194 COUNTEE CULLEN SCHOOL	K-6
	1	PS 197 JOHN B. RUSSWORM SCHOOL	K-6
	1	PS 198 ISDR & IDA STRAUSS SCH	K-6
	1	PS 199 JESSIE I. STRAUS SCHOOL	MDL
	1	PS 20 ANNA SILVER SCHOOL	K-6
	1	PS 200 RIVERSIDE SCHOOL	EL
	1	PS 206	EL
	1	PS 207 NORBERT RILLEUX SCHOOL	EL
	1	PS 208 ALAINE L. LOCKE SCHOOL	EL
	1	PS 22 G. STRAUBENMULLER JHS	JHS
	1	PS 28 WRIGHT BROTHERS SCHOOL	K-6
	1	PS 30 MT. MORRIS SCHOOL	K-6
	1	PS 33 CHELSEA SCHOOL	EL
	1	PS 34 FD ROOSEVELT SCHOOL	K-6
	1	PS 36	EL
	1	PS 42 BENJAMIN ALTMAN SCHOOL	K-6
	1	PS 43 MANHATTANVILLE JHS	JHS
	1	PS 44 WM J O'SHEA INTERMED SCH	MDL
	1	PS 45 JS ROBERTS JHS	JHS
	1	PS 46 TAPPAN SCHOOL	EL
	1	PS 50 VITO MARANTONIA SCHOOL	K-6
	1	PS 51 ELIAS HOWE SCHOOL	K-6
	1	PS 52 INWOOD JHS	JHS
	1	PS 54 B.T. WASHINGTON JHS	JHS
MANHATTAN (CONTINUED)	1	PS 56 CORLEARS JHS	JHS
	1	PS 57 ST. JAMES W. JOHNSON SCH	K-6
	1	PS 60 OTTILIA M REHA JHS	JHS
	1	PS 61 ANNA HOWARD SHAW SCHOOL	K-6
	1	PS 63 WILLIAM MCKINLEY SCHOOL	K-6
	1	PS 64 ROBERT SIMON SCHOOL	K-6
	1	PS 650 SUMNER JHS	JHS
	1	PS 7-M SAMUEL STERN SCHOOL	K-6
	1	PS 70 OHENRY SCHOOL	JHS
	1	PS 72	K-6
	1	PS 75 EMILY DICKINSON SCHOOL	K-6
	1	PS 76 ST. NICHOLAS SCHOOL	K-6
	1	PS 79 ROBERT J. PUPST SCHOOL	K-6
	1	PS 83 LUIS MUNOZ RIVERIA	K-6
	1	PS 84 SOL BLOCH SCHOOL	K-6
	1	PS 88 WADLEIGH INTERMED SCHOOL	JHS
	1	PS 9 JOHN JASPER SCHOOL	EL
	1	PS 92 MARY M. BETHUNE SCHOOL	K-6
	1	PS 96 JOSEPH C. LANZETTA SCH	K-6
	1	PS 97 MANSIN SCHOOL	K-6
	1	PS 98 SHORACKAPPOCK ELEM SCH	K-6
	1	SACRED HEART OF JESUS SCHOOL	EL
	1	SATELLITE ACADEMY HS	HS
	1	SEWARD PARK HS	HS
	1	ST BRIGID SCHOOL	EL
	1	ST GEORGE ELEMENTARY SCHOOL	EL
	1	ST. AGNES H.S.	HS
	1	ST. ALOYSIUS SCHOOL	EL
	1	ST. ALPHONSUS COMMERCIAL HS	HS
	1	ST. ANN SCHOOL	EL
	1	ST. BERNARD SCHOOL	EL
	1	ST. CATHERINE OF GENOA SCHOOL	EL
	1	ST. CECILIA SCHOOL	EL
	1	ST. CHARLES BORROMEO SCHOOL	EL
	1	ST. ELIZABETH SETON SCHOOL	EL
	1	ST. FRANCIS DESALES SCHOOL	EL
	1	ST. FRANCIS XAVIER SCHOOL	EL
	1	ST. GREGORY THE GREAT SCHOOL	EL
	1	ST. JAMES SCHOOL	EL
	1	ST. JEAN BAPTISTE HS	HS
	1	ST. JOHN NEPOMUCENE SCHOOL	EL
	1	ST. JOSEPH SCHOOL	EL
	1	ST. JUDE SCHOOL	EL
	1	ST. LUCY SCHOOL	EL
	1	ST. MARK THE EVANGELIST SCHOOL	EL
	1	ST. PATRICK'S SCHOOL	EL
	1	ST. PAUL SCHOOL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MANHATTAN (CONTINUED)	1	ST. ROSE OF LIMA SCHOOL	EL
	1	ST. STEPHEN SCHOOL	EL
	1	START CENTER NO. 2	HS
	1	STUYVESANT HS	HS
	1	WASHINGTON IRVING HS	HS
	1	WEST SIDE HS	HS
	1	YESH RABBI MOSES SOLOVEICHIK	K-12
	1	YOUTH DEVELOPMENT CENTER NO. 2	SPEC
MONROE	1	BENJAMIN FRANKLIN SHS	JSHS
	1	CORPUS CHRISTI SCHOOL	EL
	1	EDISON INDUSTRIAL HS	HS
	1	FREDERICK DOUGLASS JHS	JHS
	1	HOME TUTORING SERVICES	SPEC
	1	INTERIM JHS	JHS
	1	JEFFERSON JSHS	JSHS
	1	JOHN MARSHALL JSHS	JSHS
	1	MADISON SHS	HS
	1	MONROE JSHS	JSHS
	1	NEIGHBORHOOD ACHIEVEMENT CTR	SPEC
	1	NEIGHBORHOOD ST. ACADEMY	SPEC
	1	OPERATION YOUNG ADULT SCHOOL	JHS
	1	PARKLAND ELEMENTARY SCHOOL	K-6
	1	PROJECT FOLLOW THROUGH SCHOOL	EL
	1	SCHOOL WITHOUT WALLS	HS
	1	SCHOOL 11	EL
	1	SCHOOL 12	K-6
	1	SCHOOL 14	K-6
	1	SCHOOL 15	K-6
	1	SCHOOL 16	K-6
	1	SCHOOL 17	K-6
	1	SCHOOL 19	EL
	1	SCHOOL 2	K-6
	1	SCHOOL 20	EL
	1	SCHOOL 21	K-6
	1	SCHOOL 22	K-6
	1	SCHOOL 25	K-6
	1	SCHOOL 27	K-6
	1	SCHOOL 29	K-6
	1	SCHOOL 3	K-6
	1	SCHOOL 30	K-6
	1	SCHOOL 33	MDL
	1	SCHOOL 34	K-6
	1	SCHOOL 35	K-6
	1	SCHOOL 36	K-6
	1	SCHOOL 39	K-6
	1	SCHOOL 4	K-6
MONROE (CONTINUED)	1	SCHOOL 41	K-6
	1	SCHOOL 5	K-6
	1	SCHOOL 50	K-6
	1	SCHOOL 6	EL
	1	SCHOOL 9	K-6
	1	SCHOOL 9	MDL
	1	ST. JOSEPH'S VILLA SCHOOL	SPEC
	1	STATE AG. & INDUSTRIAL SCHOOL	JSHS
	1	WILSON JHS	JHS
	1	WORLD OF INQUIRY SCHOOL	K-6
	1	WORLD OF WORK PROGRAM	HS
	1	YOUNG MOTHERS PROGRAM	SPEC
MONTGOMERY	1	CLARA S. BACON SCHOOL	K-6
	1	FORT PLAIN ELEMENTARY SCHOOL	K-6
	1	FORT PLAIN JSHS	JSHS
	1	LYNCH MIDDLE SCHOOL	JHS
	1	MARIE CURIE EASTSIDE ELEM. SCH	K-6
NASSAU	1	CENTENNIAL AVENUE SCHOOL	K-6
	1	DREXEL SCHOOL	EL
	1	DRYDEN SCHOOL	EL
	1	FRANKLIN SCHOOL	K-6
	1	FULTON SCHOOL	K-6
	1	HARRY D DANIELS SCHOOL	EL
	1	HEMPSTEAD HS	HS
	1	HEMPSTEAD MIDDLE SCHOOL	MDL
	1	JACKSON ANNEX SCHOOL	EL
	1	LUDLUM SCHOOL	K-6
	1	POWELLS LANE SCHOOL	EL
	1	PROSPECT SCHOOL	K-6
	1	ROOSEVELT JSHS	JSHS
	1	ST. CHRISTOPHER'S HOME	SPEC
	1	THEODORE ROOSEVELT SCHOOL	K-6
	1	WASHINGTON ROSE SCHOOL	EL
	1	WESTBURY JHS	JHS
	1	4 SCHOOL	EL
NIAGARA	1	BEECH AVENUE SCHOOL	K-6
	1	CENTER FOR YOUNG PARENTS	HS
	1	CHARLES B. GASKILL JHS	JHS
	1	DEWITT CLINTON ELEM. SCHOOL	K-6
	1	FERRY AVENUE SCHOOL	K-6
	1	GRANT SCHOOL	K-6
	1	HARRY F ABATE ELEM. SCHOOL	K-6
	1	MAPLE AVENUE SCHOOL	K-6
	2	NIAGARA FALLS HS	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NIAGARA (CONTINUED)	1	NIAGARA STREET SCHOOL	K-6
	1	NORTH JHS	JHS
	1	OUR LADY OF CZESTOCHOWA SCHOOL	EL
	1	SIXTIETH STREET SCHOOL	K-6
	1	SOUTH JHS	JHS
	1	THIRTY NINTH STREET SCHOOL	K-6
	1	TUSCARORA ELEM SCHOOL	EL
ONEIDA			
	1	ANNSVILLE YOUTH CAMP	HS
	1	CAMDEN MIDDLE SCHOOL	MDL
	1	CHADWICKS UNION FREE SCHOOL	K-12
	1	CHRISTOPHER COLUMBUS SCHOOL	EL
	1	COLUMBUS SCHOOL	K-6
	1	DEWITT CLINTON SCHOOL	K-6
	1	GANSEVOORT SCHOOL	K-6
	2	JERRY C. CLOUGH SCHOOL	K-6
	2	JOHN D. GEORGE ELEM. SCHOOL	K-6
	1	KEMBLE SCHOOL	EL
	1	KERNAN SCHOOL	EL
	1	MARY E. MARMALFE SCHOOL	K-6
	1	MARY ST. SCHOOL	EL
	2	MCCONNELLSVILLE ELEM. SCHOOL	EL
	1	MILLER SCHOOL	EL
	1	NORTH BAY AREA SCHOOL	EL
	1	ROOSEVELT SCHOOL	EL
	1	ROSCOE CONKLING SCHOOL	EL
	1	SS JOSEPH & PATRICK SCHOOL	EL
	1	ST. FRANCIS DE SALES ELEM. SCH	EL
	1	SYLVAN VERONA BEACH COMM. SCH	K-6
	1	WASHINGTON SCHOOL	K-6
	1	WETMORE SCHOOL	EL
ONONDAGA			
	1	BELLEVUE SCHOOL	EL
	1	BLODGETT MIDDLE SCHOOL	MDL
	1	CATHEDRAL ACADEMY	K-6
	1	CLARY MIDDLE SCHOOL	MDL
	1	DANFORTH MAGNET SCHOOL	EL
	1	DELAWARE SCHOOL	EL
	1	DR. EDWIN F. WEEKS SCHOOL	K-6
	1	DR. MARTIN LUTHER KING JR. SCH	EL
	1	EASTWOOD MIDDLE SCHOOL	MDL
	1	EDWARD SMITH SCHOOL	K-6
	1	ELMWOOD SCHOOL	K-6
	1	FRANK C. MCCARTHY SCHOOL	SPEC
	1	FRANKLIN SCHOOL	K-6
	1	FRAZER SCHOOL	EL
	1	GEORGE FOWLER HS	HS
ONONDAGA (CONTINUED)	1	GRANT MIDDLE SCHOOL	JHS
	1	JAMES A. SHEA MIDDLE SCHOOL	MDL
	1	LEMOYNE SCHOOL	K-6
	1	LINCOLN JHS	JHS
	1	MCKINLEY-BRIGHTON MAGNET SCH	K-6
	1	ONONDA IND. RESVAT. SCHOOL	EL
	1	PERCY HUGHES SCHOOL	K-6
	1	PORTER SCHOOL	EL
	2	RAMSDELL ELEM. SCHOOL	K-6
	2	RIORDAN ELEM. SCHOOL	EL
	1	ROBERTS SCHOOL	K-6
	1	ROOSEVELT JHS	JHS
	1	SALINA-JEFFERSON	K-6
	1	SEYMOUR SCHOOL	EL
	1	T. AARON LEVY MIDDLE SCHOOL	JHS
	1	VAN DUYN SCHOOL	K-6
	1	WASHINGTON IRVING Y-MED CTR.	JSHS
	1	WEBSTER SCHOOL	K-6
	1	WEST SIDE CATHOLIC SCHOOL	K-6
	1	YOUTH DEVELOPMENT CTR. NO. 5	HS
ORANGE			
	1	ACADEMY AVENUE SCHOOL	EL
	1	ALBERT STREET SCHOOL	EL
	1	ANNA S. KUHL ELEM. SCHOOL	K-6
	1	CHESTNUT STREET SCHOOL	K-6
	1	E FITZERALD START CTR. NO. 1	EL
	1	GARDNERTOWN ELEM. SCHOOL	EL
	1	GIDNEY AVENUE MEMORIAL SCHOOL	K-6
	1	GOSHEN CENTER FOR BOYS	HS
	1	HORIZON ON HUDSON SCHOOL	EL
	1	MEMORIAL ELEM. SCHOOL	MDL
	1	MIDDLE SCHOOL	JHS
	1	MINISINK VALLEY ELEM. SCHOOL	EL
	1	N.A. HAMILTON BICENTENIAL SCH	K-6
	1	NEW WINDSOR SCHOOL	K-6
	1	ORANGE CORRECTIONAL FACT	SPEC
	1	OTISVILLE CORRECTIONAL FACT	SPEC
	1	PINE ISLAND SCHOOL	EL
	1	PORT JERVIS SHS	HS
	1	SOUTH JHS	MDL
	1	SULLIVAN AVENUE SCHOOL	K-6
	2	TRUMAN MOON SCHOOL	K-6
	1	VAILS GATE SCHOOL	EL
	1	WASHINGTON STREET ELEM. SCHOOL	EL
	1	WEST STREET SCHOOL	K-6
ORLEANS			
	2	ALBION MIDDLE SCHOOL	MDL

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LOCATIONS	CODE *	SCHOOL NAME	
ORLEANS (CONTINUED)	2	HOLLEY ELEM. SCHOOL	K-6
OSWEGO			
	1	ALTMAR ELEM. SCHOOL	EL
	1	ALTMAR PARISH-WMSTOWN MDL SCH	HS
	1	CAYUGA STREET SCHOOL	MDL
	2	CENTRAL SQUARE ELEM. SCHOOL	K-6
	2	CLEVELAND ELEM. SCHOOL	K-6
	1	ERIE STREET SCHOOL	K-6
	1	FAIRGRIEVE SCHOOL	K-6
	1	FAIRLEY SCHOOL	EL
	2	HASTINGS MALLORY ELEM. SCHOOL	K-6
	1	JOHN C. BIRDLEBOUGH HS	HS
	1	MEXICO ELEM. SCHOOL	EL
	1	OAK STREET SCHOOL	K-6
	1	PALERMO SCHOOL	EL
	1	PARISH ELEM. SCHOOL	EL
	1	PHILLIPS STREET ELEM. SCHOOL	K-6
	1	PULASKI JSHS	JSHS
	1	SANDY CREEK HS	JSHS
	1	WILLIAMSTOWN ELEM. SCHOOL	EL
OTSEGO			
	1	ANDREW S. DRAPER SCHOOL	K-12
	1	OTEGO ELEM. SCHOOL	K-6
	1	RICHFIELD SPRINGS CENT. SCHOOL	K-12
	1	RIVERSIDE ELEM. SCHOOL	K-6
	1	UNADILA ELEM. SCHOOL	K-6
	2	VALLEYVIEW ELEM. SCHOOL	K-6
PUTNAM			
	1	ST. BASILS ACADEMY	EL
QUEENS			
	1	ANDREW JACKSON HS	HS
	1	AUGUST MARTIN HS	HS
	1	AVIATION HS	HS
	1	BEACH CHANNEL HS	HS
	1	FAR ROCKAWAY HS	HS
	2	HILLCREST HS	HS
	1	IS 226	JHS
	1	IS 238	MDL
	1	IS 53	MDL
	1	JHS 162 E.D. SHIMER JHS	JHS
	1	JHS 217 H. A. VAN WYCK JHS	JHS
	1	JHS 72-8 SCHLESINGER JHS	MDL
	1	JHS H-R S GROSSLEY JHS	JHS
	1	JOHN ADAMS HS	HS
	1	JOHN BOWNE HS	HS
	2	LONG ISLAND CITY HS	HS
	1	MIDDLE COLLEGE HS	HS
QUEENS (CONTINUED)	2	NEWTOWN HS	HS
	2	PS 11 H. GREELEY JHS	JHS
	1	PS 100 GLEN MORRIS SCHOOL	K-6
	1	PS 104	EL
	1	PS 105 BAY SCHOOL	EL
	1	PS 106	K-6
	1	PS 109 QUEENS VILLAGE JHS	JHS
	1	PS 111 JACOB BLACKWELL SCHOOL	EL
	1	PS 112 DUTCH KILLS SCHOOL	EL
	1	PS 114	EL
	1	PS 118	EL
	1	PS 119 GLENDALE JHS	JHS
	1	PS 121	K-6
	1	PS 123	K-6
	1	PS 124	K-6
	1	PS 125 WOODSIDE JHS	MDL
	1	PS 126 ASTORIA INTRMD SCHOOL	MDL
	1	PS 127 EAST ELMHURST SCHOOL	EL
	2	PS 13 CLEMENT C. MOORE SCH	EL
	1	PS 132	EL
	1	PS 134 HOLLIS SCHOOL	EL
	1	PS 135	EL
	1	PS 14 FAIRVIEW SCHOOL	EL
	1	PS 140 EDWARD ELLINGTON SCHOOL	K-6
	1	PS 143 MEADOW SCHOOL	EL
	1	PS 145 J. PULITZER INTRMD. SCH	MDL
	1	PS 147	EL
	1	PS 149	EL
	1	PS 149	EL
	1	PS 15	EL
	1	PS 153	K-6
	1	PS 154	K-6
	1	PS 155	K-6
	1	PS 155	K-6
	1	PS 160	K-6
	1	PS 164 QUEEN VALLEY SCH	K-6
	1	PS 166	K-6
	1	PS 168 PARSON JHS	JHS
	1	PS 17 H.HENRY D. THOREAU SCH	EL
	1	PS 171 PETER G. VAN ALST SCH	EL
	1	PS 180 ROCKAWAY BEACH JHS	JHS
	1	PS 183 BEACH PARK SCHOOL	K-6
	1	PS 189 J C BEARD JHS	JHS
	1	PS 19 LAKE SCHOOL	EL
	1	PS 192 LINDEN JHS	MDL
	1	PS 197 OCEAN SCHOOL	EL
	1	PS 198 R.M. CARDOZO JHS	MDL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
QUEENS (CONTINUED)	2	PS 199 M A FITZGERALD SCH	EL
	1	PS 20 BOWNE ELEM SCH	EL
	1	PS 204 O. W. HOLMES JHS	JHS
	1	PS 21 EDWARD HART SCH	K-6
	1	PS 210 E. BLACKWELL JHS	JHS
	1	PS 213 THE CLOVERDALE SCHOOL	K-6
	1	PS 215 LUCRETTA MOTT SCHOOL	EL
	1	PS 218 H G CAMPBELL JHS	JHS
	1	PS 220 EDWARD MANDEL SCHOOL	K-6
	1	PS 223	K-6
	2	PS 225 SEASIDE SCHOOL	K-6
	1	PS 231 TRI COMMUNITY JHS	JHS
	1	PS 24 ANDREW JACKSON SCH	K-6
	1	PS 251	EL
	1	PS 29	K-6
	1	PS 30	K-6
	1	PS 34	K-6
	1	PS 35	EL
	1	PS 36 ST. ALBANS SCHOOL	K-6
	1	PS 37 SPRINGFIELD SCHOOL	K-6
	1	PS 40 SAMUEL HUNTINGTON SCHOOL	K-6
	1	PS 42 R VERNAM SCHOOL	K-6
	1	PS 45 BAISLEY PARK SCHOOL	K-6
	1	PS 47 BROAD CHANNEL SCHOOL	K-6
	1	PS 48 WM WORDSWORTH SCHOOL	K-6
	1	PS 50 TALFOURD LAWN SCHOOL	K-6
	1	PS 51 ARTHUR MIDDLETON SCH	EL
	1	PS 52	K-6
	1	PS 54 HILLSIDE AVENUE SCHOOL	K-6
	1	PS 55 THE MAURE SCHOOL	K-6
	1	PS 59 SPRINGFIELD GARDENS JHS	JHS
	1	PS 60 WOODHAVEN SCHOOL	K-6
	1	PS 61 LEO DAVINCI INTRMD SCH	MDL
	1	PS 62 CHESTER PARK SCHOOL	K-6
	1	PS 64 ANDRE AMPERE SCHOOL	K-6
	1	PS 66 OXFORD SCHOOL	K-6
	2	PS 70	K-6
	1	PS 71 E WILLIAMSBURG SCHOOL	K-6
	1	PS 73 W COWPER JHS	MDL
	1	PS 76 WILLIAM HALLETT SCHOOL	K-6
	1	PS 80 ROBERT W HIGBIE SCHOOL	K-6
	1	PS 81 JEAN P RICHTER SCH	K-6
	1	PS 82 THE HAMMOND SCHOOL	K-6
	1	PS 84 STEINWAY SCHOOL	K-6
	2	PS 85 HUMPHREY DAVY SCHOOL	K-6
	1	PS 86	K-6
	1	PS 89 ELMHURST SCHOOL	EL
QUEENS (CONTINUED)	1	PS 90 HORACE MANN SCHOOL	K-6
	1	PS 92 CHAS LEVERICH SCHOOL	EL
	1	PS 93 RIDGEWOOD JHS	JHS
	1	PS 95 EASTWOOD SCHOOL	EL
	1	PS 96	EL
	1	QUEENS VOCATIONAL HS	HS
	1	THOMAS A. EDISON VOC. TECH. HS	HS
	1	YESHIVA ACADEMY	EL
RENSSELAER	1	CARROLL HILL SCHOOL	K-6
	1	CHERRY PLAIN ELEM. SCHOOL	K-6
	1	FORT CRAILO SCHOOL	EL
	1	GRAFTON ELEM. SCHOOL	EL
	1	PS 12	K-6
	1	PS 14	K-6
	1	PS 2	K-6
	1	STEPHENTOWN ELEM. SCHOOL	EL
	1	TURNPIKE ELEM. SCHOOL	EL
	1	VAN RENSSELAER ELEM. SCHOOL	K-6
RICHMOND	1	ARTHUR KILL CORR FACILITY	SPEC
	1	CURTIS HS	HS
	1	IMMACULATE CONCEPTION SCHOOL	EL
	1	IS 34	MDL
	1	IS 61 WILLIAM MORRIS SCHOOL	MDL
	1	PS 13 ROSEBANK	K-6
	1	PS 14 VANDERBILT SCHOOL	K-6
	1	PS 16 JOHN DRISCOLL SCHOOL	EL
	1	PS 18 J. GREENLEAF WHITTER SCH	EL
	1	PS 19 CURTIS SCHOOL	EL
	1	PS 20 PORT RICHMOND SCHOOL	EL
	1	PS 21 ELM PARK SCHOOL	EL
	1	PS 27 A. S. PRALL IS	MDL
	1	PS 31 WILLIAM T. DAVIS SCHOOL	EL
	1	PS 44 THOMAS C. BROWN SCHOOL	EL
	1	PS 46 SOUTH BEACH SCHOOL	K-6
	1	PS 49 S.A. DREYFUS JHS	JHS
	1	PS 57 RALPH W. EMERSON SCHOOL	K-6
	1	RALPH MCKEE VOC. & TECH. HS	HS
	1	ST. MARGARET MARY SCHOOL	EL
	1	ST. MARY ASSUMPTION SCHOOL	EL
	1	ST. MARY SCHOOL	EL
	1	ST. PETERS ELEM. SCHOOL	EL
	1	ST. ROCH SCHOOL	EL
	1	WILLOWBROOK START CENTER NO. 5	HS
ROCKLAND	1	BETH RACHEL SCHOOL	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
ROCKLAND			
(CONTINUED)	1	BLUEFIELD ELEM. SCHOOL	K-6
	1	GARNERVILLE ELEM. SCHOOL	EL
	1	HAVERSTRAW ELEM. SCHOOL	EL
	2	HILLTOP ELEM. SCHOOL	MDL
	1	YESHIVA AHAVATH ISRAEL	K-12
	1	YESHIVA BETH DAVID	K-12
	1	YESHIVA OF NEW SQUARE	K-12
SARATOGA			
	1	BALSTON SPA SHS	SHS
	2	DIVISION STREET SCHOOL	EL
	1	EDINBURG CONSOLIDATED SCHOOL	K-6
SCHENECTADY			
	1	GROUT PARK SCHOOL	K-6
	1	HAMILTON ELEM. SCHOOL	K-6
	1	HORACE MANN SCHOOL	EL
	1	MARTIN LUTHER KING SCHOOL	EL
	1	NOTTINGHAM ELEM. SCHOOL	EL
	1	YATES SCHOOL	EL
SCHOHARIE			
	1	CAMP SUMMIT CORR. FACILITY	SPEC
	1	EDWARD R. CASS YOUTH CAMP	HS
	1	SCHOHARIE HS	JSHS
	2	SHARON SPRINGS CENTRAL SCHOOL	K-12
	1	WILLIAM D. AKER ELEM. SCHOOL	MDL
SCHUYLER			
	1	CAMP MONTERAY CORRECT. FACT.	SPEC
	1	WATKINS GLEN ELEM. SCHOOL	EL
ST LAWRENCE			
	2	A.A. KINGSTON MIDDLE SCHOOL	MDL
	1	BRASIE CORNERS ELEM. SCHOOL	K-6
	1	CLIFTON FINE JSHS	JSHS
	1	COLTON PIERREPONT ELEM. SCHOOL	K-6
	1	COLTON PIERREPONT JSHS	JSHS
	1	EAST SIDE ELEM. SCHOOL	K-6
	1	EDWARDS CENTRAL SCHOOL	K-12
	1	F.S. RANFORD ELEM. SCHOOL	EL
	1	FOWLER ELEM. SCHOOL	EL
	1	HAMMOND CENTRAL SCHOOL	K-12
	1	HERMON DEKALB ELEM. SCHOOL	K-6
	1	HERMON DEKALB JSHS	JSHS
	1	J.F. KENNEDY SCHOOL	EL
	2	J.M. MCKENNEY MIDDLE SCHOOL	MDL
	1	JEFFERSON ELEM. SCHOOL	K-6
	1	[illegible] MEMORIAL CENTRAL SCHOOL	K-12
	1	[illegible]	EL
	1	[illegible] CENTRAL SCHOOL	K-12
	1	[illegible] ELEM. SCHOOL	K-6
ST LAWRENCE			
(CONTINUED)	1	MADILL SCHOOL	K-6
	1	MADISON ELEM. SCHOOL	K-6
	1	MADRID ELEM. SCHOOL	EL
	1	MADRID WADDINGTON JSHS	JSHS
	1	MASSENA JHS	JHS
	2	MORRISTOWN CENTRAL SCHOOL	K-12
	1	NORFOLK GRADE SCHOOL	K-6
	1	NORWOOD GRADE SCHOOL	K-6
	1	OGDENSBURG FREE ACAD. JSHS	JSHS
	1	PARISHVILLE ELEM. SCHOOL	K-6
	1	PARISHVILLE JSHS	JSHS
	2	RICHVILLE SCHOOL	EL
	1	ST. LAWRENCE ELEM. SCHOOL	K-6
	1	ST. LAWRENCE JSHS	JSHS
	1	TWIN RIVERS ELEM. SCHOOL	K-6
	1	WADDINGTON ELEM. SCHOOL	EL
	1	WASHINGTON SCHOOL	EL
	1	WEST SIDE ELEM. SCHOOL	K-6
STEUBEN			
	1	BRADFORD CENTRAL SCHOOL	K-12
	2	CANISTEO ELEM. SCHOOL	K-6
	2	CANISTEO JSHS	JSHS
	1	GREENWOOD CENTRAL SCHOOL	K-12
	1	HAVERLING ELEM. SCHOOL	MDL
	1	SAVONA CENTRAL SCHOOL	K-12
	1	VALLEY ELEM. SCHOOL	K-6
	1	WINFIELD STREET ELEM. SCHOOL	EL
SUFFOLK			
	1	AMITYVILLE JHS	MDL
	1	ANDREW T. MORROW SCHOOL	K-6
	2	AQUEBOGUE ELEM. SCHOOL	EL
	1	BRENTWOOD START CENTER NO. 3	HS
	1	CENTRAL ISLIP SHS	HS
	1	CHARLES A. MULLIGAN SCHOOL	K-6
	1	COPIAGUE HS	HS
	1	COPIAGUE JHS	MDL
	1	EAGLE DRIVE ELEM. SCHOOL	K-6
	1	FIFTH AVENUE SCHOOL	K-6
	1	FRANCIS J. O'NEILL SCHOOL	K-6
	2	GREAT NECK ROAD ELEM. SCHOOL	EL
	1	GREENPORT ELEM. SCHOOL	K-6
	1	GREENPORT HS	JSHS
	1	LA FRANCIS HARDIMAN CHILD CTR.	EL
	1	LAUREL PARK ELEM. SCHOOL	K-6
	1	MARGUERITE L. MULVEY SCHOOL	K-6
	1	MARTIN LUTHER KING ELEM SCHOOL	EL
	1	MEDFORD AVENUE SCHOOL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
SUFFOLK (CONTINUED)	1	MILTON L. OLIVE ELEM. SCHOOL	MDL
	1	NATHANIEL WOODHULL ELEM. SCH	EL
	1	NORTH ELEM. SCHOOL	K-6
	1	NORTHEAST ELEM. SCHOOL	K-6
	1	NORTHEAST SCHOOL	EL
	1	NORTHWEST ELEM. SCHOOL	EL
	1	OAK PARK ELEM. SCHOOL	K-6
	1	PARK AVENUE SCHOOL	MDL
	2	PATCHOGUE-MEDFORD HS	HS
	1	PHILLIPS AVENUE SCHOOL	EL
	1	PINE PARK ELEM. SCHOOL	EL
	1	PULASKI STREET ELEM. SCHOOL	MDL
	1	QUOGUE ELEM. SCHOOL	K-6
	1	RALPH REED SCHOOL	JHS
	1	RIVER AVENUE SCHOOL	EL
	2	RIVERHEAD JHS	JHS
	1	ROANOKE AVENUE SCHOOL	EL
	1	STRAIGHT PATH ELEM. SCHOOL	EL
	2	SUSAN E. WILEY SCHOOL	EL
	1	VILLAGE ELEM. SCHOOL	K-6
	1	WILLIAM FLOYD HS	HS
	1	WYANDANCH MEMORIAL JSHS	HS
SULLIVAN	1	BENJAMIN COSOR ELEM. SCHOOL	K-6
	1	CORNELIUS DUGGAN SCHOOL	EL
	1	ELDRED CENTRAL SCHOOL	K-12
	1	FALLSBURGH JSHS	JSHS
	1	KENNETH L. RUTHERFORD SCHOOL	EL
	1	LIBERTY ELEM. SCHOOL	K-6
	1	LIVINGSTON MANOR HS	JSHS
	1	WOODBOURNE CORR. FACILITY	SPEC
TIOGA	1	CHEMUNG ELEM. SCHOOL	EL
	1	ELM STREET ELEM.	MDL
	1	ITHACA STREET ELEM. SCHOOL	EL
	2	NATHAN T. HALL SCHOOL	EL
	1	SPENCER ELEM. SCHOOL	EL
	1	WAVERLY JHS	JHS
	1	WAVERLY SHS	HS
TOMPKINS	1	AUSTIN MACCORMICK YOUTH CAMP	HS
	1	CENTRAL SCHOOL	K-6
	1	DANBY SCHOOL	K-6
	1	DRYDEN ELEM. SCHOOL	K-6
	1	ENFIELD SCHOOL	EL
	1	FALL CREEK ELEM. SCHOOL	EL
	1	HENRY ST. JOHN SCHOOL	K-6
TOMPKINS (CONTINUED)	1	WEST HILL ELEM. SCHOOL	EL
ULSTER	1	ACCORD ELEM. SCHOOL	EL
	1	BRIGHAM SCHOOL	K-5
	1	CAHILL SCHOOL	K-5
	1	EASTERN CORRECTIONAL FACILITY	SPEC
	1	ELLENVILLE ELEMENTARY SCHOOL	K-5
	1	ELLENVILLE JSHS	JSHS
	1	EMMA WYGANT SCHOOL	SPEC
	1	GEORGE WASHINGTON SCHOOL	K-5
	1	HOFC	HS
	1	INDVDL LRNG CTR HIGHLAND SCH	SPEC
	1	JOHN F. KENNEDY SCHOOL	K-6
	1	KERHONKSON ELEM. SCHOOL	EL
	1	MEAGHER SCHOOL	K-5
	1	MIDDLE SCHOOL	MDL
	1	PLATTEKILL ELEM. SCHOOL	EL
	1	REGIONAL SECURE DETENT. CTR.	SPEC
	1	RONDOUT VALLEY HS	HS
	1	SOPHIE G. FINN SCHOOL	K-5
	1	WALLKILL MIDDLE SCHOOL	MDL
	1	WEST PARK SCHOOL	SPEC
WARREN	1	BROAD STREET SCHOOL	K-5
	1	HADLEY LUZERNE ELEM. SCHOOL	EL
	1	HORICON SCHOOL	EL
	1	JOHNSBURG CENTRAL SCHOOL	K-12
	1	POTTERSVILLE SCHOOL	MDL
	1	SANFORD STREET SCHOOL	K-5
	1	WARRENSBURG ELEM. SCHOOL	K-5
WASHINGTON	1	ARGYLE CENTRAL SCHOOL	K-12
	1	FORT ANN SCHOOL	K-12
	1	FORT EDWARD MIDDLE SCHOOL	MDL
	1	GRANVILLE ELEM. SCHOOL	K-5
	1	GREAT MEADOW CORR. FACIL. SCH	SPEC
	1	HARTFORD CENTRAL SCHOOL	K-12
	1	MIDDLE GRANVILLE ELEM. SCHOOL	K-5
WAYNE	2	HENDRICK ELEM. SCHOOL	EL
	1	MARGARET W. CUYLER ELEM. SCH	EL
	1	RED CREEK JSHS	JSHS
	1	SODUS INTERMEDIATE SCHOOL	MDL
	1	SODUS JSHS	JSHS
	1	SODUS PRIMARY SCHOOL	EL
WESTCHESTER	1	BATTLE HILL SCHOOL	EL

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NEW YORK

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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NEW YORK

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
WESTCHESTER (CONTINUED)	1	BEDFORD HILLS CORR. FACILITY	SPEC
	1	BROOKSIDE SCHOOL	EL
	1	CAREER CENTER	HS
	1	COLUMBUS ELEM. SCHOOL	K-6
	1	COLUMBUS SCHOOL	K-6
	1	ENRICO FERMI MIDDLE SCHOOL	MDL
	1	GRAHAM SCHOOL	K-6
	1	GRIMES CTR.-CREATION EDUCATION	K-6
	1	HAMILTON SCHOOL	K-6
	1	HAWTHORNE MIDDLE SCHOOL	MDL
	1	HENRY BARNARD ELEM. SCHOOL	K-6
	1	HILLCREST SCHOOL	K-6
	1	HOLMES SCHOOL	K-6
	1	HOLY ROSARY SCHOOL	EL
	1	JOHN F. KENNEDY SCHOOL	K-6
	1	LAVINIA M. HORTON SCHOOL	K-6
	1	LONGFELLOW MIDDLE SCHOOL	MDL
	1	LONGFELLOW SCHOOL	K-6
	1	MARTIN LUTHER KING SCHOOL	EL
	1	MOUNT VERNON MIDDLE SCHOOL	JHS
	1	NATHAN HALE SCHOOL	K-6
	1	OAKSIDE SCHOOL	K-6
	1	OUR LADY OF THE ROSARY SCHOOL	EL
	1	PEEKSKILL MIDDLE SCHOOL	JHS
	1	ROBERT FULTON SCHOOL	K-6
	1	SCHOOL 10	EL
	1	SCHOOL 13	EL
	1	SCHOOL 16	EL
	1	SCHOOL 18	EL
	1	SCHOOL 19	EL
	1	SCHOOL 23	EL
	1	SCHOOL 25	EL
	1	SCHOOL 27	EL
	1	SCHOOL 6	EL
	1	SCHOOL 9	EL
	1	SCORE PROGRAM	JSHS
	1	ST. GABRIEL HS	HS
	1	ST. JOSEPH SCHOOL	EL
	1	ST. LASALLE HS	JSHS
	1	ST. MARY SCHOOL	EL
	1	ST. PETER SCHOOL	EL
	1	URIAH SCHOOL	K-6
	1	WASHINGTON SCHOOL	K-12
	1	WHITE PLAINS INTERMEDIATE SCH	MDL
	1	YONKERS HS	HS
WYOMING			
	1	ATTICA CORRECTIONAL FAC-SCHOOL	SPEC
YATES			
	1	PENN YAN JHS	JHS
	1	PENN YAN SDA CHURCH SCHOOL	EL

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NORTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ALLEGHANY			
	3	GLADE CREEK	K-08
	1	PINEY CREEK	K-08
ANSON			
	1	ANSON	07-09
	1	ANSONVILLE	K-06
	1	BOWMAN HIGH	10-12
	1	CENTRAL	K-03
	1	J R FAISON	03-04
	1	MORVEN	K-06
	1	PEACHLAND	04-06
	1	POLKTON	K-03
	1	T W BENNET	K-06
	1	WADESBORO MIDDLE	05-06
ASHE			
	1	ASHE CENTRAL	09-12
	3	ASHE CO CAREER CTR	11-12
	1	ELKLAND	02-08
	1	FLEETWOOD	K-08
	1	HEALING SPRINGS	K-08
	1	JEFFERSON	K-08
	1	LANSING	K-08
	1	NATHANS CREEK	K-08
	1	NORTHWEST	09-12
	1	RIVERVIEW	K-08
AVERY			
	1	AVERY	09-12
	1	BANNER ELK	K-08
	1	BEECH MOUNTAIN	K-08
	1	CROSSNORE	K-06
	1	CROSSNORE-NEWLAND JR	07-08
	1	ELK PARK	K-08
	1	MINNEAPOLIS	K-08
	1	NEWLAND	K-06
	1	RIVERSIDE	K-08
BEAUFORT			
	1	AURORA	09-12
	1	BEAUFORT COUNTY	K-08
	1	BELHAVEN	K-06
	1	J A WILKINSON	07-12
	3	PANTEGO	09-12
	1	S W SNOWDEN	K-08
BERTIE			
	1	ASKEWVILLE	K-07
	1	BERTIE JR	08-09
	1	BERTIE SR	10-12
	1	C G WHITE	K-07
	1	JOHN P LAW	K-07
BERTIE (CONTINUED)	1	SOUTH AULANDER	K-07
	1	W S ETHERIDGE	K-08
	1	WEST BERTIE	K-07
	1	WEST COLERAIN	K-07
	1	WINDSOR	06-07
BLADEN			
	1	B T WASHINGTON LRN	06-08
	1	BLADEN ELEM	08-07
	1	BLADEN LAKES	K-05
	1	BLADENBORO	K-12
	1	CLARKTON	K-12
	1	DUBLIN ELEM	K-03
	1	EAST ARCADIA	K-09
	1	EAST BLADEN HIGH	10-12
	1	ELIZABETHTOWN JR	08-09
	1	ELIZABETHTOWN PRIM	K-03
	1	PLAIN VIEW	K-06
	1	SPAULDING-MONROE	07-08
	1	TAR HEEL	07-12
BRUNSWICK			
	1	BOLIVIA ELEM	K-08
	1	LELAND MIDDLE	06-08
	1	LINCOLN PRIM	K-03
	1	NORTH BRUNSWICK HIGH	09-12
	1	SHALLOTTE MIDDLE	06-08
	1	UNION PRIM	K-03
	1	WACCAMAW ELEM	K-08
	1	WEST BRUNSWICK HIGH	09-12
BUNCOMBE			
	1	ASHEVILLE-BUNCOMBE VPT	09-12
	1	AYCOCK	K-05
	3	BARNARDSVILLE	K-08
	1	CLAXTON	K-05
	3	CLYDE A ERWIN MIDDLE	06-08
	3	EMMA	K-05
	1	HALL FLETCHER JR	06-07
	1	HILL STREET	06-07
	1	JOHNSTON	K-05
	1	JUVENILE EVALUATION CENTER	06-12
	1	RANDOLPH	K-03
	1	RED OAK	K-08
	1	WOODFIN	K-05
BURKE			
	1	HILLCREST	K-06
CABARRUS			
	1	COLTRANE WEBB	K-05
	1	FRED L WILSON	K-05

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NORTH CAROLINA

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LOCATIONS	CODE *	SCHOOL NAME	

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LOCATIONS	CODE *	SCHOOL NAME	
CABARRUS (CONTINUED)	3	J F MCKNIGHT	KI-ND
	3	JACKSON PARK	01-06
	1	STONEWALL JACKSON	06-12
	1	WOODROW WILSON	01-06
CALDWELL			
	3	COLLETTSVILLE	K-08
	1	VALMEAD	K-05
	1	WEST LENOIR	K-05
	1	WILLOW ST MIDDLE	06-08
CAMDEN			
	1	CAMDEN COUNTY HIGH	09-12
	1	CAMDEN MIDDLE	04-08
	1	GRANDY PRIM	K-03
CARTERET			
	1	BEAUFORT	K-05
	1	BEAUFORT CENTRAL	06-08
CASWELL			
	3	ANDERSON	K-07
	1	ARCHIBALD MURPHEY	K-03
	1	BARTLETT YANCEY ELEM	04-07
	1	BARTLETT YANCEY HIGH	09-12
	1	COBB MEMORIAL	04-07
	1	HIGH ROCK	04-07
	1	JONES	K-03
	1	NL DILLARD JR	08-08
	1	OAKWOOD	K-03
	3	PELHAM	K-07
	3	STONEY CREEK	K-07
	1	SWEET GUM	K-07
CATAWBA			
	1	GREEN PARK	UN-GR
	1	KENWORTH	K-05
	1	LONGVIEW	K-05
	1	SWEETWATER	K-06
CHATHAM			
	1	J S WATERS	K-08
	1	MONCURE	K-08
CHEROKEE			
	1	ANDREWS ELEM	K-06
	1	ANDREWS HIGH	07-12
	1	HIWASSEE DAM	K-12
	1	MARBLE	K-06
	1	MARTINS CREEK	K-08
	1	MURPHY ELEM	K-06
	3	MURPHY HIGH	07-12
	1	PEACHTREE	K-08
	1	RANGER	K-08
CHEROKEE (CONTINUED)	1	UNAKA	K-08
CHOWAN-EDENTON			
	1	CHOWAN	06-08
	1	D F WALKER	K-03
	1	ERNEST SWAIN	04-05
	1	JOHN A HOLMES	09-12
	1	WHITE OAK	K-05
CLAY			
	1	HAYESVILLE ELEM	K-05
	1	HAYESVILLE HIGH	07-12
CLEVELAND			
	1	CENTRAL ELEM	06-07
	1	EAST	K-05
	3	ELIZABETH	K-04
	3	GRAHAM	K-05
	1	GROVER	K-05
	3	JEFFERSON	K-05
	1	NORTH	K-05
COLUMBUS			
	3	ACME DELCO ELEM	K-05
	3	ACME DELCO HIGH	07-12
	1	BOYS' HOME	04-08
	1	CENTRAL MIDDLE	06-08
	1	CERRO GORDO	K-08
	1	CHADBOURN ELEM	05-08
	1	CHADBOURN PRIM	K-04
	1	EDGEWOOD ELEM	04-05
	1	EVERGREEN	K-08
	1	EXTENDED DAY SCHOOL	09-12
	1	FAIR BLUFF	K-08
	1	GUIDEWAY	K-08
	1	HALLSBORO ELEM	K-05
	1	HALLSBORO HIGH	07-12
	1	NAKINA	09-12
	1	OLD DOCK	K-08
	1	TABOR CITY	K-12
	1	TABOR CITY WEST ELEM	04-08
	1	WEST COLUMBUS	09-12
	1	WHITEVILLE PRIM	K-02
	1	WILLIAMS TOWNSHIP	K-12
CRAVEN			
	1	BRIDGETON	K-05
	1	BRINSON MEMORIAL	K-05
	1	FARM LIFE	04-05
	1	FORT BARNWELL	K-05
	1	GRAHAM A BARDEN	K-05
	1	JASPER	K-05

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NORTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CRAVEN (CONTINUED)	1	OAKS ROAD	K-06
	1	VANCEBORO	K-12
	1	WEST CRAVEN HIGH	10-12
	1	WEST CRAVEN JR	07-09
CUMBERLAND			
	1	ARMSTRONG _____	07-09
	1	BLACK	01-06
	1	CAMDEN ROAD	K-06
	3	CASHWELL	K-06
	3	CUMBERLAND MILLS	K-06
	1	CUMBERLAND ROAD	K-06
	1	DISTRICT NO 7	K-03
	1	FERGUSON-EASLEY	K-02
	3	HILLCREST MIDDLE	06-08
	1	LUCILE SOUDERS	03-05
	3	MAE RUDD WILLIAMS	KI-ND
	3	MANCHESTER	01-06
	1	MARGARET WILLIS	K-02
	1	MASSEY HILL JR	07-09
	1	PAULINE JONES	03-05
	1	RAMSEY STREET	03-05
	1	SEABROOK	K-06
	3	STEDMAN JR	07-09
	1	SUNNYSIDE	K-06
	1	TERESA BERRIEN	K-02
	1	WADE	04-06
	1	WESTAREA	K-06
	1	WILKINS	K-06
DAVIDSON			
	1	CHURCH STREET	06-06
	1	COLONIAL DRIVE	K-05
	1	KERN STREET	K-05
	1	LIBERTY DRIVE	K-05
	3	SILVER VALLEY	K-05
	3	SOUTH LEXINGTON	K-02
	1	THOMASVILLE JR	07-09
DUPLIN			
	1	B F GRADY	K-08
	1	CHARITY	07-08
	1	CHINQUAPIN	K-03
	1	CHINQUAPIN	K-08
	1	E E SMITH	07-09
	1	KENANSVILLE	K-06
	1	NORTH DUPLIN	09-12
	1	NORTH DUPLIN ELEM	K-06
	1	NORTH DUPLIN JHS	07-09
	1	ROSE HILL-MAGNOLIA	K-06
DUPLIN (CONTINUED)	1	WALLACE	K-06
	1	WARSAW ELEM	K-06
	1	WARSAW JR HIGH	07-09
DURHAM			
	1	BROGDEN	07-08
	1	BURTON	01-06
	1	C C SPAULDING	K-06
	3	CHEWNING	07-09
	1	CLUB BOULEVARD	04-06
	1	DURHAM HIGH	09-12
	1	E K POWE	K-06
	1	EAST END	K-03
	1	FAYETTEVILLE STREET	01-06
	1	GEORGE WATTS	K-06
	1	HILLSIDE	09-12
	1	HOLLOWAY STREET	01-06
	1	HOLTON	07-08
	1	JAMES E SHEPARD JR	07-09
	1	LAKEWOOD	K-03
	3	MERRICK MOORE	01-06
	1	MOREHEAD	01-06
	1	R N HARRIS	K-03
	1	ROGERS HERR JR	07-09
	1	W G PEARSON	K-06
	1	Y E SMITH	K-06
EDGECOMBE			
	1	BULLUCK	K-12
	1	CARVER	02-06
	1	COKER WIMBERLY	K-06
	1	LIVING HOPE	K-11
	3	MARTIN MIDDLE	06-08
	1	NORTH EDGECOMBE	03-12
	3	NORTH TARBORO	01-03
	1	PATTILLO	04-06
	1	PHILLIPS	K-08
	1	PRINCEVILLE	K-03
	1	ROBERSON	K-06
	1	SOUTH EDGECOMBE	03-08
	1	SOUTHWEST EDGECOMBE	09-12
	3	TARBORO	03-12
	1	WEST EDGECOMBE	09-08
	1	WILLOW GROVE	K-06
FORSYTH			
	1	DIGGS	05-06
	1	EASTON	05-06
	1	FAIRVIEW	05-06
	1	FOREST PARK	K-06

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NORTH CAROLINA

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NORTH CAROLINA

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LOCATIONS	CODE *	SCHOOL NAME	
FORSYTH (CONTINUED)	1	LATHAM	K-04
	1	MINERAL SPRINGS ELEM	K-06
	3	MINERAL SPRINGS JR	07-08
	1	OAK SUMMIT	K-06
FRANKLIN			
	1	EDWARD BEST ELEM	K-04
	1	EDWARD BEST MIDDLE	05-08
	1	EPSOM ELEM	K-06
	1	FRANKLINTON ELEM	K-05
	1	FRANKLINTON HIGH	06-12
	1	GOLD SAND ELEM	K-06
	1	GOLD SAND MIDDLE	07-08
	1	LOUISBURG ELEM	K-06
	3	LOUISBURG HIGH	09-12
GASTON			
	1	ARLINGTON	03-06
	3	GASTONIA CENTRAL	K-06
	1	PEEDIN	K-02
	1	RHYNE	K-06
GATES			
	1	GATES COUNTY SHS	10-12
	3	GATESVILLE	05-07
	3	SUNBURY	K-04
	1	T S COOPER	05-07
GRANVILLE			
	1	BEREA	K-03
	1	C G CREDLE	03-05
	1	D N HIX	09-09
	1	DILLON SCHOOL	06-12
	3	J F WEBB	10-12
	1	MARY POTTER	06-08
	1	STOVALL-SHAW	K-08
	1	TOLER-OAK HILL	K-08
	1	WEST OXFORD ELEM	K-03
	3	WILTON	K-07
GREENE			
	1	EAST GREENE	K-03
	1	GREENE CENTRAL	09-12
	1	NORTH GREENE	K-06
	1	SNOW HILL JHS	07-08
	1	SNOW HILL PRIM	K-02
	1	WEST GREENE	03-06
GUILFORD			
	1	A J GRIFFIN	07-09
	1	BRENTWOOD	K-06
	1	C F TOMLINSON	K-06
	1	FAIRVIEW	K-06
GUILFORD (CONTINUED)	1	FERNDALE JR	07-08
	1	HUNTER	04-05
	3	JESSE WHARTON	K-06
	1	JOHNSON	K-05
	1	JONES	K-05
	1	JONESBORO	K-05
	1	KIRKMAN PARK	K-06
	1	LEONARD STREET	09-12
	1	MURPHEY	06-08
	1	NORTHWOOD	K-05
	1	OAK HILL	K-05
	1	OAK VIEW	K-05
	3	PARKVIEW VILLAGE	K-06
	3	PECK	K-05
	3	SHADYBROOK	K-05
	1	UNION HILL	K-04
	1	WASHINGTON	06-08
HALIFAX			
	1	ANDREW JACKSON	K-03
	1	AURELIAN SPRINGS	K-06
	1	BAKERS	01-02
	1	BRADLEY	09-09
	1	DAMSON	K-03
	1	EASTMAN	01-12
	1	ENFIELD	09-12
	1	EVERETTS	K-06
	1	HOLLISTER	K-07
	1	INBORDEN ELEM	K-08
	1	MCIVER	K-05
	1	NORTHWEST HIGH	09-12
	1	PITTMAN	K-07
	1	SCOTLAND NECK	09-12
	1	SCOTLAND NECK PRIM	K-08
	1	THOMAS SHIELDS	K-08
	1	TILLERY CHAPEL	01-08
	1	W R DAVIE	07-08
	1	WELDON ELEM	K-04
	1	WELDON HIGH	09-12
	1	WHITE OAK	K-07
HARNETT			
	3	ANDERSON CREEK	05-08
	3	DUNN	09-12
	3	HARNETT	04-08
	3	LAFAYETTE	K-03
	3	LILLINGTON	04-08
	3	MAGNOLIA AVE	09-12
	3	SHAWTOWN	K-03

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LOCATIONS	CODE *	SCHOOL NAME	
HARNETT (CONTINUED)	3	SOUTH HARNETT	K-04
	3	WAYNE AVE	K-01
HAYWOOD			
	3	CENTRAL	K-06
	1	FINES CREEK	K-06
	3	MAGGIE	K-06
	1	ROCK HILL	K-06
HERTFORD			
	1	AHOSKIE GRADED	K-03
	1	AHOSKIE HIGH	09-12
	1	AHOSKIE MIDDLE	06-08
	1	C S BROWN	K-05
	1	MURFREESBORO HIGH	09-12
	1	MURFREESBORO MIDDLE	06-08
	1	R L VANN	04-05
	1	RIVERVIEW	K-05
HOKE			
	1	HOKE COUNTY	09-12
	1	J W MCLAUGHLIN	K-01
	1	J W TURLINGTON	05-06
	1	SCURLOCK	K-04
	1	SOUTH HOKE	07-04
	1	UPCHURCH	07-08
	1	WEST HOKE	K-04
HYDE			
	1	DAVIS	K-05
	1	MATTAMUSKEET	07-12
	1	O A PEAY	K-06
IREDELL			
	1	ALAN D RUTHERFORD	K-06
	1	AVERY SHERRILL	K-06
	1	D MATT THOMPSON JR	07-09
	1	MULBERRY STREET	K-06
	1	N B MILLS	K-06
	1	PARK VIEW	K-04
JACKSON			
	1	BLUE RIDGE	K-12
	1	CANADA	K-08
	1	SMOKEY MOUNTAIN	K-08
JOHNSTON			
	1	BENSON ELEM	07-08
	1	BENSON PRIM	K-06
	1	CLAYTON ELEM	04-05
	1	CLAYTON PRIM	K-03
	1	CLEVELAND	K-08
	1	CORINTH HOLDERS	K-08
	1	FOUR OAKS	K-08
JOHNSTON (CONTINUED)	1	GLENDALE CHAPEL	K-03
	1	KENLY	K-08
	1	MEADOW	K-08
	1	MICRO	K-03
	3	PINE LEVEL	K-09
	3	PRINCETON	K-12
	1	R R HARRISON	07-08
	1	SELMA	K-06
	1	SMITHFIELD ELEM	01-05
	1	SMITHFIELD SELMA SR	09-12
	1	SOUTH JOHNSTON	01-12
	3	SOUTH SMITHFIELD	K-03
	1	WILLIAM COOPER	05-08
JONES			
	1	COMFORT	K-05
	1	JONES JR	07-12
	1	JONES SR	01-12
	1	MAYSVILLE	K-04
	1	POLLOCKSVILLE ELEM	K-05
	1	TRENTON ELEM	K-05
LEE			
	1	BRAGG STREET	K-03
	1	MCIVER	K-06
LENOIR			
	1	CONTENTNEA	K-05
	1	DOBBS SCHOOL	06-12
	1	FRINK	07-09
	1	J H SAMPSON	03-05
	3	KINSTON JUNIOR HIGH	08-09
	1	LAGRANGE	K-05
	1	LEWIS	03-05
	1	PINK HILL	K-05
	1	ROCHELLE MIDDLE	06-07
	1	SAVANNAH	07-09
	1	SOUTHEAST	K-12
	1	SOUTHWOOD	K-05
	1	TEACHERS MEMORIAL	K-09
	3	WOODINGTON	07-09
MACON			
	1	CULLASAJA	K-05
	1	EAST FRANKLIN	K-05
	3	HIGHLANDS	K-12
	1	NANTAHALA	K-12
	1	OTTO	K-05
	1	UNION	K-05
MADISON			
	1	HOT SPRINGS	K-03

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NORTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

NORTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MADISON			
(CONTINUED)	1	LAUREL	K-08
	1	MADISON HIGH	09-12
	1	MARS HILL	K-08
	1	MARSHALL	K-08
	1	SPRING CREEK	K-09
	1	WALNUT	K-08
MARTIN			
	1	E J HAYES	04-06
	1	EAST END	K-05
	1	EDNA ANDREWS	K-08
	1	NORTH EVERETTS	K-06
	1	ROANOKE HIGH SCHOOL	09-12
	1	ROBERSONVILLE JHS	06-08
	1	WEST MARTIN	K-08
	1	WILLIAMSTON JHS	07-08
	1	WILLIAMSTON PRIM	K-03
MCDOWELL			
	1	EASTFIELD	K-06
MECKLENBURG/CHARLOTTE			
	1	AMAY JAMES	05-06
	1	ASHLEY PARK	K-06
	1	BERRYHILL	K-06
	1	CHANTILLY	K-05
	1	DEVONSHIRE	K-03
	1	ENDERLY PARK	K-06
	1	HAWTHORNE JR	07-09
	1	HIDDEN VALLEY	K-06
	1	HIGHLAND	K-06
	1	LAKEVIEW	K-03
	1	MIDWOOD	K-03
	1	NORTHWEST	07-09
	1	OAKHURST	K-06
	1	OAKLAWN	04-06
	3	PARK ROAD	K-03
	3	PINEWOOD	K-06
	1	PLAZA ROAD	K-06
	1	SEDGEFIELD ELEM	K-06
	3	SEDGEFIELD JR	07-09
	1	SHAMROCK GARDENS	K-03
	3	SMITH JR	07-09
	1	SPAUGH JR	07-09
	1	STARMOUNT	K-03
	1	STREET ACADEMY	07-12
	1	TEENAGE PARENTS	J-SHS
	1	THOMASBORO	K-06
	1	TRYON HILLS	K-06
	1	VILLA HEIGHTS	K-02
MECKLENBURG/CHARLOTTE			
(CONTINUED)	1	WESTERLY HILLS	K-
MITCHELL			
	1	BULADEAN	K-
	1	TIPTON HILL	K-
MONTGOMERY			
	1	BISCOE	K-
	1	BRUTONVILLE	K-
	1	CANDOR	K-
	1	EAST MONTGOMERY	K-
	1	HIGHLAND	K-
	1	MT GILEAD	K-
	1	STAR	K-
	1	WEST MONTGOMERY	K-
MOORE			
	1	ABERDEEN ELEM	K-
	3	ABERDEEN MIDDLE	K-
	3	PINEHURST ELEM	K-
	1	PINEHURST MIDDLE	K-
	1	SAMARKAND	K-
	1	VASS LAKEVIEW	K-
	1	WEST END ELEM	K-
NASH			
	1	BAILEY	K-
	3	BENVENUE MIDDLE	K-
	1	CEDAR GROVE	K-
	1	CENTRAL JR	K-
	1	GREENE-NASHVILLE	K-
	1	MIDDLESEX	K-
	1	NORTH WHITAKERS	K-
	1	NORTHERN NASH	K-
	1	SOUTHERN NASH JHS	K-
	1	SPAULDING	K-
	1	SPRING HOPE	K-
	1	SWIFT CREEK	K-
	1	WILLIFORD	K-
NEW HANOVER			
	1	J C ROE	K-
	1	MARY W HOWE	K-
	3	SUNSET PARK	K-
	1	SUNSET PARK ELEM	K-
	1	WILLIAM HOOPER	K-
NORTHAMPTON			
	1	CONWAY	K-
	1	GARYSBURG	K-
	1	GASTON	K-
	1	GUMBERRY	K-
	1	JACKSON-EASTSIDE	K-

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NORTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NORTHAMPTON (CONTINUED)	1	NORTHAMPTON COUNTY	09-12
	1	RICH SQUARE-CREECY	K-08
	1	SEABOARD-COATES	K-08
	1	SOUTRE	K-05
	1	WILLIS HARE	K-04
	1	WOODLAND OLNEY	K-08
ONSLOW			
	3	DIXON ELEM	K-09
	1	RICHLANDS ELEM	K-05
	1	TREXLER	06-09
	1	WALTER M THOMPSON	K-06
	3	WHITE OAK HIGH	09-12
ORANGE			
	1	A L STANBACK	06-07
	1	CAMERON PARK	K-05
	1	CENTRAL ELEM	K-05
	1	CHARLES W STANFORD	08-09
	1	EFLAND CHEEKS	K-05
	1	GRADY A BROWN	K-05
	3	ORANGE SR	10-12
PAMLICO			
	3	PAMLICO JUNIOR HIGH	05-08
PASQUOTANK/ELIZABETH CIT			
	3	ELIZABETH CITY	08-09
	1	P W MOORE	07-07
	3	SHEEP HARNEY	K-06
PENDER			
	1	ATKINSON JR HIGH	05-09
	1	BURGAW ELEM	K-06
	1	BURGAW JUNIOR HIGH	07-09
	1	LONG CREEK-GRADY	K-06
	1	MAPLE HILL	K-06
	1	PENDER HIGH	10-12
	1	PENDERLEA JR HIGH	03-09
	1	ROCKY POINT	K-06
	1	WEST PENDER	K-04
	1	WILLARD	K-02
PERQUIMANS			
	1	HERTFORD	K-06
	1	PERQUIMANS CENTRAL	K-04
PERSON			
	1	BETHEL HILL	K-06
	3	NORTH ELEM	K-06
	1	NORTH END	K-06
	1	NORTHERN JR	07-09
	1	OAK LANE	K-06
	1	SOUTH ELEM	K-06
PERSON (CONTINUED)	1	SOUTHERN JR	07-09
	1	WOODLAND	K-06
PITT			
	1	AGNES FULLILOVE	07-12
	1	AYDEN ELEM	K-06
	1	AYDEN GRAMMAR	06-08
	1	BELVOIR PRIM	K-05
	1	BETHEL ELEM	K-08
	1	CHICOD	K-08
	1	D H CONLEY	09-12
	1	EASTERN	K-08
	1	ELMHURST	K-08
	1	FALKLAND GRAM	K-06
	1	FARMVILLE CENTRAL	09-12
	1	FARMVILLE JR HIGH	06-08
	1	G R WHITFIELD	K-08
	3	GREENVILLE MIDDLE	07-07
	1	GRIFTON	K-08
	1	H B SUGG	K-06
	1	NORTH PITT	09-12
	3	PACTOLUS	K-05
	1	SAM D BUNDY ELEM	01-08
	1	SOUTH GREENVILLE	04-06
	1	STOKES ELEM	K-05
	1	THIRD STREET	K-08
	1	WELLCOME MIDDLE	05-08
POLK			
	1	GREEN CREEK	K-06
	1	MILL SPRING	K-05
	3	SALUDA	K-08
	1	STEARNS	K-06
	1	SUNNY VIEW	K-05
RICHMOND			
	1	ASHLEY CHAPEL	04-06
	1	ELLERBE	K-08
	1	FAIRVIEW HEIGHTS	K-08
	1	HAMLET JUNIOR	07-08
	1	HOFFMAN	K-06
	3	L J BELL	K-08
	3	LEAK STREET	04-06
	1	MINERAL SPRINGS	04-06
	1	MONROE AVE SCHOOL	04-06
	3	ROCKINGHAM JR HIGH	07-08
	1	ROHANEY JUNIOR HIGH	07-08
	1	ROHANEN PRIM	K-08
	1	WEST ROCKINGHAM	K-06
ROBESON			

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NORTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

NORTH CAROLINA

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LOCATIONS	CODE *	SCHOOL NAME	
ROBESON (CONTINUED)	1	DEEP BRANCH	K-06
	1	EAST ROBESON PRIM	K-03
	1	FAIRGROVE	04-12
	1	FAIRMONT ELEM	K-04
	1	FAIRMONT HIGH	09-12
	1	FAIRMONT MIDDLE	05-08
	1	GREEN GROVE	K-03
	1	HILLY BRANCH VOC CTR	J-SHS
	1	JANIE C HARGRAVE	K-04
	1	JOE P MOORE JR	04-06
	1	LITTLEFIELD	07-12
	1	LONG BRANCH	K-06
	1	MAGNOLIA	K-12
	1	MARIETTA	K-06
	1	MAXTON HIGH	09-12
	1	ORRUM	07-12
	1	OXENDINE	K-08
	1	PARKTON	K-12
	1	PEMBROKE ELEM	K-06
	1	PEMBROKE JUNIOR HIGH	08-09
	1	PEMBROKE MIDDLE	MDL
	1	PEMBROKE SENIOR HIGH	10-12
	1	PETERSON	K-03
	1	PINEY GROVE	K-08
	1	PROCTORVILLE	K-06
	1	PROSPECT	K-12
	1	PURVIS	K-06
	1	R B DEAN	K-04
	1	RED SPRINGS HIGH SCH	09-12
	1	RED SPRINGS MIDDLE	04-08
	1	REX RENNERT	K-08
	1	ROWLAND	08-12
	1	ROWLAND NORMENT	K-04
	1	SMITHS/ALLENTON MID	04-06
	1	SOUTH LUMBERTON	K-06
	1	SOUTHSIDE	K-07
	1	ST PAULS ELEM	K-05
	1	ST PAULS HIGH	07-12
	1	TOWNSEND MIDDLE	05-08
	1	UNION CHAPEL	K-06
	1	UNION ELEM-PURVIS	K-06
	1	WEST LUMBERTON	K-03
ROCKINGHAM	3	LAKESIDE	01-05
	1	LINCOLN	K-08
	1	REIDSVILLE JR	08-09
	3	SADLER	K-08
ROCKINGHAM (CONTINUED)	1	WILLIAMSBURG	K-[illegible]
ROWAN	1	C T OVERTON	K-[illegible]
	1	CLEVELAND	K-05
	3	H O ISENBERG	K-[illegible]
	1	NORTH ROWAN MIDDLE	05-08
	1	NORTH ROWAN PRIM	K-04
RUTHERFORD	1	UNION MILLS	K-08
SAMPSON	1	BLAND	K-05
	3	BUTLER AVE	06-08
	1	CHARLES E PERRY	K-05
	1	CLEAR RUN	06-[illegible]
	3	CLEMENT	K-08
	1	COLLEGE STREET	K-[illegible]
	1	GARLAND ELEM	K-05
	1	HILLS	07-08
	1	HARGROVE	K-05
	1	HOBBTON	09-12
	1	HOBBTON ELEM	K-05
	3	KEBB	K-[illegible]
	1	MIDWAY ELEM	K-[illegible]
	1	MIDWAY HIGH	09-12
	1	PLAIN VIEW	K-[illegible]
	1	ROSEBORO SALEMBURG	05-[illegible]
	3	SALEMBURG	K-[illegible]
	1	SAMPSON	04-[illegible]
	1	UNION ELEM	K-[illegible]
	1	UNION HIGH	09-12
SCOTLAND/LAURINBURG	3	CARVER MIDDLE	05-08
	1	CENTRAL PRIMARY	K-[illegible]
	1	COVINGTON STREET	K-04
	1	EAST LAURINBURG	K-04
	1	JOHNSON MIDDLE	05-08
	3	LAUREL HILL	K-04
	1	NORTH LAURINBURG	K-04
	1	PATE GARDNER PRIM	K-04
	1	SHAW MIDDLE	05-08
	1	WAGRAM PRIMARY	K-04
STANLY	1	EAST ALBEMARLE	K-05
	1	NORTH ALBEMARLE	K-05
STOKES	1	PINNACLE	K-04
	3	WALNUT COVE INTERMEDIATE	05-06

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NORTH CAROLINA

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LOCATIONS	CODE *	SCHOOL NAME	SCHOOL GRADES
STOKES (CONTINUED)	3	WALNUT COVE PRIM	K-02
SURRY	3	FLAT ROCK	K-06
	1	LOWGAP	K-06
SWAIN	1	ALARKA	K-08
	1	ALMOND	K-08
	1	BRYSON CITY	K-08
	1	WHITTIER	K-08
TYRRELL	1	COLUMBIA	07-12
	1	TYRRELL	K-06
UNION	1	BENTON HEIGHTS	K-05
	1	EAST	K-05
	3	WALTER BICKETT	K-05
VANCE	1	CARVER	K-06
	3	CLARKE STREET	K-06
	1	EATON JOHNSON JR	07-09
	3	HENDERSON JR	07-09
	1	NEW HOPE	K-06
	1	NORTH VANCE	K-06
	1	PINKSTON STREET	K-06
	3	ROLLINS ANNEX	K-06
	1	YANCEY	K-06
	1	ZEB VANCE	K-06
WAKE	1	CONN	K-05
	3	FULLER	K-05
	1	FUQUAY ELEM	04-05
	3	GARNER ELEM	K-06
	1	LINCOLN HEIGHTS	K-03
	1	ROLESVILLE	K-05
	1	UNDERWOOD	K-05
	3	WAKE COUNTY OPTION HIGH	09-12
	3	WAKE FOREST ELEM	K-05
	1	WAKE FOREST MIDDLE	06-08
	3	WENDELL	K-05
	3	WHITLEY	06-08
	1	WILEY	K-05
	1	ZEBULON ELEM	K-06
	3	ZEBULON HIGH	07-12
WARREN	1	HAWKINS	07-09
	1	JOHN GRAHAM	10-12
	1	MIRIAM BOYD	K-06
WARREN (CONTINUED)	1	NORLINA	09-12
	1	NORTH WARREN	06-08
	1	NORTHSIDE	K-03
	1	SOUTH WARREN	K-05
	1	VAUGHAN	K-07
WASHINGTON	1	CRESWELL ELEM	05-08
	1	CRESWELL HIGH	K-12
	1	ROPER ELEM	K-08
	1	WASHINGTON UNION	06-08
WATAUGA	1	BETHEL	K-08
	1	COVE CREEK	K-08
	1	GREEN VALLEY	K-08
	1	MABEL	K-08
	3	PARKWAY	K-08
	1	VALLE CRUCIS	K-08
WAYNE	1	BROGDEN JR HIGH	05-08
	1	BROGDEN PRIM	K-04
	1	CARVER ELEM	K-05
	3	EAST END	02-04
	1	EDGEWOOD	K-02
	1	EUREKA	K-05
	1	FREMONT ELEM	K-04
	1	GOLDSBORO HIGH WEST	09-12
	3	GOLDSBORO MID NORTH	07-08
	3	GOLDSBORO MID SOUTH	06-07
	1	GRANTHAM	K-03
	3	MEADOW LANE	K-04
	1	MOUNT OLIVE JHS	06-09
	1	NAHUNTA	K-05
	1	NORTH DRIVE	K-06
	1	NORWAYNE JR HIGH	07-08
	3	PIKEVILLE	K-04
	3	SCHOOL STREET	05-05
WILKES	1	BOOMER FERGUSON	K-06
	1	FAIRPLAINS	K-03
	1	MORAVIAN FALLS	K-06
	3	NORTH WILKESBORO	K-04
	3	ROARING RIVER	K-03
	1	TRAPHILL	K-03
	3	UNION	K-03
WILSON	3	ADAMS	K-02
	1	C L COON	09-09

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
WILSON (CONTINUED)	1	DARDEN-VICK		04-07	
	1	F T BEDDINGFIELD JR		09-12	
	1	ELM CITY ELEM		K-05	
	1	ELM CITY MIDDLE		06-08	
	3	ELVIE STREET		04-07	
	1	GARDNERS		K-05	
	1	LUCAMA		K-05	
	1	MARGARET HEARNE		K-03	
	1	ROCK RIDGE		K-05	
	1	SPEIGHT MIDDLE		06-08	
	1	SPRINGFIELD		06-08	
	1	STANTONSBURG		K-05	
	3	WELLS		K-03	
	1	WINSTEAD		03-07	
YADKIN	3	JONESVILLE		K-08	
YANCEY	1	BALD CREEK		K-05	
	1	BEE LOG		K-06	
	1	BURNSVILLE		K-05	
	1	CANE RIVER MIDDLE		06-08	
	1	CLEARMONT		K-05	
	1	EAST YANCEY MIDDLE		06-08	
	1	MICAVILLE		K-05	
	1	MOUNTAIN HERITAGE HIGH		09-12	
	1	PENSACOLA		K-06	
	1	SOUTH TOE		K-06	

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NORTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
BARNES			
	1	KATHRYN	1-12
BENSON			
	1	OBERON	1-8
	1	WARWICK	K-12
BOTTINEAU			
	2	BOTTINEAU	K-12
BURKE			
	1	FLAXTON	1-12
BURLEIGH			
	2	BISMARCK HS	10-12
	1	DRISCOLL	K-12
	2	JEANNETTE MYHRE	1-6
	1	REGAN	1-8
	1	RICHHOLT	1-6
	1	RIVERSIDE	1-6
	1	WILL MOORE	1-6
CASS			
	2	BEN FRANKLIN	7-9
	1	CARDINAL MUENCH SEMINARY	9-12
	1	JEFFERSON	K-5
	1	MADISON	K-6
	1	SOUTH	1-5
	1	ST MARY'S CATHEDRAL	K-8
CAVALIER			
	2	LANGDON	K-12
	1	MILTON-OSNABROCK	K-12
DICKEY			
	1	FORBES	1-12
	1	FULLERTON	1-6
	2	OAKES	5-12
DUNN			
	1	DODGE	1-12
EDDY			
	2	NEW ROCKFORD	K-12
	1	SHEYENNE	K-12
EMMONS			
	1	EMMONS CENTRAL HS	9-12
	1	HAGUE	1-12
	1	LINTON	1-12
	1	ODESSA	1-8
EMMONS (CONTINUED)			
	1	ST BENEDICT	1-8
	1	STRASBURG	1-12
FOSTER			
	2	CARRINGTON	1-12
	1	GLENFIELD-SUTTON	K-12
	1	LAKE GEORGE	1-6
GOLDEN VALLEY			
	1	LONE TREE	1-12
GRAND FORKS			
	1	BELMONT	K-5
	1	CARL BEN EIELSON	K-5
	2	CENTRAL HS	10-12
	1	LAKE AGASSIZ	K-5
	2	LARIMORE	K-12
	1	MIDWAY	K-12
	1	NATHAN TWINING	K-8
	2	SOUTH JHS	7-8
	1	VALLEY JHS	7-8
	1	WILDER	K-5
	1	WINSHIP	K-5
GRANT			
	1	NEW LEIPZIG	K-12
	1	ROOSEVELT	K-12
HETTINGER			
	1	REGENT	K-12
	1	ST MARY'S	1-12
	1	ST VINCENT	1-8
KIDDER			
	1	ROBINSON	K-12
	1	TAPPEN	K-12
MCHENRY			
	1	ANAMOOSE	K-12
	1	DRAKE	K-12
	1	THURSBY BUTTE	K-11
MCINTOSH			
	1	LEHR	1-12
	1	WISHEK	K-12
	1	ZEELAND	1-12
MCLEAN			
	2	TURTLE LAKE	1-12
MORTON			
	1	CENTRAL	1-8
	1	FLASHER	K-12
	1	GLEN ULLIN	K-12
	1	HEBRON	K-12
	2	MANDAN HS	9-12
	1	MARY STARK	1-6

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NORTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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NORTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MORTON (CONTINUED)	1	ND STATE INDUSTRIAL SCHOOL	6-12
	1	SIMS	1-12
	1	SQUARE BUTTE	3-6
MOUNTRAIL			
	1	NEW TOWN	K-12
	1	PARSHALL	K-12
PEMBINA			
	2	CAVALIER	K-12
	1	ST THOMAS	K-12
	1	WALHALLA	K-12
PIERCE			
	1	RALTA	K-12
	1	LITTLE FLOWER SCHOOL	1-6
	2	RUGBY	1-12
	1	WOLFORD	1-12
RAMSEY			
	2	CENTRAL HS	10-12
	1	CENTRAL JHS	7-9
	1	CHURCHS FERRY	1-12
	1	MINNIE H	1-6
	2	PRAIRIE VIEW	1-6
	1	SWEETWATER	1-6
RANSOM			
	1	SHELDON	K-12
RICHLAND			
	1	CENTRAL	K-9
	1	FAIRMOUNT	K-12
	1	LIDGERWOOD	K-12
	1	ZIMMERMAN	1-3
ROLETTE			
	1	DUNSEITH	K-12
	2	MT PLEASANT	K-12
	1	ROLETTE	K-12
	1	ST JOHN	K-12
SHERIDAN			
	1	MCCLUSKY	1-12
SIOUX			
	1	SELFRIDGE	1-12
	1	SOLEN	K-12
STARK			
	2	DICKINSON HS	9-12
	1	GLADSTONE	1-6
	1	LEFOR	1-8
	1	ROOSEVELT	1-8
	1	ST BERNARD'S	1-12
	1	ST MARY'S	1-8
STUTSMAN			
	1	FRANKLIN	K-6
	1	ROOSEVELT	K-6
TOWNER			
	1	EAST CENTRAL	K-6
	1	WEST CENTRAL	7-12
WALSH			
	1	CHASE	K-6
WARD			
	2	CENTRAL CAMPUS	9-12
	1	DAKOTA	1-6
	2	ERIK RAMSTAD JHS	1-12
	1	JEFFERSON	1-6
	2	JIM HILL JHS	7-8
	1	LINCOLN	1-6
	2	MAGIC CITY CAMPUS	11-12
	1	MCKINLEY	1-6
	1	MEMORIAL JHS	7-8
	1	NORTH HILL	1-6
	1	NORTH PLAINS	1-6
	1	ROOSEVELT	1-6
	1	SAWYER	K-12
	1	SUNNYSIDE	1-6
	1	SURREY	K-12
	1	WASHINGTON	1-6
WELLS			
	2	HARVEY	K-12
WILLIAMS			
	1	EIGHT MILE	1-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAMS			
	2	ABERDEEN	EL
	1	BENTONVILLE	EL
	1	CEDAR MILLS	EL
	1	FRANKLIN	EL
	1	GREEN	EL
	1	JEFFERSON	EL
	1	LIBERTY	EL
	1	MANCHESTER	EL
	1	MANCHESTER	HS
	1	NORTH ADAMS	HS
	1	PEEBLES	HS
	1	PEEBLES	EL
	1	SEAMAN	EL
	1	SINKING SPRING	EL
	1	TIFFIN	EL
	1	WAYNE	EL
	1	WEST UNION	EL
	1	WEST UNION	HS
ALLEN			
	1	EDISON	EL
	1	EMERSON	EL
	1	FAUROT	EL
	1	JEFFERSON	EL
	2	LIMA SENIOR	HS
	1	LINCOLN	EL
	1	LOWELL	EL
	2	PERRY SCHOOL	K-12
	1	SOUTH JR	JHS
	1	WASHINGTON-MCKINLEY	EL
	1	WHITTIER	EL
ASHLAND			
	1	ARTHUR	EL
	2	EDISON	EL
	1	LEWIS BROMFIELD SCHOOL	7-10
	1	LINCOLN	EL
	2	PLEASANT	EL
ASHTABULA			
	2	ASHTABULA	HS
	1	CHESTNUT	EL
	1	COLEBROOK	EL
	2	CORK	EL
	2	GENEVA	HS
	1	GENEVA	EL
	1	JEFFERSON	EL
	2	JEFFERSON	HS
	2	LAKEVIEW	EL
	2	MCKINSEY	EL
ASHTABULA (CONTINUED)	2	MOTHER OF SORROWS	EL
	1	P V MIDDLE	MDL
	1	P V PRIMARY	EL
	1	SOUTHEAST	EL
	1	SPENCER	EL
	1	STATION	EL
	1	WASHINGTON	EL
	1	WEST	JHS
	1	WINDEMERE	EL
	2	WINDSOR	EL
ATHENS			
	1	AMESVILLE	EL
	2	ATHENS	MDL
	1	CHAUNCEY	EL
	1	NELSONVILLE	EL
	1	NELSONVILLE-YORK	MDL
	1	POSTON	EL
	1	SHADE	EL
	2	STEWART	EL
	2	TRIMBLE	HS
	1	TRIMBLE	MDL
	1	TRIMBLE	EL
	1	WATERLOO	EL
	1	YORK	EL
AUGLAIZE			
	1	EAST	EL
BELMONT			
	1	FAIRPOINT	EL
	1	FIRST WARD	EL
	1	GRAVEL HILL	EL
	1	INDIAN RUN	EL
	2	KEY RIDGE	EL
	1	NEFFS	EL
	1	NORTH	EL
	1	ROSE HILL	EL
	1	WEST BELLAIRE	EL
BROWN			
	1	DECATUR	EL
	1	HIGGINSPORT	MDL
	1	RIPLEY	HS
	1	RIPLEY	EL
	1	RUSSELLVILLE	EL
	2	SARDINIA	EL
BUTLER			
	1	ADAMS	EL
	1	AMANDA	MDL
	1	AMANDA	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BUTLER (CONTINUED)	1	BUCHANAN	EL
	1	CENTRAL	EL
	1	CLEVELAND	EL
	1	GARFIELD	EL
	2	GARFIELD	MDL
	2	HAMILTON	HS
	1	HARRISON	EL
	1	JEFFERSON	EL
	1	MADISON	EL
	1	MAYFIELD	EL
	2	NEW MIAMI	JHS
	1	ONEIDA	EL
	1	SHERMAN	EL
	1	TAFT	EL
	1	VAN BUREN	EL
CARROLL			
	2	CARROLLTON	EL
	1	WILLIS	EL
CHAMPAIGN			
	1	LOCAL INTERMEDIATE	EL
	1	NORTH	EL
	1	SOUTH PRIMARY	EL
CLARK			
	2	ELMWOOD	EL
	1	EMERSON	EL
	1	FRANKLIN	JHS
	1	FULTON	EL
	1	GRAYHILL	EL
	2	HAYWARD	JHS
	1	HIGHLANDS	EL
	1	KENWOOD	EL
	1	LAGONDA	EL
	1	LINCOLN	EL
	1	MCGUFFEY	EL
	1	MCKINLEY	EL
	1	PERPIN WOODS	EL
	1	SNYDER PARK	EL
	2	SOUTH VIENNA/CATAWBA	EL
	1	ST JOSEPH	EL
CLERMONT			
	1	FELICITY-FRANKLIN S	K-12
	1	NEW RICHMOND	MDL
	1	NEW RICHMOND	EL
COLUMBIANA			
	1	CAPTAIN TAGGART	EL
	1	EAST	EL
	1	EAST LIVERPOOL	MDL
COLUMBIANA (CONTINUED)	1	ELKTON	EL
	1	GARFIELD	EL
	1	LINCOLN	MDL
	2	NEGLEY	EL
	1	NO 16 SCHOOL	EL
	2	ROGERS	EL
	1	UNITY	EL
	1	WESTGATE	EL
COSHOCTON			
	1	CENTRAL	EL
	1	FRESNO	EL
	1	PLAINFIELD	EL
	2	PLEASANT VALLEY	EL
	1	SOUTH LAWN	EL
	1	WASHINGTON	EL
CRAWFORD			
	1	CARLISLE	EL
	2	CRESTLINE	MDL
	1	DAWSETT	EL
	1	EAST	EL
	1	LINCOLN	EL
	1	WILMA CRALL	EL
CUYAHOGA			
	1	ADAMS	EL
	1	ALMIRA	EL
	1	ANTHONY WAYNE	EL
	1	ANTON GRDINA	EL
	1	ARTEMUS WARD	EL
	1	ASCENSION SCHOOL	EL
	1	AUDUBON	JHS
	1	BEEHIVE	EL
	1	BENESCH	EL
	1	BENJAMIN FRANKLIN	EL
	1	BOLTON	EL
	1	BOULEVARD	EL
	1	BROOKLAWN	EL
	1	BUHRER	EL
	1	CARVER	EL
	1	CASE	EL
	1	CENTRAL	EL
	1	CHAMBERS	EL
	1	CHARLES A MOONEY	EL
	1	CHESTERFIELD	EL
	1	CHESTNUTT	EL
	1	CLARA E WESTROPP	EL
	1	CLARK	EL
	1	CLEAVELAND	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CUYAHOGA (CONTINUED)	1	CLEMENT	EL
	1	CLEVELAND SCHOOL FUND	EL
	1	COLLINWOOD	HS
	1	COPLETT	EL
	1	CRANWOOD	EL
	1	DENISON	EL
	1	DESAUGE-EMILE	EL
	1	DICKENS	EL
	1	DIKE	EL
	1	DOAN	EL
	1	DOUGLAS MACARTHUR	EL
	1	DUNBAR	EL
	1	EAST	HS
	1	EAST CLARK	EL
	1	EAST DENISON	EL
	1	EAST MADISON	EL
	1	EAST TECH	HS
	1	ELIOT	JHS
	1	EMERSON	MDL
	1	EMPIRE	JHS
	1	EUCLID PARK	EL
	1	FOREST HILL PARKWAY	EL
	1	FULLERTON	EL
	1	FULTON	EL
	1	GARFIELD	EL
	1	GARFIELD	EL
	1	GIDDINGS	EL
	1	GILBERT	EL
	1	GLENVILLE	HS
	1	GORDON	EL
	1	GRACEMOUNT	EL
	1	GRANT	EL
	1	HALE	JHS
	1	HALLE	EL
	1	HAMILTON	JHS
	2	HARDING	MDL
	1	HARRISON	EL
	1	HARRY E DAVIS	JHS
	1	HART	JHS
	1	HARVARD	EL
	1	HAZELDELL	EL
	1	HENRY	JHS
	1	HICKS	EL
	1	HODGE	EL
	1	HOWE	EL
	1	IMMACULATE CONCEPTION	EL
	1	IOWA-MAPLE	EL
CUYAHOGA (CONTINUED)	1	IRELAND	EL
	1	JAMISON	JHS
	1	JEFFERSON	JHS
	1	JOHN HAY	HS
	1	JOSEPH M GALLAGHER	JHS
	1	KENNEDY	HS
	1	KENTUCKY-MCGUFFEY	EL
	1	KING JCC	J-SHS
	1	LAFAYETTE	EL
	1	LAKE	EL
	2	LAKEWOOD	HS
	1	LANDIS	EL
	1	LAWN	EL
	1	LINCOLN	JHS
	1	LINCOLN-WEST	HS
	1	LONGFELLOW	EL
	1	LONGMEAD	EL
	1	LONGWOOD	EL
	1	LOUIS AGASSIZ	EL
	1	LOUISA M ALCOTT	EL
	1	LUTHER E BALL SCHOOL	7-12
	1	MARION-STERLING	EL
	2	MARSHALL	HS
	1	MARTIN	EL
	1	MARY MCLEOD BETHUNE	EL
	1	MAYFAIR	EL
	1	MCKINLEY	EL
	1	MEMPHIS	EL
	1	MILES	EL
	1	MILES PARK	EL
	1	MILES STANDISH	EL
	1	MILFORD	EL
	1	MORGAN	EL
	1	MOUND	EL
	1	MT AUBURN	EL
	1	MT PLEASANT	EL
	1	MT PLEASANT CENTER	EL
	1	MYRON T HERRICK	JHS
	1	NATHANIEL HAWTHORNE	EL
	1	NEWTON D BAKER	JHS
	1	OLIVER HAZARD PERRY	EL
	1	ORCHARD	EL
	1	ORR	EL
	1	OUR LADY OF LOURDES	EL
	1	OUR LADY OF MT CARMEL	EL
	2	PARMADALE	EL
	1	PASTEUR	EL

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CUYAHOGA (CONTINUED)	1	PROSPECT	EL
	1	RAPER	EL
	1	REVERE	EL
	1	RICE	EL
	1	RICKOFF	EL
	1	RIVERSIDE	EL
	1	ROBINSON G JONES	EL
	1	ROCKEFELLER	EL
	1	ROOSEVELT	JHS
	1	ROOSEVELT	EL
	1	ROOSEVELT	EL
	1	ROTH	EL
	1	ROZELLE	EL
	1	SACKETT	EL
	1	SACRED HEART OF JESUS	EL
	1	SCRANTON	EL
	1	SELTZER	EL
	2	SENIOR	HS
	2	SHAW	HS
	1	SHULER	JHS
	1	SOUTH	HS
	1	SOWINSKI	EL
	1	SPELLACY	JHS
	1	SS CYRIL & METHODIUS	EL
	1	ST ADALBERT	EL
	1	ST AGATHA-ST ALOYSIUS	EL
	1	ST BENEDICT	EL
	1	ST BONIFACE	EL
	1	ST CATHERINE	EL
	1	ST FRANCIS	EL
	1	ST IGNATIUS	EL
	1	ST JOSEPH CENTER	EL
	1	ST JOSEPH COLLINWOOD	EL
	1	ST JOSEPH FRANCISCAN	EL
	1	ST MARY	EL
	1	ST MICHAEL	EL
	1	ST PAUL (CROATIAN)	EL
	1	ST PHILIP NERI	EL
	1	ST STEPHEN	EL
	1	ST THOMAS AQUINAS	EL
	1	ST VITUS	EL
	1	SUPERIOR	EL
	1	TREMONT	EL
	1	UNION	EL
	1	URBAN COMMUNITY	EL
	1	VALLEY VIEW	EL
	1	VERDA BROAST	EL
CUYAHOGA (CONTINUED)	1	WADE PARK	EL
	1	WALTON	EL
	1	WARNER	EL
	1	WATTERSON	EL
	1	WAVERLY	EL
	1	WEST TECH	HS
	1	WHITNEY YOUNG	JHS
	1	WILBUR WRIGHT	JHS
	1	WILLARD	EL
	1	WILLIAM C BRYANT	EL
	1	WILLIAM RAINEY HARPER	EL
	1	WILLOW	EL
	1	WILLSON	JHS
	1	WOODLAND	EL
	1	WOODLAND HILLS	EL
DELAWARE			
	1	RIVERVIEW SCHOOL	7-12
	1	SCIOTO VILLAGE SCHOOL	7-12
ERIE			
	2	ADAMS	JHS
	1	BARKER	EL
	1	MADISON	EL
	1	MILLS	EL
	1	MONROE	EL
	2	ONTARIO	EL
	1	OSBORNE	EL
	2	SANDUSKY	HS
	2	VENICE	EL
FAIRFIELD			
	2	MILLERSPORT	EL
	1	SOUTH	EL
	1	UTICA	EL
	2	WEST	EL
FAYETTE			
	1	BLOOMINGBURG	EL
	1	CENTRAL	EL
	1	CHERRY HILL	EL
	1	EASTSIDE	EL
	1	JASPER	EL
	1	JEFFERSONVILLE	EL
	1	OLIVE	EL
	1	ROSE AVENUE	EL
FRANKLIN			
	1	ALWINE	EL
	1	ARLINGTON PARK	EL
	1	AVALON	EL
	1	AVONDALE	EL

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FRANKLIN (CONTINUED)	1	BARRETT	MDL
	1	BEAUMONT	EL
	1	BECK STREET	EL
	2	BEECHCROFT	HS
	1	BEERY	MDL
	2	BERWICK	EL
	1	BINNS	EL
	1	BRENTNELL	EL
	2	BRIGGS	HS
	1	BROADLEIGH	EL
	2	BROOKHAVEN	HS
	1	BUCKEYE	MDL
	1	BURROUGHS	EL
	1	C ARTHUR WILSON SCHOOL	7-12
	1	CASSADY	EL
	1	CEDARWOOD	EL
	1	CENTRAL	HS
	1	CHAMPION	MDL
	1	CHICAGO AVENUE	EL
	1	CLAPFIELD	EL
	1	CLINTON	EL
	1	CLINTON	MDL
	1	COLERAIN	EL
	1	COMO	EL
	1	CRANBROOK	EL
	1	CRESTVIEW	MDL
	1	DANA AVENUE	EL
	1	DESHLER	EL
	1	DEVONSHIRE	EL
	1	DOMINION	MDL
	1	DOUGLAS	EL
	1	DUXBERRY PARK	EL
	1	EAST	HS
	1	EAST COLUMBUS	EL
	1	EAST FRANKLIN	EL
	1	EAST LINDEN	EL
	1	EASTGATE	EL
	1	EASTHAVEN	EL
	1	EASTMOOR	MDL
	1	EVERETT	MDL
	1	FAIR AVENUE	EL
	1	FAIRMOOR	EL
	1	FAIRWOOD	EL
	1	FIFTH AVENUE	EL
	1	FINLAND	EL
	1	FINLAND	MDL
	1	FORNOF	EL
FRANKLIN (CONTINUED)	1	FRANKLIN	MDL
	1	GARFIELD	EL
	1	GEORGIAN HTS	EL
	1	GLADSTONE	EL
	1	HAMILTON AVENUE	EL
	1	HAMILTON SOUTH	EL
	1	HENRY HERBERT GODDARD SCHOOL-1	7-12
	1	HENRY HERBERT GODDARD SCHOOL-2	7-12
	1	HEYL	EL
	1	HIGHLAND	EL
	1	HILLTONIA	MDL
	1	HUBBARD	EL
	1	HUDSON	EL
	1	HUY	EL
	1	INDIAN SPRINGS	EL
	1	INDIANOLA	MDL
	1	INDIANOLA	EL
	1	INNIS	EL
	1	JOHNSON PARK	MDL
	1	KENT	EL
	1	KENWOOD	EL
	1	KOEBEL	EL
	1	LEAWOOD	EL
	1	LINCOLN PARK	EL
	1	LINDBERGH	EL
	1	LINDEN	EL
	1	LINDEN MCKINLEY	HS
	1	LINDEN PARK	EL
	1	LINMOOR	MDL
	1	LIVINGSTON AVENUE	EL
	1	LONGFELLOW	EL
	1	MAIN STREET	EL
	1	MAIZE	EL
	2	MARION-FRANKLIN	HS
	1	MAYBURY	EL
	1	MCGUFFEY	EL
	1	MEDARY	EL
	1	MEDINA	MDL
	1	MIFFLIN	MDL
	1	MOHAWK	MDL
	1	MOLER	EL
	1	MONROE	MDL
	1	NORTH FRANKLIN	EL
	1	NORTH LINDEN	EL
	1	NORTHGATE	EL
	1	NORTHTOWNE	EL
	2	OAKLAND PARK	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FRANKLIN (CONTINUED)	1	OHIO AVENUE	EL
	2	OLDE ORCHARD	EL
	1	PARKMOOR	EL
	1	PILGRIM	EL
	1	POPE JOHN XXIII	EL
	1	REEB AVENUE	EL
	1	RIDGEVIEW	MDL
	1	ROSEMONT	EL
	1	SALEM	EL
	1	SCIOTO TRAIL	EL
	2	SCOTTWOOD	EL
	1	SECOND AVENUE	EL
	1	SHADY LANE	EL
	1	SHERWOOD	MDL
	1	SIEBERT	EL
	2	SOUTH	HS
	1	SOUTH MIFFLIN	EL
	1	SOUTHMOOR	MDL
	1	SOUTHWOOD	EL
	1	ST AUGUSTINE	EL
	2	ST LEO	EL
	2	ST THOMAS THE APOSTLE	EL
	1	STARLING	MDL
	1	STEWART	EL
	2	STILES	EL
	1	STOCKBRIDGE	EL
	1	SULLIVANT AVENUE	EL
	1	TREVITT	EL
	1	URBANCREST	EL
	1	WALDEN	EL
	2	WALNUT RIDGE	HS
	1	WATKINS	EL
	1	WEDGEWOOD	MDL
	1	WEINLAND PARK-6TH AVE	EL
	2	WEST	HS
	1	WEST BROAD	EL
	1	WEST FRANKLIN	EL
	1	WEST MOUND	EL
	1	WESTGATE	EL
	1	WESTMOOR	MDL
	1	WHETSTONE	HS
	1	WINDSOR	EL
	1	WINTERSET	EL
	1	WOODWARD PARK	MDL
	1	YORKTOWN	MDL
GALLIA	1	ADDAVILLE	EL
GALLIA (CONTINUED)	1	BIDWELL-PORTER	EL
	1	CADMUS	EL
	1	CENTERVILLE	EL
	1	CHESHIRE-KYGER	EL
	1	CLAY	EL
	1	HANNAN TRACE	HS
	1	HANNAN TRACE	EL
	1	NORTH GALLIA	HS
	1	SOUTHWESTERN	J-SHS
	1	VINTON	EL
	2	WASHINGTON	EL
GREENE	1	COX	EL
	2	FIVE POINTS	EL
	2	SOUTH-PALMER	EL
	1	SPRING HILL	EL
	1	WOODROW WILSON SCHOOL	1-12
	1	WRIGHT	EL
GUERNSEY	1	BUFFALO	EL
	1	GARFIELD	EL
	1	LINCOLN	EL
	1	LONDONDERRY	EL
	1	MADISON	EL
	1	WASHINGTON	EL
HAMILTON	2	AIKEN	HS
	1	ALLISON STREET	EL
	1	BLOOM	JHS
	1	BOND HILL/SWIFTON	EL
	1	BRAMBLE	EL
	1	BURTON	EL
	1	CARTHAGE	EL
	1	CENTRAL	EL
	1	CENTRAL FAIRMOUNT	EL
	1	CHASE	EL
	1	CHILDREN'S HOUSE	EL
	1	CINCINNATI ACADEMY	EL
	1	CLIFTON	EL
	1	COLLEGE HILL	EL
	1	CORRYVILLE CATHOLIC	EL
	1	CREST HILLS	JHS
	1	CUMMINS	EL
	2	DATER	JHS
	1	DOUGLAS	EL
	1	EASTERN HILLS	EL
	1	ELIZABETHTOWN	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HAMILTON (CONTINUED)	1	ELMWOOD PLACE	EL
	1	FAIRVIEW	EL
	2	GAMBLE	JHS
	1	GRESSLE SCHOOL	EL
	1	HARTWELL	EL
	1	HAYS	EL
	1	HEBERLE	EL
	1	HEINOLD	JHS
	2	HILLTOP	EL
	1	HOFFMAN	EL
	1	HOOVEN	EL
	2	HUGHES	HS
	1	HYDE PARK	EL
	1	KIRBY ROAD	EL
	1	LINCOLN HEIGHTS	EL
	1	LINWOOD	EL
	1	LOCKLAND PRIMARY	EL
	1	LYON	EL
	1	MCKINLEY	EL
	1	MERRY	JHS
	1	MILLVALE	EL
	2	MT AIRY	EL
	1	NORTH AVONDALE	EL
	1	NORTH FAIRMOUNT/CARLL	EL
	1	NORTH NORWOOD	EL
	2	NORWOOD	JHS
	2	NORWOOD VIEW	EL
	1	OYLER	EL
	1	PARHAM	EL
	1	PEASLEE	EL
	1	PEOPLES	JHS
	1	PLEASANT HILL	EL
	1	PORTER	JHS
	2	PRINCETON	HS
	2	PRINCETON	JHS
	1	QUEBEC HEIGHTS	EL
	1	RIVERSIDE HARRISON	EL
	1	ROBERT E LUCAS INTERMEDIATE	EL
	1	ROBERTS	JHS
	1	ROCKDALE	EL
	1	ROOSEVELT	EL
	1	ROTHENBERG	EL
	1	SAWYER	JHS
	1	SCHIEL	EL
	1	SCHWAB	JHS
	2	SHARPSBURG	EL
	1	SILVERTON	EL
HAMILTON (CONTINUED)	1	SOUTH AVONDALE	EL
	1	ST ALOYSUIS EDUC CENTER	EL
	2	ST BERNARD	EL
	1	ST BONIFACE	EL
	2	ST CECILIA	EL
	1	ST CHARLES BORROMEO	EL
	1	ST FRANCIS DE SALES	EL
	1	ST FRANCIS SERAPH	EL
	1	ST JOSEPH SCHOOL	EL
	1	ST LAWRENCE	EL
	1	ST MARGARET OF CORTONA	EL
	1	ST MARK	EL
	1	ST PIUS	EL
	1	SWIFTON	EL
	1	TAFT	HS
	1	TAFT	EL
	1	VINE	EL
	1	WASHBURN	EL
	1	WASHINGTON	EL
	1	WASHINGTON PARK	EL
	2	WESTERN HILLS	HS
	1	WHITTIER	EL
	1	WILLIAMS AVENUE	EL
	1	WINDSOR	EL
	1	WINTON PLACE	EL
	1	WINTON TERRACE	EL
	2	WITHROW	HS
	1	WOODFORD	EL
HANCOCK			
	1	ADAMS	EL
	1	WASHINGTON	EL
HARDIN			
	2	ALGER	EL
	2	BOWERSTOWN	EL
	1	CONOTTON VALLEY	J-S-HS
	2	ESPY	EL
	2	RIDGEMONT	J-S-HS
	1	RIDGEMONT	EL
HARRISON			
	2	CADIZ-CENTRAL	EL
	1	SCIO	EL
	1	TIPPECANOE TWP	EL
HENRY			
	1	LEWIS C DEBROSSE SCHOOL	7-9
HIGHLAND			
	1	BELFAST	EL
	1	BUCKSKIN	EL

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HIGHLAND (CONTINUED)	2	CONCORD	EL
	2	HILLSBORO	HS
	1	MARSHALL	EL
	2	RAINSBORO	EL
	2	WASHINGTON	EL
	1	WEBSTER	EL
HOCKING			
	1	EAST	EL
	1	GREEN	EL
	1	MARION	EL
	1	SOUTH BLOOMINGVILLE	EL
	1	UNION FURNACE	EL
	1	WEST	EL
HOLMES			
	2	BERLIN	EL
	2	CHESTNUT RIDGE	EL
	1	CLARK-KILLBUCK	EL
	2	MILAND	J-SHS
	1	WINESBURG	EL
HURON			
	1	PRIMARY	EL
	1	RICHMOND	EL
	2	RIDGE	EL
JACKSON			
	1	BLACKFORK	EL
	1	BLOOMFIELD	EL
	1	BUNDY	EL
	1	CENTRAL	EL
	1	CENTRAL	EL
	1	COALTON	EL
	1	FRANKLIN	EL
	1	JACKSON	EL
	2	JACKSON	HS
	1	KINNISON	EL
	1	LEWIS	EL
	1	LICK	EL
	1	OAK VIEW	EL
	1	SCIOTO	EL
JEFFERSON			
	1	CENTRAL	JHS
	1	GRANT	EL
	1	HARMONY	EL
	1	LINCOLN	EL
	2	MCKINLEY	EL
	1	ROOSEVELT	EL
	2	SMITHFIELD	EL
	1	ST ANTHONY	EL
JEFFERSON (CONTINUED)	2	STEUBENVILLE	HS
	1	YORKVILLE	EL
KNOX			
	2	BLADENSBURG	EL
	1	HOWARD	EL
	1	WEST	EL
LAKE			
	1	HOBART	MDL
	1	HUNTINGTON	EL
	1	LATHROP	EL
	2	LINCOLN	EL
	2	NORTH MADISON	EL
	1	ST CLAIR	EL
	1	STATE STREET	EL
LAWRENCE			
	1	ANDIS	EL
	1	BURLINGTON	EL
	1	EAST	EL
	1	KINGSBURY-W IRONTON	EL
	1	ROCK HILL	MDL
	1	ROCK HILL-#1	EL
	2	ROCK HILL-#2	EL
	1	ROCK HILL-#3	EL
	1	ROCK HILL-#4	EL
	1	SHERIDAN	EL
	1	SYMMES VALLEY	HS
	1	SYMMES VALLEY #1	EL
	1	SYMMES VALLEY #2	EL
	1	SYMMES VALLEY #3	EL
	1	SYMMES VALLEY #4	EL
	1	WEST	EL
LICKING			
	1	CENTRAL	EL
	1	CONRAD	EL
	2	FRANKLIN	EL
	1	HARTZLER	EL
	1	HAZELWOOD	EL
	1	HERON	EL
	1	JOHN F KENNEDY	JHS
	1	KETTERING	EL
	1	LINCOLN	JHS
	1	MAHOLM	EL
	2	NEWARK	HS
	1	UTICA	EL
LOGAN			
	1	WESTERN	EL
LORAIN			

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LORAIN (CONTINUED)	1	BOONE-HAWTHORNE	EL
	1	CASCADE	EL
	1	CLEARVIEW	HS
	1	DUPLING	EL
	1	EASTERN HEIGHTS	JHS
	2	ELYRIA	HS
	1	FAIRHOME	EL
	1	FRANKLIN	EL
	1	GARFIELD	EL
	1	HOMEWOOD	EL
	1	IRVING	EL
	1	JEFFERSON	EL
	1	KING	HS
	1	LAKEVIEW	EL
	1	LARKMOOR	EL
	1	LINCOLN	EL
	2	LORAIN	HS
	1	LOWELL	EL
	2	MASSON	EL
	1	MEISTER ROAD	EL
	1	NATIVITY B V M	EL
	1	OAKWOOD	EL
	1	OBERLIN MIDDLE	MDL
	1	PALM AVENUE	EL
	1	PROSPECT	EL
	1	ROOSEVELT	EL
	1	SOUTHVIEW	HS
	1	ST JOHN	EL
	1	ST LADISLAUS	EL
	1	ST MARY	EL
	2	ST STANISLAUS	EL
	1	VINCENT	EL
	1	WASHINGTON	EL
	2	WESTWOOD	JHS
	1	WHITTIER	MDL
LUCAS	1	BIRMINGHAM	EL
	2	BOWSHER	HS
	1	BURROUGHS	EL
	2	BYRNEDALE	MDL
	1	CHASE	EL
	1	CHERRY	EL
	1	COLLINGWOOD	EL
	1	DEVEAUX	JHS
	2	DEVILBISS	HS
	1	EAST SIDE CENTRAL	EL
	1	EAST TOLEDO	JHS
LUCAS (CONTINUED)	1	FRANKLIN	EL
	1	FULTON	EL
	1	GARFIELD	EL
	1	GLENWOOD	JHS
	1	GUNCKEL	EL
	1	HALE	EL
	1	HAMILTON	JHS
	2	HAWKINS	HS
	1	HORACE MANN	EL
	1	JEFFERSON	EL
	1	JONES	EL
	1	KEYSER	HS
	1	KING	HS
	1	LAGRANGE	EL
	1	LIBBEY	EL
	1	LINCOLN	EL
	1	MACOMBER WHITNEY VOCATIONAL	HS
	1	MARSHALL	EL
	1	MCKINLEY	EL
	1	MOTTGUE	EL
	2	MT VERNON	JHS
	1	NAVARRE	EL
	1	NEWBURY	EL
	1	OAKDALE	EL
	1	OLD WEST END	JHS
	1	PICKETT	EL
	1	RAYMER	EL
	2	REYNOLDS	HS
	1	RIVERSIDE	EL
	1	ROBINSON	JHS
	2	ROGERS	HS
	1	SCOTT	HS
	1	SHERMAN	EL
	1	SPRING	EL
	1	ST ANN	EL
	1	ST MARY'S	EL
	1	ST TERESA	EL
	2	START	HS
	1	STEWART	EL
	1	WAITE	HS
	1	WALBRIDGE	EL
	1	WASHINGTON	EL
	1	WESTFIELD	EL
	2	WHITTIER	EL
	2	WOODWARD	HS
MAHONING	1	ADAMS	JHS

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LOCATIONS	CODE *	SCHOOL NAME	
MAHONING (CONTINUED)	1	BOARDMAN	JHS
	1	BOOKER T WASHINGTON	EL
	1	BUNN	EL
	1	CAMPBELL	EL
	1	CHESTNUT	EL
	1	CLEVELAND	EL
	1	COLEMAN	EL
	1	CRANDALL	EL
	1	DAVIS	EL
	1	DEARDORFF	EL
	1	DEBARTOLO	EL
	1	DEMING	EL
	1	DOBIES	EL
	1	EAST	EL
	1	EAST	JHS
	1	EAST	HS
	1	ELM	EL
	1	FAIRGROVE	EL
	1	FRANKLIN	EL
	1	GARFIELD	EL
	1	GIRARD	EL
	1	GIRARD	JHS
	1	GIRARD	HS
	1	GLENWOOD	EL
	1	GREEN	EL
	1	HARDING	EL
	1	HAYES	EL
	1	HILLMAN	EL
	1	HOOVER	EL
	1	HUBBARD	EL
	1	HUBBARD	JHS
	1	HUBBARD	HS
	1	JACKSON	EL
	1	JEFFERSON	EL
	1	JEFFERSON	JHS
	1	KIRKMERE	EL
	1	LAKEVIEW	EL
	1	LANSING	EL
	1	LINCOLN	EL
	1	LINCOLN	JHS
	1	LINCOLN	HS
	1	LINCOLN PARK	EL
	1	LOCUST	EL
	1	MCGUFFEY	EL
	1	MCKINLEY	EL
	1	MCKINLEY	JHS
	1	MCKINLEY	HS
	1	MEMORIAL	EL
	1	MEMORIAL	JHS
	1	MEMORIAL	HS
	1	MILLER	EL
	1	MONROE	EL
	1	NEW CASTLE	EL
	1	NEW CASTLE	JHS
	1	NEW CASTLE	HS
	1	NORTH	EL
	1	NORTH	JHS
	1	NORTH	HS
	1	NORTHSIDE	EL
	1	NORTHSIDE	JHS
	1	NORTHSIDE	HS
	1	OAKHILL	EL
	1	OAKHILL	JHS
	1	OAKHILL	HS
	1	PARKVIEW	EL
	1	PARKVIEW	JHS
	1	PARKVIEW	HS
	1	PERKINS	EL
	1	PERKINS	JHS
	1	PERKINS	HS
	1	POLAND	EL
	1	POLAND	JHS
	1	POLAND	HS
	1	POLAND HILL	EL
	1	POLAND HILL	JHS
	1	POLAND HILL	HS
	1	RAYEN	EL
	1	RAYEN	JHS
	1	RAYEN	HS
	1	ROOSEVELT	EL
	1	ROOSEVELT	JHS
	1	ROOSEVELT	HS
	1	SOUTH	EL
	1	SOUTH	JHS
	1	SOUTH	HS
	1	SOUTHSIDE	EL
	1	SOUTHSIDE	JHS
	1	SOUTHSIDE	HS
	1	ST ANTHONY	EL
	1	ST ANTHONY	JHS
	1	ST ANTHONY	HS
	1	ST CHARLES	EL
	1	ST CHARLES	JHS
	1	ST CHARLES	HS
	1	ST COLUMBA	EL
	1	ST COLUMBA	JHS
	1	ST COLUMBA	HS
	1	ST EDWARD	EL
	1	ST EDWARD	JHS
	1	ST EDWARD	HS
	1	ST JOHN	EL
	1	ST JOHN	JHS
	1	ST JOHN	HS
	1	ST JOSEPH	EL
	1	ST JOSEPH	JHS
	1	ST JOSEPH	HS
	1	ST MARY	EL
	1	ST MARY	JHS
	1	ST MARY	HS
	1	ST PAUL	EL
	1	ST PAUL	JHS
	1	ST PAUL	HS
	1	ST PETER	EL
	1	ST PETER	JHS
	1	ST PETER	HS
	1	ST ROSE	EL
	1	ST ROSE	JHS
	1	ST ROSE	HS
	1	ST THOMAS	EL
	1	ST THOMAS	JHS
	1	ST THOMAS	HS
	1	STRATFORD	EL
	1	STRATFORD	JHS
	1	STRATFORD	HS
	1	TAFT	EL
	1	TAFT	JHS
	1	TAFT	HS
	1	TIPPECANOE	EL
	1	TIPPECANOE	JHS
	1	TIPPECANOE	HS
	1	TOD	EL
	1	TOD	JHS
	1	TOD	HS
	1	VOLNEY ROGERS	EL
	1	VOLNEY ROGERS	JHS
	1	VOLNEY ROGERS	HS
	1	WASHINGTON	EL
	1	WASHINGTON	JHS
	1	WASHINGTON	HS
	1	WILSON	EL
	1	WILSON	JHS
	1	WILSON	HS
	1	WOODROW WILSON	EL
	1	WOODROW WILSON	JHS
	1	WOODROW WILSON	HS
	1	WOODSIDE	EL
	1	WOODSIDE	JHS
	1	WOODSIDE	HS
	1	YOUNGSTOWN	EL
	1	YOUNGSTOWN	JHS
	1	YOUNGSTOWN	HS
MEDINA	1	BRUNSWICK	EL
	1	BRUNSWICK	JHS
	1	BRUNSWICK	HS
	1	CENTER	EL
	1	CENTER	JHS
	1	CENTER	HS
	1	CLOVERLEAF	EL
	1	CLOVERLEAF	JHS
	1	CLOVERLEAF	HS
	1	COLLEGE	EL
	1	COLLEGE	JHS
	1	COLLEGE	HS
	1	GARFIELD	EL
	1	GARFIELD	JHS
	1	GARFIELD	HS
	1	HARRISVILLE	EL
	1	HARRISVILLE	JHS
	1	HARRISVILLE	HS
	1	HIGHLAND	EL
	1	HIGHLAND	JHS
	1	HIGHLAND	HS
	1	LAFAYETTE	EL
	1	LAFAYETTE	JHS
	1	LAFAYETTE	HS
	1	LINCOLN	EL
	1	LINCOLN	JHS
	1	LINCOLN	HS
	1	MEDINA	EL
	1	MEDINA	JHS
	1	MEDINA	HS
	1	NORTHWEST	EL
	1	NORTHWEST	JHS
	1	NORTHWEST	HS
	1	ORCHARD	EL
	1	ORCHARD	JHS
	1	ORCHARD	HS
	1	PARKVIEW	EL
	1	PARKVIEW	JHS
	1	PARKVIEW	HS
	1	ROOSEVELT	EL
	1	ROOSEVELT	JHS
	1	ROOSEVELT	HS
	1	SOUTH	EL
	1	SOUTH	JHS
	1	SOUTH	HS
	1	WADSWORTH	EL
	1	WADSWORTH	JHS
	1	WADSWORTH	HS
	1	WESTERN	EL
	1	WESTERN	JHS
	1	WESTERN	HS
MEIGS	1	MEIGS	EL
	1	MEIGS	JHS
	1	MEIGS	HS
MERCER	1	CELINA	EL
	1	CELINA	JHS
	1	CELINA	HS
	1	COLDWATER	EL
	1	COLDWATER	JHS
	1	COLDWATER	HS
	1	MENDON	EL
	1	MENDON	JHS
	1	MENDON	HS
	1	MERCER	EL
	1	MERCER	JHS
	1	MERCER	HS
	1	ST HENRY	EL
	1	ST HENRY	JHS
	1	ST HENRY	HS
	1	ST MARYS	EL
	1	ST MARYS	JHS
	1	ST MARYS	HS
	1	ST WENDEL	EL
	1	ST WENDEL	JHS
	1	ST WENDEL	HS
	1	WILLIAMSTOWN	EL
	1	WILLIAMSTOWN	JHS
	1	WILLIAMSTOWN	HS
MIAMI	1	ALEXANDER	EL
	1	ALEXANDER	JHS
	1	ALEXANDER	HS
	1	BETHEL	EL
	1	BETHEL	JHS
	1	BETHEL	HS
	1	BROWN	EL
	1	BROWN	JHS
	1	BROWN	HS
	1	CASSTOWN	EL
	1	CASSTOWN	JHS
	1	CASSTOWN	HS
	1	CONCORD	EL
	1	CONCORD	JHS
	1	CONCORD	HS
	1	COVINGTON	EL
	1	COVINGTON	JHS
	1	COVINGTON	HS
	1	DAYTON VIEW	EL
	1	DAYTON VIEW	JHS
	1	DAYTON VIEW	HS
	1	EDISON	EL
	1	EDISON	JHS
	1	EDISON	HS
	1	FRANKLIN	EL
	1	FRANKLIN	JHS
	1	FRANKLIN	HS
	1	GARFIELD	EL
	1	GARFIELD	JHS
	1	GARFIELD	HS
	1	GRANDVIEW	EL
	1	GRANDVIEW	JHS
	1	GRANDVIEW	HS
	1	HAYNES	EL
	1	HAYNES	JHS
	1	HAYNES	HS
	1	HOLLOWAY	EL
	1	HOLLOWAY	JHS
	1	HOLLOWAY	HS
	1	HOMER	EL
	1	HOMER	JHS
	1	HOMER	HS
	1	HOUSTON	EL
	1	HOUSTON	JHS
	1	HOUSTON	HS
	1	LAURA	EL
	1	LAURA	JHS
	1	LAURA	HS
	1	LOCKINGTON	EL
	1	LOCKINGTON	JHS
	1	LOCKINGTON	HS
	1	LOSANTVILLE	EL
	1	LOSANTVILLE	JHS
	1	LOSANTVILLE	HS
	1	MCKINLEY	EL
	1	MCKINLEY	JHS
	1	MCKINLEY	HS
	1	MIAMI	EL
	1	MIAMI	JHS
	1	MIAMI	HS
	1	MILTON	EL
	1	MILTON	JHS
	1	MILTON	HS
	1	NEWTON	EL
	1	NEWTON	JHS
	1	NEWTON	HS
	1	NORTH	EL
	1	NORTH	JHS
	1	NORTH	HS
	1	NORTHMONT	EL
	1	NORTHMONT	JHS
	1	NORTHMONT	HS
	1	NORTHRIDGE	EL
	1	NORTHRIDGE	JHS
	1	NORTHRIDGE	HS
	1	PARKWOOD	EL
	1	PARKWOOD	JHS
	1	PARKWOOD	HS
	1	PIQUA	EL
	1	PIQUA	JHS
	1	PIQUA	HS
	1	POTSDAM	EL
	1	POTSDAM	JHS
	1	POTSDAM	HS
	1	ROOSEVELT	EL
	1	ROOSEVELT	JHS
	1	ROOSEVELT	HS
	1	SOUTH	EL
	1	SOUTH	JHS
	1	SOUTH	HS
	1	SPRINGCREEK	EL
	1	SPRINGCREEK	JHS
	1	SPRINGCREEK	HS
	1	STAUNTON	EL
	1	STAUNTON	JHS
	1	STAUNTON	HS
	1	TROY	EL
	1	TROY	JHS
	1	TROY	HS
	1	TROY HILL	EL
	1	TROY HILL	JHS
	1	TROY HILL	HS
	1	TWIN	EL
	1	TWIN	JHS
	1	TWIN	HS
	1	VANDALIA	EL
	1	VANDALIA	JHS
	1	VANDALIA	HS
	1	WASHINGTON	EL
	1	WASHINGTON	JHS
	1	WASHINGTON	HS
	1	WEST	EL
	1	WEST	JHS
	1	WEST	HS
	1	WESTVIEW	EL
	1	WESTVIEW	JHS
	1	WESTVIEW	HS
	1	WILLIAMSBURG	EL
	1	WILLIAMSBURG	JHS
	1	WILLIAMSBURG	HS
	1	WILSON	EL
	1	WILSON	JHS
	1	WILSON	HS
	1	WOODLAND	EL
	1	WOODLAND	JHS
	1	WOODLAND	HS
	1	YOUNG	EL
	1	YOUNG	JHS
	1	YOUNG	HS
MONROE	1	MONROE	EL
	1	MONROE	JHS
	1	MONROE	HS
MONTGOMERY	1	ALEXANDER	EL
	1	ALEXANDER	JHS
	1	ALEXANDER	HS
	1	BELMONT	EL
	1	BELMONT	JHS
	1	BELMONT	HS
	1	BROOKVILLE	EL
	1	BROOKVILLE	JHS
	1	BROOKVILLE	HS
	1	CARLISLE	EL
	1	CARLISLE	JHS
	1	CARLISLE	HS
	1	CENTERVILLE	EL
	1	CENTERVILLE	JHS
	1	CENTERVILLE	HS
	1	CLAYTON	EL
	1	CLAYTON	JHS
	1	CLAYTON	HS
	1	DAYTON	EL
	1	DAYTON	JHS
	1	DAYTON	HS
	1	DUNBAR	EL
	1	DUNBAR	JHS
	1	DUNBAR	HS
	1	EATON	EL
	1	EATON	JHS
	1	EATON	HS
	1	FAIRBORN	EL
	1	FAIRBORN	JHS
	1	FAIRBORN	HS
	1	FRANKLIN	EL
	1	FRANKLIN	JHS
	1	FRANKLIN	HS
	1	GERMANTOWN	EL
	1	GERMANTOWN	JHS
	1	GERMANTOWN	HS
	1	HUBER HEIGHTS	EL
	1	HUBER HEIGHTS	JHS
	1	HUBER HEIGHTS	HS
	1	JEFFERSON	EL
	1	JEFFERSON	JHS
	1	JEFFERSON	HS
	1	KETTERING	EL
	1	KETTERING	JHS
	1	KETTERING	HS
	1	LEBANON	EL
	1	LEBANON	JHS
	1	LEBANON	HS
	1	MIAMISBURG	EL
	1	MIAMISBURG	JHS
	1	MIAMISBURG	HS
	1	NORTHRIDGE	EL
	1	NORTHRIDGE	JHS
	1	NORTHRIDGE	HS
	1	NORTHWOOD	EL
	1	NORTHWOOD	JHS
	1	NORTHWOOD	HS
	1	OAKWOOD	EL
	1	OAKWOOD	JHS
	1	OAKWOOD	HS
	1	RIVERSIDE	EL
	1	RIVERSIDE	JHS
	1	RIVERSIDE	HS
	1	ROOSEVELT	EL
	1	ROOSEVELT	JHS
	1	ROOSEVELT	HS
	1	SPRINGBORO	EL
	1	SPRINGBORO	JHS
	1	SPRINGBORO	HS
	1	TROTWOOD	EL
	1	TROTWOOD	JHS
	1	TROTWOOD	HS
	1	VANDALIA	EL
	1	VANDALIA	JHS
	1	VANDALIA	HS
	1	WEST CARROLLTON	EL
	1	WEST CARROLLTON	JHS
	1	WEST CARROLLTON	HS
	1	WESTWOOD	EL
	1	WESTWOOD	JHS
	1	WESTWOOD	HS
	1	WILBERFORCE	EL
	1	WILBERFORCE	JHS
	1	WILBERFORCE	HS
	1	WILLOWBROOK	EL
	1	WILLOWBROOK	JHS
	1	WILLOWBROOK	HS
	1	WILMINGTON	EL
	1	WILMINGTON	JHS
	1	WILMINGTON	HS
	1	WOODMAN	EL
	1	WOODMAN	JHS
	1	WOODMAN	HS
	1	YELLOW SPRINGS	EL
	1	YELLOW SPRINGS	JHS
	1	YELLOW SPRINGS	HS
MORGAN	1	MORGAN	EL
	1	MORGAN	JHS
	1	MORGAN	HS
MORROW	1	CARDINGTON	EL
	1	CARDINGTON	JHS
	1	CARDINGTON	HS
	1	CENTRAL	EL
	1	CENTRAL	JHS
	1	CENTRAL	HS
	1	CHESTER	EL
	1	CHESTER	JHS
	1	CHESTER	HS
	1	HIGHLAND	EL
	1	HIGHLAND	JHS
	1	HIGHLAND	HS
	1	MARENGO	EL
	1	MARENGO	JHS
	1	MARENGO	HS
	1	MOUNT GILEAD	EL
	1	MOUNT GILEAD	JHS
	1	MOUNT GILEAD	HS
	1	NORTHMOOR	EL
	1	NORTHMOOR	JHS
	1	NORTHMOOR	HS
	1	WESTERN	EL
	1	WESTERN	JHS
	1	WESTERN	HS
MUSKINGUM	1	ADAMS	EL
	1	ADAMS	JHS
	1	ADAMS	HS
	1	BOWN	EL
	1	BOWN	JHS
	1	BOWN	HS
	1	CASHO	EL
	1	CASHO	JHS
	1	CASHO	HS
	1	CENTRAL	EL
	1	CENTRAL	JHS
	1	CENTRAL	HS
	1	CLAYTON	EL
	1	CLAYTON	JHS
	1	CLAYTON	HS
	1	DILLON	EL
	1	DILLON	JHS
	1	DILLON	HS
	1	EAST	EL
	1	EAST	JHS
	1	EAST	HS
	1	FAIRVIEW	EL
	1	FAIRVIEW	JHS
	1	FAIRVIEW	HS
	1	GARFIELD	EL
	1	GARFIELD	JHS
	1	GARFIELD	HS
	1	GRANDVIEW	EL
	1	GRANDVIEW	JHS
	1	GRANDVIEW	HS
	1	HARRISON	EL
	1	HARRISON	JHS
	1	HARRISON	HS
	1	HIGHLAND	EL
	1	HIGHLAND	JHS
	1	HIGHLAND	HS
	1	LINCOLN	EL
	1	LINCOLN	JHS
	1	LINCOLN	HS
	1	LOCKWOOD	EL
	1	LOCKWOOD	JHS
	1	LOCKWOOD	HS
	1	MADISON	EL
	1	MADISON	JHS
	1	MADISON	HS
	1	MAPLE	EL
	1	MAPLE	JHS
	1	MAPLE	HS
	1	MCINTIRE	EL
	1	MCINTIRE	JHS
	1	MCINTIRE	HS
	1	MOORFIELD	EL
	1	MOORFIELD	JHS
	1	MOORFIELD	HS
	1	NORTH	EL
	1	NORTH	JHS
	1	NORTH	HS
	1	NORTHEAST	EL
	1	NORTHEAST	JHS
	1	NORTHEAST	HS
	1	NORTHWEST	EL
	1	NORTHWEST	JHS
	1	NORTHWEST	HS
	1	ROOSEVELT	EL
	1	ROOSEVELT	JHS
	1	ROOSEVELT	HS
	1	SOUTH	EL
	1	SOUTH	JHS
	1	SOUTH	HS
	1	SOUTHWEST	EL
	1	SOUTHWEST	JHS
	1	SOUTHWEST	HS
	1	ST JOHN	EL
	1	ST JOHN	JHS
	1	ST JOHN	HS
	1	ST NICHOLAS	EL
	1	ST NICHOLAS	JHS
	1	ST NICHOLAS	HS
	1	ST THOMAS	EL
	1	ST THOMAS	JHS
	1	ST THOMAS	HS
	1	TAYLOR	EL
	1	TAYLOR	JHS
	1	TAYLOR	HS
	1	WEST	EL
	1	WEST	JHS
	1	WEST	HS
	1	WESTVIEW	EL
	1	WESTVIEW	JHS
	1	WESTVIEW	HS
	1	WHITE	EL
	1	WHITE	JHS
	1	WHITE	HS
	1	WOODLAWN	EL
	1	WOODLAWN	JHS
	1	WOODLAWN	HS
	1	ZANESVILLE	EL
	1	ZANESVILLE	JHS
	1	ZANESVILLE	HS
NOBLE	1	NOBLE	EL
	1	NOBLE	JHS
	1	NOBLE	HS
OTTAWA	1	BENTON	EL
	1	BENTON	JHS
	1	BENTON	HS
	1	CLAY	EL
	1	CLAY	JHS
	1	CLAY	HS
	1	CURTICE	EL
	1	CURTICE	JHS
	1	CURTICE	HS
	1	DANBURY	EL
	1	DANBURY	JHS
	1	DANBURY	HS
	1	GENOA	EL
	1	GENOA	JHS
	1	GENOA	HS
	1	HARRIS	EL
	1	HARRIS	JHS
	1	HARRIS	HS
	1	LAKE	EL
	1	LAKE	JHS
	1	LAKE	HS
	1	MIDDLE BASS	EL
	1	MIDDLE BASS	JHS
	1	MIDDLE BASS	HS
	1	NORTH BASS	EL
	1	NORTH BASS	JHS
	1	NORTH BASS	HS
	1	PORT CLINTON	EL
	1	PORT CLINTON	JHS
	1	PORT CLINTON	HS
	1	PUT-IN-BAY	EL
	1	PUT-IN-BAY	JHS
	1	PUT-IN-BAY	HS
	1	ST JOSEPH	EL
	1	ST JOSEPH	JHS
	1	ST JOSEPH	HS
	1	ST MARY	EL
	1	ST MARY	JHS
	1	ST MARY	HS
	1	WOODMORE	EL
	1	WOODMORE	JHS
	1	WOODMORE	HS
PAULDING	1	PAULDING	EL
	1	PAULDING	JHS
	1	PAULDING	HS
PERRY	1	CRANE	EL
	1	CRANE	JHS
	1	CRANE	HS
	1	HARRISON	EL
	1	HARRISON	JHS
	1	HARRISON	HS
	1	HOPEWELL	EL
	1	HOPEWELL	JHS
	1	HOPEWELL	HS
	1	MADISON	EL
	1	MADISON	JHS
	1	MADISON	HS
	1	MOXAHALA	EL
	1	MOXAHALA	JHS
	1	MOXAHALA	HS
	1	NEW LEXINGTON	EL
	1	NEW LEXINGTON	JHS
	1	NEW LEXINGTON	HS
	1	NORTHERN	EL
	1	NORTHERN	JHS
	1	NORTHERN	HS
	1	PERRY	EL
	1	PERRY	JHS
	1	PERRY	HS
	1	ROSEVILLE	EL
	1	ROSEVILLE	JHS
	1	ROSEVILLE	HS
	1	SOUTHERN	EL
	1	SOUTHERN	JHS
	1	SOUTHERN	HS
	1	WASHINGTON	EL
	1	WASHINGTON	JHS
	1	WASHINGTON	HS
PICKAWAY	1	CIRCLEVILLE	EL
	1	CIRCLEVILLE	JHS
	1	CIRCLEVILLE	HS
	1	JACKSON	EL
	1	JACKSON	JHS
	1	JACKSON	HS
	1	LOGAN	EL
	1	LOGAN	JHS
	1	LOGAN	HS
	1	MADISON	EL
	1	MADISON	JHS
	1	MADISON	HS
	1	MORRIS	EL
	1	MORRIS	JHS
	1	MORRIS	HS
	1	PICKAWAY	EL
	1	PICKAWAY	JHS
	1	PICKAWAY	HS
	1	PICKERINGTON	EL
	1	PICKERINGTON	JHS
	1	PICKERINGTON	HS
	1	SALEM	EL
	1	SALEM	JHS
	1	SALEM	HS
	1	SCIOTO	EL
	1	SCIOTO	JHS
	1	SCIOTO	HS
	1	WALNUT	EL
	1	WALNUT	JHS
	1	WALNUT	HS
	1	WESTFALL	EL
	1	WESTFALL	JHS
	1	WESTFALL	HS
PIKE	1	BEAVER	EL
	1	BEAVER	JHS
	1	BEAVER	HS
	1	CAMP CREEK	EL
	1	CAMP CREEK	JHS
	1	CAMP CREEK	HS
	1	CLAY	EL
	1	CLAY	JHS
	1	CLAY	HS
	1	CLEAR CREEK	EL
	1	CLEAR CREEK	JHS
	1	CLEAR CREEK	HS
	1	CRAIG	EL
	1	CRAIG	JHS
	1	CRAIG	HS
	1	HARRISON	EL
	1	HARRISON	JHS
	1	HARRISON	HS
	1	JACKSON	EL
	1	JACKSON	JHS
	1	JACKSON	HS
	1	JEFFERSON	EL
	1	JEFFERSON	JHS
	1	JEFFERSON	HS
	1	LOCUST GROVE	EL
	1	LOCUST GROVE	JHS
	1	LOCUST GROVE	HS
	1	MADISON	EL
	1	MADISON	JHS
	1	MADISON	HS
	1	MARION	EL
	1	MARION	JHS
	1	MARION	HS
	1	MCDERMOTT	EL
	1	MCDERMOTT	JHS
	1	MCDERMOTT	HS
	1	MOUNT PLEASANT	EL
	1	MOUNT PLEASANT	JHS
	1	MOUNT PLEASANT	HS
	1	NORTH	EL
	1	NORTH	JHS
	1	NORTH	HS
	1	OTWAY	EL
	1	OTWAY	JHS
	1	OTWAY	HS
	1	PEEBLES	EL
	1	PEEBLES	JHS
	1	PEEBLES	HS
	1	PIKE	EL
	1	PIKE	JHS
	1	PIKE	HS
	1	RICHMOND	EL
	1	RICHMOND	JHS
	1	RICHMOND	HS
	1	ROCKDALE	EL
	1	ROCKDALE	JHS
	1	ROCKDALE	HS
	1	SCIOTO	EL
	1	SCIOTO	JHS
	1	SCIOTO	HS
	1	SOUTH	EL
	1	SOUTH	JHS
	1	SOUTH	HS
	1	SUNFISH	EL
	1	SUNFISH	JHS
	1	SUNFISH	HS
	1	VALLEY	EL
	1	VALLEY	JHS
	1	VALLEY	HS
	1	WAKEFIELD	EL
	1	WAKEFIELD	JHS
	1	WAKEFIELD	HS
	1	WEST	EL

CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

OHIO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MAHONING (CONTINUED)	1	B L MILLER	EL
	1	BENNETT	EL
	2	CARDINAL MOONEY	HS
	1	CENTER	EL
	1	CLEVELAND	EL
	1	COVINGTON	EL
	1	EAST	HS
	1	GORDON	EL
	2	GOSHEN CENTER	EL
	1	HADDON	EL
	1	HARDING	EL
	1	HARRISON	EL
	1	HAYES	JHS
	1	HILLMAN	JHS
	1	IMMACULATE CONCEPTION	EL
	1	JACKSON	EL
	1	JEFFERSON	EL
	1	LINCOLN	JHS
	1	LYON PLAT	EL
	1	MADISON	EL
	1	MAPLE RIDGE	EL
	1	NORTH	JHS
	1	NORTH STREET	EL
	1	PENHALE	EL
	1	PRINCETON	JHS
	1	RAVEN	HS
	1	REED	MDL
	1	ROOSEVELT	EL
	1	SACRED HEART	EL
	1	SHERIDAN	EL
	1	SOUTH	HS
	1	ST ANTHONY	EL
	1	ST BRENDAN	EL
	1	ST DOMINIC	EL
	1	ST ELIZABETH	EL
	1	ST JOHN	EL
	1	ST MATTHIAS	EL
	1	ST PATRICK	EL
	1	ST STANISLAUS	EL
	1	STAMBAUGH	EL
	1	TAFT	EL
	1	VOLNEY ROGERS	JHS
	1	WEST	EL
	1	WHITE	EL
	1	WILLIAMSON	EL
	2	WILSON	HS
MARION			
MARION (CONTINUED)	2	EDISON	MDL
	1	FAIR PARK	EL
	1	GLENWOOD	EL
	2	HARDING	HS
	2	HARDING FRESHMAN	JHS
	1	MARK STREET	EL
	1	OAK STREET	EL
	1	SILVER STREET	EL
	1	TAFT MIDDLE	MDL
MEDINA			
	2	FRANKLIN	EL
MEIGS			
	1	BRADBURY	EL
	1	CHESTER	EL
	1	HARRISONVILLE	EL
	1	LETART	EL
	1	MEIGS	JHS
	1	MIDDLEPORT	EL
	1	POMEROY	EL
	1	PORTLAND	EL
	1	RACINE	EL
	1	RIVERVIEW	EL
	1	RUTLAND	EL
	1	SALEM CENTER	EL
	1	SALISBURY	EL
	1	SOUTHERN	JHS
	1	SOUTHERN	HS
	1	SYRACUSE	EL
MIAMI			
	2	FAVORITE HILL	EL
	1	FOREST	EL
	1	HEYWOOD	EL
	1	KYLE	EL
	1	SOUTH STREET	EL
	1	ST BONIFACE	EL
	1	STAUNTON	EL
MONROE			
	1	ASTHEL	EL
	1	GRAYSVILLE	EL
	1	LEWISVILLE	EL
MONTGOMERY			
	1	ADDAMS	EL
	1	ALLEN	EL
	1	BELLE HAVEN	EL
	1	BELMONT	EL
	1	BELMONT	HS
	1	BEVERLY GARDEN	EL

* CODE 1 - SCHOOLS DESIGNATED FOR BOTH NATIONAL DEFENSE AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS
CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MONTGOMERY (CONTINUED)	1	BLAIRWOOD	EL
	1	BROWN	EL
	1	CARLSON	EL
	1	CLEVELAND	EL
	1	COL WHITE	HS
	1	CORNELL HEIGHTS	EL
	2	DAYTON CATHOLIC	EL
	1	DENNIS	MDL
	1	DREXEL	EL
	1	DUNBAR	HS
	1	EASTMONT	EL
	1	EDISON	EL
	1	FAIRPORT	EL
	1	FAIRVIEW	EL
	1	FAIRVIEW	HS
	1	FRANKLIN	EL
	1	GETTYSBURG	EL
	1	GRAFTON KENNEDY	EL
	1	GRANT	EL
	1	HARSHMAN	EL
	1	HICKORY DALE	EL
	1	HIGHVIEW	EL
	1	HOLY FAMILY	EL
	1	HORACE MANN	EL
	1	HUFFMAN	EL
	1	JACKSON	EL
	1	JEFFERSON	EL
	1	JEFFERSON	MDL
	1	KEMP	EL
	1	KINDER	EL
	2	KISER	HS
	1	LINCOLN	EL
	1	LONGFELLOW	EL
	1	LOOS	EL
	1	LOUISE TROY	EL
	1	MACFARLANE	EL
	1	MADISON PARK	EL
	1	MCGUFFEY	EL
	1	MCNARY PARK-WESTWOOD	EL
	1	MEADOWDALE	EL
	2	MEADOWDALE	HS
	1	MIAMI CHAPEL	EL
	1	MORRISON	EL
	1	OLIVE HILL	EL
	1	ORVILLE WRIGHT	EL
	1	PAGE MANOR	EL
	1	PATTERSON	HS
MONTGOMERY (CONTINUED)	1	PATTERSON-KENNEDY	EL
	1	RADCLIFF	EL
	1	RESIDENCE PARK	EL
	1	RESURRECTION	EL
	2	ROTH	HS
	1	RUSKIN	EL
	1	SHILOH	EL
	1	SHILOHVIEW	EL
	1	SHOUP MILL	EL
	1	STIVERS	HS
	1	TIMBERLANE	EL
	1	TOWNVIEW	EL
	1	TROTWOOD	JHS
	2	TROTWOOD	HS
	1	VALERIE	EL
	1	VAN CLEVE	EL
	1	WASHINGTON	EL
	1	WEBSTER	EL
	1	WESTWOOD	EL
	1	WHITTIER	EL
	2	WILBUR WRIGHT	HS
	1	WOGAMAN	EL
MORGAN	1	HOMER UNION	EL
	1	MALTA	EL
	1	MARION	EL
	2	MCCONNELSVILLE	EL
	1	PENN	EL
	1	WINDSOR	EL
	1	YORK	EL
MORROW	1	FULTON	EL
MUSKINGUM	1	CLEVELAND	JHS
	1	GARFIELD	EL
	1	HANCOCK	JHS
	1	MCINTIRE	EL
	1	MCKINLEY	EL
	1	MUNSON	EL
	1	PIONEER	EL
	1	PUTNAM	EL
	1	ROSEVILLE	EL
	1	SHERIDAN	EL
	1	WILSON	EL
NOBLE	2	BATESVILLE	EL
	1	BELLE VALLEY	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
NOBLE (CONTINUED)	1	CALDWELL	EL
	1	DEXTER	EL
	1	SARAHSVILLE	EL
	1	SUMMERFIELD	EL
OTTAWA			
	1	BATAAN	EL
PERRY			
	1	BEARFIELD	EL
	1	CORNING	EL
	1	EAST	EL
	1	JUNCTION CITY	EL
	1	MILLER	HS
	1	MOXAHALA	EL
	1	NEW LEXINGTON	JHS
	2	NEW LEXINGTON	EL
	1	NEW STRAITSVILLE	EL
	1	NORTH	EL
	1	SHAWNEE	EL
	2	ST ROSE	EL
PICKAWAY			
	1	COURT STREET	EL
	1	JACKSON	EL
	1	LAURELVILLE	EL
	2	MONROE	EL
PIKE			
	1	BEAVER	EL
	1	CYNTHIANA	EL
	1	EAST	EL
	1	EASTERN	HS
	1	IDAHO	EL
	1	JASPER	EL
	1	NORTH	EL
	1	PARKER	EL
	1	PIKETON	EL
	2	PIKETON	HS
	1	STOCKDALE	EL
	1	WEST	EL
	1	WESTERN	HS
PORTAGE			
	2	BROWN	JHS
	1	EAST	EL
	2	RAUSCH	EL
	1	THOMAS	EL
	1	WEST MAIN	EL
	1	WEST PARK	EL
	1	WINDHAM	HS
PUTNAM			
PUTNAM (CONTINUED)	2	LEIPSIC SCHOOL	K-12
RICHLAND			
	1	CARPENTER	EL
	1	EMPIRE	EL
	1	HEDGES	EL
	1	JESSE BEER	EL
	1	NEWMAN	EL
	1	OHIO STATE REFORMATORY SCHOOL	[illegible]
	2	PROSPECT	EL
	1	ROSSLAND	EL
	1	SHERMAN	MDL
	1	SIMPSON	[illegible]
	1	SPRINGMILL	EL
	1	WEST 5TH	EL
ROSS			
	1	BAINBRIDGE	EL
	2	CLARKSBURG	EL
	1	HIGBY-PRICE	EL
	1	HOPEWELL	EL
	1	HUNTINGTON	EL
	1	HUNTINGTON	EL
	1	MCARTHUR	EL
	2	TIFFIN	EL
SANDUSKY			
	2	FREMONT	[illegible]
	2	STAMM	[illegible]
	2	WASHINGTON	[illegible]
SCIOTO			
	2	BLOOM	HS
	1	DRY RUN	[illegible]
	1	EAST	[illegible]
	1	FRIENDSHIP	[illegible]
	1	GLENDALE	[illegible]
	1	GLENWOOD	[illegible]
	1	GRANT	[illegible]
	1	GREEN	[illegible]
	1	GREEN PRIMARY	[illegible]
	1	HARDING	[illegible]
	1	HIGHLAND	[illegible]
	1	JENKINS	[illegible]
	1	LINCOLN	[illegible]
	1	MCDERMOTT	[illegible]
	1	MCKINLEY	[illegible]
	1	MINFORD	[illegible]
	1	MINFORD PRIMARY	[illegible]
	1	MORGAN	[illegible]
	1	NAUVOO	[illegible]

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SCIOTO (CONTINUED)	1	NORTH MORELAND	EL
	1	OAK INTERMEDIATE	EL
	1	OTWAY	EL
	1	PORTSMOUTH	HS
	1	ROOSEVELT	EL
	2	ROSEMOUNT	EL
	1	RUBYVILLE	EL
	1	SCIOTO FURNACE	EL
	1	SOUTH WEBSTER	EL
	1	STANTON PRIMARY	EL
	1	UNION	EL
	1	VALLEY	EL
	1	VALLEY INTERMEDIATE	EL
	1	VERNON	EL
	2	WHEELERSBURG	EL
	1	WILSON	EL
SENECA			
	2	FIELD	EL
	1	LONGFELLOW	EL
	1	LOWELL	EL
	1	ST MARY	EL
SHELBY			
	1	CENTRAL	EL
	1	LONGFELLOW	EL
STARK			
	1	ALLEN	EL
	2	ALLIANCE	HS
	1	BAXTER	EL
	1	BELDEN	EL
	1	CEDAR	EL
	1	CLARENDON	EL
	1	CRENSHAW	JHS
	1	DUEBER	EL
	1	EMERSON	EL
	1	FAIRMOUNT	EL
	1	FRANKLIN	EL
	1	FRANKLIN	EL
	1	GIBBS	EL
	1	HARTFORD	JHS
	1	INDIAN RIVER SCHOOL	7-12
	1	LATHROP	EL
	1	LEHMAN	JHS
	1	LIBERTY	EL
	1	LINCOLN	EL
	1	LONGFELLOW	JHS
	1	MARTIN	EL
	1	MCGREGOR	EL
STARK (CONTINUED)	2	MCKINLEY	HS
	1	MORGAN	EL
	2	NORTH LAWRENCE	EL
	1	NORTH LINCOLN	EL
	1	PLEASANT VIEW	EL
	1	SOUERS	JHS
	1	SOUTH LINCOLN	EL
	1	STANTON	JHS
	1	STATE STREET	JHS
	1	STONE	EL
	1	SUMMIT	EL
	2	TIMKEN	HS
	1	TRUMP ROAD	EL
	1	WASHINGTON	EL
	1	WELLS	EL
	2	WOODLAND	EL
	1	YORK	EL
	1	YOUTZ	EL
SUMMIT			
	1	ANNUNCIATION	EL
	1	BARBER	EL
	1	BARRETT	EL
	2	BETTES	EL
	1	BUCHTEL	JHS
	2	CENTRAL-HOWER	HS
	1	CROSBY	EL
	1	CROUSE	EL
	1	DECKER	EL
	2	EAST	HS
	1	ERIE ISLAND	EL
	1	ESSEX	EL
	1	FINDLEY	JHS
	2	FIRESTONE PARK	EL
	1	FOREST HILL	EL
	2	GARFIELD	HS
	1	GLOVER	EL
	1	GOODRICH	JHS
	1	GOODYEAR	JHS
	1	HARRIS	EL
	1	HAZELWOOD	EL
	1	HEMINGER	EL
	1	HIGHLAND	JHS
	2	HIGHLAND PARK	EL
	1	HILL	EL
	1	HOTCHKISS	EL
	1	INNES	JHS
	1	JACKSON	EL

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LOCATIONS	CODE *	SCHOOL NAME	
SUMMIT (CONTINUED)	1	JENNINGS	JHS
	1	JOHNSON	EL
	1	KENT	JHS
	1	LAWNDALE	EL
	1	LEGGETT	EL
	1	LINCOLN	EL
	2	LITCHFIELD	JHS
	1	MARGARET PARK	EL
	1	MASON	EL
	1	MCEBRIGHT	EL
	1	MEMORIAL	EL
	2	NORTH	HS
	1	PERKINS	JHS
	1	PHEIFFER	EL
	1	PORTAGE PATH	EL
	1	RANKIN	EL
	1	RIEDINGER	MDL
	1	RIMER	EL
	2	SANTROCK	EL
	1	SAWYERWOOD	EL
	1	SCHUMACHER	EL
	2	SEIBERLING	EL
	1	ST ANTHONY	EL
	1	ST MARY	EL
	1	ST PETER	EL
	2	ST VINCENT DE PAUL	EL
	1	STEWART	EL
	1	U L LIGHT	JHS
	1	VORIS	EL
	1	WASHINGTON	EL
	1	WOODFORD	EL
TRUMBULL			
	1	ALDEN	EL
	2	BASCOM-LEAVITT	EL
	1	DICKEY AVENUE	EL
	1	ELM ROAD	EL
	1	FIRST STREET	EL
	2	GARFIELD	EL
	2	HARDING	HS
	1	HORACE MANN	EL
	1	JEFFERSON	EL
	1	LAIRD AVENUE	EL
	1	MCKINLEY	EL
	1	NORTH AVENUE	EL
	2	REED	MDL
	2	ROOSEVELT	EL
	1	ROOSEVELT	EL
TRUMBULL (CONTINUED)	1	SECREST	EL
	1	ST STEPHEN	EL
	1	TOD WOODS	EL
	1	TURNER JHS	JHS
	2	VAUGHN MIDDLE	EL
	1	WEST	JHS
	2	WESTERN RESERVE	HS
TUSCARAWAS			
	1	CLAYMONT	JHS
	1	DUNDEE	EL
	1	EAST	EL
	1	EASTWOOD	EL
	1	NORTHSIDE-CLAYMONT	EL
	1	PARK	EL
	1	RUSH	EL
	1	TRENTON	EL
UNION			
	1	OHIO REFORMATORY FOR WOMEN SCH	UNS
VAN WERT			
	1	HORACE MANN	EL
	1	L V LANGLEY	EL
	1	MARSH	EL
VINTON			
	1	ALLENSVILLE	EL
	1	HAMDEN	EL
	1	MCARTHUR/SWAN	EL
	1	WILTON	EL
	1	ZALESKI	EL
WARREN			
	1	ANTHONY WAYNE	EL
	1	DUNLAVY	EL
	1	LAURA FERRELL	EL
	1	LEBANON CORR INST SCHOOL	UNS
	1	PENNYROYAL	EL
WASHINGTON			
	1	CUTLER	EL
	1	LAWRENCE	EL
	1	MATAMORAS	EL
	2	NEWPORT	EL
WAYNE			
	2	GRANT	EL
	1	LINCOLN WAY	EL
	2	NORTH	EL
	1	NORTH STREET	EL
WILLIAMS			
	2	SUPERIOR	MDL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
ADAIR			
	1	BELL D-33	EL
	1	CAVE SPRINGS I-30	EL-JH
	3	CHRISTIE D-13	EL
	1	DAHLONEGAH D-29	EL
	1	GREASY D-32	EL
	1	MARYETTA D-22	EL
	1	PEAVINE D-19	EL
	1	ROCKY MOUNTAIN D-24	EL
	1	SKELLY D-1	EL
	1	STILWELL I-25	EL
	1	STILWELL I-25	JHS-H
	1	WATTS I-4	EL-JH
	1	WESTVILLE I-11	EL-JH
	1	ZION D-28	EL
ALFALFA			
	1	HELENA STATE TRAINING SCH I-89	EL-HS
ATOKA			
	1	ATOKA I-15	MDL-H
	1	BENTLEY D-35	EE
	3	CANEY I-26	EL-JH
	1	FARRIS D-23	EL
	1	HARMONY D-21	EL
	3	LANE D-22	EL
	3	MAMIE JOHNSON I-15	EL
	1	STRINGTOWN ADULT CORR INST	
	1	STRINGTOWN I-7	EL-HS
	3	THUNDERBIRD I-15	EL
	1	TUSHKA I-19	EL-HS
BECKHAM			
	3	ERICK I-51	EL-JH
BLAINE			
	1	CANTON I-105	EL-JH
	3	GEARY I-80	EL
	3	GEARY I-80	JHS-H
	3	GREENFIELD I-97	EL-HS
	3	LONGDALE D-70	EL
	1	WATONGA I-42	EL
BRYAN			
	3	ACHILLE I-3	EL-HS
	1	BENNINGTON I-40	EL-JH
BRYAN (CONTINUED)	3	BLUE I-6	EL-HS
	3	BOKCHITO I-23	EL-JH
	1	CADDO I-5	EL-JH
	3	DURANT I-72	MDL
	2	DURANT I-72	HS
	1	EASTWARD-WESTWARD-COLBERT I-4	EL-JH
	1	SILO I-1	EL-JH
	1	UTICA D-45	EL
	2	WASHINGTON IRVING I-72	EL
	3	YUBA I-12	EL-HS
CADDO			
	3	ALFALFA D-4	EL
	2	ANADARKO I-20	HS
	1	ANADARKO-WEST I-20	JHS-H
	1	APACHE I-6	EL
	3	APACHE I-6	JHS-H
	1	BINGER I-15	EL-JH
	1	BROXTON I-60	EL-HS
	1	CARNEGIE I-33	EL
	3	CARNEGIE I-33	JHS
	3	CARNEGIE I-33	HS
	3	CEMENT I-160	EL-JH
	3	FAXLY I-13	EL-HS
	3	FAST I-20	EL
	3	FORT COBB I-7	EL-JH
	1	GRACEMONT I-95	EL-HS
	3	LOOKEBA-SICKLES I-12	EL
	3	LOOKEBA-SICKLES I-12	JHS-H
	3	ONEY I-10	EL-HS
	1	SUNSET I-20	EL
	3	WASHITA I-20	EL
CANADIAN			
	3	WEBSTER I-6	EL
CARTER			
	2	ARDMORE I-19	HS
	1	ARDMORE I-19	MDL
	1	BERWYN D-71	EL
	3	CENTRAL I-19	EL
	3	CHARLES EVANS I-19	EL
	1	DICKSON I-77	EL-JH
	1	FOX I-74	EL-JH
	1	FRANKLIN I-19	EL
	1	GRAHAM I-95	EL-HS
	1	JEFFERSON I-19	EL
	3	LINCOLN I-19	EL
	2	LONE GROVE I-32	EL-JH
	3	NORTHWEST I-19	EL

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LOCATIONS	CODE *	SCHOOL NAME	
CARTER (CONTINUED)	3	SPRINGER I-21	EL-HS
	3	WILL ROGERS I-19	EL
	1	WILSON I-43	EL-JH
CHEROKEE	1	BRIGGS D-44	EL
	1	CHEROKEE I-35	EL
	1	GRANDVIEW D-34	EL
	1	GREENWOOD I-35	EL
	1	HULBERT I-16	EL-JH
	1	KEYS D-6	EL
	1	LOST CITY D-17	EL
	3	LOWREY D-10	EL
	1	NORWOOD D-14	EL
	3	PEGGS D-31	EL
	1	SEQUOYAH I-35	EL
	1	SHADY GROVE D-26	EL
	1	TAHLEQUAH I-35	HS
	1	TAHLEQUAH I-35	JHS
	1	TENKILLER D-66	EL
	1	WOODALL D-21	EL
CHOCTAW	3	BENJAMIN FRANKLIN I-39	EL
	3	BOOKER T WASHINGTON I-39	EL
	1	BOSWELL I-1	EL-JH
	3	EUGENE FIELD I-39	EL
	1	FORT TOWSON I-2	EL-HS
	1	GOODLAND D-13	EL
	1	GRANT I-3	EL-HS
	3	HORACE MANN I-39	EL
	1	HUGO I-39	JHS-H
	3	ROBERT E LEE I-39	EL
	3	SOPER I-4	EL-HS
	3	SWINK D-21	EL
CIMARRON	3	BOISE CITY I-2	EL
CLEVELAND	3	HOUCHIN I-2	EL
	1	LEXINGTON ADULT CORR INST	
	2	LEXINGTON I-57	EL-JH
	3	MADISON I-29	EL
COAL	1	CENTRAHOMA D-9	EL
	1	COALGATE I-1	EL-HO
	1	COTTONWOOD D-4	EL
	3	OLNEY I-4	EL-HS
	1	TUPELO I-2	EL-HS
COMANCHE	1	ADAMS I-8	EL
(CONTINUED)	1	BISHOP D-49	EL
	1	CACHE I-1	EL-JH
	1	CENTRAL I-8	JHS
	3	CHATTANOOGA I-132	EL-JH
	3	CLEVELAND I-8	EL
	3	COUNTRY CLUB HEIGHTS I-8	EL
	3	DOUGLASS I-8	EL
	2	EISENHOWER I-8	JHS-H
	2	ELGIN I-16	EL-JH
	3	FAXON D-128	EL
	3	FLOWER MOUND D-48	EL
	3	GARFIELD I-8	EL
	3	HOWELL I-8	EL
	3	INDIAHOMA I-2	EL-HS
	3	JACKSON I-8	EL
	3	JEFFERSON I-8	EL
	2	LAWTON I-8	HS
	1	LINCOLN I-8	EL
	2	MACARTHUR I-8	JHS-H
	1	MEDICINE PARK D-7	EL
	3	ROGERS I-8	EL
	3	ROOSEVELT I-8	EL
	1	ST MARYS (PRIVATE)	EL
	3	STONY POINT D-124	EL
	3	TAFT I-8	EL
	1	TOMLINSON I-8	JHS
	3	WASHINGTON I-8	EL
	3	WILSON I-8	EL
COTTON	3	TEMPLE I-101	EL
	3	TEMPLE I-101	JHS-H
CRAIG	1	KETCHUM I-6	EL-JH
	3	SOUTHEAST I-65	EL
	3	WHITE OAK I-1	EL-HS
	3	WILL ROGERS I-65	EL
CREEK	2	BRISTOW I-2	JHS-H
	3	DEPEW I-21	EL
	3	DEPEW I-21	HS
	1	EDISON I-2	EL
	3	GARFIELD I-33	EL
	3	GYPSY D-12	EL
	3	JEFFERSON I-33	EL
	3	OILTON I-20	EL-JH
	2	SAPULPA I-33	MDL

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LOCATIONS	CODE *	SCHOOL NAME	
CREEK (CONTINUED)	3	SHAMROCK D-56	EL
	3	WASHINGTON I-2	EL
	3	WASHINGTON I-33	EL
CUSTER	3	BUTLER I-46	EL-HS
	1	CLINTON I-99	JHS
	3	NANCE I-99	EL
	1	WASHINGTON I-99	EL
DELAWARE	3	CLEORA D-6	EL
	1	COLCORD I-4	EL-JH
	1	COOKSON HILLS CHRISTIAN (PRIV)	EL-JH
	1	GROVE I-2	EL
	1	GROVE I-2	MDL-H
	1	JAY I-1	EL
	1	JAY I-1	MDL-H
	1	KANSAS I-3	EL-JH
	1	KENWOOD D-30	EL
	3	LEACH D-14	EL
	1	OAKS-MISSION I-5	EL-JH
DEWEY	3	CAMARGO D-4	EL
GARFIELD	3	ADAMS I-57	EL
	3	CLEVELAND I-57	EL
	3	GARFIELD I-57	EL
	3	HARRISON I-57	EL
	3	LINCOLN I-57	EL
	3	LONGFELLOW I-57	JHS
	3	WILSON I-57	EL
GARVIN	3	CENTRAL I-38	EL
	3	PAOLI I-5	EL-HS
	3	PAULS VALLEY I-18	MDL
	3	PERNELL I-4	EL-HS
	3	STRATFORD I-2	EL-JH
	3	WALKER D-8	EL
	3	WHITEBEAD D-16	EL
GRADY	3	BRADLEY D-63	EL
	3	CHICKASHA I-1	JHS
	3	INTERMEDIATE I-1	EL
	1	LINCOLN I-1	EL
	3	PIONEER D-131	EL
	3	SOUTHWEST I-1	EL
	3	VERDEN I-99	EL-JH
	3	WEST I-1	EL
GREER	1	EDISON I-1	EL
	1	GRANITE ADULT COMP INST	
	3	MANGUM I-1	JHS-H
HARMON	1	ARNETT I-11	EL-H
	3	GOULD I-6	EL-HS
	1	HOLLIS I-66	EL-JH
HASKELL	1	KEOTA I-43	EL-JH
	3	KINTA I-13	EL-HS
	3	MCCURTAIN I-37	EL-HS
	1	STIGLER I-20	JHS-H
	1	STIGLER I-20	EL
	3	WHITEFIELD D-10	EL
HUGHES	3	CALVIN I-49	EL-JH
	1	CENTRAL-HOLDENVILLE I-35	MDL-H
	1	CENTRAL-WETUMKA I-5	EL-JH
	3	DUSTIN I-9	EL-H
	3	MOSS I-1	EL-HS
	3	PARK VIEW I-35	EL
	3	THOMAS I-35	EL
JACKSON	3	DUKE I-14	EL-HS
	3	ELDORADO I-25	EL-HS
	1	EUGENE FIELD I-13	EL
	1	MARTHA D-9	EL
	3	NAVAJO I-1	EL-JH
	3	NORTHEAST I-18	JHS
	3	OLUSTEE I-35	EL-H
	1	SOUTHEAST I-19	JHS
	3	SOUTHSIDE I-212	EL-H
	3	WASHINGTON I-19	EL
	3	WILL ROGERS I-18	EL
	3	WILSON I-18	EL
JEFFERSON	3	RINGLING I-14	EL
	3	RINGLING I-14	JHS-H
	3	RYAN I-1	EL-JH
	3	TERRAL I-3	EL-HS
JOHNSTON	3	COLEMAN I-35	EL-HS
	1	CONNERVILLE D-44	EL
	1	FILLMORE D-34	EL
	3	MANNSVILLE D-7	EL
	1	MEMORIAL I-20	EL
	3	MILBURN I-29	EL-H

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OKLAHOMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
JOHNSTON (CONTINUED)	1	MILL CREEK I-2	EL-HS
	3	RAVIA D-10	EL
	1	TISHOMINGO I-20	MDL-H
	3	WAPANUCKA I-37	EL-HS
KAY			
	3	BLACKWELL I-45	MDL
	2	EAST I-71	JHS
	3	GARFIELD I-71	EL
	3	HUSTON I-45	EL
	3	JEFFERSON I-71	EL
	1	LINCOLN I-71	EL
	2	PONCA CITY I-71	HS
	3	WASHINGTON I-45	EL
	1	WEST I-71	JHS
KINGFISHER			
	3	OEEN GILMOUR I-7	EL
KIOWA			
	3	EUGENE FIELD I-1	EL
	3	FRANCES WILLARD I-1	EL
	3	HOBART I-1	MDL
	1	MOUNTAIN PARK I-6	EL-HS
	3	MOUNTAIN VIEW I-39	EL
	3	MOUNTAIN VIEW I-39	JHS-H
	3	ROOSEVELT I-7	EL-HS
	3	SNYDER I-4	EL-JH
	3	SNYDER I-4	HS
LATIMER			
	3	BUFFALO VALLEY I-3	EL-HS
	3	PANOLA I-4	EL-HS
	1	RED OAK I-2	EL-JH
	1	WILBURTON I-1	EL-JH
LEFLORE			
	1	ARKOMA I-91	EL-JH
	1	BOKOSHE I-24	EL-JH
	1	CAMERON I-17	EL-HS
	1	CENTRAL I-29	EL
	1	FANSHAWE D-39	EL
	3	HEAVENER I-3	JHS-H
	1	HEAVENER WESTSIDE I-3	EL
	3	HODGEN D-14	EL
	1	HOWE I-67	EL-HS
	1	LEFLORE I-16	EL-JH
	3	MONROE D-11	EL
	1	PANAMA I-20	EL-JH
	1	PANSY KIDD I-29	JHS
	1	POCOLA I-7	EL-JH
	3	POTEAU I-29	HS
LEFLORE (CONTINUED)	3	SHADY POINT D-4	EL
	1	SPIRO I-2	EL-H
	1	TALIHINA I-52	EL
	1	TALIHINA I-52	JHS-H
	1	WHITESBORO I-52	EL-HS
	1	WISTER I-49	EL-H
LINCOLN			
	3	AGRA I-134	EL-HS
	1	DAVENPORT I-3	EL-H
	3	EAST SIDE I-1	EL
	3	HAPPY VALLEY I-54	EL
	2	MEEKER I-95	EL-H
	1	SPARKS D-77	EL
	1	WELLSTON I-4	EL-HS
	3	WHITE ROCK D-5	EL
LOGAN			
	3	CENTRAL I-1	EL
	1	COTTERAL I-1	EL
	3	COYLE I-14	EL-HS
	3	FAVER I-1	EL
	1	GARTY I-1	EL
	2	GUTHRIE I-1	HS
	3	GUTHRIE I-1	JHS
	1	LANGSTON D-6	EL
LOVE			
	3	GREENVILLE D-3	EL
	1	LECN D-9	EL
	1	MARIETTA I-16	EL
	1	MARIETTA I-16	MDL-H
	3	THACKERVILLE I-4	EL-HS
MARSHALL			
	1	KINGSTON I-3	EL-H
	1	MADILL I-2	EL
	1	MADILL I-2	MDL-H
MAYES			
	1	LOCUST GROVE I-17	EL-JH
	1	SALINA I-16	EL-H
	3	SPAVINAW D-21	EL
	3	WASHINGTON I-1	EL
	1	WHITAKER CHILDRENS HOME	EL
MCCLAIN			
	3	BYARS D-4	EL
MCCURTAIN			
	1	BATTIEST I-71	EL-H
	1	BENNETT I-74	EL
	1	BROKEN BOW I-74	MDL
	2	BROKEN BOW I-74	HS

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OKLAHOMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MCCURTAIN (CONTINUED)	1	CENTRAL I-5	EL
	1	EAGLETOWN I-13	EL-HS
	3	FOREST GROVE D-1	EL
	3	GEORGE I-5	EL
	1	GLOVER D-23	EL
	1	HAWORTH I-6	EL-JH
	3	HOLLY CREEK D-72	EL
	1	IDABEL I-5	JHS-H
	3	LUKFATA D-9	EL
	1	OCTAVIA I-14	EL
	1	SMITHVILLE I-14	EL-JH
	3	SOUTHEAST I-5	EL
	1	TOM D-24	EL
	2	VALLIANT I-11	EL-MD
	3	WATSON D-56	EL
	1	WRIGHT CITY I-39	EL-JH
MCINTOSH			
	1	CHECOTAH I-19	EL
	1	CHECOTAH I-19	MDL-H
	1	EUFAULA I-1	EL
	3	HANNA I-64	EL-HS
	1	HOMAN-EUFAULA I-1	JHS-H
	3	LONGFELLOW I-19	EL
	3	MIDWAY I-27	EL-HS
	1	RYAL D-3	EL
	1	STIDHAM D-16	EL
MURRAY			
	3	CAMERON I-1	EL
	3	DAVIS I-10	EL
	3	DAVIS I-10	JHS-H
	3	JOY D-1	EL
	1	SULPHUR I-1	MDL
	3	WASHINGTON I-1	EL
MUSKOGEE			
	1	BOYNTON I-4	EL-HS
	3	BRAGGS I-46	EL-HS
	1	CHEROKEE I-20	EL
	1	DUBOIS D-42	EL
	3	EDISON I-20	EL
	2	FORT GIBSON I-3	EL-MD
	1	FRANKLIN I-20	EL
	1	HASKELL I-2	EL-JH
	1	IRVING I-20	EL
	2	MUSKOGEE I-20	HS
	3	PERSHING I-20	EL
	1	PORUM I-88	EL-JH
	3	RIVERSIDE I-20	EL
MUSKOGEE (CONTINUED)	1	SADLER I-20	JHS
	1	TAFT STATE CHILDREN'S HOME	
	3	WAINWRIGHT D-9	EL
	2	WARNER I-74	EL-HS
	1	WARRIOR-MOTON I-17	EL-HS
	1	WEBBERS FALLS I-5	EL-JH
	1	WEST I-20	JHS
	3	WHITTIER I-20	EL
NOBLE			
	2	PERRY I-1	EL-JH
	1	RED ROCK I-3	EL-HS
NOWATA			
	3	ALLUWE I-50	EL-JH
OKMUSKEE			
	1	BEARDEN D-29	EL
	1	BOLEY I-13	EL-HS
	1	BOYS STATE I-13	EL-HS
	1	GRAHAM I-32	EL-HS
	3	MASON I-2	EL-HS
	1	OAKES I-25	EL
	3	OKEMAH I-26	JHS-H
	3	PADEN I-14	EL-HS
	1	WELEETKA I-31	EL-HS
OKLAHOMA			
	1	ADAMS I-89	EL
	3	ARCADIA I-89	EL
	2	BODINE I-89	EL
	3	BRITTON I-89	EL
	3	BUCHANAN I-89	EL
	3	BURBANK I-89	EL
	2	CAPITOL HILL I-89	JHS
	1	CAPITOL HILL I-89	MDL
	3	CARVER CENTER I-89	
	2	CENTRAL I-1	EL-HS
	1	CENTRAL OAK-CROOKED OAK I-53	EL-HS
	1	CLASSEN I-89	HS
	1	COLUMBUS I-89	EL
	3	COOLIDGE I-89	EL
	1	DAVIS I-89	EL
	1	DEWEY I-89	EL
	2	DOUGLAS I-89	HS
	1	DUNBAR CENTER I-89	
	2	EASTSIDE I-52	EL
	1	EDGEMERE I-89	EL
	2	EISENHOWER I-89	MDL
	1	EUGENE FIELD I-89	EL
	3	GATEWOOD I-89	EL

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OKLAHOMA

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LOCATIONS	CODE *	SCHOOL NAME	
OKLAHOMA (CONTINUED)	1	CLEVELAND I-89	EL
	1	CLINTON I-89	EL
	1	COLLEGE HILL I-89	EL
	1	CRESTON HILLS I-89	EL
	1	DEVEREUX I-89	EL
	1	DOUGLAS I-89	EL
	1	EARLYWINE I-89	EL
	1	EDISON I-89	EL
	1	EMERSON I-89	EL
	1	FAIRVIEW I-89	EL
	1	FRANKLIN I-89	EL
	1	GARFIELD I-89	EL
	1	GARLAND I-89	EL
	1	GEORGE I-89	EL
	1	GLENN I-89	EL
	1	GRANT I-89	EL
	1	HAWTHORNE I-89	EL
	1	HAYES I-89	EL
	1	HEFNER I-89	EL
	1	HENRY I-89	EL
	1	HOOVER I-89	EL
	1	HOUSTON I-89	EL
	1	JACKSON I-89	EL
	1	JEFFERSON I-89	EL
	1	JEFFERSON I-89	JHS
	1	JEFFERSON I-89	MDL
	1	JEFFERSON I-89	HS
	1	JOHNSON I-89	EL
	1	KENNEDY I-89	EL
	1	KENNEDY I-89	JHS
	1	KENNEDY I-89	MDL
	1	KENNEDY I-89	HS
	1	LAFAYETTE I-89	EL
	1	LAFAYETTE I-89	JHS
	1	LAFAYETTE I-89	MDL
	1	LAFAYETTE I-89	HS
	1	LAKEVIEW I-89	EL
	1	LAKEVIEW I-89	JHS
	1	LAKEVIEW I-89	MDL
	1	LAKEVIEW I-89	HS
	1	LINCOLN I-89	EL
	1	LINCOLN I-89	JHS
	1	LINCOLN I-89	MDL
	1	LINCOLN I-89	HS
	1	LINCOLN TERRACE I-89	EL
	1	LINDSAY I-89	EL
	1	LINDSAY I-89	JHS
	1	LINDSAY I-89	MDL
	1	LINDSAY I-89	HS
	1	MADISON I-89	EL
	1	MADISON I-89	JHS
	1	MADISON I-89	MDL
	1	MADISON I-89	HS
	1	MARSHALL I-89	EL
	1	MARSHALL I-89	JHS
	1	MARSHALL I-89	MDL
	1	MARSHALL I-89	HS
	1	MCKINLEY I-89	EL
	1	MCKINLEY I-89	JHS
	1	MCKINLEY I-89	MDL
	1	MCKINLEY I-89	HS
	1	MONROE I-89	EL
	1	MONROE I-89	JHS
	1	MONROE I-89	MDL
	1	MONROE I-89	HS
	1	NORTHEAST I-89	EL
	1	NORTHEAST I-89	JHS
	1	NORTHEAST I-89	MDL
	1	NORTHEAST I-89	HS
	1	NORTHWEST I-89	EL
	1	NORTHWEST I-89	JHS
	1	NORTHWEST I-89	MDL
	1	NORTHWEST I-89	HS
	1	OAK TREE I-89	EL
	1	OAK TREE I-89	JHS
	1	OAK TREE I-89	MDL
	1	OAK TREE I-89	HS
	1	PARKVIEW I-89	EL
	1	PARKVIEW I-89	JHS
	1	PARKVIEW I-89	MDL
	1	PARKVIEW I-89	HS
	1	PERSHING I-89	EL
	1	PERSHING I-89	JHS
	1	PERSHING I-89	MDL
	1	PERSHING I-89	HS
	1	PUTNAM CITY I-89	EL
	1	PUTNAM CITY I-89	JHS
	1	PUTNAM CITY I-89	MDL
	1	PUTNAM CITY I-89	HS
	1	ROOSEVELT I-89	EL
	1	ROOSEVELT I-89	JHS
	1	ROOSEVELT I-89	MDL
	1	ROOSEVELT I-89	HS
	1	SEQUOYAH I-89	EL
	1	SEQUOYAH I-89	JHS
	1	SEQUOYAH I-89	MDL
	1	SEQUOYAH I-89	HS
	1	SHIDLER I-89	EL
	1	SHIDLER I-89	JHS
	1	SHIDLER I-89	MDL
	1	SHIDLER I-89	HS
	1	SPRINGLAKE I-89	EL
	1	SPRINGLAKE I-89	JHS
	1	SPRINGLAKE I-89	MDL
	1	SPRINGLAKE I-89	HS
	1	TAFT I-89	EL
	1	TAFT I-89	JHS
	1	TAFT I-89	MDL
	1	TAFT

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LOCATIONS	CODE *	SCHOOL NAME	
OKLAHOMA (CONTINUED)	3	GREEN PASTURES I-89	EL
	1	GREENVALE I-41	EL
	1	HARDING I-89	MDL
	3	HARRISON I-89	EL
	1	HAWTHORNE I-89	EL
	1	HAYES I-89	EL
	3	HERONVILLE I-89	EL
	1	HOOVER I-89	MDL
	1	JACKSON I-89	MDL
	3	JOHNSON I-89	EL
	2	JONES I-9	EL-HS
	3	KING I-89	EL
	3	LAFAYETTE I-89	EL
	1	LEE I-89	EL
	3	LINCOLN I-89	EL
	3	LINWOOD I-89	EL
	3	MADISON I-89	EL
	1	MARK TWAIN I-89	EL
	3	MAYFAIR I-89	EL
	2	MILLWOOD I-37	EL-JH
	1	MOON I-89	MDL
	1	NATIVE AMERICAN ED CTR (NONPRO	
	2	NORTHEAST I-89	HS
	2	NORTHWEST CLASSEN I-89	HS
	1	PAGE WOODSON I-89	EL
	1	PARKER I-89	EL
	3	PIERCE I-89	EL
	3	POLK I-89	EL
	3	PUTNAM HEIGHTS I-89	EL
	3	RANCHO I-89	EL
	1	RIVERSIDE I-89	EL
	1	ROCKWOOD I-89	EL
	1	ROGERS I-89	MDL
	1	ROOSEVELT I-89	MDL
	3	ROSS I-89	EL
	2	RUSSELL A BABB I-7	EL
	3	SEQUOYAH I-89	EL
	1	SHIDLER I-89	EL
	1	SHIELDS HEIGHTS I-89	EL
	2	SOUTHEAST I-89	HS
	3	SPENCER I-89	EL
	1	STAND WATIE I-89	EL
	3	STAR I-89	EL
	1	STAR SPENCER I-89	HS
	3	STATE CENTER I-W	MDL
	1	TAFT I-89	MDL
	1	TELSTAR I-89	EL
OKLAHOMA (CONTINUED)	3	TRUMAN I-89	EL
	2	US GRANT I-89	HS
	3	VAN BUREN I-89	EL
	1	WASHINGTON CENTER I-89	
	1	WEBSTER I-89	MDL
	2	WESTERN HEIGHTS I-41	JHS-2
	1	WESTWOOD I-89	EL
	1	WHEELER I-89	EL
	3	WILLARD I-89	EL
	1	WILLOWBROOK I-89	EL
	1	WILSON I-89	EL
OKMULGEE	3	BANNEKER I-1	MIDDLE
	3	BIGGS I-4	EL
	2	BIGGS I-4	MDL-1
	1	DEWAR I-8	EL-JH
	1	EASTSIDE I-1	EL
	1	HENRYETTA I-2	EL
	2	HENRYETTA I-2	JHS-1
	3	LIBERTY D-9	EL
	1	MORRIS I-3	EL-MS
	1	MUSKOGEE D-20	EL
	1	OKMULGEE I-1	HS
	1	OKMULGEE I-1	MDL
	1	PRESTON I-5	EL-HS
	3	SCHULTER I-6	EL-HS
	3	TWIN HILLS D-11	EL
	1	WESTSIDE I-1	EL
	1	WILSON I-7	EL-HS
OSAGE	3	AVANT D-35	EL
	3	BOWRING D-7	EL
	1	FAIRFAX I-25	EL-HS
	3	LYNN I-2	EL
OTTAWA	1	AFTON I-26	EL-JH
	1	COMMERCE I-18	EL-HS
	1	PICHER-CARDIN I-15	EL-JH
	1	QUAPAW I-14	EL-JH
	3	TURKEY FORD D-19	EL
	3	WASHINGTON I-23	EL
	2	WYANDOTTE I-1	EL-JH
PAWNEE	3	JENNINGS D-2	EL
	3	PAWNEE I-1	HS
	3	PAWNEE I-1	JHS-1
	3	TERLTON I-5	EL

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OKLAHOMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
PAYNE			
	3	CUSHING I-67	MDL
	3	DEEP ROCK I-67	EL
	3	HARRISON I-67	EL
	3	PLEASANT VIEW D-17	EL
	3	SUNNYSIDE I-67	EL
	1	YALE I-103	EL-JH
PITTSBURG			
	3	ALDERSON D-18	EL
	1	CANADIAN I-?	EL-HS
	1	CROWDER I-28	EL-HS
	3	EDMOND DOYLE I-90	EL
	3	EMERSON I-80	EL
	3	EUGENE FIELD I-80	EL
	1	HAILEYVILLE I-11	EL-HS
	1	HARTSHORNE I-1	JHS-H
	3	HAYWOOD D-88	EL
	1	INDIANOLA I-25	EL-JH
	1	JEFFERSON I-90	EL
	1	KIAMICHI AREA VO-TECH & SATELI	
	1	KIOWA I-14	EL-JH
	2	MCALESTER I-80	HS
	1	NORTH WARD I-1	EL
	3	PARKER I-80	MDL
	3	PITTSBURG I-83	EL-HS
	3	PUTERBAUGH I-80	MDL
	1	QUINTON I-17	EL-JH
	1	SAVANNA I-30	EL-JH
	3	TANNEHILL D-56	EL
	3	WASHINGTON I-80	EL
	3	WILL ROGERS I-80	EL
	3	WILLIAM GAY I-80	EL
PONTOTOC			
	1	ALLEN I-1	EL-JH
	1	BYNG I-16	EL
	1	BYNG I-16	JHS-H
	3	FRANCIS I-16	EL
	3	HOMER I-16	EL
	3	MCLISH I-22	EL-HS
	3	PICKETT-CENTER D-20	EL
	3	POFF I-37	EL-HS
	1	STONEWALL I-30	EL-JH
	1	VANOSS I-9	EL-JH
	3	WASHINGTON I-19	EL
POTTAWATOMIE			
	3	ASHER I-112	EL-HS
	2	CENTRAL I-93	JHS
	3	EARLSBORO I-5	EL-HS
		POTTAWATOMIE (CONTINUED)	
	3	FRANKLIN I-93	EL
	1	GIRLS TOWN I-93	EL
	3	HORACE MANN I-93	EL
	1	JEFFERSON I-93	EL
	3	MACOMB I-4	EL-HS
	1	MAUD I-117	EL-JH
	2	MCLOUD I-1	EL-JH
	3	NORTH ROCK CREEK D-15	EL
	3	PLEASANT GROVE D-29	EL
	2	SHAWNEE I-93	HS
	3	ST LOUIS D-66	EL
	1	WANETTE I-115	EL-HS
	1	WASHINGTON I-93	EL
		PUSHMATAHA	
	1	ALBION D-2	EL
	1	BRANTLEY I-13	EL
	1	CRAIN-CLAYTON I-11	EL-JH
	1	MOYERS D-22	EL
	1	WASHORA D-15	EL
	1	O'BUCK-ANTLERS I-13	JHS-H
	1	PATTAN I-1	EL-JH
	1	TUSKAHOMA D-4	EL
		ROGER MILLS	
	3	CHEYENNE I-7	EL-HS
	3	HAMMON I-66	EL-JH
		ROGERS	
	1	LONGFELLOW I-3	JHS
	1	MCINTOSH I-3	EL
		SEMINOLE	
	3	BOWLEGS I-3	EL-JH
	1	BUTNER I-15	EL-JH
	1	JUSTICE D-54	EL
	1	KONAWA I-4	EL
	1	KONAWA I-4	JHS-H
	3	LINCOLN I-1	EL
	1	NEW LIMA I-6	EL-HS
	1	NOBLETOWN D-19	EL
	1	PLEASANT GROVE I-5	EL-HS
	1	SASAKWA I-11	EL-HS
	1	STROTHER I-14	EL-HS
	1	WANOOSA D-9	EL
	3	WARNUM I-7	EL-HS
	1	WEWOKA I-1	EL
	1	WEWOKA I-1	JHS-H
		SEQUOYAH	
	1	BRUSHY D-36	EL
	1	CARLILE I-6	EL

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OKLAHOMA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SEQUOYAH (CONTINUED)	1	CENTRAL I-7	EL-HS
	1	EASTSIDE I-1	EL-MD
	1	GANS I-4	EL-JH
	1	GORE I-6	HS
	3	GORE I-6	MDL-J
	1	GUM SPRINGS D-69	EL
	3	LIBERTY D-1	EL
	3	LIBERTY I-1	EL
	1	MARBLE CITY D-35	EL
	1	MOFFETT D-68	EL
	1	MULDROW I-3	EL-JH
	1	ROLAND I-5	EL-JH
	2	SALLISAW I-1	JHS-H
	1	VIAN I-2	EL-JH
STEPHENS	1	BRAY-DOYLE I-42	EL-HS
	1	LEE I-1	EL
	3	LIBERTY I-2	EL
	2	MARLOW I-3	MDL-H
	3	MERIDIAN I-2	EL
TEXAS	3	SALYER I-9	EL
TILLMAN	1	CENTRAL I-158	EL
	3	DAVIDSON I-9	EL-HS
	1	FREDERICK I-15R	JHS
	1	GRANDFIELD I-249	EL-JH
	3	MANITOU D-187	EL
	3	TIPTON I-8	EL-JH
	3	WEAVER D-13	EL
TULSA	3	ADDAMS I-1	EL
	1	ALCOTT I-1	EL
	1	ANDERSON I-1	JHS
	3	BELL I-1	JHS
	3	BIXBY I-4	JHS-H
	3	BRYANT I-1	EL
	3	BUNCHE I-1	EL
	1	BURROUGHS I-1	EL
	1	CELIA CLINTON I-1	EL
	1	CENTRAL I-1	HS
	1	CHEROKEE I-1	EL
	3	CHOUTEAU I-1	EL
	1	CLEVELAND I-1	JHS
	1	CLINTON I-1	JHS
	2	EDISON I-1	JHS-H
	1	EMERSON I-1	EL
TULSA (CONTINUED)	3	EUGENE FIELD I-1	EL
	1	FROST I-1	EL
	1	GILCREASE I-1	JHS
	1	GREELEY I-1	EL
	1	HAMILTON I-1	EL
	1	HAWTHORNE I-1	EL
	1	HOUSTON I-1	EL
	1	IMMACULATE CONCEPTION (PRIV)	
	1	JACKSON I-1	EL
	3	KENDALL I-1	EL
	1	LINDSEY I-1	EL
	1	MADISON I-1	JHS
	3	MARK TWAIN I-1	EL
	1	MCLAIN I-1	HS
	3	MINGO D-15	EL
	1	MONROE I-1	JHS
	1	PENN I-1	EL
	1	POST I-1	EL
	1	REMINGTON I-1	EL
	1	RILEY I-1	EL
	2	ROGERS I-1	HS
	1	ROOSEVELT I-1	EL
	3	SEQUOYAH I-1	EL
	1	SPRINGDALE I-1	EL
	2	WASHINGTON I-1	HS
	1	WHITMAN I-1	EL
	1	WHITTIER I-1	EL
	3	WILSON I-1	JHS
	1	WOODS I-1	EL
WAGONER	1	CARTER G WOODSON I-65	EL-HS
	3	CENTRAL I-19	EL
	2	COMETA I-17	EL-HS
	3	ELLINGTON I-19	EL
	3	LINCOLN EARLY LEARNING CTR I-19	
	1	MAPLE PARK I-19	EL
	1	PORTER I-3	EL-HS
	1	WAGONER I-19	JHS
WASHINGTON	2	CENTRAL I-30	JHS
	3	JANE PHILLIPS I-30	EL
	3	JEFFERSON I-30	EL
	3	LINCOLN I-30	EL
WASHITA	3	CANUTE I-11	EL-HS
	3	DILL CITY I-3	EL-JH
	3	SENTINEL I-1	EL-HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAME
WASHITA (CONTINUED) WOODS	3	WILL ROGERS I-7	EL		
	3	WASHINGTON I-1	EL		

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BAKER			
	2	BAKER HS	9-12
	1	BROOKLYN EL	1-6
	3	BURNT RIVER EL	1-6
	3	BURNT RIVER HS	7-12
	3	HALFWAY EL	1-8
	1	RICHLAND EL	1-8
BENTON			
	1	ADAMS EL	K-5
	1	CHILDREN'S FARM HOME	7-12
	2	CORVALLIS HS	9-12
	2	CRESCENT VALLEY HS	9-12
	1	FRANKLIN EL	K-5
	1	GARFIELD EL	K-5
	1	HIGHLAND VIEW	6-8
	1	INAVALE EL	K-5
	1	LINCOLN EL	K-5
	1	MONROE EL	1-8
	1	WESTERN VIEW	6-8
CLACKAMAS			
	3	ARDENWALD EL	K-6
	1	BATTIN EL	K-6
	1	CHRISTIE SCHOOL	UNGL
	1	DICKEY PRAIRIE EL	K-8
	1	EASTHAM EL	K-6
	2	ESTACADA EL	1-4
	1	LOGUS ROAD PRESCHOOL	K
	1	MCLALLA EL	1-8
	1	NINETY-ONE EL	1-8
	2	SANDY UNION HS	9-12
	1	SERENDIPITY ACADEMY	9-12
	1	TIMBER LAKE JOB CORPS	UNGL
CLATSOP			
	3	FORT STEVENS JHS	7-8
	1	TONGUE POINT JOB CORPS	UNGL
	1	WARRENTON EL	K-6
COLUMBIA			
	1	LINCOLN EL	1-2
	1	MIST EL	1-6
	1	VERNONIA HS	9-12
	1	WASHINGTON EL	K,3-6
COOS			
	1	BLOSSOM GULCH EL	1-6
	3	BRIDGE EL	1-6
	1	CHARLESTON EL	K-6
	1	COOS RIVER EL	1-6
	1	DORA EL	1-3
	1	ENGLEWOOD EL	1-6
COOS (CONTINUED)	3	FAIRVIEW EL	K-5
	3	GREENACRES EL	1-5
	1	LAKESIDE EL	K-8
	1	MADISON EL	1-6
	2	MARSHFIELD HS	9-12
	1	MYRTLE CREST MDL	5-8
	2	NORTH BEND HS	9-12
	3	OCEAN CREST EL	K-6
CROOK			
	1	CROOKED RIVER EL	1-6
	1	OCHOCO EL	1-8
	1	PAULINA EL	1-8
	2	PRINEVILLE JHS	7-8
CURRY			
	1	AZALEA MDL	5-8
	2	KALMIOPSIS EL	K-6
	1	PORT ORFORD EL	1-6
	1	UPPER CHETCO EL	K-6
DESCHUTES			
	1	ALFALFA EL	1-8
	2	CASCADE JHS	5-8
	3	EDWIN BROWN EL	1-8
	1	JOHN TUCK EL	5-6
	2	LAPINE EL	1-8
	1	W A LYNCH EL	1-8
	3	MARSHALL EL	1-6
	2	OBSIDIAN JHS	7-8
	2	REDMOND HS	9-12
	1	TAMARACK LEARNING CENTER	9-12
	3	TERREBONNE EL	1-6
	1	THOMPSON EL	1-8
DOUGLAS			
	1	CAMAS VALLEY EL	1-6
	3	CAMAS VALLEY HS	7-12
	3	CIVIL BEND EL	1-6
	3	DAYS CREEK HS	7-12
	3	DILLARD EL	1-6
	1	EAST SUTHERLIN EL	1-8
	1	EASTWOOD EL	1-6
	3	ELKTON HS	9-12
	1	FIR GROVE EL	1-6
	1	GLENDALE EL	1-6
	1	HEARTHWIND COUNTRY SCHOOL	K-7
	2	JOHN C FREMONT JHS	7-8
	2	JOSEPH LANE JHS	7-8
	1	LINCOLN EL	4-8
	1	MILO ACADEMY	9-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
DOUGLAS (CONTINUED)	1	MYRTLE CREEK EL	1-5
	1	OAKLAND EL	K-5
	3	RIVERSIDE EL	1-6
	1	ROSE EL	1-6
	2	ROSEBURG HS	10-12
	1	SCOTTS VALLEY EL	1-2
	2	SOUTH UMPQUA HS	9-12
	1	TILLER EL	1-6
	1	WEST SUTHERLIN EL	4-6
	1	WOLF CREEK JOB CORPS	UNGL
	1	YONCALLA EL	3-8
GILLIAM	3	CONDON EL	K-8
GRANT	1	DAYVILLE EL	1-6
	1	MONUMENT EL	1-8
	1	MT VERNON EL	1-6
	1	SENECA EL	1-8
HARNEY	1	ANDREWS EL	1-8
	1	CRANE EL	1-8
	1	LAWEN EL	1-8
	1	SLATER EL	1-6
HOOD RIVER	1	MID-COLUMBIA SDA	1-8
	1	PINE GROVE EL	1-6
JACKSON	1	BUTTE FALLS EL	K-8
	1	BUTTE FALLS HS	9-12
	3	ELK TRAIL EL	1-4
	1	EVANS VALLEY EL	1-5
	3	GLEN O HALF EL	1-3
	2	HEDRICK JHS	7-8
	1	HOWARD EL	K-6
	1	JACKSON EL	K-6
	1	JEWETT EL	K-6
	2	MCLOUGHLIN JHS	7-8
	2	MEDFORD MID HS	9-10
	2	PHOENIX EL	1-6
	3	PINEHURST EL	1-6
	1	ROGUE RIVER EL	1-5
	1	ROGUE RIVER MDL	6-8
	1	ROGUE VALLEY RANCH	5-11
	2	SCENIC JHS	7-9
	1	SHADY COVE EL	5-8
	1	WASHINGTON EL	K-6
	3	WEST SIDE EL	K-6
JACKSON (CONTINUED)	3	WHITE CITY EL	1-3
	1	WHITE CITY INTERMEDIATE	4-6
JEFFERSON	3	BUFF EL	5-5
	1	MADRAS EL	K-4
	1	MADRAS HS	9-12
	1	MADRAS JHS	7-8
	3	METOLIUS EL	K-4
	1	SIMNASHO EL	1-4
	1	WARM SPRINGS EL	K-5
JOSEPHINE	1	A GARDEN FOR CHILDREN	K-5
	1	ALLEN DALE EL	1-5
	1	CAVE JUNCTION SDA	1-8
	1	EVERGREEN EL	1-5
	1	FLEMING MDL	6-8
	1	FRUITDALE EL	1-5
	2	GRANTS PASS HS	9-12
	2	HIDDEN VALLEY HS	9-12
	1	HIGHLAND EL	1-5
	1	ILLINOIS VALLEY HS	9-12
	1	JEROME PRAIRIE EL	1-5
	1	JOSEPHINE COUNTY ALTERNATIVE	7-12
	3	LINCOLN EL	1-5
	1	LINCOLN SAVAGE MDL	6-8
	1	LORNA BYRNE MDL	6-8
	1	MADRONA EL	1-5
	1	MERLIN EL	1-3
	1	MURPHY EL	1-5
	1	NORTH MDL	6-8
	2	NORTH VALLEY HS	9-12
	1	REDWOOD EL	1-5
	1	RIVERSIDE EL	1-5
	1	SELMA EL	1-5
	1	SOUTH MDL	6-8
	1	WILLIAMS EL	1-5
	1	WOLF CREEK EL	1-5
KLAMATH	1	ALTAMONT EL	1-5
	1	BONANZA EL	1-5
	1	CHILOQUIN EL	1-5
	1	CHILOQUIN HS	7-12
	1	FAIRHAVEN EL	1-5
	1	FAIRVIEW EL	K-5
	1	GEARHART EL	1-8
	1	KLAMATH CHILD & FAMILY CC	K-7
	2	KLAMATH UNION HS	9-12

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LOCATIONS	CODE *	SCHOOL NAME	
KLAMATH (CONTINUED)	1	LUCILE O'NEILL EL	1-3
	1	MILLS EL	K-6
	2	PONDEROSA JHS	7-9
LAKE			
	1	ADEL EL	1-8
	1	OAK GROVE CHRISTIAN	1-9
LANE			
	1	BOHEMIA EL	1-6
	1	BRATTAIN EL	1-5
	2	BRIGGS MDL	6-8
	1	CASCADE MDL	6-8
	1	CENTENNIAL EL	1-5
	1	CLEAR LAKE EL	1-5
	1	CONDON-MAGNET ARTS EL	K-6
	1	COTTAGE GROVE HS	10-12
	1	CULP CREEK-DORENA EL	1-6
	3	DOUGLAS GARDENS EL	1-5
	1	FAIRFIELD EL	1-5
	2	FERN RIDGE JHS	7-9
	1	FRANCES WILLARD EL	K-6
	3	GOSHEN EL	1-5
	3	GUY LEE EL	1-5
	2	HAMLIN MDL	6-8
	1	HARRISON EL	1-6
	1	IDA PATTERSON EL	K-6
	1	LAUREL HILL EL	K-6
	2	LAUREL-TERRITORIAL EL	1-4
	1	LINCOLN EL	K-6
	1	LINCOLN JHS	7-9
	1	MALABON EL	1-5
	1	MAPLE EL	1-5
	1	MAPLETON EL	K-6
	1	MOFFITT EL	1-5
	1	MT VERNON EL	1-5
	2	OAKLEA MDL	5-8
	1	OAKRIDGE EL	K-4
	1	OPPORTUNITY CENTER	7-10
	2	ROOSEVELT JHS	7-9
	2	SOUTH EUGENE HS	10-12
	2	SPRINGFIELD HS	9-12
	1	SPRINGFIELD MDL	4-8
	2	THURSTON HS	9-12
	1	TRIANGLE LAKE EL	K-6
	1	UNITY SCHOOL	K
	3	VENETA EL	1-6
	1	WESTMORELAND EL	K-6
	3	WESTRIDGE MDL	6-7
LANE (CONTINUED)	1	WHITAKER EL	K-5
	2	WILLAMETTE HS	9-12
LINCOLN			
	1	ANGELL JOB CORPS	11CL
	3	ARCADIA EL	1-5
	3	EDDYVILLE EL	1-5
	1	EDDYVILLE HS	7-12
	1	SILETZ EL	1-5
	1	TAFT EL	1-8
	1	YACHATS EL	1-5
	1	YAQUINA VIEW EL	1-5
LINN			
	2	CALAPOOYA JHS	7-8
	3	CENTENNIAL EL	1-4
	1	CENTRAL EL	K-5
	1	FOSTER EL	K-5
	1	GREEN ACRES EL	K-5
	1	HARRISBURG EL	1-3
	1	HAWTHORNE EL	K-5
	1	KNOX BUTTE EL	1-5
	1	LAFAYETTE EL	K-5
	2	LEBANON MDL	5-8
	2	LEBANON UNION HS	9-12
	1	LIBERTY EL	K-5
	2	MEMORIAL JHS	7-8
	3	OAK CREEK EL	1-6
	3	OAK HEIGHTS EL	K-5
	3	OAKVILLE EL	1-5
	3	PERIWINKLE EL	K-4
	1	PLEASANT VALLEY EL	1-4
	1	SANTIAM EL	K-5
	3	SOUTH SHORE EL	K-5
	1	SUNRISE EL	K-3
	2	SWEET HOME HS	9-12
	1	SWEET HOME JHS	7-8
	3	TAKENA EL	1-5
	3	TANGENT EL	1-4
	1	WAVERLY EL	K-5
	3	WYATT EL	1-4
MALHEUR			
	3	ALAMEDA EL	1-4
	1	ANNEX EL	1-5
	3	BROGAN EL	1-4
	1	HARPER EL	1-7
	1	LINDBERGH EL	1-4
	1	MAY ROBERTS EL	1-5
	1	NYSSA EL	1-4

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LOCATIONS	CODE *	SCHOOL NAME	
MALHEUR (CONTINUED)	1	NYSSA HS	9-12
	1	NYSSA JHS	7-8
	2	ONTARIO JHS	7-9
	3	VALE UNION HS	9-12
	1	W W JONES EL	1-8
	1	WILLOWCREEK EL	1-8
MARION	1	AUBURN EL	P,1-6
	1	BAKER EL	1-3
	1	BUSH EL	P,1-6
	2	CASCADE HS	10-12
	2	CASCADE JHS	7-9
	1	CENTER STREET SCHOOL	6-12
	3	DETROIT EL	K-6
	1	ELDRIEDGE EL	1-8
	1	ENGLEWOOD EL	1-6
	1	FOUR CORNERS EL	1-6
	1	FRUITLAND EL	1-6
	1	GERVAIS EL	K-8
	1	GRANT EL	P,1-6
	1	HIGHLAND EL	P,1-6
	1	HILLCREST (FARRELL HS)	7-12
	1	HOOVER EL	P,1-6
	1	JOHN F KENNEDY HS	9-12
	2	JOY HILLS,GURSER EL	1-6
	2	KEIZER EL	1-6
	1	LAKE LABISH EL	1-6
	1	MACLAREN (LORD HS)	7-12
	2	MARY EYRE EL	1-6
	2	MCKAY HS	9-12
	2	MCNARY HS	9-12
	3	MEHAMA EL	1-4
	1	MT ANGEL EL	5-8
	1	MT ANGEL EL (ST MARYS)	1-4
	1	NELLIE MUIR EL	1-4
	1	NOAH'S ARK KG	K
	2	NORTH MARION EL	K-6
	1	NORTH SANTIAM EL	4-6
	2	NORTH SANTIAM HS	9-12
	1	OREGON STATE CORRECTIONAL	UNCL
	1	OREGON STATE PENITENTIARY	UNCL
	1	OREGON WOMEN'S STATE CORR	UNCL
	1	PARKERSVILLE EL	1-8
	1	PARRISH MDL	7-9
	1	RICHMOND EL	P,1-6
	3	ROBERT FROST EL	3-5
	1	SCOTT EL	1-6
MARION (CONTINUED)	2	SOUTH SALEM HS	9-12
	2	SPRAGUE HS	9-12
	1	ST PAUL EL	K-8
	1	SWEGLE EL	1-6
	1	UNCLE WIGGLY'S KG	K
	2	WALDO MDL	7-8
	1	WASHINGTON EL	1-6
	1	WASHINGTON EL	P,1-6
	1	WEST SALEM EL	P,1-6
	1	WEST STAYTON EL	1-8
	2	WHITEAKER MDL	7-8
	1	WOODBURN HS	9-12
	1	WOODBURN JHS	7-8
	1	WOODBURN MDL	5-6
MULTNOMAH	1	ABERNETHY EL	K-5
	1	ADAMS HS	9-12
	1	ALBINA YOUTH OPPORTUNITY	6-12
	1	ALDER EL	K-6
	1	APPLEGATE EL	K-5
	1	ARLETA EL	K-5
	3	ATKINSON EL	K-8
	1	BALL EL	K-6
	1	BEACH EL	K-5
	1	BELMONT SCHOOL	K-5
	2	BENSON HS	9-12
	1	BINNSMEAD MDL	5-8
	1	BOISE EL	K-8
	1	BOYS & GIRLS AID SOCIETY	UNCL
	3	BRIDGER EL	K-5
	1	BROOKLYN EL	K-5
	1	BUCKMAN EL	K-8
	1	CHAPMAN EL	K-8
	1	CHIEF JOSEPH EL	K-8
	1	CLARENDON EL	K-6
	1	CLARK EL	K-5
	2	CLEVELAND HS	9-12
	2	COLUMBIA HS	9-12
	1	CONTINUING ED FOR GIRLS	9-12
	1	CRESTON EL	K-5
	3	DAVIS EL	K-6
	1	DONALD E LONG JUVENILE	UNCL
	1	ELIOT EL	K-8
	1	FAUBION EL	K-5
	2	FLOYD LIGHT MDL	7-8
	1	FOSTER EL	K-6
	2	FRANKLIN HS	9-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MULTNOMAH (CONTINUED)	1	GEORGE EL	K-8
	3	GILBERT HEIGHTS EL	K-6
	2	GILBERT MDL	7-8
	1	GLENFAIR EL	K-6
	1	GLENHAVEN MDL	5-8
	2	GRANT HS	9-12
	1	GROUT EL	K-5
	1	HARRIET TUBMAN MDL	6-8
	1	HOSFORD MDL	6-8
	1	HUMBOLDT EL	P-5
	1	IMMACULATE HEART	K-8
	1	IRVINGTON EL	K-5
	1	JAMES JOHN EL	K-8
	1	JANIS (CLINTON STREET)	UNCL
	1	JEFFERSON HS	9-12
	1	KELLOGG MDL	6-8
	1	KELLY EL	K-8
	1	KENTON EL	P-8
	1	KING EL	P-5
	1	LANE EL	K-6
	1	LENT EL	K-8
	1	LENTS EDUCATION CENTER	7-12
	2	LINCOLN HS	9-12
	1	LINCOLN PARK EL	K-5
	1	LLEWELLYN EL	K-4
	2	MADISON HS	9-12
	2	MARSHALL HS	9-12
	1	MARYSVILLE EL	K-8
	1	MEEK EL	K-5
	1	METRO LEARNING CENTER (COUCH)	K-12
	1	MILL PARK EL	K-6
	1	NORTH POWELLHURST EL	K-6
	1	OCKLEY GREEN EL	K-8
	1	OPEN MEADOW LEARNING CENTER	6-12
	1	PACIFIC NEW SCHOOL	K-2
	1	PENINSULA EL	K-8
	1	PORTLAND JOB CORPS	UNCL
	1	PORTSMOUTH MDL	5-8
	1	RICE EL	K-4
	1	RICHMOND EL	K-5
	3	RIEKE EL	K-5
	1	RIGLER EL	K-5
	3	ROCKWOOD MDL	7-8
	2	ROOSEVELT HS	9-12
	1	ROSE CITY PARK EL	K-8
	1	ROSEMONT	UNCL
	1	SABIN EL	P-5
MULTNOMAH (CONTINUED)	1	SACAJAWEA EL	K-5
	3	SCOTT EL	K-5
	1	SELLWOOD MDL	6-8
	1	SITTON EL	K-5
	1	ST ANDREW COMMUNITY SCHOOL	1-8
	1	ST FRANCIS OF ASSISI SCHOOL	1-8
	3	ST STEPHENS SCHOOL	1-8
	1	SUMNER EL	K-5
	1	SUNNYSIDE EL	K-5
	1	VENTURA PARK EL	K-5
	1	VERNON EL	3-5
	1	VESTAL EL	K-4
	1	WASHINGTON-MONROE HS	9-12
	1	WAVERLY CHILDRENS HOME	UNCL
	1	WEST POWELLHURST EL	K-5
	1	WHITAKER-COLUMBIA MDL	6-8
	1	WHITE SHIELD (SALVATION ARMY)	UNCL
	1	WHITMAN EL	K-5
	1	WILCOX EL	K-6
	2	WILSON HS	9-12
	1	WOODLAWN EL	K-5
	1	WOODMERE EL	K-5
	1	WOODSTOCK EL	K-5
	1	WYNNE WATTS/ALBERTINA K-82	UNCL
POLK	1	ACADEMY JHS	7
	1	CAMPUS EL	1-5
	1	CENTRAL PRESCHOOL	K
	2	DALLAS HS	10-12
	1	FALLS CITY EL	K-8
	1	FALLS CITY HS	9-12
	1	HENRY HILL EL	4-5
	1	INDEPENDENCE EL	1-3
	3	PERRYDALE HS	9-12
	3	RICKREALL EL	1-5
	1	WEST SALEM DAY CARE	K
	1	WHITWORTH EL	1-5
TILLAMOOK	1	HEAD EL	K-8
	1	SUCCESS SCHOOL	9-12
	1	WILSON EL	1-5
UMATILLA	1	FREEWATER EL	3-5
	1	GROVE EL	K-2
	1	HAWTHORNE EL	K-5
	2	HERMISTON HS	9-12
	1	MCNARY HEIGHTS EL	K-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	GRADES
UMATILLA (CONTINUED)	3	ROCKY HEIGHTS EL	1-6
	1	UKIAH EL	K-8
	1	UKIAH HS	9-12
	3	UMATILLA JHS	6-8
	1	WASHINGTON EL	K-6
	1	WEST EL	K-8
	1	WEST PARK EL	1-5
	3	WESTON EL	K-6
UNION	1	ACKERMAN EL	K-6
	2	LA GRANDE HS	9-12
	1	RIVERIA EL	1-6
	1	WILLOW EL	1-5
WALLOWA	1	IMNAHA EL	1-8
WASCO	1	ANTELOPE EL	1-8
	1	THE DALLES SDA	1-8
WASHINGTON	3	DAVID HILL EL	K-5
	1	ECHO SHAW EL	K-6
	2	FIVE OAKS INTERMEDIATE	7-9
	1	FOREST SCHOOL	K-6
	2	HILLSBORO HS	9-12
	2	J B THOMAS JHS	7-9
	1	LEVI ANDERSON (ST MARY'S HOME)	UNGL
	1	MAPLE DAVIES EL	1-5
	2	MOOBERRY EL	K-6
	2	NEIL ARMSTRONG JHS	7-9
	1	PHIL LEWIS EL	K-6
WHEELER	1	MITCHELL HS	9-12
YAMHILL	1	BALLSTON EL	3-4
	1	COLUMBUS EL	1-6
	1	DAYTON EL	K-6
	1	EDWARDS EL	K-5
	3	FAULCONER EL	K-3
	1	GRAND RONDE EL	K-5

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PENNSYLVANIA

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADAMS			
	3	ARENDTSVILLE	EL
	3	BENDERSVILLE	EL
	2	CONEWAGO TOWNSHIP	EL
	3	EISENHOWER	EL
	1	FAIRFIELD AREA	EL
	1	FAIRFIELD AREA	HS
	3	FRANKLIN TOWNSHIP	EL
	2	GETTYSBURG	JHS
	2	MAPLE AVENUE	MDL
	2	NEW OXFORD	JHS
	2	NEW OXFORD	EL
	1	PARADISE	6-12
	2	ROLLING ACRES	EL
ALLEGHENY			
	2	ALLDERDICE	HS
	1	ALLEGHENY	HS
	1	ALLISON	EL
	1	ANNUNCIATION	EL
	1	ARLINGTON	EL
	1	ARSENAL	MDL
	3	ASSUMPTION	EL
	1	BEECHWOOD	EL
	1	BELMAR	EL
	1	BELTZHOOVER	EL
	1	BENJAMIN FAIRLESS	EL
	3	BENJAMIN MCCORMICK	1-6
	1	BESSEMER	EL
	3	BIRDVILLE	EL
	1	BOGGS AVENUE	EL
	3	BON AIR	EL
	3	BORLAND	EL
	1	BRASHEAR	HS
	2	BRENTWOOD	JSHS
	1	BROOKLINE	EL
	1	BURGWIN	EL
	1	CAHOUN	EL
	1	CARLYNTON	JHS
	1	CARLYNTON	SHS
	1	CARMALT	EL
	1	CARNEGIE	EL
	1	CARRICK	HS
	1	CENTENNIAL	EL
	2	CENTRAL DISTRICT CATHOLIC	9-12
	1	CHARTIERS	EL
	2	CHARTIERS VALLEY	HS
	1	CHATHAM	EL
	1	CLAIRTON	HS
ALLEGHENY (CONTINUED)	1	CLAYTON	[illegible]
	1	CLAYTON	[illegible]
	3	COLEAK	[illegible]
	1	COLUMBUS	[illegible]
	3	CONCORD	[illegible]
	3	CORNELL	[illegible]
	3	CORNELL	[illegible]
	1	CORNELL	[illegible]
	1	CORNELL	[illegible]
	1	CRESCENT	[illegible]
	2	DEER LAKES	[illegible]
	1	DEWITT C FENTON	[illegible]
	1	DICKSON	[illegible]
	1	DILWORTH	[illegible]
	1	DUQUESNE	[illegible]
	1	DUQUESNE	[illegible]
	1	EAST ALLEGHENY	[illegible]
	1	EAST ALLEGHENY	[illegible]
	1	EAST HILLS	[illegible]
	1	EDUCATIONAL MEDICAL	[illegible]
	1	ELEVENTH WARD	[illegible]
	3	FAIRMOUNT	[illegible]
	1	FAIRYWOOD	[illegible]
	3	FAWN	[illegible]
	1	FIFTH AVENUE	[illegible]
	1	FIFTH STREET	[illegible]
	1	FIRST WARD	[illegible]
	1	FORT PITT	[illegible]
	1	FRICK	[illegible]
	1	FRIENDSHIP	[illegible]
	1	FULTON	[illegible]
	1	GENERAL BRADDOCK	[illegible]
	1	GEORGE WASHINGTON	[illegible]
	1	GLADSTONE	[illegible]
	1	GRANDVIEW	[illegible]
	1	GRANDVIEW	[illegible]
	1	GREEN VALLEY	[illegible]
	1	GREENFIELD	[illegible]
	1	GREENWAY	[illegible]
	3	GREENWOOD	[illegible]
	1	HAMILTON	[illegible]
	1	HARTMAN	[illegible]
	3	HEIDELBERG	[illegible]
	1	HELP OF CHRISTIANS	[illegible]
	3	HIGHLAND	[illegible]
	2	HIGHLANDS	[illegible]
	1	HIGHLANDS	[illegible]

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LOCATIONS	CODE *	SCHOOL NAME	
ALLEGHENY (CONTINUED)	2	HIGHLANDS INTERMEDIATE	HS
	1	HILLTOP CATHOLIC	HS
	1	HOLMES	EL
	3	HOLY INNOCENTS	EL
	1	HOLY ROSARY	EL
	1	HOMEVILLE	JHS
	1	HOMEWOOD	EL
	1	HORACE MANN	EL
	1	HORNER	JHS
	1	IMMACULATE CONCEPTION	EL
	1	IMMACULATE HEART OF MARY	EL
	1	JOHN F KENNEDY	EL
	1	JOHNSTON	EL
	1	KELLY	EL
	2	KEYSTONE OAKS	HS
	1	KNOXVILLE	MDL
	1	LANGLEY	HS
	1	LATIMER	MDL
	1	LAWRENCEVILLE AREA CATHOLIC	K-12
	1	LEMINGTON	EL
	1	LETSCHE ALTERNATIVE	9-12
	1	LIBERTY	EL
	1	LINCOLN	EL
	3	LINDEN	EL
	2	LINTON INTERMEDIATE	HS
	3	LOCUST GROVE	EL
	1	MADISON	EL
	1	MANCHESTER	EL
	1	MARTIN LUTHER KING	EL
	1	MCCLEARY	EL
	1	MCKEES ROCKS CATHOLIC	EL
	2	MCKEESPORT	AVTS
	2	MCKEESPORT AREA	SHS
	3	MCKEESPORT CATHOLIC	EL
	1	MCKELVY	EL
	1	MCNAUGHER	MDL
	3	MIFFLIN	EL
	1	MILLER	EL
	1	MILLER AVENUE	EL
	1	MILLIONES	MDL
	1	MINADEO	EL
	1	MORROW	EL
	3	MOST HOLY NAME	EL
	3	MOUNT ALVERNIA	HS
	1	MURRAY	EL
	3	NATIVITY OF OUR LORD	EL
	3	NEWMYER	EL
ALLEGHENY (CONTINUED)	2	NORTH CATHOLIC	HS
	2	NORTH HILLS	HS
	3	NORTHERN AREA	[illegible]
	1	NORTHGATE	[illegible]
	1	NORTHGATE	[illegible]
	1	NORTHVIEW	[illegible]
	2	OHARA	[illegible]
	1	OLIVER	[illegible]
	1	OVERBROOK	[illegible]
	1	PEABODY	[illegible]
	1	PENN AVENUE	[illegible]
	1	PENN CIRCLE COMMUNITY	[illegible]
	2	PENN HILLS	[illegible]
	2	PENN HILLS	[illegible]
	1	PERRY	[illegible]
	1	PHILLIPS	[illegible]
	3	PITTSBURGH STATE CORRECTIONAL	N/A
	1	PRACTICAL ARTS	7-8
	1	PROSPECT	[illegible]
	1	RANKIN	[illegible]
	1	REGENT SQUARE	[illegible]
	1	REIZENSTEIN	[illegible]
	3	RENNERDALE	[illegible]
	1	ROGERS CENTER C/P ARTS	4-8
	3	ROOSEVELT	[illegible]
	1	SAMPLE	[illegible]
	1	SCHAEFFER	[illegible]
	1	SCHENLEY	[illegible]
	1	SCHILLER	[illegible]
	1	SCOTT	[illegible]
	2	SHALER AREA	[illegible]
	2	SHALER AREA	[illegible]
	2	SHALER INTERMEDIATE	[illegible]
	1	SHARPSBURG	[illegible]
	1	SHAW AVENUE	[illegible]
	1	SHERADEN	[illegible]
	1	SOUTH	[illegible]
	2	SOUTH ALLEGHENY	[illegible]
	2	SOUTH FAYETTE TOWNSHIP	[illegible]
	2	SOUTH FAYETTE TOWNSHIP	[illegible]
	1	SOUTH HILLS	[illegible]
	1	SOUTH SIDE CATHOLIC	[illegible]
	1	SOUTH SIDE CATHOLIC	[illegible]
	1	SPRING GARDEN	[illegible]
	1	SPRING HILL	[illegible]
	1	ST AGNES (PSH)	[illegible]
	3	ST BASIL	[illegible]

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LOCATIONS	CODE *	SCHOOL NAME	
ALLEGHENY (CONTINUED)	1	ST BENEDICT THE MOOR	EL
	3	ST BRENDAN	EL
	3	ST CANICE	EL
	1	ST FRANCIS XAVIER	EL
	1	ST GEORGE	EL
	1	ST HENRY	EL
	3	ST JAMES (SOUTH MAIN)	EL
	3	ST JOHN THE BAPTIST (MUNHALL)	EL
	1	ST JOSEPH (ORMSBY)	EL
	1	ST JOSEPH (PEARL)	EL
	1	ST KIERAN	EL
	1	ST LEO	EL
	1	ST MATTHEW LUTHERAN	EL
	3	ST NICHOLAS	EL
	3	ST PAUL CATHEDRAL	HS
	1	ST PETER	EL
	3	ST PIUS X	EL
	1	ST RAPHAEL	EL
	1	ST ROSALIA	EL
	1	ST STEPHEN	EL
	3	ST THOMAS DISTRICT	HS
	3	ST WILLIAM	EL
	2	STEEL VALLEY	SHS
	2	STEEL VALLEY	AVTS
	1	STEEL VALLEY	MDL
	3	STEPHEN C FOSTER	EL
	3	STERRETT ACADEMY	6-8
	1	STEVENS	EL
	1	STO-ROX	JHS
	1	STO-ROX	SHS
	1	SUNNYSIDE	EL
	3	THIRD WARD	EL
	1	THIRD WARD	EL
	1	THOMAS E BARRETT	EL
	1	TURNER	EL
	1	TURTLE CREEK	JSHS
	1	URSULINE ACADEMY	9-12
	1	VANN	EL
	1	VERSAILLES AVENUE	EL
	3	WASHINGTON	EL
	1	WEIL	EL
	2	WEST MIFFLIN NORTH	HS
	3	WESTINGHOUSE	EL
	1	WESTINGHOUSE	HS
	1	WESTWOOD	EL
	1	WHITAKER	EL
	1	WHITTIER	EL
ALLEGHENY (CONTINUED)	1	WILKINSBURG	SHS
	3	WILLIAM MCKINLEY	EL
	1	WILSON	EL
	3	WILSON STREET	EL
	1	WOOD STREET	EL
	1	WOOLSLAIR	EL
	3	YESHIVAH ACHEL TMIMIM	K-12
ARMSTRONG	3	APOLLO	EL
	1	APOLLO RIDGE	MDL
	1	APOLLO RIDGE	SHS
	1	BETHEL	EL
	1	CENTRAL	EL
	3	DAYTON	EL
	3	DAYTON	HS
	1	EAST BRADY	JSHS
	3	ELDERS RIDGE	EL
	1	ELDERTON	HS
	1	ELDERTON	EL
	2	FORD CITY	JSHS
	3	FREEPORT	EL
	3	GILPIN	EL
	1	JACKSON	EL
	1	KITTANNING	JSHS
	2	KITTANNING	SHS
	3	KITTANNING TOWNSHIP	EL
	1	LENAPE	EL
	3	NORTH APOLLO	EL
	3	NORTH BUFFALO	EL
	3	SHANNOCK VALLEY	EL
	1	SHANNOCK VALLEY	HS
	1	SUGARCREEK	EL
	1	SUNNYSIDE	EL
	1	TEMPLETON	EL
	1	TROY HILL	EL
	1	WEST HILLS	MDL
BEAVER	1	ALIQUIPPA	SHS
	1	ALIQUIPPA	EL
	1	ALIQUIPPA	HS
	2	AMBRIDGE AREA	JSHS
	1	ANTHONY WAYNE	EL
	1	BEAVER FALLS	EL
	1	BEAVER FALLS	HS
	3	BIG BEAVER	EL
	3	C J MANGYO	EL
	1	CENTRAL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
BEAVER (CONTINUED)	1	FIFTH WARD	EL
	2	HIGHLAND	EL
	3	KOPPEL	EL
	1	LINCOLN	HS
	1	NEEL	EL
	2	NEW BRIGHTON AREA	EL
	2	NEW BRIGHTON AREA	SHS
	3	NEW GALILEE	EL
	2	RIVERSIDE	MDL
	2	ROCHESTER EDUC COMPLEX	K-12
	1	SOUTH	EL
	2	SOUTH SIDE	EL
	1	THIRTY-SEVENTH	EL
BEDFORD	1	BEDFORD	MDL
	2	BEDFORD	SHS
	3	BEDFORD INTERMEDIATE	3-5
	3	BEDFORD PRIMARY	EL
	3	BREEZEWOOD	EL
	3	CHANEYSVILLE COVE	EL
	1	CHAUTAUGUA HOMESTEAD	EL
	1	CHESTNUT RIDGE	HS
	1	CHESTNUT RIDGE CENTRAL	EL
	3	CUMBERLAND VALLEY	EL
	1	DEFIANCE	EL
	2	EVERETT AREA	HS
	2	EVERETT AREA	EL
	3	HARRISON-WALNS CHOICE	EL
	1	HYNDMAN	MDLSR
	1	HYNDMAN PRIMARY	EL
	1	IMLER	EL
	1	LONDONDERRY INTERMEDIATE	3-5
	3	MANN-MONROE	EL
	1	NEW PARIS CENTER	EL
	1	NORTHERN BEDFORD COUNTY	HS
	1	ROBERTSDALE	EL
	1	SAXTON-LIBERTY	EL
	3	SCHELLSBURG	EL
	3	SMITH	EL
	1	TUSSEY MOUNTAIN	HS
BERKS	1	AMANDA E STOUT	EL
	1	GLENSIDE	EL
	1	LAUERS PARK	EL
	2	NORTHEAST	JHS
	1	NORTHWEST	JHS
	1	NORTHWEST	EL
BERKS (CONTINUED)	2	READING	SHS
	2	READING MUHLENBERG	AVTS
	1	RIVERSIDE	EL
	1	SOUTHERN	JHS
	1	SOUTHWEST	JHS
	1	TENTH & GREEN	EL
	1	THOMAS H FORD	EL
	1	TYSON-SCHOENER	EL
BLAIR	2	ALLEGHENY NO 1	EL
	2	ALTOONA AREA	HS
	2	BELLWOOD-ANTIS	JSHS
	3	BLAIR	EL
	2	CENTRAL	HS
	1	CLAYSBURG-KIMMEL	HS
	1	CURTIN	EL
	1	D S KEITH	JSH
	3	DUNCANSVILLE	EL
	3	EDISON	EL
	1	FRANKLIN D ROOSEVELT	EL
	3	FREEDOM	EL
	2	HOLLIDAYSBURG AREA	JHS
	2	HOLLIDAYSBURG AREA	SHS
	1	IRVING	EL
	3	LINCOLN	EL
	1	LOGAN	EL
	1	LOGAN	EL
	1	PENN-LINCOLN	EL
	3	PLEASANT VALLEY	EL
	1	QUEEN	EL
	2	ROARING SPRING	EL
	2	SPRING COVE	JHS
	1	STEVENS	EL
	3	TAYLOR	EL
	1	THEODORE ROOSEVELT	EL
	2	TYRONE AREA	JSHS
	1	WASHINGTON JEFFERSON	EL
	1	WRIGHT	EL
BRADFORD	2	ATHENS AREA	HS
	3	BURNHAM	EL
	1	CANTON AREA	HS
	1	CANTON AREA	EL
	3	COLUMBIA CROSS ROADS	EL
	3	GILLETT	EL
	1	GRANVILLE	EL
	1	H AUSTIN SNYDER	EL

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PENNSYLVANIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BRADFORD (CONTINUED)	1	HARLAN ROWE	MDL
	3	HARRIET CHILD	EL
	1	LITCHFIELD	EL
	3	MAIN	EL
	1	MONROE-FRANKLIN	EL
	3	MULBERRY STREET	EL
	2	NORTHEAST BRADFORD	JSHS
	1	NORTHEAST BRADFORD	EL
	1	SAYRE AREA	HS
	3	SOUTH WAVERLY	EL
	3	SPRINGFIELD TOWNSHIP	EL
	2	TOWANDA AREA	SHS
	1	TOWANDA AREA	MDL
	1	TROY	JHS
	2	TROY	SHS
	3	TROY ELEMENTARY CENTER	K-4
	1	W R CROMAN	EL
	1	WELLS TOWNSHIP	EL
	2	WYALUSING VALLEY	JSHS
	3	WYSOX	EL
BUCKS	1	ABRAHAM LINCOLN	EL
	2	BELMONT HILLS	EL
	2	BENSALEM	HS
	1	BRISTOL	JSHS
	2	BUCKS COUNTY	AVTS
	2	CLARA BARTON	EL
	2	DELHAAS	HS
	2	EVERETT A MCDONALD	EL
	2	F D ROOSEVELT	JHS
	3	JAMES BUCHANAN	EL
	3	JOSEPH HART	EL
	3	LAFAYETTE	EL
	1	MAPLE SHADE	EL
	2	MARY W DEVINE	EL
	2	NEIL A ARMSTRONG	JHS
	1	NEIL A ARMSTRONG	MDL
	2	NESHAMINY	SHS
	2	NESHAMINY MAPLE POINT	9-12
	2	ROBERT K SHAFER	MDL
	1	SAMUEL K FAUST	EL
	1	WARREN SNYDER	EL
	2	WILLIAM TENNENT	SHS
	2	WOODROW WILSON	SHS
BUTLER	3	BROAD STREET	EL
	3	BRUIN	EL
BUTLER (CONTINUED)	2	BUTLER AREA	[illegible]
	2	BUTLER AREA	[illegible]
	2	BUTLER AREA INTERMEDIATE	[illegible]
	3	CENTER AVENUE	[illegible]
	3	EMILY SMITTAIN	[illegible]
	2	EVANS CITY	[illegible]
	2	KNOCH	[illegible]
	1	MARION	[illegible]
	2	MONITEAU	[illegible]
	3	MUDDY CREEK-PORTERSVILLE	[illegible]
	2	SENECA VALLEY	[illegible]
	2	SENECA VALLEY	[illegible]
	3	WASHINGTON	[illegible]
	1	WEST END	[illegible]
CAMBRIA	1	ADMIRAL BEARY	[illegible]
	1	BAKERTON	[illegible]
	1	BLACKLICK VALLEY	[illegible]
	1	BLACKLICK VALLEY	[illegible]
	1	CAMBRIA HEIGHTS	[illegible]
	1	CAMBRIA HEIGHTS	[illegible]
	1	CARROLLTOWN	[illegible]
	1	CENTRAL CATHOLIC	[illegible]
	1	CHANDLER	[illegible]
	1	CONEMAUGH VALLEY	[illegible]
	2	CONEMAUGH VALLEY	[illegible]
	1	COOPERSDALE	[illegible]
	3	CRESSON	[illegible]
	1	CYPRESS	[illegible]
	1	EAST TAYLOR	[illegible]
	1	FOREST HILLS	[illegible]
	1	FOREST HILLS	[illegible]
	1	FOREST HILLS	[illegible]
	1	GALLITZIN	[illegible]
	1	GREATER JOHNSTOWN	[illegible]
	1	GREATER JOHNSTOWN	[illegible]
	1	GREATER JOHNSTOWN	[illegible]
	1	LILLY	[illegible]
	3	LILLY	[illegible]
	1	MEADOWVALE	[illegible]
	1	NORTHERN CAMBRIA	[illegible]
	1	NORTHERN CAMBRIA	[illegible]
	1	NORTHERN CAMBRIA	[illegible]
	1	PATTON FIRST WARD	[illegible]
	1	PENN CAMBRIA	[illegible]
	1	PORTAGE AREA	[illegible]
	1	PORTAGE AREA	[illegible]

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CAMBRIA (CONTINUED)	1	PORTAGE AREA	MDL
	3	ROXBURY	EL
	3	ST ALOYSIUS	EL
	3	ST BENEDICT	EL
	3	ST BERNARD	EL
	3	ST JOSEPH	EL
	1	ST MARY (PATTON)	EL
	1	ST MICHAEL	EL
	3	ST PATRICK (GALLITZIN)	EL
	1	ST PATRICK (JOHNSTOWN)	EL
	1	WEST END CATHOLIC	EL
	1	WESTWOOD	EL
CAMERON	2	CAMERON COUNTY	7-12
	3	EAST FOURTH STREET	EL
	1	WOODLAND	EL
CARBON	3	EAST PENN	EL
	3	FIRST WARD	EL
	3	FRANKLIN	EL
	1	L B MORRIS	EL
	2	LEHIGHTON AREA	HS
	3	MAHONING	EL
	1	NESQUEHONING	EL
	1	PANTHER VALLEY	SHS
	1	PANTHER VALLEY	MDL
	3	SHULL-DAVID	EL
	1	THIRD WARD	EL
CENTRE	2	BALD EAGLE AREA	JSHS
	1	BELLEFONTE	EL
	1	BELLEFONTE AREA	MDL
	2	BELLEFONTE AREA	SHS
	3	BENNER	EL
	2	CENTRE COUNTY	AVTS
	2	PENNS VALLEY AREA	JSHS
	3	ROCKVIEW STATE CORRECTIONAL	N/A
CHESTER	1	BARKLEY	EL
	1	CARL D BENNER	EL
	2	COATESVILLE AREA	SHS
	1	DOWNINGTOWN I & A	9-12
	1	EAST FALLOWFIELD	EL
	1	EDWIN F TERRY	EL
	2	FRED S ENGLE	MDL
	1	GORDON INTERMEDIATE	6-8
	2	HENDERSON	SHS
CHESTER (CONTINUED)	2	JORDAN BANK HOPEWELL	EL
	3	NEW GARDEN	EL
	2	NOTTINGHAM	EL
	2	OCTORARA	EL
	2	OWEN J ROBERTS	MDL
	2	OXFORD AREA	HS
	1	OXFORD AREA INTERMEDIATE	4-8
	2	PHOENIXVILLE	JHS
	3	RAINBOW	EL
	1	SCOTT INTERMEDIATE	EL
	3	SECOND AVENUE	EL
	1	SOUTH BRANDYWINE INTERMEDIATE	4-8
CLARION	1	ALLEGHENY-CLARION VALLEY	JSHS
	1	KEYSTONE	EL
	2	KEYSTONE	JSHS
	1	MADISON	EL
	3	PORTER	EL
	2	REDBANK VALLEY	JSHS
	3	REDBANK-HAWTHORN	EL
	3	RIMERSBURG	EL
	3	SLIGO	EL
	3	ST JOSEPHS	EL
	1	UNION	HS
CLEARFIELD	3	BIGLER	EL
	1	C G JOHNSON	EL
	3	CENTRE	EL
	1	CLEARFIELD AREA	SHS
	1	CLEARFIELD AREA	MDL
	2	CLEARFIELD COUNTY	AVTS
	2	CURWENSVILLE AREA	EL
	2	CURWENSVILLE AREA	JSHS
	2	DUBOIS AREA	SHS
	1	DUBOIS AREA	MDL
	1	GIRARD	EL
	1	GLEN RICHEY	EL
	1	GLENDALE	EL
	1	GLENDALE	JSHS
	1	GOSHEN	EL
	1	HARMONY AREA	K-12
	3	HIGHLAND	EL
	1	HILLSDALE	EL
	1	HYDE	EL
	1	LEONARD	EL
	3	LUTHERSBURG	EL
	1	MOSHANNON VALLEY	EL

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LOCATIONS	CODE *	SCHOOL NAME	
CLEARFIELD (CONTINUED)	1	MOSHANNON VALLEY	JSHS
	1	NORTH LINCOLN HILL	EL
	1	OKLAHOMA	EL
	3	OSCEOLA MILLS	EL
	1	PENFIELD	EL
	1	PHILIPSBURG	JHS
	3	PHILIPSBURG	EL
	2	PHILIPSBURG-OSCEOLA AREA	SHS
	1	PLYMPTONVILLE	EL
	3	RUSH CONSOLIDATED	EL
	1	SYKESVILLE	EL
	3	THIRD WARD	EL
	3	WALLACETON-BOGGS	EL
	1	WASSON	EL
	1	WEST BRANCH AREA	EL
	1	WEST BRANCH AREA	JSHS
	1	WOODLAND	EL
CLINTON	2	BALD EAGLE-NITTANY	HS
	1	BUCKTAIL	EL
	1	BUCKTAIL AREA	JSHS
	1	CASTANEA	EL
	3	DICKEY	EL
	3	LIBERTY CURTIN	EL
	2	LOCK HAVEN	JHS
	2	LOCK HAVEN	HS
	3	MCGHEE	EL
	3	MILL HALL	EL
	1	ROSS	EL
COLUMBIA	1	BERWICK AREA	JHS
	2	BERWICK AREA	SHS
	1	L RAY APPLEMAN	EL
	3	NESCOPECK	EL
COLUMBIA CO	3	BEAVER	EL
	1	BLOOMSBURG	MDL
	2	CENTRAL COLUMBIA	SHS
	2	COLUMBIA-MONTOUR	AVTS
	3	EVANS MEMORIAL	EL
	1	ORANGE STREET	EL
	2	SALEM	EL
CRAWFORD	3	BROOKHAUSER	EL
	2	CAMBRIDGE SPRINGS	JSHS
	2	CAMBRIDGE SPRINGS	EL
	1	CONNEAUT LAKE-SADSBURY	EL
CRAWFORD (CONTINUED)	1	CONNEAUT VALLEY	EL
	3	CUSSEWAGO	EL
	3	EAST END	EL
	1	FIRST DISTRICT	EL
	1	MAPLEWOOD	MDL
	2	MAPLEWOOD	HS
	2	MEADVILLE AREA	JHS
	2	MEADVILLE AREA	SHS
	1	NORTH SHENANGO	EL
	3	RANDOLPH EAST-MEAD	EL
	1	SAGERTOWN	MDL
	1	SECOND DISTRICT	EL
	3	SUMMIT TOWNSHIP	EL
	1	TOWNVILLE	EL
CUMBERLAND	3	CAMP HILL STATE CORRECTIONAL	N/A
	2	DAVID L SWARTZ INTERMEDIATE	MS
	2	EAST PENNSBORO AREA	MDL
	3	J W KLINE	EL
	3	LETORT	EL
	1	STEVENS	EL
	2	WILSON	MDL
DAUPHIN	1	BENJAMIN FRANKLIN	EL
	3	BOAS	7-9
	1	CAMERON STREET VOCATIONAL	7-12
	1	CAMP CURTIN EARLY CHILDHOOD	K-2
	1	CATHEDRAL	EL
	1	DOWNEY EARLY CHILDHOOD	K-2
	1	FOOSE EARLY CHILDHOOD	K-2
	1	GEORGE O MANSBERGER	EL
	1	HAMILTON	EL
	1	HARRISBURG	MDL
	1	HARRISBURG	HS
	1	HBG-STEELTON-HIGHSPIRE	AVTS
	1	LINCOLN EARLY CHILDHOOD	K-2
	2	LOWER DAUPHIN	JSHS
	1	MARSHALL	EL
	1	MELROSE	EL
	1	MILTON HERSHEY	1-12
	3	NORTHUMBERLAND	EL
	1	SACRED HEART CHURCH	EL
	1	SHIMMELL EARLY CHILDHOOD	K-2
	1	ST FRANCIS ASSISSI	EL
	1	STEELE	EL
	1	STEELTON	EL
	2	STEELTON-HIGHSPIRE	HS

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME		LOCATIONS	CODE *	SCHOOL NAMES	
DAUPHIN (CONTINUED)	1	WOODWARD	EL	DELAWARE (CONTINUED)	1	WALNUT STREET	EL
DELAWARE	2	BEVERLY HILLS	JHS		1	WASHINGTON	EL
	3	BYWOOD	EL		3	WETHERILL	EL
	3	CENTRAL	JHS		1	WILLIAM PENN	SHS
	1	CHESTER	HS		3	WOODLYN	EL
	2	CHICHESTER	SHS	ELK			
	2	CHICHESTER	JHS		2	ELK COUNTY CHRISTIAN	HS
	1	CHRISTOPHER COLUMBUS	EL		3	FOX TOWNSHIP	EL
	3	COLWYN	EL		1	JOHNSONBURG AREA	ES
	1	DARBY TOWNSHIP	EL		2	JOHNSONBURG AREA	HS
	1	DARBY TOWNSHIP	HS		1	QUEEN OF THE WORLD	EL
	1	DARBY-COLWYN	JHS		1	SOUTH ST MARYS STREET	EL
	1	DARBY-COLWYN	SHS		1	SPRUCE	ES
	2	DELAWARE COUNTY	AVTS		1	ST MARYS AREA	ES
	1	DELCROFT	EL		2	ST MARYS AREA	SHS
	1	DOUGLASS	MDL	ERIE			
	2	DREXEL HILLS	JHS		2	ACADEMY	EL
	3	EDDYSTONE	EL		3	BURTON	EL
	3	FOLCROFT	MDL		3	CLEVELAND	EL
	1	FRANKLIN	EL		1	COMMUNITY COUNTRY DAY	SHS
	1	GLEN MILLS	EL		3	CONCORD EL	EL
	1	HARRIS	EL		3	CONELWAY	EL
	2	HAVERFORD	JHS		2	CONNELL	EL
	2	HAVERFORD	SHS		2	CORRY	JSHS
	1	IMMACULATE HEART OF MARY	EL		3	DIEHL	EL
	2	INTERBORO	SHS		1	EARLE C DAVIS	MDL
	1	JEFFERIS	EL		1	EAST	MS
	1	MACEDONIA	EL		1	EDISON	EL
	1	MAIN STREET	EL		2	ELK VALLEY	SHS
	1	MANN	EL		2	FORT LEBOEUF	JSHS
	3	MEDIA	EL		2	FORT LEBOEUF	SHS
	1	PARK LANE	EL		2	GENERAL MCLANE	JSHS
	1	PULASKI	MDL		3	GLENWOOD	EL
	3	RESURRECTION	EL		1	GRIDLEY	MDL
	2	RIDLEY	SHS		2	HARBOR CREEK	JSHS
	2	RIDLEY NORTH	JHS		1	HEARD MEMORIAL	EL
	2	RIDLEY SOUTH	JHS		1	I W C ACADEMY	EL
	1	SHARON HILL	EL		2	IROQUOIS	JSHS
	2	SHOWALTER	MDL		1	IRVING	EL
	1	SLEIGHTON	7-12		2	JAMES M PARKER	MDL
	1	SMEDLEY	MDL		1	JOSEPHINE C SCHULLER	MDL
	1	STETSER	EL		3	MCKINLEY	EL
	1	STONEHURST HILLS	EL		2	MEMORIAL	MDL
	1	TOBY FARMS	EL		1	NORTHWESTERN	JHS
	3	TRAINER	EL		1	NORTHWESTERN	SHS
	2	UPPER DARBY	SHS		1	PFEIFFER-BURLEIGH	EL
					1	ROOSEVELT	MS

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LOCATIONS	CODE *	SCHOOL NAME	
ERIE (CONTINUED)	2	SENECA	HS
	3	SPARTA	EL
	1	SPRINGFIELD	EL
	1	ST PATRICK	EL
	3	ST PAUL	EL
	2	STRONG VINCENT	HS
	1	THE SPIRIT OF CHRIST	EL
	2	UNION CITY	JSHS
	2	UNION CITY	EL
	1	WATTSBURG AREA	MDL
	3	WATTSBURG CENTRAL	EL
	1	WAYNE	MDL
	3	WESLEYVILLE	EL
	2	WILSON	MDL
FAYETTE	1	A J MCMULLEN	6-9
	1	ALBERT GALLATIN	SHS
	1	BENJAMIN FRANKLIN	JHS
	3	BOYLE	EL
	1	BROWNSVILLE AREA	SHS
	1	BULLSKIN	EL
	1	CARDALE	EL
	1	CENTRAL	EL
	1	COLONIAL	EL
	2	CONNELLSVILLE AREA	SHS
	3	CONNELLSVILLE AREA CATHOLIC	EL
	1	CONNELLSVILLE TOWNSHIP	EL
	1	COX-DONAHEY	EL
	3	CRAIG	EL
	1	O FERD SWANEY	EL
	3	DAWSON-VANDERBILT	EL
	1	DUNBAR BORO	EL
	1	DUNBAR TOWNSHIP	EL
	1	EAST	JHS
	1	FAIRCHANCE-GEORGES	JSHS
	1	FAIRCHANCE-GEORGES	EL
	1	FAYETTE COUNTY	AVTS
	1	FRIENDSHIP HILL	EL
	1	GALLATIN	EL
	1	GEN GEORGE C MARSHALL	EL
	1	GERMAN CENTRAL	EL
	1	GERMAN TOWNSHIP	JSHS
	3	HATFIELD	EL
	1	HUTCHINSON	EL
	1	J F KENNEDY	EL
	1	LAFAYETTE	JHS
	2	LAUREL HIGHLANDS	SHS
FAYETTE (CONTINUED)	1	MARCLAY	EL
	2	MARY FULLER FRAZIER	JSHS
	1	MASONTOWN	EL,JHS
	1	MENALLEN	EL
	3	NEW PERRY	EL
	1	NORTH LAUREL	JHS
	1	OHIOPYLE	EL
	1	PARK	EL
	1	POINT MARION	EL,JHS
	1	R W CLARK	EL
	1	REDSTONE	MDL
	1	SALTLICK	EL
	1	SMITHFIELD	EL
	1	SOUTH CONNELLSVILLE	EL
	2	SOUTH LAUREL	JHS
	1	SOUTH SIDE	EL
	1	SPRINGFIELD	EL
	1	UNIONTOWN AREA	SHS
	1	WEST	JHS
	3	WHARTON	EL
	1	ZACHARIAH CONNELL	EL
FOREST	3	EAST FOREST	JSHS
	3	EAST FOREST	EL
	1	THE ARRAKAS SCHOOL	9-12
FRANKLIN	2	CENTRAL	JHS
	2	CHAMBERSBURG AREA	MDL
	2	CHAMBERSBURG AREA	SHS
	2	FAIRVIEW AVENUE	EL
	2	JAMES BUCHANAN	SHS
	2	JAMES BUCHANAN	MDL
	3	KING STREET	EL
	3	MOWREY NO 2	EL
	1	SCOTLAND VETERANS CHILDREN	1-12
	1	THADDEUS STEVENS	EL
	3	U L GORDY	EL
	2	WAYNESBORO AREA	SHS
GREENE	1	ALEPPO	EL
	3	ROBTOWN	EL
	2	CARMICHAELS AREA	JSHS
	2	EAST FRANKLIN	EL
	3	EAST WARD	EL
	1	GRAYSVILLE	EL
	1	JEFFERSON-MORGAN	EL
	1	MAPLETOWN	JSHS

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LOCATIONS	CODE *	SCHOOL NAME	
GREENE (CONTINUED)	1	MARGARET BELL MILLER	EL
	1	NEMACOLIN	EL
	1	SPRINGHILL-FREEPORT	EL
	2	WAYNESBURG CENTRAL	HS
	1	WEST GREENE	JSHS
	3	WHITELEY	EL
HUNTINGDON			
	3	BRADY-HENDERSON	EL
	2	HUNTINGDON AREA	SHS
	1	HUNTINGDON AREA	MDL
	3	HUNTINGDON STATE CORRECTIONAL	N/A
	3	JACKSON-MILLER	EL
	1	JUNIATA VALLEY	EL
	3	KISTLER	EL
	3	MAPLETON UNION	EL
	1	MOUNT UNION	EL
	1	MOUNT UNION	JSHS
	3	ROCKHILL	EL
	1	SHIRLEY TOWNSHIP	EL
	3	SMITHFIELD-JUNIATA	EL
	2	SOUTHERN HUNTINGDON COUNTY	JSHS
	3	SPRING FARMS	EL
	1	TROUGH CREEK VALLEY	EL
	3	WILLIAM SMITH	EL
	3	WOODCOCK VALLEY	EL
INDIANA			
	2	B FRANKLIN	EL
	2	HOMER CENTER	JSHS
	1	HOMER CENTER	EL
	2	INDIANA AREA	JHS
	1	MARION CENTER AREA	HS
	1	MARION CENTER AREA	EL
	1	PENNS MANOR AREA	EL
	2	PENNS MANOR AREA	HS
	1	PURCHASE LINE	JSHS
	1	PURCHASE LINE NORTH	EL
	1	PURCHASE LINE SOUTH	EL
	1	UNITED	JSHS
	1	UNITED	EL
JEFFERSON			
	2	BROOKVILLE AREA	JSHS
	1	HICKORY GROVE	EL
	1	JEFFERSON COUNTY-DUBOIS	AVTS
	3	JENKS HILL	EL
	2	PUNXSUTAWNEY AREA	SHS
	2	PUNXSUTAWNEY AREA	JHS
JUNIATA			
(CONTINUED)	1	EAST JUNIATA	JSHS
	3	FERMANAGH-MIFFLINTOWN	EL
	2	JUNIATA	HS
	1	LACK-TUSCARORA	EL
	3	MONROE	EL
	3	MOUNTAIN VIEW	EL
	1	TUSCARORA	JHS
	3	TUSCARORA VALLEY	EL
	1	WALKER	EL
LACKAWANNA			
	2	ABINGTON HEIGHTS	MDL
	2	ABINGTON HEIGHTS	HS
	1	ADAMS	EL
	1	ARTHUR T HOWELLS	MDL
	1	AUDUBON	EL
	1	BANCROFT	EL
	1	CARBONDALE AREA	JSHS
	2	DICKSON	HS
	1	DUNMORE	EL
	1	DUNMORE	MDL
	1	EAST SCRANTON INTERMEDIATE	5-8
	1	FELL	EL
	1	FRIENDSHIP HOUSE	EL
	1	JEFFERSON	MDL
	1	JEFFERSON	EL
	3	JEFFERSON	EL
	1	KENNEDY	EL
	2	LACKAWANNA COUNTY SOUTH	AVTS
	1	LAKELAND	EL
	1	LAKELAND	JSHS
	3	LINCOLN	EL
	3	LINCOLN-JACKSON	EL
	3	MADISONVILLE	EL
	1	MARSHALL	EL
	1	MCNICHOLS	EL
	1	MID VALLEY	JSHS
	1	MONROE	EL
	1	MORRIS	EL
	3	MOSCOW	EL
	1	NEIL ARMSTRONG	EL
	1	NEW ELEMENTARY NO 1	EL
	3	NEWTON-RANSOM	EL
	2	NORTH PROCNO	HS
	1	NORTH SCRANTON INTERMEDIATE	5-8
	1	PRESCOTT	EL
	2	RIVERSIDE	JSHS
	3	ROOSEVELT	EL

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PENNSYLVANIA

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LACKAWANNA (CONTINUED)	1	ROOSEVELT	EL
	1	SOUTH SCRANTON INTERMEDIATE	5-8
	3	ST ANN MONASTERY	EL
	1	ST ROSE	EL
	1	SUMNER	EL
	2	TAYLOR	EL
	2	TECHNICAL	HS
	3	THROOP	EL
	1	VALLEY VIEW	JSHS
	1	WEST SCRANTON INTERMEDIATE	6-8
	1	WHITTIER	EL
	1	WILLARD	EL
LANCASTER	1	ASSUMPTION	EL
	3	BURROWES	EL
	2	COCALICO	SHS
	2	COLUMBIA	JSHS
	1	FULTON	EL
	2	GARDEN SPOT	JSHS
	1	GEORGE WASHINGTON	EL
	1	HAND	JHS
	1	HIGBEE	EL
	1	LAFAYETTE	EL
	1	LINCOLN	JHS
	2	MCCASKEY	HS
	1	PRICE	EL
	1	REYNOLDS	JHS
	3	RIVERVIEW	EL
	1	ROSS	EL
	2	SOLANCO	HS
	1	ST ANTHONY	EL
	1	STEVENS	EL
	3	THOMAS WHARTON	EL
	1	WICKERSHAM	EL
	3	WOOLWORTH	EL
LAWRENCE	2	BENJAMIN FRANKLIN	JHS
	3	EAST LAWRENCE	EL
	2	GEORGE WASHINGTON	JHS
	3	HARTMAN	EL
	2	LAUREL	EL
	2	LAWRENCE COUNTY	AVTS
	2	LINCOLN	JSHS
	2	MOHAWK	JSHS
	3	NEW BEDFORD	EL
	2	NEW CASTLE	SHS
	1	NEW WILMINGTON	EL
LAWRENCE (CONTINUED)	3	NORTH SIDE	EL
	3	PULASKI	EL
	2	SHENANGO	EL
	3	WALNUT RIDGE	EL
	1	WEST END	EL
LEBANON	2	HARDING	EL
	2	LEBANON	SHS
	1	LEBANON	JHS
	1	NORTHWEST	EL
LEHIGH	1	CENTRAL	EL
	1	CLEVELAND	EL
	1	FRANCIS D RAUB	JHS
	1	HARRISON-MORTON	JHS
	2	HIRAM W DOOD	EL
	2	JEFFERSON	EL
	2	LEHIGH COUNTY	AVTS
	3	LINCOLN	EL
	1	LOUIS E DIEruff	EL
	3	MCKINLEY	EL
	1	MIDWAY MANOR	EL
	1	MOSSER	EL
	3	RITTER	EL
	1	ROOSEVELT	EL
	1	SACRED HEART OF JESUS	EL
	1	SHERIDAN	EL
	2	SLATINGTON	JHS
	2	SOUTH MOUNTAIN	EL
	1	STEVENS	JHS
	2	TREXLER	SHS
	2	WILLIAM ALLEN	
LUZERNE	3	A O THOMAS	EL
	1	ARTHUR STREET	EL
	3	BEN FRANKLIN	EL
	2	BISHOP HAFFEY	HS
	2	BISHOP HOBAN	HS
	1	CALVIN	EL
	3	COTTON	EL
	2	COUGHLIN	JSHS
	2	CREST WOOD	HS
	2	DALLAS	JHS
	3	DALLAS STATE CORRECTIONAL	HOS
	1	DANA	EL
	1	DODSON	EL
	2	DURYEA	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
LUZERNE (CONTINUED)	3	E A ENCKE	EL
	2	FAIRVIEW	EL
	1	FLOOD	EL
	1	FREELAND	EL
	1	FREELAND	JSHS
	2	G A R MEMORIAL	JSHS
	1	GARFIELD	EL
	3	GARRISON	EL
	1	GREBEY	JHS
	1	HANOVER AREA	JSHS
	1	HANOVER GREEN	EL
	1	HARDING	EL
	1	HARMAN	JHS
	2	HAZLE	EL
	1	HEIGHTS-MURRAY	EL
	1	HEIGHTS-TERRACE	EL
	1	J F KENNEDY	EL
	3	J F KENNEDY	EL
	1	JACKSON STREET	EL
	1	JOHN S FINE	SHS
	1	K M SMITH	EL
	1	KISTLER	EL
	1	KOSCIUSZKO	EL
	2	LAKE LEHMAN	HS
	1	LEE PARK	EL
	1	LEHMAN-JACKSON	EL
	1	LINCOLN	EL
	1	LINCOLN	EL
	3	LOCUST STREET	EL
	3	LUZERNE AVENUE	EL
	1	LYNWOOD	EL
	3	MACKIN	EL
	1	MAFFETT	EL
	1	MAIN STREET	EL
	1	MARION TERRACE	EL
	1	MCADOO-KELAYRES	EL
	2	MEYERS	JSHS
	1	NANTICOKE	JHS
	3	NORTH END CATHOLIC	EL
	2	NORTHWEST AREA	JSHS
	3	PETTEBONE	EL
	1	PITTSTON AREA	JHS
	1	PITTSTON AREA	EL
	2	PITTSTON AREA	SHS
	1	PLAINS	JHS
	1	PRINGLE STREET	EL
	3	ROSS	EL
LUZERNE (CONTINUED)	1	SCHOOLEY AVENUE	EL
	1	SCHUYLER AVENUE	EL
	3	SETON CATHOLIC	HS
	3	SHEPPTON	EL
	1	SHOEMAKER AVENUE	EL
	1	ST ALOYSIUS	JSHS
	1	ST GABRIEL	AVTS
	3	ST JOHN THE BAPTIST	EL
	3	ST JOHNS BYZANTINE	AVTS
	1	ST STANISLAUS	EL
	1	STATE STREET	AVTS
	1	THIRD AVENUE	JHS
	3	TRUCKSVILLE	SHS
	2	WEST HAZLETON	EL
	1	WEST SIDE	EL
	3	WESTMORELAND	EL
	2	WILKES-BARRE	EL
	1	WILKES-BARRE TOWNSHIP	EL
	2	WYOMING AREA	JHS
	1	WYOMING AREA NORTH	SHS
	1	WYOMING AREA SOUTH	EL
	1	WYOMING VALLEY WEST	EL
	2	WYOMING VALLEY WEST	SHS
LYCOMING	3	AVIS	EL
	1	BECHT	EL
	1	CHARLES LOSE	EL
	1	COCHRAN	EL
	1	CURTIN	JHS
	3	FRANKLIN	EL
	1	JACKSON	EL
	1	JERSEY SHORE AREA	EL
	1	JERSEY SHORE AREA	JHS
	2	JERSEY SHORE AREA	SHS
	3	LEWIS TOWNSHIP	EL
	1	LINCOLN	EL
	1	LYCOMING VALLEY	JHS
	3	MUNCY STATE CORRECTIONAL	SHS
	3	PHILIP SHERIDAN	EL
	1	ROOSEVELT	EL
	3	SALLADASBURG	EL
	1	THOMAS JEFFERSON	EL
	2	WARD L MYERS	JHS
	3	WEBSTER	SHS
	2	WILLIAMSPORT AREA	SHS
	3	WOODWARD TOWNSHIP	EL
MCKEAN			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MCKEAN (CONTINUED)	1	ARNOLD	EL
	1	CHESTNUT STREET	EL
	1	CLAY STREET	EL
	3	ELDRED TOWNSHIP	EL
	2	GEORGE G BLAISDELL	EL
	1	HAZEL HURST	EL
	1	KANE AREA	JHS
	1	KANE AREA	SHS
	1	L L SMITH	EL
	1	OTTO-ELDRED	JSHS
	1	PORT ALLEGANY	JSHS
	2	SCHOOL STREET	JHS
	3	SENECA HIGHLANDS	AVTS
	3	SMETHPORT	EL
	2	SMETHPORT AREA	JSHS
MERCER	1	ECKLES	EL
	1	FARRELL	SHS
	1	FARRELL	MDL
	1	GEORGE JR REPUBLIC	JSHS
	1	HETRA	EL
	1	MERCER AREA	EL
	2	MERCER AREA	JSHS
	3	MERCER STATE REGIONAL	N/A
	1	MUSSER	EL
	2	REYNOLDS	JSHS
	2	SHARON	SHS
	1	SHARON	JHS
	3	WENGLER	EL
	1	WEST HILL	EL
MIFFLIN	3	ARMAGH	EL
	1	BROWN	EL
	1	BUCHANAN	EL
	1	CHIEF LOGAN	SHS
	1	CHIEF LOGAN	MDL
	3	DECATUR	EL
	3	DERRY	EL
	1	EAST DERRY	EL
	1	GRANVILLE	EL
	2	JUNIATA MIFFLIN COUNTY	AVTS
	1	KISHACOQUILLAS	JSHS
	1	LEWISTOWN	MDL
	2	LEWISTOWN AREA	SHS
	3	MATTAWANA	EL
	1	SEVENTH WARD	EL
	1	STRODES MILLS	MDL
MIFFLIN (CONTINUED)	1	STRODES MILLS	EL
MONROE	1	COOLBAUGH	EL
	2	EAST STROUDSBURG	SHS
	2	JOHN J MILLS	EL
	2	PLEASANT VALLEY	JHS
	2	PICONO MOUNTAIN	SHS
	2	PICONO MOUNTAIN	MDL
	2	STROUDSBURG	MDL
	3	TOBYHANNA	EL
MONTGOMERY	2	ABINGTON NORTH CAMPUS	JHS
	1	BETH JACOB	K-12
	2	BISHOP MCDEVITT	JHS
	1	EDGEWOOD	EL
	1	FRANKLIN	EL
	1	GOTWALS	EL
	3	GRATERFORD STATE CORRECTIONAL	N/A
	1	HERVEY S WALKER	EL
	1	LINCOLN	EL
	1	NEW LIFE YOUTH	7-12
	2	NORRISTOWN AREA	JHS
	2	NORTH PENN	JHS
	2	NORTH PENN	SHS
	2	PLYMOUTH-WHITEMARSH	SHS
	2	POTTSGROVE INTERMEDIATE	5-8
	1	POTTSTOWN	SHS
	1	POTTSTOWN	SHS
	3	PUPERT	EL
	3	ST AUGUSTINE	EL
	1	ST GABRIELS HALL	7-12
	1	STEWART	MDL
	2	UPPER PERKIOMEN	EL
	2	UPPER PERKIOMEN	MDL
	1	WEST END	EL
	3	WEST POTTSGROVE	EL
MONTOUR	2	DANVILLE	JHS
	2	ESEO J DIEHL	K-6
NORTHAMPTON	3	BANGOR	EL
	2	BANGOR AREA	JHS
	2	BETHLEHEM AREA	AVTS
	1	BROUGHAL	JHS
	1	CHESTER	EL
	1	DONEGAN	EL
	1	EASTON AREA	MDL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NORTHAMPTON (CONTINUED)	2	EASTON AREA	HS
	3	FORKS	EL
	1	FOUNTAIN HILL	EL
	1	HOLY INFANCY	EL
	2	LIBERTY	HS
	1	MARCH	EL
	1	MARVINE	EL
	2	NORTHAMPTON AREA	JHS
	1	NORTHEAST	JHS
	2	PALMER	EL
	1	PAXINOSA	EL
	2	PEN ARGYL AREA	SHS
	2	PHILIP F LAUER	MDL
	1	ROSEMONT	EL
	2	SHAWNEE INTERMEDIATE	8-9
	2	WILSON AREA	JSHS
NORTHUMBERLAND	1	HOLY SPIRIT	EL
	1	KULPMONT	EL
	2	MILTON	HS
	2	MILTON AREA	JHS
	1	MILTON AREA	EL
	2	MILTON AREA INTERMEDIATE	5-6
	1	MT CARMEL	EL
	1	MT CARMEL AREA	JSHS
	1	NORTHUMBERLAND COUNTY	AVTS
	1	SHAMOKIN AREA	HS
	1	SHAMOKIN AREA	MDL
	1	SHAMOKIN AREA	EL
	2	SHIKELLAMY	HS
	2	SHIKELLAMY	MDL
	1	ST CASIMIR	EL
	1	ST EDWARD	EL
	3	ST STANISLAUS	EL
	1	WARRIOR RUN	MDL
	2	WARRIOR RUN	HS
	3	WEST CATHOLIC	EL
PERRY	2	GREEN PARK	EL
	2	NEWPORT	EL
	2	SUSQUENITA	EL
	2	SUSQUENITA	HS
	2	WEST PERRY	HS
PHILADELPHIA	1	ADAIRE	EL
	1	ALCORN	EL
	3	AMY	6-8
PHILADELPHIA (CONTINUED)	1	ANDERSON	EL
	1	ARTHUR	EL
	1	AUDENRIED	JHS
	1	BACHE	EL
	2	BALDI	MDL
	1	BARRATT	JHS
	1	BARRY	EL
	1	BARTLETT	JHS
	1	BARTON	EL
	1	BARTRAM	EL
	1	BEERER	EL
	1	BELMONT	EL
	1	BETHUNE	EL
	1	BIDDLE	EL
	1	BLAINE	EL
	1	BLANKENBURG	EL
	1	BOK	AVTS
	1	BREGY	EL
	1	BROWN	EL
	1	BRYANT	EL
	2	CARDINAL DOUGHERTY	HS
	2	CARNELL	JHS
	1	CARVER	EL
	1	CASSIDY	EL
	1	CATHARINE	EL
	2	CENTRAL	HS
	1	CHILDS	EL
	3	CHRIST MEMORIAL	K-3
	1	CLEVELAND	EL
	1	CLYMER	EL
	1	COMEGYS	EL
	1	CONWELL	MDL
	1	COOKE	JHS
	1	CRAMP	EL
	1	CREIGHTON	EL
	1	DAROFF	EL
	1	DARRAH	EL
	1	DE LASALLE IN TOWN	9-12
	2	DECATUR	EL
	1	DICK	EL
	1	DOBBINS	9-12
	1	DOBSON	EL
	1	DOUGLASS (FREDERICK)	EL
	1	DREW	K-3
	1	DUCKREY	EL
	1	DUNBAR	EL
	1	DUNLAP	EL

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LOCATIONS	CODE *	SCHOOL NAME	
PHILADELPHIA			
(CONTINUED)	1	DURHAM	EL
	1	EDISON	HS
	1	EDMONDS	EL
	1	ELKIN	EL
	1	ELLWOOD	EL
	1	ELVERSON	EL
	1	EMANUEL PARISH	EL
	1	EMLEN	EL
	1	FAIRHILL	EL
	2	FARRELL	EL
	1	FELL	EL
	2	FELS	JHS
	1	FERGUSON	EL
	1	FINLETTER	EL
	3	FITLER ACADEMICS PLUS	K-8
	2	FITZPATRICK	EL
	1	FITZSIMONS	JHS
	2	FRANKFORD	HS
	1	FRANKLIN	HS
	1	FRANKLIN LEARNING CENTER	9-12
	1	FULTON	EL
	1	FURNESS	JHS
	1	GERMANTOWN	HS
	1	GESU	EL
	1	GIDEON	EL
	1	GILLESPIE	JHS
	1	GIRARD	EL
	1	GIRARD COLLEGE	1-12
	1	GOMPERS	EL
	1	GRATZ	HS
	2	GREENFIELD	K-8
	1	HACKETT	EL
	1	HALL-PRINCE	EL
	1	HAMILTON	EL
	1	HANNA	EL
	1	HARDING	JHS
	1	HARRINGTON	EL
	1	HARRISON	EL
	1	HARRITY	EL
	1	HARTRANFT	EL
	1	HENRY	K-8
	1	HESTON	EL
	1	HILL (LP)	EL
	2	HOLME	EL
	1	HOLMES	EL
	1	HOLY NAME OF JESUS	EL
	1	HOLY REDEEMER	EL

LOCATIONS	CODE *	SCHOOL NAMES
PHILADELPHIA		
(CONTINUED)	2	HOPKINSON
	2	HOUSTON
	1	HOWE
	1	HUEY
	2	HUNTER
	1	IMMACULATE CONCEPTION (CHELTON
	1	INCARNATION OUR LORD
	1	ISLAMIC COMMUNITY CENTER
	1	JACKSON
	2	JOHN J HALLAHAN GIRLS
	1	JONES
	1	KEARNY
	1	KELLEY
	1	KELLY (JB)
	1	KENDERTON
	1	KENSINGTON
	1	KEY
	1	KING (ML)
	1	KINSEY
	1	KIRKBRIDE
	2	LAMBERTON
	2	LAMTON
	1	LEA
	1	LEEDS
	1	L-HIGH
	1	LEIDY
	1	LEVERING
	1	LEWIS
	2	LINCOLN
	1	LINGELBACH
	1	LOCKE
	2	LOESCHE
	1	LOGAN
	1	LONGSTRETH
	2	LOWELL
	1	LUDLOW
	1	LUTHERAN ACADEMY
	1	MANN
	1	MARSHALL
	1	MASTBAUM
	2	MASTERMAN
	3	MATER DOLOROSA
	2	MCCALL
	3	MCCLOSKEY
	1	MCCLURE
	1	MCDANIEL
	1	MCKINLEY

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LOCATIONS	CODE *	SCHOOL NAME		
PHILADELPHIA (CONTINUED)	1	MCMICHAEL	K-8	
	1	MEADE	EL	
	2	MEEHAN AUSTIN	MDL	
	1	MEREDITH	K-8	
	1	MIFFLIN	K-8	
	1	MITCHELL	EL	
	1	MOFFET	EL	
	1	MORRIS	EL	
	2	MORRISON	K-8	
	1	MORTON	EL	
	1	MOST BLESSED SACREMENT	EL	
	1	MOST PRECIOUS BLOOD	EL	
	1	NATIVITY BVM	EL	
	1	NEBINGER	EL	
	2	NORTHEAST	HS	
	2	NORTHEAST CATHOLIC	HS	
	1	OLNEY	HS	
	3	OUR LADY OF CONFIDENCE	EL	
	1	OUR LADY OF HOLY SOULS	EL	
	1	OUR LADY OF MERCY	EL	
	3	OUR LADY OF VICTORY	EL	
	1	OUR MOTHER OF SORROWS	EL	
	1	OVERBROOK	HS	
	1	OVERBROOK	EL	
	1	PASTORIUS	EL	
	2	PATTERSON	EL	
	1	PEIRCE (TM)	EL	
	1	PEIRCE (WS)	K-8	
	1	PENN TREATY	JHS	
	1	PENNELL	EL	
	1	PENNSYLVANIA ADVANCEMENT	MDL	
	1	PENNYPACKER	EL	
	1	PENROSE PARK	EL	
	1	PETER CLAVER	EL	
	1	PHILA ASSOC OF CHRISTIAN	EL	
	2	PHILADELPHIA GIRLS	HS	
	1	PICKETT	MDL	
	1	POTTER-THOMAS	EL	
	1	POWEL	EL	
	1	PRATT-ARNOLD	EL	
	3	READ (F)	EL	
	1	REYNOLDS	K-7	
	1	RHOADS	EL	
	1	RHODES	MDL	
	1	RICHMOND	EL	
	1	ROOSEVELT	MDL	
	1	ROWEN	EL	
PHILADELPHIA (CONTINUED)	2	ROXBOROUGH	HS	
	2	RUSH	MDL	
	1	SACRED HEART	EL	
	1	SARTAIN	EL	
	1	SAYRE	JHS	
	1	SHARSWOOD	K-8	
	1	SHAW	JHS	
	2	SHAWMONT	K-8	
	1	SHEPPARD	EL	
	1	SHERIDAN	EL	
	1	SHOEMAKER	JHS	
	1	SISTER CLARA MUHAMMAD	K-12	
	1	SMEDLEY	EL	
	1	SMITH	EL	
	1	SOUTH PHILADELPHIA	HS	
	1	SOUTHWARK	EL	
	1	SPRING GARDEN	EL	
	2	ST AMBROSE	EL	
	1	ST ANTHONY OF PADUA	EL	
	1	ST ATHANASIUS	EL	
	3	ST BASIL	EL	
	1	ST BONAVENTURE	EL	
	1	ST BONIFACE	EL	
	3	ST CARTHAGE	EL	
	1	ST CHARLES BORROMEO	EL	
	1	ST COLUMBA	EL	
	1	ST EDWARDS	EL	
	1	ST ELIZABETH	EL	
	2	ST GABRIEL	EL	
	1	ST GREGORY	EL	
	2	ST HENRY	EL	
	1	ST IGNATIUS LOYOLA	HS	
	2	ST JOHN BAPTIST	EL	
	3	ST MADELEINE SOPHIE	EL	
	2	ST MARIA GORETTI	EL	
	2	ST MARTIN OF TOURS	EL	
	1	ST MICHAEL	EL	
	1	ST NICHOLAS	EL	
	1	ST PETER THE APOSTLE	EL	
	1	ST PHILIP NERI	EL	
	2	ST RAYMOND	EL	
	1	ST RITAS	EL	
	1	ST THERESE	EL	
	1	ST THOMAS AQUINAS	EL	
	1	ST VERONICA	EL	
	1	ST VINCENT DEPAUL	EL	
	2	ST WILLIAM	EL	

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PENNSYLVANIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

PENNSYLVANIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
PHILADELPHIA (CONTINUED)	1	STANTON	EL
	1	STANTON (M HALL)	EL
	1	STEARNE	EL
	1	STEEL	EL
	1	STELLA MARIS	EL
	1	STETSON	JHS
	1	STODDARD-FLEISHER	JHS
	1	STRAWBERRY MANSION	JHS
	2	SULLIVAN	EL
	1	SULZBERGER	JHS
	1	TAGGART	EL
	1	TAYLOR	EL
	1	THOMAS	JHS
	1	TILDEN	MDL
	1	TURNER	MDL
	1	UNIVERSITY CITY	HS
	1	VARE	JHS
	1	VARE	K-8
	1	VAUX	JHS
	1	VISITATION	EL
	1	WAGNER	JHS
	1	WALTON	EL
	1	WANAMAKER	JHS
	1	WARING	EL
	2	WASHINGTON	HS
	1	WASHINGTON (GEORGE)	K-8
	1	WASHINGTON (MARTHA)	K-8
	1	WAYNE	EL
	1	WEBSTER	EL
	1	WELSH	EL
	1	WEST PHILADELPHIA	HS
	2	WEST PHILADELPHIA CATHOLIC BOY	HS
	1	WEST PHILADELPHIA CATHOLIC GIR	HS
	1	WHARTON	MDL
	1	WHITTIER	EL
	1	WILLARD	EL
	1	WILLIAM PENN	HS
	2	WILSON	JHS
	1	WILSON	EL
	1	WISSAHICKON-COOK	EL
	1	WISTER (JOHN)	EL
	1	WISTER (MARY)	EL
	1	WRIGHT (RICHARD)	EL
PIKE	2	DELAWARE VALLEY	MDL
POTTER	1	AUSTIN AREA	EL
POTTER (CONTINUED)	1	COUDERSPORT AREA	EL
	3	COUDERSPORT AREA	JSHS
	3	GALETON AREA	JSHS
	1	GALETON AREA	EL
	1	HARRISON VALLEY	EL
	1	NORTHERN POTTER	JSHS
	1	NORTHERN POTTER CHILDRENS	EL
	1	OSWAYO VALLEY	K-12
SCHUYLKILL	1	ASHLAND	EL
	3	BARRY	EL
	2	BLUE MOUNTAIN	MDL
	3	CENTRE STREET	EL
	1	D H H LENGEL	MDL
	1	ELEMENTARY CENTER	K-6
	1	FRACKVILLE	EL
	1	GIRARDVILLE	EL
	1	JEFFERSON	EL
	1	MAHANOY AREA COMPLEX	K-12
	1	MAHANOY AREA INTERMEDIATE	5-8
	1	MINERSVILLE AREA	JSHS
	1	NORTH SCHUYLKILL SECONDARY	7-12
	2	POTTSVILLE AREA	HS
	1	RINGTOWN	EL
	2	SCHUYLKILL COUNTY	AVTS
	1	SHENANDOAH HEIGHTS	EL
	1	SHENANDOAH VALLEY	HS
	1	TAMAQUA	EL
	1	TAMAQUA AREA	JSHS
	2	WILLIAMS VALLEY	JSHS
SOMERSET	2	BERLIN-BROTHERSVALLEY	HS
	1	BERLIN-BROTHERSVALLEY	EL
	2	CAIRNBROOK INTERMEDIATE	4-5
	3	CAIRNBROOK PRIMARY	K-3
	1	CENTRAL	EL
	1	CONEMAUGH TOWNSHIP AREA	HS
	3	JEROME	EL
	3	KANTNER	EL
	1	MEYERSDALE AREA	JSHS
	1	MEYERSDALE AREA	EL
	2	NORTH STAR	HS
	2	ROCKWOOD AREA	JSHS
	1	SALISBURY-ELK LICK	EL
	1	SALISBURY-ELK LICK	JSHS
	1	SHADE	HS
	1	TURKEYFOOT VALLEY AREA	EL

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PENNSYLVANIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SOMERSET (CONTINUED)	3	TURKEYFOOT VALLEY AREA	JSHS
	2	WEST END	EL
	2	WINDBER AREA	JSHS
SULLIVAN	3	SULLIVAN COUNTY	EL
	1	SULLIVAN COUNTY	JSHS
	3	TURNPIKE AREA	EL
SUSQUEHANNA	3	BLUE RIDGE	5-6
	2	BLUE RIDGE	JSHS
	1	BLUE RIDGE	K-4
	3	BROOKLYN	EL
	3	CLIFFORD	EL
	1	ELK LAKE	JSHS
	1	ELK LAKE	EL
	2	FOREST CITY REGIONAL	K-12
	2	MONTROSE AREA	JSHS
	2	MOUNTAIN VIEW	JSHS
	1	SUSQUEHANNA COMMUNITY	JSHS
	1	SUSQUEHANNA COMMUNITY	EL
TIOGA	3	CHARLOTTE LAPPLA	EL
	1	CLARK WOOD	EL
	1	COWANESQUE VALLEY	EL
	2	COWANESQUE VALLEY	HS
	1	DON GILL	EL
	1	J L T	EL
	2	WARREN L MILLER	EL
	1	WELLSBORO AREA	JHS
UNION	2	MIFFLINBURG AREA	MDL
VENANGO	1	CENTRAL	EL
	2	CRANBERRY AREA	JSHS
	3	HYDETOWN	EL
	2	OIL CITY	JHS
	2	OIL CITY	SHS
	2	PLEASANTVILLE	EL
	2	TITUSVILLE	SHS
	1	TITUSVILLE	JHS
WARREN	1	MCCLINTOCK	EL
	3	PITTSFIELD	EL
	2	SHEFFIELD	HS
WASHINGTON	2	ALLISON	EL
	1	ATLASBURG	EL
WASHINGTON (CONTINUED)	1	BETHLEHEM-CENTER	JHS
	2	BETHLEHEM-CENTER	EL
	2	BURGETTSTOWN	JSHS
	1	CALIFORNIA AREA	MDL
	2	CANON-MCMILLAN	SHS
	2	CANON-MCMILLAN	JHS
	1	CARROLL	JHS
	2	CHARLEROI AREA	JSHS
	3	DONORA CATHOLIC	EL
	1	DONORA CENTER	EL
	3	FINLEY	EL
	2	FINLEY	JHS
	3	HAWTHORNE	EL
	1	LOG RILE	EL
	2	MCGUFFEY	JSHS
	2	MCGUFFEY	MDL
	3	MEADOW AVENUE	EL
	2	MONONGAHELA CENTER	SHS
	2	RINGGOLD	EL
	1	SAMPSON STAR	EL
	1	SOUTH CENTRAL	MDL
	2	TRINITY	SHS
	2	TRINITY	MDL
	1	WASHINGTON	EL
	1	WASHINGTON	HS
	1	WASHINGTON	EL
	3	WEST ALEXANDER	EL
	1	WYLIE	EL
WAYNE	1	ALDENVILLE	EL
	3	DAMASCUS	K-3
	3	HAMLIN	EL
	2	HONESDALE	HS
	1	LAKE ARIEL	EL
	3	LINCOLN	EL
	3	PRESTON	K-3
	1	SOUTH CANAAN	EL
	1	STOURBRIDGE	EL
	2	WALLENPAUPACK AREA	MDL
	1	WAYMART	EL
	2	WAYNE HIGHLANDS	MDL
	1	WESTERN WAYNE	JSHS
WESTMORELAND	1	ARNOLD	JHS
	1	DAGGALEY	EL
	3	BARREN RUN	EL
	2	BELLE VERNON AREA	HS

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PENNSYLVANIA

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LOCATIONS	CODE *	SCHOOL NAME	
WESTMORELAND (CONTINUED)	3	COOK TOWNSHIP	EL
	2	DERRY AREA	JHS
	1	DR HAROLD W THOMAS	EL
	1	DR ROBERT E NICELY	EL
	3	EAST VANDERGRIFT	EL
	3	FIRST WARD	EL
	3	FORT CRAWFORD	EL
	3	FORT PITT	EL
	3	FOURTH WARD	EL
	1	GASKILL	EL
	2	GRANDVIEW	EL
	3	GREENSBURG STATE REGIONAL	N/A
	2	GREENSBURG-SALEM	SHS
	2	GREENSBURG-SALEM	JHS
	3	H D BERKEY	EL
	2	HEMPFIELD AREA	SHS
	3	HENRY W GOOD	EL
	3	J F KENNEDY	EL
	1	JEANNETTE	MDL
	2	JEANNETTE	SHS
	2	KISKI AREA	SHS
	2	LATROBE	JHS
	2	LATROBE	SHS
	1	LATROBE	MDL
	2	LAUREL VALLEY	JSHS
	3	LAUREL VALLEY	EL
	3	LOWBER	EL
	3	MARTIN	EL
	2	MONESSEN	JSHS
	3	MOUNT ST PETER	EL
	2	MT PLEASANT AREA	SHS
	1	NEW KENSINGTON	JHS
	3	NORTH BELLE VERNON	EL
	1	NORTH VANDERGRIFT	EL
	2	NORWIN	SHS
	2	NORWIN EAST	JHS
	2	PENN TRAFFORD	HS
	1	PENNSYLVANIA AVENUE	EL
	3	PLEASANT UNITY	EL
	3	RUFFSDALE	EL
	1	SCULL	EL
	1	SECOND WARD	EL
	3	SHAW	EL
	3	SHERIDAN AVENUE	EL
	2	SOUTHMORELAND	SHS
	1	SOUTHMORELAND	JHS
	1	SOUTHMORELAND INTERMEDIATE	EL
WESTMORELAND (CONTINUED)	3	TAYLOR STREET	EL
	1	VALLEY	SHS
	1	VANDERGRIFT	JHS
	3	WEST PITTSBURGH	EL
	3	WILSON	EL
	2	YOUGH	JHS
	2	YOUGH	SHS
WYOMING	3	BENTON	EL
	1	EVANS FALLS	EL
	3	FACTORYVILLE	EL
	1	LACKAWANNA TRAIL	JSHS
	1	MILL CITY	EL
	3	NICHOLSON	EL
	2	ROSLUND	EL
	1	ST MICHAELS SCHOOL FOR BOYS	7-12
	1	TUNKHANNOCK	HS
	1	TUNKHANNOCK	MDL
YORK	1	ALTERNATIVE PROGRAM	7-12
	3	DAVIS	EL
	3	DEVERS	EL
	1	FERGUSON	EL
	1	GOODE	EL
	1	HANNAH PENN	MDL
	3	HANOVER STREET	EL
	1	JACKSON	EL
	1	LINCOLN	EL
	1	MCKINLEY	EL
	2	RED LION AREA	SHS
	1	SMITH	MDL
	2	SOUTH EASTERN	MDL
	2	SOUTH WESTERN	HS
	1	ST ROSE OF LIMA	EL
	1	WILLIAM PENN	SHS
	2	YORK COUNTY	AVTS
	3	YORK HAVEN-NEWBERRY	EL

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RHODE ISLAND

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BRISTOL			
	1	COLT-ANDREWS	K-5
	1	GUITERAS	5-7
	1	MULTI-UNIT	3-8
	1	REYNOLDS	9
	2	ST ANDREW	7-12
	1	ST ELIZABETH	K-8
	1	WALLEY	K-1
KENT			
	2	HARRIS AVENUE	1-6
	2	JOHN F MORGAN ELEMENTARY	K-6
	2	OAKLAND BEACH	K-6
	2	ST BENEDICT	K-8
NEWPORT			
	2	CAREY	4-5
	2	COGGESHALL	4-5
	2	JESUS SAVIOR	5-8
	2	LENTHAL	4-5
	2	RUMFORD	4-5
	2	OLIPHANT	K-5
	2	POCASSET	K-4
	2	RANGER SCHOOL	K-4
	2	SULLIVAN	6
	2	TIVERTON HIGH	9-12
	1	TIVERTON MIDDLE	5-8
PROVIDENCE			
	1	ACADEMY AVENUE	K-5
	2	AGNES E LITTLE	K-6
	2	ALMY	K-6
	1	ANNA J BURNS	K-6
	1	ARLINGTON	K-6
	1	ASA MESSER	K-4
	1	BISHOP MCVINNEY REGIONAL	1-8
	1	BROAD STREET	K-5
	1	BROAD STREET	K-4
	2	C F JR/SR HIGH	7-12
	1	CALCUTT MIDDLE	5-6
	1	CAMDEN AVENUE	K-4
	1	CAPTAIN HUNT	K-4
	1	CARL G LAURO	K-4
	1	CENTRAL HIGH	9-12
	2	CITIZENS MEMORIAL	K-6
	2	ELIZABETH BALDWIN	K-6
	2	ELLA RISK	PRE K
	1	ESEK HOPKINS MIDDLE	6-8
	1	FAIRMOUNT	4,5,6
	2	FIFTH AVENUE	K,1,2
	2	FOGARTY MEMORIAL	1-4
PROVIDENCE (CONTINUED)			
	1	FOX POINT	K-5
	1	FRANCIS J CROWLEY	K-5
	1	GEORGE J WEST MIDDLE	5-8
	1	GILBERT STUART MIDDLE	5-8
	2	GLADSTONE	K-6
	2	GROVE STREET	K-5
	2	HALLTWELL MEMORIAL	3-6
	2	HENRY J WINTERS	K-5
	1	HOLY TRINITY	1-8
	2	HOPE HIGH	9-12
	1	HOPE VALLEY	K-5
	2	HORTON	K-5
	2	KENDRICK AVENUE	1-4
	1	LAUREL HILL AVENUE	K-4
	1	LEXINGTON AVENUE	K-4
	1	M VIRGINIA CUNNINGHAM	K-6
	1	MARATHON HOUSE	
	2	MARTIN LUTHER KING	K-6
	1	MARY E FOGARTY	K-5
	2	MAY WESTCOTT	2-6
	2	MOUNT PLEASANT HIGH	9-12
	1	NATHAN BISHOP MIDDLE	5-8
	1	NATHANAEL GREEN MIDDLE	5-8
	2	NORTH SMITHFIELD JR - SR HIGH	7-12
	2	NORWOOD AVENUE	K-4
	1	OLDHAM	K-6
	1	OLIVER HAZARD PERRY MIDDLE	5-8
	1	OPPORTUNITY CENTER OF RI	
	1	OUR LADY OF CONSOLATION	K-3
	1	RESERVOIR AVENUE	K-5
	2	ROBERT F KENNEDY	K-5
	2	ROBERTSON	K-4
	1	ROGER WILLIAMS MIDDLE	5-8
	1	SACKETT STREET	K-5
	2	SAMUEL SLATER JUNIOR HIGH	7-8
	1	SAMUEL W BRIDGHAM MIDDLE	5-8
	2	SCHOOL ONE	9-12
	1	SECOND AVENUE	K-4
	2	SOCIAL STREET	K-6
	1	SOPHIA LITTLE HOME	
	1	ST ALOYSIUS HOME	
	1	ST EDWARD	K-3
	1	ST FRANCIS XAVIER ACADEMY	7-12
	1	ST MARY	K-3
	2	ST MARY	K-8
	2	ST MARY ACADEMY OF THE VISIT	9-12
	1	ST MARY'S	K-4

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RHODE ISLAND

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RHODE ISLAND

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
PROVIDENCE (CONTINUED)	1	ST MARY'S HOME FOR CHILDREN			
	1	ST MATTHEW		K-9	
	1	ST PATRICK WORD OF GOD		K-8	
	2	ST PAUL		1-8	
	1	ST PAUL'S CHRISTIAN DAY		K-8	
	1	ST TERESA		K-8	
	2	ST THERESA		K-9	
	1	TRANSITION HOUSE			
	1	VINEYARD STREET		K-4	
	1	WEBSTER AVENUE		K-5	
	2	WHITEKNACT		K-6	
	1	WHITMARSH HOUSE			
	1	WILLIAM D'ABATE MEMORIAL		K-4	
	1	WINDMILL STREET		K-5	
STATE OF RI	1	ADULT CORRECTIONAL INSTITUTE			
	1	CHILDREN'S SERVICES			
	1	RHODE ISLAND TRAINING SCHOOL			
WASHINGTON	2	BRADFORD		K-6	
	1	OCEAN TIDES			
	2	RICHMOND		K-6	

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SOUTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ABBEVILLE			
	2	ANTREVILLE EL	1-4
	2	CALHOUN FALLS HS	8-12
	2	CARVER MDL	5-8
	2	GREENVILLE ST EL	K-5
	2	J C CALHOUN EL	K-7
	2	LOWNDESVILLE EL	1-6
AIKEN			
	2	A L CORBETT MDL	5-8
	1	AIKEN YCC	
	2	C B BUSBEE EL	K-4
	2	DOWNER EL	K-6
	2	E AIKEN EL	K-5
	2	GLOVERVILLE EL	K-5
	2	GREENDALE EL	K-5
	2	J D LEVER EL	K-5
	2	JEFFERSON EL	K-5
	2	KENNEDY MDL	6-8
	2	N AIKEN EL	K-5
	2	NEW ELLENTON MDL	6-8
	1	R SPRING-MONETTA EL-MDL	K-8
	2	R SPRING-MONETTA HS	9-12
	2	SCHOFIELD MDL	6-8
	2	WAGNER/SALLEY HS	9-12
	2	WARRENVILLE EL	K-5
	2	WINDSOR-OAKWOOD EL	K-5
ALLENDALE			
	1	ADALE-FAIRFAX HS	9-12
	1	ALLENDALE EL	3-8
	1	ALLENDALE PRIMARY	K-2
	1	FAIRFAX PRIMARY-MDL	K-8
ANDERSON			
	1	CLEO BAILEY EL	1-6
	2	HOMELAND PARK EL	1-6
	2	IVA EL	K-6
	2	NEW PROSPECT EL	1-6
	2	NORTH ANDERSON EL	1-6
	1	PERRY CCDC	
	1	SOUTH FANT EL	1-6
	2	SOUTHWOOD JHS	7-9
	2	TOWNVILLE EL	K-8
	2	VARENNES EL	1-6
	2	W PELZER PRIMARY	K-4
	1	WEST FRANKLIN EL	1-6
	1	WILLIAMSTON CDC	
BAMBERG			
	1	BAMBERG EL	K-4
	1	BAMBERG-EHRHARDT HS	10-12
BAMBERG (CONTINUED)			
	1	DENMARK-OLAR EL	K-5
	1	DENMARK-OLAR HS	9-12
	1	DENMARK-OLAR JHS	7-8
	1	EHRHARDT MDL	5-7
	1	L L BUTLER EL	K-4
	1	R CARROLL JHS	8-8
	1	R CARROLL MDL	5-7
BARNWELL			
	2	BARNWELL EL	K-5
	2	BARNWELL HS	9-12
	1	BLACKVILLE EL	K-3
	1	BLACKVILLE-HILDA HS	9-12
	2	GUINYARD BUTLER MDL	6-8
	2	KELLY EDWARDS EL	K-5
	1	MACEDONIA MDL	6-8
	2	WILLISTON-ELKO HS	9-12
BEAUFORT			
	1	BATTERY CREEK EL	K-5
	2	BATTERY CREEK HS	10-12
	1	BEAUFORT EL	K-5
	2	BEAUFORT HS	9-12
	2	BEAUFORT JHS	7-8
	2	BROAD RIVER EL	K4-6
	1	DAUFUSKIE	7-8
	1	J J DAVIS EL	K-6
	1	LADYS ISLAND EL	K-5
	1	M C RILEY EL	K-5
	2	PORT ROYAL EL	1-6
	1	R SMALLS JHS	8-8
	2	SHELL POINT EL	K-3
	1	ST HELENA EL-JHS	K-8
BERKELEY			
	2	BERKELEY EL	K-4
	2	BERKELEY INT	5-6
	2	BERKELEY MDL	7-8
	1	CAINHOY EL-HS	K-12
	1	CROSS EL	K-6
	1	CROSS HS	7-12
	1	J K GOURDIN EL	K-6
	1	MACEDONIA EL-HS	K-12
	2	MARRINGTON EL	K-5
	1	MARRINGTON MDL	6-8
	2	MEN RIV EL	K-5
	1	SANDRIDGE EL	K-6
	1	ST STEPHEN EL	K-5
	1	ST STEPHEN HS	9-12
	1	ST STEPHEN MDL	6-8

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SOUTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

SOUTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BERKELEY (CONTINUED)	2	WHITESVILLE EL	K-4
CALHOUN			
	1	BETHLEHEM EL	K-5
	1	GUINYARD EL	K-5
	1	JOHN FORD MDL	6-8
	1	ST JOHN SCHOOL	K-12
	1	ST MATTHEWS HS	9-12
CHARLESTON			
	1	ALBEMARLE EL	K-5
	1	ANGEL OAK EL	K-5
	1	ARCHER EL	K-5
	1	B TILLMAN EL	K-7
	1	BAPTIST HILL HS	9-12
	1	BAXTER-PATRICK EL	K-5
	1	BETHUNE EL	K-7
	1	BONDS-WILSON HS	8-12
	1	BUIST EL	K-5
	1	BURKE HS	9-12
	1	C A BROWN HS	9-12
	1	C C BLANEY EL	K-6
	2	C E WILLIAMS MDL	6-8
	1	CHARLESTON HS	9-12
	1	CHICORA EL	K-7
	1	CHICORA HS	9-12
	1	COURTENAY MDL	6-8
	1	E A BURNS EL	K-7
	1	F B ELLINGTON EL	K-6
	1	FRIERSON EL	K-6
	2	G C FRAMPTON EL	K-5
	1	HAUT GAP MDL	6-8
	2	HUNLEY PARK EL	K-5
	1	J EDWARDS EL	K-6
	1	J H BERRY EL	1-7
	1	J MITCHELL EL	K-5
	1	J MOORE EL	K-5
	1	J SIMONS EL	K-5
	2	JAMES ISLAND MDL	5-8
	2	LADSON EL	1-7
	2	LAING MDL	6-8
	1	LINCOLN MDL-HS	6-12
	1	M FORD EL	K-7
	1	M HUGHES MDL	K-5
	1	MCCLELLANVILLE EL	K-6
	1	MEMMINGER EL	K-5
	2	MIDLAND PARK EL	K-7
	1	MORNINGSIDE EL	K-7
	1	MT ZION EL	K-5
CHARLESTON (CONTINUED)	2	MURRAY-LA SAINE EL	K-5
	2	N CHARLESTON EL	K-7
	2	PARK CIRCLE EL	K-7
	1	PORCHER EL	K-7
	1	R D SCHRODER MDL	7-8
	2	REMOUNT RD EL	K-7
	1	RHETT MDL	6-8
	1	RIVERS MDL	6-8
	1	SANDERS-CLYDE EL	K-5
	1	ST ANDREWS EL	K-5
	1	ST JOHNS HS	9-12
	1	W J FRASER EL	K-5
CHEROKEE			
	2	ALMA EL	K-5
	1	BLACKSBURG EL	K-5
	1	CHEROKEE HS	7-12
	2	DRAYTONVILLE EL	K-5
	2	GOUCHER EL	K-5
	2	L L VAUGHAN EL	K-5
	2	M BRAMLETT EL	K-5
CHESTER			
	2	CHESTER HS	9-12
	2	CHESTER JHS	7-8
	2	COLLEGE ST EL	1-6
	2	DORA JONES-GAYLE EL	5-6
	2	GREAT FALLS MDL	6-8
	2	LEWISVILLE EL	1-5
	2	LEWISVILLE HS	9-12
	2	LEWISVILLE MDL	6-8
	1	SOUTHSIDE EL	K-6
CHESTERFIELD			
	2	CHERAW EL	5-6
	2	CHERAW PRIMARY	K-4
	2	CHESTERFIELD EL	K-7
	2	CHESTERFIELD JHS	8-9
	2	EDWARDS EL	K-6
	2	JEFFERSON EL	K-6
	2	LONG JHS	7-8
	1	MCBEE EL	K-6
	2	MCBEE HS	7-12
	1	PAGELAND EL	K-6
	1	PAGELAND JHS	7-8
	1	PETERSBURG EL	K-7
	1	PLATNVIEW EL	K-7
	2	R SMALLS EL	K-6
	2	RUBY EL	K-6
CLARENDON			

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SOUTH CAROLINA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CLARENDON (CONTINUED)	1	ALCOLU EL	4-5
	1	EAST CLARENDON EL	K-5
	1	EAST CLARENDON MDL-HS	6-12
	1	MANNING HS	9-12
	1	MANNING MDL	6-8
	1	MANNING PRIMARY	K-3
	1	SCOTTS-BRANCH HS	9-12
	1	SPRING HILL EL	K-5
	1	ST PAUL EL	K-5
	1	SUMMERTON MDL	6-7
COLLETON	1	BELLS EL	K-5
	1	BLACK STREET EL	5-6
	1	CENTRAL EL	1-8
	2	COLLETON EL	4-6
	2	COLLETON HS	9-12
	1	COLLETON-WBORO JHS	7-8
	1	COTTAGEVILLE EL	1-8
	2	FORREST HILL EL	1-3
	1	HAMPTON STREET EL	1-4
	1	HENDERSONVILLE EL	1-6
	1	IVENIA BROWN EL	1-8
	1	JONESVILLE EL	1-7
	1	RITTER EL	1-8
	1	RUFFIN HS	8-12
	1	SMOAKS EL	6-7
	1	ST ANTHONYS SCHOOL	
DARLINGTON	2	ANTIOCH EL	K-6
	1	BROCKINGTON EL	K-5
	2	BRUNSON-DARGAN JHS	7-8
	1	BUTLER HS	7-12
	1	CAIN EL	K-5
	1	LAMAR EL-HS	K-12
	1	MAYO HS	9-12
	2	PATE EL	K-6
	1	PINE MDL	6-8
	1	ROSENWALD EL	K-7
	1	ROSENWALD HS	8-12
	2	SONOVISTA EL	K-6
	1	SOUTHSIDE EL	K-5
	1	SPAULDING EL-HS	K-12
	1	ST DAVIDS EL	K-7
	2	ST JOHNS EL	K-6
	1	WASHINGTON ST EL	K-6
DILLON	1	DILLON HS	10-12
DILLON (CONTINUED)	1	EAST DILLON EL	K-3
	1	GORDON EL	4-5
	1	J V MARTIN JHS	7-8
	1	LAKE VIEW EL-MDL	K-8
	1	LAKE VIEW HS	9-12
	1	LATIMER EL	4-8
	1	LATTA PRIMARY-HS	K-12
	1	SOUTH DILLON EL	K-3
	1	STEWART HEIGHTS EL	K-3
DORCHESTER	1	CLAY HILL EL	K-5
	1	HYLLS-RVILLE HS	7-12
	1	JENKINS HILL EL	K-6
	1	MACDUGALL YCC	
	1	ST GEORGE EL	K-3
	1	ST GEORGE HS	9-12
	1	WILLIAMS MEMORIAL	4-8
EDGEFIELD	1	DOUGLAS EL	K-4
	1	JOHNSTON EL	5-8
	1	JOHNSTON PRIMARY	K-4
	2	STROM THURMOND HS	9-12
	1	W E PARKER EL	K-8
FAIRFIELD	1	CHILD DEV CENTER	
	1	EVERETT EL	4-5
	2	FAIRFIELD JHS	8-9
	1	GEIGER EL	K-6
	1	GORDON EL	K-3
	1	KELLY MILLER EL	K-6
	1	MCC-LISTON EL-HS	K-12
	1	MOUNT ZION MDL	6-7
	2	WINNSBORO HS	10-12
FLORENCE	1	BONAIRE EL	K-6
	1	BROCKINGTON EL	K-3
	1	CARVER EL	K-5
	1	CHILD DEV CENTER	
	1	GREGG EL	K-6
	2	HANNAH EL	K-6
	2	HANNAH-PAMPLICO HS	9-12
	1	HANNAH-PAMPLICO MDL	5-8
	1	J C LYNCH EL	K-8
	1	JOHNSON MDL	5-8
	2	JOHNSONVILLE EL-HS	K-12
	2	JOHNSONVILLE MDL	5-8
	1	LAKE CITY EL #1	K3-4

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SOUTH CAROLINA

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
FLORENCE (CONTINUED)	1	LAKE CITY EL #2	5-6
	1	LAKE CITY HS	9-12
	1	LAKE CITY JHS	7-8
	2	LAKE CITY PRIMARY	1-2
	1	LESTER EL	K-6
	2	MCCLENAGHAN JHS	7-9
	1	MCLAUREN EL	K-5
	1	N VISTA EL	K-5
	1	OLANTA EL	K-8
	1	PAMPLICO EL	K-4
	2	SAVANNAH GROVE EL	K-6
	1	SCRANTON EL	K-6
	1	TIMMONSVILLE EL	4-5
	1	TIMMONSVILLE HS	9-12
	1	WILLIAMS JHS	7-8
	2	WILSON HS	9-12
GEORGETOWN	2	ANDREWS PRIMARY-HS	K3912
	2	BECK JHS	7-8
	1	BROWNS FERRY EL	K-4
	1	BYNUM EL	K-6
	1	CHOPPEE MDL-HS	58912
	1	DEEP CREEK EL	K-4
	1	HOWARD VOCATIONAL HS	9-12
	2	MCDONALD EL	K-6
	1	PLANTERSVILLE EL	K-6
	1	PLEASANT HILL SCH	58912
	1	ROSEMARY MDL	4-8
	1	SAMPIT EL	K-6
	2	WACCAMAW EL	K-8
GREENVILLE	1	ALEXANDER EL	K-5
	2	BLYTHE EL	K-5
	1	CCDC	
	1	CONE EL	K-5
	2	DUKE STREET EL	K-5
	2	EAST GREER EL	K-5
	1	GIVENS YCC	
	1	HOLLIS EL-MDL	K-8
	2	LAKEVIEW MDL	6-8
	2	MONAVIEW EL-MDL	K-8
	2	OVERBROOK-EASTON EL	K-5
	1	PERRY CC	
	2	SAN SOUCI EL	K-5
	2	SIRRINE EL	K-5
	1	W GREENVILLE EL	1-5
GREENWOOD			

LOCATIONS	CODE *	SCHOOL NAMES	
GREENWOOD (CONTINUED)	2	BLAKE PRIMARY	K-4
	2	BREWER INT	5-6
	2	LESLIE PRIMARY	K-4
	2	MATHEWS PRIMARY	K-4
	2	NORTH HODGES PRI	K-3
	2	SOUTHSIDE JHS	7-9
	2	WEST HODGES INT	4-5
HAMPTON	1	BRUNSON EL	K-3
	1	DIXON EL	5
	1	ESTILL EL	K-5
	1	ESTILL HS	9-12
	1	ESTILL MDL	6-8
	1	FENNELL EL	K-4
	1	GIFFORD-LURAY EL	4
	1	HAMPTON EL	K-8
	1	N DISTRICT MDL	5-8
	1	VARNVILLE EL	K-3
	2	WADE HAMPTON HS	9-12
HORRY	1	AYNOR EL	K-6
	2	AYNOR HS	7-12
	2	CONWAY EL	K-5
	2	CONWAY MDL	6-7
	1	DAISY EL	K-4
	1	GREEN SEA FLOYDS EL	K-6
	1	GREEN SEA FLOYDS HS	9-12
	1	GREEN SEA FLOYDS MDL	5-8
	1	HOMEWOOD EL	K-5
	2	HORRY EL	1-4
	2	KINGSTON EL	K-3
	1	LORIS EL	K-4
	1	LORIS HS	9-12
	1	LORIS MDL	5-7
	1	MIDLAND EL	K-5
	2	N MYRTLE BEACH EL-MDL	3-8
	2	N MYRTLE BEACH HS	9-12
	1	N MYRTLE BEACH PRIMARY	K-2
	1	PEE DEE EL	K-8
	2	SOUTH CONWAY EL	K-5
	1	W CONWAY MDL	6-8
JASPER	1	HARDEEVILLE EL	K-5
	1	JASPER PRI-MDL	K-7
	1	RIDGELAND HS	9-12
	1	W HARDEEVILLE HS	7-12
KERSHAW			

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SOUTH CAROLINA

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LOCATIONS	CODE *	SCHOOL NAME	
KERSHAW (CONTINUED)	2	ANTIOCH EL	K-6
	1	BARON-DEKALB EL	K-6
	2	BETHUNE EL	K-6
	2	BETHUNE HS	7-12
	2	CAMDEN EL	K-5
	2	MIDWAY EL	K-6
	2	MT PISGAH EL	K-6
	2	N CENTRAL HS	7-12
	1	WATEREE RIVER CC	
LANCASTER	2	CENTRAL EL	K-6
	2	DOBSON EL	K-5
	2	ERWIN EL	K-6
	2	HEATH SPRINGS EL	K-8
	2	KERSHAW EL 1	1-3
	2	KERSHAW MDL	6-8
LAURENS	2	CLINTON EL	1-5
	2	GRAY COURT-OWINGS EL	3-8
	2	M DENDY MDL	6-8
LEE	1	ASHWOOD CENTRAL	7-12
	1	BISHOPVILLE HS	10-12
	1	BISHOPVILLE MDL-JHS	5-9
	1	BISHOPVILLE PRIMARY	K-4
	1	FLEMING EL	K-8
	1	LOWER LEE EL	K-6
	1	MT PLEASANT HS	9-12
	1	WEST LEE EL	K-6
LEXINGTON	2	BATESBURG EL	K-4
	2	BBURG-LVILLE MDL	5-8
	2	LEESVILLE EL	K-4
	2	SWANSEA EL	K-4
	2	SWANSEA INT	5-6
MARION	1	BRITTONS NECK EL	K-6
	1	BRITTONS NECK HS	7-12
	2	EASTERLING EL	K-2
	2	JOHNAKIN SCHOOL	7-8
	2	MARION EL	5-6
	2	MARION HS	9-12
	1	MCCORMICK PRIMARY	K-3
	1	MULLINS EL	4-6
	1	MULLINS HS	7-12
	1	MULLINS JHS	7-8
	1	N MULLINS PRIMARY	K-3
MARION (CONTINUED)	1	NICHOLS EL	1-6
	1	PLEASANT GROVE EL	1-6
	1	RAINS CENTENARY EL	PREKK
	1	RAINS CENTENARY MDL	3-6
	2	SOUTHSIDE EL	3-6
	1	SPRINGVILLE CDC	
	1	TERRELLS BAY SCHOOL	1-12
MARLBORO	1	ADAMSVILLE EL	6-8
	1	BENNETTSVILLE EL	5-6
	2	BENNETTSVILLE HS	10-12
	1	BENNETTSVILLE INT	3-4
	2	BENNETTSVILLE JHS	7-9
	1	BENNETTSVILLE PRI	K-2
	1	BLENHEIM EL	4-6
	1	BLENHEIM HS	7-12
	1	BLENHEIM PRIMARY	K-3
	1	CLIO EL	K-6
	1	CLIO HS	7-12
	1	FLETCHER MEM EL	4-6
	1	KOLLOCK EL	4-7
	1	MARLBORO CDC	
	1	MCCOLL HS	9-12
	1	MCCOLL PRIMARY	K-3
	1	WALLACE HS	9-12
	1	WALLACE PRIMARY	K-3
MCCORMICK	1	JOHN DE LA HOWE	
	1	MCCORMICK EL	K-4
	1	MCCORMICK HS	9-12
	1	MCCORMICK MDL	5-8
	1	PLUM BRANCH EL	K-3
	1	WILLINGTON EL	K-3
NEWBERRY	2	BOUNDARY ST EL	2-3
	2	GALLMAN EL	4-5
	2	GARMONY MDL	4-6
	2	MID CAROLINA JHS	7-8
	2	NEWBERRY JHS	5-8
	2	POMARIA EL	K-3
	2	PROSPERITY EL	K-3
	1	REUBEN EL	K-4
	2	RIKARD EL	4-6
	2	SILVERSTREET MDL	5-8
	2	SPEERS ST EL	K-1
OCONEE	2	COLLEGE ST EL	5-6

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LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
OCONEE (CONTINUED)	2	KEOWEE EL	K-8
	2	OCONEE CDCS	
	2	WESTMINISTER EL	K-5
ORANGEBURG			
	1	BELLEVILLE MDL	6-8
	1	BOWMAN EL	K-4
	1	BOWMAN HS	5-12
	1	BRANCHVILLE EL	K-7
	2	BRANCHVILLE HS	8-12
	1	BROOKDALE MDL	K-8
	1	CARVER EDISTO MDL	4-8
	1	CHILD DEV CENTER	
	1	DANTZLER MDL	4-8
	2	EDISTO HS	9-12
	2	EDISTO PRIMARY	K-3
	1	ELLOREE EL	K-8
	1	ELLOREE HS	9-12
	1	GAILLARD PRI	K-4
	2	HOLLY HILL HS	9-12
	1	HOLLY HILL MDL	5-8
	1	HOLLY HILL PRI	K-4
	2	HOLY TRINITY SCH	
	1	HUNTER-KINARD HS	9-12
	1	MARSHALL EL	K-5
	1	MELLICHAMP EL	K-5
	1	NEESES EL	K-2
	1	NIX EL	K-5
	1	NORTH EL	K-6
	1	NORTH HS	7-12
	1	NORWAY JHS	7-8
	1	O-WILKERSON HS	9-12
	1	PROVIDENCE EL	K-3
	1	RIVELON EL	K-5
	1	ROBERTS HS	9-12
	1	SHERIDAN EL	K-5
	1	SPRINGFIELD EL	3-6
	1	ST JAMES MDL	5-8
	1	VANCE PRIMARY	K-3
	1	WHITTAKER EL	K-5
PICKENS			
	1	LIBERTY CDC	
	1	NORTHSIDE CDC	
RICHLAND			
	2	A C FLORA HS	9-12
	1	A C MOORE EL	K-5
	1	ALCORN MDL	6-8
	2	ANNA BOYD CDC	
RICHLAND (CONTINUED)	1	ARDEN EL	K-5
	2	ATLAS ROAD EL	K-5
	2	BETHEL-HANBERRY MDL	6-8
	1	BIRCHWOOD SCHOOL	
	2	BLYTHWOOD EL	5D-8
	2	BRADLEY EL	K-5
	2	BRENNEN EL	K-5
	2	BURNSIDE EL	K-5
	1	BURTON EL	K-5
	2	C A JOHNSON HS	9-12
	1	CARVER EL	K-5
	2	CAUGHMAN ROAD MDL	6-7
	1	CENTRAL COR INST	
	1	CRANE CREEK EL	K-5
	1	CRAYTON MDL	6-8
	1	DENNY TERRACE EL	K-5
	2	FAIRWOLD MDL	7-8
	1	GADSDEN EL	K-5
	1	GIBBES MDL	6-8
	2	GREENVIEW EL	K-5
	1	HOPKINS EL	K-5
	2	HOPKINS JHS	8-8
	2	HORRELL HILL EL	K-5
	1	HYATT PARK EL	K-5
	1	J P THOMAS EL	K-5
	1	KIRKLAND COR INST	
	1	LYON STREET EL	K-5
	1	MANNING COR INST	
	1	MCCANTS EL	K-5
	2	MEADOWFIELD EL	K-5
	1	NANCE EL	K-5
	1	OLYMPIA MDL	6-8
	1	PACK EL	K-5
	1	PERRY MDL	6-8
	1	RECEP-EVAL CENTER	
	1	ROOSEVELT VILLAGE EL	1-5
	2	ROSEWOOD EL	K-5
	2	S KILBOURNE EL	K-5
	2	SATCHELFORD ROAD EL	K-5
	2	ST ANDREWS JHS	7-8
	2	ST MARTINS ECC	
	2	WAROLAW EL	5-5
	1	WATKINS EL	K-5
	1	WEBBER MDL	6-7
	1	WILLOW LANE SCH	
	1	WOMENS COR CENTER	
SALUDA			

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LOCATIONS	CODE *	SCHOOL NAME	
SALUDA (CONTINUED)	2	RIVERSIDE MDL	5-8
	2	SALUDA EL	K-4
SPARTANBURG	2	ARCADIA EL	K-5
	2	C SPARTANBURG EL	K-7
	2	CARVER JHS	7-9
	1	CLEVELAND EL	K-6
	1	DUTCHMAN CC	
	2	HILLTOP EL	K-5
	2	HOUSTON EL	K-6
	2	LONE OAK EL	1-5
	1	M H WRIGHT EL	K-6
	2	PACOLET EL	3-6
	2	PACOLET JHS	7-9
	2	PACOLET PRI	K-2
	1	PARK HILLS EL	K-6
	2	STARTEX EL	K-6
	2	WELLFORD PRI	1-3
	2	WHITLOCK JHS	7-9
	1	Z L MADDEN EL	K-6
SUMTER	2	ALICE DRIVE MDL	6-8
	1	BATES MDL	6-8
	1	CHERRYVALE EL	K-6
	1	CROSSWELL DRIVE EL	K-5
	1	DELAINE EL	K-6
	1	EBENEZER JHS	8-9
	1	FURMAN HS	9-12
	1	HIGH HILLS MDL	6-7
	2	HILLCREST HS	10-12
	1	LEMIRA EL	K-5
	1	MANCHESTER EL-MDL	K-8
	1	MAYESVILLE INST EL	K-6
	1	MAYEWOOD HS	9-12
	2	MILLWOOD EL	K-5
	1	OAKLAND EL	K-5
	1	R E DAVIS EL	K-8
	1	RAFTING CREEK EL	K-5
	2	SHAW HEIGHTS EL	K-5
	1	ST JOHN EL	K-5
	1	ST JUDES SCHOOL	
	2	SUMTER HS	9-12
	?	WILDER EL	K-5
	1	WILLOW DRIVE EL	K-5
UNION	2	BUFFALO EL	K-6
	1	CARLSON EL	K-3
UNION (CONTINUED)	1	EXCELSIOR EL	K-5
	1	JONESVILLE EL	K-6
	?	JONESVILLE HS	7-12
	?	SIMS JHS	7-8
	?	WEST END EL	5
WILLIAMSBURG	1	ANDERSON PRI	K-3
	1	BATTERY PARK	K-12
	1	BLAKELY EL	K-5
	1	C E MURRAY HS	7-12
	1	CADES HEBRON	K-12
	1	GREELEYVILLE EL	K-5
	1	HEMMINGWAY HS	7-12
	1	HEMMINGWAY MDL	4-8
	1	HEMMINGWAY PRI	K-3
	1	KINGSTREE EL	K-5
	1	KINGSTREE HS	9-12
	1	KINGSTREE JHS	7-8
	1	LANE EL	K-6
	1	ST MARK	K-12
	1	WILLIAMSBURG HS	7-12
YORK	?	BELLEVIEW EL	1-5
	?	EDGEWOOD EL	1-5
	?	H C JOHNSON MDL	6-8
	?	HICKORY GROVE EL	1-5
	?	JEFFERSON EL	4-5
	?	MCCELVEY EL	K-3
	?	NORTHSIDE EL	1-3
	?	RICHMOND DRIVE EL	1-5
	1	SUNSET PARK EL	4-5
	?	SYLVIA CIRCLE EL	1-5

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
AURORA	1	STATE TRAINING SCHOOL	K-8
	3	STICKNEY	9-12
	3	STICKNEY	K-8
	3	WHITE LAKE	9-12
	3	WHITE LAKE	
BEADLE	1	BUCHANAN	K-5
	1	HURON COLONY	K-8
	1	JEFFERSON	K-6
	1	JUNIOR HIGH	7-9
	3	MCKINLEY	K-6
	1	OUR HOME, INC	
	1	RIVERSIDE COLONY	K-8
	2	SENIOR HIGH	10-12
	3	WESSINGTON	K-8
	3	WESSINGTON	9-12
	3	WILSON	K-6
	3	WOLSEY	K-8
BENNETT	1	BENNETT	HS
	3	CENTRAL	K-8
	1	MARTIN	K-8
	3	TUTHILL	K-8
	3	VETAL	K-8
BON HOMME	3	LESTERVILLE	K-6
	3	MENNONITE	K-8
	3	ROUSE	K-8
	2	SCOTLAND	7-12
	3	SPRINGFIELD	K-8
	3	TABOR	K-8
	3	TYNDALL-TABOR	HS
BROOKINGS	1	DEUBROOK	K-8
BROWN	2	ABERDEEN CATHOLIC SCHOOLS	K-12
	3	BARNARD	K-8
	2	CENTRAL	HS10-
	2	GROTON	K-6
	2	GROTON CENTRAL	7-12
BROWN (CONTINUED)	3	HECLA	9-12
	3	HECLA	K-8
	1	HENRY NEILL	K-5
	2	HOLGATE	K-8
	3	HOWARD WEDGER	K-6
	1	LINCOLN	K-5
	1	MAY OVERBY	K-5
	2	O M TIFFANY	K-6
	2	SIMMONS	K-6
	1	SIMMONS	K-5
	3	WARNER	9-12
	3	WARNER HS	
BRULE	1	CHAMBERLAIN	K-6
	1	KIMBALL	K-8
	3	KIMBALL	9-12
	3	RICHLAND	K-8
	1	ST JOSEPHS INDIAN SCHOOL	1-8
BUTTE	1	BELLE FOURCHE MIGRANT PROGRAM	
	3	BAY PARK	K
	3	JEFFERSON	K
	3	NEWELL	1-8
	1	ROOSEVELT	4-8
	1	SOUTH PARK	1-4
CAMPBELL	3	HERREID	K-8
	3	HERREID	9-12
	1	MOUND CITY	K-6
	3	POLLOCK	9-12
	3	POLLOCK	K-8
CHARLES MIX	1	ANDES CENTRAL	K-6
	1	ANDES CENTRAL	HS7-12
	3	GEDDES	K-8
	3	GEDDES	9-12
	1	LAROCHE COLONY	K-8
	1	WAGNER	K-8
	1	WAGNER	9-12
CLARK	2	CLARK	K-8
	3	WILLOW LAKE	9
	1	WILLOW LAKE	K-8
CLAY	1	AUSTIN	K-4
	2	HIGH SCHOOL	9-12
	1	JOLLEY	K-4

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SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CLAY (CONTINUED)	2	MIDDLE SCHOOL	5-8
	3	WAKONDA	K-6
	3	WAKONDA	7-12
CODINGTON			
	3	FLORENCE	1-8
	3	FLORENCE	9-12
	2	GARFIELD	K-6
	2	GRANT	K-6
	3	HENRY	K-8
	3	HENRY	9-12
	2	JUNIOR HIGH	7-9
	2	MCKINLEY	K-6
	2	ROOSEVELT	K-6
	2	SENIOR HIGH	10-12
	3	SOUTH SHORE	K-8
	3	SOUTH SHORE	9-12
	1	WAVERLY	K-6
	1	WAVERLY	7-12
CORSON			
	1	MCINTOSH	9-12
	1	MCINTOSH	K-8
	1	MCLAUGHLIN	9-12
	1	MCLAUGHLIN	K-8
	3	MORRISTOWN	1-6
	1	WAKPALA	K-8
	1	WAKPALA	9-12
	3	WATAUGE	1-6
DAVISON			
	1	ABBOTT HOUSE	9-12
	3	ETHAN	K-8
	1	ETHAN	K-5
	2	EUGENE FIELD	7-9
	2	JUNIOR HIGH	K-5
	2	LITCHFIELD	K-5
	2	LONGFELLOW	K-8
	3	MOUNT VERNON	10-12
	2	SENIOR HIGH	K-5
	1	WHITTIER	6
	3	6TH GRADE	
DAY			
	3	BRISTOL	K-6
	3	BRISTOL	HS7-1
	3	ROSLYN	K-8
	3	ROSLYN	9-12
	1	WAUBAY	K-8
	1	WAUBAY	9-12
	2	WEBSTER	K-8
DAY (CONTINUED)	2	WEBSTER	9-12
DEUEL			
	3	ASTORIA	K-6
	2	CLEAR LAKE	K-6
	3	GARY	K-8
	3	GARY	9-12
DEWEY			
	1	CHEYENNE-EAGLE BUTTE	K-8
	1	CHEYENNE-EAGLE BUTTE	9-12
	3	ISABEL	7-12
	3	ISABEL	1-6
	3	LANTRY	1-8
	3	ROOSEVIEW	1-8
	1	TIMBER LAKE	K-6
	1	TIMBER LAKE	7-12
DOUGLAS			
	3	DELMONT	K-6
EDMUNDS			
	3	HOLY CROSS	1-8
	1	IPSWICH	9-12
	1	IPSWICH	K-8
	1	MOSCOW	K-8
	3	MOSCOW	9-12
	1	ROSETTE	1-8
FALL RIVER			
	1	BRAINERD INDIAN SCHOOL	7-12
	2	HOT SPRINGS	K-6
	1	HOT SPRINGS MIDDLE	5-8
	3	ORAL	K-6
FAULK			
	1	FAULKTON	K-8
GRANT			
	1	GRANT-DEUEL	K-8
	3	GRANT-DEUEL	9-12
	2	MILBANK	7-12
	2	MILBANK (KOCH)	K-6
GREGORY			
	3	BONESTEEL	K-8
	3	BONESTEEL	9-12
	3	BURKE	K-8
	3	BURKE	9-12
	1	FAIRFAX	1-8
	1	FAIRFAX	9-12
	1	GREGORY	K-8
HAAKON			
	3	MIDLAND	9-12
	3	MIDLAND	K-8

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SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR THE 1981-82 SCHOOL YEAR

SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
HAMLIN			
	3	CASTLEWOOD	K-8
HAND			
	2	MILLER	K-6
	2	MILLER	7-12
	1	POLO	K-6
	1	POLO	7-12
	3	RED HEIGHTS	1-6
	3	ST LAWRENCE	K-6
	3	ST LIBORIOUS	1-6
HANSON			
	3	EMERY	K-8
	3	EMERY	9-12
	3	HANSON	K-6
HARDING			
	3	BUFFALO	9-12
	3	BUFFALO	1-8
	3	CAMP CROOK	1-8
	3	LADNER	1-8
	3	LANESBORO	1-8
	1	LINCOLN	1-8
	1	NORBECK	1-8
	3	PAINTER	1-8
	3	REVA	1-8
	1	SKY RANCH FOR BOYS	
HUGHES			
	2	BUCHANAN	K-6
	3	HARROLD	K-8
	3	HARROLD	9-12
	1	HIDDEN VALLEY	1-6
	2	LINCOLN	K-6
	3	MCKINLEY	K-6
	2	PIERRE JHS	7-9
	2	RIGGS HS	10-12
	1	RIVERDALE	K-6
	1	VALLEY VIEW CENTER	
HUTCHINSON			
	3	DIMOCK PUBLIC	K-6
	1	PARKSTON HIGH	9-12
	1	PARKSTON PUBLIC	K-6&7
HYDE			
	1	FRANKLIN	K-8
	3	HIGH SCHOOL	9-12
	3	HIGHMORE	K-8
	3	ILLINOIS	K-8
	3	PRATT	K-6
	3	STEPHAN	1-6
JACKSON			
JACKSON (CONTINUED)			
	3	INTERIOR	K-8
	3	KADOKA	K-8
	3	WANBLEE	K-8
JERAULD			
	3	ALPENA	1-8
	3	ALPENA	HS
	3	GANN VALLEY	1-6
	1	SPRING VALLEY	K-8
	2	WESSINGTON SPRINGS	K-8
KINGSBURY			
	3	LAKE PRESTON	K-6
	3	OLDHAM	K-8
	3	OLDHAM	9-12
LAKE			
	3	CHESTER	7-12
	3	FRANKLIN	PK-6
	3	GARFIELD	1-6
	3	RAMONA	9-12
	3	RAMONA	K-8
	3	RUTLAND	9-12
	3	RUTLAND	K-8
	2	WASHINGTON	K-6
LAWRENCE			
	1	CENTRAL	K-8
	1	CENTRAL CAMPUS	K-6
	1	DEADWOOD	K-6
	2	DEADWOOD JH	7-8
	2	LEAD HIGH SCHOOL	9-12
	1	WEST	1-6
LINCOLN			
	3	HUDSON	9-12
	3	HUDSON	K-8
	2	LENNOX	K-8
MARSHALL			
	2	BRITTON	K-8
	3	LANGFORD	K-6
	3	VEBLEN	9-12
	1	VEBLEN	K-8
MCCOOK			
	3	MONTROSE	K-8
	3	MONTROSE	9-12
	1	SALEM	K-8
	3	SPENCER	K-8
	3	SPENCER	9-12
MCPHERSON			
	3	LEOLA	1-6
MEADE			

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SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MEADE (CONTINUED)	2	BROWN HILL SCHOOL	10-12
	2	ERSKINE	K,4-6
	3	FAITH	K-8
	3	HOPE	1-8
	3	OPAL	1-8
	1	PRIMARY	1-3
	2	WILLIAMS JHS	7-9
MELLETTE	1	NORRIS	K-8
	1	WHITE RIVER	K-8
	3	WHITE RIVER	9-12
	1	WITTEN	K-8
	1	WOOD	K-8
	3	WOOD	9-12
MINER	3	CANOVA	HS
	3	CARTHAGE	HS
	1	CARTHAGE	EL
	1	HOWARD	K-8
	3	HOWARD	9-12
MINNEHAHA	1	AXTELL PARK	7-9
	1	BANCROFT	K-6
	2	CLEVELAND	K-6
	2	COLTON	K-8
	1	COOLIDGE HIGH SCHOOL	9-12
	2	DELL RAPIDS	7-9
	2	DELL RAPIDS	K-6
	2	EDISON	K-6
	1	EUGENE FIELD	K-6
	1	FRANKLIN	K-6
	2	GARFIELD	K-6
	1	HAWTHORNE	K-6
	2	HAYWARD	K-6
	2	HUMBOLDT	K-8
	2	JANE ADDAMS	K-6
	2	JEFFERSON	K-6
	1	L B ANDERSON	K-6
	2	LAURA WILDER	K-6
	1	LINCOLN	K-6
	3	LITTLE FLOWER	K-6
	2	LONGFELLOW	K-6
	1	LOWELL	K-6
	1	MCCROSSAN BOY'S RANCH	7-9
	2	PATRICK HENRY	K-8
	1	ST JOSEPH CATHEDRAL	1-12
	2	ST MARY'S	
MINNEHAHA (CONTINUED)	1	SUMMIT OAKS CENTER	10-12
	2	WASHINGTON	7-9
	1	WHITTIER	
MOODY	3	COLMAN	K-6
	3	EGAN	K-6
	3	EGAN	7-12
	1	MIDDLE	5-8
PENNINGTON	1	BERGQUIST	K-6
	2	CENTRAL HS	10-12
	2	DAKOTA JH	7-9
	2	DOUGLAS	7-12
	1	DOUGLAS	K-6
	1	GARFIELD	K-6
	1	GENERAL BEADLE	K-6
	1	HILL CITY	1-6
	1	HORACE MANN	K-6
	3	KEYSTONE	1-6
	1	KNOLLWOOD	K-6
	2	MEADOWBROOK	K-6
	3	MEMORIAL CHRISTIAN	K-6
	1	NORTH JH	7-9
	2	PERPETUAL HELP	K-8
	1	RAPID VALLEY	K-6
	1	ROBBINSDALE	K-6
	2	SOUTH CANYON	K-6
	2	SOUTH JH	7-9
	2	STEVENS HS	10-12
	1	TALLENT	K-6
	1	VANDENBERG MIDDLE SCHOOL	7-9
	1	WASTA	K-6
	2	WEST JH	7-9
	2	WILSON	K-6
PERKINS	1	LEMMON	K-6
	1	LEMMON	9-12
POTTER	1	HOVEN	K-6
	3	HOVEN	7-12
	3	LEBANON	K-8
	3	LOWELL	K-8
	3	SANNER	K-8
	3	ST ANTHONY'S	K-8
	3	TOLSTOY	K-8
ROBERTS	1	BROWNS VALLEY	K-6

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SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES

SOUTH DAKOTA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
ROBERTS (CONTINUED)	1	BROWNS VALLEY	HS
	3	CORONA	HS
	1	HIGH SCHOOL	9-12
	1	MIDDLE	6-8
	1	NEW EFFINGTON	K-8
	3	NEW EFFINGTON	9-12
	1	PEEVER	K-5
	3	SUMMIT	K-8
	3	SUMMIT	9-12
	1	TEKAKWITHA CHILDRENS HOME	
	1	WESTSIDE	K-5
	1	WILMOT	K-8
	3	WILMOT	9-12
SANBORN	3	ARTESIAN	K-8
	3	ARTESIAN	HS
	3	LETCHER	K-9
	3	WOONSOCKET	K-8
	3	WOONSOCKET	9-12
SHANNON	1	BATESLAND	K-8
	1	OUR LADY OF LOURDES	K-8
	1	RED CLOUD	K-12
	1	RED SHIRT	K-8
	1	ROCKYFORD	K-8
	1	WOLF CREEK	K-8
SPINK	3	CONDE	K-6
	3	CONDE	7-12
	3	DOLAND	7-12
	1	REDFIELD	K-8
	3	TULARE	K-8
	3	TULARE	9-12
STANLEY	3	CHEYENNE	K-8
	1	FT PIERRE	K-6
	3	HAYES	K-8
	3	NEW LIBERTY	K-8
	3	ORTON	K-8
	1	STANLEY COUNTY HS	7-12
	1	WENDTE SCHOOL	K-8
SULLY	3	BLUNT	K-8
	3	ONIDA	K-8
	3	SULLY BUTTES HS	9-12
TODD	1	HE DOG	K-8
TODD (CONTINUED)	3	KLEIN	K-8
	1	NORTH	K-8
	1	OKREEK	K-8
	1	ROSEBUD	K-6
	1	SOUTH	K-8
	1	SPRING CREEK	K-8
	1	TODD COUNTY HS	7-12
TRIPP	1	CENTRAL	1-8
	1	COLOME	K-8
	3	COLOME	9-12
	3	EAST	K-8
	1	IDEAL	K-8
	1	JUNIOR HIGH	7-8
	1	WEST	K-8
TURNER	3	MARION	1-8
	3	MARION	9-12
	1	PARKER	K-8
UNION	2	ELK POINT	K-8
	1	MCCOOK	K-8
	1	WOODFIELD CENTER	
WALWORTH	3	GLENHAM	K-8
	3	GLENHAM	9-12
	3	JAVA	9-12
	3	JAVA	1-8
YANKTON	2	BEADLE	K-6
	3	GAYVILLE-VOLIN	K-6
	3	GAYVILLE-VOLIN	7-12
	3	IRENE	K-8
	2	LINCOLN	K-6
	2	MIDDLE SCHOOL	7-8
	3	MISSION HILL	1-8
	3	SACRED HEART	1-8
	2	SENIOR HIGH	9-12
	3	UTICA	K-8
	1	WEBSTER	K-5
ZIEBACH	1	DUPREE	K-8
	3	DUPREE	9-12

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TENNESSEE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ANDERSON COUNTY			
	1	ANDERSONVILLE	K-6
	1	BRICEVILLE	K-8
	1	DUTCH VALLEY	1-6
	1	MEDFORD	1-8
	1	NORTH CLINTON ELEMENTARY SCH	K-5
	1	NORWOOD ELEMENTARY	1-6
	1	ROSEDALE	K-8
BENTON COUNTY			
	1	BIG SANDY	K-12
BLEDSOE COUNTY			
	1	CECIL B RIGSBY ELEMENTARY	K-8
	1	DILL ELEMENTARY	K-8
	1	TAFT YOUTH CENTER (N & D)	N/A
BRADLEY COUNTY			
	1	BLYTHE AVENUE	K-6
	1	EAST CLEVELAND ELEMENTARY	K-6
	1	T C BOWER	K-6
CAMPBELL COUNTY			
	1	CARYVILLE ELEMENTARY	K-5
	1	COLLEGE HILL ELEMENTARY	K-6
	1	COOLIDGE ELEMENTARY	K-6
	1	EAST LAFOLLETTE ELEMENTARY	K-5
	1	ELK VALLEY ELEMENTARY	K-8
	1	JELLICO ELEMENTARY	K-8
	1	NEWCOMB ELEMENTARY	K-6
	1	PINECREST ELEMENTARY	K-6
	1	STINKING CREEK ELEMENTARY	K-8
	1	STONY FORK	1-12
	1	WHITE OAK ELEMENTARY	K-9
	1	WYNN-HABERSHAM	K-12
CANNON COUNTY			
	1	AUBURN ELEMENTARY	K-8
	1	EASTSIDE ELEMENTARY	K-8
	1	SHORT MOUNTAIN ELEMENTARY	K-8
CARROLL COUNTY			
	1	CENTRAL ELEMENTARY	1-6
	1	LAVINIA	5-8
	1	MCLEMORESVILLE	K-8
	1	TREZEVANT ELEMENTARY	K-6
	1	WESTVIEW	K-4
CARTER COUNTY			
	1	CLOUDLAND ELEMENTARY	K-6
	1	CLOUDLAND HIGH	7-12
	1	HAMPTON	9-12
	1	HAMPTON ELEMENTARY	K-8
	1	HAROLD MCCORMICK	K-6
	1	HUNTER ELEMENTARY	K-8
CARTER COUNTY (CONTINUED)			
	1	KEENBURG ELEMENTARY	K-8
	1	LITTLE MILLIGAN ELEMENTARY	K-8
	1	MIDWAY ELEMENTARY	K-3
	1	RANGE ELEMENTARY	K-8
	1	UNAKA ELEMENTARY	K-8
	1	VALLEY FORGE ELEMENTARY	K-3
CLAIBORNE COUNTY			
	1	CLAIBORNE COUNTY HIGH	9-12
	1	CLAIRFIELD	K-8
	1	ELLEN MYERS	K-4
	1	FORGE RIDGE ELEMENTARY	1-8
	1	FORGE RIDGE HIGH	9-12
	1	MIDWAY	K-3
	1	POWELL VALLEY ELEMENTARY	K-8
	1	SOLDIERS MEMORIAL MIDDLE	5-8
	1	SPRINGDALE	K-5
	1	TAZEWELL-NEW TAZEWELL PRIMARY	K-4
CLAY COUNTY			
	1	CELINA HIGH	9-12
	1	CELINA K-8	K-8
	1	HERMITAGE SPRINGS	K-12
	1	MAPLE GROVE	K-8
COCKE COUNTY			
	1	BRIDGEPORT	K-8
	1	CENTERVIEW	K-8
	1	COSBY	K-12
	1	DEL RIO	K-8
	1	EDGEMONT	K-8
	1	GRASSY FORK	1-8
	1	HARTFORD	K-3
	1	NORTHWEST	K-8
	1	PARROTTSVILLE	K-8
	1	SMOKY MOUNTAIN	K-3
COFFEE COUNTY			
	1	HICKERSON ELEMENTARY	K-5
	1	HIGHLAND RIM (N & D)	N/A
	1	WESTWOOD ELEMENTARY	K-5
CROCKETT COUNTY			
	1	CROCKETT CO ELEMENTARY-ALAMO	K-5
	1	CROCKETT CO ELEMENTARY-BELLS	K-5
	1	FRIENDSHIP ELEMENTARY	K-5
	1	FRIENDSHIP HIGH SCHOOL	7-12
	1	GADSDEN	6-12
	1	GRAHAM	K-6
CUMBERLAND COUNTY			
	1	BAKERS	1-6
	1	CRAB ORCHARD	K-8

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR THE 1981-82 SCHOOL YEAR

TENNESSEE

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
CUMBERLAND COUNTY (CONTINUED)	1	CROSSVILLE	K-4
	1	MAYLAND	K-8
	1	PLEASANT HILL	K-8
	1	POMONA	K-6
	1	PINNIE	K-8
	1	TABOR/CUMBERLAND	K-8
	1	WOODY	K-8
DAVIDSON COUNTY	1	BERRY	K-4
	1	BORDEAUX	K-3
	1	CALDWELL	K,5-6
	1	COCKRILL	K-4
	1	CORA HOWE	K-6
	1	CUMBERLAND	K,4-6
	1	EAST	9-12
	1	FALL-HAMILTON	K-4
	1	GLENGARRY	K-4
	1	GLENN	K,5-6
	1	GLENVIEW	K-4
	1	GRA-MAR	K-4
	1	HATTIE COTTON	K-6
	1	HAYNES	K,5-6
	1	HIGHLAND HEIGHTS	7-8
	1	JERE BAXTER	K,3-4
	1	KIRKPATRICK	K,5-6
	1	LOCKELAND	K-4
	1	MARGARET ALLEN	K-4
	1	MCCANN	K-4
	1	MCKISSACK	K-4
	1	MEIGS	7-8
	1	NAPIER	K,5-6
	1	PARK AVENUE	K,5-6
	1	ROSE PARK	K,5-6
	1	ROSS	K-6
	1	SHWAB	K-4
	1	SPENCER YOUTH CENTER (N & D)	N/A
	1	STATE PRISON FOR MEN (N & D)	N/A
	1	SYLVAN PARK	K-4
	1	TN PREPARATORY SCHOOL (N & D)	N/A
	1	TN PRISON FOR WOMEN (N & D)	N/A
	1	TN RECEPTION & GUID CTR (N&D)	N/A
	1	TN YOUTH CENTER (N & D)	N/A
	1	TOM JOY	K,1-2
	1	WARNER	K-4
	1	WHITSITT	K-4
	1	WOODBINE	K-4
DECATUR COUNTY (CONTINUED)	1	PARSONS ELEMENTARY	K-3
DEKALB COUNTY	1	DEKALB MIDDLE SCHOOL	5-8
	1	DEKALB WEST SCHOOL	K-8
	1	SMITHVILLE ELEMENTARY	K-4
DYER COUNTY	1	BOGOTA ELEMENTARY	K-3
	1	DYER COUNTY CENTRAL	K-6
FAYETTE COUNTY	1	CENTRAL	K-8
	1	FAYETTE WARE NORTH	11-12
	1	FAYETTE WARE SOUTH	9-11
	1	JEFFERSON	K-8
	1	JOHN S WILDER (N & D)	N/A
	1	LAGRANGE	K-8
	1	NORTHWEST	K-8
	1	OAKLAND	K-4
	1	SOMERVILLE	K-8
	1	SOUTHWEST	K-8
	1	SPRINGHILL/MOSCOW	K-8
FENTRESS COUNTY	1	ALVIN C YORK AGRICULTURAL INST	9-12
	1	APPALACHIA	K-8
	1	BANNER-ROSLIN	K-6
	1	CLARKRANGE ELEMENTARY	K-6
	1	CLARKRANGE HIGH SCHOOL	7-12
	1	GRIMSLEY	K-6
	1	PALL MALL	K-8
	1	PINE HAVEN	K-8
	1	WEST FENTRESS	K-8
	1	YORK ELEMENTARY	K-6
FRANKLIN COUNTY	1	COWAN	K-6
	1	DECHERD	K-6
	1	KEITH SPRINGS	1-6
	1	SEWANEE	K-6
	1	SHERWOOD	1-6
	1	SOUTH JR HIGH SCHOOL	7-9
GIBSON COUNTY	1	GIBSON	K-8
	1	SPRING HILL	K-8
	1	STIGALL ELEMENTARY	K,5-6
GRAINGER COUNTY	1	WASHBURN ELEMENTARY	K-6
	1	WASHBURN HIGH	7-12
GREENE COUNTY	1	BAILEYTON	K-8

DECATUR COUNTY

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GREENE COUNTY (CONTINUED)	1	CAMP CREEK	K-8
	1	CHUCKEY	K-8
	1	HIGHLAND	K-5
	1	MCDONALD	K-8
	1	NEWMANSVILLE	K-8
	1	SUNNYSIDE	K-8
	1	WEST PINES	K-8
GRUNDY COUNTY	1	COALMONT	K-8
	1	NORTH GRUNDY	K-8
	1	PALMER	K-8
	1	SWISS MEMORIAL	K-8
	2	TRACY CITY	K-8
HAMBLEN COUNTY	1	LINCOLN HEIGHTS ELEMENTARY	K-5
	1	SOUTHERN HEIGHTS	K-5
HAMILTON COUNTY	1	ALTON PARK JUNIOR	7-9
	1	AVONDALE	K,4-6
	1	BAKEWELL CHILD DEVELOPMENT CTR	PRE-K
	1	BELL	K,4-6
	1	BROWN	K-6
	1	CARPENTER	K-6
	1	CLIFTON HILLS	K-3
	1	DAISY CHILD DEVELOPMENT CENTER	PRE-K
	1	DONALDSON	K-3
	1	EAST CHATTANOOGA	K-3
	1	EAST LAKE ELEMENTARY	K,4-5
	1	EAST LAKE JUNIOR	7-9
	1	EAST SIDE JUNIOR	7-9
	1	EASTDALE	4-6
	1	GARBER	K-6
	1	HARDY JUNIOR	7-9
	1	HEMLOCK	K-3
	1	HENRY	K,4-5
	1	HIGHLAND PARK	K-3
	1	HOWARD ELEMENTARY	K,4-6
	1	HOWARD HIGH	10-12
	1	NORMAL PARK	K-3
	1	NORTH CHATTANOOGA JUNIOR	7-8
	1	OAK GROVE	K-3
	1	ORCHARD KNOB JUNIOR	7-9
	1	PINEVILLE	K,4-5
	1	PINEY WOODS	K-3
	1	RIDGEDALE	K-3
	1	RIVERSIDE HIGH	10-12
	1	SMITH	K-3
HAMILTON COUNTY (CONTINUED)	1	ST ELMO	K,4-5
	1	SUMMIT CHILD DEVELOPMENT CTR	PRE-K
HANCOCK COUNTY	1	ALANTHUS	K-8
	1	FLAT GAP	K-8
	1	HANCOCK CENTRAL	K-7
	1	HANCOCK HIGH	8-12
	1	KYLES FORD	K-7
	1	MULBERRY	K-8
	1	SEAL-MATHIS	K-7
HARDEMAN COUNTY	1	BOLIVAR ELEMENTARY	K-5
	1	BOLIVAR JUNIOR HIGH	7-9
	1	GRAND JUNCTION	K-8
	1	MIDDLETON HIGH	7-12
	1	TOONE	K-8
	1	WHITEVILLE NORTHSIDE	1-4
	1	WHITEVILLE SOUTHSIDE	K,5-8
HAWKINS COUNTY	1	CLINCH ELEMENTARY AND HIGH	1-12
	1	KEPLAR ELEMENTARY	K-1
	1	MOORESBURG ELEMENTARY	K-4
	1	ROCK HILL ELEMENTARY	K-8
	1	ST CLAIR ELEMENTARY	K-8
HAYWOOD COUNTY	1	ANDERSON	5-8
	1	BAILEY	K-3
	1	BRADFORD	K-8
	1	DOUGLASS	K-5
	1	EAST SIDE	K-4
	1	HAYWOOD ELEMENTARY	K-4
	1	HAYWOOD HIGH SCHOOL	9-12
	1	SOUTH HATCHIE	K-8
	1	SUNNY HILL	5-8
HENDERSON COUNTY	1	SOUTH HAVEN ELEMENTARY	K-8
HENRY COUNTY	1	W O INMAN SCHOOL	K-6
HICKMAN COUNTY	1	TURNEY CENTER (N & D)	JRA
JACKSON COUNTY	1	DODSON BRANCH	K-3
	1	FLYNNS LICK	1-8
	1	FOX ELEMENTARY	K-8
	1	GAINESBORO ELEMENTARY	K-4
	1	GRANVILLE	1-8

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LOCATIONS	CODE *	SCHOOL NAME	
JEFFERSON COUNTY (CONTINUED)	1	CHESTNUT HILL	K-6
	1	NEW MARKET	K-5
	1	SWANNSYLVANIA	K-6
	1	TALBOTT	K-5
	1	WHITE PINE	K-8
JOHNSON COUNTY	1	DOE	K-6
	1	DRY RUN	1-6
	1	JOHNSON COUNTY MIDDLE	7-8
	1	LAUREL	K-6
	1	NEVA	1-5
	1	SHOUNS	1-6
	1	TRADE	1-6
	1	WATAUGA	1-6
KNOX COUNTY	1	BEARDSLEY JUNIOR	7-8
	1	BEAUMONT	K-6
	1	BROWNLOW	K-6
	1	EASTPORT	K-6
	1	FAIR GARDEN	K-6
	1	FLENNIKEN	K-6
	1	GREEN	K-5
	1	INSKIP	K-6
	1	LINCOLN PARK	K-6
	1	LONSDALE	K-3
	1	MAYNARD	K-6
	1	OAKWOOD	K-5
	1	PARK JUNIOR	7-9
	1	PARK LOWRY	K-6
	1	RULE	9-12
	1	SAM E HILL	K,4-6
	1	SARAH M GREENE	K-6
	2	SOUTH KNOXVILLE	K-5
	1	VAN GILDER	7-9
	1	VESTAL	K-6
	1	VINE JUNIOR	7-9
	1	WEST VIEW	K-6
LAKE COUNTY	1	LAKE COUNTY HIGH SCHOOL	9-12
	1	LARA KENDALL SCHOOL	K-8
	1	MARGARET NEWTON ELEMENTARY SCH	K-6
LAUDERDALE COUNTY	1	ARP	K-3
	1	FORT PILLOW SCHOOL (N & D)	N/A
	1	HALLS ELEMENTARY	K-6
	1	HALLS HIGH	7-12
	1	HENNING	4-5
LAUDERDALE COUNTY (CONTINUED)	1	HENNING	K-8
	1	RIPLEY ELEMENTARY	K-5
	1	RIPLEY HIGH	9-12
	1	RIPLEY JR HIGH	7-8
LAWRENCE COUNTY	1	IRON CITY ELEMENTARY	1-3
LINCOLN COUNTY	1	BLANCHE	K-3
	1	EIGHTH DISTRICT	K-5
	1	FLORA	K-5
MADISON COUNTY	1	ALEXANDER	K-5
	1	DENMARK	K-5
	1	JACKSON JUNIOR HIGH	7-9
	1	LINCOLN	K-3
	1	PARKVIEW	K-5
	1	WASHINGTON-DOUGLASS	K-5
	1	WEST JACKSON	K-5
	1	WEST JUNIOR	7-9
	1	WEST SENIOR	10-12
	1	WHITEHALL	K-5
MARION COUNTY	1	GRIFFITH CREEK ELEMENTARY	K-5
	1	MONTEAGLE ELEMENTARY	K-3
MARSHALL COUNTY	1	BELFAST	K-3
MAURY COUNTY	1	COLLEGE HILL	K-5
MCMINN COUNTY	1	WESTSIDE	K-5
MEIGS COUNTY	1	EASTVIEW	K-8
MONROE COUNTY	1	BALL PLAY	K-3
	1	RURAL VALE	K-8
	1	TELLICO PLAINS ELEMENTARY	K-3
	1	TELLICO PLAINS JR HIGH	5-8
MONTGOMERY COUNTY	1	MOORE	K-5
MORGAN COUNTY	1	BURRVILLE	1-8
	1	CHESTNUT RIDGE	1-8
	1	DEER LODGE	1-8
	1	LANCING	K-12
	1	OAKDALE	K-12
	1	PETROS-JOYNER	K-8
	1	SUNBRIGHT	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
OBION COUNTY	1	HORNBEAK ELEMENTARY	K-8
	1	OBION ELEMENTARY	K-8
OVERTON COUNTY	1	ALLONS	K-8
	1	ALPINE	K-8
	1	HARDY'S CHAPEL	K-8
	1	HILHAM	K-8
	1	INDEPENDENCE	K-8
	1	MONROE	K-8
	1	RICKMAN	K-12
	1	WILSON	K-8
PERRY COUNTY	1	CEDAR CREEK ELEMENTARY	1-8
	1	LINDEN ELEMENTARY	K-8
	1	PINEVIEW ELEMENTARY	1-8
	1	POPE ELEMENTARY	1-8
PICKETT COUNTY	1	PICKETT COUNTY ELEMENTARY	K-6
	1	PICKETT COUNTY HIGH	7-12
POLK COUNTY	1	DUCKTOWN ELEMENTARY	K-8
	1	TURTLETOWN ELEMENTARY	K-8
PUTNAM COUNTY	1	BAXTER	K-6
	1	MONTEPEY HIGH	7-12
	1	PARK VIEW	K-6
	1	UFFELMAN	K-6
RHEA COUNTY	1	GRANDVIEW	K-6
	1	RHEA ELEMENTARY	K-8
	1	SPIVEY	K-6
	1	WASHINGTON	K-4
ROANE COUNTY	1	HARRIMAN OCCUPATIONAL HIGH SCH	9-12
	1	WALNUT HILL ELEMENTARY	K-5
ROBERTSON COUNTY	1	BRANSFORD ELEMENTARY	3-4
	1	CHEATHAM PARK ELEMENTARY	K-2
	1	WESTSIDE	5-7
RUTHERFORD COUNTY	1	JOHN COLEMAN	K-6
	1	KITTRELL	K-8
	1	MCFADDEN	K-6
SCOTT COUNTY	1	BURCHFIELD ELEMENTARY	K-8
	1	CAPITAL HILL ELEMENTARY	K-8
	1	HUNTSVILLE ELEMENTARY	K-8
SCOTT COUNTY (CONTINUED)	1	HUNTSVILLE MIDDLE	5-8
	1	NORMA ELEMENTARY	K-3
	1	ROBBINS ELEMENTARY	K-8
	1	SCOTT HIGH	9-12
	1	ST FORK ELEMENTARY	K-8
	1	WINFIELD ELEMENTARY	K-8
SEQUATCHIE COUNTY	1	GRIFFITH ELEMENTARY	K-3
	1	LONE OAK ELEMENTARY	K-5
	1	SEQUATCHIE CO JUNIOR HIGH	7-8
SEVIER COUNTY	1	CANTON'S CHAPEL	K-8
	1	JONES COVE	1-8
	1	NORTHVIEW MIDDLE	4-8
	1	PITTMAN CENTER	K-8
	1	SEVIERVILLE MIDDLE	5-8
	1	WEARWOOD	K-8
SHELBY COUNTY	1	A B HILL	K-6
	1	AIRWAYS	7-9
	1	ALCY	K-3
	1	ALTON	K-3
	1	ARLINGTON	K-8
	1	B T WASHINGTON	10-12
	1	BARRET'S	K-3
	1	BELLEVUE	7-9
	1	BERCLAIR	5-6
	1	BETHEL GROVE	K,3-6
	1	BOLTON	7-12
	1	BROOKMEADE	K-3
	1	BRUCE	K-6
	1	CALDWELL	K-6
	1	CARNES	K-6
	1	CARVER	10-12
	1	CHARJEAN	K,4-6
	1	CHEROKEE	K-6
	1	CHICAGO PARK	K-3
	1	CHICKASAW	7-9
	1	COLONIAL	K,5-6
	1	CORNING	K-3
	1	CORD LAKE	K-6
	1	CORRY	7-9
	1	CROMWELL	K-3
	1	CUMMINGS	K-6
	1	CYPRESS	7-9
	1	DELANI	K,5-6
	1	DENVER	K-6

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LOCATIONS	CODE *	SCHOOL NAMES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SHELBY COUNTY (CONTINUED)	1	DOUBLE TREE	K-6
	1	DOUGLASS	K,4-6
	1	DOUGLASS	10-12
	1	DUNBAR	K-3
	1	DUNN AVENUE	K,4-6
	1	EAST	K,4-6
	1	EAST	10-12
	1	EVANS	K-6
	1	FAIRLEY	K-6
	1	FAIRVIEW	7-9
	1	FLORIDA	K-6
	1	FORD ROAD	K,4-6
	1	FOX MEADOWS	K-?
	1	FRAYSER	K,1-6
	1	GARDENVIEW	K,3-4
	1	GEETER	7-9
	1	GEORGIA AVENUE	K-6
	1	GEORGIAN HILLS	K,4-6
	1	GEORGIAN HILLS	7-9
	1	GOODLETT	K,4-6
	1	GORDON	K,4-6
	1	GRACELAND	7-9
	1	GRAHAMWOOD	K-3
	1	GRANDVIEW HEIGHTS	K-3
	1	GRANT	K-3
	1	GRAVES	K-6
	1	GUTHRIE	K,4-6
	1	HAMILTON	K,4-6
	1	HAMILTON	7-9
	1	HAMILTON	10-12
	1	HANLEY	K,3-4
	1	HAVENVIEW	7-9
	1	HAWKINS MILL	K-6
	1	HOLLYWOOD	K,3-4
	1	HUMES	K,7-9
	1	IDLEWILD	K-3
	1	JACKSON	K-3
	1	KANSAS STREET	K-6
	1	KINGSBURY	K,5-6
	1	KLONDIKE	3-4
	1	KNIGHT ROAD	K-3
	1	LAKEVIEW	K-6
	1	LANIER	7-9
	1	LAROSE	K-6
	1	LAUDERDALE	K-6
	1	LEATH	K-6
	1	LESTER	K,7-9
SHELBY COUNTY (CONTINUED)	1	LEVI	K-?
	1	LINCOLN	7-9
	1	LINCOLN	K-6
	1	LOCKE	K-6
	1	LONGVIEW	K,4-6
	1	LONGVIEW	7-9
	1	MACON	K-?
	1	MAGNOLIA	K,4-6
	1	MANASSAS	7-1?
	1	MANOR LAKE	K-6
	1	MELROSE	7-9
	1	MEMPHIS TECHNICAL	11-12
	1	MESSICK	K,7-9
	1	MITCHELL	10-12
	1	NEWBERRY	K,5-6
	1	NORRIS	K-3
	1	NORTHSIDE	11-12
	1	OAKHAVEN	K,4-6
	1	OAKSHIRE	K,4-6
	1	ORLEANS	K-?
	1	PEABODY	K-6
	1	PORTER	7-9
	1	PROSPECT	K-?
	1	RAINESHAVEN	K-6
	1	RICHLAND	7-9
	1	RIVERVIEW	K-6
	1	RIVERVIEW	7-9
	1	ROZELLE	K,4-6
	1	SEA ISLE	K-?
	1	SHANNON	K,4-6
	1	SHARPE	K-6
	1	SHERWOOD	K-3
	1	SHERWOOD	7-9
	1	SNOWDEN	K,4-?
	1	SOUTH PARK	K-3
	1	SOUTH SIDE	11-12
	1	SPRING HILL	K-6
	1	SPRINGDALE	K,3-4
	1	STAFFORD	K-6
	1	TREADWELL	K-6
	1	TREZEVANT	7-9
	1	VANCE	7-9
	1	VOLLENTINE	K-?
	1	WALKER	K-6
	1	WELLS STATION	K-?
	1	WESTHAVEN	K-6
	1	WESTSIDE	7-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SHELBY COUNTY (CONTINUED)	1	WESTSIDE	K-4-6
	1	WESTWOOD	K-6
	1	WESTWOOD	7-12
	1	WHITE STATION	K-6
	1	WHITE'S CHAPEL	1-5
	1	WHITEHAVEN	K-6
	1	WHITNEY	K-2
	1	WILLOW OAKS	K-3-5
	1	WINCHESTER	K-2
	1	WOODSTOCK	K-8
SMITH COUNTY	1	COX-DAVIS	1-8
	1	FORKS RIVER	K-8
	1	PLEASANT SHADE	1-8
	1	SOUTH CARTHAGE	1-8
SULLIVAN COUNTY	1	BROOKSIDE	K-5
	1	CENTRAL	K-6
	1	CHINQUAPIN	K-5
	1	EAST CHEROKEE	K-5
	1	EMMETT	K-5
	1	GRAVELY	K-5
	1	HOLSTON POINT	K-5
	1	LONG ISLAND	K-5
	1	OKEBANK	K-5
	1	VALLEY PIKE	K-5
	1	WASHINGTON ELEMENTARY	K-5
	1	WEST VIEW	K-5
TIPTON COUNTY	1	COVINGTON ELEMENTARY SCHOOL	K-9
	1	DRUMMONDS ELEMENTARY	K-8
	1	MASON ELEMENTARY	5-8
	1	MASON PRIMARY	K-4
	1	TABERNACLE	K-8
UNICOI COUNTY	1	FLAG POND	K-8
	1	MARTIN CHAPEL	K-8
UNION COUNTY	1	MAYNARDVILLE	K-7
	1	SHARPS CHAPEL	K-8
VAN BUREN COUNTY	1	MOUNTAIN VIEW	1-8
	1	SPENCER ELEMENTARY	K-6
WASHINGTON COUNTY	1	BARNES	1-4
	1	COLUMBUS POWELL	K-6
	1	HENRY JOHNSON	K-6
WASHINGTON COUNTY (CONTINUED)	1	KEYSTONE	K-6
	1	KING SPRINGS	K-6
	1	LAMAR	7-12
	1	NEVA	7-12
	1	SOUTH CENTRAL	K-6
	1	STRATTON	7-12
	1	WEST VIEW	K-6
WHITE COUNTY	1	BAKER	K-6
	1	CASSVILLE	K-6
	1	EAST	K-6
WILSON COUNTY	1	HIGHLAND HEIGHTS	1-6

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
ANDERSON COUNTY			
	3	LAMAR PRIMARY	K-2
	3	NECHES ISD	K-12
	3	NORTHSIDE PRIMARY	PK-2
	3	RUSK PRIMARY	K-2
	3	SLOCUM ISD	K-12
	3	SOUTHSIDE	3-4
	3	STORY	6-7
	3	WASHINGTON	5
	2	WESTWOOD ISD	K-12
ANDREWS COUNTY			
	3	GLORIETA	1-8
ANGELINA COUNTY			
	1	COSTON	K-6
	1	DIBOLL ISD	K-12
	3	GARRETT	K-6
	3	HERTY	K-6
	2	HUDSON ISD	K-12
	3	LUFKIN ITERM	7
	3	LUFKIN J H EAST	8-9
	3	REDLAND	K-6
	3	ST PATRICK	K-6
ARANSAS COUNTY			
	3	FULTON	1-5
	3	ROCKPORT	K-5
ARCHER COUNTY			
	3	MEGARGEL ISD	K-12
ATASCOSA COUNTY			
	3	CAMBELLTON	K-5
	1	CHARLOTTE ISD	K-12
	1	JOURDANTON ISD	K-12
	3	LEMING	K-5
	1	LYTLE ISD	K-12
	1	PLEASANTON	K-2,4
	3	PLEASANTON J H	6-8
	1	POTEET ISD	K-12
AUSTIN COUNTY			
	3	BRAZOS H S	9-12
	3	O'BRYANT	1-5
	3	WALLIS	K-6
BAILEY COUNTY			
BAILEY COUNTY (CONTINUED)			
	1	MULESHOE ISD	K-12
	3	THREE WAY ISD	K-12
BANDERA COUNTY			
	2	BANDERA ISD	K-12
	3	MEDINA ISD	K-12
BASTROM COUNTY			
	1	BASTROP ISD	K-12
	1	ELGIN ISD	K-12
	3	MCDADE ISD	K-5
	1	SMITHVILLE ISD	K-12
BEE COUNTY			
	1	EMC	1-6
	1	HALL	1-5
	3	JACKSON	K
	3	MADDERRA-FLOURNOY	6-8
	1	OUR LADY OF VICTORY	K-8
	3	PAWNEE ISD	PK-12
	1	PETTUS ISD	K-12
	1	SKIDMORE-TYNAN ISD	K-12
	1	THOMAS JEFFERSON	7-8
	3	TYLER	1-3
BELL COUNTY			
	3	AVENUE D	K-5
	3	BARTLETT ISD	K-12
	3	BELTON MIDDLE	5-6
	3	BETHUNE	3-5
	1	CLARKE	K-5
	1	EAST WARD	K-5
	3	EMERSON	PK-1
	3	FAIRWAY MIDDLE	5-8
	3	FRESMAN HGTS	K-5
	3	HARRIS	PK-K
	3	HAYNES	K-5
	3	HOLLAND ISD	K-12
	3	LAMAR MIDDLE	5-8
	3	LANIER	K-5
	3	MARLBORO	K-5
	3	MEREDITH	3-5
	3	MILLER	1-4
	3	REAGAN	PK-2
	3	SMITH MIDDLE	5-8
	3	SOUTHWEST	1-4
	3	TRAVIS MIDDLE	5-8
	3	TYLER	1-4
	3	VANDIVER	K-5
	3	WEST WARD	K-5
	3	WHEATLEY	4-5

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LOCATIONS	CODE *	SCHOOL NAME	
BEXAR COUNTY			
	1	ADAMS	K-5
	1	ANSON JONES	6-8
	1	ANTONIO OLIVARES	K-5
	3	ARNOLD	K-5
	1	ATHENS	K-5
	3	AUSTIN	K-5
	1	BALL	K-5
	1	BARKLEY	K-5
	1	BEACON HILL	PK-5
	1	BELLAIRE	K-5
	1	BEXAR CO JUVENILE DET CENTER	
	3	BLESSED SACREMENT	7-12
	1	BOB HOPE	K-6
	1	BONHAM	K-5
	1	BOWDEN	PK-5
	1	BOWIE	PK-5
	1	BRACKENRIDGE	PK-5
	1	BREWER	PK-5
	1	BRISCOE	PK-5
	1	BUCKNER BENEVOLENCE	
	1	BURLESON	7-8
	1	BURNET	K-5
	1	CABLE	PK-5
	3	CAMERON	K-5
	1	CARROLL BELL	K-5
	1	CARVAJAL	PK-5
	3	CHRIST THE KING	K-6
	1	CIENZO PARK	PK-6
	1	COLLIER	K-5
	1	COLLINS GARDEN	K-5
	1	COLUMBIA HEIGHTS	K-5
	1	CONNELL	6-8
	1	COOPER	6-8
	1	CORONADO	PK-6
	1	COTTON	K-5
	1	CROCKETT	K-5
	1	DAVIS	6-8
	1	DE ZAVALA	PK-5
	1	DOLORES LINTON	K-5
	1	DOUGLASS	3-5
	1	DWIGHT	6-8
	1	EDGEWOOD	7-8
	1	ELEMENTARY #1	K-6
	1	ELEMENTARY #2	K-6
	1	EMERSON	6-8
	1	EMMA FREY	PK-6
	1	ESCOBAR	7-8
BEXAR COUNTY (CONTINUED)			
	1	ESPARZA	PK-5
	1	FENWICK	K-5
	1	FLANDERS	K-5
	3	FORBES	K-5
	1	FOREST HILLS	PK-5
	1	FOSTER	K-5
	1	FRANKLIN	K-5
	1	GARDENDALE	PK-5
	1	GATES	PK-5
	1	GILBERT	K-5
	1	GILLETTE	K-5
	1	GONZALEZ	PK-5
	1	GRAEBNER	K-5
	1	GREEN	K-5
	3	GUERRA	PK-5
	1	GUS GARCIA	7-8
	1	HARLANDALE MIDDLE	5-8
	1	HARMONY	PK-5
	1	HARRIS	5-8
	1	HAWTHORNE	K-5
	3	HEALEY MURPHY	K-12
	1	HERFF	PK-5
	1	HIGHLAND HILLS	PK-5
	1	HIGHLAND PARK	K-5
	1	HILLCREST	K-5
	1	HIRSCH	K-5
	1	HOLLSCHER	PK-5
	3	HOLY CROSS	7-12
	3	HOLY ROSARY	K-5
	3	HOWARD	K-5
	1	HUPPERTZ	K-5
	1	HUTCHINS	K-5
	1	INDIAN CREEK	K-5
	1	IRVING	5-8
	1	JOHN GLENN	K-5
	1	JOHNSON	PK-5
	1	JOHNSON	K-5
	1	KAZEN MIDDLE	5-8
	1	KELLY	K-5
	1	KINDRED	PK-5
	1	KING	K-5
	2	KIRBY J H	7-9
	3	KNOX	K-5
	1	KRUEGER	5-8
	1	LACKLAND CITY	K-5
	1	LANIER	9-12
	1	LAS PALMAS	PK-5

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LOCATIONS	CODE *	SCHOOL NAME		LOCATIONS	CODE *	SCHOOL NAMES	
BEXAR COUNTY (CONTINUED)	1	LEAL MIDDLE	6-8	BEXAR COUNTY (CONTINUED)	1	SCHULZE	K-5
	1	LINCOLN	PK-6		3	SEDNA	K-5
	3	LITTLE FLOWER	K-8		1	SKY HARBOR	K-5
	1	LOMA PARK	PK-5		1	SMITH	K-5
	1	LONGFELLOW	6-8		1	SOMERSET ISD	K-12
	1	LOWELL	6-8		1	SOUTH SAN	9-12
	1	MADISON	K-5		1	SOUTHSIDE ISD	10-12
	1	MANN	6-8		1	SOUTHWEST	7-8
	1	MARGIL	K-5		3	ST ANN	K-8
	1	MARY HULL	PK-5		3	ST CECILIA	K-8
	3	MAVERICK	K-5		3	ST GERARD	K-8
	1	MEXICAN BAPT CHILD HOME			3	ST JAMES THE APOSTLE	K-8
	1	MILLER	PK-5		3	ST JOHN BOSCO	K-8
	1	MONTGOMERY	K-5		3	ST JOHNS	K-8
	1	MORRILL	K-5		3	ST JOSEPH	1-8
	1	MYRA PRYOR YOUTH HOME			3	ST LEO	K-8
	1	NEAL	K-5		3	ST MARY MAGDALAN	K-8
	1	NELSON	PK-5		3	ST PATRICK	1-8
	3	OAK CREST	6-8		3	ST PETER PRINCE OF APOSTLES	K-8
	1	OGDEN	K-5		3	ST PETER-ST JOSEPH CHILD HOME	
	3	OLMOS	K-5		3	ST PHILLIP DE JESUS	K-8
	3	OUR LADY OF GUADALUPE	1-8		3	ST THERESA ACADEMY	1-8
	3	OUR LADY OF VICTORY	1-8		1	STAFFORD	PK-6
	1	PAGE	6-8		3	STEELE	K-8
	1	PALO ALTO	K-5		1	STEWART	PK-6
	3	PARK VILLAGE	K-6		1	STONEWALL	K-5
	1	PASSMORE	PK-5		1	STORM	PK-6
	1	PEASE	6-8		1	SUL ROSS	6-8
	1	PERALES	PK-6		1	TAFALLA	6-8
	1	PERSHING	K-5		1	THUNDERBIRD HILLS	PK-6
	3	PFEIFFER	K-5		1	TRAVIS	PK-6
	1	POE	6-8		1	TRUMAN	6-8
	1	PRICE	K-5		1	TWAIN	6-8
	1	RAYBURN	K-5		1	TYNAN	PK-6
	1	RHODES	6-8		3	VALLEY HI	K-8
	1	RILEY	6-8		1	VESTAL	K-5
	1	RIVERSIDE PARK	K-8		3	VALTEN	K-8
	1	RODRIGUEZ	K-5		1	WASHINGTON	K-5
	1	ROGERS	K-5		3	WEST AVENUE	K-5
	1	ROGERS	6-8		1	WESTWOOD TERRACE	PK-6
	1	ROOSEVELT	PK-6		1	WHITE	K-5
	1	RUIZ	K-5		1	WHITTIER	6-8
	3	SALADO MIDDLE	6-8		1	WILLIAMS	PK-6
	1	SALVATION ARMY HOME FOR GIRLS			3	WILSHIRE	K-8
	1	SAM RAYBURN	6-8		1	WILSON	PK-6
	3	SCHEM	K-5		1	WINSTON	K-5
	3	SEMENCK	K-5		1	WOODLAWN	K-8

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LOCATIONS	CODE *	SCHOOL NAME	
BEXAR COUNTY (CONTINUED)	1	WOODLAWN HILLS	K-5
	1	WRENN	7-8
	1	WRIGHT	K-5
BLANCO COUNTY	3	BLANCO ISD	K-12
	3	JOHNSON CITY ISD	K-12
BOSQUE COUNTY	3	CRANFILLS GAP ISD	K-12
	3	IREDELL ISD	K-12
	3	KOPPERL ISD	K-12
	3	MORGAN ISD	K-12
	3	WALNUT SPRINGS ISD	K-12
BOWIE COUNTY	3	BEVERLY	K-2
	1	DEKALB ISD	K-12
	1	GRIM	K-6
	3	HIGHLAND PARK	K-6
	1	HOOKS ISD	K-12
	1	LIBERTY-EYLAU ISD	K-12
	3	MAUD ISD	K-12
	2	NEW BOSTON ISD	K-12
	3	OAKLAWN	3-4
	3	PINE STREET	7-9
	3	WESTLAWN	7-9
	3	15TH ST	5-6
BRAZORIA COUNTY	1	BRAZORIA COUNTY YOUTH HOME	K-8
	3	DAMON ISD	K-5
	3	OGG	K-12
	2	SWEENY ISD	K-5
	3	VELASCO	
BRAZOS COUNTY	3	BONHAM	K-4
	3	BOWIE	K-4
	1	CARVER-KEMP	6
	3	CROCKETT	K-4
	3	FANNIN	2-4
	3	HENDERSON	K-4
	1	JONES	7
	1	LAMAR	5
	1	MILAM	K-4
	3	RUSS	K-4
	3	TRAVIS	K-1
BREWSTER COUNTY	1	ALPINE ISD	K-12
BRISCOE COUNTY	3	SILVERTON ISD	K-12
BROOKS COUNTY	3	ENCINO	K-7
	1	FALFURRIAS	2-5
	1	FALFURRIAS	6-8
	3	LASATER	PK-1
BROWN COUNTY	1	BANGS ISD	K-12
	3	BLANKET ISD	K-12
	3	BROOKESMITH ISD	K-12
	3	BROWNWOOD	7-9
	1	BROWNWOOD STATE HOME-SCH	
	3	COGGIN	K-5
	2	EARLY ISD	K-12
	1	NORTHWEST	1-5
BURLESON COUNTY	1	CALDWELL ISD	K-12
	1	SNOOK ISD	K-12
	3	SOMERVILLE ISD	K-12
BURNET COUNTY	3	BERTRAM	K-5
	1	BUCKNER BOYS RANCH	
	3	BURNET	5-8
	3	BURNET	PK-5
	2	MARBLE FALLS ISD	PK-12
CALDWELL COUNTY	1	LOCKHART ISD	PK-12
	1	LULING ISD	K-12
	3	PRAIRIE LEA ISD	K-12
CALHOUN COUNTY	3	HARRISON	K-1
	3	JEFFERSON	2-3
	3	MADISON	4-5
	3	ROOSEVELT	K-5
	3	SEADRIFT	K-5
CALLAHAN COUNTY	3	CULA ISD	K-12
CAMERON COUNTY	3	ALFREDO VILLAREAL	K-5
	3	AUSTIN	1-6
	1	BERTHA CABAZA	7-8
	3	BONHAM	1-5
	1	BOOTH	K-5
	1	BOWIE	K-5
	1	CANALES	K-5
	3	CASH	K-5
	1	CASTENADA	PK-5
	1	CENTRAL	7-8
	1	CLEARWATER	K-5

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LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
CAMERON COUNTY (CONTINUED)	1	OAKLEY	7-9
	1	CROCKETT	K-6
	1	CROMACK	K-6
	1	CUMMINGS	7-8
	1	DASHMAN	1-6
	1	DEL CASTILLO	K-6
	3	DOWNS	K-5
	1	EAGLY	K-6
	1	EL JARDIN	K-6
	1	ESPERANZA HOME	
	1	FAULK	7-8
	1	GARDEN PARK	K-6
	1	GARZA	K-6
	1	GAY	7-8
	1	GLADYS PORTER	9-12
	1	HANNA	9-12
	1	HARLINGEN HIGH	10-12
	3	HOUSTON	1-6
	1	JAMES PACE	9-12
	1	JEFFERSON	K-6
	1	LA ENCANTADA	K-5
	1	LA FERIA ISD	PK-12
	1	LAMAR	K-6
	1	LAND O'LAKES	7-8
	1	LANDRUM	K-5
	3	LAS YESCAS	K-5
	1	LONGORIA	K-6
	1	LOS FRESNOS	K-5
	1	LOS FRESNOS	6-8
	3	LOS INDIOS	K-5
	1	MARTIN	K-6
	1	MILAM	K-6
	1	MILLER JORDAN	5
	3	PALM GROVE	K-5
	1	PEREZ	K-6
	1	POINT ISABEL ISD	K-12
	1	PUTEGNAT	K-5
	3	RANGERVILLE	K-5
	1	RESACA	K-6
	1	RIO HONDO ISD	K-12
	1	ROBERTS	K-5
	1	RUSSELL	K-6
	1	SAN BENITO	9-12
	1	SANTA MARIA ISD	PK-8
	1	SANTA ROSA ISD	PK-12
	3	SHARP	K-6
	1	SKINNER	K-5
	1	STELL	7-9
	1	STUART	K-5
	1	SULLIVAN	K-5
	1	SUNNY GLEN CHILD HOME	
	1	TRAVIS	K-5
	3	TREASURE HILL	K-6
	1	VALLEY BOYS RANCH	
	1	VALLEY HOUSE	
	1	VERMILLION	K-6
	1	VERNON	9
	1	VICTORIA HEIGHTS	K-5
	3	VILLA NUEVA	K-6
	3	WEBB	K-5
	1	WILSON	K-5
	1	ZAVALA	1-5
CAMP COUNTY	1	PITTSBURG ISD	K-12
CARSON COUNTY	3	SKELLYTOWN	K-9
CASS COUNTY	1	ATLANTA ISD	K-12
	3	AVINGER ISD	K-12
	1	LINDEN-KILDARE ISD	K-12
	3	MARIETTA ISD	K-5
	3	MCLEOD ISD	K-12
	1	QUEEN CITY ISD	K-12
CASTRO COUNTY	1	DIMMITT ISD	K-12
	1	HART ISD	K-12
CHAMBERS COUNTY	2	EAST CHAMBERS ISD	K-12
CHEROKEE COUNTY	1	ALTO ISD	K-12
	3	ELBERTA	PK-4
	2	JACKSONVILLE	7-12
	1	JACKSONVILLE	5-8
	1	JOE WRIGHT	1-4
	3	NEW SUMMERFIELD ISD	K-12
	1	RUSK ISD	K-12
	3	WELLS ISD	K-12
	3	WEST SIDE	1-5
CHILDRESS COUNTY	1	CHILDRESS ISD	K-12
CLAY COUNTY	3	BYERS ISD	K-12
COCHRAN COUNTY	3	BLEDSOE ISD	K-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COCHRAN COUNTY (CONTINUED)	1	GIRLSTOWN USA	
	1	MORTON ISD	K-12
	3	WHITEFACE ISD	K-12
COKE COUNTY	3	BRONTE ISD	K-12
	3	ROBERT LEE ISD	K-12
COLEMAN COUNTY	1	COLEMAN ISD	K-12
	3	MOZELLE ISD	K-12
	3	NOVICE ISD	K-12
	3	SANTA ANNA ISD	K-12
COLLIN COUNTY	3	BURKS	K-4
	3	FINCH	K-4
	3	WEBB	K-4
COLLINGSWORTH COUNTY	3	SAMNORWOOD ISD	K-12
	1	WELLINGTON ISD	K-12
COLORADO COUNTY	2	COLUMBUS ISD	K-12
	3	EAGLE LAKE	4-8
	3	EAGLE LAKE PRIMARY	PK-3
	3	GARWOOD	K-8
	3	RICE	9-12
	3	SHERIDAN	K-8
COMAL COUNTY	3	COMAL	K-5
	3	FRAZIER	3-5
	3	GOODWIN PRIMARY	K-2
	3	MOUNTAIN VALLEY	K-5
	1	NEW BRAUNFELS ISD	K-12
COMANCHE COUNTY	2	COMANCHE ISD	K-12
	3	GUSTINE ISD	K-12
	3	SIDNEY ISD	K-12
CONCHO COUNTY	3	EDEN ISD	K-12
	3	EOLA ISD	K-12
	3	PAINT ROCK ISD	K-12
COOKE COUNTY	3	FRANKLIN	K-5
	1	GAINESVILLE STATE SCHOOL	
CORYELL COUNTY	3	EVANT ISD	K-12
	2	GATESVILLE ISD	K-12
	1	GATESVILLE STATE SCHOOL	
COTTLE COUNTY	3	PEDUCAH ISD	K-12
CROSBY COUNTY	1	CROSBYTON ISD	K-12
	1	LORENZO ISD	K-12
	1	RALLS ISD	K-12
DALLAM COUNTY	1	DALHART ISD	K-12
DALLAS COUNTY	1	ALLEN	K-3
	1	ALTA MESA	K3-4
	3	ARCADIA PARK	K-5
	3	ARLINGTON PARK	K-3
	3	AUSTIN	5-8
	1	BISHOP HEIGHTS	K5-6
	1	BLAIR	K-6
	3	BONHAM	K-3
	3	BOWIE	5-8
	1	BOWIE	K-6
	1	BROWN J H	K-3
	1	BRYAN	K-5
	1	BUCKNER	K-3
	1	BUCKNER BAPT CHILD HOME	
	1	BUDD	K-5
	3	BURLESON	6-6
	1	BUSHMAN	K-5
	1	CARR	K-3
	1	CARVER	K-3
	3	CITY PARK	K-3
	1	COLONIAL	K-3
	1	CROCKETT	K-5
	3	CROCKETT	K-3
	1	DALLAS CO BOYS HOME	
	1	DALLAS CO JUVENILE DET CENTER	
	1	DALLAS HOUSE	
	3	DALWORTH	PK-3
	1	DARRELL	K-3
	1	DAVIS J	K-5
	1	DE ZAVALA	K-3
	3	DONALD	K-5
	1	DUNBAR	K-3
	1	EARHART	K-5
	1	ERVIN	K-8
	1	FANNIN	K-3
	3	FANNIN	K-5
	3	FARMERS BRANCH	K-5
	1	FLORENCE	7-8
	1	FOSTER	K-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
DALLAS COUNTY (CONTINUED)	3	FRAZIER	K-3
	3	FREEMAN	K-5
	1	GASTON	7-8
	1	GREINER	7-8
	3	HARLEE	K-6
	3	HARRIS F C	K-3
	3	HASSELL	K-3
	3	HILLSIDE	K-5
	3	HOGG	K-6
	1	HOLMES	7-8
	1	HOOD	7-8
	1	HOTCHKISS	K-6
	1	HUTCHINS	K-5
	1	JACKSON M	4-6
	3	JEFFERSON	6-8
	1	JOHNSTON	K-6
	1	JONES A	K-6
	1	KENNEDY-CURRY	7-8
	3	KIMBERLIN	K-5
	1	KNIGHT	K-6
	1	LANIER	K-5
	1	LINCOLN	9-12
	1	LIPSCOMB	K-6
	1	LISBON	K-6
	1	LONGFELLOW	K-6
	1	MADISON	9-12
	1	MAMIE WHITE	K-2
	3	MAPLE LAWN	K-6
	1	MARSH	7-8
	1	MARSHALL	K-3
	3	MCMILLAN	K-3
	3	MILAM	K-6
	1	MILLER W B	K-6
	1	MILLS	K-6
	1	MOUNT ST MICHAEL	K-6
	1	MT AUBURN	K-3
	1	NAVARRO	4-6
	3	OLIVER	K-8
	3	OUR LADY OF PERPETUAL HELP	4-6
	3	PATTON	K-6
	3	PEABODY	K-3
	1	PEASE	K-6
	1	PEELER	9-12
	1	PINKSTON	K-6
	3	POLK	K-3
	3	RAY	K-6
	1	REAGAN	
	1	RHOADS	K-3
	1	RICE	K-3
	1	ROBERTS	K-5
	1	ROTARY TOWN HOUSE	
	1	ROWE	K-5
	1	RUSK	7-8
	1	RUSSELL	4-5
	1	SAM HOUSTON	K-3
	1	SAN JACINTO	K-5
	3	SCHULZE	K-5
	3	SEABURN	K-3
	1	SEGUIN	K-3
	3	SEQUOYAH	7-8
	1	SPENCE	7-8
	3	ST CECILIA	K-3
	1	ST JOSEPH CENTER	
	3	ST MARY OF CARMEL	K-3
	3	ST PETER	K-8
	3	ST THOMAS AQUINAS	K-8
	3	STEVENS PARK	K-6
	1	STOCKARD	7-8
	1	STONE	7-8
	1	STOREY	7-8
	1	THOMPSON H S	K-3
	3	TISINGER	K-5
	3	TRAVIS	K-3
	1	TYLER P	K-3
	1	WALKER	7-8
	3	WALNUT GLEN	K-5
	3	WEISS	K-5
	3	WHEATLEY	K-3
	3	WILLIAMS S L	K-5
	1	WILMER	K-5
	1	WILMER-HUTCHINS	9-12
	1	WINNETKA	K-5
	1	YOUNG	4-6
DAWSON COUNTY	3	DAWSON ISD	K-12
	3	KLONDIKE ISD	K-12
	1	LAMESA MIDDLE	5-8
	1	NORTH	K-3
	3	ROGERS	4
	3	SANDS ISD	K-12
	3	SOUTH	K-3
DEAF SMITH COUNTY	3	ATKMAN	PK-3
	3	BLUEBONNET	PK4-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
DEAF SMITH COUNTY (CONTINUED)			
	3	LA PLATA	7-9
	1	NORTHWEST	PK-3
	3	SHIRLEY	PK4-6
	3	STANTON	7-9
	1	TIERRA BLANCA	PK-3
	1	WEST CENTRAL	PK4-6
DELTA COUNTY			
	1	COOPER ISD	K-12
	3	FANNINDEL ISD	K-12
DENTON COUNTY			
	1	BOOTSTRAP BOYS RANCH	
	3	DAVES	K-6
	3	HASLET	PK-6
	3	JACKSON	K-6
DEWITT COUNTY			
	1	CUERO ISD	K-12
	3	NORDHEIM ISD	K-12
	3	WESTHOFF ISD	K-8
	1	YOAKUM ISD	K-12
	1	YORKTOWN ISD	K-12
DICKENS COUNTY			
	3	MCADOO ISD	PK-12
	3	PATTON SPRINGS ISD	K-12
	3	SPUR ISD	PK-12
DIMMIT COUNTY			
	1	ASHERTON ISD	PK-12
	3	BIG WELLS	K-8
	1	CENTRAL	3-6
	1	JUNIOR HIGH	7-8
	1	MIDDLE	5-6
	1	NORTH	PK-2
DONLEY COUNTY			
	3	CLARENDON ISD	K-12
	3	HEDLEY ISD	K-12
DUVAL COUNTY			
	3	ATLEE PARR	9-12
	3	BENAVIDES	5-8
	3	BENAVIDES PRIMARY	PK-4
	1	FREER ISD	K-12
	3	RAMIREZ ISD	K-6
	3	REALITOS	PK-5
	1	SAN DIEGO ISD	PK-12
EASTLAND COUNTY			
	3	GORMAN ISD	K-12
	3	RANGER ISD	K-12
	3	RISING STAR ISD	K-12
ECTOR COUNTY			
	3	ALAMO	K-5
	1	BLACKSHEAR	7-8
	3	BURLESON	K-6
	1	ECTOR CO YOUTH CENTER	
	3	FANNIN	K-6
	1	HAYS	K-6
	1	LAMAR	K-6
	1	MILAM-CARVER	K-6
	1	RUSK	K-6
	1	TRAVIS	K-6
	1	ZAVALA	K-6
EDWARDS COUNTY			
	3	NUECES CANYON ISD	K-12
	1	ROCKSPRINGS ISD	K-12
EL PASO COUNTY			
	1	ALAMO	K-6
	1	ALTA VISTA	K-7
	3	ANTHONY ISD	K-12
	1	AOY	K-8
	1	ASCARATE	K-6
	1	BASSETT	K-6
	1	BEALL	K-6
	3	BEL AIR	K-6
	1	BLISS	7-8
	1	BOWIE	K-6
	1	BUPLESON	9-12
	3	BURNET	K-6
	1	CADWALLADER	K-6
	1	CANUTILLO ISD	K-12
	3	CANYON HILLS	7-8
	1	CAPISTRANO	K-6
	1	CEDAR GROVE	K-6
	1	CLARDY	K-6
	1	CLINT ISD	K-12
	1	COLWELL	K-8
	1	COOLEY	K-6
	1	CROCKETT	K-6
	1	DEL NORTE HEIGHTS	K-8
	1	DOUGLASS	K-6
	1	DOWELL	K-8
	1	EL PASO HOUSE	
	1	FABENS ISD	K-12
	3	FATHER YERMO	K-8
	1	GUILLEN	7-8
	1	HACIENDA HEIGHTS	K-6
	1	HART	K-6
	1	HAWKINS	K-6

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
EL PASO COUNTY (CONTINUED)	1	HENDERSON	6-9
	1	HILLCREST	7-9
	1	HILLEY	K-6
	1	HILLSIDE	K-6
	1	HOUSTON	K-8
	1	JEFFERSON	9-12
	1	LA BARRON PARK	K-6
	1	LAMAR	K-7
	1	LEE	K-5
	1	LEE AND S MOOR CHILD HOME	
	1	LEE MOOR HOME	
	1	LOMA TERRACE	K-6
	1	MAGOFFIN	6-8
	1	MARIAN MANOR	K-6
	1	MESA VISTA	K-6
	1	NORTH LOOP	K-6
	3	OUR LADY OF MT CARMEL	K-8
	3	OUR LADY OF VICTORY	K-8
	1	PASODALE	K-8
	1	PRESA	K-5
	1	RAMONA	K-6
	1	RANCHLAND HILLS	K-8
	1	RESIDENT INTERV CENTER	
	1	RIVERSIDE	7-8
	1	RIVERSIDE	9-12
	1	ROBERTS	K-6
	1	ROOSEVELT	4-6
	1	RUSK	K-6
	1	SAGELAND	K-6
	1	SAN ELIZARIO ISD	K-12
	1	SCHUSTER	K-6
	1	SOCORRO	3-5
	1	SOCORRO	9-12
	1	SOCORRO	6-8
	1	SOCORRO	K-3
	1	SOUTH LOOP	K-6
	1	ST MARGARET CENTER FOR CHILD	
	1	ST PATRICK	9-12
	1	STANTON	K-6
	1	THOMAS MANOR	K-6
	3	TORNILLO ISD	K-12
	1	TRAVIS	K-6
	1	VALLEY VIEW	7-9
	1	VILAS	K-5
	1	WAINWRIGHT	K-6
	1	YSLETA	7-9
	1	YSLETA	K-6
EL PASO COUNTY (CONTINUED)	1	ZAVALA	K-6
ELLIS COUNTY	3	AVALON ISD	K-12
	1	FERRIS ISD	K-12
	3	HOUSTON	K-6
	3	ITALY ISD	K-12
	1	MARVIN	K-6
	3	MILFORD ISD	K-12
	3	NORTHSIDE	K-6
	1	TEXAS BAPTIST HOME	
	3	TRAVIS	K-6
	3	TURNER	6
	1	UNITED PRESBYTERIAN HOME	
	1	WAXAHACHIE	9-12
	1	WILEMON	7-7
ERATH COUNTY	3	BLUFF DALE ISD	K-8
	3	DUBLIN ISD	K-12
	3	HUCABY ISD	K-12
	3	LINGLEVILLE ISD	K-12
	1	SHERWOOD-N FOSTER HOME	
FALLS COUNTY	3	CHILTON ISD	K-12
	3	LOTT	K-6
	1	MARLIN ISD	K-12
	3	ROSEBUD	4-6
	3	ROSEBUD PRIMARY	K-3
	3	ROSEBUD-LOTT	7-8
	3	WESTPHALIA ISD	K-8
FANNIN COUNTY	2	BONHAM ISD	K-12
	3	DODD CITY ISD	K-12
	3	ECTOR ISD	K-12
	3	MONEY GROVE ISD	K-12
	3	SAM RAYBURN ISD	K-12
	3	WINDOM ISD	K-12
FAYETTE COUNTY	3	FAYETTEVILLE ISD	K-12
	2	LA GRANGE ISD	K-12
	3	ROUND TOP-CARMINE ISD	K-12
FISHER COUNTY	3	HOBBS ISD	K-6
	3	MCCAULLEY ISD	K-12
	3	ROBY ISD	K-12
	3	ROTAN ISD	K-12
FLOYD COUNTY	3	DOUGHERTY ISD	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
FLOYD COUNTY (CONTINUED)	1	FLOYDADA ISD	K-12
	1	LOCKNEY ISD	K-12
FOARD COUNTY	3	CROWELL ISD	K-12
FORT BEND COUNTY	3	CROCKETT	4-5
	3	JACKSON	4-5
	1	KENDLETON ISD	K-12
	3	LONG	K-3
	2	NEEDVILLE ISD	K-12
FRANKLIN COUNTY	2	MT VERNON ISD	K-12
FREESTONE COUNTY	2	FAIRFIELD ISD	K-12
	1	PLEASANT HILLS CHILDREN'S HOME	
	3	TEAGUE ISD	K-12
	3	WORTHAM ISD	K-12
FRIO COUNTY	1	DILLEY ISD	K-12
	1	PEARSALL ISD	K-12
GAINES COUNTY	1	SEAGRAVES ISD	K-12
GALVESTON COUNTY	1	ALAMO	K-5
	1	AUSTIN	6-7
	1	BURNET	K-5
	1	CENTRAL	8
	3	DICKINSON PRIMARY	PK-2
	3	DUNBAR	5
	3	EARLY CHILDHOOD	EC
	1	GALVESTON CHILDREN'S HOME	
	3	HEIGHTS	K-5
	1	HITCHCOCK ISD	K-12
	1	LASKER HOME FOR CHILDREN	
	3	LITTLE	K-5
	2	MCADAMS	6-8
	1	MORGAN	K-5
	1	ROSENBERG	K-5
	1	SAN JACINTO	K-5
	3	ST PATRICK	K-6
	1	WEIS	6-7
	1	YEAGER CHILDREN'S HOME	
GARZA COUNTY	2	POST ISD	K-12
	3	SOUTHLAND ISD	K-1
GILLESPIE COUNTY	1	MIDDLE	3-8
	3	PRIMARY	K-2
	3	STONEWALL	3-6
GILLIAD COUNTY	1	GILLIAD ISD	PK-12
GONZALES COUNTY	1	GONZALES ISD	K-12
	1	NIXON ISD	K-12
	3	SMILEY ISD	K-12
	3	WAELDER ISD	PK-12
GRAY COUNTY	3	BAKER	K-6
	1	GENESIS HOUSE	
	3	LAMAR	K-6
	3	MCLEAN ISD	K-12
GRAYSON COUNTY	3	GOLDEN RULE	K-6
	3	HOUSTON	K-6
	3	JEFFERSON	K-6
	3	LAMAR	K-6
	1	MCDANIEL	K-6
	1	TERRELL	7-8
	3	TIOGA ISD	K-6
	3	WASHINGTON	K-3
GREGG COUNTY	3	EVERHART	1-5
	3	FOREST PARK	6-8
	3	FOSTER	PK-K
	1	FOSTER	6-8
	2	GLADEWATER ISD	K-12
	3	HUDSON	1-5
	3	JODIE MCCLURE	1-5
	2	KILGORE ISD	K-12
	1	MOZELLE JOHNSTON	K-5
	2	PINE TREE ISD	K-12
	3	PINEWOOD PARK	1-5
	3	SOUTH WARD	K-6
	3	VALLEY VIEW	K-6
	3	WARE	K-3
GRIMES COUNTY	3	ANDERSON-SHIRO ISD	K-12
	1	NAVASOTA ISD	K-12
	3	RICHARDS ISD	K-12
GUADALUPE COUNTY	3	BALL	3-5
	1	BRIESEMEISTER	6-8
	3	BURGES	K
	3	ERSKINE	1-5

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LOCATIONS	CODE *	SCHOOL NAMES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
GUADALUPE COUNTY (CONTINUED)	3	HENRY	6-8
	1	JEFFERSON AVE	1-5
	3	JUAN SEGUIN	1-2
	3	ROSE GARDEN	K-5
	3	SCHERTZ	K-5
	3	SEAGERT	6-8
	1	WEINERT	1-5
HALE COUNTY	1	ABERNATHY ISD	K-12
	3	ASH	6
	3	COLLEGE HILL	K-4
	3	CORONADO	7
	3	COTTON CENTER ISD	K-12
	1	EDGEMERE	K-4
	3	ESTACADO	8
	1	HALE CENTER ISD	K-12
	1	HIGHLAND	K-4
	3	HILLCREST	K-4
	3	LAKESIDE	5
	1	PETERSBURG ISD	K-12
	1	THUNDERBIRD	K-4
HALL COUNTY	3	ESTELLINE ISD	K-12
	3	LAKEVIEW ISD	K-12
	3	MEMPHIS ISD	K-12
	3	TURKEY-QUITAQUE ISD	K-12
HAMILTON COUNTY	3	HICO ISD	K-12
	3	POTTSVILLE ISD	K-12
HARDEMAN COUNTY	3	CHILLICOTHE ISD	K-12
HARDIN COUNTY	3	CHINA	K-3
	3	HENDERSON	7-8
	2	KOUNTZE ISD	K-12
	2	SILSBEE ISD	K-12
	3	WEST HARDIN ISD	K-12
HARRIS COUNTY	3	ALAMO	K-6
	1	ALCOTT	K-5
	2	ALDINE	6-8
	1	ALLEN	K-5
	1	ATHERTON	K-5
	1	BASTIAN	K-6
	1	BERRY	K-6
	1	BLACKSHEAR	PK-6
	1	BOWIE	K-6
HARRIS COUNTY (CONTINUED)	1	BOYS HARBOR	K-5
	1	BRISCOE	K-5
	1	BROCK	K-5
	3	BROWNING	K-5
	1	BRUCE	K-5
	1	BURBANK	K-5
	1	BURNET	PK-5
	1	BURNETT-BAYLAND HOME	
	1	BURRUS	K-5
	3	CAGE	K-5
	1	CAMBIO HOUSE	
	1	CARNEGIE	K-5
	3	CARVER-JONES	K-5
	1	CHATHAM	PK-5
	1	CHELSEA HALL	
	3	CLINTON PARK	K-5
	3	CLOVERLEAF	K-5
	1	CODWELL	K-5
	2	COLONIAL HILLS	K-5
	1	CONCORD	K-5
	3	COOLEY	K-5
	1	COOP	K-5
	3	CORNELIUS	K-5
	2	CRAWFORD	K-5
	1	CROCKETT	K-5
	2	CROSBY ISD	K-12
	1	DE PELCHIN FAITH HOME	
	1	DE ZAVALA	K-6
	1	DIBSON	K-5
	1	DOGAN	PK-5
	1	DOUGLASS	PK-5
	3	DOW	K-5
	3	DUNBAR	K-5
	1	EAST HOUSTON	K-3
	1	EASTER	K-5
	1	EDISON	7-9
	3	EIGHTH AVE	K-5
	1	ELIOT	K-4
	1	ELMORE	5-8
	1	FAIRCHILD	K-5
	3	FIELD	K-5
	1	FLEMING	7-9
	1	FLORENCE CRITTENTON	
	1	FONWOOD	K-5
	1	FOSTER	K-5
	1	FRANKLIN	K-5
	1	FROST	K-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HARRIS COUNTY (CONTINUED)	3	GALENA PARK	K-5
	3	GALENA PARK MIDDLE	6-8
	3	GARDEN VILLAS	K-6
	3	GARDENS	PK-5
	1	GOLFCREST	K-6
	1	GREGORY-LINCOLN	K-8
	1	GRIMES	K-6
	1	GULF COAST TRADES	
	2	HAMBRICK	6-8
	3	HARLEM	K-5
	1	HARPER *	K-5
	1	HARRIS CO JUVENILE DET HOME	
	1	HARRIS CO YOUTH VILLAGE	
	1	HARRIS, JR	K-6
	1	HARTSFIELD	K-5
	3	HARVARD	K-6
	3	HELMS	K-5
	1	HENDERSON, JP	K-6
	1	HENDERSON, NAT G	K-5
	3	HIGHLAND HEIGHTS	K-5
	1	HILLIARD	K-5
	1	HOGG	6-8
	1	HOHL	K-5
	3	HOLDEN	K-5
	1	HOLLAND	6-8
	3	HOLLIBROOK	K-5
	3	HOLY NAME	K-8
	1	HOPE CENTERS FOR YOUTH	
	1	HOUSTON GARDENS	K-5
	3	IMMACULATE HEART OF MARY	K-6
	1	ISAACS	K-6
	1	JACINTO CITY	K-5
	1	JACKSON	7-9
	1	JACKSON	6-8
	1	JANOWSKI	K-6
	1	JEFFERSON	K-6
	3	JESSUP	K-5
	1	JOHNSON	K-5
	1	JONES, ANSON	PK-6
	1	JONES, WILL	K-6
	1	KASHMERE GARDENS	PK-6
	3	KEAHEY	K-5
	1	KELSO	K-6
	1	KENNEDY	K-5
	1	KEY	7-9
	1	KRUSE	K-5
	1	LAPAR	PK-6
HARRIS COUNTY (CONTINUED)	2	LANDRUM	5-8
	3	LANGSTEAD	K-3
	1	LANGSTON	K-6
	1	LANTRIP	K-5
	3	LEE	K-5
	1	LINCOLN	7-12
	1	LOCKHART	K-5
	1	LOOSCAN	K-5
	3	LOVE	K-5
	1	MACARTHUR	K-5
	1	MACGREGOR	K-5
	1	MADING	K-5
	1	MARSHALL	7-9
	3	MCARTHUR	K-5
	1	MCDADE	K-5
	1	MCREYNOLDS	5-8
	1	MEADOWBRIAR HOME FOR GIRLS	
	3	MEMORIAL	K-5
	3	MENDEL	K-5
	3	MILAM	K-5
	1	MT HOUSTON	K-5
	1	NORTHWEST GROUP LIVING CENTER	
	1	OAK VILLAGE	5-8
	3	OAKWILDE	K-5
	1	OSBORNE	K-5
	3	OUR LADY OF GUADALUPE	K-3
	3	OUR MOTHER OF MERCY	PK-1
	1	PARKS	K-5
	3	PECK	K-5
	3	PINEY POINT 3	K-5
	3	PLEASANTS	PK-5
	1	POMEROY	K-5
	3	PORT HOUSTON	K-5
	1	PUGH	K-5
	1	REYNOLDS	K-5
	1	RHOADS	K-5
	1	RIDGECREST	K-5
	1	ROGERS	K-5
	1	ROOSEVELT	K-5
	1	ROSS	PK-5
	1	RUSK	PK-5
	1	RYAN	K-5
	1	RYAN	7-9
	3	SACRED HEART	1-3
	3	SAN JACINTO	K-5
	1	SANDERSON	PK-5
	1	SCOTT	K-5

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LOCATIONS	CODE *	SCHOOL NAMES

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
HARRIS COUNTY (CONTINUED)	1	SCROGGINS	K-5
	1	SHADYDALE	K-5
	3	SHEARN	K-6
	1	SHERMAN	PK-6
	1	SMITH	7-9
	3	SMITH	K-5
	1	SOUTH HOUSTON	K-5
	1	SOUTHWAYD	K-6
	3	ST FRANCIS DE ASSIST	K-8
	3	ST PETER THE APOSTLE	PK-8
	1	STEVENSON	K-5
	1	SUNNY SIDE	K-6
	1	TERRELL	6-8
	1	THOMPSON	K-5
	1	TIDWELL	K-5
	1	TRAVIS	K-5
	1	TURNER	K-6
	1	WASHINGTON, GEO	K-8
	1	WESLEY	K-5
	1	WHARTON	K-6
	1	WHITBY	K-5
	1	WILLIAMS	6-8
	3	WOODLAWN ACRES	K-5
	3	WOODLAWN ACRES MIDDLE	6-8
	3	YOUNG	K-5
HARRISON COUNTY			
	1	CARVER G W	K-3
	3	DOGAN	4-6
	1	ELYSIAN FIELDS ISD	K-12
	2	HALLSVILLE ISD	K-12
	3	HARLETON ISD	K-12
	1	KARNACK ISD	K-12
	3	MARSHALL	8
	3	MOORE J H	K-6
	3	PEMBERTON	9
	3	ROBERT E LEE	K-5
	3	SAM HOUSTON	K-6
	3	SOUTH MARSHALL	K-6
	1	WASKOM ISD	K-12
	3	YOUNG P T	7
HASKELL COUNTY			
	1	HASKELL ISD	K-12
	3	PAINT CREEK ISD	K-12
	3	ROCHESTER ISD	K-12
	3	RULE ISD	K-12
	3	WEINERT ISD	K-12
HAYS COUNTY			
(CONTINUED)	1	DARDEN HILL SCHOOL	7-9
	3	HAYS	K-5
	1	KYLE	PK-12
	1	SAN MARCOS ISD	
HENDERSON COUNTY			
	3	BROWNSBORO	K-5
	1	ST PAUL INDUSTRIAL	
	3	WEST	K-4
HIDALGO COUNTY			
	1	ALTON	PK-6
	1	ALVAREZ	K-5
	1	AUSTIN	7-9
	1	AUSTIN	K-6
	1	AUSTIN-NAVARRO	K-5
	1	BONHAM	K-3
	1	BOWIE	PK-3
	3	BREWSTER	K-8
	3	BRYAN	K-5
	1	BUCKNER	4-5
	3	BUELL	PK-3
	1	CARNAHAN	PK-3
	1	CASA GIRASOL	
	1	CASTRO	PK3-4
	1	CENTRAL	7
	1	CLOVER	PK-3
	1	COEDYNS	4-6
	1	DONNA	3-3
	1	DONNA	3-12
	3	EARLY CHILDHOOD	6
	1	EDCOUCH-ELSA ISD	PK-12
	1	EDINBURG	8-9
	1	EDINBURG	10-12
	1	ESCANDON	4-5
	1	FARIAS	4-6
	1	FIELDS	K-3
	1	FORD	PK-5
	1	FRANKLIN	PK-3
	1	GARZA-PENA	PK-1
	3	GONZALEZ	K-6
	1	GUTIERREZ	PK-5
	1	GUZMAN	1-3
	3	HARGILL	K-5
	1	HIDALGO ISD	K-12
	1	HIGH SCHOOL	10-12
	1	HOUSTON	K-5
	1	HOUSTON	K-4
	1	J F KENNEDY	PK-5

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LOCATIONS	CODE *	SCHOOL NAME		
HIDALGO COUNTY (CONTINUED)	1	JEFFERSON	K-4	
	1	L B JOHNSON	K-4	
	1	L B JOHNSON	7-8	
	1	LA VILLA ISD	PK-8	
	1	LAMAR	K-4	
	1	LEE	K-4	
	1	LENOIR	8	
	1	LINCOLN	K-4	
	1	LONGORIA	PK-3	
	3	LUTHERAN GOOD SHEPERD	1-6	
	1	MARCELL	K-6	
	3	MCCOOK	K-5	
	1	MEMORIAL	1-6	
	1	MERCEDES ISD	PK-12	
	1	MISSION	7-8	
	1	MONTE ALTO ISD	K-4	
	1	MOVE	6	
	1	NAPPER	PK-4	
	1	NELLIE SCHUNIOR	7-8	
	1	NORTH	5-7	
	1	P J S A	9	
	1	PALMER	PK-6	
	1	PEARSON	K-6	
	1	PROGRESO ISD	K-8	
	1	ROOSEVELT	K-5	
	1	ROOSEVELT	K-3	
	1	RUNN	K-2	
	1	SEGUIN	K-5	
	1	SHARYLAND ISD	K-12	
	3	SORENSON	K-3	
	1	SOUTH	5-7	
	1	STAINKE	PK-3	
	1	THIGPEN	K-2	
	1	TRAVIS	K-4	
	1	VALLEY VIEW ISD	K-8	
	1	WESLACO ISD	PK-12	
	1	WHITNEY	4-6	
	1	WILSON	K-5	
	1	ZAVALA	2-5	
HILL COUNTY	3	ABBOTT ISD	K-12	
	3	AQUILLA ISD	K-12	
	3	BLUM ISD	K-12	
	3	BYNUM ISD	K-12	
	1	HILLSBORO ISD	K-12	
	3	HUBBARD ISD	K-12	
	3	ITASCA ISD	K-12	
	3	MALONE ISD	K-8	
	3	MT CALM ISD	K-1	
	3	PENELOPE ISD	K-12	
	1	PRESBYTERIAN CHILDRENS HOME		
HOCKLEY COUNTY	3	ANTON ISD	K-12	
	3	CACTUS	K-5	
	3	CAPITOL	K-6	
	3	LEVELLAND	8-9	
	1	LEVELLAND MIDDLE	6-7	
	3	ROPES ISD	K-12	
	3	SMYER ISD	K-12	
	3	SOUTH	K-8	
	3	ST MICHAEL CATHOLIC	K-4	
	3	ST MICHAEL CATHOLIC	6-7	
	3	SUNDOWN ISD	K-12	
	1	WEST	K-5	
	3	WITHARRAL ISD	PK-12	
HOOD COUNTY	3	LIPAN ISD	K-12	
HOPKINS COUNTY	3	MILLER GROVE ISD	K-12	
	3	SALTILLO ISD	K-12	
	3	SULPHUR BLUFF ISD	K-12	
	3	TRAVIS	K-6	
HOUSTON COUNTY	1	CROCKETT ISD	PK-12	
	?	CROCKETT ST SCH ISD		
	1	GRAPELAND ISD	K-12	
	3	KENNARD ISD	K-12	
	3	LATEXO ISD	K-12	
	1	LOVELADY ISD	K-12	
HOWARD COUNTY	3	BAUER	1-5	
	3	COLLEGE HEIGHTS	1-5	
	1	GOLIAD	6-7	
	3	LAKEVIEW	PK-4	
	1	MARCY	1-5	
	3	MOSS	1-5	
	3	RUNNELS	8	
	3	WASHINGTON	1-5	
HUDSPETH COUNTY	3	DELL CITY ISD	K-12	
	3	FT HANCOCK ISD	K-12	
	3	SIERRA BLANCA ISD	K-12	
HUNT COUNTY	3	AUSTIN	K-5	

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LOCATIONS	CODE *	SCHOOL NAME

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HUNT COUNTY (CONTINUED)	1	BOLES HOME INC	K-12
	3	BOLES HOME ISD	K-5
	3	CARVER	K-12
	1	COMMERCE ISD	K-6
	3	CROCKETT	PK-6
	3	HOUSTON	7-9
	1	JUNIOR HIGH	K-6
	3	LAMAR	
HUTCHINSON COUNTY	3	CENTRAL	K-5
	1	GIRLSTOWN USA	
JACKSON COUNTY	2	EDNA ISD	PK-12
	3	GANADO ISD	K-12
	3	INDUSTRIAL	6-8
	3	INEZ	K-5
	3	LA WARD	K-5
	3	VANDERBILT	K-5
JASPER COUNTY	3	BROOKELAND ISD	K-12
	2	BUNA ISD	K-12
	1	JASPER ISD	K-12
	2	KIRBYVILLE ISD	K-12
JEFF DAVIS COUNTY	3	VALENTINE ISD	K-12
JEFFERSON COUNTY	3	ASSUMPTION	K-8
	3	BINGHAM	K-5
	1	BLANCHETTE	K-4
	1	BOWIE	5-8
	1	BOYS HAVEN OF AMERICA	
	1	BUCKNER HOME	
	3	CARVER UNGR	EL
	1	CROCKETT	5-8
	1	DEQUEEN UNGR	EL
	1	DOWLING	K-5
	1	DUNBAR	K-5
	3	FEHL	K-5
	3	FLETCHER	K-5
	1	FRANKLIN UNGR	EL
	1	FRENCH	K-5
	2	HAMSHIRE-FANNETT ISD	K-12
	1	HERBERT	9-12
	1	LEE UNGR	EL
	1	LINCOLN	6-8
	3	LUCAS	PC-5
	3	MACARTHUR	6-8
	1	MARTIN	K-5
	1	ODOM	6-8
	3	OGDEN	K-5
	3	OUR MOTHER OF MERCY	K-6
	3	PIETZSCH	K-5
	1	PRICE	K-7
	3	SOUTH PARK	9-12
	3	ST ANTHONY	K-5
	3	ST JOSEPH	K-3
	3	TYRRELL PARK	K-5
	1	WASHINGTON UNGR	EL
	3	WHEATLEY UNGR	EL
	1	WILSON	7-9
JIM HOGG COUNTY	1	JIM HOGG CO ISD	PK-12
JIM WELLS COUNTY	1	ADAMS	6-8
	1	ALICE	K-12
	1	BEN BOLT-PALITO BLANCO ISD	PK-12
	1	DUBOS	5-8
	3	GARCIA	K-5
	1	MEMORIAL	6-8
	3	NAVER	K-5
	1	ORANGE GROVE ISD	K-12
	1	PREMONT ISD	K-12
	1	SAENZ	K-5
	1	SALAZAR	K-5
	3	ST ELIZABETH	K-5
JOHNSON COUNTY	3	ADAMS	1-5
	2	ALVARADO ISD	K-12
	3	LONG	1-5
JONES COUNTY	1	ANSON ISD	K-12
	1	HAMLIN ISD	K-12
	3	LUEDERS-AVOCA ISD	PK-12
	1	STAMFORD ISD	K-12
KARNES COUNTY	1	CITY	PK-5
	3	FALLS CITY ISD	K-12
	3	KARNES	1-5
	3	KARNES CITY	5-8
	1	KENEDY ISD	K-12
	3	PANNA MARIA	1-5
	1	RUNGE ISD	K-12
KAUFMAN COUNTY	2	KAUFMAN ISD	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
KAUFMAN COUNTY (CONTINUED)	2	MABANK ISD	K-12
	1	TERRELL ISD	PK-12
KENDALL COUNTY	3	COMFORT ISD	K-12
KERR COUNTY	3	DANIELS	1-6
	3	DOYLE	K
	3	INGRAM ISD	K-12
	3	PETERSON	7-9
	1	TIVY	1-6
KIMBLE COUNTY	3	JUNCTION ISD	K-12
KINNEY COUNTY	1	BRACKETT ISD	K-12
KLEBERG COUNTY	3	COLSTON	4-5
	1	GILLETT	6-8
	3	HARRELL	K-2
	3	HARVEY	K-1
	3	KLEBERG	3-5
	1	LAMAR	K-2
	3	MCROBERTS	3-5
	1	MEMORIAL	6-8
	3	PEREZ	2-3
	3	RICARDO ISD	K-8
	3	RIVIERA ISD	K-12
KNOX COUNTY	3	GOREE ISD	K-12
	3	KNOX CITY-O'BRIEN ISD	K-12
	3	MUNDAY ISD	K-12
LA SALLE COUNTY	3	AMANDA BURKS	4-6
	1	COTULLA	9-12
	3	ENCINAL	PK-6
	3	NEWMAN	7-8
	3	RAMIREZ	2-3
	3	WELHAUSEN	PK-1
LAMAR COUNTY	1	AIKIN	1-5
	3	BLOSSOM	6-8
	3	BLOSSOM	K-5
	3	DEPORT	K-8
	3	GIVENS	K
	1	JUSTISS	1-5
	3	PARKER	K-6
	3	ROXTON ISD	K-12
	3	TRAVIS	6-8
LAMAR COUNTY (CONTINUED)	3	WEST LAMAR ISD	K-12
LAMB COUNTY	3	AMHERST ISD	K-12
	1	LITTLEFIELD ISD	K-12
	1	OLTON ISD	K-12
	3	SPADE ISD	K-12
	1	SPRINGLAKE-EARTH ISD	K-12
	3	SUDAN ISD	K-12
LAMPASAS COUNTY	1	LAMPASAS ISD	K-12
	3	LOMETA ISD	K-12
LAVACA COUNTY	2	HALLETTSVILLE ISD	K-12
	3	MOULTON ISD	K-12
	1	SHINER ISD	K-12
	3	ST LUDMILA'S ACADEMY	K-5
LEE COUNTY	1	DIME BOX ISD	K-12
	2	GIDDINGS ISD	PK-12
	1	GIDDINGS ST SCHOOL	
LEON COUNTY	3	BUFFALO ISD	PK-12
	3	CENTERVILLE ISD	PK-12
	3	LEON ISD	PK-12
	3	NORMANGEE ISD	K-12
	3	OAKWOOD ISD	PK-12
LIBERTY COUNTY	2	CLEVELAND ISD	K-12
	2	DAYTON ISD	K-12
	2	HARDIN ISD	K-12
	3	HULL-DAISETTA ISD	K-12
	2	LIBERTY ISD	K-12
LIMESTONE COUNTY	3	COOLIDGE ISD	K-12
	1	GROESBECK ISD	K-12
	1	MEXIA ISD	1-12
LIVE OAK COUNTY	1	GEORGE WEST ISD	K-12
	1	THREE RIVERS ISD	K-12
LUBBOCK COUNTY	1	ALDERSON	7-9
	3	ARNETT	K-5
	3	BEAN	K-5
	1	BOZEMAN	K-5
	1	BROWN	K-5
	1	BUCKNER BAPT CHILDREN'S HOME	K-5
	1	CASEY	K-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
LUBBOCK COUNTY (CONTINUED)	1	CHILDREN'S HOME OF LUBBOCK	10-12
	3	DUNBAR-STRUGGS	K-6
	3	DUPRE	9-12
	1	ESTACADO	K-6
	3	GUADALUPE	K-6
	1	HARWELL	K-6
	3	HODGES	K-6
	1	HUNT	K-12
	1	IDALOU ISD	K-6
	3	ILES	K-6
	3	JACKSON	6-8
	3	JUNIOR HIGH	K-12
	2	LUBBOCK-COOPER ISD	K-6
	3	MAEDGEN	K-6
	3	MAHON	K-6
	3	MARTIN	7-9
	1	MATTHEWS	K-6
	1	MCWHORTER	K-12
	3	NEW DEAL ISD	K-5
	3	OVERTON	K-6
	1	PARKWAY	K-6
	3	POSEY	K-5
	3	REESE	K-12
	1	ROOSEVELT ISD	7-9
	1	SLATON	PK-12
	1	SLATON ISD	K-6
	3	STUBBS	7-9
	1	TEXAS BOYS RANCH	K-6
	3	THOMPSON	K-6
	1	TUBBS	K-6
	3	WHEATLEY	K-6
	3	WHEELOCK	K-6
	1	WOLFFARTH	K-6
	3	WRIGHT	
LYNN COUNTY	3	NEW HOME ISD	K-12
	1	O'DONNELL ISD	K-12
	1	TAHOKA ISD	K-12
	3	WILSON ISD	K-12
MADISON COUNTY	2	MADISONVILLE ISD	K-12
	3	NORTH ZULCH ISD	K-12
MARION COUNTY	1	JEFFERSON ISD	K-12
MARTIN COUNTY	3	GRADY ISD	K-12
	1	STANTON ISD	K-12
MASON COUNTY	3	MASON ISD	K-12
MATAGORDA COUNTY	3	BAY CITY	6-8
	3	BLESSING	K-5
	3	CHERRY	7-8
	3	HOLMES	7-8
	3	MARKHAM	K-5
	2	PALACIOS ISD	K-12
	3	PIERCE	K-1
	1	VAN VLECK ISD	K-12
MAVERICK COUNTY	1	BENAVIDES HEIGHTS	1-6
	1	EAGLE PASS	7-8
	1	EAGLE PASS	9-12
	1	EARLY CHILDHOOD CENTER	PK-K
	1	GLASS	1-6
	1	GRAVES	1-6
	3	QUEMADO	K-6
	1	ROBERT E LEE	1-6
	1	SAN LUIS	1-6
	1	STEPHEN F AUSTIN	1-6
MCCULLOCH COUNTY	3	BRADY	6-8
	3	CHINA STREET	1-5
	3	LOHN ISD	K-12
	3	NORTH WARD	1-6
	3	ROCHELLE ISD	K-12
	3	SOUTH WARD	K-5
MCLENNAN COUNTY	3	ALTA VISTA	1-5
	1	BELL'S HILL	1-5
	3	BRUCEVILLE-EDDY ISD	K-12
	3	CEDAR RIDGE	1-5
	1	CRESTVIEW	1-5
	3	DEAN HIGHLAND	1-5
	1	DRIPPING SPRINGS	K-
	3	ELM MOTT	PK-5
	3	FROG	K
	3	GHOLSON ISD	K-7
	3	HILLCREST	1-5
	3	KENDRICK	1-5
	2	LA VEGA ISD	K-12
	3	LAKE WACO	1-5
	3	LAKEVIEW	1-5
	3	MART ISD	K-12
	3	MEADOWBROOK	1-5
	1	METHODIST HOME	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MCLENNAN COUNTY (CONTINUED)	1	METHODIST HOME BOYS RANCH	8-9
	3	NORTH	1-5
	1	NORTH WACO	1-5
	3	NORTHCREST	1-5
	3	PARKDALE	1-5
	1	PROVIDENT HEIGHTS	1-5
	3	SMITH	6
	3	SOUTH SEVENTH	7
	3	SOUTH WACO	1-5
	3	SUL ROSS	6
	1	TENNYSON	7-9
	1	UNIVERSITY	9-9
	3	WILEY	6-7
MEDINA COUNTY	3	D'HANIS ISD	K-12
	1	DEVINE ISD	K-12
	1	HONDO ISD	K-12
	1	MEDINA VALLEY ISD	K-12
	1	NATALIA ISD	K-12
MENARD COUNTY	1	MENARD ISD	K-12
MIDLAND COUNTY	3	ALAMO	7-8
	3	CROCKETT	PK3,6
	1	DEZAVALA	PK3,6
	1	HIGH SKY GIRL'S RANCH	
	3	MILAM	PK3,6
	3	PEASE	PK3,6
	1	SOUTH	PK3,6
	3	TRAVIS	PK-5
	3	WASHINGTON	PK3,6
MILAM COUNTY	3	BUCKHOLTS ISD	K-12
	1	CAMERON ISD	K-12
	3	GAUSE ISD	K-6
	3	MILANO ISD	K-12
	2	ROCKDALE ISD	K-12
	1	VILLAGE WILDERNESS CAMP	
MILLS COUNTY	3	GOLDTHWAITE ISD	K-12
	3	MULLIN ISD	K-12
	3	PRIDDY ISD	K-12
	3	STAR ISD	K-12
MITCHELL COUNTY	1	COLORADO ISD	K-12
	3	LORAINE ISD	K-12
	3	WESTBROOK ISD	K-12
MONTAGUE COUNTY	3	FORESTBURG ISD	K-12
	3	PRAIRIE VALLEY ISD	K-12
MONTGOMERY COUNTY	2	MAGNOLIA ISD	K-12
	1	MONTGOMERY ISD	K-12
	2	SPLENDORA ISD	K-12
	2	WILLIS ISD	K-12
MOORE COUNTY	3	CACTUS	K-5
	3	DUMAS	7-9
	3	SUNSET	K-5
MORRIS COUNTY	3	JUNIOR HIGH	5-8
	1	PEWITT ISD	K-12
	3	SOUTH	3-5
NACOGDOCHES COUNTY	1	CARPENTER	1-5
	3	CENTRAL HEIGHTS ISD	K-12
	3	CHIRENO ISD	K-12
	3	CUSHING ISD	K-12
	3	DOUGLASS ISD	K-12
	3	STOCKS ISD	K-8
	3	FREDONIA	1-5
	3	GARRISON ISD	K-12
	3	JONES	K
	3	MARTINSVILLE ISD	K-12
	3	NETTIE MARSHALL	1-5
	1	PUSH	6-8
	3	WODEN ISD	K-12
NAVARRO COUNTY	3	COLLINS	8
	1	CORSICANA ST HOME ISD	
	3	DAWSON ISD	K-12
	1	DRANE	6-8
	3	FROST ISD	K-12
	3	HOUSTON	K-5
	1	IOOF HOME	
	1	KERENS ISD	K-12
	3	LINCOLN	K-3,5
	3	RICE ISD	K-8
	3	TRAVIS	K-5
NEWTON COUNTY	3	BLEAKWOOD	K-6
	1	BURKEVILLE ISD	K-12
	3	NEWTON	K-6
	3	NEWTON	5-8
NOLAN COUNTY			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NOLAN COUNTY (CONTINUED)	3	BLACKWELL ISD	K-12
	3	COMEN	K-4
	3	HIGHLAND ISD	K-12
	3	PHILIP NOLAN	5
	3	ROSCOE ISD	K-12
	3	SOUTHEAST	K-4
	1	SWEETWATER MIDDLE	5-8
NUECES COUNTY			
	3	AGUA DULCE ISD	K-12
	1	ALLEN AND SMITH	K4
	3	BANQUETE ISD	K-12
	3	BISHOP	5-8
	3	CARROLL LANE	K-6
	3	CLARKWOOD	K-4
	1	COASTAL BEND YOUTH CITY	
	1	COLES AND FRASER	K4
	1	CROCKETT AND SANDERS	K4
	1	CROSSLEY	K-5
	1	CUNNINGHAM	7-9
	1	DRISCOLL	7-9
	3	DRISCOLL ISD	PK-8
	1	EASTSIDE	K-5
	1	EVANS AND WOODLAWN	K4
	1	FANNIN	K-6
	2	FLOUR BLUFF ISD	PK-12
	1	GARCIA AND MONTCLAIR	K4256
	1	GIBSON	K-6
	1	HOUSTON	K-6
	2	HUTTO	PK-6
	3	JUNIOR HIGH	6-8
	1	LAMAR	PK-6
	3	LEXINGTON	K-6
	3	LONDON ISD	K-8
	1	LOS ENCINOS AND YEAGER	K4256
	1	LOTSPEICH	PK-6
	1	LOZANO AND MEADOWBROOK	P4256
	1	MARTIN	7-9
	1	MARTIN	3-5
	3	MENGER	K-6
	1	MILLER	10-12
	3	MOORE	K-6
	1	NUECES HALFWAY HOUSE	
	1	OAK PARK	K-6
	1	PAX CHRISTI	
	3	PETRONILA	K-5
	1	PRESCOTT	K-6
	3	SACRED HEART	K-6
NUECES COUNTY (CONTINUED)	1	SALAZAR	PK-2
	1	SEALE	5-8
	3	SHANNON	7-9
	1	SHAW AND FISHER	K4256
	3	ST ANTHONY	K-5
	1	TRAVIS AND CLUB ESTATES	K4256
	1	TULOSO-MIDWAY	K-5
	1	WEST OSO ISD	K-12
	1	WYNN SEALE	7-9
	1	ZAVALA AND SCHANEN	K4256
OLDHAM COUNTY			
	1	BOYS RANCH ISD	K-12
	1	CAL FARLEY'S BOYS RANCH	
	3	WILDORADO ISD	K-5
ORANGE COUNTY			
	1	ANDERSON	K-5
	3	COVE	K-5
	3	JONES	K-5
	1	NORTH	5-8
	3	SALK	K-5
	3	WEST ORANGE	5-8
PALO PINTO COUNTY			
	3	HOUSTIN	K-4
	3	LEE	5-5
	3	MINERAL WELLS	7-8
	3	PALO PINTO ISD	1-6
	3	STRAWN ISD	K-12
	3	TRAVIS	PK-4
PANOLA COUNTY			
	1	CARTHAGE ISD	K-12
PARKER COUNTY			
	1	TEXAS MYTHIAN HOME	
PECOS COUNTY			
	1	ALAMO	4-5
	3	APACHE	K-3
	3	BUTZ	K-1
	3	COMANCHE	PK2-3
	1	FT STOCKTON	4-8
POLK COUNTY			
	3	BIG SANDY ISD	K-12
	1	CORRIGAN-CAMDEN ISD	K-12
	3	GOODRICH ISD	K-12
	3	LEGGETT ISD	K-12

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LOCATIONS	CODE *	SCHOOL NAME	
POLK COUNTY (CONTINUED)	2	LIVINGSTON ISD	K-12
POTTER COUNTY			
	1	AMARILLO CHILD CARE	
	1	AMARILLO OPPORTUNITY HOUSE	
	2	BOWIE	7-9
	3	EMERSON	K-6
	3	FOREST HILL	K-6
	3	GLENWOOD	K-6
	3	HAMLET	K-6
	3	HIGHLAND PARK ISD	K-9
	3	HUMPHREY'S HIGHLAND	K-6
	3	LEE	K4-5
	3	MANN	7-9
	3	MESA VERDE	K-3
	3	OUR LADY OF GUADALUPE	K-6
	1	PRESBYTERIAN HOME FOR CHILDREN	
	3	ROGERS	K-6
	3	SAN JACINTO	K-6
	1	SANBORN	K-6
	3	SUNRISE	K-6
PRESTOIO COUNTY			
	3	CANDELERIA	K-8
	3	MARFA	K-8
	3	PRESIDIO	7-12
	1	PRESIDIO	PK-6
	3	REDFORD	K-8
RANDALL COUNTY			
	1	HIGH PLAINS CHILDREN'S HOME	
REAL COUNTY			
	3	LEAKEY ISD	K-12
RED RIVER COUNTY			
	3	ANNONA	K-6
	3	AVERY ISD	K-12
	3	BOGATA	K-8
	3	CLARKSVILLE	7-8
	3	CLARKSVILLE	4-6
	1	CLARKSVILLE	K-3
	2	DETROIT ISD	K-12
	3	TALCO	K-8
REEVES COUNTY			
	1	AUSTIN	1-6
	1	BALMORHEA ISD	K-12
	3	BARSTOW	1-6
	1	BESSIE HAYNES	1-6
	3	DE ZAVALA	7-8
	3	LAMAR	1-6
	3	PECOS	1-6
REEVES COUNTY (CONTINUED)	3	PECOS KINDER	PK-K
REFUGIO COUNTY			
	3	WOODSBORO ISD	K-12
ROBERTSON COUNTY			
	3	BREMOND ISD	K-12
	1	CALVERT ISD	PK-12
	1	HEARNE ISD	K-12
	2	MUMFORD ISD	K-8
ROCKWALL COUNTY			
	3	ROYSE CITY ISD	K-12
RUNNELS COUNTY			
	1	BALLINGER ISD	K-12
	3	OLEN ISD	K-8
	3	WINGATE ISD	K-8
	1	WINTERS ISD	K-12
RUSK COUNTY			
	3	CENTRAL	1-8
	3	CHAMBERLAIN	1-8
	3	HENDERSON KINDER	K
	3	HENDERSON MIDDLE	4-8
	1	LANEVILLE ISD	K-8
	3	LEVERETTS CHAPEL ISD	K-12
	3	MONTGOMERY	1-8
	3	MT ENTERPRISE ISD	K-12
	3	NORTHSIDE	4-6
	1	TATUM ISD	PK-12
SABINE COUNTY			
	1	HEMPHILL ISD	K-12
	3	WEST SABINE ISD	K-12
SAN AUGUSTINE COUNTY			
	3	BROADDUS ISD	K-12
	1	SAN AUGUSTINE ISD	K-12
SAN JACINTO COUNTY			
	1	COLDSPRING-OAKHURST ISD	K-12
	2	SHEPHERD ISD	K-12
SAN PATRICIO COUNTY			
	1	ARANSAS PASS ISD	K-12
	2	GREGORY-PORTLAND ISD	K-12
	3	HARDIN	2-8
	2	INGLESIDE ISD	K-12
	1	MATHIS	7-8
	1	MATHIS	4-6
	1	ODEM-EDROY ISD	K-12
	1	SINTON ISD	K-12
	1	TAFT ISD	K-12
	1	WEBER	K-8
SAN SABA COUNTY			

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LOCATIONS	CODE *	SCHOOL NAME	
SAN SABA COUNTY (CONTINUED)	1	CHEROKEE HOME FOR CHILDREN	
	3	CHEROKEE ISD	K-12
	1	SAN SABA ISD	K-12
SCHLEICHER COUNTY			
	3	SCHLEICHER ISD	PK-12
SCURRY COUNTY			
	3	HERMLEIGH ISD	K-12
SHACKLEFORD COUNTY			
	3	MORAN ISD	K-12
SHELBY COUNTY			
	1	CENTER ISD	K-12
	3	EXCELSIOR ISD	K-8
	1	SHELBYVILLE ISD	PK-12
	1	TENAHA ISD	K-12
	1	TIMPSON ISD	K-12
SMITH COUNTY			
	3	ARP ISD	K-12
	1	AUSTIN	K-5
	3	BONNER	K-5
	1	BOULTER	6-8
	1	CHAPEL HILL ISD	K-12
	1	DOGAN	6-8
	3	DOUGLAS	K-5
	3	GARY	K-5
	1	GRIFFIN	K-5
	3	HOGG	6-8
	3	JONES	K-5
	2	LINDALE ISD	K-12
	3	ORR	K-5
	1	PEETE	K-5
	1	RAMEY	K-5
	1	STEWART	6-8
	2	WHITEHOUSE ISD	K-12
	3	WINONA ISD	K-12
STARR COUNTY			
	3	ESCOBARES	1-2
	1	GRULLA	6-8
	1	GRULLA	PK-5
	3	IMMACULATE CONCEPTION	1-6
	1	LA UNION	K-6
	3	LOS SAENZ	1-2
	1	NORTH GRAMMAR	K-3
	1	RINGGOLD	6-8
	1	RINGGOLD	K-5
	1	ROMA	4-6
	1	ROMA	7-8
	1	ROQUE GUERRA	PK-3
STARR COUNTY (CONTINUED)	3	SAN ISIDRO ISD	K-12
	1	SCOTT	PK-5
STEPHENS COUNTY			
	3	EAST WARD	K-4
	3	NORTH WARD	K-5
STERLING COUNTY			
	3	STERLING CITY ISD	K-12
STONEWALL COUNTY			
	2	OLD GLORY ISD	K-12
SUTTON COUNTY			
	2	SONORA ISD	K-12
SWISHER COUNTY			
	3	HAPPY ISD	K-12
	1	KRESS ISD	K-12
	1	TULIA ISD	K-12
TARRANT COUNTY			
	3	ALL SAINTS	1-8
	3	BERRY	K-6
	3	CAREER PLANNING ACADEMY	5-12
	3	CARROLL B H	K1.35
	1	CARROLL PEAK	PK-3
	3	CARVER-HAMILTON	PK-3
	3	CHARLES NASH	PK135
	1	CHRIST HAVEN FOR CHILDREN	
	1	CIRCLE PARK	PK135
	3	CLARKE	PK135
	3	COMO SCHOOL OF IMPORT	6-8
	1	DAGGETT	PK135
	1	DAGGETT	6-8
	1	DE ZAVALA	PK135
	1	DENVER AVE	PK135
	1	DIAMOND HILL	PK135
	1	DILLOW	PK-3
	1	DUNBAR	9-12
	1	DUNBAR MIDDLE	5-8
	1	EASTLAND	PK-3
	1	ELDER	6-8
	1	FOREST HILL	K135
	1	FOREST OAK	7-8
	3	GILILLAND	K-5
	1	GLEN PARK	PK135
	3	GOLDEN GATE	PK-K
	1	HELBING	PK135
	3	HOMMEL	K-6
	1	HUBBARD	PK135
	3	KIRKPATRICK	PK-3
	2	LAKE WORTH ISD	K-12

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LOCATIONS	CODE *	SCHOOL NAME		LOCATIONS	CODE *	SCHOOL NAMES	
TARRANT COUNTY (CONTINUED)	1	LENA POPE HOME		TARRANT COUNTY (CONTINUED)	3	WESTCLIFF	K135
	3	LIBERTY	K-5		1	WILLIAM JAMES	6
	1	MAUD LOGAN	PK-2		3	WILLIAMS V	PK-2
	1	MCRAE	PK135		3	WILLIS-CARTWRIGHT	K135
	1	MEACHAM	6-8		1	WORTH HTS	PK135
	1	MEADOWBROOK	7-8	TAYLOR COUNTY			
	3	MERRETT L	K135		1	ABILENE BOYS RANCH	
	1	MITCHELL BLVD	PK-2		1	BIG COUNTRY FOUND YOUTH TOWN	
	1	MOORE M H	PK135		1	COLLEGE HTS	K-5
	1	MORNINGSIDE	PK-2		3	FAIR PARK	K-5
	1	MORNINGSIDE	6		1	FANNIN	K-5
	3	MATHA HOWELL	K135		1	FRANKLIN	7-9
	3	NOLAN	7-12		3	HAMBY ISD	K-5
	3	NORTH CASTLEBERRY	K-5		1	HENDRICK HOME FOR CHILDREN	
	1	NORTH SIDE	9-12		3	JONES	K-5
	3	OAKLAWN	K135		3	LEE	K-5
	3	OUR LADY OF VICTORY	K-8		3	LOCUST	K-5
	3	OUR MOTHER OF MERCY	K-8		3	MERKEL	K-5
	1	POLYTECHNIC	9-12		3	MERKEL	6-8
	1	RIVERSIDE	6-8		3	TRAVIS	K-5
	3	ROARK	K-6		3	TRENT ISD	K-12
	1	ROSEMONT	6-8		3	TYE	K-5
	3	RUBY WILLIAMS CENTER	6-12		3	VALLEY VIEW	K-6
	1	SAGAMORE HILL	K135		3	WOODSON	PK
	1	SAM ROSEN	PK135	TERRY COUNTY			
	3	SO FT WORTH	K135		3	BROWNFIELD	4-3
	3	SO HI MOUNT	K135		1	BROWNFIELD	4-8
	3	SO HILLS	K135		1	COLONIAL HTS	PK-3
	3	SOUTH BIRDVILLE	PK-6		3	MEADOW ISD	K-12
	3	SPEER	K-6		1	OAK GROVE	PK-3
	3	SPRINGDALE	K135		3	UNION ISD	K-12
	3	ST ANDREWS	K-8		3	WELLMAN ISD	K-12
	3	ST GEORGE	K-6	TITUS COUNTY			
	3	ST MARY	K-8		3	ANNIE SIMS	PK-3
	3	ST RITA	K-8		3	CHAPEL HILL ISD	K-8
	1	ST TERESA'S HOME			3	FRANCES CORPREW	4-5
	1	STRIPLING	6-8		3	VIVIAN FOWLER	PK-3
	1	SUNRISE	PK-2		3	WALLACE	6-8
	1	TARRANT CO YOUTH CENTER		TOM GREEN COUNTY			
	3	THORNTON	K-6		3	ALTA LOMA	K-5
	1	TRIMBLE TECH	9-12		3	BELAIRE	K-5
	1	TURNER	PK135		3	BLACKSHEAR	K-5
	1	VAN ZANDT-GUINN	PK-2		3	BRADFORD	K-5
	3	VICKERY	PK-2		3	CATHOLIC SCHOOL	K-3
	3	WALTON M	PK-2		1	CONCHO VALLEY HOME FOR GIRLS	
	3	WASHINGTON HTS	PK-5		1	EDISON	7-9
	3	WEST HANDLEY	K135		3	FORT CONCHO	K-5

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
TOM GREEN COUNTY (CONTINUED)	3	HOLIMAN	1-5
	1	LAKE VIEW	9-12
	1	LEE	7-9
	3	LINCOLN	6-8
	1	REAGAN	K-6
	3	RIO VISTA	K-6
	3	SAM HOUSTON	K-4
	1	SAN JACINTO	K-6
	3	WALLS ISD	K-12
	1	WEST TEXAS BOYS RANCH	
TRAVIS COUNTY			
	1	ALLAN	PK1-3
	1	ALLISON	PK-3
	3	ANDREWS	K-6
	3	BARRINGTON	K4-6
	3	BARTON HILLS	K1-3
	1	BECKER	PK-6
	3	BLACKSHEAR	K4-6
	3	BLANTON	4-6
	3	BRENTWOOD	K-3
	3	BROOKE	PK4-6
	1	BROWN	PK-6
	1	BRYANT HOUSE	
	3	BRYKER WOODS	K1-3
	1	BURNET	7-8
	1	CAMPBELL	K4-6
	3	CASIS	K1-3
	1	COOK	K4-6
	1	DAWSON	PK-6
	1	DEL VALLE	6-8
	3	DOBIE	7-8
	1	FULMORE	7-8
	1	GARDENER HOUSE	
	1	GIRLSTOWN USA	
	1	GOVALLE	PK-3
	3	GULLETT	K4-6
	1	HARRIS	1-6
	3	HIGHLAND PARK	K1-3
	1	JOSLIN	1-6
	1	JR HELPING HAND FOR CHILDREN	
	1	LAMAR	7-8
	3	LANGFORD	K-6
	3	LINDER	K-6
	1	MANOR ISD	K-12
	1	MAPLEWOOD	PK-6
	1	MARTIN	7-8
	1	MATHEWS	K-6
TRAVIS COUNTY (CONTINUED)	1	METZ	PK-3
	3	MURCHISON	7-8
	3	NORMAN	PK1-3
	1	O HENRY	7-8
	1	OAKSPRINGS	PK-3
	3	ORTEGA	PK4-6
	1	PEARCE	7-8
	3	PECAN SPRINGS	K-3
	1	PORPHAM	K-3
	3	REILLY	K-6
	3	RIDGETOP	PK-6
	3	ROSEDALE	K4-6
	3	ROSEWOOD	PK1-3
	1	SALAZAR HOUSE	
	3	SANCHEZ	PK-3
	1	SETTLEMENT CLUB HOME	
	3	SIMS	PK-3
	1	SMITH	K-3
	1	ST ELMO	PK-6
	3	SUNSET VALLEY	K-3
	3	TRAVIS HTS	K-6
	3	WALNUT CREEK	K4-6
	1	WEBB	5-6
	3	WINN	K-3
	1	WOODRIDGE	K4-6
	3	WOOTEN	K1-3
	1	ZAVALA	K4-6
	3	ZILKER	K-4
TRINITY COUNTY			
	3	APPLE SPRINGS ISD	K-12
	3	CENTERVILLE ISD	K-12
	3	GROVETON ISD	K-12
	1	HOPE CENTER FOR YOUTH	
	1	HOPE CENTER FOR YOUTH	
	1	HOPE CENTER FOR YOUTH	
	1	TRINITY ISD	K-12
TYLER COUNTY			
	3	CHESTER ISD	K-12
	3	COLMESNEIL ISD	K-12
	3	FRED	K-6
	3	WARREN	K-6
	1	WOODVILLE ISD	PK-12
UPSHUR COUNTY			
	1	GILMER ISD	K-12
	3	UNION HILL ISD	K-12
UPTON COUNTY			
	1	MCCAMEY ISD	K-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	GRADES
UVALDE COUNTY			
	1	ANTHON	P-3
	1	BATESVILLE	K-8
	3	BENSON	6
	1	DALTON	K-1
	3	KNIPPA ISD	K-12
	1	ROBB	4-5
	1	SABINAL ISD	K-12
	3	SACRED HEART	PK-6
	3	UTOPIA ISD	K-12
	1	UVALDE	9-12
	1	UVALDE	7-8
	3	WEST GARDEN	PK
VAL VERDE COUNTY			
	3	AUSTIN	1-2
	3	COMSTOCK ISD	K-12
	1	DEL RIO	9-12
	1	EAST SIDE	3-6
	1	EIGHTH GRADE	8
	1	GARFIELD	PK-6
	1	LAMAR	K-4
	1	MEMORIAL	PK-6
	1	NORTH HTS	PK3-6
	3	SAM HOUSTON	PK-K
	1	SEVENTH GRADE	7
	3	ST JOSEPH	1-2
	1	TRAVIS	PK-2
VAN ZANDT COUNTY			
	3	MARTINS MILL ISD	K-9
	2	WILLS POINT ISD	K-12
VICTORIA COUNTY			
	3	ALOE	K-5
	3	BLOOMINGTON	K-5
	3	BLOOMINGTON	6-8
	2	CRAIN	6-8
	3	DUDLEY	K-3
	3	GROSS	K-5
	3	GUADALUPE	K-5
	3	HOPKINS	K-5
	3	JUAN LINN	K-5
	3	MCFADDIN ISD	K-8
	3	MITCHELL	K-5
	3	O'CONNOR	K-5
	2	PATTI WELDER	5-8
	3	PLACEDIO	K-5
	3	SHIELDS	K-5
	3	WM DEFEE	K-5
	3	WM WOOD	K-5
WALKER COUNTY			
	2	HUNTSVILLE ISD	K-12
	3	NEW WAVERLY ISD	K-12
	1	WINDHAM SCHOOLS	
WALLER COUNTY			
	1	BOYS COUNTRY	
	2	WALLER ISD	K-12
WARD COUNTY			
	3	CULLENDER	K
	3	EDWARDS	1-2
	3	GRANDFALLS-ROYALTY ISD	K-12
	3	SHOBERTA	K
	3	TATOM	3-5
	1	WEST TEXAS CHILD HOME ISD	
WASHINGTON COUNTY			
	1	BRENHAM ISD	K-12
	3	BURTON ISD	PK-12
WEBB COUNTY			
	1	ALMA PIERCE	K-6
	1	BRUNE	K-6
	1	BUENOS AIRES	K-6
	1	CHRISTEN	7-8
	1	CLARKE	K-6
	1	DAICHES	K-6
	1	FARIAS	K-6
	3	GUADALUPE	K-6
	1	HACHAR	K-6
	1	HEIGHTS	K-6
	1	LAMAR	7-8
	1	LOYENDECKER	K-6
	1	MACDONALD	K-6
	1	MARTIN	K-6
	3	MIRANDO CITY ISD	PK-12
	1	NEWMAN	K-6
	1	OCHOA	K-6
	1	SALINAS	K-6
	1	SANCHEZ	K-6
	1	SANTA MARTA	K-6
	1	SANTO NINO	K-6
	3	ST PETER'S	K-6
	1	TARVER	K-6
	1	UNITED	9-12
	1	URBAHN	K-6
	3	URSULINE	K-8
	3	WEBB CONS ISD	K-12
	1	ZACHRY	K-6
WHARTON COUNTY			
	1	EL CAMPO ISD	K-12

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CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

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LOCATIONS	CODE *	SCHOOL NAME	
WHARTON COUNTY (CONTINUED)	3	LOUISE ISD	K-12
	1	WHARTON ISD	K-12
WHEELER COUNTY			
	3	LELA ISD	K-8
	3	SHAMROCK ISD	K-12
WICHITA COUNTY			
	3	AUSTIN	K-6
	3	BONHAM	K-8
	3	BURGESS	K-5
	1	ELECTRA ISD	K-12
	1	FANNIN	K-5
	3	HUEY	K-5
	1	KIRBY	5-8
	3	LAMAR	K-3
	3	NOTRE DAME	K-6
	3	SAM HOUSTON	K-5
	3	WASHINGTON	K4-6
	3	WASHINGTON HDGT	K-6
	3	ZUNDELOWITZ	7-8
WILBARGER COUNTY			
	3	HARROLD ISD	K-12
	3	NORTHSIDE ISD	K-12
	2	VERNON ISD	K-12
WILLACY COUNTY			
	3	LASARA ISD	K-8
	1	LYFORD ISD	K-12
	1	MYRA GREEN	6-8
	1	PITTMAN	PK-2
	1	PITTMAN	3-5
	1	RAYMONDVILLE	9-12
	3	SAN PERLITA ISD	K-12
	1	SMITH	PK-5
WILLIAMSON COUNTY			
	3	BERKMAN	K-8
	3	COUPLAND ISD	K-8
	2	GEORGETOWN ISD	PK-12
	3	GRANGER ISD	K-12
	3	HUTTO ISD	K-12
	3	JARRELL ISD	K-12
	3	NORTHSIDE	K-2
	3	S S CYRIL AND METHODIUS	1-8
	1	TAYLOR	5-8
	1	TEXAS BAPTIST CHILDRENS HOME	
	3	THRALL ISD	K-12
	3	TWELFTH STREET	3-4
	3	WEST END	K-2
	3	ZION LUTHERAN	K-8
WILSON COUNTY			
	1	FLORESVILLE ISD	K-12
	1	POTH ISD	K-12
	3	SACRED HEART	K-8
	1	STOCKDALE ISD	K-12
WINKLER COUNTY			
	3	KERMIT	K-8
	3	KERMIT	3-5
WISE COUNTY			
	3	ALVORD ISD	K-12
WOOD COUNTY			
	2	MINEOLA ISD	K-12
YOAKUM COUNTY			
	1	PLAINS ISD	K-12
ZAPATA COUNTY			
	3	BENAVIDES	PK-5
	3	ZAPATA	K-8
	1	ZAPATA	5-8
	1	ZAPATA	PK-2
ZAVALA COUNTY			
	1	CRYSTAL CITY ISD	PK-12
	1	LA PRYOR ISD	K-12

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
BOX ELDER			
	2	CENTRAL	EL
	2	HOWELL	EL
CACHE			
	2	ALTERNATIVE	HS
	2	EDITH BOWEN	EL
	2	WOODRUFF	EL
CARBON			
	2	ANN SELF	HS
	2	EAST CARBON	HS
	2	PETERSON	EL
	2	PRICE	EL
	2	REEVES	EL
DAVIS			
	2	HILLFIELD	EL
	2	PIONEER	EL
	2	STOKER	EL
DUCHESNE			
	2	CON AMORE	EL
	2	MYTON	EL
GRAND			
	2	KNIGHT	EL
IRON			
	2	ESCALANTE VALLEY	EL
JUAB			
	2	EUREKA	EL
	2	WEST DESERT	EL
PRIVATE SCHOOLS			
	1	GUADALUPE EARLY LEARNING CNTR	EL
	1	MARMALADE HILLS	EL
SALT LAKE			
	2	ARCADIA	EL
	2	ARLINGTON	EL
	2	BACKMAN	EL
	2	BEACON HEIGHTS	EL
	2	BENNION	EL
	2	BROCKBANK	JHS
	2	BRYANT	7-8
	2	CENTRAL	JHS
	2	COPPERVIEW	EL
	2	DILWORTH	EL
SALT LAKE (CONTINUED)			
	2	EDISON	EL
	2	EDWARD	EL
	2	EMERSON	EL
	2	FARNSWORTH	EL
	2	FRANKLIN	EL
	2	FREMONT	EL
	2	GLENDALE	EL
	2	GOURLEY	EL
	2	HAWTHORNE	EL
	2	HILL VIEW	EL
	2	HILLSDALE	EL
	1	JACKSON	EL
	2	JORDAN	7-8
	2	KEARNS	EL
	2	LAKE RIDGE	EL
	2	LIBERTY	EL
	1	LINCOLN	EL
	2	LINCOLN	EL
	2	LOWELL	EL
	2	MADISON	EL
	2	MAGNA	EL
	2	MEADOWLARK	EL
	2	MIDVALE	EL
	2	MIDVALE	MDL
	2	MILL CREEK	EL
	2	MONROE	EL
	2	MUSS	EL
	2	MOUNTAIN VIEW	EL
	2	NEWMAN	EL
	2	NIBLEY	EL
	2	NORTHWEST	7-8
	2	OAKRIDGE	EL
	2	PARKVIEW	EL
	2	PENN	EL
	2	PIONEER	EL
	2	REDWOOD	EL
	2	RILEY	EL
	2	ROOSEVELT	EL
	2	ROSE PARK	EL
	2	ROSECREST	EL
	2	S KEARNS	EL
	1	SALT LAKE ALTERNATIVE	HS
	1	SALT LAKE COMMUNITY	HS
	2	SANDBURG	EL
	2	SOUTH	HS
	2	STANSBURY	EL
	2	TAYLORSVILLE	EL

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LOCATIONS	CODE *	SCHOOL NAME	
SALT LAKE (CONTINUED)	2	WASHINGTON	EL
	2	WEBSTER	EL
	2	WEST JORDAN	MDL
	2	WEST KEARNS	EL
	2	WEST LAKE	JHS
	2	WESTERN HILLS	EL
	2	WHITTIER	EL
	2	WHITTIER	EL
	2	WILSON	EL
SAN JUAN			
	2	BLANDING	EL
	1	BLUFF	EL
	2	LA SAL	EL
	2	LYMAN	EL
	1	MEXICAN HAT	EL
	1	MONTEZUMA CREEK	EL
	2	MONTICELLO	EL
	2	MONTICELLO	HS
	2	SAN JUAN	HS
	1	WHITEHORSE	HS
SANPETE			
	2	FOUNTAIN GREEN	EL
	2	MANTI	EL
	2	MT PLEASANT	EL
	2	SPRING CITY	EL
SEVIER			
	2	ASHMAN	EL
	2	RICHFIELD	JHS
STATE INSTITUTIONS			
	1	STATE PRISON	HS
	1	YOUTH DEVELOPMENT CENTER	J-SHS
TOOELE			
	2	HARRIS	EL
	2	OQUIRRH HILLS	EL
UTAH			
	2	ALTERNATIVE	HS
	2	BROOKSIDE	EL
	2	CEDAR VALLEY	EL
	2	CENTRAL	EL
	2	DIXON	JHS
	2	FORRES	EL
	2	FRANKLIN	EL
	2	GENEVA	EL
	2	GOSHEN	EL
	2	GREENWOOD	EL
	2	JOAQUIN	EL
	2	MAESER	EL
UTAH (CONTINUED)	2	PAYSON	MDL
	2	PROVOST	EL
	2	SHARON	EL
	2	SUNSET	EL
	2	TIMPANOGOS	EL
	2	WASATCH	EL
	2	WESTMORE	EL
	2	WESTSIDE	EL
	2	WILSON	EL
WASHINGTON			
	2	WASHINGTON	JHS
WEBER			
	2	BEN LOMOND	EL
	2	BONNEVILLE	EL
	2	BIRCH CREEK	EL
	2	CENTRAL	EL
	2	CLUB HEIGHTS	EL
	1	DEE	EL
	2	EDISON	EL
	2	GRAMERCY	EL
	1	JEFFERSON	EL
	2	LAKEVIEW	EL
	2	LEWIS	EL
	2	LINCOLN	EL
	2	LYNN	EL
	2	MOUND FORT	JHS
	2	MOUNT OGDEN	JHS
	2	MOUNTAIN VIEW	EL
	2	OGDEN	HS
	2	POLK	EL
	2	SMITH	EL
	2	WASATCH	EL
	2	WASHINGTON TERRACE	EL
	2	WEBER BASIN JOB CORP	1-SHS

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LOCATIONS	CODE *	SCHOOL NAME	
ADDISON			
	3	BRISTOL KINDERGARTEN	K
	3	CENTRAL SCHOOL	1-6
	1	FERRISBURG CENTRAL SCHOOL	1-6
	1	GRANVILLE VILLAGE SCH	1-6
	1	HANCOCK VILLAGE SCH	1-6
	1	KINGSLAND BAY	HS
	1	LEICESTER CENTRAL SCH	1-6
	1	LINCOLN COMMUNITY SCH	1-6
	3	MIDDLE SCHOOL	4-6
	3	MOUNTAIN STREET	1-4
	1	MIPTON HOLLOW SCH	1-3
	2	ROBINSON SCH	1-6
	2	VERGENNES ELEM SCH	1-6
	1	WHITING VILLAGE SCH	1-6
BENNINGTON			
	3	BEECH STREET	K-2
	1	BENNINGTON ELEM	K-6
	1	CATAMOUNT	PK-6
	1	DORSET ELEM	K-6
	1	MOLLY STARK	PK-3
	1	PHOENIX, INC.	J-SHS
	3	READSBORO ELEM	K-6
	1	RUPERT VILLAGE	1-6
	1	WEST RUPERT	3-6
CALEDONIA			
	1	ADAMS	K-3
	1	BARNET VILLAGE	EL
	3	BURKE HOLLOW	4-6
	1	HARDWICK ELEM	1-6
	3	HAZEN UHS #26	J-SHS
	1	LINCOLN STREET	PK-2
	1	MILLERS RUN SCHOOL, USD #37	K-8
	1	NEWARK ELEM	1-6
	1	NORTH DANVILLE	EL
	1	NOYESVILLE	1-2
	1	PASSUMPSIC	EL
	1	PORTLAND STREET	3-6
	1	ST JOHNSBURY CENTER	1-4
	3	SUMMER STREET	3-6
	3	SUTTON VILLAGE SCH	PK-6
	1	WALDEN SOUTH	3-4
	1	WALDEN STA®	5-6
	1	WATERFORD ELEM	K-6
	3	WEST BURKE VILLAGE	K-3
CHITTENDEN			
	1	BARNES	K-6
	1	CHAMPLAIN	K-6
CHITTENDEN (CONTINUED)	1	FLYNN	K-6
	1	J F KENNEDY	5-8
	1	ROCK POINT	J-SHS
	1	SMILIE SCHOOL	K-4
	1	ST JOSEPH'S CHILD CTR	EL
	1	ST JOSEPH'S ELEM	K-6
	1	THAYER	K-6
	1	WHEELER	K-3
	1	WINOOSKI HS	7-12
	1	WINOOSKI MEMORIAL	K-4
ESSEX			
	1	BRIGHTON ELEM	K-6
	3	CANAAN HS	7-12
	3	CANAAN MEMORIAL	K-6
	1	EAST HAVEN RIVER SCH	1-6
	1	GILMAN MIDDLE	5-8
	1	GUILDHALL ELEM	2-3
	1	LUNENBURG VILLAGE	K-4
	1	NORTON VILLAGE	1-6
FRANKLIN			
	1	BAKERSFIELD COMMON	K-3
	1	BAKERSFIELD MIDDLE	4-6
	3	BARKSHIRE ELEM	K-6
	1	EAST FAIRFIELD	1-2
	1	FAIRFIELD CENTER	3-6
	3	FLETCHER ELEM	1-6
	1	FRANKLIN CENTRAL SCH	1-6
	1	HIGHGATE CENTRAL SCH	4-6
	1	HIGHGATE ELEM SCH	1-3
	1	RICHFORD ELEM	K-6
	1	RICHFORD HS	J-SHS
	1	SHELDON ELEM	1-6
	3	ST ALBANS CENTRAL	5-8
	1	ST ALBANS CITY ELEM	K-3
	3	ST ALBANS ELEM	1-4
	1	SWANTON CENTRAL SCH	5-6
	1	SWANTON ELEM	1-4
GRAND ISLE			
	1	ALBURG COMMUNITY ED CTR	K-6
	1	ISLE LAMOTTE ELEM	1-6
LAMOILLE			
	1	BELVIDERE CENTRAL SCH	1-6
	1	BOULDER LODGE	EL
	3	CAMBRIDGE ELEM	1-6
	1	EDEN CENTRAL	1-6
	1	LARAWAY SCHOOL	J-SHS
	1	WOLCOTT ELEM	1-6

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VERMONT

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ORANGE	1	BLUE MOUNTAIN USD #21	K-12
	3	BRADFORD ELEM	K-6
	3	BRAINTREE-RANDOLPH UHS	J-SHS
	1	BROOKFIELD ELEM	1-6
	3	CHELSEA EL, HS	1-12
	3	EAST RANDOLPH	K-6
	1	NEWBURY ELEM	K-6
	1	ORANGE CENTER	K-6
	3	RANDOLPH CENTER	1-6
	3	RANDOLPH VILLAGE	K-6
	1	TUNBRIDGE CENTRAL	1-6
	1	USD #36	K-8
	1	VERSHIRE VILLAGE SCH	1-6
	1	WASHINGTON VILLAGE	K-6
	1	WEST FAIRLEE VILLAGE	1-6
	1	WILLIAMSTOWN ELEM	K-6
	1	WILLIAMSTOWN HS	J-SHS
ORLEANS	3	ALBANY HILLTOP SCH	1-4
	3	ALBANY VILLAGE	K&5-6
	1	BARTON GRADED	K-6
	1	BROWNINGTON CENTRAL	1-6
	1	CHARLESTON ELEM	K-6
	1	COVENTRY VILLAGE	1-6
	1	E TAYLOR HATTON	K-6
	3	GLOVER VILLAGE	EL
	1	GREENSBORO ELEM	1-6
	1	HILLSIDE	K-6
	1	HOLLAND ELEM	K-6
	1	IRASBURG VILLAGE SCH	1-6
	1	JAY VILLAGE SCH	K-6
	1	LAKEVIEW	K-6
	1	LOWELL VILLAGE SCH	1-6
	3	NEWPORT CENTER SCH	EL
	3	NORTH COUNTRY UHS	J-SHS
	1	TROY ELEM	K-6
	1	WESTFIELD GRADED	1-6
RUTLAND	1	BENSON VILLAGE SCH	K-6
	1	CURRIER MEMORIAL SCH, USD #23	1-6
	3	DANA	K-6
	1	ECKERD WILDERNESS SYSTEM	J-SHS
	1	FAIR HAVEN GRADED	K-6
	3	LINCOLN	K-6
	3	MIDDLETOWN SPRINGS VILLAGE	1-6
	1	NORTHWEST	K-6
	1	PARK STREET	K-3
RUTLAND (CONTINUED)	1	SOUTHEAST	1-6
	1	TINMOUTH CENTER SCH	1-6
	1	WEST HAVEN EL	EL
WASHINGTON	1	BROOK STREET	K-6
	1	CABOT ELEM	K-6
	3	DUXBURY CORNER, USD #13	K-4
	3	HARWOOD UHS	J-SHS
	1	MATHEWSON	K-6
	1	NORTH BARRE	K-6
	3	ROXBURY VILLAGE SCH	1-6
	1	RUNNEY SCHOOL	K-6
	3	SPAULDING GRADED	MID
	1	TWINFIELD USD #33	K-12
	1	UNION	K-6
	1	WARD FIVE	K-6
	3	WARREN ELEM	K-6
	1	WOODBURY VILLAGE SCH	1-6
WINDHAM	1	ATHENS NORTH SCH	1-6
	1	CANAL STREET	K-3
	1	ESTEYVILLE	K-3
	1	JAMAICA VILLAGE SCH	1-6
	1	KURN HATTIN HOMES	1-12
	1	OAK GROVE	K-6
	3	PUTNEY CENTRAL SCH	K-6
	3	TOWNSHEND VILLAGE SCH	K-6
	1	UHSD #27	J-SHS
	1	WALNUT STREET	5-6
	3	WARDSBORO CENTRAL SCH	1-6
WINDSOR	1	BARNARD CENTRAL	1-6
		CAVENDISH TOWN	
	1	PARK STREET SCH	K-6
	1	ROCHESTER EL, HS	K-12
	1	SHARON ELEM	1-6
	3	UNION	K-3
	1	WHITE RIVER JCT ELEM	1-6

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ACCOMACK			
	1	ACCOMAC	EL
	1	ARCADIA	HS
	1	BELLE HAVEN	EL
	1	BLOXOM	EL
	1	CENTRAL	HS
	2	CHINCOTEAGUE	K-6
	1	MARY N SMITH	MDL
	1	NORTH ACCOMACK	EL
	1	ONANCOCK	HS
	1	PARKSLEY	MDL
	1	SOUTH ACCOMACK	EL
	1	TANGIER	K-12
ALBEMARLE			
	1	GREENWOOD	EL
	1	RED HILL	EL
	2	ROSE HILL	EL
	1	WALTON	MDL
ALEXANDRIA			
	2	HAMMOND	MDL
	2	HENRY/POLK	EL
	2	KELLY-ADAMS	EL
	2	L CROUCH/MAURY	EL
ALLEGHANY			
	1	BOILING SPRING	EL
AMELIA			
	1	AMELIA CO ELEMENTARY	EL
	1	AMELIA CO HIGH	HS
	1	AMELIA CO MIDDLE	MDL
AMHERST			
	1	CENTRAL	EL
APPOMATTOX			
	2	APPOMATTOX	MDL
	2	PAMPLIN	EL
ARLINGTON			
	2	CLAREMONT	EL
	1	GLENCARLYN	EL
	1	HENRY	EL
	2	KENMORE	MDL
AUGUSTA			
	1	CRAIGSVILLE	EL
BATH			
	1	MILLBORO	EL
	1	VALLEY	EL
BEDFORD			
	2	BIG ISLAND	EL
	2	BODY CAMP	EL
	2	OTTER RIVER	EL
BEDFORD (CONTINUED)	2	THAXTON	EL
BLAND			
	1	BLAND CORRECTIONAL CENTER	
	2	CERES	EL
	1	HOLLYBROOK	EL
BOTETOURT			
	2	BUCHANAN	EL
	1	EAGLE ROCK	EL
BRISTOL			
	1	DOUGLASS	EL
	2	STONEWALL JACKSON	EL
	1	THOMAS JEFFERSON	EL
BRUNSWICK			
	1	BRUNSWICK JR HIGH	HS
	1	BRUNSWICK SR HIGH	HS
	1	MEHERRIN-HOWELLTON	EL
	1	RED OAK	EL
	1	SOUTH BRUNSWICK	EL
	1	STURGEON	EL
	1	TOTARO	EL
BUCHANAN			
	1	BIG ROCK	EL
	1	COUNCIL ELEMENTARY	EL
	1	COUNCIL HIGH	HS
	1	D A JUSTUS	EL
	1	GARDEN ELEMENTARY	EL
	2	GARDEN HIGH	HS
	1	GRUNDY JR	JHS
	2	GRUNDY SR	HS
	1	HARMAN	EL
	1	HURLEY	HS
	1	J M BEVINS	EL
	1	P V DENNIS	EL
	1	RUSSELL PRATER	EL
	1	STREET	EL
	1	VANSANT	EL
	1	WHITEWOOD ELEMENTARY	EL
	1	WHITEWOOD HIGH	HS
BUCKINGHAM			
	1	ARVONIA PRIMARY	K-3
	1	BUCKINGHAM JR	JHS
	1	BUCKINGHAM PRIMARY	K-6
	2	DILLWYN ELEMENTARY	EL
	1	DILLWYN PRIMARY	K-3
	1	GOLD HILL	EL
CAMPBELL			
	1	GLADYS SCHOOL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
CAMPBELL (CONTINUED)	1	WILLIAM CAMPBELL	HS
CAROLINE			
	1	BOWLING GREEN ELEMENTARY	EL
	1	BOWLING GREEN PRIMARY	K-2
	1	CAROLINE	MDL
	1	LADYSMITH ELEMENTARY	EL
	1	LADYSMITH PRIMARY	K-2
CARROLL			
	2	GLADESBORO	EL
	1	LAMBSBURG	EL
	2	LAUREL	EL
	1	MT BETHEL	EL
	2	VAUGHAN	EL
CHARLES CITY			
	1	CHARLES CITY ELEMENTARY	EL
	1	CHARLES CITY HIGH	HS
	1	CHARLES CITY MIDDLE	MDL
	1	CHARLES CITY PRIMARY	K-1
CHARLOTTE			
	1	BACON	EL
	1	CENTRAL ELEMENTARY	EL
	1	CENTRAL MIDDLE	MDL
	1	DRAKES	EL
	1	J M JEFFRESS	EL
	1	KEYSVILLE	EL
	1	PHENIX	EL
	2	RANDOLPH-HENRY SR	HS
CHARLOTTESVILLE			
	2	BUFORD	MDL
	2	BURNLEY-MORAN	EL
	1	CLARK	EL
	1	JOHNSON	EL
CHESAPEAKE			
	1	CAMELOT	EL
	1	CARVER	EL
	2	CRESTWOOD JR	JHS
	2	DEEP CREEK JR	JHS
	2	INDIAN RIVER JR	JHS
	2	OSCAR SMITH HIGH	HS
	1	PARK	EL
	2	PORTLOCK	EL
	1	RENA B WRIGHT	EL
	2	SOUTHWESTERN	EL
	1	ST BRIDES CORRECTIONAL CTR	
	2	TPEAKLE	EL
	1	TRUITT JR	JHS
CHESTERFIELD			
CHESTERFIELD (CONTINUED)	1	BEAUMONT LEARNING CENTER	
	1	BENSLEY	EL
	1	BON AIR LEARNING CENTER	
	1	ETTRICK	EL
	1	HARROWGATE	EL
	2	MATOACA	EL
	1	MATOACA MIDDLE	MDL
	1	RECEPTION AND DIAGNOSTIC CTR	
CLARKE			
	1	BERRYVILLE PRIMARY	K-2
	1	BOYCE ELEMENTARY	EL
COVINGTON			
	1	JETER-WATSON	EL
	2	RIVERMONT	EL
CULPEPER			
	2	A G RICHARDSON	EL
	2	CULPEPER JR	JHS
	2	PEARL SAMPLE	EL
CUMBERLAND			
	1	CUMBERLAND ELEMENTARY	EL
	1	CUMBERLAND HIGH	HS
DANVILLE			
	1	BELLEVUE	EL
	2	E A GIBSON	EL
	2	FOREST HILLS	EL
	2	I M TAYLOR	K-7
	2	J M LANGSTON	MDL
	1	SCHOOLFIELD	EL
DICKENSON			
	1	CLINCHCO	EL
	1	CLINTWOOD ELEMENTARY	EL
	1	CLINTWOOD HIGH	HS
	1	ERVINTON ELEMENTARY	EL
	1	ERVINTON HIGH	HS
	2	HAYSI	EL
	1	LONGS FORK	EL
	1	SANDLICK	EL
DINWIDDIE			
	1	DINWIDDIE ELEMENTARY	EL
	1	DINWIDDIE JR	JHS
	2	DINWIDDIE SR	HS
	1	EASTSIDE	EL
	1	MCKENNEY	EL
	1	MIDWAY	EL
	1	NORTHSIDE	EL
	2	ROHOIC	EL
	1	SOUTHSIDE	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
DINWIDDIE (CONTINUED)	1	SUNNYSIDE	EL
ESSEX	2	TAPPAHANNOCK	EL
FAIRFAX	2	BAILEY'S	EL
	1	CHENEY	EL
	1	GRAHAM ROAD	EL
	1	GROVETON	EL
	2	MARKHAM	EL
	1	MOUNT EAGLE	EL
FAUQUIER	2	MARSHALL	JHS
FLUVANNA	1	CENTRAL	EL
	1	COLUMBIA	EL
	1	CUNNINGHAM	EL
	1	FLUVANNA	HS
	1	FORK UNION	EL
	1	PALMYRA	EL
FRANKLIN	1	CONTINUING EDUCATION CTR	
	1	FRANKLIN	K-1
	1	FRANKLIN HIGH	HS
	1	HAYDEN MIDDLE	MDL
	1	S P MORTON	EL
FREDERICK	1	GORE	EL
FREDERICKSBURG	2	WALKER-GRANT	MDL
GILES	1	EGGLESTON	EL
	2	PEMBROKE	EL
GOOCHLAND	1	BYRD PRIMARY	K-4
	1	CARDWELL/RANDOLPH	EL
	1	GOOCHLAND ELEMENTARY	EL
	1	GOOCHLAND HIGH	HS
	1	GOOCHLAND JR HIGH	JHS
	1	KANAWHA ELEMENTARY	EL
	1	VA CORRECTIONAL CTR FOR WOMEN	
GRAYSON	1	BAYWOOD	K-8
	1	BRIDLE CREEK	EL
	1	FLAT RIDGE	EL
	1	FRIES COOPERATIVE SCHOOL	
	1	INDEPENDENCE	EL
	1	MT ROGERS	K-12
GRAYSON (CONTINUED)	1	PROVIDENCE	EL
GREENE	1	WILLIAM MONROE ELEMENTARY	EL
	1	WILLIAM MONROE HIGH	HS
GREENSVILLE	1	BELFIELD	EL
	1	EMPORIA	[illegible]
	1	GREENSVILLE CO HIGH	HS
	1	GREENSVILLE CO JR	JHS
	1	HICKSFORD	EL
	1	ZION	EL
HALIFAX	1	CLAYS MILL	EL
	1	CLOVER	EL
	1	CLUSTER SPRINGS	[illegible]
	1	HALIFAX CO ELEMENTARY	EL
	1	HALIFAX CO JR	JHS
	1	HALIFAX CO SR	HS
	1	MEADVILLE	EL
	1	SCOTTSBURG	[illegible]
	1	SINAI	EL
	1	SOUTH BOSTON	EL
	1	SYDNOR JENNINGS	EL
	1	TURBEVILLE	EL
	1	VIRGILINA	EL
	1	VOLENS	EL
	1	WILSON MEMORIAL	HS
HAMPTON	1	COOPER	EL
	1	MOTON	EL
	2	PEMBROKE	HS
	1	VO-PREP	JHS
HANOVER	1	BARRETT LEARNING CENTER	
	1	BETHANY	EL
	1	HANOVER LEARNING CENTER	
	1	MONTPELIER	K-7
HARRISONBURG	1	HARRISONBURG CORRECTIONAL UNIT	
	1	WATERMAN	[illegible]
HENRICO	2	ADAMS	EL
	1	BAKER	EL
	1	LABURNUM	EL
	2	PATCLIFFE	EL
HENRY	2	AXTON	EL

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LOCATIONS CODE * SCHOOL NAME LOCATIONS CODE * SCHOOL NAMES

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LOCATIONS	CODE *	SCHOOL NAME	
HENRY (CONTINUED)	2	CAMPBELL COURT	EL
	1	IRISBURG	EL
	1	MARY HUNTER	EL
	1	SO MARTINSVILLE	EL
ISLE OF WIGHT			
	1	HARDY	EL
	1	SMITHFIELD ELEMENTARY	EL
	1	SMITHFIELD HIGH	HS
	2	WINDSOR ELEMENTARY	EL
	1	WINDSOR HIGH	HS
KING & QUEEN			
	1	CENTRAL	HS
	1	KING AND QUEEN	EL
	1	LAWSON-MARRIOTT	EL
KING WILLIAM			
	1	HAMILTON-HOLMES	EL
	1	KING WILLIAM	HS
LANCASTER			
	1	LANCASTER HIGH	HS
	1	LANCASTER INTERMEDIATE	MDL
	1	LANCASTER PRIMARY	K-3
LEE			
	1	DRYDEN	K-12
	1	ELK KNOB	EL
	1	ELYDALE	EL
	1	EWING	EL
	1	FLATWOODS	K-12
	1	JONESVILLE ELEMENTARY	EL
	2	JONESVILLE HIGH	HS
	1	KEOKEE	K-12
	1	PENNINGTON ELEMENTARY	EL
	1	PENNINGTON HIGH	HS
	1	ROSE HILL	EL
	1	ST CHARLES	EL
	1	STICKLEYVILLE	EL
	1	THOMAS WALKER	HS
LOUISA			
	1	APPLE GROVE-SHELFAR	EL
	1	GREEN SPRINGS-DESPOT	EL
	1	LOUISA ELEMENTARY	EL
	1	LOUISA HIGH	HS
	1	LOUISA INTERMEDIATE	MDL
	1	LOUISA JR	JHS
	1	MINERAL-MT GARLAND	EL
LUNENBURG			
	1	CENTRAL SR	HS
	1	KENBRIDGE ELEMENTARY	EL
LUNENBURG (CONTINUED)	1	KENBRIDGE PRIMARY	K-3
	1	LUNENBURG JR	JHS
	1	LUNENBURG PRIMARY	K-3
	1	VICTORIA ELEMENTARY	EL
	1	WEST END	EL
LYNCHBURG			
	1	BASS/HUTCHERSON	EL
	1	PAYNE	EL
	2	T C MILLER	EL
MADISON			
	1	CRIGLERSVILLE	EL
	1	MADISON ELEMENTARY	EL
MARTINSVILLE			
	2	CLEARVIEW	EL
	2	JOSEPH MARTIN	EL
	2	PATRICK HENRY	EL
MECKLENBURG			
	1	BLUESTONE HIGH	HS
	1	BLUESTONE MIDDLE	MDL
	1	BOYDTON ELEMENTARY	EL
	1	BUCKHORN	EL
	1	CHASE CITY	EL
	1	CLARKSVILLE	EL
	1	LACROSSE	EL
	1	MECKLENBURG CORRECTIONAL CTR	SPEC
	1	PARK VIEW HIGH	HS
	1	PARK VIEW MIDDLE	MDL
	1	SOUTH HILL	EL
MIDDLESEX			
	1	MIDDLESEX ELEMENTARY	EL
	2	MIDDLESEX HIGH	HS
NELSON			
	1	FLEETWOOD	EL
	1	LOVINGSTON	EL
	2	NELSON CO HIGH	HS
	1	NELSON CO JR	JHS
	2	ROCKFISH	EL
	1	RYAN	EL
	1	SCHUYLER	EL
NEWPORT NEWS			
	1	BRIARFIELD	EL
	1	CARVER	K-7
	1	DEER PARK	EL
	2	EPES	EL
	1	ERWIN	EL
	1	HIDENWOOD	EL
	1	JENKINS	EL

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NEWPORT NEWS (CONTINUED)	1	LEE	EL
	1	MAGRUDER	EL
	1	MARSHALL	EL
	1	NEWSOME PARK	EL
	1	RIVERSIDE	EL
	1	WASHINGTON	EL
NORFOLK			
	1	AZALEA JR	JHS
	1	BAY VIEW	EL
	1	BLAIR JR	JHS
	1	BOWLING PARK	EL
	1	CALCOTT	EL
	1	CAMP ALLEN	EL
	1	CAMPOSTELLA JR	JHS
	1	CHESTERFIELD	EL
	1	COLEMAN PLACE	EL
	1	CROSSROADS	EL
	1	DIGGS PARK	EL
	1	EAST OCEAN VIEW	K-3
	1	ELTON	EL
	1	GHENT	EL
	1	GRANBY ELEMENTARY	EL
	1	GRANBY HIGH	HS
	1	INGLESIDE	EL
	1	JACOX	JHS
	1	LAKE TAYLOR JR	JHS
	1	LAKE TAYLOR SR	HS
	1	LAKEWOOD	
	1	LANSDALE	EL
	1	LARCHMONT	EL
	1	LARRYMORE	EL
	1	LINDENWOOD	EL
	1	LITTLE CREEK ELEM	EL
	1	LITTLE CREEK PRIMARY	K-3
	1	MAURY	HS
	1	MEADOWBROOK	EL
	1	MONROE	EL
	1	NORTHSIDE JR	JHS
	1	NORVIEW ELEMENTARY	EL
	1	NORVIEW JR	JHS
	1	OAKWOOD	EL
	2	OCEAN VIEW	EL
	1	OCEANAIR	EL
	1	ROBERTS PARK	EL
	1	ROSEMONT JR	JHS
	1	RUFFNER JR	JHS
	1	SEWELLS POINT	EL
NORFOLK (CONTINUED)	1	SHERWOOD FOREST	EL
	1	ST HELENA	EL
	1	STUART	EL
	1	SUBURBAN PARK	EL
	1	TARRALLTON	EL
	1	TIDEWATER PARK	EL
	1	TUCKER	EL
	1	WASHINGTON HIGH	HS
	1	WILLARD	EL
	1	WILLOUGHBY	EL
	1	YOUNG PARK	EL
NORTHAMPTON			
	1	CAPEVILLE	EL
	1	CHERITON PRIMARY	K-3
	1	EXMORE-WILLIS WHARF	EL
	1	HARE VALLEY PRIMARY	K-3
	1	MACHIPONGO	EL
	1	NORTHAMPTON HIGH	HS
	1	NORTHAMPTON MIDDLE	MDL
NORTHUMBERLAND			
	1	CALLAO	EL
	1	FAIRFIELDS	EL
	1	LOTTSBURG PRIMARY	K-3
	1	NORTHUMBERLAND HIGH	HS
	1	NORTHUMBERLAND JR	JHS
	1	REEDVILLE PRIMARY	K-3
NORTON			
	2	NORTON ELEMENTARY	EL
NOTTOWAY			
	1	BLACKSTONE INT	7-9
	1	BLACKSTONE JR	JHS
	1	BLACKSTONE PRIMARY	K-4
	1	BURKEVILLE INT	5-6
	1	CREWE JR	JHS
	1	CREWE PRIMARY	K-6
	1	NOTTOWAY SR	HS
ORANGE			
	2	GORDON-BARBOUR	EL
	2	LIGHTFOOT	EL
	2	ORANGE	EL
	2	PROSPECT HEIGHTS	MDL
	1	UNIONVILLE	EL
PAGE			
	2	GROVE HILL	EL
	2	SPRINGFIELD	EL
	2	STANLEY	EL
PATRICK			

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VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
PATRICK (CONTINUED)	2	BLUE RIDGE	EL
	1	HARDIN REYNOLDS	EL
PETERSBURG	1	A P HILL	EL
	1	ANDERSON	EL
	1	BLANDFORD	EL
	1	J E B STUART	EL
	1	PEABODY JR	JHS
	1	PETERSBURG	HS
	1	R E LEE	EL
	1	VIRGINIA AVENUE	EL
	1	WALNUT HILL	EL
	1	WESTVIEW	EL
PITTSYLVANIA	1	BLAIRS JR	JHS
	1	CALLANDS	EL
	1	CENTRAL ELEMENTARY	EL
	1	CHATHAM	EL
	1	GRETNA PRIMARY	4-7
	1	KENTUCK	K-3
	1	MT AIRY	EL
	1	PENAN	EL
	1	UNION HALL	EL
PORTSMOUTH	1	ALT J MAPP	EL
	1	BRIGHTON	EL
	1	CHURCHLAND ACADEMY	EL
	2	CHURCHLAND ELEMENTARY	EL
	2	CHURCHLAND JR	JHS
	1	CHURCHLAND PRIMARY	K-1
	1	CLARKE VOC ED CTR	
	1	CRADOCK	HS
	1	DOUGLASS PARK	EL
	1	HARRY HUNT	EL
	1	HIGHLAND SILTMORE	EL
	1	HODGES MANOR	EL
	2	I C NORCOM	HS
	1	JAMES HURST	EL
	1	JOHN TYLER	EL
	1	LAKEVIEW	EL
	2	MANOR	HS
	1	OLIVE BRANCH	EL
	1	PARK VIEW	EL
	1	PORT NORFOLK	EL
	1	SHEA TERRACE	EL
	1	SIMONSDALE	EL
	1	WESTHAVEN	EL
PORTSMOUTH (CONTINUED)	1	WILLIAM E WATERS	EL
	1	WOODROW WILSON	[illegible]
POWHATAN	1	JAMES RIVER CORRECTIONAL CTR	
	1	POWHATAN CORRECTIONAL CTR	
PRINCE EDWARD	1	PRINCE EDWARD ELEMENTARY	[illegible]
	1	PRINCE EDWARD HIGH	[illegible]
PULASKI	2	HIWASSEE	[illegible]
	1	JEFFERSON	[illegible]
RICHMOND	1	ALBERT HILL	[illegible]
	1	ARMSTRONG	[illegible]
	1	BELLEMEADE/OAK GROVE	[illegible]
	1	BELLEVUE	[illegible]
	1	BINFORD	[illegible]
	1	BLACKWELL	[illegible]
	1	BROAD ROCK	[illegible]
	1	BUREAU OF CORRECTIONAL UNITS	[illegible]
	1	CARVER	[illegible]
	1	CHIMBORAZO	[illegible]
	1	CLARK SPRINGS	[illegible]
	1	EAST END	[illegible]
	1	ELKHARDT	[illegible]
	1	FAIRFIELD	[illegible]
	1	FISHER	[illegible]
	1	FRANCIS	[illegible]
	1	GINTER PARK/MARY SCOTT	[illegible]
	1	GRAVES	[illegible]
	1	GREENE	[illegible]
	1	HENDERSON	[illegible]
	1	HUGUENOT	[illegible]
	1	JEFFERSON	[illegible]
	1	KENNEDY	[illegible]
	1	MARSHALL	[illegible]
	1	MASON	[illegible]
	1	MAYMONT	[illegible]
	1	MOSBY	[illegible]
	1	MUNFORD	[illegible]
	1	NORRELL	[illegible]
	1	NORTHSIDE	[illegible]
	1	OVERBY/SHEPPARD	[illegible]
	1	PATRICK HENRY	[illegible]
	1	REID	[illegible]
	1	RICE	[illegible]
	1	ROBERT E LEE	[illegible]

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
RICHMOND (CONTINUED)	1	SOUTHAMPTON	EL
	1	STUART	EL
	1	SUMMER HILL/GRIFFIN ROAD	EL
	1	THOMPSON	MDL
	1	VIRGINIA STATE PENITENTIARY	
	1	WALKER	HS
	1	WESTOVER HILLS	EL
	1	WHITCOMB	EL
	1	WILLIAM FOX	EL
	1	WOODVILLE	EL
	1	WYTHE	HS
RICHMOND COUNTY	1	FARNHAM-JULIA G PAGE	EL
	1	RICHMOND COUNTY INT	6-9
	1	WARSAW PRIMARY	K-3
ROANOKE	1	HIGHLAND PARK	EL
	1	HURT PARK	EL
	2	LINCOLN TERRACE	EL
	1	ROANOKE OCCUPATIONAL SCHOOL	
	2	ROLAND E COOK	EL
ROCKBRIDGE	2	BROWNSBURG	MDL
	1	EFFINGER	EL
	2	GLASGOW	EL
	1	GOSHEN	EL
	1	MT VIEW	EL
	2	NATURAL BRIDGE	EL
	1	NATURAL BRIDGE LEARNING CTR	
ROCKINGHAM	1	BERGTON	EL
	2	FULKS RUN	EL
	2	MCGAHEYSVILLE	EL
RUSSELL	1	APPALACHIAN LEARNING CTR	
	2	CLEVELAND	EL
	2	OAK GROVE	EL
SCOTT	1	DUFFIELD	EL
	1	DUNGANNON	EL
	1	FAIRVIEW	EL
	1	FT BLACKMORE	EL
	1	HILTON	EL
	1	NICKELSVILLE	EL
	1	RYE COVE ELEMENTARY	EL
	2	RYE COVE HIGH	HS
	1	TWIN SPRINGS	HS
SMYTH	1	RICH VALLEY	EL
SOUTH BOSTON	1	C M BRIGHT	EL
	1	WASHINGTON-COLEMAN	EL
SOUTHAMPTON	1	BOYKINS	EL
	1	CAPRON	EL
	1	COURTLAND ELEMENTARY	EL
	1	COURTLAND PRIMARY	K-3
	1	DEERFIELD CORRECTIONAL CTR	
	1	IVOR	EL
	1	NEWSOMS	EL
	1	SOUTHAMPTON CORRECTIONAL CTR	
	1	SOUTHAMPTON JR	JHS
	1	SOUTHAMPTON SR	HS
SPOTSYLVANIA	1	BERKELEY	EL
	2	J J WRIGHT	K-8
	1	LEE-HILL	EL
	1	LIVINGSTON	EL
STAUNTON	1	STAUNTON CORRECTIONAL CENTER	
	2	WILLIS	EL
SUFFOLK	1	B T WASHINGTON	MDL
	1	DRIVER	MDL
	1	ELEPHANT'S FORK	EL
	1	FLORENCE BOWSER	EL
	2	FOREST GLEN	HS
	1	HOLLAND	EL
	1	J F KENNEDY	HS
	2	JOHN YEATES	HS
	1	KILBY SHORES	EL
	1	MT ZION	EL
	1	NANSEMOND PKWY	K-5
	1	OAKLAND	EL
	1	ROBERTSON	K-5
	1	SOUTHWESTERN	MDL
	2	SUFFOLK	HS
	1	THOMAS JEFFERSON	EL
SURRY	1	L P JACKSON	EL
	1	LEBANON	EL
	1	SURRY ELEMENTARY	EL
	1	SURRY HIGH	HS
SUSSEX	1	CENTRAL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
SUSSEX (CONTINUED)	1	CHAMBLISS	EL
	1	JACKSON	EL
	1	JEFFERSON	EL
	1	JONES	EL
	1	STONY CREEK JR	JHS
	1	SUSSEX CENTRAL HIGH	HS
	1	WAVERLY JR	JHS
TAZEWELL			
	1	ARRS VALLEY	EL
	2	BANDY	EL
	1	BISHOP	EL
	1	COVE	EL
	2	LOGAN	EL
	2	NORTH TAZEWELL	EL
	1	RAVEN	EL
	2	RICHLANDS ELEMENTARY	EL
	1	RICHLANDS MIDDLE	MDL
	1	RIVERMONT	EL
	2	TAZEWELL	JHS
TOWN OF CAPE CHARLES			
	1	CAPE CHARLES	K-12
VIRGINIA BEACH			
	2	NORTH LANDING	EL
	2	SEATACK	EL
	1	WHITE OAKS	EL
WASHINGTON			
	2	DAMASCUS	EL
	1	GREENDALE	EL
	1	HAMILTON	EL
	1	HAYTER'S GAP	EL
	1	LIBERTY HALL	EL
WAYNESBORO			
	1	SHENANDOAH HEIGHTS	EL
	1	WENONAH	EL
WESTMORELAND			
	1	A T JOHNSON	JHS
	1	COPLE PRIMARY	K-3
	1	MONTROSS	EL
	1	OAK GROVE	EL
	1	WASHINGTON & LEE	HS
	2	WASHINGTON DIST	EL
WINCHESTER			
	1	VIRGINIA AVENUE	EL
WISE			
	1	ADAMS	EL
	1	APPALACHIA	HS
	2	APPALACHIA ELEMENTARY	EL
WISE (CONTINUED)	1	CARNES MIDDLE	MDL
	1	COEBURN HIGH	HS
	1	COEBURN MIDDLE	MDL
	1	COEBURN PRIMARY	K-3
	2	POUND	HS
	2	POWELL VALLEY PRIMARY	K-3
	1	ST PAUL ELEMENTARY	EL
	1	ST PAUL HIGH	HS
	2	WISE MIDDLE	MDL
	2	WISE PRIMARY	K-3
WYTHE			
	1	MAX MEADOWS	EL
	1	SHERLEY	EL
YORK			
	1	BETHEL MANOR	EL
	1	MT VERNON	EL
	1	TABB	EL
	1	YORKTOWN	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ABERDEEN			
	1	A J WEST ELEMENTARY SCHOOL	0K-06
	1	ALEXANDER YOUNG ELEMENTARY	0K-06
	1	ROBERT GRAY ELEMENTARY SCH	0K-06
	1	STEVENS ELEMENTARY SCHOOL	0P-08
ANACORTES			
	1	ISLAND VIEW ELEM SCHOOL	0K-06
	3	WHITNEY ELEMENTARY SCHOOL	0K-03
ARLINGTON			
	1	ARLINGTON ELEMENTARY SCHOOL	0K-06
	2	ARLINGTON MIDDLE SCHOOL	06-08
ASOTIN-ANATONE			
	1	ASOTIN ELEMENTARY SCHOOL	0K-06
AUBURN			
	2	ALPAC ELEMENTARY SCHOOL	0K-06
	2	SOUTH AUBURN ELEMENTARY	0K-06
	1	TERMINAL PARK ELEMENTARY	0K-06
	2	WASHINGTON ELEMENTARY SCHOOL	0K-06
BATTLE GROUND			
	1	LARCH MT HONOR CAMP	01-12
	1	YACOLT ELEMENTARY SCHOOL	0K-08
BELFAIR			
	1	MISSION CREEK YOUTH CAMP	07-12
BELLINGHAM			
	1	CHUCKANUT SCHOOL	06-07
	1	COLUMBIA ELEMENTARY SCHOOL	0K-05
	2	HAPPY VALLEY ELEMENTARY SCH	0K-05
	3	MARIETTA ELEMENTARY SCHOOL	01-05
	2	PARKVIEW ELEMENTARY SCHOOL	0K-05
	1	SUNNYLAND ELEMENTARY SCHOOL	0K-05
BETHEL			
	2	BETHEL JUNIOR HIGH SCHOOL	07-09
	1	CHESTER H THOMPSON ELEM	0K-06
	2	CLOVER CREEK ELEM SCHOOL	01-03
	2	ELK PLAIN ELEM SCHOOL	0K-06
	1	EVERGREEN ELEM SCHOOL	0K-06
	1	SPANAWAY ELEMENTARY SCHOOL	0K-06
	2	SPANAWAY JUNIOR HIGH	07-09
BREMERTON			
	1	ARMIN G JAHR ELEMENTARY	01-06
	1	CROWN HILL ELEMENTARY SCHOOL	0K-06
	1	HADDON ELEMENTARY SCHOOL	0K-06
	1	MARION ELEMENTARY SCHOOL	0K-06
	1	NAVAL AVENUE ELEMENTARY SCH	0K-06
	1	NAVY YARD CITY ELEMENTARY	0K-06
	1	OLYMPIC VIEW ELEMENTARY SCH	02-06
BREWSTER			
	1	BREWSTER ELEMENTARY SCHOOL	0K-08
BRIDGEPORT			
	1	BRIDGEPORT ELEMENTARY SCH	0K-06
BURLINGTON EDISON			
	2	LUCILLE UMBARGER ELEM SCH	0K-06
	2	OLYMPIC ELEMENTARY SCHOOL	0K-06
	1	ROOSEVELT ELEMENTARY SCH	0K-06
	2	WEST VIEW ELEMENTARY SCH	0K-06
CAMAS			
	1	HELEN BALLER ELEM SCHOOL	0K-06
	2	JAMES D ZELLERBACH MIDDLE	05-08
CAPE FLATTERY			
	1	NEAH BAY ELEM AND HIGH	0K-12
CASHMERE			
	1	CASHMERE MIDDLE SCHOOL	05-08
	1	VALE ELEMENTARY SCHOOL	0K-06
CENTRAL KITSAP			
	1	CLEAR CREEK ELEMENTARY SCH	0K-06
	2	ESQUIRE HILLS ELEMENTARY SCH	0K-06
	1	JACKSON PARK ELEMENTARY	0K-06
CENTRAL VALLEY			
	1	BROADWAY ELEMENTARY SCHOOL	0K-06
	1	OPPORTUNITY ELEMENTARY SCH	0K-06
	1	PROGRESS ELEMENTARY SCHOOL	0K-06
CENTRALIA			
	1	JEFFERSON/LINCOLN ELEMENTARY	0K-03
	1	WASHINGTON ELEMENTARY SCH	04-05
CHENEY			
	3	GARDEN SPRINGS ELEMENTARY	01-02
	2	SALNAVE ELEMENTARY	0K-06
	1	SUNSET ELEMENTARY SCHOOL	0K-06
	2	WINDSOR ELEMENTARY SCHOOL	0K-06
CHIMACUM			
	1	NORDLAND S D A SCHOOL	0K-05
CLARKSTON			
	1	GRANTHAM ELEMENTARY SCHOOL	0K-06
	2	LINCOLN SCHOOL	05-08
	1	PARKWAY ELEMENTARY SCHOOL	0K-06
CLE ELUM-ROSLYN			
	1	CLE ELUM-ROSLYN ELEM SCHOOL	0K-06
CLOVER PARK			
	1	A I SCHOOL	03-12
	2	BEACHWOOD ELEMENTARY SCHOOL	0K-06
	1	CARTER LAKE ELEMENTARY SCH	0K-06
	1	CUSTER ELEMENTARY SCHOOL	0K-06
	1	GREENWOOD ELEMENTARY SCHOOL	0K-06
	1	HEARTWOOD ELEMENTARY SCHOOL	0K-06
	1	HILLSIDE ELEMENTARY SCHOOL	0K-06
	1	LAKE CITY ELEMENTARY SCHOOL	0K-06

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LOCATIONS	CODE *	SCHOOL NAME	
CLOVER PARK (CONTINUED)	1	LAKEVIEW ELEMENTARY SCHOOL	PK-06
	2	LOCHBURN JUNIOR HIGH	07-09
	1	OAKWOOD ELEMENTARY SCHOOL	PK-06
	1	PARKWAY ELEMENTARY SCHOOL	PK-06
	1	SOUTHGATE ELEMENTARY SCHOOL	PK-06
	1	TILLICUM ELEMENTARY SCHOOL	PK-06
	1	TYEE PARK ELEMENTARY SCHOOL	PK-06
	1	WOODBROOK JUNIOR HIGH SCHOOL	07-09
COLLEGE PLACE	1	DAVIS ELEMENTARY	PK-05
	1	SAGER SCHOOL	06-08
COLUMBIA	1	COLUMBIA ELEM & HIGH SCHOOL	PK-12
COLVILLE	2	ASTER ELEMENTARY SCHOOL	01-03
CONCRETE	1	CONCRETE ELEMENTARY SCHOOL	PK-06
	1	NEW VALLEY SCHOOL	PK-05
CRESCENT	3	CRESCENT ELEMENTARY SCHOOL	PK-06
CURLEW	1	CURLEW ELEM AND HIGH	PK-12
CUSICK	1	CUSICK ELEMENTARY SCHOOL	PK-05
	1	CUSICK HIGH SCHOOL	09-12
	1	CUSICK MIDDLE SCHOOL	06-08
DARRINGTON	1	DARRINGTON ELEMENTARY SCHOOL	PK-07
DAYTON	2	DAYTON ELEMENTARY SCHOOL	PK-08
DIXIE	3	DIXIE ELEMENTARY SCHOOL	PK-08
EAST VALLEY	2	EAST FARMS ELEMENTARY SCHOOL	PK-06
	2	EAST VALLEY JUNIOR HIGH	07-09
	2	TRENT ELEMENTARY SCHOOL	PK-06
	2	TRENTWOOD ELEMENTARY SCHOOL	PK-06
EASTON	1	EASTON ELEM & HIGH SCHOOL	PK-12
EDMONDS	1	CEDAR VALLEY ELEMENTARY SCH	PK-06
	2	COLLEGE PLACE ELEMENTARY SCH	PK-06
	2	EVERGREEN ELEMENTARY SCHOOL	PK-06
	1	KINGS TEMPLE CHRISTIAN SCH	PK-12
	2	MOUNTLAKE TERRACE ELEM SCH	PK-06
	2	MOUNTLAKE TERRACE JUNIOR HIGH	07-09
ELLENSBURG	2	MORGAN JUNIOR HIGH SCHOOL	06-08
(CONTINUED)	1	MT STUART ELEMENTARY SCHOOL	PK-05
	1	WASHINGTON ELEMENTARY SCHOOL	PK-05
ELMA	2	ELMA ELEMENTARY SCHOOL	PK-06
ENTIAT	3	ENTIAT HIGH SCHOOL	07-12
	1	MARL MUNBURG ELEMENTARY SCH	PK-06
EPHRATA	1	EPHRATA JUNIOR HIGH SCHOOL	06-08
EVALINE	3	EVALINE ELEMENTARY SCHOOL	PK-06
EVERETT	1	EVERETT JUV PAROLE LRN CTR	11-12
	1	GARFIELD ELEMENTARY SCHOOL	PK-05
	1	HAWTHORNE ELEMENTARY SCHOOL	PK-06
	2	IMMACULATE CONCEPTION SCHOOL	PK-08
	2	JACKSON ELEMENTARY SCHOOL	PK-05
	1	LOWELL ELEMENTARY SCHOOL	PK-06
	2	MADISON ELEMENTARY SCHOOL	PK-06
	1	PORT GARDNER MIDDLE SCHOOL	07-08
	1	WASHINGTON MIDDLE SCHOOL	09-09
	1	WHITTIER ELEMENTARY SCHOOL	PK-06
EVERGREEN	1	BURTON ELEMENTARY SCHOOL	PK-06
	2	CASCADE JUNIOR HIGH SCHOOL	07-09
	2	COVINGTON JUNIOR HIGH SCHOOL	07-09
	1	ORCHARDS ELEMENTARY SCHOOL	PK-06
	1	SIFTON ELEMENTARY SCHOOL	PK-06
	1	SILVER STAR ELEMENTARY	PK-06
	2	SUNSET ELEMENTARY SCHOOL	PK-06
FEDERAL WAY	2	CAMELOT ELEMENTARY SCHOOL	PK-06
	2	LAKE GROVE ELEMENTARY SCHOOL	PK-06
FERNDALE	1	CENTRAL ELEMENTARY SCHOOL	PK-06
	1	MOUNTAIN VIEW ELEMENTARY SCH	PK-06
	1	VISTA MIDDLE SCHOOL	06-08
FRANKLIN PIERCE	1	CHRISTENSEN ELEMENTARY SCH	PK-06
	1	JAMES SALES ELEMENTARY SCH	PK-06
	1	MIDLAND ELEMENTARY SCHOOL	PK-06
	2	PARKLAND ELEMENTARY SCHOOL	PK-06
	2	PERRY G KEITHLEY JUNIOR HIGH	07-08
GIG HARBOR	1	PUPPY TREATMENT CTR	11-12
GLENWOOD			

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LOCATIONS	CODE *	SCHOOL NAME	
GLENWOOD (CONTINUED)	1	GLENWOOD ELEMENTARY SCHOOL	OK-08
GOLDENDALE	1	GOLDENDALE MIDDLE SCHOOL	06-08
	1	GOLDENDALE PRIMARY SCHOOL	OK-04
GRANDVIEW	1	ARTHUR SMITH ELEM SCHOOL	OK-05
	1	GRANDVIEW ELEMENTARY SCHOOL	06-08
	1	GRANDVIEW M/S	06-08
	1	HARRIET THOMPSON ELEM SCH	OK-03
	1	MC CLURE ELEMENTARY SCHOOL	04-05
GRANGER	1	GRANGER HIGH SCHOOL	07-12
	1	ROOSEVELT ELEMENTARY SCHOOL	OK-06
HARRINGTON	1	HARRINGTON GRADE SCHOOL	OK-06
HIGHLINE	1	BOULEVARD PARK ELEMENTARY	OK-06
	1	CASCADE JUNIOR HIGH SCHOOL	07-09
	2	MADRONA ELEMENTARY SCHOOL	OK-05
	1	MOUNT VIEW ELEMENTARY SCHOOL	OK-06
	1	RIVERTON HEIGHTS ELEM SCH	OP-06
	1	SALMON CREEK ELEMENTARY SCH	OK-06
	1	SOUTHERN HEIGHTS ELEM SCH	OK-06
	1	WHITE CENTER HEIGHTS ELEM	OK-05
HOOD CANAL	1	HOOD CANAL ELEMENTARY	OK-08
HOQUIAM	2	LINCOLN ELEMENTARY SCHOOL	OK-06
INCHELIUM	1	INCHELIUM ELEM & HIGH SCH	OK-12
INDEX	3	INDEX ELEMENTARY SCHOOL	OK-06
ISSAQUAH	1	ECHO GLEN	01-08
KELSO	2	CATLIN ELEMENTARY SCHOOL	OK-06
	1	WALLACE ELEMENTARY SCHOOL	OK-06
KENNEWICK	2	EASTGATE ELEMENTARY SCHOOL	OK-05
	1	FRUITLAND ELEMENTRY SCHOOL	OK-05
	1	PLYMOUTH ELEMENTARY SCHOOL	OK-04
	2	ST JOSEPHS SCHOOL	OK-09
KENT	1	CEDAR VALLEY ELEMENTARY SCH	OK-06
	2	EAST HILL ELEMENTARY SCHOOL	OK-06
	1	KENT ELEMENTARY SCHOOL	OK-05
	1	O BRIEN ELEMENTARY SCHOOL	OK-06
KENT (CONTINUED)	1	PINE TREE ELEMENTARY SCHOOL	04-06
	1	SCENIC HILL ELEMENTARY SCH	04-06
KETTLE FALLS	2	KETTLE FALLS ELEMENTARY SCH	06-08
	2	KETTLE FALLS HIGH SCHOOL	09-12
KITTITAS	1	KITTITAS ELEMENTARY SCHOOL	OK-06
LA CONNER	1	LA CONNER ELEMENTARY SCHOOL	04-06
LAKE STEVENS	2	LAKE STEVENS JUNIOR HIGH SCH	06-08
LEAVENWORTH	1	WINTON ELEMENTARY SCHOOL	01-06
LONGVIEW	1	BROADWAY ELEMENTARY SCHOOL	OK-06
	2	MONTICELLO MIDDLE SCHOOL	06-08
	1	ST HELENS ELEM SCHOOL	04-06
LOWER SNOQUALMIE	1	CARNATION ELEMENTARY SCHOOL	04-06
LYLE	1	DALLESPORT ELEMENTARY	01-06
	3	LYLE JR - SR HIGH SCHOOL	07-12
	3	LYLE JR-SR HIGH SCH	07-12
MABTON	1	ARTZ/FOX ELEMENTARY SCHOOL	OK-06
	1	MABTON HIGH SCHOOL	07-12
MARY M KNIGHT	1	MARY M KNIGHT EL & HIGH	04-12
MARY WALKER	1	MARY WALKER HIGH SCHOOL	09-12
	1	SPRINGDALE ELEMENTARY	OK-06
	1	SPRINGDALE MIDDLE SCHOOL	06-08
MARYSVILLE	1	LIBERTY ELEMENTARY SCHOOL	OK-06
	2	MARYSVILLE MIDDLE SCHOOL	06-08
	1	TULALIP ELEMENTARY SCHOOL	OK-06
MEDICAL LAKE	1	BLAIR ELEMENTARY SCHOOL	OK-06
METHOW VALLEY	1	ALLEN ELEMENTARY SCHOOL	OK-06
	1	METHOW VALLEY JUNIOR HIGH	06-08
MONROE	2	FRANK WAGNER ELEMENTARY SCH	OK-06
	1	MAIN ST PRE	01-12
MOSES LAKE	2	CHIEF MOSES JUNIOR HIGH SCH	07-09
	1	FRONTIER JUNIOR HIGH SCHOOL	07-09

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	SCHOOL NAMES
MOSES LAKE (CONTINUED)	1	GARDEN HEIGHTS ELEMENTARY	PK-03
	1	KNOLLS VISTA ELEMENTARY SCH	04-06
	2	LAKEVIEW ELEMENTARY SCHOOL	04-06
	1	LARSON HEIGHTS ELEMENTARY	PK-05
	1	LONGVIEW ELEMENTARY SCHOOL	PK-03
	1	PENINSULA ELEMENTARY SCHOOL	PK-06
MOUNT ADAMS	1	HARRAH ELEMENTARY SCHOOL	PK-05
	1	MOUNT ADAMS MIDDLE SCHOOL	06-09
MOUNT BAKER	3	ACME ELEMENTARY SCHOOL	PK-06
	3	MAPLE FALLS ELEMENTARY SCH	01-06
MOXEE	1	MOXEE ELEMENTARY SCHOOL	PK-06
MT VERNON	2	LINCOLN ELEMENTARY SCHOOL	PK-06
	1	WASHINGTON ELEMENTARY SCH	01-06
MUKILTEO	1	EXPLORER MIDDLE SCHOOL	06-09
	2	FAIRMOUNT ELEMENTARY SCH	PK-05
	1	OLIVIA PARK ELEMENTARY SCH	PK-05
NACHES VALLEY	2	LOWER NACHES ELEM SCHOOL	PK-09
	1	NACHES ELEMENTARY SCHOOL	PK-08
NASELLE	1	NASELLE YOUTH CAMP	07-12
NESPELEM	1	NESPELEM ELEMENTARY SCHOOL	PK-06
NEWPORT	1	SADIE HALSTEAD ELEMENTARY	PK-05
	3	SADIE HALSTEAD MIDDLE SCHOOL	06-08
NOOKSACK VALLEY	1	VEDDER MTN COUNTRY SCHOOL	PK-01
NORTH BEACH	3	OCEAN SHORES ELEMENTARY	PK-06
	3	PACIFIC BEACH ELEMENTARY SCH	PK-06
NORTH FRANKLIN	1	CONNELL ELEMENTARY SCHOOL	PK-06
	3	MESA ELEMENTARY SCHOOL	01-06
NORTH MASON	1	MISSION CREEK YOUTH CAMP	06-12
NORTH RIVER	3	NORTH RIVER ELEM & HIGH SCH	07-12
	3	NORTH RIVER ELEM AND HIGH	PK-12
NORTH THURSTON	2	MOUNTAIN VIEW ELEMENTARY SCH	PK-06
	2	OLYMPIC VIEW ELEMENTARY	PK-06
NORTH THURSTON (CONTINUED)	2	SOUTH BAY ELEMENTARY SCHOOL	PK-06
	1	THURSTON CO OFF CAMPUS SCH	09-12
OAKVILLE	1	OAKVILLE ELEMENTARY SCHOOL	
	3	OAKVILLE HIGH SCHOOL	PK-12
OCEAN BEACH	1	ILWACO ELEMENTARY SCHOOL	PK-06
	3	LONG BEACH ELEMENTARY SCH	04-06
OKANOGAN	3	MALOTT ELEMENTARY SCHOOL	03-06
OLYMPIA	1	GARFIELD ELEMENTARY SCHOOL	PK-05
	1	MADISON ELEMENTARY SCHOOL	PK-05
	1	ROOSEVELT ELEMENTARY SCHOOL	PK-05
	2	ST MICHAELS SCHOOL	01-08
	2	WILFRED REEVES MIDDLE SCHOOL	05-08
OMAK	2	EAST OMAK ELEM SCHOOL	04-06
	2	NORTH OMAK ELEMENTARY SCHOOL	PK-03
	1	PASCHAL SHERMAN INDIAN SCH	07-12
ORCAS	1	WALDRON ISLAND ELEMENTARY	01-08
ORIENT	1	ORIENT ELEMENTARY SCHOOL	01-08
OROVILLE	1	OROVILLE ELEMENTARY SCHOOL	PK-08
OTHELLO	2	HIAWATHA ELEMENTARY SCHOOL	PK-04
	1	LUTACAGA ELEMENTARY SCHOOL	PK-04
	1	MC FARLAND JUNIOR HIGH SCH	07-08
	2	OTHELLO HIGH SCHOOL	09-12
	1	SCOTTNEY SPRINGS ELEMENTARY	PK-04
PALISADES	3	PALISADES ELEMENTARY SCHOOL	01-06
PASCO	1	CAPTAIN GRAY ELEMENTARY SCH	PK-05
	1	EMERSON ELEMENTARY SCHOOL	PK-05
	1	LONGFELLOW ELEMENTARY SCHOOL	PK-05
	1	MC LOUGHLIN JUNIOR HIGH SCH	07-09
	1	PASCO PRE-SCHOOL	PR-PR
	1	ROBERT FROST ELEMENTARY SCH	PK-05
PATEROS	3	PATEROS ELEMENTARY SCHOOL	PK-06
PORT TOWNSEND	2	LINCOLN ELEMENTARY SCHOOL	PK-11
	1	STUART BLDG	PK-12
PROSSER			

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
PROSSER (CONTINUED)	1	PROSSER HEIGHTS ELEMENTARY	03-05
	2	PROSSER MIDDLE SCHOOL	06-08
	1	RIVERVIEW ELEMENTARY SCHOOL	0K-02
	1	WHITSTRAN ELEMENTARY SCHOOL	0K-05
PULLMAN	1	EDISON ELEMENTARY SCHOOL	0K-05
PUYALLUP	1	MEEKER ELEMENTARY SCHOOL	0K-06
QUEETS-CLEARWATER	3	QUEETS-CLEARWATER ELEM SCH	0K-08
QUINAULT	1	LAKE QUINAULT ELEMENTARY SCH	0K-08
QUINCY	3	GEORGE ELEMENTARY SCHOOL	0K-03
	1	MOUNTAIN VIEW ELEMENTARY SCH	0K-03
	1	PIONEER ELEMENTARY SCHOOL	04-06
RAINIER	1	RAINIER ELEMENTARY SCHOOL	0K-06
REARDAN	3	EDWALL ELEMENTARY SCHOOL	01-08
RENTON	2	HIGHLANDS ELEMENTARY SCHOOL	0K-06
	2	TIFFANY PARK ELEMENTARY	0K-06
REPUBLIC	1	REPUBLIC JR - SR HIGH SCH	04-12
RICHLAND	2	JEFFERSON ELEMENTARY SCHOOL	0K-06
	1	MINI SCHOOL	09-12
RIVERSIDE	2	RIVERSIDE MIDDLE SCHOOL	05-08
	1	RIVERSIDE PRIMARY	0K-04
ROCHESTER	1	MAPLE LANE	09-12
ROYAL	1	RED ROCK ELEMENTARY SCHOOL	0K-06
	3	ROYAL MIDDLE SCHOOL	07-08
SEATTLE	2	ADAMS ELEMENTARY SCHOOL	0K-04
	1	ALKI FOLLOW THRU PROG	
	2	ALLEN ELEMENTARY SCHOOL	0K-05
	1	ALTERNATIVE SCH #1	
	1	AMERICAN IND HERITAGE	08-12
	1	AMERICAN IND HERITAGE MS	
	1	ARBOR HEIGHTS ELEMENTARY SCH	04-06
	2	BAGLEY ELEMENTARY SCHOOL	0K-03
	1	BAL FR YOUTH SERV	
	2	BALLARD HIGH SCHOOL	10-12
SEATTLE (CONTINUED)	1	BALLARD-FREMONT Y SER	08-12
	1	BEACON HILL ELEMENTARY SCH	04-05
	1	BLESSED SACRAMENT SCHOOL	0K-08
	1	BOREN MTD	06-08
	2	BRIARCLIFF ELEMENTARY SCHOOL	0K-04
	1	BRIGHTON ELEM	04-06
	1	BROADVIEW ELEMENTARY SCHOOL	04-05
	1	BRYANT ELEMENTARY SCHOOL	0K-05
	1	CAREER INT	
	1	CHIEF SEALTH HIGH SCHOOL	09-12
	1	CLEVELAND HIGH SCHOOL	10-12
	1	COLUMBIA ELEMENTARY SCHOOL	04-06
	1	CONCORD ELEMENTARY SCHOOL	0K-06
	1	COOPER ELEMENTARY SCHOOL	0K-06
	1	DAY ELEM	01-03
	1	DECATUR ELEM	01-03
	1	DENNY JUNIOR HIGH SCHOOL	07-09
	1	DUNLAP ELEM	04-05
	2	EASTLAKE LEARNING CENTER	
	2	EMERSON ELEMENTARY SCHOOL	0K-05
	1	FAIRMOUNT PARK ELEMENTARY	0K-05
	1	FAUNTLEROY ELEM	01-03
	1	FRANKLIN HIGH SCHOOL	11-12
	1	G W KIMBALL ELEMENTARY SCH	0K-05
	1	GARFIELD HIGH SCHOOL - A	09-12
	1	GATZERT ELEMENTARY SCHOOL	0K-03
	2	GRAHAM HILL ELEMENTARY SCH	0K-03
	2	GREENWOOD ELEMENTARY SCHOOL	0K-04
	1	GYPSY	
	1	HAMILTON MIDDLE SCHOOL	06-08
	1	HIGH POINT ELEMENTARY SCHOOL	0K-03
	1	HIGHLAND PARK ELEMENTARY SCH	0K-03
	1	HUGHES ELEM	03-05
	1	IMMACULATE HIGH SCHOOL	09-12
	1	INGRAHAM HIGH SCHOOL	11-12
	1	INTERCHANGE	
	2	INTRIM 1	
	1	INTRIM 2	
	2	INTRIM 3	
	1	JOHN HAY ELEMENTARY SCHOOL	0K-03
	1	LAKE CITY ELEMENTARY SCHOOL	0K-06
	2	LATONA ELEMENTARY SCHOOL	0K-05
	2	LAWTON ELEMENTARY SCHOOL	0K-05
	1	LESCHI ELEMENTARY SCHOOL	04-05
	1	LINCOLN HIGH SCHOOL	09-12
	1	LOUISA BOREN JUNIOR HIGH SCH	05-08
	1	LOWELL ELEMENTARY SCHOOL	0K-05

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LOCATIONS	CODE *	SCHOOL NAME	

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LOCATIONS	CODE *	SCHOOL NAME	
SEATTLE (CONTINUED)	2	MADRONA ELEMENTARY SCHOOL	04-06
	1	MAGNOLIA ELEMENTARY SCHOOL	PK-03
	1	MAPLE ELEMENTARY SCHOOL	PK-06
	1	MARTIN LUTHER KING E C E	PK-02
	1	MC DONALD ELEM	03-05
	1	MC GILVERA ELEM	01-05
	1	MINOR ELEM	03-05
	1	MT BAKER Y S	
	2	NATHAN HALE HIGH SCHOOL	09-12
	1	OAK LAKE ELEM	01-03
	1	PAROLE SER LRN CTR	09-12
	2	QUEEN ANNE HIGH SCHOOL	10-12
	1	RAINIER BEACH HIGH SCHOOL	09-12
	1	RAINIER VIEW ELEMENTARY SCH	PK-05
	1	RAVENNA ELEM	03-05
	2	ROOSEVELT HIGH SCHOOL	09-12
	1	ROXHILL ELEM	01-03
	1	ROXHILL ELEMENTARY SCHOOL	PK-03
	1	SANISLO ELEMENTARY SCHOOL	PK-05
	1	SCHOOL AGE PARENT PROG	
	1	SEALTH H S	09-12
	1	SHARPLES JUNIOR HIGH SCHOOL	07-09
	1	SOUTH SHORE MIDDLE SCHOOL	06-08
	1	ST BENEDICT SCHOOL	01-08
	2	ST JOSEPH SCHOOL	01-08
	2	ST MATTHEWS SCHOOL	PK-06
	1	ST THERESE SCHOOL	01-08
	2	STEVENS ELEMENTARY SCHOOL	PK-05
	1	W QUEEN ANN ELEM	01-03
	1	WASHINGTON MIDDLE SCHOOL	06-08
	1	WEDGEWOOD ELEM	01-03
	2	WEST SEATTLE HIGH SCHOOL	10-12
	1	WEST WOODLAND ELEMENTARY SCH	PK-06
	2	WHITTIER ELEMENTARY SCHOOL	PK-06
	1	WHITWORTH ELEMENTARY SCHOOL	PK-06
	1	WING LUKE ELEM	04-05
	1	YOUTH SER CNTR	06-12
	2	YOUTH SERV CENT	
SEDRO WOOLLEY			
	2	CASCADE MIDDLE SCHOOL	07-09
	1	CLEAR LAKE ELEMENTARY SCHOOL	PK-04
	1	LYMAN ELEMENTARY	01-06
	1	MARY PURCELL ELEMENTARY SCH	PK-04
SELAH			
	2	JOHN CAMPBELL ELEMENTARY SCH	PK-04
	2	SELAH MIDDLE SCHOOL	05-09
SHELTON			
SHELTON (CONTINUED)	2	BORDEAUX ELEMENTARY SCHOOL	PK-06
	1	EVERGREEN ELEMENTARY SCHOOL	PK-06
	2	MOUNTAIN VIEW ELEMENTARY SCH	PK-06
	1	WASH CORR CTR	11-12
SHORELINE			
	1	ALDERCREST ELEMENTARY SCHOOL	PK-06
	2	CRISTA SCHOOLS	PK-12
	2	RIDGECREST ELEMENTARY SCHOOL	PK-06
SNOHOMISH			
	*	CENTRAL ELEMENTARY SCHOOL	PK-06
SOAP LAKE			
	1	DELANCEY-HUGHTON ELEM SCH	PK-06
	1	SOAP LAKE HIGH SCHOOL	07-12
SOUTH CENTRAL			
	1	THORNDYKE ELEMENTARY SCHOOL	PK-06
SOUTH KITSAP			
	1	FRANK GIVENS COMMUNITY ELEM	PK-06
SOUTH WHIDBEY			
	2	SOUTH WHIDBEY ELEMENTARY SCH	PK-06
SPOKANE			
	1	ARLINGTON ELEMENTARY SCHOOL	PK-06
	1	AUDUBON ELEMENTARY SCHOOL	PK-06
	1	BANCROFT ELEMENTARY SCHOOL	PK-06
	1	BEMISS ELEMENTARY SCHOOL	PK-06
	1	COOPER ELEMENTARY SCHOOL	PK-06
	1	EMERSON ELEMENTARY SCHOOL	PK-06
	1	FINCH ELEMENTARY SCHOOL	PK-06
	2	FRANKLIN ELEMENTARY SCHOOL	PK-06
	1	GARFIELD ELEMENTARY SCHOOL	PK-06
	2	GLOVER JUNIOR HIGH SCHOOL	07-08
	1	GRANT ELEMENTARY SCHOOL	PK-06
	1	HAVERMALE JUNIOR HIGH SCHOOL	07-08
	1	HOLMES ELEMENTARY SCHOOL	PK-06
	2	JOHN R ROGERS HIGH SCHOOL	10-12
	1	JOSEPH JANISCH HIGH SCHOOL	09-12
	1	LIBBY JUNIOR HIGH SCHOOL	07-08
	1	LIDGERWOOD ELEMENTARY SCHOOL	PK-06
	1	LINCOLN HEIGHTS ELEM SCHOOL	PK-06
	1	LOGAN ELEMENTARY SCHOOL	PK-06
	1	LUNA VISTA ELEMENTARY SCHOOL	PK-06
	1	LONGFELLOW ELEMENTARY SCHOOL	PK-06
	2	MADISON ELEMENTARY SCHOOL	PK-06
	2	NORTH CENTRAL HIGH SCHOOL	09-12
	1	PRATT ELEMENTARY SCHOOL	PK-06
	1	REGAL ELEMENTARY SCHOOL	PK-06
	2	RIDGEVIEW ELEMENTARY SCHOOL	PK-06
	1	ROOSEVELT ELEMENTARY SCHOOL	PK-06

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FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SPOKANE (CONTINUED)	1	SHAW JUNIOR HIGH SCHOOL	07-09
	1	SHERIDAN ELEMENTARY SCHOOL	PK-06
	1	SPOKANE GARRY JUNIOR HIGH	07-09
	1	SPOKANE GUILDS SCHOOL	09-09
	1	ST PATRICK SCHOOL	01-08
	1	STEVENS ELEMENTARY SCHOOL	PK-06
	1	TRINITY SCHOOL	PK-08
	1	WESTVIEW ELEMENTARY SCHOOL	PK-06
	1	WHITMAN ELEMENTARY SCHOOL	PK-06
	1	WILLARD ELEMENTARY SCHOOL	PK-06
	1	YOUTH LRN CTR	09-12
SPRAGUE	3	SPRAGUE ELEMENTARY SCHOOL	PK-05
STANWOOD	2	CHURCH CREEK ELEMENTARY SCH	03-05
STARBUCK	1	STARBUCK ELEMENTARY	01-08
SULTAN	1	SULTAN ELEMENTARY SCHOOL	PK-07
SUMMIT VALLEY	3	SUMMIT ELEMENTARY SCHOOL	PK-05
SUMNER	2	HOOD CANAL JUNIOR HIGH	
SUNNYSIDE	1	OUTLOOK ELEMENTARY SCHOOL	PK-06
	1	ST JOSEPHS SCHOOL	PK-06
	1	SUNNYSIDE INTERMEDIATE SCH	03-05
	1	SUNNYSIDE JUNIOR HIGH SCHOOL	07-09
	1	WASHINGTON ELEMENTARY SCHOOL	PK-02
TACOMA	1	ARLINGTON ELEMENTARY SCHOOL	PK-04
	1	BAKER JUNIOR HIGH SCHOOL	07-09
	1	BIRNEY ELEMENTARY SCHOOL	PK-06
	1	BOZE ELEMENTARY SCHOOL	PK-06
	1	BRYANT ELEMENTARY SCHOOL	PK-06
	1	CASCADIA DIAG CNTR	01-12
	3	DASH POINT ELEMENTARY SCHOOL	01-03
	1	EDISON ELEMENTARY SCHOOL	PK-06
	1	FAWCETT ELEMENTARY SCHOOL	PK-06
	1	FERN HILL ELEMENTARY SCHOOL	PK-06
	1	FOSS SENIOR HIGH	10-12
	1	FRANKLIN ELEMENTARY SCHOOL	PK-06
	1	GAULT JUNIOR HIGH SCHOOL	07-09
	1	GEIGER ELEMENTARY SCHOOL	PK-06
	1	GRANT ELEMENTARY SCHOOL	PK-06
	1	GRAY JUNIOR HIGH SCHOOL	07-09
	2	HUNT JUNIOR HIGH SCHOOL	07-09
TACOMA (CONTINUED)	1	JASON LEE JUNIOR HIGH SCHOOL	07-09
	2	JEFFERSON ELEMENTARY SCHOOL	PK-06
	1	LAKEMONT ELEMENTARY SCHOOL	PK-06
	2	LIFE CHRISTIAN SCHOOL	PK-06
	2	LINCOLN HIGH SCHOOL	10-12
	1	LISTER ELEMENTARY SCHOOL	PK-06
	2	LOWELL ELEMENTARY SCHOOL	PK-06
	1	LYON ELEMENTARY SCHOOL	PK-06
	1	MADISON ELEMENTARY SCHOOL	PK-06
	1	MANITOU ELEMENTARY SCHOOL	PK-06
	1	MANN ELEMENTARY SCHOOL	PK-06
	2	MASON JUNIOR HIGH SCHOOL	07-09
	1	MC CARVER CONTINUOUS PROGR	PK-06
	1	MC ILVAIGH JUNIOR HIGH SCH	07-09
	1	MC KINLEY ELEMENTARY SCHOOL	PK-06
	2	MT TAHOMA HIGH SCHOOL	10-12
	1	OAKLAND ELEMENTARY SCHOOL	PK-06
	1	PARK AVENUE ELEMENTARY SCH	PK-06
	1	REED ELEMENTARY SCHOOL	PK-06
	1	REMANN HALL	10-12
	1	ROGERS ELEMENTARY SCHOOL	PK-06
	1	ROOSEVELT ELEMENTARY SCHOOL	PK-06
	1	SEWARD ELEMENTARY SCHOOL	PK-06
	1	SHERIDAN ELEMENTARY SCHOOL	PK-06
	1	STANLEY ELEMENTARY SCHOOL	PK-06
	1	STEWART JUNIOR HIGH SCHOOL	07-09
	1	TACOMA LRN CTR	09-12
	2	VISITATION SCHOOL	PK-08
	2	WASHINGTON HOYT ELEM SCHOOL	PK-06
	1	WHITMAN ELEMENTARY SCHOOL	PK-06
	1	WILLARD ELEMENTARY SCHOOL	PK-06
TAHOLAH	1	TAHOLAH ELEMENTARY SCHOOL	PK-08
TEKOA	3	TEKOA ELEMENTARY SCHOOL	PK-06
TENINO	2	TENINO PRIMARY SCHOOL	PK-04
TOLEDO	1	TOLEDO MIDDLE SCHOOL	06-09
TONASKET	1	CENTRAL ELEMENTARY SCHOOL	PK-08
TOPPENISH	1	GARFIELD ELEMENTARY SCHOOL	02-03
	1	KIRKWOOD ELEMENTARY SCHOOL	03-06
	1	LINCOLN ELEMENTARY SCHOOL	PK-01
	1	MOUNT ADAMS ELEMENTARY SCH	05-06
	1	TOPPENISH HIGH SCHOOL	10-12

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CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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WASHINGTON

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
TOPPENISH (CONTINUED)			
UNION GAP	1	TOPPENISH JUNIOR HIGH SCHOOL	07-09
	1	UNION GAP ELEMENTARY SCHOOL	PK-06
	1	UNION GAP MIDDLE SCHOOL	07-09
VALLEY	1	VALLEY ELEMENTARY SCHOOL	PK-06
VANCOUVER	2	CLARK COUNTY CHRISTIAN SCH	PK-12
	1	FRUIT VALLEY ELEM SCHOOL	PK-06
	1	GEORGE C MARSHALL ELEM SCH	PK-06
	2	HAZEL DELL ELEMENTARY SCHOOL	PK-06
	1	HOUGH ELEMENTARY SCHOOL	PK-06
	1	JOHN R ROGERS ELEM SCHOOL	PK-06
	2	LEWIS JUNIOR HIGH SCHOOL	07-09
	2	LINCOLN ELEMENTARY SCHOOL	PK-06
	1	PETER S OGDEN ELEMENTARY	PK-06
	2	SHUMWAY JUNIOR HIGH SCHOOL	07-09
	1	WASHINGTON ELEMENTARY SCHOOL	PK-06
WALLA WALLA	1	GARRISON JUNIOR HIGH SCHOOL	07-09
	2	GREEN PARK ELEMENTARY SCHOOL	PK-06
	1	PAINE CHILD DEVELOP CENTER	PR-03
	1	SHAPPSTEIN ELEMENTARY SCHOOL	PK-06
	1	WASH ST PENITENTIARY	01-12
	1	WASHINGTON ELEMENTARY SCHOOL	PK-03
WAPATO	1	PARKER HEIGHTS ELEM SCHOOL	PK-06
	1	WAPATO INTERMEDIATE SCHOOL	04-06
	1	WAPATO JUNIOR HIGH SCHOOL	07-09
	1	WAPATO PRIMARY SCHOOL	PK-02
	1	WAPATO SENIOR HIGH SCHOOL	10-12
WARDEN	2	JEANNETTE EVANS ELEMENTARY	PK-06
WASHOUGAL	2	GAUSE ELEMENTARY SCHOOL	05-08
WELLPINIT	1	WELLPINIT ELEM & HIGH	PK-12
	1	WELLPINIT ELEM & HIGH SCHOOL	09-12
WENATCHEE	2	COLUMBIA ELEMENTARY SCHOOL	PK-06
	1	LINCOLN ELEMENTARY SCHOOL	PK-06
WEST VALLEY	1	DISHMAN INTERMEDIATE SCHOOL	03-06
WHITE BASS	1	GLENOMA ELEMENTARY SCHOOL	PK-06
	1	MANDLE ELEMENTARY SCHOOL	PK-06
WHITE SALMON	1	BUELA L WATSON ELEMENTARY	PK-06
(CONTINUED)			
WILSON CREEK	1	WILSON CREEK ELEMENTARY SCH	PK-06
WOODLAND	1	YALE ELEMENTARY SCHOOL	PK-06
YAKIMA	1	ADAMS ELEMENTARY SCHOOL	PK-06
	1	BARGE-LINCOLN ELEM SCHOOL	PK-06
	1	BROADWAY ELEMENTARY SCHOOL	PK-06
	1	CASTLEVALE ELEMENTARY SCHOOL	PK-06
	2	DAVIS SENIOR HIGH SCHOOL	10-12
	2	FRANKLIN JUNIOR HIGH SCHOOL	07-09
	1	GARFIELD ELEMENTARY SCHOOL	PK-06
	1	HOOVER ELEMENTARY SCHOOL	PK-06
	1	JEFFERSON ELEMENTARY SCHOOL	PK-06
	1	LEWIS S CLARK JR HIGH SCH	07-09
	1	MC KINLEY ELEMENTARY SCHOOL	PK-06
	1	STANTON ELEMENTARY SCHOOL	PK-06
	1	WASHINGTON JUNIOR HIGH SCH	7-09
	1	YAKIMA JUV PAROLE DEN	10-12
	2	YVONIC (PCH)	10-12
YELM	1	MC KENNA ELEMENTARY	PK-06
	1	SOUTHWORTH ELEMENTARY	PK-06
	1	YELM MIDDLE SCHOOL	05-08
ZILLAH	1	ZILLAH ELEMENTARY SCHOOL	PK-06

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WEST VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BARBOUR			
	1	BELINGTON	K-5
	1	BELINGTON MIDDLE SCHOOL	6-8
	1	JUNIOR	K-5
	1	MT VERNON	K-5
	1	PHILIPPI MIDDLE SCHOOL	6-8
	1	VOLGA-CENTURY	K-5
BERKELEY			
	1	BURKE STREET	K-5
	1	GERRARDSTOWN	K-6
BOONE			
	1	LORY-JULIAN	K-6
	1	MANILA	K-6
	1	NELLIS	K-6
BRAXTON			
	1	BRAXTON COUNTY HS	9-12
	1	BURNSVILLE	K-8
	1	DAVIS	K-3
	1	FLATWOODS	K-4
	1	FRAMETOWN	K-4
	1	GASSAWAY MIDDLE SCHOOL	5-8
	1	LITTLE BURCH	K-4
	1	SUTTON	K-4
	1	SUTTON MIDDLE SCHOOL	5-8
CABELL			
	1	FETTY	K-6
	1	GUYANDOTTE	K-6
	1	MCCOMMAS	K-5
	1	PEYTON	K-6
	1	SPRING HILL	K-6
CALHOUN			
	1	ARNOLDSBURG	K-7
	1	BROOKSVILLE	K-7
	1	CALHOUN COUNTY HS	8-12
	1	MINNORA	K-7
	1	PLEASANT HILL	K-7
CLAY			
	1	BROWN	K-6
	1	CLAY	K-6
	1	CLAY JHS	7-8
	1	DILLE	1-6
	1	H E WHITE	K-6
	1	IVYDALE	K-6
	1	NEBO	1-6
	1	VALLEY FORK	K-6
DODDRIDGE			
	1	BIG ISAAC	K-8
	1	CARR	K-8
DODDRIDGE (CONTINUED)	1	CENTER POINT	K-8
	1	GREENBRIER	K-8
	1	GREENWOOD	K-5
	1	MIDDLE ISLAND	K-8
	1	SEDALIA	K-8
	1	SMITHBURG	K-8
	1	SUMMERS	K-8
	1	WEST UNION	K-8
FAYETTE			
	1	ANSTED	K-6
	1	ANSTED MIDDLE SCHOOL	5-8
	1	BEARDS FORK	K-5
	1	DANESE	K-6
	1	FAYETTEVILLE COMS	K-12
	1	GATEWOOD	1-5
	1	GAULEY BRIDGE	K-6
	1	GLEN JEAN	K-5
	1	MEADOW BRIDGE	K-5
	1	MINOFI	K-12
	1	MOUNT HOPE	K-8
	1	MOUNT HOPE MIDDLE	5-8
	1	NUTTALL MIDDLE SCHOOL	5-8
	1	PAX	K-5
	1	SCARBRO	K-6
GILMER			
	1	GLENVILLE	K-8
	1	NORMANTOWN	K-3
	1	SANDFORK	K-8
	1	TANNER	K-8
	1	TROY	K-8
GRANT			
	1	DORCAS	K-5
	1	MAYSVILLE	K-5
	1	PETERSBURG	K-5
	1	PETERSBURG HS	7-12
GREENBRIER			
	1	ALDERSON	K-5
	1	ANTHONY CREEK	1-6
	1	CRICHTON	K-3
	1	EAST RAINELLE	1-6
	1	FRANKFORD	K-5
	1	GREENBRIER JHS	7-9
	1	RAINELLE JHS	7-9
	1	RENICK JHS	7-9
	1	RONCEVERTE	K-5
	1	RUPERT	K-5
	1	RUPERT JHS	7-9

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WEST VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
GREENBRIER (CONTINUED)	1	SMOOT	K-6
	1	SMOOT JHS	7-9
	1	WILLIAMSBURG	K-6
	1	WILLIAMSBURG JHS	7-9
HAMPSHIRE			
	1	AUGUSTA	K-6
	1	CAPON BRIDGE	K-6
	1	CAPON BRIDGE JHS	7-9
	1	GRASSY LICK	1-6
	1	JOHN J CORNWELL	K-6
	1	MILL CREEK	1-6
	1	ROMNEY	K-6
	1	ROMNEY JHS	7-9
	1	SLANESVILLE	K-6
	1	SPRINGFIELD GREEN	K-6
HARDY			
	1	EAST HARDY HS	9-12
	1	MATHIAS	K-8
	1	MOOREFIELD	K-6
	1	MOOREFIELD HS	7-12
	1	WARDENSVILLE	K-8
HARRISON			
	1	BROADWAY	K-9
	1	EAST VIEW	K-6
	1	HARTMAN	K-6
	1	HEPZIBAH	K-6
	1	LINDEN	K-6
	1	LUMBERPORT MIDDLE	6-8
	1	PIERPONT	K-6
	1	SUMMIT PARK	K-9
	1	TOWERS	K-6
	1	WALLACE	K-6
JACKSON			
	1	ALPIN RIDGE	1-6
KANAWHA			
	1	BRIDGE	K-6
	1	CHANDLER	K-6
	1	EDISON	K-6
	1	LITTLEPAGE	K-6
	1	LOUDENDALE	K-6
	1	TISKELWAH	K-6
	1	WASHINGTON JHS	7-9
	1	WET BRANCH	K-6
LEWIS			
	1	ALUM BRIDGE	1-6
	1	KITSONVILLE	1-4
	1	ROANOKE	K-6
LEWIS (CONTINUED)	1	WALKERSVILLE	1-8
	1	WESTON CENTRAL	1-6
LINCOLN			
	1	ATENVILLE	K-6
	1	BIG UGLY	K-6
	1	BRANCHLAND	K-8
	1	BERRELLSBURG	K-8
	1	EEZ	K-6
	1	GARRETTS BEND	1-8
	1	GRIFFITHSVILLE	K-8
	1	HAMLIN HS	7-12
	1	HARTS HS	7-12
	1	MARTIN	1-8
	1	MCCORKLE	1-8
	1	MIDKIFF	K-6
	1	PLEASANT VIEW	1-8
	1	RANGER	K-8
	1	WEST HAMLIN	K-8
	1	WOODVILLE	K-8
LOGAN			
	1	AMHERSTDALE	K-6
	1	BIG CREEK	1-6
	1	CHAPMANVILLE HS	10-12
	1	CHAPMANVILLE JHS	7-9
	1	CHRISTIAN	K-6
	1	DEHUE	K-6
	1	EARLING	K-6
	1	HENLAWSON	K-6
	1	HUGH DINGESS	K-6
	1	LAKE	K-6
	1	LOGAN GRADE	K-6
	1	MAN JHS	7-9
	1	MONAVILLE	K-6
	1	SPRUCE	K-6
	1	STIRRAT	K-6
	1	STOLLINGS	1-6
	1	VERDUNVILLE	K-6
	1	WEST CHAPMANVILLE	K-6
MARION			
	1	CENTRAL	K-8
	1	DUNBAR	1-6
MARSHALL			
	1	BISHOP DONAHUE	9-12
	1	STS JAMES & JOHN INT	5-8
	1	STS JAMES & JOHN PRI	1-4
MASON			
	1	BEECH HILL	1-6

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WEST VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
MASON (CONTINUED)	1	LEON	K-6
	1	WOODS	1-6
MCDOWELL			
	1	ANAWALT	K-8
	1	BARTLEY	1-8
	1	BERWIND	1-8
	1	BIG CREEK HS	9-12
	1	BRADSHAW	3-8
	1	BRADSHAW	K-2
	1	CARETTA	K-6
	1	CRUMPLER	K-6
	1	ELKHORN JHS	7-9
	1	FALL RIVER	K-6
	1	HEMPHILL-DAVY	K-6
	1	JAEGER	K-5
	1	JAEGER INT	6-8
	1	JOLO	K-6
	1	KEYSTONE	1-6
	1	KIMBALL	K-6
	1	KIMBALL JHS	7-8
	1	NEWHALL	1-6
	1	NORTHFORK HS	10-12
	1	PANTHER	K-6
	1	SQUIRE	K-2
	1	SUPERIOR	K-6
	1	SWITCHBACK	K-6
	1	WAR	K-8
	1	WELCH JHS	7-9
MERCER			
	1	BRAMWELL	K-6
	1	BRAMWELL HS	7-12
	1	FLAT TOP	1-6
	1	KEGLEY	1-6
	1	KNOB	K-6
	1	MATOKA	K-6
	1	MONTCALM	K-6
	1	MONTCALM HS	7-12
	1	OAKVALE	K-6
	1	OAKVALE HS	7-12
	1	PRESTON	K-5
	1	RAMSEY	K-6
	1	WADE	K-6
MINERAL			
	1	BURLINGTON	K-6
	1	ELK GARDEN	K-12
	1	PIEDMONT	K-8
MINGO			
	1	BEN CREEK	K-6
	1	CHAFIN	K-6
	1	CHATTAROY	K-6
	1	CINDERELLA	K-6
	1	CLINE	K-6
	1	DELBARTON	K-6
	1	DELORME	K-6
	1	DINGESS	K-6
	1	HARRY UNION	K-6
	1	KERMIT	K-6
	1	LENORE	K-6
	1	MAIN BUILDING	K-6
	1	MARROWBONE	K-6
	1	MYRTLE	K-6
	1	NOLAN	K-6
	1	RED JACKET	K-6
	1	THACKER	K-6
	1	VARNEY	K-6
MONONGALIA			
	1	ARNETTSVILLE	K-6
	1	CASS DISTRICT	K-6
	1	CASS DISTRICT JHS	7-8
	1	CENTRAL	K-6
	1	COOL SPRINGS	K-6
	1	GOFF	1-6
	1	GRANVILLE	K-6
	1	JEROME PARK	1-6
	1	SUMMERS-SARVER	K-6
	1	WAITMAN BARRC/VATL	K-6
MONROE			
	1	BALLARD	K-6
	1	GAP MILLS	K-6
	1	GAP MILLS JHS	7-8
	1	GREENVILLE	K-6
	1	GREENVILLE JHS	7-8
	1	UNION	K-6
MORGAN			
	1	GREAT CACAPON	K-6
	1	PAW PAW	K-6
	1	PAW PAW HS	7-12
NICHOLAS			
	1	BEAVER	K-6
	1	BIRCH RIVER	K-6
	1	FLIGER RIDGE	K-6
	1	KESLERS CROSS LANES	K-6
	1	MT LOOKOUT	K-6
	1	MT NEBO	K-6

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WEST VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1991-92 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME

WEST VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1991-92 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
NICHOLAS (CONTINUED)	1	OTTER CREEK	K-6
	1	ZELA	K-6
OHIO			
	1	CLAY	K-6
PENDLETON			
	1	BRANDYWINE	K-8
	1	CIRCLEVILLE	K-12
	1	FRANKLIN HS	9-12
	1	SENECA ROCK	K-8
	1	UPPER TRACT	K-8
POCAHONTAS			
	1	GREEN BANK	K-5
	1	GREEN BANK MIDDLE	6-8
	1	HILLSBORO	K-5
	1	HILLSBORO MIDDLE	6-8
	1	MARLINTON	K-5
	1	MARLINTON MIDDLE	6-8
PRESTON			
	1	BRUCETON-BRANDONVILLE	K-6
	1	FELLOWSVILLE	K-6
	1	NEWBURG-INDEPENDENCE	K-6
	1	ROWLESBURG	K-6
	1	TERRA ALTA	K-6
	1	TUNNELTON-DENVER	K-6
RALEIGH			
	1	ODD	K-6
	1	RICHMOND	1-5
	1	STOCO	K-6
RANDOLPH			
	1	BEVERLY	K-6
	1	COALTON	K-12
	1	GEORGE WARD	K-6
	1	HARMAN	1-12
	1	HOMESTEAD	K-6
	1	NORTH	K-6
	1	PICKENS	K-12
	1	TYGARTS VALLEY	7-12
	1	VALLEY HEAD	K-6
	1	WHITMER	K-4
ROANE			
	1	CLOVER	1-8
	1	LYNDEN	1-8
	1	NEWTON	1-8
	1	REEDY	1-8
	1	SPENCER	K-8
	1	WALTON	K-6
	1	WALTON HS	7-12
SUMMERS			
	1	FOREST HILL	1-8
	1	HINTON AREA	K-6
	1	PENCE SPRINGS	1-8
	1	SANDSTONE	K-8
	1	TALCOTT	K-8
TAYLOR			
	1	FLEMINGTON	1-6
	1	KNOTTSVILLE	1-6
TUCKER			
	1	HAMRICK	K-6
	1	PARSONS	K-8
	1	ST GEORGE	1-6
	1	TUCKER COUNTY HS	9-12
UPSHUR			
	1	ADRIAN	K-6
	1	FRENCH CREEK	1-6
	1	ROCK CAVE	K-6
	1	SAND RUN	1-6
	1	TALLMANSVILLE	1-6
	1	TEN MILE	1-6
WAYNE			
	1	BEECH FORK	K-6
	1	COVE GAP	K-7
	1	CROCKETT	K-7
	1	CRUM	K-6
	1	CRUM HS	7-12
	1	DUNLOW	K-7
	1	EAST LYNN	K-7
	1	FORT GAY	K-6
	1	GENOA	K-7
	1	THOMPSON	K-6
WEBSTER			
	1	DIANA	K-7
	1	GLADE	K-8
	1	HACKER VALLEY	K-9
	1	WEBSTER COUNTY HS	9-12
	1	WEBSTER SPRINGS	K-8
WIRT			
	1	BELL	1-6
	1	NEWARK	1-6
	1	PALESTINE	1-6
WOOD			
	1	JEFFERSON	K-6
WYOMING			
	1	BAILEYSVILLE	K-7
	1	COAL MOUNTAIN	K-7
	1	GLEN FORK	K-9

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WEST VIRGINIA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
WYOMING (CONTINUED)	1	GLEN ROGERS	K-8
	1	HERNDON CONS	K-6
	1	HERNDON HS	7-12
	1	JOHN MCGRAW	K-8
	1	PINEVILLE MIDDLE	6-8
	1	ROAD BRANCH	K-8
	1	STEPHENSON	K-6

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WISCONSIN

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
ADAMS-FRIENDSHIP	2	ADAMS-FRIENDSHIP H S	HS
ALGOMA	1	ALGOMA EL SCHOOL	EL
	2	ALGOMA HS	HS
ALMA	2	ALMA SCHOOL	K-12
ALMA CENTER	2	ALMA CENTER EL SCHOOL	EL
	2	LINCOLN JR SR HS	J-SHS
	2	MERRILLAN EL SCHOOL	EL
ALTOONA	2	ALTOONA HS	HS
	2	PEDERSON EL SCHOOL	EL
ANTIGO	2	ANIWA EL SCHOOL	EL
	2	ANTIGO JR HS	J-HS
	2	ANTIGO SR HS	HS
	1	CRESTWOOD EL SCHOOL	EL
	2	EAST EL SCHOOL	EL
	1	LILY EL SCHOOL	EL
	2	NORTH EL SCHOOL	EL
	1	PLEASANT VIEW EL	EL
	2	SAINT HYACINTH GRADE SCHOOL	EL
	1	SAINT JOSEPH GRADE SCHOOL	EL
	1	SPRING VALLEY EL	EL
	2	WEST EL SCHOOL	EL
APPLETON	2	JEFFERSON EL SCHOOL	EL
ARCADIA	1	ARCADIA EL SCHOOL	EL
ARGYLE	2	ARGYLE EL SCHOOL	EL
	2	ARGYLE HS	HS
ARKANSAW	2	ARKANSAW EL SCHOOL	EL
ARROWHEAD	2	ARROWHEAD UHS	HS
ASHLAND	2	ASHLAND HS	HS
	2	ASHLAND MIDDLE SCHOOL	MDL
ASHLAND (CONTINUED)	2	BEASER EL SCHOOL	EL
	1	ELLIS EL SCHOOL	EL
	2	WILMARTH EL SCHOOL	EL
ATHENS	1	ATHENS EL SCHOOL	EL
	1	ATHENS JR HS	J-HS
AUBURNDALE	2	AUBURNDALE EL SCHOOL	EL
AUGUSTA	2	AUGUSTA EL SCHOOL	EL
	1	AUGUSTA HS	HS
BARABOO	2	FAIRFIELD CENTER EL SCHOOL	EL
	2	NORTH FREEDOM-PLEASANT VALLEY	EL
	2	SOUTH EL SCHOOL	EL
BARNEVELD	2	BARNEVELD SCHOOL	K-12
BARRON	2	ALMENA EL SCHOOL	EL
	2	HILLSDALE EL SCHOOL	EL
BAYFIELD	1	BAYFIELD SCHOOL (K-12)	K-12
BELOIT	2	ALDRICH-ROOSEVELT JR HS	J-HS
	2	BURDGE EL SCHOOL	EL
	1	HACKETT EL SCHOOL	EL
	1	HOLY FAMILY GRADE SCHOOL	EL
	2	LINCOLN JR HS	J-HS
	2	MEMORIAL SR HS	HS
	1	MERRILL EL SCHOOL	EL
	2	WATERMAN EL SCHOOL	EL
	1	WRIGHT EL SCHOOL	EL
BIRCHWOOD	2	BIRCHWOOD SCHOOL	K-12
BLACK RIVER FALLS	1	BLACK RIVER CAMP STATE INST	
	2	FORREST STREET EL	EL
	1	GERHARDT EL SCHOOL	EL
	2	HIXTON EL SCHOOL	EL
BLAIR	2	BLAIR EL SCHOOL	EL
	2	BLAIR JR SR HS	J-SHS
BLOOMER	2	BLOOMER EL SCHOOL	EL
	1	BLOOMER JR HS	J-HS
BONDUEL	1	BONDUEL EL SCHOOL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
BONDUEL (CONTINUED)	1	BONDUEL JR HS	J-HS
	1	CECIL EL SCHOOL	EL
	2	NAWARINO EL SCHOOL	EL
BOSCOBEL			
	2	BOSCOBEL EL SCHOOL	EL
	1	BOSCOBEL JR HS	J-HS
	2	HOMER EL SCHOOL	EL
	2	MOUNT ZION EL SCHOOL	EL
BOULDER JUNCTION			
	2	NORTH LAKELAND EL	EL
BOWLER			
	2	BOWLER EL SCHOOL	EL
	2	BOWLER HS	HS
BOYCEVILLE			
	1	BOYCERVILLE EL SCHOOL	EL
	2	BOYCEVILLE HS	HS
	1	BOYCEVILLE JR HS	J-HS
	1	CONNORSVILLE EL SCHOOL	EL
	1	WHEELER EL SCHOOL	EL
BRUCE			
	2	BRUCE EL SCHOOL	EL
BUTTERNUT			
	1	BUTTERNUT SCHOOL	K-12
CADOTT			
	2	CADOTT EL SCHOOL	EL
CAMPBELLSPORT			
	2	CAMPBELLSPORT SCHOOL	K-12
CASHTON			
	1	CASHTON EL SCHOOL	EL
	2	CASHTON JR-SR HS	J-SHS
	2	SACRED HEART GRADE SCHOOL	EL
	2	SAINT MARYS GRADE SCHOOL	EL
CHILTON			
	2	CHILTON EL SCHOOL	EL
CHIPPEWA FALLS			
	2	CHESNUT EL SCHOOL	EL
	2	CHIPPEWA FALLS JR HS	J-HS
	2	CHIPPEWA FALLS SR HS	HS
	1	FIRST WARD EL SCHOOL	EL
	2	HALMSTAD EL SCHOOL	EL
	1	HILLCREST EL SCHOOL	EL
	1	JIM FALLS EL SCHOOL	EL
	1	NINTH WARD EL SCHOOL	EL
CLEAR LAKE			
	2	CLEAR LAKE EL SCHOOL	EL
CLINTONVILLE			
	1	BEAR CREEK PRIMARY-INTERIM	K-6
COLBY			
	2	COLBY EL SCHOOL	EL
	1	COLBY UPPER EL SCHOOL	4-6
	2	DORCHESTER EL SCHOOL	EL
	1	SAINT MARYS GRADE SCHOOL	EL
COLEMAN			
	2	COLEMAN EL SCHOOL	EL
COLFAX			
	2	COLFAX EL SCHOOL	EL
CORNELL			
	1	CORNELL EL SCHOOL	EL
	2	CORNELL HIGH SCHOOL	HS
CRANDON			
	1	ARGONNE EL SCHOOL	EL
	1	CRANDON EL SCHOOL	EL
	1	CRANDON HS	HS
	1	CRANDON JR HS	J-HS
	1	MOLE LAKE EL SCHOOL	EL
CRIVITZ			
	2	CRIVITZ SCHOOL	K-12
CUDAHY			
	2	PARKVIEW EL SCHOOL	EL
DARLINGTON			
	2	PRAIRIE VIEW EL SCHOOL	EL
	2	WILLOW SPRINGS EL	EL
DELAVAN-DARIEN			
	2	PHOENIX MIDDLE SCHOOL	MDL
	2	WILEMAN EL SCHOOL	EL
DEPERE			
	1	BROWN COUNTY YOUTH HOME	
	2	DISCINSON-IRWIN EL SCHOOL	EL
DESOTO			
	2	DESOTO JR HS	J-HS
	1	FERRYVILLE EL SCHOOL	EL
	2	STODDARD EL SCHOOL	EL
DRUMMOND			
	2	CABLE EL SCHOOL	EL
	2	DRUMMOND JR SR HS	J-SHS
	1	GRANDVIEW EL SCHOOL	EL
DURAND			
	1	CADDIS WOODLAWN EL SCHOOL	EL
	2	DURAND JR SR HS	J-SHS
	1	GRANDVIEW EL SCHOOL	EL
	2	SACRED HEART GRADE SCHOOL	EL
EAST TROY			
	2	DIVINE WORD SEMINARY HS	HS
EAU CLAIRE			
	1	ARLINGTON HEIGHTS EL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
EAU CLAIRE (CONTINUED)	1	BLACK-MCKINLEY EL SCHOOL	EL
	2	BOYD EL SCHOOL	EL
	2	CENTRAL JR HS	J-HS
	2	DELONG JR HS	J-HS
	1	LINCOLN EL SCHOOL	EL
	2	LOCUST LANE EL SCHOOL	EL
	1	LONGFELLOW EL SCHOOL	EL
	2	MEMORIAL SR HS	HS
	2	MOUNT WASHINGTON EL	EL
	2	NORTH SR HS	HS
	2	PARK EL SCHOOL	EL
	1	PUTNAM HEIGHTS EL	EL
	1	RANDALL EL SCHOOL	EL
	1	ROOSEVELT EL SCHOOL	EL
	2	SHERMAN EL SCHOOL	EL
	1	SUNBURST YOUTH HOME	
ELCHO	1	ELCHO SCHOOL	K-12
ELMBROOK	1	ELMBROOK FAMILY COUNSELING CTR	
FALL CREEK	2	FALL CREEK EL SCHOOL	EL
	1	FALL CREEK HS	HS
	1	FALL CREEK MIDDLE SCHOOL	MDL
FENNIMORE	2	FENNIMORE EL SCHOOL	EL
FLAMBEAU #1	1	LAC DU FLAMBEAU EL	EL
FLORENCE	1	FLORENCE EL SCHOOL	EL
	2	FLORENCE HS	HS
	1	HILLCREST EL SCHOOL	EL
FOND DU LAC	1	CHEGWIN EL SCHOOL	EL
	2	FRANKLIN EL SCHOOL	EL
	2	GOODRICH SR HS	HS
	1	PARKSIDE EL SCHOOL	EL
	2	SABISH JR HS	J-HS
GILMAN	1	GILMAN EL SCHOOL	EL
	1	GILMAN HS	HS
	1	GILMAN JR HS	J-HS
	2	HANNIBAL EL SCHOOL	EL
	1	JUMP RIVER EL SCHOOL	EL
	1	LUBLIN EL SCHOOL	EL
GLENDALE-NICOLET UHS	2	HILLEL ACADEMY	HS
GLENWOOD CITY	2	GLENWOOD CITY EL SCHOOL	EL
	2	GLENWOOD CITY HS	HS
	2	GLENWOOD CITY JR HS	J-HS
GLIDDEN	1	GLIDDEN SCHOOL	K-12
GOODMAN ARMSTRONG	2	GOODMAN ARMSTRONG EL	EL
	2	GOODMAN HS	HS
GRANTSBURG	2	NELSON EL SCHOOL	EL
GREEN BAY	2	BEAUMONT EL SCHOOL	EL
	2	CAMPBELL EL SCHOOL	EL
	2	EAST SR HS	HS
	2	EDISON JR HS	J-HS
	2	EISENHOWER EL SCHOOL	EL
	2	ELMORE EL SCHOOL	EL
	1	FORT HOWARD EL SCHOOL	EL
	2	FRANKLIN JR HS	J-HS
	1	GREEN BAY STATE CORRECT INST	
	1	HOWE EL SCHOOL	EL
	2	LINCOLN EL SCHOOL	EL
	2	LOMBARDI JR HS	J-HS
	1	NICOLET EL SCHOOL	EL
	1	OUR LADY OF CHARITY CTR	
	2	PREBLE SR HS	HS
	2	SOUTHWEST SR HS	HS
	1	ST JOSEPH HOME FOR CHILDREN	
	2	SULLIVAN EL SCHOOL	EL
	1	TANK EL SCHOOL	EL
	2	WASHINGTON JR HS	J-HS
	2	WEST SR HS	HS
GREENWOOD	2	GREENWOOD EL SCHOOL	EL
	1	SAINT MARYS GRADE SCHOOL	EL
HAYWARD	1	HAYWARD EL SCHOOL	EL
	2	HAYWARD HS	HS
	1	HAYWARD JR HS	J-HS
	1	LAKE EL SCHOOL	EL
	1	LCO OJIBWA SCHOOL	K-12
	1	SAINT FRANCIS SOLANUS SCHOOL	K-8
	1	STONE LAKE EL SCHOOL	EL
HERMAN	1	HERMAN CONS EL SCHOOL	EL
HILBERT	1	HILBERT EL SCHOOL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
HOLMEN			
	2	HOLMEN MIDDLE SCHOOL	MDL
HOWARD SUAMICO			
	2	HOWARD EL SCHOOL	EL
HURLEY			
	1	J E MURPHY HS	HS
	1	J E MURPHY JR HS	J-HS
	1	ROOSEVELT EL SCHOOL	EL
	1	SAXON EL SCHOOL	EL
	1	SOUTH SIDE EL SCHOOL	EL
	2	ST MARY OF SEVEN DOLORS	EL
IOWA-GRANT			
	2	LINDEN EL SCHOOL	EL
	2	REWEY EL SCHOOL	EL
JANESVILLE			
	2	WILSON EL SCHOOL	EL
JEFFERSON			
	2	JEFFERSON EAST EL	EL
	2	JEFFERSON WEST EL	EL
	2	SULLIVAN EL SCHOOL	EL
KAUKAUNA			
	1	NICOLET EL SCHOOL	EL
	2	PARK EL SCHOOL	EL
	2	QUINNEY EL SCHOOL	EL
KENOSHA			
	1	BAIN EL SCHOOL	EL
	1	DURKEE EL SCHOOL	EL
	1	FRANK EL SCHOOL	EL
	1	HEADSTART EL SCHOOL	EL
	2	JEFFERSON EL SCHOOL	EL
	1	LINCOLN EL SCHOOL	EL
	1	WILSON EL SCHOOL	EL
KETTLE MORAINE			
	1	ETHAN ALLEN/STATE INST	
	1	LAD LAKE INC/NED INST	
KICKAPOO			
	1	READSTOWN EL SCHOOL	EL
	2	VIOLA EL SCHOOL	EL
	1	WEST LIMA EL SCHOOL	EL
KIEL			
	2	KIEL MIDDLE SCHOOL	EL
KIMBERLY			
	1	JANSSEN EL SCHOOL	EL
	2	WESTSIDE EL SCHOOL	EL
LACROSSE			
	2	CENTRAL HS	HS
	1	CHILEDA INST	
	1	FRANKLIN EL SCHOOL	EL
LACROSSE (CONTINUED)	1	HAMILTON EL SCHOOL	EL
	2	HARRY SPENCE EL SCHOOL	EL
	1	JEFFERSON EL SCHOOL	EL
	2	JOSEPHINE HINTGEN EL	EL
	1	LACROSSE HOME FOR CHILDREN	
	2	LINCOLN MIDDLE SCHOOL	MDL
	2	LOGAN HS	HS
	1	LOGAN MIDDLE SCHOOL	MDL
	2	LONGFELLOW MIDDLE SCHOOL	MDL
	2	ROOSEVELT EL SCHOOL	EL
	1	ST MICHAELS HOME FOR CHILDREN	
	1	SUMMIT EL SCHOOL	EL
LADYSMITH			
	2	LADYSMITH EL SCHOOL	EL
	2	OUR LADY OF SORROWS GRA SCH	EL
LAKE GENEVA UHS			
	2	BADGER UHS	HS
LAKE HOLCOMBE			
	1	HOLCOMBE EL SCHOOL	EL
	1	HOLCOMBE HS	HS
LAKELAND UHS			
	2	LAKELAND UHS	HS
LADNA			
	1	LADNA HS	HS
	1	ROBINSON EL SCHOOL	EL
LOYAL			
	2	LOYAL EL SCHOOL	EL
LUXEMBURG-CASCO			
	2	LUXEMBURG-CASCO EL	EL
MADISON			
	2	EAST HS	HS
	2	EMERSON EL SCHOOL	EL
	2	FRANKLIN EL SCHOOL	EL
	1	FREEDOM HOUSE	7-12
	1	LINCOLN EL SCHOOL	EL
	1	LOWELL EL SCHOOL	EL
	1	MARQUETTE EL SCHOOL	EL
	2	MARQUETTE MIDDLE	MDL
	2	MENDOTA EL SCHOOL	EL
	2	SHOREWOOD HILLS EL	EL
	2	WEST HS	HS
MANITOWOC			
	1	FRANKLIN EL SCHOOL	EL
	1	JEFFERSON EL SCHOOL	EL
	2	LINCOLN SR HS	HS
	2	SACRED HEART GRADE SCHOOL	EL
	1	ST BONIFACE GRADE SCHOOL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LOCATIONS	CODE *	SCHOOL NAME	
MARINETTE			
	2	MARINETTE CATHOLIC CEN HS	HS
	2	MENEKAUNEE EL SCHOOL	EL
MARSHFIELD			
	1	SUNBURST YOUTH HOMES	
MAUSTON			
	2	MAUSTON HS	HS
	2	MAUSTON MIDDLE SCHOOL	MDL
	2	WEST SIDE EL SCHOOL	EL
MEDFORD			
	2	HOLY ROSARY ANNEX	EL
	1	JEFFERSON EL SCHOOL	EL
	2	LINCOLN EL SCHOOL	EL
	2	MEDFORD HS	HS
	2	ROLLING ACRES EL SCHOOL	EL
MELLEN			
	2	MELLEN EL SCHOOL	EL
MELROSE			
	1	MELROSE EL SCHOOL	EL
	1	MINDORO EL SCHOOL	EL
MENASHA			
	2	JEFFERSON EL SCHOOL	EL
MENOMINEE INDIAN			
	1	KESHENA EL SCHOOL	EL
	1	MENOMINEE COMMUNITY SCHOOL	HS
	1	MENOMINEE HS	HS
	1	MENOMINEE JR HS	J-HS
	1	NEOPIT EL SCHOOL	EL
	1	ST ANTHONY INDIAN GRADE SCH	EL
MENOMONIE			
	2	DOWNSVILLE EL SCHOOL	EL
	2	LUCAS EL SCHOOL	EL
	2	MENOMONIE HS	HS
	2	NORTH EL SCHOOL	EL
MERRILL			
	2	FRANKLIN EL SCHOOL	EL
	1	LINCOLN HILLS SCHOOL/ST INST	
	2	MERRILL JR HS	J-HS
	1	SCOTT EL SCHOOL	EL
	1	SS FRANCIS & ROBERT SCHOOL	MDL
	2	WASHINGTON EL SCHOOL	EL
MILWAUKEE			
	1	ALCOT EL SCHOOL	EL
	1	ALLEN FIELD EL SCHOOL	EL
	1	AUDUBON MIDDLE SCHOOL	MDL
	1	AUER AVE EL SCHOOL	EL
	2	BARTON EL SCHOOL	EL
	2	BAY VIEW HS	HS

LOCATIONS	CODE *	SCHOOL NAMES	
MILWAUKEE (CONTINUED)			
	1	BELL MIDDLE SCHOOL	MDL
	1	BERGER EL SCHOOL	EL
	1	BETHLEHEM LUTHERAN GRADE SCH	EL
	1	BLAINE EL SCHOOL	EL
	1	BROWN ST EL SCHOOL	EL
	2	BROWNING EL SCHOOL	EL
	1	BRUCE EL SCHOOL	EL
	1	BRUCE GUADALUPE COM SCHOOL	EL
	1	BRYANT EL SCHOOL	EL
	1	BURBANK EL SCHOOL	EL
	2	BURDICK EL SCHOOL	EL
	2	BURROUGHS MIDDLE SCHOOL	MDL
	2	CARLETON EL SCHOOL	EL
	1	CASS ST EL SCHOOL	EL
	1	CLARA MUHAMMAD PREP SCH	EL
	1	CLARKE ST EL SCHOOL	EL
	1	CLEMENS EL SCHOOL	EL
	2	CLEMENT AVE EL SCHOOL	EL
	1	CONGRESS EL SCHOOL	EL
	2	COOPER EL SCHOOL	EL
	1	CRAIG EL SCHOOL	EL
	1	CURTIN EL SCHOOL	EL
	2	CUSTER HS	HS
	1	DIEFELER EL SCHOOL	EL
	1	DOVER EL SCHOOL	EL
	1	EDISON MIDDLE SCHOOL	MDL
	1	EIGHT STREET MDL SCHOOL	MDL
	1	EIGHTY-EIGHTH ST EL	EL
	1	EIGHTY-FIRST EL SCHOOL	EL
	1	EIGHTY-SECOND EL SCHOOL	EL
	1	ELM EL SCHOOL	EL
	1	EMERSON EL SCHOOL	EL
	2	EMMAUS LUTHERAN GRADE SCHOOL	EL
	1	ENGLEBURG EL SCHOOL	EL
	1	FAIRVIEW EL SCHOOL	EL
	2	FERNWOOD EL SCHOOL	EL
	1	FIFTY-FIFTH ST EL	EL
	2	FIFTY-THIRD ST EL	EL
	1	FOREST HOME AVE EL	EL
	1	FRANKLIN EL SCHOOL	EL
	1	FRATNEY EL SCHOOL	EL
	1	FRITSCHE MIDDLE SCHOOL	MDL
	1	FULTON MIDDLE SCHOOL	MDL
	1	GREENLEN EL SCHOOL	EL
	1	GARDEN HOMES EL SCHOOL	EL
	1	GARFIELD AVE EL	EL
	2	GARLAND EL SCHOOL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
MILWAUKEE (CONTINUED)	2	GOODRICH EL SCHOOL	EL
	1	GRANDVIEW EL SCHOOL	EL
	1	GRANT EL SCHOOL	EL
	1	GRANTOSA DR EL SCHOOL	EL
	2	GRANVILLE EL SCHOOL	EL
	1	GREEN BAY AVE EL	EL
	1	GREENFIELD EL SCHOOL	EL
	2	HAMILTON HS	HS
	2	HAMPTON EL SCHOOL	EL
	2	HAPPY HILL EL SCHOOL	EL
	1	HARAMBE COMMUNITY SCH	EL
	1	HARTFORD AVE EL	EL
	1	HAWLEY EL SCHOOL	EL
	2	HAWTHORNE EL SCHOOL	EL
	1	HAYES EL SCHOOL	EL
	1	HI-MOUNT BLVD EL SCH	EL
	1	HIGHLAND COMMUNITY SCHOOL	EL
	1	HOLMES EL SCHOOL	EL
	1	HOLY ANGELS GRADE SCHOOL	EL
	1	HOLY GHOST LUTHERAN GRADE SCH	EL
	2	HOLY ROSARY GRADE SCHOOL	EL
	1	HOPKINS ST EL	EL
	1	HUMBOLDT PARK EL	EL
	1	INDIAN COMMUNITY SCHOOL	1-10
	2	IRVING EL SCHOOL	EL
	1	JACKIE ROBINSON MDL SCHOOL	MDL
	2	JAMES MADISON HS	HS
	1	JUNEAU HS	HS
	1	KAGEL EL SCHOOL	EL
	1	KEEFE AVE EL SCHOOL	EL
	1	KILBOURN EL SCHOOL	EL
	2	KILMER EL SCHOOL	EL
	2	KING HS	HS
	1	KLUGE EL SCHOOL	EL
	1	KOSCIUSZKO MIDDLE SCHOOL	MDL
	1	LAFOLLETTE EL SCHOOL	EL
	1	LAKESIDE CHILDRENS CTR	
	1	LANCASTER EL SCHOOL	EL
	1	LEE EL SCHOOL	EL
	1	LIBERTY SCHOOL	HS
	1	LINCOLN AVE EL SCHOOL	EL
	1	LLOYD ST EL SCHOOL	EL
	1	LONGFELLOW EL SCHOOL	EL
	1	LOWELL EL SCHOOL	EL
	1	MANITOBA EL SCHOOL	EL
	2	MANITOBA ORTHOPEDIC SCH	EL
	2	MAPLE TREE EL SCHOOL	EL
MILWAUKEE (CONTINUED)	2	MARSHALL HS	HS
	1	MARYLAND AVE EL SCHOOL	EL
	1	MILW COUNTY CHILDRENS HOME	
	1	MILWAUKEE JR ACADEMY	1-10
	1	MILWAUKEE SPECTRUM INC	HS
	2	MILWAUKEE TECH HS	HS
	1	MITCHELL EL SCHOOL	EL
	1	MORGANDALE EL SCHOOL	EL
	2	MORSE MIDDLE SCHOOL	MDL
	1	MUIR MIDDLE SCHOOL	MDL
	1	NEESKARA EL SCHOOL	EL
	1	NINETY-FIFTH ST EL	EL
	1	NINTH ST EL SCHOOL	EL
	1	NORTH DIVISION HS	HS
	1	OKLAHOMA AVE EL	EL
	2	OKLAHOMA RINNER EL SCHOOL	EL
	1	PALMER EL SCHOOL	EL
	1	PARKMAN MIDDLE SCHOOL	MDL
	1	PARKVIEW EL SCHOOL	EL
	1	PHILIPP EL SCHOOL	EL
	1	PIERCE EL SCHOOL	EL
	1	PLEASANT VIEW EL SCHOOL	EL
	2	PULASKI HS	HS
	1	RILEY EL SCHOOL	EL
	1	RIVERSIDE HS	HS
	1	ROOSEVELT MIDDLE SCHOOL	MDL
	1	SEVENTY-EIGHTH ST EL	EL
	1	SHALOM HS	HS
	1	SHERMAN EL SCHOOL	EL
	1	SHOLES MIDDLE SCHOOL	MDL
	1	SIEFERT EL SCHOOL	EL
	1	SILVER SPRING EL	EL
	1	SIXTY-FIFTH ST EL	EL
	1	SIXTY-SEVENTH ST EL	EL
	1	SOUTH DIVISION HS	HS
	1	ST AEMILIANA CHILD CARE CTR	
	1	ST ANNE GRADE SCHOOL	EL
	2	ST ANTHONY GRADE SCHOOL	EL
	1	ST CASIMIR GRADE SCHOOL	EL
	1	ST CHARLES BOYS HOME	
	2	ST JOAN ANTIDA HS	HS
	2	ST LAURENCE GRADE SCHOOL	EL
	1	ST LEO SCHOOL	EL
	1	ST RITA GRADE SCHOOL	EL
	1	ST ROSE OF LIMA GRADE SCHOOL	EL
	1	ST ROSE RESIDENCE	
	1	ST THOMA AQUINAS GRA SCH	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
MILWAUKEE (CONTINUED)	1	STEUBEN MIDDLE SCHOOL	MDL
	1	STORY EL SCHOOL	EL
	2	STUART EL SCHOOL	EL
	1	THIRTY-EIGHTH ST EL	EL
	1	THIRTY-FIFTH ST EL	EL
	1	THIRTY-FIRST ST EL	EL
	1	THIRTY-SEVENTH ST EL	EL
	2	THOREAU EL SCHOOL	EL
	2	TIPPECANOE EL SCHOOL	EL
	2	TOWNSEND ST EL	EL
	2	TROWBRIDGE ST EL	EL
	1	TWENTIETH ST EL	EL
	1	TWENTY-FIRST ST EL	EL
	1	TWENTY-FOURTH ST EL	EL
	1	TWENTY-SEVENTH ST EL	EL
	1	URBAN DAY SCHOOL	EL
	1	VICTORY EL SCHOOL	EL
	1	VIEAU EL SCHOOL	EL
	2	VINCENT HS	HS
	1	WALKER MIDDLE SCHOOL	MDL
	1	WASHINGTON HS	HS
	1	WEBSTER MIDDLE SCHOOL	MDL
	1	WEST DIVISION HS	HS
	1	WHITMAN EL SCHOOL	EL
	2	WHITTIER EL SCHOOL	EL
	1	WISCONSIN AVE EL SCHOOL	EL
	1	WITT HALL COMM CAPE SERV	
	1	WRIGHT MIDDLE SCHOOL	MDL
MONDOVI			
	2	ANTHONY EL SCHOOL	EL
	2	MADENA EL SCHOOL	EL
	1	MONDOVI EL SCHOOL	EL
MONROE			
	2	MONROE HS	HS
NECEDAH			
	2	NECEDAH SCHOOL (K-12)	K-12
NEENAH			
	2	ROOSEVELT EL SCHOOL	EL
	1	WASHINGTON EL SCHOOL	EL
NEILLSVILLE			
	2	NEILLSVILLE EL SCHOOL	EL
	1	SUNBURST YOUTH HOME	
NEW AUBURN			
	1	NEW AUBURN HS	HS
NEW HOLSTEIN			
	2	NEW HOLSTEIN EL SCHOOL	EL
NEW LISBON			
(CONTINUED)	2	NEW LISBON EL SCHOOL	EL
	2	NEW LISBON HS	HS
NEW LONDON			
	1	RAWHIDE INC	
NORRIS			
	1	NORRIS HS	
NORTH CRAWFORD			
	2	HANEY EL SCHOOL	EL
	2	MOUNT STERLING EL SCHOOL	EL
	2	NORTH CRAWFORD MIDDLE SCH	MDL
	2	ORCHARD VIEW EL SCHOOL	EL
NORTHLAND PINES			
	2	CONOVER-LAND O LAKES EL SCH	EL
	2	EAGLE RIVER EL SCHOOL	EL
	2	NORTHLAND PINES HS	HS
	2	NORTHLAND PINES MDL SCHOOL	MDL
NORTHWOOD			
	1	GORDON EL SCHOOL	EL
	1	MINONG EL SCHOOL	EL
	1	NORTHWOOD HS	HS
NORWALK-ONTARIO SHELDON			
	2	NORWALK EL SCHOOL	EL
OCONOMOWOC			
	1	OCONOMOWOC DEVELOP CTR	
OCONTO			
	1	JEFFERSON EL SCHOOL	EL
	1	LINCOLN EL SCHOOL	EL
	2	OCONTO HS	HS
	1	WASHINGTON SCHOOL (K, 3-8)	K,3-8
OMRO			
	2	ENTERPRISE EL SCHOOL	EL
	2	OMRO JUNCTION PLAINVIEW EL SCH	EL
ONDOSSAGON, PARKSDALE			
	1	BENOIT-MASON EL SCHOOL	EL
	1	ONDOSSAGON EL SCHOOL	EL
	2	ONDOSSAGON HS	HS
OSCEOLA			
	2	CEDAR LAKE EL SCHOOL	EL
OSHKOSH			
	2	DALE EL SCHOOL	EL
	2	JEFFERSON EL SCHOOL	EL
	1	LINCOLN EL SCHOOL	EL
	2	OSHKOSH NORTH HS	HS
	2	ROOSEVELT EL SCHOOL	EL
	1	WASHINGTON EL SCHOOL	EL
OSSEO-FAIRCHILD			
	1	FAIRCHILD EL SCHOOL	EL

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
OWEN			
	1	HOLY ROSARY GRADE SCH	EL
	2	OWEN EL SCHOOL	EL
	2	WITHEE EL SCHOOL	EL
PARK FALLS			
	2	PARK FALLS EL SCHOOL	EL
	2	PARK FALLS JR HS	J-HS
PEMBINE-BEECHER-DUNBAR			
	2	DUNBAR EL SCHOOL	EL
	2	PEMBINE HS	4-12
PEPIN			
	1	PEPIN SCHOOL (K-12)	K-12
PHELPS			
	1	PHELPS SCHOOL (K-12)	K-12
PHILLIPS			
	1	CATAWBA MIDDLE SCHOOL	MDL
	1	KENNAN EL SCHOOL	EL
	2	PHILLIPS EL SCHOOL	EL
	2	PHILLIPS HS	HS
	2	PHILLIPS MIDDLE SCHOOL	MDL
PLUM CITY			
	2	PLUM CITY EL SCHOOL	EL
	1	ST JOHN THE BAP GRADE SCH	EL
PLYMOUTH			
	1	KETTLE MORAINE CORRECT INST	
PORT WASHINGTON			
	2	PORT WASHINGTON HS	HS
	2	SAUKVILLE EL SCHOOL	EL
PORTAGE			
	2	ENDEAVOR EL SCHOOL	EL
	1	PORTAGE EL SCHOOL	EL
PRAIRIE DU CHIEN			
	2	B A KENNEDY EL	EL
PRENTICE			
	2	OGEMA EL SCHOOL	EL
PULASKI			
	2	GLENBROOK EL SCHOOL	EL
RACINE			
	2	BROWN EL SCHOOL	EL
	1	CLARA MUHAMMAD SCHOOL	EL
	2	FRATT EL SCHOOL	EL
	2	GIFFORD JR HS	J-HS
	2	GILMORE JR HS	J-HS
	2	HANSCHE EL SCHOOL	EL
	2	HOLY TRINITY COM SCHOOL	EL
	2	HORLICK SR HS	HS
	2	J I CASE SR HS	HS
	1	JAMES EL SCHOOL	EL
RACINE (CONTINUED)	2	JEFFERSON EL SCHOOL	EL
	2	JERST-AGER JR HS	J-HS
	2	JERSTAD AGER EL SCHOOL	EL
	2	JOHNSON EL SCHOOL	EL
	2	KNAPP EL SCHOOL	EL
	1	LINCOLN EL SCHOOL	EL
	2	MCKINLEY JR HS	J-HS
	2	MITCHELL JR HS	J-HS
	2	PARK SR HS	HS
	1	ROOSEVELT EL SCHOOL	EL
	2	SCHULTE EL SCHOOL	EL
	1	ST STANISLAUS GRADE SCHOOL	EL
	2	STARBUCK JR HS	J-HS
	2	STURTEVANT EL SCHOOL	EL
	1	TAYLOR CHILDRENS HOME	
	2	WADEWITZ EL SCHOOL	EL
	2	WIND POINT EL SCHOOL	EL
	1	WINSLOW EL SCHOOL	EL
RANDOM LAKE			
	2	ADELL EL SCHOOL	EL
	2	RANDOM LAKE EL SCHOOL	EL
REEDSVILLE			
	2	REEDSVILLE SCHOOL (K-12)	K-12
RHINELANDER			
	2	CURRAN-SO PARK EL SCHOOL	EL
	2	MCCORD EL SCHOOL	EL
	2	PELICAN EL SCHOOL	EL
	2	RHINELANDER HS	HS
RIB LAKE			
	2	WESTBORO EL SCHOOL	EL
RICE LAKE			
	2	LINCOLN CITY EL SCHOOL	EL
RICHLAND CENTER			
	1	AKAN CENTRAL EL SCHOOL	EL
	1	JEFFERSON EL SCHOOL	EL
	1	LINCOLN EL SCHOOL	EL
	2	RICHLAND CENTER HS	HS
	1	RICHLAND MIDDLE SCHOOL	MDL
	1	ROCKBRIDGE EL SCHOOL	EL
	1	UNION EL SCHOOL	EL
	1	WASHINGTON EL SCHOOL	EL
RIVER VALLEY-SPRING GREE			
	1	ARENA EL SCHOOL	EL
	2	CLYDE EL SCHOOL	EL
	1	DIXON EL SCHOOL	EL
	1	LONE ROCK EL SCHOOL	EL
	2	SPRING GREEN EL SCHOOL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
RIVER VALLEY-SPRING GREE (CONTINUED)	2	SUNNYSIDE EL SCHOOL	EL
	2	WYOMING VALLEY EL SCHOOL	EL
RIVERDALE	2	AVOCA EL SCHOOL	EL
	2	BLUE RIVER EL SCHOOL	EL
	2	BLUE RIVER JR HS	J-HS
	2	EXCELSIOR EL SCHOOL	EL
	2	MUSCODA EL SCHOOL	EL
SAUK PRAIRIE	1	MERRIMAC EL SCHOOL	EL
SENECA	1	LYNXVILLE EL SCHOOL	EL
	1	SENECA EL SCHOOL	EL
	1	SENECA JR SR HS	J-SHS
	1	SOUTH EL SCHOOL	EL
SEVASTOPOL	2	SEVASTOPOL EL SCHOOL	EL
	2	SS PETER & PAUL GRADE SCH	EL
SEYMOUR	1	ONEIDA TRIBAL SCHOOL	EL
	2	ROCK LEDGE EL SCHOOL	EL
	2	SEYMOUR CENTRAL JR HS	J-HS
SHAWANO	2	FRANKLIN MIDDLE SCHOOL	MDL
	2	LINCOLN EL SCHOOL	EL
	1	OLGA BRENER EL SCHOOL	EL
	2	SHAWANO HS	HS
SHEBOYGAN	2	FARNSWORTH JR HS	J-HS
	1	GRANT EL SCHOOL	EL
	2	HORACE MANN JR HS	J-HS
	1	JEFFERSON EL SCHOOL	EL
	2	LINCOLN EL SCHOOL	EL
	1	LONGFELLOW EL SCHOOL	EL
	1	SHERIDAN EL SCHOOL	EL
	1	WASHINGTON EL SCHOOL	EL
SHEBOYGAN FALLS	2	SHEBOYGAN FALLS EL	EL
SHIOCTON	2	SHIOCTON EL SCHOOL	EL
SHULLSBURG	2	SHULLSBURG EL SCHOOL	EL
	2	SHULLSBURG HS	HS
SOLON SPRINGS	1	SOLON SPRINGS EL SCHOOL	EL
	2	SOLON SPRINGS HS	HS
SOUTH SHORE (CONTINUED)	1	PORT WING HS	HS
	1	PORT WING JR HS	J-HS
	1	SOUTH SHORE EL SCHOOL	EL
SOUTHERN DOOR	2	SOUTHERN DOOR EL SCHOOL	K-8
SPARTA	2	ANGELO EL SCHOOL	EL
	2	CATARACT EL SCHOOL	EL
	2	SOUTHSIDE EL SCHOOL	EL
SPOONER	2	HAMMILL EL SCHOOL	EL
	2	SARONA EL SCHOOL	EL
	2	SPOONER HS	HS
	2	SPOONER UPPER MIDDLE SCH	MDL
	1	SPRINGBROOK EL SCHOOL	EL
	2	ST FRANCIS DESALES GRADE SCH	EL
STANLEY	1	BOYD EL SCHOOL	EL
	1	C W DODGE EL SCHOOL	EL
	2	HOLY FAMILY GRADE SCHOOL	EL
	1	STANLEY BOYD MDL SCHOOL	MDL
	2	STANLEY HS	HS
STEVENS POINT	2	BEN FRANKLIN JR HS	J-HS
	2	EMERSON-JEFFERSON EL SCH	EL
	1	MADISON EL SCHOOL	EL
	2	MCKINLEY EL SCHOOL	EL
	2	P J JACOBS JR HS	J-HS
	2	STEVENS PT AREA SR	SR
STOUGHTON	1	MARTIN LUTHER CTR	
	2	SOUTH EL SCHOOL	EL
	2	STOUGHTON HS	HS
STURGEON BAY	2	STURGEON BAY JR HS	J-HS
	1	SUNSET EL SCHOOL	EL
	1	WEST EL SCHOOL	EL
SUN PRAIRIE	1	BLAINE EL SCHOOL	EL
	2	CENTRAL JR HS	J-HS
	1	CHARLES H BIRD EL SCH	EL
	1	ERICSSON EL SCHOOL	EL
	2	FRANKLIN EL SCHOOL	EL
	2	MASCA EL SCHOOL	EL
	2	NELSON DEWEY EL SCH	EL
	2	PATTISON EL SCHOOL	EL
	2	PETER COOPER EL SCHOOL	EL

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LOCATIONS	CODE *	SCHOOL NAME	
SUN PRAIRIE (CONTINUED)	2	SUPERIOR SR HS	HS
	2	WESTSIDE EL SCHOOL	EL
SURING			
	2	MOUNTAIN EL SCHOOL	EL
	1	SURING EL SCHOOL	EL
TAYLOR			
	2	TAYLOR EL SCHOOL	EL
	2	TAYLOR JR HS	J-HS
THORP			
	2	THORP EL SCHOOL	EL
TOMAH			
	2	CAMP DOUGLAS OAKDALE EL SCH	EL
	2	LEMONWEIR EL SCHOOL	EL
	2	MILLER EL SCHOOL	EL
	2	TOMAH JR HS	J-HS
	2	TOMAH SR HS	SH
	1	WARRENS EL SCHOOL	EL
	1	WYEVILLE EL SCHOOL	EL
TOMAHAWK			
	2	TOMAHAWK EL SCHOOL	EL
TONY			
	1	CONRATH EL SCHOOL	EL
	2	FLAMBEAU JR SR HS	J-SHS
	1	GLEN FLORA EL SCHOOL	EL
	2	SHELDON EL SCHOOL	EL
TWO RIVERS			
	2	CC CASE EL SCHOOL	EL
	1	KOENIG EL SCHOOL	EL
	2	L B CLARKE EL SCHOOL	EL
	2	WASHINGTON HS	HS
VIROQUA			
	1	LIBERTY POLE EL SCHOOL	EL
	2	VIROQUA EL SCHOOL	EL
	1	VIROQUA HS	HS
	1	VIROQUA MDL SCHOOL	MDL
WABENO			
	1	WABENO EL SCHOOL	EL
	1	WABENO JR SR HS	J-SHS
WASHBURN			
	2	ST LOUIS GRADE SCHOOL	EL
	2	WASHBURN HS	HS
WASHINGTON ISLAND			
	1	WASHINGTON ISLAND SCHOOL	1-12
WATERTOWN			
	1	LEBANON EL SCHOOL	EL
	1	LINCOLN EL SCHOOL	EL
	2	RIVERSIDE JR HS	J-HS
WATERTOWN (CONTINUED)	1	SCHURZ EL SCHOOL	EL
	2	WATERTOWN SR HS	HS
WAUKESHA			
	1	WHITE ROCK EL SCHOOL	EL
WAUPACA			
	1	TOMORROWS CHILDREN	
WAUPUN			
	1	FOX LAKE-WIS CORRECT INST	
WAUSAU			
	2	G D JONES EL SCHOOL	EL
	1	GRANT EL SCHOOL	EL
	2	HORACE MANN MDL SCHOOL	MDL
	2	JOHN MUIR MDL SCHOOL	MDL
	1	LINCOLN EL SCHOOL	EL
	1	LONGFELLOW EL SCHOOL	EL
	2	THOMAS JEFFERSON EL SCH	EL
	2	WAUSAU WEST HS	HS
WAUSAUKEE			
	1	AMBERG EL SCHOOL	EL
	1	MCALLISTER EL SCHOOL	EL
	1	WAUSAUKEE EL SCHOOL	EL
	2	WAUWAUKEE HS	HS
	2	WAUSAUKEE JR HS	J-HS
WAUWATOSA			
	1	CARMELITE HOME FOR BOYS	
	1	CHILDRENS HOME SCHOOL	
WAUZEKA			
	1	WAUZEKA SCHOOL (K-12)	K-12
WEBSTER			
	1	DAIRYLAND EL SCHOOL	EL
	1	DANBURY EL SCHOOL	EL
	1	WEBSTER EL SCHOOL	EL
	1	WEBSTER JR SR HS	J-SHS
WEST ALLIS			
	1	ST FLORIAN SCHOOL	EL
WEST DE PERE			
	2	LINCOLN EL SCHOOL	EL
	2	WEST DE PERE HS	HS
	2	WESTWOOD EL SCHOOL	EL
WESTBY			
	1	CHASEBURG EL SCHOOL	EL
	2	COON VALLEY EL SCHOOL	EL
	2	WESTBY EL SCHOOL	EL
	1	WESTBY PRIMARY SCHOOL	K-4
WESTON			
	2	PINE CREST EL SCHOOL	EL
	2	WESTON JR HS	HS

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
WEYAUWEGA					
	2	WEYAUWEGA EL SCHOOL		EL	
	1	WEYAUWEGA MIDDLE SCHOOL		MDL	
WHITE LAKE					
	1	WHITE LAKE SCHOOL (K-12)		K-12	
WHITEHALL					
	2	NORTHFIELD EL SCHOOL		EL	
	1	SUNSET EL SCHOOL		EL	
WINTER					
	1	RADISSON EL SCHOOL		EL	
	1	WINTER SCHOOL (K-12)		K-12	
WISCONSIN DELLS					
	2	BIG SPRING-BRIGGSVILLE EL SCH		EL	
	2	WISCONSIN DELLS EL SCHOOL		EL	
WISCONSIN HEIGHTS					
	1	MAZOMANIE EL SCHOOL		EL	
WISCONSIN RAPIDS					
	2	BIRON EL SCHOOL		EL	
	2	EAST JR HS		J-HS	
	1	G W MEAD EL SCHOOL		EL	
	2	GROVE EL SCHOOL		EL	
	2	HOWE EL SCHOOL		EL	
	2	LINCOLN SR HS		HS	
	2	PITSCH EL SCHOOL		EL	
	2	RUDOLPH EL SCHOOL		EL	
	2	WASHINGTON EL SCHOOL		EL	
	2	WEST JR HS		J-HS	
WITTENBERG					
	2	ELAND-WITT EL SCHOOL		EL	
	2	ELDERON EL SCHOOL		EL	
	2	GALLOWAY EL SCHOOL		EL	
	1	HOMME HOME FOR BOYS			
	2	WITT-BIRN HS		HS	
WONEWOC					
	2	WONEWOC EL SCHOOL		EL	
WRIGHTSTOWN					
	2	WRIGHTSTOWN EL SCHOOL		EL	

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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
(PLEASE NOTE THAT ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE OPERATED BY THE BUREAU OF INDIANS AFFAIRS ARE CONSIDERED TO MEET THE QUALIFICATIONS OF A HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES AND ARE, THEREFORE, NOT INCLUDED ON THIS LIST.)			
ALBANY	1	CENTENNIAL ELEMENTARY	K-6
	1	HARMONEY ELEMENTARY	K-6
	2	LARAMIE HIGH	10-12
	2	LARAMIE JUNIOR HIGH	7-9
	1	NELLIE ILES ELEMENTARY	K-6
	2	SLADE ELEMENTARY	K-6
	1	VELMA LINFORD ELEMENTARY	K-6
	1	WHITING ELEMENTARY	1-3
BIG HORN	1	BASIN ELEMENTARY	K-6
	1	BURLINGTON HIGH	9-12
	1	BYRON HIGH	9-12
	1	COWLEY HIGH	7-12
	2	GREYBULL ELEMENTARY	K-6
	1	HYATTVILLE ELEMENTARY	1-6
	2	LOVELL ELEMENTARY	K-5
	1	MANDERSON ELEMENTARY	1-6
	1	MANDERSON-HYATTVILLE HIGH	7-12
	1	OTTO ELEMENTARY	K-2
CARBON	2	PERSHING ELEMENTARY	K-5
	2	RAWLINS HIGH	9-12
	2	RAWLINS MIDDLE	6-8
	2	SUNNYSIDE ELEMENTARY	K-5
	1	WYOMING STATE PENITENTIARY	
CONVERSE	2	GLENROCK ELEMENTARY	K-5
FREMONT	1	ALTERNATIVE HIGH SCHOOL	7-12
	1	ARAPAHOE ELEMENTARY	K-8
	1	CROWHEART ELEMENTARY	K-4
	2	DUBOIS	K-12
	1	FT WASHAKIE	K-8
	2	JEFFERSON ELEMENTARY	K-5
	2	LANDER VALLEY HIGH	9-12
	2	LINCOLN ELEMENTARY	K-5
	1	MILL CREEK	K-8
	2	NORTHSIDE ELEMENTARY	K-6
	2	RIVERTON HIGH SCHOOL	9-12
	2	RIVERTON MIDDLE	6-8
FREMONT (CONTINUED)	2	SOUTHSIDE ELEMENTARY	K-5
	2	WINDRIVER	K-12
GOSHEN	1	FT LARAMIE JUNIOR HIGH	7-8
	1	LAGRANGE	K-12
	1	TORRINGTON	6-12
	1	TORRINGTON ELEMENTARY	K-5
HOT SPRINGS	1	HAMILTON DOME ELEMENTARY	1-3
	2	RALPH WITTERS ELEMENTARY	K-6
JOHNSON	2	CLEAR CREEK SCHOOL	1-8
	1	KAYCEE ELEMENTARY	K-6
	1	KAYCEE HIGH SCHOOL	9-12
	1	LINCH ELEMENTARY	K-5
	2	MEADOWLARK ELEMENTARY	K-5
LARAMIE	1	ALTA VISTA ELEMENTARY	K-5
	1	ARP ELEMENTARY	K-5
	2	BAGGS ELEMENTARY	K-6
	2	BAIN ELEMENTARY	K-5
	2	CAREY JUNIOR HIGH	7-9
	2	CENTRAL HIGH	10-12
	1	CHURCHILL ELEMENTARY	5-5
	1	COLE ELEMENTARY	K-5
	1	COPLETT ELEMENTARY	K-6
	2	DILOINE ELEMENTARY	K-5
	2	EAST HIGH	10-12
	1	GOINS ELEMENTARY	K-5
	1	HEBARD ELEMENTARY	K-5
	1	HIGH SCHOOL III	9-12
	1	HILLSDALE ELEMENTARY	1-5
	1	JOHNSON JUNIOR HIGH	7-8
	2	MCCORMICK JUNIOR HIGH	7-8
	1	PIONEER PARK ELEMENTARY	K-5
	1	ROSSMAN ELEMENTARY	K-6
LINCOLN	2	AFTON ELEMENTARY	K-5
	1	METCALF ELEMENTARY	K-5
	2	STAR VALLEY HIGH	9-12
	1	STAR VALLEY JUNIOR HIGH	7-8
NATRONA	1	A J MOODS SPECIAL	K-5
	2	DEAN MORGAN JUNIOR HIGH	7-9
	2	EVANSVILLE ELEMENTARY	K-5
	1	JEFFERSON ELEMENTARY	K-5
	2	MILLS ELEMENTARY	K-5

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WYOMING

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
CODE 3 - SCHOOLS DESIGNATED FOR NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS ONLY

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
NATRONA (CONTINUED)	2	MOUNTAIN VIEW ELEMENTARY	K-6		
	1	NORTH CASPER ELEMENTARY	K-6		
	2	PARK ELEMENTARY	K-6		
	1	WILLARD ELEMENTARY	K-6		
NIOBRARA					
	1	LANCE CREEK ELEMENTARY	1-8		
	2	LUSK	K-8		
PARK					
	1	CLARK ELEMENTARY	K-6		
	2	EASTSIDE ELEMENTARY	K-6		
PLATTE					
	1	CHUGWATER ELEMENTARY	K-6		
	1	GLENDO ELEMENTARY	K-6		
	2	GUERNSEY-SUNRISE	K-12		
	2	LIBBEY ELEMENTARY	K-3		
	2	WEST ELEMENTARY	K,4-6		
	2	WHEATLAND HIGH	9-12		
	1	WHEATLAND JUNIOR HIGH	7-8		
SHERIDAN					
	1	ARVADA-CLEARMONT HIGH	7-12		
	2	CENTRAL JUNIOR HIGH	7-9		
	2	COFFEEN ELEMENTARY	K-6		
	2	HIGHLAND PARK ELEMENTARY	K-6		
	2	SHERIDAN HIGH	9-12		
	1	SPECIAL EDUCATION SCHOOL	N/A		
	2	TAYLOR ELEMENTARY	K-6		
	1	WYOMING GIRLS SCHOOL			
SWEETWATER					
	2	EAST JUNIOR HIGH	7-9		
	1	GRANGER ELEMENTARY	K-8		
UINTA					
	2	CLARK ELEMENTARY	K-6		
	2	LYMAN	K-12		
	1	WYOMING STATE HOSPITAL			
WASHAKIE					
	2	WORLAND JUNIOR HIGH	7-8		
	1	WYOMING INDUSTRIAL INSTITUTE			
WESTON					
	2	GERTRUDE BURNS ELEMENTARY	K-6		

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AMERICAN SAMOA

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
	1	AFONO		ELEM	
	1	ALATAUA-LUA		ELEM	
	1	ALOFAU		ELEM	
	1	AUA		ELEM	
	1	AUNU'UFOU		ELEM	
	1	FAGA'ITUA		HS	
	1	FAGAMALO		ELEM	
	1	FALEASAO		ELEM	
	1	FITIUTA		ELEM	
	1	LAULI'I		ELEM	
	1	LE'ATELE		ELEM	
	1	LEONE		HS	
	1	LEONE MIDKIFF		ELEM	
	1	LUFILELE		ELEM	
	1	MANU'A		HS	
	1	MANULELE TAUSALA		ELEM	
	1	MASEFAU		ELEM	
	1	MATAFAO		ELEM	
	1	MATATULA		ELEM	
	1	MAUGA-O-ALAVA		ELEM	
	1	OFU		ELEM	
	1	OLOMOANA		ELEM	
	1	OLOSEGA		ELEM	
	1	PAGO PAGO		ELEM	
	1	PAVAIA'I		ELEM	
	1	SAMOANA		HS	
	1	SILIAGA		ELEM	
	1	TAPUTAPU		ELEM	

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GUAM

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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GUAM

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS
ADELUP	1	ADELUP EL	K-6
AGANA HEIGHTS	1	AGANA HEIGHTS EL	K-6
AGAT	1	AGAT EL	K-6
BARRIGADA	1	B P CARBULLIDO EL	K-3
DEDEDO	1	M A ULLOA EL	K-3
	1	WETTENGEL MIDDLE	4-6
INARAJAN	1	INARAJAN EL	K-6
MANGILAO	1	PRICE EL	K-6
	1	VOCATIONAL TECH HIGH	10-14
ORDOT/CHALAN PAGO	1	ORDOT CHALAN PAGO EL	K-6
TALOFOFO	1	TALOFOFO EL	K-6
TAMUNING	1	TAMUNING EL	K-6
TOTO	1	J Q SAN MIGUEL EL	K-6
YIGO	1	F C SANCHEZ EL	K-6

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NORTHERN MARINA ISLANDS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAMES
AGRIGAN	1	AGRIGAN ELEMENTARY	1-7		
ALAMAGAN	1	ALAMAGAN ELEMENTARY	1-7		
PAGAN	1	PAGAN ELEMENTARY	1-7		
ROTA	1	ROTA SCHOOL	1-12		
SAIPAN	1	CHALAN KANOA ELEMENTARY	1-7		
	1	GARAPAN ELEMENTARY	1-7		
	1	HOPWOOD JUNIOR HIGH	8-9		
	1	MARIANAS HIGH	10-12		
	1	MOUNT CARMEL	1-12		
	1	OLEAI ELEMENTARY	1-7		
	1	SAIPAN COMMUNITY	K-5		
	1	SAN ANTONIO ELEMENTARY	1-7		
	1	SAN ROQUE ELEMENTARY	1-7		
	1	SAN VICENTE ELEMETARY	1-7		
	1	TANAPAG ELEMENTARY	1-7		
TINIAN	1	TINIAN SCHOOL	1-12		

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ADJUNTAS			
	1	GARZAS JUNCOS	1-3
	1	JOSE PILAR GONZALEZ	1-6
	3	PORTUGUES	1-2
	3	RESIDENCIAL AGRICOLA	10-12
	1	SALTILLO	1-3
	3	SAN JOAQUIN	
	1	TANAMA YAYALES	1-5
	1	VACAS SALTILLO	1-5
	1	VEGAS ARRIBA	1-5
AGUADA			
	1	ANTONIO SANCHEZ RUIZ	6
	1	ATALAYA ABAJO	1-6
	1	ATALAYA ARRIBA	2-3
	3	CENTRO DE EDUCACION	VOC
	1	CERRO GORDO	1-6
	1	COMUNIDAD AISLADA	1-2
	1	CRUCES ABAJO	1-6
	1	GUANIQUILLA	1-4
	1	LAGUNAS	1-6
	1	MALPASO	1-6
	1	MAMEY	1-6
	1	MARIAS	1-5
	3	NARANJO ABAJO	1-2
	1	NARANJO ARRIBA	1-4
	1	NARANJO CUCHILLAS	2-3
	1	PARCELAS CORNELIAS	1-2
	1	PIEDRAS BLANCAS	2-3
	1	S U GUANABANAS	1-9
	3	S U JAGUEY	1-9
	1	TABLONAL	1-4
AGUADILLA			
	3	ANDRES FERRERYS	4-5
	3	BARRIADA ESTEVES	1-6
	3	JOSE DE DIEGO	1-7
	1	JOSE DE JESUS ESTEVES	1-4
	3	LUCIA CUSERO	1-6
	1	MANUEL CORCHADO	1-5
	1	MARINA RAMON ANESES	K-6
	1	PLAYUELAS	1-5
	1	PUPO JIMENEZ	1-2
	1	RAMON RODRIGUEZ	1-6
	3	S U ADAMS	K-9
AGUAS BUENAS			
	3	ACAD SAN ALFONSO	K-9
	1	CAGUITAS CARRETERA	1-6
	3	CAMINO VERDE	1-2
	1	JUAN ASENCIO	1-6
AGUAS BUENAS (CONTINUED)	3	LAS COVIJAS	1-2
	1	MULITAS ALVELO	1-5
	3	PARCELAS BAYAMONCITO	1-2
	1	PUEBLO VIEJO	3-4
	1	SANTA CLARA	1-5
	3	SONADORA	1
	3	SUMIDERO 1	1-2
AIBONITO			
	3	ACAD MENONITA BETANIS	
	1	ALGARROBOS (DEP DE HAITI)	1-4
	3	CAONILLAS	1-3
	1	CUYON (J B OTERO)	3-4
	1	LLANOS CARRETERA	1-5
	1	LUIS M RIVERA	1-2
	1	RABANAL	1-4
	1	S U LA PLATA	1-2
	1	S U PASTO	1-2
	1	SIERRA	1-3
	1	SUCESION TORRES	1-4
ANASCO			
	1	CERRO GORDO	1-3
	3	LA CHIZA	2
	1	MIRAFLORES ABAJO	2-3
	3	PINALES ABAJO	1-5
	1	PINALES ARRIBA	1-4
	1	QDA LARGA ARRIBA	3-4
ARECIBO 1			
	1	COTTO ANEXO	1-2
	1	J W HARRIS	K-5
	1	MARIA SEIJO	1-3
ARECIBO 2			
	1	ALLENDE	1-4
	1	ARRIZAL (Z RIVERA)	1-5
	1	BIAFARA	1-2
	1	CANDELARIA	1-4
	1	ESPINO	1-3
	1	FACTOR 1 (ANIMAS)	1-4
	3	JOSE G PADILLA	7-9
	3	JOSE RIVERA	1-7
	1	LUIS F PEREZ	1-2
	1	PUERTO LARGO	1-3
	1	S U COLL Y TOSTE	1-2
	3	S U F DE HOSTOS	1-2
	1	VIBORA	1-4
	1	VIGIA	1-5
ARECIBO 3			
	3	CALICHOSA CENTRO	1-4

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
ARECIBO 3 (CONTINUED)	1	CUESTA BIAFARA	1-2
	1	HIGUILLALES	1-6
	1	LA GUINEA	1-3
	1	NARCISO VARONA	K-5
	1	S U O BRAVO	1-9
	1	S U E DE JESUS BORRAS	K-9
	1	S U RIO ARRIBA	1-9
	1	VICTOR ROJAS 2	1-6
ARROYO			
	1	BDA MARIN	1-3
	1	CAYETANO SANCHEZ	1-6
	1	NICASIO LEDEE	3-4
	1	PALMAREJO	1
	1	PITAHAYA NUEVA	1-3
	1	S U LAUREL	1-9
	1	S U PITAHAYA	4-9
BARCELONETA			
	1	AUGUSTIN BALSEIRO	1-6
	1	BUFALO 1	1
	1	JOSE CORDERO ROSARIO	1-7
	1	PRIMITIVO MARCHAND	1-6
	3	PUNTA PALMAS	2
BARRANQUITAS			
	1	CANABON	1-6
	1	FARALLON	1-6
	1	LA TORRE	2-4
	1	LA VEGA	1-6
	1	MANA ABAJO	1-3
	1	PEDRO LABOY	7-9
	1	QUEBRADA GRANDE 1	8
	1	QUEBRADILLAS 1	1-6
	1	S U LA LOMA	1-9
	1	S U LAJITAS	1-9
	1	S U PALO HINCADO	1-9
BAYAMON 3			
	3	ACADEMIA CLARET	
	3	ACADEMIA LAS CUMBRES	
	1	ALDEA	1
	3	MERCEDES ELLINGER	
	3	SAN AGUSTIN	
BAYAMON 5			
	3	GUARAGUAO ARRIBA	1-3
	3	SANTA OLAYO	1-9
CABO ROJO			
	1	BETANCES	1-6
	1	CAPILLA	1-4
	1	COLLORES	1-6
CABO ROJO - (CONTINUED)	1	CORozo	1-3
	1	DELICIAS	2
	1	GUANIQUILLA	1-5
	1	MATIENZO	1-5
	1	PLAN BONITO	3-4
	1	S U PUERTO REAL	1-3
	1	SABANA ALTA	1-5
CAGUAS 1			
	1	AMALIA H MANGUAL	1-4
	1	ANTONIO LONGO	1-3
	3	EDO VALDES	1-3
	1	JESUS T PINERO	1-3
	1	LA VEINTICINCO	1-5
CAGUAS 2			
	3	ANDRES GONZALEZ	1-5
	1	BAIROA ADENTRO	1-5
	3	BUNKER	1-5
	1	DIEGO VAZQUEZ	1-4
	1	RAMON SANTIAGO	1-4
	3	SANTO DOMINGO	1-4
CAGUAS 3			
	1	ALTAVERSADA	1-5
	3	BEATRIZ CARRETERA	1-4
	3	BRISAS DEL TURABO	1-5
	1	CENTRO DE EST Y TRAB	VIP
	3	CIPRIANO MANRIQUE	1-5
	1	EL HATO	1-4
	1	JUAN J OSUNA 1	1-5
	3	JUAN J OSUNA 2	7-9
	1	LAS PIMAS	1-4
	1	LOS CLAUDIOS	1-4
	3	PRADERA	1-5
	1	RAMON BRUGUERAS	1-4
	1	SALVADOR RODRIGUEZ	1-5
	3	SANDALIO MARCANO	1-3
	1	TOMAS DE CASTRO	1-5
CAMUY			
	1	BALDORIOTY DE CASTRO	1-3
	1	FELIPE GARCIA	1-3
	3	JULIAN BLANCO	1-5
	1	QUEBRADA ECHEGARAY	1
	1	S U ANTONIO R PALMER	1-3
	3	S U ANTONIO REYES	1-3
	1	YEGUADA AMADOR	1-5
	1	ZANJA PLA	1
CANOVANAS			
	1	CUBUY CAMPAMENTO	1-3

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

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LOCATIONS	CODE *	SCHOOL NAME	
CANOVANAS (CONTINUED)	1	JARDINES DE PALMAREJO	1-6
	1	JULIA DE BURGOS ANEXO	1-3
	1	PARCELAS CAMPO RICO	1-6
	1	SAN ISIDRO	1-6
CAROLINA 1			
	3	ARRAYANES 1	1
	3	ARRAYANES 2	?
	3	CARVIN	
	3	COLEGIO BAUTISTA	
	3	S U JESUS T PINERO	1-9
CAROLINA 3			
	3	URB PUR SABANA ABAJO	1-6
CATANO			
	1	CUCHARILLAS 2	K-6
	1	LA PISTA	1-5
	1	PUENTE BLANCO	K-6
	1	RAFAEL CORDERO	1-8
	1	RAMON LOPEZ	1-4
CAYEY			
	3	CERRO CARRETERA	1-2
	1	CULEBRA ALTO 2	1-2
	1	EMERITA LEON EL	1-6
	3	EMERITA LEON INT	7-9
	1	EMERITO WARRENT	1-3
	3	ESTELA FRIAS	3-4
	1	FELIX LUCAS BENNET	1-6
	1	FRANKLIN D ROOSEVELT	1-2
	1	GERARDO SELLES SOLA	1-9
	1	GILDO MASSO	1-2
	1	GUAVATE 2	1-2
	1	JOSE G PADILLA	1-6
	1	MANUEL CORCHADO	1-5
	3	RAMON FRADE	1-6
	1	S U REXFORD TUGWELL	1-9
	1	VEGAS 1	1
	3	VEGAS 2 EC LOPEZI	1-6
	3	YUMURI	1-6
CEIBA			
	1	PARCELAS	1-6
	3	RIO ABAJO	1-6
CIALES			
	1	CIALITOS CENTRO	1
	1	CIALITOS CRUCE	1-6
	3	CRISTOBAL VICENS	1-6
	1	ECO COIRA	K-3
	3	H V CUMBRE	1-6
	1	JAGUAS STA CLARA	1-6
CIALES (CONTINUED)	1	JAIME COIRA	1-3
	1	PESA PARCELAS	1-4
	1	REPUBLICA DEL ECUADOR	1-6
	1	S U FCO SERRANO	1-3
	1	S U TORIBIO RIVERA	1-3
	1	TORO NEGRO DIVISORIA	1-3
CIDRA			
	1	BARRIO ARENAS	*
	3	BAYAMONCITO	1-5
	1	BEATRIZ ADENTRO	1-5
	1	BEATRIZ CARRETERA	1-3
	3	RO RIO ABAJO	1-3
	1	CEIBA 1	K
	1	CEIBA 2	
	1	CERTENEJAS I	K-5
	3	CERTENEJAS 2	K-5
	1	HEVIA A	1-3
	1	MONTEVELLO 1 R	K-6
	3	PARCELAS GANDARA	
	1	RABANAL	1-5
	1	S U J STUBBE	1-3
	3	S U RINCON	1-3
	3	STA CLARA 1 A	1-5
	3	SUD	1-5
	3	TOITA	1
COAMO			
	1	CUYON	1-3
	1	HOSTOS	1-5
	1	INT URBANA	7-9
	1	MELENDEZ CARRETERA	1-3
	3	PALMAREJO	1-6
	3	PEDRO A NEGRON	1-6
	1	PEDRO GARCIA	K-6
	1	PULGUILLAS ADENTRO	K-5
	1	PULGUILLAS CARRETERA	K-5
	1	QDA GRANDE	K-5
	1	S U MAYALES	1-3
	1	SAN DIEGO	K-5
	1	SANTA CATALINA	1-3
	3	VALVANERA	
COMERIO			
	1	DONA ELENA ALTO	1-6
	1	DONA ELENA ZAMORA	1-6
	1	EL VERDE 1	1-5
	1	EL VERDE 2	1-3
	3	ESC SECUNDARIA	7-12
	1	HIGUERO	3

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
COMERIO			
(CONTINUED)	1	LA PRIETA	1-6
	1	LAS NEREIDAS	4-6
	1	PARCELAS	1-5
	1	PINAS ABAJO	1-3
	1	PINAS ARRIBA	1-6
	1	RIO HONDO ARRIBA	1-2
	1	S U RIO HONDO (D DORIA)	1-9
	1	S U SABANA	1-9
	1	SALTO	1-2
COROZAL			
	3	ABRAHAM LINCOLN	4-6
	1	ABRAS CENTRO	6
	1	ABRAS MAVILLA	1-4
	1	CENTRO DE ESTUDIO Y TRAB	VOC.
	1	CIBUCO	1-5
	1	DOS BOCAS 1	1-3
	3	JOSE PADIN	1-9
	1	JULIAN MARRERO	1-9
	3	MANUEL ROU GALI	7-9
	1	NEGRO	1-6
	3	PADILLA HERMITA	1
	1	PALMARITO PARCELAS	K-9
	1	PALOS BLANCOS GOBEO	1-6
	1	PALOS BLANCOS MEDINA	2
	3	RAFAEL MARTINEZ NADAL	K-3
	3	SAGRADA FAMILIA	
DORADO			
	1	JOSE DE DIEGO	1-6
	1	LUIS M RIVERA	1-6
	1	NAGUAYO	1-9
	1	RIO LAJAS	1-6
	1	SAN ANTONIO	1-6
FAJARDO			
	1	INES ENCARNACION	1-6
	1	MARIA I DONES	1-6
	1	PEDRO ROSARIO NIEVES	K-6
	1	RAMONITA RIVERA	1-6
FLORIDA			
	1	ADOLFO EQUEN	1-5
	1	CEIBA	2-3
	1	COMUNIDAD ARROYO	1-3
GUANICA			
	1	AMALIA SANABRIA	1
	1	CENTRO DE ESTUDIO Y TRAB	VOC.
	1	MAGUEYES 1 Y 2	1-6
	1	MARIA R C CLAUDIO	1-6
	1	SALINAS	3-4
GUANICA			
(CONTINUED)	1	TERESITA SIURANO	7-7
GUAYAMA			
	1	CAIMITAL	1-3
	1	CARITE CAMBRENE	3-5
	1	CARITE CHINO	1-3
	1	CARMEN	1-5
	1	CIMARRONA	1-6
	1	CORAZON	K-6
	1	LUIS PALES MATOS	1-6
	3	MINIMA GUAMANI	1-6
	1	MOSQUITO	1-6
	1	OLIMPO	1-6
	1	PALMAS	1-6
	1	POZUELO	1-3
	1	PUERTO DE JOBOS	1-5
	1	S U PUERTO DE JOBOS	K-9
GUAYANILLA			
	1	CONSEJO	1-6
	1	LLANOS	2,4,5
	1	MARIO MERCADO	1-3
	1	PLAYA 1	1-3
	1	S U DE PASTO	1-3
	1	SIERRA BAJA	1-3
	1	ZOILO FERRERO	3-6
GUAYNABO			
	1	BERNARDO HUYKE	1-6
	3	CAMARONES CENTRO	1-6
	3	CAMARONES CUATRO	1-6
	1	CANTA GALLO	1-5
	3	CAPARRA MILITARY ACA	
	1	FRAILES ALTO	1-3
	3	JUAN PONCE DE LEON	7-9
	3	JUAN R OCASIO	1-5
	3	JUANA PAMOS	1-3
	1	LOS ALAMOS	1-6
	1	LUIS M RIVERA 2	3-6
	1	MAMEY CENTRO	1-5
	3	MERCEDES MORALES	
	3	RAFAEL HERNANDEZ	1-3
	3	ROSALINA C MARTINEZ	7-12
	3	SAGRADO CORAZONES	
	3	SAN PEDRO MARTIR	
	1	SANTA ROSA 2	1-3
	3	SANTA ROSA 3	1-6
GURABO			
	1	CELADA CARRETERA	1-6
	3	HATO NUEVO	1-5

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
GUABO (CONTINUED)	3	JAGUAS	1-6
	3	VIDAL SERRANO	K-9
HATILLO			
	1	CORCOBADOS WHITTIER	1-6
	1	EUGENIO M DE HOSTOS	K-6
	1	J CASEY	7-9
	1	JOAQUIN RODRIGUEZ	K-6
	1	LUIS M RIVERA	K-6
	1	MANUEL CORCHADO	1-6
	1	ROSA E MOLINARI	1-6
	1	S U SAYANEY	1-9
	1	S U PAJUIL	1-9
	1	THEODORE ROOSEVELT	1-4
HORMIGUEROS			
	1	JAGUITAS	3-6
	1	RAFAEL HERNANDEZ	1-6
HUMACAO			
	1	ADRIAN MEDINA	1-6
	1	ANTONIO ROIG	1-3
	1	ASUNCION V LOPEZ	1-6
	1	CANDIDO BERRIOS	K-6
	1	CATANO	1-6
	1	HERMINIA RODRIGUEZ	6
	1	LUCIANO RIOS	K-9
	1	MAMBICHE BLANCO 2	2-4
	1	MARCOS OJEDA	1
	1	PARCELAS ANTON RUIZ	K-6
	1	PARCELAS MARTINEZ	K-6
	1	PATAGONIA	1-6
	3	S U ORTIZ STELLA	1-9
	3	S U PUNTA SANTIAGO	K-9
ISABELA			
	1	A ALTOS HOSTOS	1
	1	A ALTOS MANTILLA	1-3
	1	A BAJOS SELLES	1-3
	1	EPIFANIO ESTRADA	1-6
	1	JOHOS U GRANT	3-6
	1	JOSE A VARGAS	7-9
	1	JOSE G PADILLA	1-6
	1	JOSE RAFOLS	1-6
	3	MATEO HERNANDEZ	K-6
	3	MIRAFLORES	
	1	NICANORO GARCIA	1-6
	1	PARCELAS MORA GUERRERO	1-6
	1	PLANAS 1 CRUCES	1-3
	1	PLANAS 1 MCKINLEY	1-6
	1	PLANAS 2 HARDING	1-6
ISABELA (CONTINUED)	1	ULISES PELLOT	2-6
JAYUYA			
	1	ANIBAL OYOLA	1-6
	1	GRIPINAS	1-6
	1	HOYOS	1-9
	1	RAFAEL MTNEZ NADAL	1-6
	1	S U CANALES (COABEY)	1-3
	1	S U MAMEYES	1-9
	1	SAN PATRICIO	1-6
	1	SUPERIOR JAYANA	11-12
	1	ZAMAS	1-6
JUANA DIAZ			
	1	AGUILITA 1	1-6
	1	CARMEN FLORES	1-3
	1	CERRO	1-9
	1	CUEVAS	1-9
	1	CUEVITAS	1-9
	1	FLADIO PAGAN	1-9
	3	JUAN B ROMERO	1-3
	3	JUANITA RIVERA (LOMAS)	1-3
	3	MAGAS	1-3
	3	MANZANILLA	1-6
	1	NARANJOS	1-6
	1	PASTILLITO	1-3
	3	PASTILLO EL	1-6
	3	PASTILLO SEC	7-12
	1	PIEDRA AGUZADA	1-3
	3	S U BUSQUETS	1-9
	3	S U CARRION MADURO	1-9
	3	S U ZOILO GRACIA	1-9
JUNCOS			
	1	CEIBA NORTE PARCELAS	K-6
	1	CEIBA SUR	1-6
	1	PLACITA	K-6
	1	S U CLARA MALDONADO	K-9
	1	TEODOMIRO DELFAUS	1-6
LAJAS			
	1	ANTONIO PAGAN	1-6
	1	EMILIO ALVAREZ	1-9
	1	OLIVARES	1-6
	1	RICARDO MARTI DAVILA	1-6
	1	ROSENDO MATIENZO CINTRON	1-6
	1	THOMAS A EDISON	1
LARES			
	1	BERNARDO PAGAN	1-9
	1	ESTEBAN VARGAS	2-6
	1	GABRIELA MISTRAL	7-12

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LOCATIONS	CODE *	SCHOOL NAME	
LARES (CONTINUED)	1	GONZALEZ BELLO	1-6
	1	GREGORIO RIVERA	1-5
	1	JORGE WASHINGTON	K-6
	1	JOSE OLIVER	2-3
	1	JUAN C MAGAN	4-9
	1	LA MATILDE	1-2
	1	LOS VELEZ	1-2
	1	MANUEL ROJAS	1-4
	1	MARIANA BRACETTI	1-4
	1	PEDRO CABAN	2
	1	PEDRO COLON	3-4
	1	PILETAS ARCE	1-6
	1	PILETAS COSTA	1-3
	1	RABANOS ELEM	K-6
	1	RAFAEL ARRILLAGA	1-2
	1	S U BARTOLO	1-9
	1	S U LA AMERICA	1-9
	1	S U LARES	3-9
	1	S U PILETAS	K-9
	1	SANTIAGO DELGADO	1-2
	1	SANTIAGO R PALMER	1-3
	1	TABONUCO	1
	1	VIZCARRONDO	1-3
LAS MARIAS			
	1	ALTOSANO	2-3
	1	ANONES RURAL	1-4
	1	BRYAN	1-5
	1	BUCARABONES	1-4
	1	BUENA VISTA	1-2
	1	CASANOVAS	5-6
	1	CHAMORRO	6
	1	CONSUMO	1-6
	1	ESPINO	1-6
	3	FURNIAS	1-4
	3	GUACIO	1-2
	1	PALMA ESCRITA	2-4
	1	RIO CANAS	2-6
	1	S U ANONES	1-6
	1	S U BUENA VISTA	1-9
LAS PIEDRAS			
	1	ALBERTO MOLINA	1-2
	1	BENITO MEDINA	1-6
	3	FERNANDO ROIG	7-9
	1	LA FERMINA	K-6
	3	LA ROMANA	1-2
	1	LIJAS	1
	1	LUIS M RIVERA	1-6
LAS PIEDRAS (CONTINUED)	1	MATIAS RIVERA	K-6
	1	MONTONES 4 (J ZAYAS)	1-6
	1	PAUL G MILLER	3
	1	QUEBRADA GRANDE	1-3
	1	STGO VEVE CALZADA	1-2
LOIZA			
	1	ALEN BLANCO ZEQUEIRA	K-6
	3	CARLOS LOPEZ ESCOBAR	7-12
	1	MEDIANIA ALTA ELEM	1-6
	1	MEDIANIA ALTA INT	7-9
	1	PARCELAS VIEQUES	K-6
	1	PINONES	1-6
LUQUILLO			
	1	CANTA GALLO	2
	1	FORTUNA CARRETERA	1-6
MANATI			
	1	AUGUSTO COHEN	1-3
	1	EVARISTO CAMACHO	K-6
	3	JOSE MELENDEZ	1-6
	1	MICAELA ESCUDERO	1-6
	1	S U MONTE BELLO	1-2
	3	VILLA EVANGELINA	1-3
MARICAO			
	1	ALERTA	2-6
	1	INDIERA ALTA KM 27	1-6
	1	INDIERA ALTA KM 30	1
	1	INDIERA BAJA	1-2
	1	INDIERA ERTA	1-6
	1	RAFAEL JANER	1-2
	1	S U FCO VICENTY	1-2
MAUNABO			
	3	INT CASTA MARTINEZ	7-9
	1	TUMBAO	1-2
MAYAGUEZ 1			
	1	CENTRO EDUCACION Y TRABAJO	1-12
	1	CONCORDIA ELEM	1-6
	3	LA ALICIA	1-6
	3	MAYAGUEZ ARRIBA	1-6
	3	MIRADERO 2	2-6
	3	QUEMADO	1-6
	3	S U MARINI	1-3
	3	S U SABANETAS MANI	1-3
	3	SOLEDAD	1-6
MAYAGUEZ 2			
	3	CUESTA PIEDRAS	1-6
	1	FCO BAEZ SORIA	1-6
	3	LAS MESAS	1-6

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LOCATIONS	CODE *	SCHOOL NAME	
MAYAGUEZ 2 (CONTINUED)	1	LIMON	1-6
	1	PARCELAS ROLON	1-6
	1	RAMON VALLE SEDA	1-6
	3	RIO HONDO	1-6
	1	SABALOS GARDEN	1-6
MOCA	1	ACEITUNAS	1-9
	3	ANTONIO S PEDREIRA	10-12
	1	CAPA BOSQUES	1-3
	1	CAPA LASALLE	4-5
	1	CERRO GORDO L	1-6+
	1	CERRO GORDO M	1-6
	1	CLIMACO SANCHEZ	4
	1	CUCHILLAS FERRER	1-3
	1	JORGE WASHINGTON	1-7
	1	LA LOMA	1-4
	1	MANUEL CARRASCO	1-6
	1	MARIAS 2	6
	1	MARIAS 3	1-6
	1	NARANJO	1-6
	1	NARANJO SEGUI	2
	1	PLATA ALTA	1-5
	1	PLATA BAJA	1-5
	1	S U CUCHILLAS	1-9
	1	S U VOLADORAS	1-9
MOROVIS	1	ESPERANZA	1-6
	1	FRANQUEZ	1-6
	1	PARCELAS TORRECILLAS	1-4
	1	PASTO 1	1-3Y5
	1	PERCHAS DIAZ	1-6
	1	S U BARAHONA	1-9
	1	S U BARRERAS	1-9
	1	S U MOROVIS SUR	1-9
	1	S U SAN LORENZO	1-9
	1	TORRECILLAS	5-6
	1	UNIBON CENTRO	1-3
	1	VAGAS 1	1-6
NAGUABO	1	BARRIO RIO 1	1-3
	3	CENTRO PROMOCIONESCOLAR	
	1	DUQUE ODA GRANDE	1-6
	1	JOSE GUZMAN ORTIZ	11-12
	3	ORIENTAL ADVENTISTA	
	3	PENA POBRE ABAJO	4
	1	PLAYA HUCARES	1-6
	1	PLAYA PARCELAS	3
NAGUABO (CONTINUED)	3	RAFAEL ROCCA	10-12
	3	S U MARIANA	5-9
	3	S U RIO BLANCO	1-11
	1	SANTIAGO Y LIMA	1-3
NARANJITO	1	ANONENES CENTRO 2	6
	3	ANONES CENTRO 1	5
	3	BO NUEVO DON MANOLO	1-5
	1	CEDRO ARRIBA FEIJOO	1-5
	3	GUADIANA CHINEA	1-5
	1	MERCEDES ROSADO	7-9
OROCOVIS	1	BARROS 2	1-3
	1	BERMEJALES	1-3
	1	CACAO ALTURITA	1-3
	1	CACAO HACIENDA	1-5
	1	DAMIAN ABAJO	1-5
	1	DAMIAN ARRIBA	K-5
	1	DONA JUANA	1-3
	3	ELEMENTAL URBANA	1-7
	1	GATO 2	1-5
	1	JOSE ROJAS CORTES	10-12
	1	LA FRANCIA	1-3
	1	MATA DE CANA	1-4
	1	PELLEJAS NO 2	1-5
	1	S U BOTIJAS 1	1-3
	1	S U BOTIJAS 2	1-3
	1	S U MATRULLAS	1-3
	1	SALTOS CABRA	K-3
	1	SANAMUERTOS	1-3
	1	TONINGO	3-4
PATILLAS	1	APEADERO	1-3
	1	CAMPUSU	1-3
	1	G RIEFKOL	3-5
	1	INTERMEDIA URBANA	7-9
	1	JACABOA	1-5
	1	LAMBOGLIA	1-3
	1	LOS BARROS	4-5
	1	LOS POLLOS	1-5
	1	LOS RIOS	1-4
	1	MARIN ALTO	5-5
	1	MARIN BAJO	1-5
	1	MULA 1 (ANDREA RAMOS)	1-3
	1	OBEN (J CINTRON)	1-3
	3	PROVIDENCIA	1-3
	1	QUEBRADA ARRIBA	1-4

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PUERTO RICO

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LOCATIONS	CODE *	SCHOOL NAME	
PATILLAS (CONTINUED)	1	RAMON LEBRON	1-4
	1	RECIO (T VERA)	K-6
	1	ZENON GELY	2-6
PENUELAS			
	1	BARREAL	1-6
	1	LA GELPA	1-6
	1	PEDRO MALDONADO TORRES	1-5
	1	RUCIO 1, 2, 3	1-7
	1	TALLABOA ALTA 1	6
PONCE I			
	3	ACAD CRISTO REY	
	3	CARRIBEAN SCHOOL	
	3	CENTRO SAN FRANCISCO	
	3	COLEGIO ERGOS	
	3	COLEGIO POMAYUAN	
	1	HOGARES SEGUROS	1-6
	1	JOSE PONTON GONZALEZ	1-6
	1	LA CARMELITA	1-5
	1	LA YUCA	1-4
	1	LAS RAICES	1-4
	1	LOS AUSUBOS	2-3
	1	LUIS MUNOZ RIVERA II	K-6
	1	PALMAREJO	1-4
	3	PARCELAS REAL	1-3
	1	PEDRO ACEVEDO	1-7
	1	PEDRO FOURNIER	4-6
	1	RODULFO DEL VALLE	K-6
	3	SAN CONRADO	
	3	SANTA TERESITA	
	1	SERGIO T CORTADA	2-6
	1	VICTORIANO BLANCO	1-6
PONCE II			
	1	COMUNIDAD RURAL CANAS	K-9
	1	LUCY GRILLASCA	K-6
PONCE III			
	1	DR ENETERIO BETANCES	1-6
	1	ERNESTO RAMOS ANTONINI	1-6
	1	JOSE JULIAN ACOSTA	1-3
	1	JUAN MOREL CAMPOS	1-61
	1	JULIO S RIVAS	1-6
	1	LA MOCHA	1-6
	1	PASTILLO TIBES	1-3
	1	PORTONES MAMEYES	1
	3	RIO CHIQUITO	1-3
	1	ROMAN BALDORIOTY DE CASTRO	4-6
	1	SANTOS PASCUAS	1-3
	1	SIMON MORET GALLART	1-6
PONCE III (CONTINUED)	1	TIBES 1	1-6
PONCE IV			
	1	CAPITANEJO	1-6
	1	DR LOPEZ NUSSA	1-6
	1	MERCEDES P SERRALLES	1-6
	3	PARCELAS SABANETAS	1-3
	1	VALLAS TORRES	1-3
PONCE V			
	1	CLEMENTE BARTOLOMEI	1-6
	1	EVARISTO ISCOA DIAZ	1-6
	1	JOAQUIN FERRAN	1-6
	3	MANUEL G TAVAREZ	3-6
	1	PARCELAS MAQUEYES	1-4
	3	PARCELAS MARQUENO	1-3
	1	QUEBRADA AGUA	1-6
	3	VICENTE USERA	5-6
QUEBRADILLAS			
	3	CELSO BARBOSA	1-3
	1	EUGENIO M DE HOSTOS	1-3
	1	JOSE DE DIEGO	1-6
	1	RAMON E MOLINARI	K-6
	1	S U HONORIO HERNANDEZ T ROOSEVELT	1-3
RINCON			
	1	ADOLFO MORENO	1-6
	3	GABINO TIRADO	?
	1	JAGUEY	1-3
	1	MAESTRO GANDIA	1-6
	1	OCTAVIO CUMPIANO	4-6
	1	RAMON E BETANCES	1-3
	1	S U CALVACHE	1-3
RIO GRANDE			
	1	BARTOLO	2-6
	1	CERRA 1	5-6
	3	CIENAGA BAJA 1	1-3
	1	LA DOLORES	3-6
	1	VEGA ALEGRE	6
RIO PIEDRAS 1			
	3	AC BAUTISTA DE PTO NUEVO	
	3	AC CRISTO REY	
	1	EMILIO TORO CUEVAS	K-6
	1	LUIS PALES MATOS	7-9
	1	NEMESIO R CANALES	4-6
	3	NTRA SRA DE ALTAGRACIA	
	3	SAN GABRIEL	
	3	SAN IGNACIO	
	3	SAN LUIS REY	

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

CODE 2 - SCHOOLS DESIGNATED FOR NATIONAL DEFENSE STUDENT LOAN CANCELLATION BENEFITS ONLY
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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
RIO PIEDRAS 1 (CONTINUED)	1	TOKIO	1-6
RIO PIEDRAS 2	1	BOLIVAR PAGAN	1-6
	1	GUSTAVO A BECKER	1-6
	1	ISRAEL	K-6
	1	JUAN R JIMENEZ	7-9
	1	LOLA R DE TIO	7-9
	3	MANUEL A PEREZ	K-9
	3	RAFAEL HERNANDEZ	1-6
	3	SANTIAGO IGLESIAS	K-6
RIO PIEDRAS 3	1	JARDINES DE MONTE HATILLO	1-6
	1	LUIS PEREIRA LEAL	1-6
	1	RAFAEL SICARDO	1-6
	1	SAN MARTIN	K-6
RIO PIEDRAS 4	1	GERARDO SELLES SOLA	1-6
	3	LAS VIRTUDES	1-6
RIO PIEDRAS 5	3	CAIMITO ADENTRO	1-6
	3	CANEJAS	1-6
	1	COCOS	1-?
	3	S U CUPEY BAJO	1-10
	3	SALVADOR BRAU	1-6
	3	TORTUGO SIERRA BORINQUEN	1-8
RIO PIEDRAS 6	3	ALEJANDRINO	1-6
	1	LA AMAPOLA	1-6
	1	MONACILLO ANA ROQUE	1-6
	1	RAFAEL RIVERA OTERO	1-6
	1	VISTA HERMOSA	1-6
SABANA GRANDE	1	DR SANTIAGO VEVE	3-4
	3	F ROOSEVELT	1-6
	1	FCO VAZQUEZ PUEYO	1-9
	1	JUAN VEGA	1-2
	1	MARIANO ABRIL	1-6
	1	ROSENTIO MATIENZO CINTRON	1-6
SALINAS	3	CENTRO ESTUDIO Y TRABAJO	10-12
	3	GUILLERMO GODREAU	1-6
	1	LAS MAREAS	1-6
	1	PALMAS	1-2
	1	PARCELAS COCO	K-6
	1	PARCELAS VAZQUEZ	1-5
	1	PARCELAS HO	K-6
	1	PLAYA	1-6
SALINAS (CONTINUED)	1	PLAYITA	1-?
	1	QUEBRADA YEGUA	K-6
	3	S U CIQUI	1-?
	1	S U LAPA	K-?
	1	SAN FELIPE	1-6
	3	WOODROW WILSON	1-6
SAN GERMAN	1	BARTOLOME LAS CASAS	1-6
	1	GEORGINA ALVARADO	1-6
	1	MARIANO ABRIL	1-6
	1	PADRE RUEO	1-6
	1	S U HOCONUCO	1-?
	3	S U ROSARIO	1-?
	1	S U SABANA ENEAS	1-?
SAN JUAN 1	1	ABRAHAM LINCOLN	1-6
	3	CHARLES MOHLER	K-6
	3	EMILIO CASTELAR	1-6
	3	LUIS LLORENS TORRES	1-6
	3	LUIS M RIVERA	K-6
	1	LUIS R CABRERO	1-6
	1	MARTIN BRAUMBAUGH	1-6
	3	RAFAEL CORDERO	7-9
	3	RAMON POWER	11-12
	3	SAGRADA FAMILIA	
	3	SAGRADO CORAZON	
	3	SAN AGUSTIN	
	3	SAN JORGE	
	3	SANTA MAGDALENA SOFIA	
	3	SEGUNDO RUIZ BELVIS	
SAN JUAN 2	3	ALEJANDRO TAPIA Y RIVERA	1-6
	1	ATLANTIC VIEW	1-6
	1	BUENA VISTA	1-6
	3	FACUNDO BUESO	7-9
	1	FEDERICO ASENJO	7-9
	1	HAYDEE ROXACH	1-6
	3	JESUS M QUINONES	1-6
	3	JULIO H HENNA	1-6
	1	MANUEL ROA DA Y ANEXO	1-6
	1	RES LAS MARGARITAS	1-6
	1	RINCON PLUMEY	7-9
	1	SOFIA ROXACH	1-6
SAN LORENZO	1	ANTONIO R BARCELO	1-6
	1	CARMELO FIGUEROA	1-7
	1	CAYAGUAS	1-?

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PUERTO RICO

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
SAN LORENZO (CONTINUED)	1	CERRO GORDO ARRIBA	1-6
	1	EL PAROUE	K-3
	1	ESPINO KM 12	1-6
	1	ESPINO MANUEL CRUZ	1-6
	1	EUGENIO MA DE HOSTOS	K-3
	1	FELIPE RODRIGUEZ---	1-6
	1	FLORIDA ARRIBA	1-6
	1	HATO ARRIBA PARCELAS KM 6	1-6
	1	JAGUAL ADECARRETERA KM 8	1-6
	1	JAGUAL ADENTRO	1-6
	3	JOSE CAMPECHE	10-12
	1	JOSE ROSARIO	1-6
	3	JOSEFA DOMINGO	1-6
	1	QUERRA DA ARENAS 3	1-6
	1	QUERRADA	1-6
	1	QUEBRADA HONDA ARRIBA	1-3
	1	QUEMADOS ARRIBA	K-5
	1	QUEMADOS PARCELAS	1-2
	1	S U CARLOS ZAYAS	1-6
	1	S U QUEBRADA HONDA	1-9
SAN SEBASTIAN	1	AIBONITO BELTRAN	1-5
	1	AIBONITO DEXTER	3
	1	AIBONITO GUERRERO	1-6
	1	ALTOZANO	1-6
	1	CALABAZAS ALBERTY	1-6
	1	CALABAZAS INFANTE	1-6
	1	CIBAO ABRAHONDA	2
	1	CIBAO NUCLEO	1-5
	1	GUACIO	1-6
	1	GUAJATACA COLLAZO	1-6
	1	GUAJATACA JAUNARENA	6
	1	GUATEMALA LA VEGA	1-6
	1	GUILLERMO CARDE	1-2
	1	HOYAMALA LECHUZA	1-6
	1	MARIA S RIO	1-6
	1	MINIMA ORONOZ	1-6
	1	MIRABALES NIEVES	1-6
	1	PERCHAS RABELL	1,3,6
	1	PERCHAS ROSARIO	1-6
	1	POZAS	2-6
	1	POZAS CENTRAL	1
	1	S U HOYAMALA	1-2
	1	S U SALTO	1-2
	1	SONADOR 1	1-3
	1	SONADOR 2	3,4
	1	WHITTIER ANEXO	1-6
SANTA ISABEL	1	ALLAS	1-6
	1	PENUELAS	1-6
	1	PLAYA	1-6
	1	S U PLAYITA CORTADA	1-2
	1	VELAZQUEZ	1-6
TOA ALTA	1	GALATEO PARCELAS	1-6
	1	JOSE MA DEL VALLE	K-6
	1	LUIS MUNOZ RIVERA	7
	1	MANUEL VELILLA CABRERA	1-6
	3	QUERRADILLAS PARCELAS	1-6
	1	VIRGILIO MORALES	1-6
TOA BAJA 1	1	CAMPANILLA	1-6
	3	JOSE NEVAREZ LANDRON	2-3
	1	MACUN	K-6
	3	S U PAJAROS	1-3
	1	VILLA GUTIERREZ	1-6
TOA BAJA 2	3	VILLA KENNEDY	1-3
	3	VILLA MARISOL	1-4
TRUJILLO ALTO	3	COLEGIO POMAYUAN	
	1	COVADONGA	1-6
	1	JOSE J ACOSTA	1-2
	1	JOSE P MORALES	1-3
	1	JULIO LARRINAGA	1-6
	1	RAMON T COLON	1-3
	3	ROSEMARIE	
	3	S U ALEJANDRO TAPIA	1-2
	3	S U RAFAEL CORDERO	1-2
UTUADO	1	ANGELES ALTURA	10-2
	1	ANGELES CORCHO	1-6
	1	ARENAS ABAJO	1-2
	1	ARENAS PELLEJAS	1-2
	1	CAYCO	1-6
	1	CONSEJO	1-3
	1	PASO PALMAS 1	1-6
	1	RIO ABAJO 1	1-2
	1	RONCADOR ARRIBA	1-6
	1	S U ANGELES	K-12
	1	S U CAGUANAS	K-2
	1	S U LAFONTAINE	1-2
	1	S U MAMEYES	1-2
	1	S U SALTO ARRIBA	1-2
	1	SABANA GRANDE ABAJO	1-3

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PUERTO RICO

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LOCATIONS	CODE *	SCHOOL NAME

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES FOR NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN CANCELLATION BENEFITS FOR THE 1981-82 SCHOOL YEAR

LOCATIONS	CODE *	SCHOOL NAME	
UTUADO (CONTINUED)	1	SABANA GRANDE ARRIBA	4-6
	1	TETUAN 1	1-2
	1	VIVI ABAJO	1-2
	1	VIVI ARRIBA	1-9
VEGA ALTA			
	1	BAJURA ALMIRANTE	1-6
	1	CERRO GORDO	1-4
	1	ESPINOSA PARCELAS	1-3
	3	S U MARICAO	1-9
	1	SABANA BRENAS	1-9
	1	SABANA HOYOS	K-6
VEGA BAJA			
	1	ALMIRANTE CENTRAL	4
	1	ALMIRANTE SUR (F DEGETAU)	1-4
	1	ALMIRANTE SUR #2	1-4
	1	CABO CARIBE	1-3
	1	CENTRO COMUNAL	1-6
	1	JOSE DE DIEGO	4-6
	1	MANUEL NEGRON COLLAZO	1-6
	1	MANUEL P DAVILA	1-6
	1	PARCELAS MARQUEZ	1-3
	1	QUEBRADA ARENAS	3-5
	1	ROSA M RODRIGUEZ	K-3
	3	S U ALMIRANTE NORTE	K-9
	1	TROCHA	1-4
VIEQUES-CULEBRA			
	3	ERNESTO ROSARIO SOTO	2
	3	FRANKLIN D ROOSEVELT	4-6
	1	JOSE BARBOSA	2-5
	1	LUIS M RIVERA	1-3
	1	MERCEDES LUIS	1-3
	1	MONTE SANTO	1-3
	3	S U VOCACIONAL	6-9
VILLALBA			
	1	ACEITUNAS	2,3,5
	1	APEADEROS	2-5
	3	CAMARONES	1-7
	1	CHICHON	2-5
	1	DAJAOS	1-6
	1	FCO ZAYAS SANTANA	10-12
	1	HATILLO	1-6
	1	HIGUERO	1-6
	1	JAGUEYES	1-6
	1	JOSE GONZALEZ GINORIO	1-9
	1	JULIO OLIVIERI	7-9
	1	LIMON	1-6
	1	MOGOTE	1-6
VILLALBA (CONTINUED)	3	NTRA SRA DEL CARMEN	
	1	PALMAREJO	1-7
	1	S U EL PINO	1-9
	1	SEMIL	1-5
	1	STERRITA	1-6
	1	VISTA ALEGRE	1-6
	1	WALTER MCJONES	7-9
	3	WALTER MCJONES	1-6
YABUCOA			
	1	CALABAZAS ADENTRO	1-6
	1	CALABAZAS ARRIBA	1-6
	1	CENTRO DE ESTUDIO Y TRABAJO	11-12
	1	EL NEGRO	1
	1	GUANO	K-6
	1	GUAYABO	K-6
	1	JACANAS ABAJO	K-2
	1	PIEDRA AZUL	1-4
	3	PIEDRA BLANCA	1-3
	1	PLAYA GUAYANES	K-1
	1	QUEBRADILLAS AFUERA	1-4
	1	S U AGUACATE	K-1
	1	S U CAMINO NUEVO	K-2
	1	S U GUAYABOTA	1-2
	1	S U PLAYITA	1-2
	1	S U TEJAS AFUERA	K-2
	1	TEJAS ADENTRO	3
	1	TRINIDAD	K-6
YAUCO			
	1	AGUAS BLANCAS	1-2
	1	ALGARROBOS	1-6
	1	ALMARCIGO ALTO 1	1-6
	1	ALMARCIGO ALTO 2	1-6
	1	ALMARCIGO BAJO 1	1-6
	1	COLLORES 1	2-6
	1	COLLORES 2	1
	1	DIEGO HERNANDEZ	1-2
	1	EMILIO DIAZ	K-3
	1	JACANAS	1-2
	1	JOSEFA CATALA	1-6
	1	MOGOTES	1-6
	3	PALMITA (SUSUA ALTA)	1-3
	1	PATRIA PEREZ	1-6
	1	QUEBRADAS 1	1-6
	1	RANCHERAS 1	1-6
	1	RIO PRIETO	1-2
	1	RUBIAS KM 25	1-6
	1	S U JAIME CASTANER	1-2

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PUERTO RICO

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS
YAUCO (CONTINUED)	1	SIERRA ALTA 1	3-6
	1	SIERRA ALTA 3, 4, 5, 6	1-2
	1	VEGAS	3-6
	1	VEGAS KM 17	1-2

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TRUST TERRITORY OF THE PACIFIC ISLANDS

LIST OF SCHOOLS DETERMINED TO HAVE HIGH CONCENTRATION OF STUDENTS FROM LOW-INCOME FAMILIES
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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS
KOSRAE			

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LOCATIONS	CODE *	SCHOOL NAME	
KOSRAE			
	1	KOSRAE HIGH SCHOOL	HS
	1	LELU	EL
	1	MALEM	EL
	1	SEVENTH DAY ADVENTIST	EL
	1	TAFUNSAK	EL
	1	UTWE	EL
	1	WALUNG	EL
MARSHALL IS			
	1	AEROK AILINGLAPLAP	EL
	1	AERUK MALOELAP	EL
	1	AERUK PROTESTANT	EL
	1	AILUK AILUK	EL
	1	AJELTAKE MAJURO	EL
	1	ARNO ARNO	EL
	1	ASSUMPTION ELEMENTARY MAJURO	EL
	1	ASSUMPTION HS MAJURO	HS
	1	BIKAREJ ARNO	EL
	1	BUOJ AILINGLAPLAP	EL
	1	CALVARY PROTESTANT	EL
	1	CARLOS KWAJLAEIN	EL
	1	DELAP MAJURO	EL
	1	EBADEN KWAJLAEIN	EL
	1	EBEYE KWAJLAEIN	EL
	1	EBEYE PROTESTANT	EL
	1	EBON EBON	EL
	1	EJIT MAJURO	EL
	1	ENEJELAP AILUK	EL
	1	ENEJET MILLI	EL
	1	ENEKOION EBON	EL
	1	ENNIBURR KWAJLAEIN	EL
	1	IMIEJ JALUIT	EL
	1	IMROJ JALUIT	EL
	1	IMROJ PROTESTANT	EL
	1	INE ARNO	EL
	1	INE PROTESTANT	EL
	1	JABAL LIKIEP	EL
	1	JABOR JALUIT	EL
	1	JABOT JABOT	EL
	1	JALUIT HIGH SCHOOL	HS
	1	JALUIT JALUIT	EL
	1	JANG MALOELAP	EL
	1	JEH AILINGLAPLAP	EL
	1	JEPTAN ENEMETAK	EL
	1	KABEN MALOELAP	EL
	1	KILANGE ARNO	EL
	1	KILI	EL
	1	LAE	EL
MARSHALL IS (CONTINUED)			
	1	LAE PROTESTANT	EL
	1	LAURA MAJURO	EL
	1	LAURA PROTESTANT	EL
	1	LIB	EL
	1	LIKIEP	EL
	1	LIKLAL LIKIEP	EL
	1	LOEN NAMU	EL
	1	LONGAR ARNO	EL
	1	LUKOJ ARNO	EL
	1	LUKONOOR MILLI	EL
	1	MAE NAMU	EL
	1	MAJURO COOPERATIVE	EL
	1	MARSHALL CHRISTIAN HS	HS
	1	MARSHALL ISLANDS HIGH SCHOOL	HS
	1	MATOLEN ARNO	EL
	1	MEJATTO JALUIT	EL
	1	MEJIT	EL
	1	MEJUPIROK JALUIT	EL
	1	MELANG LIKIEP	EL
	1	MILI	EL
	1	MALLO MILI	EL
	1	NAMUPIK	EL
	1	NAMU NAMU	EL
	1	NARMEJ JALUIT	EL
	1	OLLET MALOELAP	EL
	1	QUEEN OF PEACE	EL
	1	RITA MAJURO	EL
	1	RONGLAP	EL
	1	SEVENTH DAY ADVENTIST (DUD)	EL
	1	SEVENTH DAY ADVENTIST (LAURA)	EL
	1	SEVENTH DAY ADVENTIST HS	HS
	1	ST JOSEPH	EL
	1	ST PAUL	EL
	1	TARAWA MALOELAP	EL
	1	TOBAL AUR	EL
	1	TOKA EBON	EL
	1	TOKEWA MILI	EL
	1	TUTU ARNO	EL
	1	UJAE	EL
	1	UJALNG	EL
	1	ULEIN	EL
	1	ULIGA PROTESTANT	EL
	1	UTDRIK	EL
	1	WOJA	EL
	1	WOTHEJ	EL
	1	WOTJE	EL
	1	WOTTO	EL

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TRUST TERRITORY OF THE PACIFIC ISLANDS

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LOCATIONS	CODE *	SCHOOL NAME	
PALAU			
	1	AIMELIIK ELEMENTARY	EL
	1	AIRAI ELEMENTARY	EL
	1	ANGAUR ELEMENTARY	EL
	1	BETHANIA HIGH SCHOOL	EL
	1	CHOLL ELEMENTARY	EL
	1	EMMAUS HIGH SCHOOL	HS
	1	GEORGE B HARRIS ELEMENTARY	EL
	1	JOHN F KENNEDY	EL
	1	KOROR ELEMENTARY	EL
	1	MARIS STELLA ELEMENTAPY	EL
	1	MEYUNS ELEMENTARY	EL
	1	MINDSZENTY HIGH SCHOOL	HS
	1	NGARAARD ELEMENTARY	EL
	1	NGARCHELONG ELEMENTARY	EL
	1	NGARDMAU ELEMENTARY	EL
	1	NGAREMLENGUI ELEMENTARY	EL
	1	NGATPANG ELEMENTARY	EL
	1	NGCHEMIANGEL ELEMENTARY	EL
	1	NGCHESAR ELEMENTARY	EL
	1	NGERSUUL ELEMENTARY	EL
	1	NGIWAL ELEMENTARY	EL
	1	NGKSKLAU ELEMENTARY	EL
	1	OLLEI ELEMENTAPY	EL
	1	PALAU HIGH SCHOOL	HS
	1	PALAU MISSION ACADEMY HIGH SCH	HS
	1	PALAU SDA ELEMENTARY	EL
	1	PELELIU ELEMENTARY	EL
	1	PULO-ANNA ELEMENTARY	EL
	1	SCHOOL OF THE PACIFIC HIGH SCH	HS
	1	SONSOROL ELEMENTARY	EL
	1	TOBI ELEMENTARY	EL
PONAPE			
	1	AWAK	EL
	1	CALVARY BAPT ACAD	EL
	1	ENPEIN	EL
	1	ICHL	EL
	1	KAPINGAMARANGI	EL
	1	KINAKAPW	EL
	1	KOLONIA	EL
	1	LEWETIK	EL
	1	LIKIE	EL
	1	LUKOP	EL
	1	MAND	EL
	1	MOKIL	EL
	1	NAN UH	EL
	1	NETT	EL
	1	NGATIK	EL
PONAPE (CONTINUED)	1	NUKUORO	EL
	1	OHMINE	EL
	1	OUR LADY OF MERCY	EL
	1	OUR LADY OF MERCY VOC	HS
	1	PALIKIR	EL
	1	PAREM	EL
	1	PATS	EL
	1	PEHLENG	EL
	1	PICS	HS
	1	PINGLAP	EL
	1	ROHI	EL
	1	ROHN-KITTI	EL
	1	SALAPAK	EL
	1	SALAPWUK	EL
	1	SAPWALAP	EL
	1	SAPWEHREK	EL
	1	SEINWAR	EL
	1	SOKERE	EL
	1	SEVENTH DAY ADVENTIST	EL
	1	SOKEHS	HS
	1	SOKEHS PAH	EL
	1	SOKEHS POWE	EL
	1	TAKAIEU	EL
	1	TENWEN	EL
	1	WAPAR	EL
	1	WENIK	EL
	1	WONE	EL
TRUK			
	1	EOT	EL
	1	ETTAL	EL
	1	ETTEN	EL
	1	FAICHUK	HS
	1	FANO	EL
	1	FARO	EL
	1	FARO ANNEX	EL
	1	FASON	EL
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	1	FOUPO ANNEX	EL
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	1	LOSAP	EL
	1	LUKUNOR	EL
	1	MAGUR	EL
	1	MESSA	EL
	1	MESSA ANNEX	EL

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LOCATIONS	CODE *	SCHOOL NAME	
TRUK (CONTINUED)	1	MOCHON	EL
	1	MOCHON ANNEX	EL
	1	MOEN	JHS
	1	MORTLOCKS	JHS
	1	MURILO	EL
	1	MWAN	EL
	1	NAMA	EL
	1	NAMOLUK	EL
	1	NECHAP	EL
	1	NEOUO	EL
	1	NEPCHON	EL
	1	NOMWIN	EL
	1	NUKUNO	EL
	1	ONAPY	EL
	1	ONEOP	EL
	1	ONO	EL
	1	PAREN	EL
	1	PATA	EL
	1	PAULAP	EL
	1	PENIA ANNEX	EL
	1	PIS-LOSAP	EL
	1	PIS-MOEN	EL
	1	PISWACH	EL
	1	POLLE	EL
	1	POLLE-ANNEX	EL
	1	POLLE-SAPUO	EL
	1	PULUAT	EL
	1	PULUSUK	EL
	1	ROMANUM	EL
	1	RUO	EL
	1	SACRED HEART	EL
	1	SAPORE	EL
	1	SAPUK	EL
	1	SATAWAN	EL
	1	SEVENTH DAY ADV	EL
	1	SING MEMORIAL	EL
	1	SOUTHERN NAMONEAS	EL
	1	ST CECELIA	EL
	1	ST JULIA	EL
	1	TAL EL	EL
	1	TAMATAM	EL
	1	TRUK	HS
	1	TSIS	EL
	1	UDOT	EL
	1	ULUL	EL
	1	UMANG	EL
	1	UMANG ANNEX	EL
TRUK (CONTINUED)	1	UMANG ANNEX-NEPON	EL
	1	WEIPAT	JHS
	1	WEST FEFAN	EL
	1	WEST FEFAN ANNEX	EL
	1	WONEI	EL
	1	WONIP	EL
	1	XAVIER	HS
YAP			
	1	ASAR	EL
	1	BATL	EL
	1	DALEPIBINAW	EL
	1	DINAY	EL
	1	FAUCIPIK	EL
	1	ELATO	EL
	1	FAIS	EL
	1	FALALAP ULITHI	EL
	1	FALALAP WOLEAI	EL
	1	FALALIS	EL
	1	FALALOP	EL
	1	FANIF	EL
	1	FARAULAP	EL
	1	FASSARAI	EL
	1	GAMELAY	EL
	1	GAGIL	EL
	1	IFALIK	EL
	1	KANIFAY	EL
	1	LAMOTRIK	EL
	1	MAP	EL
	1	MOGMOG	EL
	1	NORTH FANIF	EL
	1	OUTER ISLANDS	HS
	1	RUMUG	EL
	1	SATAWAL	EL
	1	ST MARY	EL
	1	TOMILANG	EL
	1	WOTTEGAI	EL
	1	YAP	EL
	1	YAP HIGH SCHOOL	HS
	1	YAP JUNIOR HIGH SCHOOL	JHS

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VIRGIN ISLANDS

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LOCATIONS	CODE *	SCHOOL NAME	LOCATIONS	CODE *	SCHOOL NAME
ST CROIX V I					
	1	ANDREWS		K-6	
	1	ARTHUR RICHARDS		JHS	
	1	CENTRAL HIGH		HS	
	1	CHRISTIAN		JHS	
	1	CLAUDE O MARKOE		K-6	
	1	E WILLIAMS		K-6	
	1	EMANUEL		K-6	
	1	GARDINE		K-6	
	1	HENDERSON		K-6	
	1	LARSEN		K-6	
	1	MUCKLE		K-6	
	1	RICARDO RICHARDS		K-6	
	1	RIVERA		K-6	
	1	SEVENTH DAY ADVENTIST		1-12	
	1	ST JOSEPH		HS	
	1	ST MARY		K-8	
	1	ST PATRICK		K-8	
ST JOHN V I					
	1	JULIUS SPRAUVE		K-9	
ST THOMAS V I					
	1	BERTHA BOSCHULTE		JHS	
	1	CHARLOTTE AMALIE HIGH		HS	
	1	DOBER		K-6	
	1	EUDORA KEAN HIGH		HS	
	1	GOMEZ		K-6	
	1	GRAMBOKO		EL	
	1	JANE E TUITT		K-6	
	1	KIRWAN TERRACE		K-6	
	1	LOCKHART		K-6	
	1	MADISON		K-6	
	1	MARCELLI		K-6	
	1	NISKY		K-6	
	1	OLIVER		K-6	
	1	PEACE CORPS		K-6	
	1	SEVENTH DAY ADVENTIST		1-11	
	1	SIBILLY		K-6	
	1	STS PETER & PAUL		K-12	
	1	WAYNE ASPINALL		JHS	

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Highlights

59494 **Housing** HUD/FHC revises prototype housing costs for one- to four-family dwelling units. (Part V of this issue)

59246 **Education** VA and DOD issue regulations on eligibility for educational assistance.

59258 **Jeeps** FTC proposes agreement with American Motors Corp. to issue warnings of maneuvering limitations.

59506, 59510 **Prisoners** Justice/PB issues rule and proposal on control, custody, care, treatment, and instruction of inmates. (2 documents) (Part VI of this issue)

59368 **Recombinant DNA** HHS/NIH proposes revision of the 1981 guidelines for research involving recombinant DNA molecules. (Part II of this issue)

59353 **Foreign Trade** Trade Representative initiates investigation into Argentine trade practices detrimental to domestic leather tanning industry.

59256 **Banking** FHLBB proposes to facilitate correspondent activities of Federally chartered associations.

59234 FHLBB authorizes Federal Home Loan Bank member institutions to invest for liquidity in obligations issued by the National Credit Union Administration.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

59227 **Health Benefits** OPM announces open season from 12–7 through 12–31–81 for Government employees.

59243 **Employee Benefit Plans** Labor/P&WBP amends rules on suspension of pension benefit payments under certain circumstances.

59286 **Commodities Exchanges** CFTC states position on treatment of expunged criminal convictions in making fitness determinations for registration.

59249 **Railroads** ICC issues guidelines for accumulating, recording and reporting costs of repairing freight train cars.

59512 **Energy** DOE/BPA proposes long-term energy conservation contract under the Pacific Northwest Electric Planning and Conservation Act. (Part VII of this issue)

59428 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part III of this issue)

59284 **Imports** CITA reduces imports charged on level of restraint for certain wool apparel products from the Socialist Republic of Romania.

Countervailing Duties Commerce/ITA issues notice of the following:

59282 Potassium permanganate from Spain.
59283 Prestressed concrete steel wire strand from the Republic of South Africa.

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59315 HUD

59363 **Sunshine Act Meetings**

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59428 **Part III, Labor/ESA/W&H**
59482 **Part IV, Interior/SMREO**
59494 **Part V, HUD/FHC**
59506 **Part VI, Justice/PB**
59512 **Part VII, DOE/BPA**

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Rules

This section contains regulations of general applicability, each of which is codified in the Code of Federal Regulations, published under 50 U.S.C. 1510. The Code of Federal Regulations, by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF MANAGEMENT

5 CFR Part

Federal Employees Program; C

AGENCY: Office of Management

ACTION: No season.

SUMMARY: November the open season scheduled through December postponed. interim regulations the **Federal** confirmed scheduled time to be Personnel Management commanded District Court Columbia, the United States defendant, the 1981 open

EFFECTIVE

FOR FURTHER
Lauretta Hall Instructions

SUPPLEMENTARY
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Rules and Regulations

Federal Register
Vol. 46, No. 233
Friday, December 4, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program; Open Season

AGENCY: Office of Personnel Management.

ACTION: Notice of health benefits open season.

SUMMARY: FPM Bulletin 890–77, dated November 6, 1981, notified agencies that the open season which would have been scheduled from November 9, 1981 through December 11, 1981 was postponed. On November 12, 1981, interim regulations were published in the **Federal Register** (46 FR 55679) which confirmed that the open season scheduled for 1981 was postponed to a time to be announced later by a Federal Personnel Manual Bulletin. As commanded by the United States District Court for the District of Columbia, in pending lawsuits in which the United States Government is a defendant, OPM's actions postponing the 1981 open season are now rescinded.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Lauretta Hall, Issuances and Instructions Staff, (202) 632–4684.

SUPPLEMENTARY INFORMATION: Because of delays in the negotiation of 1982 benefits and rates for the Federal Employees Health Benefits Plans, it was announced by the Office of Personnel Management that the 1981 open season which would have been scheduled from November 9, 1981 through December 11, 1981, was postponed. However, the United States District Court for the District of Columbia, in *National Treasury Employees Union* v. *Donald J. Devine and the United States of America*, Civil Action No. 81–2651, and related cases, has ordered the United States Government to hold an open season for a minimum of two weeks beginning on December 7, 1981. OPM has determined, in light of all the circumstances, that the open season should be held for a further period beyond that required by the court, and therefore will conduct an open season to and including December 31, 1981. FPM Bulletin 890–80, dated December 4, 1981, announces that an open season will be held from December 7, 1981 through December 31, 1981.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 81–34956 Filed 12–3–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegation of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture to the Assistant Secretary for Natural Resources and Environment and from the Assistant Secretary to the Chief of the Forest Service, and removes obsolete references. This action will enable the Department to better carry out its responsibilities and serve the public.

EFFECTIVE DATE: December 4, 1981.

ADDRESS: R. Max Peterson, Chief, (5400), USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller or William R. Boring, USDA, Forest Service, Lands Staff, P.O. Box 2417, Washington, D.C. 20013, (202) 235–8107.

SUPPLEMENTARY INFORMATION: Inadvertantly, the delegation to the Assistant Secretary for Natural Resources and Environment to render certain decisions in appeals from the Chief of the Forest Service was not changed to reflect the appeal procedures which were published in the **Federal Register** 42 FR 32781, June 28, 1977. This rule corrects that delegation.

The reservation of authority in § 2.59 to the Assistant Secretary for Natural Resources is no longer needed since the withdrawal provision of Executive Order 10355 has been superseded by the provisions of the Federal Land Policy and Management Act of 1976.

In addition, it has been determined that the functions of the Secretary of Agriculture contained in the Alaska National Interest Lands Conservation Act should be delegated to the Chief of the Forest Service to promote organizational and operational efficiencies.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. This action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

For the reasons set out in the preamble, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as set forth below.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for Part 2 reads as follows:

Authority.—5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

Subpart A—General

2. Section 2.19 is amended by revising paragraph (d)(18) to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Natural Resources and Environment.

. . . . . .

(d) * * *

(18) Render the decisions of the Secretary in appeals from the Chief, Forest Service, pursuant to § 211.19(j)(1)(iv) and (2), Title 36 Code of Federal Regulations.

. . . . . .

Subpart G—Delegations of Authority by the Assistant Secretary for Natural Resources and Environment

§ 2.59 [Amended]

3. In § 2.59 paragraph (b) is removed.

4. Section 2.60 is amended by adding new paragraph (a)(21) to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(21) Exercise the functions of the Secretary of Agriculture contained in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101–3215).

For Subpart A:

Dated: November 30, 1981

John R. Block,

Secretary of Agriculture.

For Subpart G:

Dated: November 30, 1981

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 81 34893 Filed 12–3–81; 8:45 am]

BILLING CODE 3410–11–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 335, Amdt. 1; Lemon Reg. 336]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period December 6–12, 1981, and increases the quantity of lemons that may be shipped during the period November 29-December 5, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective December 6, 1981 and the amendment is effective for the period November 29-December 5, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 1, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. Section 910.636 is added as follows:

§ 910.636 Lemon Regulation 336.

The quantity of lemons grown in California and Arizona which may be handled during the period December 6, 1981, through December 12, 1981, is established at 250,000 cartons.

2. Section 910.635 Lemon Regulation 335 (46 FR 58061) is revised to read as follows:

§ 910.635 Lemon Regulation 335.

The quantity of lemons grown in California and Arizona which may be handled during the period November 29, 1981, through December 5, 1981, is established at 260,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–34999 Filed 12–3–81; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Parts 928, 959, 984, 987 and 989

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Walnut Marketing Board functioning under Marketing Order 984, the Raisin Administrative Committee functioning under Marketing Order 989, the California Date Administrative Committee functioning under Marketing Order 987, and the South Texas Onion Committee functioning under Marketing Order 959, and increases expenses of the Papaya Administrative Committee functioning under Marketing Order 928. Funds to administer these programs are derived from assessments on walnut, raisin, date, onion, and papaya handlers regulated under the orders.

EFFECTIVE DATES: August 1, 1981–July 31, 1982, for Marketing Orders 984, 989, and 959; October 1, 1981–September 30, 1982, for Marketing Order 987; January 1, 1981–December 31, 1981, for Marketing Order No. 928; §§ 984.333; 989.332; 987.326; 928.210; and 959.222.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5697.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the Board and Committees established under the respective marketing orders, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable walnuts, raisins, dates, onions and papayas handled from the beginning of such period. To enable the Board and Committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions, and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, §§ 984.332 (M.O. 984); 989.331 (M.O. 989); 987.325 (M.O. 987); and 959.221 (M.O. 959) are removed and new §§ 984.333 (M.O. 984); 989.332 (M.O. 989); 987.326 (M.O. 987) and 959.222 (M.O. 959) are added, and § 928.210, 45 FR 81731 (M.O. 928) is revised, to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 984—WALNUTS GROWN IN CALIFORNIA

§ 984.333 Expenses and assessment rate.

Expenses of $616,000 by the Walnut Marketing Board are authorized, and an assessment rate payable by each handler in accordance with § 984.69 of 0.40 cent per kernelweight pound of merchantable walnuts is established for the marketing year ending July 31, 1982; any unexpended funds from that marketing year may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

PART 989—RAISINS PRODUCED FROM GRAPES IN CALIFORNIA

§ 989.332 Expenses and assessment rate.

Expenses of $249,397 by the Raisin Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 989.80 of $1.20 per ton of assessable raisin tonnage is established for that crop year ending July 31, 1982; any unexpended funds from the crop year, shall be credited or refunded to the handler from whom collected.

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

§ 987.326 Expenses and assessment rate.

Expenses of $30,516 by the California Date Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 987.72 of 7 cents per hundredweight of assessable dates is established for the crop year ending September 30, 1982; any unexpended funds from that crop year may be used temporarily during the first four months of the ensuing crop year, and thereafter shall be credited or refunded to the handler from whom collected.

PART 928—PAPAYAS GROWN IN HAWAII

§ 928.210 Expenses and assessment rate.

Expenses of $497,500 by the Papaya Administrative Committee are authorized, and an assessment rate of $0.006 per pound of papayas is established for the fiscal year ended December 31, 1981; and unexpended funds from the fiscal year ending December 31, 1980; shall be carried over as a reserve.

PART 959—ONIONS GROWN IN SOUTH TEXAS

§ 959.222 Expenses and assessment rate.

Expenses of $167,221 by the South Texas Onion Committee are authorized, and an assessment rate of $0.03 per 50-pound container or equivalent quantity is established for the fiscal year period ending July 31, 1982. Unexpended funds shall be carried over as a reserve.

(Secs. 1–19; 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-34854 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 984

Walnuts Grown in California; Free and Reserve Percentages for 1981–82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes free and reserve percentages of 75 percent and 25 percent, respectively, for California walnuts certified as merchantable during the 1981–82 marketing year, which began August 1, 1981. The rule is designed to allocate this season's supplies between domestic and export markets so as to make ample supplies available for domestic needs and all of the excess available for export. The percentages are authorized by the Federal marketing order for walnuts grown in California.

EFFECTIVE DATES: August 1, 1981 through July 31, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 17 handlers.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The relevant provisions of the order require that the free and reserve percentages established for a particular marketing year shall apply to all walnuts certified as merchantable from the beginning of that year. The 1981–82 marketing year began August 1, 1981.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Notice of this action was published in the October 30, 1981, issue of the **Federal Register** (46 FR 53668), and interested persons were afforded an opportunity to submit written comments. No comments were received.

The authority to establish free and reserve percentages is pursuant to § 984.49 of the marketing agreement and Order No. 984, both as amended (7 CFR Part 984), regulating the handling of walnuts grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Walnut Marketing Board, hereinafter referred to as the "Board", which works with USDA in administering the order.

Pursuant to § 984.48 of the order, the Board based its recommendation for free and reserve percentages of 75 percent and 25 percent, respectively, on estimates of supply and combined inshell and shelled domestic trade demand for the current marketing year. Estimated trade demand was adjusted to account for supplies of walnuts carried in from the 1980–81 marketing year and for supplies deemed desirable to be carried out on July 31, 1982, for early season domestic use next year until the 1982 crop is available for market.

The estimated 1981 walnut production is well in excess of the 1981–82 marketing year domestic needs. While the proposal is designed to tailor the supply to domestic demand, it would still ensure the availability of ample supplies of walnuts for domestic markets during that year and promote maximum usage.

Supplies in excess of domestic needs would be available chiefly for export. Any excess supplies that could not be absorbed by export markets would be used for oil, feed, or other outlets noncompetitive with outlets for free merchantable walnuts.

In considering its recommendation, the Board noted the estimates it had made one year earlier for the 1980 crop. These estimates and final results are as follows:

	Estimated kernel weight (1,000 lbs.)	Final kernel weight (1,000 lbs.)
Supply:		
1. Orchard-Run Production	176,000	157,600
2. Less: Miscellaneous Farm Use	800	800
3. Commercial Production	175,200	156,800
4. Plus:		
Uncertified Carryin Inshell	274	274
Uncertified Carryin Shelled	9,028	9,028
5. Total Merchantable Supply	184,502	166,102
6. Plus: Substandard Creditable for Reserve	8,000	10,238
7. Total supply subject to regulation	192,502	176,340
Demand		
8. Inshell Demand	29,250	24,970
9. Plus: Desirable Carryout	6,750	3,330
10. Less: Certified Carryin	3,600	3,600
11. Adjusted Inshell Demand	32,400	24,700
12. Shelled Demand	100,000	92,857
13. Plus: Desirable Carryout	32,500	27,537
14. Less: Certified Carryin	28,136	28,136
15. Adjusted Shelled Demand	104,364	92,258
16. Total Demand (Item 11 + Item 15)	136,764	116,958
Marketing Percentages:		
17. Free Percentage (Item 16 ÷ Item 7)	[1] 71	
18. Reserve Percentage (100%—Item 17)	[1] 29	

[1] Percent

The Board used the estimates given in the table below in making its recommendation for the 1981–82 marketing year. Weight figures for inshell walnuts are converted to their equivalent shelled kernel weights.

	Inshell weight (1,000 lbs.)	Conversion factor (percent)	Kernel weight (1,000 lbs.)
Supply			
1. Orchard-Run Production	430,000		
2. Less: Miscellaneous Farm Use	2,000		
3. Commercial Production	428,000	40	171,200
4. Plus.			
Uncertified Carryin Inshell	2,097	45	944
Uncertified Carryin Shelled			11,440
5. Total Merchantable Supply			183,584
6. Plus. Substandard Creditable for Reserve			8,000
7. Total Supply Subject to Regulation			191,584
Demand			
8. Inshell Demand	60,000		
9. Plus. Desirable Carryout	12,500		
10. Less: Certified Carryin	5,303		
11. Adjusted Inshell Demand	67,197	45	30,239
12. Shelled Demand			100,000
13. Plus: Desirable Carryout			30,000
14. Less. Certified Carryin			16,097
15. Adjusted Shelled Demand			113,903
16. Total demand (Item 11 + Item 15)			144,142
Marketing Percentages			
17. Free Percentages (Item 16 ÷ Item 7)			[1] 75
18. Reserve Percentage (100% – Item 17)			[1] 25

[1] Percent

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is further found that establishment of the free and reserve percentages under the order, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The marketing percentages are as follows: (This subpart will not appear in the Code of Federal Regulations).

PART 984—WALNUTS GROWN IN CALIFORNIA

Subpart—Marketing Percentages for the 1981–82 Marketing Year

§ 984.227 Free and reserve percentages for California walnuts during the 1981–82 marketing year.

The free and reserve percentages for California walnuts during the marketing year beginning August 1, 1981, shall be 75 percent and 25 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 1, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-34853 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1032

[Milk Order No. 32]

Milk in the Southern Illinois Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions concerning the shipping standards for supply plants and the limits on the amount of milk not needed for fluid (bottling use) that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. For the months of November 1981 through January 1982, the suspension reduces supply plant shipping standards and increases the amount of milk that may be moved directly from farms to nonpool manufacturing plants. The suspension was requested by a cooperative association because of the loss of a major fluid milk outlet, reduced school milk sales and increased production. Comments received in response to the

proposed action asserted that the suspension is needed to assure the efficient disposition of reserve milk supplies that are now available and still maintain producer status under the order for dairy farmers who have regularly supplied the fluid milk needs of the market.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension; Issued November 6, 1981; published November 12, 1981 (46 FR 55707).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on any emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the issuance of the suspension on a timely basis necessary to include November 1981 in the suspension period. In this instance, the initial request for the action was received on November 3, 1981. Then a notice of proposed suspension was issued on November 6, 1981, inviting interested parties to submit comments on the proposed action on or before November 19, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on November 12, 1981, (46 FR 55707) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of November 1981 through January 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1032.7(b), the words "which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts" and the words "through February".

2. In § 1032.13, paragraph (b)(2).

3. In § 1032.13 (b)(3), the words, "that is an other order plant,".

Statement of Consideration

This action reduces the amount of milk that supply plants must ship to pool distributing plants to attain pool plant status under the order. Under the suspension, the percentage of its receipts that a supply plant must ship is reduced from 50 percent to 40 percent.

The action also increases the amount of milk that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The amount of milk that may be diverted from pool plants to nonpool plants is increased up to the number of days of production of a producer that is received at pool plants. Without this action, such diversions would be limited to not more than 8 days' production in November and January and 12 days' production in December.

The action was requested by a cooperative association that represents producers supplying the market. The cooperative requested the action primarily because of the recent loss of a major fluid milk outlet by a pool distributing plant operated by the cooperative. Also, based on current fluid milk sales, the cooperative anticipates a decline of approximately 25 percent in its Class I sales to schools because of cutbacks in Federal funding of the school lunch program. In addition to reduced fluid milk sales, slightly increasing production by producers is contributing to the cooperative's problems in marketing the available supplies of milk. In the absence of any suspension action, the cooperative indicates that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the market.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. The suspension was supported by the operator of a proprietary pool supply plant and a second cooperative association on the basis that the action would facilitate the orderly and economic disposition of milk supplies that are in excess of the anticipated fluid milk requirements of distributing plants. No views in opposition to the suspension were received.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies that are in excess of fluid milk requirements. Without the suspension, some milk not needed for bottling use would be shipped to distributing plants from supply plants and then be shipped to manufacturing plants for surplus disposal. Also, the milk of certain dairy farmers that is in excess of fluid milk needs would be shipped to pool plants for reshipment to manufacturing plants rather than being shipped directly from the farm to manufacturing plants. Both of these actions would represent costly and inefficient movements of milk.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the market;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective December 4, 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November 1981 through January 1982.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Effective date: December 4, 1981.

Signed at Washington, D.C., on November 30, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-34855 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 81-20]

Rules, Policies and Procedures for Corporate Activities; Correction

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Office of the Comptroller of the Currency (Office) is amending Title 12 of the Code of Federal Regulations Part 5 to correct the technical errors, inadvertent deletions and omissions, inconsistent language uses, and other discrepancies that resulted when the Office consolidated all of Parts 4, 5, 13, 14, and 15, and portions of Parts 8 and 28 relating to corporate activities into Part 5 on October 15, 1980 (45 FR 68586). In addition, today's corrections also affect amendments made to § 5.21 on March 13, 1981 (46 FR 16656). These corrections are intended to clarify for the public the Office's requirements regarding the corporate activities of national banks and increase the public's ability to contribute to the review process.

DATE: These amendments are effective December 4, 1981.

FOR FURTHER INFORMATION CONTACT: James E. Brennan, Manager, Policy, Bank Organization and Structure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington D.C. 20219. Telephone: (202) 447-1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The principal drafter of these amendments is James E. Brennan, Manager, Policy, Bank Organization and Structure Division.

The Office is amending 12 CFR Part 5 to correct the technical errors, inadvertent deletions and omissions, inconsistent language uses, and other discrepancies that resulted when the Office consolidated all of Parts 4, 5, 13, 14, and 15, and portions of Parts 8 and 28 relating to corporate activities into Part 5 on October 15, 1980 (45 FR 68586). In addition, today's corrections also affect amendments made to Part 5.21 on March 13, 1981 (46 FR 16656). No substantive amendments, which require review and comment, are being made. In addition, the technical amendments being made will not have a substantive cost impact on the national banking system or the public.

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Accordingly, 12 CFR Part 5 is corrected as follows:

§5.2 [Corrected]

1. Section 5.2 *Rules of general applicability*, is corrected as follows:

(a) In § 5.2(a), by inserting the words "applications and" after the word "corporate".

(b) In § 5.2(b), by inserting the word "it" after the word "deems".

(c) By adding a new paragraph (f):

* * * * *

(f) The term "superior official" refers to anyone who has the requisite delegated authority from the Comptroller.

§ 5.3 [Corrected]

2. Section 5.3 *Corporate activities processing and delegations*, is corrected as follows:

(a) In § 5.3(b)(2), the last sentence is revised to read as follows: "BOSD processes, reviews and makes recommendations on applications and filings made with or forwarded to the Washington Office."

(b) The following paragraph is added to § 5.3(c)(2):

(c) * * *

(2) * * *

(iv) An increase in investment in bank premises to an amount exceeding capital stock.

* * * * *

(c) In § 5.3(c)(3)(iv), the word "change" is revised to "changes".

(d) By revising 5.3(c)(3)(iv)(A) to read as follows:

(c) * * *

(3) * * *

(iv) * * *

(A) Applicant bank is not the subject of special supervisory concern and has not been otherwise identified by the Multinational Banking, Special Projects, Customer and Community Programs, or Chief National Bank Examiner Divisions as a bank requiring their review and comment;

* * * * *

(e) In § 5.3 by removing paragraphs (c)(3)(iv) (B) and (C)

(f) By revising § 5.3(c)(3)(iv)(F) to read as follows:

(c) * * *

(3) * * *

(iv) * * *

(F) The Regional Director for Corporate Activities, or the Deputy Comptroller for Multinational Banking in the case of a bank under the supervision of the Multinational Banking Division, has recommended unconditional approval;

* * * * *

(g) In § 5.3(c)(3)(iv), by redesignating the paragraphs as (A), (B), (C), (D), (E), and (F).

(h) By revising § 5.3(c)(4)(i) to read as follows:

(c) * * *

(4) * * *

(i) The bank is not the subject of special supervisory concern and has not been otherwise identified by the Multinational Banking, Special Projects, Customer and Community Programs, or Chief National Bank Examiner Divisions as a bank requiring their review and comment;

* * * * *

(i) In § 5.3 paragraph (c)(4)(ii) is deleted and paragraphs (c)(4) (iii) and (iv) are redesignated as (c)(4) (ii) and (iii), respectively.

§ 5.4 [Corrected]

3. Section 5.4, *Application forms and notices of change in bank control: availability and filing*, is corrected to add to the end of the first sentence the phrase ", unless specifically noted otherwise in the procedures for a particular filing."

§ 5.5 [Corrected]

4. Section 5.5, *Fees*, is corrected by removing the words "certified or cashier's" from the last sentence.

§ 5.9 [Corrected]

5. Section 5.9, *Public file*, paragraph (a) is corrected by removing the words "contained in any field investigation report made by a national bank examiner or otherwise" in the fifth sentence; and further corrected by deleting the words "the Regional Administrator make" and by inserting "be made" after the word "confidential" in the last sentence.

§ 5.13 [Corrected]

6. Section 5.13, *Decisions*, is corrected as follows:

(a) In § 5.13(b), by changing the words "a written decision" to the words "an approval letter" in the first sentence.

(b) In § 5.13(d), by revising the first sentence to read: "Requests for

reconsideration of disapproved applications will be considered only when reasonable facts are presented that indicate that the disapproval of an application was a result of an error in the Office's procedures."

§ 5.20 [Corrected]

7. Section 5.20, *Organization of a national bank,* paragraph (g), is corrected by removing the word "cannot" in the first sentence and inserting "may not" in its place.

§ 5.21 [Corrected]

8. Section 5.21, *Organization of an Interim National Bank,* is corrected to change the designations of the paragraphs (f), (g), (h), (i), (j), and (k) to (e), (f), (g), (h), (i), and (j) respectively.

§ 5.22 [Corrected]

9. Section 5.22, *Organization of a national bank limited to trust powers,* paragraph (e), is corrected by removing the word "cannot" in the first sentence and inserting "may not" in its place, and further by inserting the words "a trust" after the word "conduct".

§ 5.23 [Corrected]

10. Section 5.23, *Establishment of an initial Federal branch (including a limited Federal branch) and a Federal agency of a foreign bank,* is corrected as follows:

(a) In § 5.23(c), by removing the words ", instead of to the Regional Administrator."

(b) In § 5.23(e), by removing the word "normally" and inserting the word "usually" in its place.

(c) In § 5.23(g), by changing the word *"Form"* to the word *"Forms"* and by adding "CC 7030–10: Capital Equivalency Deposit Agreement" following "CC 7030–01: Application to Establish a Federal Branch or Agency."

§ 5.24 [Corrected]

11. Section 5.24, *Conversion,* is corrected as follows:

(a) In § 5.24(a)(2)(i), in the last sentence, by inserting the word "solely" after the word "motivated".

(b) In § 5.24(a)(2)(ii)(A), by inserting the phrase "unless the Office is assured that problems will be corrected" at the end of the first sentence.

§ 5.25 [Corrected]

12. Section 5.25, *Application for conversion of a branch, et al,* is corrected as follows:

(a) By adding new § 5.25(c) to read as follows:

* * * * *

(c) *Place of filing application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

* * * * *

(b) By redesignating the remaining paragraphs of § 5.25 as follows: Redesignate "old (c)" as "(d)", "(d)" as "(e)", "(e)" as "(f)", and "(f)" as "(g)."

In § 5.25(g), by changing the word *"Form"* to the word *"Forms"* and by adding "CC 7030–10: Capital Equivalency Deposit Agreement" following "CC 7030–02: Application to Convert an Existing Office of a Foreign Bank to a Federal Branch or Agency."

§ 5.32 [Corrected]

13. Section 5.32, *Additional Federal branch or Federal agency of a foreign bank,* is corrected as follows:

(a) By adding new § 5.32(c) to read as follows:

* * * * *

(c) *Place of filing application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

* * * * *

(b) By redesignating old paragraph "(c) *Fees"* as "(d) *Fees.*"

(c) By adding paragraph "(e) *Forms to be used by applicant:* CC 7030–04: Application to Establish an Additional Federal Branch or Agency; CC 7030–10: Capital Equivalency Deposit Agreement."

§ 5.33 [Corrected]

14. Section 5.33, *Merger, consolidation, purchase and assumption, paragraph (g),* is corrected by inserting the phrase ", in the case of state-chartered banks," following the word "examination" in the last sentence.

§ 5.34 [Corrected]

15. Section 5.34, *Domestic operating subsidiaries,* is corrected as follows:

(a) In § 5.34 (b)(1), by inserting the word "company's" in the second sentence after the first "the"

(b) By revising the last sentence of § 5.34 (d) to read: "The cost of any examination into the condition of an existing business proposed to be acquired and operated as an operating subsidiary shall be charged to the applicant in accordance with 12 CFR 8.6."

§ 5.46 [Corrected]

16. Section 5.46, *Changes in capital structure,* is corrected as follows:

(a) In § 5.46(e)(2), by revising the last sentence to read as follows: "However, if the Articles of Association have been previously amended by a vote of shareholders owning two-thirds of the outstanding common stock to provide for a class of authorized but unissued stock and to provide for the general purpose for which such stock may be issued, such stock may be issued for such approved purposes by action of the Board of Directors and with approval of the Office, but without the need for further shareholder approval."

(b) In § 5.46(h)(1), by reversing the order of paragraphs (h)(i) and (ii), and by inserting the phrase "Except as provided in paragraph (h)(ii) of this subsection," in the beginning of the new paragraph (h)(i) and deleting the words "for other purposes", where they appear in the new paragraph (h)(i).

(c) In § 5.46(h)(2)(i), by inserting the word "generally" after the word "dividends" in the second sentence.

(d) By revising § 5.46(h)(2)(iii) to read as follows:

(h) * * *

(2) * * *

(iii) The Regional Administrator will normally decide applications for stock dividends within 15 days after receipt of the application and will communicate the decision in writing to the applicant.

* * * * *

(e) By revising § 5.46(h)(3) to read as follows:

* * * * *

(h) * * *

(3) *Preferred Stock.* The decision of the Comptroller or the Comptroller's authorized delegate to approve applications for the issuance of convertible or non-convertible preferred stock submitted in accordance with 12 U.S.C. 51(a) and 51(b) will be based on an evaluation of the applicant's capacity to support the issuance, taking into account the full range of financial and other information available regarding the applicant.

* * * * *

§ 5.49 [Corrected]

17. Section 5.49, *Receivership and conservatorship,* is corrected as follows:

(a) In § 5.49(c), by removing the word "situation"

(b) In § 5.49(e), in the first sentence, by deleting the words "it necessary" and inserting the words "such appointment necessary" in their place.

§ 5.50 [Corrected]

18. Section 5.50, *Changes in bank control,* is corrected as follows:

§ 5.50(e)(3), by removing the word "informally" in the second sentence.

(b) In § 5.50(g)(4), by inserting "(12 U.S.C. 1841)" after the word "Act" the first place it is used and inserting "(12

U.S.C. 1828)" after the word "Act" the second place it is used.

(c) In § 5.50(g)(5), by inserting "(12 U.S.C. 1841)" after the word "Act."

Dated: November 24, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-34892 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-723]

Liquidity

Dated: November 25, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment increases the investment flexibility of Federal Home Loan Bank member institutions by authorizing them to invest for liquidity in obligations issued by the National Credit Union Administration.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW. Washington, D.C. 20552, (202) 377-6461.

SUPPLEMENTARY INFORMATION: Section 5A of the Federal Home Loan Bank Act, as amended ("Bank Act") (12 U.S.C. 1425(a)), provides that Federal Home Loan Bank member institutions may invest for liquidity purposes in obligations of the United States or any of its political subdivisions, agencies or instrumentalities, as the Board may approve.

The Board's liquidity regulation at 12 CFR 523.10(f) provides general eligibility for obligations of the United States issued by agencies or instrumentaries thereof and fully guaranteed as to principal and interest by the United States. While the Comptroller General of the United States has ruled that obligations that the National Credit Union Administration ("NCUA") issues on behalf of its Central Liquidity Facility are obligations of an independent agency of the executive branch, he also has ruled that such obligations are not backed by the full faith and credit of the United States. For this reason, it is necessary to specifically refer to NCUA in paragraph (g) of § 523.10, along with other agencies whose obligations are not backed by full faith and credit, e.g. obligations of the Federal National Mortgage Association.

The Board's decision to authorize NCUA obligations as liquid assets is based on its belief that a liquid market for such obligations will soon develop, and the Board's desire to further implement provisions of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630) encouraging savings and mortgage lending and to provide maximum flexibility for investment by member institutions. The Board therefore has determined to amend subparagraph (g)(3) of § 523.10 to allow investment for liquidity purposes in obligations issued by NCUA, subject to applicable maturity limitations. The Board notes that this amendment will automatically be incorporated by reference into 12 CFR 545.9(a) which authorizes Federal associations to invest in liquid assets, other than time deposits and bankers' acceptances, without regard to maturity, and that no additional amendment to § 545.9 is necessary to facilitate investment in such obligations by Federal associations.

Because the Board believes that this amendment will relieve investment restrictions, thereby providing greater investment flexibility for Federal associations and other Federal Home Loan Bank member institutions, the Board finds that observance of the notice and comment procedures of 12 CFR 508.11 and 5 U.S.C. 553(b) and the 30-day delay of effective date provision of 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary and contrary to the public interest, and the amendment therefore will become effective as provided above.

Accordingly, the Board hereby amends Part 523 of Subchapter B, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity

Amend § 523.10(g)(3) by removing the word "or" at the end of subdivisions (x) and (xi), and by adding a new subdivision (xiii) thereto, to read as follows:

§ 523.10 Definition for purposes of this section, §§ 523.11 and 523.12.

* * * * *

(g) *Liquid assets.* * * *

(3) Obligations with five years or less remaining until maturity, issued, or fully guaranted as to principal and interest, by:

* * * * *

(xiii) the National Credit Union Administration;

* * * * *

(Federal Home Loan Bank Act, 5A, 12 U.S.C. 1425a; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943-48 Comp, p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-34935 Filed 12-3-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to add an express redelegation of authority to officials in the Bureau of Medical Devices regarding determinations of the effectiveness of medical devices. The authority delegated is a clarification of the authority previously delegated to the Bureau.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Section 5.53 (21 CFR 5.53), initially published in the **Federal Register** of August 2, 1977 (42 FR 39100), authorizes the Bureau of Medical Devices to approve, disapprove, or withdraw approval of applications for premarket approval of medical devices submitted under sections 515 and 520(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e and 360j(1)) with no restrictions. The agency has found that the delegation of authority in § 5.53 is subject to misinterpretation because of the wording of the law in section 513(a)(3)(B) of the act (21 U.S.C. 360c(a)(3)(B)) which permits authorization of determinations of effectiveness of medical devices to be made based on evidence other than evidence derived from well-controlled investigations by qualified experts. That section also is applicable to section 515 of the act, but the delegation of authority in § 5.53 does not clearly identify the fact that the authorization authority of

section 513(a)(3)(B) of the act is a part of the authority delegated. To clarify that the authority of the Bureau to approve applications for premarket approval includes this separate authority under section 513 of the act, a new delegation of authority is being issued in new § 5.49 (21 CFR 5.49). This section expressly redelegates to the Bureau the authority to authorize determinations of effectiveness based on evidence other than well-controlled investigations.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in that position in an acting capacity or on a temporary basis.

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended by adding § 5.49 to read as follows:

§ 5.49 Authorization to use alternative evidence for determination of the effectiveness of medical devices.

The Director, the Deputy Director, and the Associate Director for Device Evaluation of the Bureau of Medical Devices, may authorize under section 513(a)(3)(B) of the Federal Food, Drug, and Cosmetic Act the use of valid scientific evidence (other than that prescribed by section 513(a)(3)(A) of the act) for determining the effectiveness of medical devices for the purposes of sections 513, 514, and 515 of the act.

Effective date. This regulation is effective November 25, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34788 Filed 12-1-81; 10:55 am]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Green No. 6; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Green No. 6 for use as a color additive in externally applied drugs and cosmetics. The new closing date will be January 30, 1982. This brief postponement will provide time for determining the applicability of the statutory standard for the listing of color additives to the results of scientific investigations of D&C Green No. 6.

EFFECTIVE DATE: Effective December 1, 1981, the new closing date for D&C Green No. 6 will be January 30, 1982.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The current closing date of December 1, 1981, for the provisional listing of D&C Green No. 6 was established by a regulation published in the **Federal Register** of September 29, 1981 (46 FR 47533). This closing date for D&C Green No. 6 was established to provide time for completion of FDA's review and evaluation of the data concerning the external uses of D&C Green No. 6, for determining the applicability of the statutory standard for the listing of color additives to D&C Green No. 6, and for publication of a regulation in the **Federal Register** regarding the final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the December 1, 1981 closing date for the provisional listing of the color additive until January 30, 1982.

The review and evaluation of the data relevant to the use of D&C Green No. 6 in externally applied drugs and cosmetics and the decision about how to apply the statutory standard for the listing of color additives to such data have required more time than anticipated. FDA concludes that the brief extension of the closing date to January 30, 1982, is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the shortness of time until the January 30, 1982 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule.

This regulation will permit the uninterrupted use of the color additive until further action is taken. In accordance with 5 U.S.C. 553 (b) and (d) (1) and (3), this postponement is issued as a final regulation and is being made effective on December 1, 1981.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618, sec 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 81 is amended in § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Green No. 6" in paragraph (b) to read "January 30, 1982."

Effective date. This regulation is effective December 1, 1981.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: November 19, 1981

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-34683 Filed 11-30-81; 11:55 am]

BILLING CODE 4160-01-M

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21 CFR Part 173

[Docket No. 80F-0365]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Epichlorohydrin-Ammonia Crosslinked Copolymer, Quarternized With Methyl Chloride

Corrections

In FR Doc. 81-33154 appearing on page 57032 of the issue of Friday, November 20, 1981, make the following corrections:

On page 57033, first column, the twenty-second line reading "petition and order relevant material and" should read "petition and other relevant material and".

On the same page, second column, last paragraph, the effective date should be "November 20, 1981".

BILLING CODE 1505-01-M

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21 CFR Part 178

[Docket No. 81F-0011]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Dibenzylidene Sorbitol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of dibenzylidene sorbitol as a clarifying agent for certain olefin polymers that are articles or components of articles intended to contact food. This action is in response to a petition filed on behalf of Milliken and Co.

DATES: Effective December 4, 1981, objections by January 4, 1982.

ADDRESS: Written objections to the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 20, 1981 (46 FR 13376), FDA announced that a food additive petition (FAP 1B3541) had been filed on behalf of Milliken and Co., Inman, SC 29334, proposing that the food additive regulations be amended to provide for the safe use of dibenzylidene sorbitol as a clarifying agent for certain olefin polymers intended for use as articles or components of articles intended to contact food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting that finding, may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in Subpart D by adding new § 178.3295, to read as follows:

§ 178.3295 Clarifying agents for polymers.

Clarifying agents may be safely used in polymers that are articles or components of articles intended for use in contact with food, subject to the provisions of this section:

Substances	Limitations
Dibenzylidene sorbitol (CAS Reg. No. 32647-67-9) formed by the condensation of two moles of benzaldehyde with one mole of sorbitol such that the final product has a minimum content of 95 percent dibenzylidene sorbitol	For use only as a clarifying agent for olefin polymers complying with § 177.1520(c) 1.1, 3.1, and 3.2 of this chapter under conditions of use C, D, E, F, and G, described in Table 2 of § 176.170(c) of this chapter at a level not exceeding 0.25 percent by weight of the polymer

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 4, 1982 submit to the Dockets Management Branch, address above, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 4, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34789 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 808

[Docket No. 77N-0333]

Exemption From Preemption of State and Local Hearing Aid Requirements; Applications for Exemption; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule on the District of Columbia's application for exemption from preemption for its hearing aid requirements. This action is necessary to correct an inconsistency between the preamble to the final rule and the rule itself.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Les Weinstein, Bureau of Medical Devices (HFK–143), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 10, 1980 (45 FR 67326), FDA issued a final rule on the application for exemption from preemption for the District of Columbia's hearing aid requirements. Section 5 of Act 2–79 of the District of Columbia is preempted by section 521(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360k(a)). In the preamble to the final rule, FDA stated its intention to grant an exemption from preemption for the section to the extent that it requires an audiological evaluation for children under the age of 18. Section 808.101(b) (21 CFR 808.101(b)), however, inadvertently provided that FDA denied an exemption from preemption for the entire section. This document corrects § 808.101 to make it consistent with the preamble and with FDA's decisions concerning similar provisions of other State statutes. As corrected, § 808.101 reads as follows:

§ 808.101 District of Columbia.

(a) The following District of Columbia medical device requirements are enforceable, notwithstanding section 521 of the act, because the Food and Drug Administration has exempted them from preemption under section 521(b) of the act:

(1) Act 2–79, section 5, to the extent that it requires an audiological evaluation for children under the age of 18.

(2) Act 2–79, section 6, on the condition that in enforcing section 6(a)(5), the District of Columbia apply

the definition of "used hearing aid" in § 801.420(a)(6) of this chapter.

(b) The following District of Columbia medical device requirement is preempted by section 521(a) of the act, and the Food and Drug Administration has denied it an exemption from preemption under section 521(b) of the act: Act 2–79, section 5, except as provided in paragraph (a) of this section.

Dated: November 25, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34684 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-96; Re: Notice No. 360]

Sonoma Valley Viticultural Area; Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, named "Sonoma Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of the Sonoma Valley viticultural area and the subsequent use of its name as an appellation of origin on wine labels and in wine advertisements will help consumers to identify the wines from this distinctive grape-growing area. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202 566–7602).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines procedures for proposing an American viticultural area.

In response to a petition, ATF published a notice of proposed rulemaking in the **Federal Register** on December 15, 1980 (45 FR 82470), proposing the Sonoma Valley viticultural area in Sonoma County, California. ATF solicited written comment and held a public hearing on the proposal on January 13, 1981, in Santa Rosa, California.

ATF received several comments relating to Sonoma Valley among the numerous comments relating to the five viticultural areas proposed in Notice No. 360. All of the comments relating to Sonoma Valley were generally in favor of establishment of the Sonoma Valley viticultural area. Some commenters submitted additional historical evidence relating to the name.

Historical Evidence

The Sonoma Valley viticultural area has a long history of grape growing and wine making. In 1825, the first grapes were planted in Sonoma at the Mission San Francisco de Solano. In 1834, General Mariano Guadalupe Vallejo expanded these plantings. In the 1850's, the first major plantings of *Vitis vinifera* in the United States were established in the Sonoma Valley area. By 1900, there were approximately 4,000 acres of vines in the Sonoma Valley. The area has continued to be a center for grape production and wine making. Thus, ATF feels the viticultural area meets the requirement of 27 CFR 9.3(b)(1) that the name of the viticultural area is locally or nationally known as referring to the area specified in the viticultural area proposal.

Several persons testified at the public hearing that the proposed boundaries reasonably delineate the area historically known as "Sonoma Valley." Based on the record of the rulemaking proceedings, ATF feels that the boundaries described in 27 CFR 9.29 delineate the area historically known as Sonoma Valley, as required by 27 CFR 9.3(b)(2).

Geographical Features

Under 27 CFR 9.3(b)(3), a viticultural area must possess geographical features which distinguish the viticultural features of the area from surrounding areas. Based on the record, ATF believes that the Sonoma Valley viticultural area is distinguishable from the surrounding areas because of its climate.

The viticultural area, located in the southeastern corner of Sonoma County, receives less rainfall than other portions of Sonoma County north of the city of Santa Rosa. In addition, the Sonoma Mountains, ranging along the western border of the viticultural area, prevent the heavy fog often found in the area of Petaluma from intruding into most of the Sonoma Valley area. These same mountains along with the Mayacamas Range on the eastern boundary of the viticultural area geographically isolate the area from surrounding areas. This geographical isolation and the proximity of the San Pablo Bay on the southern end of the area combine to moderate the summer and winter temperature extremes in the valley.

Boundaries

Much of the hearing testimony was on the proposed boundaries with controversy arising over the boundaries in the northeastern and southeastern corners of the viticultural area. One vineyard owner felt that the northeastern corner of the Sonoma Valley viticultural area should be part of a future viticultural area which he planned to propose. He stated that he did not object, however, to the proposed Sonoma Valley boundaries as long as the approval of the boundary would not preclude a future viticultural area from partially overlapping that corner of the Sonoma Valley viticultural area. ATF does not object to a proposed viticultural area solely on the grounds that it may partially overlap another area. Each area must be judged individually on the criteria required in the regulations. Each area must meet the same requirements concerning the area's proposed name and the presence of distinguishing geographical characteristics. In addition, the establishment of viticultural areas is an evolutionary process. ATF will continue to consider any new information concerning viticultural areas. The boundary in the northeast corner of the Sonoma Valley viticultural area is drawn along the peaks of the mountains surrounding Sonoma Valley. ATF feels that this boundary delineates an area which meets the requirements for a viticultural area. This area includes the area traditionally known as Sonoma Valley and which possesses generally similar geographical features which distinguish it from the surrounding areas.

The boundary in the southeastern corner of the viticultural area was controversial because it conflicted with the previously proposed Napa Valley viticultural area by including a small

portion in Napa County bounded by Los Amigos, Duhig, and Ramal Roads. ATF subsequently approved the Napa Valley viticultural area (including this disputed portion) using the Sonoma County-Napa County line as the boundary (46 FR 9061). This boundary is based on historical evidence presented at the Napa Valley hearing indicating that that part of Napa County has been traditionally known as part of "Napa Valley." ATF does not feel that there is sufficient evidence indicating that any portion of Napa County has been traditionally considered a part of "Sonoma Valley" or any portion of Sonoma County has been part of "Napa Valley." Each viticultural area has been traditionally identified with the county of the same name. ATF is establishing the county line as the common boundary between the two areas. Therefore, the area in Napa County bounded by Los Amigos, Duhig, and Ramal Roads and proposed as part of the Sonoma Valley viticultural area will remain in the Napa Valley area and not become part of the Sonoma Valley area.

At the public hearing a commenter suggested that the final regulations should allow property owners whose property is divided by the viticultural area boundary to choose whether their property, in its entirety, is in or out of the viticultural area.

ATF believes that although there may be some viticultural similarities between an area in Napa County and an area in the Sonoma Valley viticultural area, the area in Napa County does not meet the requirements of 27 CFR 9.3(b)(1) since the area has not been known as Sonoma Valley.

Also, property located outside the boundaries of a viticultural area may not be included in that viticultural area even if it is part of a larger parcel of property divided by the viticultural area boundary. ATF believes that to hold otherwise would make the regulations meaningless and possibly mislead consumers of wines labeled with a viticultural area appellation of origin.

Finally, evidence was presented at both the Napa Valley and Sonoma Valley hearings indicating that the United States Geological Survey (USGS) maps are inaccurate and are different from the actual county line as drawn by the tax assessors of both Napa County and Sonoma County. ATF is using the actual Napa County-Sonoma County line as the eastern boundary of the Sonoma Valley viticultural area regardless of where the USGS maps place it. ATF normally uses USGS maps because they are generally available throughout the United States. However, in this case, ATF is using the Sonoma County tax assessor's maps as the approved maps defining the Sonoma County-Napa County line.

Regulatory Flexibility Act

Section 4 of Pub. L. 96-354, the Regulatory Flexibility Act, specifically waives the requirements for an initial regulatory flexibility analysis and a final regulatory flexibility analysis for any rule for which the notice of proposed rulemaking was issued before January 1, 1981. The applicable notice of proposed rulemaking for this final rule was published in the **Federal Register** on December 15, 1980 at 45 FR 82470.

Effective Date

These regulations are effective January 4, 1982. However, since 27 CFR 4.25a, which allows the name of an approved American viticultural area to be used as an appellation of origin, is not mandatory before January 1, 1983, and the name "Sonoma Valley" is currently used as an appellation on wine labels, ATF has determined that Section 9.29 establishing specific boundaries for the Sonoma Valley viticultural area will not be mandatory before January 1, 1983.

Compliance with E.O. 12291

In compliance with Executive Order 12291 ATF has determined that this final rule is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Thomas Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This Treasury decision issued under the authority of 27 U.S.C. 205.

Regulations

On the basis of the foregoing, 27 CFR Part 9 is amended by the addition of § 9.29 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9 is amended to include the title of § 9.29. As amended the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

. . . . .

9.29 Sonoma Valley (not mandatory before January 1, 1983).

. . . . .

2. Subpart C, 27 CFR Part 9, is amended by adding § 9.29. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural areas

. . . . .

§ 9.29 Sonoma Valley (not mandatory before January 1, 1983).

(a) *Name.* The name of the viticultural area described in this section is "Sonoma Valley."

(b) *Approved Maps.* The maps showing the boundaries of the Sonoma Valley viticultural area are the—

(1) "Cuttings Wharf, Calif." USGS 7.5 minute quadrangle;

(2) "Petaluma Point, Calif." USGS 7.5 minute quadrangle;

(3) "Sears Point, Calif." USGS 7.5 minute quadrangle;

(4) "Petaluma River, Calif." USGS 7.5 minute quadrangle;

(5) "Glen Ellen, Calif." USGS 7.5 minute quadrangle;

(6) "Cotati, Calif." USGS 7.5 minute quadrangle;

(7) "Santa Rosa, Calif." USGS 7.5 minute quadrangle;

(8) "Kenwood, Calif." USGS 7.5 minute quadrangle; and

(9) Appropriate Sonoma County tax assessor's maps showing the Sonoma County-Napa County line.

(c) *Boundaries.* The Sonoma Valley viticultural area is located within Sonoma County, California. From the beginning point at the junction of Tolay Creek and San Pablo Bay, the boundary runs—

(1) Northerly along Tolay Creek to Highway 37;

(2) Westerly along Highway 37 to its junction with Highway 121;

(3) Northwesterly in a straight line to the peak of Wildcat Mountain;

(4) Northwesterly in a straight line to Sonoma Mountain to the horizontal control station at elevation 2,271 feet;

(5) Northwesterly in a straight line to the peak of Taylor Mountain;

(6) Northeasterly in a straight line to the point at which Los Alamos Road joins Highway 12;

(7) Easterly in a straight line to the peak of Buzzard Peak;

(8) Easterly in a straight line to the peak of Mount Hood;

(9) Easterly in a straight line to an unnamed peak located on the Sonoma County-Napa County line and identified as having an elevation of 2,530 feet (This unnamed peak is located in the northeast quarter of Section 9, Township 7 North, Range 6 West, Mt. Diablo Base and Meridian);

(10) Southerly along the Sonoma County-Napa County line to the point at which Sonoma Creek enters San Pablo Bay; and

(11) Southwesterly along the shore of San Pablo Bay to the beginning point.

Signed: October 9, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34780 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-98; Ref: Notice No. 360]

Establishment of Santa Cruz Mountains Viticultural Area, California

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California, to be named "Santa Cruz Mountains." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

The Santa Cruz Mountains Vintners submitted a petition to establish a viticultural area in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California, to be named "Santa Cruz Mountains." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 360, in the **Federal Register** on December 15, 1980 (45 FR 82275), proposing the establishment of the Santa Cruz Mountains as a viticultural area.

Public Hearing

A public hearing was held on this issue on January 19, 1981, in Santa Clara, California. Nine persons testified at the hearing. The evidence gathered at this hearing and the petition and comments received was sufficient for ATF to base its final decision concerning the Santa Cruz Mountains.

Historical and Current Evidence of the Name

Testimony at the hearing established that the name, "Santa Cruz Mountains", was used to designate an area having a long history as a grape-growing region in California.

The area has been recorded as the "Santa Cruz Mountains" since 1838. As early as 1867, when the first government surveyor laid section lines in the area, the vineyards of the region were noted. Moreover, numerous books and articles dealing with wine refer to the "Santa Cruz Mountains" as a specific grape-growing area. Testimony was also received which indicated that although the proposed area encompassed parts of three counties, the "Santa Cruz Mountains" constitutes a well-defined area forming a distinct geographical and phytogeographical unit.

ATF believes this testimony establishes the historical and current use of the name, Santa Cruz Mountains, as a distinguishable region and is the most appropriate for the viticultural area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural area from surrounding grape-growing areas. The petitioner claimed the "Santa Cruz Mountains" possesses a soil type, climate, and protective setting which provides a singular viticultural identity.

The petitioner stated that the "Santa Cruz Mountains" is characterized by a climate which is greatly influenced in the western portion by the Pacific Ocean breezes and fog movements, and in the eastern portion by the moderating influences of the San Francisco Bay. These two influences tend to produce weather which is generally cool during the growing season. Temperatures in the slopes of the hillsides where most of the vineyards are located appear to vary from that at the lower elevations. This is caused by the marine influence coming off the Pacific Ocean which cools the mountains at night much more than the valley floor.

The area is characterized by a growing season in excess of 300 days. This is apparently due to cool air coming down the mountains forcing warmer air upward, thereby lengthening the season in which the necessary conditions for grape-growing are present. Moreover, while the climate, in terms of temperature can be characterized as mild, the "Santa Cruz Mountains" has an average rainfall much greater than the surrounding areas.

The soils in the proposed area were identified as Franciscan shale which is unique to this particular area south of San Francisco. The soil is basically residual material from the decomposition of bedrock and the soil types in the area differ depending on the type of underlying bedrock. Generally, these residual soils tend to be thin and stony, and somewhat excessively drained. They were characterized as impoverished, making it extremely difficult to grow grapes. This contrasts greatly with the soil of the surrounding area which is primarily alluvium and is more fertile.

Based on this evidence, ATF has determined that the Santa Cruz Mountains is viticulturally distinguishable from the surrounding areas. This is based upon the evidence presented regarding the rainfall, soil, and general climate. The Santa Cruz Mountains can be seen as a defined area exhibiting features and characteristics unique to its boundaries when compared to the surrounding area.

Boundaries

The boundaries of the "Santa Cruz Mountains" viticultural area are based, in general, on contour lines and man-made features. Evidence was presented at the hearing that the contour lines

varied to different levels to include an area exhibiting the same general geophysical characteristics, e.g. climate, soil, and topographic features.

Portions of the boundaries of the viticultural area are marked by man-made features, e.g. Highways 280 and 84, and Canada Road on the east. Testimony revealed that these roads were chosen because they delimit the particular geographical and climatic features of the area.

ATF believes that viticultural area boundaries based solely on man-made features are inappropriate. However, where man-made features, such as highways, coincide with the distinguishing geographical features, or provide a demarcation line between grape-growing areas and areas unsuitable for grape-growing, it is appropriate to use such features in describing boundaries. ATF believes that in the case of "Santa Cruz Mountains", the boundaries in the regulations delineate an area with distinguishing climatic and topographic features.

Testimony was given at the hearing by two persons whose property was not included within the proposed area. They were advised that they could submit petitions to amend the boundaries to include their property. Subsequently, one of these persons submitted a petition, along with the appropriate U.S.G.S. map (Cupertino Quadrangle). This petition indicated that the excluded property had similar geographical features to that of the proposed area. Further, the excluded area's soil quality and climatic conditions exhibit the same characteristics of the proposed area. Therefore, ATF believes this property should be included within the Santa Cruz Mountains viticultural area.

ATF received a petition from the second individual who testified at the public hearing and who requested that the boundary be lowered from the 400-foot contour line to either the 250 or 300-foot contour line. This individual indicated that while he has no vineyards at present, he anticipated planting approximately 15 to 20 acres of grapes in the future. No supporting documents or the appropriate U.S.G.S. map was submitted with this letter. Therefore, ATF is taking no action on this petition at this time because of insufficient data.

A third person submitted a petition, along with the appropriate U.S.G.S. map (Mt. Madonna Quadrangle) to amend the boundaries of the viticultural area. Specifically, this petition maintains three vineyards would have been bisected by the proposed area. The petitioner indicated that the two vineyards in the excluded area, comprising a total of eight acres, had similar geographical features to that of the eleven acre vineyard which was included within the area. Based on this petition, ATF is amending the boundary to include all three vineyards within the viticultural area.

A fourth person submitted a petition, along with the appropriate U.S.G.S. map (Cupertino Quadrangle) to amend the boundaries. This petition maintains that a vineyard would be bisected by the proposed boundary. The petitioner claims that the excluded area exhibits the same climatic and soil characteristics of the vineyard area included within the area. Based on this evidence, ATF is amending the boundary to include the entire vineyard within the Santa Cruz Mountains viticultural area.

Other than the three additions previously discussed, ATF is approving the boundaries of the Santa Cruz Mountains viticultural area as proposed. This decision is based on the petitions, the testimony presented at the hearing, and comments received.

Miscellaneous

ATF does not wish to give the impression that by approving the Santa Cruz Mountains viticultural area it is approving the quality of the wine from that area or endorsing the wine. ATF is approving the area as being viticulturally distinct from surrounding areas, not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Santa Cruz Mountains wines.

Disclosure

Copies of the hearing proceeding are available for inspection during normal business hours at the following two locations: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, 12th & Pennsylvania Avenue, NW, Washington, D.C.; and, at the Office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This final rule relates to a notice of proposed rulemaking published prior to January 1, 1981, and therefore, is not subject to the authority of the Regulatory Flexibility Act.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau also participated in preparation of this document, both in matters of substance and style.

Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.31 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.31 Santa Cruz Mountains.

* * * * *

Paragraph 2. Subpart C is revised by adding § 9.31 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.31 Santa Cruz Mountains.

(a) *Name.* The name of the viticultural area described in this section is "Santa Cruz Mountains."

(b) *Approved Maps.* The 24 approved U.S.G.S. maps for determining the boundaries are 23 7.5 minute scale and one 5 × 11 minute scale.

(1) "Ano Nuevo Quadrangle, California";

(2) "Big Basin Quadrangle, California";

(3) "Castle Rock Ridge Quadrangle, California";

(4) "Cupertino Quadrangle, California";

(5) "Davenport Quadrangle, California—Santa Cruz County";
(6) "Felton Quadrangle, California—Santa Cruz County";
(7) "Franklin Point Quadrangle, California";
(8) "Half Moon Bay Quadrangle, California—San Mateo County";
(9) "La Honda Quadrangle, California— San Mateo County";
(10) "Laurel Quadrangle, California";
(11) "Loma Prieta Quadrangle, California";
(12) "Los Gatos Quadrangle, California";
(13) "Mt. Madonna Quadrangle, California";
(14) "Mindego Hill Quadrangle, California";
(15) "Morgan HIll Quadrangle, California—Santa Clara County";
(16) "Palo Alto Quadrangle, California";
(17) "San Gregorio Quadrangle, California—San Mateo County";
(18) "San Mateo Quadrangle, California—San Mateo County";
(19) "Santa Teresa Hills Quadrangle—Santa Clara County";
(20) "Soquel Quadrangle, California—Santa Cruz County";
(21) "Watsonville East Quadrangle, California";
(22) "Watsonville West Quadrangle, California";
(23) "Woodside Quadrangle, California—San Mateo County"; and
(24) One 5 × 11 minute series map entitled: "Santa Cruz, California."

(c) *Boundaries.* The Santa Cruz Mountains viticultural area is located in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California.

(1) From the beginning point where Highway 92 and the 400-foot contour line intersect (Half Moon Bay Quadrangle), the boundary line follows Highway 92, beginning in a southeasterly direction, to a point where Highway 92 and the 400-foot contour line intersect (San Mateo Quadrangle);

(2) Thence along the 400-foot contour line, beginning in a southeasterly direction, to a point where the 400-foot contour line and Canada Road intersect (Woodside Quadrangle);

(3) Thence along Canada Road, beginning in a southerly direction, to a point where Canada Road and Highway 280 intersect (Woodside Quadrangle);

(4) Thence along Highway 280, beginning in a southeasterly direction, to a point where Highway 280 and 84 intersect (Palo Alto Quadrangle);

(5) Thence along Highway 84, beginning in a southwesterly direction, to a point where Highway 84 and Mountain Home Road intersect (Woodside Quadrangle);

(6) Thence along Mountain Home Road, beginning in a southerly direction, to a point where Mountain Home Road and Portola Road intersect (Palo Alto Quadrangle);

(7) Thence along Portola Road, beginning in a westerly direction, to a point where Portola Road and Highway 84 intersect (Woodside Quadrangle);

(8) Thence along Highway 84, beginning in a southwesterly direction, to a point where Highway 84 and the 600-foot contour line intersect (Woodside Quadrangle);

(9) Thence along the 600-foot contour line, beginning in a northeasterly direction, to a point where the 600-foot contour line and Regnart Road intersect (Cupertino Quadrangle);

(10) Thence along Regnart Road, beginning in a northeasterly direction, to a point where Regnart Road and the 400-foot contour line intersect (Cupertino Quadrangle);

(11) Thence along the 400-foot contour line, beginning in a southerly direction, to a point where the 400-foot contour line and the north section line of Section 35, T. 6 S./R. 2 W, intersect (Cupertino Quadrangle);

(12) Thence along the north section line of Sections 35 and 36, in an easterly direction, to a point where the section line and Highway 85 intersect (Cupertino Quadrangle);

(13) Thence along Highway 85, in a southerly direction, to a point where Highway 85 and the southern section line of Section 36 intersect (Cupertino Quadrangle);

(14) Thence along the section line, in a westerly direction, to a point where the section line and the 600-foot contour line intersect (Cupertino Quadrangle);

(15) Thence along the 600-foot contour line, beginning in a southerly direction, to a point where the 600-foot contour line and Pierce Road intersect (Cupertino Quadrangle);

(16) Thence along Pierce Road, in a southerly direction, to a point where Pierce Road and the 800-foot contour line intersect (Cupertino Quadrangle);

(17) Thence along the 800-foot line, beginning in a northwesterly direction, to a point where the 800-foot contour line and the east section line of Section 25, T. 10 S./R. 2 E., intersect (Mt. Madonna Quadrangle);

(18) Thence along the east section line, in a southerly direction, to a point where this section line and the 800-foot contour line intersect (Mt. Madonna Quadrangle);

(19) Thence along the 800-foot contour line, beginning in a southeasterly direction, to a point where the 800-foot contour line and Highway 152 intersect (Watsonville East Quadrangle);

(20) Thence along Highway 152, in a southwesterly direction, to a point where Highway 152 and the 400-foot contour line intersect (Watsonville East Quadrangle);

(21) Thence along the 400-foot contour line, beginning in a northwesterly direction, to a point where the 400-foot contour line and the Felton Empire Road intersect (Felton Quadrangle);

(22) Thence along Felton Empire Road, in an easterly direction, to a point where Felton Empire Road and Highway 9 intersect (Felton Quadrangle);

(23) Thence along Highway 9, in a southerly direction, to a point where Highway 9 and Bull Creek intersect (Felton Quadrangle);

(24) Thence along Bull Creek, beginning in a southwesterly direction, to a point where Bull Creek and the 400-foot contour line intersect (Felton Quadrangle); and

(25) Thence along the 400-foot contour line, beginning in a southeasterly direction, back to the point of beginning.

Signed: November 3, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34806 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-97; Ref: Notice No. 368]

McDowell Valley Viticultural Area; Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Mendocino County, California, to be named "McDowell Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of McDowell Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will help consumers better identify the wines from this area and will help winemakers distinguish their products from wines originating in other areas.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics, the boundaries of which have been recognized and defined in 27 CFR Part 9. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

McDowell Valley Vineyards, Inc. and 10 other property owners within the boundaries of McDowell Valley, Mendocino County, California, petitioned ATF to establish a viticultural area to be named "McDowell Valley." McDowell Cellars is the only winery presently located in the proposed viticultural area. There are approximately 540 acres now producing grapes in the area.

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 368, in the **Federal Register** on April 9, 1981 (46 FR 21197), proposing the establishment of the McDowell Valley viticultural area.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The rule is not expected to: have significant secondary or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, the Secretary of the Treasury certifies under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Historical and Current Evidence of the Name

The name of the area, McDowell Valley, was well documented in the petition. The name originated with an early settler, Paxton A. McDowell, who settled in the area in about 1852. Historical use of the name for the area dates from 1872. A 1916 publication, "Soil Survey of the Ukiah Area, California," prepared by the United States Department of Agriculture, refers to and describes McDowell Valley. The name is shown currently on the "Hopland Quadrangle California" 7.5 minute series USGS map. That map indentifies the area which is the subject of this final rule. After evaluating the petition and the comments received, ATF believes that the McDowell Valley viticultural area has a unique historical identity and that the name "McDowell Valley" is the most appropriate name for the area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

McDowell Valley is a natural, sheltered valley. The bench mark at the lower northwestern end of the valley is at 725 feet. The valley is surrounded by mountain ranges, including some which rise sharply to elevations of over 2,500 feet above sea level. McDowell Creek drains the valley and flows into the Russian River system. There is an upper elevation contour of 1,000 feet around the valley which effectively contains an area of "gravelly-loam" alluvial soils. The surrounding slopes are composed of nonalluvial upland soils, which are unsuitable for vineyards.

The valley has temperatures consistently warmer during the spring frost season and cooler during the summer growing season than most other Mendocino and Lake County areas surveyed by the National Weather Service between 1965 and 1978.

ATF has determined that due to the physical and climatological features of McDowell Valley it is distinguishable from the surrounding area.

Boundaries

The boundaries proposed by the petitioner are adopted. The boundaries generally delineate the area drained by McDowell Creek up to the 1,000-foot contour line of the surrounding ridges.

Comments

Two comments were received during the comment period. One comment was from McDowell Valley Vineyards, and the other from a wine marketing agent for McDowell Valley Vineyards and other wine producers. Both comments were in full support of the petition. In addition, ATF received 3 comments which were attached to the petition and fully supported it. These comments were from the California Association of Winegrape Growers; Bruce E. Bearden, Farm Advisor, University of California, Cooperative Extension, Mendocino County Agricultural Center; and the Mendocino County Vintners Association Board of Directors. ATF has received no information from any source indicating opposition to the petition.

Miscellaneous

ATF does not wish to give the impression by approving the McDowell Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. The approval of the area allows wine producers to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of McDowell Valley wines.

Disclosure

A copy of the petition and the comments received is available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of this document, both in substance and style.

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Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.36. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.36 McDowell Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.36. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

§ 9.36 McDowell Valley.

(a) *Name.* The name of the viticultural area described in this section is "McDowell Valley."

(b) *Approved maps.* The appropriate map for determining the boundaries of the McDowell Valley viticultural area is a USGS map. That map is titled: "Hopland Quadrangle California" 7.5 minute series.

(c) *Boundaries.* Beginning at the northwest corner of Section 22 T13N R11W; thence running southerly along the section line between Sections 22 and 21 approximately 1700 feet to the intersection of the section line and the ridge line (highest elevation line) between the McDowell Creek Valley and the Dooley Creek Valley; thence running southeasterly along the ridge line (highest elevation line) to the intersection of the ridge line and the 1000-foot contour line in Section 27; thence running southeasterly and on the McDowell Creek Valley side of the ridge along the 1000-foot contour line to the intersection of the 1000-foot contour line and the south section line of Section 27 thence running easterly along the section line between Sections 27 and 34 and between Sections 26 and 35 to the intersection of the section line and the centerline of Younce Road; thence running southeasterly and then northeasterly along Younce Road to the intersection of Younce Road and the section line between Sections 26 and 35; thence running due north from the section line, across Coleman Creek approximately 1250 feet, to the 1000-foot contour; thence running westerly and then meandering generally to the north and east along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence continuing along the 1000-contour easterly and then northwesterly in Section 25 to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence running northerly along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 23 and 24; thence running northerly along the section line across State Highway 175 approximately 1000 feet to the intersection of the section line and the 1000-foot contour line; thence running generally to the northwest along the 1000-foot contour line through Sections 23 and 14 and into Section 15 to the intersection of the 1000-foot contour and the flowline of an unnamed creek near the northeast corner of Section 15; thence southwesterly and down stream along the flowline of said unnamed creek and across Section 15, to the stream's intersection with the section line between Sections 15 and 16; thence running southerly along the section line approximately 100 feet to the northwest corner of Section 22 and to the point of beginning.

Signed: October 28, 1981.

G. R. Dickerson,

Director.

Approved: November 3, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34781 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2204

Rules Implementing the Equal Access to Justice Act; Extension of Comment Period

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for submission of comments concerning the rules implementing the Equal Access to Justice Act in proceedings before the Occupational Safety and Health Review Commission ("Commission"). These rules were published in the **Federal Register** on September 30, 1981 (46 FR 48078–48083). The Secretary of Labor has requested an extension of time to prepare comments on these rules, and the Commission has determined that such an extension is reasonable. Therefore, the deadline for submission of comments by any interested party is extended to December 11, 1981.

DATE: Comments must be received by December 11, 1981.

ADDRESS: Submit comments to Jonathan R. Ross, Acting Associate General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Suite 400, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Acting Associate General Counsel Jonathan R. Ross at the above address; telephone (202) 634–7965.

Signed this 30th day of November, 1981.

Earl R. Ohman, Jr.,

Acting General Counsel.

[FR Doc. 81-34801 Filed 12-3-81; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Adoption of Amendments

AGENCY: Department of Labor.

ACTION: Adoption of amendments to final rule.

SUMMARY: In this document, the Department of Labor (Department) announces the adoption of several amendments to a final regulation under the Employee Retirement Income Security Act of 1974 (ERISA), 29 CFR 2530.203–3, relating to suspension of pension benefit payments under certain circumstances.

These amendments address concerns which have been presented to the Department with respect to possible effects of certain technical aspects of the regulation. Specifically, this document amends provisions of the regulation which govern benefit offsets, determinations of whether a person is "employed" in a manner which could give rise to a suspension of benefits, and delivery of notice to persons who are so employed.

DATE: The suspension of benefits regulation, 29 CFR 2530.203–3, as amended herein, is effective January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor;

200 Constitution Avenue, N.W.
Washington, D.C. 20216: Room C–4508:
202–523–8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department published in the **Federal Register** (46 FR 8894) a final regulation under section 203(a)(3)(B) of ERISA governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203–3). As published, this regulation was due to take effect May 27, 1981. The Department deferred the effective date in order to permit reconsideration of this regulation in accordance with Executive Order 12291 and in light of public comments received on the final regulation, and to coordinate review by the Office of Management and Budget, as required by the Executive Order.[1]

The Department proposed certain technical amendments to this regulation on August 31, 1981 (46 FR 43695; republished September 1, 1981, 46 FR 43852).[2] These amendments were proposed in order to reduce administrative costs which commentators associated with implementation of provisions of the regulation relating to benefit offsets and to determinations of whether an individual may be considered "employed" in "section 203(a)(3)(B) service." On the basis of comments received concerning the August 31 proposal, the Department has decided to adopt, with minor modifications, the proposed amendments to § 2530.203–3. In addition, the Department has also decided to amend the provision of the regulation which relates to the manner in which a plan may deliver notices of suspension to affected participants. The regulation, as amended, is effective January 1, 1982. The specific amendments, and relevant comments, are discussed below.[3]

1. *Definition of "hour of service".* Generally, the regulation as originally adopted permits a pension plan to provide for the permanent withholding of accrued benefits for each month of employment in "section 203(a)(3)(B) service." Such service results when a participant completes 40 or more hours of service, *as defined in 29 CFR 2530.200b–2(a)(1),* in certain types of employment. Because the cited portion of the regulation defining hour of service refers only to hours "for which an employee is paid, or entitled to payment, for the performance of duties for the employer," commentators suggested that administrative problems could arise in some cases where the participant receives payment from the employer other than for the performance of duties (for example, where the participant receives pay for sick leave or vacation from the employer equal to or in excess of the amount payable for 40 hours of work). In response, the Department proposed to amend the hour of service definition to include certain situations where the participant might receive compensation other than for the performance of duties: *i.e.*, "hours for which the employee took, and is entitled to payment for, vacation, holiday, jury duty, training or sick leave."

Commentators generally supported the proposed amendment. However, several commentators, while noting that the proposed amendment would help to alleviate problems in this area, suggested that the hour of service definition be expanded to include any hour of service described in § 2530.200b–2(a)(2). That section of the regulations defines hour of service to include, in addition to the types of paid leave mentioned in the proposal, hours of paid leave for "illness, incapacity (including disability), layoff, * * * military duty or leave of absence." In support of this suggestion it was argued that the same treatment should be accorded to all the types of paid non-working hours described in the regulation for which credit must be given, and that a simple cross reference to an existing regulation with which plan administrators are already familiar would provide for increased ease of administration.

In light of these comments the Department had determined to amend the hour of service definition in paragraph (c) of the suspension of benefits regulation to include hours of service as defined in 29 CFR 2530.200b–2(a)(1) *and (2).*

2. *Payroll period and "period of employment."* Under the regulation as originally adopted, the period to be examined for determining whether a participant is "employed" is the calendar month, and a participant is considered employed in a month if he completes 40 or more hours of service in relevant employment. Commentators noted that, while plans generally pay benefits monthly, it is not uncommon for an employer to maintain records on other than a calendar month basis. Because such an employer might experience significant difficulty in determining the number of hours worked in a calendar month, and because in this situation the plan might also face increased administrative problems, the Department proposed to amend the regulation to permit use of a four or five week payroll period in lieu of the calendar month as the period to be examined. The Department received only favorable comment on this point, and is adopting this amendment as proposed.

3. *Use of alternatives to the "40 hour" requirement.* The final regulation did not permit the use of the "equivalencies" or "elapsed time" methods of counting hours worked (described in Department regulations) for determining whether the "40 hour test" had been met because it did not appear that direct application of these methods would be appropriate for determining when benefits could be forfeited. However, in light of comments regarding the administrative costs to plans which use these methods, the Department reconsidered possible ways to allow such plans to continue to use these methods, without the burdens which might arise if they had to count hours solely for suspension purposes, while at the same time maintaining a reasonable standard for "employment" and safeguarding plan participants against harsh results. It appeared that although it might be difficult for plans already using elapsed time methods or equivalencies for other purposes to calculate the actual number of hours worked by a plan participant, there should not be any significant problem in determining the number of days for which compensation is paid to the participant for any given period. Accordingly, the Department proposed to permit suspension of benefits by plans using equivalencies or the elapsed time method for all other purposes when a participant performs any services for pay for the employer on 10 or more days during a calendar month (or variant), including those days for which certain payments were made for reasons other than the performance of duties.

Commentators, while generally supporting the proposed amendment, suggested a number of modifications. It was pointed out that existing

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[1] On May 26, 1981, June 30, 1981, and July 31, 1981, the Department announced (46 FR 28151, 33517, 39138) deferrals of the effective date of the suspension of benefits regulation until July 1, 1981, August 1, 1981, and September 1, 1981, respectively

[2] On the same day, the Department deferred the effective date of the suspension of benefits regualtion until October 1, 1981 and proposed for public comment deferring the effective date until action is taken on the proposed amendments (46 FR 43663; republished September 1, 1981, 46 FR 43833). In response to comments received, on September 29, 1981, the Department deferred the effective date until final rulemaking action is taken on the proposed amendments (46 FR 47584).

[3] Several commentators discussed matters which are outside the scope of the proposed technical amendments and which have already received appropriate consideration. The Department has determined not to reconsider these matters in this proceeding.

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Department regulations permit a plan to use elapsed time or equivalency methods for some employees but not for others, and it was suggested that the amendment should therefore make this option available if such methods were used exclusively for the affected employee, rather than requiring their use plan wide. It was also suggested that many fewer suspensions would be permitted under the proposed "10 days" alternative than under the "40 hours" standard which it was intended to parallel.

Based on the comments, the amendment, as adopted, provides an alternative standard of 8 or more days (or separate work shifts) which may be used for any employee for whom actual hours of service are not counted for other purposes.

4. *"Offset" rules.* As originally adopted, the regulation permitted plans to deduct, from benefit payments to be made by the plan, any payments previously made during months in which the participant was employed in section 203(a) (3) (B) service, but limited such deduction (or offset) in any one month to not more than 25 percent of that month's benefit payment.

Commentators argued that plans might not know until the end of an initial monthly (or pay) period of employment whether the participant engaged in section 203 (a) (3) (B) service for that period, and, to that extent, the plan would always be in a position of having to go through the added administrative procedures of the offset rules in order to fully recapture amounts it is entitled to suspend.

The Department proposed to address this problem by lifting the 25 percent limitation with regard to the initial payment to which the participant would be entitled upon resumption of benefits under paragraph (b)(2) of the regulation. Because that paragraph authorizes a delay of up to two months between the time employment ceases and the time benefits must resume, this initial payment could routinely equal as much as three months' benefits. This would solve the problem of recouping the initial month s payment and might also generally be sufficient to cover the full extent of a plan's "overpayment" in the event that recognition of reemployment were delayed even further

The comments generally suggested that the proposed amendment would effectively serve its intended purpose. Several commentators, however, urged the Department to go far beyond the scope of the proposed amendment and eliminate any restriction on a plan's ability to offset "overpayments" from future benefit payments. The Department previously considered and rejected this option (46 FR 8902), and these commentators have not brought forth any new arguments or information which would serve as a satisfactory basis for such a fundamental change of position on this issue.

Other commentators recognized the need and desirability for some limits in this area, but argued for a greater degree of unlimited recoupment than would be permitted under the proposal. In the Department's view however the proposed amendment would be relatively easy for plans to administer (because it complements the resumption of payments rule), and it would adequately address the technical problem which led to its proposal.

Accordingly the Department has determined to adopt this amendment essentially as proposed. In response to comment, however, the regulatory language has been slightly changed for the sole purpose of making it clear that no offset limit need apply to the initial payment due upon resumption of benefits.

5. *Notice delivery method.* The regulation requires that an affected employee must receive a notice of a benefit suspension. The regulation has required that the plan must give notice either by personal delivery or by certified mail. Many commentators have urged the Department to permit a less costly means of non-personal delivery such as first class mail. The Department is now convinced that permitting first class delivery will not significantly affect the likelihood that a participant will receive the notice, and it appears that this will be a more cost-effective means of providing disclosure. Accordingly after consideration of comments received, the Department is amending the suspension of benefits regulation by replacing the certified mail requirement with a first class mail requirement.

E.O. 12291 Statement

Pursuant to Executive Order 12291, the Department has determined that these amendments do not constitute a "major rule," as that term is used in the Order because it does not appear that they will result in: An annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Department views these amendments as technical changes which will increase options available to plans under the suspension of benefits regulation and facilitate less costly administration of suspension provisions, without themselves imposing additional costs on plans

Regulatory Flexibility Act Statement

For the reasons set forth in the preceding paragraph, the undersigned has certified that these amendments will not have a significant economic impact on a substantial number of small entities

Statutory Authority

These amendments are adopted under the authority contained in sections 203(a)(3)(B) and 505 of ERISA (Pub. L. 93–406, 88 Stat. 854, 894, 29 U.S.C. 1053, 1135)

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

Accordingly Part 2530, Chapter XXV of Title 29 of the Code of Federal Regulations is amended by revising the heading of § 2530.203–3 and revising paragraphs (b)(1), (b)(3), (c)(1), (c)(2) introductory text, and (d) and the first sentence of paragraph (b)(4) to read as follows, and the regulation, as hereby amended, is effective January 1, 1982:

§ 2530.203–3 Suspension of pension benefits upon employment.

* * * * *

(b) *Suspension rules.—(1) General rule.* A plan may provide for the permanent withholding of an amount which does not exceed the suspendible amount of an employee s accrued benefit for each calendar month, or for each four or five week payroll period ending in a calendar month, during which an employee is employed in "section 203(a)(3)(B) service" as described in § 2530.203–3(c).

* * * * *

(3) *Offset rules.* A plan which provides for the permanent withholding of benefits may deduct from benefit payments to be made by the plan payments previously made by the plan during those calendar months or pay periods in which the employee was employed in section 203(a)(3)(B) service, *Provided,* That such deduction or offset does not exceed in any one month 25 percent of that month's total benefit payment which would have been due but for the offset (excluding the initial payment described in paragraph (b)(2) of this section, which may be subject to offset without limitation).

(4) *Notification.* No payment shall be withheld by a plan pursuant to this section unless the plan notifies the employee by personal delivery or first class mail during the first calendar month or payroll period in which the plan withholds payments that his benefits are suspended.

(c) *Section 202(a)(3)(B) Service.—(1) Plans other than multiemployer plans.* In the case of a plan other than a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee, subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period,

(i) Completes 40 or more hours of service (as defined in 29 CFR 2530.200b–2(a) (1) and (2)) for an employer which maintains the plan, including employers described in § 2530.210 (d) and (e), as of the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment; or

(ii) Receives from such employer payment for any such hours of service performed on each of 8 or more days (or separate work shifts) in such month or payroll period, *Provided,* That the plan has not for any purpose determined or used the actual number of hours of service which would be required to be credited to the employee under § 2530.200b–(2)(a).

(2) *Multiemployer plans.* In the case of a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period:

(i) Completes 40 or more hours of service (as defined in § 2530.200b–2(a) (1) and (2)); or

(ii) Receives payment for any such hours of service performed on each of 8 or more days (or separate work shifts) in such month or payroll period, *Provided,* That the plan has not for any purpose determined or used the actual number of hours of service which would be required to be credited to the employee under § 2530.200–(2)(a); in

(A) An industry in which employees covered by the plan were employed and accrued benefits under the plan as a result of such employment at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, and

(B) A trade or craft in which the employee was employed at any time under the plan, and

(C) The geographic area covered by the plan at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment.

(d) *Suspendable amount.*—(1) *Life annuity.* In the case of benefits payable periodically on a monthly basis for as long as a life (or lives) continues, such as a straight life annuity or a qualified joint and survivor annuity, a plan may provide that an amount not greater than the portion of a monthly benefit payment derived from employer contributions may be withheld permanently for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service.

(2) *Other benefit forms.* In the case of benefits payable in a form other than the form described in paragraph (d)(1) of this section, a plan may provide for the permanent withholding of an amount of the employer-derived portion of benefit payments for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service, not exceeding the lesser of—

(i) The amount of benefits which would have been payable to the employee if he had been receiving monthly benefits under the plan since actual retirement based on a single life annuity commencing at actual retirement age; or

(ii) The actual amount paid or scheduled to be paid to the employee for such month. Payments which are scheduled to be paid less frequently than monthly may be converted to monthly payments for purposes of this paragraph (d)(2)(ii).

Signed at Washington, D.C., this 1st day of December , 1981.

Donald L. Dotson,

Assistant Secretary for Labor-Management Relations.

[FR Doc. 81–34837 Filed 12–1–81; 4:05 pm]

BILLING CODE 4510–29–M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Eligibility for Educational Assistance; Character of Discharge

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: These regulations, adopted jointly by the Veterans Administration and the Department of Defense, concern eligibility for educational assistance under chapter 32, title 38, United States Code. These changes are necessary in order to implement a law enacted October 8, 1977. The law defines the term "discharge or release" to include the satisfactory completion of the period of active service for which an individual was initially obligated to serve, when the individual was not eligible for complete separation at that time because of an intervening enlistment or reenlistment. Most of the changes are liberalizing. Others are of a minor or technical nature. The regulatory amendments will implement the provisions of the law.

EFFECTIVE DATE: October 8, 1977.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On December 10, 1980 a proposal to amend Part 21, Title 38, Code of Federal Regulations to implement provisions of a law enacted October 8, 1977, was published in the **Federal Register** on pages 81213 and 81214.

Interested persons were given 30 days to submit comments, suggestions, or objections. The Veterans Administration and the Department of Defense received two letters, one from a private citizen and one from a Legal Aid Society. Each letter contained an objection.

One writer objected to the requirement that an individual use his or her entitlement period within a 10-year period from the individual's last discharge or release from active duty.

This 10-year period is set by law (38 U.S.C. 1632). The Veterans Administration and the Department of Defense do not have the authority to use a regulation to overturn a provision of the law. While we acknowledge the writer's desire to allow veterans to use

their benefits throughout their lifetime, we cannot meet the writer's suggestion.

The other letter stated that the proposal was written in a way that would negate the provisions of the law that it is supposed to implement. In particular the writer suggested that participants who satisfactorily completed an obligated period of service could not receive benefits.

We appreciate the writer's concern, but we do not think that the regulations as written negate the provisions of the law. A "constructive" unconditional discharge occurs when an individual completes an obligated period of service, but enlists or reenlists without obtaining a normal discharge. This concept is actually a part of the regulation, but perhaps the letter writer overlooked it, since it is found in 38 CFR 3.13(c), a provision specifically incorporated into these regulations by 38 CFR 21.5040(a)(2)(ii). We believe, when the two provisions are read together, as intended, there is no error such as the letter writer describes.

The Veterans Administration and the Department of Defense have determined that this final amendment to these regulations is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

The amendments to §§ 21.5040, 21.5060 and 21.5065 are deemed proper and are hereby adopted.

Approved: May 5, 1981.

Rufus H. Wilson,

Acting Administrator of Veterans Affairs.

Approved: November 4, 1981.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

1. In § 21.5040, paragraph (a) is revised to read as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* (1) To establish basic eligibility under 38 U.S.C. ch. 32 for educational assistance, an individual not on active duty—

(i) Must have initially entered the military service after December 31, 1976;

(ii) Must have served on active duty for 181 or more continuous days after December 31, 1976, or if less than 181 days were served on active duty, the individual must have been discharged or released from active duty for a service-connected disability; and

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from the initial period of military service and from any other period of service upon which eligibility is based.

(2) The Veterans Administration will consider that the veteran has an unconditional discharge or release if—

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(3) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable. (38 U.S.C. 1602)

. . . . .

2. In § 21.5060, paragraph (b) is revised and a cross reference is added to read as follows:

§ 21.5060 Disenrollment.

. . . . .

(b) *Nonvoluntary disenrollment.* The Veterans Administration shall disenroll automatically an individual who meets any of the following sets of conditions:

(1) The individual is discharged or released from his or her initial obligated period of active service and—

(i) The discharge or release is under dishonorable conditions, or

(ii) A statutory bar to benefits administered by the Veterans Administration exists for the individual;

(2) The individual participated only after completion of the initial or subsequent period of active service; is discharged or released and—

(i) The discharge or release is under dishonorable conditions, or

(ii) A statutory bar to benefits exists for the individual; or

(3) The individual has not utilized all of his or her entitlement to benefits within the 10-year period stated in § 21.5041. (38 U.S.C. 101, 1625, 1632)

Cross Reference: Refunds without disenrollment. See § 21.5065.

(3.) Section 21.5065 is added to read as follows:

§ 21.5065 Refunds without disenrollment.

(a) *Refunds made without disenrollment.* If an individual who would have been eligible, but for the fact of his or her re-enlistment, for the award of a discharge or release under conditions other than dishonorable at the time he or she completed an obligated period of service, later receives a discharge or release under dishonorable conditions, the Veterans Administration may refund a portion of his or her contribution. (38 U.S.C. 101, 1623)

(b) *Amount of refund.* The Veterans Administration shall refund to the individual all of his or her contributions made to the fund after the individual completed the obligated period of service. (38 U.S.C. 101, 1623)

(c) *Date of refund.*—The Veterans Administration shall refund all monies due the individual—

(1) On the date of the individual's discharge or release from active duty; or

(2) Within 60 days of receipt of notice by the Veterans Administration of the individual's discharge or release, whichever is later. (38 U.S.C. 101, 1623, 1632)

[FR Doc. 81-34878 Filed 12-3-81, 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments; Correction

AGENCY: Postal Service.

ACTION: Final rule; corrections.

SUMMARY: This document corrects an erroneous note which described the extent of revisions covered by issue 6 of the Domestic Mail Manual, notice of which was published November 30, 1981 (46 FR 58077). In addition, a section reference is corrected.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245-4638.

SUPPLEMENTARY INFORMATION:

The following corrections are made in FR Doc. 81-34243 appearing on 58077 in the issue of November 30, 1981:

1. On page 58078, in the middle of the first column, the "Note" is corrected to read as follows:

Note.—Issue 6 contains all DMM revisions published between January 8, 1981 and July 2, 1981. In addition, it includes the new rates which were announced in Special Postal Bulletin 21319 (10-6-81). The rates announced in Special Postal Bulletin 21319 are effective November 1, 1981.

2. On page 58079, toward the bottom of the first column, in paragraph 6c., "Section 6232.12c" is corrected to read "Section 622.12c".

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-34914 Filed 12-3-81, 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F2496/R374; PH-FRL-1998-3]

Methoprene; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insect growth regulator methoprene in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for residues of methoprene in or on the commodities was requested by Zoecon Corp.

EFFECTIVE DATE: Effective on December 4, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 19, 1981 (46 FR 32071) which announced that Zoecon Corp., 975 California Ave., Palo Alto, CA 94304, submitted a pesticide petition (PP 1F2496) proposing that 40 CFR 180.359 be amended by the establishment of tolerances for residues of the growth regulator methoprene (isopropyl(*E,E*-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on the raw agricultural commodities peanuts at 1.0 part million (ppm) and peanut hulls at 2.0 ppm.

Subsequently, the petition was amended (46 FR 54795, November 4, 1981) as follows:

(a) Increase the proposed tolerances for peanuts from 1 to 2 ppm and peanut hulls from 20 to 40 ppm.

(b) Establish tolerances for the following commodities:

Commodities	Part per million
Meat, and meat byproducts of sheep, goats, cattle, horses, and hogs	0.1
Fat of sheep, goats, horses, and hogs	0.3
Meat, fat and meat byproducts of poultry	0.05
Eggs	0.05

There was no comments received in response to the notice of filing and the subsequent amendments.

The intitial request for establishing tolerances for methoprene of 1.0 ppm for peanuts at 20.0 ppm for peanut hulls was denied because of limited data. The Agency recommended that a revised section "F" be submitted by the Zoecon Corp. for a higher tolerance of 2.0 for peanuts and 40.0 ppm for peanut hulls because these higher levels could be supported by the available information. In addition, the Agency recommended that Zoecon Corp. propose tolerances for residues in or on meat and meat byproducts of sheep, goats, cattle, horses and hogs at 0.1 ppm; fat of sheep, goats, horses and hogs at 0.3 ppm; for the meat, fat, and meat byproducts of poultry at 0.05 ppm; and for eggs at 0.05 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rat acute oral toxicity study with a median lethal dose (LD_{50}) of 10 grams (gm)/kilogram (kg); a 90-day dog feeding study with a non-observable-effect-level (NOEL) of 500 parts per million (ppm) with increased liver weight ratios at 5,000 ppm; a 90-day rat feeding study with a NOEL of 1,000 ppm with increased organ weights at 5,000 ppm; an 18-month mouse feeding study with a NOEL of 250 ppm with no oncogenic effects; a 24-month rat feeding/oncogenicity study with a NOEL of 1,000 ppm; a three-generation rat reproduction study with a NOEL of 2,500 ppm (highest level fed); a rabbit teratology study (negative at 500 mg/kg); a rat teratology study (negative at 500 mg/kg) with slight indications of abnormalities at 1,000 mg/kg; and a negative mutagenicity study in rats (dominant lethal 2,000 mg/kg). The increased organ weights which were observed in the 90-day rat feeding study at 5,000 ppm (as stated above) were not observed in the 24-month rat feeding study.

Exemptions from the requirement of tolerances were previously established for methoprene in or on the raw agricultural commodities eggs; the fat, meat, and meat byproducts of goats, hogs, horses, poultry, and sheep; fish; forage grasses; forage legumes; rice; rice straw; and shellfish when used in pastures, rice fields; marshlands, and other noncrop areas to control floodwater mosquitoes (40 CFR 180.1033). Tolerances are established for residues of methoprene in or on cattle fat, milk, and mushrooms.

In view of the higher tolerance levels established by this regulation for animal feed items, the Agency has concluded that tolerances must be established for residues of methoprene in or on the raw agricultural commodities eggs; the fat, meat and meat byproducts of cattle, goats, horses, poultry and sheep. Therefore, this regulation replaces the exemption for the requirement of a tolerance (40 CFR 180.1033) for methoprene in or on raw agricultural commodities with the tolerance levels set forth.

The provisional acceptable daily intake (PADI) for humans is calculated to be 0.0063 mg/kg/day based on the NOEL of 500 ppm in a 3-month dog feeding study using a 2000-fold safety factor. The maximum permitted intake (MPI) for a 60-kg person has been calculated to be 0.3750 mg/day. Tolerances have previously been established for residues of methoprene on several raw agricultural commodities. The theoretical maximum residue contribution (TMRC) for the proposed and existing tolerances are calculated to be 22.75 percent of the TMRC of 0.0853 mg/day/1.5 kg total diet.

Data considered desirable but currently lacking are: (a) a 6-month chronic feeding study in a nonrodent species (preferably dogs) to demonstrate a NOEL and (b) additional data from the previously submitted mouse teratology study. The petitioner has submitted written assurance, to the Agency, that the 6-month (nonrodent) chronic feeding study (preferably dogs) that demonstrates a NOEL will be submitted to the Agency by November 21, 1981 and written assurance that they will initiate any action deemed necessary to fulfill the teratology data gap, when the Agency completes the Industrial Biotest (IBT) data validation.

There are currently no regulatory actions pending against the registration of this pesticide. There are no other relevant considerations in establishing the tolerance for peanuts at 2.0 ppm; peanut hulls at 40.0 ppm; meat and meat byproducts of sheep, goats, cattle, horses and hogs at 0.1 ppm; for the fat of sheep, goats, horses and hogs at 0.3 ppm; for the meat, fat and meat byproducts of poultry at 0.05 ppm and for eggs at 0.05 ppm.

Methoprene is considered useful for the purpose for which the tolerances are sought and it is concluded that the tolerances established for the above commodities will protect the public health. Therefore the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before January 4, 1982, file written objections with the

Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of the Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to the effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: December 4, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: November 20, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.359 is amended by alphabetically inserting the commodities peanuts; peanut hulls; meat and meat byproducts of cattle, goats, hogs, horses and sheep; fat of goats, hogs, horses, and sheep; fat, meat, and meat byproducts of poultry; and eggs to read as follows:

§ 180.359 Methoprene; tolerances for residues.

. . . . . .

Commodity	Part(s) per million (ppm)
. . . . .	
Cattle, meat	0.1
Cattle, meat byproducts	0.1
Eggs	0.05
Goats, fat	0.3
Goats, meat	0.1
Goats, meat byproducts	0.1
Hogs, fat	0.3
Hogs, meat	0.1
Hogs, meat byproducts	0.1
Horses, fat	0.3
Horses, meat	0.1
Horses, meat byproducts	0.1
. . . . .	
Peanuts	2.0
Peanut hulls	40.0
Poultry, fat	0.5
Poultry, meat	0.5
Poultry, meat byproducts	0.05
Sheep, fat	0.3
Sheep, meat	0.1
Sheep, meat byproducts	0.1

[FR Doc. 81-34915 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 401

Medicare Program; Availability of Information and Records to the Public

Corrections

In FR Doc. 81-32491 appearing at 46 FR 55695, Thursday, November 12, 1981, make the following corrections:

1. On page 55699, in § 401.133, in paragraph (a), in the eighth line, "section 1884" should be corrected to read "section 1864";

2. On page 55700, in the first column, in the fifth line "or" should be corrected to read "on".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1241

[No. 37080]

Accounting and Reporting of Railroads' Freight Train Car Repair Costs

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This rule sets forth guidelines for accumulating, recording and reporting the costs of repairing freight train cars. The objective is to assure more accuracy and uniformity of repair cost information by car types that is reported in the Commission's Railroad Annual Report Form R-1. This rule applies only to Class I railroads.

The initial Notice of Proposed Rulemaking (45 FR 57153 August 27, 1980) was suspended because of pending legislation, but this matter was resolved. A Revised Notice of Proposed Rulemaking was served on January 6, 1981 (46 FR 2146 January 8, 1981).

This rule requires that freight car repair costs be directly identified with the types of freight cars repaired. Two levels of repair costs processing are presented, and railroads may choose the more appropriate methodology. Railroad equipment repair cost information is potentially useful to shippers and to the Commission in establishing car service compensation rates and in analyzing freight rates. Railroads would potentially benefit from improved data by having information to control and manage repair costs.

DATES: This rule is effective for the reporting year beginning January 1, 1982.

ADDRESS: An original and 10 copies of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Telephone No. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The objective of this proceeding is to develop criteria for Class I railroads in collecting and reporting costs of freight train car repairs. A significant feature of this rule is that repair costs for both foreign and system freight cars will be directly identified with each type of car that is repaired.

For purposes of this proceeding, freight train cars are divided by the car types listed in Schedule 415 of the Railroads' Annual Report Form R-1 (Form R-1).

Section 11122 of the Interstate Commerce Act, 49 U.S.C. 11122, provides that the Commission may establish compensation for the use of locomotives, freight train cars, and other vehicles. Subparagraph (b) of Section 11122 states: "The rate of compensation to be paid for each type of freight car shall be determined by the expense of owning and maintaining that type of freight car, including fair return on its cost giving consideration to current costs of capital, repairs, materials, parts and labor."

Repair cost data by car types is potentially useful to the Commission for computing per diem (car-hire) rates for railroad-owned cars and interchange services (See our decision in Ex Parte No. 334, *Car Compensation—Basic Per Diem Charges).* Also, in our cost finding process, we want to determine as precisely as possible the cost of moving freight with a particular type of equipment.

Accurate repair cost data is also of potential benefit to shippers in establishing and analyzing freight rates.

This is especially significant now because the Staggers Rail Act of 1980 promotes individual rate increases and the direct negotiation between rail carriers and shippers. Refined cost data would provide assurances that shippers will be charged a justifiable and equitable rate for freight movements. Because freight train cars are irreplaceable components in the rail transportation system, we believe that an effective and accountable methodology for accumulating, accounting for, and reporting their repair costs is equally important and should not be disregarded.

Schedule 415 of Form R–1 requires railroads to report repair costs by types of freight train cars. However, the instructions for this schedule have lacked criteria as to what costs should be directly accumulated by car types, and what costs can be allocated. The instructions allowed alternatives, including "a carrier conducted study to determine car repair expenses by car types" and "other available standards valid for the responding carrier." Thus, the cost data has been reported under diverse methods. Because the schedule did not require reporting railroads to explain the methods used in allocating costs, the validity and accuracy of the data could not be evaluated.

A. Summary of the Proposal as Presented in NPR

The proposed rule set forth a two level methodology plan, from which railoads could select the level which was least costly and more comparable to the system currently being used.

Level I was the Job Order Cost System Methodology which has attributes of being more refined, informative, accurate and costly to maintain. The Level I system called for applying actual and/or standard costs to a specific repair job in proportion to the amount of materials, attention and effort used to repair a unit or group of equipment.

Level II, Alternative Repair Cost Methodology, was a cost aggregation model which provided guidelines in leading to car type data. This model permitted a greater degree of managerial discretion because actual costs were not so closely traced to each unit or group of equipment being repaired. Actual costs were assigned to the car type categories based on repair standards maintained through the AAR's Car Repair Billing System.

In both alternatives, the proposal called for a segregation of foreign repair costs from repair costs relating to system cars.

B. Representations by Respondents

The Association of American Railroads, (AAR) representing member railroads, and the Boston and Maine Corporation, Debtor, (B&M) provided comments for this proceeding.

The AAR commented that:

(1) Railroads were unable to determine any valid need to segregate car repairs between system and foreign cars;

(2) Railroads are presently designing management information systems which would provide car repair costs by car types, and it may take up to 6 years to refine these systems;

(3) Guidelines are necessary, but should be flexible; and, other methodologies designed by individual railroads should be acceptable; and

(4) The cost of developing and maintaining a repair cost system could be prohibitive, and the funds could be used more beneficially if railroads did not have to follow specific Commission directives.

The B&M stated that:

(1) Segregating car repair costs by car types between system and foreign cars appears to serve no useful purpose;

(2) They recognize the Commission's need to establish objective guidelines in this area, but that a majority of major railroads have already instituted such reporting systems; and

(3) Requiring such extensive reporting methodologies for smaller roads as the B&M would not be cost effective, and suggested that the Commission establish alternative reporting requirements for these railroads.

C. Discussion

We were greatly encouraged by and appreciative of the beneficial comments from the industry. More accurate and uniform data on the costs of repairing freight train cars by car types is useful to all concerned parties. For railroads, it means improved data on:

- The type and extent of preventive maintenance programs,
- The cost savings that could be effected by repairing cars in the most appropriate repair shops,
- The most efficient utilization of shop labor and resources,
- The appropriateness of repair standards,
- The wear patterns on repair parts and materials, and
- The life expectancy of the types of freight train cars.

Shippers, also, will have more accurate information for determining the cost of moving freight. That is, they would be assured of having available valid data which might be used to develop measures for pinpointing efficient equipment management programs, which impact on rate determinations. Fleet characteristics and maintenance programs could be important negotiation concepts.

Concerning the issues raised by the respondents, we offer the following:

1. *Cost segregation between foreign and system cars.* We have reconsidered this criteria and revised Schedule 415 to require disclosure of composite car type data without the foreign/system breakdown. Our cost development branch indicates this disclosure will provide the necessary refinement for adequate cost results.

2. *Railroads are independently improving systems.* We realize that several railroads are independently developing repair cost recovery methodologies which capture data by car types. Our field study and research indicate that these systems will produce cost data which might even exceed the refinement required under our Level II approach. We applaud this initiative and effort.

3. *Guidelines are necessary but should be flexible.* The intent of our proposal was to create guidelines which were flexible and allowed individual roads to develop methodologies which best serve their operations. Throughout the Level II model, we incorporated many allocation and cost accumulation procedures which depend on the discretion of management. This final rule will continue to require either the Level I or Level II methodology. However, we will review and approve any submitted repair cost methodology that meets our objective of accurate repair cost data by car types.

4. *Cost would be prohibitive if specific guidelines are too rigid.* We did not receive responses on the estimated cost of developing and maintaining an improved equipment repair cost system by car types. Our research indicated that cost savings might be realized in the long run by streamlining existing systems and managing freight train car repairs with improved data. Again, we believe that our guidelines are necessary and flexible, and we will review and improve individual methodologies which produce the desired cost data by car types.

5. *Rule might be burdensome to smaller Class I railroads.* The Commission's waiver procedure is available to those railroads that find this rule too costly and burdensome relative to their financial strength. Justification and supporting documents should be submitted to the

Commission's Accounting and Valuation Board for waiver consideration.

Because uniform reporting is an essential element in this proceeding, it is important that railroads include only repair expenses in this methodology. Repair expenses are those which represent normal or delayed repair and maintenance expenses, and which are expensed in the year incurred. They are distinguishable from capital expenditures which substantially extend the service life or substantially increase the utility of depreciable property. This is covered in 49 CFR Part 1201, Instruction 2–11, "Units of property rebuilt or converted."

The guidelines do not preclude the use of statistical sampling as a means for accumulating and allocating repair cost by equipment types. The sampling techniques used should be valid and relative to the equipment repaired for each railroad. Railroads should maintain and make available to the Commission, when requested, the basis for using the selected statistical sampling technique.

The Level II methodology uses the AAR's CRBS as an allocation mechanism. The CRBS is a repair costing system which is proven and widely accepted in the industry. The cost standards are believed to be valid, and they are reviewed periodically by the industry for appropriateness. The CRBS enables users to reference which cars were repaired, and therefore, car type data can be amassed.

This rule does not adopt the CRBS as a regulatory requirement that all roads must use for billing purposes. However, the CRBS is an accessible and widely used system whereby railroads can develop cost relationships for properly assigning car type cost data.

We therefore adopt the amendments set forth in the appendices to this notice. Appendix A[1] contains the new instruction. Appendix B[1] displays the revisions to Schedule 415 of the R–1. Appendix C[1] shows the freight train car repair account conversion reference. Appendix D[1] gives a flow diagram of the proposed Level II methodology.

This action does not appear to affect significantly the quality of the human environment, the conservation of energy resources, or small businesses.

This rule is made under the authority of 49 U.S.C. 10321 and 11122 and 5 U.S.C. 553.

Decided: November 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

49 CFR Part 1201, Subpart A (Uniform System of Accounts for Railroad Companies) is amended as follows:

1. The List of Instructions and Accounts is amended by adding under Instructions of Property Accounts, the following new line item 2–21 "Freight train car repair costing" after Item 2–20, "Accounting for leases".

2. The Instructions for Property Accounts is amended by adding the following new instruction after Instruction 2–20:

2–21 *Freight train car repair costing.* Class I railroads shall report the costs of repairing freight train cars by car types.

(a) The accounting for freight train car repair costs shall agree with the applicable instructions and texts of accounts in 49 CFR Part 1201 relating to the equipment repair process (see Note A).

(b) Railroads may assign either actual costs, standard costs, or a combination of both to the accounting process. Standard costs, if used, shall recognize the differences in performing repairs on various types of equipment, and the differences related to specific repair facilites. Standard costs shall be based on adequate operational data which are reviewed at least annually. The resulting variances (price, efficiency, capacity, etc.) shall be reasonably allocated back to the car types to derive the amounts reported in Form R–1.

(c) Railroads shall report repair costs by the freight train car types shown in Schedule 415 of Form R–1. In assigning repair costs, railroads may use either one of the following methodologies:

Level I: Job Order Cost System

Railroads may use a job order cost system for assigning repair costs to the car types for freight train cars. Under this methodology, railroads shall directly match direct labor and materials with the specific unit of equipment that was repaired. Actual costs, standard costs, or a combination of both may be used as stated above.

Level II: Alternative Repair Costs Methodology

Railroads not using the job order cost system shall report freight train car repair costs by using the methodology described below:

(1) The repair costs relating to heavy, program, or project repairs of freight train cars shall be directly assigned to the car types repaired by using actual or standard costs. A heavy repair is defined as a repair that is relatively so material in cost, repair time, or physical damage that management's involvement in the determination of the repair to be made is necessary and relatively greater than usual. Program or project repairs are those repairs which are performed under a predetermined plan where estimates costs, time periods, and car types to be repaired are identified.

(2) The repair costs relating to light and running repairs of system cars shall be allocated to the car types by using the Association of American Railroads' Car Repair Billing System (CRBS) as the process for distributing light and running repairs. The CRBS will be the tracking system for recording the number of repairs, the car types and types of repairs. Then by applying the CRBS standard costs to the particular repairs, standard costs relationships by car type can be developed and used to distribute actual light and running repair cost pools to the car types.

(3) Railroads shall match repair costs billed by and paid to foreign roads with the car types that were repaired. Foreign billings for light and running repairs are usually conducted through CRBS, and therefore, the car types can be identified. For heavy off-line repairs, car type identification is possible because system management is generally involved with the authorization of such heavy repairs and car identification numbers are generally included in the billing process.

(4) Repair costs relating to foreign freight train cars shall also be reported by car types. However, a separate breakdown between foreign and system repair costs is not required for Commission reporting purpose. Car type identification for light and running repairs to foreign cars can be obtained from CRBS tapes. The cost of heavy repairs to foreign cars should be accumulated by car types. The resulting expense credits from foreign railroads should be assigned to the car types to which they relate.

(5) Railroads shall match any resulting expense credits with the car types to which they relate. This can occur, for example, when a railroad is charged with the repair costs of system cars, but the responsibility of the repair ultimately rests with and is paid by a foreign road.

(d) Railroads shall submit to the Commission any repair cost by car type methodology which does not agree with item (c) above. The Commission shall review the methodology and determine if it is acceptable for reporting purposes.

(e) Railroads may submit justification and supporting documents requesting waiver from provisions required by this instruction. This provision is intended to provide relief for those smaller Class I railroads that might be unduly burdened by the cost of developing and maintaining the required system. Waivers shall be directed to the Commission's Accounting and Valuation Board.

(f) Equipment repair cost records, including the allocation methods used, shall be maintained and made available to the Commission upon request.

Note A.—The following accounts and reference pertain to the freight train car repair process:
11–22–42
21–22–42
39–22–42
40–22–42
41–22–42
61–22–42

Instruction 2–1, "Units of property rebuilt or converted".

Appendix B[1]

PART 1241—ANNUAL SPECIAL OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Schedule 415. Supporting Schedule: Equipment

§ 1241.11 [Amended]

Schedule 415, which is provided for in 49 CFR 1241.11 is amended in the following ways. As amended, the Schedule would appear as below:

Instructions

1. Report freight expenses only.
2. Report by type of equipment all natural expenses relating to the equipment functions (salaries and wages, materials, tools, supplies, fuels and lubricants, purchased services, and general).
3. Report in Column (b) the details for the items listed in Column (a). Freight car repair expenses shall be assigned directly to the various car types on the basis of job order records whenever possible. Otherwise, car type repair costs shall be assigned as required by Instruction 2–21, "Freight Train Car Repair Costing," 49 CFR 1201.

The following line items of this schedule shall be reconciled with the line items of Schedule 410 as shown below:

Schedule 410	Schedule 415
Column (f), net of lines 221, 222.	Column (b), lines 19 and 33
Column (f), net of lines 302, 303, 304, 305, 306, 307, and 320	Column (b), lines 27, 30, 31, 32, 34, and 35

The variance in repair amounts reported in Schedule 410 and those reported in this schedule shall be the amounts billed to others for damaged equipment, Function 48. These amounts are included on lines 235 and 320 of Schedule 410 and should be excluded from this schedule.

As a supplement, describe the major aspects of the methodology used to derive car type disclosures.

4. * * *
5. * * *
6. * * *
7. * * *
8. * * *
9. * * *

BILLING CODE 7035-01-M

[1] The materials appearing in Appendices B, C and D do not appear in the Code of Federal Regulations. The report forms prescribed by Parts 1241–1259 are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

V 46 ✓ 233 DEC 4 81 1 UMI

Appendix B

Schedule 415. SUPPORTING SCHEDULE - EQUIPMENT

Line No.	Types of Equipment (a)	Repair Expenses (net) (b)	Depreciaiton (c)	Retirements (d)	Lease and Rental (e)	Depreciation Rate (f)	Accumulated Depreciation (g)	Depreciation Adjustment (h)
	FREIGHT TRAIN CARS:							
1	Box-Plain 40 Foot							
2	Box-Plain 50 Foot and longer							
3	Box-Equipped							
4	Gondola-Plain							
5	Gondola-Equipped							
6	Hopper-Covered							
7	Hopper-Open Top-General Service							
8	Hopper-Open Top-Special							
9	Refrigerator-Mechanical							
10	Refrigerator-Nonmechanical							
11	Flat TOFC/COFC							
12	Flat Multi-level							
13	Flat-General							
14	Flat-Other							
15	All Other Freight Cars							
16	Caboose							
17	Auto Racks							
18	Miscellaneous Accessories							
19	TOTAL FREIGHT TRAIN CAR.							
	OTHER FREIGHT CARS:							
	FREIGHT HIGHWAY EQUIPMENT							
20	Refrigerated Trailers							
21	Other Trailers							
22	Refrigerated Containers							
23	Other Containers							
24	Chassis							
25	Other Highway Equipment (Freight							
26	TOTAL HIGHWAY EQUIPMENT							
	[illegible]							
28	[illegible]							
29	Local Trains							
30	TOTAL [illegible]							
31	Passenger and Other Revenue Equipment (Freight Service)							
32	Computer & Data Processing							
33	Machinery - Freight Serv.							
34	Machinery - Other Equipment							
35	Work & Other Revenue Equipment							
36	TOTAL [illegible]							
37	TOTAL ALL EQUIPMENT, IN THIS SECTION							

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APPENDIX C.—REPAIRS TO FREIGHT TRAIN CARS

(DR)	(Old Account 314) (CR)
11-22-42 Salaries and Wages—Freight Car Repairs	40-22-42 Purchased Services Billed to Others for Repair of Freight Train Cars
21-22-42 Materials Used in Repair of Freight Train Cars.	
39-22-42 Purchase Services Billed by Others for Repair of Freight Train Cars.	41-22-42 Other Purchase Services Credits, Repair and Maintenance of Freight Train Cars
41-22-42 Other Purchased Services Charges, Repair and Maintenance of Freight Train Cars.	
61-22-42 Other Expense Charges, Repair and Maintenance of Freight Train Cars	

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Appendix D

THE FLOW OF FREIGHT TRAIN CAR REPAIR CHARGES AND CREDITS
for
ALTERNATIVE REPAIR COST METHODOLOGY (LEVEL II)

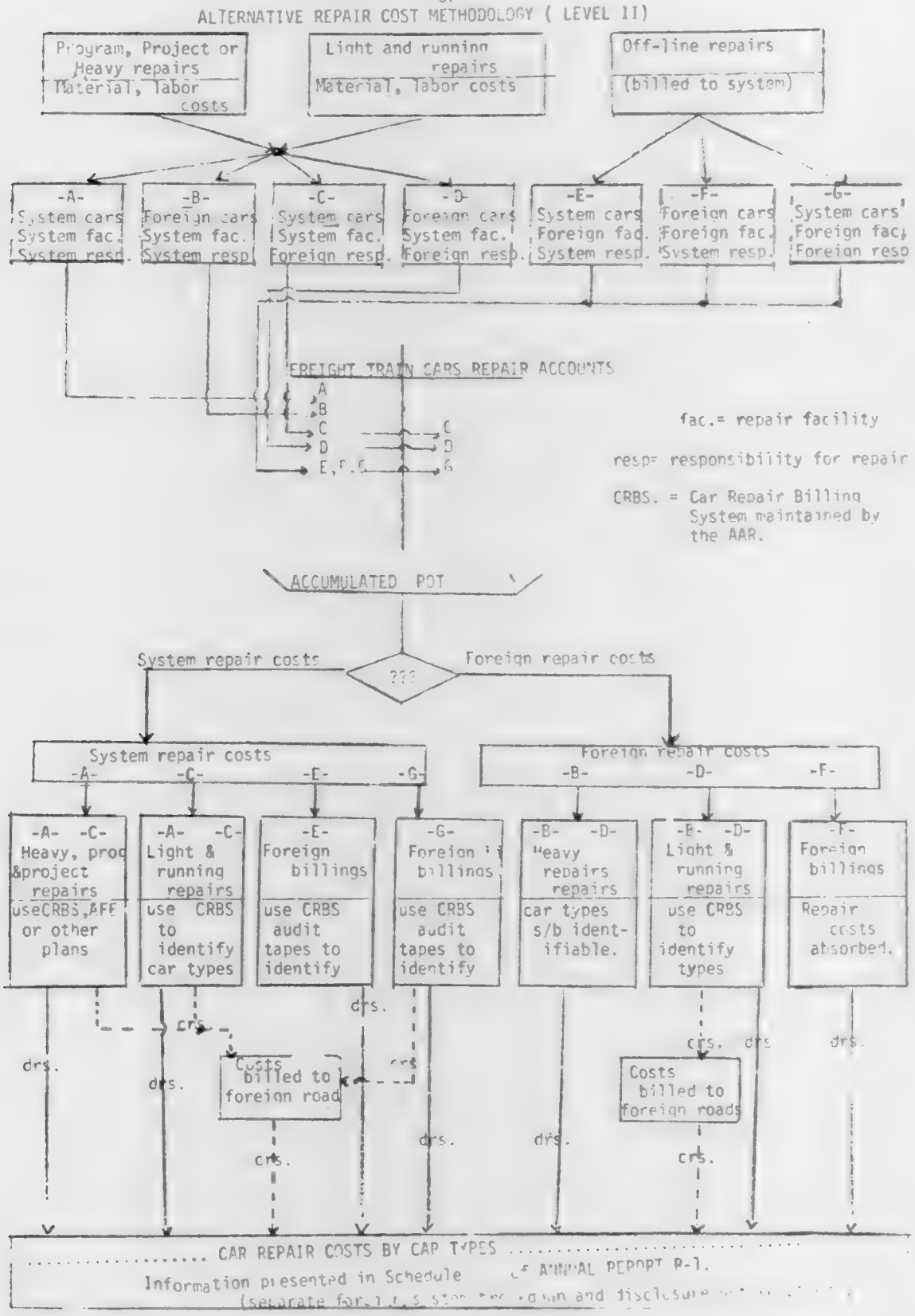

[FR Doc 81-34538 Filed 12-3-81 8:45 am]

BILLING CODE 7035-01-C

Proposed Rules

Federal Register
Vol. 46, No. 233
Friday, December 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-722]

Correspondent Activities of Federal Associations

November 25, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing to amend its regulations to facilitate correspondent activities of Federally chartered associations. The proposed amendments would authorize correspondent accounts and the provision of data processing and other services to other financial institutions.

DATE: Comments must be received by February 4, 1982.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, at the above address. Telephone: (202) 377-6444.

SUPPLEMENTARY INFORMATION: Many of the daily functions of savings and loan associations may be performed by or with the assistance of correspondent financial institutions. Such correspondent services include collection and processing of payment items, investment services, provision of currency and coin,-loan participations, coupon and security collection, securities safekeeping, wire transfers, data processing, personnel training, and insurance and retirement plan consultation. Due to economies of scale, correspondents with the requisite expertise and resources can provide many of these services to respondent institutions at a lower cost than if the respondent provided the services for itself; and, in the case of activities such as overline loan participations, correspondent relationships make it possible for institutions to meet customer needs that they could not serve independently. Thus, correspondent activities benefit both provider and user institutions, and result in a more efficient use of industry resources to meet the needs of the public.

Certain restrictions in the Board's regulations may hamper the ability of Federally chartered savings and loan associations and Federally chartered mutual savings banks ("Federal associations") to be providers and users of correspondent services. The Board therefore proposes to eliminate those impediments and clarify the authority of institutions it charters to engage in correspondent activities. A discussion of the proposed changes follows.

Thrift Institutions as Providers of Correspondent Services to Federal Associations

Other thrift institutions would appear to be the most qualified providers of correspondent services to a Federal association because they are by nature familiar with the operations and activities of thrift and home-financing institutions; however, the bulk of correspondent services are generally provided to Federal associations by non-thrift institutions, particularly commercial banks. This development is largely the result of historical differences between the powers of commercial banks and savings and loan associations. The recent elimination of some of these differences is expected to result in increased correspondent activity within the thrift industry.

It has come to the attention of the Board that one of its regulations might be viewed as an obstacle to the development of correspondent relationships between Federal associations and other thrift institutions. Section 545.9-2 of the Board's Federal Savings and Loan System Regulations (12 CFR 545.9-2) currently provides:

> No Federal association shall invest in a savings account (i.e., any withdrawable monetary investment) in any savings and loan, building and loan or homestead association, cooperative bank, or savings bank.

This prohibition is based on the limited investment authority of Federal associations found in 12 U.S.C. 1464(c), which permits investment in deposits only at banks insured by the Federal Deposit Insurance Corporation. This regulatory prohibition has been widely construed to prevent Federal associations from establishing correspondent relationships with other thrift institutions, because correspondent accounts used for settlement, compensation, and similar purposes are central to correspondent banking.

The Board proposes to amend § 545.9-2 to clarify that a non-interest-bearing correspondent account at a thrift institution is not an "investment" prohibited by that section. The Board believes this proposed amendment is consistent with the regulatory history of the section and the legislative intent behnd 12 U.S.C. 1464(c). The prohibition against investment in deposits of thrift institutions was intended to apply to true "investments" (i.e., outlays of capital to produce income or profit, such as investments in interest-bearing accounts or certificates of deposit). Correspondent accounts used for settlement purposes or as compensating balances are not "investments" because they are not intended to produce income or profit to the accountholder.

The Board believes that this proposed amendment, by removing an apparent obstacle to correspondent relationships between Federal associations and other thrifts, would benefit Federal associations that are potential users of thrift correspondent services, as well as thrifts that desire to provide correspondent services to Federal associations.

The Board also requests comments regarding whether § 545.9-2 should be amended to permit Federal associations to invest in interest-bearing accounts at FSLIC-insured institutions. Section 409 of the National Housing Act (12 U.S.C. 1730b) provides that, notwithstanding any provision of law but subject to any regulatory authority otherwise applicable, the savings accounts and share accounts of institutions insured by the FSLIC shall be lawful invesmtent "for the funds of all corporations organized under the laws of the United States." Thus, the Board may permit Federal associations, which are corporations organized under Federal

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law, to invest in interest-bearing accounts at FSLIC-insured institutions notwithstanding the limitations on investment authority in 12 U.S.C. 1464(c). Such authority would be limited to the extent of FSLIC insurance coverage for the accounts in question, as required by section 409.

Federal Associations as Providers of Correspondent Services

At least one traditional correspondent activity, participation lending, is expressly authorized for Federal associations. (*See* 12 CFR 545.6.) However, there are no regulatory provisions authorizing Federal associations to issue correspondent accounts to other institutions. Furthermore, 12 CFR 545.16–1, which authorizes Federal associations to establish data provision of such services to others for a profit. This prohibition prevents Federal associations from providing standard correspondent services such as check collection and processing that involve data processing.

In order to facilitate correspondent activities of Federal associations as providers of services to other institutions, the Board is proposing three substantive amendments to its Federal Savings and Loan System Regulations. First, the Board proposes to add a new 12 CFR 545.30(a) that will set forth in general terms the authority of Federal associations to provide correspondent services to others. This proposal is not intended to imply that Federal associations do not already have such authority under the Federal charter; Federal associations in fact already engage in correspondent activities to some extent. Rather, the proposed regulation would limit provision of such services primarily to financial institutions, and would advise that some activities (e.g., purchasing and selling securities for others) may be subject to legal restrictions not found in the Board's regulations.

Second, the Board proposes to add a new 12 CFR 545.30(b) authorizing Federal associations to receive non-interest-bearing deposits from correspondent institutions. Such deposit accounts are necessary to any correspondent activity involving settlement between two institutions. For example, a Federal association collecting checks for another institution will post a provisional credit to the account of that institution when a check is received for collection; a similar procedure may take place when other institutions share a remote service unit operated by a Federal association. Furthermore, correspondent accounts are necessary for the purpose of maintaining a compensating balance, which is a common method of paying for correspondent services.

As in the case of correspondent accounts at commercial banks, the deposit accounts proposed to be authorized by § 545.30(b) could, at the option of the association, be treated as demand deposits and be subject to withdrawal by negotiable instrument. These correspondent accounts would not give rise to rights of membership in a mutual Federal association. Correspondent accounts at Federal associations would be treated as FSLIC-insured "checking accounts" pursuant to 12 CFR 561.3 and 561.11a.

As discussed above, the Board also requests comment regarding whether 12 CFR 545.9–2 should be amended to permit Federal associations to invest in interest-bearing accounts at FSLIC-insured institutions. If adopted, this amendment would permit Federal associations to maintain interest-bearing correspondent accounts at other Federal associations. The Board requests comments regarding whether it would be a valuable option for Federal associations to be able to pay interest on correspondent accounts used for settlement or compensating balance purposes.

Third, the Board proposes to amend 12 CFR 545.16–1 to permit Federal associations to provide data processing services to other financial institutions on a for-profit basis. Paragraph (b) of that section currently prohibits provision of data processing services to others "except when incidental or secondary to meeting [the Federal association's] own needs." Paragraph (c) now permits a Federal association to maintain a data processing service center with any other thrift institution(s) provided certain conditions are met, including the condition that the service center not be a profit making venture.

As proposed to be amended, § 545.16–1 would permit a Federal association to establish or maintain a data processing office, either by itself or with one or more other financial institutions. If the office is established or maintained solely for data processing purposes, it will remain exempt from the branch office application and approval requirements found at 12 CFR 545.14 *et seq.* Proposed § 545.16–1 would no longer prevent Federal associations from providing data processing services to other financial institutions on a for-profit basis, whether such data processing is a separate service or part of a broader correspondent activity such as check collection and processing. This proposed authority parallels that found in 12 CFR 545.9–1 for Federal association service corporations.

The Board further proposes to require that any financial institution not subject to examination by a Federal regulatory agency that wishes to participate with a Federal association in a data processing office agree in writing that the office will be subject to such examination as the Board deems necessary. This proposed requirement is identical to that applicable to shared remote service unit facilities (see 12 CFR 545.4–2(i)). The Board believes such a requirement is sufficient to ensure the Board's ability to examine and supervise Federal associations, and imposes less of a burden than the present requirements at 12 CFR 545.16–1(c) which apply to jointly owned data processing facilities.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following initial regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to savings and loan associations and mutual savings banks that are Federally chartered ("Federal associations").

3. *Impact of the proposed rule on small Federal associations.* The proposed rule will not have an adverse impact on small Federal associations. Correspondent activities of commercial banks have benefited both provider and user banks: it is expected that this principle will hold true for Federal associations as well.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposed rule.

5. *Alternatives to the proposed rule.* The proposed rule relieves existing or apparent restrictions on the regulated industry; thus, there are no tiering alternatives that would have less impact on small entities.

Accordingly, the Board hereby proposes to amend Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise § 545.9–2 to read as follows:

§ 545.9–2 Prohibition against investment in other institutions.

No Federal association shall invest in a savings account (i.e., any withdrawable monetary investment) in any savings and loan, building and loan, or homestead association, cooperative bank, or savings bank. A non-interest-bearing deposit or account maintained pursuant to a correspondent relationship is not an "investment" prohibited by this section.

2. Remove paragraph (c) of § 545.16–1, and revise paragraph (b), to read as follows:

§ 545.16–1 Data processing services.

* * * * *

(b) *Data processing office.* (1) Subject to § 545.10 of this part, a Federal association may establish or maintain a data processing office with functions limited to providing data processing services for its own use and/or for other financial institutions without observing the application and approval procedures for branch offices set forth in this part.

(2) A Federal association may participate in establishing or maintaining a data processing office with any other financial institutions having legal power to do so. A Federal association may participate in establishing or maintaining a data processing office controlled by a financial institution not subject to examination by a Federal regulatory agency only if such institution has agreed in writing that the office is subject to such examination by the Board as it deems necessary.

3. Add a new undesignated heading and new § 545.30, to read as follows:

Correspondent Activities

§ 545.30 Correspondent services.

(a) *General.* A Federal association may provide correspondent services primarily to other financial institutions to the extent such activity does not violate other regulations in this chapter or any other provisions of law.

(b) *Correspondent accounts.* A Federal association may receive non-interest-bearing deposits from correspondent institutions for use as compensating balances, for settlement purposes, or for other purposes incidental to a correspondent relationship. Such deposits may be payable on demand and subject to withdrawal by negotiable or transferable instrument, order, or authorization. Such deposits shall not give rise to voting rights or other rights of membership in a Federal mutual association.

(12 U.S.C. 1431(e)(2)(C), 1464, 1730b; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–34934 Filed 12–3–81; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3010]

American Motors Corporation, et al. (Jeep CJ); Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Southfield, Michigan motor vehicle manufacturer and its subsidiary to cease failing to disclose that the Jeep CJ's handle and maneuver differently from ordinary passenger cars under certain reasonably expected driving conditions; and that sharp turns or abrupt maneuvers on pavement, may result in loss of control or an accident. The order would require the company to place a prescribed sticker on the windshield of all new Jeep CJ's warning owners of the Jeep's handling and maneuvering limitations; provide all existing Jeep CJ Owner's Manuals with an informational supplement concerning on-pavement driving and update the Owner's Manual to include this supplemental information. The company would also be required to provide its dealers with a point-of-sale display designed to call attention to the Supplement, and with a sufficient quantity of the Supplement to enable dealers to make it available to each person who requests it. The order would further require the company to send to current registered owners of Jeep CJ's since 1972, the sticker and the Supplement, together with a letter advising the owner to affix the sticker to his/her Jeep.

DATE: Comments must be received on or before February 2, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Leroy C. Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, NY 10278. (212) 264–1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Agreement Containing Consent Order to Cease and Desist

In the matter of American Motors Corporation, a corporation; and Jeep Corporation, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of American Motors Corporation and Jeep Corporation corporations, (hereinafter sometimes referred to as "proposed respondents") and it now appearing that proposed resondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby argeed by and between American Motors Corporation and Jeep Corporation, by their duly authorized officers, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent American Motors Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland with its office and principal place of business located at 27777 Franklin Road, Southfield, Michigan 48034.

Proposed respondent Jeep Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Nevada with its office and principal place of business at 27777 Franklin Road, Southfield, Michigan 48034.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

This Order applies to respondents American Motors Corporation (hereinafter "AMC") and Jeep Corporation (hereinafter "Jeep"), their successors, assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale, lease or distribution of Jeep CJs in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, within the United States, including the Commonwealth of Puerto rico and any territory or possession of the United States.

Definitions: For purposes of this Order, the following definitions shall apply:

1. "Jeep CJ(s)" shall mean CJ-5, CJ-6 or CJ-7 model Jeep vehicles built since 1972, which are or were manufactured or distributed by AMC or Jeep, and vehicles of substantially equivalent design and performance. Substantially equivalent performance means a vehicle which is substantially similar with respect to its ability to make sudden sharp turns and abrupt maneuvers on road. For purposes of this definition, other Jeep motor vehicles built from 1972 to 1982 are not of substantially equivalent design to Jeep CJs.

2. "Dealer(s)" shall mean all independent person(s) partnership(s) or corporation(s) which, pursuant to a dealer's sales and service agreement, receive on consignment or purchase new Jeep CJs from AMC or Jeep for resale or lease to the public. The term "dealer(s)" shall also mean all persons(s), partnership(s) or corporation(s) owned or operated by respondents which sell or lease new Jeep CJs to the public.

I

It is ordered that respondents shall, within 120 days from the date of service of this Order, affix a sticker to each new Jeep CJ vehicle manufactured or distributed by AMC or Jeep. The sticker shall read as follows:

"This multipurpose vehicle handles and maneuvers differently from an ordinary passenger car. As with other vehicles of this type, sudden sharp turns and abrupt maneuvers may result in loss of control. Read driving guidelines in Owner's Manual and Supplement. Wear Seatbelts at All Times"

Respondents shall affix the sticker to the instrument panel or windshield frame of each new Jeep CJ in a prominent location. The sticker shall be printed in a typeface and color which are clear and conspicuous. Respondents shall advise their dealers in writing not to remove the sticker.

II

It is further ordered that respondents shall, within 120 days from the date of service of this Order, distribute an informational supplement to the Owner's Manual for new Jeep CJs (hereinafter "Supplement"), which is similar in scope and subject matter to the current pamphlet "Driving Your 4-Wheel Drive Vehicle," a copy of which is attached as Exhibit A. The Supplement shall include the following statement in an on-pavement driving section:

"Utility vehicles have higher ground clearance and narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. An advantage of the higher ground clearance is a better view of the road allowing you to anticipate problems. They are not designed for cornering at the same speeds as conventional 2WD vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. If at all possible, avoid sharp turning maneuvers. As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident."

The Supplement shall also include the following statement in the introduction:

"As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident. Be sure to read on-pavement and off-road driving guidelines which follow."

The above-required language shall be printed in a typeface at least as large as that which is used in the main body of the Supplement. Nothing contrary, inconsistent or in mitigation of the above-required language shall be used in the Supplement.

III

It is further ordered that respondents shall, within 120 days from date of service of this Order, revise the Owner's Manual for new Jeep CJs to include the information that is required by Part II of this Order. Headings, typeface and other devices consistent with those used for warnings in the Owner's Manual shall be used to ensure clarity and prominence of the information required. Nothing contrary, inconsistent or in mitigation of the information required shall be used in the Owner's Manual.

IV

It is further ordered that any substantive modification of the information required by Part II or Part III of this Order may be made only upon prior written approval of the Commission. A request for approval shall be in writing and shall be deemed granted if not disapproved within 60 days after receipt by the Commission.

V

It is further ordered that respondents shall, within 120 days after service of this Order, insert a copy of the Supplement and the Owner's Manual into the glove box of each new Jeep CJ prior to the distribution of the vehicle.

VI

It is further ordered that respondents shall provide to each dealer a reasonable number of free copies of the Supplement to enable dealers to make the Supplement available to each prospective Jeep CJ purchaser or lessee who requests it. Respondents shall also provide to each dealer one free point-of-sale display designed to call attention to the Supplement. Respondents shall advise their dealers in writing to (1) maintain such point-of-sale display in a prominent location in the dealer's showroom and (2) provide a copy of the Supplement to each person who requests it. Respondents shall implement the requirements of this Part within 120 days from date of service of this Order.

VII

It is further ordered that respondents shall, within 150 days after service of this Order, send by first-class mail to each identifiable current registered owner of Jeep CJs from the 1972 model year to the effective date of this Order the following materials: (1) The sticker required by Part I, (2) the Supplement required by Part II, and (3) a letter advising the owner to affix the sticker to the Jeep CJ. Current registered owners shall be deemed identifiable if they can be traced using the

same sources used to develop lists for recall notifications pursuant to the National Traffic and Motor Vehicle Safety Act of 1966.

VIII

It is further order that respondents distribute a copy of this Order to all present and future personnel who have supervisory responsibility with respect to the subject matter of this Order. Respondents shall secure from each such person a signed statement acknowledging receipt of this Order. Respondents shall also distribute a copy of this Order to each dealer.

IX

It is further ordered that respondens shall maintain documents demonstrating compliance with this Order. Upon reasonable request, respondents shall make available to the Commission or its staff for inspection and copying documents which shall include, but not be limited to, the following:

A. The name and last known address of each owner who was sent the materials required by Part VII of this Order.

B. The name and last known address of each owner whose materials were returned undelivered by the United States Postal Service.

C. Communications from dealers regarding the distribution of the Supplement which are received by the department responsible for such distribution.

X

It is further ordered that in the event that respondent AMC or Jeep merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation, respondent AMC or Jeep shall be require said successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; provided that if respondent AMC or Jeep wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reascns prior to the consummation of said succession or transfer.

XI

It is further ordered that respondents shall, within one hundred and eighty (180) and three hundred and sixty-five (365) days after the date of service of this Order, file with the Commission reports setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from American Motors Corporation and Jeep Corporation.

The proposed consent order and material submitted by AMC and Jeep to the Commission that is reasonably related to the merits of the order and not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter charges the proposed respondents with failure to disclose the following facts material to the purchase and use of the Jeep CJ–5, CJ–6 and CJ–7:

1. The Jeep CJ handles and maneuvers differently from an ordinary passenger car under certain reasonably expected driving conditions, and

2. Sharp turns or abrupt maneuvers on pavement may result in loss of control or an accident.

The complaint also charges the proposed respondents with deceptive and misleading advertising by failing to disclose the above facts while representing in advertisements that the Jeep CJ may be driven on-pavement like an ordinary passenger car.

The proposed consent order requires respondents to place a sticker on the windshield frame of each new Jeep CJ stating that this vehicle handles differently from an ordinary passenger car and that sharp turns and abrupt maneuvers may result in loss of control.

The proposed consent order also requires respondents to include in the Jeep CJ Owner's Manual and Supplement specific on-pavement driving information which had been omitted from these materials as alleged in the complaint.

Proposed respondents must also send to identifiable current registered owners of Jeep CJs, from the 1972 model year to the effective date of this consent order, the sticker and Supplement required by the order and a letter advising the owner to affix the sticker to the vehicle.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modity in any way their terms.

Carol M. Thomas,

Secretary.

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Driving Your 4-Wheel-Drive Vehicle

And Getting Along With The Environment

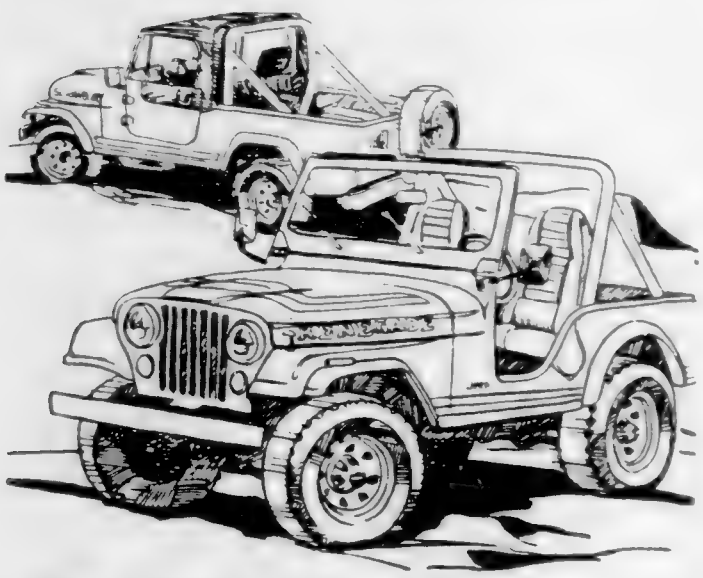

Jeep® Owner's Manual Supplement
Small Sports Utility Edition
(CJ-5, CJ-7 and
Scrambler)

Important Guidelines Inside:
On-Pavement Driving
Off-Road Driving

Contents

The world of 4-wheeling 2
Important differences between Jeep 4WD vehicles and 2-wheel-drive cars 3
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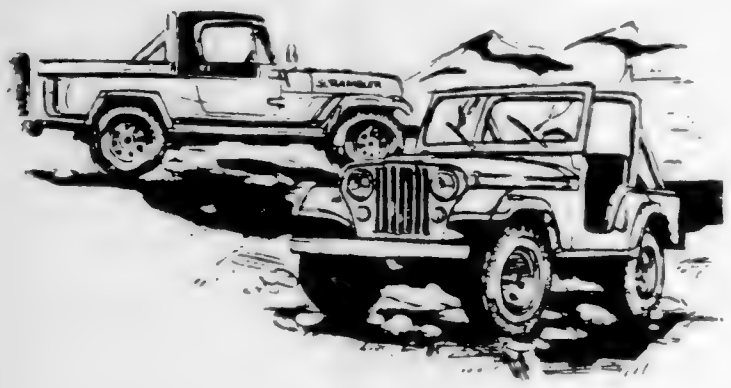

Welcome To The Exciting And Different World Of 4-Wheeling

Congratulations! You own a Jeep 4-wheel-drive vehicle, the most popular 4-wheeling name in America. The world of 4-wheeling is indeed exciting. You'll be able to enjoy an adventurous part of America, a part of your land few without a 4-wheel-drive vehicle will ever have the opportunity to see.

Along with the fun and excitement of 4-wheeling comes re sponsibility. Your responsibility is two-fold: The first is to realize that your 4WD vehicle is different than 2-wheel drive vehicles, and must be driven differently than a car both on pavement and off road. The second responsibility is to recognize that, as the owner of a Jeep vehicle, you are obligated to respect the environment. Your actions will affect th future of public lands and their use by responsible 4-wheelers

Have fun with your Jeep 4WD vehicle, but remember to liv up to your responsibilities.

What Exactly is 4-Wheel Drive?

In 4WD mode, all four wheels can work to move the vehicle. Four wheels working are an advantage over two in many driving situations both on pavement and off road. The key component in the 4-wheel-drive system is the transfer cas which supplies power to two separate drive shafts, to the front and rear axles.

Most Jeep CJ-5, CJ-7 and Scrambler vehicles are equipped with part-time or "on-demand" 4WD systems.* This "on-demand" system allows for a normal two-wheel-drive mode fo highway use and a simple rigid driveline to the four wheels for off-road or other adverse driving situations. Your Owner's Manual has complete instructions on how to shift between 2WD and 4WD.

*Some CJ-5 and CJ-7 vehicles built between 1973 and 1979 were equipped with a full-time 4WD Quadra-Trac system. Consult your Owner's Manual for complete operating instructions.

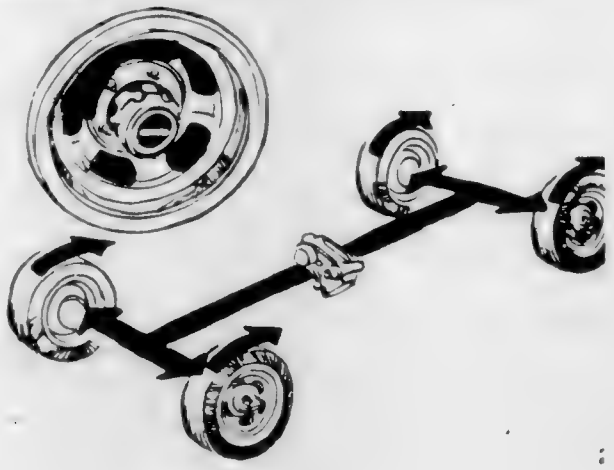

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Important Differences Between Your Small Jeep 4WD Vehicle And Ordinary 2-Wheel-Drive Vehicles

Your Jeep vehicle is a descendant of the original tough quarter-ton military vehicle that served this country so well during World War II. The transition from that legendary military model to civilian versions of the reliable and rugged Jeep models helped start the recreational sport of off-roading. With the introduction of the Jeep CJ-5 in 1954, our CJ models were well on the way to becoming the first choice of more professional and amateur off-roaders than any other 4WD vehicle.

By design it can do things off the road that you would not dream of trying in your family car. Let's examine the main differences between it and most conventional cars.

Your Jeep Vehicle Is Higher, Shorter, Narrower.

Higher ground clearance allows your Jeep vehicle to go over rugged terrain without hanging up on rocks or logs. The higher ground clearance results in a higher center of gravity, which in turn creates handling characteristics different from those of a conventional passenger car.

A shorter wheelbase and short front and rear overhang along with the high ground clearance means that your vehicle can approach inclines and go over the crest of a hill without hanging up the vehicle or damaging its frame or chassis components. The shorter wheelbase also makes your vehicle more responsive to steering than vehicles with longer wheelbases.

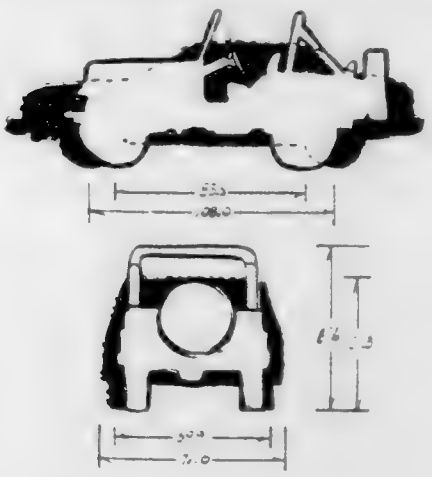

Narrower body width and track allow your Jeep vehicle to go through tight spaces unpassable by conventional cars and most larger 4WD vehicles.

These differences, higher ground clearance, higher center of gravity, shorter wheel-base, and narrower body width and track, are all important features for off-road driving. However, they also mean that on-pavement driving, handling, and steering will be different from what drivers experience with a conventional 2-wheel-drive car.

On the following pages we will discuss on-pavement driving techniques. Be aware that special tires, size and weight of cargo, or towing a trailer can alter the driving characteristics of your vehicle.

Special Tires. It is important that a 4WD vehicle be equipped with tires of the same size and type at each wheel. So if you use special off-road tires, or tires for mud or snow, mount them on all four wheels. Many serious off-roaders switch to special tires for off-roading. Wide-Tread and Radial-Ply tires must be installed as complete sets. Don't mix radial or wide tread tires with conventional bias-ply tires or fiberglass belted tires. This could result in serious steering difficulties. Be sure to check and maintain recommended tire pressure.

Also, some combinations of replacement wheels and tires can increase tread measurement and change the steering and suspension characteristics of your Jeep vehicle. Use only wheels and tires of sizes recommended by Jeep Corporation.

Size and Weight of Cargo. The weight of passengers and cargo can change the center of gravity and the vehicle's handling characteristics. As a general rule, do not carry high or heavy cargo. Never exceed the load limits described in your Owner's Manual and be certain the cargo you do carry is properly placed in front of the rear axle. Too much weight or improperly placed weight over or behind the rear axle can cause serious steering problems, like those experienced in a ordinary car with an overloaded trunk.

Pulling a Trailer. Remember that everything you place in your trailer and vehicle adds to the gross vehicle weight rating (GVWR) of your Jeep vehicle. Do not exceed the gross vehicle weight rating for your Jeep vehicle. Pulling trailers heavier than Class I (2000 pounds 900kg) Trailer Weight and a Tongue Limit of 200 pounds (90 kg) is not recommended for most small Jeep 4WD vehicles. Consult your Owner's Manual for specifics.

Getting Along With The Environment

Before you get into the specific techniques of four-wheeling, please thoughtfully consider the "responsibility" we spoke of on page one, "...to recognize that as the owner of a Jeep vehicle you are obligated to respect the environment."

We all have an important stake in protecting the environment because we want future generations of four wheelers to also enjoy the fragile beauty of this land, unmarred and unblemished.

The vast majority of off-road vehicle owners consistently demonstrates a deep and abiding respect for the environment. Join with the majority. Your positive action and good example are always needed to offset the irresponsible antics of a few thoughtless drivers.

Consider the ability to explore an America you might never see in a 2WD vehicle as a privilege. You can pay for that privilege by always respecting the land and environment.

If you keep the following guidelines in mind, you'll be doing your part in maintaining a healthy environment.

- If you enjoy 4-wheeling for sport, be sportsman enough to do so only in areas designated for such use. Remember, you are the visitor and your "visit" should leave no scars on the land.
- Drive on established trails only. There are many designated for 4-wheel-drive vehicles exclusively
- Don't litter and if you see your favorite area littered, clean it up. Set a good example for the next person.
- Stay off land posted against such use. And observe the laws and regulations of every public authority. If you are unsure as to the status of a road or trail, consult your local Forest Ranger or the Bureau of Land Management office.
- Leave the wildlife alone. Disturbing the balance of nature denies us all.
- Keep your vehicle in good mechanical condition for safety's sake and to prevent excessive exhaust fumes.

Maintain a clean, safe camp. Be especially careful with fire. Do not leave campfires unattended and make sure they're drowned out before you break camp

Don't take advantage of the land you're driving on. Avoid cutting switchbacks, avoid wet meadows; do not spin your wheels unnecessarily. Your wheel tracks could cause erosion or other damage

- Have respect for your fellow 4-wheelers

When driving in areas that are exceptionally dry, avoid idling your vehicle or parking in a spot covered by dry grass or leaves. Vehicle exhaust systems give off a great deal of heat which can set fire to dry vegetation

Join your local off-road vehicle club as a working member and help spread the word on the proper use of our outdoor resources.

On-Pavement Driving Guidelines

Because you will often use your Jeep vehicle on paved roads or highways, it is important that you know how to handle your vehicle in traffic properly and responsibly. The next pages in this brochure provide important guidelines to help you enjoy your Jeep vehicle during on-pavement uses while looking out for the safety of yourself, your passengers, other motorists, and pedestrians.

Know Your Vehicle

Learn specifically how to drive your vehicle on pavement! Start slowly and practice in an area where you can become familiar with its unique characteristics. There may not be much body lean in some turns because the vehicle suspension is different from a car's suspension. This makes a big difference Body lean is one of the things that make you aware that centrifugal force (see explanation of centrifugal force on facing page) is at work. A few practice sessions and you will realize there are things you can't expect your Jeep vehicle to do on pavement, just as there are things you wouldn't expect your family car to do off road.

Driver And Passengers Should Be Secured At All Times By The Restraint System

Your Jeep vehicle is equipped with restraint systems. Use them at all times. National Safety Council statistics indicate clearly that restraint systems reduce injuries. This can be particularly true in an open-body vehicle

Drive Slowly! Be Cautious! Be Alert!

We are all familiar with the term defensive driving. It simply means to be prepared. Learn to anticipate problems and to steer, brake or accelerate accordingly. Give yourself time to react to emergency situations. Observe the guideline of at least a car length of space between you and the vehicle ahead of you for every 10 miles per hour you are driving When weather is bad, and at night, allow even more spaces so you'll be able to react smoothly, safely

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Avoid Sharp Turning Maneuvers

Small utility vehicles have higher ground clearance and narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. They are not designed for cornering in the same fashion as conventional 2WD vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. An advantage of higher ground clearance is a better view of the road allowing you to anticipate problems. If at all possible, avoid sharp turning maneuvers.

Approach Curves Cautiously, Slowly

The proper speed at which to take a curve is determined in part by the centrifugal force that will be exerted on the vehicle. Because of your Jeep 4WD vehicle's higher center of gravity, the effects of centrifugal force are different from those experienced with a typical car. Therefore, you should always approach curves at normal driving speed. You should not attempt to go as fast through turns as you might in a low-slung sports car, or perhaps even your family car.

Slow Down In Crosswinds

Strong gusting winds hitting the side of any vehicle can affect stability. Driving slower under these conditions will minimize the effects and give you more control.

Proceed With Care On Roads With A Pronounced Slope To The Shoulder

All roads are designed with a "crown" or high center so water will drain off the surface. Occasionally you may find yourself on older, resurfaced, narrow, two-lane roads with a higher-than-normal crown. These roads can cause an exaggerated lean toward the shoulder in your vehicle. You can counteract the exaggerated lean by driving close to the crown, without crossing the highway divider. If the road is also winding with a lot of dips and rolls, you may have to drive more alertly and slowly.

Regularly Check And Maintain Your Vehicle Equipment

Keep your vehicle in top running order. Make frequent routine checks of the vehicle's steering system, power train, brakes, springs, shocks and above all, tires (both tread and air pressure).

Road Conditions And Surfaces Affect The Way You Drive

Your on-pavement driving will involve a variety of paved surfaces, each requiring somewhat different handling responses from the driver. There are super highways and country roads, city streets and sometimes-rough rural roads. Some surfaces are concrete, some are asphalt-layered, smooth or pebbled, and some are barely blacktopped. Weather conditions affect all these surfaces, calling for still more alertness and skill on the part of the driver. On the following pages we will discuss some of the techniques for driving on various paved surfaces and under different weather conditions.

On-Pavement Driving In Adverse Weather

When the road surface becomes difficult to travel because of deteriorating weather conditions such as snow or heavy rains collecting on the roadway, you should shift into 4WD. Whenever the conditions call for slow speeds and high traction you will want to use the versatility of your "on-demand" 4WD system. You should continue to proceed slowly and cautiously. Be alert to the problems fellow drivers around you may be having that could create a hazardous situation for you.

Snow

In wet, light snow it is important to maintain traction by making slight or gradual changes of speed and by maintaining a light touch on the steering wheel. Avoid sudden maneuvers. If you should start to slide, stay off the accelerator and steer in the direction of the slide. Once the vehicle straightens out, lightly accelerate to get back on the line you were traveling. Drive slow and allow plenty of room to maneuver between yourself and the vehicle ahead. If you must brake, use a light, tapping action. Engine compression can help slow you down. It's also wise to use a lower gear under these conditions.

In heavy snow, maintaining momentum is the key to safe going. Try to keep moving by using the lowest possible range in your transmission and a steady accelerator pedal. Special snow tires can help. Under special conditions chains on all four wheels can provide additional help. Never drive with chains on the front and not on the rear.

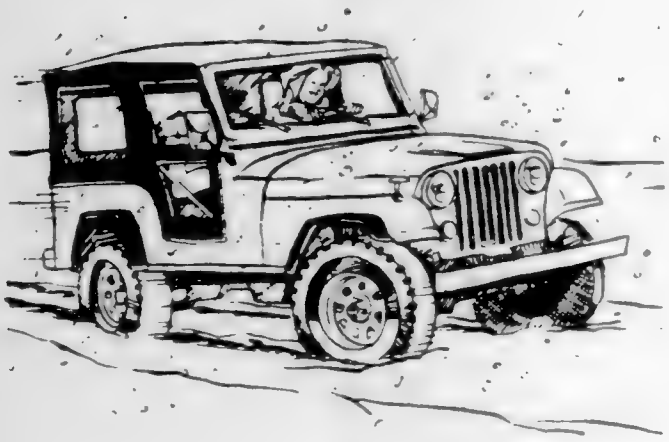

General Recommendations For Driving In Adverse Weather

Safe driving with a 4WD Jeep vehicle requires the sensible application of long-established principles of safe driving:

- Drive smoothly—no sudden, jerky movements
- Stay alert—anticipate your next move
- Do not overdrive road conditions or your abilities
- Do not drive while under influence of alcohol or drugs

In addition you should:

- Use 4WD when road surface requires slow speeds and high traction
- Turn on your headlights
- Use windshield wipers (rain or wet snow)
- Check rearview mirrors frequently
- Drive slowly
- Allow extra following distance
- Keep tires properly inflated and in good condition

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Off-Road Driving Guidelines

Off-road operation is what your Jeep vehicle was designed to do. Under almost all conditions engage 4WD. But as you leave the pavement behind, you should be guided by the principle that although your 4WD vehicle might be able to go almost anywhere, there are places you shouldn't go. Use common sense and remember that driving situations and conditions change quickly out there, so be alert and be prepared. As a general rule you should go where others have gone before. There are plenty of 4WD trails or unimproved roads to take you to the great outdoors. In fact many of the surfaces you'll travel will be unpaved, with a sand or gravel base or a surface that rain has turned to muck. These surfaces call for different driving techniques from paved roads

Sand

Sand or dirt roads that are dry and dusty are often characterized by "loose" or "soft" shoulders and curves, while the crown of the road may be rock hard. Ideally you should have all four wheels on the solid surface, so drive as high up on the crown as possible while staying on your side of the road You may want to drive in third gear (or in second range if you have automatic transmission) and you should proceed slowly and cautiously, avoiding abrupt steering changes. Also, be alert for rutted or choppy road surface, especially the kind of surface that might cause your vehicle's wheels to leave the ground. As a general rule, on pavement or off, keep your vehicle in a situation where at least three wheels are on the surface at all times.

Mud

Driving in mud is similar to driving in snow. When a hard-packed dirt road is wet from rain there's a slick film of mud on the top that can cause loss of traction even in 4WD mode. Keep a very light foot on the accelerator and a fingertip touch on the steering wheel. Ride high up on the crown of the road and stay away from sudden maneuvers that could cause you to slide toward the shoulders where the mud may be several inches deeper. If your vehicle begins to slide, take your foot off the accelerator and steer in the direction of the slide until control is regained.

In hub-deep mud, as in heavy snow, the objective is to maintain your momentum. Use your lowest transmission gear or range and keep a steady foot on the accelerator pedal and a firm hand on the wheel to maintain your direction. Above all, don't stop. Drive at a steady speed even with the wheels spinning. Of course, mud or snow tires would give extra bite.

Gravel

Your vehicle will perform very well in 4WD mode on graded gravel surfaces. Maintain a moderate, steady speed and firm control of the steering wheel, avoiding sudden maneuvers that could cause the vehicle to slide. Stay on the crown of the road as much as possible, because gravel at the edge may be looser and the footing less stable. If your vehicle does start to slide, take your foot off the accelerator and steer in the direction of the slide until you regain control. Allow yourself enough distance to stop, using a combination of light brake tapping and engine compression.

In loose gravel, as in deep snow or mud, you should maintain your momentum. Use your lowest transfer case mode and keep a steady foot on the accelerator, and a good grip on the wheel for directional stability.

General Recommendations For Off-Road Driving

Before you head for the back country there are some general things you should do or check:

() Remind yourself when to use 4WD mode
() Use safety restraint system
() Check fuel, oil and fluid levels
() Cargo and gear fastened down
() Travel in pairs
() Let someone know your plans and schedule
() Secure necessary permission to travel on public or private land
() Stay on existing trails wherever possible
() Respect the environment and leave it as you found it
() Be alert and use common sense
() Supplies check list:

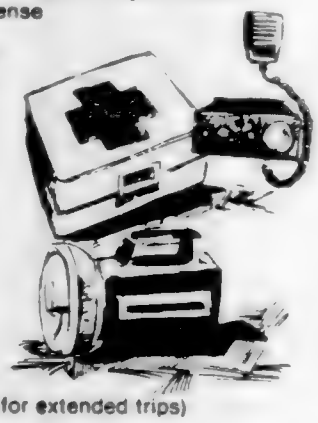

- Warm (cold) weather gear
- Rain gear
- Blankets (sleeping bag)
- Food and water
- First aid kit
- Walking shoes
- Flashlight
- Maps & charts of area
- Tow strap or chain
- Wheel blocks
- Booster cables
- Tire chains
- Spare vehicle keys
- Two way CB radio
- Spare fan belt(s)
- Spare tire (more than one for extended trips)
- Fire extinguisher
- Mechanic's tools
- Hatchet (axe)
- Utility knife
- Ice scraper or brush
- Portable air compressor
- Electrical tape
- Vehicle repair manual
- Waterproof watches
- Approved gas can
- Syphon hose

Driving Off-Road On Steep Inclines And Sidehills

Before reviewing how to drive up steep hills and along sidehills, make note of an important point. If you don't make it to the top, or your vehicle is about to slide or roll sideways, stop, turn off the engine, put it into first gear, put on the parking brake and get out and walk down. An ounce of prevention is worth a pound of cure.

Steep Inclines

When preparing to climb a steep incline, first try to find out what you're up against. What's on top? Walk the course to make sure you know. And if you don't think you can make it, don't try it!

Also, it's always a good idea to make at least one exploratory run before the final attempt. This lets you feel out the surface and assess how much effort is going to be required to go over the top. (Low range and first or second gear.) When the tires begin to spin, apply a little extra gas and let them dig in slightly. Then you can clamp on the brakes and hang there in the dug-outs while you shift into reverse and drive back down. That's right - in reverse gear, clutch out and driving. Absolutely not in neutral and trying to let yourself down on the brakes. And to avoid sideroll remember never turn your vehicle sideways on a hill or steep incline.

On your attempt, give yourself a running start. Accelerate to the hill and then, just as you approach the top, ease off the gas. You do this for two reasons. First, it's never a good idea to crest a hill at full power. The second is that, very often, this lets your bouncing, scrambling vehicle settle down to grind out the over-the-hump traction that's needed. So, accelerate, scramble and then ease off!

Getting down can be as tricky as going up. Maybe trickier. Keep the vehicle heading straight downhill, in gear (low range/first gear) and under control. If it begins to slide, as it will on a steep enough grade, touch the gas to regain steering control, then let off the gas. Don't lock up the brakes. You can't steer a skidding wheel. Touch the gas instead. It'll straighten you out. Locking the brakes can only get you into trouble.

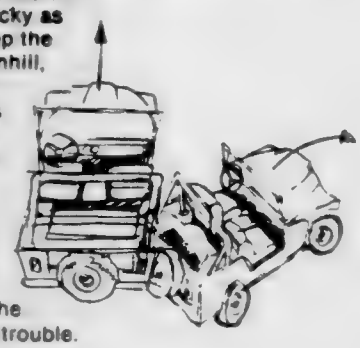

Sidehills

Traveling across the side of a hill is extremely hazardous. It should not be attempted. If it is absolutely necessary on a hill which is not very steep it should always be done with extreme caution. Whenever possible, avoid doing it! And too, when you're getting out of your vehicle on a sidehill, be sure to exit on the uphill side.

Surfaces on sidehills are deceptive. You may have been running along a ridge that seemed perfectly solid but once you got onto the sidehill it wanted to slip out from under you. The problem comes from the fact that when you're driving across a side slope the vehicle's weight is transferred to the lower side. Instead of having the weight distributed to four tires, it's almost all on two. This makes the vehicle want to slide down the hill sideways.

When it starts to slide, there's only one thing you can do, and you have to do this instantly, of course: turn downhill! This helps transfer the weight to both front wheels and stop the slipping—and it could save you from rolling over.

Once you're angling downhill, take care not to lock up the wheels and start sliding out of control.

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Driving Off-Road On Rock And Sand

Before discussing driving on rocks or sand, one caution is necessary. After you've driven in rocky or sandy situations, your brakes should be inspected for any residue in the lining. Heavy-duty maintenance is suggested as the lining wears out quickly if not cleaned after such uses.

Rock

The basic technique for driving in rock consists of four letters: S-L-O-W. Low range. Crawl up. Creep down. And even that is sometimes too fast!

If you have automatic transmission, then use your brake to ease yourself down off that rock you so deliberately climbed up. With a manual transmission, let it walk down the rock against engine compression. You'll kill the engine occasionally, but that's the way to do it.

If you have a choice between driving a wheel over a large rock or letting the rock go under the vehicle, always put the wheel on it. Squarely on it. Then you know where the rock is and that isn't going to high-center you or damage your vehicle undercarriage.

If you do get high-centered (hung up on an object that lifts one or more wheels from firm contact with the ground and keeps you from going on), the first thing to try is to back off. If this doesn't help, then you have to get serious about solving the problem. This means jacking up the wheel that isn't getting a grip. Under this wheel you stuff rocks, dirt, wood, brush, whatever. You do this until, in effect, the road has been built up to the point that you can drive off the offending object. Then move the vehicle—SLOWLY—after removing the jack.

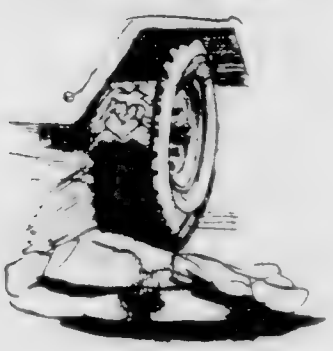

Sand

The technique for driving in sand involves two or three principles, the most important of which is stay on top of it. You can do this by driving with enough speed to maintain momentum, by having big tires, or by greatly reducing the pressure in your normal-size tires. Remember - if you do reduce tire pressure and drive on deflated tires you risk premature wear on the tread. Also make sure that whatever tires you use are approved by the vehicle manufacturer.

If you have a short patch of soft sand to be crossed, you can usually rush it and make it across. Study the situation, decide where you're going to go, then back up, take a little run at it and move through at a steady pace, not stopping, not making abrupt changes of direction, and not hesitating on the way.

If you're into serious sand - a sand wash you're going to travel, or dry loose sand at the beach, or some big dune - and don't have oversize tires, there's a likelihood you're going to need to let air out of your tires. The reason for this is that a soft tire is better able to conform to whatever surface it encounters than is a hard tire. So a soft tire will develop grab-on and provide go-ahead traction where a hard tire won't.

The tire should be less than 10 psi. So soft you can see a definite bulge in the sidewall where it's in contact with the surface. With flabby tires you can travel sand with relative ease. (Don't forget to reinflate when back on hard land! Just a few miles on pavement could cause substantial damage to your tires.)

If driving on an ocean beach be sure to thoroughly wash under carriage to prevent corrosion.

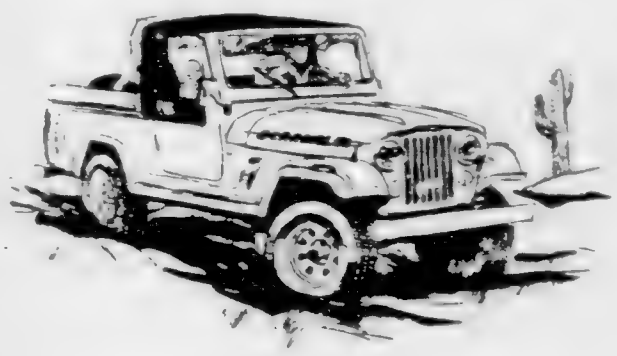

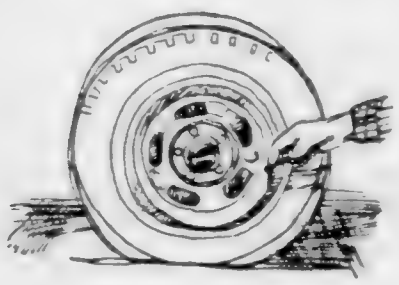

Driving Off-Road In Mud And Rain

Mud

The problems encountered in mud are somewhat similar to those of driving in snow in that there's both a reduction in traction and an increase in resistance to forward motion.

A contributing problem is that mud comes in a wide variety of consistencies that range all the way from light, greasy clay to a thick, liquid bog. All of them require slightly different driving techniques.

In general, though, what they require is well-controlled go-ahead power. In most instances this means low range and either first or second gear depending on the mud's particular characteristics.

So when you come to a muddy stretch, get into the lower gear and keep in mind that you don't want to lose headway. Once you're committed to the bog, don't stop, don't hesitate, don't change your mind halfway through. Churn, churn and keep churning until you're on firm footing again.

At the other extreme is a slick film of clay. Here you use some of the same techniques as driving on ice. Especially staying on or near the crown of the road.

Rain

Ordinary rain creates no conditions that require special techniques from the driver of a 4-wheeler. Except extra caution, of course. Unusually heavy rain can lead to conditions where special driving techniques may be needed, however.

Floodwaters always demand extreme caution. Driving into unknown water is like walking around blindfolded. That drop-off may only be an inch or two. Or it may be a precipice.

When it is necessary to drive through deep water, get into low range and maintain a steady, slosh-ahead pace. Be very careful about stopping broadside in a stream of running water. Running water exerts immense force against anything as flat-sided as an automobile and this could result in the vehicle being swept downstream with the current.

Even when only a few inches of water are running, don't stop if you're on an unpaved surface. Moving water may wash the footing out from under your tires and make it impossible for you to get underway again. (The same principles apply if you're driving along the beach and get caught by a wave.) Don't stop. Keep moving. Head for the higher ground.

You probably already know about riding wet brakes to help them dry out but have you considered the effect that sand and silt can have on brakes, wheel bearings and the like after running through muddy water? It's always wise to give them a thorough inspection after exposure to such conditions

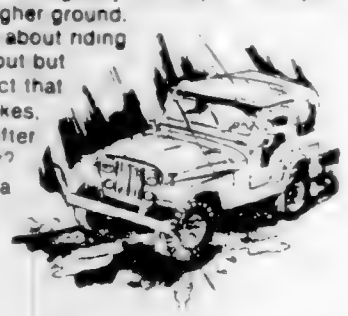

Driving Off-Road On Snow

Snow can be troublesome in different ways. When it's either hard-packed or soft-melting it can be slick. This creates a traction problem. At other times, it can get so deep it piles up in front of the tires and resists their progress. This gives you a problem in maintaining headway.

When the snow is slick, drive it like any other slick condition. That is, a light touch on the steering wheel, make gradual changes in throttle opening to avoid breaking traction and don't do anything sudden. Don't let a slide start. And if it does, catch it.

But let's say it's nice dry snow. But deep. Then what do you do? If it's deep enough to provide more than minor resistance, put the vehicle in a lower gear. Low range is even better. Then shove your way through and try to hit a happy medium between spinning your tires and keeping headway not to bog down. A nice, even, steady pace is always best.

If you have to break trail in deep snow and are going to use chains, it's not a bad idea to put them on the front wheels. At the low speed you'll be moving, the chains will help the steering as well as the go-ahead traction. But in normal circumstances, never put chains on the front unless you also have them for the rear. If you have to brake hard with chains only on the front, the rear wheels will lock and slide, making the rear end want to come around.

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4-Wheel-Drive Clubs And Activities

What They Can Do For You

With the high interest in off-roading many recreational opportunities have opened up. Across America, more than 1,500 4-wheel-drive clubs have been formed. Their role: To make 4-wheeling more than just transportation, to make it an enjoyable, exciting family pastime. Clubs can be organized for many reasons, depending upon the common interests of the people involved. Some like the challenge of competitive events. Others become dedicated to the specially organized search-and-rescue units. And still others take great pride and pleasure in projects which further the cause of conservation. Whatever your reason, being a member of a 4-wheel-drive club can be an enjoyable, rewarding and productive experience.

All you need to start a club are some enthusiastic 4-wheelers, a name for your club and a club philosophy to be shared by the members. Then once you've organized and elected officers, you'll find a great variety of events and activities in which to take part. 4-wheel-drive trail drives, rallies, safety clinics, obstacle course events, women's events, ecology and clean-up drives are all popular club activities. In addition, affiliation with one of the regional member associations of United Four Wheel Drive Associations offers the advantage of learning about regulations, legislation, safety and 4-wheel-drive events as well as other club activities which might affect clubs. For more information write: Jeep Corporation, 37200 Amrhein Road, Livonia, Michigan 48150, ATTN. 4WD Club Information.

Special Off-Road Uses: Rallies And Racing

If you want to participate in competition events in your 4-wheel-drive vehicle, you have a wide choice. You can find ones that range all the way from informal family tours or club sponsored hill climbs to all-out off-pavement races in Baja, California or full-scale international rally type events like the infamous "London-to-Sydney Rally."

Safety is a prime concern for all events. The extent of safety equipment preparation will depend on the activity in which you participate. Even the most casual club event will require seat belts, a roll bar and a crash helmet. In competition, most race organizations insist on a fully braced and gusseted roll cage along with such things as competition seat harness, fire extinguisher, flame-resistant driving suit, fuel cells and shin. Double shocks, reinforced frame, beefed-up suspension, highly modified engine and drive train and even lightweight body parts are really helpful, too.

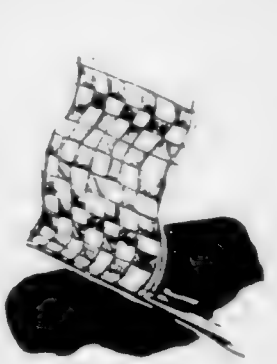

Tips On Saving Fuel

More than ever before, fuel economy is the password to the 80's. How do you get it without sacrificing the freedom and enjoyment you got your 4-wheel-drive vehicle for? Here are some helpful fuel tips.

- Plan ahead. That means, know where you're going and how to get there before you leave. Naturally you'll want to leave home with a full tank as well as make sure you fill up on your return. Some private camping areas have even installed their own fuel storage tanks and will guarantee a tank of gas when you stay overnight.
- Drive with the windows closed whenever you can. Open windows add substantially to wind drag. And the more wind drag, the more gas used. In fact, at highway speeds mileage can be lowered up to 10 per cent when the windows are open.
- Slow down. Speed kills any hopes of gas efficiency. The best idea is to keep your top speed under 55 mph. After you find a steady speed, maintain it. Changing speed by as little as 4 mph can increase fuel consumption by over 1 mile per gallon. Remember, don't brake unnecessarily.
- If you're going to idle longer than 60 seconds, you save gas by turning the engine off. An idling engine wastes about a quart of gas every 15 minutes. And don't warm up the engine by idling. It warms up faster by driving.
- "Jack Rabbit" starts are disastrous on gas mileage. Accelerate slowly. Transportation tests have proved that jumpy starts and fast getaways can burn over 50% more gasoline than normal acceleration.
- Keep your eye on the road. Ease up on the pedal if you see a traffic jam ahead. It can take up to 20% more gas to get to normal speed from a full stop than it does from 4 mph.
- Maintain your Jeep vehicle. Keep the engine properly tuned. Use the proper multi-weight motor oil, preferably a synthetic. Make sure your air filter's clean. Add 4 or 5 psi to the correct tire pressure. In other words, do what you have to, to put your vehicle in top condition. Then keep it that way. You could stretch gas mileage by 15%.
- Don't overload. Recall the unnecessary gear you had with you on your last trip!
- Avoid filling your tank to the brim, because gas expands in the sun. Buy your gas in the morning when you start driving. This way when the sun gets to it, it'll have room to expand in your tank.

BILLING CODE 6750-01-C

A Postscript To 4-Wheelers

The key to your 4-wheel-drive vehicle unlocks a whole new world. Yours to enjoy and make the most of. You are now armed with many of the facts and lots of information to make your off-road journeys successful ones. We will leave you with some last-minute hints and words to the wise!

- Leave every place you've been as beautiful and serene as you found it.
- Be prepared for emergencies! Always carry a first aid kit, extra food and water, a compass, a "Confidence Kit" made up of tools, tire irons, jacks, CB Radio, etc. You won't regret it.
- If you've gone too far off-road and are just plain lost, stay calm. Use your compass, try to orient yourself and conserve some gas. You'll need it to get out.
- Use your common sense. It generally works when all else fails.
- Travel in groups, no less than two vehicles per group.
- Secure permission to travel on trails, or make sure you're driving on approved 4-wheel-drive terrain.
- Take care of your vehicle...it will take care of you.

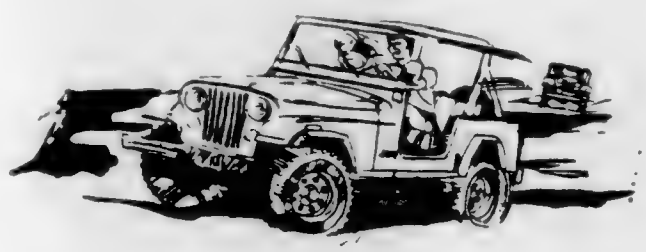

- Wear Seat Belts At All Times.

And Lastly, Welcome To The Exciting World Of 4-Wheeling!

Wear Seat Belts At All Times.

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[FR Doc. 81-34918 Filed 12-3-81; 8:45 am]
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 400]

Cole Ranch Viticultural Area, California

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing the establishment of a viticultural area in Mendocino County, California, named "Cole Ranch." This proposal results from a petition by members of the grape-growing industry. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Comments must be received on or before March 4, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Notice No. 400).

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas and the use of an approved viticultural area as an appellation of origin. Approved viticultural areas are listed in 27 CFR Part 9.

Petition

ATF has received a petition requesting the establishment of an American Viticultural Area in California to be designated as "Cole Ranch."

Property in the proposed viticultural area, located in Mendocino County, was purchased by the Cole family in 1971 and vines were planted on the property in 1973. The grapes were first harvested in 1975, and sold as coming from "Cole Ranch." Currently, 61 acres are planted with Cabernet Sauvignon, Johannisberg Riesling, and Chardonnay grapes.

The proposed viticultural area is at an elevation of 1400 feet. The petitioner states that this makes Cole Ranch one of the highest viticultural areas in the north coastal area of California. The petitioner also claims that this elevation and the area's geographical location in a narrow coastal valley 25 miles from the Pacific Ocean gives the area a climate distinguishable from surrounding areas. The petitioner claims that the climate of the proposed area is generally cooler than that of other nearby vineyard areas. Based on the University of California at Davis heat summation system, the proposed area yields 2868 degree days over the growing season. This places the area in a heat summation Region II. The beginning and end of the growing season are markedly cooler in the proposed area than in surrounding areas. Also, the proposed area receives, on the average, approximately 40 to 45 inches of rain a year. Other areas east of the proposed area receive less rainfall. For instance, Ukiah receives approximately 32 inches of rain in an average year.

The boundaries of the proposed Cole Ranch viticultural area can be found on the U.S.G.S 7.5 minute quadrangle map of Elledge Peak, California. The boundaries are as follows:

1. The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W. Follow contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north line of section 19;

2. Proceed due west on the north line of section 19 until it intersects the Boonville-Ukiah Cutoff Road;

3. Proceed westerly on this road to the point of beginning.

As a result of this petition, ATF proposes the amendment of 27 CFR Part 9 by adding regulations establishing the Cole Ranch viticultural area.

Executive Order 12291

It has been determined that these regulations are not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one small entity.

Public Participation

ATF requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. Copies of the petition, the proposed regulations, the appropriate map, and any written comments are available for public inspection during normal business hours at the: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF particularly requests comments concerning possible alternative boundaries for the proposed area and comments concerning viticultural, geographical, and historical characteristics which may distinguish this area from surrounding areas, especially the area west of the proposed area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be

included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director within the 90 day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Candace E. Moberly, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9. Subpart C is amended by adding an entry for § 9.42 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.42 Cole Ranch.

* * * * *

2. Subpart C is amended by the addition of § 9.42 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.42 Cole Ranch.

(a) *Name.* The name of the viticultural area described in this section is "Cole Ranch."

(b) *Approved map.* The approved map for the Cole Ranch viticultural area is a U.S.G.S. map. It is titled Elledge Peak Quadrangle California-Mendocino County 7.5 Minute Series (Topographic).

(c) *Boundaries.* The boundaries of the Cole Ranch viticultural area are located in the state of California and are as follows:

(1) The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W;

(2) The boundary follows contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north section line of Section 19. The boundary proceeds due west on the north section line of section 19 until it intersects the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road westerly to the point of beginning.

Signed: September 3, 1981.

G. R. Dickerson,

Director.

Approved: October 30, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34783 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 399]

Monticello Viticultural Area, Virginia

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms [ATF] is considering the establishment of a viticultural area in the Charlottesville, Virginia, area to be known as "Monticello". This proposal is based upon a petition submitted by six industry members in the area. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising willl allow wineries to better designate the specific grape-growing areas where the wines come from and will enable the consumer to better identify the wines from this area.

DATES: Written comments must be received by March 4, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division Bureau of Alcohol, Tobacco and Firearms P.O. Box 385, Washington, D.C. 20044-0385 [Notice No. 399].

Copies of the petitions, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations provide for the establishment of definite American viticultural areas and allow for their use as appellations of origin on wine labels and in wine advertisements. The American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguished the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area surrounding Charlottesville, Virginia, in Albemarle County with a tip of the area extending northeast into Orange County, as a viticultural area to be known as "Monticello". There are currently three operational bonded wineries and one applicant with permit pending in the proposed area. The proposed area covers approximately 303,360 acres. There are many vineyards in the area with an estimated 114 acres planted or proposed. Both hybird and vinifera grapes are grown.

The petitioner claims that the proposed viticultural area is distinguised from surrounding areas by historical references, geographical features, climate and soil type. The petitioner bases his claims on the following:

a. Census reports have recorded the cultivation of grapevines. The 1900 census reported 240,864 grapevines.

b. There are historical references to the Monticello Wine Company in Charlottesville, whose wines had won medals in Europe between the years

1873 and 1920. Historical references have been made to Charlottesville as the "Capital of the Virginia Wine Belt".

c. References to planting vines on Monticello Mountain, Thomas Jefferson's home, and at Ash Lawn, home of James Monroe, which is two to three miles from Jefferson's home, were made in in letters of Jefferson's in 1811 and 1816.

d. The proposed viticultural area takes its name from its central recognizable geographical feature, Monticello Mountain. This mountain is the distinguishing promontory feature in the Southwest Mountain Ridge, which runs through the area.

e. The Monticello viticultural area is enclosed by four major rivers, the James, the Rockfish, the Mechums, and the South Fork of the Rivanna. Movement away from this defined area is characterized by contrast in topography, soil type and climate.

f. Geographical features surrounding the proposed viticultural area have been traditional boundaries since the time of Thomas Jefferson. On the East is the Piedmont Plateau with climate and soils related to the Carolina Slate Belt. To the West is the Blue Ridge Mountain chain, on the South is the James River system and on the North is the Rivanna River system.

g. The prevailing climate is favorable to growing grapes. The growing season, defined as the period between the average date of the last freezing temperature in Spring (April 9) and the average date of the first freezing temperature in Fall (November 6), is 211 days. Charts from the Office of State Climatologist for Spring 1980, show that the heating degree days, the cooling degree days and the days of probability of a freeze are the same for the entire area of the proposed Monticello viticultural area.

h. The core of the Monticello viticultural area is a belt running from the southwest to the northwest and centered on the Southwestern Mountain chain, including Monticello Mountain, known as the Davidson Starr Soil Association. This soil association is described as deep and well drained, gently sloping to steep soils on dissected Piedmont uplands.

The boundaries of the proposed Monticello viticultural area may be found on two U.S.G.S. 1:250,000 minute quadrangle maps (Charlottesville Quadrangle Virginia and Roanoke Quadrangle Virginia).

The boundaries, as proposed by the petitioner, are described in proposed § 9.48.

Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million dollars or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by other unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Public Participation—Written Comments

ATF requests interested persons to submit comments regarding this proposed viticultural area. ATF is particularly interested in comments regarding the soil types throughout the proposed area, the topographical differences between the proposed are and the surrounding area, and the size of the proposed area. Although this notice proposes possible boundaries for the Monticello viticultural area, comments concerning other possible boundaries for this viticultural area will be considered as well.

All pertinent comments will be considered prior to the proposal of final regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should make a request, in writing, to the Director within the 90 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine whether a public hearing will be held.

Drafting Information

The principal author of this document is Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of the document, both in substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, ATF proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart E, is amended to add the title of § 9.48 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.48 Monticello

* * * * *

Par. 2. Subpart C is amended by adding § 9.48 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.48 Monticello.

(a) *Name.* The name of the viticultural area described in this section is "Monticello."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Monticello viticultural area are two U.S.G.S. maps title: Charlottesville Quadrangle Virginia, 1:250,000 minutes series; and Roanoke Quadrangle Virginia, 1:250,000 minute series.

(c) *Boundaries.* The Monticello viticultural area is located in Albemarle and Orange Counties, Virginia. The boundaries are as follows:

(1) Beginning at North Garden, Virginia, proceeding northwest on a direct line to the point of intersection of the Mechums River and the C&O Railway;

(2) Thence northeast along the Mechums River to its confluence with the South Fork of the Rivanna;

(3) Thence southeast along the South Fork and past the Rivanna Reservoir to the point at which the South Fork intersects the Southern Railway;

(4) Thence northeast along the railway to the corporate limits of the town of Orange;

(5) Thence southeast following the corporate limit line to its intersection with U.S. Rt. 15;

(6) Thence southwest on U.S. Rt. 15 to its intersection with Virginia Rt. 231 in the town of Gordonsville; continuing southwest on Virginia Rt. 231 to its intersection with the Albemarle County boundary; thence southwest along the Albemarle County line to its point of intersection with the James River; thence southwest along the James River to its confluence with the Rockfish River;

(7) Thence northwest along the Rockfish to its point of divergence with the Albemarle County boundary; thence northwest along the Albemarle County line to the point of intersection with the Southern Railway;

(8) Thence continuing northeast along the Southern Railway to the point of beginning.

Signed: November 6, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34784 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 398]

Central Delaware Valley Viticultural Area, Pennsylvania and New Jersey

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Pennsylvania and New Jersey (along the Delaware River) to be known as "Central Delaware Valley." This proposal is the result of a petition from Mr. James R. Williams, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers better identify wines they purchase.

DATE: Written comments must be received by March 4, 1982.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Notice No. 398).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations or origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area along the boundary of Pennsylvania and New Jersey as a viticultural area to be known as "Central Delaware Valley." The area extends along both sides of the Delaware River, from Washington Crossing State Park (near Trenton) on the south to Musconetcong Mountain (near Easton) on the north.

There are about 30 acres of grape plantation on five vineyards in the proposed area. The Delaware grape variety was first propagated there from cuttings taken from Paul Prevost of Frenchtown during the mid 1800's.

There is one winery now operating in the proposed area, but several more are planned.

The petitioner claims that the proposed viticultural area is known by the name of "Central Delaware Valley" for the following reasons:

(a) Several businesses in the area use "Delaware Valley" as part of their name.

(b) A local newspaper is named "Delaware Valley News."

The petitioner claims that the proposed viticultural area is distinguished from the surrounding area for the following reasons:

(1) The moderating climatological effects of the Delaware River extend for no more than about three miles from the river, or to the rim of the valley where ridges are pronounced. (For example, morning fog covers were observed to reach approximately that distance.)

(2) The "Central" part of the Delaware Valley is separated from the upper and lower parts by mountains (the Musconetcong to the north and the Baldpate to the south). Soil types are homogenous within the "Central" part and differ from those to the north and south. Geologically, the "Central" part of the valley of the Delaware River falls in the Piedmont Province, while the lower part of the valley is in the Coastal Plain and the upper part lies in the Readington Prong of the New England Province and the Great Valley portion of the Valley and Ridge Province. Climate also differs in that the farther north one goes the colder the winters and the shorter the growing season.

The boundaries of the proposed viticultural area may be found on seven U.S.G.S. topographical maps in the scale of 1:24,000 series: Riegelsville Quadrangle, Frenchtown Quadrangle, Lumberville Quadrangle, Stockton

Quadrangle, Buckingham Quadrangle, Lambertville Quadrangle, and Pennington Quadrangle. The boundaries are described in the proposed § 9.49.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by other unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Compliance With E.O. 12291

In compliance with Executive Order 12291 of February 17, 1981, the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Central Delaware Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 90-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.49 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.49 Central Delaware Valley.

* * * * *

Paragraph 2. Subpart C is amended by adding § 9.49 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.49 Central Delaware Valley.

(a) *Name.* The name of the viticultural area described in this section is "Central Delaware Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of Central Delaware Valley viticultural area are seven USGS maps. They are titled:

(1) Riegelsville Quadrangle, scale of 1:24,000 series.

(2) Frenchtown Quadrangle, scale of 1:24,000 series.

(3) Lumberville Quadrangle, scale of 1:24,000 series.

(4) Stockton Quadrangle, scale of 1:24,000 series.

(5) Buckingham Quadrangle, scale of of 1:24,000 series.

(6) Lambertville Quadrangle, scale of 1:24,000 series.

(7) Pennington Quadrangle, scale of 1:24,000 series.

(c) *Boundary.*—(1) *General.* The Central Delaware Valley viticultural area is located in Pennsylvania and New Jersey. The starting (and finishing) point of the following boundary description is Strawberry Hill, which is located in New Jersey near the Delaware River about one mile northwest of Titusville, at the southern end of the Central Delaware Valley Viticultural area.

(2) *Boundary Description:*

From the summit of Strawberry Hill (475 feet) in a straight line to the summit of Mt. Canoe (428 feet).

From there due east to Mercer County Route 579 (Bear Tavern Road) about .2 mile south of Ackors Corner.

Then northward along Mercer 579 to Harbourton.

From there northwestward along Route 3 (Mount Airy-Harbourton Road) to the 2nd English Presbyterian Church in Mount Airy.

From there along Old York Road northward to Benchmark 157 on U.S. Route 202.

From there westward along Queen Road and northwestward along Mount Airy Road to Dilts Corner.

From there northwestward along Dilts Corner Road to Sandy Ridge Church.

From there northwestward via Cemetary Road to Benchmark 305.

From there northward along Covered Bridge Road to Green Sergeant Covered Bridge.

From there westward along Sanford Road to its intersection with Route 519 about one mile north of Rosemont.

From there northward along Route 519 (via Kingwood, Barbertown, Baptistown, and Everittstown) to Mount Pleasant.

From there northwestward along Little York-Mount Pleasant Road to Little York.

From there northwestward, westward and southwestward along Ellis Road to its intersection with Route 519, about one half mile north of Riegel Ridge.

From there in a straight line southwestward to the 836 ft. summit of Musconetcong Mountain.

From there in straight lines connecting the 838 ft., 839 ft., 707 ft., and 386 ft. summits of Musconetcong Mountain.

From the 386 ft. summit of Musconetcong Mountain in a straight line across the Delaware River to the intersection of Routes 611 and 212.

From there along Route 212 to the intersection with the lane going up Mine Hill.

From there in a straight line to the summit of Mine Hill (488 feet).

From there in a straight line southwestward to the 522 ft. summit elevation point.

From there southwestward to the summit of Chestnut Hill (743 feet).

From there in a straight line southeastward to the 347 ft. summit elevation point (located

south of Kintnersville near Benchmark 173, about .1 mile west of Route 611).

From there in a straight line eastward to the summit of Coffman Hill (826 feet).

From there in a straight line southeastward to the 628 ft. summit elevation point (about .3 mile north of Camp Davis).

From there in a straight line southeastward to the point where Bridgeton, Nockamixon, and Tinicum Boros meet.

From there in a straight line southward to the intersection of Slant Hill Road (Covered Bridge Road) and Stump Road in Smiths Corner.

From there in a straight line southeastward to the intersection of Swauger Road (Danboro-Pt. Pleasant Pike) and Carversville-Wismer Road (near the intersection with Bradshaw Road).

From there southeastward along Carversville-Wismer Road to Carversville.

From there continuing southeastward along Aquetong Road through Aquetong to the intersection with River Road (Route 32) at the boundary of Washington Crossing State Park, just north of Bowman Hill.

From there in a straight line southeastward across the Delaware River to the summit of Strawberry Hill (475 feet).

Signed: November 3, 1981.

G. R. Dickerson,

Director.

Approved: November 16, 1981.

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-34782 Filed 12-3-81, 8:45 am]

BILLING CODE 4810-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6144]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Illinois, et al.

In FR Doc. 81-28007 appearing at page 47640 in the issue of Tuesday, September 29, 1981, on page 47640, in the flood elevation table, for "Newark, Kendall County", under location, "At upstream corporate limits" should be corrected to read "At downstream corporate limits".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Atlantic Mackerel Allocation

Correction

In FR Doc. 81-33124, appearing on page 56480 in the issue of Tuesday, November 17, 1981, the table at the end of the document contained misaligned columns and should have read as reprinted below:

	Species	Species code	Areas	OY	DAH	DAP	JVP=(DAH-DAP)	DNP	Reserve	TALFF
Mackerel fishery	Mackerel, Atlantic	204		Current: 30,000	20,000				6,000	4,000
				Proposed: 30,000	20,000				0	10,000

BILLING CODE 1505-01

V 46 / 233 DE 4 81 UMI

Notices

Federal Register
Vol. 46, No. 233
Friday, December 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Import Limitation; Country of Origin Quota Adjustment; Australia

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Country of origin adjustment for certain chocolate crumb from Australia.

SUMMARY: Presidential Proclamation 4708 issued December 11, 1979 amended Part 3 of the Appendix to the Tariff Schedules of the United States to permit the Secretary of Agriculture to make country of origin adjustments for unlicensed quotas that will not be filled by the country of origin listed opposite the quota. This notice implements such an adjustment for certain chocolate crumb from Australia.

DATE: In accordance with Presidential Proclamation 4708 the adjustment made herein shall become effective December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250 or telephone at (202) 447-5270.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order 12291 and Secretary's Memorandum 1512-1 and has been determined to be "nonmajor" since it will not have any of the significant effects specified in those documents. Furthermore, to the extent, if any, that the provisions of the Regulatory Flexibility Act (5 U.S.C. 601) apply to this notice, the Administrator, Foreign Agricultural Service, hereby certifies that this notice will not have a significant economic impact on a substantial number of small entities. The adjustment of the country of origin from which the quota item specified herein may be entered does not affect the ability of importers to import this quota item, but only expands the number of countries from which the item may be imported. Also, since this action is being taken in recognition of changes in the market which have already occurred, this action will not cause any new economic impact.

Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) sets forth import limitations imposed on certain dairy products, including certain chocolate crumb. Headnote 3(a)(iii) of that Appendix allows for reallocating the quota amount of a dairy article listed in that Appendix among the countries of origin specified for a given article if it is determined that the quota amount assigned to a particular country is not likely to be entered from that country within a given calendar year. It is hereby determined that it is not likely that the amount of chocolate specified in TSUS Item 950.15 for Australia, will be entered from that country during calendar year 1981.

Accordingly, the unused 1981 quota for choclate crumb specified in TSUS Item 950.15 for Australia may be imported from any country listed as a country of origin therein for the remainder of the 1981 quota year.

This quota will revert to the original supplying country on January 1, 1982.

Issued at Washington, D.C., this 1st day of December 1981.

Richard A. Smith,

Administrator.

[FR Doc. 81-34952 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-10-M

Soil Conservation Service

Betterton Beach Water Based Recreation RC&D Measure, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301-344-4180.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR Part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Betterton Beach Water Based Recreation RC&D Measure, Kent County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water based recreation at the junction of the Sassafras River with the Chesapeake Bay. Planned works of improvement include a bathhouse, boardwalk, picnic area, parking lot and relocation of an existing stormdrain.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assesment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular NO. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Richard R. Nagel,

Assistant State Conservationist—Operations.

November 25, 1981.

[FR Doc. 81-34580 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-16-M

Hackberry Draw Watershed Rehabilitation, New Mexico; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Ray T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Avenue SW, Albuquerque, New Mexico, 87103, telephone (505) 766–3277.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); the Soil Conservation Service Rules (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hackberry Draw Watershed Rehabilitation, Eddy County, New Mexico.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ray T. Margo Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for repair and rehabilitation of previously constructed floodwater control structures. The planned works of improvement include removal of one floodwater retarding structure, extension of one floodwater diversion, the relocation of one emergency spillway, and the placement of material to strengthen the embankment of one floodwater retarding structure.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ray T. Margo, Jr. The FONSI has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of FONSI is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: November 25, 1981.

Ray T. Margo, Jr.,

State Conservationist.

[FR Doc. 81–34562 Filed 12–3–81: 8:45 am]

BILLING CODE 3410–16–M

Salt Creek Watershed, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Salt Creek Watershed project, Pottawatomie and Seminole Counties, Oklahoma.

The environmental assessment of this federally assisted action indicates that the action will not cause significant impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action involves the construction of one floodwater retarding structure and the deletion of 14 structures from the watershed plan.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developing during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: November 25, 1981.

Donald R. Vandersypen,

Assistant State Conservationist (Water Resources).

[FR Doc. 81–34687 Filed 12–3–81: 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed; Week Ended November 13, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Descnption
11–12–81	40235	Gulf Air Transport, Inc., P.O. Box 1247, New Iberia, Louisiana 70560. Application of Gulf Air Transport, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to provide foreign charter air transportation of persons and property from any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and any point in Canada, Mexico, Jamaica, the Bahamas, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands and any other foreign place in the Gulf of Mexico or the Caribbean Sea, any point in Central or South America, Greenland, Iceland, the Azores, Europe, Africa, Asia, the Philippines and Indonesia on the other. Conforming Applications, motions to modify scope, and Answers may be filed by December 10, 1981.
11–12–81	40240	Air Florida, Inc., 3900 N.W., 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to amend its certificate of public convenience and necessity for Route 197–F authorizing it to engage in air transportation with respect to persons, property and mail as follows: 6. Between the terminal point New York, New York/Newark, New Jersey and the coterminal points Puerto Plata and Santo Domingo, Dominican Republic and Port-au-Prince, Haiti. Conforming Applications, motions to modify scope, and Answers may be filed by December 10, 1981.

Date filed	Docket No	Description
11-13-81	40246	Apa International Air, S. A., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Suite 900, Washington, D.C. 20036 Application of Apa International Air, S. A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests that the Board issue a Foreign Air Carrier Permit authorizing APA to engage in scheduled foreign air transportation of persons, property, and mail as follows: Between Puerto Plata, Dominican Republic, and coterminal points, Miami, New York, and San Juan, Puerto Rico APA also respectfully requests that it be authorized to engage in charter trips in foreign air transportation subject to the terms conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations Answers may be filed by December 11, 1981.
11-13-81	40128	Aerolineas Nicaraguenses, S. A. ("AERONICA"), c/o Paul S. Reichler, Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005. Second Amendment of Aerolineas Nicaraguenses, S. A. to its application for a foreign air carrier permit and request under Subpart Q for an order to show cause. Aeronica is hereby adding the following persons to its service list for this docket (and for docket 40129), and serving them with all documents previously filed by Aeronica in this docket (and in Docket 40129): Braniff Airways, Delta Airlines, Ozark Airlines, Piedmont Aviation, Republic Airlines, Trans World Airlines, United Air Lines and Western Air Lines. Answers may be filed by December 10, 1981

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-34910 Filed 12-3-81: 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed; Week Ended November 27, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (See 14 CFR 302.1701 et seq.).

Date filed	Docket No	Description
11-25-81	40263	GenAir International, Inc., 6 East 45th Street, Suite 1505, New York, New York 10017 Application of GenAir International, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedures requests a certificate of public convenience and necessity to authorize it to engage in foreign air transportation of persons, property and mail as follows. (1) Between the terminal point New York, New York the intermediate points Helsinki, Finland, Copenhagen, Denmark, Amsterdam, The Netherlands, Paris, France, Frankfurt, Federal Republic of Germany, the intermediate and coterminal point Leningrad, U.S.S.R. and the coterminal point Moscow, U.S.S.R.; (2) Between a point or points in the United States, on the one hand, and Shannon, Ireland, a point or points in Belgium, The Netherlands, Luxembourg, the Federal Republic of Germany, France, Iceland, Denmark, Norway, Sweden, Finland, Switzerland, Jordan, and Tel Aviv, Israel, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by December 23, 1981.
11-25-81	40266	Reeve Aleutian Airways, Inc., 4700 International Airport Road, Anchorage, Alaska 99502. Application of Reeve Aleutian Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for an amendment to its certificate of public convenience and necessity for Route 127 to permit Reeve to engage in the air transportation of persons, property and mail between and among certain additional points as follows Adak Island, Alaska—Terminal Point Amchitka Island, Alaska. Anchorage, Alaska *Aniak*, Alaska Atka Island, Alaska Attu Island, Alaska *Barrow*, Alaska *Barter*, Alaska *Bethel*, Alaska. *Bettles*, Alaska *Big Delta*, Alaska Chignik, Alaska. Cold Bay, Alaska. *Cordova*, Alaska. *Deadhorse-Prudhoe Bay*, Alaska *Dillingham*, Alaska. Dutch Harbor, Alaska. *Fairbanks*, Alaska. *Fort Yukon*, Alaska *Galbraith Lake*, Alaska *Galena*, Alaska *TGulkana*, Alaska Ivanoff Bay, Alaska *Juneau*, Alaska. *Ketchikan*, Alaska. King Salmon, Alaska. Kodiak, Alaska *Kotzebue*, Alaska *Mc Grath*, Alaska *Nome*, Alaska. *Port Heiden*, Alaska Sand Point, Alaska. Sarichef-Scotch Cap, Alaska. Seattle-Tacoma, Washington. Shemya, Alaska. St. George Island, Alaska St. Paul Island, Alaska.

Date filed	Docket No.	Description
		St. Marys, Alaska. *Tanacross*, Alaska. *Unalakleet*, Alaska. Umnak Island, Alaska. *Yakutat*, Alaska—New Terminal Point. Italics denotes new point not currently authorized. Conforming Applications, motions to modify scope, and Answers may be filed by December 23, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-34913 Filed 12-3-81: 8:45 am]
BILLING CODE 6320-01-M

[Docket 38748]

Capitol International Airways, Inc., Enforcement Proceeding; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on January 11, 1982 at 10 a.m. (local time) in Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 30, 1981.

John M. Vittone,
Administrative Law Judge.
[FR Doc. 81-34912 Filed 12-3-81: 8:45 am]
BILLING CODE 6320-01-M

[Order 81-11-182]

USA Fare/Export Inland Contract Rate Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-11-182, instituting a formal investigation.

SUMMARY: The Board is instituting the Visit USA Fare/Export Inland Contract Rate Investigation, Docket 40269, to consider the lawfulness of the Visit USA fares of Northwest, Pan American, and Trans World Airlines and the Export Inland Contract rates of Northwest. The complete text of Order 81-11-182 is available as noted below.

DATES: This investigation will be set for hearing before an Administrative Law Judge of the Board at a time and place to be determined later.

Persons wishing to file petitions to intervene in the investigation shall file their petitions in Docket 40269 prior to the prehearing conference and serve the petitions on all persons listed below. Notice of the prehearing conference shall be published in the **Federal Register.**

ADDRESSES: Petitions to intervene should be served on Braniff Airways, Inc., China Airlines, Ltd., Japan Air Lines Company, Ltd., Lufthansa German Airlines, Northwest Airlines, Inc., Philippines Airlines, Inc., Singapore Airlines Limited, Swissair, Swiss Air Transport Company, Ltd., Trans World Airlines, Inc., Western Air Lines, Inc., the United States Departments of Justice, State, and Transportation, the Ambassadors of the Federal Republic of Germany, Japan, Philippines, Singapore, and Switzerland, in Washington, D.C., the Chairman of the Board and the Managing Director of the American Institute in Taiwan, the Bureau of International Aviation, the Bureau of Compliance and Consumer Protection, and Administrative Law Judge John M. Vittone.

SUPPLEMENTARY INFORMATION: A complete text of Order 81-11-182 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-11-182 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, November 30, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-34911 Filed 12-3-81: 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Potassium Permanganate From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to inform the public that we are initiating a countervailing duty investigation to determine whether the government of Spain is providing benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of potassium permanganate from Spain. If our investigation proceeds normally, we will make a preliminary determination not later than February 3, 1982.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, Supervisory Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-1273).

SUPPLEMENTARY INFORMATION: On November 10, 1981, we received a petition from counsel for Carus Chemical Company of La Salle, Illinois. Complying with the filing requirements of section 702(b) of the Tariff Act of 1930, as amended (the "Act"), the petition alleges that Spain is providing a bounty or grant to producers and exporters of potassium permanganate. Specifically, the petition alleges that the government of Spain provides a rebate which exceeds the amount of indirect taxes directly related to the final product, potassium permanganate, under a system called the "Desgravacion Fiscal a la Exportacion". The petitioner estimates the amount of the rebate to range from 10 percent to 12 percent of the value of the product.

Section 303 of the Act applies to this investigation, since Spain is not a "county under the Agreement", within the meaning of section 701(b) of the Act. In addition, the merchandise covered by this investigation is dutiable. Therefore, no injury determination is required.

Scope of the Investigation

For purposes of this investigation, potassium permanganate is a purple sale used primarily as an oxidant in the manufacture of organic chemicals, as a disinfectant, as a deodorizer, and as a bleach. It is currently classifiable under item 420.28 of the Tariff Schedules of the United States.

Initiation of Investigation

After reviewing the petition, we have found that it contains information which reasonably supports its allegations. Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether the government of Spain is giving its producers and exporters of potassium permanganate certain benefits that are bounties or grants within the meaning of section 303 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by February 3, 1982.

November 25, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 34851 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Prestressed Concrete Steel Wire Strand From the Republic of South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to inform the public that we are initiating a countervailing duty investigation to determine whether the Republic of South Africa (South Africa) is providing benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of prestressed concrete steel wire strand (PC strand) from South Africa. If our investigation proceeds normally, we will make a preliminary determination not later than February 2, 1982.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Import Adminstration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377-1276.

SUPPLEMENTARY INFORMATION: On November 9, 1981, a petition in proper form was received from counsel on behalf of four domestic manufacturers of PC strand. Those manufacturers are: American Spring Wire Corporation, Bethlehem Steel Corporation, Florida Wire & Cable Company, and Shinko Wire America, Inc. The petition alleges that the government of South Africa pays or bestows, directly or indirectly, bounties or grants upon the manufacture, production or export of PC strand within the meaning of section 303 of the Tariff Act of 1930, as amended ("The Act").

Section 303 of the Act applies to this investigation since South Africa is not a "country under the Agreement," within the meaning of section 701(b) of the Act. Additionally, the merchandise covered by this investigation is dutiable. Therefore, no injury determination is required.

Scope of Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand. It is used to compress concrete to provide active resistance to loads in such items as girders, beams, pilings and other building products. PC strand is currently classified under 642.1120 in the Tariff Schedules of the United States Annotated.

The petitioners allege the following activities and programs exist and constitute bounties or grants.

1. Government Owned or Operated Activities

(a) Reduced Transportation Rates: The South African government provides reduced rail, harbor and ocean freight rates for goods destined for export.

(b) Export Credit Insurance: The Credit Guarantee Insurance Corporation covers commercial risks and has a reinsurance agreement with the government which provides for coverage against political risks.

(c) Pre and Post Shipment Financing for Exports: The Industrial Development Corporation (IDC), a state development corporation, extends loans at reduced rates to domestic manufacturers and producers.

(d) Financing for Creation of Increased Production Capacity for Exports: IDC also finances, at reduced rates, expansion programs aimed at increasing foreign exchange earnings.

(e) Government Benefits to Iron and Steel Industrial Corporation (Iscor): The South African government confers benefits in the form of direct grants, reduced taxes and reduced loan rates to the Iron and Steel Industrial Corporation (Iscor), the main supplier of wire rod for PC strand.

2. Government Subsidized Export Programs

(a) Finance Charges Aid Program: The South African government rebates, tax free, part of the export financing interest costs for those firms increasing their exports of manufactured goods.

(b) Income Tax Benefits: The South African government grants tax deductions and investment allowances for certain export development expenses, employee training programs, doing business in certain development areas, and beneficiation of base minerals.

3. Steel Export Incentive Scheme

The South African government rebates part of the fob value of exports containing rolled, drawn and forged steel.

4. Other Incentives for Exporters

The South African government grants tax deductions to exporters for part of the import tariff on raw materials and other intermediate inputs obtained from local sources and for part of the value-added component of certain exports.

5. Labor

The South African government provides labor benefits.

Initiation of Investigation

The petition alleges the elements necessary for the imposition of countervailing duties under the Act and is accompanied by information reasonably available to the petitioners which supports those allegations. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether South Africa is providing its producers and exporters of PC strand with certain benefits that are bounties or grants within the meaning of section 303 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by February 2, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-34852 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

John L. Bengston; Issuance of Permit To Take and Import Marine Mammals

On October 21, 1981, notice was published in the **Federal Register** (46 FR 51629), that an application had been filed with the National Marine Fisheries Service by Dr. John L. Bengston, Department of Zoology and Behavioral Biology, 108 Zoology Building, Minneapolis, Minnesota 55455, for a Scientific Research Permit to take 1,200 crabeater seal (*Lobodon carcinophagus*), 500 leopard seals (*Hydrurga leptonyx*), 220 Weddell seals (*Leptonychotes weddelli*), 210 Ross seals (*Ommatophoca rossii*), 220 Antarctic fur seals (*Arctocephasus gazelli*) and 220

Southern elephant seals (*Mirounga leonina*), over two years in the Antarctic region for scientific research.

Notice is hereby given that on November 30, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Dr. John L. Bengston, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: November 30, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-34906 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-22-M

Brent Stewart; Receipt of Application for Marine Mammal Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Brent Stewart (P278A), Hubbs/Sea World Research Institute.

b. Address: 1700 South Shores Road, San Diego, CA 92109.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: harbor seals *(Phoca vitulina richardii) 180.*

4. Type of Take: Sixty (60) harbor seals will be captured, restrained, double tagged, marked with bleach and released each year for three years. Of these ten (10) will be radio tagged annually.

5. Location of Activity: San Nicolas Island, California.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 27, 1981.

R. B. Brumsted,

Acting Director, Officer of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-34907 File 12-3-81; 8:45 am]

BILLING CODE 3510-22-M

Jeanette Thomas; Receipt of Application for Marine Mammal Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. Jeanette Thomas, Hubbs-Sea World Research Institute (P283).

b. Address: 1700 South Shores Road, San Diego, California 92109.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:, Weddell seals *(Leptonychotes weddelli).* 594

4. Type of Take: A total of 54 seals will be instrumented with vocalization/depth recorders; a total of 60 will be marked with bleach; up to 300 may be harassed while conducting playback experiments; and a total of 180 will be captured, transported, and released at an experimental study site and observed, some of these seals will temporarily have adhesive mounted cups placed over their eyes or ears.

5. Location of Activity: McMurdo Sound, Antarctica.

6. Period of activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before January 4, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 1, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-34909 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Reducing Imports Charged to the Level of Restraint for Certain Wool Apparel Products From the Socialist Republic of Romania

December 2, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing by 4,341 dozen imports charged to the level of restraint established for women's, girls' and infants' wool coats and suits in Category 435/444, produced or manufactured in the Socialist Republic of Romania and exported during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980 between the Governments of the United States and the Socialist Republic of Romania establishes designated consultation levels for certain categories, including Category 435/444, which are not subject to specific ceilings during the twelve-month period which began on April 1, 1981. Effective on November 16, 1981, the United States Government decided to control imports in Category 435/444 at the designated consultation level of 7,037 dozen during the agreement period which began on April 1, 1981. (See 46 FR 56004). Inasmuch as imports in the category had exceeded the agreed limit, no further imports were permitted.

As a result of a data investigation by the Governments of the United States and the Socialist Republic of Romania, imports charged to the level of restraint established for Category 435/444 during the twelve-month period which began on April 1, 1981 are being reduced by 4,341 dozen. In the letter published below the Chairman of the Committee for the Implementation of Textile agreements directs the Commissioner of Customs to make this adjustment.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–2184).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 2, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Wool and Man-Made Fiber Textile Agreement with the Socialist Republic of Romania, it would be appreciated if, effective on December 7, 1981, you would reduce the charges to the level of restraint established for wool textile products in Category 435/444 during the agreement year which began on April 1, 1981 by 4,341 dozen.

This letter will be published in the **Federal Register.**

Sincerely.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–34981 Filed 12–3–81; 8:45 am]

BILLING CODE 3510–25–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Addition and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to and Deletion from Procurement List.

SUMMARY: This action adds to and deletes from Procruement List 1982 a commodity to be produced by and service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: December 4, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On August 28, 1981, and September 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 43483 and 46 FR 46375) of proposed addition to and deletion from Procurement List 1982, November 12, 1981 (46 FR 55740).

Addition

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1982:

Class 6530

Urinary Drainage Set, 6530–01–056–3659

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby deleted from Procurement List 1982:

SIC 7641

Furniture Rehabilitation, Sacramento, California, plus 60-mile radius, excluding San Joaquin County

C. W. Fletcher,

Executive Director.

[FR Doc. 81–34831 Filed 12–3–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1982; Correction of Proposed Addition

The FR Doc. 81–33551, published in the **Federal Register** on November 20, 1981 (46 FR 57107), is amended as follows:

Class 3990

Pallet, Warehouse (40" × 48"), 3990–00–NSH–0011 (Requirements for Army and Air Force Exchange Service, Oakland Army Base, California only)

C. W. Fletcher,

Executive Director.

[FR Doc. 81–34830 Filed 12–3–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1982; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1982 a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: January 6, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1982, November 12, 1981 (46 FR 55740):

SIC 0782

Grounds Maintenance, Bergstrom Air Force Base, Texas, for the following Buildings: 914, 2700, 4515, 4545, 4556 and 4589

C. W. Fletcher,

Executive Director.

[FR Doc. 81-34892 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Consideration of Expunged Criminal Convictions in Making Fitness Determinations for Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of staff interpretative position.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is publishing the position of the staff of its Division of Trading and Markets concerning the effect which should be accorded to the state's subsequent treatment of an applicant's criminal conviction under state law in determining such applicant's fitness for registration with the Commission. Specifically, this Interpretation discusses the extent to which state "expungement," "relief from criminal disability," or "sealing of criminal records" provisions will be construed to prevent the use of a conviction by the Commission to deny registration. The purpose of this release is to provide notice to applicants for registration with the Commission that expunged criminal convictions will be considered by the staff in connection with making fitness determinations for registration and that registration may be denied based on expunged convictions in appropriate circumstances.[1]

FOR FURTHER INFORMATION CONTACT: David S. Mitchell, Attorney, Legal Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The staff of the Division of Trading and Markets ("Division") has received inquiries concerning the Division's policy with respect to the effect to be accorded to the state's subsequent treatment of an applicant's criminal conviction under state law in determining such applicant's fitness for registration with the Commission, and more precisely with respect to the use of expunged criminal convictions to deny registration. For the reasons enumerated in this release, the Division has determined to use expunged criminal convictions in connection with fitness determinations for registration notwithstanding the effect which state law would accord to such convictions in state licensing proceedings, and to recommend that registration be denied based on expunged convictions in appropriate circumstances.

I. Background

A. State Expungement Statutes

As of June 1979, twenty-eight states and Puerto Rico had adopted some type of statutory expungement procedure.[2] Many of these statutes provide for relief from disabilities as follows: A defendant who has successfully completed probation and is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, shall be permitted by the court to withdraw his guilty plea. If that defendant was convicted over a plea of not guilty, the court must set aside the verdict of guilty. In either case, the court is required to dismiss the information against the defendant who is thereafter released from most penalties and disabilities resulting from the offense of which he was convicted (California, Arizona, Nevada, Texas, and Washington). A number of other state laws provide that following successful completion of the probation period, an additional period of time must elapse before the defendant may petition the state court for similar relief (Kansas New Jersey Pennsylvania, and Utah). Still other state laws stipulate that a defendant who successfully completes the probation period may petition the court to seal or limit release of the records relating to his conviction (Colorado, Maryland, Massachusetts, Nevada, New Jersey, Rhode Island, and Ohio). Under most of these statutes, the "expunged" conviction is not wiped out or treated as if it never occurred. The majority of them simply reward the convicted defendant for good behavior during and/or following probation by removing certain penalties and disabilities which flow from a criminal conviction.

B. Present Commission Policy

The Commission requires an applicant for registration to disclose every felony or misdemeanor conviction (other than minor traffic violations and offenses in which the charge was adjudicated in a juvenile court or under a youth offender law) regardless of whether the record was expunged, set aside, or sealed.[3] The Commission has thus already adopted a policy of declining to treat an expunged conviction during the application process as if it had never occurred.[4] The question remains as to whether to look to state law in determining the effect of that expungement.

It appears that the staff has previously looked to state law to determine whether to disregard a conviction which

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[1] The word "expunged" will be used throughout this release as a term of art to indicate the relief provided by the various state expungement, relief from criminal disability and sealing of criminal records provisions currently in effect. The special case of pardons is not discussed.

[2] *See* National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration, U.S. Dept. of Justice, Privacy and Security of Criminal History Information, Compendium of State Legislation (1978 & Supp. 1979) ("Compendium"). Based on the Division's research, modifications which have been made with respect to state statutory expungement procedures since the publication of the Compendium do not affect the correctness of this summary or of the analysis contained in this statement of interpretative position.

This release does not discuss state expungement provisions which relate to first drug-related offenses. It is viewed by us as unlikely that the Commission would attempt to deny registration to an applicant premised solely on a minor drug-related offense involving possession. Similarly, inasmuch as CFTC Form 8-R requires an applicant to disclose convictions, this release does not consider expungement provisions for cases where the charges are dismissed prior to conviction or the defendant is acquitted, since an applicant is not required to disclose such information in any event. Finally, inasmuch as CFTC Form 8-R specifically directs an applicant not to disclose offenses in which the charge was adjudicated in a juvenile court or under a youth offender law, this release does not address expungement provisions of the youth offender laws, *e.g.*, Section 2 of the Youth Corrections Act, 18 U.S.C. 5021(b) (1976).

[3] A note to Question 12A on CFTC Form 8-R directs each applicant to: "Include every such offense regardless of whether the record was expunged, set aside or sealed; there was a post-conviction dismissal; a State certificate of relief from disabilities or similar document was issued which relieves the holder of forfeitures, disabilities or bars that result from a conviction; or a pardon was granted. (Exclude offenses in which the charge was adjudicated in a juvenile court or under a youth offender law.)"

[4] As the Commission explained when it adopted Form 8-R:

State laws are not uniform with respect to the treatment of expungements and the note to item 12A thus places all applicants for registration on an equal basis. More importantly, however, the fact that a conviction has been expunged does not change the fact that the individual was found to have participated in activities which may constitute grounds for denial of registration. The Commission believes that this information is necessary for a proper evaluation of an applicant's fitness for registration in the commodities industry, even though state authority may have seen fit to expunge a conviction for purposes related to the administration of state law. In this respect, it should be understood that an affirmative answer to an adverse action question does not automatically result in a denial of registration to an applicant. In determining whether to grant or deny registration, the Commission considers all relevant factors respecting the adverse action and the applicant.

42 FR 23988, 23989-90 (May 11, 1977).

was expunged pursuant to state law. This practice, however, has not been followed as a result of any deliberate policy determination by the Commission or the Division; instead, the reference to state law has occurred in the absence of such a determination and on an informal, ad hoc basis.

II. Reasons for Considering an Expunged Conviction Notwithstanding the Effect Which State Law Accords to the Expungement

Section 8a(2)(B)(i) of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 12a(2)(B)(i) (1976), provides, in pertinent part, that "[t]he Commission is authorized to refuse to register any person if it is found * * * that the applicant is unfit to engage in the business for which the application for registration is made, because such applicant * * * was convicted of a felony in any *State* or Federal court." (Emphasis added.) Thus, the Act makes state and federal felony convictions a basis for making fitness determinations and does not contain an exception for convictions expunged pursuant to state law. It is the fact of the conviction, and not its subsequent treatment under state law, which is required to be considered in interpreting and applying the licensing procedures under the Act. As a matter of law, Congress, but not a State, has the power to compel the Commission to treat an expunged conviction as immaterial to the administration and interpretation of the licensing procedures under the Act.[5]

The legislative history of the Act indicates Congress' intent that the Commission not be bound by the variations of the laws of the fifty states in deciding to grant or deny registration, inasmuch as on of the principal concerns which prompted Congress to amend the Act in 1974 was the incipient application of state laws to commodity matters.[6] Moreover, using state law to determine the effect of state statutory expungements might well undercut the "exclusive jurisdiction" provision contained in section 2(a)(1) of the Act.[7] A primary purpose of that provision was for the Commission to develop a uniform body of law in commodities regulation.[8] Predicating the grant or denial of registration on the peculiarities of state law could frustrate the achievement of this objective, as registration decisions would undoubtedly vary, depending on whether the convicting state had an expungement procedure and also, on whether and in what manner the state courts had construed the provisions creating it.[9] More importantly, Congress has authorized the Commission to administer the licensing procedures of the Act, a federal statute. Insofar as this authority enables the Commission to override conflicting state laws in the exercise of this function, "[i[t is merely one aspect of respecting the Supremacy Clause of the Constitution whereby federal law is higher than state law."*Brown v. Allen,* 344 U.S. 443, 510 (1953) (opinion of Frankfurter, J.).

The decisions of various courts of appeals limiting the extent to which certain federal statutes require reference to state expungement law in their interpretation and application furnish additional support for the Division's interpretation.[10] These precedents are predicated upon principles of federalism which are equally applicable here.

Accordingly, the Division concludes that it would be inappropriate to defer automatically to a state's subsequent treatment of a criminal conviction in determining the fitness of applicants for registration pursuant to the provisions of a federal statute. Therefore, the Division does not intend to give the manner in which a particular state chooses to deal with a party subsequent to his conviction controlling importance insofar as the grant or denial of registration with the Commission—a function of federal, not state, law—is concerned.

The Division is publishing this Interpretation as a logical corollary of the Commission's policy of requiring the disclosure of such convictions.[11] This does not mean that the Division will disregard an expungement of a conviction in evaluating an applicant's conviction; instead, the expungement may constitute evidence of rehabilitation.

By issuing this Interpretation, the Division wishes to emphasize that it intends to administer the licensing procedures of the Act in accordance with this Interpretation. Accordingly, all applicants for registration with the Commission are hereby so advised.

Dated: November 30, 1981.

By the Division of Trading and Markets.

John L. Manley,

Director, Division of Trading and Markets.

[FR Doc. 81-34802 Filed 12-3-81; 8:45 am]

BILLING CODE 6351-01-M

[5] *See,e.g. Garcia-Gonzales v INS,* 344 F 2d 804, 808 (9th Cir.), *cert denied,* 382 U.S. 840 (1965). *Compare United States v Potts,* 528 F 2d 883, 887 (9th Cir. 1975) (Sneed, J., concurring).

[6] *See* H.R Rep No 93-975, 93d Cong., 2d Sess. 48 (1974); H.R Rep No 93-1383 (Conference Report), 93d Cong., 2d Sess 35-36 (1974).

[7] 7 U.S.C 2 (Supp III 1979).

[8] *See, e.g.,* H.R Rep No 95-1181, 95th Cong., 2d Sess. 14 (1978); S Rep. No. 95-850, 95th Cong., 2d Sess. 10, 13 (1978).

[9] In fact, only a minority of state expungement statutes provide either explicitly or implicity that a state regulatory agency may not consider an expunged conviction in evaluating an applicant's fitness for a license or that an applicant may answer in the negative with respect to an expunged conviction in response to a question concerning previous convictions. Hence, the possibility of conflict between the Division's interpretation and state law is minimal.

[10] *See, e.g., Kolios v. INS,* 532 F.2d 786 (1st Cir.) *cert. denied,* 429 U.S. 884 (1976) (deportation of aliens); *Gonzalez de Lara v. INS,* 439 F.2d 1316 (5th Cir. 1971) (deportation of aliens), *Garcia-Gonzales v. INS,* 344 F.2d 804 (9th Cir.), *cert. denied,* 382 U.S. 840 (1965) (deportation of aliens); *United States v. Padia,* 584 F.2d 85 (5th Cir. 1978) (federal firearms convictions); *United States v. Potts,* 528 F.2d 883 (9th Cir. 1975) (en banc) *overruling United States v. Hoctor,* 487 F.2d 270 (9th Cir. 1973) (federal firearms convictions); *United States v. Mostad,* 485 F.2d 199 (8th Cir. 1973), *cert. denied,* 415 U.S. 947 (1974) (federal firearms convictions).

[11] *See* 42 FR 23989-90 (May 11, 1977), and the Note to Question 12A on CFTC 8-R.

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; New System of Records

AGENCY: Department of the Army, DOD.

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Army proposes to add a system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for this system of records is set forth below.

DATES: tThis system shall become effective January 6, 1981, unless public comments are received which result in a contrary determination.

ADDRESSES: Send all comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of the Adjutant General (DAAG-AMR-R) HQDA, Room 1146, Hoffman Building 1, Alexandria, VA 22331, Telephone (703) 325-6163.

SUPPLEMENTARY INFORMATION: The Department of the Army notices for systems of records subject to the Privacy Act of 1974, Title 5, United States Code, section 552a (Pub. L. 93-579; 44 Stat. 1896, *et seq.*) have been published in the **Federal Register** at:

FR Doc. 79-37052 (44 FR 73729) December 17, 1979

FR Doc. 81-85 (46 FR 1002) January 5, 1981

FR Doc. 81-897 (46 FR 6460) January 21, 1981
FR Doc. 81-3374 (46 FR 9692) January 29, 1981
FR Doc. 81-5883 (46 FR 13544) February 23, 1981
FR Doc. 81-7250 (46 FR 15531) March 6, 1981
FR Doc. 81-7621 (46 FR 16111) March 11, 1981
FR Doc. 81-10724 (46 FR 21220) April 9, 1981
FR Doc. 81-10791 (46 FR 21221) April 9, 1981
FR Doc. 81-12660 (46 FR 23523) April 27, 1981
FR Doc. 81-15109 (46 FR 27518) May 20, 1981
FR Doc. 81-16678 (46 FR 29981) June 4, 1981
FR Doc. 81-19043 (46 FR 33069) June 26, 1981
FR Doc. 81-25194 (46 FR 43231) August 27, 1981
FR Doc. 81-26729 (46 FR 45793) September 15, 1981
FR Doc. 81-32240 (46 FR 55134) November 6, 1981
FR Doc. 81-33755 (46 FR 57337) November 26, 1981

A new system report as required by 5 U.S.C. 552a(o) was submitted for this system on November 4, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 1, 1981.

AO725.01bDAAG

SYSTEM NAME:

Family Life Communications Info and Referral Service.

SYSTEM LOCATION:

Primary system exists at Headquarters, Department of the Army, Quality of Life Office, the Pentagon, Washington, D.C. 20310.

Decentralized segments exist within Family Assistance/Quality of Life Offices/Army Community Service Centers at major commands and installations Army-wide. Addresses are contained in the appendix to the Army inventory of system notices published at 44 FR 73729, December 17, 1979.

Statistical data will be maintained by the Office, Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army service members, civilian employees, their families, social service organizations (Federal, state, local) acting on behalf of the member, employee, or family member. Other military service personnel and civilian employees may be included when such individuals are stationed with Army elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, mailing address, and telephone number of the individual; documentation reflecting nature or basis of service desired or required in the following typical matters, but only to the extent or degree required to determine the proper office, command, or installation that should handle details, resolve problems, or provide responses, or to best answer the inquiry: pay, medical, education, housing, voting, commissary/exchange privileges and practices, community service programs provided by chaplains, alcohol/drug abuse, Equal Employment Opportunity program, etc., and related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by the Department of the Army to provide family assistance to service members (active duty/reserve/retired), civilian employees, and their families in programs that affect family life. Statistical data may be provided commanders of managers at all levels of the Army in support of their functions or programs.

Information may be disclosed to bonafide Federal, state, or local social service or welfare organizations.

STORAGE:

At the primary site, records are maintained in manual files. At major Army commands and installations, information and data may be stored on magnetic tape, disk, cassette, or dataphone message tapes in addition to manual folders and on computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings guarded by security personnel and rooms are secured by locked doors when not in use. During duty hours, records are used only by authorized personnel, with disclosure limited to agency personnel whose official duties require handling. Automated records are protected by an authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Information will be retained for 2 years following resolution of the problem or provision of information, after which it will be destroyed. Automated records used to provide statistical data may be retained indefinitely; however, individually identifiable data are purged within 2 years following the resolution of the problem or provision of information.

SYSTEM MANAGER AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Quality of Life Office, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact either the SYSMANAGER or the major Army command or installation to which initial inquiry was directed.

Written requests for information should include the full name, social security number, current address, and telephone number of the requester.

For personal visits, the individual should be able to provide some acceptable identification such as valid driver's license, student or employer identification card, building pass, social security account card, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; his/her family; social or welfare organizations under Federal, state, or local jurisdiction; official military/civilian records; other Components of the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-34859 Filed 12-4-81; 8:45 am]
BILLING CODE 3710-08-M

Defense Investigative Service

Privacy Act of 1974; Amendments to a System of Records Notice

AGENCY: Defense Investigative Service, DOD.

ACTION: Notice of amendments to a system of records notice.

SUMMARY: The Defense Investigative Service proposes to delete from its

investigative files system notice all references to criminal investigative files. This change is necessary because all criminal investigative files are being transferred to the new Assistant to the Secretary of Defense (Review & Oversight) as part of a transfer function action.

DATES: This system notice shall be amended as proposed without further comments.

ADDRESS: Any public comments, including written data, views or arguments concerning the amendments should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Dale L. Hartig, DIS (V0020), 1900 Half St, SW Washington, DC 20324, telephone 202–693–1740.

SUPPLEMENTARY INFORMATION: The Defense Investigative Service system of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published to date in the Federal Register as follows

FR Doc. 81–86 (46 FR 966) January 5, 1981.

FR Doc. 81–897 (46 FR 6845) January 21, 1981.

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o) of the Act which requires the submission of a new altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 1, 1981.

Amendments

V5–01

SYSTEM NAME:

Investigative Files System

CHANGES:

SYSTEM LOCATION:

Delete the second sentence, "The Special *** of these records" Delete from third sentence, "District Offices" replace with, "Regional Offices."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete from the first paragraph the phrase, "and reservists and" and substitute the following phrase, "members of Reserve units;". Delete the second paragraph entirely.

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete the parenthetical sentence in the second paragraph. Delete from the fourth paragraph the following: "such as the Personnel Security Investigation Request," "such as personnel history documents and fingerprint records," and "such as release statements, case transfer forms and documents directing the inquiry." Delete from the fifth paragraph the phrase, "such as warning sheets * * * and 552a." Delete the sixth paragraph entirely.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete references to Section IIIA, DoD Directive 5200.2b; DoD Directives 5210.8 and 5210.9; and Section I, DoD Instruction 5210.26 entirely. Substitute "DoD Directive 5200.1, Department of Defense Information Security Program" and DoD Directive 5200.2, Department of Defense Information Security Program". Delete "Sections III and V." referenced for DoD Directive 5105.42, Charter for Defense Investigative Service." Delete entirely the last reference to DSA Regulation 5705.2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Delete first six paragraphs and replace with "To insure that the acceptance or retention of persons to sensitive DoD positions, or granting individuals access to classified information, including those employed in defense industry, is clearly consistent with national security;

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements;

For dissemination to appropriate federal agencies or other DoD components when information regarding personnel security matters is reported by ISR; and

To furnish orally or by letter criminal information which is received by DIS personnel in the course of their duties which is of direct interest to local law enforcement agencies."

Delete the numbers before the paragraphs under the users subsection.

Delete from the specific uses subsection all paragraph ending phrases "by the (nth) category of users, above." Delete the last paragraph and substitute, "To transfer information from this record system to other DoD components."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Delete all subsection titles. Delete from the second paragraph, "in this notice * * * disclosure acounting system." Delete the fifth paragraph, "Generally, ISR's * * * only 60 days," and substitute, "Reciprocal investigations are retained for only 60 days," Delete the last sentence of the last paragraph.

SYSTEM MANAGER AND ADDRESS:

Delete entire entry and substitute "Director, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 20203."

NOTIFICATION PROCEDURE:

Add "the Office of" after the words "addressed to: in the first sentence and delete "Office" after the words "Legal Affairs." Delete, "More information or a" from third sentence and substitute, "A". Delete "may be" from third sentence and substitute "is". Delete in the fourth sentence "Information and Legal Affairs Office, 1900 Half St., S.W., Washington, D.C. 20324" and substitute "The Office of Information and Legal Affairs, adress above."

RECORD ACCESS PROCEDURES:

Delete "Information Office" and substitute "Office of Information and Legal Affairs".

CONTESTING RECORD PROCEDURES:

Delete "Assistant for Information" and substitute "Office of Information and Legal Affairs."

RECORD SOURCE CATEGORIES:

Delete "Categories of sources of records." Delete the phrase, "transportation companies, (airlines, railroad, etc.)" from the seventh category.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Delete the last sentence and substitute "See 32 CFR 298a.14 for the DIS exemption rules."

SYSTEM NAME:

V5–01 Investigative Files System

SYSTEM LOCATION:

Defense Investigative, Service, Investigative Files Division, P.O. Box 1211, Baltimore MD 21203 has primary control over the system and is responsible for the maintenance of completed investigative records. DIS Operational Centers; Regional Offices; Field Offices; Resident Agencies and various DIS headquarters staff elements which originate and have temporary control over portions of the records.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel who are on active duty; applicants for enlistment or appointment; members of Reserve units; National Guardsmen; DoD civilian personnel who are paid from appropriated funds; industrial or

contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross personnel and personnel paid from non-appropriated funds who have DoD affiliation; ROTC cadets; former military personnel; and individuals residing on, having authorized official access to, or conducting or operating any business or other functions at any DoD installation or facility.

CATEGORY OF RECORDS IN THE SYSTEM:

Official Reports of Investigation (ROI's) prepared by DIS or other DoD, Federal, state or local official investigative activities.

DIS Information Summary Reports (ISR's) which records unsolicited information received by DIS concerning a person or incident which is of direct interest to other DoD components or Federal agencies.

Attachments to ROI's or ISR's including exhibits, subject or interviewee statements, police records, medical records, fingerprint cards, credit bureau reports, employment records, education records, release statements, summaries of or extracts from other similar records or reports.

Case control and management documents which are not reports of investigation, but that serve as the basis for investigation, or which serve to guide and facilitate investigative activity, including documents providing the data to open and conduct the case; documents initiated by the subject; and documents used in case management and control.

DIS file administration and management documents accounting for the disclosure, control and access to a file.

Authority for maintenance of the system:

Section 301 of 5 U.S.C. Department Regulations

Section 310 of 44 U.S.C. Records Management

Sections 2, 3, 4, 5, 6, 8 and 9, Executive Order 10450, Security Requirements for Government Employment.

Section 6(A), Executive Order 11652, Classification and Declassification of National Security Information and Material.

DoD Directive 5105.42, Charter for the Defense investigative Service.

DoD Directive 5200.1, Department of Defense Information Security Program.

DoD Directive 5200.2, Department of Defense Personnel Security Program.

Section IV A and B, DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.

Section V A 2., DoD Instruction 5210.25, Security Acceptability of American National Red Cross Employees at Department of Defense Installations and Activities.

Encl 3, paragraphs b 2 and 2, DoD Directive 5210.41, Security Criteria and Standards for Protecting Nuclear Weapons.

Section III, DoD Directive 5210.45, Personnel Security in the National Security Agency.

Section VII, DoD Directive 5210.55, Selection of Department of Defense Military and Civilian Personnel for Assignment to Presidential Support Activities.

Section IV, C, DoD Directive 5220.6, Industrial Personnel Security Clearance Program.

Section V B, DoD Instruction 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP–ESI Program for Contractor Employees.

Section 1 (a) and 2, Executive Order 10865, Safeguarding Classified Information Within Industry.

Section III, DoD Instruction 5030.34, Agreement between the Department of Defense concerning Protection of the President and Other Officials.

Paragraph 10, Director of Central Intelligence Directive No. 1/14, Uniform Personnel Security Standards and Practices Governing Access to Sensitive Compartmented Information, C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure that the acceptance or retention of persons to sensitive DoD position, or granting individuals access to classified information, including those employed in defense industry, is clearly consistent with national security;

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements;

For dissemination to appropriate federal agencies or other DoD components when information regarding personnel security matters is reported by ISR: and

To furnish orally or by letter criminal information which is received by DIS personnel in the course of their duties which is of direct interest to local law enforcement agencies.

Users of DIS investigative information are:

DIS personnel in the course of their official duties;

Other accredited DoD investigative components, DoD agencies, elements of the Military departments designated by the departments and representatives of the Secretary of Defense and the Joint Chiefs of Staff;

Accredited federal criminal and civil law enforcement and intelligence agencies;

State and local official criminal law enforcement agencies;

Other accredited federal agencies conducting investigations to evaluate suitability for employment or access to classified information; and

Congressional committees and the Government Accounting Office.

Specific Uses of DIS investigative records are:

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to Defense information and facilities.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056.

For use in criminal law enforcement investigations including statutory violations, counterintelligence, as well as counterespionage and other security matters.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide information in judicial or adjudicative proceedings including litigation, or in accordance with a court order.

To make statistical evaluations of DIS investigative activities.

To respond to Freedom of Information and Privacy Act access requests.

To provide information in response to Inspector General, and EEO or other complaint investigations and Congressional inquiries.

To determine the eligibility and suitability of an individual for personnel actions in the Armed Forces of the United States, as deemed appropriate.

A record such as identification data, from this system of records may be disclosed as a routine use to a federal, state, local or foreign agency

maintaining relevant information or to business enterprises to obtain employment records if necessary to obtain information relevant to an assigned investigation.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To transfer information from this record system to other DoD components.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Paper records in file folders, microfilm, magnetic tape or supplementary index cards.

Investigations are centrally retrievable through the DIS Case Control System (DDCS) or the Defense Central Index of Investigations (DCII) System described separately.

Completed investigative records are maintained and stored in power files, open shelves and filing cabinets which are housed in secured areas accessible only to authorized personnel who are properly screened and have a need to know. Information contained on magnetic tape is secured in the same manner as the DCII, described separately. Recipients of investigative information are responsible for safeguarding information within the guidelines provided by DIS.

Retention of closed DIS investigative files is authorized for 15 years maximum, except as follows: (1) Files which have resulted in adverse action against an individual will be retained 25 years; (2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained 25 years. If the appointment is not made for some other reasons not related to the investigation, the file will be destroyed within one year; (3) Information within the purview of the Department of Defense Directive 5200.27, 'Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense', is destroyed within 90 days after acquisition by DIS unless its retention is required by law or unless its retention has been specifically authorized by the Secretary of Defense or his designee.

Reciprocal investigations are retained for only 60 days.

Partial duplicate records of personnel security investigations are retained for 60 days by DIS field elements.

SYSTEM MANAGER AND ADDRESS:

Director, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 20203.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S.W., Washington, D.C. 20324. The full name, date and place of birth, and social security account number are necessary for retrieval of information. A notorized statement verifying the identity of requesters is required. The Office of Information and Legal Affairs, address above, may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

RECORD ACCESS PROCEDURES:

Access may be obtained through the Office of Information and Legal Affairs at the address listed above.

CONTESTING RECORD PROCEDURES:

DIS rules for contesting and appealing initial determinations may be obtained from the Office of Information and Legal Affairs at the address listed above.

RECORD SOURCE CATEGORIES:

Subjects of investigations.

Records of other DoD activities and components.

Federal, state, county and municipal records.

Employment Records of private business and industrial firms.

Educational and disciplinary records of schools, college, universities, technical and trade schools.

Hospital, clinic and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals.

The interview of individuals who are though to have knowledge of the subject's background and activities.

The interview of witnesses, victims and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters and correspondence.

Any other type of record deemed necessary to complete the DIS investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system of records which fall within the scope of 5 U.S.C. 552a (k)(2), (k)(3), and (k)(5) may be exempt from the provisions of subsections 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). See 32 CFR 298a.14 for the DIS exemption rules.

[FR Doc. 81-34886 Filed 12-3-81; 8:45 am]
BILLING CODE 3810-01-M

Office of the Secretary

Privacy Act of 1974; Addition of a New System of Records

AGENCY: Office of the Secretary of Defense.

ACTION: Addition of a new system of records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the new system is set forth below.

DATE: This system shall become effective January 4, 1982 unless public comments are received which result in a contrary determination.

ADDRESSES: Send all comments to the system manager identified in the system notice.

FOR FUTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, The Pentagon, Washington, D.C. 20301. Telephone 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of Secretary of Defense system notices for system of records subject to the Privacy Act of 1974, Title 5 United States Code, section 552a (Pub. L. 93-579; 44 Stat. 1896 *et seq.*) have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6427) January 21, 1981

FR Doc. 81-5568 (46 FR 12772) February 18, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 26, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23907) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 20, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40788) August 12, 1981
FR Doc. 81-25838 (46 FR 44494) September 4, 1981
FR Doc. 81-28992 (46 FR 49177) October 6, 1981
FR Doc. 81-32239 (46 FR 55139) November 6, 1981

A new system report as required by 5 U.S.C. 5552a(o) was submitted for this system on October 10, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer. Washington Headquarters Services. Department of Defense.

December 1, 1981.

DMRA&L 22.0

SYSTEM NAME:

DoD Dependent Children's School Program Files.

SYSTEM LOCATION:

Active Students—DoD operated overseas dependents schools, regional offices, and the Office of Dependents Schools (ODS), Alexandria, Virginia.

Former High School Students—Permanent records (high school transcripts) are retained at the school for 4 years subsequent to graduation, transfer, or termination, then forwarded to the regional office for 1 year where they are compiled and forwarded to the Washington National Records Center (WNRC) except Panama. Records for the Panama region are retired to the East Point, Georgia, Federal Archives Records Center (FARC).

Former Panama Canal College Students—Permanent records (college transcripts) and retained at the college for 10 years, then retired to East Point FARC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the DoD operated overseas dependent schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. *Enrollment files:*

Documents relating to the admission, registration, and departure of dependent school students. Included are pupil enrollment applications, course preference, admission cards, drop cards, and similar or related documents.

B. *Daily attendance register files:*

Documents reflecting the daily attendance of pupils at dependent schools. Included are forms, printouts, bound registers and similar or related documents.

C. *Elementary school academic records.*

Documents reflecting the standardized achievement, mental ability, yearly grade average, attendance of each student and the teachers' comments. Included are forms, notes, and similar or related documents.

D. *Elementary school report card files:*

Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

E. *Elementary school teacher class register files:*

Documents reflecting daily, weekly, semester, or annual scholastic grades and averages, absence and tardiness data.

F. *Elementary school student files:*

Documents pertaining to individual elementary school students. Included in each folder are reading and health records; individual education plans; intelligence quotient; achievement, aptitude, and similar test results; notes related to pupil's progress and characteristics; and similar matters used by counselors and successive teachers.

G. *Secondary school absentee files:*

Documents reflecting absence of students. Included are homeroom teachers' registers, secondary school daily attendance records of absentees reported by teachers, tardy slips for admission of students to classroom, transfer slips notifying teachers of new class or homeroom assignment, notices of change by school principal to teacher upon change or classroom, student applications for permission to be absent, student pass slips, and similar or related documents.

H. *Secondary school academic record files:*

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

I. *Secondary school report card files:*

Documents reflecting scholastic grades, personality traits, and promotion or failure. Included are report cards and related documents.

J. *Secondary school teacher class register files:*

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and tardiness, and withdrawal data. Included are class registers and similar or related documents.

K. *Secondary school class reporting files:*

Documents reflectng teacher reports to principals and use as source documents for preparing secondary school academic record cards. Included are forms, correspondence, and similar or related documents.

L. *Credit transfer certificate files:*

Documents reflecting secondary school scholastic credits earned. Including are certificates and similar or related documents.

M. *Secondary school student files:*

Documents pertaining to individual secondary school students. Included in each folder are student health records; individual education plans; absence reports and correspondence with parents pertaining to absence; records of achievement and aptitude tests; notes concerning participation in extracurricular activities, hobbies, and other special interests or activities of the student; and, miscellaneous memorandums used by student counselors.

N. *College absence, withdrawal, and add files:*

Student applications for permission to be absent from final exams. Student drop and add class records and administrative withdrawal letter.

O. *College academic record files:*

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

P. *College report card files:*

Documents reflecting scholastic grades and promotion or failure. Included are report cards and related documents.

Q. *College teacher class register files:*

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and withdrawal data. Included are class registers and similar or related documents.

R. *College class reporting files:*

Documents reflecting teacher reports to Registrar and used as source documents for preparing college transcripts. Included are forms, correspondence, and similar or related documents.

S. *Credit transfer certificate files:*

Documents reflecting college scholstic credits earned. Included are certificates and similar or related documents.

T. *College student files:*

Documents pertaining to individual college students. Included in each folder are absence reports, records of achievement, and aptitude tests.

U. *Automated support files:*

Automated data files are composed of records containing the following information (varies by regional system): student registration data-student identification number, student name, sex, grade level, bus number, date of enrollment, date of birth, course numbers and names, teacher, credit, grades received, dates of absences, and sponsor's name, status, rank, date of rotation, organization, location of unit, local address, emergency address and phone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Recurring provisions of the DoD Appropriations Act and Department of Defense Directive 1342.6, "Department of Defense Dependents' Schools," dated October 17, 1978, with change 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, USES, AND PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

A. Dependent children's school program files (general):

1. Records of students attending DoD operated overseas dependent schools are used by school officials, including teachers, to:

a. Determine the eligibility of children to attend these schools;

b. Schedule children for transportation;

c. Record daily and/or class attendance of students and date(s) of withdrawal;

d. Determine tutition paying students and record status of payments;

e. Determine students located in areas not serviced by dependents schools so that alternative arrangements for education can be made and payment made, as required;

f. Monitor special education services required by and received by the student; and,

g. Used to develop and maintain reading and health records, including school related medical needs.

2. Records may also be released to other officials of the Department of Defense requiring information for operation of the Department (including defense investigative agencies) on a case-by-case basis in accordance with established policies and procedures.

B. Dependent children's school program files (elementary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for elementry students by school personnel cited above.

2. Used in the following manner to record:

a. Teacher or standardized test data;

b. Attendance, absences, and/or tardiness of each student;

c. Recommendations for promotion or retention including teacher comments;

d. Daily, weekly, semester, or annual grades; and,

e. Notes related to the individual pupil's progress and learning characteristics useful to professional school personnel in counseling the student and in the determination of his/her proper placement.

C. Dependent children's school program files (secondary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an education program for secondary students.

2. Documents are used by school personnel cited above in the following manner to:

a. Record teacher and/or standardized test data;

b. Record attendance, absences, and/or tardiness of each student;

c. Form the basis for a decision on a student request for permission to be absent from a class or classes;

d. Determine proper class or grade placement or graduation;

e. Determine scholastic grades and/or grade point average;

f. Form the basis for school recommendations for student financial aid for postsecondary education;

g. Form the basis for preparing the secondary school transcript;

h. Determine secondary school academic credits earned; and

i. Note special interest or hobbies of the student.

D. Dependent children's school program files (college):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for college students.

2. Documents are used by school personnel cited above in the following manner to:

a. Record teacher and/or standardized test data;

b. Record attendance and absences of each student;

c. Form the basis for a decision on a student request for permission to be absent from a class or classes;

d. Determine proper class or grade placement or graduation;

e. Determine scholastic grades and/or grade point average;

f. Form the basis for school recommendations for student financial aid for college education;

g. Form the basis for preparing the college transcript; and

h. Determine college academic credits earned.

E. Automated support. Automated support is used by school and regional officials (where applicable) to:

1. Provide academic data to each student upon request, provide report cards, etc., at the end of each grading period, provide transcripts upon request, and provide hard copy for manual files.

2. Provide academic data within the region and to ODS.

3. Provide data within the Department of Defense on a need-to-know basis.

4. Provide data to other government agencies and Congress when a specific authorized need requires it.

External users, uses, and purposes:

Documents of students attending the DoD overseas dependent schools may be used by authorized Federal representatives for employment purposes.

Academic data may be provided to other educational institutions and employers or prospective employers in accordance with current policies and procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are paper records in file folders.

RETRIEVABILITY:

A. Elementary school academic records and secondary school and college academic records (transcripts) are filed alphabetically by school, school year, and last name of student.

B. Elementary, secondary, and college teacher class register files are filed by

school, school year, and last name of teacher.

C. Remaining dependent school student files are filed by school, school year, and last name of student.

D. The automated files are indexed by a variety of data, depending upon the region and school involved (some have regionally assigned student indentification numbers, others are by last name of student). Also, any combination of data in the file can be used to select individual records. Only authorized personnel have required information to access the systems or process jobs.

SAFEGUARDS:

Paper records are maintained in files accessible only to authorized personnel.

Automated records:

A. Description of the automated process. Current hard copy records of all information are kept in locked file cabinets in limited access school offices. Computer-produced student records and reports become an integral part of the manual system and are retained in limited access school offices and/or locked cabinets. Computer disks, tapes, etc., are maintained in limited access areas within the various computer centers, regional offices, and/or schools. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

B. Physical safeguards. Computer facilities and remote terminals are located in schools and regional offices throughout the school system. Particular regional systems vary; however, the same basic safeguards are employed (in various combinations) in all the systems. Computer hardware disk cards and other materials are secured in locked facilities after normal duty hours or are maintained in secure military computer centers. During school hours, storage media is stored in areas where access can be monitored, On-line access is protected by combinations of the following various factors: (1) Users must have file and/or disk names; (2) users must have possession or approval to gain possession of appropriate disk(s); and (3) users must have specifically designed codes and/or keys to permit read/write operations.

C. Storage media. Hard copy files are stored in the school offices of each participating school and regional offices. Computer files are stored on magnetic tape and disks, as outlined above.

D. Risk analysis. All personal information which is collected and/or maintaned for this system is stored in locations adequately secure for such information. Administrative safeguards have been instituted to prevent access to information in the automated systems.

RETENTION AND DISPOSAL:

A. *Enrollment files:*

Maintained at the respective school for 1 year after graduation, withdrawal, transfer, or death of the student, then destroyed.

B. *Daily attendance register files:*

Destroyed after reviewing attendance registers for the next school year.

C. *Elementary school academic records files:*

When a student transfers to another school, this file is forwarded by mail to officials of the receiving school on request in accordance with current regulations, or destroyed at the school 5 years after graduation, death, or withdrawal of the student.

D. *Elementary school report card files:*

Released to parents or student at the end of the school year or on transfer of the student.

E. *Elementary school teacher class register files:*

Destroyed at the school concerned after 5 years.

F. *Elementary school student files:*

1. When a student transfers to another school, the reading and health records are released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school.

2. Remaining documents pertaining to the students are forwarded by mail to the officials of the receiving school or the parent/guardian on request in accordance with current regulations; if not requested, documents are destroyed at the school concerned 1 year after graduation, death, or withdrawal of the student.

G. *Secondary school absentee files:*

Destroyed at the school after 1 year.

H. *Secondary school academic record files (high school transcript):*

1. Permanent file.

2. When a student transfers to another DoD dependents school, this file (transcript) is forwarded by mail to officials of the receiving shcool on request.

3. When a student transfers to a non-DoD school, a copy of the transcript is forwarded to the receiving school on request in accordance with current regulations.

4. Files not forwarded to another DoD school are retained at the school concerned for 4 years, the regional office for 1 year and then retired to the WNRC (or East Point FARC if in the Panama region) for an additional 60 years.

I. *Secondary school report card files:*

Released to parents of student or student (if over 18 years of age) at the end of the school year or on transfer of student.

J. *Secondary school teacher class register files:*

Retained at the school concerned for 5 years and then destroyed.

K. *Secondary school class reporting files:*

Destroyed at the school after 1 year.

L. *Credit transfer certificate files:*

Destroyed at the school after 1 year.

M. *Secondary school student files:*

1. Retained at the school concerned for 2 years after graduation, death, or withdrawal of the student.

2. When a student transfers to another school:

a. A copy of the record may be released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school.

b. An official copy of the record will be forwarded to the receiving shcool in accordance with current regulations upon request. (The original record is retained at the school.)

N. *College absentee files:*

Destroyed at the school after 1 year.

O. *College academic record files (college transcripts):*

1. Permanent file.

2. When a student transfers to another college or university, this file (transcript) is forwarded by mail to officials of the receiving school upon receipt of an authorized request.

3. Original files (transcripts) are retained at the college for 10 years then retired to East Point FARC.

P. *College report card files:*

Released to student at the end of the semester or school year, or on transfer of student.

Q. *College teacher class register files:*

Retained at the school for 5 years and then destroyed.

R. *College class reporting files:*

Destroyed at the school after 1 year.

S. *Credit transfer certificate files:*

Destroyed at the school after 1 year.

T. *College school student files:*

1. Retained at the school for 2 years.

2. When a student transfers to another school:

a. A copy of the record may be released to the parents or student (if 18 years of age) for hand-carrying to the receiving school.

b. An official copy of the record will be forwarded to the receiving school upon request pending receipt of authorized request. (The original record is retained at the school.)

U. *Automated files:*

Automated files are normally retained for 1 year. However, this may vary as all information is documented in the manual files and the information in automated form may be destroyed earlier or later than 1 year for various internal purposes.

SYSTEM MANAGER AND ADDRESS:

Dr. Anthony Cardinale, Director, Department of Defense Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone: (202) 325–0188.

NOTIFICATION PROCEDURE:

Information may be obtained from officials of the school concerned or from the System Manager.

RECORD ACCESS PROCEDURES:

A. Written requests for information on the records system and for instructions concerning personal visits may be forwarded to the principal of the school within 4 years after graduation, transfer, withdrawal, or death of student.

B. The fifth year, the principal should be contacted for elementary records or the System Manager for secondary records.

C. Subsequently, all requests for secondary records may be forwarded to the Department of the Army, HQ DA (DAAG–AMR), Washington, D.C. 20310, except for information from schools in Panama. These requests should be sent to: Director, DoDDS–Panama, APO Miami 34002.

D. All requests for college records should be sent to the college for the first 10 years, then to the Director, DoDDS–Panama, address above.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned and their parents/guardians, teachers, and school administrators.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 81–34875 Filed 12–3–81; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES82–21–000]

Central Telephone & Utilities Corp.; Application

November 30, 1981.

Take notice that on November 19, 1981, Central Telephone & Utilities Corporation (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $300,000,000 of short-term debt to be issued not later than December 31, 1983, with final maturity dates of not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–34861 Filed 12–3–81; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5589–000]

Energenics Systems Inc.; Application for Preliminary Permit

November 30, 1981.

Take notice that Energenics Systems Inc. (Applicant) filed on October 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5589 to be known as Hidden Dam Hydroelectric Project located at the existing outlet of the Corps of Engineers' (Corps) Hidden Dam on the Fresno River in the County of Madera, California. The project would utilize waters released from the Hidden Reservoir for irrigation and other purposes. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems Inc., 1727 Q Street, NW., Washington, D.C. 20009.

Project Description—The proposed project would consist of a powerhouse containing a single generating unit with a rated capacity of 2,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV power line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. The estimated cost for conducting these studies and preparing an application for an FERC license is $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 29, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34882 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5587-000]

Energenics Systems Inc.; Application for Preliminary Permit

November 30, 1981.

Take notice that Energenics Systems Inc. (Applicant) filed on October 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5587 to be knows as the Buchanan Dam Hydroelectric Project located at the Corps of Engineers' (Corps) Buchanan Dam on the Chowchilla River in Madera County, California. The project would utilize waters released from the Buchanan Reservoir for irrigation and other purposes. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would consist of a powerhouse containing two generating units with a combined rated capacity of 3,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV power line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost for conducting these studies and preparing an application for an FERC license is $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, or or before January 29, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34883 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5497-000]

Mr. A. H. Haley; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

November 30, 1981.

Take notice that on October 7, 1981, Mr. A. H. Haley (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5497, would be located on Falls Creek near the town of Port Angeles in Clallam County, Washington. The project would partly occupy United States lands within the Olympic National Forest. Correspondence with the Applicant should be directed to: Mr. A. H. Haley, Falls Creek Small Hydro, 1421 S. Cherry, Port Angeles, Washington 98362.

Project Description—The proposed project (would utilize components of an abandoned power project that was last operated in 1963) would consist of: (1) an existing diversion structure within the east bank of Falls Creek; (2) an existing 150-foot long flume; (3) a 10-inch diameter, 800-foot long penstock; (4) an existing powerhouse, to be enlarged, containing two generating units with a total rated capacity of 200 kW; and (5) an 80-foot long 7.2-kV transmission line connecting the powerhouse with the existing transmission line north of the project.

Purpose of Project—Project energy would be sold to a local utility or the Bonneville Power Administration.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit on or before February 2, 1982, appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the

granting of an exemption. If an agency does not file comments on or before February 2, 1982, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 8, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file an acceptable competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirement of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34864 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5557-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 30, 1981

Take notice that Hydro Management, Inc. (Applicant) filed on October 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5557 to be known as the Squeezer Creek Power Project located on Squeezer Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. H. Edelman, III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The project would consist of: (1) a 3-foot high, 22-foot long diversion dam; (2) a 16-inch diameter, 7,000-foot long penstock; (3) a 13,000-foot long transmission line; and (4) a powerhouse containing generating unit with a rated capacity of 604 kW. Applicant estimates that the average annual energy output would be 3,650 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies and preparing a license application is estimated by the Applicant to be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34865 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4695-000]

Midvale Irrigation District; Application for Preliminary Permit

November 30, 1981.

Take notice that Midvale Irrigation District (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4695 to be known as the Pilot Canal Chute Project located on the Wind River in Fremont County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr.

Jack Long, Manager, Midvale Irrigation District, Post Office Box 128, Pavillion, Wyoming 82523.

Project Description—The proposed project would consist of: (1) The existing U.S. Bureau of Reclamation Pilot Canal Chute on the Pilot Canal downstream of the Pilot Butte Reservoir; (2) a proposed diversion structure at the head of the Pilot Canal Chute; (3) a penstock; (4) a powerhouse with an estimated installed capacity of 2.5 MW; (5) a proposed transmission line about 6 miles long to the existing Meadow substation; and (6) appurtenant facilities. The estimated average annual energy output is 7.0 GWh. Potential customers for the project energy are located in the U.S.B.R. project area.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, consultation would be carried out with the appropriate Federal, State and local agencies. The Applicant estimates the cost of studies and preparation of a license application to be $21,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34866 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5584-000]

ZX Irrigation Co.; Application for Preliminary Permit

November 30, 1981.

Take notice that ZX Irrigation Company (Applicant) filed on October 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5584 to be known as the Coffeepot Project located on the Chewaucan River, near town of Paisley, in Lake County, Oregon. The proposed project would affect U.S. lands within Fremont National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: ZX Irrigation Company, P.O. Box 7, Paisley, Oregon 97636.

Project Description—The proposed project would consist of: (1) A 130-foot high earthfilled dam with two tainter gate spillways, impounding; (2) a 2,660-acre reservoir with a capacity of 115,000 acre-feet; (3) a powerhouse containing two generating units, one rated at 3,600 kW and one rated at 150 kW; and (4) a seven-mile long transmission line. The average annual energy generation would be 9 million kWh. The project would be constructed mainly for irrigation with power generation as a secondary benefit.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. No ground disturbing work will be conducted.

The cost of the work to be performed under the preliminary permit is estimated to be $103,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (b) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

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Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34867 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Uranium Hexafluoride; Separative Work Charges, and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces changes in the base charges for uranium in the form of uranium hexafluoride (UF_6). Accordingly, the notice entitled, "Uranium Hexaflouride: Separative Work Charges, and Base Charges for Natural Uranium," as published in the **Federal Register** on September 29, 1977, (42 FR 51636) as amended by notices published on January 21, 1980 (45 FR 3948) and March 19, 1981 (46 FR 17578) is further amended by deleting paragraph 2 and inserting the following paragraph in lieu thereof:

2. *Base Charges for Natural Uranium*

(a) The base charge for natural uranium furnished on other than a short notice, one-time basis, is $28.15 per pound of contained U_3O_8 in the form of concentrate and $78.45 per kg of contained uranium in the form of UF_6.

(b) The base charge for natural uranium furnished on a short-notice, one-time basis, is $36.30 per pound of contained U_3O_8 in the form of concentrate and $100.10 per kg of contained uranium in the form of UF_6.

Effective date: This notice is effective December 4, 1981.

Dated: November 18, 1981.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 81-34805 Filed 12-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1999-1]

Availability of Environmental Impact Statements

Responsible Agency: USEPA, Office of Federal Activities.

Information Contact: Ms. Kathi Wilson, (202) 245-3006.

EISs Filed: November 23-27, 1981.

Comment Due Dates: Drafts—January 18, 1982; Finals—January 4, 1982.

Corps of Engineers (COE): Final—Bethel Small Boat Harbor Improvement, Alaska (EPA EIS #810963).

COE: Final—Kaulana Bay Navigation Improvements, Hawaii County, Hawaii (EPA EIS #810957).

DOI: Bureau of Reclamation: Draft—Tucson Aqueduct Construction and Operation, Pinal and Pima Counties, Arizona; Extended review 1/22/82 (EPA EIS #810961).

DOI: National Park Service: Draft Revised—Yellowstone National Park Grizzly Bear Management Program, Wyoming, Montana and Idaho; Extended review 1/30/82 (EPA EIS #810959).

DOT: Federal Highway Administration (FHWA): Draft—Patton Way Construction, Webster Street to Lincoln Avenue, Alameda County, California; Extended review 1/29/82 (EPA EIS #810854).

DOT: FHWA: Draft—US 22/Weirton Bypass Construction, Brooke and Hancock Counties, West Virginia (EPA EIS #810955).

Environmental Protection Agency: Region 2: Final—Lajas-Boqueron 201 Facilites Plan, Puerto Rico (EPA EIS #810964).

Department of Housing and Urban Development (HUD): Final—Walnut Hills Development, Mortgage Insurance, Salt Lake County, Utah (EPA EIS #810956).

HUD: 104H: Draft—Mother Cabrini Neighborhood Flood Control, Webb County, Texas; Extended review 1/21/82 (EPA EIS #810962).

Nuclear Regulatory Commission: Draft—Byron Station Units 1 and 2, License, Ogle County, Illinois (EPA EIS #810958).

USDA: Forest Service: Final—Elkhorn Wilderness Study, Helena and Deerlodge National Forests, Broadwater and Jefferson Counties, Montana (EPA EIS #810960).

Withdrawal

HUD: Draft—Rosewood Subdivision, Dallas County, Texas (EPA EIS #800968)—published FR 12/24/80; has been officially withdrawn by HUD.

Dated: December 1, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81-34880 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-37-M

[PH-9-FRL-1988-2; OPP 42047B]

California; Approval of State Plan for Certification of Commerical and Private Applicators of Restricted Use Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) grants final approval of the California State Plan for the Certification of Commerical and Private Applicators of Restricted Use Pesticides (California State Plan).

EFFECTIVE DATE: November 4, 1981.

FOR FURTHER INFORMATION CONTACT: Nancy Frost, Environmental Protection Agency, 215 Fremont St., San Francisco, CA 91405 (415-974-8162).

SUPPLEMENTARY INFORMATION: Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR 171 require each State desiring to certify applicators to submit a plan to EPA for approval. Any State certification program shall be maintained according to the State Plan approved by EPA.

A Notice of Contingent Approval of the California State Plan by EPA was published in the **Federal Register** of July 30, 1980 (45 FR 50652). This approval allowed the State of California to certify applicators who are then permitted to use or supervise the use of pesticides classified for restricted use under FIFRA. Complete copies of the California State Plan were made available for public inspection and public comments were solicited.

EPA received comments from one environmental group regarding the adequacy of the California pesticide regulatory program. Specifically questioned was whether California's procedures for certifying applicators adequately protect the pesticide applicator, the general public, and the environment from the adverse effects of pesticide use.

Prevention of unreasonable adverse effects from pesticide use is the goal of EPA's pesticide regulatory program. The certification of applicators to use restricted use pesticides is an element of the pesticide regulatory program. The State of California certification program meets the standards set by EPA for a certification of applicators program. Therefore, EPA finds that the California certification program contributes to the goal of prevention of unreasonable adverse effects from pesticide use.

Another comment asked whether public participation was encouraged in the development of the California State Plan. A notice of EPA's Intent to Grant Contingency Approval of the California State Plan was published in the **Federal Register** of July 8, 1977 (42 FR 35184). A notice of Contingent Approval was published in the **Federal Register** of July 30, 1980 (45 FR 50652). In both notices, opportunity for public review and comment was provided. Additionally, the California Department of Food and Agriculture (CDFA) issued a public notice and report describing regulation changes proposed for its certification program. In response to testimony, the regulations were modified to avoid confusion found in the original language. EPA believes that the public has had adquate opportunity to participate in the development of the California State Plan.

Contingent Approval of the California State Plan was granted by EPA pending promulgation of regulations pertaining to the definition of certified applicators and recordkeeping requirements. California has adopted these regulations. EPA finds that all criteria for an approvable State Plan have been met.

In addition to the finalizing of regulations, CDFA has provided the following clarification via a letter dated June 27, 1980:

> Once the regulations are adopted a householder who wishes to use a federally restricted material within the confines of a dwelling will be classified as a commerial applicator and will be required to take the regular Industrial and Institutional Pest Control examination. Examinees who obtain a score of 70 percent or greater will be issued a commerical applicator certificate and will be required to comply with all regulations pertaining to certified commerical applicators.

EPA is following the Congressional intent of FIFRA that States shall certify applicators of restricted use pesticides and hereby grants final approval to the California State Plan.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it merely authorizes the State of California to certify commerical and private applicators of restricted use pesticides. This approval will not impose any new cost or burdens.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: November 4, 1981.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 81-34839 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-38-M

[ER-FRL-1999-1]

Intent To Prepare Environmental Impact Statement (EIS); Texas Gasification Project

CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270 (telephone: (214) 767-2716 or (FTS) 729-2716).

SUMMARY: Pursuant to EPA regulations for preparation of EISs (40 CFR, Part 6), EPA intends to prepare a Draft EIS for the proposed issuance of a NPDES permit to Phillips Coal Company for discharge of wastewater from the surface mine of the proposed Texas Gasification Project which includes a lignite surface mine located in Hopkins, Rains and Wood Counties, Texas. A detailed Notice of Intent has been issued and can be obtained from the above contact. EPA will hold a meeting to determine the scope of the Draft EIS on Thursday, January 7, 1982, at 7:30 pm at the Hopkins Regional Civic Center, 1200 Houston Street, Sulphur Springs, Texas.

Dated: December 1, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

FR Doc. 81-34881 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-37-M

[A-7-FRL-1998-6]

Applicability of New Source Performance Standards to ADM Milling Co.; Missouri

Applicability of New Source Performance Standards (NSPS) under the Clean Air Act has been determined as indicated below. ADM Milling Company is in the process of repairing damage resulting from a lightning strike which caused a series of explosions and a fire to their milling facility in North Kansas City, Missouri. According to 40 CFR 60.15, an existing facility may become subject to the standards of performance for new sources upon reconstruction. NSPS have been promulgated to regulate the emission of particulate matter from each affected facility at any grain storage elevator which has a permanent grain storage capacity of one million bushels or more (40 CFR 60, Subpart DD). As defined in Subpart DD, a grain elevator is any plant or installation at which grain is unloaded, handled, cleaned, dried, stored or loaded. Based on the company's letter of November 19, 1980, EPA has determined that the replacement of grain handling equipment (one of eight affected facilities identified in Subpart DD) will qualify as reconstruction as defined in 40 CFR 60.15. In a letter to the source dated December 23, 1980, EPA notified ADM Milling that the replacement will be subject to the requirements of 40 CFR Part 60, Subpart DD. The Iowa Public Service Company is an electric and gas utility serving customers in Iowa, South Dakota, and Nebraska. To meet its projected generating requirements, the company proposes to construct the George Neal Generating Unit No. 5, a 600-megawatt western coal-fired electric utility steam generating unit located at Salix, Iowa. NSPS (40 CFR 60, Subpart Da) have been promulgated to regulate the emission of particulate matter, sulfur dioxide, and nitrogen oxides into the atmosphere from certain electric utility steam generating units. Under these regulations, units capable of combusting more than 73 megawatts heat input of fossil fuel and which commence construction or modification after September 18, 1978, must meet the requirements of Subpart Da. Since this project will have a heat imput exceeding 73 megawatts and did not commence construction (as defined at 40 CFR 60.2) on the steam generating unit prior to September 19, 1978, it must meet the requirements of 40 CFR 60, Subpart Da. This applicability determination was made by the Iowa Department of Environmental Quality, the delegate agency for enforcement of NSPS in Iowa, on April 29, 1981. EPA concurred in this determination by letter to the source dated June 15, 1981.

DATES: Under Section 307(b)(1) of the Clean Air Act, a judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the Eighth Circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of this notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Chief, Technical Assistance Section, Air and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-6525. Copies of the background material and determinations are available for

public inspection during normal business hours at the above location.

Dated: November 12, 1981.

John J. Franke, Jr.,

Regional Administrator.

[FR Doc. 81-34840 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-38-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SES Performance Review Board; Members

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the SES Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Beverly A. Gary, Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, 202/634-7002.

SUPPLEMENTARY INFORMATION: Pursuant to requirements of section 4314(c)(1), Chapter 43, Title 5, U.S.C., membership of the SES Performance Review Board is as follows: Armando M. Rodriguez, Equal Employment Opportunity Commissioner (chairman); Harriett G. Jenkins, Director of Equal Employment Programs, National Aeronautics and Space Administration; Anthony Ingrassia, Assistant Director, Office of Labor-Management Relations, Office of Personnel Management; and Chris Roggerson, Executive Assistant to the Chairman, Equal Employment Opportunity Commission (alternate).

Signed at Washington, D.C., this 25th day of November 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman Equal Employment Opportunity Commission.

[FR Doc. 81-34834 Filed 12-3-81; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL RESERVE SYSTEM

Big Lake Bancshares, Inc.; Formation of Bank Holding Company

Big Lake Bancshares, Inc., Big Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 89.2 percent or more of the voting shares of Citizens State Bank of Big Lake, Big Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34825 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Chase Manhattan Corp.; Acquisition of Bank

The Chase Manhattan Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Chase Manhattan Bank (USA), National Association, Wilmington, Delaware, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34821 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Cherry Creek Bankshares, Inc.; Formation of Bank Holding Company

Cherry Creek Bankshares, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Cherry Creek National Bank, Denver, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34819 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Community Bancshares, Inc.; Formation of Bank Holding Company

Community Bancshares, Inc., Independence, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Community State Bank, Independence, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34818 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Energy Banks; Formation of Bank Holding Company

Energy Banks, Casper, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Casper, Casper, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34817 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

F&M Holding Co., Inc.; Formation of Bank Holding Company

F&M Holding Company, Inc., Foley, Alabama, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers and Merchants Bank, Foley, Alabama. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34816 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Flagship Banks, Inc.; Acquistion of Bank

Flagship Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Century Bank of Gainesville, Gainesville, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34815 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Hartford National Corp.; Acquisition of Bank

Hartford National Corporation, Hartford, Connecticut, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mattatuck Bank and Trust Company, Waterbury, Connecticut. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34814 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Madison Financial Corp.; Acquisition of Bank

Madison Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank of Wheeling, Wheeling, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34828 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Madison Financial Corp.; Acquisition of Bank

Madison Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Madison National Bank of Niles, Niles, Illinois. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34829 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Northwest Georgia Financial Corp.; Formation of Bank Holding Company

Northwest Georgia Financial Corporation, Dallas, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank, Dallas, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34813 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Old Stone Corp.; Proposed Acquisition of Wachovia Realty Investments

Old Stone Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets and assume the liabilities of Wachovia Realty Investments, Winston-Salem, North Carolina.

Applicant would engage, in a limited basis, in the activity of mortgage banking for the sole purpose of selling or holding the assets acquired as part of the transaction until maturity. Applicant would not make any new mortgage loans as a result of this transaction. These activities would be performed from offices of Applicant in Providence, Rhode Island, and the geographic area to be served is the southeastern portion of the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than December 23, 1981.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34826 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Schreiner Bancshares, Inc.; Acquisition of Bank

Schreiner Bancshares, Inc., Kerrville, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Ingram State Bank, Ingram, Texas and First National Bank, Boerne, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34822 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Preston State Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34827 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Stone City Bancshares; Formation of Bank Holding Company

Stone City Bancshares, Bedford, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.7 per cent of the voting shares of Stone City Bank of Bedford, Bedford, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34823 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Suncoast Bancorp, Inc.; Formation of Bank Holding Company

Suncoast Bancorp, Inc., Vero Beach, Florida, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Commercial Bank of Vero Beach, Vero Beach, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34824 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancorp, Inc.; Formation of Bank Holding Company

Valley Bancorp, Inc., El Paso, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Valley Bank of El Paso, El Paso, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C.1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34820 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than December 26, 1981.

A. **Federal Reserve Bank of New York, New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York 10045:

1. *Barclays Bank Limited* and its subsidiary, *Barclays Bank International Limited,* each a bank holding company whose principal office is in London, England (commercial finance; Florida): To engage through their subsidiary, Barclays American/Business Credit, Inc. ("BA/BCI"), from an office located in Tampa, Florida, in commercial finance by making secured loans to small and medium size businesses, serving the State of Florida. This notification is for the relocation of an existing office in Tampa, Florida.

2. *The Chase Manhattan Corporation,* New York, New York (mortgage banking and related lending activities; New Jersey and Pennsylvania): To make or acquire, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties; to service loans and other exensions of credit for any person; to sell mortgage loans in the secondary market; and to offer mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office of the Chase Home Mortgage Corporation located in the area of Green Tree

Executive Campus, Marlton, New Jersey 08053, and will serve central and southern New Jersey and the Philadelphia, Pennsylania areas.

3. *The Chase Manhattan Corporation,* New York, New York (mortgage banking and related lending and insurance activities; Virginia and Washington, D.C.): To make or acquire, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including, but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties; to service loans and other extensions of credit for any person; to sell mortgage loans in the secondary market; and to offer mortgage term life insurace, accident and health insurance directly related to such lending and servicing activities. These activities will be conducted from an office of the Chase Home Mortgage Corporation located in Annandale, Virginia 22003, and will serve NorthernVirginia and Washington D.C.

B. **Federal Reserve Bank of Cleveland** (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Pittsburgh National Corporation,* Pittsburgh, Pennsylvania (mortgage banking and insurance activities; California): To engage through its subsidiary, The Kissell Company, in making acquiring and serving loans and other extensions of credit secured by real estate mortgages; and acting as an agent in the sale of accident and health insurance and mortgage redemption life insurance in connection with mortgages made or serviced. These activities will be conducted from an office in La Mesa, California, servicing San Diego and Imperial counties in California.

2. *Toledo Trustcorp, Inc.,* Toledo, Ohio (investment and financial advisor activities, Ohio and Wisconsin): To engage through its subsidiary, SeaGate Capital Management Company, in providing investment, economic and financial advice to individuals, corporations and other entities. These activities would be conducted from an office in Toledo, Ohio, serving Ohio and Wisconsin.

C. **Other Federal Reserve Banks.** None.

Board of Governors of the Federal Reserve System, November 27, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34849 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 29, 1981.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First National Boston Corporation,* Boston, Massachusetts, (trust activities, Florida): A bank holding company, to engage, through a subsidiary, Old Colony Trust Company of Southwest Florida, N.A. ("OCTC"), in the full range of functions or activities which may be performed or carried on by a trust company, including activities of an agency, custodial, fidiciary, and investment advisory nature in accordance with Section 225.4(a)(4) of Federal Reserve Regulation Y (12 CFR 225.4(a)(4)). These activities will be performed by OCTC from an office to be located in Sarasota, Florida, serving the western half of the State of Florida.

2. *First National Boston Corporation,* Boston, Massachusetts, (trust activities of Florida): To engage through a subsidiary Old Colony Trust Company of Southeast Florida, N.A. ("OCTC"), in the full range of functions or activities which may be performed or carried on by a trust company, including activities of an agency, custodial, fidicuary, and investment advisory nature in accordance with Section 225.4(a)(4) of Federal Reserve Regulation Y (12 CFR 225.4(a)(4)). These activities will be performed by OCTC from an office to be located in Deerfield Beach, Florida, serving the eastern half of the State of Florida.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (mortgage banking, finance company, commercial and consumer credit card company leasing and credit life, accident and health insurance activities; Pennsylvania): To engage, through its subsidiary, Homeowners Loan Corporation, in the following activities: engaging generally in the business of a mortgage banker, mortgage broker and mortgage servicing firm, including but not limited to second mortgage financing; originating, buying, selling and otherwise dealing in mortgage loans as principal or agent; servicing mortgage loans for affiliated or nonaffiliated entities; acting as adviser in mortgage loan and second mortgage loan transactions; making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a credit card company; engaging generally in the business of leasing personal property, including but not limited to the leasing of various types of equipment and data processing equipment; originating, buying, selling or otherwise dealing in consumer finance paper, sales finance paper, credit card receivables and personal property leases as principal or agent; servicing consumer finance, sales finance and credit card receivables, and personal property leases for affiliated or nonaffiliated entities; and engaging in the sale as agent of credit life, credit disability, credit accident and health, loan redemption and loan cancellation insurance in connection with extensions of credit by bank and nonbank subsidiaries of the holding company (loan redemption and loan cancellation insurance will be limited to decreasing term policies and will not include level term policies). Such activities will be conducted at an office at 1469 Beers

School Road, Coraopolis, Pennsylvania, serving the State of Pennsylvania. Comments on this application must be received not later than December 21, 1981.

2. *Southern Bancorporation, Inc.*, Greenville, South Carolina (consumer finance; Oklahoma): To engage through its subsidiary World Acceptance Corporation in making extensions of credit as a licensed consumer finance lender. This activity would be conducted from an office in Okmulgee, Oklahoma, and would serve Okmulgee and certain other portions of the country.

C. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 350 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Industrial National Corporation*, Providence, Rhode Island (consumer finance and insurance activities; Illinois, Iowa): To engage *de novo* through activities and insurance agency activities involving the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office located in Moline, Illinois serving the following Illinois counties: Bureau, Carroll, Henderson, Henry, Knox, Lee, Marshall, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, Whiteside and Woodford; and the following Iowa counties: Cedar, Clinton, Louisa, Muscatine and Scott.

2. *Industrial National Corporation*, Providence, Rhode Island (consumer finance and insurance activities; Minnesota): To engage *de novo* through its indirect subsidiary, Mortgage Associates, Inc., in consumer finance activities and insurance agency activities involving the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office located in Bloomington, Minnesota serving the State of Minnesota and the following Wisconsin counties: Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eaw Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau and Washburn.

3. *Northwest Bancorporation*, Minneapolis, Minnesota (insurance underwriting activities; Iowa): To engage, through its subsidiary, Banco Credit Life, in underwriting, as reinsurer, credit life and disability insurance made available in connection with extensions of credit by its Iowa subsidiaries of Northwest Bancorporation. Such insurance will be directly underwritten by an insurer or insurers qualified to underwrite in Iowa, and will therefore be assigned or ceded to Banco Credit Life. These activities will be conducted from an office of Northwest Bancorporation in Minneapolis, Minnesota, serving the State of Iowa.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

First Interstate Bancorp, Los Angeles, California (commercial finance activities; western United States): To engage, through its subsidiary First Interstate Commercial Corporation, in making or acquiring loans and other extensions of credit such as commercial loans secured by a borrower's inventory, accounts receivable, or other assets and servicing loans. These activities would be conducted from offices in Portland, Oregon and Denver, Colorado, serving California, Oregon, Washington, Idaho, Utah, Montana, New Mexico, Arizona, Colorado, Wyoming, Nevada, Illinois and Texas.

2. *Canadian Commercial Bank*, Edmonton, Alberta, Canada, and *CCB Bancorp, Inc.*, Los Angeles, California (mortgage banking, loan servicing, leasing, investment adviser, and real estate appraisal activities; United States): To engage through its subsidiary, CCB Realty Services Corporation (CCBRSC), in the activities of making, acquiring, advising and servicing, for the account of CCBRSC and for the account of others, real estate loans and other extensions of credit; leasing real property where such leases would serve as the functional equivalent of extensions of credit; and performing real estate appraisal services; and, through CCBRSC's wholly-owned subsidiary, CCB Realty Advisory Services Corporation, (CCBRASC), in the activity of acting as adviser to a real estate investment trust, or a corporation serving the functionally equivalent purpose as a REIT and other investors. These activities would be conducted from an office in Los Angeles, California, serving the entire United States.

3. *Canadian Commercial Bank*, Edmonton, Alberta, Canada, and *CCB Bancorp, Inc.*, Los Angeles, California (commercial finance, servicing, and leasing activities; United States): To engage through their subsidiary, CCB Commercial Finance Corporation, in the activities of making, acquiring, and servicing, for the account of CCB Commercial Finance Corporation and the account of others, loans and other extensions of credit; purchasing conditional installment sales finance contracts; and leasing real and personal property where such leases would serve as the functional equivalent of extensions of credit. These activities would be conducted from an office in Los Angeles, California, serving the entire United States.

E. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34850 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Central Bancorporation, et al.; Acquisition of Bank

Central Bancorporation, Central Colorado Company, and C.C.B., Inc., all of Denver, Colorado, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank in Battlement Mesa, Battlement Mesa, Colorado. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank to be received not later than December 29, 1981. Any comment on the applications that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34841 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Citadel Bancorporation; Formation of Bank Holding Company

Citadel Bancorporation, Colorado Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.5 percent of the voting shares of The Citadel Bank, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34844 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Clearwater Home State Bancshares; Formation of Bank Holding Company

Clearwater Home State Bancshares, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Home State Bank of Clearwater, Clearwater, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.

Assistant Secretarty of the Board.

[FR Doc. 81-34845 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

County Bankshares, Inc.; Formation of Bank Holding Company

County Bankshares, Inc., Blue Island, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Heritage/County Bank and Trust Company, Blue Island, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34842 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Merchants Bancorporation; Formation of Bank Holding Company

Merchants Bancorporation, Hanceville, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Merchants Bank, Hanceville, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34846 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to The Mercantile National Bank of Corpus Christi, Corpus Christi, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34847 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

TB&T Bancshares, Inc.; Formation of Bank Holding Company

TB&T Bancshares, Inc., Brownsville, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81 percent, less directors' qualifying shares, of the voting shares of Texas Bank & Trust of Brownsville, Brownsville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34846 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Yip Financial Investment, Ltd., et al.; Formation of Bank Holding Company

Yip Financial Investment, Ltd., Hong Kong, B.C.C.; Yip Bancorporation, N.V., Netherlands Antilles; Yip Bancorp, San Francisco, California; and Chung Hwa Bancorp, San Francisco, California, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 100 percent of the voting shares, less directors' qualifying shares, of Commercial Bank of San Francisco, San Francisco, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 29, 1981. Any comment on the applications that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34843 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 143]

Chesapeake & Potomac Telephone Co. of Maryland, Maryland Public Service Commission; Proposed Intervention in Telecommunications Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Maryland Public Service Commission concerning the application of The Chesapeake and Potomac Telephone Company of Maryland for an increase in telecommunications rates. GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Charles V. Curcio, Assistant General Counsel, Automated Data & Telecommunications Division, General Services Administration, Washington, D.C. (mailing address: General Services Administration (LX), 18th & F Streets N.W., Washington, D.C. 20405, telephone 202-566-1156), on or before January 4, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34796 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-25-M

[E-81-30]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the North Dakota Public Service Commission involving natural gas rates, Docket No. 10,280.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the North Dakota Public Service Commission involving the application of the Montana-Dakota Utilities Company for an increase in its natural gas rates in Docket No. 10,280.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34798 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-29]

Delegation of Authority to the Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Missouri Public Service Commission involving electric rates, Case ER-82-66.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(A)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Missouri Public Service Commission involving the application of the Kansas City Power and Light Company for an increase in its electric rates in Case ER-82-66.

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b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Energy filings.

Dated: November 20, 1981

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34797 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AM-M

[Intervention Notice 142]

Potomac Electric Power Co., Public Service Commission of Maryland; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Service Commission of Maryland concerning the application of the Potomac Electric Power Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert A. Vicchiolla, Assistant General Counsel, Office of General Counsel (LT), General Services Administration, 425 Eye Street, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20406), telephone 202-275-6101, on or before January 4, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34795 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Notices of Open Meetings

Correction

In FR Doc. 81-34451, published at page 58367, on Tuesday, December 1, 1981, on page 58368, in the first column, in the second "Date:" paragraph, in the second line "p.m." should be corrected to read "a.m."

BILLING CODE 1505-01-M

Advisory Committees; Notice of Agenda Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing an additional agenda item for a meeting of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel (the Section) scheduled for December 14 and 15, 1981. On December 15, the Section will discuss in open session investigational device exemption and institutional review board regulations as they apply to contact lens studies. The meeting of December 14 and 15 was announced by a notice in the **Federal Register** of November 13, 1981 (46 FR 56052).

FOR FURTHER INFORMATION CONTACT: Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34657 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81D-0300]

Antimicrobial Drugs for Intramammary Infusion; Availability of Proposed Guideline; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; availability of proposed guideline; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the time for submitting comments on a proposed revised guideline concerning the evaluation of antimicrobial drugs for intramammary infusion (infectious bovine mastitis) as related to target animal safety and effectiveness.

DATE: Comments by February 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3450.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 9, 1981 (46 FR 50152), FDA announced the availability of a proposed revised guideline (last revised in 1973) that describes the types of studies needed to establish target animal safety and effectiveness of antimicrobial drugs for intramammary infusion for treatment and control of infectious bovine mastitis. The agency invited submission of written comments on or before December 7, 1981.

In a letter dated November 3, 1981 (on file with the Dockets Management Branch), the Animal Health Institute (AHI) requested that FDA extend the comment period for an additional 60 days. AHI asserted that it needs more time to prepare adequate comments. The agency concludes that additional time for submission of comments is appropriate.

Interested persons may submit written comments on the proposed revision to the guideline to the Dockets Management Branch (address above) on or before February 5, 1982. Respondents should submit two copies (except that individuals may submit one copy) identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34661 Filed 11-30-81; 11:25 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0357]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Calgon Corp. has filed a petition

proposing that the food additive regulations be amended to provide for the safe use of polydimethyldiallyl ammonium chloride as a coagulant aid in the clarification of water used in the manufacture of food-contact paper and paperboard.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 8B3372) has been filed by Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of polydimethyldiallyl ammonium chloride as a coagulant aid in the clarification of water used in the manufacture of food-contact paper and paperboard.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting the document may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–34452 Filed 12–3–81; 8:45 am]
BILLING CODE 4160–01–M

[Docket No. 81M–0358]

Ciba Vision Care; Premarket Approval of Ciba Vision Care Salt Tablets

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Ciba Vision Care Salt Tablets for all soft (hydrophilic) contact lenses, sponsored by Ciba Vision Care, Atlanta, GA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 10, 1981, Ciba Vision Care, Atlanta, GA, submitted to FDA an application for premarket approval of the Ciba Vision Care Salt Tablets for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On November 5, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Ciba Vision Care Salt Tablets states that the tablets are intended for the preparation of normal saline solution for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution or new salt tablets for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will

publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34660 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81C-0353]

Colgate-Palmolive Co.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Colgate-Palmolive Co. has filed a petition proposing to amend the color additive regulations to provide for the safe use of External D&C Yellow No. 5 as a color additive in drug and/or cosmetic toilet soaps.

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition (CAP 0C0149) has been filed by Colgate-Palmolive Co., 300 Park Ave., New York, NY 10022, proposing that Part 74 (21 CFR Part 74) be amended to provide for the safe use of External D&C Yellow No. 5 as a color additive in drug and/or cosmetic toilet soaps.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-34458 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0375]

Ethicon, Inc.; Premarket Approval of PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Clear)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Clear) sponsored by Ethicon, Inc., Somerville, NJ 08876. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7745.

SUPPLEMENTARY INFORMATION: On October 5, 1979, Ethicon, Inc., Somerville, NJ 08876, submitted to FDA an application for premarket approval of the PDSS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Clear), intended for use as absorbable sutures and ligatures, particularly where the combination of an absorbable suture and extended wound support (up to 6 weeks) is desirable. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 13, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 27, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34655 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

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[Docket No. 81M-0374]

Ethicon, Inc.; Premarket Approval of PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Dyed)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Dyed) sponsored by Ethicon, Inc., Somerville, NJ 08876. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On June 18, 1979, Ethicon Inc., Somerville, NJ 08876, submitted to FDA an application for premarket approval of the PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Dyed), intended for use as absorbable sutures and ligatures, particularly where the combination of an absorbable suture and extended wound support (up to 6 weeks) is desirable. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 13, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21) U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 27, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34654 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0308]

L. D. Caulk Co.; Premarket Approval of Omniplastic™ Bone Cement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Omniplastic™ Bone Cement sponsored by the L. D. Caulk Co., Milford, DE. After reviewing the recommendation of the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On February 27, 1981, the L. D. Caulk Co., Milford, DE, submitted to FDA an application for premarket approval of the Omniplastic™ Bone Cement. The application was reviewed by the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On September 16, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection in the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the

application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 25, 1981.

Williams F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34656 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0354]

Magnesium Elektron, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Magnesium Elektron, Inc., has filed a petition proposing to amend the food additive regulations regarding components of paper and paperboard in contact with aqueous and fatty foods.

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3317) has been filed by Magnesium Elektron, Inc., Star Route A, Box 202-1, Flemington, NJ 08822, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of ammonium zirconium carbonate and its tartaric acid adduct as insolubilizers for the binders used in coatings for paper and paperboard in contact with aqueous and fatty foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-34453 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0345]

Reynolds Metals Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Reynolds Metals Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of high-temperature laminates under expanded use conditions.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3586) has been filed by Reynolds Metals Co., 6603 W. Broad St., Richmond, VA 23261, proposing that § 177.1390 *High-temperature laminates* (21 CFR 177.1390) be amended to provide for the safe use of high-temperature laminates (including retortable pouches) identified in § 177.1390(c) under the following extended use conditions: (1) increase the maximum processing temperature by 25° F (13.9° C) to 275° F (135° C) and (2) extend the use of these liminates to packaging alcoholic foods containing no more than 8 percent ethanol.

The potential environmental impact of this action is being reviewed. If the agency finds that an enviornmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-34454 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0257]

Studies of Effects of Marketed Drugs; Cooperative Agreements; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration is correcting the generic name of a drug that was inadvertently listed by the registered trademark in the notice regarding studies of effects of marketed drugs published in the **Federal Register** of October 6, 1981 (46 FR 49206).

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Judith K. Jones, Bureau of Drugs (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4580.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 81-28977 appearing at page 49206 in the issue of Tuesday, October 6, 1981: On page 49209 in the second column under the heading "COMMON OTC DRUGS," the word "neosynephrine" is corrected to read "phenylephrine."

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34658 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0359]

Vitarine Co., Inc.; Premarket Approval of the Vitarine System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of The Vitarine System for all soft contact

lenses, sponsored by The Vitarine Co., Inc., Springfield Gardens, NY. The Virarine System is intended for use in the preparation of normal saline solution to be used in heat disinfection of all soft contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On May 22, 1981, The Vitarine Co., Inc., Springfield Gardens, NY, submitted to FDA an application for premarket approval of The Vitarine System for all soft contact lenses. The application was reviewed by the ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 5, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of The Vitarine System states that the solution prepared from the salt tablets is intended to make normal saline solution for use in heat disinfection of all soft contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–34658 Filed 12–3–81; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81G–0282]

UOP, Inc.; Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 81–32938, appearing at page 56505, in the issue of Tuesday, November 17, 1981, make the following change:

On page 56505, in the third column, in the eighth line in the "SUMMARY:" paragraph change "is merase" to "isomerase".

BILLING CODE 1501–01–M

[Docket No. 81M–0347]

Dow Corning Ophthalmics, Inco; Premarket Approval of SILCON® (Silafilcon A) Contact Lens

Correction

In FR Doc. 81–33110, appearing on page 57134, of the issue of Friday, November 20, 1981, make the following correction:

In the heading, "Summary" paragraph, and "Supplementary Information" paragraph, the word "Silcon" should

have read "SILCON®," each time it appeared.

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-82-1102]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the routine use of a system of records.

EFFECTIVE DATE: The amendment shall become effective without further notice on January 4, 1982 unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–5336. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Department is adding Internal Revenue Service to the routine uses section of the Accounting Records (HUD/DEPT–2) system of records to permit the Department to obtain the addresses of former mortgagors to whom the Department owes distributive shares, but whom the Department cannot otherwise locate for the purpose of making payment of the shares. Additionally, the Department is adding a HUD contractor to service the assigned mortgage notes to the routine uses section to permit the Department to use contractual support in the servicing of assigned mortgage notes. These additions do not require the submission on a Report of a New System since they are compatible with the purpose for which the system is maintained.

The words "to obtain current mailing address" and "HUD contractor-for mortgage note servicing" have been added to the routine uses section of the notice. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of HUD's Field Offices was published at 46 FR 54914 (November 4, 1981). Previously, the system was published at 46 FR 54879 (November 4, 1981). The notice is published below in its entirety, as amended.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., November 25, 1981.

Judith L. Tardy,

Assistant Secretary for Administration.

HUD/DEPT—2

SYSTEM NAME:

Accounting Records

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addressess, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; individuals within Disaster Assistance Programs; builders, developers, contractors, and appraisers; individuals writing to the Department; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagors and purchasers of HUD-owned properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease and loan collection register; schedules of payments receivable and received; premiums due; claim files and fee billing statements; escrow and Certificates of Deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund; area managers' accounting records; restitution, maintenance, and market expenses; distributive shares records; salary; savings bonds; bills of lading; vouchers; invoices; receipts; cancelled checks; mortgages, builders and contractors financial statements, records and audit reports; requests for termination of home mortgage insurance; deposit and receipt records; detailed accounting reports concerning diversified payments, disbursements, and cancelled checks; repurchases of mortgages; adjustments from recoveries, manual adjustments, and defaults; acquired home property records; sales closing papers; statements of accounts; tax records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

See 113 of the Budget and Accounting Act of 1950 31 U.S.C. 66a. (Pub. L. 81–784).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Users paragraphs in prefatory statement. Other routine uses: U.S. Treasury—for disbursements and adjustments thereof: Internal Revenue Service—for reporting of sales commissions and to obtain current mailing address; General Accounting Office, General Services Administration, Department of Labor, Local housing authorities, and taxing authorities—for audit, accounting and financial reference purposes; mortgagee lenders—for accounting and financial reference purposes; HUD contractor—for mortgage note servicing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Desks; safes; locked filing cabinets; central files; book cases; ledger trays and binders; tables; magnetic tape/disc/drum.

RETRIEVABILITY:

By Social Security number; name; case file number; schedule number; audit number; control number; receipt number; voucher number; contract number; address.

SAFEGUARDS:

Security checks, limited authorization and access, security guards; computer records are maintained in secure areas with access limited to authorized personnel and technical restraints employed with regard to accessing the records.

RETENTION AND DISPOSAL:

GSA schedules of retention and disposal; destruction after six months; transfer to either a Federal Records Center or Archives.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Finance and Accounting, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURE:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is

required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Department Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD: Federal and non-federal governmental agencies; HUD personnel.

[FR Doc. 81-34786 Filed 12-3-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meetings on Commercial Harvest of Anadromous Fish on Hoopa Valley Indian Reservation, Calif.; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public scoping meetings; correction.

SUMMARY: This document corrects a notice of public scoping meetings on the commercial harvest of anadromous fish on the Hoopa Valley Indian Reservation, California that appeared at pages 56057 and 56058 in the **Federal Register** of November 13, 1981, 46 FR56057-56058. This action is necessary to correct omissions of time and place of scoping meetings.

FOR FURTHER INFORMATION CONTACT: Donald B. Knapp, Natural Resources Specialist, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4391.

The following corrections are made in FR Doc. 81-32761 appearing on page 56057 in the issue of November 13, 1981:

1. On page 56057, third column, third paragraph, "Crescent, California" is corrected to read "Crecsent City, California."

2. On page 56057, third column, fifth paragraph, "Wednesday, December 9, 1981, Bureau of Indian Affairs" is corrected to read "Wednesday, December 9, 1981, 1:00 p.m. and 7:00 p.m., Bureau of Indian Affairs."

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: November 30, 1981.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 81-34800 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Reclamation

[INT-DES81-50]

Water Allocations and Water Service Contracting, Central Arizona Project, Arizona; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Central Arizona Project (CAP) water allocations and its associated contracting activities for the delivery of project water. The Secretary of the Interior, who has sole and legal responsibility for allocating CAP waters, announced on November 12, 1981, his "proposed action" on the CAP dealing with water allocations. This proposed allocation for CAP water is consistent with the intent of this environmental statement which considers a range of alternatives and the resulting environmental impacts that would encompass the overall allocation ultimately made by the Secretary. A final allocation of CAP water is required so that identified CAP users may design and construct the facilities required to treat and deliver the CAP water to the point of use.

Copies of the statement and the appendix are available for inspection at the following locations:

Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, Room 7622, Washington, DC 20240, Telephone (202) 343-4991

Library Branch, Division of Management Support, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019

Office of the Regional Director, Bureau of Reclamation, Nevada Highway and Park Street, Boulder City, NV 89005, Telephone (702) 293-8411

Arizona Projects Office, Bureau of Reclamation, Suite 2200 Valley Center, 201 North Central Avenue, Phoenix, AZ 85073, Telephone (602) 261-3577

Libraries

Phoenix City Library, 12 East McDowell Road, Phoenix, AZ 85004

Tucson City Library, 200 South 6th Avenue, Tucson, AZ 85701

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director at the addresses listed above at no charge. Please refer to the statement number above.

Written comments on the draft statement may be submitted to the Regional Director on or before January 29, 1982.

Dated: December 1, 1981.

Bruce Blanchard,

Director, Enviromental Project Review.

[FR Doc. 81-34856 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

Favorable Petroleum Geological Provinces—Alaska

AGENCY: Geological Survey, Interior.

ACTION: Notice of the procedures for classifying and designating certain lands in the State of Alaska as favorable petroleum geological provinces (FPGP's).

SUMMARY: Classification will be made by the Director, USGS, based on a technical evaluation of direct or indirect geologic evidence. Three areas are initially being designated as FPGP's pursuant to section 1008 of the Alaska National Interest Lands Conservation Act (ANILCA). They are: the Cook Inlet Tertiary Onshore Province, the Gulf of Alaska Tertiary Onshore Province, and the Cape Lisburne Province. The provinces designated initially are those in which exploratory drilling has resulted in the actual discovery of oil or gas. Other onshore provinces in Alaska not affected by this action will be designated as FPGP's if oil or gas is discovered therein, or whenever the Director of the U.S. Geological Survey (USGS) determines that oil and gas discoveries on lands within undesignated provinces are highly probable, after evaluating new geological, geophysical, and/or drilling data. This action is a preliminary step in the Department's planning process leading to the opening of applicable

onshore Federal lands in the State of Alaska to oil and gas leasing pursuant to section 1008 of ANILCA and does not represent a decision to lease any particular lands.

Maps depicting the designated FPGP's are available from the USGS Regional Conservation Manager, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT:

Mr. Joe Jones, Regional Conservation Manager, 800 A Street, P.O. Box 259, Anchorage, Alaska 99510 (907–217–4463) or Mr. Larry P. Bauer, Branch of Fluid Minerals Management, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092 (703–860–7535).

SUPPLEMENTARY INFORMATION:

Background Information

Under section 1008 of the ANILCA, the Secretary of the Interior is directed to establish an oil and gas leasing program for applicable Federal lands in the State of Alaska pursuant to the Mineral Leasing Act (MLA) of 1920, as modified by ANILCA. Excluded from this program are lands in the National Petroleum Reserve—Alaska (NPR–A) and lands being studied under sections 1001 and 1002 of ANILCA. On March 12, 1981, the Secretary announced his intentions to move expeditiously in implementing this program and has directed that a schedule be developed which will permit competitive and/or noncompetitive leasing within the next 2 years.

The process set forth in section 1008 is under way. Expressions of interest have been requested and analyzed; applications are being accepted for conducting geophysical surveys, consultation has been initiated and will continue, and the available geological and geophysical data, including oil and gas studies, have been evaluated. Based on a Bureau of Land Management call for expressions of interest and the public response to that notice, the Department has determined that sufficient interest has been indicated in exploring areas for oil and gas under section 1008(c) of ANILCA.

This determination of interest begins the leasing process and the designation of FPGP's is the next step in the Department's overall planning process under section 1008(c) for making available areas for leasing. This Notice sets forth the criteria and procedures used to classify lands in the State of Alaska and designates three provinces initially.

Criteria and Procedures

Criteria: While the FPGP nomenclature is new, the prupose of the FPGP classification is similar to that of the Known Geologic Structures (KGS's) classification under the Mineral Leasing Act, i.e., the purpose of these classifications is to identify which lands are to be leased competitively. However, the criteria to be applied in making these two classification actions are different. The KGS classification applies to the immediate structure of a known producing or producible oil and gas field. The FPGP classification applies to a total province encompassing many possible specific structures or traps, and does not necessarily require the past or present existence of a producing or producible well.

Designations will be made on the basis of direct or indirect evidence. Direct evidence is the actual discovery of oil and gas. In classifying lands on the basis of indirect evidence, the Director of USGS must be convinced, based on a technical evaluation of available geologic, geophysical, and/or drilling data that there is a high probability that oil or gas will be discovered within the province.

Procedures: The Director of the USGS shall be responsible for classifying and designating lands as favorable petroleum geologic province. Designation shall be effected through publication of a Notice in the Federal Register.

The designations set forth in this Notice serve as initial designations. Whenever an oil and/or gas discovery is made hereafter within an undesignated province or available data indicate a high probability for such a discovery in that province and the appropriate classification action taken. Newly available geological and geophysical data, as well as the information contributed by unsuccessful oil and gas tests, will be evaluated periodically to ensure timely classification actions on the basis of indirect evidence.

Classification and Designation

For the purposes of section 1008 of ANILCA, the Geological Survey has divided the onshore sedimentary basins in Alaska into 14 provinces.

They are:

Alaska Peninsula Province
Bristol Basin Onshore Province
Brooks Range Province
Cape Lisburne Province[1]
Cook Inlet Onshore Mesozoic Province
Cook Inlet Onshore Tertiary Province[1]
Copper River Basin Province
Gulf of Alaska Onshore Tertiary Province[1]
Hope Basin Onshore Province
Interior Lowlands Province
Kodak Island Province
Southeastern Alaska Province
Yukon-Koyukuk Basins Province
Yukon-Porcupine Basins Province

The division of the onshore areas in Alaska into the above provinces is a judgment that was made on the basis of currently available geologic and geophysical data and in light of the purposes of section 1008 of ANILCA. The provinces delineated for the purposes of section 1008 differ, however, from provinces used by the USGS for resources assessment purposes because the objectives and purposes of classification and assessment are not synonymous, i.e., identification of areas, specifically Federal lands, subject to competitive leasing as opposed to estimating the overall oil and gas resources potential of a particular region. The list of provinces subject to designation as FPFG's may be revised or the boundaries of established provinces adjusted as new information becomes available.

In assessing each of the provinces identified above as to whether they should be designated as FPGP's at this time, the available geologic, geophysical, and drilling data, as well as the exploration history of each province, were evaluated separately. Indirect evidence developed through prior studies and other available indirect evidence were evaluated. The Director concluded, based on a geologic evaluation, that there is a less than high probability for the discovery of oil and gas in those provinces where actual discoveries have not been made. Until more conclusive evidence is developed, we are limiting the initial designations to those areas in which actual discoveries have been made. Discoveries have been made in three provinces. They are: Cape Lisburne Province, Cook Inlet Tertiary Onshore Province; and the Gulf of Alaska Tertiary Onshore Province. The Cook Inlet Onshore Tertiary Province contains 2 oil fields and 12 gas fields. This province also extends offshore where drilling has resulted in the discovery of 5 oil fields and 3 gas fields. The Gulf of Alaska Onshore Tertiary Province includes the Katalla field which is the site of Alaska's first oil production. The field produced 154,000 barrels of iol from 1902 until 1933, when the wells were shut in. Other wells drilled within this province have had oil shows. The Cape Lisburne Province is that portion of the North Slope west of

[1] Provinces herein designated as FPGP's.

the National Petroleum Reserve—Alaska. The eastward extension of this Province contains the giant Prudhoe Bay oil field, the Kuparuk oil field, the Barrow gas fields, and an oil field at Umiat.

Based on the foregoing, the following provinces are hereby designated as favorable petroleum geological provinces:

Cape Lisburne Province
Cook Inlet Tertiary Onshore Province
Gulf of Alaska Tertiary Onshore Province

Maps identifying these areas are available from the USGS Regional Conservation Manager in Anchorage, Alaska. A description of the lands included in these specific areas is on file in that office.

Additional designations will be made as a result of new discoveries or if an analysis of new data indicates that exploration of the province has a high probability for discovery.

This action is being taken as part of the Department's overall planning process for opening applicable Federal lands in the State of Alaska for oil or gas leasing and does not represent a decision to lease any particular lands, whether or not designated in this notice. Separate announcements will be issued subsequently by the Bureau of Land Management inviting applications for the leasing of applicable Federal lands. Prior to that action, additional consultation will be effected with applicable groups as identified in section 1008 of ANILCA.

Dated: November 30, 1981.

Dallas L. Peck,

Director.

[FR Doc. 81-34792 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-10-M

National Park Service

[FEIS-81-52]

Lincoln Boyhood National Memorial, Indiana; Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371, et seq.), the National Park Service, U.S. Department of the Interior has prepared a Final Environmental Impact Statement for the General Management Plan for Lincoln Boyhood National Memorial.

In the proposal, the intent to relocate certain intrusive roads and parking areas; place utilities underground; conduct an interpretive program; and designate the area an historic zone is discussed. Two alternatives are considered: Continuation of the existing situation (No Action) and the Draft Plan Alternative, which would provide more extensive development.

A limited number of copies of the combination General Management Plan/Final Environmental Impact Statement are available upon request to the Superintendent, Lincoln Boyhood National Memorial, Lincoln City, Indiana 47552, telephone 812/937-4757.

Public reading copies will be available for review at the memorial at the above address and at:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, Telephone 202/343-6843
Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, Telephone 402/864-3431

Dated: November 24, 1981.

J. Dunning,

Regional Director.

[FR Doc. 81-34878 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions National Historical Park, Bexar County, Tex.; Availability of Draft General Management Plan/Development Concept Plan and Finding of No Significant Impact

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared a Finding of No Significant Impact for the Draft General Management Plan/Development Concept Plan for San Antonio Missions National Historical Park, Bexar County, Texas.

The Environmental Assessment for the Draft General Management Plan/Development Concept Plan was distributed and made available by publication in the **Federal Register** of October 1, 1981, and a News Release in local news media sources.

A Finding of No Significant Impact has now been completed. Based on public review, input received, and on management objectives, a Draft General Management Plan has been formulated, which provides for visitor opportunities and resource protection of the historical park; and yet represents an intermediate level of development and cost.

Copies of the Finding of No Significant Impact are available at the following locations: San Antonio Missions National Historical Park, 727 East Durango, Room A612, San Antonio, Texas 78206; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

It is the conclusion of the National Park Service that the proposal is not a major Federal action that will significantly affect the human environment; therefore no environmental impact statement will be prepared.

Anyone wishing to provide comments on the Finding of No Significant Impact for the Draft General Management Plan/Development Concept Plan should provide them to the Superintendent, San Antonio Missions National Historical Park, at the address provided above, on or before January 4, 1982.

Following public review of the Finding of No Significant Impact, the final General Management Plan/Development Concept Plan will be prepared and implemented.

Dated: November 25, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-34877 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations; Correction

In the **Federal Register** issue of November 20, 1981 (46 FR 57143), Levi Strauss & Co. was listed as a parent corporation with one subsidiary—Santone Industries, Inc. That subsidiary should have been listed as an addition to Levi Strauss & Co.'s previous filing found in the issue of December 19, 1980 (45 FR 83683).

Whenever a parent corporation adds or deletes a subsidiary, it must file a complete updated notice, listing all wholly-owned subsidiaries which will participate in the operations. This is in accordance with 49 CFR 1136.4(a) and (c), Change(s) in participation in intercorporate hauling.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34907 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Asamera Oil (U.S.) Inc., 3333 Quebec Street, Suite 5000, Denver, Colorado 80207 (mailing address: Asamera Oil (U.S.) Inc., P.O. Box 118, Denver, Colorado 80201).

2. Wholly-owned subsidiary which will participate in the operation and State of incorporation: (i) Asamera Petroleum Corporation/Colorado.

1. My name is Ronald L. Brink and my business address is 3904 Broadway, Quincy, IL 62301. I own 100% of the stock of the subsidiaries named below.

2. The wholly-owned subsidiaries that will participate in the operations, and their states of incorporation are as follows:

(a) Hollembeak Construction Co., P.O. Box 733, 4600 North 24 Street, Quincy, IL 62306. Hollembeak Construction Co. is an Iowa corporation incorporated in 1967.

(b) R. L. Brink Corp., P.O. Box 587, 4600 North 24 Street, Quincy, IL 62306. R. L. Brink Corp. is an Illinois corporation incorporated in 1980.

(c) Thompson, Inc., 3904 Broadway, Quincy, IL 62301. Thompson, Inc. is an Illinois corporation, incorporated in 1954.

1. Parent Corporation: Caldwell Implement Company, Inc., Box 295, Burlington, Kansas 66839.

2. Wholly-owned subsidiary which will participate in the operations: Caldwell's Inc., West 24 Highway, Topeka, Kansas 66608.

Incorporated in the state of Kansas.

1. Parent corporation and address of principal office: The Echlin Manufacturing Company, 100 Double Beach Road, Branford, Connecticut 06405.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Ace Electric Company, Inc., Highway 69 South, P.O. Box 151, Columbus, Kansas 66725.

(b) Automotive Controls Corp., Echlin Road and U.S. Route 1, Branford, Connecticut 06405.

(c) Ballwin-Washington Inc., Old Ballwin Road, Ballwin, Missouri 63011.

(d) Blackstone Manufacturing Co., Inc. 4630 West Harrison Street, Chicago, Illinois 60644.

(e) BWE Corporation, 11045 Gage Avenue, Franklin Park, Illinois 60131.

(f) Echlin International Sales, Inc., Echlin Road and U.S. Route 1, Branford, Connecticut 06405.

(g) Echlin Canada Inc., 500 Carlingview Drive, Rexdale, Ontario, Canada M9W 5H1.

(h) Echlin of Puerto Rico, Inc., Industrial Park, El Tuque, Ponce, Puerto Rico 00731.

(i) The Echlin Sales Company, Echlin Road and U.S. Route 1, Branford, Connecticut 06405.

(j) Kravex Manufacturing Corp., 300 W. Bristol Street, Philadelphia, Pennsylvania 19140.

(k) Lift Parts Mfg. Co., Inc., 333 East Touhy Avenue, Des Plaines, Illinois 60018.

(l) Mechanex Inc., 3773 South Jason Street, Englewood, Colorado 80110.

(m) Peerless Instrument Co., 6101 Grosse Point Road, Chicago, (Niles), Illinois 60648.

(n) Rōto-Master, Inc., 7101 Fair Avenue, North Hollywood, California 91605.

(o) Sierra Supply Company, 725 McKinley Avenue, P.O. Box 444, Litchfield, Illinois 62056.

(p) Tekonsha Engineering Company, 537 Church Street, Tekonsha, Michigan 49092.

1. Parent corporation and address of principal office: Florida Crushed Stone Company, 1616 South 14th Street, Leesburg, Florida 32748.

2. Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

(i) C. L. Industries, Inc., a Florida corporation.

(ii) Chemical Lime, Inc., a Florida corporation.

(iii) Kings Bay Sand Company, a Georgia corporation.

(iv) Tri-State Carriers, Inc., a Florida corporation.

(v) Montgomery Sand Co., a Georgia corporation.

(vi) Granite Panelwall, Inc., a Georgia corporation.

(vii) Azucar, Inc., a Florida corporation.

(1) Parent corporation and address of principal office: Nabisco Brands, Inc., 9 W. 57th St., New York, NY 10019.

(2) Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

a. All Brand Importers, Inc., 1 Hollow Lane, Lake Success, NY 11042.

b. American Distilled Spirits Co., Inc., 1 Hollow Lane, Lake Success, NY 11042.

c. Associated Products, Inc., 445 Park Ave., NYC 10022.

1) Everlon Fabrics Corp., 295 Fifth Ave., NYC 10016.

2) The Hervin Company, P.O. Box 309, Tualatin, OR 97062.

3) Hygiene Industries, 295 Fifth Ave., NYC 10016.

d. Clinton Corn Processing Co., Inc., 3 First National Plaza, Chicago, IL 60602.

e. De Leon Peanut Co., P.O. Box 747, Durant, OK 74701.

f. Fireside Food Products Co., East Hanover, NJ 07936.

g. Freezer Queen Foods, Inc., 2544 Clinton St., Buffalo, NY 14240.

h. Juliius Wile Sons & Co., Inc., 1 Hollow Lane, Lake Success, NY 11042.

i. Nabisco confections, Inc., 810 Main St., Cambridge, MA 02139.

j. Nabisco, Inc., East Hanover, NJ 07936.

k. National Peanut Corp., 625 Madison Ave., New York, NY 10022.

M. The J. B. Williams Co., Inc., 767 Fifth Ave., NYC 10022.

l. Standard Brands, Inc., 625 Madison Ave., New York, NY 10022.

1. Parent corporation and address of principal office: National Utilities & Industries Corporation, One Elizabethtown Plaza, Elizabeth, New Jersey 07207.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Elizabethtown Gas Company, a New Jersey Corporation.

(ii) Utility Propane Company, a New Jersey Corporation.

1. *Parent & Participator*—SKF Industries, Inc., 1100 First Avenue, King of Prussia, PA 19406.

2. *Participating Subsidiaries—State of Incorporation:*

(1) McQuay-Norris, Inc., Delaware.

(2) SKF Warehouses, Inc. Delaware.

(3) Bremen Bearing Corp., Delaware.

(4) SKF Textile Products, Inc., Delaware.

1. Parent Corporation: Ogden Corporation, 277 Park Ave., New York, NY 10017.

2. Wholly-owned subsidiaries and State of incorporation:

(A) Hain Pure Food Co., Inc., a California Corporation.

(B) Ogden Food Products Corporation, a Delaware Corpororation.

(a) Progresso Quality Foods Division.

(b) Tillie Lewis Foods Division.

(C) Ramirez & Feraud Chili Co., Inc., a California Corporation.

1. Parent corporation and address of principal office: Pechiney Ugine Kuhlmann Corporation, 825 Third Avenue, New York, NY 10022.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

a. Howmet Aluminum Corporation, 825 Third Avenue, New York, NY 10022.

b. Eastalco Share Inc., 475 Steamboat Road, Greenwich, CT 06830.

c. Howmet Culvert Corporation, 425 Edrudo Road, Vineland, NJ 08360.

d. Howmet Turbine Components Corporation, 825 Third Avenue, New York, NY 10022.

e. The New England Aircraft Products Company Spring Lane, Farmington, CT 06032.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34808 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-219]

New York Dock Railway-Abandonment-In Kings County, NY; Findings

The Commission has issued a certificate authorizing New York Dock Railway to abandon its 0.75 mile rail line at Fulton Terminal, extending from the railroad floatbridge on the East River near Port Authority Pier 4, south to the foot of Joralemon Street and north, along Furman Street to Fulton Street, in Kings County, NY. The certificate authorizing abandonment will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34809 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

[OPY-2-231A]

Motor Carriers; Permanent Authority; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: November 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-14724, filed October 27, 1981. MC-MOE-HAN TRUCKING CO., INC. (MC-MOR-HAN) (P.O. Box 368, Shullsburg, WI 53586)—CONTINUANCE IN CONTROL—KORTH TRANSFERS, INC. (KORTH) P.O. Box 247, Reedsburg, WI 53959). Representative: Donald B. Levine, 29 S. LaSalle St., Suite 905, Chicago, IL 60603. (312)-236-9375. Mc-Mor-Han seeks authority to continue in control of Korth upon the institution by Korth of operations, in interstate or foreign commerce, as a motor common carrier. Robert L. McCoy and Raymond M. Hanna, stockholders of Mc-Mor-Han, seek authority to acquire control of said rights through the transaction. Mc-Mor-Han is a carrier, and it controls GMC Motor Truck Sales, Inc., which holds authority issued by the Commission in MC-155774, which authorizes the transportation of metal products and building materials, over irregular routes, between points in Jones County, IA, on the one hand, and, on the other, points in the U.S. Such common control was approved in MC-F-14631.

Note.—Korth has filed, as a directly related application, its initial common carrier application. That application, docketed No. MC-159053, is published in this same **Federal Register** issue.

[FR Doc. 81-34810 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

[OPY-2-231]

Motor Carriers; Permanent Authority; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting

protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: November 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 159053, filed October 27, 1981. Applicant: KORTH TRANSFER, INC., P.O. Box 247, Reedsburg, WI 53959. Representative: Donald B. Levine, 29 S. LaSalle St., Suite 905, Chicago, IL 60603, 312–236–9375. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *food and related products*, in bulk, in tank vehicles, between points in Lee and Clinton Counties, IA, and Cook County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is directly-related to MC–F–14724, published in this same **Federal Register** issue.

[FR Doc. 81–34811 Filed 12–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49, CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–5–209

Decided: November 24, 1981.

MC 93318 (Sub–21), filed November 12, 1981. Applicant: JOE D. HUGHES, INC., P.O. Box 96469, Houston, TX 77013. Representative: J. Marshall Forsyth (same address as applicant), 713–678–1500. Transporting *Mercer commodities*, between points in ND and SD on the one hand, and, on the other, points in AL, CO, FL, GA, KS, LA, MS, MT, NM, OK, TX, UT, and WY.

MC 105159 (Sub–47), filed November 12, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*

between points in IA, IL, MO, OH, and WI, on the one hand, and, on the other, points in MO, OK, and TX.

MC 119399 (Sub-151), filed November 9, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64802. Representative: Keith R. McCoy (same address as applicant), 417–623–5229. Transporting *machinery* and *transportation equipment*, between Dallas, TX; Milwaukee, WI; and points in Lake and Knox Counties, IL; Rock and Waupecka Counties, WI; Lancaster County, NE; Orange County, CA; Dade County, FL; Fulton and DeKalb Counties, GA and Morris County, NJ; on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NY, NC, OH, OK, PA, SC, TN, TX, WV, and WI.

MC 121729 (Sub-4), filed November 12, 1981. Applicant: THERMO EXPRESS, INC., 17939 Lansome Road, Castro Valley, CA 94546. Representative: Gerald K. Gimmel, 4 Professional Drive, Gaithersburg, MD 20879, (301) 840–8565. Transporting *such commodities* as are dealt in by food and grocery houses, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 135598 (Sub-61), filed November 13, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 29 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S.

MC 148018 (Sub-8), filed November 13, 1981. Applicant: JAMES S. BATT, d.b.a BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Kevin M. Clark, 1003 No. 8th St., Suite 200, Boise, ID 83702, (208) 344–7714. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company of St. Louis, MO.

MC 153858 (Sub-2), filed November 9, 1981. Applicant: B. J.'S EXPRESS, INC., 3225 Swindell Road, Lakeland, FL 33805. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, (305) 869–5936. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, between points in Hillsborough County, FL, on the one hand, and, on the other, points in GA, AL, LA, AR, MS, NC, SC, TX, NE, TN, KY, and OH.

MC 155258 (Sub-1), filed November 12, 1981. Applicant: ALTON DELIVERY SERVICE, INC., 100 W. 43rd St., New York, NY 10036. Representative: John D. Heffner, 1776 K St., NW., Suite 700, Washington, D.C. 20006, (202) 296–0600. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Conde Nast Publications, Inc., of New York, NY.

MC 156568 (Sub-1), filed November 9, 1981. Applicant: 4–CITY TOURS, 18 Gayle St., Hampton, VA 23669. Representative: John Carlyn Christian (same address as applicant), (804) 722–4273. To operate as a *broker* at Hampton and Virginia Beach, VA, arranging the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Virginia Beach, Williamsburg, and Yorktown, VA, and points in York, James City, and Isle of Wight Counties, VA, and extending to points in the U.S. (except AK and HI).

MC 157689, filed October 16, 1981 previously noticed in **Federal Register** (republication) publication of November 10, 1981. Applicant: T & L EXPRESS, LTD., 1211 Majestic Way, Webster, NY 14580. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting (1) *food and related products*, (2) *pulp, paper and related products*, (3) *rubber and plastic products*, (4) *chemicals and related products*, (5) *metal products*, and (6) *clay, concrete, glass and stone products*, between points in CT, DE, IA, IL, IN, KY, MA, MD, MI, MO, NJ, NY, OH, PA, RI, VA, WI, WV, and DC.

Note.—Purpose of republication is to include commodities in (6) above.

MC 158198, filed November 13, 1981. Applicant: HUDSON FOODS, INC., P.O. Box 777, Rogers, AR 72756. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Geo. A. Hormel & Co., of Austin, MN.

MC 158388 (Sub-1), filed November 12, 1981. Applicant: JARON TRUCKING, INC., 123 Christie St., Newark, NJ 07105. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048–0640, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with Maribel International Freight Forwarders, Inc., and G. F. International, Inc., both of Jamaica, NY, and United States Lines, Inc., of Cranford, NJ.

MC 159008 (Sub-1), filed November 13, 1981. Applicant: NORTHERN CARRIERS, INC., 3814 11th St., Rockford, IL 61110. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Carbide Saw Mill Co., of Rockford, IL, Pier One Imports Midwest, Inc., of West Chicago, IL, Milk Specialties Co., of Dundee, IL, RAY-O-VAC Corporation of Madison, WI, Alumax Extrusions, Inc., of St. Charles, IL, and Caron International, Inc., of Rochelle, IL.

MC 159068, filed November 13, 1981. Applicant: T & B TRUCKING, INC., 1236 Alexander Ave., Catonsville, MD 21228. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (303) 739–4860. Transporting *food and related products*, between Baltimore, MD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 159228 filed November 9, 1981. Applicant: LAKE SHORE BUSES, INC., Route 1, Ashland, WI 54806. Representative: Robert E. Bassett, 1304 11th Ave. West, Ashland, WI 54806, (715) 682–2754. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Ashland, Bayfield, Iron, and Price Counties, WI, and extending to points in MN, IL, and MI.

MC 159268, filed November 13, 1981. Applicant: BUSETTE CHARTER SERVICE, INC., 70–20 Austin St., Suite 102, Forest Hills, NY 11375. Representative: Peter A. Greene, 1920 N St., NW., Suite 700, Washington, DC 20036, (202) 331–8800. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, in motor vehicles not exceeding 27 passengers (excluding the driver), between points in CT, NY, and NJ, on the one hand, and, on the other, those points in the U.S. in and east of OH, KY, TN, and AL.

MC 159269, filed November 13, 1981. Applicant: CARTWRIGHT TRANSFER & STORAGE, INC., 6 So. Main, Sand Springs, OK 74063. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *pulp, paper and related products* between points in Creek, Oklahoma, and Tulsa Counties,

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OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, MS, NM, TN, and TX.

MC 159279, filed November 13, 1981. Applicant: JEM–REM, INCORPORATED, d.b.a. LUXURY TOURS, 1810 West Foothill Blvd., Upland, CA 91786. Representative: George Grove, Jr., 7080 Hollywood Blvd., Suite 114, Hollywood, CA 90028, (213) 466–3404. Transporting *passengers and their baggage,* in the same vehicle with passengers, (a) between points in San Bernardino County, CA, and Clark and Washoe Counties, NV, (b) between points in Los Angeles, Orange, and San Bernardino Counties, CA, and (c) between points in San Bernardino County, CA, and Coconino and Mohave Counties, AZ.

Volume No. OPY–5–211

Decided: November 25, 1981.

MC 41098 (Sub-69), filed November 16, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. Transporting *toys and games,* between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 79658 (Sub-15), filed November 16, 1981. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47703. Representative: Michael L. Harvey (same address as applicant), (812) 424–2222. Transporting (1) *medical equipment* and (2) *equipment, materials, parts and supplies* used in the repair and installation of medical equipment, between points in the U.S., under continuing contract(s) with General Electric Company, of Milwaukee, WI.

MC 99899 (Sub-8), filed November 17, 1981. Applicant: CERTIFIED FREIGHT LINES, INC., 201 W. Branch St., Arroyo Grande, CA 93420. Representative: Wyman C. Knapp, Suite 1800, 707 Wilshire Blvd., Los Angeles, CA 90017, 213–627–8471. Transporting (1) *food and related products,* between points in CA, on the one hand, and, on the other, points in OR, WA, and AZ, (2) *paper and newsprint,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in San Luis Obispo County, CA, and (3) *furniture and fixtures,* between points in Fresno County, CA, on the one hand, and, on the other points in OR and WA.

MC 107818 (Sub-110), filed November 16, 1981. Applicant: GREENSTEIN TRUCKING COMPANY, 208 NW. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–9707. Transporting *drugs, intravenous and distilled water solutions, and hospitals supplies,* between points in Cook and Lake Counties, IL, on the one hand, and, on the other, points in GA and FL.

MC 111849 (Sub-6), filed November 16, 1981. Applicant: WILSON MOVING AND STORAGE, INC., 129 Strongs Ave., Rutland, VT. 05701. Representative: Reginald C. Wilson (same address as applicant), 802–773–6070. Transporting *printed matter and paper and plastic products,* between points in Rutland County, VT, on the one hand, and, on the other, points in ME, NH, MA, CT, RI, NY, NJ, and PA.

MC 112989 (Sub-153), filed November 13, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747–1283. Transporting *lumber and wood products,* between points in CO, NM, OK, and TX, on the one hand, and, on the other, points in CO, ID, MT, NM, OK, OR, TX and WA.

MC 118838 (Sub-93), filed November 17, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *such commodities* as dealt in by a manufacturer or distrubutor of building materials, metal products, oil field supplies, and agricultural chemicals, between points in the U.S., under continuing contract(s) with Northern Pacific Lumber Co., of Portland, OR.

MC 121829 (Sub-1), filed November 18, 1981. Applicant: J. S. McCLARY d.b.a. MACK'S TRANSFER & STORAGE, 211 Ridge St., P.O. Box 897, Georgetown, SC 29440. Representative: J. S. McClary (same address as applicant), (803) 546–5377. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S.

MC 123329 (Sub-58), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, CN T2P 2P9. Representative: Roy F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452–6415. Transporting in foreign commerce only, *chemicals and related products,* between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in St. Clair County, MI.

MC 123329 (Sub-59), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452–6415. Transporting in foreign commerce only, *chemicals and related products,* between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in WA, OR, and CA.

MC 123329 (Sub-60), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452–6415. Transporting in foreign commerce only, *clay, concrete, glass or stone products,* between ports of entry on the U.S.-Canada International Boundary line on the one hand, and, on the other, points in WA, ID, MT and ND.

MC 126018 (Sub-6), filed November 13, 1981. Applicant: PREM-PAK, INC., One Exeter Rd., North Hampton, NH 03862. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108, 618–742–3530. Transporting *pulp, paper, and related products,* between points in MA on the one hand, and, on the other, points in NH, VT and ME.

MC 144509 (Sub-8), filed November 13, 1981. Applicant: HOLSTON MOTOR EXPRESS, INC., P.O. Box 1670, Kingsport, TN 37660. Representative: Henry E. Seaton, 929 Pennslyvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in Unicoi County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack with its regular-route authority in MC–144509 (Sub 5)X.

MC 145459 (Sub-5), filed November 16, 1981. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *general commodities* (except classes A and B explosives), between points in Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-22), filed November 16, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007–4589. Representative: Phillip H. Ladlie (same address as applicant), (800) 533–6038. Transporting *rug cleaning machines and chemicals* between points in Fresno County, CA, and St. Louis, MO, on the

one hand, and, on the other, points in the U.S.

MC 148119 (Sub-4), filed November 13, 1981. Applicant: T.B. & P. EXPRESS, INC., State Rt. 67 & Middletown, P.O. Box 71, Daleville, IN 47334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *general commodities* (except classes A and B explosives), under continuing contract(s) with Belden Corp., of Geneva, IL, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, under continuing contract(s) with Ball Corporation, of Muncie, IN, between points in the U.S.

MC 148738 (Sub-4), filed November 9, 1981. Applicant: JOE MORRIS TRUCKING, INC., River Drive & Petersburg Rd., P.O. Box 341, Jackson, MN 56143. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting (1) *machinery,* under continuing contract(s) with Renn Industries, Inc., of Ft. Benton, MT, and AG-CHEM Equipment Co., Inc., of Jackson, MN, and (2) *metal products and Mercer commodities,* under continuing contract(s) with Midway Supply Division, Bastian-Blessing Co., of Jackson, MI, and Gensco, Inc., of Uvalde, TX, between points in the U.S.

Volume No. OPY-5-212

Decided: November 25, 1981.

MC 151458, filed November 17, 1981. Applicant: TED SNOW, Route #1, Fancy Gap, VA 24038. Representative: Wayne M. Harrell, P.O. Box 1124, Mt. Airy, NC 27030, (919) 789–5018. Transporting *portable utility buildings* between points in the U.S., under continuing contract(s) with Leonard Aluminum Utility Buildings, Inc., of Mt. Airy, NC.

MC 151459, filed November 17, 1981. Applicant: WILLIARD VAUGHN, Route 1, Box 84, Fries, VA 24330. Representative: Wayne M. Harrell, P.O. Box 1124, Mt. Airy, NC 27030, (919) 789–5018. Transporting *portable utility buildings* between points in the U.S., under continuing contract(s) with Leonard Aluminum Utility Buildings, Inc., of Mt. Airy, NC.

MC 151549, filed November 17, 1981. Applicant: J. W. RAWLEY, 431 Gravely St., Mt. Airy, NC 27030. Representative: Wayne M. Harrell, P.O. Box 1124, Mt. Airy, NC 27030, (919) 789–5018. Transporting *portable utility buildings,* between points in the U.S. under continuing contract(s) with Leonard Aluminum Utility Buildings, Inc. of Mt. Airy, NC.

MC 152658 (Sub-1), filed November 17, 1981. Applicant: HUCKS PIGGYBACK SERVICE, INC., 1200 N. Tryon St., Charlotte, NC 28206. Representative: Eric Meierhoefer, 1020 Vermont Ave., N.W., Washington, D.C. 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in NC and SC.

MC 153628 (Sub-1), filed November 17, 1981. Applicant: JIM LARSEN d.b.a. WIND RIVER TRUCKING, 215 First Ave, S.W., Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting *metal products,* between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and west of MI, OH, KY, TN and AL.

MC 155118 (Sub-1), filed November 16, 1981. Applicant: T.D.S. TRANSPORTATION, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: Julie L. Roper (same address as applicant), 312–298–8800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Wagner Spray Tech Corporation of Plymouth, MN; Tonka Toys, Mound, MN; Foley Manufacturing Co., of Minneapolis, MN; Stuart Hall Co., Inc., of Kansas City, MO; Robbins & Myers of Memphis, TN; and Regal Rugs, Inc. of North Vernon, IN.

MC 155728, filed November 13, 1981. Applicant: MANGUM OIL & GAS COMPANY, P.O. Box 430, Mangum, OK 73554. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, 405–848–7946. Transporting *petroleum and petroleum products,* between points in AR, CO, KS, MO, OK, and TX.

MC 156778, filed November 16, 1981. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr., P.O. Box 6205, Rome, GA 30161, (404) 232–7777. Transporting *textile products* between points in the U.S., under continuing contract(s) with Trend Mills, Inc., of Rome, GA.

MC 157649, filed November 16, 1981. Applicant: MID COASTAL TRUCKING SERVICE, INC., 210 West 22nd St., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 So. LaSalle St., Chicago, IL 60603, (312) 236–0548. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, and WI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, TN, and WI.

MC 158229, filed November 17, 1981. Applicant: FREEWAY CONTRACT CARRIERS, INC., 6841 Milton Drive, Rockford, IL 61109. Representative: Robert E. Knoppe, 79 W. Monroe St., Suite 500, Chicago, IL 60603, (312) 372–5541. Transporting (1) *equipment,* (2) *metal tray trucks,* (3) trailers, (4) *gondolas,* and (5) *industrial caster,* between points in the U.S., under continuing contract(s) with Modern Suspension Systems, Inc., of Rockford, IL.

MC 158358 (Sub-2), filed November 16, 1981. Applicant: RICHARD R. KROHN, d.b.a. NORTHWEST DELIVERY SERVICE, 4060 Trenton Avenue North, Plymouth, MN 55441. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339–4546. Transporting *food and related products,* between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in IA, KS, MN, and MO.

MC 158668 (Sub-1), filed November 9, 1981. Applicant: HEE CHAN d.b.a. HEE CHAN TOURS, 937 Stockton St., San Francisco, CA 94108. Representative: William D. Taylor, 100 Pine St. #2550, San Francisco, CA 94111, 415–986–1414. To operate as a *broker* at San Francisco, Oakland, San Jose, French Camp, Los Angeles, Sacramento, Hayward and Freemont, CA, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, between points in Alameda, Sacramento, San Mateo, Santa Clara, San Joaquin, San Francisco and Los Angeles Counties, CA on the one hand, and, on the other, points in NV.

MC 158839 (Sub-2), filed November 16, 1981. Applicant: SHAMROCK TRUCKING, INC., 5258 Springdale Rd., Forest Park, GA 30050. Representative: Archie B. Culbreth and John P. Tucker, Jr., 2200 Century Parkway, Suite 202, Atlanta, GA 30345, (404) 321–1765. Transporting *paper and paper products and plastic and plastic products* (except in bulk), between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 158938, filed November 13, 1981. Applicant: BOSWELL FARMS, INC., 403 South State St., Lamoni, IA 50140. Representative: James M. Hodge, 1000 United Central Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting (1) *aircraft refuelers,* between points in Jackson County, MO, on the one hand, and, on the other, points in the U.S. and (2) *building and construction materials,* between Kansas City, MO. and points in Union County, IA, and Jackson County,

MO, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-34812 Filed 12-3-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Walter R. Johnson; Revocation of Registration

On October 23, 1981, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause as to why the registration of Walter R. Johnson, M.D. should not be revoked for the reason that Respondent (Dr. Johnson) was no longer authorized to prescribe, administer, dispense, or possess narcotics or other controlled substances in the state of Missouri. On November 10, 1981, the Office of the Administrative Law Judge for the Drug Enforcement Administration received that Show Cause back from Respondent, indicating on the Order to Show Cause that he (Respondent) had retired from the practice of medicine on December 31, 1975.

Pursuant to 21 CFR 1301.54 (c) and (e), the Actng Administrator has considered the entire file in this matter and hereby publishes this Final Order pursuant to 21 CFR 1316.66.

The Acting Administrator finds that on September 6, 1980, Respondent applied to the Missour Bureau of Narcotics and Dangerous Drugs for a renewal of his Missouri Controlled Substances Registration. The application indicated a change of address from 818 Olive Street, St. Louis, Missouri 63101 to P.O. Box 998, St. Louis, Missouri 63188. Pursuant to Missouri Code of State Regulations, 13 CSR 50-131.010(1)(J), the "registration of any person shall terminate if and when such person * * * changes his * * * address as shown on the certificate of registration * * *". Accordingly, the Missouri Bureau of Narcotics and Dangerous Drugs sent a letter to Respondent on May 13, 1981, advising him that upon receipt of information relative to Respondent's new address, the Bureau would make a determination if a registration could be granted or if Respondent would be provided an opportunity to appear and show cause why his application should not be denied. Respondent did not respond to the letter dated May 13, 1981 sent to him by the Missouri Bureau of Narcotics and Dangerous Drugs.

Respondent also maintained a DEA Certificate of Registration during the period of time that this application to the Missouri Bureau of Narcotics and Dangerous Drugs was being processed. In fact, Respondent reapplied for continued registration with DEA in Schedules II and III under DEA Certificate of Registration AJ3824960. This latest reapplication, dated November 17, 1980, was approved and certified on November 20, 1980. It is that Certificate of Registration that is the subject of this Final Order.

The Acting Administrator finds that Respondent is no longer authorized by the State of Missouri to prescribe, dispense, possess or otherwise handle controlled substances in Missouri. This Administration has consistently held that termination of a registrant's state authority to handle controlled substances required DEA to revoke his DEA Certificate of Registration. See *Jack A. Braley, D.O.*, Docket No. 80-14, 45 FR 74596 (1980); *James Waymon Mitchell, M.D.*, Docket No. 79-16, 44 FR 71466 (1979); *David Sachs, M.D.*, Docket No. 77-22, 42 FR 29112 (1977); *Kenneth E. Wilson, D.D.S.*, 46 FR 25018 (1981); *Henry Weitz, M.D.*, 46 FR 34858 (1981). Therefore, it is the decision of the Acting Administrator to revoke Dr. Johnson's DEA registration.

Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby revokes DEA Certificate of Registration AJ3824960 issued to Walter R. Johnson, M.D., effective December 4, 1981.

Dated: November 27, 1981.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 81-34857 Filed 12-3-81; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-12,058]

FMC Corp., Mining Equipment Division, Fairmont, West Virginia; Negative Determination Regarding Application for Reconsideration

By an application dated October 16, 1981, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing underground mining equipment (portal busses, shuttle cars and mine roof bolters) at the FMC Corporation, Fairmont, West Virginia. The determination was published in the **Federal Register** on September 25, 1981 (46 FR 47327).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

One of the petitioners claims that most of the production line machinery used in making the articles produced by the petitioning workers at FMC was imported. He also claimed that FMC lost many contracts to foreign competitors because of FMC's inability to compete.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of section 222 of the Trade Act of 1974. The Department's survey of the firm's customers is a primary tool for determining the contributed importantly test. The Department's survey showed that none of the firm's customers reported imports of underground mining equipment (portal busses, shuttle cars or mine roof bolters) in 1979, 1980 or in the first five months of 1981. The Department, thus, found no adverse impact by foreign competitors on FMC's sales in 1979, 1980 or 1981 but found instead a number of domestic factors heavily affecting FMC's sales.

Increased imports of machinery used in the production of the worker group's articles does not provide a basis for certification. The Act rather addresses itself to increased imports of the articles produced by the worker group.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 12th day of November 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-34-835 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 14, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 14, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 23rd day of November 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date	Date of petition	Petition No.	Articles produced
Champion Spark Plug Co. Detroit Ceramic Div. (workers).	Detroit, Mich	11/18/81	11/12/81	TA-W-13,098	Plugs—spark, automotive.
Driver-Harris (USWA)	Harrison, N.J	11/20/81	11/12/81	TA-W-13,099	Wires—alloy, precision.
Dr Scholl Shoe Factory (UFCW)	Falmouth, Ky	11/17/81	11/14/81	TA-W-13,100	Footwear—women's.
Evans-Hampden Shoe Corp. (company)	Hampden, Maine	11/19/81	11/16/81	TA-W-13,101	Footwear—men's and women's.
Peter Stamping Co. (workers)	Fayette, Ohio	11/16/81	11/10/81	TA-W-13,102	Brakes—emergency, assemble.
Roblin Steel Co. (IAMAW)	No. Tonawanda, N.J	11/19/81	11/16/81	TA-W-13,103	Bars, coils, annealing operations—steel.
U.S. Steel Corp., Fairless Works (USWA)	Fairless Hills, Pa	11/19/81	11/17/81	TA-W-13,104	Products—steel.
U.S. Steel Corp., American Bridge Div. (USWA)	Ambridge, Pa	11/19/81	11/17/81	TA-W-13,105	Steel—fabricated, structural.
Warren Tool Corp., Warren Tool Div. (USWA)	Warren, Ohio	11/19/81	11/17/81	TA-W-13,106	Tools—heavy, hand.
Kenco Warehouse, Inc. Workers	Warren, Mich	11/17/81	11/11/81	TA-W-13,107	Distributors—auto parts.
Lukens Steel Co. (USWA)	Coatesville, Pa	11/19/81	11/17/81	TA-W-13,108	Plated and heads.

[FR Doc. 81-34836 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-208-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidated Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Mathies Mine located in Washington County, Pennsylvania. The petition is filed under section 10(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. The petitioner uses safety chains as an additional safety and precautionary measure against the failure of coupling devices or accidental uncoupling. A bar is used to remove safety chains making it unnecessary for miners to go between the ends of haulage equipment.

3. Petitioner states that these safety chains provide an additional measure of safety for the miners affected and do not interfere with the designed operation of the automatic couplers and for this reason requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 4, 1982. Copies of the petition are available for inspection at that address.

Dated: November 24, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34838 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application No. D-2652]

Proposed Exemption for Certain Transactions Involving the C & R Electric, Inc., Employees Retirement Plan, Located in Pewaukee, Wisconsin

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would retroactively exempt the purchase on August 17, 1979 by the C & R Electric, Inc. Employees Retirement Plan (the Plan) of a parcel of real property from Raymond G. Wachsmuth and his wife, Cheryl F. Wachsmuth (the Wachsmuths), disqualified persons with respect to the Plan. Because Mr. Raymond G. Wachsmuth and his wife are the sole shareholders of C & R Electric, Inc. (the Employer) and Raymond G. Wachsmuth is the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 4, 1982.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective August 17, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–2652. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Raymond G. Wachsmuth pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $84,044 as of January 1, 1978. The investment decisions are made by the Plan trustees (the Trustees), Raymond Wachsmuth and his wife, Cheryl J. Wachsmuth.

2. In early 1978, the Trustees determined that the purchase of a parcel of unimproved real property (the Property), consisting of approximately 112 acres, located in the town of Saxeville, Wisconsin, would be a good investment for the Plan. However, the purchase of the Property at that time would have required a withdrawal of funds from certain long-term deposit accounts which would have resulted in penalties for early withdrawal.

3. In order to provide the Plan with the benefits of the Property without the disadvantage of early withdrawal penalties, the Wachsmuths decided to purchase the Property and retain it until such time as the long-term deposit accounts of the Plan matured. On February 22, 1978, the Wachsmuths purchased from an unrelated party the Property for $70,000 ($17,000 cash and a $53,000 mortgage). The interest rate was 7½% per annum.

4. At the close of the fiscal year ending June 30, 1979, the Trustees had determined that the Plan had sufficient assets to purchase the Property. Before committing the Plan's assets to the purchase of the Property, the Trustees sought legal advice from their attorney, Daniel P. Fay. It is represented that Mr. Fay advised the Trustees that the purchase by the Plan of the Property would be in the best interests of the Plan. The Plan, acting on the advice of legal counsel, purchased the Property from the Wachsmuths on August 17, 1979 for $76,500 ($26,700 in cash and assumption of the mortgage balance of $49,800), an amount equal to the original purchase price of $70,000 plus expenses incurred with respect to the Property for the period between February 22, 1978 and August 17, 1979. No commissions were paid by the Plan for the Property.

5. Subsequent to the purchase of the Property, the Trustees changed legal counsel. Shortly thereafter, legal counsel determined that the transaction of August 17, 1979 constituted a prohibited transaction. As a result of that discovery, the Trustees voluntarily filed an exemption application on January 22, 1981, for the sale of the Property by the Wachsmuths to the Plan. On May 4, 1981, an appraisal of the value of the Property as of August, 1979 (the Appraisal) was performed by Donald R. Hoeppner, an independent appraiser. Mr. Hoeppner valued the Property in the range of $78,000–$80,000 as of August 1, 1979. The applicant represented in a letter dated September 28, 1981, that Duane Stelter of Union State Bank in Wild Rose, Wisconsin stated that interest rates for residential mortgages in August, 1979 were approximately 11 percent per annum.

6. In summary, it is represented that the sale of the Property by the Wachsmuths to the Plan met the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (a) The Trustees determined that the transaction was appropriate and was in the best interests of the Plan participant and his beneficiaries; (b) the Plan was able to assume a mortgage with an interest rate of 7½% at a time when mortgage interest rates were approximately 11 percent; and (c) the purchase price paid for the Property by the Plan was not greater than the market value of the Property at the time of sale as determined by the Appraisal.

Notice to Interested Persons

Because Raymond G. Wachsmuth and his wife are the sole shareholders of the Employer and Raymond G. Wachsmuth is the only participant in the Plan, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions

prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the purchase of the Property by the Plan from the Wachsmuths as described herein, provided that the purchase price paid by the Plan for the Property was not greater than the fair market value of the Property at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C. this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–34882 Filed 12–3–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2474]

Proposed Exemption for Certain Transactions Involving Carroll Company Employees' Thrift and Retirement Trust Located in Garland, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale by the Carroll Company Employees' Thrift and Retirement Trust (the Plan) to the Carroll Company (the Employer) of a plot of land (the Property) for $36,000 in cash. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before February 6, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20226, Attention: Application No. D–2474. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer and the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is the successor plan of the Carroll Company employees' Retirement Plan (the Prior Plan). The Prior Plan was terminated and its assets transferred to the Plan effective October 1, 1976. As of March 11, 1981, the Plan covered 52 participants and is described as a tax-qualified profit-sharing thrift plan. The Plan trustees are Malcolm Carroll, the president and primary shareholder of the Employer; Thomas M. Echols, the executive vice president and minority shareholder of the Employer; and Joe Jones, an employee of the Employer.

2. The Property is described as a 200 foot by 200 foot (40,000 square feet) lot located 244.5 feet south of Kingsley Road immediately adjacent to the eastern boundary of the Employer, whose address is 2900 West Kingsley Road, Garland, Texas (a suburb located to the northeast of Dallas, Texas). The Property does not have any street frontage. Access to the Property is currently provided by a 30 foot wide easement from Kingsley Road.

3. On July 1, 1969, the trustees of the Prior Plan purchased the Property from McCasland & Co., an unrelated party, for $20,000 as a long-term investment because of anticipated appreciation in land prices in the rapidly growing Garland Area. As of April 29, 1981, the Plan's total costs incurred in acquiring and maintaining the Property were $24,532.48, which includes $20,000.00 in principal, $1,856.25 in interest, $2,604.73

in property taxes, and $71.50 in closing costs.

4. Effective September 1, 1976, the Employer leased the Property from the Plan for a sum of $160 per month on a month-to-month basis with no fixed term. The Plan trustees, after consulting with local real-estate professionals at that time, determined that this rental rate was the fair rental value of the Property. The rental rate has remained the same. Through July 31, 1981, the total amount of rent paid was $9,280. Mr. Howard W. Dunham, Jr., CRE, MAI, SREA, an independent appraiser, estimates that the fair rental value of the Property as of September 1, 1976, was $160 per month, net, assuming that the tenant paid all expenses, including taxes, and that the fair rental value increased to $300 per month as of June 1, 1981. Mr. Dunham explains that long-term rental rates in the Dallas area generally change very slowly and have remained on a plateau during the later part of the 1960's and during the decade of the '70's but that a new plateau appears to be effective so far in the decade of the '80's. On July 27, 1976, Mr. Dunham estimated the fair market value of the Property at $24,000 as of July 22, 1976. The lease agreement mentioned above contains an option allowing the Employer to purchase the Property for this amount.

5. The Internal Revenue Service determined that a prohibited transaction existed with respect to the above-mentioned lease agreement after auditing the Plan for its fiscal year ending September 30, 1976. The Employer has filed Internal Revenue Service Form 5330, Return of Initial Excise Taxes Related to Pension and Profit-Sharing Plans, for the Plan's fiscal years ending September 30, 1976, 1977, 1978, 1979, and 1980, and has paid an excise tax on the amount involved each year. The Employer has not yet received a notice of deficiency, which determines the ending date of the "correction period," during which a prohibited transaction must be corrected in order to avoid imposition of the additional 100% excise tax (see section 4975(b) and 4975(f)(6) of the Code).

6. Upon execution of the lease agreement, the Employer, at its cost, constructed a 27,000 square foot warehouse on the Property and has, since that time, used the warehouse in conjunction with its business operations located next door. The warehouse on the Property has an entryway into and shares a common wall with other warehouse space of the Employer. Counsel for the Employer believes that under Texas law the Employer is deemed to be the owner of the warehouse building. The Employer has paid all ad valorem taxes and insurance costs relating to the building while the Plan has paid only ad valorem taxes attributable to the Property. Mr. Dunham has also appraised the fair market values of the property as of both January 29, 1981 and June 1, 1981 and of the improvements on the Property as of June 1, 1981. He estimates that the fair market value of the Property was $34,000 as of January 29, 1981, and $36,000 as of June 1, 1981, and that the fair market value of the improvements alone as of June 1, 1981, was $364,000 (resulting in a combined fair market value of the Property and the improvements of $400,000 as of June 1, 1981). In his appraisal as of January 29, 1981, Mr. Dunham states his opinion that the highest and best use of the Property would be to combine it with an adjacent tract to provide additional site area, consistent with the present use of the Property. In his appraisal as of June 1, 1981, Mr. Dunham states his opinion that the highest and best use for the Property and the improvements is for a one-story warehouse and that the subject building, except for some specified functional deficiencies, is a form of this highest and best use. Mr. Dunham has also stated that he is aware of no means of considering any special value of the Property to the Employer in view of the building constructed by the Employer on the Property or the location of the Property adjacent to the Employer's other business premises.

7. The Plan trustees have determined it to be in the best interest of the Plan and the Plan participants to sell the Property to the Employer. The Employer proposes to purchase the Property from the Plan for cash in the amount of its current fair market value immediately following the date the exemption is granted by the Department, in order to correct the prohibited transaction. The applicants represent that because of the location of the Property and the existence of the lease, it is unlikely that the Plan trustees will be able to locate a third party willing to purchase the Property for the price which the Employer is willing to pay. They also point out that simply terminating the prohibited lease would leave the Plan with a piece of real property which has escalated in value but which would not produce current income. The Employer will pay all expenses relating to the proposed sale. The applicants also represent that the Employer will file Form 5330 with the Internal Revenue Service and pay any remaining excise taxes due relating to prior prohibited transactions within 60 days after the date the Department grants the exemption and that within such period any difference between the rent that has been paid to the Plan by the Employer and the actual fair rental value of the Property, plus interest, will be paid to the Plan.

8. In summary, the applicants represent that the proposed transaction meets the statutory criteria of section 408(a) of the Act because (a) it is a one time transaction for cash, (b) the amount to be paid for the Property is the fair market value as determined by an independent appraiser, (c) the Plan's liquidity will be enhanced, (d) the Employer will pay all expenses relating to the proposed sale, and (e) the Plan trustees have determined that the proposed transaction is appropriate for the Plan and in the best interests of its participants and beneficiaries.

Notice to Interested Persons

By January 4, 1982, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include all current employees of the Employer and any persons who are not employees but are receiving or entitled to receive a benefit from the Plan. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comment and/or request that a hearing be held with respect to the proposed exemption. Notice will be provided to current employees by posting at all locations where labor-management type notices are normally posted, at all worksites and by first-class, postage pre-paid mail to all others.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the

exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 406(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale by the Plan to the Employer of the Property for $36,000 in cash, provided that this amount is not less than the fair market value of the Property on the date of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Adminstrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34905 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-114; Exemption Application No. D-2660]

Exemption From Prohibitions for Certain Transactions Involving Employees' Profit Sharing Plan of Downey Savings & Loan Assocation Located in Costa Mesa, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the contribution of 16 promissory notes, secured by first deeds of trust on improved real property, to the Employees' Profit Sharing Plan of Downey Savings & Loan Association (the Plan) by Downey Savings & Loan Association (the Employer) on September 15, 1981.

EFFECTIVE DATE: This exemption is effective as of September 15, 1981, the date the contribution was made.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8671. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On September 18, 1981, notice was published in the **Federal Register** (46 FR 46441) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements to notify interested persons as set forth in the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code.

including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution on September 15, 1981, of 16 promissory notes, secured by first deeds of trust on improved real property, to the Plan by the Employer provided such contribution was valued at its fair market value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 27th day of November, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–34904 Filed 12–3–81; 8:45 am]

BILLING CODE 4510–29–M

[Application N. D–2817]

Proposed Exemption for Certain Transactions Involving Flournoy Electric Co., Inc., Money Purchase Pension Plan and Trust Located in Clearwater, Fla.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restictions of the Employess Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of a parcel of unimproved real property (the Property) from the Flournoy Electric Company, Inc. Money Purchase Pension Plan and Trust (the Plan), to Mr. Roscoe C. Wooten, Jr. (Mr. Wooten), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, Mr. Wooten, and any other persons participating the the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 18, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2817. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a tollfree number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c) (1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of Mr. Wooten pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application of file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase pension plan with six participants. Contributions to the Plan have been discontinued and the Plan is being maintained as a wasting trust. The Plan received a favorable determination letter from the Internal Revenue Service on May 29, 1979 with respect to the discontinuance of the Plan. Mr. Wooten and Mr. Gregory H. Wooten are the trustees of the Plan and exercise discretion with respect to the management of the Plan. As of October 31, 1980, the Plan had net assets of approximately $257,739.

2. Mr. Wooten is the president and majority shareholder of Merit Electric Company, Inc. (Merit) which is presently the Plan sponsor. Merit is the successor in interest of the merger of Flournoy Electric Company (Flournoy) and Merit which occurred on January 1, 1981.

3. On February 17, 1972, the Plan purchased the Property from an unrelated third party for $21,287. The Property consists of approximately ½ acre of land, is presently unimproved and is legally described as Lot 26, Block B, Potterfield Minature Farms, Plat Book 23, Page 70, Pinellas County, Florida. The Property is located adjacent to the offices and supply yard of Merit. At time of purchase the Property was improved by a building which was leased to unrelated third parties. The Plan has realized approximately $28,500 in rental since time of purchase and has incurred approximately $3,200 in expenses, consisting of real estate taxes and insurance.

4. Early in 1979 the building on the Property was deemed uninhabitable and Flournoy began storing materials in the building. In mid-1981 the building was deemed to be not suitable for storage purposes and was razed. The rent paid to the Plan by Merit and Flournoy for the use of the building was identical to the rent paid previously by unrelated third parties. The applicant recognizes that this arrangement constituted a prohibited transaction under the Act and Code. Accordingly, Merit represents that it will immediately pay all excise taxes which are applicable under section 4975(a) of the Code as a result of the arrangement.

5. The applicant seeks an exemption to allow the Plan to sell the Property to

Mr. Wooten. Mr. Ross A. Alexander, an M.A.I.-S.R.P.A. appraiser located in Clearwater, Florida, determined that the Property, as of June 5, 1981, had a fair market value of $31,800. Mr. James M. Millspaugh, an M.A.I. appraiser located in Clearwater, Florida, determined that as of June 16, 1981, the Property had a fair market value of $30,000. The applicant proposes to buy the Property at the higher appraised value. Messrs. Alexander and Millspaugh both represent that the value of the Property to Mr. Wooten is not greater than its appraised market value. The sale will be for cash and no sales commission will be involved in the transaction.

6. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (a) the sale of the Property will enable the Plan to dispose of a non-income producing asset at a gain; (b) the proposed sales price of the Property is based on the highest market value as determined by two independent appraisers; (c) the sale will be a one-time transaction for cash and the Plan will not incur any sales commissions; and (d) the trustees of the Plan represent that the proposed transaction will be in the best interests of the Plan.

Notice to Interested Persons

By December 14, 1981, notice will be provided by hand delivery or mailed to each participant in the Plan. The notice will include a copy of the **Federal Register** notice of pendency and will inform interested persons of their right to comment on and/or request a hearing with regard to the proposal.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of the Property by the Plan to Mr. Wooten for the higher of $31,800 or the fair market value of the Property as of the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–34901 Filed 12–3–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–112; Exemption Application No. D–2309]

Exemption From Prohibitions for Certain Transactions Involving Donald B. French Profit-Sharing Plan and Trust Located in Lombard, Ill.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the leasing of an art portfolio (the Art Portfolio) by the Donald B. French Profit Sharing Plan and Trust (the Plan) to Mr. Donald B. French (Mr. French), a disqualified person with respect to the Plan. Since Mr. French is a sole properietor with no common-law employees and is, therefore the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act by reason of section 4975 of the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W. Washington, D.C. 20216. (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 20, 1981, notice was published in the **Federal Register** (46 FR 51504) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed jointly by Mr. French and the Plan trustee. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for complete statement of the facts and

representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code including any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722, and based upon the intire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the leasing of the Art Portfolio by the Plan to Mr. French, provided that the terms and conditions of such lease are and will remain at least as favorable to the Plan as those it could obtain from an unrelated third party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of November, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34902 Filed 12-3-81; 8:45 am]
BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-113; Exemption Application Nos. D-2550 and D-2551]

Exemption From Prohibitions for Certain Transactions Involving Houston Solvents & Chemicals Co., Inc. Employees' Profit-Sharing Plan Located in Houston, Tex.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit: (1) The proposed cash sale by the Houston Solvents & Chemicals Co., Inc. Retirement Trust (the Retirement Trust) of its 66% interest in certain real property (the property) to W. T. Straley (Straley) and J. M. Clepper (Clepper), parties in interest with respect to the Retirement Trust and (2) the proposed cash sale by the Houston Solvents & Chemicals Co., Inc. Profit Sharing Plan (the Profit Sharing Plan) of its 34% interest in the Property to Straley and Clepper, parties in interest with respect to the Profit Sharing Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216 (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 4, 1981, notice was published in the **Federal Register** (46 FR 44920) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transactions involving the Retirement Trust and the Profit Sharing Plan (collectively, the Plans). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the

transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale by the Retirement Trust of its 66% interest in the Property for $131,392.88 to Straley and Clepper; and (2) the cash sale by the Profit Sharing Plan of its 34% interest in the Property for $67,556.44 to Straley and Clepper provided that at the time of the sale such amounts represent at least the fair market value of each Plan's interest in the Property.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–34903 Filed 12–3–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2834]

Proposed Exemption for Certain Transactions Involving Central States, Southeast and Southwest Areas Pension Fund Located in Chicago, Ill.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of four proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemptions would exempt certain transactions relating to the independent management of the assets of the Central States, Southeast and Southwest Areas Pension Fund (the Fund), Chicago, Ill. The proposed exemptions, if granted, would affect participants and beneficiaries of the Fund, their employers, the Fund's named fiduciary and investment managers, and other persons participating in the transactions.

DATE: Written comments must be received by the Department on or before January 4, 1982.

ADDRESSES: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2834. The application for exemptions and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Neil M. Grossman of the Department, telephone (202) 523–6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (D) of the Code. The proposed exemptions were requested in an application filed on August 18, 1981 by the Equitable Life Assurance Society of the United States (Equitable), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Regorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

In 1977, the Department and the Internal Revenue Service granted Prohibited Transaction Exemption 77–11 (42 FR 54041, October 4, 1977) and Prohibited Transaction Exemption 77–12 (41 FR 62219, December 9, 1977) for numerous transactions relating to the independent management of the assets of the Fund pursuant to agreements entered into that year by Equitable, Victor Palmieri and Company Incorporated (VPCO), and the trustees of the Fund. These parties now intend to make certain changes in the 1977 asset management agreements. In general, the changes would provide for the management of new real estate investments on behalf of the Fund by Equitable, the management of essentially all of the Fund's existing real estate-related assets by VPCO, joint development of overall investment policies for the Fund by Equitable and the trustees, and modifications in the termination provisions of the agreements.

Prohibited Transaction Exemption 77–11 and Prohibited Transaction Exemption 77–12 were based, in large part, on the specific tems, conditions, and requirements of the 1977 agreements. In view of the changes contemplated in the agreements, Equitable, in its application of August 18, 1981 and subsequent submissions, requested that the Department "reaffirm" the following exemptions:

(1) Part VIII of Prohibited Transaction Exemption 77–11, which permits the adjustment and/or continuation by an investment manager of any loan, lease, service agreement, or other arrangement, or the holding by the Fund of any employer security or real property;

(2) Part IX of Prohibited Transaction Exemption 77–11, which permits an investment manager to engage the Fund in new transactions with certain parties in interest and disqualified persons;

(3) Part I of Prohibited Transaction Exemption 77–12, which permits the continuance of certain ground leases between Equitable and the Fund; and

(4) Part II of Prohibited Transaction Exemption 77–12, which permits the continuance of a loan from the Fund to a partnership in which certain persons related to VPCO are limited partners.

Equitable represents that it and VPCO will continue to comply with the terms and conditions of the exemptions, as set forth in Prohibited Transaction Exemption 77–11 and Prohibited Transaction Exemption 77–12, and that "reaffirmation" of the exemptions is in the interest of and protective of the rights of participants and beneficiaries of the Fund.

Interested persons are referred to Equitable's application of August 18, 1981 and subsequent submissions on file with the Department for the complete representations of the applicant.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a ficuciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemptions, if granted, will not extend to transactions prohibited under sections of the Act and sections of the Code not specified in the exemptions;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemptions to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemptions. Comments received will be available for public inspection with the applications for exemptions at the address set forth above.

Proposed Exemptions

Based on the facts and representations set forth in the application, the Department is considering granting the following requested exemptions under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975):

(1) An exemption from the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (D) of the Code, for the adjustment and/or continuation by an investment manager of any loan, lease, service agreement, or other arrangement, or the holding by the Fund of any employer security or real property. If granted, this exemption will be subject to the same terms and conditions as the exemption set forth in Part VIII of Prohibited Transaction Exemption 77–11.

(2) An exemption from the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (D) of the Code, for an investment manager to engage the Fund in new transactions with certain parties in interest and disqualified persons. If granted, this exemption will be subject to the same terms and conditions as the exemptions set forth in Part IX of Prohibited Transaction Exemption 77–11.

(3) An exemption from the restrictions of sections 406(a)(1)(A) and (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) and (D) of the Code, for the continuance of certain ground leases between Equitable and the Fund. If granted, this exemption will be subject to the same terms and conditions as the exemption set forth in Part I of Prohibited Transaction Exemption 77–12.

(4) An exemption from the restrictions of sections 406(a)(1)(B) and (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(B) and (D) of the Code, for the continuance of a loan from the Fund to a partnership in which certain persons related to VPCO are limited partners. If granted, this exemption will be subject to the same terms and conditions as the exemption set forth in Part II of Prohibited Transaction Exemption 77–12.

The proposed exemptions, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemptions.

Signed at Washington, D.C., this 27th day of November, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–34906 Filed 12–3–81; 8:45 am]

BILLING CODE 4510–29–M

Pension and Welfare Benefit Programs

[Applications D–1937, D–2004]

Proposed Class Exemption for Transactions Involving Certain Residential Mortgage Financing Arrangements

Note.—This document originally appeared in the **Federal Register** for Thursday, December 3, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from

certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption would exempt transactions related to the issuance by an employee benefit plan of a commitment to provide mortgage financing to purchasers of certain residential construction and to the provision of loans pursuant to such commitments. The proposed exemption, if granted, would affect participants and beneficiaries of employee benefit plans involved in such transactions, certain employers who contribute to such plans, and other persons engaging in the described transactions.

DATES: Written comments must be received by the Department of Labor on or before January 4, 1982.

EFFECTIVE DATE: It is proposed to make the exemption effective as of January 1, 1975.

ADDRESSES: All written comments (preferably at least three copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Applications D–1937, and D–2004. The applications for exemptions and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523–8658. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(a) of ERISA and from certain taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) of the Code. Exemptive relief for transactions described herein was requested in applications filed by the National Coordinating Committee for Multiemployer Plans (NCCMP) (D–1937), and by the National Association of Home Builders (NAHB) (D–2004) (collectively referred to herein as the applicants) pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

It should be noted that the applicants have requested retroactive and prospective relief for transactions which are described below. Since it appears that transactions of the general types described are customary for the residential mortgage financing industry, the Department proposes, in accordance with the applicants' requests, that the exemption be granted retroactively as well as prospectively.

A. Summary of the Applications

The facts and representations contained in these applications are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. *Background.* Residential building projects generally proceed with two types of financing: short-term loans to the project developer to pay for the cost of construction; and long-term (mortgage) loans to the purchasers of the residential units, the proceeds of which are used as partial payment to the developer for those units. The developer pays off the construction loan with the proceeds from the sales of the units.

Before a lender will make a construction loan, it must generally be satisfied that mortgage financing for purchasers of the units will be available when the units are ready for sale. Generally, such a lender, if it does not intend to provide the mortgage financing itself, will require a commitment from another lender obligating the second lender to make such mortgage financing available. Once a satisfactory commitment has been obtained, the construction loan will be made.

Often a developer seeking a short-term construction loan will contact a company that specializes in providing or obtaining commitments for mortgage financing, such as a state or federally chartered bank or savings and loan association, an insurance company, or similar entity (financial institution).

The financial institution first typically makes a determination as to the feasibility of the proposed project. If that determination is favorable, it may agree to provide or attempt to obtain a commitment for long-term financing. It charges the developer a fee for this service, usually a percentage of the total long-term financing obtained. The financial institution usually looks to institutional investors, including employee benefit plans, for such commitments.

A commitment to provide mortgage financing may take several forms. One typical arrangement obligates the lender to make loans up to a specific aggregate amount directly to purchasers of particular new dwelling units who qualify under guidelines set forth in the commitment.

Another common arrangement obligates the lender to purchase loans up to a specific aggregate amount that are originally made by the financial institution to the purchasers of the units, provided that the mortgages meet requirements set forth in the commitment. In this case, the financial institution itself will make a mortgage financing commitment to the short-term lender, and will rely on the commitment of the lender to purchase the resulting mortgages from it.

A typical commitment might contain requirements concerning, among other things, the type and quality of the underlying real estate security, the credit worthiness of the prospective borrowers, and the terms of the individual loans.

When a commitment is issued by a lender, a loan fee is normally paid to it by the financial institution. Part of the fee may be refundable if loans are made or mortgages are tendered and purchased pursuant to the commitment. It is the Department's understanding that this type of fee is designed to cover the lender's administrative and other expenses in connection with considering and issuing the commitment, and to compensate the lender in part for its having arranged to have funds available to meet its obligations under the commitment.

2. *Request for relief.* The applicants have requested relief which would enable employee benefit plans to issue written commitments to provide mortgage financing to purchasers of certain residential construction and, after the units are completed, to honor the commitments by making mortgage loans to purchasers of the units (or by buying mortgage loans on such units which have been originated by another financial institution) under the following circumstances.

Financing would be provided only for owner-occupied, single family dwelling units. These may consist of detached houses, town houses, condominiums or units in a multi-unit subdivision restricted by recorded documents which limit the use of the property to residential purposes and provide for maintenance of common facilities (planned unit development). A developer or builder of the units might be an employer of employees who are covered by the plan making the commitment, but in such a case the commitment and financing could only be made if the developer or builder (or any affiliate thereof) does not act as a plan

fiduciary with respect to the issuance of the commitment or the provision of the financing. Similarly, the applicant have proposed that no financial institution or construction lender associated with the financial arrangement or origination of mortgages to be purchased pursuant to the exemption (or any affiliate thereof) would be a plan fiduciary with respect to the issuance of the commitment or the provision of the financing by the plan.

Commitments issued by a plan would be in writing, and the loans made by a plan would be evidenced by a written note secured by a first lien on the new dwelling unit. The terms of the commitments, and of the loans, would be at least as favorable to the plan as similar commitments and loans involving unrelated parties, and would be consistent with customary practices in the residential mortgage industry. The commitments would set forth specific requirements for the loans regarding such matters as borrower qualification, fair market value appraisals of the units to be used as collateral, loan-to-value ratios, and insurance requirements. The loans would be made through an established financial institution which would select the receipient of the loan on behalf of the plan and make the loan on terms which are consistent with customary practices in the residential mortgage industry. A person may be retained to service the loans for the plan, which would include such duties as collecting and remitting payments to the plan, assuring payment of taxes and insurance premiums, and making decisions regarding foreclosures.

The applicants propose that loans be available to persons who are parties in interest with respect to the plan under section 3(14) of ERISA, but only if they are parties in interest solely by reason of being an employee of: an employer any of whose employees are covered by the plan; a person providing services to the plan; an employee organization any of whose members are covered by the plan; or any affiliate of the above. The exemption would not be available for loans from a plan to a person who would be a disqualified person with respect to the plan under section 4975(e)(2) of the Code.[1]

Finally, applicants propose that the plan would maintain, for the duration of any loan made under the exemption, records necessary to enable interested persons to determine whether the conditions of the exemption have been met.

Applicants represent that investments of this type are expected to provide a consistent high rate of return as well as the security and stability of income which is desirable for effective plan administration. They also represent that the requested exemption would help plans to achieve a better diversification of plan investments. Additionally, applicants believe that significant protections are inherent in mortgage lending because the lender can look to the credit worthiness of each individual borrower, backed by the security of the property as collateral. In this regard, they represent, and have submitted data to substantiate, that losses on loans of the type involved in this request have historically been minimal, and suggest that loans made pursuant to the requested exemption would be at least as secure due to the requirement that these loans and commitments be made only in the circumstances described above.

3. *Prohibited Transactions.* Applicants indicate that the above described transactions might violate the prohibited transactions provisions of ERISA and the Code[2] as a result of the following relationships. The financial institution to which the plan makes a commitment in exchange for a fee, or which sells loans to a plan, or selects loan recipients or services loans on behalf of the plan, may have a pre-existing relationship with the plan so as to make it a party in interest with respect to the plan as defined in section 3(14) (A) or (B) of ERISA. A developer of a project or a builder involved in the construction of the dwelling units who employs persons covered by the plan would be a party in interest under section (3)(14)(C) and, perhaps, section 3(14)(A). A mortgage loan might be made to a person who is a party in interest under section 3(14)(H) solely by reason of being an employee of an employer, a service provider, or an employee organization that is related to the plan.

Based on the above relationships, applicants represent that the following prohibited transactions might occur.

The receipt of a fee in exchange for a loan commitment between a plan and a financial institution which, for example, already services mortgages for the plan, might violate section 406(a)(1)(A) (which prohibits the sale or exchange or leasing of property between a plan and a party in interest) or section 406(a)(1)(D) (which prohibits a transfer to, or use by or for the benefit of, a party in interest of any assets of the plan). A commitment by a plan to make loans or purchase mortgages (or the making of such loans or purchasing of such mortgages), the proceeds of which will be used to purchase units developed or built, in whole or in part, by an employer who contributes to the plan, might give rise to a violation of section 406(a)(1)(B) (which prohibits a lending of money or other extension of credit between a plan and a party in interest) or section 406(a)(1)(D). If such a contributing employer is a fiduciary with respect to the plan, applicants suggest that the mere involvement of the builder might, in itself, constitute a violation of section 406(b)(1) (which prohibits a fiduciary from dealing with the assets of the plan in his own interest or for his own account), or section 406(b)(2) (which prohibits a plan fiduciary from acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or its participants and beneficiaries), or section 406(b)(3) (which prohibits a plan fiduciary from receiving any consideration for his own personal account from any party dealing with the plan in connection with a transaction involving plan assets).

The purchase of a mortgage by a plan from a financial institution providing services to the plan, or a direct loan by a plan, the proceeds of which are used to purchase a dwelling unit where the purchase results in the repayment of a construction loan made by such financial institution, might give rise to a violation of section 406(a)(1) (A) and (D).

A direct or indirect (through the purchase of a mortgage) loan by a plan to a purchaser of a dwelling unit who is an employee of a contributing employer, service provider, or related union might give rise to a violation of section 406(a)(1) (B) and (D).

Applicants also express concern that the provision of additional loan administration services by a financial institution already providing services to the plan might violate section 406(a)(1)(C) (which prohibits a furnishing of goods, services or facilities between the plan and a party in interest) or 406(a)(1)(D).

B. Description of the Proposed Exemption

On the basis of the applications for class relief filed by the NAHB and the NCCMP, and in view of the individual exemption requests for similar relief

[1] Under section 3(14) of ERISA, all employees of certain parties in interest with respect to a plan (for example, contributing employers, or unions covering plan members) are themselves parties in interest with respect to the plan. Under section 4975(e)(2) of the Code, relatively few of such employees would be disqualified persons. Accordingly, the exemption would include loans to "rank and file" employees, but would not cover loans to, for example, corporate directors or union officers.

[2] References herein to sections of ERISA also include the corresponding sections of the Code.

already received and acted upon by the Department,[3] and the expectation that similar individual requests would continue to be filed, the Department has determined to propose for public comment a class exemption along the lines suggested by the applicants, as described above. However, as explained below, the class exemption proposed herein does not provide all the relief requested by the applicants, and includes a number of conditions, in addition to those suggested by the applicants, which the Department believes would be necessary in order to make the findings required by section 408(a).

1. Applicants request that the Department grant relief from the prohibitions against fiduciary self-dealing and conflict of interest contained in section 406(b) for acts in connection with the above described transactions. The applications, however, were not specific enough to afford a sufficient basis for proposing such relief. Moreover, the Department is concerned that provision of such relief would not be in the interests of plans, and their participants and beneficiaries, or protective of the rights of participants and beneficiaries, because it appears that the decision to commit a plan to making or purchasing mortgages for a given project could be subject to certain abuses of the types which section 406(b) is designed specifically to guard against. The Department is proposing to require that such commitments be made on behalf of the plan by a financial institution which is not subject to the controlling influence of certain interested persons. The Department believes that this requirement should make unnecessary the granting of relief from section 406(b) by sufficiently insulating plan fiduciaries who might have an interest in the transaction from the decision making process. In addition, this requirement will help assure that conditions suggested by the applicants (for example, that such commitments must be no less favorable to the plan than commitments involving unrelated persons) would be met. This position is consistent with the position the Department has taken on matters involving very similar transactions.[4]

2. The NAHB application requested special relief to permit a non-profit corporation, which would be established by a regional, state or local home building association affiliated with NAHB, to amalgamate small loan commitments from employee benefit plans for presentation to financial institutions. According to the NAHB, such corporation would not actually place loans or handle loan servicing, but would arrange loan commitments working through plans and financial institutions. After amalgamating small commitments from plans, the corporation would take them to a financial institution for actual placement of the loan. As in the case of loans placed directly through a financial institution, certain general criteria might be established by the non-profit organization or the plans concerning the types of loans that would be acceptable. It is anticipated that the corporation may receive a fee for its loan placement activities, which the NAHB estimated "might be approximately ⅛ of one point."

In this regard, it does not appear to the Department that the NAHB has demonstrated that the inclusion of relief of this nature in the class exemption would be necessary in order to achieve the purposes for which the exemption was requested. Addtitionally, it appears that, to the extent an exemption would be required, plans wishing to avail themselves of this type of service might be able to do so under section 408(b)(2) of ERISA and 29 CFR 2550.408b–2 which, if certain conditions are met, exempt provision of services to plans from the prohibitions of section 406(a). For this reason, the Department is also not proposing relief under the class exemption for other transactions which involve solely the provision of services to a plan.

3. In addition to the above-described conditions suggested by the applicants, the Department believes that the following safeguards would be appropriate.

Under the proposed exemption, the financial institution which approves loans on behalf of the plan must be one which commonly makes mortgage loans on similar terms and conditions from its own funds. This condition will help assure that such institution has the expertise required, for example, to make competent selections of borrowers, and that the representations (that these transactions will be consistent with customary lending practices and at least as favorable to the plan as transactions involving unrelated parties) will be met. The Department has added a condition which will help assure that, in those instances where the plan will service the loans made pursuant to the exemption, such servicing will be carried on in a commercially reasonable manner, pursuant to appropriate procedures. Finally, as discussed above, the Department has conditioned relief on the making of the commitment by an independent financial institution.

Notice to Interested Persons

Because all plan participants and beneficiaries whose plans might invest in mortgages could conceivably be considered interested persons, the Department has determined that the only practical form of notice is publication in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of ERISA and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of ERISA and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of ERISA which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of ERISA; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible,

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[3] *See*, for example, Prohibited Transaction Exemption (PTE) 80–78, 45 FR 69065, October 17, 1980; PTE 80–37, 45 FR 41089, June 17, 1980; and PTE 79–34, 44 FR 40950, July 13, 1979.

[4] *See*, PTE 76–1, Part B, 41 FR 12740, 12742, March 26, 1976; and the matters cited in footnote 3 above.

In this regard, the Department has given serious consideration to an alternative method of providing adequate safeguards. This would involve setting forth in the exemption very detailed standards (such as a variety of percentage limitations, specific requirements as to the content of commitments, etc.) which would help to decrease the possibility that the interests and rights of plan participants and beneficiaries would suffer as a result of issuing a commitment to a party in interest. The Department has used this type of approach in the area of individual exemptions, where it is possible to tailor the conditions and scope of relief to fit a particular situation. In the context of a request for relief for a large and varied class of persons, however, such an approach would deprive parties of desirable flexibility in establishing and maintaining a program which best suits them and which could be adapted to developments in the mortgage financing industry. Accordingly, it is the Department's view that this would not be a desirable approach. However, the Department continues to be willing to explore viable alternatives to an "independent fiduciary" requirements, and specifically requests public comment on this aspect of the proposed exemption.

in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of ERISA and section 4975(c)(1)(E) and (F) of the Code.

Written Comments

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

On the basis of the facts and representations set forth in the applications, the Department is considering granting the following class exemption under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1:

I. Transactions

Effective January 1, 1975, the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (ERISA) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (Code) by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the following transactions if the conditions set forth in part II below are met:

A. The issuance of a commitment by an employee benefit plan to provide mortgage financing to purchasers of new single-family residential dwelling units, either by making loans directly to purchasers or by purchasing mortgages originated by a third party;

B. The receipt by the plan of a fee in exchange for issuing such commitment; and

C. The actual making or purchase of a mortgage loan by the plan pursuant to such commitment.

II. Conditions

The following conditions apply to the transactions described in part I above:

A. The commitment must be in writing and must be at least as favorable to the plan as a commitment involving unrelated parties and consistent with customary practices in the residential financing industry;

B. The commitment must set forth customary guidelines concerning the loans that will be made pursuant to the commitment, including (but not limited to) appropriate requirements concerning the income levels and credit worthiness of borrowers, fair market value appraisals of the collateral, loan to value ratios, and title, hazard and private mortgage insurance;

C. The decision to issue the commitment must be made on behalf of the plan by an established financial institution, as to which neither the plan, an employer or group of employers contributing to the plan, nor an employee organization any of whose members are covered by the plan, has the power to exercise a controlling influence over the management or policies of such established financial institution;

D. The financing must be provided through an established financial institution which selects the recipient and makes (or, on behalf of the plan, purchases) the loan based on criteria that are consistent with customary practices in the residential mortgage industry, and which commonly makes mortgage loans on similar terms and conditions from its own funds;

E. The loan must be evidenced by a written note, the terms of which are (1) at least as favorable to the plan as the terms of a loan involving unrelated parties and (2) consistent with customary practices in the residential mortgage industry; and must be secured by a duly recorded first lien on the unit;

F. No person who is a developer or a builder involved in the development or construction of the units, or a lender who is associated with the construction financing arrangement for the units, or who is the originator of a mortgage which may be purchased by the plan pursuant to the commitment (or any affiliate of such person) shall have exercised any discretionary authority or control or rendered any investment advice that would make that person a fiduciary with respect to the decision to issue a commitment, setting the terms thereof, or the decision to make (or purchase) any loan pursuant thereto;

G. No loan may be made to a disqualified person as defined in section 4975(e)(2) of the Code, and, if the loan is made to a party in interest (as defined in section 3(14) of ERISA), that person is a party in interest solely by reason of being an employee of a person described in section 3(14)(B), (C), (D), (E) or (G) of ERISA;

H. If the loans are to be serviced by the plan, the plan shall have adopted in writing reasonable procedures, consistent with customary practices in the residential mortgage industry, designed to ensure that the loans will be serviced in a diligent and systematic manner (servicing a loan includes such duties as, for example, collecting mortgage payments, assuring that taxes and insurance premiums for the units are paid, and making all decisions relating to, and handling, foreclosures); and

I. (1) The plan shall maintain for the duration of any loan made pursuant to this exemption records necessary to enable the persons described in paragraph (2) of this section to determine whether the conditions of this exemption have been met, except that (a) a prohibited transaction will not be deemed to have occurred, if, due to circumstances beyond the control of the fiduciaries of the plan, records are lost or destroyed prior to the termination of the loan and, (b) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of ERISA, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained or are not available for examination as required by paragraph (2) below.

(2) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of ERISA, the records referred to in paragraph (1) of this section must be unconditionally available at their customary location for examination during normal business hours by: any trustee, investment manager, participant or beneficiary of the plan, or any duly authorized employee or representative of such person or of the Department of Labor or the Internal Revenue Service

III. Definitions

For purposes of this exemption—

A. An "affiliate" of a person means a person defined in 29 CFR § 2510.3–21(e).

B. An "established financial institution" means an investment manager described in section 3(38) of ERISA with respect to the plan, or a savings and loan association subject to regulation by the Federal Home Loan Bank Board, which, in the normal course of its business, engages in transactions

of the types described in part I of this exemption.

C. A "residential dwelling unit" or "unit" means an owner-occupied, detached house, townhouse, condominium, or unit in a multi-unit subdivision (planned unit development) restricted by recorded documents which limit the use of the property to residential purposes and provide for maintenance of common facilities.

Signed at Washington, D.C., this 2d day of December, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34847 Filed 12-2-81; 11:40 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-80]

Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

DATE AND TIME: December 8, 9, 10 and 11, 1981, 8 a.m. to 4:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, Room 226B, Federal Building 10B, 600 Independence Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Calabrese, Code ERL-2, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-4450).

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review and evaluate both solicited and unsolicited proposals which offer to conduct new research or data use investigations in the various discipline areas of the overall Space and Terrestrial Applications Program. The Subcommittee, chaired by Mr. Floyd I. Roberson, consists of 22 members. During this meeting the advisory Subcommittee will discuss and evaluate proposals submitted to NASA in response to the Applications Notice for Remote Sensing Fundamental Research. Throughout this session, the qualifications of the proposers will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The Renewable Resource Panel of the STASC Proposal Evaluation Advisory Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Applications Notice for Remote Sensing Fundamental Research.

It is imperative that the meeting be conducted December 8-11, 1981. In order to assure timely project initiation, contracts must be awarded in March, 1982. To meet the government's established contractual leadtime requirements, a technical evaluation must therefore be conducted in December, 1981. December 8-11 are the only dates in December which are mutually satisfactory for all essential Subcommittee members.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

November 30, 1981.

[FR Doc. 81-34793 Filed 12-3-81; 8:45 am]

BILLING CODE 7510-01-M

[81-81]

Space and Terrestrial Applications Steering Commmittee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

DATE AND TIME: December 15, 1981, 8 a.m. to 4:30 p.m.

ADDRESS: National Space Techology Laboratories, National Aeronautics and Space Administration, NSTL Station, MS 39529.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Calabrese, Code ERL-2, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755-4450).

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review and evaluate both solicited and unsolicited proposals which offer to conduct new research or data use investigations in the various discipline areas of the overall Space and Terrestrial Applications Program. The Subcommittee, chaired by Mr. Floyd I. Roberson, consists of 22 members. During this meeting the advisory Subcommittee will discuss and evaluate proposals submitted to NASA in response to the Announcement of Opportunity for Remote Sensing Fundamental Research. Throughout this session, the qualifications of the proposers will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)9, it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The Renewable Resource Panel of the STASC Proposal Evaluation Advisory Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Applications Notice for Remote Sensing Fundamental Research.

NASA will use techniques which were developed with prior year data sets to conduct "quasi-operational" testing with the Missouri Farm Association during January, 1982. Before conducting this joint test, NASA must conduct a technical peer review to assess these techniques and to determine the most effective means of conducting the joint test. December 15 is the only date in December which is mutually satisfactory for all essential Subcommittee members.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

November 30, 1981.

[FR Doc. 81-34794 Filed 12-3-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is

hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506:

Date: December 18, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in English Literature I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information on a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action.

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–9367.

Stephen McCleary,

Advisory Committee Management Officer.

[FR Doc. 81–34858 Filed 12–3–81; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Evaluation of Agreement State Radiation Control Programs; General Statement of Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Final general statement of policy.

SUMMARY: The Nuclear Regulatory Commission is adopting as a general statement of policy the recently revised "Guidelines for NRC Review of Agreement State Radiation Control Programs." This statement of policy is being issued to inform the States and the public of the criteria and guidelines which the Commission intends to use in its periodic evaluations of Agreement State Programs.

EFFECTIVE DATE: This general statement of policy is effective on December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Donald A. Nussbaumer, Assistant Director for State Agreements Program, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–492–7767.

SUPPLEMENTARY INFORMATION: On October 3, 1980, the NRC published in the **Federal Register** as a proposed General Statement of Policy its "Guide for Evaluation of Agreement State Radiation Control Programs." (45 FR 65726–65734). Interested persons were invited to submit written comments and suggestions on the proposed policy statement during the comment period which expired on December 22, 1980 (45 FR 80937, December 8, 1980). Based on the comments received and the Commission's own evaluation, a number of changes have been made to the policy statement.

This document is organized in much the same manner as the former "Guide." It contains six major sections, each of which deals with a separate program element. These sections are: Legislation and Regulations, Organization, Management and Administration, Personnel, Licensing, and Compliance. As in the former "Guide" each program element contains "Indicators" which address specific functions within the program element. A number of recommended "Guidelines" are listed under each "Indicator." The "Guidelines" replace the former "Guides for Acceptable Practice."

The indicator "Legal Authority" has been taken out of the Organization section and combined with Regulations to form a new section, Legislation and Regulations. The underlying authority granted the radiation control program in State legislation together with implementing regulations form the foundation of any regulatory program and are essential to the effectiveness of that program. A new indicator "Status of Regulations" has replaced "Compatibility." The guidelines under the indicator "Status of Regulations" indicate that certain State regulations must be essentially identical to NRC regulations and that other regulations must have a high degree of uniformity with NRC regulations. This is basically what is meant by compatibility as it is applied to regulations.

With regard to the Organization section, the only significant change was the moving of the indicator Legal Authority, to a new section.

The section on Management and Administration has been revised in a number of areas. The guidelines under Budget have been revised to list the specific program areas we feel require budgetary support. A specific dollar range, however, has been deleted. With the growing complexity of radiation control programs, (e.g., the additional requirement on States licensing uranium mills), inflation, and other considerations, it is becoming increasingly difficult to establish specific funding levels which could be useful in comparing State programs. A number of points should be stressed: (1) There have been a number of occasions in the past where States have not met the NRC's recommended guidelines and yet the overall program has functioned satisfactorily; (2) The States utilize a variety of accounting techniques and it has been difficult to develop a guideline that would be generally applicable to all States; (3) Past experience has shown that there is not a strong correlation between budget problems and problems in other program areas. For example, in most States, salaries constitute a major part of the radiation control program budget. There have been a number of cases where a State's overall budget was within the recommended guideline but yet the salaries were too low to recruit and retain adequate staff. Conversely, States with more than adequate salaries have had an overall budget below the recommended guideline. Our conclusion is that the diversity of State programs and the variety of accounting techniques employed by the State makes the use of specific budget level guidelines of little value. Other editorial changes have been made to the Management and Administration section.

The indicator "Duties" has been changed to "Staff Supervision" which we feel more accurately expresses the subject of the guidelines. We have eliminated "salaries" as a separate indicator, and have placed it under a new indicator "Staff Continuity." Salary levels are important only from the standpoint of being able to recruit and retain staff. The indicator "Recruiting" has been eliminated. The guideline relating to job descriptions has been moved to "Qualifications." The

guideline regarding vacancy notification procedures has been eliminated since, as pointed out by one commenter, State recruitment practices vary according to State personnel office procedures. Based on our experience, there does not appear to be any reason for recommending one recruitment practice over another.

Only minor changes have been made to the Licensing section. Under "Licensing Procedures" the guideline pertaining to the preliminary review of applications within 30 days of receipt has been eliminated. The time needed to review an initial license application is a purely administrative matter. An artificial time limit serves no useful purpose. It is the quality of the licensing action that has a bearing on public health and safety. The timely review of licensee renewal applications may, however, be important. The recommended guideline pertaining to the issuance of license expiration notices to licensees 30–60 days prior to expiration has also been eliminated. License renewal is the responsibility of the licensee. The issuance of expiration notices by the State is a purely administrative matter.

No significant changes have been made to the Compliance section.

A number of changes have been made to the Categories assigned to various indicators. Category III has been eliminated. All guidelines previously included in Category III indicators were considered to be more appropriately identified as Category II. A separate Category III is no longer needed.

The "Guidelines for NRC Review of Agreement State Radiation Control Programs" will be used by the NRC staff during its onsite reviews of Agreement State programs. Such reviews are conducted at approximately 18 month intervals or less if deemed necessary. As a result of the review of a State program, the NRC determines that the Agreement State's program is either:

(1) Adequate to protect the public health and safety; or

(2) Inadequate to protect the public health and safety.

A program may be adequate to protect the public health and safety although in need of improvement in specified areas. In some cases, the NRC may be unable to make a finding at the time of the review because of unresolved items or inadequate information necessitating a follow-up review. In such cases, NRC follows up on these matters by correspondence, follow-up onsite reviews or at the time of the next regular scheduled review. No significant items will be left unresolved over a prolonged period.

A determination is also made that the program is either:

(1) Compatible with the NRC Regulatory program in areas related to the public health and safety; or

(2) Incompatible with the NRC Regulatory program; or

(3) NRC is unable to make a finding at the time of the review because of unresolved items or inadequate information.

A dispositive finding of adequacy and compatibility is made at the time the staff submits a consolidated assessment to the Commission in an annual report on all Agreement States.

In making a finding of adequacy, the NRC considers areas of the State program which are critical to its primary function, i.e., protection of the public health and safety. For example, a State that does not have qualified personnel, fails to take adequate licensing actions or has no inspection program, would not be considered to have a program adequate to protect the public health and safety. Basic radiation protection standards, such as exposure limits, also directly affect the States' ability to protect public health and safety. The NRC feels that it is important to strive for a high degree of uniformity in technical definitions and terminology, particularly as related to units of measurement and radiation dose. Maximum permissible doses and levels of radiation and concentrations of radioactivity in unrestricted areas as specified in 10 CFR Part 20 are considered to be important enough to require States to be essentially equivalent in this area in order to protect public health and safety. Certain administrative procedures, such as those involving the licensing of products containing radioactive material intended for interstate commerce, also require a high degree of uniformity. If no serious performance problems are found in an Agreement State program and if its standards and program procedures are compatible with the NRC program, a finding of adequacy and compatibility is made. In a case where a State has not formally updated radiation standards in important areas, but other areas of the program are not deficient, a State could be found to be adequate but not compatible with the NRC program. It is also possible that a State program could have up-to-date regulations, all proper procedures, and adequate staff, but still fail to perform the necessary work. In this case, a program could be found to be inadequate to protect the public health and safety, yet compatible with the Commission's program. In the worst case, a program can be found to be both inadequate and incompatible with the NRC program.

Guidelines for NRC Review of Agreement State Radiation Control Programs

1981.

Prepared by Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Introduction

Section 274 of the Atomic Energy Act was enacted by the Congress in 1959 to recognize the interests of the States in atomic energy, to clarify the respective responsibilities of State and Federal Governments, and to provide a mechanism for States to enter into formal agreements with the Atomic Energy Commission (AEC), and later the Nuclear Regulatory Commission (NRC), under which the States assume regulatory authority over byproduct, source, and small quantities of special nuclear materials, collectively referred to as agreement materials. The mechanism by which the NRC discontinues and the States assume regulatory authority over agreement materials is an agreement between the Governor of a State and the Commission. Before entering into an Agreement, the Governor is required to certify that the State has a regulatory program that is adequate to protect the public health and safety. In addition, the Commission must perform an independent evaluation and make a finding that the State's program is adequate from the health and safety standpoint and compatible with the Commission's regulator program.

Current Guidelines

In 1980, the NRC staff initiated a major revision of the guide for review of Agreement State programs (two earlier revisions reflected primarily minor and editorial changes). This was necessitated by changes in NRC licensing and compliance policy, the Uranium Mill Tailings Radiation Control Act of 1978 and inflationary impacts on budgeting. In view of increased public interest in radiation control matters and the Agreement State program, the Commission has published these Guidelines, which constitute Commission policy in the form of a document entitled "Guidelines for NRC Review of Agreement State Radiation Control Programs." This document provides guidance for evaluation of operating Agreement State programs based on 20 years of combined AEC–NRC experience in administering the Agreement State program. The

document will be used by the NRC in its continuing program of evaluating Agreement State programs.

The "Guidelines" contain six sections, each dealing with one of the essential elements of a radiation control program (RCP) which are: Legislation and Regulations, Organization, Management and Administration, Personnel, Licensing, and Compliance. Each section contains (a) a summary of the general significance of the program elements, (b) indicators which address specific functions within the program element, (c) categories which denote the relative importance of each indicator, and (d) guidelines which delineate specific objectives or operational goals.

Categories of Indicators

The indicators listed in this document cover a wide range of program functions, both technical and administrative. It should be recognized that the indicators, and the guidelines under each indicator, are not of equal importance in terms of the fundamental goal of a radiation control program, i.e. protecting the public health and safety. Therefore, the indicators are categorized in terms of their importance to the fundamental goal of protecting the public health and safety. Two categories are used.

Category I—Direct Bearing on Health and Safety. Category I Indicators are:

- Legal Authority.
- Status of Regulations.
- Quality of Emergency Planning.
- Technical Quality of Licensing Actions.
- Adequacy of Product Evaluations.
- Status of Inspection Program.
- Inspection Frequency.
- Inspectors' Performance and Capability.
- Response to Actual and Alleged Incidents.
- Enforcement Procedures.

These indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical. Legislation and regulations together form the foundation for the entire program, establishing the framework for the licensing and compliance programs. The technical review of license applications is the initial step in the regulatory process. The evaluation of applicant qualifications, facilities, equipment, and procedures by the regulatory agency is essential to assure protection of the public from radiation hazards associated with the proposed activities. Assuring that licensees fulfill the commitments made in their applications and that they observe the requirements set forth in the regulations is the objective of the compliance program. The essential elements of an adequate compliance program are (1) the conduct of onsite inspections of licensee activities, (2) the performance of these inspections by competent staff, and (3) the taking of appropriate enforcement actions. Another very important factor is the ability to plan for, respond effectively to, and investigate radiation incidents.

Category II—Essential Technical and Administrative Support. Category II Indicators are:

- Updating of Regulations.
- Location of Radiation Control Program Within State Organization.
- Internal Organization of Radiation Control Program.
- Legal Assistance.
- Technical Advisory Committees.
- Budget.
- Laboratory Support.
- Administrative Procedures.
- Management.
- Office Equipment and Support Services.
- Public Information.
- Qualifications of Technical Staff.
- Staffing Level.
- Staff Supervision.
- Training.
- Staff Continuity.
- Licensing Procedures.
- Inspection Procedures.
- Inspection Reports.
- Independent Measurements.

These indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e. those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety. If at least one significant Category I comment is provided, the State will be notified that the program deficiency may seriously affect the State's ability to protect the public health and safety and should be addressed on a priority basis. When more than one significant Category I comment is provided, the State will be notified that the need of improvement in the particular program areas is critical. The NRC would request an immediate response, and perform a follow-up review of the program within six months. If the State program has not improved or if additional deficiencies have developed, the NRC may institute proceedings to suspend or revoke all or part of the Agreement. Category II comments would concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

It should be recognized that the categorization pertains to the significance of the overall indicator and not to each of the guidelines within that indicator. For example, "Technical Quality of Licensing Actions" is a Category I indicator. The review of license applications for the purpose of evaluating the applicant's qualifications, facilities, equipment, and procedures is essential to assuring that the public health and safety is being protected. One of the guidelines under this indicator concerns prelicensing visits. The need for such visits depends on the nature of the specific case and is a matter of judgment on the part of the licensing staff. The success of a State program in meeting the overall objective of the indicator does not depend on literal adherence to each recommended guideline.

As a matter of policy, the Commission supports the development of more specific objective measures of Agreement State regulatory performance. The difficulties of implementing this policy are also recognized (e.g., lack of adequate data, lack of cause and effect relationships between State radiation control programs and radiation exposure data, cost of collecting data). Nonetheless, the Commission believes there is potential merit in using objective rather than subjective measures where appropriate. NRC will work toward establishing more quantitative measures on a State-by-State basis to improve the quality and consistency of NRC reviews. Recognition will be given to State unique factors, the difficulty in comparing one State to another, and the availability and cost of data collection. NRC solicits State assistance and suggestions in identifying objective performance indicators.

General NRC Policy

The "Guidelines for NRC Review of Agreement State Radiation Control Programs" will be used by the NRC staff during its onsite reviews of Agreement State programs. Such reviews are conducted at approximately 18 month intervals, or less if deemed necessary. As a result of the review of a State program, the NRC determines that the Agreement State's program is either:

(1) Adequate to protect the public health and safety; or

(2) Inadequate to protect the public health and safety.

A program may be adequate to protect the public health and safety although in need of improvement in specified areas. In some case, the NRC may be unable to make a finding at the time of the review because of unresolved items or inadequate information necessitating a follow-up review. In such cases, NRC follows up on these matters by correspondence, follow-up onsite reviews or at the time of the next regularly scheduled review. No significant items will be left unresolved over a prolonged period.

A determination is also made that the program is either:

(1) Compatible with the NRC Regulatory program in areas related to the public health and safety; or

(2) Incompatible with the NRC Regulatory program; or NRC is unable to make a finding at the time of the review because of unresolved items or inadequate information. A dispositive finding is made at the time the staff submits a consolidated assessment to the Commission in an annual report on all Agreement States.

In making a finding of adequacy, the NRC considers areas of the State program which are critical to its primary function, i.e., protection of the public health and safety. For example, a State that does not have qualified personnel, fails to take licensing actions or has no inspection program, would not be considered to have a program adequate to protect the public health and safety. Basic radiation protection standards, such as exposure limits, also directly affect the States' ability to protect public health and safety. The NRC feels that it is important to strive for a high degree of uniformity in technical definitions and terminology, particularly as related to units of measurement and radiation dose. Maximum permissible doses and levels of radiation and concentrations of radioactivity in unrestricted areas as specified in 10 CFR Part 20 are considered to be important enough to require States to be essentially equivalent in this area in order to protect public health and safety. Certain administrative procedures, such as those involving the licensing of products containing radioactive material intended for interstate commerce, also require a high degree of uniformity. If no serious performance problems are found in an Agreement State program and if its standards and program procedures are compatible with the NRC program, a finding of adequacy and compatibility is made. In a case where a State has not formally updated radiation standards in important areas, but other areas of the program are not deficient, a State could be found to be adequate but not compatible with the NRC program. It is also possible that a State program could have up-to-date regulations, all proper procedures, and adequate staff, but still fail to perform the necessary work. In this case, a program could be found to be inadequate to protect the public health and safety, yet compatible with the Commission's program. In the worst case, a program can be found to be both inadequate and incompatible with the NRC program.

Guidelines—Legislation and Regulations

The effectiveness of any State radiation control program (RCP) is dependent upon the underlying authority granted the RCP in State legislation, and implemented in the State regulations. Regulations provide the foundation upon which licensing, inspection, and enforcement decisions are made. Regulations also provide the standards and rules within which the regulated must operate. Periodic revisions are necessary to reflect changing technology, improved knowledge, current recommendations by technical advisory groups, and consistency with NRC regulations. Procedures for providing input to the NRC on proposed changes to NRC regulations are necessary to assure consideration of the State's interests and requirements. The public and, in particular, affected classes of licensees should be granted the opportunity and time to comment on rule changes.

Indicators	Category	Guidelines
Legal Authority	I	Clear statutory authority should exist, designating a State radiation control agency and providing for promulgation of regulations, licensing, inspection and enforcement
		States regulating uranium or thorium recovery and associated wastes pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) must have statutes enacted to establish clear authority for the State to carry out the requirements of UMTRCA.
		Where regulatory responsibilities are divided between State agencies, clear understandings should exist as to division of responsibilities and requirements for coordination.
Status of Regulations	I	The State must have regulations essentially identical to 10 CFR Part 19, Part 20 (radiation dose standards and effluent limits), and those required by UMTRCA, as implemented by Part 40.
		The State should adopt other regulations to maintain a high degree of uniformity with NRC regulations
Updating of Regulations	II	The RCP has established procedures for effecting appropriate amendments to State regulations in a timely manner, normally within 3 years of adoption by NRC. For those regulations deemed a matter of compatibility by NRC, State regulations should be amended as [redacted] practicable but no later than 3 years.
		Opportunity should be provided for the public to comment on proposed regulation changes. (Required by UMTRCA for uranium mill regulation.)
		Pursuant to the terms of the Agreement, opportunity should be provided for the NRC to comment on draft changes in State regulations.

Organization

The effectiveness of any State RCP may be dependent upon its location within the overall State organizational structure. The RCP should be in a position to compete effectively with other health and safety programs for budget and staff. Program management must have access to individuals or groups which establish health and safety program priorities. The RCP should be organized to achieve a high degree of efficiency in supervision, work functions, and communications.

Indicators	Category	Guidelines
Location of Radiation Control Program Within State Organization.	II	The RCP should be located in a State organization parallel with comparable health and safety programs. The Program Director should have access to appropnate levels of State management.
Internal Organization of Radiation Control Program.	II	The RCP should be organized with the view toward achieving an acceptable degree of staff efficiency, place appropriate emphasis on major program functions, and provide specific lines of supervision from program management for the execution of program policy. Where regional offices are utilized, the lines of communication and administrative control between the regions and the central office (Program Director) should be clearly drawn to provide uniformity in inspection policy, procedures and supervision.
Legal Assistance	II	Legal staff should be assigned to assist the RCP or procedures should exist to obtain legal assistance expeditiously. Legal staff should be knowledgeable regarding the RCP program, statutes, and regulations
Technical Advisory Committees.	II	Technical Committees, Federal Agencies, and other resource organizations should be used to extend staff capabilities for unique or technically complex problems. A State Medical Advisory Committee should be used to provide broad guidance on the uses of radioactive drugs in or on humans. The Committee should represent a wide spectrum of medical disciplines. The Committee should advise the RCP on policy matters and regulations related to use of radiosotopes in or on humans. Procedures should be developed to avoid conflict of interest, even though Committees are advisory. This does not mean that representatives of the regulated community should not serve on advisory committees or not be used as consultants

Management and Administration

State RCP management must be able to meet program goals through strong, direct leadership at all levels of supervision. Administrative procedures are necessary to assure uniform and appropriate treatment of all regulated parties. Procedures for receiving information on radiological incidents, emergency response, and providing information to the public are necessary. Procedures to provide feedback to supervision on status and activities of the RCP are necessary. Adequate facilities, equipment and support services are needed for optimum utilization of personnel resources. Laboratory support services should be administered by the RCP or be readily available through established administrative procedures.

In order to meet program goals, a State RCP must have adequate budgetary support. The total RCP budget must provide adequate funds for salaries, travel costs associated with the compliance program, laboratory and survey instrumentation and other equipment, and other administrative costs. The program budget must reflect annual changes in the number and complexity of applications and licenses, and the increase in costs due to normal inflation.

Indicators	Category	Guidelines
Quality of Emergency Planning.	I	The State RCP should have a written plan for response to such incidents as spills, overexposures, transportation accidents, fire or explosion, theft, etc The Plan should define the responsibilities and actions to be taken by State agencies. The Plan should be specific as to persons responsible for initiating response actions, conducting operations and cleanup. Emergency communication procedures should be adequately established with appropriate local, county and State agencies. Plans should be distributed to appropriate persons and agencies. NRC should be provided the opportunity to comment on the Plan while in draft form The plan should be reviewed annually by Program staff for adequacy and to determine that content is current Periodic drills should be performed to test the plan

Indicators	Category	Guidelines
Budget	II	Operating funds should be sufficient to support program needs such as: staff travel necessary to the conduct of an effective compliance program, including routine inspections, followup or special inspections (including pre-licensing visits) and responses to incidents and other emergencies, instrumentation and other equipment to support the RCP, administrative costs in operating the program including rental charges, printing costs, laboratory services, computer and/or word processing support, preparation of correspondence, office equipment, hearing costs, etc. as appropriate. Principal operating funds should be from sources which provide continuity and reliability, i.e., general tax, license fees, etc. Supplemental funds may be obtained through contracts, cash grants, etc
Laboratory Support	II	The RCP should have the capability in-house, or readily available through established procedures, laboratory support to conduct bioassays, analyze environmental samples, analyze samples collected by inspectors, etc. on a priority established by the RCP.
Administrative Procedures.	II	The RCP should establish written internal procedures to assure that staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices. These procedures should address internal processing of license applications, inspection policies and procedures, decommissioning, and other functions required of the program.
Management	II	Program management should receive periodic reports from the staff on the status of regulatory actions (backlogs, problem cases, inquiries, regulation revisions). RCP management should periodically assess workload trends, resources and changes in legislative and regulatory responsibilities to forecast needs for increased staff, equipment, services and fundings. Program management should perform periodic reviews of selected license cases handled by each reviewer and document the results. Complex licenses (major manufacturers, large scope—Type A Broad, potential for significant releases to environment) should receive second party review (supervisory) committee, consultant). Supervisory review of inspections, reports and enforcement actions should also be performed.
Office Equipment and Support Services.	II	The RCP should have adequate secretarial and clerical support. Automatic typing and Automatic Data Processing and retrieval capability should be available to larger (>300–400 licenses) programs. Similar services should be available to regional offices, if utilized.
Public Information	II	Inspection and licensing files should be available to the public consistent with State administrative procedures. Opportunity for public hearings should be provided in accordance with UMTRCA and applicable State administrative procedure laws.

Personnel

The RCP must be staffed with a sufficient number of trained personnel. The evaluation of license applications and the conduct of inspections require staff with in-depth training and experience in radiation protection and related subjects. The staff must be adequate in number to assure licensing, inspection, and enforcement actions of appropriate quality to assure protection of the public health and safety. Periodic training of existing staff is necessary to maintain capabilities in a rapidly changing technological environment. Program management personnel must be qualified to exercise adequate supervision in all aspects of a State radiation control program.

Indicators	Category	Guide for acceptable practice
Qualifications of Technical Staff.	II	Professional staff should have bachelor's degree or equivalent training in the physical and/or life sciences. Additional training and experience in radiation protection for senior personnel should be commensurate with the type of licenses issued and inspected by the State.
Staffing Level		
Staff Supervision		
Training		

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Indicators	Category	Guide for acceptable practice
		Written job descriptions should be prepared so that professional qualifications needed to fill vacancies can be readily identified
Staffing Level	II	Staffing level should be approximately 1–1.5 person-year per 100 licenses in effect. RCP must not have less than two professionals available with training and experience to operate RCP in a way which provides continuous coverage and continuity. For States regulating uranium mills and mill tailings, current indications are that 2–2.75 professional person-years[1] of effort, including consultants, are needed to process a new mill license (including insitu mills) or major renewal, to meet requirements of Uranium Mill Tailings Radiation Control Act of 1978. This effort must include expertise in radiological matters, hydrology, geology, and structural engineering.[1]
Staff Supervision	II	Supervisory personnel should be adequate to provide guidance and review the work of senior and junior personnel. Senior personnel should review applications and inspect licenses independently, monitor work of junior personnel, and participate in the establishment of policy. Junior personnel should be initially limited to reviewing license applications and inspecting small programs under close supervision.
Training	II	Senior personnel should have attended NRC core courses in licensing orientation, inspection procedures, medical practices and industrial radiography practices. (For mill States, mill training should also be included.) The RCP should have a program to utilize specific short courses and workshops to maintain appropriate level of staff technical competence in areas of changing technology.
Staff Continuity	II	Staff turnover should be minimized by combinations of opportunities for training, promotions, and competitive salaries. Salary levels should be adequate to recruit and retain persons of appropriate professional qualifications. Salaries should be comparable to similar employment in the geographical area. The RCP organization structure should be such that staff turnover is minimized and program continuity maintained through opportunities for promotion. Promotion opportunities should exist from junior level to senior level or supervisory positions. There also should be opportunity for periodic salary increases compatible with experience and responsibility.

[1] Additional guidance is provided in the Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.

Licensing

It is necessary in licensing by product, source, and special nuclear materials that the State regulatory agency obtain information about the proposed use of nuclear materials, facilities and equipment, training and experience of personnel, and operating procedures appropriate for determining that the applicant can operate safely and in compliance with the regulations and license conditions. An acceptable licensing program includes: preparation and use of internal licensing guides and policy memoranda to assure technical quality in the licensing program (when appropriate, such as in small programs, NRC Guides may be used); prelicensing inspection of complex facilities; and the implementation of administrative procedures to assure documentation and maintenance of adequate files and records.

Indicators	Category	Guidelines
Technical Quality of Licensing Actions	II	The RCP should assure that essential elements of applications have been submitted to the agency, and which meet current regulatory guidance for describing the isotopes and quantities to be used, qualifications of persons who will use material facilities and equipment, and operating and emergency procedures sufficient to establish the basis for licensing actions. Prelicensing visits should be made for complex and major licensing actions. Licenses should be clear, complete and accurate as to isotopes, forms, quantities, authorized uses, and permissive or restrictive conditions. The RCP should have procedures for reviewing licenses prior to renewal to assure that supporting information in the file reflects the current scope of the licensed program.
Adequacy of Product Evaluations		RCP evaluations of manufacturer's or distributor's data on sealed sources and devices outlined in NRC, State, or appropriate ANSI Guides, should be sufficient to assure integrity and safety for users.

Indicators	Category	Guidelines
		The RCP should review manufacturer's information in labels and brochures relating to radiation health and safety, assay, and calibration procedures for adequacy
		Approval documents for sealed source or device designs should be clear, complete and accurate as to isotopes, forms, quantities, uses, drawing identifications, and permissive or restrictive conditions
Licensing Procedures.	II	The RCP should have internal licensing guides, checklist, and policy memoranda consistent with current NRC practice.
		License applicants (including applicants for renewals) should be furnished copies of applicable guides and regulatory positions
		The present compliance status of licensees should be considered in licensing actions
		Under the NRC Exchange-of-Information program, evaluation sheets, service licenses, and licenses authorizing distribution to general licensees and persons exempt from licensing should be submitted to NRC on a timely basis
		Standard license conditions comparable with current NRC standard license conditions should be used to expedite and provide uniformity in the licensing process.
		Files should be maintained in an orderly fashion to allow fast, accurate retrieval of information and documentation of discussions and visits

Compliance

Periodic inspections of licensed operations are essential to assure that activities are being conducted in compliance with regulatory requirements and consistent with good safety practices. The frequency of inspections depends on the amount and the kind of material, the type of operation licensed, and the results of previous inspections. The capability of maintaining and retrieving statistical data on the status of the compliance program is necessary. The regulatory agency must have the necessary legal authority for prompt enforcement of its regulations. This may include, as appropriate, administrative remedies, orders requiring corrective action, suspension or revocation of licenses, the impounding of materials, and the imposing of civil or criminal penalties.

Indicators	Category	Guidelines
Status of Inspection Program.	I	State RCP should maintain an inspection program adequate to assess licensee compliance with State regulations and license conditions.
		The RCP should maintain statistics which are adequate to permit Program Management to assess the status of the inspection program on a periodic basis Information showing the number of inspections conducted, the number overdue, the length of time overdue and the priority categories should be readily available.
		At least semiannual inspection planning for number of inspections to be performed, assignments to senior vs. junior staff, assignments to regions, identification of special needs and periodic status reports.
Inspection Frequency	I	The RCP should establish an inspection priority system. The specific frequency of inspections should be based upon the potential hazards of [redacted] operations, e.g., major processors, broad licensees, and industrial radiographers should be inspected approximately annually—smaller or less hazardous operations may be inspected less frequently. The minimum inspection frequency should be consistent with the NRC system.
Inspectors' Performance and Capability.	I	Inspectors should be competent to evaluate health and safety problems and to determine compliance with State regulations. Inspectors must demonstrate to supervision an understanding of regulations, inspection guides, and policies prior to independently conducting inspections.
		The compliance supervisor (may be RCP manager) should conduct annual field evaluations of each inspector to assess performance and assure application of appropriate and consistent policies and guides.
Response to Actual and Alleged Incidents	I	Inquiries should be promptly made to evaluate the need for onsite investigations.
		Onsite investigations should be promptly made of incidents requiring reporting to the Agency in less than 30 days. (10 CFR 20 403 types.)
		For those incidents not requiring reporting to the Agency in less than 30 days, investigations should be made during the next scheduled inspection.

Enforcement Procedures

Indicators	Category	Guidelines
		Onsite investigations should be promptly made of non-reportable incidents which may be of significant public interest and concern, e.g., transportation accidents.
		Investigations should include indepth reviews of circumstances and should be completed on a high priority basis. When appropriate, investigations should include reenactments and time-study measurements (normally within a few days).
		Investigation (or inspection) results should be documented and enforcement action taken when appropriate.
		State licensees and the NRC should be notified of pertinent information about any incident which could be relevant to other licensed operations (e.g., equipment failure, improper operating procedures).
		Information on incidents involving failure of equipment should be provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency.
		The RCP should have access to medical consultants when needed to diagnose or treat radiation injuries.
		The RCP should use other technical consultants for special problems when needed.
Enforcement Procedures.	I.	Enforcement Procedures should be sufficient to provide a substantial deterrent to licensee noncompliance with regulatory requirements. Provisions for the levying of monetary penalties are recommended.

Indicators	Category	Guidelines
		Enforcement letters should be issued within 30 days following inspections and should employ appropriate regulatory language clearly specifying all items of noncompliance and health and safety matters identified during the inspection and referencing the appropriate regulation or license condition being violated.
		Enforcement letters should specify the time period for the licensee to respond indicating corrective actions and actions taken to prevent re-occurrence (normally 20-30 days). The inspector and compliance supervisor should review licensee responses.
		Licensee responses to enforcement letters should be promptly acknowledged as to adequacy and resolution of previously unresolved items.
		Written procedures should exist for handling escalated enforcement cases of varying degrees.
		Impounding of material should be in accordance with State administrative procedures.
		Opportunity for hearings should be provided to assure impartial administration of the radiation control program.
Inspection Procedures	II	Inspection guides, consistent with current NRC guidance, should be used by inspectors to assure uniform and complete inspection practices and provide technical guidance in the inspection of licensed programs. The NRC-Agreement States Guides may be used if properly supplemented by policy memoranda, agency interpretations,

Indicators	Category	Guidelines
Inspection Reports.....	II	Written inspection policies should be issued to establish a policy for conducting unannounced inspections, obtaining corrective action following up and closing out previous violations, assuring exit interviews with management and issuing appropriate notification of violations of health and safety problems.
		Procedures should be established for maintaining licensees compliance histories.
		Oral briefing of supervisors or the senior inspector should be performed upon return from nonroutine inspections.
		For States with separate licensing and inspection staffs, procedures should be established for feedback of information to license reviewers.
		Findings of inspections should be documented in a report describing the scope of inspections, substantiating all items of noncompliance and health and safety matters, describing the scope of licensees programs, and indicating the substance of discussions with licensee management and licensee's response.
		Reports should uniformly and adequately document the results of inspections and identify areas of the licensee's program which should receive special attention at the next inspection.
		Reports should show the status of previous noncompliance and the independent physical measurements made by the inspector.

Indicators	Category	Guidelines
Independent Measurements.	II	Independent measurements should be sufficient in number and type to ensure the licensee's control of materials and to validate the licensee's measurements. RCP instrumentation should be adequate for surveying license operations (e.g., survey meters, air samplers, lab counting equipment for smears, identification of isotopes, etc.). GM Survey Meter: 0–20 mr/hr Ion Chamber Survey Meter: several r/hr Neutron Survey Meter: Fast & Thermal Alpha Survey Meter: 0–100,000 c/m Air Samplers: Hi and Lo Volume Lab Counters: Detect 0.001 μc/wipe Velometers Smoke tubes Lapel Air samplers. Instrument calibration services or facilities should be readily available and appropriate for instrumentation used. Licensee equipment and facilities should not be used unless under a service contract. Exceptions for other State Agencies, e.g., a State University, may be made. Agency instruments should be calibrated at intervals not greater than that required to licensees being inspected.

Dated at Washington, DC this 30th day of November 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-34780 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-454 and STN 50-455]

Availibility of Draft Environmental Statement for Byron Station, Units 1 and 2

Notice is hereby given that a Draft Environmental Statement (NUREG–0848) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Byron Station, Units 1 and 2, by the Commonwealth Edison Company. The site for this station is located in Rockvale Township, Ogle County, Illinois, approximately seventeen miles southwest of Rockford, Illinois.

The Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurance or their consequences. Finally, the statement presents an update discussion of a need for the facility since the construction permit application.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103. The DES is also being made available at the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 S. Second Street, Room 315, Springfield, Illinois 62706. Request for copies of the DES (NUREG–0848) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and in the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by January 18, 1982.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of November 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-34868 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment, Facility Operating License No. NPF-9

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. NPF–9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. This amendment revises the minimum reactor coolant system flow rate to permit an option for operation at a reduced flow rate (95%) in conjunction with a reduced power level (90%). The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated November 11, 1981, (2) Amendment No. 9 to Facility Operating License No. NPF–9 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of items 2 and 3 may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of November 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-34869 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-414]

Duke Power Co., et al.; Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Construction Permit No. CPPR-117. The amendment reflects the addition of Piedmont Municipal Power Agency as a new co-owner of the Catawba Nuclear Station, Unit 2 (the facility) along with present owners Duke Power Company and North Carolina Municipal Power Agency Number One. Duke Power Company has sole responsibility for the design and construction of the facility, which is located in York County, South Carolina.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendment.

Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for the amendment dated April 8, 1981, (2) Amendment No. 2 to Construction Permit No. CPPR-117, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina. In addition, a copy of the above items (2) and (3) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland the 24th day of November 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-34870 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Provisional Operating License No. DPR-18 for the R. E. Ginna Nuclear Power Plant to Rochester Gas and Electric Corporation (the licensee). The Ginna Plant is located in Wayne County, New York. The amendment is effective as of the date of issuance and is to be implemented within 60 days of Commission approval in accordance with provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, as revised, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated May 4, 1981, and July 30, 1981, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 46 to License No. DPR-18, and (2) the Commission's related letter to the licensee dated November 30, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of November, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-34871 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised the license for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment modifies the license to include revisions to the previously approved Physical Security Plan for the facility.

The licensee's filing, which is being handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated June 10, 1981, as revised September 22, 1981, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to

disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 37 to License No. DPR-54, and (2) the Commission's related letter to the licensee dated November 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-34872 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revises the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment is effective as of the date of its issuance.

The amendment revises the Technical Specifications to incorporate limiting conditions for operation and surveillance requirements related to HCPI and RCIC system isolation modifications, performed as a result of NUREG-0737.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 5, 1981 as supplemented November 18, 1981, (2) Amendment No. 69 to License No. DPR-28, and (3) the Commission's letter to the licensee dated November 27, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2 Division of Licensing

[FR Doc. 81-34873 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to incorporate the limiting conditions for operation and surveillance requirements associated with Cycle 9 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendent was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 2, 1981 as supplemented October 28, and 30 and November 6, 13, 23 and 23, 1981, (2) Amendment No. 70 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactor Branch No. 2, Division of Licensing.

[FR Doc. 81-34874 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Lucretia F. Myers, Acting Assistant Director for Personnel and EEO, Office of Personnel Management, 1900 "E" Street, NW., Washington, D.C. 20415, (202-632-5400)

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Office of Personnel Management.

Donald J. Devine,

Director.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** for the agency's schedule for awarding Senior Executive Service Bonuses at least 14 days prior to the date on which the awards will be paid. The Office of Personnel Management intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1980, through September 30, 1981, with payouts scheduled by December 31, 1981.

[FR Doc. 81-34803 Filed 12-3-81; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Doc. No. 301-24]

Tanners' Council of America, Inc.; Initiation of Investigation

On October 9, 1981, the Chairman of the Section 301 Committee received a petition from the Tanners' Council of America, Inc. alleging that Argentina has defaulted on its 1979 Agreement with the United States to liberalize access to Argentine hides; that the failure to honor this agreement burdens and restricts U.S. commerce; and that Argentina imposes unreasonable restraints on access to raw cattle hides which impede domestic and third country sales of the U.S. leather tanning industry. The petition was filed pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*). On November 24, 1981, the United States Trade Representative decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

The text of the petition is as follows:

In the matter of Tanners' Council of America, Inc., Complainant, Complaint Pursuant to Section 301 of the Trade Act of 1974.

Complaint

Pursuant to Sections 301 of the Trade Act of 1974, 19 U.S.C. section 2411 (1981) and § 2006.0 et seq. of Title 15 of the Code of Federal Regulations, the Tanners' Council of America, Inc. charges that Argentina engages in unfair trade practices detrimental to the domestic leather tanning industry. The Tanners' Council of America is a nonprofit trade association that represents virtually the entire U.S. leather tanning industry. The council claims:

(1) Argentina defaulted on its agreement with the United States on leather and hides. This failure to honor this agreement burdens and restricts U.S. commerce.

(2) Argentina imposes unreasonable restraints on access to raw cattlehides which impedes domestic and third country sales of the U.S. leather tanning industry.

These unreasonable Argentine policies and actions are severely damaging to the U.S. leather tanning industry and have contributed to a sharp growth in U.S. imports of leather and a corresponding decline in U.S. tanning production (Exhibit 1). The Tanners' Council requests a review of the Argentine practices and urges President Reagan to take all appropriate and feasible steps to obtain relief from these unfair trade practices.

Because of the serious nature of the Argentine action—defaulting on an international agreement—the Council urges retaliation under section 301(b), and requests that the President impose restrictions on Argentine leather imports into the U.S.

The Tanners' Council has not filed for other forms of relief available under the Trade Act of 1974 or any other provisions of law. However, since Argentina maintains subsidies on exports of leather, the Council is considering filing countervailing duty action on these practices. The government of Argentina provides two forms of subsidy: A reembolso or direct export payment to exporters of leather, and a system of preferential financing to Argentine exporters of leather.

(1) Argentine Default

In 1979 the U.S. government negotiated an agreement with the government of Argentina to liberalize access to Argentine hides. The United States agreed to grant concessions on imports of Argentine corned beef and cheese and to reduce U.S. tariffs on cattlehide leather. Argentina agreed to remove its ban on cattlehide exports, and to replace it with an export tax which would be reduced to zero in three years. The reductions specified in the agreement are as follows:

	Argentine export tax on hides (percent)	U.S. tariff on cattlehide leather (percent)
Prior to agreement	total ban	6
October 1979	20	2
April 1980	15	
October 1980	10	1
April 1981	5	
October 1981	0	0

The U.S. government has honored its commitments under the agreement. However, the government of Argentina has failed to meet its scheduled commitment for April 1981, and is in default.

Argentina's export tax on cattlehides reduces the price of Argentine hides relative to world hide prices. This reduction acts as a subsidy for Argentine exports of cattlehide leather by artificially depressing the price of Argentine raw material.

During the period of time that Argentina was nominally in compliance with the agreement, the Argentine government took another measure which effectively negated part of the concession to which Argentina had agreed. Argentina imposed a minimum export price on cattlehides. This minimum export price was used instead of the transaction price in determining the amount of tax to be charged on export shipments of hides. Since the minimum export price was higher than the transaction price, the effective tax was higher than that which had been agreed.

The Argentine default has had several detrimental effects on the welfare of the U.S. tanning industry. The failure to comply:

(a) Harms the U.S. industry directly by giving the Argentine leather industry an unfair competitive edge in U.S. and third country markets.

(b) Undermines efforts to liberalize international trade in hides and leather through agreements with other countries.

(c) Signals to the rest of the world that Argentina can default on an agreement in this sector without eliciting effective U.S. response.

(d) Marks a return to protectionist tendencies in the leather and hide sector. Significant achievements of the agreement were a reversal of these trends and the encouragement of the hope that free markets would once again prevail for these products.

(2) Argentina Imposes Unreasonable Restrictions on Access to Raw Cattlehides

In 1972, in an effort to promote the development of its leather and leather products industries, Argentina banned the export of green salted cattlehides. This ban created a great distortion in the international marketplace. Prices of U.S. cattlehides tripled in the twelve-month period October 1971 to October 1972 (see attached chart Exhibit II). The distortions caused by the Argentine restrictions were never completely corrected but exist to this day.

Furthermore, other developing countries followed the Argentine example and restricted access to their

hides and skins. This follow-the-leader action increased the burden on U.S. cattlehide supplies. As a result it was estimated that in 1978, out of a world cattle slaughter approaching 300 million head the United States, although slaughtering but 15% of this total, contributed between 70% and 75% of total international trade in cattlehides.

From the U.S. side, the U.S./Argentine agreement had three objectives:

(a) To add Argentine hides to the international pool of raw material supply. This addition would spread the burden of adjustments to changing supply and demand conditions from total dependence on the U.S. and would minimize hide price fluctuations.

(b) To cause Argentine hides to be more price-responsive to international market conditions. This equalization of raw material prices would reduce the Argentines' competitive advantage in international leather trade.

(c) To set an example for other developing countries to remove restrictions on access to their hides and skins.

Because Argentina has failed to live up to its agreement to remove its restrictions on access to cattlehides, the burden on the U.S. tanning industry continues.

Argentina's restrictions are unreasonable. The Argentine tanning industry is among the most modern in the world. With its plentiful supply of raw material it has no reason to restrict access to it.

Burdens on the U.S. Industry

Argentina's unreasonable restrictions on cattlehide exports severely damage the U.S. tanning industry in three ways:

(a) The restrictions that Argentina has placed on its exports of cattlehides have artifically depressed prices on its raw material. Since raw material is the largest component of leather prices, the unreasonable restrictions have given Argentina a price advantage in exporting leather to the U.S.

Attached tables (Exhibit III), show that prior to its ban on the exports of cattlehides, Argentina's hides sold at or above U.S. prices. Subsequent to the ban prices of Argentine hides are a fraction of U.S. prices.

(b) Argentina's unreasonable restrictions on the exports of cattlehides damage the U.S. industry by giving an unfair advantage to Argentina in third country markets for leather.

The attached excerpt from "Historical Review and Analysis of the Development of the Leather Industry in the Argentine Republic" published in 1978 by the Argentine Tanner's Association (Exhibit IV), shows the growth of Argentine Leather exports to all foreign markets.

(c) Argentina's unreasonable action in restricting exports of cattlehides has placed an unfair burden on cattlehide markets in the U.S.

The accompanying chart (Exhibit II) of U.S. cattlehide prices shows the volatility caused partially by the decreased pool of available cattlehides on world markets. The chart shows two extreme peaks. The first, in 1972–73, illustrates the effect of the initiation of the Argentine ban on the U.S. market. The second, in 1979, was the result of the inability of countries seeking cattlehides to purchase them in countries other than the United States during a period when U.S. supplies were low due to the normal actions of the cattle cycle.

The damages inflicted by Argentina's unreasonable restrictions on exports of cattlehides are quantifiable for the first two types. In the period from 1972 to date, these damages are in the hundreds of millions of dollars in terms of lost trade to U.S. tanning companies.

The third type of damage, while not quantifiable, is possibly more important than the other two. It has created extraordinary capital demands on the U.S. industry and has added to inflationary pressures on leather and leather products in the United States.

The attached tables detailing current U.S. foreign trade (Exhibit V), illustrate that the Argentine leather tanning industry is exploiting its default of the agreement and the reduced U.S. duties on leather to increase sharply shipments of leather to the U.S. For the month of July 1981, leather imports from all countries set a new record of $32 million. Of this amount, U.S. leather imports from Argentina were $13.7 million, or 43% of the July total.

In the first seven months of 1981 cattlehide leather imports from Argentina were 83.4% higher than the first seven months of 1980. Leather imports from all sources in the same period were up 49%. These figures show the severe impact of the reductions in duties on the U.S. tanning industry. They further dramatize the extraordinary advantage that Argentina has because of its unfair trade practices.

Conclusion

For these reasons, the Tanners' Council seeks to restrict Argentine access to U.S. leather markets as remedial action under the provisions of section 301 of the Trade Act.

Dated: October 9, 1981.
Respectfully submitted,
Eugene L. Kilik,
President.

EXHIBIT I.—TOTAL TANNING INDUSTRY DATA
(1,000 EQUIVALENT HIDES)

[Includes cattle, calf, kip, goat, sheep, lamb, cabrettas, horse and kangaroo leathers converted to hide basis. Raw stocks include stocks on hand and in transit within the United States and raw stocks on order where available]

	Wettings	Production	Deliveries	Stocks as of Dec. 1	
				Raw	Total process and finished
1965	32,364	32,897	33,107	6,253	7,565
1966	31,749	32,252	32,158	5,706	7,206
1967	30,771	30,681	30,956	6,066	7,007
1968	31,740	31,884	31,617	5,484	7,141
1969	27,633	28,388	28,618	4,690	6,374
1970	25,520	25,941	26,244	4,364	5,882
1971	24,993	25,267	25,748	3,876	5,328
1972	23,985	24,661	25,120	2,680	4,403
1973	20,928	21,062	21,031	2,433	3,963
1974	20,270	19,998	19,935	2,407	4,039
1975	21,997	21,894	22,320	2,426	3,372
1976	23,696	23,526	23,332	2,259	3,668
1977	21,648	21,528	21,669	1,965	3,564
1978	20,150	20,199	20,089	1,065	3,380
1979	18,123	18,170	18,051	910	2,988
1980	17,758	17,600	17,636	970	3,040

Source: Tanner' Council of America.

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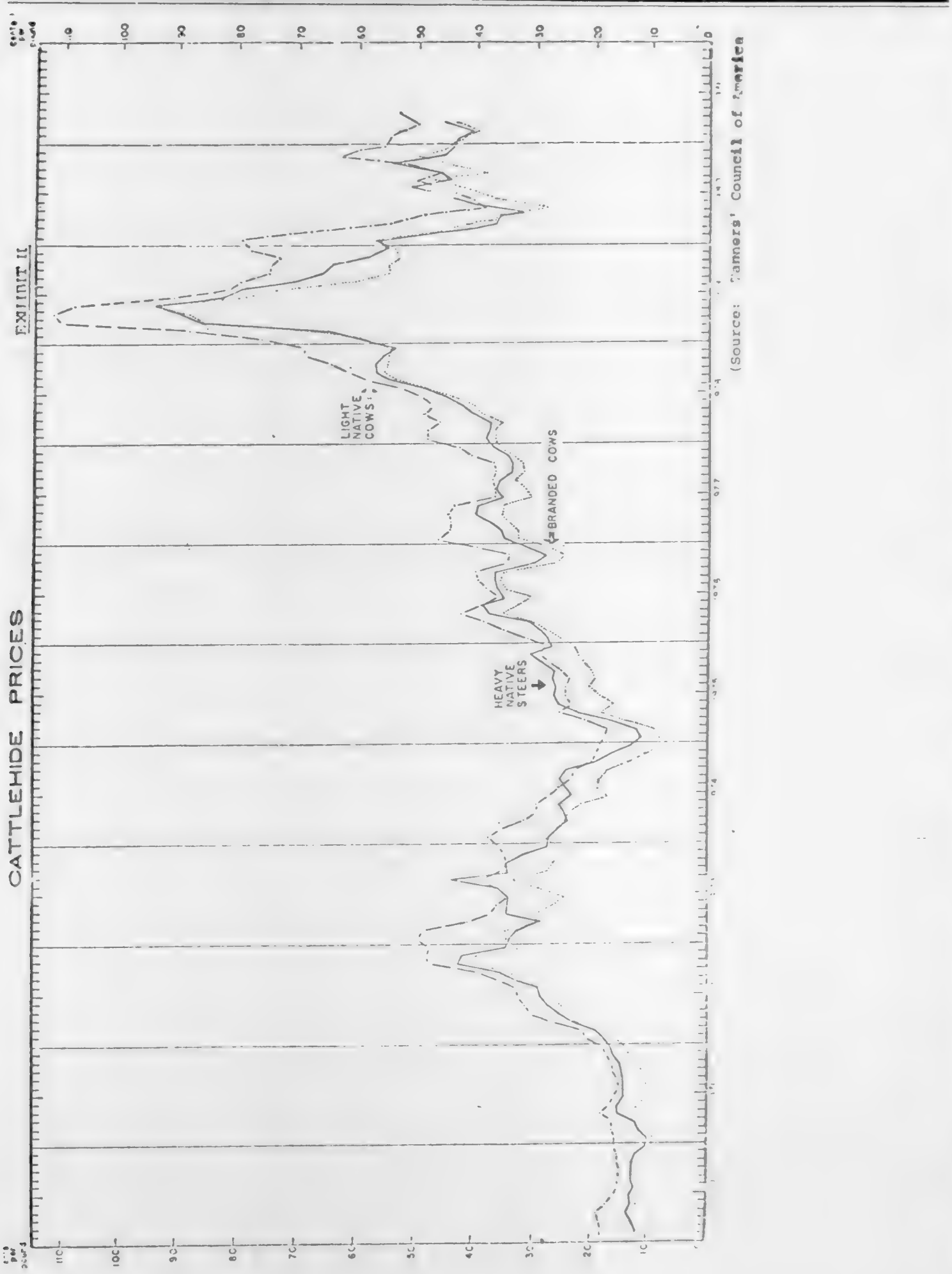

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Raw	Stocks as of Dec. 1 Total [processed and finished]
253	7,565
706	7,208
068	7,007
484	7,141
690	6,374
364	5,882
876	5,328
880	4,403
433	3,963
407	4,039
426	3,372
259	3,668
965	3,564
065	3,380
910	2,988
970	3,040

EXHIBIT III

COMPARATIVE HIDE PRICES

CHICAGO PACKER HIDES

(Selling Rates of the First of Each Month Unless Otherwise Specified)
(*Prices Marked With An Asterisk In All Years Are Nominal)

		Light Native Cows	Heavy Native Cows	Heavy Native Steers	Heavy Texas Steers	Butt Branded Steers	Colorado Steers	Branded Cows	Native Bulls
1930	Dec.	9	9	11½	11½	11½	11	8½	6
	Nov.	*9½	10½	12	12	12	11½	9	7
	Oct.	11	12	14	14	14	13½	10½	7½
	Sept.	11	11½	13½	13½	13½	13	10	7½
	Aug.	11	11½	13½	13½	13½	13	10½	7
	July	13	13	15	14½	14½	14	12½	9
	June†	13	12½	15	14½	14½	14	12½	9
	May	12½	12	14	14	14	13½	12	9
	Apr.	12½	12	14	14	14	13½	12	9½
	Mar.	12½	12¼	14	14	14	13½	12	9
	Feb.	13	12½	15	14½	14½	14	12½	9
	Jan.	13½	13½	16	15½	15½	14½	13	10
	Year Avg.	11.79	11.85	13.96	13.79	13.79	13.25	11.25	8.27
1929	Dec.	13½	14	16	14½	14½	14	13	10
	Nov.	15½	16½	18	17	17	16½	15	11
	Oct.	16½	17½	19	18½	18½	17½	16	12
	Sept.	17½	18½	19½	19	18½	18	17½	12½
	Aug.	17	18	18½	17½	17½	16½	17	12½
	July	17	17¼	18	16½	16½	16	16½	12½
	June	15½	14½	15½	14½	14½	14	14½	10½
	May	15	14	15	14	14	13½	14	10½
	Apr.	15	14	14½	14	14	13½	13½	10½
	Mar.	14	13½	14½	14	14	13½	13	10½
	Feb.	15	15½	*17	*17	*17	*16	14½	*11
	Jan.	*19	20½	22½	20½	20½	19½	18	15
	Year Avg.	15.37	16.15	17.33	16.41	16.37	15.71	15.04	11.54
1928	Dec.	19½	21	22½	20½	20½	19½	18½	14½
	Nov.	18½	*20	*21½	*19	*19	18	17	*12
	Oct.	19½	22	23	21	21	20	19	*11
	Sept.	22½	24	24	23	23	22½	22	16½
	Aug.	23	23	23	22½	22½	22	22½	17
	July	22½	22	22½	22	22	21½	22	*17
	June	22½	22	22½	22	22	21½	22	17½
	May	24½	*24	25	*24½	*24½	*24	*24	*20
	Apr.‡	25	24	25	24½	24½	24	24	*20½
	Mar.	22	21½	23	22½	22½	22	21	18
	Feb.	*24	*24	*25	*24½	*24½	*24	*23	*20½
	Jan.‡	23½	24	25½	25	25	24½	23½	19½
	Year Avg.	22.25	22.63	23 54	22 58	22.58	21.96	21.54	17.25
1927	Dec.	22	22½	24½	23½	23½	23	21½	18
	Nov.	21	21½	23½	22	22½	22	20½	17
	Oct.	21½	21½	22½	21	21	20½	20	16½
	Sept.	22	*22	22	21	21	20½	20½	16½
	Aug.	22½	22	23	20	20	19½	21	17
	July	¶21	19	20	18½	18½	18	18½	16
	June	20	18	19	17½	17½	17	17½	14½
	May	16	15	16	15½	15½	15	14½	11
	Apr.	14½	13	14½	14	14	13½	13	*9½
	Mar.	13	12½	14	13½	13½	13	12	*9½
	Feb.	13½	13	14½	14	14	13½	12½	*10
	Jan.	13¼	13¼	15½	14½	14½	14	12¾	10
	Year Avg.	18.40	17.77	19.08	17.91	17 96	17.46	17.02	13.77

¶10% ad valorem tariff on cattle hides from June 13th.
‡During Jan. 1928 hides sold up to the following prices: Light native cows 25½ cents, heavy native cows 26 cents, heavy native steers 26½ cents, heavy Texas and butt brands 26 cents, Colorados 25½ cents, and native bulls 21 cents. During April new top prices were established on cow hides when light natives sold up to 26 cents, heavy native cows to 25½ cents and branded cows to 25 cents, but other varieties did not exceed January top prices.
¶During July, 1927, light native cows sold up to 24 cents.

ARGENTINE FRIGORIFICO HIDES

STEERS			COWS		
$ Gold Price		C. & F. Cents	$ Gold Price		C. & F. Cents
32.50	=	.12½	30.50	=	.11¾
32.75	=	.12⅝	31⅛	=	.12⅛
32 75	=	.13	32.75	=	.13
33.00	=	.13	33.50	=	.13⅜
32.50	=	.13¼	30.50	=	.12⅛
33 50	=	.13¾	33.00	=	.13⅜
35 00	=	.14⅛	35.50	=	.15
33.75	=	.14⅜	33.50	=	.14⅛
38 50	=	.16⅛	36.50	=	.15⅜
39.50	=	.16⅝	39.50	=	.16¾
33.75	=	.17⅛	37.75	=	.16⅜
10.25	=	.18¼	39.25	=	.18
		14.61			14.38
37.50	=	.17⅛	39.25	=	.18
39.00	=	.18⅛	37.00	=	.17¼
38.00	=	.17¾	36.50	=	.16⅞
41.25	=	.19¼	37.75	=	.17⅜
37.00	=	.17¼	37.00	=	.17¼
38.12	=	.17¾	38.00	=	.17⅞
34.00	=	.16	35 25	=	.16½
35.00	=	.16⅜	36.00	=	.17
41.50	=	.19⅜	42.50	=	.19¾
40.75	=	.19	40.50	=	.18⅞
43.00	=	.20	42.00	=	.19⅝
50.00	=	.23⅛	49.00	=	.22½
		18.45			16.38
52.00	=	.24⅛	49.00	=	.22¾
47.50	=	.22	45⅝	=	.21⅛
48.00	=	.22¼	45 50	=	.21¼
51.00	=	.24	53.00	=	.21⅛
50.00	=	.23¼	54.00	=	.25
49.50	=	.23⅛	52.50	=	.24⅛
51 50	=	.24⅛	52 00	=	.24⅛
60.25	=	.28⅛	58.25	=	.27¼
65 00	=	.30⅛	62.50	=	.29⅛
60.50	=	.28¼	57.75	=	.27
63.25	=	.29½	61.00	=	.28½
63.00	=	.29¼	62.00	=	.29
		25.75			25.38
57.25	=	.26¾	55.50	=	.25⅞
52.50	=	.24⅜	52.50	=	.24⅛
46.25	=	.21⅜	46.00	=	.21⅜
45.00	=	.21¼	45.50	=	.21⅛
44 00	=	.20⅜	43.00	=	.20¼
41 00	=	.19¼	41.50	=	.19⅜
41 00	=	.19¼	40 50	=	.19
37 50	=	.17⅝	38.75	=	.18⅛
37⅛	=	.17⅛	37.00	=	.17¼
38⅛	=	.17⅞	36.75	=	.17⅛
39.75	=	.18¼	38.00	=	.17⅝
39.50	=	.18⅛	35⅞	=	.16¾
		20.24			19.90

(Source: Pratt's Daily Hide & Leather Market Report)

EXHIBIT III.—PRICE COMPARISON, ARGENTINE AND UNITED STATES HIDES, 1981

[2.2 lbs=1 kilo Pesos=$1]

Prices at month ending	Pesos per kilo Argentina frigorifico steers and cows	equals	U.S. cents per lb	Cents per pound		Exchange rate
				U.S. butt-[illegible] steers	U.S. branded cows	
January 13	1.100–1.250		26.09–29.65	44.07	46.02	1916.50
February 10	1.000–1.100		19.76–21.74	38.00	39.00	2300.0
March 10	1.050–1.100		20.75–21.74	46.00	44.50	2300.0
April 14	1.400 1.500		20.69–22.17	47.00	47.00	3075.0
May 12	1.500–1.600		21.75–23.20	44.00	46.50	3135.0
June 9	1.750–1.800		18.68–19.21	42.51	42.50	4259.0
July 14	2.300–2.400		20.91–21.82	44.62	45.25	5000.0
August 11	2.900–3.000		27.90–28.86	41.00	41.00	4725.0
September 15	3.400–3.500		30.79–31.69	40.00	40.00	5020.0
January 8	1.150–1.200		32.53–33.94	56.00	63.00	1607.00
February 12	1.100–1.170		30.78–32.74	46.50	51.00	1624.50
March 11	.970–1.00		26.14–26.95	35.00	[illegible].00	1686.50
April 8	.970–1.00		25.41–26.19	32.00	35.00	1735.50
May 13	.900–.950		22.98–24.26	27.00	26.00	1780.00
June 10	.850–.950		21.71–24.26	33.75	31.00	1780.00
July 8	1.100–1.200		27.43–29.92	38.00	37.00	1823.00
August 12	1.00–1.050		24.27–25.48	48.00	52.00	1873.00
September 9	1.00–1.050		24.27–25.48	40.00	37.00	1873.00
October 14	.950–1.100		22.53–26.09	43.00	45.00	1916.50
November 11	1.00–1.100		23.72–26.09	49.00	49.00	1916.50
December 9	1.250–1.350		29.65–32.02	48.00	50.00	1916.50
January 9	900–930		41.14–42.51	58.00	60.00	[illegible]
February 13	1.450		62.15	58.50	65.00	1060.50
March 13	1.600–1.900		65.61–77.91	77.00	[illegible]0	1108.50
April 10	1.700–1.750		66.82–68.78	77.00	85.00	1156.50
May 15	1.550–1.600		58.49–60.38	87.50	90.50	1204.50
June 12	1.475–1.550		53.57–56.30	82.00	83.50	1251.50
July 10	1.300–1.400		45.75–49.27	75.00	74.00	1291.50
August 14	1.450–1.550		48.77–52.13	67.00	60.00	1351.50
September 11	1.600–1.650		50.61–52.19	52.00	52.00	1437.00
October 9	1.500–1.550		46.68–48.24	59.00	58.00	1460.50
November 13	1.000–1.150		29.88–34.36	50.00	49.00	1521.38
December 11	1.100–1.250		33.08–37.59	53.50	55.50	1511.50
January 10	250–260		18.63–19.37	37.00	38.00	610
February 14	240–280		16.70–19.49	37.50	37.00	653
March 14	(1)			35.00	34.50	
April 11	270–290		16.93–18.18	39.50	40.00	725
May 9	300		17.69	39.00	39.00	771
June 20	370		21.42	44.75	46.50	785
July 11	380–420		21.81–24.10	45.50	46.50	792
August 8	400–420		22.45–23.57	50.00	51.00	810
September 12	620 630		33.55–34.09	56.00	56.00	840
October 17	680–700		34.89–35.91	56.50	55.00	886
November 14	860–870		43.39–43.89	52.50	54.50	901
December 12	850–860		41.26–42.71	51.00	53.00	[illegible]0

Source: Tanners' Council of America
[1] No report.

Exhibit IV

B. External Marketing

The Argentine industry exports over 200 million dollars annually which represent about 4 per cent of the total currency income This gives an idea of the importance of the tanning industry as a producer of currency income.

The exports have remarkably increased in the last years as shown in the following chart:

	U.S. dollars (millions)
Value of leathers exported in.	
1965	3.2
1968	17.2
1971	40.0
1974	110.0
1977	190.0

These achievements are of greater value if we take into consideration the political, economic and social situation of our country during the last ten years that evidenced an instability and even a total incoherence in the managing of the national government during some periods.

As from March 1976, the possibility of a definite economic policy is foreseen and even though it suffers an inherited economic disorder, it is strongly leading the country towards a total development. In such unfavourable conditions for the manufacturing and export activities, our industry as well as other industries required great flexibility and agility to overcome these difficulties and to take advantage of the international situation that was prepared to change its classical rawhide imports for half-finished leather imports.

The Argentine leather is exported in similar volumes to the following 3 areas:

United States of America.

Western Europe.

Eastern Countries.

The exports to the other countries are smaller.

(Source: Argentine Tanners' Council.)

EXHIBIT V.—U.S. TRADE IN ALL LEATHERS

[$1,000]

	Imports	Exports
July 1981	32,070	19,317
July 1980	19,403	21,674
7 months, 1981	185,822	161,863
7 months, 1980	125,072	157,176

U.S. Cattlehide leather Imports.—($1,000)

Including 121. 6105, 6110, 6112, 6120, 6125, 6130, 6133, 6136, 6137, and 6138

Six months, 1981, 68,813.0; six months, 1980, 46,563.2; percent change +47.8

Seven months, 1981, 83,914.5; seven months, 1980, 54,085.8; percent change, +55.2

Cattlehide Leather Imports From Argentina.—($1,000)

June 1981, 8,788.3; June 1980, 5,403.8; percent change, +62.6

July 1981, 10,421.3; July 1980, 4,366.7; percent change, +138.7

Six months, 1981, 45,826.8; six months, 1980, 26,309.3; percent change, +74.2

Seven months, 1981, 56,248.1; seven months, 1980, 30,676.0; percent change, +83.4

Source: United States Department of Commerce.

Interested parties are invited to submit their views concerning the allegations in the petition. Submissions should be filed in accordance with the procedures set forth in 15 CFR 2006.8 on or before December 28, 1981. In order to assure parties the opportunity to contest information provided by other interested parties, a rebuttal brief may be filed in accordance with the requirements of 15 CFR 2006.8 on or before January 11, 1982. For further information, contact Jane Bradley, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington D.C. 20506, (202) 395–3432.

Jeanne S. Archibald,

Chairman, 301 Committee.

November 24, 1981.

[FR Doc. 81-34462 Filed 12-3-81; 8:45 am]

BILLING CODE 3190-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committees Act, that the fifteenth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held in the Auditorium of the Medical Society of the District of Columbia, 2007 I Street NW., Washington, D.C., from 9:00 a.m. to 5:30 p.m. on Friday, December 11, 1981 and from 9:00 a.m. to 4:00 p.m. on Saturday, December 12, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda for Friday, December 11 will include, among other things, testimony and Commission discussion on patient participation in health care decisions, and Commission decision regarding its First Biennial Report on the Protection of Human Subjects. The agenda for Saturday, December 12 will include, among other things, discussion of papers on resuscitation and the decision not to resuscitate, and on the care of patients who have permanently lost consciousness.

During Friday afternoon (at approximately 3:15 p.m.) and Saturday morning (at approximately 11:45 a.m.) fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street NW., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653–8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81-34804 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AV-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18294; (SR-Amex-81-21)]

American Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

November 30, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on November 20, 1981, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, New York 10006, filed with the Commission copies of a proposed rule change which would make permanent a pilot program under which options specialists are required during a modified trading rotation following trading halts, suspensions or delays in openings, to open each option series within the same expiration month seriatim, with no free trading permitted in any series unit all the puts and calls within that month are opened.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before December 28, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-81-21.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commisison's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that absent Commission action the pilot program will expire on November 30, 1981.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34895 Filed 12-3-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 30, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Commerce Southwest Inc., Common Stock, $1 Par Value (File No. 7-6094)

Hardwicke Companies, Inc., Common Stock, $1 Par Value (File No. 7-6095)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 21, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available

to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34896 Filed 12-3-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0252]

Richardson Capital Corp.; Application for a License To Operate as a Small Business Investment Company.

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102), under the name of Richardson Capital Corporation, 558 S. Central Expressway, Richardson, Texas 75080, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the applicant are as follows:

Clifton W. Cassidy, Chairman/Director, 4229 Arcady, Dallas, Texas 75205
Curtis T. Miller, Chairman/Director, 9515 Trailhill, Dallas, Texas 75205
Herschel M. Hearne, Jr., Vice President-General Counsel and Director, 15327 Cypress Hills, Dallas, Texas 75248
Lyndabel E. Martin, Secretary, 717 Williams Way, Richardson, Texas 75080
Richardson Savings and Loan Association, 100 percent Shareholder.

The Applicant, a Texas Corporation, will begin operations with $1,000,000 paid-in capital and paid-in surplus. The Applicant will conduct its activities principally in the State of Texas.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than December 21, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 25, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-34884 Filed 12-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 07/07-0085]

R.W. Allsop Capital Corp., Issuance of a Small Business Investment Company License

On September 2, 1981, a notice was published in the **Federal Register** (46 FR 22710) stating that an application has been filed by R.W Allsop Capital Corporation, Corporate Center East, 2750 First Avenue NE., Suite 210, Cedar Rapids, Iowa 52402, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (9081)) for a license as a small business investment company.

Interested parties were given until close of business May 5, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 07/07-0085 on September 2, 1981, to R.W. Allsop Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 27, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-34885 Filed 12-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0244]

Issuance of License SBI Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On December 19, 1980, a Notice was published in the **Federal Register** (45 FR 83734) stating that an application had been filed by SBI Capital Corporation, 5701 Woodway, Suite 324, Houston, Texas 77057, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1981)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business January 3, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0244, on October 22, 1981, to SBI Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 25, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-34883 Filed 12-3-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 784; Delegation of Authority No. 140-4]

Delegation to Under Secretary for Management

By virtue of the authority vested in me as Secretary of State, including section 4 of the Act of May 26, 1949 as amended (22 U.S.C. 2658), State Department Delegation of Authority No. 140 of March 23, 1978 (43 FR 13456), as amended on June 5, 1978 (43 FR 25213) and October 9, 1980 (45 FR 67818), is hereby amended by striking out the words "the Ambassador at Large for Non-Proliferation Affairs," in the opening paragraph and by inserting the words "the Under Secretary of State for Management," after "the Under Secretary of State for Security Assistance, Science and Technology," in the opening paragraph.

Dated: November 21, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-34833 Filed 12-3-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Reestablishment

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of determination of necessity for reestablishment of the Art Advisory Panel.

SUMMARY: It is in the public interest to continue the existence of the Art Advisory Panel.

FOR FURTHER INFORMATION CONTACT: Wiley Grant, T:C:E:V:4, 1111 Constitution Avenue, N.W., Room 5545, Washington, D.C. 20224, Telephone No. (202) 566–4196, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. app. (1976)), the Commissioner of Internal Revenue announces the reestablishment of the following advisory committee:

Title. The Art Advisory Panel of the Commissioner of Internal Revenue.

Purpose. The Panel assists the Internal Revenue Service by reviewing and evaluating the acceptability of property appraisals submitted by taxpayers in support of the fair market value claimed on works of art involved in Federal Income, Estate of Gift taxes in accordance with sections 170, 2031, and 2512 of the Internal Revenue Code of 1954.

Providing this assistance requires Panel records and discussions to include tax return information. Therefore, the Panel meetings will be closed to the public since all portions of the meetings will concern matters that are exempted from disclosure under the provisions of section 552b(c)(3), (4), (6) and (7) of Title 5 of the U.S. Code. This determination, which is in accordance with section 10(d) of the Federal Advisory Committee Act, is necessary to protect the confidentiality of tax returns and return information as required by section 6103 of Title 26 of the U.S. Code.

Statement of Public Interest. It is in the public interest to continue the existence of the Art Advisory Panel. The Secretary of Treasury, with the concurrence of the Office of Management and Budget, and the General Services Adminstration, has also approved continuation of the Panel. The membership of the Panel is balanced between museum directors and art dealers to afford differing points of view in determining fair market value.

Authority for this Panel will expire two years from the date the charter is approved by the Assistant Secretary of the Treasury for Administration and filed with the appropriated congressional committees unless, prior to the expiration of its charter, the Panel is renewed.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-34900 Filed 12-3-81; 8:45 am]

BILLING CODE 4830-01-M

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V, 1111 Constitution Avenue NW., Room 5545, Washington, D.C. 20224, Telephone No. (202) 566–4196, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. (1976)), that a closed meeting of the Art Print Advisory Panel will be held on January 14, 1982, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-34899 Filed 12-3-81; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 16; Rev. 3]

Delegation of Authority to Commissioner

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of the Internal Revenue to approve confidential expenditures pertaining to violations of federal statutes administered and enforced by the Internal Revenue Service is delegated to certain officials with dollar and time limitations where appropriate. The text of the delegation order appears below.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Charles A. Gibb, 1111 Constitution Avenue, NW., Washington, D.C. 20224, CP:CI:P, Room 2141, 202/566–4554 (Not Toll Free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Thomas J. Clancy,

Director, Criminal Investigation Division.

Delegation Order

Date of issue: December 4, 1981.

Effective Date: December 4, 1981.

Subject: Authorization to Approve Confidential Expenditures

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150–37, authority to approve payments for confidential expenditures pertaining to violations of federal statutes arising from the administration and enforcement of the internal revenue laws is hereby delegated to the following officials, as well as the time and dollar limitation, where appropriate, that each official may approve:

1. Assistant Commissioner (Compliance) for information from informants or payments on behalf of informants exceeding $10,000 in each single assigned case or project which is valid for a period of one year from date of approval; all confidential expenditures for undercover operations exceeding $10,000 in each single assigned case or project which is valid for a period of one year from date of approval; and all other confidential expenditures exceeding $10,000 in each single

assigned case or project which is valid for a period of one year from date of approval.

a. With respect to the Office of International Operations, the Assistant Commissioner (Compliance) is authorized to approve all confidential expenditures for information from informants or payments on behalf of informants; all other confidental expenditures; and all confidential expenditures for undercover operations. The authority to approve confidential expenditures for $2,500 or less in each single assigned case or project which is valid for a period of one year from date of approval for information from informants or payments on behalf of informants and other confidential expenditures for $2,500 or less in each single assigned case or project which is valid for a period of one year from date of approval may be redelegated to the Director of International Operations.

b. With respect to the protection of informants or witnesses, the Assistant Commissioner (Compliance) is authorized to approve all confidential expenditures exceeding $10,000, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program; and authority to approve all confidential expenditures for other protective arrangements undertaken by the service for an informant/witness or a witness who does not qualify for or is refused protection under Justice's Witness Security Program, in a case which is not under the jurisdiction of the United States Attorney's Office.

2. Assistant Commissioner (Inspection) for all Internal Security Activity confidential expenditures for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, the Assistant Commissioner (Inspection) is authorized to approve all confidential expenditures exceeding $5,000, if there is an immediate danger or an emergency, for temporary protection under Justice's Witness Security Program; and authority to approve all confidential expenditures for other protective arrangements undertaken by the Service for an informant/witness or a witness who does not qualify for or is refused protection under Justice's Witness Security Program, in a case which is not under the jurisdication of the United States Attorney's Office.

3. Regional Commissioners for all confidential expenditures for information from informants or payments on behalf of informants for $10,000 or less in each single assigned case or project which is valid for a period of one year from date of approval; all confidential expenditures for undercover operations for $10,000 or less in each single assigned case or project which is valid for a period of one year from date of approval; and all other confidential expenditures for $10,000 or less in each single assigned case or project which is valid for a period of one year from date of approval.

a. The authority to approve confidential expenditures for information from informants or payment on behalf of informants and other confidential expenditures may be redelegated to the District Directors for $2,500 or less in each single assigned case or project which is valid for a period of one year from date of approval for each type of confidential expenditure. District Directors may redelegate to the Chiefs, Criminal Investigation Division the authority to approve confidential expenditures for information from controlled informants or payments on behalf of controlled informants for $500.00 or less in each single assigned case or project which is valid for a period of one year from date of approval. District Directors may redelegate to the Chiefs, Criminal Investigation Division the authority to approve payments for information from non-controlled informants or payments on behalf of non-controlled informants for $500.00 or less in each single assigned case or project which is valid for a period of one year from approval for information received during the initial contact with the informant. However, once a payment of this type is made to a non-controlled informant, he/she will immediately be classified as a controlled informant.

b. Regional Commissioners are authorized to approve all confidential expenditures for $10,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program. However, this authority may be redelegated to District Directors for $2,500 or less.

4. Regional Inspectors for all Internal Security Activity confidential expenditures up to a limit of $2,000 for each single assigned case or project, for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, Regional Inspectors are authorized to approve all confidential expenditures for $5,000 or less if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program.

5. District Directors and the Director of International Operations in emergency situations may approve expenditures up to $1,000 for payments to informants for information leading to the apprehension of fugitives named in Wanted Circulars issued by the Internal Revenue Service.

6. Director, Internal Security Division for all Internal Security Activity confidential expenditures involving National Office cases or projects, up to a limit of $2,000 for each single assigned case or project, for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, the Director, Internal Security Division, is authorized to approve all confidential expenditures for $5,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program.

This authority delegated herein may not be redelegated.

This order supersedes Commissioner Delegation Order No. 16 (Rev. 2) issued July 23, 1980.

Roscoe L. Egger, Jr.,
Commissioner.

[FR Doc. 81-34896 Filed 12-3-81; 8:45 am]
BILLING CODE 4830-01-M

[Delegation Order No. 182 (Rev. 1)]

Delegation of Authority to Certain Officers or Employees

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This delegation order is revised: (1) To delegate directly to certain internal revenue officers or employees the authority under 26 CFR 301.6020–1(b) to execute returns when the person required to file such return fails to do so, and (2) to include Collection Office function managers and tax auditors as persons to whom the authority to execute returns under 26 CFR 301.6020–1(b) is delegated. The text of the delegation order appears below.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Michael Fulton, Internal Revenue Service, 1111 Constitution Avenue NW., Room 7533, CP:C:O, Washington, D.C. 20224, (202) 566–4654 (not toll free)

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Stanley Skriloff,
Acting Director, Collection Division.

Delegation Order

Date of issue: December 4, 1981.

Effective Date: December 4, 1981.

Subject: Authority to Execute Returns

The authority granted to the Commissioner of Internal Revenue, by 26 CFR 301.6020–1(b) and 26 CFR 301.7701–9 to execute returns required by any internal revenue law or regulation made thereunder when the person required to file such return fails to do so, is delegated to:

1. Revenue Agents
2. Tax Auditors
3. Revenue Officers, GS–9 and above
4. Collection Office function managers, GS–9 and above.

To the extent that authority previously exercised consistent with this Revision may require ratification, it is hereby affirmed and ratified.

The authority delegated herein may not be redelegated.

This Order supersedes Delegation Order No. 182, issued November 16, 1979.

Joseph T. Davis,

Acting Commissioner.

[FR Doc. 81–34897 Filed 12–3–81; 8:45 am]

BILLING CODE 4830–01–M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 233
Friday, December 4, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Civil Aeronautics Board	1–4
Civil Rights Commission	5
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Federal Reserve System	10
International Trade Commission	11
Securities and Exchange Commission	12

1

CIVIL AERONAUTICS BOARD

[M-338 Amdt. 1; November 25, 1981]

Notice of Addition and Closure of Item

TIME AND DATE: 10 a.m. (after open meeting), December 1, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

16. Consultations with the Congo. (BIA)
17. Report on the recent negotiations with Japan. (BIA)
18. Report on recent developments in the U.S.-Scandinavia Aviation Relations. (BIA)
19. Docket 39692, United States-Chile Show Cause Proceeding Final order to grant Air Florida, American, Continental, Eastern, Northwest, Transamerica, Pan American, and United authority to operate between the United States and Chile; deny Braniff's motion to consolidate the applications of Fast Air and LADECO for 402 permits and the applications of Lan-Chile for an amendment to its permit and for an exemption. (Memo 481–C, BIA, OGC, BALJ)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–1817–81 Filed 12–2–81; 3:07 pm]

BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD

[M–338, Amdt. 2; November 30, 1981]

Notice of Addition and Closure of Item

TIME AND DATE: 10 a.m. (after open meeting), December 1, 1981.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

20. Proposals by the European Civil Aviation Council on Northern Atlantic Pricing Structures. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–1818–81 Filed 12–2–81; 3:07 pm]

BILLING CODE 6320–01–M

3

CIVIL AERONAUTICS BOARD

[M–338, Amdt. 3; November 30, 1981]

Notice of Deletion of Item

TIME AND DATE: 10 a.m., December 1, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

8. Agreements among members of the International Air Transport Association (IATA) amending the IATA Passenger Sales Agency Administration Rules (Agreement CAB 28518–RI) and the IATA Passenger Sales Agency Agreement (Agreement CAB 28518–R2) applicable in the United States. Staff recommendation: (1) approval of Agreement CAB 28518–R1, except as it restricts the location of IATA agents; (2) disapproval of the agreement to the extent that it imposes such restriction and (3) disapproval of Agreement CAB 28518–R2. (Memo 938, BDA, OGC, BIA)

STATUS:

1–15 (Open)
16–20 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1819–81 Filed 12–2–81; 3:07 pm]

BILLING CODE 6320–01–M

4

CIVIL AERONAUTICS BOARD

[M–338, Amdt. 4; December 1, 1981]

Notice of Addition to and Closure of Item

TIME AND DATE: 10 a.m. (after open meeting), December 1, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

15a. Designation of Geographical Areas of Responsibility for Individual Board Members

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1820–81 Filed 12–3–81; 3:07 pm]

BILLING CODE 6320–01–M

5

COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Monday, December 7, 1981, 9 a.m.–12 noon; 1:30–4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of the Health Insurance Study.
IV. Preliminary Findings—Baltimore Hearing.
V. Update on the Status of Bilingual Education.
VI. Review of a Proposal for Higher Education Desegregation Followup.
VII. State Advisory Committee Recharters:
A. Colorado;
B. Maine;
C. New Mexico.
VIII. Action re: Massachusetts Advisory Committee Report Entitled Affirmative Action at the Massachusetts Bay Transportation Authority.
IX. Action re: Multi-State Advisory Committee Report Entitled *Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action.*
X. Civil Rights Development in the Central States Region.
XI. Staff Director's Report:
A. Status of Funds;
B. Personnel Report;
C. Office Directors' Reports.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S–1814–81 Filed 12–2–81; 11:50 am]

BILLING CODE 6335–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed

meeting held at 9:45 a.m. on Monday, November 30, 1981, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Applications of Farmers Bank of the State of Delaware, Dover, Delaware, and The Farmers Bank Commission, for consent to merge Farmers Bank of the State of Delaware, under its charter and title, with Girard Interim Bank, Wilmington, Delaware; for consent to retire capital and to terminate an Assistance Agreement between the Corporation and Farmers Bank of the State of Delaware.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 1, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1812-81 Filed 12-2-81; 10:42 am]
BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:30 a.m. on Monday, November 30, 1981, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of California Valley Bank, Fresno, California, for consent to purchase the assets of and assume the liability to pay deposits made in the Woodland office of Cache Creek Bank, Woodland, California, and for consent to establish the Woodland office as a branch of California Valley Bank.

Application of The Northwestern Bank, North Wilkesboro, North Carolina, for consent to merge, under its charter and title, with Gateway Bank, Greensboro, North Carolina, and to establish the five existing offices of Gateway Bank as branches of the resultant bank.

Application of Bank of Greenville, Greenville, Florida, for consent to merge, under its charter and with the title "Bank of Madison County," with Bank of Madison, Madison, Florida; to establish the sole office of Bank of Madison as a branch of the resultant bank; and to redesignate the main office to the present main office site of Bank of Madison.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Peoples State Savings Bank, Auburn, Michigan.

Memorandum and Resolution re: Guaranty Bank & Trust Company, Chicago, Illinois, Gateway National Bank of Chicago, Chicago, Illinois.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 9:45 a.m. the same day the following matter:

Application of The Tremont Savings and Loan Association, New York (Bronx), New York, a State-chartered Federally-insured savings and loan association, for consent to merge, after having converted to a mutual savings bank, with The Lincoln Savings Bank, New York (Brooklyn), New York, under the charter of a newly-formed savings bank, "The Tremont Savings Bank," and with the title "The Lincoln Savings Bank"; to establish the fourteen offices of The Lincoln Savings Bank as offices of the resultant institution; and to designate the main office of The Lincoln Savings Bank as the main office of the resultant institution.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: December 1, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1813-81 Filed 12-2-81; 10:42 am]
BILLING CODE 6714-01-M

8

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 58243, November 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., December 4, 1981.

PLACE: 1700 G Street, N.W., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall, (202-377-6679).

CHANGES IN THE MEETING: The following items have been withdrawn from the agenda for the open meeting:

Delegation of Trust Department Applications Negotiable Certificates of Deposit
No. 571, December 1, 1981.

[S-1810-81 Filed 12-1-81; 4:26 pm]
BILLING CODE 6720-01-M

9

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 fR 58243, November 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., December 4, 1981.

PLACE: 1700 G Street, NW., sixth floor, Washington, D.C.

STATUS: Oepn meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open meeting:

Two regulations regarding management official interlocks
No. 572, December 1, 1981.

[S-1811-81 Filed 12-1-81; 4:32 pm]
BILLING CODE 6720-01-M

10

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, December 9, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature,

no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed temporary extension of the Report of Selected Borrowings (FR 2415).
2. Proposed three-year extension of the Reports on Money Market Mutual Fund Assets (FR 2051a, b, c).
3. Proposed extension and revision of the Report of Bank Holding Company Intercompany Transactions and Balances (FR Y–8).

Discussion Agenda:

4. Proposal to conduct a one-time Survey of Repurchase Agreements.
5. Proposal to publish notice of an application by BankAmerica Corporation, San Francisco, California, to engage in equity financing activities.
6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System. Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 1, 1981.

James McAfee,

Assistant Secretary of the Board

[S–1815–81 Filed 12–2–81; 12:34 pm]

BILLING CODE 6210–01–M

11

INTERNATIONAL TRADE COMMISSION:

[USITC SE–81–39]

TIME AND DATE: 10 a.m., Wednesday, December 16, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Rubik's Cubes (Docket No. 771).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1821–81 Filed 12–2–81; 3:38 pm]

BILLING CODE 7020–02–M

12

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of December 7, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, December 8, 1981, at 10:00 a.m. Open meetings will be held on Tuesday, December 8, 1981, at 2:00 p.m. and Wednesday, December 9, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 8, 1981, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities
Litigation matter
Order compelling testimony
Institution of administrative proceedings of an enforcement nature
Institution and settlement of administrative proceedings of an enforcement nature
Freedom of Information Act appeals
Institution of injunctive action
Opinions

The subject matter of the open meeting scheduled for Tuesday, December 8, 1981, at 2:00 p.m., will be:

The Commission will hear a presentation given by National Securities Clearing Corporation on its operations, its financial role in securities markets and major planned systems developments. For further information, please contact Stuart J. Kaswell at (202) 272–2388.

The subject matter of the open meeting scheduled for Wednesday, December 9, 1981, at 2:30 p.m., will be:

1. Consideration of whether to adopt proposed Rule 17a–8 under the Securities Exchange Act of 1934. The proposed rule was published for comment on September 8, 1981, in Securities Exchange Act Release No. 34–18073. This rule would require brokers and dealers to make and retain reports and records pursuant to the Currency and Foreign Transactions Reporting Act of 1970. For further information, please contact Elizabeth S. York at (202) 272–2376.
3. Consideration of what response to make to the Freedom of Information Act ("FOIA") appeal of Barbara H. Johnson. The FOIA Officer denied Ms. Johnson's request for access to the preliminary proxy materials filed on behalf of Magma Power Co. on the ground that the information is exempt from disclosure as "trade secrets and commercial or financial information obtained from a person and privileged or confidential * * *." 5 U.S.C. 552(b)(4). For further information, please contact Stephen E. Cavan at (202) 272–2454.
4. Consideration of whether to grant the Freedom of Information Act request of Margaret Grisdela for certain computer tapes that contain information relating to the Commission's law enforcement program. For further information, please contact Ruth E. Eisenberg at (202) 272–2454.
5. Consideration of whether to authorize New England Power Company, a subsidiary of New England Electric System ("NEES"), a holding company registered under the Public Utility Holding Company Act of 1935 to enter into a long-term charter of a coal collier through a joint venture between New England Energy Incorporated ("NEEI"), a subsidiary of NEES, and Keystone Shipping Company and whether to grant an exception from the service at cost requirement of Section 13(b) of the Public Utility Holding Company Act of 1935. For further information, please contact Catherine A. Fisher at (202) 523–5676.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

December 2, 1981.

[S–1816–81 Filed 12–2–81; 1:24 pm]

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federal register

Friday
December 4, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Proposed Revised Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research: Proposed Revised Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of proposed revision of the NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth a proposed revision of the 1981 NIH Guidelines for Research Involving Recombinant DNA Molecules (46 FR 34462). Interested parties are invited to submit comments concerning this proposal. This proposal and comments on it will be considered by the NIH Recombinant DNA Advisory Committee (RAC) at its next meeting.

DATE: Comments must be received by February 2, 1982.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6061.

SUPPLEMENTARY INFORMATION: I am today issuing for public comment proposed revised NIH Guidelines for Research Involving Recombinant DNA Molecules. This action is taken in accordance with Section IV-E-1-b-(1) of the NIH Guidelines. This announcement introduces the proposed revision, then gives the proposed revised Guidelines in their entirety, and then includes a series of annexes containing relevant background documents. These annexes are:

Annex A: Original proposal of Drs. David Baltimore and Allan Campbell.
Annex B: Documents prepared by Working Group on Revision of the Guidelines.
Annex C: Minority reports of working group members.
Annex D: Draft Minutes of relevant portion of September 10-11, 1981, RAC Meeting.
Annex E: Current NIH Guidelines.

The history of development of these proposed revised Guidelines is as follows. Drs. David Baltimore and Allan Campbell, RAC members, had proposed a major revision of the Guidelines (Baltimore-Campbell proposed, Annex A), which was considered by the RAC at its April 1981 meeting. At the April 1981 meeting, a Working Group on Revision of the Guidelines was established to review the Baltimore-Campbell proposal as well as other approaches which might lead to a major revision of the Guidelines. The Working Group met on June 1, 1981, and on July 9, 1981. The Working Group prepared a proposal for revising the Guidelines, a summary of its actions, and a document entitled "Evaluation of the Risks Associated with Recombinant DNA Research." These documents appear as Annex B. Two minority reports were prepared by several members of the Working Group (Annex C). The Working Group report and the minority reports were distributed to RAC members prior to the September 1981 meeting.

The RAC extensively discussed the Working Group's report and other approaches to revision of the Guidelines at its September 1981 meeting. Draft minutes of that discussion constitute Annex D. As indicated in those draft minutes, the RAC passed by a vote of 16 in favor, 3 opposed, with 1 abstention, the elements of its version of a proposed revision of the Guidelines to be published for public comment. Based upon this proposal, NIH staff prepared the proposed revised Guidelines which are published immediately following this introduction, for public comment. For comparison, the current NIH Guidelines are given in Annex E.

The proposed revised Guidelines and comments on them will be considered by the RAC at its next meeting.

The major features of the proposed revision are:

1. The Guidelines would cease to be mandatory and would become a voluntary code of standard practice. Requirements that institutions have an Institutional Biosafety Committee (IBC), that investigators obtain prior approval from the IBC before beginning certain experiments, that investigators obtain prior approval from NIH before beginning certain experiments, and the section of the Guidelines specifying that noncompliance with the Guidelines could lead to loss of NIH funds, would all be eliminated.

2. Section III of the Guidelines giving containment levels would be greatly simplified, and most experiments currently mandated at P2 or P3 containment would be recommended at P1.

3. The prohibitions section (I-D) of the Guidelines would be eliminated, although two of the previous prohibitions would be retained instead as admonishments.

Proposed Guidelines for Research Involving Recombinant DNA Molecules

October 1981.

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I. Scope of the Guidelines

I-A. *Purpose.* The purpose of these Guidelines is to specify practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to those standards by all laboratories using recombinant DNA is recommended.

I-B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

I-C. [Deleted]

I-D. [Deleted]

I-E. *Exemptions.* The following recombinant DNA molecules are exempt from these Guidelines:

I-E-1. Those that are not in organisms or viruses. [5]

I-E-2. Those that consist entirely of DNA segments from a single nonchromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

I-E-3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

I-E-4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV-E-1-b-(1)-(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

I-E-5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV-E-1-b-(1)-(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities; National Institutes of Health, Bethesda, Maryland 20205.

I-F. *General Definitions.* See Section IV-C.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs. (6-19) The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) A set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varing degrees according to the estimated biohazard.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector,* or *vehicle,* (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vestors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by apply various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the Guidelines.

In constructing these Guidelines, it was necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions than indicated here without affecting risk. Indeed, we urge that individual investigators devise simple and more effective containment procedures and that investigators recommend changes in the Guidelines to permit their use.

II-A *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices. (6-15) Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs should receive adequate instruction. This should, as a minimum, include instructions in aseptic techniques and in the biology of the organisms used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard should have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator should ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it should be provided.

II-B *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment equipment. Special laboratory design provides a secondary means of protection aganist the accidental release of organisms outside the laboratory or to

the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard,"[7] prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels.[8]

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–E–1–b–(2)–(b).)

Information on large-scale applications can be found in "Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules." **Federal Register**, April 11, 1980, where definitions are found of P1–LS, P2–LS, and P3–LS. Guidance is available from ORDA on physical containment levels when working with plant host-vector systems.

II–B–1. *P1 Level.*

II–B–1–a. *Laboratory Practices.*

II–B–1–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–1–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–1–a–(3). All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

II–B–1–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–1–a–(5). Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–1–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–1–a–(7). Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

II–B–1–a–(8). Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–1–a–(9). An insect and rodent control program shall be instituted.

II–B–1–a–(10). The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

II–B–1–a–(11). Use of the hupodermic needle and syringe shall be avoided when alternative methods are available.

II–B–1–a–(12). The laboratory shall be kept neat and clean.

II–B–1–b. *Containment Equipment.* Special containment equipment is not required at the P1 level.

II–B–1–c. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

II–B–2. *P2 Level.*

II–B–2–a. *Laboratory Practices.*

II–B–2–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–2–a(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–2–a(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaiminated materials such as glassware, animal cages, laboratory equipment, and radiocative wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

II–B–2–a(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–2–a(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–2–a(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–2–a(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–2–a(8). Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–2–a(9). Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

II–B–2–a(10). The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–2–a(11). An insect and rodent control program shall be instituted.

II–B–2–a(12). The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

II–B–2–a(13). Animals not related to the experiment shall not be permitted in the laboratory.

II–B–2–a(14). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–2–a(15). The laboratory shall be kept neat and clean.

II–B–2–a(16). Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

II–B–2–b. *Containment Equipment.* Biological safety cabinets [20] shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

II–B–2–c. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be

available in the same building in which organisms containing recombinant DNA molecules are used.

II–B–3. *P3 Level.*

II–B–3–a. *Laboratory Practices.*

II–B–3–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–3–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–3–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–3–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–3–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–3–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–3–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–3–a–(8). Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–3–a–(9). Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

II–B–3–a–(10). Persons under 16 years of age shall not enter the laboratory.

II–B–3–a–(11). The universal biohazard sign shall be posted on the controlled access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–3–a–(12). An insect and rodent control program shall be instituted.

II–B–3–a–(13). Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or wrap-around gowns, no-button or slipover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

II–B–3–a–(14). Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

II–B–3–a–(15). Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

II–B–3–a–(16). Animals and plants not related to the experiment shall not be permitted in the laboratory.

II–B–3–a–(17). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–3–a–(18). Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–3–a–(19). The laboratory shall be kept neat and clean.

II–B–3–a–(20). If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with experiments requiring P3-level physical containment, they shall be conducted in accordance with all P3-level laboratory practices.

II–B–3–b. *Containment Equipment.*

II–B–3–b–(1). Biological safety cabinets[20] shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

II–B–3–b–(2). Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units[19A], open cages placed in ventilated enclosures, solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and reflectors.

Note.—Conventional caging systems may be used. *Provided,* That all personnel wear appropriate personal protective devices. These shall include, at a minimum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.

II–B–3–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment can be conducted in the P3 laboratory using containment equipment specified for the P2 level of physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

TABLE I.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment		Alternate combinations of physical and biological containment			
		Physical Containment			
Physical containment	Biological[1] containment	Laboratory design specified for—	Laboratory practices specified for—	[illegible] specified for—	Biological [illegible]
P3	HV3	P3	P3	P3	HV3.
P3	HV3	P3	P3	P4	HV2
P3	HV2	P3	P3	P3	HV2
P3	HV2	P3	P3	P2	HV3.
P3	HV2	P3	P3	P4	HV1
P3	HV1	P3	P3	P3	HV1.
P3	HV1	P3	P3	P2	HV2.

[1] See Section II–D for description of biological containment.

II–B–3–c. *Special Laboratory Design.*

II–B–3–c(1). The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement

that separates the laboratory from areas open to unrestricted traffic flow.

II–B–3–c–(2). The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilitate space decontamination.

II–B–3–c–(3). A foot-, elbow-, or automatically-operated hand-washing facility shall be provided near each primary laboratory exit area.

II–B–3–c–(4). Windows in the laboratory shall be sealed.

II–B–3–c–(5). An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and preferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

II–B–3–c–(6). The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential (i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory area shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

II–B–3–c–(7). The treated exhaust-air from Class I and Class II biological safety cabinets [20] may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

II–B–4. *P4 Level.*

II–B–4–a. *Laboratory Practices.*

II–B–4–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–4–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity and immediately following spills of organisms containing recombinant DNA molecules.

II–B–4–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–4–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–4–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

II–B–4–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–4–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–4–a–(8). Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a pass-through disinfectant dunk tank or fumigation chamber.

II–B–4–a–(9). No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or steam shall be steam-sterilized in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a pass-through fumigation chamber.

II–B–4–a–(10). Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

II–B–4–a–(11). Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

II–B–4–a–(12). Persons under 18 years of age shall not enter the P4 facility.

II–B–4–a–(13). Personnel shall enter into and exist from the P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

II–B–4–a–(14). Street clothing shall be removed in the outer side of the clothing-change area and kept there. Complete laboratory clothing, including undergarments, head cover, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discard it into collection hampers before entering the shower area.

II–B–4–a–(15). The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

II–B–4–a–(16). An insect and rodent control program shall be instituted.

II–B–4–a–(17). Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

II–B–4–a–(18). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–4–a–(19). Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

II–B–4–a–(20). The laboratory shall be kept neat and clean.

II–B–4–a–(21). If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4–level containment, they shall be conducted in accordance with all P4–level laboratory practices specified in this section.

II–B–4–b. *Containment Equipment.*

II–B–4–b–(1). Experimental procedures involving organisms that require P4–level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are

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required to wear one-piece positive-pressure isolation suits.

II–B–4–b–(2). Laboratory animals involved in experiments requiring P4–level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units[19A], open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

II–B–4–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment can be conducted in the P4 facility using containment equipment requirements specified for the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

TABLE II.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological [1] containment	Laboratory design specified for—	Laboratory practices specified for—	Containment equipment specified for—	Biological containment
P4	HV1	P4	P4	P4	HV1
P4	HV1	P4	P4 [2]	P3	HV2.

[1] See Section II–D for description of biological containment

[2] In this case gloves shall be worn, in addition to the clothing requirements specified in II–B–4–a–(14).

II–B–4–c. *Special Laboratory Design.*

II–B–4–c–(1). The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

II–B–4–c–(2). Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate containment of a vapor-phase decontaminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

II–B–4–c–(3). A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

II–B–4–c–(4). Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replacement. Water supply, liquid and gaseous services provided to the P4 facility shall be protected by devices that prevent backflow.

II–B–4–c–(5). Drinking water fountains shall not be installed in laboratory or animal rooms of the P4 facility. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

II–B–4–c–(6). Laboratory doors shall be self-closing.

II–B–4–c–(7). A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

II–B–4–c–(8). A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

II–B–4–c–(9). All liquid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

II–B–4–c–(10). An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to ensure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

II–B–4–c–(11). Air within individual laboratories of the P4 facility may be recirculated in HEPA filtered.

II–B–4–c–(12). The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ* decontamination before removal and to facilitate certification testing after replacement.

II–B–4–c–(13). The treated exhaust-air from Class I and Class II biological safety cabinets[20] may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

II–B–4–c–(14). As noted in Section II–B–4–b–(1), the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight. The exhaust-air from the suit area shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that in any adjacent area. An emergency lighting system, communication systems, and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provided to docontaminate the surfaces of the suit before removal.

II–C. *Shipment.* Recombinant DNA molecules contained in an organism or virus should be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation (§ 72.3, Part 72, Title 42, and §§ 173.386–173.388, Part 173, Title 49, U.S. Code of Federal Regulations (CFR)) as specified below:

II–C–1. Recombinant DNA molecules contained in an organism or virus

requiring P1, P2, or P3 physical containment, when offered for transportation or transported, should be subject to all requirements of § 72.3(a)–(e), Part 72, Title 42 CFR, and §§ 173.386–173.388, Part 173, Title 49 CFR.

II–C–2. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, should be subject to the requirements listed above under II–C–1 and are also subject to § 72.3(f), Part 72, Title 42 CFR.

II–C–3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research."

II–D. *Biological Containment.*

II–D–1. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) Survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or *H*ost-*V*ector, systems) for prokaryotes will be established; specific criteria will depend on the organisms to be used.

II–D–1–a. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

II–D–1–a–(1). *EK1.* The host is always *E. coli* K–12 or a derivative thereof, and the vectors include nonconjugative plasmids (e.g., pSC101, ColEl, or derivatives thereof [12–27]) and variants of bacteriophage, such as lamboda [28–33]. The *E. coli* K–12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages.

II–D–1–a–(2). *Other Prokaryotes.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K–12 with a non conjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HVl systems are described below (Section II–D–2).

II–D–1–b. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

II–D–1–b–(1). For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequence of transmission of the cloned DNA fragment.

II–D–1–b–(2). For EK2 host-vector systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment either (i) as a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation or (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

II–D–1–c. *HV3.* These are host-vector systems in which:

II–D–1–c–(1). All HV2 criteria are met.

II–D–1–c–(2). The vector is dependent on its propagation host or is highly defective in mobilizability. Reversion to host-independence must be less than $1/10^8$ per vector genome per generation.

II–D–1–c–(3). No markers conferring resistance to antibiotics commonly used clinically or in agriculture are carried by the vector, unless expression of such markers is dependent on the propagating host or on unique laboratory-controlled conditions or is blocked by the inserted DNA.

II–D–1–c–(4). The specified containment shown by laboratory tests has been independently confirmed by specified tests in animals, including primates, and in other relevant environments.

II–D–1–c–(5). The relevant genotypic and phenotypic traits have been independently confirmed.

II–D–2. *Certification of Host-Vector Systems.*

II–D–2–a. *Responsibility.* HV1 systems other than *E. coli* K–12, and HV2 and HV3 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV–E–1–b–(1)–(c).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available information at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV–E–1–b–(3)–(f).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector system. (See Section IV–E–1–b–(3)–(g).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

II–D–2–b. *Data To Be Submitted for Certification.*

II–D–2–b–(1). *HV1 Systems Other than E. Coli K–12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration. (i) A description of the organism and vector; the strain's natural habitat and growth

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requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity. (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism less able to survive or transmit genetic information. (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

II–D–2–b–(2). *HV2 Systems.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted (33A, 33B). In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits. (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system. (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment. (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions. (v) Data on all other properties of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals (e.g., rodents). Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K–12 are available from ORDA.

II–D–2–b–(3). *HV3 Systems.* Putative HV3 systems must, as the first step in certification, be certified as HV2 systems. Systems which meet the criteria given above under II–D–1–(c)–1, II–D–1–(c)–2, and II–D–1–(c)–3 will then be recommended for HV3 testing. Tests to evaluate various HV2 host-vector systems for HV3 certification will be performed by contractors selectd by NIH. These contractors will repeat tests performed by individuals proposing the HV2 system and, in addition, will conduct more extensive tests on conditions likely to be encountered in nature. The genotypic and phenotypic traits of HV2 systems will be evaluated. Tests on survival and transmissibility in and on animals, including primates, will be performed, as well as tests on survival in certain specified natural environments.

II–D–3. *Distribution of Certified Host-Vectors.* Certified HV2 and HV3 host-vector systems (plus appropriate control strains) must be obtained from the NIH or its designees, one of whom will be the investigator who developed the system. NIH shall announce the availability of the system by publication of notices in appropriate journals.

Plasmid vectors will be provided in a suitable host strain, and phage vectors will be distributed as small-volume lysates. If NIH propagates any of the host strains or phage, a sample will be sent to the investigator who developed the system or to an appropriate contractor, prior to distribution, for verification that the material is free from contamination and unchanged in phenotypic properties.

In distributing the certified HV2 and HV3 host-vector systems, NIH or its designee will (i) send out a complete description of the system; (ii) enumerate and describe the tests to be performed by the user in order to verify important phenotypic traits; (iii) remind the user that any modification of the system necessitates independent approval of the system by the NIH; and (iv) remind the user of responsibility for notifying ORDA of any discrepancies with the reported properties or any problems in the safe use of the system.

NIH may also distribute certified HV1 host-vector systems.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector,* recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.

No experiments should be performed which involve:

(a) Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture.

(b) Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

IV. Roles and Responsibilities

IV–A. [Deleted]

IV–B. [Deleted]

IV–C. *General Definitions.* The following terms are defined as follows:

IV–C–1. "DNA" means deoxyribonucleic acid.

IV–C–2. "Recombinant DNA" or "recombinant DNA molecules" means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above.

IV–C–3. [Deleted]

IV–C–4. "Institution" means any public or private entity (including Federal, State, and local government agencies).

IV–C–5. [Deleted]

IV–C–6. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for

* Such as those specified by the CDC Guidelines, or the USDA Quarantine Regulations.

(i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–E–3.

IV–C–7. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specified in Section IV–E–2.

IV–C–8. "Director, NIH" or "Director" means the Director of the National Institutes of Health and any other officer or employee of NIH to whom authority has been delegated.

IV–C–9. [Deleted]

IV–C–10. [Deleted]

IV–C–11. "Laboratory Safety Monograph" or "LSM" means a publication to accompany the NIH Guidelines describing practices, equipment, and facilities in detail.

IV–D. *Responsibilities of the Institution.*

Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH.

IV–E. *Responsibilities of NIH.*

IV–E–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines on recombinant DNA research, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has a number of responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–E–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–E–1–a–(1). Promulgating requirements as necessary to implement the Guidelines;

IV–E–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–E–2. The RAC's membership is specified in its charter and in Section IV–E–2; and

IV–E–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–E–3.

IV–E–1–b. *Specific Responsibilities of the Director, NIH.*

IV–E–1–b–(1). *The Director is responsible for the following major actions* (For these, the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the **Federal Register** at least 30 days before the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days of comment before final action is taken. The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC will be notified of this decision):

IV–E–1–b–(1)–(a). Changing containment levels for types of experiments that are specified in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(c). Certifying new host-vector systems, with the exception of minor modifications of already certified systems. (The standards and procedures for certification are described in Section II–D–2–a. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment.);

IV–E–1–b–(1)–(d). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment (see Sections I–E–4 and –5 for further information);

IV–E–1–b–(1)–(e). [Deleted]

IV–E–1–b–(1)–(f). Adopting other changes in the Guidelines.

IV–E–1–b–(2). *The Director is also responsible for the following lesser actions* (For these, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–E–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines;

IV–E–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines;

IV–E–1–b–(2)–(d). [Deleted]

IV–E–1–b–(2)–(e). [Deleted]

IV–E–1–b–(3). *The Director is also responsible for the following actions.* (The Director's decision will be transmitted to the RAC and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(3)–(a). Interpreting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–E–1–b–(3)–(b). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–E–1–b–(2)–(c).

IV–E–1–b–(3)–(c). [Deleted]

IV–E–1–b–(3)–(d). [Deleted]

IV–E–1–b–(3)–(e). [Deleted]

IV–E–1–b–(3)–(f). Approving minor modifications of already certified host-vector systems. (The standards and procedures for such modifications are described in Section II–D–2); and

IV–E–1–b–(3)–(g). Decertifying already certified host-vector systems.

IV–E–1–b–(3)–(h). [Deleted]

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates (see Appendix G).

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12 (see Appendix G).

IV–E–1–b–(4). [Deleted]

IV–E–1–b–(5). [Deleted]

IV–E–2. *Recombinant DNA Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its charter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively, expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the

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environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md. 20205.

All meetings of the RAC will be announced in the **Federal Register**, including tentative agenda items, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–E–1–b–(1) may be added to an agenda after it appears in the **Federal Register**.

IV–E–2–a. *The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–E–1–b–(1) and –(2).*

IV–E–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Principal Investigators, Federal agencies, State an local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–E–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–E–3–a. through IV–E–3–c–(3). [Deleted]

IV–E–3–c–(4). Publish in the **Federal Register** announcements of RAC meetings and agendas 30 days in advance on any action listed in Section IV–E–1–b–(1) and Section IV–E–1–b–(2).

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–E–3–c–(5). Publish the *Recombinant DNA Technical Bulletin;* and

IV–E–3–c–(6). Serve as executive secretary to the RAC.

IV–E–4. *Other NIH Components.* Other NIH components shall be responsible for:

IV–E–4–a. [Deleted]

IV–E–4–b. [Deleted]

IV–E–4–c. Announcing and distributing certified HV2 and HV3 host-vector systems (see Section II–E–3).

IV–F. [Deleted]

IV–G. [Deleted]

V. Footnotes and References

(1)–(4) [Deleted]

(5) Care should be taken to inactivate recombinant DNA before disposal. Procedures for inactivating DNA can be found in the "Laboratory Safety Monograph: A Supplement to the NIH Guidelines for Recombinant DNA Research."

(6) *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health, Education and Welfare Publication No. CDC 75–8118.

(7) *Classification of Etiological Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety. Atlanta, Georgia 30333.

(8) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

(9) *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health

(10) *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

(11) *Handbook of Laboratory Safety* (1971). Second Edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

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(20) Biological safety cabinets referred to in this section are classified as *Class I, Class II,* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) With a full-width open front, (2) with an installed front closure panel (having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* cabinet is a closed front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before being discharged to the outside environment.

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(34) [Deleted]

(35) Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section I–E–4.

(36–48) [Deleted]

(49) A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed.

(50) [Deleted]

VI. Voluntary Compliance

VI–A. to VI–E. [Deleted]

VI–F. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make thier records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commercial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn, makes it a crime for an officer or employee of the United States or any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, [or processes * * * of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including special Government employees. Members of the Recombinant DNA Advisory Committee are "special Government employees."

VI–F–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitute trade secrets or privileged or confidential commercial or financial information.

VI–F–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its views as to whether the information (or some portion) should be released.

VI–F–3. If the NIH decides to release this information (or some portion) in response to a Freedom of Information request or otherwise, the institution will be advised; and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgment of the Director, NIH, is necessary to protect against an imminent hazard to the public or the environment.

VI–F–4. The following information will usually be considered publicly available information, consistent with the need to protect proprietary data:

a. The names of the institution and principal investigator.

b. The location where the experiments will be performed.

c. The host-vector system.

d. The source of the DNA.

e. The level of physical containment.

VI–F–5–a. Any institution, which is considering submission of data or information vountarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–F–5–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HEW Freedom of Information Officer, the responsible official under HEW regulations (45 CFR Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–F–5–c. ORDA will inform the institution of the HEW Freedom of Information Officer's determination and follow the institution's instructions as to whether some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HEW, NIH, or ORDA.

VI–F–5–d. The HEW Freedom of Information Officer's determination will represent that official's judgment, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request were received from them under the Act.

Appendix A.—Exemptions Under I–E–4

Section I–E–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment (see Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A."

Under exemption I–E–4 of these revised Guidelines are recombinant DNA molecules that are (1) composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R.E. Buchanan and N.E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia*
2. Genus *Shigella*
3. Genus *Salmonella* (including *Arizona*)
4. Genus *Enterobacter*
5. Genus *Citrobacter* (including *Levinea*)
6. Genus *Klebsiella*
7. Genus *Erwinia*

8. *Pseudomonas aeruginosa, Pseudomonas putida* and *Pseudomonas fluorescens*
9. *Serratia marcescens*

Sublist B

1. *Bacillus subtilis*
2. *Bacillus licheniformis*
3. *Bacillus pumilus*
4. *Bacillus globigii*
5. *Bacillus niger*
6. *Bacillus natо*
7. *Bacillus amyloliquefaciens*
8. *Bacillus aterrimus*

Sublist C

1. *Streptomyces aureofaciens*
2. *Streptomyces rimosus*
3. *Streptomyces coelicolor*

Sublist D

1. *Streptomyces griseus*
2. *Streptomyces cyaneus*
3. *Streptomyces venezuelae*

Sublist E

One way transfer of *Streptococcus mutans* or *Streptococcus lactis* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*
4. *Streptococcus pyogenes*

Appendix B.—Classification of Microorganisms on the Basis of Hazard

I. Classification of Etiologic Agents on the Basis of Hazard (1)

A. Class 1 Agents

All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

B. Class 2 Agents

1. Bacterial Agents

Actinobacillus—all species except *A. mallei,* which is in Class 3
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis, B. vincenti
Clostridium botulinum,
Cl. *chauvoei,* Cl. *haemolyticum,*
Cl. *histolyticum,* Cl. *novyi,*
Cl. *septicum,* Cl. *tetani*
Corynebacterium diptheriae,
C. *equi,* C. *haemolyticum*
C. *pseudotuberculosis*
C. *pyogenes, C. renale*
Diplococcoccus (Streptococcus) pneumoniae
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic serotypes
Haemophilus ducreyi, H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Leptospira interrogans—all serotypes
Listeria—all species
Mima poloymorpha
Moraxella—all species
Mycobacteria—all species except those listed in Class 3
Mycoplasma—all species except *Mycoplasma mycoides* and *Mycoplasma agalactiae,* which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureaus
Streptobacillus moniliformis
Streptococcus pyogenes
Treponema carateum, T pallidum, and T pertenue
Vibrio fetus, V comma, including biotype El Tor, and *V parahemolyticus*

2. Fungal Agents

**Actinomycetes* (including *Nocardia* species and *Actinomyces species and Arachnia propionica)*
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides brasiliensis

3. Parasitic Agents

Endomoeba histolytica
Leishmania sp.
Naegleria gruberi
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

4. Viral, Rickettsial, and Chlamydial Agents

Adenoviruses—human—all types
Cache Valley virus
Coxsackie A and B viruses
Cytomegloviruses
Echoviruses—all types
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis-associated antigen material
Herpes viruses—except *Herpesvirus simiae* (Monkey B virus) which is in Class 4
Corona viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymhogranuloma venereum agent
Measles virus
Mumps virus
Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Polioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox, Monkey pox, and Whitepox,* which depending on experiments, are in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus,* which should be classified in Class 3 when inoculated into carnivores
Reoviruses—all types
Respiratory syncytial virus
Rhinoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus) and Marburg virus,* which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vole rickettsia
Yellow fever virus, 17D vaccine strain

C. Class 3 Agents

1. Bacterial Agents

*Actinobacillus mallei**
Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocide type B ("buffalo" and other foreign virulent strains*)
*Pseudomonas pseudomallei**
Yersenia pestis

2. Fungal Agents

Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*

3. Parasitic Agents

Schistosoma mansoni

4. Viral, Rickettsial, and Chlamydial Agents

***Alastrim, Smallpox, Monkey pox, and Whitepox,* when used *in vitro*
Arboviruses—all strains except those in Class 2 and 4 (Arboviruses indigenous to the United States are in Class 3, except those listed is Class 2.
West Nile and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lumphocytic choriomeningitis virus (LCM)
Psittacosis-Ornithosis-Trachoma group of agents
Rabies street virus, when used in inoculations of carnivores (See Class 2)
Rickettsi—all species except *Vole rickettsia* when used for transmission or animal inoculation experiments
*Vesicular stomatitis virus**
Yellow fever virus—wild, when used *in vitro*

D. Class 4 Agents

1. Bacterial Agents

None

2. Fungal Agents

None

3. Parasitic Agents

None

4. Viral, Rickettsial, and Chlamydial Agents

****Alastrim, Smallpox, Monkey pox, and Whitepox,* when used for transmission or animal inoculation experiments
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin,* and *Machupo* viruses, and others as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest diesase, Omsk hemorrhagic fever,* and *Central European encephalitis viruses*
Venezuelan equine encephalitis virus, epidemic strains, when used for

transmission or animal inoculation experiments
Yellow fever virus—wild, when used for transmission or animal inoculation experiments

II. Classification of Oncogenic Viruses on the Basis of Potential Hazard (2)

A. Low-Risk Oncogenic Viruses

Rous Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma

B. Moderate-Risk Oncogenic Viruses

Ad2–SV40
FeLV
HV Saimiri
EBV
SSV–1
GaLV
HV ateles
Yaba
FeSV

III. Animal Pathogens (3)

A. Animal disease organisms which are forbidden entry into the United States by Law (CDC Class 5 agents)

1. Foot and mouth disease virus

B. Animal disease organisms and vectors which are forbidden entry into the United States by USDA Policy (CDC Class 5 Agents)

African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Footnotes and References of Appendix B

*A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782.

**Since the publication of the classification in 1974 [1], the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

***All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

(1) Classification of Etiologic Agents on the Basis of Hazard. (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(2) National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses. (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790.

(3) U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C.—Exemptions Under I–E–5

Section I–E–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d)). Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section I–E–5 of the Guidelines:

1. *Recombinant DNAs in Tissue Culture.* Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions. Experiments, involving the deliberate introduction of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

2. *Experiments Involving E. coli K–12 host-vector systems.* Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or nonconjugative plasmids [49] shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information [35] with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugation proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions. Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

3. *Experiments Involving Saccharomyces cerevisiae host-vector systems.* Experiments which use *Saccharomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelined provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions. Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

4. *Experiments Involving Bacillus subtilis host-vector systems.* Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, with the exception of those experiments listed below. Indigenous *Bacillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis*, may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions. Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

Appendix D [Deleted]

Appendix E [Deleted]

Appendix F.—Certified Host-Vector Systems

A listing of host-vector systems previously classified as HV1 or HV2 follows.

HV1—The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems; pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RUB 331 and BGSC 1S53 have been certified as the host component of HV1 systems based on these plasmids.

HV1—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

(1) inl (inositolless) strains 37102, 37401, 46316, 64001, and 89601.

(2) csp–1 strain UCLA and csp–2 strains FS 590, UCLA101 (these are conidial separation mutants).

(3) eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus,* and *S. griseus.* The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

HV2—The asporogenic mutant derivative of *Bacillus subtilis,* ASB 298, with the following plasmids as the vector component: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae,* all of which have the ste–VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32 and YIp33.

EK2 Plasmid Systems. The *E. coli* K–12 strain chi–1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi–1776 or in the sterile yeast strains, SHY1, SHY2, SHY3 and SHY4: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, YIp33.

EK2 Bacteriophage Systems. The following are certified EK2 systems based on bacteriophage lambda:

Vector	*Host*
λgt*WES.* λB′	DP50*supF*
λgt*WES.* λB°	DP50*supF*
λgtZJ*vir.* λB′	*E. coli* K–12
λgtALO. λB	DP50*supF*
Charon 3A	DP50 or DP50*supF*
Charon 4A	DP50 or DP50*supF*
Charon 16A	DP50 or DP50*supF*
Charon 21A	DP50*supF*
Charon 23A	DP50 or DP50*supF*
Charon 24A	DP50 or DP50*supF*

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. *General Information.*

Appendix G specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) should not be performed. No specific recommendations other than those given in Part III of the Guidelines shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight should be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests should be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i).)

2. *Recommended Containment Conditions for Cloning of Toxin Genes in E. coli K–12.*

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) should proceed under P2 + EK2 or P3 + EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight should proceed under P1 +EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis,* the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins should be subject to P1 + EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli, Klebsiella,* and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica.*

3. *Containment Conditions for Cloning of Toxin Genes in Organisms Other than E. coli K–12.* Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 should be submitted to ORDA for evaluation. ORDA will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j).)

Appendix H [Deleted]

Annex A.—Original Proposal of Drs. David Baltimore & Allan Campell; Proposal To Convert the NIH Guidelines Into a Non-regulatory Code of Standard Practice and To Reduce the Recommended containment Levels For Some Experiments

Proposals

(1) Section I–A of the NIH Guidelines will be replaced with the following:

"I–A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended."

(2) Part I–C of the NIH Guidelines shall be eliminated.

(3) Part III of the Guidelines will be replaced with the following:

"Part III discuss experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

"Where there are existing recommended physical containment levels applicable to non-recombinant DNA experiments with either the host or the vector (such as those specified by the CDC Guidelines), recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. Otherwise, all non-prohibited experiments may be carried out under conditions of P1 physical containment. As a general practice, investigators should use the highest level of biological containment (HV3>HV2>HV1) which is available and appropriate for the purposes of the experiment.

"Specific exceptions to the prohibitions may be approved by the Director NIH (section I–D). The Director will consider

requests for exceptions from individuals, institutions or corporations regardless of whether the applicant is affiliated with or supported by NIH. Such exceptions will generally be approved for specified levels of physical and biological containment."

This will be followed by a listing of those exceptions which are presently authorized and the containment levels approved for the excepted experiments.

(4) Part VI of the NIH Guidelines shall be eliminated, with the following exceptions:

(a) Those definitions listed in Part IV–C which may be needed clarify statements made elsewhere in the Guidelines shall be retained.

(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

(c) The following statement shall be added:

"Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH."

(5) Section VI of the Guidelines will be eliminated, except for those portions of section VI–F relevant to the protection of proprietary information submitted in support of requests for exceptions from the prohibitions.

Explanation and Justification

The action has two major effects:

(A) It revokes the mandatory nature of the Guidelines by eliminating those sections specifying regulatory procedures and their underlying organizational machinery. These Guidelines would then resemble the CDC Guidelines in setting standards and providing guidance rather than in regulating the performance of experiments. This purpose is accomplished by items, 1, 2, 4 and 5 of the proposal.

Item 5 (elimination of most of section VI) is included because, with the elimination of section IV, compliance with the Guidelines will effectively become voluntary for all individuals, regardless of NIH support. Special provision for voluntary compliance by individuals and institutions not supported by NIH then becomes superfluous.

(B) It reduces the prescribed level of physical containment for most experiments to P1. This purpose is accomplished by item 3.

These two changes are justified from the following considerations:

(A) *Elimination of Regulatory Procedures.* Opinions differ as to the widsom of the actions and arguments which led to the adoption of the NIH Guidelines in 1976. However, there is fairly general agreement on two points: (i) The establishment of Guidelines has had some beneficial effects. In particular, it has raised the general level of awareness among investigators and institutions of the importance of considering possible hazards that might arise during microbiological research. (ii) Since 1976, neither experimental evidence nor solid theoretical arguments have been advanced to support the position that recombinant DNA research poses any danger to human health or to the integrity of the natural environment.

At this point, we doubt that the beneficial side effects of continued regulation justify the expenditure of time and money required to maintain a regulatory apparatus that has been developed to protect society from hazards that appear to be non-existent.

(B) *Reduction of Recommended Containment Levels.* In the absence of known or suspected hazards, it seems unjustified to single out certain classes of experiments as requiring elevated levels of physical containment. The cost, in discouraging variety and innovation and thereby limiting access to useful knowledge, is real, whereas the benefit is likely to be zero. The use of P1 containment, together with the highest available level of biological containment appropriate to the experimental purpose, will keep the probability of escape and establishment very low without interfering with the conduct of most research.

The prohibitions remain in force. Although we consider it unlikely that experiments in the prohibited categories will generate serious hazards, they represent the one area of the Guidelines which is addressed to risks whose nature can be specified, and that are in principle assessable. Restructuring of some of these categories aimed at delineating areas of real concern is desirable and is currently underway in the case of toxin genes. The results of such restructuring would be to define additional exceptions from the prohibitions, which would then appear in Part III of the Guidelines as amended by this measure.

Annex B.—Documents Prepared by Working Group on Revision of the Guidelines

Summary of Committee Actions, Report to RAC

At the April 1981 RAC meeting, a working group was established to consider major revisions of the recombinant DNA Guidelines. The working group, appointed by RAC chairman Ray Thornton, consists of 13 members, 9 of whom were RAC members as of June 1980 (2 have since ended their terms), 2 liaison RAC members, and 2 other scientists who have had long involvement with the recombinant DNA issue. The list of members is attached. The working group is chaired by Susan Gottesman. Two meetings were held: one on June 1, 1981, at which 8 members were present, and one on July 9, 1981, at which 11 members were present. Minutes of both meetings are available. There was a clear consensus by the working group that some major restructuring of the guidelines was appropriate. There was major disagreement about how far such a revision should go. The basic issues are: (1) Are there qualitatively unique dangers associated with Recombinant DNA research? and (2) If so, what response is necessary for guarding against such hazards; is some special procedure required? If there are not qualitatively unique dangers involved, are the remaining risks adequately addressed by already existing procedures for dealing with research dangers? If not, should one use the recombinant DNA issue to develop appropriate procedures for the more general issues?

After an analysis of the risks (detailed in the accompanying document), the following general conclusions were reached:

(1) Accidental combinations of genes, rising out of "shotgun" cloning experiments or experiments where expression is not specifically engineered, are extremely unlikely to lead to serious problems. In most organisms, the barriers to expression of foreign genes, the necessity for new enzyme activities to function as an integrated part of an existing pathway, and the selective disadvantage of carrying recombinant DNA, will interfere with such organisms establishing themselves in the environment and thus ultimately with their potential to cause harm. Therefore, for these experiments, the minimal controls associated with good laboratory practice should be sufficient. Many such experiments have already been exempted by the NIH from any special procedures.

(2) A particular subset of experiments may pose some possibility of risk. In these experiments, the expression of foreign functions may have been deliberately increased, or normal functions will have been engineered to operate more efficiently. While there is no evidence that this risk is qualitatively

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different from the risks associated with other kinds of genetic research, the end result may be an increase in virulence, host range, or survivability of some pathogens.

Given these conclusions, the majority of those present at the July 9 meeting supported a proposal which adopts the containment provisions of the Baltimore-Campbell proposal, but retains the mandatory aspect of the guidelines. A minority preferred either a "voluntary code of practice" as stipulated in the original Baltimore-Campbell proposal, or an end to all specifications for working with recombinant DNA, apart from those stipulations of "good laboratory practice."

The text of the proposal as approved by the subcommittee, with a comparison to current (July 1, 1981) guidelines is attached. In addition, an examination of the state of our knowledge about recombinant DNA risks, to be used as a rationale for change, is attached.

We suggest the following procedures; (1) RAC consider and modify if necessary, the working group's proposal and the supporting rationale statement, (2) The modified proposal and rationale be published in the **Federal Register** and elsewhere, if appropriate, for public comment, (3) All comments be considered by the working group and recommendations for change, based on the comments, be made. The final version should once again be published in the **Federal Register**. (4) RAC take final action on the proposal. This might occur at the January 1982 RAC meeting, or possibly at the following meeting, if more time for comment is considered necessary.

Recombinant DNA Advisory Committee Working Group on Revision of the Guidelines, National Institutes of Health

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Executive Secretary

Gartland, William J. Jr., Ph. D., Director, Office of Recombinant DNA Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6051

Revision of the July 1, 1981 Guidelines Proposed by Working Group on Revision of the Guidelines, July 8, 1981

(1) Section I–A of the Guidelines would be amended to read as follows:

I–A. *Purpose.* The purpose of these Guidelines to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

(2) Section I–D of the Guidelines, *Prohibitions,* would be eliminated.

(3) Part III of the Guidelines would be replaced with the following language:

Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector (such as those specified by the CDC Guidelines, or the USDA Quarantine Regulations), recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.

(4) Those membership specifications of the IBC to be found in Section IV–D of Section IV of the Guidelines would be eliminated.

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OUTLINE OF CURRENT NIH GUIDELINES FOR RECOMBINANT DNA RESEARCH AND PROPOSED CHANGES

	Current Guidelines: Procedures	Subcommittee Proposal	Baltimore-Campbell Proposal
I. Prohibitions (I-D)			
CDC Class 4 & 5 organisms Genes for potent toxins Release to environment Genes for drug resistance	Prohibitions take precedence over all other parts of guidelines; exceptions possible by application to RAC and Federal Register publication	Eliminate prohibitions as special class; handled by IBC as with other experiments	Retains prohibitions
10 liters unless well characterized and harmless	This prohibition does not take precedence over exemptions 1-4		
II. Exemptions (I-E)			
Naked DNA Rearrangements Self-cloning Exchangers Others: Tissue culture, *E. coli*, *B. subtilis* and *S. cerevisiae* HV1 systems	No special oversight required for these experiments; new additions to list by application to RAC and publication in Federal Register	No change	No change
III. HV1 Systems (III-A)			
Currently covers only some *N. crassa* and Streptomyces strains	Containment varies with source of donor DNA (P1-P3). New systems require approval by RAC and Federal Register publication	P1	P1
IV. All other prokaryote, lower eukaryote combinations	P3; lower by request to ORDA. Return to host of origin, P1	P1 for nonpathogens; pathogens as per CDC, etc.	P1 for nonpathogens; etc.
V. Eukaryote recipients			
non-viral vectors	P1-P2 in whole organ. (exempt in tissue culture)	P1 for non-pathogens, etc.	P1 for non-pathogens, etc.
defective viral vectors	P1-helper, P2-P3 + helper		
non-defective viral vectors	case-by-case; (P2 in most cases)	P1 for non-pathogens, etc.	P1 for non-pathogens, etc.
Procedural Changes: IBC	membership specified	no specifications for membership	voluntary system

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Evaluation of the Risks Associated With Recombinant DNA Research

I. History and Introduction

The technique known as recombinant DNA or gene cloning was first developed in the early 1970s. It provides methods for combining pieces of DNA from essentially any source—no matter how unrelated—and reintroducing them into living cells. In practice, in order to ensure that the newly joined DNA persists in its host, small pieces of the DNA of interest are joined to a DNA (a vector) which has the capacity for self-replication in the host cell.

The development of this incredibly powerful new technique led thoughtful scientists, aware of the history of use and abuse of similar breakthroughs in the fields of chemistry and physics, to raise to their fellow scientists questions about the possible hazards of the technique. This occurred before the technique had been used enough to allow those talking about the dangers to have any expectations about what the full possibilities or complications of the experiments might be. The initial discussion raised enough concerns for scientists to ask, first, for a moratorium on some sorts of experiments, and secondly, for the development of guidelines for the use of recombinant DNA technology. The form of the initial restrictions was outlined at the meeting of 150 scientists held at Asilomar in February 1975. This document served as informal guidance to scientists working in the field until the issuance of the first NIH Recombinant DNA Guidelines in June of 1976 (**Federal Register**, July 7, 1976). The impetus to obey these Guidelines was both peer pressure and the threat of withdrawl of NIH grant funds

The original Guidelines relied on the use of physical and genetic containment procedures as safeguards for dealing with unspecified dangers. As the possibilities of the recombinant DNA technique were more fully realized, it became clear that many experiments were not mentioned in the original guidelines either because they had not been of particular concern to those who wrote the Guidelines, or because the necessary experimental techniques had not yet been developed. On the other hand, large classes of experiments, particularly those with animal viruses, had been extremely restricted. Because of a concomitant rise in public awareness and concern about the whole of recombinant DNA experimentation, NIH at this stage felt it appropriate to approve only experiments explicitly discussed in the 1976 NIH Guidelines. Scientists were frustrated that experiments they both knew how to do and knew would lead to rapid advances in subjects of major importance were blocked. In addition, they felt under attack as public scrutiny of the molecular biology field sometimes implied that no scientist could be trusted to supervise his own work and that yet stronger control would be necessary to properly guard the world against the dangers of recombinant DNA. As the original concept of care and self-policing were replaced by complex regulations and restrictions scientists perceived as inappropriate, support for the guidelines among scientists decreased dramatically.

Simultaneously, the NIH was developing the first major revision of the Guidelines to deal with inconsistencies and changing perceptions. The first major revision took more than two years from start to adoption in late 1978 (**Federal Register**, December 22, 1978). Major changes were introduced. They included: Creation of an "exempt" category for experiments considered to be innocuous, the lowering of containment requirements for experiments with animal viruses, and the delegation of more oversight authority for recombinant DNA experiments to local committees (IBCs). In addition, the new Guidelines explicitly recognized the need for a constant evolution of the Guidelines and specified a procedure for such change. That gradual evolution has continued over the last three years, and has included some fairly radical changes in the range of permitted experiments, the level of containment requirements for experiments, and the procedures for administration of the Guidelines. The trend has been to remove from most requirements, those classes of experiments for which no specific danger can be hypothesized.

At present, five years after the first Guidelines went into effect and seven years after the Asilomar Conference, the situation is as follows (**Federal Register**, July 1, 1981):

(1) The Guidelines permit a large number of experiments using the recombinant DNA technique, and interfere with and slow ongoing investigations in most areas far less than they did in 1976–1978;

(2) Many experiments, especially those in *E. coli* K–12, *Saccharomyces cerevisiae*, and *B. subtilis* host-vector systems, can be carried out at low containment, and with relatively few registration or prior approval procedures;

(3) Some recombinant DNA experiments, especially in organisms which are not as well studied as the originally used *E. coli* K–12 host, still require special permission from and discussion with an oversight committee, either at the local or national level;

(4) A great deal more experience with the limits and possibilities of the recombinant DNA technique, seven years of explicit discussion of the possibilities for harm and how these possibilities can be evaluated, as well as some NIH supported risk assessment studies have provided scientists somewhat better parameters for discussing the dangers of recombinant DNA;

(5) Experience with regulation of the recombinant DNA field over the last five years should provide some information about the effectivness of various provisions if such regulation is needed;

(6) The Guidelines have evolved into an extremely complicated, piece-meal document in response to modifications initiated by specific, single-issue requests. Most scientists experience difficulty in picking their way through this document.

(7) Administration and revision of the Guidelines continues to require scientists to expend considerable time, both as part of the RAC and the IBCs, and in the laboratory.

In response to a specific proposal by two members of the NIH Recombinant DNA Advisory Committee, that "the time for Guidelines with attached oversight procedures and penalties has passed," the RAC has designated a study group to evaluate what we now know about the possible dangers of recombinant DNA, how those dangers are met by the Guidelines as they now stand, and whether such Guidelines are still appropriate for this scientific technique. Below, we will analyze the basic assumptions and types of risk which were visualized, and what has been learned to either allay or reinforce these fears. We will then analyze the possibilities for dealing with remaining concerns, ranging from continuation of the current Guidelines through abolition of any special oversight.

II. Possible Hazards

A. Basic Assumptions

In some ways, recombinant DNA poses a unique problem. One can add new genetic information to practically any organism, and arrange matters so that new information is stably maintained and possibly expressed in the host. In addition, because we are dealing with viable, self-replicating

organisms, the altered individual would not necessarily sit on the inventor's shelf, like some new and terribly explosive chemical, but might be able to establish itself in the environment and, because of its ability to replicate, magnify any harmful effect. Three assumptions are therefore involved in the decision to call recombinant DNA a unique danger; each one of these assumptions can be separately discussed and evaluated. These assumptions are:

(1) That a unique organism, never found in nature, might be constructed by recombinant DNA techniques;

(2) That such a unique organism might be able to establish itself in the environment outside the laboratory;

(3) That such an organism, established in the environment and possessing unique properties bestowed upon it by recombinant DNA techniques, might be harmful, either to man, animals, or plants.

If one could prove that any one of these three assumptions is totally false, the dire expectations of the recombinant DNA technique could be discarded and no special precautions would need to be taken. In the initial assessment, however, these assumptions seemed reasonable, in that the technique appeared to allow any organism to be mofidied in any way.

Over the last seven years, some changes in perception and in knowledge of recombinant DNA hazards have occurred:

(1) The possibilities and limits of assumption 1 are somewhat better understood in (a) the limits to which recombinant DNA can bestow new characteristics on organisms, and (b) the ways by which organisms normally exchange genetic information in anticipation of the recombinant DNA technique, thereby negating the "uniqueness" component of the assumption.

(2) A great deal of discussion in the last few years has centered on assumption 2; the whole concept of biological containment is based upon circumventing the organisms' establishment in the environment by modifying the properties of the organism. In the case of *E. coli* K–12, specific tests to asses the likelihood of establishment, with or without recombinant DNA, have been carried out (see appendix), and have suggested that such establishment is unlikely. In the more general sense, can any change made in the laboratory either intentionally or unintentionally endow an organism with a competitive advantage in a very competitive outside environment? Seven years experience with recombinant DNA has suggested that recombinant DNA is frequently not stably maintained in the host organism in the absence of selective pressures.

(3) Assumption 3, that such a unique established organism will cause harm, remains primarily one of discussion, since experiments where one might explicitly predict harm have been for the most part forbidden or discouraged. Some explicit experiments to assess risks have been performed: I.e., examination of whether *E. coli* can act as a vector to introduce viral DNA into animal cells (Israel et al., 1979, a, b; Chan et al., 1979), and whether *E. coli* manufacturing active hormones can affect the physiology of animals (Stebbing et al., 1980). Much of the other discussion involves unknowns, although understanding of the basis for pathogenicity of some organisms can help in predicting the probable effects of introducing new genetic information.

We will try to analyze (1) the kinds of information available to support or disprove each of these assumptions, (2) how these assumptions have been dealt with in past Guidelines, and (3) how they might be dealt with in the future.

The early Guidelines presumed that, since the possibility of harm could not be properly evaluated, all recombinants were potentially harmful; the Guidelines controlled the establishment of recombinant DNA containing organisms in the environment by indicating levels of physical and biological containment. More recently, the Guidelines have evolved to include the concept that only unique organisms should be of concern. This concept is the basis for the long list of exemptions in the 1978 Guideline revision. Other relaxations in the Guidelines concerning *E. coli* K–12 host-vector systems have resulted from further examination of the second assumption, as evidence accumulated on the inability of *E. coli* K–12 to establish itself in the environment.

Accidental vs. Intentional Cloning of a Harmful Segment. One other aspect of the change from early to more recent attitudes can be traced to the qualitative difference between accidental constructs of unknown recombinants and the intentional cloning of a specific gene. The early Guidelines in their concern for inadvertant combinations of potentially harmful genes, required high containment for experiments in which random pieces of DNA from one organism are inserted into a second organism (shotgun experiment). Advances in our understanding of how expression of mammalian genes (eukaryotes) differs from expression of genes in lower forms of life such as bacteria (prokaryotes), has led to a perception that the accidental altering of an organism is very unlikely to produce a harmful result. Thus, some lessening of containment for such "shotgun" experiments has seemed justified. The other concern, and probably the basis for the remaining concerns, centers on the deliberate construction of a recombinant organism expressing a foreign product. The rapidly developing techniques of recombinant DNA technology can be utilized to insure that the recombinant DNA in fact efficiently expresses a product in its new host. The organism can, in addition, be engineered to excrete the product into the outside environment. In such a case, questions about possible harm can be posed without considering assumptions on the likelihood of expression or the possibility of one DNA fragment out of many establishing itself.

1. *Uniqueness of Organisms Created by Recombinant DNA Techniques.*

A. *Limits of the techniques.*

The original assumption that DNA from essentially any source could be introduced into essentially any organism has been supported by research advances of the last six years. Methods have been developed for introducing foreign DNA stably into a variety of bacteria, yeasts, plants and animal cells. In some organisms, the nature of the vector or the growth pressures on the organism limit the amount of new information which can be introduced as recombinant DNA. For example, many viral vectors have size limits on the amount of introduced DNA; only a specific amount can be packaged into viral the coat (Blattner et al., 1977). Some bacterial plasmids become harder to maintain stably in cells as their size increases. In practice, many recombinant DNA experiments are more productive when relatively small, defined pieces of the foreign DNA of interest are used. In considering the general limits for the purposes of risk considerations, it seems fair to say that there is no limit to either the source of DNA (donor) or of the host (recipient) but that size of the donor DNA may be limited, especially where viral vectors are used.

b. *Natural exchange mechanisms.*

The earliest discussions of the recombinant DNA technique considered the well known ability of *E. coli* to exchange DNA with other organisms as a possible hazard of using the recombinant DNA technique in that host-vector system. Such exchange might disseminate recombinant DNA from an *E. coli* K–12 host to other less well characterized and less disabled hosts; therefore, use of plasmids that

could not transfer readily to other hosts (nonconjugative plasmids) were specified by the Guidelines. The 1976 Guidelines did not specifically acknowledge the additional conclusion that such exchange implies: that for at least some pairs of organisms, recombinant DNA experiments may simply imitate nature in moving blocks of genes from one species to another.

A series of promiscuous plasmids that move freely among severl species of bacteria, have been found in a large series of gram negative organisms, ranging from *E. coli* through *Rhizobium* and *Pseudomonas* (Alexander & Jollick, 1977; Haas & Holloway, 1978; Baron et al., 1968). These plasmids frequently carry, in addition to genes for their own maintenance and transmission, antibiotic resistance genes and occasionally chromosomally derived genes (Olsen & Gonzalez, 1974; Holloway, 1978). Evidence of *in vivo* transfer of these plasmids from virtually any gram-negative species to any other gram-negative species has been found (Ingram et al., 1974; Smith, 1969). In laboratory experiments, chromosomal genes from a variety of organisms can be transferred by these plasmids into other species (chromosome mobilization). In some cases, such chromosomal genes can be stably recombined into the recipient chromosome. In other cases, the mobilized genes can be found stably associated with the plasmid, and, therefore, can be transferred at high efficiency to many organisms (Holloway, 1978).

Although the precise nature of this mobilization is not know, it seems to be somewhat plasmid specific. At least some plasmids can mobilize the DNA of many diverse organisms (Haas & Holloway, 1978), and many genes from any given organism can be mobilized by these plasmids. Given the ubiquity of such plasmids, the ample opportunity for exchange in the environment these organisms share, and the very long time periods available, it seems reasonable to assume that, for most gram-negative bacteria, any given gene has in fact been introduced at some time into any given recipient. This probability was explicitly recognized in the 1976 revision of the Guidelines by the inclusion of a list of "exchangers" (**Federal Register**, July 28, 1978). Recombinant DNA experiments between two exchangers are exempt from the Guidelines on the rationale that such a pair should have been exposed to each others DNA, and, therefore, no unique combination should be produced via recombinant DNA technology. If this principle is accepted in the broadest sense, essentially any cloning among the enterobacteriaceae, both pathogenic and non-pathogenic, would be exempted from the Guidelines.

Many gram positive bacteria take up DNA from the environment (Low & Porter, 1978). When the DNA taken up has similar sequences to the host bacteria DNA, the bacteria are capable of recombining that DNA into their own chromosome. Some of these organisms have been shown to be transformed (changed genetically) by DNA released by neighboring bacteria in the soil (Graham & Istock, 1978; Burke & Le, 1980). Therefore, such organisms exchange genetic information with other organisms by transformation; some pairs of microorganisms have been added to the exchanger list on this basis.

Similarly, bacteria may frequently encounter mammalian DNA, either from decaying matter or from intestinal cells or ingested food in the case of gut bacteria. Mammalian cells in the intestine should frequently be exposed to DNA released from resident bacteria. It is difficult in these cases to realistically estimate uptake and persistence, although mechanisms for "illegitimate recombination" do exist both in bacteria and mammalian cells (Cold Spring Harbor Symposium, 1981; Kleckner, 1981). Large pieces of non-homologous DNA can be incorporated into the mammalian genome (Scangos & Ruddle, 1981).

There have been reports of the existence of mammalian hormone-like proteins elaborated by bacteria (Koide & Maruo, 1981; LeRoith et al., 1981); this may reflect uptake and integration of mammalian DNA by bacteria sometime in the past.

In at least one case, a system for genetic transfer from bacteria to plants exists. The plant pathogen *Agrobacterium tumefaciens* transfers a specific part of its extrachromosomal DNA, implicated in plant tumor formation, stably to the infected plant cells where the DNA is expressed and stably maintained (Chilton et al., 1977). The transferred piece is derived from a large, transferable plasmid which has the capacity to enter, by conjugation, many other prokaryotes. It is not known whether other such mechanisms exist, but even this isolated example provides a mechanism for moving bacterial and perhaps other types of information into many kinds of plants.

Among animals and plants, viruses seem to be the most likely mechanism for pick up of chromosomal genes and transfer of genetic information from one host to another. In the last few years, it has become clear that many chromosomal sequences can be found in association with viral DNA (Bishop, 1981; Weinberg, 1980).

c. *Counterarguments.*

i. While exchange can be documented in the laboratory, most genes will not be transferred *in vivo* in stable association with plasmids; only the most homologous regions will recombine into the recipient chromosome. Species that do not occupy the same ecological niche are unlikely to have the opportunity for natural exchange of genetic information. Introduction of DNA via transformation will rarely lead to stable diploid formation or replacement of the original DNA with new sequences. The use of the recombinant DNA technique may increase these processes dramatically by providing a mechanism for maintaining new sequences in the absence of homology.

ii. The vectors used for recombinant DNA experiments may be engineered to exist in many copies in the cell, or other mechanisms may be used to increase expression of genes beyond that found in nature. Such optimization of expression could lead to an organism unique in its ability to produce an excess of a particular product.

2. *Dissemination.*

a. *Stability of Recombinant DNA.* Much of the discussion of the possible hazards associated with recombinant DNA in *E. coli* K–12 has centered on the inability of this organism to establish itself in the environment or disseminate recombinant DNA to other organisms. We have summarized some of these data in the Appendix, and further discussion of the data can be found in the report of a meeting in Falmouth, Massachusetts, where the epidemiological consequences of cloning in *E. coli* K–12 were discussed (Gorbach, 1978).

Some of the arguments made with respect to *E. coli* K–12 can be generalized to other systems as well. Laboratory strains, which most frequently will be used as hosts for recombinant DNA, may lose some of the characteristics which permit growth outside the laboratory. Many vectors, in being redesigned as useful vectors for recombinant DNA experiments, will lose the capacity for self-transmission. However, in a discussion of whether essentially any recombinant DNA containing organism is likely to be disseminated, we must assume that at least in some cases the host will be one not far removed from the wild environment, and that, in some cases, self-transmissible vectors will be used to carry the recombinant DNA. Therefore, one must ask if there are

general arguments about the ability of the organism carrying recombinant DNA to compete successfully with nonrecombinant DNA organisms.

There is a great deal of anecdotal information about the difficulties that people have maintaining recombinant DNA in bacterial strains; selective pressures must be applied continuously to maintain many plasmids. Little of this type of information has been published. One such experiment, reported by Cameron and Davis (1977), examines the fate of random *E. coli* and *Saccharomyces cerevisiae* fragments cloned into a bacterial virus vector and propagated for many cycles in *E. coli*. After about 25 cycles of growth, both sets of DNAs were reduced from the original diverse population to one or two dominant types which presumably have a growth advantage over all the other types. The authors also state that none of the yeast clones outgrow the parent vector (containing no recombinant DNA information). Therefore, most recombinants grown under these conditions will be quickly lost after the host organism begins to multiply.

Evolutionary arguments suggest that an organism containing recombinant DNA information will be at a relative disadvantage; this is particularly true for complex organisms such as mammals. Ayala (1977) points out that, for developmentally advanced organisms, new information must be coadapted to the rest of the gene pool of that organism; this is almost impossible to do with new information unless the new information is simply a different form of an already present gene. If, however, the new information is very similar to that which is already present, such a variant might have arisen by natural means and the recombinant DNA containing organisms will not be unique. Chances for altering the evolution of simpler organisms, such as prokaryotes, may be somewhat greater, although short generation times and relatively economical use of DNA sequence information suggests that non-useful information will be rapidly lost. Overproduction of one or a few products would be expected to unbalance the cell's metabolism.

b. *Transmission into other potential hosts. There are three major mechanisms for transfer of recombinant DNA from the original host to other hosts encountered in the environment.*

(1) For plasmids, in particular, the conjugational mode (by mating, involving cell-to-cell contact) may be primary. Either conjugative transfer of a self-transferring plasmid or mobilization of non-conjugative plasmids may occur (Low & Porter, 1978). At least for one class of vectors frequently used for recombinant DNA, those based on the *E. coli* plasmid pBR322, it has been demonstrated *in vitro* and *in vivo* that transfer by mobilization is greatly reduced (Dougan, G., Crosa, J.H., Falkow S., 1978; Levine, M.M., Kaper, J.B., et al., unpublished data) apparently because a segment necessary for mobilization was deleted in construction of the vector (Clark & Warren, 1979). Clearly the range of possible recipients will depend on the host range of the transferring plasmids.

(2) Viral vectors, if they are intact, may readily transfer the recombinant DNA they carry to other sensitive hosts. If the host is killed in the process, the association will be only a temporary one. If the vector is defective (lacking an essential function), the function must be supplied by a helper virus for each new round of growth and infection. Therefore, if an appropriate helper is not commonly found in the environment, it is unlikely that the defective viral vector and its recombinant DNA will be disseminated.

(3) Finally, cells are capable of taking up naked foreign DNA. For bacterial systems carrying out transformation, restriction systems will frequently degrade the incoming DNA if it is from a foreign strain, thereby reducing greatly the probabilities for stable incorporation of incoming recombinant DNA. In addition, it has been found that plasmids serve as a particularly poor source of DNA for transformation into some strains (*B. subtilis*) (Canosi et al., 1978; Contente & Dubnau, 1979). Since DNA which is nonhomologous and is not competent to replicate by itself will not be recombined into the host chromosome or maintained in the cytoplasm, it may be reasonable to assume that naked recombinant DNA taken up by prokaryotes by transformation will not generate stable recombinant DNA containing organisms. In addition, at least in some environments, nucleases, pH and other environmental factors should interfere with the stability of naked recombinant DNA. In one experiment, bacterial DNA exposed to the diluted contents of rat intestine was rapidly degraded (Maturin and Curtiss, 1977). In other cases, however, *in vivo* DNA transformation has been observed, suggesting that not all DNA released into the animal tissues will be immediately destroyed (Ottolenghi-Nightingale, 1969).

Take-up of DNA by animal cells in tissue culture is not an efficient process under optimized laboratory conditions (Scangos & Ruddle, 1981). Moreover, for an effective cycle which will lead to wide-scale dissemination, the DNA would have to be stably integrated into the germ line of an intact organism. Alternatively, some constant source pool, such as infecting bacteria or viral recombinants may continue to provide a source of the DNA.

Individual plant cells, since they can be regenerated into complete plants, could disseminate DNA if it were integrated into nuclear or organelle DNA. However, this may also require a constant bacterial or viral source pool in plant cells.

3. *Harm.*

Let us assume for the moment that the organisms we have created via recombinant DNA are in fact unique, and have had the opportunity and ability to establish themselves in the environment. Will these organisms have the ability to cause harm, either to ourselves, to other animals, or to plants, microorganisms and the environment? We will consider here some general arguments about the roles recombinant DNA can play, and some of the specific cases which people have considered to be areas of concern.

a. *Breaching prokaryotic-eukaryotic barriers: evolutionary considerations.*

Prominent among the concerns expressed during the first few years of recombinant DNA technology was the fear of "breaching the barriers" to permit recombination between distantly related organisms. This concern, articulated most prominently by Sinsheimer (1975, 1976 a, b) and by Chargaff (1976), implies that the fertility barriers that evolved as organisms diverged during evolution arose to prevent the creation of new, dangerous species. Davis argues that this view "turns evolutionary principles upside down. Evolution has indeed established fertility barriers between species. But these barriers do not function to prevent the formation of *monsters* that might take over in the Darwinian struggle: They prevent wasteful matings that would produce only unbalanced *monstrosities*, unable to survive" (Davis, 1976, 1977).

In addition, information based primarily on the recombinant DNA analysis of eukaryotic genomes makes it clear that the mechanisms for processing information from DNA into protein differ greatly between many eukaryotes and prokaryotes (Breathnach & Chambon, 1981; Revel & Groner, 1978). Therefore, it is difficult to imagine that for most cases the "breaching of the brarrier" will result in much more than adding silent DNA sequences into the host cell. In the absence of any expressed function, it is difficult to hypothesize either a beneficial or

harmful effect of eukaryotic DNA for a prokaryote. Therefore, experiments which do not include the intentional expression of eukaryotic DNA in prokaryotes, or prokaryotic information in eukaryotes, should be considered unlikely to express a product; any harm would have to be due to the DNA itself, and any competitive advantage for survival would likewise have to be due to the DNA itself. We will consider below those cases where the recombinant is designed to express a foreign product.

b. *Small pieces in large organisms.*

Many recombinant DNA experiments involve the introduction of pieces of relatively small foreign DNA into a host. Thus, for many experiments in *E. coli*, pieces which represent no more than 0.5–1% of the recipient's genetic information are added as recombinant DNA. In most cases, this kind of new information, unless carefully integrated with information already present, will not significantly alter the ecology of the organism (Ayala, 1977). Carried further, this argument may suggest that new information introduced into a pathogen is not likely to significantly change its mechanism of pathogenicity. Information which must be processed to serve as part of a more complex biochemical pathway, as is often the case for the surface components which play an important role in bacterial pathogenesis, will be even more difficult to alter via recombinant DNA.

For more complex cells, the added DNA will represent a small part of the recipient's genome. This argument clearly does not hold as well for viral recombinants, where the added recombinant DNA information may be equal in quantity to what is already present. In addition, it may not apply if one is speaking of planned changes, such as introducing antibiotic resistance genes or causing overproduction or change in some normal cell component: i.e., increasing toxin synthesis, or altering the characteristics of a surface component of a bacterial cell such that the antigenicity of the cell will be changed.

c. *Specific Cases.*

i. *Expression of Active Peptides: Hormones, Toxins.* One major class of concerns in the discussion of the risks of recombinant DNA is based on the assumption that bacteria could be programmed to express, in large quantities, active proteins which would cause, either by themselves or through their antigenicity, some untoward reaction in their host. This issue was specifically addressed for *E. coli* hosts at a meeting sponsored by NIAID in Pasadena, California in April 1980. Since for the sake of discussion the participants assumed the "worst case" of transfer of the recombinant DNA to an established colonizing organism, some of the conclusions from that meeting can be generalized to the case of cloning in the prokaryotes which colonize the intestinal tract. Reports from that meeting have been published in the *Recombinant DNA Technical Bulletin* (Volumes 3 and 4, 1980–1981) and are summarized here.

If one assumes transfer and maintenance of a recombinant plasmid in essentially all *E. coli* of the intestinal tract one can calculate that the bacteria, at their maximum synthetic capacity, will produce in the range of 10^6 molecules/cell/generation, or about 50 micrograms a day of a product of the size of insulin. Given this number as an upper limit, one can calculate for various active peptides the maximum dosage the hose will receive and the effect on the host from these dosages. Such calculations suggest that most hormones with activities similar to insulin will not be expected to have much, if any, effect on a mammalian host, even if they are exported from the bacterial factory and absorbed from the intestine in active form. Much more active peptides or proteins, however, might be of some concern under such circumstances. If, in addition, one imagined as the host anaerobic bacteria as well as or instead of aerobes, the body dose of an expressed protein might be significantly greater.

Fifty micrograms per day, on the other hand, of the most active toxins (e.g., the botulinum toxins, *Shigella dysenteriae* neurotoxin, tetanus toxin, diphtheria toxin) is well above the intravenous lethal dose for an average man. Several other toxins, including three of plant origin (abrin, ricin and modeccin), may be lethal to man within the range of 10 to 100 micrograms. The effects of the cytotoxic toxins, intraintestinally produced, on the lining of the lower GI tract are generally unknown. They presumably might (1) damage the colonic or intestinal lining directly, (2) pass through the lumen and cause damage elsewhere, or (3) pass into the bloodstream subsequent to lumen damage. Little is known of the pharmacokinetics of toxins in the body.

Thus, these arguments suggest that for cloning of foreign proteins, only the most active kinds of peptides, at maximal levels of expression, would be likely to have some effect, if one ignores the problems of dissemination and establishment.

ii. *Expression of Cross-Reacting Antibodies.* The implication of inserting eukaryotic genetic material coding for human "self" antigens into prokaryotic microbe vectors that parasitize humans was also specifically addressed by the NIAID meeting in Pasadena, California (Workshop on Recombinant DNA Risk Assessment). When considered within the framework of microbial parasitism in its broadest perspective and against contemporary concepts of immunologic tolerance to "self" constituents and host autoreactive immune responses, the injurious potential of autoreactive immune responses elicited by "cross-reacting" infecting host-vector microbes would appear to be extraordinarily low

This conclusion is supported by the following observations:

- Literally hundreds of cross-reactivities exist between human proteins and bacterial and viral surface proteins. Most of these cross-reacting proteins have not been implicated in autoimmune injury
- Abundant data exists indicating that some cross-reacting systems do lead to production of autoantibodies. Most of these autoantibodies are low affinity binding antibodies which do not lead to tissue injury and clinically manifest disease. Whether low affinity or high affinity antibodies will be induced by cross-reacting systems displaying human antigens is unknown.
- Some type of regulatory restraint exists which allows "self" to be recognized by host immunocompetent cells but prohibits such cells from launching an "anti-self" immunologic attack (Paterson, 1981).

iii. *Animal Virus Cloning.*

Recombinant DNA experiments involving the use of animal virus genomes fall into several possible categories:

(1) Cloning of entire or partial genomes in prokaryotes,

(2) Cloning of animal virus genomes in eukaryotic cells under conditions where the genome may replicate either autonomously or in concert with the host genome, but cannot produce an infectious particle (defective virus or non-permissive infection),

(3) Cloning of an animal virus genome in eukaryotic cells under conditions where the genome may not only be replicated but also may be matured into an infectious virus.

In all these cases, the animal virus may be considered as either "recipient" or "donor"; the difference is frequently semantic only. General considerations will be reviewed here. A more technical analysis of the issues to each class of animal virus are considered in the report of the Ascot Meeting (**Federal Register**, July 28, 1978).

Cloning of animal viruses is considered here with respect to the question of whether recombinant DNA experiments *per se* pose any unique hazards not associated with handling animal viruses in general. The following comments are offered in light of the consideration that all work with animal viruses poses some potential risk, unrelated to recombinant DNA, especially to investigators. It is essential to employ good laboratory techniques appropriate to the particular virus being studied.

- *Cloning of viral genomes in prokaryotes*

Our increased understanding of the differences in gene expression between prokaryotes and eukaryotes renders it difficult to imagine ways in which complete animal viral particles could be synthesized in recombinant DNA containing bacteria. Animal viruses have complex post-transcriptional modification requirements, and use host functions in processing and assembly which are not provided by a bacterial host.

- *Cloning of Viral Genomes in Eukaryotic Cells*

Because animal cells in culture are so fragile, they in themselves constitute an excellent containment system. The major potential risk would be that a recombinant DNA molecule could replicate, be encapsidated as a normal virus, and be able to propagate as a virus. There are several potential constraints on such a system, primarily the fact that there is an upper limit on the size of the genome which may be encapsidated. Under such conditions, some of the original viral genomes would most probably be deleted, rendering the recombinant virus defective. However, such a defective virus might be propogated in the presence of a helper virus. Such systems are known to exist both naturally (avian retroviruses and adeno-associated viruses) and in the laboratory (adeno-SV40 hybrid viruses, most of which are defective, but may be propogated). Recombinants might include genes from different viruses or cellular genes inserted into a viral genome. Examples of both natural types of recombinants are generated by recombination in cell culture (e.g. the adeno-SV40 hybrid viruses and the highly oncogenic types of both avian and murine retroviruses—those which have incorporated a Src gene of cellular origin). Interestingly, none of the known examples have proven particularly hazardous for experimenters to handle. Presumably a human retrovirus might be especially hazardous but this situation could obtain independently of any recombinant DNA experiments.

Recombinants between viruses which are not closely related (different Families) are likely to have such basic differences in mechanisms of replication and infection as to be unlikely to work together well enough to produce viable entities; therefore the recombinant in this case will be equivalent to, or more defective, than the parent viruses. Recombinants between viruses which are more closely related may be more likely to create new useable functions, but the close relationship may suggest that such a recombination will have already occurred naturally.

In summary recombinant DNA experiments involving animal viruses in eukaryotic cells might well lead to the construction of some viruses with properties which are novel in detail. However, there is no reason to think that these agents would be novel in terms of host range or potential virulence compared to viruses generated in other ways.

Much of the summary of animal virus recombinant DNA risks is based upon the conclusions of virologists at the EMBO meeting in Ascot, England, January 27–28 1978 (Federal Register, July 28, 1978), and at the ASM meeting in Miami Beach, Florida, April 13, 1981. Reports on these meetings are available.

B. Human Genetic Engineering

The implications of the recombinant DNA technique for inserting recombinant DNA into humans has served as a backdrop for much of the recombinant DNA debate. The guidelines as now written deal with this issue only obliquely, by requiring special RAC consideration for most such experiments. Currently, human experimentation falls under the control of human experimentation review groups (Institutional Review Boards, IRBs). If a decision to remove the recombinant DNA oversight of this technique is made, it will still be oversighted by IRBs. It is not clear that recombinant DNA *per se* poses a special problem in this area, distinct from those posed by non-recombinant transformation and genetic manipulation procedures.

III. *Costs*

Expenditures for risk assessment testing, administration of RAC, and the functioning of the Office of Recombinant DNA Activities were approximately $700,000 in the peak year of 1979. Risk assessment costs accounted for approximately one-half of that total. In all, risk assessment and vector development contracts supported by NIAID have cost over $2 million since 1976. There are also expenses associated with the functioning of Institutional Biosafety Committees, and with the oversight of physical containment facilities.

Costs in time and energy for individual scientists are difficult to estimate but continue to be significant.

IV. *Conclusions*

A. Summary Analysis of Risks

Given the above analysis of the risks associated with recombinant DNA, we have come to the following major conclusions:

(1) That accidental combinations of genes, rising out of "shotgun" cloning experiments or experiments where expression is not specifically engineered, are extremely unlikely to lead to serious problems. Both the barriers to expression of foreign genes in most organisms, the necessity for new activities to function as an integrated part of an existing pathway, and the selective disadvantage given to an organism by recombinant DNA inserts will interfere with such organisms establishing themselves in the environment and thus, ultimately with their potential to cause harm. Therefore, for these experiments, the minimal controls associated with good laboratory practice should be sufficient.

(2) A particular subset of experiments may still pose some possibility of risk. While there is no evidence that this risk is qualitatively different from the risks associated with other kinds of genetic research, the possibility for improving the virulence, host range, or survivability of some pathogens does seem to exist. In most cases, in these experiments the problems of expression of foreign functions will have been bypassed, or normal functions will have been engineered to operate more efficiently.

In many cases, even the best engineered strain will be at a major disadvantage in the environment, or will require artificial selections to maintain recombinant DNA information. The issue to be faced here, however, is (a) how serious is this risk? (b) What is the most effective, non-obtrusive mechanism for guarding against any untoward consequences of such work?

B. Possible Responses

Re-evaluation of the guidelines might in theory lead to changes in the guidelines' containment requirements, or the oversight procedures, or both. We will consider here the two extreme cases of (1) maintaining the current

guidelines, or (2) totally abolishing the guidelines. The route recommended by the subcommittee will then be discussed.

1. *Maintain the Status Quo.*

a. *Advantages.* The *status quo* is not static, since the 1978 major revision of the guidelines recognized the need for constant evolution of the guidelines and provided procedures for changes which have been applied frequently in the last three years. The guidelines have been useful; their existence raised the awareness of investigators and institutions as to the importance of considering and avoiding hazards in the laboratory. If there are significant dangers associated with recombinant DNA research, the safety of this research thus for may have been due to the existence of the guidelines. Time will permit accumulation of more experience and data relevant to risk assessment so that reductions in restrictions can be derived from a greater factual base. A carefully thought-through simplification of the guidelines could be one immediate aim, while preserving the current guideline structure.

Gradual evolution of the guidelines would permit exploration of the means of dealing with possible laboratory-created biohazards so that tracking systems for such hazards in general—inclusive, but not limited to, those that might arise from recombinant DNA technology—might be established. To monitor biohazards, an expanded role for a body similar in concept to RAC might also be explored, as well as that body's relation to the IBCs. Current guidelines for good laboratory practices could be examined and possibly adapted to include recombinant DNA experiments.

b. *Disadvantages.* The current guidelines are long, cumbersome, and detailed. They are, in practice, regulations rather than guidelines. Because no guidelines or regulations can hope to anticipate, in detail, all experiments or circumstances, particularly in such a rapidly growing field, much time and effort are expended by investigators, RAC, and ORDA with requests to alter containment requirements or be granted exemptions from guidelines. The record shows that more often than not, after careful deliberation, the requests are granted.

Most scientists now conclude, after almost a decade of experience, deliberate risk assessment experimentation and theorizing, that the potential risks of recombinant DNA research have not materialized and most probably will not. While it is not possible to exclude with certainty risks to man or the ecosystem from application of recombinant DNA technology, at present these risks now appear to be much smaller than they appeared to be a few years ago.

In view of this conclusion, the current guidelines are too complex and restrictive of development of useful knowledge with direct health, agricultural, and economic benefits. They require a bureaucratic apparatus and an amount of paperwork that is viewed as excessive and excessively costly in terms of dollars and professionals' time.

2. *Abolish the Guidelines.*

a. *Advantages.* In the absence of known or suspected hazards, it appears unjustified to single out certain classes of experiments as requiring elevated levels or physical containment. Similarly unjustified is the expenditure of time and money required to maintain a regulatory apparatus that has been developed to protect society from hazards that may be non-existent. What residual uncertainties exist about such hazards can be handled more flexibly and more efficiently at the level of the individual scientist, with consultation with others as he sees fit. In some universities, the procedures for monitoring laboratory hazards will remain in force and provide a backup system for checking on the individual scientist. Other kinds of laboratory guidelines (e.g., those for working with human and animal pathogens) will still exist and will provide guidance for proper use of such organisms when recombinant DNA technology is used. Since many of the residual concerns are centered around changing the host range and pathogenicity of already existing pathogens, such appropriate containment procedures should be adequate and in line with the existing dangers.

b. *Disadvantages.* There remain some areas in which specific risks may exist. It would seem appropriate to have some mechanism for ensuring that scientists consider these risks before and during their experimentation, and that they seek some outside advice on how serious the risk may be. The current IBC structure, with ORDA and RAC as backup, provides such a structure. Its abolition will also leave the regulatory aspects of the field in chaos, and may encourage local jurisdictions, which may come to different conclusions about the degree of certainty concerning special risks, to enact less informed and less flexible guidelines and regulations for control of this field. In any case, individual determinations in many areas of the country will possibly require more time and effort of more scientists than if the same determination was made once centrally. The results will also be less uniform, encouraging pressure on local groups to keep containment low.

In the absence of a working procedure for monitoring other laboratory hazards, it seems foolhardy to abandon this mechanism even if one concludes that recombinant DNA risks are not qualitatively different from other research risks. It may be more appropriate to refine the mechanisms for tracking recombinant DNA experiments such that this mechanism can be used as a model for watching and preventing other research risks.

C. Recommendation

The Working Group on Revision of the Guidelines has proposed changes in the guidelines which (1) would significantly reduce required containment for a large class of experiments, (2) would employ other guidelines to set appropriate containment for working with pathogens containing recombinant DNA, and (3) would eliminate the prohibited class of experiments, including the large volume growth of recombinant DNA containing organisms, relegating them to the same status as other experiments. The proposal does retain, however, the requirement for IBC prereview of non-exempt experiments, and suggests that in specific cases where additional risk might be expected due to the nature of the recombinant DNA experiment itself, the containment should be adjusted accordingly. Thus, this procedure would have the effect of

(1) Supporting the notion that, for the vast majority of recombinant DNA experiments, the risks are those associated with the organisms involved. The appropriate containment for pathogens such as that specified by the proposed CDC Biosafety Guidelines for Microbiological and Biomedical Laboratories would continue to be enforced for experiments utilizing recombinant DNA.

(2) Simplifying the containment levels for the vast majority of experiments, and in most cases decreasing the required containment.

(3) Retaining flexibility in allowing change in containment in particular experiments where circumstances permit. Flexibility would reside primarily with the IBC, and, if necessary, questions could be referred to RAC.

(4) Maintaining the class of "exempt" experiments, which covers the majority of recombinant DNA experiments; new additions could be made to this class as justified.

(5) Maintaining prereview of all non-exempt experiments by the IBC. It is proposed that the requirements for the constitution of the IBC be dropped while the essential element of consultation with a group other than the principal investigator is retained.

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Appendix A of Annex B: Experiments with E. coli

One of the apprehensions of scientists early in the recombinant DNA era was that certain recombinant organisms (particularly *Escherichia coli*) might inadvertantly escape from the laboratory, particularly by way of inadvertant colonization of laboratory personnel. Furthermore it was feared that temporary intestinal colonization of a laboratory worker might result in exchange of genetic information from the laboratory *E. coli* strain to normal intestinal coliform flora. It was also feared by some that since some *E. coli* strains are pathogenic for man, perhaps *E. coli* K–12 should be regarded as a pathogen or "potential" pathogen.

Most of the early work with recombinant DNA involved *E. coli K–12.* Since the genetics of this strain are so well-studied, much (if not most) recombinant DNA research still involves derivatives of this strain. Thus it is

pertinent to discuss "risk" relevant to working with *E. coli* K–12.

A. History and Description of D. coli K–12

E. coli K–12 was first isolated from the intestine of a patient convalescing from diphtheria in Stanford University Hospital in the 1920's. Thereafter it was stored in the laboratory as a stock strain. Presumably, at the time of initial isolation it was a smooth strain adapted to colonization of the human colon. By the term smooth is meant the fact that the strain produces a complete lipopolysaccharide O antigen on its surface with many polymeric polysaccharide side chains. Over the course of years of laboratory passage *E. coli* K–12 has become irreversibly rough. By dint of its rough state, *E. coli* K–12 has lost a major prerequisite required for successful colonization of man and animals.

1. *E. coli as a Pathogen.* It is well-recognized that within the enormous species, *E. coli,* are strains that are true pathogens for man and animals. Depending on strain and host, certain *E. coli* can cause diarrheal illiness, dysentery, urinary tract infection or meningitis. While this is true, it is now known that such pathogenicity is *not* a general or even a potential feature of all *E. coli.* Rather, a constellation of specific virulence factors must be present in certain *E. coli* for them to be able to cause disease in man (or animals) and such virulence factors tend to be stable in only a relatively small number of strains or serotypes.

For example:

A. *E. coli meningitis*— Trauma or neurosurgical intervention which breaches the integrity of the meningeal coverings of the central nervous system can result in direct contamination and nosocomial infection with many gram-negative or gram-positive organisms. In the absence of the above, for all intents and purposes, primary *E. coli* meningitis is limited to infants less than three months of age; in fact most cases occur in neonates within 28 days of birth. In the early 1970's it was discovered that the *E. coli* that cause meningitis in infants have in common a surface capsular polysaccharide, Kl, which confers virulence (*1,2*). By mid-infancy most individuals are already resistant to Kl encapsulated *E. coli.*

b. *Diarrheal Illness*—Certain *E. coli* can cause watery diarrhea. These strains, which include enterotoxigenic and enteropathogenic *E. coli,* possess a constellation of virulence properties which in tandem result in the ability to cause diarrhea. For example, enterotoxigenic *E. coli* that elaborate both heatlabile and heatstable enterotoxins usually also possess fimbrial colonization factors (adhesion pili) and such strains are usually limited to perhaps a dozen of the 164 *E. coli* O serogroups. Studies in pigs involving attempts to "create" a diarrheal pathogen by insertion of genes for adhesion pili (K88 antigen fimbriae) and enterotoxin into a K–12 strain were unsuccessful, (*3*) showing that the constellation of virulence properties of true porcine pathogens is more complex.

c. *Dysentery*—Certain strains of *E. coli* exist that are capable of causing a clinical syndrome identical to bacillary dysentery. Such strains are referred to as enteroinvasive and are limited to a very few *E. coli* O serogroups. Biochemically and serologically these strains bear many relationships to shigella.

d. *Urinary Tract Infections*—It is now recognized that the *E. coli* strains that are associated with upper urinary tract infections possess mannose resistant hemagglutinin, and fimbrial colonization factors that allow adhesion to epithelial cells of the urinary tract and prevent dislodgement by urine flow. Furthermore, it is currently recognized that urinary tract epithelial cells of certain individuals are more receptive than others to adhesion by *E. coli* strains possessing the fimbrial colonization factors.

2. *Inoculum Size and Mode of Infection*—It has been shown with volunteer studies that rather high inocula (10^6—10^{10}) and neutraliation of gastric acid (for example with $NaHCO_3$) are required to ensure colonization by enterotoxigenic *E. coli.* Volunteers with *E. coli* diarrheal disease did not transmit the infection by direct contact to uninoculated control volunteers with whom they were living in close quarters (*4*).

Volunteers challenged with enteropathogenic *E. coli* excreted large numbers of *E. coli* in thier stools and were colonized in their proximal small intestine but were not colonized in the throat (*5*).

The thrust of all these observations is that: *E. coli* enteropathogens are transmitted via large inocual contained within contaminated food and water vehicles. They are not spread by airborne or direct contact routes. In order to colonize the human gut, even with a known enteric pathogen, a large inoculum is required and modifications must be made (e.g., ingestion of $NaHCO_3$) to ensure survival of the *E. coli* through the gastric acid barrier. Thus, based on current knowledge and data it is extremely unlikely that individuals working in a recombinant DNA research laboratory could become colonized in their intestine by droplet, aerosol or contact transmission.

3. *Colonizability of Human Intestine by E. coli K–12: Summary of Feeding Studies*—Four groups have carried out studies in which high inocula (10^6—10^{10} organisms) of *E. coli* K–12 strains were fed to volunteers (*6–9*). The common observation from these studies is that *E. coli* K–12 is unable to colonize the human intestine. While counts of 10^5—10^7 K–12 organisms per gram of stool could be cultured on the first day postinfection, levels dropped to 10^2 or 10^3 by day 2 and K–12 was usually no longer detectable by day 5. In contrast, ingestion of 10^{10} organisms of a smooth non-pathogenic normal intestinal flora strain (*E. coli* HS) resulted in prolonged excretion of the organism (weeks) in high titer (10^6—10^8/gram stool), demonstrating clear-cut colonization (*8,10*).

There is only one report of apparent *in vivo* transmission of a conjugative plasmid from K–12 to normal host flora (*7*). In this instance, one day post-ingestion small numbers (10^1/gram stool) of resident coliforms were found to be carring the K–12 plasmid. The putative recombinants were detectable for only one day (*7*).

Feeding studies in volunteers have also been carried out with *E. coli* x1776, a highly defective, fastidious variant of K–12 that has been certified as host organism in EK2 levels of biological containment (*9*). x1776 was not detected in stools of volunteers following ingestion. When volunteers were fed x1776 containing plasmid pBR322, low levels of excreation, (10^1–10^3/gram for two days) were observed.

In summary, the above-mentioned feeding studies demonstrate that even after direct ingestion of large inocula, *E. coli* K–12 does not readily colonize the human intestine.

4. *Active Bacteriologic Surveillance for K–12 Colonization*—During a two year period fecal cultures were obtained every two to three days from laboratory workers handling nalidixic acid-resistant *E. coli* K–12 containing transmission-proficient R plasmids. These workers practiced no special precautions other than good microbiologic technique. Neither *E. coli* K–12 nor the R factors utilized in the laboratory were recovered from any stool culture at any time. These data demonstrate under "field conditions" that colonization of *E. coli* K–12 or acquisition by resident intestinal coliform flora of R factors used in the laboratory do not occur.

5. *"Non-Mobilizable Plasmids"*—Plasmid vectors have been created which are mobilized and transferred from bacterial cell to bacterial cell at a markedly reduced frequency than the parent strain (*12*). For example pBR322 is transferred approximately 100 thousand times less frequently than its colEl parent plasmid under comparable mating conditions. Risk assessment studies recently carried out at the Univiersity of Maryland School of Medicine under sponsorship of the National Institutes of Health have verified *in vivo* in man decreased mobilization of "nonmobilizable" plasmid vector pBR325 (*10*). Seventeen volunteers ingested 10^{10} *E. coli* HS (a smooth normal flora strain) containing plasmid pJBJK5 (a non-conjugative, mobilizable colEl variant containing tetracycline and chloramphenicol resistance genes). This strain heavily colonized the intestines of each of the 17 individuals, all of whom also ingested one gram of tetracycline daily. Normal flora recombinants containing plasmid pJBK5 were recovered from 9 to 17 volunteers. In contrast, when 15 volunteers ingested *E. coli* HS containing plasmid pBR325 (which also encodes for tetracycline resistance), although they also became heavily colonized while taking tetracyline daily, no resident flora recombinants were identified containing pBR325. These data attest to the decreased mobilizability in man of safe vector plasmids, even in the presence of antibiotic pressure modifying the environment in a way that recombinants would have enhanced survivability

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Annex C—Minority Reports of Working Group on Revision of Recombinant DNA Guidelines

Further Recommendations

We the undersigned agree with the general thrust of the recommendations of the Working Group on Recombinant DNA Guidelines. In particular, we support the recommendation that those experiments, for which containment guidelines are retained, are to conform to good laboratory practice as described in the CDC and APHIS Quarantine rules. The recommendation that abolishes the category of prohibited experiments is scientifically sound in the light of current knowledge. The content of the suggested containment guidelines follows from the overall conclusion that research with recombinant DNA imposes no more risk than any other biological research. The background paper amply documents this point.

Therefore, we find no reason to retain the Administrative Guidelines (Section IV). The spirit of the Baltimore-Campbell resolution and, as titled, its major purpose, was to convert the NIH Regulations into Guidelines. Retaining pages of bureaucratic regulations for what is now perceived to require only limited oversight is a waste of time and effort, will not add to safety in any way and will be disdained as bureaucratic capriciousness.

Edward A. Adelberg, Kenneth I. Berns, Herman W Lewis, Sue A. Tolin, Norton D. Zinder.

Given the recommendations for the containment guidelines and what would be proper for the administrative guidelines, we the undersigned conclude that special guidelines for recombinant DNA are totally unnecessary. Therefore, we further recommend that as of June 23, 1982 the NIH Guidelines cease to exist.

The arguments for their retention are primarily social and political: they do not have a scientific base (see Background Paper). It seems right, at this time, to disavow such arguments and base our conclusions solely on the scientific issues. RAC should recommend the abolition of the Guidelines. In doing so, it should prepare a strong statement of its rationale to be published in *Science* and *Nature* as well as the **Federal Register**. This statement should also contain as recommendation the containment guidelines for recombinant DNA experiments developed by the Working Group. Prepared as the culmination of years of consideration and analysis, such a statement would serve to inform both the scientific community and the public of the safety of research with recombinant DMA.

Edward A. Adelberg, Norton D. Zinder.

Annex D—Draft Minutes of Relevant Portion of September 10–11, 1981 RAC Meeting

Drs. David Baltimore and Allan Campbell, RAC members, had proposed a major revision of the Guidelines (Baltimore-Campbell proposal) which was considered by the RAC at its April 1981 meeting. At the April 1981 meeting, a Working Group on Revision of the Guidelines was established to review the Baltimore-Campbell proposal as well as other approaches which might lead to a major revision of the Guidelines. The Working Group met on June 1, 1981, and on July 9, 1981 The Working Group prepared a proposal for revising the Guidelines, a summary of its actions, and a document entitled "Evaluation of the Risks Associated with Recombinant DNA Research." Two minority reports were prepared by several members of the Working Group. The Working Group report and the minority reports were distributed to RAC members prior to the September 1981 meeting

Mr Thornton asked Dr Gottesman to introduce the Working Group's report. Dr Gottesman reviewed the highlights of the report. She noted that the revision of the Guidelines promulgated on July 1, 1981, already exempts many experiments in three major host-vector systems. The Baltimore-Campbell proposal would convert mandatory Guidelines to a voluntary code of good practice and would set as containment levels those appropriate for the organism being used. The Working Group considered various approaches; the majority supported a proposal which adopts the containment provisions of the Baltimore-Campbell proposal but retains the mandatory aspect of the Guidelines. The proposal has not yet been published as a proposed major

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action in the Federal Register. The RAC may wish to modify the proposal before its formal publication in the Federal Register for public comment.

Dr. Gottesman noted that the background document discusses basic assumptions. It is difficult to imagine hazards resulting from random combinations of DNA. Furthermore, deliberate combinations will not be harmful in most cases. However, there are still some questions about certain experiments. The issue is how to deal with the latter experiments. The proposal of the Working Group would retain IBC prereview so that there is a level of review beyond the investigator.

Dr. Gottesman then reviewed the main points of the Working Group proposal. The proposed containment levels are very similar to those of the Baltimore-Campbell proposal, i.e., containment would be largely based on the pathogenicity of the host. For all non-exempt experiments, at least the P1 level would be recommended. The Working Group proposal eliminates reference to biological containment in Part III of the Guidelines. The Working Group proposal also adds in admonition which reads as follows:

> If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied.

While the Baltimore-Campbell proposal would be a voluntary code of practice, the Working Group proposal retains IBC prereview of covered experiments and retains Section IV–G of the Guidelines which discusses possible penalties for failing to follow the Guidelines. However, the Working Group recommends eliminating membership requirements for IBCs currently specified in Section IV–D of the Guidelines. While the Baltimore-Campbell proposal retains the prohibition section of the Guidelines (I–D), the Working Group proposal eliminates the prohibitions on the basis that currently prohibited experiments would be prereviewed by an IBC in their proposal. Dr. Gottesman said that she felt that the major issues for discussion are: prohibitions, prereview of covered experiments, and containment levels.

Dr. Berns noted that five Working Group members, including himself, submitted a minority report which disagrees with the Working Group's proposal to retain the mandatory nature of the Guidelines. The minority report recommends elimination of Part IV of the Guidelines.

Dr. Goldstein said that he agrees with parts of the Working Group report. He said that IBCs are still needed although a survey in California has indicated great variation in IBCs. He also said that prohibited experiments need to be more clearly considered.

Dr. Harris said that she felt that the Working Group's report is an acceptable compromise.

Ms. King said that the report suggests a direction for movement but that details need to be worked out. She said that if there are Guidelines, there should be sanctions. She said that distinguishing NIH grantees from non-grantees is not unique; she cited the situation with human experimentation. Ms. King said that she strongly favors retention of the sanctions.

Dr. Nightingale said that she supports the recommendations of the Working Group, saying that they represent a good compromise. She expressed concern about the availability of other guidelines cited in Working Group report. In this regard, she noted the many comments received on the proposed CDC Biosafety Guidelines for Microbiological and Biomedical Laboratories. She also expressed concern that prohibition I–D–4, dealing with deliberate release into the environment, had not been dealt with. Dr. Nightingale said there is a necessity for accountability when public funds are being used. She said the RAC needs an assessment of outside perceptions and that the background document needs further work.

Dr. Zinder then addressed the RAC. He noted that he had prepared the minority reports to the Working Group's recommendations. He said that although there is a disagreement about the administrative aspects of the Guidelines, there was unanimity in the Working Group in favor of the new proposed containment levels. He noted that although inclusion of a slightly modified Part IV was recommended by the Working Group, five members have now endorsed a minority report stating that Part IV should be removed from the Guidelines. Drs. Adelberg and Zinder also signed a second minority report recommending complete elimination of the Guidelines. Dr. Zinder said that he and the scientists concerned about recombinant DNA originally proposed guidelines which would give guidance and not be enforced, rather than rules. He cited some of the history leading to the issuance of mandatory guidelines in 1976. Dr. Zinder said that if Part IV is retained in the revised Guidelines, there should be a strong justification for retaining it stated in a position paper. He said that he prefers that the Guidelines be rescinded and replaced with a simple recommendation. He said that if scientists are to be encouraged to speak up in the future about conjectural risks, they must be shown that when interim regulation is subsequently shown to be superfluous, it can be removed.

Dr. Baltimore said the Baltimore-Campbell proposal was a compromise between scientific judgment that there is no justification for Guidelines being other than a code of accepted practice, and the necessity for considering political and social factors. Their proposal retained the prohibitions, which he said are one of the most noted parts of the Guidelines. It has been argued that the RAC should not consider political and social factors; however, Dr. Baltimore did not agree. He said that the prohibitions have less and less justification and that he finds no difficulty in accepting the Working Group's recommendation regarding elimination of prohibited experiments, except for elimination of the prohibition against acquisition of a drug resistance trait in those cases in which such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture. Concerned scientists originally proposed guidelines meaning only guidance and not regulations; the RAC will have to decide the future course of the Guidelines. He noted that there apparently already is general agreement in the RAC on modifying Part III dealing with containment levels and agreement on retaining the exemptions. The issue is Part IV of the Guidelines. He said that he feels that it is anomalous to retain the current procedures section of the Guidelines. However, political and social issues need to be considered. If the Federal government pulled completely out of the issue, local governments might well overreact. The Federal government needs to provide surveillance, a forum for considering questions, and an office where inquiries can be authoritatively answered. Therefore, maintenance of the RAC, ORDA, and abbreviated guidelines are necessary. Dr. Baltimore expressed support for the original Baltimore-Campbell proposal, with some modifications based on the Working Group recommendations. Dr. Zinder said that if Guidelines are to be retained, it is for political and social reasons. However, the political climate has changed. In New York State, which previously passed a law regulating recombinant DNA research, a bill has been introduced to repeal the law based on the assertion that the medical institutions which perform such research in New York State have proven to be trustworthy.

Dr. Nightingale said that she agrees with most of what Dr. Baltimore said. In order to implement sound public policy there are three basic ingredients: knowledge base, commitment of leadership, and appropriate social strategy. She said that in this case there is much agreement on the knowledge base and that there is need for change and the direction of that change. There is more disagreement on the appropriate social strategy. Having Federal involvement is one method of tempering local extremism.

Ms. King noted that the Baltimore-Campbell proposal would put industry and academia on an equal footing. She said that the RAC should consider a special meeting and public hearing on the proposed changes.

Dr. Gottesman noted that the current Guidelines are flexible and that the vast majority of experiments done today are exempt. She feels that there are scientific reasons for having a group other than the principal investigator look at the experiments still covered by the Guidelines; they should be reviewed by IBCs. She said that the critical issues in Part IV of the Guidelines are IBC prereview and compliance. She said that the Working Group's proposal does not involve an immense administrative burden.

Dr. Goldstein said that he also shares concerns about the scientific issues. He noted the number of new companies becoming involved in recombinant DNA research.

Dr. Brill stated that at a recent public meeting regarding a genetic engineering company in Madison, Wisconsin, no concerns were expressed about use of recombinant DNA technology.

Dr. McKinney said that the handling of the prohibitions is an important issue. They could perhaps be changed to cautionary advisories. He also said that citation of CDC and USDA guidelines needs to be considered. He preferred that NIH retain some form of guidance over recombinant DNA research.

With regard to the proposed revision of the CDC guidelines, Dr. Berns said that he expects great improvement in the document in the near future. He had discussed proposed revisions of the NIH Guidelines at a recent Gordon conference; most scientists there did not favor complete abolition of the Guidelines and favored instead something like the Baltimore-Campbell proposal. He also cited his local Congressman's concern about the potential for increasing public concern about recombinant DNA technology. It is important in the Guidelines revision that public confidence be maintained.

Dr. Zinder said that the public trusts academic researchers, but not industry.

Dr. Gottesman stressed that under the Working Group's proposal, the IBC would make the decision on containment using the CDC document only as guidance. Dr. Goldstein said that how the IBCs use and interpret the CDC guidelines should be made more explicit, so that there are uniform standards.

Dr. McGarrity said that he is comfortable in accepting voluntary guidelines. He felt that the Working Group's background report is excellent and that perhaps an abridged version could be published for educating the general public.

Dr. Holmes said that he supports retaining the current prohibition dealing with the introduction of drug resistance traits. He said that to make the Guidelines voluntary would be a mistake and could invite legislation.

Dr. Baltimore said that the concern raised in the Boston area is not a unique situation and that activities at the Federal level are still important. He said that since there are differences in the science done at different institutions it is not suprising, and not relevant to the present discussion, that different IBCs in California operate differently. Dr. Baltimore emphasized his view that IBC prereview is a serious obstruction of science, which results in scientific momentum being lost.

Dr. McKinney pointed out that the NIH could still choose to mandate guidelines even if the RAC recommends otherwise. He suggested that reference to CDC and USDA guidelines not be incorporated into the body of the text of the revised guidelines; rather they could be cited as references.

Ms. King suggested that the RAC should structure the issues on which it wants public comment, such as treatment of prohibitions and the voluntary vs. mandatory nature of the guidelines. Dr. Talbot pointed out that the RAC could follow Ms. King's suggestion and present issues for public comment. The alternative would be for the RAC to accept the Working Group proposal, the Baltimore-Campbell proposal, or an amalgam of the two. Following the meeting, NIH staff could then develop a new version of the Guidelines based on the RAC proposal and put this out for public comment.

Dr. Harris then moved to accept the report of the Working Group so that discussion could proceed to consider the report section by section. Dr. Mason seconded the motion. There followed discussion of the effect of such a motion.

Dr. Ahmed praised the report of the Working Group. He favored publication for public comment of a series of different options. Dr. Mason expressed concern about eliminating all of the prohibitions. Dr. Saginor suggested that the RAC might first consider the Adelberg-Zinder minority proposal to abolish the Guidelines. Dr. McKinney said that he considered the Working Group's recommendations as too cursory. Dr. Gottesman responded that the Working Group had considered the issues in-depth at two meetings and had prepared a report on its evalution of the risks associated with recombinant DNA research. The RAC could change or elaborate on the recommendations before seeking public comment. Dr. Zinder said that the recommendations of the Working Group were adopted unanimously except for those concerning Part IV of the Guidelines.

Dr. Baltimore, in the interests of providing a forum for RAC discussion of the points of difference between the various proposals, moved a seven part motion as a substitute for Dr. Harris' motion:

1. Accept the first section of the Baltimore-Campbell proposal, as follows:

"Section I–A of the NIH Guidelines will be replaced with the following:

'I–A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended.' "

2. Accept the second section of the Baltimore-Campbell proposal, as follows:

"Part I–C of the NIH Guidelines shall be eliminated."

3. Accept the second section of the Working Group proposal, as follows:

"Section I–D of the Guidelines, *Prohibitions*, would be eliminated."

4. Accept the third section of the Working Group report modified by removing references to CDC Guidelines and USDA Regulations and treating these references in a footnote, as follows:

"Part III of the Guidelines would be replaced with the following language:

'Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

'Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector,* recombinant DNA experiments should be carried out at

*Such as those specified by CDC Guidelines or the USDA Quarantine Regulations.

containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.'"

5. The following admonition would be added:

"No experiments should be performed which involve deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture."

6. Accept the fourth section of the Baltimore-Campbell proposal, as follows:

"Part IV of the NIH Guidelines shall be eliminated, with the following exceptions:

"(a) Those definitions listed in Part IV–C which may be needed to clarify statements made elsewhere in the Guidelines shall be retained.

"(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

"(c) The following statement shall be added:

"Each institution conducting or sponsoring recombinant DNA research should take responsbility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH."

7. Accept the fifth section of the Baltimore-Campbell proposal with deletion of the words "submitted in support of requests for exceptions from the prohibitions," as follows:

"Section VI of the Guidelines will be eliminated, except for those portions of Section VI–F relevant to the protection of proprietary information."

Dr. Berns seconded the motion.

Dr. Saginor suggested an amendment to Dr. Harris' motion in the form of a policy statement that there is a continuing need for the RAC and applicable recombinant DNA guidelines. The purpose of the amendment was to indicate that the Adelberg-Zinder proposal is not being accepted. Dr Harris agreed to the amendment.

Ms. King said she wanted the RAC to vote on replacing parts 1 and 6 of the Baltimore motion with wording from the Working Group proposal. It was suggested that votes be on one part at a time. Ms. King then moved to replace the first part of Dr. Baltimore's motion with the first section of the Working Group's proposal as follows:

"Section I–A of the Guidelines would be amended to read as follows:

"I–A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules."

The motion was seconded by Dr. Goldstein. Ms. King stated that she favors retention of limited Guidelines that require IBC review, and she favors an oversight function for the RAC; she does not support self-regulation. Dr. Baltimore did not accept Ms. King's proposed amedment. Dr. Berns pointed out that the substitution Ms. King was proposing did not make much difference. The real point of contention in the RAC concerned part six of Dr. Baltimore's motion.

Ms. King withdrew her previous motion and then moved to delete part six of Dr. Baltimore's motion. If her motion were accepted, this would leave intact Part IV of the Guidelines. It was pointed out that the Working Group had proposed a change in Part IV dealing with IBC membership. Ms. King said that if her motion passed, then another perfecting motion could be introduced dealing with IBC membership. Dr. Harris seconded. The motion failed to carry by a vote of nine in favor, twelve opposed, with no abstentions.

Dr. Fedoroff noted that the motion as it stands would eliminate all prohibitions including the prohibition against deliberate release into the environment. Dr. Baltimore suggested that if the RAC wished, a statement regarding deliberate release could be included with the admonition on drug resistance. Dr. Berns said that in his view the recommendation that experiments be conducted under P1 containment precludes deliberate release into the environment.

Dr. Maas then moved to add the current prohibition on the cloning of certain toxins to the admonition on drug resistance. Dr. Goldstein seconded. Dr. Gottesman said that the cloning of toxins is an example of an area of concern. She noted that the RAC Working Group on Toxins recommended at the last RAC meeting prohibition of cloning of certain toxin genes and that other experiments involving cloning of toxin genes should proceed only in *E. coli* K–12 in the absence of special review by ORDA. Dr. Baltimore agreed to accept addition of the wording regarding toxins currently in Section I–D–2 to the admonition on drug resistance and to retain Appendix G of the current Guidelines.

Dr. Ahmed moved that a working group be appointed to study the prohibitions and report back to the RAC. Dr. Goldstein seconded the motion. Dr. Mason disagreed, noting that at the last meeting a working group had been appointed to report on revision of the Guidelines. They had reported, and now the RAC was working through the proposal to prepare material for public comment. The motion failed to carry by a vote of three in favor, fourteen opposed, with three abstentions.

Mr. Thornton recognized Dr. Susan Wright. She said the RAC was short-circuiting long and detailed discussions it should have on all the critical issues. She asked RAC members to acknowledge ties that they might have with genetic engineering companies. She said there should be discussion of why the working group had decided to eliminate public members on IBCs. She expressed concern about the currently prohibited experiments and large-scale experiments. She cited a report she had submitted, prepared for the Commission of the European Communities, entitled "Hazards Involved in the Industrial Use of Micro-organisms." She said that change of phenotype due to mutation and discharge of waste into the environment are important issues among many others that need to be considered before a decision is reached.

Dr. Fedoroff said that there should be flexibility to have a group look at and approve specific experiments which are otherwise admonished against. Dr. Baltimore said investigators wishing to do such experiments could come to the local IBC or the RAC to discuss conditions under which such experiments could be done.

Dr. Berns said that at a meeting of the Large Scale Review Working Group on September 9, 1981, none of the members thought that the large-scale prohibition should be retained.

Mr. Thornton recognized Ms. Claire Nader who said that the RAC should look at the assumptions behind the recommendations such as that all corporations will do the right thing, and that the technology is safe. She said that there were no experts on corporate behavior, or law enforcement, or anti-trust questions on the RAC. She said the RAC should have on it people who want to talk about risks. She criticized the way in which the RAC was proceeding.

Dr. Nightingale said that a working group on the prohibitions was appointed over a year ago and that the prohibitions have been discussed extensively before this meeting. Dr. Gottesman said that it was peculiar to be concerned about the prohibitions and at the same time recommending that the entire system become voluntary. She said that perhaps

there could be a recommendation that these experiments be reviewed by the RAC.

Mr. Daloz moved that a vote be taken on Dr. Baltimore's motion, as amended. The motion to end discussion and vote failed to carry by a vote of four in favor, fourteen opposed, with three abstentions.

Dr. Ahmed said he wanted detailed procedures built into the revised Guidelines for handling the currently prohibited experiments. Dr. Baltimore said that the absence of detailed procedures pertains in the case of all nonrecombinant DNA laboratory work including that with known pathogens.

Mr. Thornton asked for a show of hands of RAC members who wished to continue discussion of this agenda item for an additional thirty minutes until approximately 3:30 p.m. The vote was eighteen in favor, one opposed.

Dr. Mason said that the RAC and the Guidelines cannot deal with scientists or industrial groups who are uninformed, dishonest, or careless. We have tried to produce guidelines that reponsible people will follow. There is no way to provide for every contingency.

Dr. Holmes moved to add current prohibition I–D–4 ("deliberate release" into the environment of any organism containing recombinant DNA.") to the admonitions regarding cloning of toxins and transfer of drug resistance traits. Dr. Landy supported inclusion of I–D–4; Dr. Berns did not support it. The motion failed to carry by a vote of eight in favor, ten opposed, with two absentions.

Dr. Baltimore's amended motion was reviewed. Dr. Talbot said that if the proposal passed, the NIH staff would prepare a version of proposed revised Guidelines based on the proposal, and that it would be put in the **Federal Register** for public comment, along with background describing the work of the working group and the deliberations of the RAC. NIH would actively solicit comment on the proposal beyond its publication in the **Federal Register.**

The question was called and the vote to substitute Dr. Baltimore's motion, as amended, for Dr. Harris' motion was fifteen in favor, three opposed, with two abstentions. Dr. Ahmed asked to be recorded as voting against the motion. The motion was as follows:

"1. Section I–A of the Guidelines would be amended to read as follows:

"I–A. Purpose. The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended.

"2. Section I–C of the Guidelines would be eliminated.

"3. Section I–D of the Guidelines, *Prohibitions*, would be eliminated.

"4. Part III of the Guidelines would be replaced with the following language:

"Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

"Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector*, recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.

"5. Material would be added to Part III, as follows:

"No experiments should be performed which involve:

"(a) Deliberate transfer of a drug resistance trait to micro-organisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture.

"(b) Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin), Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

"6. Part IV of the Guidelines would be eliminated with the following exceptions:

"(a) Those definitions listed in Part IV–C which may be needed to clarify statements made elsewhere in the Guidelines shall be retained.

"(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

"(c) The following statement shall be added:

"Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH.

"7. Section VI of the Guidelines will be eliminated, except for those portions of Section VI–F relevant to the protection of proprietary information."

The vote on this substitute motion was called, and the vote was sixteen in favor, three opposed, with one abstention.

* Such as those specified by the CDC Guidelines or the USDA Quarantine Regulations.

Dr. Zinder requested that a motion be introduced in support of the Adelberg-Zinder proposal to eliminate the Guidelines and the RAC. No motion was introduced.

Annex E

Current Guidelines for Research Involving Recombinant DNA Molecules

October 1981.

These Guidelines are the Guidelines as published in the **Federal Register** of July 1, 1981 (46 FR 34462), with the incorporation of those changes promulgated in the **Federal Register** of October 30, 1981, Part V.

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I. Scope of the Guidelines

I–A. *Purpose.* The purpose of these Guidelines is to specify practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

I–B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

I–C. *General Applicability.* See Section IV–B.

I–D. *Prohibitions.* The following experiments are not to be initiated at the present time:

I–D–1. Formation of recombinant DNAs derived from the pathogenic organisms classifed [1] as Class 4 or 5 [2] or from cells known [2A] to be infected with such agents, regardless of the host-vector system used.

I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overerides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

I–D–3. [Deleted].

I–D–4. Deliberate release into the environment of any organism containing recombinant DNA

I–D–5. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture. [2A]

I–D–6. Large-scale experiments (e.g., more than 10 liters of culture) with organisms containing recombinant DNAs other than those listed in Appendix C, Section 2, 3, and 4 of the Guidelines, unless the recombinant DNAs are rigorously characterized and the absence of harmful sequences established [3]. (See Section IV–E–1–b–(3)–(d).)

I–D (1–6). Experiments in Categories I–D–1 to I–D–6 may be excepted [4] from the prohibitions (and will at that time be assigned appropriate levels of physical and biological containment) provide that these experiments are expressly approved by the Director, National Institutes of Health (NIH), with advice of the Recombinant DNA Advisory Committee (RAC), after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(e).)

Experiments in Categories I–D–1, I–D–2, I–D–5, and experiments involving "wild type" host-vector systems are excepted from the prohibitions, provided that these experiments are designed for risk-assessment purposes and are conducted within the NIH high-containment facilities located in Building 41–T on the Bethesda campus and in Building 550 located at the Frederick Cancer Research Center. The selection of laboratory practices and containment equipment for such experiments shall be approved by the Office of Recombinant DNA Activities (ORDA) following consultation with the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. ORDA shall inform RAC members of the proposed risk-assessment projects at the same time it seks consultation from the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. If a major biohazard is determined, the clones will be destroyed after the completion of the experiment rather than retaining them in the high containment facility. Other clones that are non-hazardous or not of major hazard will be retained in the high containment.

I–E. *Exemptions.* It must be emphasized that the following exemptions [4] are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited. In addition. any recombinant DNA molecules involving DNA from Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange, are not exempt unless specifically so designated by NIH under Section I–E–5. Also, Appendix G overrides the exemptions for specified experiments involving genes coding for toxins.

The following recombinant DNA molecules are exempt from these Guidelines, and no registration with NIH is necessary:

I–E–1. Those that are not in organisms or viruses. [5]

I–E–2. Those that consist entirely of DNA segments from a single nonchromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

I–E–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

I–E–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchanges will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

I–E–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland, 20205.

I–F. *General Definitions.* See Section IV–C.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs. [6–19] The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) A set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varying degrees according to the estimated biohazard.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector*, or *vehicle*, (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these three means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by applying various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the Guidelines.

In constructing these Guidelines, it was necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions that indicated here without affecting risk. Indeed, we urge that individual investigators device simple and more effective containment procedures and that investigators and institutional biosafety committees recommend changes in the Guidelines to permit their use.

II–A. *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices. [6–15] Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs must receive adequate instruction. (see Sections IV–D–1–g, IV–D–5–d and IV–D–8–b.). This shall, as a minimum, include instructions in aseptic techniques and in the biology of the organisms used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard shall have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator must ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. (See Sections IV–D–5–e and IV–D–3–d.) If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it shall be provided. (See Sections IV–D–1–h and IV–D–8–c.)

II–B. *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment equipment. Special laboratory design provides a secondary means of protection against the accidental release of organisms outside the laboratory or to the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to

achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard,"[7] prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels.[8]

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–E–1–b–(2)–(b).) Additional material on physical containment for plant host-vector systems is found in Sections III–C–3 and III–C–4.

II–B–1. *P1 Level.*

II–B–1–a. *Laboratory Practices.*

II–B–1–a. Laboratory doors shall be kept closed while experiments are in progress.

II–B–1–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–1–a–(3). All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

II–B–1–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–1–a–(5). Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–1–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–1–a–(7). Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

II–B–1–a–(8). Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–1–a–(9). An insect and rodent control program shall be instituted.

II–B–1–a–(10). The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

II–B–1–a–(11). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–1–a–(12). The laboratory shall be kept neat and clean.

II–B–1–b. *Containment Equipment.* Special containment equipment is not required at the P1 level.

II–B–1–c. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

II–B–2. *P2 Level.*

II–B–2–a. *Laboratory Practices.*

II–B–2–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II-B-2-a-(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II-B-2-a-(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

II-B-2-a-(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II-B-2-a-(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II-B-2-a-(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II-B-2-a-(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II-B-2-a-(8). Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II-B-2-a-(9). Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

II-B-2-a-(10). The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II-B-2-a-(11). An insect and rodent control program shall be instituted.

II-B-2-a-(12). The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

II-B-2-a-(13). Animals not related to the experiment shall not be permitted in the laboratory.

II-B-2-a-(14). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II-B-2-a-(15). The laboratory shall be kept neat and clean.

II-B-2-a-(16). Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

II-B-2-b. *Containment Equipment.* Biological safety cabinets[20] shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

II-B-2-c. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be available in the same building in which organisms containing recombinant DNA molecules are used.

II-B-3. *P3 Level.*

II-B-3-a. *Laboratory Practices.*

II-B-3-a-(1). Laboratory doors shall be kept closed while experiments are in progress.

II-B-3-a-(2). Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

II-B-3-a-(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II-B-3-a-(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II-B-3-a-(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II-B-3-a-(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II-B-3-a-(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II-B-3-a-(8). Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II-B-3-a-(9). Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

II-B-3-a-(10). Persons under 16 years of age shall not enter the laboratory.

II-B-3-a-(11). The universal biohazard sign shall be posted on the controlled access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II-B-3-a-(12). An insect and rodent control program shall be instituted.

II-B-3-a-(13). Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or wrap-around gowns, no-button or slipover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

II-B-3-a-(14). Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

II-B-3-a-(15). Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

II-B-3-a-(16). Animals and plants not related to the experiment shall not be permitted in the laboratory.

II-B-3-a-(17). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II-B-3-a-(18). Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

II-B-3-a-(19). The laboratory shall be kept neat and clean.

II-B-3-a-(20). If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with experiments requiring P3-level physical containment, they shall be conducted in accordance with all P3-level laboratory practices.

II-B-3-b. *Containment Equipment.*

II-B-3-b-(1). Biological safety cabinets [20] shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

II-B-3-b-(2). Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units [19A], open cages placed in ventilated enclosures, solid-wall and -bottom cases covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and reflectors.

Note.—Conventional caging systems may be used: *Provided,* That all personnel wear appropriate personal protective devices. These shall include, at a minimum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.

II-B-3-b-(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P2 level of physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

TABLE I.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological[1] containment	Laboratory design specified for—	Laboratory practices specified for—	Containment equipment specified for—	Biological containment
P3	HV3	P3	P3	P3	HV3.
P3	HV3	P3	P3	P4	HV2.
P3	HV2	P3	[illegible]	P3	HV2.
P3	HV2	P3	P3	P2	HV3.
P3	HV2	P3	P3	P4	HV1.
P3	HV1	[illegible]	P3	[illegible]	HV1.
P3	HV1	P3	P3	P2	HV2.

[1] See Section II-D for description of biological containment.

II-B-3-c. *Special Laboratory Design.*

II-B-3-c-(1). The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement that separates the laboratory from areas open to unrestricted traffic flow.

II-B-3-c-(2). The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilitate space decontamination.

II-B-3-c-(3). A foot-, elbow-, or automatically-operated hand-washing facility shall be provided near each primary laboratory exit area.

II-B-3-c-(4). Windows in the laboratory shall be sealed.

II-B-3-c-(5). An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and preferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

II-B-3-c-(6). The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential

(i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory area shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

II–B–3–c–(7). The treated exhaust-air from Class I and Class II biological safety cabinets [20] may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

II–B–4. *P4 Level.*

II–B–4–a. *Laboratory Practices.*

II–B–4–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–4–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity and immediately following spills of organisms containing recombinant DNA molecules.

II–B–4–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–4–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–4–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

II–B–4–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–4–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–4–a–(8). Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a pass-through disinfectant dunk tank or fumigation chamber.

II–B–4–a–(9). No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or steam shall be steam sterilized in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a pass-through fumigation chamber.

II–B–4–a–(10). Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

II–B–4–a–(11). Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

II–B–4–a–(12). Persons under 18 years of age shall not enter the P4 facility.

II–B–4–a–(13). Personnel shall enter into and exit from the P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

II–B–4–a–(14). Street clothing shall be removed in the outer side of the clothing-change area and kept there. Complete laboratory clothing, including undergarments, head cover, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discard it into collection hampers before entering the shower area.

II–B–4–a–(15). The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

II–B–4–a–(16). An insect and rodent control program shall be instituted.

II–B–4–a–(17). Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

II–B–4–a–(18). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–4–a–(19). Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

II–B–4–a–(20). The laboratory shall be kept neat and clean.

II–B–4–a–(21). If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4-level containment, they shall be conducted in accordance with all P4-level laboratory practices specified in this section.

II–B–4–b. *Containment Equipment.*

II–B–4–b–(1). Experimental procedures involving organisms that require P4-level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure isolation suits.

II–B–4–b–(2). Laboratory animals in experiments requiring P4-level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units [19A], open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are loated in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

II–B–4–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P4 facility using containment equipment requirements specified for

the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

TABLE II.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological containment [1]	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	Biological containment
P4	HV1	P4	P4	P4	HV1.
P4	HV1	P4	P4 [2]	P3	HV2.

[1] See Section II–D for description of biological containment.
[2] In this case gloves shall be worn, in addition to the clothing requirements specified in II–B–4–a–(14).

II–B–4–c. *Special Laboratory Design.*

II–B–4–c–(1). The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

II–B–4–c–(2). Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate containment of a vapor-phase decontaminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

II–B–4–c–(3). A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

II–B–4–c–(4). Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replacement. Water supply, liquid and gasous services provided to the P4 facility shall be protected by devices that prevent backflow.

II–B–4–c–(5). Drinking water foundations shall not be installed in laboratory or animal rooms of the P4 facilitiay. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

II–B–4–c–(6). Laboratory doors shall be self-closing.

II–B–4–c–(7). A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

II–B–4–c–(8). A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

II–B–4–c–(9). All liquid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

II–B–4–c–(10). An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to ensure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

II–B–4–c–(11). Air within individual laboratories of the P4 facility may be recirculated if HEPA filtered.

II–B–4–c–(12). The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ* decontamination before removal and to facilitate certification testing after replacement.

II–B–4–c–(13). The treated exhaust-air from Class I and Class II biological safety cabinets [20] may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

II–B–4–c–(14). As noted in Section II–B–4–b–(1), the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight.

The exhaust-air from the suit shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that in any adjacent area. An emergency lighting system, communication systems, and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provided to decontaminate the surfaces of the suit before removal.

II–C. *Shipment.* Recombinant DNA molecules contained in an organism or virus shall be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation § 72.3, Part 72, Title 42, and §§ 173.386–173.388, Part 173, Title 49, U.S. Code of Federal Regulations (CFR) as specified below:

II–C–1. Recombinant DNA molecules contained in an organism or virus requiring P1, P2, or P3 physical containment, when offered for transportation or transported, are subject to all requirements of § 72.3(a)–(e), Part 72, Title 42 CFR, and §§ 173.386–173.388, Part 173, Title 49 CFR.

II–C–2. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, are subject to the requirements listed above under II–C–1 and are also subject to § 72.3(f), Part 72, Title 42 CFR.

II–C–3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A

Supplement to the NIH Guidelines for Recombinant DNA Research."

II–D. *Biological Containment.*

II–D–1. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) Survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or *Host-Vector*, systems) for prokaryotes will be established; specific criteria will depend on the organisms to be used. Eukaryotic host-vector systems are considered in Part III.

II–D–1–a. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

II–D–1–a–(1). *EK1.* The host is always *E. coli* K–12 or a derivative thereof, and the vectors include nonconjugative plasmids (e.g., pSC101, ColE1, or derivatives thereof[21–27]) and variants of bacteriophage, such as lambda[28–33]. The *E. coli* K–12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages, except as specified in Section III–0.

II–D–1–a–(2). *Other Prokaryotes.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K–12 with a nonconjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HV1 systems are described below (Section II–D–2).

II–D–1–b. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

II–D–1–b–(1). For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequence of transmission of the cloned DNA fragment.

II–D–1–b–(2). For EK2 host-vector systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissible laboratory conditions designed to represent the natural environment either (i) as a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation or (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

II–D–1–c. *HV3.* These are host-vector systems in which:

II–D–1–c–(1). All HV2 criteria are met.

II–D–1–c–(2). The vector is dependent on its propagation host or is highly defective in mobilizability. Reversion to host-independence must be less than $1/10^8$ per vector genome per generation.

II–D–1–c–(3). No markers conferring resistance to antibiotics commonly used clinically or in agriculture are carried by the vector, unless expression of such markers is dependent on the propagating host or on unique laboratory-controlled conditions or is blocked by the inserted DNA.

II–D–1–c–(4). The specified containment shown by laboratory tests has been independently confirmed by specified tests in animals, including primates, and in other relevant environments.

II–D–1–c–(5). The relevant genotypic and phenotypic traits have been independently confirmed.

II–D–2. *Certification of Host-Vector Systems.*

II–D–2–a. *Responsibility.* HV1 systems other than *E. coli* K–12, and HV2 and HV3 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV–E–1–b–(1).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available informaton at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV–E–1–b–(3)–(f).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector system. (See Section IV–E–1–b–(3)–(i).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

II–D–2–b. *Data To be Submitted for Certification.*

II–D–2–b–(1). *HV1 Systems Other than E. Coli K–12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration. (i) A description of the organism and vector; the strain's natural habitat and growth requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity. (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism

less able to survive or transmit genetic information. (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

II–D–2–b–(2). *HV2 Systems.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted [33A, 33B]. In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits. (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system. (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment. (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions. (v) Data on all other properities of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals (e.g., rodents). Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K–12 are available from ORDA.

II–D–2–b–(3). *HV3 Systems.* Putative HV3 systems must, as the first step in certification, be certified as HV2 systems. Systems which meet the critera given above under II–D–1–(c)–1, II–D–1–(c)–2, and II–D–1–(c)–3 will then be recommended for HV3 testing. Tests to evaluate various HV2 host-vector systems for HV3 certification will be performed by contractors selected by NIH. These contractors will repeat tests performed by individuals proposing the HV2 system and, in addition, will conduct more extensive tests on conditions likely to be encountered in nature. The genotypic and phenotypic traits of HV2 systems will be evaluated. Tests on survival and transmissibility in and on animals, including primates, will be performed, as well as tests on survival in certain specified natural environments.

II–D–3. *Distribution of Certified Host-Vectors.* Certified HV2 and HV3 host-vector systems (plus appropriate control strains) must be obtained from the NIH or its designees, one of whom will be the investigator who developed the system. NIH shall announce the availability of the system by publication of notices in appropriate journals.

Plasmid vectors will be provided in a suitable host strain, and phage vectors will be distributed as small-volume lysates. If NIH propagates any of the host strains or phage, a sample will be sent to the investigator who developed the system or to an appropriate contractor, prior to distribution, for verification that the material is free from contamination and unchanged in phenotypic properties.

In distributing the certified HV2 and HV3 host-vector systems, NIH or its designee will (i) send out a complete description of the system; (ii) enumerate and describe the tests to be performed by the user in order to verify important phenotypic traits; (iii) remind the user that any modification of the system necessitates independent approval of the system by the NIH; and (iv) remind the user of responsibility for notifying ORDA of any discrepancies with the reported properties or any problems in the safe use of the system.

NIH may also distribute certified HV1 host-vector systems.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

Containment guidelines for permissible experiments are given in Part III. For these experiments no registration with the National Institutes of Health (NIH) is necessary. However, for these experiments, prior to their initiation, investigators must submit to their Institutional Biosafety Committee (IBC) a registration document that contains a description of (a) the source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene in the cloning vehicle and if so, what protein, and (e) the containment conditions specified by these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals: IBC review prior to initiation of the experiment is not required for experiments described in Section III–O. Prior IBC review is required for all other experiments described in the subsections of Part III, including III–0–1, III–0–2, etc.

Changes from the levels specified in Part III for specific experiments (or the assignment of levels to experiments not explicitly considered here) may not be instituted without the express approval of the Director, NIH. (See Sections IV–E–1–b–(1)–(a), IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(b), IV–E–1–b–(2)–(c), IV–E–1–b–(3)–(b).)

In the classification of containment criteria for different kinds of recombinant DNAs, the stated levels of physical and biological containment are minimal for the experiments designated. The use of higher levels of biological containment (HV3>HV2>HV1) is encouraged if they are available and equally appropriate for the purposes of the experiment.

When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose whichever of the two levels he wishes to use for the experiment.

III–O. *Classification of Experiments Using Certain Host-Vector Systems.* Experiments listed in Appendix H may be performed at P1 physical containment. For these experiments IBC review prior to initiation of the experiment is not required.

III–O–1. *Experiments Involving Class 3 Organisms.* Experiments involving recombinant DNA from Class 3 organisms [1] or from cells known to be infected with these agents may be conducted at P3 containment in *E. coli* K–12 EK1 hosts (see Appendix C). Containment levels for all other experiments with Class 3 organisms or with recombinant DNA which increases the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange will be determined by NIH. (See Section IV–E–1–b–2–(e)).

III–0–2. *Experiments involving Nonpathogenic Prokaryotic and Lower Eukaryotic Host-Vector Systems.* DNA from any species nonpathogenic for man, animals, or plants may be cloned into lower eukaryotes nonpathogenic for man, animals, or plants at the P3 level of

containment [2A]. DNA from any species nonpathogenic for man, animals, or plants may be cloned into prokaryotes nonpathogenic for man, animals. or plants at the P2 level of containment [2A]. Data supporting the contention that the donor and recipient are nonpathogenic must be submitted to the local IBC. Lower levels of physical containment may be assigned by ORDA on a case-by-case basis for specific donor-recipient combinations (see Section IV–E–1–b–(3)–(h)).

III–A. *Classification of Experiments Using Certain HV1 and HV2 Host-Vector Systems.* Certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of this Section III–A. Those so classified as of publication of these revised Guidelines are listed in Appendix D. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

III–A–1. *Shotgun Experiments.* These experiments involve the production of recombinant DNAs between the vector and portions of the specified cellular source, preferably a partially purified fraction. Care should be taken either to preclude or eliminate contaminating microorganisms before isolating the DNA.

III–A–1–a . *Eukaryotic DNA Recombinants.*

III–A–1–a–(1). *Primates.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III–A–1–a–(2). *Other Mammals.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III–A–1–a–(3). *Birds.* P2 physical containment + an HV2 host-vector, or P3 + HV1.

III–A–1–a–(4). *Cold-Blooded Vertebrates.* P2 physical containment + an HV1 host-vector or P1 + HV2. If the eukaryote is known to produce a potent polypeptide toxin, [34] the containment shall be increased to P3 + HV2.

III–A–1–a–(5). *Other Cold-Blooded Animals and Lower Eukaryotes.* This large class of eukaryotes is divided into two groups:

III–A–1–a–(5)–(a). Species that are known to produce a potent polypeptide toxin[34] that acts in vertebrates, or are known pathogens listed in Class 2,[1] or are known to carry such pathogens must use P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked eukaryote genes, containment may be reduced to P3 + HV1 or P2 + HV2. Species that produce potent toxins that affect invertebrates or plants but not vertebrates require P2 + HV2 or P3 + HV1. Any species that has a demonstrated capacity for carrying particular pathogenic microorganisms is included in this group, unless the organisms used as the source of DNA have been shown not to contain those agents. in which case they may be placed in the following group.[2A]

III–A–1–a–(5)–(b). The remainder of the species in this class including plant pathogenic or symbiotic fungi that do not produce potent toxins: P2 + HV1 or P1 + HV2. However. any insect in this group must be either (i) grown under laboratory conditions for at least 10 generations prior to its use as a source of DNA, or (ii) if caught in the wild, must be shown to be free of disease-causing microorganisms or must belong to a species that does not carry microorganisms causing disease in vertebrates or plants.[2A] If these conditions cannot be met, experiments must be done under P3 + HV1 or P2 + HV2 containment.

III–A–1–a–(6). *Plants.* P2 physical containment + an HV1 host-vector, or P1 + HV2. If the plant source makes a potent polypeptide toxin,[34] the containment must be raised to P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked plant genes, containment may be reduced to P3 + HV1 or P2 + HV2.[2A]

III–A–1–b. *Prokaryotic DNA Recombinants.* P2 + HV1 or P1 + HV2 for experiments with phages, plasmids and DNA from nonpathogenic prokaryotes which do not produce polypeptide toxins.[34] P3 + HV2 for experiments with phages, plasmids and DNA from Class 2 agents.[1]

III–A–2–a. *Viruses of Eukaryotes* (summary given in Table III; see also exception given at asterisk at end of Appendix D).

III–A–2–a–(1). *DNA Viruses.*

III–A–2–a–(1)–(a). *Nontransforming viruses.*

III–A–2–a(1)–(a)–(*1*). *Adeno-Associated Viruses, Minute Virus of Mice, Mouse Adenovirus (Strain FL), and Plant Viruses.[48]* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) subgenomic DNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(1)–(a)–(*2*). *Hepatitis B.*

III–A–2–a–(1)–(a)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for purified subgenomic DNA segments.[38]

III–A–2–a–(1)–(a)–(*2*)–(*b*). P2 physical containment + an HV2 host-vector, or P3 + HV1. shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(1)–(a)–(*2*)–(*c*). P2 physical containment + an HV1 Host-vector shall be used for DNA recombinants derived from purified cDNA copies of viral mRNA.[37]

III–A–2–a–(1)–(a)–(*3*). *Other Nontransforming Members of Presently Classified Viral Families.[36]*

III–A–2–a–(1)–(a)–(*3*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA[38] segments or (ii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(1)–(a)–(*3*)–(*b*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(1)–(b). *Transforming Viruses.*[37A]

III–A–2–a–(1)–(b)–(*1*). *Herpes Saimiri, Herpes Ateles, and Epstein Barr Virus.[39]*

III–A–2–a–(1)–(b)–(*1*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III–A–2–a–(1)–(b)–(*1*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA segments containing an entire transforming gene [38] or (ii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(1)–(b)–(*1*)–(*c*). P3 physical containment + an HV1 host-vector, or P2 + HV2, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(1)–(b)–(*2*). *Other Transforming Members of Presently Classified Viral Families.[36]*

III–A–2–a–(1)–(b)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III–A–2–a–(1)–(b)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with the whole viral genome, (ii) subgenomic DNA segments containing an entire transforming gene, (iii) purified cDNA copies of viral mRNA, [37] or (iv) subgenomic segments

that have not been purified to the extent required in footnote 38.

III–A–2–a–(2). *DNA Transcripts of RNA Viruses.*

III–A–2–a–(2)–(a). *Retroviruses.*

III–A–2–a–(2)–(a)–(*1*). *Gibbon Ape, Woolly Monkey, Feline Leukemia and Feline Sarcoma Viruses. [39]*

III–A–2–a–(2)–(a)–(*1*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III–A–2–a–(2)–(a)–(*1*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic DNA segments[38] containing an entire transforming gene.

III–A–2–a–(2)–(a)–(*1*)–(*c*). P2 physical containment + an HV2 host-vector, or P3 + HV1, shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) purified cDNA copies of viral mRNA,[37] or (iii) subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(2)–(a)–(*2*). *Other Members of the Family Retroviridiae.[36]*

III–A–2–a–(2)–(a)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III–A–2–a–(2)–(a)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) subgenomic DNA segments containing an entire transforming gene, (ii) the whole viral genome, or (iii) purified cDNA copies of viral mRNA,[37] or (iv) subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(2)–(b). *Negative Strand RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(c). *Plus-Strand RNA Viruses.*

III–A–2–a–(2)–(c)–(*1*). *Types 1 and 2 Sabin Poliovirus Vaccine Strains and Strain 17D (Theiler) of Yellow Fever Virus.* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(c)–(*2*). *Other Plus-Strand RNA Viruses Belonging to Presently Classified Viral Families.[36]*

III–A–2–a–(2)–(c)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic cDNA segments.[38]

TABLE III.—RECOMMENDED CONTAINMENT FOR CLONING OF VIRAL DNA OR CDNA IN CERTAIN HV1 AND HV2 SYSTEMS SPECIFIED IN APPENDIX D

[See text for full details]

Virus class	Type of viral DNA segment to be cloned				
	Subgenomic[38]		Genamic*		
	Nontransforming segment	Segment containing an entire transforming gene	Nonsegmented genome	Segmented genome	cDNA from viral mRNA[37]
DNA:					
Nontransforming viruses:					
AAV, MVM, Mouse Adeno (Strain FL)	P1+HV1		P1+HV1		P1+HV1.
Plant Viruses	P1+HV1		P1+HV1		P1+HV1.
Hepatitis B	P1+HV1[38]		P2+HV2 or P3+HV1		P2+HV1.
Other	P1+HV1[38]		P1+HV1		P1+HV1.
Transforming Viruses:					
Herpes Saimiri, H. Ateles and EBV[39].	P1+HV1[38]	P2+HV1	P2+HV2 or P3+HV1		P2+HV1.
Other	P1+HV1[38]	P2+HV1	P2+HV1		P2+HV1*.
RNA:					
Retroviruses					
Gibbon Ape, Woolly Monkey FeLV and FeSV[39].	P1+HV1[38]	P2+HV1	P2+HV2 or P3+HV1		P2+HV2 or P3+HV1.
Other	P1+HV1[38]	P2+HV1	P2+HV1		P2+HV1.
Negative-Strand RNA	P1+HV1		P1+HV1	P1+HV1	P1+HV1.
Plus-Strand RNA					
Types 1 and 2 Sabin Polio, 17D Yellow Fever Vaccine Strains	P1+HV1		P1+HV1		P1+HV1.
Other	P1+HV1[38]		P2+HV1		P2+HV1.
Double-Stranded RNA	P1+HV1			P1+HV1	P1+HV1.
Plant Viruses + Viroids	P1+HV1		P1+HV1	P1+HV1	P1+HV1.
Intracellular Viral DNA	See text	See text	See text		

*See exception given at asterisk at end of Appendix D

III–A–2–a–(2)–(c)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, or (ii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(d). *Double-Stranded Segmented RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) mixtures of subgenomic cDNA segments, (ii) a specific subgenomic cDNA segment, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(e). *RNA Plant Viruses and Plant Viroids.*[48] P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(3). *Intracellular Viral DNA.* Physical and biological containment specified for shotgun experiments with eukaryotic cellular DNA [see Section III–A–(1)–(a)] shall be used for DNA recombinants produced with integrated viral DNA or viral genomes present in infected cells.

III–A–2–b. *Eukaryotic Organelle DNAs.* P2 physical containment + an HV1 host-vector, or P1 + HV2, for mitochondrial or chloroplast DNA from eukaryotes when the organelle DNA has been obtained from isolated organelles. Otherwise, the conditions given for shotgun experiments apply.

III–A–2–c. *Prokaryotic Plasmid and Phage DNAs.* The containment levels required for shotgun experiments with DNA from prokaryotes apply to their

plasmids or phages (See Section III–A–1–b.)

III–A–3. *Lowering of Containment Levels for Characterized or Purified DNA Preparations and Clones.* Many of the risks which might conceivably arise from some types of recombinant DNA experiments, particularly shotgun experiments, would result from the inadvertent cloning of a harmful sequence. Therefore, in cases where the risk of inadvertently cloning the "wrong" DNA is reduced by prior enrichment for the desired piece, or in which a clone made from a random assortment of DNAs has been purified and the absence of harmful sequences established, the containment conditions for further work may be reduced. The following section outlines the mechanisms for such reductions.

III–A–3–a. *Purified DNA Other than Plasmids, Bacteriophages, and Other Viruses.* The formation of DNA recombinants from cellular DNAs that have been purified[41] and in which the absence of harmful sequences has been established[3] can be carried out under lower containment conditions than used for the corresponding shotgun experiment.[42] The containment may be decreased one step in physical containment (P4 P3; P3 P2; P2 P1) while maintaining the biological containment specified for the shotgun experiment, or one step in biological containment (HV3 HV2; HV2 HV1) while maintaining the specified physical containment. The Institutional Biosafety Committee (IBC) must review such a reduction and the approval of the IBC and of the NIH must be secured before such a reduction may be put into effect. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3–a to levels below P1+HV1, which requires prior NIH approval. (See Section IV–E–1–b–(3)–(e).)

III–A–3–b. *Characterized Clones of DNA Recombinants.* When a cloned DNA recombinant has been rigorously characterized and the absence of harmful sequences has been established[3], experiments involving this recombinant DNA may be carried out under lower containment conditions. Institutional Biosafety Committees (IBCs) may give approval for a single-step reduction in physical or biological containment on receipt of evidence of characterization of a clone derived from a shotgun experiment and its probable freedom from harmful genes. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3–b to levels below P1+HV1, or reduction of containment levels by more than one step, which also requires prior NIH approval.(See Section IV–E–1–b–3–(e).)

III–B. *Experiments with Prokaryotic Host-Vectors Other Than E. coli K–12.*

III–B–1. *HV1 and HV2 Systems.* Certain certified HV1 and HV2 hostvector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, the classification of containment levels for experiments using them will be assigned by NIH.

III–B–2. *Return of DNA Segments to Prokaryotic Non–HV1 Host of Origin.* Certain experiments involving these prokaryotes that exchange genetic information with *E. coli* by known physiological processes will be exempt from these Guidelines if they appear on the "list of exchangers" set forth in Appendix A (see Section I–E–4). For a prokaryote which can exchange genetic information[35] with *E. coli* under laboratory conditions but which is not on the list (Host A), the following type of experiment may be carried out under P1 conditions without Host A having been approved as an HV1 host: DNA from Host A may be inserted into a vector and propagated in *E. coli* K–12. Subsequently. this recombinant DNA may be returned to Host A by mobilization, transformation, or transduction and may then be propagated in Host A in any desired vector under P1 conditions.

For a prokaryote which does not exchange genetic information with *E. coli* (Host B), the following type of experiment may be carried out without Host B having been approved as an HV1 host: DNA from Host B may be inserted into a vector and propagated in *E. coli* K–12. Subsequently. this recombinant DNA may be returned to Host B and propagated in Host B under P1 conditions.[43]

III–B–3. *Non-HV1 Systems.* Containment levels for other classes of experiments involving non-HV1 systems may be approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C. *Experiments with Eukaryotic Host-Vectors.*

III–C–1. *Vertebrate Host-Vector Systems.[44]* The subsections of Sections III–C–1–a, –b, –c and –d involve the use of specific viral vectors, namely polyoma, SV40, human adenoviruses 2 and 5, and mouse adenovirus strain FL, respectively. The subsections of Section III–C–1–e involve the use of viral vectors including the specific viral vectors considered in the subsections of Sections III–C–1–a, –b, –c and –d, as well as any other viral vector. When the reader finds that the containment level given for a specific experiment in a subsection of Section III–C–1–e is different from the containment level given in a subsection of Section III–C–1–a, –b, –c or –d, he may choose which of the two containment levels he wishes to use for the experiment.

III–C–1–a. *Polyoma Virus.*

III–C–1–a–(1). *Productive Virus-Cell Interactions.*

III–C–1–a–(1)–(a). Defective or whole polyoma virus genomes, with appropriate helper, if necessary, can be used in P2 conditions to propagate DNA sequences:

III–C–1–a–(1)–(a)–(*1*). from bacteria of Class 1 or Class 2[1] or their phages or plasmids, except for those that produce potent polypeptide toxins;[34]

III–C–1–a–(1)–(a)–(*2*). from mice;

III–C–1–a–(1)–(a)–(*3*). from eukaryotic organisms that do not produce potent polypeptide toxins,[34] provided that the DNA segment is >99% pure.

III–C–1–a–(1)–(b). Defective polyoma genomes, with appropriate helper, if necessary, can be used in P2 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins.[34]

III–C–1–a–(1)–(c). Whole virus genomes with appropriate helper, if necessary. can be used in P3 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins.[34]

III–C–1–a–(1)–(d). Experiments involving the use of defective polyoma virus genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–a–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole polyoma virus genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper): *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b. *Simian Virus 40.*

III–C–1–b–(1). *Productive Virus-Cell Interactions.*

III–C–1–b–(1)–(a). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–b–(1)–(a)–(*1*). bacteria of Class 1 or Class 2,[1] or their phages or plasmids, except for those that produce potent polypeptide toxins;[34]

III–C–1–b–(1)–(a)–(*2*). uninfected African green monkey kidney cell cultures.

III–C–1–b–(1)–(b). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with an appropriate helper, can be used in P3 conditions to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins[34] (shotgun experiments or purified DNA).

III–C–1–b–(1)–(c). Experiments involving the use of defective SV40 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole SV40 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper): *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c. *Human Adenoviruses 2 and 5.*

III–C–1–c–(1). *Productive Virus-Cell Interactions.*

III–C–1–c–(1)–(a). Human adenoviruses 2 and 5, rendered unconditionally defective by deletion of at least two essential genes, with appropriate helper, can be used in P3 conditions to propagate DNA sequences from:

III–C–1–c–(1)–(a)–(*1*). bacteria of Class 1 or Class 2[1] or their phages or plasmids except for those that produce potent polypeptide toxins;[34]

III–C–1–c–(1)–(a)–(*2*). eukaryotic organisms that do not produce potent polypeptide toxins[34] (shotgun experiments or purified DNA).

III–C–1–c–(1)–(b). Experiments involving the use of unconditionally defective human adenovirus 2 and 5 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole human adenovirus 2 and 5 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper); *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d. *Murine Adenovirus Strain FL.*

III–C–1–d–(1). *Productive Virus-Cell Interactions.*

III–C–1–d–(1)–(a). Unconditionally defective murine adenovirus strain FL genomes, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–d–(1)–(a)–(*1*). bacteria of Class 1 or Class 2[1] or their phages or plasmids except for those that produce potent polypeptide toxins;[34]

III–C–1–d–(1)–(a)–(*2*). eukaryotic organisms that do not produce potent polypeptide toxins[34] (shotgun experiments or purified DNA).

III–C–1–d–(1)–(b). Experiments involving the use of whole murine adenovirus strain FL genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(1)–(c). Experiments involving the use of unconditionally defective murine adenovirus strain FL genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole murine adenovirus strain FL genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper); *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–e. *All Viral Vectors.*

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–(1)–(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus [all viruses from a single Family (36) being considered identical (50)] may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

III–C–1–e–(1)–(b). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P2 containment if wild type strains of the virus are CDC Class 1 or 2 agents, or using P3 containment if wild type strains of the virus are CDC Class 3 agents (1).

III–C–1–e–(2). Experiments involving the use of other whole or defective virus genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms (and viruses), or as vectors to transform nonpermissive cells, will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

NIH will also review on a case-by-case basis[45] all experiments involving the use of virus vectors in animals and will prescribed the physical and biological containment conditions appropriate for such studies. (See Section IV–E–1–b–(3)–(c).)

III–C–1–f. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempted from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and nonviral DNA from cells other than the host species

require only P1 physical containment for cells in culture since vertebrate cells in tissue culture inherently exhibit a very high level of containment. Recombinants involving viral DNA or experiments which require the use of the whole animals will be evaluated by NIH on a case-by-case basis.[45]

III–C–2. *Invertebrate Host-Vector Systems.*

III–C–2–a. *Inverebrate Viral Vectors.* Experiments involving invertebrate virus vectors can be done as follows:

III–C–2–a–(1). Recombinant DNA molecules containing no more than two-thirds of the genome of any invertebrate virus (all viruses from a single Family (36) being considered identical (50)) may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more one Family but each fragment must be less than two-thirds of a genome.

III–C–2–a–(2). Recombinants with less than two-thirds of the genome of any invertebrate virus may be rescued with helper virus using P2 containment unless it is classified by the CDC as a class 3 agent (1) in which case P3 containment is required.

III–C–2–a–(3). Experiments involving the use of other whole or defective virus genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms (and viruses), or as vectors to transform nonpermissive cells, will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment condtions. (See Section IV–E–1–b–(3)–(c).)

NIH will also review on a case-by-case basis [45] all experiments involving the use of virus vectors in animals and will prescribe the physical and biological containment conditions appropriate for such studies. (See Section IV–E–1–b–(3)–(c).)

III–C–2–b. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that the host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P1 physical containment for invertebrate cells in culture inherently exhibits a very high level of containment. Experiments which require the use of whole animals will be evaluated by NIH on a case-by-case basis.[45]

III–C–3. *Plant Viral Host-Vector Systems.* [48] The DNA plant viruses which could currently serve as vectors for coloning genes in plants and plant cell protoplasts are Cauliflower Mosaic Virus (CaMV) and its close relatives [2A] which have relaxed circular double-stranded DNA genomes with a molecular weight of 4.5×10^6, and Bean Golden Mosaic Virus (BGMV) and related viruses with small ($>10^6$ daltons) single-stranded DNA genomes. CaMV is spread in nature by aphids, in which it survives for a few hours. Spontaneous mutants of CaMV which lack a factor essential for aphid transmission arise frequently. BGMV is spread in nature by whiteflies, and certain other single-stranded DNA plant viruses are transmitted by leafhoppers.

The DNA plant viruses have narrow host ranges and are relatively difficulty to transmit mechanically to plants. For this reason, they are most unlikely to be accidentally transmitted from spillage of purified virus preparations.

When these viruses are used as vectors in intact plants, or propagative plant parts, the plants shall be grown under P1 conditions—that is, in either a limited access greenhouse or plant growth cabinet which is insect-restrictive, preferably with positive air pressure, [2A] and in which an insect fumigation regime is maintained. Soil, plant pots, and unwanted infected materials shall be removed from the greenhouse or cabinet in sealed insect-proof containers and sterilized. It is not necessary to sterilize run-off water from the infected plants, as this is not a plausible route for secondary infection. When the viruses are used as vectors in tissue cultures or in small plants in axenic cultures, no special containment is necessary. Infected plant materials which have to be removed from the greenhouse or cabinet for further research shall be maintained under insect-restrictive conditions. These measures provide an entirely adequate degree of containment. They are similar to those required in many countries for licensed handling of "exotic" plant viruses.

The viruses or their DNA may also be useful as vectors to introduce genes into plant protoplasts. The fragility of plant protoplasts combined with the properties of the viruses provides adequate safety. Since no risk to the environment from the use of the DNA plant virus/protoplast system is envisaged, no special containment is necessary, except as described in the following paragraph.

Experiments involving the use of plant genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–4. *Plant Host-Vector Systems Other than Viruses.* [48] Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P2 physical containment. The development of host-vector systems that exhibit a high level of biological containment, such as those using protoplasts or undifferentiated cells in culture, permit [2A] a decrease in the physical containment to P1.

Intact plants or propagative plant parts which cannot be grown in a standard P2 laboratory because of their large size may be grown under the P1 conditions described above in Section III–C–3, except that (i) sterilization of run-off water is required where this is a plausible route for secondary infection and (ii) the standard P2 practices are adopted for microbiological work, and (iii) negative air pressure should be employed in the greenhouse or growth chamber when infectious agents are used which generate airborne propagules.

III–C–5. *Fungal or Similar Lower Eukaryotic Host-Vector Systems.*

Certain certified HV1 and HV2 host-vector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, they may be added to Appendix D (and thus the containment levels for their use will be those of the subsections of Section III–A). Alternatively, at the time of their certification, another classification of containment levels for experiments using them may be assigned by NIH.

In addition to the experiments described above, the following experiments may be carried out without the eukaryotic host (Host C) having been approved as an HV1 host: DNA from Host C may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host C and propagated there under P1 conditions.[43]

Containment levels for other classes of experiments involving non-HV1 systems may be expressly approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C–6. *Return of DNA Segments to a Higher Eukaryotic Host of Origin.* DNA from a higher eukaryote (Host D) may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host D and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study.[2A]

III–C–7. *Transfer of Cloned DNA Segments to Eukaryotic Organisms*

III–C–7–a. *Transfer to Non-human Vertebrates.* DNA from any nonprohibited source (Section I–D), except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* K–12, may be transferred with *E. coli* vector used for cloning to any eukaryotic cells in culture or to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study[2]. Transfers to any other host will be considered by the RAC on a case-by-case basis[45].

III–C–7–b. *Transfer to Higher Plants.* DNA from any nonprohibited source [Section I–D] which has been cloned and propagated in *E. coli* K–12 or *S. cerevisiae,* may be transferred with the *E. coli* or *S. cerevisiae* vector used for cloning to any higher plant organisms (Angiosperms and Gymnosperms) and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Intact plants or propagative plant parts may be grown under P1 conditions described under Section III–C–3. Containment must be modified to ensure that the spread of pollen, seed or other propagules is prevented. This can be accomplished by conversion to negative pressure in the growth cabinet or greenhouse or by physical entrapment by "bagging" of reproductive structures. Transfers to any other plant organisms will be considered on a case-by-case basis[45].

III–C–7–c. *Transfer to Invertebrates.* DNA from any nonprohibited source [Section I–D], except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* K–12, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any invertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (2A). Transfers to any other host will be considered by the RAC on a case-by-case basis (45).

III–D. *Complementary DNAs.* Specific containment levels are given in Section III–A–2–a (see also last column of Table III) for complementary DNA (cDNA) of viral mRNA. For the other Sections of the Guidelines, where applicable, cDNAs synthesized *in vitro* are included within each of the above classifications. For example, cDNAs formed from cellular RNAs that are not purified and characterized are included under III–A–1, shotgun experiments; cDNAs formed from purified and characterized RNAs are included under III–A–3; etc.

Due to the possibility of nucleic acid contamination of enzyme preparations used in the preparation of cDNAs, the investigator must employ purified enzyme preparations that are free of viral nucleic acid.

III–E. *Synthetic DNAs.* If the synthetic DNA segment is likely to[2A] yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent), the containment conditions must be as stringent as would be used for propagating the natural DNA counterpart.

If the synthetic DNA sequence codes for a harmless product,[2A] it may be propagated at the same containment level as its purified natural DNA counterpart. For example, a synthetic DNA segment which corresponds to a nonharmful gene of birds, to be propagated in *Saccharomyces cerevisiae,* would require P2 physical containment plus an HV1 host-vector, or P1 + HV2.

If the synthetic DNA segment is not expressed *in vivo* as a polynucleotide or polypeptide product, the organisms containing the recombinant DNA molecule are exempt[4] from the Guidelines.

IV. Roles and Responsibilities

IV–A. *Policy.* Safety in activities involving recombinant DNA depends on the individual conducting them. The Guidelines cannot anticipate every possible situation. Motivation and good judgment are the key essentials to protection of health and the environment.

The Guidelines are intended to help the Institution, the Institutional Biosafety Committee (IBC), the Biological Safety Officer, and the Principal Investigator determine the safeguards that should be implemented. These Guidelines will never be complete or final, since all conceivable experiments involving recombinant DNA cannot be foreseen. Therefore, it is the responsibility of the Institution and those associated with it to adhere to the *purpose* of the Guidelines as well as to their specifics.

Each Institution (and the IBC acting on its behalf) is responsible for ensuring that recombinant DNA activities comply with the Guidelines. General recognition of institutional authority and responsibility properly establishes accountability for safe conduct of the research at the local level.

The following roles and responsibilities constitute an administrative framework in which safety is an essential and integral part of research involving recombinant DNA molecules. Further clarifications and interpretations of roles and responsibilities will be issued by NIH as necessary.

IV–B. *General Applicability.* The Guidelines are applicable to all recombinant DNA research within the United States or its territories which is conducted at or sponsored by an Institution that receives any support for recombinant DNA research from NIH. This includes research by NIH directly.

An individual receiving support for research involving recombinant DNA must be associated with or sponsored by an Institution that can and does assume the responsibilities assigned in these Guidelines.

The Guidelines are also applicable to projects done abroad if they are supported by NIH funds. If the host country, however, has established rules for the conduct of recombinant DNA projects, then a certificate of compliance with those rules may be submitted to NIH in lieu of compliance with the NIH Guidelines. NIH reserves the right to withhold funding if the safety practices to be employed abroad are not reasonably consistent with the NIH Guidelines.

IV–C. *General Definitions.* The following terms, which are used throughout the Guidelines, are defined as follows:

IV–C–1. "DNA" means deoxyribonucleic acid.

IV–C–2. "Recombinant DNA" or "recombinant DNA molecules" means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above.

IV–C–3. [Deleted]

IV–C–4. "Institution" means any public or private entity (including

Federal, State, and local government agencies).

IV–C–5. "Institutional Biosafety Committee" of "IBC" means a committee that (i) meets the requirements for membership specified in Section IV–D–2, and (ii) reviews, approves, and oversees projects in accordance with the responsibilities defined in Sections IV–D–2 and –3.

IV–C–6. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for (i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–E–3.

IV–C–7. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specific in Section IV–E–2.

IV–C–8. "Director, NIH" or "Director" means the Director of the National Institutes of Health and any other officer or employee of NIH to whom authority has been delegated.

IV–C–9. "Federal Interagency Advisory Committee on Recombinant DNA Research" means the committee established in October 1976 to advise the Secretary, HHS, the Assistant Secretary of Health, and the Director, NIH, on the coordination of those aspects of all Federal programs and activities which relate to recombinant DNA research.

IV–C–10. "Administrative Practices Supplement" or "APS" means a publication to accompany the NIH Guidelines specifying administrative procedures for use at NIH and at Institutions.

IV–C–11. "Laboratory Safety Monograph" or "LSM" means a publication to accompany the NIH Guidelines describing practices, equipment, and facilities in detail.

IV–D. *Responsibilities of the Institution.*

IV–D–1. Each Institution conducting or sponsoring recombinant DNA research covered by these Guidelines is responsible for ensuring that the research is carried out in full conformity with the provisions of the Guidelines. In order to fulfill this responsibility, the Institution shall:

IV–D–1–a. Establish and implement policies that provide for the safe conduct of recombinant DNA research and that ensure compliance with the Guidelines. The Institution, as part of its general responsibilities for implementing the Guidelines, may establish additional procedures, as deemed necessary, to govern the Institution and its components in the discharge of its responsibilities under the Guidelines. This may include (i) statements formulated by the Institution for general implementation of the Guidelines and (ii) whatever additional precautionary steps the Institution may deem appropriate.

IV–D–1–b. Establish an Institutional Biosafety Committee (IBC) that meets the requirements set forth in Section IV–D–2 and carries out the functions detailed in Section IV–D–3.

IV–D–1–c. [Deleted]

IV–D–1–d. [Deleted]

IV–D–1–e. If the Institution is engaged in recombinant DNA research at the P3 or P4 containment level, appoint a Biological Safety Officer (BSO), who shall be a member of the IBC and carry out the duties specified in Section IV–D–4.

IV–D–1–f. Require that investigators responsible for research covered by these Guidelines comply with the provisions of Section IV–D–5, and assist investigators to do so.

IV–D–1–g. Ensure appropriate training for the IBC chairperson and members, the BSO, Principal Investigators (PIs), and laboratory staff regarding the Guidelines, their implementation, and laboratory safety. Responsibility for training IBC members may be carried out through the IBC chairperson. Responsibility for training laboratory staff may be carried out through the PI. The Institution is responsible for seeing that the PI has sufficient training, but may delegate this responsibility to the IBC.

IV–D–1–h. Determine the necessity, in connection with each project, for health surveillance of recombinant DNA research personnel, and conduct, if found appropriate, a health surveillance program for the project. (The Laboratory Safety Monograph (LSM) discusses various possible components of such a program—for example, records of agents handled, active investigation of relevant illnesses, and the maintenance of serial serum samples for monitoring serologic changes that may result from the employees' work experience. Certain medical conditions may place a laboratory worker at increased risk in any endeavor where infectious agents are handled. Examples given in the LSM include gastrointestinal disorders and treatment with steroids, immunosuppressive drugs, or antibiotics. Workers with such disorders or treatment should be evaluated to determine whether they should be engaged in research with potentially hazardous organisms during their treatment or illness.)

IV–D–1–i. Report within 30 days to ORDA any significant problems with and violations of the Guidelines and significant research-related accidents and illnesses, unless the institution determines that the PI or IBC has done so.

IV–D–2. *Membership and Procedures of the IBC.* The Institution shall establish an Institutional Biosafety Committee (IBC) meeting the following requirements:

IV–D–2–a. The IBC shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and the capability to assess the safety of recombinant DNA research experiments and any potential risk to public health or the environment. At least two members (but not less than 20 percent of the membership of the committee) shall not be affiliated with the Institution (apart from their membership on the IBC) and shall represent the interest of the surrounding community with respect to health and protection of the environment. Members meet the requirement if, for example, they are officials of State or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community. The Biological Safety Officer (BSO), mandatory when research is being conducted at the P3 and P4 levels, shall be a member (see Section IV–D–4).

IV–D–2–b. In order to ensure the professional competence necessary to review recombinant DNA activities, it is recommended that (i) the IBC include persons from disciplines relevant to recombinant DNA technology, biological safety, and engineering; (ii) the IBC include, or have available as consultants, persons knowledgeable in institutional commitments and policies, applicable law, standards of professional conduct and practice, community attitudes, and the environment; and (iii) at least one member be a nondoctoral person from a laboratory technical staff.

IV–D–2–c. The Institution shall identify the committee members by name in a report to the NIH Office of Recombinant DNA Activities (ORDA) and shall include relevant background information on each member in such form and at such times as ORDA may require. (See the Administrative Practices Supplement for further guidance.)

IV–D–2–d. No member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which he or she has been, or expects to be, engaged or has a direct financial interest.

IV–D–2–e. The Institution may establish procedures that the IBC will follow in its initial and continuing review of applications, proposals, and activities. (IBC review procedures are specified in Section IV–D–3–a.)

IV–D–2–f. Central to implementation of the Guidelines is the review of experiments by the IBC. In carrying out this responsibility, the Institution shall comply with instructions and procedures specified in the Administrative Practices Supplement.

IV–D–2–g. Institutions are encouraged to open IBC meetings to the public whenever possible, consistent with protection or privacy and proprietary interests.

IV–D–2–h. Upon request, the Institution shall made available to the public all minutes of IBC meetings and any documents submitted to or received from funding agencies which the latter are required to make available to the public (e.g., reports of Guideline violations and significant research-related accidents, and agency directives to modify projects). If comments are made by members of the public on IBC actions, the Institution shall forward to NIH both the comments and the IBC's response.

IV–D–3. *Functions of the IBC.* On behalf of the Institution, the IBC is responsible for:

IV–D–3–a. Reviewing for compliance with the NIH Guidelines all recombinant DNA research conducted at or sponsored by the Institution, and approving those research projects that it finds are in conformity with the Guidelines. This review shall include:

IV–D–3–a–(1). An independent assessment of the containment levels required by these Guidelines for the proposed research, and

IV–D–3–a–(2). An assessment of the facilities, procedures, and practices, and of the training and expertise of recombinant DNA personnel.

Note.—See Laboratory Safety Monograph (pages 187–190) for suggested guidance in conducting this review.

IV–D–3–b. Notifying the Principal Investigator (PI) of the results of their review.

IV–D–3–c. Reviewing periodically recombinant DNA research being conducted at the Institution, to ensure that the requirements of the Guidelines are being fulfilled.

IV–D–3–d. Adopting emergency plans covering accidental spills and personnel contamination resulting from such research.

Note.—Basic elements in developing specific procedures for dealing with major spills of potentially hazardous materials in the laboratory are detailed in the Laboratory Safety Monograph. Included are information and references on decontamination and emergency plans. NIH and the Centers for Disease Control are available to provide consultation, and direct assistance if necessary, as posted in the LSM. The Institution shall cooperate with the State and local public health departments, reporting any significant research-related illness or accident that appears to be a hazard to the public health.

IV–D–3–e. Reporting within 30 days to the appropriate institutional official and to the NIH Office of Recombinant DNA Activities (ORDA) any significant problems with or violations of the Guidelines, and any significant research-related accidents or illnesses, unless the IBC determines that the PI has done so.

IV–D–3–f. The IBC may not authorize initiation of experiments not explicitly covered by the Guidelines until NIH, (with the advice of the RAC when required) established the containment requirement.

IV–D–3–g. Performing such other functions as may be delegated to the IBC under Section IV–D–1.

IV–D–4. *Biological Safety Officer.* The Institution shall appoint a BSO if it engages in recombinant DNA research at the P3 or P4 containment level. The officer shall be a member of the Institutional Biosafety Committee (IBC), and his or her duties shall include (but need not be limited to):

IV–D–4–a. Ensuring through periodic inspections that laboratory standards are rigorously followed;

IV–D–4–b. Reporting to the IBC and the Institution all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses of which the BSO becomes aware, unless the BSO determines that the Principal Investigator (PI) has done so.

IV–D–4–c. Developing emergency plans fro dealing with accidential spills and personnel contamination, and investigating recombinant DNA research laboratory accidents;

IV–D–4–d. Providing advice on laboratory security;

IV–D–4–e. Providing technical advice to the PI and IBC on research safety procedures.

Note.—See Laboratory Safety Monograph for additional information on the duties of the BSO.

IV–D–5. *Principal Investigator.* On behalf of the Institution, the PI is responsible for complying fully with the Guidelines in conducting any recombinant DNA research.

IV–D–5–a. *PI-General.* As part of this general responsibility, the PI shall:

IV–D–5–a–(1). Initiate or modify no recombinant DNA research subject to the Guidelines until that research, or the proposed modification thereof, has been approved by the Institutional Biosafety Committee (IBC) and has met all other requirements of the Guidelines and the Administrative Practices Supplement (APS).

Note.—No prior approval by the IBC is required for most experiments described in Section III–O. Modify containment and experimental protocol according to recommendations of the IBC.

IV–D–5–a–(2). Report within 30 days to the IBC and NIH (ORDA) all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses;

IV–D–5–a–(3). Report to the IBC and to NIH (ORDA) new information bearing on the Guidelines;

IV–D–5–a–(4). Be adequately trained in good microbiological techniques;

IV–D–5–a–(5). Adhere to IBC-approved emergency plans for dealing with accidental spills and personnel contamination; and

IV–D–5–a–(6). Comply with shipping requirements for recombinant DNA molecules. (See Section II–C for shipping requirements, Laboratory Safety Monograph for technical recommendations, and the APS for administrative instructions and procedures. The requesting laboratory must be in compliance with the NIH Guidelines and under appropriate review by its IBC, and the sending investigator must maintain a record of all shipments of recombinant DNA materials.)

IV–D–5–b. *Submissions by the PI to NIH.* The PI shall:

IV–D–5–b–(1). Submit information to NIH (ORDA) in order to have new host-vector systems certified;

IV–D–5–b–(2). Petition NIH, with notice to the IBC, for exemptions to these Guidelines (see Sections I–E–4 and I–E–5 and, for additional information on procedures, the APS); and

IV–D–5–b–(3). Petition NIH, with concurrence of the IBC, for exceptions to the prohibitions under these Guidelines (see Section I–D and, for additional information on procedures, the APS).

IV–D–5–b–(4). Petition NIH for determination of containment for

experiments requiring case-by-case review.

IV–D–5–b–(5). Petition NIH for determination of containment for experiments not covered by the Guidelines.

IV–D–5–c. *Submissions by the PI to the IBC.* The PI shall:

IV–D–5–c–(1). Make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines;

IV–D–5–c–(2). Select appropriate microbiological practices and laboratory techniques to be used in the research;

IV–D–5–c–(3). Submit the initial research protocol (and also subsequent changes—e.g., changes in the source of DNA or host-vector system) to the IBC for review and approval or disapproval, and

IV–D–5–c–(4). Remain in communication with the IBC throughout the conduct of the project.

IV–D–5–d. *PI Responsibilities After Approval but Prior to Initiating the Research.* The PI is responsible for:

IV–D–5–d–(1). Making available to the laboratory staff copies of the approved protocols that describe the potential biohazards and the precautions to be taken;

IV–D–5–d–(2). Instructing and training staff in the practices and techniques required to ensure safety and in the procedures for dealing with accidents; and

IV–D–5–d–(3). Informing the staff of the reasons and provisions for any precautionary medical practices advised or requested, such as vaccinations or serum collection.

IV–D–5–e. *PI Responsibilities During the Conduct of the Approved Research.* The PI is responsible for:

IV–D–5–e–(1). Supervising the safety performance of the staff to ensure that the required safey practices and techniques are employed:

IV–D–5–e–(2). Investigating and reporting in writing to ORDA, the Biological Safety Officer (where applicable), and the IBC any significant problems pertaining to the operation and implementation of containment practices and procedures;

IV–D–5–e–(3). Correcting work errors and conditions that may result in the release of recombinant DNA materials;

IV–D–5–e–(4). Ensuring the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., purity, and genotypic and phenotypic characteristics); and

IV–D–5–e–(5). *Publications.* PIs are urged to include, in all publications reporting on recombinant DNA research, a description of the physical and biological containment procedures employed.

IV–E. *Responsibilities of NIH.*

IV–E–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines on recombinant DNA research, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has a number of responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–E–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–E–1–a–(1). Promulgating requirements as necessary to implement the Guidelines.

IV–E–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–E–2. The RAC's membership is specified in its charter and in Section IV–E–2;

IV–E–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–E–3; and

IV–E–1–a–(4). Maintaining the Federal Interagency Advisory Committee on Recombinant DNA Research established by the Secretary, HEW, for advice on the coordination of all Federal programs and activities relating to recombinant DNA, including activities of the RAC.

IV–E–1–b. *Specific Responsibilities of the Director, NIH.* In carrying out the responsibilities set forth in this Section, the Director shall weigh each proposed action, through appropriate analysis and consultation, to determine that it complies with the Guidelines and presents no significant risk to health or the environment.

IV–E–1–b–(1). *The Director is responsible for the following major actions* (For these, the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the **Federal Register** at least 30 days before the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days for comment before final action is take. The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC and IBC chairpersons will be notified of this decision):

IV–E–1–b–(1)–(a). Changing containment levels for types of experiments that are specified in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(c). Certifying new host-vector systems, with the exception of minor modifications of already certified systems. [The standards and procedures for certification are described in Section II–D–2–a. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment. See the Administrative Practices Supplement (APS) for further information];

IV–E–1–b–(1)–(d). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment (see Sections I–E–4 and –5 and the APS for further information);

IV–E–1–b–(1)–(e). Permitting exceptions to the prohibited experiments in the Guidelines, in order, for example, to allow risk-assessment studies; and

IV–E–1–b–(1)–(f). Adopting other changes in the Guidelines.

IV–E–1–b–(2). *The Director is also responsible for the following lesser actions* (For these, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the Recombinant DNA Technical Bulletin):

IV–E–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–E–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines (see Section III);

IV–E–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines (see Section III);

IV–E–1–b–(2)–(d). Designating certain class 2 agents as class 1 for the purpose

of these Guidelines (see Footnote 1 and Appendix B);

IV–E–1–b–(2)–(e). Assigning containment levels for experiments with recombinant DNA from Class 3 organisms[1] and assigning containment levels for experiments which increase the host-range and virulence of plant pathogens beyond that which occurs by natural genetic exchange.

IV–E–1–b–(3). *The Director is also responsible for the following actions.* (The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(3)–(a). Interpreting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–E–1–b–(3)–(b). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–E–1–b–(2)–(c).

IV–E–1–b–(3)–(c). Determining appropriate containment conditions upon case-by-case analysis of experiments explicitly considered in the Guidelines but for which no containment levels have been set (see Footnote 45 in Part V; Sections III–C–1–a through –e; and Sections III–C–2 and –3);

IV–E–1–b–(3)–(d). Authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences (see Footnote 3 and Section I–D–6);

IV–E–1–b–(3)–(e). Lowering containment levels for characterized clones or purified DNA (see Sections III–A–3–a and –b, Footnotes 3 and 41);

IV–E–1–b–(3)–(f). Approving minor modifications of already certified host-vector systems. (The standards and procedures for such modifications are described in Section II–D–2); and

IV–E–1–b–(3)–(g). Decertifying already certified host-vector systems.

IV–E–1–b–(3)–(h). Assigning containment levels for experiments in which both donor and recipient are nonpathogenic prokaryotes and/or nonpathogenic lower eukaryotes (see Section III–0–2).

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates (see Appendix G).

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12 (see Appendix G).

IV–E–1–b–(4). The Director shall conduct, support, and assist training programs in laboratory safety for Institutional Biosafety Committtee members, Biological Safety Officers, Principal Investigators, and laboratory staff.

IV–E–1–b–(5). The Director, at the end of 36 months from the time these Guidelines are promulgated, will report on the Guidelines, their administration, and the potential risks and benefits of this research. In doing so, the Director will consult with the RAC and the Federal Interagency Committee. Public comment will be solicited on the draft report and taken into account in transmitting the final report to the Assistant Secretary for Health and the Secretary, HHS.

IV–E–2. *Recombinant Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its charter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md., 20205.

All meetings of the RAC will be announced in the **Federal Register,** including tentative agenda item, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–E–1–b–(1) may be added to an agenda after it appears in the **Federal Register.**

IV–E–2–a. *The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–E–1–b–(1) and (2).*

IV–E–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Biological Safety Committees, Principal Investigators, Federal agencies, State and local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–E–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–E–3–a. Review and approval of Institutional Biosafety Committee (IBC) membership;

IV–E–3–b through IV–E–3–c–(3). [Deleted]

IV–E–c–(4). Publish in the **Federal Register:**

IV–E–c–(4)–(a). Announcements of Recombinant DNA Advisory Committee (RAC) meetings and agendas 30 days in advance, with publication of the Director's proposed decision for 30 days of public and Federal agency comment followed by a published response, on any action listed in Section IV–E–1–(b)–(1); and

IV–E–3–c–(4)–(b). Announcements of RAC meetings and agendas 30 days in advance of any action listed in Section IV–E–1–b–(2).

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–E–3–c–(5). Publish the *Recombinant DNA Technical Bulletin;* and

IV–E–3–c–(6). Serve as executive secretary to the RAC.

IV–E–4. *Other NIH Components.* Other NIH components shall be responsible for:

IV–E–4–a. [Deleted]

IV–E–4–b. Certifying P4 facilities, inspecting them periodically, and inspecting other recombinant DNA facilities as deemed necessary; and

IV–E–4–c. Announcing and distributing certified HV2 and HV3 host-vector systems (see Section II–E–3).

(See Administrative Practices Supplement for additional information on the administrative procedures of ORDA and other NIH components.)

IV–F. [Deleted]

IV–G. *Compliance.* As a condition for NIH funding or recombinant DNA research, Institutions must ensure that such research conducted at or sponsored by the Institution, irrespective of the source of funding, shall comply with these Guidelines. The policies on noncompliance are as follows:

IV–G–1. All NIH-funded projects involving recombinant DNA techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of financial assistance for such projects and of NIH funds for other recombinant DNA research at the Institution, or (ii) a

requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–2. All non-NIH funded projects involving recombinant DNA techniques conducted at or sponsored by an Institution that receives NIH funds for projects involving such techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of NIH funds for recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–3. Information concerning noncompliance with the Guidelines may be brought forward by any person. It should be delivered to both NIH (ORDA) and the relevant Institution. The Institution, generally through the IBC, shall take appropriate action. The Institution shall forward a complete report of the incident to ORDA, recommending any further action indicated.

IV–G–4. In cases where NIH proposes to suspend, limit, or terminate financial assistance because of noncompliance with the Guidelines, applicable DHEW and Public Health Service procedures shall govern.

IV–G–5. *Voluntary Compliance:* Any individual, corporation, or institution that is not otherwise covered by the Guidelines is encouraged to conduct recombinant DNA research activities in accordance with the Guidelines, through the procedures set forth in Part VI.

V. Footnotes and References

(*1*) The reference to organisms as Class 1, 2, 3, 4, or 5 refers to the classification in the publication *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974; U.S. Department of Health, Education, and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333. The list of organisms in each class, as given in this publication, is reprinted in Appendix B to these Guidelines.

The Director, NIH, with advice of the Recombinant DNA Advisory Committee, may designate certain of the agents which are listed as Class 2 in the *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974, as Class 1 agents for the Purposes of these Guidelines (see Section IV–E–1–b–(2)–(d)). An updated list of such agents may be obtained from the Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205.

The entire *Classification of Etiologic Agents on the Basis of Hazard* is in the process of revision.

(*2*) For experiments using Vesicular Stomatitis virus (VSV), contact the NIH Office of Recombinant DNA Activities.

(*2A*) In Parts I and III of the Guidelines, there are a number of places where judgments are to be made. These include: "cells known to be infected with such agents" (Section I–D–1); "known to acquire it naturally" (Section I–D–5); "known to produce a potent polypeptide toxin * * * or known to carry such pathogens * * * not likely to be a product of closely linked eukaryote genes * * * shown not to contain such agents" (Section III–A–1–a–(5)–(a)); "shown to be free of disease causing microorganisms" (Section III–A–1–a(5)–(b)); "close relatives" (Section III–C–3); and "produce a potent polypeptide toxin" (Footnote 34).

In all these cases the principal investigator is to make the initial judgment on these matters as part of his responsibility to "make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines" (Section IV–D–7–a). In all these cases, this judgment is to be reviewed and approved by the Institutional Biosafety Committee as part of its responsibility to make "an independent assessment of the containment levels required by these Guidelines for the proposed research" (Section IV–D–3–a–(1)). If the IBC wishes, any specific cases may be referred to the NIH Office of Recombinant DNA Activities as part of ORDA's functions to "provide advice to all within and outside NIH" (Section IV–E–3), and ORDA may request advice from the Recombinant DNA Advisory Committee as part of the RAC's responsibility for "interpreting and determining containment levels upon request by ORDA" (Section IV–E–1–b–(2)–(a)).

(*3*) The following types of data should be considered in determining whether DNA recombinants are "characterized" and the absence of harmful sequences has been established: (a) The absence of potentially harmful genes (e.g., sequences contained in indigenous tumor viruses or sequences that code for toxins, invasins, virulence factors, etc., that might potentiate the pathogenicity or communicability of the vector and/or the host or be detrimental to humans, animals, or plants); (b) the type(s) of genetic information on the cloned segment and the nature of transcriptional and translation gene products specified; (c) the relationship between the recovered and desired segment (e.g., hybridization and restriction endonuclease fragmentation analysis where applicable); (d) the genetic stability of the cloned fragment; and (e) any alterations in the biological properties of the vector and host.

(*4*) In Section I–E, "exemptions" from the Guidelines are discussed. Such experiments are not covered by the Guidelines and need not be registered with NIH. In Section I–D on "prohibitions," the possibility of "exceptions" is discussed. An "exception" means that an experiment may be expressly released from a prohibition. At that time it will be assigned an appropriate level of physical and biological containment.

(*5*) Care should be taken to inactivate recombinant DNA before disposal. Procedures for inactivating DNA can be found in the "Laboratory Safety Monograph: A Supplement to the NIH Guidelines for Recombinant DNA Research."

(*6*) *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health Education and Welfare Publication No. CDC 75–8118.

(*7*) *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(*8*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

(*9*) *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare. Public Health.

(*10*) *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

(*11*) *Handbook of Laboratory Safety* (1971). Second Edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

(*12*) Bodily, J. L. (1970). *General Administration of the Laboratory*, H. L. Bodily, E. L. Updyke, and J. O. Mason (eds.), Diagnostic Procedures for Bacterial Mycotic and Parasitic Infections. American Public Health Association, New York. pp. 11–28.

(*13*) Darlow, H. M. (1969). *Safety in the Microbiological Laboratory.* In J. R. Norris and D. W. Robbins (ed.), Methods in Microbiology, Academic Press, Inc., New York. pp. 169–204.

(*14*) *The Prevention of Laboratory Acquired Infection* (1974). C. H. Collins, E. G. Hartley, and R. Pilsworth. Public Health Laboratory Service, Monograph Series No. 6.

(*15*) Chatigny, M. A. (1961). *Protection Against Infection in the Microbiological Laboratory: Devices and Procedures.* In W. W. Umbreit (ed.). Advances in Applied Microbiology. Academic Press, New York, N.Y. 3:131–192.

(*16*) *Design Criteria for Viral Oncology Research Facilities* (1975). U.S. Department of Health, Education and Welfare, Public Health Service, National Institutes of Health. DHEW Publication No. (NIH) 75–891.

(*17*) Kuehne, R. W. (1973). *Biological Containment Facility for Studing Infectious Disease.* Appl. Microbiol. 26–239–243.

(*18*) Runkle, R. S., and G. B. Phillips (1969). *Microbial Containment Control Facilities.* Van Nostrand Reinhold, New York.

(*19*) Chatigny, M. A., and D. I. Clinger (1969). *Contamination Control in Aerobiology.* In R. L. Dimmick and A. B. Akers (eds.). An Introduction to Experimental Aerobiology. John Wiley & Sons, New York. pp. 194–263.

(*19A*) Horsfall, F. L., Jr., and J. H. Baner (1940). *Individual Isolation of Infected Animals in a Single Room.* J. Bact. *40*, 569–580.

(*20*) Biological safety cabinets referred to in this section are classified as *Class I, Class II,* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) With a full-width open front, (2) with an installed front closure panel

(having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm-length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* cabinet is a closed-front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaiminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before discharged to the outside environment.

(*21*) Hershfield, V., H. W. Boyer, C. Yanofsky, M. A. Lovett, and D. R. Helinski (1974). *Plasmid ColEl as a Molecular Vehicle for Cloning and Amplification of DNA.* Proc. Nat. Acad. Sci. USA *71*, 3455–3459.

(*22*) Wensink, P. C., D. J. Finnegan, J. E. Donelson, and D. S. Hogness (1974). *A System for Mapping DNA Sequences in the Chromosomes of Drosophila Melanogaster.* Cell *3*, 315–335.

(*23*) Tanaka, T., and B. Weisblum (1975). *Construction of a Colicin El–R Factor Composite Plasmid In Vitro: Means for Amplification of Deoxyribonucleic Acid.* J. Bacteriol. *121*, 354–362.

(*24*) Armstrong, K. A., V. Hershfield, and D. R. Helinski (1977). *Gene Cloning and Containment Properties of Plasmid Col El and Its Derivatives.* Science *196*, 172–174.

(*25*) Bolivar, F., R. L. Rodriguez, M. C. Betlach, and H. W. Boyer (1977). *Construction and Characterization of New Cloning Vehicles: I. Ampicillin-Resistant Derivative of pMB9.* Gene *2*, 75–93.

(*26*) Cohen, S. N., A. C. W. Chang, H. Boyer, and R. Helling (1973). *Construction of Biologically Functional Bacterial Plasmids in Vitro.* Proc. Natl. Acad. Sci. USA 70, 3240–3244.

(*27*) Bolivar, F., R. L. Rodriquez, R. J. Greene, M. C. Batlach, H. L. Reyneker, H. W. Boyer, J. H. Crosa, and S. Falkow (1977). *Construction and Characterization of New Cloning Vehicles: II. A Multi-Purpose Cloning System.* Gene *2*, 95–113.

(*28*) Thomas, M., J. R. Cameron, and R. W. Davis (1974). *Viable Molecular Hybrids of Bacteriophage Lambda and Eukaryotic DNA.* Proc. Nat. Acad. Sci. USA *71*, 4579–4583.

(*29*) Murray, N.E., and K. Murray (1974). *Manipulation of Restriction Targets in Phage Lambda to Form Receptor Chromosomes for DNA Fragments.* Nature *251*, 476–481.

(*30*) Rambach, A., and P. Tiollais (1974). *Bacteriophage Having EcoRI Endonuclease Sites Only in the Non-Essential Region of the Genome.* Proc. Nat. Acad. Sci., USA *71*, 3927–3930.

(*31*) Blattner, F. R., B. G. Williams, A. E. Bleche, K. Denniston-Thompson, H. E. Faber, L. A. Furlong, D. J. Gunwald, D. O. Kiefer, D. D. Moore, J. W. Shumm, E. L. Sheldon, and O. Smithies (1977). *Charon Phages: Safer Derivatives of Bacteriophage Lambda for DNA Cloning.* Science *196*, 163–169.

(*32*) Donoghue, D. J., and P. A. Sharp (1977). *An Improved Lambda Vector: Construction of Model Recombinants Coding for Kanamycin Resistance.* Gene *1*, 209–227.

(*33*) Leder, P., D. Tiemeier and L. Enquist (1977). *EK2 Derivatives of Bacteriophage Lambda Useful in the Cloning of DNA from Higher Organisms: The gt WES System.* Science *196*. 175–177.

(*33A*) Skalka, A. (1978). *Current Status of Coliphage EK2 Vectors.* Geen *3*, 29–35.

(*33B*) Szybalski, W., A. Skalka, S. Gottesman, A. Campbell, and D. Botstein (1978). *Standardized Laboratory Tests for EK2 Certification.* Gene *3*, 36–38.

(*34*) We are specifically concerned with the remote possibility that potent toxins could be produced by acquiring a single gene or cluster of genes. See also footnote 2A.

(*35*) Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section I–E–4.

(*36*) As classified in the Third Report of the International Committee on Taxonomy of Viruses: Classification and Nomenclature of Viruses, R. E. F. Matthews, Ed. Intervirology 12 (129–296) 1979. (As noted in the Prohibition Section, the use of viruses classified[1] as Class 4 or 5 is prohibited.)

(*37*) The cDNA copy of the viral mRNA must be >99% pure; otherwise as for shotgun experiments with eukaryotic cellular DNA.

(*37A*) For the purpose of these Guidelines, viruses of the families *Papovaviridae*, *Adenoviridae*, and *Herpetoviridae* (36) should be considered as "transforming" viruses. While only certain of these viruses have been associated with cell transformation *in vivo* or *in vitro*, it seems prudent to consider all members to be potentially capable of transformation. In addition, those viruses of the family *Poxviridae* that produce proliferative responses—i.e., myxoma, rabbit and squirrel fibroma, and Yaba viruses—should be considered as "transforming."

(*38*) >99% pure (i.e., less than 1% of the DNA consists of intact viral genomes); otherwise as for whole genomes.

(*39*) The viruses have been classified by NCI as "moderate-risk oncogenic viruses." See "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research" for recommendations on handling the viruses themselves.

(*40*) [Deleted]

(*41*) The DNA preparation is defined as "purified" if the desired DNA represents at least 99% (w/w) of the total DNA in the preparation, provided that it was verified by more than one procedure.

(*42*) The lowering of the containment level when this degree of purification has been obtained is based on the fact that the total number of clones that must be examined to obtain the desired clone is markedly reduced. Thus, the probability of cloning a harmful gene could, for example, be reduced by more than 10^5-fold when a nonrepetitive gene from mammals was being sought. Furthermore, the level of purity specified here makes it easier to establish that the desired DNA does not contain harmful genes.

(*43*) This is not permitted, of course, if it falls under any of the Prohibitions of Section I–D. Of particular concern here is prohibition I–D–5, i.e., "Deliberate transfer of a drug resistance trait to micro-organisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture."

(*44*) Because this work will be done almost exclusively in tissue culture cells, which have no capacity for propagation outside the laboratory, the primary focus for containment is the vector. It should be pointed out that risk of laboratory-acquired infection as a consequence of tissue culture manipulation is very low. Given good microbiological practices, the most likely mode of escape of recombinant DNAs from a physically contained laboratory is carriage by an infected human. Thus the vector with an inserted DNA segment should have little or no ability to replicate or spread in humans.

For use as a vector in a vertebrate host cell system, an animal viral DNA molecule should display the following properties:

(i) It should not consist of the whole genome of any agent that is infectious for humans or that replicates to a significant extent in human cells in tissue culture. If the recombinant molecule is used to transform nonpermissive cells (i.e., cells which do not produce infectious virus particles), this is not a requirement.

(ii) It should be derived from a virus whose epidemiological behavior and host range are well understood.

(iii) In permissive cells, it should be defective when carrying an inserted DNA segment (i.e., propagation of the recombinant DNA as a virus must be dependent upon the presence of a complementing helper genome). In almost all cases this condition would be achieved automatically by the manipulations used to construct and propagate the recombinants. In addition, the amount of DNA encapsidated in the particles of most animal viruses is defined within fairly close limits. The insertion of sizable foreign DNA sequences, therefore, generally demands a compensatory deletion of viral sequences. It may be possible to introduce very short insertions (50–100 base pairs) without rendering the viral vector defective. In such a situation, the requirement that the viral vector be defective is not necessary, except in those cases in which the inserted DNA encodes a biologically active polypeptide.

It is desired but not required that the functional anatomy of the vector be known—that is, fL-re sLogld be a clear idea of the location within the molecule of:

(i) The sites at which DNA synthesis originates and terminates,

(ii) The sites that are cleaved by restriction endonucleases, and

(iii) The template regions for the major gene product.

If possible the helper virus genome should:

(i) Be integrated into the genome of a stable line of host cells (a situation that would effectively limit the growth of the vector recombinant to such cell lines) or

(ii) Consist of a defective genome, or an appropriate conditional lethal mutant virus, making vector and helper dependent upon each other for propagation.

However, neither of these stipulations is a requirement.

(*45*) Review by NIH on a case-by-case basis means that NIH must review and set appropriate containment conditions before the work may be undertaken. NIH actions in such case-by-case reviews will be published in the *Recombinant DNA Technical Bulletin.*

(*46*) Provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated on a case-by-case basis.

(*47*) >99% pure; otherwise as for shotgun experiments.

(*48*) A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

(*49*) A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed.

(*50*) i.e., the total of all genomes within a Family shall not exceed two-thirds of the genome.

VI. Voluntary Compliance

VI–A. *Basic Policy.* Individuals, corporations, and institutions not otherwise covered by the Guidelines are encouraged to do so by following the standards and procedures set forth in Parts I–IV or the Guidelines. In order to simplify discussion, references hereafter to "institutions" are intended to encompass corporations, and individuals who have no organizational affiliation. For purposes of complying with the Guidelines, an individual intending to carry out research involving recombinant DNA is encouraged to affiliate with an institution that has an Institutional Biosafety Committee approved under the Guidelines.

Since commercial organizations have special concerns, such as protection of proprietary data, some modifications and explanations of the procedures in Parts I–IV are provided below, in order to address these concerns.

VI–B. *IBC Approval.* The NIH Office of Recombinant DNA Activities (ORDA) will review the membership of an institution's Institutional Biosafety Committee (IBC) and, where it finds the IBC meets the requirements set forth in Section IV–D–2, will give its approval to the IBC membership.

It should be emphasized that employment of an IBC member solely for purposes of membership on the IBC does not itself make the member an institutionally affiliated member for purposes of Section IV–D–2–a.

Except for the unaffiliated members, a member of an IBC for an institution not otherwise covered by the Guidelines may participate in the review and approval of a project in which the member has a direct financial interest, so long as the member has not been and does not expect to be engaged in the project. Section IV–D–2–d is modified to that extent for purposes of these institutions.

VI–C. [Deleted]

VI–D. *Certification of Host-Vector Systems.* A host-vector system may be proposed for certification by the Director, NIH, in accordance with the procedures set forth in Section II–D–2–a.

Institutions not otherwise covered by the Guidelines will not be subject to Section II–D–3 by complying with these procedures.

In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–E. *Requests for Exceptions, Exemptions, Approvals.* Requests for exceptions from prohibitions, exemptions, or other approvals required by the Guidelines should be requested by following the procedures set forth in the appropriate sections in Parts I–IV of the Guidelines.

In order to ensure protection for proprietary data, any public notice regarding a request for an exception, exemption, or other approval which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–F. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make their records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commercial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn makes it a crime for an officer or employee of the United States or any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by or return, report or record made to or filed with, such department or agency or officer of employee thereof, which information concerns or relates to the trade secrets, (or processes * * * of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including special Government employees. Members of the Recombinant DNA Advisory Committee are "special Government employees."

VI–F–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitute trade secrets or privileged or confidential commercial or financial information.

VI–F–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its views as to whether the information (or some portion) should be released.

V–F–3. If the NIH decides to release this information (or some portion) in response to a Freedom of Information request or otherwise, the institution will be advised; and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgement of the Director, NIH, is necessary to protect against an imminent hazard to the public or the environment.

VI–F–4. Projects should be registered in accordance with procedures specified in the *Administrative Practices Supplement.* The following information will usually be considered publicly available information, consistent with the need to protect proprietary data:

a. The names of the institution and principal investigator.

b. The location where the experiments will be performed.

c. The host-vector system.

d. the source of the DNA.

e. The level of physical containment.

VI–F–5–a. Any institution not otherwise covered by the Guidelines, which is considering submission of data or information voluntarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–F–5–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HEW Freedom of Information Officer, the responsible official under HEW regulations (45 CFR Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–F–5–c. ORDA will inform the institution of the HEW Freedom of Information Officer's determination and follow the institution's instructions as to where some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HEW, NIH, or ORDA.

VI–F–5–d. The HEW Freedom of Information Officer's determination will represent the official's judgment, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request were received from them under the Act.

Appendix A of Annex E.—Exemptions Under I–E–4

Section I–E–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment (see Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A."

Under exemption I–E–4 of these revised Guidelines are recombinant DNA molecules that are (1) composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R.E. Buchanan and N.E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia*
2. Genus *Shigella*
3. Genus *Salmonella* (including *Arizona*)
4. Genus *Enterobacter*
5. Genus *Citrobacter* (including *Levinea*)
6. Genus *Klebsiella*
7. Genus *Erwinia*
8. *Pseudomonas aeruginosa, Pseudomonas putida* and *seudomonas fluorescens*
9. *Serratia marcescens*

Sublist B

1. *Bacillus subtilis*
2. *Bacillus licheniformis*
3. *Bacillus pumilus*
4. *Bacillus globigii*
5. *Bacillus niger*
6. *Bacillus nato*
7. *Bacillus amyloliquefaciens*
8 *Bacillus aterrimus*

Sublist C

1. *Streptomyces aureofaciens*
2. *Streptomyces rimosus*
3. *Streptomyces coelicolor*

Sublist D

1. *Streptomyces griseus*
2. *Streptomyces cyaneus*
3. *Streptomyces venezuelae*

Sublist E

One way transfer of *Streptococcus mutans* or *Streptococcus lactis* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*
4. *Streptococcus pyogenes*

Appendix B of Annex E.—Classification of Microorganisms on the Basis of Hazard

I. *Classification of Etiologic Agents on the Basis of Hazard (1)*

A. Class 1 Agents

All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

B. Class 2 Agents

1. Bacterial Agents

Actinobacillus—all species except *A. mallei*, which is in Class 3
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis, B. vincenti
Clostridium botulinum, Cl. chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani
Corynebacterium diptheriae, C. equi, C. haemolyticum, C. pseudotuberculosis, C. pyogenes, C. renale
Diplococcus (Streptococcus) pneumoniae
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic serotypes
Haemophilus ducreyi, H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Leptospira interrogans—all serotypes
Listeria—all species
Mima polymorpha
Moraxella—all species
Mycobacteria—all species except those listed in Class 3
Mycoplasma—all species except *Mycoplasma mycoides* and *Mycoplasma agalactiae*, which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureus
Streptobacillus moniliformis
Streptococcus pyogenes
Treponema carateum, T. pallidum, and T. pertenue
Vibrio fetus, V. comma, including biotype El Tor, and *V. parahemolyticus*

2. Fungal Agents

***Actinomycetes* (including *Nocardia* species and *Actinomyces species and Arachnia propionica)*
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides brasilienis

3. Parasitic Agents

Endamoeba histolytica
Leishmania sp.
Naegleria gruberi
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

4. Viral, Rickettsial, and Chlamydial Agents

Adenoviruses—human—all types
Cache Valley virus
Coxsackie A and B viruses
Cytomegaloviruses
Echoviruses—all types.
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis-associated antigen material
Herpes viruses—except *Herpesvirus simiae* (Monkey B virus) which is in Class 4
Coroma viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymphogranuloma venereum agent
Measles virus
Mumps virus

Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Polioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox, Monkey pox, and Whitepox,* which depending on experiments, are in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus,* which should be classified in Class 3 when inoculated into carnivores
Reoviruses—all types
Respiratory syncytial virus
Rhinoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus) and Marburg virus,* which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vole rickettsia
Yellow fever virus, 17D vaccine strain

C. Class 3 Agents

1. Bacterial Agents

*Actinobacillus mallei**
Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocide type B ("buffalo" and other foreign virulent strains*)
*Pseudomonas pseudomallei**
Yersenia pestis

2. Fungal Agents

Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*

3. Parasitic Agents

Schistosoma mansoni

4. Viral, Rickettsial, and Chlamydial Agents

***Alastrim, Smallpox, Monkey pox, and Whitepox,* when used *in vitro*
Arboviruses—all strains except those in Classes 2 and 4 (Arboviruses indigenous to the United States are in Class 3, except those listed in Class 2. *West Nile* and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lymphocytic choriomeningitis virus (LCM)
Psittacosis-Ornithosis-Trachoma group of agents
Rabies street virus, when used in inoculations of carnivores (See Class 2)
Rickettsia—all species except *Vole rickettsia* when used for transmission or animal inoculation experiments
*Vesicular stomatitis virus**
Yellow fever virus—wild, when used *in vitro*

D. Class 4 Agents

1. Bacterial Agents

None

3. Fungal Agents

None

3. Parasitic Agents

None

Viral, Rickettsial, and Chlamydial Agents

****Alastrim, Smallpox, Monkey pox, and Whitepox,* when used for transmission or animal inoculation experiments
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin,* and *Machupo* viruses, and others as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever,* and *Central European encephalitis viruses*
Venezuelan equine encephalitis virus, epidemic strains, when used for transmission or animal inoculation experiments
Yellow-fever virus—wild, when used for transmission or animal inoculation experiments

II. Classification of Oncogenic Viruses on the Basis of Potential Hazard (2)

A. Low-Risk Oncogenic Viruses

Rous Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma

B. Moderate-Risk Oncogenic Viruses

Ad2–SV40
FeLV
HV Saimiri
EBV
SSV–1
GaLV
HV ateles
Yaba
FeSV

III. Animal Pathogens (3)

A. Animal disease organisms which are forbidden entry into the United States by Law (CDC Class 5 agents)

1. Foot and mouth disease virus

B. Animal disease organisms and vectors which are forbidfden entry into the United States by USDA Policy (CDC Class 5 Agents)

African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Footnotes and References of Appendix B

*A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782.

**Since the publication of the classification in 1974 [1], the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

***All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

(*1*) *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(*2*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790

(*3*) U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C of Annex E.—Exemptions under I–E–5

Section I–E–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section I–E–5 of the Guidelines:

1. *Recombinant DNAs in Tissue Culture.*

Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions.

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Experiments involving the deliberate introduction of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

2. *Experiments Involving E. coli K–12 host-vector systems.*

Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or nonconjugative plasmids [49] shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information [35] with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugation-proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions.

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms [1] or from cells known to be infected with these agents may be conducted at P3 containment. Lower containment levels may be specified by NIH. (See Section IV–E–1–b–(2)–(e).) Experiments in this category require prior IBC review and approval.

Experiments which increase the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval.

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

3. *Experiments Involving Saccharomyces cerevisiae host-vector systems.*

Experiments which use *Saccharomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelines provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions.

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval.

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

4. *Experiments Involving Bacillus subtilis host-vector systems.*

Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, with the exception of those experiments listed below. Indigenous *Bacillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis*, may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions.

Experiments described in Section I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval.

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

Appendix D of Annex E.—HV1 and HV2 Host-Vector Systems Assigned Containment Levels as Specified in the Subsections of Section III–A

As noted above at the beginning of Section III–A, certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of Section III–A. Those so classified as of publication of these Revised Guidelines are listed below.

*HV1—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

(1) inl (inositolless) strains 37102, 37401, 46316, 64001 and 89601.

(2) csp–1 strain UCLA37 and csp–2 strains FS 590, UCLA101 (these are conidial separation mutants).

(3) eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus,* and *S. griseus.* The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

Appendix E of Annex E.—Actions Taken Under the Guidelines

As noted in the subsections of Sections IV–E–1–b–(1) and IV–E–1–b–(2), the Director, NIH, may take certain actions with regard to the Guidelines after consideration by the RAC.

Some of the actions taken to date include the following:

1. The following experiment has been approved: The cloning in *B. subtilis*, under P2 conditions, of DNA derived from *Saccharomyces cerevisiae* using EK2 plasmid

*These follow the assigned containment levels as specified in the subsections of Section III–A with one exception. This exception is that experiments involving complete genomes of eukaryotic viruses will require P3 + HV1 or P2 + HV2 rather than the levels given in the subsections of Section III–A.

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vectors provided that an HV1 *B. subtilis* host is used.

2. Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agents other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. Care must be exercised to prevent aerial dispersal of macroconidia, in accordance with good laboratory practice. Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can be used in all experiments for which HV2 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used.

3. P2 physical containment shall be used for DNA recombinants produced between members of the *Actinomycetes* group except for the species which are known to be pathogenic for man, animals, or plants.

4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HV1 systems (i.e. one step higher physical containment than that specified in the subsections of Section III–A). However, DNA from plants and nonpathogenic prokaryotes may be cloned under P2 containment conditions; and the *Saccharomyces cerevisiae* alcohol dehydro-genase 1 gene and the gene coding for the maize (*Zea mays*) seed storage protein, zein, may be cloned under P1 conditions. Transfer into plant parts or cells in culture is permitted at the same containment level as is ued for the cloning in *Agrobacterium tumefaciens*.

5. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used as hosts specifically for the cloning of DNA derived from *E. coli* K–12 and *Streptomyces coelicolor, S. aureofaciens, S. rimosus, S. griseus, S. cyaneus*, and *s. venezuelae*, using NIH-approved *Staphylococcus aureau* plasmids as vectors under P2 conditions.

6. *Streptomyces coelicolor, S. auerofaciens, S. rimosus, S. griseus, S. cyaneus*, and *S. venezuelae* can be used as hosts for the cloning of DNA derived from *B. subtilis, E. coli*, K–12, or from *S. aureus* vectors that have been approved for use in *B. subtilis* under P2 conditions, using as vectors any plasmid indigenous to *Streptomyces* species or able to replicate in these hosts by natural biological mechanisms.

7. Certain cloned segments of *Anabena* DNA may be transferred into *Klebsiella* under P2 physical containment.

8. Permission is granted to clone foot-and-mouth disease virus in the EK1CV host-vector system consisting of *E. coli* K–12 and the vector pBR322, all work to be done at the Plumb Island Animal Disease Center.

9. Permission is granted to clone the Exotoxin A gene of *Pseudomonas aeruginosa* under P1 + EK1 conditions in *Escherichia coli* K–12 and under P1 conditions in *Pseudomonas aeruginosa*.

10. Permission is granted to return to the host of origin *Helminthosporanium maydis* (race O) DNA which has been cloned in yeast strain SHY2 using the hybrid *E. coli*—yeast plasmid Y1p5. The cloned DNA may be returned to, and propagated in, *Helminthosporanium maydis* at the P2 level of physical containment.

11. Permission is granted to return *Schizophyllum commune* DNA (or yeast DNA) cloned in *Saccharomyces cerevisiae* with YR or 2 mu circle vectors to *Schizophyllum commune*. The cloned DNA may be returned to, and propagated in, *Schizophyllum commune* at the P2 level of physical containment.

12. Permission is granted to return *Wangiella dermatitidis* DNA to *Wangiella dermatitidis* using an HV2 certified *Saccharomyces/E. coli* hybrid vector. The *Wangiella dermatitidis* may be propagated at the P3 level of physical containment.

13. Certain specified clones derived from segments of the Foot-and-Mouth Disease Virus may be transferred from Plum Island Animal Disease Center to the facilities of Genetech, Inc., of South San Francisco, California. Further development of the clones at Genentech has been approved under P1 + EK1 conditions.

14. *Saccharomycopsis lipolytica* may be used as a host for transformation with defined *Escherichia coli/Saccharomyces cerevisiae* hybrid plasmids and the hybrid plasmids may be used for cloning *S. lipolytica* DNA in *E. coli* and returning the cloned DNA to *S. lipolytica*.

15. Conjugative plasmids or transducing phages may be employed in recombinant DNA experiments when employing *E. coli* as host when a small defined segment of Adenovirus 2 DNA is employed as linker DNA.

16. Permission is granted to introduce DNA segments from aphid tramsmissible strains into non-aphid transmissible strains of Cauliflower mosiac virus in order to study the factors determining aphid transmissibility.

17. Permission is granted to return *Mucor racemosus* DNA which as been cloned in *Saccharomyces cerevisiae* host-vector systems to *Mucor racemosus*. In addition, permission is granted to transform *Mucor racemosus* with *S. cerevisiae* vectors with or without cloned *S. cerevisiae* sequences. These manipulations may be performed under P2 conditions.

18. DNA from nonpathogenic prokaryotes and nonpathogenic lower eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions.

19. The pyrogenic endotoxin type A (Tox A) gene of *Staphylococcus aureus* may be cloned in an HV2 *Bacillus subtilis* host-vector system under P3 containment conditions.

20. A hybrid plasmid composed of, (1) *E. coli* plasmid pBR325, (2) the origin of replication and transfer genes of *Agrobacterium tumefaciens* plasmid Ti, (3) the thiamine gene of *E. coli*, and (4) *Arabidopsis* DNA, may be transformed into *Agrobacterium tumefaciens* under P1 conditions. The *Agrobacterium tumefaciens* may subsequently be used to introduce the composite plasmid carrying *Arabidopsis* DNA and the *E. coli* thiamine gene into *Arabidopsis* plants under P1 containment conditions.

21. *Chlamydomonas reinhardi* can be used as a host for cloning defined DNA segments derived from *E. coli* and *Saccharomyces cerevisiae* using *E. coli/S. cerevisiae* hybrid vectors under P2 physical containment.

22. *Candida albicans* can be used as a host for cloning *Candida albicans* DNA following propagation of the DNA in *E. coli* K–12 or in *Saccharomyces cerevisiae* employing an *E. coli-S. cerevisiae* hybrid plasmid vector or the yeast 2 micron plasmid.

23. The Rd strain of *Hemophilus influenzae* can be used as a host for the propagation of the cloned Tn 10 tet R gene derived from *E. coli* K–12 employing the non-conjugative *Haemophilus* plasmid, pRSF0885, under P1 conditions.

24. *Zymomonas mobilis* may be used as a host under P2 conditions for transformation by recombinant DNA derived from *Pseudomonas* strains that are non-pathogenic for animals or plants, and that has been cloned in an *E. coli* K–12 host.

25. Protoplasts of *Streptosporangium brasiliense* may be transformed with a hybrid plasmid containing pBR322 plus a *Streptosporangium* plasmid into which have been incorporated specified DNA segments from *Streptomyces* species or an HV1 approved *Bacillus subtilis* cloning vector.

26. *Saccharomyces cerevisiae* DNA may be cloned in *Tetrahymena thermophila* using *E coli/S. cerevisiae* hybrid plasmids under P1 containment conditions.

27 All members of the nonpathogenic *Actinomycetes* genus *Streptomyces* and the plasmids native to this genus are approved as host-vector systems for the cloning under P1 conditions of DNA derived from other nonpathogenic prokaryotic organisms such as *Streptomyces* and other nonpathogenic *Actinomycetes* species. *Escherichia coli* K–12, *Bacillus subtilis, Bacillus licheniformis, Bacillus circulans*, and other nonpathogenic *Bacillus* species, and for the cloning of DNA derived from nonpathogenic unicellular eukaryotic microorganisms such as *Saccharomyces cerevisiae* and *Neurospora crassa*

28 *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P2 conditions for the cloning of DNA from any CDC Class 1 organism, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

29. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

30. Permission is granted to clone in *E. coli* K–12, in high containment Building 550 at the Frederick Cancer Research Center, restriction fragments of *Corynephage Beta* carrying the structural gene for diphtheria toxin. Laboratory practices and containment equipment are to be specified by the IBC.

31. Permission is granted to clone certain subgenomic segments of Foot and Mouth Disease Virus in HV1 *Bacillus subtilis* and *Saccharomyces cerevisiae* host-vector systems under P1 conditions at Genentech, Inc., South San Francisco, California.

32. Permission is granted in principle to propagate in mammalian cell culture recombinant DNA molecules consisting of segments of Foot and Mouth Disease Virus and SV40 deletion vectors under P3 conditions at the Plum Island Animal Disease Center. Approval is subject to review by a RAC Working Group of individual experiments.

33. A conjugative plasmid may be used to transfer among *E. coli* K–12 strains, under P2 physical containment, the qa–2 of *Neurospora crassa* ligated to a mobilizable plasmid.

34. *E. coli* K–12 strain DF214 (or derivatives thereof) and plasmid vectors (e.g., pBR322, pBR325) may be used to clone rat cDNA under P2 conditions. After the clone of interest has been purified, it may be worked with under P1 containment.

35. Permission is granted to Dr. Ronald Davis of Stanford University to field test corn plants modified by recombinant DNA techniques under specified containment conditions.

36. Permission is granted to clone in *E. coli* K–12, under P1 physical containment conditions, subgenomic segments of Rift Valley Fever Virus Subject to conditions which have been set forth by the RAC.

37. Permission is given to transfer a recombinant lactose plasmid from *Streptococcus faecalis* to *S. lactis* by conjugation.

38. Attenuated laboratory strains of *Salmonella typhimurium* may be used under P1 physical containment conditions to screen for the *Saccharomyces cerevisiae* pseudouridine synthetase gene. The plasmid YEp13 will be employed as the vector.

39. Permission is granted to clone in *Haemophilus parainfluenzae* Moloney murine leukemia provirus and mouse cellular flanking sequences employing the plasmid vector, pRK290, under P2 containment conditions.

40. Permission is granted for the development, under P1 conditions, of a new host-vector system based on the use of *Corynebacterium glutamicum* as host and non-conjugative poorly mobilizable plasmids as vectors.

41. *Vibrio harveyi* DNA may be cloned in *Vibrio cholera*; plasmids may be used to transfer the cloned *V. harveyi* DNA between *E. coli* K–12, *V. cholera*, and *V. harveyi*. P2 physical containment conditions are required for those experiments involving *V. cholera*. P1 containment conditions may be used for other phases of the project.

Appendix F of Annex E.—Certified Host-Vector Systems

While many experiments using *E. coli* K–12, *Saccharomyces cerevisiae* and *Bacillus subtilis* are currently exempt from the Guidelines under Exemption I–E–5, some derivatives of these host-vector systems were previously classified as HV1 or HV2. A listing of those systems follows.

HV1—The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RUB 331 and BGSC 1553 have been certified as the host component of HV1 systems based on these plasmids.

HV2—The asporogenic mutant derivative of *Bacillus subtilis*, ASB 298, with the following plasmids as the vector component: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae*, all of which have the ste–VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32 and YIp33.

EK2 Plasmid Systems. The *E. coli* K–12 strain chi–1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi–1776 or in the sterile yeast strains, SHY1, SHY2, SHY3 and SHY4: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, YIp33.

EK2 Bacteriophage Systems: The following are certified EK2 systems based on bacteriophage lambda.

Vector	*Host*
λgt*WES*. λB′	DP50*supF*
λgt*WES*. λB*	DP50*supF*
λgtZ]*vir*. λB′	*E. coli* K–12
λgtALO. λB	DP50*supF*
Charon 3A	DP50 or DP50*supF*
Charon 4A	DP50 or DP50*supF*
Charon 16A	DP50 or DP50*supF*
Charon 21A	DP50*supF*
Charon 23A	DP50 or DP50*supF*
Charon 24A	DP50 or DP50*supF*

Appendix G of Annex E.—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. General Information

Appendix G specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i).)

2. Containment Conditions for Cloning of Toxin Genes in E. coli K–12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2 + EK2 or P3 + EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1 + EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered internally than parenterally. The following enterotoxins shall be subject to P1 + EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli*, *Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum mono-specific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. coli K–12

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j).)

Appendix H of Annex E.—Experiments Covered by Section III–0

No experiments currently fall under Section III–0 of the Guidelines.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

Dated: October 26, 1981.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases.

[FR Doc. 81-34469 Filed 12-3-81, 8:45 am]

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federal register

Friday
December 4, 1981

Part III

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and Federally-Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR81-4040	June 19, 1981
AR81-4041	June 19, 1981
California:	
CA81-5129	July 6, 1981
CA81-5154	Sept. 25, 1981
Delaware: DE81-3028	May 8, 1981
Iowa: IA81-4089	Nov. 13, 1981
Idaho: ID81-5157	Oct. 9, 1981.
Louisiana:	
LA81-4084	Nov. 6, 1981
LA81-4086	Nov. 6, 1981
Oklahoma:	
OK81-4051	July 10, 1981
OK81-4054	July 10, 1981
OK81-4056	July 17, 1981
OK81-4066	Aug. 21, 1981
OK81-4067	Aug. 21, 1981.
OK81-4069	Sept. 4, 1981
OK81-4070	Sept. 4, 1981
OK81-4071	Sept. 11, 1981
OK81-4072	Sept. 4, 1981
Virginia: VA81-3083	Nov. 6, 1981
Pennsylvania:	
PA81-3049	July 17, 1981
PA81-3047	July 17, 1981
PA80-3074	Dec. 12, 1980
PA81-3027	July 17, 1981
PA81-3029	July 10, 1981
PA81-3043	July 17, 1981
PA81-3044	Aug. 7, 1981
Texas:	
TX81-4030	May 8, 1981
TX81-4036	June 5, 1981
TX81-4037	June 5, 1981
TX81-4044	June 26, 1981
TX81-4074	Oct. 2, 1981
TX81-4075	Oct. 2, 1981
TX81-4076	Oct. 2, 1981
TX81-4077	Oct. 2, 1981
TX81-4079	Oct. 2, 1981
TX81-4083	Nov. 6, 1981

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Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Kansas: KS80-4055 (KS81-4100)	July 18, 1980
Maryland: MD81-3002 (MD81-3087)	Jan. 16, 1981
Ohio: OH81-2021 (OH81-2064)	May 8, 1981
Washington: WA81-5126 (WA81-5163)	July 6, 1981

Signed at Washington, D.C. this 27th day of November 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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Modification Page 1

DECISION #AR81-4040-Mod. #6 46FR32179-June 19, 1981 Union & Ouachita Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electrical Contracts $20,000. or less:					
Electricians	$14.39		3%		1/4%
Cable splicers	14.69		3%		1/4%
Electrical Contracts over $20,000.:					
Electricians	15.1[illegible]		3%		1/4%
Cable splicers	15.4[illegible]		3%		1/4%
LINE CONSTRUCTION:					
Electrical Contracts $20,000. or less:					
Electricians	14.39		3%		1/4%
Cable splicers	14.69		3%		1/4%
Electrical Contracts over $20,000.:					
Electricians	15.1[illegible]		3%		1/4%
Cable splicers	15.4[illegible]		3%		1/4%

DECISION #AR81-4041-Mod. #5 46FR32137-June 19, 1981 Garland, Clark and Hot Springs Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%

Modification Page 2

DECISION NO. CA81-5129 - Mod. #3 (46 FR 34961 - July 6, 1981) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ELEVATOR CONSTRUCTORS:					
Area 1:					
Elevator Constructors	$18.67	1.345	1.085	a	.035
Elevator Constructors Helpers	70%JR	1.345	1.085	a	.035
Probationary Helpers	50%JR				
IRRIGATION and LAWN SPRINKLERS	13.52	10%	16%	13%	1½%
PAINTERS:					
Area 1:					
Brush; Paint Burners	16.74	1.23	1.78	.75	.07
Iron, steel and bridge (swing stage)	17.74	1.23	1.78	.75	.07
Sheet Rock Taper	16.05	1.23	1.78	.75	.07
Brush (swing stage); Spray	16.99	1.23	1.78	.75	.07
Steeplejack	18.39	1.23	1.78	.75	.07

DECISION NO. CA81-5154 - Mod. #5 (46 FR 47384 - September 25, 1981) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
IRRIGATION and LAWN SPRINKLERS	13.52	10%	16%	13%	1½%

Modification Page 3

DECISION #AR81-4042-Mod. #5 46FR32138-June 19, 1981 Benton, Carroll, Madison, Washington and Crawford Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%

Modification Page 4

DECISION #AR81-4043-Mod. #5 46FR32139-June 19, 1981 Faulkner, Lonoke, Pulaski, Saline and White Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%

Modification Page 3

DECISION NO. DE-81-3028 MOD. NO. 9 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Building & Heavy					
Sussex County	$13.17	.80	1.50		.06
Millwrights:					
Sussex County	13.77	.80	1.50		.06
Bricklayers & Stonemasons	12.90	1.45	1.10		
Ironworkers:					
Structural, Ornamental, Reinforcing, Rigger and Machinery Movers	14.95	1.49	1.46		.05
DECISION NO. IA81-4089 - MOD. #1 (46 FR 56122 - November 13, 1981) Clinton County, Iowa					
CHANGE:					
Building, water treatment plants & sewage disposal plants construction:					
Bricklayers & stonemasons	$14.03		.50		.02
ADD:					
Building, water treatment plants & sewage disposal plants construction:					
Cement masons	13.53		.50		.02
Plasterers	14.03		.50		.02

Modification Page 4

DECISION NO. ID81-5157 - Mod #1 (46 FR 50223 - October 9, 1981) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS; STONEMASONS; and MARBLE SETTERS:					
Area 2	$16.68	1.05	2.00		.05
ELEVATOR CONSTRUCTORS:					
Area 2:					
Mechanics	14.045	1.345	1.085	a	.035
Helpers	9.83	1.345	1.085	a	.035
Probationary Helpers	7.02				
GLAZIERS:					
Area 3	14.01	.64	.30		
Area 4	10.55	.84	.30	b	
IRONWORKERS: ORNAMENTAL; REINFORCING; STRUCTURAL					
Area 3	14.87	1.25	1.60		.04
PLASTERERS:					
Area 2	11.64	1.04	1.00	1.50	.20

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Modification Page 5

DECISION NO. LA81-4084 - MOD. #2 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Pars., Louisiana	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers:					
Bossier & Caddo Pars.	$14.71	.95	1.48		.045
Elevator constructors:					
Calcasieu Parish:					
Mechanics	13.43	1.345	1.035	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
Tile setters:					
Calcasieu Parish	10.60	.48	.67		.02
DECISION NO. LA81-4086 - MOD. #2 (46 FR 55185 - November 6, 1981) Statewide Louisiana					
CHANGE:					
Asbestos workers - Zone 2	14.71	.95	1.48		.045
Electricians:					
Zone 2 - Electricians	14.50	.60	3%		.02
Cable splicers	15.00	.60	3%		.02
Elevator constructors:					
Zone 1 - Mechanics	13.43	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
Marble, tile & terrazzo workers & finishers:					
Zone 2 - Tile setters	10.60	.48	.67		.02
OMIT all rates & classifications for lathers					
ADD:					
Lathers - Zone 1	11.93	.55	.40		.05
Zone 2	12.08	.55	.40		.05
Zone 3	12.33	.55	.40		.05
Zone 4	12.68	.55	.40		.05
Zone 5	14.30	.65	.70		.10
Zone 6	12.05	.55			.05
Zone 7	13.81	.85	.48		.07
Zone 8	11.00	.65	.50		.04
Zone 9	12.00				
Zone 10	11.65	.80	.70		.10

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DECISION NO. LA81-4086 - MOD. #2 (CONT'D)

LATHERS ZONE DEFINITIONS

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans

ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard, & St. Charles Pars. which are within a 22.5 mile radius of New Orleans Center

ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans Center

ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius of New Orleans Center

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston (western part), Pointe Coupee, St, Helena, St. James (only towns of Union, Hymel, Convent & Lutcher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond, & Pontchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Pars.

ZONE 6 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Pars.

ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Pars.

ZONE 9 - Avoyelles, Grant, LaSalle, Natchitoches, Rapides & Sabine Pars.

ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas Union, West Carroll & Winn Pars.

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DECISION #OK81-4051-Mod. #7 46FR35886-July 10, 1981 Pittsburg County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Roofers	$12.40	.85	.50		.04
Sheet metal workers	14.91	.65	.72		.10
DECISION #OK81-4054-Mod. #6 **46FR35888-July 10, 1981** **Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma**					
CHANGE:					
BRICKLAYERS:					
Muskogee, Adair and Cherokee Counties	$14.85	.[illegible]0	.70		.05
PAINTERS (Okmulgee County):					
Brush	13.35		.60		.10
Highwork and stage	13.75		.60		.10
Spray and sandblasting	14.35		.60		.10
Hot or bituminous	14.65		.60		.10
Sheetrock hand tools	13.35		.60		.10
Sheetrock power tools	14.35		.60		.10
PLASTERERS	14.20				.01
SHEET METAL WORKERS	14.91	.65	.72		.10
ROOFERS	12.40	.85	.50		.04
DECISION #[illegible]K[illegible]1-4056-Mod. #7 **46FR37209-July 17, 1981** **Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma**					
CHANGE:					
PAINTERS:	$13.35		.60		.10
Brush	13.35		.60		.10
Highwork and stage	13.75		.60		.10
Spray and Sandblasting	14.35		.60		.10
Hot or bituminous	14.65		.60		.10
Sheet rock hand tools	13.35		.60		.10
Sheet rock power tools	14.35		.60		.10
Roofers	12.40	.85	.50		.04
Sheet metal workers	14.95	.65	.72		.10
Plasterers	14.20				.01

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DECISION #OK81-4066-Mod. #6 46FR42610-August 21, 1981 Garfield County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ROOFERS	$12.40	.85	.50		.04
DECISION #OK81-4067-Mod. #7 **46FR42613-August 21, 1981** **Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole and Pottawatomie Counties, Oklahoma**					
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Logan, Canadian, and McClain Counties	$14.05	.88	1.05		.13
CEMENT MASONS:					
Lincoln, Oklahoma, Caddo, McClain, Grady, Cleveland, Canadian, Logan and Kingfisher Counties	12.53	.75			
ROOFERS	12.40	.85	.50		.04
DECISION #OK81-4069-Mod. #5 **46FR44464[illegible]6-September 4, 1981** **Wagoner County, Oklahoma**					
CHANGE:					
PLASTERERS	$14.20				.01
SHEET METAL WORKERS	14.91	.65	.72		.10
ROOFERS	12.40	.85	.50		.04
DECISION #OK81-4070-Mod. #6 **46FR44651-September 4, 1981** **Comanche County, Oklahoma**					
CHANGE:					
BRICKLAYERS	$12.46	.62	.50		.12
CARPENTERS:					
Carpenters	11.45	.65	.50		.09
Millwrights-[illegible]iledrivermen	11.95	.65	.50		.09
ROOFERS	12.40	.85	.50		.04

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DECISION #OK81-4071-Mod. #5 46FR55535-Sept. 11, 1981 McIntosh County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
ROOFERS	$12.40	.85	.50		.04
PLASTERERS	14.20				.01
SHEET METAL WORKERS	14.91	.65	.72		.10
DECISION #OK81-4072-Mod. #5 46FR44648-Sept. 4, 1981 Latimer, Leflore, Haskell, Sequoyah & Pushmataha Counties, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	$14.91	.65	.72		.10
ROOFERS	12.40	.85	.50		.04
PLASTERERS (Sequoyah Co.)	14.20				.01
Decision No. VA81-3083-Mod. #1 (46 FR 55217-November 6,1981 The Cities of Chesapeake, Portsmouth, and Virginia Beach					
CHANGE:					
ELEVATOR CONSTRUCTORS	10.33	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS HELPERS	7.23	1.195	.95	b+c	.035

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DECISION NO. PA81-3049 - MOD. #2 (46 FR 37221 - July 17, 1981) Elk, Forest, McKean & Warren Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
TILE SETTERS & TERRAZZO WORKERS: Elk, McKean and Warren Cos.	14.28	.90	1.28		
DECISION NO. PA81-3047 - MOD. #1 (46 FR 37225 - July 17, 1981) Lawrence & Mercer Counties, Pennsylvania					
CHANGE:					
BRICKLAYERS & STONEMASONS: Mercer County	13.82	1.00	1.49		.02
MILLWRIGHTS: Mercer County	14.66	1.34	1.50		.05
ADD: To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3074 MOD. NO. 9 (45 FR 81981 - December 12, 1980) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
CHANGE:					
Asbestos Workers					
Zone 1	$13.83	.80	.80		.01
Bricklayers & Stonemasons:					
Zone 1	11.90	1.00	1.20		.05
Zone 4	12.60	1.00	1.20		.05
Electricians:					
Zone 1	14.95	1.75	3%+.80		.10
Plumbers & Steamfitters					
Zone 1	14.66	.94	.95		.05
Zone 3	13.80	1.02	1.00		.11
Sheet metal workers					
Zone 2	13.01	1.63	1.18		.23
DECISION NO. PA81-3027 MOD. NO. 3 (46 FR 37212 - July 17, 1981) Franklin County, Pennsylvania					
CHANGE:					
Bricklayers	$11.87	.95	.72		.01
Painters	10.00	.45	.15		
Plumbers	13.80	1.02	1.00		.11
Sheet metal Workers	13.01	1.63	1.18		.23
DECISION NO. PA81-3029 MOD. NO. 2 (46 FR 35891 - July 10, 1981) Blair County, Pennsylvania					
CHANGE:					
Bricklayers	11.90	1.00	1.20		.05
Electricians	14.95	1.75	3%+.50		.10
Sheet metal workers	13.01	1.63	1.18		.23
Stonemasons	11.90	1.00	1.20		.05
Terrazzo Workers	11.90	1.00	1.20		.05
Tile Setters	11.90	1.00	1.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3043 - MOD. #2 (46 FR 37212 - July 17, 1981) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania					
CHANGE:					
ELECTRICIANS					
Zone 1	14.95	1.75	3%+.50		.10
PLUMBERS					
Zone 2	15.48	.80	1.70		.08
DECISION NO. PA81-3044 - MOD. #4 (46 FR 40477 - August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pennsylvania					
CHANGE:					
BRICKLAYERS & STONEMASONS					
Zone 1	12.60	1.00	1.20		.05
BRICKLAYERS & STONEMASONS					
Zone 5	11.90	1.00	1.20		.05
CEMENT MASONS					
Zone 3	15.40	.75	.60		.02
ELECTRICIANS (Zone I)	14.95	1.75	3%+.50		.10
MARBLE SETTERS					
Zone 1	12.60	1.00	1.20		.05
PLUMBERS & STEAMFITTERS					
Zone 1	15.48	.80	1.70		.08
SHEET METAL WORKERS					
Zone 2	13.01	1.63	1.18		.23

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DECISION NO. TX81-4030 - MOD. #5 (46 FR 25984 - May 8,1981) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Zone 1 - Electricians	$13.98	.60	3%+.50		1/2%
Cable splicers	15.38	.60	3%+.50		1/2%
Line construction:					
Zone 2:					
Linemen	13.9[illegible]	.60	3%+.50		1/2%
Cable splicers	15.3[illegible]	.60	3%+.50		1/2%
Groundmen	9.2[illegible]	.60	3%+.50		1/2%
Operator-hole digger, line truck	10.75	.60	3%+.50		1/2%
Flat bed truck driver	8.11	.60	3%+.50		1/2%
DECISION NO. TX81-4036 - MOD. #2 (46 FR 30286 - June 5,1981) Lubbock County, Texas					
CHANGE:					
Electricians:					
Electricians	13.75	.60	3%		1/10%
Cable splicers	14.00	.60	3%		1/10%
Ironworkers:					
Structural, ornamental, reinforcing	12.30	.55	1.70		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	12.425	.55	1.70		.10
Laborers - Group 1	7.31	.30	.27		
Group 2	7.58	.30	.27		
Group 3	7.51	.30	.27		
Group 4	7.66	.30	.27		
Group 5	7.91	.30	.27		
Plumbers & steamfitters	13.45	.50	.55		.04
Line construction:					
Linemen	13.75	.60	3%		1/10%
Operators	11.00	.60	3%		1/10%
Groundmen	7.56	.60	3%		1/10%
Flat bed trunk driver	9.625	.60	3%		1/10%

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DECISION NO. TX81-4037 - MOD. #6 (46 FR 30284 - June 5,1981) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$14.71	.95	1.48		.045
Ironworkers:					
Structural, ornamental, reinforcing	12.30	.55	1.70		.10
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	12.425	.55	1.70		.10
DECISION NO. TX81-4044 - MOD. #3 (46 FR 33194 - June 26, 1981) Bowie County, Texas					
CHANGE:					
Asbestos workers	14.71	.95	1.48		.045
Electricians	14.02	.60	3%+.50		1/4%
Ironworkers	12.90	.60	1.65		.11
Line construction:					
Linemen	15.20		3%		1/2%
Cable splicers	15.66		3%		1/2%
Hole digger op., heavy equipment ops. (or pole cat equivalent);powderman	13.83		3%		1/2%
Line truck driver (winch op.)	12.46		3%		1/2%
Jackhammer man	11.40		3%		1/2%
Groundman	10.18		3%		1/2%
Truck driver (flat bed, ton & half & under)	10.79		3%		1/2%
Power equipment ops.:					
Group 1	7.515	.65	1.25		.15
Group 2	13.57	.65	1.25		.15
Group 3	13.97	.65	1.25		.15

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educatio and or Appr. Tr.
DECISION NO. TX81-4074 - MOD. #3 (45 FR 48861 - October 2, 1981) Travis County, Texas					
CHANGE:					
Glaziers	$11.91		.50		.02
Line construction:					
Linemen	15.03	.60	3%		1/2%
Groundmen	8.27	.60	3%		1/2%
DECISION NO. TX81-4075 - MOD. #2 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Lathers (Harris Co. only)	14.90	1.00	.95		.07
Plumbers	16.89	.75	.80		.10
Truck drivers - Group 1	10.79				
Group 2	11.21				
Group 3	11.61				
Group 4	11.61				
Group 5	12.18				
Power equipment operators:					
Group 1	15.09	.75	1.25		.09
Group 2	13.23	.75	1.25		.09
Group 3	12.60	.75	1.25		.09
Group 4	12.39	.75	1.25		.09
DECISION NO. TX81-4076 - MOD. #2 (46 FR 48857 - October 2, 1981) Brazos County, Texas					
CHANGE:					
Plumbers	16.89	.75	.80		.10
Power equipment operators:					
Group 1	15.09	.75	1.25		.09
Group 2	13.23	.75	1.25		.09
Group 3	12.60	.75	1.25		.09
Group 4	12.39	.75	1.25		.09

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educatior and/or Appr. Tr.
DECISION NO. TX81-4077 - MOD. #2 (46 FR 48859 - October 2, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Bricklayers & stonemasons	$15.68	.94	1.10		.06
Electricians	17.55	.90	3%+.285		.08
Glaziers - southern 1/2 of Jefferson Co. & all of Orange Co. (Commercial)	13.91	.82			.05
Lathers	14.37	.85	.60		.065
Tile setters	14.17	.94	1.10		.06
Truck drivers - Group 1	11.25	.79			
Group 2	12.04	.79			
Group 3	12.33	.79			
Group 4	12.33	.79			
Group 5	12.51	.79			
Power equipment operators:					
Group 1	15.185		.75		
Group 2	12.71		.75		
Group 3	11.69		.75		
Group 4	11.44		.75		
OMIT all rates & classifications for cement masons & painters (southern 1/2 of Jefferson Co. & all of Orange Co.)					
ADD:					
Cement masons	14.62				
Painters:					
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
Commercial:					
Group 1 - Brush, steel wood & wall paperhanger	13.91	.82			.05
Group 2 - Spray, roller, sandblaster, power cleaning, all time spent rigging; hot paint or creosote brush	14.36	.82			.05
Group 3 - Hot paint or creosote spray or roller	14.71	.82			.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION TX81-4077 - MOD. #2 (CONT'D)					
Painters (Cont'd):					
Southern 1/2 of Jefferson Co. & all of Orange Co. (Cont'd):					
Residential:					
Brush	11.95	.60			.05
Paperhanger	12.20	.60			.05
Spray	12.47	.60			.05
Sandblaster, power cleaning	12.21	.60			.05
DECISION NO. TX81-4079 - MOD. #1 (46 FR 48867 - October 2, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Carpenters:					
Zone 2 - Carpenters	11.42	.66			
Millwrights	12.44	.66			
Asbestos workers	14.71	.95	1.48		.045
Electricians:					
Zone 1 - Electricians	12.90	.60	3%		1/2%
Cable splicers	13.90	.60	3%		1/2%
Line construction:					
Zone 1:					
Linemen	12.46	.60	8%		1/2%
Cable splicers	13.71	.60	8%		1/2%
Groundmen	8.72	.60	8%		1/2%
Operators	13.08	.60	8%		1/2%
Zone 2:					
Linemen	14.30	.60	8%		1/2%
Cable splicers	15.73	.60	8%		1/2%
Groundmen	10.01	.60	8%		1/2%
Operators	15.02	.60	8%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4083 - MOD. #1 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Asbestos workers	$14.71	.95	1.48		.045
Bricklayers & stonemasons Zone 2	14.73	.67	1.00		.04
Electricians:					
Zone 1 - Electricians	14.45	.60	7%		1%
Cable splicers	14.70	.60	7%		1%
Zone 2 - Electricians	15.15	.60	8%		1%
Cable splicers	16.67	.60	8%		1%
Marble, tile & terrazzo workers - Collin, Dallas Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	13.17	.67	.30		.10
Painters:					
Zone 1 - Group 1	13.65	.55	.85		.07
Group 2	13.90	.55	.85		.07
Group 3	13.775	.55	.85		.07
Group 4	14.025	.55	.85		.07
Zone 2 - Group 1	14.10	.50	.40		.12
Group 2	14.35	.50	.40		.12
Group 3	15.35	.50	.40		.12
Group 4	14.475	.50	.40		
Soft floor layers	13.61	.50	.60		.06
Line construction:					
Linemen	15.15	.60	8%		1/2%
Cable splicers	16.66	.60	8%		1/2%
Operators	15.91	.60	8%		1/2%
Groundmen	10.60	.60	8%		1/2%
Power equipment operators:					
Zone 2 - Group 1	7.515	.65	1.25		.15
Group 2	13.57	.65	1.25		.15
Group 3	13.97	.65	1.25		.15

SUPERSEDEAS DECISION

STATE: KANSAS COUNTY: Shawnee
DECISION No.: KS81-4100 DATE: Date of Publication
Supersedes Decision No. KS80-4055 dated July 18, 1980 in 45 FR 48411

DECISION NO. KS81-4100 Page 2

CLASSIFICATION DEFINITIONS
LABORERS (Site Preparation and Grading):
Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders;

SUPERSEDEAS DECISION

STATE: KANSAS COUNTY: Shawnee
DECISION No.: KS81-4100 DATE: Date of Publication
Supersedes Decision No. KS80-4055 dated July 18, 1980 in 45 FR 48411
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$16.69	1.05	1.75		.06
Boilermakers	14.97	1.275	1.00		.05
Bricklayers, Stonemasons	13.14	.70	.25		.05
Carpenters	9.12	.70	.75		.05
Cement Masons:					
Cement Masons	10.85	.70	.35		
Machine operators	10.975	.70	.35		
Composition color or chloride addition	11.05	.55	.35		
Electricians	10.65	.75	3%+.50		.10
Ironworkers	14.00	.85	1.50	1.00	.10
Laborers:					
General laborers	8.65	.70	.50	.50	.05
Power tool opers., compactors concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	8.85	.70	.50	.50	.05
Mason tenders, plaster tenders, mortar mixers for plasterers, masons and cement finishers, all stocking scaffold, clean up for masons (building & wrecking)	8.95	.70	.50	.50	.05
Sand and concrete gun nozzleman powderman	9.05	.70	.50	.50	.05
Laborers (Site preparation and grading):					
Group 1	7.80	.50	.50	.50	.05
Group 2	7.95	.50	.50	.50	.05
Group 3	8.05	.50	.50	.50	.05
Group 4	8.20	.50	.50	.50	.05

DECISION NO. KS81-4100

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CLASSIFICATION DEFINITIONS

LABORERS (Site Preparation and Grading):

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated);grade man, hot mastic kettlemon, crusher feeder, joint man, jute man; mason tender; material batch hooper and scale man, mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duck line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distrubution

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Lineman	$14.52	.45	3%		1/2%
Cable splicers	15.26	.45	3%		1/2%
Groundman	9.03	.45	3%		1/2%
Powderman	12.03	.45	3%		1/2%
Line truck and equipment operator	12.03	.45	3%		1/2%
Painters	8.52	.70			.03
Plasterers	13.10				.01
Plumbers: Pipefitters	14.93	1.00	1.00		.04
Roofers:					
Roofers flat slate and tile, dampproofers	14.6[illegible]		.60	a	
Roofers working in pitch, tar or creosote coal	15.76		.60	a	
Sheet Metal Workers	13.76	3%+.75	1.77		.07
Soft Floor Layers	12.45	.50	.55		.06
Sprinkler Fitters	15.10	.95	1.40		.08
Tile Setters	13.00				

FOOTNOTE: a-after 6 months of employment .26¢; after 5 years .52¢

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$14.25	.85	1.00	1.05	.15
Cranes with lifting ring	13.25	.85	1.00	1.05	.15
Cranes and shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yard capacity, three (3) drum hoist	12.50	.85	1.00	1.05	.15
Cranes and shovels-booms 200 ft. and over four (4) drum hoist, Frankie-type pile driving machines, and tower cranes and derricks	12.75	.85	1.00	1.05	.15
GROUP I	12.25	.85	1.00	1.05	.15
GROUP II	11.85	.85	1.00	1.05	.15
GROUP III					
CLASS A	11.05	.85	1.00	1.05	.15
CLASS B	10.30	.85	1.00	1.05	.15
GROUP IV					
CLASS A	9.50	.85	1.00	1.05	.15
CLASS B	9.75	.85	1.00	1.05	.15

WAGE CLASSIFICATIONS

GROUP I
Boiler (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell dragline, dozer, scrapper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over one yard), hoist, two drum, mechanic or welder, mix-ermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive

GROUP II
A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler (1), ditching machine - small, elevator operator, fireman, forklift, hoist, or active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment

GROUP III
CLASS A - Farm tractor (without attachments)
CLASS B - Farm tractor (with attachments)

GROUP IV
CLASS A - Oiler
CLASS B - Motor crane oiler

POWER EQUIPMENT OPERATORS Site Preparation and Grading	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.55	.85	1.00		.15
Group 2	11.30	.85	1.00		.15
Group 3	11.05	.85	1.00		.15
Group 4	10.70	.85	1.00		.15
Group 5	10.80	.85	1.00		.15
Group 6	11.80	.85	1.00		.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):
Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-moble; track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator
Group 2 - Asphalt plant operator; elevating grader operator
Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; sipnon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow. disc seeder; oiler; tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or

SUPERSEDEAS DECISION

STATE: MARYLAND COUNTIES: BALTIMORE AND BALTIMORE CITY
DECISION NO.: MD81-3087 DATE: DATE OF PUBLICATION
Supersedes Decision No. MD81-3002, dated January 16, 1981 in

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DIVERS - Light Station Wagons, Pickups	9.225	.40	.35		
TRUCK DRIVERS - Medium Flatbeds and dump five ton or less, Warehousemen & Partsmen	9.325	.40	.35		
TRUCK DRIVERS - Heavy - Over 5 ton, Semi-Trailers, Fork Lifts, Industrial Tractors as used in Teamsters jurisdiction, Staddle Trucks, A frame & Winch Trucks when used as such	9.575	.40	.35		
Mechanics and Dispatchers	9.725	.40	.35		
TRUCK DRIVERS (Site Preparation and Grading)					
Group 1	8.25	.40	.50		
Group 2	8.35	.40	.50		
Group 3	8.50	.40	.50		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment
WELDERS: Recieve rates prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses. (29 CFR. 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MARYLAND COUNTIES: BALTIMORE AND BALTIMORE CITY
DECISION NO.: MD81-3087 DATE: DATE OF PUBLICATION
Supersedes Decision No. MD81-3002, dated January 16, 1981 in 46 FR 4255
DESCRIPTION OF WORK: Residential Construction consisting of single family houses and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	9.88				
CARPENTERS/DRY WALL INSTALLERS	7.65				
CEMENT MASONS	7.38				
DRY WALL FINISHER	5.76				
ELECTRICIANS	6.23				
INSULATION MECHANIC	5.90				
LABORERS:					
Laborers	5.03				
Mason Tenders	8.20				
IRONWORKERS	7.92				
PAINTERS	6.10				
PLUMBERS	6.96				
ROOFERS	5.50				
SHEET METAL MECHANICS	6.77				
TILE SETTERS	7.50				
TRUCK DRIVER	7.88				
POWER EQUIPMENT OPERATORS					
Backhoe	9.00				
Bulldozer	7.70				
Grader	7.50				
Loader	7.36				
Roller	6.00				

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SUPERSEDEAS DECISION

STATE: OHIO
DECISION NO: OH81-2064
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. OH81-2021, dated May 8, 1981 in 46 FR 25764
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

BRICKLAYERS & STONE MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS & SCIOTO COUNTIES	$15.07		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.19	.80	.95		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE (except Twps. of Milton & Chippewa) COS. & WYANDOT Co. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
ASHTABULA COUNTY					
Bricklayers	16.42	.95	1.50		
Sewer Bricklayers	16.67	.95	1.50		
ATHENS COUNTY	14.90	.90	1.00		.05
BELMONT, JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & MONROE COS.	13.77	.80	1.10		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Twps. of Dixon, Gratis, Isreal, Lanier, & Somers), & WARREN COS.	16.445	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West), STARK, & TUSCARAWAS COS.	14.44	1.05	1.00		.01
CHAMPAIGN, CLARK & LOGAN COS.	12.94	1.00	1.35		.08
CLINTON & HIGHLAND COS.	12.00				
COLUMBIANA CO., (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING CO. & City of Youngstown	14.698	1.00	1.25		.02

DECISION NO. OH81-2064

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO. (Twps. of E. Liverpool, Franklin, Madison, St. Clair, Washington, Wayne & Yellow Creek), JEFFERSON CO. (Twps. of Bush, Creek & Saline)	$13.55	.80	1.00		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COUNTIES	13.00	1.30	1.85		.10
CUYAHOGA CO. & MEDINA CO. (except the Twps. of Chatham, Wadsworth, Guilford, Westfield, Sharon, Lafayette, Harrisville, Homer, Litchfield & Spencer)	15.97	1.31	1.33		.10
DARKE, MIAMI, & SHELBY COS.	13.60	1.00	1.35		.08
DEFIANCE, FULTON (except Twps. of Amboy, Fulton, & Swan Creek), HENRY (except Twps. of Barlow, Damascus, Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean), PAULDING, PUTNAM, & WILLIAMS Cos.	15.28	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY & UNION COS.	15.00	.00	1.50		.10
ERIE, HANCOCK & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY	14.34	.90	1.80		.02
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Rem. of Co.), HENRY (Rem. of Co.), LUCAS, & WOOD (Rem. of Co.) COS.	16.135	1.06	1.90		.03
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA & LAKE COS.	16.72	.90	1.15		75.00p/y
GREENE & MONTGOMERY COS. & Remainder of PREBLE CO.	13.60	1.00	1.35		.08

DECISION NO. OH81-2064

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HARDIN, MARION, MORROW, RICHLAND, & WYANDOT COS. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COUNTIES	13.00	1.30	1.85		.10
HOLMES, MARION, MORROW, RICHLAND, & WAYNE (except Twps. of Milton & Chippewa) COS. & WYANDOT Co. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
JACKSON, LAWRENCE, & VINTON COS.	14.90	.70			
JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & MONROE COS.	13.77	.80	1.10		.02
KNOX, LICKING, & MORGAN COS.	13.00	1.30	1.85		.10
LAKE & GEAUGA COS.	16.72	.90	1.15		75.00p/y
LAWRENCE, JACKSON, & VINTON COS.	14.90	.70			
LICKING, KNOX, & MORGAN COS.	13.00	1.30	1.85		.10
LOGAN, CHAMPAIGN & CLARK COS.	12.94	1.00	1.35		.08
LUCAS, FULTON (Rem. of Co.), HENRY (Rem. of Co.), & WOOD (Rem. of Co.) COS.	16.135	1.06	1.90		.03
MADISON, DELAWARE, FRANKLIN, PICKAWAY & UNION COS.	15.00	.00	1.50		.10
MAHONING CO. & City of Youngstown, COLUMBIANA CO., (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity)	14.698	1.00	1.25		.02
MARION, MORROW, RICHLAND, & WYANDOT COS. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
MEDINA CO. & CUYAHOGA CO. (except the Twps. of Chatham, Wadsworth, Guilford, Westfield, Sharon, Lafayette, Harrisville, Homer, Litchfield & Spencer)	15.97	1.31	1.33		.10
MEIGS & GALLIA COS.	14.90	.70			
MERCER, AUGLAIZE, & VAN WERT COS.	13.19	.80	.95		.02
MIAMI, DARKE, & SHELBY COS.	13.60	1.00	1.35		.08
MONROE & JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & BELMONT COS.	13.77	.80	1.10		.02
MONTGOMERY & GREENE COS. & Remainder of PREBLE CO.	13.60	1.00	1.35		.08

DECISION NO. OH81-2064

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MORROW, RICHLAND, & WYANDOT COS. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
MUSKINGUM, & PERRY COUNTIES	13.00	1.30	1.85		.10
PAULDING, PUTNAM, & WILLIAMS Cos.	15.28	1.06	1.00		
PERRY & MUSKINGUM COUNTIES	13.00	1.30	1.85		.10
PICKAWAY, DELAWARE, FRANKLIN, MADISON & UNION COS.	15.00	.00	1.50		.10
PIKE, FAYETTE, & ROSS COS.	14.96		.50		.05
PORTAGE & SUMMIT COS.	16.72	.90	1.15		75.00p/y
PREBLE (Twps. of Dixon, Gratis, Isreal, Lanier, & Somers), & WARREN COS.	16.445	.80	.45		.02
PREBLE CO. (Rem. of Co.) & GREENE & MONTGOMERY COS.	13.60	1.00	1.35		.08
PUTNAM, PAULDING, & WILLIAMS Cos.	15.28	1.06	1.00		
RICHLAND, MARION, MORROW, & WYANDOT COS. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
ROSS, FAYETTE, & PIKE COS.	14.96		.50		.05
SANDUSKY, ERIE & HURON, OTTAWA, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY	14.34	.90	1.80		.02
SCIOTO & ADAMS COUNTIES	15.07		.50		.05
SENECA, SANDUSKY, ERIE & HURON, OTTAWA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY	14.34	.90	1.80		.02
SHELBY, DARKE, & MIAMI COS.	13.60	1.00	1.35		.08
STARK, CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West), & TUSCARAWAS COS.	14.44	1.05	1.00		.01
SUMMIT & PORTAGE COS.	16.72	.90	1.15		75.00p/y
TUSCARAWAS, STARK, CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West), & WAYNE COS.	14.44	1.05	1.00		.01
UNION, DELAWARE, FRANKLIN, MADISON & PICKAWAY COS.	15.00	.00	1.50		.10
VAN WERT, AUGLAIZE, & MERCER COS.	13.19	.80	.95		.02
VINTON, LAWRENCE, & JACKSON COS.	14.90	.70			
WARREN & JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & BELMONT COS.	13.77	.80	1.10		.02
WARREN, PREBLE (Twps. of Dixon, Gratis, Isreal, Lanier, & Somers), & BROWN, BUTLER, CLERMONT, HAMILTON COS.	16.445	.80	.45		.02
WAYNE & TUSCARAWAS, STARK, CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West) COS.	14.44	1.05	1.00		.01
WAYNE, HOLMES, MARION, MORROW, RICHLAND, & WYANDOT COS. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.83	.90	2.00		.04
WILLIAMS, PAULDING, & PUTNAM Cos.	15.28	1.06	1.00		
WOOD (Rem. of Co.), HENRY (Rem. of Co.), FULTON (Rem. of Co.), & LUCAS COS.	16.135	1.06	1.90		.03
WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY, ERIE & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.)	14.34	.90	1.80		.02
YOUNGSTOWN & MAHONING CO., COLUMBIANA CO., (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity)	14.698	1.00	1.25		.02

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HARRISON Co. & the Remainder of JEFFERSON Co.	$14.03	.90	.50		.03
JACKSON & VINTON Cos.	13.85	.90	.80		.05
LAWRENCE County	13.65		.50		.05
LORAIN Co. & MEDINA CO. (Chatham, Harrisville, Homer, Litchfield, & Spencer Twps.)	16.45		.80	a	.01
MEDINA (Remainder of Co.), PORTAGE, SUMMIT & WAYNE (Twps. of Milton & Chippewa) COS. Bricklayers	15.52	1.17	1.05		.02
NOBLE Co. (Remainder of Co.) & WASHINGTON Co.	14.00	.70	.50		.05
TRUMBULL COUNTY (except City of Youngstown)	14.94	1.00	1.00		.02
FOOTNOTE: a. 2 pd. Holidays: Independence Day and Labor Day					
CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.					
Carpenters	14.33	.75	1.25		.05
Piledrivermen	14.62	.75	1.25		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.57	.90	1.25		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, ERIE (East of B & O Railroad Tracks), HURON, LORAIN and RICHLAND COUNTIES					
Carpenters	$ 15.37	.90	1.25	b	.08
Piledrivermen	15.50	1.20	2.02		.09
ASHTABULA, CUYAHOGA, GEAUGA and LAKE COUNTIES					
Carpenters	15.67	1.20	1.85		.09
Piledrivermen	15.50	1.20	2.02		.09
ATHENS, HOCKING, VINTON and WASHINGTON COUNTIES					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.57	.90	1.25		.04
BELMONT and MONROE COUNTIES					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.53	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON and WARREN COUNTIES					
Carpenters	15.80	.90	1.10		.075
Piledrivermen	15.80	.90	1.10		.075
CARROLL, STARK, TUSCARAWAS and WAYNE COUNTIES					
Carpenters	12.63	.70	.80		.02
Piledrivermen	13.16	.65	.80		.02
COLUMBIANA, & JEFFERSON COUNTIES					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.05	6%	10%		.5%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COUNTIES					
Carpenters	14.30	1.00	1.40		.07
Piledrivermen	14.30	1.00	1.40		.07
DEFIANCE, HENRY, PAULDING and WILLIAMS COUNTIES					
Carpenters	15.76	1.06	.75		
Piledrivermen	15.90	1.06	1.25		.10
ERIE (West of B & O Railroad Tracks), OTTAWA, SANDUSKY & SENECA COS. and City of Fostoria in HANCOCK & WOOD COUNTIES					
Carpenters	15.37	.90	1.25	b	.08
Piledrivermen	15.90	1.06	1.25		.10

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DECISION NO. OH81-2064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON, LUCAS, HANCOCK & WOOD COS. excluding the City of Fostoria					
Carpenters; Piledrivermen	$15.90	1.06	1.25		.10
HARRISON COUNTY					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.53	1.04	1.50		.05
MAHONING & TRUMBULL COS.					
Carpenters	13.87	1.34	1.50		.05
Piledrivermen	14.66	1.34	1.50		.05
MEDINA, PORTAGE, & SUMMIT COS.					
Carpenters	15.35	.75	1.50		.04
Piledrivermen	15.50	1.20	2.02		.09
FOOTNOTE: b. 2 Paid Holidays: Memorial Day and Independence Day					
CEMENT MASONS:					
ASHTABULA, CUYAHOGA, FULTON, GEAUGA, HANCOCK, HENRY, LAKE, LUCAS, PUTNAM, & WOOD COUNTIES	15.03	.70	.93		.02
BROWN, BUTLER, CLERMONT, COLUMBIANA, DEFIANCE, ERIE, HAMILTON, HIGHLAND, HURON, LORAIN, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, WARREN, & WILLIAMS COS.	14.38	.70	.95		.02
REMAINING COUNTIES	13.83	.70	.95		.02
ELECTRICIANS:					
ADAMS, JACKSON (All but Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish, & Union) & SCIOTO COS.	15.48	.50	3%+1.00	1.00	.04
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT COS. & WYANDOT CO. (West of Crane, Pitt, & Tymochtee Twps.)	13.70	1.10	3%+.43		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
ASHLAND, CRAWFORD, HURON (Twps. of Greenwich, New Haven, Richmond, & Ripley), Knox (N½ inclu. Clinton, Howard, Liberty, Monroe & Union Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Rem. of Co.) COS.	$16.03	.60	3%+.72		.1%
ASHTABULA CO. (all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.)	16.50	1.00	3%+1.50		.5%
ASHTABULA (Rem. of Co.), GEAUGA (Twps. of Auburn, Middlefield, Parkman, & Troy), MAHONING (Milton Twp.), PORTAGE (Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham) & TRUMbull (except Hubbard & Liberty Twps.) COS.	16.62	1.00	9%		.702%
ATHENS, MEIGS, MONROE, MORGAN, NOBLE, VINTON (East of Clinton, Elk and Swan Twps.) & WASHINGTON COS.	14.90	.50	3%+1.25	1.25	.04
BELMONT CO.	14.66	.50	3%+1.25	1.50	.04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 18 Mi. of Hamilton County Court House	16.70	.85	3%+1.00		4%
From 18 to 21 Miles	17.00	.85	3%+1.00		4%
From 21 to 25 Miles	17.10	.85	3%+1.00		4%
Over 25 Miles	17.25	.85	3%+1.00		4%
BUTLER CO. & WARREN CO. (excluding Clear Creek, Franklin & Wayne Twps.)	16.55	1.00	3%+1.00		4%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	15.50	8%	17%	10%	4%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (Rem. of Co.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N ½ excl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, & Bucks), & WAYNE (S. of Baughman, Chester, Green, & Wayne Twps.) COS.	$ 15.70	1.00	3%+1.00		.3%
CHAMPAIGN & CLARK COS. & MADISON CO. (Twps. of Paint, Pike, Somerford, Stokes & Union)	13.34	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS. & WARREN CO. (Rem. of Co.)					
Within 11 Mi. Radius of 3rd & Main Streets, Dayton	14.13	.75	3%+1.00		.5%
Beyond 11 Mi. Radius	14.36	.75	3%+1.00		.5%
COLUMBIANA CO. (except Twps. of Butler, Fairfield, Knox, Perry, Salem & Unity)	13.30	2.00	3%+.53		.09
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), MAHONNING (exclu. Milton & Smith Twps.), & TRUMBULL (Twps. of Hubbard & Liberty) COS.	16.09	1.00	11%		.5%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COSHOCTON, GUERNSEY, KNOX (Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, and College Twps.), LICKING, MUSKINGUM, PERRY, TUSCARAWAS (S½ incl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, and Bucks) COS.	14.70	.70	3%+1.02		.03
CUYAHOGA, GEAUGA (Twps. of Bainbridge, Chester, & Russell), and LORAIN (Twp. of Columbia) COS.	16.84	1.10	3%+.39		.06
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	17.40	.85	3%+.95		.3%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Rem. of Co.) & PICKAWAY CO. (Excl. Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.) & UNION COS.	14.00	.50	3%+1.02		.06
ERIE CO., HURON CO. (Rem. of Co.)	16.05	.98	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Rem. of Co.), PICKAWAY, PIKE, ROSS, & VINTON COS.	15.80	.70	3%		.06
GALLIA CO.	16.22	.50	3%+1.00	1.00	.04
GEAUGA (except Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell, & Troy Twps.), & LAKE COS.	16.98	.85	3%+.70		.2%
LAWRENCE COUNTY	15.72	.50	3%+1.00	1.00	.04
LORAIN CO. (Rem. of Co.) and MEDINA CO. (Twps. of Litchfield & Liverpool)	16.75	.85	3%+1.00		.1%

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ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Rem. of Co.), PORTAGE (exclu. Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham), SUMMIT, & WAYNE (Rem. of Co.) COS.	16.67	.74	3%+.84		.28
IRONWORKERS:					
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.					
Up to 10 miles from Union Hall in Ashland, Ky.	15.96	1.00	1.85		.01
10 to 60 miles from Union Hall in Ashland, Ky.	16.27	1.00	1.85		.01
60 Miles & Over from Union Hall in Ashland, Ky.	18.08	1.00	1.85		.01
ADAMS (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (exclu. E 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall) & WARREN (S ½) COS.					
Reinforcing	15.58	1.00	1.85		.02
Ornamental; Structural	15.03	1.00	1.85		.03
ALLEN (S½), Auglaize, BUTLER (N ½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (excl. S. of a line drawn from Blanchester to Lynchburg), Darke, Greene, Highland (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3),					

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS					
Within 15 miles radius of Local Union Office #290	14.61	1.00	1.85		.06
Outside 15 miles radius of Local Union Office #290	14.76	1.00	1.85		.06
ALLEN (N½), DEFIANCE (except portion S. of a line drawn from where Rt. 66 meets the N. line through Independence to the E. Co border), Mercer (N½), PAULDING, PUTNAM (except portion E. of a line drawn from the N. border down thru Miller city to where 696 meets the S. border), VAN WERT, & WILLIAMS (except portion E. of a line drawn from Pioneer thru Stryker to the S. border) Cos.	14.20	1.00	1.85		.04
ASHLAND, CARROLL, COSHOCTON (exclu. portion w. of a line beginning at NW Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE Cos.	15.28	.80	1.20		.05
ASHTABULA (NE ½) CO.	14.50	1.86	1.51		.15
ASHTABULA (S½), CUYAHOGA, ERIE (Exclu. W 1/3), GEAUGA (except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W.					

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IRONWORKERS (CONT'D)

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
of a line drawn from the N. border through Monroeville & Willard), LAKE, LORAIN, MEDINA, PORTAGE (Exclu. Ravenna Ordnance Depot), & SUMMIT COS.	16.22	1.05	1.45		.08
ASHTABULA (NW ½), COLUMBIANA, GEAUGA (E. of a line from Austinburg to Middlefield & South), MAHONING, PORTAGE (E. of a line from Middlefield to Shalersville to Deerfield), & TRUMBULL COS.	15.26	1.00	1.30		.09
ATHENS, MEIGS, MORGAN, NOBLE & WASHINGTON COS.	13.85	1.00	1.85		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. border) COS.	13.22	1.05	2.35	8%	.05
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a Line Beginning at NW Co. line going through Walhonding & Tunnel Hill to the S. Co. line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (except a line drawn from Roundhead to Maysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N½ of Co.), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line starting at Adams Mill going to Adamsville and going from Adamsville thru Blue Rock to the S. border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte 30) COS.	15.20	1.00	2.60		.05

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CRAWFORD (Area between lines drawn from where hwy 598 & 30 meet thru N. Liberty to the N. border & from said hwy junction point due W. to the border), DEFIANCE (S. of a line drawn from where Rte. 66 meets the N. line thru Independence to the E. Co. border), ERIE (W 1/3), FULTON, HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 miles S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. border thru Monroeville & Willard), LUCAS, OTTAWA, PUTNAM (E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. border), WOOD, & WYANDOT (Area N. of Rte. # 30) COS.	16.58	1.06	1.82		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COUNTIES	15.10	1.00	2.60		.05
FRANKLIN COUNTY	14.95	1.00	2.60		.05
PAINTERS:					
ADAMS, HIGHLAND, JACKSON, PIKE & SCIOTO COUNTIES					
Brush	14.35		1.00		.0[illegible]
Spray	15.35		1.00		.0[illegible]
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT & WILLIAMS COS.					
Brush & Roller	12.05	1.06	.50		.03
Sandblasting; Spray; Steam Cleaning	12.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND COS.					
Brush	12.25		.80		
Structural Steel	12.75		.80		
Spray	13.00		.80		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA, CUYAHOGA, GEAUGA, & LAKE COS., LORAIN (North East Part) and PORTAGE & SUMMIT COS. (North of the Ohio Turnpike)					
Brush	15.06	.97	1.60		.05
Bridge and Open Steel; Closed Steel Over 55'	15.76	.97	1.60		.05
Closed Steel Below 55'; Spray	15.46	.97	1.60		.05
ATHENS & HOCKING COUNTIES					
Brush	14.60				
Spray	15.21				
BROWN, CLERMONT & HAMILTON COS.					
Brush	15.80		.75		
Spray	16.30		.75		
BUTLER & WARREN COUNTIES					
Brush	13.48				
Spray	14.48				
CARROLL, HOLMES, STARK, TUSCARAWAS & WAYNE COS.					
Brush	13.56	1.08	1.00		.02
Spray	14.09	1.08	1.00		.02
Structural Steel	14.27	1.08	1.00		.02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE COUNTIES					
Brush; Roller	13.21		1.00		.11
Structural Steel	13.61		1.00		.11
Spray	13.71		1.00		.11
COLUMBIANA, MAHONING, PORTAGE (Ravenna Ordnance Depot), & TRUMBULL COS.					
Brush	14.65	1.00	1.25		
Sandblasting; Spray	15.35	1.00	1.25		
CHAMPAIGN, CLARK, LOGAN, & MADISON COS.:					
Brush	12.75		1.00		
Spray	13.45		1.00		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, PICKAWAY, ROSS, & UNION COUNTIES					
Brush	$ 14.19	.95	1.00		.02
Structural Steel	14.49	.95	1.00		.02
Spray	14.69	.95	1.00		
ERIE, HANCOCK, HURON, SANDUSKY, SENECA & WYANDOT COUNTIES					
Brush	13.80	.70	.90		50.00p/yr
Structural Steel	14.25	.70	.90		50.00p/yr
FULTON, HENRY, LUCAS, OTTAWA & WOOD COUNTIES					
Brush	14.70	1.06	2.00		
Spray	15.25	1.06	2.00		
Bridge Railings	14.95	1.06	2.00		
GALLIA, LAWRENCE, MEIGS, & VINTON COUNTIES					
Brush; Roller	12.70			c	
Sandblasting; Spray; Waterblasting	13.70			c	
KNOX, LICKING, MUSKINGUM and PERRY COUNTIES					
Steel; Bridge	12.50				
Spray	13.00				
Spray					
LORAIN COUNTY (Rem. of Co.)					
Brush	11.85	.85	.10	d	
Spray; Sandblasting	12.35	.85	.10	d	
Roller	12.10	.85	.10	d	
MEDINA, PORTAGE (Up to & incl. the Ohio Turnpike), & SUMMIT (Up to & incl. the Ohio Turnpike) COS.:					
Brush; Paperhanger; & Roller	14.65	1.07	.60		
Structural Steel	15.40	1.07	.60		
Spray	15.50	1.07	.60		
MONROE, MORGAN, NOBLE, & WASHINGTON COS.					
Bridges; Guard Rails; & Structural Steel	11.72	.80	.40		.02

FOOTNOTES: c. 6 paid holidays: Decoration Day; July 4th; Thanksgiving Day; Christmas Day; New Year's Day; & Veteran's Day
d. 2 paid holidays: Labor Day and July 4th

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.	$16.34	.95	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY & VAN WERT COS.	14.75	.60	.90		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, LORAIN, MORROW, RICHLAND & WYANDOT COS.	16.75	1.08	1.10		.10
ASHTABULA, CUYAHOGA, GEAUGA, LAKE, MEDINA (N. of Rt. 18 exclu. city of Medina), PORTAGE (N. of #303), & SUMMIT (N. of Rt. #303, excl. city of Hudson) COS.:					
Plumbers	16.03	1.20	1.40		.02
Pipefitters; & Steamfitters	15.92	1.45	1.35		.10
BELMONT & MONROE (North of Rt. 78) COS.	13.39	.75	9%	10%	.05
BROWN, CLERMONT, & HAMILTON COS.:					
Plumbers; Gas Fitters	14.97	1.25	1.50		.07
Steamfitters; Pipefitters	16.23	1.095	2.20		.08
BUTLER (North Half) & WARREN (N. of Rte. #63 exclu. Lebanon & S. Lebanon) COS.	17.50	.90	1.00		.05
BUTLER (South Half) & WARREN (S. of Rte. #63 including Lebanon and S. Lebanon) COS.	17.33	.90	1.20		.02
CARROLL CO. (Except Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), STARK & WAYNE COS.	14.67	1.35	.70	e	.10
CARROLL (Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Rte. #78 & from McConnelsville West on State Rte #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	17.00	1.00	.70		

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, GREENE (Twps. of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), LOGAN & MADISON (West of Rt. 38 including the city of London) COS.	$15.65	$1.08	$1.10		.04
CLINTON, DARKE, FAYETTE, GREENE (Rem. of Co.), MIAMI, MONTGOMERY, & PREBLE COUNTIES	15.86	1.05	1.20		.03
COLUMBIANA (excluding Washington & Yellow Creek Twps. & Liverpool Twp. secs. 35 & 36 - West of County Rd. #427), MAHONING COS. & TRUMBULL CO. (Hubbard & Liberty Twps. Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps., & Liverpool Twp. secs 35 & 36 West of County Rd. #427), HARRISON AND JEFFERSON COUNTIES	15.07	1.10	2.50	1.20	.12
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	16.90	1.50	1.20		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (Rem. of Co.), MARION, PERRY, PICKAWAY, ROSS & UNION COS.	16.84	1.15	1.05		.07
MEDINA (Rem. of Co.), PORTAGE, & SUMMIT (S. of Rte #303) COS.	15.24	.91	1.60		.05
MEIGS, MONROE (Rem. of Co.), MORGAN (Rem. of Co.), & WASHINGTON COS.	14.76	.78	.75		.06
TRUMBULL CO. (Rem. of Co.)	15.45	1.57	1.15		.03

FOOTNOTE:
e. One paid holiday: Labor Day providing employee has worked 5 consecutive days before and after the Holiday

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LABORERS: (Excluding Railroad Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 13.43	$ 12.20	$ 11.77	.95	$ 1.35		.05
GROUP II	13.555	12.325	11.895	.95	1.35		.05
GROUP III	13.63	12.40	11.97	.95	1.35		.05
GROUP IV	13.78	12.55	12.12	.95	1.35		.05
GROUP V	14.08	12.85	12.42	.95	1.35		.05

GROUP I - Asphalt Laborer; Carpenter Tender; Concrete Curing Applicator; Dump Man (Batch Trucks); Flagman; Grade Checker; Guardrail & Fence Installers; Joint Setter; Laborers (Construction); Landscape Laborer; Mesh Handlers & Placers; Plant Laborers or Yardmen; Right-of-way Laborers; Riprap Laborer & Grouter; Scaffold Erector; Seal Coating Surface Treatment or Road Mix Laborer; Sign Installer; Slurry Seal; Utility Man or Handyman; & Waterproofing Laborer

GROUP II - Asphalt Raker; Concrete Puddler; Kettle Man (Pipeline); Machine Driven Tools; Mason Tender; Mortar Mixer; Power Buggy or Power Wheelbarrow; Sheeting & Shoring Man; & Surface Grinder Man

GROUP III - Air Track & Wagon Drill; Bottom Man; Car Pusher (Without Air); Cofferdam (Below 25 feet deep); Concrete Saw Man; Cutting with Burning Torch; Form Setter; Hand Spiker (Railroad); Pipelayer; Tunnel Laborer (Without Air) and Caisson; Undergroundman (Working in Sewer & Waterline, Cleaning, Repairing & Reconditioning); & Welder Tender (Pipeline)

GROUP IV - Blaster; Muckers; Powder Man; Top Lander; Wrencher (Mechanical Joints & Utility Pipeline); & Yarner

GROUP V - Concrete Crew in Tunnels; Curb Setter & Cutter; Gunnite Nozzle Man; Miner Without Air; Utility Pipeline Tapper; & Waterline Caulker

ZONE DEFINITION

ZONE 1 - Cuyahoga, Geauga & Lake Cos.
ZONE 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos.
ZONE 3 - Remainder of Counties

LABORERS: (Railroad Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cuyahoga, Geauga, Lake, Lorain, Lucas, Portage, & Summit Coun Counties	$7.25	.80	.80		.10
Remaining Counties	6.75	.80	.80		.10

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POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning & Trumbull Cos.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 15.61	1.05	1.00		.16
CLASS II	14.92	1.05	1.00		.16
CLASS III	14.28	1.05	1.00		.16
CLASS IV	13.87	1.05	1.00		.16
CLASS V	13.77	1.05	1.00		.16
CLASS VI	15.88	1.05	1.00		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Beam Builder-Automatic; Backfiller W/Drag Attachments; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade attached; Concrete Spreader Finisher Comb., Crane; Crane-Stationary or climbing; Crane-Electric Overhead; Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (Not Trencher or Road Widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal or Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester w/ Boom; Mucking Mach.; Paver-Asphalt Finishing Mach.; Paver - Road Concrete; Paver-Slipform; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Rigs-Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/ Attachments; Trucks-Boom; Truck-Tire-Assigned to Job; Trench Mach.; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O Boom; Cleaning Mach.- Pipeline Type; Coating Mach-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Hoist-Single Drum; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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POWER EQUIPMENT OPERATORS

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POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator- Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Signal Man; Spray Cure Mach. Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher-Form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Ladavator; Roller (Walk Behind 1 Ton or over); Steam Jenny; Syphons; Tender-Mechanic; Jacks Hydraulic (Railroad); Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-File Driving or Caisson Type

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$ 16.03	$15.29	$1.26	1.50		.15
CLASS A	15.78	15.04	1.26	1.50		.15
CLASS B	15.68	14.92	1.26	1.50		.15
CLASS C	14.64	13.88	1.26	1.50		.15
CLASS D	14.17	13.45	1.26	1.50		.15
CLASS E	10.98	10.09	1.26	1.50		.15

CLASS A - Air Compressor On Steel Erection; Asphalt Plant Engineer (Cleveland District Only); Boiler Op.; Compressor or Generator When Mounted On Rig; Cableway; Combination Concrete Mixer & Tower; Concrete Plants (Over 4 Yds. Cap.); Concrete Pumps; Cranes (All Types Incl. A Frames, Boom Trucks, Cherry Pickers); Derricks; Draglines; Dredge (Dipper Clam or Suction); Elevation Grader or Euclid Loader; Floating Equipment (All Types); Helicopter Crew (Hoist or Winch); Hoes (All Types); Hoisting Engines (Including Shaft & Tunnel Work); Industrial Type Tractor; Jet Engineer Dryer (D8 or D9) Diesel Tractor; Locomotives (Standard Guage); Maintenance Op. Class A; Mixer (Paving Single or Double Drum); Mucking Mach.; Multiple Scraper; Piledriving Mach. (All Types); Power Shovel; Quad 9 (Double Pusher); Refrigerating Mach. (Freezer Operation); Rotary Drill on Caisson Work; Slip Form Paver; Tower Derricks; Tree Shredder; Trench Mach. (Over 24" Wide); Truck Mounted Concrete Pump; Tug Boat; Tunnel Mach. and/or Mining Machine; Wheel Excavator

CLASS B - Asphalt Paver; Automatic Subgrader Mach. Self-Propelled (CMI Type); Boring Mach. Op. (More than 48"); Bulldozers; Endloader; Kolman Loader (Production Type Dirt); Lead Grease Man; Maintenance Op.. Class B (in Zone 2 Portage & Summit Cos. only); Power Grader; Power Scraper; Push Cat; Trench Mach. (24" Wide & Under)

CLASS C - Air Compressor on Tunnel Work (Low Pressure); Asphalt Plant Engineer (in Zone 2 Portage & Summit Cos. Only); Locomotive (Narrow Guage); Concrete Mixers (More than 1 Bag Cap.); Mixers (1 Bag Cap. - Side Loader); Power Boiler over 15 lb. Pressure; Pump Op. Installing & Operating Well Points; Pumps (4" & Over Discharge); Rollers (Asphalt); Utility Op. (Small Equipment); Welding Mach. & Generators.

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS D - Back Fillers; Bar (Joint & Mesh Installing Mach.); Batch Plant; Boring Mach. Op. (48" or less); Bull Floats; Burlap & Curing Mach.; Compressor (Portable, Sewer, Hvy. & Hwy.); Concrete Plant (4 Yd. & Under Cap.); Concrete Saw (Multiple); Conveyors (Hwy.); Crusher, Deckhand; Drill Highway (W. Integral Power); Farm Type Tractors W/ Attachs. (Hwy.); Finishing Mach.; Fireman (Floating Equipment, All Types); Fork Lift (Hwy.); Form Trenchers; Hydro Hammer; Hydro Seeder; Pavement Breaker; Plant Mixers; Post Driver; Post Hole Digger (Power Auger); Power Brush Burner; Power Form Handling Equip.; Road Widening Trencher; Rollers (Brick, Grade, Macadam); Self-Propelled Power Spreader; Self Propelled Power Subgrader; Steam Fireman; Tractor (Pulling Sheepfoot Roller or Grader); Vibratory Compactor W/Integral Power

CLASS E - Drum Fireman (Asphalt Plant); Inboard-Outboard, Motor Boat-Launch; Oil Heaters (Asphalt Plant); Oilers; Power Driven Heaters; Pumps (Under 4" Discharge); Signalmen; Tenders; Tire Repairmen

ZONE DEFINITIONS

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of Counties

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TRUCK DRIVERS ZONE 1 - CUYAHOGA, GEAUGA, and LAKE COUNTIES:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 11.95	34.00a	30.00a	b&c	.05
CLASS II	12.10	34.00a	30.00a	b&c	.05
CLASS III	12.45	34.00a	30.00a	b&c	.05

CLASS I - Straight & Dumps (Including Asphalt); Straight Fuel;

CLASS II - Semi Fuel; Semi Pole Drivers (Hauling Steel Pipe); & Semi Tractor Drivers

CLASS III - Ready-Mix (Agitator or non Agitator); Bulk Concrete Drivers; Dry Batch Trucks; Carry-All Driver; Darts; Double Hook-up Tractor Trailers Including Team Track & Railroad Siding; Euclids; Extra Long Trailers & Semi Pole Trailers, Except When Hauling Steel Pipe; Fork Lifts; Hi-Lifts; Low Boys; Semi-Tractor & Tri-Axle Trailer; Tag Along Trailer, Expandable Trailers, Load (Requiring Road Permits); Tandem Tractor, Tandem Trailer & Tri-Axle Trailer; Tank Asphalt Spreaders; & Tournarockers

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivng Day; F-Christmas Day.

FOOTNOTES:

a. Per Week Per Employee

b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years.

c. Seven paid holidays: A through F Plus National Election Day

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TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 12.47	31.00a	24.00a		.05
CLASS II	12.52	31.00a	24.00a		.05
CLASS III	12.57	31.00a	24.00a		.05
CLASS IV	12.67	31.00a	24.00a		.05
CLASS V	12.77	31.00a	24.00a		.05
CLASS VI	12.94	31.00a	24.00a		.05

CLASS I - Asphalt Distributors; Batch Trucks; 4 Wheel Service Truck; 4 Wheel Dump Trucks; & Oil Distributors
CLASS II Tandems
CLASS III - Fuel Trucks; Pole Trailers; Ready Mix Trucks; & Semi-Tractor Trucks; Asphalt Oil Spraybar Man
CLASS IV - All Trucks Five Axle & Over
CLASS V - Asphalt Oiler Spraybar Man When Operated From Cab
CLASS VI - Euclid Wagons; Euclid End Dumps; Heavy Duty Equipment over 12 cu. yd. cap.; & Low Boys

FOOTNOTE:
a. Per Week Per Employee

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LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO COS., JACKSON CO. (except Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE CO. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & VINTON CO. (E. of Clinton, Elk & Swan Twps.):					
Cable Splicers; Linemen	$18.3[illegible]	.70	3[illegible]+.50	1.00	[illegible]
Welders	16.6[illegible]	.70	3[illegible]+.50	1.00	[illegible]
Linemen	13.34	.70	3[illegible]+.50	1.00	[illegible]
Operators: All Mechanized Equipment	10.84	.70	3[illegible]+.50	1.00	[illegible]
Groundman					
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem) COS.:					
Linemen	15.17	.70	3[illegible]		[illegible]
Equipment Operators	13.65	.70	3[illegible]		[illegible]
Groundmen; Truck Drivers	9.97	.70	3[illegible]		[illegible]
ASHLAND, CRAWFORD, HURON (Twps. of Richmond, New Haven, Ripley & Greenwich), KNOX (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown & Jefferson), MARION, MORROW, RICHLAND, & WYANDOT (Twps. of Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee) COS.:					
Equipment Operators; Linemen	16.03	.[illegible]0	3[illegible]+.72		[illegible]
Line Truck Driver	9.62	.[illegible]0	3[illegible]+.72		[illegible]
Groundmen	10.42	.[illegible]0	3[illegible]+.72		[illegible]
ASHTABULA CO., except Twps. of Colebrook, Orville, Wayne, Williamsfield, & Windsor:					
Cable Splicers; Equipment Ops.; Line Truck Drivers; & Linemen	13.0[illegible]	.9[illegible]	3[illegible]+.[illegible]5		[illegible]
Groundmen	9.[illegible]0	.9[illegible]	3[illegible]+.[illegible]5		[illegible]

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DECISION NO. OH81-2064

LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor), COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy), MAHONING (excl. Smith Twp.), PORTAGE (Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris, Windom Twps.), & TRUMBULL COS.:					
Cable Splicers; Linemen; Operator - Foledigging Equipment	$ 17.08	.70	8%		½%
Groundmen	13.66	.70	9%		½%
BELMONT COUNTY:					
Equipment Opurators; Linemen & Technicians	14.66	.50	3%+1.25	1.50	
Cable Splicers; Welders	14.91	.50	3%+1.25	1.50	
Groundmen	11.73	.50	3%+1.25	1.50	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	16.70	.85	3%+1.00		½%
Groundmen	12.53	.85	3%+1.00		½%
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati;					
Linemen; Machine Ops.	17.00	.85	3%+1.00		½%
Groundmen	12.75	.85	3%+1.00		½%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.10	.85	3%+1.00		½%
Groundmen	I2.825	.85	3%+1.00		½%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.25	.85	3%+1.00		½%
Groundmen	12.94	.85	3%+1.00		½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	$ 16.55	1.00	3%+1.00		½%
Cable Splicers	17.05	1.00	3%+1.00		½%
Groundmen	11.59	1.00	3%+1.00		½%
CARROLL (N. ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.:					
Cable Splicers	14.59	1.00	3%+1.00		.3%
Linemen	15.70	1.00	3%+1.00		.3%
Line Equipment Ops.	13.44	1.00	3%+1.00		.3%
Groundmen; Truck Drivers	9.84	1.00	3%+1.00		.3%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	15.50	8%	17%	10%	½%
Cable Splicers	16.00	8%	17%	10%	½%
Groundmen	10.08	8%	17%	10%	½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, CUYAHOGA, GEAUGA (Bainbridge, Russell & Chester Twps.), LORAIN (Columbia Twp.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	$17.93	.60	3%		½%
Groundmen	11.65	.60	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	14.13	.75	3%+1.00		½%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	14.13	.75	3%+1.00		½%
Line Truck with Winch or Pole & Steel Handling	10.60	.75	3%+1.00		½%
None-Specialized Truck & Misc. Equipment;					
Groundmen - Truck Driver	8.48	.75	3%+1.00		½%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.:					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		½%
Groundmen & Truck Drivers	11.90	15%	7%		½%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	15.69	.50	3%		½%
Groundmen	9.39	.50	3%		½%

DECISION NO. OH81-2064

LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	$16.08	.70	3%	a	½%
Technicians	15.52	.70	3%	a	½%
Cable Splicers	16.33	.70	3%	a	½%
Operator Class I	12.81	.70	3%	a	½%
Operator Class II	11.29	.70	3%	a	½%
Groundmen	9.68	.70	3%	a	½%
DELAWARE, MADISON, (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.67	.50	3%		½%
Groundmen	9.39	.50	3%		½%
ERIE, & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. and Linemen	16.05	.98			
Truck Driver (winch)	8.83	.9			
Groundman	10.43	.9			
FAIRFIELD, KNOX (Butler, Clay, College, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant), & LICKING COS.:					
Cable Splicers; Linemen; Operators: All Mechanized Equipment	14.85	.70	3%		½%
Groundmen - Truck Driver	11.78	.70	3%		½%
Groundmen	9.08	.70	3%		½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Excl. Camp Creek, Marion, Newton, Sciotó, Sunfish, & Union Twps.), ROSS, VINTON (W ½ of Co., incl. Clinton, Elk & Swan Twps.) COS.:					
Cable Splicers	$15.985	.70	3%		1/2%
Linemen; Equipment Operator	15.80	.70	3%		1/2%
Truck Drivers	9.49	.70	3%		1/2%
Groundmen	9.00	.70	3%		1/2%
GEAUGA (Excl. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.), & LAKE COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.98	.85	3%+.70		½%
Truck Drivers (Winch) Groundman; Groundman	11.04	.85	3%+.70		½%
LORAIN (Exclu. Columbia Twp.), & MEDINA (Litchfield & Liverpool Twps.) COS.:					
Cable Splicers; Equipment Op.; & Linemen	16.75	.75	3%+1.00		½%
Truck Driver (winch) Groundman; Groundman	10.89	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), PORTAGE (Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro & Suffield Twps.), SUMMIT, & WAYNE (Northern ½ of Co.) COS.:					
FRANKLIN COUNTY:					
Cable Splicers; Linemen	14.18	.50	3%		1/2%
Equipment Operators	12.43	.50	3%		1/2%
Groundmen	9.39	.50	3%		1/2%

DECISION NO. OH81-2064

LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA CO. (CONT'D)					
Linemen	$16.67	.74	3%+.84		½%
Cable Splicers	17.72	.74	3%+.84		½%
Equipment Operators	12.50	.74	3%+.84		½%
Truck Drivers; Groundman	8.34	.74	3%+.84		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COUNTIES:					
Cable Splicers; Equipment Operators.; Linemen	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE: a. 10 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
Statewide, except Columbiana, Mahoning & Trumbull Cos.:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type & Shallow Well Pumps on Water wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

DECISION NO. OH81-2064

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA81-5163 DATE: Date of Publication
Supersedes Decision No. WA81-5126 dated July 6, 1981, in 46

DECISION NO. OH81-2064

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA81-5163 DATE: Date of Publication
Supersedes Decision No. WA81-5126 dated July 6, 1981, in 46 FR 35029
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$18.99	.85	$1.45		.08
Area 2	19.58	.82	1.49		.14
Area 3	17.84	.81	1.49		.04
BOILERMAKERS	18.01	1.30	1.25	1.00	.04
BRICKLAYERS; MARBLE SETTERS:*					
Area 1	16.68	1.05	2.00		.05
Area 2	16.95	1.05	.40		
Area 3	15.75	1.05	1.00		.07
Area 4	17.42	1.05	1.55		.16
Area 5	17.11	1.10	1.50		.25
Area 6	16.75	.90	.80		
Area 7	16.76	1.25	1.75		.07
Area 8	16.81	1.05	1.80		.23
Area 9	17.43	1.05	1.65		.11
CARPENTERS:*					
Area 1:					
Carpenters; Lathers	15.66	.96	1.20		.10
Piledriver; Saw Filer; Stationary Power Woodworking Tool Operator	15.81	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	15.91	.96	1.20		.10
Piledriver (creosoted material)	16.06	.96	1.20		.10
Millwrights and Machine Erectors	16.16	.96	1.20		.10
Area 2:					
Carpenters and Drywall Applicators	16.22	.90	1.28		.06
Carpenters on creosoted material	16.32	.90	1.28		.06

*See AREA DESCRIPTIONS Page - 3

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Area 2: (Cont'd)					
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shinglers; Floor Sander and other stationary power woodworking tools	$16.35	.90	$1.28		.06
Millwrights and Machine Erectors	16.72	.90	1.28		.06
Piledrivers; Bridge, Dock and Wharf Builders	16.42	.90	1.28		.06
Acoustical Workers	16.38	.90	1.28		.06
Boommen	16.47	.90	1.28		.06
Area 3:					
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	15.12	1.00	1.30	.65	.10
Floor Layers and Finishers, Stationary Power Saw Operator	15.27	1.00	1.30	.65	.10
Millwrights and Machine Erectors	15.37	1.00	1.30	.65	.10
Certified Welders	15.52	1.00	1.30	.65	.10
Piledrivermen; Bridge, Dock and Wharf Builders	15.22	1.00	1.30	.65	.10
Boommen	15.32	1.00	1.30	.65	.10
Area 4:					
Carpenters	15.83	.96	1.20		.10
Piledriver; Sawfiler, Stationary power Woodworking tool Operator	15.98	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.08	.96	1.20		.10
Piledriver; Creosoted material	16.19	.96	1.20		.10
Millwrights and Machine Erectors	16.33	.96	1.20		.10

*See AREA DESCRIPTIONS Page - 3

AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, Kitsap, and Snohomish Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete)
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and the portion of Adams County including the City of Othello
Area 7: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)
Area 8: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); and Whatcom County

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties
Area 2: All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties

CEMENT MASONS (AREA 1)

ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

CEMENT MASONS (AREA 1)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	$14.55	$15.70	$16.15	$16.85	$17.50
Group 2	15.05	16.20	16.65	17.35	18.00
Group 3	15.55	16.70	17.15	17.85	18.50

FRINGE BENEFITS:

Health and Welfare	$ 1.00
Pension	1.75
Apprenticeship Training	.15

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Brushing or Chipping of toxic materials or high density concrete; Operating power tools on a Scaffold

*See AREA DESCRIPTIONS - Page - 7

CEMENT MASONS:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 2:					
Cement Masons Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool, Gunnite Nozzleman	$16.70	.05	$1.50		.10
Area 3:	16.95	.05	1.50		.10
Cement Masons Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	14.63	.05	1.25		.10
Area 4:	14.88	.05	1.25		.10
Cement Masons	14.43	1.10	1.45	1.00	.30
Composition Materials and power machinery	14.68	1.10	1.45	1.00	.20
Area 5:					
Group 1	14.68	1.00	1.75		.15
Group 2	15.18	1.00	1.75		.15
Group 3	15.68	1.00	1.75		.15

GROUP DESCRIPTIONS for AREA 5 ONLY

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing; Setting of Screeds, Screed Forms, curb and gutter and sidewalk forms; Preparation of all concrete for caulking of the joints and the caulking of expansion joints; Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of machine base; Removal of snap ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Bushing Hammer, Chipping Gun; Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats; Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Bushing or chipping of toxic materials or high density concrete, operating power tools on a Scaffold

*See AREA Descriptions - Page - 7

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Area 1:					
Electricians	$17.95	.95	3%+1.30		.02
Cable Splicers	18.35	.95	3%+1.30		.02
Area 2:					
Electricians	18.61	.95	3%+1.30		.10
Cable Splicers	19.54	.95	3%+1.30		.10
Area 3:					
Electricians	18.45	.95	3%+1.85		.05
Cable Splicers	20.29	.95	3%+1.85		.05
Area 4:					
Electricians	19.62	.98	3%+1.80		.10
Cable Splicers	21.58	.98	3%+1.80		.10
Area 5:					
Electricians	19.55	.90	3%+2.00		.10
Cable Splicers	20.30	.90	3%+2.00		.10
Area 6:					
Electricians	18.50	.90	3%+2.00	5%	.02
Cable Splicers	20.35	.90	3%+2.00	5%	.02
Area 7:					
Electricians	17.98	1.00	3%+1.05	8%	.13
Cable Splicers	19.78	1.00	3%+1.05	8%	.13
Area 8:					
Electricians	19.55	.90	3%+1.95		.08
Cable Splicers	21.51	.90	3%+1.95		.08
ELECTRONIC TECHNICIANS:*					
Area 1	10.08	.69	3%		
Area 2	13.66	.95	.60	1.08	
ELEVATOR CONSTRUCTORS:*					
Mechanics:					
Area 1	18.555	1.345	1.085	a	.035
Area 2	19.52	1.345	1.085	a	.035
Area 3	18.06	1.345	.95	a	.035
Elevator Helpers - Areas 1, 2, and 3 - 70% of Journeyman Rate plus the above Fringe Benefits					
Probationary Helpers - Areas 1, 2, and 3 - 50% of Journeyman Rate excluding Fringe Benefits					

*See AREA Descriptions - page - 7

AREA DESCRIPTIONS

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties:

ZONES 1 , 2, 3, and 4
Travel Zone Centers: Moses Lake, Wenatchee, Pasco, Yakima, *Coeur D'Alene, *Walla Walla, Spokane and Lewiston

Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kitsap County; Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom county
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

ELECTRONIC TECHNICIANS:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, King, and Kitsap Counties

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Area 1:					
Group 1	$16.75	.95	3%+1.30		.02
Group 2	17.15	.95	3%+1.30		.02
Group 3	17.55	.95	3%+1.30		.02
Area 2:					
Group 1	17.41	.95	3%+1.30		.10
Group 2	17.81	.95	3%+1.30		.10
Group 3	18.21	.95	3%+1.30		.10
Area 3:					
Group 1	17.25	.95	3%+1.85		.05
Group 2	17.65	.95	3%+1.85		.05
Group 3	18.05	.95	3%+1.85		.05
Area 4:					
Group 1	18.42	.98	3%+1.80		.10
Group 2	18.82	.98	3%+1.80		.10
Group 3	19.22	.98	3%+1.80		.10
Area 5:					
Group 1	18.35	.90	3%+2.00		.10
Group 2	18.75	.90	3%+2.00		.10
Group 3	19.15	.90	3%+2.00		.10
Area 6:					
Group 1	17.30	.90	3%+2.00	5%	.02
Group 2	17.70	.90	3%+2.00	5%	.02
Group 3	18.10	.90	3%+2.00	5%	.02
Area 7:					
Group 1	16.78	1.00	3%+1.05	8%	.13
Group 2	17.18	1.00	3%+1.05	8%	.13
Group 3	17.58	1.00	3%+1.05	8%	.13
Area 8:					
Group 1	18.35	.90	3%+1.95		.08
Group 2	18.75	.90	3%+1.95		.08
Group 3	19.15	.90	3%+1.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Area 1:					
Painters	$16.75	.95	3%+1.30		.02
Area 2:					
Painters	17.41	.95	3%+1.30		.10
Area 3:					
Painters	17.25	.95	3%+1.85		.05
Area 4:					
Painters	18.42	.98	3%+1.80		.10
Area 5:					
Painters	18.35	.90	3%+2.00		.10
Area 6:					
Painters	17.30	.90	3%+2.00	5%	.02
Area 7:					
Painters	16.78	1.00	3%+1.05	8%	.13
Area 8:					
Painters	18.35	.90	3%+1.95		.08
PLASTERERS:					
Area 1	16.75	.95	3%+1.30		.02
Area 2	17.41	.95	3%+1.30		.10
Area 3	17.25	.95	3%+1.85		.05
Area 4	18.42	.98	3%+1.80		.10
Area 5	18.35	.90	3%+2.00		.10
Area 6	17.30	.90	3%+2.00	5%	.02
Area 7	16.78	1.00	3%+1.05	8%	.13
Area 8	18.35	.90	3%+1.95		.08
PLASTERER TENDERS:					
Area 1	14.75	.95	3%+1.30		.02
Area 2	15.41	.95	3%+1.30		.10
Area 3	15.25	.95	3%+1.85		.05
Area 4	16.42	.98	3%+1.80		.10
Area 5	16.35	.90	3%+2.00		.10
Area 6	15.30	.90	3%+2.00	5%	.02
Area 7	14.78	1.00	3%+1.05	8%	.13
Area 8	16.35	.90	3%+1.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:*					
Area 1	$13.70	.64	.70	b	
Area 2	14.05	.84	.65	.88	
Area 3	10.91	.69	1.10	.72	
Area 4	12.74	.84	1.00	b	
Area 5	15.12	.40	1.15	b	.10
Area 6	12.86	.80	.80		
Area 7	14.34	.81	1.00		.03
INSULATION APPLICATORS	13.22	.90	1.28		.06
IRONWORKERS	17.04	1.00	2.15		.15
LATHERS:*					
Area 1	16.75	1.00	1.50		.10
Area 2	14.42	1.05	.75		.06
MASON TENDERS:*					
Area 1:					
Mason Tenders (including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, and Terrazzo Workers; Topping for Cement Finishers and Mortar Mixers)	14.22	1.10	1.40		.10
PAINTERS:*					
Area 1:					
Drywall Tapers	15.23	.84	1.20		.02
Brush	14.90	.84	1.20		.02
Steel; Spray; Steam Cleaning	15.40	.84	1.20		.02
Swing Stage or High Work over 30'	15.60	.84	1.20		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	15.70	.84	1.20		.02
TV, Radio, and Electrical Transmission Towers	16.40	.84	1.20		.02

*See AREA DESCRIPTIONS Page - 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educatio.. and /or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2:					
Brush	$13.73	$1.05	$1.25	.60	.09
Spray	14.28	1.05	1.25	.60	.09
Bridges, High work over 50' (brush)	14.63	1.05	1.25	.60	.09
Bridges, High work over 50' (spray)	15.18	1.05	1.25	.60	.09
Drywall Finishers	15.40	1.05	1.00		.06
Area 3:					
General Painters	16.17	.99	.80		.04
Drywall Tapers	16.57	.99	.80		.04
Industrial Painter	16.57	.99	.80		.04
Area 4:					
Striper	16.95	.99	.85		
Area 5:					
Journeyman Painters	14.98	.84	1.20		.02
Taper Finishers	15.23	.84	1.20		.02
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	15.48	.84	1.20		.02
Swing Stage Work or high work over 30 ft.	15.68	.84	1.20		.02
Bitumastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	15.78	.84	1.20		.02
TV, Radio, and Electrical Transmission Towers	16.48	.84	1.20		.02
PLASTERERS:*					
Area 1	14.93	1.00	1.75		
Area 2	16.23	1.00	2.00		.06
Area 3	15.07	1.15	2.00		.06
PLASTERERS' TENDERS:*					
Area 1	13.62	1.12	1.39		.10
PLUMBERS:*					
Area 1	18.01	.99	2.18	2.25	.14
Area 2	18.18	1.37	1.95	2.25	.16
Area 3	18.81	1.02	1.75	2.00	.12
Area 4	20.08	1.55	1.85		.20
ROOFERS:*					
Area 1	14.51	.95	1.65		.10
Area 2	15.66	.95	.90		.08

*See AREA DESCRIPTIONS - Pages 10 and 11

AREA DESCRIPTIONS

GLAZIERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

LATHERS:
Area 1: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Kilititat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except Wahkiakum, Cowlitz, and Skamania Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties

AREA DESCRIPTIONS (Cont'd)

PLASTERERS: Cont'd)
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan, Clallam, and King Counties; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.), Jefferson and Okanogan Counties (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat.

Area 2: Adams County (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin and Cowlitz Counties; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties

Basic	Fringe Benefits Payments			

AREA DESCRIPTIONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS* (Cont'd)					
Area 3:					
Roofers; Waterproofers	$16.94	.95	$1.00		.07
Slate and Tile Roofers	17.19	.95	1.00		.07
Area 4:					
Roofers; Waterproofers	15.13	.95	1.37		.10
Slate and Tile Roofers	15.38	.95	1.37		.10
Area 5:					
Roofers; Waterproofers	14.05	.95	.60		.01
Slate and Tile Roofers	14.55	.95	.60		.01
Area 6:					
Roofers	15.60	.80	1.40		.10
Handling of irritating material (coal, tar or epoxy)	15.85	.80	1.40		.10
Handling of irritating material (coal, tar or epoxy) in confined area	16.10	.80	1.40		.10
SHEET METAL WORKERS:*					
Area 1	17.41	3%+.83	1.70		.20
Area 2	20.12	3%+.79	.94		.14
Area 3	17.95	3%+1.08	1.93	1.00	.12
Area 4	18.14	3%+.83	1.16		.06
Area 5	19.29	3%+.88	1.68		.14
Area 6	18.80	3%+.88	1.68		.14
SOFT FLOOR LAYERS:*					
Area 1	13.34	.84	.60		
Area 2	13.32	.68	1.10	1.21	
Area 3	14.00	.84	.90	.60	
Area 4	11.75	.69	1.10		
Area 5	14.63	.83	1.50		.15
Area 6	12.795	.80	1.05	c	.13
Area 7	13.26	.83	1.50		.13
Area 8	14.60	.84	.75		
SPRINKLER FITTERS:*					
Area 1	19.16	.95	3.43		.11
Area 2	16.44	.95	1.40		.08

*See AREA DESCRIPTIONS Page - 13

AREA DESCRIPTIONS

ROOFERS: (Cont'd)
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, and Snohomish Counties
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County

SPRINKLER FIITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	$15.10	$1.05	$2.00		
Area 2	16.28	1.05	.40		
Area 3	15.75	1.05	1.00		.07
Area 4	15.52	1.05	1.55		.16
Area 5	16.38	1.00	1.45		.35
Area 6	16.75	.90	.80		
Area 7	16.76	1.25	1.75		.07
Area 8	15.28	1.05	1.80		.16
Area 9	13.84	.80	1.25		.06
TILE, MARBLE and TERRAZZO FINISHERS:*					
Area 1	13.48	.80	.75		
Area 2	14.80	1.00	.55		
Area 3	11.10	1.05	2.00		
IRRIGATION and LANDSCAPE CONSTRUCTION: (STATEWIDE):					
Laborers	8.66	1.10	1.40		
Plumbers	10.62	.90	.30	1.00	.11
Power Equipment Operators	10.96	1.20	1.75		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

*See AREA Descriptions - Page 15

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

FOOTNOTES:

a. Employer contributes 8¢ of basic hourly rate for over 5 years' service and 6¢ of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.

b. Two weeks' vacation with pay after 1 year employment. Also seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.

c. 4% of all gross wages to be placed to the credit of the employee with less than one(1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one(1) year of service.

AREA DESCRIPTIONS

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion which include the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan County (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, and Kitsap Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete); Snohomish County
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and that portion of Adams County which includes the City of Othello
Area 7: Kittitas, Klickitat (except 10 mile strip bordering the Columbia River), and Yakima Counties
Area 8: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); Whatcom County

TILE, MARBLE and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 2: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 3: Adams County (except that portion which includes the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County

LINE CONSTRUCTION

BASE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
BASE					

LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer Leadman Pole Sprayer	$17.71	$19.46	$20.21	$20.96	$22.21
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	16.00	17.75	18.50	19.25	20.50
Group 3: Tree Trimmer	14.44	--	--	--	--
Group 4: Line Equipment Man	13.78	15.53	16.28	17.03	18.28
Group 5: Head Groundman, Powderman, Jackhammer Man	12.05	13.80	14.55	15.30	16.55
Group 6: Head Groundman (Chipper)	12.05	--	--	--	--
Group 7: Groundman	11.32	13.07	13.82	14.57	15.82

FRINGE BENEFITS PAYEMENTS:	GROUPS 1 to 3	GROUPS 4 to 7
Health and Welfare	.45	.45
Pension	3%+1.70	3%+1.10
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

ZONE DESCRIPTIONS

BASE ZONE* 0 to 3 miles radius from the geographical center of the Cities listed below
ZONE 1: 3 to 20 miles radius
ZONE 2: 20 to 35 miles radius
ZONE 3: 35 to 50 miles radius
ZONE 4: Over 50 miles radius

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D'Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Seattle	Lakeview	The Dalles
Klamath Falls	Bellingham	Umatilla	Sand Point	

*BASE ZONE rate is paid when working out of employer's permanent shop.

LABORERS (AREA 1) BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties):					
Group 1	$13.07	$1.12	$1.30		.10
Group 2	13.32	1.12	1.30		.10
Group 3	13.57	1.12	1.30		.10
Group 4	13.82	1.12	1.30		.10

LABORERS (AREA 1)*
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford site in Benton and Franklin Counties)

HEAVY and HIGHWAY CONSTRUCTION

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.07	$14.22	$14.67	$15.37	$16.02
2	13.32	14.47	14.92	15.62	16.27
3	13.57	14.72	15.17	15.87	16.52
4	13.82	14.97	15.42	16.12	16.77

FRINGE BENEFITS:	
Health and Welfare	$ 1.12
Pension	1.30
Apprenticeship Training	.10

*Underground Work - 10% additional

*See ZONE DESCRIPTIONS for AREA 1 (Heavy and Highway) - following TRUCK DRIVERS' Classifications

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LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, Hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Fippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation,-preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman Including Distribution Pipe, Assembling and Dismantle and Nipper; Track Laborer; Railroad Equipment, power driven;Dual Mobile Power Spiker or Puller

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stauk (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

LABORERS (Area 2) All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4 and the Northern portion of Pacific County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1-A	$9.27	$1.10	$1.40		.08
Group 1-B	14.30	1.10	1.40		.08
Group 2	14.64	1.10	1.40		.08
Group 3	14.78	1.10	1.40		.08
Group 4	14.88	1.10	1.40		.08

GROUP 1-A: Window Washer

GROUP 1-B: General Laborer; Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car & Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete & Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: Wrecking & Moving (Including Charred Material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller & Bucker: Hand; Fence Laborer; Fine Grader; Form Setter; Grout Machine Header Tender; Header Laborer & Guard-Rail Erector; House Wrecker; Material Yard Man (Including Electrical); Nipper-Swamper; Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signal-Man; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (At Job Site); Track Laborer; Truck Spotter; Vinyl Seaming

GROUP 2: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and Others; Concrete Saw; Epoxy Technician; Gabian Basket Builder; Grinder; Groutman (Pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, Head; Rip Rap Man, Head; Rodder; Sloper (Over 20'); Stake Hopper; Tamper (Multiple and Self-Propelled); Tamper and Similar Electric & Air Operated Tools: Topman-Tailman; Wagon Driller & Air Track Tender; Well Point Laborer

GROUP 3: Bit Grinder & Drill Doctor; Cement Dumper - Paving; Cement Finisher Tender; Faller & Bucker Chain Saw; Grade Checker & Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman & Hodcarrier; Nozzleman (Concrete Pump, Green Cutter when using combination of High Pressure Air & Water on Concrete & Rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer & Caulker; Powderman; Raker-Asphalt; Spreader (Carries Grade with Rodder); Timberman - Sewer (Lagger, Shorer, & Cribber; Tugger Operator; Vibrator; Wagon Driller & Air Track Operator

GROUP 4: Caisson Worker; Laser Beam Operator (Tunnel); Miner; Spader, Tunnel; Powderman; Re-Timberman Pipe reliner (Not Insert type)

LABORERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties,
and the Southern portion of Pacific County

LABORERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;

LABORERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties,
and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$12.72	$13.32	$13.77	$14.27	$15.22	$15.97
2	13.07	13.67	14.12	14.62	15.57	16.32
3	13.37	13.97	14.42	14.92	15.87	16.62
4	13.62	14.22	14.67	15.17	16.12	16.87

FRINGE BENEFITS
Health and Welfare $ 1.10
Pension 1.40
Vacation .65
Apprenticeship Training .10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Brroomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Laborer; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate whenused); Railroad Track Laborers

LABORERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

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LABORERS (Area 4) Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1-A	$9.27	.95	$1.30		.08
Group 1-B	14.30	.95	1.30		.08
Group 2	14.64	.95	1.30		.08
Group 3	14.78	.95	1.30		.08
Group 4	14.88	.95	1.30		.08

GROUP 1-A: Window Washer

GROUP 1-B: General Laborer; Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car & Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete & Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: Wrecking & Moving (Including Charred Material); Ditch Digger; Drierman; Dumpmen; Elevator Feeders; Faller & Bucker: Hand; Fence Laborer; Fine Grader; Form Setter; Grout Machine Header Tender; Header Laborer & Guard-Rail Erector; House Wrecker; Material Yard Man (Including Electrical); Nipper-Swamper; Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signal-Man; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (At Job Site); Track Laborer; Truck Spotter; Vinyl Seaming

GROUP 2: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and Others; Concrete Saw; Epoxy Technician; Gabian Basket Builder; Grinder; Groutman (Pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, Head; Rip Rap Man, Head; Rodder; Sloper (Over 20'); Stake Hopper; Tamper (Multiple and Self-Propelled); Tamper and Similar Electric & Air Operated Tools: Topman-Tailman; Wagon Driller & Air Track Tender; Well Point Laborer

GROUP 3: Bit Grinder & Drill Doctor; Cement Dumper - Paving; Cement Finisher Tender; Faller & Bucker Chain Saw; Grade Checker & Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman & Hodcarrier; Nozzleman (Concrete Pump, Green Cutter when using combination of High Pressure Air & Water on Concrete & Rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer & Caulker; Powderman; Raker-Asphalt; Spreader (Carries Grade with Rodder); Timberman - Sewer (Lagger, Shorer, & Cribber; Tugger Operator; Vibrator; Wagon Driller & Air Track Operator

GROUP 4: Caisson Worker; Laser Beam Operator (Tunnel); Miner; Spader, Tunnel; Powderman; Re-Timberman Pipe reliner (Not Insert type)

LABORERS (Area 5) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$13.20	1.12	$1.30		.10
Group 2	13.45	1.12	1.30		.10
Group 3	13.70	1.12	1.30		.10
Group 4	13.95	1.12	1.30		.10
Group 5	14.20	1.12	1.30		.10

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

LABORERS (Area 5) (Cont'd) DOE Hanford Site in Benton and Franklin Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 6	$14.45	1.12	$1.30		.10
Group 7	14.70	1.12	1.30		.10
Group 8	14.95	1.12	1.30		.10

Group 6: Asphalt Laborer; Batch Weighman; Broomers; Burners; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete & Monolithic Laborer; Curing Laborer; Drierman; Elevator Feeders; Fine Grader; Form Setter; Material Yard Man (Including Electrical); Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Signal-Man; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (At Job Site); Track Laborer; Truck Spotter; Vinyl Seaming

Group 7: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and Others; Concrete Saw; Epoxy Technician; Gabian Basket Builder; Grinder; Groutman (Pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, Head; Rip Rap Man, Head; Rodder; Sloper (Over 20'); Stake Hopper; Tamper (Multiple and Self-Propelled); Tamper and Similar Electric & Air Operated Tools: Topman-Tailman; Wagon Driller & Air Track Tender; Well Point Laborer

Group 8: Bit Grinder & Drill Doctor; Cement Dumper - Paving; Cement Finisher Tender; Faller & Bucker Chain Saw; Grade Checker & Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman & Hodcarrier; Nozzleman (Concrete Pump, Green Cutter when using combination of High Pressure Air & Water on Concrete & Rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer & Caulker; Powderman; Raker-Asphalt; Spreader (Carries Grade with Rodder); Timberman - Sewer (Lagger, Shorer, & Cribber; Tugger Operator; Vibrator; Wagon Driller & Air Track Operator

POWER EQUIPMENT OPERATORS (Area 1)* All Counties and portions of Counties East of the 120th Meridian	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$13.20	1.12	$1.30		.10
Group 2	13.45	1.12	1.30		.10
Group 3	13.70	1.12	1.30		.10
Group 4	13.95	1.12	1.30		.10
Group 5	14.20	1.12	1.30		.10

LABORERS (Area 5) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power dirven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

Group 5: Powderman

POWER EQUIPMENT OPERATORS (Area 1)*
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.10	$14.25	$14.70	$15.40	$16.00
2	13.40	14.55	15.00	15.70	16.35
3	13.95	15.10	15.55	16.25	16.90
4	14.10	15.25	15.70	16.40	17.05
5	14.25	15.40	15.85	16.55	17.20
6	14.50	15.65	16.10	16.80	17.45
7	14.75	15.90	16.35	17.05	17.70
8	15.75	16.90	17.35	18.05	18.70

FRINGE BENEFITS:

Health and Welfare	$ 1.30
Pension	2.00
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1. Bit Grinders; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydra-lift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders Overhead and Front-end, under 4 yards R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

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Basic Hourly Rate	Fringe Benefits Payments			
				Education

POWER EQUIPMENT OPERATORS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

POWER EQUIPMENT OPERATORS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$18.12	$1.20	$1.75		.16
Group 2	17.62	1.20	1.75		.16
Group 3	17.18	1.20	1.75		.16
Group 4	16.82	1.20	1.75		.16
Group 5	16.52	1.20	1.75		.16
Group 6	14.72	1.20	1.75		.16

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yards and over; Shovels and attachments, 6 yards and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yards up to 8 yds.; Shovels, Backhoes, over 3 yards to 6 yards; Slipform Pavers; Scrapers, self-propelled, 45 yards and over; Quad 9, HD 41, D-10

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yards; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes, 3 yards and under; Subgrader, Trimmer; Tractors, Backhoe, over 60 HP; Scrapers, Self-propelled, under 45 yards

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

POWER EQUIPMENT OPERATORS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Groups	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$14.15	$14.75	$15.20	$15.70	$16.65	$17.40
2	14.32	14.92	15.37	15.87	16.82	17.57
3	14.46	15.06	15.51	16.01	16.96	17.71
4	14.65	15.25	15.70	16.20	17.15	17.90
5	14.68	15.28	15.73	16.23	17.18	17.93
6	14.78	15.38	15.83	16.33	17.28	18.03
7	14.85	15.45	15.90	16.40	17.35	18.10
8	14.97	15.57	16.02	16.52	17.47	18.22
9	15.05	15.65	16.10	16.60	17.55	18.30
10	15.13	15.73	16.18	16.68	17.63	18.38
11	15.15	15.75	16.20	16.70	17.65	18.40
12	15.23	15.83	16.28	16.78	17.73	18.48
13	15.33	15.93	16.38	16.88	17.83	18.58
14	15.52	16.12	16.57	17.07	18.02	18.77
15	15.72	16.32	16.77	17.27	18.22	18.97
16	15.95	16.55	17.00	17.50	18.45	19.20
17	16.13	16.73	17.18	17.68	18.63	19.38
18	16.35	16.95	17.40	17.90	18.85	19.60
19	16.52	17.12	17.57	18.07	19.02	19.77

FRINGE BENEFITS:

Health and Welfare	$1.30
Pension	1.47
Vacation	1.00
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications.

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POWER EQUIPMENT OPERATORS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

	Fringe Benefits Payments

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer, Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

POWER EQUPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
(DREDGING - AREA 1)					
All Counties and portions of Counties East of the 120th Meridian:					
Group 1	$15.12	$1.20	$1.55		.08
Group 2	15.22	1.20	1.55		.08
Group 3	15.56	1.20	1.55		.08
Group 4	15.61	1.20	1.55		.08
Group 5	15.66	1.20	1.55		.08
Group 6	16.98	1.20	1.55		.08
Group 7:					
(a)	16.37	1.20	1.55		.08
(b)	16.92	1.20	1.55		.08
(DREDGING - AREA 2)					
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern portion of Pacific County:					
Group 1	15.02	.95	1.50		.16
Group 2	15.12	.95	1.50		.16
Group 3	15.46	.95	1.50		.16
Group 4	15.51	.95	1.50		.16
Group 5	15.56	.95	1.50		.16
Group 6	15.88	.95	1.50		.16
Group 7:					
(a)	16.27	.95	1.50		.16
(b)	16.82	.95	1.50		.16
(DREDGING - AREA 3)					
Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties:					
Group 1	16.00	1.30	1.47	1.00	.10
Group 1A	16.67	1.30	1.47	1.00	.10
Group 2	15.50	1.30	1.47	1.00	.10
Group 3	15.11	1.30	1.47	1.00	.10
Group 4	14.78	1.30	1.47	1.00	.10

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POWER EQUIPMENT OPERATORS
DREDGING - AREAS 1 and 2

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pump); Mates and Boatman

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for Primary Pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS
DREDGING - AREA 3

Group 1: Leverman, Dipper

Group 1A: Leverman, Hydraulic

Group 2: Assistant Engineer (including Watch Engineer, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

POWER EQUIPMENT OPERATORS (AREA 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.48	$1.30	$2.00		.10
Group 2	13.78	1.30	2.00		.10
Group 3	14.33	1.30	2.00		.10
Group 4	14.48	1.30	2.00		.10
Group 5	14.63	1.30	2.00		.10
Group 6	14.88	1.30	2.00		.10
Group 7	15.13	1.30	2.00		.10
Group 8	16.13	1.30	2.00		.10
Group 9	17.88	1.30	2.00		.10

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Operator (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxcavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

Group 5: Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stiffleg (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Roller-man (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Bluetop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (side); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yards and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, and all climbing, rails and tower); Clamshell Operator (3 yards and over); Derricks and Stiffleg (65 tons and over); Draglines (3 yards and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards); Helicopter Pilot; Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

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TRUCK DRIVERS (AREA 1)*
All Counties and portion of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$14.52	$15.67	$16.12	$16.82	$17.47
2	14.56	15.71	16.16	16.87	17.51
3	14.62	15.77	16.22	16.92	17.57
4	14.71	15.86	16.31	17.01	17.66
5	14.92	16.07	16.52	17.22	17.87
6	14.96	16.11	16.56	17.26	17.91
7	15.02	16.17	16.62	17.32	17.97
8	15.06	16.21	16.66	17.36	18.01
9	15.17	16.32	16.77	17.47	18.12
10	15.21	16.36	16.81	17.51	18.16
11	15.52	16.67	17.12	17.77	18.47
12	15.66	16.81	17.26	17.96	18.61
13	15.82	16.97	17.42	18.12	18.77
14	15.96	17.11	17.56	18.26	18.91

FRINGE BENEFITS:

Health and Welfare	$ 1.34
Pension	1.47
Apprenticeship Training	.09

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling mateiral; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D. W.'s and similar, with 2 to 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end, and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end, and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Fringe Benefits Payments					
Determination Number	Effective Date	Expiration Date	Modification Number	Publication Date	Supersedes Decision Number
WA81-5163	12/04/81	03/31/82	0	12/04/81	WA80-5163

TRUCK DRIVERS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian

TRUCK DRIVERS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H.S.W	Pensions	Vacation	Education and or Appr. Tr
Group 1	$15.18	$1.06	$1.33		.14
Group 2	15.23	1.06	1.33		.14
Group 3	15.28	1.06	1.33		.14
Group 4	15.39	1.06	1.33		.14
Group 5	15.45	1.06	1.33		.14
Group 6	15.49	1.06	1.33		.14
Group 7	15.50	1.06	1.33		.14
Group 8	15.56	1.06	1.33		.14
Group 9	15.61	1.06	1.33		.14
Group 10	15.63	1.06	1.33		.14
Group 11	15.66	1.06	1.33		.14
Group 12	15.76	1.06	1.33		.14
Group 13	15.78	1.06	1.33		.14
Group 14	15.82	1.06	1.33		.14
Group 15	15.94	1.06	1.33		.14
Group 16	15.98	1.06	1.33		.14
Group 17	16.10	1.06	1.33		.14
Group 18	16.15	1.06	1.33		.14
Group 19	16.31	1.06	1.33		.14
Group 20	16.47	1.06	1.33		.14
Group 21	16.63	1.06	1.33		.14

TRUCK DRIVERS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Trucks, Escort or Pilot Car; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

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TRUCK DRIVERS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 8 yards to and including 9 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; LowBed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 9 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$13.80	$14.40	$14.85	$15.35	$16.30	$17.05
2	13.85	14.45	14.90	15.40	16.35	17.10
3	13.90	14.50	14.95	15.45	16.40	17.15
4	13.95	14.55	15.00	15.50	16.45	17.20
5	14.00	14.60	15.05	15.55	16.50	17.25
6	14.10	14.70	15.15	15.65	16.60	17.35
7	14.20	14.80	15.25	15.75	16.70	17.45
8	14.30	14.90	15.35	15.85	16.80	17.55
9	14.40	15.00	15.45	15.95	16.90	17.65
10	14.57	15.17	15.62	16.12	17.07	17.82
11	14.67	15.27	15.72	16.22	17.17	17.92
12	14.77	15.37	15.82	16.32	17.27	18.02
13	14.87	15.47	15.92	16.42	17.37	18.12
14	14.97	15.57	16.02	16.52	17.47	18.

FRINGE BENEFITS:	
Health and Welfare	$1.18
Pension	1.26
Vacation	1.00
Apprenticeship Training	0.08

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Water Wagons (Rated Capacity) - up to 1600 Gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties and the Southern portion of Pacific County

Fringe Benefits Payments

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties and the Southern portion of Pacific County

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

TRUCK DRIVERS: (Area 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$14.52	1.34	1.47		.09
Group 2	14.56	1.34	1.47		.09
Group 3	14.62	1.34	1.47		.09
Group 4	14.71	1.34	1.47		.09
Group 5	14.92	1.34	1.47		.09
Group 6	14.96	1.34	1.47		.09
Group 7	15.02	1.34	1.47		.09
Group 8	15.06	1.34	1.47		.09
Group 9	15.17	1.34	1.47		.09
Group 10	15.21	1.34	1.47		.09
Group 11	15.52	1.34	1.47		.09
Group 12	15.66	1.34	1.47		.09
Group 13	15.82	1.34	1.47		.09
Group 14	15.96	1.34	1.47		.09

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

TRUCK DRIVERS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,00 gallons; Tractor with Steer Trailer; truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, Whichever is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks Hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling mucked cement - add $.15 per hour)

Winch Truck - takes classification of Trunk on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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BILLING CODE 4510-27-C

ZONE DESCRIPTIONS (AREA 1)

LABORERS
(Heavy and Highway)
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla
*15 mile free Zone

ZONE 1 - within a 15 mile radius from the center of the above named Cities
ZONE 2 - 15-30 miles radius from the center of the above named Cities
ZONE 3 - 30-45 miles radius from the center of the above named Cities
ZONE 4 - 45-90 miles radius from the center of the above named Cities
ZONE 5 - over 90 miles radius from the center of the above named Cities

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, The Dalles and Vancouver

ZONE 1 - all jobs or projects located within 10 miles of the respective City Hall
ZONE 2 - more than 10 miles but less than 25 miles from the respective City Hall
ZONE 3 - more than 25 miles but less than 35 miles from the respective City Hall
ZONE 4 - more than 35 miles but less than 45 miles from the respective City Hall
ZONE 5 - more than 45 miles but less than 75 miles from the respective City Hall
ZONE 6 - more than 75 miles from the respective City Hall

federal register

Friday
December 4, 1981

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Submission of State Programs, Procedures and Criteria for Approval or Disapproval of Program Submissions, Maintenance of State Programs, Procedures for Substituting Federal Enforcement of State Programs, and for Establishing a Federal Program in a State

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731, 732, 733 and 736

Submission of State Programs, Procedures and Criteria for Approval or Disapproval of Program Submissions, Maintenance of State Programs, Procedures for Substituting Federal Enforcement of State Programs, and for Establishing a Federal Program in a State

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining is proposing to amend 30 CFR Parts 730, 731, 732, 733 and 736, which set forth the procedures for the submission, review, approval or disapproval, and maintenance of State programs, for substituting Federal enforcement of State programs and for establishing a Federal program in a State.

OSM has drafted these revisions in response to both the Secretary's goal of removing burdensome or counter-productive regulations and comments from the States and the general public.

DATES: Comments must be received by January 18, 1982, not later than 5:00 p.m., at the address listed below. A public hearing on the proposed amendments will be held on January 5, 1982 at 9:30 a.m. Representatives of OSM will be available to meet with interested persons upon request until January 18, 1982. Persons wishing to testify at the hearing should contact the person listed below under "FOR FURTHER INFORMATION CONTACT."

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record (SPA–03), Office of Surface Mining, U.S. Department of the Interior, Room 153, South Interior Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240.

The public hearing will be held in the main auditorium, Department of the Interior, 18th and C Streets N.W., Washington, D.C. 20240. A transcript of the public hearing, all written comments received, summaries of meetings with representatives of OSM, and other documents constituting the administrative record on the proposed amendments will be made available for public review during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343–4225.

SUPPLEMENTARY INFORMATION:

I. Public Hearing

A public hearing on these proposed amendments will be held at 9:30 a.m. on January 5, 1982 in the main auditorium, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful to the panel and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials by providing them an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. Persons wishing to testify or submit statements in advance should contact Mr. Carl C. Close at the address or phone number indicated above.

The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

II. Background

The Secretary of the Interior has decided to review all regulations promulgated by the Department under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). The Secretary believes that fundamental changes in these regulations may be necessary. He intends to administer the Act in a manner that does not unnecessarily restrict coal development or improperly intrude on the role of the States. This approach will reflect the potentially competing mandates of the Act which require the Secretary (1) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining (section 102(a)); (2) to recognize that the primary governmental responsibility for developing, authorizing, issuing and enforcing regulations for surface coal mining and reclamation operations should rest with the States (section 101(f)); and (3) to assure that coal supplies are adequate to meet the Nation's requirements (section 102(f)).

One area of the Secretary's concern is the process of approving State regulatory programs under section 503 of the Act and implementing Federal regulatory programs under section 504 for those States not wishing to assume jurisdiction or whose programs have not been approved.

To implement the provisions of sections 503 and 504 and to insure a balance among the competing mandates of the Act, the Secretary promulgated Parts 730–736 in the permanent regulatory program (44 FR 15323–15332, March 13, 1979). Under the current regulations a State must submit its proposed permanent program to OSM under procedures contained in 30 CFR Part 731 to assume primary jurisdiction under the Act for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders. OSM reviews the proposal and recommends approval or disapproval to the Secretary of the Interior of each State program according to procedures contained in 30 CFR Part 732. Part 733 establishes requirements for the maintenance of approved State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs. Part 736 establishes standards and procedures for the promulgation, implementation, and administration of a Federal program for a State.

III. Proposed Changes

The proposed amendments to Parts 730–736 are designed to streamline the regulations, remove burdensome or counter-productive requirements, and provide greater editorial clarity. One change made throughout these proposed regulations would substitute the words "Director" or "Office" for "Regional Director" or "Regional Office" wherever appropriate to reflect the restructuring of the OSM organization ordered by the Secretary on May 20, 1981. In addition, the Secretary proposes to revise the following rules in the ways discussed below.

Part 730—General Requirements

1. *Section 730.2 Objectives.*

Section 730.2 is proposed to be deleted in its entirety for editorial clarity. This section contains no substantive requirements and is merely explanatory of requirements which follow. In an effort to streamline the

Chapter, this section and other similar ones are proposed to be deleted.

2. *Section 730.4 Responsibilities.*

Section 730.4 is proposed to be deleted in its entirely for editorial clarity. The rationale for this proposed change is the same as that provided in the preceding discussion of § 730.2.

3. *Section 730.5 Definitions.*

Section 730.5(b) has been amended in a separate rulemaking action. 46 FR 53376–53384 (October 28, 1981). The amendment makes clear that the States are not required to parallel all applicable provisions of the Secretary's regulations. Under the amendment, the State laws and regulations included in a State program have to be as effective as the Secretary's regulations in meeting the requirements of the Act.

4. *Section 730.11 Inconsistent and more stringent State laws and regulations.*

Three amendments are proposed to § 730.11(a), which requires the Director to publish in the **Federal Register** any State law or regulation determined to be inconsistent with the Act or the provisions of 30 CFR Chapter VII. The first proposed amendment is necessary to make § 730.11(a) consistent with the change to § 730.5(b) (See discussion above at § 730.5). The proposed change to § 730.11(a) would have the effect of paralleling § 730.5(a) and 730.5(b). Sections 730.5(a) and (b) define the terms "consistent with" and "in accordance with" such that with regard to the Act, the State laws and regulations must be no less stringent than, meet the requirements of and include all applicable provisions of the Act. As recently amended, § 730.5(b) provides that with regard to the Secretary's regulations, the State laws and regulations must be no less effective than the Secretary's regulations in meeting the requirements of the Act. Thus, the term "no less stringent" is no longer the standard for the Secretary's regulations and would be replaced in § 730.11(a) with the term "inconsistent with," which applies the "no less effective than" standard. The proposed amendment would incorporate in the regulation the term used in section 505(a) of the Act, "inconsistent with." Under proposed § 730.11(a), no State law or regulation would be superseded by any provision of the Act or the Secretary's regulations, except to the extent that the State law or regulation is inconsistent with the requirements of the Act or Chapter VII of 30 CFR.

The second proposed amendment to § 730.11(a) would require the Director to provide an opportunity for comments by interested parties prior to a final determination to set aside as inconsistent any State law or regulation. This would provide early notice to the State and afford the State an opportunity to respond before any final decision by the Director that the State law or regulation must be set aside as inconsistent. A further change would delete the requirement that the Director make his determination with the concurrence of the Solicitor. The Solicitor will provide legal advice on any such action.

Under the third proposed amendment to § 730.11(a), the Director could publish either the complete text or a summary of the State law or regulation, rather than the complete text as presently required. This change is being proposed in order to provide a less costly alternative for the Director to use when notifying the public of an inconsistent State law or regulation. When the material to be printed is brief, the Director intends to include the complete text in the **Federal Register** notice. In cases where the material is voluminous, the Director would publish a summary of the State law or regulation in the **Federal Register** and indicate where copies of the complete text will be available for inspection and how copies of it may be obtained free of charge.

This proposed amendment would provide a more efficient alternative for handling voluminous materials. This proposed amendment would ensure that the Director will provide adequate public notice in the most cost effective manner available.

Part 731—Submission of State Programs

5. *Section 31.11 Eligibility.*

Section 731.11 is proposed to be deleted in its entirety for editorial clarity. The rationale for this proposed change is the same as that provided under the preceding discussion of § 730.2.

6. *Section 731.12 Submission of State programs.*

Section 731.12 is proposed to be amended to eliminate any reference to dates by which a State shall submit a State program. These dates are largely of historical interest as all those States wishing to regulate surface coal mining have already submitted programs or are preparing to do so. All of the requirements of §731.12 would be consolidated into a single paragraph.

Section 731.12(b) was recently amended in a separate rulemaking action (46 FR 50018–50019, October 8, 1981) to provide that a State which has not received approval of its State program by a final decision of the Secretary may submit a State program at any time, if (1) the State program is finally disapproved, or (2) a Federal program has been implemented, or (3) there have been no surface mining operations, but exploration or mining is anticipated, or (4) the State program has been enjoined.

Section 731.12(b) is proposed to be amended further to make it clear that a State may submit a proposed program at any time. As discussed in the preamble to the October 8 final rules, § 732.14 is based in part on the express language of section 504(e) of the Act, which provides that a "State which has failed to obtain approval of a State program prior to implementation of a Federal program may submit a State program at any time *after such implementation*" (emphasis added). As the preamble to the October 8 final rule concluded, however, the Secretary interprets the language in section 504(e) to be permissive in that it states that a State *may* submit a new program after the Federal program is implemented. The legislative history reveals that this provision was simply intended to ensure that a State would not be precluded from submitting a program because a Federal program had been implemented. *See* H. Rep. No. 94–896, 94th Cong., 2d Sess. 35 (1976); H. Rep. No. 94–1445, 94th Cong., 2d Sess. 39, 112 (1976); H. Rep. No. 94–45, 94th Cong., 1st Sess. 80 (1975).

The purpose of allowing a State to resubmit at any time is to address a situation in which, although a State program has been disapproved, much of the original program submission was approved or is approvable and could be resubmitted in less time than would be needed to develop and implement a Federal program for that State. The Secretary believes that Section 504(e) was intended to provide that the permanent program be implemented in a timely manner and that the October 8 amendments can ensure, in some cases, earlier implementation of the permanent program in a given State. Allowing a State to resubmit its program before a Federal program is implemented, particularly if much of the State program was approved earlier, could result in a shortened rulemaking period and an earlier implementation of the permanent regulatory program in that State. A Federal program, by contrast, involves publishing both proposed and final rules and could take considerably longer to implement.

The Secretary did not intend by those October 8 amendments to delay implementation of the permanent regulatory program. There are eight States, Alabama, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Tennessee and Virginia, which were or are enjoined from resubmitting their

programs under section 503(d) of the Act. Section 503(d) provides for a single maximum period of one year during which a Federal program may not be imposed in a State enjoined from taking any action the purpose of which is to prepare, submit or enforce a State program. At the end of one year or when the injunction terminates, whichever is earlier, either a State or a Federal program must be implemented. As announced in the Secretary's general policy statements of August 26, 1981 (46 FR 43041–43043) and November 2, 1981 (46 FR 54495), those States enjoined from resubmitting have 60 days after the date the injunction is lifted, or 60 days after the one-year anniversary of the date the injunction was initially issued, whichever is earlier, in which to resubmit. Two of the eight States, Indiana and Virginia, have resubmitted their programs within the required time period. If a State fails to resubmit its program, § 732.13(g) requires the Secretary to render a final decision disapproving the initial program submission in its entirety

The States, industry, and the public should clearly understand the consequences if a State chooses not to resubmit, if the resubmitted program is disapproved pursuant to § 732.13(f), or if an injunction extends beyond the period stipulated in section 503(d) of the Act. First, under section 502(f) of the Act and § 771.13(a) of the permanent program regulations, the interim program continues in effect until a Federal program is implemented and during this period no new permits shall be issued by the State whose program has been disapproved. Any permits issued by such a State would not be in compliance with the Act.

Second, the Secretary will take immediate action to develop and implement a Federal program for that State. The Secretary is committed to the timely implementation of the permanent regulatory program and intends to use all available means to ensure that the intent of Congress is carried out.

7. Section 731.13 Standards and procedures for approval of alternatives to provisions of the regulations of this Chapter

Section 731.13 was deleted under a separate rulemaking action (46 FR 53376–53384, October 28, 1981). See preceding discussion under § 730.5.

8. Section 731.14 Content requirements for program submissions.

30 CFR 731.14 establishes content requirements for program submissions. Existing § 731.14(c) requires a legal opinion form the State Attorney General that the State has the legal authority to administer the State program and regulate surface coal mining operations, including a section-by-section comparison of the State's laws and regulations with the Act and the Secretary's regulations. An amendment is proposed to separate this requirement into two subsections so that the Attorney General's opinion would not have to include the section-by-section comparison. The section-by-section comparison is essential to a thorough understanding of the State's program, but it is a time-consuming task that need not be prepared by the Attorney General in order to be useful. Under this proposed rule, the comparison could be prepared by the State regulatory authority staff or other entity with greater resources and a comprehensive knowledge of the program.

A further amendment to 30 CFR 731.14 is proposed to consolidate all the content requirements concerning the structure and staffing of the State regulatory authority. The amendment would combine the requirements of § 731.14 (e), (i), (j), and (k) into a new § 731.14(e). No substantive requirements would be affected. The amendment would eliminate duplication by reducing the number of Subsections where similar information is requested. Existing § 731.14 (i), (j), and (k) would be deleted.

Subsection (g) requires narrative descriptions, flow charts or other appropriate documents indexed according to Sections and Subsections of the Act and sections and subsections of 30 CFR Chapter VII. An amendment is proposed to eliminate the requirement to have the narrative descriptions indexed according to Sections and Subsections of the Act and the Chapter. This requirement did not prove helpful during the initial program submissions and may be an unduly burdensome editorial requirement on the States.

A change is proposed to 30 CFR 731.14 (g)(16) to make it consistent with the format for (g) (1) through (15) of the required State program systems by eliminating the specific language requiring that the small operator assistance program be consistent with 30 CFR Part 795. This change would be editorial, not substantive, in nature, as the requirement is stated in § 732.15(b)(13).

A change is proposed to 30 CFR 731.14(h) which requires statistical information concerning coal exploration and surface coal mining operations in the State. The proposed amendment would eliminate subsections (h)(1)–(h)(8), which list types of statistical information which may be included in a State's submission. These items are suggestions only and do not add anything substantive to the basic requirement of statistical information.

An amendment is proposed to combine § 731.14(l) and 631.14(m) into a new § 741.14(i). Subsections (l) and (m) concern budgetary and equipment requirements, which can be consolidated into a single subsection. No substantive requirements would be changed. Existing § 731.14 (l) and (m) would thus be deleted.

An amendment is proposed to § 731.14 to eliminate Subsections (n), (o), and (p). These Subsections require, respectively, information concerning special environmental performance standards, a brief description of other programs administered by the regulatory authority, and such other information as the Director may require. Each of these information requirements duplicates information which is already or can be made available to the Office under other provisions of this Chapter, including proposed § 731.14 (a), (e) and (g).

Part 732—Procedures and Criteria for Approval or Disapproval of State Program Submissions

9. Section 732.4 Responsibility.

Section 732.4 is proposed to be deleted in its entirety for editorial clarity The rationale for this proposed change is the same as that provided in the preceding discussion of § 730.2.

10. Section 732.11 Review by the Regional Director Section 732.12 Notice and public hearing requirements.

Existing § 732.11 Establishes detailed procedures for receipt and review of State program submissions by the Office. Existing § 732.12 establishes requirements for notice and public hearings regarding the review of State programs. These procedures have proven to be very detailed and possibly not necessary for achieving the requirement of section 503(b)(3) of the Act to provide appropriate procedures for public participation in the development of State programs.

The existing arrangement calls for two separate review efforts conducted in series, the first to include a public meeting (Section 732.11(a)(4), the second a public hearing (Section 732.12(b)). The first review is limited to a determination of completeness and the second is directed at substantive matters. In practice, the first review has probably not been worthwhile and in most cases was in fact expanded to include substantive matters. The arrangement was confusing to OSM, the States and the public. Under the regulations being proposed today, the separate completeness review and first public meeting would not be required. Instead,

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there would be just one review period for both completeness and substantive matters. There would also be just one required public hearing.

The existing arrangement provides in § 732.12(b)(2) that if enacted laws and regulations are not submitted as part of the program submission on or before the 104th day from the date of submission, the public hearing will still be held, but the program shall be disapproved pursuant to the procedures for the Secretary's initial decision in 30 CFR 732.13.

The purpose of this requirement was to force States to enact laws and regulations prior to the Secretary's decision on the program submission in an effort to allow the public time to review and comment on fully enacted provisions. The arrangement has proved to be perhaps unnecessarily inflexible at times. Enactments of law by State legislatures and promulgation of rules by State administrators are variable and sometimes inflexible processes. The rule being proposed today would provide the flexibility for States to adopt necessary provisions within established State time frames without the need to call special legislative sessions so long as an opportunity can be provided to the public to assure meaningful input.

Under the proposed arrangement, when the program is submitted, draft State laws and regulations must be submitted in the form in which they are expected to become final. Should it be necessary to revise the State laws and regulations during the public comment period or before the Secretary's decision, OSM would give notice and provide an adequate opportunity for review and comment on the revisions. The length of time provided would vary depending on the extent and complexity of the changes. State laws and regulations would be enacted prior to or simultaneously with program approval.

Existing §§ 732.11 and 732.12 are therefore proposed to be combined into a revised § 732.11 which would be retitled "Review by the Director."

11. *Section 732.13 Decision by the Secretary.*

The Office published in the **Federal Register** on October 1, 1980 (45 FR 64961), a proposed amendment to Section 732.13(f), which contains procedures for the submission of a revised program to the Secretary within 60 days following an initial disapproval. Existing § 732.13(f) requires, by reference to the procedures of § 732.12, that a resubmitted State program must be disapproved if the State fails to submit all necessary laws and regulations within 60 days of an initial decision disapproving its original program submission.

Experience has shown that such a requirement with respect to program resubmissions may be unnecessarily inflexible in that its limits a State's ability to make the changes in its laws and regulations identified as necessary during Departmental and public review of its program. The Secretary believes that it may be appropriate and beneficial to make it clear that States may make changes in their laws and regulations after resubmission as long as there is an adequate opportunity for public comment.

Accordingly, the Secretary is proposing to amend § 732.13(f), by reference to § 732.11, to establish the same requirements for enactment of laws and regulations in program resubmissions as are proposed today for program submissions. (See discussion above under §§ 731.11 and 732.12.) State laws and regulations therefore must be enacted by the date of program approval.

By proposing this approach, the Secretary is rejecting an approach proposed earlier. On October 1, 1980, § 732.13 was proposed to be amended by adding provisions to allow enactment of laws and regulations up until the date established for the Secretary to make the final decision on a State's revised program, provided that the law or regulation is submitted to the Office at least fifteen (15) days prior to that date in the exact form in which it has been or will be enacted (45 FR 64961). This proposed amendment is not being reproposed.

A further change to § 732.13 for the purpose of greater clarity was proposed on October 1, 1980 (45 FR 64961), to redesignate as a separate Section the last two sentences of § 732.13(f) relating to announcement and effects of the Secretary's final decision on a State's program submission. This proposed amendment is being reproposed with these two sentences becoming new proposed § 732.13(g). Existing subsection (g) would be redesignated as subsection (h).

A change is proposed to existing § 732.13(h) (to be redesignated § 732.13(i)) which provides that an approved State program becomes effective on the date of publication of the Secretary's decision in the **Federal Register**. The proposed change would allow the Secretary to specify a different effective date. Experience has demonstrated that a given State may request, for administrative or other reasons, that the effective date not necessarily coincide with publication of the Secretary's decision. The proposed change would allow the Secretary to accommodate a State's request.

Existing § 732.13(i) would be redesignated as subsection (j) and would be amended to provide that there are a number of actions available should a State fail to correct the deficiencies in its conditionally approved State program by the date set forth in the Secretary's decision. The existing rule, § 732.13(i)(4), provides that the conditionally approved program terminates if the deficiencies have not been corrected. The proposed amendment would provide that the Director is required to notify the Secretary and take specific action if the deficiencies are not corrected. The Director's options would include: (1) Immediate withdrawal of approval of all or part of the State program, (2) immediate direct Federal enforcement of those portions of the State program the State has failed to implement, (3) initiation of procedures under Parts 733 and 736 to withdraw State program approval and implement a Federal program, or (4) any combination of these actions. The Director's decision on what particular action or set of actions is required would be made based upon the seriousness of the deficiencies which remain uncorrected, the State's attitude and demonstrated intent to remedy the problems, and an evaluation of the risks to the environment and public health and safety.

12. *Section 732.14 Resubmission of State programs.*

Section 732.14 was recently amended in a separate rulemaking action (46 FR 50018–50019, October 8, 1981) as discussed in the preamble to § 731.12(b). As with § 731.12(b), the Secretary now proposes to amend § 732.14 to make it clear that there are no limitations on when a program may be submitted. The rationale for this amendment and related proposed rule changes is provided in the preceding discussion of § 731.12.

13. *Section 732.15 Criteria for approval of State programs.*

Section 732.15(b)(7) requires that a State provide for civil and criminal sanctions for violations of the State law or regulations in accordance with section 518 of the Act and consistent with 30 CFR Part 845, including the same or similar procedural requirements. The Secretary does not believe that any change in the wording of the regulations is necessary, but would like to reiterate his policy, which reflects the decision of the U.S. District Court for the District of Columbia. This policy was stated in each **Federal Register** notice announcing the Secretary's decision on a State

program decision (See, for example, 45 FR 79430–79451, December 1, 1980), and is reprinted here for the convenience of the reader.

On February 26, 1980, the U.S. District Court for the District of Columbia issued its first round decision in the litigation on the permanent program regulations (*In re: Permanent Surface Mining Regulation Litigation*, Civil Action No. 79–1144). In that decision, the court held that the Secretary could not require a point system for assessing civil penalties. On May 16, 1980, in its second round decision, the court answered the Secretary's request for clarification regarding the round one decision remanding the penalty point system. The court stated that the Secretary may not require the States to develop a system to assess penalties at least as stringent as those imposed under the penalty point system set forth in the Federal regulations. The Secretary has interpreted the court's decision concerning penalty systems in such a way that that State need only develop a penalty system incorporating: (1) Four criteria similar to those in Section 518(a) of the Act, (2) procedural requirements similar to those in 30 CFR 845.17 through 845.20, (3) a requirement similar to that in 30 CFR 845.12 that a civil penalty must be assessed for each cessation order, and (4) a requirement similar to that in 30 CFR 845.15(b) that a minimum of $750.00 per day be assessed for all cessation orders issued for failure to abate a violation.

Section 732.15(b)(10) requires that State programs contain provisions for public participation "consistent with the public participation requirements of the Act and this chapter." The existing preamble to this provision states that OSM interprets the regulation to provide for citizens' suits in State courts. 44 FR 14965 (March 13, 1979); *see* 44 FR 15297 (March 13, 1979). The United States District Court for the District of Columbia upheld this as a reasonable interpretation of the Act. *In re Permanent Surface Mining Regulation Litigation*, Civ. No. 79–1144 (D.D.C. Feb. 26, 1980), slip op. at 11–13. The District Court's ruling is now on appeal. Examination of this issue in the course of litigation has led OSM to question the validity of its existing interpretation of the Act's public participation requirements. OSM proposes to alter its interpretation of § 732.15(b)(10) so that State programs need not provide for citizens; suits in State courts, and hereby solicits comment on this proposed change.

Additionally, the preamble to § 723.15(b)(10) explains that the regulation is intended to require that citizens have the right to accompanying State inspectors onto the mine site when the inspection is a result of a citizen's request. 44 FR 14965 (March 13, 1979); *see* 44 FR 15297 (March 13, 1979). The United States District Court for the District of Columbia has upheld this interpretation as a reasonable construction of the Act. *In re Permanent Surface Mining Regulation Litigation, supra*, slip op. at 13–14. This ruling is now on appeal. Examination of this issue in the course of litigation has led OSM to question the validity of its existing interpretation of this issue. Accordingly, OSM proposes to delete the requirement that State programs contain this requirement, and hereby solicits comment on this proposed change.

On November 4, 1981, OSM published a notice in the **Federal Register** (46 FR 54761–54762) postponing consideration of a petition by the State of Colorado to amend 30 CFR 840.15 by deleting the requirement that each State program provide for public participation consistent with 43 CFR 4.1294(b). The regulations at 43 CFR Part 4 describe the procedures applicable to surface coal mining hearings and appeals. Specifically, 43 CFR 4.1294(b) permits the award of appropriate costs and expenses, including attorneys' fees, from OSM to any person other than a permittee or his or her representative, if the person initiates or participates in any proceeding under the Act, upon a finding that the person made a substantial contribution to a full and fair determination of the issues. 30 CFR 840.15 operates to make this provision a requirement of each State program.

In the November 4, 1981 **Federal Register** notice, OSM determined that it would make sense to consider this petition as part of the overall rule changes to 30 CFR Subchapter L, and to solicit public comments at that time. Proposed amendments to Subchapter L were published in the **Federal Register** on December 1, 1981. A more comprehensive discussion of the petition and related proposed rule changes is contained in that **Federal Register** notice.

Section 732.15(b)(14) requires that a State provide protection for employees of the State "* * * regulatory authority in accordance with the protection afforded Federal employees under section 704 of the Act." The preamble to the permanent program rules (44 FR 14964, March 13, 1979) noted the objections of several commenters that this requirement was neither justified under the Act nor specifically required. Those suggestions were not accepted at that time on the basis that section 503(a) of the Act specifically requires that the State program demonstrate that the State has the capability of carrying out the provisions of the Act and the Act requires certain protections.

Section 704 on its face addresses only Federal employees. Most of the other provisions of the Act, for example, sections 509, 514, and 522(a), address either the regulatory authority (which includes State regulatory authorities) or both the Federal and State governments. Further, section 704 does not fall into any of the categories listed in section 503(a) (2)-(6) as requirements for State programs. For these reasons, the Secretary believes that section 704 may be a requirement which Congress intended to impose only on the Federal government and not on the States. Accordingly, this requirement is proposed to be deleted.

Section 732.15(b)(15) is proposed to be amended by moving the requirement that State programs provide for administrative review of State program actions to § 732.15(b)(14). Present § 732.15(b)(15) would be further amended to provide that judicial review of State program actions be in accordance with State law, as provided in section 526(e) of the Act. After careful review, it appears that section 526 may apply to decisions of the Secretary, acting as a Federal officer. By contrast, section 526(e) specifically provides that "Action of the State regulatory authority pursuant to an approved State program shall be subject to judicial review by a court of competent jurisdiction *in accordance with State law** * *" (emphasis added). The proposed change would clarify that the Act specifies that judicial review within approved State programs is to be in accordance with State, not Federal, law.

However, section 521(d) of the Act requires as a condition of approval of any State program that its "enforcement provisions * * * incorporate sanctions no less stringent than those set forth in this Section, and shall contain the same or similar procedural requirements relating thereto." The standards for judicial review of any Secretarial decision, including enforcement actions, contain several provisions which may not be included in some State laws. For instance, temporary relief is required under section 526(c) of the Act. Section 526(c) differs from many State laws on the subject of temporary relief in that section 526(c) does not allow temporary relief in any case where such relief would adversely affect public health or safety or cause significant imminent

environmental harm to land, air, or water resources. Many State laws regarding temporary relief provide that public health and safety is only one factor to be considered. Consequently, there may be circumstances where, under State law, the granting of temporary relief would be allowable even though it would adversely affect public health and safety or harm the environment. Such a result may appear to be inconsistent with the requirement of section 521(d) of the Act that State programs incorporate enforcement sanctions no less stringent than those of the Act. Accordingly, comments are invited on the legality of the proposed amendment and alternatives the Secretary may consider in promulgating a final rule.

14. *Section 732.17 State program amendments.*

Section 732.17 establishes procedures for amending approved State programs whether the process for amendment is initiated by the State regulatory authority or by the Director. This Section was recently revised to streamline, shorten and simplify the State program amendment process, partly in response to a petition from Governor Ed Herschler of Wyoming. The rationale for those revisions, as explained in the preamble to the final rule, is incorporated herein by reference to the extent that it is consistent with the changes being proposed today. *See* 46 FR 7906–7909, January 23, 1981. Further changes proposed for this Section are discussed below.

Section 732.17(f) requires the State regulatory authority to submit a written amendment within 60 days after notification by the Director that an amendment is required. This requirement imposes a difficult administrative burden on the States because it does not take into account the varied legislative and regulatory procedures which individual States must follow, nor the complexities of drafting amendments of broad scope. The proposed change to § 732.17(f) would allow the State to submit either a proposed written amendment or, in the case of a complex or lengthy amendment, a description of the amendment to be proposed, together with a timetable for enactment that is consistent with established administrative or legislative procedures in the State. The Director would not make decisions on amendments based on descriptions alone; there would be an opportunity under § 732.17(f)(2) for public comment on the actual language of any amendment.

Section 732.17(g) provides that whenever the State wishes to initiate changes to the approved State program, the State shall submit the proposed changes to the Director for approval as an amendment. Several States have suggested that this Section be amended to provide for some form of automatic approval if the proposed amendments involve only minor changes to State programs or are in response to changes in the corresponding Federal regulations. A proposed change to this Section would provide that proposed amendments shall be considered approved by the Director unless the Director notifies the State in writing within 60 days of receipt of the amendment that the amendment should be subject to the usual procedures for approving State program amendments. If a program amendment was approved under this proposed change, the State would notify the Director of the date that the proposed amendment is finally enacted or promulgated under State administrative or legislative procedures. The date of notification would then be the effective date for the inclusion of the program amendment in the State program. Comments are specifically invited on the legality of this proposed change, its impact upon public participation, and the criteria to be used by the Director in determining whether proposed State program amendments are minor or should be subject to the normal amendment process of 30 CFR 732.17(h).

Part 733—Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs

15. *Section 733.4 Responsibilities.*

Section 733.4 is proposed to be deleted in its entirety for editorial clarity. The rationale for this proposed rule change is the same as that provided in the preceding discussion of § 730.2.

16. *Section 733.12 Procedures for substituting Federal enforcement of State programs or withdrawing approval of State programs.*

In § 733.12(b)(3) the word "any" is proposed to be inserted before the phrase "necessary remedial actions" to make it clear that remedial action may not always be necessary. This change would also be made to illustrate that the State has an opportunity to address the Director's assertions under the informal conference procedure set forth in § 733.12(c).

Section 733.12(c) would be amended to clarify that the informal conference may be used to discuss both the facts supporting the Director's assertions and the time period provided by the Director for the State to take any necessary remedial actions. In § 733.12(d), the last line would be amended by adding the phrase "or as modified as the informal conference held under paragraph (c) of this section." This proposed phrase is intended to keep paragraph (d) consistent with the proposed amendment to paragraph (c) allowing for possible modification of the time period for the State to complete remedial actions.

An additional change to § 733.12(c) is proposed to provide that the informal conference must be requested within 15 days after the expiration of the time period specified for the State to accomplish any necessary remedial actions. The purpose of the proposed change is to clarify that the conference may be requested at any time, but not later than 15 days after the expiration of the time period.

Section 733.12(e) would be rewritten by making editorial changes to the language. While no substantive change is intended, the new language would help avoid any misinterpretation of when Federal enforcement of a State program or the withdrawal of approval of a State program becomes necessary.

Section 733.12(f) specifies the Director's responsibilities when substituting Federal enforcement of a State program. The term "enforcement" is interpreted to include administration and implementation of all or part of a State program by the Office under section 521(b) of the Act. (For further discussion, see the preamble to the proposed permanent regulatory program at 43 FR 41678, September 18, 1978.)

Several changes to § 733.12(f)(2) are proposed to help define the broad use of the term "enforcement" as it applies to this section. A phrase would be added to the first sentence to clarify that the Director may substitute enforcement of all or part of the State program. A similar phrase would be inserted in the beginning of the third sentence. No substantive changes to these sentences would be made by these added phrases.

The present language of § 733.12(f)(2)(ii) requires that the Director issue any new or revised permit required by any new regulation promulgated during the time of substituted Federal enforcement. This language may be confusing because it does not specify whether the State regulatory authority or the Office will be the regulatory authority for the purpose of issuing new or revised permits should the Director promulgate a new regulation.

The Secretary has considered alternative ways of resolving the ambiguity and believes that it would probably best serve the industry and public to consolidate all permitting responsibilities with the Office in situtations where the Director has issued new rules. Confining the Office to reviewing only those aspects of permit decisions that relate to new rules promulgated by the Director, while allowing the other permitting responsibilities to remain with the State, would create a dual permit authority. The Secretary believes such a dual authority might confuse the public and the industry on whether the State or the Office was enforcing the State program. The proposed language in § 733.12(f)(2)(ii) would specify that the Office would become the regulatory authority for purposes of administering and implementing the permit requirements of the State program in the event the Director issues new regulations affecting existing or new permit.

17. *Section 733.13 Criteria for substituting Federal enforcement for State programs or withdrawing approval of State programs.*

The title of § 733.13 would be changed to describe more accurately the subject matter of this Section. The proposed title, "Factors to be considered in deciding whether to substitute Federal enforcement for State programs or to withdraw approval of State programs" avoids the use of the word "criteria." This Section sets forth the kind of facts and documents to be considered by the Director or the Secretary in decisions concerning substitution of direct Federal enforcement of a State program or the withdrawal of approval of part or all of a State program. The present title may be confusing in that some persons may misinterpret "criteria" to mean far more specific guidelines for these decisions that can realistically be established in the Federal rules.

Part 736—Federal Program for a State

18. *Section 736.2 Objectives.*
Section 736.3 Responsibility.
Section 736.4 Authority.

Sections 736.2, 736.3 and 736.4 are proposed to be deleted in their entirety for editorial clarity. The rationale for these proposed changes is the same as that provided in the preceding discussion of § 730.2.

19. *Section 736.11 General procedural requirements.*

The reference to June 3, 1980, in § 736.11(a)(1) is proposed to be deleted for the reasons discussed in the preamble to proposed § 731.12.

20. *Section 736.12 Public notice requirements.*
Section 736.13 Public comment.

Part 763 establishes standards and procedures for the promulgation, implementation, maintenance, administration, revision and termination of a Federal program for a State for coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within that State. Section 736.12 establishes public notice requirements for promulgation of a Federal program, including the requirement at § 736.12(a) (5) that prior to the revision of a Federal program the Director shall hold a public hearing. The proposed change would insert the words "if applicable" at the beginning of § 736.12(a)(5) to make the hearing requirement discretionary in certain situations, as discussed below.

The Office realizes that Federal programs will be revised regularly to reflect changes in the Act or the permanent program regulations. Some revisions may not be of sufficient magnitude to justify automatically holding a public hearing. Section 736.13(c) is therefore proposed to be amended so that for each revision to a Federal program, holding a public hearing would be discretionary. Under the amendment the Office would base a decision to hold a hearing on the anticipated public response to and interest in the revision. The opportunity to request a public hearing would be provided and if such a request were made, a public hearing would be held.

21. *Section 736.22 Contents of a Federal program.*

Section 736.22(b) establishes the minimum content requirements for Federal programs. They include, but are not limited to, 30 CFR Parts 700, 701, 707, 760, 761, 762, 765, Subchapter G, Subchapter J, Subchapter K, 30 CFR 842, 843 and Subchapter M. A proposed change would add two sections to this list of minimum provisions, 30 CFR 764 and 845. Section 764 contains procedures for processing petitions to designate areas unsuitable for surface coal mining operations. Section 845 contains procedues for the assessment of civil penalties under section 518 of the Act.

There is currently active coal exploration, but no mining, in at least four States. With mining not anticipated in the near future, the Office has found it advantageous to limit Federal programs in these States only to the provisions which are necessary for coal exploration activities. Should mining be anticipated at a later date, the program would be revised. A further proposed change to § 736.22(b) would allow Federal programs covering only coal exploration activities to be limited to those necessary provisions including 30 CFR Parts 700, 701, 761, 762, 764, 770, 776, 787, 815, 842, 843 and 845. It would not be necessary to include all of Subchapters G and J and Part 816 of Subchapter K dealing with permitting, bonding and underground mining performance standards.

22. *Section 736.23 Federal program effect on State law or regulations.*

The existing regulation provides that State statutes or regulations shall be preempted and superseded by the Federal program insofar as they are "inconsistent, less stringent or preclude compliance with the purposes and requirements of the Act and the Federal program." This provision, which is based on section 504(g) of the Act, is proposed to be amended to be consistent with the proposed amendments to §§ 730.5 and 730.11, as discussed above under those Sections. The proposed amendment would reflect the requirement of section 504(g) that State statutes or regulations shall be superseded "insofar as they interfere with the achievement of the purposes and the requirements of the Act and the Federal program." Section 504(g) must be read in light of section 505(a) of the Act which further requires that no State law or regulation be superseded except insofar as the State law or regulation is *inconsistent with* the provisions of the Act (emphasis added). As noted above under § 730.11, § 730.5 defines the term "inconsistent with" with regard to both the Act and the Secretary's regulations. The proposed change to § 736.23 is thus intended to make it clear that the definition of "consistent with" applies under a Federal program as well as under a State program for purposes of superseding a State law or regulation.

IV. Additional Information

A draft of the rules being proposed today was made available to State regulatory authorities and groups representing industry and citizens. Comments were invited on the draft rules and several meetings were held. All written comments and minutes of meetings are on file in the Administrative Record at the address listed above. Oral and written comments were used as general background information in refining the proposed rules being published today. All comments, including those received in response to this announcement, will be addressed in the preamble to the final rule.

The information collection requirements in existing 30 CFR Subchapter C were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned clearance numbers 1029–0022, 1029–0023, 1029–0024 and 1029–0025. Those approvals were identified in "notes" and the introductions to 30 CFR Parts 730, 731, 732 and 733. OSM will delete those "notes" and codify the OMB approvals under a new section 10 in each of those Parts that contains information collection requirements. OSM is requesting OMB reapproval of the information collection requirements.

The information required by 30 CFR Part 730 is needed by OMB to assure that surface coal mining operations in States with injunctions will be regulated by the State in accordance with the interim regulatory program in section 502 of Pub. L. 95–87.

The information required by 30 CFR Part 731 is needed to determine whether a State which wishes to assume exclusive jurisdiction over the regulation of surface coal mining within its borders has demonstrated its capability to carry out the provisions of Pub. L. 95–87.

The information required by 30 CFR Part 732 is needed to afford a State the opportunity to resubmit, modify or amend its State program and will be used by OSM to determine whether the program meets the provisions of the Act.

The information required by 30 CFR Part 733 is needed by OSM to verify the allegations in a citizen request to evaluate a State program and to determine whether an evaluation should be undertaken.

The information required by 30 CFR Part 730, 731, 732 and 733 is mandatory.

OSM has prepared a draft environmental assessment (EA) on this rule that reaches an interim conclusion that this rule should not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Records Office at the address listed in the "Addresses" section of the preamble. A final EA will be completed before issuance of the final rule. OSM may determine at a later date that this rulemaking and related rulemakings under Pub. L. 95–87 have cumulative effects on the environment. At that time, OSM will prepare any further environmental analysis required by the National Environmental Policy Act.

I have determined that these rules are not major rules under Executive Order 12291. I have further certified, in accordance with the Regulatory Flexibility Act, that the proposed rules will not have a significant effect on a substantial number of small entities.

Primary authors of this document are Valerie Bael, Richard Bryson, Mary Crouter, James Fulton, George Stone, and Mary Tisdale, State Program Assistance, Office of Surface Mining.

Dated: November 17, 1981.

Daniel N. Miller,

Assistant Secretary, Energy and Minerals.

For the reasons set forth in the preamble, Parts 730, 731, 732, 733 and 736 of Chapter VII, Title 30 of the Code of Federal Regulations are proposed to be amended as set forth below.

PART 730—GENERAL REQUIREMENTS

1. The authority for Part 730 is:

Authority: Sec. 501(b), 503, 504, 505, and 521 of Pub. L. 95–87 (30 U.S.C. 1251(b), 1253, 1254, 1255, and 1271).

§ 730.2 [Removed]

2. Part 730 is amended by removing § 730.2.

§ 730.4 [Removed]

3. Part 730 is amended by removing § 730.4.

4. 30 CFR 730.11 is amended by revising paragraph (a) to read as follows:

§ 730.11 Inconsistent and more stringent State laws and regulations.

(a) No State law or regulation shall be superseded by any provision of the Act or the regulations of this Chapter, except to the extent that the State law or regulation is inconsistent with, or precludes implementation of, requirements of the Act or this Chapter. The Director shall publish in the **Federal Register** the text or a summary of any State law or regulation determined by him to be inconsistent with the Act or this Chapter. Prior to a final determination by the Director concerning inconsistent laws or regulations, an opportunity for comment by interested parties will be provided.

* * * * *

PART 731—SUBMISSION OF STATE PROGRAMS

5. The authority for Part 731 is:

Authority: Sec. 501(b) and 503, of Pub. L. 95–87 (30 U.S.C. 1251(b) and 1253).

§ 731.11 [Removed]

6. Part 731 is amended by removing § 731.11.

7. 30 CFR 731.12 is revised to read as follows:

§ 731.12 Submission of State programs.

Each State that wishes to regulate coal exploration and surface coal mining and reclamation operations or non-Federal and non-Indian lands within its boundaries shall submit three copies of a proposed program to the Director. A State may submit a proposed program at any time. The State shall retain sufficient copies of the program for public inspection under 30 CFR 732.11(a).

8. 30 CFR 371.14 is amended by revising paragraphs (c), (e), (g)(16), (h), and (i) amending (g) introductory text and removing paragraphs (j)–(p) to read as follows:

§ 731.14 Content requirements for program submissions.

* * * * *

(c)(1) A legal opinion from the Attorney General of the State or the chief legal officer of the State regulatory authority stating that the State has the legal authority under existing laws and regulations, or will have authority under amendments to laws and regulations which are in the process of enactment, to implement, administer and enforce the program and to regulate coal exploration and surface coal mining and reclamation operations in accordance with the Act and consistent with this Chapter.

(2) A section-by-section comparison of the State's laws and regulations and amendments which are in the process of enactment with the Act and this Chapter, explaining any differences and their legal effect;

* * * * *

(e)(1) A description, including appropriate charts, of the existing and proposed structural organization of the agency designated as the regulatory authority and of other agencies or applicable divisions or departments of those agencies which will have duties in the State program. The description must indicate the coordination system between these agencies and lines of authority and the staffing functions within each agency and between agencies.

(2) A summary table of the existing and proposed State program staff, showing job functions, titles and required job experience and training, and a description of how the staffing proposed for the State program will be adequate to carry out the functions, including permitting, inspection and legal actions for the projected workload to ensure that coal exploration and surface coal mining and reclamation operations will be regulated in accordance with the requirements of the Act and this Chapter;

* * * * *

(g) Narrative descriptions, flow charts or other appropriate documents of the proposed systems for * * *

(16) Providing a small operator assistance program.

(h) Statistical information describing coal exploration and surface coal mining and reclamation operations in the State, adequate to demonstrate that the provisions of the State program and the resources available to it are sufficient when compared to the current and projected coal mining activities in the State;

(i) A description of the actual capital and operating budget, including source of funds, used or proposed to be used to administer the State program for the prior and current fiscal years, and the projected annual budget for each of the next two fiscal years, assuming supplemental funding pursuant to an approved State program and grants under 30 CFR Part 735; and a description of the existing and proposed physical resources for use in the program.

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

9. The authority for Part 732 is:

Authority: Secs. 501(b), 503, 504, 506, 507 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, and 522 (30 U.S.C. 1251(b), 1253, 1254, 1256, 1257 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1271, and 1272).

§ 732.4 [Removed]

10. Part 732 is amended by removing § 732.4.

11. 30 CFR 732.11 is amended by revising the section heading to read:

§ 732.11 Review by the Director.

* * * * *

12. 30 CFR 732.11 (a) is amended by revising (1), (2), and (3) and removing (4), and revising (b), (c), and (d) as follows:

§ 732.11 Review by the Director.

(a) * * *

(1) The notice shall include the date of the submission of the program and a summary of the program's contents. It shall also indicate that the full test of the program submission is available for review and shall identify the location of each OSM office and State office where copies are available for public inspection.

(2) The notice shall afford interested persons an opportunity to submit written comments. The comment period shall end on a date following the public hearing scheduled to be held under paragraph (b) of this section and that date shall be specified in the notice.

(3) The notice shall identify the time and location within the State at which the Office will hold the public hearing under paragraph (b) of this section.

(b) A public hearing shall be held by the Director no sooner than 25 days following the publication of the notice required by paragraph (a) of this section. The hearing shall be informal and follow legislative procedures.

(1) The format and the rules of procedure for each hearing shall be determined by the Director and published in the **Federal Register** notice required by paragraph (a).

(2) When the program is submitted, State laws and regulations must be submitted in their final form or in the form in which they are expected to become final. Should revisions to any of the laws or regulations be necessary during the public comment period or before the Secretary's decision, OSM will give notice and provide an opportunity for review and comment. State laws and regulations must be enacted by the date of program approval.

(c) Copies of written comments shall be available for public inspection and copying at appropriate OSM offices.

(d) The Director shall consider all relevant information, including information obtained from public hearings and comments, and shall recommend to the Secretary that the program be approved or disapproved, in whole or in part. The recommended decision shall specify the reasons for the recommendation.

§ 732.12 [Removed]

13. Part 732 is amended by removing § 732.12.

14. 30 CFR 732.13 is amended by revising (f), (g), (h), (i) and (j) to read as follows:

§ 732.13 Decision by the Secretary.

* * * * *

(f) If the Secretary disapproves a program, in whole or in part, the State shall have 60 days from the date of publication of the **Federal Register** notice to submit a revised program to the Director for reconsideration. The procedures of § 732.11 will then apply to the revised State program, except that the time allowed between publication of notice and the public hearing for public review and comment may be shortened to not less than 15 days.

(g) The Secretary shall either approve or disapprove the revised program within 60 days from the date of submission of the revised program and publish that decision and reasons for the decision in the **Federal Register**. A decision disapproving the revised program constitutes that final decision by the Department disapproving that program in its entirety.

(h) If a revised State program is not submitted by a State within sixty days of an initial disapproval under § 732.13(a), the Secretary shall disapprove the initial program submission in its entirety. This decision shall constitute the final decision by the Secretary. This decision and the basis for it shall be published in the **Federal Register**.

(i) A decision by the Secretary approving a program submission establishes a State program for the State which submitted it and constitutes the final decision by the Department. The State program becomes effective on the date of publication of the decision in the **Federal Register** unless otherwise specified by the Secretary. The Secretary shall not give his approval unless the program submission can be approved in whole, except as provided in subsection (j).

(j) The Secretary may conditionally approve a State program where the program is found to have minor deficiencies, provided:

(1) The deficiencies are of such a size and nature so as to render no part of a proposed State program incomplete;

(2) The State has initiated and is actively proceeding with steps to correct the deficiencies;

(3) The State agrees in writing to correct such deficiencies within a time established by the Secretary and stated in the conditional approval; and

(4) If the deficiencies have not been corrected by the date set forth in the Secretary's decision under paragraph (j)(3) of this section, the Director shall notify the Secretary that the deficiencies have not been corrected and shall—

(i) Withdraw approval of the State program in whole or in part, and specify the extent to which approval of the State program is being withdrawn;

(ii) Substitute direct Federal enforcement of those portions of the permanent regulatory program that the State has failed to implement;

(iii) Initiate procedures in accordance with Parts 733 and 736 to withdraw State program approval and implement a Federal program for the State, including specifying necessary remedial actions to correct continued deficiencies; or

(iv) Take any combination of actions under (i) through (iii) above.

15. 30 CFR 732.14 is revised to read as follows:

§ 732.14 Resubmission of State programs.

If, by a final decision, the program is disapproved, the State may submit

another proposed State program to the Director at any time. Resubmitted State programs must meet the requirements of 30 CFR 731.14 and will be acted upon pursuant to 30 CFR 732.11–732.16.

16. 30 CFR 732.15 is amended by revising paragraphs (b)(10), (b)(14), and (b)(15) to read:

§ 732.15 Criteria for approval or disapproval of State programs.

* * * * *

(b) * * *

(10) Provide for public participation in the development, revision and enforcement of State regulations and the State program, consistent with public participation requirements of the Act and this Chapter, except that State programs are not required to: Provide citizens with the right to participate in inspections which result from citizens' requests; or authorize legal actions by citizens in State courts similar to the citizens' legal actions which section 520 of the Act authorizes in the Federal courts;

* * * * *

(14) Provide for administrative review of State program actions, in accordance with section 525 of the Act and Subchapter L of this Chapter;

(15) Provide for judicial review of State program actions in accordance with State law, as provided in section 526(e) of the Act;

* * * * *

17. 30 CFR 732.17 is amended by revising paragraphs (f), (g), (h)(5) and (h)(6) to read as follows:

§ 732.17 State program amendments.

* * * * *

(f)(1) If the Director determines that a State program amendment is required, the State regulatory authority shall, within 60 days after notification of that decision, submit to the Director either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of the Act and this Chapter, and a timetable for enactment which is consistent with established administrative or legislative procedures in the State.

(2) If the State regulatory authority does not submit the proposed amendment or description and the timetable for enactment within 60 days from the receipt of the notice, or does not subsequently comply with the submitted timetable, or if the amendment is not approved under this Section, the Director shall begin proceedings under 30 CFR part 733, to either enforce that part of the State program affected or withdraw approval, in whole or in part, of the State program and implement a Federal program.

(g) Whenever changes to laws or regulations that make up the approved State program are proposed by the State, the State shall immediately submit the proposed changes to the Director as an amendment. Such changes to laws and regulations shall be considered approved by the Director unless the Director notifies the State in writing within 60 days that the proposed amendment is not minor and thus will be subject to the procedures of 30 CFR 732.17(h). If the Director so notifies the State, the change to the State's laws or regulations shall not take effect for purposes of the State program until approved as an amendment. If a proposed amendment is approved under this Subsection, the State shall promptly notify the Director of the date when the proposed amendment is enacted or promulgated and the date of notification shall be the effective date for the amendment of the State program.

(h) * * *

(5) Upon the close of the public comment period, the transcript, written presentations, exhibits and copies of all comments shall be transmitted to the Director.

(6) The Director shall consider all relevant information, including any information obtained from public hearings and comments, and shall approve or disapprove the amendment request within 30 days after the close of the public comment period established in accordance with § 732.17(h)(3).

* * * * *

PART 733—MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

18. The authority for Part 733 is:

Authority: Secs. 501(b), 503, 504, 517, and 521 of Pub. L. 95–87 (30 U.S.C. 1251(b), 1253, 1254, 1267, and 1271).

§ 733.4 [Removed]

19. Part 733 is amended by removing § 733.4.

20. 30 CFR 733.12 is amended by revising (b)(3), (c), (d), (e) introductory text, and (f)(2) to read as follows:

§ 733.12 Procedures for substituting Federal enforcement of State programs or withdrawing approval of State programs.

* * * * *

(b) * * *

(3) Specify the time period for the State regulatory authority to accomplish any necessary remedial actions.

(c) The Director shall provide the State regulatory authority an opportunity for an informal conference if the State requests an informal conference within 15 days after the expiration of the time period specified in paragraph (b)(3) of this Section. The informal conference may pertain to the facts or the time period for accomplishing remedial actions as specified by the Director's notification.

(d) If an informal conference is not held under paragraph (c) of this section, or if, following such a conference, the Director still has reason to believe that the State is failing to adequately implement, administer, maintain or enforce a part or all of a State program, the Director shall give notice to the State and to the public, specifying the basis for that belief and shall hold a public hearing in the State within 30 days of the expiration of the time period specified in paragraph (b)(3) of this section or as modified at the informal conference held under paragraph (c) of this Section.

(e) The State will continue to enforce its approved program unless upon completion of the hearing under paragraph (d) of this Section and based upon the review of all available information, including the hearing transcipt, written presentations and written comments, the Director finds that the State has failed to implement, administer, maintain or enforce effectively all or part of its approved State program. If the Director finds further that the State is unable or does not intend to administer the State program, the Director shall either—

* * * * *

(f) * * *

(2) During the period beginning with the public notice and ending when the State satisfies the Director that it will enforce the State program effectively, the Director shall enforce those portions of the State program not being enforced by the State, or the entire State program if necessary, and any additional regulations that the Office has adopted as necessary to enable the Director to perform his or her duties. To the extent the Director has assumed direct Federal enforcement in order to administer and implement all or part of the State program, the Director shall—

(i) Enforce any permit condition required under the Act;

(ii) Issue any new or revised permit pursuant to any additional regulation that the Director may promulgate at the time enforcement is assumed, in which case the Office will become the regulatory authority for issuing all new permits and approving revisions,

modifications, or renewals for existing permits; and

(iii) Conduct inspections and issue notices, orders and assessments of penalties as may be necessary for compliance with those permit conditions, the Act and the State program in accordance with Subchapter L.

21. 30 CFR 733.13 is amended by revising the Section heading to read:

§ 733.13 Factors to be considered in deciding whether to substitute Federal enforcement for State programs or to withdraw approval of State programs.

* * * * *

PART 736—FEDERAL PROGRAM FOR A STATE

22. The authority for Part 736 is:

Authority: Secs. 501, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 522, 525, and 705 of Pub. L. 95–87 (30 U.S.C. 1251, 1253–1269, 1271, 1272, 1275, and 1295).

23. Part 736 is amended by removing § 736.2

§ 736.3 [Removed]

24. Part 736 is amended by removing § 736.3

§ 736.4 [Removed]

25. Part 736 is amended by removing § 736.4

26. 30 CFR 736.11 is amended by revising paragraph (a)(1)(i) to read:

§ 736.11 General procedural requirements.

(a) *Promulgation.* (1) The Director shall promulgate and, subject to the provisions of this Part, implement a Federal program for a State if the Director reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands within the State at any time before June 1985, and the State fails to—

(i) Submit a State program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within that State to the Director as provided in 30 CFR 731.12; or

* * * * *

27. 30 CFR 736.12 is amended by revising paragraphs (a)(4) and (a)(5) to read:

§ 736.12 Public notice requirements.

* * * * *

(a) * * *

(4) The location of the OSM office and public office in the capital city of the State where the text of the proposed program or revision and any supporting information may be reviewed or copied;

(5) If applicable, the date, time, and location in the State where the Office will hold at least one public hearing under the supervision of the Director;

* * * * *

28. 30 CFR 736.13 is amended by revising paragraphs (c), (e), and (f) to read:

§ 736.13 Public comment.

* * * * *

(c) Before promulgation of a Federal program for a State, the Director shall hold at least one public hearing within the State for the purpose of affording interested persons an opportunity to submit data and comments on the proposed Federal program. In the case of a revised Federal program for a State, the opportunity to request a hearing will be provided and if sufficient interest is demonstrated, a public hearing will be held. The hearings shall follow legislative procedures and include a presentation of the proposed program or revision by the Director and the compilation of an open record of the hearing.

* * * * *

(e) Upon completion of the hearings, the hearing transcripts, exhibits submitted, written presentations, and copies of all public comments shall be transmitted to the Director.

(f) Copies of all written comments received and the transcripts of the public hearing shall be made available for public inspection and copying at the appropriate OSM office and at a public office in the capital city of the State.

29. 30 CFR 736.22 is amended by revising paragraph (b) to read as follows:

§ 736.22 Contents of a Federal program.

* * * * *

(b) (1) Any Federal program for a State, including appropriate portions of a partial Federal program which is promulgated or revised by the Director, shall provide for Federal regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within the State in accordance with the requirements of the Act and this Chapter, including, at a minimum, the following provisions: 30 CFR Parts 700, 701, 707, 760, 761, 762, 764, 765, Subchapter G, Subchapter J, Subchapter K, 30 CFR 842, 843, 845, and Subchapter M.

(2) An exception to these requirements may be made where there is exploration but no mining in the State. In such a case, the Federal program which is promulgated must regulate coal exploration, but not mining, and shall include, at a minimum, the applicable sections of the following provisions: 30 CFR Parts 700, 701, 761, 762, 764, 770, 776, 787, 815, 842, 843 and 845.

30. 30 CFR 736.23 is amended by revising paragraph (a) to read:

§ 736.23 Federal program effect on State law or regulations.

(a) Whenever a Federal program is promulgated or revised for a State, any statutes or regulations of the State regulating coal exploration or surface coal mining and reclamation operations subject to the Act shall be preempted and superseded by the Federal program insofar as they interfere with the achievement of the purposes and the requirements of the Act and the Federal program. In promulgating or revising a Federal program for a State, the Director shall set forth in the **Federal Register** any State statute or regulation which is preempted and superseded by the Federal program.

* * * * *

31. In addition to the amendments set forth above, 30 CFR Parts 732 and 736 are amended by removing the words "Regional Director" and inserting, in their place, the word "Director" in the following places:

§ 732.11, 732.13, 732.17, 736.12, and 736.13 [Amended]

(a) 30 CFR 732.11(a);

(b) 30 CFR 732.13(d);

(c) 30 CFR 732.17(h)(1), (h)(2), and (h)(4);

(d) 30 CFR 732.12 (a) introductory text, (a)(1), (a)(3), and (b);

(e) 30 CFR 736.13(b) and (d).

[FR Doc. 81–34769 Filed 12–3–81; 8:45 am]

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federal register

Friday
December 4, 1981

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

General Prototype Housing Costs for One- to Four-Family Dwelling Units

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-81-1103]

General Prototype Housing Costs for One- to Four-Family Dwelling Units

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: On August 14, 1980, the Department published, "General Prototype Housing Costs for One- to Four-Family Dwelling Units." The Department is revising for all areas the prototype costs, based on cost data and other current information received from HUD Field Offices and the public.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-6720 (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 904 of the Housing and Community Development Act of 1977 requires HUD to publish prototype housing costs for a broad variety of one- to four-family housing in each market area. These prototype figures serve merely as an aid to the general public and *are not* applicable to prototype determinations required for public housing under the United States Housing Act of 1937. The costs for land and site improvements are included in the Section 904 prototype cost figures.

In order to cover various economic situations, prototype costs are divided into three cost ranges: low, medium and high. The information source for developing the figures include data from HUD Field Offices, the public, and the basic Section 203(b) mortgage insurance program. The prototype costs are generally representative of the sales prices.

Due to the lack of information on two-, three-, and four-family dwelling units, generally costs shown are for one-family dwellings. The market areas, as designated, are the base and Key Localities and cover both the urban and rural areas of each market area. Every HUD Field Office has maps of these designated areas. The typical low-range, one-family dwelling will contain three bedrooms and one full bath. The medium range one-family dwelling will contain three or four bedrooms and two full baths. The high range one-family dwelling will contain three to five bedrooms and two or three full baths.

The figures shown below the cost range designations are the typical square-foot areas of a one-family dwelling in the captioned market area.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); sec. 904, Housing and Community Development Act of 1977 (42 U.S.C. 3540))

Issued at Washington, D.C., November 27, 1981.

Philip D. Winn,

Assistant Secretary for Housing-Federal Housing Commissioner.

SCHEDULE OF PROTOTYPE HOUSING COSTS: ONE- TO 4-FAMILY DWELLINGS

Market area	Low range $1,000	Medium range $1,250	High range $1,760
Field Office: Boston, Mass.			
Boston:			
1-family dwelling	$52,200	$81,200	$112,300
2-family dwelling	79,300		
3-family dwelling			
4-family dwelling			
Fitchburg:			
1-family dwelling	49,900	79,000	103,400
2-family dwelling	73,100		
3-family dwelling			
4-family dwelling			
Worcester:			
1-family dwelling	49,900	79,000	103,400
2-family dwelling	73,100		
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	49,800	79,100	104,200
2-family dwelling	72,000		
3-family dwelling			
4-family dwelling			
Cape Cod:			
1-family dwelling	52,200	81,200	105,000
2-family dwelling	74,100		
3-family dwelling			
4-family dwelling			

Market area	Low range $880	Medium range $1,000	High range $1,120
Field Office: Hartford, Conn.			
Hartford:			
1-family dwelling	$58,400	$68,400	$71,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Haven-Milford:			
1-family dwelling	59,000	70,000	73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bridgeport-Fairfield:			
1-family dwelling	63,000	73,100	78,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,690	High range $1,980
Field Office: Manchester, N.H.			
Portland, Maine:			
1-family dwelling	$57,100	$83,100	$108,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bangor, Maine:			
1-family dwelling	51,100	82,800	108,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta, Maine			
1-family dwelling	51,000	83,100	109,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Manchester:			
1-family dwelling	49,500	83,700	113,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Keene:			
1-family dwelling	48,700	80,100	109,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth			
1-family dwelling	52,900	85,700	114,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Burlington, Vt.			
1-family dwelling	49,900	80,300	102,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,250	High range $1,540
Field Office: Providence, R.I.			
Providence			
1-family dwelling	$54,100	$68,300	$81,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,090	High range $1,970
Field Office: Albany, N.Y.			
Albany-Troy:			
1-family dwelling	$43,700	$54,900	$84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Auburn:			
1-family dwelling	44,300	54,200	81,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Binghamton			
1-family dwelling	43,300	54,500	87,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ithaca:			
1-family dwelling	43,300	55,500	91,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

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Market area	Low range $940	Medium range $1,090	High range $1,970
Plattsburgh:			
1-family dwelling	43,300	54,500	86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Schenectady:			
1-family dwelling	43,700	54,900	86,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Syracuse:			
1-family dwelling	45,000	56,600	89,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Utica-Rome:			
1-family dwelling	43,700	54,900	86,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	43,000	52,500	85,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,040	High range $1,140
Field Office: Buffalo, NY			
Buffalo			
1-family dwelling	$51,000	$63,500	$75,400
2-family dwelling	76,100	93,300	110,600
3-family dwelling			
4-family dwelling			
Rochester:			
1-family dwelling	51,500	64,200	76,200
2-family dwelling	77,100	94,200	111,500
3-family dwelling			
4-family dwelling			
Elmira:			
1-family dwelling	46,900	58,600	[illegible]
2-family dwelling	70,300	86,300	102,400
3-family dwelling			
4-family dwelling			
Jamestown:			
1-family dwelling	46,400	58,000	68,700
2-family dwelling	69,700	85,600	101,700
3-family dwelling			
4-family dwelling			

Market area	Low range $1,160	Medium range $1,320	High range $1,480
Field Office: Camden, N.J.			
Camden, Gloucester, and Burlington:			
1-family dwelling	$47,300	$66,100	$71,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Atlantic (Shore):			
1-family dwelling	51,200	65,900	84,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ocean County:			
1-family dwelling	49,200	64,300	70,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
B.S.S.C.:			
1-family dwelling	46,700	59,900	63,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mercer County:			
1-family dwelling	53,500	67,200	71,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,000	Medium range $1,475	High range $1,820
Field Office: Newark, N.J.			
[illegible]:			
1-family dwelling	$51,000	$64,500	$69,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Morristown:			
1-family dwelling	69,000	82,500	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Brunswick:			
1-family dwelling	58,400	71,900	76,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asbury Park			
1-family dwelling	58,800	72,100	76,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Somerville:			
1-family dwelling	61,600	75,100	79,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,490	High range $2,440
Field Office: New York, N.Y.			
Nassau/Suffolk:			
1-family dwelling	$40,800	$72,500	$132,500
2-family dwelling	65,500	98,400	147,200
3-family dwelling	102,100	122,600	199,800
4-family dwelling	136,300	193,500	272,200
New York City:			
1-family dwelling	44,700	81,200	119,700
2-family dwelling	71,000	104,400	151,400
3-family dwelling	114,500	134,000	248,900
4-family dwelling	123,500	180,000	311,200
Rockland:			
1-family dwelling	48,100	73,600	120,600
2-family dwelling	65,200	100,800	143,000
3-family dwelling	99,900	121,100	194,200
4-family dwelling	119,800	188,100	275,100
Orange:			
1-family dwelling	41,600	70,600	122,500
2-family dwelling	64,300	100,100	147,400
3-family dwelling	105,200	112,300	188,700
4-family dwelling	121,400	177,500	257,000
Dutchess-Ulster-Sullivan:			
1-family dwelling	39,800	67,300	111,600
2-family dwelling	65,200	96,600	137,700
3-family dwelling	99,900	108,400	175,100
4-family dwelling	117,700	175,400	245,500

Market area	Low range $850	Medium range $1,030	High range $1,440
Field Office: San Juan, P.R.			
San Juan:			
1-family dwelling	$45,600	$55,000	$69,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ponce:			
1-family dwelling	41,700	54,500	[illegible]
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mayaguez:			
1-family dwelling	43,000	54,900	70,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,090	Medium range $1,660	High range $1,950
Field Office: Baltimore, Md.			
Baltimore:			
1-family dwelling	$70,600	$85,900	$96,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hagerstown:			
1-family dwelling		57,800	90,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salisbury:			
1-family dwelling	55,200	62,800	75,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waldorf:			
1-family dwelling	56,700	83,600	104,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,150	High range $2,600
Field Office: Charleston, W. Va.			
Charleston:			
1 family dwelling	$54,500	$93,300	$145,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Beckley, Princeton, Bluefield			
1-family dwelling	51,900	88,500	137,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Martinsburg			
1-family dwelling	53,300	91,200	141,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wheeling:			
1-family dwelling	56,000	96,100	149,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntington:			
1-family dwelling	51,000	86,700	134,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Parkersburg:			
1-family dwelling	50,100	85,500	133,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Upper Monongahela:			
1-family dwelling	50,700	86,300	134,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,220	Medium range $1,790	High range $2,200
Field Office: Philadelphia, Pa.			
Philadelphia:			
1-family dwelling	$41,500	$70,600	$130,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pottstown-Reading:			
1-family dwelling	53,200	62,400	77,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Allentown-Bethlehem-Easton:			
1-family dwelling	66,200	78,200	107,500
2-family dwelling			

Market area	Low range $1,220	Medium range $1,790	High range $2,200
3-family dwelling			
4-family dwelling			
Lancaster-York			
1-family dwelling	54,300	61,500	83,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Harrisburg			
1-family dwelling	66,200	78,200	95,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilkes-Barre-Scranton			
1-family dwelling	53,800	65,700	77,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bellefonte			
1-family dwelling	53,800	65,700	83,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tioga			
1-family dwelling	53,200	59,600	81,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington—State of Delaware			
1-family dwelling	57,600	72,200	89,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,440	High range $2,210
Field Office: Pittsburgh, Pa.			
Pittsburgh			
1-family dwelling	$55,600	$82,700	$103,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Erie			
1-family dwelling	54,700	81,800	102,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Altoona			
1-family dwelling	52,800	78,400	99,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Johnstown			
1-family dwelling	53,700	80,000	100,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,090	Medium range $2,110	High range $2,240
Field office: Richmond, Va.			
Richmond			
1-family dwelling	$57,500	$72,400	$106,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Petersburg			
1-family dwelling	51,300	67,400	100,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lynchburg			
1-family dwelling	45,300	60,000	90,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Roanoke			
1-family dwelling	45,100	67,200	94,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Danville			
1-family dwelling	44,600	57,900	88,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fredericksburg:			
1-family dwelling	52,900	68,100	101,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlottesville			
1-family dwelling	53,000	66,300	102,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Newport News-Hampton			
1-family dwelling	56,800	71,500	103,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk-Virginia Beach			
1-family dwelling	67,200	81,100	116,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portmouth-Chesapeake			
1-family dwelling	60,300	76,000	108,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Winchester			
1-family dwelling	54,300	69,600	101,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,370	High range $2,480
Field Office: Washington, D.C.			
Washington Metropolitan Area			
1-family dwelling	$1 00	$151,100	$205,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,420	High range $2,130
Field Office: Atlanta, Ga.			
Atlanta			
1-family dwelling	$43,200	$68,100	$97,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Athens:			
1-family dwelling	38,900	59,600	83,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Albany:			
1-family dwelling	39,200	61,100	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta			
1-family dwelling	38,700	59,600	84,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Columbus:			
1-family dwelling	40,200	61,100	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rome			
1-family dwelling	39,900	62,000	90,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Savannah			
1-family dwelling	41,900	65,300	92,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Macon:			
1-family dwelling	39,200	61,100	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,820	High range $2,420
Field Office: Birmingham, Al.			
Birmingham			
1-family dwelling	$49,800	$75,100	$96,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Florence			
1-family dwelling	47,500	68,400	86,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntsville			
1-family dwelling	48,500	70,500	91,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Garsden			
1-family dwelling	45,400	69,400	88,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Anniston:			
1-family dwelling	45,400	68,700	86,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tuscaloosa			
1-family dwelling	46,900	67,700	84,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Montgomery			
1-family dwelling	48,300	67,500	89,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dothan:			
1-family dwelling	42,900	65,700	89,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mobile			
1-family dwelling	49,100	71,000	92,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,070	Medium range $1,360	High range $1,510
Field Office: Columbia, S.C.			
Rock Hill-Aiken:			
1-family dwelling	$44,500	$54,700	$60,600
2-family dwelling	63,100	80,500	
3-family dwelling			
4-family dwelling			
Columbia-Orangeburg-Florence:			
1-family dwelling	44,400	55,500	63,900
2-family dwelling	62,700	81,000	
3-family dwelling			
4-family dwelling			
Charleston-Myrtle Beach:			
1-family dwelling	47,300	59,400	68,000
2-family dwelling	66,500	86,100	
3-family dwelling			
4-family dwelling			
Greenville			
1-family dwelling	45,400	57,000	64,500
2-family dwelling	64,200	83,100	
3-family dwelling			
4-family dwelling			

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Market area	Low range	Medium range	High range
Field Office: Coral Gables, Fla.			
Miami			
1-family dwelling	$62,900	$74,700	$117,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ft. Lauderdale			
1-family dwelling	56,300	71,800	107,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
West Palm Beach			
1-family dwelling	49,900	72,100	105,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lee			
1-family dwelling	46,100	61,700	95,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Monroe			
1-family dwelling	46,600	69,200	107,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range	High range
Field Office: Greensboro, N.C.			
Greensboro			
1-family dwelling	$42,400	$54,700	$73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asheville			
1-family dwelling	46,500	57,400	76,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlotte			
1-family dwelling	44,200	56,300	75,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Elizabeth City			
1-family dwelling	39,700	47,600	58,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greensville			
1-family dwelling	40,000	51,000	63,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Raleigh			
1-family dwelling	44,400	54,700	74,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington			
1-family dwelling	42,400	54,700	73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range	High range
Field Office: Jackson, Miss.			
Biloxi-Gulfport			
1-family dwelling	$44,900	$71,400	$101,600
2-family dwelling	70,100		
3-family dwelling			
4-family dwelling	113,350		
Columbus			
1-family dwelling	44,900	72,700	103,600
2-family dwelling	71,900		
3-family dwelling			
4-family dwelling	115,800		
Greenville			
1-family dwelling	42,000	70,200	109,000
2-family dwelling	68,400		
3-family dwelling			
4-family dwelling	110,200		
Hattiesburg			
1-family dwelling	44,900	71,800	102,500
2-family dwelling	71,400		
3-family dwelling			
4-family dwelling	116,300		
Jackson			
1-family dwelling	45,400	72,500	107,000
2-family dwelling	76,300		
3-family dwelling			
4-family dwelling	115,500		
Laurel			
1-family dwelling	44,500	73,700	100,100
2-family dwelling	72,900		
3-family dwelling			
4-family dwelling	115,300		
Meridian			
1-family dwelling	42,700	70,100	96,900
2-family dwelling	69,300		
3-family dwelling			
4-family dwelling	111,800		
Natchez			
1-family dwelling	41,400	69,400	96,800
2-family dwelling	67,600		
3-family dwelling			
4-family dwelling	109,500		
Vicksburg			
1-family dwelling	43,700	72,400	98,200
2-family dwelling	71,100		
3-family dwelling			
4-family dwelling	114,500		
Southhaven			
1-family dwelling	47,200	75,700	106,600
2-family dwelling	74,900		
3-family dwelling			
4-family dwelling	120,900		

Market area	Low range	Medium range	High range
Field Office: Jacksonville, Fla.			
Jacksonville			
1-family dwelling	$43,200	$54,400	$67,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gainesville			
1-family dwelling	42,000	49,300	62,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tallahassee			
1-family dwelling	42,000	51,000	60,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Panama City			
1-family dwelling	42,200	49,100	63,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pensacola			
1-family dwelling	43,500	47,200	62,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range	High range
Field Office: Knoxville, Tenn.			
Knoxville			
1-family dwelling	$43,000	$50,000	$59,500
2-family dwelling		60,500	76,000
3-family dwelling			
4-family dwelling	120,000	128,500	
Chattanooga			
1-family dwelling	42,000	49,000	58,500
2-family dwelling		59,500	75,000
3-family dwelling			
4-family dwelling	117,500	125,000	
Kingsport			
1-family dwelling	42,000	48,500	57,500
2-family dwelling	68,500		
3-family dwelling			
4-family dwelling	109,000		

Market area	Low range	Medium range	High range
	$880	$1,030	$1,300
2-family dwelling		58,500	74,000
3-family dwelling			
4-family dwelling	115,000	123,500	
Johnson City			
1-family dwelling	42,500	49,000	58,700
2-family dwelling		59,000	74,500
3-family dwelling			
4-family dwelling	116,000	124,500	

Market area	Low range	Medium range	High range
	$930	$1,630	$1,930
Field Office: Louisville, Ky.			
Louisville			
1-family dwelling	$47,400	$61,600	$73,000
2-family dwelling	49,000	124,900	
3-family dwelling			
4-family dwelling	128,600	163,500	
Owensboro			
1-family dwelling	46,000	60,100	70,800
2-family dwelling	57,100	118,300	
3-family dwelling			
4-family dwelling	126,300	159,500	
Ashland			
1-family dwelling	48,100	62,000	74,200
2-family dwelling	124,000	61,000	
3-family dwelling			
4-family dwelling	130,700	165,800	
Covington			
1-family dwelling	48,400	63,000	74,800
2-family dwelling	61,500	125,600	
3-family dwelling			
4-family dwelling	131,800	167,200	
Paducah			
1-family dwelling	45,200	58,500	69,600
2-family dwelling	57,600	123,300	
3-family dwelling			
4-family dwelling	124,700	157,500	

Market area	Low range	Medium range	High range
	$1,020	$2,020	$3,050
Field Office: Memphis, Tenn.			
Memphis			
1-family dwelling	$45,200	$72,200	$93,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson			
1-family dwelling	45,000	71,900	92,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range	High range
	$1,060	$1,300	$1,800
Field Office: Nashville, Tenn.			
Nashville			
1-family dwelling	$41,000	$66,500	$78,900
2-family dwelling	53,000	76,800	
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range	High range
	$1,050	$1,200	$1,760
Field Office: Orlando, Fla.			
Orange-Seminole/Osceola			
1-family dwelling	$42,400	$52,000	$73,500
2-family dwelling		71,700	
3-family dwelling			
4-family dwelling			
Brevard			
1-family dwelling	42,700	51,700	74,100
2-family dwelling		71,200	
3-family dwelling			

Market area	Low range $1,050	Medium range $1,200	High range $1,760
4-family dwelling			
Volusia:			
1-family dwelling	43,500	51,000	72,500
2-family dwelling		70,100	
3-family dwelling			
4-family dwelling			

Market area	Low range $1,010	Medium range $1,320	High range $1,690

Field Office: Tampa, Fla.

Tampa:			
1-family dwelling	$40,900	$61,500	$92,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lakeland:			
1-family dwelling	35,100	54,300	95,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bradenton-Sarasota:			
1-family dwelling	41,700	57,700	89,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,130	Medium range $1,500	High range $2,000

Field Office: Chicago, Ill.

Chicago			
1-family dwelling	$49,600	$98,800	$137,400
2-family dwelling	92,400	116,600	143,000
3-family dwelling			
4-family dwelling			
Rockford:			
1-family dwelling	46,600	85,600	119,300
2-family dwelling	81,300	101,400	124,300
3-family dwelling			
4-family dwelling			
Rock Island			
1-family dwelling	47,800	87,800	122,300
2-family dwelling	85,000	103,800	127,300
3-family dwelling			
4-family dwelling			
Sterling:			
1-family dwelling	45,800	85,100	118,800
2-family dwelling	81,300	100,300	123,000
3-family dwelling			
4-family dwelling			

Market area	Low range $1,120	Medium range $1,220	High range $2,020

Field Office: Cincinnati, Ohio

Cincinnati			
1-family dwelling	$53,300	$64,800	$96,100
2-family dwelling	96,200		
3-family dwelling			
4-family dwelling	150,500	175,800	
Dayton			
1-family dwelling	50,400	82,100	94,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,320	High range $1,790

Field Office: Cleveland Ohio

Cleveland:			
1-family dwelling	$60,100	$90,500	$140,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,320	High range $1,790
Akron:			
1-family dwelling	57,400	97,100	133,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Toledo			
1-family dwelling	58,100	89,300	139,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Youngstown			
1-family dwelling	56,100	84,900	132,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Findlay			
1-family dwelling	56,600	78,100	139,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,680	High range $2,210

Field Office: Columbus, Ohio

Columbus			
1-family dwelling	$46,800	$72,800	$110,400
2-family dwelling	83,200	105,200	
3-family dwelling			
4-family dwelling			175,200
Athens			
1-family dwelling	41,100	73,900	107,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lima			
1-family dwelling	46,200	82,600	108,100
2-family dwelling		600D112,000	
3-family dwelling			
4-family dwelling			
Zanesville			
1-family dwelling	45,400	65,200	98,400
2-family dwelling			
3-family dwelling		117,700	
4-family dwelling			
Newark			
1-family dwelling	50,700	71,900	94,600
2-family dwelling	76,100	96,300	
3-family dwelling		123,200	
4-family dwelling			141,500
Springfield			
1-family dwelling	46,500	76,000	106,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Troy			
1-family dwelling	40,800	76,100	105,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,600	High range $2,300

Field Office: Detroit, Mich

Detroit			
1-family dwelling	52,700	66,900	96,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

[illegible]	Low range $1,000	Medium range $1,220	High range $1,530

Field Office: Flint, Mich.

Flint			
1-family dwelling	$38,000	$58,000	$90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,000	Medium range $1,220	High range $1,530
Saginaw:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bay City			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland			
1-family dwelling	50,000	68,000	90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,200	High range $1,720

Field Office: Grand Rapids, Mich.

Grand Rapids			
1-family dwelling	$51,500	$79,700	$136,100
2-family dwelling	97,800	146,100	182,800
3-family dwelling			
4-family dwelling			
Benton Harbor			
1-family dwelling	49,800	79,000	142,900
2-family dwelling	106,700	154,000	193,000
3-family dwelling			
4-family dwelling			
Jackson			
1-family dwelling	53,400	83,600	142,100
2-family dwelling	102,200	152,600	192,600
3-family dwelling			
4-family dwelling			
Lansing			
1-family dwelling	55,800	81,300	142,700
2-family dwelling	104,300	153,600	191,800
3-family dwelling			
4-family dwelling			
Battle Creek			
1-family dwelling	55,200	88,000	140,800
2-family dwelling	101,800	152,500	191,400
3-family dwelling			
4-family dwelling			
Muskegon:			
1-family dwelling	51,300	76,900	133,200
2-family dwelling	95,900	143,400	180,800
3-family dwelling			
4-family dwelling			
Traverse City			
1-family dwelling	50,300	76,200	131,500
2-family dwelling	95,000	146,600	177,600
3-family dwelling			
4-family dwelling			
Mt Pleasant			
1-family dwelling	54,700	82,000	138,700
2-family dwelling	102,000	150,700	189,300
3-family dwelling			
4-family dwelling			
Marquette			
1-family dwelling	51,200	77,500	133,800
2-family dwelling	94,600	142,000	179,800
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,120	High range $2,100

Field Office: Indianapolis, Ind.

Indianapolis:			
1-family dwelling	$46,600	$62,500	$91,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Wayne			
1-family dwelling	46,600	62,500	91,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Terre Haute			
1-family dwelling	49,700	67,700	98,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

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Market area	Low range $1,060	Medium range $1,120	High range $2,100
Gary:			
1-family dwelling	61,500	68,600	99,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,200	Medium range $1,650	High range $2,030
Field Office: Milwaukee, Wis.			
Milwaukee:			
1-family dwelling	$69,900	$108,100	$165,400
2-family dwelling	118,400	151,800	216,800
3-family dwelling	174,700	225,600	320,600
4-family dwelling	233,300	304,000	432,400
Madison:			
1-family dwelling	64,400	99,900	153,800
2-family dwelling	108,800	140,700	201,700
3-family dwelling	159,700	208,300	297,100
4-family dwelling	214,100	278,700	399,300
Green Bay:			
1-family dwelling	55,800	91,300	143,800
2-family dwelling	98,900	129,900	189,700
3-family dwelling	150,500	196,700	283,000
4-family dwelling	201,600	263,300	378,400
Eau Claire:			
1-family dwelling	52,700	87,000	136,300
2-family dwelling	95,600	126,100	185,300
3-family dwelling	143,400	189,200	274,900
4-family dwelling	192,100	255,400	272,700
Superior:			
1-family dwelling	53,500	89,800	142,500
2-family dwelling	99,500	131,900	194,600
3-family dwelling	149,400	198,000	288,600
4-family dwelling	199,600	265,600	388,700

Market area	Low range $1,080	Medium range $1,260	High range $2,010
Field Office: Minneapolis, Minn.			
Duluth:			
1-family dwelling	$60,900	$81,500	$111,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hibbing:			
1-family dwelling	60,500	80,900	110,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mankato-Worthington:			
1-family dwelling	60,000	80,300	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minneapolis-St. Paul:			
1-family dwelling	63,200	84,300	114,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Moorhead:			
1-family dwelling	58,400	78,600	107,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rochester-Austin:			
1-family dwelling	60,000	80,300	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Cloud:			
1-family dwelling	60,000	80,300	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,130	Medium range $1,350	High range $2,020
Field Office: Springfield, Ill.			
Springfield-Peoria-Pekin:			
1-family dwelling	$60,200	$71,800	$82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700
Bloomington-Normal:			
1-family dwelling	60,200	71,600	82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700
Champaign-Urbana:			
1-family dwelling	60,200	71,600	82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700
Belleville-Alton:			
1-family dwelling	60,200	71,600	82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700

Market area	Low range $1,160	Medium range $1,680	High range $2,000
Field Office: Albuquerque, N. Mex.			
Albuquerque:			
1-family dwelling	$55,900	$79,900	$109,900
2-family dwelling			
3-family dwelling		109,200	
4-family dwelling		130,200	
Santa Fe:			
1-family dwelling	57,500	83,500	114,600
2-family dwelling			
3-family dwelling		116,400	
4-family dwelling		137,800	
Clovis:			
1-family dwelling	42,500	61,300	81,000
2-family dwelling			
3-family dwelling		90,100	
4-family dwelling		106,200	
Hobbs:			
1-family dwelling	46,600	67,100	87,900
2-family dwelling			
3-family dwelling		102,300	
4-family dwelling		120,100	
Las Cruces:			
1-family dwelling	49,200	69,900	92,500
2-family dwelling			
3-family dwelling		102,800	
4-family dwelling		121,100	

Market area	Low range $1,090	Medium range $1,600	High range $2,390
Field Office: Dallas, Tex.			
Dallas:			
1-family dwelling	$48,000	$78,000	$138,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waco			
1-family dwelling	44,000	67,000	130,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tyler			
1-family dwelling	43,000	62,800	127,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,400	Medium range $1,600	High range $2,200
3-family dwelling			
4-family dwelling			
Wichita Falls			
1-family dwelling	60,400	68,900	87,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
[illegible]			
1-family dwelling	49,500	67,400	86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Brownwood:			
1-family dwelling	46,400	56,800	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Angelo:			
1-family dwelling	46,400	64,300	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,100	Medium range $1,620	High range $2,150
Field Office: Houston, Tex.			
[illegible]			
1-family dwelling	[illegible]	$75,200	[illegible]
2-family dwelling	94,400	113,000	122,300
3-family dwelling			
4-family dwelling			
Beaumont-Port Arthur:			
1-family dwelling	53,600	73,100	94,100
2-family dwelling	91,500	130,400	119,000
3-family dwelling			
4-family dwelling			
Texas City-Galveston:			
1-family dwelling	[illegible]	74,900	[illegible]
2-family dwelling	[illegible]	[illegible]	122,000
3-family dwelling			
4-family dwelling			

Market area	Low range $1,200	Medium range $1,260	High range $2,420
Field Office: Little Rock, Ark.			
Little Rock			
1-family dwelling	$41,600	$49,900	[illegible]
2-family dwelling		85,100	94,200
3-family dwelling			
4-family dwelling	107,000	117,900	138,800
Texarkana:			
1-family dwelling	42,300	49,200	82,300
2-family dwelling		83,900	91,600
3-family dwelling			
4-family dwelling	108,800	118,300	138,000
Jonesboro:			
1-family dwelling	40,200	48,500	82,300
2-family dwelling		[illegible]	90,300
3-family dwelling			
4-family dwelling	103,000	113,300	134,500
Fort Smith:			
1-family dwelling	41,300	49,700	86,500
2-family dwelling		83,400	94,700
3-family dwelling			
4-family dwelling	106,200	118,300	138,000
Fayetteville:			
1-family dwelling	41,300	49,700	86,500
2-family dwelling		82,400	93,100
3-family dwelling			
4-family dwelling	105,700	116,700	138,000

Market area	Low range $1,400	Medium range $1,600	High range $2,200
Field Office: Fort Worth, Tex.			
Fort Worth:			
1-family dwelling	$62,300	$69,700	$89,800
2-family dwelling			

Market area	Low range $1,040	Medium range $1,390	High range $1,700
Field Office: Lubbock, Tex.			
Amarillo			
1-family dwelling	$40,600	$62,800	[illegible]
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,390	High range $1,700
4-family dwelling			
El Paso			
1-family dwelling	40,500	62,000	83,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lubbock			
1-family dwelling	39,500	60,500	83,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland-Odessa			
1-family dwelling	39,500	61,300	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,470	High range $2,260
Field Office: New Orleans, La.			
New Orleans			
1-family dwelling	$46,500	$69,900	$115,900
2-family dwelling	81,200	114,200	
3-family dwelling	124,000	152,100	
4-family dwelling	142,600	185,300	
Baton Rouge:			
1-family dwelling	38,900	71,000	120,500
2-family dwelling	65,000	102,400	
3-family dwelling	101,700	135,200	
4-family dwelling	121,100	170,300	
Houma			
1-family dwelling	42,400	63,800	106,500
2-family dwelling	70,000	102,300	
3-family dwelling	106,700	134,300	
4-family dwelling	126,600	161,700	
Lafayette:			
1-family dwelling	42,800	68,200	118,900
2-family dwelling	61,800	96,300	
3-family dwelling	102,700	133,800	
4-family dwelling	126,900	163,500	
Lake Charles			
1-family dwelling	39,500	59,700	104,800
2-family dwelling	58,800	95,000	
3-family dwelling	100,500	128,400	
4-family dwelling	120,500	157,200	

Market area	Low range $1,060	Medium range $1,420	High range $1,730
Field Office: Oklahoma City, Okla.			
Oklahoma City:			
1-family dwelling	$49,500	$65,100	$72,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Enid			
1-family dwelling	47,400	63,000	69,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lawton			
1-family dwelling	46,800	60,500	67,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Woodward:			
1-family dwelling	48,200	63,000	69,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ardmore:			
1-family dwelling	47,000	61,100	68,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,310	High range $1,900
Field Office: San Antonio, Tex.			
San Antonio:			
1-family dwelling	$39,500	$57,000	$78,000
2-family dwelling	59,000	65,000	84,000
3-family dwelling			
4-family dwelling			
Austin:			
1-family dwelling	40,000	57,800	78,500
2-family dwelling	60,000	65,900	85,500
3-family dwelling			
4-family dwelling			
Corpus Christi:			
1-family dwelling	41,000	58,000	79,500
2-family dwelling	59,000	65,000	84,900
3-family dwelling			
4-family dwelling			
Rio Grande Valley:			
1-family dwelling	37,500	55,600	74,500
2-family dwelling	57,000	63,000	80,000
3-family dwelling			
4-family dwelling			

Market area	Low range $1,090	Medium range $1,650	High range $2,280
Field Office: Shreveport, La.			
Shreveport:			
1-family dwelling	$53,700	$79,400	$105,400
2-family dwelling			113,800
3-family dwelling			
4-family dwelling			139,100
Monroe			
1-family dwelling	49,000	73,300	94,900
2-family dwelling			103,000
3-family dwelling			
4-family dwelling			128,400
Alexandria:			
1-family dwelling	51,400	75,900	99,800
2-family dwelling			108,000
3-family dwelling			
4-family dwelling			131,100
Marshall, Tex.:			
1-family dwelling	46,600	73,400	99,600
2-family dwelling			108,200
3-family dwelling			
4-family dwelling			134,200

Market area	Low range $1,220	Medium range $1,530	High range $1,920
Field Office: Tulsa, Okla.			
Tulsa:			
1-family dwelling	$58,700	$75,200	$94,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bartlesville			
1-family dwelling	55,400	73,600	92,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
McAlester			
1-family dwelling	51,700	69,000	86,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Muskogee			
1-family dwelling	52,900	68,800	85,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range $960	High range 1,400
Field Office: Des Moines, Iowa			
Cedar Rapids:			
1-family dwelling	$44,700	$65,700	$108,200
2-family dwelling	77,300	117,500	

Market area	Low range $860	Medium range $960	High range 1,400
3-family dwelling			
4-family dwelling	100,200	142,400	
Council Bluffs:			
1-family dwelling	44,000	64,900	106,700
2-family dwelling	76,200	115,800	
3-family dwelling			
4-family dwelling	107,900	143,600	
Davenport:			
1-family dwelling	45,900	67,400	111,100
2-family dwelling	79,400	120,800	
3-family dwelling			
4-family dwelling	111,200	148,100	
Des Moines:			
1-family dwelling	44,000	64,900	106,700
2-family dwelling	76,200	115,800	
3-family dwelling			
4-family dwelling	105,500	140,100	
Sioux City			
1-family dwelling	43,700	64,400	106,000
2-family dwelling	75,700	115,000	
3-family dwelling			
4-family dwelling	106,300	141,300	

Market area	Low range $1,060	Medium range $1,700	High range $2,150
Field Office: Kansas City, Mo.			
Kansas City:			
1-family dwelling	$56,700	$98,700	$140,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Joplin:			
1-family dwelling	57,500	75,400	124,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sedalia:			
1-family dwelling	49,400	75,700	127,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	57,000	75,500	115,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Joseph:			
1-family dwelling	56,100	69,200	140,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $800	Medium range $1,050	High range $1,150
Field Office: Omaha, Nebr.			
Omaha:			
1-family dwelling	$48,000	$54,900	$58,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lincoln:			
1-family dwelling	47,200	53,700	57,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk:			
1-family dwelling	45,800	52,300	55,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Island:			
1-family dwelling	45,800	52,300	55,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
North Platte-Scottsbluff:			
1-family dwelling	45,400	51,900	55,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

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Market area	Low range $1,050	Medium range $1,800	High range $2,360
Field Office: St. Louis, Mo.			
St Louis			
1-family dwelling	$47,200	$61,500	$101,400
2-family dwelling		77,800	111,000
3-family dwelling			
4-family dwelling			
Kirksville.			
1-family dwelling	42,900	57,300	95,200
2-family dwelling		73,500	102,500
3-family dwelling			
4-family dwelling			
Columbia			
1-family dwelling	44,000	57,300	97,200
2-family dwelling		74,600	106,000
3-family dwelling			
4-family dwelling			
Rolla:			
1-family dwelling	44,200	57,800	95,900
2-family dwelling		73,800	104,500
3-family dwelling			
4-family dwelling			
Cape Girardeau:			
1-family dwelling	43,400	57,800	95,500
2-family dwelling		73,300	104,300
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,700	High range $2,150
Field Office: Topeka, Kans.			
Topeka:			
1-family dwelling	$56,600	$92,600	$122,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburg:			
1-family dwelling	57,400	90,500	119,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita.			
1-family dwelling	56,400	90,500	118,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Garden City:			
1-family dwelling	55,900	89,500	118,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,930	High range $1,700
Field Office: Casper, Wyo.			
Casper			
1-family dwelling	$53,400	$83,600	$114,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cheyenne:			
1-family dwelling	48,100	77,300	104,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cody-Powell:			
1-family dwelling	49,900	77,800	[illegible]
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	64,700	105,500	140,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Laramie:			
1-family dwelling	48,200	75,400	104,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gillette:			
1-family dwelling	55,300	78,700	107,800

Market area	Low range $900	Medium range $1,930	High range $1,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Riverton			
1-family dwelling	53,400	81,200	108,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rock Springs:			
1-family dwelling	55,200	86,300	115,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range [illegible]	Medium range $1,610	High range $2,110
Field Office: Denver, Colo.			
Denver:			
1-family dwelling	$42,000	$84,900	$129,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado Springs.			
1-family dwelling	38,400	77,900	119,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pueblo:			
1-family dwelling	35,900	74,400	115,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Durango-Cortez:			
1-family dwelling	42,700	86,300	137,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Junction:			
1-family dwelling	41,400	83,000	131,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greeley			
1-family dwelling	40,600	85,600	129,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Collins:			
1-family dwelling	46,000	85,600	129,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Aspen-Carbondale:			
1-family dwelling	57,000	105,100	153,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rangely:			
1-family dwelling	40,900	81,000	122,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado City:			
1-family dwelling	36,400	74,600	115,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Leadville:			
1-family dwelling	37,300	79,900	127,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Georgetown:			
1-family dwelling	53,800	96,700	141,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $970	High range $1,330
Field Office: Fargo, N.D.			
Fargo:			
1-family dwelling	$81,200	$81,800	$109,700

Market area	Low range $960	Medium range $970	High range $1,330
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bismarck.			
1-family dwelling	$60,700	$82,300	109,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dickinson			
1-family dwelling	$62,400	[illegible]	$106,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Forks:			
1-family dwelling	$60,900	[illegible]	$105,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minot			
1-family dwelling	$59,500	$79,300	$104,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $860	Medium range $1,330	High range $1,600
Field Office: Helena, Mont.			
Missoula			
1-family dwelling	$49,600	$79,500	$113,000
2-family dwelling			
3-family dwelling			
4-family dwelling	89,500	119,700	
Billings:			
1-family dwelling	49,700	79,300	112,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lewiston:			
1-family dwelling	49,800	79,100	107,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Helena.			
1-family dwelling	50,900	81,200	112,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Great Falls			
1-family dwelling	51,900	81,200	112,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Butte.			
1-family dwelling	49,800	80,100	111,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bozeman:			
1-family dwelling	51,300	83,800	118,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $890	Medium range $1,110	High range $1,640
Field Office: Salt Lake City, Utah			
Salt Lake City:			
1-family dwelling	$52,000	$61,800	$108,500
2-family dwelling			
3-family dwelling			
4-family dwelling		142,700	
Cedar City			
1-family dwelling	47,100	59,700	100,000
2-family dwelling			
3-family dwelling			
4-family dwelling		126,200	
Provo-Orem:			
1-family dwelling	51,800	[illegible]	[illegible]
2-family dwelling			
3-family dwelling			
4-family dwelling		143,300	

Market area	Low range $900	Medium range $1,450	High range $1,700
Field Office: Sioux Falls, S. Dak.			
Sioux Falls:			
1-family dwelling	$47,000	$76,000	$114,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Aberdeen:			
1-family dwelling	45,500	70,900	111,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rapid City:			
1-family dwelling	47,500	77,100	116,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mitchell:			
1-family dwelling	44,700	72,300	110,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pierre:			
1-family dwelling	47,100	77,100	116,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	45,200	73,000	111,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,150	Medium range $1,580	High range $2,000
Field Office: Fresno, Calif.			
Frenso:			
1-family dwelling	$54,750	$79,750	$138,000
2-family dwelling	82,500	123,750	190,500
3-family dwelling			
4-family dwelling			
Modesto:			
1-family dwelling	51,250	77,750	134,500
2-family dwelling	81,000	121,250	186,750
3-family dwelling			
4-family dwelling			
Visalia:			
1-family dwelling	50,500	74,500	129,000
2-family dwelling	79,000	119,250	181,750
3-family dwelling			
4-family dwelling			
Bakersfield:			
1-family dwelling	53,500	78,500	135,500
2-family dwelling	82,250	124,000	189,000
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,400	High range $1,800
Field Office: Honolulu, Hawaii			
Honolulu:			
1-family dwelling	$100,000	$170,000	$240,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Maui:			
1-family dwelling	99,000	150,000	200,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hawaii:			
1-family dwelling	82,000	116,000	150,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Kauai:			
1-family dwelling	87,000	116,000	150,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Guam:			
1-family dwelling	57,000	100,000	125,000

Market area	Low range $900	Medium range $1,400	High range $1,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,390	High range $2,200
Field Office: Las Vegas, Nev.			
Las Vegas:			
1-family dwelling	$51,400	$79,800	$105,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,280	Medium range $1,230	High range $2,760
Field Office: Los Angeles, Calif.			
Los Angeles:			
1-family dwelling	$64,800	$104,300	$193,600
2-family dwelling	100,600		
3-family dwelling			
4-family dwelling	170,600	210,000	
Lancaster-Palmdale:			
1-family dwelling	65,700	95,400	164,500
2-family dwelling	101,700		
3-family dwelling			
4-family dwelling	170,000	208,500	
Ventura-Oxnard:			
1-family dwelling	70,500	97,100	169,400
2-family dwelling	111,600		
3-family dwelling			
4-family dwelling	185,100	225,600	
Santa Barbara-Ojai-Piru:			
1-family dwelling	99,000	142,300	223,400
2-family dwelling	162,600		
3-family dwelling			
4-family dwelling	235,000	277,600	
San Luis Obispo-Santa Maria-Paso Robles:			
1-family dwelling	61,800	89,100	173,700
2-family dwelling	114,300		
3-family dwelling			
4-family dwelling	184,900	226,700	

Market area	Low range	Medium range $1,240	High range $2,370
Field Office: Phoenix, Ariz.			
Phoenix:			
1-family dwelling	$35,800	$68,300	$134,600
2-family dwelling	64,300	96,400	122,700
3-family dwelling	89,300	112,800	
4-family dwelling	106,700	141,700	184,000
Flagstaff:			
1-family dwelling	37,500	68,600	136,300
2-family dwelling	62,700	97,900	126,800
3-family dwelling	87,700	112,200	
4-family dwelling	106,800	141,100	187,000
Prescott:			
1-family dwelling	37,500	66,100	130,300
2-family dwelling	65,200	97,700	121,800
3-family dwelling	88,400	115,000	
4-family dwelling	114,700	148,200	193,500
Yuma:			
1-family dwelling	33,800	62,200	121,100
2-family dwelling	60,300	91,100	111,100
3-family dwelling	82,700	105,100	
4-family dwelling	101,600	133,200	174,500

Market area	Low range $1,160	Medium range $1,360	High range $2,190
Field Office: Reno, Nev.			
Reno-Sparks:			
1-family dwelling	$66,500	$94,500	$131,000

Market area	Low range $840	Medium range $1,190	High range $1,810
Field Office: Sacramento, Calif.			
Sacramento:			
1-family dwelling	$52,700	$71,400	$103,200
2-family dwelling		91,700	109,100
3-family dwelling			
4-family dwelling		182,700	
Placerville:			
1-family dwelling	59,100	67,500	106,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Chico:			
1-family dwelling	48,600	59,800	108,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Yreka:			
1-family dwelling	52,000	68,000	
2-family dwelling	89,100		
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,640	High range $2,640
Field Office: San Diego, Calif.			
San Diego:			
1-family dwelling	$66,700	$100,700	$135,900

Market area	Low range $1,260	Medium range $1,470	High range $2,090
Field Office: San Francisco, Calif.			
San Francisco:			
1-family dwelling	$101,300	$143,600	$236,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Jose:			
1-family dwelling	92,800	125,800	206,100
2-family dwelling		185,500	
3-family dwelling			
4-family dwelling			
San Rafael:			
1-family dwelling	117,200	143,700	221,800
2-family dwelling		220,200	
3-family dwelling			
4-family dwelling			
Salinas:			
1-family dwelling	78,800	97,200	164,700
2-family dwelling		143,700	
3-family dwelling			
4-family dwelling			

Market area	Low range $1,120	Medium range $1,710	High range $2,190
Field Office: Santa Ana, Calif.			
Santa Ana:			
1-family dwelling	$66,300	$116,500	$174,800
2-family dwelling		175,500	
3-family dwelling			
4-family dwelling			
Victorville:			
1-family dwelling	58,300	110,800	
2-family dwelling		142,500	
3-family dwelling			
4-family dwelling			
Indio:			
1-family dwelling	60,800	113,800	
2-family dwelling		145,800	
3-family dwelling			
4-family dwelling			
Blythe:			
1-family dwelling	57,300	109,500	
2-family dwelling		139,800	
3-family dwelling			
4-family dwelling			

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Market area	Low range $1,120	Medium range $1,710	High range $2,190
Big Bear:			
1-family dwelling	64,300	120,500	
2-family dwelling		144,500	
3-family dwelling			
4-family dwelling			
Bishop			
1-family dwelling	60,000	114,000	
2-family dwelling		145,000	
3-family dwelling			
4-family dwelling			

Market area	Low range $910	Medium range $1,280	High range $2,000
Field Office: Tucson, Ariz.			
Tucson			
1-family dwelling	$42,500	$66,900	$101,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sierra Vista			
1-family dwelling	41,200	60,800	85,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Nogales-Safford:			
1-family dwelling	40,200	59,700	82,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Douglas:			
1-family dwelling	39,700	58,100	81,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,020	Medium range $1,450	High range $1,800
Field Office: Anchorage, Alaska			
Anchorage:			
1-family dwelling	$98,600	$132,300	$186,400
2-family dwelling	158,700	201,300	261,000
3-family dwelling	211,500	287,600	360,300
4-family dwelling	265,200	364,000	444,900
Fairbanks:			
1-family dwelling	$89,300	$125,600	$169,700
2-family dwelling	139,500	179,200	238,600
3-family dwelling	194,600	267,600	341,300
4-family dwelling	242,700	334,900	421,400
Juneau:			
1-family dwelling	$89,800	$124,000	$173,900
2-family dwelling	148,300	189,200	244,900
3-family dwelling	199,800	277,400	346,500
4-family dwelling	259,300	349,300	433,100

Market area	Low range $910	Medium range $1,220	High range $2,340
Field Office: Boise, Idaho			
[redacted]			
1-family dwelling	$51,400	$61,800	$94,900
2-family dwelling	69,800		
3-family dwelling			
4-family dwelling		168,400	
Idaho Falls:			
1-family dwelling	49,500	57,500	91,200
2-family dwelling	66,600		
3-family dwelling			
4-family dwelling		160,600	
McCall:			
1-family dwelling	50,700		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pocatello			
1-family dwelling	50,500	58,800	92,500
2-family dwelling	67,900		
3-family dwelling			
4-family dwelling		165,700	
Twin Falls			
1-family dwelling	51,700	62,200	95,100
2-family dwelling	71,000		
3-family dwelling			
4-family dwelling		168,900	
Lewiston:			
1-family dwelling	50,100		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Coeur D'Alene:			
1-family dwelling	55,100	64,100	100,700
2-family dwelling	74,400		
3-family dwelling			
4-family dwelling		179,300	

Market area	Low range $1,160	Medium range $1,700	High range $2,180
Field Office: Portland, Oreg.			
Portland:			
1-family dwelling	$53,300	$62,300	$75,600
2-family dwelling	82,300	90,700	104,000
3-family dwelling	124,900	136,500	156,300
4-family dwelling	150,800	165,500	189,900
Bend-Cods Bay-Eugene			
1-family dwelling	51,500	61,000	73,100
2-family dwelling	79,100	89,600	101,500
3-family dwelling	123,000	133,200	152,400
4-family dwelling	146,500	160,800	183,900
Medford			
1-family dwelling	51,800	60,300	71,100
2-family dwelling	78,700	88,200	101,600
3-family dwelling	122,500	134,000	153,600
4-family dwelling	148,200	126,800	186,900

Market area	Low range $1,060	Medium range $1,130	High range $1,340
Field Office: Seattle, Wash.			
Seattle			
1-family dwelling	$66,500	$74,700	$83,800
2-family dwelling	84,000	102,500	133,600
3-family dwelling		153,600	
4-family dwelling		211,800	
Bellingham			
1-family dwelling	64,100	73,200	82,100
2-family dwelling	82,500	100,800	131,700
3-family dwelling		151,200	
4-family dwelling		209,600	
Olympia-Port Angeles			
1-family dwelling	63,100	72,400	81,200
2-family dwelling	81,800	100,500	131,900
3-family dwelling		152,400	
4-family dwelling		211,200	
Aberdeen			
1-family dwelling	61,300	70,500	79,100
2-family dwelling	79,800	98,300	128,500
3-family dwelling		149,100	
4-family dwelling		207,800	
Longview			
1-family dwelling	61,500	70,600	79,300
2-family dwelling	79,800	98,200	128,500
3-family dwelling		148,700	
4-family dwelling		207,100	
Yakima			
1-family dwelling	61,200	70,000	77,400
2-family dwelling	79,000	96,700	126,400
3-family dwelling		146,200	
4-family dwelling		203,300	

Market area	Low range $1,000	Medium range $1,000	High range $1,100
Field Office: Spokane, Wash.			
Spokane			
1-family dwelling	$48,000	$58,800	$78,100
2-family dwelling	65,200	76,800	99,600
3-family dwelling			
4-family dwelling	104,600	120,300	141,800
Cheney			
1-family dwelling	48,500	59,400	79,100
2-family dwelling	66,000	77,800	100,800
3-family dwelling			
4-family dwelling	106,000	121,900	143,700
Kennewick			
1-family dwelling	47,400	68,100	91,300
2-family dwelling	71,800	87,000	113,600
3-family dwelling			
4-family dwelling	122,400	138,300	160,100
Pullman			
1-family dwelling	48,000	61,300	84,500
2-family dwelling	63,800	77,900	103,800
3-family dwelling			
4-family dwelling	107,200	124,900	148,500

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Friday
December 4, 1981

Part VI

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment and Instruction of Inmates; Final and Proposed Regulations

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 503, 522, 527, 543, 551, and 571

Control, Custody, Care, Treatment and Instruction of Inmates; Final Rules

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains Bureau of Prisons rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final and amended rules on (1) Admission and Orientation Program, (2) Transfer of Offenders to or from Foreign Countries, (3) Grooming, (4) Inmate Legal Activities, and (5) Release Gratuities. This document also updates the list of Bureau of Prisons institutions and staff training centers.

The rule on Admission and Orientation Program requires that newly committed inmates be offered an orientation to the institution. The rule on Transfer of Offenders to or from Foreign Countries establishes Bureau of Prisons procedures to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of any existing treaty with a foreign government. The amended rule on Grooming incorporates correctional standards on hair care services and personal hygiene. The amended rule on Inmate Legal Activities deletes reference to the now closed Federal Community Treatment Centers and Federal Detention Center, El Paso, Texas. The rule on Release Gratuities is amended to delete reference to the Federal Community Treatment Centers and to reflect the minimum amount of money the Immigration and Naturalization Service allows aliens to retain upon deportation. This document is intended to provide the public with notice of the rules in each of these areas, not just changes from prior policy.

EFFECTIVE DATES: The changes to Parts 503, 543, 551, and 571 concerning amendments to grooming regulations, inmate legal activities, release gratuities, and list of Bureau of Prisons institutions and staff training centers are effective on December 4, 1981; the amendments to Parts 522 and 527 on admission and orientation program and transfer of offenders to or from foreign countries are effective on January 4, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202-724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rules on (1) Admission and Orientation Program and (2) Transfer of Offenders to or from Foreign Countries. These subjects were published in the **Federal Register** as proposed rules June 12, 1981 (at 46 FR 31210 et seq.). No public comment was received. On the basis of internal staff review of Bureau policies, some changes have been made.

This document also contains amendments to Bureau of Prisons final rules on Grooming, Inmate Legal Activities, and Release Gratuities. These subjects were published in the **Federal Register** as final rules June 29, 1979 (at 44 FR 38236 et seq.). The amended rule on Grooming places in writing the Bureau's expectation that inmate hair care services comply with applicable health and sanitation requirements, and that Wardens make available to inmates those articles necessary for maintaining personal hygiene. The amended rule on Inmate Legal Activities deletes reference to the now-defunct Federal Community Treatment Centers and the Federal Detention Center, El Paso, Texas. The amended rule on Release Gratuities deletes reference to Federal Community Treatment Centers and provides that aliens released to immigration authorities retain at least $10.00. As revised, this latter change is consistent with the policy of the Immigration and Naturalization Service in respect to deportation. Amendments to the list of Bureau of Prisons institutions and staff training centers, published in the **Federal Register** May 1, 1981 (at 46 FR 24898), reflect the closing of one institution and two staff training centers, as well as the opening of a new staff training center and redesignation of an existing institution.

The present amendments place no increased burden on either the inmate or the public. They are intended to either clarify the scope of the Bureau's present rules, to delete information that is no longer current, or to be consistent with the policies of a related federal agency. For these reasons, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Members of the public may submit comments concerning these final and amended rules by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (PL 96-354), do not have a significant impact on a substantial number of small entities.

Summary of Changes

Part 503—Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers

1. *Section 503.6*—Section 503.6(d) is redesignated "USP, Lompoc, California 93438". Section 503.6(e) is deleted, as the Bureau of Prisons no longer has an institution at McNeil Island, Steilacoom, Washington. These revisions reflect Attorney General Order No. 954-81, published in the **Federal Register** September 14, 1981 (at 46 FR 45714). Based on the deletion of § 503.6(e), existing § 503.6(f)-(i) become new final § 503.6(e)-(h).

2. *Section 503.7*—The Bureau of Prisons has consolidated its training program. As a result, the staff training centers in Atlanta, Georgia and Dallas, Texas have been closed. In their stead, the Bureau of Prisons has established a new training program at the Federal Law Enforcement Training Center in Glynco, Georgia (this facility is used by over 40 federal agencies). This reorganization reflects the Bureau of Prisons' efforts to reduce costs while maintaining a quality training program. As a result of these revisions, § 503.7(a) is revised to read the Federal Law Enforcement Training Center, Glynco, Georgia. Present § 503.7(c) is deleted, with present § 503.7(d) becoming new final § 503.7(c).

Part 522—Subpart E—Admission and Orientation Program

1. *Section 522.41*—New § 522.41(c) requires staff involved in the A&O Program to notify the A&O staff coordinator of any new arrival who appears to be experiencing significant emotional stress. The staff coordinator, upon being notified, is expected to take appropriate action.

2. *Section 522.42*—For clarification, § 522.42(a) inserts the word "ordinarily". Revised § 522.42(g) requires staff documentation that the inmate has

received a copy of the institution's inmate handbook.

Part 527.43—Subpart E—Transfer of Offenders to or From Foreign Countries

1. *Section 527.43*—The identifying phrase "Criminal Division" is added to § 527.43(c). Reference to the Department of Justice is deleted from subsection (d) as the full organizational title is now included in final subsection (c). Section 527.43(g) is clarified to read prior to the inmate's transfer "from" rather than "to" the departure institution. In this same section, the authorization to conduct a verification hearing is expanded to include "or other appointed U.S. official". Section 527.43(h)(2) is clarified by substituting the phrase "required documentation" for "appropriate documentation" and by requiring that the judgment and commitment be a certified copy.

2. *Section 527.45*—Section 527.45(b) is expanded to reference 28 CFR 0.96b as the Bureau's authority to transport offenders.

Part 543—Subpart B—Inmate Legal Activities

1. *Section 543.10*—The last sentence of § 543.10 is deleted as both the Federal Detention Center at El Paso, Texas and the Federal Community Treatment Centers have been closed.

Part 551—Subpart A—Grooming

1. *Section 551.2*—The final rule states the Warden "shall", as opposed to "may", require a beard covering to be worn when an inmate is working in food service or in any other location where a beard could result in the likelihood of work injury. As amended, the rule recognizes safety and health concerns and is consistent with the existing requirements in § 551.4(b)

2. *Section 551.4*—New § 551.4(c) requires that each institution's inmate hair care services comply with applicable health and sanitation requirements.

3. *Section 551.6*—New § 551.6, Personal Hygiene, requires the Warden to make available to inmates those articles necessary for maintaining personal hygiene. As a result of new § 551.6, existing § 551.6, Bathing and Clothing, is redesignated § 551.7.

Part 571—Subpart B—Release Gratuities

1. *Section 571.21*—Based on the closing of the Federal Community Treatments Centers, § 571.21(c) is deleted, with § 571.21(d)–(f) becoming new final § 571.21(c)–(e). New § 571.21(e) is amended as the Immigration and Naturalization Service has notified the Bureau of Prisons that aliens being processed for removal are allowed to retain at least $10.00. The Bureau's existing rule specified at least $20 cash. For compatibility with INS policy, § 571.21(e) is amended to read $10.00.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR Chapter V is amended as set forth below:

In Subchapter A, Part 503 is amended:

In Subchapter B, Part 522, Subpart E and Part 527, Subpart E are added;

In Subchapter C, Part 543, Subpart B and Part 551, Subpart A are amended; and

In Subchapter D, Part 571, Subpart C is amended.

Dated: November 30, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

A. Subchapter A, Part 503 is amended as follows:

PART 503—BUREAU OF PRISONS CENTRAL OFFICE, REGIONAL OFFICES, INSTITUTIONS, AND STAFF TRAINING CENTERS

1. The authority citation for Part 503 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4003, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99; Attorney General Orders 646–76 (41 FR 14805), 842–79 (44 FR 44629), 854–79 (44 FR 58002), 860–79 (44 FR 64922), 904–80 (45 FR 52284), 938–81 (46 FR 22296), 954–81 (46 FR 45714).

2. In § 503.6, paragraph (d) is revised, paragraph (e) is removed, and paragraphs (f) through (i) are redesignated as new paragraphs (e) through (h) respectively, to read as follows:

§ 503.6 Bureau of Prisons Western Regional Office.

* * * * *

(d) USP, Lompoc, California 93438.

(e) FCI, Pleasanton, California 94568.

(f) FPC, Safford, Arizona 85546.

(g) MCC, San Diego, California 92101.

(h) FCI, Terminal Island, California 90731.

3. In § 503.7, paragraph (a) is revised, paragraph (c) is removed, and paragraph (d) is redesignated as new paragraph (c) to read as follows:

§ 503.7 Bureau of Prisons Staff Training Centers.

* * * * *

(a) Federal Law Enforcement Training Center, Building 67, Glynco, Georgia 31524.

* * * * *

(c) Food Service Training Center, c/o FCI, Oxford, Wisconsin 53952

PART 522—ADMISSION TO INSTITUTION

B. Subchapter B is amended as follows:

1. In part 522, Subpart E is added; and

* * * * *

Subpart E—Admission and Orientation Program

Sec.

522.40 Purpose and scope.

522.41 Responsibility.

522.42 Guidelines for an admission and orientation program.

Authority: 5 U.S.C. 301, 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Admission and Orientation Program

§ 522.40 Purpose and scope.

(a) Each inmate committed or transferred to a Bureau of Prisons institution shall become involved in the institution's Admission and Orientation (A&O) Program. The Warden shall ensure that staff involved with this program offer each newly committed inmate an orientation to the institution, to include information on institutional requirements and, whenever practicable, visits to the various areas of the institution. The institution admission and orientation program also shall provide the inmate with an awareness of the:

(1) Inmate's rights and responsibilities;

(2) Institution's program opportunities; and

(3) Institution's disciplinary system.

(b) Staff shall develop orientation materials (for example, a pamphlet) to supplement lectures and discussions.

(c) Pre-trial inmates and inmates in holdover status (en route to a different institution) are excluded from the provisions of this rule.

§ 522.41 Responsibility.

(a) The Warden shall assign to a staff member the responsibility to co-ordinate the institution's A&O Program.

(b) Staff involved in the lecture portion of the A&O Program shall develop an outline of the information they wish to include in their presentation.

(c) A staff member involved in the A&O Program who considers an inmate

to be experiencing significant emotional stress shall notify the A&O staff coordinator of this determination so that the inmate may be offered appropriate assistance.

§ 522.42 Guidelines for an admission and orientation program.

(a) Location—Each Warden shall determine the appropriate location for the institution's A&O Program.

(b) Quarters—Each Warden shall establish procedures for the assignment of living quarters.

(c) Inmate Participation—The newly committed inmate is to be provided the opportunity to see and participate in institutional activities.

(d) Activities—The A&O staff coordinator is to ensure that the admission and orientation program provides a full schedule of activities for the newly committed inmate. Scheduled activities shall include exposure to programs responsive to a specialized need of the inmate, as well as exposure to various work assignments, education programs, and physical and social activity.

(e) Telephone Calls—Newly committed inmates shall ordinarily be permitted to complete at least two local or collect long distance phone calls during the admission process.

(f) Length of Admission and Orientation Program—An inmate's involvement in the institution's A&O program is based on the time necessary to accomplish the program's objectives.

(g) Documentation of A&O Program Involvement—Staff shall prepare documentation that the inmate has received a copy of the institution's inmate handbook and has completed the institution's admission and orientation program. Staff shall have the inmate sign and date a copy of this document. The original of this document shall be placed in the inmate central file.

PART 527—TRANSFERS

2. In Part 527, Subpart E is added.

Subpart E—Transfer of Offenders to or From Foreign Countries

Sec.

527.40 Purpose and scope.
527.41 Definitions.
527.42 Notification of Bureau of Prisons inmates.
527.43 Transfer of Bureau of Prisons inmates to other countries.
527.44 Transfer of State prisoners to other countries.
527.45 Receiving United States citizens from other countries.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4100–4115, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Transfer of Offenders to or From Foreign Countries

§ 527.40 Purpose and scope.

Public Law 95–144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.C. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.

§ 527.41 Definitions.

For purpose of this rule the following definitions apply.

(a) Treaty nation—A country which has entered into a treaty with the United States on the Execution of Penal Sentences.

(b) State prisoner—An inmate serving a sentence imposed in a court in one of the states of the United States, or in a territory or commonwealth of the United States.

(c) Departure institution—The Bureau of Prisons institution to which an eligible inmate is finally transferred for return to his or her country of citizenship.

(d) Admission institution—The Bureau of Prisons institution where a United States citizen-inmate is first received from a treaty nation.

§ 527.42 Notification of Bureau of Prisons inmates.

(a) The Warden shall ensure that the institution's admission and orientation program includes information on international offender transfers.

(b) The case manager of an inmate who is a citizen of a treaty nation shall inform the inmate of the treaty and provide the inmate with an opportunity to inquire about transfer to the country of citizenship. The inmate is to be given an opportunity to indicate on an appropriate form whether he or she is interested in transfer to the country of citizenship.

§ 527.43 Transfer of Bureau of Prisons inmates to other countries.

(a) An inmate who is qualified for and desires to return to his or her country of citizenship for service of a sentence imposed in a United States Court shall indicate his or her interest by completing and signing the appropriate form and forwarding it to the Warden at the institution where the inmate is confined.

(b) Upon verifying that the inmate is qualified for transfer, the Warden shall forward all relevant information, including a complete classification package, to the Assistant Director, Correctional Programs Division.

(c) The Assistant Director, Correctional Programs Division shall review the submitted material and forward it to the Office of International Affairs (OIA), Criminal Division, Department of Justice, for review.

(d) The Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the decision of OIA.

(1) When the Department of Justice determines that transfer is not appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of this determination and informed that the inmate may request the reason(s) for such action from OIA.

(2) When the Department of Justice determines that transfer is appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the determination and of the probability that the inmate will be given an interview with his or her nation's consular officials.

(e) Upon notification from OIA of the treaty nation's decision in regard to the inmate's transfer, the Assistant Director, Correctional Programs Division shall arrange for the inmate to be informed of that decision.

(f) At an appropriate time subsequent to notification by the Department of Justice of an inmate's approval for transfer, the Assistant Director shall arrange for the inmate to be transferred to an appropriate departure institution.

(g) Prior to the inmate's transfer from the departure institution, the inmate shall receive a verification hearing before a U.S. Magistrate or U.S. Judge or other appointed U.S. official to document the inmate's voluntary consent for transfer. Counsel is provided the inmate for purpose of this hearing. Where requested, the Warden shall allow counsel to interview the inmate prior to the hearing.

(h) Following the verification hearing, the Assistant Director, Correctional Programs Division shall arrange a schedule for delivery of the inmate to the authorities of the country of citizenship.

(1) The Assistant Director shall advise the Warden of those arrangements.

(2) The Warden shall arrange for the inmate to be transported to the foreign authorities. The Warden shall assure

that required documentation (for example, a certified copy of the judgment and commitment order, current progress report, summary face sheet, and proof of citizenship) accompanies each inmate transported.

§ 527.44 Transfer of state prisoners to other countries.

The Bureau of Prisons may assume custody of a state prisoner who has been approved for transfer to a treaty nation for the purpose of facilitating the transfer to the treaty nation. Once approved, the state is not required to contract for the placement of the prisoner in federal custody, nor to reimburse the United States for the cost of confinement (as would ordinarily be required by 18 U.S.C. 5003).

§ 527.45 Receiving United States citizens from other countries.

(a) Staff accepting custody of American inmates from a foreign authority shall ensure that the following documentation is available prior to accepting custody of the inmate:

(1) A certified copy of the sentence handed down by an appropriate, competent judicial authority of the transferring country and any modifications thereof;

(2) A statement (and a copy translated into English from the language of the country of origin if other than English), duly authenticated, detailing the offense for which the offender was convicted, the duration of the sentence, and the length of time already served by the inmate. Included should be statements of credits to which the offender is entitled, such as work done, good behavior, pre-trial confinement, etc.; and

(3) Citizenship papers necessary for the inmate to enter the United States.

(b) The Warden shall direct in writing specific staff, preferably staff who speak the language of the treaty nation, to transport the offender from the transporting country to the admission institution. The directive shall cite 28 CFR 0.96b as the authority to transport the offender. When the admission institution is not able to accept the inmate (for example, a female inmate transported to a male institution), the Warden shall make appropriate housing arrangements with a nearby jail.

(c) As soon as practicable after the inmate's arrival at the admission institution, staff shall initiate the following actions:

(1) Arrange for the inmate to receive a complete physical examination;

(2) Advise the local U.S. Probation Office of the inmate's arrival; and

(3) Notify the U.S. Parole Commission of the inmate's arrival. Inmates returning from other countries are by law immediately eligible for parole. Staff at the admission institution shall determine if each inmate received at that institution should be retained at the admission institution for the initial parole hearing or promptly transferred to a more appropriate institution.

(d) If upon computation of sentence staff determine that an inmate is entitled to immediate release via mandatory release or expiration of sentence with credits applied, release procedures shall be implemented but only after receiving a medical clearance and the results of an FBI fingerprint check.

c. Subchapter C is amended as follows:

1. In Part 543, Subpart B is amended.

2. In Part 551, Subpart A is revised.

PART 543—LEGAL MATTERS

1. The authority citation for Part 543, Subpart B reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart B—Inmate Legal Activities

2. By revising § 543.10 to read as follows:

§ 543.10 Purpose and scope.

The Bureau of Prisons affords an inmate reasonable access to legal materials and counsel, and reasonable opportunity to prepare legal documents. The Warden shall establish an inmate law library, and procedures for access to legal reference materials and to legal counsel, and for preparation of legal documents.

PART 551—MISCELLANEOUS

The authority citation for Part 551 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A—Grooming

1. By amending the table of contents by adding a new § 551.6, and renumbering present § 551.6 as new § 551.7 to read as follows:

Sec.
551.1 Policy.
551.2 Mustaches and beards.
551.3 Hairpieces.
551.4 Hair length.
551.5 Restrictions and exceptions.
551.6 Personal hygiene.
551.7 Bathing and clothing.
* * * * *

2. By revising § 551.2 to read as follows:

§ 551.2 Mustaches and beards.

An inmate may wear a mustache or beard or both. The Warden shall require an inmate with a beard to wear a beard covering when working in food service or where a beard could result in increased likelihood of work injury

3. By adding a new paragraph (c) to § 551.4 to read as follows:

§ 551.4 Hair length.

* * * * *

(c) The Warden shall make available to an inmate hair care services which comply with applicable health and sanitation requirements.

4. By adding a new § 551.6 and redesignating existing § 551.6 as new final § 551.7 to read as follows:

§ 551.6 Personal hygiene.

The Warden shall make available to an inmate those articles necessary for maintaining personal hygiene.

§ 551.7 Bathing and clothing.

Each inmate must observe the standards concerning bathing and clothing that exist in the institution as required by standards of § 551.1.

PART 571—RELEASE FROM CUSTODY

D. Subchapter D, Part 571, Subpart C is amended as follows:

1. The authority citation for Part 571 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 4201–4218, 5006–5024, 5031–5042; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart C—Release Gratuities

2. By removing § 571.21(c) and redesignating present § 571.21 (d) through (f) new § 571.21 (c) through (e) to read as follows:

* * * * *

§ 571.21 Procedures.

* * * * *

(c) The inmate who is without personal funds may receive a gratuity when transferred to a contract halfway house. The amount shall enable the inmate to care for needs in transit and allow for the purchase of necessary personal items upon arrival.

(d) Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the federal sentence.

(e) The Warden shall insure that each alien released to immigration authorities has $10 cash. This provision does not apply to aliens serving 60 days or less in contract facilities.

[FR Doc. 81-34888 Filed 12-3-81; 8:45 am]
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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 571

Control, Custody, Care, Treatment and Instruction of Inmates; Petitions for Commutation of Sentence; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons is proposing a new rule for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the **Federal Register**, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rule on Petitions for Commutation of Sentence. The proposed rule provides current information on the procedures for an inmate to file a petition for a commutation of sentence.

DATE: Comments must be received on or before January 15, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** its proposed rule on Petitions for Commutation of Sentence. The rule provides to inmates instructions on how to obtain the appropriate forms for filing a petition and on the role of the Bureau of Prisons in the commutation of sentence process.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354) does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before January 15, 1982 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR Chapter V as follows: In Subchapter D, add Subpart E to Part 571.

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

By adding Subpart E to Part 571 to read as follows:

PART 571—RELEASE FROM CUSTODY

* * * * *

Subpart E—Petitions for Commutation of Sentence

Sec.
571.40 Purpose and scope.
571.41 Procedures

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; U.S. Const., Art. II, Sec. 2; 28 CFR 0.95–0.99, 1.1–1.9.

* * * * *

Subpart E—Petitions for Commutation of Sentence

§ 571.40 Purpose and scope.

An inmate may file a petition for commutation of sentence in accordance with the provisions of 28 CFR Part 1.

(a) An inmate may request from the inmate's case manager the appropriate forms (and instructions) for filing a petition for commutation of sentence.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons will forward a recommendation on the inmate's petition for commutation of sentence.

§ 571.41 Procedures.

(a) Staff shall suggest that an inmate who wishes to submit a petition for commutation of sentence do so through the Warden to the U.S. Pardon Attorney. This procedure allows institution staff to forward with the application the necessary supplemental information (for example, sentencing information, presentence report, progress report, pertinent medical records if the petition involves the inmate's health, etc.). Except as provided in paragraph (b) of this section, no Bureau of Prisons recommendation is to be forwarded with the package of material submitted to the U.S. Pardon Attorney.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons shall submit a recommendation on the petition. Prior to making a recommendation, the Director may request comments from the Warden at the institution where the inmate is confined. Upon review of those comments, the Director will forward a recommendation on the petition to the U.S. Pardon Attorney.

(c) When a petition for commutation of sentence is granted, the U.S. Pardon Attorney sends the warrant of clemency to the Warden at the detaining institution, with a copy to the Director, Bureau of Prisons. The Warden shall take action as indicated on the warrant of clemency.

(1) If immediate parole eligibility is granted, the inmate is to be placed on the next parole docket.

(2) If a petition for commutation of sentence is granted, institutional staff shall recalculate the inmate's sentence in accordance with the terms of the commutation order.

(d) When a petition for commutation of sentence is denied, the U.S. Pardon Attorney ordinarily notifies the Warden, requesting that the Warden notify the inmate of the denial.

Dated: November 30, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81–34887 Filed 12–3–81; 8:45 am]

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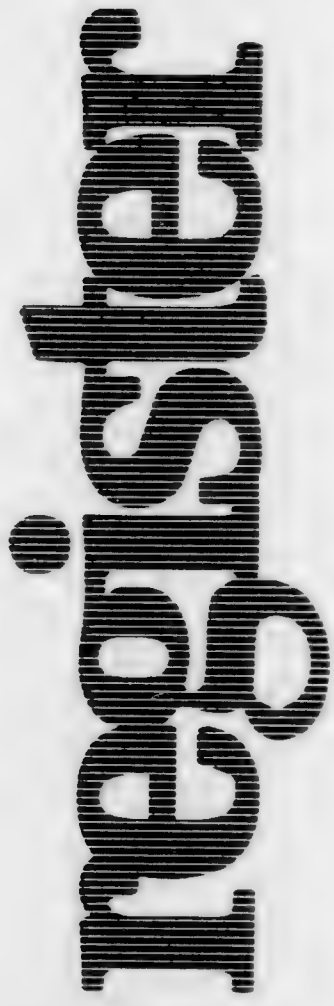

Friday
December 4, 1981

Part VII

Department of Energy

Bonneville Power Administration

Proposed Long-Term Energy Conservation Contract

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DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Long-Term Energy Conservation Contract; Request For Public Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Proposed Long-Term Energy Conservation Contract, Request for Public Comment.

SUMMARY: Energy conservation contracts are among the contracts that BPA has negotiated with its customers pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). The conservation contract complies with Regional Act provisions for BPA to acquire cost-effective conservation and direct-application renewable resources to serve its new and existing loads.

This Notice summarizes the history of the negotiation process, defines the eligibility requirements for participation in the programs offered under the long-term agreement, and describes the impact of this long-term contract on the conservation programs offered under the short-term contract. This Notice also includes, in Attachment 1, the November 19 draft of the "side-by-side" version of the long-term energy conservation contract.

BPA initially negotiated a short-term energy conservation contract to allow its customers and potential utility customers to begin implementation of conservation throughout the region while issues affecting a long-term contract offer were being considered in negotiations of utility power sales contracts and in the 1981 BPA rate hearing. Meetings for negotiation of the short-term contract began on February 24, 1981, in Portland. Schedules announcing more meetings were published in BPA's weekly calendar. Any written handouts used during the meetings were made available upon request.

The short-term conservation contract was offered on August 14, 1981, to all BPA utility and Federal agency customers as well as potential BPA utility customers in the Pacific Northwest. (Further references to a "utility" in this Notice will include these three groups.)

The initial phase of negotiations between BPA and utility representatives on the long-term conservation contract began on September 23, 1981 and ended on November 13, 1981. It is proposed that the long-term agreement, as well as the conservation program exhibits to be attached to it, be offered only to firm requirements power sales and Federal agency customers of BPA. The program offerings would include those programs that are currently offered under the short-term agreement. The short-term conservation agreement is due to expire on September 8, 1982, or 60 days after the offering of the long-term contract, whichever comes first.

During the negotiations of the proposed long-term contract, the participants developed what is referred to as a "side-by-side" version of the contract. This version incorporates the provisions proposed by the negotiating parties. When the parties have not come to an agreement, the differing proposals and their sponsors are identified. The provisions in the proposed contract that are without authorship identification have been preliminarily agreed to by the parties as joint provisions.

This Notice begins a public review and comment period on the proposed long-term energy conservation contract. After December 10, 1981, BPA will make available upon request (1) an explanatory summary of the proposed contract provisions, (2) statements of the positions of the parties where there has been disagreement on proposed contract provisions, and (3) exhibits for existing conservation programs. Requests for this material should be made to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

Public meetings to receive oral comments on the proposed contracts will be held on January 7, 1982, in Seattle, Washington; on January 12, 1982, in Portland, Oregon, and in Boise, Idaho. Written comments are encouraged. The comments and materials that result from the public review process will be made available to the contract negotiation parties. In February, BPA plans to publish the final long-term conservation contract and offer it to firm requirements power sales customers and Federal agency customers of the agency.

DATES: Meetings to receive public comment on the proposed long-term conservation contract will be held on January 7, 1982, in Room A of the Center House, Seattle Center, 1st North and Republican Street, Seattle, Washington. Registration to provide oral comment will begin at 6:30 p.m., and the meeting will begin at 7 p.m. The meetings on January 12, 1982, will be held in the BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon; and in the Bonneville Room of the Boise City Hall, 55 West Fort Street, Boise, Idaho. Registration for both meetings will begin at 7 p.m. and the meetings will begin at 7:30 p.m.

Written Comments will be accepted until January 18, 1982.

EFFECTIVE DATE: December 4, 1981.

ADDRESSES: Written comments should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT:
Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261. Oregon callers outside of Portland may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, extension 4551

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311

Mr. Ronald Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 503–456–2518

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379

Mr. Thomas Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701

Mr. Robert Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: 1. *Short-Term Energy Conservation Contract.* The Regional Act requires BPA to acquire cost-effective conservation and direct-application renewable resources to serve its new and existing loads. In January, BPA held an organizational meeting to begin the negotiation process for conservation contracts as well as other contracts, such as the power sales and residential exchange contracts. BPA initially designed the short-term conservation contract to allow utilities to meet the Regional Act's mandate to begin implementation of conservation programs while issues that would affect the long-term contract were being considered in the power sales contract negotiation and in BPA's 1981 transmission and wholesale power rate

hearings. The short-term energy conservation contract negotiations began February 24, 1981, and continued during regularly scheduled meetings between BPA and representatives of customer groups. BPA announced the process for public participation and acceptance of public comments in the contracts negotiation process (46 FR 18331, March 25, 1981). All sessions were open to the public and any written handouts used during the meetings were made available upon request.

The short-term contract was offered to all regional utilities on August 14, 1981, and is due to expire on September 8, 1982, or 60 days after the offering of the long-term conservation contract, whichever is earlier.

Five conservation programs have been offered under the short-term conservation agreement. These are: the Shower Flow Restrictor Program, the Water Heater Wrap Program, the Street and Area Lighting Program, the Commercial Lighting and Water Heating Conservation Program, and Residential Weatherization (Energy Buy-Back and Zero Interest Loan Options). Each utility that signs the short-term conservation agreement with BPA may participate in any of these programs which, if accepted by the utility, are attached to that utility's contract as a program exhibit.

It is proposed that each of the programs offered under the short-term contract be offered under the proposed long-term energy conservation agreement.

2. *Proposed Long-Term Energy Conservation Contract.* The initial phase of negotiations between BPA and utility representatives on the long-term energy conservation contract began on September 23, 1981, and ended on November 13, 1981. The publicly owned utilities were represented by the Northwest Public Power Association (NWPPA). The investor-owed utilities were represented by the Intercompany Pool (ICP).

It should be noted that the long-term contract is not a programmatic document. It does, however, assign responsibilities and describe basic procedures that will govern BPA and the utilities as they implement the conservation programs.

As with the short-term contract negotiations, meetings were open to the public and announced in BPA's weekly calendar. Any written handouts used during the meetings were made available upon request. The persons requesting such handouts received individual notice from the Public Involvement Coordinator of a final negotiation session held November 9–13, 1981, in Portland.

As a result of these negotiations, the parties compiled the "side-by-side" version of the proposed long-term conservation contract (see Attachment 1). The provisions in the proposed contract that are without authorship identification have been preliminarily agreed to by the parties as joint provisions. When the parties have not come to an agreement, the differing proposals and their sponsors are identified. These proposed contract provisions have not been finally approved by any of the parties.

BPA is currently preparing an explanatory summary of the contract provisions and statements of the positions of the parties when there has been disagreement on the proposed contract provisions. The summary, statements of positions, and exhibits for existing conservation programs will be available after December 10, 1981, upon request to the Public Involvement Coordinator.

BPA has scheduled meetings to receive oral comments on the proposed long-term conservation contract. The meetings will be held on January 7, 1982, in Room A of the Center House, Seattle Center, 1st North and Republican Street, Seattle, Washington. Registration to provide oral comment will begin at 6:30 p.m., and the meeting will begin at 7 p.m. The meetings on January 12, 1982, will be held in the BPA Auditorium, 1002 NE. Holladay, Portland, Oregon; and in the Bonneville Room of the Boise City Hall, 55 West Fort Street, Boise, Idaho. Registration for both meetings will begin at 7 p.m. and the meetings will begin at 7:30 p.m.

Written comments will also be accepted and should be sent to the Public Involvement Coordinator by January 18, 1982.

The comments and materials that result from the public review process will be made available to the contract negotiation parties: In February BPA plans to publish the final long-term energy conservation contract and offer the contract to the qualifying utilities.

3. *Eligibility Requirements for Participating in the Proposed Long-Term Energy Conservation Contract and the Program Exhibits.* All utilities that are firm requirements power sales customers of BPA, including Federal agency customers, would be eligible to sign the long-term conservation agreement and to participate in the conservation programs offered under the contract.

Other contracts will be used for conservation programs with direct-service industrial customers, State and local governments, and other entities. BPA plans to develop these contracts at a future date.

4. *Impact of the Proposed Provisions of the Long-Term Energy Conservation Contract on the Programs Offered Under the Short-Term Energy Conservation Contract.* The five conservation programs offered under the short-term conservation contract will also be offered under the proposed long-term conservation contract. For the most part, the program details will not be affected. However, the proposed long-term contract requires a utility to establish program implementation goals which will be compared to regional goals BPA will establish for conservation to be achieved under each program.

Under the short-term conservation agreement, the programs did not contain a regional goal, and the right of a utility to receive BPA funds and the amount of funds to be received under the programs were not conditioned on the utility successfully achieving any given amount of conservation in its service area.

Under the proposed long-term contract, BPA will establish regional goals for each program that it offers. Initially, these regional goals will be based on the program planning assumptions (see tables 1–5). The planning assumptions consist of two components. First, they estimate the amount of conservation that is available in the region under the program. Secondly, they estimate the amount of that potential conservation that which utility can reasonably expect to achieve in its service area under the program.

TABLE 1.—SHOWER FLOW RESTRICTOR PROGRAM

[1-year program to distribute two shower flow restrictors per residence]

Number available residences	[1] 1,961,346
Number achevable installations	[2] 392,269

[1] 80% of residential customers with electric water heaters do not have shower flow restrictors (Pacific Northwest Residential Energy Survey, August 1980)
[2] About 20% of those customers who receive the shower flow restrictors will actually install them (BPA staff estimate).

TABLE 2.—WATER HEATER WRAP

[2-year program to install wraps on electric water heaters.]

Electric water heaters	Public [illegible]	Investor-owned utilities	Total
Number available	[1] 781,120	[1] 1,171,680	[2] 1,952,800
Number achievable	[3] 586,000	[4] 659,0900	1,245,000

[1] 40% of total electric water heaters are in public utilities and 60% are in investor-owned utilities (Pacific Northwest Residential Energy Survey, August 1980)
[2] 80% of region's water heaters are available for wrap (Pacific Northwest Residential Energy Survey, August 1980)
[3] 75% achievable (BPA staff estimate).
[4] 56% will be wrapped under BPA program which assumes approximately 220,000 heaters independently wrapped since data collection of PNW Residential Energy Survey (BPA staff estimate).

TABLE 3.—STREET AND AREA LIGHTING PROGRAM

[5-year program to convert street and area lighting to lower wattage lights]

Number available lights	[1] 446,800
Number achievable conversions	[2] 335,000

[1] BPA staff estimate.
[2] 75% of available lights (BPA staff estimate)

TABLE 4.—COMMERCIAL LIGHTING AND WATER HEATING CONSERVATION PROGRAM

[2-year porogram to install water heater wraps, shower-flow restrictors, and replace standard lamps, and distribute energy conservation information to commercial consumers.]

Number	Water heater wraps	Shower flow restrictors	Lamps
Available commercial entities	[1] 500,000	[1] 500,000	[1] 500,000
Achievable	[2] 150,000	[3] 500,000	[4] 4,500,000

[1] BPA Distributor Financial Data Base and IOU Financial Data Base.
[2] 30% of available (BPA staff estimate)
[3] Average one restrictor per consumer (BPA staff estimate).
[4] Nine lamps per consumer (BPA staff estimate)

TABLE 5.—RESIDENTIAL WEATHERIZATION

[Energy buy-back and zero interest loan options]

10-year program to weatherize single-family,* electrically space-heated residences.

Residences	Public utilities	Investor owned utilities	Total
Number available	[1] 300,800	[2] 272,450	573,250
Number achievable	[3] 135,360	[4] 177,070	[5] 312,430

*While the planning assumptions only include single-family dwellings, the program is available for all buildings used for residential purposes including multiunit buildings and mobile homes.

[1] BPA Residential Sector Resource Assessment
[2] Investor-Owned Utilities.
[3] 30% market penetration by 1985 and 45% by 1990 (BPA staff estimate)
[4] Estimated 60–70% market penetration by 1985 (IOU estimate)
[5] 55% market penetration (BPA staff estimate)

While BPA will use the above planning assumptions initially to measure performance under the programs, these estimates of the amount of conservation available in the region for the various programs have various degrees of reliability. For example, in the residential sector the number of candidates for water heater wraps can be predicted with reasonable accuracy based on the statistical information that is available on the housing stock in the region. However, there is very little information on the number of candidates for wraps in the commercial sector of the region. So, the regional goal based on the number of candidates for wraps in the residential sector is much more reliable than the regional goal based on the number of candidates for water heater wraps in the commercial sector.

The estimates of the amount of the potential conservation that is actually achievable is subject to even greater uncertainty than the estimates of the potential conservation. For example, the rate of implementation of the program measures depends on the marketing of the program and the level of consumer incentive. It also depends upon the level of incentives and resources available to the entities implementing the programs. BPA feels that the regional goal for the amount of potential conservation should be realistic. If that goal is not being met, then changes should be made in the programs so that the goal is achieved. However, the regional goal is an estimate; it may be too low or too high. If necessary, BPA will change the regional goal to reflect the operating experience of the programs.

Under the proposed long-term contract, the utilities will submit to BPA their implementation goals for each program that they accept. The implementation goals will describe the units of accomplishment that are available in the utility's service area under the program, and an expected level of implementation specified in terms of the units of accomplishment the utility expects to complete during each budget year for the life of the program. For example, a small utility may determine that 5,000 water heaters are available for wraps in its service area. Of those 5,000 potential candidates for wraps, they will be able to wrap 2,000 each year for the 2-year life of the program.

Then, BPA will compare the utility's implementation goal with the regional goal BPA has established for each program.

To encourage the utility's forceful implementation of the program measures, BPA has proposed that if the utility's implementation plan represents a good faith effort to accomplish that portion of the regional goal that applies to that utility's service area, BPA will agree not to offer that program to another entity in the utility's service area without the agreement of the utility.

If the utility falls short of the implementation goal that it has established, then BPA may revoke the exclusivity agreement, and may restrict that utility's future requests for funding.

BPA believes that the regional goals and the utility implementation goals for the conservation programs offered under the long-term energy conservation contract will provide an effective measure of achievable conservation and will facilitate rapid and reliable development of the conservation resource in the region.

Dated: November 27, 1981.

James J. Jura,

Acting Administrator.

This is a preliminary draft of language negotiated by the InterCompany Pool (ICP), Northwest Public Power Association (NWPPA), and Bonneville except where indicated.

Energy Conservation Agreement Executed By the United States of America Department of Energy Acting By and Through the Bonneville Power Administration and

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This agreement, executed ————, 19—, by the United States of America, Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ———————— (Utility), a ————————.

Witnesseth

Whereas Bonneville is required by the Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96–501 (Regional Act), to acquire cost-effective conservation and cost-effective

direct application renewable resources and to implement cost-effective conservation measures; and

Whereas Bonneville, to the extent conservation measures or acquisition of resources require direct arrangements with consumers, is obligated by the Regional Act to make maximum practicable use of its customers in administering and carrying out such arrangements; and

Whereas the parties intend to jointly implement conservation measures and provide for the acquisition of conservation and direct application renewable resources to achieve reductions in electric power consumption;

Now, Therefore, the parties hereto mutually agree as follows:

1. *Definitions.*—( ) "Approved Budget" means the total amount which Bonneville is bound to pay the Utility under a Program during a Budget Year.

( ) "Budget Year" means the period commencing each year on October 1 and ending the following September 30, except that the Budget Year during the initial year that the Utility participates in a Program means the period commencing on the date the Utility accepts the offer of the Program and ending on the following September 30.

( ) "Conservation" means any reduction in Electric Power consumption as a result of installation of direct application renewable resources or increases in the efficiency of energy use, production, or distribution.

( ) "Consumer" means any end user of Electric Power in the Region.

( ) "Consumer Incentive" means any payment made to or benefit received by a Consumer under a Program

( ) "Council" means the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to Section 4 of the Regional Act.

( ) "Effective Date" means 2400 hours on the date of the signing of this Agreement by the Utility.

( ) "Electric Power" means electric peaking capacity, or electric energy, or both.

( ) [NWPPA/BPA] "Electric Utility" means either a utility which is a firm requirements power sales customer of Bonneville which sells Electric Power to Consumers in the Region or a Federal agency customer of Bonneville.

( ) [ICP] "Electric Utility" means a utility selling Electric Power to Consumers in the Region or a Federal agency customer of Bonneville.

( ) "Measure" means the installation or distribution of materials or devices or the provision of services, as decribed in a Program, which are intended to accomplish a reduction in Electric Power consumption.

( ) "Plan" means the Regional Electric Power and Conservation Plan (including any amendments thereto) adopted pursuant to the Regional Act.

( ) "Prior Agreement" means the short-term Energy Conservation Agreement offered by Bonneville on July 10, 1981.

( ) "Program" means a Conservation or direct application renewable Resource program offered or accepted by Bonneville pursuant to this Agreement.

( ) "Region" means the same as defined in the Regional Act, including any amendments thereto.

( ) "Resource" means actual or planned load reduction resulting from direct application of a renewable energy resource by a Consumer or from a Conservation Measure.

( ) "Utility Costs" means all costs related to the implementation and administration of a Program other than Consumer Incentives or special incentives that are described in section 11(c).

( ) "Utility-Designed Program" means any Program for energy savings designed for, or on behalf of, the Utility for implementation within its own service area, and which is not similar to any Program previously developed and offered to all Electric Utilities pursuant to this Agreement.

3. *Termination of Prior Agreement.* The Prior Agreement, if executed by the Utility, is hereby terminated as of the Effective Date, except that, pursuant to Section 2 of the Prior Agreement, all obligations arising therefrom shall be preserved until satisfied.

4. *Entire Agreement.* This Agreement sets forth the entire agreement of the parties and supersedes any and all prior agreements with respect to the subject matter of this Agreement, except with respect to agreements for pilot programs in which the Utility is participating with Bonneville on the date of offering of this Agreement. The rights and obligations of the parties hereunder shall be subject to and governed by this Agreement, including the Exhibits attached hereto. The headings used in this Agreement and in the Exhibits are for convenient reference only and shall not affect the interpretation of this Agreement.

5. *Amendment of Agreement.*—(a) Except as provided in subsections (b), (c), (d), and (i) below, and, except with respect to Utility-Designed Programs established under section 7(f), the provisions of this Agreement may be amended only by mutual written agreement of the parties subsequent to the completion of the following:

(1) Distribution of a copy of the proposed amendment to all Electric Utilities or their representatives for their review and comment;

(2) Good faith negotiations between Bonneville and all Electric Utilities or their representatives pursuant to subsection (h) below; and

(3) Offer of the amendment to all Electric Utilities.

(b) Except for initial offering of Programs, Bonneville may restrict the offering of any amendment if:

(1) [BPA Provision] The Utility fails to achieve the expected units of accomplishment contained in the Utility's implementation goal for any Budget Year under a Program; or

(2) The Utility has been terminated for nonconformance as indicated in section 25(b)(1).

(c) Bonneville may amend Exhibit A to reflect the listing of new, revised, or terminated Programs.

(d) [BPA Provision] If Bonneville determines that any Program presents a health or safety threat to Consumers, Bonneville shall notify all Electric Utilities of the health or safety threat and provide all Electric Utilities with a proposed amendment to remove the health or safety threat. The proposed amendment shall contain such revised terms and conditions as are appropriate. The proposed amendment shall be accompanied by a detailed description of the health and safety threat perceived by Bonneville, together with a list of the scientific, medical, or other references upon which Bonneville has based its conclusions. All Electric Utilities participating in such Program shall have 30 days within which to comment on the proposed amendment. Upon the expiration of such 30-day period, Bonneville shall consider the comments, revise the proposed amendment if appropriate, and provide the amendment to all Electric Utilities. To the extent that the amendment provided by Bonneville causes an increase in cost by the Utility, the amendment shall provide for reimbursing the Utility for such additional reasonable costs.

(d) [NWPPA/ICP Provision] If Bonneville, based upon a finding or determination of a state or federal agency having jurisdiction, determines that any Program presents a health or safety threat to Consumers, Bonneville shall notify all Electric Utilities of the health or safety threat and provide all Electric Utilities with a proposed amendment to remove the health or safety threat. The proposed amendment shall contain such revised terms and conditions as are appropriate. The proposed amendment shall be

accompanied by a detailed description of the health and safety threat perceived by Bonneville, together with a list of the scientific, medical, or other references upon which Bonneville has based its conclusions, and a copy of the agency finding or determination. All Electric Utilities participating in such Program shall have 30 days within which to comment on the proposed amendment. Upon the expiration of such 30-day period, Bonneville shall consider the comments, revise the proposed amendment if appropriate, and provide the amendment to all Electric Utilities. To the extent that the amendment provided by Bonneville causes an increase in cost by the Utility, the amendment shall provide for reimbursing the Utility for such additional reasonable costs.

(e) The parties shall negotiate, pursuant to subsection (a) above, amendments as may be necessary to:

[BPA Provision] (See Section 32.)

(1) [NWPPA/ICP Provision] Permit the Plan adopted by the Council to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act;

(2) Accommodate the analysis made by the Council as specified in section 4(k) of the Regional Act; and

(3) Accommodate the results of the periodic review of this Agreement, which shall be conducted no less frequently than every five years during the term hereof, and the periodic review of the provisions of each Program, which shall be conducted no less frequently than every two years during the term thereof.

(f) Whenever possible, amendments, other than the initial offering of Programs, shall be offered no later than March 1 of each year.

(g) All amendments shall be effective on the date specified therein.

(h) Representatives from Bonneville and those Electric Utilities that desire to participate shall meet quarterly each year for the purposes of negotiating amendments to or conducting periodic review of this Agreement. Notice of the specific date, time, place, and agenda for such meetings shall be given by Bonneville to all Electric Utilities no later than 15 days prior to such meeting. The Utility shall have the opportunity to add items to the agenda. Upon seven days notice of the time, place and agenda, to all Electric Utilities, Bonneville may call special meetings for the same purposes.

(i) Bonneville may amend a Program to revise the regional Program goal for such Program at any time after it has consulted with the entities referred to in section 8(a) concerning the reasons for such revision.

6. *Exhibits.* Exhibit A (Program Offerings), Exhibit B (Utility-Designed Programs), Exhibit C (Payment Methods), Exhibit D (Form BPA–1418–F, Monthly Financial Summary), and Exhibit E (Provisions Required by Statute or Executive Order) are hereby made a part of this Agreement.

7. *Programs.*—(a) The attached Exhibit A lists all Programs available under this Agreement. Bonneville represents that the Programs listed on Exhibit A have been offered to all Electric Utilities.

(b) Each Program selected by the Utility is attached hereto and incorporated herein by reference, effective upon the date of signing by the Utility. Participation in any Program shall be in such Program as it exists on the date of signing by the Utility.

(c) The parties may develop additional Programs by following the procedures in section 5(a).

(d) Bonneville, in initially offering Programs hereunder and in proposing additional Programs, shall distribute to all Electric Utilities a description of the proposed Program along with an economic evaluation of the Program pursuant to the cost-effective criteria defined in section 3 of the Regional Act.

(e) Notwithstanding this Agreement, Bonneville and the Utility may execute contracts, pursuant to section 6(d) of the Regional Act, to conduct experimental, developmental, demonstration, or pilot projects.

(f) Notwithstanding subsection (c) above, the Utility may, by complying with the procedures and standards set forth in Exhibit B to this Agreement, offer to Bonneville Utility-Designed Programs for implementation within its own service area. Amendments to such Programs shall be by mutual written agreement of the parties. A Utility-Designed Program may be made available to all Electric Utilities by following the procedures in section 5(a).

8. *Implementation Goals.*—(a) *Regional Program Goals.* Each Program shall contain a regional Program goal which estimates the amount of reduction in Electric Power consumption which is achievable in the Region under that Program. Such goal shall be based on Bonneville's best estimate of such amount available in the Region under the Program and Bonneville's projection of the units of accomplishment it expects to be completed under the Program. Bonneville shall consult with the Electric Utilities and other interested entities prior to establishing or revising the goal for any Program.

(b) *Utility Implementation Goal.* Either by May 1 of the initial Budget Year or upon execution of a Program by the Utility if the initial Budget Year is less than five months, the Utility shall submit to Bonneville an implementation goal for accomplishing the reduction in Electric Power consumption achievable in its service area under each Program which the Utility elects to accept. Such goal shall consist of the Utility's best estimate of: (1) the units of accomplishment available in its service area under the Program; and (2) an expected level of implementation specified in terms of units of accomplishment the Utility expects to complete during each Budget Year in its service area during the term of the Program. The Utility shall consult with Bonneville in the development of its goal for implementation of each Program and shall include the expected level of implementation in the budget request for the Program submitted pursuant to section 9(b) for any Budget Year other than the initial Budget Year.

(c) *Consistency Review.* Bonneville, in consultation with the Utility, shall review the implementation goal provided pursuant to subsection (b) above to determine whether the Utility's expected units of accomplishment are consistent with the regional Program goal. Such review shall be completed no later than 60 days after the Utility submits an implementation goal. If Bonneville during such consultation determines that the Utility's implementation goal is consistent with that portion of the regional Program goal which is achievable in the Utility's service area, Bonneville agrees to contract exclusively with the Utility, or with entities approved by the Utility, to achieve reductions in Electric Power consumption under the Program in the Utility's service area for such Budget Year. In making such determination Bonneville shall consider similar programs undertaken by the Utility which achieve comparable savings.

(d) *Revised Implementation Goal.* (1) The Utility may submit a revised implementation goal for any Program at any time. Such revised implementation goal shall be effective for any Budget Year which commences no sooner than five months after the date the Utility submits such revised goal or on a date mutually agreed to by the parties. Bonneville shall review such revised goal in the manner described in subsection (c) above.

(2) To the extent that the Utility's Approved Budget is less than the amont requested by the Utility pursuant to section 9(b), the expected units of

accomplishment in the Utility's implementation goal shall be adjusted to reflect the Utility's Approved Budget.

9. *Submittal and Approval of the Utility's Budget.*—(a) *Initial Budget Request.* Prior to or at the time of the initial offering of a Program, Bonneville shall advise the utility of the allocated share of initial Program funds which Bonneville has established for such Utility. If the Utility accepts the Program and submits a budget request within the 60-day period commencing with the date of offering a Program, the Utility's minimum Approved Budget for the initial Budget Year shall be such Utility's allocated share unless the Utility requests a lower budget amount. During the initial Budget Year all budget requests submitted within the 60-day period shall have priority over all other budget requests. Late budget request submittals shall be considered by Bonneville in order of their receipt.

(b) *Subsequent Budget Requests.* The Utility shall submit all subsequent budget requests to Bonneville by May 1 preceding each Budget Year. Late budget request submittals shall be considered by Bonneville in order of their receipt.

(c) *Budget Approval.* Within 30 days of submittal of a budget request for the initial Budget Year or prior to August 1 before any other Budget Year, Bonneville shall approve the Utility's budget request, approve a portion of the Utility's budget request, or inform the Utility that no funds are currently available. Bonneville may approve less than the Utility's entire budget request if:

(1) There are currently not enough funds available to meet the Utility's budget request and the budget requests of other participating Electric Utilities;

(2) Bonneville has determined that the Utility's budget request does not meet the expected units of accomplishment contained in the Utility's implementation goal;

(3) The Utility's budget request does not meet the requirements of subsection (g) below; or

(4) Bonneville has not completed its review of the Utility's budget request and the requests of other participating Electric Utilities. Bonneville shall advise the Utility in writing of its Approved Budget and inform the Utility of the reasons if less than the Utility's entire budget request is approved.

(d) *Use of Funds.* If Bonneville has approved a portion of the Utility's budget request, such funds shall be used for Measures installed during the next Budget Year unless otherwise agreed by the parties. Subject to the provisions of subsection (a) above, if Bonneville is unable, by reason of subsection (c)(1) above, to meet the entire budget requests of all Electric Utilities participating in a Program, Program funds shall be used for Measures installed during the next Budget Year.

(e) *Reduction of Approved Budget.* If the Utility fails to achieve its expected units of accomplishment during any Budget Year, Bonneville may reduce the Approved Budget during the subsequent Budget Year to reflect the units of accomplishment Bonneville expects the Utility can achieve unless the Utility demonstrates to Bonneville that its failure to achieve its expected units of accomplishment was caused by events beyond its control. Bonneville shall notify the Utility in writing of any reduction of its Approved Budget.

(f) *Budget Adjustments.* (1) If Bonneville is able to increase the Utility's Approved Budget due to a change in the conditions specified in (c)(1) through (c)(4) above, Bonneville shall notify the Utility of its new Approved Budget, based on the amount requested by the Utility pursuant ot subsection (b) above, as soon as possible.

(2) At any time during a Budget Year, the Utility may request a change in its Approved Budget for such year. Bonneville may agree to change the Utility's Approved Budget for such Budget Year. To the extent that Bonneville has approved the budget requests of the Utility and other participating Electric Utilities established pursuant to subsection (a) or (b) above, Bonneville shall approve requests for increases in an Approved Budget by the Utility and other participating Electric Utilities in order of their receipt by Bonneville.

(g) *Budget Submittal Requirements.* All budgets submitted pursuant to this Agreement shall comply with the following requirements:

(1) Budgets shall reflect the expected units of accomplishment contained in the Utility's implementation goal except during the initial Budget Year of a Program and as otherwise agreed by the parties.

(2) Budgets shall separately estimate Utility Costs, Consumer Incentives, and requests for retroactive reimbursement pursuant to section 12.

(3) Budgets shall include nonbinding quarterly estimates of the items specified in (2) above.

(4) Budgets shall conform to any requirements for budget requests contained in a Program.

10. *Limitation of Program Funds.*—(a) Bonneville shall notify the Utility upon determining that the amount of funds available for any Program may be exhausted before the normal termination of such Program. Such notice shall be given no later than 90 days before the date of projected exhaustion of funds. Bonneville, to the extent of its authority, shall use its best efforts to obtain further funds to cover all Program expenses.

(b) Within the total amounts established in the Utility's Approved Budget, Bonneville shall pay for Measures that are completed pursuant to the Program within 60 days following the notice given pursuant to subsection (a) above.

(c) If the available Program funds for a Budget Year are exhausted prior to the Utility completing the work in its Approved Budget, the Program term will be extended as mutually agreed by the parties.

11. *Compensation Levels.*—(a) Compensation levels for Utility Costs and Consumer Incentives for a Program shall be determined according to the terms specified in the Program. Bonneville may request and the Utility shall provide such information on actual Utility Costs and actual costs of Measures installed which a Program specifies should be maintained.

(b) Bonneville and the Electric Utilities participating in a Program shall jointly review the compensation levels for Utility Costs and Consumer incentives on an annual basis. Such review shall consider but not be limited to the following criteria:

(1) Effectiveness of the Program;

(2) Inflation;

(3) Interest rates;

(4) Costs of a Measure;

(5) Cost effectiveness of a Measure; and

(6) Cost of other resources.

Any change in the compensation levels shall be considered an amendment to this Agreement, requiring compliance with section 5(a).

(c) *Special Incentive Level.* The parties recognize the potential need for special incentives over and above regionwide Utility Costs and Consumer Incentives. If and when needed, special incentives will be developed by the amendment process contained in section 5(a).

12. *Payment.*—(a) Subject to sections 9 and 10, Bonneville shall pay the Utility for Measures accomplished on or after the effective date of the applicable Program, the amount determined pursuant to such Program;

(b) Subject to sections 9 and 10, Bonneville shall pay the Utility for measures which are similar to those Measures under the Program selected by the Utility, and which were accomplished under a Utility program

on or after December 5, 1980, and prior to the effective date of the applicable Program, or within another retroactive reimbursement period after the effective date of the Program, specified in such Program, the amount determined pursuant to the following conditions:

(1) A measure must be "similar" to a Measure selected by the Utility under this Agreement. "Similar" means that a measure accomplishes the same purpose as and is comparable to a Measure covered by this Agreement in enough ways that its effectiveness can be evaluated to a reasonable degree of certainty.

(2) [NWPPA Provision] Retroactive reimbursement amounts and the Utility's use of such funds shall be governed by provisions in the applicable Programs; but, in no event, shall the Utility be retroactively reimbursed for Utility Costs.

(2) [BPA/ICP Provision] retroactive reimbursement amounts and the Utility's use of such funds shall be governed by provisions in the applicable Programs.

(3) Retroactive reimbursement amounts for each Measure completed shall be those provided for in the Program Exhibit: (i) when the Program was initially offered to Electric Utilities; or (ii) at the time the measure was completed, whichever comes later.

(4) When the Utility has received funds from Bonneville for the accomplishment of Measures either under the Prior Agreement, under a Utility Designed Program, or under a Bonneville pilot program, no retroactive payments shall be made with respect to such measures.

(5) For measures installed after the date of offering of a Program but before the Utility has executed such Program, retroactive payments shall be made only for those measures which reduce Electric Power consumption to an equal or greater degree than is provided by Measures under the Program, and which otherwise substantially conform to or exceed the Program materials and installation specifications, which are in effect as of the date of installation.

(6) [BPA/NWPPA Provision] Retroactive reimbursement shall be made for measures installed prior to the date the Utility is a party to a firm requirements power sales contract with Bonneville pursuant to the provisions of this section to the extent such measures reduce the load obligations of Bonneville. Bonneville shall apply a ratio to the payment levels contained in the Program for such measures, the numerator being the whole number of years remaining in the useful life of the measure on the date the Utility executes a firm requirements power sales contract with Bonneville and the denominator being the total whole number of years in the useful life of the measure.

(7) The Utility shall request retroactive reimbursement using the same form or format as pertains to the appropriate Program. Such request shall clearly indicate that it is a request for retroactive reimbursement. The Utility shall maintain records that will allow verification of the items that are required under the Program. The Utility shall also maintain supporting documents and records for verification of costs retroactively reimbursed pursuant to this section.

(c)(1) For measures that qualify for retroactive reimbursement pursuant to the subsection (b) above, Bonneville shall pay the amount owing to the Utility in a lump sum or in no more than six equal monthly installments, without interest, commencing on the date Bonnevilles advises the Utility that its claims for retroactive reimbursement have been included in the Utility's Approved Budget.

(2) For Measures accomplished on or after the effective date of a Program, the methods of payment available to the Utility are set forth in Exhibit C. Unless the Utility selects the Letter of Credit payment method, Exhibit C, Table 2, which requires that if the Letter of Credit method is used, all Utility Programs be funded by the Letter of Credit method, the Utility shall select one of the payment methods in Exhibit C for each Program in which the Utility participates. The selected payment method shall be referenced in each Program.

13. [NWPPA/BPA Provision] *Consideration.* The Utility represents and warrants that it is a party to a firm requirements power sales contract with Bonneville. In consideration for Bonneville's payments to the Utility pursuant to the terms and conditions of this Agreement, the Utility agrees to the following:

If the Utility ceases to be a firm requirements power sales customer of Bonneville during the useful life of any Measure accomplished pursuant to this Agreement, the Utility shall return Bonneville's payments to the Utility to the extent provided by the following formula:

$$R = (\text{Bonneville payments to the Utility}) \times \frac{L_m - Y}{L_m}$$

where:
R = reimbursement to Bonneville
L_m = useful life of Measure
Y = number of years expended in useful life.

Reimbursement shall be made in a lump sum payment within three months of termination of the firm requirements power sales contract, or, at the Utility's discretion, in no more than twelve equal monthly installments. If reimbursement is accomplished by installments, interest shall be charged on the outstanding balance at Bonneville's Treasury borrowing interest rate for the period of time between approval of the Utility's budget request for the initial Budget Year pursuant to section 9(c) and the last payment made to the Utility for which reimbursement to Bonneville is being made pursuant to this section.

If the Utility, after initiating such installment payments, executes a firm requirements power sales contract with Bonneville, the Utility shall, from the date of such execution, no longer be obligated to make any further installment payments to Bonneville under this section, and Bonneville shall forgive all remaining installment payments due after the date of such execution.

B. [ICP Provision]

Note.—The ICP's position is that all electric utilities in the Region and thus all Consumers in the Region should be eligible to participate in Bonneville's Conservation Programs. Under this position, no contractual provision regarding "Consideration or Eligibility" is needed, and the BPA/NWPPA definition of "Electric Utility" is not appropriate. The ICP's alternative position is that all electric utilities in the Region, who sign either an exchange contract or a firm power sales contract with Bonneville after passage of the Regional Act, are eligible. With respect to this alternative position, Section 13 of the contract should be entitled "Eligibility" and should read:

13. *Eligibility.* The eligibility of Electric Utilities to enter into this Agreement is limited to those Electric Utilities who, pursuant to section 5 of the Regional Act and on or after August 28, 1981, execute either (1) a firm requirements power sales contract or (2) a residential exchange contract.

If Bonneville rejects these positions and intends to offer consideration language along the lines of what it has proposed in its draft contract, the ICP urges Bonneville to change its language to read as set forth below. In so rewriting Bonneville's draft, the ICP in no way agrees with the concept it presents. The revision would read as follows:

13. *Consideration.* The Utility represents and warrants that it has executed a firm requirements power sales contract with Bonneville pursuant to Section 5 of the Regional Act, on or after August 28, 1981. In consideration for Bonneville's payments to the Utility under this Agreement, the Utility agrees that, if it ceases to be such a firm

requirements power sales customer of Bonneville during the useful life of any Measures accomplished pursuant to this Agreement, the Utility shall return Bonneville's payments to the Utility for those Measures, but only to the extent that Bonneville's payments have not been recovered through its wholesale power rates. Reimbursement shall be made in a lump sum payment within three months of termination of the firm requirements power sales contract, or, at the Utility's discretion, in no more than twelve equal monthly installments. If the Utility thereafter executes a new firm requirements power sales contract with Bonneville, Bonneville shall promptly return to the Utility any such reimbursement it has received from the Utility.

14. *Arrangements with Consumers and Electric Utilities.* The Utility shall not unreasonably discriminate among its Consumers in implementing Programs. Bonneville shall not unreasonably discriminate among Electric Utilities in implementing this Agreement.

15. *Publicity and Advertising.*—(a) Bonneville may inform the general public within the Region of the existence of the Programs encompassed by this Agreement by such means as press releases, speeches, public service announcements, or the like. When applicable, such information shall indicate that the availability of Programs may vary from area to area. To the extent that any such information indicates that the Utility is participating in a Program, Bonneville, prior to its distribution, shall advise the Utility and shall confirm that the Utility is prepared to implement that Program.

(b) In carrying out activities authorized under subsection (a) above, Bonneville shall not:

(1) Directly solicit participation in a Program by the Utility's Consumers; or

(2) Mail informational materials to the Utility's Consumers regarding a Program.

(c) Bonneville may, at its expense and upon request of the Utility, make available to the Utility informational materials regarding the Programs.

(d) Local advertising regarding the Programs available pursuant to this Agreement and all direct distribution of materials to the Utility's Consumers shall be the responsibility of the Utility. The Utility shall advertise or publicize each Program to the extent necessary to stimulate Consumer interest subject to any limitations on expenditures recoverable through rates, established by the Utility's state regulatory body.

(e) The Utility shall not include in any Program advertising or publicity representations concerning (1) warranties; or (2) the terms of financing which are offered to Consumers by Bonneville through the Utility, without Bonneville's prior approval. Any such representations shall be sent to Bonneville for review and shall be deemed approved unless objected to in writing within 15 days after receipt.

(f) Bonneville shall reimburse the Utility for its costs of publicizing and advertising Programs to the extent specified in each Program.

16. *Program Records.*—(a) Records maintained by the Utility for each Program in which the Utility is participating shall contain the information specified in such Program. Unless otherwise specified in a Program, the records shall be maintained by the Utility in a form determined solely by the Utility, so long as the requirements of subsection (b) below are met. The Utility shall keep all records required by each Program for three years after termination of such Program, unless otherwise specified in such Program. Further, the Utility shall provide 90 days' written notice to Bonneville prior to destruction of any such records.

(b) Program records shall be established and maintained in accordance with generally accepted accounting principles consistently applied, and in conformance with applicable laws and Federal regulations, including the provisions of the Privacy Act of 1974. A summary of the system of records developed by Bonneville to comply with the Privacy Act shall be supplied by Bonneville.

17. *Program Reports.* The Utility shall submit to the appropriate Bonneville official, no later than the 10th calendar day of each month, a completed Exhibit C and the appropriate Program schedules, unless otherwise agreed by the parties.

18. *Program Audits.* Bonneville may, upon reasonable notice, conduct such audits, examinations, or inspections of the Utility's Program records, and of the Utility's procedures under the terms of this Agreement as it deems appropriate. The number, timing, and extent of such audits will be at the discretion of Bonneville, may be conducted by Bonneville staff or its designee, and shall be in accordance with audit standards established by the Comptroller General of the United States.

19. [BPA Provision] *Evaluation.* The Utility shall supply Bonneville with information on participating and nonparticipating Consumers in order to evaluate the Programs in which the Utility is participating. Individually identifiable Consumer information shall be made available with the Consumer's permission. The Utility shall assist Bonneville in obtaining such permission from Consumers. Any reasonable additional cost incurred by the Utility in assisting such evaluation shall be reimbursed by Bonneville. When feasible, the Consumer information shall be selected by the use of a valid statistical sampling methodology accepted or provided by Bonneville. Bonneville shall, to the extent practicable, work with the Electric Utilities in developing and implementing Program evaluation procedures.

19. [NWPPA/ICP Provision] *Evaluation.* The Utility shall supply Bonneville with information on participating and nonparticipating Consumers which is reasonably necessary to evaluate adequately the Programs in which the Utility is participating. Individually identifiable Consumer information shall be made available with the Consumer's permission. Each Program shall be evaluated using standards and methods unique to that Program. Any reasonable additional costs incurred by the Utility in assisting such evaluation shall be reimbursed by Bonneville. When feasible, the Consumer information shall be selected by the use of a valid statistical sampling methodology accepted or provided by Bonneville. Bonneville shall, to the extent practicable, work with the Electric Utilities in developing and implementing Program evaluation procedures. Bonneville shall, upon completing the evaluation, distribute the results of the evaluation to the Utility.

20. *Indemnification.* Each party shall indemnify and hold harmless the other party and its respective officers, agents, and employees from and against any and all claims, actions, losses, damages, liability, and expenses, including but not limited to reasonable attorney's fees, arising from such party's negligent or other tortious actions or omissions or those of its officers, agents, or employees.

21. *Disclaimer of Liability.*—(a) Neither Bonneville nor the Utility shall be liable to the other party, or to a Consumer, for the acts or omissions of an independent contractor. Independent contractors participating in any of the Programs under this Agreement shall not be considered officers, agents, or employees of either Bonneville or the Utility.

(b) Independent contractors contracting with the Utility or Bonneville to implement the provisions of this Agreement shall be required to indemnify and hold the Utility and Bonneville harmless for all claims,

damages, losses, and expenses arising from the negligent or other tortious acts or omissions of such independent contractors, their officers, agents, or employees.

22. *Compliance with Law.* This Agreement is subject to the provisions contained in Exhibit E to the extent required by applicable law, regulation, or Executive order.

23. *Notices and Other Communications.* Any notice, request, approval, consent, instruction, or other communication given by either party to the other party shall be in writing and shall be delivered in person or mailed to the address and to the attention of the person specified below:

If to Bonneville: Bonneville Power Administration

_____

_____

Attn: _____

If to the Utility:_____

_____

_____

Attn: _____

Either party may from time to time change such address by giving the other party written notice of such change.

24. *Termination.* (a) The Utility may, for its convenience, terminate this Agreement or terminate its participation in any of the Programs under this Agreement by giving Bonneville 30 days' written notice of such termination. In the event of such termination, the Utility shall use its best efforts to minimize the compensation payable under this Agreement.

(b) Bonneville may terminate this Agreement or a Program hereunder:

(1) If Bonneville determines that the Utility's Program procedures, records, or accounts do not conform with the requirements of this Agreement and that the Utility has failed to correct the nonconformance within a reasonable time after written notice of the nonconformance from Bonneville.

(2) [BPA/NWPPA Provision] If the Utility ceases to be a firm requirements power sales customer as specified in section 13.

(3) [BPA/ICP Provision] Bonneville may, for its convenience, terminate this Agreement or terminate any of the Programs under this Agreement by giving the Utility one year's written notice of such termination. In the event of such termination, the Utility shall use its best efforts to minimize the compensation payable under this Agreement.

[NWPPA Provision]

(c) For reasonable justification, Bonneville may, upon one year's notice to the Utility, terminate any of the Programs which cannot be corrected by amending the Program or amending the cost reimbursement levels of the Program.

25. *Assignment of Agreement.* The Utility may assign any of the rights, benefits, and remedies conferred upon it by this Agreement to a third person or entity, when such assignment would assist the Utility in financing any portion of the cost of a Program being implemented under this Agreement. Any other assignment by the Utility shall not be made without the prior written consent of Bonneville, which consent shall not be unreasonably withheld. All assignments shall be in writing.

26. *Governing Law.* To the extent State law is applicable or is utilized by a court to interpret, implement, or construe this Agreement, the rights and obligations of the parties under this Agreement shall be governed by the laws of the state in which the headquarters of the Utility are located.

[BPA Provision] No section.

27. [NWPPA Provision] *Allocation of Costs.* Bonneville, in establishing rates to recover the costs of Programs, shall take into account the benefits from the reduction in Electric Power consumption under the Programs, in allocating costs to rate groups.

27. [ICP Provision] *Allocation of Costs.* The costs of the Programs, including all Bonneville administrative costs and all payments made by Bonneville to Electric Utilities, Consumers, local entities and others, shall be amortized over a period of years not exceeding the average useful life of Measures. Such amortized amounts shall be recovered by Bonneville through its rates by means of a uniform charge to all kilowatthours sold by Bonneville.

28. *Training.* (a) The Utility shall be responsible for training and qualifying the personnel necessary to implement each Program in accordance with procedures, standards, and certification requirements specified in such Program.

(b) Bonneville shall pay the Utility or the Utility's designee for the cost of training to the extent specified in each Program.

29. *Arrangements With Other Entities.* (1) If the Utility supplies firm power for resale to an entity that has not entered into an Energy Conservation Agreement with Bonneville and that places a load on the Utility which is part of the Utility's firm load under the Utility's firm requirements power sales contract with Bonneville, the Utility may, with prior approval by Bonneville and with consent of such entity, offer any of the Programs to Consumers of such entity.

(2) Bonneville shall have the right to revoke its approval if the power sales contractual relationship between the Utility and the entity changes in such a way so as to decrease the potential for energy savings to Bonneville from Programs.

(3) The terms and conditions of such arrangement shall be determined by the Utility and the entity and shall be consistent with the terms and conditions of this Agreement.

30. [BPA Provision] *Coordination.* Bonneville shall inform the Utility when Programs are offered to third parties within the Utility's service area.

30. [NWPPA/ICP Provision] *Coordination.* Bonneville agrees to inform the Utility when Programs are offered to third parties within the Utility's service area. Further, Bonneville shall in its contracts with third parties, require that such third parties periodically inform the Utility or Program development and implementation in the Utility's service area. The timing and information to be exchanged shall be as agreed to by the Utility and the third party. Programs offered to third parties shall contain the same rights and obligations as similar Programs offered to the Utility.

31. [BPA Provision] *Double Payments.* Notwithstanding any other section of this Agreement, Bonneville shall not be obligated to pay funds on behalf of any Consumer or pay the Utility that portion of any reimbursement which would result in paying more than the actual cost of a Measure, due to payments made or to be made to the Utility or Consumer which originate from another governmental entity. Should the Utility receive, pass through to the Consumer, expect to receive or pass through such payments, or become aware of double payments, it shall notify Bonneville. Bonneville shall then consult with the Utility in determining if any reduction in reimbursements is appropriate.

31. [ICP Provision] *Double Payments.* If the sum of payments made on a Consumer's behalf with respect to a Measure both under a Program and from another governmental source would exceed the actual cost of the Measure, Bonneville may reduce its payment so that only the actual cost is paid on the Consumer's behalf, provided that Bonneville's reduction shall not be greater than the payment from the other governmental source. Should the Utility be aware of such payments, it shall notify Bonneville. Bonneville shall then consult with the Utility to determine if any payment reduction is appropriate,

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provided that no reduction shall be made if the Utility has made a contractual commitment with the Consumer concerning payment of the Measure.

31. [NWPPA Provision] *Double Payments.* Bonneville may reduce payment to a Utility or Consumer based on reimbursement from another governmental agency so as to limit the total reimbursement from all governmental sources to the Utility or Consumer to the actual cost of the Measure or the Bonneville Consumer Incentive, whichever is greater. Should the Utility be aware of double payments, it shall notify Bonneville. Bonneville shall then consult with the Utility to determine if reduction of future Consumer Incentives is appropriate.

32. [BPA Provision] *Cooperation with the Council.* The parties will negotiate amendments to this Agreement as may be necessary to permit the plan or program adopted by the Council pursuant to the Regional Act, including but not limited to provisions pertaining to conservation, renewable resources, and fish and wildlife, to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act.

EXHIBIT A, PAGE 1 OF 1, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Program Offerings

1. Shower Flow Restrictor Program
2. Water Heater Wrap Program
3. Street and Area Lighting Efficiency Improvement Program
4. Commercial Conservation Program—Lighting and Water Heating
5. Energy Buy-Back Weatherization Program/Zero Interest Loan Weatherization Program

EXHIBIT B, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Utility-Designed Programs

1. The Utility may, by submitting the information specified below, request that Bonneville acquire Conservation and direct-application renewable Resources from a Utility-Designed Program:

(a) *General Information.*

(I) Utility's name, address, phone number and the name of the person within the Utility to be contacted regarding the proposal.

(II) A narrative description of the program, identifying:

(A) The measures to be implemented,

(B) The energy use sector (residential, commercial, industrial, agricultural or utility) to which the program is directed,

(C) The end uses affected by the implemented measures,

(D) The date of proposed initiation of the program, and its proposed duration, and

(E) The manner in which the program will be operated and administered.

(b) *Energy Savings Information.* (In responding to these items, the Utility will state all pertinent assumptions and document information sources.)

(I) Provide an estimate of the reliability of the measures to be implemented.

(II) Provide an estimate of the market for the proposed program, including the availability of supplies and the mechanisms for distributing the measures.

(III) Estimate the annual energy savings per measure installed.

(IV) Estimate the useful life of an installed measure.

(VI) Describe when, on an hourly, daily, and seasonal basis, the energy savings produced by installed measures will be expected to occur.

(VII) Describe the means proposed to monitor and verify the energy savings expected to be produced by the program.

(c) *Program Cost Information.* (In responding to these items, the Utility will state all pertinent assumptions and document information sources.)

(I) Provide an annual breakdown, over the expected duration of the program, of the estimated direct costs of implementing the program.

(II) Provide an estimate, in quantitative terms to the extent practicable, of the environmental impacts of the program. To the extent mitigation is proposed with respect to any adverse environmental impacts, estimate the cost of such mitigation.

(III) Describe the type and amount, if any, of financial assistance the Utility intends to provide to Consumers installing measures under the program, and the total cost of installation to the Consumer.

(IV) Describe the amount which the Utility requests that Bonneville pay to it for energy saved by the program.

2. Bonneville shall upon receipt of an application:

(a) Verify the information submitted to it by the Utility. The Utility shall cooperate fully in the verification process;

(b) Conduct such other review of the proposal as may be required by the Regional Act; and

(c) Thereafter, determine whether the proposal is consistent with the Plan or, if no Plan is in effect, consistent with the criteria in section 4(e)(1) and the conditions of section 4(e)(2) of the Regional Act.

3. Within days after receipt of the application, Bonneville shall either:

(a) Accept the application and offer to negotiate a Program; or

(b) Reject the application. A rejection shall be accompanied by an explanation of the reasons therefor.

4. *Protection of Confidential Information.* If the application includes confidential information or trade secrets, the Utility should clearly indicate that this type of information is contained in the application, specifically identify that information, and state that the information is being submitted in confidence. Every reasonable effort will be made by Bonneville to protect this information from disclosure beyond those Bonneville employees or agents involved in reviewing the application, consistent with the Federal Privacy Act, the Federal Freedom of Information Act, and other laws.

5. *Retention of Documents.* Bonneville will retain all documents submitted. The Utility should make a copy for its own records and future reference. Bonneville reserves the right to make copies of any documents submitted to support its program development and resources assessment activities.

EXHIBIT C, TABLE 1, PAGE 1 OF 1, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Payment Methods

Cost Remibursement Method

1. Payment shall be computed based upon levels of reimbursement specified in each Program.

2. The Utility shall submit monthly to Bonneville a completed Form BPA–1418–F, Monthly Financial Summary, with applicable schedules.

3. Within 30 days of receipt of the Monthly Financial Summary, Bonneville shall reimburse the Utility.

EXHIBIT C, TABLE 2, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Payment Methods

Letter of Credit Method

1. This is a method whereby Bonneville provides operating funds to the Utility to fund its conservation activities. Funds are provided in advance of actual expenditures by the Utility and provide the Utility with control over its daily financial

operations. This method is available if Bonneville has, or expects to have, a contractual relationship under this Agreement with the Utility which will last one year and involve annual advances aggregating at least $120,000. One letter of credit will be used to provide funding for all Utility Programs. The Utility may utilize the Revolving Working Capital Advance Method of payment until the Letter of Credit Method is fully operational for the Utility.

2. *Duties of the Utility.* (a) The Utility shall notify Bonneville of the name and address of the commercial bank (Bank) which has agreed to receive payment vouchers (TSF 5401) and shall request an amount computed pursuant to Bonneville issued instructions.

(b) The Utility shall submit properly completed signature card (SF 1194) to Bonneville. The Utility shall also submit properly completed payment vouchers to the Bank for the amount of the advance desired. Such payment vouchers shall be submitted to the Bank as close as is administratively possible to the issuance of checks for program disbursements.

(c) The Utility shall make timely reports of cash disbursements and balances to Bonneville.

(d) The Utility shall provide for effective control over and accountability for all Federal funds.

(e) The Utility shall establish internal operating procedures including but NOT limited to:

(1) The correct preparation and distribution of prescribed forms;

(2) Monitoring of drawdowns and reviewing of other financial practices to insure against excessive withdrawals of Federal funds; and

(3) Remedial measures to correct excessive withdrawals of cash.

(f) Subsections (a) through (e) above shall apply to any agent of the Utility authorized to use such letter of credit.

3. *Duties of Bonneville.* (a) Bonneville shall establish the amount of the letter of credit (SF 1193) and record an obligation in its accounts equal to such amount.

(b) Bonneville shall transmit a certified letter of credit and signature card (SF 1194) to the Department of Treasury (DOT). The DOT shall then transmit a letter of credit and signature card to the appropriate Federal Reserve Bank.

(c) Bonneville shall designate one of its own officials as a liaison officer with the DOT.

(d) Bonneville shall furnish instructions to the Utility which provide the procedures for the letter of credit method of payment.

(e) Bonneville shall revoke any unobligated portion of the letter of credit upon determination that the Utility has failed to comply with the instructions referenced in subsection (d) above. A timely reconciliation of expenditures and advances shall be made and disbursement made to the appropriate party.

EXHIBIT C, TABLE 3, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT, NOVEMBER 19,1981

Payment Methods

Treasury Check Advance Method

1. This is a method whereby Bonneville authorizes advances by direct Treasury check to the Utility immediately prior to disbursement. This method is available when the annual aggregate advance is less than $120,000 or the term of the Program Exhibit does not exceed 1 year.

2. *Duties of the Utility.* (a) The Utility shall request an amount by submitting to Bonneville a completed Form BPA–1418–F, Monthly Financial Summary.

(b) The Utility shall submit a certified monthly estimate of reimbursable expenditures to Bonneville at least 20 days in advance of disbursement. The Utility shall reduce the amount so requested by the amount of any undisbursed advance which is outstanding to the Utility.

(c) The Utility shall deposit the Treasury check and shall limit disbursements to only those for Program expenses incurred.

(d) The Utility shall submit to Bonneville a completed Monthly Financial Summary with applicable schedules showing the amount of Program disbursements made each day, and the dates and amounts of Program advances received.

(e) Within 30 days of revocation of the award the Utility shall return to Bonneville any undisbursed advance funds.

3. *Duties of Bonneville.* (a) Bonneville shall review the Utility's request for an advance and make the necessary award. Bonneville shall record such award as an obligation in its accounts.

(b) Bonneville shall designate a Bonneville employee as Program Officer. The Program Officer shall review payment requests and shall authorize advances as warranted.

EXHIBIT D, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT, NOVEMBER 19, 1981

Provisions Required by Statute or Executive Order

1. *Contract Work Hours and Safety Standards.* This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime Requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidation of damages.* In the event of any violation of the provisions of subsection (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of subsection (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of his standard workweek of 40 hours without payment of the overtime wages required by subsection (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Administrator may withhold from the Government Prime Contractor, from any moneys payable on account of work performed

by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of subsection (b) above.

(d) *Subcontracts.* The Contractors shall insert subsections (a) through (d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Record.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

2. *Convict Labor.* In connection with the performance of work under this contract, the Contractor agrees not to employe any person undergoing sentence of imprisonment except as provided by Public Law 89-176, September 10, 1965, (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

3. *Equal Employment Opportunity.* (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60)).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Administrator setting forth the provisions of this clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Administrator, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employemnt.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by Law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; *Provided, however,* That in the event the Contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

4. *Interest of Member of Congress.* No member of or delegate to Congress, or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefits.

5. *Affirmative Action for Handicapped Workers.* (a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or aplicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or

vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce each provisions, including action for noncompliance.

6. *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* (a) The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietman era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period; (2) the number of nondisabled veterans of the Vietnam era hired; (3) the number of disabled veterans of the Vietnam era hired; and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment and placement.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the contractor proposed to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(h) As used in this clause:

(1) "All suitsable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposed to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government."

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands."

(3) "Openings which the contractor proposed to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposed to fill from regularly established "recall" lists."

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees."

(i) The contractor agrees to comply with the rules, regulations, and relevant

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orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the contractor's noncompliance with the requirements of this clause, actions for concompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notice shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of the Vietnam Era Veterans Readjustment Assistance Act, and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretaty issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

7. *Utilization of Minority Business Enterprises.* (a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

8. *Small Business Concerns.* (a) It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The contractor further agrees to cooperate in any studies or surveys as may be conducted by the United States Small Business Administration or the awarding agency of the United States as may be necessary to determine the extent of the contractor's compliance with this clause.

(c) As used in this contract, the term, "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act (15 USCS Section 632) and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern—

(1) Which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(2) Whose management and daily business operations are controlled by one or more of such individuals.

The contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act (15 USCS section 637(a)).

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

9. *Certification of Nonsegregated Facilities.* (Applicable to (1) contracts; (2) subcontracts; and (3) agreements with applicants who are themselves performing federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants, and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

10. *Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities.* Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for

each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

11. *Administrator's Obligations Not General Obligations of the United States.*

All offerings of obligations, and all promotional materials for such obligations, which may be offered by the Utility to finance Measures installed pursuant to this Agreement shall include the language contained in the second sentence of subsection 6(j)(i) of the Regional Act.

[FR Doc. 81-34917 Filed 12-3-81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/RSPA			DOT/RSPA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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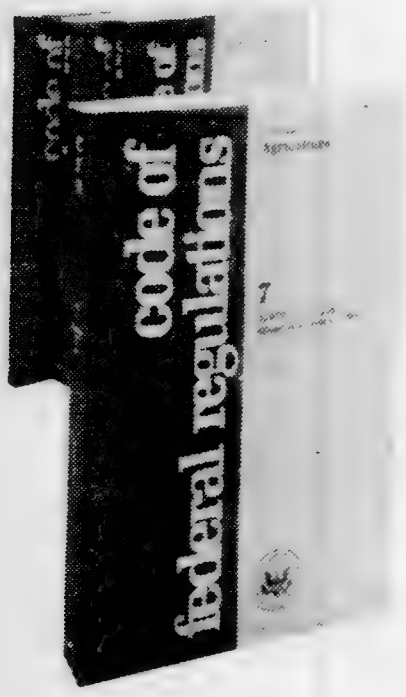

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Monday
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59939 **Claims Against Iran** Treasury/FACO issues rule on registration of bank claims against escrow account at the Bank of England. (Part VII of this issue)

59622 **Pesticides—Predators** EPA announces receipt of applications to use sodium fluoroacetate (Compound 1080) to control coyotes and other livestock predators.

59572 **Grant Programs—Education** ED invites applications for new awards under the Comprehensive Program Final Year Dissemination Competition.

59573 ED solicits applications for continuation of multi-year projects under the Field Initiated Research Program.

59570 ED lists certain applications for review accepted for hearings by the Education Appeal Board.

59734 **Recombinant DNA Research** HHS/NIH reports on proposed actions to be taken under guidelines. (Part II of this issue)

59872, 59924 **Energy—Fuel Use** DOE issues final rule and proposal on administrative procedures and exemption criteria applicable to electric powerplants and major fuel burning installations. (Part IV of this issue) (2 documents)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

59934 **Surface Mining** Interior/SMREO suspends self-bonding and surface protection bonding rules. (Part VI of this issue)

59643 **Continental Shelf** Interior/GS temporarily closes application period for certified verification agents.

59537 **Hazardous Waste Management** EPA issues summary of petitions on system established by Resource Conservation and Recovery Act.

59630 **Air Pollution Control** EPA announces release of draft control techniques guidelines for large petroleum dry cleaners and synthetic organic chemical, polymer, and resin manufacturing equipment.

59550 **Noise Control—Highways and Roads** DOT/FHWA proposes to revise procedures for abatement of traffic and construction noise.

59533 **Highways and Roads** DOT/FHWA revises requirements for participation in Federal-Aid Research and Development Program.

59545 **Motor Carriers** ICC adopts accounting principles for intangible assets.

59689 **Motor Vehicle Safety** DOT/NHTSA removes reference to pedals from definition of mopeds.

59638 **Federal Reserve System** FRS publishes Federal Open Market Committee Domestic Policy Directive of October 5–6, 1981.

59547 **Foreign Trade Agreements** Trade Representative issues proposal on submission of representations by foreign countries on alleged barriers to trade.

59930 **Grain Elevators** USDA/AMS proposes to require warehousemen to file annual financial statements. (Part V of this issue)

59685 **Regulatory Flexibility Review Plan** DOT/CG

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59691 **Sunshine Act Meetings**

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**Animal an
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9 CFR Par

Screwwor

AGENCY: A
Inspection

ACTION: Fi

SUMMARY:
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Rules and Regulations

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations; Changes in Botanical Names, Testing Methods and Certification Standards

Correction

In FR Doc. 81-31459 appearing on page 53634 in the issue of Thursday, October 29, 1981, make the following corrections:

Under the amendments to Table 2 of § 201.58(c), in the third column of page 53639, in the seventh line, "supsp. unguiculata" should have read "subsp. unguiculata."

In Table 5 to § 201.76, on page 53640, the entry for "Triticale; Registered; Land" now reading "7 7" should have read "7 1."

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 83

Screwworms; Lifting of Restrictions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document relieves restrictions no longer deemed necessary to prevent the spread of screwworms (myiasis) in the United States. Surveillance activity indicates that screwworm infestations no longer occur in the United States. This action removes regulations no longer considered necessary for the control of recurring screwworm infestations and identifies recurring screwworm infestations as a disease not known to exist in the United States rather than a disease which is endemic to the United States.

EFFECTIVE DATE: January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Floyd E. Smith, USDA, APHIS, VS, Room 733, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8233.

SUPPLEMENTARY INFORMATION: This action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On Wednesday, July 15, 1981, there was published in the **Federal Register** (46 FR 36711-36712), proposed amendments to the regulations (9 CFR Parts 71 and 83) to remove regulations no longer considered necessary for the control of recurring screwworm infestations and to identify recurring screwworm infestations as a disease not known to exist in the United States rather than a disease which is endemic to the United States.

A 60-day comment period was provided for receipt of comments which expired on September 14, 1981. No comments were received.

There is no feasible alternative to this final rule. Surveillance activity indicates that screwworm infestations no longer occur in the United States. Therefore, this final rule relieves restrictions no longer deemed necessary to prevent the spread of screwworms (myiasis) in the United States.

This document amends 9 CFR Part 71, to reflect the change in status of recurring screwworm infestations from a disease endemic to the United States to a disease not known to exist in the United States and removes Part 83 from Title 9, Code of Federal Regulations (9 CFR).

Screwworms are obligate parasites of all warmblooded animals. The larvae feed in wounds of living warmblooded animals causing severe tissue damage and oftentimes death if untreated.

A Federal program to eradicate the pest from the southeastern part of the country using the sterile fly technique was successful in 1958 to 1959. Another campaign to free the southwestern States was declared successful in 1964 to 1965; however, migrations of wild flies from Mexico continued to reinfest the United States in spite of a barrier of sterile flies maintained along the common border between the two countries. The Government of Mexico and the United States entered into a Cooperative Agreement in 1972 to eradicate screwworms from Mexico down to the Isthumus of Tehuantepec and there reestablish the barrier.

The joint program has succeeded to the point that recurring screwworm infestations have been eliminated from the United States and infestations in Mexico have been pushed sufficiently far south to provide protection to the United States.

Currently, Part 83 states that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas, as designated in paragraphs (a), (b), (c), and (d) of section 83.2 (9 CFR, Part 83.2). This action removes the restrictions presently imposed on these areas.

Also, Part 71.3(a) identifies "screwworms" as a disease endemic to the United States. Any animals or poultry affected by such diseases are not permitted to be moved interstate. The Department maintains surveillance for screwworm infestations in the United States. During Fiscal Year 1980, only two cases of screwworms occurred in the country. During Fiscal Year 1981, only three cases involving five animals occurred in this country. These cases were individual and isolated, and no further cases occurred following treatment with sterile flies, the Screwworm Adult Suppression System (SWASS), and animal and herd treatment.

This action removes Part 83 from Title 9, Code of Federal Regulations and deletes the word "screwworms" from § 71.3(a) and adds the word "screwworms" to § 71.3(b), thereby identifying "screwworms" as a disease not known to exist in the United States. Animals and poultry affected by such

diseases are also prohibited from moving interstate. The change simply reflects the fact that screwworm infestations are no longer considered by the Department to be endemic to the United States.

Part 71 of the regulations contains general provisions relating to the interstate transportation of animals (including poultry) and animal products. Section 71.3 generally prohibits the interstate movement of diseased animals and poultry with certain limited exceptions not applicable to screwworms. Section 71.3(f) requires anyone that transports livestock interstate to exercise "reasonable diligence" to ascertain whether such animals or poultry are affected with any contagious, infectious, or communicable disease, or have been exposed to the contagion or infection of such disease. . ."

The differences between Part 71 and Part 83 can be viewed as a lessening of the regulatory burden on livestock owners and shippers. However, if outbreaks of screwworms become widespread once more, the lack of strict procedures to control them could result in severe losses for these same owners and shippers. The applicable laws and regulations (9 CFR 71.2), however, do provide the Secretary with authority to issue quarantines, if he deems them necessary. Such quarantines should be adequate to control any outbreaks of screwworms.

Accordingly, Parts 71 and 83, Title 9, Code of Federal Regulations, are amended in the following respects.

PART 71—GENERAL PROVISIONS

§ 71.3 [Amended]

1. In § 71.3(a), the word "screwworms" is deleted.

2. In § 71.3(b), the word "screwworms" is added after the term "vesicular exanthema," and before the words "and glanders."

PART 83—SCREWWORMS [REMOVED]

3. 9 CFR Part 83—Screwworms, is removed in its entirety.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264 and 1265, as amended; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 1st day of December 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-34894 Filed 12-4-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 21905, Special Condition No. 25-102-NM-7]

Special Conditions: Cessna Model 650 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Final Special Conditions.

SUMMARY: This amendment corrects errors made when the special conditions for the Cessna 650 series airplane were printed in the **Federal Register** (46 FR 51729) on October 22, 1981. This amendment is required to complete the description of the altitude depressurization requirements which were inadvertently omitted from Special Conditions No. 25-102-NM-7. Additionally, the Code of Federal Regulations citation is corrected to 14 CFR Part 25.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Lead Region Staff, FAA Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION: When final Special Conditions No. 25-102-NM-7 were published, Figures 3 and 4 were inadvertently omitted. These illustrations provide the necessary design criteria for the Cabin repressurization system. Also, the Code of Federal Regulations citation was published as 14 CFR Part 21. The correct citation is 14 CFR Part 25.

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

Adoption of the Amendment

Accordingly, Part 25 of the Federal Aviation Regulations (14 CFR Part 25) is amended to include Figures 3 and 4.

Note.—The FAA has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action corrects an inadvertent omission and does not make a substantive change, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on November 25, 1981.

M. Craig Beard,

Director of Airworthiness.

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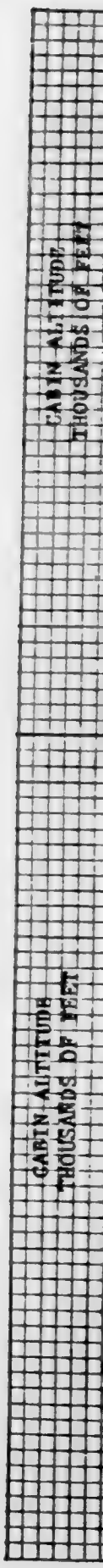

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For Figures 3 and 4, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. Areas wherein the actual cabin altitude–time history falls below the curve may be used to compensate, by integration, for areas wherein the actual cabin altitude–time history reasonably exceeds the curve. Time is concluded when cabin altitude returns to 8,000 feet.

Figure 3

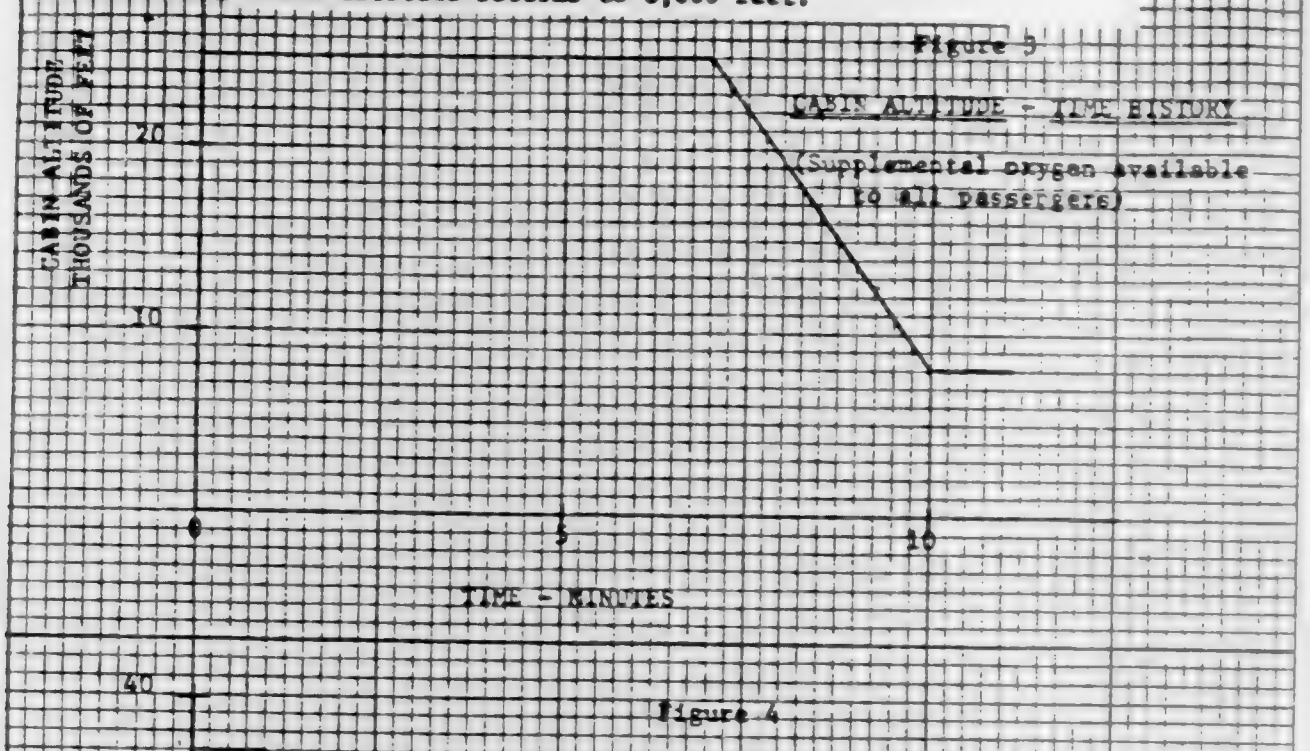

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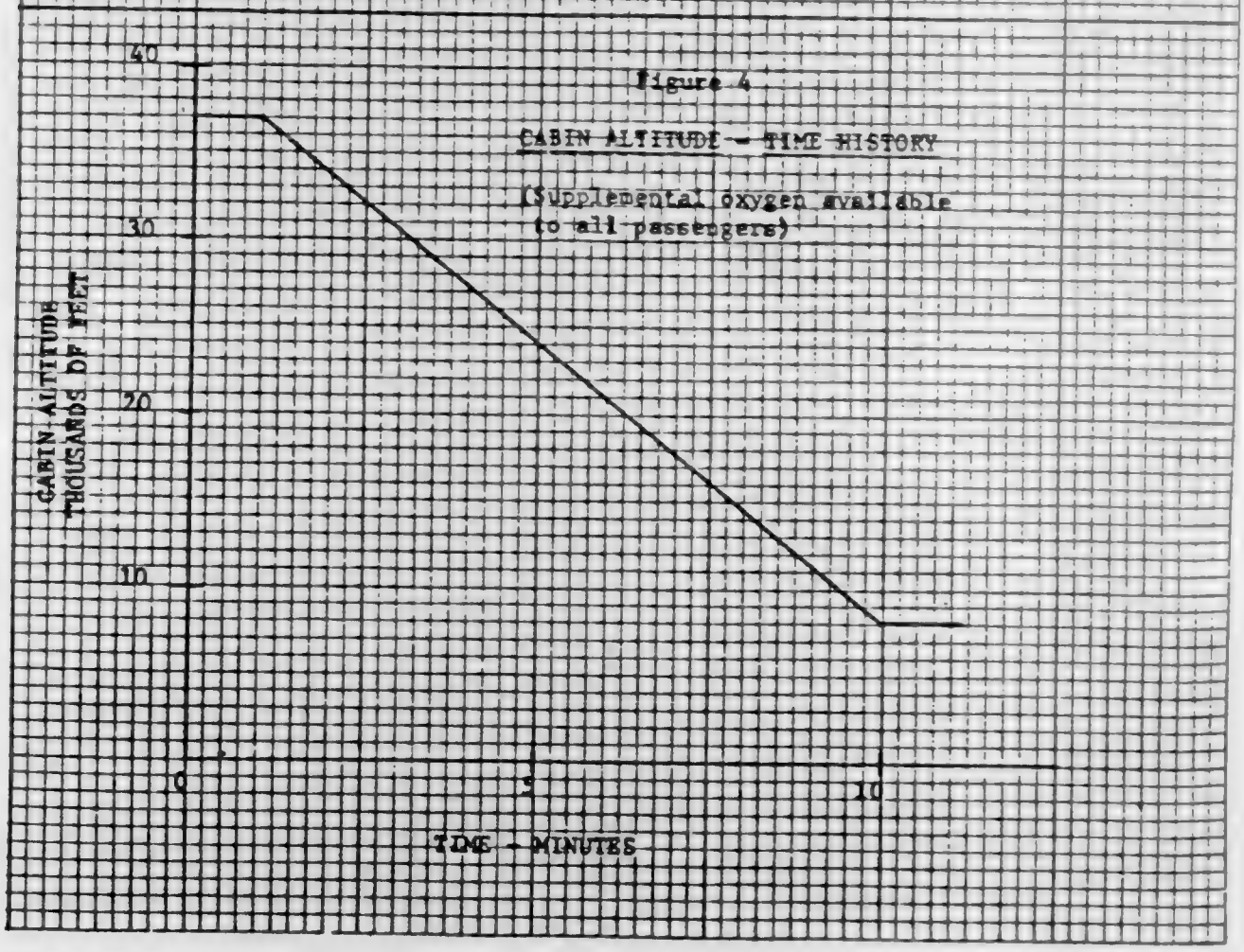

[FR Doc. 81-34929 Filed 12-4-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 81-EA-67; Amdt. 39-4272]

Airworthiness Directives; Piper PA-38-112

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This directive amends Airworthiness Directive (A.D.) 81-04-07 applicable to Piper PA-38-112 fin forward spar assemblies and fuselage bulkhead assemblies. This A.D., which requires the inspection and repair, if necessary, of the fin forward spar assembly and the fuselage bulkhead assembly, is amended to limit its requirements to aircraft S/N 38-78A0001 through 38-80A0198. This amendment is made to reflect the modifications made by Piper Aircraft Corp. to these assemblies in 1981 and subsequent models.

EFFECTIVE DATE: December 9, 1981. Compliance is required as set forth in the A.D.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: This A.D. was originally prompted to avoid possible hazards in flight associated with cracks in the fin forward spar, P/N 77601-03, and the fuselage bulkhead assembly, P/N 77553-02. The original A.D. applied to all PA-38-112 aircraft.

It has now been determined that this A.D. is not necessary in 1981 and subsequent models of this aircraft because of modifications made to the fin forward spar and fuselage bulkhead assemblies.

In view of the fact that this amendment relaxes present requirements, and imposes no additional burdens on anyone, notice and public procedure are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by amending AD 81-04-07 as follows:

Amend AD 81-04-07 as follows:

(a) In the applicability section, insert after Model PA-38-112 "Serial Nos. 38-78A0001 thru 38-80A0198."

Effective Date: This amendment is effective December 9, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Dept. of Trans. Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the court of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on November 25, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region

[FR Doc. 81-34932 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-66]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area, Parsons, Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule designates the Parsons, Tennessee, Transition Area and lowers the base of controlled airspace from 1200 to 700 feet AGL in the vicinity of Scott Municipal Airport. This action, which was inadvertently omitted in 1980, provides controlled airspace protection for aircraft instrument flight operations at the airport.

DATES: Effective date: 1900 G.m.t., November 20, 1981; comments on the rule must be received before January 10, 1982.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On January 24, 1980, the FAA authorized use of the VOR/DME-A standard instrument approach procedure utilizing the Jacks Creek VORTAC for aircraft at Scott Municipal Airport, Parsons, Tennessee. Designation of the required controlled airspace for protection of aircraft instrument flight operations at the airport was inadvertently omitted. This rule corrects the deficiency. In conjunction with the issuance of this rule, a Notice to Airmen was issued which advised of the existence of the Parsons, Tennessee, 700-foot Transition Area.

Request for Comments on the Rule

Although this action is in the form of a Final Rule and was not preceded by notice and public procedure, comments are invited on the rule. The FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Parsons, Tennessee, 700-foot Transition Area. Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to provide controlled airspace for protection of instrument flight operations in the vicinity of Scott Municipal Airport. Therefore, I find that notice or public procedure under 5 U.S.C. 553 is impractical and good cause exists for

making the rule effective in less than thirty days of publication.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 1900 G.m.t., November 20, 1981, by adding the following:

Parsons, Tennessee

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Scott Municipal Airport (Lat. 35°38'20"N., Long. 88°07'43"W.), excluding the portion within the Lexington, Tennessee, transition area.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c), Dept. of Trans. Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on November 20, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-34931 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AGL-52]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: On July 16, 1981, the Federal Aviation Administration published in the **Federal Register** (46 FR 36837), FR Doc. 81-20793, the establishment of a transition area near Ortonville, Minnesota, to be effective October 1, 1981. The nature of this action is to correct discrepancies subsequently noted in the Ortonville, Minnesota, transition area description.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to make minor revisions to the Ortonville, Minnesota, transition area description so as to better correlate the area to be charted with areas currently charted in regards to arc definition and latitude coordinates associated with airspace extending upward from 1200 feet above the surface.

Discussion of Comments

On page 12004 of the **Federal Register** dated February 12, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ortonville, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982 as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Ortonville, Minnesota

That airspace extending upward from 700' above the surface within 6.5 miles of the Ortonville Municipal Airport (latitude 45°18'05" N, longitude 96°25'25" W), extending south 3 miles either side of the 182° bearing from Ortonville Municipal Airport from 6.5 to 8.5 miles, and that airspace extending upward from 1200' above the surface from 45°57'30" N, 97°01'00" W, counterclockwise along the 28 mile arc of the Wahpeton, North Dakota Airport to the Minnesota State Line; thence south along the Minnesota State Line; to 44°32'30" N, excluding that portion that overlies the Ortonville Municipal Airport 700-foot transition area; thence west to 44°33'00" N, 96°45'00" W; thence northwest to 44°40'30" N, 96°50'00" W, thence counterclockwise along the 26-mile arc of the Watertown, South Dakota, VOR to the Watertown 086° radial; thence west to the 14.5 mile point on the Watertown 086° radial; thence counterclockwise on the 14.5 mile arc of the Watertown VOR to the Watertown 001° radial; thence north to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on November 18, 1981.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 81-34933 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ARM-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of VOR Federal Airways and Designation of VOR Federal Airways

Correction

In FR Doc. 81-33976 appearing on page 57891 in the issue of Friday, November 27, 1981, make the following correction:

In the first column of page 57892, under "2. *V-401 [New],*" change "Caster, WY" to read "Casper, WY."

BILLING CODE 1505-01-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-4]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Redesignation of Northeast Area Airway Structure

Correction

In FR Doc 81-33975 appearing on page 57892 in the issue of Friday, November 27, 1981, make the following correction:

In the center column of page 57892, under "**History**" in the 16th and 17th lines of the paragraph, "additional

changes" should have read "editorial changes."

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8959]

RSR Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on December 2, 1976 (42 FR 4; 88 F.T.C. 800), so as to relieve respondent of the obligation of divesting the lead recycling plants specified in the original order, since no purchaser(s) could be found. Among other things, the modified order requires respondent to timely divest or auction at no minimum price all the assets and properties (with certain specified exceptions) constituting the lead recycling plants in Dallas, Texas and Seattle, Washington; and offer to license all of its patented sulphur removal and battery recycling process to a qualified purchaser(s).

DATES: Order issued December 2, 1976. Modifying order issued November 13, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig Merber, Washington, D.C. 20580. (202) 376-2891.

SUPPLEMENTARY INFORMATION: In the Matter of RSR Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing at 42 FR 4, remain unchanged.

The Order Modifying Order To Divest and To Cease and Desist, including further order requiring report of compliance therewith, is as follows:

On April 17, 1981, respondent RSR Corporation filed a "Petition for Relief From Divestiture Order," seeking to be relieved of its obligation to divest Quemetco, Inc. on the ground that it has been unable to find an acquirer for Quemetco's lead recycling plants at any price. Based upon respondent's petition, supplemental information submitted by respondent, and other information available to it, the Commission has determined that it is in the public interest to reopen and modify the order in this case. The Commission also has considered a draft agreement between its staff and respondent concerning modification of the order and has determined that the agreed-to modification is in the public interest. Accordingly,

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That Paragraphs I, II and VII of the Final Order to divest and to cease and desist issued by the Commission on December 2, 1976 be, and they hereby are, modified to read as follows:

I.

It is ordered, That Respondent, RSR Corporation (hereinafter "RSR"), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, shall divest all assets, title, properties, interest, rights and privileges, of whatever nature, tangible and intangible, including without limitation all buildings, machinery, equipment, customer lists, and other property of whatever description that comprise the lead recycling plants owned by RSR subsidiaries in Dallas, Texas and Seattle, Washington, except as listed in Appendix A hereto. The plants may be divested either as a unit or separately. In the event that divestiture is not accomplished by other means, RSR must auction the plants, at no minimum price, to an acquirer or acquirers who represent that the plants will be used as lead recycling plants. The divestiture required by this Paragraph shall be absolute, shall be accomplished no later than one (1) year from the date when this modified order shall become final, and shall be subject to the prior approval of the Federal Trade Commission.

II.

It is further ordered, That such divestiture shall be accomplished absolutely and in good faith to an acquirer or acquirers approved in advance by the Federal Trade Commission so as to transfer the plants as operable and viable plants engaged in the production of recycled bulk lead, lead alloys and lead products. RSR shall grant to the acquirer or acquirers of the plants ordered to be divested under this order, at the option of such acquirer or acquirers, a non-exclusive license, subject to a reasonable royalty not to exceed 2 percent, to all of RSR's patented sulphur removal and battery recycling processes; *provided, however,* That in the event the acquirer of either of the plants to be divested is a battery manufacturer RSR shall only be required to grant such patent licenses to such an acquirer for use at the acquired plant; and *further provided,* That RSR is not required to grant such licenses to an acquirer that is a primary lead producer.

VII.

It is further ordered, That within thirty (30) days from the effective date of this modified order and every sixty (60) days thereafter until it has fully complied with Paragraph I of this modified order, RSR shall submit a verified report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include, in addition to such other information and documentation as may hereafter be requested, (a) a specification of the steps taken by RSR to make public its desire to divest the Dallas, Texas and Seattle, Washington plants, (b) a list of all persons or organizations to whom notice of divestiture has been given, (c) a summary of all discussions and negotiations together with the identity and address of all interested persons or organizations, and (d) copies of all reports, internal memoranda, offers, counteroffers, communications and correspondence concerning said divestiture.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-35004 Filed 12-4-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-18279]

Delegation of Authority to the Director of the Division of Market Regulation

Correction

In FR Doc. 81-34423, appearing on page 58291, in the issue of Tuesday, December 1, 1981, the "Part number" in the heading was incorrect.

The heading should read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM 79-76 (Virginia-1); Order No. 191]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation

Correction

In FR Doc. 81-34371 appearing on page 58295, in the issue of Tuesday, December 1, 1981, make the following correction.

On page 58296, first column, above the amendatory language, the part heading should have read:

PART 271—CEILING PRICES

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 3E1367/R84; PH-FRL-1978-8]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Captan

Correction

In FR Doc. 81-32203, appearing on page 55091, in the issue of Friday, November 6, 1981, make the following correction.

On page 55092, first column, the "Part heading" should have read:

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

BILLING CODE 1505-01-M

21 CFR Part 561

[FAP 7H5165/T76; PH-FRL-1979-5]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Tricyclazole

Correction

In FR Doc. 32208, appearing on page 55092, in the issue of Friday, November 6, 1981, make the following correction.

On page 55093, first column, the "Part heading" should have read:

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 511, 520, 522, 524, 530, 542, 544 and 560

Research and Development Studies Conducted by State Agencies; Revision of Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: As part of a continuing effort to reduce paperwork burdens imposed on the States, the FHWA is revising the policies and procedures applicable to federally funded research and development studies conducted by State highway agencies. These revisions clarify and reduce existing requirements for participating in the Federal-Aid Research and Development Program, and provide greater flexibility for program participants.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Harry H. Hersey, Offices of Research and Development, 703-285-2057; or Lee Burstyn, Office of the Chief Counsel, 202-426-0791, Federal Highway Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: In 1970, the Federal Highway Administration established the Federally Coordinated Program of Research and Development in Highway Transportation to improve the coordination of research work being done by FHWA and the State highway agencies (SHA's). Part of that program is the Federal Aid Research Program (R&D Program) which was established to provide financial assistance to SHA's that are conducting research studies on highway design, construction, and operation.

To date, the regulatory policies and procedures governing federally aided R&D by the States appear in eight parts (Parts 520, 522, 524, 530, 540, 542, 544, and 560) in Subchapter F, Chapter I of Title 23, Code of Federal Regulations. This rulemaking action will consolidate those eight parts into one part (Part 511) as follows: Current Part 520 (Management of R&D Program—General) will be covered in §§ 511.1 (Purpose) and 511.4 (Policy). All the definitions from throughout the current CFR parts will be consolidated into one section (§ 511.3—Definitions). Part 522 (Research and Development Property Management) will be covered in new § 511.7 (Equipment and Patents). The material in Part 524 (R&D Management Option) will be found in § 511.10 under the same title. Part 530 (R&D Annual Work Program) will become § 511.5 (Work Program and Changes), and Part 540 (R&D New Studies) will become § 511.6 (Study Proposals and Changes). In addition, most of the material in Part 542 (R&D Studies—Changes and Terminations) will be transferred to §§ 511.5 and 511.6 just mentioned above. The material in Part 544 (Reports on R&D Studies) will be found in § 511.8 (R&D Reports). Material from Part 560 (Federal-Aid Funds without State Matching on Special R&D Projects) will be transferred to § 511.9 (Criteria for Cooperatively Funded Studies). A table summarizing these revisions is included at the end of this preamble.

New Part 511 will correspond to Volume 5, Chapter 1, Section 1 of the Federal-Aid Highway Program Manual.

The purpose of the final rule is to revise and simplify the policies and procedures applicable to R&D programs in order to reduce unnecessary requirements and paper work. Among other changes, the final rule will (1) relieve participants of the requirement of an individual statement for each study in the work program, (2) reduce burdens on small-scale (Type B) programs by raising their budget limits and eliminating the work program limits for completing studies, (3) eliminate the requirement that technical papers and articles have FHWA review and acceptance, and (4) modify the requirements for the submission of progress reports.

On September 19, 1979, the Federal Highway Administration issued a proposed rule, published at 44 FR 55766, FHWA Docket No. 79-21. Comments to the docket and internal FHWA coordination resulted in the changes reflected in the final rule. The significant changes and comments are discussed in the following paragraphs.

Some comments indicated that defining "major change" (proposed § 511.3) as any cost modification of more than 15 percent annually would be too burdensome for participants in small studies. Accordingly, the definition of "major change" has been narrowed to include only annual cost modifications that are both $10,000 greater and 15

percent greater than the initial estimated cost.

Another response recommended that the Type B (small-scale) study category in proposed § 511.3(h) be expanded to include studies with costs up to $75,000 rather than $50,000. This recommendation was adopted in the final rule, thus increasing the number of studies that qualify for reduced burdens.

Finally, a comment noted that proposed § 511.11(c), regarding budget items such as "Administration" and "Implementation," does not establish what level of cost increase in those items requires FHWA approval. The final rule provides in this regard that cost increases of more than 15 percent for these types of budget items shall be submitted to FHWA for approval.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Harry H. Hersey of the program office at the address specified above.

Because this amendment relieves a regulatory burden, the FHWA finds good cause to make this amendment effective in less than 30 days under DOT regulatory procedures. A delay in effective date is not required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, this amendment is effective upon publication.

SUMMARY OF REVISIONS

Former designation	Present designation
Purpose and policy:	
Part 520	§§ 511.1 and 511.4.
Definitions:	
Throughout R&D Parts	§ 511.3.
Equipment and patents:	
Part 522	§ 511.7.
R&D management option:	
Part 524	§ 511.10.
Work program and changes:	
Part 530	§ 511.5.
Study proposals and changes:	
Part 540	§ 511.6.
R&D studies—changes and terminations:	
Part 542	§§ 511.5 and 511.6.
R&D reports:	
Part 544	§ 511.8.
Criteria for cooperatively funded studies:	
Part 560	§ 511.9.

PARTS 511, 520, 522, 524, 530, 542, 544 and 560 [Removed]

Accordingly, Chapter I, Subchapter F of Title 23, Code of Federal Regulations is revised by removing all of its current parts (520, 522, 524, 530, 540, 542, 544, and 560) and by substituting a new Part 511 to read as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted program and projects apply to this program)

Issued on: November 24, 1981.

R. A. Barnhart,

Federal Highway Administrator.

SUBCHAPTER F—RESEARCH AND DEVELOPMENT

PART 511—RESEARCH AND DEVELOPMENT (R&D) STUDIES AND PROGRAMS; GENERAL

Sec.

511.1 Purpose.
511.2 [Reserved]
511.3 Definitions.
511.4 Policy.
511.5 R&D work program and changes.
511.6 Study proposals and changes.
511.7 Equipment and patents.
511.8 R&D reports.
511.9 Criteria for cooperatively funded studies.
511.10 R&D management option.

Authority: 23 U.S.C. 307(c), 315; 49 CFR 1.48(b).

§ 511.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for R&D federally funded studies and programs.

§ 511.2 [Reserved]

§ 511.3 Definitions.

(a) *"Budget item"*—A short descriptive title in the budget tabulation with its associated budget estimate.

(b) *"Final report"*—A report documenting a completed study.

(c) *"Highway Research Information Service (HRIS)"*—A computerized storage and retrieval system for two types of information:

(1) Resumes of ongoing R&D studies, and

(2) Abstracts of R&D reports and articles.

(d) *"Implementation"*—The translation and followup of research results to provide the basis for adopting the innovations into practice.

(e) *"Major change"*—A change, including termination, in a study's objective, scope, work plan, or principal investigator, which significantly alters the course or expected results of the study. Any change which increases the initial estimated annual cost by more than $10,000 and 15% shall be considered a major change.

(f) *"Minor change"*—Any other change in the study.

(g) *"National Cooperative Highway Research Program (NCHRP)"*—A pooled fund program directed toward problems of national significance sponsored by the State highway agencies (SHA's) and FHWA, and administered by the Transportation Research Board, National Academy of Sciences.

(h) *"Nonexpendable equipment"*—Equipment having a useful life of more than 1 year and an acquisition cost of more than $300 per unit.

(i) *"Pooled funding"*—The cooperative funding of a study or program by two or more SHA's.

(j) *"Proposal"*—An outline of specific research or development to be conducted which includes such items as description of the objectives, work plan, cost estimate, and time schedule.

(k) *"R&D Work Program"*—An annual or biennial listing of proposed work and estimated cost.

(l) *"Type B Study"*—A small-scale study which does not exceed $75,000 or require more than 2 years to complete (this time limit may be extended for reasonable delays not to exceed 1 year or for experimental construction studies) and is one of the following types: (1) Short-term study related to local or regional problems; (2) exploratory, survey, or feasibility study; (3) experimental construction study (see Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 2, Subsection 4 (FHPM 6-4-2-4). Construction Projects Incorporating Experimental and/or Evaluation Features);[1] or (4) implementation effort.

(m) *"Type A Study"*—A study which addresses regional or national problems or exceeds the limitations of a Type B study defined above.

§ 511.4 Policy.

(a) *R&D Programs*—Each SHA is encouraged to maintain a viable research and development program, adequately funded, to address their most urgent short- and long-range problems. To promote effective utilization of available resources, SHA's are encouraged to cooperate with FHWA and other SHA's to achieve R&D objectives established at the national level. An SHA R&D program is primarily a problem-solving service to the practicing engineers and other users. It can best be justified as a continuing activity when it is demonstrated that

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

R&D results and end-products are used and pay dividends to the highway program as a whole.

(b) *Technology Transfer*—In order to benefit from the results of research and development, each SHA is encouraged to develop an active technology transfer program to promote the use of those results.

(c) *R&D Reports*—All studies shall be completely documented in a timely manner. When the work is not normally expected to result in a final report, this provision will not apply.

(d) *Cooperatively Funded Studies & Programs*—When widespread national or regional interest is shown in the solution of a significant problem, FHWA encourages arrangements by which an R&D study may be cooperatively sponsored by two or more SHA's. The study may be administered by a lead SHA under its own procedures, by NCHRP, or by the FHWA Washington Headquarters under the Federal Procurement Regulations (41 CFR).

(e) *Civil Rights*—The implementation of these program activities shall be in accordance with the policy of the Federal Highway Administration to ensure compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and Related Statutes and Regulations, as stated in 23 CFR Part 200.

§ 511.5 R&D work program and changes.

(a) An SHA desiring Federal aid for R&D work must prepare an R&D work program and submit it to FHWA for approval. It shall cover each approved Type A and Type B study until either the study's draft final report has been accepted by FHWA as fulfilling the technical requirements, or the study has been terminated. It shall include the following information in tabular form for each budget item.

(1) State study number.
(2) Study type (A or B).
(3) Study title.
(4) Budget estimate for program year.
(5) Estimated cost for previous year for continuing studies.

(b) Individual budget items for "Administration," "Research Correlation Service," "Implementation," and "Contingencies" may be included as needed in each SHA R&D work program, in addition to the budget items for Type A and Type B studies, and a listtng of proposed studies. Cost increases of more than 15% in the non-study items shall be submitted to FHWA for approval.

§ 511.6 Study proposals and changes.

(a) An SHA desiring Federal aid initiates a request for a Type A or Type B study by submitting the study proposal to the Federal Highway Administration (FHWA) for approval except as provided in § 511.10, *R&D management option*. A research study proposal shall establish the necessity for a research undertaking, clearly define the objective, provide a detailed work plan for achieving the objective, and indicate how the research findings are expected to be used. An HRIS or other literature search shall be made for Type A studies to minimize duplication of work. Such a search is encouraged for Type B studies.

(b) *Major Changes*—Major changes in the objective, scope, work plan, principal investigator, or cost shall be fully documented and for Type A studies shall be submitted to FHWA for prior approval. An SHA may make major changes in Type B studies without prior FHWA approval.

(c) *Minor Changes*—Minor cost changes may be made by the SHA without FHWA approval except for the purchase of nonexpendable equipment costing over $1,000. FHWA shall be promptly informed of all actions taken by the SHA.

§ 511.7 Equipment and patents.

(a) Nonexpendable equipment for an R&D study shall be purchased and managed in such a manner that only those equipment costs reasonably attributable to the study are charged to that study. Nonexpendable equipment purchased with Federal-aid funds shall be properly disposed of at the completion of the study and the residual value credited to the study. The SHA shall obtain prior FHWA approval on all equipment purchased, rented, or disposed or which exceeds $1,000. This approval may be requested as a part of the proposal submission, or as a separate submission.

(b) Each SHA shall maintain an inventory record for each piece of nonexpendable equipment purchased or built under the Federal-aid R&D program including equipment acquired by a contractor. Property records shall include:

(1) A description of the property including the manufacturer's serial number, model number, or other identification number.
(2) Source of the property including the study number or title.
(3) Acquisition date and unit acquisition cost.
(4) Location, use and condition of the property and the date the information was reported.
(5) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value.

(c) When nonexpendable property is acquired with Federal-aid funds, the title shall rest with the SHA.

(d) If an R&D study is expected to produce patents, patent rights processes or inventions, the SHA shall insert one of the clauses for domestic contracts set forth in 41 CFR 1–9.1, Patents, or a substitute approved by FHWA, to assure the preservation of the public's rights in inventories resulting from these studies. The SHA shall promptly report to FHWA the fact of any invention or discovery which occurs in the course of the study and shall consult with FHWA regarding the disposition of the matter.

§ 511.8 R&D reports.

(a) *Progress Reports*—For all studies in an approved work program, progress reports shall be submitted to FHWA as specified in FHWA's approval of the study. A minimum of two progress reports shall be submitted each year. These reports shall contain sufficient information to evaluate the progress and possible future course of study.

(b) *Interim Reports*—These reports shall be submitted to FHWA for review and acceptance prior to publication. They shall be submitted when major phases of a study are completed as stipulated in the approved work plan, or when significant scientific breakthroughs are realized.

(c) *Final Reports*—A final report shall completely document all data gathered, analyses performed, and the results achieved. For a study where a number of interim reports have been published, a summary final report is satisfactory, provided adequate detailed documentation of the work completed has been published previously. The SHA's shall determine if a study produced implementable results. If so, the study report shall recommend procedures for implementation, and indicate expected benefits. The final report shall be sent to FHWA for review and acceptance prior to publication.

(d) The author shall be free to copyright material developed under the contract with the provision that the SHA and FHWA reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes.

(e) Reports of nonprofitmaking organizations may be published if FHWA fails to complete its review within 4 months from submission. Reports of nonprofitmaking organizations may be published even though the FHWA does not concur with the findings and conclusions in the report, provided FHWA has the right to

include technical comments in the report in a clearly identified section such as "sponsors comments."

(f) Adherence to the DOT document "Standards for the Preparation and Publication of DOT Scientific and Technical Reports" is encouraged in the preparation of all R&D interim and final reports.

(g) An SHA shall include in each report a credit reference to FHWA such as, "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(h) An SHA shall include in each report a disclaimer statement equivalent to the following:

> The contents of this report reflect the views of the author(s) who is (are) responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the (SHA or the) Federal Highway Administration at the time of publication. This report does not constitute a standard specification, or regulation.

§ 511.9 Criteria for cooperatively funded studies.

(a) The following criteria are used by FHWA for determining when Federal-aid funds used for R&D studies and programs without State matching would best serve the interest of the Federal-aid highway program:

(1) The proposed study or program addresses a national or regional problem of high priority, and the results are expected to be immediately implementable.

(2) The study proposal satisfies the requirements in § 511.6(a) of this regulation.

(b) The National Cooperative Highway Research Program (NCHRP) satisfies the criteria set forth in § 511.9(a), and Federal-aid funds without State matching may be used in this program.

§ 511.10 R&D management option

(a) Any SHA operating under the R&D management option may initiate new Type B studies without prior FHWA approval except those which require FHWA approval of the proposed work in accordance with 23 CFR Part 172, Administration of Negotiated Contracts. The FHWA shall be fully informed of all such actions by transmittal of the initiating documents to FHWA.

(b) If an SHA desires to manage its Federal-aid R&D program under this option, the SHA shall submit a request to FHWA for approval. FHWA will review the SHA's request and will determine if the SHA is capable of accomplishing the legislative objectives of the Federal-aid R&D Program (23 U.S.C. 307(c)) without FHWA review and approval of Type B studies. The FHWA review will be based on the following criteria:

(1) The SHA has established internal reporting and review procedures to accomplish the legislative objectives of 23 U.S.C. 307(c).

(2) The SHA has documented its current internal operating procedures which include the requirements of 23 CFR Subchapter F.

(3) The SHA has designated R&D manager to direct and control the Federal-aid program.

(c) If the SHA's request satisfies the criteria, its request to operate under the R&D management option shall be approved by FHWA. If the SHA's R&D management is in substantial (but not complete) agreement with the criteria, the SHA's request may be approved on a provisional basis.

[FR Doc. 81-34790 Filed 12-4-81; 8:45 am]
BILLING CODE 4910-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1985-1]

Approval and Promulgation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to announce EPA's approval of Colorado's amended regulations limiting sulfur dioxide emissions from certain oil shale production facilities. EPA proposed to approve those regulations on July 27, 1981 and requested public comments. No comments were received. These revisions were submitted by the State of Colorado for inclusion in the State plan.

DATE: This action is effective January 6, 1982.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1110 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-6131.

SUPPLEMENTARY INFORMATION: On March 23, 1981, following several public hearings, the Governor of Colorado submitted to EPA amended regulations limiting sulfur dioxide emissions from oil shale production facilities which employ combined modified in-situ retorting and above ground retorting. On July 27, 1981, (46 FR 38381), EPA published the text of the amended regulations (Regulation No. 1—"Emission Control Regulations for Particulates, Smoke and Sulfur Oxides for the State of Colorado," Section III.B.4f; and Regulation No. 6—"Standards of Performance for New Stationary Sources," Section VI,C.3) and proposed to approve the revisions. Public comments were requested on EPA's proposed action until August 26, 1981. No public comments were received. Consequently, EPA is now approving the revised regulations. However, if a new source performance standard is promulgated for oil shale production facilities, EPA may have to reconsider the State's regulations. Finally, since EPA currently has responsibility for Prevention of Significant Deterioration in Colorado and will be determining Best Available Control Technology (BACT) for oil shale facilities on a case-by-case basis, the revised State regulations will not be binding on EPA in its BACT determination for specific sources, although the agency will of course work closely with the state in making these determinations.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged

later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only approves requirements adopted by the State.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1981.

Dated: November 20, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLAN

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. In § 52.320, paragraph (c)(26) is added as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(26) On March 23, 1981, the Governor submitted revised regulations limiting sulfur dioxide emissions from certain oil shale production facilities.

[FR Doc. 81-35009 Filed 12-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 260

[SWH-FRL-1997-5]

Hazardous Waste Management System Implementation, Summary of Rulemaking Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public notice of rulemaking petitions filed with EPA concerning the Resource Conservation and Recovery Act.

SUMMARY: This notice sets forth a summary of all petitions received in response to the regulations implementing the hazardous waste management system established by the Resource Conservation and Recovery Act (RCRA). Petitions cover both requests to make general changes to the regulations and specific requests to exclude, on a site-specific basis, wastes from regulation as hazardous. This notice provides a summary of all petitions received by the Agency as of October 31, 1981; it will be updated on a regular basis. The notice informs of the receipt and purpose of each petition and thereby allows interested parties to comment or respond on appropriate petitions.

FOR FURTHER INFORMATION CONTACT: Matt Strauss, (202) 755-9187. For information on any of these petitions, the reader should contact the RCRA Hotline at (800) 424-9346 or (202) 554-1404.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA promulgated the first phase of regulations implementing the hazardous waste management system established by Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA") by publishing 40 CFR Parts 260 to 265 and 122 to 124. Among other things, these regulations set forth informal rulemaking procedures whereby persons may (1) petition the Administrator to modify or revoke any provision in 40 CFR Parts 260 through 265 (see § 260.20); (2) petition the Administrator to add new testing or analytical methods to Parts 261, 264 or 265 if the person demonstrates that the proposed method is equal to or superior to the corresponding method prescribed in Parts 261, 264 or 265 (see § 260.21); or (3) petition the Administrator to obtain, on a site-specific basis, an exclusion of his listed waste from regulation as hazardous (see § 260.22).

Some commenters have indicated that they are prejudiced because the Agency does not publish any notice of receipt of a RCRA rulemaking petition (although the petitions are immediately available in the public docket). EPA agrees that publication in the **Federal Register** noticing receipt of petitions could better serve the legitimate interests of potential commenters and of the Agency. Accordingly, we will begin to publish in the **Federal Register** approximately monthly a list of all petitions filed with the Agency during the previous month. This present notice is the first to be published in the **Federal Register** and contains all rulemkaing petitions filed as of October 31, 1981 under either §§ 260.20, 260.21 or 260.22, and a brief summary of the substance of the petition.

PETITIONS FILED UNDER 40 CFR 260.20 AND 40 CFR 260.21 [1] (GENERAL RULEMAKING AND PETITIONS FOR EQUIVALENT TESTING OR ANALYTICAL METHODS

Log No.	Company	Address	Brief summary of petition
R001	Celanese Plastics & Specialities Co.	1065 West Hill Street, Louisville, KY 40208	a. Requests same 90 day time limit for transportation or storing prior to use, reuse, recycle or reclamation as generators prior to needing a storage permit. b. Request that Agency allow the landfilling of nonpumpable barrelled, volatile and reactive wastes.
R002	Dept. of the Army	Office of the Deputy Chief of Staff, Engineer Headquarters, U.S. Army Training & Doctrine Command, Fort Monroe, VA 22180.	Requests amendment to permit the disposal of small quantities of acutely toxic drugs in trash without a permit.
R003	J. Shockor	P.O. Box 67, Woodstock, VT 95091	Requests that precious metal electroplating wastes be excluded from F006.
R004	Chemical Products Co	P.O. Box 449, Cartersville, GA 30120	Requests removal of P107 (Strontium sulfide) from Appendix VII and § 261.33(e)
R005	National Paint & Coatings Assn.	1500 Rhode Island Avenue, N.W., Washington, D.C. 20005	Requests modification of the ignitability characteristic to encompass sustained burning rather than flash point. Also expand exemption to include low concentrations of other water soluble organic solvents.
R006	Ralston Purina Co	Checkerboard Square, St. Louis, MO 63188	Requests removal of products containing famphur, methamyl, warfarin and dimethoate from § 261.33(e)
R007	National Pest Control Assn.	Suite 1100, 8150 Leesburg Pike, Vienna, VA 22180	Requests removal of rat bait products from § 261.33(e).
R008	National Food Proces. Assn.	1133 Twenteth Street N.W., Washington, D.C. 20036.	Requests exemption of caustic (pH >12.5) rinse water and solid peel removal waste generated from the food processing industry from the hazardous waste rules.
R009	American Iron & Steel Institute	1000 16th Street, NW., Washington, DC 20036	Request industry-wide exclusion for lime treated spent pickle liquor sludge from the hazardous waste rules.
R010	Sterling Drug Co	90 Park Avenue, New York, NY 10016	Request removal of warfarin containing rat baits from § 261.33(e)
R011	National Pest Control Assn.	Suite 1100, 8150 Leesburg Pike, Vienna, VA 22180	Requests removal of zinc phosphide containing pesticides from § 261.33(e).

I. Petitions Filed Under 40 CFR 260.20 and 40 CFR 260.21 [1] (General Rulemaking and Petitions for Equivalent Testing or Analytical Methods)—(Continued)

Log No	Company	Address	Brief summary of petition
R012	P. J. Higgins	26140 Mullinix Mill Rd., Mt. Airy, MD 21771	Requests for extention of comment period for gray iron foundary report.
R013	Diamond Shamrock	351 Phelps Court, Irving, TX 75061	Requests for amendment to § 261.24 to allow use of a neutral water extraction when testing wastes disposed of in neutral or alkaline environments.
R014	Dept. of the Interior	Office of the Secretary, Washington, DC 20240	Requests that the Agency: a. expand the household exemption to include household type wastes generated at federally owned facilities; b. revise the certification statement for Federally-owned-contractor-operated (FOCO) hazardous waste management facilities; c. allow for the disignation of signature responsibility within a government agency.
R015	American Cast Iron Pipe Co	P.O. Box 2727, Birmingham, AL 35202	Requests an exemption to § 261.24 to use neutral water instead of acidic extractant.
R016	General Motors Corp	Danville Plant, Danville, IL 61832	Requests an exemption to § 261.24 to use neutral water instead of acidic extractant for their foundry sludge.
R017	Dept. of Argiculture	P.O. Box 2417, Washington, DC 20013	Requests inclusion of household type activities at federal facilities within household exemption.
R018	American Retail Federation	1616 H Street, N.W., Washington, D.C. 20006	Requests an exemption for consumer household products disposed of by retail stores.
R019	E.I. duPont deNemours and Co., Inc	Louviers Works, Louviers, CO Pompton Lake Works, Pompton Lakes, NJ	Requests amendment to § 265.382 to permit burning 600 pound lots of explosives within 743 feet from the property line.
R020	Triangle Resource Industries	3527 Whiskey Bottom Rd., P.O. Box 599, Laurel, MD 20810.	Requests relief from requirement to obtain a permit for adding liquid waste to drummed adsorbant, to comply with ban on landfill disposal of containerized liquid waste.
R021	Findly Chemical Disposal, Inc	9680 Primrose Drive, Riverside, CA 92503	Requests relief to allow generator to: 1. landfill lab packs. 2. store lab wastes six months without a permit. 3. amend listing to simplify reporting for laboratory chemicals.

[1] A petition has also been submitted by the National Solid Waste Management Association (NSWMA) which requested that the Agency impose recordkeeping, labeling and manifest requirements for small quantity generators. A notice, summarizing this rulemaking petition and requesting comments was published in the Federal Register on October 15, 1980 (45 FR 68409).

II. Petitions Filed Under 40 CFR 260.22 (Petitions To Amend Part 261 To Exclude a Waste Produced at a Particular Facility)

Log No.	Company	Address	Waste listings to be excluded
0001	Fred A. Snow Co.	1942 West Kinzie, Chicago, IL 60622	F010.
0002	Bio-Lab Inc	Plant #2, 1700 Old Covington Hwy., Conyers, GA 30207	Petitioned to exclude non-listed waste
		Plant #4, 1735 Dogwood Drive, Conyers, GA 30207	Petitioned to exclude non-listed waste.
0003	Firestone Wire and Cable Company	Highway 127 Bypass, P.O. Box 908, Danville, KY 40422.	F006.
0004	Massillon Steel Casting Company	577 Oberlin Avenue, SW., Massillon, OH 44646	K061
0005	Fosbrink Machine Company, Inc	Ridge Blvd., P.O. Box 645, Connellsville, PA 15425	K063.
0006	Compo Industries, Inc	125 Roberts Road, Waltham, MA 02154	F017, F018.
0007	Stablex Corp	Groveland, Township, Oakland County, MI	K002, K003, K004, K005, K006, K007, K008, K050, K052, K053, K054, K055, K056, K057, K058, K059, F013, F014, F015, F016, F006, F007, F008, F009, F010, F011, F012, K021, K060, P010, P011, P012, P013, P029, P030, P032, P055, P098, P099, P104, P106, P107, P120, P121, U013.
0008	Tektronix, Inc	P.O. Box 500, Beaverton, OR 97077	F006.
0009	Gunnison Brothers, Inc	Box 166, Girard, PA 16417	K059.
0010	The Timken Co., Canton Bearing Div.	General Offices, Canton, OH 44706	F010.
0011	Maynard Steel Casting Company	2856 South 27th Street, Milwaukee, WI 53215	K061.
0012	General Electric Company	Conneaut Base Plant, Rieg and Maple Aves., P.O. Box 667, Conneaut, OH 44030	F006.
0013	Babcock and Wilcox Company	91 Stirling Avenue, Barberton, OH 44203	K091.
0014	Johnson Steel and Wire Company, Inc	53 Wizer Avenue, Box 247, Worcester, MA 01613	K063
0015	Emerson Electric Co., Browning Manufacturing Division.	P.O. Box 687, Maysville, KY 41056	F017, F018
0016	Macalloy Corporation	P.O. Box 130, Charleston, S.C. 29402	K091.
0017	Systech Liquid Treatment Corporation	4350 Edgewyn Avenue, Hillard, OH	F006, K062.
0018	Systech Liquid Treatment Corporation	3030 Wood Street, Muskegon Heights, MI	F006, K062
0019	Systech Liquid Treatment Corporation	1640 Antioch Pike, Nashville, TN	F006, K062.
0020	Monroe Auto Equipment Company	Highway 49 North, Paragould, AR 72450	F006
0021	Valley Industries	Eastern Plant, McDaniel Road, Shelbyville, KY 40065	F017
0022	John Deere, Des Moines Works	Hwy. #415 N., Ankeny, IA 50021	F006, F018
0023	RAD Services	2808 Pioneer Drive, Bowling Green, KY 42101	K061 (treatment residue)
0024	Dresser Industries, Inc	Austin Springs Road, Johnson City, TN 37601	K063
0025	Sawbrook Steel Castings Company	Shepard and McWhorter Streets, Lockland, OH 45215.	K061.
0026	Saw-Tek Steel Castings Company	Second and Vine Streets, Hamilton, OH 45011	K061.
0027	Bekaert Steel Wire Corporation	P.O. Drawer G, Hwy. 411 Old Furnace Road, Darlington Drive, Rome, GA 30161.	F006, F007, F008, F009, K063
0028	Florida Wire and Cable Company	825 North Land Avenue, P.O. Box 6835, Jacksonville, FL 32205.	K063.
0029	Firestone Steel Products Company	P.O. Box 5587, Spartanburg, SC 29304	K063.
0030	Cudahy Tanning Company	5043 S. Packard Avenue, Cudahy, WI 55110	K056.
0032	Intex Plastics, Corinth Division	P.O. Box 948, Golding Drive, Corinth, MS 38834	F003, F005.
0033	Woodstock Die Casting	555 Wheeler Street, Woodstock, IL 60098	F006.
0034	Norris Industries, Winamac Division	P.O. Box 1728, 1901 Commerce Drive, Fayettesville, AR 72701	F010.
0035	Virginia Chemicals, Inc	3340 West Norfolk Road, Portsmouth, VA 23703	F003.
0036	Eli Lilly and Company, Inc	Mayaguez Puerto Rico Facility, P.O. Box 1748, Mayaguez, Puerto Rico 00708.	F003, F005.
0037	Farrell-Check Steel Company	706 Lane Street, Sandusky, OH 44870	K061

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II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
[illegible]	Eli Lilly Industries, Inc	Carolina Puerto Rico Facility, GPO 71325, San Juan, Puerto Rico.	F003, F005
[illegible]	William L. Bonnell Company	25 Bonnell Street, Newnan, GA 30263	F019.
[illegible]	William L. Bonnell Company	P.O. Box 279, Carthage, TN 37030	F019.
[illegible]	Capitol Products Corporation	P.O. Box 3070, Harrisburg, PA 17105	F019.
0042	Capitol Products Corporation	P.O. Box 146, Kentland, IN 47951	F019.
0043	Western Electric Co	100 Central Avenue, Kearny, NJ 07032	[illegible]
[illegible]	Wiremill, Inc	825 North Lane Ave., P.O. Box 6835, Jacksonville, FL 32205.	K063.
0045	Michelin Tire Corporation	P.O. Box 308, Highway 76, Sandy Springs, SC 29677	F006.
[illegible]	O. M. Scott and Sons	Marysville, OH 43040	2,4-D bags
0047	Eli Lilly and Co., Tippecanoe Labs	P.O. Box 685, Lilly Road, Lafayette, IN 47902	F002, F003, F005
0048	American Recovery Company	1901 Birch Street, Baltimore, MD 21226	K063.
[illegible]	Douglas and Lomason Company	Alabama Street, Carrollton, GA 30117	F006.
	Douglas and Lomason Company	Highway 61 North, Cleveland, MS 38732	F006.
[illegible]	Reynolds Aluminum (Can Division):		
	(1) Equipment Implementation Center	1601 Sherwood Ave., Richmond, VA 23220	F019.
	(2) Hawaii Can Plant	91-320 Komohana Street, Ewa Beach, HI 96706	F019.
	(3) Houston Can Plant	10000 North Loop East, Houston, TX 77029	F019.
	(4) Kansas City Can Plant	1800 Reynolds Avenue, Executive Park, Kansas City, MO 64120.	F019.
	(5) Latas De Aluminio, Reynolds, Inc	Road 3, Barrio Machete, Guayama, Puerto Rico	F019.
	(6) Macauley Can Plant	433 Blair Road; Woodbridge, NJ 07001	F019.
	(7) Salisbury Can Plant	Route 7, Box 270, Peeler Road, Salisbury, NC 28144	F019.
	(9) San Francisco Can Plant	2425 Whipple Road, Hayward, CA 94540	F019.
	(9) Seattle Can Plant	27402 72nd Avenue, South, Kent, WA 98301	F019.
	(10) Tampa Can Plant	10420 Malcolm Mckinley, Box 17628, Tampa, FL 33682.	F019.
	(11) Torrance Can Plant	500 Crenshaw Blvd., Torrance, CA 90509	F019.
	(12) Wallkill Can Plant	RR #2, Ballard Road, Middletown, NY 10940	F019.
0051	The Maytag Company	Waste and Water Treatment Plant, Plant 2, Newton, IA 50208.	F006, K063, F018
[illegible]	True Temper Railway Appliances, Inc	Kansas City, Missouri, Plant, Kansas City, MO	F010.
[illegible]	Talon Division of Textron	1277 S. Main Street, Meadville, PA 16335	F006, F008, F009.
[illegible]	Whirlpool Corporation	1300 Marion Agosta Road, Marion, OH 43302	F006.
0055	Armco, Inc	Butler Works, Butler, PA 16001	K063.
0056	Cerro Wire and Cable Company	Robbins Lane and Miller Place, Syosset, NY 11791	F006.
0057	Dyes Environmental and Toxicology Organization	1075 Central Park Ave., Scarsdale, NY 10583	Chromium bearing waste
[illegible]	Bennett Industries	515 First Street, Peotone, IL 60468	F017.
0059	Chem-Met Services	18550 Allen Road, Wyandotte, MI 48192	F006, K063, F003
[illegible]	AlChem-Tron, Inc	2516 Train Avenue, Cleveland, OH 44113	F006, K063
[illegible]	Harvey Hubbell, Inc., Lighting Division	2000 Electric Way, Christiansburg, VA 24073	F006, F017
[illegible]	Production Plating Co., Inc	N. Mill Street, Adel, GA 31620	F006
0063	The Keystone Group	Crawfordsville Plant, 510 South Oak Street, Crawfordsville, IN 47933.	K063.
0064	Western Electric	2525 North 11th Street, Reading, PA 19603	F006.
0065	The Mearl Corp	1057 Lower South Street, Peekskill, NJ 10566	K006
0066	Amana Refrigeration, Inc	Middle Amana, IA 52307	F017, F018.
0067	Raybestos-Manhattan, Inc	75 East Main Street, Stratford, CT 06497	K063, K062
0068	The Carborundum Co	Monofrax Plant, 501 New York Avenue, Falconer, NY 14733.	Refractory chromium bearing waste
0069	Miller Brewing Comp.		
	(1) Moultrie Container Plant	P.O. Box 1299, Moultrie, GA 31768	F019.
	(2) Fort Worth Container Plant	P.O. Box 40438, 6600 Will Rodgers Blvd., Fort Worth, TX 76140.	F019.
	(3) Fulton Container Plant	P.O. Box 400, Fulton, NY 13069	F019.
	(4) Reidsville Container Plant	1900 Barnes Street, P.O. Box 1170, Reidsville, NC 27320.	F019.
0070	The Mearl Corp	1057 Lower South Street, Peekskill, NY 10568	K007.
0071	Lone Star Steel Co., EB Germany Works	Highway 259 South, Lone Star, TX 75668	F016.
0072	Roper Outdoor Products, Roper, Inc	Williamsburg, KY	F017.
0073	FMC Corporation, Cable Crane and Excavator Division.	Box 9500, Bowling Green, KY 42101	F017.
0074	Gould, Inc., Electrical Apparatus Division	Hwy 221 & Old Georgia Rd., P.O. Box 1612, Spartanburg, SC 29304.	F006.
0075	Ohio Steel Tube Co	140 West Main Street, Shelby, OH 44875	K063.
0076	Dexion, Inc	Temple Hill Rd., R.D. 2, Newburgh, NY 12550	F017.
0078	General Battery Corp	Spring Valley Road and Nolan Street, Reading, PA 19603.	K069
0079	ESB, Inc., Exide Industrial Battery Divsion	P.O. Box 1500, Richmond, KY 40475	Petitioned to exclude non-listed waste
0080	Gulf and Western	5577 Taylor Drive, Memphis, TN 38127	K063.
[illegible]	Gulf and Western	5577 Taylor Drive, Memphis, TN 38127	F018.
[illegible]	Owens-Illinois, Inc., Printing Products Facility	25875 U.S. Route 25, Perrysburg, OH 43551	K086.
[illegible]	Armco, Inc	Wildwood Plant, Wildwood, FL 32785	K063.
0086	Crucible, Inc., Stainless Steel and Alloys Division	P.O. Box 226, Midland, PA 15059	K063.
0087	Fafnir Bearings, Division of Textron, Inc	37 Booth Street, New Britain, CT 06050	F010.
0088	Environmental Waste Removal, Inc	130 Freight Street, Waterbury, CT 06702	Stabilized residue from electroplating wastes
[illegible]	Triangle PWC, Inc	1701 Wheeling Avenue, Glen Dale, WV 26038	K063.
[illegible]	Stiglitz Corp., Inc	1747 Mellwood Avenue, Louisville, KY 40206	F017.
0093	Crossman Air Guns, Incorporated	980 Turk Hill Road, Fairport, NY 14450	F006, K062
[illegible]	Allegheny Ludlum Steel Corp	West Leechburg Plant, West Leechburg, PA	K063.
0095	Whirlpool Corp	6400 Jenny Lind, Fort Smith, AR 72903	F006.
0096	Delta Airlines, Inc	Maintenance Facility, Atlanta Airport, Atlanta, GA 30320.	F006, F007, F008, F009, F010, F012.
0097	Allegheny Ludlum Steel Corp	New Castle, Indiana, Plant, New Castle, IN	K063.
0099	Keystone Group	Bartonville Plant, 7000 South Adams Street, Peoria, IL 61641.	K062, K063
0100	Darling Store Fixtures	P.O. Box 970, Paragould, AR 72450	F006, F007, F008, F009
0101	Hamblet and Hayes	Wotten Lane, Corning, AR 72422	F006, F007, F008, F009
		Colonial Road, Salem, MA 01970	Chromium bearing product and waste

II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0102	Sandoz Color & Chemicals	E. Hanover, NJ 07936	Waste from the production of chromium dyes.
0103	Whirlpool Corp	Lebanon Road, Danville, KY 40422	F006
0104	Peabody ABC Corp	P.O. Box 77, Warsaw, IN 46580	F002, F003
0105	National Steel Corp., Great Lakes Steel Div	Ecorse, Detroit, MI 48229	K063.
0106	Jones & Laughlin Steel	1500 W. Main Street, P.O. Box 20, Louisville, OH 44641	K063.
0107	Chamberlain Manufacturing Corporation, Albia Division.	210 North "A" Street, Albia, IA 52531	F019.
0108	Allegheny Ludlum Steel Corporation	Wallingford, Connecticut, Plant, Wallingford, CT	K063.
0109	HPM Corporation	820 Marion Road, Mt. Gilead, OH 43338	Chromium bearing waste.
0110	Allegheny Ludlum Steel Corporation	Brackenridge Plant, Brackenridge, PA 15014	K063.
0111	United Technologies Corp., Pratt and Whitney Aircraft Group, Gov't Products Div	Beeline Hwy./State Road 710, West Palm Beach, FL 33402	F006, F007, F008, F009, P029, P030, P098, P099, P106
0112	Allied Chemical Corp	Moundsville Works, P.O. Box E, Moundsville, WV 26041.	K027
0113	Metropolitan Wire Corporation	Wilkes-Barre, PA 18705	F006.
0114	Mansfield Products Company	246 East Fourth Street, Mansfield, OH 44902	F006
0115	The Timken Company	Gambrinus Road Plant, 1835 Dueber Avenue, S.W., Canton, OH 44706	K063
0116	Jones & Laughlin Steel Company	Indiana Harbor Works, East Chicago, IN	F006.
0117	Trent Tube Division/Crucible, Inc	2188 Church Street, East Troy, WI	K062, K063
		Carrollton, GA	K062, K063
0118	General Electric Co	1501 S. 19th Street, Matoon, IL 61938	K062, K063
0119	PRI-Hawaiian Independent Refinery	91-325 Komohana Street, Ewa Beach, HI 96706	K050, K051
0120	Copperweld Steel Co	4000 Mahoning Avenue, NW., Warren, OH 44482	K063.
0121	Tremco, Inc	10701 Shaker Blvd., Cleveland, OH 44104	Petitioned to exclude non listed wasie.
0122	Bentley Nevada Corp	1 Airport Road, Minden, NE	Chromium bearing waste.
0123	Total Petroleum, Inc	P.O. Box 188; Ardmore, OK 73401	K050, K051
0124	Hallmack Division, Scovill, Inc	P.O. Box 328, U.S. Highway 127, Harrodsburg, KY 40330	F006
0125	Chem-Clear, Inc	2900 Broadway, Cleveland, OH 44115	F006, F007, F008, K062 U188
0126	Westinghouse Electric Co	Box 9533, Raleigh, NC 27603	F006.
0127	Babcock & Wilcox	P.O. Box 401, Beaver Falls, PA 15010	K061
0128	Whirlpool Corporation	4901 N. Main Street, Findlay, OH 45840	F006
0129	Western Electric	Richmond Works, 4500 South Laburnam Ave., Richmond, VA 23231	F006.
0130	Lederle Laboratories, Division of American Cyanamid Co.	Middletown Road, Pearl River, NY 10965	F003, F005
0131	Amoco Oil Company	Wood River, IL	K050, K051.
0132	Peerless Chain Co	1416 East Sarboren St., Winona, MN 55987	K063.
0133	International Minerals & Chemical Division	1331 S. First Street; Terra Haute, IN 47808	F003.
0134	Empire-Detroit Steel, Division/Cyclops Corp	137 Iron Avenue, Dover, OH 44662	K063.
0135	Vulcan Materials Corp	P.O. Box 161, Port Edwards, WI 54469	K071.
0136	Stablex Corporation	Hooksett, New Hampshire	Stabilized treatment residents.
0137	National Cooperative Refinery Association	P.O. Box 1167, McPherson, KS 67460	K051.
0138	Texaco U.S.A	Eagle Point Plant, Junction Rt. 130 and I 295, West Deptford, NJ	Biological treatment sludge from treatment of wastes F001, F002, F003, F005, F051, U019, U044, U055, U220.
0139	Resource Recycling Technologies/Industrial Liquids Recycling, Inc.	503 Scott Road, Mt. Pleasant, TN 38474	K063.
0140	Rochester Button Co	300 State Street, Rochester, NY 14614	Petitioned to exclude non-listed waste.
0141	Windsor Plastics	601 N. Congress Avenue, Evansville, IN 47715	F003.
0142	General Electric Co	Appliance Park-East, Columbia, MD 21046	F006.
0143	John Deere	Dubuque Facilty, Dubuque, IA 52001	F006.
0144	Bekaert Steel Wire Corporation	I-40 and Lee Creek Road, Van Buren, AR 72956	K063.
0145	Reynolds Aluminum	501 West 20th Avenue, Sheffield, AL 35660	F019.
0146	Energy Cooperative, Inc	3500 Indianapolis Blvd., East Chicago, IN 46312	K052
0147	Department of the Army	Radford Army Ammunition Plant, Radford, VA 24141	K047
0148	Norris Industries	John C. Watts Drive, Nicholasville, KY 40356	F006.
0149	Industrial Plating, Inc	120 North 36th Street, Lafayette, IN 47904	F006.
0150	Industrial Wastes, Inc	Darlington Disposal Facility, Darlington Township, Beaver County, PA.	K063 and solidified product from K063.
0151	Kuhlman Diecasting Co., Inc	164th and Mission Road, Stanley, KS 66223	F006.
0152	Loxcreen Company, Inc	Highway 84, Hayti, MO	F017, F019.
0153A	Industrial Chemical Division/Gulf Oils Chemicals Co.		
	Brooksville Facility	P.O. Box 158, Brooksville, FL 33512	K045, K046, K047.
	Casper Facility	P.O. Box 1960, Mills, WY 82601	K045, K046, K047.
	Parish Facility	RR#2, Box 445-C, Parish, AL 35580	K045, K046, K047.
	Chemical Explosives Testing Lab	P.O. Box 6200-B, Pittsburg, KS 66762	K045, K046, K047.
	Hollowell Facility	P.O. Box 183, Columbus, KS 66725	K045, K046, K047.
	McLeansville Facility	P.O. Box 183, McLeansville, NC 27301	K045, K046, K047.
	Gulf Oil Corp. (U.S.)	P.O. Box 183, Biwabik, MN 55708	K045, K046, K047.
0153B	Luwacon Corporation	1600 Pennsylvania Avenue, York, PA 17404	F006, F007, F008, F009, F011, F012, F015, F062.
0154	Plastene Supply Co	101 Mestle Street, Portageville, MO 63873	F006.
0155	Tennessees Electroplating, Inc	P.O. Box 233, Viarr Road, Ripley, TN	F006.
0156	Light Metals Coloring Company, Inc	270 Spring Street, Southington, CT 06489	F006.
0157	Borg and Beck Division/Borg-Warner Corp	6558 South Menard Avenue, Chicago, IL 60638	F011.
0158	A1 Tech Specialty Steel Corp	Willowbrook Avenue, Dunkirk, NY 14048	K063.
0159	General Cable/Indiana Steel and Wire Div	2000 East Jackson Street, P.O. Box 2647, Muncie, IN 47302.	F006, K063.
0160	A1 Tech Specialty Steel Corp	P.O. Box 91, Watervliet, NY 12189	K063.
0161	TRW/Car Division	North National Drive, P.O. Box 1271, Knoxville, TN 37901.	F006/stabilized waste.
0162	Gulf Oil Company, Cincinnati Refinery	P.O. Box 7, Cleves, Hamilton County, OH 25002	K049, K051.
0163	Adolph Coors Co	Golden, CO 80401	F019.
0164	United States Steel Corp	600 Grant Street, Pittsburgh, PA 15230	K061.
0165	E.I. du Pont de Nemours & Co	P.O. Box 3269, Beaumont, TX 77704	K103, K104.
0166	Hutchens Industries Inc., Mans-Steel Foundry	P.O. Box 137, Mansfield, MO 65704	K061.
0167	Lincoln Plating Company	600 West "E" Street, Lincoln, NE 68522	F006.
0168	Pamcor C., Inc	De Diego Avenue, Las Piedras, PR	F006.
0169	ILWD, Inc	7901 W. Morris Street, Indianapolis, IN 46231	Treatment residues from F006, F007 and K062.

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II PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0170	Eastman Kodak Co., Kodak Colorado Division	Windsor, CO 80551	F001, F002, F005, F006
0171	Liqwacon Corp	Old Waterbury Road, Thomaston, CT 06787	F006, F007, F008, F009, F011, F012, F015, K062
0172	Liqwacon Corp	165th and Center Avenue, Harvey, IL 60426	F006, F007, F008, F009, F011, F012, F015, K062
0173	Liqwacon Corp	2050 Central Ave., S.E., Canton, OH 44707	F006, F007, F008, F009, F011, F012, F015, K062
0174	Sargent-Fletcher Co	9400 E. Flair Drive, El Monte, CA 91731	F019
0175	United Technologies Corp, Pratt & Whitney Aircraft Group.	Aircraft Rd., Middletown, CT 06457	F006
		415 Washington Avenue, North Haven, CT 06473	F006
		Aircraft Rd., Southington, CT 06489	F006
		Colt Street, East Hartford, CT 06108	F006.
0176	White Mop Wringer Co	P.O. Box 277, Fultonville, NY 12072	F006.
0177	General Motors Corp., Fisher Body Division	Columbus Plant, Columbus, OH 43228	F006
0178	Ladish Co., Kentucky Division	Route 4, Cynthiana, KY 41031	Solidtech treated F019, K062
0179	Lehigh-Lancaster, Inc	P.O. Box 1220, Lancaster, SC 29720	K063.
0180	United Technologies, Inc., Pratt & Whitney Aircraft Group.	West Palm Beach, FL 33402	Hydrazine
0181	Amerock Corp	4000 Auburn Street, Rockford, IL 61101	F007, F008, F009
0182	E.I. du Pont de Nemours & Company, Inc	Repauno Avenue, Gibbstown, NJ 08027	K103, K104
0183	Hewlett Packard Co., Loveland Instrument Division	P.O. Box 301A, Loveland, CO 80537	F006.
0184	Globe Steel Abrasive Company	P.O. Box 1179, 238 First Avenue, Mansfield, OH 44901.	F012
0185	Olin Corporation	P.O. Box 248, Charleston, TN 37310	K071.
[illegible]	Kaplan Containers Corporation	100 Dispatch Drive, E. Rochester, NY 14445	Sludge from barrel re-conditioning
0187	Bethlehem Steel Corp	Burns Harbor Plant, Box 248, Chesterton, IN 46304	Treated K062, F006
0188	Penn Dixie Steel Corporation	1111 South Main Street, Kokomo, IN 46901	K063
0189	Atlantic Wire Co	1 Church Street, Branford, CT 06405	F006
0190	Reynolds Metals Co	Alloys Sheet and Plate Plant, Second Street, Sheffield, AL 35660.	F019.
0191	Leggett & Platt, Inc	Carthage Facility, Carthage, MO 64836	K062.
0192	Chemline Corporation	37829 Applegate Road, Box F, Lisbon, OH 44432	Treatment residue from K062 F008, F007, F008, F009, F012, F017, F018.
0193A	Bethlehem Steel Corp.	1 Cumberland Street, Lebanon, PA 17042	K062, F006
0193B	Bethlehem Steel Corp	Bethlehem Plant, Bethlehem, PA 18016	K061.
0194	American Nickeloid Co	Peru, IL 61354	Treatment sludge from F006, K062
0195	Olin Corporation	Smokeless Power Plant, St. Marks, FL 32355	K044, K046
0196	Penwalt Corp., Wallace & Tiernan Div	25 Main Street, Belleville, NJ 07109	F010.
0197	FMC Corporation	Bearing Division Plant, Eagle Bend Ind. Park, P.O. Box 330, Clinton, TN 37716.	F012.
[illegible]	Amoco Oil Company, Whiting Refinery	2815 Indianapolis Blvd., Whiting, IN 46394	K048.
[illegible]	3M Company	3154 Copley Road, Copley, OH	K006
[illegible]	Boeing Military Airplane Company	3801 South Oliver, Wichita, KS 67210	[illegible]
0201	Kay-Fries, Inc	Stoney Point, NY 10980	F003, F005, P030, P063, P101, P106, U003, U068, U102, U122, U190, U220.
0202	Charter International Oil Co., Houston Texas Refinery	9701 Manchester Street, Houston, TX 77012	K051.
[illegible]	Vulcan Rivet & Bolt Corp	P.O. Box 6448, Tarrant, Birmingham, AL 35217	K062.
0204	Placid Refining Co	Port Allen, LA	K051.
[illegible]	Gulf Oil Company, Port Arthur Refinery	P.O. Box 701, Port Arthur, TX 77640	K048, K051
[illegible]	Kaiser Aluminum	Trentwood Works, P.O. Box 15108, Spokane, WA 99215.	F019
0207	Amoco Oil Company, Sugar Creek Refinery	11400 Kentucky Road, P.O. Box 8507, Sugar Creek, MO 64054.	K048, K049, K050, K051
0208	Fisher Controls Company	Marshalltown, IA 50158	F006.
[illegible]	Molex, Inc	1400 W. Bond Circle, Lincoln, NB 68521	F006.
[illegible]	Marathon Le Tourneau Company	P.O. Box 2307, Longview, TX 75601	K061
0211	Charter International Oil Company, Houston Texas Refinery.	9701 Manchester Street, Houston, TX 77012	K049
0212	Continental Can Company	Plant No. 429 (Lacey), 1202 Fones Road, P.O. Box 368, Olympia, WA.	F019.
0213	General Motors Corp., Pontiac Motor Division	One Pontiac Plaza, Pontiac, MI 48053	F006.
0214	S-R of Tennessee	P.O. Box 486, Highway 51 North, Ripley, TN 38063	F006.
0215	Carolina Eastern Co., Division, Eastman Kodak Company.	P.O. Box 1782, Intersection U.S. 21 and Interstate 26, Columbia, SC 29202.	F002, F003, F005, U001, U003, U004, U029, U031, U037, U044, U056, U069, U079, U081, U088, U102, U108, U112, U122, U123, U133, U144, U151, U159, U161, U162, U188, U209, U210, U220.
0216	Wells Aluminum Corporation	P.O. Box 1470, Route 2 Industrial Park, Moultrie, GA 31768	F109.
0217	Winston Refining Company	P.O. Box 1508, Fort Worth, TX 76101	K048, K051
0218	General Motors Corp., Detroit Diesel Allison	P.O. Box 894, Indianapolis, IN	F006
0219	Pennzoil Products Company, Elk Refining Division	P.O. Box 68, Falling Rock WV 25079	K049, K050, K051
0220	Imperial Clevite, Inc., Engine Part Division	Route #4, Off Route #78, Caldwell, OH 43724	F006
[illegible]	General Motors Corp., New Departure Hyatt Bearings.	715 E. Gray Street, Louisville, KY 40202	F006, chromium bearing waste
[illegible]	Titan Oil Company	2509 Hayes Avenue, Sandusky, OH 44870	[illegible]
0224	Monroe Auto Equipment Co	6785 Telegraph Road, Birmingham, MI 48010	Petitioned to exclude non-listed waste
0225	Miller Brewing Company	121 Meridian Avenue, Cozad, NB 69130	F006.
[illegible]	Western Electric	3939 Highland Blvd., Milwaukee, WI 53201	F019.
0227	Plateau, Inc.	1600 Osgood Street, North Andover, MA 01845	F006
0228	Carpenter Technology Corp	Roosevelt, UT	K049, K050, K051
[illegible]	Ford Motor Co., Lima Engine Plant	837 Seaview Avenue, Bridgeport, CT 06607	K062.
[illegible]	Zippo Manufacturing Co	N. Sugar Road, Lima, OH 45809	F006.
0231	Hercules, Inc	33 Barbour Street, Bradford, PA 16701	F006, F009
0232	Heil-Quaker Corp	P.O. Box 190, Bessemer, AL 35021	K044.
0233	Colt Industries, Holley Carburetor Div	P.O. Box 128, Lewisburg, TN	[illegible]
[illegible]4	Randal/Textron	Mayfield Hwy., Paris, TN	F006.
0235	Ferro Manufacturing Co	Greensburg, IN	F006.
0236	Amperex Electronic Industries, Inc	P.O. Box 190, Ferro Road, Pikeville, TN	F006.
0237	Rock Island Refining Corp	George Washington Hwy., Smithfield, RI	F006
[illegible]	Amoco Oil Co	5000 W 86th Street, Indianapolis, IN	K049, K050, K051
[illegible]	United Chair Co	P.O. Box 160, Casper, WY 82602	K048.
[illegible]	General Motors Corp., Harrison Radiator	2501 First Avenue South, Irondale, AL 35210	F006.
[illegible]	Monroe Auto Equipment	P.O. Box 824, Dayton, OH 45401	F006.
[illegible]	ABCO Industries, Inc	200 McIntyre Drive, Hartwell, GA 30643	[illegible]
		P.O. Box 335, Roebuck, SC 29376	Treatment residue from incineration of organic waste

II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0243	Plymouth Tube Co.	Highway 79, Pinson, AL	K063.
0244	Murphy Oil Corp	Railroad Road, P.O. Box 2068, Superior, WI 54880	K049, K050, K051
0245	General Motors Corp., Delco Products Division	2000 Forrer Blvd., P.O. Box 1042, Dayton, OH 45401	F006, K062.
0246	Browning Ferris Industries	Rural Route 3, Liberty, MO 64068	K048, K049, K051, chromium and lead plating wastes, U188.
0247	Hercules, Inc	P.O. Box 271, Hopewell, VA 23860	F003, F005, K018.

Dated: November 17, 1981.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 81-34946 Filed 12-4-81; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6090

[OR-19181]

Oregon; Powersite Restoration No. 735; Partial Revocation of Powersite Classification No. 383

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a U.S. Geological Survey Order in part as to 507.68 acres of land withdrawn for a powersite classification. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-562-Oregon, it is ordered as follows:

1. The U.S. Geological Survey Order of August 15, 1947, which created Powersite Classification No. 383 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Classification No. 383

T. 7 S., R. 19 E.,
Sec. 28, NW¼NE¼;
Sec. 31, SE¼SW¼ and SW¼SE¼.
T. 8 S., R. 19 E.,
Sec. 3, lot 2;
Sec. 4, lot 7;
Sec. 10, SE¼SW¼;
Sec. 22, SE¼SW¼;
Sec. 25, SW¼SE¼.
T. 9 S., R. 19 E.,
Sec. 1, SE¼NE¼ and NE¼SE¼;
Sec. 12, SE¼NE¼.
T. 8 S., R. 20 E.,
Sec. 31, lot 4 and SW¼NE¼.

The areas described aggregate 507.68 acres in Jefferson, Wasco, and Wheeler Counties.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on December 22, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on December 22, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 16, 1981.

[FR Doc. 81-35003 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-388; RM-3794]

Radio Broadcast Services; FM Broadcast Station in North Muskegon, Michigan; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 252A to North Muskegon, Michigan, in response to a petition filed by LDM Broadcasting, Inc. The proposed station would provide a first local FM broadcast service to North Muskegon.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: November 18, 1981.

Released: December 1, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a notice of proposed rule making 46 FR 35131, published July 7, 1981, proposing the assignment of Channel 252A to North Muskegon, Michigan, as that community's first FM assignment. Supporting comments were filed by the petitioner restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. North Muskegon (population 4,243),[1] in Muskegon County (population 157,426), is located approximately 272 kilometers (170 miles) northwest of Detroit, Michigan. It has no local aural broadcast service.

3. In comments to the proposal, the petitioner incorporated by reference the information in the *Notice* which demonstrated the need for an FM assignment. Petitioner noted that North Muskegon has sufficient size and growth potential to support an FM station.

[1] The population figures are taken from the 1970 U.S. Census.

4. Canadian concurrence in the assignment of Channel 252A to North Muskegon, Michigan, has been obtained.

5. The Commission believes that the public interest would be served by assigning Channel 252A to North Muskegon, Michigan, since it would provide that community with an opportunity for its first local FM broadcast service. The transmitter site is restricted to 4 kilometers (2.4 miles) northwest of the city to avoid short spacing to Station WGRD (Channel 250) Grand Rapids, Michigan. WGRD is in the process of relocating its transmitter site, and once effectuated, the mileage separation requirements would be met, thereby eliminating the imposition of a site restriction.

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City	Channel No.
North Muskegon, Michigan	252A.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1096, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–34954 Filed 12–4–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–406; RM–3793]

Radio Broadcast Services; FM Broadcast Station in Leone, American Samoa; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 266 to Leone, American Samoa, in response to a petition filed by Radio Samoa, Ltd. The assignment could provide Leone with a first local FM service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 1, 1981.

By the Acting Chief, Policy and Rules Division.

1. Before the Commission is a notice of proposed rule making, 46 FR 34605, published July 2, 1981, proposing the assignment of Class C FM Channel 266 to Leone, American Samoa, as that community's first FM allocation, in response to a petition filed by Radio Samoa, Ltd. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Leone (population 1,657)[1] is located in Lealataua County (population 3,145), on the Island of Tutuila (population 24,548). It is presently served by full-time AM Station WVUV, which is licensed to the petitioner. The assignment can be made consistent with the minimum distance separation requirements (§ 73.207) and the Table of Frequency Allocations (§ 2.106) of the Commission's Rules.

3. As stated in the notice, petitioner's engineering statement indicated that there are no FM broadcast stations operating in either American or Western Samoa at the present time, and the nearest operational one is located approximately 700 miles distant at Suva, in the Fiji Islands.

4. Additionally, the notice pointed out that Channel 266 (101.1 MHz), was selected for use in American Samoa since, according to petitioner, it is one of the Class C channels without second-harmonic conflicts with television channels presently in use there.

5. Petitioner's supporting comments incorporated by reference the information contained in the notice, which established the need for a first FM assignment to Leone, American Samoa.

6. In view of the above, we believe that the public interest would be served by the assignment of Channel 266 to Leone, American Samoa. An interest has been expressed for its use and such an assignment could provide the community with a first FM and second nighttime aural broadcast service.

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the following community:

City	Channel No.
Leone, American Samoa	[redacted]

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–34955 Filed 12–4–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are extracted from the 1970 U.S. Census, as the 1980 Census figures are not available to us at this time.

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47 CFR Part 73

[BC Docket No. 81–169; RM–3776]

FM Broadcast Station in Oroville, California; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 28 to Oroville, California, in response to a petition filed by Sacramento Valley Family Television, Inc. (now Golden Valley Communications). The assignment could provide Oroville with a first local television service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 1, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Oroville, California); Report and order (Proceeding Terminated).

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 17645, published March 26, 1981, which

proposed the assignment of UHF television Channel 28 to Oroville, California, as that community's first television assignment, in response to a petition filed by Sacramento Valley Family Television, Inc.[1] ("petitioner"). Supporting comments were filed by petitioner reiterating its intention to apply for authority to construct and operate a station on Channel 28 at Oroville, California, if assigned. Comments were also filed by Abe Theissen ("Theissen") indicating an interest in applying for the proposed channel.

2. In his comments, Theissen states that according to his information, he believes that the petitioner, Sacramento Valley Family Television, Inc., is no longer interested in the proposed assignment. However, this assumption may be a result of the petitioner's name change (see fn. 1, *supra*). As reflected above, the petitioner has indeed filed comments indicating its continuing interest in the proposed assignment.

3. Oroville (population 8,683),[2] in Butte County (population 143,851), is located approximately 112 kilometers (70 miles) north of Sacramento. It presently has no local television service.

4. The Commission believes that the public interest would be served by assigning UHF television Channel 28 to Oroville. An apparent need for a first local television service to the community has been shown, and the assignment can be made consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective February 1, 1982, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Oroville, California	[redacted]

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34944 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner subsequently changed its name to Golden Valley Communications.

[2] Population figures are extracted from the 1980 U.S. Census, Advance Reports.

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47 CFR Part 73

[BC Docket No. 80-316; RM-3564]

FM Broadcast Station in Fountain, Colo.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 292A to Fountain, Colorado, in response to a petition for reconsideration filed by Fountain Broadcasting Company. This assignment could provide Fountain with a first local aural broadcast service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 1, 1982.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fountain, Colorado); Memorandum opinion and order.

1. On May 19, 1981, the Commission adopted a *Report and Order*, herein, 46 FR 30516, published June 9, 1981, which terminated the above-captioned proceeding for failure of Kurt M. Grow ("petitioner"), to make the requisite showings of initial and continuing interest in his proposal to assign FM Channel 292A to Fountain, Colorado, as that community's first local aural broadcast service.

2. In response to the *Report and Order*, an unopposed petition for reconsideration was filed by Fountain Broadcasting Company ("Fountain"), a recently-formed partnership, in which it states it was previously unaware of the contemplated assignment to Fountain. It notes that its interest is particularly strong since the earlier lack of interest in the channel may lessen the likelihood that a comparative proceeding will be required before this service could be initiated in Fountain.

3. Fountain (Population 8,324)[1] is located in El Paso County (population 309,424), approximately 24 kilometers (15 miles) southwest of Colorado Springs, Colorado. It presently has no local aural broadcast service.

4. We believe that the public interest would be served by the assignment of Channel 292A to Fountain, Colorado, since it would provide the community an opportunity to obtain its first local aural broadcast service. Additionally, since the channel would have been assigned heretofore had it not been for the lack of an expression of interest, which we now have, we believe that a reversal of our earlier action is warranted, and accordingly, we will assign Channel 292A to Fountain, Colorado. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

5. Accordingly, it is ordered, that effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the community listed below, as follows:

City	Channel No.
Fountain, Colorado	292A

6. Authority for the adoption of the above amendment is contained in §§ 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that the *Report and Order* herein is reversed and this proceeding is hereby terminated.

8. For further information regarding the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34945 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1206 and 1207

[No. 37337]

Accounting for Intangible Assets of Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is formally adopting generally accepted accounting principles related to intangible assets. This includes Financial Accounting Standards Board Statement No. 44, Accounting for Intangible Assets of Motor Carriers (FASB No. 44, December 1980), and Accounting Principles Board Opinion No. 17, Intangible Assets (APB No. 17, August 1970). FASB No. 44 requires motor carriers of property to charge to income all unamortized costs of interstate operating rights. This write-off is the result of the Motor Carrier Act of 1980 (Pub. L. 96–296) which removes most route restrictions and eases carrier entry into new routes and expanding routes. APB No. 17 states that identifiable intangible assets and goodwill shall be amortized over a period not to exceed 40 years from date of acquisition. All motor carriers subject to the Commission's uniform systems of accounts will no longer operate under the premise that intangible assets should be amortized only when the term or existence of the asset has become limited or its value impaired.

DATE: Effective for the reporting year beginning January 1, 1980.

ADDRESS: Copies of this notice may be obtained by writing to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423; or by calling toll-free, 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275–7448.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 49 CFR 1200.2 on adoption of generally accepted accounting principles, the Bureau of Accounts issued Accounting Series Circular No. 182 on Accounting for Intangible Assets (ASC 182, August 15, 1980). ASC 182 advised carriers of the Bureau's intention to adopt the provisions of Accounting Principles Board Opinion (APB) No. 17, Intangible Assets. It repealed the Bureau's February 9, 1972, notice prohibiting amortization of carrier operating rights unless their term of existence became limited or their value permanently impaired.

In December 1980, the Financial Accounting Standards Board released FASB Statement No. 44, Accounting for Intangible Assets of Motor Carriers. This statement required motor carriers of property to immediately charge to expense unamortized costs of interstate operating rights. Further, it requires other identifiable intangible assets and goodwill related to motor carrier operations to be accounted, for in accordance with Accounting Research Bulletin (ARB) No. 43, Chapter 5, or APB Opinion No. 17, as appropriate.

In response to this statement, the Bureau issued on February 13, 1981, ASC 188, Accounting for Intangible Assets of Motor Carriers, which superseded ASC 182. It requires motor carriers of property to assign the cost of all intangible assets acquired on or before July 1, 1980, to interstate operating rights, other identifiable intangible assets (including intrastate operating rights) and goodwill. Costs assigned to operating rights were charged to income and, if material, to account 8810, Extraordinary items. Costs assigned to other identifiable assets or goodwill are treated in accordance with FASB No. 44.

Motor carriers of passengers are also required to follow generally accepted accounting principles for identifiable intangible assets and goodwill.

Review of Responses

The Bureau of Accounts received comments from one respondent, West Coast Truck Lines, Inc., on ASC 188. It addressed two issues: the recognition and reporting of tax benefits related to the write-off of interstate operating rights and the accounting for other identifiable intangible assets and goodwill.

Tax benefits related to the write-off of operating rights were unresolved when ASC 188 was issued. Consequently, ASC 188 recommended that carriers not recognize any tax benefits which might develop from pending tax legislation or attempt to sustain a case for a casualty loss on Federal and State income tax returns. Subsequently, Section 266 of the Economic Recovery Tax Act of 1981 (August 13, 1981) allows carriers in computing taxable income to deduct ratably over a 60-month period the adjusted basis of motor carrier operating authorities held on July 1, 1980.

Since ASC 188 adopts FASB Statement No. 44, carriers should be accounting for other identifiable intangible assets and goodwill accordingly.

Discussion and Conclusions

Motor carriers are accounting for intangible assets as directed by Accounting Series Circular 188. This final rule incorporates all of FASB Statement No. 44 and APB Opinion No. 1 requirements into the appropriate uniform system of accounts.

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(b), the Secretary of the Commission has certified that the requirements of the Regulatory Flexibility Act do not apply to this final rule since it will not have a significant impact on a substantial number of small businesses. This rule requires regulated carriers to account for intangible assets in accordance with generally accepted accounting principles. This accounting is an accepted accounting practice required by the Financial Accounting Standards Board. For Commission reporting, the carriers should not incur significant expense or unduly utilize other resources to comply with this disclosure requirement.

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

This action is taken under authority of 49 U.S.C. 553 and 49 U.S.C. 10321.

We adopt the changes to 49 CFR Parts 1206 and 1207 set forth in Appendix A to this final rule.

Decided: November 27, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix A

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

1. Amend 49 CFR Part 1206 as detailed below:

a. In Instruction 2–31, Amortization of intangibles, revise paragraphs (a) and (b) and add paragraph (c):

2–31 Amortization of intangibles.

(a) For intangible assets acquired after December 31, 1979, the cost of the asset shall be amortized by systematic charges to Account 5100, Amortization of Carrier Operating Property, or Account 7500, Other Deductions, as prescribed by the account texts for accounts in the 1500 series. Systemtic charges shall be made over the period of useful life not to exceed 40 years from the date of acquisition. Such charges shall be based on the straight line method of amortization unless the carrier demonstrates that another method more adequately reflects the

decline in economic service value of the asset.

(b) For unamortized intangible assets acquired after October 31, 1970, but before December 31, 1979, the cost of the assets shall be adjusted in the accounts to retroactively reflect the generally accepted accounting principle of amortization of intangible assets. Subsequent accounting shall be in accordance with (a) above.

(c) For intangible assets held before November 1, 1970, the carrier shall consider the life expectancy of the asset to determine the appropriate accounting. Intangible assets with limited lives shall be amortized over their estimated period of future use. A retroactive adjustment shall be necessary if the particular intangible asset has never been amortized. Intangible assets with indeterminate lives may remain unamortized or may be amortized prospectively over a period of 40 years from date of acquisition.

b. Add the following note to the account texts listed below:

(Note: See Instruction 2–31)

(1) Account 1500, Organization, franchises and permits.

(2) Account 1501, Organization (Note D).

(3) Account 1511, Franchises (Note B, amend existing Note to read "Note A").

(4) Account 1541, Patents.

(5) Account 1550, Other intangible property.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

2. Amend 49 CFR Part 1207 as follows:

a. In Instruction 23, Depreciation and amortization, revise paragraphs (d)(1) and (2) and add (d)(3):

23 Depreciation and amortization.

* * * * *

(d)(1) Intangible items with fixed terms included in Account 1310—Organization, Franchises and Permits (class II), and Accounts 1321—Franchises (class I), and 1331—Permits and Patents (class I), shall be amortized by means of systematic charges to Account 5390/8220—Amortization Expense (Other). The cost of acquiring long-term leaseholds and easements for use in motor carrier operations, included in Account 1341—Other Intangible Property (classes I and II), shall be amortized in the same manner as above. Concurrent credits shall be made to Account 1312—Accumulated Amortization—Organization, Franchises, Permits (class II), Account 1322—Accumulated Amortization—Franchises (class I), Account 1332—Accumulated Amortization—Permits and Patents (class I), or Account 1342—Accumulated Amortization—Other Intangible Property (classes I and II). The amortization period shall be over the estimated useful life of the particular asset not to exceed 40 years from the date of acquisition.

(2) Amortization or entire write-off for costs of acquiring perpetual leaseholds and for intangible items carried in Accounts 1310 and 1341 (class II), and Accounts 1313, 1321, 1331, and 1341 (class I), that are not restricted to fixed terms (except those items relating to the acquisition of the distinct operating unit for which specific provision is made in Instruction 30), shall be debited to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8422/9422—Amortization (franchises, permits, and other) (class I), with concurrent credits made to the appropriate accumulated depreciation and amortization accounts [Accounts 1312 or 1342 (class II), and Accounts 1314, 1322, 1332 or 1342 (class I)]. The amortization period for intangible assets having an indeterminate life shall be the maximum period of 40 years from date of acquisition.

(3) Carriers shall follow generally accepted accounting principles in acquiring, amortizing and disposing of identifiable intangible assets and goodwill.

* * * * *

b. Revise Instruction 30, Amortization of other intangible property, to read:

30. Amortization of other intangible property.

(a) When it becomes reasonably evident that the term of existence of an intangible property, the cost of which is included in Account 1341—Other Intangible Property, has become limited or its value impaired, its remaining unamortized cost shall be amortized over the remaining life or entirely written-off by charges to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8422/9422—Amortization (other nonoperating deductions) (class I), depending on the remaining estimated period of usefulness with concurrent credit to Account 1342—Accumulated Amortization—Other Intangible Property (classes I and II).

(b) The amount retained in Account 1341—Other Intangible Property, less accumulated amortization, shall not exceed the fair value of the intangibles as of the time of acquisition. Fair value of intangibles acquired in purchase of a distinct operating unit means the amount by which total consideration paid exceeds fair market value of tangible property and other net assets (except intangibles), in conformity within instruction 20.

c. In Account 1321, Franchises (class I), revise paragraphs (a), (b), and (c) and add paragraph (e):

1321 Franchises (class I).

(a) This account shall include amounts actually paid to a State or political subdivision thereof, or to other governmental authorities in consideration of franchises, consents, or certificates representing the cost of acquisition of intrastate operating rights and running in perpetuity or for a specified term of more than 1 year. (See Note A.)

(b) This account shall also be charged with expenditures incident to applications for intrastate franchises, consents, or certificates if such applications are acted upon favorably by the regulatory body, including fees for legal and auditing services, expenses of witnesses, cost of newspaper and other advertisements, et cetera, and pay and expenses of employees engaged in preparing exhibits and other data for hearings.

(c) When a franchise, consent, or certificate for intrastate operating rights is acquired by assignment, the charge to this account shall not exceed its actual cost to the original holder as set out in paragraphs (a) and (b) of this account. Payments by the acquiring carrier in excess of the cost to the original holder, together with any expenses incurred in effecting the transfer, shall be debited to Account 1341—Other Intangible Property. (See, however, Instruction 20.)

* * * * *

(e) The purchase price and all legal, filing and other fees incurred for the acquisition of interstate operating rights acquired after July 1, 1980, shall be charged to Account 8400/9400—Other Nonoperating Income (net), for class II carriers, and Account 8429/9429—Other Nonoperating Deduction for class I carriers.

[FR Doc. 81–35001 Filed 12–4–81; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AEA-65]

Proposed Renumbering of Federal Airways

Correction

In FR Doc 81-33979 appearing on page 57913 in the issue of Friday November 27, 1981, make the following correction:

In the first column of page 57914, under "5. V-162 [Amended]" change "Harrisburg 0.87°" to read "Harrisburg 087°".

BILLING CODE 1505-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2009

Submission of Representations Concerning Standards-Related Activity

AGENCY: United States Trade Representative.

ACTION: Proposed rule and request for comments.

SUMMARY: The Office of the United States Trade Representative proposes to issue these regulations to provide for the proper submission of representations by certain foreign countries concerning standards-related activities viewed by such countries as barriers to trade. These proposed regulations implement the Agreement on Technical Barrier to Trade, which was entered into by the United States in the Tokyo Round of Multilateral Trade Negotiations, and Section 422 of the Trade Agreements Act of 1979.

DATE: Comments must be submitted on or before February 5, 1982.

ADDRESS: Comments may be mailed to the Assistant U.S. Trade Representative for GATT Affairs, United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Donald S. Abelson, Chairman, Trade Policy Staff Committee, Standards Subcommittee (202/395-3063).

SUPPLEMENTARY INFORMATION:

Background

The Agreement on Technical Barriers to Trade (the "Agreement") was approved by Congress in section 2(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2503(a)) and entered into force for the United States on January 1, 1980. Article 14:2 of the Agreement provides:

> If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the attainment of any objective of this Agreement is being impeded by another Party or Parties, and that its trade interests are being significantly affected, the Party may make written representations or proposals to the other Party or Parties which it considers to be concerned. Any Party shall give sympathetic consideration to the representations or proposals made to it, with a view to reaching a satisfactory resolution of the matter.

This provision was implemented in domestic law by section 422 of the Trade Agreements Act of 1979 (19 U.S.C. 2552), which provides that the United States Trade Representative shall receive all such standards-related representations. The proposed regulations further implement Article 14.3 and section 422.

Authority

The authority for the proposed regulations published below is 5 U.S.C. 301; the Trade Agreements Act of 1979, sections 3(b) (19 U.S.C. 2504(b)) and 401-422 (19 U.S.C. 2251-54); E.O. 11846 of March 27, 1975 (40 FR 69173); Reorganization Plan No. 3 of 1979 (44 FR 69173), and E.O. 12188 of January 2, 1980 (45 FR 989).

Drafting Information

The principal authors of this document were Amelia Porges and Clifford Marshall of the Office of the General Counsel, Office of the United States Trade Representative.

Regulatory Impact Analysis

The Office of the United States Trade Representative has determined that these regulations are issued with respect to a foreign affairs function of the United States. Accordingly, section 3 of E.O. 12291 does not apply and a Regulatory Impact Analysis is not required.

Accordingly, 15 CFR Chapter XX is proposed to be amended by adding a new Part 2009, reading as set forth below:

William E. Brock,

United States Trade Representative.

PART 2009—PROCEDURES FOR REPRESENTATIONS UNDER SECTION 422 OF THE TRADE AGREEMENTS ACT OF 1979

Sec.

2009.0 Submission of representation.
2009.1 Information required in representation.
2009.2 Adequacy of representation.

Authority: 5 U.S.C. 301; 19 U.S.C. 2504(b), 2251-54; E.O. 11846, 40 FR 14291; Reorganization Plan No. 3 of 1979, 44 FR 69173; E.O. 12188, 45 FR 989.

§ 2009.0 Submission of representation.

(a) Any—

(1) Party to the Agreement; or

(2) Foreign country that is not a Party to the Agreement but is found by the United States Trade Representative ("Trade Representative") to extend rights and privileges to the United States that are substantially the same as those that would be so extended if that foreign country were a Party to the Agreement,

may make a representation to the Trade Representative alleging that a standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement on Technical Barriers to Trade.

(b) All representations under section 422 of the Trade Agreements Act of 1979 ("the Act") shall be addressed to the United States Trade Representative, Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506. Alternatively, such a representation may be made by diplomatic correspondence and may be accepted by the Trade Representative.

(c) "The Agreement", a "Party to the Agreement" and "standards-related activity" are defined as in section 451 of the Act (19 U.S.C. 2571)

(d) Representations shall be submitted in 10 copies.

§ 2009.1 Information required in representation.

(a) Each representation submitted under section 422 shall state clearly on the first page that the representation is a request for action with respect to the obligations of the United States under the Agreement, and shall contain the following information:

(1) The foreign country making the representation, the division of the foreign country's government representing that country's interest, the person(s) within that division who is (are) coordinating the foreign country's representation.

(2) A description of the standards-related activity at issue, including, whenever possible, copies of the standards-related activity's provisions.

(3) Identification of the foreign goods or services affected by the standards-related activity at issue.

(4) A statement of how the standards-related activity concerned is alleged to violate the obligations of the United States under the Agreement. This statement must indicate with particularity which such obligations are alleged to be violated.

(5) Information sufficient to provide a reasonable indication that the standards-related activity concerned is having a significant trade effect, including (but not limited to) the volume of trade in the goods and services concerned.

(6) Indication as to whether the foreign country has officially petitioned, filed or complained for relief concerning the same subject matter as this representation to any international forum.

§ 2009.2 Adequacy of representation.

(a) If the representation filed under § 2009.0 does not conform substantially to the requirements of §§ 2009.0 and 2009.1, the Trade Representative may return the representation to the foreign country which submitted it with written guidance as to how to make the representation conform to the requirements, or determine that there is nevertheless sufficient information on which to proceed. A resubmission in conformity with the requirements shall be sufficient to initiate process. Upon a finding of sufficiency, the Trade Representative shall notify the foreign government of the sufficiency of the representation.

(b) At any time the Trade Representative may find that it is clear from the available information that the representation does not warrant further consideration and the representation may be returned to the petitioner with a written statement of the reasons it was found not to warrant further consideration.

[FR Doc. 81-35000 Filed 12-4-81; 8:45 am]
BILLING CODE 3190-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3213]

D'Arcy-MacManus & Masius, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a St. Louis, Missouri advertiser to cease disseminating advertisements for any denture products, toothache drop or gel which contains representations that contradict or negate the health, safety, or efficacy statements appearing on the product's label. Any claims regarding the duration of use of such product would trigger a disclosure of any labeling warning. The order would further require that any representation that Snug Denture Cushions can be worn "for weeks" or any period of time, be accompanied by a statement that denture cushions should only be used "temporarily, until a dentist can be seen."

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PF, Leslie Rossen, Washington, D.C. 20580. (202) 724-1496.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 792 3213]

Agreement Containing Consent Order To Cease and Desist

In the matter of D'Arcy-MacManus & Masius, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of D'Arcy-MacManus & Masius, Inc., a corporation, and it now appearing that D'Arcy-MacManus & Masius, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices under investigation,

It is hereby agreed by and between D'Arcy-MacManus & Masius, Inc. by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent D'Arcy-MacManus & Masius, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at One Memorial Drive, St. Louis. Missouri 63102.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist shall have the same force

and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent, by its duly authorized officer, has read the proposed complaint and order contemplated hereby. It is understood that once the order has been issued, proposed respondent will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered That respondent, D'Arcy-MacManus & Masius, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device (hereinafter "respondent"), in connection with the advertising, offering for sale, sale or distribution of any denture product or toothache drops or gel, forthwith cease and desist from disseminating or causing the dissemination of any advertisement by any means in or affecting commerce which makes any representation directly or indirectly that is inconsistent with, negates or contradicts any statement concerning matters of health, safety or efficacy set forth on the labeling of any such product or which in any way limits or qualifies any such statement appearing on the labeling of any such product.

II

It is further ordered That respondent, in connection with the advertising, offering for sale, or distribution of any denture product or toothache drops or gel (except denture cushions as provided for in Paragraph 3) shall, in disseminating or causing the dissemination by any means in or affecting commerce of any advertisement which makes any representation directly or indirectly (other than those prohibited in I above) regarding duration of use of any such product, disclose clearly and conspicuously any labeling warning regarding duration of use of such a product.

It is agreed, for the purposes of this Order, that in the event a label or packaging warning regarding duration of use is no longer utilized for any such product, advertisements for said product need not bear a disclosure regarding duration of use.

III

It is further ordered That respondent, in connection with the advertising, offering for sale, sale or distribution of the product Snug Denture Cushions or any other denture cushion, when making any representation regarding the duration of use of said product (other than those prohibited in I, above), shall disclose clearly and conspicuously that said product is only appropriate for short-term use until a denture wearer is able to see a dentist for the adjustment of his or her loose or ill-fitting dentures. For the purposes of this Order, it is agreed that respondent may use the term "for weeks" in the advertising of denture cushion products so long as the terms "temporary" and "only until a dentist can be seen" are included, and the advertisement does not imply the product should be used on a long term basis.

For the purposes of this Order, in the event that the Snug Denture Cushion product is no longer regarded by the Federal Food and Drug Administration as suitable only for short-term, nonregular use, the respondent may seek from the Commission amendment of this portion of this Order.

IV

It is further ordered That respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change in its corporate status such as dissolution, emergence of a successor corporation, the creation or dissolution of any subsidiaries, and assignment or sale of the business, or any other change in the corporate respondent that may affect compliance obligations arising out of this Order.

It is further ordered That respondent shall, within sixty (60) days after this Order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied with this Order.

D'Arcy-Macmanus and Masius, Inc., Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the D'Arcy-Macmanus and Masius, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged respondent with disseminating advertisements containing false, unfair and deceptive representations regarding proper duration of use of the product, Snug Denture Cushions. In particular, the complaint alleged that respondent's advertisements tended to contradict and negate the import of certain health and safety warnings which appeared in the labeling of the product, Snug Denture Cushions. Those warnings specifically informed users of the dangers of long term use of ill fitting dentures or cushions as such use could lead to swelling or faster bone resorption. In addition, the label warning advised that the product be used on a temporary basis only until a dentist could be seen. The complaint further alleged that respondent failed to mention such label warnings in its advertisements, thus misleading consumers into believing that no such warnings exist. The existence of the warnings was alleged to be a material fact which would likely affect a consumer's purchase or use of the product. Failure to disclose such a material fact rendered the challenged advertisements false, deceptive and unfair.

The consent order contains the following provisions designed to remedy the violations charged. Part I prohibits respondent from including in advertising for any denture products or toothache drops or gel representations which are inconsistent with, negate or contradict health, safety or efficacy statements included in the product's labeling.

Part II addresses the problem of misleading duration of use claims for denture products or toothache drops or gel, by providing for a triggered disclosure. Where respondent makes any duration of use claim for such products, the label warning must be disclosed clearly and conspicuously. However, if that label warning is no longer required, there need be no such disclosure.

Part III deals specifically with the challenged Snug Denture Cushion advertisements. Those ads must clearly and conspicuously disclose that the product is for short term use. In doing so, respondent may still use the term "for weeks" in describing the term of use of Snug but must at the same time include the words "temporary" and "only until a dentist can be seen." This provision was included to protect against the misleading implication that Snug Denture Cushions may be used on a long term basis. This requirement is in recognition of the findings of the Food and Drug Administration that Snug Denture Cushions are appropriate only for short term use. If the FDA changes its position, respondent may seek to have this part of the order amended.

Part IV of the consent order requires respondent to distribute the order to each of its operating divisions; to notify the Commission prior to any proposed change in its corporate status which may affect compliance with the consent order; and to file a compliance report within sixty (60) days after the order becomes final.

A consent order with Metholatum Co, the manufacturer of Snug Denture Cushions, was accepted by the Commission on October 6, 1980.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-34936 Filed 12-4-81; 8:45 am]

BILLING CODE 6750-01-M

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[FHWA Docket No. 78-33; Notice 2]

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a revision to the existing noise abatement regulation and requests comments on the revision and related issues. The proposed revision is intended to simplify noise abatement procedures and eliminate unnecessary requirements.

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Submit written comments to FHWA Docket No. 78-33, Notice 2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. et, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Reagan, Noise and Air Analysis Division, Office of Environmental Policy (202-426 4836), or Mr. Thomas Holian, Office of the Chief Counsel (202-426-0761), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m et, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has reviewed its current procedures for the abatement of highway traffic noise and construction noise, published on April 23, 1976 (41 FR 16936), and appearing as Part 772 of Title 23 of the Code of Federal Regulations and Volume 7, Chapter 7, Section 3 of the Federal-Aid Highway Program Manual (FHPM 7-7-3). Based on this review, it was determined that these procedures should be simplified in order to achieve the Administration's stated goals of reducing unnecessary burdens upon the States and the public and reducing redtape whenever possible.

Consequently, on December 6, 1978, the FHWA published an advance notice of proposed rulemaking (ANPRM) (43 FR 57161) raising nine issues concerning these procedures for consideration by affected persons and the general public and soliciting their comments. These nine issues are restated below followed by a summary and discussion of the responses received.

Discussion of Comments

Twenty-eight comments were received, 22 of which were from State highway agencies. The remaining six commenters included two State environmental agencies, two counties, the U.S. Environmental Protection Agency (EPA), and the National Association of Noise Control Officials.

The first issue raised in the ANPRM was whether requirements not specifically included in the Federal-aid highway statutes should be deleted, specifically the requirements for coordination of approximate generalized future noise levels, information on noise compatible development, and FHWA procedures on Type II projects with local officials and discussion of construction noise. Eleven commenters recommended retention of the first requirement and four favored deletion. Nine recommended keeping the second requirement and three recommended against it. It is proposed to retain both requirements.

The second issue concerned the detailed procedures contained in the current regulation. The 15 commenters on this issue were evenly divided among those who recommended maintaining the detail, deleting the detail, and increasing the flexibility of the procedures. Consistent with FHWA policy to simplify procedures and provide greater flexibility, it is proposed to delete the detailed procedures.

The exception process was the third topic on which comments were solicited. It is clear that this issue was not adequately explained in the ANPRM. Many respondents mistakenly believed that removal of the exception procedure would rigidly require noise abatement in every instance, regardless of cost, feasibility, practicability, or neighborhood desires. The intention of eliminating the exception procedure was not to eliminate the flexibility in noise abatement decisions, but rather to eliminate the requirement for formal documentation and approval of exceptions in those instances where abatement is not warranted. The majority view favored this less formal approach, and the FHWA is now proposing to delete the exception process.

The fourth issue concerned whether the criteria for determining noise impact based upon health and welfare effects should be added. Eight of 11 respondents were against including such criteria in the regulation. The existing criteria remain unchanged in this proposal.

The fifth question was whether the actual costs of noise abatement measures should be listed separately from economic effects in considering the overall social, economic, and environmental effects of noise abatement. All 12 comments received on this question urged that cost be stated separately. To clarify the current provision, the term "cost of abatement" is listed separately from economic effects in the revised regulation.

The sixth issue was whether to permit Federal participation in the cost of noise insulation of private buildings on a routine basis. Fourteen of the 20 comments on this issue recommend participation only in exceptional cases, not on a routine basis. On the basis of these comments, the FHWA is not proposing any change in its current policy on Federal participation in noise insulation of private buildings.

The seventh question asked if there were too many definitions in the regulation. Eight respondents thought the current definitions necessary, four requested additional definitions, and only one thought there were too many. If the detailed procedures are deleted as proposed, many terms currently defined would no longer be used in the regulation. Also, definition of common terms was felt unnecessary and inconsistent with other FHWA regulations. Therefore, it is proposed to delete most definitions.

The eighth issue concerned eliminating the list of factors which may be considered in establishing a relative priority for Type II projects. There were only seven responses to this issue. Six commenters thought the list should be retained. The EPA's comment is discussed in item #3 in the section "Request for Additional Comments," which follows. The list of factors has been eliminated in this proposal because it contained only some suggested items to be considered and was neither complete nor binding in nature.

The last issue raised in the ANPRM was whether there was a need for clarification of the types of projects to which the noise standards apply. Eight of nine respondents to this issue agreed that clarification was needed. The proposed section on applicability has been rewritten to clarify the types of projects to which the regulation applies.

Comments are invited on the FHWA's proposed response to the foregoing issues.

Discussion of Proposed Regulation

As previously noted, it is FHWA policy that regulations should provide for maximum flexibility and discretion on the part of FHWA field elements and the States, and include only those requirements which are clearly necessary for effective implementation of the program and can reasonably be accomplished. Major changes to the noise regulation which are proposed in response to this policy include elimination of both the exception process and the requirement for FHWA concurrence in the noise study report for individual projects. Because the exception process would be eliminated, there would no longer be a need to divide Type I projects into two categories based on access control. The noise analysis and abatement requirements would remain unchanged, but the established processes of environmental assessment documentation together with the normal consultation and reviews which occur continuously throughout the project development phase of a highway improvement would be used in place of the specific noise documentation requirements. This should give more flexibility in managing the highway program while achieving the same purpose of evaluation and mitigation of noise impacts. These revisions should reduce the paperwork burden on State highway agencies and expedite the development process.

Much of the information in Part 772 that is explanatory or offers detailed guidance (such as definitions, measurement techniques, noise reduction factors, and the list of considerations for relative priority of Type II projects) would be deleted. Most of this is presently available in other sources such as American Association of State Highway and Transportation Officials' "Guide on Evaluation and Attenuation of Traffic Noise" dated 1974. The remainder will be issued in nonregulatory directives easily updated.

The noise level criteria in Table 1 of the proposed revision are unchanged from those in the existing regulation (currently called design noise levels). One of the main purposes of the regulation is to help protect the public health and welfare. However, the noise impact criteria attempt to strike a balance between that which is most desirable for health and welfare (i.e., the levels identified in "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety" EPA Document No. 550/9–74–004), and that which is feasible and reasonable. Factors such as technical feasibility, the unique characteristics of highway-generated noise, cost, the overall public interest, and other program objectives as set forth in the various provisions of 23 U.S.C. 109 are all important elements in the standard-setting process used by FHWA in establishing these levels. The FHWA did not develop the noise criteria in this regulation for application in other land use planning situations. This must be recognized by those who attempt to use these criteria in situations other than the planning and design of highways.

While the proposed § 772.9 is considerably different from the existing § 772.11, no change in meaning or end result is intended. All reasonable and feasible abatement measures are currently required and would continue to be required under the proposed rule. One factor in determining reasonableness is cost. Adding the word "cost" to the existing "social, economic and environmental" phrase is meant to clarify but not change the meaning of the phrase.

Request for Additional Comments

Consultation with EPA pursuant to the Noise Control Act of 1972 has begun and will continue until a final regulation is promulgated. This consultation and the earlier comments received from others have raised three specific questions on which FHWA is soliciting additional comments at this time.

1. The use of dual descriptors, L_{10} and L_{eq} in the regulation, has created some concern. Both terms are defined in § 772.5 of the proposed regulation. The L_{eq} descriptor was added to Part 772 in 1976 for several reasons. The L_{eq} descriptor is more statistically reliable than L_{10} for low-volume roadways, is simpler in most instances for highway designers to work with, and is more flexible in terms of permitting noise levels from different sources to be included in the analysis of noise impact. However, it has been suggested that L_{eq} is difficult for lay people to understand. Since its addition to Part 772, most highway agencies have adopted the L_{eq} descriptor as their sole descriptor of highway noise. Pursuant to a suggestion by EPA and several State highway agencies, the FHWA solicits comments on whether the L_{10} descriptor should be deleted from this regulation.

2. It has been suggested that the procedures for coordination with local officials be changed by adding the following sentence:

"The FHWA encourages highway agencies to obtain an agreement from the local officials to control future development next to highways so that noise impacts are minimized."

The FHWA solicits comments on this suggested addition.

3. Proposed projects for noise abatement on existing highways (Type II projects) are eligible for Federal-aid funding under 23 U.S.C. 109(i). It has been suggested by EPA that each State highway agency requesting funds for Type II projects be required to prepare a plan that would identify highway noise impact areas and assign priorities for action. Further, it has been suggested that review and approval of such plans by the FHWA be required as a condition of funding and that progress in implementing the plans be published yearly. Comments on these suggestions are invited.

This NPRM is issued under the authority of 23 U.S.C. 101(e), 109(h), 109(i), 315; 42 U.S.C. 4331, 4332; and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory procedures. It is anticipated that the proposal would reduce the administrative burden on State highway agencies; however, because of variances in State programs, FHWA is unable to quantify these reductions at this time. In accordance with the above, it has been determined that a full regulatory evaluation is not required. Under the criteria of the Regulatory Flexibility Act, it is certified that the proposed action would not have a significant impact on a substantial number of small entities.

Issued on: November 24, 1981.

R. A. Barnhart,

Federal Highway Administrator.

It is, therefore, proposed to amend Chapter I of Title 23, Code of Federal Regulations, by revising Part 772 to read as follows:

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Sec.

772.1 Purpose.
772.3 Noise standards.
772.5 Definitions.
772.7 Applicability.
772.9 Analysis of traffic noise impacts and abatement measures.
772.11 Noise abatement.
772.13 Federal participation.
772.15 Information for local officials.
772.17 Traffic noise prediction.
772.19 Construction noise.
Table 1—Noise Abatement Criteria

Authority: 23 U.S.C. 109(h), 109(i); 42 U.S.C. 4331, 4332; 49 CFR 1.48(b).

§ 772.1 Purpose.

To provide procedures for noise studies and noise abatement measures to help protect the public health and welfare, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in the planning and design of highways approved pursuant to title 23, United States Code (U.S.C.).

§ 772.3 Noise standards.

The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this regulation constitute the noise standards mendated by 23 U.S.C. 109(i). All highway projects which are developed in conformance with this regulation shall be deemed to be in conformance with the Federal Highway Administration (FHWA) noise standards.

§ 772.5 Definitions.

(a) *Design year*—the future year used to estimate the probable traffic volume for which a highway is designed. A time 10 to 20 years from the start of construction is usually used.

(b) *Existing noise levels*—the noise, resulting from the natural and mechanical sources and human activity, considered to be usually present in a particular area.

(c) L_{10}—the sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration.

(d) $L_{10}(h)$—the hourly value of L_{10}.

(e) L_{eq}—the equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period.

(f) $L_{eq}(h)$—the hourly value of L_{eq}.

(g) *Traffic noise impacts*—impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria (Table 1), or when the predicted traffic noise levels substantially exceed the existing noise levels.

(h) *Type I projects*—a proposed Federal or Federal-aid highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.

(i) *Type II projects*—a proposed Federal or Federal-aid highway project for noise abatement on an existing highway.

§ 772.7 Applicability.

(a) *Type I projects.* This regulation applies to all Type I projects unless it is specifically indicated that a section applies only to Type II projects.

(b) *Type II projects.* The development and implementation of Type II projects are not mandatory requirements of 23 U.S.C. 109(i) and are, therefore, not required by this regulation. When Type II projects are proposed for Federal-aid highway participation at the option of the highway agency, the provisions of §§ 772.9(c), 772.13, and 772.19 of this regulation shall apply.

§ 772.9 Analysis of traffic noise impacts and abatement measures.

(a) The highway agency shall determine and analyze expected traffic noise impacts and alternative noise abatement measures to mitigate these impacts, giving weight to the benefits and cost of abatement, and to the overall social, economic and environmental effects.

(b) The traffic noise analysis shall include the following for each alternative under detailed study:

(1) Identification of existing activities, developed lands, and undeveloped lands for which development is planned, designed and programmed, which may be affected by noise from the highway;

(2) Prediction of traffic noise levels;

(3) Determination of existing noise levels;

(4) Determination of traffic noise impacts; and

(5) Examination and evaluation of alternative noise abatement measures for reducing or eliminating the noise impacts.

(c) Highway agencies proposing to use Federal-aid highway funds for Type II projects shall perform a noise analysis of sufficient scope to provide informaton needed to make the determination required by § 772.13(a) of this chapter.

§ 772.11 Noise abatement.

(a) In determining and abating traffic noise impacts, primary consideration is to be given to exterior areas. Abatement will usually be necessary only where frequent human use occurs and a lowered noise level would be of benefit.

(b) In those situations where there are no exterior activities to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the interior criterion shall be used as the basis of determining noise impacts.

(c) If a noise impact is identified, the abatement measures listed in § 772.13(c) of this chapter must be considered.

(d) When noise abatement measures are being considered, every reasonable effort shall be made to obtain substantial noise reductions.

(e) Before adoption of a final environmental impact statement or finding of no significant impact, the highway agency shall identify:

(1) Noise abatement measures which are reasonable and feasible and which are likely to be incorporated in the project, and

(2) Noise impacts for which no apparent solution is available.

(f) The views of the impacted residents will be a major consideration in reaching a decision on the abatement measures to be provided.

(g) The plans and specifications will not be approved by FHWA unless those noise abatement measures which are reasonable and feasible are incorporated into the plans and specifications to reduce or eliminate the noise impact on existing activities, developed lands, or undeveloped lands for which development is planned, designed, and programmed.

§ 772.13 Federal participation.

(a) Federal funds may be used for noise abatement measures where:

(1) A traffic noise impact has been identified,

(2) The noise abatement measures will reduce the traffic noise impact, and

(3) The overall noise abatement benefits are determined to outweigh the overall adverse social, economic, and environmental effects and the costs of the noise abatement measures.

(b) For Type II projects, noise abatement measures will not normally be approved for those activities and land uses which come into existence after May 14, 1976. However, noise abatement measures may be approved for activities and land uses which come into existence after May 14, 1976, provided local authorities have taken measures to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities.

(c) The noise abatement measures listed below may be incorporated in Type I and Type II projects to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located:

(1) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations).

(2) Alteration of horizontal and vertical alignments.

(3) Acquisition of property rights (either in fee or lesser interest) for construction of noise barriers.

(4) Construction of noise barriers (including landscaping for esthetic purposes) whether within or outside the highway right-of-way.

(5) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise.

(6) Noise insulation of public use or nonprofit institutional structures.

(d) There may be situations where (1) severe traffic noise impacts exist or are expected, and (2) the abatement measures listed above are physically infeasible or economically unreasonable. In these instances, noise abatement measures other than those listed in paragraph (c) of this section may be proposed for Types I and II projects by the highway agency and approved by the Regional Federal Highway Administrator on a case-by-case basis when the conditions of paragraph (a) of this section have been met.

§ 772.15 Information for local officials.

In an effort to prevent future traffic noise impacts on undeveloped lands, highway agencies shall inform local officials within whose jurisdiction the highway project is located of the following:

(a) The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project,

(b) Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels, and

(c) Eligibility for Federal-aid participation for Type II projects as described in § 772.13(b) of this chapter.

§ 772.17 Traffic noise prediction.

(a) Any traffic noise prediction method is approved for use in any noise analysis required by this regulation if it meets the following two conditions:

(1) The methodology is consistent with the methodology in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA–RD–77–108).[1]

(2) The prediction method uses noise emission levels obtained from one of the following:

[1] These documents are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

(i) National Reference Energy Mean Emission Levels as a Function of Speed (Federal-Aid Highway Program Manual, Volume 7, Chapter 7, Section 3, Attachment 1).[1]

(ii) Determination of Reference Energy Mean Emission Levels, Report No. FHWA–OEP/HEV–78–1.[1]

(b) In predicting noise levels and assessing noise impacts, traffic characteristics which will yield the worst hourly traffic noise impact on a regular basis for the design year shall be used.

§ 772.19 Construction noise.

The following general steps are to be performed for all Types I and II projects:

(a) Identify land uses or activities which may be affected by noise from construction of the project. The identification is to be performed during the project development studies.

(b) Determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic and environmental effects and the costs of the abatement measures.

(c) Incorporate the needed abatement measures in the plans and specifications.

TABLE 1.—NOISE ABATEMENT CRITERIA HOURLY A-WEIGHTED SOUND LEVEL—DECIBELS (dBA)[1]

Activity category	$L_{eq}(h)$	$L_{10}(h)$	Description of activity category
A	57 (Exterior)	60 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	70 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	75 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above
D			Undeveloped lands
E	52 (Interior)	55 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

[1] Either $L_{10}(h)$ or $L_{eq}(h)$ (but not both) may be used on a project.

[FR Doc. 81-34791 Filed 12-4-81; 8:45 am]
BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 87

[CGD 81-007]

Inland Navigation Rules Annex IV—Distress Signals; Public Hearing

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking—public hearing.

SUMMARY: A public hearing will be held on the proposed Annex IV (Distress Signals) to the Inland Navigation Rules. The proposed rule was published on July 16, 1981 at 46 FR 37010–37012. A commenter requested that a public hearing be held to allow a more detailed presentation of his and other views on the issue of strobe lights as a distress signal. The Coast Guard believes that the opportunity to make oral presentations on the strobe light issue will be beneficial to this rulemaking.

DATE: The public hearing will be held on January 6, 1982, at 9:30 a.m.

ADDRESS: The public hearing will be held at Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, in Room 3201.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: On July 16, 1981, the Coast Guard proposed regulations designating signals to be used exclusively for indicating distress and need of assistance on United States inland waters. No public hearing was scheduled at that time, but the notice stated that one may be held at a time and place set in a subsequent notice if written requests for a hearing were received and it was determined that the opportunity to make oral presentations would be beneficial to the rulemaking.

A request for a public hearing was received from the Pyrotechnic Signal Manufacturers Association, Inc. to permit them to present in greater detail their position against the designation of high intensity flashing white lights (commonly called strobe lights) as a signal to indicate distress and need of assistance. As many of the issues involving the use of strobe lights remain unsettled, the Coast Guard feels a public hearing would benefit the rulemaking.

Dated: December 1, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81–35021 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD5 81–09R]

Drawbridge Operation Regulations; Anacostia River, District of Columbia

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the District of Columbia Department of Transportation, the Coast Guard will consider amending the regulations governing operation of the Frederick Douglas drawbridge on South Capitol Street across the Anacostia River, mile 1.2, at Washington, DC to require an advance notice for all draw openings. This proposal is being made because the current volume of vessel traffic passing through the bridge does not appear sufficient to warrant constant attendance by a bridge tender. It also is proposed to add a new provision to allow the bridge to remain closed to vessel traffic on every Presidential Inauguration Day in order to prevent vehicular traffic congestion at the bridge on that day. This action is intended to accommodate the needs of vehicular traffic while providing for the reasonable needs of navigation.

DATE: Comments must be received on or before January 7, 1982.

ADDRESSES: Comments should be mailed to Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. The comments and any materials referenced in this notice will be available for inspection or copying at the Office of Chief, Aids to Navigation Branch, Room 609, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Specialist, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804–398–6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify this proposed rule by Docket Number or bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The rule may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that an opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal person involved in drafting this proposal is: Ann B. Deaton, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch.

Discussion of Proposed Rule

The District of Columbia Department of Transportation, owner of this bridge, has requested a change to the existing regulation for the bridge which requires the bridge to be opened on signal except for restricted openings during morning and evening rush hours. They indicated the draw has been required to be opened infrequently for vessel traffic in recent years, and it has not been cost effective for them to maintain an operator in constant attendance when the need for one does not exist. They provided records which show the draw was opened 60 times for vessel traffic during 1979 and 74 times during an 11-month period in 1980. Most of this traffic consisted of military craft. The Navy Diving School, which frequently required opening of the draw in the past, has since relocated away from the area, thus reducing the number of openings. The Washington Navy Yard, located upstream of the bridge, is visited by U.S. and foreign flagships and other visiting dignitaries, occasionally requiring opening of the bridge. At times, Coast Guard and Army vessels require the bridge to be opened. However, these openings are not considered to be frequent enough to justify constant operator attendance. There is very little use of this bridge by recreational or commercial water traffic at this time, although there are plans to develop waterfront property above the bridge for such uses in the future.

Based on these findings, the Coast Guard proposes to amend the regulation to require a 24-hour advance notice for all draw openings year round. It appears that this proposed change may be made without unduly restricting existing water traffic volumes while at the same time relieving the bridge owner of the responsibility of providing constant operator attendance at the bridge. Also, a proposed new provision to allow the bridge to remain closed to vessel traffic on every Presidential Inauguration Day is being considered because the Coast Guard traditionally has approved the District of Columbia's request for such closure in order to prevent vehicular traffic congestion at the bridge on this day. The current provision in § 117.330(c) that the draw will remain closed to navigation on certain other occasions to permit uninterrupted passage of dignitaries across the bridge will be retained, although editorial changes to this provision have been made.

There are no known businesses that will be significantly impacted by the proposed change. Since most water traffic consists of military craft and visiting U.S. and foreign ships who plan their trips according to an arranged schedule, it is felt that these may plan their trips around the advance notice opening requirement, thus avoiding any inconvenience or expense resulting from

fuel consumption often encountered during unexpected delays. The District of Columbia, Department of Transportation, will be beneficially affected from an economic standpoint since they will be relieved of the responsibility of providing a salaried operator on a continuous basis.

Evaluation

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Regulation

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is proposed to be amended as follows.

In 33 CFR 117.330, paragraph (c) is revised to read as follows:

§ 117.330 Anacostia River, Washington, D.C.; bridges.

* * * * *

(c) *District of Columbia; South Capitol Street (Frederick Douglass) Bridge.* (1) The draw shall be opened for the passage of vessel traffic if at least 24-hour's advance notice has been given to the District of Columbia Department of Transportation.

(2) Requests for draw openings that coincide with the prearranged passage of dignitaries across the bridge will be scheduled so as not to interfere with the dignitaries' crossing.

(3) The bridge shall remain closed all day on every Presidential Inauguration Day.

(4) A copy of the regulations in this section with a telephone number where the bridge owner can be reached shall be posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89–670, 80 Stat. 937, as amended (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: October 13, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81–35027 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Part 776

Library Career Training Program (Title II–B HEA)

Correction

In FR Doc. 81–31203, at page 53362, in the issue of Wednesday, October 28, 1981, make the following corrections:

(1) On page 53366, third column, § 776.33(h)(2), line 2, correct the word "interest" to read "interests".

(2) On page 53367, first column, § 776.41, change the figure in paragraph (a)(3), line 3, from "$3500" to "$5200" and in the introductory text of paragraph (b), line 2, change "stepends" to "stipends".

(3) On page 53367, first column, § 776.42, correct the paragraph now reading (b)(2) to read (b)(1) and the paragraph now reading (b)(1) to read (b)(2). Also correct the new (b)(2), line 1, by changing "post-baccalaureate" to read "pre-baccalaureate".

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–819; RM–3839]

FM Broadcast Stations in Colorado Springs, Denver, Evergreen, Lamar, Monte Vista, and Pueblo, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes two optional assignment plans for the use of Channel 243 at either Evergreen or Denver, Colorado, and the substitution of channels in four other Colorado communities to accomodate the proposals. Stations on two occupied channels are directed to show cause why their license should not be modified to specify operation on a proposed substitute channel. The assignment could provide a first local aural service to Evergreen or a tenth FM channel for Denver.

DATES: Comments must be filed on or before January 17, 1982, and reply comments on or before February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 3, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Colorado Springs, Denver, Evergreen, Lamar, Monte Vista, and Pueblo, Colorado); Proposed rulemaking and orders to show cause.

1. A petition for rulemaking[1] was filed by Carolyn Gaspard and Penny Eilersen, d.b.a. Gaspard and Eilersen ("petitioner"), proposing the assignment of Class C FM Channel 243 to Evergreen, Colorado, as that community's first FM allocation. The requested assignment would required a substitution of channels for two occupied and two unused channels in order to comply with the minimum mileage separation requirements of § 73.207 of the Commission's Rules. The required changes in the affected Colorado communities are as follows: Channel 251 for 243 (Station KKFM) at Colorado Springs; Channel 245 for 250 (Station KCCY) at Pueblo; Channel 237A for vacant 244A at Monte Vista; and Channel 289 for vacant 245 at Lamar. Oppositions were filed by Kennebec-Colorado Broadcasting Corporation ("Kennebec"), licensee of Station KCCY (Channel 250) at Pueblo, Colorado, and KSID, Inc. ("KSID"), licensee of Station KSID–FM, Sidney, Nebraska,[2] to which the petitioner responded.

2. Evergreen (population 2,321),[3] in Jefferson County (population 233,031), is located approximately 24 kilometers (15 miles) southwest of Denver. It presently has no local service.

3. Petitioner states that Evergreen is a mountain community located within the foothills of Colorado's Front Range. It asserts that the area is growing at a substantial rate, indicating a 1980 U.S. Census of 6,393 persons and 23,000 inhabitants within a five mile radius thereof. Further it adds that the present means of providing information to the

[1] Public Notice of the petition was given February 23, 1981, Report No. 1270.

[2] KSID's opposition stems from its mutually exclusive proposal to add Channel 243 to Sidney, Nebraska (BC Docket No. 81–573). However, a staff study indicates that another channel can be assigned to Sidney, thus permitting that proposal to proceed independently of the instant proceeding and mooting its arguments in regard to this case.

[3] Population figures herein are extracted from the 1970 U.S. Census, unless otherwise indicated.

community is through the two local newspapers which are published twice a week. Coverage of matters of interest to Evergreen residents are not provided by Denver stations and the community needs a means of providing public safety information (stemming from a combination of stated potential area hazards), to its residents. In support of its proposal, petitioner included a market profile which reveals, among other things, the expanding economic and population base of Evergreen. Petitioner adds that, although Evergreen is located within 15 miles of Denver, it has separate needs and interests and that it would apply for a Class A channel if one were available.

4. Petitioner's proposal to assign Channel 243 to Evergreen would require a change in four assignments, and petitioner states it would reimburse the two affected stations for channel changes. Assignment of Channel 243 to Evergreen will cause preclusion to occur on Channel 242 within 150 miles, Channel 243 within 180 miles, and on Channel 244A within 105 miles. In addition, petitioner shows the areas already precluded by the channels to be deleted. The newly precluded areas contain seven communities having a population in excess of 1,500 persons. Five of these have assignments[4] and the remaining two have channels available.[5]

5. In opposition comments, Kennebec states that it has expended considerable time and money in promoting its existing location on the FM dial which would be lost if the assignment is made as proposed. Additionally, it states its concern that its audience may be reluctant to accept a change which might appear "quixotic" on its part, in view of its recent promotional campaign. Further, it states its belief that the subject proposal is an effort to add another station to Denver, and that if Evergreen is to have local service, it should be assigned a Class A channel, due to its size.

6. KSID submitted a lengthy opposition to the assignment of a Class C channel to Evergreen. However, since its interest was directed to obtaining a channel for Sidney, Nebraska, and such a proposal can be accommodated separately from this case (see footnote 2, *supra*), we have not elaborated on its arguments. If KSID wishes to pursue its opposition it may do so in response to this *Notice of Proposed Rule Making.*

7. In response to the Kennebec opposition, petitioner states that opponent's belief regarding service to Denver is misplaced and reiterates that it would have applied for a Class A if any had been assignable. It states that if Evergreen is to have a station, Channel 243 is the only available one.

8. In support of its proposal to assign Class C FM Channel 243 to Evergreen, Colorado, as a first local service, petitioner should provide a *Roanoke Rapids/Anamosa* study to indicate the amount of first and second service that would be provided to surrounding areas and populations by the instant proposal. See, *Roanoke Rapids, North Carolina,* 9 FCC 2d 672 (1967); *Anamosa, Iowa,* 46 FCC 2d 520 (1975). Without such a showing we would assume that no first or second service would be provided in view of the nine Denver Class C stations nearby. This proposal would also require a transmitter site restriction of 9.6 kilometers (6 miles) southeast of Evergreen to avoid shortspacing to Station KSBT(FM) (Channel 244A) in Steamboat Springs, Colorado.

9. As an alternative to the Evergreen proposal, we also propose to assign Class C Channel 243 to the larger city of Denver, which could be applied for at Evergreen under the 15-mile rule, § 73.203(b) of the Commission's Rules. This option is proposed generally in such cases where the community requested is not considered large enough to warrant a Class C assignment without a special showing of need and the community is close enough to the larger city to fall within § 73.203(b). See *Albuquerque and Alameda, New Mexico,* 48 RR 2d 1327 (1981), and *Anchorage and Eagle River, Alaska,* 50 RR 2d 215 (1981). We are adding this proposal because we are concerned that a high powered station allocated to Evergreen would inevitably seek to attract advertising from Denver and thereby serve the Denver market. If petitioner desires to serve Evergreen, it could do so with a Class A station. Although petitioner is correct that no Class A channel is available on a drop-in basis, a Class A channel could nevertheless be assigned to Evergreen with less substitutions than are involved here. We shall not propose a Class A channel here since petitioner may not be willing to reimburse other stations for a Class A assignment to Evergreen.

10. Denver (popluation 491,396) of which Denver County is comprised, is presently assigned 9 FM channels but could qualify for an additional allocation under the Commission's population guidelines. This proposed option to make the assignment available at Denver would also require the two permittees (Stations KKFM and KCCY) to change frequencies to accommodate the proposal. Therefore, we shall give consideration to comments directed toward these alternate assignment proposals.

11. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Option I		
Colorado Springs, Colorado.	243	251.
Evergreen, Colorado		243.
Lamar, Colorado	245	289.
Monte Vista, Colorado	244A	237A.
Pueblo, Colorado	250	245.Q03
Option II		
Colorado Springs, Colorado.	243	251.
Denver, Colorado	239,253, 258, 262, 266, 278, 286, 290, 294	239, 243, 253, 258, 262, 266, 278, 286, 290, 294.
Lamar, Colorado	245	[illegible].
Monte Vista, Colorado	244A	237A.
Pueblo, Colorado	250	245.

12. It is ordered, that, pursuant to Section 316 of the Communications Act of 1934, as amended, Sky Hi, Inc., licensee of radio Station KKFM–FM at Colorado Springs, Colorado, shall show cause why its license for Station KKFM–FM (Channel 243) should not be modified to specify operation on Channel 251 in lieu of Channel 243 at Colorado Springs, Colorado.

13. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KKFM–FM may, not later than January 17, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f) if the right to request a hearing is waived, Sky Hi, Inc. may, not later than January 17, 1982, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the *Order to Show Cause.* In this case, the Commission may call on Sky Hi, Inc. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the *Order to Show Cause.* If the right to request a hearing is waived and no written statement is filed by the date referred to above, Sky Hi, Inc. is deemed to consent to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission if the

[4] The five communities with their assignments are Sidney, Nebraska (Channel 237A); Kimball, Nebraska (Channel 261A); Brush, Colorado (Channel 296A); Wheatland, Wyoming (Channel 269A); and Aspen, Colorado (Channel 249A).

[5] The two communities are Gering, Nebraska, and Holyoke, Colorado. Channel 244A is available for assignment to either place, according to petitioner.

channel changes referred to in paragraph 11 above are found to be in the public interest.

14. It is further ordered, that, pursuant to Section 316 of the Communications Act of 1934, as amended, Kennebec-Colorado Broadcasting Corporation, licensee of Radio Station KCCY–FM, Pueblo, Colorado, shall show cause why its license for Station KCCY–FM (Channel 250), should not be modified to specify operation on Channel 245 in lieu of Channel 250 at Pueblo, Colorado.

15. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KCCY–FM may, not later than January 17, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Kennebec-Colorado Broadcasting Corporation may, not later than January 17, 1982, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Kennebec-Colorado Broadcasting Corporation to furnish additional information, designate the matter for hearing, or issue without further proceedings an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Kennebec-Colorado Broadcasting Corporation is deemed to consent to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission if the channel changes referred to in paragraph 11 above are found to be in the public interest.

16. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by Certified Mail, return receipt requested, to Sky-Hi, Inc., Radio Station KKFM–FM, 225 South Academy Boulevard, Colorado Springs, Colorado 80910, and Kennebec-Colorado Broadcasting Corporation, Radio Station KCCY–FM, c/o 315 8th Street, Pueblo, Colorado 81003, the parties to whom the *Orders to Show Cause* are directed.

17. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference haerin.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

18. Interested parties may file comments on or before January 17, 1982, and reply comments on or before February 1, 1982.

19. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

20. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assigments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, They will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.40 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–34942 Filed 12–4–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–818; RM–3960]

FM Broadcast Station in Naples, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Channel 276A for Channel 249A at Naples, Florida, in response to a petition filed by WRMF, Inc., licensee of Station WRMF (FM), West Palm Beach, Florida. The proposed substitutions would enable WRMF to improve its facilities through a relocation of its transmitter site. In addition, Channel 221A is substituted for Channel 276A at Marco, Florida, as the channel to be considered in BC Docket 81–487.

DATES: Comments must be filed on or before January 17, 1982, and reply

comments must be filed on or before February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

Adopted: November 19, 1981.

Released: December 2, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Naples, Florida); BC Docket No. 81-818, RM-3960; notice of proposed rule making and order to show cause.

1. Before the Commission is a petition for rule making,[1] filed by WRMF, Inc. ("WRMF"), licensee of Station WRMF (FM) (Channel 250), West Palm Beach, Florida, proposing to substitute Channel 276A for Channel 249A at Naples, Florida. Opposing comments thereto were filed by Sunshine Broadcasting, Inc., petitioner for an FM assignment to Marco, Florida, to which WRMF responded.[2]

2. Naples (population 17,581),[3] in Collier County (population 85,791), is located on the southwest coast of Florida, approximately 160 kilometers (100 miles) west of Miami, Florida. It is served locally by fulltime AM Station WNOG and FM Stations WCVU (Channel 233), WSGL (Channel 249A), WRGI (Channel 228A), Channel 288A is unoccupied with an application pending. We have determined, in response to WRMF's suggestion, that Channel 221A is available at Marco. We shall therefore substitute that channel for consideration in BC Docket 81-487 and we shall notify the parties by mail. If the Channel 221A proposal is unsatisfactory, the Marco proponent may file a counter proposal to this *Notice*.

3. WRMF seeks to substitute Channel 276A for Channel 249A at Naples, Florida, to enable it to relocate the transmitter of its Station WRMF (FM) (Channel 250), to a site which, at present, would be short-spaced to the operation of Station WSGL (FM) on Channel 249A. It states that the requested channel subsitution would accommodate its proposed technical improvements by elimination of the short-spacing, and thus enable it to provide an increase in its 60 dBu coverage from an area encompassing 1,595 square miles to one covering 4,080 square miles, serving 864,617 persons with new listening diversity.

4. WRMF states that assignment of Channel 276A at Naples would preclude its use in an area of 1,350 square miles, which, according to petitioner, is principally comprised of uninhabited swampland known as "The Everglades," but indicates that alternate Channels 280A and 261A are available to the more populated communities of Everglades City (Channel 280A), and Marco (Channel 221A), which lie within this area, However, WRMF has neglected to provide information regarding the adjacent channel preclusion impact of the proposed assignment of Channel 276A to Naples, and should do so in its comments. Finally, WRMF adds that it will reimburse Station WSGL for its reasonable costs incurred in effectuating the proposed channel substitutions.

5. As indicated in fn. 1 *supra*, the pending petition (BC Docket 81-487) to assign Channel 276A to Marco, Florida, is mutually exclusive with the Naples proposal (RM-3960). A staff engineering study reveals that Channel 276A is the only "drop-in" channel available for assignment to Naples. However, Channel 221A, with a site restriction of 2.6 miles southwest of the community, is available to Marco. Also, Channel 249A, with a site restriction of 3.7 miles west, is available to Marco if deleted at Naples. Of the two choices, we have selected Channel 221A as the most efficient and effective usage of the frequency spectrum since it would permit the transmitter site to be located close to the community. Also, Channnel 221A at Marco would preclude only the use of the co-channel in a very small area (22 square miles), and the only affected community is Everglades City, with a population considerably less than 1,000 persons.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Naples, Florida	228A, 233, 249A, 288A.	228A, 233, 276A, 288A.

7. It is ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, Sterling Communications Corp., licensee of Station WSGL(FM), at Naples, Florida, shall show cause why its license should not be modified to specify operation on Channel 276A as proposed herein instead of the present Channel 249A.

8. Pursuant to § 1.87 of the Commission's Rules, Sterling Communications Corp ("Sterling") may, not later than January 12, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Sterling may, not later than January 17, 1982, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Sterling to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Sterling will be deemed to have consented to the modifications as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

9. It is further ordered, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this *Order* to: Sterling Communications Corp., c/o P.O. Box 1874, Tallahassee, Florida 32302, and to its counsel, Herbert M. Schulkind, Esq., Fly, Shuebruk, Gaguine, Boros, Schulkind and Braun, 1211 Connecticut Avenue, N.W., Washington, D.C. 20036, and also to the parties to BC Docket 81-4897, Sunshine Broadcasting, Inc., c/o Peter Tannenwald, Arent, Fox, Kintner, Plotkin and Kahn, 1815 H Street, NW., Washington, D.C. 20006, and Collier Broadcasting Company, c/o James A. Koerner, Baraff, Koerner and Olender, P.C., 2033 M Street, NW. Suite 203, Washington, D.C. 20036.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before January 17, 1982, and reply comments on or before February 1, 1982.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules.

[1] *Public Notice* of this petition was given August 17, 1981, Report No. 1305.

[2] Channel 276A was proposed for assignment to Marco in BC Docket 81-487. That proposal conflicts with the present proposal to assign Channel 276A to Naples.

[3] Population data are extracted from the 1980 U.S. Census.

See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34941 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-813; RM-3971]

FM Broadcast Station in Great Falls, Montana; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 291 for Channel 292A at Great Falls, Montana, and modification of the Class A license for Station KOOZ (FM), in response to a petition filed by Sun River Broadcasting, Inc. The assignment could provide Great Falls with a fourth Class C FM station.

DATES: Comments must be filed on or before January 4, 1982, reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: .

Adopted: November 12, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Great Falls, Montana); BC Docket No. 81–813, RM–3971; notice of proposed rule making.

1. The Commission herein considers a petition for rule making [1] filed by Sun River Broadcasting, Inc. ("petitioner"), licensee of FM Station KOOZ (Channel 292A), Great Falls, Montana, which seeks to substitute Class C FM Channel 291 for Channel 292A, and to modify its license to specify operation on the Class C channel. No oppositions to the proposal were received. Channel 291 can be assigned to Great Falls consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Great Falls (population 56,725),[2] the seat of Cascade County (population 80,696), is located approximately 112 kilometers (70 miles) north of Helena, Montana. It is served by four full-time AM stations (KARR, KEIN, KMON and KQDI); FM Stations KNUW (Channel 233), KAAK (Channel 255), and KOOZ (Channel 225 with maximum power of 100 kW.

3. Petitioner states that its request is founded on the necessity to eliminate an existing intermixture situation in the Great Falls area. It adds that such intermixture stems from the initial allocations plan for Great Falls, whereby the Commission allocated four channels to the community, three of which were Class C channels and the remaining, a Class A channel. Petitioner states that at that time, it was the only operational FM station in Great Falls, operating with Class A facilities. It adds that since those alloted Class C channels have become operational during the past decade, it now finds the substitution necessary to enable its station to become technically competitive with the higher-powered stations.

4. Petitioner's engineering study reveals that assignment of Channel 291 to Great Falls will cause preclusion to occur on Channels 288A, 290, 291, and 292A. This study takes into consideration petitioner's present Channel 292A allocation in Great Falls. In this regard, it states that most of the precluded area is already precluded by its existing operation. Petitioner listed those communities containing over 1,000

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[1] *Public Notice* of the petition was given September 9, 1981, Report No. 1308.

[2] Population figures are extracted from the 1980 U.S. Census.

persons which would sustain preclusion as a result of the proposed assignment. It also indicates that numerous channels are available for assignment to the precluded communities. Although we did not undertake an in-depth engineering analysis to verify this assertion, we would agree that, considering the remoteness of the area, it is probable that alternate channels are indeed available.

5. The engineering study also reveals that, in employing reasonable facilities to reflect the extent of FM service in the area, the location of the existing transmitters are in such close proximity to each other that the coverage pattern of the present Class C stations and the proposal herein are essentially the same. Further, petitioner asserts that the coverage area of its proposed station with the nighttime AM facilities of the area indicate there are no white or grey areas.

6. In addition to eliminating the present undesirable intermixture in Great Falls, we find the proposal has merit since no other city of comparable size would be precluded by this assignment. In view of the above considerations, we find that petitioner has demonstrated a need for the proposed assignment at Great Falls and shall propose to amend the Table of Assignments as requested.

7. Currently, no other expression of interest in the proposed Class C channel at Great Falls has been received. Accordingly, we will propose to modify the license of Station KOOZ, as requested by petitioner, to specify operation on Channel 291. However, in conformity with Commission precedent, as express in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), should another interest in the assignment be shown, the proposed modification could not be made and the channel, if assigned, would be open to competing applications.

8. An *Order to Show Cause* to the petitioner is not required since consent to the modification of its license is indicated by its request for the Class C channel.

9. Canadian concurrence in this assignment is required since Great Falls is located within 402 kilometers (250 miles) of the U.S.-Canadian border.

10. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Great Falls, Montana, as follows:

City	Channel No.	
	Present	Proposed
Great Falls, Montana	225, 233, 255, 292A	225, 233, 255, 291.

11. The Commission's authority to institute rulemaking proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

12. Interested parties may file comments on or before January 4, 1982 and reply comments on or before January 19, 1982.

13. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rulemaking to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

14. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082 (47 U.S.C. 154, 303))

Federal Communication Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34943 Filed 12-4-81; 8:45 am]

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47 CFR Part 73

[BC Docket No. 81-776; RM-3958]

FM Broadcast Stations in Gallup, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 256 to Gallup, New Mexico, in response to a petition filed by John R. Catsis. The proposed assignment could provide for a third FM station at Gallup.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

Adopted: November 6, 1981.

Released: November 24, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Gallup, New Mexico); BC Docket No. 81-776, RM-3958; notice of proposed rule making.

1. A petition for rule making [1] was filed by John R. Catsis ("petitioner"), requesting the assignment of a Class C FM channel to Gallup, New Mexico,[2] as its third FM assignment. Supporting comments were filed by the petitioner stating his intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Gallup (population 18,161),[3] seat of McKinley County (population 54,950), is located approximately 192 kilometers (120 miles) west of Allbuquerque, New Mexico. It is served locally by two fulltime AM stations (KGAK and KYVA), and two FM stations (KQNM and KOVO). The AM and FM stations are co-owned.

3. The petitioner states that Gallup is the largest community in the county, and it experienced a growth in population of approximately 24 percent from 1970 (14,596) to 1980 (18,206).[4] According to the petitioner, the economy is based on retail and wholesale trade, petroleum refining, coal and uranium mining, light manufacturing and tourism. Petitioner contends that, based on Gallup's present population and anticipated future growth, an additional (independent) station is needed to meet the community's needs for expanded communications facilities. Petitioner emphasizes the need for a station with a varied format.

4. The study submitted by the petitioner indicates that all seven channels will be affected as a result of the proposed assignment. However, numerous other channels are said to be available throughout the precluded area.

5. The proposed assignment exceeds the Commission's population guidelines for a third allocation, as cities the size of Gallup (under 50,000) are generally limited to two FM assignments. However, assignments in excess of the guidelines have been made when the preclusion impact of the assignment is considered to be minimal. As noted in the preceding paragraph, there appear to be several channels available for assignment to the precluded communities, therefore the population guidelines do not appear to be an obstacle to the proposal to assign Channel 256 to Gallup.

6. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed, as follows:

City	Channel No.	
	Present	Proposed
Gallup, N. Mex.	229, 233	229, 233, 256

7. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

9. The Commission has determined that the relevant provisions of the Regualtory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082 (47 U.S.C. 154, 303.))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules. It Is Proposed To Amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponents of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial

[1] Public Notice of the petition was given on August 7, 1981, Report No. 1303.

[2] The petition as filed requested Channel 260. That proposal conflicted with the proposals to assign Channel 260 to Thoreau, New Mexico (RM-3897), and Channel 259 to Springerville-Eagar, Arizona (RM-3943). We have substituted Channel 256 for consideration here.

[3] Population figures are taken from the 1980 U.S. Census.

[4] Estimates from Gallup-McKinley County Chamber of Commerce, based on U.S. Census tabulations.

comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34938 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR—Part 73

[BC Docket No. 81-779; RM-3870]

FM Broadcast Station Abilene, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 232A to Abilene, Texas, as its fifth commercial FM channel in response to a request from Salvador M. Ybarra.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Abilene, Texas); BC Docket No. 81-779, RM-3870; notice of proposed rule making.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making was filed by Salvador M. Ybarra ("petitioner") proposing the assignment of FM Channel 232A to Abilene, Texas, as its fifth commercial channel assignemnt.[1]

(b) The proposed channel can be assigned to Abilene in compliance with the mileage separation requirements of Section 73.207 of the Commission's Rules provided a site is selected at least 5.3 miles northwest of Abilene to avoid short-spacing to Station KEAN (Channel 286), Abilene.

(c) Petitioner states it will apply for the channel if assigned. No oppositions have been received.

2. *Demographic Date.* (a) Location: Abilene, seat of Taylor County, is located approximately 232 kilometers (145 miles) west of Fort Worth, Texas. The boundary of Abilene also extends into Jones County.

(b) Population: Abilene—98,315;[2] Taylor County—110,932; Jones County—17,268.

(c) Present aural service: 2 daytime-only AM stations (KBER, KEAN); 2 fulltime AM stations (KRBC, KWKC); 3 commercial FM stations (KORQ (Channel 264), KEAN-FM (Channel 286), KFMN (Channel 300)), a fourth commercial FM channel (257A) has two applications pending; and one noncommercial educational FM station (KGNZ (Channel 201C)).

3. Petitioner states in support of his request for a fifth FM channel that he intends to provide the first minority owned station in Abilene designed to serve its Spanish-speaking community. He states that the total Spanish population of the Abilene area was 11,257, as of September 1, 1977. Additional information concerning Abilene's recent growth was also submitted. Petitioner supplemented his comments by submitting letters from various local institutions in support of the request.

4. The preclusive effect of this proposal is not known and petitioner, as a minority, requests waiver of this requirement in order to conserve its financial resources. We have on our own analyzed the preclusive impact and find that the following communities of over 1,000 population and without local aural service are affected: *Texas*—Roscoe (1980 population 1,628); Clyde (1980 population 2,562); Hamlin (1980 population 3,248); Anson (1980 population 3,831). Our study shows at least one Class A channel is available at each of the precluded communities.

5. As previously indicated a site restriction of 5.3 miles northwest is necessary to meet the spacing restrictions. Petitioner proposed a site approximately 6.9 miles northwest of Abilene. Since the community covers a large land area, petitioner will need to demonstrate 70 dBu coverage to the entire community with the filing of its application, should the channel be assigned, as proposed.

6. In view of the above, the Commission proposes to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Abilene, Texas	257A, 264, 286, 300	232A, 257A, 264, 286, 300

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.*

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a

[1] Public Notice of the petition was given on April 7, 1981, Report No. 1279.

[2] Population data are taken from the 1980 U.S. Census.

message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filng initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable precedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34940 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-777; RM-3856]

FM Broadcast Stations in Big Pine Key, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 284 for Channel 228A at Big Pine Key, Florida, and modification of the Class A license for Station WWUS(FM), accordingly, in response to a petition filed by Lower Keys Broadcasting Corporation.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Big Pine Key, Florida); BC Docket No. 81-777, RM-3856; *Notice of Proposed Rule Making.*

1. The Commission herein considers a petition for rule making [1] filed by Lower Keys Broadcasting Corporation ("petitioner"), licensee of Station WWUS(FM), Big Pine Key, Florida, which seeks to substitute Class C FM Channel 284 for Channel 228A at Big Pine Key, and modify its license for Channel 228A to specify operation on the Class C channel. Petitioner stated that it will apply for the Class C channel, if assigned. Comments opposing the proposal were filed by Florida Keys Broadcasting Corporation, licensee of Stations WKIZ(AM) and WFYN(FM), Key West, Florida, to which petitioner responded.

2. Petitioner argues in support of its request that Big Pine Key, while showing recent growth, remains isolated from propulation centers. A higher powered station could serve nearly all of the Lower Keys Division of Monroe County and the large number of tourists driving through this area, according to petitioner. The deletion of Channel 228A from Big Pine Key would make the channel available to any one of nine communities in the area, including seven with no local aural service.

3. In opposing comments, Florida Keys states that it previously opposed a petition filed by Lower Keys in 1977 which sought the allocation of Channel 228A to Boca Chica Key, Florida, on the grounds that (1) it was a proposal to allocate the channel to nearby Key West and (2) Key West was then amply served by five AM and FM stations licensed to the community. The Commission in a *Report and Order*, released August 22, 1978, denied the proposal, after which the petitioner requested the assignment of Channel 228A to Big Pine Key. Florida keys claims that it views the present proposal as one intended to serve Key West. Thus, Florida Keys questions whether the Lower Key Division of Monroe County is a separate community in any meaningful political or governmental sense which would justify a wide coverage area Class C channel.

4. In reply comments, petitioner argues that the Commission in an earlier decision determined that Big Pine Key is a community, although unincorporated. Petitioner states that the opposition does not refute the need for a Class C assignment at Big Pine Key, instead it contends that the proposed assignment is intended to serve Key West, but it has failed to submit evidence to support its contentions. Petitioner maintains that its engineering report indicates that the proposed allocation in which it proposes facilities of 100 kW at 150 feet would not cover any part of Key West, and requests the Commission to institute the rule making, as proposed.

5. Big Pine Key (population not listed in the 1970 or preliminary 1980 Census), in the Lower Keys Division (population 16,353 [2] of Monroe County (population 63,098) is located approximately 48

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[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1970 U.S. Census.

kilometers (30 miles) northeast of Key West, Florida. It is served locally by FM Station WWUS (Channel 228A), licensed to the petitioner.

6. While petitioner listed communities in the area without AM or FM service, it did not however list the communities that would be left without alternative assignments as a result of the allocation of Channel 284 to Big Pine Key. Petitioner should do so in the comments to this proposal.

7. Although it has been general Commission policy to assign Class C channels only to larger communities, exceptions have been made when the assignment of a Class C channel would provide first or second service to outlying areas. While no Roanoke Rapids/Anamosa showing was submitted, petitioner states that some second, third and even fourth service would be provided. We have confirmed petitioner's showing that with its proposed facilities, a 60 dBu signal would not be received in Key West. Thus, we find it inappropriate to raise a suburban community issue.

8. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Big Pine Key, Florida, as follows:

City	Channel No.	
	Present	Proposed
Big Pine Key, Fla	228A	

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-34939 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 81-703]

Transmission of Non-voice Signals at a Certain Frequency; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: This order extends the comment period for the Notice of Proposed Rulemaking (NPRM) in PR Docket No. 81-703, published October 27, 1981, 46 FR 52402, for thirty days. This action is necessary because the petition demonstrated the need for more time to respond to the NPRM, which proposed to amend Section 90.385(c) of the Commission's Rules to allow transmission of non-voice signals at 800 MHz.

DATES: Comments by December 16, 1981. Reply comments by January 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Emmett Haines Pritchard, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Order To Extend the Time for Filing Comments

Adopted: November 16, 1981.

Released: November 20, 1981.

By the Chief, Private Radio Bureau: The Chief, Private Radio Bureau, acting

under delegated authority, grants, in part, a Petition for Extension of Comment Date in PR Docket No. 81–703. The petition was submitted by the General Electric Co. (GE), through its Mobile Communications Business Division. The present dates by which comments and reply comments must be submitted are November 16, 1981 and December 1, 1981, respectively. GE requests that the Commission extend these dates to February 16, 1982 and March 5, 1982.

In support of its request GE states that "the issues raised in this NPRM cannot be judiciously addressed and evaluated for the Commission by November 16th . . . This would include at least a careful analysis of replacing voice with non-voice signalling, evaluating the probabilities of co-channel interference and devising technical and operational standards that could be added to the Commission's rules. However, to assure the meaningful data can be assembled and evaluated, it is quite imperative that additional comment time be allowed."

While we feel there is merit to allowing some additional time to GE to prepare its comments, we must balance this against unduly delaying this proceeding. Since we do not believe GE has adequately demonstrated a requirement for three months, we are granting only a 30 day extension for the submission of comments.

Accordingly, the Chief of the Private Radio Bureau, acting under authority delegated by § 0.331 of the Commission's Rules, 47 CFR 0.331, orders that the Petition for Extension of Comment Date in PR Docket No. 81–703 is granted to the extent discussed herein and that the extended date to file comments is on or before December 16, 1981, and the extended date to file reply comments is on or before January 4, 1982.

Federal Communications Commission.

Robert S. Foosaner,

Acting Chief, Private Radio Bureau.

[FR Doc. 81–35007 Filed 12–4–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fishing and Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rulemaking and notice of availability of a plan amendment.

SUMMARY: Amendment 10 to the fishery management plan for the groundfish of the Gulf of Alaska is approved. NOAA issues a proposed rulemaking to implement the amendment, which decreases the allowable biological catch (ABC) of Pacific ocean perch in the Eastern Regulatory Area, sets the optimum yield equal to ABC, and decreases the amount of Pacific ocean perch available for the domestic annual harvest, the total allowable level of foreign fishing, and the reserve. Also, that portion of the Eastern Regulatory Area between 132°40′ W. and 140°00′ W. longitude will be closed to all foreign trawling. Foreign trawlers using pelagic trawl gear will be permitted within the Eastern Regulatory Area between 140°00′ W. and 147°00′ W. longitude.

The intended effects of this regulation are (1) to reduce the problem of gear conflicts and grounds preemption involving domestic and foreign fishermen, (2) to alleviate the high incidental catches of Pacific halibut in the foreign trawl fishery, and (3) to aid the recovery of the severely depressed Pacific ocean perch resource.

DATE: Comments are invited until January 21, 1982.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Copies of an environmental assessment for Amendment 10 are also available from Mr. McVey. Individual copies of the amendment may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, 907–274–4563.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907–586–7221.

SUPPLEMENTARY INFORMATION: On February 24, 1978, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the Fishery management plan (FMP) for the Groundfish of the Gulf of Alaska. The FMP governs foreign and domestic fishing for a number of finfish, commonly known as groundfish (Section 3.1 of the FMP identifies the common and scientific names of each species). Currently, the FMP designates three regulatory areas in the Gulf of Alaska. Most of the fishery is conducted at numerous fishing grounds within those areas with on-bottom and off-bottom trawls and longlines. The foreign trawl fishery takes place primarily along the 200-meter depth contour.

The FMP was originally published in the **Federal Register** on April 21, 1978 (43 FR 17242). Since then it has been amended nine times. The notice of approval and availability of the ninth amendment was published on July 9, 1981 (46 FR 35536).

Amendment 10 to the FMP was approved by the North Pacific Fishery Management Council (Council) on February 26, 1981. In one of its parts, Amendment 10 changes the annual optimum yield (OY) and its components for Pacific ocean perch in the Eastern Regulatory Area. (Amendment 8, 46 FR 33038, changed the fishing year to conform to the calendar year. To make this adjustment, the regulations implementing Amendment 8 specified the OYs and other values to be effective for 14 months, from November 1, 1980 through December 31, 1981. After December 31, 1981, the specifications will be on calendar year basis.) Amendment 10 now reduces the annual allowable biological catch (ABC) from 29,000 metric tons (mt) to 875 mt and sets the OY equal to ABC. To achieve this OY, the amendment reduces the initial domestic annual harvest (DAH) for Pacific ocean perch from 1,315 mt to 500 mt, the initial total allowable level of foreign fishing from 10,205 mt to 200 mt, and the initial reserve amount from 2,880 mt to 175 mt. The amount of DAH set aside for domestic processing (DAP) is increased from 80 mt to 300 mt, and the amount of DAH allocated for processing by foreign processors under joint ventures (JVP) is decreased from 1,235 mt to 200 mt.

The OY is reduced to allow the Pacific ocean perch resource to recover from its depressed state which resulted from intensive foreign fishing that began in 1962. Harvests of Pacific ocean perch peaked at 344,700 mt in 1965, but declined to 46,600 mt by 1976. Since enactment of the Magnuson Fishery Conservation and Management Act of 1976 (Magnuson Act), annual foreign catches have ranged between 20,229 mt and 8,171 mt.

The best indicator of the depressed condition of the Pacific ocean perch resource is the steadily declining catch per unit of effort (CPUE). Observer data from large Japanese stern trawlers indicate the CPUE within the Southeastern and Yakutat Districts of the Eastern Regulatory Area declined by about 40 percent from 1978 through 1980 (from about 1.4 mt per hour (mt/h) in 1978 to 0.5 mt/h in 1980 in the Southeastern District, and from about 1.0 mt/h in 1978 to 0.5 mt/h in 1980 in the Yakutat District). The resource is probably more seriously depressed than these figures indicate since improvements in equipment and

technique have significantly increased the efficiency of fishing to the extent that, if stocks had remained constant, CUPE would be expected to increase.

Until now, U.S. harvests of Pacific ocean perch in this area have been minimal; however, this species is potentially important in the future development of a domestic groundfish fishery in the eastern Gulf of Alaska, and currently depleted stocks must be rebuilt to provide the incentive necessary for such development. National Marine Fisheries Service surveys of the U.S. fishing industry in Alaska indicate that U.S. fishermen intend to deliver only about 230 mt of Pacific ocean perch to U.S. processors in Alaska in 1981. Thus, the decrease in DAH to 500 mt as proposed by Amendment 10, will not adversely affect the U.S. fishing industry, and it should still encourage domestic development, provide protection for the Pacific ocean perch resource, and allow the stocks to rebuild. The allocation of 200 mt to TALFF is intended to allow for an incidental catch of Pacific ocean perch in foreign fisheries targeting on other groundfish. This measure will thus provide effective protection to the resource without placing undue burden on foreign fishermen.

Amendment 10 also closes the fishery conservation zone (FCZ) between 132°40′ W. and 140°00′ W. longitude to all foreign trawling. Foreign fishing with longlines is already prohibited in this area. The history of gear conflicts between foreign and domestic fishermen in the area forces this action. Initially, most reported conflicts involved Japanese and domestic longline fishermen and, as a result, foreign longlining was prohibited east of 140°00′ W. longitude beginning in 1978. Since that time, there have been increasing reports by U.S. longline fishermen of gear conflicts and grounds preemptions involving foreign trawl vessels. In addition, data from the U.S. longline fishery indicate that the CPUE and the average weight of fish caught declined after foreigners fished the grounds.

The U.S. longline fishery and the accompanying gear conflict/grounds-preemption problem occurs primarily east of 140° W. longitude. Therefore, the proposed area closure to foreign fishing will mitigate the problem. To reduce further potential conflicts between domestic and foreign fishermen, Amendment 10 adds an appendix to the FMP that will facilitate communication between domestic and foreign fishermen to prevent future gear conflicts in the Central and Western Regulatory Areas as the domestic fishery develops.

Amendment 10 also allows foreign trawling at all times between 140° W. and 147° W. longitude, which is a 3½ month increase in fishing time over current regulations. However, foreign trawlers fishing within this area must use only pelagic trawls with recording net-sonde devices functioning properly. The use of pelagic gear will essentially eliminate the high incidental catches of Pacific halibut, since this species is rarely taken in pelagic trawls. In the Gulf of Alaska, halibut have been affected adversely by the foreign trawl fishery. In the Eastern Regulatory Area, the foreign incidental catch of halibut increased from 247 mt in 1978 to 1,688 mt in 1979. Even though foreign vessels must return halibut to the sea, the trawl mortality of halibut is assumed to be 100 percent and therefore the incidental catch represents a total loss to the U.S. directed fishery for halibut. Amendment 10 will eliminate the incidental catch of halibut in the eastern Gulf of Alaska by foreign trawlers, and provide more protection for the halibut resource, which is a management objective of the FMP.

A technical change has been made in the regulations to conform with the Magnuson Act definition of "Secretary", which includes the designee of the Secretary.

National Environmental Policy Act of 1969

The Assistant Administrator has determined that approval of Amendment 10 and the promulgation of proposed implementing rules do not constitute a major federal action significantly affecting the quality of the human environment and requiring the preparation of a supplemental environmental impact statement under the National Environmental Policy Act.

Classification

The Assistant Administrator has determined that Amendment 10 to the FMP is necessary and appropriate for the conservation and management of fishery resources in the Gulf of Alaska. Further, he has determined that it is consistent with the national standards in section 301 of the Magnuson Act, with other provisions of the Magnuson Act, and with other applicable law. He has, therefore, under sections 304 and 305 of the Magnuson Act, approved Amendment 10 and proposed regulations to implement the amendment.

The Assistant Administrator has also determined that approval and implementation of this amendment would not be a federal activity directly affecting the Alaska coastal zone within the meaning of section 307(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulation, 15 CFR Part 930, Subpart C.

The Administrator of NOAA has determined that this amendment and its implementing regulations are not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. By reducing the gear-conflict/grounds-preemption problem and by enhancing the Pacific ocean perch and halibut resources in the eastern Gulf of Alaska, Amendment 10 will increase the long-term availability of these and other groundfish resources to the domestic groundfish fishery. This amendment can, be expected, therefore, to encourage the expansion of the U.S. fishing industry, to reduce costs for consumers and producers in that industry, and to enhance the competitive position of the U.S. fishing industry relative to the fishing industries of other nations.

For the above reasons, the Administrator certifies that approval and implementation of Amendment 10 will not have a significant economic impact on a substantial number of small entities and thus does not require the preparation of regulatory flexibility analysis under 5 U.S.C. 603 and 604.

This action does not increase the Federal paperwork burden for individuals, small busineses, or other persons as defined by the Paperwork Reduction Act.

Dated: November 30, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611 and 672 are proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

§ 611.20 [Amended]

2. Section 611.20, Appendix 1, entry 4.E is revised to read as follows:

V 46 / 234 DEC 7 81 UMI

APPENDIX 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE AID TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS—(Continued)

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
4. E. Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western [5]	57,000	5,775	25	5,750		11,400	39,325
		Central	95,200	13,320	5,380	7,940		19,040	62,340
		Eastern	16,600	2,215	695	1,520		3,320	11,065
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,480	1,370	1,200	6,708	20,782
		Eastern	9,900	2,070	280	590	1,200	1,980	5,350
		Total	60,000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch [4]	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	875	500	300	200		175	200
		Total	11,475	2,100				2,295	7,080
Other rockfish [6]	849	Total	7,600	900	700	200		1,520	5,180
Sablefish [7]	703	Western	2,100	270	100	170		420	1,410
		Central	3,800	1,220	1,000	320		760	1,820
		Yakutat District	3,400	1,380	1,180	200		1,420	600
		Southeast	3,000	2,910	2,820	90		0	90
		Outside							
		Total	12,300	5,780				2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290		936	3,452
		Central	20,836	1,080	0	1,080		4,167	15,589
		Eastern	3,186	700	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,850
Other species [8]	499	Total	16,200	1,720	300	620		3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		450	3,294

[4] The category "Pacific Ocean Perch" includes *Sebastes* species *S. alutus* (Pacific Ocean Perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. sacentrue* (sharpchin rockfish)

[5] See figure 1 of section 611.92(a) for description of regulatory areas and districts

[6] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific Ocean Perch" as defined in footnote 4 above and *Sebastolobus* (thornyhead rockfish)

[7] Excludes values for the Southeast Inside District which is not governed by these regulations.

[8] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus

3. In § 611.92, paragraph (e)(2)(i) is removed; paragraphs (e)(2)(ii), (e)(2)(iii), and (e)(2)(iv) are redesignated as (e)(2)(i), (e)(2)(ii), and (e)(2)(iii) respectively; and paragraphs (e)(1), (e)(3)(i) and (f)(1) are revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(e) *Closed areas.*—(1) *All fishing.* Foreign fishing for groundfish is prohibited in the following portions of the management area:

(i) Between 132°40′ W. longitude and 140°00′ W. longitude; and

(ii) "*Davidson Bank*": between 163°04′ W. longitude and 166°00′ W. longitude north of 53°00′ N. latitude.

(2)* * *

(3) *Fishing with longline gear.*—(i) *General.* For the purpose of this section, "longline" means (*a*) a stationary, buoyed, and anchored line with hooks or pots attached, or (*b*) the taking of fish by means of such a device.

* * * * *

(f) *Gear restrictions.*—(1) *Vessels using trawl gear.* From December 1 to June 1, vessels subject to this section may use only pelagic trawls (trawls for which neither the net nor the otter boards contact the seabed). When being fished, each pelagic trawl must be equipped with an operating recording net-sonde device.

* * * * *

§ 611.92 [Amended]

4. In addition to the changes set forth above, § 611.92 is amended by removing reference to "Regional Director" and inserting instead the work "Secretary" in the following places:

a. In (c)(1)(ii)(A), (c)(1)(ii)(B), the first and third references to "Regional Director" and in (c)(1)(ii)(C)(*1*), (c)(1)(ii)(C)(*2*), (c)(1)(ii)(C)(*3*), (c)(1)(ii)(C)(*4*)(*a*), (c)(1)(ii)(C)(*4*)(*b*) and in (c)(1)(ii)(C)(*5*):

b. In (c)(2)(i)(B), the first reference to "Regional Director" and in (c)(2)(ii), (c)(2)(ii)(A), (c)(2)(ii)(B), and (c)(2)(ii)(C).

PART 672—GROUNDFISH OF THE GULF OF ALASKA

5. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1855.

§ 672.20 [Amended]

§ 672.20, Table 1 is revised to read as follows:

TABLE 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
Gulf of Alaska Groundfish fishery:									
Pollock	701	Western [1]	57,000	5,775	25	5,750		11,400	39,325

TABLE 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS—Continued

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
		Central [1]	95,200	13,320	5,380	7,940		19,040	62,340
		Eastern [1]	16,600	2,215	695	1,520		3,320	11,365
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,480	1,370	1,200	6,708	20,782
		Eastern	9,900	2,070	280	590	1,200	1,980	5,850
		Total	[illegible],000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch [2]	[illegible]	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	875	500	300	200		175	200
		Total	11,475	2,100				2,295	7,080
Other rockfish [3]	849	Total	7,600	900	700	200		1,520	5,180
Sablefish [4]	703	Western	2,100	270	100	170		420	1,410
		Central	3,800	1,220	1,000	220		760	1,820
		Yakutat District [1]	3,400	1,380	1,180	200		1,420	600
		Southeast	3,000	2,910	2,820	90		0	90
		Outside [1]							
		Total	12,300	5,780				2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290		936	3,452
		Central	20,836	1,080	0	1,000		4,167	15,509
		Eastern	3,186	700	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,850
Other species [5]	499	Total	16,200	1,720	300	620	[illegible]00	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		450	3,294

[1] See figure I of section 611.92(a) for description of regulatory areas and districts.
[2] The category "Pacific Ocean Perch" includes *Sebastes* species *S. alutus* (Pacific Ocean Perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. saccomus* (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific Ocean Perch" as defined in foot note 2 above and *Sebastolobus* (thornyhead rockfish).
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octupus.

7. In § 672.20(b), make the following changes:

A. Remove the word "he" the first time it appears, and add the words "the Secretary" in lieu thereof;

B. Remove the second reference to "Regional Director" and add the words "the Secretary" in lieu thereof;

C. Remove the second reference to the word "he" and add the words "the Regional Director" in lieu thereof.

8. In § 672.20 make the following changes:

A. In paragraphs (c) (1) and (2), remove the first and third references to "Regional Director" and add the word "Secretary" in lieu thereof;

B. In paragraphs (c)(3) (i), (ii), and (iii), remove the second reference to "Regional Director", and add the word "Secretary" in lieu thereof;

C. Also, in § 672.20, remove the word "he" and add the words "the Secretary" in lieu thereof in paragraphs (c)(3)(iv)(A)(3), (3)(iv)(B), and (3)(v).

9. In § 672.20(e), remove the reference to the word "he" and add the words "the Secretary" in lieu thereof;

§ 672.22 [Amended]

10. In § 672.22, in paragraphs (a)(1), (b)(1), and (b)(4)(i), remove the words "Regional Director" and add the word "Secretary" in lieu thereof; in paragraphs (b)(4)(ii), (b)(4)(iv) and (b)(5), remove the first reference only to "Regional Director", and add the word "Secretary" in lieu thereof.

[FR Doc. 81-34889 Filed 12-4-81; 8:45 am]
BILLING CODE 3510-22-M

V 46 / 234 DEC 7 81 UMI

Notices

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 40257]

Arizona Pacific Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., December 1, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-34963 Filed 12-4-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 40269]

Visit USA Fare/Export Inland Contract Rate Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., December 2, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-34962 Filed 12-4-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 14-81]

Foreign-Trade Zone No. 14, Little Rock; Application for Subzone at Sanyo Manufacturing Corp. Plant, Forrest City, Arkansas; Record Extension for Rebuttal Comments

Because of the interest expressed by parties of record in having an opportunity to submit rebuttal comments, the record is reopened until January 8, 1982.

Comments during this period are limited to rebuttals on material submitted during the application record period which closed on November 20. Submissions shall include 12 copies.

Dated: December 2, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-34972 Filed 12-4-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Levels of Restraint for Certain Cotton Texile Products from Brazil

December 2, 1981.

AGENCY: Committee for the Implemtation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton textile products in Categories 300 and 301 (Carded and Combed Yarns), as a group, and individual Categories 313 (Sheeting), 314 (Poplin and Broadcloth), 318 (Other Yarn-Dyed Fabrics) and 338 (Men's and Boys' Knit Shirts), produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil established levels of restraint for certain cotton textile products, including Categories 300 and 301, as a group, and individual Categories 313, 314, 318 and 338 during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing the entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 300 and 301, as a group, and individual Categories 313, 314, 318 and 338 be limited to the designated twelve-month levels of restraint. The levels of restraint have not been adjusted to account for any imports after March 31, 1981. Imports during the April 1–September 30, 1981 period have amounted to the following will be charged. As the data become available, further charges will be made to account for imports during the period which began on October 1, 1981 and extends to the effective date of this directive.

Category and import charges

300-301	1,623,115 pounds of which 1,584,840 pounds will be charge to Category 300 and 38,275 pounds will be charged to Category 301.
313	9,217,747 square yards.
314	363,379 square yards.
318	278,641 square yards.
338	4,869 dozen.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 2, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury.
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, as amended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 8, 1981 and for the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 300–301, as a group, and individual Categories 313, 314, 318 and 338, produced or manufactured in Brazil, in excess of the following levels of restrant:

Category	12-Month Levels of Restraint[1]
300–301	12,196,102 pounds.
313	25,965,340 square yards.
314	1,500,000 square yards.
318	1,500,000 square yards.
338	138,889 dozen.

1 The levels of restraint have not been adjusted to reflect any imports after March 31, 1981. During the April 1—September 30, 1981 period, charges in Categories 300 and 301, as a group, have amounted to 1,623,115 pounds of which 1,584,840 pounds should be charged to Category 300 and 38,275 pounds, to Category 301. During the same period, charges in Category 313 have amounted to 9,217,747 square yards; in Category 314, to 363,379 square yards; in Category 318, to 278,641 square yards; and in Category 338, to 4,869 dozen.

Cotton textile products in Categories 300–301, as a group, and individual Categories 313, 314, 318 and 338 which have been exported to the United States prior to April 1, 1981 shall not be subject to this directive.

Cotton textile products in Categories 300–301, as a group, and individual Categories 313, 314, 318 and 338 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil, which provide, in part that (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementaton of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cottom textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34978 Filed 12-4-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, January 11, 1982, Plaza West, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on the Department of Defense Intelligence Information System.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 2, 1981.

[FR Doc. 81-34953 Filed 12-4-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Education Appeal Board

AGENCY: Department of Education.

ACTION: Notice of applications for review accepted for hearings by Education Appeal Board.

SUMMARY: This notice lists the applications for review that were received and accepted for hearing by the Education Appeal Board between December 9, 1980, and July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue SW., (Room 2141, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7835.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 et seq.), the Education Appeal Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction to conduct appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most programs administered by the Department of Education (ED). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most ED administered programs that involve a determination that a grant is void, the disapproval of a request for permission to incur an expenditure during the term of a grant, or determinations regarding cost allocation plans or special rates negotiated with specified grantees. Final regulations governing Board jurisdiction and procedures were published in the **Federal Register** on May 18, 1981 (46 FR 27304).

This notice lists the applications for review that were received and accepted for hearing by the Education Appeal Board between December 9, 1980, and July 31, 1981. The notice also explains how interested third parties may intervene in proceedings before the Board.

Appeal of the State of Hawaii, Docket No. 1-(66)-81

The State appealed a final audit determination by the Assistant Secretary for Vocational and Adult Education that Federal funds authorized to supplement the planning and operation of State-wide vocational education programs were misspent. The final audit determination was based on an audit of the State's vocational education program for Fiscal Year (FY) 1977 conducted by Federal auditors.

The Assistant Secretary sustained the auditors' finding that $100,664 in Federal funds were expended at a high school that was ineligible for these funds. The Assistant Secretary also upheld the auditors' finding that $98,613 of Federal funds granted to the University of Hawaii were charged improperly to the FY 1976 appropriation after the expiration of the period for which the funds were available.

The State disputes these findings. The Department of Education requested a refund from the State in the amount of $199,277.

Appeal of the State of Colorado, Docket No. 2–(67)–81

The State appealed a final audit determination issued by the Deputy Assistant Secretary for Special Education which upheld the finding of the Health, Education, and Welfare Audit Agency that the State did not meet Federal maintenance of effort requirements for funds granted under Title I of the Elementary and Secondary Education Act of 1965 during Fiscal Year 1976. The maintenance of effort regulations required the grantee to ensure that the level of State and local education expenditures for students who were beneficiaries of the grants was maintained at the preaward level. The Deputy Assistant Secretary found that the State did not maintain its fiscal effort for handicapped children enrolled at a local mental health center.

The State disputes this determination, asserting that it maintained its fiscal effort. The Department of Education requested a refund of $14,003.

Appeal of the State of Hawaii, Docket No. 3–(68)–81

The State appealed a final audit determination by the Assistant Secretary for Vocational and Adult Education that Federal funds authorized for State vocational education programs during Fiscal Years 1970 through 1975 were not expended within the period of the grant although the State recorded and reported the funds as expended. The State disagrees, stating in its appeal that the funds were carried forward properly and spent within the period of availability. The State also asserts that $1,493 of the disputed amount was unexpended but was returned to the Office of Education and not carried forward after the fund had lapsed. The Department of Education requested a refund of $103,487.

Appeal of the State of Montana, Docket No. 4–(69)–81

The State appealed a final determination by the Assistant Secretary for Vocational and Adult Education. The Assistant Secretary sustained findings by the Health, Education, and Welfare Audit Agency that twenty-six schools (including twenty-four secondary schools, one community college, and the State prison) did not meet the maintenance of effort requirements of the Vocational Education Act of 1963, as amended. Also, the Assistant Secretary sustained the audit finding that, due to an accounting error, $1,760 of work study funds for Fiscal Year (FY) 1973 were reported twice as expended in FY 1973 and FY 1974.

The amount requested by the Department of Education for a refund is $165,521.43. This amount may be reduced by application of the statute of limitations.

Appeal of McKendree College, Docket No. 5–(70)–81

McKendree College, Lebanon, Illinois, appealed a final audit determination issued by the Office of Procurement and Assistance Management (OPAM) of the U.S. Department of Education.

The final audit determination disallowed consultant costs incurred by the College during Fiscal Years 1976 through 1979 for its Advanced Institutional Development Program, funded under Title III of the Higher Education Act of 1965, as amended. OPAM found that the College did not provide documentation that adequately demonstrated the need for the services or the reasonableness of the consultant costs as it was obligated to do under the terms of the grant. The College asserts in its appeal that the consultant costs were properly documented and allocable to the grant. The Department of Education requested a refund of $37,226, the amount of the disallowed costs.

Appeal of the Board of Education of the City of Chicago, Docket No. 6–(71)–81

The Board of Education of the City of Chicago (the City) appealed a final audit determination issued by the Office of Procurement and Assistance Management (OPAM) of the U.S. Department of Education regarding expenditures made by the City for a project funded under Title VII of the Elementary and Secondary Education Act of 1965, as amended, for Fiscal Years 1976 through 1978. Title VII regulations require that a grantee administer its Bilingual Education Project in accordance with Federal regulations, including the provision that the grantee use at least 15 percent of its Title VII grant funds for training purposes. The final audit determination was that the City failed to comply with the 15 percent rule. The City contests this finding.

The Department of Education requested a refund of $39,684, representing the additional amounts it found that the City should have expended for training in order to meet its obligation under the 15 percent rule.

Appeal of Montana State University, Docket No. 7–(72)–81

Montana State University requested review of a final audit determination issued by the Department of Education's Office of Procurement and Assistance Management. The final determination was that extra compensation payments made by the University out of Federal grant funds did not comply with the cost principles that governed Office of Education grants for the period audited (July 1, 1976 through June 30, 1979). The payments were made in a lump sum to faculty members who acted as facilitators for a career-life planning program, which was a component of the University's federally funded project, "Reduction in Sexual Stereotyping".

The University asserts in its appeal that the faculty payments were proper under its grant. The Department of Education requested a refund of $4,600, the amount of the disallowed extra compensation payments.

Appeal of Metropolitan Development Council, Docket No. 8–(73)–81

The Metropolitan Development Council, Tacoma, Washington, provided free professional career counseling services to county residents during Fiscal Years 1978 and 1979. Federal funds to support this service were acquired under an Education Opportunity and Resource Center grant. The Higher Education Act of 1965, as amended, provides in part that recipients of such grants must bear 25 percent of the project costs.

The Metropolitan Development Council appealed a final audit determination made by the U.S. Department of Education's Office of Procurement and Assistance Management that certain of these Federal funds were not expended properly. The final audit determination was that the grantee did not meet its obligation to provide 25 percent of the project costs. A number of in-kind contributions claimed by the grantee were disallowed. The final determination also stated that the grantee could not use unexpended funds from the first grant year to absorb an over-expenditure in the second year. The Department of Education requested a refund of $18,706.

Appeal of Westwood Inkster Cherry Hill Magnet School Planning Group (Inkster Public Schools), Docket No. 9–(74)–81

The Westwood Inkster Cherry Hill Magnet School Planning Group (WIC MSPG), Inkster, Michigan, appealed a final audit determination issued by the Office of Procurement and Assistance Management of the U.S. Department of Education. WIC MSPG is a consortium of three local school districts for which Inkster Public School District acted as applicant and recipient of a Federal

grant under the Emergency School Aid Act to help fund a magnet school project. The grant period was July 1, 1979 through June 30, 1980. An audit of the project was conducted by the Office of Procurement and Assistance Management (OPAM) of the U.S. Department of Education.

The final determination issued by OPAM disallowed $20,164.28 of the grant expenditures. The disallowed costs include charges for repair and remodeling associated with vandalism; unbudgeted costs for equipment unrelated to grant activities; unapproved costs for data processing, concurrent enrollment, and travel; unapproved proposal costs, unallowable entertainment costs; unbudgeted field trip costs; undocumented costs for inservice workshops; and other costs not documented as related to the approved project. The Department of Education requested a refund of $20,164.28.

Appeal of Confederated Tribes of the Umatilla Indian Reservation, Docket No. 10–(75)–81

The Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon, (Confederated Tribes) appealed a final audit determination issued by the Department of Education's Office of Procurement and Assistance Management (OPAM) regarding expenditures made by the Confederated Tribes for an Early Childhood Development Program funded under the Indian Education Act during Fiscal Years (FY) 1977 through 1979. The final determination was to disallow $35,422 as not expended in compliance with the cost principles for nonprofit institutions which OPAM found governed this grant. The specific costs disallowed include rent expenditures which were found to be unrelated to the grant and not budgeted or recoverable as direct costs; undocumented travel costs; duplicate payments for certain office expenses charged as both direct and indirect costs; claimed but unpaid expenditures; and unobligated fund balance. The Department of Education requested a refund of $35,422. The Confederated Tribes dispute all but $10,184 of this determination.

Intervention

Section 78.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board, including the above appeals.

An application to intervene must indicate to the satisfaction of the Board Chairperson or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in and information relevant to the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

These applications to intervene or questions should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB–6), Washington, D.C. 20202, telephone (202) 245–7835.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: December 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–34951 Filed 12–4–81; 8:45 am]

BILLING CODE 4000–01–M

Fund for the Improvement of Postsecondary Education; Application Notice for the Comprehensive Program Final Year Dissemination Competition

AGENCY: Department of Education.

ACTION: Application notice for the comprehensive program final year dissemination competition.

SUPPLEMENTARY INFORMATION: Applications are invited for new awards under the Comprehensive Program Final Year Dissemination Competition conducted by the Fund for the Improvement of Postsecondary Education.

Authority for this program is contained in section 1001 of Title X of the Higher Education Act, as amended. This program issues awards to institutions of postsecondary education and other public and private educational institutions and agencies. The purpose of the awards is to improve postsecondary education by supporting efforts by current grantees to disseminate project ideas and results.

(20 U.S.C. 1135)

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand-delivered by January 12, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the Comprehensive Program Final Year Dissemination Competition, U.S. Department of Education, Fund for the Improvement of Postsecondary Education, Attention: 84.116D, 400 Maryland Avenue, S.W., (Regional Office Building 3, Room 3100), Washington, D.C. 20202–3328.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Comprehensive Program Final Year Dissemination Competition, Attention: 84.116D, Department of Education, Fund for the Improvement of Postsecondary Education, 7th and D Streets, S.W., Room 3100, Washington, D.C.

The Secretary will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on January 12, 1982.

Program Information:

Type of Competition: In Final Year Dissemination competitions, the Secretary supports efforts by grantees of the Fund to disseminate project ideas and results. Applications in these competitions are limited to grantees of the Fund whose projects are in their final year of funding, except that a recipient of a single-year grant may apply for assistance under this competition within one year following the termination of its project.

Selection Criteria: The Secretary evaluates an application on the basis of the following criteria:

(a) *Significance for Postsecondary Education.* The Secretary reviews each project for its significance in improving postsecondary education by determining the extent to which it would:

(1) Address the purposes of the Final Year Dissemination Competition;

(2) Address an important problem or need;

(3) Represent an improvement upon, or important departure from, existing practice;

(4) Involve learner-centered improvements; achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each project for its feasibility by determining the extent to which:

(1) The project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the project, as evidenced by the quality of the dissemination project design;

(3) The applicant is capable of carrying out the project, as evidenced by the adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(4) The extent to which the applicant is capable of carrying out the dissemination project as evidenced by the applicant's qualifications and relevant prior experience; and

(5) The applicant and any other participating organizations are committed to the success of the dissemination project, as evidenced by contributions of resources and prior work in the area.

(c) *Appropriateness of the Fund's support.* The Secretary reviews each application to determine whether support of the project by the Fund is appropriate in terms of the availability of other funding sources for the proposed dissemination activities.

(20 U.S.C. 1135)

The selection criteria (a)(1), (a)(2), (a)(3), (a)(4), (b)(1), (b)(2), (b)(3), (b)(4), and (c) are of equal importance. In applying the criteria, the Secretary first analyzes an application in terms of the individual criteria. The Secretary then bases the final judgment of an application on an overall assessment of the degree to which the application addresses the selection criteria.

Other Information To Be Requested From Applicants: The Secretary will contact by phone all applicants being considered for funding in the final stages of the selection process in order to clarify or verify information relevant to their application.

Available Funds: Approximately $100,00 is estimated to be available for new awards in Fiscal Year 1982. It is estimated that these funds could support approximately 15 new awards. The estimated maximum amount for new awards will be up to $8,000 for a 12-month period.

However, these estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant except as may be required by applicable statute and regulation.

Application Forms: Application forms included in program information packages will be sent directly to all Comprehensive Program grantees in their final year of funding and those single-year grantees whose grants have terminated within the past year from the Fund for the Improvement of Postsecondary Education.

The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition.

Applicable Regulations: The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administration Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants) (formerly 45 CFR Part 74), 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions), (formerly 45 CFR Parts 100a and 100c).

(2) When adopted in final form, the regulations for the Fund for the Improvement of Postsecondary Education in 34 CFR Part 630 (formerly 45 CFR Part 1501) published in the **Federal Register** as a Notice of Proposed Rulemaking on September 30, 1981. If public comment on these proposed regulations results in substantive changes in the final regulations, applicants will be given the opportunity to amend their applications.

Further Information: For further information, contact the Fund for the Improvement of Postsecondary Education, regarding the Comprehensive Program Final Year Dissemination Competition (84.116D) telephone: (202) 245–8091.

(Catalog of Federal Domestic Assistance No. 84.116D, Fund for the Improvement of Postsecondary Education)

Dated: December 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–34949 Filed 12–4–81; 8:45 am]

BILLING CODE 4000–01–M

Field Initiated Research Continuations

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for continuation projects.

Applications are invited for continuation of multi-year projects currently being supported under the Field Initiated Research program.

Authority for this program is contained in sections 641 and 642 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441, 1442).

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered at least 120 days prior to the end of the current budget period, but no later than April 1, 1982.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023C, 400 Maryland Avenue, SW, Washington, D.C. 20202–3561.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications

between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Available Funds: Approximately $3 million is expected to be available for support of continuation projects under the Field Initiated Research program.

This estimate does not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms: Further information and application forms are available and may be obtained by writing to the Reseach Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue SW, (Donohoe 3165), Washington DC 20202–4714.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that only the information required by the application form and instructions be submitted.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing the Handicapped Research and Demonstration program (34 CFR Part 324). Amendments to the final regulations were published in the **Federal Register** on April 3, 1980 (45 FR 22533), Janury 19, 1981 (46 FR 5380–5381), and June 18, 1981 (46 FR 31996–31998).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77, formerly 45 CFR Parts 100a and 100c).

FOR FURTHER INFORMATION CONTACT:
Max Mueller, Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW, (Room 3165, Donohoe Building), Washington, DC 20202–4714, telephone (202) 245–2275.

(20 U.S.C. 1441, 1442)

(Catalog of Federal Domestic Assistance, No. 84.023, Handicapped Research and Demonstration)

Dated: December 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–34850 Filed 12–4–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Acceptance of Certifications and Issuance of Proposed Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of certifications and issuance of proposed prohibition orders.

SUMMARY: The Economic Regulatory Administration is giving notice of its acceptance of certifications submitted pursuant to section 301 of the Fuel Use Act, as amended by the Omnibus Budget Reconciliation Act, by owners or operators of powerplants which previously had received proposed prohibition orders under former section 301 (b) or (c) of the Fuel Use Act (see "SUPPLEMENTARY INFORMATION" for a listing of powerplants). The certifications address the technical capability and financial feasibility of the plants to use coal, a mixture of petroleum or natural gas and coal, or another alternate fuel as a primary energy source. Accordingly, ERA is issuing proposed prohibition orders pursuant to the authorities contained in section 301 (b) and (c) of the Fuel Use Act, as amended.

DATES: Certifications are deemed to have been accepted on November 30, 1981. Proposed prohibition orders are issued as of the date of acceptance of the certifications. Comments and/or requests for a public hearing are due on or before January 21, 1981.

ADDRESSES: All comments and/or requests for a public hearing on individual cases should be directed to the Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, N.W., Washington, D.C. 20461. Correspondence should clearly indicate the ERA docket number for the case in question.

FOR FURTHER INFORMATION CONTACT:
Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Ave., N.W., Room 7120, Washington, D.C. 20461, (202) 633–9451.633–9451.
Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3002, Washington, D.C. 20461, (202) 653–3649.
Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B–178, Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: Section 1021 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended former section 301 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (FUA), to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only where the owner and operator of an existing powerplant has voluntarily certified to the unit's technical capability and financial feasibility to use an alternate fuel. Section 1022(b) or OBRA provides that any powerplant issued a proposed prohibition order under former section 301 (b) of (c) of FUA, which had not been made final as of the date of enactment of OBRA (August 13, 1981), may elect continued coverage under former section 301 (b) or (c) of FUA rather than coverage under the provisions of section 1021 of OBRA.

On October 1, 1981, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a final rule to establish election procedures for the owners and operators of electric powerplants which had received proposed prohibition orders under former section 301 (b) or (c) of FUA (46 FR 48118).

The preamble to the final rule addressed the issue of the continued validity of proposed FUA orders issued to owners or operators of plants under former section 301 (b) or (c) who wish to proceed under OBRA without unnecessarily disrupting the continuity of their prohibition order proceedings. ERA indicated that the owners or operators of those plants wishing to preserve the continuity of their prohibition order proceedings should submit the certifications required by section 1021 of OBRA at least five days prior to the expiration of the applicable election period, i.e. five days prior to November 30, 1981, in order that ERA could issue proposed prohibition orders under § 1021 of OBRA and prevent any lapse in the prohibition order process.

On or before November 25, 1981, the powerplants identified in the table below filed certifications with ERA in accordance with section 1021 of OBRA.

Utility, Generating unit and docket No.	Date of issu-	Date of filing certifica- tion
New England Power Co., Salem Harbor #1, 52007-1626-01-82	3/28/80	11/23/81
New England Power Co., Salem Harbor #2, 52007-1626-02-82	3/28/80	11/23/81
New England Power Co., Salem Harbor #3, 52007-1626-03-82	3/28/80	11/23/81

Each of the above-listed powerplants had previously been issued a proposed prohibition order pursuant to former

section 301 (b) or (c) of FUA, as indicated by docket number and date of issuance in the table above.

ERA has examined the basis for the certifications and the documentation submitted for each powerplant and believes that it will be able to concur in such certifications resulting in the ultimate issuance of a final prohibition order.

Pursuant to section 301 of FUA, as amended, ERA has proposed regulations applicable to the issuance of prohibition orders to certifying existing powerplants 46 FR 58051 (November 27, 1981). In accordance with § 501.52 of the proposed regulations, the following procedure for the processing of these proposed orders will be followed:

(1) Pursuant to § 501.52(b)(2) of the proposed regulations ERA is issuing proposed prohibition orders to the above-listed powerplants. This decision is based on ERA's review of the certifications submitted pursuant to § 1021 of OBRA, and the supporting information submitted with the certifications, and the information contained in each of the records of the prior proceedings under former § 301 of FUA. ERA is hereby publishing its proposed findings, as required by § 701(b) of FUA.

(2) In accordance with § 501.52(b)(3) of the proposed regulations, the publication of this Notice of Acceptance commences a period of 45 days during which interested persons may submit written comments or request a public hearing. During this period, the recipient of the proposed order and any other interested person may submit any evidence that they have available relating to the proposed order, the certification or the concurrence that ERA must make. A request for an extension of the 45 day period may be granted at ERA's discretion.

(3) If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR, Part 501. The hearing may consider, among other matters, the sufficiency of the certification the owner or operator of the powerplant submitted as required by section 301 of FUA, as amended, and §§ 504.5, 504.6 and 504.8 of the proposed regulations.

(4) No final prohibition orders may be issued until any necessary environmental review conducted pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.* (NEPA) has been completed. Upon completion of the NEPA review and unless ERA determines on the basis of the information contained in the record of the proceeding that the certification fails to meet the requirements of §§ 504.4, 504.6, and 504.8 of the proposed regulations, ERA may issue a final prohibition order.

Proposed Prohibition Orders

Subject to any further findings that ERA may make, ERA hereby proposes to prohibit the powerplants listed in the table below from burning petroleum or natural gas as a primary energy source. In accordance with section 301(a) of FUA, and § 504.6 (c), (d), (e) and (f) of the proposed regulations, the proposed prohibition orders are based on proposed findings by ERA that (1) the powerplants have the technical capability to use coal or another alternate fuel as a primary energy source without having (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant, and (2) that it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplants. These findings are based on the certifications submitted by each of the proposed order recipients, on data furnished to ERA in support of these certifications, and on information contained in the records of the previous proceedings under former section 301 (a) or (c) of FUA.

Utility, generating unit and docket No.	Date of issuance	Date of filing certification
New England Power Co., Salem Harbor #1, 52007-1626-01-82	3/26/80	11/23/81
New England Power Co., Salem Harbor #2, 52007-1626-02-82	3/26/80	11/23/81
New England Power Co., Salem Harbor #3, 52007-1626-03-82	3/26/80	11/23/81

Roger C. Wesley,

Acting Deputy Administrator, Economic Regulatory Administration.

November 30, 1981.

[FR Doc. 81-34916 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5412-000]

Chimaera Energy Technology Corp.; Application for Preliminary Permit

December 2, 1981.

Take notice that Chimaera Energy Technology Corporation (Applicant) filed on September 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5412 to be known as the Edwards' Falls Water Power Project located on Limestone Creek near the Town of Manlius in Onondaga County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kermit J. Lee, Jr., Chimaera Energy Technology Corporation, 104 Berkeley Drive, Syracuse, New York 13210.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 400-foot long and 21-foot high masonry and earthen dam having a 150-foot long spillway section; and (2) a reservoir having a surface area of 12 acres and negligible storage capacity at normal maximum surface elevation 720 feet msl. Applicant proposes to construct: (1) An intake structure; (2) a 5-foot diameter and 600-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 800-kW at a head of 90 feet and a flow of 150 cfs; (4) a tailrace; (5) a 400-foot 4.8-kV transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 3,000,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time it would evaluate the existing facilities, perform design studies, determine project viability, examine the environmental impact, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $64,400.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34985 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4632]

Clifton Power Corp.; Application for Short-Form License

December 2, 1981.

Take notice that Clifton Power Corporation (Applicant) filed on May 7, 1981, an application for a license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for continued operation of a water power project to be known as Clifton Mills No. 1, Project No. 4632. The project would be located on the Pacolet River near Clifton in Spartanburg County, South Carolina. Correspondence with the Applicant should be directed to: Charles B. Mierek, P. E., Cortland Associates, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The existing project consists of: (1) An existing concrete slab and buttress type dam approximately 175 feet long and 16 feet high with three tainter gates each 16.5 feet high by 25 feet wide; (2) an existing reservoir with a surface area of 15 acres with a maximum storage capacity of 150 acre-feet at a normal pool elevation of 594 feet msl; (3) an existing headworks structure approximately 100 feet long containing three vertical type wooden gates approximately 12 feet wide by 12 feet high; (4) an existing powerhouse located approximately 25 feet downstream of the dam, containing two generating units with a capacity of 800 kW; (5) an existing 12.47 kV transmission line; and (6) appurtenant facilities. The project would be operated on a run-of-river basis.

Purpose of Project—All project energy produced will be sold to the Duke Power Company for marketing to the residents and establishments of the local area. The average annual generation is expected to be 5,120 MWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 18, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 19, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 18, 1982. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34986 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5208-001]

Flathead Joint Board; Application for Preliminary Permit

December 2, 1981.

Take notice that Flathead Joint Board (Applicant) filed on November 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5208 to be known as the Lower Crow Creek Project located on Crow Creek, near town of Ronan, in Lake County, Montana. The proposed project would be located within the Flathead Indian Reservation. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everitt Foust, President, Flathead Joint Board, P.O. Box 69, Moiese, Montana 59824.

Project Description—The proposed project would consist of: (1) The rehabilitation of the existing outlet works of the existing Bureau of the Indian Affairs' 90-foot high earthfilled Crow Dam; (2) a powerhouse, to be located at the outlet works, containing two generating units, each rated at 500 kW; (3) a tailrace; (4) the existing Moiese "A" Canal; (5) a turnout structure; (6) a 500-foot long, 4.5-foot diameter steel penstock; (7) a powerhouse containing two generating units, each rated at 650 kW; and (8) two transmission lines. The average annual energy generation from both powerhouses is estimated to be 9.1 million kWh. The Flathead Joint Board is the operator of the Crow Dam.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. The cost of the studies to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Lower Crow Dam Project No. 4703 filed on May 20, 1981, by the City of Kalispell under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before January 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34983 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5603-000]

The City of Sebastopol, California; Application for Preliminary Permit

December 2, 1981.

Take notice that The City of Sebastopol, California (Applicant) filed on November 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5603 to be known as the Sebastopol Trinity Power Project located on Trinity River in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Melvin K. Davis, City Manager, 7120 Bodega Avenue, Sebastopol, California 95472.

Project Description—The proposed project would consist of : (1) A 150-foot long, 5-foot high diversion structure on Trinity River; (2) a 14,000-foot long, 72-inch diameter diversion conduit; (3) a 800-foot long, 50- inch diameter penstock; (4) a powerhouse with a total installed capacity of 5,200 kW; and (5) a 4-mile long, 12-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 45.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capitals letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34984 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5111-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

December 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5111 known as the Parker Creek Water Power Project located on Parker Creek

in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,500-foot long, 24-inch diameter penstock; (3) a powerhouse with total installed capacity of 600 kW; and (4) a 800-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 2,260,100 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $5,350.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34987 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5576-000]

Hydro Development Group Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Hydro Development Group Inc. (Applicant) filed on October 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5576 to be known as the Port Leyden Water Power Project located on the Black River in Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John T. Bedard, Hydro Development Group Inc., P.O. Box 58, Dexter, New York 13634.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 25-foot high and 150-foot long timber-crib dam extending across the right (east) river channel; (2) a reservoir with a surface area of about 20 acres and a negligible storage capacity at normal surface elevation 856.5 feet m.s.l.; (3) an intake structure near the dam's left abutment; (4) a powerhouse; (5) a tailrace; (6) a 2,500-foot long 2.3-kV transmission line; and (7) appurtenant facilities.

Applicant proposes to rehabilitate the powerhouse and to install two generating units each rated at 750 kW and operated under a 25-foot head and at a flow of 400 cfs each. Applicant estimates that the average annual energy output would be 9 million kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would study the project environmental impact, perform a detailed engineering assessment and an overall economic analysis and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $49,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

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regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34989 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5552-000]

Hydro Dyne Co.; Application for Preliminary Permit

December 1, 1981.

Take notice that Hydro Dyne Company (Applicant) filed on October 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5552 to be known as the Black Canyon Water Power Project located on Lake Waldo, and using the waters of North Fork of Middle Fork of the Willamette River, Black and Salmon Creeks in Lane County near Oakridge, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Brad Mowreader, Frank Mowreader, 2100 West Broadway #8, Eugene, Oregon 97402.

Project Description—The proposed project, to be located within the boundary of the Willamette National Forest, would consist of: (1) Lake Waldo, a natural lake; (2) the existing diversion gate and connecting tunnel (both to be rehabilitated); (3) a 3.5-mile long, 30-inch diameter penstock; (4) a powerhouse to contain three Francis-type, turbine-generating units with a total rated capacity of 10 MW; and (5) a transmission line to connect to an existing Bonneville Power Administration 12.5-kV line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34990 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5525-000]

Hydro Management Inc.; Application for Preliminary Permit

December 2, 1981.

Take notice that Hydro Management Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5525 to be known as the Cedar Creek Power Project located on Cedar Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of; (1) A 23-foot long, 3-foot high diversion structure; (2) a 11,500-foot long, 12-inch diameter penstock; (3) a powerhouse with a total rated capacity of 377 kW; and (4) a 8,000-foot long, 14.4-kV transmission line from the powerhouse to an existing 14.4-kV Missoula Electric Cooperative Incorporated transmission line. The Applicant estimates that the average annual energy production would be 2.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic feasibility studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 16, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit

comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34988 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5359-000]

Hydroelectric Power Engineers; Application for Preliminary Permit

December 2, 1981.

Take notice that Hydroelectronic Power Engineers (Applicant) filed on September 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5359 to be known as the Kaiser Creek Project located on Kaiser and Westfall Creeks in Fresno, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William G. Dunn, Hydroelectric Power Engineers, 60 Roan Place, Woodside, California 94062.

Project Description—The proposed project would consist of: (1) A concrete faced rock fill storage dam 115 feet high with a crest length of 550 feet, and two diversion dams, one on Kaiser Creek 20 feet high with 82-foot crest length and the other on Westfall Creek 10 feet high with a 40-foot crest length; (2) a reservoir at the storage dam with a 2,700 acre-foot capacity, negligible storage at the 2 diversion dams; (3) two powerhouses containing turbine-generators with capacities of 630 kW and 7,900 kW and average annual generating 2,200 MWH and 29,400 MWH, respectively; and (4) appurtenant facilities. Potential customers for the power project include the Southern California Edison Company and the Pacific Gas and Electric Company. The project is located entirely on U.S. Forest Service lands.

Proposed Scope of Studies Under Permit—A preliminary permit. If issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time engineering, economic and environmental studies would be conducted to determine project feasibility and to support a license application. The estimated cost of studies under the preliminary permit authorization is $350,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34991 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5501-000]

The Jackson Water Development Co.; Application for Preliminary Permit

December 1, 1981.

Take notice that The Jackson Water Development Company (Applicant) filed on October 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5501 to be known as the Knob Hill Hydroelectric Waterpower Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tebor Shaw, Jackson Water Development Company, Suite 1100, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) A 160-foot long, 6-foot high diverson structure on Rogue River; (2) a 2,000-foot long open channel; (3) a 8,000-foot long diversion conduit; (3) a 500-foot long, 72-inch penstock; (4) a powerhouse with a total installed capacity of 4,400 kW; and (5) a 1.25-mile long transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 26 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24

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months, during which time it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petitions to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34992 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2748-000]

North Carolina Electric Membership Corp.; Application for License (Major)

December 1, 1981.

Take notice that North Carolina Electric Membership Corporation (Applicant) filed on August 20, 1974, and supplemented on August 30, 1979, an application for a major license under the Federal Power Act, 16 U.S.C. 791(a)–825(r) for the Walters Project No. 2748, located on the Pigeon River, a navigable waterway of the United States, in Haywood County, North Carolina. Correspondence with the Applicant should be addressed to: Mr. James M. Hubbard, Executive Vice President and General Manager, North Carolina Electric Membership Corporation, 3333 North Boulevard, Post Office Box 27306, Raleigh, North Carolina 27611.

This application was filed as a competing application to the Carolina Power and Light Company's application for a new license filed on August 7, 1973, for Project No. 432.

Project Description—The Walters Project consists of: (1) A concrete arch dam 185 feet high and approximately 900 feet long, with a spillway containing 14 steel taintor gates each 24 feet by 10 feet; (2) a reservoir with a surface area of 340 acres at normal high water elevation 2,258.6 feet m.s.l.; (3) a concrete-lined water tunnel 32,700 feet long, extending from the base of an intake structure; (4) a 42-foot diameter surge tank 193 feet high; (5) three 8-foot diameter penstocks each 615 feet long; (6) a powerhouse consisting of three generating units with a total installed capacity of 108,000 kW plus a 600 kW house service generator; and (7) appurtenant facilities.

Purpose of Project—Applicant would distribute the energy generated by the project to its own retail customers.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 15, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34993 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5541-000]

Norton Hydro Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 2, 1981.

Take notice that on October 20, 1981, Norton Hydro Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5541) would be located on the Coaticook River in the Town of Norton, in Essex County, Vermont. Correspondence with the Applicant should be directed to: Mr. L. Macrae Rood, Box 142, Warren, Vermont 05674.

Project Description—The proposed project would consist of: (1) The Applicant's existing concrete gravity dam, 12 feet high, when equipped with 2-foot flashboards, and 120 feet long; (2) a small existing impoundment covering four acres with negligible storage; (3) an existing steel pipe penstock, 4 feet in diameter and 550 feet long; (4) an existing 15 by 36 foot, one story wooden powerhouse; (5) a renovated 115-kV turbine/generator unit operating under a head of 26 feet and generating 700,000 kWh per year; (6) a 75-foot tailrace channel; and (7) a new 200-kV transmission line 1,000 feet long.

Purpose of Project—Project power would be sold to the New Hampshire Electric Cooperative.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Vermont Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from

the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 18, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34994 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5502-000]

Springfield Utility Board; Application for Preliminary Permit

December 1, 1981.

Take notice that Springfield Utility Board (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5502 to be known as the Cottage Grove Power Project located on the Willamette River (Cottage Grove Lake) in Lane County, near Cottage Grove, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Steve L. Loveland, Springfield Utility Board, 250 North "A" Street, P.O. Box 300, Springfield, Oregon 97477.

Project Description—The proposed project would be located at the base of the U.S. Army Corps of Engineers' existing Cottage Grove Lake Dam and would consist of: (1) A new outlet structure; (2) a penstock; (3) a powerhouse with a rated capacity of 1.4 MW; and (4) a 500-foot long, 115-kV transmission line to connect to an existing Pacific Power and Light Company line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to the Cottage Grove Hydroelectric Power Project No. 5024 filed on June 30, 1981, by Energenics Systems, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before December 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant sp[illegible]"fied in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34995 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2426-008]

State California Department of Water Resources; Application for Amendment of License

December 1, 1981.

Take notice that on August 26, 1981, the State of California Department of Water Resources (Licensee) filed an application for amendment of its existing license for the California Aqueduct Project No. 2426, to add Pyramid Outlet powerplant in Los Angeles County, California. Correspondence with the Licensee should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Licensee seeks authorization to construct, operate, and maintain: (1) A 750-foot long, 24-inch diameter penstock connecting an outlet from the existing Pyramid Lake with; (2) a powerhouse with a total installed capacity of 1.0 MW; (3) an afterbay and chute structure from the powerhouse; and (4) a 15-kV, 2,500-foot long underground transmission line interconnecting an existing Southern California Edison Company's transmission line.

The estimated annual energy of 3.17 million kWh generated by the proposed powerplant would be added to the energy generated at the other powerplants of the Licensee. The Licensee estimates the cost of the proposed action to be $2,754,000. The proposed project would be located within the Angeles National Forest and the Los Pades National Forest.

Comment, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34996 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5237-001]

James E. Tucker; Application for Preliminary Permit

December 2, 1981.

Take notice that James E. Tucker (Applicant) filed on October 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5237 to be known as the Antwerp Project located on the Indian River in the Village of Antwerp, Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James E. Tucker, 204 Main Street, Antwerp, New York 13608.

Project Description—The proposed project would utilize existing facilities consisting of: (1) The 100-foot long and 12-foot high stone rubble-concrete faced Antwerp Dam; (2) the reservoir having a surface area of 34 acres and a storage capacity of 290 acre-feet at spillway crest elevation 495 feet msl; (3) an intake structure; (4) a forebay; (5) a 7-foot diameter, 17-foot long steel penstock; (6) a powerhouse; and (7) a tailrace.

Applicant proposes to rehabilitate the existing facilities and to: (1) Rebuild the powerhouse; (2) install generating unit(s) having a total rated capacity of 220 kW; (3) construct a 275-foot long, 4.2-kV transmission line; and (4) install or construct miscellaneous appurtenant facilities. Applicant estimates that the average annual energy output would be 1,542 MWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would investigate the technical and financial feasibility to determine if the project should proceed to development. Should the project be feasible, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34997 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5496-000]

County of Amador, Calif.; Application for Preliminary Permit

December 1, 1981.

Take notice that the County of Amador, California (Applicant) filed on October 14, 1981, an application for preliminary permit (pursuant to the Federal Power Act, (16 U.S.C. 791(a)-825(r))) for Project No. 5496 to be known as the Sutter Creek Project located on Sutter Creek in Amador County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Joyce, Chairman of Board, County of Amador, 108 Court Street, Jackson, California 95642.

Project Description—The proposed project would consist of: (1) A 170-foot high, 710-foot long earth fill dam; (2) a 40-foot high, 200-foot long saddle dike; (3) a reservoir with a capacity of approximately 50,000 acre-feet; (4) a powerhouse containing a single generating unit with a rated capacity of 1,125 kW; and (5) a 4,000-foot long transmission line. Applicant estimates that the average annual energy output would be 9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35011 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5284-000]

Empire Pallets, Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Empire Pallets, Inc. (Applicant) filed on September 16, 1981, and revised on October 26m 1981, an application for preliminary permit (pursuant to the Federal Power Act) 16 U.S.C. 791(a)-825(r)] for Project No. 5484 to be known as the Port Leyden Project located on the Black River in Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Daverman & Associates, P. C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing Applicant-owned facilities consisting of: (1) A 10-foot high and 75-foot long concrete gravity-type dam in two sections; (2) a reservoir with a surface area of 10 acres and a storage capacity of 45 acre-feet at normal maximum surface elevation 871.6 feet msl; (3) an intake structure near the dam's right (east) abutment; (4) a 20-foot deep 20-foot wide and 60-foot long concrete flume; (5) a former lumber mill; (6) a tailrace; (7) a 200-foot long 23-kV transmission line; and (8) appurtenant facilities.

Applicant proposes to repair the dam, use a portion of the mill as a powerhouse, and to install two rebuilt generating units each rated at 500-kW. Applicant estimates that the average annual energy output would be 6 million kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36-months, during which time it would, study the project's hydrological aspects, perform a detailed engineering assessment, examine the project's environmental impact, determine the project's economic feasibility and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be 53,100.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to

intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35014 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5492-000]

The City of New York; Application for Preliminary Permit

December 1, 1981.

Take notice that The City of New York (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r)) for Project No. 5492 to be known as the Shandaken Tunnel Intake Water Power Project located on Schoharie Creek in Delaware, Green, and Schoharie Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Francis X. McArdle, Department of Environmental Protection, City of New York, 2358 Municipal Building, New York, New York 10007.

Project Description—The proposed project would redevelop the existing Applicant-owned facilities and would consist of: (1) The 2,280-foot long and 155-foot high masonry Gilboa Dam having a 1,324-foot long spillway discharging into Schoharie Creek; (2) the Schoharie Reservoir having a surface area of 1,145-acres at spillway crest elevation 1,130 feet m.s.l.; (3) the intake works receiving water from Schoharie Reservoir and modified to contain a new generating unit having a rated capacity of 2,000 kW; (4) the 18-mile long Shandaken Tunnel to Esopus Creek; (5) a new 1-mile long transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 6,000 MWh.

The system would continue to be operated essentially to provide water supply to The City of New York. Project energy would be used by Applicant for municipal purposes or would be sold.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $64,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35010 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5475-000]

Homestake Consulting & Investment Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r))) for Project No. 5475 to be known as the O'Brien Creek Water Power Project located on O'Brien Creek near Troy in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 3-foot high diversion structure with 10-square foot intake orifice; (2) a 2100-foot long, 24-inch diameter penstock; (3) a powerhouse with total installed capacity of 250 kW and (4) a 1.6-mile long, 5-kV transmission line from the powerhouse to an existing Northern Lights, Inc.,

transmission line. The Applicant estimates that the average annual energy production would be 1.054 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35013 Filed 12-4-81: 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5479-000]

Homestake Consulting & Investment, Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)-825(r))) for Project No. 5479 to be known as the Camp Creek Water Power Project located on Camp Creek near Troy in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 3-foot high diversion structure with 10-square foot intake orifice; (2) a 4400-foot long, 16-inch diameter penstock; (3) a powerhouse with total installed capacity of 225 kW and (4) a 6000-foot long, 5-kV transmission line from the powerhouse to an existing Northern Lights, Inc., transmission line. The Applicant estimates that the average annual energy production would be 0.828 million kWh..

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35012 Filed 12-4-81: 8:45 am]

BILLING CODE 6717-01-M

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[Volume 542]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: November 25, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA INDUSTRIAL COMMISSION								
-COASTAL OIL & GAS CORP				RECEIVED: 10/06/81	JA: ND			
8204049	378	3300700654		102-2	COG/KLAQ 23-142-101 BN#3	BIG STICK	300.0	WESTERN GAS PROCE
-GULF OIL CORPORATION				RECEIVED: 10/26/81	JA: ND			
8204050	379	3300700523		102-2	TEDROW 1-12-3A	LITTLE KNIFE	60.0	MONTANA DAKOTA UT
-KERR-MCGEE CORPORATION				RECEIVED: 10/26/81	JA: ND			
8204051	380	3305301158		102-2	ANDERSON 1-6	MONDAK	0.0	
-MESA PETROLEUM				RECEIVED: 10/26/81	JA: ND			
8204053	382	3302500142		102-2	MISSOURI BRANDVIK #1-13	WILDCAT	1095.0	
-PROSPER ENERGY CORPORATION				RECEIVED: 10/26/81	JA: ND			
8204052	381	3310500854		102-2	PEDERSON #1	MCGREGOR	14.0	AMINOIL USA INC
-TEXACO INC				RECEIVED: 10/26/81	JA: ND			
8204054	383	3305301055		102-2	ROBERT REITSCH UNIT-21 #4	BLUE BUTTES	186.0	MONTANA DAKOTA UT
OKLAHOMA CORPORATION COMMISSION								
-AN-SON CORPORATION				RECEIVED: 10/26/81	JA: OK			
8204105	09556	3507322741		103	ROYAL #1	SOONER TREND	20.8	PHILLIPS PETROLEU
8204099	07745	3506120228		103	WRIGHT #1	N E LEQUIRE	21.9	MUSTANG FUEL CORP
-ANADARKO PRODUCTION COMPANY				RECEIVED: 10/27/81	JA: OK			
8203991	10582	3502520458		103	S E BURTON #1-1A	S E BURTON	10.0	PHILLIPS PETROLEU
8203993	10585	3502520450		103	S E BURTON #1-2	S E BURTON	47.0	PHILLIPS PETROLEU
8203992	10584	3502520457		103	S E BURTON #3-1A	S E BURTON	33.0	PHILLIPS PETROLEU
-APOLLO PRODUCTION LTD				RECEIVED: 10/26/81	JA: OK			
8204077	10957	3501721825		103	HALKO #-2	NORTHWEST PIEDMONT	03.0	MID RICHARDSON GA
-ASPEN OIL COMPANY				RECEIVED: 10/27/81	JA: OK			
8203987	11011	3508321439		103	VERNA #2	SOONER TREND	20.0	SWAB CORP
-BARRETT DRILLING CO				RECEIVED: 10/27/81	JA: OK			
8203972	10781	3504700000		103	MILACOR #2		50.0	PHILLIPS PETROLEU
-BEARD OIL COMPANY				RECEIVED: 10/27/81	JA: OK			
8204008	11147	3507322762		103	PRICE-INGLE #1	SOONER TREND	15.0	PANHANDLE EASTERN
-BEREN CORPORATION				RECEIVED: 10/27/81	JA: OK			
8203976	14200	3512120839		102-2	ALEXANDER #1-1	NORTHEAST SAVANNA	0.0	ARKANSAS LOUISIAN
8203975	13833	3500721943		102-A	DEUFELD #1-27	EAST BOYD	6.0	KANSAS-NEBRASKA N
-BOBBY ROWE OIL PROPERTIES				RECEIVED: 10/27/81	JA: OK			
8203977	10353	3511100000		108	STEIGLEDER #2	POLLYANNA	5.5	PHILLIPS PETROLEU
-BONANZA PETROLEUM INC				RECEIVED: 10/27/81	JA: OK			
8203986	10980	3500721972		103	LOEPP #1		200.0	WESTERN GAS INTER
-C & S EXPLORATION INC				RECEIVED: 10/27/81	JA: OK			
8203949	11053	3506321042		103	SWELL HEIRS TRUST #1-33	CARSON	15.0	TRANSOK PIPELINE
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/26/81	JA: OK			
8204098	10991	3504700000		108	H MOEHLE UNIT #1	WAUKOMIS	14.0	UNION TEXAS METRO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME		FIELD NAME	PROD	PURCHASER
8204091	07420	3500320732		103		SIMON B UNRUH #2		EAST CHANEY DELL	0.0	CHAMPLIN PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/27/81 JA: OK						
8204003	10993	3507322924		103		R V STURGEON #2		SOONER TREND	73.0	PHILLIPS PETROLEU
-CHASE EXPLORATION CORP				RECEIVED: 10/26/81 JA: OK						
8204063	11206	3507121490		103		ADAMS #2-32		UNNAMED	0.0	CITIES SERVICE GA
8204069	11204	3507121803		103		BERRIE 1-1		UNNAMED	0.0	CITIES SERVICE GA
8204057	11203	3507121798		103		DAVIS #2-18		UNNAMED	0.0	CITIES SERVICE GA
8204088	11199	3507121269		103		SCOTT #2-25		UNNAMED	0.0	CITIES SERVICE GA
8204087	11200	3507121804		103		SCOTT 3-1		UNNAMED	0.0	CITIES SERVICE GA
8204056	11201	3507121268		103		SCOTT 3-24		UNNAMED	0.0	CITIES SERVICE GA
8204058	11202	3507121232		103		SCOTT 4-24		UNNAMED	1.0	CITIES SERVICE GA
-CHEYENNE EXPLORATION INC				RECEIVED: 10/27/81 JA: OK						
*8203941	10930	3509322103		103		RUTH #1-10		RINGWOOD	91.3	UNION TEXAS PETRO
-DAVIS OIL COMPANY				RECEIVED: 10/26/81 JA: OK						
8204094	10872	3501520957		103		HEDGECOCK #1		ELM GROVE	566.0	ONG SAYRE STORAGE
-DEMCO OIL & GAS COMPANY				RECEIVED: 10/26/81 JA: OK						
8204073	10974	3507122290		103		KAHLE #2-35		UNNAMED	67.2	CITIES SERVICE GA
8204074	10975	3507122289		103		PATTEN #3-26		UNNAMED	23.5	CITIES SERVICE GA
-DON D MONTGOMERY JR				RECEIVED: 10/26/81 JA: OK						
8204097	10986	3502520427		103		BRYAN #1-2		SAMPSEL	0.0	SOUTHERN UNION GA
-DONALD W JACKSON				RECEIVED: 10/27/81 JA: OK						
8203999	00113	3513900000		108-ER		LANGSTON B #1		GUYMON-HUGOTON	0.0	NORTHERN NATURAL
-DOUBLE DIAMOND INC				RECEIVED: 10/27/81 JA: OK						
8203950	11129	3509321702		103		THOMASON 1-30		MENO-RINGWOOD	180.0	PIONEER GAS PRODU
-E LYLE JOHNSON INC				RECEIVED: 10/27/81 JA: OK						
8203985	10853	3513520088		103		DEDRICK #1		BRENT	0.0	DELHI GAS PIPELIN
-EASON OIL COMPANY				RECEIVED: 10/27/81 JA: OK						
8203959	11084	3509320679		108		M O HUGHES #1		OAKDALE	27.0	DELHI GAS PIPELIN
-EDWARD P O BRIEN				RECEIVED: 10/26/81 JA: OK						
8204104	10979	3510321211		103		SHIRLEY #1			3.7	AMINOIL U S A INC
-EDWARD P O BRIEN				RECEIVED: 10/27/81 JA: OK						
8203981	10938	3508321404		103		GLACIE HOWLAND #1		UN-NAMED	9.0	EASON OIL CO
-EDWIN L COX				RECEIVED: 10/27/81 JA: OK						
8204001	11045	3509120102		108		BALL #1		PIERCE	5.3	PHILLIPS PETROLEU
-EL DORADO DRILLING INC				RECEIVED: 10/27/81 JA: OK						
8203958	10652	3508321316		103		MASON #79-1		WILDCAT	150.0	SUN GAS CO
8203956	8782	3507121625		103		ROLLY #4		WILDCAT	22.1	SUN GAS CO
8203964	10653	3507121834		103		ROLLY #5		WILDCAT	20.0	SUN GAS CO
8203968	10654	3507121990		103		ROLLY #6		WILDCAT	20.0	SUN GAS CO
8203969	10655	3507122065		103		ROLLY #7		WILDCAT	20.0	SUN GAS CO
8204005	08780	3507120919		108		TABOR #1		WILDCAT	10.7	ARKANSAS-LOUISIAN
-ENTEX PETROLEUM INC				RECEIVED: 10/26/81 JA: OK						
8204066	10918	3508320793		103		KENNETH S PRITCHETT #1		SOUTH MULHALL	3.0	EASON OIL CO
-ENTEX PETROLEUM INC				RECEIVED: 10/27/81 JA: OK						
8203942	10940	3508320882		103		PAUL TAYLOR A #1		WEST LAURIE	35.0	EASON OIL CO
-ESTORIL PRODUCING CORP				RECEIVED: 10/26/81 JA: OK						
8204080	14276	3512521039		102-2		BARTON A #1		NE TECUMSEH	36.5	TRANSOK PIPELINE
8204084	14279	3512500000		102-2		GUNTER #1		NE TECUMSEH	14.9	TRANSOK PIPELINE
8204082	14274	3512521081		102-2		GUNTER A #1		NE TECUMSEH	2.5	TRANSOK PIPELINE
8204081	14275	3512500800		102-2		GUNTER A #2		NE TECUMSEH	36.5	TRANSOK PIPELINE
8204086	14277	3512521184		102-2		PARSONS #1		NE TECUMSEH	31.0	TRANSOK PIPELINE
8204078	10273	3512521955		102-2		STATE 16 FARRIS #1		NE TECUMSEH	0.0	TRANSOK PIPELINE
8204085	14278	3512521251		102-2		STATE 16 FARRIS #2		NE TECUMSEH	36.5	TRANSOK PIPELINE

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME		FIELD NAME	PROD	PURCHASER
8204079	14280	3512521252		102-2		STATE 16 FARRIS #3		NE TECUMSEH	36.5	TRANSOK PIPELINE
8204083	14273	3512521080		102-2		STATE 16 FARRIS A #1		NE TECUMSEH	36.5	TRANSOK PIPELINE
-EXXON CORPORATION				RECEIVED: 10/26/81 JA: OK						
8204102	10977	3510321210		103		BOWLES #1			0.0	AMINOIL U S A INC
-EXXON CORPORATION				RECEIVED: 10/27/81 JA: OK						
8204103	10978	3510321209		103		BOWLES #2			0.0	AMINOIL U S A INC
-FRED A WILSON				RECEIVED: 10/27/81 JA: OK						
8204062	11207	3507121491		103		ADAMS #1-32		UNNAMED	0.0	CITIES SERVICE GA
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204000	10992	3507322925		103		R V STURGEON #1		SOONER TREND	73.0	PHILLIPS PETROLEU
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204002	10994	3507322923		103		R V STURGEON #3		SOONER TREND	73.0	PHILLIPS PETROLEU
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204004	10995	3507322922		103		R V STURGEON #4		SOONER TREND	73.0	PHILLIPS PETROLEU
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204071	10972	3507122292		103		KAHLE #1-35		UNNAMED	67.2	CITIES SERVICE GA
8204072	10973	3507122291		103		KAHLE #3-35		UNNAMED	67.2	CITIES SERVICE GA
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204075	10976	3507122288		103		PATTEN #1-26		UNNAMED	23.5	CITIES SERVICE GA
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204076	10971	3507122293		103		PATTEN #2-26		UNNAMED	23.5	CITIES SERVICE GA
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204077	10970	3507122294		103		PATTEN #4-26		UNNAMED	23.5	CITIES SERVICE GA
-GEORGE R BROWN				RECEIVED: 10/26/81 JA: OK						
8204096	10987	3502520428		103		BRYAN #2-2		SAMPSEL	0.0	SOUTHERN UNION GA
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204095	10988	3502520429		103		BRYAN #3-2		SAMPSEL	0.0	SOUTHERN UNION GA
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204101	10980	3510321212		103		SHIRLEY #2			3.7	AMINOIL U S A INC
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204100	10981	3510321213		103		SHIRLEY #3			3.7	AMINOIL U S A INC
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204099	10982	3510321214		103		SHIRLEY #4			3.7	AMINOIL U S A INC
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204098	10983	3510321215		103		SHIRLEY #5			3.7	AMINOIL U S A INC
-GEORGE R BROWN				RECEIVED: 10/27/81 JA: OK						
8204105	10984	3510321216		103		SHIRLEY #6			3.7	AMINOIL U S A INC
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8204212	11091	3510321323

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8204083	14280	3512521227		102-2		YEISLEY #1
-GEORGE RODMAN INC				RECEIVED: 10/27/81 JA: OK		
8203982	10939	3508700000		103		HAMILTON #1
-GETTY OIL COMPANY				RECEIVED: 10/26/81 JA: OK		
8204093	10682	3504321039		103		HASBROOK #24-1
-GRACE PETROLEUM CORPORATION				RECEIVED: 10/26/81 JA: OK		
8204072	10888	3515120232		108		GASKILL 1-21
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED: 10/26/81 JA: OK		
8204096	10984	3509322028		103		BROWN #1
-HARPER OIL COMPANY				RECEIVED: 10/27/81 JA: OK		
8204000	11005	3507322944		103		LEITNER #1
-HEARTLAND EXPLORATION				RECEIVED: 10/27/81 JA: OK		
8203995	10786	3510321079		103		SWEANY #1
-HIGHLANDS GOODALL & GREER INC				RECEIVED: 10/26/81 JA: OK		
8204092	08876	3504921346		103		BOBO #1
-HILL RESOURCES INC				RECEIVED: 10/26/81 JA: OK		
8204089	11013	3507322603		103		O'HERN NO 25-2
8204090	11014	3508321552		103		SIKES #1
-JICO EXPLORATION INC				RECEIVED: 10/27/81 JA: OK		
8204007	11146	3507321187		103		JICO - CURRIE #1
-JRHOP INC				RECEIVED: 10/27/81 JA: OK		
8204009	13421	3508320961		103		GRIFFEY 1-35
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 10/26/81 JA: OK		
8204068	10896	3515320465		108		BOOTH #1-28
8204070	10897	3515120220		108		TANNER A #1
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 10/27/81 JA: OK		
8203944	10919	3505935188		108		BARNETT #1
8203973	11141	3500320385		108		JENLINK #1
8203952	11046	3501121605		103		K O PAYNE #1
-KENNEDY & MITCHELL INC				RECEIVED: 10/26/81 JA: OK		
8204059	10765	3500721771		103		FRY #26-427
8204079	10764	3505920873		103		KLINGER #27-350
8204061	10775	3505920988		103		THOMAS #33-473
8204062	10776	3505920946		103		THRASHER #31-469
8204060	10766	3504520813		103		THURMOND #26-421
-KENNEDY & MITCHELL INC				RECEIVED: 10/27/81 JA: OK		
8203971	10763	3509321683		103		FAIRVIEW #24-404
8203977	10724	3504321057		103		MOORE #29-460
-LEE R ELLER				RECEIVED: 10/27/81 JA: OK		
8203956	11030	3514301091		103		RASBERRY #2
-LEDCO OIL CO				RECEIVED: 10/27/81 JA: OK		
8203965	11026	3514320930		103		WILLIAMS #1
-LRF CORP				RECEIVED: 10/27/81 JA: OK		
8203943	10859	3506320822		103		DODSON #1
-MAPCO PRODUCTION COMPANY				RECEIVED: 10/27/81 JA: OK		
8204002	10791	3504520069		103		APPEL 23-1
-MONSANTO COMPANY				RECEIVED: 10/26/81 JA: OK		
8204102	10941	3504320449		108		BASKETT #1
-NATURAL GAS ANADARKO INC				RECEIVED: 10/27/81 JA: OK		
8203988	10420	3513921363		103		FERGUSON #1-18
-OLD DOMINION OIL CORP				RECEIVED: 10/27/81 JA: OK		
8203980	10937	3507322943		103		HAMIL #1
-P-T LTD 80				RECEIVED: 10/27/81 JA: OK		

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FIELD NAME	PROD	PURCHASER
NE TECUMSEH	36.5	TRANSOK PIPELINE
GOLDEN TREND	24.4	TRANSOK PIPE LINE
FONDA	102.0	PHILLIPS PETROLEU
	18.8	PANHANDLE EASTERN
RINGWOOD ·	145.0	PIONEER GAS PRODU
UNNAMED	85.0	PHILLIPS PETROLEU
SOUTH TONKAWA	18.0	SUN GAS CO
	8.0	LONE STAR GAS CO
SOONER TREND	80.8	OKLAHOMA GAS & EL
SOONER TREND	95.0	OKLAHOMA GAS & EL
SOONER TREND	36.8	CITIES SERVICE GA
SOUTH MARSHALL	44.0	EASON OIL CO
N E ALABASTER	10.8	CITIES SERVICE GA
WILDCAT	7.0	PHILLIPS PETROLEU
CLARK CREEK EAST	16.0	NATURAL GAS COMPR
S W LAMBERT	11.0	PIONEER GAS PRODU
WATONGA CHICKASHA TREND	720.0	ARKANSAS LOUISIAN
MOCANE-MORROW (18-5N-26E	275.0	COLORADO INTERSTA
LAVERNE-MORROW (12-25N-2	120.0	COLORADO INTERSTA
UNDESIGNATED (5-28N-25W)	550.0	NORTHERN NATURAL
LAVERNE-MORROW	550.0	NORTHERN NATURAL
UNDESIGNATED (25-23N-24W	800.0	NORTHERN NATURAL
UNDESIGNATED (N-200-12WI	75.0	PHILLIPS PETROLEU
UNDESIGNATED (C SE 20-18	360.0	PANHANDLE EASTERN
EAST BIRDCREEK	8.5	PHILLIPS PETROLEU
SKIATOOK (EAST BIRDCREEK	25.0	PHILLIPS PETROLEU
SOUTH AUSTIN	36.0	PUBLIC SERVICE CO
WEST SHATTUCK	100.0	TRANSWESTERN PIPE
SOUTH VICI	15.0	TRANSWESTERN PIPE
	48.0	PHILLIPS PETROLEU
UNALLOCATED	54.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203951	10801	3504722363		103		BEARD 26-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8203998	10737	3504721925		103		FORBIS BULLER #21-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8203997	10736	3504722232		103		FUKSA BRISCOE #31-2	SOONER TREND	35.0	WELLHEAD ENTERPRI
8203994	09160	3504722328		103		MADDOX #25-1	SOONER TREND	50.0	WELLHEAD ENTERPRI
-PCX CORP				RECEIVED: 10/27/81 JA: OK					
8203983	10816	3507322606		103		SIMMONS #1	SOONER TREND	15.0	PHILLIPS PETROLEU
-PETRO-LEWIS CORPORATION				RECEIVED: 10/27/81 JA: OK					
8203946	09431	3504700000		108		BECKNER 35-1	WAUKOMIS	29.9	PARTNERSHIP PROPE
8203955	09426	3509300000		108		BOEHS 6-1	RINGWOOD	15.7	PARTNERSHIP PROPE
8203948	09433	3509300000		108		BOWMAKER 8-1	AMES SOUTHWEST	42.9	PARTNERSHIP PROPE
8204016	09438	3507300000		108		BROWN 1	WAUKOMIS	25.9	PARTNERSHIP PROPE
8204014	09446	3507300000		108		CURTIS 8-1	LOYAL NW	20.5	PARTNERSHIP PROPE
8204021	09436	3507300000		108		DUANE 20-2	MOUND RIDGE	27.6	UNION TEXAS PETRO
8204019	09442	3507300000		108		FRED 28-1	LOWRANCE	17.9	PARTNERSHIP PROPE
8204015	09437	3507300000		108		HAJEK 14-2	SOONER TREND	0.7	PARTNERSHIP PROPE
8204006	09447	3507300000		108		HILL "A" 4-1	LOYAL SOUTHWEST	44.1	PARTNERSHIP PROPE
8204004	09448	3507300000		108		IRENE 8-1	LOYAL EAST	0.0	PARTNERSHIP PROPE
8204013	09445	3507300000		108		IVEN 13-1	WAUKOMIS	33.8	PARTNERSHIP PROPE
8204017	09439	3507300000		108		J K MCGEE 5-1	DOVER HENNESSY	0.0	PARTNERSHIP PROPE
8204018	09441	3509300000		108		JOHN 12-1	OKEENE NORTH	30.2	PARTNERSHIP PROPE
8203957	09424	3507300000		108		KRAMER A 32-1	LOYAL EAST	24.5	PARTNERSHIP PROPE
8204012	09444	3509300000		108		LORENZ 8-1	WAUKOMIS	40.4	PARTNERSHIP PROPE
8203947	09432	3509300000		108		MAY 36-1	RINGWOOD	7.9	PARTNERSHIP PROPE
8203953	09428	3507300000		108		MYERS 19-2	LOYAL EAST	22.5	PARTNERSHIP PROPE
8203954	09425	3507300000		108		PRATT 29-1	SOONER TREND	0.0	PARTNERSHIP PROPE
8203945	09430	3507300000		108		RICHARDSON 34-2	LYONS	16.0	PARTNERSHIP PROPE
8204011	09443	3507300000		108		STOCK 32-#1	LOYAL EAST	19.9	PARTNERSHIP PROPE
8204020	09434	3507300000		108		THEODORE 8 #1	WAUKOMIS	7.3	PARTNERSHIP PROPE
-PETRO-LEWIS FUNDS INC				RECEIVED: 10/27/81 JA: OK					
8203989	10526	3509320338		108		OLIVER #36-1	SOUTH AMES	0.0	PARTNERSHIP PROPE
8203990	10527	3507320277		108		SANTA 17-1	DOVER (SOONER TREND)	3.0	PARTNERSHIP PROPE
-PETROLEUM RESERVE CORP				RECEIVED: 10/26/81 JA: OK					
8204101	10935	3508120950		103		PARKER 19-1	SOUTH CAPTAIN	73.0	POLL GAS INC
8204100	10934	3508121138		103		PARKER 19-3	SOUTH CAPTAIN	73.0	POLL GAS INC
8204107	10933	3508121058		103		STATE 20-1	SOUTH CAPTAIN	73.0	POLL GAS INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/26/81 JA: OK					
8204065	10900	3513900000		108		BERGNER B #1	GUYMON HUGOTON	0.0	MICHIGAN WISCONSI
8204064	10898	3513900000		108		JOLSEN #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/27/81 JA: OK					
8203963	11104	3504721621		103		KOSTED "B" #2	SOONER TREND	27.0	TRANSOK PIPE LINE
8203961	11102	3504721307		103		KOSTED A #1	SOONER TREND	60.0	TRANSOK PIPE LINE
8203962	11103	3504721318		103		LICHTENBERG C EST #1	SOONER TREND	70.0	TRANSOK PIPE LINE
8203960	11097	3504721607		103		LICHTENBERG EST #2	SOONER TREND	140.0	TRANSOK PIPE LINE
8203984	10833	3501721355		108		MCCARTHY C #1	N CONCHO	15.0	PANHANDLE EASTERN
-RINCON RESOURCES CORP				RECEIVED: 10/27/81 JA: OK					
8204010	14349	3505320689		103		HALL #1	SE SALT FORK	200.0	CRA INC
-ROBINSON BROS DRILLING CO INC				RECEIVED: 10/27/81 JA: OK					
8203974	14087	3501521184		102-2		CODI 31-1	E EAKLY	3000.0	DELHI GAS PIPELIN
-S G HILL				RECEIVED: 10/27/81 JA: OK					
8203996	10850	3511122572		103		HILL #2	BEGGS	13.6	PHILLIPS PETROLEU
-SPELLER OIL CORP				RECEIVED: 10/27/81 JA: OK					
8203970	10876	3508300000		103		TRACI 20-1	SOONER TREND	72.0	CONOCO INC
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 10/26/81 JA: OK					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204067	10931	3511921266		103		BROYLES UNIT TR 3 #14	BROYLES	182.0	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204067	10931	3511921266			103	BROYLES UNIT TR 3 #14	BROYLES	182.0	CITIES SERVICE GA
8204106	10932	3508321467			103	TIPPY MCGINTY #3	CRESCENT-LOVELL	111.0	EASON OIL CO
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 10/27/81 JA: OK			
8203978	10445	3500721878			103	GEORGE S SARGENT'GAS UNIT A #5	CAMRICK	215.0	NATURAL GAS PIPEL
-SUNDANCE ENERGY CORP						RECEIVED: 10/27/81 JA: OK			
8203939	10925	3504722439			103	EDIGER #1A	W DOUGLAS	111.0	ONG WESTERN INC
-SWINDLER OIL CORP						RECEIVED: 10/26/81 JA: OK			
8204071	10878	3511721045			103	DAVENPORT #1	CLEVELAND	120.0	PHILLIPS PETROLEU
-TEXACO INC						RECEIVED: 10/26/81 JA: OK			
8204055	11008	3508520425			103	TIPPIT TRUST #2	ENVILLE S W	36.0	CIMARRON TRANSMIS
-TEXAS OIL & GAS CORP						RECEIVED: 10/26/81 JA: OK			
8204103	10976	3507322812			103	BLUNK #1	SOONER TREND	127.0	
-THE WIL-MC OIL CORP						RECEIVED: 10/26/81 JA: OK			
8204095	10985	3510320751			103	CITY OF PERRY #4	FOURDEE	7.8	ARCO OIL & GAS CO
-UNIVERSAL RESOURCES CORPORATION						RECEIVED: 10/27/81 JA: OK			
8203967	11055	3501721733			103	A D #1-16	N W RICHLAND	209.9	MUSTANG FUEL CORP
-VIERSEN & COCHRAN						RECEIVED: 10/26/81 JA: OK			
8204076	10978	3507321999			103	FOX #1-24	SOONER TREND	5.0	EASON OIL CO
8204075	10977	3508320844			103	HOPFER #1-15	W MULHALL	5.0	EASON OIL CO
-WILLIS EXPLORATION INC						RECEIVED: 10/27/81 JA: OK			
8203940	10927	3510920427			103	WINDS WEST #2	EAST MUSTANG	90.0	MOBIL OIL CORP
** U.S. GEOLOGICAL SURVEY - DENVER,CO									
-ANADARKO PRODUCTION COMPANY						RECEIVED: 10/26/81 JA: CO 1			
8204046	CD 0372-81	0508106423			102-2	BLACK MOUNTAIN FEDERAL A-1	BLACK MOUNTAIN FEDERAL A	4.0	MOUNTAIN FUEL SUP
-FUEL RESOURCES DEVELOPMENT CO						RECEIVED: 10/26/81 JA: CO 1			
8204048	CD 0378-81	0510308585			103	P-35-3-101-S	CATHEDRAL	96.0	NORTHWEST PIPELIN
8204048	CD 0378-81	0510308585			107-TF	P-35-3-101-S	CATHEDRAL	96.0	NORTHWEST PIPELIN
-GETTY OIL COMPANY						RECEIVED: 10/26/81 JA: CO 1			
8204047	CD 0371-81	0506705170			108-ER	SAM BURCH #2	IGNACIO BLANCO MESAVERDE	18.0	EL PASO NATURAL G
-NORTHWEST EXPLORATION COMPANY						RECEIVED: 10/26/81 JA: CO 1			
8204045	CD 0374-81	0510307704			108	PHILADELPHIA CREEK #1	CATHEDRAL	0.0	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO						RECEIVED: 10/26/81 JA: CO 1			
8204039	CD 0267-81	0510308073			103	FEDERAL #1-29	EAST DOUGLAS CREEK	38.0	NORTHWEST PIPELIN
8204040	CD 0268-81	0510308074			103	FEDERAL #1-32	EAST DOUGLAS CREEK	28.0	NORTHWEST PIPELIN
-CONOCO INC						RECEIVED: 10/26/81 JA: UT 1			
8204038	UD0367-81	4304730675			107-TF	CONOCO CESSPOOCH 5 #14	OURAY	170.0	MOUNTAIN FUEL SUP
8204037	UD0368-81	4304730726			103	CONOCO JENKS 5 #11	OURAY	190.0	MOUNTAIN FUEL SUP
8204037	UD0368-81	4304730726			107-TF	CONOCO JENKS 5 #11	OURAY	190.0	MOUNTAIN FUEL SUP
8204036	UD0366-81	4304730666			107-TF	CONOCO UTE TRIBAL 35 #16	OURAY	130.0	MOUNTAIN FUEL SUP
-SUPRON ENERGY CORPORATION						RECEIVED: 10/26/81 JA: UT 1			
8204035	UD0042-81	4301930566			103	F-1-20-21 #1	WILDCAT	296.0	NORTHWEST PIPELIN
-TENNECO OIL COMPANY						RECEIVED: 10/26/81 JA: UT 1			
8204034	UD0302-81	4301930773			103	WINTER CAMP UNIT USA #7-14	BRYSON CANYON	150.0	SOUTHWEST GAS COR
-TEXACO INC						RECEIVED: 10/26/81 JA: UT 1			
8204041	UD 0359-81	4303730409			103	ANETH UNIT #F-136	ANETH	64.0	EL PASO NATURAL G
8204044	UD 0355-81	4303730425			103	ANETH UNIT #G-122	ANETH	33.0	EL PASO NATURAL G
8204043	UD 0361-81	4303730644			103	ANETH UNIT #H-128	ANETH	26.5	EL PASO NATURAL G
8204042	UD 0360-81	4303730649			103	ANETH UNIT #M-130	ANETH	32.0	EL PASO NATURAL G
** U.S. GEOLOGICAL SURVEY - CASPER,WY									
-MIDLANDS GAS CORPORATION						RECEIVED: 08/06/81 JA: MT 5			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204027	M-124-1	2507121468		108		1241 123431	BOWDOIN	21.0	KANSAS-NEBRASKA N
8204023	M14-1	2507121200		108		1913 FEDERAL 1	BOWDOIN	22.0	KANSAS-NEBRASKA N
-DOME PETROLEUM CORP				RECEIVED: 08/06/81 JA: ND 5					
8204030	ND211-1	3305301195		102-2		DOME FEDERAL #4-35	MON DAK	13.2	SHELL OIL CO
8204031	ND212-1	3305301181		102-2		DOME FEDERAL 2-17	MON-DAK	12.3	SHELL OIL CO
-SHELL OIL CO				RECEIVED: 08/06/81 JA: ND 5					
8204025	ND71-1	3305301001		102-4		USA 14-22-56	MONDAK	10.0	MONTANA DAKOTA UT
8204026	ND113-1	3305300980		102-4		USA 24-32-50	MONDAK	10.0	MONTANA DAKOTA UT
-TENNECO OIL COMPANY				RECEIVED: 08/06/81 JA: ND 5					
8204033	ND214-1	3300700520		102-2		MEE USA #2-17	BIG STICK	300.0	WESTERN GAS PROCE
-BURLINGTON NORTHERN INC				RECEIVED: 08/06/81 JA: WY 5					
8204024	W61-1	4902720336		102-4		13-17 FEDERAL D	BUCK CREEK	200.0	PHILLIPS PETROLEU
-KOCH INDUSTRIES INC				RECEIVED: 08/06/81 JA: WY 5					
8204028	W196-1	4901321006		107-DP		LYSITE #1-15	MADDEN AREA	50.0	MICHIGAN-WISCONSI
-NATURAL GAS CORPORATION OF CALIF				RECEIVED: 08/06/81 JA: WY 5					
8204032	W213-1	4902320410		103		FEDERAL 34-9	FONTENELLE II	117.0	PACIFIC GAS TRANS
-TIPPERARY OIL AND GAS CORP				RECEIVED: 08/06/81 JA: WY 5					
8204022	W551-0	490432[illegible]2[illegible]		102-4		FEDERAL 3-35	FOURTEEN MILE	500.0	NORTHWEST PIPELIN
-W A MONCRIEF JR				RECEIVED: 08/06/81 JA: WY 5					
8204029	W208-1	4901320767		107-DP		LONG BUTTE UNIT 31-2	LYSITE	310.3	MICHIGAN WISCONSI

OTHER PURCHASERS VOLUME NO :542

82[illegible]394[illegible] PANHANDLE EASTERN P L CO

BILLING CODE 6450-85-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:
102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section:
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section:
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–35015 Filed 12–4–81; 8:45 am]
BILLING CODE 6450–85–M

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[Volume 543]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
********** TEXAS RAILROAD COMMISSION **********									
-A L HERNDEN & MORRIS CANNAN						RECEIVED: 10/29/81 JA: TX			
8204109	F-02-011466	4202500000		102-4		GOREE #1	GOREE (7900')	182.5	TEXAS EASTERN TRA
-AGOIL INC						RECEIVED: 10/29/81 JA: TX			
8204343	F-02-041288	4246931547		103		BAUER #1	MCFADDIN NORTH (6000)	36.0	UNITED GAS PIPE L
-AMCOLE ENERGY CORP						RECEIVED: 10/29/81 JA: TX			
8204230	F-08-038606	4200300000		103		PARK #7	MEANS	50.0	PHILLIPS PETROLEU
-AMERICAN QUASAR PETROLEUM CO						RECEIVED: 10/29/81 JA: TX			
8204208	F-08-037167	4247532295		102-4		EDWARDS #2	MARSTON RANCH (CLEARFORK	0.0	
-AMMEX PETROLEUM INC						RECEIVED: 10/29/81 JA: TX			
8204117	F-03-025403	4205130527		102-2		BIRCH CREEK RANCH #2	GIDDINGS (AUSTIN CHALK)	108.0	CLAJON GAS CO
8204117	F-03-025403	4205130527		103		BIRCH CREEK RANCH #2	GIDDINGS (AUSTIN CHALK)	108.0	CLAJON GAS CO
8204122	F-03-025997	4205130541		102-2		JENNIFER ANN UNIT #1	GIDDINGS (AUSTIN CHALK)	128.5	CLAJON GAS CO
8204122	F-03-025997	4205130541		103		JENNIFER ANN UNIT #1	GIDDINGS (AUSTIN CHALK)	128.5	CLAJON GAS CO
8204114	F-03-025342	4205130667		102-2		RENEE UNIT #1	GIDDINGS (AUSTIN CHALK)	140.0	CLAJON GAS CO
8204114	F-03-025342	4205130667		103		RENEE UNIT #1	GIDDINGS (AUSTIN CHALK)	140.0	CLAJON GAS CO
8204119	F-03-025837	4214930391		102-2		WALDECK UNIT #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
8204119	F-03-025837	4214930391		103		WALDECK UNIT #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
-AMOCO PRODUCTION CO						RECEIVED: 10/29/81 JA: TX			
8204340	F-08-041281	*4200332513		103		BLK 9 FUHRMAN MASCHO UT #104	FUHRMAN-MASCHO	8.4	PHILLIPS PETROLEU
8204341	F-08-041282	4213533470		103		GOLDSMITH LANDRETH DEEP UT #238	GOLDSMITH (CLEARFORK)	2.2	PHILLIPS PETROLEU
8204368	F-08-041381	4213533382		103		J L JOHNSON "A" #25	COWDEN SOUTH (CANYON 879	7.6	WESTAR TRANSMISSI
-ANDERSON PETROLEUM INC						RECEIVED: 10/29/81 JA: TX			
8204215	F-7C-037600	4243532441		103		PAULINE FRIESS C 3-111	SAWYER (CANYON)	35.0	SUTTON COUNTY PIP
8204215	F-7C-037600	4243532441		107-TF		PAULINE FRIESS C 3-111	SAWYER (CANYON)	35.0	SUTTON COUNTY PIP
8204214	F-7C-037599	4243532500		103		PAULINE FRIESS D1 1-7	SAWYER (CANYON)	125.0	ANDERSON PIPELINE
8204214	F-7C-037599	4243532500		107-TF		PAULINE FRIESS D1 1-7	SAWYER (CANYON)	125.0	ANDERSON PIPELINE
8204196	F-7C-036197	4210533226		103		SARAH C MILLSPAUGH B2 2-16	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8204196	F-7C-036197	4210533226		107-TF		SARAH C MILLSPAUGH B2 2-16	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY						RECEIVED: 10/29/81 JA: TX			
8204376	F-10-041417	4217936906		103		COMBS-WORLEY "F" #1	PANHANDLE GRAY	29.2	PHILLIPS PETROLEU
8204347	F-7C-041321	4223531752		103		J R SCOTT EST 74 #7	SPRAYBERRY TREND AREA	21.6	J L DAVIS
8204339	F-8A-041276	4250132055		103		WAPLES PLATTER TG A #1	OWNBY (CLEARFORK UPPER)	9.5	AMOCO PRODUCTION
-ARKANSAS LOUISIANA GAS CO						RECEIVED: 10/29/81 JA: TX			
8204259	F-06-039951	4231530546		102-4		BRADEN #4	RODESSA	18.0	ARKANSAS LOUISIAN
8204259	F-06-039951	4231530546		107-TF		BRADEN #4	RODESSA	18.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY						RECEIVED: 10/29/81 JA: TX			
8204251	F-06-039786	4236531190		103		HEMBY #1	TATUM NORTH	140.0	ARKANSAS LOUISIAN
8204251	F-06-039786	4236531190		107-TF		HEMBY #1	TATUM NORTH	140.0	ARKANSAS LOUISIAN
-ART MACHIN & ASSOCIATES INC						RECEIVED: 10/29/81 JA: TX			
8204276	F-05-040430	4234931431		102-2		BREITHAUPT #1	CHENNEYBORO (COTTON VALL	108.0	INTRASTATE GAS TR
8204276	F-05-040430	4234931431		107-TF		BREITHAUPT #1	CHENNEYBORO (COTTON VALL	108.0	INTRASTATE GAS TR

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BEAL OPERATING						RECEIVED: 10/29/81 JA: TX			

JD NO	JA DKT	API NO	D SEC CAT WELL NAME
-BEAL OPERATING			RECEIVED: 10/29/81 JA: TX
8204189	F-78-034881	4208331952	102-4 T GRIFFIS #1 (91322)
-BLUE RIDGE OIL & GAS EXPLOR INC			RECEIVED: 10/29/81 JA: TX
8204134	F-7C-031056	4210532553	102-2 A PHILLIPS #23
8204134	F-7C-031056	4210532553	107-TF A PHILLIPS #23
8204135	F-7C-031061	4210532652	103 A PHILLIPS #28
8204135	F-7C-031061	4210532652	107-TF A PHILLIPS #28
8204136	F-7C-031062	4210532653	103 A PHILLIPS #29
8204136	F-7C-031062	4210532653	107-TF A PHILLIPS #29
8204137	F-7C-031063	4210532654	103 A PHILLIPS #30
8204137	F-7C-031063	4210532654	107-TF A PHILLIPS #30
8204138	F-7C-031064	4210532655	103 A PHILLIPS #31
8204138	F-7C-031064	4210532655	107-TF A PHILLIPS #31
8204139	F-7C-031065	4210532656	103 A PHILLIPS #32
8204139	F-7C-031065	4210532656	107-TF A PHILLIPS #32
8204140	F-7C-031066	4210532657	103 A PHILLIPS #33
8204140	F-7C-031066	4210532657	107-TF A PHILLIPS #33
8204141	F-7C-031067	4210532658	103 A PHILLIPS #34
8204141	F-7C-031067	4210532658	107-TF A PHILLIPS #34
8204142	F-7C-031068	4210532659	103 A PHILLIPS #35
8204142	F-7C-031068	4210532659	107-TF A PHILLIPS #35
8204143	F-7C-031069	4210532660	103 A PHILLIPS #36
8204143	F-7C-031069	4210532660	107-TF A PHILLIPS #36
8204144	F-7C-031070	4210532661	103 A PHILLIPS #37
8204144	F-7C-031070	4210532661	107-TF A PHILLIPS #37
8204145	F-7C-031071	4210532662	102-2 A PHILLIPS #38
8204145	F-7C-031071	4210532662	107-TF A PHILLIPS #38
8204146	F-7C-031078	4210532669	102-2 A PHILLIPS #45
8204146	F-7C-031078	4210532669	107-TF A PHILLIPS #45
8204147	F-7C-031079	4210532670	102-2 A PHILLIPS #46
8204147	F-7C-031079	4210532670	107-TF A PHILLIPS #46
8204171	F-7C-033436	4210532888	102-2 A PHILLIPS #49
8204171	F-7C-033436	4210532888	107-TF A PHILLIPS #49
8204172	F-7C-033437	4210532881	102-2 A PHILLIPS #50
8204172	F-7C-033437	4210532881	107-TF A PHILLIPS #50
8204173	F7-C-033437	4210532882	102-2 A PHILLIPS #51
8204173	F7-C-033437	4210532882	107-TF A PHILLIPS #51
8204174	F-7C-033439	4210532950	102-2 A PHILLIPS #52
8204174	F-7C-033439	4210532950	107-TF A PHILLIPS #52
8204163	F-7C-033428	4210533106	103 ADAMS #10
8204163	F-7C-033428	4210533106	107-TF ADAMS #10
8204164	F-7C-033429	4210533107	103 ADAMS #11
8204164	F-7C-033429	4210533107	107-TF ADAMS #11
8204165	F-7C-033430	4210533100	103 ADAMS #12
8204165	F-7C-033430	4210533100	107-TF ADAMS #12
8204166	F-7C-033431	4210533147	103 ADAMS #13
8204166	F-7C-033431	4210533147	107-TF ADAMS #13
8204167	F-7C-033432	4210533148	103 ADAMS #14
8204167	F-7C-033432	4210533148	107-TF ADAMS #14
8204168	F-7C-033433	4210533149	103 ADAMS #15
8204168	F-7C-033433	4210533149	107-TF ADAMS #15
8204169	F-7C-033434	4210533150	103 ADAMS #16
8204169	F-7C-033434	4210533150	107-TF ADAMS #16

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FIELD NAME	PROD	PURCHASER
CATTHE (MORRIS)	121.0	ODESSA NATURAL CO
ADAMS-BAGGETT RANCH (CAN	98.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	98.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	34.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	34.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	17.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	17.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	24.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	24.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	28.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	28.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.1	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.1	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	28.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	28.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	26.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	26.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	10.5	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	10.5	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	44.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	44.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH CANY	24.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH CANY	24.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	19.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	19.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	14.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	14.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	27.9	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	27.9	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	37.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	37.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	40.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	40.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	27.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	27.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	33.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	33.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	29.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	29.4	DETROIT-TEXAS GAS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204170	F-7C-033435	4210533151			103	ADAMS #17	ADAMS-BAGGETT RANCH (CAN	33.9	DETROIT-TEXAS GAS
8204170	F-7C-033435	4210533151			107-TF	ADAMS #17	ADAMS-BAGGETT RANCH (CAN	33.9	DETROIT-TEXAS GAS
8204148	F-7C-031081	4210532287			103	ADAMS #2	ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
8204148	F-7C-031081	4210532287			107-TF	ADAMS #2	ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
8204157	F-7C-033422	4210533018			103	ADAMS #4	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204157	F-7C-033422	4210533018			107-TF	ADAMS #4	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204158	F-7C-033423	4210533019			103	ADAMS #5	ADAMS-BAGGETT RANCH (CAN	36.3	DETROIT-TEXAS GAS
8204158	F-7C-033423	4210533019			107-TF	ADAMS #5	ADAMS-BAGGETT RANCH (CAN	36.3	DETROIT-TEXAS GAS
8204159	F-7C-033424	4210533068			103	ADAMS #6-A	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8204159	F-7C-033424	4210533068			107-TF	ADAMS #6-A	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8204160	F-7C-033425	4210533104			103	ADAMS #7	ADAMS-BAGGETT RANCH (CAN	45.6	DETROIT-TEXAS GAS
8204160	F-7C-033425	4210533104			107-TF	ADAMS #7	ADAMS-BAGGETT RANCH (CAN	45.6	DETROIT-TEXAS GAS
8204161	F-7C-033426	4210533110			103	ADAMS #8	ADAMS-BAGGETT RANCH (CAN	28.8	DETROIT-TEXAS GAS
8204161	F-7C-033426	4210533110			107-TF	ADAMS #8	ADAMS-BAGGETT RANCH (CAN	28.8	DETROIT-TEXAS GAS
8204162	F-7C-033427	4210533105			103	ADAMS #9	ADAMS-BAGGETT RANCH (CAN	27.0	DETROIT-TEXAS GAS
8204162	F-7C-033427	4210533105			107-TF	ADAMS #9	ADAMS-BAGGETT RANCH (CAN	27.0	DETROIT-TEXAS GAS
-BOB T MILLER					RECEIVED: 10/29/81 JA: TX				
8204380	F-7B-041435	4242932636			103	FISHBACK #1 16744	LANGFORD (DUFFER)	40.0	WARREN PETROLEUM
-BORDER EXPLORATION CO					RECEIVED: 10/29/81 JA: TX				
8204298	F-7B-04844	4214330712			103	C W MAULDIN A G U 2-P	X-RAY (MARBLE FALLS)	16.0	VALERO TRANSMISSI
8204297	F-7B-040843	4214330713			103	VIRGIL GORDON G U 2-P	X-RAY (MARBLE FALLS)	9.0	VALERO TRANSMISSI
-C & K PETROLEUM INC					RECEIVED: 10/29/81 JA: TX				
8204261	F-7C-039963	4223531690			103	CLARK 10 #1	TAOS (FUSSELMAN)	15.0	
-C F LAWRENCE & ASSOC INC					RECEIVED: 10/29/81 JA: TX				
8204118	F-08-025552	4210500000			103	HALFF 64 W #1	ONLAW (QUEEN)	94.0	APACHE GAS CORP
-CAL-TEX OIL CO					RECEIVED: 10/29/81 JA: TX				
8204219	F-10-037782	4223300000			108	H W CARVER -A- (01112) #2	PANHANDLE HUTCHINSON COU	0.0	DIAMOND SHAMROCK
-CA-TEX PETROLEUM INC					RECEIVED: 10/29/81 JA: TX				
8204207	F-09-037033	4200933755			102-2	MCGLOTHIN #3 RRC #19007	ARCHER COUNTY REGULAR	12.8	MID STATES GAS CO
-CARTER EXPLORATION CO					RECEIVED: 10/29/81 JA: TX				
8204379	F-02-041430	4202531446			103	RUTH HARTZENDORF #1	SLIVA WEST (HET 3RD)	200.0	VALERO TRANSMISSI
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 10/29/81 JA: TX				
8204183	F-03-034539	4205100000			102-2	ALBERT FAUST #1	GIDDINGS	0.0	FERGUSON CROSSING
8204183	F-03-034539	4205100000			103	ALBERT FAUST #1	GIDDINGS	0.0	FERGUSON CROSSING
8204124	F-03-026542	4205100000			102-2	ALFONZO BERAN #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8204184	F-03-034542	4205100000			102-2	ALLEN RHODES #1	GIDDINGS	0.0	FERGUSON CROSSING
8204184	F-03-034542	4205100000			103	ALLEN RHODES #1	GIDDINGS	0.0	FERGUSON CROSSING
8204198	F-03-036279	4205100000			102-2	D D LIGHTSEY #1	GIDDINGS	0.0	FERGUSON CROSSING
8204198	F-03-036279	4205100000			103	D D LIGHTSEY #1	GIDDINGS	0.0	FERGUSON CROSSING
8204113	F-03-025153	4205100000			102-2	DANIEL POEHL #1	GIDDINGS	0.0	FERGUSON CROSSING
8204240	F-05-039215	4205100000			102-2	EDWIN ZGABAY C #1	GIDDINGS	0.0	FERGUSON CROSSING
8204240	F-05-039215	4205100000			103	EDWIN ZGABAY C #1	GIDDINGS	0.0	FERGUSON CROSSING
8204203	F-03-036783	4205100000			102-2	HELMUS LOEHR #1	GIDDINGS	0.0	FERGUSON CROSSING
8204203	F-03-036783	4205100000			103	HELMUS LOEHR #1	GIDDINGS	0.0	FERGUSON CROSSING
8204308	F-08-041016	4243130993			103	I W TERRY #11	CONGER SW (PENN)	188.0	NORTHERN NATURAL
8204197	F-03-036278	4205100000			102-2	J L JUNEK #1	GIDDINGS	0.0	FERGUSON CROSSING
8204197	F-03-036278	4205100000			103	J L JUNEK #1	GIDDINGS	0.0	FERGUSON CROSSING
8204111	F-03-024797	4205100000			102-2	JUNELL BRINKMAN #1	GIDDINGS	56.9	FERGUSON CROSSINC
8204193	F-03-035794	4205100000			102-2	L ALBRIGHT #1	GIDDINGS	0.0	FERGUSON CROSSING
8204193	F-03-035794	4205100000			103	L ALBRIGHT #1	GIDDINGS	0.0	FERGUSON CROSSING
8204110	F-03-024796	4205100000			102-2	L J KOCUREK #1	GIDDINGS	105.9	FERGUSON CROSSING
8204149	F-03-031383	4205130748			102-2	LEON A KRUEGER #1	GIDDINGS	9.1	FERGUSON CROSSING
8204149	F-03-031383	4205130748			103	LEON A KRUEGER #1	GIDDINGS	9.1	FERGUSON CROSSING

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204180	F-01-033010	4200100000			102-2	ALLEN #1	ALLEN (CADDO)	0.0	
8204180	F-01-033010	4200100000			103	ALLEN #1	ALLEN (CADDO)	0.0	
8204181	F-01-033011	4200100000			102-2	ALLEN #2	ALLEN (CADDO)	0.0	
8204181	F-01-033011	4200100000			103	ALLEN #2	ALLEN (CADDO)	0.0	
8204182	F-01-033012	4200100000			102-2	ALLEN #3	ALLEN (CADDO)	0.0	
8204182	F-01-033012	4200100000			103	ALLEN #3	ALLEN (CADDO)	0.0	
8204179	F-01-033009	4200100000			102-2	ALLEN #4	ALLEN (CADDO)	0.0	
8204179	F-01-033009	4200100000			103	ALLEN #4	ALLEN (CADDO)	0.0	
8204178	F-01-033008	4200100000			102-2	ALLEN #5	ALLEN (CADDO)	0.0	
8204178	F-01-033008	4200100000			103	ALLEN #5	ALLEN (CADDO)	0.0	
8204177	F-01-033007	4200100000			102-2	ALLEN #6	ALLEN (CADDO)	0.0	
8204177	F-01-033007	4200100000			103	ALLEN #6	ALLEN (CADDO)	0.0	
8204176	F-01-033006	4200100000			102-2	ALLEN #7	ALLEN (CADDO)	0.0	
8204176	F-01-033006	4200100000			103	ALLEN #7	ALLEN (CADDO)	0.0	
8204175	F-01-033005	4200100000			102-2	ALLEN #8	ALLEN (CADDO)	0.0	
8204175	F-01-033005	4200100000			103	ALLEN #8	ALLEN (CADDO)	0.0	
8204174	F-01-033004	4200100000			102-2	ALLEN #9	ALLEN (CADDO)	0.0	
8204174	F-01-033004	4200100000			103	ALLEN #9	ALLEN (CADDO)	0.0	
8204173	F-01-033003	4200100000			102-2	ALLEN #10	ALLEN (CADDO)	0.0	
8204173	F-01-033003	4200100000			103	ALLEN #10	ALLEN (CADDO)	0.0	
8204172	F-01-033002	4200100000			102-2	ALLEN #11	ALLEN (CADDO)	0.0	
8204172	F-01-033002	4200100000			103	ALLEN #11	ALLEN (CADDO)	0.0	
8204171	F-01-033001	4200100000			102-2	ALLEN #12	ALLEN (CADDO)	0.0	
8204171	F-01-033001	4200100000			103	ALLEN #12	ALLEN (CADDO)	0.0	
8204169	F-01-033000	4200100000			102-2	ALLEN #13	ALLEN (CADDO)	0.0	
8204169	F-01-033000	4200100000			103	ALLEN #13	ALLEN (CADDO)	0.0	
8204168	F-01-032999	4200100000			102-2	ALLEN #14	ALLEN (CADDO)	0.0	
8204168	F-01-032999	4200100000			103	ALLEN #14	ALLEN (CADDO)	0.0	
8204167	F-01-032998	4200100000			102-2	ALLEN #15	ALLEN (CADDO)	0.0	
8204167	F-01-032998	4200100000			103	ALLEN #15	ALLEN (CADDO)	0.0	
8204166	F-01-032997	4200100000			102-2	ALLEN #16	ALLEN (CADDO)	0.0	
8204166	F-01-032997	4200100000			103	ALLEN #16	ALLEN (CADDO)	0.0	
8204165	F-01-032996	4200100000			102-2	ALLEN #17	ALLEN (CADDO)	0.0	
8204165	F-01-032996	4200100000			103	ALLEN #17	ALLEN (CADDO)	0.0	
8204164	F-01-032995	4200100000			102-2	ALLEN #18	ALLEN (CADDO)	0.0	
8204164	F-01-032995	4200100000			103	ALLEN #18	ALLEN (CADDO)	0.0	
8204163	F-01-032994	4200100000			102-2	ALLEN #19	ALLEN (CADDO)	0.0	
8204163	F-01-032994	4200100000			103	ALLEN #19	ALLEN (CADDO)	0.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8204128	F-06-029079	4220330738		103		R SYPERT #1
8204128	F-06-029079	4220330738		107-TF		R SYPERT #1
8204190	F-03-035014	4205100000		102-2		WILLIAM A LANGE #2
8204190	F-03-035014	4205100000		103		WILLIAM A LANGE #2
-CHEVRON U S A INC				RECEIVED: 10/29/81 JA: TX		
8204383	F-08-041446	4200332503		103		COLUMBUS GRAY 21 #19
8204384	F-08-041447	4200332662		103		COLUMBUS GRAY 21 #21
8204333	F-08-041230	4249531149		103		W E BAIRD 12-48C
8204332	F-08-041229	4249531220		103		W E BAIRD 12-49C
8204334	F-08-041231	4249531221		103		W E BAIRD 12-50C
8204322	F-08-041212	4249531222		103		W E BAIRD 12-51C
8204335	F-08-041232	4249531223		103		W E BAIRD 13-75C
8204323	F-08-041213	4249531224		103		W E BAIRD 19-48C
8204324	F-08-041215	4249531211		103		W E BAIRD 19-49C
-CLAYTON W WILLIAMS JR				RECEIVED: 10/29/81 JA: TX		
8204187	F-03-034774	4205100000		102-2		EVIE SORSBY UNIT #1
8204224	F-03-038170	4205100000		102-2		GEORGE CHMELAR #2
8204216	F-03-037627	4205100000		102-2		J R SIMPSON UNIT #1
8204204	F-03-036833	4205100000		102-2		JERRY BENTON #1
8204194	F-03-035969	4205100000		102-2		JOE ADAMEK #1
8204225	F-03-038171	4205100000		102-2		RUST-GRAHAM UNIT #1
8204205	F-03-036959	4205100000		102-2		SHIRLEY CHMELAR #1
-COBRA OIL AND GAS CORPORATION				RECEIVED: 10/29/81 JA: TX		
8204201	F-03-036605	4214900000		102-2		BARNETT UNIT #1
8204201	F-03-036605	4214900000		103		BARNETT UNIT #1
8204200	F-03-036602	4214900000		102-2		WEBB #1
8204200	F-03-036602	4214900000		103		WEBB #1
-COLOGNE PRODUCTION CO				RECEIVED: 10/29/81 JA: TX		
8204295	F-02-040772	4246931765		102-4		HENRY HORADAM #2
-COMINCO AMERICAN INC				RECEIVED: 10/29/81 JA: TX		
8204249	F-10-039665	4235700000		108		HARBAUGH #1
-CONOCO INC				RECEIVED: 10/29/81 JA: TX		
8204247	F-04-039491	4250531078		107-TF		SANCHEZ-MCMURREY #2
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED: 10/29/81 JA: TX		
8204311	F-04-041120	4200730680		102-4		STATE TRACT 183 #1
-COTTON PETROLEUM CORPORATION				RECEIVED: 10/29/81 JA: TX		
8204348	F-10-041329	4229500000		108		STABEL UNIT #1
-CROMERA OIL & GAS CO				RECEIVED: 10/29/81 JA: TX		
8204177	F-09-033861	4223733260		103		HELEN DODOWSKY #2 ID-19803
-DELTA OIL & GAS CO				RECEIVED: 10/29/81 JA: TX		
8204364	F-78-041370	4242900000		108		J L HOLT #2 DMC #15081
-DESOTO OPERATING CO				RECEIVED: 10/29/81 JA: TX		
8204228	F-78-038487	4209330822		103		HADLEY-SCOTT #1
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 10/29/81 JA: TX		
8204374	F-10-041408	4229530918		103		VALENTINE SCHOENHALS #2
8204373	F-10-041407	4229530927		103		VALENTINE SCHOENHALS A #2
8204319	F-10-041206	4239330804		103		VERNON M FLOWERS EST #5-LT
8204320	F-10-041207	4239330804		103		VERNON M FLOWERS EST #5-UT
8204372	F-10-041406	4229530923		103		WALLACE HAMMER #2-589
-DISCOVERY OPERATING INC				RECEIVED: 10/29/81 JA: TX		
8204363	F-08-041369	4231732300		103		HOLCOMB #1
-ECHO PRODUCTION INC				RECEIVED: 10/29/81 JA: TX		
8204273	F-09-040374	4223733507		103		BOLEY #1

FIELD NAME	PROD	PURCHASER
SABINE S E	208.0	HYDROCARBON TRANS
SABINE S E	208.0	HYDROCARBON TRANS
GIDDINGS	0.0	FERGUSON CROSSING
GIDDINGS	0.0	FERGUSON CROSSING
FUHRMAN MASCHO	117.0	PHILLIPS PETROLEU
FUHRMAN MASCHO	53.0	PHILLIPS PETROLEU
KEYSTONE (CLEARFORK)	4.3	TRANSWESTERN PIPE
KEYSTONE (CLEARFORK)	7.3	TRANSWESTERN PIPE
KEYSTONE (CLEARFORK)	35.7	TRANSWESTERN PIPE
KEYSTONE (CLEARFORK)	10.9	TRANSWESTERN PIPE
KEYSTONE (CLEARFORK)	43.8	TRANSWESTERN PIPE
KEYSTONE (CLEARFORK)	45.6	TRANSWESTERN PIPE
KEYSTONE (CLEARFORK)	44.5	TRANSWESTERN PIPE
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	27.0	PHILLIPS PETROLEU
GIDDINGS	27.0	PHILLIPS PETROLEU
GIDDINGS	25.2	PHILLIPS PETROLEU
GIDDINGS	25.2	PHILLIPS PETROLEU
COLOGNE (4540')	100.0	HOUSTON PIPE LINE
LIPS (MORROW)	0.0	DIAMOND SHAMROCK
HUNDIDO (LOBO)	800.0	TRANSCONTINENTAL
NINE MILE POINT E (FRIO	0.0	CHANNEL INDUSTRIE
BRADFORD/CLEVELAND	0.0	DIAMOND SHAMROCK
ARCO (CONGL)	181.2	SOUTHWESTERN GAS
PIT-ROM (CONGL ZONE A)	5.1	LONE STAR GAS CO
COMANCHE COUNTY REGULAR	100.0	BURK ROYALTY CO
LIPSCOMB	440.0	
LIPSCOMB	113.6	
MENDOTA NW	440.0	
MENDOTA NW	12.0	
NORTHRUP	242.0	
SPRABERRY (TREND AREA)	12.6	PHILLIPS PETROLEU
PERRIN EAST (CONGL 5400)	72.0	TEXAS UTILITIES F

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-EL PASO NATURAL GAS COMPANY						RECEIVED: 10/29/81 JA: TX
8204188	F-10-034856	4208700000		108	-ER	SANDERS #2
8204121	F-10-025986	4221100000		108	-ER	URSCHEL #1
-ESENJAY PETROLEUM CORP						RECEIVED: 10/29/81 JA: TX
8204237	F-04-039082	4240931326		102	-4	G R TAYLOR GAS UNIT #1
8204237	F-04-039082	4240931326		103		G R TAYLOR GAS UNIT #1
-EXXON CORPORATION						RECEIVED: 10/29/81 JA: TX
8204217	F-04-037632	4226130614		102	-4	C M ARMSTRONG 64
*8204302	F-04-040895	4235531603		103		FLOUR BLUFF ST A-4 #94040
8204358	F-08-041363	4200332839		103		FULLERTON CLEARFORK UNIT #1743
8204272	F-08-040323	4200332572		103		FULLERTON CLEARFORK UNIT #643
8204280	F-08-040588	4222732422		103		H R CLAY #33
8204265	F-08-040083	4210332509		103		J B TUBB "C" #28L
*8204295	F-04-039338	4227331279		103		K R ALAZAN 314-F (78739)
*8204281	F-04-040592	4227331347		103		K R CHILTIPIN 64 (09287)
8204366	F-04-041379	4204700000		108		MCGILL BROS 239 (74647)
8204365	F-04-041378	4242700000		108		MRS A K EAST B #1 (82403)
8204367	F-04-041386	4242700800		108		N R MONTALVO 36-C (50596)
8204266	F-7C-040084	4223531579		103		PEARL WILLIAMS #9
8204357	F-8A-041355	4216532084		103		ROBERTSON CLFK UNIT #4703
8204306	F-04-040995	4213135102		103		V KOHLER A-136 #09632
-FALCON PETROLEUM COMPANY						RECEIVED: 10/29/81 JA: TX
8204252	F-10-039789	4235731104		103		ERICKSON #2 94159
-FEDERAL ENERGY DEVELOPMENT CO						RECEIVED: 10/29/81 JA: TX
8204375	F-09-041409	4223733740		103		JAMESON #1 (21092)
-FISHER-WEBB INC						RECEIVED: 10/29/81 JA: TX
8204355	F-7B-041352	4235331121		103		MCLAUGHLIN #83-2
8204356	F-7C-041353	4239932004		103		THORMEYER #1
-FOREST OIL CORPORATION						RECEIVED: 10/29/81 JA: TX
8204202	F-04-036633	4221531105		103		A A MCALLEN #22
8204202	F-04-036633	4221531105		107	-TF	A A MCALLEN #22
8204120	F-04-025839	4247932583		102	-2	OLMITOS RANCH INC #1
8204120	F-04-025839	4247932583		107	-TF	OLMITOS RANCH INC #1
8204123	F-04-026400	4247932642		102	-2	RUSSELL-WINCH ST #3
8204123	F-04-026400	4247932642		107	-TF	RUSSELL-WINCH ST #3
-FORTUNE PRODUCTION CO						RECEIVED: 10/29/81 JA: TX
8204309	F-7C-041039	4241331051		102	-2	UNIVERSITY 10 #1
8204309	F-7C-041039	4241331051		107	-TF	UNIVERSITY 10 #1
-GENERAL PRODUCTION CORP						RECEIVED: 10/29/81 JA: TX
8204150	F-03-031562	4205131198		103		MARK CAPERTON #2-A
-GETTY OIL COMPANY						RECEIVED: 10/29/81 JA: TX
8204313	F-08-041157	4210332501		103		NORTH MCELROY UNIT #2233
-GO OIL CORP						RECEIVED: 10/29/81 JA: TX
8204264	F-7B-040050	4236731867		102	-4	WILCOX #1
-GHR ENERGY CORP						RECEIVED: 10/29/81 JA: TX
8204283	F-04-040628	4247932271		102	-4	B M T #6
8204283	F-04-040628	4247932271		107	-TF	B M T #6
8204284	F-04-040629	4250531056		102	-4	H J MOSSER #1
8204284	F-04-040629	4250531056		107	-TF	H J MOSSER #1
8204286	F-04-040631	4247932294		102	-4	R MARTINEZ #1
8204286	F-04-040631	4247932294		107	-TF	R MARTINEZ #1
8204287	F-04-040633	4247932381		102	-4	ROTTERSMAN #1
8204287	F-04-040633	4247932381		107	-TF	ROTTERSMAN #1

FIELD NAME	PROD	PURCHASER
PANHANDLE EAST	0.0	EL PASO NATURAL G
CANADIAN NE DOUGLAS	0.0	EL PASO NATURAL G
ST PAUL NW (5100)	100.0	TRANSCONTINENTAL
ST PAUL NW (5100)	100.0	TRANSCONTINENTAL
CANDELARIA (J-47 E)	730.0	NATURAL GAS PIPEL
FLOUR BLUFF (FRIO 83[illegible]0')	571.0	ARMCO STEEL CORP
FULLERTON	15.0	PHILLIPS PETROLEU
FULLERTON	15.0	PHILLIPS PETROLEU
HOWARD-GLASSCOCK (GLORIE	7.0	PHILLIPS PETROLEU
SAND HILLS (TUBB)	11.0	EL PASO NATURAL G
ALAZAN NORTH (H-21)	450.0	ARMCO STEEL CORP
HINOJOSA NORTH (E-96)	80.0	ARMCO STEEL CORP
KELSEY DEEP (ZONE 18-A &	4.4	TRUNKLINE GAS CO
SAN ROMAN (8-D E)	0.0	TENNESSEE GAS PIP
SUN (DX)	7.8	TENNESSEE GAS PIP
DOVE CREEK (CANYON C)	6.0	NORTHERN NATURAL
ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
KOHLER NE (YEGUA - 13)	21.0	TENNESSEE GAS PIP
FARNSWORTH S E MCLEVELAN	1[illegible]0.0	PHILLIPS PETROLEU
WORTHINGTON	1[illegible].0	SOUTHWESTERN GAS
DOUBLE M RANCH (COOK SAN	50.[illegible]	SUN OIL CO
H R O (CAPPS)	50.0	UNION TEXAS PETRO
MCALLEN RANCH (VICKSBURG	600.0	VALERO TRANSMISSI
MCALLEN RANCH (VICKSBURG	600.0	VALERO TRANSMISSI
PROPOSED NICHOLSON LOBO	150.0	TRANSCONTINENTAL
PROPOSED NICHOLSON LOBO	150.0	TRANSCONTINENTAL
MUJERES CREEK	276.0	UNITED TEXAS TRAN
MUJERES CREEK	278.0	UNITED TEXAS TRAN
UNIVERSITY 54 (CANYON)	81.5	CRA INC
UNIVERSITY 54 (CANYON)	81.5	CRA INC
INEZ JAMESON (NAVARRO A)	0.0	FERGUSON CROSSING
MCELROY	7.0	PHILLIPS PETROLEU
DANIEL (STRAWN)	0.0	NATURAL GAS PIPEL
LA ROSITA (LOBO)	160.0	VALERO TRANSMISSI
LA ROSITA (LOBO)	160.0	VALERO TRANSMISSI
BLANCAS CREEK (10850)	27.0	VALERO TRANSMISSI
BLANCAS CREEK (10850)	27.0	VALERO TRANSMISSI
LA MANGANA (LOBO 8800)	20.0	VALERO TRANSMISSI
LA MANGANA (LOBO 88[illegible]0)	20.0	VALERO TRANSMISSI
ROTTERSMAN (LOBO)	607.0	VALERO TRANSMISSI
ROTTERSMAN (LOBO)	607.0	VALERO TRANSMISSI

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME

FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204289	F-04-040635	4247932388			102-4	SAMUELS GAS UNIT #2	SAMUELS (LOBO)	95.0	VALERO TRANSMISSI
8204289	F-04-040635	4247932388			107-TF	SAMUELS GAS UNIT #2	SAMUELS (LOBO)	95.0	VALERO TRANSMISSI
8204288	F-04-040634	4247932364			102-4	VAQUILLAS #1	VAQUILLAS RANCH (WILCOX	775.0	VALERO TRANSMISSI
8204288	F-04-040634	4247932364			107-TF	VAQUILLAS #1	VAQUILLAS RANCH (WILCOX	775.0	VALERO TRANSMISSI
8204285	F-04-040630	4247932292			102-4	YATES #1	BORDER (WILCOX)	16.0	VALERO TRANSMISSI
8204285	F-04-040630	4247932292			107-TF	YATES #1	BORDER (WILCOX)	16.0	VALERO TRANSMISSI
						RECEIVED: 10/29/81 JA: TX			
-GOOD HOPE REFINERIES INC									
8204226	F-04-038183	4250531342			102-4	LA PERLA #36	LA PERLA RANCH (LOBO 805	1500.0	VALERO TRANSMISSI
8204226	F-04-038183	4250531342			107-TF	LA PERLA #36	LA PERLA RANCH (LOBO 805	1500.0	VALERO TRANSMISSI
						RECEIVED: 10/29/81 JA: TX			
-GULF OIL CORPORATION									
8204310	F-08-041074	4249501260			108	KEYSTONE CATTLE CO #106	KEYSTONE (MCKEE)	11.0	SID RICHARDSON CA
8204346	F-10-041302	4235700000			108	TRUAX #1	SHARE	6.0	PHILLIPS PETROLEU
						RECEIVED: 10/29/81 JA: TX			
-H C W EXPLORATION INC									
8204236	F-08-038987	4237133329			102-4	RATTLESNAKE #1	ABELL (WICHITA-ALBANY 47	365.0	PERRY GAS PROCESS
						RECEIVED: 10/29/81 JA: TX			
-HALVEY ENERGY CO					103	MUNN #2			
8204250	F-7C-039785	4243140939				RECEIVED: 10/29/81 JA: TX	JAMESON (STRAWN)	24.0	SUN GAS CO
-HAMMAN OIL & REFINING CO					102-4	WILCOX HEIRS #2-A			
8204180	F-03-034080	4207131161				RECEIVED: 10/29/81 JA: TX	TRINITY RIVER DELTA (F-1	182.5	UNITED TEXAS TRAN
-HARRISON INTERESTS LTD					103	JOHN W HENDERSON III F #15			
8204291	F-7C-040642	4210533412			107-TF	JOHN W HENDERSON III F #15	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
8204291	F-7C-040642	4210533412			103	JOHN W HENDERSON III J #19	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
8204292	F-7C-040651	4210533530			107-TF	JOHN W HENDERSON III J #19	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
8204292	F-7C-040651	4210533530				RECEIVED: 10/29/81 JA: TX	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
-HENRY HYDROCARBON INC					103	VIRGINIA MORELAND #1			
8204271	F-09-040221	4223700000				RECEIVED: 10/29/81 JA: TX	CAMPBELL (ATOKA CONGL)	250.0	SOUTHWESTERN GAS
-HINSON BROTHERS A PARTNERSHIP					102-4	HINSON BROS INC #1 OB FENNER 93069			
8204227	F-02-038348	4223900000				RECEIVED: 10/29/81 JA: TX	FENNER (FRIO 4075)	51.0	TRUNKLINE GAS CO
-HNG OIL COMPANY					103	MCENTIRE "28" #2			
8204327	F-08-041221	4243130811			103	MORRISS 84 #4	CREDO E (CISCO UPPER)	277.0	INTRATEX GAS CO
8204326	F-01-041220	4243532249			103	SEALE D #4	HOLMAN RANCH (N PENN)	449.0	INTRATEX GAS CO
8204329	F-08-041223	4247500000			103	WILKINSON 10 #2	RHODA WALKER (CANYON 590	18.0	DELHI GAS PIPELIN
8204330	F-08-041224	4243100000			103	WILKINSON 12 #2	CREDO E (CISCO UPPER)	319.0	INTRATEX GAS CO
8204328	F-08-041222	4243130812				RECEIVED: 10/29/81 JA: TX	CREDO E (CISCO UPPER)	419.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION					102-4	STATE TRACT 231 #1			
8204206	F-03-037014	4216730776			103	STATE TRACT 231 #1	HANNAH REEF (FRIO 9250:	0.0	
8204206	F-03-037014	4216730776				RECEIVED: 10/29/81 JA: TX	HANNAH REEF (FRIO 9250:	0.0	
-HUGHES & HUGHES					103	KORB UNIT #1			
8204325	F-03-041216	4228730896				RECEIVED: 10/29/81 JA: TX	GIDDINGS (AUSTIN CHALK)	151.0	CLAJON GAS CO
-HUMBLE EXPLORATION CO INC					102-2	NOLA WEYAND #1			
8204175	F-03-033474	4214930825			103	NOLA WEYAND #1	GIDDINGS	352.0	PHILLIPS PETROLEU
8204175	F-03-033474	4214930825				RECEIVED: 10/29/81 JA: TX	GIDDINGS	352.0	PHILLIPS PETROLEU
-IBEX INC					103	UNIVERSITY-WICKETT B #12			
8204382	F-08-041445	4247532206				RECEIVED: 10/29/81 JA: TX	WARD-ESTES NORTH	33.9	CABOT CORP
-IKE LOVELADY INC					103	WEST #4			
8204256	F-7C-039912	4243532512			107-TF	WEST #4	INTERSTATE (CANYON)	273.0	ADOBE GAS CO
8204256	F-7C-039912	4243532512				RECEIVED: 10/29/81 JA: TX	INTERSTATE (CANYON)	273.0	ADOBE GAS CO
-INDIAN WELLS OIL CO					103	PHILLIPS 4-1			
8204282	F-7C-040622	4223531582				RECEIVED: 10/29/81 JA: TX	IRION (W CANYON)	18.0	NORTHERN NATURAL
-J M HUBER CORPORATION					103	BURNETT RA #19			
8204354	F-10-041347	4223330948				RECEIVED: 10/29/81 JA: TX	PANHANDLE	54.0	GETTY OIL CO
-JAMES M FORGOTSON					103	J R PEPPER GAS UNIT #2			
8204234	F-06-038944	4240100000			107-TF	J R PEPPER GAS UNIT #2	TATUM SW (HOUSTON-COTTON	120.0	HYDROCARBON TRANS
8204234	F-06-038944	4240100000					TATUM SW (HOUSTON-COTTON	120.0	HYDROCARBON TRANS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
						RECEIVED: 10/29/81 JA: TX			
-JIMMY ALLEN									
8204255	F-10-03985[illegible]	4217930861		103		BELL #2 RRC#04801	PANHANDLE	511.0	CABOT PIPELINE CO
						RECEIVED: 10/29/81 JA: TX			
-JOE C RICHARDSON JR									
8204268	F-10-040153	4229530983		103		LYNN #1	MEERY SE (CLEVELAND)	414.6	DIAMOND SHAMROCK
						RECEIVED: 10/29/81 JA: TX			
-JOHN A NEWMAN & CHARLES W SCOTT EST									
8204222	F-78-038074	4208300000		102-4		NEWMAN & SCOTT SEALY RANCH B-1	MARY-SUSAN (JENNINGS SAN	21.5	LONE STAR GAS CO
						RECEIVED: 10/29/81 JA: TX			
-JONES CO									
8204294	F-78-040738	4205932309		102-4		FINLEY 10 #1 (15573)	FINLEY (CADDO)	879.0	DELHI GAS PIPELIN
						RECEIVED: 10/29/81 JA: TX			
-LEWIS B BURLESON									
8204220	F-08-037935	4237100000		103		PUCKETT #1	BELDING (YATES)	40.0	APACHE GAS CORP
						RECEIVED: 10/29/81 JA: TX			
-LIVELY ENERGY & DEVELOPMENT CORP									
8204156	F-01-033210	4243532435		103		EPPS #2	HOLMAN RANCH (NORTH PENN	146.0	INTRATEX GAS CO
8204156	F-01-033210	4243532435		107-TF		EPPS #2	HOLMAN RANCH (NORTH PENN	148.0	INTRATEX GAS CO
						RECEIVED: 10/29/81 JA: TX			
-MARTIN OIL & GAS CO									
8204210	F-03-037321	4205100000		102-2		LIGHTSEY #2	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
						RECEIVED: 10/29/81 JA: TX			
-MAY PETROLEUM INC									
8204213	F-10-037570	4229530038		103		SCHULTZ #1	BRADFORD (CLEVELAND)	102.5	TRANSWESTERN PIPE
						RECEIVED: 10/29/81 JA: TX			
-MCCLYMOND BROTHERS									
8204268	F-78-039857	4242932778		103		A L SATTERWHITE LSE #17181	STEPHENS COUNTY REGULAR	0.1	WARREN PETROLEUM
						RECEIVED: 10/29/81 JA: TX			
-MCCORMICK OPERATING CO									
8204199	F-06-036375	4251131128		103		ROGERS GAS UNIT #4	OAK HILL (COTTON VALLEY)	500.0	HYDROCARBON TRANS
8204199	F-06-036375	4251131126		107-TF		ROGERS GAS UNIT #4	OAK HILL (COTTON VALLEY)	500.0	HYDROCARBON TRANS
8204186	F-06-034737	4251131101		103		TURNER #4	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8204186	F-06-034737	4251131101		107-TF		TURNER #4	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
						RECEIVED: 10/29/81 JA: TX			
-MCMAHON-BULLINGTON DRLG CO									
8204298	F-78-040637	4236731284		107-ME		WOODY "D" #4 8033[illegible]	DICEY (CONGLOMERATE)	102.0	TEXAS UTILITIES F
						RECEIVED: 10/29/81 JA: TX			
-MCZ INC									
8204344	F-03-041237	4231300000		103		WIESE GAS UNIT #1-C	NORTH ZULCH	110.0	LONE STAR GAS CO
8204345	F-03-041298	4231300000		103		WIESE GAS UNIT #1-T	MADISONVILLE NORTH	140.0	LONE STAR GAS CO
						RECEIVED: 10/29/81 JA: TX			
-MESA PETROLEUM									
8204258	F-10-039750	4243130024		103		COLE #1-33	CONGER (PENN)	7.0	ESPERANZA PIPELIN
						RECEIVED: 10/29/81 JA: TX			
-MITCHELL ENERGY CORPORATION									
8204195	F-03-036137	4228730576		103		A H KRAUSE #1	GIDDINGS (AUSTIN CHALK)	0.0	
8204338	F-09-041208	4249732049		103		B E ADAMS #2-U I U #21310	BRIDGEPORT (TIDWELL)	54.0	NATURAL GAS PIPEL
8204151	F-03-031791	4214930551		102-2		D W ALLEN #1	GIDDINGS (AUSTIN CHALK)	121.6	PHILLIPS PETROLEU
8204239	F-09-039155	4249731983		103		C A LAWRENCE #11	BOONSVILLE (BEND CONG GA	0.0	NATURAL GAS PIPEL
8204192	F-09-035469	4223733494		103		C A MCMURTRY #5	JERMYN WEST (MARBLE FALL	140.0	SOUTHWESTERN GAS
8204263	F-78-040004	4236332633		103		E M FARMER #1	MINERAL WELLS NORTH (BIG	100.0	SOUTHWESTERN GAS
8204155	F-05-033149	4229330542		103		FERGUSON GAS UNIT #2	FALLON (COTTON VALLEY)	0.0	SOUTHWESTERN GAS
8204155	F-05-033149	4229330542		107-TF		FERGUSON GAS UNIT #2	FALLON (COTTON VALLEY)	0.0	SOUTHWESTERN GAS
8204153	F-09-032786	4249731986		103		FLOWERS-GILBERRY #3	BOONSVILLE (BEND CONGL G	422.0	NATURAL GAS PIPEL
8204229	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
8204212	F-09-037331	4249731992		103		J C CHANEY #2	BOONSVILLE (BEND CONGLOM	240.0	NATURAL GAS PIPEL
8204221	F-09-037979	4223700000		108		J R HALSELL #3 21187	ARCO (CONGLOMERATE)	2.6	SOUTHWESTERN GAS
8204223	F-09-038153	4249732074		103		L W CLARK #2	BOONSVILLE (BEND CONGL G	385.0	NATURAL GAS PIPEL
8204211	F-09-037330	4249731963		103		LILLIAN MAY #2	BOONSVILLE (BEND CONGL G	230.0	NATURAL GAS PIPEL
8204133	F-09-030026	4249731[illegible]03		103		LUCY ROGERS #4	BOONSVILLE (BEND CONGL G	300.0	NATURAL GAS PIPEL
8204185	F-09-034551	4223733402		103		VERA HENDERSON #1-C	WILDCAT (FILED AS A NEW	460.0	
8204127	F-09-027897	4239700000		108		W R HIPP #3 86202	BOONSVILLE (BEND CONGL G	3.4	NATURAL GAS PIPEL
						RECEIVED: 10/29/81 JA: TX			
-MOBIL PRDG TEXAS & NEW MEXICO INC									
8204191	F-7C-035177	4244332258		103		BANNER-HOGE UNIT #4	BROWN BASSETT (STRAWN)	0.0	EL PASO NATURAL G
*8204274	F-08-040378	4232930989		103		PRESTON SPRABERRY UNIT #1907	SPRABERRY TREND (AREA)	5.1	PHILLIPS PETROLEU
8204277	F-78-040443	4215130936		102-4		SOJOURNER C #2	ALKALI CREEK SW (FLIPPEN	10.2	LONE STAR GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
						RECEIVED: 10/29/81 JA: TX			
8204303	F-04-040896	4230130302		102-4		M D JOHNSON #1	WILDCAT (FILED AS A NEW	0.0	
						RECEIVED: 10/29/81 JA: TX			
-MOORE & SCHLEY									
8204208	F-10-037570	4229530038		103		SCHULTZ #1	BRADFORD (CLEVELAND)	102.5	TRANSWESTERN PIPE
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204202	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204203	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204204	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204205	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204206	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204207	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204209	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204214	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204215	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204216	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204217	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204218	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204219	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204224	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204225	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204226	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204227	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204228	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204230	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204231	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204232	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204233	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204234	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204235	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204236	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204237	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204238	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204240	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204241	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204242	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204243	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204244	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204245	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204246	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204247	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204248	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204249	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204250	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204251	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204252	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204253	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204254	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204255	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204256	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204257	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204258	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204259	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204260	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204261	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204262	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204263	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204264	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204265	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204266	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204267	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204268	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204269	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204270	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204271	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204272	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204273	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204274	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204275	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204276	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204277	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204278	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204279	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204280	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204281	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204282	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204283	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204284	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204285	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204286	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204287	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204288	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204289	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204290	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204291	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204292	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204293	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204294	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204295	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204296	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29/81 JA: TX			
-MOSBACHER ENERGY CO									
8204297	F-78-038581	4236700000		108		G U WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
						RECEIVED: 10/29

JD NO	JA DKT	API NO	D SEC CAT WELL NAME
8204303	F-04-040898	4230130302	102-4 W D JOHNSON E #3
			RECEIVED: 10/29/81 JA: TX
-MONSANTO COMPANY			
8204317	F-8A-041193	4207931380	103 STARNES #41-38
			RECEIVED: 10/29/81 JA: TX
-MOODY ENERGY CO			
8204331	F-10-041226	4221131330	103 MURL KENYON A #2
			RECEIVED: 10/29/81 JA: TX
-MOTE RESOURCES INC			
8204378	F-09-041426	4207732159	103 SARAH MAXEY #1
8204377	F-09-041425	4207732307	103 SARAH MAXEY #2
			RECEIVED: 10/29/81 JA: TX
-MUELLER ENGINEERING CORP			
8204293	F-02-040657	4229700000	108 G B SPRADLEY 50159
			RECEIVED: 10/29/81 JA: TX
-NATIONAL OIL COMPANY			
8204238	F-06-039132	4200131051	103 C L CARROLL UNIT #1
			RECEIVED: 10/29/81 JA: TX
-NP ENERGY CORPORATION			
8204112	F-02-024940	4225500000	103 LETSINGER-SUTTON #5
			RECEIVED: 10/29/81 JA: TX
-NUCORP ENERGY INC			
8204233	F-03-038843	4231330321	102-4 JOHNSTON UNIT #1
			RECEIVED: 10/29/81 JA: TX
-PALCO INC			
8204178	F-10-033891	4223300000	103 REIMER A #3
			RECEIVED: 10/29/81 JA: TX
-PALO PETROLEUM INC			
8204336	F-08-041236	4217331064	103 CALVERLEY #2
8204130	F-7B-029468	4204931917	102-4 EMMA RILEY B #1
8204130	F-7B-029468	4204931917	103 EMMA RILEY B #1
8204296	F-7B-040776	4204931932	102-4 LOW ESTATE #1
8204129	F-7B-029388	4204931942	102-4 STEEL F #1
8204129	F-7B-029388	4204931942	103 STEEL F #1
			RECEIVED: 10/29/81 JA: TX
-PARAGON RESOURCES INC			
8204278	F-03-040534	4215731155	102-2 STERN #2
8204278	F-03-040534	4215731155	103 STERN #2
			RECEIVED: 10/29/81 JA: TX
-PETROLEUM INC			
8204314	F-10-041161	4221131266	103 JONES ESTATE #1-21
			RECEIVED: 10/29/81 JA: TX
-PETROLEUM TECHNICAL SERVICES CO			
8204371	F-03-041405	4214931096	103 JANIS-MCCOLLUM UNIT #1
8204381	F-03-041436	4214931096	102-2 JANIS-MCCOLLUM UNIT #1
8204305	F-08-040981	4210332621	103 P J LEA #6
			RECEIVED: 10/29/81 JA: TX
-PHILLIPS PETROLEUM COMPANY			
8204370	F-08-041399	4213533580	103 BLAKENEY #7 (02122)
8204108	F-09-005762	4249731090	103 CHAMPION - A#2
8204299	F-10-40860	4223300000	108 HERR #1
8204301	F-08-040872	4237132978	103 ROSA L MITCHELL-2
8204300	F-08-040870	4213533581	103 WEYMAN-5 (02140)
			RECEIVED: 10/29/81 JA: TX
-RICHEY EXPLORATION CO			
8204235	F-09-038986	4223733701	103 C T TOMLINSON #1
			RECEIVED: 10/29/81 JA: TX
-RICKS EXPLORATION CO			
8204125	F-10-027142	4235731025	102-4 SANDEE #1114-A
			RECEIVED: 10/29/81 JA: TX
-ROBINSON BROS DRILLING CO INC			
8204321	F-01-041208	4217730502	103 HINTON BALL #1
			RECEIVED: 10/29/81 JA: TX
-SANCHEZ-OBRIEN OIL & GAS CORP			
8204241	F-04-039278	4247932690	107-TF MAYER GAS UNIT 4 #1
8204242	F-04-039281	4247932584	107-TF MAYERS GAS UNIT 2 #1
			RECEIVED: 10/29/81 JA: TX
-SANTA FE ENERGY PRODUCTS CO			
8204262	F-10-039972	4235731059	103 WILLIS HARDY #2-49
			RECEIVED: 10/29/81 JA: TX
-SAXON OIL COMPANY			
8204337	F-7C-041242	4238331980	103 UNIVERSITY 14-2 #2

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FIELD NAME	PROD	PURCHASER
DIMMIT (CHERRY CANYON)	32.9	INTRATEX GAS CO
LEVELLAND	7.3	CITIES SERVICE CO
FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEU
VERA STRAWN	25.0	FAGADAU ENERGY CO
VERA STRAWN	54.0	FAGADAU ENERGY CO
RAMIRENA N (PETTUS)	23.8	UNITED GAS PIPELI
LONG LAKE	47.0	LONE STAR GAS CO
EAST KENEDY (LULING)	72.0	UNITED GAS PIPELI
MADISONVILLE (WOODBINE)	235.0	LONE STAR GAS CO
PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
SPRABERRY (TREND AREA)	17.2	EL PASO NATURAL G
PALO DAVIS (RANGER)	151.1	ODESSA NATURAL CO
PALO DAVIS (RANGER)	151.1	ODESSA NATURAL CO
BLIND HOG (RANGER)	113.2	ODESSA NATURAL CO
BLIND HOG (RANGER)	94.9	ODESSA NATURAL CO
BLIND HOG (RANGER)	94.9	ODESSA NATURAL CO
RANDON EAST (3000)	237.0	TRANSCO GAS PIPE
RANDON EAST (3000)	237.0	TRANSCO GAS PIPE
FELDMAN/DOUGLAS	18.0	PANHANDLE EASTERN
GIDDINGS (AUSTIN CHALK)	34.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	34.6	PHILLIPS PETROLEU
LEA (SAN ANDRES)	18.3	WARREN PETROLEUM
GOLDSMITH (CLEARFORK)	15.1	EL PASO NATURAL G
BOONESVILLE	152.1	NATURAL GAS PIPEL
PANHANDLE WEST-RED CAVE	0.0	EL PASO NATURAL G
PUCKETT (ELLENBURGER)	845.0	NORTHERN NATURAL
GOLDSMITH (CLEARFORK)	12.0	EL PASO NATURAL G
MARYETTA SE (CONGL)	200.0	LONE STAR GAS CO
RICKS (MORROW, UP)	0.0	HIGH PLAINS NATUR
COST (AUSTIN CHALK)	24.0	TIPPERARY GATHERI
DELORES CREEK (8400 WILC	500.0	UNITED TEXAS TRAN
SAN JUANITA WILCOX (8600	500.0	TRANSCONTINENTAL
ELLIS RANCH (CLEVELAND)	143.1	TRANSWESTERN PIPE
SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHAH EXPLORATION CO INC						RECEIVED: 10/29/81 JA: TX			
8204182	F-09-034492	4250300000		103		SHAH-HINSON B	WILDCAT - YOUNG COUNTY R	2.0	GAS ASSOCIATED SY
-SHELL OIL CO						RECEIVED: 10/29/81 JA: TX			
8204269	F-04-040164	4221531120		103		A A MCALLEN #73	MCALLEN RANCH (VICKSBURG	500.0	VALERO INTERSTATE
8204304	F-08-040748	4213500000		108		TXL NORTH UNIT #423-L	TXL (TUBB)	10.5	SHELL OIL
-SHOW PETROLEUM INC						RECEIVED: 10/29/81 JA: TX			
8204307	F-7B-041004	4204932717		103		BATES #4 (93090)	BROWN COUNTY REGULAR	0.5	ODESSA NATURAL CO
-SOUTHLAND ROYALTY CO						RECEIVED: 10/29/81 JA: TX			
8204342	F-10-041286	4217900000		108		J M WRIGHT #1	EAST PANHANDLE	18.0	COLTEXO CORP
-SPENCER & HUTSON						RECEIVED: 10/29/81 JA: TX			
8204315	F-03-041173	4214930788		103		JONELL #1	GIDDINGS (AUSTIN CHALK)	36.5	PHILLIPS PETROLEU
8204246	F-03-039428	4228730660		103		KEYS #1	GIDDINGS (AUSTIN CHALK)	18.2	PGP GAS PRODUCTS
-STUBBLEFIELD R E & SONS						RECEIVED: 10/29/81 JA: TX			
8204359	F-10-041364	4208700000		108		MCDOWELL #1 (ID #27029)	PANHANDLE EAST	6.1	WARREN PETROLEUM
8204360	F-10-041365	4248300000		108		NIPPY-SPEED #1 (ID#27039)	PANHANDLE EAST	3.0	WARREN PETROLEUM
8204362	F-10-041367	4248300000		108		WALLACE #A-2 (ID#27042)	PANHANDLE EAST	2.4	WARREN PETROLEUM
8204361	F-10-041366	4248300000		108		WALLACE #1 (ID#27040)	PANHANDLE EAST	14.5	WARREN PETROLEUM
-STUBBLEFIELD R EARL						RECEIVED: 10/29/81 JA: TX			
8204349	F-10-041342	4248300000		108		COLUMBIAN FUEL CORP #1 (ID#27025)	PANHANDLE EAST	1.3	WARREN PETROLEUM
8204350	F-10-041343	4248300000		108		FEE #1 (ID#27026)	PANHANDLE EAST	2.5	WARREN PETROLEUM
8204351	F-10-041344	4248300000		108		PAKAN #A-1 (ID#27031)	PANHANDLE EAST	13.1	WARREN PETROLEUM
8204352	F-10-041345	4248300000		108		PAKAN MIRO #1 (ID#27032)	PANHANDLE EAST	10.1	WARREN PETROLEUM
8204353	F-10-041346	4248300000		108		WALLACE #A-1 (ID#27035)	PANHANDLE EAST	4.3	WARREN PETROLEUM
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 10/29/81 JA: TX			
8204275	F-04-040482	4242731413		103		B B DE GARCIA #35	FROST	28.0	
-TAYLOR OPERATING COMPANY						RECEIVED: 10/29/81 JA: TX			
8204248	F-09-039516	4249700000		103		THOMAS HODGES #7 (10753)	WISE COUNTY REGULAR	73.0	NATURAL GAS PIPEL
-TEX-STAR PETROLEUM						RECEIVED: 10/29/81 JA: TX			
8204154	F-7C-032909	4239931899		102-4		FULLER #2 (08573)	HENSON (MISS)	48.0	UNION TEXAS PETRO
-TEXACO INC						RECEIVED: 10/29/81 JA: TX			
8204369	F-09-041394	4818130202		103		JOHN MARSHALL #4	BADLER (PENN)	2.2	UNION TEXAS PETRO
8204312	F-04-041141	4221530979		107-DP		PRODUCTIVE PROPERTIES INC #1	ORANGE BLOSSOM (AUSTIN)	33.0	VALERO INTERSTATE
8204253	F-8A-039805	4216531962		103		SAM C JENKINS #9	JENKINS (SAN ANDRES)	0.0	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 10/29/81 JA: TX			
8204218	F-03-037720	4214930784		102-2		BAUER #1	GIDDINGS (AUSTIN CHALK)	508.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP						RECEIVED: 10/29/81 JA: TX			
8204179	F-05-034008	4216130582		103		BOYD-PICKETT #2	TEAGUE (COTTON VALLEY)	0.0	
8204179	F-05-034008	4216130582		107-TF		BOYD-PICKETT #2	TEAGUE (COTTON VALLEY)	0.0	
8204176	F-02-033744	4228531510		102-4		HANCOCK 0-1	PROVIDENT CITY (WILCOX 1	0.0	DELHI GAS PIPELIN
8204181	F-03-034090	4232131067		103		STEELE #3 - UPPER	DUNCAN SLOUGH S (F-6)	0.0	DELHI GAS PIPELIN
8204131	F-02-029520	4229732107		102-4		ZAMZOW A-1 #91211	RAY POINT NORTH	30.0	UNITED GAS PIPELI
-TRANS-AMERICAN DEVELOPMENT CORP						RECEIVED: 10/29/81 JA: TX			
8204257	F-7B-039917	4204900000		103		T BOYD #1 (16387)	BROWN COUNTY REGULAR	24.0	ODESSA NATURAL CO
-TSPI INC						RECEIVED: 10/29/81 JA: TX			
8204279	F-10-040553	4223300000		103		PEANUT #3	PANHANDLE HUTCHINSON COU	85.0	PANHANDLE PRODUCI
-U S OPERATING INC						RECEIVED: 10/29/81 JA: TX			
8204152	F-03-032076	4305130995		102-2		CLARICE UNIT #1	GIDDINGS (AUSTIN CHALK A	0.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF						RECEIVED: 10/29/81 JA: TX			
8204254	F-08-0390807	4200332637		103		DOLLARHIDE UNIT #6-12-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLI
-UNION TEXAS PETROLEUM						RECEIVED: 10/29/81 JA: TX			
8204209	F-03-037289	4219931528		102-4		KIRBY LUMBER COMPANY #3	SOUR LAKE E (YEGUA-4TH)	182.5	TEXAS GAS TRANSMI
-W L BRUCE OPERATOR						RECEIVED: 10/29/81 JA: TX			
8204115	F-10-025378	4234100000		108		LETHEN #1 RRC#03915	PANHANDLE	27.6	PHILLIPS PET CO

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-WAGNER & BROWN						RECEIVED: 10/29/81 JA: TX			
8204178	F-05-034008	4216130582		103		BOYD-PICKETT #2	TEAGUE (COTTON VALLEY)	0.0	
8204178	F-05-034008	4216130582		107-TF		BOYD-PICKETT #2	TEAGUE (COTTON VALLEY)	0.0	
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204174	F-02-033744	4228531510		102-4		HANCOCK 0-1	PROVIDENT CITY (WILCOX 1	0.0	DELHI GAS PIPELIN
8204180	F-03-034090	4232131067		103		STEELE #3 - UPPER	DUNCAN SLOUGH S (F-6)	0.0	DELHI GAS PIPELIN
8204130	F-02-029520	4229732107		102-4		ZAMZOW A-1 #91211	RAY POINT NORTH	30.0	UNITED GAS PIPELI
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204256	F-7B-039917	4204900000		103		T BOYD #1 (16387)	BROWN COUNTY REGULAR	24.0	ODESSA NATURAL CO
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204278	F-10-040553	4223300000		103		PEANUT #3	PANHANDLE HUTCHINSON COU	85.0	PANHANDLE PRODUCI
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204151	F-03-032076	4305130995		102-2		CLARICE UNIT #1	GIDDINGS (AUSTIN CHALK A	0.0	PHILLIPS PETROLEU
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204253	F-08-0390807	4200332637		103		DOLLARHIDE UNIT #6-12-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLI
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204208	F-03-037289	4219931528		102-4		KIRBY LUMBER COMPANY #3	SOUR LAKE E (YEGUA-4TH)	182.5	TEXAS GAS TRANSMI
-WAGNER OIL COMPANY						RECEIVED: 10/29/81 JA: TX			
8204114	F-10-025378	4234100000		108		LETHEN #1 RRC#03915	PANHANDLE	27.6	PHILLIPS PET CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204116	F-10-025379	4234100000			108	LETHEN #3 RRC#03915	PANHANDLE	27.6	PHILLIPS PET CO
-WARREN PETR CO A DIV OF GULF OIL CO						RECEIVED: 10/29/81 JA: TX			
8204316	F-08-041174	4210332445			103	W A ESTES #109 (26648)	SAND HILLS WEST (SILURIA	29.0	EL PASO NATURAL G
8204270	F-08-040180	4210332548			103	W N WADDELL TR A #1178	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL G
8204243	F-08-039298	4210332552			103	W N WADDELL TR A #1182	SAND HILLS (JUDKINS)	45.0	EL PASO NATURAL G
8204231	F-08-038612	4210332559			103	W N WADDELL TR A #1184	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL G
8204244	F-08-039299	4210332541			103	W N WADDELL TR A #1188	SAND HILLS (JUDKINS)	67.0	EL PASO NATURAL G
-WILLIAM PERLMAN						RECEIVED: 10/29/81 JA: TX			
8204132	F-7C-029892	4243532426			102-2	DAN CAUTHORN 155-1	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
8204132	F-7C-029892	4243532426			107-TF	DAN CAUTHORN 155-1	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
-WINDSOR GAS CORP						RECEIVED: 10/29/81 JA: TX			
8204126	F-7C-027538	4243530367			108	WILSON 175-1 56936	SHURLEY RANCH (CANYON)	20.0	VALERO TRANSMISSI
-WINDSOR PRODUCING CO						RECEIVED: 10/29/81 JA: TX			
8204232	F-03-038826	4228730974			102-2	DELTA P #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204232	F-03-038826	4228730974			103	DELTA P #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204318	F-03-041205	4228730945			103	EDWARDS UNIT #3	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204267	F-03-040109	4228730916			102-2	KNITTLE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204267	F-03-040109	4228730916			103	KNITTLE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS

OTHER PURCHASERS

8204245 E I DUPONT DE [illegible] & CO INC
8204274 EL PASO NATURAL GAS CO
8204281 E I DUPONT DE [illegible] & CO INC
8204302 E I DUPONT [illegible] & CO INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:
- 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section:
- 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section:
- 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35916 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 546]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
-HUSKY OIL COMPANY				RECEIVED: 11/02/81	JA: CA			
8204862	81-6-0030	0410320116		103	HUSKY-TENNECO FOX 1-34	RANCHO CAPAY GAS FIELD	253.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY				RECEIVED: 11/02/81	JA: CA			
8204868	81-4-0064	0402957820		103	CHEVRON FEE 26-35	RIO VIEJO	117.0	ARCO OIL & GAS CO
8204869	81-4-0063	0402957007		103	PALOMA 26X-3	PALOMA	32.0	ARCO OIL & GAS CO
8204863	81-4-0069	0402962062		103	PALOMA 41X-10	PALOMA	40.0	ARCO OIL & GAS CO
8204864	81-4-0068	0402955280		103	RIORDAN 75X-34	RIO VIEJO	18.0	ARCO OIL & GAS CO
8204867	81-4-0065	0402958915		103	TEN SECTION 26X-28	TEN SECTION	12.0	PACIFIC LIGHTING
8204866	81-4-0066	0402959420		103	TEN SECTION 27X-28	TEN SECTION	19.0	PACIFIC LIGHTING
8204865	81-4-0067	0402957203		103	TEN SECTION 37-28	TEN SECTION	9.0	PACIFIC LIGHTING
-TEXAS OIL & GAS CORP				RECEIVED: 11/02/81	JA: CA			
8204861	81-6-0039	0409520445		102-4	DONOVAN #21-1	MAINE PRAIRIE GAS FIELD	450.0	
FLORIDA DEPARTMENT OF NATURAL RESOURCES								
-EXXON CORPORATION				RECEIVED: 11/04/81	JA: FL			
*8204878		0911320188		107-OP	MARTHA MURPHY #10-6	JAY/LEC	500.0	FLORIDA GAS TRANS
LOUISIANA OFFICE OF CONSERVATION								
-KERR-MCGEE CORPORATION				RECEIVED: 10/13/81	JA: LA			
8204879	81-1128	1772620191		102-4	S L 2000 NO 57	BRETON SOUND BLOCK 20	382.0	SOUTHERN NATURAL
NORTH DAKOTA INDUSTRIAL COMMISSION								
-AMERADA HESS CORPORATION				RECEIVED: 11/02/81	JA: ND			
8204874	385	3310500859		103	BEAVER LODGE MADISON UNIT I-9	BEAVER LODGE	37.0	MONTANA DAKOTA UT
8204876	387	3310500855		103	BEAVER LODGE MADISON UNIT S-23	BEAVER LODGE	23.0	MONTANA DAKOTA UT
8204873	384	3310500869		103	BEAVER LODGE MADISON UNIT V-25	BEAVER LODGE	10.0	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED: 11/02/81	JA: ND			
8204872	388	3305301155		102-2	HAMRE UNIT A #1	CHERRY CREEK	43.8	MONTANA - DAKOTA
-GULF OIL CORPORATION				RECEIVED: 11/02/81	JA: ND			
8204871	389	3307500158		102-2	GARY HOUGHTON 1-6-4D	LITTLE KNIFE	60.0	MONTANA DAKOTA UT
8204870	390	3310500835		102-2	NORDELL 1-25-1D	UNDESIGNATED	7.0	
-MILLIARD OIL & GAS INC				RECEIVED: 11/02/81	JA: ND			
*8204875	386	3305301144		102-2	LILLIBRIDGE #1	WILDCAT	270.0	AMINOIL USA INC
OHIO DEPARTMENT OF NATURAL RESOURCES								
-BELDEN & BLAKE AND CO #77				RECEIVED: 11/02/81	JA: OH			
8204709		3401921422		103	LEWIS VOSI COMM #1-341070	BROWN	36.5	
8204709		3401921422		107-TF	LEWIS VOSI COMM #1-341070	BROWN	36.5	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BROWN PETROLEUM CORP						RECEIVED: 11/02/81 JA: OH			
8204714		3407522521		103		ABE YODER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8204714		3407522521		107-TF		ABE YODER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8204712		3407522399		103		ELLIOT #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204712		3407522399		107-TF		ELLIOT #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204719		3407522894		103		ELLIOTT #3	MECHANIC	10.0	COLUMBIA GAS TRAN
8204719		3407522894		107-TF		ELLIOTT #3	MECHANIC	10.0	COLUMBIA GAS TRAN
8204717		3407522834		103		GILMAN #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204717		3407522834		107-TF		GILMAN #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204713		3407522420		107-TF		PATTERSON #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8204715		3407522641		103		PATTERSON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204715		3407522641		107-TF		PATTERSON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204716		3407522643		103		PATTERSON #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204716		3407522643		107-TF		PATTERSON #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204718		3407522892		103		PATTERSON #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204718		3407522892		107-TF		PATTERSON #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204711		3403124256		103		ROSS #2-B	BEDFORD	10.0	COLUMBIA GAS TRAN
8204711		3403124256		107-TF		ROSS #2-B	BEDFORD	10.0	COLUMBIA GAS TRAN
8204710		3403123962		103		UNDERWOOD #1	BEDFORD	10.0	COLUMBIA GAS TRAN
8204710		3403123962		107-TF		UNDERWOOD #1	BEDFORD	10.0	COLUMBIA GAS TRAN
-CARL M PUSTON						RECEIVED: 11/02/81 JA: OH			
8204824		3407322406		107-TF		LEON P KIEFFER #2	WARD	50.0	
-CHARLES L WOOD						RECEIVED: 11/02/81 JA: OH			
8204859		3405923067		103		GIBSON #1	MONROE	12.0	COLUMBIA GAS TRAN
8204859		3405923067		107-TF		GIBSON #1	MONROE	12.0	COLUMBIA GAS TRAN
-CHARLES O LIGHTHIZER						RECEIVED: 11/02/81 JA: OH			
8204766		3411925209		103		ANDY ANDERSON #1	PERRY	0.0	
8204766		3411925209		107-TF		ANDY ANDERSON #1	PERRY	0.0	
-CLARENCE SHERMAN						RECEIVED: 11/02/81 JA: OH			
8204827		3415723585		107-TF		HUPRICH #1	AUBURN	20.0	
8204828		3415723586		107-TF		HUPRICH #2	AUBURN	20.0	
8204829		3415723587		107-TF		HUPRICH #3	AUBURN	20.0	
-COLLINS-MCGREGOR OPERATING COMPANY						RECEIVED: 11/02/81 JA: OH			
8204720		3405520301		103		BRAFF #2	MIDDLEFIELD	20.0	EAST OHIO GAS CO
8204720		3405520301		107-TF		BRAFF #2	MIDDLEFIELD	20.0	EAST OHIO GAS CO
-CYCLOPS CORP						RECEIVED: 11/02/81 JA: OH			
8204721		3403123635		107-TF		CHESTER & ONIE PEW #4	KEENE	30.0	
-DERRICK PETROLEUM INC						RECEIVED: 11/02/81 JA: OH			
8204722		3403124294		107-TF		JESSE BURTON #1	JACKSON	10.0	COLUMBIA GAS CORP
-DISCOVERY OIL LTD						RECEIVED: 11/02/81 JA: OH			
8204726		3407522473		107-TF		A & E SWARTZENTRUBER #1	MECHANIC	2750.0	COLUMBIA GAS TRAN
8204729		3407522936		107-TF		ALBERT COBLENTZ #1	HARDY	1250.0	COLUMBIA GAS TRAN
8204727		3407522474		107-TF		ALBERT SWARTZENTRUBER #2	MECHANIC	980.0	COLUMBIA GAS TRAN
8204728		3407522475		107-TF		ALBERT SWARTZENTRUBER #3	MECHANIC	1500.0	COLUMBIA GAS TRAN.
8204731		3416922574		107-TF		ELIZABETH DANNEMILLER #1	CHIPPEWA	50.0	EAST OHIO GAS CO
8204736		3416922737	D	107-TF		ELWOOD SANOR #1	CHIPPEWA	975.0	EAST OHIO GAS CO
8204730		3416922492		107-TF		JENNIE MCCLELLAND #2	CHIPPEWA	500.0	EAST OHIO GAS CO
8204732		3416922575		107-TF		LEROY BERGER #1	CHIPPEWA	500.0	EAST OHIO GAS CO
8204733		3416922576		107-TF		LEROY BERGER #2	CHIPPEWA	500.0	EAST OHIO GAS CO
8204734		3416922577		107-TF		LEROY BERGER #3	CHIPPEWA	300.0	EAST OHIO GAS CO
8204735		3416922578		107-TF		LEROY BERGER #4	CHIPPEWA	1000.0	EAST OHIO GAS CO
8204723		3407522469		107-TF		LESTER HOCHSTETLER #1	MECHANIC	775.0	COLUMBIA GAS TRAN
8204724		3407522470		107-TF		LESTER HOCHSTETLER #2	MECHANIC	950.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204725		3407522472		107-TF		LESTER HOCHSTETLER #3	MECHANIC	1250.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204725		3407522472			107-TF	LESTER HOCHSTETLER #3	MECHANIC	1250.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC						RECEIVED: 11/02/81 JA: OH			
8204737		3407522992			107-TF	ABE G YODER #1 KQ-5	BERLIN	12.0	COLUMBIA GAS TRAN
8204740		3407523043			107-TF	ALBERT J YODER #1 KQ-6	BERLIN	12.0	COLUMBIA GAS TRAN
8204750		3412724814			107-TF	BILLY CARTER #1 KA-48	MADISON	12.0	NATIONAL OIL & GA
8204745		3411925352			107-TF	CHARLES & PAUL WILKINS #1 KN-2	SPRINGFIELD	12.0	NATIONAL GAS & OI
8204744		3411925351			107-TF	DARYL CLARK #1 KN-3	SPRINGFIELD	12.0	NATIONAL GAS & OI
8204749		3412724813			107-TF	DONALD STERRETT #1 KA-47	MADISON	12.0	NATIONAL GAS & OI
8204741		3407523067			107-TF	EMANUEL D MILLER #1 KQ-8	BERLIN	12.0	COLUMBIA GAS TRAN
8204747		3411925622			107-TF	FRANCES OGG #1 KA-83	HOPEWELL	12.0	COLUMBIA GAS TRAN
8204742		3411925218			107-TF	JAMES GARD #1 KA-45	HOPEWELL	12.0	COLUMBIA GAS TRAN
8204746		3411925621			107-TF	JAMES WIETZEL #1 KA-84	HOPEWELL	12.0	NATIONAL GAS & OI
8204748		3412724812			107-TF	KARL WILTSIE #1 KA-46	MADISON	12.0	NATIONAL GAS & OI
8204738		3407522993			107-TF	NORMAN MILLER #1 KQ-4	BERLIN	12.0	COLUMBIA GAS TRAN
8204743		3411925220			107-TF	RALPH TAGGART #1 KA-44	NEWTON	12.0	NATIONAL GAS & OI
8204751		3412725105			103	VANCE BOLYARD #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8204751		3412725105			107-TF	VANCE BOLYARD #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8204739		3407522996			107-TF	WYMAN RABER #1 KQ-3	BERLIN	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP						RECEIVED: 11/02/81 JA: OH			
8204752		3416922635			103	CLEVELAND #2	CANAAN	10.0	COLUMBIA GAS TRAN
8204752		3416922635			107-TF	CLEVELAND #2	CANAAN	10.0	COLUMBIA GAS TRAN
8204753		3416922871			103	UPP #2	CANAAN	30.0	COLUMBIA GAS TRAN
8204753		3416922871			107-TF	UPP #2	CANAAN	30.0	COLUMBIA GAS TRAN
-GASEARCH INC						RECEIVED: 11/02/81 JA: OH			
8204754		3400721553			103	DELMUL #1	CHERRY VALLEY	20.0	
8204754		3400721553			107-TF	DELMUL #1	CHERRY VALLEY	20.0	
8204755		3413322026			103	SPOLARICH #2	NELSON	20.0	COLUMBIA GAS TRAN
8204755		3413322026			107-TF	SPOLARICH #2	NELSON	20.0	COLUMBIA GAS TRAN
-GEN MOTORS CORP						RECEIVED: 11/02/81 JA: OH			
8204759		3415521509			107-TF	CORY UNIT #1	LORDSTOWN	47.0	EAST OHIO GAS CO
8204758		3409921249			107-TF	D'AMICO UNIT #1	MILTON	29.0	EAST OHIO GAS CO
8204757		3409921245			107-TF	DUGAN UNIT #1	JACKSON	50.0	EAST OHIO GAS CO
8204756		3409921233			107-TF	SECHLER B UNIT #1	JACKSON	65.0	EAST OHIO GAS CO
8204760		3415521533			107-TF	WILSON "B" #1	LORDSTOWN	40.0	EAST OHIO GAS CO
-GUERNSEY PETROLEUM CORPORATION						RECEIVED: 11/02/81 JA: OH			
8204761		3411925710			107-TF	OHIO POWER #1-P	MEIGS	0.0	COLUMBIA GAS TRAN
-MILLTOP DEVELOPMENT CORP						RECEIVED: 11/02/81 JA: OH			
8204762		3411925675			103	STERLING ADDIS ADKINS #1	JACKSON	2.0	NATIONAL GAS & OI
-MOPCO RESOURCES INC						RECEIVED: 11/02/81 JA: OH			
8204763		3403124175			103	A LEPI #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
8204763		3403124175			107-TF	A LEPI #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-MARK OIL & GAS LTD						RECEIVED: 11/02/81 JA: OH			
8204770		3411522168			107-TF	BARNES #1	MORGAN	14.4	COLUMBIA GAS TRAN
8204772		3411522211			107-TF	BARNES UNIT #2	MORGAN	14.4	COLUMBIA TRANSMIS
8204769		3411522157			107-TF	GIFFORD UNIT #2	MALTA	14.4	COLUMBIA GAS TRAN
8204768		3411521909			107-TF	MELLOR #2	MALTA	28.8	COLUMBIA GAS TRAN
8204771		3411522202			107-TF	SNODGRASS #2	MALTA	21.6	COLUMBIA GAS TRAN
8204773		3411522220			107-TF	WHITEHOUSE #1	MALTA	28.0	COLUMBIA GAS TRAN
-MID-ATLANTIC OIL CO						RECEIVED: 11/02/81 JA: OH			
8204774		3411522001			102-4	R SCOTT #1	MEIGSVILLE	80.0	COLUMBIA GAS CO
8204774		3411522001			107-TF	R SCOTT #1	MEIGSVILLE	80.0	COLUMBIA GAS CO
-NOBLE OIL CORP						RECEIVED: 11/02/81 JA: OH			
8204779		3413322569			107-TF	BAILEY #1	PALMYRA	20.0	GENERAL ELECTRIC

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204778		3413322533			107-TF	HAAS-AHRENS #1	PALMYRA	20.0	GENERAL ELECTRIC
8204776		3413322529			107-TF	HAAS-AHRENS #2	PALMYRA	20.0	GENERAL ELECTRIC
8204777		3413322531			107-TF	SCHOOL #1	PALMYRA	20.0	GENERAL ELECTRIC
-OHIO NATURAL FUEL CO						RECEIVED: 11/02/81 JA: OH			
8204780		3403124303			103	SPECKMAN #7	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8204780		3403124303			107-TF	SPECKMAN #7	BETHLEHEM	73.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY-LTD PART 1980-1						RECEIVED: 11/02/81 JA: OH			
8204781		3407522356			107-TF	MELVIN MILLER #3	MECHANIC	650.0	COLUMBIA GAS TRAN
-OILTECH INC						RECEIVED: 11/02/81 JA: OH			
8204783		3407522315			107-TF	HORACE DUTTON #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8204782		3407522314			107-TF	HORACE DUTTON #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8204784		3407522525			107-TF	RAYMOND J MILLER #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8204786		3407522725			107-TF	RONALD & RICHARD POTTS #4	MECHANIC	0.0	COLUMBIA GAS TRAN
8204785		3407522724			107-TF	RONALD & RICHARD POTTS #5	MECHANIC	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO						RECEIVED: 11/02/81 JA: OH			
8204788		3411122059			107-DV	CHRISTENA VAN FOSSEN #1	BETHEL	10.0	
8204787		3411121962			107-DV	WALTER CHRISTMAN #1	FRANKLIN	15.0	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP						RECEIVED: 11/02/81 JA: OH			
8204805		34075[illegible]923			103	ALBERT BEACHY W-1-I	WALNUT CREEK	45.0	COLUMBIA GAS TRAN
8204805		3407522923			107-TF	ALBERT BEACHY W-1-1	WALNUT CREEK	45.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - #0						RECEIVED: 11/02/81 JA: OH			
8204822		3407522941			107-TF	E EASTOHKEIN #1	PRAIRIE-HOLMES POOL	54.0	COLUMBIA GAS TRAN
8204817		3416922380			107-TF	H E DOTTERER #1	MILTON-WAYNE POOL	28.0	COLUMBIA GAS TRAN
8204820		3416922642			107-TF	H G KRABILL TRUST #4	CANAAN-WAYNE POOL	40.5	COLUMBIA GAS TRAN
8204821		3416922643			107-TF	H G KRABILL TRUST #5	CANAAN-WAYNE POOL	9.0	COLUMBIA GAS TRAN
8204818		3416922568			107-TF	J N SCHAR #1	MILTON-WAYNE POOL	54.0	COLUMBIA GAS TRAN
8204819		3416922583			107-TF	WILBUR C WISE #2	PLAIN-WAYNE POOL	14.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND 79						RECEIVED: 11/02/81 JA: OH			
8204808		3416922293			103	GEISER #3	WAYNE	24.0	COLUMBIA GAS TRAN
8204808		3416922293			107-TF	GEISER #3	WAYNE	24.0	COLUMBIA GAS TRAN
8204809		3416922294			103	GEISER #4	WAYNE	24.0	COLUMBIA GAS TRAN
8204809		3416922294			107-TF	GEISER #4	WAYNE	24.0	COLUMBIA GAS TRAN
8204815		3416922303			107-TF	GEORGE & BEULAH MILLER #4	WAYNE	12.0	COLUMBIA GAS TRAN
8204814		3416922302			107-TF	GEORGE & BEULAH MILLER #5	WAYNE	12.0	COLUMBIA GAS TRAN
8204810		3416922295			103	LESTER GEISER #5	WAYNE	24.0	COLUMBIA GAS TRAN
8204810		3416922295			107-TF	LESTER GEISER #5	WAYNE	24.0	COLUMBIA GAS TRAN
8204811		3416922296			103	LESTER GEISER #6	WAYNE	24.0	COLUMBIA GAS TRAN
8204811		3416922296			107-TF	LESTER GEISER #6	WAYNE	24.0	COLUMBIA GAS TRAN
8204816		3416922318			107-TF	PAUL SNURE #2	WAYNE	12.0	COLUMBIA GAS TRAN
8204812		3416922299			107-TF	REICHERT #1	CHESTER	12.0	COLUMBIA GAS TRAN
8204813		3416922301			107-TF	ROBERT & CATHERINE OSMUNDSEN #1	CLINTON	12.0	COLUMBIA GAS TRAN
8204806		3416922273			107-TF	ROBERT MOOREHEAD #3	CLAYTON	12.0	COLUMBIA GAS TRAN
8204807		3416922274			107-TF	THOMAS SPARR #1	CLINTON	12.0	COLUMBIA GAS TRAN
-POI ENERGY INC						RECEIVED: 11/02/81 JA: OH			
8204794		3413322122			107-TF	BECK-DAVIS #4	STREETSBORO	10.0	
8204792		3413321861			107-TF	BECK-WILSON-GRIFFITH #1	STREETSBORO	45.0	
8204803		3415320748			107-TF	FLOOD #1	HUDSON	25.0	
8204802		3415320719			107-TF	GALE-RMD #1	HUDSON	15.0	
8204799		3413322516			103	GOLFWORLD #4	FRANKLIN	40.6	
8204799		3413322516			107-TF	GOLFWORLD #4	FRANKLIN	40.6	
8204804		3415320816			107-TF	KOBERNA #1	HUDSON	40.0	
8204801		3415320716			107-TF	MOSS-AESCHLIMAN-HASENDUCK #1	HUDSON	5.0	
8204800		3415320699			107-TF	REINTHAL #1	RICHFIELD	7.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204791		3413321649			107-TF	SPERRY #1	STREETSBORO	60.0	
8204790		3413321648			107-TF	SPERRY #2	STREETSBORO	50.0	
8204789		3413321647			107-TF	SPERRY #3	STREETSBORO	50.0	
8204797		3413322214			107-TF	THORTON-HORVATH #1	AURORA	50.0	
8204793		3413322065			107-TF	WILCOX #1A	STREETSBORO	125.0	
8204795		3413322204			107-TF	WILCOX-ADAMS #1	STREETSBORO	60.0	
8204796		3413322205			107-TF	WILCOX-ADAMS #2	STREETSBORO	75.0	
8204798		3413322216			107-TF	WILCOX-STEVENS #1	STREETSBORO	60.0	
-POMSTONE CORP						RECEIVED: 11/02/81 JA: OH			
8204823		3403124119			103	CHESTER STAHL #3	COSHOCTON	40.0	
8204823		3403124119			107-TF	CHESTER STAHL #3	COSHOCTON	40.0	
-RELIANCE ENERGY						RECEIVED: 11/02/81 JA: OH			
8204848		3407522198			107-TF	T W YOUNG #1	PRAIRIE	15.0	COLUMBIA GAS TRAN
-ROWLEY & BROWN PETROLEUM CORP						RECEIVED: 11/02/81 JA: OH			
8204825		3403123709			107-TF	SHAH SHAH & PATEL #1	BEDFORD	6.0	COLUMBIA GAS TRAN
8204826		3403123731			107-TF	SHAH SHAH & PATEL #2	BEDFORD	84.0	COLUMBIA GAS TRAN
-SUNSET PETROLEUM INC						RECEIVED: 11/02/81 JA: OH			
8204840		3407523039			103	AARON SCHLABACH #1	PRAIRIE	10.0	COLUMBIA GAS TRAN
8204840		3407523039			107-TF	AARON SCHLABACH #1	PRAIRIE	10.0	COLUMBIA GAS TRAN
8204839		3407523019			103	SAM MILLER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8204839		3407523019			107-TF	SAM MILLER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC						RECEIVED: 11/02/81 JA: OH			
8204838		3411122357	D		107-TF	BAKER #1	MALAGA	0.0	TEXAS EASTERN TRA
8204837		3411122356	D		107-TF	BAKER #2	MALAGA	0.0	TEXAS EASTERN TRA
8204835		3411122125	D		107-TF	GALLAGHER #2	MALAGA	0.0	TEXAS EASTERN TRA
8204831		3401320371	D		107-TF	HARPER #1	WAYNE	0.0	TEXAS EASTERN TRA
8204832		3401320372	D		107-TF	HARPER #3	WAYNE	0.0	TEXAS EASTERN TRA
8204833		3401320380	D		107-TF	JEFFERIES #1	SOMERSET	0.0	TEXAS EASTERN TRA
8204830		3401320368	D		107-TF	STIRES #2	WAYNE	0.0	TEXAS EASTERN TRA
8204834		3411122059	D		107-TF	WARD #2	MALAGA	0.0	TEXAS EASTERN TRA
8204836		3411122353	D		107-TF	WARD #4	MALAGA	0.0	TEXAS EASTERN TRA
-THE MUTUAL OIL & GAS COMPANY						RECEIVED: 11/02/81 JA: OH			
8204775		3413321691			103	BERG #2	NELSON	15.0	EAST OHIO GAS CO
8204775		3413321691			107-TF	BERG #2	NELSON	15.0	EAST OHIO GAS CO
-TITAN ENERGY CORP						RECEIVED: 11/02/81 JA: OH			
8204860		3405922902			103	B & M JONES - UNIT 2 #2	KNOX	36.0	EAST OHIO GAS CO
8204860		3405922902			107-TF	B & M JONES - UNIT 2 #2	KNOX	36.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO						RECEIVED: 11/02/81 JA: OH			
8204845		3405922929			103	BLACKWOOD #2	GUERNSEY	0.0	
8204845		3405922929			107-TF	BLACKWOOD #2	GUERNSEY	0.0	
8204846		3405922931			103	FRAME #1	GUERNSEY	0.0	
8204846		3405922931			107-TF	FRAME #1	GUERNSEY	0.0	
8204842		3405922879			107-TF	HYDE/BURROUGHS #1	GUERNSEY	0.0	
8204841		3405922576	D		107-TF	KELLER #1	GUERNSEY	0.0	
8204843		3405922920			103	STARR #1	GUERNSEY	0.0	
8204843		3405922920			107-TF	STARR #1	GUERNSEY	0.0	
8204844		3405922921			103	STEPHENS #1	GUERNSEY	0.0	
8204844		3405922921			107-TF	STEPHENS #1	GUERNSEY	0.0	
8204847		3405922934			103	YODER #1	GUERNSEY	0.0	
8204847		3405922934			107-TF	YODER #1	GUERNSEY	0.0	
-V F HYDROCARBON						RECEIVED: 11/02/81 JA: OH			
8204764		3413322096			107-TF	EASTON/ELLIOTT #1	PARIS	1.5	COLUMBIA GAS TRAN
8204765		3415521370			107-TF	J E ZELENAK #2	NEWTON	1.5	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-VIKING RESOURCES CORP			RECEIVED: 11/02/81 JA: OH				
8204849		3401921433	103	BEATTY UNIT #1	BROWN	30.0	
8204849		3401921433	107-TF	BEATTY UNIT #1	BROWN	30.0	
8204850		3401921434	103	BEATTY UNIT #2	BROWN	30.0	
8204850		3401921434	107-TF	BEATTY UNIT #2	BROWN	30.0	
8204851		3401921435	103	BEATTY UNIT #3	BROWN	30.0	
8204851		3401921435	107-TF	BEATTY UNIT #3	BROWN	30.0	
8204856		3415123519	103	MILLER-SMITH UNIT #2	PARIS	30.0	
8204856		3415123519	107-TF	MILLER-SMITH UNIT #2	PARIS	30.0	
8204855		3415123518	103	MILLER/SMITH UNIT #1	PARIS	30.0	
8204855		3415123518	107-TF	MILLER/SMITH UNIT #1	PARIS	30.0	
8204857		3415123531	103	R & G MILLER #2	PARIS	30.0	
8204857		3415123531	107-TF	R & G MILLER #2	PARIS	30.0	
8204858		3415123532	103	R & G MILLER #3	PARIS	30.0	
8204858		3415123532	107-TF	R & G MILLER #3	PARIS	30.0	
8204854		3415123515	103	WALTZ #3	PARIS	30.0	
8204854		3415123515	107-TF	WALTZ #3	PARIS	30.0	
8204853		3415123514	103	WALTZ UNIT #2	PARIS	30.0	
8204853		3415123514	107-TF	WALTZ UNIT #2	PARIS	30.0	
8204852		3415123508	103	YODER UNIT #1	PARIS	30.0	
8204852		3415123508	107-TF	YODER UNIT #1	PARIS	30.0	
-W J LYDIC INC			RECEIVED: 11/02/81 JA: OH				
8204767		3411122440	107-DV	CONLEY #3B	JACKSON	108.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION							
-TENNECO OIL COMPANY			RECEIVED: 11/02/81 JA: OK				
8204877	11964	3500920353	107-DP	SWEET 1-21	S NEW LIBERTY	200.0	TENNESSEE GAS PIP

OTHER PURCHASERS

8204875 AMERADA HESS CORP
8204878 ST REGIS PAPER CO

BILLING CODE 6450-85-C

The above
were receiv
jurisdiction
Energy Reg
to the Natu
and 18 CFR
determinati
before the s
annual proc
cubic feet (
Control (JD)
purchasers
notice.

The appli
available fo

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35019 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-85-M

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[Volume 544]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD							
-ANDERMAN OPERATING COMPANY			RECEIVED: 10/26/81 JA: AL				
8204388	10-9-814PD	0105720251	102-4	H G WOODWARD #25-5	MUSGROVE CREEK	20.0	
8204393	10-9-8110PD	0107520357	102-4	WALLACE #35-14	NORTH BLOWHORN CREEK	16.0	
-GRACE PETROLEUM CORPORATION			RECEIVED: 10/26/81 JA: AL				
8204391	10-9-817PD	0105720236	102-4	LANINGHAM HEIRS 11-1	STUDHORSE CREEK	0.0	CORONADO TRANSMIS
-PETROLEUM CORPORATION OF TEXAS			RECEIVED: 10/26/81 JA: AL				
8204390	10-9-816PD	0107520301	102-4	DELANEY-LOGGINS UNIT 3-15 #1	BEAVERTON	273.0	NORTHWEST ALABAMA
8204392	10-9-818-PD	0107520300	102-4	FRANK BURNETTE #1 WELL	NORTH BLOWHORN CREEK	100.0	SOUTHERN NATURAL
-PRUET PRODUCTION CO			RECEIVED: 10/26/81 JA: AL				
8204389	10-9-815-PD	0107520329	102-2	HERRON 11-4 #1	MILLPORT	0.0	TENNESSEE GAS PIP
-SOUTHLAND ROYALTY CO			RECEIVED: 10/26/81 JA: AL				
8204386	S-1-8117PD-A	0107520309	102-2	C C CUNNINGHAM 24-10 #1	MCGEE LAKE	450.0	TENNESSEE GAS PIP
8204387	10-9-811PD	0107520343	102-2	R M VARNON 12-15 #1	MILLPORT	525.0	TENNESSEE GAS PIP
MISSISSIPPI OIL & GAS BOARD							
-EXXON CORPORATION			RECEIVED: 10/28/81 JA: MS				
8204402	42-81-27	2309120116	102-4	SANDY HOOK GAS UNIT 28 #1	SANDY HOOK	0.0	SOUTHERN NATURAL
-GRACE PETROLEUM CORPORATION			RECEIVED: 10/28/81 JA: MS				
8204397	77-81-351	2309500323	103	DABBS 2-2	CORINNE	0.0	SOUTHERN NATURAL
-KILROY CO OF TEXAS			RECEIVED: 10/28/81 JA: MS				
8204394	82-81-361	2302920005	102-4	INTERNATIONAL PAPER CO #3	GLANCY	300.0	MISSISSIPPI FUEL
-MARION CORPORATION			RECEIVED: 10/28/81 JA: MS				
8204399	71-81-372	2312720061	103	BERRY 32-1 #1	OAKGROVE	400.0	MISSISSIPPI POWER
-RADZEWICZ OPERATING CORP			RECEIVED: 10/28/81 JA: MS				
8204396	75-81-512	2315720995	102-2	MARTENS-SESSIONS UNIT #1	ARHWOOD	0.0	TENNESSEE GAS PIP
-SHELL OIL CO			RECEIVED: 10/28/81 JA: MS				
8204401	68-81-533	2311320097	102-4	A T HUTTO #1	OLIVE	50.0	
8204398	72-81-533	2311320102	102-4	JONES #1	OLIVE	40.0	
8204400	69-81-533	2311320101	102-4	TURNER ET AL UNIT #1	OLIVE	40.0	
-SONAT EXPLORATION COMPANY			RECEIVED: 10/28/81 JA: MS				
8204395	78-81-448	2309120148	102-4	RANKIN #1	WEST SANDY HOOK	50.0	SOUTHERN NATURAL
OKLAHOMA CORPORATION COMMISSION							
-AN-SON CORPORATION			RECEIVED: 10/29/81 JA: OK				
8204568	14605	3514920163	107-DP	VOGT #1	S E CLINTON	591.3	
-ANDOVER OIL COMPANY			RECEIVED: 10/29/81 JA: OK				
8204559	09317	3501721412	103	MATTHIES #31-1		185.0	DELHI GAS PIPELIN
8204572	7358	3501721596	103	RATCLIFF #19-2		175.0	PHILLIPS PETROLEU
-AVANTI ENERGY CORP			RECEIVED: 10/29/81 JA: OK				

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204565	11166	3501121520	103	MCCLUNG #1			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	
8204565	11166	3501121520		103		MCCLUNG #1	
-B J KELLENBERGER				RECEIVED: 10/29/81			JA: OK
8204536	11299	3512120748		103		HAROLD BROW #1	
-BERRY PETROLEUM CORP				RECEIVED: 10/29/81			JA: OK
8204548	11074	3509322120		103		PERRY #3-1	
-BUNKER EXPLORATION CO				RECEIVED: 10/29/81			JA: OK
8204573	09678	3504500000		103		BROWN 1-4	
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/29/81			JA: OK
8204560	11130	3510920434		103		O'BRIEN UNIT #1	
-CONOCO INC				RECEIVED: 10/28/81			JA: OK
8204385	14718	3500900000		107-DP		WALLACE D #4	
-EASON OIL COMPANY				RECEIVED: 10/29/81			JA: OK
8204567	14590	3509320784		108		M O HUGHES #2	
-F C D OIL CORP				RECEIVED: 10/29/81			JA: OK
8204550	14299	3504722630		102-4		DAVID 1-16	
-HARPER OIL COMPANY				RECEIVED: 10/29/81			JA: OK
8204534	11249	3508320819		103		ROTHERMEL #1	
-J WALTER DUNAN JR				RECEIVED: 10/29/81			JA: OK
8204562	14629	3512920572		107-DP		CLIFT-THORNTON #1	
-JACK CUTBIRTH				RECEIVED: 10/29/81			JA: OK
8204580	10846	3508320828		103		HAMIEL #1	
-JAY PETROLEUM INC				RECEIVED: 10/29/81			JA: OK
8204535	11264	3510920295		103		MOBIL KIBBY #1	
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 10/29/81			JA: OK
8204538	12925	3501121450		102-4		CARL JONES #1	
-LEECO OIL CO				RECEIVED: 10/29/81			JA: OK
8204571	11016	3514320929		103		RAINES #1	
-LRF CORP				RECEIVED: 10/29/81			JA: OK
8204569	10857	3506320835		103		ALSTATT #1	
-MGF OIL CORP				RECEIVED: 10/29/81			JA: OK
8204533	11231	3505120865		103		PARKS #3	
8204532	11230	3505120864		103		RAMSEY #4	
8204545	11229	3505120941		103		WALTERS 2-25	
-NIXON-DAVIS ENERGY CO INC				RECEIVED: 10/29/81			JA: OK
8204553	11220	3508300000		103		MORRIS #1	
-P-T LTD 81				RECEIVED: 10/29/81			JA: OK
8204564	11149	3504722488		103		VCULEK 28-3	
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/29/81			JA: OK
8204575	11098	3504721516		103		ALWERT A #1	
8204541	11099	3504721330		103		BENKENDORF "A" #1	
8204539	11100	3504721568		103		BLAKE "B" #2-27	
8204544	11115	3504721462		103		BROOKS "B" #2	
8204556	11113	3504721616		103		EDITH "A" #1	
8204555	11110	3504721469		103		EHLERS "C" #2	
8204543	11112	3504721284		103		FRICKENSCHMIDT "A" #1	
8204549	11114	3504721426		103		HEDGES UNIT B #2-31	
8204540	11106	3504721569		103		LEAVENGOOD #2	
8204542	11105	3504721561		103		LICHTENBERG "B" #2	
8204579	11096	3504721425		103		LOMSE A #1	
8204578	11094	3504721855		103		MAXEY UNIT "C" #2	
8204577	11079	3501721542		108		ZUM MALLEN F #1	
-PHOENIX RESOURCES COMPANY				RECEIVED: 10/29/81			JA: OK
8204563	1955	3515130244		108-ER		MERLIN CAMP #1-10	

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FIELD NAME	PROD	PURCHASER
	419.7	MICHIGAN WISCONSI
CROMWELL	150.0	ARKANSAS LOUISIAN
SOONER TREND	80.0	UNION TEXAS PETRO
WEST SHATTUCK	0.0	NORTHERN NATURAL
W EDMOND	0.0	PHILLIPS PETROLEU
S W MAYFIELD	127.8	OKLAHOMA NATURAL
OAKDALE	13.3	DELHI GAS PIPELIN
KREMLIN	18.0	C R A INC
W MULHALL	8.0	EASON OIL CO
S W CHEYENNE	730.0	
SOONER TREND	6.0	EASON OIL CO
	100.0	PHILLIPS PETROLEU
N E FAYE	700.0	DELHI GAS PIPELIN
SKIATOOK (EAST BIRDCREEK	140.0	PHILLIPS PETROLEU
SOUTH DUSTIN	36.0	PUBLIC SERVICE CO
SOUTH CHICKASHA	17.0	TRANSOK PIPELINE
SOUTH CHICKASHA	457.0	TRANSOK PIPELINE
SOUTH CHICKASHA	153.0	TRANSOK PIPELINE
	0.0	EASON OIL CO
SOONER TREND	35.0	WELLHEAD ENTERPRI
SOONER TREND	36.0	TRANSOK PIPE LINE
SOONER TREND	38.0	TRANSOK PIPE LINE
SOONER TREND	80.0	TRANSOK PIPE LINE
SOONER TREND	36.0	TRANSOK PIPE LINE
SOONER TREND	105.0	TRANSOK PIPE LINE
SOONER TREND	10.0	TRANSOK PIPE LINE
SOONER TREND	8.0	TRANSOK PIPE LINE
SOONER TREND	58.0	TRANSOK PIPE LINE
SOONER TREND	46.0	TRANSOK PIPE LINE
SOONER TREND	20.0	TRANSOK PIPE LINE
SOONER TREND	20.0	TRANSOK PIPE LINE
SOONER TREND	30.0	TRANSOK PIPE LINE
N CONCHO	6.0	PANHANDLE EASTERN
SOUTH WEST AVARD	24.0	PANHANDLE EASTERN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-QUANAH CO				RECEIVED: 10/29/81 JA: OK					
8204537	11300	3512120742		103		PHARAOH #1	BLOCKER-FEATHERSTON	50.0	SE TRANSMISSION &
-READING & BATES PETROLEUM CO				RECEIVED: 10/29/81 JA: OK					
8204551	14465	3503920503		102-2		INDIAN SCHOOL #1-32	N E HAMMON	767.0	
8204546	14466	3512920621		102-2		SHELTON #1A-14	E CHEYENNE	566.0	
-RESCO ENTERPRISES INC				RECEIVED: 10/29/81 JA: OK					
8204574	10792	3511100000		103		MOUSER	HECTORVILLE	15.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED: 10/29/81 JA: OK					
8204554	11250	3506120413		103		REX #2-UPPER ATOKA	KINTA	182.5	ARKANSAS LOUISIAN
8204557	11251	3506120413		103		REX NO 2-SPIRO	KINTA	136.9	ARKANSAS LOUISIAN
-SOUTHPORT EXPLORATION INC				RECEIVED: 10/29/81 JA: OK					
8204547	14469	3515321161		102-2		CHRISTENSEN #1-29	N E MUTUAL	106.0	
-SUNDANCE ENERGY CORP				RECEIVED: 10/29/81 JA: OK					
8204552	11135	3504721317		103		BEGGS #1	N E ENID	73.0	CHAMPLIN PETROLEU
8204558	11134	3504721510		103		FUXA #2	SOONER TREND	237.0	PANHANDLE EASTERN
-TENNECO OIL COMPANY				RECEIVED: 10/29/81 JA: OK					
8204561	11148	3501121526		103		THOMAS KEITH 1-26	OKEENE NW	365.0	DELHI GAS PIPELIN
-TEXACO INC				RECEIVED: 10/29/81 JA: OK					
8204576	11048	3502521470		103		GUSTAVE DENCKER #2	GRIGGS S E	360.0	TRANSWESTERN PIPE
-THE WIL-MC OIL COMP				RECEIVED: 10/29/81 JA: OK					
8204566	11107	3508320086		103		BLAKE A 1	S MULHALL	30.0	CASON OIL CO
-VIERSEN & COCHRAN				RECEIVED: 10/29/81 JA: OK					
8204570	10953	3509322204		103		MORAWSKI-ECK #1	N W OKEENE	35.0	PHILLIPS PETROLEU
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ALCOVE INVESTMENTS				RECEIVED: 10/29/81 JA: PA					
8204462	9582	3700521587		108		CLARK WHITACRE #1	COWANSHANNOCK	14.0	APOLLO GAS CO
8204461	9581	3700521671		108		CLARK WHITACRE #3	COWANSHANNOCK	14.0	APOLLO GAS CO
8204460	9580	3700521970		108		CLARK WHITACRE #4	COWANSHANNOCK	14.0	APOLLO GAS CO
8204458	9578	3700522315		103		CLARK WHITACRE #5	COWANSHANNOCK	25.0	APOLLO GAS CO
8204459	9579	3700522041		103		KENNETH NEAL #1	COWANSHANNOCK	22.0	APOLLO GAS CO
-AMERICAN DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204466	9536	3700520405		108		BEATTY HEIRS #1	SPRING CHURCH	3.6	APOLLO GAS CO
8204467	9537	3700520634		108		BEATTY HEIRS #2	SPRING CHURCH	3.6	APOLLO GAS CO
8204468	9538	3700521334		108		BEATTY HEIRS #3	SPRING CHURCH	3.6	APOLLO GAS CO
8204463	9533	3700500000		108		JOHN A FULTON #1	SPRING CHURCH	3.8	PEOPLES GAS CO
8204464	9534	3700520920		108		JOHN A FULTON #2	SPRING CHURCH	3.8	PEOPLES GAS CO
8204465	9535	3700521171		108		JOHN A FULTON #3	SPRING CHURCH	3.8	PEOPLES GAS CO
-BAKER GAS INC				RECEIVED: 10/29/81 JA: PA					
8204469	9253	3700522622		107-PE		WISER #1	SPRING CHURCH	1.4	PEOPLES NATURAL G
-BITTINGER DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204476	9574	3700520419		108		VERNON H BEER #1	VALLEY	1.5	PEOPLES NATURAL G
-BOYD & SHRIVER				RECEIVED: 10/29/81 JA: PA					
8204478	9393	3706325152		103		CHRISTY #519	CANOE TOWNSHIP	0.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED: 10/29/81 JA: PA					
8204479	9602	3703921219		102-2		CARMAN VAZZANA #1	UNION	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC				RECEIVED: 10/29/81 JA: PA					
8204489	9561	3706324497		108		C MCHENRY (52A) #2 (C531) IND-24497	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204488	9560	3706324378		108		C MCHENRY #1 (52A)(C-433) IND-24378	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204485	9557	3706324555		108		C LEASURE #3 (C-530) IND-24555	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204486	9558	3706324559		108		D C LEASURE #4 (182A)(C-525)IND	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204487	9559	3706324298		108		D C LEASURE #5 (C-514) IND-24298	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204454	9556	3706324705		108		D KRIDER #1) (C-502) IND-24705	CENTER TOWNSHIP	15.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204484	9556	3706324745		108		D KRIBBS #10 (C-582) IND-24745	CENTER TOWNSHIP	15.4	COLUMBIA GAS TRAN
8204483	9555	3706324673		108		D KRIBBS #9 (C-564) IND-24673	CENTER TOWNSHIP	15.0	COLUMBIA GAS TRAN
8204481	9553	3706324660		108		G DICKIE #3 (C-548) IND-24660	CENTER TOWNSHIP	21.0	COLUMBIA GAS TRAN
8204492	9564	3706324291		108		G SNYDER #1 (C-512) IND-24291	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204493	9565	3706324297		108		G SNYDER #2 (C-513) IND-24297	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204482	9554	3706324380		108		H B FAITH #1 (C-431) IND-24380	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204480	9552	3706324837		108		J B COY #1 (22A) (C-542) IND-24837	CENTER TOWNSHIP	20.2	COLUMBIA GAS TRAN
8204494	9566	3712920760		108		J PIGNOCCO #1 (C-274) WES-20760	DERRY TOWNSHIP	15.0	PEOPLES NATURAL G
8204490	9562	3706324526		108		S MCHENRY #3 (C-532) IND-24526	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204491	9563	3706324381		108		S SHIREY #1 (C-432) IND-24381	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
-COMPASS DEVELOPMENT INC				RECEIVED: 10/29/81 JA: PA					
8204496	8332	3705322064		103		FOREST ASSOCIATES 12 (PD-G-12)	DAUBENSPECK	0.0	
8204497	8334	3705322054		103		FOREST ASSOCIATES 2 (PD-G-2)	DAUBENSPECK	0.0	
8204495	8331	3705322055		103		FOREST ASSOCIATES 3 (PD-G3)	DAUBENSPECK	0.0	
-DORAN & ASSOCIATES INC				RECEIVED: 10/29/81 JA: PA					
8204498	5960	3706521727		108		HAROLD MIMES #1 K-B-1	UPPER DEVONIAN SANDS	20.0	NATIONAL FUEL GAS
-DRUCY A MERWIN-				RECEIVED: 10/29/81 JA: PA					
8204511	9590	3712900000		108		JOHN JONES #1	JOHN E JONES	2.3	APOLLO GAS CO
8204512	9591	3700500000		108		LIDA B SEFTON #1	CHARLES S DILL	2.2	APOLLO GAS CO
-EPSILON 1980 S T JOINT VENTURE				RECEIVED: 10/29/81 JA: PA					
8204500	9583	3706522299		103		SMITH BUNDY #2	WINSLOW	25.0	NATIONAL FUEL GAS
-EVERGREEN RESOURCES INC				RECEIVED: 10/29/81 JA: PA					
8204501	9586	3703120820		103		STEWART 2A	WEST FREEDOM	2.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204508	9573	3703320809		108		ALBERT R WALBURN #1 F-2123	GRAMPIAN	8.0	CONSOLIDATED GAS
8204502	9567	3700521299		108		DELBERT HALL #2 - F-569	PLUMVILLE	6.0	APOLLO GAS CO
8204507	9572	3706320865		108		DONALD C SCOTT #1 F-284	MARCHAND	5.0	APOLLO GAS CO
8204506	9571	3706320889		108		JAMES H COON #1 F-289	MARCHAND	4.0	APOLLO GAS CO
8204505	9570	3706320949		108		JAMES H COON #2 F-320	MARCHAND	4.0	APOLLO GAS CO
8204503	9568	3706328411		108		RICHARD D SPRANKLE #1 F-272	MARCHAND	6.0	APOLLO GAS CO
8204504	9569	3706321191		108		RICHARD SPRANKLE #2 F-399	MARCHAND	6.0	APOLLO GAS CO
-COAL DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204509	9455	3700521173		108		V WINGARD #62	SMICKSBURG	7.1	APOLLO GAS CO
-IRA F. BITTINGER				RECEIVED: 10/29/81 JA: PA					
8204473	9575	3712900000		108		EUGENE HARKLEROAD #1	BELL	3.0	PEOPLES NATURAL G
8204474	9576	3712920036		108		H N CARNAHAN #2	BELL	2.5	PEOPLES NATURAL G
8204475	9577	3712900000		108		W O SCHWENK #1	ALLEGHENY	1.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED: 10/29/81 JA: PA					
8204510	9593	3706325720		103		BYRON C FRICK #1 (48.8A)	WHITE	0.0	COLUMBIA GAS TRAN
-JOSEPH L DUNN				RECEIVED: 10/29/81 JA: PA					
8204499	9542	3705900000		108		VERNON SUPLER	MORRIS TWP	3.0	COLUMBIA GAS TRAN
-MID-EAST OIL CO				RECEIVED: 10/29/81 JA: PA					
8204515	9524	3700522226		103		LAWRENCE SLOAN #1	PLUMVILLE	18.0	APOLLO GAS CO
8204517	9527	3706325089		103		RUTH C FULTON #1	MARION CENTER	13.3	APOLLO GAS CO
8204513	9522	3706325090		103		RUTH C FULTON #2	MARION CENTER	13.3	APOLLO GAS CO
8204514	9523	3706325131		103		RUTH C FULTON #3	MARION CENTER	13.3	APOLLO GAS CO
8204516	9526	3700524760		103		WALTER BASH #1	ELDERTON	15.0	T W PHILLIPS GAS
-PHILLIPS PRODUCTION CO				RECEIVED: 10/29/81 JA: PA					
8204519	9299	3706326391		103		ERNEST E PIERCE #1	CENTER	30.0	
8204524	7380	3706322017		108		GEORGE W LYLE #1	MC CALMONT	2.0	NATIONAL FUEL GAS
8204522	6922	3706323662		108		HELEN RIGELY EST #1	CENTER	10.0	COLUMBIA GAS TRAN
8204520	9335	3706326382		103		JOHN W STOLITZA #1	RAYNE	40.0	
8204521	6883	3706325261		108		LEONARD MUMAU #1	GRANT	5.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204523	6939	3703320704		108		WILLIAM D HOCH #1	BELL	15.0	CONSOLIDATED GAS
-T A BECK		RECEIVED: 10/29/81 JA: PA							
8204470	9539	3700500000		108		T A BECK #1	COCHRAN'S MILL	1.9	PEOPLES NATURAL G
8204472	9541	3700500000		108		T A BECK #2	COCHRAN'S MILL	1.9	PEOPLES NATURAL G
8204471	9540	3700500000		108		T A BECK #3	COCHRAN'S MILL	1.9	PEOPLES NATURAL G
-THE MUTUAL OIL & GAS COMPANY		RECEIVED: 10/29/81 JA: PA							
8204518	9443	3704921239		102-2		KOSIENSKI #4	MC KEAN	25.0	COLUMBIA GAS TRAN
-THO-JO ENTERPRISES INC		RECEIVED: 10/29/81 JA: PA							
8204477	9471	3706323990		108		ORVILLE WATSON #1	WASHINGTON	5.0	PEOPLES NATURAL G
-TORCAL RESOURCES INC/GOE PRO INC		RECEIVED: 10/29/81 JA: PA							
8204526	9465	3712328446		102-2		EDDY #1	LOTTSVILLE	15.0	COLUMBIA GAS TRAN
8204525	9461	3712328447		102-2		EDDY #2	LOTTSVILLE	15.0	COLUMBIA GAS TRAN
-UNION DRILLING INC		RECEIVED: 10/29/81 JA: PA							
8204527	9528	3706324900		108		KENNETH G JOBE #1 656	RAYNE TOWNSHIP	5.0	COLUMBIA GAS TRAN
8204529	9530	3706324764		108		M DUNCAN TRACT #1 647	CENTER TOWNSHIP	37.0	COLUMBIA GAS TRAN
8204531	9532	3706324997		108		MABEL WISSINGER #1 657	RAYNE TOWNSHIP	15.0	COLUMBIA GAS TRAN
8204528	9529	3706324893		108		ORD HOUCK #1 655	RAYNE TOWNSHIP	4.0	COLUMBIA GAS TRAN
8204530	9531	3706324419		108		WAYNE V & WADE E HELMAN #1 608	RAYNE TOWNSHIP	35.0	COLUMBIA GAS TRAN
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ASHLEY OIL CO		RECEIVED: 10/28/81 JA: WV							
8204436		4701700643		108		WALTON #1	COX-WALTON	1.5	CONSOLIDATED GAS
8204439		4701700686		108		WALTON #2	COX-WALTON	1.5	CONSOLIDATED GAS
8204422		4701700716		108		WALTON #3	COX-WALTON	1.5	CONSOLIDATED GAS
-G W MILLER		RECEIVED: 10/28/81 JA: WV							
8204415		4702101073		108		CARL HECKERT 90-A #1	BIG PANTHER RUN SINKING	0.0	CONSOLIDATED GAS
8204419		4702101344		108		COLLINS HRS #1	NORTH TANNER 26179 BIG P	3.0	CONSOLIDATED GAS
8204417		4702101048		108		IDA GOFF #2	SINKING CREEK LITTLE KAN	2.0	CONSOLIDATED GAS
8204414		4702100791		108		IDA GOFF GAS CO #1	DEKALB	6.0	CONSOLIDATED GAS
8204418		4702101140		108		MATELLA BRANNON GAS CO #1	DE KALB	5.0	CONSOLIDATED GAS
8204416		4702101047		108		O MESSENGER #1	STEWART'S CREEK	2.0	PENNZOIL NATURAL
-HARRY C BOGGS		RECEIVED: 10/28/81 JA: WV							
8204444		4700701634		103		M C CHAPMAN #5	NICUT	18.0	COLUMBIA GAS TRAN
-L & B OIL CO INC		RECEIVED: 10/28/81 JA: WV							
8204441		4707301074		107-DV		CLARK #1	UNION	0.0	COLUMBIA GAS TRAN
8204440		4707301100		107-DV		STEWART #2	UNION	0.0	COLUMBIA GAS TRAN
-MINUTEMAN SUPPLEMENTAL DRILLING FUN		RECEIVED: 10/28/81 JA: WV							
8204426		4702103420		108		ALLEN #2	ASPINALL-FINSTER	10.0	CONSOLIDATED GAS
8204433		4702103443		108		ALLEN #3	ASPINALL-FINSTER	10.0	CONSOLIDATED GAS
8204425		4702103417		108		BAILEY A #1	ASPINALL-FINSTER	5.5	CONSOLIDATED GAS
8204427		4702103429		108		MICK #1	ASPINALL-FINSTER	5.0	CONSOLIDATED GAS
8204432		4702103430		108		SANDY #3	GLENVILLE SOUTH	2.0	EQUITABLE GAS CO
-MONITOR PETROLEUM CORP		RECEIVED: 10/28/81 JA: WV							
8204410		4700101477		103		MONITOR #5 DAVID GOLDEN	BARKER	27.0	COLUMBIA GAS TRAN
-NORWES INDUSTRIES INC		RECEIVED: 10/28/81 JA: WV							
8204448		4701302975		108		M C CARPENTER #1	MINNORA GAS	18.0	CONSOLIDATED GAS
8204447		4701302976		108		M C CARPENTER #2	MINNORA GAS	18.0	CONSOLIDATED GAS
8204449		4701302977		108		M C CARPENTER #3	MINNORA GAS	18.0	CONSOLIDATED GAS
-NRM PETROLEUM CORP		RECEIVED: 10/28/81 JA: WV							
8204454		4709702203		103		TALBOTT #3		0.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION		RECEIVED: 10/28/81 JA: WV							
8204411		4701702923		103		MORGAN A #1	BIG ISAAC	0.0	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-OVERFLOW GAS CO		RECEIVED: 10/28/81 JA: WV							

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-OVERFLOW GAS CO						RECEIVED: 10/28/81 JA: WV			
8204455		4704302473		103		R H ADKINS-SWEETLAND #1	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY						RECEIVED: 10/28/81 JA: WV			
8204437		4708702073		108		O D STOCKLEY #62	GEARY	0.0	CONSOLIDATED GAS
8204434		4701500101		108		O D STOCKLY #111	HENRY	0.0	CONSOLIDATED GAS
8204435		4701501238		108		O D STOCKLY #91	HENRY	0.0	CONSOLIDATED GAS
8204438		4708702090		108		O D STOCKLY #94	GEARY	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 10/28/81 JA: WV			
8204404		4707700102		108		HOLMES B #1	GLADESVILLE	18.0	CONSOLIDATED GAS
8204403		4706100312		108		MANNING B-1	SOUTH BURNS CHAPEL	18.0	CONSOLIDATED GAS
-R & B PETROLEUM INC						RECEIVED: 10/28/81 JA: WV			
8204409		4700101469		103		D DURRETT #1	VALLEY DISTRICT	18.0	PARTNERSHIP PROPE
8204408		4700101292		103		ORION HATHAWAY #1	VALLEY	25.0	PARTNERSHIP PROPE
8204451		4708303070		103		R WILSON #1	ROARING CREEK	25.0	PARTNERSHIP PROPE
8204452		4708300369		103		WARD #1	ROARING CREEK	25.0	PARTNERSHIP PROPE
-R WOLFE OIL & GAS						RECEIVED: 10/28/81 JA: WV			
8204457		4703■01013		108		J K BOWLES	ROCKCASTLE	10.0	DEVON CORP
-RALPH L LEADERBRAND						RECEIVED: 10/28/■1 JA: WV			
8204424		4703501327		108		O P BARNETT #1	RIPLEY DISTRICT	4.5	CA■OT CORP
8204423		4703501258		108		W T SARGENT #1	RIPLEY DISTRICT	4.7	CA■OT CORP
-ROBERT R JONES						RECEIVED: 10/28/81 JA: WV			
8204406		4702103769		103		H E SANDY #1	GLENVILLE NORTH	■0.■	CONSOLIDATED GAS
8204405		4702103754		103		STELLA LOWTHER #1-A	GLENVILLE NORTH	■8.■	CONSOLIDATED GAS
-ROGERS & SCULL						RECEIVED: 10/28/81 JA: WV			
8204407		4701303199		103		LONZO LAUGHLIN #1	LEE DISTRICT	0.0	ROARING FORK GAS
-RSA CORP						RECEIVED: 10/28/81 JA: WV			
8204428		4704301463		108		A E SPURLOCK JR #1-SER NR #117	JEFFERSON DISTRICT	3.5	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO						RECEIVED: 10/28/■1 JA: WV			
8204431		4708300402		102-4		FARRAR #1-B	MIDDLE FORK	35.0	EQUITABLE GAS CO
8204453		4705900949		103		P-231	STAFFORD	3■.0	CONSOLIDATED GAS
8204443		4700501336		103		P-270	CROOK	3■.0	CONSOLIDATED GAS
-SMITH OIL & GAS CO						RECEIVED: 10/28/81 JA: WV			
8204456		4708504974		103		SMITH #2	UNION	0.0	CONSOLIDATED GAS
-SPARTAN GAS COMPANY						RECEIVED: 10/28/81 JA: WV			
8204429		4701100612		108		JAMES PARKINS 1-S-■09	GRANT	7.5	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC						RECEIVED: 10/28/81 JA: WV			
8204442		4700701619		103		MCCUMBERS #419	BIRCH DISTRICT	1■.■	EQUITABLE GAS CO
-UNION DRILLING INC						RECEIVED: 10/2■/81 JA: WV			
8204430		4708300226		108		FRANCIS E & ERMA RILEY #1-1430	ROARING CREEK	15.0	COLUMBIA GAS TRAN
-UNITED PETRO LTD						RECEIVED: 10/28/81 JA: WV			
8204450		4701302864		108		ISAAC HENSLEY #1	MINNORA	5.0	CONSOLIDATED GAS
8204446		4701302866		108		ISAAC HENSLEY #3	MINNORA	5.0	CONSOLIDATED GAS
8204445		4701302869		108		ISAAC HENSLEY #4	MINNORA	5.0	CONSOLIDATED GAS
-W C HURTT DRILLING CO						RECEIVED: 10/28/81 JA: WV			
8204412		4708504398		103		BRITTON #1	UNION	36.0	CONSOLIDATED GAS
8204420		4708504463		103		LOVE #1	UNION	36.0	CONSOLIDATED GAS
8204421		4708504467		103		RIDDLE #1	UNION	36.0	CONSOLIDATED GAS
8204413		4708504812		103		RIDDLE #2	UNION	36.0	CONSOLIDATED GAS

Kenneth F. Plumb,

Secretary.

FR Doc. 81-35017 Filed 12-4-81; 8:45 am]

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(Volume 545)

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
FLORIDA DEPARTMENT OF NATURAL RESOURCES									
-EXXON CORPORATION			RECEIVED: 11/02/81 JA: FL						
8204652		0911320193		107	DP	H A SINGLETARY #13-4	BLACKJACK CREEK	400.0	ST REGIS PAPER CO
8204650		0903320036		107	DP	MCDAVID LANDS #31-3	JAY/LEC	45[illegible].[illegible]	FLORIDA GAS TRANS
8204651		0911320191		107	DP	ST REGIS PAPER CO #9-5A	JAY/LEC	300.0	FLORIDA GAS TRANS
MONTANA BOARD OF OIL & GAS CONSERVATION									
-MOSBACHER PRODUCTION CO			RECEIVED: 11/02/81 JA: MT						
8204681	1-81-1	2539121309		103		WALTER C NELSON #1		90.0	PHILLIPS PETROLEU
8204682	3-81-30	2508321340		102	2	WALTER HARTLAND #1	NORTH ENID AREA	51.0	
WYOMING OIL & GAS CONSERVATION COMMISSION									
-AMOCO PRODUCTION CO			RECEIVED: 10/30/81 JA: WY						
8204594	NG 200-81	4903721684		102	2	CHAMPLIN 452 AMOCO C #1 (LEWIS)	SIBERIA RIDGE-LEWIS	40.0	CITIES SERVICE GA
8204597	NG 200-81	4903721684		107	TF	CHAMPLIN 452 AMOCO C #1 (MV)	SIBERIA RIDGE-MESAVERDE	83.0	CITIES SERVICE GA
8204596	NG 202-81	4902120302		102	2	CHAMPLIN 457 AMOCO C #1	WHITNEY CANYON	200[illegible].[illegible]	NATURAL GAS PIPEL
8204598	NG 205-81	4900720520		107	TF	TIERNEY II UNIT #10-7	TIERNEY II UNIT-MESAVERD	23.7	CITIES SERVICE GA
8204593	NG 197-81	4903721588		107	TF	TIERNEY II UNIT #15-13	TIERNEY II UNIT	110.0	CITIES SERVICE GA
8204595	NG 201-81	4900720510		107	TF	TIERNEY II UNIT #9-5	TIERNEY II UNIT-MESAVERD	61.[illegible]	CITIES SERVICE GA
-BURLINGTON NORTHERN INC			RECEIVED: 10/30/81 JA: WY						
8204581	NG 175-81	4902720399		102	4	JOHNSON 33-13	BUCK CREEK	7.[illegible]	PHILLIPS PETROLEU
8204582	NG 176-81	4900921834		102	2	STATE 21-36	SCOTT	36.0	CHINOOK CONSTRUCT
-CITIES SERVICE COMPANY			RECEIVED: 10/30/81 JA: WY						
8204591	NG-191-81	4900720568		103		STATE H #1	FILLMORE	[illegible]2.0	CITIES SERVICE GA
-NATURAL GAS CORP			RECEIVED: 10/30/81 JA: WY						
8204585	NG 179-81	49[illegible]2320403		103		NGC 31-5 BUCK	FONTENELLE II	[illegible]6.[illegible]	PACIFIC GAS TRANS
-RAINBOW RESOURCES INC			RECEIVED: 10/30/81 JA: WY						
8204586	NG 182-81	4902300000		108		ARNOLD LARSON 2-2	CRAVEN CREEK	2.[illegible]	NORTHWEST PIPELIN
8204588	NG 184-81	4900720280		108		STATE 1-9	SMITH RANCH	10.0	NORTHWEST PIPELIN
8204587	NG 183-81	4900720308		108		STATE 22-9	SMITH RANCH	8.[illegible]	NORTHWEST PIPELIN
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 10/30/81 JA: WY						
8204584	NG 178-81	4904521496		102	4	WEST TODD #1	WEST TODD	31.[illegible]	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION			RECEIVED: 10/30/81 JA: WY						
8204583	NG 177-81	4900500000		103		DOUD #1-23	KITTY	[illegible]5.[illegible]	MGPC INC
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 10/30/81 JA: WY						
8204592	NG 194-81	4900525634		103		UTE MUDDY SAND UNIT #3-17	UTE	0.5	MCCULLOCH OIL COR
-TEXAS OIL & GAS CORP			RECEIVED: 10/30/81 JA: WY						
8204599	NG 208-81	4903721597		107	TF	AMOCO ANTELOPE FLATS #1	WILDCAT	40.0	CITIES SERVICE GA
8204600	NG 207-81	4903721598		107	TF	ANTELOPE FLATS STATE #1	WILDCAT	182.5	CITIES SERVICE GA
-THE ANSCHUTZ CORPORATION			RECEIVED: 10/30/81 JA: WY						

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204589	NG 186-81	4904120705		108		ANSCHUTZ RANCH EAST #16-21			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204589	NG 186-81	4[illegible]04120325		102-2		ANSCHUTZ RANCH EAST W12-26	ANSCHUTZ RANCH EAST	[illegible]0.[illegible]	NATURAL GAS PIPEL
-WEXPRO CO		RECEIVED: 10/30/81 JA: WY							
8204590	NG 19-81	4900921707		102-2		WERNER #25-1	SPEA[illegible]HEAD RANCH	1[illegible]2.0	MOUNTAIN FUEL SUP
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA									
-AMOCO PRODUCTION CO		RECEIVED: 11/02/81 JA: LA 3							
8204663	G1-2150	177[illegible]2404[illegible]5		102-5		OCS-G-2231 #A-[illegible]C	WEST CAMER[illegible]N	730.[illegible]	COLUMBIA GULF TRA
-CNG PRODUCING COMPANY		RECEIVED: 11/02/81 JA: LA 3							
8204685	G1-2151	177[illegible]64[illegible]312		102-5		A-7D4	VERMILION	6[illegible].[illegible]	CONSOLIDATED GAS
-CONOCO INC		RECEIVED: 11/02/81 JA: LA 3							
8204665	G1-2156	1770240606		102-5		WEST CAMERON 459 A-1	WEST CAMERON	2[illegible]7[illegible].[illegible]	TEXAS EASTERN TRA
8204664	G1-2157	1770240606		102-5		WEST CAMERON 459 A-1D	WEST CAMERON	[illegible]120.[illegible]	TEXAS EASTERN TRA
8204654	G1-2158	1770240615		102-5		WEST CAMERON 459 A-2	WEST CAMERON	21[illegible]0.0	TEXAS EASTERN TRA
8204660	G1-2159	1770240615		102-5		WEST CAMERON 459 A-2D	WEST CAMERON	90[illegible].[illegible]	TEXAS EASTERN TRA
8204656	G1-2160	1770240642		102-5		WEST CAMERON 459 A-3 ST	WEST CAMERON	463[illegible].[illegible]	TEXAS EASTERN TRA
-EXXON CORPORATION		RECEIVED: 11/02/81 JA: LA 3							
8204691	G1-2272	177[illegible]240[illegible]65[illegible]		102-1		OCS-G4201 #A-15	WEST CAMERON	2000.0	
-GULF OIL CORPORATION		RECEIVED: 11/02/81 JA: LA 3							
8204690	G1-2277	1771540338		102-1		OCS-G 3593 #A-1	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204689	G1-2278	1771540396		102-1		OCS-[illegible] 3593 #A-2	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204673	G1-2279	1771540398		102-1		OCS-G 3593 #A-3	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204680	G1-2280	1771540408		102-1		[illegible]CS-G 3593 #A-4	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204696	G1-2135	1770940437		102-5		OCS-G-0983 #G-15	EUGENE ISLAND	9125.0	SEA ROBIN PIPELIN
-KERR-MCGEE CORPORATION		RECEIVED: 11/[illegible]2/[illegible]1 JA: LA 3							
8204666	G1-2299	1771540393		102-1		OCS-G-[illegible]11[illegible] [illegible]C-2	S[illegible]UTH TIMBALIER	1310.0	TENNESSEE GAS PIP
-MCMORAN OFFSHORE EXPLORATION CO		RECEIVED: 11/02/81 JA: LA 3							
8204655	G1-2163	1770240660		102-5		[illegible]CS-G 254[illegible] #A-1	WEST CAMER[illegible]N	1[illegible]25.0	
-MOBIL OIL EXPLORATION & PROD S E		RECEIVED: 11/[illegible][illegible]/81 JA: LA 3							
8204675	G1-2178	1771040918		102-1		EUGENE IS 35[illegible] #A - 7A	EUGENE ISLAND	40.0	SEA ROBIN PIPELIN
8204676	G1-2179	1771040918		102-1		EUGENE IS [illegible]5[illegible] [illegible]A - 7B (ALT)	EUGENE ISLAND	200.0	SEA ROBIN PIPELIN
8204684	G1-2129	1771140464		102-5		SHIP SHOAL 63 #4A	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204687	G1-2130	1771140464		102-5		S[illegible]IP SH[illegible]AL 63 #[illegible]B(ALT)	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204699	G1-2060	1771140499		102-5		SHIP SHOAL [illegible]3 #[illegible]	SHIP SHOAL	900.0	TRANSCONTINENTAL
8204698	G1-2061	1771140499		102-5		SHIP SHOAL 63 #[illegible]B (ALT TO 6A)	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204700	G1-2062	1771140499		102-5		SHIP SHOAL 63 #[illegible]2	SHIP SHOAL	[illegible]50.0	TRANSCONTINENTAL
8204682	G1-2144	1771[illegible][illegible][illegible]21		102-5		SOUTH PELTO 1[illegible] [illegible] [illegible]E (ALT.)	SOUTH PELTO	76.0	TRANSCONTINENTAL
-OCEAN PRODUCTION CO		RECEIVED: 11/[illegible][illegible]/81 JA: LA 3							
8204688	G1-2143	1770[illegible]0427		102-5		OCS-0317 [illegible]8[illegible]	EUGENE ISLA[illegible]D BLK 47 FIE	800.0	SEA ROBIN PIPELIN
-TENNECO OIL COMPANY		RECEIVED: 11/02/81 JA: LA 3							
8204694	G1-2252	1773140027		102-1		SABINE PASS 13 B-1	SABINE PASS	1700.0	TENNESSEE GAS PIP
8204661	G1-2298	1773140030		102-1		SA[illegible]INE PASS 13 B-2	SABINE PASS	17.5	TENNESSEE GAS PIP
8204693	G1-[illegible]253	1773140032		102-1		SABINE PASS 13 B-3	SABINE PASS	17.5	TENNESSEE GAS PIP
8204653	G1-2[illegible]8[illegible]	1771140327		102-5		SHIP SHOAL 198 B-5	SHIP SHOAL	1095.0	TENNESSEE GAS PIP
8204701	G1-2[illegible]63	1770740100		102-5		SOUTH MARSH ISL[illegible]ND 61 B-8	SOUTH MARSH ISLAND	1000.0	TENNESSEE GAS PIP
-TEXACO INC		RECEIVED: 11/02/[illegible] JA: LA 3							
8204705	G1-2291	1771040896		102-1		OCS G-356[illegible] #A-1	EUGENE ISLAND	352.0	NATURAL GAS PIPEL
8204695	G1-2293	1771040926		102-1		OCS G-356[illegible] #A-3	EUGENE ISLAND	352.0	NATURAL GAS PIPEL
8204706	G1-2292	1771[illegible]40919		102-1		[illegible]CS-G35[illegible]9 #A-2	EUGENE ISLAND	352.0	NATURAL GAS PIPEL
-UNION OIL COMPANY OF CALIF		RECEIVE[illegible]: 11/02/81 JA: LA 3							
8204681	G1-2146	1770340217		102-5		[illegible]CS [illegible]935 [illegible]11	EAST CAMERON	1650.0	TRANSCONTINENTAL
8204697	G1-2180	1770340225		102-5		OCS-G 1475 [illegible]5	EAST CAMERON	1095.0	TRANSCONTINENTAL
-AMINOIL USA INC		RECEIVE[illegible]: 11/02/81 JA: TX 3							

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204659	G1-2097	4270940505		102-5		OCS-G-2712 #A-10	HIGH ISLAND BLOCK A-561	178.0	COLUMBIA GAS TRAN
8204658	G1-2099	4270940518		102-5		OCS-G-2712 #A-13	HIGH ISLAND BLOCK A-561	87.0	COLUMBIA GAS TRAN
8204657	G1 2095	4270940499		102-5		OCS-G-2712 #A-9	HIGH ISLAND BLOCK A-561	70.0	COLUMBIA GAS TRAN
-AMOCO PRODUCTION CO				RECEIVED: 11/02/81 JA: TX 3					
8204667	G0-1657	4271140428	D	102-5		OCS-G-2743 B-8	HIGH ISLAND	2920.0	NATURAL GAS PIPEL
-CITIES SERVICE COMPANY				RECEIVED: 11/02/81 JA: TX 3					
8204703	G1-2284	4270330190		102-1		MATAGORDA ISLAND 526 # C-1	MATAGORDA ISLAND 526 #	6600.0	EL PASO NATURAL G
8204704	G1-2285	4270330213		102-1		MATAGORDA ISLAND 526 #D-1	MATAGORDA ISLAND	16.5	EL PASO NATURAL G
8204707	G1-2263	4270340016		102-1		MATAGORDA ISLAND 686 #A-2	MATAGORDA ISLAND	1650.0	NORTHERN NATURAL
8204692	G1-2262	4270340013		102-1		OCS G-3465 #A-1	MATAGORDA ISLAND	0.0	NORTHERN NATURAL
8204670	G1-2271	4270340093		102-1		OCS G-3465 #A-10	MATAGORDA ISLAND	700.0	NORTHERN NATURAL
8204677	G1-2264	4270340036		102-1		OCS G-3465 #A-3	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204678	G1-2265	4270340039		102-1		OCS G-3465 #A-4	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204679	G1-2266	4270340049		102-1		OCS G-3465 #A-5	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204683	G1-2268	4270340070		102-1		OCS G-3465 #A-7	MATAGORDA ISLAND	0.0	NORTHERN NATURAL
8204668	G1-2269	4270340080		102-1		OCS G-3465 #A-8	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204669	G1-2270	4270340091		102-1		OCS G-3465 #A-9	MATAGORDA ISLAND	700.0	NORTHERN NATURAL
-EXXON CORPORATION				RECEIVED: 11/02/81 JA: TX 3					
8204708	G1-2186	427084[illegible]093		102-5		OCS-G 3237 #A-6	HIGH ISLAND	4000.0	TRANSCONTINENTAL
8204686	G1-2137	4271140496		102-5		OCS-G 3313 #A-10	HIGH ISLAND	1300.0	COLUMBIA GAS TRAN
8204662	G1-2304	4271140[illegible]1[illegible]		102-1		OCS-G 3486 #A-1 ST #1	HIGH ISLAND	4000.0	COLUMBIA GAS TRAN
8204671	G1-2300	427114[illegible]490		102-1		OCS-G 3486 #B-3	HIGH ISLAND	4000.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED: 11/02/81 JA: TX 3					
8204674	G1-2128	427064[illegible]034		102-5		OCS 092 7-U	OFFSHORE GALVESTON TX BL	200.0	TRANSCONTINENTAL
-TENNECO OIL COMPANY				RECEIVED: 11/02/81 JA: TX 3					
8204702	G1-2066	4271140491		102-5		HIGH ISLAND A-270 #B-[illegible]	HIGH ISLAND	2433.0	TENNESSEE GAS PIP
8[illegible]4672	G1-[illegible]3[illegible]5	4271540005		102-1		SABINE PASS 18 A-1	SABINE PASS	9700.0	TENNESSEE GAS PIP
**********									
** U.S. GEOLOGICAL SURVEY - CASPER,WY									
**********									
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 11/02/81 JA: MT 5					
8204612	M307-1	2500521959		102-2		24-24-18	LEROY	16.5	MONTANA POWER CO
-MIDLANDS GAS CORPORATION				RECEIVED: 11/02/81 JA: MT 5					
8204624	M319-1	2507121487		108		FEDERAL 1 0260	WILDCAT	20.0	KANSAS-NEBRASKA N
8204637	M336-1	2507121706		102-2		FEDERAL 1 1431	BOWDOIN	112.0	KANSAS-NEBRASKA N
8204647	M349-1	2507121703		102-2		FEDERAL 1 2260	BOWDOIN	152.0	KANSAS-NEBRASKA N
8204636	M335-1	2507121714		102-2		FEDERAL 1 2331	BOWDOIN	58.0	KANSAS-NEBRASKA N
-SOUTHLAND ROYALTY CO				RECEIVED: 11/02/81 JA: MT 5					
8204605	M255-1	2507121747		102-2		FEDERAL 0962 #1	BOWDOIN DOME	53.0	KANSAS NEBRASKA N
8204604	M253-1	2507121744		102-2		FEDERAL 2862 #1	BOWDOIN DOME	41.0	KANSAS NEBRASKA N
-AL-AQUITAINE EXPLORATION LTD				RECEIVED: 11/02/81 JA: ND 5					
8204642	ND342-1	3300700650		102-2		U S 4-11	TR	180.0	WESTERN GAS PROCE
8204609	ND296-1	3300700356		102-2		US #3-12	TR	30.0	WESTERN GAS PROCE
-BWAB INC				RECEIVED: 11/02/81 JA: ND 5					
8204638	ND337-1	3305301178		102-2		ALLEN-FEDERAL #2-21	MONDAK	7.5	MONTANA DAKOTA UT
8204639	ND338-1	3305301302		102-2		ALLEN-FEDERAL #2-23	MONDAK	7.5	MONTANA DAKOTA UT
8204649	ND299-1	3305301262		102-2		FEDERAL #8-44X	MONDAK	7.5	MONTANA DAKOTA UT
-DOME PETROLEUM CORP				RECEIVED: 11/02/81 JA: ND 5					
8204607	ND273-1	3305301204		102-2		DOME FEDERAL #4-17	MON DAK	13.3	SHELL OIL CO
-KOCH INDUSTRIES INC				RECEIVED: 11/02/81 JA: ND 5					
8204618	ND313-1	3300700471		102-2		FEDERAL #12-18	BIG STICK	275.0	MONTANA-DAKOTA UT
8204632	ND331-1	3300700678		102-2		FEDERAL #6-22	WILDCAT	180.0	MONTANA-DAKOTA UT
8204619	ND314-1	3300700533		102-2		FEDERAL #7-3	TREETOP	180.0	MONTANA-DAKOTA UT

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHELL OIL CO				RECEIVED: 11/02/81 JA: ND 5					
8204617	ND312-1	3300700470		102-2		FEDERAL #12-17	BIG STICK	275.0	MONTANA-DAKOTA UT
8204633	ND332-1	3300700679		102-2		FEDERAL #6-23	WILDCAT	180.0	MONTANA-DAKOTA UT
8204620	ND315-1	3300700534		102-2		FEDERAL #7-4	TREETOP	180.0	MONTANA-DAKOTA UT
-TEXACO INC				RECEIVED: 11/02/81 JA: ND 5					
8204644	ND344-1	3300700652		102-2		U S 4-13	TR	180.0	WESTERN GAS PROCE
8204645	ND345-1	3300700653		102-2		U S 4-14	TR	180.0	WESTERN GAS PROCE
8204646	ND346-1	3300700654		102-2		U S 4-23	TR	180.0	WESTERN GAS PROCE
-WESTERN GAS PROCESSORS LTD				RECEIVED: 11/02/81 JA: ND 5					
8204643	ND343-1	3300700651		102-2		U S 4-12	TR	180.0	WESTERN GAS PROCE
-WILLIAMS PRODUCTION CO				RECEIVED: 11/02/81 JA: ND 5					
8204610	ND297-1	3300700357		102-2		US #3-13	TR	180.0	WESTERN GAS PROCE
-WOLVERINE GAS & OIL CO				RECEIVED: 11/02/81 JA: ND 5					
8204606	ND274-1	3305301205		102-2		DOME FEDERAL #4-18	MON DAK	13.3	SHELL OIL CO
-WOLVERINE GAS & OIL CO				RECEIVED: 11/02/81 JA: ND 5					
8204611	ND298-1	3305301261		102-2		FEDERAL #8-33X	MONDAK	7.5	MONTANA DAKOTA UT

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-SHELL OIL CO						
						RECEIVED: 11/02/81 JA: ND 5
8204617	ND312-1	3305301285		102-4		USA 31-4-118
						RECEIVED: 11/02/81 JA: ND 5
-TENNECO OIL COMPANY						
8204646	ND348-1	3300700601		102-2		BRENT FEDERAL 9-12
8204645	ND347-1	3300700578		102-2		MOHRLE USA #3-13
						RECEIVED: 11/02/81 JA: WY 5
-AMERICAN QUASAR PETROLEUM CO						
8204603	W31-1	4900320546		102-4		DOBIE CREEK 18-2
						RECEIVED: 11/02/81 JA: WY 5
-AMOCO PRODUCTION CO						
8204628	W325-1	4902320193		103		SHUTE CREEK UNIT #4
8204631	W329-1-T	4902320318		107-TF		WHISKEY BUTTES #35
						RECEIVED: 11/02/81 JA: WY 5
-BELCO PETROLEUM CORPORATION						
8204644	W344-1	4903520630		103		FIGURE FOUR FEDERAL 1-1
8204606	W272-1	4903520611		103		MICKELSON CREEK FEDERAL 1-17
						RECEIVED: 11/02/81 JA: WY 5
-CIG EXPLORATION INC						
8204635	W334-1-T	4900720612		107-TF		CIGE 1-32-17-93
						RECEIVED: 11/02/81 JA: WY 5
-CONOCO INC						
8204643	W343-1	4900921821		102-2		CONOCO FEDERAL BOLAND 8 #3
						RECEIVED: 11/02/81 JA: WY 5
-HOUSTON OIL & MINERALS CORPORATION						
8204610	W300-1	4903721703		102-2		FEDERAL 44-24
						RECEIVED: 11/02/81 JA: WY 5
-KOCH INDUSTRIES INC						
8204620	W315-1	4903721246		102-2		ADOBE TOWN #1
8204608	W288-1	4903721636		107-DP		MONUMENT VALLEY #1
8204621	W316-1	4903721380		102-2		TWIN FORKS #1
						RECEIVED: 11/02/81 JA: WY 5
-LADD & LUKOWICZ INC						
8204648	W246-1	4900525556		103		FEDERAL I-21
						RECEIVED: 11/02/81 JA: WY [illegible]
-MARATHON OIL COMPANY						
*8204615	W310-1	4902920778		103		BASTON A #18
*8204614	W309-1	4902920843		103		NIELSON #7
*8204613	W308-1	4902920906		103		OWENS "A" #10
8204623	W318-1T	4902320328		107-TF		SHUTE CREEK #5
8204622	W317-1	4902320328		103		SHUTE CREEK #5
8204633	W332-1	4900720541		102-2		STANDARD DRAW #2-10
8204634	W333-1-T	4900720541		107-TF		STANDARD DRAW #2-10
*8204616	W311	4902920913		103		WILSON A #11
-RESOURCES INVESTMENT CORPORATION						
						RECEIVED: 11/02/81 JA: WY 5
8204626	W321-1	4900525697		103		QUILLBACK FEDERAL #1-3[illegible]
-TEXAS OIL & GAS CORP						
						RECEIVED: 11/02/81 JA: WY 5
8204630	W328-1	4903721869		103		BIG POND FEDERAL #1
8204625	W320-1	4903721698		103		GLOVER HORSESHOE BEND USA #1
-TOM BROWN INC						
						RECEIVED: 11/02/81 JA: WY 5
8204611	W301-1	4901[illegible]1106		102-4		TRIBAL #13-22
-TRIGO DRILLING COMPANY INC						
						RECEIVED: 11/02/81 JA: WY 5
8204627	W322-1T	4900720514		107-TF		M W FEDERAL #1-1
-W A MONERIEF JR						
						RECEIVED: 11/02/81 JA: WY 5
8204629	W327-1	4901320681		108		BONNEVILLE II 23-1
-WEXPRO CO						
						RECEIVED: 11/02/81 JA: WY 5
8204640	W340-1	4903721788		102-2		BRUFF FED #2-26
8204641	W341-1	4903721855		102-2		HAGOOD FEDERAL #12-1

OTHER PURCHASERS VOLUME NO :54[illegible]

8204613	CODY GAS CO
8204614	CODY GAS CO
8204615	CODY GAS CO
8204616	CODY GAS CO

FIELD NAME	PROD	PURCHASER
POKER JIM	1.5	MONTANA DAKOTA UT
BIG STICK	25.0	WESTERN GAS PROCE
BIG STICK	210.0	WESTERN GAS PROCE
DOBIE CREEK-SEC 18 T49N-	0.0	MONTANA-DAKOTA UT
SHUTE CREEK	57.4	
WHISKEY BUTTES - FRONTIE	41.0	CITIES SERVICE GA
FIGURE FOUR CANYON	0.0	
BAXTER	0.0	NORTHWEST PIPELIN
HIGH POINT	1074.0	COLORADO INTERSTA
SCOTT	12.0	PHILLIPS PETROLEU
ESSEX MOUNTAIN	274.0	
WILDCAT	70.0	CITIES SERVICE GA
WILDCAT	400.0	CITIES SERVICE GA
TWIN FORK	250.0	CITIES SERVICE GA
PORCUPINE	180.0	PHILLIPS PETROLEU
OREGON BASIN FIELD	3.5	COLORADO INTERSTA
OREGON BASIN FIELD	8.3	COLORADO INTERSTA
OREGON BASIN FIELD	7.3	COLORADO INTERSTA
SHUTE CREEK	73.0	NORTHWEST PIPELIN
SHUTE CREEK	73.0	NORTHWEST PIPELIN
STANDARD DRAW	1166.0	
STANDARD DRAW	1166.0	
OREGON BASIN FIELD	9.8	COLORADO INTERSTA
PORCUPINE	280.0	BIG HORN FRACTION
ANTELOPE	255.[illegible]	COLORADO INTERSTA
	292.[illegible]	CITIES SERVICE GA
MUDDY RIDGE	76.7	MONTANA-DAKOTA UT
BLUE GAP	0.0	COLORADO INTERSTA
BONNEVILLE	18.8	MONTANA-DAKOTA UT
BRUFF	362.0	MOUNTAIN FUEL RES
BRUFF	813.0	MOUNTAIN FUEL RES

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Denonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–35018 Filed 12–4–81; 8:45 am]
BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–62004; FRL–1999–5]

Applications to Use Sodium Fluoroacetate (Compound 1080) to Control Predators: Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of hearing.

SUMMARY: This notice announces that EPA has received several applications to use the pesticide, sodium fluoroacetate (commonly called "1080"), to control coyotes and other species which prey on livestock. Based on its review of these applications and other data, EPA has decided to conduct an adjudicatory hearing to reconsider its 1972 decision to cancel the registration of 1080 products intended for use as predacides.

DATE: Notices indicating an intention to participate in this hearing must be filed by December 21, 1981 (See Part V.B. of this notice for a discussion of other procedural matters.)

ADDRESS: Copies of the Agency's Technical Review Document on 1080 are available from: Registration Division, Office of Pesticide Programs (TS–767), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Notices of Intent to Participate must be submitted to: Hearing Clerk (A–110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For information on procedural matters, contact Bessie L. Hammiel, Hearing Clerk, Office of the Administrative Law Judge (A–110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Telephone (202) 755–5476. For information on other matters, contact Carole V. Gray, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Telephone (703) 557–7102.

SUPPLEMENTAL INFORMATION: The U.S. Environmental Protection Agency (EPA or Agency) regulates pesticides under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 et seq., and implementing regulations. This responsibility is exercised primarily by Agency decisions on whether to register (license) pesticide products. EPA is required to register a pesticide when it concludes that use of the product will not cause "unreasonable adverse effects on the environment." FIFRA section 3(c)(5). If EPA concludes that a registered pesticide no longer meets this standard, the Agency may cancel the registration of the product. FIFRA section 6(b).

On March 9, 1972, the EPA Administrator issued an order cancelling and suspending the registration of all federally registered pesticide products containing sodium fluoroacetate, commonly called "1080," which were intended for use as predacides. Recently, in the late summer and fall of 1981, EPA received several applications to register pesticide products containing 1080 for use against coyotes and other species which prey on livestock. The Agency has also received applications under FIFRA section 18 for emergency exemptions from FIFRA's registration requirements submitted by States which wish to use 1080 to control coyotes and other predators.

Since the applications concern a pesticidal use which has been cancelled, the applications are subject to Subpart D of EPA's Rules of Practice, 40 CFR 164.130–.133. These regulations state that the Agency must treat such applications as petitions to reconsider its prior order cancelling and suspending the predacidal use of 1080. 40 CFR 164.130. If the Administrator finds that there is "substantial new evidence" which may warrant reconsideration of the prior order, he shall issue a notice announcing that the Agency will hold a hearing to examine the new evidence and to determine whether the order should be modified or reversed. 40 CFR 164.131.

As described more fully below, I have reviewed the information contained in the registration applications and request for emergency exemptions, as well as information available from other sources. I find that the available information meets the standard of § 164.131. I find, accordingly, that it is appropriate to conduct an adjudicatory hearing, pursuant to 40 CFR Part 164, to review the evidence and determine whether the 1972 cancellation and suspension order should be modified or reversed. This document explains the reasons for my decision and establishes certain procedural rules to govern the conduct of this hearing.

I. The 1972 Cancellation and Suspension Order

On March 9, 1972, the EPA Administrator issued notices and orders cancelling and suspending the registrations of products containing 1080, as well as strychnine, sodium cyanide, and thallium sulfate—three other compounds used as predacides. PR Notices 72–2 and 72–3, 37 FR 5718 (March 18, 1972). No registrant requested an administrative hearing in which to contest the order, and no adversely affected person sought judicial review or the order within the statutory time period. Accordingly, the order became final thirty days after it was served on registrants. See *Wyoming v. Hathaway*, 525 F.2d 66 (10th Cir. 1975) *cert. denied*, 426 U.S. 906.

EPA at that time made a series of Findings of Fact with respect to each of the pesticides. (The text of the 1972 cancellation and suspension orders and the supporting Findings of Fact are reproduced in the Appendix.) Concerning the risks of 1080, the Agency found that it is highly toxic to all species and that a number of humans had died from 1080 poisoning. EPA also found that non-target animals were being

adversely affected by use of 1080 and that 1080 was thought to have contributed to the death of a California condor, an endagered species.

With regard to the benefits of 1080 and the other predacides, EPA found in 1972 that "there is no reliable data as to the amount of predator control achieved by the use of these poisons;" that existing data were insufficient to predict the loss of sheep that might occur without these pesticides; that the "data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses;" that effective alternatives to 1080 and the other predacides were available, though they were generally more expensive; and that the Federal Government was supporting research to develop more effective and environmentally acceptable predator control methods. 37 FR 5718, 5720.

The 1972 Notice cited three major sources for the information which it considered in deciding to cancel and suspend the registration of 1080 and the other toxicants. The most comprehensive was the 1972 Report to the Council on Environmental Quality and the Department of the Interior, commonly called the "Cain Report" after the chairman of the committee which produced the report. The Cain Report surveyed data on predation loss rates, predator control methods, wildlife toxicology, and a number of other subjects. EPA also considered a 1971 petition submitted by the Natural Resources Defense Council and six other environmental organizations ("NRDC petition"), which urged EPA to suspend the use of 1080 and other predacides, citing numerous articles and studies to substantiate its arguments. The Agency also relied on the 1964 "Leopold Report" (officially titled "Predator and Rodent Control in the United States"), which was written by a special advisory committee appointed by the Secretary of the Interior to study wildlife management. The Leopold Report contained some data and opionions agout how to improve the environmental acceptability of the animal damage control program administered by the Department of the Interior.

The Agency has recently prepared a Technical Review Document on 1080 which discusses in considerably greater detail the Agency's 1972 findings and the information in the Cain Report, Leopold Report, and NRDC petition. The Technical Review Document on 1080 is available to the public at the address listed at the beginning of this notice.

II. Applications to Use 1080 to Control Predators

Three States—Wyoming, South Dakota, and Montana—and the Department of the Interior recently have submitted applications seeking authorization to use 1080 to control animals which prey on livestock. (These applications are summarized in the Technical Review Document on 1080.) The applications propose one or more of the following delivery mechanisms: 1080 large-bait stations, 1080 toxic collars, and single-lethal-dose (SLD) baits.

The 1080 large-bait station was the only delivery mechanism commonly used before 1972. A 1080 large-bait station is a carcass of a sheep, calf, or horse which has been injected with an aqueous solution of 1080. Coyotes and other predators feeding on the dead animals are expected to consume lethal quantities of 1080.

Compound 1080 toxic collars and 1080 SLD baits are new delivery mechanisms that were not in general use prior to 1972 and that were not discussed in the Administrator's cancellation and suspension order. The toxic collar is a rubber and plastic apparatus designed to be strapped around the necks of sheep or goats. The collar contains two 1080-filled compartments that are broken when a predator attempts to bite the throat of the prey, exposing the attacking predator to a lethal oral dose of 1080. The SLD bait is made from fat or meat and contains enough 1080 to kill a coyote which eats it. SLD baits are usually placed around a draw station, e.g., a dead sheep or calf, or at sites frequented by the target species.

The applicants include or cite numerous studies and other sources of information to support their applications. In reaching a decision to hold a Subpart D hearing, EPA has considered several sources of information in addition to the material submitted by applicants. Two of the most important sources are the annual reports submitted on tests with 1080 toxic collars conducted under EPA's experimental use permit program and the testimony and exhibits provided at EPA's information-gathering hearings held in July 1981.

In 1977, EPA issued an experimental use permit to the Department of the Interior authorizing limited field testing with 1080 toxic collars. This permit has been renewed annually. More recently, EPA has also approved experimental use permits for the Texas Agricultural Experiment Station, a part of Texas A&M University, and the New Mexico Department of Agriculture. These permits also allow testing with the 1080 toxic collar. Permit holders are required to submit periodic reports to EPA on the results of their testing. These reports comprise a large part of the data base on toxic collars.

EPA has also reviewed the testimony and exhibits presented during three days of information-gathering hearings held in Denver and Washington, D.C. last July. These hearings, held under the authority of FIFRA section 21(b), produced over 800 pages of transcript and 5000 pages of exhibits. Over 80 witnesses, representing a variety of disciplines and viewpoints, testified during the three days of hearings.

III. The Regulatory Framework and Applicable Standards for Reviewing Requests for Reconsideration of a Prior Cancellation Order

Subpart D of EPA's rules of practice (40 CFR 164.130–.133) states that any application under section 3 or section 18 of FIFRA to allow use of a pesticide at a site and on a pest for which registration has been finally cancelled constitutes a petition for reconsideration of the previous cancellation order. 40 CFR 164.130. The regulations require the Administrator to review the applications and supporting data to determine whether reconsideration is warranted. Specifically, the Administrator must determine whether:

1. The applicant has presented substantial new evidence which may materially affect the prior cancellation or suspension order and which was not available to the Administrator at the time he made his final cancellation or suspension determination and

(2) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation or suspension proceeding prior to the issuance of the final order. 40 CFR 164.131(a). Since I find that there is substantial new evidence with respect to the proposed use patterns, 40 CFR 164.131 requires that I publish a notice in the **Federal Register** setting forth my determination and the basis for it. (See Part IV of this Notice.) The regulations also require that the notice announce that EPA is holding an adjudicatory hearing to review the evidence and to determine whether to modify or reverse the prior order.

The hearing required by Subpart D must be conducted under the provisions of the Administrative Procedure Act governing formal adjudications, under EPA's rules of practice governing hearings (40 CFR 164.1–.111, .130–.133), and under the procedures established by Part V.B. of this Notice. The hearing will be conducted by an EPA Administrative

Law Judge who will preside over the presentation of sworn testimony and oral cross-examination and who will generally supervise the proceeding. During the hearing, the applicants will have the burden of proof. 40 CFR 164.132(a).

At the close of the hearing, the parties will have an opportunity to present briefs to the Administrative Law Judge, who in turn will prepare an Initial Decision containing findings of facts and conclusions of law. The Initial Decision must specifically determine whether substantial new evidence exists and if so, whether it requires reversal or modification of the existing cancellation and suspension order. 40 CFR 164.132. This preliminary decision may be appealed to the Administrator for a final Agency decision. Under EPA's Rules of Practice, if no appeal is taken within 20 days after the Administrative Law Judge files his Initial Decision, the Initial Decision becomes final. 40 CFR 164.101

A final Agency decision modifying or reversing the 1972 order would not, by itself, authorize use of 1080 as a predacide; in addition EPA would need to issue either an emergency exemption as authorized by FIFRA section 18 or a registration pursuant to FIFRA section 3. (Alternatively, a State could issue a "special local need" registration pursuant to FIFRA section 24(c).) Applicants would be required to satisfy certain requirements before such regulatory actions could be taken. Moreover, such regulatory actions could only authorize use of 1080 to the extent allowed by the Agency's final decision in the Subpart D proceeding.

Use of 1080 on Federal lands or in Federal animal damage control programs currently is prohibited by Executive Order 11917. 41 Fed. Reg. 22239; May 28, 1976. This Order, which was issued in 1976 by President Ford, is based on Executive Order 11643 issued by President Nixon shortly before EPA's order cancelling and suspending the registration of 1080 predacides. 37 Fed. Reg. 2875; Feb. 8, 1972. The Executive Order prohibits the use of any animal toxicant on Federal lands or in Federal programs, except sodium cyanide in the M–44 device, unless there is an emergency. Further action, in accordance with the emergency waiver procedures contained in Executive Order 11917, would be required to authorize such use, unless the Executive Order itself is modified.

In summary, FIFRA and its implementing regulations establish very specific standards and procedures for reviewing the pending applications for 1080 predacide products. The Subpart D hearing announced by this notice is only the first step that must be completed before legal use of 1080 as a predacide would be possible.

IV. BASIS OF THE DECISION TO HOLD SUBPART D HEARINGS

The EPA has reviewed the information submitted with the applications for registration and requests for emergency exemptions described above. In addition, Agency staff have reviewed the documents and testimony provided in public hearings on the use of 1080 to control predators, as well as information from several other sources. The staff have prepared a Technical Review Document on 1080 which summarizes and analyses this material. (Copies of the Technical Review Document on 1080 are available to the public at the address listed at the beginning of this notice.) I find that there is new evidence which suggests that in recent years there has been a rise in the rates of livestock lost to predation; a decrease in the availability and/or an increase in the cost of several alternative predator control methods; and an improvement in the ability of users to handle 1080 safely. New evidence also suggests that in 1972, EPA may have overestimated the environmental hazards of using 1080 to control predators. In addition, two new delivery mechanisms (the 1080 toxic collar and single lethal dose (SLD) baits) which might reduce environmental exposure have been proposed. Reduced exposure would lessen the risks for nontarget wildlife. Taken together, these new data constitute substantial new evidence which may warrant reconsideration of the Agency 1972 order.[1]

A. Increased Predation Loss Rates

Comparisons of recent data on the rate of livestock (especially sheep) lost to predation with data available in 1972 indicate that predation has become an increasingly important problem in the intervening years. The 1972 Cain Report reviewed four questionnaire survey studies of predation loss rates, and concluded that the reported loss rates [2] (3.6% to 7.9%) were probably overstated.

Since 1972, biological field studies, as well as additional questionnaire surveys, have been conducted. Generally, field studies produce more reliable estimates of predation-losses, since deaths are verified by the investigator. In many cases, field studies yield lower estimates of loss rates than questionnaire surveys. For example, Robel (1981) reported predation losses determined by a field study to be only 25% of the losses reported in a questionnaire survey during the same period. Thus, it is significant that the average losses to predators reported from field surveys after 1972 are comparable to the questionnaire survey results discussed in the Cain Report.

Data from questionnaire surveys conducted after 1972 are also consistent with the conclusion that predation rates have risen. Though some surveys report losses in the same range as the Cain Report data, five studies indicate that average losses are over five percent, including one survey which found predation losses averaging 14.8% of sheep and lambs. These results are corroborated with abundant testimony from individual ranchers that predation has increased since the 1972 EPA order cancelling the registration of 1080 and other predator toxicants.

Terrill (1980) surveyed available USDA statistics and other reports of sheep and lamb losses to predators from 1958 to 1978. Based on Terrill's report, the loss of sheep and lambs to predators from 1972 to 1978 was about 35 percent higher than the average rate from 1958 to 1972.

While data on calf and cattle losses to predators are not available from the period before 1972, data are available on the losses from all causes. These data indicate that loss rates were relatively stable from 1950 to 1972, averaging 8.9%, and that after 1972 loss rates rose markedly: from 1972 to 1980, the rate of death loss of cattle and calves averaged 11.2%, an increase of over 20 percent from the average from the 1950–1972 period.

B. Alternative Predator Control Methods

Recent information on alternative predator control methods indicates that the 1972 findings may no longer hold true for conditions in 1981. Livestock ranchers testifying at the July 1981

[1] In 1977, Wyoming and several other states applied for registration of products containing 1080 for use against coyotes and other predators. EPA reviewed the applications and supporting data and determined, under Subpart D, that they did not present substantial new evidence which warranted reconsideration of the 1972 order. See 43 FR 14100; April 4, 1978. This decision to hold a hearing under Subpart D is based in part on data that were submitted in 1977. The Agency is aware, however, of a significant body of information which has been generated since 1978, particularly with regard to livestock losses to predators, availability and effectiveness of alternatives, the toxic collar, secondary poisoning of scavengers, and the metabolism of 1080. The total body of information, including data generated from 1972 to 1978, and data developed after 1978, constitutes substantial new evidence.

[2] Loss rates are measured in a variety of ways; e.g. sheep lost per 1,000 ewes, percentage of total livestock. Conversion of reported loss figures to a common measurement was not always possible.

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information-gathering hearings repeatedly stressed the problems with the currently available methods of controlling predators. For instance, they noted that the cost of aerial gunning has increased dramatically since 1972. In addition, they referred to a 1978 decision by the then Secretary of the Interior, to prohibit denning (the practice of killing coyote pups and parents during the spring before the young are mobile enough to leave their den) in Federal animal damage control programs.

In addition, development of non-lethal chemical methods (reproduction inhibitors and repellents) that were anticipated in 1972 has not occurred.

Other testimony cited numerous problems with using the M–44 sodium cyanide device which was introduced in 1975 as a predator control method. Witnesses claimed the M–44 does not work well in cold weather; that it is subject to mechanical malfunctions; and that the restrictions on its use are quite burdensome.

Thus, the available evidence indicates that at least some of the alternatives cited as sufficient in 1972 are today not available, less available, more costly, or all of the above. This in turn may shift the balance of risks and benefits determined in 1972.

C. Human Safety

In the years before EPA cancelled the predacidal uses of 1080, there were a number of accidental human 1080 poisonings resulting in at least 13 and perhaps as many as 18 fatalities. Since 1972 no deaths from 1080 poisoning have been reported, even though the compound is still used as a rodenticide in the United States. (Although the rodenticide use pattern differs from the one being proposed, these differences would not significantly affect human safety.) In addition, 1080 has been used in other countries (e.g., New Zealand and Canada) to control predators and other species without any known adverse consequences for humans. The improved safety record indicates that users are now handling 1080 more carefully, thereby reducing the chance of human poisoning.

The improvement may be attributed to two factors. First, since 1972, EPA has gained a better understanding of how to revise the labeling of a pesticide to reduce risks to humans and the environment. As a result, in recent years the directions for using Federally-registered 1080 rodenticides have been clarified and expanded to provide users with more precise instructions about how to apply the treated bait safely. Second, since 1978, all registered products containing 1080 have been classified as "restricted use pesticides." [3] See 40 CFR § 162.31. As a result, 1080 may be used only by a "certified applicator" (a person who has been specially trained in the safe use of highly toxic pesticides), or by a person under his direct supervision. (Prior to 1972 EPA lacked the authority to require that a pesticide be used only by certified applicators.)

Because EPA would have greater regulatory control in 1981 over the use of 1080 products than it did in 1972 (e.g. EPA could restrict 1080 use to certified applicators), EPA may be able to establish conditions on the use of 1080 which would prevent the occurrence of unreasonable adverse effects on the environment.

D. New Delivery Mechanisms

The 1080 toxic collar and SLD baits are two delivery mechanisms for 1080 which were not considered in the 1972 cancellation and suspension order. These mechanisms may substantially reduce the environmental exposure of non-target wildlife to 1080 in comparison to the use of 1080 large-bait stations.

The most important advantage of the toxic collar is its selectivity for "offending" animals. Only those individual predators which attack livestock are killed. Other "non-offending" members of the species are not directly exposed. Moreover, no animal is exposed until the collar is broken. Once the collar is punctured, the neck area of the dead sheep, goat, or calf may be a source of exposure to scavengers. This, however, is only a limited region of the animal's body (far less than an entire carcass as is used in the large-bait station), and some available test results suggest that certain species of scavengers do not feed on this area.

The SLD bait has two potential advantages over the large-bait station in reducing exposure to non-target wildlife. First, since coyotes and other canid species are more sensitive to 1080 poisoning than most other species, the dose of 1080 in an individual bait can be limited to an amount which is sufficient to kill a canine predator, but not a species less sensitive to that amount of 1080. The second advantage is that limiting the number, as well as the dose levels, of baits allows more precise control of the total amount of 1080 available at a site or in an area.

As a result of these two advantages, the controlled use of SLD baits may lead to lower exposure to 1080 for non-target wildlife than would use of 1080 large-bait stations. First, animals may eat only as many SLD baits as are present at a site. Thus, if only a few baits are placed at any site, only a few non-target animals can be directly exposed. In contrast, a poisoned bait station could serve as a food source for numerous animals living in the vicinity of the bait station. Moreover, the animals feeding at a large-bait station can eat as much meat as they wish. Since large-bait stations customarily contain multiple lethal doses of 1080, it was assumed in 1972 that a non-target animal could ingest a lethal amount of 1080. This perceived hazard may be lessened by use of SLD baits. Not only would a SLD bait contain a sublethal does for most species, but the number and placement of baits at a site also could be controlled to reduce the likeihood of a single animal consuming more than one bait. Finally, the amount of 1080 consumed by a predator which eats a SLD bait may well be less than the amount obtained from feeding on a large-bait station. Thus, the risk of secondary poisoning (poisoning of animals which scavenge the dead predator) is also likely to be lower.

No laboratory or field testing with SLD baits has been reported to substantiate these conclusions; they are based on available wildlife toxicity data and simple comparisons of the amounts of 1080 that would be placed in the environment. [4]

E. Evironmental Safety

In addition to information indicating that use of 1080 toxic collars and SLD baits may result in lower environmental exposure than large-bait stations, there is evidence suggesting that EPA overestimated the environmental hazards of 1080 in 1972.

First, several studies address the risk of primary and secondary poisoning of scavengers. In these studies magpies were allowed to feed on 1080 poisoned coyotes, and though the magpies consumed meat containing residue levels of 1080 in excess of the previously reported median lethal dose for magpies, none died from 1080 poisoning. While there are several possible explanations of these results, the data may indicate that the risk of secondary poisoning is lower than originally thought in 1972.

Second, information is available concerning the metabolism of 1080 in the body of an animal (or human) which

[3] Since 1972, 1080 has been registered only for use in products intended to control rodents. Thus, the "restricted use" classification has applied to 1080 only when used as a rodenticide.

[4] The majority of the available wildlife toxicity data were generated before 1972. Some studies which generally corroborate these data have been conducted since 1972. (Connally, 1981).

ingests the compound (Kun, 1981). Kun asserts that 1080, itself, is not a poisonous compound; it must be metabolized to flourocitrate by cellular systems to exhibit its toxic effects. Kun also claims that the presence of fluorocitrate residues in a dead animal presents little risk of secondary poisoning, because a scavenger which consumes fluorocitrate as a result of feeding on a primary victim would detoxify (metabolize to nontoxic compounds) the fluorocitrate residues before they had a chance to exert their toxic effect. Based on his research, Kun also claims that secondary poisoning most often occurs when the primary victim fails to metabolize all of the 1080 to fluorocitrate and a scavenger consumes this residual 1080 when feeding on the primary victim. Kun asserts, however, that 1080 breaks down rapidly (in 5–10 hours) into nontoxic metabolites. Thus, it is claimed that if a scravenger feeds on a victim of primary poisoning which has been dead for more than a day, the scavenger is unlikely to consume sufficient 1080 residues to be poisoned. If Kun's claims are correct, the risk of secondary poisoning may be substantially less than originally thought.

Finally, EPA has received information in the reports on the toxic collar experiments and during the information gathering hearings which suggest that the analytical methods used prior to 1972 to detect the presence of 1080 residues in wildlife might have produced occasional "false positive" results—that is, the method indicated that 1080 residues were present in samples known to contain no 1080. This information provides a basis for questioning whether the reported results which EPA relied on in 1972—that 1080 residues were present in dead eagles and a California condor—were accurate. If the positive results are shown to be attributable to an artifact of the analytical method, rather than the actual presence of 1080 residues, the residue results may not support the existence of a risk to avian species.

Upon consideration of the data and information discussed above, I conclude that there is substantial new evidence which may materially affect the 1972 order cancelling and suspending the predacidal uses of 1080. Accordingly, I am directing that a public hearing be conducted to review the available data and to determine whether the 1972 order should be modified or reversed, based on this evidence. I have further concluded that the hearing should address all three of the delivery mechanisms proposed in the pending applications: 1080 toxic collars, single lethal dose baits, and 1080 large bait stations.

V. Conduct of the Subpart D Hearing

Subpart D of the Rules of Practice requires that the Administrator specify:

(1) The date on which the hearing will begin and end,

(2) the issues of fact and law to be adjudicated at the hearing,

(3) the date on which the presiding officer shall submit his recommendations, including findings of fact and conclusions, to the Administrator, and

(4) the date on which a decision by the Administrator is anticipated. 40 CFR 164.131(c).

Part V.A. of this Notice describes the issues to be resolved in the Subpart D hearing. Part V.B. establishes procedural rules for the conduct of the hearing and deadlines for reaching decisions.

A. Issues for the Subpart D Hearing.

Since 1972 a number of studies and surveys have been performed which increase the information available to the Agency in several areas: rates of livestock losses to predation; efficacy of 1080 in various use patterns; availability, effectiveness, and cost of alternative predator control methods; and hazards to human and non-target wildlife. The purpose of the hearing is to review the relevant new evidence closely, to expose its strengths and weaknesses, and to determine whether, on balance, it would support a decision to reverse or modify the 1972 order. The ultimate issues, therefore, are whether substantial new evidence exists, and if so, whether it requires reversal or modification of the existing cancellation or suspension order. 40 CFR 164.132(a). [5]

Specifically, the hearing shall consider the following issues:

(1) *Predation loss rates.* Whether available data demonstrate that predation loss rates have increased since 1972:

(a) for sheep.

(b) for cattle.

(c) for goats.

Whether current losses to predation account for a greater percentage of total losses than before 1972:

(a) for sheep.

(b) for cattle.

(c) for goats.

Whether coyotes, foxes, and/or feral dogs are significant cause of predation.

(2) *Efficacy.* Whether use of 1080 in toxic collars, single lethal dose baits, and/or large-bait stations is likely to reduce predation:

(a) in open-range grazing of livestock.

(b) in fenced pasture grazing of livestock.

If use of 1080 is likely to reduce predation, by how much?

(3) *Alternatives.* Whether nonchemical methods of predator control, e.g., denning, shooting, trapping, and snaring, are generally effective in reducing predation.

Whether the M-44 device using sodium cyanide is generally an effective alternative to the use of 1080.

Whether non-lethal chemical methods of predator control, e.g., taste aversion chemicals, reproduction inhibitors, and repellants, are effective.

Whether husbandry practicers, e.g., use of guard dogs, shed lambing, additional herders, are generally effective in reducing predation.

With respect to all alternatives to 1080 predacides, whether there is any situation in which no currently available alternative is satisfactory, e.g., because of its cost or because of limitations on its use due to characteristics of the control method.

(4) *Benefits.* What are the national, regional, and local effects of predation on the livestock industry and the general economy?

What impact would the availability of 1080 have on the profits of individual ranchers and the livestock industry, as a whole?

(5) *Environmental Safety.* Whether available data indicate that use of 1080 in toxic collars and/or SLD baits would be likely to result in lower direct or indirect exposure to non-target wildlife than resulted from use of 1080 large-bait stations.

Whether available data indicate that the risk of primary and/or secondary poisoning was overestimated in 1972.

(6) *Human Safety.* Whether use of 1080 in toxic collars, SLD baits, and/or large-bait stations is likely to result in human injury or death.

Whether an antidote and/or medical treatment exists which effectively counteracts the effects of 1080 poisoning.

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[5] The determination required by § 164.132(a)—that the hearing record contain substantial new evidence—differs from the determination required by § 164.131(a)—that substantial new evidence is available which warrants holding a Subpart D hearing. In the case of the a decision to initiate a Subpart D proceeding, the Administrator may consider information available from any source. Moreover, the Administrator may accept the available data without extensive inquiry into its reliability. In contrast, the Administrator's decision at the close of a Subpart D proceeding must be based solely on the testimony and exhibits in the hearing record, evidence which has usually been subjected to rigorous examination in the adversarial process. Thus, while the Subpart D regulations use the same language to describe two different findings, the findings are actually quite different due to the scope and nature of the information which must be considered.

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(7) *Use Restrictions.* Whether prohibition of the use of 1080 in the range of certain protected and/or endangered species, e.g., the San Joaquin kit fox or California condor, would effectively reduce or eliminate the risks to those species, and what effect would such a prohibition have:

(a) in those areas,

(b) on the livestock industry as a whole.

Whether restriction of the use of 1080 to trained Government employees or certified applicators would reduce human and environmental risks without substantially reducing benefits.

Whether a requirement that livestock predation be verified by state employees before use of 1080 was authorized would limit use of 1080 to situations in which it was most likely to provide significant benefits.

Whether restrictions on the sites of use, the timing of use, or the delivery mechanism would reduce risks without substantially reducing the benefits.

Whether users should be required to post warnings in the vicinity of SLD baits and large-bait stations.

Whether users should be required to check toxic collars, SLD baits, and bait stations periodically.

Whether users should be required to keep records of their use of 1080, and if so, what records.

Whether other restrictions would reduce risks without substantially reducing benefits.

In conclusion, I note that the determination of these issues shall be made taking into account the factors specified in the applicable EPA regulations. See 40 CFR 164.132(a).

B. Deadlines and Procedures for the Subpart D Proceedng

The subject of using 1080 to control predation on western livestock was brought to my attention last spring by a letter from the National Woolgrowers Association. The woolgrowers stated at that time that predation was already a major problem for the livestock industry and was rapidly growing worse. Since then, the Association's words have been echoed by many others, including the Departments of Agriculture in several western states, numerous individual ranchers, as well as other regional and national livestock associations. They have repeatedly claimed that 1080 would aid their efforts to reduce predation rates, and therefore they have asked that EPA authorize its use as quickly as possible.

Because of the urgency expressed by a number of groups and individuals, I find that it would be in the public interest to reach a prompt, final decision in this matter. Therefore, I have decided to establish a schedule and to prescribe certain procedures for the conduct of this proceeding. In the event that it is not feasible to comply with the schedules or requirements established below, either the Administrative Law Judge or the parties may request that they be modified.

1. *Procedure for requesting to participate in the proceeding.* Any interested person who wishes to participate in this proceeding either as a party or as an *amicus curiae* shall submit a Notice of Intent to Participate to the Hearing Clerk on or before December 21, 1981.[6] Applicants for registration or an emergency exemption for a 1080 predacide are also being notified by registered mail of my decision to hold a Subpart D hearing. They are required to submit their Notices of Intent to Participate within 14 days of receiving the registered letter or within 14 days of publication of this notice, whichever is later. The Notice shall identify the person (individual or organization) and his representative, if any. The Notice of Intent to Participate shall also provide an address at which documents in the proceeding can be served. Finally, the Notice of Intent to Participate shall indicate whether the person wishes to participate as a party or as an *amicus curiae.* Notices of Intent to Participate must be submitted to: Hearing Clerk (A–110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Any person who fails to submit a Notice of Intent to Participate in the proceeding within the specified time period shall not be allowed to participate in the proceeding unless he shows good cause why he should be admitted.

Applicants and other interested parties who might be affected by a decision to modify or reverse the 1972 order cancelling and suspending the registration of 1080 predacides should be aware that participation in the hearing initiated by this notice may be their sole opportunity to present evidence and/or testimony concerning the predacidal use of 1080 prior to final Agency action. Moreover, judicial review under FIFRA § 16(b) of any action concerning the use of 1080 which is taken by the Administrator at the conclusion of this Subpart D proceeding can only be obtained by a person who has been "a party to the proceedings * * *."

[6] An *amicus curiae* is a person whose role is limited to filing written briefs. An *amicus curiae* is not a party, and thus he would not be entitled to obtain judicial review.

2. *Pre-Hearing Procedures: Settlement Discussions, Statements of Position, Discovery, and Final Pre-Hearing Order.* Since a settlement of this matter would allow the Agency to conclude the proceeding even more quickly than the schedule established below, I direct the presiding Administrative Law Judge to convene a Pre-Hearing Conference within three weeks after this notice is published to explore the possibility of settlement. The Administrative Law Judge is authorized to hold additional meetings or to take any other actions which he considers likely to lead to settlement.

By January 6, 1982 each person requesting to participate in this proceeding as a party shall file with the Hearing Clerk a Statement of Position. This statement shall contain a written response describing the person's position and interest with respect to the issues in Part V.A. of this notice. If the person is an applicant, the statement shall also contain the number assigned by EPA to his application, a copy of the proposed labeling of his product, and a description of the proposed use. See 40 CFR § 164.24. The Statement of Position shall be submitted to the address above and served on all parties.

In addition, no later than January 6, 1982 each party shall serve on all other parties and the Administrative Law Judge a preliminary list of witnesses, together with a brief narrative summary of their expected testimony, and a list of all documents and exhibits which the party expects to introduce at trial. See 40 CFR 164.50(b).

Thirty days after this notice is published or thereafter, any party may direct requests for discovery to any other party. The Administrative Law Judge shall supervise discovery in accordance with the Agency's Rules of Practice, 40 CFR 164.51. All discovery must be completed by March 8, 1982.

The Administrative Law Judge shall hold a Final Pre-Hearing Conference five days after the end of the period allowed for discovery. Within five days after this conference, he shall issue a final prehearing order specifying how the hearing will be conducted. This order shall establish, *inter alia* (if not already specified by previous orders): measures to restrict repetitive or cumulative testimony; the order in which parties shall present testimony; and the amount of time to be allotted to the different sides on different issues. Within five days after the final prehearing order, the parties may move the Administrator to modify the time for presentation of evidence based upon information bearing on the length of trial (such as the number of scheduled

witnesses), which has become known during the pretrial period. Such motion shall not stay the evidentiary presentation.

3. *Schedule for the hearing and the decisions of the Administrative Law Judge and the Administrator.* The formal presentation of evidence shall begin within five days after issuance of the final prehearing order. The hearing record shall close no later than 60 days after commencement of the evidentiary presentation. Following the close of the hearing record, the parties will have an opportunity to present briefs according to a schedule established by the Administrative Law Judge. The Administrative Law Judge shall file his Initial Decision with supporting findings of fact, conclusions of law, and regulatory recommendations no later than 40 days after the hearing record is closed. If an appeal from that decision is taken, I expect to issue a final decision within 30 days.

4. *Field hearings.* The principal location for this hearing will be EPA headquarters in Washington, D.C. However, I recognize that some of the potential parties and witnesses are located in the Western states, where the livestock industry is centered. Accordingly, I authorize the Administrative Law Judge upon a showing of good cause to hold field hearings in Denver, Colorado, where EPA has a regional facility, and in other locations, if appropriate. The Administrative Law Judge shall determine the appropriate timing and duration of such field hearings. See 40 CFR 164.50(a)(10).

5. *Ex parte communications.* Finally, the Agency's Rules of Practice forbid anyone who may take part in deciding this case, at any stage of this proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in an investigative or expert capacity, or with any of their representatives. 40 CFR 164.7.

Accordingly, the following Agency offices, and the staffs thereof, are designated as the trial staff to perform all investigative and prosecutorial functions in this case: the Office of Pesticides and Toxic Substances; the Office of General Counsel; and the Office of Enforcement Counsel.

From the date of this notice until any final decision in this case, neither the Administrative Law Judge, the Judicial Officer, the Office of Policy and Resource Management, the members of the staff in the immediate office of the Administrator, nor myself shall have any *ex parte* contact or communication with any members of the trial staff, or with any other interested persons not employed by EPA, on any of the issues involved in this proceeding. However, persons interested in this case should feel free to contact any other EPA employee, including the trial staff, with any questions they may have.

Dated: December 1, 1981.

Anne M. Gorsuch,

Administrator.

Appendix.—Environmental Protection Agency, Pesticides Office, Washington, D.C. 20250

March 9, 1972.

[FR Notice 72–2 Pesticides Regulation Division]

Notice to Manufacturers, Formulators, Distributors and Registrants of Economic Poisons

Attention: Person Responsible for Federal Registration of Economic Poisons.

Suspension of Registration for Certain Products Containing Sodium Fluoroacetate (1080), Strychnine and Sodium Cyanide.

I

Last spring, this Agency made a public commitment to review the status of registrations for strychnine, cyanide, and sodium floroacetate (1080), for use in prairie and rangeland areas for the purpose of predator and rodent control. This commitment grew out of grave concern surfaced by the reported deaths of some 20 eagles killed by the misuse of thallium sulfate.[1]

This same concern caused the Secretary of the Interior to initiate a thorough review of the government's federal predator control program. An advisory committee was appointed under the chairmanship of Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan. The report of that advisory committee was released earlier this month.

Aside from this Agency's review and the Cain findings, a detailed petition has been submitted to this Agency by several distinguished conservation groups urging that the registrations of these compounds be cancelled and suspended immediately. That petition invoked the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 135, Section 2z(2)(c) which requires that an economic poison contain "directions for use which are necessary and if complied with, adequate to prevent injury to living man and other vertebrate animals . . ." and Section 4c which allows the Administrator to initiate cancellation proceedings by ordering immediate suspension "when he finds that such action is necessary to prevent an imminent hazard to the public." [2]

Based on this Agency's review of the registrations of sodium cyanide, strychnine, and 1080 in light of available evidence, I am persuaded that their registrations for predator uses should be suspended and cancelled.

II

The Cain group has dealt at length with the effects of the use of strychnine, cyanide, and 1080 for predator control. The report points out the extreme toxicity of these compounds, their non-selectivity, and their potential impact on the environment which "is increased by secondary hazard, accumulation in the animal, and combined characteristics of chemical stability and solubility in water." This report reconfirms the findings of the Leopold Report (see[1], *supra*) that the predator control program took a heavy environmental toll.

Cyanide, strychnine, and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal crippling the central nervous system. These poisons are toxic not only to their targets but other animals and wildlife. All of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie.

In the case of strychnine use against badgers, coyotes, and foxes, a tablet containing the poison is placed inside a one-inch ball or cube of bait material such as meat, lard or tallow. These baits are left along animal trails or near non-game carcasses. While instructions caution the user to cover the baits over with chips or brush to avoid ingestion by non-target animals, the Cain Report has suggested the inadequacy of such directions.[3]

The pattern for cyanide use differs little in pertinent respects. An explosive gun, a "coyote-getter," charged with cyanide is baited and driven into the ground. The gun is left unattended along the trail or range and is triggered when an animal pulls at the bait. In the case of 1080, carcasses of dead animals are laced with the substance and strewn to attract the predator.

Indiscriminate baiting over wide unpoliced area poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of a non-target range species. The threat, however, is compounded by the extremely high toxicity of

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[1] This concern predates last summer. In 1963 the Secretary of Interior appointed an Advisory Board on Wildlife and Game Management chaired by Dr Leopold of the University of California.

[2] Sponsors of the petition were: The Natural Resources Defense Council, Defenders of Wildlife, Friends of the Earth, The Humane Society of the United States, National Audubon Society, Inc., New York Zoological Society, the Sierra Club, and the National Parks and Conservation Association.

[1] (Dept. please supply this footnote.)

[3] According to the Cain Committee, if toxicants were consistently applied under field conditions with meticulous case, it is possible undesirable side-effects might be avoided. Draft at 131. However, the Committee concludes, "It appears that the necessary high standards are not likely to be attained." (Draft at 115) The Committee found no reliably precise data is available showing the degree of predator control achieved or the possible loss that might ensue without any program.

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these poisons, which can transform the predator carcass into a potential lethal killer of prairie animal life.

While the effects of prairie baiting are, for the most part, not documented, the Cain group has suggested the present evidence may well understate the true damage. It is appropriate to take administrative notice of the fact that isolated accidents involving wildlife are not apt to be reported. Isolated, even if routine and numerous, instances of secondary animal poisoning would not have the visibility of a wildlife "kill," nor is there apt to be an observer present as in the case of human mishap. The administrative process need not be blind to these realities. This Agency's Pesticides Registration Division has, moreover, reports of cases of alleged secondary and accidental poisoning, and recently range-use of 1080 has been suspected of killing birds, including some of our rare species.

Measured against these obvious threats to wildlife are only ill-defined and speculative benefits. The Cain Committee has noted the absence of any meaningful information on the efficacy of poison baiting, especially in relation to the economic loss caused by predators to the sheep industry. At least one state, Nevada, has estimated that the cost of predator control was ten times the value of livestock and poultry lost to predators.

This absence of any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment renders these registrations suspect. It is now settled that the burden of proof rests on the poison. The report, moreover, specifically cites the greater selectivity of ground shooting, denning, and trapping, and the Department of the Interior is embarking on a study to determine other methods of control. Here, where it is known that alternative methods of control exist, the registrations must be seriously questioned.

III

In deciding whether or not these considerations justify suspension, it must be recognized that the concept of suspension is one that must evolve, and existing verbal tests are not readily translated into a decisive cue for action. The Federal Insecticide, Fungicide and Rodenticide Act, and the judicial and administrative constructions of it to date set forth only word formulas that establish a general attitude on suspension questions. Each situation must be scrutinized not only for what is involved, but also for what is not involved.

Turning to the verbal tests by which we must measure the use of these poisons, FIFRA provides that the Administrator of EPA "may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately." "Public" is not to be viewed restrictively, and includes fish and wildlife, as has recently and forcefully been noted in an opinion of a federal court. See *EDF* v. *Ruckelshaus,* 439 F2d. 584, at 597. Nor does "imminent" mean that we are on the "brink" and that the harm will occur tomorrow or has been documented.[4] It is sufficient that reasonable men can conclude that action taken today will with reasonable certainty lead to a loss in the future and that loss will be irremediable and uncorrectable by subsequent action, and that the apparent benefits from using a chemical, pending the complete statutory review process are outweighed by the possible harm of use during the period.[5] Or, as the matter was put in the Agency's DDT policy statement of March 18, 1971, the type, extent, probability and duration of such injury will be measured in light of the positive benefits accruing from use of the economic poison, for example, in human or animal disease control or food production.

Bearing these principles in mind, I am persuaded that a definite hazard exists. While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any comfort. This Agency has on prior occasions taken into account a "commonly recognized practice" of use (see *In Re Hari Kari Lindane,* I.F.&R. Docket #6), and has noted that the likelihood of directions being followed may affect their adequacy (see *In Re King Point,* 2 ERC 1819 (1970)); *In Re Stearns,* 2 ERC 1364 (1970).

The hazards from the pattern of use for these chemicals is not remote or off in the distant future. The prairies and ranges are populated by numerous animals, some of which are becoming rare. At jeopardy are potentially endangered species. Each death to that population is an irremediable loss and renders such species closer to extinction.

No apparent circumstances exist to counterbalance this distanct hazard and suggest that the possibility of irremediable loss is outweighed by the harm that might occur from their nonavailability during a period of suspension. The situation might well be different were the removal of these poisons from the market likely to affect human health or the supply of a staple foodstuff; or were there no apparent alternatives available, the balance might be differently struck. This, however, is not true.

I am hereby affixing findings of fact and an order suspending and cancelling these chemicals for use in predator control.

William D. Ruckelshaus.
Administrator.
March 9, 1972.

Findings of Fact

Cyanide

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water-soluble white-solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per litre of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

Strychnine

8. Currently at least six products containing strychnine in tablet and technical powder form are registered for use in baits against coyotes and wolves.

9. The technical powder form is for reformulation and repackaging, and is for use only by professional pest control operators and government agencies.

10. The tablets are available on the open market.

11. Strychnine is an extremely bitter-tasting white crystal.

12. It is a complex, naturally occurring, organic compound which would probably bind to soil readily and decompose over a period of time, although information on the persistance of strychnine and its effect on the environment is somewhat limited.

13. Strychnine is highly toxic to humans and animals, with 30 mg. considered as a threat to the life of an adult man. Death has, however, been reported with as little as 5 to 10 mgs., and animal life may be acutely poisoned by ingestion of small amounts.

14. Strychnine acts by interfering with normal neural processes, causing exaggerated muscle contraction and violent convulsion. Death in a rather gruesome form due to respiratory failure soon follows unless the seizures are controlled.

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[4] "An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public. It is not necessary that the final anticipated injury actually have occurred prior to the determination that an 'imminent hazard' exists." *Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5–T, Aldrin and Dieldrin,* at 6.

[5] The cancellation proceeding involving the possibility of both a scientific advisory committee and public hearing consumes at least one year. In actual fact, these proceedings have generally taken considerably more than a year.

15. There is no true effective antidote.

1080 (Sodium Fluoroacetate)

16. Four products containing 1080 are currently registered for use as mammalian predacides.

17. Use is restricted to areas west of the 100th meridian, and then only by Division of Wildlife Services personnel, or under their direct supervision.

18. 1080 is a white powder, soluble in water, very stable, and thus very persistent in ground water.

19. 1080 is highly toxic to all species. The dangerous dose for man is 0.5–2 mg/kg. The chemical acts rapidly upon the central nervous and cardiovascular systems with cardiac effects. Effect is usually too quick to permit treatment, and antidotes are relatively valueless.

20. According to one authority, prior to 1963 there were 13 proven fatal cases, five suspected deaths, and six non-fatal cases of 1080 poisoning in man, although it is not clear to what extent predator control materials were implicated.

21. There is evidence that a certain number of non-target animals are being adversely affected by 1080 products, particularly, in the case of carrion eating birds and mammals, by secondary poisoning. It is not clear, however, how various animal populations are being affected, although 1080 is thought to have contributed to the death of at least one California condor, an endangered species.

Benefits

22. There is no reliable data as to the amount of predator control achieved by the use of these poisons.

23. There is no reliable data as to the loss of sheep that might occur without a predator control program using these poisons, or of the real effect of such losses on the general economic health of the sheep industry. Certain data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses. The Cain Report suggests that among other reasons for the decline of the sheep industry may be competition from synthetic fibers and from lot-fed livestock.

24. For the maintenance of predator control programs, especially in the sheep industry, effective non-chemical alternatives exist, including denning, shooting and trapping, methods that have long been available and effective, though more costly than poisons.

25. The Federal Government has committed itself to a research program for methods of controlling predators other than poisons.

Conclusion

The predator use of the foregoing chemicals presents an imminent hazard such as to warrant their suspension pursuant to section 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act.

Order

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing sodium fluorocetate (1080), sodium cyanide or strychnine for use against mammalian predators be cancelled and suspended immediately.

Registrations for those products bearing directions as listed above are hereby suspended and the products may not be legally shipped in interstate commerce until labeled to block out instructions for predator use.

William D. Ruckelshaus,

Administrator.

March 9, 1972.

Environmental Protection Agency, Pesticides Office, Washington, D.C. 20250

March 9, 1972.

[PR Notice 72–3 Pesticides Regulation Division]

Notice to Manufacturers, Formulators, Distributors and Registrants of Economic Poisons

Attention: Person Responsible for Federal Registration of Economic Poisons.
Suspension of Registration for All Products Containing Thallium Sulfate.

As explained in greater detail in our Order announced today, in connection with registrations of cyanide, strychnine, and sodium fluoroacetate (1080) for use on predators, this Agency undertook to review the status of the registration for thallium sulfate. Last spring evidence came to light of thallium bootlegging in connection with reports of eagle kills.

I.—Findings

1. Thallium is not a registered predacide, but is rather registered for rodent control and use against pests.

2. The chemical is a white powder, soluble in water.

3. It is persistent and will remain indefinitely in soil.

4. It is dermally and orally toxic to humans.

5. Instances of thallium poisoning and bootlegging have been reported.

6. The danger to humans is increased by the tendency of thallium to be stored in the body and thus to build up to critical levels by continued exposure so that permanent damage to vital organs or death may occur.

II.—Conclusion

The principles governing the decision of whether or not to "suspend," see 7 U.S.C. 135(b) have been set forth in our predator control order. Looking to the nature of the hazard and its foreseeability, there can be no question that thallium is a candidate for suspension. The combined circumstances of dermal absorption, possible accidental ingestion, build-up in the body, and persistenace in the environment, taken with the history of known bootlegging, would require a compelling demonstration of benefits to justify the continued use of this product pending the course of cancellation proceedings.

No such benefits exist. Alternatives are available for all thallium uses, including urban rat control. The United States Department of Interior has not used the compound for some time. Whatever their own dangers, particularly as predator poisons, it seems apparent that the controlled used of 1080 and strychnine in an urban environment is far less dangerous than the continued use of thallium with its forty-year history of accidents. All thallium registrations will be forthwith cancelled and suspended in accordance with the attached order.

William D. Ruckelshaus,

Administrator.

March 9, 1972.

Order

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing thallium sulfate for all uses be cancelled and suspended immediately.

Registrations for all thallium products are hereby suspended and the products may not be legally shipped in interstate commerce.

William D. Ruckelshaus,

Administrator.

March 9, 1972.

[FR Doc. 81–34973 Filed 12–4–81; 8:45 am]
BILLING CODE 6560–32–M

[AD-FRL 1857-1]

Control Techniques Guideline Documents; Large Petroleum Dry Cleaners; Fugitive Emissions From Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of draft control techniques guideline (CTG) documents for public review.

SUMMARY: Draft CTG documents for control of volatile organic compound emissions from large petroleum dry cleaners; and fugitive emissions from synthetic organic chemical, polymer, and resin manufacturing equipment are available for public review and comment. These informational documents have been prepared to assist States in analyzing and determining reasonably available control technology for stationary sources of volatile organic compound emissions located within ozone national ambient air quality standard nonattainment areas with attainment dates after 1982.

DATES: Comments should be submitted, in duplicate if possible, to the Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Fred Porter, on or before January 21, 1982. Comments will be available for public inspection and copying between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

CONTROL TECHNIQUES GUIDELINE DOCUMENTS: Copies of the draft control techniques guideline documents may be obtained by contacting Mrs. Marcia Piotrowski; (919) 541–5631; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter; (919) 541–5631; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 require each State in which there were areas exceeding the national ambient air quality standards (NAAQS) to adopt and submit revised State implementation plans (SIP) to EPA by January 1, 1979. States which were unable to demonstrate attainment with the NAAQS for ozone by the statutory deadline of December 31, 1982, could request extensions for attainment with the standard. States granted such extensions are required to submit a further revised SIP to EPA by July 1, 1982.

Sections 172 (a)(2) and (b) (2) and (3) of the Clean Air Act require that nonattainment area SIP's include reasonably available control techology (RACT) requirements for stationary sources.

The EPA is planning on publishing several control techniques guidelines (CTG) documents in 1981 to assist the States in determining RACT for various stationary sources.

CTG documents are informational in nature and provide State and local air pollution control agencies with an initial information base for proceeding with their own analysis of RACT for specific stationary source categories of VOC emissions located within ozone NAAQS extension nonattainment areas. The CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce emissions.

Under Executive Order 12291, EPA must judge whether a regulation is "major" or "minor." If "major," the regulation is subject to a Regulatory Impact Analysis. The draft CTG documents for large petroleum dry cleaners; and fugitive emissions from synthetic organic chemical, polymer, and resin manufacturing equipment are considered "minor."

The CTG documents provide information to assist the States in analyzing and determining RACT to meet the statutory requirement of RACT on stationary sources. The CTG documents are not a regulation and do not impose any new requirements.,

This **Federal Register** notice and copies of the draft CTG documents were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Dated: August 26, 1981

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81–34727 Filed 12–4–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81–807, etc.; File No. BPH–800626AA, etc.

Ivanhoe Broadcasting Corp., et al.; Hearing Designation Order

Adopted: November 10, 1981.

Released: November 24, 1981.

In re applications of Ivanhoe Broadcasting Corp., Ponce, Puerto Rico, BC Docket No. 81–807, File No. BPH–800626AA, Req: 101.1 MHz, Channel 266 50 kW (H&V), 231 feet (HAAT); Jose J. Ortiz, Judith Mendez de Ortiz and Bessy A. Ortiz, d/b/a Family Broadcasting Group, Ponce, Puerto Rico, BC Docket No. 81–808, File No. BPH–800925AA, Req: 101.1 MHz, Channel 266 50 kW (H&V), minus 46 feet (HAAT); Zaba Radio Corp., Ponce Puerto Rico, BC Docket No. 81–809, File No. BPH–800930AD, Req: 101.1 MHz, Channel 266 50 kW (H&V), 363 feet (HAAT); Marsona Broadcasting Corp., Ponce, Puerto, Rico, BC Docket No. 81–810, File No. BPH–801003AJ, Req: 101.1 MHz, Channel 266 50 kW (H&V), 203 feet (HAAT); designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Ivanhoe Broadcasting Corporation, Jose J. Ortiz, Judith Mendez de Ortiz and Bessy A. Ortiz, d/b/a, Family Broadcasting Group (Family), Zaba Radio Corporation (Zaba) and Marsona Broadcasting Corporation (Marsona).

2. *Family.* Applicants for new broadcast stations are required by 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that Family published the required notice. To remedy this deficiency, Family will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. Analysis of the financial data submitted by Family reveals that $164,500 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$68,000
Building	12,000
Miscellaneous	62,500
Operating costs (three months)	22,000
Total	164,500

Family plans to finance construction with existing capital in the amount of $42,500 and a bank loan for an amount "between $100,000 and $125,000." However, by its own terms, the bank letter submitted by Family is not a firm commitment to advance the funds. Hence, only $42,500 in existing capital has been shown available to meet its required costs of construction and operation of $164,500. A financial issue will therefore be specified.

4. *Zaba.* Applicant's proposed antenna structure is above 300 feet and is thus a major action under the National Environmental Policy Act. Applicant must therefore submit an environmental impact statement as required by § 1.1311 of the Commission's Rules. Zaba shall amend its application by submitting an environmental impact statement with the Administrative Law Judge.

5. *Marsona.* Analysis of the financial data submitted by Marsona reveals that $156,954 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$96,880
Miscellaneous	14,000
Operating costs (three months)	46,074
Total	156,954

Marsona plans to finance construction and operation with the following funds: Applicant shows the availability of existing capital in the amount of $1,000. Applicant is relying on a bank line of credit in the amount of $500,000. However, the bank letter submitted by Marsona is not a firm commitment to advance the funds. Hence, the $1,000 in

existing capital available to Marsona is insufficient to meet its required cost of construction and operation for 3 months. A financial issue will therefore be specified.

6. *Other Matters.* On October 3, 1980, Anibal Sotomayor filed an application for a construction permit for a new FM broadcast station on Channel 266B. On December 18, 1980, the Sotomayor application was returned as unacceptable for filing. A preliminary examination of the Sotomayor application revealed that the proposed operation failed to comply with § 73.203(b) of the Commission's Rules pertaining to availability of channels. Specifically, FM Channel 266B, which is assigned to Ponce, Puerto Rico, is also available (upon application) to any other community that is not *listed* in the Table of Assignments set forth in § 73.202(b) and which is located within 15 miles of Ponce. Although the city of Adjuntas is located within 15 miles of Ponce, the city of Adjuntas, is listed in the Table of Assignments. Channel 275 is assigned to Adjuntas. Puerto Rico according to the Table of Assignments, notwithstanding the fact that Channel 275 is licensed to Station WCHQ, Camuy, Puerto Rico. In support of his petition for reconsideration, filed January 13, 1981, Sotomayor states that Channel 275 has been effectively removed to Camuy. In this connection, Sotomayor asserts there is no FM channel available to Adjuntas and suggests that the Commission "correct" the Table of Assignments to reflect the actual use of Channel 275 in Camuy.

7. Section 73.203(b), in pertinent part, specifically states that any *unlisted* community may apply for an available channel in a listed community if it meets certain requisite criteria. Adjuntas *is listed* in the Table of Assignments and is thus precluded from applying for Channel 266 assigned to Ponce. Moreover, the proper proceeding for seeking the relief requested by Sotomayor is a rulemaking to amend the Table of Assignments. Accordingly, the Sotomayor petition for reconsideration will be denied.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Family:

a. The source and availability of additional funds over and above the $42,500. Indicated; and

b. Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Marsona:

a. The source and availability of additional funds over and above the $1,000 indicated; and

b. Whether in light of the evidenced adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. *It is further ordered,* That the petition for reconsideration filed by Anibal Sotomayor IS DENIED.

11. *It is further ordered,* That in the event the application of Zaba is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Zaba will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

12. *It is further ordered,* That Zaba shall file the amendment specified in Paragraph 4 above with the presiding Administrative Law Judge within 30 days after this order is published in the Federal Register.

13. *It is further ordered,* That Family shall file the amendment specified in Paragraph 2 above with the presiding Administrative Law Judge on or before January 6, 1982.

14. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

16. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, *It is further ordered,* That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Family Broadcasting Group, Zaba Radio Corporation and Marsona Broadcasting Corporation.

17. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34923 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-804, etc.; File No. BPH-800214AI, etc.]

Robillard Communications, Inc., et al.; Hearing Designation Order

Adopted: November 10, 1981.

Released: November 24, 1981.

In re applications of Robillard Communications, Inc., Dubach, Louisiana, BC DOCKET NO. 81-804, File No. BPH-800214AI, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 300 feet (HAAT); Dubach Broadcasting Co., Dubach, Louisiana, BC DOCKET NO. 81-805, File No. BPH-800220AL, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 300 feet (HAAT); DUBACH RADIO, INC., Dubach, Louisiana, BC DOCKET NO. 81-806, File No. BPH-800829BD, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 300 feet (HAAT); for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Robillard Communications, Incorporated (Robillard), Dubach Broadcasting Company (Broadcasting) and Dubach Radio, Inc. (Radio).

2. *Robillard.* The age of majority in Louisiana is 18. Rebecca R. Robillard, one of the principals of Robillard Communications, Inc., was born November 22, 1965, thus she has not yet reached the age of majority under Louisiana law. Since she is legally under the control of her parents, Joseph P. and Elizabeth G. Robillard, for comparative purposes, the interests of Rebecca's

parents in other broadcast properties must be imputed to Rebecca.[1]

3. Section 73.2080(c) of the Commission's Rules requires that an applicant for a construction permit for a new facility file an equal employment opportunity program if it proposes to have 5 or more full-time employees. The EEO program filed by Robillard, Section VI of Form 301, indicates the "city and state which station is licensed to serve" as Haynesville, Louisiana instead of Dubach. Accordingly, Robillard shall file with the Administrative Law Judge an amendment to Section VI, Form 301, specifying Dubach, Louisiana as the city and state to be served.

4. *Broadcasting.* In response to Question 6, Section II, Form 301, Broadcasting indicates that not all of the parties to its application are citizens of the United States. Since all of the parties to the application were born in and are residents of the United States, this response may be eroneous. Applicant shall file an amendment to its application with the Administrative Law Judge responding to Question 6.

5. Broadcasting proposed to locate its main studio 3.4 miles outside the city limits of Dubach. Section 73.1125(a)(3) of the Commission's Rules provides that a broadcast station may locate its main studio outside the principal community to be served upon a showing of good cause, and that the granting of such proposal would be in the public interest. Broadcasting has not submitted such a showing. Therefore, a § 73.1125 issue will be specified.

6. *Radio.* In response to Question 5, Section V–B, Form 301, Radio indicates only that the site of its main studio is "To Be Determined." Therefore, a § 73.1125 issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Dubach Broadcasting Company, whether the main studio location complies with § 73.1125 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Section.

2. To determine with respect to Dubach Radio, Inc. whether the main studio location complies with § 73.1125 of the Rules and, if not, whether circumstances exist which warrant a waiver of the section.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That Robillard file an amendment to Section VI, Form 301 with the presiding Administrative Law Judge.

10. *It is further ordered,* That Broadcasting shall file an amendment with the presiding Administrative Law Judge responding to Question 6, Section II of Form 301.

11. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. *It is further ordered,* That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

13. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, *it is further ordered,* That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Robillard Communications, Inc., Dubach Broadcasting Company and Dubach Radio, Inc.

14. *It is further ordered,* That the Federal Aviation Administration IS MADE A PARTY to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34822 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81–802 and 81–803; File Nos. BPH–801029AA and BPH–810313AD]

Town and Country Broadcasting and Mary Ellen Burns; Hearing Designation Order

Adopted: November 10, 1981.

Released: November 20, 1981.

In re applications of Town and Country Broadcasting, Inc., Decatur, Illinois, BC Docket No. 81–802, File No. BPH–801029AA, Req: 99.3 MHz, Channel No. 257A 3.0 kW (H&V), 300 feet; Mary Ellen Burns, Mt. Zion Illinois, BC Docket No. 81–803, File No. BPH–810313AD, Req: 99.3 MHz, Channel No. 257A 3.0 kW (H&V), 300 feet; for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Town and Country Broadcasting, Inc. (TCB), and Mary Ellen Burns (Burns).

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that TCB published the required notice. To remedy this deficiency, TCB will be required to publish local notice of its application, if it has not already done so, and file a statement of publication with the presiding Administrative Law Judge.

3. The TCB proposal constitutes a major environmental action, as defined by § 1.1305(a) of the Rules, since the antenna tower exceeds 300 feet in height above ground. To comply with § 1.1311 of the Rules, TCB provided an environmental narrative statement of two sentences regarding the height and location of the tower. The information submitted lacks the environmental information requested by § 1.1311, and accordingly, an issue will be designated

4. Analysis of the financial data submitted by TCB reveals that $83,515 will be required to construct the proposed station and operate for three months, itemized as follows:

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[1] Joseph Robillard has a controlling interest in KLUV (AM), Haynesville, Louisiana. Additionally, both Joseph and Elizabeth have a combine interest of 50% in Talbot-Robillard, Inc., permittee of new FM Station KQIT, Stamps, Arkansas.

Equipment	$19,415
Land	3,000
Building	5,000
Miscellaneous	4,000
Operating cost (three months)	32,100
Total	63,515

TCB plans to finance construction and operation with the following funds: $63,000 in stock subscriptions; $30,000 from a mandatory stock purchase by the upcoming general manager of the station; and $8,212 currently in the bank. Although, the subscription agreements were included in the application, TCB failed to provide balance sheets for the stockholders and the general manager showing their ability to purchase the stock. A financial issue will therefore be specified.

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. The proposals are mutually exclusive and must be designated for hearing in a consolidated proceeding. The applicants are qualified to construct and operate as proposed except as indicated by the qualification issues, if any, specified below.

7. Accordingly, *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to TCB
(a) the source and availability of additional funds over and above the $8,212 indicated; and
(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. Whether TCB's environmental information has fully complied with the provisions of § 1.1311 of the Commission's Rules.

4. To determine, in light of section 307(b) of the Communications Act of 1934, as amended which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

8. *It is further ordered,* That TCB shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in persons or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

11. The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by the below listed applicants. Accordingly, *It is further ordered,* That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by TCB and Burns.

12. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34927 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-797 and 81-798; File Nos. BP-810313AE and BP-81051AD]

KWIQ Radio, Inc. et al; Applications

Adopted: November 9, 1981.

Released: November 24, 1981.

By the Chief, Broadcast Bureau.

In the matter of applications of KWIQ Radio, Inc., KWIQ, Moses Lake North, Washington; Has: 1260 kHz, 1 kW D (Moses Lake, Washington); Req: 1020 kHz, 500 W, 5 kW-LS, U (Moses Lake North, Washington) (BC Docket No. 81-797, File No. BP-810313AE) and Robert E. Reece, Raymond V. Naught and Donald L. Harris d.b.a. Tri-Co Company, Selah, Washington; Req: 1020 kHz, 500 W, 10 kW-LS, U (BC Docket No. 81-798, File No. BP-810518AD) for construction permit. Hearing designation order designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new and modified AM broadcast stations.

2. *KWIQ Radio, Inc.* We have no evidence that KWIQ broadcast and published the local notice of its application required by § 73.3580 of the Rules. It must therefore demonstrate that it did.

3. *Tri-Co Company.* This applicant proposes service to Selah, Washington (1980 population 4,372), which is less than half the size of nearby Yakima (1980 population 49,826). Further, the proposed station would provide 5 mV/m daytime service to all of Yakima and 10 mV/m interference-free nighttime service to a large part of it. Under a policy announced in *Policy Statement on Section 307(b),* 2 FCC 2d 190 (1965), and affirmed in *AM Station Assignment Standards,* 54 FCC 2d 1, 21-22 (1975), a presumption therefore arises that this applicant realistically proposes to serve Yakima rather than Selah. Appropriate issues will be specified.

4. *Other matters.* Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common during daytime hours. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

5. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the Tri-Co Company proposal will realistically provide a local transmission facility for Selah, Washington, or for Yakima, Washington.
2. To determine, in the event it be concluded pursuant to Issue 1 that the

proposal will not realistically provide a local transmission service for Selah, Washington, whether the proposal meets the technical provisions of the Rules for AM broadcast stations assigned to Yakima, Washington.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

6. It is further ordered, that KWIQ Radio, Inc. shall broadcast and publish local notice of its application (if it has not already done so) and shall file a statement with the presiding Administrative Law Judge on or before January 18, 1982.[1]

7. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rules, the applicant shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearings as prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34924 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] KWIQ Radio, Inc. has also been requested by pre-designation letter to file certain environmental information about its proposal. If it has not yet done so, it must file that informaton on or before January 6, 1982.

[BC Docket No. 81-79, File No. BPH-800425 AE, etc.]

M&M Communications, Inc., et al; Applications

In the matter of Applications of M&M Communications, Inc., Warrensburg, Missouri; Req: 105.5 MHz, Channel 288 3 kW (H&V), 299.9 feet (BC DOCKET NO. 81-799, File No. BPH-800425AE); Grapevine Communications, Inc., Warrensburg, Missouri; Req: 105.5 MHz, Channel 288 3 kW (H&V) 300 feet (BC DOCKET NO. 81-800, File No. BPH - 800703AB); Warrensburg Broadcasters, Inc., Knob Noster, Missouri; Req: 105.5 MHz, Channel 288 3 kW (H&V), 300 feet (BC DOCKET NO. 81-801, File No. BPH-800829AH). Hea designation order designating applications for consolidated hearing on stated issues.

Adopted: November 9, 1981.

Released: November 24, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by M&M Communications, Inc. (M&M), Grapevine Communications, Inc. (Grapevine),[1] and Warrensburg Broadcasters, Inc. (Warrensburg).

2. *M & M.* Applicants for new broadcast stations are required by § 73.3580)f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. From the evidence before us, M&M's public notice failed to include the transmitter height and location. Additionally, the studio location and public file were not in the community of license. To remedy these deficiencies, M&M will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. M&M proposes to locate its main studio approximately six-tenths of a mile north from the Warrensburg city limits. The applicant alleges that the proposed location is easily accessible from Warrensburg. There is no question here of a *de facto* change in station location. Under these circumstances we believe that adequate justification has been provided under § 73.1125 for the proposed studio location.

4. Analysis of the financial data submitted by M&M reveals that $90,672 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$31,350
Land	10,000
Building	10,000
Miscellaneous	15,000
Operating cost (three months)	24,322
Total	90,672

M&M plans to finance construction and operation with $64,000 in existing capital, $5,000 in new capital and an $80,000 bank loan. The applicant relies upon the balance sheets of Big Country of Missouri, Inc., a commonly owned corporation, and Richard L. Billings and Patricia A. Billings, holders of 100% of the applicant's stock. However, neither balance sheet adequately segregates the current (12 month) portion of obligations, and it is impossible to determine whether any net liquid assets are available to the applicant from these sources. Finally, although the bank has submitted an application for an $80,000 Small Business Administration Loan to the applicant, the line of credit by its terms is authorized for only $20,000. Since the applicant has shown only $20,000 available to meet the $90,677 needed for construction and operation, a financial issue will be specified.

5. Since no determination has been reached that the antenna proposed by M&M would not constitute a menace to air navigation, an issue regarding this matter is required.

6. *Grapevine.* Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Grapevine has failed to provide us with any information as to its main studio location. Under these circumstances, and issue will be specified.

7. Since no determination has been reached that the antenna proposed by Grapevine would not constitute a menance to air navigation, an issue regarding this matter is required.

8. *Warrensburg.* Warrensburg proposed to locate its main studio approximately 3.5 miles east of the recognized Knob Noster boundaries. The applicant alleges that the proposed location is easily accessible from Knob Noster. There is no question here of a *de*

[1] Grapevine's April 10, 1981 amendment reporting disposal of other broadcast interests of its principals, was filed after the "B" cut-off date and will be received only for purposes of compliance with § 1.65 of the Rules, not any comparative consideration.

facto change in station location. Under these circumstances we believe that adequate justification has been provided under § 73.1125 for the proposed studio location.

9. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to M&M.

(a) The source and availability of additional funds over and above the $20.000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by M&M would constitute a hazard to air navigation.

3. To determine whether the proposal of Grapevine contains a main studio location within its community of license in compliance with § 73.1125 of the Commission's Rules with respect to location of the main studio and, if not, whether circumstances warrant a waiver of that Section.

4. To determine whether there is a resonable possibility that the tower height and location proposed by Grapevine would constitute a hazard to air navigation.

5. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio services.

6. To determine in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, that M&M Communications, Inc. shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

13. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

14. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34925 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-795 and 81-796; File Nos. BPH-791107AD and BPH-800828AH]

Western Minnesota Stereo, Inc. and O & I Broadcasting; Applications

In the matter of applications of Western Minnesota Stereo, Inc., Montevideo, Minnesota; Req: 105.5 MHz, Channel 288 3 kW (H&V), 297 feet (BC Docket No. 81-795, File No. BPH-791107AD), and O & I Broadcasting, Montevideo, Minnesota; Req: 105.5 MHz, Channel 288 3 kW (H&V), 300 feet (BC Docket No. 81-796, File No. BPH-800828AH), for construction permit for a new FM station. Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: November 9, 1981.

Released: November 20, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority has under consideration the above-captioned mutually exclusive applications filed by Western Minnesota Stereo, Inc., (hereinafter Western), and O & I Broadcasting (hereinafter O & I).

2. *Western.* Analysis of the financial data submitted by Western reveals that $39,221 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment (first and last month)	$5,712
Equipment payments (4 months)	11,424
Land	(1)
Building	1,000
Miscellaneous	12,700
Operating Cost (3 months)	11,241
Total	42,077

[1] To be leased.

To meet this requirement, Western intends to rely on existing capital of $2,500, a loan from stockholder in the amount of $40.000, with no interest or principal required to be paid back until the radio station is making money, and deferred credit from the equipment supplier in the amount of $62,162. However, since applicant's breakdown of its operating costs does not include the expense for leasing the land, the sum of 42,077 is below applicant's actual costs.[1] Therefore, a limited financial issue will be specified.

3. Western will not be able to provide a 3.16 mV/m signal to the entire city of Montevideo as required by § 73.315(d) of the rules. Only a small portion of the city of Montevideo extends beyond the 3.16 mV/m contour, which includes about 20 houses. Under these circumstances, we have determined that waiver of this provision is appropriate.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for comparative hearing on the issues specified below.

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Western

(a) the cost of leasing land, and

[1] Similarly, O & I also did not include in its estimate its cost in leasing land, but because O & I's resources above those needed to meet its express costs are shown to be greater than what the probable cost of leasing will be, a financial issue will not be designated.

(b) whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, that, if the application of Western is granted, the permit shall specify that the provisions of § 73.315(a) of the Commission's rules are waived to permit a signal of less than 3.16 mV/M over the entire city of Montevideo.

7. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually, or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34928 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-791 and 81-792; File Nos. BPCT-810121KO and BPCT-810615KJ]

Wilmington Telecasters, Inc. and Cape Fear Television, Inc.; Applications

In the matter of applications of Wilmington Telecasters, Inc., Wilmington, North Carolina (BC Docket No. 81-791, File No. BPCT-810121KO), and Cape Fear Television, Inc., Wilmington, North Carolina, (BC Docket No. 81-792, File No. BPCT-810615KJ) for construction permit. Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: November 9, 1981.

Released: November 24, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 29, Wilmington, North Carolina.

Wilmington Telecasters, Inc.

2. The application states that Wilmington is a wholly-owned subsidary of American Telecasters, Inc. (American). The application also shows, however, that only five shares of stock are outstanding and that these shares are held by Kathrine R. Everett, who is the president and a board member of Wilmington. It is further stated that the shares represent the costs of organization for Wilmington, but no explanation of this arrangement is offered. It is stated that Mrs. Everett holds the shares "for the beneficial interest" of American. Numerous questions are raised with respect to the legal status of this applicant.

3. We are not told why Mrs. Everett obtained stock or under what circumstances. We do not know if she advanced her own funds for organizational expenses and the stock was issued as reimbursement, or whether she purchased the stock with funds which the corporation then used for organizational expenses, or whether there is some other explanation. If the stock was purchased or issued as reimbursement, it would appear that legal title resides in Mrs. Everett and that she holds the stock for her own interest. In any even, since she is apparently the sole stockholder, Wilmington is not a wholly-owned subsidiary of American and cannot become so without losing the right to comparative consideration. If there is some contract, agreement, or understanding between Mrs. Everett and American under which Mrs. Everett holds bare legal title with the beneficial interest (including voting rights) being in American, a copy of that arrangement should have been filed as required by Section II, paragraph 10(d) of FCC Form 301. Any effort to transfer control of the corporation from Mrs. Everett to American would, of course, be a major change, resulting in dismissal of the Wilmington application or rejection of the amendment. Appropriate issues will be specified to ascertain the facts concerning ownership and control of the applicant corporation.

4. The applicant estimates that it will require $2,670,450 to construct and operate for three months. Applicant's "Plan of Financing" (exhibit 5) indicates that it relies on a loan of $1,000,000 from American Telecasters Inc. and an installment sales agreement with RCA for equipment. The application contains no copy of an undertaking by American Telecasters to loan money to the applicant. Neither does Wilmington submit a copy of the RCA installment sales agreement. There is, however, a letter to American from Northwestern Bank (exhibit 6) stating that the bank will lend money to American, but that no terms have yet been decided upon. Additionally, the bank letter contains no indication of the amount to be loaned. American, therefore, cannot be considered as a source of funds to the applicant. Appropriate financial issues will be specified.

Cape Fear Television, Inc.

5. Since no determination has been reached that the tower height and location proposed by applicant would not constitute a hazard to air navigation, an issue regarding this matter is required.

Conclusion and Order

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since these application are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Wilmington Telecasters, Inc.:

(a) Whether there are any contracts, agreements, arrangements or understandings between Mrs. Kathrine R. Everett and American Telecasters, Inc., or any other person, persons or entity concerning or affecting ownership or control of Wilmington Telecasters, Inc., and, if so, the nature thereof;

(b) In light of the evidence adduced pursuant to the foregoing issue, whether the applicant is legally qualified.

(c) The source and availability of $2,670,450 to construct and operate as proposed;

(d) Whether, in light of the evidence adduced pursuant to (c) above, applicant is financially qualified.

2. To determine with respect to Cape Fear Television, Inc. whether there is a reasonable possibility that the tower

height and location proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding with respect to issue 2.

9. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person of by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 81-34928 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1860]

Aroundworld Shipping & Chartering, Inc.; Order of Revocation

On November 27, 1981, Aroundworld Shipping & Chartering, Inc., 16515 Hedgecroft Street, #306, Houston, TX 77205 surrendered its Independent Ocean Freight Forwarder License No. 1860 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1860 issued to Aroundworld Shipping & Chartering, Inc. be revoked effective November 27, 1981.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Aroundworld Shipping & Chartering, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-35024 Filed 12-4-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of October 5-6, 1981

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on October 5-6, 1981.[1]

"The information reviewed at this meeting suggests that real GNP declined slightly further in the third quarter and that prices on the average continued to rise at the somewhat lower rate that emerged in the second quarter. In July and August the nominal value of total retail sales was essentially unchanged from the June level, and unit sales of domestic automobiles weakened in September. Industrial production declined slightly in August and apparently slackened further in September, while nonfarm payroll employment changed little in both months. The unemployment rate rose to 7.5 percent in September, about equal to its average in the first half of 1981. Housing starts fell in August to the lowest rate in several years. Over the first nine months of the year, the rise in the index of average hourly earnings was somewhat less rapid than during 1980.

"The weighted average value of the dollar against major foreign currencies declined sharply through mid-September from its peak in early August and on balance has changed little since then. In August the U.S. foreign trade deficit widened substantially from the low rate in July; for July and August combined, the deficit was considerably larger than the second-quarter rate.

"M1-B, adjusted for the estimated effects of shifts into NOW account, increased little over the period from June to September, while M2 grew at a relatively strong pace. The level of adjusted M1-B in September was well below the lower end of the Committee's range for growth over the year from the fourth quarter of 1980 to the fourth quarter of 1981; the level of M2 was at the upper end of its range for the year. In frequently volatile markets, short-term rates have risen considerably further. On September 21 the Board of Governors announced a reduction in the surcharge from 4 to 3 percentage points on frequent borrowings of large depository institutions.

"The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote sustained economic growth, and contribute to a sustainable pattern of international transactions. At its meeting in early July, the Committee agreed that these objectives would be furthered by reaffirming the monetary growth ranges for the period from the fourth quarter of 1980 to the fourth quarter of 1981 that it had set at the February meeting. These ranges included growth of 3½ to 6 percent for M1-B, abstracting from the impact of flows into NOW accounts on a nationwide basis, and growth of 6 to 9 percent and 6½ to 9½ percent for M2 and M3, respectively. The Committee recognized that the shortfall in M1-B growth in the first half of the year partly reflected a shift in public preferences toward other highly liquid assets and that growth in the broader aggregates had been running at about or somewhat above the upper ends of their ranges. In light of its desire to maintain moderate growth in money over the balance of the year, the Committee expected that growth in M1-B for the year would be near the lower end of its range. At the same time, growth in the broader aggregates might be high in their ranges. The associated range for bank credit was 6 to 9 percent. The Committee also tentatively agreed that for the period from the fourth quarter of 1981 to the fourth quarter of 1982 growth of M1, M2, and M3 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent would be appropriate. These ranges will be reconsidered as warranted to take account of developing experience with public preferences for NOW and similar accounts as well as changing economic and financial conditions.

"In the short run the Committee seeks behavior of reserve aggregates consistent with growth of M1-B from September to December at an annual rate of 7 percent after allowance for the impact of flows into NOW accounts and with growth in M2 at an annual rate around 10 percent or slightly higher, recognizing that the behavior of M2 will be affected by recent regulatory and legislative changes, particularly the public's response to the availability of the all savers certificate. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 12 to 17 percent."

By order of the Federal Open Market Committee, November 27, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-34965 Filed 12-4-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of October 5-6, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[E-81-32]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent

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the consumer interests of the executive agencies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving electric rates, Cause No. U–81–41.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving the application of the Puget Sound Power and Light Company for an increase in its electric rates in Cause No. U-81-41.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 24, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34920 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-33]

Delegation of Authority to Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving electric rates, Docket No. ER82–1–000.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving the application of the Public Service Company of New Mexico for an increase in its electric rates in Docket No. ER82–1–000.

b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Energy filings.

Dated: November 30, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34976 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-31]

Delegation of Authority to the Secretary of Defense

1. *purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving electric rates, Docket No. 1599.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving the application of the Newport Electric Corporation for an increase in its electric rates in Docket No. 1599.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officals, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 24, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34920 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[H-81-4]

Delegation of Authority to the Secretary of the Interior

1. *Purpose.* This delegation authorizes the Secretary of the Interior to dispose of surplus mineral resources underlying the property known as the Tennessee Products Corporation, Rockwood, Tennessee, RR–TN–28, as prescribed in part 101–47 of the Federal Property Management Regulations (FPMR) (41 CFR 101–47).

2. *Effective Date.* The delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 203 and 205(d) (40 U.S.C. 484 and 486(d)), authority is delegated to the Secretary of the Interior to dispose of surplus mineral resources underlying the property known as the Tennessee Products Corporation, Rockwood, Tennessee, RR–TN–28, in accordance with this act and implementing regulations.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. Under the delegated authority, the Department of the Interior, as the disposal agency, is responsible for the following: (1) securing, in accordance with FPMR 101–47.303–4, any appraisals deemed necessary by the Secretary; (2) coordinating with all present and subsequent surface landholders, Federal or otherwise, so as not to impede use of the facilities or impair the integrity of utilization; (3) ensuring that lands which are disturbed or damaged are restored after removal of the mineral deposits is completed; and (4) notifying the General Services Administration when the disposal of all marketable mineral deposits has been completed.

d. The Department of the Interior, as the disposal agency, is responsible for

complying with the requirements of the following: (1) the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.), Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environemntal Quality," as amended by Executive Order 11991, Relating to Protection and Enhancement of Environmental Quality, and implementing regulations issued by the Council on Environmental Quality (40 CFR 800); (2) section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); and (3) guidelines developed by the Tennessee Wildlife Resources Agency.

e. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (DR), Washington, D.C. 20406.

Dated: November 30, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34977 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-96-M

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

Correction

In FR Doc. 81-34328, appearing at page 58363, in the issue of Tuesday, December 1, 1981, make the following correction.

On page 58365, second column, the "Prescribed maximum daily rate (in dollars)" was inadvertently ommitted for the "District of Columbia". That rate should read "$75."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act 1974; Report of a New System of Records

AGENCY: Office of the Assistant Secretary for Planning and Evaluation (ASPE), Office of the Secretary (OS).

ACTION: Notification of New System of Records—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/ASPE, 09-90-0088.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/ASPE, 09-90-0088. We also are proposing to include routine uses of the sytem in accordance with 5 U.S.C. 552a(e)(11). This proposed new system will provide for the following types of data: demographic, health and economic characteristics, functional status, service utilization and cost of utilization, for a sample of eligible elderly, functionally impaired persons participating in the demonstration as treatment or control group members. Data on participants' families and on long-term care providers also will be collected and maintained. The proposed system will be used by the evaluation contractor to conduct statistical analysis and by channeling agencies to conduct the demonstration.

We will collect complete data from 10 sites in 10 states on about 8,400 individuals who are selected into the impact research sample. The sample size has been determined by standard sample design techniques to be the minimum that can be expected to reveal statistically significant outcomes between treatment and control groups in the basic and complex models of channeling should such differences occur. Additionally, a more limited set of data (identifying information, screening and baseline assessment information) will be collected and maintained in the system of records for a further 6,400 individuals receiving channeling services. Names, addresses, and referral destinations will be maintained for approximately 47,450 individuals who apply or are referred for channeling services but who do not meet the program's eligibility criteria.

The public is invited to submit comments on the routine uses on or before January 6, 1982.

DATES: We filed a report of a new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on the December 2, 1981. This system will become effective February 1, 1982. The proposed routine uses will be become effective without further publication on the same date unless DHHS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the ASPE Privacy Act Officer, Department of Health and Human Services, 200 Independence Avenue, S.W. Washington, D.C. 20201. We will make comments received available for public inspection in Room 434G.12, Alcove, Hubert Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Project Officer, National Long-Term Care Channeling Demonstration, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Avenue, S.W., Washington, D.C. 20201, telephone number (202) 245-1794.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, proposes to initiate a new system of collecting data under the authorities of section 421 of the Older Americans Act sections 1110, 1115, 1875 and 1881 of the Social Security Act and sections 1526 and 1533(d) of the Public Health Service Act.

In 1980, the Department of Health and Human Services (DHHS) initiated the National Long-Term Care Channeling Demonstration to develop and test methods to maximize the efficient use of existing long-term care resources. The Office of the Secretary (Assistant Secretary for Planning and Evaluation), the Administation on Aging, and the Health Care Financing Administration jointly manage this demonstration.

This demonstration was developed in response to serious concern at all levels of government about the rapid increase in nursing home costs, fragmentation of the existing service system, and federal financial incentives for nursing home placement for elders.

In response to these concerns, a national demonstration and evaluation have been established to test a community care approach to long-term care called "channeling." Channeling provides a central intake point in the community for older persons; a systematic assessment of the individual's needs; and continuing case management to develop, implement, and monitor a plan of care tailored to the individual's changing needs. (The channeling objectives can be found in Appendix 1 of the system notice.)

The channeling concept will be implemented at the local level by a community agency in ten states participating in the demonstation. (See Appendix 2 of the system notice.) Two models of channeling will be tested: One which relies on services already existing in the community; and one with additional service resources which limits expenditures with a fixed budget approach.

Data will be collected from a number of sources for inclusion in the system of records. These sources include personal interveiws with individuals, their proxies, and their families, and records of health and social services, including Medicare and Medicaid claims and billings records. In order to associate data from different sources for a given individual, linkage of names and identifying numbers will be necessary. The personal identifiers, however, will

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be maintained in a limited number of files, and source data will be stripped of its identifying information as soon as it is operationally feasible. For purposes of data-gathering, a "field" identifying number will be assigned to each individual. Once data is collected, validated, and edited, a "research" identifying number will be assigned to the individual record, and all personal identifying information including field indentifying numbers, will be stripped from the record. A master "link" file will be maintained which associates the two series of identifying numbers. Access to this file will be restricted to evaluation contractor staff who need to use the file to fulfill their professional duties.

The Privacy Act of 1974 allows us to disclose information without the consent of the individual for "routine uses," that is, disclosure for purposes that are compatible with the purposes for which the data are collected. Accordingly, we are establishing two routine uses of information in this system.

One routine use provides for disclosure in response to congressional inquiries made at the request of any individual included in the system of records.

The other routine use provides for disclosure to a contractor of AOA, HCFA or ASPE, for performance of research and statistical activities in order to accomplish the purposes for which the records are collected.

Individually indentifiable data are maintained at the 10 channeling agencies (see Appendix 2 of the system notice) and at the contractor for the evaluation, Mathematica Policy Research, Inc. (P.O. Box 2393, Princeton, New Jersey 08540). Mathematica Policy Research will maintain records in hard copy and on magnetic computer tapes and disc.[1] Individual identifiers will be stripped from records as soon as it is operationally feasible. However, those files which must contain individual indentifiers will be kept in locked file cabinets or areas of restricted access, and will be made available only to individuals who need access to the records in order to fulfil their official duties.

The channeling agencies will maintain records in hard copy and on magnetic tapes and discs. Case records will be maintained in hard copy with individual identifiers in limited access areas. Service authorization and utilization records will be maintained on magnetic tape or disc. Access to both sets of data will be limited to individuals whose official duties require access.

Since we propose to establish this system in accordance with the requirements of the Privacy Act, we anticipate no untoward effect on the privacy or personal rights of individuals.

Dated: December 1, 1981.

Robert Rubin,

Assistant Secretary for Planning and Evaluation.

Notification of New System of Records Required by the Privacy Act of 1974

09–90–0088

SYSTEM NAME:

National Long-Term Care Channeling Demonstration (NLTCCD) DHHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mathematica Policy Research, Inc. (MPR), P.O. Box 2393, Princeton, New Jersey 08540. Channeling Agencies (See Appendix 2).

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

The system will include records on a sample of approximately 14,800 individuals in ten states who have signed an informed consent form and are participating in the National Long-Term Care Channeling Demonstration; and approximately 47,450 individuals who apply to receive channeling services but are found inappropriate for the intervention.

CATEGORIES OF RECORDS IN THE SYSTEM:

"Channeling" is a brokerage process through which elderly and multiply-impaired individuals are referred to receive needed services from two or more agencies. The ten channeling agencies (hereafter referred to as agency) will collect names, addresses, and interveiw information on functional disability and service needs of potential participants, and assign an identification number to each individual For those individuals who are not appropriate for channeling, personal identifying information will be maintained at the agency. Interview data and a sequential identifier will be forwarded to the evaluation contractor. Appropriate channeling clients will be randomly assigned to treatment or control groups. All information concerning control group members will be forwarded to the evaluation contractor. All data collected by the agency on treatment group members will be maintained at the agency. Screening and non-clinical baseline interview data on treatment group members also will be forwarded with personal identifiers and field identifying numbers to the evaluation contractor. The evaluation contractor will augment the information provided by the agency with data collected from interviews, and from health and social service records.

Independently, the agency will develop hard-copy case records on treatment group members which contain detailed individual identifying data, clinical and other information required to develop care plans and coordinate services, and details of services ordered and utilized. The case records will be maintained up to seven years after an individual dies, withdraws voluntarily from the program, moves out of the area, ceases to be appropriate for channeling services, or is terminated because the project ends. A client tracking system which will include information on client identity and status, will be implemented at all sites. Information from this system will be shared with the evaluation contractor. A further system of records will be maintained at those sites deemed to follow the "complex channeling" model. At these sites, a financial tracking system, some parts of which identify clients either by name or other identifying information, will be implemented to monitor costs of services and to track service authorization and service use.

The evaluation contractor will collect and maintain data describing both individuals and facilities providing long-term care services. Data relating to individuals will include information collected by interview from the individual or his/her proxy and from families or informal care-givers; demographic and economic characteristics; health and functional status; service utilization; and out-of-pocket costs. In addition, utilization and cost data will be collected from Medicare and Medicaid claims and billing records and provider billings records. Individual identifiers will be names, addresses, and health insurance claim numbers for Medicare and Medicaid beneficiaries, as well as identifying numbers supplies by the evaluation contractor.

The use and maintenance of identifying numbers is discussed below in the section on retrievability.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 421 of the Older Americans Act, sections 1110, 1115, 1875, and 1881 of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act.

[1] The contractor will safeguard the identifiable data according to the Department's ADP Systems Manual, "Part 6, ADP System Security."

PURPOSE:

In 1980, the Department of Health and Human Services (DHHS) initiated the National Long-Term Care Channeling Demonstration to develop and test methods to maximize the efficient use of existing long-term care resources. The Office of the Secretary (Assistant Secretary for Planning and Evaluation), the Administration on Aging, and the Health Care Financing Administration jointly manage this demonstration.

This demonstration was developed in response to serious concern at all levels of government about the rapid increase in nursing home costs, fragmentation of the existing service system, and federal financial incentives for nursing home placement for elders.

This national demonstration and evaluation have been established to test a community care approach to long-term care called "channeling." Channeling provides a central intake point in the community for older persons; a systematic assessment of the individual's needs; and continuing case management to develop, implement, and monitor a plan of care tailored to the individual's changing needs. (The channeling objectives can be found in Appendix 1.)

The channeling concept will be implemented by a community agency in ten states participating in the demonstration. (See Appendix 2.) Two models of channeling will be tested; one which relies on services already existing in the community; and one with additional service resources and a fixed budget approach.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There will be two routine uses of information in the system. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In addition disclosure will be made to a contractor of AOA, HCFA or ASPE involved in the NLTCCD, for the performance of research and statistical activities in order to accomplish the purposes for which the records are collected.

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The channeling agencies will assign evaluation contractor-supplied field identifying numbers to each applicant's record. This field identifying number is used for data collection purposes only, and is readily linked by staff with a need-to-know to personal identifiers.

According to the path the individual follows, i.e., becoming a member of the research sample or not, and becoming a member of the treatment or the control group, separation of personal identifiers and descriptions of the individual will take place at different points. For applicants deemed inappropriate at the channeling agency, the record is retrievable only at the channeling agency, where records of these individuals and the agency to which they were referred will be maintained, but detailed information about the applicant will not be kept. For participants in the research sample, the record must remain retrievable for the duration of the research namely for the 18-month period of follow-up after application to channeling during which period individuals are re-interviewed, and for a subsequent period during which additional information is collected and merged with interview data. For treatment group members who are on the caseload of the channeling agency, the records must remain retrievable as long as the individual remains a client and for a period of up to seven years after that. At the research contractor, the data-collection (field) identifying number and any personal identifiers are removed from research files and replaced by a research-file identifying number. Thus, for data collection and validation purposes the "field" identifying number is used, and for file development and maintenance, the research-file identifying number is used. A master "link" file will be maintained which associates the two series of identifying numbers. Access to this file will be restricted to evaluation contractor staff who need to use the file to fulfill their professional duties.

SAFEGUARDS:

Channeling Agencies: Records will be kept in limited access areas. Records may only be accessed by agency personnel who need to know the contents of the records.

Mathematica Policy Research, Inc.: The evaluation contractor conforms to the DHHS ADP Systems Manual, "Part 6, ADP System Security." A system of separate identifiers is used to maximize security of records. Contact sheets with personal identifiers from interviews and abstracting forms are stored separately from non-individually identifiable data. Magnetic tape files and hard copy files with personal identifiers, and link files, are stored in locked cabinets or limited access areas. Research files are stripped of personal and field identifiers and are encoded with a distinct research identifier. Access to the linkages between identifiers is limited, and subject to the approval of the Project Director at Mathematica Policy Research, Inc.

MPR will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

As explained above, different types of data will be maintained and different retention periods will apply according to whether the applicant is found inappropriate or appropriate, and, if appropriate, whether a treatment or control group member. Treatment and control group members' identifying information will be maintained by MPR through completion of fielding operations in the demonstration, and for a period of three years to allow for future follow-up. The channeling agencies will maintain clinical records on treatment group members for up to seven years after a client is terminated from the program, and limited personal information for individuals found inappropriate for channeling.

Data disposal will consist of shredding the hard copy (and so certifying) and degaussing computer records. There are no plans to dispose of non-identifiable individual data.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

Project Officer, National Long-Term Care Channeling Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, Room 433F.1, H.H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. (202) 245–1794.

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the government Project Officer, at the above address, indicating his/her full name, current address and any other addresses since January, 1982. The individual may simultaneously request record access as described below.

RECORD ACESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of

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records contains information pertaining to them, may request access to those portions of the records pertaining to them by writing the government Project Officer at the address given above. The government Project Officer will notify the individual as to the place and time for access to the record(s) or if the individual wishes, arrange for mailing the records.

CONTESTING RECORD PROCEDURES:

Contact the government Project Officer at the address given above, reasonably identify the record, specify the information being contested, and supply the substitute information.

RECORD SOURCE CATEGORIES:

Individual-specific information will be gathered through interviews with the clients and their families, from providers and from the Medicare and Medicaid claims systems. Information that pertains to the providers will be collected from demonstration files, and executive interviews with health and social services provider personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

The objectives of the channeling program are:

1. To marshal and direct long-term care resources in a community in ways that contain overall costs;
2. To increase access to a wider range of services than is currently available;
3. To match services used to the identified needs of clients;
4. To concentrate resources on those persons with the greatest need for long-term care;
5. To stimulate the development of needed in-home and community services which do not exist or are in short supply;
6. To reduce the unnecessary use of publicly-subsidized long-term care services, including costly medical and institutional services;
7. To promote efficiency and quality in community long-term care delivery systems;
8. To promote a reasonable division of labor between informal support systems (including families, neighbors, friends), privately-financed services and publicly-financed care; and
9. To maintain or enhance client outcomes, including physical and mental functioning and quality of life.

Appendix 2—Channeling Site Addresses

Florida: Barbara Brodbar, Channeling Director, Miami Jewish Home and Hospital for the Aged, 151 Northeast 52nd Street, Miami, Florida 33137

Kentucky: Shannon Bailey, Site Director, 742 High Street, Hazard, Kentucky 41701

Maine: Joyce Nye, Site Director, Southern Maine Senior Citizens, Inc., P.O. Box 4307, Portland, Maine 04101

Maryland: Betty Gordon, Channeling Project Director, C.A.R.E./Area Agency on Aging, 1114 Cathedral Street, Baltimore, Maryland 21201

Massachusetts: Marilyn Alex, Greater Lynn Senior Services, Inc., 25 Exchange Street, Lynn, Massachusetts 01902

New Jersey: George Legones, Site Director, County of Middlesex, Department of Human Services, 99 Bayard Street, P.O. Box 273, New Brunswick, New Jersey 08903

New York: Cynthia Finazzo, Channeling Director, Rensselaer County, Department for the Aging, 1700 Seventh Avenue, Troy, New York 12180

Ohio: Elaine Woloshyn, Channeling Site Director, Western Reserve AAA, Room 512, Marion Building, 1276 West Third Street, Cleveland, Ohio 44113

Pennsylvania: David Eisenberg, Philadelphia Corp. for Aging, 1317 Filbert Street, Philadelphia, Pennsylvania 19107

Texas: Nancy Wilson, Channeling Project Director, TRIMS Gerontology Center, 1300 Moursund Avenue, Houston, Texas 77030

[FR Doc. 81-34867 Filed 12-4-81; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Outer Continental Shelf; Certification Verification Agents; Cessation of Application Acceptance

AGENCY: U.S. Geological Survey (USGS), Department of the Interior.

ACTION: Notification of cessation of acceptance of applications for certified verification agents.

SUMMARY: Outer Continental Shelf (OCS) Order No. 8 requires the use of an approved Certified Verification Agent (CVA) in the design, fabrication, and installation of all new fixed or bottom-founded platforms or other structures on OCS leases subject to the Platform Verification Program. The receipt of applications from prospective CVA firms and individuals began in January 1980. Over the past 2 years, an approved list of qualified CVA's has been maintained by the Platform Verification Section of the Conservation Division's Branch of Offshore Field Operations. The list now contains over 30 approved CVA's for each of the three phases of assuring the structural integrity of offshore structures in frontier areas. In this time period, the services of only 19% of the approved CVA's for design and fabrication and 12% for installation have been contracted for by lessees proposing new platforms. Due to the number of existing approved CVA's and the degree of utilization of these qualified firms or individuals, the U.S. Geological Survey has concluded that additional applications are not necessary at this time to satisfy the third-party verification responsibilities. This temporary closing of the application period does not apply to the Arctic Area and the CVA responsibilities for new structures in that OCS area. Applications will continue to be accepted through February 1, 1982. Applications received after this date will be returned without prejudice. The interest in this program is greatly appreciated.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Prehoda, Branch of Offshore Field Operations, Conservation Division, 640 National Center, Reston, Virginia 22092, (703) 860-6831.

Dated: November 25, 1981.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81-34975 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations, Outer Continental Shelf; ODECO Oil and Gas Co.

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that ODECO Oil & Gas Company, Unit Operator of the Ship Shoal Block 113 Federal Unit Agreement No. 14-08-001-2931, submitted on November 18, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Ship Shoal Block 113 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metarie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local

governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-34974 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 30, 1981. Waiver of the 15-day public commenting period following this publication is necessary for the Alabama nomination(s) listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Alabama's Historic Preservation Authorities Act of 1979, (Act 79-441 and 80-366), which provides that owners of properties entered into the National Register of Historic Places be eligible for tax-exempt bond financing through locally established historic preservation authorities. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properties.

ALABAMA

Lauderdale County

Florence, *Martin, James, House,* 1400 Cypress Mill Rd.

Carol D. Shull,

Acting Keeper of the National Register.

[FR Doc. 81-35023 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of changes in performance review board membership.

SUMMARY: This notice provides the names of replacement individuals to serve on two of the Department of the Interior Performance Review Boards. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95-454; 5 U.S.C. 4314(c)(4)).

DATE: These appointments are effective December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Morris A. Simms, Director of Personnel, Office of the Secretary, Department of the Interior, 1800 C Street, N.W., Washington, D.C. 20240; telephone number 343-6761.

Office of the Secretary PRB

William P. Horn (NC), Chairperson (replaces Stephen Shipley as Chairperson)
Stephen Shipley (NC)
Douglas P. Baldwin (NC)
Newton Frishberg (Career)
John Fulbright (Career)
Derrell P. Thompson (Career, Field)
Diane K. Morales (NC)

Assistance Secretary—Policy, Budget and Administration PRB

Richard R. Hite (Career), Chairperson
Morris A. Simms (Career)
Alan Powers (Career)
Joseph Doddridge (Career) (new appointee)

November 20, 1981.

Richard R. Hite,

Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 81-34998 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. P-37]

Atchison, Topeka & Santa Fe Railway Co.; Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Railroad (BN). A portion of the BN tracks between Galesburg and Chicago, Illinois, are temporarily out of service because of a derailment. An alternative route is available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered.

(a) Pursuant to the authority vested in me by order of the Commission decided October 30, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad, (BN) at Galesburg, Illinois, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though now agreements or arrangements no exists between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:00 noon, November 16, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. November 18, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 81-34960 Filed 12-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 204]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: November 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of undly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer

Agatha L. Mergenovich,

Secretary.

MC 9644 (Sub-12)X, filed November 2, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (A) Lead and Sub-Nos. 2, 3G, 4, 5, and 6 certificates and E-letter notice Sub-E1, remove all restrictions in the general commodities authorizations except "Classes A and B explosives, commodities in bulk, and household goods"; (B) Sub-Nos. 4 and 5, authorize service at all intermediate points in connection with regular-route service; (C) Sub-No. 4, broaden off-route points to countywide: Gage, Saline and Lancaster Counties, NE (Clatonia, DeWitt, Roca, Martell, Sprague, Hallam, Denton, and Kramer, NE), and Douglas and Sarpy Counties, NE and Mills and Pottawattomie Counties, IA (Council Bluffs, IA); and (D) broaden irregular-route points to countywide: Sub-Nos. 2, 3G, and E1, Wyandotte, Johnson and Leavenworth Counties, KS and Cass, Jackson, Clinton, Clay and Platte Counties, MO (Kansas City, KS/MO, North Kansas City, MO, and points within 15 miles of the named points).

MC 25255 (Sub-4)X, filed November 16, 1981. Applicant: LEE ROY HEERMAN, d.b.a. COIN TRANSFER, P.O. Box 296, Coin, IA 51636. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Subs 2 and 3: broaden (1) bearings and (2) materials, equipment and supplies used in the manufacture, sale and distribution of bearings (except commodities in bulk), to "machinery" in Sub 2; general commodities, with exceptions to "general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)" in Sub 3; remove originating at/destined to restriction in Sub 2; broaden: to all intermediate points in Sub 3; Clarinda, IA to Page County, IA in Sub 2; points within 25 miles of Stanton, IA to Fremont, Page, Taylor, Adams, Montgomery, Mills, Pottawattamie and Cass Counties, IA in Sub 3; and to radial authority in those Subs.

MC 29849 (Sub-4)X, filed November 19, 1981. Applicant: EXCHANGE FURNITURE FORWARDERS, INC., 1601 Willow Avenue, Hoboken, NJ 07030. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Lead and Sub-3: (1) broaden commodity descriptions (a) radiator enclosures to "metal products, textile mill products, and lumber and wood products" in the lead; (b) new furniture to "furniture and fixtures" in the lead and Sub-3; (c) oil heaters and parts for oil heaters to "metal products and machinery" in the lead; (2) broaden territorial description: Mount Vernon to Westchester County, NY, in the lead and Sub-3; and Hartford to Hartford County, CT, in the lead; (3) eliminate facilities limitation in Sub-3; (4) change one-way to radial authority; and (5) remove the restriction against traffic having a prior movement by rail or motor carrier in Sub-3.

MC 52022 (Sub-17)X, filed November 20, 1981. Applicant: SANTINI BROS., INC., 1405 Jerome Avenue, New York, NY 10452. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. Sub-No. 13F, broaden to "transportation equipment," from used automobiles, in truckaway service.

MC 52979 (Sub-26)X, filed February 17, 1981, previously noticed in the **Federal Register** of March 6, 1981, republished as follows: Applicant: HUNT TRUCK LINES, IC., West High St., Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its irregular-route authority in lead and Sub-Nos. 2, 3, 8, 14, 18, 20, and 21 certificates, and regular-route authority in Sub-Nos. 3, 8, and 17 certificates. This Board previously broadened these certificates, but failed to broaden some cities and their commercial zones in applicant's irregular-route authority to counties. Applicant appealed. The Commission, in accordance with the decision in No. MC–38400 (Sub-No. 8)X, *Hitchock Bros. Administrative Appeal* (not printed) served May 19, 1981, the Board was instructed to republish. Notice is hereby given that applicant seeks to broaden in the lead, from East Moline, IL, to all counties which the commercial zone of East Moline touches upon including Scott County, IA, and Henry County, IL, from Peoria, IL, to all counties which the commercial zone of Peoria, touches upon including Tazewell County, IL, from Independence, MO, to all counties which the commercial zone of Independence, touches upon including Clay County, MO, from St. Paul, MN, to all counties which the commerical zone of St. Paul touches upon including Anoka and Hennepin Counties, MN, from St. Cloud, MN to all counties which the commercial zone of St. Cloud touches upon including Sherburne and Benton Counties, MN, from South St. Paul, MN, to all counties which the commercial zone of South St. Paul touches upon including Ramsey and Washington, MN.

MC 73081 (Sub-4)X, filed November 19, 1981. Applicant: ANYTIME DELIVERY SYSTEMS, INC., 375 Western Highway, Tappan, New York 10983. Representative: Wayne Hartke, 7637 Leesburg Pike, Falls Church, VA 22043. Sub 1F, remove "in expedited service, *restricted however*, to shipments delivered within 24 hours of pickup", on general commodities (with the usual exceptions) authority, between points in 12 States and DC.

MC 80289 (Sub-16)X, filed November 13, 1981. Applicant: RED LINE FURNTIURE CARRIERS, INC., 110 First Street, Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Lead certificate. Broaden (1) from new furniture and furniture to "furniture and fixtures"; (2) to radial authority; and (3) change Oakmont, PA to Allegheny County, PA.

MC 102401 (Sub-29)X, filed November 9, 1981. Applicant: TAYLOR HEAVY HAULING, INC., P.O. Box 2707, South Bend, IN 46680. Representatives: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Lead and Subs 3, 6, 7, 8, 9, 11, 13, 15, 17, 19, 20, 22, 23, 24F, 26, 27, and 28, broaden to (1) (a) "metal products" from aluminum sash and frames, lead; iron and steel articles, Sub

11; corrugated steel pipe, circular piling, and fittings, attachments and accessories, Sub 13; powdered aluminum and powdered aluminum blends, Sub 22; machinery and steel shot, Sub 23; iron and steel articles, Sub 24F; and materials, equipment and supplies used in the manufacture of steel articles, Sub 26; (b) "commodities, which because of their size or weight require the use of special handling or equipment" from insulated pipe, manhole conatainers and fittings, and attachments and accessories which because of their size or weight require the use of special equipment or special handling, Sub 19; (c) "machinery and commodities, which because of their size or weight require the use of special handling or equipment" from heavy machinery, contractors' equipment, materials, and supplies, and commodities requiring special equipment and special handling, lead; road construction and earth moving machines and equipment, Sub 3; tractors and parts, Sub 7; self-propelled articles, each weighing 15,000 pounds or more, Sub 8; and self-propelled road construction and earth moving machines and equipment, each weighing 15,000 pounds or more, Sub 20, (d) "building materials" from building modules, Sub 15, and from brick, Sub 6, (e) "clay, glass, concrete, or stone products" from pre-cast forms, Sub 17, (f) "general commodities (except Classes A and B explosives)" from general commodities (except motor vehicles and motor vehicle cabs and bodies and except Classes A and B explosives), Sub 9; and (g) "waste and scrap materials" from scrap aluminum, Sub 22; and materials, equipment and supplies used in the manufacture of rubber scrap, Sub 27; (2) remove facilities limitation in (a) Sub 11, and replace (b) South Bend, IN with St. Joseph County, IN, Subs 17, 18 and 24; (c) Mishawaka, IN with St. Joseph County, Subs 15 and 23, (d) Portage, WI with Columbia County; Alma, MI with Gratiot County and Middleton, OH with Butler County, Sub 13 and (e) Plymouth, IN with Marshall County, Sub 22; (3) (a) lead, and Sub 19, Niles, MI to Cass County, (b) Sub 3, South Bend, IN to St. Joseph County, (c) Sub 6, Danville, IL to Vermilion County, and (d) Subs 7 and 20, Springfield, IL to Sangamon County; (4) remove "Mercer Commodities" restriction, Sub 11; (5) remove mixed loads, moving on single bill of lading from single consigner, originating at/destined to, in bulk, in tank vehicles, the minimum weight requirement, size and weight and commodities transported on trailers restrictions in various subs; (6) remove restriction on shipments to South Bend, IN limited to named purposes, Sub 3, and (7) to radial authority in lead, Subs 6, 11, 13, 15, 17, 20, 22, 23 and 24.

MC 113300 (Sub–14)X, filed November 6, 1981. Applicant: WILLIAM T. HERRON TRUCKING, INC., P.O. Box 424, Marietta, OH 45750. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Lead and Sub-Nos. 4, 6, 10, and 12F certificates, (A) broaden to "commodities in bulk" from coal, in bulk, and such commodities as are susceptible of being unloaded by dumping (lead): from stone, soil, sand, slag, gravel, cinders, limestone, concrete, fertilizer, road building materials, construction materials, and coal (Sub-No. 4): from coal (Sub-Nos. 6 and 10): and from lime (Sub-No. 12); (B) substitute radial service in place of one-way service; and (C) remove "in dump vehicles" restriction.

MC 117565 (Sub–105)X, filed October 22, 1981, previously noticed in the **Federal Register** of November 10, 1981, republished as follows: Applicant: MOTOR SERVICE COMPANY, INC., P.O. Box 448, Coshocton, OH 43012. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Sub-No. 82, broaden facilities at or near New Orleans, LA to Orleans, Lafourche, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes, LA and Hancock County, MS. The purpose of this correction is to add Hancock County to the territorial description.

MC 119567 (Sub–20)X, originally published August 25, 1981, republished this issue to correct an error. Applicant: EMPIRE TRANSPORT, INC., 2007 Overland Rd., Boise, ID 83705. Representative: Timothy R. Stiver, P.O. Box 1576, Boise, ID 83701. Lead and Subs. 1, 5, 7, 10, 14, 16, 17F and 19F as previously noticed and, in addition, to broaden (1) lead, Boise, ID to Ada County; Hood River, The Dalles, La Grand, Baker, Pondosa, and Dee, OR to Hood River, Wasco, Union and Baker Counties, Longview and Kelso, WA to Cowlitz County and Enterprise, Bend, Burns, John Day, Wallowa and Elgin, OR to Deschutes, Grant, Harney, Union, and Wallowa Counties; Pondosa, Dee, La Grande, Baker, Union, Redmont and Eugene, OR and points within 5 miles thereof to Baker, Deschutes, Lane and Union Counties; points more than one mile but not more than 5 miles of La Grande, The Dalles and Baker, OR to Baker, Union and Wasco Counties; White Salmon and Vancouver, WA and points within 10 miles of Vancouver to Clark and Klickitat Counties and Klamath Falls, Lakeview, Burns, Joseph Enterprise, Wallowa and Elgin, OR and points within 5 miles thereof to Harney, Klamath, Lake, Union and Wallowa Counties; points within 5 miles of, but not including Bend, Hood River, Elgin, Burns, Wallowa, Enterprise, and The Dalles, OR to Deschutes, Harney, Hood River, Union, Wallowa and Wasco Counties; Etna, WY and points within 15 miles thereof to Lincoln and Teton Counties, WY, (2) Subs 5, 7 Boise, ID to Ada County, and (3) Sub 10, Inkom; ID to Bannock County, ID.

MC 120761 (Sub–77)X, filed October 30, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76114. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Sub-Nos. 4, 19, 21, 47F and 69, broaden (1)(a) from pipe when moving as oilfield equipment, oilfield equipment, other than pipe, and pipe, trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote, and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron and steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron and steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill brewery, textile, water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment to "machinery, equipment, metal products, articles which because of size or weight require the use of special equipment, Mercer commodities and pipe" in Subs 4 and 21; (b) from earth drilling machinery

and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at wells or hole sites, and the injection or removal of commodities into or from holes or wells, to "machinery, equipment and metal products" in Subs 19 and 47F; and (2) to remove restrictions: "except the stringing and picking up of pipe in connection with main or tank pipelines", "in connection with main or trunk pipelines", and "other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way" in Sub-Nos. 21 and 69.

MC 124062 (Sub-21)X, filed November 10, 1981. Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. Representative: Donald Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead and Subs-2, 6, 10, 11, 12, 14F, 15F, 16F, 17F, and 20F certificates. Broaden (1) to "chemicals and related products", from fertilizer, dry fertilizer and materials, in bags, liquid caustic soda, liquid fertilizer mix (exceptions), etc. . . ., lead and all Subs; (2) to radial authority, lead and all Subs (except Sub-20F); (3) change: Wawaka to Noble County, IN, Sub-2; facilities at Joliet to Will County, IL, Sub-6; Lockland to Hamilton County, OH, Sub-10; Greenwood to Johnson County, IN, Sub-12; Burns Harbor to Porter County, IN, Subs 14F and 16F; Watseka to Iroquois County, IL, Sub-15F; Lemont to Cook County, IL, Sub-16F; and Yodar to Allen County, IN and Lima to Allen County, OH, Sub-17F; and (4) remove: originating at and destined to restriction, Sub-17F; and in containers, in bulk, in tank, and hopper-type vehicles restrictions, Subs-2, 11, 12, 14F, 15F, 16F, and 17F; except dry fertilizer in bulk, in lead.

MC 124174 (Sub-187)X, filed October 29, 1981. Applicant: MOMSEN TRUCKING CO., 2045 Hiway Blvd., Spencer, IA 51301. Representative: Raymond A. Jensen, 13811 "L" Street, Omaha, NE 68137. Sub-No. 176, broaden part (1) to "food and related products" from hides and chromes, and part (2) to "materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above" from tannery byproducts, and materials, equipment and supplies.

MC 124328 (Sub-145)X, filed November 19, 1981. Applicant: BRINK'S, INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Chandler L. Van Orman, 1729 H St., N.W., Washington, DC 20006. Subs 64 and 113 permits: (A) Remove the restriction prohibiting the transportation of traffic between named points, Sub-64; and (B) Broaden to "between points in the U.S.," under continuing contract(s) with named classes of shippers, both Subs.

MC 124718 (Sub-1)X, filed August 24, 1981, previously notice in the **Federal Register** of September 18, 1981, republished as follows: Applicant: REISING BROTHERS, INC., P.O. Box 5, 54 Hungry Harbor Road, Valley Stream, NY 11582. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Lead certificate: This Board previously broadened the commodity description, eliminated a containers restriction, and authorized radial authority. Applicant also requested city-wide authority for two counties in New York, this segment was not published. A decision in No. MC–152318 (Sub-No. 3)X *Atlantic Truck Lines, Inc.—Administrative Appel*, (not printed), served September 28, 1981, instructed Board to republish. Notice is hereby given that applicant seeks to expand Kings and Queens Counties, NY to New York City, NY.

MC 124774 (Sub-144)X, filed November 9, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Subs 110F, 113F and 126F certificates: (A) broaden (1) from (a) drugs, feed and feed supplements, to "chemicals and related products and food and related products", Sub-110F; (b) iron and steel articles to 'metal products", Sub 113F; and (c) toilet preparations to "chemicals and related products", Sub-No. 126F; (2) to countywide authority: (a) Rockland County, NY, and Bergen County, NJ (Pearl River, NY), Sub-110F; and (b) Morris County, NJ (facilities Morristown), Sub-126F; (B) remove "facilities" restriction, Sub-113F; and (C) broaden to radial authority, all Subs.

MC 129927 (Sub-7)X, filed November 16, 1981. Applicant: JAMERSON BROTHERS TRUCKING CO., INC., Route 3, Box 75, Appomattox, VA 24522. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. (1) Broaden lead and Sub-Nos. 1 and 4 permits to "between points in the U.S. (except AK and HI)," under continuing contract(s) with named shippers; (2) broaden (a) lead permit to "lumber and wood products," from lumber, except plywood and veneer; and (b) Sub-No. 1 to "furniture and fixtures," from new furniture in containers or in trailers; and (3) remove the restriction limiting transportation of shipments to that having a prior or subsequent movement by rail or water, in Sub-No. 1.

MC 133666 (Sub-34)X, filed November 18, 1981. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue, South, Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Subs 10, 17, 19 and 22F, certificates and MC–150780F permit. Broaden: Subs 10, 22, from liquefied petroleum gas; Subs 17, 19, from anhydrous ammonia; in permit, from road asphalt, road oils, and fuel oils, (all in bulk, in tank vehicles), to "commodities in bulk"; Sub 10, Rosemount facility to Dakota County, MN; Sub 17, Dilworth facility to Clay County, MN; Sub 19, facilities at: Spencer and Holstein to Clay and Ida Counties, IA; David City to Butler County, NE; Sub 22F facilities at: Milford to Koscuisko County, IN; New Hampton to Chickasaw County, IA; Benson to Swift County, MN; Carrington to Foster County, ND; in all certificates to radial; permit, to between points in U.S. under continuing contract(s) with named shipper.

MC 133735 (Sub-16)X, filed November 13, 1981. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Sub-Nos. 3, 5F, 7F, 8F, 9F, 10F, 12F, and 14F (1) remove the "facilities of" restrictions in Sub-Nos. 3, 5F, 7F, 8F, 10F, 12F, and 14F; (2) authorize radial authority in all authorities: (3) broaden from liquid animal feed and liquid animal feed ingredients to "food and related products" in Sub-No. 3; from fertilizer to "chemicals and related products" in Sub-No. 5F; from corn products, corn products and soybean meal to "food and related products" and from corn products, fertilizers, and calcium chloride to "food and related products and chemicals and related products" in Sub-No. 7F; from fertilizers to "chemicals and related products" in Sub-No. 8F; from liquid fertilizer to "chemicals and related products" in Sub-No. 9F; from caustic soda, steepwater, and corn products to "food and related products" in Sub-No. 10F; from liquid fertilizer to "chemicals and related products" in Sub-No. 12F; and corn products to "food and related products" in Sub-No. 14F; (4) eliminate

the "in bulk" restriction in Sub-Nos. 7F, 9F, and 14F and eliminate the "in bulk, in tank vehicles" restriction in Sub-Nos. 10 and 12; and (5) replace points with county-wide authority, Aududon County, IA, for Audubon, IA in Sub-No. 3; Lee County, IA, and Hancock County, IL, for Fort Madison, IA in Sub-Nos. 5F, 8F, and 12F; Lee County, IA, Hancock County, IL and Clark County, MO, for Keokuk, IA and Scott County, IL for Naples, IL, in Sub-No. 7F; Cook County, IL for Lemont, IL; Lee County, IA, Hancock County, IL, and Clark County, MO for Keokuk, IA; and Onondaga, Madison, and Oswego Counties, NY, for Syracuse, NY, in Sub-No. 10F; Des Moines County, IA and Henderson County, IL for Burlington, IA, in Sub-No. 9F; and Lee County, IA, Hancock County, IL and Cook County, MO, for Keokuk, IA, in Sub-No. 14F.

MC 135971 (Sub-5)X, filed November 20, 1981. Applicant: SOLIVRAC SERVICES, INC., 90 du Sous Bois, Beauport, Quebec, Canada GIE 5Z6. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. (1) Sub-Nos. 2 and 3F certificates, broaden to "clay, concrete, glass or stone products," from cement, in bulk; and (2) change one-way service to radial service.

MC 139697 (Sub-9)X, filed November 12, 1981. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead, Subs 4F and 6F, broaden: all authorities to between points in the U.S. under continuing contract(s) with named shippers; lead, from lawn and garden tractors to "machinery"; Subs 4, 6, from (1) foodstuffs to "foods and related products," remove: in bulk restriction in lead, Sub 4; and restriction against size/weight commodities in Sub 4.

MC 142364 (Sub-53)X, filed November 5, 1981. Applicant: KENNETH SAGELY TRUCKING CO., P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. (1) Broaden commodities to: (a) Sub-Nos. 5 and 35, "food and related products," from foodstuffs, except frozen, in containers; (b) Sub-Nos. 9 and 10, "metal products," from iron, steel, zinc, and lead articles, except in bulk; and from rough castings, and finished wheels, brake drums and hubs, and assembles; (c) Sub-No. 16, "paper and paper products" from such commodities as are dealt in or used by manufacturers and converters of paper and paper products, except in bulk; (d) Sub-No. 34, "paper and paper products", from non-corrugated pulpboard; and (e) Sub-Nos. 30, 43, 45, and 46, delete "except frozen," "except in bulk," and "in container" restrictions; (2) Sub-Nos. 5 and 16, remove "originating at and destined to" restrictions; (3) broaden named facilities and points to countywide: Sub-No 5. Newton County, MO (facilities near Neosho), and Shelby County, TN (Memphis); Sub-No. 9, Cook and Will Counties, IL (facilities at Blue Island and Joliet), Allen, Elkhart, Hamilton and Howard Counties, IN (Cicero, Elkhart, Fort Wayne, and Kokomo), Harvey County, KS (Newton), Hinds County, MS (Jackson), and Franklin and Lucas Counties, OH (Columbus and Toledo); Sub-No. 10, Boone County, IN (Lebanon), Hamilton County, TN (Chattanooga), and Benton County, AR (Siloam Springs); Sub-No. 30, Harris County, TX (facilities near Houston); Sub-No. 34, Jasper County, TX (facilities near Evadale); Sub-No. 35, Washington County, MS (facilities near Greenville); Sub-No. 37, Newton County, MO (facilities near Neosho); Sub-No. 43, Hancock and Pleasants Counties, WV (Congo, Farmers Valley, and St. Marys), Warren County, MS (Vicksburg), and McKean and Warren Counties, PA (Warren); Sub-No. 45, Fulton County, GA (facilities near Atlanta), and Clay County, MO (facilities near Kansas City); and Sub-No. 46, Pottawatomie County, OK (facilities near Shawnee); and (4) authorize radial service in place of one-way.

MC145559 (Sub-16)X, filed November 18, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 28, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 3F certificate: Broaden to (1) "textile mill products" from yarn; (2) county-wide authority: Marshall, DeKalb and Etowah Counties, AL (facilities-Boaz and Guntersville); and (3) radial authority.

MC 146163 (Sub-3)X, filed November 9, 1981. Applicant: E. FEDDLER & SONS, INC., 21827 Austin Street, Lowell, IN 46356. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. Sub 2F broaden: (1) by removing "originating at and destined to" and in bulk restrictions; (2) from sand to "ores and minerals"; and (3) to radial authority.

MC 146194 (Sub-8)X, filed November 17, 1981. Applicant: M.T.S. TRUCKING, INC., 113 Center Street, Jackson, MN 56143. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. Subs 2F, 4F, 5F and 7F: (1) broaden hides, tankage and hides and pelts green or salted to "food and related products"; (2) remove facilities and bulk restrictions; (3) broaden Esterville, to Emmet County, IA; Kansas City, MO to Jackson, Clay, Platte and Cass Counties, MO, and Wyandotte, Leavenworth and Johnson Counties, KS; Sioux Falls, SD to Minnehaha and Lincoln Counties, SD and Lyon County, IA; and (4) expand one-way to radial authority.

MC 146798 (Sub-7)X, filed November 17, 1981. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatillo Street, Denver, CO 80204. Representative: Leslie J. England, Suite 330, 50 South Steele St., Denver, CO 80209. (1) Sub-No;. 2F certificate, broaden to "food and related products," from malt beverages; and (2) Sub-No. 4F, broaden plantsite and points to countywide: Denver County, CO (facilities near Denver), and El Paso County, TX (El Paso).

MC 147451 (Sub-5)X, filed November 17, 1981. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Lead, Subs 1F and 3F. Broaden: (1) glass products, metal products, plastic products, clay and clay products, feldspar, and talc; (2) molds and machinery used in the manufacture of glass products, (3) bottle coating systems, (4) parts and accessories for these commodities, to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" in lead and Sub 1; (1) glass, metal, plastic, paper, wax, clay, feldspar, wood products, foodstuffs, antipollution and biochemical apparatus, products used in radiological research, organic chemistry kits, talc, candles, pottery, chinaware, ceramics, gift items, and materials and supplies used in the repair and maintenance of boats, (2) machinery, parts and accessories for these commodities to "general commodities (except Classes A and B explosives and household goods as defined by the Commission) in Sub 3F; Flat River facility to St. Francois County, MO in lead, Centralia facility to Marion County, IL in Sub 1F; remove facilities restriction in Cumberland, Ocean, Atlanta, Gloucester, Mercer, Salem, Camden and Cape May Counties, NJ, in Sub 3F; remove except in bulk restrictions in lead and Subs 1F and 3F.

MC 149504 (Sub-1)X, filed November 18, 1981. Applicant: WADDELL TRANSFER, INC., P.O. Box 168, Atkin, VA 24311. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Lead certificate and MC-119435 Sub-6F permit. Broaden (1)(a) moulding and cabinet parts to "building

materials", and (b) to radial authority, lead certificate; and (2)(a) remove commodities in bulk, in tank vehicles exception and (b) broaden to between points in the United States, under continuing contracts(s) with named shipper, Sub-6F permit.

MC 150993 (Sub-2)X, filed November 13, 1981. Applicant: NATIONWIDE EXPRESS, INC., P.O. Box 1067 Shelbyville, TN 37160. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 1F: (1) broaden (a) alcoholic beverages and materials and equipment to "food and related products, and materials and supplies"; (b) fabrics, clothing and materials and equipment to "textile mill products, and materials and suplies"; and (c) school and office supplies to "such commodities as are dealt in manufactured and sold by manufacturers and distributors of writing instruments, stationery, and other types of office and school supplies"; and (2) change cities to counties: Shelbyville, TN (Bedford County), Lewisburg, TN (Marshall County), and Lynchburg, TN, (Moore and Lincoln Counties).

[FR Doc. 81-34969 Filed 12-4-81: 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-170

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159411 (Sub-1-1TA), filed November 24, 1981. Applicant: JERRY GRASSO & SON, INC., Western Avenue, P.O. Box 254, Marlboro, NY 12542. Representative: John L. Alfano, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier:* irregular routes: *Fruit juices, in containers* from Highland, NY to Windsor Locks, CT, Boston, MA, Elizabeth and Woodbridge, NJ, and Farmingdale, NY under continuing contract(s) with Costa Apple Products, Inc., of Highland, NY. Supporting shipper: Costa Apple Products, Inc., South Road, Highland, NY 12528.

MC 22139 (Sub-1-1TA), filed November 23, 1981. Applicant: ROBERT F. ZAPORA, d.b.a. R. R. ZAPORA MOTOR TRANS., 22 Auburn Road, Manchester, NH 03104. Representative: George F. Govin, Mgr. (same as applicant). *Granular activated carbon* between points in ME, NH, VT, MA, RI, and CT. Supporting shipper: Manchester Water Works, 281 Lincoln Street, Manchester, NH 03103.

MC 140950 (Sub-1-2TA), filed November 23, 1981. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothesay, St. John, New Brunswick, CD. Representative: John C. Lightbody, Exq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME. *Contract carrier:* irregular routes: *Beer* from points on the U.S./CD Border at Houlton and Calias, ME, Detroit, MI, and Buffalo, NY to points in the U.S. under continuing contract(s) with All Brand Importers, Inc., Lake Success, NY. Supporting shipper: All Brand Importers, Inc., One Hollow Lane, Lake Success, NY 11042.

MC 150987 (Sub-1-7TA), filed November 23, 1981. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Lumber and wood products,* between ME, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Sunset Transfer, P.O. Box 347, Monson, MA 01057; Nutmeg Forest Products, P.O. Box 689, Fairfield, CT 06430; Lumber Sales Management Corp., P.O. Box 401, Needham, MA 02192.

MC 138828 (Sub-1-1TA), filed November 24, 1981. Applicant: MAPLEWOOD EQUIPMENT COMPANY, 419 Anderson Avenue, Fairview, NJ 07022. Representative: James R. Zazzali, Atty. Gen., John F. Ward, Dep. Atty. Gen., McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* regular routes: *Passengers and their baggage, and express, in the same vehicle with passengers,* (1) Between Butler, NJ and Wayne, NJ, serving all intermediate points: From jct. NJ Hwy 23 and Kiel Avenue, Butler, NJ over NJ Hwy 23 to jct. NJ Hwy 23 and Black Oak Ridge Road, Wayne, NJ and return over the same route; (2) Between Riverdale, NJ and Pompton Lakes, NJ, serving all intermediate points: From jct. Newark-Pompton Turnpike and Paterson-Hamburg Turnpike, Riverdale, NJ, thence over Paterson-Hamburg Turnpike to jct. Wanaque Avenue, thence over Wanaque Avenue to jct. Colfax Avenue, thence over Colfax Avenue to jct. Lakeside Avenue, thence over Lakeside Avenue to jct. Wanaque Avenue, thence over Wanaque Avenue to jct. Colfax Avenue, Pompton Lakes, NJ and return over the same route; (3) Between points in Wayne, serving all intermediate points: From jct. Black Oak Ridge Road and Newark-Pompton Turnpike, thence over Newark-Pompton Turnpike to jct. NJ Hwy 23, and return over the same route: (4) Between points in Wayne, NJ and Hackensack, NJ serving all intermediate points, and serving the junction of Interstate Hwy 80, and NJ Hwy 17 for joinder purposes; from jct. of Paterson-Hamburg Turnpike and Valley Road, Wayne, NJ, thence over Valley Road, French Hill Road, Riverview Drive to jct. U.S. Hwy 46, thence over U.S. Hwy 46 to jct. NJ Hwy 23, thence over NJ Hwy 23 to jct. Interstate Hwy 80, thence over Interstate Hwy 80, to jct. of NJ Hwy 17, Hackensack, NJ and return over the same route; (5) Between points in Totowa, NJ, serving all intermediate points: From jct. Riverview Drive and Minnisink Road, over Minnisink Road, Furler Street, and Union Blvd. to jct. Interstate Hwy 80 and return over the same route; (6) *Passengers and their*

baggage, and express, in the same vehicle with passengers between Pompton Lakes, NJ and Oakland, NJ, serving no intermediate points, except for joinder at the jct. of Skyline Drive and West Oakland Avenue in Oakland, NJ, from jct. Wanaque Avenue and Colfax Avenue, Pompton Lakes, NJ, thence over Colfax Avenue, West Oakland Avenue to jct. West Oakland Avenue and Skyline Drive, Oakland, NJ and return over the same route. Applicant proposes to join the above-described routes with its existing authorized routes. Supporting shipper(s): There are 34 statements in support of this application that may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 159409 (Sub-1–1TA), filed November 24, 1981. Applicant: CHARLES F. BONANNO, 264 North Brow Street, East Providence, RI 02914. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. *Plastic medical parts,* between places in Worcester, MA and places in Providence, RI. Supporting shipper: Waz Industries, Inc., 288 Kinsley Ave., Providence, RI.

MC 3647 (Sub-1–1TA), filed November 23, 1981. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Representative: James R. Zazzali, Atty. Gen., John F. Ward, Dep. Atty. Gen., McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* irregular routes: *Passengers and their baggage, and express, in the same vehicle with passengers,* (1) Between Pompton Lakes, NJ and Wayne, NJ, serving all intermediate points: From jct. Wanaque Avenue and Colfax Avenue, Pompton Lakes, NJ, thence over Colfax Avenue to jct. Lakeside Avenue, thence over Lakeside Avenue to jct. Wanaque Avenue, thence over Wanaque Avenue to jct. Paterson-Hamburg Turnpike, thence over Paterson-Hamburg Turnpike to jct. Valley Road, thence over Valley Road to jct. Ratzer Road, Wayne, NJ and return over the same route; (2) Between points in Wayne, NJ serving all intermediate points: From jct. Paterson-Hamburg Turnpike and Black Oak Ridge Road,thence over Black Oak Ridge Road, to jct. NJ Hwy 23, thence over NJ Hwy 23 to jct. J.S. Hwy 46, and return over the same route. Applicant proposes to join the above described routes with its existing authorized routes. Supporting shipper(s): There are 36 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 156511 (Sub-1–2TA), filed November 25, 1981. Applicant: ANTHONY J. ULGIATI, d.b.a. A. J. TRANSPORTATION, 24 Lincoln Avenue, Rochester, NY, 14611. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Metal Products, in bulk, including Aluminum Shot,* between Monroe County, NY, on the one hand, and, on the other, Porter County, IN. *Materials, equipment and supplies, in bulk, including Flux, used in the manufacturing, sale and distribution of metal Products,* between Belmont, Butler, Cuyahoga and Medina Counties, OH, on the one hand, and, on the other, Monroe County, NY. Supporting shipper: Rochester Smelting & Refining Co., Inc. 26 Sherer St. Rochester, NY 14611.

MC 29613 (Sub-1–1TA), filed November 19, 1981. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue, Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are used or dealt in motor vehicles, agricultural equipment, construction equipment, and lawn and leisure products,* between the facilities of International Harvester Company, at Baltimore, MD, on the one hand, and, on the other, the facilities of Jayne's Motor Freight, Inc., at Red Lion, NJ for distribution to points in NJ, NY, PA, and CT. Supporting shipper: International Harvester Company, 401 N. Michigan Ave., Chicago, IL 60611.

MC 143214 (Sub-1–1TA), filed November 25, 1981. Applicant: MATUSZKO TRUCKING, INC., 19 Ball Lane, North Amherst, MA 01059. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous waste)* between points in Franklin and Hampshire Counties, MA, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with All Freight Distributors, Inc. of Sunderland, MA. Supporting shipper: All Freight Distributors Inc., 11 Nebo Road, Sunderland, MA 01375.

MC 29854 (Sub-1–2TA), filed November 25, 1981. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. *Passengers and their baggage, in the same vehicle with passengers, in special operations* beginning and ending at points in New York, NY and extending to Sussex County, NJ. Supporting shipper: Vernon Valley Recreation Association, Vernon Valley Ski Area, Route 94, Vernon, NJ 07462.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 145282 (Sub-II–6TA), application originally published on 11/12/81, page 55795, filed November 2, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd, Depew, NY 14043. Transporting: *Ores and minerals, clay, concrete, glass or stone products, building materials, chemicals, transportation equipment, metal products, machinery and machine parts and materials, supplies and equipment used in the manufacture or distribution of such commodities* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI for 270 days. Applicant intends to interline at all points of entry on the US Canadain Border within the scope of this application. Supporting shipper(s): Nicolet, Inc., Amberler, PA 19002; Parish Division of Dana Corp. Robesen and Weiser Sts., Reading, PA 19603; Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482; Baldt, Inc., P.O. Box 350; Chester, PA 19016. The purpose of this republication is to include interlining.

MC 153511 (Sub-II–2TA), filed November 19, 1981. Applicant: I. J. BLOUGH, JR., P.O. Box 7185, Suffolk, VA 23437. Representative: Ruth M. Cox, 1224 Dutch Road, Suffolk, VA 23437. *Contract; irregular: Machinery and equipment necessary to maintain peanut roasting and blanching factories,* Between Glendale, CA; Newark, DE; Albany, Atlanta and Donalsonville, GA; Homboldt, IA; Chicago, IL; Michigan City, IN; Sabetha, KS: Theif River Falls, MN; Bellville, Glassboro and Lyndhurst, NJ; Rochester, NY; Lexington and Raleigh, NC; Cincinnati and Sidney, OH; Erie, Homerstown and Philadelphia, PA; San Antonio, TX; Norfolk and Suffolk, VA on the one hand, and, on the other, Ozark, AL; Fitzgerald, GA; Robersonville, NC; Durant, OK; and Suffork, VA under continuing contract with National Design, Inc., Suffolk, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Design, Inc., P.O. Box 343, Suffolk, VA 23434.

MC 159012 (Sub-II–1TA), filed November 18, 1981. Applicant: KELLY BUS SERVICE, INC., 1127 45th Place, S.E., Washington, D.C. 20019. Representative: Peter A. Greene, 1920 N

Street, N.W., Washington, D.C. 20036. *Passengers and their baggage, in charter and special operations,* beginning and ending at points in DC: Montgomery and Prince Georges Counties, MD; Arlington and Fairfax Counties and Alexandria, VA; and extending to points in DE, FL, GA, IL, LA, MD, NH, NJ, NY, NC, OH, PA, SC, VT, VA, and WV for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 21 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 129124 (Sub-II–13TA), filed November 17, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, 1333 New Hampshire Ave., Washington, D.C. 20036. *Coal and coal products,* from points in Erie County, NY to points in Hancock County, WV. An underlying ETA seeks 120 days authority. Supporting shipper: Donner-Hanna Coke Joint Venture, 290 Abby Street, Buffalo, NY.

MC 78092 (Sub-II–1TA), filed November 18, 1981. Applicant: TACONY FREIGHT SYSTEMS, INC., 2301 E. Church Street, Philadelphia, PA 19124. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *General commodities (except classes A and B explosives),* between Philadelphia, PA on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC for 270 days. Supporting shippers: (1) Allen Forwarding Co., Mall Bldg., 4th and Chestnut Sts., Phila., PA; (2) B.P.D. International Co., Lafayette Bldg., Philadelphia, PA.

MC 21866 (Sub-II–43TA), filed November 19, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyerstown, PA 19512. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, DC 20036–4579. *Printed matter and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter,* (except commodities in bulk), between Harrisonburg, VA, south of US Highway 33, on the one hand, and, on the other, points in CT, DE, DC, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and WI for 270 days. Supporting shipper: The Banta Company—Harrisonburg, 3330 Willow Spring Road, Harrisonburg, VA 22801.

MC 488 (Sub-II–26TA), filed November 19, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *Metal scrap, wastes or tailings* between points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Continental Commodities, 8 Woodlawn Green, Suite 227, Charlotte, NC.

MC 151142 (Sub-II–5TA), filed November 19, 1981. Applicant: H & H TRANSPORTATION, INC., 1701 E. Main St., Newark, OH 43055. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Meat,* between Coshocton County, OH, on the one hand, and, on the other, Detroit, MI, for 270 days. Supporting shippers: Peschke Meats, 18615 Sherwood Ave., Detroit, MI 48234.

MC 154545 (Sub-2–3TA), filed November 24, 1981. Applicant: L & M EXPRESS, INC., 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagertown, MD 21740. *Contract: Irregular: Lumber and wood products* between Baltimore, MD including its commercial zone, on the one hand, and, on the other, points in WA, OR, ID, MT, NV, WY, CO, ND, DE, NJ, MN, WI, MI, VA, NC, SC, GA, FL, TN, AL, ME, VT, CT, MA, NY, and OH, under continuing contract(s) with Middle Atlantic Wholesale Lumber, Inc. and Erdman Lumber Co., Inc., for 270 days. Supporting shippers: Middle Atlantic Wholesale Lumber, Inc., P.O. Box 49, Stevenson, MD 21153, and Erdman Lumber Co., Inc., 5900 Erdman Ave., Baltimore, MD 21205

• MC 150522 (Sub-II–9TA), filed November 24, 1981. Applicant: VIRGINIAN POWER TRANSPORT CO., P.O. Box 537, Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Beer and malt beverages* from Allegheny Co., PA; Campbell Co., KY; Ramsey Co., MN and Saginaw Co., MI to Belmont and Jefferson Cos., OH for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper(s): Choice Brands Distributors, 238 Butte St., Steubenville, OH 43952; Muxie Distributing, 50th and Guernsey Sts., Bellaire, OH 43906.

MC 158946 (Sub-II–1TA), filed November 19, 1981. Applicant: ZAPPI OIL & GAS COMPANY, 44 Bridge Street, Washington, PA 15301. Representative: John A. Pillar, Esq., Pillar and Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Petroleum products,* in bulk, in tank vehicles, (1) from Warren, PA to Wellsville, OH; and (2) from Youngstown and Niles, OH to points in the Counties of Beaver, Butler, Lawrence and Mercer, PA, under continuing contract with United Refining Company of Warren, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Refining Company, Box 599, Warren, PA 16365.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159001 (Sub-3–1TA), filed November 20, 1981. Applicant: BRYWIL, INC., P.O. Box 466, Experiment, GA 30212. Representative: George V. Evans (same address as applicant). *Contract:* Irregular: *Drug store supplies and related items:* Between states of CT, MA, NJ, NY, RI. Supporting shipper: McKesson Drug Co., 280 Dividend Rd., Rocky Hill, CT 06067.

MC 152620 (Sub-3–32TA), filed November 19, 1981. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Contract carrier:* irregular: *General commodities (except Classes A & B Explosives)* between points in the U.S. under continuing contract(s) with the Mobay Chemical Corporation. Supporting shipper: Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

MC 158441 (Sub-3–1TA), filed November 19, 1981. Applicant: BOBBY FRYAR TRUCKING, 418 S. Seminole Drive, Chattanooga, TN 37411. Representative: Bobby Fryar (same as applicant). *Contract:* Irregular: *Sand & Gravel Aggregate hauled in dump trucks.* Under a continuing contract or contracts with Dixie Sand & Gravel Co. and Bowen Brothers, between Points in TN and GA. Supporting Shipper: Dixie Sand & Gravel Co., 515 River Street, Chattanooga, TN 37402, Bowen Brothers, Inc. P.O. Box 643, Dalton, GA 30720.

MC 156839 (Sub-3–2TA), filed November 24, 1981. Applicant: RICHARD WITTEVEEN, d.b.a. WITTMARK ASSOCIATES, Representative: David P. Senkpiel, 420 Manor Drive, High Point, NC 27260. *Contract* Carrier: Irregular: *New furniture, Materials, Equipment, Supplies used in the manufacturing and distribution thereof* between Dillon, SC and points in the US. Under a continuing contract with Dillon Furniture Manufacturing Co., Dillon, SC, 29536. Supporting shipper: Dillon Furniture Manufacturing Co., North First Street, Dillon, SC 29536.

MC 146377 (Sub-3–1TA), filed October 5, 1981. Republication—Originally published in **Federal Register** of November 12, 1981, page 55795, volume 46, No. 218. Applicant: EDWARD MCGILL, INC., 3 General Avenue, Rome, GA 30161. Representative: Gary Hamilton, 237 North Fifth Avenue, P.O.

Box 476, Rome, GA 30161. *Contract* carrier; irregular; *perishable bakery products,* from Rome, GA, to points in KY, VA, OH, & WV, under a continuing contract with ITT Continental Baking Company, Inc., of Rome, GA. Supporting shipper: ITT Continental Baking Company, Inc., 800 Eden Valley Road, Rome, GA 30161. Applicant intends to tack this authority with authority held in MC–146377, Sub 2F.

MC 158297 (Sub-3–1TA), filed November 20, 1981. Applicant: TRANSCOASTAL SURFACE TRANSPORT, INC., 3861 Rogers Dr., Douglasville, GA 30134. Representative: Louise L. Rochester (same as above). *Steel, machinery, pre-case concrete,* between Atlanta and Savannah, GA; Birmingham, Irondale and Ashville, AL; Miami, FL; Houston and Dallas, TX; Columbus, OH; Chattanooga, and Memphis, TN; Crystal, MN and Hartford, CT. Supporting shipper(s): There are five (5) statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 158687 (Sub-3–1TA), filed November 18, 1981. Applicant: EXEC LINES, INC., 2920 Summerfield Dr., Louisville, KY 40220. Representative: Robert C. Bryant (same address as applicant). *Persons and their baggage, in charter service,* between Louisville, KY and its commercial zone, on the one hand, and on the other hand, GA, IN and OH and TN. Five support shipper statements may be examined at the ICC's Regional Office, Atlanta, GA.

MC 149081 (Sub-3–2TA), filed November 23, 1981. Applicant: FLEIG LEASING INC., 1267 Burlington Road, U.S. Highway 49 South, Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Contract-Irregular-Machinery and machinery parts, materials, equipment and supplies used in the manufacture and distribution of machinery and machinery parts,* between points in the United States, except AK and HI, under continuing contract with RPC Corporation of Roxboro, NC. Supporting Shipper: RPC Corporation, P.O. Box 451, Roxboro, NC 27573.

MC 138736 (Sub-3–2TA) Filed November 23, 1981. Applicant: FBM TRUCKING, INC., P.O. Box 513, Hwy. 54 E., Fayetteville, GA 30214. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Such commodities as are dealt in or used by manufacturers and distributors of juvenile products,* between Rancho Dominguez, CA, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: California Strolee, Inc., 19067 So. Reyes Avenue, Rancho Dominguez, CA 90224.

MC 145190 (Sub-3–2TA), filed November 23, 1981. Applicant: D. A. D. TRANSPORT CORP., 3832 New Cummings Road, Chattanooga, TN 37409. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. (1) *Corrugated containers* between Chattanooga, TN, and points in its Commercial Zone, on the one hand, and, on the other, points in AL, GA and those points in FL in and west of Jefferson County, FL and (2) *paperboard* from points in AL amd GA to Chattanooga, TN and points in it's Commercial Zone. Supporting Shipper: Container Corporation of America, P.O. Box 1225, Stone Mountain, GA 30086; G. P. Westcott & Company, P.O. Box 255, Signal Mountain, TN 37377; Precision Packaging, Inc., 310 East 28th Street, Chattanooga, TN 36410.

The following Applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 3116 (Sub-4–1TA), filed November 20, 1981. Applicant: YERGES VAN LINERS, INC., 1230 Whitewater Ave., Highway 12, P.O. Box B, Fort Atkinson, WI 53538. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *pickles, pickle relish, pickle products, and kraut, and materials, equipment and supplies used in the manufacture and distribution of such commodities,* between Waterloo, WI, and points in AR, IA, IL, IN, KS, LA, MI, MO, MS, OH, OK, PA, TN and TX. Restricted to transportation performed under continuing contract(s) with J. G. Van Holten & Son, Inc. Supporting shipper: J. G. Van Holter & Son, Inc., P.O. Box 66, Waterloo, WI 53594.

MC 118846 (Sub-4–2TA), filed November 19, 1981. Applicant: DALE JESSUP, INC., R.R. 1, Camby, IN., 46113. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Indianapolis, IN., 46220. *Malt beverages* from Newport, KY, LaCrosse, WI, St. Louis MO, Detroit, MI, Milwaukee, WI, Peoria, IL and Columbus, OH to points in IN. Supporting Shippers: Scott County Distr. Co., Inc., R.R. 6, Box 18, Scottsburg, IN., 47170, Rhoades Beverage Co., Inc. 706 W. Main St., Plainfield, IN., Salem Beverage Co., Inc., 309 S. Water St., Salem, IN.

MC 141512 (Sub-4–3TA), filed November 19, 1981. Applicant: HOMER'S, INC., 10554 W. Donges Ct., Milwaukee, WI 53224. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. (1) *Beverages* from Cleveland and Cincinnati, OH, St. Louis, MO, and Chicago, IL to points in WI; and (2) *Containers and container closures* from Oak Creek, WI to Memphis, TN. Supporting shippers: Jos. Schlitz Brewing Company, 235 W Galena St., Milwaukee, WI 53212; Highland Brands, Inc., P.O. Box 164, Germantown, WI 53022.

MC 144927 (Sub-4–12TA), filed November 19, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *Industrial chemicals, liquid agricultural insecticide, now toxic antifreeze, liquid cleaning compounds, nuriatic acid,* from Liberty, MO to points in IN, OH, PA, and NY. An underlying ETA seeks 90 days authority. Supporting shipper: Douglas Chemical, R.R.#3—Box 180, Liberty, Missouri 64068.

MC 147644 (Sub-4–10TA), filed November 19, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Lane, Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Printed matter,* between Louisville, KY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Fetter Prntg. Co., Louisville, KY. 40201.

MC 148126 (Sub-4–2TA), filed November 19, 1981. Applicant: E.W.I. TRUCKING, INC., 2055 Johns Drive, Glenview, IL 60025. Representative: T. M. Schlechter & D. S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract;* Irregular: *Foodstuffs, and Materials, Equipment and Supplies used in the manufacture or distribution of foodstuffs,* Between points in the Chicago, IL, Commercial Zone; Bradley, Jacksonville and Springfield, IL; Indianapolis, IN; Fredericksburg and New Hampton, IA; Bear Lake, Coloma, Decatur, Grawn and Hillsdale, MI; Minneapolis and St. Paul, MN; and Milwaukee and Oak Creek, WI; on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, OH, and WI, under continuing contract(s) with the Kitchens of Sara Lee located in Deerfield, IL. Supporting Shipper: Kitchens of Sara Lee, 500 Waukegan Rd., Deerfield, IL 60015.

MC 148175 (Sub-4–5TA), filed November 19, 1981. Applicant: ROBERT W. DENTON, d.b.a. SPIRIT TRUCKING, 8700 S. Wolf Rd., Hinsdale, IL 60521. Representative: Robert W. Denton, 9100 W. 47th St. Brookfield, IL 60513. General Commodities (except Classes A & B explosives), having prior or subsequent movement by rail, water or air, between Chicago, IL and Its Commercial Zone, on

the one hand, and on the other points in MO, IA, KY and MN. Supporting Shippers: Argus Shipping Co., 2300 E. Higgins Road, Elk Grove Village, IL 60007., Militzer & Muench, 2720 Desplaines Ave., Des Plaines, IL 60018, Dart Containerline Ltd., 9950 W. Lawrence, Schiller Park, IL. 60176.

MC 149457 (Sub-19TA), filed November 20, 1981. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract*; irregular; *Wearing apparel* from Brooklyn, OH to points in the U.S. (except AK and HI) under a continuing contract(s) with Joseph & Feiss Company, a Division of Phillips-Van Heusen. An underlying ETA seeks 120 days authority. Supporting Shipper: Joseph & Feiss Company, a Division of Phillips-Van Heusen, P.O. Box 5968, Cleveland, OH 44101.

MC 150210 (Sub-4–4TA), filed November 19, 1981. Applicant: CULTURED FOODS, INC., 370 University Avenue, St. Paul, MN 55103. Representative: Richard G. Braman, Attorney at Law, 1100 National City Bank Building, 510 Marquette Avenue, Minneapolis, MN 55402. *Empty plastic containers to be used in the packaging of dairy products*, from the facilities of Shamrock Industries, Inc. located at Minneapolis, MN to the facilities of Consolidated Badger Cooperative located at DePere, WI. *Supporting shipper: Consolidated Badger Cooperative, P.O. Box 129, DePere, WI 54115.*

MC 151482 (Sub-4–9TA), filed November 19, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Drive, Rockford, IL 61109. Representative: Thomas F. Mohr (same as applicant). *Contract* irregular: *Rolls of plastic film or sheeting and supplies used in the manufacturing thereof* between Jeanette, PA and Freeport, IL. Restricted to traffic moving under continuing contract with Newell Companies. Supporting Shipper: Newell Companies, Freeport, IL.

MC 152284 (Sub-4–5TA), filed November 19, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1 Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, Attorney at Law, 1502 Main St., Speedway, IN 46224. *Contract*, irregular; *primary metal products, fabricated metal products and machinery and supplies* between points in the U.S. (except AK and HI). Restricted to traffic moving under a continuing contract with Rexnord, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Rexnord, Inc., 2753 Michigan Rd., Madison, IN 47250.

MC 153721 (Sub-4–3TA), filed November 19, 1981. Applicant: RAF TRANSPORT, INC., R. R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204. *Animal and Poultry Feed Supplements*, between points in Lake County, IL and Marion County, IN on the one hand, and on the other, points in Jackson and Jennings Counties, IN.

MC 154568 (Sub-4–2TA), filed November 19, 1981. Applicant: CLARENCE DEAN KVALEVOG, d.b.a. C.D. KVALEVOG, R.R. 7, Box 266–17, Bemidji, MN 56601. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Malt beverages*, from (1) St. Louis, MO to Williams and Ward Counties, ND; Richland County, MT; Beltrami and Polk Counties, MN; and (2) Milwaukee, WI to Ward County, ND and Polk County, MN and (3) Memphis, TN to Williams County, ND and Richland County, MT; and (4) St. Paul, MN to Ramsey County, ND, for 270 days. Supporting Shippers: Jerome Wholesale, Inc., 520 BN Right of Way, Devils Lake MN 58301; Creighton Distributors, Inc., Box 1185, Williston, ND; and Magic City Beverages Co., Box 980, Minot, ND, 58701.

MC 155668 (Sub-4–2TA), filed November 19, 1981. Applicant: YANKE TRANSFER, LTD., Box 66, Viscount, Saskatchewan, Canada S0K4M0. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Sulphur*, from ports of entry on the International Boundary Line between the U.S. and Canada in ND, MN and MT to points in MI, MN, OH, IL, ND, SD, MT, WA, ID and WY. Supporting shipper: Tiger Chemicals, Ltd., Calgary, Alberta, Canada.

MC 157760 (Sub-4–5TA), filed November 20, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53215. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703. *Buses, in initial driveaway movements*, between Los Angeles County, CA, on the one hand, and points in KY, MI, NJ, NY and OR, on the other hand. Supporting Shipper: *Crown Coach Corporation*, 2428 E. 12th St. Los Angeles, CA 90021.

MC 159051 (Sub-4–1TA), filed November 20, 1981. Applicant: RINKER TRANSPORT, INC., Roger Rinker, President, Route 1, Box 97, Hamlet, IN 46532. Representative: Clifford J. Rice, Rice, Rice, Handlon & Anderson, Attorneys at Law, a professional corporation, 3235 Willowcreek Road, Portage, IN 46368. *Wire Carriers and Wire Spools*, from the facilities of Acrowire Accessories, Inc. at or near Rolling Prairie, IN, to the plant site and warehouse facilities of Jones & Laughlin Steel Company, at or near Aliquippa, PA, and the plant site and warehouse facilities of Amerwire, Inc. at or near Joliet, IL. An underlying ETA was filed Supporting Shipper: Acrowire Accessories, Inc., P.O. Box 6, 5022 East Oaknoll Road, Rolling Prairie, IN 46371.

MC 159354 (Sub-4–1TA), filed November 18, 1981. Applicant: RONH THEATRICAL TRANSPORT SPECIALIST, INC., 701 Mallard Lane, Deerfield, IL 60015. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. Contract Carrier, transporting *Theatrical, television and other materials usually and ordinarily used in staging industrial, theatrical and convention shows*, Between points in the Chicago, Illinois Commercial Zone, on the one hand, and, San Francisco, Los Angeles, CA; Dallas & Houston, TX; Washington, D.C.; Maui, HI; St. Louis, MO; Tampa & Jacksonville, FL; Merrimac, NH; Williamsburg, VA; Columbus, OH; Baldwinsville, NY; Newark, NJ; Atlanta, GA; Hunt Valley, MD; Wichita, KS; and Charlotte, NC, on the other. Supporting shippers: Paulette-Wolf Productions, Inc., 1159 No. State Parkway, Chicago, IL 60610 and Production Associates, Ltd., 80 Lively Blvd., Elk Grove, IL 60007.

MC 159355 (Sub-4–1TA), filed November 18, 1981. Applicant: BASTIN VERHOEVEN DELIVERY, INC., 501 W. 172nd St., South Holland, IL 60475. Representative: William D. Brejcha, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *Iron and steel articles*, between Alsip, IL, on the one hand, and, on the other, Indianapolis, IN.

MC 159362 (Sub-4–1TA), filed November 19, 1981. Applicant: MICHAEL D. WENZEL, d.b.a. MIKES SERVICE, 3514 S. Archer, Chicago, IL 60609. Representative: Mike Wenzel, 3548 S. Western, Chicago, IL 60609. *Motor vehicles, wrecked or disabled, in tow-away service* between points in IL, IN, WI, MO, KS, and KY. Supporting shipper(s); Devon Movers, 1017 W. 47 St. Chicago, IL 60609. Middlewest Freightways Inc., 2901 W. 31 St. Chicago, IL 60623. Longfellow Cartage, 1017 W. 47 St. Chicago, IL 60609.

MC 159384 (Sub-4–1TA), filed November 20, 1981. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Liquid corn syrup in bulk* from Keokuk, IA to points in IL, MN and

WI. Supporting shipper: Hubinger Co., 601 Main Street, Keokuk, IA 52632.

MC 40978 (Sub-4–18TA), filed November 25, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Furniture and fixtures* from NC to points in IL and IN. Supporting shippers: There are 11 supporting shippers.

MC 120364 (Sub-20TA), filed November 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract:* irregular; *Decubitus pads, plush or pile fabrics, and articles produced therefrom, and materials, equipment and supplies used or useful in the manufacture, sale or distribution of such commodities* between Cowan, TN, on the one hand, and, on the other, points in IL, IN, MO, and WI, under continuing contract(s) with Monterey Mills, Inc., Janesville, WI. Underlying ETA seek 120 days authority. Supporting shipper: Monterey Mills, Inc., 1725 E. Delevan Drive, Janesville, WI 53545.

MC 120364 (Sub-4–21TA), filed November 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *General commodities (except Classes A and B explosives)* between WI, IL, IN, and MO, on the one hand, and, on the other, points in the U.S. There are thirty-five supporting shippers.

MC 120364 (Sub-4–22TA), filed November 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract:* irregular; *Metal Products* from Savanna, IL to points in NE, KS, IA, MO, AR, WI, MI, IN, OH, KY, TN and PA under a continuing contract(s) with Hot Formed Products, a Division of MacLean-Fogg Corporation, for 270 days. An underlying ETA seeks 120 days authority: Supporting shipper: Hot Formed Products, A division of MacLean-Fogg Corporation, Box A, Highway 84, South, Savanna, IL 61074.

MC 126927 (Sub-4–1TA), filed November 24, 1981. Applicant: PANTHER TRANSPORTATION, INC., 7301 W. 15th Avenue, Gary, IN 46406. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. (1) *Solar equipment, furnaces, air-conditioning machinery, heaters, and containers, and* (2) *equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Rheem Manufacturing Co., at Indianapolis, IN, Chicago, IL, and Ft. Smith, AR, on the one hand, and, on the other, points in WI, MI, MN, IN, IL, OH, KY, MO, IA and AR. Supporting shipper: Rheem Manufacturing Co., 7600 S. Kedzie, Chicago, IL 60652.

MC 133189 (Sub-4–15TA), filed November 25, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Landscaping and lawn products,* between points in Hennepin, Ramsey and Dakota Counties, MN on the one hand, and, on the other, points in CO, WI, IA, ND, and SD. Supporting shipper: Patio Town, P.O. Box 2027, North St. Paul, 55209.

MC 135410 (Sub-4–43TA), filed November 24,1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th Street Rd., Monmouth, IL 61462. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A; Park Ridge, IL 60068. *Metal products and machinery,* (1) from points in OH, IN, and MI, and St Louis, MO, Little Rock and Sulphur Springs, AR, Tonawanda, Rochester and Syracuse, NY, Rush City, MN, Fairfield, IA and Bowling Green, KY, and points in the commercial zones of the respectively named cities, to Lincoln, NE, Galesburg and Waukegan, IL, and Beloit, Milwaukee and Manawa, WI, and points in the commercial zones of the respectively named cities; (2) between Lincoln, NE, Galesburg and Waukegan, IL, and Beloit, Milwaukee and Manawa, WI, and points in the commercial zones of the respectively named cities; (3) from Milwaukee, WI, and points in its commercial zone, to Lincoln, NE and Galesburg and Waukegan, IL, and points in the commercial zones of the respectively named cities; and (4) from Lincoln, NE, Galesburg and Waukegan, IL, and Beloit, Milwaukee and Manawa, WI, and points in the commercial zones of the respectively named cities, to Ashtabula, OH, Little Rock, AR, Flint, MI and Tonawanda, NY, and points in the commercial zones of the respectively named cities. Restriction: Parts (1), (2), (3) and (4) above are restricted to the transportation of traffic either originating at or destined to the facilities of Outboard Marine Corporation. Supporting shipper: Outboard Marine Corporation, 3145 Central Ave., Waukegan, IL 60085.

MC 145636 (Sub-4–7TA), filed November 24, 1981. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. *Such Articles as are used in the sale, manufacture and distribution of Plastic or Rubber Products.* From Allentown, PA; Canton, OH; Charlotte, NC; Cincinnati, OH; Cleveland, OH; Greenville, SC; Hartwell, GA; Hartsville, SC; Itasca, IL; Laurens, SC; Mendota, IL; Minneapolis-St. Paul, MN Commercial Zone; Milford, MA; Philadelphia, PA; Spartanburg, SC; Stoughton, MA; to the facilities or Fiberite Corporation at or near Greenville, TX. Supporting Shipper: Fiberite Corporation, 501 West Third St. Winona, MN 55987.

MC 153273 (Sub-4–5TA), filed November 25, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representatives: John H. Sage (same address as applicant). Contract Carrier: Irregular Routes: *Food and food related articles* from, to, and between Fredonia, NY and all points in AL, IL, KY, LA, MN, MO, OK, TX, TN, WI., under contract with The Red Wing Company, Inc. of Fredonia, NY. Supporting shippers: The Red Wing Company, Inc. 196 Newton Street, Fredonia, NY 14063.

MC 154800 filed November 20, 1981. Applicant: S & B TRUCKING, INC., Route 1, Box 151, Colfax, WI 54730. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Hides,* between points in TX and KS on the one hand, and, on the other, points in Muscatine County, IA; and between points in Muscatine County, IA on the one hand, and, on the other, points in Sheboygan County, WI. Supporting Shipper: Armira Corporation, 1113 Maryland Ave. Sheboygan, WI 53081.

MC 155025 (Sub-4–2TA), filed November 24, 1981. Applicant: ARNOLD BERG, JR. d.b.a. BERG GRAIN & PRODUCE, Box 746, Moorhead, MN 56530. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Meats,* from the facilities of Held Beef, Inc., near West Fargo, ND, to points in the U.S. Underlying ETA seeks 120 days authority. Supporting shipper: Held Beef, Inc., Stockyards Road, West Fargo, ND 58078.

MC 159147 (Sub-R4–1TA), filed November 24, 1981. Applicant: NEW STYLE TRANSPORT, 9115 Swanson Road, Algonquin, IL 60102. Representative: Hugh G. Doggett, Jr., 93

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Timberhill Drive, Crystal Lake, IL 60014. Contract: Irregular: *Stryrofoam products,* from Oelwein, IA to points in IL, IA, MN, MO, and MI under continuing contract(s) with Western Foam of Oelwein, IA. Supporting shipper: Western Foam, 951 Second Ave. S.E., Oelwein, IA 50662.

MC 159386 (Sub-4–1TA), filed November 20, 1981. Applicant: DOUG EHRLICH, INC., 201 East Arbor, #202E, Bismarck, ND 58501. Representative: Charles E. Johnson, WHEELER, WOLF, PETERSON, SCHMITZ, McDONALD & JOHNSON, 220 North 4th Street, Box 773, Bismark, ND 58502. Contract, irregular, transporting (1) *lumber, wood products and building materials* between points in MN, IL, IN, WI, ND, SD and MI on the one hand, and, on the other, points in the U.S. and (2) *construction machinery and equipment and materials, equipment and supplies used in the manufacture of construction machinery and equipment* between the facilities of Holland Loader Co. and Holland Construction Co. at or near Billings, MT, on the one hand, and, on the other, points in the U.S., under contract with Plywood Distributing Co., Inc., Wheaton, IL, Holland Construction Co., Billings, MT, and Holland Loader Co., Billings, MT. Supporting shippers: Plywood Distributing Co., Inc., Box 726, Wheaton, IL 60187; Holland Loader Co. and Holland Construction Co., 2450 South 32nd Street West, Billings, MT 59102.

MC 159387 (Sub-4–1TA), filed November 20, 1981. Applicant: JAMES W. AMBLER, R.R. #1, Mendota, IL 61342. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *(a) Bakery goods and (b) protein products* from (a) Minneapolis, MN to Clinton and Davenport, IA, and (b) from Pryor, OK to Chicago, Joliet, Springfield, IL, Waverly and Davenport, IA, St. Louis, MO and Terre Haute, IN. An underlying E/T/A seeks 120 days authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 159428 (Sub-4–1TA), filed November 24, 1981. Applicant: LOREN J. VERBURG & DAVID E FOWLER, d.b.a. EXCELLENT TRUCKING CO., P.O. Box 41, Zeeland, MI 49464. Representative: Suzette Harden, 3120 Madison SE., Grand Rapids, MI 49508. *General Commodities* (except household goods as described by the Commission and class A & B explosives) between points in the U.S. under continuing contract with Ex-Cell-O Corporation. Supporting shipper: Ex-Cell-O Corporation, 801 Ladd Rd., Walled Lake, MI 48088.

MC 159432 (Sub-4–1TA), filed November 24, 1981. Applicant: B. Z. ENTERPRISES, INC., 10794 Pine St., Bldg. 7, Taylor, MI 48180. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910. *Contract* irregular: Metal products, equipment, and supplies used in the production and sale thereof between points in WV, MO, NY, IL, OH, PA, and MI, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Moore Flamecutting, Inc. An underlying ETA seeks 120 days. Supporting shipper: Moore Flamecutting, Inc., 28326 Hayes Road, Roseville, MI 48066.

MC 159439 (Sub-4–1TA), filed November 25, 1981. Applicant: RICHARD McDOLE, d.b.a. REX TOWING AND WELDING, 1931 First Street, Rock Island, IL 61201. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Wrecked and disabled motor vehicles and trailers,* between Rock Island County, IL, on the one hand, and, on the other, points in IA. Supporting shipper: Roadway Express, Inc., P.O. Box 471 Akron, OH 44309.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 116004 (Sub-5–3TA), filed November 20, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same as applicant). *General commodities* (except household goods as defined by the Commission and A & B explosives), BETWEEN Vandalia, IL and Columbus, OH over IS Hwy 70; BETWEEN Indianapolis, IN and Cincinnati, OH over IS Hwy 74; BETWEEN Indianapolis, IN and Ft. Wayne, IN over IS Hwy 69; BETWEEN Cincinnati, OH and Toledo, OH over IS Hwy 75; BETWEEN Cincinnati, OH and Cleveland, OH over IS Hwy 71; and return over the same routes, serving all intermediate points and serving Summitt and Stark counties OH as off route points in connection with regular route authority. Tacking and interlining are requested. There are 60 supporting shippers.

MC 121625 (Sub-5–4TA), filed November 20, 1981. Applicant: ARK CITY EXPRESS, INC., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same as applicant). *Bicycles and other aritcles related to the manufacture of,* from Kay County, OK and Cowley County, KS to all points in the U.S. Supporting shipper: Huffy Corporation, 2500 Huffy Road, Ponca City, OK 74601.

MC 123476 (Sub-5–12TA), filed November 19, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Food and related products including pet food, raw materials, and equipment and supplies used in the manufacture and distribution thereof,* between the IL Counties of Cook and Kanakee, the KS County of Wyandotte on the one hand, and, on the other hand, all points in the states of AR, IA, IL, IN, KY, KS, MI, OH, TN, WI, and MO. Supporting shipper: Swift and Co., 115 W. Jackson, Chicago, IL 60604.

MC 124174 (Sub: 5–53 TA), filed November 18, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Lumber and Wood Products and Building Materials,* From Palmer and Chicopee, MA and South Windham, CT, to Pts. in NY, NJ, MD, PA, NC, SC, VA, WV, KY, OH, and IN. Supporting shipper: Lumber Sales Management Corp., P.O. Box 401, Needham, MA 02192.

MC 124211 (Sub-5–2TA), filed November 18, 1981. Applicant: HILT TRUCK LINE, INC., P.O. BOX 988 DST, Omaha, NE 68101. Representative: Norma J. Hilt (same as applicant). *Such commodities as are dealt in or used by manufacturers or distributors of machinery, electrical equipment, and parts.* Between Potter County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Tiernan Corporation, P.O. Box 7588, Amarillo, TX 75109.

MC 144117 (Sub-5–12TA), filed November 19, 1981. Applicant: TLC LINES, INC., 1666 Fabick Drive, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Wine (except commodities in bulk),* from points in CA on, west and north of U.S. Highway 395, to points in CT, DE, DC, IL, IL, IN, LA, KS, KY, LA, ME, MD, MA, MI, MN, MO, ND, NH, NJ, NY, OH, PA, RI, SD, VT, VA and WI. Supporting shipper: LDS Forwarding, Inc., 2211 Wood Sdt., Oakland, CA 94607.

MC 147196 (Sub-5–36TA), filed November 18, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, La. 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract, Irregular; *Office and school furniture and related articles and material normally used in the manufacture of*

same between Collin County, TX and points in the U.S. Supporting shipper: Smith Systems Mfg. Co., P.O. Box 43515, St. Paul, MN. 55164.

MC 147196 (Sub-5 37TA), filed November 19, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract, Irregular: *Iron or steel shelving* between Dallas County, TX on the one hand and Berrien County, MI and San Francisco County, CA on the other. Supporting shipper: Universal Carrier, 613 Easy Street, Garland, TX, 75042.

MC 148643 (Sub-5–2TA), filed November 20, 1981. Applicant: MONTY R. COBLE, d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same as applicant). *Food and Related Products*, between points in the U.S. Supporting shippers: John Morrell & Co., 1800 S. Summit St., Arkansas City, KS 67007; Kansas Food Packers, 608 Burton Ave., Wichita, KS 67213.

MC 149088 (Sub-5–6TA), filed November 19, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, irregular, *coal*, From the mine site of Clemans Coal Co. at or near Pittsburg, KS to Des Moines, IA. Supporting shipper: Mackie Clemans Fuel Co., Inc., 320 N. Locust, Pittsburg, KS 66762.

MC 149199 (Sub-5–6TA), filed November 19, 1981. Applicant: FRONTIER EXPRESS INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *Air handling equipment and supplies; and materials, equipment and supplies used in the manufacture and distribution thereof (except bulk commodities);* between the facilities of Environmental Elements Corporation at Ponca City, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: Environmental Elements Corporation, a subsidary of Koppers Co., Inc. (Titus Products Division), of 1221 International Parkway, Terrell, TX 75081.

MC 149323 (Sub-5–2TA), filed November 19, 1981. Applicant: BINGHAM TRANSPORTATION, INC., 2005 E. Avenue, Baxter Springs, KS 66713. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Gypsum rock, in bulk*, From the facilities of Gold Bond Building Products, a division of National Gypsum Company in Barber County, KS to Sugar Creek, MO. Supporting shipper: Gold Bond Building Products, a division of National Gypsum Co., 2001 Rexford Rd., Charlotte, NC 28211.

MC 155993 (Sub-5–1TA), filed November 10, 1981. Applicant: ISIS LEASING CORPORATION, 5800 Stilwell, Kansas City, MO 64120. Representative: E. Wayne Farmer, City Center Square, 27th Floor, Kansas City, MO 64196. *Frozen and non-frozen foodstuffs, and related items utilized in grocery, restaurant and food business houses and hotel operations* between all points and places in the states of AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, NE, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VA, WA, WV, WI, and WY. Supporting shippers: 7.

MC 156329 (Sub-5–4TA), filed November 20, 1981. Applicant: CHISM, INC., 2160 E. Thoman, Springfield, MO 65803. Representative: Robert Jarvis (same address as applicant). *General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from the facilities utilized by Mead Johnson & Company at Evansville and Mt. Vernon, IN, and Springfield, MO, to points in the U.S. Supporting shipper: Mead Johnson & Company, 2404 Pennsylvania Avenue, Evansville, IN 47721.

MC 159335 (Sub-5–1TA), filed November 18, 1981. Applicant: INTERMODAL CARRIERS, INC., 2815 Gaston Avenue, Dallas, TX 75226. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Such commodities as are dealt in or used by retail department stores* between Dallas, TX and its commercial zone on the one hand, and on the other, Waco, Killeen, Temple, Austin, San Antonio, TX and their respective commercial zones. Supporting shipper: Edison Bros. Stores, Inc., St. Louis, MO.

Note.—Applicant intends to interline.

MC 159341 (Sub-5–1TA), filed November 18, 1981. Applicant: SCHULZ TRANSPORTATION SERVICES, INC., Route 3, Box 89, Seward, NE 68434. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; irregular. *Meats and packinghouse products*, from Downs, KS to Los Angeles, Lodi and Fresno, CA, under continuing contract(s) with Pork Packers International, Inc. Supporting shipper: Pork Packers International, Inc., Box 158, Downs, KS 67437.

MC 159367 (Sub-5–1TA), filed November 19, 1981. Applicant: MID-AMERICA TRAVEL CENTERS, INC., 508 6th St., Grundy Center, IA 50638. Representative: Martha Martell, 600 Fifth Avenue Plaza, Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle as passengers, in round-trip charter operations* beginning and ending in Grundy and Hardin Counties, IA, and extending to pts. in the U.S. (including AK but excluding HI). Supporting shippers: Grundy Center Chamber of Commerce, Grundy Center, IA 50638; Reinbeck Friendly Seniors, c/o Doris Casey, Reinbeck, IA 50669; City of Eldora, c/o Jeffrey Kooistra, Eldora, IA 50627; Dorothy's Senior Citizen Center, c/o Marlene Zeisman, Eldora, IA 50627.

MC 117765 (Sub-5–25TA), filed November 23, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Food and Related Products*, Between Points in State of WI, on the one hand, and points in AR, KS, MO, OK and TX. Supporting shipper: American Farms Corporation, P.O. Box 311, Waupun, WI 53963.

MC 138954 (Sub-5–1TA), filed November 23, 1981. Applicant: TRUCK SERVICE HAULING & RENTALS, INC., 7140 Greenwell Springs Road, P.O. Box 15891, Baton Rouge, LA 70895. Representative: Glideville or Barbara Ann Creech, 1748 Sherwood Forest Blvd., Baton Rouge, LA 70895. Contract; Irregular *Steel Rebar and other related items* between LA and TX. Supporting shipper: Sheffield Steel Corporation, P.O. Box 3236, Baton Rouge, LA 70821.

MC 139587 (Sub-5–5TA), filed November 23, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 601, Carthage, MO 64836. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Foodstuffs*, from North Kansas City, MO, to points in AR and OK. Supporting shipper(s): The Pillsbury Company, The Pillsbury Center, Mail Station 1964, Minneapolis, MN 55402.

MC 145802 (Sub-5–4TA), filed November 23, 1981. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Meat and meat products*, from the facilities of John Morrell & Co. located at Estherville and Sioux City, IA; Fairmont and Worthington, MN; and Sioux Falls, SD to pts in AL, CA, FL, GA, KS, LA, MS, NC, OK, SC, TN and TX. Supporting shipper(s): John Morrell &

Co., 208 South LaSalle, Chicago, IL 60604.

MC 145921 (Sub-5–2TA), filed November 23, 1981. Applicant: NEXT DAY MOTOR FREIGHT, INC., 9470 Aerospace Drive, St. Louis, MO 63134. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *General Commodities (except Classes A and B explosives),* between points in Adams, Brown, Schuyler, Pike, Cook, Lake, DuPage, Scott, Morgan, Cass, Mason, Menard, Logan, DeWitt, Macon, Piatt, Champaign, Vermillion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac, Rock Island, McDonough, Knox, Tazewell, Peoria, and Henry Counties, IL, Warren, St. Louis, St. Charles, Franklin, Jefferson, St. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunklin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasonade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark, and Buchanan Counties, MO, Des Moines, Lee, Scott, Muscatine, and Henry Counties, IA, Johnson, Wyandotte, and Leavenworth Counties, KS. NOTE: Applicant now holds all of the authority here sought in MC 145921 (Sub No. 4) with the exception of Rock Island, McDonough, Knox, Tazewell, Peoria, and Henry Counties, IL, Scott, Muscatine, and Henry Counties, IA, Leavenworth County, KS, and Buchanan County, MO. Supporting shippers: 23.

MC 145966 (Sub-5–5TA), filed November 23, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *(a) Foodstuffs and pet foods, and (b) materials, equipment and supplies used in the production and distribution of foodstuffs and pet food,* between the facilities of or utilized by Blue Star Foods, Inc. within the commercial zones of Omaha, NE and Farmingdale, NJ, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Blue Star Foods, Inc., 1023 4th St., Council Bluffs, IA 51501.

MC 146717 (Sub-5–3TA), filed November 23, 1981. Applicant: MIDWEST VIKING, INC., 7009 University, Des Moines, IA 50311. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Contract:* irregular *Metal products and related products and materials and supplies used in the manufacture and distribution thereof,* between Dover, NJ; Hampton, VA; LaPorte, IN; Wichita Falls, TX; Plymouth, MI; Milwaukee, WI; Reno, NV; Farmington, CT; Muskegon, MI; Kingsbury, IN; Lancaster, PA; Rockwall, TX; Frederick, MD; and Scottsboro, AL, on the one hand, and, on the other, pts in the U.S. under continuing contract(s) with Pechiney Ugine Kuhlmann Corporation and its subsidiaries, including Howmet Turbine Components Corporation and Howmet Aluminum Corporation. Supporting shipper: Pechiney Ugine Kuhlmann Corporation, 475 Steamboat Road, Greenwich, CT 06830.

MC 146817 (Sub-5–2TA), filed November 23, 1981. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Such commodities as are dealt in and used by automotive tire supply stores,* from Johnson County, KS to pts in IA and Adams, Christian, Fulton, Hancock, Henry, Rock Island, Schuyler, and Whiteside Counties, IL. Supporting shipper: Michelin Tire Corporation, Commercial Division, One Marcus Avenue, Lake Success, NY 11042.

MC 149573 (Sub-5–2TA), filed November 23, 1981. Applicant: NTL, INC., P.O. Box 6645, Lincoln, NE 68506. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Contract,* irregular; *Food and related products* between pts in the U.S. Supporting shipper: Armour Food Company, Greyhound Tower, Phoenix, AZ 85077.

MC 151209 (Sub-5–5TA), filed November 23, 1981. Applicant: GULF WESTERN EXPRESS, INC., P.O. Box 2653, Natchitoches, LA 71457. Representative: John Williams (same as above). *Contract,* Irregular; *Paper bags and/or paper products and related accessories* between points in LA, TX, and MS and points in the U.S. Supporting shipper: Westvaco, New Orleans, LA 70160.

MC 151534 (Sub-5–8TA), filed November 23, 1981. Applicant: R & D TRANSPORTATION CORPORATION, Post Office Box 1908, Des Moines, IA 50306. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, IA 50309. *Metal drywall products and materials, equipment and supplies used in the manufacture and distribution of metal drywall products,* between Douglas County, NE, on the one hand and on the other, pts in the U.S. Supporting shipper: Phillips Manufacturing Co., 4601 S. 76th, Omaha, NE 68127.

MC 153414 (Sub-5–4TA), filed November 23, 1981. Applicant: U.S. POLLUTION CONTROL, INCORPORATED, 2000 Classen Center, Suite 320 South, Oklahoma City, OK 73106. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Acids and chemicals,* between the facilities of Ozark-Mahoning at or near Tulsa, OK, on the one hand, and, on the other, points in IL, KY, MI, MO, and TN. Supporting shipper[s]: Ozark-Mahoning, 5101 West 21st Street, Tulsa, OK 74107.

MC 155371 (Sub-5–3TA), filed November 23, 1981. Applicant: JERRY L. ELLIS, d.b.a. JERRY L. ELLIS TRUCKING COMPANY, 505 Metcalf, Mansfield, TX 76063. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *Iron and steel pipe,* from Houston, TX to points in TX. Supporting shippers: Intercontinental Pipe & Steel, 8340 Meadow Road, #150, Dallas, TX 75231; Robert R. McClanahan & Associates, 8609 Northwest Plaza, Suite 222, Dallas, TX 75225.

MC 158733 (Sub-5–2TA), filed November 23, 1981. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., S.W., Cedar Rapids, IA 52404. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Popcorn,* from Marshalltown, IA, to AL, AR, CO, GA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, PA, SC, SD, TN, TX, WI, and WY. Supporting shipper: Party Pac Popcorn Co., 208½ E. Main Street, Marshalltown, IA 50158.

MC 159291 (Sub-5–1TA), filed November 23, 1981. Applicant: WRIGHT-WAY EXPRESS, LTD., 616—3rd St., N.E., Independence, IA 50644. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Cereal products and oat flour,* between the facilities of National Oats Co. at Cedar Rapids, IA on the one hand, and on the other, pts in IL, MN, MO AND WI. Supporting shipper(s): National Oats Co., 1515 H Avenue, N.E., Cedar Rapids, IA 52402.

MC 159312 (Sub-5–1TA); filed November 23, 1981. Applicant:

WILLIAM R. GAGE, d.b.a. WILLIAM R. GAGE TRUCKING COMPANY, 500 South Virginia Street, Charleston, MO 63834. Representative: Jack L. Schiller, 123–60 83rd Avenue, Kew Gardens, NY 11415. Contract irregular: *meats, meat products, meat by-products and products dealt in by meatpacking houses* betweem Humboldt, Memphis and Nashville, TN, on the one hand, and on the other, Laredo, TX, under continuing contract(s) with Mid West Commodity Export Service of Naples, FL. Supporting shipper: Mid West Commodity Export Services Inc., 3401 N. Tamiami Trail, Suite 208, Naples, FL.

MC 159400 (Sub-5–1TA); filed November 23, 1981. Applicant: AMERICAN PATRIOT LINES, INC., 621 Robert, St. Louis, MO. 63135. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. Contract, irregular; *Such commodities as are dealt in by chain grocery stores and food business houses* between points in the U.S. under a continuing contract or contracts with Lever Brothers Company. Supporting shipper: Lever Brothers Company, New York, NY.

MC 159402 (Sub-5–1TA); filed November 23, 1981. Applicant: B&H TRUCKING, INC., 2230 N. Packer Road, Springfield, MO 65803. Representative: Bruce McCurry, Dickey, Allemann & McCurry, 910 Plaza Towers, Springfield, MO 65804. Contract, irregular; *petroleum and its products* between points in the U.S. Supporting shipper: Pennzoil Products Company, 2625 Wagner Place, Maryland Heights, MO 63042.

MC 159403 (Sub-5–1TA); filed November 23, 1981. Applicant: CHARLES BEUKEMA, Route 1, Box 35, Kanawha, IA 50447. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Livestock and horse trailers,* from Hancock County, IA, to pts in ID, KS, MT, ND, NE, OR, SD, UT, WA, AZ, CA, WY, and CO. Supporting shipper: Kiefer Built, Inc., P.O. Box 88, Kanawha, Iowa 50447.

MC 159404 (Sub-5–1TA); filed November 23, 1981. Applicant: CLETUS CARY, an individual, d.b.a. OMNI BUS SERVICE, 3419 Craig, Wichita, KS 67216. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. *Passengers in both special and charter operations, together with the baggage of said passengers;* TO, FROM, AND BETWEEN: All points within Sedgwick County, KS, on the one hand; and all points within the states of NM, OK, MO, CO, TX, and AR, on the other hand. Supporting shippers: Zion United Methodist Church Tour Program, Wichita, KS; L & S Machine Employees' Club, Wichita, KS; Emerson Open Alternative School USD #259, Wichita, KS; National Association Of Mature People, Wichita, KS; Education Overland, Wichita, KS.

MC 114284 (Sub-5–14TA), filed November 27, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: Jack L. Watson (same as above). *Food and related products* from the facilities of Oscar Mayer & Co., Davenport, IA to points in NM, OK, and TX. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, WI 53704.

MC 115554 (Sub-5–5TA), filed November 25, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, RR6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Food and related products (except commodities in bulk)* from Linn County, IA to pts in AL, AR, FL, GA, IL, IN, KS, KY, LA, MI, MO, NE, NY, OH, OK, PA, TN, TX, and WI. Supporting shipper: National Oats Co., Inc., 1515 H Ave., N.E., Cedar Rapids, IA 52402.

MC 138218 (Sub-5–1TA), filed November 25, 1981. Applicant: MID-CITY FREIGHT LINES, INC., 100 S. Hudson Street, Buckner, MO 64016. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961. *Vending machines and vending machine parts* between all points in IA, IL, KS, MO and CA. Supporting shipper: The Vendo Company, 7209 N. Ingram, Pinedale, CA 93650.

MC 138469 (Sub-5–47TA), filed November 27, 1981. Applicant: DONCO CARRIERS, INC., 4720 SW 20th, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Polyethylene, other than liquid,* from Tulsa, OK, to points in the U.S., except AK, HI and OK. Supporting shipper: Armin Plastics of Oklahoma, Inc., 1001 East 54th St., Tulsa, OK 74145.

MC 143389 (Sub-5–5TA), filed November 27, 1981. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, Monroe, LA 71207. Representative: James K. Adams (same as above). *Contract,* Irregular; *Paper and paper products, materials, equipment and supplies used in the manufacture and distribution of paper and paper products* between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NC, OK, OH, SC, TN, TX, WI. Supporting shipper: Georgia-Pacific Corporation, Portland, OR.

MC 145557 (Sub-5–5TA), filed November 25, 1981. Applicant: LIBERTY TRANSPORT, INC., 2501 Nicholson Road, Kansas City, MO 64168. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Food and related products* between points in the U.S. Supporting shipper: John Morrell & Co., 208 South LaSalle, Chicago, IL 60604.

MC 147047 (Sub-5–6TA), filed November 27, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION d.b.a. C. W. C. TRUCKING COMPANY, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *(1) Auto Parts, or Accessories and Materials, Equipment and Supplies used in the manufacture, repair, sale or distribution of Auto Parts or Accessories (2) Wrecked Truck Tractors and Trailers* between TX on the one hand, and, on the other, points in the US. Supporting shipper: A.R.A. Manufacturing Company, P.O. Box 870, Grand Prairie, TX 75050 and Nortex Trailer & Tractor, Inc. 10641 Goodnight Lane, Dallas, TX 75220.

MC 147196 (Sub-5–38TA), filed November 27, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Contract* irregular: *Steel extrusions* between KS, OK, LA, AR on the one hand and Dallas County, TX on the other. Supporting shipper: Long Metals Corporation, Carrollton, TX.

MC 148643 (Sub-5–3TA), filed November 24, 1981. Applicant: MONTY R. COBLE d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City KS 67005. Representative: Monty R. Coble, (same address as applicant). *Contract;* irregular. *Malt beverages (beer) and empty containers,* from Belleville, IL and St. Louis, MO to Ponco City, OK and return over same route. Supporting shipper: 101 Beverage, Inc., 801 N. First, Ponca City, OK 74601.

MC 152775 (Sub-5–4TA), filed November 25, 1981. Applicant: RAM ROD TRUCKING, INC., P.O. Box 1127, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. *Contract,* irregular: *metal products* between points in LA, AL, AR, FL, KY, IL, MS, MO, TN, TX and GA under continuing contract(s) with Van Leeuwen Pipe and Tube Corp., Belle Chasse, LA.

MC 153285 (Sub-5–2TA), filed November 25, 1981. Applicant: COSST CHARTER SERVICE, INC., 2834 Hoyte Drive, Shreveport, LA 71108. Representative: Curtis B. Williams, 2621

Randolph St., Shreveport, LA 71108. *Passengers and their baggage, in charter and special operations,* between Shreveport, LA and points within 200 miles of Shreveport, LA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: 8

MC 154678 (Sub-5–2TA), filed November 25, 1981. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Boulevard, Baton Rouge, LA 70806. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *General commodities (except Classes A and B explosives, commodities in bulk and household goods as defined by the Commission)* between points in AL, on the one hand, and, on the other, points in LA and MS.

Note.—Applicant intends to interline. Supporting shippers: 7.

MC 155595 (Sub-5–18TA), filed November 27, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert St., Dallas, TX 75215. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or utilized by manufacturers and distributors of wearing apparel,* between Rutherford Co., TN; Kennebec Co., ME; and Fairfield Co., CT; on the one hand, and, on the other, points in the U.S. Supporting shipper: Warnaco, Inc., P.O. Box 186, Murfreesboro, TN 37130.

MC 158660 (Sub-5–1TA), filed November 24, 1981. Applicant: BENJAMIN BRUCE DE CHANSO, d.b.a. B D CONSTRUCTION & TRUCKING CO., 2009 Silver Leaf Drive, Arlington, TX 76013. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Portable toilets, and related materials, equipment and supplies,* between points in the U.S., under continuing contract(s) with Usanco, Inc., of Azusa, CA. Supporting shipper: Usanco, Inc., 837 N. Trent Street, Fort Worth, TX 76119.

MC 158704 (Sub-5–1TA), filed November 27, 1981. Applicant: GEM SERVICE CO., P.O. Box 1259, Burns Flat, OK 73624. Representative: Michael H. Lennox, P.O. Box 75613, Oklahoma City, OK 73147. *Oilfield equipment materials and supplies,* to and from all points in the States of AR, CO, KS, LA, NM, OK, and TX. Supporting shipper: There are three (3) Supporting shippers: Arkla Gas, 525 Milam St., Shreveport, LA 71151; McGuire Industries, P.O. Box 4914, Elk City, OK; Oilfield Leed Rental Ser. Co., P.O. Box 1554, Clinton, OK 73601.

MC 159408 (Sub-5–1TA), filed November 24, 1981. Applicant: H & W DELIVERY, INC., 2009 East Abram St., Arlington, TX 76010. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Medical and hospital supplies, pharmaceutical products, hydraulic pumps, motors, repair parts, sprockets and gears,* Between points in the Fort Worth-Dallas, TX, commercial zone, on the one hand, and, on the other points in OK, NM, LA and AR. Supporting shippers: 5.

MC 159421 (Sub-5–1TA), filed November 24, 1981. Applicant: BROADWAY TRANSPORT, INC., 3310 Quebec, Dallas, TX 75247. Representative: Richard J. Bara, World Wide Plaza, Suite 315, 1155 Sherman Street, Denver, CO 80203. *General commodities,* (except Classes A & B explosives), Between points in AR, LA, MS, NM, OK, and TX. Supporting shippers: 16.

MC 159452 (Sub-5–1TA), filed November 27, 1981. Applicant: GLEN ALDERSON, d.b.a. ALDERSON TRUCKING CO., Box 156, West Bend, IA 50597. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Meat and meat products* between Sedgwick County, KS., on the one hand, and, on the other, pts and places in the states of AR, IL, IA, IN, MD, MI, MN, MO, NE, NY, OH, PA & WI. Supporting shipper: DPM of Kansas, Inc., 800 East 37th Street North, Wichita, KS 67219.

The following applications where filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 159639 (Sub-6–1TA), filed November 18, 1981. Applicant: ACE INDUSTRIES, INC., 634 Bryden, Lewiston, ID 83501. Representative: Camile M. Whitmore (same as applicant). *Contract Carrier:* Irregular Routes, *Lumber and Wood Products, and Building Materials, and Materials used in the manufacture and distribution of the above,* from points in AZ, CA, ID, MT, OR, UT, WA, WY, and B.C., to points in AZ, AR, CA, CO, IA, ID, IL, IN, KS, MI, MN, MO, MS, NE, ND, NM, OH, OK, OR, SD, TX, UT, WA, WI, and WY for the account of Northwest Forest Products, Inc. for 270 days. Supporting shipper: Northwest Forest Products, Inc., 1202 Powers, Lewiston, ID 83501.

MC 159370 (Sub-6–1TA), filed November 17, 1981. Applicant: PAUL KITTIPOL VEJABUL, d.b.a. AMERICAN TOUR AND LEASING, 5230 Clark Ave., Suite No. 12A, Lakewood, CA 90712. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. *Passengers with their baggage,* in the same vehicle, in one-way charter operations beginning at points in Los Angeles County, CA and extending to points in Coconino County, AZ and Clark County, NV, for 180 days. Supporting shipper: Takerng Tour Co., Ltd. House 3, Soi Chidlom, Ploenchit, Bangkok, Thailand.

MC 159328 (Sub-6–1TA), filed November 17, 1981. Applicant: DAN DARROW, d.b.a. DARROW TRUCKING, 8185 S. Cole Rd., Boise, ID 83709. Representative: Kevin M. Clark, 1003 N. 8th St., Ste. 200, Boise, ID 83702. *Contract carrier;* irregular routes: *Pressure treated timber products and related products, pre-cut log homes and building materials,* between points in WA, OR, CA, MT, UT, AZ, WY, NV, CO, SD, ND, NE, and ID, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Pressure Treated Timber Company, Inc., 3200 Gowen Rd., Boise, ID 83705.

MC 147727 (Sub-6–2TA), filed November 19, 1981. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: John G. McLaughlin, 101 SW Main St., Rm. 1600, Portland, OR 97204. *Liquid tallow, animal, in bulk,* from points in Walla Walla County, WA to points in ID, OR and WA, for 270 days. An underlying ETS seeks 120 days authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 159371 (Sub-6–1TA), filed November 17, 1981. Applicant: ECCARIUS TRUCKING, 14639 Highland Dr., Grass Valley, CA 95945. Representative: Carl D. Eccarius, (same as applicant). *Manufactured Housing,* from Loomis, CA to final construction sites in NV, AZ, and OR, for 270 days. Supporting shipper(s): Gary Doupnik Manufacturing, Inc., P.O.B. 527, 3415 Swetzer Rd., Loomis, CA 95650.

MC 159372 (Sub-6–1TA), filed November 19, 1981. Applicant: ROBERT L. FISHER, d.b.a. FISHER TRUCKING, 13555 Agate Rd., Eagle Point, OR 97524. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *General commodities* in intermodal containers or vans (except classes A and B explosives, hazardous waste and commodities in bulk in tank vehicles), between Jackson County, OR and Portland, OR with prior or subsequent interstate movement, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Harry and David, 2518 S Pacific Hwy, Medford, OR 97501.

MC 29960 (Sub-6–2TA), filed November 19, 1981. Applicant: GRESHAM TRANSFER, INC., 12008 N.E. Inverness Dr., Portland, OR 97220. Representative: Michael D. Crew, 205 Riviera Plaza, Portland, OR 97201. *Commodities, which because of size or weight require the use of special*

equipment for loading or unloading and *related articles when moving in connection therewith,* from points in Multnomah County, OR, to points in N.D. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Riedel Corporation, 4555 N. Channel, P.O. Box 3320, Portland, OR 97208.

MC 158468 (Sub-6–2TA), filed November 18, 1981. Applicant: HOLIDAY TRANSPORT, INC., P.O. Box F, Alsea, OR 97324 Representative: Nancy A. Crawford (same as applicant). *Contract Carrier,* irregular route, *Lumber and Wood Products; Pulp, Paper and Related Products; Metal Products; Building Materials, and Commodities used in the Manufacture, Sale, and Distribution of the above,* between points in AZ, CA, CO, ID, KS, NE, ND, NM, NV, OK, OR, MO, MI, MN, MT, SD, TX, UT, WA, and WY, Restricted to shipments moving for the account of the Lousiana-Pacific Corporation, for 270 days. Supporting shipper: Lousiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 159329 (Sub-6–1TA), filed November 17, 1981. Applicant: J. E. CASBEER d.b.a. JAY'S MOBILE HOME MOVERS, 173 College Wy., Auburn, CA 95603. Representative: J. E. Casbeer (same as applicant). (1) *Manufactured Housing,* from Loomis, CA to final construction sites in NV, AZ, and OR, for 270 days. Supporting shipper(s): Gary Doupnik Manufacturing, Inc., P.O.B. 527, 3415 Swetzer Rd., Loomis, CA 95650.

MC 159327 Sub-6–1TA, filed November 16, 1981. Applicant: MANUFACTURERS RECYCLYING DISTRIBUTORS, INC., 7014 8th CT. NE., Salem, OR 97303. Representative: Pam E. Moore (same as applicant). (1) *Building Materials, lumber and wood products.* (2) *Waste materials for recycling as part of a conservation program.* (3) *General Commodities, (except A & B explosives, hazardous waste and household goods) in containers and their chasis having prior or subsequent movement by water.* (4) *Steel and steel products* between points in WA and OR for 270 days. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional Office listed above.

MC 152962 Sub-6–2TA, filed November 19, 1981. Applicant: MILMOE-MAXEY ENTERPRISES, INC., d.b.a. MAXI TRANSPORTATION CO., 7705 Alabama Ave., Camoga Park, CA 91304 Representative: Milton W. Flack, 8383 Wilshire Blvd., Beverly Hills, CA 90211 *Petroleum and petroleum products,* in bulk, in tank vehicles, between points in Los Angeles, San Bernardino, Orange, Kern, Contra Costa and Ventura Counties, CA, on the one hand, and, on the other, the Port of Entry on the International Boundary Line between the U.S. and Mexico at or near San Ysidro, CA, restricted to traffic destined to the facilities of Hidro Gas at Tijuana, Mexico, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Energy, Inc., P.O. Box 1191, El Toro, CA 92630.

MC 147917 Sub-6–2TA, filed November 16, 1981. Applicant: MELNI BUS SERVICE, INC., 622 Anacapa St., Santa Barbara, CA 93101. Representative: William J. Monheim, P.O. B. 1756, Whittier, CA 90609. *Passengers and their baggage* in round trip charter operations, beginning and ending at Los Angeles and Orange Counties, CA, and extending to points in CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sports America Tours, Inc., 359 Bel Marin Keys Blvd., #28, Novato, CA 94947.

MC 142935 Sub-6–4TA, filed November 16, 1981. Applicant: PLASTIC EXPRESS, 2301 E. Francis St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Food and Related Products,* between the plantsite of Rod's Food Products, Inc. located in the City of Industry, CA on the one hand, and, on the other, points in ND, SD, NB, KS, MN, IA, MO, AR, LA, MS, AL, TN, KY, OH, IN, MI, WI, and IL, for 270 days. Supporting shipper: Rod's Food Products, Inc., 17380 Railroad Street, City of Industry, CA 91748.

MC 159055 Sub-6–1TA, filed November 16, 1981. Applicant: WHITTLESEA BELL LUXURY LIMOUSINE, 1910 Industrial Road, Las Vegas, NV 89102. Representative: Michael W. Dyer, 50 W. Liberty, Suite 610, Reno, NV 89501. (1) *Passengers and their hand baggage* in seven passenger chauffeur driven limousine service between points in Clark County, NV, on the one hand and, on the other, points in CA, AZ, and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 7 shippers. Their statements may be examined at the Regional Office listed.

Agatha L. Mergenovich,

Secretary.

[FR Doc 81–34970 Filed 12–4–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be

satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–313

Decided: November 25, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 136200 (Sub-2), filed November 16, 1981. Applicant: ACE VAN & STORAGE COMPANY, P.O. Box 602, Escondido, CA 92025. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; and (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159271, filed November 13, 1981. Applicant: SAM RUCKER and FAYTH LEE RUCKER, d.b.a. METRO AIRPORT BLACK AND WHITE CAB COMPANY, 3646 Harrison, Inkster, MI 48141. Representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011, (313) 647–3350. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–462

Decided: November 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42487 (Sub-1055), filed November 18, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities*, between Dodge, WA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrieer service for abandoned rail service.

Volume No. OPY–5–210

Decided: November 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 143098 (Sub-4), filed November 13, 1981. Applicant: LAUGHLIN TRUCKING, INC., Rt. 1, Box 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159249, filed November 12, 1981. Applicant: J.K.J. TRUCKING, INC., 7131 Fisher Woods Rd., Indian River, MI 49749. Representative: Kathleen R. Clark, (same address as applicant), (616) 238–8489. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–213

Decided: November 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 147958 (Sub-3), filed November 17, 1981. Applicant: EMILE R. CARUFEL, d.b.a. CARUFEL REFRIGERATED SERVICE, 21109 91st E. Bonney Lake, Sumner, WA 98390. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156329, filed November 13, 1981. Applicant: CHISM, INC., 2160 E. Thoman, Springfield, MO 65803. Representative: Robert Jarvis, (same address as applicant), 417–865–4127. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159259, filed November 13, 1981. Applicant: NORTH LAKE TRANSPORT, INC., 217 Elmhurst Ave., Elmhurst, IL 60126. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603, 312–782–8880. (1) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–34959 Filed 12–4–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisditional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authority documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–312

Decided: November 25, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2060 (Sub-16), filed November 13, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., d.b.a. PINE HILL TRAILWAYS, 411 Washington Ave., P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004, (202) 628–2060. Over regular routes, transporting *passengers and their baggage, and express and newspapers in the same vehicle with passengers,* (1) between Oneonta and Kingston, NY, from Oneonta over NY Hwy 23 to NY Hwy 296, then over Ny Hwy 296 to NY Hwy 23A, then over NY Hwy 23A to Palenville, then over NY Hwy 32A to NY Hwy 32, then over NY Hwy 32 to Saugerties, then over Interstate Hwy 87 to Kingston, and return over the same route (2) between junction NJ Hwy 17 and Interstate Hwy 80 and New York, NY, from junction NJ Hwy 17 and Interstate Hwy 80 over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, and return over the same route, serving junction NJ Hwy 17 and Interstate Hwy 80 for purposes of joinder only, and (3) between New York, and Freeport, NY, from New York, over NY Hwy 25 to NY Hwy 25B, then over NY Hwy 25B to Mineola, then over Mineola Boulevard and Franklin Ave. to Hempstead, then over Henry St., Greenwich St., Nassau Rd., and Main St., to Freeport, and return over the same route, serving all intermediate points in connection with routes (1) to (3) above, and restricted to the transportation of passengers or a package express originating at or destined to a point on its service routes in (3) above.

MC 64190 (Sub-2), filed November 13, 1981. Applicant: TREMBLAY MOVING & STORAGE CO., INC., 551–561 Whittenton St., Taunton, MA 02780. Representative: Armand J. Tremblay (same address as applicant), (617) 822–2026. Transporting *household goods,* between points in MA, on the one hand, and, on the other, points in CT, DE, FL, GA, ME, MD, MI, NH, NJ, NC, NY, OH, PA, RI, SC, VT, VA, WV, and DC.

MC 87451 (Sub-15), filed November 13, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–4300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Riley Stoker Corporation, of Worcester, MA, Courier Citizen Co., of Lowell, MA, and Daivdson Industries, Inc., of Holden, MA.

MC 88161 (Sub-101), filed October 16, 1981. Applicant: INALND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Representative: Richard J. Howard, 3201 The Bank of California Center, Seattle, WA 98164, (202) 464–4224. Transporting (1) *commodities in bulk,* and (2) *fertilizers, resins, catalysists, polyurethane foam, and glass fibre roving,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 113271 (Sub-82), filed November 16, 1981. Applicant: TRANSYSTEMS, INC, P.O. Box 399, Black Eagle, MT 59414. Representative: Patrick W. Rice, P.O. Box 2644, Great Falls, MT 59403, (406) 727–7500. Transporting *salt,* between points in UT and points in MT, WY, ID and WA.

MC 126091 (Sub-19), filed November 18, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *metal products,* between Steubenville, OH, on the one hand, and, on the other, points in IA, NJ, MO, OK, LA, TN, GA, and MI.

MC 134671 (Sub-4), filed November 13, 1981. Applicant: RICHARD F. MILLAR, d.b.a. RICHARD F. MILLAR TRUCKING, 16742 Bygrove, Covina, CA 91722. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *charcoal, charcoal briquets, hickory chips, charcoal lighter fluid, and related products,* between points in the U.S., under continuing contract(s) with Husky Industries, Inc., of Atlanta, GA.

MC 140201 (Sub-9), filed November 12, 1981. Applicant: SONELL, INC., P.O. Box 228, Flourtown, PA 19031. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, NW., Washington, DC 20005, (202) 783–7900. Transporting *containers, closures, and chemicals and related products,* between points in the U.S.

MC 142181 (Sub-25), filed November 13, 1981. Applicant: COBLE EXPRESS, INC., P.O. Box 1104, 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *such commodities* as are dealt in or used by a manufacturer of trucks and automobiles, between points in Rutherford County, TN, on the one hand, and, on the other, points in the U.S.

MC 143311 (Sub-14), filed November 16, 1981. Applicant: FAMCO TRANSPORT, INC., 6640 Ellis Avenue South, P.O. Box 80007, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *materials, equipment and supplies* used by medical laboratories and hospitals, between points in the U.S., under continuing contract(s) with Hospital Supply Corporation, of Santa Ana, CA.

MC 145760 (Sub-18), filed November 13, 1981. Applicant: JOHNSON TRANSPORTATION CO., 1327 Highway 13 North, Columbia, MS 39429. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *air conditioning equipment and furnaces,* between points in Warren, Davidson, and Rutherford Counties, TN, on the one hand, and, on the other, points in AL, GA, FL, LA, MS, and TX.

MC 146191 (Sub-5), filed November 3, 1981. Applicant: JOHN L. RICKETTS, d.b.a. RICKETTS TRUCKING, 1001 West Magnolia, Phoenix, AZ 85007. Representative: A. Michael Bernstein,

1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *such commodities* as are dealt in or used by grocery stores, between points in the U.S., under continuing contract(s) with A. J. Bayless Markets, Inc., of Phoenix, AZ.

MC 147761 (Sub-4), filed November 13, 1981. Applicant: STEEL EXPRESS, INC., P.O. Box 5217, Lake Station, IN 46405. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *metal products,* (1) between points in IL and IN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, OH, OK, PA, TN, TX, WV, and WI, and (2) between Detroit, MI, on the other, points in Morgan County, AL, and Davidson County, TN.

MC 150301 (Sub-12), filed November 16, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 150301 (Sub-13), filed November 16, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with American Seating Company, of Grand Rapids, MI.

MC 150360 (Sub-3), filed November 13, 1981. Applicant: KENNEDY CO., INC., d.b.a. BRENNAN TRANSPORTATION SERVICES, Pike Road, Mt. Laurel, NJ 08054. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. and Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *general commodities* (except classes A and B explosives), between points in Philadelphia, Bucks, Montgomery, Chester, York, Northampton, Lehigh and Berks Counties, PA, Fairfield County, CT, Anne Arundel, Baltimore, Cecil, Harford, and Howard Counties, MD, Nassau, Staten Island, Orange, Rockland, Westchester, Putnam and Schenectady Counties, NY, and those in DE and NJ.

MC 157620, filed November 16, 1981. Applicant: BARRY TOTH, 600 Lake Martha Dr., N.E., Winter Haven, FL 33880. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *such commodities* as are dealt in or used by retail ice cream and confectionery stores, between points in Westchester County, NY, Bergen County, NJ, and Hampden and Suffolk Counties, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158580, filed November 16, 1981. Applicant: MARVIN K. HICKMAN, d.b.a. HICKMAN TRANSPORTATION CO., 19750 Southland Road, Jackson Center, OH 45334. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *waterbed furniture,* between points in Hardin, Maury, Williamson, and Davidson Counties, TN, on the one hand, and, on the other, points in the U.S. (except HI).

MC 159201, filed November 9, 1981. Applicant: R.C.X., INC., d.b.a. RIVER CITY EXPRESS, 1700 North 11th St., St. Louis, MO 63106. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, on the one hand, and, on the other, points in MO, IL, IN, OH, IA, KY, MI, and WI.

MC 159280, filed November 13, 1981. Applicant: BOWMAN GIN CO., INC., Pine Street, P.O. Box 246, Bowman, SC 29018. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, (803) 799–9122. Transporting *nitrogen fertilizer solutions,* between Garden City, Port Wentworth, and Savannah, GA, on the one hand, and, on the other, points in SC.

Volume No. OPY–3–221

Decided: November 30, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 120514 (Sub-3), filed November 18, 1981. Applicant: WICKER SERVICES, INC., P.O. Box 1398, Burlington, NC 27215. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *general commodities* (except classes A and B explosives and household goods,), between points in Alamance County, NC, on the one hand, and, on the other, points in Pittsylvania County, VA.

MC 135185 (Sub-68), filed November 19, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5859. Transporting *malt beverages,* between points in the U.S. (except AK and HI), under continuing contracts with Pabst Brewing Company, Premier Malt Products, Industrial Products Division, Inc., and Blitz Weinhart Brewing Co.

MC 145074 (Sub-1), filed November 18, 1981. Applicant: FREDERICKSEN TANK LINES, INC., 850 Delta Lane, P.O. Box 717, West Sacramento, CA 95691. Representative: Michael S. Rubin, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104, (415) 421–6743. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, between points in CA, NV, AR, OR, WA, ID, UT, CO, MT and WY.

MC 147304 (Sub-4), filed November 19, 1981. Applicant: MONTE L. THOEN and DORIS R. THOEN, d.b.a. THOEN TRUCK RENTALS, 13124 N W Sue St., Portland, OR 97229. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products,* (1) between points in OR, WA, and CA, and (2) between points in OR, WA, and CA on the one hand, and, on the other, points in ID, MT, UT, WY, CO, NM, AZ, NV, and TX.

MC 147494 (Sub-5), filed November 19, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting (1) *machinery,* and *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Anel Engineering Industries, Inc., of Winona, MS, (2) *metal products, rubber and plastic products,* and *jute bagging,* between points in the U.S. (except AK and HI), under continuing contract(s) with L. P. Brown Company, Inc., of Memphis, TN, and (3) *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Piper Industries, Inc., of Memphis, TN.

MC 149324 (Sub-3), filed November 18, 1981. Applicant: BLACK ARROW TRANSPORT, INC., 200 Chestnut Street, P.O. Box 1924, Springfield, MA 01101. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under a continuing contract(s) with General Electric Company, Distribution Equipment Division, of Plainville, CT.

MC 149484 (Sub-5), filed November 17, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *machinery,* between points in the U.S.

(except AK and HI), under continuing contract(s) with General Electric Company of Louisville, KY.

MC 157375 (Sub-3), filed November 17, 1981. Applicant: WINDY HILL FOLIAGE, INC., P.O. Box 1642, Eustis, FL 32726. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *pulp, paper and paper products,* between points in WI, on the one hand, and, on the other, points in AL, GA, FL, LA, MS and TX.

MC 159345, filed November 18, 1981. Applicant: SCHEELER BUS SERVICE, 719 Old Joppa Rd., Joppa, MD 21085. Representative: Geary B. Scheeler (same address as applicant), (301) 877–1658. Transporting *passengers and their baggage,* beginning at points in Baltimore and Harford Counties, MD and extending to points in NJ, PA, VA, DE and DC.

MC 159364, filed November 19, 1981. Applicant: BENTON TRANSPORTATION, INC., 905 S. Cuyler, Oak Park, IL 60304. Representative: Patrick H. Smyth, 105 W. Madison Street, Suite 1008, Chicago, IL 60603, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under a continuing contract(s) with Utility Trailer Manufacturing Co., of City of Industry, CA.

Volume No. OPY–4–461

Decided: November 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 32967 (Sub-6), filed November 10, 1981. Applicant: ATLANTIC COAST EXPRESS, INC., 2170 N. Fleet St., Elizabeth, NJ 07201. Representative: Edward D. Greenberg, 1054 Thirty-first St., N.W., Washington, D.C. 20007, (202) 342–5200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI) under continuing contract(s) with Atlantic Container Line, of New York, NY.

MC 70267 (Sub-20), filed November 17, 1981. Applicant: ECKERT TRUCKING, INC., 1090 E. Springettsbury Ave., York, PA 17405. Representative: David Zimmerman (same address as applicant), (717) 843–0995. Transporting *building materials,* between those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 110817 (Sub-33), filed November 17, 1981. Applicant: E. L. FARMER & COMPANY, 300 S. Grant St., P.O. Box 3512, Odessa, TX 79760. Representative: James R. Boyd, 100 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment,* and (2) *contractor's equipment, machinery and lumber,* between points in the U.S. (except HI).

MC 121517 (Sub-22), filed November 17, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same address as applicant), (918) 438–0550. Transporting *gypsum and gypsum products; building materials; paper and paper products; chemicals;* and *plastic products,* between points in the U.S. (except AK and HI).

MC 127187 (Sub-59), filed November 17, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: Williams J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *fertilizer and agricultural chemicals,* between points in the U.S. (except AK and HI).

MC 138777 (Sub-12), filed November 17, 1981. Applicant: FETZ INCORPORATED, P.O. Box 47685, Doraville, GA 30362. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting (1) *vegetable oils,* between points in Hall County, GA, on the one hand, and, on the other, those points in the U.S. in and east of IA, KS, MN, NE, OK, and TX; (2) *chemicals and allied products,* between points in Partow County, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI); (3) *petroleum and petroleum products, and chemicals and allied products,* between points in AL, FL, GA, NC, SC, and TN.

MC 141917 (Sub-4), filed November 17, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840–8565. Transporting *clay, concrete, glass and stone products,* between Baltimore, MD, and points in Baltimore County, MD, on the one hand, and, on the other, points in NJ, NY, VA, PA, DE, WV, MD, and DC.

MC 155937 (Sub-2), filed November 17, 1981. Applicant: INTERNATIONAL BUS SERVICES, INC., 262 Monitor St., Brooklyn, NY 11222. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482–0881. Over regular routes, transporting *passengers and their baggage,* between Garden Bay Manor, NY and Atlantic City, NJ, serving intermediate and off-route points in Queens and Kings Counties, NY, from junction Ditmars Blvd. and 31st St. in Garden Bay Manor, over 31st St. to junction Northern Blvd., then over Northern Blvd. to junction Jackson Ave., then over Jackson Ave. to junction McGuinness in Kings County, NY, then over McGuinness to junction Interstate Hwy 278, then over Interstate Hwy 278 to and over Verrazzano-Narrows Bridge, continuing on Interstate Hwy 278 to junction Interstate Hwy 95 at or near Linden, NJ, then over Interstate Hwy 95 to junction Garden State Parkway, at or near Woodbridge, NJ, then over Garden State Parkway to junction Atlantic City Expressway, at or near Pleasantville, NJ, then over Atlantic City Expressway to Atlantic City, also from junction McGuinness and Box St., over Box St., to junction Manhattan, then over Manhattan to junction Leonard, then over Leonard to junction Norman Ave., then over Norman Ave. to junction McGuinness, all at or near Greenpoint, Kings County, NY.

MC 156387 (Sub-3), filed November 18, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, R.R. #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting (1) *chemicals and related products,* and (2) *such commodities* as are dealt in or used by the manufacturers and distributors of fertilizer and fertilizer compounds, between points in IA, MN, SD, and NE.

MC 159307, filed November 16, 1981. Applicant: SANDY'S AUTO & TRUCKING SERVICE, INC., 139 Bayard St., Dayton, OH 45402. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *transportation equipment,* between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159317, filed November 17, 1981. Applicant: B & G TRUCKING & OIL FIELD HAULING, INC., 402 Emerald Dr., Rock Springs, WY 82901. Representative: Gail L. Rasgorshek (same address as applicant) (307) 382–6808. Transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products; and (2) *machinery, equipment, materials, and supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment;

and (b) the completion of holes or wells drilled, between points in WY, CO, ID, MT, ND, SD, UT, NV, and NM.

MC 159337, filed November 17, 1981. Applicant: GWNCO TRANSPORT, INC., 9262 Zinnia Lane, Maple Grove, MN 55369. Representative: Katherine E. Sasseville, Suite 400–WDAY Tower, 808 Third Ave., South, Fargo, ND 58103 (701) 280–2800. Transporting (1) *petroleum, natural gas, coal, and their products,* and (2) *agricultural chemicals,* between points in IL, IA, MN, MT, NE, ND, SD, WI, WY, and the Upper Peninsula of MI.

MC 159347, filed November 18, 1981. Applicant: O. ZIMMERMAN TRUCKING, P.O. Box 171, 133d St., Cedar Lake, IN 46303. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516 (219) 293–3597. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI) under continuing contract(s) with Nalco Company, of Oak Brook, IL.

MC 156387 (Sub-2), filed November 18, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, Rural Route #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114 (402) 397–9900. Transporting *such commodities* as are used or dealt in by manufacturers and distributors of printed matter, between points in the U.S. (except AK and HI) under continuing contract(s) with Riverside Book and Bible Co., Inc., and/or World Publishing Co., Inc. of Iowa Falls, IA.

Volume No. OPY–4–463

Decided: December 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 105656 (Sub-19), filed November 19, 1981. Applicant: PASQUALE TRUCKING COMPANY, INC., P.O. Box 295, Loganport, IN 46947. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *clay, concrete, glass or stone products,* between points in Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA, and WI.

MC 110746 (Sub-4), filed November 19, 1981. Applicant: PARKS MOVING & STORAGE, INC., 740 Commonwealth Dr., Thorn Hill Industrial Park, Warrendale, PA 15086. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219 (412) 471–1800. Transporting *household goods,* (1) between points in and east of MN, IA, NE, CO, OK, and TX, and (2) between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143776 (Sub-36), filed November 20, 1981. Applicant: C. D. B., INCORPORATED, 155 Spaulding Ave., SE, Grand Rapid, MI 49506. Representative: C. Michael Tubbs (Same address as applicant) (800) 253–9527. Transporting *metal products* between points in the U.S. (except AK and HI), under continuing contract(s) with the Cerco Stak-Pal Corporation, of Rome, GA.

MC 149616, (Sub-4), filed November 19, 1981. Applicant: R. C. R., INC., Box 157, Yutan, NE 68073. Representative: Donald L. Stern, Suite 610 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *food and related products,* between points in Dawson and Kearney Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157626, filed November 17, 1981. Applicant: FREIGHT FORWARDER TRANSPORT, INC., 5150 Brighton, Denver, CO 80216. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203 (303) 839–5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Acme Fast Freight, Inc., of Los Angeles, CA, and Freight Forwarder, Inc., of Denver, CO.

MC 157956, filed November 19, 1981. Applicant: NEWHAVEN DISTRIBUTION SERVICES, INC. c/o William E. Schiffer, Jr., 47 Crabtree Lane, Levittown, NY 11756. Representative: Zoe Ann Page, Suite 2373, One World Trade Center, New York, NY 10048 (212) 432–0940. Transporting *printed matter,* between points in the U.S. (except AK and HI), under continuing contract(s) with World Color Press Inc., of Effingham, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc 81–34961 Filed 12–4–81; 8:45 am]

BILLING CODE 7035–01–M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant appliation or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant appication submitted by:

Capital Area Legal Services in Baton Rouge, Louisiana to serve Ascension, Asumption, LaFourche, Iberville, Pointe Coupee, St. James, St. John the Baptist and Terrebonne Parishes.

Interested persons are hereby invited to submit written comment or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE, 9th Floor, Atlanta, GA 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc 81–35005 Filed 12–4–81; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

New Orleans Legal Assistance Corporation in New Orleans, Lousiana to serve St. Charles Parish.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, NE, 9th Floor, Atlanta, GA 30308.

[FR Doc 81–35006 Filed 12–4–81; 8:45 am]

BILLING CODE 6820–35–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-443A and 50-444A

Public Service Co. of New Hampshire, et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Public Service Company of New Hampshire, et al.,[1] pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Canal Electric Company (Canal) in the Seabrook Station, Units 1 and 2. The change involves the transfer of ownership from the Commonwealth Electric Company to Canal.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for two pressurized water reactors. Construction was authorized on July 7, 1976 at the Seabrook site located in Rockingham County, New Hampshire.

The original application was docketed on July 9, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on August 9, 1973 (38 FR 21522). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicants' Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883.

Any person who wishes to have his views on the antitrust matters with respect to the Canal Electric Company presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation, on or before January 29, 1982.

Dated at Bethesda, Maryland, this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-34273 Filed 11-27-81; 8:45 am]

BILLING CODE 7590-01-M

[1] The current applicants for the operating licenses for Seabrook Station are: Bangor Hydro-Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Commonwealth Energy Systems, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department, Maine Public Service Company, Massachusetts Muncipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, The United Illuminating Company, and Vermont Electric Cooperative, Inc.

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, CE 037-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Applicability of Existing Regulatory Guides to the Design and Operation of an Independent Spent Fuel Storage Installation" and is intended for Division 3, "Fuels and Materials Facilities." The purpose of this draft guide is to identify existing regulatory guides that may be applicable in whole or in part to the design and operation of an independent spent fuel storage installation. Applicable regulatory positions in each guide are identified and briefly described. The portions of the NRC regulations addressed by the regulatory positions are also identified and other pertinent information is provided.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value-impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by February 5, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 30th day of November 1981.

For the Nuclear Regulatory Commission.

G. A. Aniotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81-35033 Filed 10-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New

Smyrna Beach, City of Ocala, Orlando Utilities Commission and the City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (CR-3) located in Citrus County, Florida.

The amendment deletes 4 hydraulic shock suppressors (snubbers) from Table 3.7-3 of the CR-3 TSs and adds a definition of "operable" for hydraulic snubbers in locations outside the reactor buiding during Cycle 4 operation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 17, 1981, (2) Amendment No. 45 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Peter B. Erickson,

Acting Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-35029 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of the date of issuance.

The amendment changes License Conditions 2.C.(1) and the Technical Specifications to authorize operation of St. Lucie Unit 1 at 2700 Megawatts thermal power. The previously authorized maxmimum power level was 2560 Megawatts thermal.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the **Federal Register** on January 15, 1981 (46 FR 3686). No request for a hearing or petition for leave to invervene was filed following notice of the proposed acton.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the applications for amendment dated November 14, 1980 and September 28, 1981, (2) Amendment No. 48 to License No. DPR-67, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 23rd day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-35028 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289 (Restart)]

Metropolitan Edison Co. et al. (Three Mile Island Nuclear Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following members to serve as the Appeal Board for that portion of this restart proceeding concerned with plant design and procedures, separation of TMI-1 and TMI-2 and emergency planning:

Gary J. Edles, Chairman
Dr. John H. Buck
Dr. Reginald L. Gotchy

The Panel members heretofore assigned to the Appeal Board for this proceeding (46 FR 55026) will remain responsible for hearing the pending appeals from the Licensing Board's August 27, 1981, partial initial decision on the management qualifications of the licensee as well as any appeals which may be taken from any decision which the Licensing Board may issue on the matters relating to operator license examination cheating covered by that Board's September 9, 1981 order reopening the record on management qualification issues.

Dated: November 30, 1981.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 81-35030 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL and 50-444-OL]

Public Service Co. of New Hampshire, et al.; Establishment of Atomic Safety and Licensing Board to Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.711, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and

Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Public Service Co. of New Hampshire, et al.

Seabrook Station, Units 1 and 2

Construction Permit Nos. CPPR–135 and CPPR–1336

This Board is being constituted pursuant to a notice published by the Commission on October 19, 1981, in the **Federal Register** (46 FR 51330–32) entitled, "Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating License; and Notice of Opportunity for Hearing."

The Board is comprised of the following administrative judges:

Helen Hoyt, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Emmeth A. Luebke, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 30th day of November 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–35031 Filed 12–4–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–259, 50–260, and 50–296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR–33, Amendment No. 74 to Facility Operating License No. DPR–52, and Amendment No. 47 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama, and the Licenses for Unit Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to add operability and surveillance requirements on fire doors and dampers and delete two paragraphs from the licenses for Unit Nos. 1 and 2 which are no longer pertinent since the conditions have been completed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 4, 1981, as supplemented by letter dated April 29, 1981, (2) Amendment No. 78 to License No. DPR–33, Amendment No. 74 to License No. DPR–52, and Amendment No. 47 to License No. DPR–68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–35032 Filed 12–4–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

December 2, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available).

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting

requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statemnent, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
WIC Program—Regulation, application burden
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Low income hhlds., State and local health agncs., food stores
SIC: 881, 943, 540
Food and nutrition assistance, 4,100,808 responses; 355,030 hours; $269,800 Federal cost; $1,642,330 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Participants, local and State agencies must apply to obtain program benefits. Applications from participants are used to verify eligibility. Applications from local and State agencies are to check ability to administer the program effectively.

• Food and Nutrition Service
WIC Program—Regulations, recordkeeping burden
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Low income hhlds., State and local health agncs., food stores
SIC: 881, 943, 540
Food and nutrition assistance, 3,038,325 responses; 88,048 hours; $33,600 Federal cost; $880,480 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

WIC regulations require State and local agencies to retain certain records in order to document actions and to evaluate compliance with program requirements with OMB circulars.

Revisions

• Food and Nutrition Service
WIC Program—Regulations, reporting burden
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Low income hhlds., State and local health agnces., food stores
SIC: 881, 943, 540
Food and nutrition assistance, 56,658 responses; 134,380 hours; $1,108,400 Federal cost; $1,059,850 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Reporting burdens of WIC regulations are used to monitor State and local agency management and regulatory compliance and to plan program activities in an effective manner. WIC food delivery regulations will improve accountability in program operations and will reduce fraud and abuse, especially among food vendors.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 Census of manufacturers
Nonrecurring
Businesses or other institutions
Manufacturing establishments
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; 201 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 Economic Censuses, conducted under the provision of Title 13, constitute the primary source of facts about the structure and functioning of a large segment of the economy, and as such, provide essential information for government, business, and the general public. They furnish an important part of the framework for the national accounts and serve as a benchmark for key economic indicators.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
DLA Vendor shipping point survey
Nonrecurring
Businesses or other institutions
Mfgrs. that fill significant contract lines for DLA, etc.
SIC: Multiple
Small businesses or organizations
Department of Defense—Military, 450 responses; 113 hours; $162 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Provides vender shipping points to each of the six primary DLA depots from vendors that have filled contract lines in the last three years for NSN's generating significant transportation costs to DLA.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

• Office of Special Education and Rehabilitative Services
Three year State plan for vocational rehabilitation services
ED (RSA)—SPVR
Annually
Other—See SF83
State or local governments
State VR agencies
SIC: 944
Social services, 82 responses; 1,640 hours; $16,400 Federal cost; $16,400 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This form fulfills the requirements for a State plan as stipulated in the Rehab Act. The plan serves as the basis for flowing monies to the States under Title I of Pub. L. 93–112. This plan covers the period FY 1983 through 1985.

• Office of Elementary and Secondary Education
Financial status report
ED 362–1
Annually
State or local governments

State educational agencies
SIC: 822
Elementary, secondary, and vocational education, 51 responses; 255 hours; $510 Federal cost; $1,020 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Grantees are required to file a financial status report annually in accordance with Education Department grants, administrative regulations and the Department of Education's general administration regulations. The information collected will be used for future programmatic decisions.

• Office of Vocational and Adult Education
State plan for adult education
652
Other—See SF83
State or local governments
State education agencies
SIC: 941
Elementary, secondary, and vocational education, 57 responses; 11,400 hours; $20,000 Federal cost; $114,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

To receive Federal funds for adult education programs, States must submit State plans.

• Office of Vocational and Adult Education
Financial status and performance reports for the adult education State program
365, 365–1
Annually
State or local governments
State education agencies
SIC: 999
Elementary, secondary, and vocational education, 57 responses; 570 hours; $2,400 Federal cost; $5,700 public cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Regulations require all grantees to report on the status of funds and the performance of activities conducted. Data collected are needed for the purposes of accounting for the expenditure of funds and for assessing the effectiveness of the carrying out of State plans under the adult education State program.

• Departmental Management
State education activities on local education agencies and schools
870
Nonrecurring
State or local governments
21 LEAS, 8 SEAS, 122 schools
SIC: 941
Education, training, employment, and social services, 862 responses; 862 hours; $212,434 Federal cost; $8,620 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This is a 16 month study designed to serve the needs of Federal policymakers by examining the cumulative effects of Federal and State programs and mandates on the ability of school systems to provide an education to children.

Revisions

• Office of Special Education and Rehabilitative Services
Quarterly cumulative caseload/expenditure report
ED (RSA)—113
Quarterly
State or local governments
State VR agencies
SIC: 944
Elementary, secondary, and vocational education, 336 responses; 638 hours; $20,000 Federal cost; $5,185 public cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

This instrument provides for: Evaluation of State agency productivity, monitoring progress of case loads in 110, SSDI, SSI programs and the severely disabled, and serves to document the number of rehabilitations meeting the substantial gainful employment (SGA) req. for allocation of SSA program funds.

• Office of Special Education and Rehabilitative Services
Annual vocational rehabilitation program/cost report
RSA–2
Annually
State or local governments
State vocational rehabilitation agencies
SIC: 944
Social services, 84 responses; 395 hours; $29,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data reported will be used to set rehabilitation goals for States, to determine the average cost of services, to determine budget needs, and to provide a base to analyze and respond to ED and GAO audits. It is also used in the annual report to the Congress, which is to include statistical data on rehabilitation services and activities.

• Office of Special Education and Rehabilitative Services
Grant applications under education for the handicapped programs
9037
Annually
Businesses or other institutions
Grantees may be: Coll and univ, non-profit organ, etc.
SIC: 821, 822, 892, 941
Elementary, secondary, and vocational education, 3,040 responses; 92,560 hours; $60,000 Federal cost; $971,880 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The application package provides instructions and information necessary for grantees and potential grantees to submit a request for Federal assistance. The information submitted is used by SEP to determine grant eligibility, acceptabiity of applications, and/or amount of grant award.

• Office of Elementary and Secondary Education
Application for grants under civil rights technical assistance and training programs
ED 296
Nonrecurring
State or local governments
State and local education agencies
SIC: 941
Elementary, secondary, and vocational education, 341 responses; 6,820 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This application is to be used by State and local education agencies and institutions of higher education for applying for Federal assistance under Title IV of the Civil Rights Act of 1964. Awards are made to help solve problems related to eliminating discrimination on the basis of race, sex and national origin in public elementary and secondary schools throughout the Nation.

Extensions (Burden Change)

• Office of Special Education and Rehabilitative Services
Application for Federal assistance for the National Institute of Handicapped Research
NIHR 792
Annually
State or local governments/businesses or other institutions
Applications for assist can be filed for ST and LCL govts
SIC: 833, 822, 941, 892, 944
Social services, 300 responses; 12,000 hours; $80,500 Federal cost; $126,000 public cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

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Information in the "application for Federal assistance" will be used to determine the technical merit of the grant proposal, determine eligibility for funding and serve as a basis for negotiation of final grant awards, including award amounts and terms and conditions.

• Office of Special Education and Rehabilitative Services
Financial status and performance report—OSE discretionary grant programs
ED 9037–1 and ED 9037–2
Annually, other—see SF83
State or local governments/businesses or other institutions
Grantees may be: Coll and univ, non-profit organ, etc.
SIC: 821, 899, 822, 941
Elementary, secondary, and vocational education, 1,500 responses; 7,100 hours; $35,006 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This report is used by special education programs to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. The financial report is submitted annually and the performance report is due at the end of the grant award period (usually a three year period).

Reinstatements

• Office of Special Education and Rehabilitative Services
Report of vending facility program
RSA–15
Annually
State or local governments
State licensing agencies
SIC: 944
Social services, 54 responses; 448 hours; $7,500 Federal cost; $4,032 public cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Indicates the financial health and programmatic impact of the program in terms of earning loss, indicates the most efficient types of stands in terms of return on investment and ability to produce earnings to support an operator. Aimed primarily at ensuring the program's financial accountability and solvency and its meeting the expressed goals in terms of client impact.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Contractor information collection—forged check [1] investigation forms
9014
On occasion
Individuals or households/businesses or other institutions
Medicare beneficiaries, financial institutions, etc.
SIC: 801, 602, 603
Small businesses or organizations
Health, 800 responses; 800 hours; $8,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA's regional offices, intermediaries, or carriers investigate reports of forged medicare checks. These forms gather information from the beneficiary, bank, and casher of the check.

• Health Care Financing Administration
Contractor's information collections reasonable charge [1] reimbursement
9008
On occasion—Annually
Businesses or other institutions
Part B medicare suppliers (labs, DME suppliers, etc.)
SIC: 801, 807, 809
Small businesses or organizations
Health, 341,913 responses; 58,985 hours; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These carrier forms request: (1) Annual price list data from all labs and durable medical equipment suppliers and (2) equity adjustment data from physicians who protest their reasonable charge fees. The information is used to update the carriers' reasonable charge screens.

• Health Care Financing Administration
Contractors' Information Collections—Comprehensive [1]
Health center forms
9002
Annually
Businesses or other institutions
Comprehensive health centers which are part of a hospital.
SIC: 808, 806
Health: 10 Responses; 160 hours $0 Federal cost; 1 form not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This information is collected from Comprehensive Health Centers which are located in a hospital. It supplements the hospital cost report.

• Health Care Financing Administration
Contractors' Information Collections—HCFA Program [1]
Validation forms
9012
On occasion
Individuals or households/State or local governments/businesses or other institutions
Medicare and medicaid providers and suppliers and State agen
SIC: 919, 801, 805
Health: 130 responses; 390 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA Regional Offices (ROs) contact State medicaid agencies and medicare/medicaid providers/suppliers to validate their program activities. These RO forms solicit validation information.

• Health Care Financing Administration
Contractors' Information Collections—Rural Health [1]
Clinic forms
9001
On occasion, semiannually
Businesses or other institutions
Rural health clinics participating in medicare program
SIC: 808
Small businesses or organizations
Health: 111 responses; 390 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by some intermediaries. Forms include: Request for exception to screening guidelines, description of billing arrangement for nonstaff physicians, and interim payment rates.

• Health Care Financing Administration
Contractors' Information Collections—Federal Rereview [1]
Process
9010
On occasion, monthly
State or local governments
State medicaid agencies
SIC: 919
Health: 10,812 responses; 7,352 hours $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

State medicaid agencies conduct quality control reviews of their eligibility, claims processing, and third party liability findings. HCFA's Regional Office (RO) rereviews a sample of State reviews. This clearance is for RO forms requesting State files and case records.

• Health Care Financing Administration

[1] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and reicipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

Contractors' Information Collections—Overpayments to[1] providers, beneficiaries, and physicians
9005
On occasion
Individuals or households/businesses or other institutions
Hospitals, nursing facilities, physicians and beneficiaries
SIC: 805, 806, 808 809, 801
Small businesses or organizations
Health: 481,000 responses; 360,750 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This information is used to collect money overpaid to medicare providers, physicians and/or beneficiaries. It is required that these funds be returned to the medicare trust fund. These forms demand repayment of the overpayment and in some instances require additional information to assure the overpayment determination is accurate.

• Health Care Financing Administration
Contractors' Information Collections—Audit Programs[1]
HCFA–9022
Annually
Businesses or other institutions
Hospitals, skilled nursing facilities, home health agencies
SIC: 805, 806, 808, 809
Small businesses or organizations
Health: 4,750 responses; 190,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by intermediaries to gather information during the course of an audit. About one-third of the providers are audited each year.

• Health Care Financing Administration
Contractors' Information Collections—Contractor Program[1]
Integrity forms to verify services
HCFA–9016
On occasion
Businesses or other institutions
Medicare providers part A & B
SIC: 801, 805, 806, 807, 808, 809
Small businesses or organizations
Health: 4,500 responses; 4,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA requires medicare contractors to investigate potential abuse or fraud situations involving medicare providers/suppliers. These intermediary and carrier forms request explanations and/or beneficiary medical records from providers/suppliers.

• Health Care Financing Administration
Contractors' Information Collections—Prior Liability[1]
NCFA–9009
On occasion
Individuals or households/businesses or other institutions
Medicare providers, physicians, and beneficiaries
SIC: 801, 804, 805, 806, 808
Small businesses or organizations
Health: 855,901 aresponses; 71,325 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by intermediaries and carriers to collect information on the possible existence of other third-party insurance, specifically, wokman's compensation and veterans administration benefits. Medicare benefits are not paid in these cases.

• Health Care Financing Administration
Contractors' Information Collections—Periodic audit[1] of provider/supplier claims data
HCFA–9015
Annually
Businesses or other institutions
Medicare part A and B providers/suppliers
SIC: 801, 806, 805, 807, 808, 809
Small businesses or organizations
Health: 5,000 responses; 25,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA requires medicare contractors to conduct periodic audits of medicare providers and suppliers. These intermediary and carrier forms request medical and remibursement information on a sample of paid claims.

• National Institutes of Health
Quick Response Survey—Laetrile
Nonrecurring
Individuals or households
Adults 18 years of age in telephone households
Health: 2,500 responses; 417 hours; $33,169 Federal cost; 1 form; $4,170 Public cost; not applicable under 3504(h)
Gwendolyn, Pla, 202–395–6880

This study will give the views of a representative sample of U.S. adults living in telephone households on the use of laetrile as a treatment for cancer.

• Health Care Financing Administration
Contractor Information Collection—Provider Permanent [1]
Reference file
HCFA–9020
On occasion
Business of other institutions
All medicare providers
All medicare providers
SIC: 805, 806, 808, 809
Small businesses or organizations
Health: 14,300 responses; 143,000 hours; $0 Federal cost; 1 form; $1,430,000 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary forms collect background information from all providers when they are admitted to the medicare program. The information constitutes a permanent reference file on the provider. This data is updated as needed.

• Health Care Financing Administration
Contractors' Information Collections Interim Payment [1]
Adjustment forms for HHAS
HCFA–9013
Semiannually
Businesses or other institutions
Home Health Agencies in the medicare program.
SIC: 809
Small businesses or organizations
Health: 5,600 responses; 56,000 hours; $0 Federal cost; 1 form; $560,000 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms collect utilization and cost information which is required by law for purposes of monitoring and/or adjusting the HHA's interim rate of payment.

• Health Care Financing Administration
Contractors' Information Collections—Reconsiderations/Appeals [1]
HCFA–9006
On Occasion
Individuals of households/businesses or other institutions
Health care providers, physicians, and medicare beneficiaries
SIC: 801, 805, 806, 808
Small businesses or organizations
Health: 54,229 responses; 27,115 hours; $0 Federal cost; 1 form; $271,150 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms request information from provider, physicians, and beneficiaries to allow the reconsideration of the initial action of a part A or B claim.

• Health Care Financing Administration
Contractors' Information Collections—Administrative [1] Data, unconnected with individual claim
HCFA–9028
On Occasion
Businesses or other institutions
Providers and suppliers participating in medicare
SIC: 801, 805, 806, 808, 809
Small businesses or organizations
Health: 85,478 responses; 35,615 hours; $0 Federal cost; 1 form; $356,150 Public cost; not applicable under 3504(h)

Richard Eisinger, 202–395–6880

These intermediary/carrier forms collect data that is not specific to an individual claim. Examples are certification of ambulance qualifications, beneficiary signature on file, billing arrangements, background information on providers/suppliers, second surgical opinion lists.

Revisions

• Social Security Administration
Report on Individual With Mental Impairment
SSA–824
On occasion
Individuals or households
Attending physicians, hospital directors, librarians, etc. general retirement and disability insurance: 150,000 responses; 30,000 hours; $143,085 Federal cost; 1 form; : not applicable under 3504(h)
Robert Neal, 202–395–6880

The information on this form is needed to determine the claimant's physical and mental status prior to making a disability determination.

• Social Security Administration
Social Security Disabled Person Report
SSA–454A–F4
On occasion
Individuals or households
Persons receiving disability benefits
General retirement and disability insurance: 600,000 responses; 150,000 hours; $833,475 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Sections 221(A) and (B) of the Social Security Act provides for information regarding the determination of the day a disability beneficiary begins to receive payments and on which such disability ceases. This form is used to determine whether the individual continues to be unable to engage in substantial gainful activity by reason of impairment and to obtain information concerning the individual's continuing disability condition.

• National Institutes of Health
Individual National Research Service Award Application
PHS 416–1, –3, –5, –7, –9, –11 PHS 6031–1
On occasion, annually
Individuals or households
Indiv seeking research training at predoctoral level, etc.
Health research: 23,550 responses; 42,669 hours; $151,336 Federal cost; 7 forms; $426,690 Public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Provides to selected individuals support of training experiences in biomedical and behavioral research. Awards are made to individual applicants, for specified training proposals, selected individuals to apply for, activate, terminate, travel, and provide for payback of a National Research Service Award. Payback of a National Research Service Award.

• Health Care Financing Administration
Contractor's Information Collection—Provider Based [1]
Physician forms
HCFA–9017, HCFA–284
On occasion, annually
Businesses or other institutions
Hospitals, SNF's and HHA's (medicare providers)
SIC: 805, 806, 809
Small businesses or organizations
Health: 10,000 responses; 160,000 hours; $0 Federal cost; 1 form; $1,600,000 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by the intermediaries to review billing arrangements and to compute the provider and professional components of provider-based physicians services in order to allocate reimbursement between Parts A and B trust funds.

Extensions (Burden Change)

• Centers for Disease Control
Human Health Consequences of Polybrominated Biphenyls (PBBS) contamination in farms in Michigan
Annually
Individuals or households
Families around farms contaminated with PBB in Michigan
Health: 6,100 responses; 508 hours; $127,750 Federal cost; 1 form; $5,080 Public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The primary objective of this study, begun in 1976, is long-term health follow-up of PBB-exposed persons in Michigan with particular emphasis on cancer incidence.

Reinstatements

• Social Security Administration
Financial Status Report
SSA–4217
Quarterly
State or logal governments
State agencies and heads of Indian Tribes
SIC: 944
Public assistance and other income supplements: 226 responses; 1,808 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Public Law 96–126 provides for supplemental energy allowance payments for people with little or no income. Information is needed to determine if funds made available to States were used properly and that the limitations regarding total administrative expenses were adhered to in identifying excess funding amounts and the subsequent return of such funds.

DEPARTMENT OF THE INTERIOR

Agency clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Mines
Helium Distribution Contract—30 CFR 602
6–1575–A 6–1580–A 6–1581–A
Annually
Businesses or other institutions
Indust. gas suppliers who distribute Bureau of Mines helium
SIC: 516, 281, 508
Small businesses or organizations
Other natural resources: 108 responses; 22 hours; $26,000 Federal cost; 3 forms; $175 Public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Regulations 30 CFR 602 establish distribution of Bureau of Mines helium pursuant to 50 U.S.C. 167 by a system of authorized private distributors. Three forms are needed to (1) gather essential data for contract completion, (2) insure compliance by certifying bureau helium purchased equals or exceeds that sold to Federal agencies, and (3) to account for bureau helium transferred between distributors.

• Office of Surface Mining Reclamation and Enforcement
Recipient's assignment of refunds, rebates and credits
OSM–63
Annually
State or local governments
25 State agencies and 31 institutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 300 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–63 will be used by a recipient to certify to OSM that if monies are collected after a grant or cooperative agreement is closed out OSM will obtain its share.

Revisions

• Office of Surface Mining Reclamation and Enforcement
Application Form
SF–424
On occasion, annually
State or local governments

25 State agencies
SIC: 951
Conservation and land management: 300 responses; 450 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

SF 424 to be used as the application form when a State agency is applying for an OSM grant or cooperative agreement.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Revisions

• Bureau of Labor Statistics
Point of Purchase Survey—Basic questionnaire, Consumer Item Checklists, Respondent Letter
CPP–1, CPP–2A, CPP–2B, CPP–3
Annually
Individuals or households
Households in 86 selected SMSA's and smaller cities.
Other labor services; 5,100 responses; 6,500 hours; $1,112,700 Federal cost; 4 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The forms are to be used to gather information on the type of outlets at which consumers shop (CPP–1) for selected consumer items (CPP–2A and CPP–2B) to be used to update periodically the nation's Consumer Price Index (CPI). The CPP–3 respondent letter, which informs the respondent of the purpose of the survey, is also attached.

• Bureau of Labor Statistics
CPI Housing Survey
BLS 2921C, 2921E
Semiannually
Individuals or Households
Households in 85 CPI areas
Other Labor services: 82,328 responses; 20,582 hours; $900,000 Federal cost; 2 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The survey collects rental price change data which is a major, essential element in the consumer price index. A new survey housing unit is to be implemented in April 1982 to test alternatives for rental equivalency.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Office of the Secretary
All Savers Certificate Item
Quarterly
Businesses or other Institutions
Commercial banks, savings and loan assns, credit unions
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 144,000 responses; 2,400 hours; $2,000 Federal cost; 1 form; $48,000 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

The department will use the information to evaluate the impact of the offering of the all savers certificate item on tax revenues and other programs.

• Internal Revenue Service
Purchase Order Follow-Up
FL–695
On Occasion
Businesses or other institutions
Contractors, vendors
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 2,000 responses; 1,000 hours; $2,012 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Vendors and contractors must provide materials and/or services to IRS on a timely basis. When delivery is not made as called for, FL–695 is used to contact the vendors and contractors regarding our orders. The information is used to determine the status of the orders.

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Bonded Wineries—General Applications, Letterhead
Applications, notices relating to operations
RESPD LTRHD
On occasion
Businesses or other institutions
Bonded wineries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 610 responses; 420 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Records are used to trace operations at bonded wineries and to ascertain that the revenue is not placed in jeopardy.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

Reinstatements

• Fuel and Fuel Additive Waiver Guidelines
Other—See SF83
Businesses or other institutions
Fuel refiners and other parties
SIC: 999
Pollution control and abatement: 4 responses; 8,320 hours; $15,600 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is necessary for the administrator to determine if a new fuel or additive will cause or contribute to the failure of vehicles to meet emission standards and if a waiver of the Clean Air Act's section 211(F) prohibits should be granted.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

Extensions (no Change)

• Complainant Satisfaction Questionnaire
On occasion
Individuals or households
Anyone from whom a complaint re a state member bank was rec'd
General government: 70 responses; 18 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

The questionnaire is sent to certain people who had a complaint resolved by a Federal reserve bank. Complainants are requested to answer questions designed to assess the effectiveness of the reserve bank's complaint handling effort.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

• Application for approval under 49 U.S.C. 11349 of the temporary operation of Motor Carrier Properties sought to be acquired under separately filed applications
OP–F–46
On occasion
Businesses or other institutions
Privately owned motor common carriers
SIC: 421
Ground transportation: 158 responses; 127,506 hours; $127,506 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Motor carriers proposing the transaction under 49 U.S.C. 11349 must submit information about their business structure, terms of the transaction and justification for requested authorization to the ICC. The information provides the minimum factual basis for deciding whether the transaction may be authorized.

• Application for authority under 49 U.S.C. 11343, 11344 to consolidate, merge, purchase, or lease operating rights, properties, or any part thereof of a motor carrier

OP–F–44
On occasion
Businesses or other institutions
Privately owned motor common carriers
SIC: 421
Ground transportation: 257 responses; 57,311 hours; $414,798 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Carriers proposing transactions under 49 U.S.C. 11343 and 11344, submit information about their business structure affiliates financial status. transportation operations under the proposal and about the terms of the transaction. The information provides the minimum factual basis to decide whether the ICC may authorize the transaction.

Extensions (Burden Change)

- Application for temporary authority under section 210A(A) of the Interstate Commerce Act

OP–MCB–95
On occasion
Businesses or other institutions
Applicants seeking authority to operate interstate commerce
SIC: 401
Small Businesses or organizations
Ground transportation: 13,000 responses; 26,000 hours; $171,121 Federal cost; 1 form; $60 public cost; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Form is filed with the commission by applicants seeking to operate as a motor carrier under the temporary authority provisions of 49 U.S.C. 10928. The commission's prescribed implementing guidelines are set forth at 49 CFR 1131. To meet the statutory criteria an applicant must establish that there is an immediate need for its service.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- Form N–37I–1, Notice of Right of Withdrawal and Refund for Variable Life Insurance Contractholders Required Pursuant To Rule 6E–2 Under the Investment Company Act. 1930

Nonrecurring
Businesses or other institutions
Life Insur. Co. issuing variable life insurance contracts
SIC: 999
Small businesses or organizations
Other advancement and regulation of commerce: 1,500 responses; 1,500 hours; $0 Federal cost; 1 form; $7,500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–27I–1 is the form prescribed for use by registered separate accounts issuing variable life insurance contracts to notify contract holders of their right to withdraw from the contract at any time during the first 24 months after issuance and receive in cash an amount not less than cash surrender value plus any excess sales load.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 81–35025 Filed 12–4–81; 8:45 am]
BILLING CODE 3110–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Doc. No. 301–25]

National Pasta Association; Initiation of Investigation

On October 16, 1981, the Chairman of the Section 301 Committee received a petition from the Pasta Association alleging that EC export subsidies on pasta are granted in a manner inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade ("Subsidies Code") and constitute an unreasonable and unjustifiable burden on U.S. commerce. The petition was filed pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*). On November 30, 1981, the United States Trade Representative decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

The text of the petition is as follows:

BEFORE THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

National Pasta Association, Petitioner

Petition filed seeking relief under Section 301 of the Trade Act of 1974, as amended.

This petition is filed pursuant to 15 CFR 2006.0(b) (1980) and section 301 *et seq.* of the Trade Act of 1974, as amended, 19 U.S.C. 2411 *et seq.* (Supp. III 1979). The dramatic increase of imports of pasta products from Italy has caused serious prejudice to U.S. producers and threatens to cause further serious prejudice by displacing U.S. producers in domestic markets. This increase in imports is largely the result of the bestowal of unjustified and unfair direct export subsidies by the European Economic Community (hereinafter the "E.C."). The use of these export subsidies violates the rights of the United States under the provisions of the General Agreement on Tariffs and Trade (hereinafter the "General Agreement") and the Agreement on Interpretation and Application of Articles IV, XVI and XXIII of the General Agreement on Tariffs and Trade (hereinafter the "Subsidies Code").

Petitioner

Petitioner, the National Pasta Association (formerly the National Macaroni Manufacturers Association), is a non-profit trade association incorporated under the laws of Illinois. The purpose of the Association is to serve all phases of the industry by promoting the development and use of pasta and related products for the benefit of consumers while providing programs and services that will enhance the efficiency and effectiveness of members of the industry. All major domestic producers of pasta products are presently members of the National Pasta Association. These producers, whose names are set forth in Appendix A to this petition, account for over 95 percent of all pasta produced in the United States.

Statutory Basis for This Petition

This petition arises under section 301(a)(1), 2(A) and 2(B) of the Trade Act of 1974, as amended, 19 U.S.C. 2411 (Supp. III 1979), Articles VI, XVI and XIII of the General Agreement and Articles 8 and 9 of the Subsidies Code. The bestowal of an export subsidy upon the exportation of pasta constitutes the subsidization of a non-primary product in violation of the absolute proscription against such subsidies set forth in Article 9 of the Subsidies Code. While it is unnecessary to demonstrate more than the existence of an Article 9 violation in order to justify relief under the Subsidies Code, petitioners will also show that the subsidy violates Article 8 in that it has caused serious prejudice and threatens to cause additional serious prejudice to U.S. pasta manufacturers by increasing substantially the abolute and relative level of pasta imports coming into the U.S. market.

Foreign Laws and Regulations Which are the Subject of This Petition

Subsidies granted on the exportation of pasta products manufactured from E. C. durum wheat are currently authorized by Council Regulation No. 2727/75 [1] on the common organization of the market in cereals. Such subsidies were first authorized in Council Regulation No. 120/67 when the common organization

[1] O.J. EUR. COMM. (No. L/281) 1 (1975).

of the market in cereals was first unified.[2] Article 16 of that regulation specifically provides that cereals such as durum wheat may be covered by export refunds. In addition, the Article provides that certain products processed from these cereals may also be covered by these refunds.

Pasta products are among the eligible products listed in Annex B [3] of the regulation. Council Regulation 3035/80 [4] sets out detailed rules for granting export refunds on processed cereal products and the criteria for fixing the amount of such refunds. Annex C [5] of this regulation specifically cites "macaroni, spaghetti and similar products" as categories to which these rules apply. Moreover, the regulation provides that exporters can apply for advance fixing of this subsidy.[6] Domestically, durum wheat is supported by permanent intervention arrangements pursuant to Article 10 of Council Regulation 2727/75.[7]

Foreign Countries or Instrumentalities With Whom the United States Has an Agreement

The E.C. has signed the Subsidies Code on behalf of all member states. However, the principal beneficiary of the E.C. export refund on pasta products is Italy. Italy is an individual signatory to the General Agreement.

Products Which are the Subject of This Petition

The products for which the rights of the United States under the General Agreement and the Subsidies Code are being denied are macaroni, vermicelli and similar products containing less than 5.5 percent by weight of egg or egg products, and noodle products containing 5.5 percent or more of egg or egg products by weight. As used herein, the term pasta refers to both macaroni and noodle products. These products comprise TSUSA categories Nos. 182.35 and 182.36 respectively.

Requests for Other Relief

Petitioner has not filed for relief under the Trade Act of 1974 or any other provision of law.

Legal Justification for This Petition

I. E.C. Subsidy on Pasta Exports

The practice which is the principal subject of this petition is the E.C. export refund on pasta manufactured from E.C. durum wheat. In its regulations authorizing a common organization of the market in cereals,[8] the E.C. provides that certain E.C. cereal products exported after being transformed into processed goods may be eligible for an export refund. The refund on the processed product is intended to cover the difference between quotations or prices for the cereals on the world market and prices in the Community.

For pasta produced from E.C. durum wheat, the E.C. calculates export refunds according to a conversion factor which takes into account the amount of wheat and other basic products necessary to produce a given amount of pasta. For macaroni, spaghetti and similar products, both with and without eggs, the conversion factor of durum to pasta is 1.67.[9] In other words, 167 kg. of durum wheat is necessary to make 100 kg. of pasta. The average export refunds granted by the E.C. on the export of pasta may be calculated using this factor. As indicated in Table 1, over the past five years exports have been subsidized at a rate of between seven and twelve cents per pound of pasta. This subsidy represents between 14 and 24 percent (approximately) of the wholesale value of pasta products.

Normally, the rate of the refund is that which is in force on the day of the export. Exporters can, however, apply for advance fixing of the refund by obtaining an advance fixing certificate from an intervention agency which is valid for the month of issue plus the following five months.[10] The rate of the refund is that applicable on the date the application for advance fixing is received by the intervention agency.

II. The General Impact of the E.C. Export Refunds on Italian Exports of Pasta Products into the United States

An examination of the extraordinary growth of U.S. imports of Italian pasta during the past five years demonstrates that the E.C.'s export subsidy has made a substantial contribution to Italian producers success in displacing U.S. producers in their home markets.

The common organization of the market in cereals was first established by regulation on June 19, 1967.[11] On October 29, 1975, the Council of the E.C. reissued its regulation 2727/75 [12] on the common organization of this market. Since the reissuance of the regulation, Italian exports of pasta products containing no egg or egg products to the U.S. have experienced substantial growth on both an absolute and a relative basis (Table 3). In 1975, Italian exports to the U.S. were 10,016,969 pounds, and comprised only 20.3 percent of total U.S. imports. By 1980, the volume had grown to 26,051,913, reflecting an average annual growth rate of 32.0 percent. Moveover, in 1980, Italian imports comprised over one-third of total U.S. imports. Estimates based on data for the first six months of 1981 would put total Italian exports at an annual level of 38 million pounds. This import level would comprise over 40 percent of total projected U.S. imports.

Similar growth has appeared—although on a much smaller scale—with respect to Italian imports of noodles containing at least 5.5 percent egg or egg products (Table 4). These imports grew from 498,575 pounds in 1975 to 912, 593 pounds in 1978. Although these figures tailed off in 1979 and 1980, preliminary data for 1981 reveal a projected annual import level of over one million pounds. The import growth in both categories is all the more significant to U.S. producers in view of the fact that domestic demand for pasta products at retail has not increased substantially in recent years and that production—as reflected by the amount of durum wheat ground—has declined in response to lagging domestic demand (Table 2).

III. The E.C.'s Export Refund on Pasta Products is Inconsistent with the Obligations Undertaken by Signatories to the General Agreement and the Subsidies Code

A. General Consideration

The Subsidies Code specifically addresses the problem of export subsidies and establishes general standards of conduct with respect to the granting of export subsidies. It also establishes a series of formal mechanisms for resolving disputes in this area.

Article 8 of the Subsidies Code contains an agreement by the signatories that they will avoid causing, through the use of *any subsidy*, "serious prejudice to the interests of another signatory." Serious prejudice may be demonstrated by showing the effects or threatened effects of the subsidized imports in the domestic market of the importing signatory.[13]

The export subsidization of other than primary products is absolutely prohibited by Article 9 of the Code. The provision reads:

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[2] O.J. EUR. COMM. (No. 117) 2269 (1967).
[3] O.J. EUR. COMM. (No. L/281) 14 (1975).
[4] O.J. EUR. COMM. (No. L/323) 27 (1980).
[5] O.J. EUR. COMM. (No. L/323) 41 (1980).
[6] O.J. EUR. COMM. (No. L/323) 31 (1980).
[7] O.J. EUR. COMM. (No. L/281) 8 (1975).
[8] O.J. EUR COMM. (No. L/281) 1 (1975).
[9] O.J. EUR COMM. (No. L/323) 41 (1980).
[10] O.J. EUR COMM. (No. L/323) 31 (1980).
[11] O.J. EUR COMM. (No.117) 2269 (1967).
[12] O.J. EUR COMM. (No. L/281) 1 (1975).
[13] Subsidies Code, Art. 8. ¶ 4(a).

Signatories shall not grant export subsidies on products other than certain primary products. [14]

For purposes of the agreement, primary products are defined as:

" " " any product of farm, forest, or fishery, in its natural form, or which has undergone such processing as is customarily required to prepare it for marketing in substantial volume in international trade. [15]

It is the contention of petitioner that the E.C. subsidy on pasta exports violates Articles 8 and 9 of the Subsidies Code in that this subsidy:

(1) is granted upon the exportation of a non-primary product in direct violation of Article 9 of the Code; and

(2) threatens serious prejudice to U.S. domestic markets in pasta products in violation of Article 8 of the Code.

We shall examine each of these contentions individually. While a finding that the export refund on pasta products violates Article 9 would necessarily dispose of the entire matter, petitioners will demonstrate the serious prejudice and threat of serious prejudice posed by these subsidies within the meaning of Article 8 in order to underscore the urgency which exists for dealing with these export refunds.

B. E.C. Subsidy on Pasta Products is a Subsidy Granted upon the Exportation of a Non-Primary Product in Violation of Article 9 of the Subsidies Code

As previously indicated, a primary product is defined in the General Agreement as "any product of the farm, forest or fishery . . . in its natual form or which has undergone such processing as is customarily required to prepare it for marketing in substantial volume in international trade." The issue as to what differentiates a primary agricultural product from a non-primary product has apparently never been the subject of a GATT determination. [16]

Durum wheat is a primary agricultural product. There is sufficient volume of international trade in durum wheat to establish conclusively that its transformation into semolina flour and thereafter its further processing into pasta products is *not* customarily required to prepare it for marketing in international trade. Moreover, the amount of processing required to transform durum wheat into marketable pasta products is so substantial as to preclude consideration of pasta as a primary product. [17]

[14] Subsidies Code, Art. 9, ¶1.

[15] General Agreement, Note Ad Article XVI, Section B, pargraph 2.

[16] "Letter from Jeanne Archibald, Chairman, Section 301 Committee to Paul D. Cullen, Esq." (9 June 1981).

[17] There are also strong arguments against designating pasta as a primary agricultural product inherent in the E.C.'s own treatment of the distinction between primary and non-primary agricultural products. Althougth these distinctions do not have a direct bearing on a prospective GATT interpretation of the primary, non-primary product distinction, they do provide a legal framework within which to determine the nature of pasta for purposes of applying the Subsidies Code. Furthermore, these distinctions, in that they are the creation of the E.C., undermine any assertion by the E.C. that the subsidy on pasta is a subsidy on a primary product, and hence not subject to the Article 9 ban.

In the first place, Article 38 of the Treaty of Rome, 298 U.N.T.S. 5 (1957), which established the common market in agriculture, defined agricultural products as "the products of the soil, of stock farming, and the fisheries and products of *first stage processing* directly related to these products." Applying this definition to the previous discussion on how pasta is made from durum wheat, one would be hard-pressed to consider pasta a product of first stage processing in view of the fact that there exist two intervening stages in the production process. First durum wheat is converted into semolina flour. Second, semolina flour is processed into pasta, a process which in itself involves a 44 percent value added labor. By the E.C.'s own defintion this entire process can hardly be termed "first-stage processing."

The early completion of the E.C. customs union necessitated the development of common rules for the application of the Common Customs Tariff, quantitative restrictions, and other measures applied to imports. In establishing rules for determining and certifying the origins of goods, a distinction had to be made between goods produced in one country and goods (particularly processed) produced in more than one country. Under Council Regulation No. 802/68, "On the Common Definition of the Concept of the Origin of Goods," O.J. EUR. COMM. (No. L/148) 1 (1968), goods produced or extracted in one country are deemed to originate in that country. Such products present few difficulties in comparison to the identification of goods produced in more than one country. For such products, the country of origin is defined as "where the first substantial and economically justifiable processing is done." O.J. EUR. COMM. (No. L/148) 2 (1968). In determining country of origin, it may be necessary to distinguish between raw material and processed product. E.C. case law provides that for a product to be "processed," the processing performed must be substantial enough to result in significant *qualitative* change in the product in comparison to the basic product prior to the "processing." [*See, e.g.*, Gesellschaft fur Uberseehandle mb v. Handelskammer, Court of Justice, Case No. 49/76, January 20, 1977.] Petitioner would contend that pasta is qualitatively different from durum wheat and therefore must be construed as a processed product even under the E.C. definition.

A final basis for looking at the primary— non-primary distinction is to consider the E.C.'s general regulation with respect to "Processed Agricultural Products Not within Common Policy." [E.C. Council Regulation 1059/69, "Price Agreements Applicable to Certain Goods Resulting from the Processig of Agricultural Products," O.J. EUR. COMM. (No. L/141) 1 (1969).] Such products are listed in an Annex to the regulation and include sugar confectionary, chocolate, malt extract, flour, starch, *macaroni*, prepared goods, yeast, pastry, etc. They are subject to common tariff charges which consist of a fixed ad valoreum duty to which is added a variable component. Indeed, they are treated separately and differently for trade purposes than those "agricultural products" subject to the Common Policy under Article 38 of the Treaty of Rome, the difference again being the degree of processing.

1. *International trade in durum wheat.* Since 1975, E.C. exports of durum wheat have grown considerably from 40,734 metric tons in 1975 to 199,400 metric tons in 1980. During that same period, world trade in durum wheat has grown from about 3.1 million metric tons in 1975 to about 4.2 million metric tons in 1980 [18] (Table 5). These figures indicate that there exists independently a significant export market in durum wheat, a market which is much larger than the world export market for pasta products. There is also a substantial market for by-products of ground durum wheat. These by-products are used for making dog food and breakfast cereal. Additionally, they are sold as commercial feed. The market for durum wheat and its by-products negates the presumption that durum wheat is customarily transformed into pasta for purposes of preparing it for marketing in international trade. Consequently, pasta cannot be considered a "primary product" as defined in the Subsidies Code.

2. *The process of converting durum wheat into pasta.* The transformation of durum wheat into pasta involves a complex, multi-staged process. Durum wheat is thoroughly scoured and cleaned, and then it is "tempered," a process in which moisture and heat are applied to toughen the outer bran coat. The wheat is then passed through a series of corrugated and smooth rollers, purifiers, sieves and sifters of increasing fineness—to crush and separate parts of the clean wheat until approximately 60 percent is bran-free semolina, granular or durum flour. The other 40 percent is made into by-products, not connected with macaroni production (e.g. commercial feed). Durum semolina is then mixed with water to make a stiff dough. Additionally, the dough may be enriched with iron and B-vitamins, and in certain products egg solids may also be added. The dough is passed through dies under pressure which, depending on how the dies are cut, convert the dough into different shapes. The shaped products are then passed through a series of dryers, and the final products are cut to exact length, weighed and packaged. Most steps in the manufacturing process are automatic, under cover in sealed compartments of different machines; however, significant amounts of labor are used in the inspection of the final product. Moreover, there are additional steps in the production process which bear on the texture, shape and packaging of the pasta product. These steps are responsible for the differentiation of products which separate individual brands. Given the limited differentiation

[18] International Wheat Council, "World Trade Statistics" (1981).

between products, these steps are crucial in a market where brand-name identification is so important. A graphic presentation of the processing of durum wheat into semolina flour and the reprocessing of semolina flour into pasta products is depicted in Appendix B.

The extent of processing is reflected in terms of cost estimates of the value added in the process of converting semolina flour into pasta products. The following figures reflect the value added to the semolina flour market to make one pound of macaroni:

Semolina flour	*$0.200
Labor	0.055
General overhead	0.050
Packaging	0.050
	0.355

*The price of 20 cents per pound of semolina flour probably represents the highest price paid for this ingredient in recent years. Use of a lower and more typical price would, of course, cause the percent of value added to increase

There is a factor of 44 percent value added to semolina flour in its processing into macaroni. This does not include any expense for brand name advertising which also adds value to the finished product. Moreover, it does not include the separate 18.5 percent value added factor necessary to grind durum wheat into semolina flour and its commercial by-products. The extensive amount of value added through two separate processing stages cannot justify the treatment of pasta as a primary agricultural product. Such treatment would render Article 9 meaningless.

In sum, the level of trade in international durum wheat and the substantial amount of processing that is involved in converting durum wheat to pasta lead to the conclusion that for purposes of the GATT, pasta is a non-primary product. Petitioner therefore submits that a subsidy on the export of such products violates Article 9 of the Subsidies Code. Such a view would be consistent with recent U.S. positions on the primary/non-primary distinction.

Throughout the MTN, the United States subscribed to a narrow definition of primary product, one which would result in a product's removal from the primary product category on the basis of minimal processing. The E.C., as expected, took the other extreme. Consistent with its position in the MTN, the United States recently requested consultations concerning E.C. subsidies on the export of wheat flour.[19] In making this request, the United States asserted that "wheat-flour is a non-primary product on which no subsidy may be maintained." Petitioners contend that the processing of durum wheat into pasta involves substantially more processing than is involved in the transformation of common wheat into wheat flour. To permit the subsidy on pasta to persist where its existence is so clearly violative of Article 9 would be to render the Subsidies Code meaningless.

C. The E.C. Export Subsidy on Pasta Products Threatens Serious Prejudice to U.S. Domestic Markets in Pasta Products and Therefore Violates Article 8 of the Subsidies Code

Article 8 of the Subsidies Code, although not providing an absolute prohibition against export subsidies as contained in Article 9, nevertheless provides that parties "should avoid causing serious prejudice to the interests of another signatory." For purposes of the Article, serious prejudice includes not only actual, but the threat of serious prejudice.[20]

The threat of serious prejudice to U.S. pasta producers can be viewed from two perspectives. First, since there is absolute and continuous growth of Italian pasta imports in a U.S. market in which overall demand has remained constant, the Italian products are directly displacing and will continuing to displace U.S. products. Second, because Italian products are being directed at specific regional markets, the net effect on certain regional producers may be to threaten their well-being.

1. *Italian import penetration.* As previously indicated, domestic demand for pasta products at retail has not increased significantly in recent years. For example, between the years 1979 and 1980, domestic consumption of macaroni products has grown only 0.7 percent annually, from 985 million pounds to 993 million pounds. Moreover, unofficial grocery sales figures provided by the industry reveal that between 1973 and 1980 the annual volume of grocery sales over the entire period has increased at an average annual rate of less than 2 percent. Despite this limited growth, Italian imports to the United States have grown substantially. During the 1979–80 period alone, Italian imports grew at an annual rate of 34.6 percent. Whereas in 1979, Italian imports represented approximately 2.0 percent of total grocery sales, in 1980 that share grew to 2.6 percent. Assuming constant domestic demand in 1981, the increase in the Italian share of the U.S. market may be as high as 3.8 percent if the surge of pasta imports in the first half of 1981 holds constant throughout the remainder of the year. This would represent a doubling of market share in just two years.

Certain recent developments in the U.S. pasta market reinforce this negative trend thereby mandating that the threat be addressed by U.S. policy makers. In the first place, there are now at least 29 separate brands of Italian pasta available nationwide.[21] Moreover, the distribution of imported pasta is no longer limited to specialty shops and gourmet stores, but has spread to a number of important regional and national chain stores, acquiring significant amounts of shelf space. Furthermore, imported pasta from Italy is being priced to undersell domestic brands on retail shelves, in which instance, domestic producers are forced to lower their prices to respond to competition from the imported brands. Coupled with these developments are the apparently unlimited amounts available from the E.C. to cover export refunds. Between the years 1975 and 1979, E.C. expenditures on cereal refunds grew from approximately 425 million European Units of Account (E.C.U.) to 1,152,155,419 E.C.U. (Table 6). In 1980, total appropriations were set at 1,099,000,000 E.C.U., and for 1981 at 1,542,520,000 E.C.U. Clearly, these levels suggest there are no effective administrative controls on cereal subsidies. In effect, Italian pasta producers have an unlimited pool for which to draw.

In a recent complaint by Brazil against the E.C. refunds on export of sugar,[22] a GATT panel took note of the "non-limited amounts" available to cover export refunds of sugar. The panel found that this open-ended commitment on the part of the E.C., when combined with the amount of E.C. sugar available for export, created a permanent source of uncertainty in world markets and therefore constituted a threat of serious prejudice in terms of Article XVI:1 of the General Agreement. The open-ended financial commitment to cereal subsidies by the E.C., coupled with the volume of exportable surpluses within the E.C., demonstrates that a threat of serious prejudice confronts U.S. producers for the same reasons that such a threat was found in the case of Brazilian sugar.

2. *Regional market penetration.* Pasta imports have had a major impact on the retail market in the New York-New Jersey area. Sales data in imported pasta is difficult to gather. Data published by the Nielsen organization

[19] GATT, "European Communities—Export Refunds for Wheat Flour—U.S. Request for Consultations under Article XXII:1," GATT Docs. L/5014 (Aug. 8, 1980).

[20] Subsidies Code, Article 8, footnote 3.

[21] Information received from a survey of members of the National Pasta Association (June 1981).

[22] GATT, European Communities—Refund on Export of Sugar—Complaint by Brazil," GATT Docs. L/5011 (Oct. 7, 1980).

was able to track 5 million pounds of Italian pasta sold at retail in 1980, of which 4 million pounds (80 percent) were sold in the New York-New Jersey market. It is generally believed that much of the unaccounted for distribution of the 26 million pounds of pasta imported in 1980 was also sold at retail—most of that in the New York-New Jersey market area. Thus, the amount of Italian pasta imports sold at retail is probably greatly understated. In 1980, recorded grocery sales of Italian imports (*i.e.*, 4 million pounds) constituted approximately 2.3 percent of the New York area market. If the Nielsen data understates the amount of Italian pasta sold at retail, and if the bulk of the 20 million pounds of imported pasta not accounted for by Nielsen was sold in the New York-New Jersey market, the present impact of imports on retail sales in the New York-New Jersey market could be significantly understated. If 80 percent of the unaccounted-for 20 million pounds were sold in the New York-New Jersey areas, market penetration of imports would exceed 20 percent in 1980 and could go much higher than that in 1981 with the increase in imports.

In considering the impact of subsidized exports on U.S. domestic markets, it is not unprecedented to look in terms of particular geographic markets. For example, in determining the extent or threat of injury to a particular industry in countervailing duty cases, the ITC may find injury on the basis of a regional industry even where a major proportion of the domestic industry taken as a whole is not injured.[23] The language of the statute is sufficiently broad to allow the Commission discretion in determining the appropriate circumstances for an inquiry based upon a regional industry.[24]

In determining the threat to the domestic injury in the contest of the Subsidies Code, consideration of regional impact is equally valid. Article 6, paragraph 7, of the Code provides that:

> . . . The territory of a signatory may, for the production in question, be divided into two or more competitive markets and the producers within each market may be regarded as a separate industry if (a) the producers within such market sell all or almost all of their production of the product in question in that market; and (b) the demand in that market is not to any substantial degree supplied by producers of the product in question backed elsewhere in the territory. In such circumstances, injury may be found to exist even where a major portion of the total domestic industry is not injured provided there is concentration of subsidized imports into such an isolated market, and provided further that the subsidized imports are causing injury to the producers of all or almost all of the production within such market.[25]

The New York-New Jersey market, in that it is generally self-contained, appears to meet the criteria set forth in Article 6, Paragraph 7 of the Subsidies Code. It is therefore appropriate to concern ourselves with the regional impact of the Italian imports. The possibility that Italian penetration in the New York market may have exceeded 20 percent in 1980 and could exceed 25 percent in 1981, if trends for the first half of 1981 hold true, is a threat which petitioner submits must be addressed in the GATT framework.

Relief Requested

Based on the foregoing, petitioner respectfully requests that the President, pursuant to section 301 of the Trade Act of 1974, as amended, 19 U.S.C. 2411, take all appropriate and feasible steps within his power to obtain the elimination of the European Economic Community's export refund on pasta products. Such efforts should include making use of the consultation, conciliation and dispute settlement mechanisms as provided by Articles 12 and 13 of the Subsidies Code. In the event such steps fail to bring about a resolution of the issue, the President should undertake such countermeasures as are authorized under section 301 of the Trade Act of 1974, as amended, and as are permitted under the General Agreement and the Subsidies Code.

Respectfully submitted,

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Of Counsel:

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1055 Thomas Jefferson St., NW., Washington, D.C. 20007.

Dated: October 16, 1981.

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[22] GATT, European Communities—Refund on Export of Sugar—Complaint by Brazil," GATT Docs. I./5011 (Oct. 7, 1980).

[23] *See, e.g.*, "Fish, Fresh, Chilled, or Frozen, Whether or Not Prepared or Preserved, from Canada," USITC Pub. No. 1066 (may 1980); "Certain Iron-Metal Castings from India," USITC Pub. No. 1098 (Sept. 1980).

[24] 21 U.S.C. § 1677(4)(c).

[25] Subsidies Code, Art. 6, ¶7.

TABLE 1.—AVERAGE EXPORT RESTITUTION ALLOWANCES GRANTED[1] BY THE EUROPEAN COMMUNITY ON PASTA EXPORTS

Date	European community units per 100 kilograms[3]		Dollars per pound	
	Durum wheat	Pasta[2]	Durum wheat	Pasta
Jan. 1, 1976	4 0	6 7	$0 02	$0 03
Jan. 1, 1977	12 6	21 0	07	12
Jan. 1, 1978	11 5	19 2	07	12
Jan. 1, 1979	11 9	19 9	07	12
Jan. 1, 1980	10 6	17 7	07	12
Dec. 1, 1980	6 4	10 7	04	07

[1] Information provided by the Washington delegation of the European Community
[2] Calculated using E.C. conversion factor of 1.67
[3] European Units of Account per 100 kg.

TABLE 2.—DOMESTIC PRODUCTION OF PASTA PRODUCTS[1]

[1975–1980]

	Durum mill grind (bushel)[2]	Percent change
1975	32,993,000	
1976	35,126,000	6 5
1977	37,729,000	7 4
1978	37,003,000	- 2 0
1979	38,985,000	5 3
1980	33,482,000	- 14 1
1981[3]	29,970,000	- 10 5

[1] Since the U.S. pasta industry does not maintain aggregate production or consumption data, the best available index of domestic production, and concurrently domestic demand, is production of durum mill grind
[2] U.S. Bureau of the Census, Dep't of Commerce, "Series M20A" Report
[3] Annual Estimate based on first six months data

TABLE 3.—Macaroni, Etc. Containing No Egg or Egg Products

[Imports by Selected Countries of Origin; TSUSA No. 182.3500]

Year	Total annual net quantity (lbs)	Annual net quantity for selected countries					
		Canada	Italy	Mexico	Japan	China M	Balance—all other countries
1975	49,273,347	22,291,306	10,016,969	7,280,879	3,191,560	502,448	5,990,185
1976	50,737,329	19,847,023	10,929,596	[4]5,641,292 703,452	4,407,821	1,304,448	7,703,697
1977	52,110,934	19,239,577	12,839,875	[4]5,374,969 809,571	3,506,465	1,595,448	7,845,029
1978	65,707,672	25,749,132	19,075,122	[4]5,880,581 691,656	3,363,740	1,849,475	9,097,966
1979	69,798,517	25,780,143	20,284,553	[4]6,836,956 257,414	3,776,594	2,441,094	10,416,763
1980	76,778,536	27,206,630	26,051,913	[4]2,211,402 60,166	4,557,549	5,038,322	11,652,554
1981, 1st quarter	24,105,056	6,918,759	10,643,459	[4]714,738 2,712	865,658	1,301,350	3,658,380
2nd quarter	21,803,057	6,152,094	8,154,835	[4]775,559 15,814	1,422,531	1,321,375	3,960,849

NOTE.—"4"—Items imported under the Generalized System of Preference provisions of the Trade Act of 1974

Source: U.S. Bureau of the Census, Department of Commerce, "U.S. Imports for Consumption and General Imports," Report FT 246, Annual (1975, 1976, 1977, 1978). U.S. Bureau of the Census, Department of Commerce "U.S. Imports for Consumption," Report IM 146, Monthly (1979, 1980).

TABLE 4.—MACARONI, ETC. CONTAINING NO EGG OR EGG PRODUCTS

[Imports by Selected Countries of Origin; TSUSA No. 182.3600]

Year	Total annual net quantity (lbs)	Annual net quantity for selected countries					
		Canada	Italy	Hong Kong	Philippine Republic	Switzerland	Balance—all other countries
1975	4,221,620	2,680,479	498,575	292,132	314,217	131,191	305,026
1976	6,185,126	3,378,176	577,550	[4]359,955	[4]345,843	269,534	1,254,068
1977	5,236,024	3,072,311	679,428	[4]390,016	[4]394,386	183,477	516,406
1978	7,698,868	4,818,381	912,593	[4]414,755	[4]384,554	219,250	917,330
1979	7,610,518	4,531,927	862,163	[4]543,300 18,284	[4]431,202 4,980	226,807	991,855
1980	6,435,924	3,448,299	688,555	[4]767,347 33,376	[4]375,491 5,220	287,772	829,864
1981, 1st quarter	1,724,044	729,230	295,320	[4]296,614 5,576	[4]68,624	15,020	313,660
2nd quarter	1,732,711	693,034	421,627	[4]238,732 8,763	[4]88,991 1,500	67,561	212,503

NOTE.—"4"—Items imported under the Generalized System of Preference provisions of the Trade Act of 1974.

Source: U.S. Bureau of the Census, Department of Commerce, "U.S. Imports for Consumption and General Imports," Report FT 246, Annual (1975, 1976, 1977, 1978). U.S. Bureau of the Census, Department of Commerce, "U.S. Imports for Consumption," Report IM 146, Monthly (1979, 1980).

TABLE 5.—INTERNATIONAL TRADE IN DURUM WHEAT [1]

[1,000 metric tons]

	Argentina	Canada	EEC [2]	Greece	Spain	United States	Other	Total
1974/1975	158	1,467	[3]	23	14	1,381	6	3,053
1975/1976	165	1,529	26	10	.....	1,689	5	3,425
1976/1977	355	1,332	43	.....	.....	1,055	.....	2,785
1977/1978	248	1,943	11	6	.....	1,647	28	3,883
1978/1979	.....	1,370	18	177	.....	1,709	3	3,277
1979/1980	83	1,590	27	79	214	2,228	.....	4,221

[1] International Wheat Council, "World Wheat Statistics" (1981)
[2] Excludes Intra-EEC Trade

TABLE 6.—E. C. EXPENDITURES ON CEREAL REFUNDS

	E.C.U.	Dollars [1]
1975	34,525,824	$425,497,000
1976	372,061,945	416,176,000
1977	272,162,340	310,687,000
1978	779,953,735	994,839,000
1979	1,152,155,419	1,560,459,000
1980	[2] 1,099,000,000	1,530,640,000
1981	[2] 1,542,520,000	.....

[1] Dollar conversions based on average annual exchange rate
[2] Appropriation figures—exact data on expenditures are not yet available.

Appendix A

Members of the National Pasta Association and Location of Principal Plants

California
Gabriele Macaroni Company
American Beauty Macaroni Company
Fortune Macaroni Company
Anthony Macaroni Company
Costa Macaroni Mfg. Company
Mrs. Reis Macaroni Company
Western Globe Products Inc.
D. Merlino & Sons
Royal Macaroni Company
Golden Grain Macaroni Company
Colorado
American Beauty Macaroni Company
Food City, USA, Inc.
Illinois
Mrs. Grass Inc.
Prince Macaroni Mfg. Co.
Golden Grain Macaroni Co.
G. D'Amico Macaroni Co.
Kansas
American Beauty Macaroni Co.
Kentucky
Delmonico Foods Inc.
Louisiana
National Food Products, Inc.
Shreveport Macaroni Mfg. Co.
Massachusetts
Prince Macaroni Mfg. Co.
Michigan
Schmidt Noodle Mfg. Co.
Prince Macaroni Mfg. Co.
Minnesota
The Creamette Company
Pillsbury Company
Jenny Lee, Inc.
Missouri
American Beauty Macaroni Co.
Ravarino & Freschi Inc.
Nebraska
Gooch Food Products Co.
San Giorgio-Skinner, Inc.
New Jersey
Thomas J. Lipton, Inc.
A. Zerega's Sons, Inc.
Buitoni Foods Corporation
La Rinascente Macaroni Mfg. Co.
C.F. Mueller Company
New York
Paramount Macaroni Co.
Giola Macaroni Co.
Gourmet Pasta
Ronzoni Macaroni Company
Bravo Macaroni Company
Ohio
Weiss Noodle Company
Inn Maid Products, Inc.
German Village Products, Inc.
Oregon
Golden Grain Macaroni Company
Pennsylvania
San Giorgio-Skinner, Inc.
Conteluna Foods, Inc.
Philadelphia Macaroni Company
Tennessee
Ronco Foods, Inc.
Texas
O.B. Macaroni Company
Utah
Salt Lake Macaroni & Noodle Co.
Washington
Major Italian Foods Company
Golden Grain Macaroni Co.
U.S. Macaroni Mfg. Co.
Canada
Cantelli-Five Roses
Creamette Co. of Canada, Ltd.
General Mills Canada
Lancia Bravo Foods
Prima Macaroni
Catelli, Ltd.
Prince Macaroni Company
Gattuso Corporation

Interested parties are invited to submit their views concerning the allegations in the petition. Submissions should be filed in accordance with the procedures set forth in 15 CFR 2006.8 on or before December 31, 1981. In order to assure parties the opportunity to contest information provided by other interested parties, a rebuttal brief may be filed in accordance with the requirements of 15 CFR 2006.8 on or before January 14, 1982. For further information, contact Jane Bradley, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506 (202) 395–3432.

November 30, 1981.

Jeanne S. Archibald,
Chairman, 301 Committee.

[FR Doc. 81-34964 Filed 12-4-81; 8:45 am]
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18293; File No. SR-CBOE-81-25]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change. Comments requested on or before December 28, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 20, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities Exchange Commission the proposed rule change as described below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Chapter XXI of the Rules of the Exchange to provide rules for trading in options on United States Treasury bills and to make certain conforming and nonsubstantive changes. Chapter XXI applies generally to options on Government securities. The proposed rule change states that certain of the existing rules of Chapter XXI are applicable only to options on underlying Treasury bonds and notes, and it adds a new Rule 21.31 applicable to options on underlying Treasury bills. This new rule includes the following terms of substance:

1. A Treasury bill is defined as a non-interest bearing Government security issued by the U.S. Treasury and sold at an original issue discount from par, with a term to maturity of not more than one year at the time of original issuance.

2. Procedures are established for adjusting the exercise price of Treasury bill options to reflect the term to maturity of the underlying Treasury bills.

3. Treasury bill options are proposed to be traded in respect of 13-week and 26-week Treasury bills, with a single 13-week Treasury bill option covering $1 million principal amount of underlying Treasury bills, a single "mini-series" option on 13-week Treasury bills covering $200,000 principal amount of underlying Treasury bills, a single option on 26-week Treasury bills covering $500,000 principal amount of underlying Treasury bills and a single "mini-series" option on 26-week Tresury bills covering $100,000 principal amount of underlying Treasury bills.

4. Treasury bill options will generally expire in the months of March, June, September and December with the term of options available for trading extending to as long as 15 months.

5. The exercise price of Treasury bill options will ordinarily be fixed at a percentage of the principal amount of the underlying security that is an intergral multiple of 1%. New series of options will be opened from time to time to reflect changes in prices of underlying Treasury bills.

6. Bids and offers for Treasury bill options will be expressed as a percentage (to the nearest 1/100 of 1%) of the principal amount of the underlying Treasury bills, adjusted to reflect the term to maturity of the underlying Treasury bills.

7. The settlement of the exercise of Treasury bill options will take place once a week. The person obligated to make delivery may choose whether to settle on Thursday or Friday, but in either case the aggregate exercise price is determined as if settlement were made on Thursday. The delivery obligation may be satisfied by delivering the required principal amount of any Treasury bill having a term to maturity equal to or less than the designated maturity of the Treasury bills underlying the particular series of options. Nevertheless, the aggregate exercise price payable upon exercise will be calculated on the basis of the delivery of the longest term Treasury bills eligible to be delivered.

8. Position and exercise limits for Treasury bill options will be $500 million principal amount of underlying 13-week Treasury bills and $250 million principal amount of underlying 26-week Treasury bills. Reports are required to be submitted to the Exchange whenever a customer holds or is obligated in respect of $100 million or more principal amount of underlying 13-week Treasury bill options or $50 million or more principal amount of underlying 26-week Treasury bill options.

9. In addition to the general obligation to deal for their own accounts in the interest of maintaining a fair and orderly market, Market-Makers in Treasury bill options are expected to bid and/or offer in the two nearest term series of each class of Treasury bill options so as to create differences that do not exceed 10 basis points for options for which the bid is less than 1; 20 basis points for options for which the bid is 1 or more but less than 5; 30 basis points for options for which the bid is 5 or more but less than 10; and 40 basis points for options for which the bid is 10 or more. Maximum bid/offer differentials for all longer term series of each class of Treasury bill options shall be twice the differentials stated in the preceding sentence.

10. Minimum margin required for each Treasury bill option carried in a short position in a customer's account is 100% of the option premium plus a stated percentage of the principal amount of the underlying Treasury bills, less any amount by which the option is "out-of-the-money." The stated percentage depends upon the maximum term to maturity of the underlying Treasury bills: 0.35% where the maturity is 95 days or less, 0.50% where the maturity is 96 days or more but less than 190 days, and 0.75% where the maturity is 190 days or more. In any event, the minimum margin is $500 for each standard Treasury bill option and $100 for each mini-series Treasury bill option. Reduced margin may apply in the case of a put and a call each carried in a short position and in the case of certain spread positions involving both long and short positions in the same class of Treasury bill options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change amends proposed Chapter XXI of the Rules of the Exchange, which pertains to options on Government securities, to provide rules for trading in options on United States Treasury bills (26-week bills and 13-week bills are proposed to be the subject of options). Chapter XXI is the subject of other prior filings currently before the Commission (File Nos. SR-CBOE-80-8 and 81-18), which concern rules governing trading in options on Treasury bonds (defined as securities haveing a term to maturity of more than 10 years) and Treasury notes (defined as securities having a term to maturity of at least 2 years but not more than 10 years). The addition of options on Treasury bills is intended to expand the risk-limiting and other uses of options in light of the unique characteristics of the market in short-term Government securities and other short-term debt instruments.

The Treasury bill options being proposed are "market basket" options that permit delivery of different maturities of Treasury bills upon exercise. The 26-week option permits delivery of any Treasury bill having 26 or fewer weeks to maturity, while the 13-week option permits delivery of any Treasury bill having 13 or fewer weeks to maturity. In each case, however, the aggregate exercise price is determined as if the longest maturity Treasury bill were delivered. Since Treasury bills trade at a discount from par which is greater for bills having a longer term to maturity, the effect of not adjusting exercise prices for shorter maturity deliveries is to assure that option premiums always reflect the market in the current 13-week or 26-week Treasury bill and to provide an economic incentive to make delivery upon exercise in the longest qualifying maturity. The purpose of permitting delivery in shorter maturities is simply to permit covered writers of call options to maintain their covered status without having to acquire new Treasury bills in each weekly auction, and to provide a "safety-valve" in case of unusual circumstances that limit the supply of 13- or 26-week Treasury bills.

The principal amount of underlying Treasury bills covered by the 26-week Treasury bill option is one-half the amount of Treasury bills covered by the 13-week Treasury bill option. Since the premiums for Treasury bill options are annualized, the effect of this difference in underlying principal amount is to make the premiums comparable between the two classes, thereby facilitating comparisons among all of the series of Treasury bill options that are traded.

The proposed rules for Treasury bill options include appropriate position and exercise limits and a requirement that large positions be reported to the Exchange. In each case these limits reflect amounts for 13-week Treasury bill options that are twice as large as for 26-week Treasury bill options. This is because the supply of 13-week Treasury bills includes previously issued 26-week Treasury bills that have only 13 weeks remaining to maturity, and therefore is considerably larger than the supply of 26-week Treasury bills.

The proposed rules also impose obligations on market-markers and establish minimum margin requirements that correspond to the requirements applicable to other Government security options, with appropriate adjustments to take into account the special characteristics of Treasury bill options.

The general provisions of Chapter XXI that deal with various other aspects of the market for Government security options will apply equally to Treasury bill options. These include matters pertaining to trading procedures, trade matching, sales practices, account handling and recordkeeping.

III. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not present any burden on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Formal comments on the proposed rule changes have neither been solicited nor received.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before January 11, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before December 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzimmons,

Secretary.

[FR Doc. 81-34979 Filed 12-4-81, 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18295; File No. SR-CBOE-81-26]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to Floor Officials. Comments requested on or before December 28, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 12, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is as follows. Additions are italicized; deletions are bracketed.

Admission to and Conduct on the Trading Floor

Rule 6.20(a) Admission to Floor. Unless otherwise provided in the Rules, no one but a member or an Order Book Official designated by the Exchange pursuant to Rule 7.3 shall make any transaction on the floor of the Exchange. Admission to the Floor shall be limited to members, employees of the Exchange, clerks or messengers employed by members and registered with the Exchange, and such other persons as may be provided by resolution of the Board.

(b) Conduct on the Floor. A member of the Exchange may be fined an amount not to exceed $1,000 upon the determination of two Floor Officials that the member's conduct on the floor of the Exchange is such as to impair the maintenance of a fair and orderly market, or to impair public confidence in the operations of the Exchange. A member adversely affected by a determination made under this Rule may obtain a review thereof in accordance with the provisions of Chapter XIX.

(Fines imposed) *Any action taken* by Floor Officials hereunder shall not preclude further disciplinary action by the Business Conduct Committee under Chapter XVII of the Rules.

* * * Interpretations and Policies:

.01 Only those members who have been approved to perform a floor function are authorized to enter into transactions on the floor. Such members include Floor Brokers who are registered pursuant to Rule 6.71, Board Brokers who are registered pursuant to Rules 7.2 and 7.3 and Market-Makers registered pursuant to Rules 8.2 and 8.3 While on the floor such members shall at all times display a floor member's badge.

.02 Order Book Officials may effect transactions on the floor only in the classes of option contracts to which they have been assigned and only in their capacity as Order Book Officials.

.03 Rule 3.21 provides that a nonequity-options permit holder is entitled to enter into principal transactions as a Market-Maker in nonequity options on the floor of the Exchange until his permit expires.

.04 *The activities which may impair the maintenance of a fair and orderly maket or impair public confidence in the operations of the Exchange, include but are not limited to the following:*

(i) *Effecting or attempting to effect a transaction with no public outcry in violation of Rule 6.43 or 6.74;*

(ii) *Failure of a Market-Maker to respond to a request for a market by an Order Book Official pursuant to Rule 7.5;*

(iii) *Failure of a Market-Maker to bid or offer within the ranges specified by Rule 8.7(b);*

(iv) *Failure to abide by a determination of Floor Officials; and*

(v) *Refusal to provide information requested by a Floor Official acting in his official capacity.*

.05 *Two Floor Officials may nullify a transaction or adjust its terms if they determine the transaction to have been in violation of any of the following: (i) Rule 6.43 (manner of bidding and offering), (ii) Rule 6.45 (priority of bids and offers), (iii) Rule 6.46 (transactions outside the book's last quoted range), or (iv) Rule 6.47 (priority on split price transactions).*

II

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The primary purpose of the proposed rule change is to make explicit the authority of floor officials to fine for activities other than decorum-related offenses and to break or adjust trades effected in violation of the Exchange rules listed in proposed Interpretation .05. With this explicit authority, Floor Officials will be able to act promptly in response to violations of the Exchange rules referred to in proposed Interpretations .04 and .05. It should be noted that the list of rules in Interpretation .04 is not inclusive. It also should be noted that disciplinary action by the Exchange's Business Conduct Committee, which is normally more time consuming, is not precluded.

Rule 6.20(b) provides and will continue to provide for review of an action taken by Floor Officials by the Exchange's Appeals Committee pursuant to Chapter XIX of the Exchange rules. It is recognized that both the Business Conduct and Appeals Committees could have the same case before them and theoretically could come to different decisions. However, it is not desirable to add an appellate function to the already difficult role of the Business Conduct Committee. In addition, the benefits of prompt, effective action on the part of Floor Officials far outweigh the potential for different decisions if the two committees act on the same case.

The statutory basis for the proposed rule change is sections 6(b) (1), (5), (6) and (7), in that the rule change will enhance the Exchange's ability fairly to enforce compliance with its rules, to promote just and equitable principles of trade and to protect investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change will impose no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.*

The Exchange solicited comments on the proposed rule change by means of a memorandum dated October 22, 1981 and sent to all members; however, no comments were received from members or from others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before January 11, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before December 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 30, 1981.

[FR Doc. 81-34990 Filed 12-4-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0098]

Doan Resources Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Doan Resources Corporation (Doan), 110 East Grove, Midland, Michigan 48640, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13 CFR 107.1004 (1981)) for approval of a conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, Doan proposes to provide funds to Lifescan,

Inc. (LSI), for the purpose of providing additional working capital.

The proposed financing is brought within the purview of § 107.1004(b)(1) of the Regulation because Mr. James R. Weering a stockholder in LSI, is an Investment Advisor to the Licensee, and therefore is considered an Associate of Doan Resources Corporation as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than December 17, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: December 1, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-35034 Filed 12-4-81, 8:45 am]

BILLING CODE 8025-01-M

Westamerican Capital Corp.; License Surrender

[License No. 09/09-0277]

Notice is hereby given that Westamerican Capital Corporation (WCC), 180 Newport Center Drive, Suite 200, Newport Beach, California 92660, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). WCC was licensed by the Small Business Administration on January 24, 1981.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on November 18, 1981, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 1, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-35035 Filed 12-4-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-089]

Regulatory Flexibility Act Review of Coast Guard Rules and Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The Regulatory Flexibility Act requires the Coast Guard to periodically review those of its regulations which have a significant impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This notice solicits public input to aid the Coast Guard in the grouping of regulations for review and in selecting those regulations which should be reviewed first.

DATE: Comments solicited in this notice are due April 6, 1982.

ADDRESS: Comments should be mailed to Commandant (G-CMC/44) (CGD81-089), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 7:00 am to 5:00 pm, Monday through Thursday, except holidays, at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT:

CDR A. D. UTARA, Executive Secretary, Marine Safety Council (G-CMC/44), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593 (202) 426-1477.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Coast Guard's regulations are codified in Parts 1 through 199 of Title 33, Parts 1 through 199 and 401 through 403 of Title 46 and Parts 420 through 453 of Title 49 of the Code of Federal Regulations (CFR). The Regulatory Flexibility Act (RFA) (Pub. L. 96-354, 5 U.S.C. 601 et. seq.) requires the Coast Guard to periodically review existing regulations that have a significant economic impact on a substantial number of small entities. In the June 29, 1981 **Federal Register** (46 FR 33405) the Coast Guard, as a part of the Department of Transportation's Notice of RFA review plans, published notice that it was undertaking a review of its rules to determine appropriate groupings to be considered "regulations" for the purpose of the RFA review.

Selection of Rules for Review

The Coast Guard has determined that, for the purposes of this review, the CFR Part will serve as the basic review unit. Recognizing that it may be appropriate to review several closely related CFR Parts concurrently or to divide the CFR Parts into smaller coherent units the Coast Guard will, in some instances, combine or subdivide CFR Parts for review. The Coast Guard will, by August 1, 1982, screen its rules and regulations in order to identify those which it believes do not have or will not have a significant impact on a substantial number of small entities. A list of all rules so identified will be published in the **Federal Register**. Barring public comment identifying the significant impact of these regulations on a substantial number of small entities, these regulations will not be further reviewed under the RFA. The Coast Guard believes that by eliminating this group of regulations it will be better able to plan its regulatory review work load and more efficiently concentrate on the more significant regulatory areas. The remaining rules and regulations will be scheduled for RFA review.

By October 1, 1982 and by October 1 of each succeeding year, a list of those remaining rules and regulations which have been selected for review during the succeeding year will be submitted by the Coast Guard for publication in the **Federal Register** as part of the Department's Semi-Annual Regulations Agenda and Review List. Appropriate information will be provided for each rule, including a brief description of the rule and the need for and legal basis of the rule. Public comment to aid in the review will be solicited.

The purpose of the RFA review will be to determine whether the rules should be continued without change, or should be amended or rescinded to minimize any substantial economic impacts of such rules upon a substantial number of small entities in a manner consistent with the statutes authorizing the rule. The factors that will be considered in this RFA review were specified in the Department's RFA review plan (46 FR 33404). The Coast Guard will review all such rules in effect on January 1, 1981 within ten years of that date. All rules adopted after January 1, 1981 will be reviewed within ten years of their adoption as final rules.

At the same time as it is conducting its screening of regulations for RFA review, the Coast Guard will concurrently screen its regulations with the added objective of identifying rules that may no longer serve the public

interest, even though they may not affect small entities. The goal of this screening is to identify those regulations which are no longer cost effective, obsolete, overly restrictive or overly burdensome or which duplicate or overlap other regulations. Rules identified in this screening process will be scheduled for modification in accordance with the appropriate procedures.

Public Participation

To help the Coast Guard in these screening processes and to aid in selecting the regulations which should be reviewed first, interested persons or organizations, especially small entities, are asked to identify any existing regulations which they feel might have a significant impact on a substantial number of small entities. The Coast Guard asks that these commenters provide: (1) the CFR citation, (2) a description of the economic effects of the regulation on small entities, (3) identification of any disproportionate effects, and (4) any recommendations for changes. Further, the Coast Guard invites comments regarding its selection of the CFR Part as the basic review unit or any suggestions for grouping or subdivision of CFR Parts into other coherent review units. Any additional pertinent comments or data will also be welcomed.

Dated: December 2, 1981.

CDR A.D. Utara,

Regulations Officer, U.S. Coast Guard.

[FR Doc. 81-35021 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 81-093]

Port Access Route Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: The purpose of this notice is to publish results of the Port Access Route study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31 1980 (45 FR 7026). Only the results for study areas 26 to 29 are published in this notice. Generally, these areas include the coasts of Oregon and Washington. The establishment of new vessel traffic routing measures is considered unnecessary at the present time within study areas 26, 27, and 28. Also, it is recommended that the port access routes for the entrance to the Strait of Juan de Fuca in area 29 continue to be addressed under a cooperative U.S./Canadian agreement.

Background

The Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474, 92 Stat. 1473; 33 U.S.C. 1223), mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The **Federal Register** for April 16, 1979 (44 FR 22543), announced the scope of the study and included a description of each area be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ship's routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the **Federal Register.** However, areas for which results are published may be studied again in the future as changes in conditions warrant re-evaluation.

Results for areas 5, 5a and 6 (New York and Delaware approaches and Long Island Sound) were published in 46 FR 49035; for areas 13 to 20 (coasts of South Carolina, Georgia and Florida) in 46 FR 48376; and for area 21 (Gulf of Mexico) in 46 FR 49989. Results for the remaining study areas (1 to 4 in New England, 7 to 12 along the Mid-Atlantic coast, 22 to 25 along California, and 30 to 32 along Alaska) will be published in a future **Federal Register.**

The Thirteenth Coast Guard District performed the study for areas 26 to 29. Geographically, these areas are described as follows:

Area 26: Oregon Coast.
Enclosed by the coast and a line bearing 270° T from the coast at 42° N latitude to a point 125°10.0′ W longitude; thence a line bearing 357° T to 45°35.0′ N latitude, 125°25.0′ W longitude; thence a line bearing 090° T to the coast.

Area 27: Includes Columbia River Entrance.
Enclosed by the coast and a line bearing 270° T from the coast at 45°35.0′ N latitude to 125°25.0′ W longitude; thence a line bearing 349° T to 46°45.0′ N latitude, 125°45.0′ W longitude; thence a line bearing 090° T to the coast.

Area 28: Washington Coast.
Enclosed by the coast and a line bearing 270° T from the coast at 46°45.0′ N latitude to 125°45.0′ W longitude; thence a line bearing 344° T to 47°45.0′ N latitude, 126°10.0′ W longitude; thence a line bearing 090° T to the coast.

Area 29: Includes the entrance to the Strait of Juan de Fuca.
From the coast, including the entrance to the Strait of Juan de Fuca, seaward to the 1800 meter curve, from 47°45.0′ N latitude to the limit of Canadian jurisdiction.

The following study results do not go into detail on area 29, since development of access routes to the Strait of Juan de Fuca is part of the Canadian-United States *Agreement for a Cooperative Vessel Traffic Management System for the Juan de Fuca Region* (December 19, 1979). That joint effort will establish a vessel traffic management service, including a traffic separation scheme (TSS) at the entrance to and within the Strait of Juan de Fuca. This TSS has been adopted by the Marine Safety Committee of the Inter-Governmental Maritime Consultative Organization (IMCO); and, by international agreement, the TSS will become effective on January 1, 1982.

Study Method and Findings

1. *Shipping and Navigation.* Vessel traffic on the Washington-Oregon outer continental shelf consists of commercial vessels such as bulk carriers, freighters, tankers, tug and barge traffic, commercial and charter fishing vessels and pleasure craft. In the progress of this study the term "deep draft" will mean those vessels required by Title 33, Code of Federal Regulations, Part 161 (Vessel Traffic Management) to provide an advance notice of arrival and will necessarily include bulk carriers, freighters, tankers, etc. These larger ships and tugs operate out of Puget Sound ports, Columbia River ports, Coos Bay and Grays Harbor.

2. *Vessel Traffic Patterns and Densities.* Of primary importance in the evaluation of routing needs is accurate assessment of where the traffic is and how much there is of it. For the purpose of this study, commercial traffic has been broken down into five basic patterns:

(1) Columbia River traffic bound for an overseas location;

(2) Columbia River traffic bound south coastwise;

(3) Columbia River traffic bound north coastwise;

(4) North-South coastwise traffic (i.e., from locations in Puget Sound, Canada, etc. transiting coastwise to California, Panama Canal, etc.); and

(5) South-North coastwise traffic.

An analysis of data obtained from vessel arrival/departure logs over a two month period (March/April 1980) has been conducted in order to yield approximate transit statistics. The following is an analysis of traffic:

a. The primary route for deep draft traffic exiting all Columbia River and Puget Sound Ports is a direct great circle route to a Far Eastern location (218 vessels westbound and 152 vessels

eastbound over two months). This Far East trade route would not be considered in a recommended coastwise routing scheme, but would be considered in a port access scheme.

b. Coastwise traffic was measured at 72 vessels northbound and 62 vessels southbound over two months. Deep draft traffic entering Columbia River ports was counted at 96 vessels from the south and 118 from the north. Traffic exiting the Columbia River was counted at 77 vessels going south and 71 turning north. It is with these figures that this study is primarily concerned. The data indicates, on the average, the combined north/south traffic along the coasts of Washington and Oregon is between 1.5 and 2.5 deep draft vessels passing a given point on any given day. Even if these figures were doubled to account for statistical error, the traffic density still remains slight by any standard.

3. *Potential Traffic Density.* a. The number of vessels calling at Northwest ports and tonnage transported has been increasing slightly. Of importance, however, is the worldwide trend of barges and vessels becoming larger in size as fuel consumption and labor costs dictate more efficient transportation. A comparison of the Department of Commerce statistics for August 1978 and 1979 shows a decrease in the U.S. Merchant Marine Fleet of 13 deep draft vessels but an increase in their capacity by 1.6 million dwt.

b. There is a good possibility that trade will increase between the People's Republic of China and the Pacific Northwest. Whether the Puget Sound or Columbia River ports will dominate has not yet been determined.

c. Grain and log exports from the Northwest could decrease in the near future. A large portion of the grain has normally been destined for the USSR; however, the international situation can cause the tonnage to fluctuate. Log exports should remain stable or decrease as domestic concerns for this valuable natural resource increase. The current decline of employment in west coast lumber mills could impact the export of raw logs. Efforts are underway to increase the exporting of finished forest products.

d. A remote, long-term potential traffic density problem could occur as the costs of fuels increase with a significant rise in canal tolls for the Panama Canal Zone: conceivably, it could prove more economical to divert Far East shipping to Northwest ports for further transportation to the Mid-West and East Coast markets.

4. *Weather.* Wind, rain and fog are major considerations for the mariner along the Washington and Oregon coasts. Hazardous river bar conditions unique to this area can create problems for river entry. The impact of this condition is normally a delay in the time of river entry with subsequent standing off the coast by the vessel until conditions improve.

5. *Outer Continental Shelf (OCS) Development.* The Bureau of Land Management lease sales projected through 1985 do not include any areas off the Oregon-Washington coast. However, the U.S. Geological Survey has recently granted permits to the Western Geophysical Company of Houston, Texas, to conduct geophysical surveys in waters off Oregon and Washington.

6. *Statistics.* a. *Coos Bay, Oregon*—Over 500 commercial vessels excluding fishing vessels, call each year. Over 50% of this figure represents deep draft vessels which are enaged in coastal traffic while the remainder carry forest products to Japan. Bulk carriers and a few coastal petroleum product tankers are the major users of the port.

The total bar crossing by vessels utilizing pilotage (In and Out) are:

1977—690;
1978—624; and
1979—686.

b. *Newport, Oregon*—Newport averages about 20 deep draft vessels per year. Most of these vessels are bulk carriers transiting to and from Japan.

c. *The Columbia River Ports*—These ports average about 1800 deep draft vessels per year. Approximately 75% of this traffic is on its way to or from foreign ports. The total bar crossings by vessels utilizing pilotage (In and Out) for the River's entrance are:

1970–3870;
1975–3788; and
1978–4493.

Additional vessels consist of tuna clippers, tugs and barges, charter fishing vessels, private fishing vessels and pleasure craft.

d. *Grays Harbor, Washington*—The total bar crossings by vessels utilizing pilotage (In and Out) are as follows:

1977–420;
1978–485; and
1979–604.

Again the majority of this traffic is engaged in foreign trade. These statistics account for only large commercial vessels and do not include the pleasure craft, charter fishing vessels, small tugs and barges or commercial fishing vessels.

7. *Towboat Traffic.* Most of the tugboats and their tows proceed relatively close to shore. Their track lines are dependent on their origin, destination and the weather. In general, most of them cruise parallel to the coast at about the 30 fathom curve. According to the Northwest Tow Boat Association approximately 30 tugs per month transit the coastal waters. This tug traffic can conflict with crab fishing near shore and with black cod fishing further offshore. However, this potential problem has been avoided through informal agreements between towboat operators and crab/black cod fishermen since 1973. These agreement establish fishing/traffic lanes from Destruction Island, Washington (midway between the entrance of the Strait of Juan de Fuca and Grays Harbor) to San Francisco, California. The lanes are renegotiated annually by the fishing and towboat interests. A Coast Guard Notice to Mariners is published to inform all concerned of the agreed upon routes and radio contact frequencies. During the six years that the lanes have been in existence there has been very little interference between the two parties in the geographic areas covered. As a result of recent changes in fishing areas and techniques and an increase in coastal towboats traffic, the lanes were renegotiated in October 1981.

8. *Fishing Vessels.* The entire Washington-Oregon Outer Continental Shelf (OCS) is subject to regular commercial fishing at some time during the year, whether crabbing, salmon trolling or bottomtrawling. During the crabbing season there is usually a large concentration of crab pots between shore and out to about 30 fathoms. Between 50 and 70 foreign vessels (of approximately 300' in length) use OCS waters around the 100 fathom curve to fish for hake during spring, summer and early fall. Domestic vessel numbers range from several hundred to thousands along the Washington/Oregon coast depending on the time of year. Construction of larger U.S. registered fishing vessels which are capable of remaining at sea longer through increased fuel storage, crew accommodations/provisions and more sophisticated means of storing or processing the fish on board will most likely result in a total decrease in the number of vessels engaged in fishing with an increase in the total catch. The mobile nature of west coast fishing areas in such that the annual voluntary "agreements" provide an extremely effective means of traffic routing with the degree of versatility necessary for traffic control.

9. *Existing Routes.* There are presently three routing systems for offshore traffic and port access.

a. *Offshore*—The "U.S. Coast Pilot 7. Pacific Coast" publishes a recommended route for coastal traffic. The Coast Pilot route for the offshore areas of Washington and Oregon consists of basically three rhumb lines as follows:

7 miles off Cape Blanco (43° N) direct to 7 miles off the Columbia River entrance to 7 miles off Cape Alava (48° N) to the Strait of Juan de Fuca entrance. The sourthern half has depths from 70 to 150 fathoms with a general depth of 100 fathoms. The northern half depths are generally in the vicinity of 40 fathoms. The general distance offshore is from 10 to 15 miles with a closing to 7 miles at the turn point. This general decrease in distance offshore facilitates more precise navigation at the turn points through the use of radar, radio beacon and fathometer information. The Coast Pilot suggests southbound vessels shape courses through positions a mile further off the mainland.

b. *TAPS Routes/Strait of Juan de Fuca TSS*—North and South bound Trans-Alaska Pipeline System (TAPS) Routes were established and published in a 1977 Notice to Mariners. These are "recommended" routes and are thus voluntary. In response to Canadian environmental concerns, the U.S. is considering a revision which will move the routes further offshore where they parallel the Canadian coastline. The revision will be coordinated with the new TSS at the entrance to the Strait of Juan de Fuca.

c. *Port Accesses*—A passive system of aids to nagivation (i.e., buoys, ranges, lights, day markers and prominent shoreside points), guides the mariner through the channels and across the bars of the Northwest ports. In addition to this, Commander, Thirteenth Coast Guard District publishes a "Guide to Hazardous Bars" which offers local knowledge and experience for the mariner's use. A copy of this guide is available from the Thirteenth Coast Guard District Office in Seattle, Washington.

10. *Previously Proposed Routes.* On 19 July 1979, the Pacific Merchant Shipping Association submitted a copy of a proposed vessel routing fairway system along the entire West Coast. This proposal was originally submitted to the Honorable Mario Biaggi, Chairman, House Subcommittee on Coast Guard and Navigation. The intent of the proposal is to insure mariners that clear shipping lanes are available where exploratory offshore platforms are established. The proposal was considered, in part, by the Port Access Route Study Group.

11. *Study Results.* 238 letters were mailed to various parties soliciting comments relative to the Port Access Route Study. A summary of letters sent and answers received follows:

Addressee	Solicitations	Response
Ports/pilots	32	8
Government agencies	30	7
Citizens/groups/associations/commissions	15	1
Steamship companies	51	2
Yacht clubs	24	0
Oil companies	18	0
Fish industry	39	1
Other companies	29	2
Total	238	21

A summary of the significant responses follows:

—*Washington State DOT Board of Pilotage Commissioners*—"It is too bad the Coast Guard can't consider vessel densities and safe routing of ships as affected by other reasonable uses (i.e., fishing, pleasure, or regatta boating) here in Puget Sound while they are at it."

—*Seaspan International Ltd of North Vancouver B.C.*—"* * * we consider it imperative that approaches to Harbors and the Straits of Juan de Fuca remain free of offshore structures and facets of the fishing industry that would impede the safe navigation of heavy tonnage vessels or tugs with tows. We would only be interested in any proposal of a shipping route in the subject area if Rule 10 of the 72 COLREGS was applicable so that all users of the waterways are fully made aware that under Rule 10 a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane." SEASPAN has found the Fishing/Towboat lanes as established "have been of great assistance to their Masters who through the information passed on to them have been able to stay clear of the majority of these users."

—*Northwest Towboat Association* and *TOTEM Ocean Trailer Express, Inc.*—. Submitted comments and information.

—*Crowley Martime*—provided important information on offshore structures and the possible effect on maneuvering tugs with tows.

—*Mobil Oil Company and American Petroleum Institute*—supported the belief that port access routes should no be used where there is not a clear need.

12. *Conclusions.* a. It would appear the major advantage of establishing routes and lanes would be to secure or reserve some areas for safe navigation and others for offshore structures. It is clear that an increase in either activity could necessitate routing measures. However, for the present and foreseeable future this situation is not envisioned for the coastal areas of Washington and Oregon. Traffic densities and lack of fixed offshore structures are such that established routes and lanes would not contribute to safety.

b. The designation of a traffic lane must take into account the inconveniences to fishermen and recreational boaters who must abide by Rule 10 of the international navigation rules while in the vicinity of a lane. Recreational boaters would be expected to navigate with the same precision required of larger vessels. Also, fishermen might have to forgo a potentially profitable catch because they are subject to Rule 10 once they are in a lane.

c. Of paramount concern is vessel safety. In areas where fixed lanes or routes are not really necessary, they may promote complacency in accurate navigation, prudent seamanship, and watchstanding alertness.

d. The offshore areas of Washington and Oregon experience unusually harsh weather conditions. Often this weather dictates the safe course and speed for transiting vessels. The establishment of fixed lanes in open sea areas might inhibit the flexibility of the mariner for keeping his vessel safe.

13. *Recommendation.* It is recommended that port access routes for the entrance to the Strait of Juan de Fuca continue to be addressed under the U.S./Canadian Agreement as a rule making project separate from, but under the same general guidelines as described in **Federal Register**, 16 April 1979.

Designation of access routes for Study areas 26, 27 and 28 are not recommended for the following reasons:

a. Effective voluntary route agreements are in effect governing fishing and towing vessels in the near shore area of of Oregon and Washington. These voluntary agreements as published in "Notice to Mariners" facilitate deep draft navigation.

b. No man-made obstructions to navigation presently exist in these port access study areas and none are contemplated in the near term.

c. The density of coastwise deep draft traffic does not warrant fixed access routes.

d. Outer Port Access areas are characterized as presenting exceptional sea room for competing interests. The practical effect is that the right of navigation is not being encumbered by other uses. The inner access areas, approaches to the Columbia River bar,

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etc., are used exclusively for navigation, and, by nature, the needs of navigation are paramount.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Office of Navigation (G–NSR–3), Room 1418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426–4958 between 7:30 and 4:30 p.m. Monday through Thursday, except holidays.

Dated: December 1, 1981

R. A. Bauman,

Rear Admiral, Coast Guard, Chief, Office of Navigation.

[FR Doc. 81–35022 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Flight Standards District Office at Fort Worth, Tex., and San Antonio, Tex.; Office Name Change

Notice is hereby given that on or about January 1, 1982, the name of the Flight Standards District Office at Fort Worth, Texas, and San Antonio, Texas, will be changed to General Aviation District Office. There will be no change in services provided to the public. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in Fort Worth, Tex., on November 25, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81–34930 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Los Angeles County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Los Angeles County, California..

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUMMARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to improve access to Los Angeles International Airport (LAX) and the surrounding areas by the selection and implementation of one or more of the following alternatives.

Alternative 1—Full Interchange: Construct full interchange at Arbor Vitae Street providing all traffic movements.

The existing northbound on-ramp from Manchester Street to I–405 and the existing off-ramp (Collector Road) to La Cienega Boulevard will be altered. A slip-ramp will be constructed between the collector road and the on-ramp. This will allow northbound traffic from Arbor Vitae Street to enter I–405 via the collector road, I–405 slip-ramp and on-ramp.

Alternative 2—Half Interchange: Construct southbound off and northbound on-ramps to Arbor Vitae Street to serve traffic to and from the north.

Alternative 3—Null (No Project): This would leave existing conditions as they are into the foreseeable future.

Alternative 4—Southbound, off ramp only: Construct a southbound off-ramp to Arbor Vitae Street providing traffic movements from the north only.

A scoping meeting is tentatively scheduled during December, 1981, to encourage affected parties to identify issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on November 25, 1981.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 81–34860 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. 75–29; Notice 6]

Safety Aspects of Motorized Bicycles; Notice of Amendment to Agency Guidelines; Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of amendment to agency guidelines; request for comments.

SUMMARY: This notice advises the public that the definition of "moped" in NHTSA's guidelines for State moped safety programs has been amended by deleting any reference to pedals. The amendment is based on the agency's finding, in response to an industry petition, that no significant safety differences exist between mopeds with pedals and those without pedals.

DATE: Comments must be submitted by January 6, 1982.

ADDRESS: Comments should refer to the docket and notice number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Buchanan, Driver and Pedestrian Safety Division, Traffic Safety Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, (202) 426–2180.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the National Highway Traffic Safety Administration published a series of 19 recommended guidelines for comprehensive State moped safety programs (45 FR 70366). The guidelines were intended to assist the States in developing effective programs to reduce the number and severity of moped accidents. Accompanying the guidelines was a recommended definition of a moped.

The definition adopted in the recommendations was developed by the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) and had been published in the 1979 Supplement III of the Uniform Vehicle Code (UVC). That definition described a moped as follows:

A moped is a motor-driven cycle both with pedals to permit propulsion by human power and with a motor which produces not to exceed two brake horse-power and which is not capable of propelling the vehicel at a speed in excess of 30 mph (48.km/h) on level ground. If an internal combustion engine is used, the displacement shall not exceed 50cc and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

On December 15, 1980, the Motorcycle Industry Council ("MIC") petitioned the agency: 1) to withdraw the final recommendation in Docket No. 75–29 that defines "moped"; and 2) to establish a common definition of moped for the regulatory program under the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1981 et seq.) and for the grant program under the Highway Safety Act (23 U.S.C. 401–407), and to amend regulations to incorporate that definition.

The MIC stated that the pedal requirement in the definition was not based on performance criteria and therefore arbitrarily discriminated against mopeds without pedals. The agency thereupon analyzed the performance characteristics of the vehicles and could ascertain no significant safety benefit for pedals.

In its petition for rulemaking, the MIC proposed an amended definition which contained no reference to pedals. The agency has adopted the MIC definition, with minor changes for clarity, as the definition for the agency's guidelines for State moped safety programs. The definition is as follows:

"Moped" means a motor-driven cycle whose speed attainable in 1 mile is 30 mph or less, which is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the piston displacement shall not exceed 50 cc and the power drive system shall not require the operator to shift gears.

Interested persons are invited to submit comments on the amended definition to the address given above. It is requested but not required that five copies be submitted. The comments will be maintained in the docket and will be considered in the context of any future amendments, either to the highway safety program guidelines or to the definitions applicable to motor vehicle safety standards (49 CFR Part 571.3).

Issued on November 30, 1981.

Charles F. Livingston,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 81-34879 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Cancellation and Rescheduling of Meeting

This notice is given to advise of the cancellation of the Minority Business Resource Center Advisory Committee meeting originally scheduled to be held December 14, 1981. Notice of meeting was published in the **Federal Register** issue of November 27, 1981 (46 FR 57955).

Notice is hereby given of the rescheduling of said meeting for January 18, 1982, at 9:00 a.m. until 1:00 p.m. in Room 580 at 2 Embarcadero Center, San Francisco, CA 94111. The agenda for the meeting remains the same as published in the issue of November 27, 1981.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 1, 1981.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 81-34971 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Customs Service

American Manufacturer's Petition to Classify Household Glassware; Extension of Time for Public Comment

AGENCY: Customs Service, Treasury.

ACTION: Notice of extension of time for comment.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a notice of receipt of an American manufacturer's petition relating to the classification of imported household glassware. A document inviting the public to comment on this notice of receipt of an American manufacturer's petition was published in the **Federal Register** on November 12, 1981 (46 FR 55822). Comments were to have been received on or before December 14, 1981. A request has been received to extend the period of time for the submission of comments claiming that additional time is needed to secure and have tested imported glassware, and prepare a brief of the pertinent facts and law in response to the invitation for comments. Customs believes additional time for comment is warranted. Accordingly, this notice extends the period of time for comment to February 16, 1982.

DATE: Comments must be received on or before February 16, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5727).

Dated: December 1, 1981.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 81-34966 Filed 12-4-81; 8:45 am]

BILLING CODE 4820-02-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Comprehensive Master Plan for Management of the Upper Mississippi River System; Special Meeting

The last meeting of the Upper Mississippi River Basin Commission, 7920 Cedar Avenue South, Suite 210, Minneapolis, Minnesota 55420, 612-725-4690, will be held Monday, December 14, 1981, at 2:00 P.M. in St. Louis, Missouri, at Stouffer's Riverfront Towers. The purpose of the meeting is the final approval of the Comprehensive Master Plan for the Management of the Upper Mississippi River System, for publication and submission to Congress by January 1, 1982.

Rodney N. Searle,

Chairman.

[FR Doc. 81-34741 Filed 12-4-81; 8:45 am]

BILLING CODE 3410-02-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–339, December 2, 1981]

TIME AND DATE: 10 a.m., December 9, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Report to the Department of Health and Human Services on the Board's Implementation of Age Discrimination Act of 1975, as amended. (OGC)
3. Agreements among members of the International Air Transport Association (IATA) amending the IATA Passenger Sales Agency Administration Rules (Agreement CAB 28518–R1) and the IATA Passenger Sales Agency Agreement (Agreement CAB 28518–R2) applicable in the United States. (Memo 938, BDA, OGC, BIA)
4. Commuter carrier fitness determination of Greater Pacific Airways, Inc. (Memo 949, BDA)
5. Commuter carrier fitness determination of New England Airlines, Inc. (BDA)
6. Dockets 39422, 39423, 39424; 90-day notices of Air Midwest, Inc. to reduce service at Roswell, New Mexico and to suspend all services at Carlsbad and Hobbs, New Mexico. (BDA, OCCR)
7. Docket EAS–352; Review of Essential Air Service Determination for Merced, California. (Memo 133–B, BDA, OGC, OCCR)
8. Docket 39781—Petition of Dulles Policy Task Force for discussion authority under section 412 and antitrust immunity under section 414. (BDA, OGC, BCCP)
9. Simplified Charter Rules. (BDA, BIA, OGC)
10. Oversales. (OGC, BCCP, BDA, BIA)
11. Dockets 30699, 30790, 34579, 36004, 36962 and 34485: *Oakland Service Case, U.S.-Benelux Low-Fare Proceeding, Application of Aeroamerica, Inc., for §§ 408 and 409 Approval, Applications of Aeroamerica, Inc for Certificate Authority, Application of Aeroamerica, Inc. for an Exemption.* (Memo 143–A, OGC)
12. Dockets 33363, 38976 and 38977, *Former Large Irregular Air Service Investigation, Applications of United Air Carriers, Inc. d/b/a/ Overseas National Airways.* (OGC)
13. Docket 39855—Application of South Pacific Island Airways, Inc. to amend its certificate for Route 281–F to serve additional points in the South Pacific. (BIA, OGC, BDA, BALJ)
14. Dockets 39935, 39799, 40035, 39942, 39949, 38721, 39888 and 39886—Applications of Action Air Cargo, Arrow, Challenge, Flying Tiger, Global, Rich, and Southern for certificates of public convenience and necessity to provide scheduled all cargo service between the United States and Latin America (BIA, OGC, BALJ)
15. Recent Negotiations with Japan. (BIA)
16. Docket 39710, Complaint of United Air Lines, Inc., against Japan Civil Aviation Bureau and Japan Air Lines, Co., LTD. (BIA)
17. Report on Poland. (BIA)
18. Report on Argentina. (BIA)
19. Upcoming meetings on ECAC. (BIA)
20. Docket 39692, United States-Chile Show Cause Proceeding. (Memo 481–C, BIA, OGC, BALJ)
21. Docket 39650—Application of Fast Air Carrier LTDA. For amendment of its foreign air carrier permit to engage in scheduled foreign air transportation between Chile, via intermediate points, and Miami/New York. (BIA, OGC, BALJ)

STATUS:

1–14 (Open)
15–21 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1829–81 Filed 12–3–81; 4:20 pm]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, December 8, 1981.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Application of the Chicago Mercantile Exchange for Designation as a Contract Market in Three-Month Eurodollar Time Deposit Rates.

CONTACT PERSON FOR MORE INFORMATION:
Jane Stuckey, 254–6314.

[S–1822–81 Filed 12–3–81; 9:11 am]

BILLING CODE 6351–01–M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Special Closed Meeting on the subject listed below on Wednesday, December 9, 1981, at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., Subject

General—1—Program Recommendations for the FY 82 and FY 83 Budgets.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674

Issued: December 2, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S–1824–81 Filed 12–3–81; 10:36 am]

BILLING CODE 6712–01–M

4

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., December 9, 1981.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—738th Meeting, December 9, 1981, Regular Meeting (10 a.m.)

CAP–1. Project No. 3322, Mason County Public Utility District No. 1
CAP–2. Project No. 2157, Public Utility District No. 1 of Snohomish County and City of Everett, Washington

CAP–3. Project No. 3494, Noah Corp.; Project No. 3667, Mitchell Energy Co., Inc.; Project No. 3960, Energenics System, Inc.; Project No. 4017, City of Pittsburg, Pennsylvania
CAP–4. Omitted
CAP–5. Project No. 3509, Little Falls Hydroelectric Associates; Project No. 4341–000, Niagara Mohawk Power Corp.; Project No. 4339–000, Mohawk Energy Corp.; Project No. 5512–000, New York State Energy Research and Development Authority
CAP–6. Project No. 3671–000, Borough of Central City, Pennsylvania and Mitchell Energy Co., Inc.; Project No. 3955–000, Energenics Systems Inc.
CAP–7. Project No. 4247–001, Long Lake Energy Corp.
CAP–8. Project No. 3417, Southeastern Renewables Resources, Inc. and Town of Grafton, West Virignia; Project No. 3476, Noah Corp., Project No. 4067, City of Bedford, et al.; Project No. 4239, City of Philippi, West Virginia; Project No. 4255, Taylor County Commission and the Town of Flemington, West Virginia
CAP–9. Project No. 5217, Niagara Mohawk Power Corp.
CAP–10. Project No. 2899–001, Twin Falls Canal Co. and North Side Canal Co., Ltd.; Project No. 3408–000, Cook Electric Co.; Project No. 3910–000, Idaho Water Power.; Project No. 4583–000, Mrs. Charles L. Baily and Mr. Everett M. Baily
CAP–11. Project Nos. 3404–001 and 3405–001, Blachy-Lane County Cooperative Electric Association; Project No. 3931–000, Milton Freewater Light & Power and Oregon Public Power Agency; Project No. 3987–000, Charles Molsee; Project No. 4258–000, Mason County Public Utility District No. 3; Project No. 4403–000, West Extension Irrigation District; Project No. 3891–000, East Fork Irrigation District
CAP–12. Project Nos. 3942–000, 4089–000 and 4217–000, Mason County Public Utility District No. 3
CAP–13. Project No. 2004, Holyoke Water Power Co.
CAP–14. Docket No. ER81–662–000, Central Power & Light Co.
CAP–15. Docket No. ER82–23–000, West Texas Utilities Co.
CAP–16. Docket Nos. ER81–341–000 and ER81–341–001, Kentucky Utilities Co.
CAP–17. Docket No. ER81–764–000, Minnesota Power & Light Co.
CAP–18. Docket No. ER80–241, Superior Water, Light & Power Co.
CAP–19. Docket No. ER80–557 and ER80–558, Philadelphia Electric Co.
CAP–20. Docket No. ER80–363–001, Delmarva Power & Light Co.
CAP–21. Docket No. ER80–140, Public Service Co. of New Hampshire
CAP–22. Docket No. EL81–17, Iowa Electric Light & Power Co.
CAP–23. Docket No. ES81–63–000, Pacific Power & Light Co.
CAP–24. Docket No. ES81–71–000, Iowa Power & Light Co.

Consent Miscellaneous Agenda

CAM–1. Docket No. RM79–76 (New Mexico—7), High-cost gas produced from tight formations
CAM–2. Docket No. RM79–76 (Colorado—16), High-cost gas produced from tight formations
CAM–3. Docket No. RM79–76 (Texas—11), High-cost gas produced form tight formations
CAM–4. Omitted
CAM–5. Michigan Public Service Commission

Consent Gas Agenda

CAG–1. Docket No. TA82–1–43–000, Cities Service Gas Co.
CAG–2. Docket No. RP82–11–000, Eastern Shore Natural Gas Co.
CAG–3. Docket No. RP80–102, Southern Natural Gas Co.
CAG–4. Omitted
CAG–5. Docket Nos. RP80–4, RP80–141 and RP81–108–000, Locust Ridge Gas Co.
CAG–6. Docket No. RP80–100–003, Michigan Wisconsin Pipe Line Co.
CAG–7. Docket No. RP81–3–000, Southwest Gas Corp.
CAG–8. Docket No. CI81–466–000, Getty Oil Co.; Docket No. CI81–478–000, Chevron USA, Inc.; Docket No. CI81–462–000, Union Oil Co. of California; Docket No. CI81–484–000, Conoco, Inc.; Docket No. CI81–481–000, Fin-Oil, Inc.; Docket No. G–3894–007, Arco Oil & Gas Co., a Division of Atlantic Richfield Co.; Docket No. CI81–448–000, Diamond Shamrock Corp.
CAG–9. Docket No. CI80–81, Harper Oil Co.
CAG–10. Docket No. CI77–471 (FERC GRS No. 233), Union Oil Co.; Docket No. CI77–663 (FERC GRS No. 21), Florida Exploration Co.; Docket No. CS71–468, Prenalta Corp.; Docket No. CI79–416 (FERC GRS No. 100), Diamond Shamrock Corp.; Docket No. G–12244 (FERC GRS No. 161), Texaco Inc. (operator), et. al.; Docket No. CI77–202 (FERC GRS No. 507), Gulf Oil Corp.; Docket No. CI62–1152 (FERC GRS No. 16), Terra Resources, Inc.; Docket No. CS71–55, Viersen & Cochran; Docket No. CS71–795, Harper Oil Co.; Docket No. CS79–55, Viersen & Cochran
CAG–11. Docket No. CP78–532, Ozark Gas Transmission System
CAG–12. Docket No. CP80–549, Colorado Interstate Gas Co.; Docket No. CP80–583, Western Gas Interstate Co.
CAG–13. Docket No. CP81–39–000, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Docket No. CP81–140–000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–14. Docket Nos. CP74–260–004 and CP75–269–003, Natural Gas Pipeline Co. of America
CAG–15. Docket No. CP75–244, Mid Louisiana Gas Co. and United Gas Pipe Line Co.; Docket No. CP80–514, Mid Louisiana Gas Co.; Docket No. CP81–481–000, Caraonic Intrastate Pipeline Co., Inc.
CAG–16. Omitted
CAG–17. Docket No. CP81–167–000, National Fuel Gas Supply Corp.
CAG–18. Docket No. CP79–224–002, El Paso Natural Gas Co.
CAG–19. Docket No. CP81–442–000, Cities Service Gas Co.
CAG–20. ICC Docket No. 35895 and ICC Docket No. 35895 (Sub. No. 1), Belle Fourche Pipeline Co., et al

Power Agenda

I. Licensed Project Matters

P–1. Project No. 2409, Calaveras County Water District

II. Electric Rate Matters

ER–1. Omitted
ER–2. (a) Docket Nos. ER80–592, et al., Allegheny Power System, et al.; Docket No. ER80–592, Allegheny Power System Companies; (b) Docket Nos. ER80–603, ER80–606, ER80–646, ER80–661, ER80–747, ER80–748, ER80–749, ER80–754, and ER80–779, Central Illinois Public Service Co.; (c) Docket No. ER80–716, Oklahoma Gas & Electric Co.
ER–3. (a) Docket Nos. ER81–457–000 and EL81–13–000, Louisiana Power & Light Co.; (b) Docket Nos. ER81–457–000 and EL81–13–000, Louisiana Power & Light Co.
ER–4. Docket No. EC81–15–000, CP National Co. and Sierra Pacific Power Co.

Miscellaneous Agenda

M–1. Docket No. RM80–55, revision of Form No. 1 Annual Report for Electric Utilities, report for electric licensees and others (Class A and Class B)
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM80–33, final rules for Part 270, Subpart B, Sections 270.201, 270.202 and 270.204
M–5. Docket No. RA81–14–000, Huntway Refining Co.

Regular Gas Agenda

III. Pipeline Certificate Matters

CP–1. Docket Nos. RP72–99 and TC79–6 (compensation), Transcontinental Gas Pipe Line Corp.
CP–2. Docket Nos. CP80–430 and CP81–144, Columbia Gas Transmission Corp.
CP–3. Docket No. CP80–496, Town of Winstonville, Mississippi, applicant v. Texas Gas Transmission Corp., respondent
CP–4. Docket No. CP80–520–003, Natural Gas Pipe Line Co. of America
CP–5. Docket No. CP80–346, Consolidated Gas Supply Corp. and Consolidated Gas Transmission Corp.
CP–6. Docket Nos. CP81–170, CP81–193 and CP81–203, Cities Service Gas Co.
CP–7. Docket Nos. TC81–15–000 and TC81–60–000, Panhandle Eastern Pipe Line Co.
CP–8. Docket No. CP81–236–001, Northern Natural Gas Co., Division or Internorth, Inc.

Kenneth F. Plumb,

Secretary.

[S–1827–81 Filed 12–3–81; 4:03 pm]

BILLING CODE 6717–01–M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9 a.m., Thursday, December 10, 1981.

PLACE: 7th floor Board Room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed charter amendment. Closed pursuant to exemption (8).
2. Proposed merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Request from Federal Credit Union for waiver of reserve transfer requirements and for authorization to charge losses other than loan losses to regular reserve under Section 116 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1828–81 Filed 12–3–81; 4:19 pm]

BILLING CODE 7535–01–M

6

NATIONAL MUSEUM SERVICES BOARD

DATE AND TIME: December 11, 1981, 9 a.m. to 4 p.m.

PLACE: Board Room, Folger Shakespeare Library, 201 East Capitol Street, Washington, D.C. 20003.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Introduction: George Seybolt, Chairman 9:00 a.m. to 9:20 a.m.
2. Minutes 9:20 a.m. to 9:30 a.m.
3. Legislative Report 9:30 a.m. to 9:45 a.m.
4. Discussion of Legislative Effects 9:45 a.m. to 10:30 a.m.
5. Recess 10:30 a.m. to 10:45 a.m.
6. Continuation of Legislative Effects Report 10:45 a.m. to 12:00 p.m.
7. Lunch 12:00 p.m. to 12:45 p.m.
8. Report of Acting Director 12:45 p.m. to 2:45 p.m.
9. Recess 2:45 p.m. to 3:00 p.m.
10. Public Information Report 3:00 p.m. to 3:15 p.m.
11. Other Business 3:15 p.m. to 4:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Kate Merlino, Executive Assistant to the National Museum Services Board; telephone: 202/426–6577.

Dated: December 1, 1981.

Kate Merlino,

Executive Assistant to the National Museum Services Board.

[S–1825–81 Filed 12–3–81; 2:11 pm]

BILLING CODE 4000–01–M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 7, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, December 8:*

2 p.m.:
Discussion of Clinch River Breeder Reactor (public meeting)

Wednesday, December 9:

10 a.m.:
Discussion of Scheduling Matters Regarding TMI–1 Restart (closed meeting) (as announced)

2 p.m.:
Discussion of Policy and Planning Guidance (public meeting) (as announced)

Thursday, December 10:

10:00 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (as announced)

2:30 p.m.:
Affirmation/Discussion Session (public meeting) (as announced)

Items to be affirmed and/or discussed:

a. Proposed Amendment to 10 CFR 50.54(r)—Modification of Requirements for Submittal of Emergency Plans by Research and Test Reactor Licensees
b. Final Amendments to 10 CFR Parts 71 and 73 for Advance Notification to Governors of Transportation of Nuclear Waste Including Spent Fuel
c. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants"
d. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance
e. Suggested Time Periods for Issuance of Initial Decisions
f. Review of Director's Decision on 2.206 Petition (Florida Power and Light Company)

ADDITIONAL INFORMATION: Discussion of Operational Data Evaluation, announced for Friday, December 11, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–1826–81 Filed 12–3–81; 3:41 pm]

BILLING CODE 7590–01–M

8

OVERSEAS PRIVATE INVESTMENT CORPORATION

Regular Meeting of the Board of Directors

Regular meeting of the OPIC Board of Directors, Tuesday, December 15, 1981 at 10:00 a.m. (Closed Portion); 11:00 a.m. (Open Portion).

PLACE: Office of the Corporation. Seventh (7th) Floor Board Room; 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 10:00 a.m. to 11:00 a.m. will be closed to the public. The open portion of the meeting will start at 11:00 a.m.

MATTERS TO BE CONSIDERED:

(Closed to the Public 10 a.m. to 11 a.m.)

1. OPIC Budget FY 1982
2. Construction Insurance Program
3. Insurance Project in African Country
4. Insurance Project in African Country
5. Insurance Project in Middle East Country
6. Claims Report
7. Information Reports; General
8. Information Reports; Project Status

(Open to the Public 11 a.m.)

1. Approval of the Minutes
2. Confirmation of Scheduled Board Meetings
3. Personnel Actions
4. OPIC Amendments Act of 1981: Implementation
5. New Marketing Developments
6. Financial Highlights for FY 1981
7. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2925.

December 3, 1981.

Elizabeth A. Burton,

Corporate Secretary.

[S–1823–81 Filed 12–3–81; 10:36 am]

BILLING CODE 3210–01–M

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federal register

Monday
December 7, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Proposed Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice to Proposed Actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning these proposals. After consideration of these proposals and comments by the NIH Recombinant DNA Advisory Committee (RAC) at its next meeting, the Director of the National Institute of Allergy and Infectious Diseases will issue decisions on these proposals in accord with the Guidelines.

DATE: Comments must be received by February 1, 1982.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland, 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland, 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: The National Institutes of Health will consider the following changes and amendments under the Guidelines for Research Involving Recombinant DNA Molecules, as well as actions under these Guidelines.

1. Proposed Revision of Guidelines

Dr. Waclaw Szybalski, McArdle Laboratory for Cancer Research, University of Wisconsin, Madison, Wisconsin, has requested that the following sentence be added to the current NIH Guidelines:

"These are only Guidelines based on the current state of the research and on the concerns of certain individuals or groups about the hypothetical risks. Individual researchers should use their best scientific judgement and peers' advice when designing, modifying and conducting experiments, and be prepared to justify any substantial variations when requested, or in their applications and progress reports."

2. Request To Use Bacillus Megaterium in Recombinant DNA Experiments Under P1 Containment

Dr. Patricia Vary of Northern Illinois University, DeKalb, Illinois, requests permission to introduce recombinant DNA derived from *Staphylococcus aureus, E. coli,* and *Bacillus subtilis* into *Bacillus megaterium* under P1 conditions.

3. Proposed EK2 Host-Vector Systems

Dr. Roy Curtiss, University of Alabama, Birmingham, Alabama, requests EK2 certification of six different *E. coli* K–12 strains in conjunction with various virulent and temperate bacteriophage lambda, plasmid and cosmid vectors. Dr. Curtiss also requests that all previously approved vectors be approved as vector components of the proposed EK2 host-vector systems. Detailed information on the proposed host-vector systems has been provided by Dr. Curtiss.

4. Proposed use of EK2 Host-Vector Systems for Cloning DNA from Class 3 and 4 Etiologic Agents

Dr. Roy Curtiss, University of Alabama, Birmingham, Alabama, requests permission to use all certified EK2 host-vector systems to clone DNA fragments from Class 3 and Class 4 etiologic agents under P2 containment, and under P1 containment if the recombinant clones are shown not to express a virulence determinant that has toxic potential.

As an alternative to this general proposal, Dr. Curtiss requests permission to clone DNA from *Yersinia pestis* and *Mycobacterium leprae* into EK2 host-vector systems under P2 containment, and under P1 conditions in the absence of expression of virulence determinants by the recombinant clones.

5. Proposed Pseudomonas Putida Host-Vector System

Dr. Michael Bagdasarian of the Max-Planck Institute of Fur Molekulare Genetik, Berlin, West Germany, requests HV1 certification of a host-vector system based on *Pseudomonas putida* strain KT2440 and cloning vectors pKT262, pKT263, and pKT264.

6. Proposed Inclusion of Yersinia Enterocolitica on Sublist A, Appendix A

Dr. Guy Cornelis of the Universite Catholique de Louvain, Brussels, Belgium, requests that *Yersinia enterocolitica* be exempted from the Guidelines under Section I–E–4 and added to Sublist A, Appendix A, on the basis that this species exchanges genetic information with *E. coli.*

7. Proposal for Revision of the Guidelines

Dr. Susan Gottesman of the National Cancer Institute of the National Institutes of Health has requested that the following proposal to modify the NIH Guidelines for Research Involving Recombinant DNA Molecules be published in the **Federal Register** for comment:

I. Introduction

There seems to be a clear consensus that the guidelines require simplification, reorganization, and possible lowering of containment levels for some classes of experiments. The Recombinant DNA Advisory Committee (RAC) will be considering at its next meeting a proposal, published for comment in the **Federal Register,** to convert the NIH Recombinant DNA Guidelines into a voluntary code of practice. This proposal would change the detailed listing of containment levels to a few paragraphs of advice to the investigator. I am recommending an alternative approach to revision which retains some aspects of the current guidelines which I consider necessary for the continued orderly development of the recombinant DNA field.

(1) My proposal, as opposed to the RAC proposal, retains the requirement for IBC oversight of some experiments, and retains the current NIH compliance requirements. In addition, the record-keeping function of the IBC is retained. Since many experiments became exempt from the requirements of the Guidelines as of July 1, 1981, the remaining requirements should not be too cumbersome to either the experimenter or the IBC.

(2) My proposal simplifies the structure of the Guidelines and decreases containment for some classes of experiments. In particular, experiments involving non-pathogenic prokaryotes and lower eukaryotes could be carried out at P1 containment. Overall, containment levels would not, however, be lowered to the extent recommended in the RAC proposal.

II. Summary of Proposed Changes as Compared to Current Guidelines

A. *Prohibitions.* The word "prohibition" will no longer be applied to this class of experiments which

currently require explicit RAC review and NIH approval.

1. Three of the five prohibitions (I–D–2, I–D–4, and I–D–5 in the current Guidelines) would be listed in a new section designated III–A and entitled "Experiments that require FAC review and NIH approval before initiation." These three prohibitions cover experiments involving the deliberate formation of recombinant DNAs containing genes for the biosynthesis of certain toxins lethal for vertebrates (I–D–2), the deliberate release into the environment of organisms containing recombinant DNA (I–D–4), and the deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture (I–D–5).

2. Prohibition I–D–1 in the current guidelines (formation of recombinant DNAs derived from CDC Class 4 or 5 organisms) would be deleted. Such experiments could be carried out under specific conditions set by the IBC, as described in a new section designated III–B and entitled "Experiments that require IBC approval before initiation".

3. Prohibition I–D–6 in the current Guidelines, which covers certain large-scale experiments, would be eliminated; such experiments could proceed after IBC approval (new section III–B–5). Currently the Guidelines permit certain large scale experiments involving *E. coli* K–12, *S. cerevisiae* and *B. subtilis* host-vector systems to proceed following review by the local IBC (46 FR 53983).

B. *Exemptions.* No changes in the substance of this section are proposed. The categories of exemptions now listed in Section I–E would be listed in a new Section III–D.

C. *Section II (Containment).* All references to HV3 systems would be deleted. Such systems are not presently in use and are not required by current or proposed guidelines. Otherwise, the section would remain as is.

D. *Section III (Containment Guidelines for Covered Experiments).* The complete text of Section III would be replaced by new text which would reorganize, simplify, and eliminate redundancy in the current Guidelines. In addition, significant lowering of containment for some classes of experiments is recommended. In the new Section III, all experiments would fall into one of four classes:

III–A. Current prohibitions; such experiments would require specific RAC review and NIH approval.

III–B. Experiments requiring prior review by the IBC. These would include the use of recombinant DNA molecules derived from or propagated in pathogens, non-defective animal virus systems, and the insertion of recombinant DNA into whole animals and plants. Many experiments which would be included in this section currently require NIH approval.

III–C. Experiments requiring notice to the IBC simultaneously with initiation of the experiment.

The proposal would change the procedure for reviewing recombinant DNA experiments involving non-pathogenic prokaryotes, lower eukaryotes, or defective animal virus systems. These experiments currently require prior review by the IBC. Under this proposal, investigators would not have to wait for IBC approval before initiating these experiments. In addition, containment requirements for experiments involving non-pathogenic prokaryotes and non-pathogenic lower eukaryotes would be relaxed.

III–D. Currently exempt experiments. No changes in the substance of this section are proposed.

E. Section IV. Changes as necessary to reflect changes in other sections of the Guidelines would be incorporated

F. Much material currently in Appendix E would be covered or superseded by the proposed changes in the Guidelines in Section III. Appendix D would be deleted.

III. Changes in Current Guidelines to Implement Proposal

A. *Current Section I.* Section I–A. *Purpose,* would remain unchanged.

Section I–B, *Definition of Recombinant DNA Molecules,* would be modified to include a statement on synthetic DNAs, and would read as follows:

"I–B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

"Synthetic DNA segments likely to yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent) shall be considered as equivalent to their natural DNA counterpart. If the synthetic DNA segment is not expressed *in vivo* as a polynucleotide or polypeptide product, it is exempt from the Guidelines."

Section I–C, *General Applicability,* would remain unchanged.

Section I–D, *Prohibitions,* would be deleted. (Some of this material is included in proposed new Section III–A).

Section I–E, *Exemptions,* would be deleted. (This material would be included in proposed new Section III–D)

B. *Current Section II.* Delete current Section II–D–1–c and subsections II–D–1–c–(1) through II–D–1–c–(5), Section II–D–2–b–(3) and references to HV3 in Section II–D–3.

C. *Current Section III.* Delete and replace current Section III and all subsections of III with the following text:

"Part III discusses experiments involving recombinant DNA. These experiments have been divided into four classes:

"III–A. Experiments which require specific RAC review and NIH approval before initiation of the experiment;

"III–B. Experiments which require IBC approval before initiation of the experiment;

"III–C. Experiments which require IBC notification at the time of initiation of the experiment;

"III–D. Experiments which are exempt from the procedures of the Guidelines.

"If an experiment falls into both class III–A and one of the other classes, the rules pertaining to class III–A must be followed. If an experiment falls into class III–D and into either class III–B or III–C as well, it can be considered exempt from the requirements of the Guidelines.

"Changes in containment levels from those specified here may not be instituted without the express approval of the Director, NIH (See Sections IV–E–1–b–(1), IV–E–1–b–(2), and subsections).

"III–A. *Experiments that Require RAC Review and NIH Approval Before Initiation.* Experiments in this category cannot be initiated without submission of relevant information on the proposed experiment to NIH, the publication of the proposal in the **Federal Register** for thirty days of comment, review by the RAC, and specific approval by NIH. The containment conditions for such experiments will be recommended by RAC and set by NIH at the time of approval. Such experiments also require the approval of the IBC before initiation. Specific experiments already approved in this section and the appropriate containment conditions are listed in Appendices E and G.

"III–A–1. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin diphtheria toxin. *Shigella dysenteriae*

neurotoxin). Specific approval has been given for the cloning in *E. coli* K–12 of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight. Containment levels for these experiments are specified in Appendix G.

"III–A–2. Deliberate release into the environment of any organism containing recombinant DNA.

"III–A–3. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquistion could compromise the use of the drug to control disease agents in human or veterinary medicine or agriculture.

"III–B. *Experiments that Require IBC Approval Before Initiation.* Investigators performing experiments in this category must submit to their Institutional Biosafety Committee (IBC), prior to initiation of the experiments, a registration document that contains a description of: (a) The source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene, and, if so, what protein will be produced, and (e) the containment conditions specified in these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals prior to initiation of the experiments. Requests for lowering of containment for experiments in this category will be considered by NIH (See Section IV–E–1–b–(3)).

"III–B–1. *Experiments Using CDC Class 2, Class 3, Class 4, or Class 5 Agents* as Host-Vector Systems.*

"III–B–1–a. Experiments involving the introduction of recombinant DNA into CDC Class 2 agents can be carried out at P2 containment.

"III–B–1–b. Experiments involving the introduction of recombinant DNA into CDC Class 3 agents can be carried out at P3 containment.

"III–B–1–c. Experiments involving the introduction of recombinant DNA into CDC Class 4** or Class 5 agents can be carried out at P4 containment. A USDA permit is required for work with Class 5 agents***.

"III–B–2. *Experiments in Which DNA from CDC Class 2 or Class 3 Agents* is Cloned in Nonpathogenic Prokaryotic or Lower Eukaryotic Host-Vector Systems.*

"III–B–2–a. Recombinant DNA experiments in which DNA from CDC Class 2 or Class 3 agents* is transferred into nonpathogenic prokaryotes or lower eukaryotes may be performed under P2 containment. Specific lowering of containment to P1 for particular experiments can be approved by the IBC. Many experiments in this category will be exempt from the Guidelines (See Sections III–D–4 and III–D–5). Experiments involving the formation of recombinant DNAs for certain toxin genes requires RAC review and NIH approval (see Section III–A–1), or must be carried out under NIH specified conditions as described in Appendix G.

"III–B–2–b. Recombinant DNA experiments in which DNA from CDC Class 4** or Class 5 agents is transferred into nonpathogenic prokaryotes or lower eukaryotes can be performed at P2 containment after demonstration that only a totally and irreversibly defective fraction of the agent's viral genome is present in a given recombinant. In the absence of such a demonstration, P4 containment should be used.

Note.—A USDA permit is required for work with Class 5 pathogens***.

"III–B–3. *Experiments Involving the Use of Whole Animal or Plant Viruses or Defective Animal or Plant Viruses in the Presence of Helper Virus in Tissue Culture Systems.*

"III–B–3–a. Experiments involving the use of whole CDC Class 2 animal viruses*, or defective CDC Class 2 animal viruses* in the presence of helper virus, can be performed at P2 containment.

"III–B–3–b. Experiments involving the use of whole CDC Class 3 animal viruses*, or defective CDC Class 3 animal viruses* in the presence of helper virus, can be carried out at P3 containment.

"III–B–3–c. Experiments involving the use of whole CDC Class 4 or Class 5 animal viruses*, or defective CDC Class 4 or Class 5 animal viruses* in the presence of helper virus, may be carried out under P4 containment. A USDA permit is required for work with CDC Class 5 pathogens***.

"III–B–3–d. Experiments involving the use of whole animal or plant viruses, or defective animal or plant viruses in the presence of helper virus, not covered by Sections III–B–3–a, III–B–3–b, or III–B–3–c may be carried out under P1 containment.

"III–B–4. *Recombinant DNA Experiments Involving Whole Animals and Plants.*

"III–B–4–a. DNA from any source except for greater than one quarter of a eukaryotic viral genome may be transferred to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (2A).

"III–B–4–b. For all experiments involving whole animals and plants and not covered by III–B–4–a, the appropriate containment will be determined by the IBC.

"III–B–5. *Experiments Involving More than 10 Liters of Culture.*

The appropriate containment will be decided by the IBC. Where appropriate, the large scale containment recommendations of the NIH should be used (45 FR 24968).

"III–C. *Experiments that Require IBC Notice Simultaneously with Initiation of Experiments.*

"For experiments in this category, a registration document as described in Section III–B must be dated and signed by the investigator and filed with the local IBC. The IBC shall review all such proposals, but IBC review prior to initiation of the experiment is not required. All experiments not included in categories III–A, III–B, III–D, and subsections of these categories are to be considered as in category III–C. All such experiments can be carried out at P1 containment. Some explicit cases are listed below.

"III–C–1. *Experiments Involving Non-Pathogenic Prokaryotes or Non-Pathogenic Lower Eukaryotic Host-Vector Systems.*

"Experiments involving non-pathogenic prokaryotes or non-pathogenic lower eukaryotes can be carried out at P1 containment.

"III–C–2. *Experiments Involving Formation of Recombinant DNA Molecules Containing no More Than Two-Thirds of the Genome of any Eukaryotic Virus.*

"Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family (36) being considered identical (50)) may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genome of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

"III–D. *Exempt Experiments.*

"The following recombinant DNA molecules are exempt from these Guidelines and no registration with the IBC is necessary.

"III–D–1. Those that are not in organisms or viruses.

"III–D–2. Those that consist entirely of DNA segments from a single non-

chromosomal or viral DNA source, though one or more of the segments may be synthetic equivalent.

"III–D–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also, those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

"III–D–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

"III–D–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities; National Institutes of Health, Bethesda, Maryland 20205."

D. *Current Section IV. Roles and Responsibilities.* Changes as necessary to reflect changes in Parts I–III only.

E. *Current Section V. Footnotes and References.* Changes as necessary to reflect changes in Parts I–III.

F. *Current Appendices.* Delete sections subsumed by proposed guideline changes; i.e. delete Appendix D and entries 1, 2, 3, 5, 7, 10, 11, 12, 14, 15, 17, 18, 20, 22, 24, 25, 26, 27, 28, 29, 33, and 34 of Appendix E.

Footnotes

* *Classification of Etiologic Agents on the basis of Hazard.* (4th Edition, July 1974). U.S Department of Health, Education and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

** All activities, including storage of variola and whitepox are retricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

*** A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service USDA, Federal Building, Hyattsville, MD 20782.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require serveral additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

Dated: November 25, 1981.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

[FR Doc. 81–34468 Filed 12–4–81; 8:45 am]

BILLING CODE 4140–01–M

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federal register

Monday
December 7, 1981

Part III

Department of Transportation

Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974; Annual Publication Of Systems Of Records

This preamble is to introduce the annual publication in the **Federal Register** of the systems of records of the Department of Transportation as of October 30, 1981. The Privacy Act (Public Law 93–579) requires such publication annually. The systems of records and General Routine Uses published herewith are now effective. None have been added which were not previously published in the **Federal Register** and at least 30 days allowed for comment. Where comments were received they have been considered and adopted, or the reasons for not adopting have been published.

Since February 1980, the last annual publication, 25 systems of records were cancelled and are deleted from this publication. Some of these are discontinued programs but many are the result of an Office of Personnel Management publication of nine systems covering certain types of personnel related systems governmentwide, and three by the Department of Transportation which cover all of the same types of files in the entire Department. This eliminated a large number of redundant systems of records published for elements of the Department.

Deletions since the last publication in February 1980 were: DOT/CG 501; DOT/FAA 809, 817, 818, 819, 823, 829, 835, 840, 841 & 842; DOT/FHWA 208, 221; DOT/FRA 103, 109; DOT/NHTSA 421, 438, 442, 443; DOT/SLS 156, 157; DOT/UMTA 179; DOT/OST 001; DOT/OST 039 & 005 were republished as DOT/All 2 and 3.

Added since the last publication in February 1980 are the following totally new systems of records: DOT/FAA 845, 846 and 847; DOT/FRA 130 and 131; DOT/NHTSA 470; and DOT/OST 062, and DOT/ALL 1. The DOT/ALL series 1, 2, and 3 now covers all files in the entire Department related to Grievances, Safety Management, and United States Government Vehicle Operators License Applications, respectively.

Several systems were renumbered to accommodate the reorganization which brought the Research and Special Programs Administration (RSPA) to the Department:

DOT/OST 015 became DOT/RSPA 01
DOT/OST 022 became DOT/RSPA 02
DOT/OST 040 became DOT/RSPA 03
DOT/OST 048 became DOT/RSPA 04
DOT/OST 049 became DOT/RSPA 05
DOT/OST 050 became DOT/RSPA 06
DOT/OST 054 became DOT/RSPA 07

All of the above are combined and included in this annual publication in the **Federal Register** for 1981 which supersedes the previous publication on February 21, 1980, FR Vol. 45, pages 11686 through 11788. Questions may be addressed to the Privacy Act Officer, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, or by telephone to John J. Windsor, 202–426–1887.

Issued in Washington, D.C. on November 25, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

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DEPARTMENT OF TRANSPORTATION

The following listing is the 1981 publication of Systems of Records required by the Privacy Act of 1974. This replaces the Privacy Act Issuances, Annual Publication of the Department of Transportation, published by the Federal Register on February 21, 1980, Part II, beginning page 11686, Vol. 45.

NOTICE OF SYSTEMS OF RECORDS

The identification of the operating unit or units within the Department to which the particular system of records pertains appears as 'DOT/' followed by a designating abbreviation. The abbreviations and their meanings are as follows:

OST - Office of the Secretary of Transportation
CG - United States Coast Guard
FAA - Federal Aviation Administration
FHWA - Federal Highway Administration
FRA - Federal Railroad Administration
NHTSA - National Highway Traffic Safety Administration
RSPA - Research and Special Programs Administration
SLS - Saint Lawrence Seaway Development Corporation
TSC - Transportation Systems Center
UMTA - Urban Mass Transportation Administration

PREFATORY STATEMENT OF GENERAL

ROUTINE USES

The following routine uses apply to, except where otherwise noted or where obviously not appropriate, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or

the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In such cases, however, the Congressional office does not have greater right to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or factual information or to other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 C.F.R. 10.35(9).

7. One or more records from a system of records may be disclosed routinely to NARS (GSA) in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

8. Access to Systems of Records of the Department is authorized to member(s) of the Office of Inspector General where the records are considered '...pertinent to the DOT programs or operations being reviewed. Existing orders or (internal) directives contrary to this provision are hereby superseded.' The Secretary of Transporatation by the foregoing has clarified the role of Inspector General personnel 'who have need for the record(s) in the performance of their duties.'

9. The Department may make available to another agency or instrumentality of any governmental jurisdiction, including State and local governments, listings of names from any System of Records in the Department for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims, regardless of the stated purpose for the collection of the information in the System of Records. These enforcement activities are generally referred to as 'matching' programs because two lists of names are checked for match using automated assistance.

This routine use is advisory in nature and does not offer unrestricted access to Systems of Records for such law enforcement and related antifraud activities. Each request will be considered on the basis of its purpose, merits, cost effectiveness and alternatives using 'Guidelines for the Conduct of Matching Programs' published by the Director, Office of Management and Budget, dated March 30, 1979.

APPENDIX I

LOCATION OF CG DISTRICTS AND HEADQUARTERS UNITS.

1. COMMANDER
1st Coast Guard District
150 Causeway Street
Boston, MA 02114
2. COMMANDER
2nd Coast Guard District
1430 Olive Street
St. Louis, MO 63103
3. COMMANDER
3rd Coast Guard District
Governors Island
New York, NY 10004
4. COMMANDER
5th Coast Gu-rd District
Federal Building
431 Crawford Street
Portsmouth, VA 23705
5. COMMANDER
7th Coast Guard District
51 S.W. 1st Ave.
Miami, FL 33130
6. COMMANDER
8th Coast Guard District
Hale Boggs Federal Building
500 Camp Street
New Orleans, LA 70130
7. COMMANDER
9th Coast Guard District
1240 East 9th St.
Cleveland, OH 44199
8. COMMANDER
11th Coast Guard District
Union Bank Building
400 Oceangate Building
Long Beach, CA 90822
9. COMMANDER
12th Coast Guard District
630 Sansome St.
San Francisco, CA 94126
10. COMMANDER
13th Coast Guard District
Federal Bldg
915 Second Ave.
Seattle, WA 98174
11. COMMANDER
14th Coast Guard District
Prince Kalanianaole
Federal Building
300 Ala Moana Building
Honolulu, HI 96580
12. COMMANDER
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99802
13. COMMANDER
U.S. COAST GUARD ACAdemy
New London, CT 06320
14. COMMANDING OFFICER
U.S. COAST GUARD YARD
Curtis Bay,
Baltimore, MD 21225
15. COMMANDING OFFICER
US COAST GUARD
TRAINING CENTER
Governors Island
New York, NY 10004
16. COMMANDING OFFICER
U.S. Coast Guard Training Center
Cape May, NJ 08204
17. COMMANDING OFFICER
U.S. Coast Guard Training Center
Government Island
Alemeda, CA 94501
18. COMMANDING OFFICER
U.S. Coast Guard
Supply Center
830 3rd Ave
Brooklyn, NY 11232
19. COMMANDING OFFICER
U.S. COAST GUARD INSTITUTE
P.O. Substation 18
Oklahoma City, OK 73169
20. COMMANDING OFFICER
U.S COAST GUARD
AIRCRAFT REPAIR & SUPPLY CENTER
Elizebeth City, NC 27909
21. COMMANDING OFFICER
U.S. Coast Guard Aviation
Training Center
Mobile, AL 36608
22. COMMANDING OFFICER
U.S. COAST GUARD RADIO STATION NHM)
7223 Telegraph Rd.
Alexandria, VA 22310
23. COMMANDING OFFICER
U.S. COAST GUARD RESERVE
TRAINING CENTER
Yorktown, VA 23490
24. OFFICER IN CHARGE
RECORD DEPOT
U.S. Coast Guard Air Station
Elizebeth City, NC 27909
25. COMMANDER, COAST GUARD ACTIVITIES, EUROPE
London
Box 50
FPO New York, NY 09510
26. COMMANDING OFFICER
U.S. COAST GUARD
TRAINING CENTER
Petaluma, CA 94952
27. COMMANDER
U.S. COAST GUARD AIR BASE
Elizebeth City, NC 27909
28. COMMANDING OFFICER

U.S. COAST GUARD
ELECTRONICS ENGINEERING CENTER
Wildwood, NJ 08260
29. COMMANDING OFFICER
RESEARCH & DEVELOPMENT CENTER
Avery Point
Groton, CT 06340
30. COMMANDING OFFICER
U.S. COAST GUARD
OCEANOGRAPHIC UNIT
Building 159E, Navy Yard Annex
Washington, D.C., 20590
31. COMMANDER
U.S. COAST GUARD
MILITARY PAY CENTER
6501 Lafayette Ave.
Riverdale, MD 20840

DOT/ALL-1

SYSTEM NAME:

DOT Grievance Records Files.

SYSTEM LOCATION:

Records are maintained in the personnel office which services the aggrieved employee if the grievance was processed under DOT 3770.2, Agency Administrative Grievance System, pursuant to 5 CFR Part 771. If processed under a negotiated grievance procedure from an approved labor agreement on behalf of a member, of a group of members, of a recognized collective bargaining unit, or if processed by the union, the grievance record shall be maintained in the office of the official administering the labor agreement pertaining to the collective bargaining unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOT employees who have submitted grievances with their respective administrations under DOT Order 3770.2, of grievances pertaining to members of DOT Collective Bargaining Units which were submitted in accordance with negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by or on behalf of DOT employees within the Department of Transportation. Grievance case files contain relevant documents used in the processing of grievances under systems applicable to DOT employees, including statements of employees, witnesses, reports of interviews and hearings, factfinders and/or arbitrator's findings and recommendations, copies of decisions and correspondence and exhibits. Grievances in DOT may be submitted and processed through individually negotiated grievance systems contained in various labor agreements applicable to different collective bargaining units throughout the agency, or as prescription in DOT 3770.2, which is the Agency Administrative Grievance System applicable to DOT headquarters employees and all employees of DOT operating administrations, except where operating administrations have promulgated their own grievance systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or crimminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the purpose(s) of the request and identify the type of information requested.

To disclose information to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security clearance, the conduction of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefits by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the national Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 USC 2904 and 2906.

By the agency maintaining the records or the Office of Personnel Administration (OPM), in the production of summary descriptive statistics and analyical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by officials.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authourity and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained, or by names and local identification of unions.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records may be disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, M-10
U.S. Department of Transportation
400 7th Street, S.W., Room 9401
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. They may, however, contact the agency personnel or designed office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified.

Name.

Date of Birth.
Approximate date of closing of the case and kind of action taken.
Organizational component involved.
Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. However, after the action has been closed an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.
Individuals must provide the following information for their records to be located and identified.
Name.
Date of Birth.
Approximate date of closing of the case and kind of action taken.
Organization component involved.
Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.
Individuals requesting access must also follow the DOT Rules regarding identification, (Title 49, Part 10, Section 10.37) to ensure he or she is who they claim to be.

CONTESTING RECORD PROCEDURES:

Reviews of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of ammendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.
Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified.
Name.
Date of Birth.
Approximate date of closing of the case and kind of action taken.
Organizational component involved.
Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.
Individuals requesting amendment must also follow the Department of Transportation Privacy Act Regulations regarding amendments, Title 49, Part 10, Sections 10.41, 10.43, 10.45, and 10.51.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided
By the individual on whom the records is maintained.
By testimony of witnesses.
By agency officials.
From related correspondence from organization or persons.

DOT/ALL-2.

SYSTEM NAME:

Safety Management Information System (SMIS).DOT/ALL.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST), Transportation Computer Center, Department of Transportation (DOT), 400 7th Street, SW, Room 2401, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Federal Civilian/Military Employees of the Department of Transportation:
Contractors working on DOT premises; and
DOT Real & Personal Property.

CATEGORIES OF RECORDS IN THE SYSTEM:

All DOT Accident Reporting Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Issue automated records to the U.S. Dept. of Labor, OSHA.
Submit quarterly accident statistics data to DOT operating administrations.
Develops statistical summaries & special analysis listings for use in programming safety management functions, departmental level budget function as it relates to OWCP, and maintains 5 year OSHA requirement for accident record retention.
See Prefatory Satement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tapes and Disks.

RETRIEVABILITY:

Name/Social Security Number/ Accident Report Number/Special Project Data Programming.

SAFEGUARDS:

Transportation Computer Center maintains both physical security and personnel security. Retrieve/access procedures. The records are disposed of by blanking/erasing the magnetic tape or disk.

RETENTION AND DISPOSAL:

Kept 5 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Training, M-10.
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Quarterly management analysis delivered to safety managers or all operative administrators. Special data may be provided by request in written form to:
Director
Office of Personnel & Training, M-10
at the above address.

RECORD ACCESS PROCEDURES:

An individual may gain access to his record by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory to the individual, an appeal may be filed with Secretary of Trasnportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

DOT Form 3902.1,
DOT Form 3902.2,
DOT Form 3902.3,
DOT Form 3902.4,
DOT Form 3902.5,
DOT Form 3902.6,
DOT Form 3902.7,
DOT Form 3902.8.

DOT/All 3

SYSTEM NAME:

Application for U. S. Government Motor Vehicle Operator's Identification Card (Government Drivers License). DOT/ALL.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST),
Transportation Branch (M-444),
400 7th Street, SW, Room 2318,
Washington, DC 20590. Corresponding application offices in all other DOT subordinate Administrations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding all DOT

employees who are licensed to operate government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for operator's Identification Card.
Physical fitness inquiry.
Accident Reports.
NHTSA Vehicle Driver Register Report.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine qualifications and fitness for issuance, retention, revocation or renewal of operators license.
Limited access to issuing official and those persons whose official duties require such access.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in a locking filing cabinet in folders, at each location within OST and Administrations.

RETRIEVABILITY:

These records are filed in alphabetical order with a cross reference by permit number in a log.

SAFEGUARDS:

Limited access to issuing official and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 5 years after separation, retirement or transfer of individual or expiration of license and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Branch,
Department of Transportation,
Office of the Secretary,
Chief, Transportation Branch 400 7th Street, SW, Room 2318, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to:
Department of Transportation,
Office of the Secretary,
Transportation Branch, M-444,
400 7th Street, SW, Room 2318,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact, or address their inquiries to, the system manager or to the appropriate office with their own organization

CONTESTING RECORD PROCEDURES:

To contest a record, contact the System Manager.

RECORD SOURCE CATEGORIES:

Applications received from individuals for operator's license.
Accident reports received from individuals.

DOT/CG 501.

SYSTEM NAME:

Auxiliary Management Information System (AUXMIS). DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT).
United States Coast Guard (CG),
Office of Boating, Public & Consumer Affairs (G-B)
2100 2nd Street, SW, Room 4304.
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present Coast Guard Auxiliarists.
All Auxiliarists disenrolled since 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information (name, address, birthdate, Social Security Number (SSN), phone number).
Auxiliary qualifications information (Instructor, Examiner, Specialty).
Auxiliary Activities information (patrols conducted, classes taught).
Information on boats, radio stations or aircraft owned by Auxiliarists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cumulative unit and individual activity summaries for use as a management tool by all Auxiliary units.
Identification cards for all Auxiliary members.
Alphabetical nationwide cross-reference listing for use by headquarters and district office staffs.
Mailing labels for district mailings to Auxiliarists.
An annual member summary of all information on each member which is mailed directly to the member concerned.
Used by:
District Directors of Auxiliary.
Chief Director of Auxiliary.
All elected and appointed officers of the Auxiliary.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

AUXMIS master records contain personal and activity information concerning USCG Auxiliarists and Director of Auxiliary (DIRAUX). Each person's record consists of 500 characters. The approximately 50,000 records which are stored in the system presently are stored on both magnetic tape and magnetic disk.

RETRIEVABILITY:

The current AUXMIS master file residing on magnetic disk is retrieved by number and name of the individual and can be accessed by those Directors of Auxiliary with access to the CDC-3300 system at any time. Those DIRAUX without access to the CDC-3300 can request inquiries to be done at the central site by the Office of Boating Safety.

SAFEGUARDS:

The master files cannot be accessed without the proper control cards. All DIRAUX and Chief, Director of Auxiliary have the means available to access the master files.

RETENTION AND DISPOSAL:

Retention of weekly tape files is 180 days at which time they are erased
Retention of disk files is 1 week, and then updated.
Retention of the year-end tape file is permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Director of Auxiliary, G-BAU,
Department of Transportation,
United States Coast Guard,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation
United States Coast Guard
Headquarters,
Management Analysis Division, G-CMA,
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individuals in the Auxiliary have their record available on a quarterly basis in the Flotilla Roster produced for their flotilla. All information except the Social Security Number and date of birth is on the Flotilla Roster. On an annual basis, the member receives a personal report concerning himself only which contains all elements of his record. At any time during the year, members of the Auxiliary can request through the DIRAUX where attached for access to their member's jacket retained by DIRAUX or can request a report in the annual report format.

CONTESTING RECORD PROCEDURES:

Record content can be contested at any time, and if error is found all DIRAUX have the means to correct individual records. Members are provided the means to correct their own addresses, SSN's, names and phone numbers and occupations.

RECORD SOURCE CATEGORIES:

All records pertaining to Auxiliarists are derived from forms which are filled out by the individuals involved on a voluntary basis.

DOT/CG 503.

SYSTEM NAME:

Motorboat Registration. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-B)
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Boat owners registering for the issuance of boat identification numbers for boats recorded in the States of Washington, Alaska, and New Hanpshire and in American Samoa.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tapes: (Computer listings on disk with information on boat owner: name, address, and boat information).
Printouts- Same.
Office files- Same.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by:
Authorized Coast Guard Personnel involved in the Coast Guard boating safety program.
To renew old registrations to issue new number to all motorboats.
The purpose of the numbering system is for identification of recreational boats in case of accident, loss, theft, or abandonment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are maintained in file cabinets.

RETRIEVABILITY:

By name/number.

SAFEGUARDS:

Only authorized office personnel have access to subject files. All personnel screened prior to allowing access. Building secured and guarded after duty hours.

RETENTION AND DISPOSAL:

Records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating, Public and Consumer Affairs
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual whose record(s) are being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by visiting Coast Guard Headquarters or writing to:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individual applicant.

DOT/CG 505.

SYSTEM NAME:

Recreational Boating Law Enforcement Case Files. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Coast Guard District Offices and Headquarters unit offices for records of incidents in their localities. Addresses in Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners/operators of vessels found in violation of Federal recreational boating laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing names of violators, their addresses and social security numbers, together with descriptions of boats and notations of the alleged violations of Federal boating laws, and copies of correspondence relating to the disposition of any penalty involved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is used by authorized Coast Guard employees in performance of their duties to determine the appropriate enforcement action to be taken by the Coast Guard in individual cases as well as providing a record of repeated offenders.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on index cards, in logbooks, and in file folders.

RETRIEVABILITY:

Information is retrieved by name of individual in alphabetical file.

SAFEGUARDS:

Information available only to authorized personnel. Files maintained in office in building which is secured during non-working hours and which has a roving guard patrol.

RETENTION AND DISPOSAL:

Records in system maintained for three years before disposal by mutilation or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating, Public and Consumer Affairs
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'System Manager', or by visiting the local Coast Guard District or Unit where incident occurred.
Proof of identity will be required prior to release of records. A military identification card, driver's license or

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similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Information obtained from reports of Coast Guard boarding officers and marine safety investigations as well as from reports by citizens concerning possible violations of law or regulation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5USC 552a (K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 507.

SYSTEM NAME:

Coast Guard Supplement to the Manual of Courts Martial Investigations. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Coast Guard and other individuals who may be involved in any Coast Guard investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigations into injuries to Coast Guard personnel, mishaps involving vessels, aircraft and vehicles.

Incidents involving fires, explosions, for loss or destruction of classified material.

Circumstances involving equipment failures and property damage, loss, or destruction.

Circumstances involving violation of standards of conduct personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard personnel in connection with the performance of their official duties which include, but are not limited to:

Accident prevention.

Payment of disability benefits,

Improvement of internal Coast Guard procedures and practices.

Reports are used in connection with the resolution of claims against the Coast Guard as well as claims asserted by the government.

Reports are transmitted to the Veterans Administration to assist that agency in determining entitlement to benefits administered by it.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in storage cabinets in division files for three years and then forwarded to the Federal Records Depository.

RETRIEVABILITY:

Card index maintained permitting access to individual investigations by listing identifiable data such as name of person, vessel or other facility involved in investigation.

SAFEGUARDS:

Authorized personnel are granted access to these records in connection with the performance of their official duties.

Records are disclosed to members of the public under the provisions of the FOIA. These requests are considered on a case by case basis.

RETENTION AND DISPOSAL:

Records are maintained in division files for three years and then forwarded to Federal Records Depository

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write to or visit:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

All individuals whose conduct is the subject of these investigations are designated at the outset as parties to these investigations and accorded their rights as such. Following completion of the investigative reports, parties will be provided with copies upon request.

At all subsequent times parties may have access to the investigative records by writing to or visiting Commandant (G-CMA), at the address in 'Notification Procedure' above or the local unit to which assigned.

Proof of identity may be required prior to release of records. Military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

A party has the right to make argument and/or submit statements on his own behalf during the course of an investigation or subsequent to its conclusion. Write or visit locations as indicated in 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Coast Guard investigating officers, military and civilian personnel.

DOT/CG 508.

SYSTEM NAME:

Claims and Litigation. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, corporations, insurance companies, estate administrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suits and claims for and against the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by cognizant Coast Guard personnel, and attorneys handling cases.

For review purposes and determination as to the validity of claims.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Two card index files, one alphabetic and one numeric, maintained for cross reference.

SAFEGUARDS:

Access is limited to Coast Guard and civilian employees of the Claims and Litigation Division granted in connection with official duties.

RETENTION AND DISPOSAL:

Records maintained for five years and then forwarded to the Federal Records Center. Card index files retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write or visit:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA0 at the address in 'Notification Procedure' above

Proof of identity may be required prior to affording access to records: A military identification card, a drivers licenses or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information obtained from Coast Guard military and civilian personnel, members of the public, and Coast Guard investigating officers.

DOT/CG 509.

SYSTEM NAME:

Non-Judicial Punishment Report. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard military personnel who have been subject to non-judicial punishment proceedings under Article 15 of the Uniform Code of Military Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of Proceedings under Article 15, Uniform Code of Military Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Coast Guard Personnel, in connection with military justice administration.

Records provide statistical data concerning the number of proceedings held, units holding proceeding, offenses committed, punishments imposed, and background data of individuals concerned.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are made available to authorized personnel. Records are maintained in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

New system, disposal procedures not as yet established. Back-up material disposed of after introduction into system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA), at the address in 'Notification Procedure' above or the local Coast Guard District Office in the area in which the individual is assigned to duty.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information from individual service records and from proceedings conducted.

DOT/CG 510.

SYSTEM NAME:

Records of trial: Special, General and Summary Courts-Martial. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is tried by court martial in the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of trial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These are public records available to anyone.

Review.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file cabinets.

RETRIEVABILITY:

Filed alphabetically by name of individual.

SAFEGUARDS:

Maintained in file cabinets in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Retained permanently. Maintained for two years, reviewed by System Manager and then transferred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,

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Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visitingCommandant (G-CMA) at address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Trial proceedings and subsequent statutory reviews - Court of Military Review, Court of Military Appeals and Chief Counsel of the Coast Guard.

DOT/CG 511.

SYSTEM NAME:

Legal Assistance Case File System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at:
United States Coast Guard District Legal Offices and
Legal Offices of Coast Guard Units. See Appendix I for addresses of the District and other legal offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clients of officers assigned to render legal assistance regarding the personal affairs of Coast Guard military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information concerning the matters handled by these officers for clients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used on behalf of clients in providing legal assistance.

These records are also used to prepare statistical reports concerning a legal officer's time utilization.

The Prefatory Statement of Routine Uses applies to records in this system only to the extent that their disclosure would not constitute a violation of the judicially recognized privilege attaching to attorney-client communications and of the ethical and professional responsibilities of lawyers under the American Bar Association's Code of Professional Responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Normally, written records kept in file folders.

RETRIEVABILITY:

Alphabetical indexes by name of member.

SAFEGUARDS:

Kept in office space or filing cabinets which are normally locked during non-working hours. Building patrolled by roving security guards after duty hours.

RETENTION AND DISPOSAL:

Records retained as long as needed to serve client or as long as deemed necessary by the legal officer. Disposal is by whatever means considered appropriate by the legal officer, depending on the contents of the record involved.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.
District or unit legal offices:
Senior Counsel, for records maintained at the particular location (See Appendix I for addresses).

NOTIFICATION PROCEDURE:

Requests for determination whether this system contains records concerning an individual should be made in writing or in person to:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

These records are available in the Office of Chief Counsel at Coast Guard Headquarters or within the legal offices in the various Coast Guard districts or units, dependent on where legal assistance was rendered.

A military identification card or other comparable identification will be required to be shown by persons seeking access to their legal assistance records.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting the contents of these records or for appealing initial determinations by the custodian therof not to disclose any part of these records shall be controlling. These rules may be obtained by writing: Commandant (G-CMA) at the address listed in 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Information in this record system is obtained from the client involved and as a result of any subsequent investigation by the legal officer on behalf of the client.

DOT/CG 516.

SYSTEM NAME:

Coast Guard Military Discrimination Complaints. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-H),
2100 2nd Street, SW,
Washington, DC 20593.
Records are also maintained at:
Each District Office and Headquarters Unit at the addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain discrimination complaints filed by Coast Guard military personnel or their representatives and correspondence resulting therefrom.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Transportation, Office of Civil Rights:
Used for investigations of complaints and arriving at decisions for resolution of complaints.
Coast Guard Headquarters Military Personnel Office:
Used for information in making personnel administration decisions.
Coast Guard Headquarters, Commandant, Vice Commandant, Congressional Liaison: Used to answer correspondence being sent to Congressional representatives, federal and state officials, and nationally recognized organizations who are representing the individual.
Coast Guard Headquarters, Office of Civil Rights and the Military Equal Opportunity Division:
Used to take care of discrimination complaints and the correspondence precipitated therefrom and maintain a file on it.
All Coast Guard Commands:
Used to bring a complaint to a satisfactory conclusion, where possible.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders kept in file cabinets.

RETRIEVABILITY:

System is kept by alphabetical file, service number and/or social security number, rank/rate, and Coast Guard unit.

SAFEGUARDS:

During normal working hours access to records is controlled by office personnel; during non-working hours the building is guarded by a roving security patrol.

RETENTION AND DISPOSAL:

Files are kept permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Civil Rights,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact the following office in writing or in person:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local office where the record is filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to affording access to records. A military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

From individuals or their representatives submitting complaints, congressional correspondence, personnel service, records, Coast Guard Headquarters and Coast Guard units correspondence, individuals and organizations volunteering information pertinent to complaints.

DOT/CG 517.

SYSTEM NAME:

Complaints of Discrimination. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-H),
2100 2nd Street, SW,
Washington, DC 20593.
Each District and Headquarters Unit: See addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees (including non-appropriated funds employees) and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various memoranda, letters, statements, statistics and other information related to the situation which prompted the person to allege discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigating and processing complaints of discrimination by personnel in Office of Civil Rights, Investigators, Hearing Examiners, Employee Representatives, Coast Guard Officials.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Typed, hand-written, printed material stored in folders in metal filing cabinets.

RETRIEVABILITY:

Indexed by name and Coast Guard installation.

SAFEGUARDS:

Screening of personnel, need to know basis.

After duty hours, building is secured and roving security guards are on duty.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Civil Rights,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact the following office in person or in writing:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'Notification Procedure' or the local activity where the complaint was filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to release of records. A military identification card, drivers license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Interviews with complainant, employees, management officials; personnel records, internal Coast Guard memoranda.

DOT/CG 525.

SYSTEM NAME:

Active Duty Military Payroll System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F)
2100 2nd Street, SW,
Washington, DC 20593.
System is used throughout the Coast Guard. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and allowances records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Prepare check tapes.

Prepare listings and reports for various USCG offices.

Reports of funds expended.

Reports of earnings to state and city taxing authorities.

Listing of earnings to appropriate taxing authoriites.

W-2 and federal tax reporting to the Internal Revenue Service.

FICA reporting.

Produce runs for reconciliation of allotments.

Produce mailing labels.

Used by Coast Guard employees in performance of official duties in preparing and maintaining the Active Duty Military Payroll System.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in cabinets. Check tapes are retained in tape library.

RETRIEVABILITY:

Records are indexed alphabetically, check tapes are indexed by tape number.

SAFEGUARDS:

Access is limited to user staff members.

Secured building after duty hours.

RETENTION AND DISPOSAL:

Pay records are retained until closed (6 months) and then transferred to Headquarters, Pay Systems Branch.

Payroll listings are retained for 3 years and then transferred to a Federal Records Center.

Tapes retained for 6 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'Notification Procedure', or the local Coast Guard District for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, Coast Guard personnel and payroll offices and the Department of Defense.

DOT/CG 526.

SYSTEM NAME:

Adjudication and Settlement of Claims System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT).
United States Coast Guard (CG).
Commandant (G-F)
2100 2nd Street, SW.
Washington, DC 20593.

Partial systems are located at Coast Guard Districts and Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members.
Reserve military members.
Retired military members.
Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims arising out of disputes concerning amounts of pay received.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To reach a final decision as to entitlements of claimants.

To use as precedential data in the resolution of similar questions in the future.

Used by authorized Coast Guard officials and officials of the IRS, GAO, and the Civil Service Commission, as required.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file folders.

RETRIEVABILITY:

Claims in the file are filed and retrieved by claimant name.

SAFEGUARDS:

Access is limited to authorized officials by screening of personnel.

Maintained in Government building having roving security guards after duty hours.

RETENTION AND DISPOSAL:

After adjudication and settlement, most submissions are disposed of. A limited number of such submissions are retained for precedential value, as required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedures' or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located. See Appendix I for locations.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include: the individual, CG payroll offices, legal staff, investigators, Office of Personnel, Comptroller General (GAO) and congressional correspondence.

DOT/CG 527.

SYSTEM NAME:

Allotment System (Military). DOT/CG

SYSTEM LOCATION:

Department of Transportation (DOT).
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Military Members.
Retired Military Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Allotment deductions from active duty military pay and retired military pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized personnel to prepare tapes and vouchers for cutting checks and bonds for submission to banks, charity organizations, dependents or other institutions and firms as authorized by individuals.

Various reports as required by USCG offices.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Main records are maintained on microfilm, others are filed manually in file folders.

RETRIEVABILITY:

Microfilm records are indexed alphabetically/SSN, file folders by ACO number and alphabetically. Retrieved by name/number.

RETENTION AND DISPOSAL:

Files are maintained until individual is discharged from service or expires. Records are then shipped to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW.
Washington, DC 20593

NOTIFICATION PROCEDURE:

Contact the following office in person or in writing:
Department of Transportation.
United States Coast Guard
Headquarters,
Commandant (G-CMA).
2100 2nd Street, SW.
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identitification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Sources include: the individual and USCG payroll offices.

DOT/CG 528.

SYSTEM NAME:

Centralized Reserve Pay and Retirement System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.

System is also located at District Offices and other Field Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Coast Guard Reserve Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master Pay and Retirement Point Credits Record.

Master Personnel Data Accounting Record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to prepare monthly payroll and all associated listings.

Used also:
For preparation of budgets.
For accounting purposes.
To compute pay and points.
The compilation of data.

Permanent pay and points records (retirement data).

W-2 wage and federal tax reporting.

To report earnings to state and city taxing authorities.

Used by authorized Coast Guard, IRS, GAO, and other Agency Officials as required.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm of payroll retained in Reserve Pay Branches and Districts.

Records are filed manually in filing cabinet.

RETRIEVABILITY:

Records are indexed alphabetically by name of Reservist and CG Unit Number.

Records are retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members.

Stored in secured building after duty hours.

RETENTION AND DISPOSAL:

Microfilm and records are retained until member is discharged or retired. Three years subsequent to retirement or discharge, records are transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation.
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation.
United States Coast Guard
Headquarters,
Commandant (G-CMA).
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit administrative officer for the area in which an indiviudal's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:

The District Commander and Office of Reserve.

The individual.
Unit Commanding Officers.
District Commanders.
Office of the Reserve.

DOT/CG 529.

SYSTEM NAME:

Civilian Payroll System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Federal Aviation Administration (FAA),
Aeronautical Center (AAC-24),
P.O. Box 25735,
Oklahoma City, OK 73125.

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Earnings and leave.
Retirement records.
Pay files.
Allotment deductions.
Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for the preparation of payroll checks and bonds.

To report federal withholding tax to the Internal Revenue Service.

To report earnings to state and city taxing authorities.

To report FICA withholding to the Social Security Administration.

Used also to prepare report of retirement contributions, allotment payments, and various reports for CG Headquarters and District Offices (budgeting, accounting, management, etc).

Used by authorized Coast Guard, FAA, IRS, GAO, and Civil Service Commission in the performance of their official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually filed in file folders, records maintained on tape.

RETRIEVABILITY:

Records indexed by pay periods, alphabetically, and by tape number. Records are retrieved by name/number.

SAFEGUARDS:

Access is limited to authorized personnel.

Stored in Government building with a roving security guard after duty hours.

RETENTION AND DISPOSAL:

Records retained for 3, 4 and 10 years then transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar documents will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Personnel Offices.
Payroll Offices.

DOT/CG 530.

SYSTEM NAME:

Closed Out Military Pay Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, retired military members, and separated military members. Closed out active duty pay records of active duty members, retired members, and separated members and correspondence relating thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard and other agency personnel for auditing and settlement of claims (over/under payments).

Source of data permitting responses to general and Congressional inquiries and for submitting reports to the General Accounting Office.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name/number.

SAFEGUARDS:

Access is limited to authorized Coast Gurad or other agency personnel.

Records are stored in building having roving security guards.

RETENTION AND DISPOSAL:

Pay records of retirees and separated members maintained separately for one year after date of retirement or separation, then transferred to a Federal Records Center for retention until records become disposable 10 years after final separation or retirement of member.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit administrative office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Coast Guard Payroll Offices.
Responsible agencies.
Congressional correspondence.

DOT/CG 532.

SYSTEM NAME:

FICA Wage and Tax System for Military Pay. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Riverdale Ave.,
Riverdale, MD 20840
and at:
Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Wages paid and federal taxes witheld, FICA wages witheld.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Control processing and reporting of FICA to the Social Security Administration.

W-2 wage and tax data to IRS are forwarded using magnetic tapes for reporting purposes.

Information is used by authorized Coast Guard personnel.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record listings are filed manually, semi-annually.

Magnetic tapes are filed in tape library.

RETRIEVABILITY:

Listings are indexed by date; tapes are indexed by tape number. Retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members. Maintained in building which is secured after duty hours.

RETENTION AND DISPOSAL:

Listings retained for 2 years, then transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW.
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Coast Guard payroll offices.

DOT/CG 533.

SYSTEM NAME:

Retired Pay and Personnel System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Annuitants.
Lighthouse Keeper Retirees.
Honorary Retirees.
USCG Retirees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and personnel data of military retirees, annuitants, lighthouse keepers and retirees.

Personnel data of honorary retirees.

Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Produce various listings and reports provided to USCG offices.

Produce checks.

W-2 wage and federal tax reporting to the Internal Revenue Service.

Reports of earnings to state and city taxing authorities.

Listing of currently retiring officers, home addresses and mailing labels used by authorized USCG and USCG affiliated organizations.

Reports and information exchanged with the Veterans Administration, Civil Service Commission, SOcial Security Administration, the Department of Defense and the Red Cross.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in file folders.

Microfilm is stored in the retired pay branch.

Check tapes are filed in tape library.

RETRIEVABILITY:

Records and microfilm are indexed alphabetically, check tapes are indexed by tape number.

Retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members under supervisory control.

Stored in government building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Records are retained in the Retired Pay Branch for 3 years subsequent to retiree's or annuitant's death, then forwarded to a Federal Records Center.

Magnetic tapes are retained 18 months, microfilm for 6 years (required by GAO) then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

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CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Coast Guard personnel offices.
Coast Guard payroll offices.

DOT/CG 534.

SYSTEM NAME:

Travel and Transportation of Household Effects. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at each District Office and Headquarters unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, retired military members, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel claims, transportation claims, government bills of lading, application for shipment of household effects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Vouchers submitted for payment of claims, for audit of claims for payment, to account for cost of moving household goods, advice of shipment of household goods, for reporting of funds expended, and for payment of household and transportation claims.
Used by authorized Coast Guard personnel and personnel of the General Accounting Office (GAO) in connection with the performance of official duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed manually in file folders.

RETRIEVABILITY:

Records are retrieved by schedule numbers and/or individual name.

SAFEGUARDS:

Access is limited to user staff members.
Stored in a building which is secured after duty hours.

RETENTION AND DISPOSAL:

Records are kept for 3 years, then transferred to a Federal Records Center.
Exception: Schedule 98-Ts (Freight and Transportation) are forwarded to General Accounting Office (GAO) after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.
Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual who is the subject of the record.
Ground freight and transportation carriers and agents.
Airline companies.
Personnel offices.
Other responsible agencies.

DOT/CG 535.

SYSTEM NAME:

Nonappropriated Fund System (NAFA). DOT/CG.

SYSTEM LOCATION:

Department of Trasnsportation (DOT),
United States Coast Guard (CG),
Commandant (G-FER),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at:
District and Headquarters Units. See Appendix I for Locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees.
Active duty military members.
Retired military members.
Military dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records.
Accounting records for NAFA loans.
Purchase slips for articles sold in Base Exchange (BX) that cost more than 75 dollars.
Listing of bad checks.
Lay away purchase list.
Job applications.
Personnel records.
Credit books kept by ships and isolated shore units.
Correspondence.
Membership applications.
Accounts receivable.
Investigatory reports involving abuse of facilities.
Purchase listings and sales slips for specific items.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payroll for NAFA employees.
Personnel actions.
Accounting purposes.
Budget and inventory controls.
Used by members and employees of USCG in the performance of their official duties related to the management, supervision and administration of nonappropriated funds.
Officials and employees of other agencies, attorney general's office or Congress in the performance of their official duties related to the management, supervision and administration of nonappropriated funds.
Billing, reservations, protection of funds.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on tape, disc, drums and punched cards.
Manual records may be stored in file folders and/or credit ledgers, card files, and notebooks.

RETRIEVABILITY:

Records are indexed alphabetically and by social security number, membership number or unit number.

SAFEGUARDS:

Access is limited to authorized personnel. Building is secured after duty hours.

RETENTION AND DISPOSAL:

Records are retained until usefulness has expired and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which an individual's work station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as in 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Previous employees.
Educational institutions.
Employment agencies.
Civilian and military investigative reports.
General correspondence.

DOT/CG 536.

SYSTEM NAME:

Contract and Real Property File System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F),
2100 2nd Street, SW,
Washington, DC 20593.
Systems are also located at various District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or companies doing business with the Coast Guard.
Employees of prime and sub-contractors.
Individuals requiring use of CG property.
Military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contracts and related files.
Real property and leased family housing files.
Bidders list.
Minority compliance records.
Payment schedule records.
Witness fees records.
Various payment files relating to Admiralty and Tort claims.
Personnel claims.
Collection register.
Open purchase order file.
Correspondence files and vendor lists.
Information on employees of contractors, job level and pay of these employees.
Permits, licenses and easements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to determine compliance of contractors with minimum wages for certain skills and trades on government contracts.
Used to aid in record keeping of payments and collections.
Used to determine potential for contracting with the government.
Used to record issuance of personal property and maintain inventories.
Used to determine contractor responsibilities and liability.
Used by Coast Guard officials of the General Accounting Office (GAO) in performance of duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually filed in file folders. Maintained on tape/card three ring binders, and in hard cover books.

RETRIEVABILITY:

Retrieved by individual/company name, number, construction job, and/or location.

SAFEGUARDS:

Access restricted to authorized personnel only; some records in locked safe and/or filing cabinet.
Maintained in building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Some records retained indefinitely; some retained 3, 4 or 6 years, then destroyed or forwarded to a Federal Records Center for an additional 7 years

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which the contract was submitted or property is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as above 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
Individuals.
Contractors.
Contract employees.
Bidders.
Finiancial institutions.
Insurance companies.
Community associations.
Other agencies.
Bills.
Letters.
Collection receipts.
Electronic accounting machine listings.

DOT/CG 537.

SYSTEM NAME:

FHA Mortgage Insurance for Servicemen.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Coast Guard Military Personnel who have applied for Federal Housing Administration Mortagage Insurance.

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CATEGORIES OF RECORDS IN THE SYSTEM:

Selected aspects of FHA Mortgage Insurance Records for military personnel, including copies of Form DD-802, 'Request for and Certificate of Eligibility' and Form DD-803, 'Certificate of Termination'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to enable management to verify that billings from FHA are correct, and payable from Coast Guard funds. Users are authorized Coast Guard personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in closed file cases.

RETRIEVABILITY:

Folders are filed by named individual, alphabetically. Copies of documents are filed chronologically in the folders together with a record of payment.

SAFEGUARDS:

Access is limited to user staff members. After duty hours the building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Files are maintained as long as a member is covered by an insured mortgage loan; 3 years after, files are forwarded to Federal Records Center. Destroyed 4 years after case files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Office of Comptroller,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact Commandant (G-CMA),
U.S. Coast Guard Headquarters,
Washington, DC 20593.
The written request should include the requestors name in full and signature.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant (G-CMA), at the address above, or by visiting the Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC. Proof of identity will be required prior to affording an individual access to his records. A military identification card, a drivers license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

From individual concerned and the Federal Housing Administration.

DOT/CG 561.

SYSTEM NAME:

Port Safety Reporting System Individual Violation Histories. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-WPE-5),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at:
Offices of the District Commanders. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Masters, operators, owners, agents, shippers, charterers and/or pilots of commercial vessels and barges, reported for violations of United States port safety regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized listings, by name, giving specific violations, date, place and penalty assessed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determining penalties to be assessed by Coast Guard hearing officers; execution of judgments by U. S. attorneys as necessary.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape or disc.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Restricted access data processing area. Program access by password.
Source documents and printouts are stored in locked rooms or file cabinets.

RETENTION AND DISPOSAL:

Disposed of 3 years after final disposition of case.
Paper files destroyed by mutilation, shredding or burning.
Magnetic tapes are obliterated by writing over magnetic surface till content is rendered useless and unreadable.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Marine Environment and Systems,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local Coast Guard District, at the address in Appendix I, where the violation occurred.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Report of Violation, Form CG-2636, prepared by Coast Guard officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 571.

SYSTEM NAME:

Physical Disability Separation System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-KMA),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel and USCG personnel separated or retired for physical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Central Physical Evaluation Board files.

Formal Physical Evaluation Board files.

Physical Review Council files.

Physical Disability Appeal Board files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by:

Coast Guard officials in connection with physical disability separation and retirement proceedings.

The Veterans Administration for assistance in determining the elgibility of individuals for benefits administered by that agency and available to USPHS or DOD medical personnel in connection with the performance of their official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individual .

SAFEGUARDS:

Roving guard patrol. Restricted personnel access by screening.

RETENTION AND DISPOSAL:

Retained two years after disposition then transferred to Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Health Services,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must include a notarized statement attesting that the individual requesting the notification is in fact the individual about whom information is requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure' above.

RECORD SOURCE CATEGORIES:

Information in records developed through proceedings of administrative bodies listed in 'Categories of Records' above.

DOT/CG 572.

SYSTEM NAME:

USCG Military Personnel Health Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-KPS),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel. USCG active duty personnel dependents,

Dependents of USCG active duty personnel.

Department of Defense active duty personnel and dependents.

Dependents of USCG and DOD retired personnel and their dependents.

Members of USCG Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of medical and dental treatment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by medical staff in affording medical and dental treatment to personnel listed in 'Categories of Individuals' above.

Provided to the Social Security Administration and Veteran's Administration for use in determining an individual's entitlement to benefits administered by those agencies.

Records are provided to the Department of Health, Education and Welfare for purposes of the Federal Medical Care recovery set.

Records are available to the Public Health Service or DOD medical personnel in connection with medical treatment of individuals at USPHS or DOD facilities.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name and military identification number.

SAFEGUARDS:

Roving guard patrol. Room in which records are located is locked when unattended.

Access limited to these records at all times by personnel screening.

RETENTION AND DISPOSAL:

Retained so long as individual is assigned to the particular area. Transmitted to new duty station upon transfer of member/sponsor. Incorporated into personnel record file system upon transfer, separation, or retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Health Services,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local District or Headquarters Unit Office for the area in which assigned. See Appendix I for locations. See Appendix II for details pertaining to release of medical records.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Medical facilities where treatment received and from the individual.

All Field Units with Medical Personnel assigned. See Appendix I for locations.

DOT/CG 573.

SYSTEM NAME:

U.S. Public Health Services (USPHS) Commissioned Officer Corps Staffing and Recruitment Files. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-KMA), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel records of USPHS commissioned officers assigned to duty with the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, Commissioning applications, assignment preference, reference questionnaires, background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to assist administrators in assigning personnel to area requiring their specific skills.

Used to monitor career development of personnel assigned to program.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individuals.

SAFEGUARDS:

During working hours access is controlled by office personnel; during non-working hours building is patrolled by roving security patrol.

RETENTION AND DISPOSAL:

Records are retained during period of an individual's assignment to the Coast Guard. Thereafter, records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Health Services, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure'.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Previous employers, educational institutions, references, Coast Guard Medical Administrators and the individual.

DOT/CG 586.

SYSTEM NAME:

Chemical Transportation Industry Advisory Committee. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-M), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, phone number.
Biographical sketch.
Committee information.
Minutes of meetings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Arranging meetings, keeping records of committee business, determine committee membership.

Used by Coast Guard personnel in the performance of offficial duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By committee name/individual name.

SAFEGUARDS:

Personnel screening prior to granting access.

Building has roving security after hours.

RETENTION AND DISPOSAL:

Permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine safety.
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to granting access. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

From the individual of record.

DOT/CG 587.

SYSTEM NAME:

Investigation of Violations of Marine Safety Laws or Regulations. DOT/CG.

SYSTEM LOCATION:

District Offices - See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have violated or who are suspected of violating marine safety or related laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of violation and supporting documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation by Coast Guard personnel for law enforcement purposes.

Evaluation by other agencies, state, local and foreign governments for purposes of law enforcement, and other purposes which the agency may deem necessary for their mission.

For use in civil litigation.

For insurance purposes.

Use by the general public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records pertaining to violations of law or regulation are retrieved by individual name or vessel name.

SAFEGUARDS:

Destroyed three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District for the area in which the alleged violation occurred.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Coast Guard investigating records compiled as a result of vessel casualty.
Investigations by other law enforcement agencies.
Vessel operator complaints.
Deficiencies noted during Coast Guard inspections.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 589.

SYSTEM NAME:

U. S. Merchant Seamen's Records.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-MVP),
2100 2nd Street, SW,
Washington, DC 20593.
Portions of these records may be located at the Marine Inspection Office or the Marine Safety Office where the seaman was documented.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Merchant Seamen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel File.
Shipping Articles.
Locator List.
Log Books.
Seamen's License Records.
Fingerprint Records.
Disciplinary Records.
Security Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Coast Guard officials in administering the Commercial Vessel Safety Program to determine qualifications for the issuance of licenses, documents, and certificates; to determine disciplinary action; to provide duplicate records of service or documents to the seaman, his next of kin or his agent; to provide information to other Federal Agencies, such as the Veterans' Administration, the Social Security Administration, etc. in connection with benefits and services administered by those agencies; to provide information to private organizations when considered beneficial to the seaman; to provide information to Federal, State, and local investigative and law enforcement officials as provided for by law.
See Prefatory Statement of General Routine Use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The personnel file will be stored on updateable microfiche and limited personal data will reside on computer disks and magnetic tapes. The above media will be continuously updated as new or additional data is received. The remainder of the records will be stored in file folders in paper form.

RETRIEVABILITY:

The personnel file on microfiche will be accessed from its storage cabinet by a coded identifier of the location of the record within the cabinet. The data on the computer record will be retrieved by direct terminal access with the selection of data elements determined by the authorized user. Retrieval will be by name and cross indexed under ID (i.e., 'Z', 'BK', or Social Security Number).

SAFEGUARDS:

Personnel files on microfiche are stored in the locked retrieval cabinet. The data on the computer file can be retrieved only via 'password' identifier with users being permitted access only to that portion of the overall file that has previously been determined as meeting their needs. The file folders are maintained in locked rooms.

RETENTION AND DISPOSAL:

Personnel files are held 3 years for unlicensed personnel and 10 years for licensed personnel after last activity, then transferred to a holding area where they may be destroyed after 60 years of inactivity. Shipping Articles are held 3 years then transferred to a Federal Records Center where they are considered historical data and are not destroyed. Disciplinary Records are maintained in paper form. Administrative Law Judge's Decisions and Orders and Appeal File are transferred to a Federal Records Center after 5 years. Commandant's Decision on Appeal and National Transportation Safety Board Decisions and Orders are retained. Disciplinary Record Cards are destroyed upon notice of death.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. In order to determine if a record for an individual exists, it is necessary that the applicant furnish the complete name in which the document was issued, the serial number of the document (i.e., 'Z', 'BK', and/or Social Security Number), and his date

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and place of birth. A written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant (G-CMA) or visiting at the address in 'Notification Procedure' or the Marine Inspection Office or Marine Safety Office where the document was issued for locally maintained portions.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Personnel File - Date furnished by the seamen, U.S. Coast Guard officials, other Federal Agencies and employer. Shipping Articles - Vessels' operators, seamen, masters of vessels, State Department, and Coast Guard officials. Disciplinary Records - Furnished by the Investigating Officers at the various Marine Inspection and Marine Safety Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide, in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 591.

SYSTEM NAME:

Merchant Vessel Documentation System (Manual and Automated). DOT/CG.

SYSTEM LOCATION:

Automated system is located at:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (C-MVD),
2100 2nd Street, SW,
Washington, DC 20593.
Manual systems are located at:
Coast Merchant Vessel Documentation Offices,
(See section E.W., Standard Distribution List - COMDTNOTE 5605 for office locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vessel owners.
Mortgagees.
Vessel buyers and sellers.
Lien claimants.
Vessel builders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vessel owner information.
Vessel information.
Instruments of record (bills of sale, mortgages, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establishing eligibility for documentation of vessels.
Issuance of marine documents.
Recordation of bills of sale, mortgages, etc.
Publication of the annual MERCHANT VESSELS OF THE UNITED STATES.
Publication of the monthly supplement to MERCHANT VESSELS OF THE UNITED STATES.
Used by:
Coast Guard.
Other Governmental agencies.
Financial institutions and other money leaders.
Anyone having business with or an interest in a documented vessel.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index of owners maintained by Commandant (G-MVD).
All other records maintained at home port of vessel by vessel name.

RETRIEVABILITY:

Upon furnishing name of vessel owner to Commandant (G-MVD), vessel name is established and request for information referred to appropriate home port.
Records retrieved at home port by use of vessel name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Listings of vessel owners constantly updated by additions and deletions (automated).
Field office vessel folders transferred to FRC 2 years after change of vessel's home port or 2 years after removal of vessel from documentation (manual).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual whose records are the subject.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing or by visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Vessel owners, Mortgagee, lien claimants, Vessel sellers and buyers, Coast Guard admeasures and vessel builders.

DOT/CG 592.

SYSTEM NAME:

Registered/Applicant Pilot Eligibility Folder. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Ninth Coast Guard District,
Great Lakes Pilotage Staff,
1240 East Ninth Street,
Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States registered pilots and applicant pilots suitably registered to perform pilotage duties aboard foreign vessels on the Great Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for registration, renewal of registration, annual report of physical examination, Coast Guard license data, examination for registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of Transportation, U. S. Coast Guard, F.B.I., pilot associations and corporations.
Used for pilot registration, training program needs, retirements, statistical compilations, and negotiations with Canadian authorities to assure equitable

participation by U.S. registered pilots with Canadian registered pilots.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name and pilot registration number.

SAFEGUARDS:

Screened by office personnel prior to use. Locked in cabinets during non-working hours.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Great Lakes Pilotage Staff,
Ninth Coast Guard District,
1240 East Ninth Street,
Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Same as 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual's original application for U.S. pilot's registration and individual's yearly report of medical examination.

DOT/CG 611.

SYSTEM NAME:

Intelligence and Security Investigative Case System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation(DOT),
United States Coast Guard(CG),
Commandant (G-OIS),
2100 2nd Street, SW,
Washington, DC 20593.

Systems are also located in Coast Guard District Offices at the addresses listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Coast Guard military personnel, merchant marine personnel, port and dock workers, and persons under investigation for violations of laws and regulations administered by the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security investigations, national agency check results, criminal investigations, counterintelligence investigations, computerized case control system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard personnel for:

Security clearances.

Actions by commanders under the Uniform Code of Military Justice.

Career advancement of U.S. Coast Guard military personnel.

Approval of merchant seamen documents.

Access of individuals to port facilities.

Used by:

Appropriate federal, state or local agencies for criminal law enforcement and prosecution by the United States government.

National Agency Checks and background investigations.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investigative dossiers and 3x5 card retrieval system.

RETRIEVABILITY:

By name and/or case number.

SAFEGUARDS:

Alarm controlled spaces, locked and/or limited access file cabinets and office spaces.

Using receipt control, automatic data processing (ADP) system cannot be penetrated for data through terminals, or otherwise, located outside the U.S. Coast Guard computer center without use of proper administrative controls.

Release of dossiers to accreditied personnel on 'need-to-know' basis only.

RETENTION AND DISPOSAL:

Dossiers retained 50 years from date of birth.

Deceased, retirees and others separated are held one year from separation.

Dossiers are retired to the Washington National Federal Records Center for further retention of 30 years.

3x5 cards are annotated to recall retired dossiers if necessary.

Computer printouts are retained for 10 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Operations,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office, location in Appendix I, for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

National Agency Checks, background investigations, criminal investigations, interviews, records, checks, observations, statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provides in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express promise that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5) which provides, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section,

under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the pro- visions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from dis- closure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 612.

SYSTEM NAME:

Port Security Card System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard
Headquarters (CG),
Commandant (G-OIS),
2100 2nd Street, SW,
Washington, DC 20593.
Records also also located at each District Office. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons regularly employed on vessels and water front facilities, or persons having regular public or private business with the operation, maintenance, or administration of vessels and cargoes or waterfront facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for port security cards awaiting processing.

Processed applications indicating those granted or denied port security cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Authorized Coast Guard officials to determine eligibility for issuance of Port Security Cards

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, 3x5 cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in file cabinets in secure areas.

Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Retained for 8 years, then destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Operations,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Departemnt of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which the application was filed.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered sutitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual applications.

National Agency checks.

Other records already at Coast Guard Headquarters, if any.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 622.

SYSTEM NAME:

Military Training and Education Records. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PTE), 2100 2nd Street, SW, Washington, DC 20593. Records are also located at District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel (Commissioned Officers, Commissioned Warrant Officers, Cadets, and Enlisted Personnel.)

CATEGORIES OF RECORDS IN THE SYSTEM:

General Service Correspondence Course. Off-Duty Education Records. Professional Training Records. Non-traditional Educational Support Records. Achievement and Aptitude Test Results. Academic Performance Records. Correspondence Course Rate Advancement Records. Military Performance Records. Admissions Processing Records. Grade Reporting Records. Cadet Academic Status Records. Transcript Maintenance Records. Cadet Discipline Status Records. Military Personnel Records. Military Training Schedules Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation and measurement of training performance. Statistical summaries. Input to personnel records. Partial criteria for selection and admission to service/professional schools. Partial criteria for selection to postgraduate education programs. Criteria for admission to the Coast Guard. Criteria for retention in service Schools. Criteria for promotion. The above information is used by authorized Coast Guard personnel in the performance of Official duties. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets. Portions are stored on ADP equipment.

RETRIEVABILITY:

Retrieved by name, rate, class number, cadet code number, and Social Security Number.

SAFEGUARDS:

Records are kept in file cabinets in offices that are locked during off-duty hours. Those records stored in ADP equipment may only be accessed through use of a user access code.

RETENTION AND DISPOSAL:

Personal History, Service History and School Conduct and Military Performance records are kept for one year. Academic and Correspondence Course records are kept for five years. Aptitude and Achievement Test results, as a part of Training and Education records, are kept for five years. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting (G-CMA) at the address in 'Notification Procedure', or by visiting the local activity where assigned for training. Prior written notification of personal visits is required to insure that the applicable record will be available. Proof of identity is required prior to release of records. A military identification card, driver's license, or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Official military personnel records, test results, instructors and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the pro- visions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 624.

SYSTEM NAME:

Personnel Management Information System (PMIS)

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular Coast Guard personnel on active duty. All Reserve Coast Guard personnel on extended active duty and Reserve personnel on initial active duty for training.

CATEGORIES OF RECORDS IN THE SYSTEM:

A single computer record which currently contains about 450 data elements on each member. Some data elements are used only for enlisted, others only for officers. The file contains personal information such as name, place of birth, rank, location, etc. The file also contains pay date elements which will form the basis for deriving pay entitlements for Coast Guard military personnel under the Joint Uniform Military Pay System (JUMPS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used to produce a number of reports used throughout the Coast Guard. Types of reports are:

Locator Listing for Headquarters and Districts,

Personnel Roster for the unit to assist in verifying information,

Number of personnel in pay grades for advancement levels and budget expenditures,

Current reports for this system of records are listed in the Reports Distribution Manual generated by the Coast Guard for this system,

Queires and batch processing are used to recruitment levels,

Various Coast Guard offices receive the locator listing and management reports,

Government agencies other than Coast Guard categories,

See prefatory statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with tape backups. The file is updated once a week. Once a month the file is dumped to a tape file for historical purposes.

RETRIEVABILITY:

Retrieval from the system is by use of name or Social Security Number or a combination of personal and non-personal characteristics.

Users retrieve information direct from the file through card input or direct terminal access. Data elements to be retrieved and method of use are selected by the user.

An extract file containing summary records is produced monthly for use on a 'time sharing' system. Retrieval of information from this extract is by direct terminal access only. Data elements to be retrieved and method of use are selected by the user.

SAFEGUARDS:

The computer provides privacy and access limitations by requiring a user name and password match. In addition each element of the file has its own level of accessability which must be held by the user. Only those staff components at Headquarters with a need to have access to the file are given user names and passwords. Access to the 'Time Share' extract is similarly controlled. The backup tapes and monthly dumps also have limited access in that users

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must justify the need before they are provided the tape numbers.

RETENTION AND DISPOSAL:

End-of-Year system backup tapes and day to day transaction tapes are retained indefinitely. Statistical and other report extract tapes are recycled into the system and consequently destroyed. Paper working files are disposed of in accordance with current record disposal instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:
Department of Transportaion,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure'. Prior written notification of personal visits is requried to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

The data to update the file comes from copies of official service record entries prepared by field units. The data is entered on tape for update of the computer files.

DOT/CG 625.

SYSTEM NAME:

Officer Selection and Appointment System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PMR),
2100 2nd Street, SW,
Washington, DC 20593.
Records are also located at each District and Headquarters Unit. Use Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Coast Guard Officer Candidate School or direct commission programs of the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is supplied by applicants and also by persons, other than the applicants, who submit information pertinent to the suitability of the applicants for commissioned service in the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Coast Guard in the performance of their duties in managing and contributing to the recruitment and appointment of men and women for officer programs in the regular and reserve components of the Coast Guard.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Official employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

The system is indexed alphabetically by name of applicant and is retrieved by name.

SAFEGUARDS:

Records kept in file cabinets locked after working hours.

Buildings have 24-hour security guards and limited access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: APPLICATION FILES FOR NONSELECTED OFFICER CANDIDATE APPLICANTS ARE DESTROYED AFTER SIX MONTHS AND NONSELECTED APPLICANTS FOR DIRECT COMMISSION ARE DESTROYED AFTER ONE YEAR. FILES FOR ALL SELECTED APPLICANTS ARE PLACED IN THE SELECTEE'S OFFICER PERSONNEL FOLDER.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or to the applicable Coast Guard District Office.

A letter request should contain full name, address, social security number, approximate date of application, and signature.

Proof of identification will consist of military identification card, driver's license or other official identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and employee processing application.

Medical personnel conducting physical examination and private physicians providing consultations or patient history.

Character and employer references named by applicants.

Educational institutions, staff and faculty members.

Selective Service Commission.

Local state and Federal law enforcement agencies.

Prior or current military service record.

Commanding officer of Coast Guard unit, if active duty.

Coast Guard offices charged with personnel security clearance functions.

Other Coast Guard officials and employees in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 626.

SYSTEM NAME:

Official Officer Service Records. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT).
United States Coast Guard(CG),
Commandant (G-PO),
2100 2nd Street, SW,
Washington, DC 20593.

Certain records in the system are maintained at:

National Personnel Records Center,
9700 Page Boulevard,
St. Louis, MO 63132.

Portions of the official service record, e.g., health record, security status jacket and leave record are maintained at the officer's unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commissioned officers of the Coast Guard on active duty, permanent or disability retired lists.

Regular officers whonesign and do not accept a Reserve commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

General file & service record card.
Fitness File & Officer Summary Records.
Medical File.
Medical History for officers on the Temporary Disability Retired List.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative procedures including assignment, promotion, training, etc.

Physical Evaluation Boards.

Board for Correction of Military Records.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard.

(Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original of this material will be included in the official service record maintained at Coast Guard Headquarters).

Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or veteran's benefits, claims or applications.

Furnishing specified material in an officer's service record pursuant to the order of a court of competent jurisdiction.

Used by:

Authorized Coast Guard Personnel.

Personnel from other Federal Agencies in the conduct of official business, as authorized by the Chief, Officer Personnel Division or his designated representative.

See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and are assembled and filed in one official service record per member and stored on open shelf files in a room with controlled access.

RETRIEVABILITY:

Individual records are indexed and retrievable by name and/or last four digits of member's service number.

SAFEGUARDS:

During working hours physical access to records is controlled by the Officer Records Branch (G-PO-4).

Records are maintained in a central storage area locked behind two separate doors during non-working hours in the building, which has roving and static security patrols.

RETENTION AND DISPOSAL:

Each individual record is maintained at Coast Guard Headquarters until three months after retirement/resignation, after which it is shipped to the:

National Personnel Records Center (Military Personnel Records),
9700 Page Boulevard,
St. Louis, MO 63132.

After the separation documents are received, records of Reserve Officers released from active duty and Regular Officers who resign and accept Reserve Commissions are sent to the Department of Transportation,

United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Inquiry requests for a determination as to whether this system contains records on an individual should be made by that individual, in person or in writing, to:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Requestors in person will be required to show a valid I.D. card.

Written request must include the member's name, rank, Social Security Number, and period of service.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local activity to which assigned for locally maintained portions of subject records.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

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CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Personal interview and voluntary submissions by individuals.

Training/Educational Reports.

Fitness Reports.

USCG District Offices and other operating units of the Coast Guard.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 627.

SYSTEM NAME:

Enlisted Recruiting Selection Record System. DOT/CG.

SYSTEM LOCATION:

Primary System:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are maintained at:

Coast Guard District offices and Coast Guard recruiting offices. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated forms concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the U.S. Coast Guard in the performance of their duties in managing and contributing to the recruitment program of the Coast Guard Reserve.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management or quality of military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management or quality of military recruitment.

Officials and employees of the Veterans Administration and Selective Service System in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape.

Paper records are stored in file folders.

RETRIEVABILITY:

Alphabetically by name of subject and social security number.

SAFEGUARDS:

Records are accessible only to authorized personnel within the Coast Guard recruiting organization and are handled with security procedures appropriate for documents marked 'For Official Use Only'.

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then disposed of by multilating, shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Gurad
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure' or the appropriate local office where the record, or portion there of, is filed.

Prior written notification is required to insure that records will be available at time of visit.

Proof of identity will be required prior to affording access to records. A military identification card, driver's license, or similar document, will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and administrative staff.

Medical personnel or private physicians providing consultations or patient history.

Character and employer references.

Educational institutions, staff and faculty members.

Selective Service System.

Local, state, and Federal law enforcement agencies.

Prior or current military service records.

Members of Congress.

Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5, which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine for promotion in the armed services may be withheld from dis- closure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 628.

SYSTEM NAME:

Officer, Enlisted, and Recruiter Selection Test File. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PE),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian or military personnel who have taken the following tests:

U.S. Navy Officer Qualification (OQT).

U.S. Navy and U.S. Marine Corps Aviation Selection (AST).

U.S. Navy Basic Test Battery (BTB) (retests).

The Cooperative Tests for Advanced Electronic Training (AET TESTS).

The 16 Personality Factor Test used for screening of enlisted personnel for recruiting duty.

Professional Examination for Merchant Mariners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card files, answer sheets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are kept to provide the test results if an applicant (civilian or military) applies for an officer program or is already in military and interested in certain training programs.

Internal users:

Officer Recruiting, Enlisted Recruiting, Enlisted Personnel, Training Programs, Merchant Marine, Commanding Officer, Enlisted Personnel District, Personnel offices, Training Centers and Academy.

Other Government Agencies:

U.S. Navy Recruiting, U.S. Marine Corps, U.S. Navy Bureau of Medicine and Surgery.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, case files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Combination - type safe, locked files.

Test results are given only on a need to know basis to authorized personnel.

Only custodian of safes and alternate custodian have access.

RETENTION AND DISPOSAL:

Test answer sheets are destroyed after 2 years.

Card file - destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individuals concerned and United States Coast Guard recruiting officials.

U.S. Marine Corps officials.

U.S. Navy Recruiting officials,

U.S. Navy Bureau of Medicine Surgery officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (5), which provide, in part, that investigatory material compiled soley for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the pro- visions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine potential for

promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished informaton to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 629.

SYSTEM NAME:

Enlisted Personnel Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PE),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments of the system are located at each District office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlisted contract package, record of emergency data, leave records, performance ratings, administrative remarks, medical records.

All other requisite Coast Guard personnel forms, and pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in formulating all Coast Guard personnel actions including, but not limited to, assignment, promotion, re-enlistment, retirement, discharge, determination of entitlement to pay and allowances, correction of records, and disciplinary actions.

Data is provided to the Veterans Administration for determination of an individual's eligibility for benefits administered by that agency and to medical facilities maintained by the Department of Health, Education and Welfare in conjunction with medical treatment afforded an individual.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in enlisted files record jackets and stored in file cabinets.

RETRIEVABILITY:

Records are retrievable by name of individual or the last three digits of the individual's social security number.

SAFEGUARDS:

Records maintained at Coast Guard Headquarters are located in a central storage area, locked behind two separate doors during non-working hours, in a building with a roving security patrol.

Records at field units are maintained in Government office buildings with off-duty hours security.

During working hours, access to records is controlled by office personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member is discharged, permanently retired for physical disability, or retired for years of service, after which records are transmitted for permanent storage to the:

National Personnel Records Center, (Military Personnel Records) GSA,
9700 Page Boulevard,
St. Louis, MO 63132.

In the case of members transferred to the Reserve, their records are sent to Commandant (G-RA-2) after separation documents are received.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW.,
Washington, DC 20593.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit administrative officer for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, and Coast Guard Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 630.

SYSTEM NAME:

Coast Guard Family Housing. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are maintained at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of all pay grades who make application for government and/or government leased housing.

Military personnel who make application in locating community housing, married officers and married E-3 or above (over 2 years service).

Certain government employees occupying government housing.

Military or civilian personnel who have corresponded with the President, a Congressman, or the Commandant concerning family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants name, pay grade, marital status, current address and dependent information maintained for the Coast Guard Housing Administration Information and Liaison (HAIL) System.

Includes family housing survey; computer data summaries are maintained for the family housing survey.

Copies of correspondence from individual to the President, a Congressman or the Commandant, inquiry sheets, and replies maintained for Congressional correspondence files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by authorized Coast Guard employees in performance of their duties in placing the applicant in government owned or leased housing or community housing.

Assessing housing needs of District and Headquarters Units.

Answering inquiries from individuals, Congressmen or the Commandant concerning family housing.

Preparing budgets.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individual, Coast Guard District and date received.

SAFEGUARDS:

Records are maintained in locked file cabinets and desk file drawers.

RETENTION AND DISPOSAL:

Records are maintained until the applicant is placed in housing and then destroyed.

Records concerning Congressional correspondence are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel, Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office. See address in Appendix I.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from applicants, individuals who complete family housing survey forms, initiate correspondence concerning family housing and Coast Guard Officials.

DOT/CG 632.

SYSTEM NAME:

Uniformed Services Identification and Privilege Card Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of U.S. Coast Guard personnel (active, retired, reserve and deceased).

Former Coast Guard personnel who have been rated by the Veterans Administration as one-hundred percent disabled and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Uniformed Service Identification and Privilege Card (DD-1172).

Verification for eligibility to possess the Identification and Privilege Cards (DD-1173).

Pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard employees to verify that applicant is entitled to be issued an Identification and Privilege Card.

Verification provided to other Armed Forces authorized personnel as required.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Maintained in file cabinets. During working hours access to records is controlled by office personnel. During non-working hours building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Retained for 10 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must contain, full name, social security number (SSN) and be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

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RECORD SOURCE CATEGORIES:

Information is supplied by the sponsor and/or his dependents.

DOT/CG 633.

SYSTEM NAME:

Coast Guard Civilian Personnel Security Program. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS/6),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are located at:

Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Civilian Personnel.
Applicants for civilian positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of civilian security clearance granted. Correspondence and requests concerning civilian personnel security actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in determining eligibility for access to classified information under Executive Order 11652 and suitability for sensitive positions.

Categories of users include use by Coast Guard employees in performance of official duties and use by investigative agents of other federal agencies.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder - 3x5 Index cards.

RETRIEVABILITY:

Records are retrieved by name of individual.

SAFEGUARDS:

Records are kept in locked cabinets and safes. Individual identification is required for users of records.

RETENTION AND DISPOSAL:

Upon termination of employment investigative files for civilians, which serve as a basis for security clearances, are returned to the Civil Service Commission.

A name record of type of investigation is kept for 5 years and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquartetrs,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local office or unit. See addresses in Appendix I.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Civilian Personnel:

Civil Service Investigative Reports, Personnel Security Clearance requests and forms SF-85, SF-86 and SF-171.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 635.

SYSTEM NAME:

Coast Guard Mutual Assistance. DOT/USCG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS-3),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are located at:

Each District Office or Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted military personnel (active duty and retired) and dependents.

Officer personnel (active duty and retired) and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card Index.

Loan applications forms filed by month.

Educational loan file.

Organization financial records.

Bad debts listing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard officials in approving loan and grant applications.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index boxes and file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in separate correspondence files.

All correspondence regarding an applicant is considered priviledged and personnel are screened prior to access.

No loan records or correspondence are placed in service record of individual.

Periodic inspections are performed.

RETENTION AND DISPOSAL:

Administrative and financial data relating to CG Mutual Assistance Cases are disposed of four years after date of last transaction.

All other records and correspondence are disposed of after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by individual whose record is being requested. Give date and place assistance is believed to have been received.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District office or unit for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individual requesting loan or grant.

DOT/CG 636.

SYSTEM NAME:

Personal Affairs Record System Coast Guard Military Personnel. DOT/CG.

SYSTEM LOCATION:

Department of Transportaion (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel who have been subject to damage arising out of domestic relations disputes, alleged personal indebtedness, and claims of alleged paternity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing complaint concerning alleged personal indebtedness, complaints arising out of domestic relations disputes, claims of alleged paternity.

Files contain correspondence including investigative steps, response to complaints and follow up correspondence on recurring complaints. Index card files contain summary of material contained in case file for each reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in attempting to resolve complaints in an expeditious manner.

For reference in development of future policy.

Information is used by:

Authorized Coast Guard employees in performance of the duties.

Complainant and/or authorized representatives.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case file and card index file.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet.

Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Maintained for 5 years after action completed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from complainants, their legal representatives and Coast Guard officials.

DOT/CG 637.

SYSTEM NAME:

Appointment of Trustee or Guardian for Mentally Incompetent Personnel. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard Headquarters (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are located at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing information relating to the mental incompetency of certain Coast Guard personnel.

Records used to assist Coast Guard Officials in appointing trustees for mentally incompetent Coast Guard persons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Authorized Coast Guard employees in performance of their duties, prospective appointees, including but not limited to relatives, lawyers, physicians or other designated respresentatives.

Veterans Administration upon request for the determination of eligibility for benefits administered by that agency.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked file cabinet.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Stored in locked file cabinets.

Acess restricted to representatives of incompetent.

Identification required, such as, a military identification card, valid state driver's license, or other picture identification card.

RETENTION AND DISPOSAL:

Maintained for 5 years after action is completed then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW.,
Washington, DC 20593.

Written request must be signed by trustee or guardian.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District office or unit having custody of the records. See Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Coast Guard officials, legal representatives of individuals and/or individuals concerned, and complainants.

DOT/CG 638.

SYSTEM NAME:

Drug and Alcohol Abuse Prevention Program Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

All Coast Guard units have portions of duplicate case folders on individuals involved in the program. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Coast Guard officers, enlisted personnel and reserve personnel.

Retired and separated Coast Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Annotations on file cards of drug abuse, drug exemptions, drug rehabilitation, alcohol rehabilitation and waiver for enlistment in the Coast Guard cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to:

Determine extent of drug and alcohol problem in the Coast Guard.

To evaluate program effectiveness.

Maintain the integrity of the Coast Guard drug exemption program by authorized Coast Guard employees in performance of their official duties.

Assist the U.S. Navy Department in consonance with inpatient treatment at Navy Rehabilitation Centers.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on file cards (5'x8') and message file.

RETRIEVABILITY:

File cards are indexed by name; message file by date/time group.

SAFEGUARDS:

Files are stamped 'For Official Use Only' and maintained in locked filing cabinet.

RETENTION AND DISPOSAL:

Disposal schedules are under development and will be in accord with disposal schedules of the Military Personnel Record System.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Reports of drug exemption.

Reports of civil and military offenses involving drugs or alcohol.

Reports of Coast Guard Intelligence Investigation.

Recommendation for inpatient drug or alcohol rehabilitation.

From individual personnel, medical, and security records.

DOT/CG 639.

SYSTEM NAME:

Request for Remission of Indebtedness. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are located at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Enlisted Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing correspondence, requests with endorsements, research material, paneling action, Commandant's decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in making determinations based on the best interests of the individual and the Government.

Categories of users are Coast Guard Officials in performance of their official duties.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Locked filing cabinets.

RETENTION AND DISPOSAL:

Retained for 5 years after decision is made, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit for the area in which an individual's duty station is located.
Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from individual and Coast Guard Officials.

DOT/CG 640.

SYSTEM NAME:

Outside Employment of Active Duty Coast Guard Personnel. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are located at:
Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty and Reserve Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to individual's request for part time employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by Coast Guard officials in determining in questionable cases whether an individual should hold a particular job or position. Both the legality and the propriety of the request are considered.
See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinet.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet.
Access restricted to individuals who request outside employment, and authorized Coast Guard officials.
Proper identification is required.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual whose record(s) is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See addresses in Appendix I.

Proof of identity will be required, prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and Coast Guard officials.

DOT/CG 671.

SYSTEM NAME:

Biographical Statement. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-B),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key DOT officials, USCG officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Affairs Staff - uses records for publicity.
Personnel Office - uses records for promotion.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and correspondence are stored in filing cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Personnel are screened prior to granting access.
Stored in building having roving security guards during non-working hours.

RETENTION AND DISPOSAL:

Transferred to historical file upon termination of active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating, Public and Consumer Affairs.
Department of Transportation,
U. S. Coast Guard Headquarters
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593. Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to granting access. A military identification card, drivers license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual named in file.

DOT/CG 676.

SYSTEM NAME:

Official Coast Guard Reserve Service Record. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-RA),
2100 2nd Street, SW,
Washington, DC 20593. For official records on discharged, retired, and separated former members:
General Services Administration (GSA),
National Personnel Records Center (Military Personnel Records),
9700 Page Boulevard,
St. Louis, MO 63132.
Decentralized segments are located at:
Each Coast Guard District Reserve office (for District records).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an active, inactive, retired, discharged, separated or former member status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive reserve service.

Enrolled and disenrolled members of the Temporary Coast Guard Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official career history of each Reservist including (as applicable):
Enlistment contract or Oath of Office.
Record of Emergency Data.
Training Courses/Educational achievements.
Rate/Grade/Rating qualifications.
Leave record.
Performance of duty marks/fitness reports.
Medals and commendations.
Record of sea duty/duty outside continental United States.
Statements of creditable and former service (including pay base date).
Statements and computations of retirement points.
Official orders.
Correspondence pertaining to any/all of the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfilment of normal administrative personnel procedures, including examining and screening for completeness and accuracy of records and correspondence pertaining thereto.

Screening of service records for advancement, promotion, or retention of individual Reservists by various Reserve Boards.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard Reserve. Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original copy of this material will be included in the official service record maintained at Coast Guard Headquarters.

Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or Veterans benefits, claims, or applications.

Furnishing specified material in a Reservist's service record pursuant to the order of a court of competent jurisdiction.

Used by:

Individual upon whom records are kept (personal review).

File clerks and personnel from the Office of Reserve, Administration, Training, and Programs Divisions in the normal performance of their duties.

Other personnel within the Coast Guard in the normal performance of their duties, as authorized by the Chief, Reserve Administration Division or his designated representative.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper assembled and filed in one official service record per member.

RETRIEVABILITY:

Individual Service Records are indexed and retrievable by name and/or triple terminal digit of member's service number.

SAFEGUARDS:

Service records are maintained in a central storage area locked behind two separate doors.

During non-working hours the building security consists of roving and static security patrols.

During working hours physical access to records is controlled by Records Control Branch personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member's separation from the service (three months for officers), after which it is transmitted for permanent storage to the:

Military Personnel Record Center (MPRC)

National Personnel Records Center (NPRC),
9700 Page Boulevard,
St. Louis, MO 63132.

In the case of retired members, the service record is shipped to NPRC upon retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Reserve (G-R),
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Inquiry requests for determination whether this system contains records on an individual should be made by that individual, in person or in writing to:

Department of Transportation,
united States Cost Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by the individual and must include the member's name, social security number and/or reserve number.

RECORD ACCESS PROCEDURES:

Procedures for access may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the District Office in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access (may consist of a military identification, driver's license, or other suitable identification.)

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information contained in a member's service record is obtained from the individual concerned, CG Headquarters, District offices and other CG units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k) (5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provides, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552 (k) (6), which provides, in part, that testing or examination material used soley to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

DOT/CG 677.

SYSTEM NAME:

Coast Guard Reserve Personnel Mobilization System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation, (DOT),
United States Coast Guard (CG),
Commandant (G-RP),
2100 2nd Street, SW,
Washington, DC 20593.

Commander Reserve in each Coast Guard District Office (except 17th).

Each District and Headquarters Unit.

See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an Active or Retired status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive Reserve service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mobilization and qualification cards and orders.

Initial, Annual, and Retired Screening and Qualification Questionaires.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative procedures including the examining and screening for completeness and accuracy of records, correspondence pertaining thereto as a basis for assignment to active duty for training; special active duty for training or extended active duty and mobilization billets.

Users of these Records are Coast Guard employees in performance of official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, punched cards and magnetic tape

RETRIEVABILITY:

Individual Reservists are indexed by name and/or social security account number.

SAFEGUARDS:

Safeguards and controls afforded this system of records are similar to those normally employed 'For Official Use Only' material, both at Headquarters and District Offices.

Records are maintained in locked secure areas when not in use and personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Districts and at Headquarters throughout the members active Reserve status and during any period in a Retired Status thereafter (as applicable, and for as long as that member is considered a mobilizable resource).

A 'dead file' is often maintained for those Reservists transferred, discharged, or otherwise separated (this procedure varies from District to District.)

The majority of records in this system (in any form) are generally destroyed immediately after the expiration of their useful life, except those retained in the aforementioned 'dead files' (which are subsequently destroyed one year after placement in the file). The major exceptions to this policy are the Screening and Qualification Questionaires, which are filed in the Reservists District Service Record.

Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Reserve (G-R),
Department of Transportation,
United States Coast Guard Headquarters
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individual should contact Commandant (G-CMA) in person or in writing at the address in 'Notification Procedure'.

For records maintained at the District, individual should contact the Commander (r) at the District to which the individual is assigned. Refer to Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from the following

sources: the individual himself, CG Headquarters, and CG District Offices.

DOT/CG 678.

SYSTEM NAME:

Reserve Personnel Management Information System (Automated).

SYSTEM LOCATION:

Department of Transportation (DOT)
United States Coast Guard (CG)
Commandant (G-RA)
2100 2nd Street, S. W.
Washington, DC 20593

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officers and enlisted personnel in an active or inactive status, including retired reservist, and those reservists released from extended active duty to fulfill a specific term of inactive obligated service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Included in RPMIS are the following data concerning each Coast Guard Reservist in this system which are necessary to administer the Coast Guard program: name, social security number, present and last five grades or rates, educational background, civilian and military, foreign language and proficiency, history of unit assignments and dates assigned, duty status, date of birth, date of enlistment, appointment or extension, AFQT scores, source of entry, date of commission, prior service, date of expiration of obligation, anniversary data on pay base date, aviation pay and administrative pay, training rating, reserve category and class, training/pay category, data on ADT for last five years, number of dependents, Federal withholding exemptions, Selective Service induction certification, date of completion of Ready obligation, officer experience indicator, last screening date and result, civilian occupation, date of last National Agency Check, Background Investigation and security clearance, domestic emergency volunteer, date of last physical and immunization, data on special active duty for training and extended active duty, annual training date, total retirement points and satisfactory years of service for retirement purpose, current year retirement point accounting data, including inactive duty training participation, correspondence course activity, taxable wages paid and withholdings, uniform allowances, Servicemens Group Life Insurance (SGLI) information, mailing address, and work and home phone number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The RPMIS is used for the personnel administration of individual reservists and the overall management of the reserve program. See prefatory Statement of General Routine Uses. The Master Personnel File provides status and qualification listings, expiration of enlistment and physical reports, strength management reports, unit and district roster, and advancement and promotion reports. The Pay and Point File provides point count statements, budgeting reports, inactive duty and active duty pay, and retirement eligibility listings. The addresses of individual reservists are used for mailing paychecks, earning statements, 'The Reservist', and Annual Screening Questionnaires. Records in this system are routinely disclosed to the Treasury Department to complete payroll checks. Used by: Authorized personnel from the Office of Reserve and the Office of the Comptroller, authorized personnel on the staff of the various district commanders in the normal performance of their official duties, the Deputy Assistant Secretary of Defense for Manpower, Logistics and Reserve Affairs and others as authorized by Chief, Office of Reserve or his representative.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with magnetic tape backups. The file is updated weekly.

RETRIEVABILITY:

Individual records in the system are retrieved by Social Security Number.

SAFEGUARDS:

Magnetic tapes are stored in locked storage areas when not in use and are accounted for at all times during actual use. Personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Magnetic tapes are used, corrected and updated until the tapes become physically deteriorated after which they are destroyed. A reservist's address is maintained on file for approximately one year after dis- charge, to allow for processing of annual point statements and W-2 forms. Audit trails are maintained indefinitely and the Master Personnel file and Pay and Points file are continually updated.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Reserve, Department of Transportation, United States Coast Guard Headquarters, Commandant (G-R), 2100 2nd Street, S.W., Washington, DC 20593.

NOTIFICATION PROCEDURE:

Requests to determine if this system contains information on any individual should be made in person or in writing to: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, S.W., Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures for access to records may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedures'. Prior written notification of personal visit will insure that the record will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the individual, Coast Guard Headquarters and district offices, and the various operating units of the Coast Guard.

DOT/CG 686.

SYSTEM NAME:

Coast Guard Motor Vehicle Operator Permit. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT).
United States Coast Guard (CG),
System is maintained at: District and Headquarters Unit Safety Offices.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed Coast Guard employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statement of driving history and drive test results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard Officials for licensing Coast Guard employees to enable them to drive on Coast Guard property.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Applications (CG 3308) are stored in file cabinets.

RETRIEVABILITY:

Retrieved by name/service number.

SAFEGUARDS:

Locked files.

RETENTION AND DISPOSAL:

5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Safety Programs Division,
Department of Tranportation,
U.S. Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which duty station is located.

Proof of identity will be required prior to granting access. A military identification card, driver's license or similiar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individual submission, accident experience, and driver's examination.

DOT/CG 691.

SYSTEM NAME:

Master Chief Petty Officer of the Coast Guard Individual Grievance and Correspondence File. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-CMCPO),
2100 2nd Street, SW,
Washington, DC 20593.
System is also maintained at:
Each District and Headquarters Unit which has a Senior Enlisted Advisor assigned. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted Coast Guard Personnel who have filed a grievance or requested information through the Master Chief Petty Officer of the Coast Guard (at Headquarters) or the Senior Enlisted Advisors at field units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and other related information compiled during the process of resolving alleged grievance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Master Chief Petty Officer, Commandant/Vice Commandant, Special Assistant, Administrative Aide and other authorized officials, to resolve enlisted personnel problems and inquiries.

See Prefatory Statement of General Routine Uses; 2 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in locked file cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked room and file cabinets.
Screening of personnel prior to granting access.

RETENTION AND DISPOSAL:

Kept until individual is discharged or retired at which time the records are destroyed by mutilating, shredding and burning.

SYSTEM MANAGER(S) AND ADDRESS:

Master Chief Petty Officer of the Coast Guard,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local activity where the complaint was filed. See Appendix I for addresses.

Prior written notification of personnel visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information received from individuals and Coast Guard Units.

DOT/FAA 800.

SYSTEM NAME:

Aviation Medical Certification System DOT/FAA.

SYSTEM LOCATION:

Records are located at:
Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Regional Flight Surgeon in all regional headquarters.
and at the
Office of Aviation Medicine,
Aeromedical Standards Division,
800 Independence Avenue, SW,
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen with special certification, airmen who are deceased and others requiring medical certification.

Controllers in Centers, Terminals and Flight Service Stations, and applicants for these positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records that are required to determine the physical condition of an individual with respect to the medical standards established by the FAA.

These files contain medical examinations by an Aviation Medical Examiner, X-Rays, EKG's, lab reports, hospital records, treating or examining physician reports, consultant reports, copies of correspondence, worksheets, summaries, petitions for review by the National Transportation Safety Board, medical exemption records, letters of appeals for exemptions, medical history tapes, microfilm EKG's, and computer listings.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or may be used:

By agency officials and consultants for the purpose of determining eligibility for airmen medical certification.

By agency officials and consultants for purposes of review in connection with (1) airman requests for exemption from medical requirements or (2) petitions for review of certificate denials.

By agency officials and consultants in connection with the hiring and retention of employees.

To provide data for the Automated Medical Certification data base.

To provide data for the Automated Comprehensive Airman Information System (CAIS).

To provide statistical reports for internal use, to Congress, other Federal agencies and the public on the characteristics of the pilot population.

To provide information for Federal, State, and local agencies maintaining civil, criminal or other relevant information or other pertinent operational purposes, such as validating airman qualification, by supplying relevant information to an agency concerning the hiring or retention of an employee or the issuance of a grant or other benefit.

To refer where there is an indication of a violation, or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained.

To respond to general requests for statistical information under the Freedom of Information Act, or to locate specific individuals for a variety of personnel management functions.

To provide data to the Automated Medical History tape system.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets, magnetic disk, tape files, and microfiche.

RETRIEVABILITY:

Records are indexed by name, date of birth, and sex - Special cases are indexed and retrieved by pathological number.

SAFEGUARDS:

Records are maintained in steel file cabinets and electrievers which are locked when not in use.

All files are maintained in a secured work room limited to those whose duties require access.

Magnetic disks and tapes are maintained in secured computer center. When not in use, tapes are stored in fire proof tape library within the center; punch cards and microfiche are stored in steel file cabinets and tub files in work area.

RETENTION AND DISPOSAL:

Medical examination clear paper records are destroyed after microfilming is determined to be an adequate substitute for paper records. Microfilm records are destroyed after 30 years. Medical examination pathological inactive paper records prior to 1973 are transferred to the Federal Records Center 5 years after the case file is closed and destroyed by the FRC after 50 years. Pathological active paper records since 1973 are destroyed after microfilming is determined to be an adequate substitute for paper records. Microfilm records are destroyed 50 years after the record becomes inactive. The last examination record is retained on magnetic disk and tape. As a new record is received, the oldest record is put onto the history tape file. Magnetic tapes are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Records from Master Files:
Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Records from Regional Files: Regional Flight Surgeon within Region where examination was conducted.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from Aviation Medical Examiners, individuals themselves, consultants, hospitals, treating or examining physicians, other government agencies, tests taken by individual, special studies such as blood test, and in some rare cases, records supplied by other persons or agencies.

DOT/FAA 801.

SYSTEM NAME:

Aircraft Registration System DOT/FAA.

SYSTEM LOCATION:

Aircraft Registration Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Portions of these records are located in:
General Aviation District Offices (GADO's).
Air Carrier District Offices (ACDO's).
Flight Standards District Offices (FSDO's).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system identifies aircraft owners, partners, corporations, lien holders, operators, and lessees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a series of records that identify:

Aircraft types.

Current certification status and ownership of registered aircraft.

Aircraft to be registered, or aircraft that have been registered and are now temporarily deregistered.

These records contain information about:

N - Number assignment.
Airworthiness of aircraft.
Bills of sale.
Appications for certification of amateur aircraft.
Major repairs and alterations maintenance inspection forms.
Revalidation and use forms.
Lien and collateral documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine that aircraft are registered in accordance with the provisions of the Federal Aviation Act of 1958.

To support investigative efforts of investigation and law enforcement

agencies of Federal, State, and foreign governments.

To serve as a repository of legal documents used by individuals and title search companies to determine the legal ownership of an aircraft.

To provide aircraft owners and operators information about potential mechanical defects or unsafe conditions of their aircraft in the form of airworthiness directives.

To provide supporting information in court cases concerning liability of individual in law suits.

To serve as a data source for management information for production of summary descriptive statistics and analytical studies in support of agency functions for which the records are collected and maintained.

To respond to general requests from the aviation community or the public for statistical information under the Freedom of Information Act or to locate specific individuals or specific aircraft for accident investigation, violation, or other safety related requirements.

To provide data for the automated aircraft registration master file.

To provide documents for microfiche backup records.

To provide data for development of the aircraft registration statistical system.

To prepare an Aircraft Registry in magnetic tape and microfiche form required by ICAO agreement containing information on aircraft owners by name, address, N-Number, type of aircraft, used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user chargers reimbursing the Federal Government for its costs.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, punch cards, and on microfiche.

RETRIEVABILITY:

Records are filed by registration number, but may be retrieved by name of the current individual aircraft owners.

SAFEGUARDS:

Records are stored in open shelves in a room that is open only to authorized employees and by special permission.

Magnetic tapes are maintained in secure data processing area accessed by pass only.

Backup copies of microfiche are kept in a fire proof vault and storage room.

RETENTION AND DISPOSAL:

If records are microfilmed: (1) Original Records. Destroy original records after microfilm is determined to be an adequate substitute for paper records; (2) Microfilm of Original Records. Destroy when it is determined that the aircraft is no longer in existence.

If records are not microfilmed: Destroy when it is determined that the aircraft is no longer in existence.

SYSTEM MANAGER(S) AND ADDRESS:

For official agency records, contact:
Chief, Aircraft Registration Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

Chief of the nearest GADO, ACDO, or FSDO.

NOTIFICATION PROCEDURE:

Individual owners of currently registered aircraft who wish to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individual owners of currently registered aircraft who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is collected from individuals, manufacturers of aircraft, maintenance inspectors, mechanics, and FAA officials.

DOT/FAA 802.

SYSTEM NAME:

Airman Certification System DOT/FAA.

SYSTEM LOCATION:

Airman Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

Copies or temporary files are maintained in the originating General Aviation District Office (GADO), Air Carrier District Office (ACDO), or Flight Standards District Office (FSDO) until required action or certification is completed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals seeking to be certified, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificate revoked, and flight attendants engaged in international air transport.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for certification; written examination, application for written examination, results of written test, application for inspection authority, certificates held, ratings, stop orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine that airmen are certified in accordance with the provisions of the Federal Aviation Act of 1958.

Repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To support investigative efforts of investigation and law enforcement agencies of Federal, State, and local governments.

Supporting information in court cases concerning individual status and/or qualifications in law suits.

To provide data for the Comprehensive Airman Information System (CAIS).

To provide documents for microfilm and microfiche backup records.

To prepare an Airman Directory in magnetic tape and paper form containing information on airmen by name, address, and certificate status, used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user chargers reimbursing the Federal Government for its costs.

To verify U.S. citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To answer inquiries regarding crew member certification.

The U.S. Department of State uses these applications and any supporting documents to verify U.S. citizenship.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in microfilm, microfiche, magnetic disk, magnetic tape, file folders, and notebook listings.

RETRIEVABILITY:

Records are maintained in alphabetic order cross referenced with social security number and airman number.

SAFEGUARDS:

Records are stored in a data processing facility.

Data are retrieved via a terminal, which requires operation numbers and individual passwords.

Accessible only to limited numbers of authorized persons.

Backup microfilm and microfiche are kept in locked vault.

RETENTION AND DISPOSAL:

Source documents are destroyed after being microfilmed and key punched.

Magnetic tapes and disks are being continually updated, destruction is not authorized.

Source document crew member certifications are in storage at the Fort Worth Federal Records Center, destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

For official FAA Certification Records, contact:

Chief, Airman Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125 or request assistance from the originating GADO, ACDO, or FSDO.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,

800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains. Written test scores are derived from answers given by individuals. Action filed by FAA personnel.

DOT/FAA 803.

SYSTEM NAME:

General Aviation Medical Accident System DOT/FAA.

SYSTEM LOCATION:

Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Biomedical and Behavioral Sciences Division,
Office of Aviation Medicine,
800 Independence Avenue, SW,
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pilots involved in all general aviation aircraft accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of fatal accidents, autopsies, toxological studies, AME's reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, psychological autopsy, and consulting pathologist summary of findings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify and monitor airman having accidents or incidents, analyze medical data for regulatory purposes, research studies of causes of accidents, promote aviation safety.

Data are supplied to the National Transportation Safety Board (NTSB) under requirements of FAA accident investigation authority delegated to it by the Board.

Supporting information in court cases concerning individual medical fitness or medical mishap that may or may not relate to the cause of the accident.

Repository of legal documents that relate to individual's physical status or condition used to determine statistically the validity of FAA Medical Standards.

As a data source for management information for producing summary descriptive statistics and analytical studies in support of agency functions for which the records are collected.

Used in developing professional papers that are distributed to various aviation and medical groups for evaluation and study.

To inform the aviation community of medical findings related to flight safety.

To provide data for the automated Medical Accident System.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, punch cards, magnetic tape, and computer listings.

RETRIEVABILITY:

Records are filed by accident number cross referenced by name of pilot.

Computer listings are maintained in name order.

Magnetic tapes are in accident number order and are cross referenced by name.

Records are quite often retrieved by name.

SAFEGUARDS:

Records are stored in lockable file cabinet in secured work area.

Computer listings are maintained in metal file drawers in secured area.

Magnetic tape is retained in a secured automatic data processing facility.

RETENTION AND DISPOSAL:

Records of fatal accidents are transferred to Fort Worth Federal Records Center when 5 years old and destroyed when 25 years old.

Accident name cards are destroyed when 50 years old.

Magnetic tape record - destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

For official medical accidents records, contact:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to see their records may appear in person or submit in writing a request identifying records desired. For identification an individual must submit his or her name, date of birth, sex, social security number or Airman number. Letter should be addressed to:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

RECORD ACCESS PROCEDURES:

Individuals who desire to access information about themselves in the system records should contact or address their inquiries to:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from aviation medical examiners (AME), pathologists, accident investigation medical laboratories, law enforcement officials, and FAA employees.

DOT/FAA 804.

SYSTEM NAME:

General Aviation Aircraft Accident System (GAADS) DOT/FAA.

SYSTEM LOCATION:

This system is a computerized record maintained by the:
Safety Data Branch,
Flight Standards National Field Office,
P. O. Box 25802
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Crewmembers involved in aircraft accidents and incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

NTSB reports of aviation accident investigations, NTSP Form 6120.19 for preliminary reports and NTSB Form 6120.4 for final reports; and FAA reports of aviation accident investigations, FAA Form 80205. Data elements which are maintained in the computer for final reports of events include the crewmember certificate number and event case number. In addition, crewmember names are maintained temporarily for preliminary data, until the report becomes final.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify and monitor airman involved in accidents. To analyze facts surrounding accidents to determine whether or not FAA regulations have been violated for FAA enforcement actions and certifications.

To supply data to the National Transportation Safety Board (NTSB) as required by the delegated authority for accident investigation from the Board.

As a source of discriptive statistical data in analytical studies in support of agency functions.

Used in the development of professional papers that are distributed to various aviation organizations and the general public as required.

To provide data for the Automated Comprehensive Airman Information System (CAIS).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes, in file folders, and on magnetic disk on a commercial timesharing computer.

RETRIEVABILITY:

Data are retrieved by name, date of birth and sex, social security numbers, airman numbers, and accident number.

SAFEGUARDS:

Magnetic disk and magnetic tape - data can only be retrieved by computer operators with access codes.

File folders are maintained in a secured work area - files when not in use are kept in locked cabinets accessible to persons with a need to know.

RETENTION AND DISPOSAL:

Hard copy input files are destroyed after 3 to 5 years by shredding the documents.

Magnetic tapes are updated monthly, records retained up to 10 years, magnetic disk updated continuously.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Safety Data Branch, AFO 580.
Flight Standards National Field Office,
P. O. Box 25032
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Data are collected from individuals, manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accident, and involved passengers.

DOT/FAA 805.

SYSTEM NAME:

Administrative Action and Legal Enforcement System DOT/FAA.

SYSTEM LOCATION:

Portions of this system are maintained in the:
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
and the:
Safety Data Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

Originals and copies of some records are maintained in field offices and Flight Standards and Regional Counsel's offices in the Region of occurrence.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system are on individuals against whom FAA has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations.

Individuals or companies holding Federal Aviation Administration certificates.

Persons charged with violating FAA regulations.

Persons allegedly violating FAA regulations.

Applicants who have been denied airman medical certificates.

Persons denied certificates or allegedly violating FAA regulations who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Safety Compliance Notices.

Letters of Reprimand.

Letters of Correction.

Final action legal documents in enforcement cases.

Enforcement and airman medical denial cases on appeal to NTSB.

Summary of violation reports and enforcement actions.

Correspondence of Regional Counsels in enforcement cases.

Violation reports on alleged FAA certificate violations other than medical certificates. These reports include certificate number and/or social security numbers of alleged violators.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records relating to final legal enforcement and administrative actions are disclosed, upon request, to members of the public and other government agencies.

Disclosed to the Department of Justice and the NTSB.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in file cabinets and on magnetic tape.

RETRIEVABILITY:

Records in this system are filed chronologically and cross indexed alphabetically by name.

SAFEGUARDS:

Records are kept in lockable file cabinets. Magnetic tape is kept in a secured data processing facility.

RETENTION AND DISPOSAL:

Aeronautical Center records are transferred to the Federal Records Center after 6 years where they are destroyed after 4 years.

Washington records are sent to the Federal Records Center when the case is closed where general aviation cases are destroyed after 1 year and Air Carrier cases are destroyed after 2 years.

Monthly ADP printouts are destroyed each month. Annual printouts are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

For official agency legal enforcement action records:

Regional counsel and Flight Standards offices in the region of occurrence or the chief of the field office that made the charge maintain selected records.

For violation history and administrative action records:

Chief, Safety Data Branch,
Aeronautical Center,
Oklahoma City, OK 73125 and Flight Standard office and Regional Counsel in the region of occurrence.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW.
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Regional counsel, NTSB, Flight Standards personnel, Aeronautical Center personnel, Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions. The exemption rule may be found on page 49887 of the Friday, October 24, 1975, issue of the Federal Register.

DOT/FAA 806.

SYSTEM NAME:

Federal Aviation Administration Employee Payable System DOT/FAA.

SYSTEM LOCATION:

Financial Systems and Accounting Operations Divisions, Washington, D.C., Central Payroll Operations Facility, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma, and each region and center accounting division. Working copies of certain of these records are held by the organizations employing the personnel and at emergency operations facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Federal Aviation Administration, all civilian employees of the Office of the Secretary, Department of Transportation, the Transportation System Center, the Federal Highway Administration, the National Highway Traffic Safety Administration, the Research and Special Programs Administration, the National Transportation Board, and Civilians who work for the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains those records required to insure that an employee receives his or her pay and benefits required by law. It includes Employee Master Record, Annual Leave Payroll Register, FAA Bond Deductions and Bond Issued, Union Dues, FICA Records, City Withholdings, State Withholdings, Federal Withholdings, Retirement, Leave Without Pay, Pay Scale, Contributions, Travel Orders, Travel Advances, Travel Vouchers, Time and Attendance, Overtime, claims relating thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This System is used to:

Calculate pay and allowances due to employees.

Prepare annual report and reconcile with Gen. Ledger Accounts.

Record permanent pay changes.

Record temporary pay changes.

Notify employees of pay adjustments processed.

Record travel advances and allowances.

List leave earned, taken, and/or lost and new balances for employees.

Test run against Employee Master Record to reflect missing T&A cards of employees.

Summarize earnings, deductions, and leave by pay periods, and produce statement for employee information.

Provide management information on an as required, ad hoc basis.

Produce history of checks and bonds to be issued and magnetic tape sent to Treasury for their issuance.

Report dues deducted by individuals to Unions.

Report amounts withheld to credit financial institutions, charitable organizations and professional associations.

Quarterly summary of earnings and deductions.

Adjudicate claims for reimbursements which are sent to GAO.

Extract list of FICA employees for reporting earnings and deductions to IRS.

Report State and local tax withholding to various States and local taxing authorities and to IRS.

Provide home address information for employee communications to FAA officials.

Provide statistical data of U.S. Savings Bond and Combined Federal Campaign participation.

Provide to commercial credit bureaus data relating to delinquent debts such as, amount, name, social security number, last known address, reason for indebtedness.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on punch cards, magnetic tape, magnetic disk, microforms, and in file folders. Storage is at the geographic location of the servicing accounting office and the central payroll operations facility.

RETRIEVABILITY:

Records are maintained by employee name. Social Security Account Numbers. Retrieval is often accomplished by use of telecommunications.

SAFEGUARDS:

Magnetic tape and disk files are kept with limited accessibility by agency personnel. Other files are retained mainly in unsecured work area but are locked during non-duty hours.

RETENTION AND DISPOSAL:

Employee Retirement records are retained until such time as the employee leaves the agency whereupon these records are transferred to the OPM. Original payment vouchers and supporting documentation are usually retained on site for a period of three years, and then are stored in GSA Records Centers before destruction when ten years and three months old. Certain payroll records are retained permanently at the GSA National Personnel Records Center and others are destroyed after GAO audit or when no longer useful. See FAA Order 1350.15A for records in the 2710 and the 2730 series for specific details on individual records covered by this system.

SYSTEM MANAGER(S) AND ADDRESS:

Uniform Payroll System Operations Manager (UPSOM),
Mike Monroney Aeronautical Center,
Oklahoma City, Oklahoma.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Data are collected from the individual employees, time and attendance clerks, and FAA Personnel Management Operations Divisions.

DOT/FAA 807.

SYSTEM NAME:

Police Warrant File and Central Files DOT/FAA.

SYSTEM LOCATION:

Police Branches,
Washington National and Dulles International Airports.
Civil Aviation Security Division,
Aeronautical Center,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals failing to pay Violation Notices and individuals involved in a situation requiring a police report.
Individuals cited for parking and a traffic violation.
Individuals having criminal records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Case File, file cards with warrant numbers, arrest records, traffic accident records, injury reports, loss, theft and complaints reports, traffic violations notice files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to carry out such required functions as:
Check for wanted individuals and vehicles.
Vehicle registration information.
Prior offense status, to testify in court hearings, to assist in case preparation by U.S. Attorney's Office.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders. Stored in metal file cabinets.

RETRIEVABILITY:

Data are retrievable by individual name and/or cross referenced to a warrant number as a case file number.

SAFEGUARDS:

Files are retained in a secured work area accessible only by consent of guard on duty.

RETENTION AND DISPOSAL:

Warrants are disposed of when warrant has been paid, case files are kept permanently. Records of citations destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Metropolitan Washington Airports.
Washington National Airport,
Hangar 9,
Washington, DC 20001.
Chief, Civil Aviation Security Division,
Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Agency employees, arresting officers, investigating officers, other agencies, witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of the exemption is to prevent compromise or impairment of criminal investigations conducted by the Airport Police Branches. The exemption rule may be found on page 49887 of the Friday, October 24, 1975, issue of the Federal Register.

DOT/FAA 810.

SYSTEM NAME:

Discrimination Complaint Files DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C.

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding FAA employees, and applicants for FAA employment, who are directly or indirectly involved in a discrimination complaint filed with FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files developed in processing complaints of discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigation of alleged discrimination.

Preparation of analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in approved security files and containers.

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are destroyed 5 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights, ACR-1, FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
and regional and center Civil Rights Offices.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information contained in this system comes from complaints filed by complainants; EEO counselor reports; investigative reports; and departmental decisions.

DOT/FAA 811.

SYSTEM NAME:

Employee Health Record System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at DOT regional, center and Washington medical facilities or other government health units servicing the employees' geographic locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding DOT employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains documents constituting the basic medical record of a DOT employee, including medical examination reports, laboratory findings, correspondence, retirement, fitness for duty examinations, health and physical training records, and related papers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To document employee health unit visits and nature of complaint or physical examination findings, treatment rendered and case disposition. To be used by agency officials and consultants to determine employee fitness for duty or employment.

To monitor the physical condition of employees enrolled in the DOT Employee Fitness Program.

To prepare analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in approved security files and containers, on magnetic tape and magnetic disk.

RETRIEVABILITY:

These records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records in manual or automated form is limited to those persons whose official duties require such access. This record management principle is reinforced by appropriate physical, technical and administrative safeguards as prescribed by FAA Security directives applicable to both manual and automated record systems.

RETENTION AND DISPOSAL:

These records are destroyed 20 years after the date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Flight Surgeon within region where examination was conducted.

Chief, Aeromedical Clinical Branch, AAC-160
Aeronautical Center, Oklahoma City, Oklahoma.

Chief, Clinical Specialties Division,
Washington, DC 20591

Manager, DOT Employee Fitness Center,
Washington, DC 20590

Chief, Occupational Health Division, AAM-400
Washington, DC 20591

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Avenue, S.W., Washington, DC 20591 or the Assistant Secretary for Administration or his delegatee, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information contained in this system comes from the employee and from attending physicians and nurses and from associated medical reports.

DOT/FAA 813.

SYSTEM NAME:

Civil Aviation Security System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA Civil Aviation Security Field Offices, regional Civil Aviation Security

Divisions, and at the Office of Civil Aviation Security in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding hijackers, potential hijackers, saboteurs, potential saboteurs, extortionists, terrorists, and other individuals who have been involved or might be involved in crimes against civil aviation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information regarding hijacking; civil aviation sabotage incidents; potential or suspected hijackers; civil aviation saboteurs; explosives or devices found on aircraft, at airports, or at civil aviation offices or facilities; attempts to board aircraft or enter airport sterile areas with concealed weapons; and other civil aviation criminal acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Source of data regarding air piracy/civil aviation sabotage threats for dissemination to airport and air carrier security officers.

Preparation of alerts, bulletins, and summaries on incidents affecting civil aviation security and threats to civil aviation for distribution to interested government and aviation organizations.

Preparation of summaries for development/change of security procedures in civil aviation for distribution to interest government and aviation- oriented organizations.

Respond to authorized inquiries.

Preparation of analytical and statistical studies and reports for distribution to interested government and aviation-oriented organizations and the public upon request.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in approved security files and containers.

RETRIEVABILITY:

These records are indexed by name and/or incident.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Intelligence and International Security Division, ACS-400.

Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, and regional Civil Aviation Security organizations.

NOTIFICATION PROCEDURE:

Individuals wishing to see their records may appear in person or submit in writing a request identifying record desired.

For identification an individual must submit his or her name to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information contained in this system comes from other FAA records; Federal, State, or local agencies; foreign sources; public record sources; and third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory material compiled for law enforcement purposes and to prevent the disclosure of material authorized to be kept secret in the interest of the national defense or foreign policy in accordance with 5 U.S.C. (552 (b)(1) and 552a (k)(1). Disclosure of investigatory material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions. The exemption rule may be found on page 22564 of the Friday, June 4, 1976, issue of the Federal Register.

DOT/FAA 814.

SYSTEM NAME:

Equal Employment Opportunity Minority/Female Statistical Reporting System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information on all FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information (187 data elements) such as name, organization, social security number, racial background, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Monitor and evaluate status and progress of minority/female employment.

Preparation of analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are in the form of magnetic tape and computer listings and are stored in magnetic tape security areas and in file cabinets.

RETRIEVABILITY:

These records are retrieved by name or Social Security Number.

SAFEGUARDS:

Access to data in this system is limited to the Director, Office of Civil Rights, or to those authorized by him.

RETENTION AND DISPOSAL:

This system is updated monthly and the replaced master tape is reused in the normal data processing manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights, FAA, 800 Independence Avenue, SW, Washington, DC 20591 and regional and center Civil Rights Offices.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

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CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Personal observation.
Self identification.
Manpower records.
Organization records.

DOT/FAA 815.

SYSTEM NAME:

Investigative Record System. DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA regional Civil Aviation Security Divisions and center Investigations and Security Divisions, and the Office of Civil Aviation Security in Washington, D.C., and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants for FAA employment.

Current and former FAA employees.

Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

Aircraft owners.

Flight Instructors.

Pilots.

Mechanics.

Designated FAA representatives.

Other individuals certificated by FAA.

Individuals involved in tort claims against the FAA.

Employees, grantees, subgrantees, contractors, subcontractors, and applicants for FAA funded programs.

Other individuals who are of investigative interest to FAA, law enforcement, or investigative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations and inquiries conducted by the Office of Civil Aviation Security; FAA regional Civil Aviation Security Divisions and center Investigations and Security Divisions; information received in various formats from, and results of investigations conducted by Federal, State, and local investigative or law enforcement agencies which relate to the mission and function of the Office of Civil Aviation Security and field elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing Such referral shall also include, and be deemed to authorize,

(1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and

(2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, or general crime prevention and detection efforts.

To authorized officers and employees of FAA and other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

To officials from FAA and DOT administrative, operating and regulatory components who require access to the record to fulfill their responsibilities contained in Executive Orders, Civil Service Commission Regulations, Federal Aviation Regulations and Orders or Federal statutes.

To authorized representatives of Federal agencies and departments who require access to the file pursuant to an investigation or inquiry conducted under appropriate statutes, Executive Orders or administrative procedures of Federal Government. This can include investigations completed by FAA and referred to other Federal agencies for further investigation, prosecution or administrative action.

To authorized officers and employees of FAA having the responsibility to grant security clearance, make determinations regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

To authorized representatives of U.S. air carriers where air safety might be affected.

As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in approved security file cabinets and containers.

RETRIEVABILITY:

These records are indexed alphabetically by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are destroyed or retired to the area Federal Records Center and then destroyed in accordance with FAA Order 1350.15, Records Organization Transfer and Destruction Standards.

The retention and destruction period for each record varies depending on the type of record, category of investigation, or significance of the information contained in the record.

All records are destroyed by approved methods.

SYSTEM MANAGER(S) AND ADDRESS:

The FAA Investigative Record System is decentralized and requests for such records should be directed to the appropriate System Manager as follows:

For the Washington Metropolitan area, excluding Eastern Region jurisdiction:

Director of Civil Aviation Security
800 Independence Avenue, SW,
Washington, DC 20591.

For the geographical area under the jurisdiction of the various regions:

Chief, Civil Aviation Security Division, of the appropriate region. (See the FAA National Field Directory, 1000.23F, for addresses).

For the jurisdiction of the FAA Technical Center

Chief, Investigations and Security Division,
FAA Technical Center

Atlantic City, NJ 08405.
For the jurisdiction of the Mike Monroney Aeronautical Center:
Chief, Investigations and Security Division,
Aeronautical Center,
Oklahoma City, OK 73126.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or to her by addressing a written request to any of the Systems Managers identified above. The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the requester feels he or she fits.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to such records should contact the System Manager. However investigative data compiled for law enforcement purposes may be exempt from the access provision pursuant to 5 U.S.C. 552a(k)(2) and (k)(5).

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records, and other authorized, applicable investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of the exemption is to protect materials classified in the national interest and to protect investigatory materials compiled for law enforcement purposes. Exemptions have been published in the Federal Register for this system. The exemptions may be applied pursuant to 5 U.S.C. 552 a(k)(1), (k)(2), and (k)(5).

DOT/FAA 816.

SYSTEM NAME:

Tort Claims and Personal Property Claims Record System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at regional and center FAA Counsel Offices and Logistics Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding tort and property claimants who have filed claims against the Government/FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains reports, vouchers, witness statements, legal decisions, and related material pertaining to claims by or against the Government resulting from FAA transactions, other than litigation cases.
Approved claims are sent to the Accounting Division for certification and payment by Treasury check.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigation purposes.
Reference purposes.
Court action.
Doubtful claims are sent by Accounting Division to GAO for adjudication.
Some larger claims go to Department of Justice for approval or disapproval.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in approved file cabinets and containers.

RETRIEVABILITY:

These records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are destroyed 3 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

Regional and center counsels.

NOTIFICATION PROCEDURE:

Individuals who wish to know if they appear in this system should contact the system manager.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should contact the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the
Associate Administrator for Administration,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Claimant, investigation reports, and courts.

DOT/FAA 820.

SYSTEM NAME:

Pending legislation (Employee's) - Private Relief and Public/Private Laws (Employee's) Private Reliefs DOT/FAA.

SYSTEM LOCATION:

This system of records is located in the Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S. W., Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA employees for whom private relief legislation has been introduced in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel information, litigation reports, collection vouchers, and real estate contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is for reference in order to formulate FAA's position on proposed private relief legislation for FAA employees. All information is released to the Office of Management and Budget.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file cabinets.

RETRIEVABILITY:

Data are indexed and retrieved by name of employee and employee number.

SAFEGUARDS:

No special safeguards required.

RETENTION AND DISPOSAL:

Records are transferred to Federal Records Center or destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistant,
Legislative Staff,
Office of Chief Counsel,
FAA, 800 Independence Avenue, SW,
Washington, DC 20591.

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NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Data are obtained from members of Congress and FAA records.

DOT/FAA 821.

SYSTEM NAME:

Litigation Information Management Systems DOT/FAA.

SYSTEM LOCATION:

This system of records is maintained within the Office of the Chief Counsel, FAA, 800 Independence Avenue, S. W., Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains information on Litigants, Claimants, Witnesses, Decedents, Plaintiff's Attorney, FAA Attorney and Department of Justice Attorney.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation and claim pleadings, discovery material, related documents (including background data on individual, or decedent involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings. Types of claims or litigation: aircraft accidents, auto accidents, personnel and general litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The documents are produced or used in and for litigation and claims. These documents are disclosed to the Department of Justice. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in lockable and unlockable file cabinets, individuals attorneys' offices, binders, index files and in computers.

RETRIEVABILITY:

Access is by name, location of accident, and/or docket number.

SAFEGUARDS:

Data from these files are retrievable only by persons within the Office of the Chief Counsel or Regional Counsels.

RETENTION AND DISPOSAL:

Litigation files are kept for 2 years after case is closed, then sent to the Federal Records Center. All other records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Litigation Division,
Office of Chief Counsel,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Employees of the Office of Chief Counsel, Federal courts, individuals and their attorney, FAA records, litigation files, etc.

DOT/FAA 822.

SYSTEM NAME:

Aviation Medical Examiner System DOT/FAA.

SYSTEM LOCATION:

Aeromedical Education Branch,
Civil Aeromedical Institute,
Aeronautical Center,
Oklahoma City, OK 73125.

Regional Flight Surgeons in all regional headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private physicians appointed as Aviation Medical Examiners and selected military units through agreement with the Surgeon Generals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes records necessary to the operation of the system to establish qualifications of physicians, identification as to location within the system, actual performance in support of the system and records pertaining to training received from the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Aeromedical Education Branch, AME Section, to determine training needs.

By Regional Flight Surgeons to evaluate the physician's performance in the AME System and determine reappointments.

By the Office of Aviation Medicine in Washington, D.C., in policy determination.

By General Aviation District Offices in locating and obtaining support of qualified AMEs.

By private organizations needing to contact and utilize the physician's services in his capacity of an AME.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file, file folders, magnetic tapes, and hard copy.

RETRIEVABILITY:

Information stored by Region, State, Name, and Control Number.

SAFEGUARDS:

File rooms with restricted access, three-combination safe with access by authorized personnel.

RETENTION AND DISPOSAL:

Paper designated examiner case files are retained until the physician is designated. Paper records of designations are transferred to the Federal Records Center after 10 years and destroyed after 25 years. Magnetic tapes of designations are updated continuously.

SYSTEM MANAGER(S) AND ADDRESS:

Records from Master files:
Chief, Aeromedical Education Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Regional files from Regional Flight Surgeon within Region wherein the AME is appointed.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from the Aviation Medical Examiners themselves.

DOT/FAA 824.

SYSTEM NAME:

Medical Exemptions - Public Dockets DOT/FAA.

SYSTEM LOCATION:

Department of Transportation, The Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for a medical exemption under Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for exemption, supporting and supplementary documentation submitted by petitioners, correspondence, and the grant or denial of the exemption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.
Disclosure to general public and other agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records in file folders.

RETRIEVABILITY:

Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Docket Specialist.

RETENTION AND DISPOSAL:

Dockets are retained indefinitely; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket and Regulations Specialist,
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Office of Aviation Medicine, FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

DOT/FAA 825.

SYSTEM NAME:

Petitions for Rulemaking - Public Dockets DOT/FAA.

SYSTEM LOCATION:

Located in the Office of the Chief Counsel, Federal Aviation Administration, Washington, D.C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for a change in the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for rulemaking, correspondence, documents showing disposition of the petition and public comments on any resulting NPRM.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.
Disclosure to general public and other government agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records are stored in unlocked file cabinets.

RETRIEVABILITY:

Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket and Regulations Specialist,
Office of the Chief COunsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Petitions for rulemaking.

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DOT/FAA 826.

SYSTEM NAME:

Petitions for Exemption (Other than Medical Exemption) - Public Dockets DOT/FAA.

SYSTEM LOCATION:

Located in the Office of the Chief Counsel, FAA, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for an exemption (other than medical) under the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for exemptions, supplementary information, correspondence and the grant or denial of the exemption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.

Disclosure to general public and other government agencies.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records stored in unlocked file cabinets.

RETRIEVABILITY:

Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket & Regulations Specialist, AGC-24,
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Petitions for exemptions.

DOT/FAA 827.

SYSTEM NAME:

Environmental Litigation Files DOT/FAA.

SYSTEM LOCATION:

Located in the Office of the Chief Counsel, FAA, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Litigants, witnesses, plaintiff's attorney, FAA attorney, Department of Justice Attorney, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on litigation, pleadings, discovery material, related documents. (including background data on individual involved), memoranda, correspondence, and other material necessary to respond to claim or prepare for litigation or hearings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Litigation; documents are produced or used in and for litigation and are disclosed to the Department of Justice.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in locked and unlocked file cabinets and individual attorney's offices.

RETRIEVABILITY:

Retrieved by caption of the particular litigation.

SAFEGUARDS:

Access by Office of Chief Counsel personnel only.

RETENTION AND DISPOSAL:

Files are kept for 2 years after case has been closed and then sent to Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Environmental Staff,
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Federal courts, individuals and their attorneys, FAA records, litigation files, etc.

DOT/FAA 828.

SYSTEM NAME:

Physiological Training System DOT/FAA.

SYSTEM LOCATION:

Aeromedical Education Branch,
Civil Aeromedical Institute,
Aeronautical Center,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The training is primarily of benefit to pilots. It is also recommended for other air crew personnel, Air Traffic Controllers, Aviation Medical Examiners, and other personnel from the national aviation system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes records necessary to establish qualifications of eligibility to receive physiological training, maintain accountability of funds required for training and transfer of funds to involved agencies, and to provide proper evidence of training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Aeromedical Education Branch, Airman Education Section to determine training qualifications.

By the Accounting Division, General Accounting Branch, for receipt and transfer of training funds.

By the Aeromedical Education Branch, Airman Education Section, to provide proper evidence of training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file, and file folders.

RETRIEVABILITY:

Information files by name and location of training.

SAFEGUARDS:

Files access restricted to Aeromedical Education Branch personnel.

RETENTION AND DISPOSAL:

Files are retained for 5 years after completion of training and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Aeromedical Education Branch, Aeronautical Center, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals themselves.

DOT/FAA 830.

SYSTEM NAME:

Representatives of the Administrator DOT/FAA.

SYSTEM LOCATION:

This system is located and maintained as a decentralized system with all designations being maintained at General Aviation District Offices, Air Carrier District Offices, Flight Standards District Offices, Engineering and Manufacturing District Offices, Air Traffic and Aviation Medicine Headquarters, regional or field offices that designate Air Traffic Control Tower Operator Examiners, Aviation Medical Examiners, Forensic Pathologists, and the international field offices where designations were made with lists of certain categories of representatives maintained by individual FAA Regional Offices to whom the designating field offices report, and with master lists of certain categories of representatives maintained at the Aeronautical Center and FAA Headquarters, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aviation Medical Examiners, Pilot Examiners, Technical Personnel Examiners, designated Aircraft Maintenance Inspectors, designated Engineering Representatives, and designated Manufacturing Inspection Representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on qualification, certification, and appointment authorization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a data base for management use of the numbers and qualifications of individuals designated as representatives.

To facilitate written and oral communication between the FAA and its representatives.

To provide the public with the names and addresses of certain categories of representatives who may provide service to them.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and card files.

RETRIEVABILITY:

Records are filed by designee name and retrieved by same.

SAFEGUARDS:

Records are stored in lockable file cabinets.

RETENTION AND DISPOSAL:

Records are retained during the life of the designated, then destroyed 2 years after expiration of the designation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of the office where the designation was made.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/FAA 831.

SYSTEM NAME:

Standard Procedure Uniform Reporting System (SPUR) DOT/FAA.

SYSTEM LOCATION:

This system is located at all General Aviation District Offices (GADO), Air Carrier District Offices (ACDO), Flight Standards District Offices (FSDO) in all regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pilots, mechanics, parachute rigger examiners, flight instructors, authorized inspectors, air taxi operators, and avionics examiners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, supplement reports, remedial checks, violations, records of inspections, surveillance and certification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Aids supervisors in developing work plans and work measurements to accomplish agency mission.

Release to state aviation authorities for seminars and workshops.

See Prefatory Statement of General Routine Uses.

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POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Posted on big board in office and in file cabinets in office.

RETRIEVABILITY:

Data are retrieved by name of individual to be examined.

SAFEGUARDS:

Data are available only in the conduct of official business.

RETENTION AND DISPOSAL:

When the individual is no longer affiliated with the agency, or no further action is required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of the GADO, ACDO, FSDO in region where individual is operating or assigned.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

By the applicant, by inspector surveillance, or by being reported by an FAA official.

DOT/FAA 832.

SYSTEM NAME:

Pilot/Flight Engineer/Navigator Flight Record System DOT/FAA.

SYSTEM LOCATION:

Aircraft Management Branch,
Headquarters,
Washington, D.C.
Aeronautical Center,
Oklahoma City, Oklahoma;
NAFSE,
Atlantic City, New Jersey;
and all regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FAA pilots, flight engineers and navigators assigned to FAA Flight Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flight check records, list showing flight time, certifications and flight logs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by flight program management personnel to determine qualifications of crewmembers to:
Fly agency aircraft.
Utilize rental aircraft.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, cardex files, and in file folders.

RETRIEVABILITY:

Records are retrieved by employee name and crewmember number.

SAFEGUARDS:

Records are stored in a restricted, controlled-access area and are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Cardex and folder files are destroyed one year after pilot's separation and transfer from agency. Magnetic tape is updated periodically.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Planning and Scheduling Branch, AAC-850.
Aeronautical Center,
Oklahoma City, OK 73125.
Chief, Aircraft Programs Division,
Office of Flight Operations, FAA
Washington, D.C. 20591
or Aircraft Management Branch in region where employed.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Flight check records submitted by the individual to whom the record pertains; reports submitted by the pilot in command of each flight.

DOT/FAA 833.

SYSTEM NAME:

Housing Management Monthly Report, RIS: AL-4930-3 DOT/FAA.

SYSTEM LOCATION:

Alaskan Regional Office,
701 C Street, Box 14
Anchorage, AK 99513.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Names of employees occupying FAA owned or leased housing.
Names of employees and agencies who lease FAA housing in Alaska.

CATEGORIES OF RECORDS IN THE SYSTEM:

Housing records, leases, maintenance bills, damage reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain percentage of occupancy.
Maintain up-to-date record of maintenance cost.
Maintain up-to-date list of persons occupying FAA units.
Provide above information to Sector Managers.
Provide above information to local station.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filing cabinet, Housing Management, AAL-52D.

RETRIEVABILITY:

Station location.
Unit numbers.
Name of employee.
Number of dependents.
Pay period rental rate.

SAFEGUARDS:

Retrieved only by agency personnel and used only in the conduct of official business.

RETENTION AND DISPOSAL:

Monthly records are destroyed upon receipt of next month's ADP run.

End of year reports are retained.

SYSTEM MANAGER(S) AND ADDRESS:

Housing Management Officer, AAL-52D
701 C Street, Box 14
Anchorage, AK 99513.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Employees.

Employees of other agencies that lease housing from FAA.

DOT/FAA 834.

SYSTEM NAME:

Commissary Billing DOT/FAA.

SYSTEM LOCATION:

FAA.
Alaskan Region,
Anchorage, Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissary Billing Invoices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Bill FAA employees for goods received from the FAA Commissary.

Commissary sales analysis.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

Data processing tapes.

RETRIEVABILITY:

Organization, Voucher Number, Name.

SAFEGUARDS:

Restricted computer room access and used only in the conduct of official business.

RETENTION AND DISPOSAL:

Billing statement tape held for 30 days after last use, then erased.

Matching listing held 2 years, then sent to storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Division, AAL-20, FAA,
701 C Street, Box 14 Anchorage, AK 99513.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Individuals requesting goods from the FAA Commissary.

DOT/FAA 837.

SYSTEM NAME:

Photographs and Biographical Information DOT/FAA.

SYSTEM LOCATION:

Office of Public Affairs,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
And
Public Affairs Offices at the following FAA Regions and Centers:
Aeronautical Center,
P.O. Box 25082,
Oklahoma City, OK 73125.
Alaskan Region,
632 Sixth Avenue,
Anchorage, AK 99501.
Central Region,
601 East 12th Street,
Kansas City, MO 64106.
Eastern Region,
Federal Bldg., JFK International Airport,
Jamaica, NY 11430.
Great Lakes Region,
2300 E. Devon Avenue,
Des Plaines, IL 60018.
National Aviation Facilities Experimental Center,
Atlantic City, NJ 08405.
New England Region,
12 New England Executive Park,
Burlington, MA 01803.
Northwest Region,
FAA Building, Boeing Field,
Seattle, WA 98108.
Pacific-Asia Region,
P.O. Box 4009,
Honolulu, HA 96813.
Rocky Mountain Region,
10455 E. 25th Ave.
Aurora, CO 80010.
Southern Region,
P.O. Box 20636,
Atlanta, GA 30320.
Southwest Region,
P.O. Box 1689,
Fort Worth, TX 76101.
Western Region,
P.O. Box 92007,
World Way Postal Center,
Los Angeles, CA 90009.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA employees and other individuals who may appear with them in candid photographs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data; portrait and candid photographs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is maintained to provide information to the public--particularly the news media--and for use in employee publications. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file cabinets.

RETRIEVABILITY:

Records indexed alphabetically by name or subject.

SAFEGUARDS:

Access through request to the System Manager. These records are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Materials retained as long as individual or event is newsworthy,

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following which they are destroyed. In certain cases, material is retained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Public Affairs and Public Affairs Officers at above addresses.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

FAA employees and other individuals who may appear with them in candid photographs.

DOT/FAA 839.

SYSTEM NAME:

Printing Branch Distribution System DOT/FAA.

SYSTEM LOCATION:

FAA Office of Management Systems,
Data Processing Center, AMS-350
400 7th St., S.W.
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or governmental agencies interested in receiving Federal Aviation Documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of those individuals and/or governmental organizations wishing to be placed on the mailing lists for FAR's, AC's, NPRM's, the AIM, and various miscellaneous publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To serve as a comprehensive mailing list of individuals and/or governmental agencies for dissemination of all and/or specific parts of FAR's, AC's, NPRM's, the AIM, and various miscellaneous publications.

Subject system of records correlates or matches specific consumer information requirements to subject category information contained in the FAR's, AC's, NPRM's, the AIM, and miscellaneous publications, thereby reducing printing costs and, at the same time, satisfying the particular needs and interests of the recipients of desired information.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape.

RETRIEVABILITY:

Records are retrieved by record identification numbers (state code, city code, first five characters of last name of customer, and first initial of customer).

SAFEGUARDS:

Magnetic Tape - Data can only be retrieved by computer operators as authorized by the System Manager or delegate.

Requests for disclosure of and access to records are screened carefully and must satisfy the 'need-to-know' policy.

The file room is open to agency personnel only.

RETENTION AND DISPOSAL:

Magnetic tapes are updated annually as a result of canvassing, and retention and disposal of records are governed by consumer requests, in writing.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Systems Support Division, AMS-100,
Office of Management Systems,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from:
Aviation Medical Examiners.
General aviation public.
Consumers and consumer organizations.
Other government agencies.
Libraries.
Army, Navy, Air Force, etc.

DOT/FAA 843.

SYSTEM NAME:

FAA World Magazine Address System

SYSTEM LOCATION:

DOT/M-482.2, Washington, D. C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address labels, master list (names, addresses)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Mailing of FAA World to retirees, governmental and union offices, libraries, industry PR offices, publication exchanges and DOT internal distribution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: THIS IS A LIMITED LIST SUPPLEMENTING FAA EMPLOYEE HOME ADDRESS DISTRIBUTION.

STORAGE:

Standard card and Xerox list.

RETRIEVABILITY:

By name or routing symbol.

SAFEGUARDS:

Card and Xerox list available only to authorized DOT personnel.

RETENTION AND DISPOSAL:

Periodic canvassing and culling.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator,
Office of Public Affairs,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW.
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

All sources, on a voluntary basis.

DOT/FAA 844.

SYSTEM NAME:

FAA Airplane Noise Complaint System, DOT/FAA.

SYSTEM LOCATION:

Federal Aviation Administration Office of Environmental Quality 800 Independence Avenue, SW Washington, DC 20591

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who complain to the FAA about airplane noise at Dulles and National Airports in the Washington, DC area and in the vicinity of JFK Airport in New York.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, date, time of day of complaint, and category of complaint which may include one or more of the following: a) Excessive noise b) Structure disturbance; e.g., vibrating windows c) Activity interruption; e.g., sleep disturbance d) Perceived danger e) Animal disturbance f) Flying too low g) Other; e.g., caused earache

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape. Original record of complaint will be destroyed following transfer of information to tape.

RETRIEVABILITY:

By last name, address, complaint category, time of complaint.

SAFEGUARDS:

Directly concerned employees will be briefed in the provisions and requirements of the Privacy Act of 1974. These employees will be counseled as to the absolute requirements for confidentiality of the records under their control. They will be informed that appropriate disciplinary action will be taken for failure to comply with this requirement. Access to the system of records will be possible only to those agency employees with knowledge of a regularly changed password. The password will be conceived by the System Manager and divulged only to directly concerned employees. The original record will be destroyed following transfer of information to magnetic tape.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Environmental Quality, AEQ-1, Federal Aviation Administration, 800 Independence Avenue, SW Washington, DC 20591 In order to increase the level of safety of the proposed system of records, no other individuals will be designated for the position of System Manager.

NOTIFICATION PROCEDURE:

Individuals wishing to know if information pertaining to them appears in this system of records may inquire in person or in writing to the System Manager. The inquirer's name and address will be required in order to ascertain whether the system contains a record about that individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All anticipated disclosures of records in the FAA Airplane Noise Complaint System will be to those officers and employees of the DOT and FAA who have a need for the record in the performance of their duties, thus bringing the system within the scope of 5 U.S.C. 552a(b)(1). No routine uses under 552a(b)(3) are anticipated other than those set forth in the Prefatory Statement of Routine Uses applicable to all DOT/FAA Systems of Records, which appeared in the Federal Register on September 19, 1977, (42 F.R. 47038).

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about themselves in this system of records should either contact in person or address their written inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves in this system of records should contact or address their inquiries to the Administrator or his delegate at the following address: Department of Transportation Federal Aviation Administration, Office of the Administrator, 800 Independence Avenue, SW Washington, DC 20591

RECORD SOURCE CATEGORIES:

Information is obtained from individual noise complaints, on a voluntary basis. No specific forms will be used to obtain this information.

DOT/FAA 845

SYSTEM NAME:

Correspondence Control and Information System, DOT/FAA

SYSTEM LOCATION:

Federal Aviation Administration
Office of the Administrator,
Administrative Staff
800 Independence Ave., S.W.
Washington, D.C. 20591

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, or are referred in writing by a second party, to the Administrator, to the Deputy Administrator, and their immediate offices; individuals who write, or are referred in writing by a second party to the Secretary, to the Deputy Secretary, to the Deputy Under Secretary and their immediate offices and the correspondence which has been referred to the Federal Aviation Administration; individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeals, actions, training, awards, foreign travel, promotions, selections, grievances, description, application of waivers from the Federal Aviation Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence submitted by, or on begalf of, an individual, including resumes, letters of reference, etc; responses to such correspondence; staff recommendations on actions requiring approval or action by the Administrator, the Deputy Administrator, the Secretary, the Deputy Secretary, and the Deputy Under Secretary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department or agency for preparation of a response.

Referral to the appropriate agency for actions involving matters or law, of regulations beyond the responsibility of the agency or Department such as the Department of Justice in matters of law enforcement.

As a data source for management information, such as briefing material on hearings, trend analysis, responsiveness, etc. .

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer Magnetic disk.

RETRIEVABILITY:

Access is by suspense date, correspondence date, subject matter, senders name, referring individual, action office, and type.

SAFEGUARDS:

Terminal acces through the system's software is limited to the Administrator's Administrative Staff.

RETENTION AND DISPOSAL:

Hard-copy records are transferred to the Federal Records Center when three years old to be destroyed when ten years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Staff
Office of the Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator, or his delegate, at the following address:

Federal Aviation Administration
Office of the Administrator
800 Independence Avenue, S.W.
Washington, D.C. 20591

RECORD SOURCE CATEGORIES:

Correspondence from individuals, their representatives, or sponsors. Response to incoming correspondence. Related material for background as appropriate.

DOT/FAA 846

SYSTEM NAME:

Airport Solicitation Permit Application File, DOT/FAA

SYSTEM LOCATION:

Federal Aviation Administration
Operations Office
Washington National Airport
Washington, D.C. 20001
Federal Aviation Administration
Operations Office
Dulles International Airport
Washington, D.C. 20041

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed applications for Airport Solicitation Permits; documentation of each solicitor's authority to represent the organization for which he or she claims to be soliciting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation and issuance of Airport Solicitation Permits, which indicate the solicitor's name and the organization for which he is soliciting. Permits will be issued by airport operations personnel.

Disclosure to members of the public upon request, to permit the public to be informed as to who is soliciting at the airport and for what cause.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application forms and any attached documentation are retained at the Operations Offices of National and Dulles Airports.

RETRIEVABILITY:

Applications are maintained in chronological order, not by name. There is no means for retrieval of records pertaining to a particular individual other than manual search of the entire file.

SAFEGUARDS:

The file is in the custody of the Duty Operations Officer.

RETENTION AND DISPOSAL:

Applications will normally be destroyed within 60 days of the date submitted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations Division
Washington National Airport
Federal Aviation Administration
Washington National Airport
Washington, D.C. 20001
Chief, Operations Division
Dulles International Airport
Federal Aviation Administration
Dulles International Airport
Washington, D.C. 20041

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record access procedures'.

RECORD SOURCE CATEGORIES:

Application forms and related documentation furnished by airport solicitors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the operation of this system is Public Law 96-193, enacted February 18, 1980.

DOT/FAA 847

SYSTEM NAME:

General Air Transportation Records on Individuals, DOT/FAA

SYSTEM LOCATION:

Records are maintained primarily at:
Department of Transportation (DOT)
Federal Aviation Administration (FAA)
Mike Moroney Aeronautical Center
Oklahoma City, Oklahoma 73125
Portions of these records are located in:
Department of Transportation
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591
General Aviation District Offices (GADO's).
Air Carrier District Offices (ACDO's).
Civil Aviation Security Field Offices (CASFO's).
FAA regional offices.
(Contact your nearest FAA office for location).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen with special certification, airmen who are deceased, and others requiring medical certification.

Air traffic controllers in air route traffic control centers, terminals, and flight service stations and applicants for these positions.

Applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificates revoked, and airmen and flight attendants engaged in international air transportation.

Persons who are involved in aircraft accidents or incidents: pilots, crew members, passengers, persons on the ground, and witnesses.

Individuals against whom the Federal Aviation Administration has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations (FAR) or Department of Transportation Hazardous Materials Regulations (HMR). These include individuals or companies holding Federal Aviation Administration certificates, persons charged with violating FAR's and/or HMR's, and persons allegedly violating FAR's who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records include identifying information such as name(s), date of birth, place of residence, mailing address, social security number, airman certificate number, home telephone number. Other records in this system are:

General Air Transportation Records on Individuals files are the official repository of records, documents, and papers required in connection with the issuance of airmen certificates by the Federal Aviation Administration. Additionally, the records in the system are on individuals against whom the FAA has taken Administrative action or legal enforcement action for violation of certain Federal Aviation Regulations or Hazardous Materials Regulations. (These files are maintained in local district or field offices, regional offices, the Aeronautical Center and the FAA headquarters in Washington, D.C., depending on the kind of action being undertaken).

Records that are required to determine the physical condition of an individual with respect to the medical standards established by FAA.

Records concerning applications for certification, written examinations, applications for written examinations, results of written tests, applications for inspection authority, certificates held, ratings, stop orders, and requests for duplicate certificates.

Reports of fatal accidents, autopsies, toxological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, physiological autopsy, and consulting pathologist's summary of findings.

Records of accident investigations, preliminary notices of accident, injury reports, engineering analyses, witness statements, investigators' analyses, pictures of accident scenes.

Records concering safety compliance notices, letters of warning, letters of correction, final action legal documents in enforcement cases, enforcement in airmen medical denial cases on appeal to NTSB, investigations of alleged violations and reports of enforcement actions, correspondence of Regional Counsels, Office of Chief Counsel, and others in enforcement cases, violation reports on alleged FAA certificate violations other than medical certificates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

To provide information for Federal, state, foreign and local agencies maintaining civil, criminal, or other relevant information; or other pertinent operational purposes such as validating airmen qualifications by supplying relevant information to an agency concerining the hiring or retention of employee or the issuance of a grant or other benefit.

To provide statistical reports for internal use, to Congress, other Federal agencies, and the public.

To locate specific individuals for a variety of personnel management functions.

To serve as a repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To verify U.S. Citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To supply data to the National Transportation Safety Board (NTSB) under requirements of the FAA accident investigation authority delegated to it by the Board.

To serve as a repository of legal documents that relate to individuals' physical status or condition used to determine statistically the validity of FAA medical standards.

To develop professional papers that are distributed to various aviation and medical groups for evaluation and study.

To inform the aviation community of medical findings related to flight safety.

To inform airmen of meetings and seminars conducted by the FAA regarding aviation safety.

To provide information for determining eligibility for airman medical certification, for review of requests for exemptions from medical requirements, and for review of certificate denials.

To provide information concerning administrative and legal enforcement actions of alleged violations of certain Federal Aviation Regulations and Hazardous Materials Regulations to government agencies, the aviation industry, and the public upon request.

The general routine uses in the prefatory statement apply to all of these files.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, on lists and forms, and in computer processable storage media. Records are also stored on microfiche.

RETRIEVABILITY:

These records are retrieved by various combinations of name, birth date, social security account number, airmen certificate number, or other identification number of the individual of whom the records are maintained. Records are also indexed by sex. Records are also filed by accident number and/or incident number, and administrative action or legal enforcement numbers.

SAFEGUARDS:

Personal information in this system of records is processed in both hard copy and digital environments. Applicable safeguards for each are described in the following subparagraphs:

Manual records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destination of personal data in hard copy form. These are periodically reviewed for compliance.

Automated Processing (FAA Systems): Computer processing of personal information is conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

Automated Processing (Commercial Time Sharing Contractor): A limited amount of personal information covered by this system of records will be processed at a commercial facility. This data is of low sensitivity to disclosure. A comprehensive security review of the contractor installation was accomplished by the FAA security organization. Computer programs operated on commerical time share systems that contain data on individuals

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have multiple security levels and record element restrictions to prevent release of data to unauthorized parties.

RETENTION AND DISPOSAL:

All records and files are retained and/or disposed of in accordance with the provisions of Order 1350. 15A, Records Organization, Transfer, and Destruction Standards.

SYSTEM MANAGER(S) AND ADDRESS:

Records Concerning Aviation Medical Certification: Chief, Aeromedical Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Form Regional Files: Regional Flight Surgeon within the region where examination was conducted.

FAA Certification Records and General Airmen Records: Chief, Airmen Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125. Requests for assistance may be made to the originating GADO, ACDO, or FSDO.

Records Concering General Aviation Accidents and Incidents and Air Carrier Incidents: Flight Standards National Field Officer, Attn: Chief, Safety Data Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Concerning Administrative and Legal Enforcement Action:

FAA Enforcement Information System Data Bases for Administrative and Legal Enforcement Actions: Flight Standards National Field Office, Attn: Chief, Safety Data Branch (AFO-580), Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Official FAA Enforcement Files: The Office of the Chief Counsel, the Office of the Regional Counsel, or the investigating FAA field office, as appropriated. (The address of the appropriate FAA legal or field office maintaining the official agency enforcement file may be obtained from AFO-580).

(See or call your local FAA office in the area in which you reside for any proper address not specifically listed above).

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the system manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about themselves in this system of records should contact or address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Associate Administrator for Administration or his delegate at the following address:

Department of Transportation
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

RECORD SOURCE CATEGORIES:

Medical Information: Information is obtained from Aviation Medical examiners, individuals themselves, consultants, hospitals, treating or examining physicians, other Government agencies, tests taken by the individual, special studies such as blood test, and in some rare cases, records are supplied by other persons or other agencies.

Airmen Certification Records: The individual to whom the records pertain. Written test scores are derived from answers given by individuals. Actions filed by FAA personnel.

General Aviation Accident/Incident Records and Air Carrier Incident Records: Information is obtained from Aviation Medical Examiners, pathologists, accident investigations, medical laboratories, law enforcement officials, and FAA employees. Data is also collected from manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accidents, and involved passengers.

Administrative Action and Legal Enforcement Records: Regional Counsels, National Transportation Safety Board, Civil Aviation Security personnel, Flight Standards personnel, Aeronautical Center personnel, and the Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of the records are exempted from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement by prematurely disclosing the knowledge of illegal activity and evidential basis for possible enforcement actions. The exemption rule may be found on page 8999 of the February 11, 1980, issue of the Federal Register.

DOT/FHWA 202.

SYSTEM NAME:

University and Industry Programs Coding and Filing System. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
National Highway Institute,
400 7th Street, SW,
Room 4136,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and prior year candidates for FHWA fellowships/scholarships employees of FHWA and State and local transportation agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for fellowships.
Transcripts of grades.
Follow-up evaluation reports.
Study progress reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Applications and transcripts used by fellowship selection panel.

Study progress reports and follow-up evaluation reports used by the National Highway Institute in program evaluation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Stored in file cabinets.

RETENTION AND DISPOSAL:

5 years - discarded in trash.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant, Department of Transportation,
Federal Highway Administration,
National Highway Institute,
400 7th Street, SW, Room 4206,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Any individual that has applied for a fellowship/scholarship may obtain such information by written request to the Institute. The requestor should know the year of his application.

RECORD ACCESS PROCEDURES:

May be obtained from the 'System Manager' at the address given above.

CONTESTING RECORD PROCEDURES:

May be obtained from the 'System Manager' at the address given above.

RECORD SOURCE CATEGORIES:

The information comes from individual applications, reports prepared by the individuals and their faculty advisors, and college transcripts.

DOT/FHWA 204.

SYSTEM NAME:

FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
All FHWA Regional Offices. (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, agents or employees of motor carriers, including drivers who have been the subject of investigation for Motor Carrier Safety regulation violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information pertaining to Motor Carrier safety regulation violations and identifying features.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records are used for referral to U.S. Attorney civil proceedings or referred to other agencies for criminal or civil investigation of other Federal violations.
Prefatory Statement of General Routine Uses, 5 does not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in the Regional Counsel's Office.

RETRIEVABILITY:

These records are indexed by names of motor carriers or individuals.

SAFEGUARDS:

The records are marked 'Confidential.' Only Office of Chief Counselor Regional Counsel Office employees or Bureau of Motor Carrier Safety (BMCS) employees have access to the files.

RETENTION AND DISPOSAL:

The records are retained for one year and then are sent to the Central Files for an additional three year period.

SYSTEM MANAGER(S) AND ADDRESS:

FHWA
Office of the Chief Counsel
400 7th Street, S.W., Room 4224
Washington, D.C. 20590
FHWA, Regional Counsel,
FHWA, Regional Offices (See 49 CFR Part 7 Appendix D for addresses

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Individuals, motor carrier files, and BMCS files, etc., as gathered by BMCS investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to (k) (2) of 5 U.S.C. 552a this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f).

DOT/FHWA 209.

SYSTEM NAME:

Driver Accident Record Cross-Reference File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
FHWA Regional Office,
Associate Regional Administrator for Motor Carrier Safety
Room 210, Mohawk Building,
222 SW Morrison Street,
Portland, OR 97204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Motor Carrier drivers who have had commercial accidents in the Region 10 geographic area and drivers from motor carriers based in Region 10 who have had commercial accidents anywhere in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data tapes cross-referenced to motor carrier files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify commercial drivers who have been involved in one or more commercial accidents.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data tapes.

RETRIEVABILITY:

Filed alphabetically by driver's name.

SAFEGUARDS:

Personnel screening of those individuals requesting driver accident information.

RETENTION AND DISPOSAL:

Data maintained continuously on tape.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Regional Administrator for Motor Carrier Safety
FHWA Regional Office,
Room 210, Mohawk Building,
222 SW Morrison Street,
Portland, OR 97204.

NOTIFICATION PROCEDURE:

May be obtained upon request by supplying name to the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager'.

RECORD SOURCE CATEGORIES:

Accident information on the cards and data tapes is transposed from the Motor Carrier Safety Accident Forms (MCS 50-T) and State Police Accident Reports.

DOT/FHWA 210.

SYSTEM NAME:

Occupational Safety and Health Accident Reporting System. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Office of Management Systems, HMS-4,
400 7th Street, SW, Room 4317,
Washington, DC 20590. Duplicate copies may be retained in Regional and Division offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FHWA employee involved in an occupational accident.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains all type of occupational accidents such as, employees' injuries, occupational illnesses, motor vehicle, property damage, fire and explosion, vessel, train, and incidents not resulting in injuries or property damage.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The use and purpose of the information is to obtain information for accident prevention.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in a file cabinet in folders.

RETRIEVABILITY:

The system is indexed by organizational element and name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Records are retained for five years as required by Occupational Safety and Health Act of 1970, as amended, Title 29, U.S.C., Part 1960, Safety and Health Provisions for Federal Employees. The records are then forwarded to the Records Center of Archives and Records Services, GSA.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Safety Engineer,
Department of Transportation,
Federal Highway Administration,
Office of Management Systems,
400 7th Street, SW, Room 4317,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

The requester must provide his name, organizational element, and/or date of the accident, and proper identification to address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

The information is obtained from individuals involved in the accident, and by investigation by the individual's supervisors. Management obtains the information through investigation.

DOT/FHWA 211.

SYSTEM NAME:

Motor Carrier Accident File - Property and Passenger. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
400 7th Street, SW,
Washington, DC 20590.
(Hard copy is located in Room 4432-Magnetic tape storage is located in Room 2401.)
Hard copy is also stored in the Federal Records Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Accidents reported by motor carriers of passengers and property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Motor Carrier Accident Report Form.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compilation of data concerning accident frequency and causation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and magnetic tape.

RETRIEVABILITY:

Indexed by carrier name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Retained indefinitely - continuing data reference for comparison purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Data Quality Branch,
Department of Transportation,
Federal Highway Administration,
Office of Highway Safety,
Accident Analysis Division,
400 7th Street, SW, Room 3409,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Information supplied by motor carrier.

DOT/FHWA 212.

SYSTEM NAME:

Medals of Honor File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Bureau of Motor Carrier Safety,
Operations Division,
400 7th Street, SW, Room 3408,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees and recipients of Presidential Medals of Honor for Lifesaving on Highways.

CATEGORIES OF RECORDS IN THE SYSTEM:

Description of incidents, Investigator's report, and related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determination of applicability of Medals of Honor criteria, background information for preparation of Medal presentation.

See Prefatory Statement of General Routine Uses, 1, 2, 4, 9 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, one file drawer.

RETRIEVABILITY:

Indexed by name of nominee/recipient.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Approximately two years retention after presentation or denial.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations Division,
Department of Transportation,
Federal Highway Administration,
Bureau of Motor Carrier Safety,
400 7th Street, SW, Room 3408,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Medal of Honor Nomination.

DOT/FHWA 213.

SYSTEM NAME:

Driver Waiver File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Regional Driver Waiver Specialist,
Associate Regional Administrator for Motor Carrier Safety,

(See 49CFR7, Appendix D for Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Operators of interstate commercial vehicles transporting certain commodities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for waiver (usually involving physical disability).
Final disposition of request for waiver.
Waiver renewal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Control of physically impaired operators of commercial motor vehicles.
See Prefatory Statement of General Routine Uses, 5 does not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, entire file cabinet.

RETRIEVABILITY:

Information retained by name.

SAFEGUARDS:

File is classified as non-confidential. Accessible to certain employees of Regulations Division, Bureau of Motor Carrier Safety.

RETENTION AND DISPOSAL:

Files are retained while waiver is active. Inactive waiver files are purged each year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Driver Requirements Branch, Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Information obtained from Application for Waiver or Waiver Renewal.

DOT/FHWA 215.

SYSTEM NAME:

Travel Advance File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT), Federal Highway Administration (FHWA), Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590.
All FHWA Regional Offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of travel advances and repayments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control repayment of travel advances.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on a 5 x 8 inch form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in a locked file.

RETENTION AND DISPOSAL:

Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voucher Review & Disbursement Section, Department of Transportation, Federal Highway Administration, Office of Fiscal Services, 00 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

DOT/FHWA 216.

SYSTEM NAME:

Travel Voucher - Change of Duty Station. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT), Federal Highway Administration (FHWA), Office of Fiscal Services, 400 7th Street, SW , Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees reimbursed for change of duty station travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of travel expenses claimed for change of duty station.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record of travel expenses for change of duty station.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on a 8 x 10 inch form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Supervised by the Chief, Voucher Review & Disbursements Section.

RETENTION AND DISPOSAL:

Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voucher Review & Disbursements Section, Department of Transportation, Federal Highway Administration, Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

DOT/FHWA 217.

SYSTEM NAME:

Accounts Receivable. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),

Federal Highway Administration (FHWA),
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indebted to the Federal Highway Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Amount of indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control accounts receivable.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in indexed loose-leaf book.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Supervised by Chief, General Ledger and Funds Control Section.

RETENTION AND DISPOSAL:

Schedule 7, Expenditure Accounting Records, of General Records Schedules (FPMR-101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Ledger & Funds Control Section,
Department of Transportation,
Federal Highway Administration,
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Employer.

DOT/FHWA 219.

SYSTEM NAME:

Employee Utilization (monthly report). DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation,
Federal Highway Administration,
Data Systems Division,
400 7th Street, SW, Room 2410,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All computer programmers and systems analysts in the Data Systems Division (DSD), FHWA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Working file (internal).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Basis for reimbursable charges for services to other organizational elements (computer program maintenance and/or development).

Basis for Planning Staff projections of current and future workloads; estimates, etc.

Can be used to evaluate employee proficiency and productivity.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts and magnetic tape.

RETRIEVABILITY:

Organization, two digit employee numbers, Project #, operation code, date.

SAFEGUARDS:

Secure building.

RETENTION AND DISPOSAL:

Magnetically recorded data is erased on a quarterly basis.

Printouts are usually destroyed on a monthly or quarterly basis.

One complete historical printout is retained by the planning staff for long range reference.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Data System Division,
Department of Transportation,
Federal Highway Administration,
400 7th Street, SW, Room 2418,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Data Systems Division computer programmers and system analysts provide this information on a weekly basis - accounting for their various work activities plus leave, training, etc.

DOT/FHWA 220.

SYSTEM NAME:

Payroll Administration. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Federal Highway Administration (FHWA),
Western Direct Federal Division
Office of Federal Highway Projects,
610 E. Fifth Street,
Vancouver, WA 98661.
FHWA Region 8,
555 Zang Street,
P.O. Box 25246,
Denver, CO 80225.
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the following Headquarters Elements:
Department of Transportation.
Federal Highway Administration.
Office of the Secretary of Transportation.
Federal Railroad Administration.
National Highway Traffic Safety Administration.
Urban Mass Transportation Administration.
Also:
FHWA employees in Regions 8 and 10.
Office of Inspector General (OIG).
Research and Special Programs Administration (RSPA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains all data relative to payrolling employees. Includes time, attendance, leave, gross pay and payroll deduction records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payrolling and Leave Administration.

The purpose of each use of categories of records within the DOT/FHWA Payroll Administration is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with the requirements of the Comptroller General.

System Uses:

1. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes.

2. For reporting tax withholding to Internal Revenue Service and appropriate state and local taxing authoritites.

3. For FICA deductions to the Social Security Administration.

4. For dues deductions to labor unions.

5. For withholdings for Health Insurance, Retirement and Federal Employees Group Life Insurance to the U.S. Civil Service Commission.

6. For charity contribution deductions to agents of charitable institutions.

7. For annual W-2 statements to appropriate taxing authoritites and the individual.

8. For providing a permanent record of actions taken pertinent to the administration of pay, leave and allowances.

9. For any of the routine uses specified in the Prefatory Statement.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Supervised by Chief, Payroll & Employee Records Section.

RETENTION AND DISPOSAL:

Schedule 2 of General Records Schedules Payrolling and Pay Administration Records (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll & Employee Records Section,
Department of Transportation,
Federal Highway Administration,
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

Appropriate Finance Officer in FHWA Region 8 or 10.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, Office of Personnel and Training, Federal, State and City Tax Regulations.

DOT/FHWA 222

SYSTEM NAME:

Survey Assessing the Long-Term Effects of Relocation on Low-Income Groups

SYSTEM LOCATION:

Associate Consultants, Inc.
624 E Street, NW.
Washington, D.C. 20004 For the Federal Highway Administration, Socio-Economic Studies Division, HPP-40

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected heads of low-income households displaced by highway construction. Fifty to seventy-five respondents will be interviewed from each of the following highway relocation sites: Baltimore, Maryland; Wheeling, West Virginia; St. Petersburg, Florida; and Los Angeles, California.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning the physical characteristics of the respondents' residences prior to and after relocation, payments for mortgages or rents and utilities, adequacy of community services, respondents' opinions of the relocation program, and sociodemographic information (e.g., age, race, income, sex, number of workers in household, transportation utilized, number of children).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Relocation Assistance Division of the Federal Highway Administration will use the conclusions drawn from the survey to: 1) Analyze the longer term effects of relocation on low-income families who were relocated due to highway projects under provisions of the 1970 Relocation Assistance Act; 2) Evaluate the long-term effectiveness of the Highway Relocation Programs in relocating displaced low-income families with a minimum of harm to their social and economic well-being; and 3) Recommend changes in the relocation program to minimize long-term transition problems of low income families due to relocation. State highway agencies may also use conclusions drawn from this study to modify the administration of their relocation programs.

See also prefatory statement of general routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape

RETRIEVABILITY:

Serial number assigned to individual respondent.

RETRIEVABILITY:

a) Interviewers will keep respondent identifiers and information collected completely confidential b) Survey instruments containing respondent identifiers will be stored in locked cabinets or a locked room c) Respondent identifiers will not be on the magnetic tape containing responses from the interviews d) Upon completion of the pilot study, the list of respondent identifiers will be destroyed.

RETENTION AND DISPOSAL:

The list of respondent identifiers (names, addresses, and telephone numbers) will be retained until Phase II interviewing and coding is completed. The survey instruments and list of respondent identifiers will be destroyed upon completion of Phase II of the study. Statistical records of the questionnaire responses will be kept on tape and after completion of the main survey will be turned over to the Contract Technical Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Sociologist (Contract Technical Manager)
Transportation Socio-Economic Studies Division (HPP-40)
Office of Program and Policy Planning
Federal Highway Administration
Room 3327, 400 7th Street, SW.
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact System Manager.

CONTESTING RECORD PROCEDURES:

All of the information in the survey will be supplied by the individual respondents.

DOT/FRA 100.

SYSTEM NAME:

Alaska Railroad Examination of Operating Personnel. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alaska Railroad operating employees.

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CATEGORIES OF RECORDS IN THE SYSTEM:

Examination papers on rules and safety practices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determination of employees understanding of safety practices and rules of the Alaska Railroad.

Qualification for employment.

Review for promotion.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Kept under lock and key.

Only authorized Alaska Railroad officials can handle the examinations.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access to examinations limited to Alaska Railroad officials only.

RETENTION AND DISPOSAL:

Examinations kept during employment of individual with Alaska Railroaad: upon termination, disposed of by destruction by either burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Operations Officer,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Individuals may request from the System Manager whether or not this system of records pertains to him.

RECORD ACCESS PROCEDURES:

The System Manager may allow an individual to review his score on the examination.

CONTESTING RECORD PROCEDURES:

Contest of these records. if appropriate, is through the System Manager.

RECORD SOURCE CATEGORIES:

Official examination papers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempted under Section 552a(K)6, 'testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.'

DOT/FRA 101.

SYSTEM NAME:

Alaska Railroad Personnel and Pay Management Information System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alaska Railroad officials and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time, attendance and leave.
Payroll data.
Payroll computation and history.
Personnel records.
Personnel Management Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Status Reports.
Personnel Strength Reports.
Payroll computation and related reports.
Record of leave accrued and used.
Labor distribution and accounting reports.
Personnel management and budget reports.
Reports to Internal Revenue Service (IRS), U.S. Treasury, Civil Service Commission (CSC), etc.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Integrated data based on mag-tape.

RETRIEVABILITY:

By Name or I.D. Number.

SAFEGUARDS:

Access to the data base is limited to computer programs. Outputs from computer programs are disclosed only to employees or officials in discharge of their official duties. Primary control is achieved through a separation of functions wherein no one person is responsible for the input processing and auditing of any given transaction.

RETENTION AND DISPOSAL:

Individual records are deleted from the automated data base at the end of the calendar year in which Alaska Railroad employment is terminated. Input document and printed outputs are disposed of by burning or shredding or transfer to a records center in accordance with established records disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

The individual who feels that this system of records pertains to him may present himself to the General Manager, The Alaska Railroad requesting confirmation.

RECORD ACCESS PROCEDURES:

Contact the system manager for access.

CONTESTING RECORD PROCEDURES:

In case of contest employee is instructed to first contact the immediate supervisor. Procedures are established which permit an employee to pursue an appeal to the General Manager, The Alaska Railroad, then to the U.S. Civil Service Commission.

RECORD SOURCE CATEGORIES:

Official Personnel Folders.
Time, attendance and leave records.
Organizational code structure.
Computations and historical record of pay.

DOT/FRA 102.

SYSTEM NAME:

Alaska Railroad Security and Freight Claims Investigatory Files. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Alaska Railroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used in routine investigatory work for the DOT/Alaska Railroad Security and Freight Claims division.

Review by General Manager or his designee.

Review by General Counsel, Alaska Railroad.

May be forwarded to U.S. Attorney to assist in prosecution where warranted.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked in fire class C Safe with combination lock.

RETRIEVABILITY:

By name.

SAFEGUARDS:

In addition to the combination safe only two officials of the railroad maintain the combination.

RETENTION AND DISPOSAL:

Records are maintained in the official safe for two years, then transferred to secured holding area for two years and then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security and Claims,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Individual may confirm through the System Manager whether or not the System contains records on him or her.

RECORD ACCESS PROCEDURES:

Access of records requires the individual to contact in person or in writing the System Manager. The records in this system are exempted by Section 552(k)(2) if investigatory matter is being pursued in a court case.

CONTESTING RECORD PROCEDURES:

However, contest procedures through the System Manager and the the General Manager are available if the investigatory files are maintained for general purposes. Confidentiality of sources will be maintained.

RECORD SOURCE CATEGORIES:

Personal information provided by individual.

Confidential Statements.

Photographs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempted under Section 552a(1) (2); 'investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2) of this section: Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal Law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.'

DOT/FRA 104.

SYSTEM NAME:

Confidential Statement of Employment and Financial Interest. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of the Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FRA Permanent Employees GS-13 and above, supervisors and procurement personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form on Employment and Financial Interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review of Financial Interest to Employment.

Administrative References.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are maintained on standard form in a locked file cabinet located in the Chief Counsel's Office.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Physical security consists of locked file cabinet; records provided to individuals only after physical screening.

RETENTION AND DISPOSAL:

Records are maintained for a one year period. Upon receipt of new statements old records are removed and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
Federal Railroad Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Requests for information about this system should be addressed to the System Manager either in person or in writing. Prior employees must provide notarized signature or provide valid social security number.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the System Manager. If a change is valid after agency review it will be made as requested.

RECORD SOURCE CATEGORIES:

Information is provided by the individual on Standard Form DOT F 3700.1, Confidential Statement of Employment and Financial Interest.

DOT/FRA 105.

SYSTEM NAME:

Employee Travel Records. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Financial and Administrative Services, RAD-40,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FRA employees.

Private persons issued invitational travel orders to confer on government problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel logs.

Individual travel folders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide back-up to support FRA General Accounting Ledger.

Analysis of travel trends.

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See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a file drawer secured with lock and key.

RETRIEVABILITY:

System is indexed by name.

SAFEGUARDS:

Physical security maintained by secured file system.

Individuals requesting individual travel folders are screened by accounting personnel.

RETENTION AND DISPOSAL:

Records are maintained three years then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer,
Department of Transportation,
Federal Railroad Administration,
Accounting Division,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Requests for information about this system should be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Access of records requires the individual to contact in person or in writing the System Manager.

CONTESTING RECORD PROCEDURES:

Initial contest of any record will be with the System Manager; if resolvement at this level is not satisfactory the individual may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Individual Travel Vouchers.

DOT/FRA 106.

SYSTEM NAME:

Occupational Safety and Health Reporting System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Administration,
Office of Management Systems, RAD-20,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FRA employees (injury-illnesses).

FRA employees involved in government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Occupational Injuries and Illnesses Survey (Standard Form OSHA-102).

Departmental Accident/Injury Reports DOT Forms 3902.1-8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accident records per departmental orders.

Provide data to Office of the Secretary.

Develop causative trends.

Use for corrective accident prevention.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on copies of basic documents.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Physical security consists of file drawer with data; records provided to authorized individuals by FRA Safety Manager after physical screening.

RETENTION AND DISPOSAL:

Records are retained for five years. Documents are then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

FRA Safety Manager,
Department of Transportation,
Federal Railroad Administration,
Office of Administration,
Office of Management Systems, RAD-20,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the Systems Manager either in person or in writing. If written the individual must provide a notarized signature, or provide a valid social security number.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the System Manager. If a change is valid after System Manager review it will be made as requested. If resolvement is not possible at this level an appeal may be filed in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Documents provided by the individual.

DOT/FRA 112.

SYSTEM NAME:

Personnel and Pay Management Information System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Personnel and Training, RAD-10,
400 7th Street, SW, Room 8125,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Railroad Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll data.

Personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Status Reports.

Personnel Strength Reports.

Payroll computations and related reports.

Personnel Management and Budget Reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Integrated data based on magnetic tape, reports are prepared on computer readable form.

RETRIEVABILITY:

By name or I.D. number.

SAFEGUARDS:

Access to programs limited to employees or officials of the Transportation Computer Center (TCC).

RETENTION AND DISPOSAL:

Individual records are deleted from automated data base at end of calendar year in which separation occurs.

Computer readable programs are destroyed in accordance with established internal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel and Training, RAD-10,
Department of Transportation,
Federal Railroad Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Any individual who feels that this system of records pertains to him may visit or write the System Manager at the address in 'System Manager: requesting confirmation.

RECORD ACCESS PROCEDURES:

Contact the System Mananger for access.

CONTESTING RECORD PROCEDURES:

Employee should, in case of contest, contact the System Manager. Procedures are established which permit an employee to pursue appeal through agency levels to U.S. Civil Service Commission.

RECORD SOURCE CATEGORIES:

Official personnel folders.
Time, attendance and leave records.
Organizational code structure.
Computations and historical records.

DOT/FRA 113.

SYSTEM NAME:

Regional Personnel Convenience Files. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Region 1, Federal Railroad Administration.
150 Causeway Street,
Boston, Mass. 02114
Region 2, Federal Railroad Administration (FRA),
Independence Building, Room 1020,
434 Walnut Street,
Philadelphia, PA 19106.
Region 3, Federal Railroad Administration,
Suite 440, North Tower,
1720 Peachtree Rd., N.W.
Atlanta, GA 30309.
Region 4, Federal Railroad Administration,
536 South Clark Street,
Chicago, IL 60605.
Region 5, Federal Railroad Administration,
819 Taylor Street, Room 11A23,
Fort Worth, TX 76102.
Region 7, Federal Railroad Administration,
911 Walnut Street,
Rm. 1807, Federal Building,
Kansas City, MO 64106
Region 6, Federal Railroad Administration,
2 Embarcadero, Suite 630,
San Francisco, CA 94111.
Region 8, Federal Railroad Administration,
421 Southwest Fifth Avenue
Portland, Oregon 97204

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Supervisory Inspectors.
Federal Safety Inspectors.
Federal clerical personnel.
Regional Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 52.
Standard Form 171.
Performance evaluations.
Within grade increases.
Travel authority and vouchers.
Use of Government-owned vehicles and authority.
Training records.
Payroll and leave records.
Copies of commendations and awards.
Work measurement records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the individual's use.
Schedule training.
Statistics to recommend personnel actions.
Administrative reference material.
Budgetary information material.
Technical information material.
Work territory assignments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained from copies of original documents.

RETRIEVABILITY:

The system is indexed by name.

SAFEGUARDS:

Physical security is maintained by locked file cabinets.

Any individual requesting data is screened by the Regional Director's secretary.

RETENTION AND DISPOSAL:

Personnel records are retained until employee is terminated, retired, or transferred.

Records are then disposed of as trash.

Records used for budgetary purposes are retained for 1 year then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

The responsible System Manager for each regional system is the Regional Director. The location is identical to those previously listed.

NOTIFICATION PROCEDURE:

The individual may present himself to the Regional Office (Regional Director) to inquire about whether this system of records applies to him either in person or in writing.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records will be at the Regional level, if resolvement is not satisfactory to the individual at that level an appeal may be field in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Informational copies provided by the individual.

Informational copies provided by Office of Personnel.

Informational copies generated by on-going work programs.

DOT/FRA 114.

SYSTEM NAME:

Transportation Test Center Employee Service Record File. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Transportation Test center,
Pueblo, CO 81001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees of the Transportation Test Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data submitted by individuals.

Personnel actions.

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Training data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record of personal data on SF 7.
Computer service computations dates.
Review performance ratings.
Follow-up dates for within-grade pay increases.
Training data used to determine training needs.
Awards information.
Used to prepare manpower and budget reports and requests.
Used in preparing requests for personnel actions.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Service records are maintained by a clerk during working hours. File cabinet is secured by lock during non-duty hours.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Physical Security is maintained by locked file cabinet.
Physical screening is insured by clerk who cannot release records without approval.

RETENTION AND DISPOSAL:

Each individual's service record is maintained until termination of employment. After termination record is maintained for one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Transportation Test Center, Department of Transportation, Federal Railroad Administration, Transportation Test Center, Pueblo, CO 81001.

NOTIFICATION PROCEDURE:

The individual who feels that this system of records pertains to him may write or present himself to the Director, Transportation Test Center (System Manager) requesting confirmation.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records, if appropriate, may be settled by informal communication. If this is unsatisfactory to the individual, the person may file an appeal in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information supplied by employee.
Personnel actions, SF 50.
Evaluation and training forms.
Information supplied by supervisors.

DOT/FRA 115.

SYSTEM NAME:

Travel Advance Records. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Financial and Administrative Service, RAD-40,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FRA employees.
Private persons traveling on government request.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel Advance Card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accounting records.
Ensure collection of amounts due to the U.S.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file drawer.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records controlled by Accounting Division personnel.

RETENTION AND DISPOSAL:

Retained three years then forwarded to Federal Record Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer,
Department of Transportation,
Federal Railroad Administration,
Accounting Division,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may file an appeal in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Travel advance card signed by individual, forwarded to Accounting Division.

DOT/FRA 116.

SYSTEM NAME:

Work Measurement System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Associate Administrator for Safety (RRS-1),
400 7th Street, SW, Room 5418,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Federal Railroad Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Work Measurement Reports submitted by individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Staffing and manpower justifications.
Budget presentations.
Review of performance efficiency and effectiveness to FRA objectives.
Reports to BLS, JFMIP, and other interested productivity oriented agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape (mag-tape).

RETRIEVABILITY:

By payroll identification number.

SAFEGUARDS:

Computer safeguards maintained by DOT Transportation programs are sensitive file retrieval computer systems.

RETENTION AND DISPOSAL:

Mag-tape is kept for 5 years, computer printouts retained 2 years. Disposal by usual disposal methods.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Administrator for Safety (RRS-1),
Department of Transportation,
Federal Railroad Administration,
400 7th Street, SW, Room 5418,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Access of records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the System Manager. If resolvement is not possible through the System Manager, an appeal may be filed in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Input from FRA employees on FRA Form F 53, Work Measurement Report.

DOT/FRA 118.

SYSTEM NAME:

Transportation Test Center Cost Tracking System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Transportation Test Center,
Pueblo, CO 81001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Operations and Maintenance (O&M) contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee weekly time cards.
Employee work order charges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the individual's use.
Administrative reference material.
Budgetary information material.
Technical information material.
DOT/FRA and other Government agencies that need Project/Work Order Cost Accounting Data.
Statistical purposes such as labor utilization assessment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

O&M contractor employee labor distribution records are stored on magnetic tape files.

RETRIEVABILITY:

The system is indexed by name and employee clock number.

SAFEGUARDS:

Primary system record input and output control is assigned to the Operations and Maintenance Contractor Accounting Office which functions as a single point interface with data processing operations.

RETENTION AND DISPOSAL:

Employee labor distribution records are retained in fiscal year transaction history files on magnetic tapes. Input document (employee time cards) and printed output are disposed of after three years from termination of the O&M contract.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Transportation Test Center,
Department of Transportation,
Federal Railroad Administration,
Pueblo, CO 81001.

NOTIFICATION PROCEDURE:

Any individual who wishes to inquire about whether this system of records applies to him may request confirmation from the System Manager.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager who will notify the appropriate O&M Project Manager.

CONTESTING RECORD PROCEDURES:

Contest of record content will be with the System Manager. If resolvement at this level is not satisfactory the individual may file an appeal in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee time cards.

DOT/FRA 130.

SYSTEM NAME:

. Railroad Safety-Noncompliance by Individuals.

SYSTEM LOCATION:

Federal Railroad Administration,
Office of Chief Counsel,
Enforcement Division (RCC-40),
400 Seventh Street, S.W.,
Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals that fail to comply with certain railroad safety statutes and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Facts and circumstances surrounding rail safety violations by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.), 18 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be reviewed by the Enforcement Division and may form the basis of, or support for, civil and/or criminal enforcement action against the individual(s) involved.
Records may be released to the Department of Justice where criminal sanctions are sought against the individual(s) involved, or where litigation becomes necessary for the collection of a civil penalty.
Prefatory General Routine Uses 3 and 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, locked file cabinet.

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RETRIEVABILITY:

The names of the individual and his or her employer are the identifiers used to retrieve a record from this system.

SAFEGUARDS:

Disclosure of records is limited to FRA employees involved in collection and legal review of compliance information. Safeguards include locked building, guard service and locked file cabinet.

RETENTION AND DISPOSAL:

Each record will be retained at the offices of the Enforcement Division for a period of three years following final disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Legal Technician,
Enforcement Division,
Office of Chief Counsel,
FRA,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:
Assistant Chief Counsel,
Enforcement Division,
Office of Chief Counsel,
FRA,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Contact (202-426-8285) or write to System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Write the Privacy Act Officer, Office of Management Systems, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/FRA 131

SYSTEM NAME:

Office of Safety Investigation Case File System

SYSTEM LOCATION:

Department of Transportation,
Federal Railroad Administration,
Office of Safety,
RRS-11,
400 7th Street, S.W.,
Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are employed by railroads, Officers of Unions representing Railroad Employees, Individual Citizens, Officials of State, County and City Governments, Lawyers representing Individuals and Civic Groups, Officers of Railroads and other parties interested in Railroad Safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq), Federal Railroad Safety Act of 1970 (45 U.S.C. et seq), Hours of Service Act (45 U.S.C. 61 et seq), Safety Appliance Act (45 U.S.C. 1 et seq).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Prefactory General Routine Uses 3, 5, and 6 do not apply. Records will be reviewed by the Associate Administrator for Safety and his staff to form this basis for accomplishment of the mission of the FRA's Office of Safety.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

file folders, locked and secured in office

automated tracking system, entry by Identification Password only.

SAFEGUARDS:

Disclosures of records is limited to FRA employees involved directly with investigations, their review, or in prosecution of vilolators, except where disclosures are provided for by the General Routine Uses. Physical safeguards include locked building, office and guard service.

RETENTION AND DISPOSAL:

Each record file will be retained at the Office of Safety Programs. File records will be retained for a period of three years and automated tracking system will be retained for a period of five years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Program Guidance and Enforcement Division,
Federal Railroad Administration,
Office of Safety,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be made direct to:
Associate Administrator for Safety,
Federal Railroad Administration,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Contact the System Manager for Access.

CONTESTING RECORD PROCEDURES:

Write The Privacy Act Officer, Office of Management Systems, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/NHTSA 400.

SYSTEM NAME:

National Highway Safety Advisory Committee Membership/Nominee Files. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA),
400 7th Street, SW, Room 5215-D,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members, past members, and nominees for membership on a committee dealing with highway safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information (date and place of birth; education; current and past experience).

Appointment papers (oath; withholding form).

Photograph.

Travel vouchers.

Compensation payment forms.

Miscellaneous correspondence from and to members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained on members and nominees for use in specific situations, i.e., biographical information to be used for meetings, conferences, news articles when pertinent and when needed for recommendations for membership on committee.

Used only by support staff members.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Locked files.

RETENTION AND DISPOSAL:

Records are stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5215,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW, Room 5217,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

All information has been obtained from the individual upon appointment to the advisory committee, or, in the case of nominees, on that individual's behalf by another person or organization.

DOT/NHTSA 401.

SYSTEM NAME:

Docket System. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Informatics Inc.,
6000 Executive Boulevard,
Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have commented on notices of NHTSA appearing in the Federal Register.

Authors of reports which are added to the docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To gather information on responses to rules promulgated by NHTSA. Users are both NHTSA staff members and public.

Other uses include searching for background data on standards, determining areas for further research, and preparation for litigation.

Prefatory Statement of General Routine Uses apply where feasible.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are maintained in a Technical Reference Library.

RETENTION AND DISPOSAL:

Indefinitely held.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems, Room 4109,
400 7th Street, SW,
Washington, Dc 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
Technical Reference Branch,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

From letters freely sent to NHTSA by the public; publications used by engineers in writing standards.

DOT/NHTSA 402.

SYSTEM NAME:

Highway Safety Literature Personal Author File. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Informatics Inc.,
6000 Executive Boulevard,
Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Writers of technical articles and reports who have authored publications selected for inclusion in the abstract journal Highway Safety Literature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bibliographic information giving title of article, book, or paper written; journal or other publication in which it appears; date of publication; abstract.

The file is similar in nature to the card catalog of a library.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Users are principally NHTSA staff members and their contractors who require literature searches prior to performing research.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Technical Reference Branch,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

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RECORD SOURCE CATEGORIES:

Publications related to highway safety.

DOT/NHTSA 403.

SYSTEM NAME:

Active Contract Run. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of names of contract specialists and contract technical managers managing active NHTSA contracts and agreements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used in routine contract administration.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are maintained in a secured offfice.

RETENTION AND DISPOSAL:

Retained for life of contract; destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee job assignments.

DOT/NHTSA 404.

SYSTEM NAME:

Alcohol Projects. DOT/NHTSA.

SYSTEM LOCATION:

In connection with the Alcohol Safety Action Program of the:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHT);
Systems of records are maintained at various locations, as follows:
ASAP Staff Office and ASAP Probation,
22nd floor, City Hall,
Kansas City, MO 64106.
School for Alcohol Safety,
Greater Kansas City Area Safety Council,
714 East 12th Street,
Kansas City, MO 64106.
Community Alcohol Programs,
VFW Building,
406 East 34th Street,
Kansas City, MO 64111.
Kansas City, Missouri, Police Department,
Computer Division,
1125 Locust Street,
Kansas City, MO 65106.
The following offices in Sioux City, Iowa at the address immediately following:
ASAP Police, Court Service Office, Social Science Research Center, Woodbury County Sheriff's Office, Sioux Council on Alcoholism, City Data Processing Center, County Attorney.
ASAP,
Benson Building,
Room 246,
Sioux City, IA 51101.
Siouxland Council on Alcoholism,
St. Vincent Hospital, Room 210,
Box 3168,
Sioux City, IA 51102.
Backup Disk File,
Vault in Lewis Hall,
Morningside College,
Sioux City, IO 51106.
The following offices in Puerto Rico: Courts Administration, Adult Probation Dept., Dept. of Transportation and Public Works, Dept. of Alcohol and Drug Addiction, Institute of Legal Medicine, Dept. of Health, Police Dept.
The following offices in Nassau County, New York: Nassau County Police Dept., Nassau County Traffic Safety Board, Nassau County Central Traffic Court, N.Y. Dept. of Motor Vehicles.
Idaho Traffic Safety Commission,
Statehouse,
Boise, ID.
Department of Motor Vehicles,
Columbus, GA.
Department of Motor Vehicles,
Richland County, SC.
Department of Motor Vehicles,
Tampa, FL.
University of North Carolina,
Highway Safety Research Center (HSRC),
Chapel Hill, NC 27514.
Alcohol Safety Action Project,
17 South Second Avenue, Room 402,
Phoenix, AZ 85003.
Management Information System,
City of Phoenix,
251 West Washington Street,
Phoenix, AZ 85003.
Human Factors Laboratory,
Department of Psychology,
Old Union Building,
University of South Dakota,
Vermillion, SD 57069.
City Court Rehabilitation-Probation Center,
17 South Second Avenue,
Phoenix, AZ 85003.
Department of Highways,
Division of Highway Safety,
Office of Alcohol-Driving Countermeasures,
4201 E. Arkansas Avenue,
Denver, CO 80222.
Southwest Research Institute,
Dept. 22,
8500 Culebra Road,
P.O. Drawer 28510,
San Antonio, Texas 78284.
Alcohol Safety Action Project,
140 Main Plaza,
San Antonia, TX 78205.
McDonnell Douglas Automation Company,
Huntington Beach, CA.
San Antonio Alcohol Safety Action Project,
Problem Drinker Evaluation Center,
200 Main Plaza, Suit 104,
San Antonio, TX 78105.
Corporate Computer Center,
4100 Chain Bridge Road,
Fairfax, VA 22030
Mississippi State University,
Social Science Research Center,
Mississippi State, MS 39762.

Program on Alcohol and Drug Abuse,
66 South Street,
Concord, NH 03301.
New Hampshire Alcohol Safety Action Project,
105 Loudon Road,
Concord, NH 03301.
Dunlap and Associates, Inc.,
One Parkland Drive,
Darien, CT 06820.
Hennepin County ASAP,
625 Second Avenue South, Room 404,
Minneapolis, MN 55402.
STR Project,
11a Government Center,
Minneapolis, MN 55402.
Data Processing,
City Hall,
Stockton, CA 95202.
Bureau of Motor Vehicle Services,
District of Columbia,
Department of Transportation,
301 C Street, NW,
Washington, DC 20001.
ASAP Offices,
142 High Street,
Portland, ME 04101.
ASAP,
211 Congress Street,
Ninth Floor,
Boston, MA 02110.
Project CRASH,
Division of Alcohol Services,
Department of Mental Health,
Waterbury, VI 05676.
Los Angeles County Alchohol Safety Action Project,
311 South Spring Street, Suite 700,
Los Angeles, CA 90013.
New Orleans ASAP,
545 St. Charles Avenue,ı302.
New Orleans, LA 70130.
Oklahoma City ASAP,
Hightower Building, Suite 529,
105 North Hudson,
Oklahoma City, OK 73102.
Puerto Rico ASAP,
Traffic Safety Commission,
P.O. Box F.I.,
Santurce, PR 00910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle operators having committed alcohol-related driving violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

DMV records, police arrest and citation records, court and probation records, various official and social services rehabilitation records, and voluntary personal interviews.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to evaluate the status of activities within a project, including the status of different groups for purposes of subsequent comparison and analysis, such as recidivism rates. Reports and management information are compiled, using statistical and comparative analysis of the records, which may be released to relevant authorities mon- itoring the progress of the project.

Data contained in these systems of records may be routinely distributed to the lower courts,police departments, public health services, probation authorities, or juvenile and rehabilitation services within the system if that agency's purpose for maintaining the records is compatible with the Project usage.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch-card, disk, paper files, magnetic tape.

RETRIEVABILITY:

Individual name, ID number, social security number.

SAFEGUARDS:

Locked file cabinet, code and restricted access.

RETENTION AND DISPOSAL:

Two years after project termination.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Demonstration Management Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Driver and Pedestrian Programs,
400 7th Street, SW, Room 5130,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as Location.

RECORD ACCESS PROCEDURES:

Letter of request to the System Manager (see address above) with notarized statement as to personal identification.

CONTESTING RECORD PROCEDURES:

See address of 'System Manager' above.

RECORD SOURCE CATEGORIES:

Local law enforcement, court, health, and motor vehicle division records.

DOT/NHTSA 406.

SYSTEM NAME:

Diagnostic Inspection Demonstration Project. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Computer Sciences Corporation,
6231 Leesburg Pike,
Falls Church, VA 22046.
State Demonstration Project Office,
Huntsville, AL.
Demonstration Project Office,
Washington, DC.
State Demonstration Project Office,
Chattanooga, TN.
Demonstration Project Office,
San Juan, PR.
State Demonstration Project Office,
Phoenix, AZ.
Department of Transportation,
Commonwealth of Puerto Rico,
San Juan, PR.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Auto vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

For each automobile inspected in the program, the diagnostic inspection records contain pass/fail/advise information on each safety or emissions related item inspected at each state inspection facility. These inspection items include:

Federal vehicle-in-use inpsection standards and EPA emission standards.

Individual state statutory inspection requirements.

Other inspection items as added by each participating state.

In addition to these P/F/A results, quantitative data are included on emissions, front-end alignment and engine analysis. The original hard copy also contains the name and address of participating motorists.

System repair cost records contain the parts and labor costs associated with the inspection results. Most of the original repair cost data-forms contain the name and address of the repair facility as well as the name and address of the participating motorist.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is routinely used monthly by CSC to perform in-progress evaluations for NHTSA project personnel on the evaluation areas specified in Title III of the Motor Vehicle Information and Cost Savings Act (PL 92-513).

See Prefatory Statement of General Routine Uses.

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POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, punched card, and hard copy original data forms.

RETRIEVABILITY:

Computer stored data are indexed by vehicle identification number (VIN), vehicle year, vehicle make/model code, and inspection site code; the hard copy original data forms are indexed by VIN and cross-indexed by vehicle owner name and address.

SAFEGUARDS:

For computer stored information standard security established by GSA users of INFONET is used, computer system access is limited to authorized users; the hard copy original data forms are stored in locked file cabinets after handling and keypunching by authorized project personnel.

RETENTION AND DISPOSAL:

All records will be retained by the contractor for the duration of the contract; at the conclusion of the contract the contractor will furnish to NHTSA all data forms, data tape records, and punched cards developed and received as a result of the contract.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Engineering and Demonstration Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of State Vehicle Program,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Apply to applicable address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

State and local vehicle records; gathered from voluntary interviews.

DOT/NHTSA 408.

SYSTEM NAME:

Experts and Consultants List. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals desiring to serve as experts and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Professional abilities of individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide identification of individuals available to serve as experts and consultants.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Material is stored on bonded paper.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in a secured office area.

RETENTION AND DISPOSAL:

Indefinite and discarded when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information submitted by individuals.

DOT/NHTSA 409.

SYSTEM NAME:

Federal Motor Vehicle Safety Standards (FMVSS) Compliance. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Validation Division,
2100 2nd Street, SW, Room 3222,
Washington, DC 20590.
Region IX, NHTSA,
450 Golden Gate Avenue
Box 36112,
San Francisco, CA 94102.
Region II, NHTSA,
200 Mannaroneck Avenue,
White Plains, NY 10601.
Region X, NHTSA,
3140 Federal Building,
915 Second Avenue,
Seattle, WA 98174.
Region IV, NHTSA,
Suite 400,
1720 Peachtree Road, NW
Atlanta, GA 30309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals suspected of violation of FMVSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data gathered regarding alleged non-compliance of FMVSS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to assist investigations of alleged violators, and in the effort to secure proper compliance.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper file, microfilm, disc.

RETRIEVABILITY:

Fiscal year, date, name, number.

SAFEGUARDS:

Stored in locked file cabinets in a security room.

RETENTION AND DISPOSAL:

Indefinite or until obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Vehicle Safety Compliance,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit applicable office at address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Manufacturers, importation officials, dealers, purchasers, inspector, informants.

DOT/NHTSA 410.

SYSTEM NAME:

General Public Inquiries. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of the Executive Secretary, Room 5127
Office of Public Affairs and Consumer Participation
Room 5232
400 7th Street, SW
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inquiries from the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control cards identifying incoming correspondence from individuals who are requesting information, jobs, device - testing, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference purposes.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed in trays in file cabinet.

RETRIEVABILITY:

By individual name or control number.

SAFEGUARDS:

Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Records are retained for one year and are then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Individuals and organizations.

DOT/NHTSA 411.

SYSTEM NAME:

General Public Correspondence System. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of the Executive Secretary,
400 7th Street, SW, Room 5217,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested information or advice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing correspondence with individuals who have requested information or advice on promoting devices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference purposes.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Records are retained for one year and are then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See 'Notificaton Procedure' above.

CONTESTING RECORD PROCEDURES:

See 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Individuals.

DOT/NHTSA 412.

SYSTEM NAME:

Manpower Training File. DOT/NHTSA.

SYSTEM LOCATION:

Office of Governor's Highway Safety Representative in each State.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons receiving highway safety training under 23 USC 402.

CATEGORIES OF RECORDS IN THE SYSTEM:

Type and length of training and completion dates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Aggregation for report to Congress on total individuals trained.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

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RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Records are retained for 3 years; then sent to State Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Manpower Development Division, N42-22,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit the System Manager in the applicable State Traffic Safety Commission Office.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Applications filed by individual or employer.

DOT/NHTSA 413.

SYSTEM NAME:

Odometer Rollback. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT):
National Highway Traffic Safety Administration (NHTSA):
Office of Fuel Economy Compliance,
Associate Administrator for Enforcement,
400 7th Street, SW, Room 4109,
Washington, DC 20590.
Automated Sciences Group, Inc.,
Summit Office Building, Suite 713,
8555 16th Street, Silver Spring, MD 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private individuals who may be involved in odometer rollbacks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alleged circumstances surrounding odometer rollbacks on used cars sold or offered for sale. Information is used to assist in investigations of alleged violators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is made available to legal authorities for appropriate action.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Locked file.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
National Highway Traffic Sagety Administration,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Fuel Economy Compliance,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual complaint by used car purchaser, automobile dealers, state agencies.

DOT/NHTSA 415.

SYSTEM NAME:

Motor Vehicle Defects. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Traffic Safety Highway Administration (NHTSA),
Office of Defects Investigation,
400 7th Street, SW, Room 5328
Washington, DC 20590.
Sterling Systems, Inc.,
4340 Connecticut Avenue,
Washington, DC 20008.
Informatics, Inc.,
7926 Jones Branch Drive, Suite 272,
McLean, VA 22101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle identification, vehicle problem, vehicle owner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Check complaints about vehicle defects to spot trends, resulting in investigations of the vehicle model.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disc pack and paper file.

RETRIEVABILITY:

Identification number for each vehicle owner.

SAFEGUARDS:

Coded entry numbers.

RETENTION AND DISPOSAL:

Three years or indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information System Staff
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Defects Investigation,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit the applicable address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

General public, State highway offices, insurance companies, vehicle manufacturers.

DOT/NHTSA 416.

SYSTEM NAME:

Offerors Data Bank. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual on the offerors mailing list.

CATEGORIES OF RECORDS IN THE SYSTEM:

History of response or non-response to Requests for Proposal provided to the individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide history of responses to Requests for Proposal.

Used as a purging system for the offerors mailing list.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms, magnetic tape.

RETRIEVABILITY:

Name, codes of contractual fields of interest.

SAFEGUARDS:

Records are stored in a locked file cabinet.

RETENTION AND DISPOSAL:

Indefinitely; destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC. 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information from individual letters or proposal submissions to Requests for Proposal.

DOT/NHTSA 417.

SYSTEM NAME:

National Driver Register (NDR). DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Driver and Pedestrian Programs,
National Driver Register Office,
400 7th Street, SW, Room 6134,
Washington, DC 20590.
Master file is located at:
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have had their driver's license denied, withdrawn, revoked or suspended as reported by State/Territorial driver licensing authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

NDR records include: the reporting jurisdiction, the subject's full name, other names used, date of birth, driver license number and/or social security number (if used by the reporting jurisdiction), sex, height, weight, eye color, the reason for withdrawal, the date of the withdrawal, and the date eligible for restoration of driving privilege or the date license was actually restored.

It should be noted that very frequently the physical data is not provided by the reporting agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide identification of drivers who have had their licenses withdrawn, suspended, revoked or otherwise denied in response to inquiries from State or Federal driver licensing agencies relative to driver license applicants.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NDR master file is maintained on magnetic tape.

Source data; i.e., manual input (forms, letters) are retained in that form.

Source data received on magnetic tape are converted into printed listings.

All source data is batch filed.

RETRIEVABILITY:

The magnetic tape master file is indexed by surname and refined by program application of screening criteria involving given names, date of birth and physical characteristics.

Source data batch files are indexed by the processing date as determined from test inquiry of the master file. A manual search of the appropriate batch is then required to access the specific record.

SAFEGUARDS:

The master file is kept in the Transportation Computer Center, a limited access area.

The source data files are maintained in a building under surveillance of a 24 hour guard force.

In addition, the spaces in which the files are maintained are equipped with lockable doors which are locked when vacated.

All personnel have met the investigative requirements for secret classified matter.

In addition, all NDR employees are orally briefed on NDR security requirements and their responsibilities.

RETENTION AND DISPOSAL:

Records of actions that have been cancelled or rescinded are purged from the file upon receipt of notification from the reporting jurisdiction. Other records are retained for seven or five years depending on the reason for withdrawal of the individual's license.

Withdrawals for drunk driving, hit and run, fatal accident, felony and misrepresentation are retained for seven years.

Records of 'habitual offenders' as stipulated by certain states are retained indefinitely, unless otherwise requested by the reporting state.

All other master file records are retained for five years.

Source data files are retained for one year.

Magnetic tape records are erased by degaussing, using 86db degaussing equipment, prior to disposing of the tapes.

Paper source data reports of withdrawal are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Driver Register,
National Highway Traffic Safety Administration, NTS-15
Department of Transportation, Room 6134,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Mailed inquiries should be addressed as above under 'System Manager.'

For inquiries made in person, the inquirer should present himself at the National Driver Register office at the following location:

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400 7th Street, SW, Room 6134,
Washington, DC 20590.

In order to conduct a file search the requesting party must provide:

Full legal name,

Other names used (nickname, professional name, maiden name).

Date of birth.

Sex,

Height,

Weight,

Color of eyes,

Social security number and/or driver license number (provision of the social security number is voluntary).

In addition, although not mandatory, it would help to more positively identify any records we may have concerning the inquirer if the following information is included:

The reason his/her driver license was withdrawn or denied.

The date of the action.

The State which took the action.

An inquirer presenting himself/herself in person should have at least two means of identification sufficient to reasonably insure that he/she is who he/she purports to be.

For mailed inquiries the foregoing identification elements should be included in the form of a notarized affidavit and addressed to the System Manager.

RECORD ACCESS PROCEDURES:

An individual desiring to obtain information on procedures to obtain his or her record (s) should contact the Chief, National Driver Register, at the address under 'System Manager' above.

CONTESTING RECORD PROCEDURES:

To obtain information on procedures to contest records one should contact the Chief, National Driver Register, at the address in 'System Manager' above.

With regard to contesting records it must be realized that the file is made up of State records. As such, these can only be changed or corrected by the reporting State. The records in the Driver Register file are changed only when advised by the originating jurisdiction.

RECORD SOURCE CATEGORIES:

The records comprising the National Driver Register file are provided by States. District of Columbia, Puerto Rico. Canal Zone, Virgin Islands and Guam driver licensing administrators or the agency within the jurisdictions responsible for such records.

DOT/NHTSA 422.

SYSTEM NAME:

Temporary Exemption Petitions. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Petitioners (commercial entities) seeking exemption from Federal motor vehicle safety standards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Income statement and balance sheets. production information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For consultation by attorneys while file is active; copies in public docket.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Office files.

RETRIEVABILITY:

Temporary exemptions; filed by individuals' names.

SAFEGUARDS:

Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Thus far all records have been retained.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Staff Attorney,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Submitted by petitioners.

DOT/NHTSA 423.

SYSTEM NAME:

Vendor Edit Table Listing (Employees). DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Financial Management,
400 7th Street, SW, Room 5115,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name.

Employee number.

Residence - City, County, State, Zip Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employee travel orders are controlled by employee number to maintain a record of authorized travel and the related expenses for each trip. This file is assessed to match the employee number coded from the travel order and the voucher and for retrieval of this data for the travel report by organization and by individual.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Disc.

RETRIEVABILITY:

Table is indexed by employee number (vendor number).

SAFEGUARDS:

System operators are identified as individuals given authority for processing data in terminal room.

No others are allowed access to data.

Job controls (JCL's) for retrieval of data are kept in locked cabinet under custody of System Manager.

RETENTION AND DISPOSAL:

Table maintenance is the responsibility of the System Manager who adds new employee data as it is received from Personnel Director. Deletions are also controlled by the System Manager, as employees retire or otherwise leave the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Policies and Procedures Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Financial Management,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address inquiries to the Privacy Act Coordinator at the address under 'System Manager'. Requests for data may be made by any employee of NHTSA. Requests must be in writing and identify:
System Name: DOT/NHTSA FMS-940.
Employee number.
Employee name.

RECORD ACCESS PROCEDURES:

All inquiries as to procedures for gaining access to records shall be directed to:
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Financial Management,
400 7th Street, SW, Room 5115,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Source of data is from the Office of Personnel Management, NHTSA.

DOT/NHTSA 424.

SYSTEM NAME:

Offerors Mailing List. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Offerors that may bid on Requests for Proposal as individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Offerors name, address, and NHTSA areas of interest that the offeror wishes to bid on.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to identify suppliers to fulfill NHTSA requirements.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms; magnetic tape.

RETRIEVABILITY:

Name, codes of contractual field of interest.

SAFEGUARDS:

The records are maintained in a secure area.

RETENTION AND DISPOSAL:

Indefinitely and destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit the System Manager at the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

From the individual himself.

DOT/NHTSA 427.

SYSTEM NAME:

Statement of Employment and Financial Interest. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals encumbering positions listed in Appendix C of Part 99 Title 49 CFR.
Special government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain Statements of Financial Interest including but not limited to stocks, bonds and real estate that are held by individuals whose records are in the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Financial statements are reviewed by the Director, Office of Personnel Management or his delegate to ascertain conflicts or apparent conflicts of interest between the holdings of individuals and the discharge of the individual's official duties.
Assistance of the NHTSA Chief Counsel or his delegate may be secured in the determination process.
Where potential conflict may arise the individual is contacted by the Chief Counsel or his delegate to attempt to resolve the issue.
Should further action be necessary the Administrator NHTSA may attempt to resolve the issue.
If necessary, remedial action may be instituted to resolve the conflict.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on forms DOT F 3700.1 and DOT F 3700.2.

RETRIEVABILITY:

Records are retrieved by individual's name.

SAFEGUARDS:

Records are stored in safes or locked files. Access is only by authorized individuals on a 'need to know' basis.
Personnel screening is employed to prevent unauthorized access.

RETENTION AND DISPOSAL:

Five years following termination of employment and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Adminstration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,

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Current employees may contact the:
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

Former employees who wish to gain access to their records should direct such a request in writing including their names, date of birth and social security number to:
Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies or is derived from information he supplied.

DOT/NHTSA 431.

SYSTEM NAME:

Civil Penalty Enforcement Files. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration,
Office of the Chief Counsel.
400 7th Street, SW, Room 5219,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons (corporate or individual) against whom civil penalties are sought or contemplated for violations of NHTSA - administered statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory records of alleged violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For consultation by attorneys regarding a civil suit against an individual.

See Prefatory Statement of General Routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Office files.

RETRIEVABILITY:

Files in CIR numerical order.

SAFEGUARDS:

Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Records are retained indefinitely and destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Staff Attorney,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
Chief Counsel,
400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

NHSTA investigations and tests.

DOT/NHTSA 432.

SYSTEM NAME:

EEO Counseling Program and Discrimination Complaint File. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Adminsitration (NHTSA),
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA personnel or those seeking employment with NHTSA (clerical and professional).

CATEGORIES OF RECORDS IN THE SYSTEM:

Detailed description of alleged discrimination.
Background and support material.
Transcripts of hearings.
Personnel evaluation forms.
Record of interviews.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for reference to aid EEO investigations.

See Prefatory Sstatement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept on the orgiginal forms.

RETRIEVABILITY:

Subject, individual's name.

SAFEGUARDS:

Personnel screening; kept in locked files.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Public Affairs and Consumer Services,
400 7th Street, SW, Room 5232,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

From interviews with the complainants, others involved in the alleged discrimination action.

DOT/NHTSA 433.

SYSTEM NAME:

Injuries, Illnesses, Motor Vehicle Accidents and Property Damages. DOT/NHTSA.

SYSTEM LOCATION:

Department of Trasnsportation (DOT),
National Highway Traffic Safety Administration (NHTSA),

Office of Management Systems,
General Services Division,
400 7th Street, SW, Room 4429.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in injuries on the job.

Individual Motor Vehicle accident reports.

Individual Property Damage reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident Report - DOT F 3902.1.

Injury Report, Supplement - I - DOT F 3902.2.

Motor Vehicle Report, Supplement - M - DOT F 3902.3.

Property Damage Report, Supplement - P - DOT F 3902.4.

Log of Federal Occupational Injuries and Illnesses - DOT F 3902.8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Legal.
Security.
Budget.
Audit.
Personnel Management.
Investigation.
Recordkeeping.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Alphabetical, by individual's name.

SAFEGUARDS:

File cabinet with lock.

RETENTION AND DISPOSAL:

Maintained for 5 years, then transferred to Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW, Room 4429.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains.
Investigations.
Reports of witnesses.

DOT/NHTSA 434.

SYSTEM NAME:

Government Driver Licenses. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA).
Office of Management Systems,
General Services Division,
400 7th Street, SW, Room 4429,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government drivers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for Operator's Identification Card.

Physical Fitness Inquiry for Motor Vehicle Operators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to verify that an applicant is qualified both legally and physically to operate a government vehicle.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on the original forms.

RETRIEVABILITY:

Alphabetical, by individual's name.

SAFEGUARDS:

File cabinet with lock.

RETENTION AND DISPOSAL:

Records are maintained for 5 years, then Transferred to Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems, Room 4429,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains.
National Driver Register.

DOT/NHTSA 435.

SYSTEM NAME:

Investigations and Security. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA).
Office of Management Systems,
General Services Division,
400 7th Street, SW, Room 4429,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who allegedly violate NHTSA security regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

A memoranda specifying security violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For security purposes.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on original form HS 154.

RETRIEVABILITY:

Individual's name and Organization.

SAFEGUARDS:

Locked file cabinet.

RETENTION AND DISPOSAL:

Retained until completion of appropriate corrective action and/or disciplinary action.

SYSTEM MANAGER(S) AND ADDRESS:

Security Coordinator, NHTSA.
Department of Transportation,
National Highway Traffic Safety Administration,
General Services Division, Room 4429,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel, 400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Security Coordinator.

DOT/NHTSA 436.

SYSTEM NAME:

Contract Grievance Records. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees in the non-professional exclusive unit covered by the NHTSA/AFGE contract of March 5, 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information or documents relating to a decision by the Administration or an arbitrator affecting an individual.

The records consist of:
The initial grievance.
Letters or notices to the individual.
Record of arbitration hearing when conducted.
Materials placed into the record to support the decision or determination affidavits or statements.
Testimonies of witnesses.
Investigative reports.
Instructions to the Administration about action to be taken to comply with decisions.
Related correspondence opinions and recommendations. opinions and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a Member of Congress regarding status of a grievance.

To provide information to the public as requested by the Freedom of Information Act.

To respond to the Assistant Secretary of Labor for LMR in connection with an Unfair Labor Practice Procedure or to respond to the Federal Labor Relations Council on appeal of an arbitration award.

To respond to a court subpoena in connection with a civil suit.

To adjudicate a grievance.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and index cards.

RETRIEVABILITY:

Retrieved by names of grievant (s).

SAFEGUARDS:

Access limited to those with official 'need to know.' Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The records are maintained up to 3 years and then retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances under the NHTSA/AFGE contract should address inquiries to the:
Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.
Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service.

RECORD ACCESS PROCEDURES:

After a grievance case has been closed an individual or his representative may gain access to the official copy of a grievance record by contacting the System Manager. Individuals should provide their names, date of birth, approximate date and subject of the grievance.

CONTESTING RECORD PROCEDURES:

Contest, correction or amendment of the record is permitted during the prosecution of the grievance by the individual to whom the record pertains or his representative.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains and/or representative.
Administration officials.
Affidavits or statements from employees.
Testimonies of witnesses.
Official documents relating to grievance.
Correspondence from organizations or persons.

DOT/NHTSA 447.

SYSTEM NAME:

Drinking Driver Tracking System. DOT/NHTSA.

SYSTEM LOCATION:

Under the auspices of:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
State Office Building,
Salt Lake City, Utah 84114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons convicted while under the influence of alcohol.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification data, driving record history and probation record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To analyze and evaluate drunk driver's records to look for trends, similarities and redivision rates.

To extract statistical information for evaluation purposes.

See Prefatory Statement of General Routine Uses

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name or driver's license number.

SAFEGUARDS:

Only personnel of the Utah Highway Safety Program Office can get information from file, which is stored in secured file cabinets.

RETENTION AND DISPOSAL:

5 years: erased from file.

Source documents are destroyed after information is taken off

SYSTEM MANAGER(S) AND ADDRESS:

Regional Administrator,
Department of Transportation,
Region VIII,
330 South Garrison Street,
Lakewood, CO 80226.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Police arrest records.
Court records.
Probation records.
State Driver License Division.

DOT/NHTSA 451.

SYSTEM NAME:

Medical Records and Research Data. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
Naval Aerospace Medical Research Laboratory (NAMRL),
Pensacola, FL 32512; and at:
NAMRL Detachment,
New Orleans, LA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military research subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Histories, results of physical examinations, psuchological testing, electrocardiograms, audiograms, x-rays, and miscellaneous clinical laboratory results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to screen research subjects and for statistical purposes by military and civilian personnel employed at this activity.

Prefatory Statement of General Routine Uses 3 through 6 do not apply

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders, magnetic tape and punch cards

RETRIEVABILITY:

The key for retrieval is name or social security number.

SAFEGUARDS:

Records are not sent to records center because they are considered raw scientific data.

Records are destroyed by burning when research projects are completed.

The military health records are sent to Naval Manpower Center, Bainbridge, Maryland when an active duty member completes his tour of service.

SYSTEM MANAGER(S) AND ADDRESS:

Vehicle Engineering Research Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Passenger Vehicle Research,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address under 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address under 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Personal medical history, personal responses to test, medical examinations, and results of experimental data.

DOT/NHTSA 454.

SYSTEM NAME:

Alcohol Behavior Research. DOT/NHTSA.

SYSTEM LOCATION:

Under Auspices of:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
13766 S. Hawthorne Boulevard,
Hawthorne, CA 90250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Male, heavy drinkers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Self-professed drinking ability, medical condition, personality traits, experimental drinking data, experimental performance data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Experimenters' selection of subjects for alcohol and automobile control behavior research.

Prefatory Statement of General Routine Uses, 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders are kept in the technical library.

RETRIEVABILITY:

System is indexed by subject's name.

SAFEGUARDS:

Accessible by the experimenter from the locked storage cabinet.

RETENTION AND DISPOSAL:

Depend on the success and longevity of the particular line of research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Driver and Pedestrian Research,
Department of Transportation,
National Highway Traffic Safety Administration,
2100 2nd Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Written examination filled out by the individual and experimental data collected during tests.

DOT/NHTSA 455.

SYSTEM NAME:

Debt Complaint File. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT), National Higwhway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the NHTSA on whom the Agency has received contacts from creditors concerning indebtedness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters and other correspondence from creditors, collection agents, and state and local tax supported institutions with claims upon employees of the NHTSA.

System also contains copies of agency responses, employee statements of intention to pay debts, and other related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be used by officials of the agency to determine an employee's suitability for continued employment.

Documents in the file may be used to substantiate disciplinary actions related to indebtedness.

Material in file may be used oto verify prior debt complaints from the same creditor on the same individual in order to respond to the creditor's current correspondence.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records stored in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are located in lockable file cabinets with access limited to individuals with an official need to know.

RETENTION AND DISPOSAL:

Retained in file for 6 months following separation or transfer of employee unless documents become part of disciplinary or appeal files covered by Civil Service Commission regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
National Highway Traffic Safety Administration,
Department of Transportation,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals desiring to review information about them in the system of records should address inquiries to the System Manager. Individuals requesting the information should provide their full name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Individuals desiring to access information in this system should address inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest information in this system of records should address inquiries to the System Manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record applies.
Creditors.
Tax supported institutions.
Courts.

DOT/NHTSA 457.

SYSTEM NAME:

Reference Files. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the National Highway Traffic Safety Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of reference checks, medical examination reports, and fitness-for-duty medical examination reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be used by officials of the Agency to determine employee's suitability for employment and continued employment.

Documents in the file may be utilized as basis for separation actions after appointment.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in manila envelopes.

RETRIEVABILITY:

Records are retrievable by employee name.

SAFEGUARDS:

Records are maintained in locked file cabinets. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Files are maintained during period of employment. Except for medical examination reports, which will be transferred to another agency if employee transfers, the records in the file are destroyed upon employee separation. Medical examination records are destroyed, however, when inter-agency transfer is not the basis for separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries about the system of records should be directed to the System Manager. Individuals requesting information should provide their name, mailing address, and social security number.

RECORD ACCESS PROCEDURES:

Individuals who desire access to or to contest information about them in this system of records should contact the System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure' above.

RECORD SOURCE CATEGORIES:

Previous Employers.
Medical Practitioners.
Employee to whom the record pertains.

DOT/NHTSA 458.

SYSTEM NAME:

Investigations of Alleged Misconduct or Conflict of Interest. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Associate Administrator for Administration,
400 7th Street, SW, Room 5238,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Name of individual, state or contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of allegations, investigations, audits, and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In assessing need for corrective action as necessary.

Available to Associate Administrator for Administration, individual assigned to the review or investigation, and Secretary to the Associate Administrator for Administration.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders in safe.

RETRIEVABILITY:

Identified alphabetically by name.

SAFEGUARDS:

Safe combination is available only to the secretary of the Associate Administrator for Administration and secretary to the Director, Management Systems.

RETENTION AND DISPOSAL:

Until one year following final disposition of case then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Administrator for Administration,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Associate Administrator for Administration, N48-01,
400 7th Street, SW, Room 5238,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

OST Office of Investigations and Security, FBI, Office of Audits, and internal investigative individuals.

State and local investigative and law enforcement agencies.

DOT/NHTSA 459.

SYSTEM NAME:

Stockton Increased DUI Enforcement/ DUI Citation and Arrest File. DOT/ NHTSA.

This file will be modified specifically for this project to include driver's license numbers and BAC levels.

Other files to be used are already maintained by the City of Stockton (traffic and criminal information) or will contain no information by which an individual could be identified (roadside survey data).

SYSTEM LOCATION:

Under the auspices of the:
Department of Highway Traffic Safety Administration (NHTSA),
System is located at:
Department of Psychology,
University of the Pacific,
Stockton, CA 95211.
and at the
Records Division,
City Hall,
22 East Market Street,
Stockton, CA 95202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons cited and/or arrested for DUI in City of Stockton.

CATEGORIES OF RECORDS IN THE SYSTEM:

Citation and/or arrest records; court records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to determine BACs of DUI offenders and recidivism rate overtime.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record are maintained on magnetic tape and cards.

RETRIEVABILITY:

By name and driver's license number.

SAFEGUARDS:

Records will be available for use by professional personnel only on evaluation team.

Records will be stored in a locked file cabinet in the Psycology Department or on tape at either computer center.

RETENTION AND DISPOSAL:

Retained for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program and Demonstration Management Division, N42-11,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Citation and/or Arrest Records.

DOT/NHTSA 460.

SYSTEM NAME:

College Station/Young Problem Driver Improvement Program/ TDIP Driving Record File. DOT/NHTSA.

SYSTEM LOCATION:

Under the auspices of the:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
Room 114, Mechanical Engineering Shops,
Texas Transportation Institute,
Texas A&M University,
College Station, TX 77840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Drivers assigned to participate in Driver Improvement Training Program and control counterparts.

CATEGORIES OF RECORDS IN THE SYSTEM:

This is a general driving record maintained on all drivers holding a valid Texas driver's license, and includes such information as:

(1) Name, date of birth, and sex.

(2) Date of issuance of license and license number.

(3) Current address.

(4) A listing of all convictions and accidents for the previous 36 months.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used to evaluate the effectiveness of a driver improvement training program in reducing the accident and conviction experience of problem and near-problem drivers.

Users are Evaluation Specialists working on contract.

Analysis of gross recidivism rates for near problem and problem drivers will be forwarded to NHTSA.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Driving records will be maintained as hard copy printouts.

RETRIEVABILITY:

System is indexed by driver's license number.

SAFEGUARDS:

Driving records are maintained in coded files such that access by name is not possible.

RETENTION AND DISPOSAL:

Records will be maintained for approximately 30 months and then will be burned.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Administrator,
Department of Transportation,
National Highway Traffic Safety Administration,
Region VI Headquarters,
819 Taylor Street, Room 11A26,
Fort Worth, TX 76102.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Information being maintained is obtained from Texas Department of Public Safety driver record files.
Address:
Texas Department of Public Safety,
Austin, TX.

DOT/NHTSA 461.

SYSTEM NAME:

Hotline-Call Report System. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA),
Office of Defects Investigation,
400 7th Street, SW, Room 5328,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle owners according to make/model/year of motor vehicles owned, and/or according to safety information requested.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains:

Vehicle defect-related owner complaints or information.

Vehicle or equipment failure-related complaints or information.

Inquiry groupings according to types of safety-related information or written source-materials requested.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

System is used to indicate emerging patterns of vehicle or vehicle equipment failure, and/or to correlate such patterns with typographical or geographical regions, in order to support defect-related NHTSA investigations and vehicle recall actions as authorized by statute. Individuals may be contacted to verify the accuracy of the information initially provided.

System is also used to categorize the types of informational requests and safety-related materials most requested and/or needed by all users of the Hotline service.

System is also used to generate statistical evaluation of Hotline-call volume, frequency, service rendered, degree of safety-related information recorded and utilized as a result of the Hotline's installation.

Records may be disclosed to other Federal or State agencies or consumer groups having remedial or response jurisdiction over the individual complaint recorded.

Prefatory Statement of General Routine Uses 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On hard copy and magnetic tape.

RETRIEVABILITY:

By name and case number.

SAFEGUARDS:

Appropriate ADP procedures for safeguarding data are utilized with the system.

RETENTION AND DISPOSAL:

System is maintained in support of an experimental 'pilot' program. Hence, length of record retention is now unknown. Destruction, when authorized, will be by shredder (hard copy) and by deletion (magnetic tape).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Defects Investigation,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC. 20590

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Defects Investigation,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as listed under 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as listed under 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

All information in the system is voluntarily submitted by vehicle owners, individual citizens, or other interested parties.

DOT/NHTSA 463.

SYSTEM NAME:

Motor Vehicle and Motor Vehicle Equipment Import. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Vehicle Safety Compliance,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importers or declarants of imported motor vehicles and motor vehicles equipment, both private and commercial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms HS-7, declaration on motor vehicles and motor vehicle equip- ment subject to Federal Motor Vehicle Safety Standards.

Customs reports of declarations and inspections.

Records relating to refusal of entry or penalties, and in some instances law enforcement and court records in alleged fraud cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for monitoring compliance with Federal Motor Vehicle Safety Standards by NHTSA.

Records may be released to the Environmental Protection Agency for compliance with the Clean Air Act and to the U.S. Customs Service for import requirements.

Released to State divisions of motor vehicles for state purposes and to law enforcement agencies in alleged fraud cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and computer disc tapes.

RETRIEVABILITY:

By name of importer or declarant, addressee(s) vehicle or vehicle identification, customs district and entry number, and port of entry.

SAFEGUARDS:

Disc or tape may be accessed only by discrete identification code known to the System Manager and staff.

Hard paper copies are maintained in locked cabinets.

RETENTION AND DISPOSAL:

Hard paper copy is retained one year if no official claims are lodged against importer or declarant.

Disc and tapes retained for period of U.S. Customs Service statute of limitations before erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Team Leader, Customs Unit,
Office of Vehicle Safety Compliance,
National Highway Traffic Safety Administration,
Department of Tansportation,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Same as 'System Manager.'

CONTESTING RECORD PROCEDURES:

Same as 'System Manager.'

RECORD SOURCE CATEGORIES:

Data is obtained from forms executed by importers or declarants for the NHTSA,U.S. Customs Service, and the Environmental Protection Agency.

DOT/NHTSA 465.

SYSTEM NAME:

Improved Motorcyclist Licensing and Testing Project (IMLTP).

SYSTEM LOCATION:

Department of Motor Vehicles,
Division of Electronic Data Processing Service,
2415 First Avenue,
Sacramento, California 95818.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for original motorcycle license or endorsement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Driver's License Number, Address, Birthday, Sex, Educational level, Previous Experience Riding Motorcycles, Application Data, Knowledge Test Total Scores and Item Scores, Knowledge Test Administration Date, Mini-Skill Test Total Scores and Item Scores, Drive Test Administration Date, Drive Test Total Scores and Item Scores, Remedial Skills Training Data, Date Attended Remedial Skills Training, Accident and Conviction Record Since Date of Application.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Evaluation Specialist will use the system for the following:

To evaluate the effect of the licensing programs on accidents and convictions.

To determine the validity of the tests.

To evaluate the effect of remedial skills training on subsequent accidents and convictions.

To evaluate the influence of applicant characteristics on the licensing rate and on the accident reducing effectiveness of the licensing program.

To prepare management information system reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By I.D. Number of drivers license Number.

SAFEGUARDS:

The contents of the collected data will not be available to any public source. The Tape Library is in a locked room with controlled access.

RETENTION AND DISPOSAL:

The records will be kept on tape until ten years after completion of the study. Then the ID No., Application No. or Drivers License No. will be erased, and the records will be available to other researchers.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Program and Demonstration Management Division,
ODPP, Room 5130,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:
Department of Transportation
National Highway Traffic Safety Administration
Room 5301,
400 7th Street, SW,
Washington, DC 20590
Atten: Director, Office of Contracts and Procurement (N48-30).

RECORD ACCESS PROCEDURES:

Write or contact System Manager.

CONTESTING RECORD PROCEDURES:

All of the information in the system comes from the motorcycle subject file, the Driver's License Examiner file, or the driver's license files of the State of California.

DOT/NHTSA 466.

SYSTEM NAME:

National Highway Traffic Safety Administration Employee Travel Advances and Expense File.

SYSTEM LOCATION:

Room 4103,
DOT Headquarters Building,
400 7th Street, SW,
Washington, DC 20590.

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA Employees at Headquarters and the ten Regional Offices
Intergovernmental Personnel Act Employees of NHTSA
Temporary Employees of NHTSA

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee Name
Employee Number
Travel Order Number
Travel Advances Outstanding:
Continuing Advance Amount and date issued
Trip advance amount and date issued
Change of Station advance amount and date issued
Payments of advances
Travel Expense:
Subsistence
Transportation of Persons

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain accountability of travel and transportation costs by object class for each allottee - Budget and Accounting Report - RIC-0031.
To control funds advanced to employees for travel and change of station.
To record detail of transactions processed for each budget allotment/allowance - Operating Budget - RIC09032.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original records are maintained by the Office of Financial Management as follows:
Travel Orders, DOT 1500.3 and DOT 1500.4
Travel Vouchers, SF-1012
Travel Advance Record, DOT 1500.5
Data coded from these documents are keypunched to cards and proceessed for disc storage.

RETRIEVABILITY:

Job controls (JCL's) for retrieving data for periodic reports are maintained. Each report is identified by Report I.D. and by Report Name.

SAFEGUARDS:

JCL's are kept in a locked cabinet under custody of System Manager.

RETENTION AND DISPOSAL:

Original Records are retained in accordance with the Comptroller General's requirements for record retention.
Punched cards are disposed of three months after processing as input to disc.
Hard copies of reports are retained for one year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Accounting Operations
Room 4103,
Office of Financial Management
400 7th Street, SW
National Highway Traffic Safety Administration
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address all inquiries to:
Privacy Act Coordinator, Room 4103
Office of Financial Management
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC 20590
Request for data may be made by any employee of NHTSA concerning the employee's own record. Request must be in writing and must identify:
System Name: DOT/NHTSA Travel Advances and Expense
Employee Number
Employee Name

RECORD ACCESS PROCEDURES:

All inquiries as to procedures for gaining access to and Contesting records shall be directed to:
Privacy Act Coordinator - Room 4103
Office of Financial Management
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC 20590

CONTESTING RECORD PROCEDURES:

DOT Form 1500.2 Application and Account for Advance of Funds
DOT Form 1500.3 Travel Order for Temporary Duty
DOT Form 1500.4 Travel Order for Permanent Change of Station
SF-1012 Travel Expense

DOT/NHTSA 467.

SYSTEM NAME:

Driver Programs Data System (DOT/NHTSA). Safe Performance Secondary School Driver Education Curriculum/Demonstration Project Analysis File.

SYSTEM LOCATION:

Battelle-Columbus Laboratories (BCL), 505 King Avenue, Columbus, Ohio 43201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

15-16 year old, non-licensed DeKalb County, Ga., High School student volunteers for Driver Education.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) DeKalb County School System Records:

(1) Student Entry Data consisting of name, DeKalb County student number, driver's license number, student project number (a unique number assigned to each student participating in the project), birthdate, sex, high school, site, socioeconomic status index, term of instruction, driver's education groups Safe Performance Curriculum (SPC), Pre-Driver Licensing Curriculum (PDL), and Control Group. (2) DeKalb County Student Master Data consisting of grade point average, address, schedule information, driver education teacher, driver education class, changes in student status, transferring schools within DeKalb County, leaving the DeKalb County School District. (3) Driver Education Project Information consisting of driver education test scores, pretest, unit tests, skill tests, post test, result of driving habit survey(s). (b) Driver History File consisting of student project number, cumulative number of points, name/date/length of suspensions, restrictions on driving, issue date of driver's license/learner's permit, exam date of driver's test, habitual offender/date, currently licensed, record of each citation; type of violation(s), date of violation, number of points for each violation, accident involved, license suspended/revoked. (c) Accident History File consisting of citation to project person, one vehicle or multi-vehicle accident, pedestrian/bicyclist accident, date of accident, violations for this accident, type of accident, property damage/injury/fatality, number of injuries, number of fatalities, position in car of injured/dead, severity of injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Highway Safety Act of 1966, Section 403.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Battelle-Columbus Laboratories at six month intervals will evaluate the effectiveness of Safe Performance Curriculum as a driver education program and report results to NHTSA program manager.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated records are stored at Battelle-Columbus Laboratories (BCL) on magnetic tape and disk. The manual records are kept in files in a physically secured room.

RETRIEVABILITY:

The manual records are indexed by student project number to preclude the use of names. However, the automated records can also be retrieved by name, address, birthday and Georgia drivers license number.

SAFEGUARDS:

The contents of the collected data will not be available to any public source. Records are maintained in a secure area with controlled access. In addition, access to the computer system is through the use of account numbers.

RETENTION AND DISPOSAL:

All client data will be retained until project termination, at that time de-identified (ID number, DL number, and name removed) copies of the analysis file will be submitted to the Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Chief, Program and Demonstration Management Division, National Highway Traffic Safety Administration, Room 5130, 400 7th Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact or write to the System Manager.

CONTESTING RECORD PROCEDURES:

Initiate requests for changes to records by writing to Systems Manager.

RECORD SOURCE CATEGORIES:

DeKalb County, Ga., school system records, Georgia Department of Public Safety Driving Records.

DOT/NHTSA 468

SYSTEM NAME:

New Jersey Novice Driver Evaluation Project

SYSTEM LOCATION:

New Jersey Division of Systems and Communications
River Road
West Trenton, New Jersey

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected New Jersey drivers under the age of 20, during the period 1975 through 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Driver license number, biographical information, DMV records, driver education/driver improvement records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The data will be used to evaluate the effectiveness of New Jersey's Probationary Driver Program in reducing the incidence of accidents and violations among novice drivers. Statistical comparisons will be made of group accident and violation rates to determine overall component effectiveness of the project. No use will be made of any single individual's data. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be maintained on storage mediums of magnetic tape and disc.

RETRIEVABILITY:

Driver license number

SAFEGUARDS:

Data will not be available to any public source. Records are maintained in a secure area with controlled access through the use of both an account number and an access privacy code.

RETENTION AND DISPOSAL:

All subject data will be retained until project termination. At that time, de-identified copies of the analysis file will be submitted to Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

SYSTEM MANAGER(S) AND ADDRESS:

Contract Technical Manager
Demonstration Evaluation Division, NTS-12
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as 8 above.

RECORD SOURCE CATEGORIES:

New Jersey: Driver License Records
State Police Accident Records
Municipal Police Accident Reports
High School Driver Education Records
Municipal Court Reporting System
Probationary Driver Program Records

DOT/NHTSA 469

SYSTEM NAME:

Survey on Low Damage Accidents Involving Bumpers.

SYSTEM LOCATION:

Westat Inc.
11600 Nebel Street
Rockville, Maryland 20852

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected automobile owners within continental United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle inventory, characteristics of incidents (i.e., object struck, point of contact on car, miles per hour, place, date, etc.), damage to property and/or people and exposure of car.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used by NHTSA to evaluate the effectiveness of bumpers designed to meet the requirements of Federal Motor Vehicle Safety Standard 215 or Title I of the Motor Vehicle Information and Cost Savings Act in reducing vehicle damage in low-speed collisions. Prefatory Statement of General Routine Uses 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape

RETRIEVABILITY:

Serial number assigned to case.

SAFEGUARDS:

(a) Interviewers will keep completely confidential respondent identifiers and information collected. (b) Survey instruments containing respondent identifiers will be stored in locked cabinets or locked room. (c) Respondent identifiers will not be part of the machine record. (d) Upon completion of the pilot study, respondent identifiers will be destroyed. Retrievability Information: These records are retrieved by Name, Address, and Phone Number.

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RETENTION AND DISPOSAL:

Upon completion of the pilot phase, respondent identifiers, i.e., names, addresses and telephone numbers will be destroyed. Survey instruments will be kept until the completion of the main survey and then destroyed. Records will be kept on tape and after completion of the main survey will be turned over to the Contact Technical Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Contract Technical Manager
Office of Program Evaluation
National Highway Traffic Safety Administration
Room 5212, 400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Department of Transportation
National Highway Traffic Safety Administration
Room 5301, 400 7th Street, S.W.
Washington, D.C. 20590
Attn: Director, Office of Contracts and Procurement

RECORD ACCESS PROCEDURES:

Contact System Manager

RECORD SOURCE CATEGORIES:

All of the information in the system will be supplied by the individual himself.

DOT/NHTSA 470

SYSTEM NAME:

Unreported Accident Survey, DOT/NHTSA.

SYSTEM LOCATION:

Westat, Inc.
11600 Nebel Street
Rockville, Maryland 20852

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed drivers living in households with telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Characteristics of drivers and motor vehicles involved in unreported accidends, including the environmental, vehicle and driver conditon, and their severity in terms of injury and damage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The data will be used by the contractor to develop estimates of the frequency and severity of injury and property damage resulting from unreported accidenis nationwide. The records will also be used to determine the need for periodic surveys of unreported accidents by comparing their characteristics with those reported accidents. If the data vary significantly, additional analysis will be necessary to ensure the continuing validity of agency records. Personal identifiers will be used initially to perform a quality control review of the data. Following completion of the interview stage (approximately three months), identifiers will be deleted and information will be maintained in a sanitized file.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Responses will be maintained initially on hard copy files, then on magnetic tape after personal identifiers have been removed.

RETRIEVABILITY:

Personal name with an assigned sequence number.

SAFEGUARDS:

Files are stored in locked cabinets within a secured area. Only individuals with the 'need to know' are allowed access to this file.

RETENTION AND DISPOSAL:

File will be retrievable by personal name for approximately three months after the interview stage. After that, the sanitized file will be maintained for duration of the contract (about two years) and destroyed following contract completion.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Division, NRD-33
National Center for Statistics and Analysis
Room 6117
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Apply to System Manager.

RECORD SOURCE CATEGORIES:

Responses of household members to telephone inquiries.

DOT/OST 003.

SYSTEM NAME:

Allegations of Infringement of United States Patents, DOT/OST.

SYSTEM LOCATION:

Office of the Secretary of Transportation,
Office of the General Counsel.
400 7th Street, SW, Roomm 10424,
Washington, DC, 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who believe that an agency of the Department of Transportation is infringing a United States patent owned by the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence alleging that agencies of the Department of Transportation have infringed, or are infringing, United States patents owned by the originators of the correspondence. Copies of replies by the Department Patent Counsel to the originator of the allegation. Copies of correspondence forwarding the allegation to the particular Department agency accused for their comment; their replies to Patent Counsel. Copies of correspondence between the Department of Transportation and the Department of Justice concerning the allegations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of allegations and Patent Counsel's actions thereon.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only to individuals with established legal interest or legal 'need to know.'

RETENTION AND DISPOSAL:

Transfer to Federal Records Center two years after close of file; Destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Apply to System Manager

RECORD ACCESS PROCEDURES:

Apply to System Manager

CONTESTING RECORD PROCEDURES:

Apply to System Manager

RECORD SOURCE CATEGORIES:

Patent owners.

DOT/OST 004.

SYSTEM NAME:

Board for Correction of Military Records (BCMR). DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the General Counsel.
400 7th Street, SW, Room 10424.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel requesting the Board for Correction of Military Records to correct their military records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of actions of the General Counsel acting under delegated authority approving or disapproving BCMR cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of the General Counsel's action in individual BCMR cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Files are kept in the office of the Assistant General Counsel. Requests are referred to the Executive Secretary, BCMR.

RETENTION AND DISPOSAL:

Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Assistant General Counsel for Environmental, Civil
Rights and General Law, C-10,
U.S. Department of Transportation
Washington, D.C. 20590
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Contact System Manager

RECORD ACCESS PROCEDURES:

Contact System Manager

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Official agency records; hearings, documentary material from outside the agency.

DOT/OST 006.

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Transportation in supervisory or other positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are Consultants and Experts of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on employment and financial interests and debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information to be furnished is required by Executive Order 11222 and the regulations of the Office of Personnel Management (OPM) issued thereunder and may not be disclosed except as the OPM or the agency head may determine. The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in DOT employees.

Prefatory Statement of General Routine Uses 1, 4 and 6 apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Accordion - type file folder.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are stored in safe.

RETENTION AND DISPOSAL:

Records are kept 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10428 11

Inquiries may be addressed to the Deputy General Counsel either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Department of Transportation. Initial requests for submission of statements are through the Office of Personnel and Training.

DOT/OST 008.

SYSTEM NAME:

Departmental Advisory Committee Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former members of Departmental Advisory Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual index card membership file listing name, address, occupation, committee name, and term of appointment.

Biographical information on committee members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To prepare reports required by the Congress and the Office of Management and Budget.

To answer inquiries on the membership status of individuals received from Departmental elements as well as from public and private organizations and individuals.

See Prefatory Statement of General Routine Uses.

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POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3x5 index card file.
File folders.

RETRIEVABILITY:

Alphabetically by individual's name.
Alphabetically by committee name.

SAFEGUARDS:

Files kept in locked room, accessible only by permission of the Committee Records Manager.

RETENTION AND DISPOSAL:

Maintained indefinitely.
Retired to Federal Records Center within five years after a committee becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary/DOT Committee Management Officer,
Department of Transportation,
Office of the Secretary,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager. Full, correct name of advisory committee, if known, will facilitate location of information.

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Information supplied by the Committee Sponsor.

DOT/OST 010.

SYSTEM NAME:

Departmental Personnel Management Information System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.
Informatics, Inc.,
Six Kings Bridge Road,
Fairfield, New Jersey 07006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal civilian employees of the U. S. Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Records and Training Records

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Issue automated records to the Office of Personnel Management.

Submit personnel reports, summaries and name listings to the Office of Personnel Management, Office of Management and Budget, U. S. Department of Commerce, U.S. Congress, and other government agencies.

Develop statistical summaries and name listings for use in performing personnel management functions and other manpower and budgetary functions of the Department

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tapes and Disks

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Transportation Computer Center maintains both physical security and personal access by retrieve/access procedures and secured storage and operative areas.

RETENTION AND DISPOSAL:

The personnel records are maintained for a 3 year period while the training records will be maintained for a 10 year period. The records disposed by blending the magnetic tapes or disks.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and training,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

The individual may address the Office of Personnel and Training (Director of Personnel and Training), in person or in writing, at the above address.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory to the individual, an appeal may be filed with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of The Secretary,
Office of the General Counsel,
400 7th Street, SW, Room 10428.
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Standard Form 50 (Notification of Personnel Action).
Standard Form 52 (Request for Personnel Action).
Standard Form 171 (Personnel QUALIFICATIONS Statement).
Standard Form 1126 (Pay Change Action).
Optional Form 170 (Training) and other internal training forms.
Internal Forms (Minority Identification Record).

DOT/OST 011.

SYSTEM NAME:

Discrimination Complaint Investigative Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Departmental Office of Civil Rights,
Complaints Division,
2100 Second Street, SW, Rm 5300,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complaints of discrimination by employees of, and applicants to, the Department. Complaints of discrimination by individuals affected by departmental programs for which the Department has compliance responsibility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaint.
Personnel record information.
Racial-ethnic data.
Investigative reports.
Affidavits.
Departmental decision.
Hearing transcript, if hearing is held.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Complaints:

Investigation and adjudication of complaint by the Departmental Office of Civil Rights.

Referral to the General Counsel and, upon request, to the appropriate U.S. Attorney's Office, if complainant files suit in court.

Referral to the Civil Service Commission (CSC) if complainant requests a hearing or appeals a Departmental decision.

Referral to the CSC for investigation of complaint.

Information copies to the Civil Rights Office of the employee's administration and to the employee.

External Complaints:

Referral to Office of Federal Contract Compliance (OFCC) of discrimination complaints relating to employment.

Referral to operating administration with compliance responsibility of class-action complaints, for purpose of a compliance review.

Investigation by Departmental Office of Civil Rights personnel of Title VI complaints.

Referral, upon request, to Department of Justice, which has overall program responsibility for Title VI enforcement.

Referral to General Counsel when conciliation fails and sanction action is anticipated.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetically within operating administration.

SAFEGUARDS:

Maintained in locked file cabinets in a locked room.

RETENTION AND DISPOSAL:

Maintained three years, then retired to NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civil Rights,
Department of Transportation,
Office of the Secretary,
Director of Civil Rights,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Information provided by the complainant.

Personnel files and employment records.

Interviews with witnesses.

DOT/OST 012.

SYSTEM NAME:

Files Relating to Personnel Hearings. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain employees of the Office of the Secretary who have availed themselves of the opportunity for a hearing in certain personnel matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of the legal services performed and reference material for future cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by agency management in the preparation and conduct of administrative hearings.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Files are kept in the office of the Assistant General Counsel.

RETENTION AND DISPOSAL:

Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Assistant General Counsel for Environmental, Civil Rights and General Law, C-10,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Apply to System Manager

RECORD ACCESS PROCEDURES:

Apply to System Manager

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Official agency records; hearings; documentary material from outside the agency.

DOT/OST 013.

SYSTEM NAME:

Employee Management Convenience Files - Office of Inspector General Regional Offices.

SYSTEM LOCATION:

Regional Manager,
Office of Inspector General (OIG), DOT-OST,
12 New England Executive Park,
Burlington, MA 01803.
Regional Manager, OIG.
181 South Franklin Avenue,
Valley Stream, NY 11581.
Regional Manager, OIG.
1568 Willingham Drive,
Atlanta, GA 30337.
Regional Manager, OIG.
Suite 710,
300 South Wacker Drive,
Chicago, IL.
Regional Manager, OIG.
Room 10A34,
Federal Office Building,
819 Taylor Street,
Fort Worth, TX 76102.
Regional Manager, OIG.
9150 West Jewell Avenue, Room 105,
Denver, CO 80226.
Regional Manager, OIG.
Suite 214,
1 Embarcadero Center,
San Francisco, CA 94111.
Regional Manager, OIG.
Federal Office Building,
915 Second Avenue,
Room 3198,
Seattle, WA 98174.
Regional Manager, OIG.
601 East 12th Street, Room 113,
Kansas City, MO 64106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance Evaluation Records, Position Descriptions, SF-171s.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employment, pay and performance evaluations.

Used by supervisor and administrative personnel in preparation of personnel documents.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Safe and File cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked safe and files.

RETENTION AND DISPOSAL:

Retained for current employment. Destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Resources Management, JP-30,
Department of Transportation,
Office of the Secretary,
Office of Inspector General,
400 7th Street, SW, Room 9200.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of the Secretary,
Office of Inspector General,
Assistant Inspector General for Policy, Planning and
Resources, JP-30,
400 7th Street, SW, Room 9200.
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Current employees may have access to contents through the System Manager.

CONTESTING RECORD PROCEDURES:

Current employees may contest contents through the System Manager.

RECORD SOURCE CATEGORIES:

Subject, supervisor, responsible official, personnel and payroll offices.

DOT/OST 014.

SYSTEM NAME:

Employment Applications Files. DOT/OST.

SYSTEM LOCATION:

The following Secretarial Offices located at:
400 7th Street, SW,
Washington, DC 20590:
Office of the Deputy Secretary, S-2.
Special Assistants to the Secretary, S-3 through S-9.
Office ot the Executive Secretary, S-10.
Contract Appeals Board, S-20.
Office of Civil Rights, S-30.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, employee applications, samples of work and letters of recommendation and referral. (Note: Not all items are held in all offices.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Consideration for in-house employment.

Where appropriate, referral to other offices and agencies for consideration of employment.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Filed alphabetically by name, except in the Office of Civil Rights of the Department, where they are filed alphabetically by name within occupational series.

SAFEGUARDS:

Files are accessible only with the permission of each System Manager.

RETENTION AND DISPOSAL:

Files are retained as long as position(s) for which individual(s) is (are) being considered remain(s) viable.

SYSTEM MANAGER(S) AND ADDRESS:

Senior official of each office listed.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the appropriate System Manager.

RECORD ACCESS PROCEDURES:

Contact the appropriate System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact the appropriate System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportaion, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Applicant.
Referring individual.
Other agencies, including the Civil Service Commission.
DOT officials.
Office of Personnel Operations.
(Note: Not all sources are used by all offices.)

DOT/OST 016.

SYSTEM NAME:

General Investigations Record System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security (M-50),
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports covering occurrences relating to the security of DOT personnel and headquarters buildings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The information contained in the incident reports is collected and maintained in accordance with the mission and functions of the Office of Investigations and Security for the protection of DOT employees and headquarters buildings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disseminated to DOT Officials in the administration of their responsibilities.

See Prefatory Statement of General Routine Uses, 5 and 9 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in case folders in manual filing system.

RETRIEVABILITY:

By name or incident title.

SAFEGUARDS:

Files are maintained in a cypher-locked room with appropriate access controls. Access to the files is restricted to authorized personnel on a 'need-to-know' basis. with appropriate access controls.

RETENTION AND DISPOSAL:

Material held indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Investigations and Security (M-50),
Department of Transportation.

Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records and other authorized techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552a (j)(2), (k)(l) or (2).

DOT/OST 018.

SYSTEM NAME:

Identification Media Record Systems. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street, SW,
Washington, DC 20590.
Commandant (GOIS),
U.S. Coast Guard Headquarters,
Washington, D.C. 20590; and each District Office.
Federal Aviation Administration,
Office of Investigations and Security,
800 Independence Avenue, SW,
Washington, D.C. 20591; and FAA Regional and Center Air Transportation Security Divisions.
Federal Highway Administration,
Operations and Services Division,
400 7th Street, SW,
Washington, DC 20590; and all FHWA Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present employees, contractor employees, and National Defense Executive Reservists in the Office of the Secretary, U.S. Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, St. Lawrence Seaway Development Corporation, and Research and Special Programs Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, photographs, receipts for DOT identification cards, and official credentials; special facilities passes, including Federal Preparedness Agency passes; temporary building passes; and application for Civil Defense Emergency Assignee cards or other passes needed for official duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained for control and accountability of DOT identification cards, credentials, and Civil Defense Emergency Assignee cards issued to DOT Civilian employees, contractor employees and executive reservists for identification purposes and admittance to the DOT facilities or for other official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Alphabetically filed card forms in manual filing system.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Application cards stored in locked drawers and/or in a locked room with limited access.

RETENTION AND DISPOSAL:

Applications, including photographs and identification media, are destroyed upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation.
Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.
For USCG: Commandant (GOIS),
U.S. Coast Guard Headquarters,
Washington, DC 20590.
For FAA: Director, Office of Investigations and Security,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.
For FHWA: Chief, Operations and Services Division,
Federal Highway Administration,
400 7th Street, SW,
Washington, DC 20590.
All FHWA Regional Offices

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

DOT/OST 019.

SYSTEM NAME:

Individual Personal Interests in Intellectual Property. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors employed by or having contractual relationships with the Department of Transportation and other Government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention disclosures, Government Patents Branch cases, patent applications, issued patents, and license agreement files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Patent Counsel and his staff as a record of determination of rights in inventions, determination of novelty and patentability, determination of patent coverage, and allocation of rights in issued patents.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only to individuals who have legal interest in the records or legal 'need to know.'

RETENTION AND DISPOSAL:

Transfer to Federal Records Center two years after close of file; destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Patent Counsel, C-15,

V 46 / 234 DE 7 81 UMI

U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Individual inventors, technical evaluators, and United States Patent and Trademark Office.

DOT/OST 024.

SYSTEM NAME:

Parking Permit Application File, and Vanpooling Application Files, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Parking Management Office, M-444.3,
400 7th Street, SW, Room 2322,
Washington, DC 20590.
Federal Highway Administration,
Ridesharing Branch, HHP-33,
400 7th Street, S.W., Room 3311
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT parking permit holders (Washington, DC), DOT carpool members and DOT van pooling applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Parking permit application forms and van pool application forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine criteria for permit issuance, record change data, record garage violations and periodic review and revalidation. Used by parking management office personnel only.

See Prefatory Statement of General Routine Uses.

Vanpooling applicants are matched up as to area and work hours and records of van pools are maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in lockable visible edge file in a security locked workroom.

RETRIEVABILITY:

Indexed sequentially by permit number; vanpool applications are alphabetical by name and organized for retrieval by 'home-cell' numbers for areas.

SAFEGUARDS:

Only Parking Management Office personnel have access to these records; for van pools only Public Transportation Management Office personnel have access to applications.

RETENTION AND DISPOSAL:

Record cards are retained for 3 years locally, sent to the Federal Records Center for 2 more years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

For Parking Permit File:
Chief, Transportation Branch, M-444.
Department of Transportation,
Office of the Secretary,
Office of Administration Operations.
400 7th Street, SW, Room 2318,
Washington, DC 20590.
For Van Pooling Application File:
Chief, Ride Sharing Branch, HHP-33
Federal Highway Administration,
400 7th Street, S.W., Room 3311
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individual may review only his own application card upon presentation of valid DOT ID card at the addresses given under 'System Location'.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

No contest - individual can change recorded data at will.

RECORD SOURCE CATEGORIES:

Submitted by individual.

DOT/OST 025.

SYSTEM NAME:

Parking Permit Management System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Parking Management Office, M-444.3,
400 7th Street, SW, Room 2322,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT parking permit holders (Washington Headquarters) and DOT car pool members (Washington Headquarters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Status record (of permits) and member record (of carpools).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records used for ADP report and listing production.

Listings are used by the parking vendor for billings and Parking Mangement Office for system administration.

Additionally, a carpool location listing is produced for use in forming and enlarging carpools. This is for use by the general public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Parking Management office personnel enter data password control.

RETRIEVABILITY:

Indexed sequentially by permit number.

SAFEGUARDS:

Only Parking Mangement Office personnel and the parking vendor have access to general listings. The carpool location listing is for use by the general public, but is secured in the parking office.

RETENTION AND DISPOSAL:

Data is deleted and not retained on ADP once individual leaves system. Record copies of monthly reports and listings are retained locally for 3 years. forwarded to the Federal Records Center for 2 more years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Transportation Branch, M-444.
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 2318,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individual may review data upon presentation of valid DOT ID card.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

No contest - individual can change data at will.

RECORD SOURCE CATEGORIES:

Only source is from parking permit application.

DOT/OST 026.

SYSTEM NAME:

Payroll Management System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST), Accounting Operations Division, M-45,
400 7th Street SW, Room 2228.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Office of the Secretary

CATEGORIES OF RECORDS IN THE SYSTEM:

Gross to net payroll.
Payroll master.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Support for payment of payroll.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

ADP listing.

RETRIEVABILITY:

Alpha-numeric by employee.

SAFEGUARDS:

People given access are screened by responsible management personnel.

RETENTION AND DISPOSAL:

Federal records retention schedule.
Retained for 1 year - destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Operations Division, M-45, Department of Transportation,
Office of the Secretary,
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of the Secretary,
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228.
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Same address as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Time and attendance records.
Personnel actions (SF So)

DOT/OST 028.

SYSTEM NAME:

Personnel Convenience Files. DOT/OST.

SYSTEM LOCATION:

The following Secretarial Offices located at the
Department of Transportation (DOT),
Office of the Secretary (OST),
400 7th Street, SW,
Washington, DC 20590:
Immediate Office of the Secretary, S-1.
Office of the Deputy Secretary, S-2.
Special Assistants to the Secretary, S-3 through S-9.
Executive Secretary, S-10.
Contract Appeals Board, S-20.
Departmental Office of Civil Rights (except for the Complaints Division), S-30.
White House Fellow, S-9.
Additionally:
Departmental Office of Civil Rights,
Complaints Division, S-35,
2100 2nd Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, past and present.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following documents are kept in all offices:
Copies of orders, vouchers, and related documentation for local and non-local travel. Copies of some of the following documents are kept in all offices: except the Immediate Office of the Secretary and the Offices of the Deputy Secretary, Deputy Under Secretary, the White House Fellow and Special Assistants to the Secretary, for whom such documents are maintained by the Office of the Executive Secretary:
Standard Form 52, Request for Personnel Action.
Standard Form 7-B, Employee Record
Position Descriptions.
Performance evaluations.
Training records.
Payroll and leave records.
Commendations and awards.
Savings Bond and CFC campaign records.
Security classification documents.
Monthly Personnel Roster.
Savings Bond and CFC campaign records are maintained for reference in connection with future campaigns.
All other records are maintained for effective budgetary, manpower, and employee management and also for the use of the individual (not all items and not in all offices).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy in file folders and binders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Data available only by request of the senior official, his deputy, or secretaries to them, of the office or division in which the information is maintained. Provided only on a need-to-know basis.

RETENTION AND DISPOSAL:

Personnel records are retained until employee leaves.
Payroll records are retained three years.
Travel records normally retained at least one year.
Records are disposed of following minimal period of retention on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

Senior official of each office listed.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the employee's supervisor.

RECORD ACCESS PROCEDURES:

Contact supervisor for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact supervisor for information on procedures for contesting records.
Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied by the senior official of the employee's office.
Further appeal, if necessary, should be to the Secretary of Transportation.

RECORD SOURCE CATEGORIES:

Information provided by the employee.
Informational copies provided by Personnel Operations Division.
Material generated within the employing office.

DOT/OST 030.

SYSTEM NAME:

Personnel Management Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),

Office of the Assistant Secretary for Policy, and International Affairs,
400 7th Street, SW,
Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees.
Prospective employees.
Prior employees - three years (payroll/time cards only).

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic recruitment, employment, status and pay records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employment, pay and performance decisions.

Use by subject, supervisor, responsible official; administrative personnel in preparation; personnel and payroll offices in processing.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Copies of basic documents

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked files with personnel screening for access.

RETENTION AND DISPOSAL:

Retained only for control purposes, pending official action by Personnel or Payroll offices or management officials.

Pay records are retained for 3 years, then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Policy, and International Affairs, and the Directors of the subordinate offices for records maintained in their respective offices.
all of which are located at the:
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries: Oral request by current employees to the System Manager. Written or direct inquiry by prior employees or applicants to:
Department of Transportation,
Office of the Secretary,
Director Management Staff, P-5,
400 7th Street, SW,
Washington, DC 20590.
Must provide notarized signature or social security number.

RECORD ACCESS PROCEDURES:

Current employees may have access to contents through the System Manager.

For all other inquiries - Office Director, P-5 at the address under Notification Procedure.

CONTESTING RECORD PROCEDURES:

Present employees may request changes through the System Manager, as above. If request denied, may refer to Review Officer, P-5, then to OST Review Officer. For all other inquiries - Office Director, P-5.

RECORD SOURCE CATEGORIES:

Subject, supervisor, responsible official, personnel and payroll offices.

DOT/OST 032.

SYSTEM NAME:

Management Operating Record System, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street,SW, Room 10401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Office of Investigations and Security, OST, DOT.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains current employee Time and Attendance Cards, Travel Orders and Vouchers and Position Descriptions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is maintained for internal administrative management and operating purposes by the M-50 Office Director and Division Chiefs.

Time and Attendance Cards are maintained for M-50 employees pay purposes and are forwarded to the Payroll Office.

Travel Orders are maintained for M-50 employees authorized to travel on DOT business and are forwarded to Travel Office and the Accounting Office to arrange necessary transportation and payment of expenses.

Travel Vouchers are maintained on M-50 employees to provide an ongoing tabulation of the Office's travel expenses.

Position Descriptions are maintained for positions within M-50 and are utilized internally by the Director and Division Chiefs for reference and to assure effective employee utilization.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Standard forms in individual folders in manual filing system.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

This system of records is stored in a locked room with limited access.

RETENTION AND DISPOSAL:

Records are maintained while an individual is an employee of the Office of Investigations and Security and are destroyed upon transfer or termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Employee and office generated statements and forms.

DOT/OST 034.

SYSTEM NAME:

Personnel Records, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorney and Clerical Employees of the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 52.
Within Grade Increases.
Travel Authority and Vouchers.
Training Records.
Payroll and Leave Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the individual's use.

Schedule training.
Statistics to recommend personnel actions.
Administrative reference material.
Budgetary information material.
Technical information material.
Work Territory assignments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cards in a locked safe.

RETRIEVABILITY:

Individual names filed alphabetically.

SAFEGUARDS:

Physical security consists of filing records in a locked safe.

RETENTION AND DISPOSAL:

Personnel records retained in active files duration of appointment, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Contact System Manager.

RECORD ACCESS PROCEDURES:

Contact System Manager.

CONTESTING RECORD PROCEDURES:

Contact System Manager.

RECORD SOURCE CATEGORIES:

Informational copies provided by the Office of Personnel & Training.

DOT/OST 035.

SYSTEM NAME:

Personnel Security Record System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT applicants, employees, former employees; candidates and designees to the DOT unit of the National Defense Executive Reserve, and detailees to DOT from other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of personnel security processing, personal data on investigative and employment forms completed by the individual, reports of investigations, records of security and suitability determinations, records of access authorizations granted, documentation of security briefings/debriefings received, record of security violations by the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Departmental personnel security officers for making security determinations and granting access authorizations, by Departmental personnel management officials for making suitability determinations, by representatives of other Federal agencies with which the individual is seeking employment, and by Federal agencies conducting official inquiries to the extent that the information is relevant and necessary to the requesting agency's inquiry, and by Departmental officials, to the extent necessary, to identify the individual to sources from whom information is requested for any of the foregoing purposes to inform the source of the nature and purpose of the request and to indicate the type of information requested.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Completed forms and typed pages in individual folders in a manual filing system, and on a manual system control cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in locked room with proprietary lock or in approved security safe. Access limited to authorized staff members.

RETENTION AND DISPOSAL:

Retained during employment in the Department, retained in accordance with GSA Records Schedule 18 after employment is terminated, authorized destruction done by secure means used for classified materials.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager. However, information compiled solely for the purpose of determining suitability, elgibility, or qualification for Federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 USC 552a(k)(5).

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Investigative sources contacted in full field, National Agency Check and Written Inquiry and similar investigations; investigative reports reviewed at other Government agencies; personal history statements, employment applications and other data provided by the individual and/or other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Information compiled solely for the purpose of determining suitability, eligibility, or qualification for federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 USC 552a(k)(1) and/or(5).

DOT/OST 037.

SYSTEM NAME:

Records of Confirmation Proceeding Requirements for Proposed Executive Appointments to the Department of Transportation. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the Assistant General Counsel for Environmental, Civil Rights and General Law,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated for top executive positions of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial data and biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data submitted to the General Counsel as reviewing official by subject individual for use by the Senate

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Commerce Committee to determine if there would be a conflict of interest, or the appearance of a conflict of interest, in subject's appointment to the Department of Transportation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal sized documents located in locked safe.

RETRIEVABILITY:

Individual names filed alphabetically.

SAFEGUARDS:

Physical security consists of filing records in safe; data released to Senate Commerce Committee and authorized officials only of the Department.

RETENTION AND DISPOSAL:

Records are retained for 3 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10428

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the Deputy General Counsel at the address above, either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Documents are provided by subject individual.

DOT/OST 041.

SYSTEM NAME:

Secretariat Information Retrieval System (SIRS). DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST),
Office of the Executive Secretary.
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, or are referred in writing by a second party,to the Secretary, Deputy Secretary, Deputy Under Secretary, and their immediate offices.

Individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeal actions, training, awards, foreign travel, promotions, selections, grievances, and discipline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence submitted by, or on behalf of, an individual, including resumes, letters of reference, etc.

Responses to such correspondence.

Staff recommendations on actions requiring approval or action by one of the forenamed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department for preparation of a response.

Referral to the appropriate agency for actions involving matters of law or regulation beyond the responsibility of the Department, such as the Civil Service Commission for employee appeals, the Department of Justice in matters of law enforcement, etc.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer microdisc and - selectively - on microfilm for all records since 1/1/74.

In hard copy for all records prior to 1/1/74.

RETRIEVABILITY:

Indexed by name of correspondent, referring individual, and subject category (e.g., 'employment' for applicants) from 1/1/74 on.

Indexed by name of correspondent prior to 1/1/74.

SAFEGUARDS:

Computer microfilm records, and remote reader terminals, which permit random access to the system records, are locked after office hours.

During office hours computer is accessible only through terminals operated by, and under the surveillance of, authorized employees of the Executive Secretary.

RETENTION AND DISPOSAL:

Hard-copy records for 1967-1969 and duplicate microfilms for 1974-1975 are in the custody of National Archives and Records Service (NARS).

Records from 1970 and following are retained in the Departmental headquarters building.

Records are retired to NARS on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

The Executive Secretary at the address above.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager. Helpful information, in addition to the individual's name, includes date(s), subject matter, and addressee(s) of the incoming correspondence, and date(s) and author(s) of the response(s).

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Correspondence from individual, his representative or sponsor.

Responses to incoming correspondence.

Related material provided for background as appropriate.

DOT/OST 042.

SYSTEM NAME:

Technical Pipeline Safety Committee. DOT/OST

SYSTEM LOCATION:

Department of Transportarion (DOT).
Office of the Secretary (OST),
Materials Transportation Bureau (MTB).
2100 Second Street, SW, Room 6226.
Washington,DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Technical Pipeline Safety Standards Committee- intermittent consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data in support of member's nomination.

Letters and news releases for member's appointment/reappointment

Personnel Actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General reference purposes for support functions.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Alphabetically by name within subject area.

SAFEGUARDS:

Room locked after hours, most information is public knowledge.

RETENTION AND DISPOSAL:

Kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Pipeline Safety Operations, MTP-1,
Department of Transportation,
Materials Transportation Bureau,
2100 Second Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address inquiries to System Manager including individual/s name.

RECORD ACCESS PROCEDURES:

Information may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

Same as for Access above.

RECORD SOURCE CATEGORIES:

Personnel Action (SF 50).
Travel Vouchers (SF 1012).
Certificate of Consultant's Services.
Press Releases.
Administrative Correspondence/ Memorandums.

DOT/OST 043.

SYSTEM NAME:

Telephone Directory and Locator System, DOT/OST.

SYSTEM LOCATION:

Opportunity Systems, Inc. (OSI),
1330 Massachusetts Avenue, NW,
Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Transportation (DOT) headquarters employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetic Employee Master Records and GSA Metrocentrex Locator Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Departmental Alphabetic Directory production,
DOT Mail Room,
DOT Locator Service, and
GSA Metrocentrex Locator Service.
Used by DOT Telephone Directory Representatives, DOT Mail room, and Publishing and Graphics Division Control Clerk.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape storage via batch processing. Source data returned to DOT.

RETRIEVABILITY:

Can retrieve on social security number or on name.

SAFEGUARDS:

Only DOT & OSI personnel have access to tapes.

RETENTION AND DISPOSAL:

Tapes are retained through three (3) cycles, grandfather, father, son, and then scratched. Source materials are retained until the next update is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Publishing and Graphics Division, M-48,
Department of Transportation,
Office of the Secretary,
Office of Administrative Services,
400 7th Street, SW, Room 2317,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Contact Publishing and Graphics Division at the address above.

RECORD ACCESS PROCEDURES:

Contact Publishing & Graphics Division, M-48 at the address above.
Individual may review own data upon presentation of valid DOT ID card.

CONTESTING RECORD PROCEDURES:

Individual may change own data at any time.

RECORD SOURCE CATEGORIES:

DOT F 1700.1 - DOT Form prepared for each employee.

DOT/OST 044.

SYSTEM NAME:

Travel and Transportation Management File, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All travelers visits using OST travel funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel Vouchers.
Travel Authorizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Subsidiary Accounting Records.
Records used by:
Accounting Operations Division employees.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Open files.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Persons given access are screened by responsible management personnel.

RETENTION AND DISPOSAL:

Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Operations Division, M-45,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of the Secretary,
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure'

RECORD SOURCE CATEGORIES:

Program Offices.

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DOT/OST 045.

SYSTEM NAME:

Unsolicited Contract or Research and Development Proposals Embodying Claims of Proprietary Rights. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who believe they have original and innovative ideas in the field of transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of descriptions of proposed innovations or inventions and methods of carrying out the proposal. Evaluations by Patent Counsel of the adequacy and propriety of restrictive markings on the proposals and correspondence of the Patent Counsel pertaining thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of Patent Counsel's action in individual unsolicited proposal cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name and subject in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only in accordance with the terms of restrictive-markings agreed upon between submitter and DOT.

RETENTION AND DISPOSAL:

Transfer to storage when three years old; Destroy after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Forwarded by individual or by the DOT office to whom unsolicited proposal was addressed.

DOT/OST 046.

SYSTEM NAME:

Visit Control Records System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT employees, Industrial Security contractor employees, non-employee visitors to DOT facilities during security hours.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of clearance certification (level, date granted and basis) on employees to visit facilities or attend meetings involving classified information. Record of security clearance data for visitors to DOT facility from other agencies and from contractors. Record of individuals other than employees who are authorized access to DOT facilities during security hours.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Confirming to the proper authorities the security clearance for individuals requiring access to classified information; identifying individuals authorized to be present in DOT facilities during security hours.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visitor forms and letters.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in locked room with proprietary cipher lock, available only to authorized staff members.

RETENTION AND DISPOSAL:

Maintained until expiration of visit, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Security clearance information furnished by personnel security officers. Visit data furnished by individual.

DOT/OST 056.

SYSTEM NAME:

Garnishment Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
Office of the Assistant General Counsel for Environmental,
Civil Rights and General Law,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Transportation, including members of the Coast Guard, whose pay is sought to be attached under section 459 of the Social Security Act , 42 U.S.C. 659.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and court orders, and copies thereof,concerning attachment of employees' pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as record of garnishments and Garnishment Attorney's action thereon.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in the Garnishment Attorney's office.

RETRIEVABILITY:

Indexed individually by name in alphabetical order.

SAFEGUARDS:

Records are disclosed only to individuals with established legal interest or legal 'need to know'.

RETENTION AND DISPOSAL:

Retained for as long as the attachment of pay continues and thereafter as needed for precedential value.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Garnishment Attorney, C-10,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Apply to System Manager.

RECORD SOURCE CATEGORIES:

Data is obtained from state courts and agencies, private attorneys, present and former spouses of employees, and federal pay records.

DOT/OST 057.

SYSTEM NAME:

Honors Attorney Recruitment Files. DOT/OST.

SECURITY CLASSIFICATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10428.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Third-year law students and recent law school graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, transcripts, copies of Personnel Form 171.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by General Counsel, Chief Counsels, and their staffs in filling job vacancies for attorneys.

See also Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical order.

SAFEGUARDS:

Records are disclosed only to individuals who have legal interests in the records or legal 'need-to-know.'

RETENTION AND DISPOSAL:

Retained at system location for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Special Assistant to the General Counsel, C-4,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Law students, recent law school graduates, General Counsel, Chief Counsels and their staffs.

DOT/OST 058.

SYSTEM NAME:

Public Information Distribution System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
400 7th Street, SW,
Washington, DC 20590.
System is located in the
Office of Public Affairs, I-30,
and in the
Office of the Assistant Secretary for Administration, M-1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

News media representatives; Federal, state and local government officials; Congressional representatives and Senators; educators; librarians; foreign government and foreign industry officials; domestic transportation industry officials; and interested members of the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses; subjects of interest to addressee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For effective dissemination of Departmental public information materials.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc; Xerox 730 cards; and computer printouts.

RETRIEVABILITY:

By name of addressee; by subject of interest.

SAFEGUARDS:

Computer storage secured by access codes and passwords; cards and printouts are stored in locked files, accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Record of addressee retained until person wishes to be removed from list or until deleted as a result of annual purge.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the:
Department of Transportation,
Office of the Secretary,
Director of Public Affairs,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Published lists (e.g., media directories); other governmental agencies; and specific requests by addressees and interested parties.

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DOT/OST 059.

SYSTEM NAME:

Files of the Board for Correction of Military Records (BCMR) for the Coast Guard. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the General Counsel.
Board for Correction of Military Records.
400 7th Street, SW. Room 9414.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed applications for relief before the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and related documents, Board decisions, and official military records of applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chairman, the Board, the Executive Secretary and Staff in determining whether to grant relief to applicants.

Used by the Coast Guard in presenting its views to the Board concerning pending cases. Also used by applicant and his representative.

Used by the General Counsel and his staff in determining whether to approve decisions of the board.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in one of two alphabetical sequences representing pending and closed cases. Also indexed by docket number. Pending cases filed by docket number; closed cases filed alphabetically.

SAFEGUARDS:

Records are disclosed only to the applicant, his representative, interested members of Congress, and the Coast Guard.

RETENTION AND DISPOSAL:

Transfer of official military record of individual separated from service to Federal Records Center when case closed; transfer of official military record of Active or Reserve member to Coast Guard Headquarters when case closed; re- tention of application file in all cases.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Executive Secretary,
Board for the Correction of Military Records, C-60,
U.S. Department of Transportation.
Washington, DC 20590.
Office Location:
400 7th Street, SW. Room 9414.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

U.S. Coast Guard, Veterans Administration, individual applicants.

DOT/OST 061.

SYSTEM NAME:

Records of Official Time Granted Employees for Performing Representational Functions.

SYSTEM LOCATION:

All DOT locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

None.

CATEGORIES OF RECORDS IN THE SYSTEM:

All employees representing other DOT employees, pursuant to such employees' right to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system records the amount of official time granted to individuals to perform employee representational functions, and the purpose for which the official time was used. Information in these records may be used: 1. By agency officials and officially recognized labor unions for review to assure that the use of official time is in accordance with applicable government/agency policy and regulations. 2. Preparation of analytical and statistical studies and reports. 3. See prefatory statement of general routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, punch cards, magnetic tape, discs, or by other electronic means.

RETRIEVABILITY:

These records are retrieved by name or by category of use.

SAFEGUARDS:

Access to and use of these records are limited to agency personnel whose official duties require such access, and to officially recognized labor unions with respect to employees within the units that they represent. Safeguards include locked buildings, guard service, and locked file cabinets.

RETENTION AND DISPOSAL:

Statistical information from these records may be made available to other agencies or to the interested public. These records are destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of each DOT facility, or the Chief, Labor-Management Relations Division, Office of Personnel and Training, Office of the Assistant Secretary for Administration, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact or write to the System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact or write the System Manager Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Federal employees and supervisors.

DOT/OST 062

SYSTEM NAME:

Biographies of Key Officials Book DOT/OST

SYSTEM LOCATION:

Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding DOT key officials. The key officials included in the book are subject to change because of personnel changes or at the request of the Secretary.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains basic biographical information and pictures of

persons holding key positions within the Department of Transportation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the Secretary with the professional experience and educational background of his/her key executives, which allows him/her to become more familiar with top executives.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in locked file cabinets in a locked room.

RETRIEVABILITY:

The book is indexed first by organization, then position title and name.

SAFEGUARDS:

Access to and use of this record is limited to the Secretary and to those persons whose official duties require such access. (Not releasable under the Freedom of Information Act without the permission of those individuals in the book.)

RETENTION AND DISPOSAL:

These records are destroyed one year after the person has left the covered position.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Department of Transportation
Office of the Secretary
Executive Personnel Management Division (M-13)
400 7th Street, S.W.
Washington, D.C. 20590
Office Location: Nassif Building Room 9103

RECORD ACCESS PROCEDURES:

Employees who wish to gain access or contest their records should contact the System Manager(s).

NOTIFICATION PROCEDURE:

Contact System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/OST 090.

SYSTEM NAME:

Memorandum of Monthly Performance of Keypunch Operators. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Assistant Secretary for Administration (M-90),
Transportation Computer Center,
Operations Division - Data Section,
400 7th Street, SW, Room 2401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Keypunch and key-to-tape operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

The System consists of a Computer Printout Report containing various production information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used as a measurement of employee performance and equipment utilization by TCC managers.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The report is in the form of a computer printout.

RETRIEVABILITY:

System is indexed by employee number. Employee's name does not appear on report.

SAFEGUARDS:

Report is returned and filed in a folder by Chief, Data Section in a locked file drawer.

RETENTION AND DISPOSAL:

The reports are kept for a period of one year at which time they are disposed of by a shredding process.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, TCC Operations Group A,
Department of Transportation,
Assistant Secretary for Administration (M-90),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.
Chief, TCC Operations Group B,
Department of Transportation,
Assistant Secretary for Administration (M-90),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

The information comes from an employee utilization form filled out by each operator for each job keyed.

DOT/OST 100

SYSTEM NAME:

Investigative Record System. DOT/OST

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the Inspector General
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former DOT employees, DOT contractors and employees as well as grantees, subgrantees, contractors, subcontractors and their employees and recipients of DOT monies, and other individuals or incidents subject to investigation within the purview of the Inspector General Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations and inquiries conducted by Inspector General (OST); reports of investigations conducted by other departmental, Federal, state and local investigative agencies which relate to the mission and function of the Inspector General; and investigative case index card files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in the Investigative Records System is collected and maintained in the administration of the Inspector General Act of 1978 (Public Law 95-452) to investigate, prevent and detect fraud and abuse in departmental programs and operations. Material gathered is used for prosecutive, civil or administrative actions. These records may be disseminated, depending on jurisdiction, to:

DOT Officials in the administration of their responsibilities.

Other Federal, state, local or foreign agencies or administrations having interest or jurisdiction in the matter.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in case folders in manual filing system and on index cards.

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RETRIEVABILITY:

By name or incident title.

SAFEGUARDS:

Investigative files and case index files are maintained in several spaces with appropriate access controls. Access to investigative files is restricted to authorized investigative personnel on a 'need to know' basis.

RETENTION AND DISPOSAL:

Investigative material held for ten years, then destroyed by secure means used for classified materials.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General (J-1),
Department of Transportation,
Office of the Secretary,
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'. Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552a(k)(1), (k)(2), or (j)(2).

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records and other authorized investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552a(j)(2), (k)(l) or (k)(2).

DOT/OST 101.

SYSTEM NAME:

Office of Inspector General, Management Information System (OIG/MIS).

SYSTEM LOCATION:

Office of Inspector General,
Management Information Staff,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590.
Using the Computer Sciences Corporation Infonet Timesharing System, Beltsville, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active employees of the OIG, with history data on previous employees maintained for two years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's current position and employment status, assignments, travel, experience, training, with the following personal data: name, social security account number, date of birth, service computation date, career status, address, assigned station, job series, clearance, education, grade and evaluation due date.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There will be no external uses. Internally, information will be used as follows: (1) Security clearance notification alerts may be provided to an examined activity in advance of visits by OIG personnel if information to be examined requires a secret clearance or above; (2) Time and attendance reports will be used to track temporary duty travel frequency and duration, to categorize indirect time for periodic reports, to accrue staff hour data on assigned projects, and to provide time and attendance data to the centralized payroll system; (3) Planned annual leave reporting will be used by various managers for workload planning and travel scheduling; (4) Assignment information and workload status information will be used by managers to control audits and investigations, and to maximize effectiveness or staff resources; (5) Miscellaneous personnel information will be used by staff managers to determine training needs, promotional eligibility, education and background, and professional organization participation; (6) Travel information will be used by managers to control temporary duty travel, travel costs and issuances of travel orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active reports on magnetic disk, with backup active records and inactive records maintained on magnetic tape.

RETRIEVABILITY:

All records will be retrievable through employee social security number, with selected records having certain secondary keys consisting of certain other data elements, listed in the 'Categories of Records in the System'.

SAFEGUARDS:

(1) Records will be maintained in a private library not accessible by any unauthorized user; (2) Authorized user identification codes will be tied to multiple password system to afford additional protection; (3) Any attempt to bypass the password protection system will result in an immediate 'Log-Off' from the system; (4) Physical access to system documentation, hard copy printouts, personal data files, and terminals will be restricted to authorized personnel by maintaining a secure environment in the headquarters office; (5) Access to data will be restricted to those who require it in the performance of their official duties and to the individual who is the subject of the record (or authorized representative); (6) Tape files will be maintained in an environmentally secure vault area when not in use.

RETENTION AND DISPOSAL:

Records will be maintained for two years after they become inactive. All inactive records will be maintained on magnetic tape within the computer center and will be afforded the same safeguards as active records. Machine-resident records will be destroyed at the end of the two year period. Hard copy records will be retained until the records are replaced or become obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Information Staff,
Office of Resources and Management, JP-20,
Office of the Inspector General,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of Inspector General,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590
Attn: Assistant Inspector General for Resources and Management.

RECORD ACCESS PROCEDURES:

Contact System Manager.

RECORD SOURCE CATEGORIES:

(1) Official personnel folder; (2) Other personnel documents; (3) Activity supervisors; (4) Individual applications and forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552 a(j)(2), (k)(1) or (k)(2).

DOT/RSPA 01.

SYSTEM NAME:

Funds Management Records. DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT).

Research and Special Programs Administration,
Office of Emergency Transportation, (OET), (DPB-30),
400 7th Street, SW, Washington, DC 20590.
Regional Emergency Transportation Coordinator (RETCO),
Regions 1 and 2,
c/o Commander 1st Coast Guard District,
150 Causeway Street,
Boston, MA 02114.
RETCO, Region 3,
c/o Federal Highway Administration,
1633 Federal Building,
Baltimore, MD 21201.
RETCO, Region 4,
c/o Federal Aviation Administration,
P.O. Box 20636,
Atlanta, GA 30320.
RETCO, Region 5,
c/o Federal Highway Administration,
18209 Dixie Highway,
Homewood, IL 60430.
RETCO, Region 6,
c/o Federal Aviation Administration,
P.O. Box 1689,
Ft. Worth, TX 76101.
RETCO, Region 7,
c/o Federal Highway Administration,
P.O. Box 19715, Country Club Sta.,
Kansas City, MO 64141.
RETCO, Region 8,
c/o Federal Highway Administration,
Denver Federal Center,
Denver, CO 80225.
RETCO, Region 9,
c/o United States Coast Guard, Commander Pacific Area,
630 Sansome Street,
San Francisco, CA 94126.
RETCO, Region 10,
c/o Commander 13th Coast Guard District,
Federal Building, Room 3588,
915 Second Avenue,
Seattle, WA 98174.
RETCO, Alaska Region,
c/o Federal Aviation Administration,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Defense Executive Reserve (NDER): private citizens; Military members; U.S., State, and local government officials and civil servants, who participate in Fund activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Receipt forms by individual name, with dates, amounts of money received, and purpose with vouchers to enter the fund; checks with vouchers in payment of approved invoices; procurement requests for authorized services; invoices for services rendered and correspondence to agencies, firms and individuals pertaining to the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal management of non-appropriated funds of NDER units, National and Regional, in authorized training activities of those units.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual records are maintained in a filing folder appended to numbered vouchers.

RETRIEVABILITY:

Retrieved only by incident or occasion to which voucher pertains.

SAFEGUARDS:

Maintained in metal file containers or other standard office equipments which are kept in a locked file room.

RETENTION AND DISPOSAL:

Retained for three years.

SYSTEM MANAGER(S) AND ADDRESS:

Custodian, Organization Fund,
Department of Transportation,
Research and Special Programs Bureau,
Office of Emergency Transportation Unit,
National Defense Executive Reserve,
400 7th Street, SW, Room 8330,
Washington, DC 20590. For each Region the RETCO (Section 02) is manager of the Regional Fund.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request personally and include suitable identification. Alternatively personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information or procedures for gaining access to records by addressing a written query to the offices cited above or presenting him or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Data comes from individuals concerned.

DOT/RSPA 02.

SYSTEM NAME:

National Defense Executive Reserve (NDER) File, DOT/RSPA.

SYSTEM LOCATION:

Office of Emergency Transportation (OET) (DPB-30).
Department of Transportation,
400 7th Street, SW,
Washington, D.C. 20590.
Some records are held only in the Office of Emergency Transportation while others are held at various locations in the custody of officials in the several regions, as indicated in the paragraph labeled 'Categories of Records' below. Holdings of the Regional Directors-designate and Deputy Directors-designate are partial duplications of the Regional Emergency Transportation Coordinator(RETCO) files and may be accessed through the applicable RETCO. The RETCO and the Regional Emergency Transportation Representative(RETREP) for each region may be contacted directly at the addresses shown below. The Regional Director-designate and Deputy Director-designate for each region may be contacted by addressing mail in care of the RETCO for that region at the address shown in the following list:
Regions 1 and 2,
150 Causeway Street,
Boston, MA 02114.
Region 3,
1633 Federal Building,
Baltimore, MD 21201.
Region 4,
P.O. BOx 20636,
Atlanta, GA 30320.
Region 5,
18209 Dixie Highway,
Homewood, IL 60430.
Region 6,
P.O. Box 1689,
Ft. Worth, TX 76101.
Region 7,
P.O. Box 19715,
Country Club Sta.,
Kansas City, MO 64141.
Region 8,
Denver Federal Center,
Denver, CO 80225.
Region 9,
630 Sansome Street,
San Francisco, CA 94126.
Region 10,
Federal Bldg.,
Rm. 3588,
915 Second Ave.,
Seattle, WA 98174.

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Alaska Region,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.
Emergency Facilities Liaison Officer,
FAA Records Center,
West King Street and South Maple Avenue,
Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Upper, middle, and lower management members of the transportation industry, university professors, lawyers, labor leaders, and businessmen who are candidates for membership in NDER, active members of NDER, or who are former members whose membership has been terminated by death, resignation or involuntary release, and emeritus members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and security forms completed by individuals consisting of applications, statements of understanding by employers, security and identifcation data from individuals, certificates of appointment and reappointmen (located at DOT/RSPA/OET and RETCOs only); names and addresses of individuals for directory (maintained at DOT/RSPA/OET only); name and address card file (maintained at DOT/OST/OET only); card file with name, date of appointment and date of reappointment (in OET only); lists of reservists in process including active and Emeritus members and former members showing steps in process, numerical sequence, unit assignment, name date of designation, state of residence, date of separation and reason (in OET only); contact file of those previously nominated but not appointed, or once in program but not no longer members, with date and reason for non-affiliation (in OET only); personal data sheet for each individual which presents summary of pertinent data including photograph to assist professional staff in evaluating the member and assigning member on appointment and reappointment or during active membership (this record held at all locations).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal personnel management of the NDER for the Department of Transportation, which includes staff action and exchange of data with the Office of the Director, Federal Emergency Management Agency, which is responsible for the entire National Defense Executive Reserve Program. Available to the Secretary, any Secretarial Officer, head of an operating administration, or their designated subordinates who require access in the pursuit of their duties. Available to director and staff members of OET, to RETCO's and their staff members, to Regional Directors-designate and Deputies and the Emergency Facilities Liaison Officer, FAA Records Center (for storage purposes only) who require access in pursuit of their duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual records are maintained in a manual system in a locked file room consisting of a filing jacket with the individual's name tabbed and containing all papers pertaining to him or her, except the following which are maintained as stated.

Directory - stored in bulk in steel containers.

Mailing List - maintained in standard card file.

Chronological File - maintained in standard card file.

Contact File - maintained in standard card file.

Personal Data Sheets - maintained in separate loose leaf note books or in personnel jackets at option of holder.

RETRIEVABILITY:

Indexed alphabetically by name. Retrieved manually.

SAFEGUARDS:

Maintained in metal file containers or other standard office equipment.

RETENTION AND DISPOSAL:

Held for five years from date of separation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, Research and Special Programs Administration (DPB-30), Department of Transportation (Room 8330), Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices and officials listed under 'System Locations'. Individuals requesting such information must sign the request personally and include in the text of the request suitable identification. Alternatively, personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under 'System Location' above (except the Emergency Facilities Liaison Officer, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, which maintains duplicate files in storage only) or (3) presenting himself or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Personal data submitted by the individual; data from his or her employer; recommendations from colleagues; mailing data from existing distribution system.

DOT/RSPA 03.

SYSTEM NAME:

Security Management Records, DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Research and Special Programs Administration (RSPA),
Office of Emergency Transportation (OET),
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Jacket file of all security clearance records of all personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Management by Director OET and Security Officer of security classification levels required by missions and functions of OET.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in single folder with all pertinent items included alphabetically.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Restricted to use by Director of Emergency Transportation and the OET Security Officer. File maintained in a locked 3-combination safe.

RETENTION AND DISPOSAL:

Retained during period of employment. Transferred with the individual or returned to Security Office of OST.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation,
Department of Transportation,
Research and Special Programs Administration (DPB-30),
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the office listed under 'System Location'. Individuals requesting such information must sign the request personally. Alternatively, personal visits to the above location with presentation of necessary identification will enable individual to have access to his record.

RECORD ACCESS PROCEDURES:

Individual may secure information on procedures for gaining access to records by (1) addressing a written query to the office cited under System Location above or (2) presenting himself in person to that office.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Data from individual, and from Director of Investigations and Security, Department of Transportation.

DOT/RSPA 04.

SYSTEM NAME:

Transportation Research Activities Information Service (TRAIS).DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Transportation Systems Center (TSC),
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Program/Project Managers and research investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of Technical Research and Development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on on-going and completed research and development accomplishments.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievable by keywords and unique accession number assigned by Data Base Administrator; batch process or on-line interaction.

SAFEGUARDS:

Physical security - user identification and passwords.

RETENTION AND DISPOSAL:

Up to three-year retention and then tape is reused which destroys previous data.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transprotation Research Activity Information Services Branch, TST-25.1,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Contract Awards from Contracting Offices, Publication of Technical Report.

DOT/RSPA 05.

SYSTEM NAME:

Transportation Research Information Service on line (TRIS-On-Line).DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
System physically located at the:
Battelle Laboratories,
Columbus, OH

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Program/Project Managers and authors of reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of Technical Research and technical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on on-going and completed research and development accomplishments.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievable by keywords and accession number assigned by Data Base Administrator, batch or on-line interaction.

SAFEGUARDS:

Physical security - User identification keywords and passwords.

RETENTION AND DISPOSAL:

Up to five year accessibility, tape goes to archival storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Research Information Services Branch, TST-25.1,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Contract awards received from Contracting Offices, Publication of Technical Reports.

DOT/RSPA 06.

SYSTEM NAME:

Emergency Alerting Schedules. DOT/RSPA.

SYSTEM LOCATION:

These records are located in the national headquarters of the Offices of the Secretary; the heads of operating administrations, regional offices of the Regional Emergency Transportation Coordinators, the Regional Administrators, Directors and

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Commanders of the operating administrations and in headquarters of operating administrations divisions, district commands, and other field offices of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional and clerical employees and military members of the U.S. Government, Directors - designate and Deputy Directors - designate and members of the National Defense Executive Reserve who have been given emergency billet assignments within the Department of Transportation Emergency Structure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Alerting Charts and Schedules show names and office and home telephone numbers of individuals in calling sequence and are listed by national headquarters and by regional offices; also contain similar listings designed for management convenience within DOT and the operating elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For identification of individuals required to insure viability of DOT in the immediate preattack - transattack - postattack period of a national defense emergency. Available to the Secretarial Officers, heads of operating administrations or designated subordinates (national and regional) and to individuals listed.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Publication is maintained in stock, in listings in each office of record, and in standard filing equipment in locked file rooms.

RETRIEVABILITY:

Manually by position listing.

SAFEGUARDS:

Metal file containers or other standard office equipment secured in a locked file room during office duty hours.

RETENTION AND DISPOSAL:

Retained until republished then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, DPB-30,
Department of Transportation,
Research and Special Programs Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request and include suitable identification.

Alternatively, personal visits to the above locations with presentation of the above credentials will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under System Location, (except the Facility Manager, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, who maintains duplicate files in storage only) or (3) presenting himself to those offices.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Office or Agency of employment.

DOT/RSPA 07.

SYSTEM NAME:

Time and Attendance Report (FHWA Form 320 (7-73)) for the Office of Emergency Transportation. DOT/RSPA.

SYSTEM LOCATION:

Department Transportation (DOT),
Research and Special Programs Administration,
Office of Emergency Transportation (OET), (DPB-30),
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional and clerical employees, permanent and temporary, and consultants employed in OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record consists of a computer punch card with a tissue carbon.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to maintain record of attendance at duty station and leave accounts of employees concerned.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained alphabetically in desk of the administrative secretary to the Director.

RETRIEVABILITY:

Maintained alphabetically; retrieved manually.

SAFEGUARDS:

Maintained in a locked file room in a building under 24 hour guard; admission by building pass only.

RETENTION AND DISPOSAL:

Hard copy forwarded to paymaster every pay period; tissue retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, DPB-30,
Department of Transportation,
Research and Special Programs Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the System Manager. Individuals requesting such information must sign the request and provide suitable identification.

Alternatively, a personal request to the System Manager or his representative will enable the individual to have access to his record.

RECORD ACCESS PROCEDURES:

Individual may obtain information on procedures for gaining access by addressing a written query to the system manager or by presenting himself to the office cited in location above.

CONTESTING RECORD PROCEDURES:

Individual may obtain information on contest by request to the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned. Personnel and pay account records.

DOT/SLS 151.

SYSTEM NAME:

Claimants under Federal Tort Claims Act. DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who make claims against the Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims forms on which are recorded name, address, age and marital status of claimants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by General Counsel to determine allowability of claims.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by subject and name.

SAFEGUARDS:

Records are kept in locked file cabinets and are accessible only to the General Counsel and his secretary.

RETENTION AND DISPOSAL:

Records are retained indefinitely since they are not extensive and are used for reference.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P. O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

The individual may inquire, in writing, to the above System Manager to inquire whether this system of records applies to him/her.

RECORD ACCESS PROCEDURES:

An individual may gain access to his/her records by written request to the:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the Director of Administration, as under 'Record Access Procedure',and if not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Claimants.

DOT/SLS 152.

SYSTEM NAME:

Data Automation Program Records. DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll and leave records, work measurement records, travel vouchers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payroll and voucher disbursement: GAO audits.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape reels, punch cards, micro-film cassettes and supporting documents.

RETRIEVABILITY:

Indexed by social security number and name.

SAFEGUARDS:

Records are kept in locked file cabinets or locked rooms accessible to appropriate supervisor, his immediate assistants and secretary.

RETENTION AND DISPOSAL:

Records are retained in accordance with GAO and GSA schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P.O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

The individual may inquire, in writing, to the System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by written request to:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the Director of Administration, at the address given in 'Record Access Procedure'.

If not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Information obtained from employees, personnel records, consultants.

DOT/SLS 153.

SYSTEM NAME:

Employees' Compensation Records. DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim forms on which are recorded employees' personal statistics, medical record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For determining allowability of claims.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and micro-film cassette.

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RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in locked file cabinets and are accessible to cognizant Personnel Officers.

RETENTION AND DISPOSAL:

Retained indefinitely for possible future use.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P.O. Box 520
Massena, NY 13662.

NOTIFICATION PROCEDURE:

The individual may inquire, in writing, to the above System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by written request to:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the System Manager and if not resolved at that level, may be appealed in writing to the:
Secretary of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Injured employee, witnesses, supervisors, hospitals, physicians.

DOT/SLS 155.

SYSTEM NAME:

Emergency Operating Records (Vital Records). DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Eisenhower Lock (Emergency Relocation Site),
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Retirement records, payroll distribution records, leave records, employee roster and next of kin records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure continuity of operations during and after a national defense emergency.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by name and social security number.

SAFEGUARDS:

Locked metal file container.

RETENTION AND DISPOSAL:

Retained until updated annually; then old records destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration (Emergency Coordinator),
Department of Transportaion,
Saint Lawrence Seaway Development Corporation,
P. O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

Individuals may inquire in writing to the System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by written request to the:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P. O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the Director of Administration and if not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Personnel records, time cards, and related supporting documents.

DOT/TSC 700.

SYSTEM NAME:

Automated Management Information System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains job related information associated with the following applications: ADP services, property management, procurement requests, contract information, travel information, program and related job plans, patent data, space utilization, park control and other pertinent management information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general pruposes of this system are intended for internal management and control, including:
Computer facility planning.
ADP cost distribution.
Budget and planning analysis.
Procurement tracking.
Procurement statistics and analysis.
Information of travel incurred.
Contract administration.
Control of property.
Control of building space.
Control of parking facilities.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Access to the systems and their associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the

Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The systems are permanent unless replaced.

The data banks, for the most part, are related to fiscal year activity.

Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.

Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the
Department of Transportation,
Transportation Systems Center,
Chief, Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his data by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Administrative functional areas and technical directorates utilizing standard forms and special TSC forms such as the ADP Job Order form, the Procurement Request form,, the TSC Contract, the Property Control form the Project Program Agreement (PPA form, and the Work Plan Budget (WP) form.

DOT/TSC 701.

SYSTEM NAME:

Employee Travel Records. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Management and Budget Division,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees and other Government employees and private persons issued invitational travel orders to confer on Government problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel records pertaining to reimbursements to individuals, consisting of:
Copies of travel orders.
Per diem vouchers.
Transportation requests.
Hotel reservations and all supporting papers relating to official travel of TSC employees or others authorized to travel by law.
Travel logs.
Travel reservation record card.
ADP travel reports.
Teletype ticket listing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, and also to authorize travel and reimbursement of expenses incurred.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Travel forms, logs, card files, basic documents and other paper records, including ADP printouts.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records are maintained in locked file cabinets. Logs are generally maintained in locked desk drawer.

RETENTION AND DISPOSAL:

Travel administration unit copies are maintained two (2) years then forwarded to the Federal Records Center where they are disposed of after one (1) additional year.

Obligation copies are disposed of when funds are obligated, generally by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Budget Division, DTS-82,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Individual's request for travel and reimbursement with all supporting papers relating to official travel.

DOT/TSC 702.

SYSTEM NAME:

Legal Counsel Information Files. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Legal Counsel, Code 14,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees involved with legal matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counseling records, conflict of interest and Source Evaluation Board (SEB), and individual claims and personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, including administrative reference and advising and counseling in legal matters.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record folders.

RETRIEVABILITY:

Indexed by employee's name and subject matter.

SAFEGUARDS:

Records are maintained in locked desk drawers and safe.

RETENTION AND DISPOSAL:

One (1) year after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Legal Counsel,
Department of Transportation,
Transportation Systems Center,
Office of Legal Counsel,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee, Supervisor, Legal Office, Personnel Office.

DOT/TSC 703.

SYSTEM NAME:

Occupational Safety & Health Reporting System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Deputy Director of Administration, DTS-81,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees, in-house contractor personnel and visitors who have occupational illnesses, injuries or are involved in Government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Occupational Injuries & Illnesses Survey form. DOT Accident/Injury Reports, DOT forms 3902.1 through 8.

Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, and also for accident prevention.

The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Employees Compensation, Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms and other paper records.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Records are maintained in locked file cabinets and folders are stamped 'For Official Accident Prevention Use Only.'

RETENTION AND DISPOSAL:

Records are retained for five years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director of Administration, DTS-81,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Tranportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Documents provided by the individual concerned and immediate supervisor.

DOT/TSC 704.

SYSTEM NAME:

Stand-By Personnel Information. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Management and Budget Division,
Budget Branch, DTS-821,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC technical directorate personnel currently not fully assigned to authorized projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee work project status and request for approval for stand-by time.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these files are intended for internal management and control, including administrative reference and scheduling of work projects, budgeting and overhead classification.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by employee's name and subject classification 'Stand-By Time.

SAFEGUARDS:

Records are maintained in secured desk drawers and cabinets.

RETENTION AND DISPOSAL:

Records are maintained for one (1) additional year following completion of current fiscal year. Records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Budget Division, DTS-82,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation
Office of the Secretary
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Supervisor.

DOT/TSC 706.

SYSTEM NAME:

Automated Planning System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Plans and Programs, DTS-15,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC technical personnel, i.e., those personnel working on direct projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on all current and anticipated programs/projects and respective limits of man-years and dollars (total) budgeted.

Personnel information on all technical personnel.

Information on each technical person, based upon the planning/assignment of an individual to a program/project.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of this system is to aid in the planning for an analysis of the loading (assignment) of manpower to the numerous programs/projects undertaken by the TSC.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Access to the system and its associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on safeguards and controls.

RETENTION AND DISPOSAL:

The system is permanent unless replaced. The data banks, for the most part, are related to fiscal year activity. Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained separately for historical reasons.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DTS-1,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the Associate Director, Plans and Programs, DTS-15:

Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request. Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Program/Project files.
Personnel files.
Assignment forms.

DOT/TSC 707.

SYSTEM NAME:

Automated Manpower Distribution System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Management and Budget Division, DTS-82,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information delineating the time and charges, including fringe and overhead, that TSC employees worked. The main association of the time and

charges is with employee job assignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including:

Administrative reference.

Cost management.

Labor assignments and expenditures as they relate to both the job and the employee.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's number and job number.

SAFEGUARDS:

Access to the system and its associated data bank is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the Administration Directorate on a need-to-know basis. For normal working requirements the reports are distributed to the functional area responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The system is permanent unless replaced.

The data bank is related to fiscal year activity. Subsequent to the fiscal year, the data bank becomes part of the system's history file.

Data records are deleted from the data bank on an as required basis, and subsequently are eliminated from associated reports.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded.

Official record copy reports are subject to retirement in accordance with General Records Schedules (GRS).

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the Chief, Accounting Branch, DTS-823 at the address under 'System Location'.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretray of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Transportation Systems Center,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

TSC form entitled 'Manpower Distribution'.

DOT/TSC 708.

SYSTEM NAME:

Combined Federal Campaign Information. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of the Director, DTS-1,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of how much, if anything, each employee has contributed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of this system is to gather and disseminate statistics and information on the donations to the Combined Federal Campaign.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Form filled out by keyman.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records are maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained for five years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director,
Department of Transportation,
Transportation Systems Center,
Director, DTS-1,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Combined Federal Campaign forms filled out by employees.

DOT/TSC 709.

SYSTEM NAME:

Minority Information Files. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Civil Rights Officer, DTS-12,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC minority employees.

Potential minority hires in New England.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counselor records, Potential employee applications, minority skills bank, ADP reports - minority evaluation, personnel changes, minority reports, skills bank -

resume card file, minority training records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of these files is for: Use by the Civil Rights Office in DOT, administrative reference, and statistical reporting.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, paper records, ADP reports.

RETRIEVABILITY:

Indexed by name, skills, standard personnel subject classification.

SAFEGUARDS:

Records are maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civil Rights Officer, DTS-12,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Equal Opportunity Officer.
Equal Opportunity Counselors.
Personnel Office.
Individual potential federal employees.

DOT/TSC 711.

SYSTEM NAME:

Blood Donor Information File. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Facilities and Logistics Division, DTS-83,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees and on-site contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood Donors Phone Book (name, organization and telephone number of donor).

Blood Donors Schedule.

Requests for Blood Form (from hospital for employee or dependent).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records is for the donation of blood by TSC employees and on-site contractor personnel to ensure coverage for themselves, spouses, dependent children, parents and grandparents of both employee and spouse, and all other people living in the employee's household for whom the member has responsibility.

The routine use of this system of records is to respond to requests for blood from employees and their dependents by furnishing information to the Red Cross to ensure the availability of blood.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Blood Donors Phone Book and Blood Donors Schedule maintained for one year and then destroyed. Request for Blood Form maintained until individual terminates employment with TSC, records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Facilities and Logistics Division, DTS-83,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed with the Secretary of Tranportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office ot the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Blood Donors Phone Book and Blood Donors Schedule are filled out by solicitors.

Request for Blood Form completed by employee or dependent requesting blood.

DOT/TSC 712.

SYSTEM NAME:

Automated Personnel/Communications/Security System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees and tenants from other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the pertinent information for activities involved with Personnel, Communications, and Security.

Contains information about an individual relating to:

Social security number.
Salary,
Birthdate.
Veteran preference.
Tenure.

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Handicap.
Grade.
Marital status.
Service computation date.
Home address and telephone number.
TSC location including building and telephone number.
Security clearance level and date granted.
CSC title and classification code.
Competitive level.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including:
Administrative reference.
Source for management information for producing summary statistics and registers in support of the Personnel, Communications and Security functions.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's number.

SAFEGUARDS:

Access to the systems and their associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.
Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.
Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The systems are permanent unless replaced.
The data banks are related to both fiscal year and calendar year activity. Subsequent to the appropriate period, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.
Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.
Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end, fiscal-year-end and calendar year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the:
Department of Transportation,
Transportation Systems Center,
Chief, Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee, Personnel Office, Communications Office, Security Office.

DOT/TSC 713.

SYSTEM NAME:

Employee - Manpower Distribution System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Administrative Services Division,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll and pay administration records pertatining to TSC employees for personal services, consisting of manpower distribution cards, retirement records, time and attendance reports, withholding tax and savings bank records, ADP reports, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control; to charge labor to the appropriate direct or overhead job orders.
The routine uses of these records are as follows:
Transfer of information to the Department of Labor,
Transfer of payroll history 7/1/70 to 10/4/80.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Payroll and Manpower Distribution forms, cards, registers, basic documents and other paper records, including ADP printouts.

RETRIEVABILITY:

Indexed by employee's name and number.

SAFEGUARDS:

Employee's payroll folders are maintained in a locked file cabinet.
Payroll office is locked during other than normal working hours.
Manpower Distribution records are maintained in a locked file cabinet.
Access to and use of all these records are limited to individual employee and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Payroll System Records common to all federal agencies are retained and disposed of in accordance with General Records Schedule (GRS) No. 2.
Manpower Distribution cards are maintained one fiscal year and then forwarded to the Federal Records Center (FRC) where they are destroyed after 2
All ADP reports are maintained one fiscal year and then additional years. destroyed except the year-end reports which are maintained three fiscal years and then forwarded to the FRC where they are destroyed in accordance with GRS No. 2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Budget Division, DTS-82,
Department of Transportation,

Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Basic payroll and manpower documents (standard and TSC forms); duplicate copies provided by Personnel and Training Division; individual employee on whom record is maintained.

DOT/TSC 714.

SYSTEM NAME:

Health Unit Employee Medical Records. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Human Resources Management Division, DTS-84,
Health Unit/Building 1, 9th Floor,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees and support service contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Health Record Cards.
Individual Health Record Case Files.
Register of Visits.
Laser Eye Tests and Government Driver's Tests.
Pre-employment Physical Examinations, Health Justification Placement Records, Disability Retirement Examinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are to maintain a medical history of any TSC employee, including contractor personnel, who receives services from the Health Unit; ensure applicants for licenses to drive Government Vechiles meet physical requirements; and lasers are not adversely affecting employee's eyes.

The routine uses of these records are to respond to requests from other Doctors, Universities and Insurance Companies, and to submit medical reports to the Department of Labor, Office of Employees Compensation, to meet requirements of the Occupational Safety and Health Act of 1970 and DOT/TSC Safety Program.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, forms, logs and other paper records.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records are maintained in locked file cabinets and room secured when no one is there.

Information from records is provided only with consent of employee.

RETENTION AND DISPOSAL:

(In accordance with GRS No. 1):

Individual Health Record Cards are maintained until 6 years after date of last entry on the card.

Individual Health Record Case Files are maintained until 6 years after date of last papers in the file.

Registers of visits maintained until 2 years after last date in log or register.

Upon termination of employment with TSC, latest Laser Eye Tests and Government Driver's Tests records are combined with Health Record Case Files and disposed of as part of these files.

Pre-employment Physical Examinations, Health Justification Placement Records, and Disability Retirement Examinations become part of the official personnel folder (OPF) upon separation, and are transferred to the NPRS, St. Louis, MO., 30 days after separation, where they are disposed of in accordance with GRS No. 1, Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Management Division, DTS-84,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Chief, Human Resources Management Division, from resident physician or nurse, TSC Health Unit.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee.
Health Unit Doctor/Nurse.
TSC Safety Officer.

DOT/TSC 715.

SYSTEM NAME:

Bi-Weekly Personnel Status Report. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Human Resources Management Division, DTS-84,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade and title.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of this system is to dispense personnel management information in order to control billets.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Chronologically.

SAFEGUARDS:

Records are maintained in a cabinet.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Management Division, DTS-84.
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Standard Form 50's are the source of the records.

DOT/TSC 716

SYSTEM NAME:

UMTA/Technology Sharing Mailing List. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Plans and Programs
Technology Sharing Office, DTS-151
Kendall Square
Cambridge, MA 02142

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government officials and transportation professionals who have requested reports or have been selected by UMTA or TSC to receive reports and conference notifications.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain names, jobtitles, organizations, suborganizations and addresses. In addition, there are special categories which allow for entering the following information for each record in the data base: Organization Affiliation, Modal Information Need/Type of Document, and Subject Informational Need.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify target audiences who have a need for specific project results or who have expressed an interest in receiving copies of project documentation; and to disseminate programmatic results in an efficient and effective manner. Uses of special codes -- organizational affiliation, modal informational need, and subject informational need -- will allow for a more efficient selection of audiences for specific types of reports, will permit analyzses of information needs, and estimates of report quantities needed. To communicate plans for scheduled conferences to likely participants and disseminate conference proceedings if applicable. To prepare mailing labels. Records are subject to examination by federal officials concerned with the dissemination of programmatic results or conference notification, but are not disclosed to members of the public (except through publication in conference proceedings of names of individuals who actually participated in each conference).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a computerized data base. Disc and tape records, paper copies of coding forms, and listings of specific target groups identified to receive a publication are maintained at the U.S. Department of Transportation's Transportation Systems Center (TSC). Upon request, a listing of the target audience for a specific publication may be forwarded to the appropriate federal official responsible for the dissemination of the report.

RETRIEVABILITY:

By any attribute contained in the data base -- alphabetically by name, address or special attribute codes.

SAFEGUARDS:

Access is restricted to UMTA and TSC officials who are involved in the dissemination of programmatic results and/or notification of planned conferences. Terminal operators or contractors, if designated by TSC, may access the system to enter data, generate edit checks to assure data has been entered correctly, and generate paper copies of specific audiences for examination by a federal official. Access to the electronic data base is controlled by the computer telephone number, and name of individual responsible for the data base. Internally, the system is software protected so that people without these combinations of codes cannot even examine the data, let alone use it or modify it. Names are removed when the Postal Service reports an incorrect address with no forwarding address or when individuals request removal.

RETENTION AND DISPOSAL:

Records are kept on tape and disc. Deleted names and addresses are discarded completely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technology Sharing Office, dTS-151,
Department of Transportation
Transportation Systems Center
Kendall Square
Cambridge, MA 02142

NOTIFICATION PROCEDURE:

Individuals may contact system manager to confirm whether or not their name and address is contained in the system.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation
Office of the Secretary
Office of the General Counsel
400 7th Street, SW
Washington, DC 20590

RECORD SOURCE CATEGORIES:

Names of individuals who attended conferences and individuals who have requested conference proceedings. Names of individuals who have requested copies of publications pertaining to specific projects. Various Departmental mailing lists such as: Transit Properties, Planning Agencies, Transportation and Planning Associations.

DOT/UMTA 175.

SYSTEM NAME:

Personnel Convenience Files. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Urban Mass Transportation Administration (UMTA).
Systems are located at:
Region I,
Regional Administrator, UMTA,
c/o Transportation Systems Center,
Technology Building
55 Broadway,
Cambridge, MA 02142.
Region II,
Regional Administrator, UMTA,
26 Federal Plaza, Suite 1811,
New York, NY 10007.
Region III,
Regional Administrator, UMTA,
434 Walnut Street, Suite 1010,
Philadelphia, PA 19106.
Region IV,
Regional Administrator, UMTA,
1720 Peachtree Road, NW, Suite 400.
Atlanta, GA 30309.
Region V,
Regional Administrator, UMTA,
300 South Wacker Drive - Suite 1740,
Chicago, IL 60606.
Region VI,
Regional Administrator, UMTA,
819 Taylor Street, Suite 9A32,
Fort Worth, TX 76102.
Region VII,
Regional Administrator, UMTA,
6301 Rock Hill Road - Suite 303,
Kansas City, MO 64131.
Region VIII,
Regional Administrator, UMTA,
Prudential Plaza - Suite 1822,
1050 17th Street,
Denver, CO 80265.
Region IX,
Regional Administrator, UMTA,
Two Embarcadero Center, Suite 620
San Francisco, CA 94111.
Region X,
Regional Administrator, UMTA,
915 Second Avenue,
Suite 3142, Federal Building,
Seattle, WA 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

UMTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 171.
Resumes.
Personnel Action Forms.
Position Descriptions.
Performance evaluation forms.
Written performance standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal Use.
Personnel Reference Manual.
Statistical Information.
Technical Information.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are originals or copies of documents.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained until termination of employment and then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Associate Administrator or Regional Office (addresses same as in 'System Location').

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager (addresses same as in 'System Location').

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request.
Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at the Headquarters' level, addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration,
Attention: Office of Personnel, UAD-60,
400 7th Street, SW,
Washington, DC 20590. Unsatisfactory resolvement by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Personnel Action Forms as completed by the employee or prospective employee.

DOT/UMTA 176.

SYSTEM NAME:

Blood-Donor File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Trasnportation Administration (UMTA),
Office of Administration,
Administrative Services Division,
UAD-40,
400 7th Street, SW, Room 9223,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

UMTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of employee's donation to UMTA/Red Cross Blood Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Computing participation in Blood Program identifying donors by blood types.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained by telephone cardex.

RETRIEVABILITY:

Access by name.

SAFEGUARDS:

Maintained in locked office during non-work hours.

RETENTION AND DISPOSAL:

Only information on current employees is maintained. Card and information slips are destroyed in the year following blood quota/program year.

SYSTEM MANAGER(S) AND ADDRESS:

UMTA Blood Program Coordinator (Administrative Services Director, address as above in 'System Location').

NOTIFICATION PROCEDURE:

Verbal notification from System Manager.

RECORD ACCESS PROCEDURES:

Upon verbal request to System Manager.

CONTESTING RECORD PROCEDURES:

Record access not contested. Contact System Manager to contest content.

RECORD SOURCE CATEGORIES:

Red Cross Donor Registration Forms as completed by UMTA employee.

DOT/UMTA 177.

SYSTEM NAME:

UMTA-Sponsored Reports Author File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Trasnsportation Administration (UMTA),
Transit Research Information Center,
Office of Transportation Management,
Information Services Division
400 7th Street, S.W.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contributing authors of UMTA sponsored reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Author's name and address of organization at time of report submission to UMTA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For technical information dissemination.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on card file.

RETRIEVABILITY:

Access by author's name or corporate author.
Access by author's organization.
Access by NTIS number
Access by report title.
Access by project number.
Access by geographical location of research.

SAFEGUARDS:

Available for use under control of System Manager.
Card files are maintained in a locked office.

RETENTION AND DISPOSAL:

Retained as archive files of UMTA-sponsored report information.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Service Division OPM-44, Development Manager UTM-50, (address as in 'System Location' above).

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager, OPM-44, (address as in 'System Location ' above).

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request. Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at the Headquarter's level, (i.e., to the System Manager).

Unsatisfactory resolvement by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Authors of UMTA-sponsored reports.

DOT/UMTA 178.

SYSTEM NAME:

Minority Recruitment File. DOT/UMTA. 4

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA).
Office of Civil Rights,
2100 2nd Street, SW, Room 6204,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Minority applicants interested in UMTA employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes and Personal Qualifications Statements (S.F. 171).

Card file summarizing general information on each applicant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referrals for UMTA position vacancies.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in original and photocopied form.

RETRIEVABILITY:

Retrieved by name or position classification.

SAFEGUARDS:

Source documents are maintained in the Office of Civil Rights storage facilities.

Only persons authorized by the Director of Civil Rights or the Chief, Division of Internal Programs, are permitted access to these files.

RETENTION AND DISPOSAL:

Records held for a year's period at which time applicants are requested to update their forms; those forms updated are retained and the forms of those non-responding destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Internal Programs, UCR-20.
Department of Transportation,
Urban Mass Transportation Administration,
Office of Civil Rights,
2100 2nd Street, SW, Room 6204,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request. Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at Headquarter's level (i.e., to the System Manager at the address shown in 'System Manager' above).

Unsatisfactory resolvement by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Resumes and Personal Qualifications Statements (S.F. 171) submitted by applicants.

Resumes and Personal Qualifications Statements (S.F. 171) submitted by the DOT Office of Civil Rights, DOT modal administrations, and other Federal agencies.

Established recruitment sources, e.g., community organizations, national civil rights groups, professional societies, colleges and universities, etc.

DOT/UMTA 180.

SYSTEM NAME:

Occupational Safety and Health Accident Reporting System. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Personnel Office, UAD-60,
400 7th Street, SW, Room 4116,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any UMTA employee involved in an accident while on duty status which results in injury to an individual or property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains documents pertaining to occupational accidents involving injury to employees and/or non-employees. It will also contain documents pertaining to accidents involving employees of UMTA when no injury is involved but property damage has occurred.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accumulate accident information and statistics per DOT Order.

Develop accident cause trends.

For accident reports.

For accident prevention program.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a metal file cabinet.

RETRIEVABILITY:

Folders are in alphabetic order by name.

SAFEGUARDS:

File cabinets are located in records room which has a security approved lock on door.

RETENTION AND DISPOSAL:

Records are maintained for five years and then destroyed by tearing or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, UAD-60.
Department of Transportation,
Urban Mass Transportation Administration,
400 7th Street, SW, Room 4116,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager at the address above.

If in person, proper identification will be required.

If written, notrarized signature and social security number of the individual involved in the accident must be presented.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Individuals involved in accidents.

Witnesses to accidents.

Supervisor of the UMTA employee involved in an accident.

Doctors of medical facility where treated.

DOT/UMTA 181.

SYSTEM NAME:

Attendees Names and Addressees for R&D Priorities Conference. DOT/UMTA.

SYSTEM LOCATION:

UMTA Office of Research and Development and American Public Transit Association (acting as contractor to UMTA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons attending first R&D Priorities Conference in February 1976; those to be invited to the second and subsequent annual conferences, and those to whom copies of the proceedings of each conference are to be sent.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain names, organizational affiliation and addresses only.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Including categories of users and the purposes of such uses:

To communicate plans for planned conferences to likely participants.

To distribute to participants and those who have requested, or are likely to benefit from, informational materials, proceedings, and other documents related to UMTA's research, development and demonstration activity.

Records are subject to examination by federal officials concerned with the dissemination of research and development information, but are not disclosed to members of the public (except through publication in the proceedings of names of individuals who actually participate in each conference).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents in file system.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Access is restricted to officials of UMTA and APTA involved in planning and disseminating information about conferences.

RETENTION AND DISPOSAL:

Records are maintained in current status. Deleted names and addresses are discarded completely. The system itself will be discarded within two years after the last R&D priorities conference of the current series has been concluded.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible is Executive Assistant to Associate Administrator for Research and Development,
URD-3,
UMTA,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individual may contact the systems manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the system manager. If this is unsatisfactory to the individual, the person may appeal in writing to:
Privacy Act Officer, UAD-60
Urban Mass Transportation Administration
Room 4116, Nassif Building
400 7th Street, S. W.
Washington, D. C. 20690

RECORD SOURCE CATEGORIES:

Names of individuals who have attended past R & D Priorities Conferences and individuals who have requested copies of the proceedings.

DOT/UMTA 182

SYSTEM NAME:

New Systems Survey Response Forms.

SYSTEM LOCATION:

U.S. Department of Transportation
Urban Mass Transportation
Office of Socio-Economic and Special Projects, UTD-10
2100 2nd Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents to surveys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed survey response forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Statistical purposes only. (See also Prefatory Statement of General Routine Uses).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are original completed Response Forms, or copies of completed Response Forms.

RETRIEVABILITY:

Retrieved by name or by selected attributes.

SAFEGUARDS:

Maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained until statistical abstracting is completed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Socio-Economic and Special Projects, UTD-10
Office of Technology Development and Deployment
Urban Mass Transportation Administration
2100 2nd Street, S.W.
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request.

CONTESTING RECORD PROCEDURES:

Contest of these records is to the System Manager. Unsatisfactory resolution by the individual may be appealed in writing to the UMTA Privacy Act Coordinator, addressed as follows:
UMTA Privacy Act Coordinator
Urban Mass Transportation Administration
400 7th Street, S.W.
Washington, D.C. 20590.

RECORD SOURCE CATEGORIES:

Response Forms completed by survey respondents.

DOT/UMTA 190.

SYSTEM NAME:

Employee Travel Records. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division,
2100 2nd Street, SW.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All UMTA employees.
Private persons, congressional committee members or other persons issued invitational travel orders to confer on government matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual travel folders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accounting records.
Analysis of travel trends.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a file cabinet secured with lock and key.

RETRIEVABILITY:

System is indexed by name.

SAFEGUARDS:

Individuals requesting individual travel folders are screened by Accounting Branch personnel.
Records are maintained by Accounting Branch personnel in secured file.

RETENTION AND DISPOSAL:

Retained three years, then forwarded to Federal Records Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

Fiscal Officer, Accounting Branch,
Department of Transportation,
Urban Mass Transportation Administration,
2100 2nd Street, SW, Room 6613,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation addressed to the following:
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Travel orders, individual travel vouchers.

DOT/UMTA 191.

SYSTEM NAME:

Travel Advance File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division,
2100 2nd Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of travel advances and liquidation and repayment thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accounting records.
Ensure collection of amounts due the United States.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on 5 x 8 card form.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained by Accounting Branch personnel in locked file.

RETENTION AND DISPOSAL:

Retained three years then forwarded to Federal Records Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

Fiscal Officer, Accounting Branch,
Department of Transportation,
Urban Mass Transportation Administration,
2100 2nd Street, SW, Room 6613,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals may contact the System Manager to confirm whether or not the system contains records on them.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation, addressed to the following:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Travel advance card signed by individual.

DOT/UMTA 192.

SYSTEM NAME:

Urban Transportation Planning System (UTPS) Address File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Urban Mass Transportation Administration (UMTA),
Office of Transit Planning,
Planning Methodology and Technical Support Division, UTP-40,
400 7th Street, SW, Room 9311,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

UTPS users.

Persons indicating continuing interest in UTPS developments.

Federal Highway Administration (FHWA) Planning Package users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, business address, telephone number, UTPS or FHWA Planning Package version date, UTPS course/symposium/conference attendance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For technical information dissemination.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a computer file.

RETRIEVABILITY:

Access by computer terminal by any item.

SAFEGUARDS:

Available for use under the control of the System Manager.

Computer file is protected by account number and code words.

RETENTION AND DISPOSAL:

Records are retained until notified that individual no longer desires information and then record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Planning Methodology and Technical Support Division, UTP-40,
Department of Transportation,
Urban Mass Transportation Administration,
Office of Transit Planning,
400 7th Street, SW, Room 9311,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager, UTP-40 (address same as above).

RECORD ACCESS PROCEDURES:

Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at Headquarter's level (i.e. the System Manager). Individual may appeal adverse decision to the Secretary of Transportation, addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

UTPS order forms, UTPS course registration forms, letter and/or verbal request to be place on mailing list.

DOT/UMTA 193.

SYSTEM NAME:

Docket. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Urban Mass Transportation Administration (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have commented on notices of UMTA appearing in the Federal Register; authors of reports which are added to the Docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To gather information in response to rules promulgated by UMTA. Users are both UMTA staff members and the public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal-size file folders stored in file cabinets.

RETRIEVABILITY:

By name and Docket number assigned at the time of receipt.

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None required. Publically available file.

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Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Docket Clerk, Office of the Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
400 7th Street, SW, Room 9300,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Same as 'System Manager.'

CONTESTING RECORD PROCEDURES:

Same as 'System Manager.'

RECORD SOURCE CATEGORIES:

Correspondence freely sent by the public to UMTA.

DOT/UMTA 194.

SYSTEM NAME:

Litigation and Claims Files. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room, 9320,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are involved in litigation or claims actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation and claim pleadings, discovery material, related documents (including background data on individuals involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The documents are produced or used in and for litigation and claims.

These documents are disclosed to the Department of Justice.

See Prefatory Statement for Genaral Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal-size file folders stored in lockable and unlockable file cabinets and individual attorney's offices.

RETRIEVABILITY:

Retrieved by caption of the particular litigation.

SAFEGUARDS:

Data from these files are retrievable only by persons within the Office of the Chief Counsel.

RETENTION AND DISPOSAL:

Litigation files are kept for two years after case is closed, then sent to Federal Records Center. All other records in the system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

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Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the System Manager.

RECORD SOURCE CATEGORIES:

Federal courts, individuals and their attorneys, UMTA records, litigation files, etc.

DOT/UMTA 195.

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation, (DOT),
Urban Mass Transportation Administration, (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Urban Mass Transportation Administration in supervisory positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are consultants and experts of the Urban Mass Transportation Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on employment and financial interests and debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information to be furnished is required by Executive Order 11222 and the requlations of the Civil Service Commission issued thereunder and may not be disclosed except as the Commission or the agency head may determine.

The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in UMTA employees.

See Prefatory Statement of General Routine Uses.

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STORAGE:

Legal size folders.

RETRIEVABILITY:

Indexed by name in alphabetical sequence.

SAFEGUARDS:

Records are stored in locked file cabinet.

RETENTION AND DISPOSAL:

Records are kept 3 years and then transferred to Federal Records Center for 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

Inquiries may be addressed to the Chief Counsel either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Chief Counsel at the address in 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Chief Counsel.

RECORD SOURCE CATEGORIES:

Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Urban Mass Transpor- tation Administration.

Initial requests for submission of statements are through the Personnel Division, Office of Administration, Urban Mass Transportation Administration.

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December 7, 1981

Part IV

Department of Energy

Powerplant and Industrial Fuel Use Act of 1978; Final Rule and Proposed Rule

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DEPARTMENT OF ENERGY

10 CFR Parts 500, 501, 503, 504, and 505

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use Act of 1978; Final Rules

AGENCY: Department of Energy.

ACTION: Final rules.

SUMMARY: The Department of Energy (DOE) is revising its final rules implementing the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") to simplify the administrative procedures and exemption criteria applicable to owners or operators of new and existing electric powerplants and major fuel burning installations (MFBI's) which are subject to the prohibitions of the Act. These revisions would eliminate many of the regulatory burdens imposed by the prior regulations for petitioners requesting exemptions under the Act. For most exemptions, these rules establish a simple certification procedure for obtaining temporary and permanent exemptions.

EFFECTIVE DATE: These rules shall become effective on January 6, 1982.

FOR FURTHER INFORMATION CONTACT:
Constance L. Buckley (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3313.
Henry K. Garson (Office of the General Counsel), Department of Energy, Room 6B–178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2967.
Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8108.

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I. Background

On June 9, 1981, DOE proposed to revise the rules implementing portions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") so as to simplify administrative procedures and exemption criteria applicable to new and existing major fuel burning installations (MFBI's) and electric powerplants (46 FR 31216, June 12, 1981 ("NOPR"). Previously, the Economic Regulatory Administration (ERA) of DOE had issued final rules governing the following areas under the Act:

(1) Definitions and administrative procedures (45 FR 38276 (June 6, 1980));

(2) New facility exemptions (45 FR 38302 (June 6, 1980));

(3) Existing facility exemptions (45 FR 53682 (August 12, 1980));

(4) Cost calculation methodologies (45 FR 84967 (December 24, 1980)).

In addition, rules relating to exemptions for new and existing cogeneration facilities were issued in interim form on May 17, 1979 (44 FR 28950, 28994, 29014), and on July 23, 1979 (44 FR 43176, 43204, 43219) respectively, and then proposed to be revised on August 11, 1980 (45 FR 53368).

As noted in the June 9, 1981 NOPR, on January 29, 1981 the President's Task Force on Regulatory Relief was established to "[R]educe the burdens of existing and future regulations * * * and insure well reasoned regulations * * *" (Executive Order 12291). Under previous rules, obtaining an exemption under the Act could be an unnecessarily costly and time-consuming effort, often constraining the ability of industry and utility management to make critical fuel use decisions in an efficient and reasoned manner. In response to these problems, and consistent with the foregoing directive, DOE proposed the following principal revisions to its regulatory program under the Act:

(1) Reduction of eligibility criteria for temporary and permanent exemptions under Title II of the Act, to the minimum statutory requirements;

(2) Reduction of evidentiary requirements for most temporary and permanent exemptions under Title II of the Act to a self-certification procedure and, in recognition of the public

comment and review provisions of FUA, exhibits containing the basis for the certification;

(3) Simplifying and updating the cost calculation methodologies for new and existing facilities;

(4) Expedited procedures for fuel classifications involving determinations of commercial marketability;

(5) Limitation of fuel search requirements;

(6) Expansion of fuel use authorized under the definition of "primary energy source;" and

(7) Consolidation of interim rules governing the cogeneration exemption for powerplants and MFBI's.

Public comments received by DOE reflected an overwhelming endorsement of the foregoing proposals. Most commenters felt that the changes proposed would be more consistent not only with the needs of affected energy users, but also with the purposes of the Act.

After considering the comments received, DOE has decided to adopt the foregoing proposals. DOE's NOPR also generally solicited comment on other aspects of the FUA regulatory program. In response to comments received on matters which were not explicitly proposed on June 9, 1981, DOE is issuing at this time a notice of proposed rulemaking, proposing additional revisions to the final rule as follows:

(A) Part 500—Definitions

1. "Alternate fuel"—Addition of tar sands and oil-impregnated diatomaceous earth, and deletion of the requirement that a fuel be burned by its producer to be classified as commercially unmarketable;

2. "Reconstruction"—Substitution, in certain specified instances, of an 80 percent test for the 50 percent test currently provided;

3. "Natural gas"—Definition of "maximum efficient production rate" of a well in terms of gas and gas liquids production rather than total hydrocarbon production.

(B) Part 501—Administrative Procedures

Classification of fuel as commercially unmarketable—Addition of self-executing certification procedure, and the imposition of an administrative action deadline tied to automatic classification.

(C) Part 503—Exemptions

1. Revision of the 600 hour lack of alternate fuel supply exemption;

2. Revision of requirement to demonstrate specific debt-constraining restrictions for inadequate capital exemptions.

DOE is issuing these revisions in proposed form in order to assure a fair opportunity for public comment. Accordingly, a public comment period of thirty (30) days from publication of the new proposals will be provided.

In addition, while DOE believes that these final rules are fully responsive to the public comments received, DOE invites further public comment on any portion of the rules adopted herein with respect to which commenters feel that further reduction of regulatory burdens under FUA is feasible.

For those portions of the FUA rules finalized herein, DOE has decided to reprint the entire rule, reflecting the revisions adopted. While increasing the number of pages of this notice, DOE believes that important benefits of immediate clarity and ease of use will be obtained by this organizational approach.

II. Comments

A. Definitions—§ 500.2

For purposes of clarity, DOE has deleted the definitions of "general use," "limited use," and "specified use" exemptions. Instead, where a requirement in the rules pertains only to certain exemptions, those exemptions are described in the pertinent portion of the rules.

1. *Alternate fuel.* DOE's proposal specifically solicited comment on the possible addition of fuels to the current regulatory definition of "alternate fuel." Comments were received recommending the inclusion as alternate fuels of tar sands, oil-impregnated diatomaceous earth, heavy crude oil (including residuum), coal/oil mixtures, liquefied natural gas, synthetic gas derived from natural gas liquids, refinery waste gas, synthetic oil or gas derived from coal or peat, and hydrogen used in a fuel cell.

DOE notes that several of these fuels—synthetic oil or gas derived from coal or peat (when not mixed with natural gas), and hydrogen—are not defined as "petroleum" or "natural gas," and hence, are already classified as alternate fuels. Refinery wastes may also be alternate fuels where the statutory commercial unmarketability standards can be demonstrated.

Two of the fuels identified—liquefied natural gas and synthetic gas from natural gas liquids—are clearly identified as "natural gas" under the Act. Since no fuel classified as "natural gas" can be an "alternate fuel," DOE has no authority to implement these suggestions.

The issues of including coal-oil mixtures (or slurries), and heavy crude oil as alternate fuels have been addressed by DOE in earlier rulemakings under the Act (44 FR 28533–28534 (May 15, 1979)). For the reasons therein indicated, we decline to reclassify such fuels as alternate fuels at this time.

Because DOE has not previously specifically proposed the addition of tar sands and oil-impregnated diatomaceous earth to this definition, such additions are being proposed in the separate notice described *supra*.

A number of commenters suggested that the definition of alternate fuels be amended to incorporate the commercial unmarketability standards set forth in DOE Ruling 1981–2. DOE agrees that explicit incorporation of such standards in the body of the regulations will provide clarification, and has added to these rules a separate commercial unmarketability definition, applicable to the use of that term in the definitions of "petroleum," "natural gas," and "alternate fuels."

One commenter recommended that, in incorporating the standards in DOE Ruling 1981–2 in these rules, DOE delete the requirement contained in such Ruling that a fuel be "burned by its producer" in order to be considered commercially unmarketable. DOE is considering this recommendation under its separate proposed rulemaking, described *supra*.

One commenter recommended that a waste by-product should be classified as an alternate fuel where attempts to market all *or a portion* of it fail. DOE believes that the "quantity" standard for determinations of commercial marketability already takes this criterion into account.

2. *Applicable environmental requirements.* One commenter suggested that this term should be defined so as to include all Federal and State environmental law, including common law. While the commenter believed this was already implicit in DOE's regulatory definition, it felt that the definition was unclear. DOE has retained the current regulatory definition, which tracks the language of section 103(a)(17) of the Act. To clarify the coverage of this term under FUA and its legislative history (FUA Conference Report, p. 71), "applicable environmental requirements" include the final order of any Federal or State Court construing Federal or State environmental laws or regulations, but *exclude* any local laws or regulations.

3. *Boiler.* Several commenters suggested that the definition of "boiler"

be modified so as to clearly exclude boilers used solely in the production of oil and gas. DOE believes that its note under the definition of major fuel-burning installation, which excludes from jurisdiction under the Act any boiler, combustion turbine, combined cycle unit or internal combustion engine used to drive pumps and compressors used in the production, gathering, transmission, storage or distribution of gases or liquids, is already responsive to this comment.

4. *Capability to use alternate fuel.* One commenter recommended that this definition include a requirement that the design of a powerplant include adequate space for appropriate pollution control or fuel handling equipment for the use of alternate fuels. Thus, while adequate space would have to be provided for such equipment, it would not have to be installed to achieve compliance with the Title II construction prohibition. DOE has made this change because it will help assure, consistent with the Title II construction prohibition, that facility design will not preclude later alternate fuel-burning. The foregoing revision also addresses comments that DOE's proposal on this issue was inconsistent with section 201 of the Act, because it would permit the construction of facilities which could not operate on alternate fuels.

Other comments suggested the deletion in this definition of language requiring that alternate fuels be available. DOE believes that this language, which assures the construction of new powerplants with more than theoretical alternate fuel-burning capability, is needed to give meaning to the construction prohibition of Title II of the Act.

One commenter indicated uncertainty about the meaning of the term "operational" as used in this definition. DOE has added language clarifying that a powerplant is operational when it commences the commercial generation of power.

Finally, DOE notes that it has deleted § 503.2(b) of these rules, relating to prohibitions, in order to conform that section to the definitional revisions herein discussed.

5. *Combined cycle unit.* Several commenters expressed confusion about the proposed changes in the definition of combined cycle unit, particularly with regard to the treatment of combustion turbines used in combination with waste heat recovery boilers. Under the definition contained in the former rule, a combustion turbine/waste heat boiler system (CTB) was treated as a combined cycle unit regardless of its classification as a powerplant or an MFBI. If the CTB qualified as a new powerplant, the prohibitions of Section 201 of FUA took effect, but if it qualifted as an MFBI, the entire unit was considered a nonboiler MFBI, escaping regulation under DOE rules (although authorized by Section 202(b) of FUA to adopt rules regulating nonboiler MFBI's, DOE has not done so and does not intend to do so). If a new CTB happened to qualify as a cogeneration facility which, because it sold more than 50 percent of its electrical output, was classified as a powerplant, then like any other new combined cycle powerplant under the former rule which met the jurisdictional size requirements of the Act, it also would have been subject to the Section 201 prohibitions.

In proposing to adopt separate definitions for powerplant and MFBI combined cycle units, the intent of DOE was to reduce unnecessary regulatory burdens applicable to cogeneration facilities consisting of combustion turbine/waste heat boilers systems, whether classified as powerplants or as MFBI's. In determining whether a single combined cycle unit is jurisdictional in size under DOE rules, the heat input rates of each component of the unit are aggregated to meet the jurisdiction threshold of 100 MM Btu's. Under the new definitions, a CTB cogeneration powerplant will not be treated as a combined cycle for purposes of determining jurisdictional size, but as two separate units, a combustion turbine and a boiler. The new rule continues to treat MFBI combustion turbine systems as combined cycles which, as indicated above, are not subject to regulation under DOE rules.

Two changes have been made in the proposed definitions, however, in order to eliminate the confusion expressed by the commenters. First, the MFBI combined cycle definition has been changed to provide that the addition of one or more steam turbine units will not affect the facility's status as an MFBI combined cycle unit as long as the entire facility remains classified an MFBI. Second, the last sentence of the powerplant combined cycle definition has been deleted, and a new sentence applicable to both definitions has been added. The new sentence provides that substantial amounts of supplement firing for a steam turbine or waste heat boiler to improve thermal efficiency will not affect a unit's classification as a combined cycle.

6. *Constructional/reconstruction.* Most comments on this definition addressed DOE's 50 percent test for finding reconstruction of an existing unit. For purposes of organizational clarity, this test has been moved from the sections defining "new electric powerplant" and "new major fuel-burning installation" to a separate definition of "reconstruction."

Many commenters felt that the test should permit refurbishment of units damaged in plant accidents. Other commenters felt that the test should be limited to situations either where boiler capacity was being increased, or where facility efficiency was being increased.

In response to these comments, DOE has proposed to revise its reconstruction test in the notice of proposed rulemaking, described *supra*.

DOE wishes to clarify that it will accept, for purposes of computation of the capital costs of refurbishment or modification of a unit, good-faith estimates of the reasonably anticipated capital costs associated with such refurbishment or modification, notwithstanding the fact that actual capital costs incurred eventually may exceed such estimates.

7. *Cost of petroleum or natural gas.* DOE requested comments on the appropriateness of deleting the definition of the "cost of petroleum or natural gas," requiring use of the imported petroleum cost standard only when the cost calculations are required to be used to determine eligibility for an exemption by reason of cost. The cost of the actual fuel proposed to be used in the facility would then be used in other economic calculations required under Title II of FUA and applicable regulations.

A number of commenters stated that this definition can only be appropriately applied where the imported oil standard is prescribed by the statute, (*i.e.*, Sections 211(a), 212(a), 311(a), 312(a) of the Act, and regulations set forth in §§ 503.21, 503.32, 504.31 and 504.51) and that it cannot be applied in the general requirement to show that no alternate power supply is available (§ 503.8) or that mixtures are economically infeasible (§ 503.9). The comments also indicated that the imported oil standard cannot be applied in the financial feasibility finding for prohibition orders (§ 504.6(d)), and that the appropriate cost of fuel is the actual cost of the fuels being compared.

DOE has considered these comments and will require that the imported petroleum cost standard be used in the regulations applicable to new facilities (§§ 503.21 and 503.32) only where it is specifically prescribed by statute. In those instances, Appendix II must be used to compute the price of fuel as called for in the cost calculation. In other places in such regulations where an economic showing is required, the

projected price of the actual fuels to be used must be applied. The regulations are being changed appropriately and the definition of "cost of petroleum or natural gas" is being deleted. DOE notes, however, that for reasons discussed in this Preamble under the heading "Existing Facilities—Title III of FUA," a corresponding revision of the financial feasibility finding under 10 CFR 504.6 is not being made at this time.

8. *Design capability.* DOE's proposal to use the manufacturer's continuous rating in the definition of design capability was favorably received by commenters. However, several commenters correctly noted that the definition of maximum continuous rating did not clearly specify the duration over which the maximum load must be sustained. DOE is correcting this oversight. The last sentence of subparagraph (2)(ii) under "design capability" has been changed to read: "For the purpose of this definition, the manufacturer's continuous rating (MCR) is defined as the maximum load in pounds of steam per hour for which the boiler is designed to operate on a sustained continuous basis (i.e. more than 24 hours)."

9. *Major fuel burning installation/ electric powerplant.* One commenter recommended deleting informational requirements for the exclusion of certain pumps and compressors from the definition of major fuel-burning installation. The certification procedure for the exclusion of such units is required by section 103 of FUA. DOE believes that its rules already require the minimum informational requirements consistent with the Act.

A technical revision has been adopted which moves the Secretary's determination excluding from jurisdiction MFBI's below a certain size from a note into the body of the regulation.

10. *Natural gas.* Under section 103(a)(3) of the Act, and DOE's regulatory definition in § 500.2, the term "natural gas" does not include natural gas *produced by the user* from a well, the maximum efficient production rate of which is less than 250 million Btu's per day (so-called "marginal wells").

Several comments were received criticizing DOE's definition of the term "produced by the user" as the term relates to such marginal wells. Specifically, DOE defines "produced by the user" as either all gas produced from a marginal well, where the gas is delivered to the user through a delivery or transportation system which could not deliver the gas to any other user, *or* only that amount of gas from a marginal well, representing the user's net working mineral interest in the gas, where the gas delivery system could deliver the gas to any other user. The commenters asserted that any consideration of the gas gathering or transportation system was irrelevant in this context, and that as long as a well produces less than the threshold amount, its output is an alternate fuel.

DOE has considered these comments and does not agree that the factors applied in the rule are irrelevant for determining when natural gas in the foregoing category has been "produced by user", and may thus be removed from the pipeline as an alternate fuel. As noted in an earlier rulemaking addressing this issue (45 FR 38277–38278 (June 6, 1980)), this rule does not preclude the producer/user from demonstrating that any gas not excluded under this provision is nonetheless commercially unmarketable, and hence, an alternate fuel.

One commenter requested that, for purposes of the foregoing exclusion, DOE should redefine "maximum efficient production rate" of a well in terms of gas production, rather than *total* production, including oil and gas liquids. DOE has addressed this comment in a notice of proposed rulemaking, described *supra.*

DOE received comments from the iron and steel industry asking that commingled streams of coal by-product gas and natural gas be excluded from coverage under the regulation if the overall average heat content of the commingled stream is less than 600 Btu's per cubic foot on an annual basis. This request is based on FUA, Section 103(a)(3)(B)(iv), which excludes from the definition of natural gas, "synthetic gas, derived from coal or other alternate fuel, the heat content of which is less than 600 Btu's per cubic foot at 14.70 pounds per square inch (absolute) and 60 degrees Fahrenheit."

At first glance, it would appear that this exclusion does not apply to any mixture of synthetic gas and natural gas. Instead, any such mixture would appear to fall within FUA's definition of "natural gas," which under Section 103(a)(3)(A)(iv) includes "any fuel consisting * * * in part * * * of natural gas" and "any mixture of natural gas and synthetic gas."

However, in another section of FUA, Section 103(a)(5), Congress defined "coal" as including "any fuel derivative thereof" and thereby exluded from FUA prohibitions *any* fuel, regardless of Btu content, consisting only of synthetic gas derived solely from coal. Hence, to give some meaning to all provisions of the statute, DOE must assume that Congress intended the exclusion in FUA, Section 103(a)(3)(B)(iv), to apply to something more than synthetic gas derived solely from coal or other alternative fuel, for otherwise this section, as to coal-derived fuel, would be made wholly superfluous by Section 103(a)(5).

The language which became Section 103(a)(3)(B)(iv) began as an Administration proposal to exclude coal-derived synthetic gas which has a heat content of less than 500 Btu's. The heat content limitation was raised to 600 Btu's by the Senate, and was so adopted by the Committee of Conference, after testimony offered by the iron and steel industry.

This testimony concerned the long-standing practice within that industry of burning coal by-product gas (coke oven gas and blast furnace gas) as fuel in the iron and steel production processes. Coke oven gas, it was pointed out, often exceeds 500 Btu's in heat content. Accordingly, for such by-product gas, the exclusion as drafted was regarded as inadequate. Because the by-product gases fluctuate in volume and availability, their use requires supplementation by natural gas in order to avoid sudden pressure changes, maintain boiler ignition and flame stability, and ensure sufficient fuel supply to maintain plant production. Continuing the industry's ability to use such commingled gas was another problem addressed in this testimony.

It appears, therefore, that Section 103(a)(3)(B)(iv) was shaped, at least in part, to accommodate a long-established industrial process that Congress was aware required supplementation by natural gas. However, as explained in comments filed in this proceeding, the volume of natural gas used in this fashion is relatively small, and the total heat content of the commingled coal by-product/natural gas stream used in major fuel burning installations in the iron and steel industry is less than 600 Btu's per cubic foot , as measured on an annual basis.

On the other hand, the language in Section 103(a)(3)(A) that defines natural gas as including "any mixture of natural gas and synthetic gas" began simply as an adoption by reference of the definition of "natural gas" in the Natural Gas Act. The Congress was aware that this definition had been judicially interpreted to include commingled streams of natural gas and coal-derived sythetic gas in commercial pipelines. *Henry* v. *Federal Power Commission,* 513 F. 2nd 395 (D.C. Cir. 1975). It is clear that the Congress intended generally to carry this interpretation forward into FUA, because if all such commingled streams were exluded, large quantities

of natural gas would escape the restrictions of FUA. Further, such coal-derived synthetic gas, which a high Btu content, would become indistinguishable once commingled in the pipeline, making it difficult to determine that only synthetic gas actually produced was being used for permitted purposes. Consistent with this interpretation is a special exception in Section 103(b) for tracking high Btu gas derived from coal or other alternate fuel, which the consumer owns or is entitled to receive at the point of manufacture, but which moves via pipeline.

Accordingly, it appears that the inclusion of "any mixture of natural gas and synthetic gas" in FUA under Section 103(a)(3)(A)(iv) may be read to cover primarily commingled streams in jurisdictional pipelines, and the exclusion of synthetic gas derived from coal under Section 103(a)(3)(B)(iv) may be read to exclude from FUA commingled streams of synthetic coal gas and natural gas as used in industrial processes in the iron and steel industry, when such streams carry an average heat content of less than 600 Btu's annually as consumed in a major fuel-burning installation.

The foregoing interpretation gives meaning to all the provisions of FUA and is consistent with the purposes of FUA, set forth in Section 102(a) (3) and (4), to foster and encourage the use of coal and fuel derived from coal to the maximum extent permitted by the Act. As noted above, without the supplementary use of natural gas in the iron and steel production processes coal by-product gases would not be used, and other fuel sources of less intermittent and fluctuating availability would be required. This interpretation is therefore adopted in the regulation.

11. *Person.* One commenter questioned DOE's addition in its current rules to the FUA definition of the term "person" of "a parent and the consolidated entities (if any) which it directly or indirectly controls." DOE has considered this recommendation and is deleting the foregoing paragraph of its regulatory definition, so that the definition conforms to the statutory language.

12. *Petroleum.* One commenter recommended that DOE exclude from the definition of "petroleum," products which are *domestically* unmarketable. DOE can find no basis for this distinction in the Act. DOE's consideration of the costs of marketing a fuel (see definition of "commercial unmarketability" in 10 CFR 500.2) already takes into account the distance and accessibility of a prospective market.

13. *Primary energy source.* Under Section 103(a)(15) of the Act, DOE is authorized to prescribe, by rule, the minimum amount of fuel which will be excluded from this definition for certain uses. DOE has determined that 25 percent of any facility's total annual Btu heat input is a reasonable exclusion for the purposes of unit ignition, startup, testing, flame stabilization, and control uses. Accordingly, DOE has established a presumption that 25 percent of a facility's total annual Btu heat input will be excluded from consideration as a primary energy source. In response to comments received, DOE wishes to clarify that this exclusion is automatic; that is, where a facility is using no more oil or natural gas than the 25 percent excluded, the facility is not using a prohibited fuel, and ERA need not be notified of such use. DOE has modified the rule accordingly.

Another comment suggested that the 25 percent exclusion should be based upon a unit's total design capability, rather than actual Btu heat input. DOE does not believe that it has the authority under FUA to make this change.

Finally, a commenter requested that those facilities which have already received mixtures exemptions, as of the date these rules are effective, should thereafter be permitted to avail themselves, first, of the 25 percent exclusion, and second, of the policy of adding that exclusion to any fuel use authorized under a mixtures exemption. DOE believes that this result would be consistent both with the purposes of the proposed rules and the statute. We will therefore extend the applicability of this definition to all facilities, regardless of whether or not they had already received orders granting fuel mixtures exemptions.

14. *Rated capacity.* A commenter suggested that the term "rated capacity" apply to both powerplants and MFBI's and that the phrase "maximum sustained energy output per unit of time" in the definition be clarified. DOE has accepted these suggestions and has modified the definition accordingly.

B. Administrative Procedures and Sanctions (Part 501)

Part 501 has been adopted essentially as proposed. Minor technical errors have been corrected and portions of several provisions have been re-written or rearranged for clarification and consistency. Substantive changes reflecting the suggestions of public commenters are noted below. In addition, except where indicated *infra*, §§ 501.31(b), 501.33(b), 501.51 and 501.56 of the current rules, pertaining to existing facilities, have been continued essentially unchanged, pending a future rulemaking relating to existing facilities under the Act and its recent amendments contained in the Omnibus Budget Reconciliation Act of 1981.

1. *General Provisions (Subpart A).* DOE has rejected the suggestion of one commenter that ERA publish notice of the filing of a petition within ten (10) days of its receipt. The thirty (30) day period provided in § 502.3(c) and (d) for acceptance and notice of filing is adequate for purposes of public notice and permits adequate time to review the completeness of the document.

Proposed § 501.7(a)(1) incorrectly provided that petitions for exemption are considered to be filed upon mailing. This error has been corrected to indicate that, as in the past, petitions for exemption are filed upon receipt.

The ERA close of business hour for timely filing of documents was erroneously described as 4:00 p.m. in proposed § 501.7(a)(3). This error has been corrected and the correct close of business day, 4:30 p.m., inserted.

DOE agrees with the criticism that proposed § 501.7(a)(10), requiring detailed notification of contacts by petitioners or other applicants with DOE officials in related matters, is unnecessary and onerous. The former, less detailed, provision (10 CFR 501.7(f)) has been reinstated.

One commenter suggested that DOE should amend § 501.7(a)(11) to provide for the right to withdraw information submitted pursuant to a claim of confidentiality if the claim is denied by ERA. This issue has been addressed on several occasions in the past, most recently in the Preamble to the current rules for new facilities (45 FR 38276 (June 6, 1980)). After further consideration, DOE is not persuaded that it would be appropriate to adopt the suggested revision at this time. The rule has been revised, however, to provide that a person claiming confidentiality of information will be given an opportunity to take appropriate action to avoid the release of the information if the claim is denied by ERA.

Several comments were received concerning the proposed procedure for commercial unmarketability determinations (§ 501.7(a)(12)), ranging from the suggestion that ERA provide a self-executing procedure for making the determination to a request that ERA give automatic approval to a request for an unmarketability determination if ERA fails to act on the request within 60 days of its filing, or within 30 days, as suggested by one commenter. In order to facilitate the expeditious publication of this rule, DOE has decided to adopt

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§ 501.7(a)(12) without change or amendment. In a separate rulemaking, however, DOE has proposed a new procedure for commercial unmarketability determinations, which would incorporate both the self-executing mechanism and provide for automatic classification after 60 days, as suggested by the commenters. Other changes aimed at simplifying the procedure have also been proposed for these determinations.

Section 501.13 provides no administrative appeal of any final administrative action under Part 501. DOE wishes to clarify, in response to one comment, that this provision does not apply to administrative appeals under the Freedom of Information Act, 5 U.S.C. 552, which are provided for at 10 CFR Part 1004.

2. *Written Comments, Public Hearings and Conferences During Administrative Proceedings (Subpart C).* Several commenters requested clarification of the administrative procedures applicable to an exemption petition, particularly with regard to the computation of public comment periods. The procedural confusion resulted from the creation of certification alternatives for requesting certain exemptions under the Act. The language of §§ 501.31, 501.33, 501.63 and 501.64 has been revised to more clearly reflect the fact that the exemption processes applicable to certification and non-certification exemption petitions are not identical.

For exemptions by certification, ERA will publish a Notice of Acceptance and Availability of Certification instead of a Notice of Acceptance, to signify that an exemption proceeding has commenced. The Notice of Acceptance and Availability of Certification will provide a summary of the exemption petition and a period of no less than 45 days during which interested persons may submit written comments or request a public hearing. ERA will not prepare a Tentative Staff Analysis in the case of a certification exemption. In the case of non-certification exemptions, ERA will continue to publish a Notice of Acceptance of Petition and a Notice of Availability of Tentative Staff Analysis. Where appropriate, ERA may publish the Notice of Availability of Tentative Staff Analysis at the same time as or during the public comment period on the Notice of Acceptance of Petition, in which case the comment periods on each notice would run concurrently.

At the suggestion of several commenters, DOE has decided not to promulgate proposed § 501.32, pertaining to informal conferences, because existing § 501.32 is more specific to the requirements of the statute. DOE considered other suggested changes in this provision which would permit the reopening of the record in a proceeding following a public hearing to permit the questioning of evidence submitted to ERA in a conference held after the hearing. As discussed below, this opportunity is provided for in amended § 501.34(k).

Several suggestions were made concerning the opportunity of a petitioner or order recipient to question all material relied upon by ERA in reaching a decision on a petition or other request for action. Included were the suggestions that formal adjudicatory hearings under 5 U.S.C. 554 and 556 be provided, and that all participants, including DOE, be required to pre-file preliminary statements of position identifying the specific evidence to be introduced at a public hearing. The Conference Report to FUA specifically provides that the formal adjudicatory provisions of 5 U.S.C. 554 and 556 do not apply. It also is believed that ample opportunity is already provided in § 501.34 for cross-examination of appropriate Government witnesses who participated in the development of a proposed rule, order or petition, and for questioning or responding to any evidence or information made part of the record in a particular case or relied upon by ERA in reaching a decision.

One commenter suggested that a petitioner, owner or operator should be given the option of electing to reopen a public hearing or to submit rebuttal evidence or testimony in order to fully question any record evidence received after the close of a public hearing and relied upon by ERA. In response to the comment, DOE has amended § 501.34(k) to provide the opportunity for participants to submit additional evidence, or for the reopening of the hearing, at ERA's discretion, to permit further rebuttal of statements or evidence made part of the record after the close of the public hearing. Section 501.66, which pertains to ERA's evaluation of the record, decision and order, also has been amended to provide for mandatory reopening of the hearing if ERA finds that relevant evidence made part of the record after the close of the public hearing or comment period might significantly influence the outcome of the proceeding. In addition, former § 501.34(1), and parts of §§ 501.51(c)(1) and 501.56(e)(1), all containing almost identical provisions regarding ERA's administrative record, are considered redundant and have been deleted. The administrative provisions contained in these deleted subsections are set forth in revised § 501.66(a), which applies to all proceedings under Part 501 of these regulations.

In the NOPR, DOE proposed to reduce certain burdens on the recipient of a proposed prohibition order by amending § 501.51(b) (3) and (5). Specifically, DOE proposed, among other things, to permit the order recipient to submit additional evidence relating to the identification of an exemption for which the unit subject to the proposed order might qualify at any time prior to issuance of a final order, rather than before the end of the first three-month comment period as the previous rule required. To fully effectuate DOE's intent, the language in § 501.51(b)(3) requiring the order recipient to identify exemptions during the first three-month comment period has been deleted. New § 501.51(b)(5) provides that the order recipient may demonstrate at any time prior to issuance of a final order that the facility would qualify for an exemption. ERA will generally not, however, delay issuance of a final order or stay the effective date of the order for the purpose of determining qualification for an exemption, unless the demonstration is submitted before expiration of the three-month comment period commencing with issuance of a notice of intention to proceed with a prohibition order.

Another comment suggested that a petitioner, owner, or operator (but not any representatives thereof) should be excluded from the provision contained in § 501.34(i)(4) that permits the Presiding Officer to deny the privilege of participation in a particular hearing to anyone who knowingly gives or files false or misleading statements or disrupts a hearing. The discretionary authority to exclude disruptive participants, including parties, is essential to the Presiding Officer's ability to control an administrative hearing. The right to exclude participants is personal and different representatives of a petitioner, owner or operator may participate in the hearing should any representatives be removed under this provision.

Section 701(d) of FUA provides that "any interested person" is entitled to request a public hearing. In order to "protect petitioner against capricious interventions", one commenter would restrict that right, in the case of a special temporary public interest exemption, to only those who could provide substantial evidence that they would be damaged by the grant of the exemption. Since the former Section 301(a) of the Act has been rescinded, there is no need to address this comment.

3. *Exemptions (Subpart F).* Changes made in §§ 501.63 and 501.64, regarding the commencement of an exemption proceeding and the publication of Notice of Availability of Tentative Staff Analysis, are discussed in connection with Subpart C, *supra.*

One commenter suggested that, because of the complexity of certain cases, DOE should extend the public comment period on a Notice of Availability of Tentative Staff Analysis to three weeks instead of the current two weeks. DOE anticipates that the majority of exemption requests filed will be petitions for certification exemptions for which no Tentative Staff Analysis (TSA) is required by these rules. The two-week comment period is believed to be sufficient for the majority of cases in which a TSA will be prepared. Upon request, or on its own motion, ERA may, in its discretion, extend the comment period on the Notice of Availability of Tentative Staff Analysis in a case presenting complex technical issues.

Other commenters proposed an amendment to § 501.68(a)(1), to provide a maximum period of either 90 or 120 days for ERA action on a petition, with automatic grant of the exemption if the deadline is not met, unless extended by ERA for good cause. Section 701(c)(3) of FUA provides a six month period for ERA to make its determination following public participation (comment and public hearing) on a petition. The Act also permits extension of this six month period. ERA will make every attempt to resolve issues and complete its actions speedily but DOE does not consider it necessary or advisable to reduce this statutory time period.

In response to comments, a new § 501.68(c)(2) has been added, providing that the denial of a petition for exemption is without prejudice. A petitioner whose exemption is denied may therefore submit a new petition to commence a new proceeding. In addition, former § 501.68(d)(1), relating to the imposition of terms and conditions, including conservation measures, was considered to be redundant and has been deleted.

4. *Requests for Modification or Rescission of a Rule or Order (Subpart G).* Former § 501.102(a) has been revised to permit public comment by any interested person on the record of a proceeding for the modification or rescission of a rule or order.

5. *Requests for Stay (Subpart H).* Section 501.123(a) has been revised to permit public comment by any interested person on a request for the stay of a rule or order.

6. *Rulings (Subpart J).* One commenter suggested that a person affected by an interpretative ruling should be able to rely on it for a period of 30 days after its modification or rescission. DOE has amended § 501.142(b) accordingly.

7. *Enforcement (Subpart K).* The last sentence of former § 501.167(a), which provided that ERA may revoke an exemption order previously granted if it is determined that the order recipient has committed, is committing or is about to commit a violation of the Act or any rule or order thereunder, has been deleted. The appropriate sanctions and penalties for such violations are set forth in Sections 722, 723 and 724 of FUA, and in §§ 501.181 and 501.182 of these regulations.

8. *Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes (Subpart M).* In response to comments, DOE has clarified portions of this Subpart, eliminated the requirements in §§ 501.191 and 501.192 that emergencies qualifying for certain emergency uses of natural gas or petroleum under Sections 103(a)(15)(B) and 404(g) of FUA be "unanticipated," and has reduced the reporting requirements owners and operators must comply with in emergencies under these provisions. DOE will only require that the 24-hour report of emergency use describe, consistent with the best estimate of the owner or operator (1) the nature of the emergency; and (2) how long oil or gas use is likely to be required (§ 501.191(b)(1)). The reporting requirements of § 501.192(b)(1) also have been substantially reduced.

In response to comments, DOE wishes to clarify that the categories of emergencies qualifying for oil or gas use by an MFBI listed in § 501.192(a)(1)(iii), are intended to be illustrative only and are not intended to be an exclusive listing of all possible emergency conditions under which gas or oil may be used.

In response to one comment § 501.191(c)(3)(i) has been modified to accommodate the special circumstances faced by utilities operating hydroelectric facilities. While it is generally desirable to make maximum feasible use of alternate fuel capacity before resorting to oil and gas, in the case of hydroelectric facilities, maximum use of the hydro capacity without consideration of the seasonal fluctuations in storage capacity can be counter-productive. Consequently, the final rule permits utilities operating hydro facilities to determine the extent the hydro facilities will be used before oil or gas is used for emergency purposes.

C. General Exemption Requirements

1. *Cost calculation and fuel price computations (§§ 503.6, 504.12, Appendix II).* In the NOPR, DOE specifically requested comments on the cost calculations contained in §§ 503.6 and 504.12.

(a) *Guideline approach.* Many commenters suggested that DOE's cost calculation requirements should be revised to be merely guidelines, rather than mandatory requirements for qualification for cost-based exemptions.

FUA requires DOE to establish the criteria and procedures to determine when the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum using best practicable estimates. FUA also requires that operating and capital costs be discounted to present value over the remaining useful life of the facility or the period of a temporary exemption. The cost test uses a standardized procedure to determine if a cost-based exemption should be granted in accordance with the Act. In many cases the cost calculation criteria are simply guidelines that a petitioner may use to show that he qualifies for an exemption; if those guidelines are followed, only a limited review by ERA will be necessary. A petitioner choosing not to use the guidelines, however, may use its own best practicable estimates instead. A petition based on such estimates, will necessarily receive more extensive review. The choice of specific criteria has been discussed in the various preambles and analyses published with earlier regulations and will not be repeated here. However, certain of the specific criteria, commented upon in response to the NOPR, are now being changed as set forth below.

(b) *Discount rate.* Many commenters have taken issue with DOE's treatment of the discount rate. These commenters would prefer to be able to use the discount rate that they use for their own business investment decisions. The discount rate is probably the single most important criterion that is used in the cost test. Therefore, DOE believes that any discount rate chosen should be based on adequate factual support, and that the standards used to compute it be generally acceptable to both industry and the government.

DOE has used the marginal cost of capital (MCC) as the discount rate since a firm, to have an optimal investment policy, should invest in all projects which have a rate of return above the MCC. Conversely, a firm should invest in all projects which are shown using the MCC to be profitable investments.

By using the MCC, DOE has implicitly assumed: (1) That the firm does not ration capital; and (2) that the decision-maker can evaluate all possible investments that are available to the firm.

One commenter suggested that the relevant discount rate should be the firm's opportunity cost—the rate of return on the next best alternative investment. However, use of opportunity cost assumes that the firm's investment policy is not optimal and that the implicit assumptions that are made by using the MCC are seriously violated. DOE recognizes that for some firms, the opportunity cost may be the appropriate discount rate.

For the present, DOE will continue to use the MCC, computed with Appendix I, as the discount rate because it is supportable and because the use of Appendix I has been received favorably by the commenters as a generally accepted standard for computing the MCC. Nevertheless, DOE is soliciting comments for a generally accepted industry standard for computing opportunity cost and, if one is developed, will modify the rule so it also can be used as the discount rate.

Several commenters stated that the methodology for computing the MCC is too complex and burdensome to the petitioner. DOE does not agree. The computations can be done on any calculator which is capable of performing a simple linear regression analysis. DOE recognizes, however, that the computations may be considered burdensome to the extent that they require acquisition of data a petitioner may not normally collect. To alleviate this burden, ERA will collect the data which is not company specific and, upon request, send it to potential petitioners or order recipients. Initially, ERA will keep files on the following data required by Appendix I: The risk-free interest rate, the value of "one share" of the S&P 500 composite index, and the estimated monthly income received from holding "one share" of the S&P 500 composite index. DOE is soliciting comments on any additional data files that commenters believe it should maintain.

Another commenter wanted a specific risk assessment factor included in the discount rate so as to provide for the special risk of building an alternate fuel-fired facility. ERA believes it is inappropriate to add a special risk factor in the discount rate. A firm's financial risk of using an alternate fuel would already be reflected in the MCC because it is appropriate for the petitioner to provide for uncertainty and risk in his cost estimates.

(c) *Useful life.* One commenter requested that DOE clarify the use of useful life guidelines contained in the cost calculation sections. DOE summarized the comments received on the useful life of a facility under Docket No. ERA–R–80–17 (45 FR 84969, December 24, 1980). DOE observed at that time that the physical life of a facility depends upon its care, maintenance, and use, and concluded that the relevant lifetime for the purposes of FUA is the physical lifetime.

DOE continues to believe that the relevant useful life for the purposes of FUA is the physical life of the facility. However, it is also apparent that the physical life depends upon maintenance policies and the projected price of fuel—with no maintenance, the life would be short; with extensive maintenance, the life is usually extended. Therefore, the physical life of a facility depends upon the cost of the resources devoted to maintenance and the price of fuel.

The useful life guidelines as contained in the cost test remain unchanged. If the petitioner elects to use the guidelines, such election should be stated with his certification. If the petitioner does not elect to use the guidelines, the summary should address how the useful life was calculated. The selection of a useful life should be based upon engineering, economic, historical, and other relevant information and factors. The regulations are being changed accordingly.

(d) *Future fuel prices.* DOE specifically requested comment concerning two alternatives to Appendix II to account for future fuel price changes. The first alternative would allow the petitioner to assume there would be no real escalation in either oil or alternate fuel price. The second alternative would allow petitioners to use their own real escalation rates for coal but require the use of the ERA-specified escalation rates for oil.

The comments DOE received on this matter uniformly recommended that petitioners should be able to use their own escalation rates. In addition, commenters indicated that ERA escalation rates do not account for escalation due to local transportation, and that it is impossible to derive any long term price trends for either coal or oil.

FUA requires DOE to grant a cost exemption if the present value of the cost to use alternate fuel substantially exceeds the present value of the cost to use imported petroleum over the useful life of the facility based upon best practicable estimates (FUA, Sections 211(a), 212(a), 311(a), 312(a), providing for cost-based exemptions, and Section 103(a)(20), defining "cost"). DOE interprets this requirement to mean that DOE must prescribe a standard which will adjust the real prices of the petitioner's oil or gas to the real price of imported petroleum over the useful life of the facility. The projected price of alternate fuel is simply the best practicable estimate. However, DOE realizes that any projections of future fuel prices are speculative at best and become more speculative as the forecast horizon lengthens. Moreover, DOE realizes that the future prices of fuels, particularly coal, are subject to local situations and transportation problems. Accordingly, DOE is modifying Appendix II so that the petitioner may: (1) Use constant coal and oil prices throughout the useful life, (2) use the prescribed oil escalation rate, and its own substantiated alternate fuel escalation rate, (3) use the oil and coal escalation rates prescribed, or (4) use constant oil and coal prices with a prescribed premium added to the price of oil to account for escalation.

(e) *Summary of evidence.* DOE proposed to modify the evidence requirements to enable petitioners to (1) certify that the cost of using an alternate fuel would substantially exceed the cost of using imported oil, and (2) submit a brief summary of the evidence to support the certification. Several commenters said that the term "brief summary" was unclear and requested that DOE elaborate on it.

To meet the "brief summary" evidentiary standard, a petitioner should submit legible copies of the calculations performed to make the certification. If all suggested guidelines are used (e.g., 7.7 percent discount rate and 40 years useful life) only the certification copies of the calculations themselves, and a very brief description of the cash flow must be submitted. If the MCC as computed with Appendix I is used, copies of that calculation with notations as to the source of the data used should be submitted.

2. *No alternate power supply (§ 503.8).* Some commenters indicated that the final rule should clarify whether petitioners are permitted to certify to any one of the following three criteria to indicate that no alternate power supply is available; (1) the effort to purchase firm power, (2) a decline in the reserve margin to under 20 percent, and (3) impairment of reliability of service even though the reserve margin remains over 20 percent. Their uncertainty concerning the manner in which the alternate power supply test works result from DOE's inadvertent use of the word "or" after

§ 503.8(b)(1) of the NOPR. This word has been changed to "and," to reflect the correct conjunctive test; i.e., to meet the alternate power supply requirement, a petitioner must certify that a diligent effort has been made to purchase power at a cost less than 10 percent above the cost of generating power from the proposed plant; *and* either the reserve margin would equal or fall below 20 percent, *or*, where the reserve margin would exceed 20 percent, reliability of service would be impaired.

As stated in the NOPR, conservation measures need no longer be examined and, in calculating the reserve margins, the petitioner may use its electric region, normal dispatch area, or normal service area.

One commenter recommended that the 20 percent reserve margin standard should be a reference point rather than a fixed standard. DOE believes that the 20 percent standard acts in this manner, since, even in situations where the reserve margin exceeds 20 percent, a petitioner may still qualify by demonstrating impaired reliability.

Several commenters recommended that DOE delete the mandatory imported petroleum cost standard for this test. DOE agrees, and, as discussed in this Preamble under the definition of "Cost of Petroleum and Natural Gas," has made appropriate revisions.

Finally, one commenter requested that in seeking to establish impaired reliability where the reserve margin would be in excess of 20 percent, "constraints related to the contractual terms and conditions upon which power may be obtained or transferred" should be taken into consideration. DOE does not intend in these rules to foreclose petitioners from seeking to demonstrate that such "constraints" qualify under the standards set forth in § 503.8(b)(2)(ii).

3. *Use of mixtures (§ 503.9).* Two commenters recommended clarification of the Note in this section to reflect that mixtures other than oil/gas-coal mixtures, would need to be considered only at petitioner's discretion. DOE has added such clarifying language.

4. *Alternative site (§ 503.11).* One comment suggested that the language of § 503.11 be confined to four types of permanent exemptions—lack of alternate fuel supply, site limitations, environmental requirements, and inadequate capital—and should not pertain to exemptions under Sections 212 (b) and (h) of the Act for state and local requirements and intermediate load, respectively, which carry their own independent alternate site requirements. This revision would be consistent with the statutory language of Sections 212 (a), (b) and (h) of FUA, and it has therefore been incorporated into the final rules.

5. *Terms and conditions (§ 503.12).* One comment suggested that DOE's Preamble language, indicating that any terms and conditions will be limited to the exempt unit itself (46 FR 31220 (June 12, 1981)), should be incorporated into § 503.12 of the rules. DOE's proposal already reflected this suggestion.

One commenter indicated its belief that DOE's proposal to delete the compliance plan requirement for certain temporary exemptions would be an abrogation of its authority to require a compliance plan under Section 214 of the Act. With the exception of the temporary synthetic fuel exemption under Title II, imposition of a compliance plan is discretionary with DOE under the Act. We believe the further imposition of this requirement is unnecessary and places unreasonable burdens on facilities receiving exemptions of only limited duration. For these reasons DOE will adopt the proposed revision.

One commenter suggested that DOE delete from §§ 503.32(c), 503.38(e), 503.39(e), 503.41(e) and 503.42(d) of its final rule, terms and conditions relating to use of the lowest grade of petroleum available and capable of being burned. If a firm acquiring one of these certification exemptions wishes to burn a higher quality oil for environmental or other reasons, according to the commenter, it should not be inhibited from doing so under DOE's rules. DOE agrees, and has deleted these standard terms and conditions.

Finally, for reasons discussed under the heading "Enforcement (Subpart K)" in this Preamble, DOE has deleted subsection (c) of this section, relating to termination of exemptions.

6. *Conservation measures (previous § 503.13).* It was DOE's intent to delete all requirements in the NOPR which referenced attaching conservation measures as a term or condition to the grant of an exemption petition. In any instance where such references were inadvertently included, they have been deleted in these rules.

7. *Petroleum and natural gas consumption (previous § 503.14).* Similarly, DOE intended to delete any requirement for information regarding petroleum and natural gas consumption as a term or condition to the grant of an exemption petition. In any instance where such references were not deleted from the proposal, they have been removed from these rules.

8. *Environmental impact analysis (§ 503.13).* The comments on this issue reflected a concern with the quantity and detail of environmental data called for under new § 503.13. One commenter suggested that a mere statement of a petitioner's intention to comply with applicable environmental requirements should suffice in many instances. Another commenter recommended that subsection (b), providing for reduced data requirements, should now be extended to apply to all certification exemptions. DOE believes that this section already calls for the minimum requisite environmental data to assure ERA's compliance with FUA and the National Environmental Policy Act. DOE will, however, reevaluate its environmental guidelines (44 FR 63740 (November 5, 1979)) with a view toward extending the applicability of the alternative subsection (b) checklist procedure.

An additional comment recommended that the subsection (b) checklist should be restricted such that units built on existing sites need not complete the checklist to the extent it pertains to location or operation of the *plant*, as opposed to the *unit*. DOE intends that in instances where a petitioner considers a checklist question irrelevant to its circumstances, it can utilize the "not applicable" box, providing a brief elaboration of its reasons therefor on a separate sheet of paper. If those reasons are sufficient to support grant of the exemption, no further inquiry should be required.

9. *Fuels search (§ 503.14).* A number of commenters indicated concern that the proposed rule language was ambiguous, and could be interpreted in a manner inconsistent with DOE's Preamble explanation (46 FR 31220 (June 12, 1981). DOE has revised the language contained in this section to reflect more clearly the test described in the Preamble—a petitioner will be required to evaluate *only* the use of conventional, solid coal; however, where a petitioner believes that its use of such coal would be infeasible, and where ERA and the petitioner can reach accord, it may evaluate another alternate fuel instead.

One commenter suggested that consideration of what fuels have been demonstrated to be acceptable for use in comparable commercial applications could engender unnecessary regulatory delays. DOE intends that where a petitioner elects to examine an alternate fuel other than coal, it will have wide latitude in choosing a reasonable alternative. To avoid any misunderstanding, the language pertaining to comparable commercial applications has been deleted.

10. *Technical change.* In a proposed amendment to the cost calculation for new facilities, § 503.6 was erroneously

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labeled "State approval required for powerplant." (46 FR 31228 (June 12, 1981)). The correct section title, "Cost calculations for new facilities," has been substituted.

D. Exemptions

DOE notes generally that many of the comments addressed, *infra*, apply not only to the permanent exemption involved, but also to its companion temporary exemption.

One comment addressed the temporary exemption "purpose and scope" section. That section previously provided that the duration of any temporary exemption would be "measured from the date that the facility is placed in service." DOE proposed to delete that phrase, since a temporary exemption could be obtained after a unit is placed in service on alternate fuels. DOE received one comment on this proposal, recommending substitution of the phrase "measured from the date that the facility is placed in service using petroleum or natural gas" for the language noted above. The commenter indicated concern that DOE's proposal to delete this subsection might enable it to make an exemption effective prior to the commencement of oil or gas use, thus curtailing the exemption duration. DOE has added this subsection back into the rules, with the additional language recommended.

1. *Temporary synthetic fuels exemption (§ 503.24).* Commenters suggested that DOE clarify what will constitute an acceptable binding contract so that greater certainty is provided to potential suppliers and users of synthetic fuels. It is DOE's intent, consistent with the purposes of the Act, to interpret the language requiring the demonstration of a binding contract in a manner which we feel is most likely to encourage synthetic fuels development. Specifically, DOE has added a Note to reflect that contracts based on the anticipated successful demonstration of a development program and/or the anticipated economic feasibility of a synthetic fuels facility, will generally be considered adequate for the demonstration.

One commenter recommended that DOE provide that if at the expiration of a synthetic fuels exemption use of synthetic fuels is not economically feasible, it will permit continued oil or natural gas use in the recipient facility. DOE believes that it lacks authority to issue, in effect, a prospective, generic exemption of this nature from the prohibitions of Title II. The petitioner would thus be required to obtain an exemption at that time, or face applicable prohibitions on oil and natural gas use.

In response to one comment, DOE has added language indicating that unless a petitioner requests otherwise, a temporary exemption from statutory *use* prohibitions will commence on the date of commercial operation of the facility.

Finally, DOE has conformed the organization of the eligibility and evidentiary requirements under this certification exemption, to that of the other certification exemptions under these rules.

2. *Temporary public interest exemption (§ 503.25).* DOE's proposal inadvertently deleted subsection (a)(2) of this exemption, providing that "one of the cases where ERA intends to grant this exemption is where the petitioner needs the temporary use of a natural gas or petroleum fuel unit until the on-going construction of an alternate fired unit is completed." DOE has reinstated the content of this subsection, in response to comments received, in the form of a certification alternative for acquisition of a temporary public interest exemption. The certification procedure recognizes that it is in the public interest to permit the temporary use of oil or natural gas, for up to 5 years, as needed, during the construction phase of an alternate fuel-fired unit.

3. *Temporary/permanent lack of alternate fuel supply exemptions (§§ 503.21, 503.32).* In response to its specific solicitation of comment concerning the 600 hour certification alternative for MFBI's, DOE received several comments recommending increases in authorized use of up to 1500 full load hours on an annual basis. Other comments suggested tying this portion of the exemption to a capacity factor of 17 percent or more. These comments are addressed in a separate notice of proposed rulemaking, described *supra*.

One other comment suggested that DOE include in the rule itself the explanation contained in the NOPR Preamble (46 FR 31221 (June 12, 1981)) concerning use of the phrase "full load hours." DOE has included this language as a Note to the exemption.

4. *Temporary/permanent site limitations exemptions (§§ 503.22, 503.33).* In response to one comment, DOE has revised the examples provided in the Notes to these sections to eliminate the conditional "would be" tense used therein.

5. *Temporary/permanent environmental exemptions (§§ 503.23, 503.34).* Many commenters questioned DOE's use of the phrase "cost-effective pollution control equipment" in the certification alternatives for this exemption. The commenters indicated that the meaning of this phrase was unclear. One commenter suggested substitution of the following: "pollution control equipment available at a cost that makes its use reasonable." Another suggested substitution of the concept of feasible equipment that meets applicable standards at the least cost. Most commenters requested use of a standard that maintained continuity with existing environmental legislation. It is DOE's intention that, for Class I and Class II areas, the "best available control technology" (BACT) standard, as employed in the Clean Air Act, should be used. For the certification alternative for contribution to concentrations of a pollutant for which a national ambient air quality standard would be exceeded, the Clean Air Act's "lowest achievable emission rate" (LAER) standard is employed. The rules have been revised accordingly.

DOE's NOPR specifically requested comment on whether it should require the consideration of acquisition of offsets as required by the Clean Air Act. All commenters on this issue indicated that this is an unnecessarily costly and burdensome requirement; DOE has therefore declined to adopt it for certification portions of the exemption.

One commenter suggested that facilities located *or which will be located* in a Class I area should qualify for the certification alternative. Since these sections pertain to new facilities, which may be under construction at new sites, DOE has adopted this suggestion.

DOE specifically sought comment on broadening the availability of the certification alternative to other environmental circumstances. DOE received one suggestion—that the certification alternative should be extended to any facility located or which will be located in a Class II area. DOE agrees that facilities located or to be located in Class II areas, in which the allowable increment has been exhausted, should qualify to use the certification procedure, and has revised the rules accordingly.

Many commenters felt that DOE should be open to the consideration of economic factors in the noncertification portions of the exemption. DOE continues to believe, however, that the costs of environmental compliance are more properly considered under the cost-based "lack of alternative fuel supply" exemptions.

Several commenters objected to the amount of evidence required to qualify for the non-certification exemption portions of these exemptions. DOE

believes that the current evidentiary requirements call for the minimum submissions necessary to evaluate a non-certification environmental exemption under the Act. DOE also believes that these are materials that are typically available to a facility in connection with the environmental permitting process. DOE has, however, simplified the requirements so that the material called for need no longer contain the same level of detail previously required.

One commenter indicated that the NOPR Preamble suggested that a facility would be eligible for an exemption if it would cause or contribute to violation of a national ambient air quality standard *in a nonattainment area*, and that the rule itself was not so limited. DOE wishes to clarify that the rule is *not* so limited, and the exemption language, as adopted, reflects this. The same commenter also requested clarification of Preamble language in the NOPR purporting to permit the exemption when the facility is in a nonattainment area, while the rule requires that the area be nonattainment for a pollutant the facility would emit. Once again, the rule, rather than the NOPR Preamble correctly stated DOE's intent.

Finally, DOE received several comments recommending technical revisions, which have been adopted as follows: First, §§ 503.23(b) (8), (9) (relating to compliance plan and conservation requirements) and 503.34(b) (12), (13) (relating to conservation and petroleum and natural gas consumption requirements) have been deleted. Second, the reference in § 503.34(d(1)(iv) to § 503.11 has been revised to reference § 503.9 (relating to the use of mixtures general requirement).

6. *Permanent inadequate capital exemption (§ 503.35).* DOE has adopted its proposal to delete the requirement that larger utilities demonstrate that specific debt constraints could not be overcome by action of the state regulatory authority.

The exemption for an inability to obtain adequate capital requires that a petitioner demonstrate that the capital needed for an alternate fuel fired facility cannot be raised. In the case of a powerplant, DOE required a showing that this inability was due to specific restrictions constraining management's ability to raise capital.

One commenter noted that a utility's inability to raise capital may not be due to a specific restriction (*e.g.* if the capital could be raised, the bond convenants would not be violated), and that weakening of a utility's over-all financial condition should qualify. DOE has addressed this comment in a separate notice of proposed rulemaking, described *supra*.

Several commenters requested that DOE delete evidentiary subsection (c)(2), calling for submission of certain detailed information. DOE's NOPR already provided for the deletion of this evidentiary requirement.

One commenters requested deletion of the requirement to show that capital restrictions could not be alleviated by any action of the state regulatory authority. Another commenter recommeded deletion of the Note concerning analysis at the parent firm level. These requirements, too, had already been deleted in the NOPR.

7. *Permanent state or local requirements exemption (§ 503.36).* A number of commenters recommended deletion of § 503.36(a)(2), calling for a certification of good-faith efforts to obtain a variance from state or local requirements. DOE believes that this requirement is necessary in order to meet the Congressional directive that the Secretary determine that the state or local requirement would *prevent* use of an alternate fuel (FUA Conference Report, pgs. 76–77).

8. *Permanent cogeneration exemption (§ 503.37).* The permanent cogeneration exemption procedures have been adopted as proposed, with one exception. Section 503.37(b) (specifications of the cogeneration facility) has been deleted in its entirety because it was considered to be a superfluous restatement of the provision excluding certain cogeneration facilities from the definition of "electric generating unit." The latter provision (contained in § 500.2) has been amended, however, to indicate that ERA will continue to exclude sales or exchanges of electricity among owners of the cogeneration facility in determining whether a specific facility is deemed to be a powerplant or an MFBI.

DOE received many comments and expressions of concern about the failure to expeditiously proceed with the Notice of Proposed Rulemaking regarding cogeneration (45 FR 53368, (August 11, 1980)) or, alternatively, to propose and adopt a less onerous standard for applying for and obtaining the permanent cogeneration exemption. DOE is aware of these concerns and is currently in the process of reviewing its cogeneration policies.

For now, the instant rule is an attempt to simplify the process of applying for the exemption. DOE recognizes that the substantive provisions of the rule regarding the calculation of oil and gas savings, which are a consolidation of the interim rule provisions (§§ 503.37, 505.27), can be complex and burdensome. DOE is accordingly considering several alternatives to simplify these provisions.

9. *Permanent fuel mixtures exemption* (§ 503.38). According to one comment, DOE should explicitly sanction the supplemental firing of oil or natural gas at a coalfired powerplant where it would avoid the less efficient use of greater quantities of oil or natural gas at oil or natural gas fired facilities to generate equivalent electricity. The commenter suggested that this could be accomplished by construing "reasonable level of fuel efficiency" as referring to the power system, rather than just the unit. DOE does not have the authority to vary the unit-specific nature of this requirement set forth in Section 212(d) of the Act.

One commenter suggested increase of the automatic allowance of 25 percent of the total Btu heat input of the primary energy sources in an MFBI of 35 percent. The 25 percent level is established by Section 212(d) of the Act, and DOE is without authority to modify it.

Another comment recommeded deletion of the reporting requirement in § 503.38(g). DOE has adopted this suggestion and deleted this requirement.

10. *Permanent emergency exemption (§503.39).* One commenter recommeded conforming § 503.39(b)(2), defining a powerplant emergency, with the revisions to §§ 501.191 and 501.192, deleting the phrase "to its industrial customers." DOE has adopted this recommendation for the same reasons discussed in its NOPR Preamble (46 FR 31219 (June 12, 1981)).

One commenter requested that DOE include examples of situations which would qualify under § 503.39(b)(1)(ii) as necessary for "the preservation of human health." DOE believes that such inclusion of examples would be speculative and that petitioner's certifications under this standard should be evaluated on a case-by-case basis.

Finally, DOE has conformed the organization of the eligibility and evidentiary requirements under this certification exemption to that of the other certification exemptions under these rules.

11. *Permanent reliability exemption (§ 503.40).* To reflect the fact that a reliability analysis other than loss of load probability (LOLP) may be used, DOE, in response to a comment, has inserted the words "may" and deleted the word "must" in § 503.40(b).

DOE, consistent with industry practice, has also conformed § 503.40(b)(1) to be revised § 503.8, by permitting petitioners, in analyzing

reserve margins, to use electric regions, normal dispatch areas of normal service areas. This revision is responsive to several comments that DOE authorize use of an area other than the electric region.

12. *Permanent peakload exemption (§ 503.41).* One commenter recommended that DOE define the peakload generation ceiling in terms of hours of equivalent oil use without compressed air storage, in order to provide an incentive for that technology. Another commenter recommended changing the 1500 hours per year limit to an average of 1500 hours over a 5–10 year period. The definition of peakload powerplant is established by Section 103(a)(18) of FUA as "a powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-calendar-month period, such powerplant's design capacity multiplied by 1500 hours." DOE does not believe that it had the authority to adopt the recommended revisions to that definition.

13. *Permanent scheduled equipment outages exemption (§ 503.43).* DOE has deleted § 503.43(a)(2), since it merely restated the fuel search requirement for use of a unit in excess of 28 days per year, which is already set forth in § 503.43(b)(4) (relating to evidentiary requirements).

E. Existing Facilities—Title III of FUA

In its June 12, 1981 NOPR, DOE proposed several changes to its rules governing existing facilities, including rules governing the cost calculation methodology, the findings for issuance of a prohibition order, as well as definitional and certain procedual proposals, which were directed to both new and existing facilities. In addition, DOE specifically solicited public comment on any additional issues respecting its regulatory program under the Act. In response to the NOPR, DOE received a number of comments on its rules under Title III, including comments concerning the following issues, which uniquely affect existing facilities: The "off-gas" prohibitions; technical capability (including "substantial physical modification") and financial feasibility findings and procedures for issuance of prohibition orders; Title III exemptions, including ERA's so-called "Special Rule" for temporary use of natural gas; and the system compliance option under Title V of FUA.

On August 13, 1981, the President signed into law the Omnibus Budget Reconciliation Act (Pub. L. 97–35 ("OBRA")). Section 1021 of OBRA substantially amended Section 301 of FUA, relating to prohibitions applicable to existing electric powerplants. Under the new Section 301, the so-called "off gas" provisions of FUA were deleted, and the prohibition order process was substantially amended.

Pursuant to its June 9, 1981 proposal, DOE has herein adopted a revised cost calculation methodology for existing facilities, as well as procedures and definitions which apply to existing as well as new facilities. In addition, in response to the deletion under OBRA of the off-gas provisions of former Section 301(a) of FUA, DOE, in a new notice of proposed rulemaking, is proposing to revoke its so-called "Special Rule," authorizing temporary public interest exemptions from those former prohibitions. In light of the foregoing amendments to Section 301 of FUA, DOE has decided to defer both adoption of any additional revisions, and consideration of additional comments relating to the prohibitions and exemption process of Title III of the Act at this time. To the extent they are still pertinent, all such comments will receive due consideration in a later rulemaking relating to the provisions of Title III of FUA, as amended.

DOE wishes to emphasize at this time that the standards and criteria it intends to propose respecting existing facilities will be consistent with the basic purposes of the rules adopted herein—reduction of regulatory burdens, simplification of the FUA exemption process, and elimination of unnecessary regulatory intervention in fuel choice decisions by the private sector.

F. Other Matters

1. *Nonboiler MFBI's.* DOE is authorized, under Section 202(b) of FUA, to prohibit the use or oil of natural gas in certain categories of nonboiler MFBI's. To date, ERA has not exercised this authority. Several commenters requested a definitive statement of DOE's intent with respect to the prospective exercise of this authority. DOE therefore wished to restate its position that it has no intention to exercise the authority in Section 202(b) of FUA to prohibit oil or gas use in nonboiler MFBI's.

2. *Retroactivity.* Many commenters recommended that any changes adopted herein should be made retroactively applicable to units which have already obtained exemptions. Other commenters recommended that the changes be applied prospectively only, and that current exemption holders should not be affected.

DOE is applying its revised definition of primary energy source, which raises the percentage of fuel automatically excluded for the purposes of unit ignition, startup, testing, flame stabilization, and control uses, and permits addition of this fuel to any fuel authorized to be used under a fuel mixtures exemption, to all facilities, regardless of whether or not they have already received final orders granting exemptions. To do so does not require the modification of any final order. DOE believes that it cannot, however, extend similar treatment to terms and conditions contained in existing final exemption orders. Any holder of such a final order seeking the benefits of any of the rule and policy changes adopted herein, which will thus require rescission or modification of the order, must follow the procedural requirements of §§ 501.100 through 501.103 of these rules.

III. Procedural Matters

A. Additional comments

Interested persons are invited to submit additional comments on the rules finalized herein, concerning the further reduction of unnecessary regulatory burdens under the FUA program. Comments should be identified on the outside envelope and on the documents submitted with the designation: "Powerplant and Industrial Fuel Use Act Docket No. ERA–R–81–06." Fifteen copies should be submitted. All comments received will be available for public inspection in the ERA Office of Public Information, 2000 M Street NW., Room B–110, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

If you wish to submit any information or data which you consider to be confidential, you must comply with DOE's freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Section 102 of the National Environmental Policy Act (NEPA)

DOE has determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this rule is not required.

C. Regulatory Flexibility Act

DOE has determined that this final rule will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Accordingly, DOE certifies that this rule is not likely to have a significant impact

on a substantial number of small entities within the meaning of that Act.

D. Executive Order No. 12291

The Office of Management and Budget waived the requirements of Sections 3, 4 and 7 of Executive Order No. 12291, as they pertain to major rules, for these final rules.

E. Paperwork Reduction Act of 1980

This final rule must be submitted to the Office of Management and Budget for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511. Any compliance with the data collection provisions of these final rules may require revision or additions as a result of any OMB action.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); Energy Security Act, Pub. L. 96–294, 94 Stat. 611 (42 U.S.C. 8701 *et seq.*); E.O. 12009, 42 FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500, 501, 503, 504, and 505, Subchapter E, "Alternate Fuels" of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below.

Issued in Washington, D.C. on the 30th day of November 1981.

James B. Edwards,

Secretary of Energy.

10 CFR Chapter II is amended as set forth below.

1. Part 500 is revised to read as follows:

SUBCHAPTER E—ALTERNATE FUELS

PART 500—DEFINITIONS

Sec.

500.1 Purpose and scope.
500.2 General definitions.
500.3 Electric regions—electric region groupings for reliability measurements under the Powerplant and Industrial Fuel Use Act of 1978.

Authority: Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, 42 FR 46267 (September 15, 1977).

§ 500.1 Purpose and scope.

Unless otherwise expressly provided or the context clearly indicates otherwise, this section defines the terms used in these regulations. The use of the male gender is to include female; the use of singular to include plural.

§ 500.2 General definitions.

For purposes of this part and Parts 501–507 term(s):

"Act" means Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*

"Action" means a prohibition, by rule or order, in accordance with sections 202, 301 (b) and (c), 302 (a) and (b), 401, 402 and 405 of FUA; an order granting or denying an exemption in accordance with sections 211, 212, 311, and 312 of FUA; a modification or rescission of any such order, or rule; an interpretation; a notice of violation; a remedial order; an interpretive ruling; or a rulemaking undertaken by DOE.

"Affiliate", when used in relation to person, means another person who controls, is controlled by, or is under common control, with such person.

"Aggrieved", for purposes of administrative proceedings, describes and means a person (with an interest sought to be protected under FUA) who is adversely affected by an action proposed or undertaken by DOE.

"Air pollution control agency" means any of the following:

(1) A single State agency designated as the official State air pollution control agency;

(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

(3) A city, county, or other local government health authority or, in the case of any city, county, or other local unit of government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

(4) An agency or two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"Alternate fuel" means electricity or any fuel, other than natural gas or petroleum. The term includes, but is not limited to:

(1) Coal;

(2) Solar energy;

(3) Petroleum coke; shale oil; uranium; biomass; municipal, industrial, or agricultural wastes; wood; and renewable and geothermal energy sources (For purposes of this subparagraph (3), the term "industrial" does not include refineries.);

(4) Liquid, solid or gaseous waste by-products of refinery or industrial operations which are commercially unmarketable, either by reason or quality or quantity. (For purposes of this subparagraph (4), the term "waste by-product" is defined as an unavoidable by-product of the industrial or refinery operation.) A waste by-product of a refinery or industrial operation is commercially unmarketable if it meets the criteria listed in the definition of "commercial unmarketability," set forth below.

(5) Any fuel derived from an alternate fuel; and

(6) Waste gases from industrial operations. (For purposes of this subsection, the term "industrial" does not include refineries.)

"Applicable environmental requirements" includes:

(1) Any standard, limitation, or other requirement established by or pursuant to Federal or State law (including any final order of any Federal or State Court) applicable to emissions of environmental pollutants (including air and water pollutants) or disposal of solid waste residues resulting from the use of coal or other alternate fuels, natural gas, or petroleum as a primary energy source or from the operation of pollution control equipment in connection with such use, taking into account any variance of law granted or issued in accordance with Federal law or in accordance with State law to the extent consistent with Federal law; and

(2) Any other standard, limitation, or other requirement established by, or pursuant to, the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, the Resource Conservation and Recovery Act of 1976, or the National Environmental Policy Act of 1969.

"Base load powerplant" means a powerplant, the electrical generation of which in kilowatt hours exceeds, for any 12-calendar-month period, such powerplant's design capacity multiplied by 3,500 hours.

"Boiler" means a closed vessel in which water is heated electrically or by the combustion of a fuel to produce steam of one percent or more quality.

"Btu" means British thermal unit.

"Capability to use alternate fuel", for the purpose of the Title II prohibition relating to construction of new powerplants, means the powerplant to be constructed must have (1) the ability, from point of fuel intake, to physically sustain combustion of an alternate fuel and to maintain heat transfer; and

(2) Adequate space for appropriate pollution control or fuel handling equipment for the use of such alternate fuel.

This alternate fuel must be available to the operator at the facility site at the time it becomes operational (i.e., upon commencement of the commercial generation of power) or at the expiration of a temporary exemption.

Example: ERA will examine the furnace configuration and ash removal capability but will not conclude that the absence of fuel handling equipment, such as conveyor belts, pulverizers, or unloading facilities, or pollution control equipment, bears on the issue of a unit's capability to burn an alternate fuel.

"Clean Air Act" means the Clean Air Act, 42 U.S.C. 7401 *et seq.* (1970), as amended by Pub. L. 93–319, 88 Stat. 246, and Pub. L. 95–91, 91 Stat. 685.

"Coal" means anthracite, bituminous and sub-bituminous coal, lignite, and any fuel derivative thereof.

"Cogeneration facility" means an electric powerplant or a major fuel burning installation that produces:

(1) Electric power; and

(2) Any other form of useful energy (such as steam, gas or heat) that is, or will be, used for industrial, commercial, or space heating purposes. In addition, for purposes of this definition, electricity generated by the cogeneration facility must constitute more than ten (10) percent and less than ninety (90) percent of the useful energy output of the facility.

"Combined cycle unit" means:

(1) For a powerplant, an electric power generating unit that consists of a combination of one or more combustion turbine units and one or more steam turbine units with a substantial portion of the required energy input of the steam turbine unit(s) provided by the exhaust gas from the combustion turbine unit(s).

(2) For a major fuel burning installation, a unit that consists of a combination of one or more combustion turbine units and one or more waste heat boilers with a substantial portion of the required energy input to the waste heat boiler(s) provided by the exhaust gas from the combustion turbine unit(s). The addition of one or more steam turbine units will not affect the facility's status as an MFBI combined cycle as long as the entire facility remains classified an MFBI.

Substantial amounts of supplemental firing for a steam turbine or waste heat boiler to improve thermal efficiency will not affect a unit's classification as a combined cycle.

"Combustion turbine" means a unit that is a rotary engine driven by a gas under pressure that is created by the combustion of any fuel.

"Commercial unmarketability" as used in the definitions of "alternate fuel," "natural gas" and "petroleum" shall be determined as follows, when applied to a specific fuel which is burned by its producer:

(1) A waste by-product of industrial or refinery operations is commercially unmarketable by reason of:

(i) Quality, where the cost of processing (limited to upgrading the waste by-product to commercial quality), storing, and distributing the waste by-product would not be covered by reasonably expected revenues from its sale;

(ii) Quantity, where the cost of aggregating the waste by-product into commercial quantities through storing and distributing the waste by-product would not be covered by reasonably expected revenues from its sale.

(2) A fuel will not be classified as "natural gas" when it is commercially unmarketable by reason of:

(i) Quality, where the cost of producing, upgrading to commercial quality, storing, and distributing the fuel would not be covered by reasonably expected revenues from its sale; or

(ii) Quantity, where the quantities of the fuel are so small that the revenues to be reasonably expected from its sale would not cover the cost of its production, distribution or storage.

(3) Costs associated with upgrading, storing, distributing, and aggregating a by-product or other fuel (to determine if such fuel is natural gas) may properly include a reasonable rate of return on any capital investment required to overcome the problems posed by the quality or quantity of a fuel because the return on investment is a normal aspect of any investment decision. A firm may account for this reasonable rate of return by using its customary discount rate for an investment of similar risk.

(4) As part of any consideration of the rate of return on investment, the cost of replacing the Btu's lost if the by-product or other fuel were upgraded and sold instead of used as a fuel may be taken into consideration. The actual expense that would result from burning a replacement fuel in lieu of the by-product or other fuel in question may therefore be considered. The costs associated with using a replacement fuel are indirect costs that result from upgrading and selling the fuel, instead of burning it. These indirect costs as well as the direct costs associated with the upgrading, storing, distributing, and aggregating of by-products or other fuel may be considered in any assessment of commercial unmarketability.

"Conference" means an informal meeting incident to any proceeding, between DOE and any interested person.

"Construction" means substantial physical activity at the unit site and includes more than clearance of a site or installation of foundation pilings.

"Costs" means total costs, both operating and capital, incurred over the estimated remaining useful life of an electric powerplant or major fuel burning installation, discounted to the present pursuant to rules established in Parts 503 and 504 of these regulations.

"DEOA" means the Department of Energy Organization Act (Pub. L. 95–91) (42 U.S.C. 7101 *et seq.*) as implemented by Executive Order 12009 (42 FR 46267, September 15, 1977).

"Design capability" shall be determined as follows:

(1) For a powerplant, defined in section 103(a)(7) of FUA:

(i) *Boiler and associated generator turbines.* The design fuel heat input rate of a steam-electric generating unit (Btu/hr) shall be the product of the generator's nameplate rating, measured in kilowatts, and 3412 (Btu/kWh), divided by the overall boiler-turbine-generator unit design efficiency (decimal); or if the generator's nameplate does not have a rating measured in kilowatts, the product of the generator's kilovolt-amperes nameplate rating, and the power factor nameplate rating; and 3412 (Btu/kWh), divided by the boiler turbine-generator unit's design efficiency (decimal). (The number 3412 converts kilowatt-hours (absolute) into Btu's (mean).)

(ii) *Combustion turbine and associated generator.* The design fuel heat imput rate of a combustion turbine (Btu/hr) shall be the product of its nameplate rating, measured in kilowatts, and 3412 (Btu/kWh), divided by the combustion turbine-generator unit's design efficiency (decimal), adjusted for peaking service at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and at the unit's elevation. (The number 3412 converts kilowatt-hours (absolute) into Btu's (mean).)

(iii) *Combined cycle unit.* The design fuel heat input rate of a combined cycle unit (Btu/hr) shall be the summation of the product of its generator's nameplate rating, measured in kilowatts, and 3412 (Btu/kWh), divided by the overall combustion turbine-generator unit's efficiency (decimal), adjusted for peaking service at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and at the unit's elevation, plus the product of the maximum fuel heat input to any supplemental heat recovery steam generator/boiler in gallons or pounds per hour and the fuel's heat content. If the generator's nameplate does not have a rating measured in kilowatts, the product of the generator's kilowatt-amperes nameplate rating and power factor nameplate rating must be substituted for kilowatts. (The number

3412 converts kilowatt-hours (absolute) into Btu's (mean).)

(2) For a major fuel burning installation, defined in section 103(a)(10) of FUA, the fuel heat imput rate of a boiler (Btu/hr) shall be deemed, at the option of the owner or operator, to be either:

(i) The safety valve minimum relieving capacity (lbs/hr) multiplied by the enthalpy difference (Btu/lb) of feedwater input and steam output, divided by the boiler design efficiency (decimal) for the fuel. For the purpose of the definition, the safety valve capacity shall be determined in accordance with the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code; or

(ii) The manufacturer's continuous rating (lb/hr) multiplied by the enthalpy difference (Btu/lb) of feedwater imput and steam output divided by the design efficiency (decimal) for the fuel. For the purpose of this definition the manufacturer's continuous rating (MCR) if defined as the maximum load in pounds of steam per hour for which the boiler is designed to operate on a sustained continuous basis (i.e., more than 24 hours).

"Design capacity" of a powerplant pursuant to Section 103(a)(18) of FUA, is determined according to 18 CFR 287.101.

Note.—Section 287.101 of Title 18 CFR as issued by the Federal Energy Regulatory Commission (44 FR 38837, July 3, 1979) and as referenced in the definition of "design capacity" is republished in part in the appendix below for the benefit of the public. This appendix will not appear in the CFR.

Appendix

"287.101 Determination of powerplant design capacity.

For the purpose of Section 103 of the Powerplant and Industrial Fuel Use Act of 1978; a powerplant's design capacity shall be determined as follows:

(a) *Steam-electric generating unit.* The design capacity of a steam-electric generating unit shall be the maximum generator nameplate rating measured in kilowatts or, if the nameplate does not have a rating measured in kilowatts, the product of the generator's kilovolt-amperes nameplate rating and power factor nameplate rating.

(b) *Combustion turbine.* The design capacity of a combustion turbine shall be its nameplate rating measured in kilowatts, adjusted for peaking service at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and at the unit's site elevation.

(c) *Combined cycle unit.* The design capacity of a combined cycle unit shall be the sum of its combustion turbine nameplate rating measured in kilowatts, based on baseload operation adjusted for site elevation, and the maximum generator nameplate rating measured in kilowatts of the steam turbine portion of the unit * * *".

"DOE" or "the Department" means the United States Department of Energy, as defined in sections 201 and 301(a) of the DEOA, including the Secretary of Energy or his designee.

"Duly authorized representative" means a person who is authorized to appear before DOE in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may include the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, oral communication, or any other participation in a proceeding.

"Electric generating unit" does not include:

(1) Any electric generating unit subject to the licensing jurisdiction of the Nuclear Regulatory Commission (NRC); and

(2) Any cogeneration facility from which less than half of the net annual electric power generation is sold or exchanged for resale. [Net electric power sales excludes sales or exchanges among owners of the cogeneration facility.]

Note.—For purposes of subparagraph (1) of this definition, ERA will not consider any unit located at a site subject to NRC's licensing authority to be jurisdictional for purposes of FUA.

"Electric powerplant" means any stationary electric generating unit consisting of (a) a boiler, (b) a gas turbine, or (c) a combined cycle unit which employs a generator to produce electric power for purposes of sale or exchange and has the design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater. In accordance with section 103(a)(7)(C) of FUA, the Secretary has determined that it is appropriate to exclude from this definition any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour.

"Electric Region" is as defined in § 500.3 of this part.

"Electric utility" means any person, including any affiliate, or Federal agency, which sells electric power.

"Emission offset" means emission reductions as defined by EPA's regulations set forth at 40 CFR Part 51, Appendix S.

"EPA" means the United States Environmental Protection Agency.

"ERA" means the Economic Regulatory Administration of DOE.

"Existing major fuel burning installation" means any installation which is not a new major fuel burning installation.

"Existing powerplant" means any powerplant other than a new powerplant.

"Federal Water Pollution Control Act" means the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, as amended.

"FERC" means the Federal Energy Regulatory Commission.

"Firm" means a parent company and the consolidated or unconsolidated entities (if any) that it directly or indirectly controls.

"Fluidized bed combustion" means combustion of fuel in connection with a bed of inert material, such as limestone or dolomite, that is held in a fluid-like state by the means of air or other gases being passed through such materials.

"FTC" means the Federal Trade Commission.

"FUA" means the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*

"Fuel Use Act" means "FUA".

"Fuel use order" means a directive issued by ERA pursuant to § 501.167 of these regulations.

"Gas turbine" means "combustion turbine".

"High-priority user," for purposes of Subsection 312(j) of FUA, means any residential user of natural gas, or any commercial user whose consumption of natural gas on peak day is less than 50 MCF.

"Installation" means "major fuel burning installation."

"Intermediate load powerplant" means a powerplant (other than a peakload powerplant), the electrical generation of which in kilowatt hours does not exceed for any 12-calendar-month period, such powerplant's design capacity multiplied by 3,500 hours.

"Internal combustion engine" means a heat engine in which the combustion that generates the heat takes place inside the engine proper.

"Interpretation" means a written statement issued by the DOE General Counsel or his delegate, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the DOE to the particular facts of a prospective or completed act or transaction.

"Major fuel burning installation" means a stationary unit consisting of a

boiler, gas turbine unit, combined cycle unit, or internal combustion engine that has the design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater. In accordance with Section 103(a)(10)(C) of FUA, the Secretary has determined that it is appropriate to exclude from this definition any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour. This definition does not include:

(i) Any electric powerplant;

(ii) Any pump or compressor used solely in connection with the production, gathering, transmission, storage, or distribution of gases or liquids, but only upon the filing of a written certification of such use with ERA in accordance with procedures specified in §§ 501.7 and 501.11 of the regulations. Such certification must be made only for such pumps and compressors which are driven by units with a design fuel heat input rate of 100 million Btu's per hour or greater and which consume petroleum or natural gas. The following information is required:

(A) Unit size in Btu input;

(B) Equipment function; and

(C) Geographic location of the unit; or

(iii) Steam generators used for crude oil recovery.

Note.—For purposes of clause (2)(ii), also excluded from jurisdiction under the Act is any boiler, combustion turbine, combined cycle unit, or internal combustion engine used to drive pumps and compressors for such purposes, if ninety (90) percent or more of the energy output is used to drive the pumps and compressors.

"Mcf" means 1,000 cubic feet of natural gas.

"MFBI" means a "major fuel burning installation".

"Mixture," when used in relation to fuels used in a unit, means a mixture of petroleum or natural gas and an alternate fuel, or a combination of such fuels, used simultaneously or alternately in such unit.

"Natural gas" means any fuel consisting in whole or in part of natural gas, including components of natural gas such as methane and ethane; liquid petroleum gas; synthetic gas derived from petroleum or natural gas liquids; or any mixture of natural gas and synthetic gas. Natural gas does not include:

(1) Gaseous waste by-products or waste gas specifically designated as an alternate fuel in § 500.2 of these regulations;

(2) Natural gas which is commercially unmarketable, as defined in these rules;

(3) Natural gas produced by the user from a well, the maximum efficient production rate of which is less than 250 million Btu's per day.

For purposes of clause (3) of this definition:

(i) "Produced by the user" means:

(A) All gas produced by the well, when such gas is delivered for use in the user's facility through a gas delivery, gathering, or transportation system which could not deliver such gas to any other user; or

(B) Only that amount which represents the user's net working (mineral) interest in the gas produced from such well, where such gas is delivered for use in the user's facility through a gas delivery, gathering, or transportation system which could deliver such gas to any other user.

(ii) "Maximum efficient production rate" (MEPR) means that rate at which production of natural gas and oil may be sustained without damage to the reservoir or the rate which may be sustained without damage to the ultimate recovery of oil or gas through the well. The MEPR must include the Btu value of any crude oil, gas condensate and natural gas liquids which may be produced from the well, in addition to that of the natural gas.

(4) Occluded methane in coal seams within the meaning of Section 107(c)(3) of the Natural Gas Policy Act of 1978 (NGPA);

(5) The following gas from wells spudded prior to January 1, 1990:

(i) Gas produced from geopressurized brine, within the meaning of Section 107(c)(2) of the NGPA;

(ii) Gas produced from Devonian shale, within the meaning of Section 107(c)(4) of the NGPA;

(iii) Gas produced from tight sands, as designated by the FERC in accordance with Section 107(c)(5) of the NGPA; and

(iv) Other gases designated by FERC as "high-cost natural gas" in accordance with Section 107(c)(5) of the NGPA, except as specifically designated as "natural gas" by ERA;

(6)(i) Synthetic gas derived from coal or other alternate fuel, the heat content of which is less than 600 Btu's per cubic foot at 14.73 pounds per square inch (absolute) and 60 degrees Fahrenheit; and

(ii) Commingled natural gas and synthetic gas derived from coal consumed as part of the necessary process of a major fuel burning installation used in the iron and steel industry, so long as the average annual Btu heat content of the commingled stream as consumed within a major fuel burning installation does not exceed 600 Btu's per cubic foot at 14.73 pounds per square inch (absolute) and 60 degrees Fahrenheit;

(7) Mixtures or natural gas and synthetic gas derived from alternate fuels for which the person proposing to use the gas certifies to ERA that:

(i) He owns, or is entitled to receive at the point of manufacture, synthetic gas derived from alternate fuels;

(ii) He delivers, or arranges for the delivery of such synthetic gas to a pipeline which by transport or displacement is capable of delivering such synthetic gas, mixed with natural gas, to facilities owned by the user;

(iii) The total annual Btu content of the synthetic gas delivered to a pipeline is equal to or greater than the total annual Btu content of the natural gas delivered to the facilities owned by the user, plus the approximate total annual Btu content of any natural gas consumed or lost in transportation; and

(iv) All necessary permits, licenses, or approvals from appropriate Federal, State, and local agencies (including Indian tribes) have been obtained for construction and operation of the facilities for the manufacture of the synthetic gas involved, except that for purposes of the prohibition under Section 201(2) of FUA against powerplants being constructed without the capability of using coal or another alternate fuel, only permits, licenses, and approvals for the construction of such synthetic gas facilities shall be required under this subparagraph, to be certified and documented; and

(8) A mixture of natural gas and an alternate fuel when such mixture is deliberately created for purposes of (i) Complying with a prohibition order issued pursuant to Section 301(c) of the Act, or (ii) Qualifying for a fuel mixtures exemption under the Act, provided such exemption is granted.

"NEPA" means the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

"New electric powerplant" means any electric powerplant: (1) That was not classified as existing under Part 515 of this subchapter; (2) That was reconstructed, as defined in these rules under the definition of "reconstruction"; or (3) For which construction was begun after November 9, 1978.

"New major fuel burning installation" means any MFBI: (1) That was not classified as existing under Part 515 of this subchapter; (2) That was reconstructed, as defined in these rules under the definition of "reconstuction"; or (3) For which construction begun after November 9, 1978.

"NGPA" means the Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*

"Nonboiler" means any powerplant or MFBI which is not a boiler and consists of either a combustion turbine unit, combined cycle unit, or in the case of an MFBI, an internal combustion engine.

"Notice of violation" means a written statement issued to a person by DOE that states one or more alleged violations of the provisions of these regulations, any order issued pursuant thereto, or the Act.

"Offset" means "emission offset".

"Order" means a final disposition, other than the issuance of a rule, issued by DOE pursuant to these regulations or the Act.

"Peakload powerplant" means a powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-calendar-month period, such powerplant's design capacity multiplied by 1,500 hours.

"Person" means any:

(1) Individual, corporation, company, partnership, association, firm, institution, society, trust, joint venture, or joint stock company;

(2) Any State; or

(3) Any Federal, State, or local agency or instrumentality (including any municipality) thereof.

"Petroleum" means crude oil and products derived from crude oil, other than:

(1) Petroleum products specifically designated as alternate fuels pursuant to these regulations;

(2) Synthetic gas derived from crude oil;

(3) Liquid petroleum gas;

(4) Petroleum coke or waste gases from industrial operations; and

(5) A liquid, solid, or gaseous waste by-product of refinery operations which is commercially unmarketable under the definition of "commercial unmarketability" in these rules.

Note.—For the purposes of this subparagraph, waste by-proucts do not include components (such as butane and propane) that can be extracted from the waste by-product by reasonable further processing of the waste by-product at the refinery, nor do they include final products that use the waste by-product as a blend stock at the refinery.

"Petition" means a formal request for any action including an exemption, submitted to DOE under these regulations.

"Powerplant" means "electric powerplant."

"Product or process requirements" means that product or process for which the use of an alternate fuel is not technically feasible due to the necessity to maintain satisfactory control of product quality and for which the substitution of steam is not technically feasible due to process requirements.

"Primary energy source" means the fuel or fuels used by any existing or new electric powerplant or major fuel burning installation, except:

(1) Minimum amounts of fuel required for unit ignition, startup, testing, flame stabilization, and control uses. ERA has determined that, unless need for a greater amount is demonstrated, twenty-five (25) percent of the total annual Btu heat input of a unit shall be automatically excluded under this paragraph.

(2) Minimum amounts of fuel required to alleviate or prevent:

(i) Unanticipated equipment outages as defined in § 501.191 of these regulations; and

(ii) Emergencies directly affecting the public health, safety, or welfare that would result from electric power outages as defined in § 501.191 of these regulations.

Note.—(1) Any fuel excluded under the provisions of subparagraph (1) of this defintion is in addition to any fuel authorized to be used in any order granting a fuel mixtures exemption under Parts 503 and 504 of these rules. The exclusion of fuel under subparagraph 1, together with the authority for such additive treatment, shall apply to any jurisdictional facility, regardless of whether or not it had received an order granting an exemption as of the date these rules are promulgated.

(2) If an auxiliary unit to an electric powerplant consumes fuel only for the auxiliary functions of unit ignition, startup, testing, flame stabilization, and other control uses, its use of minimum amounts of natural gas or petroleum is not prohibited by FUA, even though the unit is an MFBI. The measurement of such minimum amounts of fuel is discussed in *Associated Electric Cooperative*, et al., Interpretation 1980–42 (45 FR 82572 (December 15, 1980)).

"Prohibition order" means:

(1) An order issued pursuant to Sections 202(b), 301 (b) and (c), 302 (a) and (b), and 401 of the Act that prohibits a powerplant or major fuel burning installation or a boiler used for space heating purposes from burning natural gas or petroleum as its primary energy source; or

(2) An order issued pursuant to Sections 301(c) and 302(b) of the Act that prohibits excessive use of natural gas or petroleum in mixtures burned by a powerplant or major fuel burning installation as its primary energy source.

"Rated capacity", for the purpose of determining reduction in the rated capacity of an existing powerplant or MFBI, means design capacity, or, at the election of the facility owner or operator, the actual maximum sustained energy output per unit of time that could be produced, measured in either (1) useful heat output per unit of time expressed in Btu's, pounds of steam, or other appropriate measure; or (2) power output, expressed in kilowatts, per unit of time.

"Reconstruction" means the following:

(1) Except as provided in subparagraph 2 of this definition, reconstruction shall be found to have taken place whenever the capital expenditures for refurbishment or modification of an electric powerplant (as defined by FERC) or an MFBI, on a cumulative basis for the current calendar year and preceding two (2) calendar years are equal to or greater than fifty (50) percent of the capital costs of an equivalent replacement unit of the same capacity, capable of burning the same fuels.

(2) Notwithstanding subparagraph (1) of this definition, reconstruction shall not be found to have taken place whenever refurbishment or modification of the unit (A) Does not result in increased remaining useful life, or an increase in total annual fuel consumption; and (B) Is undertaken solely for the purpose of increasing fuel burning efficiency of the unit.

(3) The capital costs of reconstruction shall include, for powerplants, expenditures for items capitalized (*i.e.*, not expensed) according to the Federal Energy Regulatory Commission Uniform System of Accounts; and, for MFBI's, only expenditures for items capitalized (*i.e.*, not expensed) according to Internal Revenue Service standards. In computing such capital costs, ERA will accept good-faith estimates of the reasonably anticipated capital costs associated with refurbishment or modification of a unit.

(4) In assessing whether reconstruction of a unit has taken place, the following expenditures shall not be included:

(i) Routine operation and maintenance expenditures;

(ii) Expenditures made for pollution control equipment;

(iii) Expenditures made for providing the capability to use an available alternate fuel; and

(iv) Expenses related directly to movement of the unit.

"Refinery operation," as the term is used in these regulations, means an operation which separates or converts crude oil as its primary feedstock into unfinished, semirefined or refined products. For the purposes of this definition, the term "crude oil" means a mixture of hydrocarbons, including

lease condensate, which exists in a liquid state or as an amorphous solid in underground reservoirs.

"Resource Conservation and Recovery Act of 1976" means the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*

"SIP" means State Implementation Plan pursuant to Section 10 of the Clean Air Act.

"Site limitation," when used with respect to any powerplant or installation, means a specific physical limitation associated with a particular site that relates to the use of an alternate fuel as a primary energy source for the powerplant or installation, such as:

(1) Inaccessibility to alternate fuels;

(2) Lack of transportation facilities for alternate fuels;

(3) Lack of adequate land or facilities for the handling, use, and storage of alternate fuels;

(4) Lack of adequate land or facilities for the control or disposal of wastes from such powerplant or installation, including lack of land for pollution control equipment or devices necessary to assure compliance with applicable environmental requirements; and

(5) Lack of an adequate and reliable supply of water, including water for use in compliance with applicable environmental requirements.

"Solid Waste Disposal Act" means the Solid Waste Disposal Act, 42 U.S.C. 6901 *et seq.*, as amended.

"State regulatory authority" means any State agency that acts as ratemaking or power supply authority with respect to the sale of electricity by any State regulated electric utility.

"Synthetic fuel" means any fuel derived from an alternate fuel and does not include any fuels derived from petroleum or natural gas.

"Wetlands areas" means, for purposes of Section 103(a)(12) of the Act, those geographical areas designated as wetlands areas by State or local environmental regulatory authorities, or in the absence of any such geographic designation, those areas that are inundated by surface or ground water with frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetation or aquatic life that requires saturated, seasonably saturated, or tidally saturated soil conditions for growth or reproduction.

§ 500.3 Electric regions—electric region groupings for reliability measurements under the Powerplant and Industrial Fuel Use Act of 1978

(a) The following is a list of electric regions for use with regard to the Act. The regions are identified by FERC Power Supply Areas (PSA's) as authorized by section 202(a) of the Federal Power Act except where noted. They will be reviewed annually by ERA. Each grouping meets one or more of the following criteria:

(1) Existing centrally dispatched pools and hourly power brokers;

(2) Systems with joint planning and construction agreements;

(3) Systems with coordination agreements in the areas of:

(i) Generation reserve and system reliability criteria;

(ii) Capacity and energy exchange policies;

(iii) Maintenance scheduling; and

(iv) Emergency procedures for dealing with capacity or fuel shortages; or

(4) Systems within the same National Electric Reliability Council (NERC) region with historical coordination policies.

(b) The PSA's referred to in the definition of electric regions in paragraph (a) of this section were first defined by the Federal Power Commission in 1936. The most recent reference to them is given in the *1970 National Power Survey*, Vol. 1, Pg. 1–3–16. In cases where a petitioner finds an ambiguity in a regional assignment, he shall consult with DOE for an official determination.

Electric Region Groupings and FERC PSA's:

1. Allegheny Power System (APS)—7, except Duquesne Light Company.
2. American Electric Power System (AEP)—entire AEP System.
3. New England Planning Pool (NEPOOL)—1, 2.
4. New York Planning Pool (NYPP)—3, 4.
5. Pennsylvania—New Jersey—Maryland interconnection (PJM)—5, 6.
6. Commonwealth Edison Company—14.
7. Florida Coordination Group (FCG)—24.
8. Middle South Utilities—25.
9. Southern Company—22, 23.
10. Gulf States Group—35.
11. Tennessee Valley Authority (TVA)—20.
12. Virginia—Carolina Group (VACAR)—18, 21.
13. Central Area Power Coordination Group (CAPCO)—Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, Duquesne Light Company.
14. Cincinnati, Columbus, Dayton Group (CCD)—Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company, Dayton Power and Light Company.
15. Kentucky Group—19.
16. Indiana Group—Indiana Utilities except AEP.
17. Illinois—Missouri Group (ILLMO)—15, 40.
18. Michigan Electric Coordinated Systems (MECS)—11.
19. Wisconsin—Upper Michigan Group (WUMS)—13.
20. Mid-Continent Area Power Pool (MAAP)—16, 17, 26, 27, 28.
21. Missouri—Kansas Group (MOKAN)—24, 29.
22. Oklahoma Group—33, 36.
23. Texas Interconnected Systems (TIS)—37, 38.
24. Rocky Mountain Power Pool (RMPP)—31, 32.
25. Northwest Power Pool (NWPP)—30, 42, 43, 44, 45.
26. Arizona—New Mexico Group—39, 48 within Arizona, in Nevada and California.
27. Southern California—Nevada—47, 48.
28. Northern California—Nevada—46.
29. Alaska (non-interconnected systems to be considered separately)—49.
30. Idaho—Utah Group—41.

2. Part 501 is revised to read as follows:

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart A—General Provisions

Sec.

501.1 Purpose and scope.
501.2 Prepetition conference.
501.3 Petitions.
501.4 [Reserved].
501.5 [Reserved].
501.6 Service.
501.7 General filing requirements.
501.8 [Reserved].
501.9 Effective date of orders or rules.
501.10 Order of precedence.
501.11 Address for filing documents.
501.12 ERA public information office.
501.13 Appeal.
501.14 Notice to Environmental Protection Agency and the Federal Trade Commission.

Subpart B—[Reserved]

Subpart C—Written Comments, Public Hearings and Conferences During Administrative Proceedings

501.30 Purpose and scope.
501.31 Written comments.
501.32 Conferences (other than petition conferences).
501.33 Request for a public hearing.
501.34 Public hearing.
501.35 Public file.

Subpart D—Subpoenas, Special Report Orders, Oaths and Witnesses

501.40 Issuance.
501.41 [Reserved]

Subpart E—Prohibition Rules and Orders

501.50 [Reserved]
501.51 Prohibitions by order—existing facilities.
501.52 [Reserved]
501.53 Prohibitions by rule—existing powerplants. [Reserved]
501.54 Prohibitions by rule—existing installations. [Reserved]
501.55 [Reserved]
501.56 Prohibition by rule or order—new MFBI nonboilers.

Subpart F—Exemptions

Sec.
501.60 Purpose and scope.
501.61 [Reserved]
501.62 Petition contents.
501.63 Notice of the commencement of an administrative proceeding on an exemption petition.
501.64 Publication of notice of availability of tentative staff analysis.
501.65 Publication of notice of availability of draft EIS.
501.66 ERA evaluation of the record, decision and order.
501.67 Petition redesignations.
501.68 Decision and order.
501.69 Judicial review.

Subpart G—Requests for Modification or Rescission of a Rule or Order

501.100 Purpose and scope.
501.101 Proceedings to modify or rescind a rule or order.
501.102 ERA evaluation of the record, decision and order for modification or rescission of a rule or order.
501.103 ERA decision.

Subpart H—Requests for Stay

501.120 Purpose and scope.
501.121 Filing and notice of petitions for stays.
501.122 Contents.
501.123 Evaluation of the record.
501.124 Decision and order.

Subpart I—Requests for Interpretation

501.130 Purpose and scope.
501.131 Filing a request for interpretation.
501.132 Contents of a request for interpretation.
501.133 DOE evaluation.
501.134 Issuance and effect of interpretations.

Subpart J—Rulings

501.140 Purpose and scope.
501.141 Criteria for issuance.
501.142 Modification or rescission.
501.143 Comments.

Subpart K—Enforcement

501.160 Purpose and scope.
501.161 Filing a complaint.
501.162 Contents of a complaint.
501.163 ERA evaluation.
501.164 Decision to initiate enforcement proceedings.
501.165 Commencement of enforcement proceedings.
501.166 Hearings and conferences.
501.167 Fuel Use Order.

Subpart L—Investigations, Violations, Sanctions and Judicial Actions

501.180 Investigations.
501.181 Sanctions.
501.182 Injunctions.
501.183 Citizens suits.

Subpart M—Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes

501.190 Purpose and scope.
501.191 Use of natural gas or petroleum for certain unanticipated equipment outages and emergencies defined in section 103(a)(15)(B) of the Act.
501.192 Use of natural gas or petroleum during a temporary emergency condition pursuant to section 404(g) of the Act.

Authority: Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O 12009, 42 FR 46267.

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart A—General Provisions

§ 501.1 Purpose and scope.

Part 501 establishes the procedures to be used in proceedings before DOE under Parts 500–508 of this chapter except as otherwise provided.

§ 501.2 Prepetition conference.

(a) Owners and operators of powerplants and MPBI's may request a prepetition conference with ERA for the purpose of discussing the applicability of 10 CFR Parts 503 and 504 to their situations and the scope of any exemption or other petition that ERA would accept as adequate for filing purposes.

(b) The owner or operator who requests a prepetition conference may personally represent himself or may designate a representative to appear on his behalf. A prepetition conference or a request for a prepetition conference does not commence a proceeding before ERA.

(c) If ERA agrees to waive any filing requirements under § 501.3(d), a memorandum of record stating this fact will be furnished to the potential petitioner within thirty (30) days after the conference. Copies of all applicable memoranda of record must be attached to any subsequently-filed petition.

(d) A record of all prepetition conferences will be included in the public file. ERA may provide for the taking of a formal transcript of the conference and the transcript will be included in the public file.

§ 501.3 Petitions.

(a) *Filing of petitions.* Petitions for exemptions are to be filed with ERA at the address given in § 501.11.

(b) *Acceptance of petition.* (1) Upon acceptance (as distinguished from filing) of the petition, ERA shall publish in the Federal Register a Notice of Acceptance of Petition or, in the case of an exemption by certification, a Notice of Acceptance and Availability of Certification, signifying that an exemption proceeding has commenced.

(2) ERA will notify each petitioner in writing within thirty (30) days of receipt of the petition that it has been accepted or rejected and, if rejected, the reasons therefor.

(3) A petition, including supporting documents, will be accepted if the information contained appears to be sufficient to support an ERA determination. Additional information may be requested during the course of the proceeding, and failure to respond to such a request may ultimately result in denial of the requested exemption.

(4) Acceptance of petition does not constitute a determination that the requested exemption will be granted.

(c) *Rejection of petition.* (1) ERA will reject a petition if it does not meet the information of certification requirements established for the relevant exemptions under Parts 503 and 504 of this chapter. A written explanation of the reasons for rejection will be furnished with notification of the rejection.

(2) A timely-filed petition rejected as inadequate will not be rendered untimely if resubmitted in amended form within ninety (90) days of the date of rejection.

(3) ERA will, within thirty (30) days of receipt of a petition that is found to be incomplete due to minor deficiencies, notify the petitioner of the deficiencies and allow ninety (90) days from the date of notification to cure the specified deficiencies. The failure to cure the deficiencies during this time may result in denial of the requested exemption.

(d) *Waiver of filing requirements.* Upon its own motion or at the request of a petitioner, ERA may waive some or all of the regulatory requirements if the purposes of FUA would be best achieved by doing so.

§ 501.4 [Reserved]

§ 501.5 [Reserved]

§501.6 Service.

(a) DOE will serve all orders, notices, interpretations or other documents that it is required to serve, personally or by certified mail, unless otherwise provided in these regulations.

(b) DOE will consider service upon a petitioner's duly authorized representative to be service upon the petitioner.

(c) Service by certified mail is effective upon mailing. ERA will consider official United States postal receipts from certified mailing as prima facie evidence of service.

§ 501.7 General filing requirements.

Except as indicated otherwise, all documents required or permitted to be filed with ERA or DOE in connection with a proceeding under Parts 503 and

504 shall be filed in accordance with the following provisions:

(a) *Filing of documents.* (1) Documents including, but not limited to, applications, requests, complaints, petitions (including petitions for exemption), and other documents submitted in connection therewith, filed with ERA are considered to be filed upon receipt.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, an application for modification or rescission in accordance with Subpart G of this part, a reply to a notice of violation, a response to a denial of a claim of confidentiality, or a comment submitted in connection with any proceeding transmitted by registered or certified mail and addressed to the appropriate office is considered to be filed upon mailing.

(3) *Timeliness.* Documents are to be filed with the appropriate DOE or ERA office listed in § 501.11. Documents that are to be considered filed upon receipt under paragraph (a)(1) of this section and that are received after regular business hours are deemed filed on the next regular business day. Regular business hours are 8 a.m. to 4:30 p.m.

(4) *Computation of time.* In computing any period of time prescribed or allowed by FUA, these regulations or by an order, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a Federal legal holiday.

(5) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this Part within a prescribed period of time and the order, notice, interpretation or other document is served by mail, three (3) days shall be added to the prescribed period.

(6) *Extension of time.* When a document is required to be filed within a prescribed time, an extension of time to file may be granted upon good cause shown.

(7) *Signing.* All applications, petitions, requests, comments, and other documents that are required to be signed, shall be signed by the person filing the document or a duly authorized representative. Any application, petition, request, complaint, or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an ERA form otherwise requires. (A false certification is unlawful under the provisions of 18 U.S.C. 1001 (1970).)

(8) *Labeling.* An application, petition, or other request for action by DOE or ERA should be clearly labeled according to the nature of the action involved, e.g., "Petition for Temporary Exemption;" "Petition for Extension (or Renewal) of Temporary Exemption," both on the document and on the outside of the envelope in which the document is transmitted.

(9) *Obligation to supply information.* A person who files an application, petition, complaint, or other request for action is under a continuing obligation during the proceeding to provide DOE or ERA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, or request for action that is subsequently filed by that person with any DOE office or ERA office.

(10) *The same or related matters.* In filing a petition or other document requesting ERA action, the person must state whether, to the best of his knowledge, the same or a related issue, act or transaction has been or presently is being considered or investigated by a DOE office, other Federal agency, department or instrumentality, or a State or municipal agency.

(11) *Request for confidential treatment.* (i) If any person filing a document with DOE or ERA claims that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552); is information referred to in 18 U.S.C. 1905; or is otherwise exempt by law from public disclosure, and if such person requests DOE or ERA not to disclose such information, such person shall make a filing in accordance with paragraph (b)(2) of this section. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, such person shall include a statement specifying why such information is privileged or confidential. If a document is not so filed, ERA may assume that there is no objection to public disclosure of the document in its entirety, unless the person subsequently files a claim of confidentiality prior to public disclosure of the document.

(ii) DOE or ERA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by DOE or ERA to deny such claim, in whole or in part, and an opportunity to respond or take other appropriate action to avoid release shall be given to a person claiming confidentiality of information no less than seven (7) days prior to its public disclosure.

(iii) The above provisions in paragraphs (a)(11) (i) and (ii) of this section do not apply to information submitted on ERA forms that contain their own instructions concerning the treatment of confidential information.

(12) *Request for classification of fuel as commercially unmarketable.*

Note.—The standards for determining the commercial unmarketability of a liquid, solid or gaseous waste by-product, and, in certain cases, natural gas under FUA are set forth under the definition of "commercial unmarketability" in Part 500 of these rules.

(i) *Filing of request.* The owner or operator of a powerplant or installation may file a request for classification of a fuel as commercially unmarketable at the address provided in § 501.11.

(ii) *Contents of request.* A request for classification of a fuel as commercially unmarketable pursuant to the definition of "commercial unmarketability," and the definitions of "alternate fuel," "natural gas," and "petroleum," contained in Part 500 should include a duly executed certification containing the following:

(A) Name of requester.

(B) Identification and location of unit in which the fuel is proposed to be burned.

(C) The calculations made concerning the costs and revenues involved in assessing the commercial marketability of the fuel and the methodology used to make the calculations, including an explanation of the numbers used; and

(D) The name, address, and telephone number of the person who can supply additional information.

(iii) *Decision on request.* ERA will acknowledge receipt of a request and will render a decision within 60 days of the date of the acknowledgement.

(13) *Separate applications, petitions or requests.* Each application, petition, or request for DOE or ERA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act, or transaction, or are submitted in connection with the same proceeding.

(b) *Number of documents to be filed.* (1) A petitioner must file an executed original and fourteen (14) copies of all documents submitted to ERA.

(2) Where the petitioner requests confidential treatment of some or all of the information submitted, an original and eleven (11) copies of the confidential document and three (3) copies of the document with confidential material deleted must be filed.

§ 501.8 [Reserved]

§ 501.9 Effective date of orders or rules.

When ERA issues a rule or order imposing a prohibition or granting an exemption (or permit) under FUA, the rule or order will be effective sixty (60) calendar days after publication in the **Federal Register**, unless it is stayed, modified, suspended or rescinded.

§ 501.10 Order of precedence.

If there is any conflict or inconsistency between the provisions of this Part and any other provisions or parts of this chapter, except for general procedures which are unique to Parts 508 and 515 of this chapter, the provisions of this part will control with respect to procedure.

§ 501.11 Address for filing documents.

(a)(1) Send all petitions, forms, written communications, or other documents not included in paragraph (a)(2) of this section to the following address: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 6114, 2000 M Street, NW., Washington, D.C. 20461.

(2) Send all requests for interpretations and interpretive rulings to the following address: Assistant General Counsel for Interpretations and Rulings, 1000 Independence Avenue, SW., Forrestal Building, Washington, D.C. 20585.

(b) The DOE National Office has facilities for the receipt of transmission via TWX and FAX to its offices at 1000 Independence Avenue, SW., (Forrestal) and 2000 M Street, NW. (The FAX machines are 3M full duplex 4 or 6 minute (automatic)). For purposes of these regulations, all transmissions should be to the facilities at 2000 M Street, NW., except those to be sent to the Office of General Counsel, which should be transmitted to the facilities located at the Forrestal Building.

FAX Numbers:
(202) 252–5100 (3M) (Forrestal).
(202) 653–3613 (3M) (2000 M St.).
TWX Numbers:
(710) 822-0176 (Forrestal).
(710) 822–9454 (2000 M St.).

§ 501.12 ERA public information office.

DOE will make available at Room B–110, 2000 M Street, NW., Washington, D.C., for public inspection and copying:

(a) Each rule, order or other administrative determination that is issued as a final agency action on a matter before ERA;

(b) Any written comments received from interested persons in connection with issuance of a rule, order or other determination, modifications or rescissions or stays of rules, or determinations, and verbatim transcripts of any oral comments made at public hearings, or at prepetition conferences where a transcript was made;

(c) Any comments received during any rulemaking proceeding and a verbatim transcript of any public hearings that may have been held in any rulemaking proceeding; and

(d) Any other information required by statute to be made available for public inspection and copying, and any information that ERA determines should be made available to the public.

§ 501.13 Appeal.

There is no administrative appeal of any final administrative action to which this part applies.

§ 501.14 Notice to Environmental Protection Agency and the Federal Trade Commission.

(a) A copy of any proposed rule or order that imposes a prohibition, or a petition for an exemption or permit, shall be transmitted for comments, if any, to the Administrator and the appropriate Regional Administrator of the Environmental Protection Agency (EPA). The Administrator of EPA shall be given the same opportunity to comment and question as is given other interested persons.

(b) A copy of any proposed rule or order which imposes a prohibition with respect to an MFBI, or a petition by an MFBI for an exemption or permit, shall be transmitted for comments, if any, to the Federal Trade Commission. The Federal Trade Commission shall be given the same opportunity to comment and question as is given other interested persons.

SUBPART B—[RESERVED]

SUBPART C—WRITTEN COMMENTS, PUBLIC HEARINGS AND CONFERENCES DURING ADMINISTRATIVE PROCEEDINGS

§ 501.30 Purpose and scope.

This subpart establishes the procedures for requests for and the conduct of public hearings; for submission of written comments; and for requests for and conduct of conferences pursuant to an administrative proceeding before ERA. Hearings shall be convened at the request of any interested person, in accordance with Section 701(d) of FUA, and shall be held at a time and place to be decided by the Presiding Officer.

§ 501.31 Written comments.

(a) *New facilities.* Except as may be provided elsewhere in these regulations, ERA shall provide a period of at least forty-five (45) days, commencing with publication of the Notice of Acceptance of Petition, or in the case of certification exemptions, Notice of Acceptance and Availability of Certification, in the **Federal Register** in accordance with § 501.63(a), for submission of written comments concerning a petition for an exemption. In accordance with § 501.64, ERA also shall provide a period of at least fourteen (14) days for submission of written comments concerning a Tentative Staff Analysis commencing with publication of the Notice of Availability of Tentative Staff Analysis in the **Federal Register**. The period may be extended by ERA in accordance with § 501.7(a)(18). Written comments shall be filed in accordance with § 501.7.

(b) *Existing facilities.* Except as may be provided elsewhere in these regulations, ERA shall provide a period of at least 45 days for submission of written comments concerning a proposed prohibition rule or order or a petition for an exemption or permit. This period shall commence in the case of a petition for an exemption on the day after publication of the Notice of Acceptance in the **Federal Register** in accordance with § 501.63(a). In the case of a proposed prohibition rule or order, ERA shall also provide for a period of at least 45 days for submission of written comments concerning a Tentative Staff Analysis. This period shall commence on the day after publication of the Notice of Availability of the Tentative Staff Analysis in the **Federal Register**. The period may be extended by ERA in accordance with § 501.7. See § 501.51(b) of this part with respect to the comment periods applicable to prohibitions by order to existing facilities and the extension of such comment periods. Written comments shall be filed in accordance with § 501.7.

§ 501.32 Conferences (other than prepetition conferences).

(a) At any time following commencement of a proceeding before ERA, an interested person may request a conference with the staff of ERA to

discuss a petition, permit or any other issue pending before ERA. The request for a conference should generally be in writing and should indicate the subjects to be covered and should describe the requester's interest in the proceeding. Conferences held after the commencement of an administrative proceeding before ERA shall be convened at the discretion of ERA or the Presiding Officer.

(b) When ERA convenes a conference in accordance with this section, any person invited may present views as to the issue or issues involved. Documentary evidence may be submitted at the conference and such evidence, to the extent that it is not deemed to be confidential, will be included in the administrative record. ERA will not normally have a transcript of the conference prepared but may do so at its discretion.

(c) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal report or findings by ERA unless ERA in its discretion determines that the preparation of a report or findings would be advisable. ERA will, however, place in the public file a record of any conference.

§ 501.33 Request for a public hearing.

(a) *New facilities.* In the case of a petition for an exemption under Title II of FUA, any interested person may submit a written request that ERA convene a public hearing in accordance with Section 701 of FUA—

(1) No later than fourteen (14) days after the publication of a Notice of Availability of Tentative Staff Analysis; or

(2) In the case of a certification exemption, no later than forty-five (45) days after publication of the Notice of Acceptance and Availability of Certification.

These time periods may be extended at the discretion of ERA.

(b) *Existing facilities.* In the case of a petition for an exemption from a prohibition imposed either by the Act or by a final rule or order issued by ERA to an existing facility under Title III of FUA, or a petition for an exemption or permit, if applicable, any interested person may submit a written request that ERA convene a public hearing in accordance with Section 701 of FUA within forty-five (45) days after the notice of the filing of a petition is published in the **Federal Register**. In the case of a proposed prohibition rule or order, the forty-five (45) day period in which to request a public hearing shall commence upon the publication of the Notice of Availability of the Tentative Staff Analysis. This time limit may be extended at the discretion of ERA.

(c) *Contents of request.* A request for a public hearing must be in writing and must include a description of the requesting party's interest in the proceeding and a statement of the issues involved. The request should, to the extent possible, identify any witnesses that are to be called, summarize the anticipated testimony to be given at the hearing, and outline questions that are to be posed.

§ 501.34 Public hearing.

(a) A public hearing under this subsection is for the purpose of insuring that all issues are fully and properly developed, but is not a formal adjudicatory hearing subject to the provisions of 5 U.S.C. 554 and 556.

(b) *Opportunity to be heard at a public hearing.* (1) Any interested person, may request, and ERA will provide, an opportunity to present oral or written data, views and arguments at a public hearing on any proposed prohibition rule or order, or on any petition for an exemption or permit. An interested person may file a request to be listed as a party to a hearing on the service list prepared by the Presiding Officer pursuant to § 501.34(d) of this part.

(2) Participants at the public hearing will have an opportunity to present oral or written data, views and arguments.

(3) A request for a public hearing may be withdrawn by the requestor at any time. If other persons have requested to participate as parties in the public hearing, ERA may cancel the hearing only if all parties agree to cancellation. ERA will give notice, whenever possible, in the **Federal Register** of the cancellation of any hearings for which there has been prior notice.

(c) *Presiding Officer.* ERA will appoint a Presiding Officer to conduct the public hearing.

(d) *Powers of the Presiding Officer.* The Presiding Officer is responsible for orderly conduct of the hearing and for certification of the record of the public hearing. The Presiding Officer will not prepare any recommended findings, conclusions, or any other recommendations for disposition of a particular case, except those of a procedural nature. The Presiding Officer has, but is not limited to the following powers:

(1) Administer oaths, affirmations and protective orders;

(2) Issue administrative subpoenas and rule on motions to modify or withdraw subpoenas that he has issued;

(3) Rule on questions as to relevance and materiality of evidence;

(4) Regulate the course of the public hearing;

(5) Hold conferences for the simplification of issues by consent of the parties;

(6) Require submission of evidence in writing where appropriate;

(7) Establish service lists;

(8) Dispose of procedural requests and similar matters; and

(9) Take other actions authorized by these rules.

The Presiding Officer may also limit the number of witnesses to be presented by any party and may impose reasonable time limits for testimony. The Presiding Officer shall establish and maintain a service list that contains the names and addresses of all parties to the ERA proceeding. At the time the Presiding Officer certifies the record, he will provide the staff of ERA with an index of the issues addressed in the record.

(e) *Notice.* ERA will convene a public hearing only after publishing a notice in the **Federal Register** that states the time, place and nature of the public hearing.

(f) *Opportunity to question at the public hearing.* At any public hearing requested pursuant to paragraph (b) of this section, with respect to disputed issues of material fact, ERA will provide any interested person an opportunity to question:

(1) Other interested persons who make oral presentations;

(2) Employees and contractors of the United States who have made written or oral presentations or who have participated in the development of the proposed rule or order or in the consideration of the petition for an exemption or permit; and

(3) Experts and consultants who have provided information to any person who makes an oral presentation and which is contained in or referred to in such presentation.

(g) ERA encourages persons who wish to question Government witnesses to submit their questions at least ten (10) days in advance of the hearing.

(h) The Presiding Officer will allow questions by any interested person to be asked of those making presentations or submitting information, data, analyses or views at the hearing. The Presiding Officer may restrict questioning if he determines that such questioning is duplicative or is not likely to result in a timely and effective resolution of issues pending in the administrative proceeding for which the hearing is being conducted.

(i) The Presiding Officer or ERA may exercise discretion to control a hearing by denying, temporarily or permanently, the privilege of participating in a particular ERA hearing if ERA finds, for example, that a person:

(1) Has knowingly made false or misleading statements, either orally or in writing;

(2) Has knowingly filed false affidavits or other writings;

(3) Lacks the specific authority to represent the person seeking an ERA action; or

(4) Has disrupted or is disrupting a hearing.

(j) *Evidence.* (1) The Presiding Officer is responsible for orderly submission of information, data, materials, views or other evidence into the record of the public hearing. The Presiding Officer may exclude any evidence that is irrelevant, immaterial or unduly repetitious. Judicial rules of evidence do not apply.

(2) Documentary material must be of a size consistent with ease of handling, transportation and filing, and a reasonable number of copies should be made available at the public hearing for the use of interested persons. An original and fourteen (14) copies shall be furnished to the Presiding Officer and one copy to each party listed on the service list. Large exhibits that are used during the hearing must be provided on no larger than 11½"x14" legal size paper if they are to be submitted into the hearing record.

(k) *Hearing record.* ERA will have a verbatim transcript made of the public hearing. The hearing record shall remain open for a period of fourteen (14) days following the public hearing, unless extended by ERA, during which time the participants at the hearing may submit additional written statements which will be made part of the administrative record and will be served by the Presiding Officer upon those parties listed on the service list. ERA may also request additional information, data or analysis following the hearing in order to resolve disputed issues in the record. If ERA receives or obtains any relevant information or evidence that is placed in the record after the close of the public hearing or comment period, it will so notify all participants, and allow an additional fourteen (14) days for submission of evidence in rebuttal. In addition, ERA may, in its discretion, re-open the hearing at the request of a party or participant, to permit further rebuttal of evidence or statements submitted to ERA and made part of the hearing record after the close of the hearing. The transcript, together with any written comments submitted in the course of the proceeding, will be made part of the record available for public inspection and copying at the ERA Public Information Office, as provided in § 501.12.

§ 501.35 Public file.

(a) *Contents.* The public file shall consist of the rule, order, or petition, with supporting data and supplemental information, and all data and information submitted by interested persons. Materials which are claimed by any party to be exempt from public disclosure under the Freedom of Information Act (5 U.S.C. 552) shall be excised from the public file provided ERA has made a determination that the material is confidential in accordance with § 501.7(a)(11) of this part.

(b) *Availability.* The public file shall be available for inspection at Room B-110, 2000 M Street, NW., Washington, D.C. Photocopies may be made available, on request. The charge for such copies shall be made in accordance with a written schedule.

Subpart D—Subpoenas, Special Report Orders, Oaths and Witnesses

§ 501.40 Issuance.

(a) *Authority.* As authorized by Section 711 of FUA and Section 645 of the DEOA, the Administrator, his duly authorized agent or a Presiding Officer may, in accordance with 10 CFR 205.8, sign, issue, and serve subpoenas; issue special report orders (SRO); administer oaths and affirmations; take sworn testimony, compel attendace of and sequester witnesses; control the dissemination of any record of testimony taken pursuant to this section; and subpoena and reproduce books, papers, correspondence, memoranda, contracts, agreements, or other relevant records of tangible evidence including, but not limited to, information retained in computerized or other automated systems in the possession of the subpoenaed person.

(b) *Petition to withdraw or modify.* Prior to the time specified for compliance in the subpoena or SRO, the person to whom the subpoena or SRO is directed may apply for its withdrawal or modification as provided in 10 CFR 205.8, except that if the subpoena or SRO is issued by a duly appointed Presiding Officer, the request to withdraw or modify must be addressed to that Presiding Officer, and its grant or denial will be decided by him.

§ 501.41 [Reserved]

Subpart E—Prohibition Rules and Orders

§ 501.50 [Reserved]

§ 501.51 Prohibitions by order—existing facilities.

(a) ERA may prohibit by order the use of petroleum or natural gas as a primary energy source or in amounts in excess of the minimum amount necessary to maintain reliability of operation consistent with reasonable fuel efficiency in an existing facility if:

(1) That facility has not been identified as a member of a category subject to a final prohibition rule at the time of the issuance of such order;

(2) The requirements of § 504.6 have been met;

(3) The owner or operator of the facility has not demonstrated that an exemption would have been granted to the facility if the prohibition had been established by rule. If the facility would have been granted a temporary exemption, however, ERA may issue a final order which will take effect at such time as the temporary exemption would have terminated; and

(4) In any case in which an order is not issued by reason of paragraph (a)(3) of this section, or in which the effective date of such order is delayed under such paragraph, ERA shall take such steps as may be necessary to assure the facility involved complies with the same requirements (including provisions of Section 314(a) of FUA) as would have been applicable if an exemption had been granted based upon the grounds for which the order is not issued or the effective date is delayed.

(b) *Notice of order and public participation.* (1) ERA may hold a conference with the proposed order recipient prior to issuing the proposed order.

(2) Pursuant to Section 701 of FUA, prior to the issuance of a final order to an existing facility, ERA shall publish a proposed order in the **Federal Register**, together with a statement of the reasons for the order. In the case of a proposed order that would prohibit the use of petroleum or natural gas as a primary energy source, the finding required by Section 301(b)(1) of the Act in the case of a powerplant or the finding required by Section 302(a)(1) of the Act in the case of an installation shall be published with such proposed order.

(3) ERA shall provide a period for the submission of written comments of at least three (3) months after the date of the proposed order. During this period, the recipient of the proposed order and

any other interested person must submit any evidence that they have available at that time relating to each of the findings that ERA is required to make under Section 301(b) of the Act in the case of a powerplant or the findings required by Section 302(a) of the Act in the case of an installation. A proposed order recipient may submit additional new evidence at any time prior to the close of the public comment period which follows publication of the Tentative Staff Analysis or prior to the close of the record of any public hearing, whichever occurs later. A request by the proposed order recipient for an extension of the three month time period may be granted at ERA's discretion.

(4) Subsequent to the end of the comment period, ERA will issue a notice of whether ERA intends to proceed with the prohibition order proceeding.

(5) An owner or operator of a facility that may be subject to an order may demonstrate prior to issuance of a final prohibition order that the facility would qualify for an exemption if the prohibition had been established by rule. ERA will not delay the issuance of a final prohibition order or stay the effective date of such an order for the purpose of determining whether a proposed order recipient qualifies for a particular exemption unless the demonstration or qualification is submitted prior to or during the second three-month comment period, commencing after issuance of a notice of intention to proceed, or unless materials submitted after the period (i) could not have been submitted during the period through the exercise of due diligence, (ii) address material changes in fact or law occurring after the close of the period, or (iii) consist of amplification or rebuttal occasioned by the subsequent course of the proceeding. A request by the proposed order recipient for an extension of this time period may be granted at ERA's discretion.

(6) Subsequent to the end of the second three (3) month period, ERA will, if it intends to issue a final prohibition order, prepare and issue a Notice of Availability of a Tentative Staff Analysis. Interested persons wishing a hearing must request a hearing within forty-five (45) day after issuance of the Notice of Availability of the Tentative Staff Analysis. During this forty-five (45) days period, interested persons may also submit written comments on the Tentative Staff Analysis.

(7) If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of this part. The hearing will consider the findings which ERA must make in order to issue a final prohibition order and any exemption for which the proposed order recipient submitted its demonstration in accordance with paragraph (b)(5) of this section.

(8) Upon request by the receipient of the proposed prohibition order, the combined public comment periods provided for in this section may be reduced to a minimum of forty-five (45) days from the time of publication of the proposed order.

(9) ERA may terminate a prohibition order proceeding at any time prior to the date upon which a final order shall become effective. Should ERA terminate the proceeding, it will notify the proposed order recipient, and publish a notice in the **Federal Register**.

(c) *Decision to issue a final order.* (1) ERA will base its determination to issue an order on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with reliable, probative and substantial evidence.

(2) ERA shall include in the final order a written statement of the pertinent facts, a statement of the basis upon which the final order is issued, a recitation of the conclusions regarding the required findings and qualifications for exemptions. The final order shall state the effective date of the prohibition contained therein. If it is demonstrated that the facility would have been granted a temporary exemption, the effective date of the prohibition contained in the final order shall be delayed until such time as the temporary exemption would have terminated. If it is demonstrated that a facility will need a period of time to comply with the final order, the effective date of the prohibition contained in the final order may be delayed, in ERA's discretion, so as to allow an order recipient to comply with the final order.

(3) ERA will enclose with a copy of the final order, where appropriate, a schedule of steps that should be taken by a stated date (a compliance schedule) to ensure that the affected facility will be able to comply with the prohibitions stated in the order by the effective date of the prohibition contained in the final order. The compliance schedule may require the affected person to take steps with regard to a unit 60 days after service of the final order.

(4) A copy of the final order and a summary of the basis therefore will be published in the **Federal Register**. The order will become effective 60 days after publication in the **Federal Register**.

(d) *Request for order.* (1) A proceeding for issuance of a prohibition order to a specific unit may be commenced by ERA, in its sole discretion, in response to a request for an order filed by the owner or operator of a facility.

(2) A petition requesting ERA to commence a prohibition order proceeding should include the following information for all units to be covered by the prohibition order:

(i) A statement of the reasons the owner or operator is seeking the issuance of a prohibition order; and

(ii) Sufficient information from which ERA may make the findings required by Section 301(b) of FUA in the case of a powerplant and Section 302(b) of FUA in the case of an installation.

(3) If ERA determines to accept the request, ERA shall publish a proposed order in the **Federal Register** together with a statement of the reasons for the order. The proceeding for issuance of the prohibition order shall thereafter continue in the same manner as proceedings commenced by ERA on its own initiative.

§ 501.52 [Reserved]

§ 501.53 Prohibitions by rule—existing powerplants. [Reserved]

§ 501.54 Prohibitions by rule—existing installations. [Reserved]

§ 501.55 [Reserved]

§ 501.56 Prohibition by rule or order—new MFBI nonboilers.

(a) *Prohibition by rule.* (1) Pursuant to section 202 of FUA, ERA may prohibit by rule the use of petroleum or natural gas as a primary energy source by new MFBI's that are combustion turbine units, combined cycle units or internal combustion engines.

(2) In such a rulemaking, ERA will consider any special circumstances or characteristics of the category of nonboilers that would be prohibited from using natural gas or petroleum as a primary energy source. ERA will specifically consider such factors as the overall technical feasibility of category members to burn an alternate fuel as a primary energy source, as well as the size of category members and their location. ERA will consider any other circumstances, characteristics, and factors brought to its attention that it determines to be relevant and appropriate to the rulemaking.

(3) The application of any final rule to any new MFBI shall be stayed pending resolution (including judicial review) of any petition for an exemption for the installation that is filed with ERA not later than 60 days after the final rule is published under section 702(a) of FUA.

(4) No final rule can be applied to the installation if:

(i) It has received a final order containing a comparable prohibition;

(ii) It was proposed to receive an order but did not do so due to a demonstration that the installation could qualify for an exemption under the Act;

(iii) A stay, pursuant to section 202(a) of FUA, is in effect pending resolution of any petition for an exemption that has been filed within sixty (60) days after publication of that rule pursuant to section 702(a) of FUA; or

(iv) An exemption has been petitioned for and granted to the installation.

(b) *Prohibition by order.* (1) ERA may prohibit by order the use of petroleum or natural gas as a primary energy source in a new MFBI consisting of a combustion turbine, a combined cycle unit or an internal combustion engine if that installation has not been identified as a member of a category subject to a final prohibition rule at the time of the issuance of the proposed order.

(2) ERA may not issue a final order to an installation under this subsection if it has been demonstrated that there would have been granted an exemption for the installation if the prohibition had been established by rule. If the installation would have been granted a temporary exemption, however, ERA may issue a final order that will take effect at the time the temporary exemption would have terminated.

(3) In any case in which an order is not issued by reason of paragraph (b)(2) of this section, or in which the effective date of such order is delayed under that paragraph, ERA shall take such steps as may be necessary to assure the installation involved complies with the same requirements (including provisions of section 214(a) of FUA) as would have been applicable if an exemption had been granted based upon grounds for which the order is not issued or the effective date would be delayed.

(c) *Exceptions.* If acquisition or construction began for a nonboiler prior to the date of publication of the proposed rule or proposed order, the nonboiler shall be considered an "existing" nonboiler for purposes of treatment under the Existing Major Fuel-Burning Installations Section (Title III, Subtitle A) of the FUA.

(d) *Notice of rules and orders, and public participation.* Pursuant to section 701 of FUA, prior to the issuance of a final rule or order to a new nonboiler, ERA shall publish a proposed rule or order in the **Federal Register** together with a statement of the reasons for the rule or order. In the case of a proposed rule, ERA will, in identifying categories of new MFBI's, explain and account for any special circumstances or characteristics of each category, including the technical feasibility of burning coal and/or other alternate fuels and the size or geographic location of installations in the category described by the proposed rule.

(e) *Decision to issue a final rule or order.* (1) ERA will base its determination to issue a rule or order on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with reliable, probative and substantial evidence.

(2) ERA shall include in the final rule or order a written statement of the pertinent facts, a statement of the legal basis upon which the final rule is issued, a recitation of the conclusions regarding the required findings, and a summary of the rationale for each finding. The final rule or order shall state the effective date(s) of the prohibition(s) contained therein.

(3) ERA may enclose with a copy of the final rule or order a schedule of steps that should be taken by a stated date (a compliance schedule) to ensure that the affected installation(s) will be able to comply with the prohibitions stated in the rule or order by the effective date. The compliance schedule may require the affected person to take steps with regard to a unit sixty (60) days after service of the final rule or order.

Subpart F—Exemptions

§ 501.60 Purpose and scope.

(a)(1) If the petitioner plans to construct a new powerplant or new MFBI consisting of a boiler, or owns, operates, or controls such a new unit, and the unit is subject to one or more of the FUA prohibitions, this subpart establishes the procedures for filing a petition requesting a temporary or permanent exemption under, respectively, Sections 211 and 212 of FUA.

(2) If the petitioner plans to construct or owns, operates, or controls a new MFBI other than a boiler and such unit is subject to a prohibition by order or rule, this subpart establishes the procedures for filing a petition requesting a temporary or permanent exemption under, respectively, Sections 211 and 212 of FUA.

(3) If the petitioner owns, operates or controls an existing powerplant or MFBI, and the unit is subject to a prohibition by rule or order, this subpart provides the procedures for filing a petition for temporary or permanent exemption under respectively, Sections 311 and 312 of FUA.

(4) If the petitioner owns, operates or controls a new or existing powerplant or MFBI, this subpart provides the procedures for filing a petition requesting extension of a temporary exemption granted under Section 211 or Section 311 of FUA.

(b) If the petition is for an extension of a temporary exemption, the petitioner must apply for this extension at least (90) days prior to the expiration of the temporary exemption.

§ 501.61 [Reserved]

§ 501.62 Petition contents.

(a) A petition for exemption should include the following information:

(1) The name of the petitioner;

(2) The name and location of the unit for which an exemption is being requested;

(3) The specific exemption(s) being requested; and

(4) The name, address, and telephone number of the person who can supply further information.

(b) *Table of Contents.* Include only those sections contained in the petition.

(c) *Introduction.* Include the following:

(1) Description of the facility under consideration;

(2) Description of the unit and fuel the petitioner proposes to burn in that unit, including the purpose of and need for the unit; and

(3) Description of the operational requirements for the unit, including size (capacity, input and output in millions of Btu's per hour), output in terms of product or service to be supplied, fuel capability, and operating mode, including capacity factor, utilization factor, and fluctuations in the load.

(d) *General requirements.* The evidence required under either Part 503 Subpart B or Part 504 Subpart C, as appropriate to each exemption(s) for which the petitioner is applying:

(1) No alternate power supply (§ 503.8 or § 504.13);

(2) Use of mixtures (§ 503.9 or § 504.15);

(3) Use of fluidized bed combustion (§ 504.10 or § 504.16);

(4) Alternative site (§ 503.11);

(5) Compliance Plan (§ 503.12 or § 504.17);

(6) Environmental impact analysis (§ 503.13 or § 504.20);

(7) Fuels search (§ 503.14 or § 504.21).

(e) *Specific evidence.* Evidence required for each exemption, segregated by exemption (Part 503 Subparts C and D or Part 504 Subparts D and E, as appropriate).

(f) *References.* (1) Specify the reports, documents, experts, and other sources

consulted in compiling the petition. Cite these sources in accordance with acceptable documentation standards, and indicate the part of the petition to which they apply. If the source is unusual or little known, briefly describe its contents.

(2) Identify at the end of each section of the petition any information or any statement based, in whole or in part, on information or principles which, to petitioner's knowledge, represent significant innovations to or departures from generally accepted facts or principles.

(g) *Appendices.* Include in the appendices material which the petitioner believes substantiates any analyses fundamental to the petition, materials prepared in connection with it, and any other documents, studies, or analyses which are believed to be relevant to the decision to be made. Also, include in the appendices copies of any forms submitted as part of the petition.

(h) *List of Preparers.* List the names with the qualifications and professional credentials of the principal contributors to the preparation of the petition. Indicate the sections or subject matters for which each principal contributor was responsible.

(i) *Incorporation by reference.* Pertinent information may be incorporated into the petition by reference when this can be done without impeding agency and public review. Referenced materials must be specifically identified and their contents briefly described in the petition. To incorporate by reference, the material must be submitted with the petition, or if previously submitted, the office to which it was submitted must be identified in the petition. The petitioner cannot incorporate by reference material based on proprietary data not available to ERA for review.

§ 501.63 Notice of the commencement of an administrative proceeding on an exemption petition.

(a)(1) When a petition is accepted, ERA will publish in the **Federal Register** a Notice of Acceptance, or, in the case of a certification exemption, a Notice of Acceptance and Availability of Certification, signifying that an exemption proceeding has commenced. The notice will include a summary of the exemption petition, and publication will commence a public comment period of no less than forty-five (45) days during which interested parties may file written comments concerning the petition. In the case of a certification exemption, interested persons may request a public hearing during this period, pursuant to § 501.33.

(2) ERA also will notify the appropriate State agency having apparent primary authority to permit or regulate the construction or operation of a powerplant, or any State agency with similar authority over an MFBI, that an exemption proceeding has commenced and will consult with these agencies to the maximum extent practicable. Copies of all accepted petitions will be forwarded to the Administrator of the EPA, and, if the unit involved is an MFBI, to the Federal Trade Commission.

(b) In processing an exemption petition, ERA shall comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's implementing regulations, and the DOE guidelines implementing those regulations (45 FR 20694 (March 28, 1980)). Compliance with NEPA may involve the preparation of (1) an environmental impact statement (EIS) evaluating the grant or denial of an exemption petition, (2) an environmental assessment (EA), or (3) a memorandum to the file finding that the grant of the requested petition would not be considered a major federal action significantly affecting the quality of the human environment. If an EIS is required, ERA will publish in the **Federal Register** a Notice of Intent (NOI) to prepare an EIS as soon as practicable after commencement of the proceeding. A public meeting may be held pursuant to 40 CFR 1501.7 to solicit comments or suggestions on the structure and content of the EIS.

§ 501.64 Publication of notice of availability of tentative staff analysis.

ERA will publish in the **Federal Register** a Notice of the Availability of Tentative Staff Analysis for the noncertification temporary public interest exemption, for noncertification environmental exemptions, and for a cogeneration exemption based on the public interest. ERA will provide a public comment period of at least fourteen (14) days from the date of publication during which interested persons may make written comments and request a public hearing.

§ 501.65 Publication of notice of availability of draft EIS.

Issuance of a draft EIS, EA, or preparation of a memorandum to the file will occur simultaneously with publication of a Notice of Availability of Tentative Staff Analysis. A Notice of Availability of any draft EIS will be published in the **Federal Register** and comments thereon will also be solicited. Interested persons may request a hearing on any draft EIS. Such hearing must be requested within thirty (30) days of publication of the Notice of Availability of the draft EIS.

§ 501.66 ERA evaluation of the record, decision and order.

(a) The administrative record in a proceeding under this Part will consist of the proposed prohibition order and/or petition and related documents, all relevant evidence presented at the public hearing, all written comments, and any other information in the possession of ERA and made a part of the public record of the proceeding. ERA will base its determination to issue a rule or order on consideration of the whole record, or those parts thereof cited by a party and supported by reliable, probative, and substantial evidence.

(b) ERA may investigate and corroborate any statement in any petition, document, or public comments submitted to it. ERA also may use any relevant facts it possesses in its evaluation and may request submissions from third persons relevant to the petition or other documents. ERA also may request additional information, data, or analyses following a public hearing, if any, if this information is necessary to resolve disputed issues in the record. Any relevant information received by ERA following the hearing that is not declared to be confidential under § 501.7(a)(11) shall be made part of the public record with opportunity provided for rebuttal.

(c) ERA will notify all participants if, after the close of any public hearing or comment period, it receives or obtains any relevant information or evidence. Participants may respond to such information or evidence in writing within fourteen (14) days of such notification. If ERA finds that the additional information or evidence relates to material issues of disputed fact and may significantly influence the outcome of the proceeding, ERA shall reopen the hearing on the issue or issues to which the additional information or evidence relates.

§ 501.67 Petition redesignations.

ERA, with the petitioner's approval, will redesignate an exemption petition if the petitioner qualifies for an exemption other than the one originally requested, even though he may not qualify for the specific exemption originally requested, or be entitled to the full exemption period provided by requested exemption. ERA shall give public notice of any redesignation of an exemption

petition, and where a public hearing has been requested notice shall be given at least thirty (30) days prior to such hearing.

§ 501.68 Decision and order.

(a)(1) ERA shall issue an order either granting or denying the petition for an exemption or permit within six (6) months after the end of the period for public comment and hearing applicable to any petition.

(2) ERA may extend the six (6) month period for decision to a date certain by publishing notice in the Federal Register, and stating the reasons for such extension.

(3) ERA will publish a final EIS at least thirty (30) days prior to take issuance of the final order in all cases where an EIS is required.

(b)(1) ERA shall serve a copy of the order granting or denying a petition for exemption to the petitioner and all persons on the service list in cases involving a public hearing.

(2) ERA shall publish any order granting or denying a petition under this subpart in the Federal Register together with a statement of the reasons for the grant or denial.

(c)(1) Any order granting or denying a petition for exemption shall be based upon consideration of the whole record or those parts thereof cited by a party and supported by, and in accordance with, reliable, probative and substantive evidence.

(2) The denial of a petition for exemption shall be without prejudice to the petitioner's right to submit an amended petition. ERA may, however, reject the amended petition if it is not materially different from the denied petition.

(d) ERA may design any terms and conditions included in any temporary exemption issued or extended under Sections 211 and 311 of FUA, to ensure, among other things, that upon expiration of the exemption the persons and powerplant or installation covered by the exemption will comply with the applicable prohibitions under FUA. For purposes of this provision, the subsequent grant of a permanent exemption to the subject unit shall be deemed compliance with applicable prohibitions.

§ 501.69 Judicial review.

Any person aggrieved by any order issued by ERA under this subpart, must file, within sixty (60) days of publication of the final order in the Federal Register, a petition for judicial review in the United States Court of Appeals for the Circuit wherein he resides, or has his principal place of business. Exhaustion of administrative remedies for purposes of judicial review does not require filing a petition pursuant to Subpart G for modification or rescission of the order to be reviewed.

Subpart G—Requests for Modification or Rescission of a Rule or Order

§ 501.100 Purpose and scope.

(a) Anyone may request that ERA commence a rulemaking proceeding pursuant to 5 U.S.C. 553(e); however, this subpart provides the procedures to be followed by—

(1) An interested person seeking the modification or rescission of a prohibition by rule applicable to a new facility;

(2) An owner or operator of a facility named in a prohibition by rule requesting the modification or rescission of that rule; or

(3) An owner or operator subject to an exemption order or a specific prohibition imposed by order requesting the modification or a rescission of that order.

(b) ERA also may commence a modification or rescission proceeding on its own initiative.

§ 501.101 Proceedings to modify or rescind a rule or order.

(a) In response to a request duly filed by an interested person, ERA may commence a proceeding to modify or rescind a rule or order. If ERA determines that a request to modify or rescind a rule or order does not warrant commencement of a proceeding, it will deny the request and issue a brief statement of the reason(s) for the denial.

(b) A request for modification or rescission of a rule or order must comply with the requirements of § 501.7 and must be filed at the address set forth in § 501.11.

(c) Notice of the request for modification or rescission of an order must be given by the requester to each party to the original proceeding that resulted in the issuance of the original order for which modification or rescission is sought. If the number of parties to the original proceeding is too large to allow actual notice at a reasonable cost or within a reasonable time, a requester may ask that ERA give notice to the parties by publication in the Federal Register; however, this alternate notice does not bind ERA to commence a proceeding, if it subsequently determines that the request is not warranted.

(d) If ERA determines to grant a request to commence a proceeding to rescind or modify a rule or order, or ERA on its own initiative, commences a proceeding for the modification or rescission of a rule or order, it will give notice, either by service of a written notice or by oral communication (which communication must be promptly confirmed in writing) to each person upon whom the order was served that ERA proposes to modify or rescind, or, alternatively, by publication of notice in the Federal Register. ERA will give a reasonable period of time for each person notified to file a written response.

(e)(1) A copy of any written comments submitted to ERA under this subpart by a party to the original proceeding must also be sent to the requester. The party submitting such comments must certify to ERA that he has sent a copy of such comments to the requester.

(2) ERA may notify other persons participating in the proceeding of the comments and provide an opportunity for those notified to respond.

(f) A request for modification or rescission of a rule or order must contain a complete statement of all facts relevant to the action sought. The request must also include the names and addresses of all reasonably ascertainable persons who will be affected. Pertinent provisions contained in any documents believed to support a request may be briefly described, however, ERA reserves the right to obtain copies of any significant documents that will assist in making a determination on the merits of a request. The request must identify the specific order or rule for which modification or rescission is sought. A request should also indicate whether an informal conference will facilitate ERA's determination to commence, or not to commence a proceeding, or will assist ERA in making any determinations on material issues raised by the request.

(g) A decision by ERA to commence a proceeding under this subpart does not entitle the requester to a public hearing on the request for modification or rescission. A public hearing may be held, however, if, in its discretion, ERA considers that a public hearing will advance its evaluation of the request.

§ 501.102 ERA evaluation of the record, decision and order for modification or rescission of a rule or order.

(a) ERA will consider the entire administrative record in its evaluation of the decision and order for modification or rescission of a rule or order. ERA may investigate and corroborate any statement in the petition or related documents and may utilize in its evaluation any relevant facts obtained by its investigations. ERA

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may solicit or accept submissions from third persons relevant to any request under this subpart and all interested persons will be afforded an opportunity to respond to these submissions. ERA may, in its discretion and on its own initiative, convene a conference, if it considers that a conference will advance its evaluation of the request.

(b) *Criteria.* Except where modification or rescission of a rule or order is initiated by ERA, ERA's decision to rescind or modify a rule or order will be based on a determination that there are significantly changed circumstances with respect to the applicability of a particular prohibition or exemption to the requester. ERA believes that there may be "significantly changed circumstances", if:

(1) Significant material facts are subsequently discovered which were not known and could not have been known to the petitioner or to ERA at the time of the original proceeding;

(2) A law, regulation, interpretation, ruling, order or decision on appeal that was in effect at the time of the proceeding upon which the rule or order is based and which, if it had been made known to ERA, would have been relevant to the proceeding and would have substantially altered the outcome is subsequently discovered; or

(3) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order was based, which change occurred during the interval between issuance of the order and the date of filing of the request under this subpart, and was caused by force or circumstances beyond the requester's control.

§ 501.103 ERA Decision.

(a) ERA shall issue an appropriate rule or order after considering the request for modification or rescission of a rule or order and other relevant information received during the proceeding.

(b) ERA will either grant or deny the request for modification or rescission and will briefly state the pertinent facts and legal basis for the decision.

(c) ERA will serve the rule or order granting or denying the request for modification or rescission upon the requester, or, if the action was initiated by ERA, upon the owner or operator of the affected powerplant or installation. ERA will publish a notice of the issuance of a rule or order modifying or rescinding a rule or order in the **Federal Register**.

Subpart H—Requests for Stay

§ 501.120 Purpose and scope.

(a) This subpart sets forth the procedures for the request and issuance of a stay of a rule or order or other requirement issued or imposed by ERA or these regulations but does not apply to the mandatory stays provided for in Sections 202(b) and 301(a) of FUA. The application for a stay under this subpart will only be considered incidental to a proceeding on a request for modification or rescission of a final prohibition rule or order.

(b) The petitioner must comply with all final and effective ERA orders, regulations, rulings, and generally applicable requirements unless a petition for a stay is granted or is applicable under FUA.

§ 501.121 Filing and notice of petitions for stays.

(a)(1) The petition for a stay must be in writing and comply with the general filing requirements stated in § 501.7, in addition to any other requirements set forth in this subpart, and must be filed at the address provided in § 501.11.

(2) A claim for confidential treatment of any information contained in the petition for stay and supporting documents must be in accordance with § 501.7(a)(11), and filed at the address provided in § 501.11.

(b) ERA will publish notice of receipt of a petition for a stay under this subpart in the **Federal Register**.

§ 501.122 Contents.

(a) A petition for a stay shall contain a full and complete statement of all facts believed to be pertinent to the act or transaction for which a stay is sought. The facts shall include, but not be limited to, the criteria listed below in § 501.123(b).

(b) The petitioner may request a conference regarding the application. If the request is not made at the time the application is filed, it must be made as soon thereafter as possible. The request and ERA's determination regarding it will be made in accordance with Subpart C of this part.

§ 501.123 Evaluation of the record.

(a) The record in a proceeding on a petition for stay shall consist of the petition and any related documents, evidence submitted at any public proceedings and any other information in the possession of ERA and made part of the record. ERA may investigate and corroborate any statement in the petition or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by its investigations. ERA may solicit or accept submissions from third persons relevant to the petition for stay or other document and any interested person will be afforded an opportunity to respond to these submissions. ERA, on its initiative, may convene a conference, if, in its discretion, it considers that the conference will advance its evaluation of the petition.

(b) *Criteria.* (1) ERA may grant a stay incident to a proceeding on a petition for modification of a rule or order if the petitioner shows:

(i) Irreparable injury will result if the stay is denied;

(ii) There is a strong likelihood of success on the merits;

(iii) The denial of a stay will result in a more immediate hardship or inequity to the petitioner than to other persons affected by the proceeding; and

(iv) It would be desirable for reasons of public policy to grant the stay.

§ 501.124 Decision and order.

(a) ERA will issue an order granting or denying the petition for a stay upon consideration of the request and other relevant information received or obtained during the proceeding.

(b) ERA will include in the order a brief written statement setting forth the relevant facts and the basis of the decision, including any appropriate terms and conditions of the stay.

Subpart I—Requests for Interpretation

§ 501.130 Purpose and scope.

This subpart establishes procedures for filing a formal request for and the issuance of an interpretation of a rule, order or other action by DOE. Any response, whether oral or written, to a general inquiry, or to other than a formal written request for interpretation filed with DOE, is not an interpretation and merely provides general information that may not be relied upon in any proceeding to determine compliance with the applicable requirements of FUA.

§ 501.131 Filing a request for interpretation.

A proceeding to request an interpretation is commenced by the filing of a "Request for Interpretation (FUA)." The request must be in writing and must also comply with the general filing requirements stated in § 501.7. Any claims for confidential treatment for any information contained in the request or other related documents must be made pursuant to § 501.7(a)(11). A request for interpretation should be filed with the Assistant General Counsel for

Interpretations and Rulings at the address provided in § 501.11.

§ 501.132 Contents of a request for interpretation.

(a) A request for an interpretation must contain a complete statement of all the facts believed to be relevant to the circumstances, acts or transactions that are the subject of the request. The facts must include the names and addresses of all potentially affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in any documents submitted with the request. Copies of relevant contracts, agreements, leases, instruments, and other documents relating to the request must be submitted if DOE believes they are necessary for determination of any issue pending in the proceeding under this subpart. When the request pertains to only one step in a larger integrated transaction, the requesting party must also submit the facts, circumstances, and other relevant information pertaining to the entire transaction.

(b) The requesting party must include in the request a discussion of all relevant legal authorities, rulings, regulations, interpretations and decisions on appeal relied upon to support the particular interpretation sought.

(c) DOE may refuse to issue an interpretation if it determines that there is insufficient information upon which to base an interpretation.

§ 501.133 DOE evaluaton.

(a)(1) The record shall consist of the request for an interpretation and any supporting documents, all relevant evidence presented at any public proceedings, written comments and any information in the possession of DOE that has been made part of the record.

(2) DOE may investigate and corroborate any statement in a request or related documents and may utilize in its evaluation any relevant facts obtained by the investigation. DOE may solicit or accept submissions from third persons relevant to the request for interpretation, or any other document submitted under this subpart, and the person requesting the interpretation will be afforded an opportunity to respond to these submissions.

(3) The General Counsel or his delegate will issue an interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of DOE during the proceeding. DOE's interpretation will, therefore, depend on the accuracy of the factual statements, and the requesting party may rely upon it only to the extent that the facts of the actual situation correspond to those upon which the interpretation is based.

(b) *Criteria.* (1) DOE will base its FUA interpretations on the DEOA and FUA, as applicable, and the regulations and published rulings of DOE as applied to the specific factual situation presented.

(2) DOE will take into consideration previously issued interpretations dealing with the same or a related issue.

§ 501.134 Issuance and effect of interpretations.

(a) DOE may issue an interpretation after consideration of the request for interpretation and other relevant information received or obtained during the proceeding.

(b) The interpretation will contain a written statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an interpretation is specifically addressed, and other persons upon whom the DOE serves the interpretation and who are directly involved in the same transaction or act, are entitled to rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Title VII of FUA for any act taken in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) DOE may at any time rescind or modify an interpretation on its own initiative. Rescission or modification shall be made by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification will include a statement of the reasons for the rescission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

(f) Any person who believes he is directly affected by an interpretation issued by DOE, and who believes that he will be aggrieved by its implementation, may submit a petition for reconsideration of that interpretation to the General Counsel. DOE will acknowledge receipt of all requests for reconsideration; however, this acknowledgement in no way binds DOE to commence any proceeding on the request. If within sixty (60) days of DOE's acknowledgement of the receipt of a request for reconsideration, DOE has not issued either a notice of intent to commence a proceeding to reconsider the interpretation or a modification, revision or rescission of the original interpretation, the request for reconsideration will be deemed denied. DOE may, in its discretion, issue a formal denial of a request for reconsideration if:

(1) The request has not been filed in a timely manner, and good cause therefor has not been shown;

(2) The person requesting reconsideration is not aggrieved or otherwise injured substantially by the interpretation; or

(3) The request is defective because it fails to state and to present facts and legal argument that the interpretation was erroneous in fact or in law, or that it was arbitrary or capricious.

Subpart J—Rulings

§ 501.140 Purpose and scope.

DOE may issue rulings in accordance with the provisions of this subpart. DOE will publish each ruling in the Federal Register and in 10 CFR Part 518. A person is entitled to rely upon a ruling to the extent provided in this subpart.

§ 501.141 Criteria for issuance.

(a) The General Counsel may issue a ruling whenever:

(1) There has been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations; or

(2) It is determined that a ruling will be of assistance to the public in applying the regulations to a specific situation.

§ 501.142 Modification or rescission.

(a) A ruling may be modified or rescinded by—

(1) Publication of the modification or rescission by DOE in the Federal Register and in 10 CFR Part 518; or

(2) Adoption of a rule that supersedes or modifies a prior ruling.

(b) A person shall not be subject to the sanctions or penalties stated in these regulations for actions taken in reliance upon a ruling, notwithstanding that the ruling is subsequently declared to be invalid or no longer applicable. A person affected by a ruling may not rely upon it for more than 30 days after it has been rendered invalid pursuant to issuance of a superseding rule by ERA, or after it has been rescinded or modified by DOE.

§ 501.143 Comments.

Any interested person may file a written comment on or objection to a

published ruling at any time with the Assistant General Counsel for Interpretations and Rulings at the address provided in § 501.11.

Subpart K—Enforcement

§ 501.160 Purpose and scope.

This subpart provides the procedures by which ERA may initiate enforcement proceedings on its own behalf and by which complaints concerning a violation of the Act or any rule or order thereunder may be filed.

§ 501.161 Filing a complaint.

(a) A complaint under this subpart must be submitted in writing over the signature of the person making the complaint in accordance with the general filing requirements stated in § 501.7. ERA will accept oral complaints that otherwise satisfy the requirements of this subpart, but ERA may request written verification.

(b) A complaint shall be filed at the address provided in § 501.11.

§ 501.162 Contents of a complaint.

A complaint must contain a complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint. It must also include the names and addresses of all persons involved (if reasonably ascertainable), a description of the events that led to the complaint, and a statement describing the statutory provision, regulation, ruling, order, rule, or interpretation that allegedly has been violated.

§ 501.163 ERA evaluation.

(a) The record shall consist of the complaint and any supporting documents and all other relevant information developed in the course of any investigations or proceedings related to that complaint. ERA may investigate and corroborate any statement in the complaint or related documents submitted, and may utilize in its evaluation any relevant facts obtained by such investigation or from any other source of information. ERA may solicit or accept submissions from third persons relevant to the complaint or other related documents.

(b) *Confidentiality of information.* ERA will treat as confidential information received in any investigation of a complaint, including the identity of the complainant and the identity of any other persons who provide information to the extent such information is exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552. ERA reserves the right to make disclosures that would be in the public interest.

§ 501.164

§ Decision to initiate enforcement proceedings.

After investigation of a specific complaint or based on any relevant information received or obtained during an investigation, ERA may issue a notice of violation, determine that no violation has occurred, or take such other actions as it deems appropriate. Prior to issuance of a notice of violation, and before commencement of an enforcement proceeding, ERA may transmit a draft of the notice of violation to the potentially affected person in order to promote an informal resolution of the violation.

§ 501.165 Commencement of enforcement proceedings.

(a) Whenever, on the basis of any information available, ERA determines that a person is in violation or about to be in violation of any provision of these regulations, ERA may issue a notice of violation stating, in writing and with reasonable specificity, the nature of the violation. An enforcement proceeding commences with the issuance of a notice of violation.

(b) *Contents of the notice of violation.* ERA will set forth in the notice of violation the nature of the violation, the relevant facts that ERA believes establish the violation and the legal basis for the conclusions reached therein. ERA may also include with the notice of violation a copy of a proposed order. The notice of violation will also state whether or not ERA proposes to assess civil penalties.

(1) If ERA proposes to assess a civil penalty, a notice of violation will be issued to the violator with an opportunity for a hearing before an Administrative Law Judge, as set forth in § 501.166(a)(1) of this part, before any final determination on the violation and penalty are made by ERA. The recipient of the notice will also be informed of his right to elect to have the procedures of § 501.166(a)(2) apply, in lieu of the hearing, with respect to a final determination on the assessment of any civil penalty.

(2) If ERA does not propose to assess a civil penalty, the violator will be provided the opportunity for a conference, as set forth in § 501.166(b), before a final determination on the violation is made by ERA. ERA may, in its discretion, also provide the violator an opportunity for a hearing pursuant to § 501.166(a)(1).

(c) *Service.* ERA will serve the notice of violation in accordance with provisions set forth in § 501.6.

(d) *Rescission.* If, after issuance of a notice of violation and any related investigation, ERA finds no basis for the belief that a violation has occurred, is continuing to occur, or is about to occur, ERA may rescind the notice of violation by giving written notice to that effect to the recipient.

§ 501.166 Hearings and conferences.

(a) *When a civil penalty is proposed.* (1) *Hearing alternative in civil penalty assessment proceedings.*—Unless the recipient of a notice of violation elects in writing to have the provisions of paragraph (2) of this section apply, ERA will commence a proceeding to assess a penalty and, prior to a final determination on the violation and assessment of a penalty, provide an opportunity for a hearing pursuant to 5 U.S.C. 554 before an Administrative Law Judge.

(2) *Election alternative in civil penalty assessment proceedings.* The recipient of a notice of violation in which a civil penalty assessment has been proposed may elect, in writing, within thirty (30) days of receipt of the notice, to waive the administrative proceedings described in paragraph (a)(1) of this section. ERA will make a determination on the proposed civil penalty assessment and issue a final order to that effect within forty-five (45) days after receiving notice of the exercise of this election.

(b) *When a civil penalty is not proposed—opportunity to request a conference.* If a person has received a notice of violation in which a civil penalty has not been proposed, he may, within thirty (30) days after receipt of the notice, request a conference with ERA to discuss the notice. In order to request a conference he must comply with the instructions set forth in the notice.

§ 501.167 Fuel use order.

(a) *General.* ERA will issue a Fuel Use Order if, after considering all the information received during the proceeding, ERA determines that a person has committed, is committing, or is about to commit a violation of FUA or of an order or rule thereunder.

(b) *Contents.* Any Fuel Use Order issued under this section shall set forth the relevant facts and legal basis for the order and where appropriate, the final penalty assessment and the basis therefor. When an administrative hearing is requested under § 501.166(a) of this part, the Fuel Use Order will include the recommended findings and conclusions of the Administrative Law Judge (ALJ) and the basis for the penalty

assessment. ERA will make a final determination as to any penalty assessment or other appropriate remedy based upon the recommended findings and conclusions of the ALJ and other information in the record of the enforcement proceeding. The order will be effective upon service, unless otherwise provided therein, or stayed pursuant to § 501.120.

(c) *Service.* ERA will serve a copy of the Fuel Use Order upon any person who was served a copy of the notice of violation and upon all parties to any public proceeding on the notice of violation. ERA will place a copy of each final order on file in the Public Information Office described in § 501.12.

(d) *Judicial review.* Any person against whom a penalty is assessed pursuant to § 501.167(b) after a hearing before an ALJ may, within sixty (60) calendar days after the date of issuance of the order assessing such penalty, institute an action in the United States Court of Appeals for the appropriate judicial circuit for judicial review of such order in accordance with the provisions of Section 723 of FUA.

Subpart L—Investigations, Violations, Sanctions and Judicial Actions

§ 501.180 Investigations.

(a) *General.* Pursuant to Section 711 of FUA, the DEOA, and in accordance with the provisions of 10 CFR 205.201, ERA may initiate and conduct investigations relating to the scope, nature, and extent of compliance by any person with the rules, regulations, and orders issued by ERA under the authority of the Act, or any order or decree of court relating thereto, or any other agency action. When the circumstances warrant, ERA may issue subpoenas as provided in Subpart D of this part. ERA may also conduct investigative conferences in conjunction with any investigation.

(b) Any duly authorized representative of ERA has the authority to conduct an investigation and to take such action as he deems necessary and appropriate to the conduct of the investigation.

(c) *Notification.* If any person is required to furnish information or documentary evidence pursuant to a subpoena or special report order, ERA will, upon written request, inform that person as to the general purposes of the investigation.

(d) *Confidentiality.* ERA shall not disclose any information received during an investigation under this section, including the identities of the person investigated and any other person who provides information, to the extent it is exempt from public disclosure pursuant to 5 U.S.C. 552 and 10 CFR Part 1004.

§ 501.181 Sanctions.

(a) *General.* (1) A violation of any provision of the Act (other than Section 402 of FUA), or any rule or order thereunder shall be subject to the penalties and sanctions provided in Subtitle C of Title VII of FUA.

(2) Each day that any provision of the Act (other than Section 402), or any rule or order thereunder is violated constitutes a separate violation within the meaning of the provisions of this section relating to civil penalties.

(b) *Criminal penalties.* Any person who willfully violates any provision of the Act (other than Section 402), or any rule or order thereunder will be subject to a fine of not more than $50,000, or to imprisonment for not more than 1 year, or both, for each violation.

(c) *Civil penalties.* (1) Any person who violates any provisions of the Act (other than Section 402) or any rule or order thereunder will be subject to the following civil penalty, which may not exceed $25,000 for each violation:

Any person who operates a powerplant or major fuel burning installation under an exemption, during any 12-calendar-month period, in excess of that authorized in such exemption will be assessed a civil penalty of up to $3 for each MCF of natural gas or up to $10 for each barrel of oil used in excess of that authorized in the exemption.

(2) ERA may compromise and settle, and collect civil penalties whenever it considers it to be appropriate or advisable.

(d) *Corporate personnel.* (1) If a director, officer, or agent of a corporation willfully authorizes, orders, or performs any act or practice constituting in whole or in part a violation of the Act, or any rule or order thereunder, he will be subject to the penalties specified in paragraphs (b) and (c) of this section without regard to any penalties to which the corporation may be subject. He will not, however, be subject to imprisonment under paragraph (b) of this section unless he knew of noncompliance by the corporation, or had received from ERA notice of noncompliance by the corporation.

(2) Purposes of this paragraph:

(i) "Agent" includes any employee or other person acting on behalf of the corporation on either a temporary or permanent basis; and

(ii) "Notice of noncompliance" is a final Fuel Use Order issued under § 501.167 of this part.

§ 501.182 Injunctions.

Whenever it appears to ERA that any person has committed, is committing, or is about to commit a violation of any provision of the Act, or any rule or order thereunder, ERA may, in accordance with Section 724 of FUA, bring a civil action in the appropriate United States District Court to enjoin such acts or practices. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such provision, order or rule, the violation of which is prohibited by Section 724 of FUA and may also include interim equitable relief.

§ 501.183 Citizen suits.

(a) *General.* A person who believes he is aggrieved by the failure of ERA to perform any nondiscretionary act of duty under the Act may file a Petition for Action for ERA to take such action as he may feel to be proper. This petition must be filed at the address provided in § 501.11. The petition must specify the action requested and set forth the facts and legal arguments that constitute the basis for the request. The filing of a Petition for Action will serve as notice to ERA under FUA Section 725(b) for purposes of any citizens suit that may be subsequently filed.

(b) *ERA decision.* Within sixty (60) days of receiving the Petition for Action, ERA will notify the person giving notice under this section that it has instituted the action requested or that other described action is being taken, or that other described action is being taken, or that no action is being taken and the reasons therefor.

Subpart M—Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes

§ 501.190 Purpose and scope.

(a) If a person operates a:

(1) Powerplant or installation covered by any of the prohibitions of Titles II, III, or IV, with the exception of Title IV, Section 402, or the requirements of Title V of FUA, § 501.191 of this subpart establishes procedures to be followed for the use of minimum amounts of natural gas or petroleum under FUA Section 103(a)(15)(B) in order to alleviate or prevent unanticipated equipment outages and emergencies directly affecting the public health, safety, or welfare that would result from electric power outages; or

(2) Peakload powerplant or an installation covered by any of the prohibitions of Titles II, III, or IV, with the exception of Title IV, Section 402, or

the requirements of Title V of FUA. § 501.192 of this subpart establishes procedures to be followed for the emergency use of natural gas or petroleum as a primary energy source during a temporary emergency condition under Section 404(g) of FUA.

(b) *Explanatory note:* If a person operates a rental boiler as a powerplant or installation covered by any of the prohibitions of Titles II, III, or IV except Title IV, Section 402, or the requirements of Title V of FUA, he may be able to use the provisions of this Subpart for the emergency use of natural gas or petroleum.

§ 501.191 Use of natural gas or petroleum for certain unanticipated equipment outages and emergencies defined in section 103(a)(15)(B) of the act.

(a) In the event of the occurrence or imminent occurrence of an emergency, or of the occurrence or imminent occurrence of an unanticipated equipment outage in the unit, an owner or operator of a powerplant or installation is automatically permitted to use minimum amounts of natural gas or petroleum in the unit or in a substitute unit to prevent or alleviate the outage or to prevent or alleviate the emergency if he complies with procedures contained in paragraph (b) of this section.

(b) If the use of minimum amounts of petroleum or natural gas is required for purposes specified in this section, the owner or operator must notify ERA of such use by telegram or telephone within 24 hours after the commencement of such use. Immediately thereafter a written confirmation must be submitted to ERA, describing, to the best estimate of the owner or operator, (1) the nature of the emergency and (2) how long petroleum or natural gas use is likely to be required.

(c) For purposes of this section only:

(1) An "emergency" is the occurrence or threat of imminent occurrence of a condition which results or would result from an electric power outage and directly effects or would directly effect the public health, safety or welfare;

(2) "Unanticipated equipment outage" shall mean an unexpected outage due to equipment failure.

(3) "Minimum amounts required to alleviate or prevent" shall mean:

(i) For powerplants, the amounts of natural gas or petroleum required to prevent curtailment of electric supply where the operating utility has, to the maximum extent possible, utilized alternate fuel-fired capacity to prevent such curtailment. Note—A utility operating hydroelectric facilities may take into account seasonal fluctuations in storage capacity and shall be permitted to prevent depletion of stored power-producing capacity as deemed necessary by the utility; and

(ii) For installations, the amounts of natural gas or petroleum required to meet plant protection or human health and safety needs, including services to hospitals, public transportation facilities, sanitation, or water supply and pumping.

§ 501.192 Use of natural gas or petroleum during a temporary emergency condition pursuant to section 404(g) of the act.

(a) For purposes of this section only, a "temporary emergency condition" ("emergency") is an occurrence which exists when:

(1) For installations, the use of natural gas or petroleum is necessary for purposes of:

(i) Plant protection;

(ii) Preservation of human health; or

(iii) Continued production that would otherwise be reduced by reason of, for example, an interruption of alternate fuel supplies, equipment failures, imminent equipment failures or temporary environmental restrictions; and

(2) For peakload powerplants, a curtailment of electric supply would be likely to result.

(b) Where the owner or operator is eligible to use natural gas or petroleum for emergency purposes, either under this section or under § 501.191 of this subpart, he may use the procedures provided in § 501.191.

(c) In the event of occurrence of a temporary emergency condition, the owner or operator is automatically permitted under this section to use natural gas or petroleum in his peakload powerplant or installation or in a substitute unit until the termination of the emergency condition, a period not to exceed twenty-four (24) months, if he:

(1) Notifies ERA by telegram or telephone within twenty-four (24) hours after the commencement of the emergency condition that he requires such emergency use of natural gas or petroleum; and

(2) Immediately thereafter confirms such use in writing, signed by the responsible officer of the company; and

(3) Is not notified in writing by ERA during such period that the emergency condition:

(i) Has terminated; or

(ii) Does not otherwise warrant the use of natural gas or petroleum involved.

(d) If the emergency condition has terminated, the owner or operator must file with ERA a written statement, certified by the responsible office of his company indicating the day on which the facility returned to normal operation.

(e) The administrative provisions of Section 701 of FUA do not apply to this section.

(f) Any hours of emergency operation allowed under this section shall not be included in a peakload powerplant's operating hours for purposes of penalties set forth in Section 723(b) of FUA, and any reporting requirements or conditions imposed under any peakload or emergency exemption under FUA are independent of any requirements imposed under this section. Additionally, any consumption of petroleum or natural gas during any periods of emergency operation allowed under this section are independent of any reporting requirements or conditions of use imposed by any exemption granted under FUA.

3. Part 503 is revised to read as follows:

PART 503—NEW FACILITIES

Subpart A—Prohibitions

Sec.
503.1 Purpose and scope.
503.2 Prohibitions [powerplants].
503.3 Prohibitions [installations].

Subpart B—General Requirements for Exemptions

503.4 Purpose and scope.
503.5 Contents of petition.
503.6 Cost calculations for new powerplants and installations.
503.7 State approval—general requirement for new powerplants.
503.8 No alternate power supply—general requirement for certain exemptions for new powerplants.
503.9 Use of mixtures—general requirement for certain permanent exemptions.
503.10 Use of fluidized bed combustion not feasible—general requirement for permanent exemptions.
503.11 Alternative sites—general requirement for permanent exemptions for new powerplants.
503.12 Terms and conditions; compliance plans.
503.13 Environmental impact analysis.
503.14 Fuels search.

Subpart C—Temporary Exemptions for New Facilities

503.20 Purpose and scope.
503.21 Lack of alternate fuel supply.
503.22 Site limitations.
503.23 Inability to comply with applicable environmental requirements.
503.24 Future use of synthetic fuels.
503.25 Public interest.

Subpart D—Permanent Exemptions for New Facilities

503.30 Purpose and scope.
503.31 Lack of alternate fuel supply for the first 10 years of useful life.

Sec.

503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.
503.33 Site limitations.
503.34 Inability to comply with applicable environmental requirements.
503.35 Inability to obtain adequate capital.
503.36 State or local requirements.
503.37 Cogeneration.
503.38 Permanent exemption for certain fuel mixtures containing natural gas or petroleum.
503.39 Emergency purposes.
503.40 Permanent exemption for powerplants necessary to maintain reliability of service.
503.41 Peakload powerplants.
503.42 Intermediate load powerplants.
503.43 Scheduled equipment outages for installations.
503.44 Product or process requirements. [Reserved]

Authority: (Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq*); Energy Security Act, Pub. L. 96–294, 94 Stat. 611 (42 U.S.C. 8701); E.O. 12009, 42 FR 46267 (September 15, 1977).

Subpart A—Prohibitions

§ 503.1 Purpose and scope.

This subpart sets forth the statutory prohibitions imposed by the Act upon new powerplants and major fuel burning installations (MFBI's). The prohibitions in this subpart apply to all new electric powerplants and MFBI's unless an exemption has been granted by ERA under Subparts C and D of this part. Any person who owns, controls, rents, leases or operates a new powerplant or MFBI which is subject to the prohibitions may be subject to sanctions provided by the Act or these regulations.

§ 503.2 Prohibitions (powerplants).

Section 201 of the Act prohibits, unless an exemption has been granted under Subparts C or D of this part, the following:

(a) the use of petroleum or natural gas as a primary energy source in any new electric powerplant; and

(b) The construction of any new powerplant without the capability to use an alternate fuel as a primary energy source.

§ 503.3 Prohibitions (installations).

(a) *Prohibition on the Use of Natural Gas or Petroleum as a Primary Energy Source in Boilers.* Section 202(a) of the Act prohibits, unless an exemption has been granted under Subpart C or D of this part, the use of petroleum or natural gas as a primary energy source in any new MFBI which consists of a boiler.

(b) *Prohibition on the Use of Natural Gas or Petroleum as a Primary Energy Source in Nonboilers*—(1) *Prohibition by Rule.* (i) ERA may prohibit, by issuance of a rule, the use of petroleum or natural gas as a primary energy source by certain prescribed categories of new MFBI's which consist of a combustion turbine unit, combined cycle unit or internal combustion engine.

(ii) In any such rulemaking proceeding, ERA will consider any special circumstances or characteristics of the category of such MFBI's that would be prohibited from using natural gas or petroleum as a primary energy source. Factors to be considered include the overall technical capability of units within the category to burn an alternate fuel, as well as the size and geographic location of such units. ERA will consider all other circumstances, characteristics, and factors it deems relevant and appropriate that are brought to its attention.

(iii) Application of a final rule promulgated under this subsection shall be stayed with respect to an installation subject to such rule while ERA is considering a petition for an exemption which is filed in accordance with Subpart F of Part 501 within 60 days after publication of the final rule in the **Federal Register**. The stay will remain in effect pending judicial review of ERA's action upon such exemption petition.

(iv) No final rule will apply to an installation that—

(A) Has received any final order containing a comparable prohibition;

(B) Has received a proposed order but did not receive a final order because of a demonstration that the installation qualified or would have qualified for an exemption under the Act; or

(C) Has been granted an exemption in accordance with Subparts C and D;

(2) *Prohibition by order.* (i) ERA may prohibit, by order, the use of natural gas or petroleum as a primary energy source in an installation which consists of a combustion turbine unit, combined cycle unit or internal combustion engine, if that installation has not been identified as a member of a category subject to a final rule in accordance with § 503.3(b)(1)(i) at the time of the issuance of the proposed order.

(ii) ERA shall not issue a final order to an installation covered by this subsection if it can be demonstrated that the installation is eligible for an exemption. However, if the installation is eligible only for a temporary exemption, ERA may issue a final order that will take effect at the expiration of the temporary exemption.

(iii) If ERA does not issue a final prohibition order because a facility qualifies for a permanent exemption, or, if the effective date of the order is delayed during the period that a temporary exemption is effective, ERA shall take appropriate action to assure compliance with the same requirements including terms and conditions, if any, as would have been contained in an order if an exemption would have been granted.

(3) *Limitation.* ERA may not prohibit the use of petroleum or natural gas in an installation covered by this subsection if acquisition or construction of such installation was begun before the date the proposed rule or proposed order containing the prohibition was published. Under such circumstances, ERA will consider the installation to be an "existing" installation for purposes of Title III of the Act.

Subpart B—General Requirements for Exemptions

§ 503.4 Purpose and scope.

This subpart establishes the general requirements necessary to qualify for either a temporary or permanent exemption under this part and sets out the methodology for calculating the cost of using an alternate fuel and the cost of using imported petroleum.

§ 503.5 Contents of petition.

Before ERA will accept a petition for either a temporary or permanent exemption under this part, the petition must include all of the evidence and information required in this part and Part 501 of this chapter.

§ 503.6 Cost calculations for new powerplants and installations.

(a) *General.* (1) This calculation compares the cost of using alternate fuel to the cost of using imported petroleum. It must be performed for each alternate fuel and/or alternate site that the petitioner is required to examine.

(2) The cost of using an alternate fuel as a primary energy source will be deemed to substantially exceed the cost of using imported petroleum if the difference between the cost of using alternate fuel and the cost of using imported oil is greater than zero.

(3) There are two comparative cost calculations—a general cost test and a special cost test. Both take into consideration cash outlays for capital investments, annual expenses, and the effect of depreciation and taxes on cash flow. To demonstrate eligibility for a permanent exemption, a petitioner must use the procedures specified in the general cost test (paragraph (b) of this section). To demonstrate eligibility for a temporary exemption, the petitioner may apply the procedures specified in

either the general cost test or the special cost test (paragraph (c) of this section).

(b) *Cost calculation—general cost test.* (1) A petitioner may be eligible for a permanent exemption if he can demonstrate that the cost of using an alternate fuel from the first year of operation substantially exceeds the cost of using imported petroleum. Unless the best practicable cost estimates as prescribed below will not materially change during the first ten years of operation of the unit (given the best information available at the time the petition is filed), the petitioner must also demonstrate that the cost of using an alternate fuel beginning at any time within the first ten years of operation and using imported petroleum or natural gas until such time (*i.e.*, delayed use of alternate fuel) would substantially exceed the cost of using only imported petroleum.

(2) The petitioner would only be eligible for a temporary exemption if the computed costs of delayed alternate fuel use, commencing at the start of the second through eleventh years of operation, do not always substantially exceed the cost of using only imported petroleum. The length of the temporary exemption would be the minimum period from the start of operation in which the cost of using alternate fuel substantially exceeds the cost of using imported petroleum.

(3) To conduct the general cost test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 1 through 3 below and the comparison procedures in paragraph (b)(5) of this section.

EQ 1 $$DELTA = COST(ALTERNATE) - COST(OIL)$$

where COST(ALTERNATE) and COST(OIL) are determined by:

EQ 2 $$COST = I + \sum_{i=1}^{N} \frac{(OM_i + FL_i)(1-t_i)}{(1+k)^i}$$

and I (capital investment) is:

EQ 3 $$I = \sum_{i=-g}^{N} \frac{I_i - ITC_i - S_i - t_i(DPR_i)}{(1+k)^i} \left(\frac{IX_e}{IX_i}\right)$$

(4) The terms in Equations 2 and 3 are defined as follows:

i=Year. i is a specified year either before year 0 or after year 0. Year 0 is the year before the unit becomes operational. For example, in the third year before the unit becomes operational, i would equal −2, and in the third year following commencement of operations of the unit, i would equal +3. Years are represented by 52 week periods prior to or following the date on which the unit becomes operational. Outlays before the unit becomes operational are future valued to the year before the unit becomes operational (year 0), and outlays after the unit becomes operational are present valued to the year before the unit becomes operational. Year 0 must be the same for the units being compared.

g=The number of years prior to the year before the unit becomes operational (year 0) that (1) a cash outlay is first made for capital investments, or (2) an investment tax credit is first used—whichever occurs first.

N=The useful life of the unit (see paragraph (d)(5) of this section).

I_i=Yearly cash outlay (in dollars) from the year outlays first occur to the last year of the unit's useful life for capital investments. (See paragraph (d)(2) of this section for the items that must be included.)

OM_i=Annual cash outlay in year i (in dollars) for all operations and maintenance expenses except fuel (*i.e.*, all non-capital and non-fuel cash outlays caused by putting the capital investments (I) into service). This may include labor, materials, insurance, taxes (except income taxes), etc. (See paragraph (d)(3) of this section.)

S_i=Salvage value of capital investment (in dollars) in year i.

FL_i=Annual cash outlay for delivered fuel expenses (in dollars) in year i. (See paragraph (d)(3) of this section for FL_i calculation instructions and Appendix II of these regulations for the procedures to determine fuel price.)

k=The discount rate expressed as a fraction (see paragraph (d)(4) of this section).

ITC_i=Federal investment tax credit used in year i resulting from capital investments (see paragraph (d)(6) of this section).

DPR_i=Depreciation in year i resulting from capital investments (see paragraph (d)(6) of this section).

t_i=Marginal income tax rate in year i (see paragraph (d)(6) of this section).

IX_i=Inflation index value for year i (see Table II–1 in Appendix II).

IX_e=Inflation index value for the year e, the year before the asset is placed in service.

(5) The step-by-step procedure that follows shows the comparison that the petitioner must make.

(i) Compute the cost of using an alternate fuel (COST(ALTERNATE)) unit throughout the useful life of the unit using Equations 2 and 3.

(ii) Compute the cost of using oil or natural gas (COST(OIL)) throughout the useful life of the unit using Equations 2 and 3.

(iii) Using Equation 1, compute the difference (DELTA) between COST(ALTERNATE) and COST(OIL). If the difference (DELTA) is less than or equal to zero, a petitioner is not eligible for a permanent or temporary exemption using the general cost test and need not complete the remainder of the general cost test calculation. However, he still may be eligible for a temporary exemption using the special cost test (paragraph (c) of this section). If the difference (DELTA) is greater than zero and if the best practicable cost estimates will not materially change during the first ten years of operation (given the best information available at the time the petition is filed), the petitioner has completed the test and is eligible for a permanent exemption. However, if the best practicable cost estimate will materially change during the first ten years, the petitioner must complete the remainder of the general cost test—the delayed use calculations which follow.

(iv) Recompute COST(ALTERNATE) with Equations 2 and 3, assuming that an alternate fuel is not used as the primary energy source until the start of the second year of operation and that imported petroleum or natural gas is used for the first year of operation. All cash outlays should reflect postponed use of alternate fuel.

(v) Successively recompute COST(ALTERNATE) with Equations 2 and 3, assuming that the alternate fuel

use is postponed until the start of the third year, fourth year, and so on, through the beginning of the eleventh year of operation (with imported petroleum or natural gas used in the years preceding alternate fuel use).

(vi) Compute the difference (DELTA) between each of the ten COST(ALTERNATE)s calculated in paragraph (b)(5) (iv) and (v) of this section and the COST(OIL) calculated in paragraph (b)(5)(ii) of this section.

(vii) If *all* the DELTAs computed in paragraph (b)(5) (iii) and (vi) of this section are greater than zero, the petitioner is eligible for a permanent exemption. If one or more of the DELTAs is less than or equal to zero, he is eligible for a temporary exemption for the period beginning at the start of the first year of operation and terminating at the beginning of the first year in which a DELTA is zero or less.

(c) *Cost calculations—special cost test.* (1) A petitioner may be eligible for a temporary exemption if he demonstrates that the cost of using an alternate fuel will substantially exceed the cost of using imported petroleum or (natural gas) over the period of the proposed exemption. The period of the proposed temporary exemption may not exceed ten years.

The petitioner must demonstrate that the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum for the first year of operation, the first two years of operation, and so forth, through the period of the proposed exemption. ERA will limit the duration of a temporary exemption to the shortest time possible.

(2) To conduct the test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 4 and 5 below. Equation 3 (paragraph (b)(3) of this section), and the comparison procedures in paragraph (c)(4) of this section.

$$\text{EQ 5} \qquad \text{COST} = I \times \frac{\sum_{i=1}^{P} (1+k)^{-i}}{\sum_{i=1}^{N} (1+k)^{-i}} + \sum_{i=1}^{P} \frac{(OM_i + FL_i)(1-t_i)}{(1+k)^i}$$

Capital investment (I) is calculated with Equation 3 (paragraph (b)(3) of this section).

(3) The terms in Equation 5 are the same as those in Equation 2 with the addition of P, the length of the proposed temporary exemption in years. (See paragraph (b)(4) of this section for other terms.)

(4) The step-by-step procedure that follows shows the comparisons which must be made.

(i) Using Equation 5, compute the cost of using an alternate fuel (COST(ALTERNATE)) assuming the length of the proposed exemption is one year.

(ii) Likewise, compute the cost of using imported petroleum or natural gas (COST(OIL)) assuming the length of the proposed exemption is one year.

(iii) Compute the difference (DELTA) between COST(ALTERNATE) and COST(OIL) using Equation 4.

(iv) Repeat the calculations made in (i), (ii), and (iii) above, assuming the length of the proposed exemption is two years, three years, four years, and so on, up through the period of the proposed exemption.

(v) A petitioner is eligible for a temporary exemption for the period beginning at the start of the first year of operation and terminating at the beginning of the first year in which a DELTA is zero or less.

(d) *Information on parameters used in the calculations.* (1) All estimated expenditures, except fuel, shall be expressed in real terms (unadjusted for inflation) by using the prices in effect at the time the petition is submitted. Instructions for fuel price calculations are contained in Appendix II.

(2) Capital investment yearly cash outlays (I_i) must include all items that are capital investments for Federal income tax purposes. All purchased equipment that has a useful life greater than one year, capitalized engineering costs, land, construction, environmental offsets, fuel inventory, transmission facilities, piping, etc., that are necessary for the operation of the unit must be included. However, an item must only be included if a cash outlay is required after the decision has been made to build the unit; sunk costs must not be included (*e.g.*, if the firm owns the land, its purchase price may not be included).

Note.—The guidelines for the fuel inventory for powerplants not using natural gas shall be: (a) All powerplants with only steam driven turbines—78 days, (b) all powerplants with only combustion turbines—142 days, (c) all powerplants with combined cycles—both steam driven turbines and combustion turbines—142 days. The guidelines for the fuel inventory for installations not using natural gas shall be the greater of: (1) 21 days fuel supply, or (2) sufficient fuel to fill sixty (60) percent of the storage volume. The guidelines for the fuel inventory for all facilities using natural gas shall be zero unless the gas supply is interruptible in which case an appropriate inventory of back-up fuel must be included. Other inventory levels may be used if they are more appropriate than these guidelines; however, the source or derivation of these levels must be discussed in the evidential summary.

(3)(i) The annual cash outlays for operations and maintenance expense (OM_i) and fuel expense (FL_i) for a powerplant may be computed by one of the following three methods; however, the one chosen must be consistently applied throughout the analysis.

(A) Assume the energy produced by the powerplant equals seventy (70) percent of design capacity times 8760 hours for each year during the life of the powerplant, and compute cash outlays for operations, maintenance, and fuel expenses for the powerplant.

(B) Economically dispatch the new powerplant. The cash outlays for operations, maintenance, and fuel expenses of all powerplants being dispatched (where oil and natural gas are priced according to the procedures of Appendix II) are the corresponding expenses for the purpose of the cost calculation. The dispatch analysis area must be that area with which the firm currently dispatches, anticipates dispatching, and will be interconnected. It must also include all anticipated exchanges of energy with other utilities or powerpools. The outlays for operations, maintenance, and fuel may also be estimated using a methodology that incorporates the benefits of economically dispatching units and provides consistent treatment in the alternate fuel and oil or natural gas cases being compared.

(C) Use a dispatch analysis to project the energy produced by the powerplant for a representative (not atypical) year of operation when consuming an alternate fuel. Compute the cash outlays for operations, maintenance, and fuel expenses for the powerplant based upon the level of energy production estimated for the representative year. The dispatch analysis and fuel expenses for the cost calculation must include oil and natural gas priced according to the procedures of Appendix II.

(ii) When computing the annual cash outlays for operations and maintenance expense (OM_i) and fuel expense (FL_i) for an installation, specify the firing rates and the length of time each firing rate will be maintaned.

(4) The discount rate (k) for analyses of powerplants is 2.9% or that which is computed as specified in Appendix I. The discount rate (k) for analyses of installations is 7.7% or that which is computed as specified in Appendix I. The inflation index (IX) is shown in Table II–1 of Appendix II. ERA will modify these specified rates from time to time as required by changed conditions after public notice and an opportunity to comment. However, the relevant set of specified rates for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever set is more favorable to the petitioner.

(5)(i) The guidelines for the useful life (N) of all powerplants except nuclear will be thirty-five (35) years. The guidelines for the useful life of a nuclear powerplant will be forty (40) years. The guidelines for the useful life of major fuel burning installations will be forty (40) years. Other useful line projections may be used if they are more appropriate than these guidelines; however, the source or derivation of these projections must be contained in the evidential summary. The summary should include a discussion of engineering, economic historical or other evidence.

(ii) If the units being compared have different useful lives, the petitioner will have to modify his calculation so that the two cash flows being compared have the length of the shorter useful life. To do this, (A) use the shorter of the two useful lives in Equations 2 and 5 for both units, and (B) multiply capital investment (I) of the unit with the longer life (computed with Equation 3) by the following adjustment factor (A):

$$\text{EQ 6} \quad A = \frac{\sum_{i=1}^{Q} (1+k)^{-i}}{\sum_{i=1}^{R} (1+k)^{-i}}$$

where:
R = The useful life of the facility with the longer life.
Q = The useful life of the facility with the shorter life.
k = The discount rate (see paragraph (d)(4) above).

(6) All Federal investment tax credits (ITC_i) and depreciation (PR_i) values are those used for Federal income tax purposes and must be applied consistently throughout the analysis and in a manner consistent with the Federal tax laws. All investment tax credits allowed under Federal tax law must be reflected in the computations. The petitioner must use the method of depreciation which results in the greatest present value of the cash flow due to the tax and depreciation effect. The marginal income tax rate (t_i) is the firm's anticipated marginal Federal income tax rate in year i. The relevant investment tax credits, depreciation methodology, and marginal Federal income tax rates for a specific exemption petition will be those prescribed by Federal law in effect (or those tax parameters which are known with certainty will be in effect) at the time a decision is rendered. (However, if an investment tax credit expires in a certain year under the law which is in effect at the time the petition is submitted, the petitioner must assume that it will in fact expire in that year.)

(7) If powerplants are being compared, the design capacities or the maximum sustained energy per unit of time that could be produced must be the same. If installations are being compared, the maximum sustained energy per unit of time that could be produced must be the same.

(8) All estimated cash outlays must be computed in accordance with generally accepted accounting principles consistently applied.

(9) The scope of the estimates of relevant costs (as discussed above) of units being compared must be the same.

(10) All allowances for uncertainty and risk in the cost estimates must be explicit.

(11) All cash outlays must be net of any government subsidies or grants.

(e) *Evidence in support of the cost calculation.* Petitioners for an exemption which requires the use of the cost calculation shall certify that the cost of using alternate fuel substantially exceeds the cost of using oil as primary energy source as calculated in this section. A brief summary of the petitioner's supporting calculations and estimates shall be submitted with the certification. The summary should include the following:

(1) Cash outlays, Investment tax credits, depreciation methodologies, and anticipated salvage for capital investments including a description of all major construction and equipment;

(2) Annual cash outlays for operations and maintenance expenses including the formulas used to compute them; and

(3) Annual cash outlays for delivered fuel expenses including the formulas used to compute them.

§ 503.7 State approval—general requirement for new powerplants.

(a) Where approvals by the appropriate State regulatory authority are required prior to the construction or use of a new powerplant, a petition for an exemption for consideration by ERA may be submitted to ERA prior to obtaining such approvals from the State regulatory authority.

(b) An exemption granted for a powerplant shall not become effective until an adequate demonstration has been made to ERA that all applicable approvals required by the State regulatory authorities have been obtained.

§ 503.8 No alternate power supply—general requirement for certain exemptions for new powerplants.

(a) *Application.* To qualify for an exemption, except in the case of an exemption for peakload powerplants, or an exemption for cogeneration units, section 213(c) of the Act requires a demonstration that despite reasonable good faith efforts, there is no alternative supply of electric power available within a reasonable distance at a reasonable cost without impairing short-run or long-run reliability of service. If a petitioner is unable to demonstrate that there is no alternate supply during the first year of operation, ERA will conclude that the absence of the proposed powerplant will not impair short-term reliability of service, and as a result will not grant the exemption. Such action would not impair long-term reliability of service, since a petition may be submitted for a powerplant that would begin operation in a subsequent year.

(b) *Criteria.* To meet the demonstration required under paragraph

(a) of this section, a petitioner must certify that:

(1) A diligent effort has been made to purchase firm power for the first year of operation to cover all or part of the projected shortfall at a cost that is less than ten (10) percent above the annualized cost of generating power from the proposed plant (including the capital, operation and maintenance expenses, and fuel at imported petroleum prices); and

(2)(i) Despite these efforts, the reserve margin in the petitioner's electric region, normal dispatch area, or service area, in the absence of the proposed plant, would fall below twenty (20) percent during the first year of proposed operation; or

(ii) Despite these efforts, the reserve margin will be greater than twenty (20) percent but reliability of service would be impaired. In such case, the certification must be related to factors not included in the calculation of reserve margin, such as transmission constraints.

(c) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certification required under paragraph (b) of this section; and

(2) Exhibits containing the basis for the certification submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certification to this general requirement).

(d) *FERC consultation.* ERA will forward a copy of any petition for which a showing is required under this section to FERC promptly after it is filed with ERA, and ERA will consult with FERC before making the no alternate supply of power finding.

§ 503.9 Use of mixtures—general requirement for certain permanent exemptions.

(a) *Criteria.* To qualify for a permanent exemption, except in the case of an exemption for peakload powerplant or fuel mixtures, Section 213(a)(1) of the Act requires a demonstration that the use of a mixture of natural gas and petroleum and an alternate fuel, for which an exemption under 10 CFR 503.38 (Fuel mixtures) would be available, would not be economically or technically feasible.

(b) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications to the criteria set forth in paragraph (a) of this section; and

(2) Exhibits containing the basis for the certifications submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certifications to this general requirement.)

Note.—It meeting this general requirement, ERA will require a petitioner to examine only mixtures of oil and coal and natural gas and coal, or, where petitioner wishes to examine an additional or substitute mixture, such other alternate fuels as ERA and the petitioner agree are reasonable to petitioner's circumstances.

§ 503.10 Use of fluidized bed combustion not feasible—general requirement for permanent exemptions.

(a) *ERA finding.* Except in the case of an exemption for peakload powerplants or fuel mixtures, ERA may deny permanent exemptions authorized under Section 212 of the Act if ERA finds on a site-specific or generic basis that use of a method of fluidized bed combustion of an alternate fuel is economically and technically feasible.

(b) *Demonstration.* If ERA has made such a finding, ERA will deny a petitioner's request for exemption unless the petitioner demonstrated that the use of a method of fluidized bed combustion is not economically or technically feasible. The petition or any supplement thereto required by ERA must include the following evidence:

(1) If use of a method of fluidized bed combustion were to be required, evidence that the petitioner would be eligible for a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, lack of adequate capital, or state or local requirements; or

(2) Use of a method of fluidized bed combustion is not technically or economically feasible due to design or special circumstances.

§ 503.11 Alternative sites—general requirement for permanent exemptions for new powerplants.

(a) *Criteria.* In the case of a powerplant, to qualify for a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, or inadequate capital, section 212(a) of the Act requires a demonstration that one of these exemptions would be available at any reasonable alternative site for the facility.

(b) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications to the criteria set forth in paragraph (a) of this section; and

(2) Exhibits containing the basis for the certifications submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certifications to this general requirement).

§ 503.12 Terms and conditions; compliance plans.

(a) *Terms and conditions generally.* A petitioner must comply with any terms and conditions imposed upon the grant of an exemption petition. ERA will limit any such terms and conditions to the unit(s) which is the subject of the petition.

(b) *Compliance plans for temporary exemptions.* (1) Any compliance plan required to accompany a petition for a temporary exemption shall include the following:

(i) A detailed schedule of progressive events and the dates upon which the events are to take place, indicating how compliance with the applicable prohibitions of the Act will occur;

(ii) Evidence of binding contracts for fuel, or for facilities for the production of fuel, which are required for compliance with the applicable prohibitions of the Act;

(iii) A schedule indicating how any necessary permits and approvals required to burn an alternate fuel will be obtained; and

(iv) Any other documentary evidence which indicates an ability to comply with the applicable prohibitions of the Act.

(2) Any exemption for which a compliance plan is required shall not be effective until the compliance plan is approved by DOE.

(3) If the petition is granted, an updated, duly executed plan must be submitted to ERA within one (1) month of an alteration of any milestone in the compliance plan, together with the reasons for the alteration and its impact upon the scheduling of all other milestones in the plan.

§ 503.13 Environmental impact analysis.

In order to enable ERA to comply with NEPA, a petitioner must include the information indicated in this section if a permanent exemption is requested. Material which has been prepared pursuant to any Federal, State or local requirement for environmental information for this unit or site may be incorporated by reference and appended to the petition. Guidelines issued by ERA for environmental reports should

be used in preparing this analysis (44 FR 63740, November 5, 1979). These guidelines, which are also available in the ERA public document room, have been designed to insure that environmental reports follow the format prescribed by Council on Environmental Quality final regulations implementing NEPA. The guidelines are subject to discussion at a prepetition conference and to modification according to the facts of a particular case.

(a) Except as provided in paragraph (b) of this section, all petitions for permanent exemptions must contain the following information:

(1) A description of the facility, including the site location, and surroundings (and, in the case of new powerplants, alternative site(s)), the facility's current proposed operations, its fuel capability, and its pollution abatement systems and equipment (including those systems and equipment necessary for all fuel scenarios considered);

(2) A description of the existing environment, including air, water, and land resources;

(3) Direct and indirect environmental impacts of the proposed action including impacts of alternative fuel scenarios, and no build alternatives.

(4) Regulatory requirements governing the facility, including a description of Federal, State and local requirements for air, water, noise and solid waste disposal which must be met for each fuel considered.

(b) For exemptions for lack of alternate fuel supply where use of an MFBI will not exceed 600 hours per year, fuel mixtures where an MFBI will burn less than 25 percent oil or natural gas, peakload powerplants, emergency purposes, and scheduled equipment outages where an MFBI will be operated less than 28 days per year, the information enumerated below is to be submitted in lieu of the information required by paragraph (a) of this section. However, submission of the following information merely establishes a rebuttable presumption that the grant or denial of the exemption would have no significant environmental impact. ERA may, in individual cases, during the course of the administrative proceeding, determine that additional environmental information is required. In such cases, the petitioner will be required to submit the information described in paragraph (a) of this section.

(1) A certification that the petitioner will, prior to operating the unit under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act, Resource Conservation and Recovery Act; and

(2) Information required by the following environmental checklist must be provided and certified as accurate:

Environmental Checklist for FUA Certification Exemptions Instructions

All questions are to be answered by placing a check in the appropriate box. N/A represents (not applicable). Although it is not required, the petitioner may elaborate on any question in writing on a separate sheet of paper.

	[illegible]	No	N/A
(1) Is your facility located in, or will it affect a wetland (Protection of Wetlands Executive Order No. 11990)?			
(2) Is your facility located in, or will it affect, a 100-year floodplain (Floodplain Management Executive Order No. 11988)?			
(3) Will your facility affect a designated wild, scenic, or recreation river (Wild and Scenic Rivers Act)?			
(4)(A) Is your facility located within a county in which critical habitat for threatened or endangered species are known to exist (Endangered Species Act)?			
(4)(B) Has a qualified biologist determined that your facility will not affect any species on the Threatened and Endangered Species list?			
(5) Is your facility located on, or will it affect land that has been classified as prime or unique farmland or rangeland by the U.S. Department of Agriculture?			
(6) Is your facility located on, or will it affect, historical archaeological, or cultural resources that have been designated pursuant to the National Historic Preservation Act?			

§ 503.14 Fuels search.

Prior to submitting a petition for a permanent exemption for lack of alternate fuel supply, site limitations, inadequate capital, state or local requirements, intermediate load powerplant, or scheduled equipment outages for over 28 days, a petitioner must perform a fuels search by examining the use of conventional solid coal as a primary energy source at the site under consideration, and, for powerplants, at reasonable alternative sites. Where a petitioner believes that its use of such coal would be infeasible, however, and where ERA and the petitioner can reach accord, it may evaluate use of a different alternate fuel in lieu of solid coal. A petitioner for these exemptions must demonstrate for any fuel examined that he would qualify for an exemption.

Subpart C—Temporary Exemptions for New Facilities

§ 503.20 Purpose and scope.

(a) This subpart implements the provisions contained in Section 211 of the Act with regard to temporary exemptions for new facilities.

(b) This subpart establishes the criteria and standards which owners or operators of new powerplants and installations who petition for a temporary exemption must meet to sustain their burden of proof under the Act.

(c) All petitions for temporary exemptions shall be submitted in accordance with the procedures set out in Part 501 of this chapter and the applicable requirements of Part 503 of these regulations.

(d) The duration of any temporary exemption granted under this subpart shall be measured from the date that the facility is placed in service using petroleum or natural gas.

§ 503.21 Lack of alternate fuel supply.

(a) *Eligibility.* Section 211(a)(1) of the Act provides for a temporary exemption due to the unavailability of an adequate and reliable supply of an alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum. To qualify, a petitioner must certify that:

(1) A good faith effort has been to obtain an adequate and reliable supply of an alternate fuel of the quality necessary to conform to the design and operational requirements of the unit;

(2) For the period of the proposed exemption, the cost of using such alternate fuel would substantially exceed the cost of using imported petroleum as a primary energy source as defined in § 503.6 (Cost calculation) of these regulations;

(3) The petitioner will be able to comply with the applicable prohibitions of the Act at the end of the proposed exemption period; and

(4) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient

to support the granting of this exemption);

(3) All data required by § 503.6 (cost calculation) of these regulations necessary for computing the cost calculation formula; and

(4) The anticipated duration of the lack of alternate fuel supply which constitutes the basis for the exemption.

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 600 full load hours on an annual basis, the petitioner may substitute, in lieu of the requirements in paragraph (b) of this section, a duly executed certification that the unit will be operated less than 600 full load hours annually during the period of the exemption.

Note.—Under this subsection, a petitioner may qualify for the certification alternative even if the installation is operated more than 600 hours per year, so long as the installation does not burn more fuel than it would require at full load for 600 hours.

(d) *Duration.* This temporary exemption, taking into account any extensions or renewals, may not exceed 10 years.

§ 503.22 Site limitations.

(a) *Eligibility.* Section 211(a)(2) of the Act provides for a temporary exemption due to a site limitation. To qualify for such an exemption, a petitioner must certify that:

(1) One or more specific physical limitations relevant to the location or operation of the proposed facility exist which, despite diligent good faith efforts, cannot be overcome before the end of the proposed exemption period;

(2) The petitioner will be able to comply with the applicable prohibitions of the Act at the end of the proposed exemption period; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

Note.—Examples of the types of site limitations to which a petitioner may certify in order to qualify for this exemption include:

(i) Inaccessability of alternate fuels as a result of a specific physical limitation;

(ii) Unavailability of transportation facilities for alternate fuels;

(iii) Unavailability of adequate land or facilities for handling, using, or storing an alternate fuel;

(iv) Unavailability of adequate land or facilities for controlling and disposing of wastes, including pollution control equipment or devices necessary to assure compliance with applicable environmental requirements;

(v) Unavailability of adequate and reliable supply of water, including water for use in compliance with applicable environmental requirements; or

(vi) Other site limitations exist which will not permit the location or operation of the proposed unit using an alternate fuel.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) The anticipated duration of the site limitation which constitutes the basis for the exemption.

(c) *Duration.* This temporary exemption, taking into account any extensions and renewals, may not exceed five years.

§ 503.23 Inability to comply with applicable environmental requirements.

(a) *Eligibility.* Section 211(a)(3) of the Act provides for a temporary exemption due to an inability to comply with applicable environmental requirements. To qualify a petitioner must demonstrate that despite diligent good faith efforts:

(1) The petitioner will be unable, as of the projected date of commencement of operation, to comply with the applicable prohibitions of the Act without violating applicable Federal or State environmental requirements; and

(2) The petitioner will be able to comply with the applicable prohibitions of the Act and with applicable environmental requirements by the end of the temporary exemption period.

Note.—(1) For purposes of considering an exemption under this section, ERA's decision will be based solely on an analysis of the petitioner's capacity to physically achieve applicable environmental requirements. The petition should be directed toward those conditions or circumstances which make it physically impossible to comply during the temporary exemption period. The cost of compliance is not relevant, but cost-related considerations may be presented as part of a demonstration submitted under § 503.21.

(2) Prior to submitting an exemption petition, it is recommended that a meeting be requested with ERA and EPA or the appropriate State or local regulatory agency to discuss options for operating an alternate fuel fired facility in compliance with applicable environmental requirements.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Where the petitioner has applied for a construction permit from EPA or an appropriate State agency prior to petitioning for an exemption under this section, a copy of that application and synopsis of supporting documents filed with or subsequent to that application must be submitted to ERA with the petition or at the time filed with the permitting agency;

(2) To the extent applicable, a copy of the EPA or State denial of the construction permit application;

(3) To the extent applicable, a synopsis of the administrative record of the EPA or State or local permit proceedings;

(4) To the extent applicable, a summary of the technology upon which the denial was based, including a performance comparison between the proposed technology and that technology which would provide the maximum possible reduction of pollution;

(5) An examination of the environmental compliance of the facility, including an analysis of its ability to meet applicable standards and criteria when using both the proposed fuel and the alternate fuel(s) which would provide the basis for exemption. All such analysis must be based on accepted analytical techniques, such as air quality modeling, and reflect current conditions of the area which would be affected by the facility. The petitioner is responsible for obtaining the necessary data to accurately characterize these conditions. Environmental compliance must be examined in the context of available pollution control equipment which would provide the maximum possible reduction of pollution. The analysis must contain: (i) Requests for bids and other inquiries made and responses received by the petitioner concerning the availability and performance of pollution control equipment; (ii) contracts signed, if any, for an alternate fuel supply and for the purchase and installation of pollution control equipment; or (iii) other comparable evidence such as technical studies documenting the efficacy of equipment to meet applicable requirements;

(6) An examination of any regulatory options available to the petitioner in seeking to achieve environmental compliance (such as offsets, variances, and State Implementation Plan revisions);

(7) Any other documentation which demonstrates an inability to comply

with applicable environmental requirements;

(8) For powerplants, no alternate power supply as required under § 503.8;

(c) *Duration.* This temporary exemption, taking into account any extension and renewals, may not exceed 5 years.

(d) *Certification alternative.* (1) To qualify for this exemption, in lieu of meeting the evidentiary requirements of paragraph (b) of this chapter, a petitioner may certify that, for the period of the exemption:

(i) The site for the facility is or will be located in a Class I area or Class II area in which the allowable increment established by law has been consumed, as defined in Part C of the Clean Air Act; the use of an alternate fuel will cause or contribute to concentrations of pollutants which would exceed the maximum allowable increases in a Class I or Class II area even with the application of best available control technology; the site for the facility is or will be located in a non-attainment area as defined in Part D of the Clean Air Act for any pollutant which would be emitted by the facility; or, even with the application of the lowest achievable emission rate, the use of an alternate fuel will cause or contribute to concentrations in an air quality control region, of a pollutant for which any national ambient air quality standard is or would be exceeded: and

(ii) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(2) A petition by certification under this paragraph must include:

(i) Duly executed certifications required under subparagraph (d)(1) of this section;

(ii) Exhibits containing the basis for the certifications required under paragraph (d)(1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(iii) The anticipated duration of the circumstances which constitute the basis for the exemption.

§ 503.25 Future use of synthetic fuels.

(a) *Eligibility.* Section 211(b) of the Act provides for a temporary exemption based upon the future use of synthetic fuels. To qualify, a petitioner must certify that:

(1) The petitioner will be able to comply with the applicable prohibitions imposed by the Act by the use of a synthetic fuel derived from coal or another alternate fuel as a primary energy source in the proposed facility by the end of the proposed exemption period;

(2) The petitioner will not be able to comply with the applicable prohibitions imposed by the Act by use of a synthetic fuel until the end of the proposed exemption period; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) A preliminary compliance plan, including to the extent available, the information required under § 503.12.

(c) *Final Compliance Plan.* Before an exemption may become effective, the petitioner must submit and ERA must approve a final compliance plan as required by § 503.12.

(d) *Duration.* This temporary exemption may be granted for a period of up to ten (10) years. Unless the petitioner requests otherwise, any temporary exemption from the fuel use prohibitions of the Act for the future use of synthetic fuels will commence on the date of commercial operation of the facility.

Note.—Contracts based on the anticipated successful demonstration of a development program and/or the anticipated economic feasibility of a synthetic fuels facility, will generally be sufficient to meet the "binding contract" requirements for this exemption.

§ 503.25 Public interest.

(a) *Eligibility.* Section 211(c) of the Act provides for a temporary public interest exemption. To qualify, a petitioner must demonstrate that:

(1) The unit will be capable of complying with the applicable prohibitions at the end of the proposed exemption period;

(2) The granting of the exemption would be in accord with the purposes of the Act and would be in the public interest; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Substantial evidence to corroborate the eligibility requirements identified above; and

(2) The anticipated duration of the circumstances which constitute the basis for the exemption.

(c) *Certification alternative.* If the petitioner requires use of oil or natural gas in a unit, during the construction of an alternate-fuel fired unit, the petitioner may substitute, in lieu of the evidentiary requirements of paragraphs (b)(1) and (2) of this section: (1) A duly executed certification, including the requested duration of the exemption, that the unit will be operated on oil or natural gas only during the construction of an alternate fuel fired unit to be owned or operated by the petitioner; and

(2) Exhibits containing the basis for the certifications required under paragraph (c)(1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption.)

(d) *Duration.* This temporary exemption, taking into account extension and renewals, may not exceed 5 years.

Subpart D—Permanent Exemptions for New Facilities

§ 503.30 Purpose and scope.

(a) This subpart implements the provisions contained in Section 212 of the Act with regard to permanent exemptions for new facilities.

(b) This subpart establishes the criteria and standards which owners or operators of new powerplants and installations who petition for a permanent exemption must meet to sustain their burden of proof under the Act.

(c) All petitions for permanent exemptions for new facilities shall be submitted in accordance with the procedures set out in Part 501 of this chapter and the applicable requirements of Part 503 of these regulations.

§ 503.31 Lack of alternate fuel supply for the first 10 years of useful life.

(a) *Eligibility.* Section 212(a)(1)(A)(i) of the Act provides for a permanent exemption due to lack of an adequate and reliable supply of alternate fuel within the first 10 years of useful life of the proposed unit. To qualify, a petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the

design and operational requirements of the unit;

(2) Such a supply is not likely to be available within the first 10 years of useful life of the proposed unit;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* A petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

(a) *Eligibility.* Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. To qualify a petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of these regulations;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragrapah (a) of this section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations;

(4) Fuels search, as required under § 503.14 of these regulations; and

(5) All data required by § 503.6 (cost calculation) of these regulations necessary for computing the cost calculation formula.

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 600 full load hours on an annual basis, the petitioner may submit, in lieu of the requirements of paragraph (b) of this section, the following duly executed certifications:

(1) The unit will be operated less than 600 full load hours annually;

(2) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

Note.—Under this subsection, a petitioner may qualify for the certification alternative even if the installation is operated more than 600 hours per year, so long as the installation does not burn more fuel than it would require at full load for 600 hours.

§ 503.33 Site limitations.

(a) *Eligibility.* Section 212(a)(1)(B) of the Act provides for a permanent exemption due to site limitations. To qualify for such an exemption, a petitioner must certify that:

(1) One or more specific physical limitations relevant to the location or operation of the proposed facility exist which, despite good faith efforts, cannot reasonably be expected to be overcome within five years after commencement of operations;

(2) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(3) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(4) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

Note.—Examples of the types of site limitations to which a petitioner may certify in order to qualify for this exemption include:

(i) Inaccessibility of alternate fuels as a result of a specific physical limitation;

(ii) Unavailability of transportation facilities for alternate fuels;

(iii) Unavailability of adequate land or facilities for handling, using or storing an alternate fuel;

(iv) Unavailability of adequate land or facilities for controlling and disposing of wastes, including pollution control equipment or devices necessary to assure compliance with applicable environmental requirements;

(v) Unavailability of adequate and reliable supply of water, including water for use in compliance with applicable environmental requirements; or

(vi) Other site limitations exist which will not permit the location or operation of the proposed unit using an alternate fuel.

(b) *Evidence required in support of the petition.* A petitioner must include in the petition the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.34 Inability to comply with applicable environmental requirements.

(a) *Eligibility.* Section 212(a)(1)(C) of the Act provides for a permanent exemption due to the inability to comply with applicable environmental requirements. To qualify, a petitioner must demonstrate that despite good faith efforts:

(1) The petitioner will be unable within 5 years after beginning operation, to comply with the applicable prohibitions imposed by the Act without violating applicable Federal or state environmental requirements; and

(2) In the case of powerplants, reasonable alternative sites, which would permit the use of alternate fuels in compliance with applicable Federal or state environmental requirements, are not available.

Note.—(1) For purposes of considering an exemption under this section, ERA's decision will be based solely on an analysis of the petitioner's capacity to physically achieve applicable environmental requirements. The cost of compliance is not relevant, but cost-related considerations may be presented as part of a demonstration submitted under § 503.32 (Lack of alternate fuel supply).

(2) Prior to deciding to submit an exemption petition, it is recommended that a petitioner request a meeting with ERA and EPA or the appropriate state or local regulatory agency to discuss options for operating an alternate fuel-fired facility in compliance with the applicable environmental requirements.

(c) *Evidence required in support of a petition.* The petitioner must include in the petition the following evidence in order to make the demonstration required by this section:

(1) Where the petitioner has applied for a construction permit from EPA or an appropriate state agency prior to petitioning for an exemption from ERA under this section, a copy of such application and a synopsis of all supporting documents filed with or subsequent to the application must be submitted to ERA with the petition or at the time filed with the permitting agency;

(2) To the extent applicable, a copy of the EPA or state denial of the construction permit application;

(3) To the extent applicable, a synopsis of the administrative record of the EPA or state or local permit proceedings;

(4) To the extent applicable, a summary of the technology upon which the denial was based, including a performance comparison between the proposed technology and that technology which provides the maximum possible reduction of pollution;

(5) An examination of the environmental compliance of the facility, including an analysis of its ability to meet applicable standards and criteria when using both the proposed fuel and the alternate fuel(s) which would provide the basis for the exemption. All such analysis must be based on accepted analytical techniques, such as air quality modeling, and reflect current conditions of the area which would be affected by the facility. The petitioner is responsible for obtaining the necessary data to accurately characterize these conditions. Environmental compliance must be examined in the context of available pollution control equipment which would provide the maximum possible reduction of pollution. The analysis must contain: (i) Requests for bids and other inquiries made and responses received by the petitioner concerning the availability and performance of pollution control equipment; or (ii) other comparable evidence such as technical studies documenting the efficacy of equipment to meet applicable requirements;

(6) An examination of any regulatory options available to the petitioner in seeking to achieve environmental compliance (such as offsets, variances and State Implementation Plan (SIP) revisions); and

(7) Any other documentation which demonstrates an inability to comply with applicable environmental requirements;

(8) For powerplants, no alternate power supply exists as required under § 503.8 of these regulations;

(9) Use of mixtures is not feasible, as required under § 503.9 of these regulations;

(10) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations;

(11) Environmental impact analysis, as required under § 503.13 of these regulations; and

(12) Fuels search, as required under § 503.14 of these regulations.

(d) *Certification alternative.* (1) To qualify for this exemption, in lieu of meeting the evidentiary requirements of paragraph (c) of this section, a petitioner may certify that:

(i) The site for the facility is or will be located in a Class I area or Class II area in which the allowable increment established by law has been consumed, as defined in Part C of the Clean Air Act; the use of an alternate fuel will cause or contribute to concentrations of pollutants which would exceed the maximum allowable increases in a Class I or Class II area even with the application of best available control technology; the site for the facility is or will be located in a non-attainment area as defined in Part D of the Clean Air Act for any pollutant which would be emitted by the facility; or, even with the application of the lowest achievable emission rate, the use of an alternate fuel will cause or contribute to concentrations in an air quality control region of a pollutant for which any national ambient air quality standard is or would be exceeded;

(ii) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(iii) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations; and

(iv) Use of mixtures is not feasible, as required under § 503.19 of these regulations.

(2) A petition by certification under this paragraph must include:

(i) Duly executed certifications required under paragraph (d)(1) of this section;

(ii) Exhibits containing the basis for the certifications required under paragraph (d)(1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(iii) Environmental impact analysis, as required under § 503.13 of these regulations; and

(iv) Fuels search, as required under § 503.14 of these regulations.

§ 503.35 Inability to obtain adequate capital.

(a) *Eligibility.* Section 212(a)(1)(D) of the Act provides for a permanent exemption due to inability to obtain adequate capital. To qualify, a petitioner must certify that:

(1) Despite good faith efforts the petitioner will be unable to comply with the applicable prohibitions imposed by the Act because the additional capital required for an alternate fuel-capable unit beyond that required for the proposed unit cannot be raised;

(2) In the case of powerplants, this additional capital cannot be raised due to specific restrictions (e.g., convenants on existing bonds) which constrain management's ability to raise debt or equity capital;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* A petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.36 State or local requirements.

(a) *Eligibility.* Section 212(b) of the Act provides for an exemption due to certain State or local requirements. To qualify a petitioner must certify that:

(1) With respect to the proposed site of the unit, the operation or construction of the new unit using an alternate fuel is infeasible because of a State of local

requirement other than a building code, nuisance, or zoning law;

(2) The petitioner has made a good faith effort to obtain a variance from the State or local requirement but has been unable to do so or has demonstrated why none is available;

(3) The granting of the exemption would be in the public interest and would be consistent with the purposes of the Act;

(4) In the case of powerplants, (i) the petitioner is not entitled to an exemption for lack of alternate fuel supply, site limitation, environmental requirements, or inability to obtain adequate capital at the site of the proposed powerplant or at any reasonable alternative site for the alternate fuel(s) considered; and (ii) at the proposed site and every reasonable alternative site where the petitioner is not entitled to an exemption for lack of alternate fuel supply, site limitation, environmental requirements, or inability to obtain adequate capital, the petitioner nevertheless would be barred at each such proposed or alternate site from burning an alternate fuel by reason of a State or local requirement.

(b) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations; and

(6) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.37 Cogeneration

(a) *Eligibility.* Section 212(c) of the Act provides for a permanent exemption for cogeneration. To qualify, the petitioner must demonstrate that the economic and other benefits of cogeneration are unobtainable unless petroleum or natural gas, or both, are used, by:

(1) Certifying that:

(i) The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility where the calculation of savings is in accordance with paragraph (b) of this section; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations; or

(2) Demonstrating that:

(i) It would be in the public interest to grant an exemption to the cogeneration facility because of special circumstances such as technical innovation or maintaining industry in urban areas; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Calculation of oil and gas savings.* There is an oil and gas savings if the oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility. The calculation of the oil and gas which would otherwise be consumed must be in accordance with paragraphs (c) (1) and (2) of this section.

(1) Except for the case described in paragraph (c) (2) of this section, the oil or gas which would otherwise be consumed must be calculated as follows:

(i) You may include the oil or gas that would be consumed by facilities that are or would be too small to be covered by the FUA regulations. In the case of new small industrial units, you must demonstrate that it would be reasonable to construct units of that size.

(ii) You may include the oil or gas that would be consumed by units in place (existing or exempt) covered by FUA if they are less than 40 years old in the case of a field-erected unit or less than 20 years old in the case of a package unit. In the case of existing units, you may not include units that have burned an alternate fuel or are capable of burning an alternate fuel, and, you may only include units described by this paragraph if they will be retired or shut down if this exemption is granted.

(iii) You may include the oil or gas that would be consumed by units not yet constructed that would be covered by the FUA regulations if you can demonstrate that each unit would be entitled to an exemption.

(iv) You may include the oil or gas that would be consumed by powerplants to generate electricity supplied to the grid to the extent that such electricity, if you cogenerate, will no longer be supplied by the grid. The oil or gas portion must be based on a 10 year forecast that includes new construction and retirement of plants within those 10 years.

(2) In the case of a cogeneration facility that would consist of an existing unit or an exempted unit and a new unit, you must calculate the amount of oil or gas that would otherwise be consumed as the sum of:

(i) The five-year annual average oil or gas consumption of the existing or exempted unit; and

(ii) The amount that would be consumed in units described in paragraphs (b)(1)(i)–(iv) of this section that would now be satisfied by the new cogeneration facility.

(c) *Evidence required in support of a petition.* The petition must include the following:

(1) To make the demonstration required by subparagraph (a)(1) of this section:

(i) Duly executed certifications required under that subparagraph;

(ii) Exhibits containing the basis for the certifications required under that subparagraph (including those factual and analytical materials deemed by the petitioner to be sufficient to support the grant of this exemption); and

(iii) Environmental impact analysis, as required under § 503.13 of these regulations; or

(2) To make the demonstration required by subparagraph (a)(2) of this section:

(i) An explanation of the public interest factors the petitioner believes should be considered by ERA; and

(ii) Environmental impact analysis, as required under § 503.13 of these regulations.

(d) *Exercise of discretion by ERA.* ERA may refuse to grant this exemption to you if it determines that such grant would not be in the public interest or in accordance with the purposes of the Act, notwithstanding the fact that the evidence you have furnished to ERA in your exemption petition substantiates that your facility would otherwise be eligible to receive the exemption.

§ 503.38 Permanent exemption for certain fuel mixtures containing natural gas or petroleum.

(a) *Eligibility.* Section 212(d) of the Act provides for a permanent exemption for certain fuel mixtures. To qualify a petitioner must certify that:

(1) The petitioner proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source;

(2) The amount of petroleum or natural gas proposed to be used in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with

maintaining a reasonable level of fuel efficiency; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Minimum Percentage.* In the case of MFBI's, if the exemption is granted, ERA will not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of the primary energy sources used by an installation.

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) A description of the fuel mixture, including component fuels and the percentage of each such fuel to be used; and

(4) Environmental impact analysis as required under § 503.13 of these regulations.

(d) *Certification alternative for use of mixture containing less than 25 percent petroleum or natural gas by an installation.* If an installation will use a mixture containing less than 25 percent petroleum or natural gas, the petitioner may, in lieu of the requirements of paragraph (c) of this section, substitute the following:

(1) A duly executed certification stating that the amount of petroleum or natural gas proposed to be used as a primary energy source in the mixture will not exceed twenty-five (25) percent of the total annual Btu heat input of the installation; and

(2) The environmental certifications, as required under § 503.13(b) of these regulations.

(e) *Solar mixtures.* ERA will grant a permanent mixtures exemption for the use of a mixture of solar energy (including wind, tide, and other intermittent sources) and petroleum or natural gas, where:

(1) Solar energy will account for at least 20 percent of the total annual Btu heat input, of the primary energy sources of the unit; and

(2) Petitioner meets the eligibility and evidentiary requirements of paragraphs (a) and (c) of this section.

§ 503.39 Emergency purposes.

(a) Eligibility. Section 212(e) of the Act provides for a permanent exemption for emergency purposes. To qualify a petitioner must certify that: (1) It will operate and maintain the proposed unit for emergency purposes only; (2) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations; and (3) Use of mixtures is not feasible, as required by § 503.9 of these regulations.

(b) *Definition.* For the purposes of this permanent exemption, an emergency exists when:

(1) Operation of an oil or gas fired installation or the non-electric generating operation of a cogenerating facility is necessary for:

(i) Plant protection;

(ii) The preservation of human health; or

(iii) Continued facility production which otherwise would be reduced due to, for example, an interruption of alternate fuel supplies, equipment failures, imminent equipment failures, or temporary environmental restrictions; and

(2) An operating electric utility would be required to curtail electric supply (a utility operating hydroelectric facilities may take into account seasonal fluctuations in storage capacity and shall be permitted to prevent depletion of stored power-producting capacity as deemed necessary by the utility.)

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

§ 503.40 Permanent exemption for powerplants necessary to maintain reliability of service.

(a) *Eligibility.* Section 212(f) of the Act provides for a permanent exemption necessary to maintain reliability of service. To qualify, a petitioner must certify that:

(1) Petitioner is not able to construct an alternate fuel fired unit in time to prevent an impairment of reliability of service;

(2) Despite diligent good faith efforts, the petitioner is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements, in the time required to prevent an impairment of reliability of service;

(3) No alternate power supply exists, as required under § 503.8 of these regulations; and

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Impairment of reliability of service.* For purposes of paragraphs (a) (1) and (2) of this section, impairment of reliability of service may be calculated as measured by the loss of load probability technique (LOLP).

(1) The LOLP must be computed for petitioner's electrical region, normal dispatch area or normal service area using any 12-month period that includes the date of initial operation. It is to be calculated as the sum of either the weekly or the monthly estimates of hourly load/capacity deficits. The calculation may be performed using either weekly or monthly data. The LOLP calculation must take into consideration equipment forced outage rates, projected customer electrical demand, and generating capacity projections for the electrical region, including existing generating capacity, planned generating capacity additions and projected firm bulk electrical purchases and sales, and projected retirements. If necessary, LOLP may also be calculated with modifications to account for transmission constraints, energy shortages and other factors that are not adequately addressed by adhering to the foregoing specifications. A petitioner will need to discuss why such modifications are appropriate.

(2) Reliability of service will be considered impaired if the LOLP for a 12-month period, including the initial operational date of the proposed unit, is greater than one day in ten (10) years. For the purpose of calculation of LOLP, if a capacity deficit occurs one or more times in one day, such an event constitutes a one-day loss of load.

(3) A petitioner may choose to argue that his case for impaired reliability is supportable by criteria other than those contained in this subsection. If so, such argument must be presented, and an approach proposed for its justification, in a prepetition conference for ERA concurrence.

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) Environmental impact analysis, as required under § 503.13 of these regulations.

§ 503.41 Peakload powerplants.

(a) *Eligibility*—(1) *Proposed use of petroleum.*—Section 212(g) of the Act provides for a permanent exemption for peakload powerplants if a petitioner proposes to use petroleum as a primary energy source in a new peakload powerplant, and construct the unit without the capability to use an alternate fuel as a primary energy source. To qualify, a petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant.

(2) *Proposed use of natural gas.* Section 212(g) of the Act provides for a permanent exemption for peakload powerplants if a petitioner proposes to use natural gas as a primary energy source in a new peakload powerplant, and to construct the unit without the capability to use an alternate fuel as a primary energy source. To qualify—

(i) A petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant; and

(ii) The Administrator of the EPA or the appropriate State air pollution control agency must certify that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

§ 503.42 Intermediate load powerplants.

(a) *Eligibility.* Section 212(h) of the Act provides for an exemption for use of the petroleum as a primary energy source by intermediate load powerplants. To qualify, a petitioner must certify that:

(1) The Administrator of the EPA or the appropriate State air pollution control agency has certified that the use of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within such region, of a pollutant for which any national ambient air quality standard is or would be exceeded as described in paragraph (c) of this section;

(2) The powerplant to be constructed and operated will replace no more than the equivalent generating capacity of existing units which:

(i) Permanently cease operation within one month of commencement of operation of the new powerplant;

(ii) Use natural gas or petroleum as a primary energy source;

(iii) Are owned by the same person who is to operate the new powerplant; and

(iv) Would, if they burned coal, cause or contribute to a pollutant concentration in a manner described in paragraph (a)(1) of this section;

(3) The powerplant is to be operated only as an intermediate load powerplant in which the electrical generation (in kilowatt hours) for any 12-calendar-month period shall not exceed the powerplant's design capacity multiplied by 3,500 hours;

(4) The net heat input rate for the powerplant will be maintained at or less than 9,500 Btu's per kilowatt hour throughout the useful life of the powerplant;

(5) A petitioner is not entitled to any exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements, at the site of the proposed powerplant or at any reasonable alternate site;

(6) The powerplant is to be constructed with the capability to use a synthetic fuel derived from an alternate fuel as a primary energy source;

(7) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(8) No alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

(c) *Periodic review.* ERA shall, from time to time, review this exemption and the exemption shall terminate when ERA finds that there is available a supply of synthetic fuel suitable for use by the exempt powerplant.

§ 503.43 Scheduled equipment outages for installations.

(a) *Eligibility.* Section 212(j) of the Act provides for a permanent exemption for installations to meet scheduled equipment outages. To qualify a petitioner must certify that:

(1) The petitioner's routine maintenance schedule does not permit, or could not be adjusted to permit, continuing production or other activity carried on at the site unless ERA grants this exemption;

(2) The pertinent unit will be used only during those periods when other units are not in operation for reason of scheduled outage; and

(3) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the determination required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

(c) *Alternative for use 28 days per year or less.* If use of the proposed unit is not to exceed an average of 28 days per year over a three-year period, the petitioner may omit the fuels search requirement under § 503.14 from its evidentiary submissions under paragraph (b) of this section and shall

submit, in lieu of the environmental impact analysis under § 503.13, only the environmental certifications required under § 503.13(b) of these regulations.

(d) *Emergency use.* A petition for an emergency exemption may be submitted in addition to a petition for a scheduled equipment outage exemption. Eligibility and evidentiary requirements of each exemption must be satisfied.

§ 503.44 Product on process requirements. [Reserved]

PART 504—EXISTING FACILITIES

4. Section 504.12 of Part 504 *Cost calculations for existing powerplants and installations* is revised to read as follows:

§ 504.12 Cost calculations for existing powerplants and installations.

(a) *General.* (1) This calculation compares the cost of using alternate fuel to the cost of using imported petroleum. It must be performed for each alternate fuel and/or alternate site that the petitioner is required to examine.

(2) The cost of using an alternate fuel as a primary energy source will be deemed to substantially exceed the cost of using imported petroleum if the difference between the cost of using alternate fuel and the cost of using imported petroleum is greater than zero.

(3) There are two comparative cost calculations—a general cost test and a special cost test. Both take into consideration cash outlays for capital investments, annual expenses, and the effect of depreciation and taxes on cash flow. To demonstrate eligibility for permanent exemption, a petitioner must use the procedures specified in the general cost test (paragraph (b) of this section). To demonstrate eligibility for a temporary exemption, the petitioner may apply the procedures specified in either the general cost test or the special cost test (paragraph (c) of this section).

(b) *Cost calculation—general cost test.* (1) A petitioner may be eligible for a permanent exemption if he can demonstrate that the cost of using an alternate fuel from the first year of the exemption substantially exceeds the cost of using imported petroleum. Unless the best practicable cost estimates as prescribed below will not change materially during the first ten years of operation of the unit with an alternate fuel (given the best information available at the time the petition is filed), the petitioner must also demonstrate that the cost of using an alternate fuel beginning at any time within the first ten years of the exemption and using imported petroleum or natural gas until such time (*i.e.*, delayed use of alternate fuel) would substantially exceed the cost of using only imported petroleum.

(2) The petitioner would only be eligible for a temporary exemption if the computed costs of delayed alternate fuel use, commencing at the start of the second through eleventh years of operation from when alternate fuel would be used, do not always substantially exceed the cost of using only imported petroleum. The length of the temporary exemption would be the minimum period in which the cost of using alternate fuel substantially exceeds the cost of using imported petroleum.

(3) To conduct the general cost test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 1 through 3 below and the comparison procedures in paragraph (b)(5) of this section.

EQ 1 $$\text{DELTA} = \text{COST(ALTERNATE)} - \text{COST(OIL)}$$

where COST(ALTERNATE) and COST(OIL) are determined by:

EQ 2 $$\text{COST} = I + \sum_{i=-g}^{N} \frac{(OM_i + FL_i)(1-t_i)}{(1+k)^i}$$

and I (capital investment) is:

EQ 3 $$I = ID + \sum_{i=-g}^{N} \frac{I_i - ITC_i - S_i - t_i(DPR_i)\left(\frac{IX_e}{IX_i}\right)}{(1+k)^i}$$

(4) The terms in Equations 2 and 3 are defined as follows:

i = Year. i is a specified year either before year 0 or after year 0. Year 0 is the year before the proposed exemption becomes effective or, in the case of a financial feasibility finding, the year before alternate fuel use would begin. For example, in the third year before the proposed exemption becomes effective (or the unit would begin using alternate fuel, in the case of a financial feasibility finding), i would equal −2, and in the third year following commencement of the proposed exemption (or commencement of alternate fuel use), i would equal +3. Years are represented by 52 week periods prior to or following the date on which the proposed exemption would begin (or on which alternate fuel use would begin). Outlays before the proposed exemption becomes effective are future valued to the year before the proposed exemption becomes effective (year 0), and outlays after the proposed exemption becomes effective are present valued to the year before the proposed exemption becomes effective.

g = The number of years prior to the year before the proposed exemption becomes effective (year 0) that (1) a cash outlay is first made for capital investments, (2) an investment tax credit is first used, or (3) replacement energy is required while the facility would be shut down for conversion—whichever occurs first. Years 0 and g must be the same for both the proposed conversion and no-conversion cases.

N = The remaining useful life of the unit (see paragraph (d)(6) of this section).

ID = Capital investment required to recover "lost" capacity. "Lost" capacity is the design capacity of or maximum sustained energy per unit of time that could be produced by a powerplant, or the maximum sustained energy per unit of time that could be produced by an installation, lost due to derating (see Equation 6, paragraph (d)(3) of this section). If a replacement facility is being evaluated, ID is the capital cost associated with an alternate fuel-fired replacement facility.

I_i = Yearly cash outlay (in dollars) from the year outlays first occur to the last year of the unit's useful life for capital investments. (See paragraph (d)(2) of this section for the items that must be included.)

OM_i = Annual cash outlay in year i (in dollars) for all operations and

maintenance expenses except fuel (*i.e.*, all non-capital and non-fuel cash outlays). This may include labor, materials, insurance, taxes (except income taxes), etc. (See paragraph (d)(4) of this section.) Operations and maintenance expenses for "replacement energy" may be accounted for here. "Replacement energy" is that energy which substitutes for the output of a unit during the period of conversion to alternate fuel use.

S_i = Salvage value of capital investment (in dollars) in year i.

FL_i = Annual cash outlay for delivered fuel expenses (in dollars) in year i. Expenses for fuel to generate "replacement energy" above may be accounted for here. (See paragraph (d)(4) of this section for FL_i calculation instructions and Appendix II of these regulations for the procedures to determine fuel price.)

k = The discount rate expressed as a fraction (see paragraph (d)(5) of this section).

ITC_i = Federal investment tax credit used in year i resulting from capital investments (see paragraph (d)(7) of this section).

DPR_i = Depreciation in year i resulting from capital investments (see paragraph (d)(7) of this section).

t_i = Marginal income tax rate in year i (see paragraph (d)(7) of this section).

IX_i = Inflation index value for year i (see Table II–1 in Appendix II).

IX_e = Inflation index value for the year e, the year before the asset is placed in service.

(5) The step-by-step procedure that follows shows the comparison that the petitioner must make.

(i) Compute the cost of using an alternate fuel (COST (ALTERNATE)) throughout the remaining useful life of the unit using Equations 2, 3, and 6.

(ii) Compute the cost of using oil or natural gas (COST (OIL)) throughout the remaining useful life of the unit using Equations 2 and 3.

(iii) Using Equation 1, compute the difference (DELTA) between COST(ALTERNATE) and COST(OIL). If the difference (DELTA) is less than or equal to zero, a petitioner is not eligible for a permanent or temporary exemption using the general cost test and need not complete the remainder of the general cost test calculation. However, he still may be eligible for a temporary exemption using the special cost test (paragraph (c) of this section). If the difference (DELTA) is greater than zero and the best practicable cost estimates will not materially change during the first ten years of operation of the unit with alternate fuel (given the best information available at the time the petition is filed), the petitioner has completed the test and is eligible for a permanent exemption. However, if the best practicable cost estimates will materially change during the first ten years, the petitioner must complete the remainder of the general cost test—the delayed use calculations which follow.

(iv) Recompute COST(ALTERNATE) with Equations 2, 3, and 6, assuming that an alternate fuel is not used as the primary energy source until the start of the second year and that oil or natural gas is used for the first year. All cash outlays should reflect postponed use of alternate fuel.

(v) Successively recompute COST(ALTERNATE) with Equations 2, 3, and 6, assuming that the alternate fuel use is postponed until the start of the third year, fourth year, and so on, through the beginning of the eleventh year after the proposed exemption would be effective (with imported petroleum or natural gas used in the years preceding alternate fuel use).

(vi) Compute the difference (DELTA) between each of the ten COST(ALTERNATE)s calculated in paragraph (b)(5) (iv) and (v) of this section and the COST(OIL) calculated in paragraph (b)(5) of this section.

(vii) If *all* the DFLTAs computed in paragraph (b)(5) (iii) and (vi) of this section are greater than zero, the petitioner is eligible for a permanent exemption. If one or more of the DELTAs is less than or equal to zero, he is eligible for a temporary exemption terminating at the beginning of the first year in which a DELTA is zero or less.

(c) *Cost calculations—special cost test.* (1) A petitioner may be eligible for a temporary exemption if he demonstrates that the cost of using an alternate fuel will substantially exceed the cost of using imported petroleum (or natural gas) over the period of the proposed exemption. The period of the proposed temporary exemption may not exceed ten years. The petitioner must demonstrate that the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum for a period of one year, two years, three years, and so forth, through the period of the proposed exemption. ERA will limit the duration of a temporary exemption to the shortest time possible.

(2) To conduct the test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 4 and 5 below, Equation 3 (paragraph (b)(3) of this section), and the comparison procedures in paragraph (c)(4) of this section.

EQ 4 $$DELTA = COST(ALTERNATE) - COST(OIL)$$

where COST(ALTERNATE) and COST(OIL) are determined by:

EQ 5 $$COST = I \times \frac{\sum_{i=1}^{P} (1+k)^{-i}}{\sum_{i=1}^{N} (1+k)^{-i}} + \sum_{i=1}^{P} \frac{(OM_i+FL_i)(1-t_i)}{(1+k)^i}$$

Capital investment (I) is calculated with Equation 3 (paragraph (b)(3) of this section).

(3) The terms in Equation 5 are the same as those in Equation 2 with the addition of P, the length of the proposed temporary exemption in years. (See paragraph (b)(4) of this section for other terms.)

(4) The step-by-step procedure that follows shows the comparisons which must be made.

(i) Using Equation 5, compute the cost of using an alternate fuel (COST(ALTERNATE)) assuming the length of the proposed exemption is one year.

(ii) Likewise, compute the cost of using imported petroleum or natural gas (COST(OIL)) assuming the length of the proposed exemption is one year.

(iii) Compute the difference (DELTA) between COST (ALTERNATE) and COST(OIL) using Equation 4.

(iv) Repeat the calculations made in paragraph (c)(4) (i), (ii), and (iii) of this section assuming the length of the proposed exemption is two years, three years, four years, and so on, up through the period of the proposed exemption.

(v) A petitioner is eligible for a temporary exemption terminating at the beginning of the first year in which a DELTA is zero or less.

(d) *Information on parameters used in the calculations.* (1) All estimated expenditures, except fuel, shall be expressed in real (uninflated) terms by using the prices in effect at the time petition is submitted. Instructions for fuel price calculations are contained in Appendix II.

(2) Capital investment yearly cash outlays (I_i) must include all items that are captial investments for Federal income tax purposes. All purchased equipment that has a useful life greater than one year, capitalized engineering costs, land, construction, environmental offsets, fuel inventory transmission facilities, piping, etc., that are necessary for the conversion of the unit must be included. However, an item must only be included if a cash outlay is required after the decision has been made to convert (or not to convert) the unit; sunk costs must not be included (*e.g.*, if the firm owns the land, its purchase price may not be included).

Note.—The guidelines for the fuel inventory for powerplants not using natural gas shall be: (a) all powerplants with only steam driven turbines—78 days, (b) all powerplants with only combustion turbines—142 days, (c) all powerplants with combined cycles—both steam driven turbines and combustion turbines—142 days. The guidelines for the fuel inventory for installations not using natural gas shall be the greater of: 1) 21 days fuel supply, or 2) sufficient fuel to fill sixty (60) percent of the storage volume. The guidelines for the fuel inventory of all facilities using natural gas shall be zero unless the gas supply is interruptible in which case an appropriate inventory of back-up fuel must be included. Include the salvage value of any fuel in inventory which cannot be used as a result of this conversion. Other inventory levels may be used if they are more appropriate than these guidelines; however, the source or derivation of these levels must be discussed in the evidential summary.

(3)(i) Capital investment (ID), if any, required (A) to recover the design capacity or maximum sustained energy per unit of time that could be produced but would be lost due to derating or (B) to build an alternate fuel-fired replacement facility, if appropriate, must be computed with Equation 6 if, for the purposes of this calculation, it is elected to recover that capacity. COST computed with Equation 2 or 5 must yield the least cost solution.

$$\text{EQ 6} \qquad ID = \frac{\sum_{i=1}^{N} (1+k)^{-i}}{\sum_{i=1}^{M} (1+k)^{-i}} \times \sum_{i=-g}^{M} \frac{ID_i - ITCD_i - SD_i - t_i(DPRD_i)\left(\frac{IX_e}{IX_i}\right)}{(1+k)^i}$$

(ii) M, ID_i, $ITCD_i$, SD_i, and $DPRD_i$ are the useful life, yearly investment cash outlays, investment tax credits, salvage values, and depreciation, respectively, resulting from the purchase of equipment required to recover the design capacity or maximum sustained energy per unit of time that could be produced, lost due to derating. All definitions and information which apply to N, I_i, ITC_i, S_i, and DPR_i (see paragraph (b)(4) of this section), also apply to M, ID_i, $ITCD_i$, SD_i, and $DPRD_i$, respectively, except that M, ID_i, $ITCD_i$, SD_i, and $DPRD_i$, are limited to equipment required to recover the loss due to derating. All other terms are as in Equation 3 (paragraph (b)(3) of this section). In the case of a replacement facility, if appropriate, ID is the capital cost associated with that alternate fuel-fired replacement facility.

(iii) If an election is made not to recover the loss due to derating (for the purpose of this calculation), ID equals zero.

(4)(i) The annual cash outlays for operations and maintenance expense (OM_i) and fuel expense (FL_i) for a powerplant may be computed by one of the following three methods; however, the one chosen must be consistently applied throughout the analysis.

(A) Assume the energy produced by the powerplant equals seventy (70) percent of design capacity times 8,760 hours for each year during the remaining useful life of the powerplant, and compute cash outlays for operations, maintenance, and fuel expenses for the powerplant.

(B) Economically dispatch the powerplant in which conversion to alternate fuel is being considered and, if appropriate, the additional powerplant required due to derating or replacement. The cash outlays for operations, maintenance, and fuel expenses of all powerplants being dispatched (where oil and natural gas are priced according to the procedures of Appendix II) are the corresponding expenses for the purpose of the cost calculation. The dispatch analysis area must be that area with which the firm currently dispatches, anticipates dispatching, and will be interconnected. It must also include all anticipated exchanges of energy with other utilities or powerpools. The outlays for operations, maintenance, and fuel may also be estimated using a methodology that incorporates the benefits of economically dispatching units and provides consistent treatment in the alternate fuel and oil or natural gas cases being compared. If the design capacity lost due to derating or replacement is recovered, as discussed in paragraph (d)(3) of this section, the petitioner must employ this method (or that described in paragraph (d)(4)(i)(C) of this section for calculating operations, maintenance, and fuel expenses.

(C) Use a dispatch analysis to project the energy produced by the powerplant for a representative (not atypical) year of operation when consuming an alternate fuel. Compute the cash outlays for operations, maintenance, and fuel expenses for the powerplant based upon the level of energy production estimated for the representative year. The dispatch analysis and fuel expenses for the cost

calculation must include oil and natural gas priced according to the procedures of Appendix II.

(ii) The annual cash outlays for operations and maintenance expenses (OM_t) and fuel expenses (FL_t) for an installation may be computed by the method specified in (A) below. A second method (B) may be used unless the energy or steam produced by the alternate fuel-fired unit would be less than that computed using method A.

(A) Base the computations on the actual power or steam generation schedule of the installation in which conversion is being considered and, if appropriate, the additional installation required due to derating of the facility being converted. If power output lost due to derating is recovered for the purpose of this calculation (see paragraph (d)(3) of this section), the petitioner must employ this method for calculating operations, maintenance, and fuel expenses.

(B) If the installation has been in operation for at least two years, assume it will annually generate an amount of energy or steam equal to the average amount of energy or steam produced annually for either the last five years or the length of operation of the installation if it is less than five years.

(5) The discount rate (k) for analyses of powerplants is 2.9% or that which is computed as specified in Appendix I. The discount rate (k) for analyses of installations is 7.7% or that which is computed as specified in Appendix I. The inflation index (IX) is shown in Table II–1 of Appendix II. ERA will modify these specified rates from time to time as required by changed conditions after public notice and an opportunity to comment. However, the relevant set of specified rates for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever set is more favorable to the petitioner.

(6)(i) The guidelines for the remaining useful life (N) of a powerplant shall be thirty-five (35) years minus the age of the plant when it would begin using an alternate fuel. The guidelines for the remaining useful life of a major fuel burning installation shall be forty (40) years minus the age of the plant when it would begin using an alternate fuel. Other useful line projections may be used if they are more appropriate than these guidelines; however, the source or derivation of these projections must be contained in the evidential summary. The summary should include a discussion of engineering, economic historical or other evidence. If the unit's remaining useful life would be extended as the result of the conversion or refurbishment, that extension must be included in the remaining useful life.

(ii) If the life of a unit would be extended, the petitioner will have to modify his calculation so that the two cash flows being compared have the length of the unextended remaining useful life. To do this, (A) use the unextended useful life in Equations 2 and 5 for the unit when it is both converted and uncoverted, and (B) multiply the capital investment term (I) for the converted unit (computed with Equation 3) by the following adjustment factor (A):

$$\text{EQ 7} \qquad A = \frac{\sum_{i=1}^{Q} (1+k)^{-i}}{\sum_{i=1}^{R} (1+k)^{-i}}$$

where:

R = The extended remaining useful life of the facility.

Q = The unextended remaining useful life of the facility.

k = The discount rate (see paragraph (d)(5) of this section).

(7) All Federal investment tax credits (ITC_t and $ITCD_t$) and depreciation (DPR_t and $DPRD_t$) values are those used for Federal income tax purposes and must be applied consistently throughout the analysis and in a manner consistent with the Federal tax laws. All investment tax credits allowed under Federal tax law must be reflected in the computations. The petitioner must use the method of depreciation which results in the greatest present value of the cash flow due to the tax and depreciation effect. The marginal income tax rate (t_t) is the firm's anticipated marginal Federal income tax rate in year i. The relevant investment tax credits, depreciation methodology, and marginal Federal income tax rates for a specific exemption or financial feasibility finding will be those prescribed by Federal law in effect (or those tax parameters which are known with certainty will be in effect) at the time a decision is rendered. (However, if an investment tax credit expires in a certain year under the law which is in effect at the time the petition is submitted, the petitioner must assume that it will in fact expire in that year.)

(8) All estimated cash outlays must be computed in accordance with generally accepted accounting principles consistently applied.

(9) The scope of the estimates of relevant costs (as discussed above) of units being compared must be the same.

(10) All allowances for uncertainty and risk in the cost estimates must be explicit.

(11) All cash outlays must be net of any government subsidies or grants.

(e) *Evidence in support of the cost calculation.* Petitioners for an exemption which requires the use of the cost calculation shall certify that the cost of using alternate fuel substantially exceeds the cost of using oil as primary energy source as calculated in this section. A brief summary of the petitioner's supporting calculations and estimates shall be submitted with the certification. The summary should include the following:

(1) Cash outlays, Investment tax credits, depreciation methodologies, and anticipated salvage for capital investments including a description of all major construction and equipment;

(2) Annual cash outlays for operations and maintenance expenses including the formulas used to compute them; and

(3) Annual cash outlays for delivered fuel expenses including the formulas used to compute them.

PART 505—NEW MAJOR FUEL BURNING INSTALLATIONS

§ 505.27 [Removed]

5. Section 505.27 of Part 505, *Cogeneration*, is hereby removed.

PART 503—NEW FACILITIES

PART 504—EXISTING FACILITIES

6. Appendix I and Appendix II, relating to the cost calculation methodologies in 10 CFR 503.6 and 504.12 are revised to read as follows:

Appendix I—Procedures for the Computation of the Real Cost of Capital

(a) The firm's real after-tax weighted average marginal cost of capital (K) is computed with equation 1.

$$\text{EQ 1} \qquad K = W_d\left[\frac{\hat{R}_d\,(1-t)}{1-f_d} - INF\right] + W_p\left[\frac{\hat{R}_p}{1-f_p} - INF\right] + W_e\left[\frac{\hat{R}_e}{1-f_e} - INF\right]$$

The terms in equation 1 are defined as follows:

W_d = Fraction of existing capital structure which is debt.

W_p = Fraction of existing capital structure which is preferred equity.

W_e = Fraction of existing capital structure which is common equity and retained earnings.

$\hat{R}_d$ = Predicted nominal cost of long term debt expressed as a fraction.

$\hat{R}_p$ = Predicted nominal cost of preferred stock expressed as a fraction.

$\hat{R}_e$ = Predicted nominal cost of common stock expressed as a fraction.

INF = Percentage change in the GNP implicit price deflator over the past 12 months expressed as a fraction.

f_d = Flotation cost of debt expressed as a fraction.

f_p = Flotation cost of preferred stock expressed as a fraction.

f_e = Flotation cost of common stock expressed as a fraction.

t = Marginal federal income tax rate for the current year.

(b) *Information on parameters used in Equation 1.* (1) The parameters used in equation 1 will be the best practicable estimates. They will be obtained from the firm, accepted rating services (e.g., Standard & Poors, Moody's), government publications, accepted financial publications, annual financial reports and statements of firms, and investment bankers.

(2) The predicted nominal cost of debt ($\hat{R}_d$) may be estimated by determining the current average yield on newly issued bonds—industrial or utility as appropriate—which have the same rating as the firm's most recent debt issue.

(3) The predicted nominal cost of preferred stock ($\hat{R}_p$) may be estimated by determining the current average yield on newly issued preferred stock—industrial or utility as appropriate—which has the same rating as the firm's most recent preferred stock issue.

(4)(A) The predicted nominal cost of common stock ($\hat{R}_e$) is computed with equation 2.

$$\text{Eq 2} \qquad \hat{R}_e = \hat{R}_f + B \times \bar{R}_m$$

where:

$\hat{R}_f$ = The risk free interest rate—the average of the most recent auction rates of U.S. Government 13-week Treasury Bills,

B = The "beta" coefficient—the relationship between the excess return on common stock and the excess return on the S&P 500 composite index, and

$\bar{R}_m$ = The mean excess return on the S&P 500 composite index—the mean of the difference between the return on the S&P 500 composite index and the risk free interest rate for the years 1926–1976 as computed by Ibbotson and Sinquefield(*1*)—9.2%

(B) The "beta" coefficient is computed with regression analysis techniques. The regression equation is Equation 3.

$$\text{EQ 3} \qquad (R_e^t - R_f^t) = A + B\,(R_m^t - R_f^t) + e^t$$

where

$$R_e^t = \frac{PRCC_t - PRCC_{t-1} + (DIVRATE/12)}{PRCC_{t-1}}$$

R_f^t = The risk free interest rate in month t—the average of the yields on 13-week treasury bills auctioned in month t.(*2*)

A = A constant which should not be significantly different than zero.

$$R_m^t = \frac{V_{sp,t} - V_{sp,t-1} + D_{sp,t}}{V_{sp,t-1}}, \text{ and}$$

e^t = The error in month t.

$PRCC_t$ = Closing market prices of the firm's common stock at the end of month t fully adjusted for splits and stock dividends.

$DIVRATE_t$ = The sum of the dividends paid in the fiscal year which contain month t.

$V_{sp,t}$ = The market value of "one share" of the S&P 500 composite index at the end of month t.

$D_{sp,t}$ = The estimated monthly income received from holding "one share" of the S&P 500 in month t.

The regression analysis is done with sixty months of data. The first month (t=1) is sixty months before the month in which the firm's current fiscal year started. The last month (t=60) is the last month of the past fiscal year.

(5) Where the parameters specified above are not obtainable, alternate parameters that closely correspond to those above may be used. This may include substituting a bond yield for nominal cost of preferred stock where the former is not available. Where the capital structure does not consist of any debt, preferred equity, or common equity, an alternate methodology to predict the firm's real after-tax marginal cost of capital may be used.

Example of using alternate parameters that closely correspond to those above [illegible]

(A) In the case of industrials, who do not typically issue preferred stock, the predicted nominal cost of preferred stock ($\hat{R}_p$) can be estimated by determining the current average yield on newly issued industrial bonds which have the same rating as the firm's most recent debt issue.

(B) If necessary, the following assumptions can be made to determine the nominal cost of debt or preferred stock and their flotation costs.

(i) Where a company issued privately placed debt that was not rated, the rating, applied to preferred stock could be used to determine the cost of debt and its flotation cost.

(ii) Where a company issued privately placed preferred stock that was not rated, the rating applied to debt could be used to determine the cost of preferred stock and its flotation costs.

(iii) In the case where all issues were privately placed, the current average yield on all newly issued debt or preferred could be used to determine the cost of debt or preferred respectively, and an average flotation cost, for debt or preferred, could be used.

(C) *Evidence Requirements.* Copies of this calculation with notations as to the source of the data must be submitted.

Footnotes

(1) Ibbotson, R.E. and R.A. Sinquefield. *Stocks, Bonds, Bills, and Inflation,* Charlottesville, Va.: The Financial Analysts Research Foundation, 1977, cited by Ernst & Whinney, *Costs of Capital and Rates of Return for Industrial Firms and Class A&B Electric Utility Firms,* June 1979, p. 3–8.

(2) As an option, R_f^t can be developed with the following equation:

$$R_f^t = \frac{365D^t}{360-ND^t} \times \frac{1}{12}$$

where:

D^t = The average annual yield on three month U.S. Treasury bills reported in the *Survey of Current Business* auctioned in month t—which is reported using the bank discount method.

N = Number of days to maturity.

Appendix II.—Fuel Price Computation

(a) *Introduction.* This appendix provides the equations and parameters needed to specify the price of delivered fuels used in computing the cost of using imported petroleum and the cost of using an alternate fuel in Parts 503 and 504 of these regulations. The delivered price of imported petroleum or natural gas used to calculate delivered fuel expenses must reflect (1) the price of imported petroleum, (2) the effects of future real increases in imported petroleum prices, and (3) a substantially exceeds premium. The delivered price of an alternate fuel used to calculate delivered fuel expenses must reflect the petitioner's delivered price of the alternate fuel and the effects of real increases in the price of that alternate fuel. Paragraphs (b) and (c) below provide alternative procedures to account for projected real increases in the prices of fuels. The petitioner may compute his fuel prices by either of these procedures as long as the same procedure is applied consistently throughout the cost analysis. Table II–1 of this appendix contains the price indices used in option 1 (paragraph (b)) and the inflation index used in computing depreciation in Parts 503 and 504 of these regulations. ERA will change the parameters specified in paragraphs (b)(4) and (c)(4) below and in Tables II–1 and II–2 from time to time after public notice and an opportunity to comment. Revisions shall become effective after final publication. However, the relevant set of parameters for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever is more favorable to the petitioner.

(b) *Fuel price computation—option 1.* (1) The petroleum product price (PFE_i) is computed with Equation II–1.

$$\text{EQ II-1} \qquad PFE_i = PF \left[\frac{OPX_i}{OPX_u}\right] + PREM$$

where:

PF = The current market price of the petitioner's fuel oil per barrel at the time the petition is submitted (f.o.b. the facility). Alternatively, if the petitioner does not currently have a supplier of fuel oil, he should use a simple average of the market prices of fuel oil available to him (capable of being burned in the facility and meeting his area's air quality standards) and sold in his area by at least three suppliers.

PFE_i = Price of fuel oil per barrel in year i.

OPX_i = Oil price index value for year i (see paragraph (b)(4)(ii) below).

OPX_u = Oil price index value for year u, the year in which the petition is submitted (see paragraph (b)(4)(ii) below).

PREM = Substantially exceeds premium added to the price of oil (see paragraph (b)(4) below).

(2) If it is planned to use natural gas in the facility, Equation II–1 must be used to calculate the price of fuel (PFE_i), along with the price of the No. 6 residual fuel oil (PF) which meets the air quality standards in the petitioner's area.

(3) The delivered price of alternate fuel (PFA_i) must reflect the real escalation rate of alternate fuel and must be computed with Equation II–2.

$$\text{EQ II-2} \qquad PFA_i = APF \left[\frac{APX_i}{APX_u}\right]$$

The terms of Equation II–2 are defined as follows:

PFA_i = Price of alternate fuel in year i.

APF = The current market price of the alternate fuel (f.o.b. the facility).

APX_i = Alternate fuel price index value of year i (see paragraph (b)(4)(iii) below).

APX_u = Alternate fuel price index for the year u, the hear in which the petition is submitted (see paragraph (b)(4)(iii) below).

(4) The petitioner shall use the following parameters for Equations II–1 and II–2 of this appendix:

(i) The substantially exceeds premium, PREM, is $1.00 per barrel of oil equivalent.

(ii) The oil price index values, OPX_i and OPX_u, are specified in Table II–1.

(iii) The alternate fuel price index values APX_i and APX_i for coal are specified in Table II–1. The petitioner may use either the price index specified in Table II–1 or his own price index. However, if he uses his own price index, the source or the derivation of the index must be contained in the evidential summary.

(c) *Fuel price computation—option 2.* (1) The petroleum product price (PEE_i) is computed with Equation II–3.

Eq II–3 $\qquad PEE_i = PF + PREM + FUTR$

where the terms are the same as those in Equation II–1 with the addition of FUTR, the premium added to the price of oil to account for projected escalation in oil prices as compared to escalation in alternate fuel prices (see paragraph (c)(4)(ii) below).

(2) If it is planned to use natural gas in the facility, Equation II–3 must be used to calculate the price of fuel (PFE_i), along with the price of the No. 6 residual fuel oil (PF) which meets the air quality standards in the petitioner's area.

(3) The price of alternate fuel (PFA) must be the current market price of the alternate fuel (f.o.b. the facility).

(4) The petitioner shall use the following parameters for Equation II–3 of this appendix:

(i) The substantially exceeds premium, PREM, is $1.00 per barrel of oil equivalent.

(ii) The premium added to the price of oil to account for projected escalation in oil prices compared to escalation in alternate fuel prices is FUTR, which may be set to $4.00 per barrel or $0.00 per barrel at the option of the petitioner.

TABLE II–1.—PRICE AND INFLATION INDICES FOR USE IN THE COST CALCULATIONS [1]

Year	Crude oil price index (OPX)	Alternate fuel price index for coal (APX)	Inflation index (IX)
1980	1.000	1.000	1.000
1981	1.016	1.039	1.195
1982	1.032	1.080	1.179
1983	1.049	1.122	1.257
1984	1.066	1.165	1.329
1985	1.083	1.211	1.398
1986	1.111	1.229	1.464

TABLE II–1.—PRICE AND INFLATION INDICES FOR USE IN THE COST CALCULATIONS [1]—Continued

Year	Crude oil price index (OPX)	Alternate fuel price index for coal (APX)	Inflation index (IX)
1987	1.140	1.247	1.519
1988	1.169	1.266	1.565
1989	1.200	1.285	1.612
1990	1.231	1.304	1.660
1991	1.257	1.316	1.710
1992	1.283	1.328	1.761
1993	1.310	1.340	1.814
1994	1.338	1.352	1.868
1995	1.366	1.364	1.925
1996	1.382	1.372	1.982
1997	1.399	1.381	2.042
1998	1.415	1.389	2.103
1999	1.432	1.397	2.166
2000	1.450	1.406	2.231
2001	1.450	1.414	2.298
2002	1.450	1.422	2.367
2003	1.450	1.431	2.438
2004	1.450	1.440	2.511
2005	1.450	1.448	2.586
2006	1.450	1.457	2.664
2007	1.450	1.466	2.744
2008	1.450	1.474	2.826
2009	1.450	1.483	2.911
2010	1.450	1.492	2.998
2011	1.450	1.512	3.088
2012	1.450	1.531	3.181
2013	1.450	1.551	3.276
2014	1.450	1.571	3.375
2015	1.450	1.592	3.476
2016	1.450	1.612	3.581
2017	1.450	1.633	3.688
2018	1.450	1.655	3.798
2019	1.450	1.676	3.912
2020	1.450	1.698	4.029
2021	1.450	1.720	4.150
2022	1.450	1.742	4.275
2023	1.450	1.765	4.403
2024	1.450	1.788	4.535
2025	1.450	1.811	4.671
2026	1.450	1.835	4.811
2027	1.450	1.858	4.956
2028	1.450	1.883	5.104
2029	1.450	1.907	5.258
2030	1.450	1.932	5.415

[1] The index values OPX, APX, and IX in Table II–1 were calculated using the rates (see Table II–2) for the real increase in oil price (Ro), coal price (Ra), and inflation (INF), respectively, and the following equations:

$$OPX_i = \prod_{j=1980}^{i} (1 + Ro_j)$$

$$APX_i = \prod_{j=1980}^{i} (1 + Ra_j)$$

$$IX_i = \prod_{j=1980}^{i} (1 + INF_j)$$

where:

i = Calendar year of index, and

$\prod$ = Product of terms with index j ranging from 1980 to i.

If the petitioner chooses to supply his own escalation rates for an alternate fuel, as provided in option 1 (paragraph (b)(4)(iii)(B) of Appendix II), he must use the equation for APX_i to calculate the appropriate index values.

TABLE II–2.—RATES OF FUEL PRICE INCREASE AND INFLATION USED IN TABLE II–1

Year (j)	Ro	Ra	INF
1980	0.000	0.000	0.000
1981	0.016	0.039	0.095
1982	0.016	0.039	0.077
1983	0.016	0.039	0.066
1984	0.016	0.039	0.057
1985	0.026	0.039	0.052
1986	0.026	0.015	0.047
1987	0.026	0.015	0.038
1988–1990	0.026	0.015	0.030
1991–1995	0.021	0.009	0.030
1996–2000	0.012	0.006	0.030
2001–2010	0.008	0.006	0.030
2011–2030	0.000	0.013	0.030

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DEPARTMENT OF ENERGY

10 CFR Parts 500, 501, and 503

[Docket No. ERA-R-81-12]

Powerplant and Industrial Fuel Use Act of 1978; Administrative Procedures and Exemption Criteria

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing additional revisions to its rules implementing the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") to further simplify administrative procedures and exemption criteria, and reduce the burden of obtaining an exemption under the Act. This notice seeks comments on the proposed revisions.

DATE: Written comments are due January 6, 1982.

ADDRESS: All comments should be addressed to Public Hearing Management, Docket No. ERA-R-81-12, Department of Energy, Room B-210, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633-8108.

Constance Buckley (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3313

Henry K. Garson (Office of the General Counsel), Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-2967.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposals
III. Procedural Matters

I. Background

On June 9, 1981 (46 FR 31216 (June 12, 1981)), the Department of Energy (DOE) proposed extensive revisions to its rules implementing FUA. These proposals were aimed at reducing the regulatory burden faced by the owners and operators of electric powerplants and major fuel burning installations (MFBI's) and streamlining exemption procedures under the Act. In addition to the specific proposals addressed in the June 9, 1981 notice, DOE solicited comment on any other issues of concern to the public related to the regulatory program implementing the Act.

During the comment period, DOE received comments addressing not only the specific proposals, but also other aspects of the FUA regulatory program. DOE has now issued final rules, effectuating its proposals to simplify the FUA regulatory program. In response to public comments, DOE is issuing this notice of proposed rulemaking ("NOPR"), to propose the following additional revisions to further reduce regulatory burdens faced by facilities seeking exemptions under the Act:

(A) Part 500—Definitions

1. *"Alternate fuel"*—Addition of tar sands and oil-impregnated diatomaceous earth.
2. *"Commercial unmarketability"*—Deletion of the requirement that a fuel be burned by its producer.
3. *"Natural gas"*—Definition of "maximum efficient production rate" of a well in terms of gas production rather than total energy production including oil liquids.
4. *"Reconstruction"*—Substitution, in certain specified instances, of an 80 percent test for the 50 percent test currently provided.

(B) Part 501—Administrative Procedures

Classification of fuel as commercially unmarketable—Addition of self-certification procedure and determination deadline.

(C) Part 503—Exemptions

1. Revision of the 600 hour lack of alternate fuel supply exemption.
2. Revision of requirement to demonstrate specific debt-constraining restrictions for inadequate capital exemption.

II. Proposals

A. Definitions (Part 500)

1. *Alternate fuel.* DOE's June 9, 1981 proposal specifically solicited comment on the possible addition of fuels to the current regulatory definition of "alternate fuel." In addition to those fuels addressed in the Final Rule, comments were received recommending the inclusion as altenate fuels of tar sands and oil-impregnated diatomaceous earth. DOE is proposing addition of these fuels to the definition of "alternate fuel." DOE believes that adoption of this proposal, would, consistent with the purposes of the Act, encourage development of these scarce, indigenous resources.

2. *Commercial unmarketability.* One commenter recommended that, in adopting the content of DOE Ruling 1981-2 in its rules, DOE delete the requirement that a fuel be "burned by its producer" in order to be considered commercially unmarketable. DOE has herein proposed to permit self-certifications of commercial unmarketability where qualifying fuel is burned by its producer, discussed further in this Preamble under the heading "Commercial Unmarketability Determinations." In situations where a fuel is not burned by its producer, DOE will permit a facility to demonstrate that the fuel is commercially unmarketable, and hence, an alternate fuel. As a result of the proposed revisions, the explicit requirement in the definition section that fuel in all instances be burned by its producer is proposed to be deleted.

3. *Natural gas.* One commenter requested that, for purposes of determining whether the exclusion from this definition of any well the "maximum efficient production rate" (MEPR) of which is less than 250 million Btu's per day, DOE should redefine MEPR in terms of gas production, rather than *total* production, including oil and gas liquids. DOE is proposing to revise subsection (3)(ii) of the definition of "natural gas" in § 500.2 so as to *exclude* consideration of any fuel which is not defined as "natural gas" under FUA and applicable regulations. Thus, "maximum efficient production rate" would be determined exclusively on the basis of natural gas production of a well.

4. *Reconstruction.* Most comments received by DOE on this issue addressed the 50 percent test for finding reconstruction of an existing unit. This provision states that reconstruction of a unit will be found to have taken place whenever capital expenditures for refurbishment or modification are equal to or greater than 50 percent of the capital costs of an equivalent replacement unit. Many commenters felt that the test should permit refurbishment of units damaged in plant accidents. Other commenters felt that a facility should be deemed "reconstructed" only where boiler capacity was being increased, or where facility efficienty was being increased.

In response to these comments, DOE is herein proposing to revise the reconstruction test. Under the proposal, DOE would first apply the 50 percent reconstruction test currently provided for in the rules. Where an existing facility falls below this refurbishment/modification threshold, it will continue to be classified as existing. Where the capital costs of modification of an existing facility are estimated to exceed the 50 percent test, however, but are

estimated at no greater than 80 percent of the total capital expenditures for an equivalent replacement unit (calculated on the same three year basis currently provided in the rules), DOE would not consider that facilitiy to have been "reconstructed," provided that: (1) The unit being refurbished or modified was destroyed, in whole or substantial part, in a plant accident; or (2) the unit, as refurbished or modified, will not have a greater fuel consumption capability than the unit it replaces. In cases where refurbishment/modification of a unit is estimated to exceed the 80 percent threshold, reconstruction would be considered to have occurred, and a new unit will be deemed to have been constructed; except that, the exception of modifications undertaken solely to increase a unit's fuel burning efficiency which will not result in increased remaining useful life or increased fuel consumption, has been retained from the current rules.

Some commenters also suggested that any "replacement" unit should be viewed as an existing unit. DOE believes that it is inconsistent with the statutory definition of "construction" to categorically classify new *replacement* units as "existing", simply because they may improve overall plant efficiency or merely serve the same purposes as a replaced unit.

B. Administrative procedures

Commercial unmarketability determinations (§ 501.7(a)(12)). Pursuant to Title II of FUA, new electric powerplants and major fuel-burning installations (MFBIs) are subject to certain prohibitions against the use of natural gas or petroleum. Title III of the FUA subjects existing electric powerplants and MFBIs to prohibitions against the use of natural gas or petroleum. However, the use of fuels that are not defined as "natural gas" or "petroleum" is not prohibited.

Under Sections 103(a) (3), (4) and (6) of FUA, liquid, solid, or gaseous waste by-products of refinery or industrial operations, and in certain cases, natural gas can be defined as alternate fuels if they are determined under rules prescribed by the Secretary to be commercially unmarketable, either by reason of quality or quantity.

As authorized by FUA, DOE has prescribed rules specifying the qualitative and quantitative criteria under which a fuel can be deemed commercially unmarketable. These criteria are contained in the definition of the term "commercial unmarketability", codified at 10 CFR 500.2. The procedure for filing a request and the methodology for making a commercial unmarketability determination are contained in 10 CFR 501.7(a)(12). In response to the suggestions of several commenters, DOE is proposing two alternatives for applying for and making these determinations.

Alternative A provides a self-certification procedure by which a producer of a particular waste by-product may, by applying the criteria specified in the proposed rule, determine whether his waste by-product is an alternate fuel. If the producer/user can qualify under this Alternative, he need only notify ERA that the determination of unmarketability has been made. Under Alternative A, if a fuel is produced for a limited time period (up to one (1) year) in quantities which are insufficient to permit a reasonable determination of its unmarketability, such fuel will be considered commercially unmarketable for that period. In addition, a fuel can be classified as commercially unmarketable under Alternative A if it meets other specified qualitative requirements pertaining to its heat content.

In cases where Alternative A may not apply, such as a by-product which is not intended to be used by the producer or where there is a small, but limited market for a by-product which does not meet the requirements of Alternative A, a request may be filed for a determination by ERA under Alternative B. Under this methodology, a request would be filed using the certification procedure set forth in 10 CFR 501.7(a)(12)(ii). The certification must include the calculations made and the methodology used by the requester in arriving at the costs and revenues involved in assessing the commercial unmarketability of the fuel. Proposed 501.7(a)(12)(ii)(C) provides that ERA must respond to a request within 60 days of the date of acknowledgement by ERA of receipt of the request, or if ERA notifies the requester within this 60 day period that additional information is needed, within 60 days of the date of acknowledgement of receipt of the additional information. To insure that these requests are expeditiously handled, the proposed rule provides that the failure of ERA to act on the certification within the relevant time period will result in the automatic classification of the fuel as commercially unmarketable.

C. Exemptions (Part 503)

1. *Lack of alternate fuel supply/600 hour alternative exemption (§§ 503.21, 503.32).* DOE received several comments recommending increases in the allowed use of oil or natural gas under the temporary and permanent lack of alternate fuel supply exemptions for use of an MFBI no more that 600 full load equivalent hours on an annual basis. Under these alternative exemptions, no cost calculation need be submitted. Most comments recommended an allowable usage of 1500 full load equivalent hours on an annual basis.

The 600 hour usage limit was established when the discount rate for use in the cost calculation methodologies was specified to be 7.7% for use in analyses of MFBIs. Since that time, DOE has allowed petitioners to use that rate or the rate set forth in Appendix L. Based upon this regulatory revision, and in light of the comments received, DOE has reevaluated its present usage limit for this exemption, and has determined to propose raising the limit from 600 full load equivalent hours to 1500 full load equivalent hours on an annual basis.

2. *Inadequate capital exemption (§ 503.35).* The exemption for an inability to obtain adequate capital requires that a petitioner demonstrate that the capital needed to construct and operate an alternate fuel fired facility cannot reasonably be raised. In the case of a powerplant, the current rule proyides that this inability must be due to specific restrictions constraining management's ability to raise the capital (such as covenants on existing bonds).

Several commenters noted that a utility's inability to raise capital may not be due to a specific restriction (*e.g.* if the capital could be raised, the bond covenants would not be violated), but may result from a utility's weak over-all financial condition.

DOE is proposing to revise the rule to indicate that where a utility cannot demonstrate *specific restrictions* constraining capital availability, it may present evidence to ERA that it cannot raise the requisite capital without a substantial dilution of shareholder equity or an unreasonably adverse effect on its credit rating.

III. Procedural Matters

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data or comments with respect to the issues addressed in this NOPR. Comments should be identified on the outside envelope and on the documents submitted with the designation: "Powerplant and Industrial Fuel Use Act Docket No. ERA–R–81–12." Fifteen copies should be submitted. All comments received will be available for public insepction in the ERA Office of

Public Information, Federal Building, Room 7120, 12th & Pennsylvania Avenue, NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received on or before January 6, 1982, will be considered.

If you wish to submit any information or data which you consider to be confidential you must comply with DOE's freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Section 102 of the National Environmental Policy Act (NEPA)

DOE has determined that this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this proposal is not required.

C. Regulatory Flexibility Act

DOE has determined that these proposals, if adopted, will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, DOE is not required to publish an initial regulatory flexibility analysis pursuant to Section 603 of that Act.

D. Executive Order No. 12291

DOE has initially determined that this proposed rulemaking does not constitute a "major rule" within the meaning of Executive Order. No. 12291. This notice of proposed rulemaking has been submitted to the Director of the Office of Management and Budget (OMB) for review under that Executive Order.

E. Paperwork Reduction Act of 1980

When finalized, these rules must be submitted to OMB for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511. Any data submitted in compliance with provisions of the final rule may require revision or additions as a result of OMB's action.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101*et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, 42 FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500, 501 and 503, Subchapter E, "Alternate Fuels" of Chapter II, Title 10 of the Code of Federal Regulations, are proposed to be amended as set forth below.

Issued in Washington, D.C., on November 30, 1981.

James B. Edwards,

Secretary of Energy.

PART 500—DEFINITIONS

For the reasons set out in the Preamble, Part 500 of Chapter II, Title 10 or the *Code of Federal Regulations* is proposed to be amended as shown.

1. By revising the definition of "Alternate fuel" in § 500.2 to read as follows:

§ 500.2 General definitions.

* * * * *

"Alternate fuel" means electricity or any fuel, other than natural gas or petroleum. The term includes, but is not limited to:

(1) Coal;

(2) Solar energy;

(3) Petroleum coke; shale oil; uranium; biomass, tar sands, oil-impregnated diatomaceous earth; municipal, industrial, or agricultural wastes; wood; and renewable and geothermal energy sources (For purposes of this subparagraph (3), the term "industrial" does not include refineries.);

(4) Liquid, solid or gaseous waste by-products of refinery or industrial operations which are commercially unmarketable, either by reason or quality or quantity. (For purposes of this subparagraph (4), the term "waste by-product" is defined as an unavoidable by-product of the industrial or refinery operation.) A waste by-product of a refinery or industrial operation is commercially unmarketable if it meets the criteria listed in the definition of "commercial unmarketability," set forth below;

(5) Any fuel derived from and alternate fuel; and

(6) Waste gases from industrial operations. (For purposes of this subsection, the term "industrial" does not include refineries.)

* * * * *

2. By revising the definition of "commercial unmarketability" in § 500.2 to remove the phrase "when applied to a specific fuel which is burned by its producer."

3. By revising the definition of "natural gas" in § 500.2 by removing from subparagraph (3)(ii) thereof the words "and oil" in the first sentence, and the entirety of the second sentence.

4. By revising the definition of "reconstruction" in § 500.2 to read as follows:

* * * * *

"Reconstruction" means the following:

(1) Except as provided in subparagraph (2) of this definition, reconstruction shall be found to have taken place whenever the capital expenditures for refurbishment or modification of an electric powerplant or an MFBI, on a cumulative basis for the current calendar year and preceding two (2) calendar years are equal to or greater than fifty (50) percent of the capital costs of an equivalent replacement unit of the same capacity, capable of burning the same fuels.

(2) Notwithstanding subparagraph (1) of this definition, reconstruction shall not be found to have taken place whenever:

(i) The capital expenditures for refurbishment or modification of an electric powerplant or an MFBI, on a cumulative basis for the current calendar year and preceding two (2) calendar years, are no greater than eighty (80) percent of the capital costs of an equivalent replacement unit of the same capacity, capable of burning the same fuels; and

(A) The unit being refurbished or modified was destroyed, in whole or substantial part, in a plant accident; or

(B) The unit, as refurbished or modified, will not have a greater fuel consumption capability than the unit it replaces; or

(ii) Refurbishment or modification of the unit is undertaken solely for the purpose of increasing fuel burning efficiency of the unit, and will not result in

(A) Increased remaining useful life; and

(B) Increased total annual fuel consumption.

* * * * *

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

For the reasons set out in the Preamble, Part 501 of Chapter II, Title 10 of the *Code of Federal Regulations* is proposed to be amended by revising § 501.7(a)(12) to read as follows:

§ 501.7 General filing requirements.

(a) * * *

(12) *Procedures for determinations of commercial unmarketability.* (i) The following procedure may be used to determine if a liquid, solid or gaseous waste by-product of a refinery or industrial operation and, in certain cases, natural gas, can automatically be considered a commercially unmarketable alternate fuel under 10 CFR § 500.2:

Alternative A

A fuel which is burned by its producer is commercially unmarketable—

(A) For a period, not to exceed one year, during which it is produced in quantities which are insufficient to permit a reasonable determination of its marketability; or

(B) If it meets the following requirements at 14.73 pounds per square inch and 60 degrees Fahrenheit prior to undergoing any treatment to upgrade:

(*1*) If gaseous, has an average chemical heat content of less than 600 Btu/cubic foot and has corrosive or suspended particle properties inferior to those of natural gas of pipeline quality;

(*2*) If liquid, has an average chemical heat content of less than 2.5 million Btu per barrel and has corrosive, suspended particle or dissolved particle properties inferior to those of any liquid fuel for which there is a local market; and

(*3*) If solid, has an average chemical heat content of less than 5,000 Btu per pound and corrosive or ash properties inferior to those of any fuel for which there is a local market.

If the above requirements are met, a firm may consider the waste by-product to be commercially unmarketable, and must simply notify ERA in writing, upon commencement of use of the fuel, that such determination has been made.

(ii) The following procedure must be used to request a commercial unmarketability determination by ERA if the requirements of Alternative A cannot be met:

Alternative B

(A) *Filing of request.* The owner or operator of a powerplant or installation may file a request for classification of a fuel as commercially unmarketable at the address provided in 10 CFR 501.11.

(B) *Contents of request.* A request for classification of a fuel as commercially unmarketable pursuant to 10 CFR 500.2 must include a duly executed certification containing the following:

(*1*) Name of requester;

(*2*) Identification and location of unit in which the fuel is proposed to be burned;

(*3*) The calculations made concerning the costs and revenues involved in assessing the commercial unmarketability of the fuel and the methodology used to make the calculations, including an explanation of the numbers used (see definition of "commercially unmarketable" in 10 CFR 500.2 for a discussion of the criteria for making these calculations); and

(*4*) The name, address, and telephone number of the person who can supply additional information.

(C) *Decision on request.* ERA will, upon receipt, acknowledge receipt of a request and will render a decision within 60 days of the date of the acknowledgement, or, if ERA notifies the requester within this 60 day period that additional information is needed, within 60 days of the date of acknowledgement of receipt of the additional information. The failure of ERA to act on the certification at the expiration of the relevant time period will result in the automatic classification of the fuel as commercially unmarketable.

* * * * *

PART 503—NEW FACILITIES

For the reasons set out in the Preamble, Part 503 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown.

§ 503.13 [Amended]

1. By amending § 503.13(b) by removing the phrase "lack of alternate fuel supply where an MFBI will not exceed 600 hours per year," and by adding in its place the phrase "lack of alternate fuel supply where an MFBI will not be operated in excess of 1500 full load equivalent hours per year."

2. By revising § 503.21(c) to read as follows:

§ 503.21 Lack of alternate fuel supply.

* * * * *

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 1500 full load equivalent hours on an annual basis, the petitioner may substitute, in lieu of the requirements in paragraph (b) of this section, a duly executed certification that the unit will be operated less than 1500 full load equivalent hours annually during the period of the exemption.

Note.—Under this paragraph, a petitioner may qualify for the certification alternative even if the installation is operated more than 1500 hours per year, so long as the installation does not burn more fuel than it would require at full load for 1500 hours

* * * * *

3. By revising § 503.32(c) to read as follows:

§ 503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

* * * * *

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 1500 full load equivalent hours on an annual basis, the petitioner may submit, in lieu of the requirements of paragraph (b) of this section, the following duly executed certifications:

(1) The unit will be operated less than 1500 full load equivalent hours annually;

(2) Use of mixtures is not feasible (see § 503.9 of these regulations); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

Note.—Under this subsection, a petitioner may qualify for the certification alternative even if the installation is operated more than 1500 hours per year, so long as the installation does not burn more fuel than it would require at full load for 1500 hours.

* * * * *

4. By revising § 503.35(a)(2) to read as follows:

§ 503.35 Inability to obtain adequate capital.

(a) * * *

(2) In the case of powerplants, either this additional capital cannot be raised due to specific restrictions (*e.g.*, covenants on existing bonds) which constrain management's ability to raise debt or equity capital; or, it cannot be raised without a substantial dilution of shareholder equity or an unreasonably adverse effect on the utility's credit rating;

* * * * *

[FR Doc. 81-34776 Filed 12-4-81; 8:45 am]
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Monday
December 7, 1981

Part V

Department of Agriculture

Agricultural Marketing Service

Warehouse Regulations; Financial Statement Requirements; Proposed Rulemaking

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 102

Warehouse Regulations; Financial Statement Requirements; Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: A Grain Elevator Task Force was established to review circumstances which have led to an increasing number of warehouse bankruptcies. The task force reviewed current grain warehouse laws and regulations and recommended a number of changes to the regulations pertaining to grain warehousemen conducting a warehouse licensed, or for which application for a license has been made under provisions of the United States Warehouse Act (7 U.S.C. 268) and governing warehouse standards for approval issued by the Commodity Credit Corporation (CCC) in order to strengthen such standards and thus assist in the prevention of elevator bankruptcies.

In accordance with one recommendation of the task force, 7 CFR Part 102 is proposed to be amended so that such warehousemen will be required to provide the Secretary with an annual financial statement that has been audited by a certified public accountant in accordance with generally accepted auditing standards and such other interim financial statements or information as the Secretary deems necessary.

Interested persons are invited to submit written comments on the proposed change in regulations.

DATE: Written comments should be filed not later than December 31, 1981.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue SW., Washington, D.C., 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268, hereinafter the "Warehouse Act"), is amending the warehouse regulations for the storage of grain appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations (7 CFR Part 102).

This proposal has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

The U.S. Warehouse Act was passed by Congress in 1916. The Act provides for the licensing of such warehousemen as may apply to the Secretary of Agriculture, and (1) meet departmental standards, (2) agree to abide by the law and the regulations thereunder, and (3) who are, in his discretion, proper warehousemen within the intent of the law for the storage of agricultural products.

The primary objectives of the U.S. Warehouse Act are to: (1) Protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title to be used as collateral for loans, and to facilitate trading in interstate commerce of agricultural commodities; and (3) set and maintain a standard for sound warehouse operations.

A warehouse receipt is acceptable only when it has integrity. Integrity means that original depositor or a subsequent holder of a receipt must have reasonable assurance that the product covered by the warehouse receipt will be returned upon surrender of the receipt and a valid request for delivery. Failing to receive return of the product, the depositor or holder of the receipt must have the further assurance that the warehouseman is able to pay him for his breach of contract. Existing regulations deal adequately with the warehouseman's obligations and duties as a storer of grain.

Most, if not all, licensed warehousemen also operate a grain marketing business buying grain from producers through the same facilities used for the storage of grain.

The business of storing and marketing often becomes inseparable and likewise the funds available to the total business often cannot be segregated. These situations create continuous, dual and at times uncertain obligations.

Consequently, there are risks for producers who sell deposited grain as well as for producers who store such grain. It therefore becomes consistent with objectives of the Act to be able to determine from independent sources at periodic intervals that the warehouseman's financial condition meets net asset requirements of the regulations and the condition is such that financially the warehouseman is able to satisfy all obligations of deposit and operate with minimal risk to depositors. The focal point of administering the Act is the periodic unannounced examination made by the Department at licensed warehouses. The purpose of these examinations is to make certain that warehousemen are operating within the law and to reflect at that time the warehouseman's physical capability of meeting storage obligations.

The periodic audit and the periodic physical examination both by independent sources will complement but not totally replace one another. Some reduction in program costs can be effected through intelligent interpretation of the financial audit and scheduling of the physical examination. Agricultural Marketing Service (AMS) analysts will be provided with the information necessary to judge a warehouseman's economic performance on an annual basis. The CPA's audit report should also help the warehouseman to determine which segments of his operations are the most efficient and which operations are in need of improvement. In addition, the audit report could give an early signal of possible failures of the warehousing operation. The proposed action will further enable the administration of the Act to meet the objectives and purposes of Congress in passing this legislation enhancing the security offered by licensed warehousemen to depositors including producers.

William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that an emergency situation exists which warrants publication of this proposed rule with less than a 60-day comment period. The Commodity Credit Corporation has proposed a similar change in its standards governing approval of warehouses to be used for the storage and handling of its owned grain or grain serving as collateral for

price support loans. The information collection requirement established by this regulation is subject to clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

The regulations, therefore, are proposed to be amended as follows:

PART 102—GRAIN WAREHOUSES

1. Section 102.6 (7 CFR 102.6) is amended by adding a new paragraph (a) and redesignating existing paragraphs (a) through (d) to read (b) through (e).

§ 102.6 Financial requirements.

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made under the regulations in this part, shall provide the Secretary with an annual financial statement that has been audited by a certified public accountant in accordance with generally accepted auditing standards and such other interim financial statements or information as the Secretary deems necessary.

2. Section 102.6 (b) now (c) is amended to refer to in the final sentence (b) rather than (a).

3. Section 102.6 (c) now (d) is amended to refer to (b) and (c) rather than (a) and (b).

§ 102.14 [Amended]

4. Section 102.14 (a) is amended to refer to in the final sentence § 102.6 (b) rather than § 102.6 (a).

Done at Washington, D.C. December 1, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-34957 Filed 12-4-81; 8:45 am]
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Monday
December 7, 1981

Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Suspension of Effect of Self-bonding and Surface Protection Bonding Rules

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 801 and 806

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Suspension of Effect of Self-bonding and Surface Protection Bonding Rules

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement is issuing a final rule suspending the effect of the self-bonding and surface protection bonding rules at 30 CFR 801 and 806. OSM is involved in litigation concerning the self-bonding, surface protection bonding rules and other rules published on August 6, 1980. *National Coal Association, American Mining Congress* v. *Andrus*, civ. No. 80–2530 and *Pennsylvania Coal Mining Association et al.* v. *Department of the Interior*, civ. No. 80–2544. Evaluation of that litigation coupled with comments received during the August 6 rulemaking led OSM to the preliminary conclusion that the existing self-bonding rules should be suspended pending the outcome of the above-mentioned September 9, 1981 proposed rulemaking.

OSM expects to receive resubmissions of several State programs next month. Suspension of the existing bonding rules which have been proposed for revision will allow States to forego the useless exercise of submitting programs which comply with a set of rules which OSM proposes to replace before the resubmission approval process is complete. Since the self-bonding program is discretionary with the regulatory authorities under the Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 *et seq.* SMCRA), States may still include a self-bonding program in their resubmission. Such a program must meet the minimum standards set by section 509(c) of SMCRA.

OSM recently proposed at 46 FR 52287 (October 26, 1981) to suspend that part of 30 CFR 801.16(a) which requires operators to bond subsidence control and surface protection measures. OSM believes that there is a need to require completion of surface measures to be taken to prevent subsidence, but no need to bond for these actions or those measures not disturbing the surface. Bonding is unnecessary because the work would not be required if operations were ceased under forfeiture. Furthermore, the surface measures are not part of the reclamation plan on which the bond amount is based and the work to be accomplished is contracted. Under the current rules, § 801.16(a), no underground shafts or tunnels can be extended until all surface measures described under 30 CFR 784.20(b) to prevent subsidence are completed or bonded in accordance with 30 CFR 800.11(b). The remaining provisions of § 801.16 do not impact on underground mining which does not disturb surface acreage as part of the mining operation.

The subsidence control provisions continue to be effective as part of the operations plan [subsidence control plan] subject to the regulatory program.

OSM is involved in litigation over the rules specified in this notice. The court has granted OSM numerous extensions of time from the necessity of filing its brief while OSM proceeded with the rulemaking which was published on September 9, 1981. The most recent extension was granted on October 16, 1981, to extend until the date of publication of the notice of proposed suspension of the rules in litigation or until October 26, 1981, whichever was first. The parties to the litigation agreed to mutually seek a further 30 day extension from the date of publication of that notice to allow time for OSM to consider comments received and to make a final decision on whether to suspend these rules. A further extension of seven days was received on November 25, 1981.

Discussion of Comments Received

801.16(a) A comment received with respect to suspension of Section 801.16(a) cited the action as illegal. The commenter believed that bonds should be required for subsidence control work in conjunction with underground mining. OSM does not believe that temporary suspension of the limited portion of this rule involved in this action is contrary to section 509 or 516(d) of the Act. This provision will be addressed further in the rulemaking (46 FR 52306, September 9, 1981) to clarify the bonding requirements regarding underground mining operations.

Two commenters objected to the 15 day public comment period. They felt that a 30-day comment period and a public hearing were required by § 501(b) of the Act and 43 CFR Part 14. The commenters also stated that the 15-day comment period was unrealistic and an attempt to avoid public comment on the proposed suspension. The Office acknowledges that the 15-day comment period provided on the proposed suspension notice is shorter than the period OSM normally provides and affirms its general policy of providing at least a 30-day comment period for all rulemakings. As stated in the notice of proposed suspension, OSM provided a shorter comment period in this instance because the Department of Justice was unable to obtain the consent of the plaintiffs in the litigation over these rules, to a further extension of time beyond 30 days. Without plaintiffs' agreement OSM is unlikely to be granted further extensions of the date on which it must file its brief due to the numerous prior extensions granted while the Office was developing the revised bonding rules published on September 9, 1981. In order to be able to make its decision on the proposed suspension within 30 days and to develop its position in the litigation, OSM felt 15 days was the maximum comment period possible. In addition, the decision on suspension must be made before the State program resubmissions are received so that States can know which bonding provisions must be included in their

FOR FURTHER INFORMATION CONTACT: Russell F. Price, Standards Development Branch, Office of Surface Mining, U.S. Department of the Interior, Telephone: (202) 343–2188.

SUPPLEMENTARY INFORMATION: On September 9, 1981, 46 FR 45082, the Office of Surface Mining Reclamation and Enforcement (OSM) issued proposed rules which would revise the entire bonding program, including self-bonding and bonding of surface protection measures contained in 30 CFR 801 and 806. OSM will address the entire self-bonding concept in review of comments received pursuant to that rulemaking. Self-bonding and surface protection bonding rules revising the original rules of March 13, 1979 (44 FR 15485) were previously published on August 6, 1980, at 45 FR 52306. At that time OSM acknowledged that difficulties existed with respect to the criteria used in accepting self-bonds. OSM is involved in litigation concerning the self-bonding, surface protection bonding rules and other rules published on August 6, 1980. *National Coal Association, American Mining Congress* v. *Andrus*, civ. No. 80–2530 and *Pennsylvania Coal Mining Association*

EFFECTIVE DATE: December 7, 1981.

programs. The majority of resubmissions are expected in December and a longer decision process might have vitiated the effect of the suspension for those States.

OSM does not believe the 15-day comment period was unrealistic nor was it attempting to avoid public comment. To the contrary, the comments from citizen and industry groups indicate that there was sufficient time for the public to evaluate the proposal and submit thoughtful comments.

Contrary to the commenter's assertion, this proposal was not governed by 43 CFR Part 14 as that rule was repealed on September 30, 1981, 46 FR 47748. Comments on that action are not properly directed to OSM. Nor does the Office believe that this suspension of rules is governed by the procedures of section 501(b) of SMCRA. That section provides that the Secretary shall promulgate regulations covering the permanent regulatory program within one year after enactment of the Act but not before holding at least one public hearing on the regulations and providing at least 30 days after publication of proposed regulations for public comment. The Office does not believe that this suspension of rules is covered by section 501(b) because it is not an action to promulgate regulations covering a permanent regulatory procedure under Title V of the Act. Rather it is a temporary suspension of such permanent program rules which will be in effect only until the rulemaking on bonding is completed. Because this action has no permanent effect on the permanent program regulations the Office is of the view that the public hearing and 30-day comment period provisions of section 501(b) are not applicable.

The public was given ample opportunity to comment on the substantive issues of bonding at the public hearing held on September 24, 1981, and during the 30-day comment period for the bonding rules proposed on September 9, 1981. Those comments are currently being considered.

One commenter asserted that this suspension is a major Federal action significantly affecting the quality of the human environment for which an environmental impact statement must be prepared. In addition, the commenter stated that OSM had not prepared an environmental assessment in violation of Departmental Manual requirements. To the contrary, OSM prepared an environmental assessment on October 9, 1981, which concluded that this suspension would not have a significant effect on the quality of the human environment.

The commenter further objected to suspension of detail criteria in the self-bonding rules because State programs would be approved without the details found in the paragraphs to be suspended as guidance by which to evaluate a State's self-bonding submission. OSM, in the rules proposed on September 9, 1981 (46 FR 45082) would require that State self-bonding submissions provide criteria which provide equivalent guarantees to other bonding methods, and set forth procedures for evaluating self-bonding candidates. Such a provision would allow State implementation of the Act, which sketches out the basic parameters of self-bonding. Comments suggesting changes in the proposed rules are being considered.

On commenter supported OSM's action and argued that the suspension should be made effective immediately to avoid subjecting the industry to rules challenged as inconsistent with the Act and to allow States to develop resubmissions that do not include provisions that will be changed immediately. OSM accepts the latter part of this comment but rejects the concept that it must suspend any rule which has been challenged in court. In this instance OSM has decided to suspend the rules because it does not believe they adequately implement the bonding provisions of the Act.

Each State submission will be judged, until a final rule is issued, based on the procedures set forth by a State in evaluating financial histories, continuous operation, in qualifying self-bond applicants, and analyzing the financial responsibility and capability of the operator to complete the reclamation required under the mandates of the Act.

It should be noted that each State program is subject to public comment and participation, and it is considered appropriate to evaluate a State's self-bonding options and details at that time.

The Office has determined that these rules should be suspended because they do not allow for effective implementation of a self-bonding program in accordance with section 509(c) of the Act. In addition, the rules are subject to separate rulemaking and an adequate opportunity for public comments has been afforded to resolve problem issues.

Determinations Under Executive Order 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The economic impact of the rules is expected to be indirectly beneficial to coal operations and consumers, because of increased availability of bonds and flexibility to regulatory authorities in implementing the rules.

The Department of the Interior has determined that this action does not constitute a major Federal action having a significant effect on the quality of the human environment and an environmental impact statement will not be prepared.

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under The Regulatory Flexibility Act, Public Law 96-354. The proposed rules under separate rulemaking are expected to reduce the regulatory burden on small coal operators by alleviating previous constraints on the surety market.

Under the authority of 30, U.S.C. 1201, *et seq.*, and Executive Order 12291 (46 FR 13192), Title 30 Subchapter J of the Code of Federal Regulations is amended as set forth below.

The Department of the Interior finds in accordance with 5 U.S.C. 553(d)(3) that good cause exists to make this final rule effective upon publication because some State programs will be submitted within the next few weeks and a delay in the effective date would vitiate the purpose of the suspension. If these rules were allowed to remain in effect for 30 days longer, few, if any, States would be able to benefit from the opportunity of avoiding the useless submission of bonding rules that will be revised before their programs are approved. Illinois, Kentucky, Ohio, and Tennessee are all expected to resubmit their programs before the end of December which is when the 30-day period following publication of this rule would end. This would mean only Pennsylvania could take advantage of the suspension.

Dated: December 2, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

30 CFR Parts 801 and 806 are amended as follows:

PART 801—BONDING REQUIREMENTS FOR UNDERGROUND COAL MINES, COAL-PROCESSING PLANTS, ASSOCIATED STRUCTURES, AND OTHER COAL-RELATED LONG-TERM FACILITIES AND STRUCTURES

§ 801.16 [Suspended in part]

1. 30 CFR 801.16(a) is suspended.

PART 806—FORM, CONDITIONS, AND TERMS OF PERFORMANCE BONDS AND LIABILITY INSURANCE

§ 806.14 [Suspended in part]

2. 30 CFR 806.14 (a)(2) through (a)(4) are suspended.

3. In 30 CFR 806.14(a)(5), the words "for 10 years" and the remainder of paragraph (a)(5) beginning with the second sentence are suspended.

4. 30 CFR 806.14(a)(6) is suspended.

[FR Doc. 81-35002 Filed 12-4-81: 8:45 am]

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federal register

Monday
December 7, 1981

Part VII

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations: Registration of Bank Claims Against the Escrow Account at the Bank of England; Preclusion of Unregistered Claims

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Registration of Bank Claims Against the Escrow Account at the Bank of England; Preclusion of Unregistered Claims

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of this amendment is to require U.S. banking institutions to register in writing with the Office of Foreign Assets Control, on or before December 16, 1981, if they have, and intend to assert, claims against the account established by the deposit of $1.418 billion in escrow at the Bank of England pursuant to Paragraph 2(B) of the January 19, 1981, Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with Respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria ("the Undertakings"). Banking institutions which do not register pursuant to this section are precluded from asserting any claim against the Escrow Account described above.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Loren Dohm, Chief, Census Unit, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376–0968.

SUPPLEMENTARY INFORMATION: The Government of the Islamic Republic of Iran has requested that the Government of the United States provide it with the names of U.S. banking institutions that intend to assert claims against the account established by the deposit of $1.418 billion in escrow ("the Escrow Account," also known as "Dollar Account No. 2") at the Bank of England pursuant to Paragraph 2(B) of the Undertakings. The United States has agreed to this request.

Paragraph 2(B) of the Undertakings provides that funds retained in the Escrow Account will be used "for the purpose of paying the unpaid principal or the interest owing, if any, on the loans and credits referred to in Paragraph (A) [syndicated loans] after application of the $3.667 billion and on all other indebtedness held by United States banking institutions of, or guaranteed by, the Government of Iran, its agencies, instrumentalities or controlled entities not previously paid and for the purpose of paying disputed amounts of deposits, assets, and interests, if any, owing on Iranian deposits in U.S. banking institutions."

In complying with this registration requirement, a banking institution is asked to submit only the name of the institution, its address, and the name, title, and telephone number of an appropriate contact person. There is no requirement that additional details as to the amount or basis of the claim be provided.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. Section 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable.

Similarly, because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulations.

This registration requirement is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. section 3501 *et seq.*

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

31 CFR Part 535 is amended by adding § 535.621 to read as follows:

§ 535.621 Registration of bank claims against the escrow account at the Bank of England

(a) *Registration requirements.* Any U.S. banking institution that has, and intends to assert, a claim against the account established by the deposit of $1.418 billion in escrow ("the Escrow Account," also known as "Dollar Account No. 2") at the Bank of England pursuant to Paragraph 2(B) of the Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with Respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria, is required to register with the Office of Foreign Assets Control, in writing, on or before December 16, 1981.

(b) *Contents of registration notice.* The required registration shall refer to this section of the Regulations and contain the following:

(1) Name and address of the banking institution; and

(2) Name, title, and telephone number of person who may be contacted about this registration.

(c) *Filing.* One copy of this registration notice, which shall be in the form of a letter or a telex (Telex No. 710–822–9201), should be sent to Unit 621, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. Telexed notices should also include the telephone number (376–0968) of the Census Unit. A copy of the notice should be retained for the submitter's records.

(d) *Failure to register.* Any banking institution which does not submit a registration notice pursuant to this section shall be precluded from asserting any claim against the Escrow Account.

(Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: December 4, 1981.

Dennis M. O'Connell,

Director.

Approved:

John M. Walker, Jr.,

Assistant Secretary.

[FR Doc. 81–35157 Filed 12–4–81; 12:05 pm]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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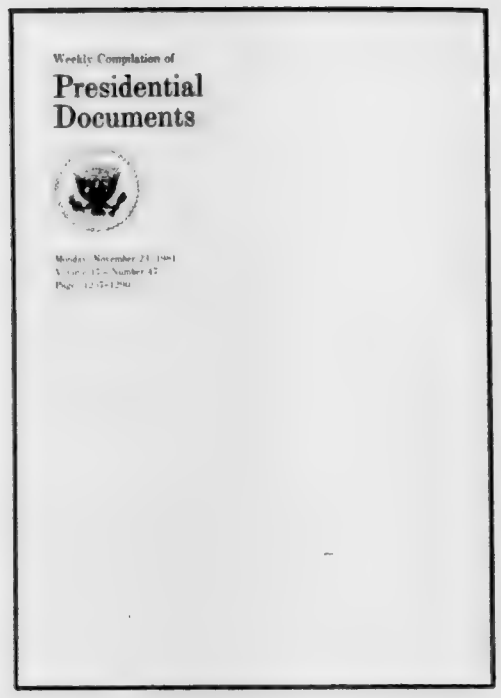

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federal register

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59955 **President's Intelligence Oversight Board** Executive order

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60160 **Food Stamps** USDA/FNS allows battered women and children from shelters to participate in Food Stamp Program. (Part III of this issue)

60124 **Veterans—Housing Loans** VA issues final policies on processing of graduated payment mortgage loans.

60126 **Veterans—Health** VA announces availability of report on Health Services Research and Development Program evaluation.

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60035 **Motor Carriers** ICC proposes to adopt methodology for indexing annual operating revenues for property carriers.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The President

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United States Intelligence Activities

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Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

Part 1

Goals, Direction, Duties and Responsibilities With Respect to the National Intelligence Effort

1.1 *Goals.* The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against the United States Government, or United States corporations, establishments, or persons.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1.2 *The National Security Council.*

(a) *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, and attendant policies and programs.

(b) *Committees.* The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order. The NSC, or a committee established by it, shall consider and submit to the President a policy recommendation, including all dissents, on each special activity and shall review proposals for other sensitive intelligence operations.

1.3 *National Foreign Intelligence Advisory Groups.*

(a) *Establishment and Duties.* The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

(1) Production, review and coordination of national foreign intelligence;

(2) Priorities for the National Foreign Intelligence Program budget;

(3) Interagency exchanges of foreign intelligence information;

(4) Arrangements with foreign governments on intelligence matters;

(5) Protection of intelligence sources and methods;

(6) Activities of common concern; and

(7) Such other matters as may be referred by the Director of Central Intelligence.

(b) *Membership.* Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence or his designated representative and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives

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of organizations involved in the collection, processing and analysis of intelligence. A senior representative of the Secretary of Commerce, the Attorney General, the Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall be invited to participate in any group which deals with other than substantive intelligence matters.

1.4 *The Intelligence Community.* The agencies within the Intelligence Community shall, in accordance with applicable United States law and with the other provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

(a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;

(b) Production and dissemination of intelligence;

(c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(d) Special activities;

(e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and

(f) Such other intelligence activities as the President may direct from time to time.

1.5 *Director of Central Intelligence.* In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the President and the NSC and shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(c) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community;

(d) Ensure implementation of special activities;

(e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities;

(f) Participate in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

(g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products;

(h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;

(i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(j) Establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities;

(k) Have full responsibility for production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

(l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government entities and military commands;

(m) Establish mechanisms which translate national foreign intelligence objectives and priorities approved by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, provide to departments and agencies having information collection capabilities that are not part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, and provide for the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;

(n) Develop, with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, and present it to the President and the Congress;

(o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget;

(p) Monitor National Foreign Intelligence Program implementation, and, as necessary, conduct program and performance audits and evaluations;

(q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose;

(r) In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence; relevant to the national intelligence needs of the departments and agencies; and

(s) Facilitate the use of national foreign intelligence products by Congress in a secure manner.

1.6 *Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.*

(a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to the requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence by the program managers and heads of component activities of proposed national programs and budgets in the format designated by the Director of Central Intelligence, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

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(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1.7 *Senior Officials of the Intelligence Community.* The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:

(a) Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of intelligence resulting from criminal narcotics intelligence activities abroad if their departments, agencies, or organizations have intelligence responsibilities for foreign or domestic narcotics production and trafficking;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsels for their organizations have access to any information necessary to perform their duties assigned by this Order.

1.8 *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order; the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; appropriate directives or other applicable law, the CIA shall:

(a) Collect, produce and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence or counterintelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon the Director of Central Intelligence and the Attorney General;

(d) Coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies;

(e) Conduct special activities approved by the President. No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855)) may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;

(f) Conduct services of common concern for the Intelligence Community as directed by the NSC;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

(h) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and

(i) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) and through (h) above, including procurement and essential cover and proprietary arrangements.

1.9 *The Department of State.* The Secretary of State shall:

(a) Overtly collect information relevant to United States foreign policy concerns;

(b) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

(c) Disseminate, as appropriate, reports received from United States diplomatic and consular posts;

(d) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

(e) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1.10 *The Department of the Treasury.* The Secretary of the Treasury shall:

(a) Overtly collect foreign financial and monetary information;

(b) Participate with the Department of State in the overt collection of general foreign economic information;

(c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

(d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1.11 *The Department of Defense.* The Secretary of Defense shall:

(a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

(b) Collect, produce and disseminate military and military-related foreign intelligence and counterintelligence as required for execution of the Secretary's responsibilities;

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(c) Conduct programs and missions necessary to fulfill national, departmental and tactical foreign intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General;

(e) Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence;

(j) Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities; and

(k) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (j) above.

1.12 *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in section 1.11, the Secretary of Defense is authorized to utilize the following:

(a) *Defense Intelligence Agency,* whose responsibilities shall include:

(1) Collection, production, or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(3) Coordination of all Department of Defense intelligence collection requirements;

(4) Management of the Defense Attache system; and

(5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

(b) *National Security Agency,* whose responsibilities shall include:

(1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(2) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;

(6) Collection, processing and dissemination of signals intelligence information for counterintelligence purposes;

(7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities, and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(9) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security;

(10) Protection of the security of its installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the NSA as are necessary;

(11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations;

(12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence; and

(13) Conduct of such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (1) through (12) above, including procurement.

(c) *Offices for the collection of specialized intelligence through reconnaissance programs,* whose responsibilities shall include:

(1) Carrying out consolidated reconnaissance programs for specialized intelligence;

(2) Responding to tasking in accordance with procedures established by the Director of Central Intelligence; and

(3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

(d) *The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps,* whose responsibilities shall include:

(1) Collection, production and dissemination of military and military-related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

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(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(e) *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.* If such other offices are used for intelligence purposes, the provisions of Part 2 of this Order shall apply to those offices when used for those purposes.

1.13 *The Department of Energy.* The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1.14 *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community, or, when requested by the Director of the National Security Agency, to support the communications security activities of the United States Government;

(d) Produce and disseminate foreign intelligence and counterintelligence; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

Part 2

Conduct of Intelligence Activities

2.1 *Need.* Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2.2 *Purpose.* This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between

the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 *Collection of Information.* Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

(a) Information that is publicly available or collected with the consent of the person concerned;

(b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;

(c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;

(d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;

(e) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;

(f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(g) Information arising out of a lawful personnel, physical or communications security investigation;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and

(j) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

2.4 *Collection Techniques.* Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

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(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

(c) Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present of former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 *Attorney General Approval.* The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 *Assistance to Law Enforcement Authorities.* Agencies within the Intelligence Community are authorized to:

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

(d) Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

2.7 *Contracting.* Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

2.8 *Consistency With Other Laws.* Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2.9 *Undisclosed Participation in Organizations Within the United States.* No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

2.10 *Human Experimentation.* No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented as required by those guidelines.

2.11 *Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2.12 *Indirect Participation.* No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

Part 3

General Provisions

3.1 *Congressional Oversight.* The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413. The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413), shall apply to all special activities as defined in this Order.

3.2 *Implementation.* The NSC, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

3.3 *Procedures.* Until the procedures required by this Order have been established, the activities herein authorized which require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order No. 12036. Procedures required by this Order shall be established as expeditiously as possible. All procedures promulgated pursuant to this Order shall be made available to the congressional intelligence committees.

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3.4 *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

(a) *Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs.

(b) *Electronic surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visably present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

(c) *Employee* means a person employed by, assigned to or acting for an agency within the Intelligence Community.

(d) *Foreign intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(e) *Intelligence activities* means all activities that agencies within the Intelligence Community are authorized to conduct pursuant to this Order.

(f) *Intelligence Community* and *agencies within the Intelligence Community* refer to the following agencies or organizations:

(1) The Central Intelligence Agency (CIA);

(2) The National Security Agency (NSA);

(3) The Defense Intelligence Agency (DIA);

(4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) The Bureau of Intelligence and Research of the Department of State;

(6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and

(7) The staff elements of the Director of Central Intelligence.

(g) *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President:

(1) The programs of the CIA;

(2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(4) Activities of the staff elements of the Director of Central Intelligence;

(5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

(h) *Special activities* means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and

functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

Ronald Reagan

THE WHITE HOUSE,
December 4, 1981.

[FR 81-35203
Filed 12-4-81; 4:09 pm]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12334 of December 4, 1981

President's Intelligence Oversight Board

By the authority vested in my as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board, which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The Board shall utilize such full-time staff and consultants as authorized by the President.

Sec. 2. The Board shall:

(a) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;

(b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;

(c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;

(d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and

(e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

Sec. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

Sec. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

Sec. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Ronald Reagan

THE WHITE HOUSE,
December 4, 1981.

[FR Doc. 81-35204
Filed 12-4-81; 4:10 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 46, No. 235
Tuesday, December 8, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Flaxseed Purchase Program Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.175–1421.177 (1980-Crop Flaxseed Purchase Program Regulations). Provisions setting forth the availability, and purchase rates and discounts have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible flaxseed producers to receive price support through purchases. In order to avoid amending the Code of Federal Regulations each year a program is implemented, the annual crop year data will no longer be codified in the Code of Federal Regulations. If the determination is made to have a price support program in a future crop year, the provisions setting forth the program data will be published as a notice in the **Federal Register**.

EFFECTIVE DATE: December 8, 1981.

FOR FURTHER INFORMATION CONTACT: Celestine Ware, (202) 382–9880.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as "not major" since it will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Previously, provisions setting forth the availability and purchase rates and discounts were published annually in the **Federal Register**. These provisions were later codified in the Code of Federal Regulations. In the future, however, if a flaxseed purchase program is authorized for a particular crop year, availability and purchase rates and discounts will be published as a notice in the **Federal Register**. Since this final rule makes no substantive change in the regulations but merely deletes the regulations applicable to the 1980-crop year for flaxseed, it has been determined that no further public rulemaking is required.

The provisions previously appearing at 7 CFR 1421.175–1421.177 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§§ 1421.175 through 1421.177 [Removed]

Final Rule

Accordingly, the regulations appearing at 7 CFR 1421.175 through 1421.177 (1980-Crop Flaxseed Purchase Program Regulations) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 301, 401, 63 Stat. 1054, as amended (7 U.S.C. 1447, 1421))

Signed at Washington, D.C., on December 1, 1981.

Everett Rank,
Executive Vice President, Commodity Credit Corporation.

[FR Doc 81–35132 Filed 12–7–81; 8:45 am]
BILLING CODE 3410–05–M

7 CFR Part 1421

[Amdt. 1]

1980 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the 1980 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program: (1) To provide availability dates, the maturity date for making loans and purchases; and (2) to delete references to annual crop supplements.

DATE: Effective December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7987. A final Regulatory Impact Analysis is being prepared and will be available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice of determination applies to are:

Commodity Loans and Purchases: 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A–95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

In previous years, loan and purchase availability dates, maturity dates, loan rates, and purchase rates were published annually in annual crop year supplements. Such supplements were codified and published in the Code of Federal Regulations. However, since these provisions were only applicable to a single crop year, they were virtually obsolete by the time they were actually printed in the Code of Federal Regulations. Accordingly, effective with the 1981 crop of peanuts, loan rates, purchase rates, and locational differentials will be published as a notice in the **Federal Register**. Also, certain provisions relating to loan and purchase availability dates and loan maturity dates will be transferred to the permanent program regulations. The purpose of this rule is to amend the permanent program regulations to reflect the above change.

Since this final rule makes no substantive changes in the regulations but merely provides availability and maturity dates and deletes references to the annual crop supplements which were previously codified, it is hereby determined that no further public rulemaking is required with respect to this rule. Accordingly, this final rule shall become effective upon date of filing with the Director, Office of the Federal Register.

Final rule

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Accordingly, the regulations at 7 CFR 1421.280, 1421.281, 1421.286, 1421.288, and 1421.292 (b) (2) and (3) are revised to read as set forth below. The material previously published in these sections remains in full force and effect with respect to the applicable crop years.

§1421.280 Purpose.

This subpart (including any amendments or notices published in the **Federal Register** with respect thereto), the Acreage Allotments, Marketing Quotas, and Poundage Quotas for 1978 and Subsequent Crops of Peanuts Regulations in Chapter VII of this Title 7 (hereinafter referred to as "acreage allotment regulations") and the General Regulations Governing Price Support for the 1978 and Subsequent Crops in this Subchapter B (hereinafter referred to as the "general regulations") to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make farm-stored peanut loans to, and purchases from, eligible producers on eligible 1980 and subsequent crops of farmers stock quota peanuts and loans to eligible producers on eligible 1980 and subsequent crops of additional farmers stock peanuts. The General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations in this Subchapter B and any amendments and notices published in the **Federal Register** with respect thereto (hereinafter referred to in this subpart as "the peanut warehouse storage regulations"), contain the terms and conditions under which eligible producers may obtain price support advances on eligible 1979 and subsequent crops of warehouse-stored farmers stock peanuts from certain area marketing associations which, acting in behalf of such producers collectively, will obtain price support warehouse storage loans from CCC.

§1421.281 Availability.

(a) *Loans.* Requests for loans on eligible farm-stored additional peanuts must be submitted by producers to the appropriate county ASCS office on or before January 31 of the year following the year in which the crop was produced. Requests for loans on eligible farm-stored quota peanuts must be submitted by producers to the appropriate county ASCS office on or before March 31 of the year following the year in which the crop was produced.

(b) *Purchases.* Producers desiring to offer for purchase eligible quota peanuts not under loan must execute and deliver to the appropriate county ASCS office, on or before April 30 of the year following the year in which the crop was produced, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of peanuts to be sold to CCC. Additional peanuts are not eligible for purchase.

§1421.286 Price support rates.

(a) *Quota peanuts.* Loans and purchases on quota peanuts shall be at the basic quota price support loan rate for that type farmers stock peanuts as published annually in a notice in the **Federal Register.**

(b) *Additional peanuts.* Loans on additional peanuts shall be made on the basis of a percent of the basic quota price support loan rate for that type farmers stock peanuts as published annually in a notice in the **Federal Register.**

§ 1421.288 Maturity of loans.

Farm-stored peanut loans will mature on demand but no later than June 30 of the year following the year in which the crop was produced.

§ 1421.292 Settlement.

. . . . .

(b) *Settlement values.* * * *

(2) *Values for quota peanuts.* The settlement value for quota peanuts shall be the applicable quota support rates including premiums and discounts as published annually in a notice in the **Federal Register** except that the additional support rate shall be used for any peanuts from a farm delivered by a producer to CCC which, when added to the peanuts otherwise marketed or considered marketed from the farm as quota peanuts, would exceed the farm poundage quota if CCC determines that the producer made an inadvertent error in determining the loan quantity. However, if such excess quantity was not due to an inadvertent error, such quantity shall not be accepted and shall be subject to marketing quota and/or poundage quota penalties as set forth in 7 CFR Part 729. In addition, the additional support rate shall be used for all peanuts which do not grade Segregation 1 at time of delivery if the producer does not elect to settle such additional loan peanuts as quota peanuts. If the producer elects to settle such peanuts as quota peanuts, the quantity shall not exceed the smaller of the difference between the production of Segregation 1 peanuts on the farm and the farm poundage quota or the undermarketing of quota peanuts shown on the farm marketing card.

(3) *Values of additional peanuts.* The settlement value for additional peanuts shall be the applicable additional support rate including the premiums and discounts as published annually in a notice in the **Federal Register.**

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 403, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c, 1421, 1423, 1425))

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Signed at Washington, D.C., on December 1, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-35131 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 91

Inspection and Handling of Livestock for Exportation; Deletion and Addition to Ports of Embarkation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule published in the **Federal Register** on July 13, 1981, which deleted New York, New York, from the list of ports which have facilities available only for certain species of animals, and added New York, New York, and Portland, Oregon, to the list of airports and ocean ports designated as ports of embarkation for all species of animals. The final rule also revised the method of listing said ports and provided a listing of the name, address, and telephone number of export inspection facilities located at the designated ports of embarkation. No comments were received, therefore, this document is necessary to announce that the final rule, as published, will not be amended.

EFFECTIVE DATE: December 8, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. H. A. Waters, USDA, APHIS, VS, Room 826, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8383.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A document published in the **Federal Register** on July 13, 1981 (46 FR 35912-35913), deleted New York, New York, from the list of ports which have facilities available only for certain species of animals, and added New York, New York, and Portland, Oregon, to the list of airports and ocean ports designated as ports of embarkation for all species of animals.

The final rule also revised the method of listing said ports and provided a listing of the name, address, and telephone number of export inspection facilities located at the designated ports of embarkation and revised the citation of authority to include relevant delegations of authority and organizational information.

The only alternative to these amendments that was considered was not to amend the regulations. This alternative was rejected for the following reasons. The port of New York, New York, was previously approved only for horses because facilities at that port could only accommodate horses. The port of Portland, Oregon, had been designated as a port of embarkation in certain circumstances because it did not have facilities to accommodate all classes of livestock. Both ports now have approved facilities which can accommodate all classes of livestock. Therefore, not to amend the regulations would impose an unnecessary burden on exporters of additional classes of livestock desiring to use such ports when the facilities at such ports are now able to accommodate all classes of livestock. Also, the list of ports of embarkation was reorganized and additional information added in order to provide a clear, complete reference for the public of export inspection facilities.

This amendment was made effective immediately in order to inform exporters of the current situation so that they could make appropriate plans to export their animals and avoid unnecessary restrictions on the exportation of animals.

Comments were solicited for 60 days after publication of the amendment. No comments were received. Therefore, it has been determined that the final rule amending 9 CFR 91.14(a) should remain effective as published in the **Federal Register** on July 13, 1981 at 46 FR 35912-35913.

(Sec. 10, 26 Stat. 417; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; secs. 12, 13, 14, and 18, 34 Stat. 1263, as amended; (21 U.S.C. 105, 112, 113, 120, 612, 613, 614, and 618) 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this first day of December 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-34958 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-34-M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: On October 22, 1981, the Farm Credit Administration published final regulations implementing those provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96-592) which expand the authority of financing institutions, other than Farm Credit System institutions, to borrow from and discount with Federal intermediate credit banks (46 FR 51882). This document revises 12 CFR 614.4560(b)(5) of those final regulations regarding the authority of financing institutions to establish and maintain access to a Federal intermediate credit bank.

EFFECTIVE DATE: Subject to two-House congressional veto as explained in the Supplementary Information, notice of actual effective date will be published.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: The revision to 12 CFR 614.4560(b)(5) published in this document is a necessary clarification of the final regulations published on October 22, 1981 (46 FR 51882) which expand the authority of financing institutions, other than Farm Credit System institutions, to borrow from and discount with Federal intermediate credit banks. To ensure efficient and expeditious implementation of these expanded authorities it is necessary that the revision of 12 CFR 614.4560(b)(5) published in this document be effective on the same date as the final regulations published in 46 FR 51882. The effective date of the final regulations published in 46 FR 51882 is subject to section 5.18(c) of the Farm Credit Act of 1971, as

amended which provides for a two-House congressional veto. The changes to 12 CFR 614.4560(b)(5) published in this document are also subject to the provisions of section 5.18(c) regarding the two-House congressional veto. Because of these considerations, the Farm Credit Administration finds it is unnecessary and contrary to the public interest for this final rule to be subject to the notice and public procedure requirements of 5 U.S.C. 553.

A final notice establishing the effective date of the final regulations will be published in the **Federal Register.**

PART 614—LOAN POLICIES AND OPERATIONS

Accordingly, Subpart P, Part 614 of Chapter VI, Title 12 of the *Code of Federal Regulations* is amended as shown.

Subpart P—Federal Intermediate Credit Bank Financing of Other Financing Institutions

Section 614.4560(b)(5) is revised to read as follows:

§ 614.4560 Establishing and maintaining access.

* * * * *

(b) * * *

(5) Credit lines with a Federal intermediate credit bank shall be established based solely on the managemeant ability, financial condition, and needs of the OFI. The line shall be renegotiated based on these same criteria when the needs of the OFI increase. A credit line shall be established for at least a 2-year term in support of the OFI's continuing need for access. The OFI shall provide the FICB a 2-year projected average daily loan balance. Failure to maintain an annual average daily balance of loans discounted to at least 70 percent of the projected average daily balance shall subject the OFI to payment of an annual loan commitment fee. The fee shall be equal to 1 percent of the difference between the projected and approved average daily balance and the actual average daily balance of loans outstanding or discounted. The Federal intermediate credit bank must make exceptions when failure to comply with this requirement is caused by a general decrease in agricultural borrowings caused by an economic decline, but no exception shall be made when failure to comply with this requirement is due to borrowings obtained from other sources or repurchase of loans by an affiliate. Repeated failure to utilize the line of credit at an acceptable level may result in loss of access. No fee shall be assessed if the relationship is terminated by the Federal intermediate credit bank for reasons other than those stated in this section. OFIs with inactive access relationships on the effective date of these regulations shall be notified and given a reasonable opportunity to activate or cancel the relationship.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,

Governor.

[FR Doc. 81-35128 Filed 12-7-81; 8:45 am]

BILLING CODE 6705-01-M

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12 CFR Parts 614 and 615

Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Final rule; notice of effective date.

SUMMARY: The Farm Credit Administration published final regulations on October 22, 1981 (46 FR 51876) implementing provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96–592) which authorize banks for cooperatives of the Farm Credit System to provide international trade financing and related services to eligible borrowers. The final regulation also amended the regulation relating to interest rates which permits the boards of directors of banks for cooperatives to develop and adopt an interest rate plan, subject to Farm Credit Administration approval, within which bank management may establish rates.

In accordance with § 5.18(b)(1) of the Farm Credit Act of 1971, as amended, the subject final regulations became effective on November 21, 1981.

EFFECTIVE DATE: November 21, 1981.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, as amended, 12 U.S.C. 2243, 2246, and 2252)

Donald E. Wilkinson,

Governor.

[FR Doc. 81-35152 Filed 12-7-81; 8:45 am]

BILLING CODE 6705-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18 and 21

Reporting Requirements for Contract Markets, Futures Commission Merchants, Members of Exchanges and Large Traders

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules and corrections.

SUMMARY: The Commission is amending § 18.00 of its regulations to eliminate the routine filing of series '03 reports by large traders. Traders will, however, be required to file such reports within 24 hours of a special call by the Commission or its designee. In addition, the Commission is adopting other amendments to its reporting requirements which affect routine reports that the Commission will continue to collect. These are as follows:

1. Amendments to Commission rules §§ 15.00, 15.02 and 15.03 which set the reporting levels for series '03 reports the same as those for '01 reports and designate '01 forms by exchange rather than by commodity;

2. Amendments to Part 17 of the Commission's rules which:

(a) Require futures commission merchants (FCMs) and clearing members of contract markets to file series '01 reports and Form 102 for accounts which they own or control;

(b) More fully specify the manner in which positions are reported on the series '01 reports;

(c) Eliminate the practice of clearing members mailing '01 reports except under certain circumstances;

(d) Require that '01 reports be filed by 9:00 a.m. local time;

(e) Add certain information which must be provided on the Form 102; and

(f) Explicitly require that Form 102 be updated if information previously reported to the Commission relating to financial interest in or control of an account is no longer accurate;

3. Amendments to Commission rules §§ 18.04 and 18.05 which add certain information to be provided by traders on the Form 40 and revise the information required to be maintained by traders and provided to the Commission on request; and

4. Amendments to Commission reporting rules which clarify certain changes the Commission made when it adopted rules governing the three year pilot program in commodity options.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Associate Director, Market Surveillance Section, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-3310

SUPPLEMENTARY INFORMATION: On August 21, 1981, the Commission published for public comment proposed amendments to its large trader reporting system (46 FR 42463). The amendments were intended to reduce existing paperwork burdens on large traders and the Commission by eliminating the requirement that such traders file series '03 reports on a routine basis.[1] Instead, the Commission proposed that large traders be required to file '03 reports within 24 hours of a special call by the Commission or its designee. Amendments were also proposed which were designed to facilitate the Commission's market surveillance efforts in the absence of routine '03 reporting and to conform various reporting requirements with current industry practices also were proposed.

Seven persons, including FCMs, large traders and the United States Department of Justice, responded to the Commission's request for comments on these proposals. These commentators unanimously supported the Commission's proposal to eliminate the requirement that large traders file '03 reports on a routine basis. Two persons questioned the necessity for certain other proposed amendments. After reviewing the proposals and the public comments thereon, the Commission has determined that these amendments will substantially decrease certain paperwork burdens on large traders and on the Commission itself; that they will in no way limit the obligations of such traders to maintain all books and records which are currently or may in the future be required; and they will not impede the ability of the Commission and its staff to obtain full and unfettered access to such information upon request. On the basis of its judgment that, on balance, these proposals will not interfere with the Commission's ability to discharge its statutory obligations and conduct its important market surveillance program, the Commission has determined to adopt these amendments as discussed below.

[1] The series '03 reports are required to be filed with the Commission by any trader who owns or controls a reportable futures position. A reportable futures position is a futures position in any one future of a commodity on any one contract market which equals or exceeds certain levels as set forth in Commission rule § 15.03(c), 17 CFR 15.03(c) (1981). Once traders have obtained a reportable position, they must report trades, positions, exchanges of futures for physicals and delivery information on series '03 reports and classify such positions as speculative or hedging, 17 CFR 18.00.

Require Series '03 Reports on Special Call

Series '03 reports for a specific commodity are currently filed whenever a trader with a reportable position in that commodity makes a futures transaction such as a trade or delivery 17 CFR 18.00 (1981). The Commission estimates that about 367,000 such reports are routinely filed by large traders each year. As noted by the Commission in the August 21, **Federal Register**, because of recent rule changes, the Commission now collects much of the information currently contained on series '03 reports through the series '01 reports and Forms 102 and 40, (46 FR 42463).[2]

Accordingly, the Commission proposed amendments to its regulations which would require that a trader only file series '03 reports within 24 hours of a special call by the Commission or its designee for the period of time specified in the special call during which the trader held a reportable position.[3] In conjunction with requiring series '03 reports on special call, the Commission proposed to remove rules §§ 18.03 and 18.07 and to amend rules §§ 15.00(b) and 15.03 to make the reporting levels for series '03 reports the same as for series '01 reports, 46 FR 42464 (1981).[4]

Five persons commented on the Commission's proposal to require the filing of series '03 reports on special call. All commentators agreed with the Commission that the benefits which would accrue from reducing the reporting burden on the public outweighed any information loss to the Commission. The Commission is therefore adopting the amendments to Parts 15 and 18 as proposed.

In adopting these amendments, the Commission will no longer obtain on a routine basis traders' classification of their futures position as speculative or hedging. The Commission fully intends, however, to continue monitoring the degree of hedge and speculative participation in futures markets. Certain provisions in the Commodity Exchange Act ("Act") require that the Commission distinguish between positions which are held for speculative reasons and those which are held to reduce price risks associated with the conduct and management of a commercial enterprise.[5] Although traders' positions can be classified as commercial or noncommercial on the basis of information received from traders on the Form 40, the Commission will seek to determine alternative ways in which it can measure more precisely the relative amounts of speculation and bona fide hedging in individual markets.

The Commission also wishes to reiterate the view it expressed in proposing this amendment that the elimination of the requirement that '03 reports be filed on a routine basis will cause the Commission to rely more heavily on series '01 reports and Forms 40 and 102 to satisfy its routine needs for large trader information.[6] Concomitant with the increased reliance which the Commission intends to place on these reports to satisfy its informational needs, the Commission will carefully monitor their accuracy and timeliness and vigorously pursue any apparent reporting violation.

Other Proposed Amendments

In addition to the above, the Commission proposed amendments to its reporting requirements which it considered necessary in order to

[2] Under Commission Rule 17.00, FCMs and foreign brokers must report daily each reportable position as well as delivery information and exchanges of futures for physicals ("EFPs"), 17 CFR 17.00 (1981). These positions are reported on Series '01 forms. Form 102 is filed with the Commission by FCMs and foreign brokers and identifies accounts which are reported to the Commission on series '01 reports, 17 CFR 17.01 (1981). Form 40 is provided by a reportable trader and gives certain background information on the trader, 17 CFR 18.04 (1981).

[3] The Commission noted in its August 21, 1981, **Federal Register** release that generally more complete information concerning a trader's position is reported on the series '03 reports than on the series '01 reports. The Commission stated, however, that when circumstances dictate, it can obtain the additional information it may require by making a call on specific traders, 46 FR 42464.

[4] Commission rule § 18.07 exempts foreign traders from filing series '03 reports for any commodity regulated under the Act but not specifically set forth in Section 2(a) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974, 17 CFR 18.07 (1981). Such reports are, however, required on call by the Commission. Commission rule § 18.03 specifies the time and place for filing series '03 reports, 17 CFR 18.03 (1981).

[5] The Commission's proposed amendments to rules 15.00 and 15.03 would lower the reporting levels for series '03 reports in wheat, corn and soybeans from 1,000,000 bushels to 500,000 bushels, in soybean meal, soybean oil, copper and gold from 200 contracts to 100 contracts, in live hogs, sugar, long-term U.S. T-bonds and GNMAs from 100 contracts to 50 contracts, in platinum and foreign currencies from 100 contracts to 25 contracts and in 90-day and 1-year T-bill contracts from 50 contracts to 25 contracts, 17 CFR 15.00 and 15.03 (1981).

[6] See for example sections 4a(1) and 5(g) of the Act, 7 U.S.C. 6a(1) and 7(g) (1976 and Sup. III 1979).

[7] The Commission also noted that, in addition to market surveillance and enforcement of speculative limits, large trader date provides the basis for the Commission's monthly report on commitments of large traders, 46 FR 42464. The Commission stated its intention to continue publishing this report using information received on the series '01 reports and the Form 40 as a basis for the publication. Because of computer systems changes that are currently being implemented, however, the Commission will suspend publication of its commitments of traders reports after the effective date of these amendments until further notice.

conduct surveillance without benefit of the series '03 reports and to update its reporting rules to reflect current practices. These were as follows:

1. *FCM and Clearing Member Reporting on Series '01 Forms.* In order to obtain the information required on the series '01 reports and Forms 102 for all large traders, the Commission proposed amendments which would make the house accounts of FCMs and accounts of clearing members who are not FCMs subject to the requirements of Part 17.[7] Clearing members would be required to report the information required under Part 17 for the firm and for officers or employees of the firm who own or control reportable positions. The proposed amendments provide, however, that an FCM or clearing member shall not report positions which the firm owns or controls that are carried fully disclosed on the books of another FCM. House or customer positions carried on an omnibus basis with another FCM would be reported by the FCM or clearing member originating the omnibus account. In conjunction with the above, the Commission proposed to amend rule § 15.01 to reflect the fact that clearing members would be subject to the reporting requirements in Part 17. No comments were received on these aspects of the proposed amendments. Accordingly, the Commission is adopting these amendments as proposed.[8]

2. *Reporting Positions on the Series '01 Forms.* In order to clarify the manner in which information should be reported on the series '01 reports, the Commission proposed amendments to Commission rule § 17.00, 17 CFR 17.00 (1981), which:

(a) Specify the manner, net or gross, in which position information should be reported;

(b) Describe circumstances under which positions held in a customer trading program of an FCM must be combined with other positions of the FCM for reporting purposes;

(c) Define financial interest for reporting purposes; and

(d) Require persons reporting on series '01 reports to obtain instructions from the Commission if combining accounts according to Commission requirements would result in reporting the same position more than once.

No comments were received on these proposed amendments. Therefore, the Commission is adopting these amendments as proposed.

3. *Changes Affecting Forms 102 and 40.* In order to obtain information necessary for market surveillance and to ensure that information on file is currently accurate, the Commission proposed the following amendments to Rule 17.01 affecting the Form 102 and rule § 18.04 affecting the Form 40, 17 CFR 17.01 and 18.04 (1981):

(a) Making explicit the requirement that FCMs, exchange members and foreign brokers update a Form 102 if the information concerning financial interest in or control of an account has changed;[9]

(b) Changes specifying that the *business* telephone numbers of traders be provided on the Forms 102 and 40;

(c) Elimination of the question asking for date and place of birth from the Form 40;

(d) Changing a question on the Forms 102 and 40 to ask for principal business or occupation rather than "principal business or industry and occupation." In addition, traders would be required to indicate on the Form 40 whether their futures trading is for, or on behalf of, or in association with a customer trading program of an FCM, a commodity pool, a producer cooperative, any business activity in which the trader is commercially engaged or for personal use;

(e) Adding a requirement that FCMs and traders report on the Forms 102 and 40, respectively, the name of a trader's employer and a trader's job title;

(f) Adding a requirement that FCMs and traders report on the Forms 102 and 40, respectively, information concerning the ownership and location of all accounts in which the trader has a 10 percent or more financial interest;

(g) Adding a requirement that corporations, associations and trusts in addition to providing the names of persons controlling their trading also indicate which commodities such persons trade;

(h) Adding a requirement that persons provide on the Form 40 the name and location of all offices of an FCM through which the person trades; and

(i) Miscellaneous revisions to the Form 40 which change the order of questions which are asked and remove an inapplicable update provision contained in § 18.04(e), 17 CFR 18.04 (1981).[10]

Two persons commented on various aspects of the above proposed amendments. Both persons objected to the requirement that an FCM provide information concerning accounts in which a trader has a financial interest of 10 percent or more. This information concerns the name of such account, the name of the account owners, and the name and location of the firm through which the accounts are carried. Both commentators opined that an FCM should not be required to obtain information concerning their customers' futures market activities at other FCMs and stated this information could more appropriately be obtained from the traders themselves. For similar reasons, these commentators opposed the requirement that Form 102s be updated within 24 hours by the FCMs if the information pertaining to financial interest in or control of an account is no longer accurate. One commentator did not believe that the 24 hour requirement would give sufficient time in which to update the information.

The Commission believes that these commentators may have misconstrued the intended scope of the proposed information gathering requirement. The Commission intended that this requirement should extend only to providing information concerning accounts carried on the books of the reporting FCM and has revised its proposal to make this explicit. In this respect, the Commission does not believe that it is beyond the capability of an FCM when reporting information on a Form 102 concerning a trader to determine if the subject trader has a financial interest in other accounts carried on the FCMs books and report this to the Commission. With regard to updating the Forms 102, the Commission continues to believe that if information on the books of an FCM changes regarding financial interest in or control of an account, this information can be made available to the Commission within 24 hours of the time such change

[7] Currently, Rule 17.00(d) permits FCMs to omit from series '01 reports any accounts in which the FCM has a financial interest and for which the FCM files a series '03 report, 17 CFR 17.00(d) (1981). In addition, futures positions owned or controlled by clearing members which are not FCMs and positions of officers of employees of such clearing members are reported only on series '03 reports and not series '01 reports.

[8] The Commission notes also that in adopting amendments to its reporting requirements for options, certain revisions to Rule 15.01 which list the rules under which specified persons are required to report were not at that time made. 46 FR 54500 (November 3, 1981). Since such changes are administrative in nature, the Commission at this time is amending Rule 15.01 to reflect reporting requirements for options and futures.

[9] Regulation 17.01 currently lacks an explicit provision concerning updating. However, in the Commission's view, traders have always had an obligation to correct inaccurate Form 102s under Sections 4g(1) and 6(b) of the Act.

[10] This section provides that "a trader who has filed a Form 40 with the Commission at any time during the period of February 1, 1977, to January 31, 1979, shall not be required to file the trader's first undated Form 40 under this section until the anniversary date of the filing of the most recent Form 40 filed during that period.

occurs.[11] Accordingly, the Commission is adopting its proposed amendments to rule §§ 17.01 and 18.04 as discussed above.

4. *Place and Time of Filing Reports.* In order to receive reports from FCMs and clearing members expeditiously and to conform its rules to current practices, the Commission proposed amendments to rule § 17.02, 17 CFR 17.02 (1981) which:

(a) Provide that reports required by Part 17 be filed by 9:00 a.m. local time for the city in which the contract market is located or at such other time as approved by the Commission;

(b) Make clearing members subject to the provisions of rule § 17.02. Such amendments do not permit clearing members to mail reports concerning transactions involving contract markets with which they are associated as clearing members unless the Commission does not maintain an office in the city in which the clearing member and contract market are located; and

(c) Delete the requirement that reports which are mailed must be postmarked.

No comments were received on these proposed amendments. The Commission is therefore adopting the amendments to rule § 17.02 as proposed.

5. *Maintenance of Books and Records.* Regulation § 18.05, 17 CFR 18.05, was originally promulgated pursuant to Section 4i of the Act, which imposes certain book and recordkeeping obligations on reportable traders. The regulation requires reportable traders to maintain books and records of futures positions and transactions in the commodity in which they are reportable and all positions and transactions in the cash commodity and its products and byproducts. To clarify that, in eliminating the routine '03 reporting requirements, the Commission in no way intended to limit the vitally important book and recordkeeping obligations of reportable traders contained in section 4i of the Act and regulation § 18.05 thereunder, or to impede in any way its full, unfettered access to required books and records upon request, the Commission proposed to repromulgate regulation § 18.05 pursuant to both section 4i of the Act and its general rulemaking authority contained in section 8a(5) of the Act. In readopting regulation § 18.05, the Commission wishes to underscore its view that the book and recordkeeping requirements and inspection provision contained therein are essential to accomplish the purposes of the Act and within the Commission's authority to adopt pursuant to section 4i and 8a(5) of the Act.[12] These requirements have always applied to the traders who hold or control a reportable position, and have not been restricted in any way.

6. *Redesignation of Series '01 Reports.* To better reflect current reporting practices, the Commission proposed to designate its series '01 reports by exchange rather than commodity. No comments were received on this proposal. Therefore, the Commission is adopting this amendment.

Further Considerations

Rule § 18.04(e) requires large traders to update previously filed Form 40s annually or when certain specified information changes. Since the Commission is revising the information required on Form 40s, traders would automatically be required to update Form 40s within ten days after the effective date of this revised rule. To minimize this reporting burden during the implementation of these new requirements, the Commission has determined that, unless specifically requested, a large trader that has filed a Form 40 during the period January 1, 1981, through December 31, 1981, need not file an updated Form 40 reflecting the Commission's current amendments until the anniversary date of the trader's most recent Form 40 or unless an updated Form 40 is otherwise required. Thereafter, all large traders will be required to file Form 40 reports annually or when a change occurs in any of the information specified in rule § 18.04.

In addition, the Commission notes that with respect to rules § 17.01 concerning the filing of Form 102 and § 18.05 requiring traders to maintain books and records, the Commission has recently adopted amendments to these rules in conjunction with implementation of its pilot program in commodity options, 46 FR 54500, November 3, 1981. Under new Rule 17.01, FCMs, members of contract markets and foreign brokers are required to file with the appropriate contract market a Form 102 for each reportable options account. Under new rule § 18.05, option traders that hold or control an option position of 25 contracts or more on any one contract market in any one call option or, separately, in any one put option of any one expiration date, are required to maintain the information specified in rule § 18.05 and make such information available on request to the Commission. The Commission's proposed amendments to rule §§ 17.01 and 18.04 will therefore affect the information FCMs and foreign brokers must file concerning reportable options customers and the information certain option traders must maintain.

The Commission does not believe that making options accounts and option traders subject to the current amendments will appreciably increase reporting and record keeping requirements for FCMs, members of contract markets, foreign brokers or traders. Moreover, as noted in the November 3, 1981, **Federal Register**, the Commission determined to provide a regulatory framework for options trading which is similar to the existing framework for the regulation of futures trading, (46 FR 54500). One purpose for this, as stated by the Commission, is to take advantage of "* * * experience with systems which are already in place for surveillance of futures trading * * *" (46 FR 54503). Accordingly, the Commission determined to conform the requirements for options and futures to the extent possible, and to incorporate similar or identical requirements for futures and options in the same rule.

With respect to rules §§ 17.01 and 18.05, the Commission's requirements for surveillance of options and futures are similar in nature. The Commission believes, therefore, that making option accounts and option traders subject to the current amendments to rules §§ 17.01 and 18.05 is within the scope of previously announced Commission policy.

At this time the Commission is also making corrections to the rules which appeared in the November 3, 1981, **Federal Register.** The corrections, which are administrative or technical in nature, are as follows:

1. Rule § 16.02 is revised to specify that contract markets provide *reportable* option positions to the Commission. In the November 3, 1981, **Federal Register,** the term "reportable" was inadvertently omitted;

2. Revise rule § 21.02(a)(2) to specify that open futures contracts reported by persons on special call should exclude *contracts against which delivery notices have been issued by the clearinghouse or stopped by a trader.* This terminology was also inadvertently omitted; and

3. Specifically identify the change in the heading to Part 21 which occurred when the Commission adopted the amendments published in the November 3, 1981, **Federal Register.** The Commission's present action is intended

[11] The Commission has, however, changed the language of Rule 17.01(d) to require updated Forms 102 within one business day rather than within 24 hours to allow for weekends and holidays.

[12] The broad scope of agency rulemaking authority under provisions such as 8a(5) of the Act is well established. *See e.g., FCC* v. *National Citizens Committee for Broadcasting,* 436 U.S. 775 (1978); *Mourning* v. *Family Publication Service, Inc.,* 411 U.S. 351 (1973); *Thorpe* v. *Housing Authority of the City of Durham,* 393 U.S. 268 (1969).

to assure the change will appear in the next revision of the Code of Federal Regulations.

Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 95-354, 94 Stat. 1164, 5 U.S.C. 601 et. seq. ("RFA"), requires agencies to consider whether proposed rules will have a significant economic impact on a substantial number of small entities. The Commission stated in the August 21, 1981, **Federal Register** that it did not believe that these reporting changes would have a significant adverse economic impact on the parties affected. With respect to large traders, the Commission noted that the proposal will, for the most part, operate to alleviate a reporting burden. With respect to FCMs, the Commission noted that it did not believe that the proposal will add substantially to existing costs of reporting. In view of this, the Chairman, on behalf of the Commission, certified that the Rules will not have a significant impact on a substantial number of small entities.[13] In addition, the Commission invited comment from any small firms which believe that promulgation of these rules will have a significant economic impact upon them, however, no such comments were received.

Cost Analysis and Paperwork Reduction Act

Executive Order 12291 was issued by President Reagan on February 17, 1981, in order to reduce regulatory burdens and provide for Presidential oversight of the regulatory process. The order specifically excludes the independent agencies set forth in 44 U.S.C. 3502(10), and the Commission is one of those enumerated. The Commission, however, has voluntarily undertaken to comply with the spirit of certain sections of the Executive Order 12291 which require a consideration of the costs of regulation. In light of that commitment, the Commission has taken into account the costs associated with the rules discussed herein, and has determined that the benefits which will be derived from those rules outweigh the associated costs.

[13] The RFA permits each agency to establish its own definition of small entities for the purposes of compliance with the procedures specified in the RFA 5 U.S.C. 601(3). In the **Federal Register** release of April 29, 1981, 45 FR 23940, the Commission published for comment its proposed definition in compliance with the RFA. At that time the Commission proposed that FCMs and large traders subject to the reporting requirements of Part 15, 18 and 19 of the Commission's rules not be considered "small entities" for purposes of the RFA. These proposals are still pending.

Pursuant to the provisions of the Paperwork Reduction Act of 1980, the Office of Management and Budget has assigned, for use through September 30, 1984, control number 3038-0009 to the amended regulations which appear herein, the series '01 and '03 reports and Forms 40 and 102.

In consideration of the foregoing and pursuant to its authority under section 4c, 4g, 4i, 5(b) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c, 6g, 6i, 7(b), and 12a(5) (1976 and Supp. III 1979), the Commission is amending Parts 15, 16, 17, 18 and 21 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 15—REPORTS—GENERAL PROVISIONS

1. Section 15.00 is amended by revising paragraphs (b)(1) and (b)(1)(i) to read as follows:

§15.00 Definitions.

As used in Parts 15 to 21 of this chapter:

* * * * *

(b) "Reportable position" means:

(1) With respect to reports regarding commodity futures—

(i) For reports specified in Parts 17 and 18, any open contract position in any one future of any commodity on any one contract market, excluding futures contracts against which notices of delivery have been stopped by a trader or issued by the clearing organization of a contract market which, at the close of the market on any business day, equals or exceeds the quantity specified in § 15.03(a).

* * * * *

2. Section 15.01 is amended by revising paragraphs (a) and (b) and removing paragraph (e) as follows:

§15.01 Persons required to report.

* * * * *

(a) Contract markets—as specified in Parts 16 and 21 of this chapter.

(b) Futures commission merchants, members of contract markets and foreign brokers—as specified in Parts 17, 20 and 21 of this chapter.

* * * * *

3. Section 15.02 is revised to read as follows:

§15.02 Reporting forms.

Forms on which to report may be obtained from any office of the Commission. Reporting forms are identified by number as to the market or commodity and class of person. Forms to be used for the filing of reports are as follows:

Commodity	(Series '[illegible] forms) [1]	(Series 04 forms) [2]
Grains (including oil seeds)	203	204
Cotton	[illegible]	304
Butter	[illegible]	[illegible]
Eggs	[illegible]	[illegible]
Potatoes	[illegible]	[illegible]
Rice	703	None
Wool	803	None
Edible oil	1,003	None
Meal	1,103	None
Cattle	1,203	None
Cattle products	1,303	None
Hog and hog products	1,403	None
Frozen concentrated orange juice	1,603	None
Poultry	1,703	None
Petroleum and petroleum products	1,803	None
Lumber and lumber products	1,903	None
Metals	2,003	None
Coffee and sugar	2,103	None
Cocoa and rubber	2,203	None
Foreign currency	2,303	None
Silver coins	2,403	None
Not otherwise specified	2,503	None
Financial instruments	2,603	None

[1] Traders who hold or control reportable positions.
[2] All hedgers and merchants, processors and dealers in cotton.

Futures commission merchants, clearing members and foreign brokers file series '01 forms as follows:

Series '01 forms	Markets
01-60	Board of Trade of the City of Chicago.
01-61	Board of Trade of the City of Kansas City, Missouri, Inc.
01-62	Minneapolis Grain Exchange.
01-63	MidAmerica Commodity Exchange.
01-64	Chicago Mercantile Exchange.
01-65	New York Mercantile Exchange.
01-66	New York Cotton Exchange and Associates.
01-69	Commodity Exchange, Inc.
01-73	Coffee, Sugar and Cocoa Exchange.
01-74	International Monetary Market.
01-77	New York Futures Exchange.
01-78	New Orleans Commodity Exchange.

4. Section 15.03 is amended by removing paragraph (c) and by revising paragraph (a) to read as follows:

§ 15.03 Quantities fixed for reporting.

(a) The quantities fixed for the purpose of reports filed under Parts 17 and 18 of this chapter are as follows:

Commodity	Quantity
Wheat (bushels)	500,000
Corn (bushels)	500,000
Soybeans (bushels)	500,000
Oats (bushels)	200,000
Rye (bushels)	200,000
Barley (bushels)	200,000
Flaxseed (bushels)	200,000
Soybean oil (contracts)	100
Soybean meal (contracts)	100
Live cattle (contracts)	100
Hogs (contracts)	50
Cotton (bales)	5,000
Sugar (contracts)	50
Copper (contracts)	100
Gold (contracts)	100
Silver bullion (contracts)	250
Silver coins (contracts)	50
Long-term U.S. T-bonds (contracts)	50
GNMA (contracts)	50
All other commodities	25

* * * * *

PART 16—REPORTS BY CONTRACTS MARKETS

5. Section 16.02 is amended by revising paragraphs (a)(1), (a)(1)(i), (a)(1)(ii), (a)(1)(iii) and (a)(1)(iv) as follows:

§ 16.02 Publication of volume of trading and open contracts.

(a) When an option becomes the option which will expire next, and, in any case, at least six weeks prior to an option's expiration date, each contract market shall submit a weekly report to the Commission containing the following information for each option trader controlling a reportable option position in the option which will expire next or controlling a reportable option position in an option which will expire in six weeks or less:

(1) With respect to each put and call and each long and short, the following position information shown separately by futures commission merchant or member of the contract market and combined for all futures commission merchants and members:

(i) All reportable positions controlled by the option trader in the option which is next to expire, by strike price;

(ii) All reportable positions in any other options which expire within six weeks, by strike price;

(iii) All reportable positions controlled by the option trader in the next-deferred option expiration date, regardless of strike prices;

(iv) All reportable positions controlled by the option trader in all other more distant option expiration dates, regardless of strike prices; and

(v) The total reportable position controlled by the option trader in all option expiration dates, regardless of strike prices.

Each contract market shall identify all reportable option positions controlled by the same trader which are carried at the same futures commission merchant or held by a member of the contract market by use of the number which is assigned by the futures commission merchant or member in accordance with § 17.01(a).

* * * * *

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS, MEMBERS OF CONTRACT MARKETS AND FOREIGN BROKERS

6. The title to Part 17 is revised to read as follows: Part 17—Reports By Futures Commission Merchants, Members of Contract Markets and Foreign Brokers.

7. Section 17.00 is amended by revising the section heading, redesignating paragraph (c) as paragraph (f), by removing current paragraph (d), by adding new paragraphs (c), (d) and (e), by revising the italic heading of paragraph (a), and by revising paragraphs (a)(1) and (b) to read as follows:

§ 17.00 Information to be furnished by futures commission merchants, clearing members and foreign brokers.

(a) *Special Accounts—Reportable Futures Positions, Delivery Notices and Exchanges of Futures for Cash.* (1) Each futures commission merchant, clearing member and foreign broker shall submit a report to the Commission for each business day with respect to all Special Accounts carried by the futures commission merchant, clearing member or foreign broker, except for accounts carried on the books of another futures commission merchant on a fully disclosed basis. Such report shall be made on the appropriate series '01 form and shall show each reportable futures position, separately for each contract market and for each future, in such account as of the close of the market on the day covered by the report. In addition, for each Special Account, as of the close of the market on the day covered by the report, a futures commission merchant, clearing member or foreign broker shall show, separately for each contract market and for each future in the commodity for which a report is filed, the quantity of exchanges of futures for physicals and the number of delivery notices issued for the account by the clearing organization of a contract market and the number stopped by the account.

* * * * *

(b) *Interest in or control of several accounts.* If any person holds or has a financial interest in or controls more than one account, all such accounts shall be considered by the futures commission merchant, clearing member or foreign broker as a single account for the purpose of determining Special Account status and for reporting purposes, *Provided that*: if combining accounts for purposes of this paragraph would result in reporting the same position more than once, such accounts shall be combined and reported as instructed by the Commission. For the purpose of Part 17, except for the interest of a limited partner or shareholder (other than the commodity pool operator) in a commodity pool, the term financial interest shall mean an interest of 10 percent or more in ownership or equity of an account.

(c) *Customer trading programs and discretionary accounts of traders who are futures commission merchants.* For the purpose of paragraph (b) of this section, positions held in a discretionary account, or held in an account, which is part of, participates in, or receives trading advice from a customer trading program of a futures commission merchant, or any of the officers, partners, or employees of such futures commission merchant, shall be considered positions controlled by such futures commission merchant unless:

(1) A trader other than the futures commission merchant directs trading in such an account;

(2) The futures commission merchant maintains only such minimum control over the trading in such an account as is necessary to fulfill its duty to supervise diligently trading in the account; and

(3) Each trading decision of the discretionary account or the customer trading program is determined independently of all trading decisions in other accounts that the futures commission merchant holds, has a financial interest in, or controls.

(d) *Net positions.* Futures commission merchants, clearing members and foreign brokers shall report positions net long or short in each future of a commodity in all special accounts, except as specified in paragraph (e) of this section.

(e) *Gross positions.* In the following cases, the futures commission merchant, clearing member or foreign broker shall report gross long and short positions in each future of a commodity in all special accounts:

(1) Positions which are reported to an exchange or the clearinghouse of an exchange on a gross basis, which the exchange uses for calculating total open interest in each future of a commodity (e.g., positions on the New York Mercantile Exchange, the Chicago Mercantile Exchange and the New Orleans Commodity Exchange);

(2) Positions in accounts owned or held jointly with another person or persons;

(3) Positions in multiple accounts subject to trading control by the same trader.

* * * * *

8. Section 17.01 is amended by redesignating paragraphs (b)(9), (b)(10 and (b)(11) as (b)(10), (b)(11) and (b)(13) respectively, by adding new paragraphs (b)(9), (b)(12) and (d) and by revising the introductory text of paragraph (b) and paragraphs (b)(3), (b)(4), (b)(7) and (b)(13) as follows:

§ 17.01 Special account designation and identification.

* * * * *

(b) *Identification of Special Account.* When a Special Account is reported for the first time, the futures commission merchant, member of a contract market or foreign broker shall identify the account to the Commission or to the contract market on Form 102 showing the information requested thereon, including:

* * * * *

(3) Business telephone number of account owner.

(4) Business or occupation of the account owner, including the name of the person's employer and the person's job title if type of account is individual

* * * * *

(7) The name address, business telephone number and business or occupation of other persons, if any, who control the trading of this account.

* * * * *

(9) Information concerning other accounts carried by the reporting FCM, member or foreign broker in which the account for which the Form 102 is filed has a 10 percent or more financial interest including, the names of such accounts, the principal owners of such accounts and the names and locations of offices at which such accounts are carried.

(10) For futures, commodities in which positions in the account are associated with a commercial activity of the account owner in related cash commodity (*i.e.*, those considered as hedging).

(11) For options, whether the trader is classified as commercial or noncommercial by commodity option traded.

(12) The name and business telephone number of the account executive handling the account.

(13) Name and address of the futures commission merchant, member of a contract market or foreign broker carrying the account, the signature, title and business phone of the authorized representative of the firm filing the report, and the date of signing the Form 102.

* * * * *

(d) *Form 102 Update.* If at the time an account is in special account status and a Form 102 filed by a futures commission merchant, member of a contract market or foreign broker is then no longer accurate because there has been a change in the information required under paragraphs (b)(6), (b)(7), (b)(8), or (b)(9) of this section since the previous filing, the futures commission merchant, member of a contract market or foreign broker shall file an updated Form 102 with the Commission or the contract market within one business day after such change occurs.

9. Section 17.02 is amended by revising paragraph (a) as follows:

§ 17.02 Place and time of filing reports.

(a) *Futures Commission Merchants and Clearing Members—*

(1) *Place of filing reports.* The reports required to be filed by futures commission merchants and clearing members under §§ 17.00 and 17.01 on series '01 forms and Form 102, respectively, must be filed at the Commission office in the city in which is located the contract market involved in the reported transactions; except that if there is no Commission office in such city, the reports shall be filed in accordance with instructions from the Commission.

(2) *Time of filing reports.* The reports on series '01 forms and Form 102 shall be filed by futures commission merchants and clearing members with the appropriate Commission office on the business day following the day for which the reports are filed and not later than 9:00 a.m. local time for the city in which the reports are filed or at such other time as instructed by the Commission. If a futures commission merchant, other than a clearing member associated with the contract market involved in the reported transaction, does not have an office in the city in which the appropriate Commission office is located, such reports may be transmitted to such Commission office by mail. Each report transmitted by mail must be mailed not later than the day covered by the report.

* * * * *

10. Section 17.03 is revised to read as follows:

§ 17.03 Use of data processing media.

Any futures commission merchant or clearing member may provide the required series '01 information on compatible data processing punch cards, magnetic tapes, magnetic discs, or updated Commission supplied computer printouts: Provided, that the format and coding structure used thereon have been approved in writing by the Commission. Information provided by means of data processing media must also be accompanied by a complete and accurate printout of information, which shall be submitted by the futures commission merchant or clearing member if a sole proprietorship, by a general partner of a futures commission merchant or clearing member which is a partnership, by the chief executive officer of a futures commission merchant or clearing member which is a corporation, or by a person designated by the futures commission merchant or clearing member for such purpose provided such designee has been identifed as such in writing to the Commission.

11. Section 17.04 is amended by revising paragraphs (a) and the introductory text of paragraph (b) as follows:

§ 17.04 Reporting omnibus accounts to the carrying futures commission merchants or foreign broker

(a) Any futures commission merchant, clearing member or foreign broker who establishes an onmibus account with another futures commission merchant or foreign broker shall report to that futures commission merchant or foreign broker the total open long positions and the total open short positions in each future of a commodity in the account at the close of trading each day in the applicable futures contract. The information required by this section shall be reported in sufficient time to enable the futures commission merchant or foreign broker with whom the omnibus account is established to comply with Part 17 of these regulations and reporting requirements established by the contract markets.

(b) In determining open long and open short positions in an omnibus account for purposes of complying with § 17.00(f) and § 1.37(b) of this chapter, a futures commission merchant, clearing member or foreign broker shall total the open long positions of all traders and the open short positions of all traders in each future of a commodity. The futures commission merchant, clearing member or foreign broker shall, if both long and short positions are carried for the account of the same trader, compute open long or short positions as instructed below.

* * *

PART 18—REPORTS BY TRADERS

12. Section 18.00 is amended by revising the introductory paragraph, by removing current paragraphs (h)(2)(i) and (h)(2)(ii), and by adding a new paragraph (h)(2)(i). Section 18.00 is further amended by redesignating paragraphs (h)(2)(iii), (iv), (v), and (vi) as paragraphs (h)(2)(ii), (iii), (iv), and (v), respectively.

§ 18.00 Information to be furnished by traders.

Every trader who owns, holds, or controls, or has held, owned or controlled, a reportable position in a commodity shall within one business day after a special call upon such trader by the Commission or its designee file

reports to the Commission concerning transactions and positions in such commodities. Reports shall be filed over such period of time the trader held or controlled a reportable position as instructed in the call. Each such report shall be prepared on the appropriate series '03, on a separate sheet for each commodity, and shall show for the day covered by the report the following information, separately for each future and for each contract market:

* * * * *

(h) Reporting of Positions Net or Gross.

* * * * *

(2) *Gross positions.* In the following cases, the reporting trader shall report the gross open contracts, i.e., total long open contracts in each future of such commodity in all accounts:

(i) Positions which are reported to an exchange or the clearinghouse of an exchange on a gross basis, which the exchange uses for calculating total open interest in each future of a commodity (i.e., positions on the New York Mercantile Exchange, the Chicago Mercantile Exchange and the New Orleans Commodity Exchange).

* * * * *

§ 18.03 [Removed]

13. Section 18.03 is removed.

§ 18.04 [Amended]

14. Section 18.04(a) is amended by revising paragraphs (a)(1), (a)(2), (a)(6), (a)(7), by redesignating paragraphs (a)(9) and (d) as (a)(10) and (a)(11) respectively and by adding a new paragraph (a)(9) respectively as follows:

* * * * *

(a) Information to be furnished by all traders in Part A of the Form 40 shall include:

(1) Name and address of reporting trader.

(2) Principal business and occupation of the reporting trader and, in addition, whether the trader's futures transactions are made for, on behalf of, or in association with a customer trading program of a futures commission merchant, a commodity pool, a producer cooperative, any business activities in which the trader is commercially engaged or personal use.

* * * * *

(6) The name, address and business phone of each person who controls the trading of the reporting trader.

(7) The names and locations of all futures commission merchants and foreign brokers through whom accounts owned or controlled by the reporting trader are carried at the time of filing a Form 40, if such accounts are carried through more than one futures commission merchant or foreign broker or through more than one office of the same futures commission merchant or foreign broker and the name of the reporting trader's account executive at each firm or office of the firm.

* * * * *

(9) The following information concerning futures trading accounts which the reporting trader guarantees or in which the trader has a financial interest of 10 percent or more if such accounts are in a name other than that of the reporting trader:

(i) The names of the accounts;

(ii) The names of the owners of the accounts; and

(iii) The names and locations of the brokerage firms at which the accounts are carried.

(10) Information concerning ownership or control by a foreign government, agent of a foreign government entity specially acknowledged by a statute or regulation of a foreign jurisdiction or entity financed by a foreign government either through ownership of capital assets or provision of operating expenses.

(11) Signature of the trader and date of signing the report. If the reporting trader is an organization, the signature must be that of a partner, officer or trustee authorized to sign on behalf of that organization.

* * * * *

15. Section 18.04(b) is amended by removing paragraph (b)(1) and (b)(3), by revising and redesignating paragraph (b)(2) as paragraph (b)(1) and by adding a new paragraph (b)(2) to read as follows:

* * * * *

(b) Information to be furnished in Part B of the Form 40 shall include:

(1) Business telephone number of the reporting trader.

(2) Employer and job title if the reporting trader is an individual.

* * * * *

16. Section 18.04(b) is further amended by redesignating paragraph (b)(4), (b)(5) and (b)(6) as (b)(3), (b)(4) and (b)(5) respectively.

17. Section 18.04(c) is amended by revising paragraph (c)(4) as follows:

* * * * *

(c) Information to be furnished in Part C of the Form 40 shall include:

* * * * *

(4) Name, address, and business telephone number of person(s) actually controlling futures trading and, if different persons are responsible for different commodities, the commodities for which each controller has responsibility.

* * * * *

18. Section 18.04(e) is redesignated as § 18.04(d) and is revised as follows:

* * * * *

(e) *Updating reports.* If at the time a trader holds or controls a reportable position and (i) the trader has not filed a Form 40 during the previous twelve months or (ii) a Form 40 previously filed by the trader is then no longer accurate because since the previous filing there has been a change in the information required under paragraph (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(8), (a)(9), (a)(10), (b) or (c) of this section, the trader shall file an updated Form 40 with the Commission not later than 10 calendar days after the expiration of such twelve month period or after such change occurs, respectively.

19. Section 18.05 is revised as follows:

§ 18.05 Maintenance of books and records.

Every trader who holds or controls a reportable futures position or a total of 25 or more open option positions on any one contract market in a put option or separately in a call option of a specified option expiration date, shall keep books and records showing all details concerning all positions and transactions for future delivery in the commodity on all contract markets, all positions and transactions in the commodity option, and all positions and transactions in the cash commodity, its products, and byproducts and, in addition, commercial activities that the trader hedges in the futures commodity in which the trader is reportable, and shall upon request furnish to the Commission any pertinent information concerning such positions, transactions or activities.

§ 18.07 [Removed]

20. Section 18.07 is removed.

PART 21—SPECIAL CALLS FOR INFORMATION FROM CONTRACT MARKETS, FUTURES COMMISSION MERCHANTS, MEMBERS OF CONTRACT MARKETS, AND FOREIGN BROKERS

21. The part heading for Part 21 is revised as set forth above.

22. Section 21.02 is amended by revising paragraph (a)(2) as follows (introductory text of paragraph (a) is included for the convenience of the user):

§ 21.02 Special calls for information.

(a) *Calls for futures information.* Upon special call by the Commission, each

futures commission merchant, member of a contract market who is not registered as a futures commission merchant, or foreign broker, shall furnish to the Commission the following information for the commodity, contract market, and date specified in such call:

* * * * *

(2) The open contracts held or controlled by such traders in each future excluding contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market upon which delivery will occur.

* * * * *

The aforegoing amendments are adopted effective January 1, 1982. The Commission finds that these actions relieve a burden heretofore imposed and therefore, that notice and other public procedures called for by 5 U.S.C. 553 are not required.

Issued in Washington, D.C., on November 30, 1981, by the Commission.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-35184 Filed 12-7-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 80F-0046]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Sodium and Potassium Salts of N-acetyl-L-methionine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of sodium and potassium salts of *N*-acetyl-L-methionine in food as sources of L-methionine for use as a nutrient in food. This action is based on a petition filed by the Procter & Gamble Co.

DATES: Effective December 8, 1981; objections by January 7, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 22, 1980 (45 FR 11910), FDA announced that a petition (FAP 0A3496) had been filed by Procter & Gamble Co., 6071 Center Hill Rd., Cincinnati, OH 45224, proposing that § 172.372 *N-Acetyl-L-methionine* (21 CFR 172.372) of the food additive regulations be amended to include the sodium and potassium salts of *N*-acetyl-L-methionine for use in food as sources of L-methionine for use as a nutrient.

Having evaluated the data in the petition and other relevant material, FDA concludes that the proposed use is safe and that the food additive regulations should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement, therefore, will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 172 is amended by revising § 172.372(a) to read as follows:

§ 172.372 N-Acetyl-L-methionine.

* * * * *

(a) *N*-Acetyl-L-methionine (Chemical Abstracts Service Registry No. 65-82-7) is the derivative of the amino acid methionine formed by addition of an acetyl group to the *alpha*-amino group of methionine. It may be in the free, hydrated or anhydrous form, or as the sodium or potassium salts.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 7, 1982 submit to the Dockets Management Branch written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 8, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s) 348))

Dated: December 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-35040 Filed 12-7-81; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 312

[Docket No. 78N-0400]

Protection of Human Subjects; Informed Consent; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting an omission which occurred inadvertently in the conforming amendments to the regulation on protection of human subjects; informed consent published in the **Federal Register** of January 27, 1981 (46 FR 8942).

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Watson, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 27, 1981 (46 FR 8942), FDA published the final rules on protection of human subjects; informed consent and standards for institutional review boards for clinical investigations. As discussed in paragraphs 53 and 139 of the preambles to the final rules, respectively, FDA, at the same time, issued conforming amendments to the investigational new

drug regulations in 21 CFR 312.1(a). Forms FD–1572 and FD–1573, to incorporate appropriate implementing provisions for, and cross-reference to, Part 50 (Protection of Human Subjects) and Part 56 (Institutional Review Boards). The agency inadvertently omitted a revision to item 6h in Form FD–1572 and item 4h in Form FD–1573 to incorporate appropriate references to Part 56. This document corrects that omission in Part 312 as follows:

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

In § 312.1 by revising item 6h of Form FD–1572 in paragraph (a)(12) and item 4h of Form FD–1573 in paragraph (a)(13) to read as follows:

§ 312.1 Conditions for exemption of new drugs for investigational use.

(a) * * *

(12) * * *

6. * * *

h. The investigator is required to assure the sponsor that for investigations subject to an institutional review requirement under Part 56 of this chapter the studies will not be initiated until the institutional review board has reviewed and approved the study. (The organization and procedure requirements for such a board as set forth in Part 56 should be explained to the investigator by the sponsor.)

* * * * *

(13) * * *

4. * * *

h. The investigator is required to assure the sponsor that for investigations subject to an institutional review requirement under Part 56 of this chapter the studies will not be initiated until the institutional review board has reviewed and approved the study. (The organization and procedure requirements for such a board as set forth in Part 56 should be explained to the investigator by the sponsor.)

* * * * *

Dated: December 2, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–35039 Filed 12–7–81; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 555

Chloramphenicol Drugs for Animal Use; Chloramphenicol Oral Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new drug application (NADA) filed by Philips Roxane, Inc., providing for safe and effective use of a choramphenicol oral solution for treating dogs for certain bacterial infections.

EFFECTIVE DATE: December 8, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, filed a supplement to NADA 65–477 providing for use of an oral solution containing 250 milligrams of chloramphenicol per milliliter for treating dogs for bacterial pulmonary infections, urinary tract infections, enteritis, and infections associated with canine distemper, caused by organisms susceptible to chloramphenicol.

This product conforms to the requirements for certification and conditions of marketing of chloramphenicol oral solution which are codified in 21 CFR 555.110c. Approval is based on submission of published literature and results of a crossover blood level study demonstrating bioequivalence to an oral solution for which certification has been approved. Under 21 CFR 514.1(b)(9), and exemption from the submission of some of the data as required by 21 CFR 514.1(b)(8) has been applied to this NADA. The supplemental NADA is approved and the regulations are amended to reflect the approval.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(f)(2)(ii)), may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 555 is amended in § 555.110c by revising paragraph (c)(2)(ii) to read as follows:

§ 555.110c Chloramphenicol oral solution.

* * * * *

(c) * * *

(2) * * *

(ii) For solutions containing 250 milligrams of chloramphenicol per milliliter see 000010 and 013983 in § 510.600(c) of this chapter.

* * * * *

Effective date. December 8, 1981.

(Sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n)))

Dated: November 30, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–35041 Filed 12–7–81; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of N-ethylamphetamine into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule placing the substance, N-ethylamphetamine, into Schedule I of the Controlled Substances Act. As a result of this rule, N-ethylamphetamine will be subject to the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation and importation control of Schedule I.

EFFECTIVE DATE: January 7, 1981

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement

Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on Thursday, September 10, 1981 (46 FR 45156) proposing that N-ethylamphetamine be placed into Schedule I of the Controlled Substances Act. All interested persons were given until November 9, 1981 to submit any comments or objections in writing regarding this proposal. No comments or objections were received in response to this proposal, nor were there any requests for a hearing.

Based upon the investigations and review conducted by the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Assistant Secretary for Health, Department of Health and Human Services, received in accordance with 21 U.S.C. 811(b), the Acting Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C. 811 (a) and (b), finds that:

(1) Based on information now available, N-ethylamphetamine has a high potential for abuse;

(2) N-ethylamphetamine has no currently accepted medical use in treatment in the United States; and,

(3) N-ethylamphetamine lacks accepted safety for use under medical supervision.

The above findings are consistent with the placement of N-ethylamphetamine in Schedule I of the Controlled Substances Act. All regulations applicable to Schedule I substances are effective on January 7, 1982.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports N-ethylamphetamine, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* N-ethylamphetamine must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72 (a), (c), and (d), 1301.73, 1301.74 (a)–(f), 1301.75(a), and 1301.76 of Title 21 of the Code of Federal Regulations on or before January 7, 1982. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of N-ethylamphetamine and all labeling of N-ethylamphetamine packaged after January 7, 1982, must comply with the requirements of §§ 1302.03–1302.05, 1302.07, and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified request for an extension of time.

4. *Quotas.* All persons required to obtain quotas on N-ethylamphetamine shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of N-ethylamphetamine shall take an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of N-ethylamphetamine on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding N-ethylamphetamine commencing on the date on which the inventory of N-ethylamphetamine is taken.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding N-ethylamphetamine commencing on the date on which the inventory of N-ethylamphetamine is taken.

8. *Order Forms.* The order form requirements of §§ 1305.01–1305.16 of Title 21 of the Code of Federal Regulations shall be in effect on the date which the inventory of fenethylline is taken.

9. *Importation and Exportation.* All importation and exportation of N-ethylamphetamine shall be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to N-ethylamphetamine not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful, except that any person who is entitiled to registration under such Acts may continue to conduct normal business, research or professional practice with N-ethylamphetamine between the date on which this order is published and the date on which he obtains or is denied registration: *Provided,* That application for such registration is submitted on or before January 7, 1982.

11. *Other.* In all other respects, this order is effective January 7, 1982.

Pursuant to Title 5, United States Code, section 605(b), the Acting Administrator certifies that control of N-ethylamphetamine as ordered herein, will have no significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act.

In accordance with the provisions of section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12991 and from the postponement of pending regulations under the President's memorandum of January 30, 1981.

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby orders that Part 1308, Title 21, Code of Federal Regulations (CFR), be amended by revising paragraph (f) of § 1308.11 of Title 21, Code of Federal Regulations (CFR), to include N-ethylamphetamine therein as item (2), to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline—1503

(2) N-ethylamphetamine—1475

Dated: December 1, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–35123 Filed 12–7–81; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 420

[Docket No. R-81-944]

Assistance Payments, Homes for Lower Income Families; Revocation of Part

Correction

In FR Doc. 81-33340 appearing at page 56784, in the issue of Thursday, November 19, 1981, make the following change:

On page 56785 in the authority citation, "(Section 221," should be corrected to read "(Section 211.".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Revocation of Obsolete Regulations

AGENCY: Veterans Administration.

ACTION: Revocation of obsolete and superfluous regulations.

SUMMARY: The Veterans Administration has revoked a number of obsolete and superfluous regulations. The provisions of these regulations have been either incorporated into other regulations or have been made obsolete by subsequently enacted legislation.

EFFECTIVE DATE: December 1, 1981

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr., 202-389-3005.

SUPPLEMENTARY INFORMATION: On August 25, 1981, the Veterans Administration proposed to revoke 38 CFR 3.1550, 3.1552 through 3.1556, 3.1558, 3.1559, 3.1561, 3.1562, 3.1564 through 3.1568, 3.1570 through 3.1575, 3.1690 and 3.1691. See 46 FR 42877 (1981). Interested persons were invited to submit comments, suggestions or objections to the proposal. We received none. The sections are removed.

Approved: December 1, 1981.

By direction of the Administrator.

John P. Murphy,

Acting Administrator.

PART 3—ADJUDICATION

§§ 3.1550, 3.1552-3.1556, 3.1558, 3.1559, 3.1561, 3.1562, 3.1564-3.1568, 3.1570-3.1575, 3.1690, 3.1691 [Removed]

Amend Part 3, Title 38, Code of Federal Regulations by removing §§ 3.1550, 3.1552 through 3.1556, 3.1558, 3.1559, 3.1561, 3.1562, 3.1564 through 3.1568, 3.1570 through 3.1575, 3.1690 and 3.1691.

[FR Doc. 81-35055 Filed 12-7-81, 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1984-1]

Removal of Illinois State Implementation Plan Approval Condition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 12, 1981 (46 FR 31023), the Environmental Protection Agency (EPA) proposed to remove the State Implementation Plan (SIP) approval condition which requires the State of Illinois to utilize emission factors and to promulgate administrative rules interpreting Illinois Rule 108 as it applies to fugitive particulate emissions by July 1, 1980. The determination to remove this condition is based on subsequent information made available to EPA by the Manager of the Illinois Environmental Protection Agency (IEPA) Division of Air Pollution Control.

Interested persons were given until July 13, 1981, to comment. Public comments were received from a public interest group and from the legal representative of three steel companies. The purpose of this notice is to discuss the public comments received and to announce EPA's final rulemaking action removing this plan approval condition.

EFFECTIVE DATE: This final rulemaking becomes effective on January 7, 1982.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 886-6035.

SUPPLEMENTARY INFORMATION: In its final rule on the Illinois SIP published on February 21, 1980 (45 FR 11472), EPA approved the State's total suspended particulate control strategy on the condition that the State utilize emission factors for determining potential emissions from storage piles, promulgate rules specifying the manner in which those emission factors would be used, and submit these rules to the Illinois Secretary of State and EPA by July 1, 1980.

Subsequent information provided in a December 5, 1980, letter to the Regional Administrator from the Manager of the IEPA Division of Air Pollution Control, caused EPA to re-evaluate the need for this condition.

In the December 5, 1980 letter, IEPA asserted that Rule 203(f) together with Rule 108 provides a legally enforceable means to accurately calculate storage pile fugitive emissions both for enforcement purposes and air quality modeling purposes. IEPA maintained that the language of Rule 108 is necessarily general because it is designed to provide for the use of the most up to date and technically correct emission factors for each storage pile. Attempting to codify which emission factor must be used in every instance for every storage pile would be impractical. Administrative delays resulting from the State's rulemaking process would preclude the use of the most up to date and technically correct emission factors in the permitting process.

EPA concurs with the State's assertions. Cancelling this conditon will not significantly reduce the effectiveness of Rule 203(f).

In its notice of proposed rulemaking (46 FR 31023), EPA solicited public comment on the proposed SIP revision and on EPA's proposed rulemaking action. One public comment was received from the legal representative of three steel companies. This comment supported the removal of this condition and continued to object to EPA's conditional approval policy. A second public comment was received from a public interest group. The public interest group was concerned that removal of this condition will jeopardize enforcement and modeling activities in the future.

EPA response and final determination: The public interest group is mistaken in its belief that removal of this condition will eliminate the requirement that Illinois utilize emission factors. Rule 203(f) in conjunction with Rule 108 provides a legally enforceable mechanism to accurately calculate fugitive emissions from storage piles. It is not practical to adopt specific emission factors because they are constantly subject to change. EPA, therefore, approves the removal of the SIP approval condition requiring the State of Illinois to utilize emission factors and to promulgate administrative rules interpreting Illinois Rule 108 as it applies to fugitive particulate emissions by July 1, 1980.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate

circuit by February 8, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of this notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only removes a SIP approval condition which subsequent analysis proved unnecessary. It imposes no new regulatory requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and subject to the requirements of a regulatory impact analysis. This regulation is not major because it only removes a SIP approval condition which subsequent analysis proved unnecessary. It imposes no new regulatory requirements.

(Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: December 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

§ 52.725 [Amended]

1. Section 52.725(a) is amended by removing and reserving paragraph (l).

[FR Doc. 81-35059 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1983-7]

Approval and Promulgation of Implementation Plans: Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On July 29, 1981, the Minnesota Pollution Control Agency (MPCA) submitted an amendment to the Minneapolis-St. Paul transportation control plan. This amendment modifies traffic signalization in St. Paul to reduce carbon monoxide (CO) emissions. EPA has reviewed the amendment and determined that the amendment, along with the Minneapolis-St. Paul transportation control plan approved on June 16, 1980, assures that the CO standard will be attained by December 31, 1982. Therefore, EPA approves this amendment as a revision to the Minnesota SIP. This action will be effective on February 8, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective February 8, 1982.

ADDRESSES: Copies of the amendment to the transportation control plan for the Minneapolis-St. Paul Metropolitan Area are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the above EPA Region V address or call 312-886-6038.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (44 FR 8962, 9006), pursuant to the requirements of Section 107 of the Clean Air Act (Act), as amended in 1977, EPA designated the following area, among others, as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide: Air Quality Control Region 131 (the Twin Cities Seven County Metropolitan Area).

Part D of the Act, which was added by the 1977 amendments, requires that each state revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but no later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987.

On July 3, 1979, the MPCA submitted a transportation control plan for the Minneapolis-St. Paul Metropolitan Area as a revision to the Minnesota SIP.

EPA reviewed the plan and determined that the transportation strategies would reduce emissions of carbon monoxide (CO) and demonstrate attainment of the CO standard by December 31, 1982. Therefore, on June 16, 1980 (45 FR 40579) EPA approved the Minneapolis-St. Paul transportation plan as a revision to the Minnesota SIP.

On July 29, 1981 the MPCA submitted an amendment to the Minneapolis-St. Paul transportation control plan. The amendment is for an area near the intersection of Snelling and University Avenues in St. Paul. Ambient air quality monitoring has shown violations of the eight-hour CO standard at this intersection in 1979, 1980 and 1981. To remedy this problem, the City of St. Paul, on January 19, 1981, changed the traffic signals to reduce vehicle idling, acceleration and deceleration at the intersection. Since the change has been made, no further violations of the carbon monoxide standard have been recorded.

EPA has reviewed this amendment and determined that (1) the signalization changes will reduce emissions of CO, and (2) the transportation control plan with this amendment assures that the CO standard will be attained by December 31, 1982. Therefore, EPA approves this amendment to the transportation control plan for the Minneapolis-St. Paul Metropolitan Area as a revision to the Minnesota SIP.

Since EPA views this action as a noncontroversial rulemaking, it is today approving this amendment to the Minneapolis-St. Paul transportation control plan without prior proposal. This action will be effective February 8, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities. This action only approves a State action and imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the signalization at a traffic intersection and imposes no regulatory requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

Note.—Incorporation by reference of the State Implementation Plan for the State of Minnesota was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110(a)(2)(B) and 172 of the Clean Air Act)

Dated: December 2, 1981

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 40 of the Code of Federal Regulations, Chapter 1, Part 52, is amended as follows:

1. Section 52.1220 is amended by adding a new paragraph (c)(19) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(19) On July 29, 1981, the Minnesota Pollution Control Agency submitted an amendment to the transportation control plan for the Minneapolis-St. Paul Metropolitan Area.

[FR Doc. 81-35060 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL 1970-5]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document takes final action to approve three revisions to the State of Iowa's plan to implement the National Ambient Air Quality Standards (NAAQS). These revisions were required by EPA's conditional approval of the Iowa Plan. Approval of these revisions allows the conditions of approval to be removed from the state plan.

EFFECTIVE DATE: January 7, 1982.

ADDRESSES: Copies of the state submission are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460; Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319; The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION: On July 15, 1981 (46 FR 36716), EPA proposed to approve three SIP revisions submitted by the State of Iowa in response to EPA's conditional approval of the Iowa State Implementation Plan (SIP). (See 45 FR 14561, March 6, 1980.) One condition required the state to submit an enforcement procedures manual describing what measures will be implemented by sources that are subject to the state's fugitive dust control regulation. Another condition required that the state's fugitive dust control rule remain in effect once an area is redesignated from nonattainment to attainment as part of the demonstration that the NAAQS will be maintained once they are attained. The third condition required the state to demonstrate that the state rules limiting particulate emissions from fuel burning sources require reasonably available control technology (RACT) on those sources.

The proposed rulemaking (PRM) was based on draft revisions submitted by the Department of Environmental Quality on March 18, 1981. The enforcement procedures manual and revised fugitive dust rule were officially submitted June 1, 1981. They are identical with the drafts. As discussed in the PRM, the state chose to reduce the allowable emissions from fuel burning sources before demonstrating that RACT is required by the SIP. The RACT demonstration was officially submitted July 31, 1981. The minor changes from the draft are discussed below. No public comments were received on the PRM.

The most important change from the state draft was made available to EPA in time to be discussed in the PRM. This is the source specific limit for Unit 1 of the George Neal station. In its final rule, the state also adopted a source specific limit for the stack serving boilers 5, 6, and 7 of the City of Muscatine Municipal Power Plant. The limit of 0.65 pound of particulate per million BTUs of heat input to the boiler (lb/10^6 BTU) applies only when boiler 6 is operating alone. If either of the other two boilers is operating the limit reverts to the generally applicable limit for boilers of that size, 0.60 lb/10^6 BTU.

Since this specific limit is 0.05 lb/10^6 BTU greater than the generally applicable rate and the boiler capacity is 193 $\times$ 10^6 BTU/hr., the difference in emissions is only 9.6 lb/hr. or less than 6 tons per year for the approximately 1200 hours this boiler normally operates annually. This is very minor when compared to the overall emission inventory in the Muscatine area of approximately 23,000 tons per year. In addition, the state support document indicates that boiler 6 operates alone only about 16 hours per year and that it would be an undue hardship to require the source to install control equipment for such a small increment of pollution reduction.

EPA received no comment on the proposal to approve the 0.6 lb rate as RACT for Muscatine and similar sources. EPA considers the change from the PRM sufficiently insignificant that the public interest would not be served by delaying final action to allow this one provision to be proposed.

The state also made a number of other non-substantive changes and clarifications to the original draft. Some redundant words were deleted from the description of applicability, the relationship between boilers, stacks and plants was clarified, the final compliance date was adjusted to match the approved SIP, the definition of "existing" was clarified and some text was re-ordered to make it easier to read. As above, clarifications and minor revisions of this sort are not significant enough to warrant re-proposal. The public interest is better served by approving these provisions so that the affected sources may proceed with certainty in conducting their affairs.

In summary, the state has submitted an enforcement procedures manual describing what sources which are subject to the fugitive dust control rule must do and it has revised the fugitive dust control rule to ensure that measures taken to solve a nonattainment problem are not lost when the area is redesignated to attainment. In addition, the state has revised the particulate emission limits for fuel burning sources to 0.60 lb/10^6 BTU for boilers of less than 250$\times$$10^6$ BTU/hr heat input, 0.40 lb/10^6 BTU for boilers between 250 and 500$\times$$10^6$ BTU/hr and 0.30 for boilers over 500 $\times$$10^6$ BTU/hr. These revised limits represent a reduction from the previously approved limits of 0.60 lb/10^6 BTU in Standard Metropolitan Statistical Areas (SMSA) and 0.80 lb/10^6 BTU outside of SMSAs. These revised limits are supported by a demonstration that they represent RACT, as required by Section 172 of the Clean Air Act.

The Administrator's decision to approve the proposed revisions is based on the determination that the proposal meets the requirements of Part D and Section 110(a)(2) of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Pursuant to the provision of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic

impact on a substantial number of small entities. The reason for this determination is that it only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves state actions and imposes no additional requirements which are not currently applicable under state law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

(Sections 110, 172 and 301 of the Clean Air Act as amended (42 U.S.C. 7410, 7502 and 7601))

Note.—Incorporation by reference of the State Implementation Plan for the State of Iowa was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. Section 52.820 is amended by adding paragraphs (c)(38) and (c)(40) as follows:

§ 52.820 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(38) Revisions to Subrule 400—4.3(2)"c" relating to fugitive emissions control and a document describing how this subrule is to be enforced were submitted on June 1, 1981, by the Department of Environmental Quality.

(39) [Reserved.]

(40) Revisions to Subrule 400—4.3(2)"b" relating to particulate emissions from fuel burning sources were submitted on July 31, 1981, by the Department of Environmental Quality.

§ 52.826 [Amended]

2. Section 52.826 is amended by removing paragraphs (a), (c), (e)(1) and (e)(2).

[FR Doc. 81-35150 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL 1988-3]

Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is correcting an error in the codification of Ohio's total suspended particulate (TSP) designations (40 CFR 81.336) by designating as attainment for TSP all counties in Ohio which are not explicitly listed within the TSP designations as being nonattainment or unclassifiable.

EFFECTIVE DATE: This correction is effective as of December 8, 1981.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act, EPA designated certain areas in each Region V State as nonattainment with respect to the NAAQS for TSP, sulfur dioxide, carbon monoxide, ozone, and nitrogen dioxide. EPA is taking the opportunity today to correct an error in the codification of Ohio's TSP designations. EPA listed in its TSP designations only those counties it was designating nonattainment or unclassifiable. EPA inadvertently did not specifically state that the remaining Ohio counties, i.e., those counties which were not specifically listed in the TSP designations, were designated as attainment. EPA is doing so today.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only corrects an error in codification. It will impose no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. Today's action is not Major because it only corrects an error in codification and does not impose any additional requirements in and of itself.

This notice is issued under authority of sections 107 and 301 of the Clean Air Act, as amended.

Dated: November 10, 1981.

Valdas V. Adamkus,

Regional Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40 of the Code of Federal Regulations, Chapter I, Part 81 is amended as follows:

1. Section 81.336, the table entitled "Ohio–TSP" is amended by adding the phrase "all other counties in the State of Ohio" and designating them "Better than National Standards."

§ 81.336 Ohio.

* * * * *

OHIO—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
*	*	*	*	*
All other counties in the State of Ohio				X

*EPA designation replaces State designation

* * * * *

[FR Doc. 81-35058 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6094

[U-16587]

Utah; Powersite Restoration No. 727; Revocation of Powersite Reserve No. 363

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order affecting 789.27 acres of public lands and 103.12 acres of nonpublic lands withdrawn as a powersite reserve. This action will restore the public lands to operation of

the public land laws. They have been open to the mining and mineral leasing laws.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801–524–4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order of May 27, 1913, which created Powersite Reserve No. 363, Huntington Creek, is hereby revoked in its entirety:

Salt Lake Meridian

T. 16 S., R. 7 E.
Sec. 26, SW¼NW¼ and E½SW¼;
Sec. 27, NE¼NE¼ (now lots 1 to 12, inclusive).
T. 16 S., R. 8 E.,
Sec. 31, lots 3 (now lots 13 and 14), lot 4 (now lots 8 to 12, inclusive) and lot 5.
T. 17 S., R. 8 E.,
Sec. 5, W½SW¼, SE¼SW¼, and SW¼SE¼ (now lot 11);
Sec. 6, lot 6, SE¼SW¼, and SW¼SE¼;
Sec. 7, N½NE¼;
Sec. 8, NW¼NE¼ and N½NW¼;
Sec. 9, N½SW¼ and SE¼SW¼.

The areas described, including both public and nonpublic lands, aggregate 892.39 acres in Emery County.

2. Of the lands described above, the following 103.12 acres are patented:

Salt Lake Meridian

T. 16 S., R. 8 E.,
Sec. 31, lots 8, 10, 11, 12 and 14.
T. 17 S., R. 8 E.,
Sec. 5, SW¼SW¼, part of SE¼SW¼.

3. At 10 a.m. on December 31, 1981, the public lands described in paragraph 1, except as provided in paragraph 2 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 31, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands described in paragraph 1, except as provided in paragraph 2, have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
November 25, 1981.

[FR Doc. 81-35038 Filed 12-7-81; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 81-562]

Change in Office of Executive Director

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Executive Director is being given more administrative and executive responsibility in the direction of the Commission, to include line authority over the Bureaus and Offices in management and administrative matters. With this accretion of duties, the titles are changed to Managing Director and Office of Managing Director.

EFFECTIVE DATE: December 16, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Jr., Office of Managing Director, (202) 632–7513.

SUPPLEMENTARY INFORMATION:

Adopted: October 19, 1981.
Released: December 2, 1981.

1. The Commission has before it a proposed change in the authority of the Executive Director. The changes increase the scope of the Executive Director's responsibilities and the extent of his control over the Commission's management and administration. The title of the position would become Managing Director, to encompass the augmented duties. Implementation of the proposal requires amendments to §§ 0.11 and 0.12 of the Commission's Rules and Regulations.

2. The Communications Act of 1934 (as amended) established the Chairman as executive head of the Agency. The Commission has delegated many related administrative tasks to the Chairman, and in turn to the Executive Director. The Comptroller General of the United States, on July 30, 1979, issued a report entitled, "Organizing the Federal Communications Commission for Greater Management and Regulatory Effectiveness." This report recommended various changes within the Commission, including the establishment of a strong, central officer to assume a position of authority over all Commission administrative matters. The Omnibus Budget Reconciliation Act of 1981 more recently amended the Communications Act establishing such an office. In response, it is proposed to establish the position of Managing Director, supported by the Office of Managing Director. This official will assist the Commission in strengthening management processes such as planning, budgeting, and program evaluation, and in improving efficiency and productivity.

3. The new Office of Managing Director will include all the present functions of the Office of Executive Director. In addition, the Managing Director will be given line responsibility over the bureaus and staff offices with respect to management and administrative matters. This authority will not extend to direction/control of regulatory policy and rulemaking or other substantive regulatory matters. He will serve as principal advisor and spokesman for the Chairman and for the Commission on management and administrative matters. In this capacity, he will make appropriate recommendations on resource implications of Bureau/Office initiatives.

4. The amendment adopted herein pertains to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act do not apply. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

5. Therefore, it is ordered, effective December 16, 1981, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

PART 0—COMMISSION ORGANIZATION

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended by revising §§ 0.11 and 0.12 to read as follows:

§ 0.11 Functions of the office.

The Managing Director is appointed by the Chairman with the approval of the Commission. Under the supervision and direction of the Chairman, the

Managing Director shall serve as the Commission's chief operating and executive official with the following duties and responsibilities:

(a) Provide managerial leadership to and exercise supervision and direction over the Commission's Bureaus and Offices with respect to management and administrative matters but not substantive regulatory matters such as regulatory policy and rule making, authorization of service, administration of sanctions, and adjudication.

(b) Formulate and administer all management and administrative policies, programs, and directives for the Commission consistent with authority delegated by the Commission and the Chairman and recommend to the Chairman and the Commission major changes in such policies and programs.

(c) Assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency.

(d) Advise the Chairman and Commission on management, administrative, and related matters; review and evaluate the programs and procedures of the Commission; initiate action or make recommendations as may be necessary to administer the Communications Act most effectively in the public interest. Assess the management, administrative, and resource implications of any proposed action or decision to be taken by the Commission or by a Bureau or Office under delegated authority; recommend to the Chairman and Commission program priorities, resource and position allocations, management, and administrative policies.

(e) Plan and administer the Commission's Management by Objectives system. Assure that objectives, priorities, and action plans established by Bureaus and Offices are consistent with overall Commission objectives and priorities.

(f) Plan and administer the Commission's Program Evaluation System: Ensure that evaluation results are utilized in Commission decision-making and priority-setting activities.

(g) Direct agency efforts to improve management effectiveness, operational efficiency, employee productivity, and service to the public. Administer Commission-wide management programs.

(h) Plan and manage the administrative affairs of the Commission with respect to the functions of personnel and position management; labor-management relations; budget and financial management; information management and processing; organization planning; management analysis; procurement; office space management and utilization; administrative and office services; supply and property management; records management; personnel and physical security; and international telecommunications settlements.

(i) Serve as the principal operating official on *ex parte* matters involving restricted proceedings. Review and dispose of all *ex parte* communications received from the public and others. In consultation with the General Counsel, approve waivers of the applicability of the conflict of interest statutes pursuant to 18 U.S.C. 205 and 208, or initiate necessary actions where other resolutions of conflicts of interest are called for.

(j) Under the general direction of the Defense Commissioner, coordinate the defense activities of the Commission, including recommendation of national emergency plans and preparedness programs covering Commission licensees and planning for continuity of essential Commission functions during national emergency conditions. Act as alternative Commission representative to emergency planning groups of other agencies.

(k) With the concurrence of the General Counsel, interpret rules and regulations pertaining to fees.

§ 0.12 Units in the office.

(a) Immediate Office of the Managing Director.

(b) Computer Applications Division.

(c) Information Processing Division.

(d) Planning and Analysis Division.

(e) Financial Management Division.

(f) Operations Support Division.

(g) Personnel Management Division.

(h) Emergency Communications Division.

(i) Internal Review and Security Division.

(j) The Secretary.

[FR Doc. 81-35162 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 63

[CC Docket No. 80-767; FCC 81-520]

Elimination of the Telephone Company—Cable Television Cross-Ownership Rules for Rural Areas

Correction

In FR Doc. 81-34702, appearing at page 58682 in the issue of Thursday, December 3, 1981, the date in the last line of paragraph "50.," third column of page 58687, should have read, "December 4, 1981."

BILLING CODE 1505-01-M

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47 CFR Part 64

[Docket No. 20828; FCC 81-481]

Second Computer Inquiry; Order On Further Reconsideration of Prior Determinations

AGENCY: Federal Communications Commission.

ACTION: Order on further reconsideration of prior determinations.

SUMMARY: The Commission acted on petitions for further reconsideration of prior determinations made in the Second Computer Inquiry (Docket No. 20828). See 45 FR 31319 and 46 FR 5984. Various petitioners sought the deregulation of customer premises equipment (CPE), *i.e.*, telephones, PBXs, and data terminals, on a one-time basis rather than on a phased-in, bifurcated basis. Other petitioners sought clarification and strengthening of the structural separation requirements imposed on AT&T for its offering of enhanced services and CPE. The Commission affirmed deregulation of CPE on a bifurcated basis, and extended the effective date for mandatory detariffing to Jan. 1, 1983. The Commission did not impose further structural requirements upon AT&T but did require it to submit accounting plans for the use of (1) installation and maintenance services and (2) shared administrative services provided by Bell Operating Companies and AT&T.

DATES: Date for detariffing "new" customer premises equipment extended from March 1, 1982 to January 1, 1983.

FOR FURTHER INFORMATION CONTACT: James B. Mullins (202) 632-4887.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 64.702 of the Commission's rules and regulations (Second Computer Inquiry); Memorandum opinion and order on further reconsideration.

Adopted: October 7, 1981.

Released: October 30, 1981.

By the Commission: Commissioner Quello concurring in the result; Commissioner Washburn issuing a separate statement; Commissioner Fogarty concurring in part and dissenting in part, and issuing a statement; Commissioners Jones and Rivera approving and dissenting in part, and issuing statements.

1. On April 7, 1980, the Commission adopted a *Final Decision* in this proceeding (45 FR 31319; May 13, 1980),

commonly referred to as the "Second Computer Inquiry" or "Computer II", 77 FCC 2d 384 (1980). On December 30, 1980, we released a *Memorandum Opinion and Order (Reconsideration Order)*, 84 FCC 2d 50 (1980) (46 FR 5984; January 21, 1981), in response to the various petitions for reconsideration of our *Final Decision*. Therein we modified our transition plan by adopting a bifurcated approach for the deregulation of customer-premises equipment (CPE) and reexamined the structure under which certain common carriers could participate in the provision of CPE and enhanced services on a nonregulated basis.[1]

2. Presently before us are petitions for clarification and further reconsideration.[2] Various petitioners seek (a) the detariffing of all CPE at the same time ("flash-cut") as opposed to a phased-in, bifurcated deregulation of CPE, (b) clarification of whether certain existing CPE or "inventory" is to be treated as "new" or "embedded" customer-premises equipment (CPE) for purposes of complying with the bifurcation schedule, and (c) clarification and strengthening of the structural separation requirements imposed on AT&T for its offering of enhanced services and CPE.

3. For reasons discussed below we deny AT&T's petition for "flash-cut" deregulation of all CPE and affirm our bifurcation approach as clarified herein. We also make clear that the "embedded" CPE category includes all CPE owned by a carrier, including inventory, which is tariffed or subject to the separations process as of the bifurcation date. On our own motion, however, we are extending the bifurcation date from March 1, 1982 to January 1, 1983. Finally, we reject the requests to impose more stringent structural separation conditions on AT&T, or to extend the structural separation requirements to other carriers.

I. Customer Premises Equipment

A. Background

4. Many communications common carriers traditionally have provided CPE to subscribers as part of their communications "public utility" service pursuant to tariffs filed with either state commissions or with this Commission. In the *Final Decision*, however, we concluded that regulation of carrier-provided CPE as part of a common carrier communications service was no longer warranted. 77 FCC 2d at 447. We determined that our statutory mandate could best be fulfilled if all CPE offerings were "detariffed and separated from a carrier's basic transmission service." *Id.* at 439. We recognized that prior to full implementation of our decision it would be necessary to address such issues as depreciation rates for CPE investment recovery, the valuation of assets to be removed from a carrier's regulated rate base, and the impact upon the settlements process of the removal of all CPE from that rate base. *Id.* at 449–50. We anticipated that this Commission, the Joint Board, state commissions and the carriers could make the necessary decisions and adjustments in time to implement our decision to deregulate CPE fully on March 1, 1982. *Id.* at 448. Accordingly, we ordered all telephone companies providing exchange service to file unbundled rates for all their CPE offerings with their respective state commissions no later than March 1, 1981, with detariffing of all carrier-provided CPE to follow by March 1, 1982. *Id.* To minimize any possible dislocations to residential subscribers created by our deregulation decision, we required each telephone company electing to remain in the CPE business after March 1, 1982, to offer to existing residential customers the option to continue leasing instruments in place on that date at a fixed rate set prior to deregulation. *Id.* at 448–49.

5. On reconsideration, we affirmed our determination that the provision of CPE is not communications common carriage and should be offered separate and apart from a carrier's tariffed services. 84 FCC 2d at 65. We recognized a need, however, to reexamine our scheme for deregulating all CPE offerings by March 1, 1982. *Id.* at 66. Petitions and comments filed on reconsideration focused our attention on major state and federal regulatory problems associated with the unbundling and detariffing of all existing CPE as of March 1, 1982.[3] They also cast doubt upon the legality of our proposed rate "freeze" designed to protect residential subscribers.[4] Several parties had suggested that we adopt a transition plan that "would enable regulators to address separately equipment which is embedded in the separations process and tariffed with various States." 84 FCC 2d at 66.[5]

6. In our *Reconsideration Order* we adopted a bifurcated transition plan which distinguished between "new" and "embedded" CPE.[6] We determined that this plan would permit further comments upon appropriate mechanisms for deregulating embedded CPE while at the same time allowing for a more immediate deregulation of new CPE. Accordingly, we ordered that new CPE provided after March 1, 1982 be offered on a non-regulated basis, and we required the deregulation of all federally tariffed CPE as of this date.

B. Pleadings

7. AT&T requests that we reconsider further the bifurcated plan we adopted in our *Reconsideration Order*, claiming that such an approach cannot work for the Bell System. It claims that the operational and financial problems which bifurcation creates for the Bell Operating Companies (BOCs) and the separate subsidiary will result in higher costs and service deterioration for customers of both regulated and unregulated Bell affiliates.[7] AT&T claims that detariffing maintenance for regulated services will not ameliorate these problems enough to prevent those adverse consequences. Accordingly, it urges this Commission to order the

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[1] For purposes of this docket, customer-premises equipment includes all equipment provided by common carriers in the fifty states, the District of Columbia, Puerto Rico and the Virgin Islands and located on customer premises except over voltage protection equipment, inside wiring, coin-operated or pay telephones, and multiplexing equipment to deliver multiple channels to the customer. *Reconsideration Order*, 84 FCC 2d at 61 n. 10. Mobile radio equipment and transmit earth stations are also not considered to be CPE. What constitutes an enhanced service is set forth in § 64.702 of the Commission's rules. 47 CFR 64.702.

[2] The appendix contains a list of all parties filing pleadings on further reconsideration.

[3] *See, e.g.*, Petition for Reconsideration, filed by the National Association of Regulatory Utility Commissioners (NARUC Petition) on June 12, 1980 at 11, and Petition of the Rural Electrification Administration for Reconsideration (REA Petition) filed June 12, 1980, at 5, for a discussion of the massive administrative problems that the unbundling and detariffing deadlines created for both state regulators and telephone companies.

[4] *See, e.g.*, Petition for Reconsideration of GTE Telephone Companies (GTE Reconsideration Petition) filed June 12, 1980 at 42–44; NTIA Reconsideration Petition at 21–23; RTC Reconsideration Petition at 21–26.

[5] *See, e.g.*, GTE Reconsideration Petition at 45–49; NTIA Reconsideration Petition at 17–19; Attachment to Petition for Reconsideration filed by the United States Independent Telephone Association on June 12, 1980.

[6] We considered "embedded" CPE to be that equipment which is tariffed at the state level and subject to the separations process. "New" CPE is "that equipment which is not in service as of March 1, 1982 and is offered to consumers after this date. For accounting purposes and compliance with corporate structure requirements, therefore, new CPE is "that equipment not in the subscriber's possession as of March 1, 1982." *Reconsideration Order*, 84 FCC 2d at 66–67.

[7] Petition for Further Reconsideration of the American Telephone and Telegraph Company (AT&T Petition) at 5–13, Appendix A.

"flash-cut" deregulation of all CPE on a single date, following the resolution of threshold issues relating to asset valuation and jurisdictional separations.[8] In addition, as part of its "flash-cut" proposal, AT&T seeks to have us authorize the transfer of all its embedded CPE to the unregulated subsidiary, which it believes will minimize the operational and financial problems AT&T perceives will flow from bifurcation.

8. AT&T notes that the BOCs provide CPE to a full spectrum of customers throughout the country, and it argues that if this is to continue, the separate subsidiary will require revenues sufficient to support the costs of such service. According to AT&T, bifurcation would deny the separate subsidiary these necessary revenues. AT&T equates embedded CPE with revenue production and new CPE with cost incurrence. Under AT&T's analysis, bifurcation creates a mismatch between revenues and costs. If bifurcation is retained, AT&T asserts, the only rational course of action open to the separate subsidiary would be to concentrate its efforts upon only the most profitable segments of the CPE market (Petition at 10). AT&T claims that, at least during the interim until others could fill the service gap created by such a business decision, customers would experience delays, inconvenience and higher costs in obtaining and maintaining their CPE.

9. AT&T also asserts that bifurcation will compel duplication of personnel and facilities and additional recordkeeping. Among the functions that Bell alleges the BOCs and the separate subsidiary must duplicate are: Order-taking, installation, maintenance, inventory management, distribution, and set recovery.[9] AT&T estimates that such duplication would cause the BOCs and the separate subsidiary to incur hundreds of millions of dollars in additional costs which could be avoided under their flash-cut proposal.[10]

10. AT&T argues that even by employing the most efficient, innovative business techniques, neither the BOCs nor the separate subsidiary could meet customer expectations of continued high levels of service. Among the operational problems AT&T anticipates are: (1) Customer confusion and dissatisfaction arising from the need to deal separately with both a BOC and the separate subsidiary for moves, changes, repairs and disconnection of CPE; (2) Duplicate recordkeeping and reporting to identify and monitor CPE ownership for purposes of repair, moves, disconnects and transfer; (3) Duplicate personnel to receive and process service orders, visit customer premises, and handle return of CPE to Phone Center Stores; (4) Substantial duplication by the separate subsidiary of BOC facilities such as trucks, garages, repair centers, maintenance inventory and distribution pipelines; (5) Customer confusion and dissatisfaction arising from the different repair procedures and charges of the BOCs and the separate subsidiary; (6) Customers' inability to determine ownership of a defective unit and thus to determine who has responsibility for repairing the unit; (7) Service charges for unnecessary premises visits because a customer called the wrong affiliate; and (8) The need to establish within the separate subsidiary and each BOC a system for accepting and identifying sets customers return to the wrong entity. (AT&T Petition at A–6 and A–7).

11. Pleadings filed in response to AT&T's Petition generally were critical of its proposal. NTIA states that the bifurcation of new and embedded CPE provides a practical basis for resolving many of the transitional problems associated with CPE deregulation. It is not convinced that the particular "flash-cut" transition proposed by AT&T will better serve the public. It also disagrees with AT&T's implied position that its competitive subsidiary should carry with it some "universal service" obligation transferred from the Bell Operating companies and, therefore, should receive special consideration. (NTIA Comments at 2). It contends that AT&T's problems with the bifurcation criteria can to a substantial degree be avoided by simply making some adjustments to the bifurcation criteria.

12. GTE also opposes the AT&T petition because it believes that bifurcation will minimize transitional problems and avoid the confusion which "flash-cut" would create. It asserts that bifurcation enables the Commission "to address, in an orderly fashion, the complex issues involved in transition to an unregulated environment." According to GTE, the Commission should deny AT&T's proposal in order to avoid unnecessary delay in deregulation and to provide a 1982 "cap" for regulated CPE investment while disposition of embedded CPE is resolved. (Opposition at 4). GTE observes that granting the AT&T petition would require premature involvement in the complex issues related to deregulation of the embedded CPE and result in delays in achieving any CPE deregulation. It points to the adverse impact upon independent telephone companies (Independents) in the settlements process if the Commission were to bifurcate immediately the Independents' CPE offerings while at the same time allowing Bell to offer new CPE under tariff until all threshold issues were resolved.[11]

13. The United States Independent Telephone Association (USITA) also believes that only the bifurcated approach will assure prompt deregulation of CPE. It opposes the AT&T petition, but suggests that a clarification of the term "embedded CPE" would greatly ease the operational and financial problems AT&T poses in its petition without producing any adverse effects upon the independent telephone companies. (Response at 3–6).

14. The United Telephone System, Inc. opposes AT&T's petition on grounds that flash-cut would significantly impair United's financial integrity and, consequently, its ability to serve its customers economically and efficiently. (Opposition at 2). While not disputing the existence of the operational and financial problems AT&T describes, United notes that these problems affect only AT&T because structural separation requirements have been imposed on AT&T alone, and it urges the Commission to retain the bifurcated approach at least for carriers not in the Bell System. (Opposition at 5). Similarly, the Rural Telephone Coalition (RTC) opposes any changes to the bifurcation plan which would preclude its members from using that approach solely because of adjustments made to accommodate problems unique to the Bell System. The California Public Utilities Commission expressed its concern that no

[8] In the reconsideration proceedings AT&T has asserted that certain threshold issues must be resolved before its separate subsidiary could begin to offer CPE on an unregulated basis. *See* Petition for Reconsideration of the American Telephone and Telegraph Company, filed June 12, 1980, at 82 et seq. These issues relate to depreciation, capital recovery and asset valuation, as well as the transfer to its separate subsidiary of certain of the activities and investment of other Bell entities and development of support systems to enable the subsidiary to conduct these activities independently.

[9] *See* Appendix to AT&T Petition at A–10.

[10] AT&T states that time did not permit study of costs incurred solely because of service and resource duplication. Its cost estimate is based upon the assumption that the separate subsidiary would duplicate the capabilities needed to continue the Bell System's ongoing CPE business. AT&T Petition at A–11. Later in its petition, however, AT&T indicates that it will be necssary for the regulated and unregulated entities to share some of the same systems it asserts here must be duplicated. *See id.* at Appendix B.

[11] *Id.* at 12. GTE notes that the Independents' share of interstate profits in the settlements pool would be diminished because relative to the Bell System their level of terminal equipment investment allocated to the interstate jurisdiction would be reduced.

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deregulation of embedded CPE occur before issues relating to valuation, transfer of CPE and adjustments to jurisdictional separations allocations have been resolved. NARUC opposes the AT&T petition, but would delay selecting either method of deregulation until the Joint Board proceeding and the implementation proceedings are completed and the economic effects of detariffing have been fully assessed. (Opposition at 2).

15. Centel believes that while it is not the best alternative, bifurcation is better than the flash-cut approach adopted in the *Final Decision*. Centel declines to support or oppose the AT&T petition, but asserts that the Commission cannot determine the costs and benefits of either the bifurcated approach or the AT&T flash-cut proposal until it has addressed and resolved certain threshold issues.[12] Therefore Centel urges the Commission to act promptly to resolve these issues, and not to deregulate the provision of CPE until they are resolved, even if the March 1, 1982 deregulation date must be postponed.

16. Both Datapoint Corporation and Action Communications Systems oppose AT&T's request for flash-cut deregulation because of their concern about the competitive impact of the separate subsidiary's entering the unregulated CPE marketplace with an established clientele inherited from the BOCs and an immediate revenue-generating capacity. Action perceives the bifurcated transition plan as providing "at least a minimal opportunity to adjust to the unknown impacts" of the subsidiary's entering in even a limited capacity. (Opposition at 2). Datapoint urges that we also resolve the investment recovery and asset valuation question associated with the transfer of embedded CPE and reconsider the need for additional structural separation requirements prior to a flash-cut deregulation, even if this requires postponement of the deregulation date.

17. NATA supports AT&T's flash-cut proposal asserting that bifurcation will destroy competition and harm consumers. (Reply at 7). SPCC would not oppose a flash-cut transition if all CPE were transferred at current book value. (Comments at 4).

C. Discussion

1. Flash-cut v. Bifurcation

18. As noted earlier, on reconsideration we adopted a bifurcated approach to the deregulation of CPE. New CPE was to be deregulated by March 1, 1982; "embedded" CPE was to be deregulated only after a separate "implementation proceeding" which would "address the transitional mechanisms" required for such deregulation. 84 FCC 2d at 67. Briefly, we determined that a bifurcated approach would avoid potential significant dislocations caused by an abrupt transition; would allow time for a solution to be worked out for any jurisdictional separations problems and would allow steady progress towards a more competitive equipment environment. Although we recognized that there might be some difficulties with bifurcation, we concluded that "on balance" a bifurcated approach to deregulation would best serve the public interest.

19. After further reconsideration of this matter we remain convinced that bifurcation—while concededly less than ideal in certain respects—is, nevertheless, the best and perhaps the only realistic alternative available to us. Thus, notwithstanding AT&T's contrary contentions, we still believe that any attempt to detariff all CPE at one time (the so-called "flash-cut" approach) would cause a postponement of probably several years before we could even begin to implement our Computer II decision. As we noted on reconsideration, a delay of this kind would continue to subject offerings of new CPE to the cross-subsidies which inhere in the jurisdictional separations process. Moreover, such delay would unduly withhold from the public all of the substantial benefits stemming from the Computer II decision, whereas bifurcation makes many of those benefits attainable, at least with regard to new equipment, at a fairly early date. Bifurcation also eases some of the difficulties of moving to the new structure. For example, by capping investment in regulated CPE, new CPE will not be entangled in the kinds of valuation and transfer problems that we will encounter with embedded CPE. Finally, the kind of indefinite delay inherent in AT&T's flash-cut proposal would withdraw present incentives for the states and other interested parties to continue activities designed to implement Computer II, and would thus work to even further postpone the day that the public can begin receiving the benefits of that decision. Accordingly, we conclude that the delays attendant to AT&T's proposal would be contrary to the public interest.

20. AT&T appears to agree that prompt action is called for here. (Reply at pp. 23–29). AT&T insists, however, that its proposal for a "flash-cut" is not inconsistent with expedition and that if appropriate action is taken the underlying problems can be quickly resolved. For example, AT&T suggests that any adverse impact on the states because of the jurisdictional separations effects that would accompany an abrupt transition could be largely avoided "* * * by temporarily increasing Separations Manual interstate allocations of nontraffic sensitive plant remaining after detariffing." (Reply at p. 17). Under AT&T's proposal, this increase would be "firmly linked" to an ongoing decrease in interstate non-traffic sensitive allocations "that will continue until those allocations reach levels indicated by strict relative use." (*Id.* at 17).

21. Although we expect the Joint Board will act with reasonable promptness, we are not nearly as sanguine as AT&T that the Joint Board will be able to resolve the difficult and complex issues before it within a relatively short period of time. The many complex proposals submitted to the Joint Board by the commenting parties are perhaps reflective of both the wide diversity of interests represented and the inherent difficulty of the subject matter. Some proposals (such as that submitted by the Joint Board staff) focus on deregulation of CPE alone and urge the Joint Board to consider this problem as a first step before turning to other separations issues. Other proposals (such as that submitted by AT&T) urge a comprehensive solution to all exchange separations problems. While the question is, of course, for the Joint Board to resolve in the first instance, we believe it is fair to expect that if a comprehensive solution of the kind proposed by AT&T is adopted there will be a need to develop a further record. Some of the parties in the Joint Board proceeding have already suggested that this further record can only be developed if appropriate discovery and oral hearing procedures are permitted. Thus, the scheduling of the Joint Board is not a matter of certainty which can be reliably forecast by this Commission as an antecedent to action proposed in Computer II.

22. Moreover, even if it were possible, as AT&T asserts, for this Commission to

[12] Centel identifies these issues as: (a) Revision of separations allocation; (b) prescription of new uniform and realistic depreciation rates; (c) examination of investment recovery and CPE transfer pricing; (d) examination of inside wiring; (e) preservation of tax benefits; (g) resolution and implementation of other unspecified common carrier proceedings which could affect the *Final Decision;* (h) examination of the role of CPE maintenance; and (i) resolution of all jurisdictional questions. Central Telephone and Utilities Corporation Response and Opposition to Petitions for Reconsideration (Centel Response) at 2.

direct the Joint Board to "issue its recommended decision promptly in order to permit timely Commission action," we would be very reluctant to issue such an instruction in a case as difficult, controversial and important as this one so long as the board appears to be making steady progress. In addition to considerations of comity, we recognize that the Joint Board can hardly fulfill its intended statutory function if it is forced to act before it believes it has carefully and thoroughly resolved the issues before it. For these reasons, it is not at all certain that we can count on a Joint Board resolution of the existing separations problems within the very near future. Predicating future Commission action in Computer II based on such an assumption would entail significant risks which, for obvious reasons, we would like to avoid.

23. An even more serious impediment to the prompt implementation of a flash-cut approach is the difficult valuation problem that would attend the establishment of a separate subsidiary on this basis. AT&T argues that we can ease, or perhaps eliminate, any valuation problems if we "* * * first find * * * that book value represents the appropriate economic value to use for transfer of Bell System CPE * * *" and then take a series of "[s]pecific regulatory steps * * * in order to bring book value in line with economic value by the transfer date." (Reply, p. 14). These steps would include the disaggregation of AT&T's depreciation reserve (Account 171) pursuant to a theoretical method.

24. We cannot accept this approach. First, as explained in our recent order in Docket 20188, FCC 81– , adopted October 1, 1980, we have determined that a theoretical allocation of AT&T's depreciation reserve is not appropriate under our rules, and that for both legal and policy reasons we must use actual historical and debit and credit information in disaggregating AT&T's reserve where, as is true in this situation, such information is available.

25. In addition, assuming that the use of a theoretical allocation is satisfactory for AT&T, this would still leave unresolved the valuation problems for independent telephone companies. United, GTE and Continental have maintained a historical breakdown of their depreciation reserves by principal plant category as required by our rules and have not used theoretical reserve allocations. At least one carrier, United, has expressed the view that actual "net book value" cannot be equated with economic value for purposes of the transfer. (Opposition, p. 3). Although AT&T urges that we "* * * take appropriate actions in the implementation proceedings to insure that *all telephone companies* fully recover their investment in tariffed CPE" (Reply at 16) (emphasis in original), it does not explain how this should be done or how the rights of all parties can be protected unless the Commission takes the steps necessary to develop a meaningful evidentiary record.

26. We also do not believe that it would be proper—as AT&T apparently suggests—for this Commission to determine, at the outset of the implementation proceeding or in this proceeding that net book value based on theoretical allocations is the equivalent of economic value for purposes of the transfer of CPE. The amount of CPE to be transferred in accounts 231 (station apparatus) and 234 (large PBXs) is approximately $14 billion. It is essential that considerable care be taken in valuing these assets. If the transfer price is too low, the separate subsidiary would start its operations with a considerable competitive advantage and might cause market distortions for years to come. Monopoly ratepayers would suffer as well. If the transfer price is too high, AT&T will be denied an opportunity to compete on an even-handed basis. The stakes are extremely high for AT&T, for its competitors in the terminal equipment market, for its competitors in the intercity transmission market, and for the public in general. Interested parties must be given a full opportunity to participate and meaningful record on valuation must be developed. We cannot prejudge the matter of valuation or determine at the outset that net book value is the only surrogate for economic value. And this is particularly true where such net book value has been determined on the basis of theoretical studies and estimates of future depreciation.

27. Moreover, apart from CPE, the "flash-cut" approach requires that AT&T transfer substantial additional assets such as land, buildings, tools and equipment. At least for land and buildings, book value or net book value would appear to be a particularly poor measure of economic value. Both categories of assets have very likely increased in market value to the point where market value may be several times book or net book value. AT&T has not explained how this important element of valuation would be handled on an expedited basis. It is true that with a bifurcated approach there also would be a problem in valuing assets such as land and buildings which would be transferred when the separate subsidiary is first created. However, under the bifurcated plan spelled out in this order, this difficulty is lessened by limiting the initial operations of the separate subsidiary to new equipment. With this approach, initial transfers should be kept relatively small and it should be possible, if necesary, to "true-up" transfer prices based upon findings made later during the valuation stage of the implementation proceeding.

28. In addition to the need for resolving certain threshold issues prior to the transfer and deregulation of any embedded CPE, AT&T's petition for "flash-cut" incorporates a second component. This component involves the transfer of all existing CPE to the separate subsidiary subsequent to FCC action on these threshold matters. The embedded CPE would be removed from the books of account of AT&T's affiliated carriers and ownership of such equipment would reside in the separate subsidiary.[13]

29. The second component of AT&T's petition also raises substantial questions. The majority of AT&T's petition is devoted to discussing its operational and financial concerns raised by the bifurcation scheme set forth in our *Reconsideration Order*. Its solution to these concerns is for the FCC to dictate a single detariffing of all CPE. Yet AT&T's solution raises a fundamental issue as to whether AT&T should now be authorized to transfer all existing Bell System CPE to the separate subsidiary, thus precluding examination of other possible alternatives for the disposal of the equipment. We are asked to decide whether the deregulation of CPE dictates that this Commission sanction the transfer of ownership of all AT&T's embedded CPE from its regulated carriers to its unregulated separate subsidiary.

30. Under an FCC-authorized transfer of all existing CPE to the separate subsidiary, the Bell System carriers would no longer own the equipment. As a consequence, a state would be foreclosed from determining the manner in which the equipment it currently regulates should be offered to subscribers within its jurisdiction. States could be foreclosed, for example, from affording subscribers the ability to purchase the CPE they currently use.

31. Various states are currently examining this option. For example, the Public Utilities Commission of the State of California (California PUC) has recently expressed concern about the

[13] The terms "embedded" CPE and "existing" CPE are used interchangeably.

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prospect of transferring all of AT&T's CPE to the separate subsidiary:

> The deregulated subsidiary would have a dominant market position to charge excessive prices because it would own the vast proportion of terminal equipment available. That result greatly concerns us. With the sale of terminal equipment under tariff, customers would have the opportunity to purchase that equipment at a reasonable price before it is transferred to the unregulated Bell subsidiary.[14]

32. In light of those findings, the California Commission has decided to vigorously pursue the sale of CPE:

> We think it critical that the public as well as the parties to this proceeding understand that we view sale as a highly desirable course for the future and one that, barring unforeseen obstacles, we will move quickly to implement.[15]

33. The question that confronts us is whether it is a legitimate exercise of federal preemption to authorize the transfer of all existing CPE to the separate subsidiary. We stated in this proceeding that we are preempting the states "only to the extent that their terminal equipment regulation is at odds with the regulatory scheme we have set forth." 84 FCC 2d at 103. This federal regulatory scheme essentially involves the removal of traditional utility type regulation over CPE, and the requirement that if carriers of the Bell System choose to provide CPE, they do so pursuant to the structure we have prescribed.

34. We are not confronted here with state regulation that necessarily conflicts with federal policy. Therefore, federal preemption on such grounds is premature. We are, however, asked to foreclose state deregulation of AT&T's embedded CPE in a manner which the Commission specifically considered as an alternative in establishing federal policy. For instance, in our *Final Decision* we observed that carriers had the option to offer "any other lease or sales proposals to residential subscribers which they wish," and we voiced our interest in "the price charged consumers choosing to purchase their telephone instrument." 77 FCC 2d at 449. Further, it was because of the prospect that the states might deregulate embedded CPE through "sales" that we indicated that the implementation proceeding would address the "basis upon which *unsold* equipment should be removed from a carrier's regulated rate base and books of account." *Id.* (emphasis added).

35. It is clear from this language that we did not intend to foreclose the sale of existing CPE as a mechanism for deregulation. Likewise, it is clear that this Commission did not view the transfer of all AT&T's embedded equipment to its unregulated subsidiary as a prerequisite to the execution of federal policy. In neither the *Final Decision* nor our *Reconsideration Order* did we indicate that deregulation of AT&T's CPE could only be accomplished by transferring the equipment to the separate subsidiary. Our concern is primarily one of disassociating CPE from a carrier's utility service and in so doing removing equipment from the jurisdictional separations process. In this regard the function of this Commission is to ensure that our policy is implemented within reasonable parameters. The sale of embedded CPE complements federal policy to the extent that such equipment is deregulated and the costs are removed from a carrier's rate base and jurisdictional separations process. In addition, we specifically indicated that due consideration would be given to the views of state commissions among others, relating to the price at which unsold telephone company equipment is transferred from the books of Bell System carriers. For these reasons we conclude that to foreclose State Commissions, which have traditionally regulated rates for the vast majority of CPE owned by the Bell System, from proceeding with deregulation through the sale of embedded CPE is unwarranted.

36. In addition to the federal preemption issues raised by AT&T's petition, there are other regulatory concerns that caution against establishing a federal regulatory unbrella over the transfer of all AT&T's existing CPE to the unregulated subsidiary. In our *Final Decision* we concluded that "a carrier should have the same regulatory status in marketing CPE as any other equipment vendor and this should be reflected in our regulatory scheme." 77 FCC 2d at 446. We stated that the separation of CPE from common carrier offerings and its resulting deregulation will provide carriers the flexibility to compete in the marketplace on the same basis as any other equipment vendor. *Id.* at 447. AT&T has in excess of $10 billion of CPE currently subject to public utility regulation. We could not authorize such a large transfer to the separate subsidiary without first examining the timing, extent and terms of the transfer, and its effect upon competition in the equipment marketplace.

2. Clarification of the Treatment of Embedded CPE

37. This Commission is extremely sensitive to the need to minimize the potential for significant dislocations as we proceed to implement our Computer II decision. In going forward with the transition to a deregulated CPE environment, we are mindful of our statutory responsibilities to protect the interests of the communications ratepayer. It is important, therefore, to distinguish a carrier's provision of CPE from its public utility service. The manner in which carriers participate in the provision of nonregulated CPE should reflect the fact that it is a nonutility service. Thus, as equipment is deregulated, we will not be concerned with whether or not a carrier chooses to compete as a new business venture or whether a carrier chooses to serve a particular market. Marketplace forces will ensure that ample CPE is available for everyone.[16] Our obligation in this area is to insure that a carrier's unregulated activities remain divorced from its public utility services. It is most important, therefore, that our transition plan recognize this separation so as to protect the interests of the communications ratepayer.

38. Distinguishing between embedded CPE that is currently regulated and that new equipment which has not become entangled in the intricacies of public utility ratemaking and jurisdictional separations provides a transitional mechanism for the deregualtion of carrier-provided CPE. Various parties, however, have sought modification or clarification of the distinction between new and embedded CPE. They have also inquired whether a carrier can reoffer refurbished embedded equipment on a regulated basis. IDCMA contends that the plan should be modified to require the deregulation of all "'data communications" equipment as of March 1, 1982. Both GTE and United seek clarification of the status of a carrier's inventory. They observe that both settlements revenues and tariffs for CPE offerings filed with the states reflect the presence of such inventory in their regulated accounts. Thus, they urge that inventory on hand as of the date for deregulation be treated as embedded. United also contends that embedded equipment returned in servicable condition, i.e., refurbishable by parts

[14] California PUC Decision No. 93367, at page 167 (August 4, 1981).

[15] *Id.* at 168.

[16] See footnote 22, *infra*. Moreover, even the most remote residential users have access to CPE from other than the local carrier. Today, customers can order CPE from mail order catalogues, just as they once did from turn-of-the-century Sears-Roebuck catalogues.

held in inventory, should continue to be offered under tariff until all CPE is deregulated.[17] NTIA, on the other hand, would require the deregulation of embedded CPE once a "major modification" is made to it.

39. Our *Reconsideration Order* is ambiguous as to the treatment of inventory. This is exemplified, for example, in paragraph 49, where we set forth the standard for distinguishing embedded and new CPE. On the one hand we indicate that embedded CPE is that equipment which is tariffed at the state level and subject to the separations process. On the other hand we state that new CPE is that equipment which is not in the subscriber's possession or in service as of March 1, 1982, and is offered to consumers after this date. Thus, inventory could be classified as embedded because a carrier's investment in inventory is included in the separations process. Yet, it also could be classified as new CPE because it would not be in the subscriber's possession as of the bifurcation date. In addition, footnote 13 states that ". . . customers would continue their relationship with the telephone company as to their embedded CPE under local regulation until they terminated service, returned the equipment, or until the end of the transition period." No mention is made of the status of the embedded equipment returned by a subscriber and normally recycled as part of the carrier's inventory.

40. Because of this uncertainty, we must state with greater clarity the parameters of our transitional plan for the deregulation of CPE on a bifurcated basis. In this regard we note that the premise of our transitional plan is to maintain the status quo for CPE which is regulated as of the bifurcation date. As such, the embedded category should encompass all equipment which is tariffed or otherwise subject to the separation process as of the bifurcation date. A carrier should be allowed to utilize its CPE inventory.[18] It should also be able to continue any customary refurbishing operations necessary to support and maintain its embedded equipment. Accordingly, bifurcation should not affect the customary manner in which a carrier refurbishes, maintains or recycle its regulated equipment.

41. To conclude otherwise requires the resolution of various regulatory issues which are applicable to the deregulation of all embedded CPE. For example, if inventory is treated as new equipment and deregulated as of the bifurcation date, a significant amount of embedded CPE would be deregulated. It is estimated that within the Bell System alone approximately 31 million telephone sets are recycled annually as a result of service terminations or equipment exchanges. Most of these sets are refurbished by Western Electric and recycled by the Bell Operating Companies. During this process, the investment in such equipment remains in the rate base of the carrier and is factored into the jurisdictional separations process. Thus, rather than maintaining the status quo, the result of treating inventory as new CPE would be to prescribe the deregulation of significant portions of embedded CPE equipment prior to addressing related issues, such as asset valuation, the manner and timing for deregulating embedded CPE, and the effect of removing CPE from the jurisdictional separations process. As indicated above, many of these regulatory issues are germane to the deregulation of all embedded CPE, including federally tariffed CPE.

42. To prescribe the premature deregulation of some existing CPE unnecessarily would complicate our transition plan. For this reason, we must reject the proposals of IDCMA and NTIA because they also would result in the deregulation of embedded CPE, which would, in turn, necessitate prior resolution of various regulatory issues. IDCMA's proposal also would require that we adopt criteria to distinguish "data communications" CPE from other kinds of CPE, despite our prior determination that we could not base our treatment of CPE upon a definitional scheme which classified either the device or its functions as communications or data processing. 77 FCC 2d at 436. Moreover, even if we were able to make such a distinction, IDCMA has raised no new facts which warrant a contrary determination or otherwise compel special treatment for this type of equipment. In a similar vein, NTIA's proposal is also unworkable because of the practical problems and potential impossibility associated with determining when a "major modification" occurs with respect to various types of equipment in the marketplace.

43. Some concern has been expressed that, by including inventory within the category of embedded CPE, a carrier has an incentive to substantially increase its inventory because the corresponding investment would be included in its rate base. In a traditional regulatory environment premised on rate base regulation, a carrier may have an incentive to so increase its rate base. It is not as clear that such an incentive exists in an increasingly competitive environment. If this does occur, it will make an accurate accounting of a carrier's embedded CPE as of the bifurcation date all the more important. This will be necessary not only for state and federal ratemaking purposes but also for ascertaining the amount of CPE subject to the separations process. Based on this accounting, regulators will be able to ascertain whether any last minute increase in a carrier's inventory is reasonable in relation to its past practices and whether any costs should be disallowed for ratemaking purposes.

44. In our *Reconsideration Order* we required the deregulation of federally tariffed CPE. This is because all the costs associated with such equipment are allocated to the interstate jurisdiction, with the manner and timing for deregulation solely within our discretion. The amount of federally tariffed equipment is relatively small. The vast majority of it is owned by the BOCs and its deregulation involves asset valuation determinations common to the deregulation of all CPE. While it is possible to address federally tariffed CPE separately, we believe that, on balance, a more orderly transition will evolve with a more efficient use of staff resources, if this Commission addresses similar issues at the same time. Accordingly, we conclude that our *Reconsideration Order* should be modified so that the deregulation of embedded, federally tariffed CPE will occur in conjunction with the deregulation of all other embedded CPE.

45. It is clear that during the bifurcated transition, we are not foreclosing AT&T from conducting business as usual with respect to all its embedded equipment. Our transition plan does not mandate the deregulation of inventory or restrict a carrier's traditional practices associated with refurbishing, recycling or otherwise maintaining its existing equipment.[19]

[17] Petitions for Clarification of the GTE Telephone Companies at 3; Petitions for Clarification/ Reconsideration filed by United at 2.

[18] By "inventory" we mean field stock and Class C stock (refurbished equipment) which is now accounted for in the carrier account corresponding to Account 231 (Station apparatus) and PBX inventory which is now reflected in carrier accounts corresponding to account 122 (Material and supplies) or Account 234 (Large private branch exchanges). See 47 CFR 31.231 and 31.234 respectively.

[19] This eliminates or, at a minimum, substantially mitigates the problems AT&T views as being created by a bifurcated approach (listed in para. 10, *infra*). Insofar as it is necessary to be able to distinguish between "new" and "embedded" CPE for billing or return purposes, the definition of new

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Under our bifurcation plan embedded CPE is that equipment or inventory which is tariffed or otherwise subject to the jurisdictional separations process as of the bifurcation date. Any other CPE which is acquired by a carrier or manufactured by an affiliated entity after that date is considered "new" CPE. Because new CPE is deregulated and offered separate from a carrier's utility service, carriers affiliated with AT&T may not acquire "new" CPE because their participation in the provision of non-regulated CPE must be through a separate corporation as set forth in our structural separation requirements in § 64.702 of the Commission's Rules.[20] See 47 CFR 64.702.

3. AT&T's Operational Concerns

46. We have recognized throughout this proceeding that our structural separation requirements will necessitate some operational changes for the Bell System. AT&T raises the possibility, however, that a bifurcated scheme raises such substantial, or even insurmount able, operational problems that it cannot reasonably provide CPE in this manner. In order to assess AT&T's contentions, it is important to (a) understand the assumptions upon which its operational and financial concerns are premised; (b) ascertain the extent to which the bifurcation plan, as clarified herein, ameliorates some of these concerns; and (c) determine what transitional accommodations are necessary to minimize valid operational dislocations.

47. First, it is apparent that AT&T's operational and financial concerns are premised on the separate subsidiary's provision of CPE on an ubiquitous basis analogous to that currently provided by the BOCs. This premise cannot be drawn from, or find support in, our *Reconsideration Order*. It is obvious that the provision of CPE in this manner by any carrier is not required by our decision. Such a requirement would be totally inconsistent with the fundamental philosophy of the Second Computer Inquiry proceeding that CPE need not and should not be offered as part of a common carrier public utility service. Thus it is important to distinguish the phasing out of AT&T's participation in the provision of its existing CPE from the separate subsidiary's provision of new CPE in a deregulated competitive environment. The provision of new CPE is not a continuation of a common carrier public utility service. Common carrier obligations do not attach to the offering of such equipment. The Second Computer Inquiry decision imposes no regulatory constraints on how the Bell System may competitively provide this equipment except that it must be offered separately from the public utility operations of AT&T affiliated carriers. The separate subsidiary is free to operate as any new business enterprise in the competitive provision of CPE.

48. The operational and financial problems which AT&T alleges make bifurcation unworkable for the Bell System are attributable in large measure to its corporate marketing strategy which evidently contemplates that the separate subsidiary will provide CPE on a nationwide basis comparable to that currently provided by the BOCs. The fact that the bifurcated transition may not be the most advantageous avenue for AT&T in light of the marketing plan it prefers should not be weighed against the benefits derived from bifurcation.

49. Second, AT&T premises its operational and financial concerns on its interpretation of the bifurcation approach set forth in our *Reconsideration Order*. For example, AT&T is concerned about the tansfer of a significant amount of embedded CPE from the BOCs to the separate subsidiary resulting from the recycling of existing equipment. We have now made clear that the status quo is being maintained as to all existing CPE, including a carrier's service, installation and maintenance operations for such equipment. Accordingly, because we do not require that the separate subsidiary shoulder any responsibility for the provision, installation or maintenance of embedded CPE, the operational problems associated with the separate subsidiary keeping track of embedded CPE or installing and maintaining it do not exist.

50. Finally, bifurcation may raise some valid operational concerns for AT&T. While we believe that some of AT&T's more significant concerns about bifurcation are attributable to the belief that a large amount of existing equipment will be transferred to the separate subsidiary, we shall consider what relief, if any, is still warranted for transitional purposes given the instant clarifications and modifications to the bifurcation plan. We shall focus on customer contacts associated with the ordering, acquisition and billing of CPE, the installation and maintenance of new CPE, and other operating support systems which AT&T seeks to share with the separate subsidiary.

51. The appropriateness of any relief provided should be considered within the framework of our structural separation requirements. We have prescribed in this proceeding the manner in which AT&T's affiliated carriers may participate in the provision of deregulated CPE. Section 64.702 sets forth the broad parameters of structural separation. The separate corporation must have, among other things, its own books of account, and its own operating, marketing, installation and maintenance personnel for the provision of such equipment. Moreover, affiliated carriers are precluded from engaging in the sale or promotion of deregulated equipment. In addition, Bell System carriers may not provide the separate corporation any customer proprietary information, i.e., that information which an affiliate acquires by virtue of AT&T's common carrier activities unless it is available to competitive vendors under the same terms and conditions. 77 FCC 2d at 481.

a. Shared Personnel, Marketing and Billing

52. Considering these separation requirements in light of the bifurcation plan we have set forth, we find that there is no need for the separate subsidiary to share personnel with affiliate carriers for the provision of its CPE. This means that carrier affiliates should not be involved in interfacing with the public as to customer ordering, acquisition, marketing or billing functions associated with the separate subsidiary's provision of new CPE. The provision of new CPE will be an operation distinct from that of the utility service. If AT&T seeks to market new CPE through the separate subsidiary, the subsidiary is responsible for the billing and general accounting associated with whatever consumer transactions it enters into just as any other competitive vendor. These requirements apply to all new CPE, both business and residential, even during the transition.

b. Installation and Maintenance

53. AT&T contends that bifurcation raises operational difficulties because of the need for both the carrier's and the unregulated subsidiary's involvement in the installation and maintenance of CPE. Moreover, it submits that, whatever its problems for residential CPE, these problems are magnified many times over

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CPE as that acquired by the separate subsidiary after January 1, 1983 should permit an easy solution to the problem. New sets coming off the assembly line (or purchased from another supplier) could, for example, be hot-stamped to identify it as unregulated CPE. Embedded CPE returned to the BOCs would not have to be separated into "new" and "embedded" and so marked for identification.

[20] See the discussion at para. 92, *infra*, where we make clear that Western Electric, AT&T's manufacturing arm, may market new CPE to equipment vendors, including commercial outlets, in addition to retailing its equipment directly to consumers through the separate corporate entity

for customers with business communications systems. We do not dispute AT&T's contentions that the installation and maintenance of business systems, such as PBX and key telephone systems, involve a degree of complexity that does not exist for single-party residential service. In fact, based on how business is now actually conducted in the marketplace, there is little similarity between the installation and maintenance problems associated with residential and business equipment. For this reason we shall address residential and business needs separately.[21]

54. Bifurcation does not necessitate duplication of installation and maintenance personnel for residential CPE. Over the years the Commission has embarked on a conscious policy of promoting competition in the terminal equipment market. Our efforts in this regard culminated in a registration program which allows consumers to connect their own equipment to the network if that equipment conforms to certain technical standards and is properly registered with the Commission under Part 68 of our Rules. This has allowed consumers to exercise their rights in the selection and use of terminal equipment that best suits their needs. Moreover, it has opened up various segments of the equipment market to new entrants.[22]

55. Under this registration program residential telephone subscribers attach their terminal equipment to the communications network through a "plug and jack" arrangement. The telephone "jack" can be analogized to the electrical "socket" to which various household appliances are connected. While the actual "socket" configuration is different, CPE is plugged into the jack just as various household applicances are plugged into an electrical socket. Part 68 specifically provides for carrier installation of telephone jacks, and no determination in this docket has altered a carrier's duties or responsibilities concerning the installation of these jacks. If a subscriber's telephone is not currently connected through a plug and jack arrangement and he wants a jack installed, the subscriber is able to have the carrier install such jacks as part of the common carrier's utility service. The same is true if a subscriber desires additional jacks installed.[23]

56. With respect to the installation of residential CPE, therefore, there is little need for the separate subsidiary to have a large installation force. For several years now consumers have been purchasing CPE from commercial retail outlets and attaching the equipment to the network in this fashion. Our bifurcation plan recognizes this. No facts have been presented to us on further reconsideration to warrant relief from our structural separation requirements to permit any joint undertaking between the separate subsidiary and affiliated carriers for the customer acquisition, installation of maintenance or new residential CPE.[24]

57. Our registration program also established common interfaces for various business systems. Yet, the operational problems here are different from those in the residential arena. Business systems such as PBX and key telephone systems require more complex installation and maintenance. Depending on the system involved, some additional wiring on the customer's premises beyond the common interface must also be installed, such as, for example, when additional extension phones are added to a PBX system. Today this additional wiring may be installed by either the telephone company or the equipment vendor. As a practical matter, if the separate subsidiary is to stay competitive with other vendors of business systems, it will offer various installation and support services. Recognizing this, the question arises as to whether any transitional relief from our structural separation requirements is warranted for installation and maintenance of CPE for business subscribers.

58. In our *Reconsideration Order* we envisioned a scenario whereby separate maintenance personnel would not be required for both regulated and non-regulated CPE, i.e., one installation and maintenance force could provide service for all CPE after the bifurcation date. We indicated that we would look into the deregulation of maintenance for embedded CPE in the follow-on implementation proceeding. Upon further reflection we conclude that a separate proceeding looking into the deregulation of maintenance for this equipment is not required for two reasons. First, as we have noted, AT&T's operational concerns over duplication of its resources and the potential for significant customer confusion are not applicable to residential service. Second, insofar as the business environment is concerned, AT&T can endeavor to have a single installation and maintenance force by, for example, pursuing the deregulation of maintenance for embedded CPE at the state level, or keeping maintenance of embedded equipment tariffed but contracting out the actual work to the subsidiary. The Bell System in many instances has adopted a two tier pricing scheme which separates the fixed equipment charges from the variable expenses associated with maintaining a given business system. Thus, there are alternative mechanisms available to it for ameliorating its concerns that do not necessitate initial action by this Commission. This demarcation would appear to facilitate AT&T's ability to pursue these options.

59. In providing new CPE for business systems as of the bifurcation date, the separate subsidiary is currently required to have separate installation and maintenance to support not only newly manufactured equipment, but also to handle modifications to existing systems when new equipment is added. We conclude that a more practical and reasonable approach would be to temporarily waive our structural separation requirements to permit, but not require, affiliated carriers to perform installation and maintenance services for business systems pursuant to contract on a transitional basis. We believe that this transition period should

[21] Our discussion of business service is inclusive of the limited instances where PBX and key telephone systems, normally employed in business service, are used for residential service. Similarly, since multiple party service, both residential and business, is currently not included in the registration program, it will be treated together with business systems for purposes of this discussion.

[22] Under the Commission's Part 68 Registration Program terminal equipment that complies with a series of electrical standards can be directly connected to the nation's telephone network. *See* Part 68 of the Rules, 47 CFR Part 68. So far, some 3500 models of terminal equipment have been registered by over 400 manufacturers. Approximately 952 versions of telephone sets are currently registered by about 132 non-Bell manufacturers. There have been approximately 163 types of PBXs (private branch exchanges) and 107 KTSs (key telephone systems) registered by about 37 non-Bell manufacturers. Western Electric, Bell's manufacturing affiliate, has registered 23 PBX/KTS devices and 84 models of telephone sets.

[23] In *Deregulation of Customer-Premises Inside Wiring*, C.C. Docket No. 79-105, 86 FCC 2d 885 (1981), we are examining the extent to which inside wiring should be provided on a nonregulated basis. We note, however, that conversion of existing terminal blocks to standard single line jacks presents fewer problems than are involved in C.C. Docket No. 79-105. Indeed, New York Telephone Company, with approximately 10% of this nation's telephones, under sanction of the N.Y. State P.S.C., is currently providing to its customers "snap-on"-wired block conversion covers for terminal blocks, to permit its customers themselves to install single-line jacks to existing wiring and blocks.

[24] AT&T itself acknowledges that there would be little initial demand for repair of new CPE. Moreover, servicing of residential CPE under deregulation would not necessarily have to differ from servicing of other consumer products insofar as the equipment provider establishes its own repair policies and warranties that attach to its products. While the Bell System may choose to go forward with a decision to have the separate subsidiary provide installation and maintenance for all its CPE on an ubiquitous basis, such action is not necessitated by any Commission decision or policy.

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extend for no more than eighteen months beyond the bifurcation date. After this transition period the separate subsidiary must perform its own installation and maintenance for the CPE it provides. This will foster a more orderly transition for affected carriers and customers.

60. During the transition period any installation and maintenance performed for the separate subsidiary by affiliated carriers must be done on a compensatory basis. Affiliated carriers must allocate all direct and indirect costs attributable to the provision of these services on a fully distributed basis and must establish special accounts to record all services performed for the separate subsidiary. Within 75 days from the release of this Order, AT&T is to apprise the Chief, Common Carrier Bureau, in writing as to how such costs are allocated and the accounting systems employed. The Chief, Common Carrier Bureau is directed to respond within 75 days thereof about the adequacy of AT&T's compliance with these requirements and whether any modifications to its plan are necessary to effectuate reasonable accountability.

c. Shared Support Systems

61. In Appendix B of its petition for further reconsideration, AT&T lists various operations involving shared use of operating support systems and personnel for the provision of CPE by the separate subsidiary. Here, again, it is important to distinguish whether the need for sharing results from AT&T's corporate strategy for competing in unregulated CPE markets, or from our bifurcation plan. See paras. 47–49, *supra*. We believe that an effort should be made to analyze AT&T's concerns and in so doing clarify the separation that should exist between AT&T's regulated utility services and the unregulated activities of the separate corporate entity.

62. Several of the sharing operations which AT&T discusses relate to order processing and customer billing. We have already indicated that the subsidiary may not market or otherwise set up its operation such that consumers will interact with personnel of other AT&T affiliated carriers for the provision of CPE. Accordingly, these functions should be separate. AT&T also indicates a desire to have various offices of the unregulated subsidiary act as a payment agency for total telephone bills. In this regard it would have the separate subsidiary allocate to affiliated carriers the portion of the bills applicable to their utility services. It suggests that this would continue until split billing systems are on line. We have no objection to the unregulated subsidiary acting as a payment agency for telephone bills under arrangements comparable to those which telephone companies now have with other commercial institutions acting as payment agencies, such as banks. On the other hand, we have indicated that the subsidiary and affiliated carriers should not engage in joint billing. This includes joint billing arrangements based on cost allocation schemes because of the potential for substantial cross subsidization.[25]

63. Another area where AT&T indicates a need for sharing is in the use of computer systems to control inventory or to support "various property and cost/distribution accounting needs." It states that "examples of these systems are payroll, accounts, depreciation, investment records and journal ledgers." AT&T contends that until the separate subsidiary can develop its own systems, the systems of affiliated carriers must be used to produce accounting data for the subsidiary.

64. The extent to which such sharing might be necessary is significantly decreased under the bifurcation plan we have set forth because there is no need for the separate subsidiary to keep track of existing CPE. In addition, other alternatives exist to the separate subsidiary's sharing existing computer systems with affiliated carriers. The separate subsidiary, for example, could contract with vendors in the marketplace to install a computerized business management system for inventory control, ordering and billing purposes if it does not have this in-house capability. In any event we need not address at this time the limits of permissible sharing of computer systems because the transition scheme we have set forth would lessen the need for the various joint sharing operations as described by AT&T. Moreover, AT&T has indicated that it would separately request authorization for any such joint sharing. (See Petition at 12, N.*). We need only mention at this time that, should AT&T propose to have the separate subsidiary share computer systems or computer capacity of affiliated carriers, appropriate safeguards must be established which preclude the subsidiary from accessing a carrier's customer proprietary information contained in such computer systems.

4. AT&T's Financial Concerns

65. As to the financial problems associated with bifurcation, AT&T asserts that the separate subsidiary will incur hundreds of millions of dollars in additional costs avoidable under its "flash-cut" proposal.[26] AT&T states that these costs arise from the required duplication of customer contact personnel and facilities, as well as additional record keeping. AT&T also asserts that bifurcation creates a mismatch between the subsidiary's revenues and costs, equating embedded CPE with revenue production and new CPE with cost incurrence. These costs include expenses for research, development, marketing, installation and maintenance services associated with existing and future products the subsidiary will offer. AT&T asserts that bifurcation would deny the subsidiary, for at least five years, revenues from its installed base adequate to enable it to continue the ubiquitous distribution and maintenance operations of the BOCs.

66. The concerns AT&T has raised are no different from those confronted by any other new entrant seeking to compete in the marketplace. The separation of CPE provision from its common carrier utility service through structural separation makes AT&T participation in the provision of nonregulated CPE a new, separate, corporate enterprise. Needless to say, the manner in which AT&T participates in this market as a new business is a corporate decision. The options available to it range from Western Electric marketing its equipment indirectly through various non-Bell commercial outlets as is currently done by some manufacturers, or directly to consumers on a retail basis through a separate affiliated corporation. The magnitude of the cost to be incurred under a given approach depends on the marketing choices made and ancillary services provided. Obviously, the costs associated with providing CPE on a ubiquitous basis is an essential factor for AT&T to consider in deciding to pursue a given course of action. In a similar vein, the extent to which AT&T provides installation or maintenance services for all new CPE, or only certain types of equipment, is likewise a business decision which AT&T is free to make. Because no requirements have been imposed on the separate

[25] AT&T estimates that total gross cross-billing among the separate subsidiary and affiliated carriers under its suggested sharing approach would be "of the order of magnitude of $2 billion for the detariffing of all CPE approach or pure bifurcation." Petition at B–2. Of course, since we are not allowing all the sharing requested by AT&T, this figure can be expected to be lower than that calculated by AT&T.

[26] See fn. 10. above.

subsidiary in this regard, the manner in which AT&T elects to have its separate corporation provide new CPE will determine the extent to which costs are incurred, not any Commission-prescribed mode of operations.

67. AT&T's concerns over a revenue/cost mismatch are predicated upon the subsidiary being structured for ubiquitous service, because substantial amounts of embedded CPE would ultimately be transferred to it under the ubiquitous service assumption and the subsidiary would be required, as a result, to maintain this equipment. We have made clear, however, that this is not the case. Thus, the subsidiary does not need a revenue base to support non-revenue producing CPE as might be the case if inventory were deregulated. Finally, any potential revenue/cost mismatch attributable to expenses for research, development, marketing, installation and maintenance services associated with the subsidiary's products is no different from that confronting any other new business seeking to compete in the marketplace. It is rare that a corporation would be able to immediately recoup all of its startup costs. Any revenue/cost mismatch is generally considered in determining the extent to which a new venture is capitalized. We fully expect that the manner and extent to which the separate corporation is capitalized will reflect the costs associated with any leadtime necessary to overcome any such revenue/cost mismatch. In this manner the unregulated separate corporation will properly itself bear the costs attributable to its provision of new CPE.

5. Customer Confusion

68. AT&T asserts that bifurcation will result in customer confusion and dissatisfaction. While we readily recognize that bifurcation can create certain dislocations, it appears to be the most reasonable and least disruptive mechanism for implementing the deregulation of CPE taking into consideration all the relevant factors.[27] Moreover, in making a clean separation between equipment which is regulated as of the bifurcation date, and new equipment offered after that date, we have left unaffected the vast majority of consumers. In addition, we have not altered the carriers' operations with respect to its embedded CPE. Obviously, some consumers will have to acquire their CPE in the marketplace due to the depletion of embedded equipment through loss of retirement. Moreover, CPE manufactured to meet new demand must also be provided in an unregulated environment.[28] While we do not foresee any significant disruptions occurring, a safeguard does exist in that carriers have the ability to allocate their existing equipment inventory in a reasonable fashion to further minimize operational or consumer dislocations. Within this framework we do not perceive any undue consumer dislocations resulting from the deregulation of new CPE.

6. Bifurcation Date for Deregulation

69. The current date for deregulating new CPE is March 1, 1982. We believe this date should be extended for several reasons. First, a substantial length of time has elapsed since the filing of the petitions for further reconsideration or clarification. In this period uncertainty has existed on the part of regulators and carriers alike as to the exact nature of our bifurcation plan and the extent to which some portion of existing equipment would be deregulated. Additional time is needed to allow carriers to make the appropriate transition. Second, additional time should be afforded to allow the state regulatory commissions to adjust to an environment in which local carriers will be providing new CPE separate from their utility service. Third, the determinations made today may affect AT&T's capitalization plans for its separate subsidiary. AT&T currently is required to file capitalization plans for the separate subsidiary a least 120 days prior to the formation of the subsidiary in order to allow time for public comment. *See* 84 FCC 2d at 86. An extension of the March 1, 1982, date is warranted because of this time constraint and our present belief that 120 days is insufficient time to examine adequately a capitalization plan. We are hereby requiring that AT&T file such a plan at least 180 days prior to the formation of the subsidiary. For these reasons, we believe that the bifurcation date for the deregulation of new CPE should be extended from March 1, 1982, to January 1, 1983.

70. March 1, 1982 was also the date for the deregulation of carrier-provided enhanced services. For purposes of uniformity we are extending this date for the deregulation of enhanced services also. January 1, 1983 now is the outer limit for compliance with determinations made in this proceeding. However, carriers and regulators may take appropriate action to implement at an earlier date. AT&T, for example, is free to establish its separate subsidiary and offer new CPE and enhanced services before this date subject to its compliance with the necessary requirements for the formation of the separate subsidiary.

7. Summary

71. In sum, we find that AT&T's petition must be denied for the following reasons. First, AT&T's flash-cut proposal would unduly delay the attainment of public benefits derived from *Computer II*, and would create uncertainty about the date on which the detariffing of CPE would begin, thereby frustrating the need of states, competitors and consumers to plan for a deregulated CPE environment. Second, it is premised on an expansive exercise of federal preemption over the transfer of its existing equipment to the separate subsidiary which is not necessary for the execution of federal policy at this time. Third, grant of AT&T's Petition would preclude states from deregulating embedded CPE in a manner that complements federal policy, i.e., deregulating through sale of embedded CPE. Fourth, mandating without further examination the transfer of all of AT&T's existing equipment to the separate subsidiary creates a risk that AT&T's market dominance in the regulated equipment environment will be transferred to the unregulated competitive marketplace and adversely affect competition. Fifth, AT&T's petition is premised on impermissible entanglements by the separate subsidiary with its common carrier activities which are not necessary for the separate subsidiary's provision of new CPE on a non-regulated basis. Accordingly, we find that AT&T has not met its burden of persuading the Commission that AT&T cannot implement the decisions in this proceeding as prescribed.

II. Application of Structural Separation to Other Carriers

A. Background

72. In the *Final Decision* we reviewed the need to continue subjecting various carriers to structural separation requirements for their offering of unregulated services.[29] We concluded

[27] Here, we might make a general observation that, in our opinion, AT&T doesn't give consumers enough credit. For example, if the separate subsidiary burns its label or symbol into its equipment, customers will have little difficulty in determining which company is responsible for repair of defective units.

[28] In 1980 Western Electric's newly manufactured telephone sets totalled approximately 13.8 million units. Of this, approximately 5.7 million units were manufactured to replace those that were junked and approximately 4.3 million units represented telephone sets that were lost. Thus, approximately 3.8 million units were manufactured to meet growth.

[29] Our former rules required that, except for carriers or holding companies with annual revenues

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that the need for such separation exist only as to AT&T and GTE in their offering of CPE and enhanced services. 77 FCC 2d at 473–74. We then prescribed the rules defining the degree of separation required between their common carrier operations and their CPE or enhanced services offerings. *Id* at 474–86, 498–99.

73. On reconsideration we determined that carriers affiliated with GTE should not be subject to the structural separation requirements imposed upon them in the *Final Decision*. 84 FCC 2d at 72. We concluded that the benefits of "maintaining the separate subsidiary requirements for carriers other than AT&T [do] not outweigh other public considerations." *Id.* at 75. For the most part we affirmed the separation requirements imposed upon AT&T and its affiliates by the *Final Decision*. Our principal modifications to the separation conditions arose in two areas: software research and development and marketing of network equipment by the separate subsidiary.

74. Two parties have requested that we reconsider further the approach we have adopted with respect to our separation policy. Wisconsin Telecommunication Contractors Association (WTCA) urges that we expand the scope of our structural separation requirements in order to include within its ambit carriers other than AT&T affiliates.[30] IDCMA seeks an increase in the degree of separation between the operations of an AT&T separate subsidiary and those of its affiliates and requests clarification of certain passages in the *Reconsideration Order*. We now address the concerns of both petitioners.

B. Pleadings

75. WTCA requests that the Commission reconsider the limited applicability of the structural separation requirements and order each independent telephone company to show cause why the structural separation requirements should not apply to their retail sales of CPE. WTCA would have us impose structural separation for retail sales of CPE upon all telephone carriers failing to meet this burden. To support its petition for reconsideration WTCA relies upon two orders (involving Rochester Telephone Co. and Mid-Plains Telephone Co.) issued by state commissions subsequent to adpotion of our *Reconsideration Order*.[31] WTCA contends that these orders illustrate the shortcomings of this Commission's failure to address relevant competition issues in this proceeding. It asserts that it is the Commission's "preoccupation with the entry of large competitors such as Exxon, IBM and Xerox" that caused the removal of GTE from the structural separation requirements. (Petition at 4) WTCA points to the lack of evidence establishing that interconnect vendors can survive the impact of GTE and other independent telephone companies participating in unregulated markets without structural separation. Moreover, it asserts that we have failed to satisfy our obligation to protect general ratepayers from the burden of subsidizing such carriers' unregulated CPE activities.

76. Of the six parties addressing the WTCA petition in their comments, only AITC endorsed the proposal.[32] While sympathetic to the concern for meaningful structural separation requirements expressed by WTCA, CBEMA believes that the need for finality to this proceeding outweighs any improvements that we could make within this proceeding to the set of existing separation requirements (Response at 10).

77. Both GTE and United urge dismissal of the petition as repetitious under § 1.429(i) of our Rules and Regulations.[33] USITA asserts that the petition not only ignores the cost-benefit analysis underlying our decision to limit the applicability of structural separation to only AT&T, but also ignores that CPE interconnect vendors in Wisconsin have succeeded in the existing competitive market for CPE without any structural separation requirement being imposed upon participating telephone companies (Response at 2–3). According to RTC, the petition is without merit because without adding anything to the record it addresses issues already fully considered and resolved on reconsideration (Opposition at 6).

C. Discussion

78. Once again we are asked to reconsider our determination regarding what carriers should be subject to the structural separation requirements. WTCA seeks reconsideration not only of our determination to exclude GTE from the separate subsidiary requirement for CPE but also of our determination not to apply this requirement to other independent telephone companies.

79. In our *Reconsideration Order* arguments were advanced that the independent telephone companies should be subject to the separate subsidiary requirement for CPE. We listed the factors relevant to our determination in this area and concluded that consumers would best be served if the separate subsidiary mechanism were imposed only where essential to assure the objectives of the Communications Act. *Reconsideration* at para. 65. In so doing we determined that the separate subsidiary requirement should be limited to AT&T at this time.

80. We imposed structural separation where a substantial threat of injury to the communications ratepayer exists and where other regulatory tools would not suffice. *Final Decision* at para. 228. We found that the separation requirement should be applied only to those telephone companies having sufficient market power to engage in effective anticompetitive activity on a national scale and which possess sufficient resources to enter the competitive market through a separate subsidiary. *Id.* at para. 222. Consideration was also given to the potential for cross-subsidy and anticompetitive behavior raised by the vertically integrated structure of the Bell System. *Final Decision* at paras. 201–207. In this light we viewed the costs and benefits of imposing separation requirements on telephone companies as a function of both firm and market size. *Reconsideration* at para. 70. Therein we stated:

> There is no dispute in the record as to the relative size of AT&T compared to the independent telephone companies. We believe this disparity in size leads to the result that the benefits of structural separation for AT&T are greater than the costs, while this calculus is reversed for the independent telephone companies.

Reconsideration, at para. 70.

81. In focusing on AT&T we were well aware that an argument could be made for subjecting other telephone companies to a separate subsidiary

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under one million dollars, carriers could offer unregulated data processing services only through a separate corporate entity having separate officers, operating personnel, computer facilities and books of account. 47 CFR 64.702(c) (1978).

[30] WTCA would have us "require all telephone companies to engage in retail sales of CPE only through the device of a separate subsidiary, except where single-line systems are involved, or where single and multiline sales take place in a market which could not support competition." (Petition at 5–6)

[31] Cases 27411, 27681, Rochester Telephone Company, decided by the New York Public Service Commission in Opinion No. 80–38, issued December 1, 1980. Investigation on Motion of the Commission of Mid-Plains Telephone, Inc., Lease or Sale Proposals for Terminal Equipment, Wisc. P.S.C. No 3660–TI–1, issued November 25, 1980.

[32] Comments of the Alarm Industry Telecommunications Committee of the National Burglar and Fire Alarm Association in Support of Petitions for Reconsideration Submitted by IDCMA and WTCA (AITC Comments) at 2.

[33] GTE Opposition at 13, United Opposition at n *, p. 1

requirement for unregulated CPE. On balance, however, we concluded that the case for that action had not been made, and that it would be best to stay our regulatory hand to see if competitive abuses did develop. GTE's exclusion from the structural separation requirements was specifically addressed in our *Reconsideration Order*. *See* 84 FCC 2d at 72–74. WTCA has raised no new facts warranting a contrary determination as to GTE or other independent telephone companies. Accordingly, we affirm our prior determinations.

82. WTCA's arguments relating to state determinations in the *Rochester* and *Mid-Plains* cases do not warrant a contrary finding. Nor do they show any failure of this Commission to address "relevant competition issues" in this proceeding. (Petition at 3). WTCA asserts that because various state commissions have acted, pursuant to their own statutes, to ensure that the state ratepayer is not subsidizing a carrier's venture in unregulated markets, it is incumbent upon this Commission to consider extending the separate subsidiary requirement.

83. We see no reason to draw this conclusion. Under *Computer I*, our structural separation rules were so all encompassing that the states did not perceive any need for additional regulations. In our Computer II decision, however, we determined that subjecting a broad spectrum of carriers to this regulatory scheme was not, on balance, necessary to fulfill our obligations under the Communications Act and we announced our intention to minimize the federal regulatory burden. What constitutes protection for the federal ratepayer may or may not provide adequate protection for state ratepayers. Some states may wish to impose additional safeguards to protect their citizens.[34]

[34] This is not to say that our decision had no impact on state regulatory options. In this proceeding we have to date preempted the states in two respects. First, we have determined that the provision of enhanced services is not a common carrier public utility offering and that efficient utilization and full exploitation of the interstate telecommunications network would best be achieved if these services are free from public utility-type regulation. 77 FCC 2d at 428–29. We also determined that utility regulation of CPE is contrary to the national public interest because of its effect upon communications ratepayers and the competitive development of CPE markets. 84 FCC 2d at 99. States, therefore, may not impose common carrier tariff regulation on a carrier's provision of enhanced services. Nor may states require carriers to tariff "new" CPE after the bifurcation date, *i.e.*, January 1, 1983. Second, we have prescribed a separate subsidiary structure under which carriers affiliated with AT&T must provide detariffed CPE and enhanced services. Attention focused on AT&T because of the market power it possesses on a national basis. 77 FCC 2d at 467. The states thus may not exempt AT&T operating companies from the separations requirement for intrastate regulatory purposes.

84. Our analysis of the costs and benefits of requiring a separate subsidiary for smaller telephone systems and companies focused on their participation in nationwide markets. 84 FCC 2d at 74. None of these smaller carriers appeared to have significant national market power. *Id.* We questioned whether the requirement of separation, which was "perfectly reasonable and appropriate" when applied to Bell, might be arbitrary and capricious if applied to these smaller companies. See *Home Box Office, Inc.* v. *FCC* 567 F. 2d. 9, 36 (D.C. Cir. 1977). Moreover, because of their size, we questioned the ability of the non-Bell companies to maintain separate operations. 84 FCC 2d at 74–75. For those reasons, we concluded that carriers other than AT&T would not be required to establish separate subsidiaries for the provision of enhanced services and CPE, but we reserved the option to impose such a requirement at some future time if circumstances warrant. 77 FCC 2d at 470.

85. A guiding principle of our decision is that carrier participation in the provision of enhanced services or detariffed CPE can not be allowed to detrimentally affect the communications ratepayer through cross subsidization or other anticompetitive conduct. If a state regulatory authority, focusing on the local activities of a carrier, perceives some potential for abuse, it may take action so long as it does not conflict with our own policies. The *Rochester* and *Mid-Plains* cases are illustrative. In *Rochester*, the New York Public Service Commission (NYPSC) found that the formula adopted by Rochester Telephone Company (RTC) to determine charges for services it provided its unregulated telecommunications subsidiary, Rotelcom, failed to show whether such charges were compensatory and reflected arm's length bargaining. The NYPSC also found that the accounting for transactions between RTC and its subsidiary was inadequate to determine whether joint and common costs had been reasonably allocated between regulated and unregulated activities. In *Mid-Plains*, the Wisconsin Public Service Commission (WPSC) acted on proposals of Mid-Plains Telephone for the unregulated sale and lease of terminal equipment. WPSC granted Mid-Plains' request but imposed separate accounting procedures upon the unregulated business activities of the carrier.

86. These two cases represent, in part, efforts by appropriate state authorities to meet their perceived statutory obligations in a manner that does not conflict with the regulatory determinations and policies of this Commission, and which in certain respects complement the policy thrust of this Commission. Our decision does not foreclose state authorities from establishing protections for the benefit of state ratepayers. Where this Commission has not required separation, regulatory tools such as accounting requirements and structural separation are available to the states in meeting their legitimate regulatory interests in insuring that an intrastate carrier's participation in unregulated activities is not at the expense of the communications ratepayer. The fact that a state may take such action does not affect the reasonableness of our decision. It is our intention, however, to remain aware of state activities in this regard. We will promptly examine allegations or complaints of conflicts between state regulations and our national policies and, if necessary, preempt inconsistent regulations through appropriate proceedings.

III. Sufficiency of AT&T Structural Separation Conditions

87. In its petition for further reconsideration, IDCMA requests that we increase the structural separation conditions imposed upon AT&T with respect to its offering of CPE. It seeks to have us require the separation of all manufacturing as well as research and development functions related to the provision of customer-premises equipment. (Petition at 24). It asserts that such action is necessary to prevent AT&T from engaging in cross-subsidization of its competitive ventures with revenue from regulated services, from misusing inside information and from committing other anticompetitive abuses. (Petition at 17–18, 24). IDCMA also requests that we remove ambiguous and inconsistent language in paragraph 91 of the *Reconsideration Order* in order to explicitly prohibit AT&T from marketing any CPE through Western Electric, its Long Lines Department, or any of the other Bell Operating Companies (Petition at 10). It specifically refers to the statement that "[t]he subsidiary may purchase any equipment its *parent sells* to the general trade so long as any software, or firmware, contained therein is not customized, but is generic." (emphasis added). It contends that this may be

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construed "to permit the unseparated parent" to sell CPE directly and therefore would undermine the policy behind the requirement that CPE be marketed only through a separate subsidiary. (Petition at 9). Moreover, it argues that language in the same paragraph referring to "installation and maintenance performed by the *parent or its unseparated affiliates*" (emphasis added) could be misconstrued to permit these same entities to directly perform installation and maintenance contrary to determinations made in the *Final Decision*. Finally, IDCMA would have us foreclose the separate subsidiary from selling equipment to carriers within the Bell System because of the potential for basic service ratepayers to bear the costs of inflated transmission equipment resulting from intracorporate transfers. (Petition at 22).

88. Four parties responded to the IDCMA request for additional separation. Datapoint asserts that separation of related manufacturing and research and development functions for CPE is required. AITC also supports the IDCMA petition but would strengthen structural separation conditions to prohibit sharing of administrative costs, financial aid, personnel, bulk purchases and any other costs which we have not already expressly required be separated. CBEMA, while sympathetic to the concerns IDCMA expressed, believes that any consideration of additional structural safeguards should occur in a forum other than further reconsideration in this proceeding. (Response at 10).

89. AT&T disagrees that the language is ambiguous, noting that paragraph 91 focuses on the manufacturing affiliate. It also contends that the *Final Decision* did not purport to affect the provision of CPE by its manufacturing entity. AT&T urges dismissal of the IDCMA request as repetitious under Commission Rule 1.429(i) and contends that the greater degree of separation proposed by IDCMA would severely handicap the Bell System without bringing any countervailing benefits to competition.

90. In paragraph 91 we set forth the requirement that the separate subsidiary must perform its own software development, except for that software or firmware which is considered generic to equipment which the separate subsidiary obtains from an affiliated manufacturing entity. Therein we stated that "the subsidiary may purchase any equipment its parent sells to the general trade so long as any software or firmware, contained therein is not customized, but is generic." Use of the term "parent" may have not have been entirely accurate (despite the ownership interest AT&T has in Western Electric) because AT&T has not indicated where within the Bell System structure the separate subsidiary may lie. However, it is clear from the language of the paragraph that the focus is on the separate subsidiary's relationship with its AT&T manufacturing affiliate. It is also clear that the separate subsidiary is able to purchase equipment containing generic software from an affiliated manufacturer if the equipment is also made available to the general trade under the same terms and conditions.

91. IDCMA suggests that we make clear that the BOCs, AT&T Long Lines and Western Electric may not market CPE directly. In this regard, IDCMA seeks to place Western Electric on the same footing as affiliated carriers. In this proceeding we have focused on the manner and extent to which carriers of the Bell System may participate in the provision of unregulated CPE and enhanced services. The BOCs and AT&T Long Lines have traditionally provided CPE to the end user. Because we have determined that the provision of carrier provided CPE is no longer to be treated as part of a public utility service, we have addressed the manner in which these regulated carriers may participate in the provision of CPE on an unregulated basis. The revised § 64.702 of our Rules, 47 CFR 64.702, makes clear that these carriers may participate in unregulated CPE markets only through a separate subsidiary in accordance with our separation requirements. Thus, the Bell Operating Companies and Long Lines may not sell or lease, install or maintain unregulated CPE.

92. We have not, however, proscribed the provision of CPE by Western Electric. To argue that we have limited Western Electric's traditional manner of conducting business is erroneous. Unlike the BOCs and Long Lines, Western Electric has not traditionally dealt with end users, but has engaged in the sale of CPE on an unregulated basis. For example, either Western Electric or Teletype Corporation, its wholly owned subsidiary, have traditionally sold CPE or CPE components to foreign buyers, non-Bell equipment manufacturers or non-Bell suppliers of CPE and the Federal government. That activity has not been precluded. However if Western Electric elects to sell to end users it must do so through the separate subsidiary created in response to these orders. IDCMA raises similar concerns with respect to installation and maintenance of CPE. It perceives an inconsistency between our determinations in the *Final Decision* and *Reconsideration Order*. In the *Final Decision* we stated:

> Moreover we are not foreclosing the subsidiary from obtaining support services for sophisticated equipment purchased from any affiliated manufacturing entity on a compensatory basis. For example, the subsidiary could contract with the manufacturer for the installation, maintenance or repair of equipment, or the manufacturer could train personnel of the subsidiary to perform these functions. Aside from this, however, we are precluding entities or organizations affiliated with the parent from performing any function related to the training, operation, installation, marketing and maintenance services associated with the subsidairy's offerings.

77 FCC 2d at 477. We did not intend to alter this on reconsideration. On reconsideration we stated:

> Moreover, we believe it is reasonable to expect the manufacturer, at its option, to be responsible for the installation and maintenance of its own equipment. Thus we will not prohibit such an arrangement unless we discover evidence that the burden of misallocated installation and maintenance costs is being borne by the ratepayer. However, installation and maintenance performed by the parent or its unseparated affiliates may extend only to the hardware and software actually provided.

84 FCC 2d at 81. The phrase in the last sentence "parent or its unseparated affiliates" was not intended to alter the proscription in the *Final Decision* against affiliated carriers of the Bell System performing installation and maintenance functions for the separate subsidiary. In essence, we sought to make clear that we are not foreclosing the separate subsidiary from calling upon the expertise of an affiliated manufacturer when the separate subsidiary is marketing that affiliate's equipment. Any support services obtained from an affiliated manufacturing entity, however, must be on a compensatory basis. Section 64.702(c)(2) of our Rules precludes the BOCs and AT&T Long Lines from providing installation and maintenance services for unregulated CPE.

93. IDCMA would have us extend the separate installation and maintenance requirement to Western Electric because: (1) The possibility of cross subsidization arises if Western provides such services for nonregulated CPE and network transmission equipment of the BOCs; (2) it would create the potential for discrimination against users of independent manufacturers' equipment with respect to the timing and quality of repair services for network transmission problems; (3) unwarranted advantages would accrue to Western Electric employees by virtue of AT&T's

ownership of the transmission network: and (4) Western's employees would have "preferential access" to information related to AT&T's transmission network prior to public dissemination. (Petition at 14, 16).

94. The first three of IDCMA's arguments appear leveled against the way in which the Bell System has traditionally operated Western Electric. Whatever merit these arguments may have, they are somewhat peripheral to the determinations we have made in this proceeding. As we have already indicated, Western Electric currently provides CPE on a non-regulated basis along with various installation and maintenance functions. While IDCMA's concerns may warrant consideration as part of comprehensive proceeding looking into Western Electric's regulated and unregulated activities, total separation of installation and maintenance for equipment which Western Electric manufactures is not required for purposes of this proceeding. The chief thrust of this proceeding has been to separate the non-utility activities of affiliated carriers from their regulated common carrier operations.

95. IDCMA's fourth argument is that Western Electric employees have preferential access to information related to AT&T's transmission network. However, we are not persuaded at this time that we should impose the additional burden of separate installation and maintenance. In § 64.702(d)(2) we required that information affecting the manner in which CPE is attached to the interstate network be available to other equipment vendors on a non-discriminatory basis with reasonable advance notification. Thus, we have already required the same degree of notification to the public as is given the separate subsidiary and this should solve much of IDCMA's problem in this area. Moreover, it is unrealistic to presume that separate installation and maintenance will restrict the flow of information between affiliates when employees are capable of being transferred between various affiliates of the Bell System. With such transfers flows information within the knowledge and expertise of the transferred employee. To a large extent the marketplace will provide the best check against potential abuses. Should abuses arise, the Commission can take appropriate action at that time.

96. IDCMA also focuses on permissible activity of the separate subsidiary. In the *Final Decision* we barred the separate subsidiary from marketing any transmission or other network equipment. 77 FCC 2d at 483. On reconsideration, we relaxed the ban to prohibit only the sale by the separate subsidiary to its affiliates of network equipment which it does not manufacture. 84 FCC 2d at 84. IDCMA urges us to retain the prohibition against the marketing of any network equipment by a separate subsidiary which markets both CPE and enhanced services because of the potential for cross subsidization and predatory pricing if the basic service ratepayer is forced to bear inflated costs of transmission equipment. (Petition at 21–22).

97. The prohibition governing the marketing of newwork facilities by the separate subsidiary was narrowed on reconsideration to guard against the potential adverse inpact upon ratepayers resulting from intracorporate transfers in which the separate subsidiary acted solely as a conduit in transfers of network equipment between Western Electric and affiliated AT&T carriers. While we discussed intracorporate transfer pricing in general, our intent was to foreclose transfers through the separate subsidiary where no legitimate business interest is served and the potential for abuse is great. We perceived this to be the situation where the separate subsidiary does not manufacture the equipment. This would not be the case were the separate subsidiary to develop and manufacture its own equipment and seek to provide such equipment in the marketplace. The separate subsidiary would have a legitimate business interest in seeking the broadest possible market for its own equipment. Aside from the most obvious case which we have identified, we need not resolve for purposes of this proceeding the myriad issues arising in the context of transfer practices and pricing policies among corporate affiliates of the Bell System. Accordingly, we affirm our determination in the *Reconsideration Order* and deny IDCMA's request to broaden the transfer restriction.

98. Finally, IDCMA continues to urge the separation from Western Electric of its research, development and manufacturing activities related to enhanced services and CPE. In addition, subsequent to the adoption of our *Reconsideration Order*, NTIA filed a Petition for Notice of Inquiry and Proposed Rulemaking (RM–3829) urging that, in a separate proceeding, we require AT&T to establish separate subsidiaries to perform all manufacturing and applied research and development functions related to its provision of enhanced services and CPE. In the *Final Decision* we stated:

> We are allowing sharing of research and development by affiliated entities at this time, but we intend to examine into the license contract arrangements and other issues generic to the use of monopoly revenues to support competitive research and development. At the conclusion of this process we are free to modify the approach we have set forth here, if the facts so warrant. 77 FCC 2d at 481.

99. An investigation into AT&T's license contract arrangements is currently being conducted.[35] Depending on the conclusions reached and determinations made in that proceeding, we have the option to pursue NTIA's petition at that time. We believe that an appropriate record should be developed in considering any proposal to compel Western Electric to separate its research and development and manufacturing activities. Moreover, the initiation of any such proceeding should await the outcome of our license contract investigation in CC Docket No. 80–742.

IV. Conclusion

100. Our *Computer II* decision sets forth a structure which will allow the public in the future to obtain customer premises equipment (CPE) separately from their basic telephone utility service. This fosters a more competitive environment for terminal equipment, reduces distortive cross subsidies caused by the jurisdictional separations process, and will benefit the consumer by making available lower-cost, more innovative terminal equipment.

101. The determination reached in this order is an important initial step toward a phased-in transition to this deregulated CPE environment. By utilizing a bifurcated approach, we have left the way in which carriers provide, install, maintain, refurbish and recycle their "embedded" equipment essentially intact pending further proceedings. At the same time we have provided for a more immediate deregulation of "new" equipment in a way which allows consumers to begin to receive the benefits of our *Computer II* decision, without any undue dislocations to them or to the common carriers providing the equipment. Thus, public benefits are not delayed while we address the difficult issues associated with the deregulation of embedded CPE that have a direct effect upon the ratepaying customer.

102. We have purposefully adopted a cautious transition plan to allow ample opportunity for us to thoroughly examine AT&T's capitalization,

[35] See License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems, CC Docket No. 80–742, 84 FCC 2d 259 (1981).

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valuation and equipment transfer plans, and insure that communications users are protected from any harm that might be caused by improper cross subsidization or anticompetitive behavior. We have a responsibility to ensure that transactions between the subsidiary and affiliated entities are fully compensatory as well as to ensure that appropriate cost allocations are made when various administrative services and other joint activities are shared. A phased-in deregulation of CPE will enable us to gain experience in monitoring the structural separation requirements and necessary accounts as the separate subsidiary evolves. This on-going review of structural separation will provide a basis for determining whether greater or lesser separation is required in various areas. Moreover, it is essential that this Commission stand ready to police compliance with the various separation conditions imposed on AT&T, and to respond to and investigate complaints of anticompetitive conduct.

103. The effective implementation of Computer II will undoubtedly strain the resources of this Commission. We are committed, however, to ensuring that the interest of consumers are protected at each phase of the implementation. Resources are currently being allocated to monitor and enforce the requirements we have imposed on AT&T to ensure that its separate subsidiary competes on a full and fair basis.

104. Certain actions have yet to be taken. As a preliminary measure this Commission must approve the capitalization plan for the separate subsidiary. This process will provide us and the public with an opportunity to ensure that the initial capitalization of the subsidiary does not, directly or indirectly, adversely affect the communications ratepayer.[36] In addition, approval will be required of the costing methodology and separate accounts associated with shared activities between the separate subsidiary and affiliated entities. In order for us to engage in effective monitoring, we are requiring AT&T to submit within 75 days of the release of this Order a detailed description of any administrative services which it will share with the subsidiary, along with an explanation as to how the costs of any shared services are to be allocated between regulated and unregulated activities.

105. Because our bifurcation plan leaves all existing equipment, including inventory, within the control of AT&T's regulated entities, rather than deregulating it, we see no need to delay implementing the deregulation of new CPE.[37] This approach resolves the difficult problems which AT&T believes could disadvantage consumers under a bifurcated approach. The BOC's will be able to continue their present relationship with existing customers. By ensuring a supply of returned CPE to the BOCs those entities will have a capacity, albeit not an unlimited one, to fill orders for new or modified services. We expect AT&T to continue its orientation toward service and to concentrate its efforts to ensure the continued provision of CPE to consumers, such as party line subscribers, whose needs may not be fully met by the FSS or competitors during the transition period. We recognize that some new customers desiring CPE under tariff may not be able to obtain it. After the transition process is complete, however, no CPE will be provided under tariff. Therefore, this potential unavailability of tariffed CPE to consumers is a normal part of the transition to an unregulated marketplace environment. Moreover, the concerns expressed in the 1981 GAO Report concerning potential cross subsidization and market dominance with respect to the deregulation and transfer of embedded CPE have been substantially ameliorated under the bifurcation plan we have set forth. Under the structure we have established, AT&T's provision of new CPE is separate and distinct from its common carrier utility services and its provision of embedded CPE. Needless to say, due consideration must be given to the concerns expressed by the GAO in its Report as we proceed with the deregulation of embedded CPE. The deregulation of AT&T's embedded CPE will be addressed in the implementation proceeding which will explore the various regulatory and competitive considerations associated with the manner in which state and federally tariffed CPE is eventually deregulated. We intend to initiate the implementation proceeding within 60 days of the release of this Order.

106. We have also recognized that it may be necessary for us to examine in more detail whether separation is required for research and development activities related to the provision of AT&T's enhanced services and CPE. We have already indicated that we intend first to inquire into AT&T license contract arrangements and, based on the record established in that proceeding, determine whether structural separation in this area is required.[38]

107. In large measure, therefore, our regulation in this area is an organic process. It will continue to evolve as we gain experience. We are mindful of the delicate balance which must be struck in allowing AT&T to compete in unregulated markets while not allowing it to do so in an anticompetitive manner. Controversies will arise as to whether in a given situation we have struck an appropriate balance. This is inevitable. But at the same time we are keenly aware that our effectiveness in implementing this decision will determine the competitive quality of the resulting enhanced services and CPE environment. We seek the assistance of state regulators, users, competitors and carriers alike in assuring the evolution of full and fair competition.

V. Ordering Clauses

108. Accordingly, it is ordered pursuant to Sections 4(i), 4(j), 201–205, 403 and 404 of the Communications Act of 1934, As Amended, that the Reconsideration Order adopted in this proceeding is modified to the extent set forth in this order.

109. It is further ordered that the Petitions for Further Reconsideration and/or Clarification are granted to the extent set forth in this order, and are otherwise denied.

110. It is further ordered that the date for bifurcating new and embedded CPE is extended from March 1, 1982 to January 1, 1983.

111. It is further ordered that AT&T shall comply with the filing requirements set forth in this order.

112. It is further ordered that the Secretary shall cause a copy of this order to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Petitions

American Telephone and Telegraph Company (AT&T)
GTE Service Corporation (GTE)
Independent Data Communications Manufacturers Association (IDCMA)
United Telephone Systems, Inc. (United)
Wisconsin Telephone Contractors Association (WTCA)

[36] This review will include ascertaining whether the credit or bond rating of AT&T's regulated affiliates might be adversely affected by any financial losses of the separate subsidiary.

[37] In a report to Congress entitled "Legislative and Regulatory Actions Needed to Deal with a Changing Domestic Telecommunications Industry", CED–81–16, dated September 24, 1981, the Comptroller General appears to suggest that we delay implementing Computer II until various preliminary matters are resolved. See pp. 134–136. (Hereinafter cited as the "1981 GAO Report").

[38] See fn. 35 above.

Comments

Alarm Industry Telecommunications Committee of the National Burglar and First Alarm Association (AITC)
Computer and Business Equipment Manufacturers Association (CBEMA)
Independent Data Communication Manufacturers Association (IDCMA)
National Telecommunications and Information Administration (NTIA)
Attorney General of the State of New York
Southern Pacific Communications Company (SPCC)
United States Independent Telephone Association (USITA)

Oppositions

Action Communications Systems, Inc. (Action) AT&T
People of the State of California and the Public Utilities Commission of the State of California (California PUC)
Central Telephone and Utilities Corporation (Centel)
Datapoint Corporation (Datapoint)
GTE Service Corporation and GTE Telenet Incorporated (GTE)
National Association of Regulatory Utility Commissioners (NARUC)
Rural Telephone Coalition (RTC)
Society of Telecommunications Consultants (STC)
Southern Pacific Communications Company (SPCC)
United Telephone Systems, Inc. (United)

Reply Comments

AT&T
IDCMA
North American Telephone Association (NATA)

Separate Statement of Commissioner Abbott Washburn

Re: Further Reconsideration of Decisions in the Second Computer Inquiry (Docket No. 20828)

October 7, 1981.

Our decision today to move forward with the deregulation of CPE on a bifurcation basis is, in a real sense, an act of faith. We know the goal we want to get to, but we don't know the turns in the road nor the stops enroute. The judgment not to delay the first step—the launching of "Baby Belle" on January 1, 1983—was the correct one. The Commission will have considered AT&T's capitalization plan in advance of that date. The new separated subsidiary will then be able to market new CPE on an unregulated basis, in competition with other suppliers.

The bifurcation transition period will last as long as it takes to resolve the questions of CPE evaluation and possible transfer from the BOCs to Baby Belle. This will be a difficult and complicated process with many problems and imponderables. It is important that a tight schedule be established so that the bifurcation period can be kept as short as possible, thereby minimizing dislocation to ratepayers. The Commission must allocate sufficient resources to the effort. It is also essential that the State Regulatory Commissions, AT&T, the FCC and all others involved approach this transitional period with a positive attitude to make it work in the interests of the public. We must also be flexible enough to learn and make adjustments as we go.

Statement of Commissioner Joseph R. Fogarty

Concurring in Part; Dissenting in Part, In Re: Computer Inquiry II—On Further Reconsideration

Throughout the course of this *Second Computer Inquiry*, I have concurred in the Commission's basic theory that deregulation is both desirable and necessary to foster competition in the telecommunications marketplace and to promote benefits to the American consumer of new services and equipment.[1] In concurring I have expressed serious reservations, however,[2] for the Commission has never adequately assessed the critical cost/benefit trade-offs inherent in the particular deregulatory structures and procedures it has adopted. Indeed, while the Commission has been quick to concoct and apply a general economic theory of competition and deregulation, it has shown a marked reluctance to grapple with the serious consequences of its theory in the real world, and to insure that the interest of the consumer—the ultimate and paramount "public interest"—will be truly served by the implementation of this theory. This reluctance is all the more disturbing when it is remembered that we are restructuring, perhaps dismantling, not our ailing airline, steel or automobile industries, but the most dynamic and efficient sector of our economy, as well as the critical central nerve system of our nation's social, commercial, and political body. Pursuing the physiological metaphor only a bit farther, I question what is the diagnosis of disease in this vigorous and highly productive system that warrants such drastic and precipitous cures as this Commission prescribes.

With this growing fear that the Commission's rhetoric is outstripping sound transitional analysis, I dissent from the adoption of a "bifurcated" approach to the deregulation of customer premises equipment (CPE). Whatever the theoretical allure of bifurcation, its "real-world" consequences are likely to be disastrous. If and when bifurcation is implemented, the costs and dislocations imposed on the consumer will far outweigh the supposed benefits claimed for this unwieldy scheme.

I also dissent from the Commission majority's refusal to acknowledge that the structure for the competitive provision of CPE and enhanced services, and the "cost/benefit" analysis on which that structure is based, necessarily pre-empts, both in law and in policy, inconsistent state regulation and particularly state imposition of separate subsidiary requirements on telephone companies beyond that ordered for American Telephone and Telegraph Company (AT&T) by this federal authority.

[1] *Computer Inquiry II—Final Decision*, Statement of Commissioner Joseph R. Fogarty, Dissenting in Part, 77 FCC 2d 505 (1980)—*On Reconsideration*, Statement of Commissioner Joseph R. Fogarty, Concurring in Part, 84 FCC 2d 112 (1980).

[2] *Id.*, 77 FCC 2d 505–517, 84 FCC 2d 113–118.

I. Bifurcation vs. Flash-Cut

The bifurcation approach would split AT&T's provision and maintenance of embedded residential CPE from new residential CPE, based on the theory that any deregulation during transition is better than no deregulation, regardless of the cost to the consumer due to service and supply dislocations. This theory is pernicious in effect, if not also in intent, and I emphatically dissent from its application at this critical stage of *Computer II*.

Under the bifurcation scheme AT&T will be permitted to continue to provide embedded residential CPE through the Bell Operating Companies (BOCs), but will be required to provide new residential CPE through a fully separated subsidiary (FSS) after January 1, 1983. This scheme will require the FSS to duplicate completely the distribution, inventory, repair, and maintenance functions (as well as the required personnel, equipment, and operating systems) of the BOCs if residential customers are to continue to receive the same quality and degree of service they have come to expect and rely upon. This duplication will cost hundreds of millions of dollars, and it is not a one-time-only cost because AT&T will also be required at some point to merge the BOCs' CPE operations into the FSS at extra expense.

Most of this cost and confusion will be avoided with respect to the provision of business CPE, embedded and new, because the Commission's order finds that the practical and reasonable approach there is to permit joint installation and maintenance of both embedded and new business CPE on a transitional basis beyond January 1, 1983. I think it is unfortunate that the Commission's sensitivity and pragmatism stop short of the residential customer—the common telephone user. In fact, under bifurcation it is far better to be a business than a residential customer.

Clearly, bifurcation will adversely impact on the common residential user. Despite the Order's argument that this Commission has never given AT&T any guarantee that its "ubiquitous" provision of residential CPE would be allowed to continue, the reality is that AT&T now provides over eighty percent of this nation's telephones, and that AT&T has no significant nationwide competition in the residential CPE market. After January 1, 1983 no new CPE inventory will be acquired by the BOCs. Whether inventory and service shortages will hit residential customers in year one, year two, or year three of a bifurcated transition may not be certain, but these shortages will hit and they will hurt. AT&T installs approximately 35 million telephones each year and also junks or loses a total of about 10 million telephones annually. In order to meet these installation requirements and to replace the telephones which are junked or lost, AT&T refurbishes 31 million telephones and manufactures 14 million new telephones each year. Beyond January of 1983, the bifurcation implementation date, the BOCs will still have to provide most of the annual 35 million installations. However, the inventory available for these installations will be quickly depleted as the BOCs are denied access to newly manufactured residential

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telephones and must still sustain the annual impact of 10 million telephones junked or lost. Sooner or later—and probably sooner—residential CPE consumers will be caught in a bifurcated transition without service or equipment from the BOCs and many of these consumers will be left without adequate alternative sources of supply and service.

In responding to this disquieting prospect, it is entirely unrealistic for the Commission to argue that residential users left in the lurch can always turn to either the AT&T FSS or Bell competitors. Given the imposing start-up costs and the inefficiencies resulting from splitting one integrated operation into two smaller ones, each performing practically the same tasks,[3] it is extremely unlikely that the AT&T FSS will be able to fill the residential CPE void, especially during the critical early years of a bifurcated transition. It is also incredibly naive to assume that non-Bell CPE competitors will have the production and distribution capabilities to pick up the slack, even in combination with the sales which may be reasonably anticipated from the FSS.[4]

It should be clear that the risks of serious and widespread residential CPE dislocations are too great to ignore. When these risks are weighed against the short-term benefits of introducing a small extra degree of "procompetitiveness" into the CPE market (i.e., deregulated FSS sales of new residential CPE), the case for bifurcation is reduced to one big roll of the dice with the residential CPE consumer putting up all the stakes. Gambling with the public interest is not one of this Commission's proper pastimes. This "Big Casino" approach to CPE deregulation is all the more disconcerting when it is recalled that those residential users who wish to buy their own telephones are free to do so now, and that there is already significant competition in the business CPE market where no immediate dislocations will be experienced in transition. Bifurcation offers few new benefits at exorbitant cost and perilous risk.

In light of these realities, the wiser and more prudent course of action is a "flash-cut" approach to the CPE deregulation transition. Under a flash-cut transition, AT&T would not be required to separate its CPE operations until the final deregulation date, thereby avoiding the functional duplication and consequent extra costs of bifurcation, as well as the serious risks of inventory and service shortages. Flash-cut would also allow for essential coordination between CPE deregulation, CPE valuation, and FSS capitalization, and would provide much-needed certainty for consumers, telephone companies, and competitors alike. The Commission's decision against adopting a flash-cut approach and in favor of bifurcation sacrifices these salient advantages of fairness, coordination, and certainty for the ephemeral and speculative "benefits" of hurrying new residential CPE competition. The necessity for this sacrifice is incomprehensible.

The issues of embedded CPE valuation and the capitalization of the AT&T FSS are only momentarily avoided, not resolved, by bifurcation. The valuation issue is, in my judgment, the most complex and critical matter before this Commission in its *Computer II* implementation because true competition—that is, *full and fair* competition—and true deregulation are entirely dependent on its prompt and proper resolution. At the same time, I think it equally clear that it is impossible for this Commission, with its current resources, to institute and expedite to satisfactory completion a CPE valuation proceeding. To meet this difficult and pressing challenge, I have recommended a plan to coordinate an overall asset valuation effort. Resolution of the valuation issue must involve a wide range of parties with widely divergent interests. There will be conflicting positions and arguments on the principles and methodology to be applied and on the future forecasts necessary to apply those principles. The Commission needs an action plan that will provide a rational basis for a valuation decision. I think the only practicable approach is for the Commission to engage a major professional accounting firm, with appropriate support from appraisal firms, economic consultants, and telecommunications analysts, to assist in determining asset valuation. The firm chosen would work under the auspices and direction of this Commission and in coordination with an advisory board composed of the National Association of Regulatory Utility Commissioners or state representatives and representatives of AT&T and the Independent Telephone Companies.[5] The accounting firm, operating under a tight 12-month schedule, would provide a report to the Commission recommending appropriate principles and methodologies, forecasts, and resulting asset valuations.[6] After reviewing the report, the Commission would adopt and notice for expedited public comment a tentative valuation decision, and thereafter issue a final decision based on the entire record developed. Upon issuance of the Commission's final valuation decision, the States—who would have fully participated in the valuation proceeding—would be in a position to issue quickly whatever additional orders would be necessary at their level to complete the valuation and asset transfer process. Flash-cut would then occur and the CPE market would be fully and finally deregulated.

If this plan is adopted and followed, I believe valuation and deregulation could be accomplished in approximately two years. Two more years of new as well as embedded CPE regulation would be a small price to pay for the certainty and efficiency of a flash-cut with coordinated asset valuation and transfer.[7] This approach would have the added advantage of providing real incentives for AT&T's full cooperation in expediting the valuation effort since until valuation and flash-cut were accomplished, Bell would not receive the assets and final go-ahead which are critical to its establishment of a viable FSS.[8]

II. State Pre-Emption

I also dissent from this further reconsideration on the issue of state preemption. The Order adopted by the majority permits state regulatory commissions to impose additional accounting and structural separation requirements on independent telephone companies which are not subject to the FCC-imposed resale requirement. On this point, the order is incorrect in both law and policy.

Contrary to the Order's contention, the Commission never focussed on nationwide markets to the exclusion of local markets in analyzing the costs and benefits of requiring a separate subsidiary for smaller telephone systems and companies.

In the *Final Decision* in this *Computer II* proceeding, one of the primary potential abuses with which the Commission was concerned was "denial of access to the 'bottleneck,' e.g., local exchange and toll transmission facilities." 77 FCC 2d at 466–467. Consequently, we focussed very closely on the question of the control of local facilities and the ability of a carrier to use local monopoly revenues to engage in activities harmful to the local ratepayer. The Commission, in fact, specifically stated:

"The importance of the control of local facilities, as well as their location and number, cannot be overstates [sic]. As we evolve into more of an information society, the access/bottleneck nature of the telephone local loop will take on greater significance." 77 FCC 2d at 468.

After full consideration, we concluded that control of local facilities, in and of itself, did not present a significant potential for anticompetitive activity. 77 FCC 2d at 467. We found that an independent telephone company, especially a rural one, serving a

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[3] Except for the installation of inside wiring which will remain the province of the BOCs.

[4] This air of unreality permeates the Commission's decision in favor of bifurcation and finds its most preposterous vent in the analogy that the telephone is to the telecommunications network as a toaster or hairdryer is to the electric line. The telephone is the American's vital link to society and to emergency services like police, fire and ambulance. We can survive without a toaster or a hairdryer indefinitely, but doing without a telephone for even a day may be literally a deadly proposition. The Order's cavalier analogy only underscores its capricious attitude toward the welfare of the user—the ultimate public interest.

[5] Here, I note that the argument advanced against a flash-cut approach to CPE deregulation—that it would preclude full State participation in a valuation proceeding—is plainly erroneous. Whether the Commission proceeds by bifurcation or by flash-cut, full State participation in valuation is required. In fact, the matter of State participation has nothing to do with the bifurcation versus flash-cut issue.

[6] AT&T and the Independents would be required to furnish the accounting firm with the necessary basic data. In the event that a proprietary privilege was asserted as to particular data, the Commission would determine whether a covering protective order would be appropriate.

[7] It should be noted that the approach I have recommended still permits the growth of CPE to be capped during the transition period. The capping of CPE prior to final deregulation is an alternative before the Federal-State Joint Board in CC Docket 80–286. Such action would meet the serious concerns of the Independent Telephone Companies regarding the financial consequences of allowing continuing CPE ratebase growth followed by total, one-time removal of CPE from the ratebase.

[8] See AT&T Petition for Further Reconsideration, A–11 to A–14.

relatively small proportion of the nation's homes and businesses, was unlikely to engage in anticompetitive activities in the provision of either CPE or enhanced services. Such anticompetitive activities, we found, would probably require market penetration on a national scale. 77 FCC 2d at 468. We indicated that local ratepayers served by the independents were at much less risk than those served by AT&T. *Id.* In reaching this conclusion, we examined the potential for harm to ratepayers in both the national and local markets, and compared the power of AT&T over national and local distribution plant to that of a smaller company such as Continental and to rural companies generally. We stated:

Thus, what must be recognized is that while market power in the provision of telephone service may be appropriately measured within both local and national geographic markets, the provision of enhanced services and CPE has been largely undertaken, and increasingly so, on a national basis. These services, in essence, are and will continue to be directed at residential and business users spread over broad geographical markets. A carrier such as AT&T, with a nationwide network of transmission systems and local distribution plant in major metropolitan areas, could obviously harm a competitor through its control over these facilities in an anticompetitive manner. . . . On the other hand, a carrier like Continental, with most of its resources concentrated in rural distribution plant, would not be able to deny competitive access to any significant portion of the potential customers for enhanced services. The diminished likelihood of success in such attempts also serves to diminish the incentive to try. 77 FCC 2d at 467.

The Commission's Order further stated:

[W]e note that only AT&T and GTE appear to have significant abilities and incentives to engage in anticompetitive conduct, since it is in these areas [larger markets] where they control the local facilities. In contrast, the rural telephone companies would be hard pressed to attempt to bankrupt competitors in their local areas where such competitors may flourish in the major metropolitan areas, or throughout the nation generally. Again, we believe that the unlikely prospects of their success will in turn diminish their incentives to attempt predation, *leaving the local ratepayer at much less risk than those captive to AT&T and GTE local services.*" (emphasis added) 77 FCC 2d 468.[9]

The Commission therefore concluded that the costs of separation to the independent telephone companies far outweigh any benefits to the public and that the public interest required that a restrictive approach be taken with respect to the application of the resale structure. 77 FCC 2d at 470. In its *First Reconsideration Order*, the Commission further determined that carriers affiliated with GTE should not be subjected to the structural separation requirement prescribed by the *Final Decision*. 84 FCC 2d at 72. Thus, federal policy now holds that structural separation is justified *only* for AT&T.

At no point in either the *Final Decision* or the *Reconsideration Order* did the Commission attempt to draw a distinction between federal and state ratepayers for the purpose of our deregulatory structure. We realized that to do so would be impossible. To make such a distinction now guts our entire deregulatory policy, especially with regard to the issue of our authority to require states to detariff CPE. CPE, is, for the most part, tariffed locally—not federally—and is used 97% of the time for intrastate calls.[10] If, based on the potential impact on our national policy, the Commission does not have either the authority or the record to preempt the states from imposing structural requirements in addition to those imposed by the Commission because of our failure to analyze local impacts, then how can we require the detariffing of local rates for the use of CPE in the first instance based on that same national policy?

This is an issue which the parties have raised. In its Petition for Reconsideration, USITA, questioning the Commission's authority to deregulate CPE, suggested the existence of a fundamental distinction between an action involving terminal equipment used for both local and interstate service and an action which may effectively preclude state regulation of rates charged for the use of that equipment in local service. USITA argued that while the equipment may indeed be indivisible, the rates for its use (and theoretically all regulation regarding its use) are clearly separable and have been since the beginning of regulation.

For the Commission now to draw a regulatory distinction between federal and state ratepayers only gives credibility and strength to USITA's arguments. If the protections necessary for state and federal ratepayers are different, then the "state commissions remain unfettered in their discretion to set rates for all local services and facilities provided by the telephone companies." *North Carolina Utilities Commission* v. *FCC*, 552 FCC 2d 1036, 1047 (4th Cir. 1977). It makes no sense to contend, as this Order does, that while the Commission has the authority to prohibit and is prohibiting further state regulation of the local provision of CPE by common carriers, the Commission does not have the authority to pre-empt state regulation of the structure for the local provision of CPE. Such a construction is intellectually dishonest and legally suspect. I believe the Commission avoided this glaring inconsistency in the *Final Decision* when it found that the potential for independent telephone companies to harm local ratepayers is not significant enough to justify the imposition of additional restrictions which would impair the attainment of our federal policy objectives by discouraging the provision by independent companies of CPE and enhanced services on an unregulated basis.

The distinction drawn in this *Order* between federal and state authority also makes no sense from a policy perspective. Nor did the Commission intend such a distinction in the adoption of the *Final Decision*. As a result of this *Order*, we now face the prospect of fifty states determining how, when and if common carriers may provide enhanced services and continue to provide CPE. This is a prescription for disaster. It invites the states—many of which already oppose our *Final Decision*—to thwart or impair our deregulatory scheme by engaging in dilatory practices and by imposing unreasonable restrictions on local telephone companies. This invitation will not go unnoticed. On July 17, 1981, the Alabama Public Service Commission, in a direct attack on the *Final Decision*, issued a General Order holding that "[t]he marketing of terminal equipment by communications common carriers will continue to be the subject of rate regulation by this Commission, even after March 1, 1982" and that [t]his Commission will not be bound by any unilateral decisions of the FCC which have a detrimental effect on the universal availability of telephone service at fair and reasonable prices within the jurisdictional boundaries of the State of Alabama for intrastate telephone service." Additionally, the Alabama PSC instructed its staff, special counsel and consultants to "take the necessary actions" to ensure implementation of its Order. In justifying its decision the Alabama Commission stated:

"The law of the state and our longstanding regulatory policies do not permit the Commission to meekly accede to an ill-advised policy of regulatory abdication advocated by a federal agency.

In the view of this Commission, the Communications Act of 1934 specifically reserves to the states the authority to prescribe rates for equipment used primarily for intrastate communications. 47 U.S.C. §§ 152(b), 221(b). Even if it did not, the attempt of a federal agency to displace our authority to protect citizens, while providing no assurance that federal regulations will protect them, runs afoul of constitutional limitations protecting state sovereignty." *National League of Cities* v. *Usery*, 426 U.S. 833, 96 S. Ct. 2465 (1976)."

On June 30, 1981—several days prior to the Alabama Order—the Louisiana Public Service Commission passed a similar order. On September 1, 1981, the Nebraska Public Service Commission, after considering the Commission's Order in Docket 79–105, 85 FCC 2d 818 (1981), on the related issue of the expensing of inside wiring, held that:

"Rates and charges for service connections are not within the jurisdiction of the FCC but are exclusively within the jurisdiction of the states. This Commission is fully capable of determining appropriate rate levels for service connections in the State of Nebraska and finds that the FCC ruling is another of its attempts to usurp state jurisdiction."

The opposition of the states has become evident in other forums as well. At a recent meeting of the Federal-State Joint Board convened in Docket 80–286, New York Public Service Commissioner Edward P. Larkin, President of the National Association of Regulatory Utility Commissioners (NARUC),

[9] As is made clear here, the Commission was very concerned about the impact of our policies on the local ratepayer as a "local ratepayer"—not as a "national ratepayer."

[10] *See Unsolicited Telephone Calls*, CC Docket No. 78–100, — FCC 2d — at para. 23 (1980).

warned that some states "may disassociate themselves from this process entirely." [11]

State battle flags have been raised; regulatory civil war has begun. What appears to me to be a sop to the states—the majority's reluctance to pre-empt inconsistent state structural regulation—will only be seen as a sign of federal gutlessness. *Computer II* is thus put in total jeopardy for want of Commission consistency and resolution.

III. Conclusion

I have actively supported the basic pro-competitive structure and policies that are at the heart of the Commission's *Computer Inquiry II* decisions. However, candor now compels me to admit that the implementation of the structure and policies of *Computer II* has strayed so far off the course of certainty and pragmatic accommodation of reality as to require either this Commission or a reviewing court to stay the effectiveness of our decisions. Under judicial and Commission precedent, [12] a stay is ordered according to a four-factor analysis: (1) Whether a party has made a strong showing that it is likely to prevail on the merits of an appealable issue; (2) whether irreparable injury will be sustained absent a stay; (3) whether a stay will harm other parties; and (4) where lies the public interest. In adopting bifurcation, the Commission has imposed added costs of duplication and undue risks of inventory and service shortfalls on the residential CPE consumer. Bifurcation also threatens AT&T with competitive disadvantage by refusing to insure that CPE deregulation and separation will be fully and fairly coordinated with CPE and other asset valuation and transfer to the FSS. [13] The legitimate interests of other parties in CPE deregulation would not be harmed by a stay to insure a more orderly, deliberate, and rational transition. Certain parties have raised serious questions as to this Commission's basic authority to order complete deregulation of CPE in the first instance [14] which should be finally resolved in the interest of regulatory, industry, and consumer certainty. Under these circumstances, I believe a stay order properly lies against further implementation of the Commission's decision.

I think a stay would also provide this Commission with a much-needed opportunity to reflect carefully for the first time on what we have done and where we are going. Again, I must say that I am troubled by the pattern of consumer and public interest impacts that is emerging as a result of our *Computer II* decisions, impacts we neither foresaw nor planned for in our efforts to deregulate and to promote competition as rapidly as possible. As a direct result of our final decision to deregulate all CPE, rather than maintain regulation of basic media conversion devices as proposed in the *Tentative Decision*, and our actions on corollary issues of CPE depreciation, we are facing the real spectre of local telephone rates doubling or even tripling in the immediate future. Is there such public interest value in insuring—or, more accurately, forcing—the exercise of the consumer's existing right to buy his or her own basic home telephone as to justify the stark prospect of a 200 or 300 percent rise in local residential rates? Certainly, complete CPE deregulation will benefit the business equipment user. However, will real benefits of competition flow to the residential user as we originally hypothesized? Is it enough to say, as we stated in the *Final Decision*, that "[w]hile some segments of the CPE market [i.e., the business segment] may be more competitive than others, we have been given no evidence that, given certain modifications in the markets, any segment is less competitive than another"? [15] On the other hand, do we have any evidence that the non-business CPE market segments will ever be truly competitive? If competition does come in any significant degree to the residential CPE market, will it be domestic competition or foreign competition; have we established an industry structure and set of incentives (and, more critically, disincentives) which give foreign competition a decided edge? [16] Whether or not the residential CPE market becomes fully competitive, will the benefits to be gained be worth the dislocation of bifurcation and the local rate increases that are necessary after this decision? These issues are well-worth reconsidering, if only to assure ourselves—and, more importantly, the public—that we know what we are doing. At this point, we are veering off our intended course, and while I cannot abandon ship, I think the public interest deserves to be assured that firm hands and good eyes are at the helm. "Dam the torpedoes! Go ahead!" may be daring naval strategy, but as the regulatory philosophy of this Commission, it could wreak devastating havoc on our telephone system to the ultimate detriment of the American consumer.

Statement of Commissioner Anne P. Jones

Dissenting in Part, In Re: Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry)—Docket 20828

October 22, 1981.

In the Commission's *Final Decision* in this proceeding, as modified on initial *Reconsideration*, we required only AT&T to form a separate subsidiary in order to offer enhanced services and customer-premises equipment. Today, however, acting without any record at all, the majority precipitously decided that we did not preempt the states from imposing structural separation requirements on other carriers who may choose to participate in these non-common-carrier activities.

I must dissent from this finding because I believe that the Commission has never focused on the issue of preempting or not preempting state action which would impose structural separation requirements on non-Bell carriers. This issue raises basic policy questions which have not been addressed.

Many of the larger non-Bell carriers operate in a number of different states. If these states were to impose diverse separation requirements on one of these larger Independents, these diverse requirements might be more burdensome than a uniform, federal requirement such as that imposed upon Bell. Clearly that would not be desirable.

On the other hand, it is possible that there are particular local situations involving Independent carriers in which a state Commission might reasonably decide to impose some conditions of structural separation in order to protect state ratepayers.

Since I believe that we do not know enough about the implications of this important matter, I urge the Commission to address this issue and develop a record in an expeditious fashion.

Statement of Commissioner Henry M. Rivera

Concurring in Part; Dissenting in Part

October 22, 1981.

While I am in general agreement with the Commission's decision, I am also in agreement with Commissioner Fogarty's dissent in two respects.

First, contrary to the majority's interpretation, see para. 83 and n. 34, a record does exist in this proceeding to support the view that the Commission has preempted the states from imposing structural requirements in addition to those prescribed by this Commission. This Commission at 77 F.C.C. 2d 470 stated: ". . . we conclude that it would better serve the public interest to take a restrictive approach at this juncture in applying the resale structure. . . ." And at 77 F.C.C. 2d 469, this Commission stated:

"Weighing the competitive changes which have occurred in the communications sector since the *First Computer Inquiry*, we do not believe that broad application of the resale structure is necessary to satisfy the regulatory objectives set forth there. Moreover, we have been able to monitor the development of new and innovative services, and conclude that the potential for these services to reach a greater segment of society would be substantially increased if we exercised restraint in the exercise of our discretion in applying the resale structure. Weighing these factors, and recognizing the risks involved, *we find that the separation*

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[11] Telecommunications Reports, Oct. 26, 1981 at 3.

[12] *Virginia Petroleum Jobbers Association* v. *FPC*, 259 F. 2d 921 (D.C. Cir. 1958); *Eastern Airlines, Inc* v. *CAB*, 261 F. 2d 830 (2d Cir. 1958); *Associated Securities Corporation* v. *SEC*, 283 F. 2d 770 (10th Cir. 1960); *Fee Schedule*, 52 FCC 2d 224 (1975); *Communications Satellite Corporation*, 57 FCC 2d 571 (1976); *International Record Carriers Communications*, 61 FCC 2d 183 (1976); *Frequency Assignments*, 66 FCC 2d 248 (1977).

[13] The Independent Telephone Companies may have been put at similar competitive risk by the Joint Board's contemporaneous decision not to tie the phase-out of CPE from the separation process to action on accelerated CPE depreciation and capital recovery. *See* Statement of Commissioner Joseph R. Fogarty, Concurring in Part and Dissenting in Part, CC Docket No. 80-286—FCC 2d— (Released October 15, 1981).

[14] *See, e.g.*, NARUC and USITA Petitions for Reconsideration of *Computer Inquiry II*.

[15] 77 FCC 2d 384, 440 (1980).

[16] Our recent order authorizing AT&T to construct and operate a lightguide cable in the Northeastern United States may have already resulted in giving foreign competition just such an edge. *See*, "AT&T May Award Fiber-Optics Cable Job to Japan Firm." *The Wall Street Journal*, October 19, 1981, at 20

requirement should be applied only to those telephone companies having sufficient market power to engage in effective anticompetitive activity on a national scale and which possess sufficient resources to enter the competitive market through a separate subsidiary." (Emphasis added)

Second, the policy of this Commission is that structural separation was justified only for AT&T. This Commission at 84 FCC 2d 75 expressly stated:

"For purposes of this proceeding, however, we have concluded that maintaining the separate subsidiary requirement for carriers other than AT&T does not outweigh other public interest consideration."

Therefore, I too dissent from that part of the Reconsideration Order adopted by the majority insofar as it implies that states may impose structural requirements upon telecommunications common carriers, other than those affiliated with AT&T (Paragraph 83 and footnote 34, *Memorandum Opinion and Order on Further Reconsideration*, Adopted: October 7, 1981. Released: October 30, 1981).

[FR Doc. 81-34136 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 79-167; RM-3235]

Private Land Mobile Radio Service; Providing for Geographic Frequencies in the Petroleum, Forest Products, Special Industrial and Manufacturer's Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission adopted rules permitting the Forest Products Radio Service, the Special Industrial Radio Service, and the Petroleum Radio Service to share certain frequencies in areas of the United States where there would be little likelihood of conflict or interference. This document makes necessary corrections because of the omission of four frequencies which were not involved in the sharing arrangement.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Third Errata

Released: November 27, 1981.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

In the Appendix to the Report and Order in Docket 79-167, FCC 80-194 adopted April 9, 1980 (45 FR 29297, May 2, 1980), four 154 MHz frequencies were inadvertently omitted from the list of frequencies available in the Manufacturers Radio Service. The frequency list at 45 FR 29299 is corrected to read in part as follows:

§ 90.79 **Manufacturers radio service.**

* * * * *

(c) *Frequencies available.* * * *

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz:		
153.050	Base or mobile	5,21,22
153.065	do	5
153.080	do	5
153.095	do	5
153.110	do	5
153.125	do	5,21,22
153.140	do	5
153.155	do	5
153.170	do	5
153.185	do	5
153.200	do	5
153.215	do	5
153.230	do	5
153.245	do	5
153.260	do	5
153.275	do	5
153.290	do	5
153.305	do	5
153.320	do	5
153.335	do	5,21
153.350	do	5,21
153.365	do	5,21
153.380	do	5,21
153.395	do	5,21
154.45625	Fixed or mobile	6,9,10,19
154.46375	do	6,7,9,10,20
154.47125	do	6,7,9,10
154.47875	do	6,9,10,19
158.280	Base or mobile	5
158.295	do	5
158.310	do	5
158.325	do	5,21,22
158.415	do	5,21,22
158.430	do	5
•	•	•

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-35108 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Twenty-eighth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: December 2, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Twenty-eighth Revised Service Order No. 1473.

SUMMARY: Pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

DATES: *Effective:* 12:01 a.m., December 4 1981, and continuing in effect until 11:59 p.m., December 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION: Pursuant to section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by adding at Item 19.B., the authority for the Iowa Northern Railroad Company to operate between Shell Rock, Iowa, and Manly, Iowa, a distance of approximately 53 miles. This is an extension of the previously granted authority to operate between Shell Rock and Nora Springs, Iowa. That Appendix is further modified by deleting at Item 4.A., the authority for the Toledo, Peoria and Western Railroad Company at Keokuk, Iowa, as requested.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 **Service Order 1473.**

(a) *Various Railroads Authorized to Use Tracks and/or Facilities of the*

Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertient authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., December 4, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien. Bernard Gaillard not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized to be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska

4. *Toledo, Peoria and Western Railroad Company (TPW):* [1]

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois

5. *Chicago and North Western Transportation Company (CNW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6)

E. from Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9)

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)

J. from Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9)

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7)

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and

[1] Changed.

to serve all industry formerly served by the RI at Cedar Rapids

O. from Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)

P. Sibley, Iowa

Q. Worthington, Minnesota

R. Altoona To Pella, Iowa

S. Carlisle to Indianola, Iowa

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40)

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland

B. Washington, Iowa

C. from Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. from Davenport to Iowa City, Iowa.

E. at Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois

B. Rock Island, Illinois, including 26th Street yard

C. from Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex

D. from Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal

8. *St. Louis Southwestern Railway Company (SSW):*

A. from Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. at North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company (LRWN):* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

11. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Southern Railway Company (SOU):*

A. At Memphis, Tennessee.

13. *Cadillac and Lake City Railroad (CLK):*

A. from Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.

B. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

C. from Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

14. *Baltimore and Ohio Railroad Company (BO):*

A. from Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. from Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

15. *Keota Washington Transportation Company (KWTR):*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

16. *The La Salle and Bureau County Railroad Company (LSBC):*

A. from Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. from Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

C. from Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

17. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma

18. *The Brandon Corporation (BRAN):*

A. from Belleville, Kansas (milepost 226.1) to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

19. *Iowa Northern Railroad Company (IANR):*

A. from Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. from Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).[1]

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

20. *Iowa Railroad Company (IRRC):*

A. from Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. from Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. from Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

21. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. from Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

22. *Chicago Short Line Railway Company (CSL):*

A. from Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Funds; Adjudication of Claims

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Interim final rule.

SUMMARY: These regulations amend 50 CFR Part 296 to streamline claims procedures and expedite the adjudication of claims filed under Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1841 et seq.). In 1979, the National Oceanic and Atmospheric Administration (NOAA) implemented the Title IV Program by regulation. These regulations published in final on January 24, 1980, have resulted in a lengthy, cumbersome, and generally inefficient claims processing procedure which has precluded prompt adjudication of claims. To decrease the time needed to adjudicate claims, the original rules are being amended. Comments will be received for 60 days on these amendments; however, the Agency will operate under these amended procedural rules during the interim period.

DATES: Effective December 8, 1981. Comments are due on or before February 8, 1982.

ADDRESS: Send comments to National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Page Building 2, Room 309, Washington, D.C. 20235, Telephone Number: (202) 634–7496.

SUPPLEMENTARY: Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 provides for the establishment of a fund to pay claims to fishermen who have incurred gear loss or damage as a result of oil and gas activity on the Federal Outer Continental Shelf (OCS). The program, administered by the Department of Commerce, requires the establishment of area accounts from which claims are paid. These accounts are funded by assessments on the holders of OCS oil and gas leases in each area account and cannot exceed $100.000 per account.

The rules as implemented January 24 and July 2, 1980, require a complicated processing mechanism before the adjudication of a claim by an Administrative Law Judge (ALJ). The amendments implemented in this publication substantially reduce the processing to allow for rapid adjudication of claims. The notice to lease holders by the Department of the Interior, the notice to the National Ocean Survey of the location reported for the obstruction causing the damage, and the notice published in the **Federal Register** to give persons the opportunity to submit evidence remain. However, response periods for the notices are designed to run concurrently to shorten processing time. The National Marine Fisheries Service (NMFS) has substantially reduced the internal review of claims. The NMFS review of claims, which will not include a recommendation to the ALJ, will consist only of an assessment of whether the claim is timely filed and eligible on its face. The NOAA Office of General Counsel will no longer review claims but will participate in hearings if a novel issue of fact or law is present. If NMFS determines that a claim was improperly filed or is incomplete, it will forward the claim, without any of the notification mentioned above, to the ALJ for a determination of whether it was properly filed or is incomplete. If the claim is determined properly filed and complete, the ALJ will notify NMFS. The notices will then be made and the claim adjudicated by the ALJ.

All definitions that are duplicative of the statutory definitions have been deleted from the regulations as have others when their plain meaning is sufficient to provide a common understanding within context.

All of the requirements of the form of the claim have been dropped from the regulations. Applicants are encouraged to use the OMB-approved Government form to make a claim, but failure to use the form does not preclude recovery. It is anticipated that ALJ's will allow claimants an opportunity to provide additional information. To provide for the fair adjudication of a claim, interested parties will be provided adequate notice of the adjudication of claims and will still be allowed to participate in hearings.

The basic thrust of these amendments is to expedite determinations and payment of claims by decreasing the administrative burden on the Agency in processing claims.

Having reviewed this interim rulemaking in accordance with the specifications of Executive Order 12291, "Federal Regulation," and the Departmental guidelines implementing that order, the Agency has determined that it is not "major" because it has no significant effect on the economy, costs or prices, and no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

Since this interim rulemaking relates to a benefit, it is exempt from the rulemaking provisions of the Administrative Procedure Act and, as a result of that exemption, the agency is not required to prepare a regulatory flexibility analysis under the Regulatory Flexibility Act. However, a 60-day period for public comment is being allowed.

This rulemaking does not require the collection of any information in addition to that collected under the final rules published January 24 and July 2, 1980. This information collection will be undertaken within the Department of Commerce's FY 82 Information Collection Budget. Hence, it does not increase the Federal paperwork burden for individuals, small businesses, or other persons under the Paperwork Reduction Act of 1980.

The Assistant Administrator for Fisheries, National Marine Fisheries Service, has determined that this interim rulemaking will not have a significant economic impact on a substantial number of small entities. The Assistant Administrator has also determined that this interim rulemaking does not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Dated: December 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR Part 296 is revised in its entirety.

PART 296—FISHERMEN'S CONTINGENCY FUND

Sec

296.1 Purpose.
296.2 Definitions.
296.3 Fishermen's Contingency Fund Area Accounts.
296.4 Claims eligible for compensation.
296.5 Instructions for filing claims.
296.6 NMFS Processing of claims.
296.7 Burden of proof and presumption of causation.
296.8 Amount of awards.
296.9 Payment of award for claims
296.10 Subrogation.
296.11 Computation of time.

Authority: Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1841 et seq.).

§ 296.1 Purpose.

These regulations implement Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 ("Title IV").

§ 296.2 Definitions.

"Area affected by OCS oil and gas exploration, development, or production activities" means all area within any 3-mile radius of a casualty which:

(1) Includes any portion of a lease block, pipeline, easement, right of way, or other OCS oil and gas exploration, development, or production activity; or

(2) Is otherwise associated with OCS oil and gas activities (such as expired lease areas, relinquished rights-of-way and easements, and areas used extensively by surface vessels supporting OCS oil and gas activities) as determined by the administrative law judge. Areas landward of the Outer Continental Shelf are included under this definition when such areas meet the criteria of this definition.

"Commercial fisherman" means any citizen of the United States who owns, operates, or derives income from being employed on a commercial fishing vessel.

"Chief, Financial Services Division, NMFS" or "Chief, FSD" means the Chief of the Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

"Financially responsible party" means a financially solvent person who is responsible for damage to or loss of a commercial fishing vessel or fishing gear

by materials, equipment, tools, containers, or other items associated with OCS oil and gas exploration, development, or production activities.

"Commercial fishing vessel" means any vessel, boat, ship, or other craft which is (a) documented under the laws of the United States or, if under five net tons, registered under the laws of any State, and (b) used for, equipped to be used for, or of a type which is normally used for commercial purposes for the catching, taking, or harvesting of fish or the aiding or assisting at sea of any activity related to the catching, taking, or harvesting of fish, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

"OCS" means Outer Continental Shelf.

"Person" means an individual, partnership, corporation, association, public or private organization, Government, or other entity.

§ 296.3 Fishermen's Contingency Fund Area Accounts.

(a) The following area accounts are established within the Fishermen's Contingency Fund; amounts in each account may not exceed $100,000:

(1) *North Atlantic Area Account.* The account is for the area of the OCS in the Atlantic Ocean which is bounded by the U.S.-Canadian boundary on the north, 39° N. latitude on the south, and 71° W. longitude on the west.

(2) *Mid-South Atlantic Area Account.* This account is for those areas of the OCS in the Atlantic Ocean which are:

(i) Both north of 39° N. latitude and west of 71° W. longitude;

(ii) South of 39° N. latitude and east of 80°15′ W. longitude (off the southern coast of Florida); or

(iii) Adjacent to any U.S. territory, commonwealth, or possession in the Atlantic Ocean or the Caribbean Sea to which the Outer Continental Shelf Lands Act applies.

(3) *Pacific Area Account.* This account is for the area of the OCS adjacent to Washington, Oregon, California, Hawaii, or any U.S. territory, commonwealth, or possession in the Pacific Ocean to which the Outer Continental Shelf Lands Act applies.

(4) *Alaska Area Accounts.* This account is for the area of the OCS adjacent to Alaska.

(5) *Freeport Area Account.* This account is for the area of the OCS in the Gulf of Mexico which is identical to the United States Geological Survey Freeport District.

(6) *Lake Charles Area Account.* This account is for the area of the OCS in the Gulf of Mexico which is identical to the United States Geological Survey Lake Charles District.

(7) *Lafayette Area Account.* This account is for the area of the OCS in the Gulf of Mexico which is identical to the United States Geological Survey Lafayette District.

(8) *Houma Area Account.* This account is for the area of the OCS in the Gulf of Mexico which is identical to the United States Geological Survey Houma District.

(9) *Metairie Area Account.* This account is for the area of the OCS in the Gulf of Mexico which is identical to the United States Geological Survey Metairie District.

(b) *Exclusion.* The geographic area for each area account described in paragraph (a) of this section does not include submerged lands recognized by the United States as being under the jurisdiction of any state under the Submerged Lands Act (43 U.S.C. section 1301 *et seq.*).

(c) *Payments into the Fund.*—(1) *Initial assessments.* Each lease issued or maintained under the Outer Continental Shelf Lands Act for any tract in any geographical area for which there is an area account, each easement or right-of-way for the construction of a pipeline in such area, and each exploration permit in such area in effect at any time on or after January 24, 1980, shall be assessed in accordance with paragraph (c)(3) of this section so that not more than $100,000 will be collected in each area account.

(2) *Assessments to maintain accounts.* An area account is depleted if the total amount in the area account is less than $50,000. If an area account is depleted, the Chief may notify the Secretary of the Interior that an assessment is needed to maintain the area account. Each lease, permit, easement, and right-of-way which is both in the geographical area for which there is a depleted area account and in effect on the date an assessment is effective, shall be assessed such amount as is necessary to increase the total amount in the area account to not more than $100,000.

(3) *Calculation of amount.* The amount to be paid by each holder of a lease, exploration permit, easement, and right-of-way in any geographical area for which there is an area account shall be determined as described below, and calculated by the Secretary of the Interior:

(i) Each exploration permit in effect on the date an assessment is effective is assessed $50.00.

(ii) Leases, easements, and rights-of-way are assessed equally on a per-unit basis based on the number of leases and pipeline segments in effect on the date an assessment is effective.

(iii) New permits, leases, rights-of-way, and easements that come into existence after an assessment is made escape assessment until the next assessment, at which time all permits, leases, rights-of-way, and easements in effect are assessed.

(iv) Pipeline rights-of-way and easements in the Gulf of Mexico are credited to the area account in which the pipeline segment originates.

(v) Pipeline easements to be assessed do not include flow or gathering lines within the confines of a single lease or group of contiguous leases under unitized operation or a single operator.

(4) *To whom, by whom, and when payable.* Each assessment under this section shall be paid to the Secretary of the Interior by the holder no later than 30 days after the Secretary of the Interior sends notice of the assessment under paragraph (c)(3) of this section.

§ 296.4 Claims eligible for compensation.

(a) *Claimants.* To be eligible for compensation under this Part, the damage or loss must be suffered by a commercial fisherman.

(b) *Damage or loss of fishing gear.* Except as provided in paragraph (c) of this section, any actual or consequential damage (including loss of profits) due to damage to or loss of fishing gear caused by materials, equipment, tools, containers, or other items associated with oil and gas exploration, development, or production activities in a geographical area for which an area account has been established under § 296.3 is eligible for compensation under this part. Damage or loss may be eligible for compensation even if it did not occur in the waters above the OCS, if the item causing the damage or loss was associated with OCS oil and gas exploration, development, or production activities.

(c) *Exceptions.* As specified by the title IV statute, damage or loss is not eligible for compensation under this part:

(1) If the damage or loss with respect to which the claim is filed was caused by materials, equipment, tools, containers, or other items attributable to a financially responsible party and such party has admitted responsibility;

(2) To the extent that damages were caused by the negligence or fault of the commercial fisherman making the claim;

(3) If the damage or loss with respect to which the claim is filed was sustained before September 18, 1978;

(4) In the case of a claim for damage to, or loss of, fishing gear, in an amount

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in excess of the replacement value of the fishing gear with respect to which the claim is filed;

(5) In the case of a claim for loss of profits (i) for any period in excess of 6 months, and (ii) unless such claim is supported by records with respect to the claimant's profits during the previous 12-month period;

(6) For any portion of the damages claimed with respect to which the claimant has or will receive compensation from insurance;

(7) If the claim is not filed within 60 days after the date the claimant discovers the damage or loss with respect to which the claim is filed; and

(8) If the damage or loss was caused by a natural obstruction or an obstruction unrelated to OCS oil and gas exploration, development, or production activities.

§ 296.5 Instructions for filing claims.

(a) *Five-day report required to gain presumption of causation.* In order to gain a presumption of causation of damage by OCS-related activities, a report must be made to the nearest NMFS Regional Office within 5 days after the date on which such damages are discovered. Satisfaction of the 5-day requirement is determined by the date of postmark if the report is mailed; by the date of receipt of a call, if the report is telephoned or radiotelephoned; or by the date of appearance, if the report is made in person at the nearest NMFS Regional Office. NMFS addresses and telephone numbers to use for making a 5-day report are listed below.

Chief, Financial Services Branch, Northwest Region, National Marine Fisheries Service, Post Office Building, Box 1109, Gloucester, Massachusetts 01930, (617) 281–3600

Chief, Fisheries Development Analysis Branch, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702, (813) 893–3271

Chief, Fisheries Development Division, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, (213) 548–2575

Chief, Financial Services Branch, Northwest Region, National Marine Fisheries Service, 7600 Sandpoint Way, N.E., Seattle, Washington 98115, (206) 527–6122

Chief, Fisheries Development, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586–7224

(b) *Contents of five day report.* Each report must contain the following information:

(1) The claimant's name and address;

(2) The name and identifying number of the commercial fishing vessel involved;

(3) The location of the obstruction which caused the damage or loss;

(4) A statement concerning the activities of the vessel involved at the time the damage or loss occurred;

(5) A description of the nature of the damage or loss;

(6) The date such damage or loss was discovered;

(7) A description of the obstruction, if known; and

(8) A statement concerning whether or not a surface marker or lighted buoy was attached to or near the obstruction.

(c) *Who must file, when and where to file claims.* All claimants (including those who filed 5-day reports to gain the presumption of causation) must file a claim no later than 60 days after the date the claimant discovers the damage or loss with respect to which the claim is made. The claim should be filed on NOAA Form 88–164 (available from NMFS), but use of a different form of claim is not precluded. Claimants are encouraged to provide as much information as possible, as more complete information will expedite processing of the claims. For the purpose of this paragraph (c), the term "filed" means delivered in person, or mailed (as determined by the date of postmark), to the Chief, FSD. The claim must be filed with the Chief, Financial Service Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

(d) *Aggregating claims.* If more than one commercial fisherman suffers loss or damage arising from the same incident (for example, when several members of the crew lost income due to loss of fishing time), the claims of all such fishermen should be aggregated into one claim and the claim should be submitted on their behalf by the owner or operator of the commercial fishing vessel or vessels involved.

§ 296.6 NMFS processing of claims.

(a) *Public notice of claims.* (1) Upon receipt of a timely-filed claim which is not clearly ineligible because of the statutory exemptions from eligibility, the Chief, FSD, will promptly:

(i) Transmit a copy of the claim to the Secretary of the Interior;

(ii) Transmit the reported location of any obstruction which was not recovered and retained to the National Ocean Survey, which will inform the Defense Mapping Agency Hydrographic/Topographic Center; and

(iii) Publish a 30-day notice of the claim in the **Federal Register.**

(2) After receiving an abstract of the claim, the Secretary of the Interior will promptly send written notice of the claim to all persons known to have engaged in activities associated with OCS oil and gas exploration, development, or production in the vicinity where the damage or loss occurred.

(b) *Responses to notice of claim.* (1) Each person notified by the Secretary of the Interior under paragraph (a)(2) of this section shall, within fifteen (15) days after the Secretary of the Interior sends the notice, notify the Chief, FSD, and the Secretary of the Interior whether that person admits or denies responsibility for the damages claimed.

(2) If any person admits responsibility under paragraph (b)(1) of this section or otherwise, the Chief, FSD, will so inform the claimant, and will not take any further action on the claim. If the person admitting responsibility later denies, or withdraws the admission of, responsibility, the Chief, FSD, will resume processing of the claim.

(c) *Referral of a claim to the ALJ.* (1) Upon expiration of the 30-day period following publication of the **Federal Register** notice under paragraph (a)(1)(iii) of this section, claims will be referred to the administrative law judge (ALJ). If the claim was not timely filed, or if it was clearly ineligible because of the statutory exemptions from eligibility, the claim will be referred to the ALJ for expedited denial without having first given public notice of the claim otherwise required by paragraphs (a)(1)(iii) and (a)(2) of this section.

§ 296.7 Burden of proof and presumption of causation.

The claimant has the burden to establish, by a preponderance of the evidence, all facts necessary to demonstrate eligibility for, and the amount of, compensation under this Part. Preponderance of the evidence means such evidence as makes appear more likely, or probable, than not that a fact of causation stated in connection with a claim filed under this Part is true. If the claimant has gained the presumption of causation by the filing of a 5-day report under § 296.5, such claimant is relieved of the burden of proving that the loss or damage was caused by OCS related activities, unless other evidence available to the ALJ is sufficient to rebut the presumption.

§ 296.8 Amount of awards.

(a) *Fishing gear.* If the fishing gear with respect to which the claim is filed can be reparied to a condition substantially similar to its condition immediately before the damage was suffered, at a cost less than its replacement cost minus its salvage value, then the amount of compensation

is its repair cost. If the fishing gear is not lost but cannot be repaired to a condition substantially similar to its condition immediately before the damage was suffered, at a cost less than its replacement cost minus its salvage value, then the amount of compensation is the damaged gear's replacement cost minus its salvage value. If the fishing gear is lost, the amount of compensation is the lost gear's replacement cost. For the purposes of this § 296.8, the term "replacement cost" means the cost of supplying new fishing gear of the same or substantially similar size, type, grade and material of construction, without reference to the age or condition of the gear damaged or lost.

(b) *Consequential damages.*—(1) *Expenses.* The amount of an award under this Part will include compensation for any reasonable expenses, as determined by the ALJ, actually incurred by the claimant to ascertain the cause and extent of the damage or loss caused to fishing gear and to obtain a decision in the claimant's favor.

(2) *Loss of profits.* (i) The amount of an award under this Part will include compensation, as determined by the ALJ, for any loss of profits due to damage to, or loss of, fishing gear with respect to which the claim is filed.

(ii) A claim for loss of profits due to loss of time spent in disengaging fishing gear from any item described in § 296.4(b) of this part may be eligible for compensation under this part even if the fishing gear involved was not damaged or lost. Compensation for this type of lost profits ordinarily will not exceed what would have been the replacement cost, less salvage value, of the fishing gear disengaged, unless the claimant can show that efforts to disengage the gear were of reasonable duration and that abandonment of the gear would have resulted in a greater economic loss.

(iii) No award may be made under this Part for loss of profits for any period in excess of 6 months from the date when the damage or loss of the fishing gear was discovered.

(iv) In determining the amount awarded under this paragraph (b) (2), the ALJ may consider any evidence concerning:

(A) Profits from the corresponding quarter of the previous year;

(B) Profits from trips immediately before and after the loss or damage which is the subject of the claim;

(C) Such other evidence as the claimant may submit; and

(D) Such other evidence as the ALJ may deem appropriate.

(v) The measure of compensation for loss of profit ordinarily is the net profit lost. If the ALJ determines that a different measure of compensation for loss of profit is appropriate because the facts of the claim are sufficiently extraordinary, and states the reasons for the determination, the ALJ may apply the measure of compensation which the ALJ deems to be most appropriate.

(3) *Fuel.* An award under this Part will include compensation for fuel consumed as a result of the damage or loss of fishing gear compensable under this Part (for example, if a fishing vessel must return to port in order to repair or replace trawl doors damaged or lost due to an obstruction).

(4) *Other.* An award under this Part may include compensation for any other consequential damage resulting from the damage or loss of fishing gear, but may not include compensation for personal injury.

§ 296.9 Payment of award for claim.

(a) The chief, FSD, will pay the amount of the award certified in the decision of the ALJ. The payment will be disbursed from the area account or accounts specified in the decision of the ALJ. No payment will be made under this section until the claimant has signed a subrogation agreement under § 296.10 of this Part.

§ 296.10 Subrogation.

(a) *Agreement.* Before receiving payment under this Part, a claimant shall sign a subrogation agreement which:

(1) Assigns to the Fund all rights the claimant has, and might have, to proceed against any person for damages with respect to any part of the damage or loss for which the award is being made; and

(2) Provides that the claimant will assist the Fund in any reasonable way to pursue collection of the subrogated rights.

(b) *Collection of subrogated rights.* In those instances in which it appears that a reasonable chance of successful collection exists, the National Marine Fisheries Service will refer the subrogated rights to the Department of Justice for collection.

§ 296.11 Computation of time.

Saturdays, Sundays and Federal Government holidays shall be included in computing the time period allowed for filing any document or paper under this Part (including the 5-day report and claim referred to in § 296.5) but when such time period expires on such a day, such time period shall be extended to include the next following Federal Government working day.

[FR Doc. 81-35095 Filed 12-7-81; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The NOAA issues a final rule implementing an amendment to the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific. The amendment requires closure during the fall and winter of certain areas in the eastern Bering Sea to groundfish trawling by vessels of a foreign nation which have caught a specified number of chinook salmon incidental to such trawling. This action responds to recent increases in the number of chinook salmon incidentally caught by foreign groundfish trawlers in the eastern Bering Sea.

This action is intended (1) to reduce the incidental catch and unnecessary mortality of chinook salmon, a prohibited species in the foreign fishery, and (2) to facilitate the enforcement of existing regulations designed to protect prohibited species.

EFFECTIVE DATE: December 1, 1982.

ADDRESSES: Copies of the amendment may be obtained from Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The foreign groundfish fisheries in the fishery conservation zone (FCZ) of the eastern Bering Sea are managed under authority of the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific (PMP). The PMP was published in the **Federal Register** (42 FR 9298) on February 15, 1977, and implemented on March 1, 1977, under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The rules implementing the PMP and subsequent amendments generally require that foreign groundfish trawl vessels minimize the incidental harvest of certain species and that they return

any such species that are incidentally caught to the sea immediately (50 CFR 611.13). Among the "prohibited" species are chinook salmon (by definition (bb) of 50 CFR 611.2 and by exclusion from § 611.93), which are of special subsistence and commercial importance to residents of villages located on the coast of the Bering Sea and along the Kuskokwim and Yukon Rivers in western Alaska.

This amendment limits the annual prohibited species catch (PSC) of chinook salmon in the eastern Bering Sea foreign groundfish trawl fishery to 65,000 fish in response to the apparent increase of the number of chinook salmon intercepted in this fishery during 1979 and 1980. When, in the course of a fishing year, the trawl vessels of a foreign nation intercept incidentally an amount of the chinook salmon PSC that is proportional to that nation's share of the eastern Bering Sea groundfish total allowable level of foreign fishing (TALFF), further trawling by vessels of that nation in Bering Sea and Aleutian Islands (BSA) statistical area II and between 55° and 57° N. latitude and 165° and 170° W. longitude in BSA statistical area I will be prohibited during the remainder of the periods January 1–March 31 and October 1–December 31 of that fishing year. The chinook salmon PSC may be adjusted by amending the PMP if environmental, biological, or other factors so warrant.

The limitations included in this amendment will be implemented December 1, 1981. During the 1981 fishing year trawl vessels of foreign nations have caught incidentally certain numbers of chinook salmon while trawling for groundfish. Rather than holding each nation accountable for chinook salmon that were caught prior to the effective date of the amendment, a chinook salmon PSC is established for December 1981. The December PSC is weighted in relation to the average number of chinook salmon caught incidentally in December during 1978–1980. Each foreign nation will be limited to the portion of the December PSC that is proportional to its share of the final 1981 groundfish TALFF and will be accountable for chinook salmon catches during the last month of the fishing year. If a nation catches its part of the December PSC, further trawling by vessels of that nation will be prohibited in the BSA areas described above for the remainder of the fishing year.

The North Pacific Fishery Management Council (NPFMC) has made a similar amendment (Amendment 1–a) to its fishery management plan for the Bering Sea and Aleutian Islands Groundfish Fishery (FMP), which is expected to be implemented early in 1982 and which will supersede the PMP. Amendment 1–a published for public comment on October 29, 1981, at 46 FR 53475 will likely be implemented in late January 1982, and will establish the annual chinook salmon PSC for 1982 at 55,250 fish. Upon implementation of Amendment 1–a each nation's catch of chinook salmon beginning January 1, 1982, will be counted against its share of the 1982 chinook salmon PSC.

This amendment to the PMP also makes a technical change in the regulations to conform with the Magnuson Act definition of "Secretary," which includes the designee of the Secretary.

The justification of this amendment was discussed thoroughly in the preamble to proposed rules which were published September 16, 1981 (46 FR 45968), and which invited comments until October 16, 1981. One comment was received and is responded to below. After considering the comment, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has decided to give final approval to the amendment.

Public Comment

The NPFMC commented by letter on the proposed rule; a summary and NOAA's response appear below.

Comment: The NPFMC recommends that a nation's share of the chinook salmon PSC be in the same proportion to the total chinook salmon PSC as its groundfish allocation is to the total groundfish TALFF plus reserves. Including groundfish reserves in the determination of a nation's part of the chinook salmon PSC establishes consistency between this amendment to the PMP and the NPFMC's amendment to the FMP, and will provide for an operational reseve of the chinook salmon PSC that may be assigned among foreign nations in accordance with the release of groundfish reserves. This will allow for an orderly fishery and encourage foreign nations not to exceed their PSC limits and to catch their allocations.

Response: The recommendation made by the NPFMC has been incorporated into this amendment in order to maintain consistency between the PMP and the FMP and to provide for an "operational reserve" of the chinook salmon PSC. This "operational reserve" will be released as groundfish reserves are released to TALFF.

Classification

The Assistant Administrator has determined that this amendment to the PMP is necessary and appropriate for the conservation and management of fisheries resources, and is consistent with the Magnuson Act and with other applicable law. An environmental impact statement on the original PMP was prepared under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and is on file with the Environmental Protection Agency (EPA). A supplement to the environmental impact statement is not required under NEPA because the Assistant Administrator has determined that the action will not have a significant impact on the quality of the human environment. An environmental assessment has been prepared on this action and is on file with the EPA.

On the basis of criteria set forth in Executive Order 12291 (E.O. 12291), the Administrator, NOAA, has determined that this amendment does not constitute a "major rule" requiring the preparation of a regulatory impact analysis. The Administrator has also certified that this rule will not have a significant impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 603 and 604). It will beneficially affect Alaskan users of chinook salmon while avoiding disruption of foreign groundfish fisheries.

This rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

The foreign groundfish trawl fisheries have already intercepted incidentally certain numbers of chinook salmon during the 1981 fishing year; moreover, catches of chinook salmon in the foreign trawl fishery tend to be high during December. Therefore, the Assistant Administrator finds good cause not to delay for 30 days the effective date of these final regulations under 5 U.S.C. 553(d).

Dated: December 2, 1981.

E. Craig Felber,

Chief, Management Service Staff.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. For the reasons set out in the preamble, § 611.93 is amended by adding paragraphs (b)(4)(ii)(D) and (b)(4)(ii)(E).

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(b) * * *

(4) * * *

(ii) * * *

(D) During any fishing year after December 31, 1981, that portion of fishing area I lying between 55° and 57° N. latitude and 165° and 170° W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of that nation intercept that nation's part of the prohibited species catch (PSC) of chinook salmon. A nation's part of the PSC for chinook salmon at any time during a fishing year is determined by multiplying 65,000, the total PSC for chinook salmon, by the ratio of that nation's current allocation of groundfish to the total current TALFF plus current reserves for groundfish.

National part of PSC =

$$65{,}000 \times \frac{\text{National Allocation of TALFF}}{\text{Total Groundfish TALFF and Reserve}}$$

Fishing areas I and II are described at § 611.9, Appendix II, figure 2.

(E) During the period December 1 through December 31, 1981, that portion of fishing area I lying between 55° and 57° N. latitude and 165° and 170° W. longitude and all of fishing area II may be closed for the remainder of December to trawl vessels of any nation. This closure will occur when vessels of that nation intercept that nation's part of the prohibited species catch (PSC) of chinook salmon. A nation's part of the PSC for chinook salmon at any time during December is determined by multiplying 18,200, the total PSC for chinook salmon, by the ratio of that nation's current allocation of groundfish to the total current TALFF plus current reserves for groundfish.

National part of PSC =

$$18{,}200 \times \frac{\text{National Allocation of TALFF}}{\text{Total Groundfish TALFF and Reserve}}$$

Fishing areas I and II are described at Section 611.9, Appendix II, figure 2.

* * * * *

§ 611.93 [Nomenclature Change]

3. Section 611.93 is amended by removing the words "Regional Director" and inserting in their place the word "Secretary" in the following paragraphs: (b)(3)(i), (b)(3)(ii), (b)(3)(iii)(A), (b)(3)(iii)(B), (b)(3)(iii)(C), (b)(3)(iii)(D)(2), (b)(3)(iii)(E), (b)(3)(iii)(F).

[FR Doc. 81-35071 Filed 12-3-81, 2:55 pm]

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Revision

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AGENCY: F
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Proposed Rules

Federal Register
Vol. 46, No. 235
Tuesday, December 8, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Replacement of Provisions of Regulatory Guide 8.15, Incorporated by Reference in § 20.103

Correction

In FR Doc. 81–32143 appearing on page 55271, in the issue of Monday, November 9, 1981, make the following correction.

On page 55272, Appendix A, in the column, "Protection factors: Particulates, gases and vapors", the third entry from the bottom of the page reading "^{k} 2,000" should read "^{k} 10,000".

BILLING CODE 1505–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 543, 544, 545, 552, and 577

[No. 81–724]

Revision of Application Requirements

November 25, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board propose to revise certain application requirements for Federally chartered savings and loan associations and mutual savings banks. The proposed changes would revise requirements relating to (1) adoption or change of corporate title and (2) home and branch office relocations within 1,000 feet of existing sites.

DATE: Comments must be received by: February 4, 1982.

ADDRESS: Please send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT:

K. Diane Boyle (202–377–6720), Office of Industry Development, or Michael D. Schley (202–377–6444), Office of General Counsel, at the above address.

SUPPLEMENTARY INFORMATION:

Adoption or Change of Corporate Title

Section 543.1 of the Board's Regulations for the Federal Savings and Loan System (12 CFR 543.1) currently sets forth requirements regarding the corporate title of a Federal association. The Board proposes to make simplifying amendments to the corporate title standards set forth in paragraph (a), which currently provides:

(a) A Federal association's title shall include the words "Federal Savings and Loan Association" preceded by suitable descriptive words, and may be followed by words indicating location, including a State or regional name immediately preceded by the name of the locality of the association's home office. State or regional names may be used elsewhere in the title if the applicant clearly demonstrates, and the Board finds, that such use is justified. A Federal association shall not adopt or change to a title which will result in unfair competition or public confusion, or be deceptive, scandalous, or otherwise unsuitable.

The proposed changes are as follows:

1. *Indication of Federal charter.* The Board believes that inclusion of the entire phrase "Federal Savings and Loan Association" in a Federal association's corporate title is not necessary to prevent confusion or deception of the public. National banks commonly indicate their federal charter merely by adding the initials "N.A." to their name; this practice has not proved misleading or confusing to the public. Federal associations commonly shorten their names to forms such as "*XYZ* Federal" for purposes of advertising, and the Board has consistently permitted this advertising practice on the ground that it clearly indicates that an association is Federally chartered. In light of these considerations and the present nature of the business of savings and loan associations, the Board proposes to permit a Federal association to choose any title wording that indicates that the association is a Federal savings and loan association.

2. *Descriptive terms.* The regulation currently authorizes the use of (a) "suitable descriptive words," (b) a state or regional name immediately preceded by the locality of the home office, and (c) a state or regional name elsewhere in the title with Board approval. The first requirement may be too vague to impose any meaningful limitation. To the extent the latter two provisions speak to unfair competition considerations, as discussed below, the Board believes that such matters may best be resolved under laws regarding trade-name infringement and unfair competitive practices. To the extent these provisions address problems of public confusion or deception, they unnecessarily duplicate the prohibition in the following sentence against confusing or misleading corporate titles. Consequently, the Board proposed to simplify its corporate title requirements by removing these three provisions from the regulation.

3. *General standards.* The regulation currently prohibits corporate titles that "will result in unfair competition or public confusion, or be deceptive, scandalous, or otherwise unsuitable." The Board has reviewed these standards, and believes the regulation should be revised to prohibit only deceptive and confusing corporate titles. Adequate remedies and forums for unfair competition disputes are provided under state laws, and the Board believes such controversies are resolved more efficiently through private adversarial actions than through administrative enforcement proceedings. Therefore, as a matter of Federal law, the Board has determined in the exercise of its plenary authority over Federal savings and loan associations to propose that state laws govern disputes that may arise in this area. In addition, the Board believes the terms "scandalous" and "otherwise unsuitable" may be too vague to be enforceable, and thus proposes to eliminate these requirements.

The Board also proposes to eliminate the application and approval requirements for a change of corporate title. Paragraph (b) of § 543.1 currently requires any association desiring to change its title to apply for approval pursuant to the branch office application procedures set forth in § 545.14. The Board believes that a title change is a matter that should lie within the business discretion of an association. Under the proposed rule, a Federal association may change its title after giving 30 days' notice to the Supervisory Agent. The title change would be

accomplished by means of a preapproved charter amendment. However, if, within the 30-day period, the Supervisory Agent objects to the proposed new title as confusing or deceptive, the association would be required to apply for Board approval before effecting the title change. The proposed rule would greatly streamline the corporate title change procedure by eliminating the need for an application in most instances.

Home or Branch Office Relocation

Section 545.15 of the Board's Regulations for the Federal Savings and Loan System (12 CFR 545.15) provides that a Federal association may not change the permanent location of its home office or any approved branch office without first obtaining Board approval in accordance with the branch office application procedures. The Board proposes to exempt from this application and approval requirement any relocation that is within 1,000 feet of and in the same market area as the former office site. A staff study conducted earlier this year revealed that of 205 office relocation applications processed during the 18-month period beginning on January 1, 1980, and ending on June 30, 1981, 121 (or 59%) of those applications were for relocations within 1,000 feet of the former office. None of the 121 short-distance relocations were protected. These statistics suggest that such short-distance relocations have few or no competitive implications. Accordingly, the Board proposes to require only 30 days' written notice to the Supervisory Agent of such short-distance relocations. A relocation may be effected unless the Supervisory Agent determines that the relocation is not within 1,000 feet or the same market area, and so notifies the association during the 30-day period. If the Supervisory Agent makes a timely objection, the association would be required to obtain Board approval through the ordinary application process.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following initial regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to savings and loan associations and mutual savings banks that are Federally chartered ("Federal associations").

3. *Impact of the proposed rule on small Federal associations.* The proposed rule will not have an adverse impact on small Federal associations. The proposed changes are deregulatory in nature, and thus are expected to have a beneficial impact on large and small associations alike.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposed rule.

5. *Alternatives to the proposed rule.* The proposed rule would relieve existing restrictions on the regulated industry; thus, there are no tiering alternatives that would have less impact on small entities.

Accordingly, the Board proposes to amend Parts 543, 544, 545 and 552, Subchapter C, and Part 577, Subchapter E, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

1. Revise § 543.1 to read as follows:

§ 543.1 Corporate title.

(a) *General.* A Federal association's title shall in some manner indicate that it is a Federal association. A Federal association shall not adopt a title that will result in confusion or deception of the public.

(b) *Title change.* Prior to changing its corporate title, a Federal association must file with the Supervisory Agent a written notice indicating the intended change. If, within 30 days of receipt of the notice, the Supervisory Agent does not notify the association of his objection on grounds set forth in paragraph (a) of this section, the association may change its title by amending its charter in accordance with § 544.2(g) or § 552.4(c) (or, in the case of a Federal mutual savings bank, § 577.1–2) of this chapter and the amendment provisions of its charter. If a timely objection is made, the association may change its title only with Board approval, after filing with the Board an application containing a factual statement justifying the proposed change.

PART 544—CHARTER AND BYLAWS

2. Add a new paragraph (g) to § 544.2, to read as follows:

§ 544.2 Amendment of charter.

* * * * *

(g) *Title change.* The Board hereby preapproves the amendment of section 1 of the charter to effect a change of the corporate title of a Federal mutual association that has complied with § 543.1(b) of this Subchapter.

PART 545—OPERATIONS

3. Add a new paragraph (d) to § 545.15, to read as follows:

§ 545.15 Change of office location and redesignation of offices.

* * * * *

(d) *Short-distance relocations.* Notwithstanding paragraph (a) of this section, an association may change the permanent location of a home or branch office to a site within 1,000 feet of and in the same market area as the former location without applying for Board approval. An association shall notify the Supervisory Agent in writing at least 30 days before such an office relocation, and may proceed with the relocation unless, within 30 days of receipt of the notice, the Supervisory Agent notifies the association that the relocation does not satisfy the criteria in the first sentence of this paragraph, in which case the association must file an application and obtain Board approval in accordance with paragraphs (b) and (c) of this section. The Supervisory Agent's determination of whether the proposed relocation is within 1,000 feet of and in the same market area as the former location shall be final.

PART 552—STOCK ASSOCIATIONS

4. Amend § 552.4 by adding a new paragraph (c) to read as follows:

§ 552.4 Optional charter provisions.

* * * * *

(c) A Charter S association that has complied with § 543.1(b) of this Subchapter may amend Charter S by substituting a new corporate title in Section 1.

PART 577—CHARTER AND BYLAWS

5. Add a new § 577.1–2, to read as follows:

§ 577.1–2 Preapproved charter amendment.

This section constitutes approval by the Board of the amendment of section 1 of the charter to effect a change of the corporate title of a Federal mutual savings bank that has complied with § 543.1(b) of this chapter.

(12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

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By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.
[FR Doc. 81-35135 Filed 12-7-81; 8:45 am]
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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 190

Bankruptcy

Correction

In FR Doc. 81-33937, published at page 57535, on Tuesday, November 24, 1981, make the following corrections:

(1) On page 57538, in the first column, in the sixth complete paragraph, *"Background"*, in the ninth line "not no" should be corrected to read "not so".

(2) On page 57540, in the first column, in the second paragraph, in the twentieth line "190–05" should be corrected to read "190.05".

(3) On page 57544, in the first column, in the second paragraph of footnote 54, in the eleventh line "That is" should be corrected to read "That if".

(4) On page 57547, in the second column, in the first paragraph, in the fourth line from the bottom, "not bankruptcy" should be corrected to read "no bankruptcy".

(5) Also on page 57547, in the third column, in the second full paragraph, in the second to last line "certain property" should be corrected to read "certain other property".

(6) On page 57549, in the third column, in the first indented paragraph, in the eleventh line "$190.06" should be corrected to read "§ 190.06".

(7) On page 57551, in the first column, in the ninth line "190.03" should be corrected to read "190.07".

(8) On page 57554, in the second column, in the second table, in the third line, under column "Segregated and allocated", "1,000" should be corrected to read "1,500".

(9) On page 57556, in the second column in the fourteenth line "90.10" should be corrected to read "190.10".

(10) On page 57561, in the third column, in § 190.05(b)(1)(iii), in the second line, "be liquidated by the trustee, to be" should be corrected to read "be liquidated by the trustee, to be".

(11) On page 57563, in the third column, in § 190.07(b)(1)(A)(*ii*), in the fourth line, "or by" should be corrected to read "or for".

(12) On page 57566, in the second column, in § 190.08(a)(1)(ii)(D), in the second line "(a)(i)" should be corrected to read "(a)(1)(i)(A)".

(13) Also on page 57566, in the second column, in § 190.08(a)(1)(ii)(J), in the seventh line "(a)(v) and (a)(2)(i) through (a)(2)(viii) of" should be corrected to read "(a)(1)(i)(E) and (a)(1)(ii)(A) through "(a)(1)(ii)(H) of".
BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 135

[Docket No. 79P-0441]

Frozen Desserts; Proposal to Establish Standards of Identity for Goat's Milk Ice Cream, Goat's Milk Frozen Custard, and Goat's Milk Ice Milk

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to establish standards of identity for goat's milk ice cream, goat's milk frozen custard, and goat's milk ice milk by cross-reference to the standards of identity for ice cream and frozen custard and for ice milk. This action would provide for the manufacture of ice cream, frozen custard, and ice milk from goat's milk which may be used by consumers as alternatives to products made from cow's milk.

DATES: Comments by February 5, 1982. Proposed compliance for all affected products initially introduced or initially delivered for introduction into interstate commerce: July 1, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: The Cove Mountain Goat Dairy, Rt. 2, Box 255A, Wytheville, VA 24382, has petitioned FDA to amend the standard of identity for ice cream and frozen custard (21 CFR 135.110) to permit the use of goat's milk. The petitioner requested that the definition of "milk" found in § 135.110(b), which now reads "The term 'milk' as used in this section means cow's milk", be changed to read "The term 'milk' as used in this section means cow's milk or goat's milk".

As grounds to support this amendment, the petitioner maintains that it is discriminatory to restrict use of the name "ice cream" to a product made from cow's milk only, particularly when the goat's milk products meet or surpass all the requirements for ice cream and frozen custard (§ 135.110) and that the use of the term "milk" to include both cow's milk and goat's milk has precedent in the "Grade A Pasteurized Milk Ordinance—1978 Recommendations of the U.S. Public Health Service/Food and Drug Administration" (PMO), which has been adopted as law or regulation by many States. The petitioner further asserts that ice cream made from goat's milk offers an acceptable alternative to consumers who cannot tolerate cow's milk.

FDA is aware of a growing interest in providing for the use of goat's milk in the production of ice cream, as well as other frozen dessert products. FDA does not agree that expanding the meaning of "milk", as used in § 135.110(b), to include goat's as well as cow's milk is the best way to provide for the product "goat's milk ice cream". This change would permit the use of goat's milk counterparts of each of the cow's milk-derived ingredients listed in § 135.110(b), and it would provide a much broader list of goat's milk-derived ingredients than the petitioner either requested or supported with data. Also, the nomenclature and labeling provisions in § 135.110 (e) and (f), respectively, do not include provisions for either the naming of a product made with goat's milk or the declaration of the goat's milk ingredients in a label statement of ingredients.

For these reasons, FDA is proposing, on its own initiative, to establish a standard of identity for goat's milk ice cream that is cross-referenced to § 135.110. The agency is also proposing a standard of identity for goat's milk ice milk, cross-referenced to the standard for ice milk (21 CFR 135.120), to increase the number of frozen dessert products available to consumers. These proposed cross-referenced standards delineate the types of goat's milk ingredients that may be used, as well as the nomenclature and ingredient labeling requirements.

FDA advises that the term "milk" in the PMO is used in the generic sense to avoid the frequent repetition of the names of the specific milks that would otherwise occur because the same sanitation standards apply to the production and processing of Grade A goat's milk and Grade A cow's milk. However, the specific name of the milk must appear on the label, e.g., "goat's milk".

FDA proposes that all affected products initially introduced or initially

delivered for introduction into interstate commerce on or after July 1, 1983, shall comply with the regulations.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354 (5 U.S.C. 601)), FDA has considered the effect this regulation would have on small businesses. The petitioner in this action is the owner of a small business hampered in the sale of its products by a standard of identity that prevents its product from being marketed under a commonly recognized name. This proposed action provides the petitioner, as well as an unknown number of similar businesses, options in the manufacture and marketing of their products. These options are expected to produce economic benefits of an undetermined magnitude. The agency concludes that the proposed action is not restrictive, because the effect of this regulation is to permit additional flexibility in manufacturing to both large and small businesses. The agency certifies that the publication of this proposal will not have a significant economic impact on a substantial number of small entities.

PART 135—FROZEN DESSERTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 135 be amended as follows:

1. By adding new § 135.115, to read as follows:

§ 135.115 Goat's milk ice cream.

(a) *Description.* Goat's milk ice cream is the food prepared in the same manner prescribed in § 135.110 for ice cream, and complies with all the provisions of § 135.110, except that the only optional dairy ingredients that may be used are those in paragraph (b) of this section; caseinates may not be used; and paragraphs (e)(1) and (f) of § 135.110 shall not apply.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are liquid, concentrated, or dry goat's skim milk; goat's milk; and goat's cream.

(c) *Nomenclature.* The name of the food is "goat's milk ice cream" or, alternatively, "ice cream made with goat's milk", except that when the egg yolk solids content of the food is in excess of that specified for ice cream in paragraph (a) of § 135.110, the name of the food is "goat's milk frozen custard" or, alternatively, "frozen custard made with goat's milk", or "goat's milk french ice cream", or, alternatively, "french ice cream made with goat's milk", or "goat's milk french custard ice cream", or, alternatively, "french custard ice cream made with goat's milk".

(d) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

2. By adding new § 135.125, to read as follows:

§ 135.125 Goat's milk ice milk.

(a) *Description.* Goat's milk ice milk is the food prepared in the same manner prescribed in § 135.115 for goat's milk ice cream, except that paragraph (c) shall not apply, and which complies with all the requirements of § 135.120(a) (1), (2), (4), (5), (6), and (7) for ice milk.

(b) *Nomenclature.* The name of the food is "goat's milk ice milk" or, alternatively, "ice milk made with goat's milk".

Interested persons may, on or before February 5, 1982, submit to the Dockets Management Branch (HFA–305) (address above), written comments regarding this proposal. Two copies of any comments are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 27, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–34937 Filed 12–7–81; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Withdrawal of Proposal To Place Tiletamine and Zolazepam Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice withdraws the proposal to control the substances tiletamine and zolazepam under Schedule I of the Controlled Substances Act and reaffirms the proposal to control, under Schedule III, preparations containing equal amounts of those substances.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On July 9, 1981, the Administrator of the Drug Enforcement Administration published a Notice of Proposed Rulemaking in which he proposed to control tiletamine and zolazepam under Schedule I of the Controlled Substances Act (21 U.S.C. 801, *et seq.*) and further proposed to control preparations containing equal amounts of the base equivalents of those substances under Schedule III of the Act. The notice was published at 46 FR 35529. The proposed actions were to be finalized if and when the Food and Drug Administration approved the New Animal Drug Application (NADA) for Telazol, a preparation containing equal amounts of the base equivalents of tiletamine HC1 and zolazepam HC1. Interested parties were given until September 9, 1981 to submit written comments or objections with regard to these proposals.

Comments concerning the proposed actions were received from the American Association of Zoo Veterinarians and from counsel for the Warner-Lambert Company, the manufacturer of Telazol. The American Association of Zoo Veterinarians did not object to the placement of the combination drug product in Schedule III, but did object to the placement of the individual components into Schedule I. The Association felt that the Schedule I treatment of the individual ingredients would discourage or prevent the manufacture of the combination product. Warner-Lambert, the holder of the NADA for Telazol, also objected to the placement of tiletamine and zolazepam into Schedule I. The manufacturer asserted that neither of the substances met the criteria for Schedule I and further argued that the two ingredients were immediate precursors of Telazol which, as such, could not be placed into a schedule higher than that in which Telazol was placed. Warner-Lambert indicated that the placement of tiletamine and zolazepam into Schedule I would place such undue hardship upon the company as to render the

manufacture of Telazol uneconomical. Finally, the manufacturer argued that Telazol should be controlled under Schedule IV rather than Schedule III. Warner-Lambert has requested a hearing with respect to these issues.

The Acting Administrator has considered this matter at some length. The placement of preparations containing equal amounts of tiletamine and zolazepam into Schedule III is consistent with the scientific and medical evaluation of the Acting Assistant Secretary for Health and with the independent evaluation of the Acting Administrator in accordance with the provisions of 21 U.S.C. 811 (b) and (c). The regulatory requirements for the manufacture, distribution, dispensing and administration of Schedule III and IV substances are, for all intents and purposes, indentical. The regulatory burden associated with the manufacture of Schedule III substances is no greater than that for substances in Schedule IV. Furthermore, no data has been presented to cast doubt upon the original determination that Telazol best fits in Schedule III. Accordingly, the Acting Administrator reaffirms the proposed placement of preparations containing equal amounts of the base equivalents of tiletamine and zolazepam into Schedule III. This control action will be finalized when the FDA approves the NADA for the marketing of Telazol.

The Acting Administrator believes that the issues raised with respect to the proposed Schedule I treatment of the ingredients, tiletamine and zolazepam, merit further consideration. However, deliberation over these issues should not impede the marketing of a substance for which there appears to be a need in veterinary medicine. Accordingly, the Acting Administrator withdraws the proposal to place tiletamine and zolazepam into Schedule I.

In the opinion of the Acting Administrator, the request for a hearing in this matter was directed at the proposed scheduling of the substances, tiletamine and zolazepam, into Schedule I and not at the proposed placement of the combination product into Schedule III. Any necessity for a hearing should be obviated by the withdrawal of the proposal to control tiletamine and zolazepam in Schedule I. Accordingly, the request for a hearing is denied at this time. In the event that the manufacturer still desires a hearing with respect to the control of Telazol, the Acting Administrator will consider a written request made on or before January 7, 1982.

Dated: December 1, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-35124 Filed 12-7-81, 8:45 am]

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INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency For International Development

22 CFR Part 203

Registration of Agencies for Voluntary Foreign Aid

AGENCY: Agency for International Development, IDCA.

ACTION: Proposed rule.

SUMMARY: The Agency for International Development is amending this regulation to clarify the purpose of registration and emphasize that applicants must be private and voluntary in character.

DATE: Comments must be submitted on or before January 7, 1982.

ADDRESS: Comments should be submitted to: Robert S. McClusky, Agency for International Development, FVA/PVC/PLD, Room 227, SA-8, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Robert S. McClusky, (703) 235-1844.

SUPPLEMENTARY INFORMATION:

1. Section 203.1 Purpose.

This restatement of the purposes of registration establishes that registration provides a mechanism for identifying which organizations are eligible for A.I.D. resources intended for private and voluntary organizations (PVOs), e.g., matching, institutional/development support or operational program grants, or the subventions of Pub. L. 480 commodities, excess property or ocean freight reimbursement. This section recognizes that A.I.D. always has had, and continues to have, authority to make grants to other nonprofit, nongovernment organizations without their being registered.

This section also takes note that "it is not the purpose of registration to make or enable to be made any representation to the public concerning the meaning of being registered." This addition emphasizes that registration serves A.I.D. purposes and is not a consumer protection process designed to respond to the need for information on the part of the contributing public.

2. Section 203.2 Conditions of registration and documentation requirements for U.S. private and voluntary organizations.

One overall change in format has been made which effects this entire section. The registration documentation requirements have been combined with the conditions of registration, i.e., documentation requirements now immediately follow each condition. The previous format separated the conditions from the related documentation requirements.

In the following discussion, each condition will be discussed separately with the exception of condition 3 in which there was no substantive change

Condition No. 1. This condition has been modified to include information previously contained elsewhere in the regulation as to the types of organizations not eligible to apply for registration. Additionally, the categories of organizations ineligible to apply have been expanded to include churches or organizations whose primary purpose is to engage in religious activities. This addition resolves a confusion flowing from the phrase "other than religious," used elsewhere in the text. This phrase has been open to the interpretation that a church could register provided it conducted other than religious activities

Condition 2 has been expanded from the previous requirements that the applicant simply be "nongovernmental," to require that an applicant be a "private, nongovernmental organization which receives funds from private, U.S. sources * * *" with the stipulation that "* * * at least 20% of the funding (excluding in-kind contributions) for its overseas program costs (excluding inkind contributions) in the last audit year are from private U.S. sources."

"Funds from private, U.S. sources" is defined as "* * * cash received from private, nongovernmental, U.S.C sources, e.g., support and revenue from private individuals, groups, foundations and/or corporations. In-kind contributions are not included. Funds received directly or indirectly from the U.S. Government (or state or local governments), the United Nations or any other public international organization, or foreign governments or institutions are not included."

This addition recognizes A.I.D.'s decision that, in practical terms, "private" refers mainly to the balance between private and public financial resources, and that a tightening up in the application of the test of privateness is desirable to reemphasize our interest in mobilizing private sector resources, and protecting the independence of PVOs.

"Overseas program costs" are defined as the "* * * costs of all voluntary

foreign aid operations of the organization conducted outside the U.S., and includes that portion of applicable indirect costs incurred in the U.S. (such as administrative costs, but excluding fund-raising costs) necessary to carry out those voluntary foreign aid operations."

We propose that the 20% test be implemented over a three year period. Specifically, as a transition measure, a PVO which, on the effective date of the issuance of the approved Regulation 3, "* * * is registered but which did not in its last audited year ('base year') meet the 20% test, shall have a period of three years in which to come into compliance." In the case of such an organization, "if an independently audited financial statement for the third year following the base year does not meet he 20% test, the PVO's registration would be terminated by A.I.D. in accordance with § 203.7(a)(2). Any 'registered PVO grants' in progress would not be terminated and could be funded through their approved project course, but new ones would not be made."

Condition 4 in a new condition stipulating that an applicant be a voluntary organization, i.e., one which "* * * receives voluntary contributions of money, time or in-kind support from the general public." This condition has been added to place explicit emphasis on the voluntary nature of the mobilization of private resoures.

Condition 5, formerly Condition 4, has been modified with the substitution of emphasis on whether an applicant is "* * * or anticipates becoming, engaged in voluntary charitable or development assistance operations abroad * * *." Formerly the phrase was "* * * has the potential to be engaged * * *". The change leaves the task of determining the "potential" of an organization to execute a specific activity to the A.I.D. program process where potential can be assessed in light of program criteria.

Additionally, this condition has been expanded by the inclusion of the examples of the types of services and fields of activity envisaged by the references to "voluntary charitable or development assistance." These examples were formerly listed under § 203.2.

Condition 6, formerly Condition 5, has been amended to clarify that the audits of financial statements submitted by applicants will be assessed in terms of whether the accounts have been maintained in accordance with the generally accepted accounting principles (GAAP), and to incorporate the requirement for an annual budget as one of the conditions. The endorsement of GAAP places reliance on the accounting principles most broadly accepted in this society. Reference to an annual budget has heretofore been included only in reference to documentation requirements; inclusion if it in this conditon recognizes that an annual budget is an indicator of sound financial planning. The documentation requirements have been modified accordingly.

In keeping with the requirements of Condition 2 and the 20% test, the Condition 6 documentation requirements stipulate that the financial statements disclose the overseas program costs separately.

A paragraph has been added following Condition 6 clarifying that registation is not a substitute for the A.I.D. pre-grant award process. This has been done to avoid any misunderstanding that registration is the only A.I.D. pre-grant award test which must be met by an organization which has never received an A.I.D. grant.

Condition 7, formerly Condition 6,no longer stipulates that the members of the governing body of an applicant must be United States citizens. This reference to nationality has been dropped since it is no longer relevant to whether an applicant is considered a U.S. or foreign organization.

Additionally, emphasis has been placed on control by a body which is "the highest authority of the organization" rather than one which has "effective policy and administrative control." This change is intended to both clarify the intent of the condition and simplify its administration.

Finally, reference to a "compensation statement for the top five headquarters' positions and for overseas country directors" has been included in the condition. This recognizes that the provision of such a statement has in fact already been a condition of registration, though heretofore only included as a documentation requirement.

Condition 8, formerly Condition 7, has been modified to place emphasis on the three most critical elements related to how an organization expends and distributes its funds: (1) are the funds raised and expended for the stated purposes of the organization; (2) are the costs of fund raising and administration reasonable; and (3) are the financial circumstances of the organization disclosed to the public? This change recognizes the inappropriateness of A.I.D.'s attempting to define and monitor compliance with undefined yet "accepted ethical standards" by relying for guidance on standards developed by private entities, no matter how respected or broadly accepted.

Finally, a definition of "total cash" has been added to this condition to clarify the basis upon which A.I.D. will calculate the 20% test of fund raising reasonableness which has been retained as part of the condition. The 20% test of fund raising reasonableness stipulates that if fund raising costs exceed 20% of the total cash and in-kind contribution to the organization, A.I.D. shall consider them unreasonable, unless the organization demonstrates that such costs are reasonable in light of the nature of the organization's operations. In this context, "total cash" is defined as including "* * * U.S. Government financial support, as well as private support; similarly, it is expected that fund raising costs will include costs incurred in raising government funds."

3. Section 203.3.

This proposed revision simplifies the listing of documents required annually to maintain registration, and allows 180 days for their filing, rather than the 90 days period stipulated in the interim regulations. These changes have been made to simplify the process and to recognize the fact that the longer time period is more realistic given the lead times PVOs experience in obtaining completed audits.

4. Section 203.4 Certificates of Registration.

Requirement for publication in the **Federal Register** has been deleted as being inappropriate to an action (registration) which only serves A.I.D.'s internal purposes.

5. Section 203.6 Registration of Foreign PVOs.

This section has been expanded by the addition of the definition of the four categories of foreign private and voluntary organizations, and the delegations of authority to offices within A.I.D. for responsibility to register foreign private and voluntary organizations.

6. Section 203.10 Waiver Authority.

This section has been changed to permit delegation of the waiver authority.

7. Executive Order 12291.

This proposed rule is not a major rule and has been submitted to OMB in accordance with Executive Order 12291.

8. Regulatory Flexibility Act.

The Agency has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

For the reasons set out in the preamble, Part 203 of Chapter II of Title 22 of the Code of Federal Regulations is proposed to be revised as follows.

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PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Sec.
203.1 Purpose.
203.2 Conditions of registration and documentation requirements for U.S. private and voluntary organizations.
203.3 Annual requirements.
203.4 Certificates of registration.
203.5 Denial of registration and reconsideration.
203.6 Registration of foreign private and voluntary organizations.
203.7 Termination of registration.
203.8 Delegation of authority.
203.9 Access to records.
203.10 Waiver authority.

Authority: Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381).

§ 203.1 Purpose.

A.I.D. maintains, pursuant to this part, two registries of private and voluntary organizations (PVOs) engaging in or intending to engage in voluntary foreign aid operations—one of U.S., the other of foreign PVOs—for the following purposes:

(a) *Subventions.* (1) The Foreign Assistance Act of 1961, as amended ("FAA") and the Agricultural Trade and Development and Assistance Act of 1954, as amended ("Pub. L. 480"), authorize certain forms of assistance for private and voluntary organizations registered with A.I.D. These forms, referred to as "subventions," are:

(i) The payment of transportation charges on shipments of contributions for development, relief or rehabilitation, under section 123(b) of the FAA, 22 U.S.C. 2151u;

(ii) The sale of services or commodities, e.g., excess property under section 607(a) of the FAA, 22 U.S.C. 2357(a); and

(iii) The furnishing of agricultural commodities for development, relief and other programs under section 202 of Pub. L. 480, 7 U.S.C. 1722.

(2) Registration is required of United States private and voluntary organizations for participation in paragraphs (a)(1)(i) and (ii) of this section, and confers a preference as to paragraphs (a)(1)(iii) of this section. Foreign registered PVOs may not participate in paragraph (a)(1)(i) of this section, and may participate in paragraph (a)(1)(ii) of this section only if no U.S. registered PVO is available. For paragraph (a)(1)(iii) of this section the preference is: First, a U.S. registered PVO; second, if a U.S. registered PVO is not available, then a foreign registered PVO; if neither of these is practicable, then a non-registered PVO.

(b) *Registered PVO grants.* In implementing the authorities in the FAA, A.I.D. has established the policy that certain types of grants shall be made only to registered PVOs (referred to as "registered PVO grants"). Such grants rely heavily on the capacities of the grantee, and the registration process helps identify some facts which have a bearing on such capacities. Registered PVO grants currently include matching grants, institutional development grants, and operational program grants, but A.I.D. may redefine from time to time those forms of grant assistance which comprise registered PVO grants. Registration is not a requirement for A.I.D. contracts and forms of grant assistance, other than registered PVO grants.

(c) It is not the purpose of registration to make or enable to be made any representation to the public concerning the meaning of being registered.

§ 203.2 Conditions of registration and documentation requirements for U.S. private and voluntary organizations.

An applicant shall be registered with A.I.D. as a U.S. PVO if A.I.D. finds that the applicant has satisfied all the conditions and documentation requirements of registration listed below. An applicant seeking registration shall submit to A.I.D., Washington, D.C. 20523, the documentation listed below accompanied by a letter stating the reasons for seeking registration signed by its chief executive officer and supported by a resolution of its governing body. In addition, the applicant shall submit such other information as A.I.D. may reasonably require to determine if the applicant should be registered.

(a) *Condition and Documentation Requirement No. 1.*—(1) *Condition.* That the applicant is a private nongovernmental organization which is organized under U.S. law and maintains its principal place of business in the United States and is not a university, college, accredited degree-granting institution of education, organization engaged exclusively in research or scientific activities, church, or organization whose primary purpose is to engage in religious activities.

(2) *Documentation Requirement.* Articles of incorporation, bylaws, and relevant documents establishing its legal status.

(b) *Condition and Documentation Requirement, No. 2*—(1) *Condition.* That the applicant receives funds from private U.S. sources, as defined in paragraph (b)(1)(i) of this section, and that at least 20 percent of the funds (excluding in-kind contributions) for its overseas program costs (excluding in-kind contributions), in the last audited year are from private U.S. sources.

(i) "Funds from private U.S. sources" refers to cash received from private, nongovernmental, U.S. sources, e.g., support and revenue from private individuals, groups, foundations and/or corporations. In-kind contributions are not included. Funds received directly or indirectly from the U.S. Government or state or local governments, the United Nations or any other public international organization, or foreign governments or institutions are not included.

(ii) "Overseas program costs" are defined as the costs of all voluntary foreign aid operations of the organization conducted outside the U.S., and includes that portion of applicable indirect costs incurred in the U.S. (such as administrative costs, but excluding fund-raising costs) necessary to carry out those voluntary foreign aid operations.

(iii) In the event the current activities of an applicant are solely domestic and it anticipates becoming engaged in international activities, this formula would apply to income received for domestic activities.

(iv) A PVO, which on (the effective date of this part) is registered but which did not in its last audited year ("base year") meet the above 20 percent test, shall have a period of three years in which to come into compliance. If an independently audited financial statement for the third year following the base year does not meet the 20 percent test, the PVO's registration would be terminated by A.I.D. in accordance with § 203.7(a)(2). Any "registered PVO grants" in progress would not be terminated and could be funded through their approved project course, but new ones would not be made.

(2) *Documentation Requirement.* Same as § 203.3(a)(2), plus the audited financial statement (see Condition No. 6 at § 203.3(f) of this part).

(c) *Condition and Documentation Requirement No. 3.*—(1) *Condition.* That the applicant is a nonprofit organization and has a tax exemption under any one of the following provisions of the Internal Revenue Code: Section 501(c)(3); as a social welfare organization under section 501(c)(4); section 501(c)(5); or as a cooperative or credit union under section 501(c)(6).

(2) *Documentation Requirement.* IRS Statement of Tax Exemption, and a copy of IRS Form 990 or 990–PF "Return of Organization Exempt from Income Tax,"

or one comparable to the Internal Revenue Service document.

(d) *Condition and Documentation Requirement No. 4.*—(1) *Condition.* That the applicant is a voluntary organization, i.e., receives voluntary contributions of money, time or inkind support from the general public.

(2) *Documentation Requirement.* Latest annual report (or similar document) and audited financial statement (see Condition No. 6 at § 203.3(f)).

(e) *Condition and Documentation Requirement No. 5.*—(1) *Condition.* That the applicant is, or anticipates becoming, engaged in voluntary charitable or development assistance operations abroad (other than religious), including but not limited to services of relief, rehabilitation, disaster assistance, development assistance, welfare, training, or program support and coordination for such services, in the fields of health, education, population planning, nutrition, agriculture, industry, environment, ecology, refugee services, emigration, resettlement, and development of capacities in indigenous PVOs and institutions to meet basic human needs; and that such organizations are consistent with its articles of incorporation and related documentation included in the application, and with the purposes of the Foreign Assistance Act and Pub. L. 480.

(2) *Documentation Requirement.* Latest annual report (or similar document).

(f) *Condition and Documentation Requirement No. 6.*—(1) *Condition.* That the applicant accounts for its funds in accordance with generally accepted accounting principles ("GAAP"); has financial resources and demonstrated management capability to enable it to perform the services it proposes; and exercises financial planning through the preparation of an annual budget for the year subsequent to that covered in the annual audit.

(i) Further tests of the financial management systems of a PVO are part of the A.I.D. pre-grant award process. In judging the financial management systems of grant applicants the requirements set by the Office of Management and Budget (OMB) Circular A–110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations," Attachment F, "Standards for Financial Management Systems" will apply, and by reference, OMB Circular A–122 "Cost Principles for Nonprofit Organizations" will also apply. The determination as to whether an applicant can conform to these requirements is made through a pre-grant award review which is the responsibility of the grant officer with information provided by the A.I.D. Inspector General.

(2) *Documentation Requirement.* The most recent audited financial statement including Balance Sheet, Statement of Support, Revenue and Expenditure and Statement of Change in Financial Position prepared in accordance with generally accepted accounting principles ("GAAP") disclosing administrative, program, and fund-raising costs; and separately disclosing overseas program costs. The audit shall be conducted by an independent Certified Public Accountant in accordance with the generally accepted auditing standards ("GAAS") of the "Statement on Auditing Standards" of the American Institute of Certified Public Accountants. A budget for the year subsequent to that covered in the year reported in a format consistent with the audit, including the detailing of anticipated amounts and sources of support and revenue.

(i) New organizations which have been incorporated less than a year must provide an independent CPA's statement that financial statements can be prepared in accordance with GAAP, along with an unaudited financial statement covering the period between incorporation and application for registration. The CPA's statement for new organizations will also indicate whether the organization has installed internal controls to enable the execution of an audit in accordance with the applicable auditing standards at the end of the first year of operations.

(g) *Condition and Documentation Requirement No. 7.*—(1) *Condition.* That the applicant is controlled by an active and responsible governing body which holds regular meetings, which is the highest authority of the organization; whose members serve without compensation for such services; and in which paid officers or staff members do not constitute a majority in any decision; and that the applicant disclose the compensation of the top five headquarters' positions and overseas country directors.

(2) *Documentation Requirement.* A statement indicating that members of the governing body receive no compensation for their services on that body; the names and addresses of members; minutes of meetings or excerpts from minutes which the applicant considers significant or helpful to the registration process; salaries and allowances of the top five principal headquarters' positions determined by salary level; and a list of the salary levels and allowances of country director positions. When provided directly by the applicant, salaries and/or allowances may be valued at actual cost; when provided by the recipient country or local institutions, they may be valued at fair market value.

(h) *Condition and Documentation Requirement No. 8.*—(1) *Condition.* That the applicant expends and distributes its funds and resources in accordance with the stated purposes of the organization, without unreasonable cost for promotion, publicity, fund raising and administration, at home or abroad, and provides public disclosure of its financial circumstances.

(i) In determining whether an applicant obtains, expends, and distributes its funds without unreasonable cost for promotion, publicity, fund raising, and administration, A.I.D. shall consider fund raising costs as presumptively unreasonable if they exceed 20 percent of the total cash and in-kind contributions to the organization (as reflected in the audited financial statement).

(ii) An applicant for registration or a registered agency whose fund raising costs exceed the 20 percent limitation must demonstrate that such costs are unreasonable in light of the nature of the organization's operations. Upon such a showing, A.I.D. may permit exceptions to the 20 percent limitation on a case-by-case basis.

(iii) "Contributions" as used in this section, include U.S. Government financial support, both cash and in-kind, as well as private support; similarly, it is expected that fund raising costs will include costs incurred in securing government contributions.

(2) *Documentation Requirement.* A certification that audited financial statements are available to the public upon request. Any other documentation or evidence which the applicant wishes to submit addressing the degree to which annual program spending has been consistent with the stated purposes of the organization and annual expenses reasonable in amount.

§ 203.3 Annual requirements.

In order to maintain its registration, each registered PVO shall submit annually, within 180 days after the close of the fiscal year, the following documents: an independently audited financial statement, a report of income and expenditures (A.I.D. Form 1550–2), an annual report (or similar document), a copy of IRS Form 990 or 990–PF, a budget for the new fiscal year and a statement that all other circumstances

described in the original registration material remain unchanged except as noted. A.I.D. may revise the above list of documents from time to time. In addition, each registrant shall submit such other information as A.I.D. may reasonably require to determine that the organization continues to meet the conditions of registration.

§ 203.4 Certificates of registration.

Certificates of Registration will be issued by A.I.D. to applicants which A.I.D. finds satisfy the conditions and documentation requirements for registration set forth in § 203.2.

§ 203.5 Denial of registration and reconsideration.

(a) *Notification of denial of registration.* If A.I.D. decides to deny an applicant registration, the applicant will be informed in writing of the denial with a specific statement of those conditions and documentation requirements of registration in § 203.3 that the applicant has failed to satisfy.

(b) *Reconsideration.* An applicant may, within 30 days after receipt of a notification of denial or registration, request that A.I.D. reconsider its application for registration and may submit additional information to A.I.D. bearing on its suitability for registration. An applicant requesting reconsideration will be informed in writing of A.I.D.'s decision upon reconsideration. In addition, A.I.D. may, at its own discretion, reconsider a denial of registration at any time.

(c) An applicant may resubmit an application for registration in accordance with § 203.2 at any time.

§ 203.6 Registration of foreign private and voluntary organizations.

(a) For the purpose of this part, foreign PVOs shall consist of the following:

(1) An "indigenous" PVO is a non-U.S. PVO which conducts operations in the country under the laws of which it is organized.

(2) A "regional" PVO is a non-U.S. PVO that is organized under the laws of a country in an A.I.D. geographic region, and conducts operations in more than one country in that region but not in more than one such region.

(3) A "third country" PVO is a non-U.S. PVO which is not organized under the laws of any country in the A.I.D. geographic region or regions in which it conducts its operations.

(4) An "international" PVO is an organization which is not registered as a U.S. PVO, receives funds from two or more countries, has an international governing body, and conducts operations in one or more A.I.D. geographic regions.

(b) Foreign PVOs shall be registered in accordance with guidance for eligibility of non-U.S. private and voluntary organizations for participation in A.I.D.-supported programs approved by the Deputy Administrator of A.I.D., March 15, 1978 and A.I.D. handbooks, policies, regulations (published or otherwise) and procedures as they may be amended, supplemented or supported from time to time.

§ 203.7 Termination of registration.

(a) Registration shall remain in force until:

(1) Relinquished voluntarily by the registrant upon written notice to A.I.D.; or

(2) Terminated by A.I.D. for failure of the registrant to fulfill and maintain the conditions of registration.

(b) Termination proceedings pursuant to § 203.7(a)(2) above shall include prior written notice to the registrant of the grounds for the proposed termination and opportunity for the registrant to file a written statement as to why its registration should not be terminated.

§ 203.8 Delegation of authority.

(a) The authority to register and to terminate registrations is delegated to:

(1) The Assistant Administrator for Food for Peace and Voluntary Assistance, or his/her designee for U.S., international, and third country PVOs.

(2) The Regional Assistant Administrator, or their designees, for regional PVOs within their respective regions; and

(3) The principal A.I.D. officer, or, if there is none, the United States Ambassador, or their designees, for indigenous PVOs.

(b) Notices of registration and terminations of registration issued by the officials in paragraphs (a)(2) and (b)(3) of this section will be forwarded to the Bureau for Food for Peace and Voluntary Assistance within 30 days for inclusion in the registry.

§ 203.9 Access to records.

All records, reports, and other documents which are made available to A.I.D. pursuant to this part shall be made available for public inspection and copying pursuant to and under the procedures established by the public information regulation (22 CFR Part 212) of the Agency for International Development.

§ 203.10 Waiver authority.

The Administrator of the Agency for International Development or his/her designee may waive, withdraw, or amend from time to time, any or all of the provisions of the regulations in this part.

Dated: December 3, 1981.

Julia Chang Bloch,

Assistant Administrator for Food for Peace and Voluntary Assistance.

[FR Doc. 81-35136 Filed 12-7-81; 8:45 am]

BILLING CODE 6116-01-M

PANAMA CANAL COMMISSION

35 CFR Part 103

Panama Canal Transit Booking System

AGENCY: Panama Canal Commission.

ACTION: Proposed rule.

SUMMARY: On January 30, 1981, (46 FR 9942) the Panama Canal Commission published an interim rule concerning the order of passage of vessels through the Panama Canal. The purpose of that rule was to establish the terms under which there was to be conducted a test of a plan for scheduling vessels passing through the Canal. The Commission by this present notice is proposing a new rule that takes into account the agency's experience with the reservation system that was tested under the interim rule.

DATES: Comments must be received by January 7, 1982.

ADDRESSES: Comments may be mailed to the Secretary, Panama Canal Commission, 425 Thirteenth Street NW., Washington, D.C. 20004, or delivered to Room 312, Pennsylvania Bldg., 425 Thirteenth Street NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m.

Comments may also be submitted to the Marine Director, Panama Canal Commission, Balboa, Republic of Panama, or delivered to Room 310, Administration Building, Balboa Heights, between 7:15 a.m. and 4:15 p.m.

Comments may also be mailed to Marine Director, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT:

Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Bldg., 425 Thirteenth Street NW., Washington, D.C. 20004, (202) 724-0104.

Captain [George T. Hull], Marine Director, Panama Canal Commission (telephone Republic of Panama 52-7917).

SUPPLEMENTARY INFORMATION: This document proposes a change in the rules and practice governing the scheduling of vessels passing through the Panama Canal. The purpose of the proposal is to conduct a test of 120 days duration in order to determine the feasibility of a

reservation system for booking vessels that transit the waterway. The test would begin during the second week of January 1982, or shortly thereafter. The practice under the existing regulation (i.e., prior to the procedure that was followed under the interim rule of January 30, 1981) was to use the time of arrival of a vessel at either terminus of the Canal as the basis for fixing the order in which the vessel would be placed in the daily transit schedule. Deviations from that sequence were due generally to considerations of safety, the capacity of the locks and channel, and the availability of equipment and personnel. The longstanding rule that preference be given to passenger vessels was also applied under the interim rule, as was the policy to grant preference to warships of all nations. It is believed that the proposed plan for scheduling vessel transits based upon reservation may result in a traffic pattern in which there is less variation from day to day in the number of arrivals. Such uniformity, if attained, should increase Canal efficiency by making possible a more nearly continuous flow of vessel traffic. This stems from the fact that transits must be scheduled to take into account vessel size, handling characteristics, and the need for tugboat assistance or special procedures. With respect to the vessel operators, the proposed change in the scheduling system is expected to reduce the waiting time of vessels at the Canal. In the case of those that use the reservation system, it should obviate the need for steaming at higher speed merely to arrive before other ships and, thus, obtain a place in the transit schedule. It seems clear that fuel consumption could be reduced in such cases. The proposed plan includes the assessment of a fee for each reservation, a cancellation charge that would become progressively higher as the reservation date draws nearer and a fee forfeiture penalty for booked vessels that do not transit as scheduled. Under the plan, there would be two periods during which reservations could be made for any given day. The preference for passenger vessels and warships would not be altered.

The Commission has determined that this proposal would not constitute a major rule within the meaning of the Executive Order 12291 (46 FR 13193). The bases for that determination are, first, that the rule, when implemented, would not have an effect on the economy of $100 million or more per year. In times of heavy demand for transits, it is anticipated that the vessel operator using the reservation system would save more than the booking fee he had paid, since the vessel's daily operating expense could be expected usually to exceed it. Secondly, there would be savings due to lower fuel consumption, as described above. Finally, the agency has concluded that implementation of the reservation system is unlikely to have any significant, adverse effect upon competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete in the domestic or export markets with those that are foreign based.

The Commission has determined that this proposed rule is not subject to the requirements of Chapter 6 of Title 5, U.S. Code, dealing with the analysis of regulatory functions. The basis for the determination is that this proposal relates to a Commission service and the rates to be charged for such service; therefore, it falls within the exception prescribed by 5 U.S.C. 601(2).

For the reasons set out above, Part 103 of Title 35, Code of Federal Regulations is proposed to be amended as follows:

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

1. The authority citation for Part 103 is proposed to be revised to read as follows:

Authority: Sec. 1801, Pub. L. 96–70, 93 Stat. 492 (22 U.S.C. 3811); E.O. 12173, 45 FR 69271; E.O. 12215, 45 FR 36043.

2. Section 103.8 is proposed to be revised to read as follows:

§ 103.8 Preference in the transit schedule; order of transiting vessels.

(a) *General.* Except provided in section 103.9, and subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United States and Great Britain, and by Articles II and VI of the 1977 Treaty between the United States and the Republic of Panama concerning the Permanent Neutrality and Operation of the Panama Canal, vessels, arriving for transit of the Canal will be placed in the transit schedule in accordance with the rules in this section

(b) *Definitions.* As used in this section:

"Booked for transit" means that a vessel has been assigned a date on which it will be moved through the Panama Canal.

"Regular transit" means the movement through the Canal of a vessel that has not been booked for transit.

(c) *Transit bookings.* There will be two periods during which bookings may be made for any given date. In the first period, a limited number of bookings (not to exceed eight) will be available between 21 days and 4 days prior to the date of intended transit. In the second period, an additional number of bookings (not to exceed eight), plus any first-period bookings not taken, or which have been canceled, will be available on the third and second days prior to the date of transit. The Canal authorities may reduce the number of bookings available during times of high traffic congestion at the Canal. If there is a loss in Canal capacity, the number of bookings available in both periods may be reduced. The specific order of transit will be determined by the Canal authorities. A vessel may not transit prior to the date for which it has been booked, except when the Canal authorities determine that an early transit would promote efficiency of the Canal and would not result in delay for any regular transits. In the event that a vessel transits prior to the date for which it is booked, the fee will be retained by the Commission.

(d) *Preference.* If, on any day during either period, requests exceed the number of bookings remaining available, preference for the remaining bookings will be given in the following order:

(1) First, vessels carrying primarily perishable cargoes, in the order of frequency of transit during a specified period;

(2) Second, all other vessels in the order of frequency of transit during a specified period.

(e) *Fees.* The fee for booking shall be $0.35 per Panama Canal gross ton. The minimum fee for any vessel is $1,500.

(f) *Penalties.* (1) When a vessel has been booked for transit and does not arrive at a terminus of the Canal by midnight (2400 hours) of the day prior to the intended transit, the booking fee will be forfeited. Such vessel, upon arrival, will be placed in the regular transit schedule. This forfeiture will not occur if late arrival is due to *force majeure* or delay for humanitarian purposes. Similarly, the booking fee will be forefeited if the vessel arrives on time but cannot, or, at the operator's election, does not, transit as scheduled when the agency is ready to proceed. In these latter cases, the Canal authorities shall have discretion to waive the forfeiture

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where it is established that the delay was due to external causes that the vessel operator could not reasonably have anticipated.

(2) If a vessel does not transit on the day for which it has been booked due to a decision by the Canal authorities, its operator thereafter, at any time prior to the day that the vessel has subsequently been scheduled to make a delayed transit, may elect to receive a refund of the fee, in which case the vessel will be listed on the regular transit schedule. In the alternative, the operator may elect to have the Commission retain the fee, in which case the vessel will be transited on a preferred basis.

(g) *Cancellation.* A transit that is booked during the first period may be canceled if notice of cancellation is received by the Canal authorities at least 4 days prior to the day of the intended transit. A charge will be assessed for such cancellations, however, in accordance with the following schedule:

Date of cancellation	Cancellation charge (the greater of)
Over 15 days prior to transit	20 percent of booking fee or $500
15 to 11 days prior to transit	40 percent of booking fee or 750.
10 to 7 days prior to transit	60 percent of booking fee or 1000.
6 to 4 days prior to transit	80 percent of booking fee or 1250

Cancellation of a second-period booking will be subject to the forfeiture rule stated in paragraph (f) of this section.

(h) *Regular transits.* Vessels which are not booked for transit will be dispatched through the Canal in the order determined by the Canal authorities. Priority of arrival at a terminal port does not give a vessel the right to pass through the Canal ahead of another that may arrive later; however, the time of arrival will be a consideration in fixing the order of passage. Regular transits will equal or exceed one-half of the total number of vessels moved through the Canal on any given day.

(i) *Suspension.* The Canal authorities may suspend or discontinue, in whole or in part, the transit booking system established by this section if they determine that its continuation may adversely affect the safe or efficient operation of the Canal.

Michael Rhode Jr.,

Secretary.

December 4, 1981.

[FR Doc. 81-35198 Filed 12-7-81; 8:45 am]

BILLING CODE 3640-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AH034MD; A-3-FRL-1957]

Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a revision to the Maryland State Implementation Plan (SIP) which consists of a Plan for the Prevention of Significant Deterioration of Air Quality (PSD). In this notice, EPA is proposing the revision for approval and soliciting comments on the revision.

DATE: All comments submitted on or before January 8, 1982, will be considered.

ADDRESSES: Copies of the proposed revision, as well as accompanying support documentation submitted by Maryland, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III—Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA. 19106. Attn: Carol D. Peters.

Air Management Administration, State of Maryland, 201 Preston Street, Baltimore, MD 21201. Attn: George P. Ferreri.

Public Information Reference Unit, EPA Library—Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

All comments should be submitted to Mr. James E. Sydnor (3AH13) at the EPA, Region III address listed above, attention Docket No. AH034MD.

FOR FURTHER INFORMATION CONTACT: Ms. Carol D. Peters at the address shown above or telephone 215/597-9139.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act Amendments of 1977 established, in the form of Part C of Title I of the Clean Air Act, a set of requirements for the Prevention of Significant Deterioration (PSD) of air quality in "clean air" areas (Sections 160-69, 42 U.S.C. 7470-79). Part C requires that each State Implementation Plan (SIP) contain the new PSD requirements. On June 24, 1981 the State of Maryland submitted a plan in response to the Part C requirements. The State submitted proof that public hearings were held March 23 and 24, 1981 in accordance with the requirements of 40 CFR 51.4.

EPA Evaluation

According to COMAR 10.18.06.14 "a person may not construct, modify, or operate, or cause to be constructed, modified or operated a Prevention of Significant Deterioration (PSD) source which will result in violation of any provision of 40 CFR 52.21, as amended through Vol. 45, No. 154 FR 52735-52741 (August 7, 1980), except that the reviewing authority is the Department instead of the Administrator and the applicable procedures are those set forth in COMAR 10.18.02". In its submission, the State wrote that "[t]he Department has adopted the PSD regulations of Vol. 45 No. 154 FR 52735-52741 (August 7, 1980), by reference". Therefore, EPA concluded that COMAR 10.18.06.14 constitutes an incorporation by reference of 40 CFR 52.21 as amended through August 7, 1980. As explained in the letter from the Governor of Maryland submitting this revision, this regulation amendment allows the State to implement and enforce the PSD regulations for new sources but enforcement of this program by the State will not include those sources already permitted by EPA or those sources currently being reviewed by EPA. The State may take over enforcement of the sources permitted by EPA, if it wishes, using appropriate State procedures.

When EPA regulations are adopted by reference, 40 CFR 52.21 requires that the EPA Administrator retain authority under certain provisions of these regulations. These provisions are either not applicable for State implementation or EPA must retain authority for their implementation. Therefore, for the following sections of 40 CFR 52.21, the term "Administrator" means Administrator of EPA:

1. Definition of Federally Enforceable (40 CFR 52.21(b)(17)),
2. Exclusions from increment consumption (40 CFR 52.21(f)(1)(v), (3), (4)(i)),
3. Redesignation of areas (40 CFR 52.21(g)(1), (2), (3), (4), (5), and (6)),
4. Approval of alternate models (40 CFR 52.21(1)(2)),
5. Disputed permits or redesignation (40 CFR 52.21(t)), and
6. Delegation of Authority (40 CFR 52.21(u)(1) (2)(ii), (3), and (4)).

The term "Administrator" in the definition of "Net Emissions Increase" (40 CFR 52.21(b)(3)(iii)) means either the Administrator of EPA or the Secretary of the Maryland Department of Health and Mental Hygiene; that is, an increase or decrease in actual emissions is not

creditable if the Administrator of EPA or the Secretary of the Maryland Department of Health and Mental Hygiene has relied on these emission changes in issuing a permit under this section. Under 40 CFR 52.21(r)(2), PSD permit extension, the term "Administrator" means the Secretary of the Maryland Department of Health and Mental Hygiene. This definition change which is included as part of this SIP revision gives the Secretary the authority to extend PSD permits regardless of which agency issued the original PSD permit.

It is the tentative decision of the Administrator to approve the proposed revision to the Maryland State Implementation Plan. The public is invited to submit comments to the address stated above, on whether this revision to the Maryland State Implementation Plan should be approved.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–7642)

Dated: August 29, 1981

Stephen R. Wassersug,

Regional Administrator.

[FR Doc. 81–35127 Filed 12–7–81, 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[A-2-FRL 1978-7]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces receipt from the State of New York of a proposed revision to its State Implementation Plan (SIP). If approved by the Environmental Protection Agency (EPA), this revision would allow the General Electric Company to burn fuel oil with a maximum sulfur content of 2.8 percent, by weight, at its Rotterdam Steam Generating Facility located in Schenectady, New York. The use of this higher sulfur content fuel oil could continue for up to three years from the date that final rulemaking is made effective by EPA. Under State regulation fuel oil sulfur content at this facility is currently limited to a maximum of 2.0 percent, by weight.

A public hearing on this proposal was held by the New York State Department of Environmental Conservation on October 21, 1981. The State hearing record closed on November 2, 1981. Concurrently, EPA is proposing to approve New York's request contingent upon final adoption by the State of its proposal in a substantially unchanged form. This concurrent review, which EPA refers to as "parallel processing," is designed to expedite EPA action on SIP revisions.

DATES: Comments must be received on or before January 7, 1982.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph.D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch—Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch—Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: On October 15, 1981 New York State informed the Environmental Protection Agency (EPA) of its intention to revise its State Implementation Plan (SIP). The proposed SIP revision, is approved by EPA, would allow the General Electric Company to burn fuel oil with a maximum sulfur content of 2.8 percent, by weight, at its Rotterdam Steam Generating Facility located in Schenectady, New York. The use of this high sulfur content fuel oil could continue for up to three years from the date that final rulemaking is made effective by EPA. Under State regulation fuel oil sulfur content at this facility is currently limited to a maximum of 2.0 percent, by weight. The State's proposed SIP revision, known at a "special limitation," is authorized by § 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

The State's submittal consists of a letter indicating the State's intention to approve its proposed "special limintation," a notice of an October 21, 1981 State public hearing, and a technical report prepared by the State in support of its proposal.

EPA has reviewed the technical material submitted by New York and concurs with the State's preliminary determination that no violation of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur as a result of the use of higher sulfur content fuel oil by General Electric.

EPA's review of the material submitted by the State indicates that this revision to the New York SIP will be approvable if it is not substantially changed from its presently proposed form. In the interest of expediting federal review, EPA is proposing approval of this SIP revision now, before final submittal of the revision to EPA by the State. EPA refers to this new procedure as "parallel processing." If the revision currently proposed by the State is substantially altered as a result of the State public review process, EPA will evaluate the approvability of the altered proposal and publish a revised notice of proposed rulemaking in the **Federal Register.** Alternatively, if it is determined based on public comment that substantial revision is not required, EPA will take final rulemaking action on today's proposal.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before January 7, 1982, on whether the proposed SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a

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significant impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The proposed rule, if promulgated, constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only proposes to approve a regulation that would be applicable under New York State law.

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dick Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-35126 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Parts 52 and 81

[A-10-FRL 1988-4]

Approval and Promulgation of State Implementation Plan: Oregon Designation for Areas for Air Quality Planning Purposes; Attainment Status Designations; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to invite public comment on EPA's proposal to: (1) approve total suspended particulate (TSP) control strategies for Portland and Eugene-Springfield; (2) approve a revision to the ozone control strategy for Salem; (3) approve a revision to the operating rules for the Portland motor vehicle inspection program; and (4) revise the boundary of the Portland secondary TSP nonattainment area. The area-specific control strategies and operating regulations for the motor vehicle inspection program were submitted by the State of Oregon as revisions to the State Implementation Plan (SIP) pursuant to the requirements of Part D of the Clean Air Act (hereinafter referred to as the Act). The revision to the Portland TSP nonattainment area boundary was submitted by the State of Oregon pursuant to section 107(d)(5) in order better to define the area which actually exceeds the secondary National Ambient Air Quality Standard (NAAQS) for TSP.

DATE: Comments will be accepted until January 7, 1982.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-79-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207

COMMENTS SHOULD BE ADDRESSED TO: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188, Telephone (206) 442-1125, (FTS) 399-1125.

SUPPLEMENTAL INFORMATION:

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I. Introduction

The information in this Notice is divided into four sections. The section entitled "Background" outlines the requirements of the Act regarding nonattainment areas and summarizes the current situation in Oregon. The section entitled "Plan Revisions" describes the three pollutant and area-specific nonattainment plans and motor vehicle inspection program proposed for action herein. The section entitled "Portland TSP Redesignation" provides a description of, and rationale for, the proposed revision to the nonattainment area boundary. The section entitled "Proposed Action" summarizes the actions which EPA is today proposing and calls for comments.

II. Background

The 1977 Amendments to the Act required States to submit, and EPA to promulgate, a list of areas which did not meet any primary or secondary NAAQS (section 107(d) of the Act). On March 3, 1978 (43 FR 8962) EPA promulgated the list for Oregon in 40 CFR, Part 81, Section 338. This list designated the Oregon portion of the Portland-Vancouver Air Quality Maintenance Area (AQMA) and the Eugene-Springfield AQMA as not meeting the secondary and primary NAAQS for TSP, respectively. The list also designated the Oregon portion of the Portland-Vancouver AQMA as not meeting the NAAQS for ozone and carbon monoxide and the City of Salem as not meeting the NAQS for ozone. On January 10, 1980 (45 FR 2045) EPA revised the designation for the Eugene-Springfield AQMA to nonattainment for secondary TSP only. Although not subjects of this rulemaking, Salem and the Eugene Springfield AQMA were also designated nonattainment for CO, and the Medford-Ashland AQMA was also designated nonattainment for TSP, carbon monoxide, and ozone.

The 1977 Amendments to the Act also required States to make revisions to their SIPs to provide for attainment and maintenance of the NAAQS in those areas which did not meet the standards (Part D of the Act). These revisions were to be submitted to EPA by January 1, 1979, and approved by EPA by July 1, 1979 (section 129(c) of the 1977 Amendments and Section 110(a)(2)(I) of the Act). The Act, however, allows the Administrator of EPA to extend the period of submission by 18 months for plans to meet secondary NAAQS (section 110(b) of the Act). On March 2, 1979, the Oregon Department of Environmental Quality (DEQ) requested such extensions for both the Portland and Eugene-Springfield secondary TSP nonattainment areas. EPA granted these extensions on July 30, 1979 (44 FR 44497) pursuant to the provisions of 40 CFR, Part 51, Section 31. These extensions allowed the State until July 1, 1980 to submit SIP revisions for the two TSP nonattainment areas.

The requirements for a Part D (nonattainment area) SIP are contained in section 172 of the Act. These requirements are described in a General Preamble published in the April 4, 1979 **Federal Register** (44 FR 20372) and supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). General requirements for all SIPs are contained in 40 CFR Part 51.

On June 20 and 29, 1979, DEQ submitted carbon monoxide control strategies for Portland, Salem, Eugene-Springfield and Medford-Ashland, ozone control strategies for Portland, Salem and Medford-Ashland, new source review regulations, emission limitations for stationary sources of volatile organic compounds (VOC), and an automobile inspection and maintenance program for

Portland. EPA either approved, or conditionally approved, the provisions in these submittals on June 24, 1980 (45 FR 42265).

III. Plan Revisions

This section discusses the development (including technical analyses and public involvement) of each area pollutant-specific strategy, the controls and programs relied upon to attain and maintain the NAAQS, and EPA's proposed action on each strategy.

A. Portland Total Suspended Particuate

The Portland secondary TSP nonattainment area encompasses approximately 1,800 square kilometers and has an approximate population of 851,000. The DEQ air monitoring surveillance network for TSP currently has 14 sites in the nonattainment area. During the baseline period (1976 through 1978), a number of sites recorded violations of the secondary annual and 24-hour TSP standards. The 24-hour standard of 150 micrograms per cubic meter ($\mu g/m^3$) was exceeded by up to 70 $\mu g/m^3$ and the annual standard of 60 $\mu g/m^3$ was exceeded by up to 11 $\mu g/m^3$. Although TSP air quality has improved since 1970, the levels have been relatively constant since 1974.

In 1975, DEQ initiated a comprehensive study to identify the sources which were responsible for the Portland area TSP concentrations. That study, the Portland Aerosol Characterization Study (PACS), was completed in 1979 and identified the contribution of sources by the unique "chemical fingerprints" of their emissions (the chemical-mass balance technique). The results of the PACS study were used to calibrate an airshed dispersion model which was then used to project the impacts of growth and alternate control strategies. The PACS study indicated that industrial source impacts were less than had been previously thought and that emissions from population-related (or "area") sources such as road dust, vegetative burning, motor vehicle exhaust, and residential heating (wood and oil) were greater than previously recognized.

The PACS study and calibrated model were also used to determine the area which currently exceeded, or would be projected due to growth in emissions to exceed by 1987, the annual and 24-hour secondary TSP standards. These analyses showed that only 20 square kilometers would exceed the annual secondary TSP standard, 80 square kilometers would exceed the 24-hour secondary TSP standard, and 40 additional square kilometers would exceed both annual and 24-hour standards. Since this was only a small portion of the 1,800 square kilometers currently designated as nonattainment, DEQ submitted, along with the control strategy, a revision to the nonattainment area boundary (see section III.D.).

An advisory committee representing a wide range of interests from the community was established in 1978 to advise DEQ on which potential control strategies were most acceptable to the public. Over 30 public meetings were held during the 2-year strategy development period. A public hearing was held on the final strategy on October 21, 1980, and the plan was adopted by the Environmental Quality Commission (EQC) on December 19, 1980. The plan was submitted to EPA on March 24, 1981, as a revision to the Oregon SIP.

The programs to control TSP concentrations focus largely on area sources. However, since control technology has been neither well-defined or verified, demonstration projects will be undertaken to quantify the effectiveness of potential control strategies. The strategies and demonstration projects which DEQ commits to study and evaluate include:

(1) Control strategies for winter sanding;

(2) Control strategies for construction site trackout;

(3) Efforts to reduce vehicle miles traveled;

(4) A ban on open burning;

(5) Programs to reduce emissions from residential wood burning;

(6) Street sweeping programs; and

(7) Programs to identify and control major unpaved areas and dirt trackout sources.

DEQ will seek to adopt, or ask local jurisdictions to adopt, control programs on an expeditious basis for these source categories with the goal of implementing them by the end of 1984. If all the potential control programs are implemented and succeed in obtaining the expected reductions, attainment of the standards should be accomplished sometime between 1984 and 1986.

The SIP submittal contains acceptable timetables and adequate commitments (including resources) by State and local agencies to study and implement the control programs. However, the SIP submittal does not contain any legally adopted statutes, regulations or ordinances to implement or enforce the control strategies and therefore does not constitute a complete submittal. EPA is therefore proposing to approve the Portland TSP control strategy, including the State and local agency timetables for adopting and implementing enforceable control measures necessary to attain the secondary TSP standards sometime between 1984 and 1986. When the State submits the necessary implementation measures, EPA will accept them.

B. Eugene-Springfield Total Suspended Particulate

The Eugene-Springfield secondary TSP nonattainment area encompasses approximately 300 square kilometers and has an approximate population of 185,000. The Lane Regional Air Pollution Authority (LRAPA) currently runs 10 TSP monitors in the nonattainment area During the baseline period (1978 and 1979), four sites recorded violations of the annual and 24-hour secondary TSP standards. The 24-hour standard of 150 $\mu g/m^3$ was exceeded by up to 22 $\mu g/m^3$ and the annual standard of 60 $\mu g/m^3$ was exceeded by up to 9 $\mu g/m^3$.

The LRAPA performed a comprehensive study to identify the sources responsible for the Eugene-Springfield area TSP concentrations. A detailed baseline year (1978) emission inventory was developed and projections in emissions growth through 1987 were made. The contribution of sources to the concentrations were identified using chemical-mass balance techniques. An airshed dispersion model was calibrated using the chemical-mass balance results and the calibrated model was then used to better define the current areas violating standards, project the impacts of future growth in emissions, and evaluate the effects of alternate control strategies. The study showed that control of industrial sources alone would not be sufficient to attain standards and that a mix of point and area source strategies would be needed. The study also showed that only a few square kilometers currently exceed, or would be projected due to growth in emissions to exceed by 1987, the secondary TSP standards.

An advisory committee representing a wide range of interests from the community was established in 1978 to advise LRAPA on which potential control strategies were most acceptable to the public. A number of public meetings were held during the 2-year strategy development period. A public hearing was held on the final strategy on November 6, 1980, and the plan was adopted by the LRAPA Board of Directors on that date. The plan was approved by the EQC on January 30, 1981, and was submitted to EPA on March 23, 1981, as a revision to the Oregon SIP.

The programs to control TSP concentrations cover both point and area sources and will be implemented in

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three phases. Phase I includes those strategies which can be implemented early in the schedule, will result in the greatest benefit, are easy to regulate or accomplish, and will demonstrate attainment in the urban area where most people will benefit. Phase II provides for further plan development by investigating additional strategies which can reduce TSP concentrations in the remaining areas. Phase III involves the analysis, selection and implementation of the strategies needed to result in final attainment.

Phase I consists of: the reduction of unpaved road dust through paving about 10 miles of selected unpaved roads in Eugene and Springfield; the reduction of particulate emissions from cyclones through control or industrial air conveying systems; and the reduction of wood smoke emissions through weatherization programs to reduce the need to use wood or other energy sources for residential space heating. The road paving will be accomplished through ongoing city street improvement programs. LRAPA will adopt rules requiring baghouse control (or equivalent) for dry material handling cyclones. The weatherization program will be implemented by a number of existing and proposed elements, including low or no interest loans from utilities and lending institutions, free home energy audits, State and Federal tax credits, local ordinances requiring home weatherization or energy audits, and programs to induce weatherization of residential rental units.

Phase II is embodied in three work plans, the objectives of which are to: develop additional strategies to achieve standards in areas which are expected to remain nonattainment after implementation of the Phase I strategies; identify ambient concentrations of fine particulates and develop a fine particulate emissions data base for both point and area sources; and improve the results of the existing dispersion model in order to support decisions on strategies and future growth management.

Phase III will involve the analysis, selection and adoption of strategies to be included in a SIP revision. A set of strategies will be developed by LRAPA based on the results of Phase II and presented to an advisory group. The advisory group recommendations will be provided to the implementing entities (LRAPA, cities of Eugene and Springfield, Lane County) which, in turn, will adopt the necessary regulations, statutes or ordinances. This SIP submittal envisions adoption of all control strategies by mid-1986 with attainment of the secondary TSP standards by the end of 1987.

The SIP submittal contains acceptable timetables and adequate commitments (including resources) by local agencies and municipalities to study and implement the control programs. However, the SIP submittal does not contain the legally adopted statutes, regulations or ordinances necessary to implement or enforce the control strategies and therefore does not constitute a complete submittal. EPA is therefore proposing to approve the Eugene-Springfield TSP control strategy, including the local agency timetables for adopting and implementing enforceable control measures necessary to attain the secondary TSP standards by the end of 1987. When the State submits the necessary implementation measures, EPA will accept them.

C. Salem Ozone

As discussed above in Section II Background, DEQ submitted an ozone control strategy for Salem on June 29, 1979, which was approved by EPA on June 24, 1980. Although EPA determined that the control strategy was adequate to attain the standard, EPA indicated that the strategy, as submitted, did not adequately account for the transport of pollutants from the Portland area. Both EPA and the State believe the Salem ozone violations to be caused almost entirely by emissions from Portland. EPA therefore recommended that the SIP control strategy be revised to reflect the impact of Portland's emissions and to rely primarily on the Portland control strategy for attainment in Salem.

Acting on EPA's recommendation, DEQ proceeded to revise the Salem ozone control strategy. A public hearing was held on the changes on August 4, 1980, and the revised strategy was adopted by EQC on September 19, 1980. The revised strategy was submitted to EPA on October 16, 1980, as a revision to the Oregon SIP.

It is EPA's policy that the control strategy for a rural ozone nonattainment area need only consist of reasonably available control technology (RACT) for sources of VOC, lowest achievable emission rate (LAER) for new or modified major stationary sources of VOC, and an approved control strategy for the upwind urban area (Portland) which is responsible for the ozone violations. Since the June 1979 strategy contained all of these provisions and more, the revisions primarily involve changes to the text and deletions of unnecessary technical analyses and reporting provisions. Specifically, the sections covering emission inventory, air quality modeling, reasonable further progress tracking, and annual reporting were deleted. The strategy still requires RACT on all VOC sources, LAER for new or modified major stationary sources, and continues implementation of nine of the fourteen EPA recommended reasonably available control measures for transportation sources. EPA is therefore proposing to approve the revised Salem ozone control strategy.

D. Operating Regulations for the Motor Vehicle Inspection Program

On August 17, 1981, DEQ submitted amendments to the operating rules for the Portland motor vehicle inspection program (Oregon Administrative Rules, Chapter 340, Division 24, Sections 300 through 350) as a revision to the Oregon SIP. These amendments: (1) revise the emission standards (cutpoints) for vehicles tested to allow for reasonable deterioration to older vehicles; (2) establish new standards (cutpoints) for 1981 and newer model year vehicles; (3) revise the fee schedule; and (4) revise the testing procedures by incorporating minor changes in the operation of equipment.

A public hearing was held in Portland and Beaverton on June 15 and 17, 1981 and July 17, 1981. The rules were adopted by the Environmental Quality Commission on July 17, 1981.

EPA is proposing to approve the submitted revisions since the changes to the standards are routine updates and are consistent with established program requirements. Other modifications are administrative changes and will not impact the program's effectiveness.

IV. Portland TSP Redesignation

As discussed in Section II Background, the Oregon portion of the Portland-Vancouver AQMA was designated as nonattainment for the secondary NAAQS for TSP on March 3, 1978. This area encompasses approximately 1,800 square kilometers and includes most of Washington, Clackamas, and Multnomah Counties. As discussed in Section III.A. Portland Total Suspended Particulate, the technical analyses done to develop the TSP control strategy showed that only a small portion of the AQMA was actually exceeding the secondary TSP standards. DEQ, therefore, requested as part of the March 24, 1981 Portland TSP submittal, that EPA revise the boundary of the Portland secondary TSP nonattainment area.

The new nonattainment area encompasses 140 square kilometers and is located primarily along the Willamette River. It consists of

contiguous and noncontiguous square grids, 2 kilometers on a side, reaching from near the confluence of the Willamette and Columbia Rivers on the north, through the Portland urban area, and south to Oregon City. There is also a grid to the west of Portland in Beaverton, and one to the east of Portland in Russellville. A map of the new area and complete legal description are contained in the docket (10A–79–2) and in the Portland TSP control strategy and may be examined at the locations listed in the ADDRESSES section.

The new nonattainment area includes all monitoring sites which have recorded violations of the secondary TSP standards. It also includes areas which are estimated, through dispersion modeling, to currently exceed the standards and areas which are projected to exceed by 1987 the secondary TSP standards. EPA is therefore proposing to revise the boundaries of the current nonattainment area to be consistent with those submitted by DEQ on March 24, 1981. The remainder of the current nonattainment area is proposed to be redesignated as in attainment with the NAAQS for TSP.

V. Proposed Action

In summary, EPA today proposes to: (1) approve the TSP control strategy for Portland which was submitted on March 24, 1981; (2) approve the TSP control strategy for Eugene-Springfield which was submitted on March 23, 1981; (3) approve the revision to the ozone control strategy for Salem which was submitted on October 16, 1980; (4) approve the revisions to the operating rules for the Portland motor vehicle inspection program which were submitted on August 17, 1981; and (5) revise the boundary of the Portland secondary TSP nonattainment area to be consistent with DEQ's request of March 24, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Act, and attainment status redesignations under Section 107(d) of the Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). Portions of this action constitute either SIP approvals under section 172, or attainment status redesignations under section 107(d) within the terms of the January 27, 1981 certification.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirments of regulatory impacts analysis. This regulation is not judged to be major since it merely approves actions taken by the State and does not establish any new requirements.

Interested parties are invited to comment on all aspects of these proposed revisions to the Oregon SIP and nonattainment area designations. Comments should be submitted, preferably in triplicate, to the address listed in the fornt of this Notice. Public comments postmarked by January 7, 1982, will be considered in any final action EPA takes on this proposal.

(Sec. 107(d), 110, 171(2), 172 and 301(a) of the Clean Air Act (42 U.S.C. 7407(d), 7410(a), 7501(2), 7502 and 7601(a))

Dated: September 29, 1981.

John R. Spencer,

Regional Administrator.

[FR Doc. 81-35134 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[OPP-300055; PH-FRL-1999-6]

Alpha-[P-(1,1,3,3-Tetramethylbutyl)Phenyl]Omega-Hydroxypoly(Oxyethylene); Proposed Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that alpha-[*p*-(1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene) presently listed in 40 CFR 180.1001 (c) and (e) be broadened to include a lower range of 1–14 moles ethylene oxide. The present lower range of ethylene oxide is 4–14 moles.

DATE: Written comments must be received on or before January 7, 1982.

ADDRESS: Written comments to: Peter Gray, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray (703–557–7110).

SUPPLEMENTARY INFORMATION: At the request of Rohm and Haas Company, the Administrator proposes to amend 40 CFR 180.1001(c) and 180.1001(e) by revising the entry for alpha-[*p*-(1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene).

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient	Name and address of requestor	Basis of approval
alpha-[*p*-(1,1,3,3-tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene)	Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19015.	This minor change is not toxicologically significant.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendments to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before January 7, 1982, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP-300055]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Felxibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of **May 4, 1981** (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: **November 25, 1981.**

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1001 (c) table and (e) table be amended and placed in alphabetical order to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
. . . . .		
alpha-[p-(1,1,3,3-tetramethylbutyl)phenyl]-*omega*-hydroxypoly (oxyethylene) produced by the condensation of 1 mole of p-(1,1,3,3-tetramethylbutyl)phenol with a range of 1-14 or 30-70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 1-14 or 30-70		Surfactants, related adjuvants of surfactants
. . . . .		

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
. . . . .		
alpha-[p-(1,1,3,3-tetramethylbutyl)phenyl]-*omega*-hydroxypoly (oxyethylene) produced by the condensation of 1 mole of p-(1,1,3,3-tetramethylbutyl)phenol with a range of 1-4 or 30-70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 1-14 or 30-70		Surfactants, related adjuvants of surfactants
. . . . .		

[FR Doc. 81-35056 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-32

DEPARTMENT OF THE INTERIOR

Office of The Secretary

43 CFR Subtitle A

Prohibition of Flood Insurance for Undeveloped Coastal Barriers

Correction

In FR Doc. 81-34355, appearing at pages 58346-58347 in the issue for Tuesday, December 1, 1981, make the following changes:

1. On page 58346, middle column, in the 21st line of the "SUMMARY" statement, change "before October 1, 1983", to "after October 1, 1983".

2. On page 58347, 1st column, the 11th and 12th lines should read: "provided under this title on or after October 1, 1983, for any new".

BILLING CODE 1505-01-M

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43 CFR Subtitle A

Prohibition of Flood Insurance for Undeveloped Coastal Barriers

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule; amendment.

SUMMARY: This document amends FR Doc. 81-34355, a Notice of Intent on the prohibition of flood insurance for undeveloped coastal barriers that appeared beginning at page 58346 in the **Federal Register** of Tuesday, December 1, 1981, (46 FR 58346). The references to the initial release of the draft definitional framework for public review and comment are amended by changing the date "December 8, 1981" to "January 15, 1982" where it appears under the sections entitled: Summary, Dates, and Supplementary Information. This action is necessary to permit additional Departmental review and intergovernmental coordination.

ADDRESSES: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, and Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Ric Davidge (202) 343-5347.

SUPPLEMENTARY INFORMATION: The Notice of Intent printed in the **Federal Register** on December 1, 1981, announced a schedule under which the Secretary of the Interior would meet his responsibilities under the Omnibus Budget Reconciliation Act of 1981, Part IV, which amended the National Flood Insurance Act of 1968. This amendment discontinues the issuance of federal flood insurance coverage for new construction or substantial improvements or structures located on undeveloped coastal barriers as designated by the Secretary of the Interior after October 1, 1983.

The Notice of Intent stated that a draft definitional framework being developed by the Department of the Interior would be available for initial public review and comment on or about December 8, 1981. This draft document will be a definitional statement derived from the language of the Act to assure scientifically consistent and principled delineation of undeveloped coastal barriers in specific situations.

It now appears unlikely that this date, December 8, 1981, can be met due to the need for further Departmental intergovernmental coordination. It is now expected that formal public release of the draft definitions document will coincide with the release of the draft maps on or about January 15, 1982. The Notice of Intent as published on December 1, 1981, should be revised accordingly.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-35096 Filed 12-7-81; 8:45 am]

BILLING CODE 4310-70-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 81-768]

Amendment To Allow Selection From Among Mutually Exclusive Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects an error made in quoting the deadline dates for filing comments and reply comments in this proceeding regarding the use of random selection or lotteries as opposed to comparative hearings.

DATES: Comments are now due on or before December 30, 1981 and replies on or before January 14, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Randy Thomas, Office of the General Counsel, (202) 632-6990.

SUPPLEMENTARY INFORMATION: In the matter of amendment of part 1 of the Commission's rules to allow the selection from among mutually exclusive competing applications using random selection or lotteries instead of comparative hearings; Correction.

Released: December 2, 1981.

On November 5, 1981, the Commission adopted a Notice of Proposed Rulemaking in the above-captioned proceeding (FCC 81-524) published on November 30, 1981 46 FR 58110. Inadvertently, the comment/reply dates were stated as being December 14, 1981 and December 29, 1981 respectively. This document corrects those dates to read respectively: December 30, 1981 and January 14, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-35125 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 22, 81, and 83

[Gen Docket No. 81-656]

Redefinition of Classes of Coast Stations and Clarification of Rules; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This action extends the time for filing comments and reply comments in this proceeding regarding redefinition of classes of coast stations and clarification of rules, until December 9, 1981, and December 24, 1981, respectively. The extension of time was requested by Mobile Marine Radio, Inc., the licensee of Public Coast Station WLO located at Mobile, Alabama. The extension of time is intended to ensure that the Commission has the benefit of a full evaluation by interested industry entities.

DATES: Comments must be received on or before December 9, 1981 and reply comments must be received on or before December 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 22, 81 and 83 to redefine classes of coast stations and clarification of rules which appear to restrict the free use of communications by users. See also 46 FR 49624, October 7, 1981.

Adopted: November 13, 1981.
Released: November 19, 1981.

1. Mobile Marine Radio, Inc. (hereinafter MMR) the licensee of Public Coast Station WLO located at Mobile, Alabama, has requested that the time for filing comments in the above-captioned proceeding be extended for a period of thirty days.

2. MMR notes that, among other things, the rules proposed in this proceeding would result in the reclassification of the 4 MHz radio-telephone service it presently renders. MMR states that since it concurs in AT&T's Tariff 263 a rate increase will result unless it files its own tariff covering this service. Because of the broad impact of filing its own tariff, MMR feels that it must review its interconnection agreements with South Central Bell Telephone Company as well as other tariff issues.

3. Additionally, MMR states that it is currently engaged in a major plant relocation due to the need to vacate its facilities at the Alabama State Docks, and that legal counsel is presently involved in meeting other procedural schedules concerning matters before the Commission and the Court of Appeals. MMR argues that an extension of thirty days is necessary so that it can fully evaluate the issues raised in the proposed rules.

4. We find that good cause has been shown and that the public interest will be served by extending the comment period as requested by MMR.

5. Accordingly, under the authority contained in § 0.331 of the Commission's rules, 47 CFR 0.331, the request for extension of the time for filing comments in GEN Docket No. 81-656 submitted by Mobile Marine Radio, Inc. IS GRANTED. Comments in this proceeding may be filed on or before December 9, 1981, and reply comments may be filed on or before December 24, 1981.

Federal Communications Commission.
James C. McKinney,
Chief, Private Radio Bureau.

[FR Doc. 81-35075 Filed 12-7-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-616; RM-3836]

FM Broadcast Stations in West Liberty and Flemingsburg, Kentucky; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving a proposed FM channel reassignment from Flemingsburg to West Liberty, Kentucky. Counsel for petitioner states that the additional time is needed to formulate a proper response.

DATE: Reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 27, 1981.
Released: December 2, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (West Liberty and Flemingsburg, Kentucky); Order extending time for filing reply comments.

1. On August 25, 1981, the Commission adopted a notice of proposed rule making, 46 FR 45170, published September 10, 1981, in the above-referenced proceeding. Comments were filed, and reply comments were due November 23, 1981.

2. We now have before us for consideration a motion for extension of time for filing reply comments to and including December 8, 1981, filed by counsel for Langley Franklin ("petitioner"), noting that the request is late pursuant to the requirements of § 1.46(b) of the rules. Counsel states that due to his current involvement in several on-going agency proceedings, as well as two appellate cases, for which the briefing schedules are imminent, and the disruption created by the recent relocation of his firm's offices, that additional time is needed to formulate a proper response to the comments filed herein by Fleming County Broadcasting, Inc.

3. We are of the view that, under the circumstances mentioned, additional time is warranted to afford petitioner a moderate period in which to formulate his reply comments. Therefore, we will waive the requirements of § 1.46(b), since the Commission believes it would be in the public interest to have this material available to it in arriving at a decision herein. Since it appears that no other party to this proceeding would be prejudiced, we will grant the instant request.

4. Accordingly, it is ordered, that the time for filing reply comments in BC Docket No. 81-616 (RM-3836), is extended to and including December 8, 1981.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-35161 Filed 12-7-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-784; RM-3956]

FM Broadcast Station Russellville, Alabama; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 249A to Russellville, Alabama, in response to a petition filed by Michael R. Freeland. The assignment could provide Russellville with a first local FM service.

DATES: Comments must be filed on or before January 4, 1982, and reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

By the Acting Chief, Policy and Rules Division.

1. A petition for rule making [1] was filed by Michael R. Freeland ("petitioner") requesting the assignment of FM Channel 249A to Russellville, Alabama, as that community's first FM allocation. Petitioner states that he will apply for the channel, if assigned. No oppositions to the proposal were received. The channel can be assigned to Russellville with a site restriction, as noted *infra*.

2. Russellville (population 7,814),[2] the seat of Franklin County (population 23,933), is located approximately 136 kilometers (85 miles) northwest of Birmingham, Alabama. It is presently

[1] *Public Notice* of the petition was given on August 7, 1981, Report No. 1303.
[2] Population figures are extracted from the 1970 U.S. Census.

served by daytime-only AM Stations WKAX and WWWR.

3. Petitioner reports that Franklin County had retail sales in 1979 in excess of $75 million. He states that the mainstay or Russellville's economic base is attributable to such industries as an aluminum processing plant, and manufacturers of furniture and garments. Also, according to petitioner, Russellville has its own government unit, a library, and police department. Further, he asserts that the community is comprised of several historical sites, and is equipped with numerous outdoor recreational facilities. Petitioner claims that the proposed station would provide the community with its first local nighttime aural broadcast service which could fill an important community need for the coverage of general news items, special events,and public affairs presentations.

4. Petitioner acknowledges that in order to comply with the requirements of § 73.207 of the Commission's rules, the transmitter site must be located at least 5.6 kilometers (3.5 miles) east of Russellville to avoid short-spacing to Station WOOR (Channel 248) in Oxford, Mississippi.

5. In view of the fact that the proposed channel assignment would provide a first FM and local nighttime aural broadcast service to Russellville, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Russellville, Alabama		249A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.821(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-35036 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 74

[BC Docket No. 81-794; RM-3893; FCC 81-537]

Shared Use of Broadcast Auxiliary Facilities With Other Broadcast and Non-Broadcast Entities and New Licensing Policies for Television Auxiliary Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes several amendments to §§74.601, 74.602, 74.604 and 74.631 of the Commission's Rules

relating to television auxiliary broadcast stations. The proposed rules would permit a licensee to share its facilities with other users and expand the types of material which can be transmitted over the facilities. The proposed rules would also eliminate restrictions on the number of auxiliary channels which may be authorized for use by any one licensee and eliminate the provision of exclusive channel assignments. Under the proposed rules, frequency coordination would be the responsibility of local coordinating committees or individual applicants for new assignments. The proposed rules also establish priorities for television auxiliary broadcast stations for purposes of protection from interference and withdrawal of channels.

DATES: Comments must be filed on or before January 25, 1982 and reply comments on or before February 24, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: November 25, 1981.

In the matter of amendment of Part 74, Subpart F of the Commission's Rules to permit shared use of broadcast auxiliary facilities with other broadcast and non-broadcast entities and to establish new licensing policies for television auxiliary broadcast stations.

1. The Public Broadcasting Service ("PBS") has submitted a petition for rule making seeking to amend the television auxiliary broadcast station rules to permit the use of excess capacity on intercity relays and studio transmmitter links for purposes other than those permitted by Part 74. Additionally, during the past year, the Commission has received requests from the Christian Broadcasting Network and Westinghouse Broadcasting Company for waiver or interpretation of the television auxiliary broadcast rules to permit various uses of the facilities which currently are not allowed under trhe rules. These petitions demonstrate an increased demand for television auxiliary broadcast services.[1] The Commission therefore proposes to amend several of its rules relating to the overall use of television auxiliary broadcast stations.

2. In general, television auxiliary broadcast stations are licensed to television broadcast licensees for the purpose of transmitting television signals from point-to-point. For example, a studio transmitter link (STL) transmits television program material and related communications from the studio to the transmitter of a television broadcast station. An intercity relay station is used for point-to-point transmission of television program material and related communications for use by television stations. A television pickup station transmits program material and related communications from the scene of events back to the television broadcast station. With limited exceptions, television auxiliary broadcast stations may be used only for these purposes and only by the entities to which the facilities are licensed. Television auxiliary broadcast channels may also be multiplexed in order to transmit audio programming or television-related signals. Again, such signals may generally be used only by the licensees of the auxiliary stations. Auxiliary stations are licensed by the Commission according to a fairly rigid set of criteria regarding the exclusive use of certain frequencies and the number of channels a particular licensee may utilize. In this notice, we propose to modify our current policies concerning television auxiliary stations by substantially deregulating the service. Specifically, the Commission requests comment on the proposals of PBS and Westinghouse, an amendment to § 73.631(d) of the rules to permit expanded use of multiplexed audio signals, and a proposal to modify our television auxiliary broadcast station licensing policy. These three proposals will be discussed separately in this notice.

The PBS and Westinghouse Proposals

3. PBS currently uses a nationwide satellite distribution system to transmit programming material and other information to its affiliated public broadcasting stations. Many of the public broadcast stations are co-located with the satellite receive facilities and therefore take a direct feed from the earth station. However, many other stations are not co-located with the satellite terminals and must take their feeds from television auxiliary stations linking the satellite facilities and their studios. Under the present Commission rules, television auxiliary stations are primarily intended for the transmission of program material to be broadcast by television stations owned by or under common control of the licensee of the auxiliary station. When the material transmitted is so used by the licensee, the programming may also be broadcat by any other television station. PBS proposes that we permit the use of the auxiliary stations to transmit material to any other entity even when that feed is not being used by the primary licensee of the facility. By amending the rules, PBS states that it could utilize excess capacity to transmit material throughout its existing system of satellite and television auxiliary broadcast facilities. The system would be used for the delivery of video teleconferencing and video tape recording and duplication services to commercial television stations, cable systems, educational institutions, businesses, and users of audio-visual material. A similar use of satellite and television auxiliary facilities has been proposed by the Westinghouse Broadcasting Company ("Group W"). Group W has requested a waiver of § 74.631 of the Commission's rules to permit the transmission of program matter to or from earth station facilities without regard to whether the program material is intended for broadcast by any television station owned or under its common control. Group W seeks this capability so that it may distribute syndicated television programming produced by Group W to both Group W and non-Group W stations throughout the country. Also, Group W plans to use its system to serve the program distribution needs of other non-network program producers and distributors.[2]

4. According to the rule proposed by PBS, the licensees of intercity relay stations and studio transmitter links (STLs) would be permitted to share their facilities on a nonprofit, cost-sharing basis for the transmission of material to other users.[3] PBS lists several public

[1] In addition to the growing use of television auxiliary broadcast stations by broadcasters, several non-broadcast entities have recently sought FCC approval of their use of such stations. Such requests have been filed by the Cable News Network and the Entertainment and Sports Program Network. In an effort to meet the increased demand for auxiliary services, the Commission has recently proposed to allow broadcasters to use the frequencies presently allocated for common carrier use. *Notice of Proposed Rule Making*, Gen. Docket No. 81–272, 46 FR 26507, published May 13, 1981. In a separate action, the Commission has proposed use of the 38.6–40 GHz frquency band for television pickup use. *Notice of Proposed Rule Making*, Gen. Docket No. 81–415, 46 FR 37916, published July 23, 1981. In yet another action, the Commission has proposed to allow short-term operation of auxiliary broadcast facilities without prior Commission approval. *Notice of Proposed Rule Making*, BC Docket No. 81–497, 46 FR 41820, published August 18, 1981.

[2] Both PBS and Group W have been granted special temporary authority to utilize their distribution systems as requested.

[3] Such shared use is currently permitted for the transmission of program material to non-broadcast closed circuit educational television systems operated by educational institutions, provided that

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interest benefits in making such a rule change. Allowing shared use of the auxiliary facilities, according to PBS, will promote a more efficient use of the spectrum by eliminating the need to construct parallel facilities. It will also encourage the fullest utilization of domestic satellite facilities. PBS states that such an arrangement will also save money because the purchase of service from common carriers will become unnecessary. Finally, PBS avers that by permitting alternative uses only when the facilities are not being used to transmit material to the licensee's associated broadcast station, the auxiliary broadcast service will retain its primary function as a delivery service for television broadcast stations.

5. Comments in response to the PBS petition were filed by American Broadcasting Companies, Inc. ("ABC") and by Westinghouse Broadcasting Company, Inc. ("Group W"). ABC generally supports the petition as clearly consistent with ongoing Commission efforts to eliminate unwarranted regulatory restrictions and encourage the fuller use of the radio spectru. However, ABC urges that, because the use of spectrum is nearing saturation in many of the larger markets, any new rule should ensure that the basic purpose and characteristics of the broadcast auxiliary services remain intact. ABC states its concern that the flexible policies suggested by PBS wold result in demand for new broadcast auxiliary facilities primarily to accommodate non-broadcast communications needs rather than to facilitate use of idle capacity in existing facilities. Group W also supports the PBS petition but would go a step further and allow licensees to share their auxiliary facilities on a profit-making basis. No reply comments have been received.

6. We believe that the rule modifications proposed by PBS, or some reasonably similar alternative, would serve the public interest and should be presented for public analysis.[4] We therefore seek comment on the time sharing concept as a whole and on the following specific aspects of the proposal.

7. The rule proposed by PBS would permit the transmission of any type of material; material transmitted would not be restricted to broadcast or broadcast related signals. In fact, PBS states that it would use the service for teleconferencing, which is a service traditionally provided by common carriers. The rule proposed by PBS also provides that the material transmitted over the auxiliary facilities may be used by any other entity, broadcast or non-broadcast. As stated previously, the Commission's present rules limit those entities which may utilize material transmitted over a licensee's auxiliary system. Furthermore, other than stating that alternative uses are permitted only when the facilities are not being used to transmit material to the licensee's associated broadcast station, the rule proposed by PBS contains no limitations on the amount of time that a facility could be used for alternative purposes. Under current time-sharing arrangements, alternative uses are allowed for no more than 50 percent of the time. PBS argues that similar time limitations are not necessary and would lead to inefficient use of existing facilities. While we tend to agree that additional uses of a licensee's excess capacity provide a more efficient use of the spectrum, we are still concerned that the unlimited use of auxiliary facilities for non-broadcast purposes may ultimately affect the nature of the auxiliary broadcast service. Tentatively, we are not opposed to allowing the unlimited use of a licensee's excess capacity. Nonetheless, we invite comment on what safeguards, if any, are needed to preserve the auxiliary broadcast service for its intended use.

8. Another aspect of the proposed rule on which we invite comment concerns reporting requirements. Under the current rules, television auxiliary broadcast station licensees transmitting material to non-broadcast closed circuit television systems must submit reports with their renewal applications showing the breakdown of primary and alternate uses during each year of the license term. This information is used to determine whether licensees are complying with the 50 percent limitations currently contained in the rules. If the time percentage limitations are dropped from the rules as PBS suggests, the solicitation of such information may be pointless. As stated above, however, we are concerned that unlimited use of the broadcast auxiliary facilities for non-broadcast use may dilute the prime function of the service. Therefore, we request comment on the necessity of requiring statements from licensees concerning the use of their facilities.

9. A somewhat related issue concerns the extent to which the Commission should oversee the facility-sharing agreements between licensees and other users. Under § 74.631(h) of the present rules, broadcast auxiliary facilities may be authorized to provide material to cable television systems and CARS stations on a nonprofit, cost-sharing basis. The rule further provides that a written contract between the parties containing certain information must be attached to the licensee's request for authorization to provide service. The licensee is also required to keep certain records showing the cost of services and its nonprofit cost-sharing nature. We realize that good business practice dictates that parties entering into time-sharing arrangements will probably do so through some form of contractual agreement, but we question whether the contract requirements and record keeping provisions of our present rules are necessary to assure compliance with our regulations.[5] Therefore, interested parties should comment on our contract and record keeping requirements and explain how the Commission could continue to oversee the proper use of broadcast auxiliary facilities if such requirements are eliminated.[6]

10. PBS states that it seeks no more than the authority to share its facilities with other users on a nonprofit, cost-sharing basis. Group W, on the other hand, argues that it should be permitted to sell its excess capacity together with its other distribution services for a profit. Group W's petition raises substantial legal and policy questions concerning the provision of transmission capacity on a "for profit" basis, as opposed to cost-sharing arrangements. Licensees operating in this manner may take on characteristics of communications common carriers in their offering of transmission capacity to the public. Broadcast licensees of facilities authorized under Part 74, however, traditionally have not been subject to common carrier regulation under Title II of the Act.[7] If this Commission were to adopt unrestricted sale of excess capacity as Group W urges, it may be difficult to distinguish licensees operating in this manner from communications common carriers. The regulatory implication of unrestricted

such use is less than 50 percent of the total use of the auxiliary broadcast facility during any one year. Section 74.631(f).

[4] The text of the proposed rule may be found in Appendix A. It is also our intention to amend the definitions in § 74.601(b), television STV, and (c) television intercity relay, by reference to § 74.631, to reflect the permissible uses of these services.

[5] In our recent decision adopting the short form renewal, we stated that we will assume continued compliance with our rules in the absence of information to the contrary and admitted that many of our rules are not subject to reporting requirements. *Report and Order* in BC Docket No. 80-253, 46 FR 26236, published May 11, 1981.

[6] Should we find that the reporting requirements are not necessary, we will delete such requirements from § 74.631(h).

[7] A common carrier may also be authorized to provide service under Part 74. *See* 47 CFR 21.801(b).

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"for profit" sale becomes even more significant in light of the fact that we have proposed deleting the 50 percent requirement and have tentatively concluded in paragraph 7, *supra*, that we are not opposed to allowing the unlimited use of a licensee's excess capacity. Moreover, it is clear that the applicable facilities would be used to offer services comparable to those currently provided by communications common carriers. Prior to formulating any conclusions, one way or the other, on Group W's request to sell its excess capacity for a profit, a record should be developed that adequately addresses all the relevant legal and policy ramifications and associated common carrier implications of Group W's proposal.[8] We seek comment on Group W's proposal and whether any reference should be made to "non-profit" or "cost-sharing" in the new rule.

Expanded Use of Multiplexed Audio Signals

11. Under the Commission's present policy, the transmitter of an STL, intercity relay, or translator relay station may be multiplexed to provide additional communication channels for the transmission of aural program material and operational communications. Section 74.631(d) of the Commission's Rules provides that aural program material multiplexed and transmitted over the system may include the sound accompanying the visual program material transmitted over the system or aural program material intended for broadcast by other AM, FM, or TV broadcast stations owned by or under the common control of the licensee of the television STL, intercity relay, or translator relay station. Thus, broadcast or non-broadcast entities may not currently utilize the audio material transmitted over another licensee's auxiliary facilities.

12. The Christian Broadcasting Network ("CBN") recently petitioned the Commission for a waiver of § 74.631(d) to allow CBN to transmit audio program material on subcarriers of its intercity relay stations for eventual broadcast on AM and FM stations which are not owned by or under the common control of CBN. CBN stated that this was necessary because of its plans to institute a nationwide radio network program service delivered via its satellite uplink facilities. CBN asserted that the use of its existing television auxiliary stations was the most feasible means for transmitting the audio signals to the satellite uplink station.[9] In its waiver petition, CBN pointed out that the restrictions on the use of multiplexed audio signals were much more severe than those imposed on the use of the primary television program signal. Under § 74.631(e), television programming used by the licensee's associated stations can also be used by other broadcast stations. However, this is not true of multiplexed audio signals, which, according to the present rules, can only be used by broadcast stations owned by or under common control of the licensee of the auxiliary station.

13. We have determined that the discrepancy in the permitted uses between audio and video programming transmitted via television auxiliary broadcast stations makes little practical sense and should be eliminated. Without regard to the proposals to expand the permitted uses of television signals, the present rules allow other television stations to use signals which are broadcast by the licensee's associated stations. At the very least, we believe that a similar situation should exist for the use of multiplexed audio signals. Furthermore, we are interested in receiving comment on permitting any use of multiplexed audio signals carried via television auxiliary broadcast stations, much as we are proposing in the previous section of this notice with respect to visual services.

14. Many of the questions we asked above in relation to the expanded use of television signals must also be asked in this context. For example, should the multiplexed audio signals be only broadcast-related material or should any material be deliverable? Should the licensee be permitted to deliver the audio signals to any other party, or should the material be reserved solely for broadcast users? How can the Commission keep track of the use of broadcast auxiliary facilities if our record keeping and reporting requirements are deleted from our rules? Should licensees be permitted to charge for these services on a revenue producing basis? At this point, we are proposing to allow the greatest possible latitude in the use of multiplexed audio signals transmitted over television auxiliary broadcast stations.[10] [11]

Licensing Policy

15. According to the Commission's current licensing procedure, each television broadcast licensee in an area may request at least one auxiliary broadcast channel in Band A or B for use on an exclusive basis and one channel in Band D for use on an exclusive basis.[12] The rules provide that no more than three channels in Band A and Band B will be assigned to any one licensee unless a showing is made that additional channels will not be needed to provide an exclusive channel to some other licensee in the same area in the foreseeable future.[13] Section 74.602(d). In fact, during the past several years, no exclusive channels have been granted in the television broadcast auxiliary service. As a practical matter the Commission has granted the exclusive use of a particular frequency on a specific *pathway*, which allows the expanded use of the same frequency in one geographical area so long as the pathways do not cross. This practice of no longer assigning exclusive frequencies has been necessitated by the increasing demand for additional channels in the bands allocated to the television auxiliary broadcast service.

16. This increasing demand for the use of television auxiliary broadcast channels has also forced the Commission to discontinue frequency coordination for every requested authorization. Applicants are presently encouraged to select frequencies which will be least likely to cause interference to other licensees in the same area. Licensees utilizing the same frequencies in the same area are expected to take such steps as may be necessary to avoid mutual interference. The Commission may take any action necessary to assure an equitable distribution of available facilities if agreement cannot be reached between the licensees using the same frequencies.

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[8] We also note that the recently passed amendments to the Communications Act specifically permit public broadcast stations to "engage in the offering of services, facilities, or products in exchange for remuneration." Omnibus Budget Reconciliation Act of 1981, section 1231, 47 U.S.C. 399B(b)(1). Parties may wish to comment on what relevance, if any, these amendments may have with respect to allowing public stations to share their facilities on a profit-making basis.

[9] CBN was granted special temporary authority to make such transmissions.

[10] The text of the proposed amendment can be found in Appendix A.

[11] Because of the accelerated growth of radio services in the past ten years, the channels for assignment in the 947–952 MHz band, presently allocated to aural broadcast STL and intercity relay stations, are fully utilized in many metropolitan areas. Before the Commission are two petitions (RM–2697 and RM–3246) seeking specific allocations to relieve this congestion. Interested parties may wish to comment on the extent to which the instant proposal may affect this frequency congestion in the aural broadcast auxiliary service.

[12] Band A channels are located in the 1990 to 2500 MHz range; Band B channels are located in the 6875 to 7125 MHz range; Band D channels are located in the 12.700 to 13.250 MHz range. Channels assigned on an exclusive basis may not be used by any other licensee in a market. Non-exclusive channels may be authorized for use by more than one licensee in a market.

[13] There are currently no restrictions on the number of channels which may be assigned in Band D.

17. In recognition of the factors just described, the Commission believes it is now appropriate to amend the television auxiliary broadcast station rules to reflect the actual practice of the past several years. Accordingly, we are proposing the following changes in our television broadcast auxiliary licensing rules: delete any reference in the rules to exclusive frequency assignments; end the limitations concerning the number of channels which may be authorized for any one licensee; rely exclusively on an applicant's assurance that new authorizations will not interfere with existing stations; encourage the formation of local coordinating committees to study the most efficient use of channels in their areas; and assign "use priorities" for enforcement purposes in the event frequencies for additional uses become unavailable in a community or interference complaints are brought before the Commission. Additionally, we would like to receive comment on proposals to rescind all existing exclusive assignments. These proposals will be discussed in turn, below.

18. By formally ending our policy of granting exclusive authorizations, licensees will be able to utilize more efficiently the limited spectrum currently available for auxiliary uses. In order to further promote the more efficient use of the limited spectrum available to television broadcast auxiliary users, we propose to grant only single frequency authorizations for fixed link services. Such an authorization will aid in the protection against inadvertent interference and will also facilitate local frequency coordination.

19. In proposing that the Commission staff no longer conduct frequency coordination studies for new applications, we realize that we would be adopting essentially an "authorization on demand" approach to auxiliary station licensing. A necessary component of such an approach involves greater reliance on frequency coordination at the local level by the licensees requesting new assignments. Under current procedures, the Commission staff grants applications on an inference of non-interference to existing users. We wish to continue that practice, but we seek comment on whether we should require some type of showing from an applicant that our inferences are well founded. For example, the Private Radio Service rules require a showing that an applicant has either conducted a comprehensive field study or has received frequency coordination information for a new authorization from a local coordinating committee. *See* § 90.175 of the Commission's Rules.

20. We believe such an approach may likewise be suitable for television auxiliary licensing. Using this approach, a broadcast licensee seeking a new auxiliary authorization would have two alternate routes to accomplish the necessary frequency coordination. If a local frequency coordinating committee exists,[14] potential applicants for a new auxiliary authorization could contact the committee to determine which frequencies were available for the applicant's proposed use. This approach to frequency coordination has the benefit of being very efficient in terms of time and expense because the local committee would be expected to have up-to-date information on the frequencies currently in use in the community. After receiving the requested information from the committee, the applicant could then submit its license application to the Commission. In those instances where a potential applicant prefers not to work through a local committee, or where no such committee exists, we would expect the applicant to conduct its own frequency coordination study to determine which frequency best meets its needs without causing interference to existing users.[15] Whether the frequency coordination is done through a committee or individually, assuming the other aspects of the application were in order, the authorization would be granted on the assumption that the frequency requested would not interfere with existing services. We seek comment on whether this approach to auxiliary station licensing is feasible.

21. We anticipate that these local frequency coordinating requirements—either through committees or individual studies—will eliminate the necessity for the Commission routinely to become involved in problems concerning interference among authorized stations. However, as a practical matter, we must also assume that some interference complaints will be brought to the Commission. In order to deal with these complaints fairly and effectively, we need to set up some type of criteria upon which we will act. Therefore, we are considering the establishment of priorities for the use of television broadcast auxiliary frequencies. To a certain extent, such a priority system is now in effect. Greater levels of protection would be afforded to higher priority uses. Similarly, if the channel use in one area is completely saturated,[16] a lower priority channel may have to be withdrawn from one licensee to accommodate new service for a higher priority use. We now seek to delineate more specifically a channel priority system. Certainly, many permutations are possible. Under one possible system, STLs and CARS links would receive the highest priority. These links provide a broadcast station's and a cable system's "life blood" and could therefore be accorded the highest possible protection. Thus, assuming stations are operating as authorized, complaints involving interference between STL or CARS links and lesser priority signals would be resolved in favor of the higher priority channels. This highest priority accorded to STL and CARS links would apply only to a licensee's primary facilities and would not apply to duplicate or backup facilities. We welcome comment on the relative positions of television pickup stations and intercity relay stations as the second and third priorities. We recognize that local characteristics may to some extent bear upon this issue, and we also wish to pursue the possibility of leaving the second, third or other priorities open to local determination, perhaps by an area's frequency coordination committee. Fixed link stations operating outside a licensee's local service area and translator relay stations would assume the fourth priority.[17] Normally unused alternate or backup facilities and television pickup stations operating outside a licensee's local service area would receive the lowest use priority. We urge affected parties to comment on the practicality and appropriateness of this priority system both in terms of the specific priority assignments and the entire priority concept.

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[14] Such committees presently exist in several areas. For example, the Southern California Frequency Coordinating Committee, which is composed of chief engineers from a majority of broadcast stations in the Los Angeles-San Diego area, holds monthly meetings to discuss new uses and anticipated changes in use of auxiliary frequencies.

[15] Where an applicant chooses to conduct its own study, a problem could arise regarding the amount and quality of information which would be available. Commenters may wish to address this potential problem by discussing the feasibility of creating a nationwide data base, a regional master file, or some other means of making information readily available.

[16] We believe it highly unlikely that any market would become completely saturated if the policies we are proposing are adopted. However, in the event our belief proves incorrect, some mechanism must be in place to resolve any potential problem.

[17] Proposals for low-power television stations in urbanized areas may, in certain circumstances, require access to auxiliary frequencies, and place additional burdens on this spectrum space. Interested parties may therefore wish to comment on the proper placement of auxiliary links for low-power television stations within the priority system set forth above.

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22. If the need arises to withdraw a channel from any licensee in order to provide a higher priority station to another licensee, we would again look to the recommendations of the local coordinating committee for guidance on which channel to withdraw. In the absence of any such recommendation, we would utilize the procedures currently embodied in our rules with one minor exception. At present, § 74.602(e)(1) states that the determination whether to withdraw a channel from Band A, Band B, or Band D is made ". . . based on the design of the equipment proposed to be used by the applicant for whom the . . . channel is required." We propose to add a second criterion which will take into account some sense of spectrum management. For example, it may be inappropriate and inefficient to assign a 2000 MHz frequency to accommodate a very short transmission path. A signal at this frequency has a much longer range than would be necessary and consequently has a greater potential for interference. The new provision we are proposing would allow the Commission to take such issues into consideration when deciding which channel to withdraw.

23. Moreover, we believe that retaining any exclusive authorizations represents an inefficient use of the spectrum and to some extent dilutes the impact of our proposed action. We would therefore prefer to rescind all existing exclusive authorizations and thereby permit other licensees to use those frequencies on an non-interfering basis. Licensees currently holding exclusive authorizations would be permitted to continue operations on those frequencies and the channels would assume a priority depending on the licensee's current use of the channel. The practicality of revoking the existing exclusive authorizations and the procedures which we should follow in making the revocations should be addressed by interested parties in their comments.[18]

24. We wish to reemphasize that the licensing rule amendments we are proposing, for the most part, do not constitute a major policy change. In fact, we are merely seeking to formalize the procedures which, because of increased user demand and limited Commission facilities, we have been utilizing for the past several years. We believe this proposed licensing policy will promote greater and more efficient use of the auxiliary broadcast spectrum, provide more flexibility to users of the television broadcast auxiliary service for their individual needs, and reduce the Commission's regulatory presence in this area. Taken together with the proposed amendments concerning the use of auxiliary broadcast facilities which we have proposed in the first two sections of this notice, the actions proposed herein represent a substantial deregulation of the television broadcast auxiliary rules.

[18] One procedural question on which we invite comment is whether the exclusive authorization could be terminated immediately or only upon the expiration of the present license term.

Regulatory Flexibility Act Initial Analysis

25. The proposed amendments to § 74.631, by permitting the sharing of existing television broadcast auxiliary stations, could lead to a more efficient and less costly use of the electromagnetic spectrum by eliminating the need to build parallel facilities to transmit material between two points when existing facilities can be utilized. The proposed changes in the Commission's licensing policies, as set out in §§ 74.602 and 74.604, likewise will lead to a more efficient use of the spectrum by giving licensees more flexibility regarding the number of channels they may use and the frequencies on which they may operate. The changes in licensing policy could also significantly reduce the Commission's regulatory presence in the area of television broadcast auxiliary licensing. These actions are proposed pursuant to section 303(g) of the Communications Act of 1934, as amended, which charges the Commission to ". . . generally encourage the larger and more effective use of radio in the public interest."

26. Allowing television broadcast auxiliary licensees to share their facilities would increase licensees' revenues. The rule change could benefit the approximately 900 licensees currently operating auxiliary facilities. The number of these licensees who may choose to offer their stations for shared use is unknown. The effect on those entities wishing to utilize a licensee's facilities likewise may be substantial due to decreased costs. Such entities currently must purchase transmission time from common carriers or seek to establish their own facilities through waivers of the Commission's rules. Some common carriers providing transmission services may realize a reduction in revenues, although a Commission study indicates that channels allocated to common carriers for auxiliary transmission purposes are lightly used.

27. The economic effects of the proposed changes in licensing policy should be negligible because the rules are intended merely to conform to the Commission's practices of the past few years. The increased use of local coordination committees could lead to a reduction in expenses among licensees. As a committee becomes more familiar with the spectrum use in an area, the need for applicants to conduct expensive, comprehensive frequency coordination studies may diminish; the committees may simply be able to inform the applicant which frequencies are available in certain areas. In turn, however, this could lead to reduced revenues to small engineering consulting companies who conduct frequency coordination studies.

28. Although the Commission is seeking comment on the need for record keeping and reporting requirements, none are proposed at present. No other federal rules overlap, duplicate, or conflict with the rules proposed herein. As stated above, the impact of the proposed rules is minimal. An alternative to the proposed rules which would further minimize the impact on small entities would be for the Commission to resume conducting frequency coordination studies and thus spare applicants the expense of conducting such studies. However, that alternative conflicts with one of the stated objectives of this proceeding which is to reduce the Commission's presence in the area of television broadcast auxiliary station licensing.

29. Accordingly, it is proposed to amend Part 74 of the Commission's rules as set forth in the attached Appendix.

30. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not

fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules.

31. Authority for the issuance of this notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before January 25, 1982, and reply comments on or before February 24, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

32. In accordance with the provisions of Section 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 M Street, NW., Washington, D.C.

33. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

It is proposed that Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 74—EXPERIMENTAL AUXILIARY AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. Section 74.601 would be revised as follows:

§ 74.601 Classes of television auxiliary broadcast stations.

(a) Television pickup station. A land mobile station used for the transmission of television program material and related communications from scenes of events occurring at points removed from television broadcast station studios to television broadcast stations or other purposes as authorized in § 74.631.

(b) Television STL station (studio-transmitter-link). A fixed station used for the transmission of television program material and related communications from the studio to the transmitter of a television broadcast station or other purposes as authorized in § 74.631.

(c) Television intercity relay station. A fixed station used for intercity transmission of television program material and related communications for use by television broadcast stations or other purposes as authorized in § 74.631.

(d) Television translator relay station. A fixed station used for relaying programs and signals of television broacast stations to television broadcast translator stations and to other facilities that the Commission may authorize or for other purposes as permitted by § 74.631.

2. Section 74.602 (b), (c), (d) and (e) would be revised as follows:

§ 74.602 Frequency assignment.

* * * * *

(b) Subject to the conditions of paragraph (a) of this section, frequency assignments will normally be made as requested, provided that the application contains a statement that either: The applicant has conducted a comprehensive frequency coordination study and affirms that the frequency requested will cause no interference to existing users in the area; or, a local coordination committee has reviewed the request and has indicated that the use of the frequency in the area is appropriate. The Commission reserves the right to assign frequencies other than those requested if, in its opinion, such action is warranted.

(c) The number of channels that may be assigned to a licensee in a single area is not restricted. Television Broadcast Auxiliary channels will have the following priority for purposes of interference protection and withdrawal of channels for use by other parties:

(1) STL and CARS links (except alternate or "back-up" facilities);

(2) Intercity relay stations;

(3) Television pickup stations;

(4) Translator relay stations; fixed link stations operating outside a licensee's local service area.

(5) Backup facilities; television pickup stations used outside a licensee's local service area.

(d)(1) Fixed link stations will be authorized to operate on one channel only.

(2) The number of channels on which mobile stations may be authorized to operate is not limited.

(e) Low priority channel assignments are subject to withdrawal without advance notice to provide a higher priority channel assignment to a licensee. In withdrawing channels, the Commission will normally accept the recommendation of a local coordination committee if such a recommendation is offered. However, the Commission reserves the right to select the channel assignment to be withdrawn, and, absent a recommendation from a local coordinating committee, will normally withdraw the lowest priority channel in use in an area. Channels having the same priority will normally be withdrawn in the following order:

(1) The most recent channel assignment to the licensee having the greatest number of assignments. Determination as to whether the withdrawal shall be made in Band A, Band B, or Band D will be based on the design of the equipment proposed to be used by the applicant for whom the higher priority channel is required and frequencies appropriate to the applicant's path length and station function.

(2) Where two or more licensees are assigned individually an equal number of channels in the same band and a greater number of channels in that band than any one of the other licensees, the assignment of most recent date.

(3) In all other cases the assignment of most recent date.

* * * * *

3. Section 74.604 would be revised as follows:

§ 74.604 Frequency selection to avoid interference.

(a) Because the Commission does not undertake frequency coordination, applicants for new television auxiliary broadcast authorizations are responsible for selecting the frequency assignments which will least likely result in mutual interference with other licensees in the same area. Applicants may submit their proposals to local coordinating committees, where they exist, for the committee's recommendation before applying to the Commission. In selecting frequencies, consideration should be given to the relative locations of receiving points, normal transmission paths, and the nature of the contemplated operation.

(b) Where two or more licensees are assigned a common channel for television pickup, television STL, or television intercity relay purposes in the same area and simultaneous operation is contemplated, they shall take such steps as may be necessary to avoid mutual interference, including consultation with the local coordinating committee, if one exists. If a mutual agreement to this effect cannot be reached, the Commission shall be notified and it will take such action as may be necessary, including time sharing arrangements, to assure an equitable distribution of available facilities.

4. Section 74.631 (d) and (f) would be revised as follows:

§ 74.631 Permissible service.

* * * * *

(d) The transmitter of an STL, intercity relay station or television translator relay station may be multiplexed to provide additional communication channels for the transmission of aural communications. A television broadcast STL or intercity relay station will be authorized only in those cases where the principal use is the transmission of television broadcast program material for use by its associated TV broadcast station. However, STL or intercity relay stations so licensed may be operated at any time for the transmission of aural communications whether or not visual program material is being transmitted, provided that such operation does not cause harmful interference to television broadcast pickup, STL or intercity relay stations transmitting television broadcast program material.

* * * * *

(f) A television broadcast pickup, STL, or intercity relay station may, at times when it is not transmitting program material to its associated television broadcast station, be used for the transmission of material to be used by others, including but not limited to other broadcast stations, cable television systems, CARS stations, and educational institutions. This use shall not interfere with the use of these auxiliary broadcast facilities for the transmission of programs and associated material intended to be used by the television station or stations licensed to or under common control of the licensee of the television pickup, STL, or intercity relay station. This use of the broadcast auxiliary facilities shall not cause harmful interference to broadcast auxiliary stations operating in accordance with the basic frequency allocation, and the licensee of the television pickup, STL or intercity relay station shall retain exclusive control over the operation of the facilities.

[FR Doc. 81-35160 Filed 12-7-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 81-787; FCC 81-528]

Specialized Mobile Radio System; Revision of Contour Measurement

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend § 90.371(b) of its rules and regulations relating to Private Land Mobile Radio Services to substitute 20 miles in place of 40 dBu as the contour measurement specified in that section in order to simplify the assignment process.

DATES: Interested parties may file comments on or before December 30, 1981, and reply comments on or before January 14, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman or Charles F. Turner, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: November 27, 1981.

In the matter of amendment of Part 90 of the Commission's rules and regulations to substitute 20 miles in place of 40 dBu as the measure of service area specified in §§ 90.367(c) and 90.371(b).

1. The Commission on its own motion is here initiating a rule making proceeding looking towards a revision of §§ 90.367(c) and 90.371(b) of its rules [1] to substitute 20 miles as the prescribed radius of a theoretical service area, rather than the 40 dBu field strength contour now specified in those rules. The amendment would permit a licensee of a Specialized Mobile Radio System (SMRS) serving multiple end users to obtain an additional assignment of one or more conventional channels and/or one or more additional trunked SMRS's, spaced no less than 40 miles apart, without the extensive field strength intensity calculations that are necessary if the separation standard between groups of conventional channels or trunked stations is their 40 dBu contours.

Background

2. In our rule making proceeding in Docket No. 18262 we allocated frequencies in the 806-821 MHz and 851-866 MHz bands for use by conventional and trunked private land mobile radio systems.[2] At that time we explained:

* * * (W)e will revisit all of the system parameters as we gain knowledge from actual operating experience; and adjustments will be made as it becomes possible to do so.[3]

Since 1979 we have revisited that Docket No. 18262 decision on several occasions to revise the 800 MHz band rules in light of the experience gained through licensing and observing the operation of these facilities. Thus in PR Docket No. 79-106 [4] we revised the mileage separation standards for conventional systems in certain cases, and adjusted the channel loading criteria in and near the largest urbanized areas where spectrum demand is heavy. Currently we are considering, in a consolidated proceeding, proposed rule changes which would alter the channel assignment and loading standards for conventional and trunked systems; release 800 MHz spectrum now held in reserve; and consider the needs of slow-growth users and wide-area systems.[5] We are concurrently considering whether to lift the prohibition on "talk-around," i.e., mobile-to-mobile transmissions which bypass the mobile

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[1] 47 CFR 90.367(c) and 90.371(b).

[2] See generally, *Land Mobile Radio Service*, Docket No. 18262, Second Report and Order, 46 FCC 2d 752 (1974); *Land Mobile Service*, Docket No. 18262, Memorandum Opinion and Order, 51 FCC 2d 945 (1975).

[3] *Land Mobile Service*, f.n. 2, *ante*, 51 FCC 2d at 978-9.

[4] PR Docket No. 79-106, Report and Order, adopted September 25, 1979 (FCC 79-583, released October 3, 1979).

[5] *See Amendment of Part 90 of the Commission's Rules*, PR Docket Nos. 79-191 and 79-334; RM-3691, Further Notice of Proposed Rule Making (FCC 81-285, adopted June 16, 1981), 46 FR 37927, July 23, 1981.

relay station, on shared frequency pairs in the 800 MHz band.[6] All of these proceedings have had a common goal: to revise the regulations governing use of the 800 MHz band in light of our experience and that of the land mobile marketplace in the use of this spectrum, so as to meet the needs of users.

Discussion

3. Section 90.367(c) of our rules provides that:

> No more than five frequency pairs may be assigned to any person proposing to operate one or more conventional radio systems to provide facilities for use by more than a single entity, if there is any overlap of the 40 dBu contour of the proposed new facility and any of the 40 dBu contours of any station authorized to that person, or to any person or entity in which he has a direct or indirect interest.

A note to the rule specifies:

> For the purposes of this subsection, the 40 dBu contour is assumed to be that obtained using maximum effective radiated power and antenna height permitted by this subpart.

Section 90.371(b) provides that:

> No more than a single trunked system will be authorized to any one licensee to provide radio facilities for the use of more than a single person or entity where the 40 dBu contour of the proposed facility will overlap the 40 dBu contour of any existing facility of the licensee, or of any concern in which he has a direct or indirect interest, or for which applications are pending, except where the applicant shows:
>
> (i) That the additional trunked system will be used to provide radio facilities for a single entity, where the additional system is justified on the basis of the requirements of the proposed single user; or,
>
> (2) That radio systems previously authorized to the applicant are being operated to at least 90 percent of their authorized capacity.

A note to that rule states:

> For the purposes of this paragraph, the 40 dBu contour is assumed to be that obtained using maximum effective radiated power and antenna height permitted by this chapter.

The foregoing sections are intended to limit licensees of SMRS systems serving multiple users to no more than five conventional channel pairs and/or one trunked system in a given area. When a trunked system has been loaded nearly to prescribed capacity, a second system may be authorized. In determining why §§ 90.367(c) and 90.371(b) prescribe the 40 dBu contour as the dimension of a service area, we must look back at the Commission's definition, in Docket No. 18262, of a "market."

4. The reasons for defining the 40 dBu contour as the measure of market size were explained by us in a discussion of conventional vis-à-vis trunked systems on reconsideration in Docket No. 18262. It was felt then that using the 40 dBu contour would provide the greatest flexibility in determining station location within a given area. *Land Mobile Service*, f.n. 2, *supra*, 51 FCC 2d at 985. Although the Commission itself has never formally construed or entertained requests for waiver of § 90.367(c) or 90.371(b), our staff has considered such matters pursuant to its delegated authority to do so.[7] The staff on innumerable occasions has dismissed applications for trunked SMR systems which did not comply with § 90.371(b). In so doing it has used 40 miles (the minimum distance between two stations whose theoretical service area radii of 20 miles do not overlap) as the general rule-of-thumb in determining compliance with § 90.371(b). In fact, items 5(a) and 5(b) of FCC Form 400–S (which must be used by all 800 MHz band applicants) call for the applicant to indicate whether it has any other conventional or trunked facilities within 40 miles of the proposed station; the application makes no reference to a 40 dBu contour.

5. As our staff has previously pointed out in denying a petition for reconsideration of denial of a request for waiver of § 90.371(b), that rule is directed specifically towards SMRS—as distinguished from single user—trunked systems, and is intended, without consideration of need for service, to limit an SMRS entrepreneur to a single such trunked system within a given geographic area until this system is loaded. The note to the rule clearly indicates that its intent is to limit a licensee to a single system within a prescribed area rather than to prevent interference.[8]

6. Use of the 40 dBu field intensity contour to compute market dimensions can often be inequitable (in addition to being difficult and expensive to calculate) because topography and other propagation characteristics can vary widely among different geographic areas, thereby affecting the 40 dBu contour and the size of the "market" in a particular area. We believe that substitution of a flat 20-mile radius, i.e., a minimum 40-mile separation between stations, in lieu of the present field intensity standard will accomplish more equitably and consistently the definition of market area for both five-channel group conventional SMRS and individual trunked SMRS facilities, and is warranted. We therefore propose rule amendments to that effect. This is in keeping with our expressed intention to revisit and adjust the Docket No. 18262 system parameters when our experience indicated that revisions would be appropriate.

7. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

8. Accordingly, notice is hereby given of rulemaking to amend Part 90 of the Commission's Rules, in accordance with the proposal set forth in the Appendix.

9. The proposed amendment to the Rules is issued pursuant to authority contained in sections 4(i), 303(b), 303(f), 303(g), and 303(r) of the Communications Act, as amended.

10. The Commission has determined that sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rulemaking proceeding because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. There should be no adverse economic

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[6] *See Amendment of the Commission's Rules and Regulations to Permit Talk-around in the Private Land Mobile Radio Services on Shared Channels above 806 MHz*, PR Docket No. 81–215 (FCC 81–120, adopted March 26, 1981) 46 FR 22624, April 20, 1981.

[7] See 47 CFR § 0.331.

[8] Metrocom, Inc., File No. CIB800032807, Memorandum Opinion and Order by the Chief, Private Radio Bureau, adopted January 5, 1981, released January 13, 1981, mimeo #05689.

impact, because substituting a 20-mile fixed mileage standard in place of the 40 dBu field intensity contour is unlikely to limit the opportunities of SMR entrepreneurs to obtain additional facilities outside their existing market area. The rule will have a small beneficial economic impact upon licensees in that it may expand slightly their opportunity to obtain additional conventional and/or trunked SMR systems outside their existing market areas and will permit them to avoid having to make 40 dBu calculations.

11. Pursuant to procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before December 30, 1981, and reply comments on or before January 14, 1982. The Commission will consider all relevant and timely comments before taking final action in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

12. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the public who wish to express their interest are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

13. For further information contact Lewis H. Goldman or Charles F. Turner, Federal Communications Commission, Private Radio Bureau, Rules Division, Washington, D.C. 20554, (202) 632–6497.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

It is proposed that 47 CFR Part 90, be amended as follows:

1. Section 90.367(c) is revised to read as follows:

§ 90.367 Limitation on the number of frequency pairs assignable for conventional systems.

* * * * *

(c) No more than five frequency pairs may be assigned to any person proposing to operate one or more conventional radio systems to provide facilities for use by more than a single person or entity if the proposed facility is within 40 miles of any of the existing base stations of the conventional facilities authorized to that person, or to any person or entity in which he has a direct or indirect interest.

2. Section 90.371(b) is revised to read as follows:

§ 90.371 Limitation on the number of frequency pairs assignable for trunked systems and on the number of trunked systems.

* * * * *

(b) No more than a single trunked system will be authorized to any one licensee to provide radio facilities for the use of more than a single person or entity within 40 miles of an existing facility of the licensee or of any concern in which he has a direct or indirect interest, or for which applications are pending, except where the applicant shows:

(1) That the additional trunked system will be used to provide radio facilities for a single entity, where the additional system is justified on the basis of the requirements of the proposed single user; or,

(2) That radio systems previously authorized to the applicant are being operated to at least 90 percent of their authorized capacity.

[FR Doc. 81-35151 Filed 12-7-81; 8:45 am]

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47 CFR Part 97

[Docket No. 80-729; FCC 81-529]

Rewrite of the Amateur Radio Service Rules; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Termination of proceeding.

SUMMARY: This document terminates the Notice of Proposed Rule Making in PR Docket No. 80-729 and closes out the proceeding. The Commission decided to take no further action in the proceeding because to continue with the rewrite of the Amateur radio rules could require a great deal of time in order to draft new rules that would be more widely accepted by those subject to them. In addition, the proceeding was terminated because of the generally adverse reaction to the rewrite by a substantial number of persons who filed comments.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964—Room 5218.

SUPPLEMENTARY INFORMATION:

In the matter of revision of the Amateur Radio Service rules into "plain language."; Order (proceeding terminated).

Adopted: November 12, 1981.

Released: November 24, 1981.

By the Commission: Commissioner Dawson issuing a separate statement.

Background

1. On November 18, 1980, the Commission adopted a Notice of Proposed Rulemaking in this proceeding which was published in the **Federal Register** on December 19, 1980 (45 FR 83592). The proposal was to revise the amateur radio rules in order to make them more understandable to the persons regulated by them. The final dates for the filing of comments and reply comments in this proceeding were August 21, 1981, and October 21, 1981, respectively.

Comments Summary

2. Approximately 1200 comments were received. The sentiment expressed by a significant majority of those commenting was strong opposition to the Commission's proposal. Those persons who supported the proposal praised the rewrite as "an excellent update that sets forth the rights and responsibilities of those in the Amateur Radio Service" (see comments of Philip W. and Harriet L. Amborn, Atascadero, California, Amateur Extra Class licensees, both licensed for more than fifty years). We appreciate the many helpful comments and thoughtful concern of all those commenting whether for or against the proposal.

3. It is believed that it will be useful to discuss some of the major themes in the comments. One recurrent criticism was that the question-and-answer format of the proposed rules was viewed as denigrating. Many persons commented that they felt they were being "talked down" to and that their intellectual ability was underestimated.

4. The proposed rule rewrite that provoked the most comment was our attempt to define the Amateur Radio Service. We wrote a rule using the International Telecommunication Union

(ITU) Radio Regulations definition which speaks of a service of self-training, inter-communication and technical investigations carried on by duly qualified persons interested in radio technique who have a personal, not a pecuniary, interest in radio. By and large, amateur operators filing comments felt that the proposed definition of the Amateur Radio Service was inadequate, inaccurate and failed to set a positive tone about a self-training service with a proven record of many and varied benefits to the public. They disapproved of the proposed wording, they said, because it did not connote to them the sense of public service and dedication that is inherent in the spirit of the Amateur Radio Service. Likewise, the proposal to change the name of the service to the Amateur Telecommunications Service met with virtually universal disapproval.

5. We received several comments concerning our proposal to inspect amateur radio stations. Some commenters may not have been aware of our basic statutory authority as contained in section 303 (n) of the Communications Act of 1934, as amended. That section empowers the Commission to inspect all radio installations to determine whether in construction, installation, and operation they conform with the Commission's Rules, the Communications Act, international treaties binding on the United States, and the terms and conditions of the radio station license under which they are authorized to operate. Our proposal to add particulars pertaining to the inspection of amateur radio stations was merely the implementation of that statutory authority in the amateur radio rules.

6. Some of the comments were opposed to our proposed deletion of logging requirements on the grounds that logs were important to substantiate the operator's viewpoint in violation cases. The persons who filed these comments felt that they would be bereft of any defense if they could not resort to a log to show what they had recorded as having occurred.

7. The American Radio Relay League (ARRL), in its comments, recommended that the Commission abandon the rewriting of Part 97 and terminate the proceeding. ARRL thought that the reworded rules turned the Amateur Radio Service into a "sophisticated Citizens Band (CB) Service". It did not care for the question-and-answer format and said that that style could lead to conclusions as to requirements which are not accurate. According to ARRL, the present wording of the purpose of the Amateur Radio Service should be retained since it is invaluable when restrictive zoning ordinances are tested in court proceedings.

8. ARRL said that it did not concur in the proposal to rename the service a the "Amateur Telecommunications Service" since the name "Amateur Radio Service" is understood and universally used by national administrations throughout the world. With respect to power limits in the Amateur Radio Service, ARRL recommended that no changes be made in the present power rules at this time and suggested that a future Commission proceeding explore the possibility of stating power limits in output power as do the rules for the broadcast services.

9. A final observation that we made after studying the comments filed in this proceeding is that the style of the proposed rules apparently detracted from the real purpose of the rewrite, which was to update, codify and simplify the rules. Although there was no intention to equate the CB Radio Service and the Amateur Radio Service, it is clear that this impression was the result. The use of questions with short answers was thought to be too elementary and pedagogical by the adult amateur radio operator.

10. It appears best to forego this major rewrite and codification of the amateur radio rules at this time. To continue the project could require a great deal of time in order to arrive at an accommodation that would be acceptable to those regulated. Additionally, we note the overwhelming opposition to the proposal and, in the final analysis, we must acknowledge the very strong negative reaction which has been so clearly expressed. Therefore, we will terminate this proceeding. Individual rule making proceedings will be initiated on an *ad hoc* basis as the need arises.

11. Finally, we recognize that many people worked long and hard to develop their comments in this docket. Should the amateur community at a later date wish to pursue, on its own, a general rewrite of the rules for the Amateur Radio Service, the contents of this docket will be most helpful.

Action

12. In view of the foregoing, it is ordered, That no further action be taken on the Notice of Proposed Rulemaking in PR-Docket NO. 80-729. It is further ordered, That this proceeding is terminated and the docket is closed. For information, call Maurice J. DePont, (202) 632-4964.

Federal Communications Commission.[1]

William J. Tricarico,

Secretary.

Separate Statement of Commissioner Mimi Weyforth Dawson re: Amateur Rewrite Proceeding

I fully support the Commission's decision to terminate this proceeding with the amateur service rules left in their present form. The amateur radio service has a fundamental purpose which is set forth in § 97.1 of the Commission's rules. That purpose is expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

These principles have been recognized and accepted by the amateur service for many years. The amateur has been particularly recognized for assistance in emergencies and for advancing the state-of-the-art.

The amateur service as defined in the proposed rewrite would have simplified the service to being persons "interested in the technical side of radio * * * for their own personal satisfaction," with a few other comments about learning and communicating with other operators. It is no wonder that a large majority of the approximately 1200 comments received opposed such a change.

The amateur community has traditionally carried out vital public services with a dedication that deserves recognition above that of a simple hobbiest. I believe we have recognized that dedication in today's action. The amateur service, as well as all others, should see this action as indicative of this Commission's sensitivity to their response to our Notices.

[FR Doc. 81-35163 Filed 12-7-81: 8:45 am]

BILLING CODE 6712-01-M

[1] See attached Separate Statement of Commissioner Mimi Weyforth Dawson.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1207 and 1240

[No. 38377]

Indexing Annual Operating Revenues of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to adopt a methodology for indexing the annual operating revenues of motor carriers of property so that the effects of inflation will not affect the classification process. Carriers are placed in the Class I, Class II or Class III categories based on annual operating revenues. Indexing would therefore provide assurances that carriers are moved to a higher accounting and reporting class because of real business expansion, and not from inflationary consequences. The indexing medium would be the Producers Price Index (PPI), and the proposed base year is 1980. The proposed effective date is January 1, 1982.

DATES: Comments are due January 22, 1982.

ADDRESSES: Send comments with 10 copies to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

Copies of this notice may be obtained by writing to the Office of the Secretary or by calling toll-free, 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

SUPPLEMENTARY INFORMATION: The Commission classifies carriers based on their annual operating revenues. Part of the annual increase in the annual operating revenues is due to inflation. As a result, some small carriers are unfairly placed in higher classes and become subject to increased accounting and reporting requirements without a real expansion in their business operations.

The Commission, in the past, has alleviated this problem by raising the revenue classification levels every few years. In the interim, however, some carriers were reclassified to higher accounting and reporting classes based on inflated annual operating revenues. When the revenue classification levels were raised, it was probable that these marginally classified carriers would be moved back to a lower class. Besides the apparent inconvenience to these carriers, the fluctuations also hampered comparability for rate bureaus in performing traffic studies and the Commission in performing time series analyses and forecasting.

The Commission believes that indexing of the annual operating revenues would eliminate these deficiencies. The most appropriate index in this situation is an index geared to measure the rate of inflation in the rates charged by the motor carriers of property. The Bureau of Labor Statistics (BLS) of the Department of Labor has been working on forming a "Price Index for Regulated Common Motor Carriers of General Freight" for about two years. BLS is facing major problems in collecting the data needed to establish the index, and the completion date is indeterminable.

As an alternative, the Commission has examined several indices that measure the general rate of inflation, and is proposing to use the PPI. The PPI is published monthly by the BLS. This index measures the average change in prices received in primary markets of the United States by producers of commodities in all stages of processing.

The Motor Carrier Act of 1980 requires that proposed rates taking effect after a certain date be indexed using the PPI. Subsection (d)(3)(B) of the Act states:

> In the case of a proposed rate that is to take effect after the 730th day following the date of enactment of this paragraph, the percentage which first appears in paragraph (1)(B) of this subsection (relating to the upper limit of the zone of ratemaking freedom), or such other percentage as the Commission may establish under paragraph (2) of this subsection in lieu of such percentage, shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the one-year period prior to the effective date of the proposed rate.

The PPI, therefore, has authoritative support as an index that is suitable for restating financial data relating to motor carriers. For uniformity, the PPI is being proposed for classification purposes also.

The proposed formula to apply the index is as follows:

$$\text{Current year's annual operating revenues} \times \frac{\text{1980 average PPI}}{\text{current year's average PPI}} = \text{adjusted annual operating revenues}$$

We chose 1980 as the base year because the revenue classification levels were last revised in that year (44 FR 55585).

The current motor carriers of property revenue classification levels would not change by the adoption of this rule. The Commission would apply the deflator formula to each carrier's annual operating revenues as reported on the Schedule of Results of Operations in the carriers' annual reports. Carriers that do not file annual reports with the Commission would still be required to file the annual Carrier Classification Survey Form. Carriers would be notified if their classification changes.

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(b), the Secretary of the Commission has certified that the requirements of the Regulatory Flexibility Act do not apply to this final rule since it will not have a significant impact on a substantial number of small businesses. The Commission would perform the indexing of annual operating revenues; no new accounting and reporting requirements for regulated carriers are introduced in this proceeding.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

Accordingly, we propose to adopt the changes to Title 49 of the Code of Federal Regulations as set forth in the Appendix.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Decided: November 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix

We propose to amend Title 49 CFR as follows:

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Instruction 1, Classification of carriers, would be amended by revising paragraphs (a), (b) (1), (2), (4) and (5) and adding Notes A and B as follows:

1. Classification of carriers.

(a) For purposes of accounting and reporting regulations, common and contract motor carriers of property subject to the Interstae Commerce Act are grouped into the following three classes:

Class I. Carriers having annual carrier operating revenues (including interstate and intrastate) of $5 million or more after applying the revenue deflator formula shown in Note A.

Class II. Carriers having annual carrier operating revenues (including interstate and intrastate) of $1 million but not more than $5 million after applying the revenue deflator formula in Note A.

Class III. Carriers having annual carrier operating revenues (including interstate and intrastate) of less than $1 million after applying the revenue deflator formula in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after applying the revenue deflator formula in Note A. If at the end of any calendar year such annual carrier operating revenues exceed the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class II carriers adoption of Class I classification shall be effective as of January 1 of the following year. For Class III carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year.

(2) A carrier is reclassified downward if for three consecutive years its annual operating revenues, after applying the revenue deflator formula shown in Note A, have declined below the minimum revenue level for its class. The carrier's new classification shall be based on the revenue level it has achieved in the preceding three years. The new carrier classification shall be effective on January 1 of the next year. In situations where a carrier's annual operating revenues fail to decline below the minimum revenue level for three consecutive years, the carrier shall retain its classification.

(3) * * *

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues after applying the revenue deflator formula shown in Note A.

(5) When a business combination occurs, such as a merger reorganization, or consolidation, the surviving carrier shall be reclassified effective as of January 1 of the next calendar year on the basis of the combined revenues for the year when the combination occurred after applying the revenue deflator formula shown in Note A.

* * * * *

Note A.—Each carrier's operating revenues will be deflated annually using the Producers Price Index (PPI) before comparing them with the dollar revenue limits prescribed in paragraph (a). The PPI is published monthly by the Bureau of Labor Statistics. The formula to be applied is as follows:

$$\text{Current year's operating revenues} \times \frac{\text{1980 average PPI}}{\text{current year's average PPI}} = \text{adjusted annual operating revenues}$$

Note B.—See related Regulation 49 CFR 1240.5, Classification of motor carriers of property.

PART 1240—CLASSES OF CARRIERS

Section 1240.5, Classification of motor carriers of property, would be amended by revising paragraphs (a), (b)(1), (2), (4) and (5) and adding Notes A and B as follows:

§ 1240.5 Classification of motor carriers of property.

(a) Commencing with the year beginning January 1, 1980, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes for accounting and reporting purposes:

Class I: Carriers having annual carrier operating revenues of $5 million or more after applying the revenue deflator formula in Note A.

Class II: Carriers having annual carrier operating revenues of $1 million but not more than $5 million after applying the revenue deflator formula in Note A.

Class III: Carriers having annual carrier operating revenues less than $1 million after applying the revenue deflator formula in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after applying the revenue deflator formula in Note A. If at the end of any calendar year, or accounting year of 13 4-week periods, such annual carrier operating revenues exceed the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For Class II carriers adoption of Class I classification shall be effective as of January 1 of the following year. For Class III carriers adoption of a higher classification shall be effective as of January 1 of the second succeeding year.

(2) A carrier is reclassified downward if for three consecutive years its annual operating revenues, after applying the revenue deflator formula in Note A, have declined below the minimum revenue level for its class. The carrier's new classification shall be based on the revenue level it has achieved in the preceding three years. The new carrier classification shall be effective on January 1 of the next year. In situations where carrier annual operating revenues fail to decline below the minimum revenue level for three consecutive years, the carrier shall retain its current classification.

(3) * * *

(4) Any carrier which begins new operations (obtains operating authority not previously held) or extends its existing authority (obtains additional operating rights) shall be classified in accordance with a reasonable estimate of its annual gross carrier operating revenue after applying the revenue deflator formula in Note A. Any carrier which begins new operations is required to furnish the above estimate, including intrastate, anticipated interstate and local cartage revenues, to the Bureau of Accounts, Section of Accounting and Reporting, prior to the issuance of a certificate or permit.

(5) When a business combination occurs, such as a merger, reorganization or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenues, after applying the revenue deflator formula in Note A, for the year when the combination occurred.

* * * * *

Note A.—Each carrier's operating revenues will be deflated, annually, using the Producers Price Index (PPI), before comparing them with the dollar revenue limits prescribed in paragraph (a). The PPI is published monthly by the Bureau of Labor Statistics. The formula to be applied is as follows:

$$\text{Current year's operating revenues} \times \frac{\text{1980 average PPI}}{\text{current year's average PPI}} = \text{adjusted annual operating revenues}$$

Note B.—See related Regulation 49 CFR 1207, Instruction 1, Classification of carriers.

[FR Doc. 81-35068 Filed 12-7-81; 8:45 am]
BILLING CODE 7035-01-M

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Notices

Federal Register
Vol. 46, No. 235
Tuesday, December 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1982 Crop of Extra Long Staple Cotton: Acreage Allotments and Marketing Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of State research and county allotments for the 1982 crop of extra long staple cotton.

SUMMARY: The purpose of this determination is to establish State reserves, allocate State reserves to counties, and establish county acreage allotments for the 1982 crop of extra long staple cotton (referred to as ELS cotton). The need for this determination it to satisfy the statutory requirements of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: December 2, 1981.

ADDRESS: Director, Analysis Division, ASCS, USDA, 3745 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Acting Deputy Director, Analysis Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7954.

The Final Impact Statement describing the options considered in developing this determination and the impact of implementing each option is available from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been classified as "not major". It has been determined that these provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S. based industries to compete with foreign-based enterprises in domestic or foreign markets.

The title and number of the federal assistance programs that this notice applies to are: Title—Cotton Production Stabilization; Number 10.052 as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since the Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

A notice of proposed determination that the Secretary of Agriculture was preparing to establish 1982 State and county ELS cotton acreage allotments as required by sections 344 (b) and (e) of the Agricultural Adjustment Act of 1938, as amended, was published in the **Federal Register** on July 28, 1981, (46 FR 38549) in accordance with 5 U.S.C. 553 and provided for a 60 day comment period. One comment was received indicating that the past procedure for the apportionment of allotments was acceptable. This procedure is being followed with respect to the allocation of acreage allotments for the 1982-crop ELS cotton.

Determinations with respect to 1982 State reserves and allocation of State reserves to counties were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority.

Accordingly, the following determinations have been made with respect to the 1982 crop of ELS cotton.

Determinations

States reserves and county allotments for the 1982 crop of extra long staple cotton.

(1) *State reserves.* The reserves for each State shall be established and allocated among uses for the 1982 crop of extra long staple cotton in accordance with the regulations at 7 CFR 722.508. The full amount of each State's reserves shall be held for new farms and for correction of errors. It is hereby determined that no State reserve is required for trends, abnormal conditions, inequities and hardships, or small farms.

The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments made in accordance with the regulations at 7 CFR 722.529 (c) and (d) are available for inspection at each State ASCS office.

(2) *County allotments.* County allotments are established for the 1982 crop of extra long staple cotton in accordance with the regulations at 7 CFR 722.509. The amount of the State allotment apportioned to counties is available for inspection at the respective State and county ASCS offices.

(Secs. 344, 347, 375, 63 Stat.670 as amended, 675, as amended, 52 Stat. 66, as amended (7 U.S.C. 1344, 1347, 1375))

Signed at Washington, D.C., on December 1, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-34982 Filed 12-2-81; 4:39 pm]

BILLING CODE 3410-05-M

Flue-Cured Tobacco; 1982 National Marketing Quota for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1982-83 marketing quota.

SUMMARY: The purpose of this notice, is to announce a number of determinations with respect to the 1982 crop of flue-cured tobacco in accordance with the Agricultural Adjustment Act of 1938, as amended. Along with other determinations, the Secretary has declared that the 1982 marketing quota for flue-cured tobacco shall be 1,013

million pounds, the same as last year's quota. The Secretary is required by statute to announce the 1982 marketing quota by December 1, 1981. The Secretary has also determined that the national acreage allotment for flue-cured tobacco shall be 546,386.19 acres.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Analysis Division, ASCS, Room 3736, South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION:

Note.—The Agricultural Stabilization and Conservation Service will publish a rule in the near future removing the announcement of quota determinations for flue-cured tobacco from 7 CFR Part 725. The announcements will subsequently be published in the notices section of the Federal Register.

This final rule has been reviewed in conformity with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." This action has been classified as "not major" since implementation of these determinations will have an annual affect on the economy of less than $100 million.

The title and number of the Federal Assistance Program that this notice applies to is: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance. This action will not have significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, (hereinafter referred to as the "Act") in order to announce for the 1982 marketing year for flue-cured tobacco the following:

1. The amount of the reserve supply level.
2. The amount of the total supply.
3. The amount of the national marketing quota.
4. The national average yield goal.
5. The national acreage allotment.
6. The national acreage reserve.
   A. For establishing acreage allotments for new farms.
   B. For making corrections and adjusting inequities in old farms.
7. The national acreage factor.
8. The national yield factor.

Marketing quotas on an acreage-poundage basis were proclaimed for flue-cured tobacco for the 1980–81, 1981–82, and 1982–83 marketing years (44 FR 68804). Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for the 1980–81, 1981–82, and 1982–83 marketing years (45 FR 40096).

The determinations by the Secretary contained in this notice have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others pursuant to a proposed Notice of Determinations (46 FR 53667) which was published in accordance with the provisions of 5 U.S.C. 553 and Executive Order 12044.

Discussion of Comments

During the comment period, 21 written responses were received from farmers, members of the trade including associations, and farm groups. Eight respondents advocated no change in the present quota; 4 were in favor of a small increase (3–5 percent) in the quota; and 9 gave no specific recommendation (although some implied a desire for an increase in quota) or had unrelated comments. The major thrust of these responses centered around a need for adequate supplies to meet both domestic and export needs.

Two meetings were held in the producing areas to give farmers and others the opportunity to express their views verbally. The 21 comments received were similiar in content to the written responses.

In response to these recommendations and considering that the effective quota will be down substantially due to 1981 marketings, a marketing quota of 1,013 million pounds is hereby determined and announced for the 1982–83 marketing year, unchanged from last year's quota. The effective quota is estimated to be 979 million pounds, 133 million pounds below 1981's.

Section 317(a)(1) of the Act provides, in part, that for flue-cured tobacco, the "national marketing quota" for a marketing year is the amount of flue-cured tobacco produced in the United States which the Secretary of Agriculture estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The Act further provides that any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

The "reserve supply level" is defined in section 301(b)(14)(B) of the Act as the normal supply plus 5 per cent thereof, to assure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for normal carry-over.

A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the yearly average quantity of tobacco produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the yearly average quantity of tobacco produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The yearly average domestic consumption of flue-cured tobacco during the 10 marketing years preceding the 1981–82 marketing year was 629 million pounds, and the yearly average exports during such period amounted to 532 million pounds. Exports have fluctuated in relatively narrow bands with no predominant trend while domestic use has trended downward. Accordingly, a normal year's exports equals the 10-year average while a normal year's domestic consumption has been set at 570 million pounds. These normals result in a reserve supply level for flue-cured tobacco of 2,568 million pounds.

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"Total supply" is defined in section 301(b)(16)(B) of the Act as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins.

The carryover of flue-cured tobacco in the inventories of manufacturers and dealers (including Commodity Credit Corporation (CCC) loan stocks) on July 1, 1981, amounted to 2,012 million pounds, farm sales weight.

The 1981 crop marketings of flue-cured tobacco are currently estimated at 1,144 million pounds. The sum of the carryover of flue-cured tobacco plus the 1981 crop marketings totals 3,156 million pounds and represents the total supply of flue-cured tobacco for the 1981–82 marketing year. This amount exceeds the reserve supply level by 588 million pounds.

It is estimated that 540 million pounds of flue-cured tobacco will be utilized in the United States during the 1982–83 marketing year and 510 million pounds will be exported. Because the total supply is substantially in excess of the reserve supply level, it is deemed desirable to make a downward adjustment of 37 million pounds in order to determine the 1982 flue-cured tobacco quota. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1982, is determined to be 1,013 million pounds.

The "national average yield goal" is defined in Section 317(a)(2) of the Act as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination, the Secretary is required to give consideration to such Federal-State production data as is deemed relevant. The national average yield goal has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination, the Secretary considered research data of the Science and Education Administration, formerly Argicultural Research Service of the Department, and one of the land-grant colleges in the flue-cured tobacco producing area.

The community average yields have been determined for flue-cured tobacco and were published in the **Federal Register** (30 FR 6207, 9875, 14487).

In accordance with Section 317(a)(3) of the Act, the national acreage allotment for the 1982 crop of flue-cured tobacco is determined to be 546,386.19 acres, which is the result of dividing the national marketing quota by the national average yield goal.

In accordance with Section 317(e) of the Act, the Secretary is authorized to establish a national reserve, from the national acreage allotment, in an amount equivalent to not more than 1 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. The Secretary has determined that a national reserve for the 1982 of crop flue-cured tobacco of 200 acres is adequate for these purposes.

It has been determined that types 11, 12, 13, and 14 constitute one kind of tobacco for the 1980–81, 1981–82, and 1982–83 marketing years. It has been determined also that no substantial difference exists in the usage or market outlets for any one or more of the types of flue-cured tobacco (30 FR 6144). Therefore, no action is being taken in accordance with Section 313(i) of the Act for the 1982–83 marketing year.

Since farmers are now making their plans for 1982 production of flue-cured tobacco and need to know immediately the acreage allotments and marketing quotas for their farms for the 1982–83 marketing year, it is hereby found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impossible and contrary to the public interest. Therefore, this notice shall become effective December 1, 1981.

Determinations 1982–83 Marketing Year

For flue-cured tobacco for the marketing year beginning July 1, 1982:

(a) *Reserve supply level.* The reserve supply level is determined to be 2,568 million pounds based upon a normal year's domestic consumption of 570 million pounds and a normal year's exports of 532 million pounds.

(b) *National marketing quota.* A national marketing quota on an acreage-poundage basis for the marketing year beginning July 1, 1982 is hereby determined to be 1,013 million pounds. This quota is based on estimated utilization in the United States in such marketing year of 540 million pounds and estimated exports in such marketing year of 510 million pounds, with a 37 million pound downward adjustment in order to effect an orderly reduction of supplies toward the reserve supply level.

(c) *National average yield goal.* The national average yield goal is determined to be 1,854 pounds. This goal is based on the yield per acre which, on a national average basis, will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment on an acreage-poundage basis is determined to be 546,386.19 acres. This allotment is determined by dividing the national marketing quota of 1,103 million pounds by the national average yield goal of 1,854 pounds.

(e) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms is determined to be 200 acres.

(f) *National acreage factors.* The national acreage factor is determined to be 1.0.

(g) *National yield factor.* The national yield factor is determined and announced to be .9307.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66 (7 U.S.C. 1301, 1313, 1314c, 1375))

Signed at Washington, D.C. on December 1, 1981.

John R. Block,

Secretary.

[FR Doc. 81-35129 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-05-M

1982 Peanut Program; Acreage Allotments and Marketing Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination.

SUMMARY: The purpose of this determination is to (a) establish and proclaim the national marketing quota, and (b) establish and proclaim the national acreage allotment.

The need for this determination is to satisfy the statutory requirements as provided for in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as "the Act").

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Analysis Division, ASCS, USDA, ROOM 3732–South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5953. The final impact analysis describing the impact of implementing this determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION:

Note.—The Agriculture Stabilization and Conservation Service will publish a rule in the near future removing the announcements of quota determinations for peanuts from 7 CFR Part 729. The announcements will subsequently be published in the notices section of the **Federal Register.**

This notice has been reviewed in conformity with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." It has been determined that the implementation of these determinations will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs for consumers, individuals, industries, Federal, State, local government agencies and geographic regions; and (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The title and number of the Federal assistance program that this notice of determination applies to are: Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this determination since ASCS is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking with respect to the subject matter of this determination.

The Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), requires that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. Section 358(a) of the Act provides that the marketing quota for such crop shall be the quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which the quota is proclaimed, adjusted for trend and prospective demand conditions. The minimum quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

The marketing quota for 1982-crop peanuts is determined in the 1981 calendar year. Consequently, the 1976–80 average quantity of peanuts harvested for nuts is the five-year average to be used as the basis for such quota. The 1976–80 average production of peanuts adjusted for trend is 1,925,000 tons. For the 1982–83 marketing year, the total quantity of peanuts required for domestic edible use, seed, commercial crushing, and exports is projected to be 1,600,000 tons based on the data in the following table.

Peanuts: Projected Requirements for Edible and Related Uses for the 1982–83 Marketing Year beginning August 1, 1982.

	1,000 tons
Domestic edible use	[illegible]
Seed	105
Commercial crushing	100
Exports	435
Total	1,600

This quantity is used as the prospective demand adjustment factor because such uses reflect commercial requirements. Therefore, the national marketing quota based on the 1976–80 five-year average quantity of peanuts harvested for nuts, adjusted for current trends and prospective demand conditions, is 1,600,000 tons.

The Act requires that the national marketing quota be converted to a national acreage allotment by dividing such quota by the normal yield determined by the Secretary. It also requires that the national acreage allotment shall be the larger of 1,610,000 acres or the allotment needed to produce the national marketing quota determined on the basis of the five-year (1976–80) average production with adjustments for trend and prospective demand.

The normal yield is determined to be 2,538 pounds per harvested acre. The normal yield is the 1976–80 average yield of peanuts for the United States, adjusted for trends and abnormal conditions of production affecting yields.

At the 2,538 pound-per-acre estimated normal yield for 1982-crop peanuts, a 1,355,835-acre national allotment, including adjustments for underharvesting, would be required to produce the 1,600,000 tons marketing quota. Since this allotment is smaller than the 1,610,000-acre minimum allotment specified in the Act, the national acreage allotment for 1982-crop peanuts must be established at the 1,610,000-acre minimum.

The national marketing quota which is the quantity sufficient to provide the 1,610,000-acre minimum national allotment is 2,043,090 tons. This quota is the result obtained by multiplying 1,610,000 acres by the estimated normal yield and converting this quantity to short tons.

Since the national marketing quotal and the national acreage allotment for the 1982 crop of peanuts are calculated in accordance with the formula prescribed by Section 358(a) of the Act and since the proclamation of such quota and allotment is required to be made by December 1, 1981, it has been determined that no further public rulemaking is required with respect to the promulgation of this notice of determinations.

Notice of Determinations

1. *National Marketing Quota.* The national marketing quota for the 1982 crop of peanuts is hereby determined and proclaimed to be 2,043,090 tons, the quantity sufficient to provide the 1,610,000-acre minimum national acreage allotment.

2. *National Acreage Allotment.* The national acreage allotment for 1982-crop peanuts is hereby determined and proclaimed to be 1,610,000 acres, the minimum allotment prescribed under Section 358(a) of the Agricultural Adjustment Act of 1938, as amended.

(Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1358, 1375))

Signed at Washington, D.C. on December 1, 1981.

John R. Block,

Secretary.

[FR Doc. 81-35150 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

Horse Protection Act Violations; Notice of Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individuals, who had been charged with violations of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated:

1. Sandy Goss, Memphis, Tennessee.

Sandy Goss has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year running from May 1, 1981, through April 30, 1982.

2. Jimmy Holloway, West, Mississippi.

Jimmy Holloway has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year

running from August 1, 1981, through July 31, 1982.

3. Jim Messenger, Sparta, Tennessee.

Jim Messenger has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year running from September 1, 1981, through August 31, 1982.

4. John Peels, Shelbyville, Tennessee.

John Peels has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year running from October 15, 1981, through October 14, 1982.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act states that a person may be disqualified from "showing or exhibiting any horse, judging or managing any horse show, horse exhibition or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to civil penalty of not more than $3,000 for each violation * * *"

This will serve as notification to the general public and the horse industry that Sandy Goss, Jimmy Holloway, Jim Messenger, and John Peels have been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act which would subject the violator to the penalties indicated therein.

Done at Washington, D.C., this 2d day of December 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-35008 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-34-M

Food and Nutrition Service

National Average Minimum Value of Donated Foods for the Period July 1, 1981, through June 30,1982

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice implements Congressional action reducing the value of commodity subsidies for federally subsidized meal programs authorized by the National School Lunch Act. The notice announces the value of donated foods given for each lunch served in the National School Lunch Program, and each lunch and supper served in the Child Care Food Program, for the period July 1, 1981 through June 30, 1982. The Department esimates that this nondiscretionary, legislatively mandated action will result in a Federal budget savings.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-8386.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The Department estimates that the action will result in a savings of about $240 million dollars during the period July 1, 1981 through June 30, 1982. The prior provisions of sections 6(e) and 17(h) of the National School Lunch Act (Act) would have required Federal expenditures of approximately $740 million during that period, whereas the newly mandated legislation reduces this amount to approximately $500 million. The Department anticipates that the greatest impact of this reduction during the 1982 school year will be on Federal purchases of fruit and vegetable products, which will decline by nearly 40 percent over 1981 levels. Federal meat and poultry purchases for schools and institutions will probably decrease by about 30 percent during 1982 and a similar decrease is expected for purchases of grain, oil and peanut products. The overall impact of these reductions on the agricultural sector may be minimal, however, since the decline in Federal purchases should be offset to some extent by local purchases by schools or individual families. Therefore, the net effect of these reductions on the agricultural sector in terms of overall price stability, employment and production would be minimal in the long-run. Because the changes reflected in this notice could result in an increase in costs to State or local governments or individuals and will result in budget savings of more than $100 million, this notice has been classified as major. However, because the effects are caused solely by a reduction in Federal outlays and the reductions are non-discretionary, the requirement that a regulatory impact analysis be prepared has been waived by the Office of Management and Budget. This action will not have a significant adverse effect on competition, employment, productivity, investment, or foreign trade. Further, the action is unrelated to the abiliy of United States-based enterprises to compete with foreign-based enterprises.

Finally, this action, which implements a mandatory provision aimed at reducing Federal expenditures in programs authorized under the Act, has been reviewed with regard to the Regulatory Flexibility Act, Pub. L. 96-354. G. William Hoagland, Administrator of the Food and Nutrition Service, has determined that the action may have a significant economic impact on a substantial number of small entities in that the reduction in the per-meal level of commodity assistance required by the legislation will cause an increase in food expenditures by local schools and child care institutions.

Section 6(e) of the Act requires the Secretary to establish a level of commodity assistance given to States for each lunch served in the National School Lunch Program. Section 802 of Pub. L. 97-35, enacted August 13, 1981, amended section 6(e) of the Act to establish the national average value of donated foods for lunches served in the National School Lunch Program at 11.0 cents and to provide for an adjustment of this amount on July 1, 1982 and each July 1 thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 17(h) of the Act provides that the same value of assistnce in donated foods, or cash in lieu thereof, established under section 6(e) for school lunches shall also be established for lunches and suppers served in the Child Care Food Program. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under the National School Lunch Program (7 CFR Part 250) and per lunch

and supper under the Child Care Food Program (7 CFR Part 226), shall be 11.0 cents for the period July 1, 1981 through June 30, 1982. Pub. L. 97–35 also requires that these rates be made effective July 1, 1981.

The Price Index for Food Used in Schools and Institutions is computed on the basis of five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry, and fish; dairy products; processed fruits and vegetables; and fats and oils). Each component is weighted using the same relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month simple average value of the Index for March, April and May each year.

This notice imposes no new reporting and recordkeeping burdens necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Nos. 10.555 and 10.558)

Dated: December 1, 1981.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 81–35020 Filed 12–7–81; 8:45 am]

BILLING CODE 3410–30–M

Science and Education Administration

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), Science and Education announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.

Date: December 16, 1981.

Time and place: 8:30 a.m.–4:00 p.m., Room 3109, South Building, USDA, Washington, D.C.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: Discuss plans for Needs Assessment/Strategic Plan for Agricultural Research and Education; review draft of 1981 Annual Report; discuss implementation of common program structure.

Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C., this 24th day of November 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81–34162 Filed 12–7–81; 8:45 am]

BILLED CODE 3410–03–M

Office of the Secretary

Intent to Reestablish Advisory Committee on Foreign Animal and Poultry Diseases

Notice is hereby given that the Secretary of Agriculture proposes to reestablish the Advisory Committee on Foreign Animal and Poultry Diseases for a 2-year period. The Secretary has determined that the Committee is in the public interest in connection with duties imposed on the Department by law.

The purposes of the Committee will be to advise the Secretary regarding program operations and measures to prevent, suppress, control, or eradicate an outbreak of foot-and-mouth disease or other destructive foreign animal or poultry diseases in the event such diseases should enter the United States. The Committee will have a balanced membership of women, minorities, scientists, farmers, trade association representatives, and university and government personnel.

The Chairman of the Committee will be the Assistant Secretary, Marketing and Inspection Services, United States Department of Agriculture, Washington, D.C. 20250. Plans are for the Committee to meet at least annually.

This notice is given in compliance with the Federal Advisory Committee Act (P.L. 92–463). Views and comments of interested persons may be submitted to The Administrator, Animal and Plant Health Inspection Service, Room 312–E, United States Department of Agriculture, Washington, D.C. 20250 until December 23, 1981. Such comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 3d day of December 1981.

John E. Schrote,

Deputy Assistant Secretary for Administration.

[FR Doc. 81–35099 Filed 12–7–81; 8:45 am]

BILLING CODE 3410–34–M

Soil Conservation Service

Riverfront Park RC&D Measure, Oregon; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Guy W. Nutt, State Conservationist, Soil Conservation Service, 1220 S. W. 3rd, 16th Floor, Portland, Oregon, 97204, telephone 503–221–2751.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Riverfront Park RC&D Measure, Linn County, Oregon.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Guy W. Nutt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for recreation facilities on the Willamette and Calapooia Rivers in the downtown area of Albany, Oregon. The planned works of improvement include picnic tables, grills, comfort station, bike paths, parking area, picnic shelter, lighting, and a boat dock. Conservation practices include landscaping, grading and seeding.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Guy W. Nutt. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 7, 1982.

(Catalog of Federal Domestic Assistance Program NO. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse

review of Federal and federally assisted programs and projects is applicable.)

Guy W. Nutt,

State Conservationist.

November 24, 1981.

[FR Doc. 81-34821 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-16-M

Beaver River Central School Land Drainage RC&D Measure, New York

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5076.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Beaver River School Land Drainage RC&D Measure, Lewis County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for the project.

The measure concerns critical land drainage and a plan for recreation area drainage. The planned works of improvement include subsurface drains, waterways, diversion, grading, and seeding.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd, State Conservationist. The FNSI has been sent to various federal, state and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 7, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable.)

Dated: November 30, 1981.

Paul A. Dodd,

State Conservationist.

[FR Doc. 81-35044 Filed 12-7-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under Section 419 (c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
81-12-6	Ford-Aire, Inc., d.b.a. Susquehanna Airlines.	Dec. 18, 1981.
81-12-7	Direct Air, Inc	Dec. 18, 1981.
81-12-8	Minuteman Aviation, Inc	Dec. 18, 1981.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 81-12-6 and 8 with the Special Authorities Division, Room 915, and for Order 81-12-7 with Mr. Patrick V. Murphy, Chief, Essential Air Services Division, Room 921, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Orders 81-12-6 and 8: Mr. J. Kevin Kennedy, (202) 673-5918; for Order 81-12-7: Mr. John L. Quay (202) 673-5405.

By the Civil Aeronautics Board: December 1, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-35102 Filed 12-7-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-2; Docket 39964]

Application of Midstate Airlines, Inc. for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-12-2 Application of Midstate Airlines, Inc., under Subpart Q for certificate of public convenience and necessity for certain points listed in its application, Docket 39964.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Midstate to authorize it to provide service to the points listed in its application, and is tentatively determining that it is fit, willing, and able to provide this service.

DATE: Objections: All interested persons having objections to the Board's issuing the proposed authority or to its tentative finding of fitness shall file, and serve upon all persons listed below no later than December 21, 1981. A statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 39964, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Intravia, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5340..

SUPPLEMENTARY INFORMATION: Objections should be served upon Midstate; the Mayors or chief executives and airport managers at Chicago, Illinois; Detroit, Michigan; Flint, Michigan; Milwaukee, Wisconsin; Muskegon, Michigan; and Wausau/Stevens Point, Wisconsin; the transportation agencies of the States of Illinois, Michigan and Wisconsin, the Federal Aviation Administration, the Airline Pilots Association and the Association of Flight Attendants. The complete text of Order 81-12-2 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a post card request.

By the Civil Aeronautics Board: December 1, 1981.

Physllis T. Kaylor,

Secretary.

[FR Doc. 81-35100 Filed 12-7-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40269]

Visit USA Fare/Export Inland Contract Rate Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on December 23, 1981 at 10:00 A.M. (local time) in Hearing Room "D", Universal North Building, 1875 Connecticut

Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

Order 80-11-182 has defined the issues to be considered in this proceeding. However, in order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed stipulations; (2) proposed requests for information and for evidence; (3) statements of position; and (4) proposed procedural dates. The Bureau of International Aviation and the Bureau of Compliance and Consumer Protection will circulate their materials on or before December 11, 1981,[1] and the other parties on or before December 18, 1981. The submissions of the other parties shall be limited to points on which they differ with the Bureaus and shall use the numbering and lettering used by the Bureaus to facilitate cross-referencing. December 11 and 18 are dates for actual delivery of materials and not mailing dates.

Dated at Washington, D.C., December 2, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-35101 Filed 12-7-81, 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles; National Bureau of Standards, et al.

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, by December 28, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00026. Applicant: U.S. Department of Commerce, National Bureau of Standards, A147/222, Washington, D.C. 20234. Article: TAGA-6000 MS/MS Tandem Mass Spectrometric System. Manufacturer: Sciex Inc., Canada. Intended use of article: The article is intended to be used in a program of research which is intended to develop detailed elementary information about the kinetics and mechanisms of very complex physicochemical systems involving, e.g., aromatic and heterocyclic compounds. These are to be studied under a wide variety of severe conditions, e.g., reactive environments involving high temperature, high pressure, high oxidant concentrations, etc. Systemic studies of model compounds will be carried out with the view of developing predictive schemes for entire classes of compounds, to determine the effect of aromaticity on chemical stability and free radical activity. Application received by Commissioner of Customs: October 30, 1981.

Docket No. 82-00027. Applicant: Monell Chemical Senses Center, 3500 Market Street, Philadelphia, PA 19104. Article: QMC BAT Detector, Model S1000 with SMI Microprobe. Manufacturer: QMC Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for elicitation of ultrasound from mice by female mice or their odors. Hundreds of experiments will be conducted, manipulating odors and hormones in female mice in order to obtain knowledge about chemical communication in mice vis a vis its influence upon the high frequency auditory communication system. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82-00028. Applicant: Stanford University, Stanford, CA 94305. Article: Circular Dichroism Spectrometer, J-500C and Attachment. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The atricle is intended to be used for studies of metalloproteins and their spectral analogues. The experiments to be conducted will include: (i) circular dichroism measurements, (ii) linear dichroism measurements, and (iii) magnetic circular dichroism measurements, including temperature- and field-dependent studies in order to obain ground and excited state values and symmetries. The objectives of these investigations are (1) the complete elucidation of active site geometry and electronic structure, and (ii) to obtain an understanding of the dynamic function of these proteins. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82-00029. Applicant: The Regents of the University of California, Davis, UCD Nuclear Magnetic Resonance Facility, Davis, CA 95616. Article: 11.74 Tesla NMR Superconducting Magnet and Accessories. Manufacturer: Oxford Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to conduct state-of-the-art high resolution nuclear magnetic resonance studies, with the emphasis on proton NMR of molecules of biological importance. Studies to be pursued include molecule identification, molecular structure and conformation investigations, studies of molecular motion, and investigations of tertiary structure of peptides and proteins. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82-00030. Applicant: Solar Energy Research Institute, 1617 Cole Boulevard, Golden, CO 80401. Article: Fluorescence Lifetime Instrument, Model 3000. Manufacturer: Photochemical Research Associtate, Inc., Canada. Intended use of article: The article is intended to be used to determine fluorescence lifetimes and quantum yields for synthetic porphrins, covalently linked electron-donor-acceptor compounds, and natural photosynthetic pigments (chlorophylls, bacteriochlorophylls) and their pheophytins. The objectives are three-fold: (1) In the case of the chlorophylls, the achievement of a basic understanding of the primary photophysical processes of the natural pigments whose properties need to be mimicked in the context of synthetic systems for solar energy conversion. (ii) From these results and from data obtained in analogous experiments on certain *in vivo* chlorophyll preparations (e.g., reaction centers, light-harvesting proteins), it should be possible to infer additional information on the natural molecular environments of the chlorophylls. (iii) Fluorescence studies on covalently linked donor-acceptor complexes will be used to evaluate these compounds as models for artificial photosynthesis. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82-00031. Applicant: Massachusetts Institute of Technology, RM: E18360, Cambridge, MA 02139. Article: Projection Aligner, FPA141, with a wafer disc, rubber wafer disc, rubber wafer chuck, and two seal glasses.

[1] BIA and BCCP may wish to consider the possibility of filing a joint submission if they believe such joint action would facilitate this phase of the proceeding.

Manufacturer: Canon, Inc., Japan. Intended use of article: The article is intended to be used for research on III–V compound semiconductor of silicon integrated electronic devices and circuits. The III–V materials to be used—gallium arsenide and indium phosphide, and their related lattice-matching compounds—are high mobility semiconductors uniquely suited to application in high frequency, high speed electronic devices. A device and integrated circuit fabrication technology is to be developed, and III–V devices and circuits will be fabricated, tested, and modeled. The aligner will be used to create the patterns used in producing these devices and circuits. The article will be used by faculty and research staff personnel and by graduate students in their masters and doctoral research programs. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82–00032. Applicant: American Museum of Natural History, Center Park W. at 79th Street, New York, NY 10024. Article: Imax Projection System. Manufacturer: Imax Systems Corporation, Canada. Intended use of article: The article is intended to be used for permanent exhibition in a museum. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82–00033. Applicant: University of Utah, Salt Lake City, UT 84112. Intended use of article: Gas Chromatograph/Mass Spectrometer with Data System, MM7025. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use of article: The article is intended to be used to obtain mass spectral data in support or research programs of many of the faculty in the Department of Chemistry at the University. It will be operated as a service instrument, to provide the various types of information for which it is specifically designed, and not for research in the specific field of mass spectroscopy and GC–MS except as such studies may be made without interfering in any way with the use as a service instrument. The research programs will include the following:

1. Reaction mechanism studies.
2. Synthesis problems.
3. Studies of natural products.
4. Development of an improved method for detecing gas chromatographic peaks which result from the superposition of peaks due to two or more compounds and the resolution of the mass spectral data obtained in the GC peak into mass spectra of each compound.

The article will also be used in the course Chemistry 797—Thesis Research (Ph. D) which is designed to give students an understanding of how one does research and to prepare them to engage in future research activities in some area which may or may not be closely related to their thesis research. Application received by Commissioner of Customs: October 26, 1981.

Docket No. 82–00034. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Chicago, IL 60439. Article: Magnetic Specimen Observation Device for Electron Microscope. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which will be used to observe and characterize the microstructure of various magnetic steels, and Ni-base alloys being investigated. Conventional diffraction contrast experiments in both bright and centered dark field modes, selected area diffraction, and convergent beam diffraction techniques will be used to elucidate the microstructural detail of these materials. The results of these experiments will allow the scientists within the division to understand the relationship of macroscopic properties of these solids to the internal defect structure and are essential to continued progress in the magnetic fusion radiation induced segregation studies being conducted for the Department of Energy. Application received by Commissioner of Customs: November 2, 1981.

Docket No. 82–00036. Applicant: Regents of the University of California, Riverside, Material Management Department, Riverside, CA 92521. Article: Organ Perfusion Apparatus, Model KM1A. Manufacturer: Koken Rika Seisakusho, Japan. Intended use of article: The article is intended to be used to perfuse pancreatic tissues obtained from vitamin D deficient rats an/or chicks with the objective of evaluating the effects of vitamin D deficiency on the capability of the pancreas to secrete the peptide hormone insulin and glucagon. Application received by Commissioner of Customs: November 2, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–35092 Filed 12–7–81; 8:45 am]
BILLING CODE 3510–25–M

Consolidated Decision on Applicants for Duty-Free Entry of Scientific Articles; University of Iowa, et al.

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the Untied States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall *on or before the 20th* day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11 (Emphais added).

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates *within the 20-day* period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth

above; therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

* * * Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the **Federal Register** for publication, to the Commissioner of Customs, and to the applicant.

Docket No. 80–00341. Applicant: The University of Iowa, Department of Physics and Astronomy, Iowa City, Iowa 52242. Article: Electrical Flight Grapple Fixture. Date of denial without prejudice to resubmission: June 26, 1981.

Docket No. 80–00465. Applicant: Presbyterian Hospital of Dallas, 8200 Walnut Lane, Dallas, Texas 75231. Article: Electron Linear Accelerator, Therac 20. Date of denial without prejudice to resubmission: June 22, 1981.

Docket No. 81–00037. Applicant: St. Vincent's Medical Center, 1800 Barrs Street, P.O. Box 2982, Jacksonville, Florida 32203. Article: Radiation Therapy Equipment & Accompanying Accessories (Therac 6). Date of denial without prejudice to resubmission: July 31, 1981.

Docket No. 81–00038. Applicant: Rex Hospital, Radiation Therapy, 1311 St. Mary's Street, Raleigh, North Carolina 27603. Article: Radiation Therapy Simulator, Therasim 750. Date of denial without prejudice to resubmission: July 31, 1981.

Docket No. 81–00042. Applicant: The Cancer Therapy and Research Center of San Antonio, 4450 Medical Drive, San Antonio, Texas 78220. Article: TP–11 Radiotherapy Treatment Planning System. Date of denial without prejudice to resubmission: July 31, 1981.

Docket No. 81–00043. Applicant: Capital Area Radiation and Research Center, 2600 East MLK Blvd., Austin, Texas 78702. Article: TP–11 Radiotherapy Treatment Planning System. Platter, and Processor. Date of denial without prejudice to resubmission: July 31, 1981.

Docket No. 81–00044. Applicant: Letterman Army Medical Center, Radiation Therapy Service, Room 121, Presidio of San Francisco, CA 94129. Article: Therapy Simulator, Therasim 750. Date of denial without prejudice to resubmission: July 31, 1981.

Docket No. 81–00051. Applicant: Booth Memorial Medical Center, Pathology Department, 56–45 Main Street, Flushing, New York 11355. Article: Electron Microscope, Model EM 109. Date of denial without prejudice to resubmission: July 14, 1981.

Docket No. 81–00089. Applicant: University of Georgia, Sea Grant College Program, Ecology Building, Athens, Georgia 30602. Article: Four Radar Units. Date of denial without prejudice to resubmission: July 15, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–35093 Filed 12–7–81; 8:45 am]

BILLING CODE 3510–25–M

[A–588–032]

Large Power Transformers From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on large power transformers from Japan. The review covers the three known exporters of the merchandise, Fuji Electric Co., Ltd., Hitachi Ltd., and Tokyo Shibaura Electric Co., Ltd. The review covers certain unappraised entries during varying time periods through June 30, 1980.

As a result of this review the Department has preliminarily determined to postpone appraisement of certain shipments entered during the review period, that margins exist for four units, and that no margins exist for four other units. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 8, 1981.

FOR FURTHER INFORMATION CONTACT: Sid Briggs or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5346/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1972, a dumping finding with respect to large power transformers from Japan was published in the **Federal Register** as Treasury Decision 72–162 (37 FR 11773). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on large power transformers from Japan.

The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of large power transformers, that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, used in the generation, transmission, distribution, and utilization of electric power.

The term "transformers" includes but is not limited to shunt reactors, autotransformers, rectifier transformers and power rectifier transformers. Such transformers are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA). Not included are transformer-rectifier units, commonly known as rectiformers, if the entire assembly is imported in the same shipment and entered on the same entry, and the assembly has been ordered and invoiced as a unit, without a separate price for the transformer portion of the assembly.

The Department knows of a total of three Japanese firms which export large power transformers to the United States. These are Fuji Electric Co., Ltd. ("Fuji"), Hitachi, Ltd., and Tokyo Shibaura Electric Co., Ltd. ("Toshiba").

This review covers the three exporters and certain sales made and entered, not covered by prior appraisement instructions ("master lists"), during varying time periods through June 30, 1980. We have one reported unit for which we have not completed our analysis and six known unreported units sold during this period for which we will analyze and publish the results in a subsequent administrative review. Treasury reviewed all entries made prior to September 26, 1975.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act

or section 203 of the 1921 Act, as appropriate, since all sales were made prior to exportation through a related U.S. firm to unrelated purchasers in the U.S. Purchase price was calculated on the basis of the CIF delivered price with adjustments, where applicable, for U.S. duty, U.S. and foreign inland freight, ocean freight, handling, FOB charges, terminal charges, marine insurance, brokerage fee, commissions to unrelated parties, and U.S. state and local sales taxes. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The home market prices are delivered prices and adjustments were made for inland freight, insurance, and differences in packing costs. In accordance with § 353.15 of the Commerce Regulations or § 153.10 of the Customs Regulations, where the time gap between U.S. and home market purchase dates resulted in significant escalation in costs, adjustments were made based on published monthly price indices for electrical machinery contained in the *Japan Statistical Yearbook*. Adjustments were also made for differences in circumstances of sale involving warranty expenses, inspection and installation costs, and additional labor expenses (overtime) due to expedited delivery schedules; however, certain claimed adjustments for differences in warranty terms were disallowed since we had no evidence of differences in actual warranty expenses. Claims for various selling expenses were disallowed since they were not directly related to the home market sales under consideration or were subsumed in the claims for differences in warranty, inspection, and installation costs. Claimed adjustments for differences in credit costs were disallowed because of a lack of supporting evidence and inadequate quantification. The Department is pursuing the question of an upward adjustment to account for possibly greater credit expenses on U.S. sales. In accordance with § 353.16 of the Commerce Regulations or with § 153.11 of the Customs Regulations, adjustments were also made for differences in efficiency, that is, differences in internal transformer power losses and in the physical characteristics of the transformers being compared. The measurement of differences in efficiency between transformers provides a measure of quality of each transformer. An adjustment was also made for differences in transformer tank construction costs incurred in adapting the unit for rail transportation.

Owing to the complexity of large power transformer design, the Department derived the theoretical price for each of the compared models by pricing the components of such models from price lists, published by the Westinghouse Electric Corp., routinely used as standard manuals in the industry in the determination and analysis of transformer pricing. The Department then applied the ratio of the theoretical prices of the U.S. and home market transformers to the actual unadjusted home market price, in order to arrive at a foreign market value adjusted for differences in the merchandise. The Department also adjusted, where applicable, for costs of additional differences in the merchandise which were incurred in protecting the unit against both portential earthquake damage and salt contamination. No other adjustments were claimed or allowed.

In calculating the foreign market value the standard manuals referred to above reflect the commercial situation as of 1968. These manuals have been used for calculations in determining values used in all prior master lists as well as the calculations in the current review and parallel reviews of large power transformers from Italy and France. In 1975 a new set of standard manuals was published reflecting changes in the technology generally employed in the industry between 1968 and 1975. We believe the information contained in the 1975 manuals is more appropriate for use as a basis for the adjustments described above. However, in fairness to all parties concerned, we propose this change in the basis for calculating such adjustments be effective prospectively, that is, be used in calculations for all entries of transformers sold after the date that the 1975 manuals are placed in the Department's public reading file.

Westinghouse Electric Corp. disagrees with several of the Department's selections of certain home market transformers as most similar for comparison purposes. Westinghouse contends that certain other home market units are more similar for comparison to U.S. units than the Department's selection, due to both fewer technical differences as well as fewer differences in circumstances of sale. The petitioner will have adequate opportunity to present its views during the comment period afforded by publication of this preliminary notice.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist on the entries covered:

Manufacturer	Period	Margin (percent)
Fuji	Sept. 26, 1975 to June 1980.	0
Hitachi, Ltd.	Oct. 1979 to June 1980	13.3
Toshiba	Sept. 12, 1977 to June 1980.	15.3

Interested parties may submit written comments on these preliminary results by January 7, 1981 and may request disclosure and/or a hearing by December 23, 1981. Any request for an administrative protective order must be made no later than December 14, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on the reviewed entries. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based on the margin calculated above for each firm shall be required on all shipments by these firms of large power transformers from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative reiew and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: December 3, 1981.

Leonard M. Shambon,

Director, Office of Compliance.

[FR Doc. 81-35086 Filed 12-7-81; 8:45 am]

BILLING CODE 3510-25-M

[A-461-008-001]

Titanium Sponge From U.S.S.R.; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on titanium sponge from the U.S.S.R. This review covers the one known exporter from the U.S.S.R. to the United States and the period March 1, 1979 through June 30, 1980. This review indicates no dumping margins exist for the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 8, 1981.

FOR FURTHER INFORMATION CONTACT:

Dennis U. Askey or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4793/5289).

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1968, a dumping finding with respect to titanium sponge from the U.S.S.R. was published in the **Federal Register** as Treasury Decision 68–212 (33 FR 12138). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on titanium sponge from the U.S.S.R. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of titanium sponge, currently classifiable under item 629.1420 of the Tariff Schedules of the United States Annotated (TSUSA). This material is used for aerospace vehicles. The Department knows of only one exporter of titanium sponge from the U.S.S.R. to the United States, Techsnabexport. This review covers the period from March 1979 through June 30, 1980. The Treasury Department reviewed all prior time periods.

United States Price

In calculating United States price the Department used purchase price, as defined in section 203 of the 1921 Act or section 772 of the Tariff Act, as appropriate.

Purchase price was based on the CIF packed price to an unrelated purchaser in the United States. Deductions were made for ocean freight and marine insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used the state-controlled-economies provisions in section 773(c) of the Tariff Act or section 205(c) of the 1921 Act, as appropriate. The foreign market values were based on prices in a non-state-controlled-economy country (Japan) and were adjusted, where applicable, for inland freight and a commission to an unrelated party. Adjustments were also made for differences in the merchandise and size differences, in accordance with § 353.16 of the Commerce Regulations and section 153.11 of the Customs Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that no margins exist.

Interested parties may submit written comments on these preliminary results by January 7, 1982 and may request disclosure and/or a hearing by December 23, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions directly to the Customs Service.

Since there were no margins, the Department shall not require a cash deposit, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of titanium sponge entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This zero deposit rate shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: December 2, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–35085 Filed 12–7–81; 8:45 am]

BILLING CODE 3510–25–M

COMMISSION OF FINE ARTS

Appearance of Washington, D.C.; Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, December 15, 1981 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., December 1, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81–35094 Filed 12–7–81; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From India

December 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase for swing for cotton, wool and man-made fiber textile products in Categories 330–369, 431–469 and 630–669, as a group, produced or manufactured in India and exported during the agreement year which began on January 1, 1981, increasing the group level from 43,370,197 square yards equivalent to

47,707,217 square yards equivalent.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India provides for percentage increases in certain categories (swing).

Pursuant to the terms of the bilateral agreement and at the request of the Government of India, the import restraint level established for Categories 330–369, 431–469 and 630–669, as a group, is being increased to 47,707,217 square yards equivalent for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. The increase is applicable only to visaed, mill-made products.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 19, 1980 a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the Federal Register (45 FR 83645), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 330–369, 431–469 and 630–669, as a group, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 330–369, 431–469 and 630–669, as a group, produced or manufactured in India, in excess of the designated, adjusted level of restraint during the twelve-month period which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 3, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: On December 16, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on December 3, 1981, to amend the twelve-month level of restraint established for cotton, wool and man-made fiber textile products in Categories 330–369, 431–469 and 630–669, as a group, accompanied by a visa, to the following:

Category and Amended Twelve-Month Level of Restraint [2]

330–369, 431–469 and 630–669—47,707,217 square yards equivalent

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–35091 Filed 12–7–81; 8:45 am]

BILLING CODE 3510–25–M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, which provide, in part, that: (1) Within the aggregate, group limits may be exceeded by designated percentages; (2) specific limits may be exceeded by various percentages subject to various provisions of the agreement; (3) consultation levels may be increased upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to account for any imports after December 31, 1980.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. E–9563]

Bonneville Power Administration; Filing

December 2, 1981.

Take notice that on November 18, 1981, Bonneville Power Administration (BPA) filed a response to Order of December 1, 1980, Remanding Rates Without Prejudice. On July 30, 1976, the Secretary of Interior, on behalf of BPA, filed with the Commission a request for confirmation and approval of certain transmission of non-Federal power and energy over BPA's transmission facilities. By order issued June 10, 1977, the Commission conditionally approved and confirmed BPA's proposed transmission rates through June 1978.

By order issued May 12, 1979, the Assistant Secretary for Resource Applications of the Department of Energy confirmed and approved on an interim basis an extension of interim approval of BPA's transmission rates as filed with the Commission. By Rate Order No. BPA–5, issued June 24, 1981, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy confirmed and approved on an interim basis, effective July 1, 1981, new transmission rates identified as FPT–2, UFT–2, ET–2 and IR–1. New rate schedules are now in place and available to apply to the transmission of non-Federal electric power over BPA's transmission facilities.

On December 1, 1980, the Commission remanded the 1976 transmission filing without prejudice, in order for BPA to submit an explanation further supporting the rates in certain particulars [Order Remanding Rates Without Prejudice, Docket No. E–9563 (December 1, 1980)].

According to BPA, its response together with the original filing, affords a rationale and a rational basis for all of the determinations to be made by the Commission.

Any person desiring to be heard or to protest this filing should file comments

with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 22, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35109 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-111-000]

Central Illinois Public Service Co.; Filing

December 1, 1981.

The filing Company submits the following:

Take notice that on November 20, 1981, Central Illinois Public Service Company (CIPS) tendered for filing Revision No. 7 including Service Schedules "B" & "C" dated October 15, 1981, to the Interconnection Agreement between CIPS and Southern Illinois Power Cooperative dated May 2, 1972.

Copies of this filing have been sent to Southern Illinois Power Cooperative and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35110 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-69-000]

Georgia Power Co.; Compliance Filing

December 2, 1981.

Take notice that on October 26, 1981, Savannah Electric and Power Company (Savannah) filed a compliance report pursuant to the Commission's letter order dated September 18, 1981. The order approved an offer of settlement between Georgia Power Company and Savannah in this docket.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 18, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35111 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI82-59-000]

Gillring Oil Co. et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

December 1, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft.[3]	Pressure base
CI82-59-000, B, Nov. 16, 1981	Gillring Oil Co., P.O. Drawer 1279, McAllen, Texas 78501.	Natural Gas Pipeline Company of America, D. J. Sullivan Lease, Ann Mag Field, *et al.*, Brooks County, Texas	([1])	
CI82-68-000, B, Nov 30, 1981	Rollar Oil Company, Inc., P.O. Box 215, Luling, Louisiana 70070.	Transcontinental Gas Pipe Line Corporation, Bayou Des Allemands, St. Charles, Louisiana	([2])	

[1] The gas from this property orginally was dedicated by Maguire Oil Co. to Natural Gas Pipeline; no gas was ever sold from this 1000-acre lease. Property released by Maguire to owner March 14, 1980 (effective August 1, 1980); property acquired by Gillring Oil Co. October 10, 1980. Drilled one well, reentered one well which had never produced. NGPL does not wish to purchase the gas, and has given a release. Gillring has a sales contract with Tennessee Gas Pipeline Co. and will commence producing these wells as soon as the abandonment authorization is obtained

[2] Not economically feasible.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—total Succession, F—Partial Succession.

[FR Doc. 81-35112 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER80-559]

Kansas Power and Light Co., Compliance Filing

December 2, 1981.

The filing Company submits the following:

Take notice that on November 16, 1981, Kansas Power and Light Company (KPL) filed a compliance report pursuant to the Commission's letter order dated October 16, 1981. The compliance report reflects refunds made by KPL.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, on or before December 21, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35113 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-109-000]

Mississippi Power Co.; Filing

[December 1, 1981.

The filing company submits the following:

Take notice that Mississippi Power Company on November 19, 1981, tendered for filing proposed agreement with Municipal Energy Agency of Mississippi for extension of the term of the existing bulk power transmission service agreement approved in Docket ER81-194. The filed agreement provides for extension of the term of the existing agreement for twelve months from December 1, 1981 to November 30, 1982. No change is made in the rates and charges which Mississippi Power Company will make for performing the bulk power transmission services for Municipal Energy Agency of Mississippi during the extension period.

The filing is an extension of an existing service contract which expires November 30, 1981. The service is presently continuing.

Posting of the filing has been accomplished with notice to Municipal Energy Agency of Mississippi, the only affected customer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35114 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-108-000]

Monongahela Power Co., Filing

December 1, 1981.

Take notice that Allegheny Power Service Corporation (APSC) on November 19, 1981, tendered for filing on behalf of its affiliates, Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (the APS Companies) an Agreement between the APS Companies and Atlantic City Electric Company (Atlantic) for the sale by the APS Companies and the purchase by Atlantic of specified amounts of electric power and energy to be sold from the APS Companies' Pleasants Station (Pleasants Power) for a period commencing January, 1982, and ending December 31, 1985. The Agreement provides, among other things, that Pleasants Power will be sold to Atlantic at a rate of $11.03 per kw per month plus the out-of-pocket cost of energy delivered, including losses plus the lesser of 2 mills or 10% of energy cost. Deliveries of energy to Atlantic will be scheduled for as many hours as Atlantic desires but not to exceed 50,000 kwh per hour in 1982 and such other amounts in the later years as the parties may agree.

Applicants estimate that for the 12 months ended December 31, 1982, the demand charges will total $6.6 million ($.55 million per month and state that energy charges cannot be estimated at the present time since the cost of producing energy will vary and the number of kwh that Atlantic will take will vary from month to month.

Applicants state that no facilities need be constructed or acquired in connection with the sale and purchase of Pleasants Power.

Applicants have requested the Commission to accept the Agreement for filing on or before January 1, 1982, as they intend to commence the sale and purchase of pleasants Power as of that date, and in that connection have requested waiver of any requirements of the Commission's Rules and Regulations deemed necessary and desirable by the Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure on or before December 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35115 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-112-0]

Niagara Mohawk Power Corp.; Tariff Change

December 1, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on November 23, 1981 tendered for filing as a rate schedule, an agreement between Niagara and the Power Authority of the State of New York (PASNY) dated June 23, 1981.

Niagara presently has on file an agreement with PASNY dated January 15, 1963. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 22. This new agreement is being transmitted as a supplement to the existing agreement.

The original January 15, 1963 agreement states that Niagara will provide backup power when requested by PASNY so that PASNY can maintain

an uninterrupted supply of interruptible power and energy to its alumunum reduction customers in the St. Lawrence Area. Niagara will supply the energy at a power rate not to exceed 80,000 kilowatts at any time prior to January 1, 1993 and at the rate of 40,000 kilowatts for the remainder of the agreement when and if Niagara can supply the power and energy from its generating facilities, contract resources or its interconnections without necessitating an interruption to its customers. This supplement revises the rate for emergency power as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior requirements in order to allow said agreement to become effective as of September 1, 1981.

Copies of the filing were served upon the following:

Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y. 10019

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, N.Y. 12223

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practices and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35116 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket NO. ID-1988-000]

Nicholas R. Petry; Application

December 1, 1981.

The filing individual submits the following:

Take notice that on November 24, 1981, Nicholas R. Petry filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Public Service Company of Colorado

Director—Eaton Corporation

In the alternative, Mr. Petry seeks an order dismissing his application for want of jurisdication.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35117 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-1-000]

Public Service Co. of New Mexico; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Granting Summary Disposition in Part, Granting Intervention, and Establishing Hearing and Price Squeeze Procedures

Issued: November 30, 1981.

On October 1, 1981, Public Service Company of New Mexico (PNM) filed a proposed increase in rates [1] for firm power service to four partial requirements customers [2] and one full requirements customer, the City of Gallup (Gallup). The proposed rates would result in increased revenues of approximately $11,327,000 (11.31%) for the twelve months ending December 31, 1982. Gallup's contract provides that changes in rates for service up to 30 MW at three original delivery points can become effective prospectively only after final Commission order. No such limitation applies to service provided at a new fourth delivery point. Therefore, PNM requests different effective dates for the two sets of rates; PNM requests an effective date of December 1, 1981, for the increase applicable to the four partial requirements customers and service to Gallup in excess of 30 MW at the fourth delivery point (Schedule B rates). PNM requests that the proposed rates for service to Gallup up to 30 MW at the remaining delivery points (Schedule A rates) become effective prospectively upon final Commission approval.

Notice of the filing was issued on October 9, 1981, with responses due on or before October 30, 1981. Petitions to intervene were filed by Texas-New Mexico Power Company (TNP) on October 22, 1981, and by Plains Generation and Transmission Cooperative (Plains), Kennecott Corporation (Kennecott), and the Department of Energy at Los Alamos (DOE) on October 30, 1981. On November 3, 1981, the Cities of Gallup and Farmington jointly filed an untimely petition to intervene and a motion for leave to file the petition out of time and for leave to file a separate protest, motion to reject, motion for summary judgment, and motion for a five-month suspension on November 10, 1981. An extension of time was granted until November 6, 1981. On November 10, 1981, Gallup and Farmington jointly filed their protest together with a motion for a further extension of time reciting that compliance with the November 6 filing date had been physically impossible.

The petitions and protests raise a number of substantive issues and request various forms of relief. Kennecott asserts that the retail electric rates of its supplier, TNP, will be affected significantly by the outcome of the proceedings in this docket. DOE seeks a five-month suspension and asserts that the requested return on equity is excessive. Plains also requests a five-month suspension and alleges that adjustments are required to the return on equity, inclusion of uranium leases in rate base, accounting for sales of non-firm power to the Los Angeles Department of Water and Power, inclusion of prepayments of purchases of PNM common stock as part of PNM's employee stock ownership plan, cash working capital, and customer charges. Farmington and Gallup seek rejection of the filing, refiling of the rates to produce a resale rate of return lower than the currently earned retail rate of return, summary rejection of PNM's cash working capital allowance and PNM's inclusion of uranium leases in rate base, and a five-month suspension.

Discussion

As an initial matter, the Commission finds that participation in this proceeding by each of the petitioners is in the public interest and that good cause exists to permit Gallup and

[1] *See* Attachment A for rate schedule designations.

[2] Texas-New Mexico Power Company (formerly Community Public Service Company), the City of Farmington, Plains Generation and Transmission Cooperative, and the Department of Energy at Los Alamos.

Farmington to intervene out of time. Therefore, the petitions to intervene will be granted. The Commission also finds that good cause exists to accept the late filed protest of Gallup and Farmington and to entertain the motions contained therein. The timely-filed petition of DOE is sufficient under the terms of section 405 of the Department of Energy Act to initiate its participation in this proceeding.

Gallup and Farmington seek rejection of PNM's filing on the grounds that the claimed rate of return on equity exceeds the return on equity agreed upon in the settlement of PNM's most recent retail rate filing. Gallup and Farmington assert that, as a result, PNM's customers would experience a price squeeze and would be placed at a competitive disadvantage during the period that the proposed wholesale rates are in effect. Gallup and Farmington suggest that the Commission permit refiling of the rates at a level which would reduce the return on equity to that applicable at the retail level.

The Commission was recently presented with a similar argument in *Minnesota Power & Light Company*, Docket No. ER81–764–000, order issued November 13, 1981, in which certain customers requested rejection of that portion of the proposed rate increase which could be attributed to the difference between the wholesale and retail rate of return on equity. We declined to reject that filing because it substantially complied with the requirements of section 35.13 of the Commission's regulations,[3] because the appropriate rate of return is a question of fact which should be resolved at hearing, and because the purported differential in wholesale and retail rates of return does not, in itself, establish unlawful price squeeze without a comparison of other costs.[4] The same considerations apply here. The Commission finds that PNM has substantially complied with the filing requirements of section 35.13 of the regulations. The Commission also finds that the requested relief is inappropriate at this stage of the proceedings, and that the concerns of Gallup and Farmington regarding rate of return and price squeeze can be addressed more appropriately by setting these issues for hearing.

Our analysis reveals that PNM has failed to reduce its long-term debt cost to reflect gains on reacquired securities. Such an adjustment was found to be appropriate in *Arkansas–Louisiana Gas Company*, Docket Nos. RP77–54, *et al.*, Opinion No. 71, (January 1, 1980). Consistent with Commission precedent, we shall direct PNM to so reduce the long-term debt cost reflected in its cost of service. However, because the revenue impact of this summary disposition is relatively small in relation to the proposed rate increase, we shall not require the company to refile its rates at this time.

The request for summary disposition with respect ot PNM's cash working capital calculation and PNM's inclusion of uranium leases in rate base will be denied. These issues, as well as the other matters raised by the intervenors, presents question of law or fact more appropriately resolved on the basis of an evidentiary hearing.

Our analysis of PNM's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates applicable to the four partial requirements customers and the Schedule B rates applicable to Gallup's fourth delivery point for service in excess of 30 MW for five months to become effective, subject to refund, on May 1, 1982. Revised Schedule A rates for service to Gallup up to 30 MW at its three original delivery points may become effective prospectively only upon a final Commission order in these proceedings.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 1979), we shall phase the price squeeze issue. This procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) The motion of Gallup and Farmington for an extension of time until November 10, 1981, is hereby granted.

(B) The motion of Gallup and farmington to reject is hereby denied.

(C) Summary disposition of PNM's treatment of gains on reacquired debt is hereby ordered, as noted in this order. PNM shall reflect this summary disposition in its compliance cost of service at the conclusion of these proceedings. All other motions for summary dispositon are hereby denied.

(D) PNM's proposed rates for service to its partial requirements customers and for service to Gallup in excess of 30 MW at its fourth delivery point (Schedule B rates) are hereby accepted for filing and suspended for five months from sixty days after filing to become effective on May 1, 1982, subject to refund.

(E) PNM's rates for service to Gallup up to 30 MW at its three original delivery points (Schedule A rates) shall be set for investigation, and such rates as are found to be just and reasonable by the Commission after hearing shall become effective prospectively upon a final Commission order in this docket.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of PNM's rates.

(G) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further*, that the admission of such

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[3] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[4] *See Missouri Power and Light Co.*, Docket No. ER76–539, Opinion No. 31 and 31–A (October 27, 1978, and May 16, 1979); *Southern California Edison Co.*, Docket No. ER76–205, Opinion No. 62 (August 22, 1979); *Commonwealth Edison Co.*, Docket Nos. E–9002 and ER76–122, Opinion No. 63 (September 14, 1979).

[5] *E.g., Boston Edison Company*, Docket No. ER80–508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one-day suspension).

intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before December 1, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A—PUBLIC SERVICE COMPANY OF NEW MEXICO, DOCKET NO. ER82-1-000, RATE SCHEDULE DESIGNATIONS

Designations	Other parties
(1) Supplement Nos. 25 and 26 to Rate Schedule FPC No. 31 (Supersedes Supplement Nos. 23 and 24)	Plains Generation and Transmission Cooperative.
(2) Supplement No. 13 to Rate Schedules FPC No. 32 (Supersedes Supplement No. 12).	Texas-New Mexico Power Company (formerly Community Public Service Company).
(3) Supplement No. 9 to Rate Schedule FPC No. 34 (Supersedes Supplement No 8).	DOE—Los Alamos.
(4) Supplement No. 10 to Rate Schedule FPC No. 35 (Supersedes Supplement No 9).	City of Farmington.
(5) Supplement No. 10 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 9).	City of Gallup—Service Schedule B.

[FR Doc. 81-35118 Filed 12-7-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-110-000]

Southern California Edison Co.; Filing

December 1, 1981.

The filing company submits the following:

Take notice that on November 20, 1981, Southern California Edison Company ("Edison") tendered for filing an agreement entitled "Edison-Pacific Interruptible Transmission Service to Midway Agreement" which has been executed by Edison and Pacific Gas and Electric Company ("Pacific").

Under the terms and conditions of the agreement, Edison will make available to Pacific interruptible transmission service between several points of receipt and the point of delivery at Midway Substation.

The Agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Pacific Gas and Electric Company.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35119 Filed 12-7-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-113-000]

Superior Water, Light and Power Co.; Filing

December 1, 1981.

The filing Company submits the following:

Take notice that Superior Water, Light and Power Company (SWL&P), on November 24, 1981, tendered for filing proposed changes in its FERC Electric Rate Schedule W-8. The proposed changes would increase revenues from jurisdictional sales and service by $508,547 based on the 12 month period ending December 31, 1982. SWL&P requests a waiver of the Commission's notice requirements so that the proposed increase can be made effective as of November 16, 1981. To the extent that the Commission declines to grant the requested waiver to permit a retroactive effective date of November 16, 1981, SWL&P requests an effective date no later than the date of this tender for filing, or November 24, 1981. If such alternative request for waiver is also denied, SWL&P requests an effective date no later than sixty (60) days from the date of this tender for filing, or January 23, 1982.

The proposed rate changes and rate charges are designed to increase the revenue from Dahlberg Light and Power Company, SWL&P's only jurisdictional customer, sufficiently to recover the proportionate share of the increase in the cost of purchased power from SWL&P's supplier and to raise the rate of return on the investment necessary to service the jurisdictional customer to an accepatable level.

Copies of the filing were served upon SWL&P's jurisdictional customer and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35120 Filed 12-7-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER80-58]

Southern Company Services, Inc.; Compliance Filing

December 2, 1981.

The filing company submits the following:

Take notice that on October 14, 1981, Southern Company Services, Inc. (Southern) filed a refund compliance pursuant to the Commission's letter order dated September 14, 1981. The order approved an offer of settlement between Florida Power & Light Company and Southern.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 21, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35121 Filed 12-7-81; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51362; TSH-FRL-1999-7]

Acrylic Copolymer; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATE: Written comments by: PMN 81-607, January 29, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51362]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: 0David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-607

Close of Review Period. February 28, 1982.

Manufacturer's Identity. S. C. Johnson and Son, Inc., 1525 Howe Street, Racine, WI 53403.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a highly dispersive manner by consumers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No date were submitted.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: December 1, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc 81-35090 Filed 12-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51361; TSH-FRL-1999-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-604, 81-605, & 81-606, January 26, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51361]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-604

Close of Review Period. February 25, 1982.

Manufacturer's Identity. Mobay Chemical Corporation, Stanley Research Center, 17745 South Metcalf, Stilwell, KS 66085.

Specific Chemical Identity. 2-chlorobenzamide.

Use. The manufacturer states that the PMN substance will be used as an intermediate for pesticide.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH, 7 @ 100 g/L water
Melting point, 139° C
Solubility:
  Water @ 20° C, 5.6 g/L
  Toluene @ 20° C, Insoluble
Density @ 20° C, 1.29 g/cm^3

Toxicity Data

Acute oral toxicity LD_{50} (rat), 1,200/1,390 mg/kg
Acute dermal toxicity LD_{50} (rat), 5,000 mg/kg
Skin irritation (rabbit), Non-irritant
Eye irritation (rabbit), Non-irritant

Environmental Test Data

Inhalation toxicity LC_{50} 4 hr. (rat), No symptoms @ 94 mg/m^3

Exposure. The manufacturer states that during processing 2 workers may experience dermal and inhalation 0.2 days/yr during unloading.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible.

PMN 81-605

Close of Review Period. February 25, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Substituted benzophenone reacted with methyl silsesquioxane.

Use. The manufacturer states that the PMN substance will be used in industrial coating resin.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, Translucent dry powder
Solubility:
Water, Negligible
Density, 1.3–1.4 estimated
Vapor pressure, Negligible

Toxicity Data

Acute oral toxicity LD_{50} (rat), > 5,000 mg/kg
Skin irritation (rabbit), Slightly irritating
Eye irritation (rabbit), Slightly irritating
Ames salmonella, Non-mutagenic
DNA repair, Negative

Exposure. The manufacturer states that during manufacture workers may experience dermal exposure during testing.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81–606

Close of Review Period. February 25, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Substituted-(2-hydroxy-benzophenone oxy) propane.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, Yellow viscous liquid
Specific gravity, 1.08
Flash point, 152°F
Melting point, < −20°C
Solubility:
Water, Reacts with water to form gel and ethanol.

Toxicity Data

Oral toxicity LD_{50} (rat), > 5,000 mg/kg
Dermal toxicity LD_{50} (rat), > 2,000 mg/kg
Skin irritation (rabbit), Slight irritant
Eye irritation (rabbit), Not an irritant
Ames salmonella, Not mutagenic
Skin sensitization (guinea pig), No response to challenge
DNA repair (E coli), No detectable activity.

Environmental Test Data

Acute inhalation toxicity LC_{50} 4 hr. (rat), No death, damp fur, loss of hair, low activity.

Exposure. The manfacturer states that during manufacture, quality control testing and processing workers may experience dermal and occular exposure during testing.

Environmental Release/Disposal. Claimed confidential business information.

Dated: November 30, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-35089 Filed 12-7-81; 8:45]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1321]

American Waterways Operators, Inc.; Petitions for Reconsideration of Actions in Rule Making Proceedings

December 2, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before December 23, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Request amendment of Parts 81 & 90 of the Commission's Rules to permit local low power secondary use of certain land mobile VHF for limited operations by mobile and shore based harbor support facilities in the New Orleans, Louisiana and Houston, Texas port areas. (RM–3848)

Filed by: George Petrutsas, Attorney for American Waterways Operators, Inc., on 10–23–81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-35049 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81–833 and 81–834; File Nos. BPCT–801112KH and BPCT–80121KE]

Comark Television, Inc. and Three Star Telecast, Inc.; Memorandum Opinion and Order

Adopted: November 24, 1981.

Released: December 4, 1981.

In re applications of Comark Television, Inc. San Juan, Puerto Rico, BC Docket No. 81–833, File No. BPCT–801112KH; Three Star Telecast, Inc. San Juan, Puerto Rico, BC Docket No. 81–834, File No. BPCT–810121KE, for Construction permit; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 18, San Juan, Puerto Rico.

Comark Television, Inc.[1]

2. Applicant estimates its costs as follows:

Equipment	
Cash purchases	$279,900
Down payments	137,926
Three months payments	56,284
Land	50,000
Building	30,000
Legal costs	4,500
Engineering costs	3,000
Miscellaneous	5,000
Operating Costs, three months	183,750
Total	750,360

3. Since the application is herein designated for hearing, the applicant's estimate of legal costs appears to be unrealistically low. We are, therefore, unable to determine the applicant's costs to construct and operate for three months. An appropriate financial issue will be designated.

4. To finance its proposal, applicant relies upon: (1) Existing capital of $750; and, (2) a bank loan from Old Colony Bank of $1,250,000. The bank letter states that the bank "would consider" lending Comark up to $1,250, 000, but does not commit the bank any further. The bank also requires guarantees from the principals and investors, but there is no indication that the principals and investors are willing to guarantee the loan. Consequently, a question arises as to whether the bank loan will be

[1] Comark has also applied for television stations to operate on: "Channel 38, New Orleans, Louisiana (BPCT–800721KO); Channel 26, Daytona Beach, Florida (BPCT–791214KE); Channel 51, Portland, Maine (BPCT–800721KH); Channel 62, Syracuse, New York (BPCT–800521KN)."

In addition, David Smith, who is Secretary-Treasurer, Director, and 33% owner of Comark, is the 4.8% owner of Commerical Radio Institute, Inc., which has interests in: "WPTT–TV, Pittsburgh, Pennsylvania; WBFF–TV, Baltimore, Maryland; Channel 28, Columbus, Ohio (grantee) (BPCT–4925); Channel 38, St. Petersburg, Florida (applicant) (BPCT–790130LT); Channel 61, Wilmington, Delaware (applicant) (BPCT–801001KI); Channel 61, Hartford, Connecticut (applicant) (BPCT–790419KE)."

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

available and appropriate issues will be specified.

Three Star Telecast, Inc.

5. Three Star Telecast, Inc. is a wholly-owned subsidiary of Three Star Corporation. Two of the three principals of Three Star Corporation Mr. Saleh and Mr. Gawrych, are officers and directors of Antilles Broadcasting Corporation, licensee of Station WSVI(TV), Christiansted, St. Croix, Virgin Islands. They control both Antilles and Three Star Corporation. On February 20, 1981, the Commission issued a so-called "B cut-off list" announcing the acceptance for filling of the Three Star application and setting April 2, 1981, as the date by which petitions to deny must be filed. This notice was published in the **Federal Register** on February 23, 1981 (46 FR 13575). On June 11, 1981, more than two months after the "cut-off" date, the Department of Education of Puerto Rico, licensee of noncommercial educational Station WIPR(TV), Channel 6, San Juan, Puerto Rico, and a hearing-impaired viewer of Station WIPR(TV), Mr. Max Goldman, filed a joint petition to deny, together with a request for waiver of § 73.3584(a) of the Commission's Rules, which is concerned with the time within which petitions to deny must be filed. The only reason offered in support of the waiver request is that the "cut-off" notice did not describe the relationship between the applicant and Station WSVI(TV). This is an inadequate reason. The Commission's public notice of "cut-off" does not purport to contain all information contained in an application and, of course, it cannot. Its purpose is to alert interested parties that an application has been filed for a particular channel in a particular community by a specified applicant. It is an invitation to interested parties to make further inquiry if additional information is desired. The licensee of a television station in San Juan can reasonably be expected to interest itself in any application for a new station in San Juan and to take the necessary steps to inform itself of the content of the application if it wants to learn more about the proposal. *Reeves Broadcasting Corporation*, 8 FCC 2d 448, 10 RR 2d 259 (1967). Moreover, the applicant gave local public notice of the filing of its application at the end of January and the beginning of February, 1981. These notices, published in Spanish in "El Dia" and in English in "San Juan Star", both daily newspapers of general circulation in San Juan, gave all information concerning the identity of the principals of Three Star and disclosed the location where the application could be inspected. Petitioners' failure to avail themselves of the opportunity to inspect the application is fatal to their waiver request. Consequently, the waiver request will be denied and the petition dismissed, but we will consider the petition as an informal objection filed pursuant to § 73.3587 of the Commission's Rules.

6. The objectors' grievance lies against the operation of Station WSVI(TV) and they claim that the licensee's conduct has been so inconsistent with operation of the station in the public interest that the principals are unfit to be licensees of the new station proposed for San Juan. Some background is necessary to understand the gravamen of the complaint.

7. Station WSVI(TV) is affiliated with the ABC network. It carries captioned English language news for the hearing-impaired, pursuant to arrangements with ABC, Station WTJX-TV, Charlotte Amalie, St. Thomas, Virgin Islands (a noncommerical educational station), and WGBH Educational Foundation, licensee of noncommercial educational Station WGBH(TV), Boston, Massachusetts. WGBH operates a captioning center and makes the captioned ABC news availabe to educational stations via earth satellite. Pursuant to a written agreement between ABC and WGBH, before an educational station can carry the captioned ABC news, it must obtain clearance from any ABC affiliate into whose market the educational station's signal reaches. Antilles has given such clearance to WTJX-TV (St. Thomas), which receives the satellite feed and then feeds WSVI(TV). WSVI(TV) inserts commercial matter and broadcasts the captioned ABC news. Without having sought clearance from any ABC affiliate, WIPR(TV) began to carry the captioned ABC news in May 1979. The Department of Education was immediately notified by the Public Broadcasting Service (PBS) that is must cease carriage until the clearance procedures had been followed. The Department claims that WIPR(TV)'s signal does not reach into the market of any ABC affiliate;[2] Christiansted is 90 miles from San Juan. Nevertheless, Antilles, presumably as the closest ABC affiliate, objected to the carriage and the Department claims that its efforts to obtain clearance from Antilles over a two-year period have been fruitless. This, it is alleged, deprives the hearing-impaired in San Juan of the captioned ABC news, contrary to the public interest.

[2] See paragraph 10, *infra*.

8. On July 1, 1981, the applicant responded to the objections, but did not address the merits. Instead, it pointed out that, on the previous day (June 30, 1981), Antilles' attorney (also the attorney for the applicant) filed a letter with the Commission advising that Antilles "* * * has no objection to the rebroadcast of the captioned English language ABC News by WIPR-TV". The letter states that WSVI's consent will terminate upon the expiration of the ABC affiliation agreement with WSVI or upon grant by the Commission of a construction permit for a new commercial television station in San Juan which would broadcast primarily in English. On July 20, 1981, WIPR filed a reply in which it rejected these two conditions.

9. WIPR demands unconditional consent and urges the Commission to require assurances "* * * from any applicant for a construction permit for a television station in Puerto Rico that it will do nothing to prohibit the carriage of the Captioned ABC News by the Department's non-commercial television stations."[3] We find no justification for requiring such assurances and we believe that acquiescence in this request would be inconsistent with the provisions of § 73.658(b) of the Commission's rules.[4] Nevertheless, we are unable to find any basis for the power of veto which Antilles has exercised. It is not contended that WIPR's Grade B contour extends into WSVI's market area and, it seems to us, the exercise of such a power by WSVI in the fact situation in this case transcends the ABC agreement with WGBH as well as § 73.658(b) of the Rules. ABC may confer upon an affiliate the right to first call on ABC programs as against a nonaffiliate in the same community, but that is the limit of its right to territorial exclusivity in a case such as this one. We hold, therefore, that WSVI has no role in whether WIPR carries the

[3] The Department of Education of Puerto Rico is also the licensee of noncommercial educational Station WIPM(TV), Mayaguez, Puerto Rico.

[4] Section 73.658(b) of the rules provides, in pertinent part:

"No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station located in a different community from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization. As employed in this paragraph, the term 'community' is defined as the community specified in the instrument of authorization as the location of the station."

Captioned ABC News and that WIPR may carry that program, if it follows the procedures established by the ABC–WGBH agreement, without the consent of WSVI.

10. The Department seeks to raise a question as to whether Antilles' conduct in this affair reflects adversely on its principals' qualifications to be the licensee of a television station in San Juan. We understand that WSVI can be viewed in San Juan and other parts of eastern Puerto Rico, although the signal quality is poor, and WSVI is carried in San Juan and elsewhere by cable television systems. The signals of WIPR can be received in St. Croix, although its signals, too, are poor. The parties do not seem to regard these conditions as constituting penetration into each other's market. The agreement between ABC and WGBH has been in effect for more than seven years and its validity was assumed by ABC, WGBH and PBS. Certainly PBS and WGBH acquiesced in Antilles' exercise of its supposed power and while both expressed an intention to assist the Department in obtaining Antilles' consent, both appear to have assumed that Antilles was exercising a power properly conferred upon it. Finally, it should be noted that, at the outset, Antilles indicated that it would grant consent to carriage by WIPR if the Captioned ABC News were carried one-half hour later in San Juan than in St. Croix. Although we are not informed as to the logic which led Antilles to conclude that it had the veto power which it was exercising, the circumstances recited above compel us to conclude that it was not unreasonable for Antilles to believe, in good faith, that, as the nearest ABC affiliate to Puerto Rico, it had the power it was exercising. For these reasons, we hold that Antilles' conduct, erroneous though it may have been, does not reflect adversely on its principles.

11. Applicant estimates its costs as follows:

Equipment	$150,757
Land	1,800
Legal costs	15,000
Installation	35,000
Miscellaneous	5,000
Operating cost, three months	144,141
Total	351,698

The applicant has not provided a coherent account of its plan to pay for its equipment. We are unable to determine which equipment is to be acquired by cash purchase, the total cost of equipment, the amount of down payments required, the value of donated equipment, or the amount to be paid on principal and interest for equipment on deferred credit. Consequently, issues must be specified to enable a determination to be made as to the applicant's total costs to construct and operate as proposed.

12. To finance its proposal, applicant relies upon the following funds, as outlined, in part, on page 2, exhibit 4, *Financing Plan*, amendment dated April 2, 1981: (1) Bank of Nova Scotia stand-by line of credit of up to $184,000 (net); (2) a $100,000 loan from Barakat Saleh; (3) donations of time and equipment totalling $100,000 from Walter Beaver; (4) existing capital (cash) of $10,000, and, (5) sale of new stock of $90,000. These sources of funds total $484,000. With respect to (2) above, Mr. Saleh, President and Treasurer of applicant, has not submitted an agreement undertaking to furnish funds. Applicant has included (3) above as a source of financing on page 2, Section III, FCC Form 301, but we are unable to determine if it is included as a cost on page 1, supra. In (4) above, only $4,752 is available as a source of financing.[5]

13. Finally, with respect to (5) above, the officers of the applicant, Mr. Saleh, Mr. Gawrych and Mr. Beaver, who are committed to an additional $90,000 capital contribution, have not submitted balance sheets or financial statements showing that they have the net liquid assets with which to meet such commitments. In light of the foregoing, only $4,752 in cash and the $184,000 net loan from the Bank of Nova Scotia, a total of $188,752, are available to finance the proposal. Therefore, an appropriate financial issue will be designated.

14. The tower height and location proposed by the applicant has not been approved by the Federal Aviation Administration. An issue will be specified, therefore, to determine whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Comark Television, Inc.:

(a) Whether its estimate of $4,500 for legal costs is reasonable;

(b) The source and availability of funds in excess of $750;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine, with respect to Three Star Telecast, Inc.:

(a) The total costs to construct and operate as proposed;

(b) The source and availability of funds in excess of $188,752;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(d) Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, That the petition to deny filed herein against the application of Three Star Telecast, Inc. is dismissed, and, considered as an informal objection filed pursuant to § 73.3587 of the Commission's rules, is denied.

18. It is further ordered, That the Federal Aviation Administration is made a party to this proceeding with respect to Issue 2(d), above.

19. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

[5] Applicant apparently sold stock for $10,000 to the Three Star Corporation, parent company of the applicant. Mr. Saleh has invested in or lent the applicant $7,179. Thus, the total cash was $17,179. Applicant spent $12,427 for "organizational expenses", leaving a balance of $4,752 in cash. No information has been furnished to show that the $12,427 spent was a part of the proposed expenditures. Accordingly, $4,752 is available as a source of financing.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-35045 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-820 and 81-821; File Nos. BP-810209AL and BP-810430AB]

General Broadcasting Inc. and Rifle Broadcast Co.; Hearing Designation Order

Adopted: November 1, 1981.

Released: December 1, 1981.

In re applications of General Broadcasting Inc., KFAM, Bountiful, Utah, BC Docket No. 81-820, File No. BP-810209AL, Has: 680 kHz, 1 kW, D, Req: 700 kHz, 1kW, 10 kW-LS, DA-2, U; Rifle Broadcast Co., Sentinel Financial Services (A Trust), General Partner, Silt, Colorado, BC Docket No. 81-821, File No. BP-81043AB, Req: 700 kHz, 1kW, 50 kW-LS, DA-N, U, for construction permit; designation applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new and modified AM broadcast facilities.

2. *General Broadcasting Incorporated.* Since KFAM is not yet an operating station, it must demonstrate its financial ability to effectuate its proposal. *Financial Qualification Showing,* FCC 80-20, Mimeo No. 15343, 45 Fed. Reg. 6165 (1980). General's financial showing consists entirely of the financial portion of its 1979 application for a new daytime station (BP-790822AC), incorporated by reference. However, the present fulltime proposal would necessarily involve costs substantially greater than estimated in the earlier application, and probably greater than the $99,000 shown to be available there. Consequently, a general financial issue will be specified.

3. General proposes to establish its main studio at its daytime transmitter site, located outside Bountiful. As a result, its nighttime operation would technically not comply with § 73.1125(a) of the Commission's Rules, which requires the main studio to be either in the city of license or at the transmitter site. However, the operation proposed would be in substantial compliance with the requirements of the rules.

4. *Rifle Broadcast Company.* Rifle is a limited partnership whose general partner is Sentinel Financial Service (A Trust). Under the terms of the partnership agreement, Sentinel is "responsible for the management of all aspects of the business * * *." However, we know nothing about Sentinel except the name of its trustee. Because applicant has not submitted a copy of the trust agreement or provided information about other parties to the trust, we are unable to determine whether all parties to this application and all "documents, instruments, contracts [and] understandings relating to ownership, management, use or control of the station or facilities, or any right or interest therein" have been disclosed to us as required. An amendment is necessary.

5. Mariner Communications, Inc., licensee of co-channel class I-A station WLW, Cincinnati, Ohio, has filed a conditional objection to Rifle's application, claiming that the nighttime antenna system proposed should be designated a critical array and requesting the imposition of certain conditions to assure protection of WLW. Rifle opposes the objection, arguing primarily that Mariner's charges lacked specificity, and that an RSS/RMS ratio of 1.22 indicated array stability.

6. A determination of array stability involves consideration of factors both internal and external to an array. Our own computerized stability studies show that with parameter variations as small as 0.1-percent current-ratio deviation and 0.1° phase deviation, nighttime radiation would exceed the specified standard radiation values. Despite the relatively low RSS/RMS ratio, the array is thus highly unstable under our standards, and we are unable to determine that it can be adjusted and maintained within the proposed standard pattern. See *Home Service Broadcasting Corp.,* 68 FCC 2d 1135 (1978). An appropriate issue must therefore be specified.

7. *Other matters.* Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Because the proposals are for different communities, an issue must be specified to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether General Broadcasting Incorporated is financially qualified to construct and operate its proposed station.

2. To determine whether the proposed nighttime antenna system of Rifle Broadcast Company can be adjusted and maintained within the proposed limits of radiation.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

4. To determine in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application, if either, should be granted.

9. It is further ordered, That Mariner Communications' conditional objection is granted to the extent indicated, and Mariner IS MADE PARTY to the proceeding.

10. It is further ordered, That Rifle Broadcast Company shall file the amendment specified in paragraph 4 above on or before January 7, 1982.

11. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the parties shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

12. It is further ordered, That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of their notices as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 81-35048 Filed 12-7-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-828, etc.; File No. BPCT-810227KH, etc.]

Toledo Telecasting, Inc., et al.; Hearing Designation Order

Adopted: November 24, 1981.

Released: December 2, 1981.

In re applications of Toledo Telecasting, Inc., Toledo, Ohio, BC Docket No. 81-828, File No. BPCT-

810227KH; Toledo Family Television, Inc., Toledo, Ohio, BC Docket No. 81–829, File No. BPCT–810615KH; Toledo Ohio T.V., Inc., Toledo, Ohio, BC Docket No. 81–830, File No. BPCT–810615KO; Channel 36, Inc., Toledo, Ohio, BC Docket No. 81–831, File No. BPCT–810615KU; TvUSA/Toledo, Inc., Toledo, Ohio, BC Docket No. 81–832, File No. BPCT–810615KW, for construction permit; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Toledo Telecasting, Inc. (Toledo Telecasting), Toledo Family Television, Inc. (Toledo Family), Toledo Ohio T.V., Inc. (Toledo Ohio), Channel 36, Inc. (Channel 36), and TvUSA/Toledo, Inc. (TvUSA) for a new commercial television station to operate on Channel 36, Toledo, Ohio.

2. No determination has been reached that any of the tower heights and locations proposed by the applicants would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.[1]

3. All applicants propose to operate from sites located within 250 miles of the Canadian border with maximum visual effective radiated power of more than 1,000 kilowatts. The proposals pose no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1,000 kilowatts. *Agreement Effectuated by Exchange of Notes,* T.I.A.S. 2594 (1952). In the event of a grant of any application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1,000 kilowatts, absent Canadian consent. *South Bend Tribune,* 8 R. R. 2d 416 (1966).

Channel 36, Inc.

4. Applicant estimates that it will require $1,190,091 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (down payment) (3 months payment)	$751,500
Land and Building (included in operating costs)	208,541
Other items	65,000
Operating costs (3 months)	165,050

Channel 36 intends to finance the proposed station through a commercial loan for $1.3 million; deferred credit from its equipment supplier; subscriptions totaling $10,000; and existing capital of $1,000. FCC Form 301, Section III, page 3, item 4 requires that copies of agreements supporting loans, credit extended from equipment suppliers and stock subscriptions be furnished with the application. Channel 36 has indicated that the information will be forthcoming; however, our records do not indicate receipt of any of these documents. Because there is no letter of credit from an equipment manufacturer, Channel 36 would require an additional $2,045,959 for equipment. Since applicant can only rely on existing capital of $1,000, a financial issue will be specified to determine the availability of an additional $3,235,050 to construct its facility.

Conclusion and Order

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and a place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to each of the applications, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation; [2]

2. To determine with respect to Channel 36, Inc.:

(a) Whether applicant has an additional $3,235,050 available;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issue 1.

8. It is further ordered, That in the event of a grant of Toledo Family's or Toledo Ohio's application, the construction permit shall contain the following condition:

Operation with effective radiated power in excess of 1,000 kW after September 1, 1983 is subject to a further extension of consent by Canada.

9. It is further ordered, That in the event of a grant of either Toledo Telecasting's, Channel 36's or TvUSA's application, the construction permit shall contain the following condition:

Operation with effective radiated power in excess of 1,000 kW after October 1, 1983 is subject to a further extension of consent by Canada.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–35047 Filed 12–7–81; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 81–814 and 81–815; File No. 20059–CD–P–3–81, etc.]

Williams & Williams Radio Telephone and Roberto Chomat, Jr.; Memorandum Opinion and Order

Adopted November 12, 1981.

Released December 3, 1981.

In re applications of Williams & Williams Radio Telephone, CC Docket No. 81–814, File No. 20059–CD–P–3–81, for authority to construct a new two-way facility to operate in the Domestic Public Land Mobile Radio Service on frequencies 454.100, 454.275 and 454.350 MHz at Tallahassee, Florida; Roberto Chomat, Jr., CC Docket No. 81–815, File No. 22635A–CD–P–3–80, for authority to construct a new two-way facility to operate in the Domestic Public Land Mobile Radio Service on frequencies 454.100, 454.275 and 454.350 MHz at Tallahassee, Florida; Roberto Chomat, Jr., File No. 22635B–CD–P–1–80, for

[1] The FAA has notified the Commission that it has approved the tower height and location proposed by Toledo Ohio T.V., Inc. Therefore, Issue 1 herein will not be applicable to it.

[2] See footnote [1] supra.

authority to construct a new two-way facility to operate in the Domestic Public Land Mobile Radio Service on frequency 454.200 MHz at Tallahassee, Florida; designating applications for consolidated hearing on stated issues.

1. Presently before the Chief, Mobile Services Division, acting pursuant to delegated authority, are the captioned applications of Williams & Williams Radio Telephone (Williams & Williams) and Roberto Chomat, Jr. (Chomat). The applications for frequencies 454.100, 454.275 and 454.350 MHz are electrically mutually exclusive. Therefore, a comparative hearing will be held with respect to these frequencies to determine which applicant would better serve the public interest. Radio Telephone Communications, Inc. (RTC), a Tallahassee radio common carrier, filed an informal objection to the Williams & Williams application and a petition to deny the Chomat applications. Responsive pleadings have been filed. Subsequently, RTC and Chomat submitted a settlement agreements, pursuant to § 22.29 of the Rules, requesting dismissal of RTC's petition.

2. The following issues have been raised for our consideration:

(a) Whether Williams & Williams possesses the requisite character qualifications to be a Commission licensee;

(b) Whether the application of Williams & Williams was filed with a strike motive;

(c) Whether Williams & Williams has demonstrated adequate public need for the frequencies it requests; and

(d) Whether Chomat has demonstrated adequate public need for the frequencies it requests.

3. *Character—Williams & Williams.* Williams & Williams is a partnership comprised of A. Suzanne Williams and Betty J. Williams. A. Suzanne Williams is the wife of Kenneth L. Williams, president of Williams Metro Communications Corporation (WMCC) which is licensed to operate on three domestic public land mobile radio service channels at Tallahassee. Betty J. Williams in the mother to two of WMCC's three stockholders, Kenneth L. Williams and Karen W. Dunlap. RTC claims that the failure of Williams & Williams to disclose in its application this relationship with WMCC reflects adversely on the character qualifications of Williams & Williams to be a Commission licensee. We disagree. While Williams & Williams should have disclosed in its application its family relationship with WMCC, we do not believe that its failure to do so in this instance reflects adversely on its character qualifications to be a Commission licensee. In the present case, we believe Williams & Williams may have had some question about whether to disclose its relationship with WMCC. For this reason, we will not designate for hearing an issue as to whether the failure of Williams & Williams to disclose its relationship with WMCC reflects adversely on the character qualifications of Williams & Williams to be a Commission licensee. However, we take this opportunity to emphasize that while we have no specific rules requiring disclosure of family relationships, applicants have an obligation to give us any relevant information that impacts on public need. The public need standards we impose for grant of an initial channel are different from those that we impose for grant of an additional channel. Therefore, it is crucial that applicants give us any significant information relating to public need so that we know which need standards to apply. In the future, we expect all applicants to heed this warning.

4. *Strike Application.* We have examined the Williams & Williams application and the associated pleadings and find that RTC has failed to raise a substantial and material question of fact as to whether the Williams & Williams application is a "strike" application. *See generally, Grenco, Inc.*, 28 FCC 2d 166 (1971). Therefore, we will not designate a "strike" issue for hearing.

5. *Public Need—Williams & Williams.* RTC claims that the capacity of WMCC facilities in Tallahassee is relevant to consideration of the Williams & Williams application. We agree. We find that the totality of these family relationships is sufficient to demonstrate a common interest and control of the proposed facility of Williams & Williams and the existing facility of WMCC. See *East Arkansas Broadcasters, Inc.*, 20 RR 934 (1960). In addition to these family relationships, there are other indications of common interest and control which support this conclusion. Onc indication is that the proposed facility of Williams & Williams and the existing facility of WMCC would share a common control point in Tallahassee—1213 West Tharpe Street. Another indication is that maintenance of both facilities will be provided by Williams Communication, Inc. (WCI), which is wholly owned by Betty J. Williams. WCI is also located at 1213 Tharpe Street. All these circumstances lead us to conclude that there is common interest and control of the proposed facility of Williams & Williams and the existing facility of WMCC. Williams & Williams did not submit a traffic load study for the existing WMCC Tallahassee facility as required by § 22.516 of the Commission's Rules. Therefore, it is questionable whether Williams & Williams has demonstrated sufficient need for any of the channels it requests. Accordingly, we will designate for hearing an issue as to whether Williams & Williams has demonstrated adequate public need for its proposed facility.[1]

6. *Public Need—Chomat.* Chomat submitted a public need showing indicating that 82 prospective users "expressed a definite interest" for 134 mobile telephones and 113 pagers. After reviewing Chomat's need showing, it appears that he has demonstrated need for only two of the four frequencies he requests. One of the frequencies he requests, frequency 454.200 MHz, file No. 22635B–CD–P–1–80, is not electrically mutually exclusive with the application of Williams & Williams. We fine Roberto Chomat, Jr. qualified to construct and operate the proposed facility on frequency 454.200 MHz. We further find that Roberto Chomat, Jr. has demonstrated a public need for this frequency and that a grant of its application would serve the public interest, convenience and necessity. However, we will designate for hearing an issue as to whether Chomat has demonstrated adequate public need for more than two frequencies.

7. *Settlement Agreement.* Under the terms of the settlement agreement entered into by Chomat and Mobile Communications Corporation of America (MCCA), the parent corporation of RTC, MCCA has agreed to loan Chomat the sum of $5,000. As collateral for this loan, MCCA receives a security interest of 49% in two proposed facilities of Chomat. MCCA has also agreed to withdraw its petition to deny Chomat's application. MCCA's request for dismissal of RTC's petition to deny appears to be unconditioned, and we consider the petition to be withdrawn pursuant to this request. Based on our review of the settlement agreement, we find that the terms of that agreement do not appear to contravene the public interest. Allegations raised in the petition to deny have been adequately resolved and will not be discussed here.

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[1] Normally, failure to provide a traffic load study will result in the return of an application as blatantly defective. (See Public Notice entitled "Blatantly Defective Applications", Mineo 00350, released April 16, 1981). However, because the issue of common ownership and control remained to be settled at the time the application was submitted, we will not return the application as blatantly defective.

8. Accordingly, it is ordered, that RTC's informal objection to the Williams & Williams Radio Telephone application, File No. 20059–CD–P–3–81, is granted with respect to the issue of public need and is denied in all other respects.

9. We find both Williams & Williams and Chomat to be legally, technically and otherwise qualified to construct and operate the proposed facilities. Accordingly, it is ordered, That pursuant to section 309 of the Communications Act of 1934, as amended, the applications of Williams & Williams Radio Telephone, File No. 20059–CD–P–3–81, and Roberto Chomat, Jr., File No. 22635A–CD–P–3–80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine whether Williams & Williams Radio Telephone has demonstrated adequate public need for the three frequencies it requests;

(b) To determine whether Roberto Chomat, Jr. has demonstrated adequate public need for more than two frequencies;[2]

(c) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(d) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 39 dBu contours,[3] based upon the standards set forth in § 22.504(a) of the Commission's rules,[4] and to determine and compare the need for the proposed service in said areas; and

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

10. It is further ordered, That with respect to issue (a), the burden of proof and the burden of proceeding with the introduction of evidence is placed upon Williams & Williams Radio Telephone.

11. It is further ordered, That with respect to issue (b), the burden of proof and the burden of proceeding with the introduction of evidence is placed upon Roberto Chomat, Jr.

12. It is further ordered, That with respect to issues (c) and (d), the burden of proof and the burden of proceeding with the introduction of evidence are placed on each of the applicants, as the issues affect them, and that the ultimate burden of proof with respect to issue (e) is similarly placed on each of the applicants.

13. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

14. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

15. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

16. It is further ordered, That the application of Roberto Chomat, Jr., File No. 22635B–CD–P–1–80, to operate a facility on frequency 454.200 MHz is granted.[5]

17. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Roberta Cook,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81–35046 Filed 12–7–81; 8:45 am]

BILLING CODE 6712–01–M

[2] If only one of the applicants demonstrates need for additional frequencies, it will not be necessary to decide comparative issues (c) and (d).

[3] For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R–6406, equation 8.

[4] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours (F 50, 50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

[5] See Arnold Anderson d.b.a. Concho Communications, Mimeo 31635, released May 19, 1980, for precedent for the Bureau issuing a partial grant.

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 29, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Horizon Bancorp,* Morristown, New Jersey (financing, leasing and servicing activities; Florida): proposes to engage through a subsidary known as Horizon Creditcorp in the folllowing activities: offering inventory floor plan financing for dealers of yachts, term loans to purchase yachts at retail, and second mortgage financing. The yacht loans will be primarily secured by large U.S. produced fiberglass pleasure yachts, aluminum and fiberglass sport boats and marine equipment. In connection therewith, Horizon Creditcorp will engage in the following activities: making or acquiring, for its own account or for the account of others, loans and other extenisons of credit (including issuing letters of credit and accepting drafts) such as would be made, for example, by a mortgage, finance, credit card or factoring company; leasing personal property or acting as broker or advisor in leasing such property provided such leases meet the criteria of § 225.4(a)(6) of Regulation Y; and servicing loans and other extensions of credit for the account of others. Typically, the persons for whom such

loans would be serviced are other financial institutions. Such activities will be conducted at an office in Pensacola, Florida, and will service Northern Florida, Kentucky, Tennessee, South Carolina, Georgia, Mississippi, and Louisiana.

2. *Horizon Bancorp,* Morristown, New Jersey (financing, leasing and servicing activities; Maryland): proposes to engage through a subsidiary known as Horizon Creditcorp in the following activities: offering inventory floor plan financing for dealers of yachts, term loans to purchase yachts at retail, and second mortgage financing. The yacht loans will be primarily secured by large U.S. produced fiberglass pleasure yachts, aluminum and fiberglass sport boats and marine equipment. In connection therewith, Horizon Creditcorp will engage in the following activities making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage, finance, credit card or factoring company; leasing personal property or acting as broker or advisor in leasing such property provided such leases meet the criteria of § 225.4(a)(6) of Regulation Y; and servicing loans and other extensions of credit for the account of others. Typically, the persons for whom such loans would be serviced are other financial institutions. Such activities will be conducted at an office in Annapolis, Maryland, and will service the states of Maryland, Delaware, Virginia, West Virginia, North Carolina, and Pennsylvania.

3. *Horizon Bancorp,* Morristown, New Jersey (financing, leasing and servicing activities; Rhode Island): proposes to engage through a subsidiary known as Horizon Creditcorp in the following activities: offering inventory floor plan financing for dealers of yachts, term loans to purchase yachts at retail, and second mortgage financing. The yacht loans will be primarily secured by large U.S. produced fiberglass pleasure yachts, aluminum and fiberglass sport boats and marine equipment. In connection therewith, Horizon Creditcorp will engage in the following activities making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts) such as would be made, for example, by a mortgage, finance, credit card or factoring company; leasing personal property or acting as broker or advisor in leasing such property provided such leases meet the criteria of § 225.4(a)(6) of Regulation Y; and servicing loans and other extensions of credit for the account of others. Typically, the persons for whom such loans would be serviced are other financial institutions. Such activities will be conducted at an office in Newport, Rhode Island, and will service the states of Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, New York and Maine.

4. *Manufacturers Hanover Corporation,* New York, New York (trust company activities; Florida): to engage, through an indirectly owned subsidiary known as Manufacturers Hanover Trust Company of Florida, in activities of a fiduciary, investment advisory, agency or custodial nature. Such actitivies will be conducted at offices in the following location: 100 North Biscayne Boulevard, Miami, Florida 33132, serving the State of Florida, and in particular Dade, Broward, Palm Beach, Monroe, and Collier Counties, Florida. Comments on this application must be received not later than December 21, 1981.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (reinsurance activities; Colorado): to engage through its subsidiary, Mid-Atlantic Life Insurance Company in reinsurance underwriting activities for credit life and credit accident and health insurance sold in connection with extensions of credit by its subsidiary, American Industrial Bank, Inc., Colorado Springs, Colorado. The area to be served is the area in which extensions of credit are made by American Industrial bank, Inc., Colorado Springs Colorado. Comments on this applcation must be received not later than December 21, 1981.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

First Bancorporaton, Salt Lake City, Utah (leasing and insurance activities, Western United States): to engage through its proposed subsidary, Foothill Leasing, and its existing subsidiary, Foothill Thrift and Loan, in leasing and insurance activities. Leasing activities will include, but not be limited to, leasing personal property and acting as a broker in leasing such property in accordance with the Board's Regulation Y. Insurance activities will include, acting as an agent for the sale of life, accident and health, disability, and property insurance directly related to its extensions of credit. These activities will be conducted from an office in Salt Lake City, Utah serving the states of Utah, Idaho, Nevada, Wyoming, Montana, Colorado, Arizona, Washington, Oregon, and New Mexico.

D. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, December 2, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35084 Filed 12-7-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0367]

Borg-Warner Chemicals, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Borg-Warner Chemicals, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of cyclic neopentanetetrayl *bis*(octadecyl phosphite) as an antioxidant and/or stabilizer in ethylene-vinyl acetate copolymers intended to contact food.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 2B3591) has been filed by the Borg-Warner Chemicals, Inc., Technical Centre, Washington, WV 26181, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the safe use of cyclic neopentanetetrayl *bis*(octadecyl phosphite) as an antioxidant and/or stabilizer in ethylene-vinyl acetate copolymers intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21

CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 30, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-35053 Filed 12-7-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0364]

GB Fermentation Industries, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that GB Fermentation Industries, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the use of natamycin as an antimycotic on cheese surfaces.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5A3067) has been filed by GB Fermentation Industries, Inc., 1 North Broadway, Des Plaines, IL 60016, proposing that the food additive regulations be amended to provide for the safe use of natamycin (sometimes called pimaricin) as an antimycotic on cheese surfaces.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 30, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-35052 Filed 12-7-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0178]

R. F. Vanderbilt Co., Inc.; Withdrawal of Petition for Food Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of a petition (FAP 1B3560) proposing that the food additive regulations be amended to change the name "dipentamethylenethiuram tetrasulfide" to "dipentamethylenethiuram hexasulfide".

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* (21 CFR 171.7) of the procedural food additive regulations, R. T. Vanderilt Co., Inc., 30 Winfield St., Norwalk, CT 06855 has withdrawn its petition (FAP 1B3560), notice of which was published in the **Federal Register** of August 28, 1981 (46 FR 43503) proposing to change the name "dipentamethylenethiuram tetrasulfide" to "dipentamethylenethiuram hexasulfide" under paragraph (c)(4)(ii)(*b*) of § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600(c)(4)(ii)(*b*)).

Dated: November 30, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-35054 Filed 12-7-81; 8:45 am]

BILLING CODE 4160-01-M

Health Services Administration

Materal and Child Health Research Grants Review Committee; Filing of Annual Report

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

Maternal and Child Health Research Grants Review Committee

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791.

Dated: December 2, 1981.

William H. Aspden, Jr.,

Associate Aministrator for Management.

[FR Doc. 35122 Filed 12-7-81; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Coal Lease Offerings By Sealed Bid, Southern Applachian Federal Coal Production Region, Alabama; Amendment

In FR Doc. 81-33679 appearing on page 57349 in the issue of Monday, November 23, 1981, make the following amendments under coal offered:

Jess Creek Tract—ES 27218

Recoverable reserves are estimated to be 5.150 million tons.

Windham Springs Tract—ES 27231

T. 18. S., R. 9 W., Section 17 should read SW¼SW¼.

The acreage is recalculated to be 6956.97 acres and the minimum sealed bid is $328.00 per acre.

All other items remain the same.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 35107- Filed 12-7-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Redelegation of Authority

Section 1.1(a)(3) of Bureau Order No. 701, dated July 23, 1964, as amended by notice published at 45 FR 81128 on Tuesday, December 9, 1980, (FR Doc. 80-38128 filed 12-8-80, 8:45 a.m.) authorizes the Bureau of Land Management State Directors to redelegate that authority for "land use" to District Managers. This action is taken so Bureau of Land Management field personnel can be more responsive to the public for uses of public land by having the district offices as the focal point for land and realty actions.

This redelegation authorizes the BLM District Manager to assume responsibility for all realty actions for which applications are filed or proposals are made for use or disposition of public lands under the jurisdiction of the Bureau of Land Management in Idaho.

The authority redelegated is to District Managers in Idaho with respect to public lands under the jurisdiction of each district office to take action on matters listed in § 1.9 of Part 1 of Bureau Order 701.

For applications involving more than one BLM district, all affected District

Managers shall approve the action.

The District Managers may redelegate this authority to Area Managers under their supervision for actions involving public lands entirely within a single Resource Area.

This redelegation will become effective December 14, 1981.

For further information, contact: Guy E. Baier, Chief, Division of Resources, (208) 334–1919, Idaho State Office, Bureau of Land Management, 550 W. Fort Street, Box 042, Federal Building, Boise, Idaho 83724.

Dated: November 30, 1981.

J. David Brunner,

Acting State Director, BLM, Idaho.

[FR Doc. 81–35074 Filed 12–7–81; 8:45 am]

BILLING CODE 4310–84–M

[Nev–047449]

Nevada; Proposed Continuation of Withdrawal

Corrections

In FR Doc. 81–33236 appearing on page 56664 in the issue for Wednesday, November 18, 1981, make the following correction:

1. On page 56665, first column, the thirteenth line from the bottom should read as follows:

"T. 13 N., R. 34 E.,"

2. On page 56666, first column, the twenty-fifth line from the bottom should read: "Sec. 18, Lot 2, SE¼NW¼, SW¼NE¼", and the fifteenth line from the bottom should read: "T. 47 N., R. 68 E.,"; in the second column, eleventh line from the top, "* * * 88,296.54 * * *" should read "* * * 8,296.54 * * *".

BILLING CODE 1505–01–M

Wyoming; Limited Motor Vehicle Use Designation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation WY–010–8105.

EFFECTIVE DATE: January 1, 1982.

Decision

Notice is hereby given that the use of motorized vehicles is limited on public lands under the administration of the Bureau of Land Management located in the Pits Motorcycle Use Area. This decision is in accordance with Executive Order 11644 of February 8, 1972, as amended by Executive Order 11989 of May 25, 1977; Title 43 CFR 8341.2 and Subpart 8342; section 603(c) of Pub. L. 94–579; and in conformance with the principles established by the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321). It has been determined that the unrestricted use of this area will result in conflicts between motorcyclists and other users of public land, that damage to existing developments through misuse or vandalism will occur, and that the safety of motorcyclists and other users will be affected. Use of the Pits Motorcycle Use Area is at the risk of the user, whether involved in casual or organized activity.

Designation

1. The limited use designation applies to the following public lands:

Sixth Principal Meridian, Wyoming

Washakie County

Generally, public rangelands located approximately 5 miles east of Worland, Wyoming, along the old alignment of U.S. Highway 16, known locally as the Pits, totalling about 125 acres.

Specifically the following:

Section 25: Portions of N½SE¼NW¼NW¼; W½ SE¼NE¼NW¼; S½SW¼NE¼NW¼; SE¼NW¼; SW¼NW¼; S½NW¼NW¼

Section 26: Portions of SE¼NE¼NE¼; E½SE¼NE¼; E½W½SE¼NE¼.

The boundaries of the restricted area will be identified with signs and fences.

2. The limited use designation applies to motorized vehicles which include but are not limited to: automobiles, trucks, four-wheel drive or low-pressure-tire vehicles, tracked or amphibious machines, ground-effect or air-cushion vehicles, recreation campers, and any other means of transportation deriving motive power from any source other than muscle. Under the limitation, exceptions are made for motorcycles, snowmobiles, vehicles used in conjunction with motorcycles or snowmobiles and (1) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, or any combat or combat support vehicle when used for national defense purposes, (2) any vehicle whose use is expressly authorized by the Bureau of Land Management under permit, lease, license, or contract, and (3) any government vehicle on official business.

Protests

Any person(s) having disagreement with this decision and having information which may influence this decision may file a protest with: District Manager, Worland District Office, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401.

Protests must be filed with the Worland District Manager before 4:30 P.M. on January 1, 1982.

If protests are filed, the Worland District Manager will consider such protests and issue a decision which will be subject to appeal to the Department of Interior, Board of Land Appeals (IBLA). If the decision on the protest remains consistent with this decision, only the protestant may appeal to the IBLA. If the decision on the protest reflects changes from this decision based on information submitted by the protestant, any adversely affected person(s) may appeal to the IBLA.

This decision will become effective as of 4:30 P.M., on January 1, 1982, if no protest is filed. This designation will remain in effect until such time as the use limitation is reviewed and modified as part of the Bureau's Planning system update for the Washakie Planning Unit, and pursuant to 43 CFR Subpart 8342 and applicable Bureau Manual sections.

Additional Information

An implementation plan for the limited use designation, an environmental assessment of the plan, maps showing the designated area, and additional information about the designation are available for review at the following Bureau of Land Management Office: District Manager, Worland District Office, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401, (307) 347–6151.

John A. Kwiatkowski

District Manager.

[FR Doc. 81–35073 Filed 12–7–81; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 27, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written

comments should be submitted by December 23, 1981.

Carol D. Shull,

Acting Keeper of the National Register.

INDIANA

Fayette County

Connersville vicinity, *Longwood Covered Bridge*, W of Connersville.

LOUISIANA

Jefferson Davis Parish

Jennings, *Jennings Carnegie Public Library*, 303 Cary Ave.

NEW JERSEY

Essex County

Livingston, *Ward-Force House and Condit Family Cook House*, 366 S. Livingston Ave.

[FR Doc. 81-35050 Filed 12-7-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 30, 1981. Waiver of the 15-day public commenting period following this publication is necessary for the Oregon nominations listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Oregon's Historic Property Tax Law of 1975 (ORS 358.475), which provides that owners of properties entered into the National Register of Historic Places, including those properties which have been designated as contributing features of historic districts, may apply for special assessment status—a freeze of the assessed valuation for a 15-year period. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properites.

Carol D. Shull,

Acting Keeper of the National Register.

OREGON

Clackamas County

Mulino, *Howard's Gristmill*, 26401 OR 213

Hood River County

Hood River, *Waucoma Hotel*, 2nd St.

Jackson County

Gold Hill vicinity, *van Hoevenberg, Henry, Jr., House*, 9130 Ramsey Canyon Rd.

Multnomah County

Portland, *Jacobs-Wilson House*, 6461 SE. Thorburn St.

[FR Doc. 81-35051 Filed 12-7-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs

Decided: December 2, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owneroperators were employed. We ordered that all owner-operators were to receive compensation at this level.

This weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.0-percent surcharge for United Parcel Service, or the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators. However, the bus carrier surcharge is increased to 6.7-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. December 4, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

November 30, 1981.

APPENDIX.—FUEL SURCHARGE

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.0	3.1	6.7	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent)
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

Base date and price per gallon (including tax)	
January 1, 1979	63.5¢
Date of current price measurement and price per gallon (including tax)	
November 30, 1981	131.0¢

[FR Doc. 81-35065 Filed 12-7-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following

decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–79348. By decision of November 3, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3, approved the transfer to CAR-BEC TRUCKING CO., INC. of Box 6250, Bluefield, WV 24701 of Certificate No. MC–143623 (Sub-No. 1) issued to City Coal and Supply Company, Inc. of Princeton, WV 24740 authorizing: to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bulk, in dump vehicles, from the facilities of Morton Salt Company, at or near Princeton, WV, to points in Bland, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Henry, Montgomery, Patrick, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, VA. Representative: Clovis Cox, Box 6250, Bluefield, WV 24701. TA lease is not sought. Transferee is not a carrier.

MC–FC–79426. By decision of November 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1045.11, Review Board Number 3 approved the transfer to OLYMPIA TRAILS TOURS, INC., of License No. MC–130951F issued February 6, 1981, to Olympia Trails Bus Co., Inc., authorizing the holder to engage in operations as a *broker*, at Irvington, NJ, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Essex and Union Counties, NJ, and New York, NY, and extending to points in the United States (except AL and HI). Representative: Eric Meierlioefer, 1029 Vermont Ave., NW., Suite 1000, Washington, DC 20005, (202) 347–9332.

MC–FC–79428. By decision of November 4, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Broad Number 3 approved the transfer to BLUE STREAK CORPORATION of 170 Avenue F, Bayonne, NJ 07002 of Permit No. MC–142820 (Sub-Nos. 1 and 3) now held by Odex Express, Inc. of 170 Avenue F, Bayonne, NJ 07002 authorizing the transportation of: (1) Fat and trimmings (except in bulk) from Baltimore, MD, Boston, MA and points in NY, NJ and DC to Carteret, NJ. (2) Shortening from Carteret, NJ to points in CT, DE, NJ, MD, MA, RI and DC, Kissimmee, FL, Collingwood, Pittsburgh and Saltsburg, PA, Roanoke, VA, Clarksburgh and New Cumberland, WV; and all points within that part of the United States bounded generally on the east by the Atlantic Ocean, on the north by the MD–VA State line; on the west generally by a line beginning at the junction of U.S. Highway 15 and the MD–VA State line, and extending southerly along U.S. Highway 15 through Virginia and across the VA–NC State line to Oxford, NC, then southwesterly along U.S. Highway 85 to the NC–SC State line, then westerly along the NC–SC State line, then westerly along the NC–SC, NC–GA, and TN–GA State lines to the junction of U.S. Highway 75 and the TN–GA State line, then southerly along U.S. Highway 75 to the GA–FL State line; and on the south generally by a line beginning at the junction of Interstate 75 and the GA–FL line, then easterly, southeasterly and north-easterly along the GA–FL State line to junction Interstate 95, then southerly along Interstate 95 to junction U.S. 1, then southerly along U.S. 1 to the Atlantic Ocean. (3) Fat and trimmings from points in OH to Carteret, NJ, (4) Shortening (except in bulk) form Carteret, NJ to points in OH, and (5) Animal Feed, animal feed ingredients, and animal feed additives and materials and supplies used in the manufacture or distribution of the commodities named herein from OH to points in CT, ME, MA, NH, NJ, NY, PA, RI and VT, under continuing contract(s) in (1) and (2) above with Intercom Co. Inc., of Carteret, NJ and 3, 4 and 5 above with Kal Kan Foods, Inc., of Vernon, CA. Representative: Arthur J. Piken, Esq., Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. TA lease is not sought. Transferee is not a carrier.

MC–FC–79429. By decision of November 4, 1981, issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to JEFFREY J. WELCH, d.b.a. RAILBOW TOURS of P.O. Box 286, Alpena, MI 49707 of License No. MC–130477F issued to Jeffrey J. Welch and Cody F. Welch, d.b.a. Alpena Travel Service of 118 West Washington Avenue, Alpena, MI 49707 authorizing: brokerage service at Alpena, MI, for the transportating passengers and their baggage, in round-trip tours, in special or charter operations, between points in the United States (including AK, but excluding HI), restricted to tour service originating at and destined to points in Cheybogan, Presque Isle, Montmorency, Alpena, Ostego, Oscoda, Alcana, Roscommon, Ogenaw, and Jasco Counties, MI. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transferee is not a carrier.

MC–FC–79434. By decision of November 4, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to WALTER J. McAULEY, Warminister, PA of Certificate No. MC–146567 (Sub-No. 3)F issued November 26, 1980, to Coast Transport, Inc., of Trevose, PA, authorizing the transportation of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, (1) between Philadelphia, PA, on the one hand, and on the other, Baltimore, MD; New York, NY; and Norfolk, VA; and (2) between points in Philadelphia, PA, restricted to traffic having a prior or subsequent movement by water. Representative: Leon H. Kline, 1201 PSFS Bldg., 12 S. 12th Street, Philadelphia, PA 19107.

MC–FC–79435. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LeANNE EMERY, JAMES CLOUGH, GENE TOLLOTY, d.b.a. B.D. & G. TRANSPORTATION OF MIDVALE, OH of Certificate No. MC–119573 (Sub-Nos. 15 (portion) and 18) issued December 19, 1980, and July 9, 1981, to Watkins Trucking, Inc., of Uhrichsville, OH, authorizing the transportation in Sub-No. 18 of *building materials* between points in WI, MN, ND, NJ, and OH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and, in Sub-No. 15, part (5), of *ores* from Exton, PA and Camden, NJ, to points in Tuscarawas County, OH, part (6), *iron oxide* from East Greenville, PA, to points in Tuscarawas County, OH, and part (7), *iron and steel and iron and steel products*, between points in Tuscarawas County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. TA lease is not sought. Transferee is not a carrier.

MC–FC–79439. By decision of November 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49

CFR 1132, Review Board Number 3 approved the transfer to AIRPORT MINI-BUS, INC., of Reno, NV, of Certificate No. MC–146460 (Sub-No. 2F), issued September 11, 1981, to Consolidated Transportation Services, of Incline Village, NV, authorizing the transportation of *passengers and their baggage and ski and camping equipment*, in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 20 passengers including the driver in any one vehicle, between those points in CA in and east of Tahoe National Forest, on the one hand, and, on the other, points in Washoe, Carson City, Storey, and Douglas Counties, NV. Representative: Michael W. Dyer, 50 West Liberty, Suite 610, Reno, NV 89501.

Notes.—TA has not been filed. Transferee is a non-carrier.

MC–FC–79444. By decision of November 20, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to UTAH VALLEY TRANSIT, INC., of Provo, UT of a portion of Certificate No. MC–112062 issued to Dickerson J. Smith, d.b.a. Uinta Motor Ways, an individual proprietorship of Caspter, WY on February 13, 1973, authorizing the regular route transportation of *passengers and their baggage*, during the season extending from June 1 and December 31, both inclusive, of each year, between Salt Lake City, UT and Evanston, WY. Representative: Harry Hardman, P.O. Box 195, Provo, UT 84601. TA lease is not sought. Transferee is a carrier.

MC–FC–79445. By decision of November 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to the HAMILTON TRAVEL AND INCENTIVE CORP. OF NEW YORK, NY of License No. MC–12426 and MC–12426 (Sub-No. 1) issued June 24, 1970, and August 10, 1972, to Groups Unlimited, Inc., of New York, NY, authorizing the transportation as a broker of passengers and their baggage, moving in round-trip all-expense tours, by motor vehicle or by any combination of motor vehicle and other means of transportation, beginning and ending at New York, NY and extending between points in the United States (except those in AK and HI. Restriction: The service authorized herein is subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC–29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions, if any as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage, in round-trip all-expense tours. Applicant is authorized to engage in the above-specified operations as a broker at New York, NY, Atlantic City, NJ, Philadelphia, PA, and Baltimore, MD. Passengers and their baggage, in round-trip group tour service in special operations, beginning and ending at Westchester County, NY, and extending to points in the US. Restriction: The operations authorized herein are restricted against the transportation of students or youth groups between the period June 20 and September 20 of each year. Applicant is authorized to engage in the above-specified operations as a broker at New York, NY. Representative: Leonore Enken, 15 Central Park West, New York, NY 10023, 212–765–8026.

MC–FC–79446. By decision of November 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to T. E. SMITH AND SON, INC., of West Chester, PA, of Certificate No. MC–3106 issued to Herbert D. Smith II, d.b.a. T. E. Smith and Son of West Chester, PA authorizing the transportation of household goods, between points within a radius of 10 miles of West Chester, PA, on the one hand, and, on the other, points, CT, DE, MD, MA, NJ, NY, RI, VA, and DC. Representative: John A. Featherman III, P.O. Box 657, West Chester, PA 19380. TA lease is not sought. Transferee is not a carrier.

MC–FC–79447. By decision of November 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to MANN-HAN, INC. of No. MC–31023 (Sub-No. 5 & 6) issued October 7, 1981 and June 30, 1981 respectively to Thomas Express Co., Inc. authorized the transportation of *general commodities* (a) in (Sub-No. 5), except classes A and B explosives between points in NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, VA, and DC and (b) in (Sub-No. 6) (1) over regular routes with the usual exceptions, between New York, NY, Clifton, NY, and Philadelphia, PA, serving certain intermediate and off-route points and (2) over irregular routes with the usual exceptions between Clifton, NJ and points in eight NJ counties, between Clifton, NJ, and points in eight NJ counties, on the one hand, and, on the other, New York, NY, and points in ten NY counties, and between New York, NY, on the one hand, and, on the other, points in 19 NJ counties.

MC–FC–79453. By decision of November 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to DIAMOND VAN LINES, INC. of Manassas, VA of Certificate No. MC–15643 and Sub-Nos. 1, 2, 5, 6G and 7 issued on March 9, 1981, September 14, 1965, November 29, 1966, July 18, 1981, March 6, 1981 and July 30, 1981 to FOUR WINDS VAN LINES, INC. of San Diego, CA. authorizing the transportation of household goods as defined by the Commission from to or between various points in the United States. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. TA lease is not sought. Transferee is not a carrier.

MC–FC–79463. By decision of November 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to PARKWAY CARTAGE, INC., of Franklin Park, IL, of Certificate No. MC–126764 (Sub-No. 1F), issued to MOHAWK CARTAGE COMPANY, of Chicago, IL, authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between points in Boone, Cook, Crystal Lake, Kalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, Lee, LaSalle, Livingston, McHenry, Will and Wonder Lake Counties, IL, on the one hand, and, on the other points in Lake, Lafayette, Elkhart, Porter and St. Joseph Counties, IN, and Green, Kenosha, Lake Geneva, Milwaukee, Jefferson, Rock, Walworth, Waukesha and Washington Counties, WI. Representative: Carl L. Steiner, 29 South LaSalle Street, Suite 905, Chicago, IL 60603.

Notes.—TA has been filed. Transferee is authorized to operate as a common carrier under MC–135235.

MC–FC–79464. By decision of November 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to JAMES C. DURHAM d/b/a WOODWAY MOVING & STORAGE of Certificate No. MC–101299 and (Sub-No. 2) issued to HAROLD WOOD SR d/b/a THE WOODWAY authorizing the transportation of (1) *household goods*, between points in VT on and north of U.S. Hwy 2, on the one hand, and, on the other, points in NH, MA, and NY; (2)

race horses, between points in VT north of U.S. Hwy 2, on the one hand, and, on the other, the International Boundary Line between the United States and Canada through VT ports of entry; (3) *posts,* from Newport, VT, and points within 20 miles of Newport, to points in NH, and (4) *household goods* as defined by the Commission, between points in that part of VT on and north of U.S. Hwy 2, on the one hand, and, on the other, points in CT and ME. Representative: James Durham, P.O. Box 152, Lyndonville, VT 05851.

Note.—Transferee presently has no authorized authority from the Commission.

MC–FC–79465. By decision of 11/17/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to EIT TRANSPORTATION, INC., of Certificate No. MC–99369 (Sub-No. 3) issued to IMPERIAL MOTOR LINES, INC., authorizing the transportation of *general commodities* (usual exceptions) (a) between points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in NJ within 15 miles of Columbus Circle, NY and (b) between New York, NY, on the one hand, and, on the other, points in NJ within 15 miles of Columbus Circle, NY. TA is not sought. Representative: Ronald Dandrea, 1456 Deer Park Ave., North Babylon, NY 11703

Note.—Transferee presently holds no authority from the Commission.

MC–FC–79469. By decision of 11/20/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CLASS TRAVEL, INC. of License No. MC–12791 issued to MEYER & DIETEL TOURS, LTD., (R. ARTHUR LUDWIG, TRUSTEE IN BANKRUPTCY) authorizing operations as a broker, at Milwaukee, WI, arranging for the transportation of *passengers and their baggage,* limited to students, their teachers and chaparones, in charter operations, in round-trip all expense tours, (a) beginning and ending at points in WI and extending to rail terminals in Chicago, IL; and (b) beginning and ending at Washington, DC, Silver Spring and Baltimore, MD, and extending to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and WV. Representative: Jules E. Novak, P.O. Box 213, W16485 Janesville Road, Muskego, WI 53150.

Note.—Transferee is a non-carrier.

MC–FC–79470. By decision of November 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Topliff Truck Line, Inc. of Salina, KS of Certificate No. MC–57393 (Sub-No. 11) issued to Winters Truck Line, Inc. of Wichita, KS on March 19, 1981, authorizing the transportation of general commodities (except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, KS and Abilene, KS, serving the intermediate points of Solomon, Salina, McPherson, KS, and the off route point of Enterprise, KS. From Wichita, KS over US Hwy 81 and I–135 to the junction of NJ Hwy 40 and I–70 and then over U.S. Hwy 40 at I–70 to Abilene, KS. Applicant's representative: Charles J. Kimball, 1600 Sherman St., Denver, CO 80203, TA lease is sought. Transferee is a carrier.

MC–FC–79471. By decision of November 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Leasing Systems, Inc., of San Jose, CA, of Permit No. MC–144547 issued October 5, 1979, MC–144547 (Sub-No. 2) issued May 25, 1979, MC–144547 (Sub-No. 4) issued February 12, 1980, MC–144547 (Sub-No. 6) issued November 19, 1980, Mc–144547 (Sub-No. 7) issued September 10, 1980, MC–144547 (Sub-No. 8) issued November 19, 1980, MC–144547 (Sub-No. 9) issued November 19, 1980, MC–144547 (Sub-No. 10) issued November 7, 1980, MC–144547 (Sub-No. 11) issued October 28, 1980, MC–144547 (Sub-No. 12) issued November 26, 1980, MC–144547 (Sub-No. 13) issued October 28, 1980, and Certificate No. MC–144547 (Sub-No. 14) issued February 13, 1981, to Dura-Vent Transport Corporation, of Redwood City, CA, authorizing the movement of named commodities, from, to, or between various points in the United States under continuing contracts with (1) Dura-Vent Corporation, of Redwood City, CA; (2) Southport Stoves, Inc., of Stratford, CT; (3) Building Products Manufacturing Co., Div., "Hutch" Manufacturing Co., of Detroit, MI; (4) Dunham Lehr, Inc., of Richmond, IN; (5) All Nighter Stove Works West, Inc., of Richmond, IN; (6) The Williamson Company of Cincinnati, OH; (7) Universal Filter Supply, Inc., (8) Road Systems, Inc., a C.F. Company, of Fontana, CA; (9) Warner-Lambert Company and its subsidiaries; (10) Lehn & Fink Products Group/Sterling Drug, Inc., of Montvale, NJ; (11) Charms Company of Freehold, NJ; (12) Olin Corporation, of Stamford, CT; and (13) American Cyanamid Company, of Wayne, IN. and the common carrier transportation of wood burning stoves between points in the U.S. Applicant's representative is: Michael Nolan, 1346 East Taylor Street, San Jose, CA 95133, (408) 286–3015. TA lease is not sought Transferee is not a carrier.

MC–FC–79476. By decision of November 20, 1981 served under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to T&M TRUCKING of Certificate No. MC–128191 issued to RICHARD KRAHENBUHL authorizing: over irregular routes, *general commodities,* (with the usual exceptions), from South St. Paul, St. Paul, Newport, Minneapolis and Stillwater, MN, to points in the towns of Clinton and Barron, Barron County, WI. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–35067 Filed 12–7–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 40 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and

payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 1, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14714, filed October 13, 1981. (Correction) (Previously published in the **Federal Register** issue of November 2, 1981.) W.T.S. ENTERPRISES, INC.—CONTROL—WESTERN TRANSFER AND STORAGE, INC.; WESTERN TRANSPORTATION SYSTEMS, INC.; and W.T.S. OF MICHIGAN, INC. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. The purpose of this republication is to correct a typographical error in System's Permit No. MC–146336 (Sub-No. 4), which should read as follows: (1) *uncrated xerox copying machines and word processing machines,* and (2) *materials, supplies and parts* used in the manufacture, installation, and distribution of the commodities named in (1) above, between El Paso, TX, on the one hand, and, on the other, points in NM, under continuing contracts with Xerox Corporation.

MC–F–14741, filed November 17, 1981. LTC CORPORATION, a wholly owned subsidiary of LEASEWAY TRANSPORTATION CORP., 3700 Park East Dr., Cleveland, OH 44122, seeks authority to (1) acquire control of MIDWESTERN DISTRIBUTION, INC., through purchase of stock, and (2) merge with Midwestern Distribution, Inc. Applicants' Attorney: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought to be controlled: Midwestern Distribution, Inc. holds Certificate No. MC–128273 and Subs thereunder which authorize the transportation of general commodities, over irregular routes, between points in the U.S. Midwestern Distribution, Inc. controls Intermodal Systems, Inc. which holds Certificate No. MC–144901 and Subs thereunder which authorize the transportation of general commodities, over irregular routes, between points in the U.S. Leaseway Transportation Corp. is a publicly held corporation that controls, with Commission approval, the following motor carriers: Anchor Motor Freight, Inc. (MC–808); Gypsum Haulage, Inc. (MC–112113); Signal Delivery Service, Inc. (MC 108393); Sugar Transport, Inc. (MC 115924); Dedicated Freight Systems, Inc. (MC 139583); Custom Deliveries, Inc. (MC 142693); LDF, Inc. (MC 147101); Stam-Win, Inc. (MC 147294 and MC 150185); Pep Lines Trucking Co. (MC 120184 and MC 152085); General Trucking Service Inc. (MC 143308); Charlton Transport (Quebec) Limited (MC 141250); Vernon Equipment, Inc. (MC 150412); Amac Trucking, Inc. (MC 140619); Better Home Deliveries, Inc. (MC 150511); Geo. McNeil Teaming Company (MC 153315); Leaseway Trucking, Inc. (MC 153610); United Home Delivery, Inc. (MC 153685); Max Binswanger Trucking (MC 116314); and Refiners Transport & Terminal Corporation (MC 50069). Max Binswanger Trucking controls Balser Truck Co. (MC 96630), and Bulk Freightways (MC 125417). Refiners Transport & Terminal Corporation controls A.R. Gundry, Inc. (MC 25562). Application has not been filed for temporary control under 49 U.S.C. 11349.

[FR Doc. 81-35066 Filed 12-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 67)]

Rail Carriers; Louisville & Nashville Railroad Co.; Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and its contract and contract tariff to be filed may be made effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Louisville and Nashville Railroad Company filed on November 25, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make tariff ICC–LN–C–0006 effective on one day's notice.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition is granted. The involved shipper has limited storage facilities and is now approaching its maximum storage level. The shipper will incur a severe hardship if shipments can not begin immediately.

We conclude that this is the type of exceptional circumstances which warrants an exemption. Petitioner's contract tariff ICC–LN–C–0006 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings;

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances in not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 1, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35062 Filed 12-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-125 (Sub-No. 5F)]

Rail Carriers; Norfolk Southern Railway Co. and Durham and South Carolina Railroad—Abandonment—in Wake, Chatham, and Durham Counties, NC; Notice of Findings

The Commission has issued a certificate authorizing the Norfolk Southern Railway Company to discontinue operations and the Durham and South Carolina Railroad Company (DSC) to abandon a 23.27-mile rail line between Bonsal, NC (milepost DD-10.43) and South Durham, NC (milepost DD-33.7), in Wake, Chatham, and Durham Counties, NC, subject to conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on applicants with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35064 Filed 12-7-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Allis Chalmers Corp. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involves.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of November 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No	Articles produced
Allis Chalmers Corp. (workers)	Laporte, Ind	11/24/81	11/19/81	TA-W-13,109	Equipment—farm.
Concord Coats, Inc. (ILGWU)	New York, N.Y	11/25/81	11/19/81	TA-W-13,110	Coats—misses and Jr's.
Elliott Sportswear Co., Inc. (company)	Elliott, Miss	11/27/81	11/20/81	TA-W-13,111	Coats—men's ladies' and boys'
Embassy Produce Corp. (workers)	Ridgewood, Queens, N.Y	11/27/81	11/24/81	TA-W-13,112	Tomatoes—nipping, grading, packing
General Dynamics Corp., Quincy Shipbuilding Div (T.U.M.S.W.A.).	Quincy, Mass	11/27/81	11/16/81	TA-W-13,113	Ships, tankers.
Grand Fashions, Inc. (company)	Hoboken, N.J	11/20/81	11/16/81	TA-W-13,114	Coats—ladies'
Hamilton Cedar Products, Inc. (workers)	Sedro Wooley, Wash	11/27/81	11/23/81	TA-W-13,115	Shakes, tapersaws.
Jones & Laughlin Steel Corp., Briar Hill Works (USWA).	Youngstown, Ohio	11/25/81	11/24/81	TA-W-13,116	Bars, coils and wire
LaSalle Machine Tool, Inc. (UAW)	Warren, Mich	11/27/81	11/24/81	TA-W-13,117	Machines, tools and agricultural implement industries.
Peabody House, Inc., (ILGWU)	New York, N.Y	11/23/81	11/18/81	TA-W-13,118	Coats—ladies.
Philips ECG, Inc. (IBEW)	Ottawa, Ohio	11/24/81	11/19/81	TA-W-13,119	Tubes—picture, color, black and white.
RCA Corp., Consumer Electronics Div. (IBEW)	Bloomington, Ind	11/27/81	11/24/81	TA-W-13,120	T.V. sets—color players—video disc.
Scullin Steel Co. (USWA)	St. Louis, Mo	11/25/81	11/23/81	TA-W-13,121	Castings—railroad.
Valli Fashions Co., Inc. (company)	Hoboken N.J	11/30/81	11/23/81	TA-W-13,122	Coats—ladies'.
W.S. Shanhouse (Operating Engineers Union)	Hope, Ark	11/20/81	11/12/81	TA-W-13,123	Outerwear—men's.

[FR Doc. 81-35080 Filed 12-7-81; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Brown Shoe Co. Et Al.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period November 23–27, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports or articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,212; Brown Shoe Co., Bernie, MO

TA–W–11,636; Kay Industries, Inc., Detroit, MI

TA–W–11,413; N.L. Fasteners, Statesville, NC

TA–W–11,374; Lansford Apparel Co., Lansford, PA

TA–W–11,315; Jonathan Logan Dress, Philadelphia, PA

TA–W–12,310; Elrae Press Metals, Buffalo, NY

TA–W–11,520; Simonds Cutting Tools, Wallace Murray Corp., Newcomerstown, OH

TA–W–11,746; General Motors Corp., Truck and Coach Div. Coach Line, Pontiac, MI

TA–W–11,065; Modern Tool and Die Co., A Div. of MTD Products, Inc., Cleveland, OH

TA–W–11,063; United Technologies Corp., Automotive Products Div., Kenton, OH

TA–W–11,092; Holiner Leather Products, Inc., Elizabeth, NJ

TA–W–11,627; Westinghouse Electric Corp., Small Motor Div., Union City, IN

TA–W–11,311; Dyneer Corp., Mercury Products Div., Canton, OH

TA–W–11,598; Andrew Bruce Fashions, Ltd., New York, NY

TA–W–12,023; Lally Mfg. Corp., New York Mills, NY

TA–W–12,670; Bethlehem Mines Corp., Kayford-Boone-Nicholas Div., Charleston, WV

TA–W–11,890; Columbia Belt and Novelties, Inc., Boston, MA

TA–W–10,863, 12,072, & 12,678l; Ely and Walker, Inc., Paragould, AR, Kenneth, MO, and Heber Springs, AR

TA–W–11,732; Gerardi Sportwear Co., Inc., Oceanside, NY

TA–W–11,577; Theodore Gershenwald and Sons, Inc., New York, NY

TA–W–12,326; Chrysler Corp., Michigan City Molded Products Div., Michigan City, IN

TA–W–11,645; Dyneer Corp., Spun Steel Div., Canton, OH

TA–W–11,017; United Screw and Bolt Corp., Fastener and Stamping Div., Cleveland, OH

TA–W–12,071; Alison Ayres, Inc., New York, NY

TA–W–12,179; Haidee Sportswear Co., Inc., Highland Park, NJ

TA–W–12,064; Sprague Electric Co., Hillsville, VA

TA–W–11,603, 11,726, 12,012, 12,013, 12,013A, 12,111, 12,873, 12,874, 12,875, & 12,876; Salant Corp., Salant and Salant Div., Lexington, TN; Marked Tree, AR; Trumann, AR; Somerville, TN; New York City, NY; Union City, NY; Loretto, TN; Lawrenceburg, TN; Henderson, TN; and Jackson, TN

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,120; N&R Fashions, Inc., Paterson, NJ

TA–W–10,166 & 11,252; Penick Corp., Lyndhurst and Newark, NJ

TA–W–12,410; Stupp Brothers Bridge and Iron Co., St. Louis, MO

TA–W–11,353; B&G Fabricating Co., Inc., Carnegie, PA

TA–W–11,181; SKW Alloys, Inc., Calvert City, KY

TA–W–12,436; Alorna Coat Corp., Hoboken, NJ

TA–W–12,655; DAP, Inc., Michigan City, IN

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA–W–12,705; Amoco Chemicals Corp., New Castle, DE

Aggregate U.S. imports of polypropylene resin is negligible.

TA–W–12,397; Hooker Chemical Corp., North Tonawanda, NY

Aggregate U.S. imports of phenolicresing and molding compounds are negligible.

TA–W–13,046; White Diamond, Inc., Algoma, WV

Aggregate U.S. imports of bituminous coal and of coke did not increase as required for certification.

TA–W–11,346; Rud-Shaw Mfg. Corp., Brooklyn, NY

Aggregate U.S. imports of suitcoats and sportcoats did not increase as required for certification.

TA–W–11,157; Mahon Industrial Corp., Saginaw, MI

Aggregate U.S. imports of paint spray systems are negligible.

In each of the following cases the investigation revealed that workers of the subject firms do not produce an article within the meaning of Section 222(3) of the Act.

TA–W–11,952; Gastrans, Inc., Stramford, CT

TA–W–11,319; American Biltrite, Inc., Trenton, NJ

In the following case the investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA–W–11,672; All Seasons, Inc., Paterson, NJ

Affirmative Determinations

TA–W–12,401; Walnut Grove Mfg. Co., Walnut Grove, MS

A certification was issued for a petition received on March 5, 1981 covering all workers of the firm separated on or after March 2, 1980.

TA–W–11,354; Eric Scot Sportswear, Inc., Farmington, NY

A certification was issued for a petition received on October 15, 1980 covering all workers separated on or after January 1, 1980.

TA–W–11,177–11,180; Monte Glove Co., Webster Street Plant and Highway 15 Plant, Maben, MS, Mantee, MS, and Pheba, MS

A certification was issued for a petition received on September 29, 1980 covering all workers separated on or after September 24, 1979.

TA–W–12,637; Hope Mfg. Co., Scranton, PA

A certification was issued for a petition received on April 16, 1981 covering all workers separated on or after September 1, 1980.

TA–W–10,164 & 10,165; Murata Erie North American, Inc., Marietta, and Rockmart, GA

Certifications were issued for a petition received on July 21, 1980 covering all workers producing filters at the Marietta, Georgia plant separated on or after December 1, 1979 and all workers producing capacitors at the Rockmart, Georgia plant separated on or after January 1, 1980.

I hereby certify that the aforementioned determinations were issued during the period November 23–27, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 or will be mailed to persons who write to the above address.

Dated: November 30, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–35081 Filed 12–7–81; 8:45 am]

BILLING CODE 4510–30–M

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to the requirements of Pub. L. 95–602, I hereby certify that the Consumer Price Index for All Urban Consumers rose by 10.2 percent between October 1980 and October 1981 from a level of 253.9 (1967=100) in October 1980 to a level of 279.9 (1967=100) in October 1981.

Signed at Washington, D.C., on the 3rd day of December 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–35161 Filed 12–7–81; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Cancellation of Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Cancellation of meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 57657, Tuesday, November 24, 1981.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is given of the cancellation of the meeting previously scheduled for December 18, 1981, at the Hyatt Regency Hotel, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph E. Smith, Deputy Director, National Commission for Employment Policy, 1522 K Street, N.W., Washington, D.C., Suite 300, (202) 724–1553.

Signed in Washington, D.C. this second day of December 1981.

Ralph E. Smith,

Deputy Director, National Commission for Employment Policy.

[FR Doc. 81–35082 Filed 12–7–81; 8:45 am]

BILLING CODE 4510–30–M

Cancellation of Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Cancellation of meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: FR 46 57657, Tuesday, November 24, 1981.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is given of the cancellation of the meeting previously scheduled for December 16 and 17, 1981, at the Hyatt Regency Hotel, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph E. Smith, Deputy Director, National Commission for Employment Policy, 202–724–1553, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C. this second day of December, 1981.

Ralph E. Smith,

Deputy Director National Commission for Employment Policy.

[FR Doc. 81–35083 Filed 12–7–81; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Visual Arts Panel (Painting); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Painting) to the National Council on the Arts was to be held on December 15–17, 1981, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506 and is hereby cancelled.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

December 2, 1981.

[FR Doc. 35072 Filed 12–7–81; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50–269, 50–270 and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 105, 105, and 102 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TSs to allow full power operation of Unit 1 for fuel Cycle 7, reflect completed modifications to the high pressure injection system and revise the boron concentration requirements.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will

not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 29 and August 25, 1981, as supplemented by letter dated October 16, 1981, (2) Amendments Nos. 105, 105, and 102 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of November 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–35103 Filed 12–7–81; 8:45]

BILLING CODE 7590–01–M

[Docket No. 50–344]

Portland General Electric Company et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. NPF–1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensee), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment: (1) Revises the operability requirements for fire-detection instruments by identifying the minimum numbeer required to be operable by fire detection zones within each safety-related area, (2) adds operability requirements for fire detection instruments in eight additional areas, and (3) modifies the visual inspection of fire hose stations in areas which are inaccessible during plant operation to require such inspections during each cold shutdown exceeding 24 hours in duration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1981, (2) Amendment No. 69 to License No. NPF–1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Multnomah County Library, Social Science and Science Department, 801 SW 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–35104 Filed 12–7–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. NPF–1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment reduces the trip setpoint for high containment pressure as specified in NUREG–0737, "Clarification of TMI Action Plan Requirements", item II.E.4.2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 16, 1981, (2) Amendment No. 68 to License No. NPF–1 and (3) the Commission's related letters dated July 28, 1981 and November 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention. Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–35105 Filed 12–7–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266–OLA & 50–301–OLA]

Wisconsin Electric Power Co., (Point Beach Nuclear Plant, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred

by 10 CFR 2.787(a) the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license amendment proceeding: Thomas S. Moore, Chairman, Dr. W. Reed Johnson, Dr. Reginald L. Gotchy.

Dated: December 1, 1981.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 81-35106 Filed 12-7-81; 8:45 am]

BILLING CODE 7590-01-M

State of Texas; Staff Assessment of Proposed Amended Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Texas.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing section 274b. agreement between NRC and the State of Texas which became effective March 1, 1963. The request dated November, 6, 1981 from Governor Clements of the State of Texas, if approved, would permit Texas to regulate byproduct material as defined in section 11e(2) of the Atomic Energy Act, as amended, (uranium mill tailings) in conformance with the requirements of section 2740. of the Atomic Energy Act of 1954, as amended.

A staff asessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Texas including a narrative describing the State's proposed program for control over byproduct materials as defined in section 11e.(2) of the Act, appropriate State legislation, and Texas regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, DC.

DATE: Comments must be received on or before January 7, 1982.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, DC 20555, Phone: (301) 492-9886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Texas Program to Regulate Byproduct Material as Defined in section 11e.(2) of the Act, based on Criteria 29-36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreements," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements of section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor William P. Clements, Jr. of the State of Texas has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings. His request was supported by a description of the State's program for control of uranium mills and mill tailings.

The State has 19 active licensees who process ore primarily for its source material content including two conventional uranium mills, 15 in-situ mining operations, and 2 smaller uranium recovery operations. Texas has also received four applications, one for a conventional mill and three for in-situ mining operations. No in-situ mining and recovery facility licensed by the State is authorized to establish a permanent tailings disposal area.

II. Assessment of Proposed State of Texas Radiation Control Program for Uranium Mills and Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95-604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licensed activities.

The Texas Radiation Control Act, as amended by Senate Bills 480 and 735, includes the legislative provisions required by the UMTRCA of 1978 and provide satisfactory statutory authority for the State of Texas to implement the requirements of UMTRCA of 1978.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary, incorporate regulatory language which is equivalent, to the extent practicable, or more stringent than regulations and standards adopted and enforced by the Commission, as required by section 274o. (See 10 CFR Part 40, Appendix A and 10 CFR 150.31(b).)

On September 19, 1981, the Texas Board of Health adopted amendments to Parts 21, 41, and 43 of the *Texas Regulations for Control of Radiation* relating to the licensing and regulation of uranium mill tailings. Part 43 regulations address: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, inspection procedures, surety arrangements, requirements for site ownership, and criteria for decontamination, decommissioning, and reclamation of facilities following license expiration. The rules became effective on October 3, 1981. In the narrative section of the formal proposal, several statements

[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

describe how certain rules are to be implemented. It is the staff's opinion that these rules, in conjunction with the statements made in the narrative, are, to the maximum extent practicable, equivalent to the regulations promulgated and enforced by NRC.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

a. Charts should be developed which show the management organization and lines of authority. This chart should define the specific lines of supervision from program management within the radiation control group and any other department within the State responsible for contributing to the regulation of uranium processing and disposal of tailings. When other State agencies or regional offices are utilized, the lines of communication and administrative control between other agencies and/or regions and the Program Director should be clearly drawn.

Organizational charts outlining the Texas Department of Health, the Bureau of Radiation Control (BRC), and divisions within the Bureau of Radiation Control have been included in the proposal. The BRC is organized into three operational divisions: The Division of Licensing, Registration, and Standards (LRS), the Division of Compliance and Inspection (CI), and the Division of Environmental Programs (EP). Each division is subdivided into Branch Offices. Regional office staff are included in the Division of Compliance and Inspection.

All other functions of the uranium mill regulatory program will be conducted by the Bureau's office located in Austin, Texas.

b. Those States that will utilize personnel from other State Departments or Federal agencies in preparing the environmental assessment should designate a lead agency for supervising and coordinating preparation of this environmental assessment. It is normally expected that the radiation control agency in Agreement States will be the lead agency. The basic premise is that the lead agency is required to prepare the environmental assessment.

The Uranium Program within the Industrial Operations Branch, Division of LRS, is responsible for the evaluation of all applications for uranium recovery facility licenses received by the Bureau. Included are the preparation of the in-plant safety analysis reports and licensing documents.

The Standards Branch is responsible for developing and coordinating adoption of rules, regulatory guides, and license application guides related to uranium recovery facilities. This Branch also works with the Legal Division in coordinating all public notices and public hearings.

It is not anticipated that staff from other State agencies will be directly utilized in the preparation of environmental assessments nor in the licensing and inspection of uranium recovery facilities. However, three State agencies do work closely with the Bureau of Radiation Control by providing reference materials, and supplying review and comments on the applicant's environmental report, and the environmental assessment. These are the Texas Air Control Board (emission of non-radioactive pollutants into air), the Texas Department of Water Resources (emission of non-radioactive pollutants into water, aquifers, and wells used for in situ mining), and the Texas Railroad Commission (regulation of open pit mining and uranium exploration).

c. When a lead agency is designated, that agency should coordinate preparation of the statement. The other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant in obtaining assistance from other agencies include the applicable statutory authority, the time sequence in which the agencies become involved, the magnitude of their involvement, and relative expertise with respect to the project's environmental effects.

The Texas Department of Health is the agency which will prepare the environmental assessment. The Environmental Assessment Branch is responsible for the evaluation, analysis, coordination, and preparation of environmental assessments issued by the Bureau of Radiation Control. This Branch has persons with expertise in geology, hydrology, soil mechanics, meteorology, zoology, botany, computer science, chemistry, physics, radiation protection and dose assessment. This Environmental Assessment Branch's effort may be augmented with other Bureau personnel on a case-by-case basis, if needed.

In preparing the environmental assessment, the Division of Environmental Programs will conduct site visits, evaluate computer analyses, perform literature reviews, coordinate laboratory analysis of environmental samples, and perform field evaluations. A draft environmental assesment is prepared.

Similarly, the Division of Compliance and Inspection furnishes the Division of Licensing, Registration, and standards with recommendations concerning potential problem areas within the proposed facility. After the LRS considers all recommendations, an independent safety evaluation report is prepared. Following completion of the draft environmental assessment and the draft in-plant analysis, both documents are reviewed internally by Bureau Staff and the Legal Division taking into account comments, information, and data received from other State agencies. Final documents are then prepared. A flowchart has also been included in the proposal which describes coordination with the Department for processing uranium mill license applications.

d. For those areas in the environmental assessment where the State cannot identify a State agency having sufficient expertise to adequately evaluate the proposal or prepare an assessment, the State should have provisions for obtaining outside consulting services.

Due to the establishment of adequate expertise and resources in the Bureau of Radiation Control, it is not anticipated the Bureau will need consultants. However, monies are available for consultants if they are needed for evaluating any particular site or project.

Medical consultants recognized for their expertise in emergency medical matters relating to the intake of uranium and its diagnosis thereof associated with uranium mining and milling, should be identified and available to the State for advice and direct assistance.

Physician members of the Radiation Advisory Board serve as medical consultants to provide advice and direct assistance in emergency medical matters relating to radiation exposure including uranium intake.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to met the requirements of UMTRCA, current indications are that 2–2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two

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conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of 1/2 staff-year. In addition, consideration must be given to such post-licenisng activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

a. We estimate the total professional and technical staff-years effort within the Bureau of Radiation Control directly responsible for regulation of uranium mills and mill tailings to be equivalent to 27 full-time staff members. A breakdown of professional personnel in each of the three Divisions has been provided along with job descriptions and duties for each position (including vacancies). Resumes describing the education, training, and experience of individual staff members were also submitted.

Details of staffing levels in each of the Bureau's three divisions are as follows:

(1) Division of Licensing, Registration and Standards. The organization of the Division of Licensing, Registration, and Standards, and the personnel assigned to each section within the division have been identified. Seven of eight professional positions having full-time or part-time responsibilities for regulation of uranium mills have been filled. These include two in the Industrial Operations Branch, two in the Uranium Program, one authorized but vacant position in the low-level waste program, and three in the Standards Branch.

(2) Division of Compliance and Inspection. The Division of Compliance and Inspection is organized into three Inspection and Enforcement Branches: Radioactive Materials, X-Ray/non-ionizing radiation, and Emergency Response. The Uranium Inspection Program and the Regional Inspection Programs are the two programs within the Radioactive Materials Inspection and Enforcement Branch responsible for conducting inspections at uranium mills. Currently, there are nine professional full-time staff members assigned to perform uranium mill compliance functions. The three members from the Uranium Inspection Program are responsible for performing on-site inspections. Inspectors from the Regional Inspection Program who are assigned to the regions in which certain uranium recovery facilities are located assist the three members during inspections of tailings areas and the environment. Also included in the uranium mill compliance program are three staff members from the Emergency Response Branch, an Administrator, and a Division Director.

(3) Division of Environmental Programs. Two branches in the Division of Environmental Programs are directly responsible for environmental monitoring and sampling at uranium mills. The Facility Surveillance Branch is responsible for implementation of the environmental surveillance program around milling facilities. There are three qualified staff members in this Branch. The basic functions of the Environmental Assessment Branch is to coordinate and prepare the environmental assessment. Personnel in this Branch have expertise in the areas of geology, hydrology, soil mechanics, meterology, computer science, radiation health, and dose assessments. A breakdown by program and associated personnel directly involved in preparation of an environmental assessment are: the Ecological Evaluations Program (3 members), the Hydrological and Geotechnical Program (2 members), and the Engineering Program (3 members). Directly supporting the Bureau and coordinating with the Division of Environmental Programs is the Bureau of Laboratories which provides five full-time environmental chemists (radiochemists) to process environmental samples.

b. Legal, Clerical, and Secretarial Support. Three full-time attorneys and two legal secretaries in the Environmental Law Branch of the Texas Department of Health's Legal Division are assigned to the Bureau of Radiation Control. They are responsible for providing legal assistance and advice on laws and regulations, issuance of public notices, and conducting public hearings.

c. Administrative Support. Senate Bills 480 and 375 established an 18-member Radiation Advisory Board whose members are appointed by the Governor. The Board acts in an oversight capacity to the Bureau to review and evaluate State policy relating to radiation sources. It also provides technical advice on matters related to regulation of sources of radiation. Within the Bureau, each division is staffed by at least one full-time individual who is responsible for administrative functions. In addition, programs in the Office of Information, Education, and Administration also provide administrative support to the Radiation Control Bureau in the following areas: public information, coordination of training for Bureau staff, maintaining license registration files, and procurement of equipment and supplies. Assisting the Bureau in maintaining the budget and in collection of surety arrangements for uranium mills (required by regulation) is the Financial Analysis Program.

5. Functions to be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Evaluation of an application for a uranium milling license is performed against appropriate State statutory and regulatory authority, and licensing guides. A list of NRC and State regulatory guides utilized in evaluating license applications has been furnished. The in-plant safety analysis and review of the applicant's enviromental report are performed concurrently.

In regard to the in-plant safety review, the Compliance and Inspection Division conducts a preliminary evaluation of the applicant's proposed facility, equipment, administrative procedures, radiation safety program, environmental monitoring program, and emergency procedures. Findings are then forwarded to the Division of Licensing, Registration and Standards for consideration in the safety analysis report.

A procedural flow diagram for processing the environmental report including interdivision coordination has been furnished. If the findings of the preliminary review are adequate, copies of the report are forwarded to outside State agencies for review and comment. At the same time, the Division of Environmental Programs initiates preparation of the environmental assessment pursuant to the requirements of UMTRCA and State regulation utilizing appropriate licensing guides.

Inspections of all byproduct material licensees are conducted by Texas in accordance with general inspection procedures. These procedures, which are common to all routine inspections, have been supplemented by instructions specific to inspections at mills.

Compliance and Inspection Division policy is to perform unannounced inspections. The functions of all State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. For uranium mill compliance functions, inspectors assigned to the uranium inspection program, in cooperation with regional inspectors, are required to review and evaluate all aspects of mill operations and tailings control. During these inspections, personnel utilize standard inspection forms supplemented by NRC inspection guides. Copies of

forms and guides have been furnished with the proposal. The frequency for conducting on-site uranium mill inspections is on an annual basis.

An environmental sampling program which includes obtaining samples of groundwater, surface water, vegetation, soil, air, and processing of thermoluminescent dosimeters (TLD) is also conducted by the uranium mill inspectors on a quarter basis. Results of inspection findings are submitted to the supervisory staff for appropriate technical consultation and review.

Section 274o.(3)(c) of the Atomic Energy Act requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections 4 and 11A. of the Texas Radiation Control Act, as amended, indicate that the Texas Radiation Control Agency will act as lead agency to independently prepare the environmental impact statement (EIS). Procedural requirements specific to preparing, coordination, organizing, and completing the EIS and issuance of specific licenses for uranium milling operations are contained either in the Act or recently adopted Part 43 of the Texas regulations.

As a supplement to the reporting requirements required by regulations or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

As previously noted, the Facility Surveillance Branch is responsible for designing and implementing a routine environmental surveillance program around each uranium recovery facility and conducting any special environmental surveillance project that may be needed. This Branch is also responsible for the operation of an environmental TLD monitoring system and verification of the licensee's environmental monitoring data. Dose assessments have been made at both conventional mills through utilization of computer models. The State's confirmation of radiation doses to nearest receptors from the conventional mills are determined to be within the limits of 40 CFR Part 190. Due to the absence of yellowcake dryer circuits, environmental doses may be considered to be negligible from in-situ uranium recovery operations.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Bureau of Radiation Control has utilized a portion of funds authorized under its UMTRCA grant to purcahse field equipment for monitoring and surveillance purposes. The list submitted in the proposal shows radiation detection instruments and environmental sampling capability of equipment available at the Bureau's headquarters and regional offices. A separate list of instruments each inspector uses in the field to conduct radiation surveys for identification of alpha, beta and gamma emitting isotopes, and equipment for sampling environmental media in and around milling facilities has also been included. Essential equipment has been duplicated and ensures full-time availability of appropriate instrumentation and equipment for inspection purposes. Detection capabilities of equipment include identification and analysis of alpha, beta and gamma emitters in the uranium decay chain (including Pb–210, Rn–222, RA–226, Th–230, and U–238) in solids, liquids, and gases. Commonly analyzed sample media includes smear samples, soil, water, vegetation, milk, and filter media.

All radiation instrumentation is calibrated within the Bureau according to written procedures. Standard radiation sources traceable to the U.S. National Bureau of Standards are used for calibration. In addition to internal quality control/quality assurance procedures, the Bureau of Laboratories also participates in the U.N. Environmental Protection Agency's Inter-Laboratory Quality Assurance Program.

Supplementing the radiochemical analyses, the Bureau of Laboratories can also provide standard chemical analysis for trace elements, inorganics, organics, etc. As the primary laboratory for water analysis under contract from the Texas Department of Water Resources, the Bureau of Laboratories conducts analyses of all water samples for the State required under U.S. Environmental Protection Agency regulations.

7. Conclusion

Based upon the foregoing, the NRC staff concludes that the State of Texas has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[1] (herinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of January 10, 1963) with the State of Texas under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on March 1, 1963, and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, Therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of January 10, 1963, is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of January 10, 1963, is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for

[1] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are not carried out by the Nuclear Regulatory Commission as of January 19, 1975.

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any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of January 10, 1963, is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of January 10, 1963, is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of January 10, 1963, is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation of long term surveillance or maintenance of such material.

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall become effective on .

Done at Austin, State of Texas, in triplicate, this day of 198 .

For the State of Texas.

William P. Clements, Jr.,

Governor.

Done at Washington, District of Columbia, in triplicate, this day of 198 .

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 2nd day of December, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-35079 Filed 12-7-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL SERVICE

Change in Mail Classification Schedule Attached Mail

On February 5, 1981, the Postal Rate Commission instituted a proceeding to evaluate whether separate rates and classifications should be established for mail of one class attached to mail of another class. On July 6, 1981, the Postal Service filed a request with the Postal Rate Commission for a recommended decision on changes in rates of postage for attached mail, pursuant to Chapter 36 of Title 39, United States Code. The Postal Rate Commission combined the two proceedings, docketed as Postal Rate Commission Docket Nos. MC81-2, R81-1. Notice of this action was published in the Federal Register by the Postal Rate Commission on July 20, 1981 (46 FR 37412).

On October 2, 1981, the parties to the combined proceeding entered into a Stipulation for Compromise Settlement, and filed it with the Commission in settlement of certain issues in the combined proceeding. The compromise settlement provides that incidental pieces of First-Class Mail may be attached to or enclosed with second-class mail, third-class merchandise (including books but excluding merchandise samples), and forth-class mail, with postage paid on the combined piece at the applicable rate of the host piece. Currently, although an incidental attrached piece of First-Class Mail travels as part of the host piece, the mailer pays not only the rate applicable for the host piece, but also the applicable First-Class rate if the attached piece had been mailed separately.

On November 20, 1981, the Postal Rate Commission issued an Opinion and Recommended Decision concerning the stipulated proposal for attached mail. The Commission recommended that the Governors adopt the revisions to the Domestic Mail Classification Schedule (DMCS) contained in the Stipulation for Compromise Settlement. On December 2, 1981, the Governors, pursuant to 39 U.S.C. 3625, approved the Commission's Recommended Decision and ordered the recommended changes in the DMCS into effect on a permanent basis. The Board of Governors concurrently determined that those changes would become effective at 12:01 a.m. on December 6, 1981. (The Governors' decision, the record of the Commission's proceedings, and the Commission's Recommended Decision may be purchased from the Superintendent's of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Governors' decision and the Commission's Opinion and Recommended Decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.)

In accordance with these actions by the Governors and the Board of Governors, the Postal Service hereby gives notice that the following changes to the mail classification schedule become effective at 12:01 a.m., December 6, 1981.

(39 U.S.C. 3625).

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Sections 100.011, 200.013, 200.042, 300.044, 300.045, 400.043, and 400.044 of the Domestic Mail Classification Schedule are amended to read as follows:

* * * * *

100.011 The following must be mailed as First-Class Mail, unless mailed as Express or exempt under title 39 United States Code or except as authorized under sections 200.0421, 300.0451 and 400.0441:

a. Mail sealed against postal inspection as set forth in section 5000 of the General Terms and Conditions;

b. Matter wholly or partially in handwriting or typewriting except as specifically permitted by sections 200.013, 300.010; 300.0101, 400.021, 400.022 and 400.043; and

c. Bills and statements of account.

* * * * *

200.013 Second class mail may contain enclosures and supplements as prescribed by the Postal Service. It may not contain writing, printing or sign thereof or therein, in addition to the original print, except as authorized by the Postal Service, or as authorized under section 200.0421.

* * * * *

200.0421 First-Class Mail, as defined in section 100.011(b) and (c), may be attached to or enclosed with second-class mail, with postage paid on the combined piece at the applicable second-class rate. The attachment or enclosure must be incidental to the piece to which it is attached or with which it is enclosed.

200.0422 First-Class Mail, which is not included under section 200.0421, or third-class mail may be attached to or enclosed with second-class mail if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate First-Class or third-class rate, the combined piece is subject to the next higher rate which can be applied to the attachment or enclosure. When First-Class or third-class mail is enclosed with or attached to second-class mail under this subsection, an appropriate marking must identify the presence and class of the enclosure or attachment.

300.044 Third-class mail may contain enclosures and attachments as authorized under section 300.0451 or as follows:

a. Books and catalogs mailed at the bulk rates reserved for items in Section 300.09bi may have no external attachments. Only the following items may be enclosed loose provided they related exclusively to the book or catalog they accompany.

i. A single reply envelope or reply post card, or both;

ii. A single order form;

iii. A printed calendar. Circulars fastened securely along the entire bound edge inside the book or catalog by paste, stitches, or staples are not loose enclosures;

iv. If no circular is enclosed, a printed price list listing only articles features in the catalog and showing only the same prices and discounted as the catalog;

v. An invoice; or

vi. Samples or merchandise attached to pages.

b. Except as provided in section 300.044a, all third-class mail may contain the following enclosures;

i. An invoice;

ii. Manuscripts accompaning related proof sheets.

* * * * *

300.0451 First-Class Mail, as defined in section 100.011 (b) and (c), may be attached to or enclosed with third-class merchandise, including books but excluding merchandise samples, with postage paid on the combined piece at the applicable third-class rate. The attachment or enclosure must be incidental to the piece to which it is attached or with with it is enclosed.

* * * * *

300.0452 First-Class Mail, which is not included under section 300.0451, may be attached to or enclosed with third-class books, catalogs, and merchandise if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate First-Class rate, the third-class piece is subject to the higher First-Class rate. When First-Class Mail is enclosed with or attached to third-class mail under this subsection, an appropriate marking must identify the presence and class of the enclosure or attachment.

* * * * *

400.043 Fourth-class mail may contain enclosures and attachments as authorized by the Postal Service or as described in 400.021 a & e or as authorized under section 400.0441.

* * * * *

400.0441 First-Class Mail, as defined in section 100.011 (b) and (c), may be attached to or enclosed with fourth-class mail, with postage paid on the combined piece at the applicable fourth-class rate. The attachment or enclosure must be incidental to the piece to which it is attached or with which it is enclosed.

400.0442 First-Class Mail, which is not included under section 400.0441, or third-class mail other than specified in section 400.043 may be attached to or enclosed with fourth-class mail if additional postage is paid for the attachment or enclosure as if it had been mailed saparately. If postage is not paid at the appropriate First-Class or third-class rate, the combined piece is subject to the next higher rate which can be applied to the attachment or enclosure. When First-Class or third-class mail is attached to or enclosed with fourth-class mail under this subsection, an appropriate marking must identify the presence and class of the enclosure or attachment.

* * * * *

[FR Doc. 81-35089 Filed 12-7-81; 8:45 am]

BILLING CODE 7710-12-M

Change in Mail Classification Schedule; Express Mail Forwarding and Address Correction Service

On September 25, 1981, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in the mail classification schedule allowing the nonlocal forwarding of Express Mail at no additional charge and the establishment of address correction service for Express Mail pursuant to Chapter 36 of Title 39, United States Code (Postal Rate Commission Docket No. MC81-5). Notice of this action was published in the **Federal Register** by the Postal Rate Commission on October 2, 1981, and participation was invited (46 FR 48805).

On November 4, 1981, a Stipulation and Agreement recommending the changes contained in the Postal Service's request was filed with the Postal Rate Commission by all the participants to the Express Mail Forwarding and Address Correction Service proceeding. The Stipulation and Agreement settled all the material issues in that proceeding.

On November 19, 1981, the Postal Rate Commission issued an Opinion and Recommended Decision in Docket No. MC81-5. The Commission recommended that the Governors adopt the changes in Express Mail forwarding and the establishment of address correction services as provided in the Stipulation and Agreement. On December 2, 1981, the Governors, pursuant to 39 U.S.C. 3625, approved the Commission's Recommended Decision and ordered the recommended changes in the mail classification schedule into effect on a permanent basis. The Board of Governors concurrently determined that those changes would become effective at 12:01 a.m. on December 6, 1981. (The Governors' Decision, the record of the Commission's hearings, and the Commission's Recommended Decision may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Governors' Decision and the Commission's Opinion and Recommended Decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.)

In accordance with these actions by the Governors and the Board of Governors, the Postal Service hereby gives notice that the following changes to the mail classification schedule become effective at 12:01 a.m., December 6, 1981 (39 U.S.C. 3625).

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Classification Schedule, 500, Express Mail, is amended to read as follows:

500.07 Forwarding and return: 500.070 When Express Mail is returned, or forwarded, as prescribed by the Postal Service, there will be no additional charge.

500.090 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a Address correction	SS-1,
b Return receipts	SS-16

[FR Doc. 35070 Filed 12-7-81; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12064; 812-4981]

Dreyfus Liquid Reserve Fund, Inc.; Filing of Application

December 1, 1981.

Notice is hereby given that Dreyfus Liquid Reserve Fund, Inc. ("Applicant"), 600 Madison Avenue, New York, New York 10022, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 30, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share, for the purposes of effecting sales and redemptions of its shares, using the amortized cost valuation method. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it registered under the Act on September 29, 1981 as a "money market" fund designed to be an investment vehicle for investors who desire to place assets in "money market" instruments where the considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicant seeks to provide a convenient means of investing short-term funds where the direct purchase of "money market" instruments may be undesirable market" instruments may be undesirable or impractical. Applicant states that its portfolio may be invested exclusively in a variety of "money market" obligations, including securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities (whether or not subject to repurchase agreements); time deposits and certificates of deposit issued by domestic banks or London branches of domestic banks; bankers' acceptances; and high grade commercial paper.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 states further that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of this application, the Commission expressed its view that, among other things: (1) Rule 2a-4 requires portfolio instruments of "money market" funds to be valued with reference to market factors and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over sixty-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio using the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes or persons, securities, or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested Applicant submits that as a result of the experience of its investment adviser in managing other funds, it has become apparent that two qualities are helpful in order to attract investment, namely (1) stability of principal and (2) steady flow of investment income. Applicant states that by utilizing high quality "money market" instruments of short maturities combined with a stable net asset value, preferably $1.00 per share, it would be possible to provide these features to a variety of investors. Applicant believes that investors are concerned that the daily income declared by Applicant reflect income as earned and that the sales and redemption prices not change. The application states that for this reason, Applicant would have a competitive advantage over "money market" funds which permit net asset value fluctuations to be reflected in the price or regularly include in their dividends realized or unrealized investment gains or losses. The application further states that Applicant's management has determined that an average portfolio maturity of 120 days combined with a stable price may accomplish both of the above aims of investors in that it somewhat obviates the possibility of a change in the price per share, while at the same time providing a yield on portfolio instruments more or less related to yields available in the general debt market, and which is otherwise not available with a portfolio having an average maturity of a shorter duration. Applicant asserts that experience in the management of other funds has further shown that, given the nature of Applicant's policies and operations, there will normally be a relatively negligible discrepancy between market value and amortized cost value of such securities.

Applicant submits that the request for the exemption specified herein is made based upon the existing management policies of Applicant set forth in the

application. In addition, as a condition to the granting of the exemption requested in the application, Applicant agrees that the following may be made conditions of the order:

1. In supervising Applicant's operations and in delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's Board of Directors shall be the following:

(a) Review by Applicant's Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources;

(b) In the event such deviation from the Applicant's $1.00 amortized cost price per share exceeds one-half of one percent, a requirement that the Board will promptly consider what action, if any, should be initiated; and

(c) Where Applicant's Board believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its Board of Director's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments that the Board of Directors determines present minimal credit risks, and that are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its Board.

6. Applicant will include as an attachment to each Form N–1Q it files, a statement indicating whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Applicant submits that the standards of fairness expressed in Section 6(c) of the Act, "* * * appropriate in the public interest and consistent with the protection of investors and the purposes farily intended by the policy and provisions of the Act" are consistent with granting the requested exemption.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35078 Filed 12–7–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18296; File No. S7–916]

Submission of Report Evaluating Facilities Management Alternatives by the National Securities Clearing Corp.

December 1, 1981.

The National Securities Clearing Corporation ("NSCC") submitted, on November 23, 1981, a report by Arthur Andersen & Co. that evaluates alternative methods of conducting NSCC's clearing operations and recommends that NSCC renew its contract with Securities Industry Automation Corporation ("SIAC") as the sole facilities manager. This report was submitted to the Commission in response to the Commission's order affirming NSCC's temporary registration as a clearing agency. Release No. 17562 (February 20, 1981). Pursuant to that Order, the Commission intends to review the report and the

recommendation, together with public comment concerning that report.

An announcement of the submission is expected to be made in the **Federal Register** during the week of November 30, 1981. Interested persons are invited to submit written data, views and arguments concerning the submission on or before December 28, 1982. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. S7–916.

Copies of the submission and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the submission will also be available at the principal office of the above-mentioned self-regulatory organization.

For further information contact Colette D. Kimbrough, Staff Attorney (202–272–2904), Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35076 Filed 12-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12063; 812-4944]

Variable Annuity Life Insurance Co., et al.; Filing of Application

December 1, 1981.

Notice is hereby given that The Variable Annuity Life Insurance Company ("VALIC"), The Variable Annuity Life Insurance Company Separate Account A ("Account A") and The Variable Annuity Marketing Company ("VAMCO") (collectively, "Applicants"), 2727 Allen Parkway, Houston, Texas 77019, filed an application on August 11, 1981, and an amendment thereto on November 17, 1981, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants, to the extent requested, from sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. VALIC is a Texas stock life insurance company. Account A, a separate account of VALIC, is registered under the Act as a unit investment trust. VALIC is the depositor of, and VAMCO, the principal underwriter for, Account A. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Account A will fund variable annuity contracts (the "Contracts") issued by VALIC. The Contracts are individual variable annuity contracts designed to establish retirement benefits under certain programs providing federal tax advantages. Three types of Contracts will be offered: (a) single payment immediate annuity contracts, under which only one purchase payment is made and annuity payments to the person entitled to receive them commence within two months; (b) single payment deferred annuity contracts, under which only one purchase payment is made, but the date on which annuity payments commence is deferred; and (c) flexible payment deferred annuity contracts, which contemplate a series of purchase payments and a deferred annuity date. There are minimum purchase payments required under the Contracts and if the value of a Contract falls below $300 at any time prior to the annuity date, VALIC may automatically redeem the Contract. Net purchase payments (the amount of a purchase payment less applicable premium taxes) with respect to the Contracts may be placed in Account A and allocated to one or more of its divisions or allocated to VALIC's general account. The assets of each division of Account A are invested solely in shares of an open-end management investment company (a "Fund"). Divisions one and two of Account A to be used in connection with the Contracts will be invested in High Yield Accumulation Fund, Inc. and American General Money Market Fund, Inc. During the accumulation and annuity periods, the terms of the Contracts permit contractowners and, in certain cases, beneficiaries under the Contracts, to make transfers between the divisions or among the divisions of Account A and VALIC's general account, subject to certain limitations. Transfers will be effected at net asset value and no transfer charge will be imposed. The privilege of making transfers during the accumulation and annuity periods may be suspended or terminated by VALIC at any time.

The Contracts will not provide that a front-end sales charge be deducted from purchase payments. Rather a withdrawal charge will be imposed on surrenders during the accumulation period, calculated as a percentage (5%) of the lesser of all purchase payments made during the 36 months preceding the surrender or the amount withdrawn. It is assumed that the most recent purchase payments are withdrawn first, and no withdrawal charge is ever imposed on any amount not actually withdrawn. The first partial surrender per contract year of 10% or less of the accumulation value will not be subject to a withdrawal charge. However, if the first partial surrender in a contract year exceeds 10%, the withdrawal charge will be imposed on the amount of such excess. The second or any subsequent surrender during a contract year will be subject in full to the withdrawal charge. If a withdrawal charge is assessed against any purchase payment, that purchase payment (or, if the withdrawal charge is assessed against less than the entire purchase payment, that portion against which such charge is assessed) will not be subject to any further withdrawal charge in the event of a subsequent surrender. If the accumulation value falls below $300 at any time, VALIC has the option to cause the Contract to be automatically surrendered, in which case the withdrawal charge would be imposed in the same amount as if the surrender had been voluntary. A surrender in lieu of annuitization will be treated as a total surrender during the accumulation period and will also be subject to any applicable withdrawal charge. Where an annuitant is receiving annuity payments under the annuity option which does not provide for a life contingency, the annuitant may elect at any time to receive the commuted value of the Contract, in which case any applicable withdrawal charge will be imposed on such commuted value as if it were a total surrender of the Contract. This withdrawal charge, though imposed on or after the annuity date, will be based on purchase payments during the accumulation period and Applicants assert no such charge could be imposed on any election of a commutation option occurring more than 36 months after the most recent purchase payment was made.

VALIC will charge Account A an amount (the "Asset Charge"), calculated daily, at an annual rate of 1% of the average daily net asset value of Account A assets allocable to the Contracts. VALIC will also receive reimbursement for administrative expenses from an annual contract maintenance charge in the amount of $30 per Contract, which will be assessed on the last day of the calendar quarter in which the first purchase payment is made and thereafter on the same day of each contract year during the accumulation period. The $30 charge will be divided

equally among each division being used in connection with the Contract and the fixed account, if the fixed account option has been elected. This charge is not guaranteed and may be raised or lowered in VALIC's discretion as to Contracts outstanding at any time and/or as to Contracts issued subsequently.

The Asset Charge is intended to cover additional anticipated administrative expenses and to compensate VALIC for assuming mortality risks. The Asset Charge is guaranteed and may not be increased by VALIC. Applicants estimate that approximately 93% of the Asset Charge is allocable to assumption of mortality risks and that anticipated administrative expenses constitute approximately 7% of the Asset Charge.

Certain states and localities impose a premium tax of up to 2.5% in connection with annuity premium payments. Local law normally provides that the tax must be paid at the annuity date, although in a few instances it may be required to be paid at the time a purchase payment is made. VALIC charges a Contract in the amount of any premium tax owed at the time such tax is owed under local law.

Exemptions for Withdrawal Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants state that, because of the timing of the withdrawal charge, that charge may not be encompassed by the definition of sales load in section 2(a)(35). Although Applicants do not necessarily agree that the withdrawal charge is not a sales load within the meaning of section 2(a)(35), Applicants request an exemption from the provisions of that section to the extent necessary in order to permit the offer and sale of the Contracts with the withdrawal charge.

In general, section 2(a)(32) of the Act defines a "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive "approximately his proportionate share" of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) provides, in substance, that no issuer of a periodic payment plan certificate shall sell such certificate unless the certificate is a "redeemable security." Although section 2(a)(32) does not specifically contemplate the imposition of a sales charge at the time of redemption, Applicants assert that such a charge is not inconsistent with the definition of a redeemable security, and that Congress intended that a redemption charge be deemed consistent with the concept of "proportionate share" under section 2(a)(32). Therefore, although Applicants do not believe that the withdrawal charge would necessarily violate sections 2(a)(32) and 27(c)(1) of the Act, Applicants request an exemption from those sections, to the extent necessary to permit the imposition of the withdrawal charge under the Contracts.

Section 27(d) of the Act, in effect, requires that a holder of a periodic payment plan certificate who redeems the certificate within eighteen months of issuance receive (a) the value of his account and (b) an amount equal to the excess paid for sales expenses which is over 15% of the purchase payments made by the certificate holder. Applicants state that the first requirement under section 27(d), that is, that the holder receive the value of his account, is addressed above in connection with sections 2(a)(32) and 27(c)(1). As to the second requirement, Applicants assert that during the eighteen-month period addressed in section 27(d), the maximum rate for the withdrawal charge for sales expenses will be 5% of purchase payments as compared with the maximum rate of 15% under the section. Nevertheless, to eliminate any doubt as to the applicability of section 27(d), Applicants request an exemption from that section, to the extent necessary to permit the offer and sale of the Contracts with the withdrawal charge.

Section 22(c) and Rule 22c–1 under the Act, read together, prohibit a registered investment company which issues a redeemable security from redeeming such security except at a price based on the current net asset value of such security which is next computed after receipt of the tender of such security. Applicants contend that the aspect of Rule 22c–1 that addresses the amount to be redeemed upon withdrawal reflects the requirements of sections 2(a)(32) and 27(c)(1) discussed above. Regarding the timing requirement of Rule 22c–1, Applicants state that they will determine the value of any interest surrendered or commuted on behalf of an owner or annuitant on the basis of the current net asset value that is next computed after receipt of the withdrawal request. Applicants state that the proposal meets the policy and purposes of Rule 22c–1. Although Applicants, therefore, do not believe that the withdrawal charge would necessarily violate such provisions, Applicants request an exemption from section 22(c) and Rule 22c–1, to the extent necessary to permit the deduction of the withdrawal charge from the value of an individual account upon surrender or commutation.

Section 27(c)(2) of the Act provides, in substance, that a periodic payment plan certificate company or a depositor or underwriter for such a company is prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust(or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants state that the withdrawal charge to be imposed under the Contracts is designed to recover costs relating to the offer and sale of the Contracts. Applicants assert, therefore, that the withdrawal charge is wholly consistent with the Congress' intent in enacting section 27(c)(2). Although Applicants do not believe that the withdrawal charge would necessarily violate sections 26(a)(2)(C) and 27(c)(2) of the Act, Applicants request an exemption from the provisions of those sections to the extent necessary in order to permit the offer and sale of the Contracts with the withdrawal charge.

Exemptions Relating to Other Charges and Custodial Requirements

Section 27(c)(2) of the Act prohibits a registered investment company or any depositor or underwriter for such company from selling periodic payment plan certificates, unless the proceds of all payments other than the sales load are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and held under an agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) of the Act. Applicants state that, except for Fund shares which will be maintained in an

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open-account system, Account A's only assets will consist of amounts of cash from time to time. Such cash will be kept on deposit in the name of Account A with a bank meeting the requirements of section 26(a)(1). Sections 26(a)(2)(A), (B) and (C) require the assets of a unit investment trust to be held by a trustee or custodian pursuant to an agreement containing specified provisions with respect to charges and fees. The charges and fees relating to Account A include the Asset Charge, the annual maintenance charge for administrative expenses and any premium taxes. Section 26(a)(2)(D) of the Act requires, in part, that under the agreement with the trustee or custodian, such entity must have possession of all the securities and other property in which funds of a unit investment trust are invested. Applicants state that this has been interpreted to mean that the securities owned by the trust must be represented by share certificates physically in the custody of the custodian. Section 26(a)(2)(D) of the Act also requires that the agreement with the trustee or custodian provide that the securities and other property in which the funds of a unit investment trust are invested must be segregated and held in trust until distribution. Applicants assert that while the assets of Account A will be segregated, VALIC as a life insurance company, may not properly place assets of the Separate Account in trust, because the insurance laws of the State of Texas require VALIC to retain ownership and control of the disposition of its property.

Section 26(a)(3), in effect, requires that the agreement between a unit investment trust and its trustee or custodian prohibit the trustee or custodian from resigning until the assets of the unit investment trust have been completely distributed or until a successor trustee has been appointed. Applicants state VALIC will continue to hold in custody for safekeeping the assets of Account A until Account A has been completely liquidated and the proceeds of the liquidation distributed to persons entitled thereto under the Contracts or until a successor trustee or custodian is appointed. Section 26(a)(4) of the Act requires, in substance, that the custodial or trust agreement require the depositor of a unit investment trust to maintain records as to the identity of unit holders and to deliver notice to such unit holders in the case of substitution of securities held by the unit investment trust. The application states that VALIC will maintain a record of the names and addresses of all owners and annuitants and the amount of their interest in Account A, and that Applicants will comply with the notice requirement of section 26(a)(4).

Applicants request exemptions from sections 26(a) and 27(c)(2) of the Act in order that assets of the Separate Account may be held by the company under the terms and conditions, and subject to the fees and charges, set forth in the application. According to the application, VALIC is subject to extensive supervision and control by the insurance regulatory authorities of the State of Texas and of each other state in which it does business. Applicants represent that the administrative charges under the Contracts (*i.e.*, the $30 annual maintenance charge and the portion of the Asset Charge attributable to additional anticipated administrative expenses) are reasonable, in amounts not exceeding anticipated administrative expenses, and not properly chargeable to sales or promotional activities within the meaning of the Act. Applicants acknowledge that any increase of the annual maintenance charge above $30 will require additional exemptive relief.

Applicants consent to the requested exemptions from sections 26(a) and 27(c)(2) of the Act being granted subject to the following conditions:

(a) the charges pursuant to the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and

(b) the payment of sums and charges out of Account A shall not be deemed to be exempted from regulation by the Commission by reason of the requested order; provided, that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Exemptions Relating to Texas Optional Retirement Program

Texas institutions of higher education make available to certain of their employees an optional retirement program (the "Texas Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. Applicants state that, as interpreted by the Attorney General of Texas, Texas law, in effect, prohibits any participant in the Texas Program from receiving the redemption or surrender value of a variable annuity contract funding benefits under the Texas Program prior to termination of employment in Texas public institutions of higher education, retirement, death, or total disability. Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption, except in certain prescribed circumstances. Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (a) the value of his or her account, and (b) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is more than 15% of the purchase payments made by the certificate holder.

Applicants request exemptions from the provisions of sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with § 51.358 as it pertains to the Contracts. Applicants assert that if such exemptions are not granted, adherence to the opinion of the Attorney General of Texas would effectively deny persons participating in the Texas Program an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Applicants state that appropriate disclosure will be made to persons who consider participation in the Texas Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take

the form of an appropriate reference in each prospectus to the restrictions on redemption of the Contracts. In addition, all sales literature that is to be used in conjunction with the sale of the Contracts will be reviewed for the existence of material representations that are inconsistent with the restrictions to be placed on the Contracts, and the salespeople involved in soliciting in this market will be instructed to bring this restriction specifically to the attention of the potential participants.

Approvals Under Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants state that they do not believe that sections 11(a) or 11(c) should be interpreted to require Commission approval of transfers between divisions of Account A pursuant to the Contracts. Nevertheless, to remove any uncertainty, Applicants request Commission approval under those sections, to the extent necessary to permit owners, annuitants and beneficiaries to effect transfers between divisions one and two of Account A pursuant to Contracts. Applicants submit that such transfers will be effected at net asset value and will not generate any increased revenues or fees to VALIC or its affiliates. Therefore, Applicants believe the transfers between Account A's divisions contemplated by the Contracts are consistent with the purposes of sections 11(a) and (c) of the Act and the terms thereof should be approved by the Commission.

VALIC intends to offer annuitants under certain outstanding deferred annuity contracts issued by it (the "Old Contracts") which are in the accumulation period the opportunity to surrender such contracts and apply the proceeds of the purchase of a Contract. Some of the Old Contracts (the "Separate Account One Contracts") are funded through VALIC's Account One and some (the "Separate Account Two Contracts") are funded through VALIC's Separate Account Two. Separate Accounts One and Two are registered management investment companies under the Act. No partial conversions will be permitted and the decision to convert will be completely in the discretion of the annuitant. VALIC may decide to terminate or suspend the conversion offer at any time in its sole discretion. Applicants state that the conversion offer will be effected at the relative net asset values of the interests exchanged and no charge will be assessed by VALIC for the privilege of converting. Since purchasers of Old Contracts have already paid a front-end sales load on purchase payments made thereunder, amounts converted from an Old Contract will not be subject to the withdrawal charge which otherwise would be applicable under the Contracts.

Applicants request Commission approval under sections 11(a) and (c), to the extent necessary to permit the company to offer annuitants under Old Contracts the opportunity to convert to Contracts under the terms and conditions described herein. Applicants submit that the conversion offer will not generate any duplicative sales charges or any other type of duplicative revenues, but will offer annuitants under Old Contracts an opportunity to convert to the Contracts. Such annuitants will receive full disclosure of the terms of the conversion offer, including the differences in fees and charges, and the advantages and disadvantages of converting. Applicants emphasize that the decision to accept or reject the conversion offer, based on such information, is within the sole discretion of the annuitant. Therefore, Applicants believe the conversion offer is consistent with the purposes of sections 11(a) and (c) of the Act and the terms thereof should be approved by the Commission.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than December 22, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 22, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notice and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35077 Filed 12–7–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2015; Amdt. No. 3]

Texas; Declaration of Disaster Loan Area

The above numbered Declaration (See 46 FR 55174), amendment No. 1 (See 46 FR 56533), and amendment No. 2 (See 46 FR 58240), are amended by adding the adjacent counties of Dallas and Denton as a result of damage caused by flooding which occurred on October 12–16, 1981. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on December 24, 1981 and for economic injury until the close of business July 23, 1982.

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(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 10, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 35098 Filed 12-7-81: 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 786]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the **Federal Register**.

Individual vessel applications for fishing in 1982 have been received from the Governments of the Union of Soviet Socialist Republics, Cuba, Spain, Italy, Japan, Korea, the Polish People's Republic, and Taiwan.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. (Telephone: (202) 634-7432).

Dated: November 25, 1981.

Larry L. Snead,

Deputy Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code and fishery	Regional council
ABS—Atlantic Billfishes and Sharks	New England, Mid-Atlantic, South Atlantic Gulf of Mexico, and Caribbean
BSA—Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	North Pacific
CRB—Crab (Bering Sea)	North Pacific
GOA—Gulf of Alaska	North Pacific
NWA—Northwest Atlantic	New England and Mid-Atlantic
SMT—Seamount Groundfish (Pacific Ocean)	Western Pacific
SNA—Snails (Bering Sea)	North Pacific
WOC—Washington, Oregon, California Trawl	Pacific
PBS—Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity Code and Fishing Operations

1—Catching, processing, and other support.
2—Processing and other support only.
3—Other support only.

BILLING CODE 4710-09-M

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
CUBA			
LAS GUASIMAS TANKER FUEL/WATER	CU-82-0111	NWA	3
GOLFO DE TONKIN LARGE STERN TRAWLER	CU-82-0149	NWA	1
MAR OCEANO LARGE STERN TRAWLER	CU-82-0150	NWA	1
MAR CARIBE LARGE STERN TRAWLER	CU-82-0148	NWA	1
PLAYA GIRON LARGE STERN TRAWLER	CU-82-0114	NWA	1
PLAYA VARADERO LARGE STERN TRAWLER	CU-82-0115	NWA	1
U.S.S.R			
SULAK FACTORY/MOTHERSHIP	UR-82-0238	BSA,GOA	2
TALNIKI CARGO/TRANSPORT	UR-82-0741	BSA,GOA WOC	3
TOKAREVSK CARGO/TRANSPORT	UR-82-0742	BSA,GOA WOC	3
SPAIN			
ALTAMAR SIDE TRAWLER	SP-82-0042	NWA	1
ALTEAMAR UNO MEDIUM STERN TRAWLER	SP-82-0067	NWA	1
ANA MARIA GANDON MEDIUM STERN TRAWLER	SP-82-0057	NWA	1
ANCORA D'DURO MEDIUM TRAWLER	SP-82-0090	NWA	1
ANDES MEDIUM STERN TRAWLER	SP-82-0117	NWA	1
ANGUIACHO MEDIUM STERN TRAWLER	SP-82-0118	NWA	1
ANUSKA SIDE TRAWLER	SP-82-0012	NWA	1
AREA COVA SIDE TRAWLER	SP-82-0013	NWA	1
BRITANIA SIDE TRAWLER	SP-82-0074	NWA	1
CANTON DE CORA MEDIUM STERN TRAWLER	SP-82-0030	NWA	1
CAPITAN EMILIO SIDE TRAWLER	SP-82-0123	NWA	1
CAPITAN JORGE SEGUNDO SIDE TRAWLER	SP-82-0069	NWA	1
CHICHA TOUZA MEDIUM STERN TRAWLER	SP-82-0025	NWA	1
CIUDAD DE CRISTAL SIDE TRAWLER	SP-82-0092	NWA	1
CODESIDE MEDIUM STERN TRAWLER	SP-82-0165	NWA	1
CONBAROYA II MEDIUM STERN TRAWLER	SP-82-0015	NWA	1
CONBAROYA III MEDIUM STERN TRAWLER	SP-82-0047	NWA	1
CONGELAMAR PRIMERO MEDIUM STERN TRAWLER	SP-82-0174	NWA	1
CONGELAMAR SEGUNDO MEDIUM STERN TRAWLER	SP-82-0173	NWA	1
CORBA MEDIUM STERN TRAWLER	SP-82-0031	NWA	1
COSTA DEL CABO SIDE TRAWLER	SP-82-0159	NWA	1
CRUNA MEDIUM STERN TRAWLER	SP-82-0124	NWA	1
CUDILLERO MEDIUM STERN TRAWLER	SP-82-0111	NWA	1
EGUNSENTIA MEDIUM STERN TRAWLER	SP-82-0062	NWA	1
FARPESCA CUARTO MEDIUM STERN TRAWLER	SP-82-0093	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
FLIPPER MEDIUM STERN TRAWLER	SP-82-0080	NWA	1
MAPOSA SEGUNDO SIDE TRAWLER	SP-82-0150	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
FLIPPER MEDIUM STERN TRAWLER	SP-[illegible]2-[illegible]080	NWA	1
FRAGANA MEDIUM STERN TRAWLER	[illegible]P-[illegible]2-004[illegible]	NWA	1
FREIRE LOPEZ MEDIUM STERN TRAWLER	S[illegible]-[illegible]2-010[illegible]	NWA	1
GLACIAR SIDE TRAWLER	[illegible]P-[illegible]2-[illegible]061	NWA	1
IBERIA SIDE TRAWLER	[illegible]P-[illegible]2-01[illegible]1	NWA	1
ISLA ALEGRANZA MEDIUM STERN TRAWLER	S[illegible]-8[illegible]-[illegible]126	NWA	1
ISLA GRACIOSA MEDIUM STERN TRAWLER	SP-82-0127	NWA	1
ISLA MONTANA CLARA MEDIUM STERN TRAWLER	SP-82-0128	NWA	1
IZARRA MEDIUM STERN TRAWLER	[illegible]P-82-006[illegible]	NWA	1
JOSE PUERTA PRADO SIDE TRAWLER	S[illegible]-82-0[illegible]9[illegible]	NWA	1
KANTXOPE MEDIUM STERN TRAWLER	[illegible]P-8[illegible]-[illegible]05[illegible]	NWA	1
LAGO CASTINEIRAS SMALL STERN TRAWLER	S[illegible]-[illegible]2-016[illegible]	NWA	1
LAXE DOS PICOS MEDIUM STERN TRAWLER	SP-[illegible][illegible]-0[illegible]35	NWA	1
MADRDA SMALL STERN TRAWLER	S[illegible]-[illegible]2-0[illegible]2[illegible]	NWA	1
MANUEL NORES MEDIUM STERN TRAWLER	SP-[illegible]2-01[illegible]7	NWA	1
[illegible]APOSA CUARTO [illegible]EDIUM STERN TRAWLER	SP-[illegible][illegible]-0161	NWA	1
MAPOSA QUINT[illegible] MEDIUM STERN TRAWLER	SP-[illegible]2-[illegible]072	NWA	1
MAPOSA OCTAVO MEDIUM STERN TRAWLER	SP-[illegible][illegible]-[illegible]163	NWA	1
MAPO[illegible]A PRIME[illegible][illegible] SIDE TRAWLER	SP-[illegible]2-[illegible]14[illegible]	NWA	1
MAPOSA SEGUN[illegible]O SIDE TRAWLER	S[illegible]-[illegible]2-[illegible]150	NWA	1
MAPOSA SEPTIMO MEDIUM STERN TRAWLER	S[illegible]-[illegible]2-0164	NWA	1
MAPO[illegible]A SEXTO SIDE TRAWLER	S[illegible]-8[illegible]-[illegible]0[illegible]5	NWA	1
MAPOSA TERCE[illegible]O MEDIUM STERN TRAWLER	S[illegible]-5[illegible]-0165	NWA	1
MARIA EUGENIA G MEDIUM STERN TRAWLER	[illegible]P-82-017[illegible]	NWA	1
MARIA TERESA RODRIGUEZ MEDIUM STERN TRAWLER	[illegible]P-[illegible]2-01[illegible]7	NWA	1
MAR DE GALILEA SMALL STERN TRAWLER	SP-82-0055	NWA	1
MARTIN PINZON PRIMERO MEDIUM STERN TRAWLER	SP-[illegible]2-0172	NWA	1
MAYI CUATRO MEDIUM STERN TRAWLER	[illegible]P-[illegible]2-[illegible]073	NWA	1
MIRADOR DEL FITO MEDIUM [illegible]TERN TRAWLER	[illegible]P-[illegible]2-0171	NWA	1
MONTE FURADO MEDIUM STERN TRAWLER	[illegible]P-[illegible]-0[illegible]29	NWA	1
MOUTA MEDIUM ST[illegible]RN TRA[illegible]LER	[illegible]P-[illegible]2-0[illegible]40	NWA	1
NAVIJOSA NOVENO MEDIUM STERN TRAWLER	S[illegible]-[illegible]2-0168	NWA	1
NAVIJOSA OCTAVO MEDIUM STERN TRAWLER	S[illegible]-[illegible]2-[illegible]160	NWA	1
NAVIJOSA QUI[illegible]TO SIDE TRAWLER	S[illegible]-[illegible][illegible]-[illegible]152	NWA	1
NAVIJOSA VII SIDE TRAWLER	SP-[illegible]2-0154	NWA	1
NAVIJOSA SEXTO SIDE TRAWLER	S[illegible]-[illegible]2-[illegible]153	NWA	1
NUSKA MEDIUM STERN TRAWLER	[illegible]P-[illegible]2-0[illegible]43	NWA	1
ORBALLO MEDIUM [illegible]TERN TRAWLER	SP-[illegible]2-[illegible]036	NWA	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
PEGAGO CUARTO SIDE TRAWLER	SP-82-0151	NWA	1
PEGAGO SEGUNDO SIDE TRAWLER	SP-82-0098	NWA	1
PEGAGO TERCERO MEDIUM STERN TRAWLER	SP-82-0087	NWA	1
PEIXE DO MAR SIDE TRAWLER	SP-82-0005	NWA	1
PEXINO MEDIUM STERN TRAWLER	SP-82-0108	NWA	1
PERCA MEDIUM STERN TRAWLER	SP-82-0045	NWA	1
PESCAPUERTA PRIMERO SIDE TRAWLER	SP-82-0019	NWA	1
PESCAPUERTA SEGUNDO MEDIUM STERN TRAWLER	SP-82-0112	NWA	1
PESCAPUERTA TERCERO MEDIUM STERN TRAWLER	SP-82-0020	NWA	1
PEVEGASA SEGUNDO MEDIUM STERN TRAWLER	SP-82-0083	NWA	1
PINEIRO CORREA MEDIUM STERN TRAWLER	SP-82-0066	NWA	1
PLAYA DE CADIZ MEDIUM STERN TRAWLER	SP-82-0136	NWA	1
PLAYA DE MENDUINA SMALL STERN TRAWLER	SP-82-0137	NWA	1
PLAYA DE MOGOR MEDIUM STERN TRAWLER	SP-82-0021	NWA	1
PLAYA DE PESMAR MEDIUM STERN TRAWLER	SP-82-0113	NWA	1
PUENTE DE GONDOMAR MEDIUM STERN TRAWLER	SP-82-0077	NWA	1
PUENTE DE LOURIDO MEDIUM STERM TRAWLER	SP-82-0109	NWA	1
PUENTE MINOR MEDIUM STERN TRAWLER	SP-82-0023	NWA	1
PUENTE TORALLA SMALL STERN TRAWLER	SP-82-0052	NWA	1
PUNTA DE ROBALEIRA SMALL STERN TRAWLER	SP-82-0148	NWA	1
PUXEIROS SIDE TRAWLER	SP-82-0028	NWA	1
RIO VERDUGO MEDIUM STERN TRAWLER	SP-82-0065	NWA	1
SUEMAR UNO MEDIUM STERN TRAWLER	SP-82-0059	NWA	1
TASARTE MEDIUM STERN TRAWLER	SP-82-0114	NWA	1
TITO MARQUEZ MEDIUM STERN TRAWLER	SP-82-0038	NWA	1
TORALLA MEDIUM STERN TRAWLER	SP-82-0016	NWA	1
ULZAMA SIDE TRAWLER	SP-82-0026	NWA	1
UR ERTZA MEDIUM STERN TRAWLER	SP-82-0110	NWA	1
VILACHAN MEDIUM STERN TRAWLER	SP-82-0078	NWA	1
VILLA ANA SIDE TRAWLER	SP-82-0145	NWA	1
VILLA DE MARIN MEDIUM STERN TRAWLER	SP-82-0051	NWA	1
VIXIADOR MEDIUM STERN TRAWLER	SP-82-0039	NWA	1
XEITOSINO MEDIUM STERN TRAWLER	SP-82-0022	NWA	1
ZAMANES SIDE TRAWLER	SP-82-0053	NWA	1
ITALY			
ASSUNTA TONTINI MADRE LARGE STERN TRAWLER	IT-82-0001	NWA	1
TONTINI PESCA TERZO MEDIUM STERN TRAWLER	IT-82-0002	NWA	1
TONTINI PESCA QUARTO LARGE STERN TRAWLER	IT-82-0003	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
DE GIORGIA T. MEDIUM STERN TRAWLER	IT-82-0004	NWA	1
SEA LIGHT MEDIUM STERN TRAWLER	TW-82-0001	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
DE GIO■A T. MEDIUM STERN TRAWLER	IT-■2-00■4	NWA	1
AMORUSO SETTIMO MEDIUM STERN TRAWLER	IT-82-0005	NWA	1
MASCARETTI PHIMO MEDIUM STERN TRAWLE■	IT-82-0006	NWA	1
SAGITTA MEDIUM STERN TRAWL■R	IT-82-0007	NWA	1
AIRONE MEDIUM STERN TRAWLER	IT-82-0008	NWA	1
AMORUSO SESTO MEDIUM STERN TRAWLER	IT-82-0009	NWA	1
GABRIELLA C. MEDIUM STERN TRAWLER	IT-82-0010	NWA	1
ANTONIETTA MADRE MEDIUM STERN TRAWLER	IT-82-0013	NWA	1
CARLO DI FAZIO MEDIUM STERN TRAWLER	IT-82-0015	NWA	1
DE GIOSA GIUSEPPE MEDIUM STERN TRAWLER	IT-82-00■6	NWA	1
STANISLAVA LARGE STERN TRAWLER	IT-■2-0019	NWA	1
MARIA C. MEDIUM STERN TRAWLER	IT-82-0021	NWA	1
GIOVANNI CEFALU MEDIUM STERN TRAWLER	IT-■2-■022	NWA	1
DE GIOSA L. MEDIUM STERN TRAWLER	IT-■2-0023	NWA	1
MARIA MICHELA MEDIUM STERN TRAWLER	IT-■2-■024	NWA	1
TAIWAN			
CHIN HWANG NO.72 LONGLINE FISHING VESSEL	TW-82-3090	PBS	1
CHYA SHENG LONGLINE FISHING VESSEL	TW-82-3014	PBS	1
HIGHLY NO. 707 CARGO/TRANSPORT VESSEL	TW-82-0061	BSA,GOA	3
SEA LIGHT MEDIUM STERN TRAWL■R	TW-82-00■1	■SA	1
HIGHLY NO. 3■1 MEDIUM STERN TRAWLER	TW-8■-00■2	■SA,GOA	1
HIGHLY NO. 302 MEDIUM STERN TRAWLER	TW-82-0003	■SA,GOA	1
GOLDEN DRAGON NO. 1 LARGE ■TERN TRAWL■R	TW-82-00■4	BSA,GOA	1
HIGHLY NO. 303 CARGO/TRANSPORT VESSEL	TW-82-0054	BSA,GOA	3
HORNG JIA LONGLINE FISHING VESSEL	TW-82-3102	P■S	1
CHYUAN NENG HONG NO.1 LONGLINE FISHING VESSEL	TW-82-3103	P■S	1
NO.31 TONG ANN LONGLINE FISHI■G VESSEL	TW-82-3097	P■S	1
NO. 3 MENG FUN LONGLINE FISHI■G VESSEL	TW-82-3096	PBS	1
PRENG SHING LONGLINE FI■HING VESS■L	TW-82-3104	PBS	1
HONG SHING NO. 3 LONGLINE FISHI■G V■■■EL	TW-■■-3105	PBS	1
PENG MAO NO.6 LONGLINE FISHING VESSEL	TW-8■-30■■	PBS	1
CHIN MIN MAN NO.11 LONGLINE FISHING VESSEL	TW-82-3095	PBS	1
CHIN WOEI NO. 71 LONGLINE FISHING VESSEL	TW-82-3101	PBS	1
YUNG CHANG FU NO.1 LONGLINE FISHING VESSEL	TW-82-3094	PBS	1
LONG DER YIH NO.32 LONGLINE FISHING VESSEL	TW-82-3106	PBS	1
CHUAN CHIH YIH LONGLINE FISHING VESSEL	TW-82-3082	PBS	1
NO.12 TAH YUAN LONGL■NE FISHING VESSEL	TW-82-3000	PBS	1
DER AN NO.1 LONGLINE FISHING VESSEL	TW-82-3001	PBS	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
YU KUO NO.11 LONGLINE FISHING VESSEL	TW-82-3004	PBS	1
YEN HORNG NO.1 LONGLINE FISHING VESSEL	TW-82-3005	PBS	1
SHENG YU NO.7 LONGLINE FISHING VESSEL	TW-82-3011	PBS	1
YING KUO SHIANG NO.7 LONGLINE FISHING VESSEL	TW-82-3012	PBS	1
YING YIH SHIANG LONGLINE FISHING VESSEL	TW-82-3015	PBS	1
RUEY FONG NO.3 LONGLINE FISHING VESSEL	TW-82-3016	PBS	1
CHIAU LOONG NO. 11 LONGLINE FISHING VESSEL	TW-82-3017	PBS	1
RUEY TZENG NO.1 LONGLINE FISHING VESSEL	TW-82-3018	PBS	1
SUR TON NO.1 LONGLINE FISHING VESSEL	TW-82-3019	PBS	1
SUR TON NO.3 LONGLINE FISHING VESSEL	TW-82-3020	PBS	1
HAI HOU LONGLINE FISHING VESSEL	TW-82-3027	PBS	1
CHIN LONG CHENG LONGLINE FISHING VESSEL	TW-82-3034	PBS	1
NO.1 HUI CHING LONGLINE FISHING VESSEL	TW-82-3036	PBS	1
SWE HOANG NO.31 LONGLINE FISHING VESSEL	TW-82-3037	PBS	1
YIH-SHIN LONGLINE FISHING VESSEL	TW-82-3039	PBS	1
YUNG-HSING LONGLINE FISHING VESSEL	TW-82-3042	PBS	1
HUI FAH LONGLINE FISHING VESSEL	TW-82-3043	PBS	1
YIH HSING LONGLINE FISHING VESSEL	TW-82-3044	PBS	1
HORNG HSING LONGLINE FISHING VESSEL	TW-82-3045	PBS	1
YU HSING LONGLINE FISHING VESSEL	TW-82-3046	PBS	1
CHIN SHING NO.1 LONGLINE FISHING VESSEL	TW-82-3047	PBS	1
NO.3 I TA CHENG LONGLINE FISHING VESSEL	TW-82-3048	PBS	1
HAI I NO.1 LONGLINE FISHING VESSEL	TW-82-3052	PBS	1
CHUNG SHA NO.1 LONGLINE FISHING VESSEL	TW-82-3053	PBS	1
CHIN GEN FOOD NO.3 LONGLINE FISHING VESSEL	TW-82-3054	PBS	1
TA SHEN NO.1 LONGLINE FISHING VESSEL	TW-82-3055	PBS	1
KUO ZONG NO.1 LONGLINE FISHING VESSEL	TW-82-3056	PBS	1
SHIN YUAN SENG NO.11 LONGLINE FISHING VESSEL	TW-82-3057	PBS	1
KUO ZONG NO.12 LONGLINE FISHING VESSEL	TW-82-3058	PBS	1
KUO ZONG NO.3 LONGLINE FISHING VESSEL	TW-82-3059	PBS	1
KUO YUON NO.72 LONGLINE FISHING VESSEL	TW-82-3060	PBS	1
YUNG CHANG FU NO.31 LONGLINE FISHING VESSEL	TW-82-3061	PBS	1
TONG SHENG LONGLINE FISHING VESSEL	TW-82-3062	PBS	1
TONG SHENG NO.11 LONGLINE FISHING VESSEL	TW-82-3063	PBS	1
TONG CHOU NO.7 LONGLINE FISHING VESSEL	TW-82-3064	PBS	1
TONG HUI NO.32 LONGLINE FISHING VESSEL	TW-82-3065	PBS	1
SHIN YUAN SENG NO.21 LONGLINE FISHING VESSEL	TW-82-3066	PBS	1
SHIN YUAN CHENG NO.22 LONGLINE FISHING VESSEL	TW-82-3067	PBS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
YUNG CHANG YU NO.11 LONGLINE FISHING VESSEL	TW-82-3068	PBS	1
RYBAK MORSKI LARGE STERN TRAWLER	PL-82-0064	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
YUNG CHANG YU NO.11 LONGLINE FISHING VESSEL	TW-[illegible]2-3048	FB[illegible]	1
HO TAI NO.11 LONGLINE FISHING VE[illegible]SEL	TW-[illegible]2-30[illegible]	FBS	1
CHIN WOEI NO.61 LONGLINE FISHING VESSEL	TW-[illegible]2-3070	P[illegible]	1
MIN HONG NO.31 LONGLINE FISHING VESSEL	TW-[illegible]2-3071	F[illegible]S	1
CHIN HUEY NO.12 LONGLINE FISHING VESSEL	TW-[illegible]2-3072	F[illegible]S	1
CHIN HUEY NO.21 LONGLINE FISHING VESSEL	TW-[illegible]2-3073	P[illegible]S	1
CHIN MIN MAN LONGLINE FISHING VESSEL	TW-[illegible]2-3074	FB[illegible]	1
NO.3 CHIEN JIA LONGLINE FISHING VE[illegible]SEL	TW-8[illegible]-3075	PB[illegible]	1
NO.11 KUO SWANG LONGLINE FISHING VESSEL	TW-[illegible]2-3076	PB[illegible]	1
NO.31 FENG HWA LONGLINE FISHING V[illegible]SEL	TW-[illegible]2-3077	F[illegible]S	1
NO.1 MAN SENG LONGLINE FISHING VESSEL	TW-[illegible]2-3079	PBS	1
LIEN CHI TSAI LONGLINE FISHING VE[illegible]SEL	TW-[illegible]2-30[illegible]0	F[illegible]	1
TONG MONG NO.61 LONGLINE FISHING VESS[illegible]L	TW-[illegible]2-308[illegible]	F[illegible]S	1
NO.51 F[illegible]NG TUAN	TW-8[illegible]-30[illegible]	F[illegible]S	1
POLAND			
BONITO STERN TRAWL[illegible]	[illegible]L-82-[illegible]09[illegible]	WOC,GOA, BSA	1
AQUILA STERN TRAWLER	PL-[illegible]2-0[illegible]97	WOC,GOA, BSA	1
MAZURY REFRIGERATING-CARGO VESSEL	[illegible]L-[illegible]-0[illegible][illegible]	WOC,GOA, BSA,NWA	3
KORWIN LARGE STERN TRAWL[illegible]	PL-[illegible]2-0026	NWA	1
RYBAK MORSKI LARGE STERN TRAWLER	[illegible]L-[illegible]2-0064	NWA	1
ADMIRAL SRCISZEWSKI LARGE STERN TRAWLER	PL-82-0081	NWA	1
HALNIAK CARGO/TRANS[illegible]ORT VESSEL	PL-[illegible]2-0029	GOA,BSA WOC,NWA	3
LEWANTER CARGO/TRANSPO[illegible]T VE[illegible]EL	PL-[illegible]2-0030	GOA,BSA WOC,NWA	3
POMORZE CARGO/TRAN[illegible]ORT V[illegible]SSEL	PL-82-[illegible]031	GOA,BSA WOC,NWA	3
BURAN CARGO/TRAN[illegible]PO[illegible]T V[illegible]SEL	[illegible]L-82-0[illegible]33	GOA,BSA WOC,NWA	3
KASZUBY 2 CARGO/TRAN[illegible]PORT VES[illegible]L	[illegible]L-82-0027	GOA,BSA WOC,NWA	3
ZULAWY CARGO/TRANS[illegible]ORT VESSEL	[illegible]L-[illegible]2-0041	GOA,BSA WOC,NWA	3
GRYF POMORSKI CARGO/TRANSPORT V[illegible]SSEL	[illegible]L-[illegible]2-[illegible]049	GOA,BSA WOC,NWA	3
WINETA CARGO/T[illegible]ANSPO[illegible]T VESSEL	PL-[illegible]2-0061	GOA,BSA WOC,NWA	3
TERRAL CARGO/TRANS[illegible]O[illegible]T V[illegible]SSEL	PL-[illegible]2-[illegible]086	GOA,[illegible]SA WOC,NWA	3
KAPITAN LEDOCHOWSKI CARGO/TRANSPORT VESS[illegible]L	PL-[illegible]-[illegible]087	GOA,[illegible]SA WOC,NWA	3
ZYRARDOW CARGO/TRAN[illegible]PORT V[illegible]SSEL	PL-[illegible]-[illegible][illegible]9	GOA,[illegible]SA WOC,NWA	3
GDYNSKI KOSYNIER LONGLIN[illegible] FISHING	[illegible]L-[illegible]2-[illegible]090	GOA,[illegible]SA WOC,NWA	3
DZIECI POLSKIE CARGO/TRANSPORT VESSEL	PL-[illegible]2-0091	GOA,[illegible]SA WOC,NWA	3
LEPUS LARGE STERN [illegible]RAWL[illegible]	PL-82-[illegible]001	[illegible]SA,GOA WOC	1
LYRA LARGE STE[illegible]N TRAWLER	PL-82-[illegible]002	[illegible]SA,GOA WOC	1
PERSEUS LARGE STERN TRAWLE[illegible]	[illegible]L-82-[illegible][illegible]4	GOA,[illegible]SA WOC	1
POLLUX LARGE STERN TRAWLER	[illegible]L-82-00[illegible]6	[illegible]OC,GOA BSA	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
GRINWAL LARGE STERN TRAWLER	PL-82-0007	WOC,GOA BSA	1
GARNELA LARGE STERN TRAWLER	PL-82-0009	WOC,GOA BSA	1
WALEN LARGE STERN TRAWLER	PL-82-0009	WOC,GOA BSA	1
OTOL LARGE STERN TRAWLER	PL-82-0011	WOC,GOA BSA	1
MUSIEL LARGE STERN TRAWLER	PL-82-0012	WOC,GOA BSA	1
HUMBAK LARGE STERN TRAWLER	PL-82-0019	WOC,GOA BSA	1
MARLIN LARGE STERN TRAWLER	PL-82-0034	WOC,GOA BSA	1
ANTARES LARGE STERN TRAWLER	PL-82-0037	WOC,GOA BSA	1
ARCTUS LARGE STERN TRAWLER	PL-82-0038	WOC,GOA BSA	1
SAGITTA LARGE STERN TRAWLER	PL-82-0040	WOC,GOA BSA	1
TUNEK LARGE STERN TRAWLER	PL-82-0045	WOC,GOA BSA	1
AMAREL LARGE STERN TRAWLER	PL-82-0046	WOC,GOA BSA	1
GEMINI LARGE STERN TRAWLER	PL-82-0048	WOC,GOA BSA	1
KOLIAS LARGE STERN TRAWLER	PL-82-0050	WOC,GOA BSA	1
MANTA LARGE STERN TRAWLER	PL-82-0052	WOC,GOA BSA	1
TAZAR LARGE STERN TRAWLER	PL-82-0054	WOC,GOA BSA	1
VEGA LARGE STERN TRAWLER	PL-82-0055	WOC,GOA BSA	1
SATURN LARGE STERN TRAWLER	PL-82-0056	WOC,GOA BSA	1
AWIOR LARGE STERN TRAWLER	PL-82-0060	WOC,GOA BSA	1
SIRIUS LARGE STERN TRAWLER	PL-82-0062	WOC,GOA BSA	1
MORS LARGE STERN TRAWLER	PL-82-0063	WOC,GOA BSA	1
DELFIN LARGE STERN TRAWLER	PL-82-0065	WOC,GOA BSA	1
HAJDUK LARGE STERN TRAWLER	PL-82-0066	WOC,GOA BSA	1
DENEBOLA LARGE STERN TRAWLER	PL-82-0075	WOC,GOA BSA	1
LACERTA LARGE STERN TRAWLER	PL-82-0076	WOC,GOA BSA	1
ORCYN LARGE STERN TRAWLER	PL-82-0077	WOC,GOA BSA	1
ORLEN LARGE STERN TRAWLER	PL-82-0078	WOC,GOA BSA	1
REKIN LARGE STERN TRAWLER	PL-82-0080	WOC,GOA BSA	1
TAURUS LARGE STERN TRAWLER	PL-82-0082	WOC,GOA BSA	1
CARINA LARGE STERN TRAWLER	PL-82-0083	WOC,GOA BSA	1
PARMA LARGE STERN TRAWLER	PL-82-0084	WOC,GOA BSA	1
BOGAR LARGE STERN TRAWLER	PL-82-0085	WOC,GOA BSA	1
ANDROMEDA LARGE STERN TRAWLER	PL-82-0088	WOC,GOA BSA	1
ZYWIEC CARGO SHIP	PL-82-0093	WOC,GOA BSA	3
INDUS STERN TRAWLER	PL-82-0094	WOC,GOA BSA	1
REGULUS STERN TRAWLER	PL-82-0095	WOC,GOA BSA	1
KOREA			
CHUNG YONG NO.3 LONGLINE FISHING VESSEL	KS-82-3031	PHS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
CHUNG YONG NO.6 LONGLINE FISHING VESSEL	KS-82-3003	PHS	1
NO.77 ORYONG LONGLINE FISHING VESSEL	KS-82-3036	PHS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
CHUNG YONG NO.6 LONGLINE FISHING VESSEL	KS-82-3003	PBS	1
CHUNG YONG NO.7 LONGLINE FISHING VESSEL	KS-82-3004	PBS	1
NO.8 ORYONG LONGLINE FISHING VESSEL	KS-82-3005	PBS	1
NO.71 ORYONG LONGLINE FISHING VESSEL	KS-82-3007	PBS	1
NO.72 ORYONG LONGLINE FISHING VESSEL	KS-82-3008	PBS	1
NO.73 ORYONG LONGLINE FISHING VESSEL	KS-82-3009	PBS	1
NO.81 ORYONG LONGLINE FISHING VESSEL	KS-82-3011	PBS	1
NO.82 ORYONG LONGLINE FISHING VESSEL	KS-82-3012	PBS	1
NO.78 ORYONG LONGLINE FISHING VESSEL	KS-82-3025	PBS	1
NO.72 WHA YANG LONGLINE FISHING VESSEL	KS-82-3023	PBS	1
NO.82 WHA YANG LONGLINE FISHING VESSEL	KS-82-3024	PBS	1
NAM PYUNG NO. 1 LONGLINE FISHING VESSEL	KS-82-3026	PBS	1
NAM PYUNG NO. 5 LONGLINE FISHING VESSEL	KS-82-3027	PBS	1
NAM PYUNG NO. 31 LONGLINE FISHING VESSEL	KS-82-3029	PBS	1
NAM PYUNG NO. 32 LONGLINE FISHING VESSEL	KS-82-3030	PBS	1
NO.31 ORYONG LONGLINE FISHING VESSEL	KS-82-3031	PBS	1
NO.33 ORYONG LONGLINE FISHING VESSEL	KS-82-3033	PBS	1
NO.52 ORYONG LONGLINE FISHING VESSEL	KS-82-3034	PBS	1
NO.55 ORYONG LONGLINE FISHING VESSEL	KS-82-3035	PBS	1
NO.77 ORYONG LONGLINE FISHING VESSEL	KS-82-3036	PBS	1
NO.16 TAE CHANG LONGLINE FISHING VESSEL	KS-82-3037	PBS	1
NO.25 TAE CHANG LONGLINE FISHING VESSEL	KS-82-3038	PBS	1
NO.11 SAM HONG LONGLINE FISHING VESSEL	KS-82-3039	PBS	1
NO.18 HAM HONG LONGLINE FISHING VESSEL	KS-82-3040	PBS	1
NO.101 DONGWON LONGLINE FISHING VESSEL	KS-82-3041	PBS	1
NO.101 DAE WANG LONGLINE FISHING VESSEL	KS-82-3042	PBS	1
GAE YANG HO LARGE STERN TRAWLER	KS-82-0001	BSA,GOA	1
SEO YANG HO LARGE STERN TRAWLER	KS-82-0002	BSA,GOA	1
CHEOG YANG HO LARGE STERN TRAWLER	KS-82-0003	BSA,GOA	1
PUNG YANG HO LARGE STERN TRAWLER	KS-82-0004	BSA,GOA	1
HEUNG YANG HO LARGE STERN TRAWLER	KS-82-0006	BSA,GOA	1
KYUNG YANG HO LARGE STERN TRAWLER	KS-82-0005	BSA,GOA	1
HAMBUG LARGE STERN TRAWLER	KS-82-0033	BSA,GOA	1
CRYSTAL DAHLIA LARGE STERN TRAWLER	KS-82-0034	BSA,GOA	1
SALVIA LARGE STERN TRAWLER	KS-82-0103	BSA,GOA	1
DAEJIN NO.11 LARGE STERN TRAWLER	KS-82-0037	BSA,GOA	1
NO.303 DAI HO LARGE STERN TRAWLER	KS-82-0075	BSA,GOA	1
NO.707 DAI HO LARGE STERN TRAWLER	KS-82-0123	BSA,GOA	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
NO.71 DONG BANG MEDIUM STERN TRAWLER	KS-82-0121	BSA,GOA	1
DONGSAN-HO LARGE STERN TRAWLER	KS-82-0039	BSA,GOA	1
YUYANG HO LARGE STERN TRAWLER	KS-82-0104	BSA,GOA	1
SHIN YANG HO MEDIUM STERN TRAWLER	KS-82-0122	BSA,GOA	1
NO.7 SANG WON MEDIUM STERN TRAWLER	KS-82-0041	BSA,GOA	1
HAN KIL HO LARGE STERN TRAWLER	KS-82-0044	BSA,GOA	1
HAN JIN HO LARGE STERN TRAWLER	KS-82-0045	BSA,GOA	1
HANIL HO MEDIUM STERN TRAWLER	KS-82-0107	BSA,GOA	1
SHIN AN HO LARGE STERN TRAWLER	KS-82-0047	BSA,GOA	1
NO.70 OYANG HO LARGE STERN TRAWLER	KS-82-0048	BSA,GOA	1
SOO GONG NO.51 LARGE STERN TRAWLER	KS-82-0042	BSA,GOA	1
JINAM NO.308 MEDIUM STERN TRAWLER	KS-82-0117	BSA,GOA	1
NO.305 JINAM MEDIUM STERN TRAWLER	KS-82-0105	BSA,GOA	1
SOO GONG NO. 91 MEDIUM STERN TRAWLER	KS-82-0115	BSA,GOA	1
SOO GONG NO. 92 MEDIUM STERN TRAWLER	KS-82-0116	BSA,GOA	1
DAE SUNG HO LARGE STERN TRAWLER	KS-82-0051	BSA,GOA	1
NO.1 HAN SUNG LARGE STERN TRAWLER	KS-82-0106	BSA,GOA	1
NO.201 ODAEYANG LONGLINE FISHING VESSEL	KS-82-0128	BSA,GOA	1
NO.212 ODAEYANG LONGLINE FISHING VESSEL	KS-82-0129	BSA,GOA	1
NO.31 DONGWON LONGLINE FISHING VESSEL	KS-82-0053	BSA,GOA	1
SEO KWANG HO LONGLINE FISHING VESSEL	KS-82-0111	BSA,GOA	1
SEO KWANG 7 HO LONGLINE FISHING VESSEL	KS-82-0130	BSA,GOA	1
KWANG MYUNG NO.20 LONGLINE FISHING VESSEL	KS-82-0131	BSA,GOA	1
KWANG MYUNG NO.21 LONGLINE FISHING VESSEL	KS-82-0132	BSA,GOA	1
NO.1 CHIL BO SAN REEFER CARRIER	KS-82-0133	BSA,GOA	3
NO.2 CHIL BO SAN REEFER CARRIER	KS-82-0134	BSA,GOA	3
NO.3 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-82-0074	BSA,GOA	3
NO.5 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-82-0075	BSA,GOA	3
NO.6 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-82-0076	BSA,GOA	3
501 DONG SOO CARGO/TRANSPORT VESSEL	KS-82-0119	BSA,GOA	3
GAE CHEOG HO NO.2 CARGO/TRANSPORT VESSEL	KS-82-0090	BSA,GOA	3
GAE CHEOG HO FACTORY SHIP	KS-82-0112	BSA,GOA	3
NO.105 O DAE YANG CARGO/TRANSPORT VESSEL	KS-82-0094	BSA,GOA	3
106 O DAE YANG CARGO/TRANSPORT VESSEL	KS-82-0095	BSA,GOA	3
HOOK NEUNG FACTORY SHIP	KS-82-0079	BSA,GOA	3
TAE YANG NO.12 CARGO/TRANSPORT VESSEL	KS-82-0081	BSA,GOA	3
ILL WOO NO.58 CARGO/TRANSPORT VESSEL	KS-82-0091	BSA,GOA	3
NO.77 DONG BANG CARGO/TRANSPORT VESSEL	KS-82-0118	BSA,GOA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
RYOUN MARU NO.2	JA-82-0877	SNA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SHINWA MARU CARGO/TRANSPORT VESSEL	JA-[illegible]2-[illegible]0[illegible]	NWA,BSA, GOA,SMT	3
[illegible]AITO [illegible]ARU NO. 5[illegible] MED[illegible]UM STERN TRAWLER	JA-[illegible]2-1176	[illegible]WA	1
HOKUYU MARU NO.68 MEDIUM STER[illegible] TRAWLER	JA-[illegible]2-1177	[illegible]WA	1
EIHEI MARU FACTORY SHIP/MOTHER SHIP	JA-[illegible]2-103[illegible]	CRB,BSA, GOA,SNA, SMT,NWA	[illegible]
EITAN MARU POT FISHING VESSEL	JA-[illegible]2-[illegible]30	CRB,BSA, GOA,SNA, NWA,SMT	1
CHOSEI MARU NO. [illegible] POT FI[illegible]ING V[illegible]SEL	JA-[illegible]2-0843	S[illegible]A,C[illegible]	1
[illegible]AIYO MA[illegible]U [illegible]O.8 [illegible]OT FISHIN[illegible] V[illegible]SEL	JA-[illegible]2-11[illegible]7	SNA,CRB	1
KYOWA MARU NO. [illegible] POT FISHING VES[illegible]L	JA-[illegible]2-09[illegible]1	[illegible]NA,CRB	1
TAKASHIR[illegible] MARU NO.31 [illegible]OT [illegible]ISHING VESSEL	JA-[illegible]2-0856	[illegible]NA,C[illegible]	1
MARUNAKA MARU NO. 6[illegible] POT FISHING V[illegible]SSEL	JA-[illegible]2-[illegible][illegible]0	[illegible]NA,C[illegible]	1
TAISAN MA[illegible]U NO.1 POT [illegible]ISHING VESSEL	JA-[illegible]2-[illegible]51	SNA,C[illegible]	1
EIWA MARU NO.28 POT FISHI[illegible]G VESSEL	JA-[illegible]2-[illegible]20	SNA,C[illegible]	1
CHOSEI MARU NO.7[illegible] POT FISH[illegible]G VE[illegible]EL	JA-[illegible]2-083[illegible]	[illegible]NA	1
[illegible]OHOKU MARU NO.1[illegible] POT FI[illegible]HING V[illegible]SSEL	JA-[illegible]2-[illegible]3[illegible]	[illegible]NA	1
HOYO MA[illegible]U NO.[illegible]8 POT [illegible]ISHING V[illegible]SSEL	JA-[illegible]2-0[illegible]0	SNA	1
NITTOH MARU NO.77 POT FISHING VESSEL	JA-[illegible]2-08[illegible]3	SNA	1
HOYO MARU NO.63 POT [illegible]ISHING VES[illegible]L	JA-[illegible]2-0[illegible]2	SNA	1
RYOUN MARU NO.2 POT FISHING VESSEL	JA-82-0877	[illegible]NA	1
RYUSHO MARU NO.1 POT FISHING VESSEL	JA-82-0878	SNA	1
TAKI MARU NO.2 POT FISHING VESSEL	JA-82-0879	[illegible]NA	1
[illegible]IZEN MARU POT FISHING VESSEL	JA-[illegible]2-0844	SNA	1
HIGO MARU POT FISHING VESSEL	JA-82-0845	[illegible]NA	1
DAITO MARU NO.8 POT FISHING VESSEL	JA-82-0846	[illegible]N[illegible]	1
AZUMA MARU NO.11 POT FISHING VESSEL	JA-82-0871	[illegible]NA	1
EIKYU MARU POT FISHING VESSEL	JA-[illegible]2-0817	CRB	1
MATSUEI MAR[illegible] NO.72 POT FISHING VESSEL	JA-82-0821	CRB	1
EIKYU MARU NO.26 POT FISHING VESSEL	JA-82-0822	C[illegible]	1
[illegible]AKUYO MARU POT FISHING VES[illegible]L	JA-82-[illegible]837	CR[illegible]	1
[illegible]AISEI MARU NO.8 POT FISHING VESSEL	JA-[illegible]2-0900	CR[illegible]	1
[illegible]OYO MA[illegible]U NO.1 LONGLIN[illegible]R/POT	JA-82-0847	CR[illegible]	1
HOKU[illegible]EN MAR[illegible] NO.2 POT FIS[illegible]ING VESSEL	JA-82-[illegible]841	CR[illegible]	1
KAIUN MARU NO.52 POT FISHIN[illegible] VESS[illegible]L	J[illegible]-[illegible][illegible]-0040	CRB	1
HOKKO MARU NO.12 POT FISHING VE[illegible]SEL	JA-82-[illegible]704	CRB	1
RYOYO MARU CARGO/TRAN[illegible]PORT VESSEL	JA-82-1024	BSA,CRB, GOA,NWA, SMT,SNA	3
FUKUYO MARU CARGO/TRANS[illegible]ORT VESSEL	JA-[illegible]2-1025	BSA,CRB, GOA,NWA, SMT,SNA	3

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
KIYO MARU CARGO/TRANSPORT VESSEL	JA-82-1026	BSA,CRB, GOA,NWA, SMT,SNA	3
SHUYO MARU CARGO/TRANSPORT VESSEL	JA-82-1028	BSA,GRB, GOA,NWA, SMT,SNA	3
HOYO MARU CARGO/TRANSPORT VESSEL	JA-82-1029	BSA,CRB, GOA,NWA, SMT,SNA	3
TAMAGAWA MARU CARGO/TRANSPORT VESSEL	JA-82-1030	BSA,CRB, GOA,NWA, SMT,SNA	3
KAKOGAWA MARU CARGO/TRANSPORT VESSEL	JA-82-1031	BSA,CRB, GOA,NWA, SMT,SNA	3
UNO MARU NO.8 CARGO/TRANSPORT VESSEL	JA-82-1032	BSA,CRB, GOA,NWA, SMT,SNA	3
SEIKO MARU CARGO/TRANSPORT VESSEL	JA-82-1043	BSA,CRB, GOA,NWA, SMT,SNA	3
REIYO MARU CARGO/TRANSPORT VESSEL	JA-82-1067	BSA,CRB, GOA,NWA, SMT,SNA	3
JUYO MARU CARGO/TRANSPORT VESSEL	JA-82-1068	BSA,CRB, GOA,NWA, SMT,SNA	3
TOSA MARU CARGO/TRANSPORT VESSEL	JA-82-1071	BSA,CRB, GOA,NWA, SMT,SNA	3
ITOHAM MARU CARGO/TRANSPORT VESSEL	JA-82-1072	BSA,CRB, GOA,NWA, SMT,SNA	3
NIPPONHAM MARU NO.1 CARGO/TRANSPORT VESSEL	JA-82-1082	BSA,CRB, GOA,NWA, SMT,SNA	3
HAYASHIKANE MARU NO.1 CARGO/TRANSPORT VESSEL	JA-82-1102	BSA,CRB, GOA,NWA, SMT,SNA	3
HAYASHIKANE MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-82-1103	BSA,CRB, GOA,NWA, SMT,SNA	3
TAINJAKU MARU CARGO/TRANSPORT VESSEL	JA-82-1106	BSA,CRB, GOA,NWA, SMT,SNA	3
JINYO-MARU CARGO/TRANSPORT VESSEL	JA-82-1132	BSA,CRB, GOA,NWA, SMT,SNA	3
MEIYO-MARU CARGO/TRANSPORT VESSEL	JA-82-1133	BSA,CRB, GOA,NWA, SMT,SNA	3
TAKASHIRO MARU NO.51 CARGO/TRANSPORT VESSEL	JA-82-1151	BSA,CRB, GOA,NWA, SMT,SNA	3
KYOKUSHIN MARU CARGO/TRANSPORT VESSEL	JA-82-1161	BSA,CRB, GOA,NWA, SMT,SNA	3
HIYO MARU CARGO/TRANSPORT VESSEL	JA-82-2025	BSA,CRB, GOA,NWA, SMT,SNA	3
FUYO MARU CARGO/TRANSPORT VESSEL	JA-82-0925	BSA,CRB, GOA,NWA, SMT,SNA	3
SANYO MARU CARGO/TRANSPORT VESSEL	JA-82-0924	BSA,CRB, GOA,NWA, SMT,SNA	3
TENRYU MARU CARGO/TRANSPORT VESSEL	JA-82-1104	BSA,CRB, GOA,NWA, SMT,SNA	3
DAIHO MARU CARGO/TRANSPORT VESSEL	JA-82-1000	BSA,CRB, GOA,NWA, SMT,SNA	3
KOTOKU MARU CARGO/TRANSPORT VESSEL	JA-82-1035	BSA,CRB, GOA,NWA, SMT,SNA	3
TAKASHIRO MARU NO.53 CARGO/TRANSPORT VESSEL	JA-82-0916	BSA,CRB, GOA,NWA, SMT,SNA	3
TAISEI MARU NO.16 CARGO/TRANSPORT VESSEL	JA-82-1052	BSA,CRB, GOA,NWA, SMT,SNA	3
TAISEI MARU NO.87 CARGO/TRANSPORT VESSEL	JA-82-1053	NWA,BSA, SNA,GOA, CRB,SMT	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
TAISEI MARU NO. 98 CARGO/TRANSPORT VESSEL	JA-82-1054	NWA,BSA, SNA,GOA	3
EIHO MARU CARGO/TRANSPORT VESSEL	JA-82-1062	BSA,GOA,	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
TAISEI MARU NO. 98 CARGO/TRANNSPORT VESSEL/ TANKER	JA-■2-10■4	NWA,BSA, SNA,GOA, CRB,SMT	3
TAISEI MARU NO.52 CARGO/TRANSPORT V■SSEL/ TANKER	JA-82-1■55	NWA,BSA, SNA,GOA, CR■,SMT	3
TAISEI MARU NO. 101 CARGO/TRANSPORT VESSEL/ TANKE■	JA-82-1144	NWA,BSA, SNA,GOA, CRB,SMT	3
MATSUKAZE MARU CARGO/TRANSPORT VE■S■L	JA-■2-1045	BSA,GOA, NWA,SNA, SMT,CRB	3
SOYOKAZE MARU CARGO/TRANSPORT VESSEL	JA-■2-1040	BSA,GOA, NWA,SNA, SMT,CRB	3
ISOKAZE MARU CARGO/TRANSPO■■ VESSEL	JA-■■-1038	BSA,GOA, NWA,SNA, ■MT,CRB	3
MIYAJIMA MARU CARGO/TRANSPORT VESSEL	JA-■2-1101	BSA,GOA, NWA,SNA, SMT,CRB	3
MAKUBASAN MARU CARGO/TRANSPORT VESSEL	JA-82-1■27	BSA,GOA, NWA,SNA, S■T,CR■	3
MARINE ACE CARGO/TRANSPO■T VESSEL	JA-82-0■■2	BSA,GOA, NWA,SNA, SMT,CRB	3
BERING MARU CARGO/TRANSPORT VESSEL	JA-■2-1159	BSA,GOA, NWA,SNA, SMT,C■■	3
MYCHIYO MARU CARGO/TRANSPORT VESSEL	JA-■2-1167	BSA,GOA, NWA,SNA, SMT,CRB	3
HAKUYO MARU CARGO/TRANSPORT VESSEL	JA-■2-0017	BSA,GOA, CRB,NWA, SMT,SNA	3
EIO MARU CARGO/TRANSPORT VESSEL	JA-■2-1063	BSA,GOA, SNA,NWA, SMT	3
EIHEI MARU CARGO/TRANSPORT VES■■L	JA-82-1039	BSA,GOA, SNA,NWA, SMT	3
EIHO MARU CARGO/TRANSPORT V■SSEL	JA-82-1062	BSA,GOA, SNA,NWA, SMT	3
HAKKO ARROW CARGO/TRANSPORT VESSEL	JA-82-0■80	NWA,BSA, GOA,SMT	3
HAKKO BOOMERANG CARGO/TRANSPORT VESSEL	JA-82-0881	NWA,BSA, GOA,SMT	3
HAKKO CARDIOID CARGO/TRANSPORT V■SSEL	JA-82-■882	NWA,BSA, GOA,SMT	3
SAKURA MARU CARGO/TRANSPORT VESSEL	JA-82-1001	NWA,BSA, GOA,SMT	3
DAIRYO MARU CARGO/TRANSPORT VE■SEL	JA-82-1002	NWA,BSA, GOA,SMT	3
SATSUKI MARU CARGO/TRANSPORT VESSEL	JA-82-1004	NWA,BSA, GOA,SMT	3
MIHO MARU CARGO/TRANSPO■T VESSEL	JA-82-1069	NWA,BSA, GOA,SMT	3
DAIEN MARU NO.1■ CARGO/TRANSPORT VESSEL	JA-82-1074	NWA,BSA, GOA,SMT	3
SANTO MARU CARGO/TRANSPORT VESSEL	JA-82-1075	NWA,BSA, GOA,SMT	3
FUMIZUKI MARU CARGO/TRANSPORT VESS■L	JA-82-1145	NWA,BSA, GOA,SMT	3
HIROTSUKI MARU CARGO/TRANSPORT VESSEL	JA-82-1146	NWA,BSA, GOA,SMT	3
DAIGEN MARU CARGO/TRANSPORT VESSEL	J■-82-1147	NWA,BSA, GOA,SMT	3
WAKATSUKI MARU CARGO/TRANSPOR■ VE■SEL	JA-82-1150	NWA,BSA, GOA,SMT	3
KOMESHIMA MARU CARGO/TRANSPORT VESS■L	JA-82-2021	NWA,BSA, GOA,SMT	3
TAKATSUKI MARU CARGO/TRANSPORT VESS■L	JA-82-2022	NWA,BSA, GOA,SMT	3
AKIZU■■ MA■U CARGO/TRANSPO■T V■SSEL	JA-82-2023	NWA,BSA, GOA,SMT	3
SANUKI MARU CARGO/TRANSPORT VESSEL	JA-82-0915	NWA,BSA, GOA,SMT	3

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
MIYASHIMA MARU CARGO/TRANSPORT VESSEL	JA-82-0919	NWA,BSA, GOA,SMT	3
MATSUSHIMA MARU CARGO/TRANSPORT VESSEL	J■-■2-0920	NWA,BSA, GOA,SMT	3
TAKESHIMA MARU CARGO/TRANSPORT VESSEL	JA-82-0921	NWA,BSA, GOA,SMT	3
KENDRIC CARGO/TRANSPORT VESSEL	JA-■2-0912	NWA,BSA, GOA,SMT	3
DAIEI MARU NO.52 CARGO/TRANSPORT VESSEL	JA-82-■913	NWA,BSA, GOA,SMT	3
NISSEI MARU CARGO/TRANSPORT VESSEL	JA-82-0914	NWA,BSA, GOA,SMT	3
DAITOKU MARU NO.31 CARGO/TRANSPORT VESSEL	JA-82-1092	NWA,BSA, GOA,SMT	3
PHOENIX CARGO/TRANSPORT VESSEL	JA-82-0917	NWA,BSA, GOA,SMT	3
FALCON CARGO/TRANSPORT VESSEL	JA-■2-■■18	NWA,BSA, GOA,SMT	3
KISARAGI MARU CARGO/TRANSPORT VESSEL	JA-■2-■929	NWA,BSA, GOA,SMT	3
TAISEI MARU NO. 41 CARGO/TRANSPORT VESSEL/ TANKER	JA-82-1056	BSA,SNA, GOA,CRB, SMT	3
TANKANE MARU TANKER FUEL/WATER/FISH OIL	JA-82-0895	BSA,GOA SMT,CRB	3
TENRYO MARU TANKER FUEL/WATER/FISH OIL	JA-82-2024	BSA,GOA, SMT,CRB	3
FUKUJU MARU NO.57 CARGO/TRANSPORT VESSEL	JA-82-1050	BSA,SNA, GOA,CRB, SMT	3
SHOKEN MARU CARGO/TRANSPORT VESSEL	JA-82-0930	BSA,GOA, NWA	3
SETA MARU CARGO/TRANSPORT VESSEL	JA-82-1010	BSA,GOA, NWA	3
SHIGA MARU CARGO/TRANSPORT VESSEL	JA-82-1012	BSA,GOA, NWA	3
KUNISAKI CARGO/TRANSPORT VESSEL	JA-82-0899	BSA,GOA, NWA	3
TENSEI MARU CARGO/TRANSPORT VESSEL	JA-82-■896	BSA,GOA NWA	3
KAISEI MARU NO.5 CARGO/TRANSPORT VESSEL	JA-82-1015	BSA,GOA NWA	3
■HINSEI MARU CARGO/TRANSPORT VESSEL	JA-82-0890	BSA,GOA NWA	3
SHINRYU MARU NO. 18 CARGO/TRANSPORT VESSEL	JA-82-0906	BSA,GOA, NWA	3
OKITSU MARU CARGO/TRANSPORT VESSEL	JA-82-1098	BSA,GOA, NWA	3
EITOKU MARU CARGO/TRANSPORT VESSEL	JA-82-1094	BSA,GOA, NWA,SNA, CRB	3
ASAKAZE MARU CARGO/TRANSPORT VESSEL	JA-82-1089	BSA,GOA, NWA,SNA, CRB	3
HARUKAZE MARU CARGO/TRANSPORT VESSEL	JA-82-1049	BSA,GOA, NWA,SNA, CRB	3
NOJIMA MARU CARGO/TRANSPORT VESSEL	JA-82-1096	BSA,GOA, NWA,SNA, CRB	3
SUOH CARGO/TRANSPORT VESSEL	JA-82-0893	BSA,GOA, NWA,SNA, CRB	3
SUN HAPPINESS CARGO/TRANSPORT VESSEL	JA-82-0891	BSA,GOA, NWA,SNA, CRB	3
AKASHIA MARU CARGO/TRANSPORT VESSEL	JA-82-1156	GOA,BSA, SNA,NWA	3
HOKKAI MARU CARGO/TRANSPORT VESSEL	JA-82-0922	GOA,BSA, SNA,NWA	3
SUZURAN MARU CARGO/TRANSPORT VESSEL	JA-82-1152	GOA,BSA, SNA,NWA	3
HAYATSUKI MARU CARGO/TRANSPORT VESSEL	JA-82-1037	GOA,BSA, SNA,NWA	3
HAMANASU MARU CARGO/TRANSPORT VESSEL	JA-82-0883	GOA,BSA, SNA,NWA	3
MARINE FELLOW CARGO/TRANSPORT VESSEL	JA-82-0003	GOA,BSA, SNA,NWA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
HOKO MARU NO.31 CARGO/TRANSPORT VESSEL	JA-■2-1083	BSA,GOA, SNA,NWA	3
AKEBONO REEFER CARGO/TRANSPORT VESSEL	JA-■2-0■11	GOA,BSA,	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
HOKO MARU NO.31 CARGO/TRANSPORT VESSEL	JA-82-1083	BSA,GOA, SNA,NWA	3
KARASAKI MARU CARGO/TRANSPORT VESSEL	JA-82-1011	BSA,GOA, SNA,NWA	3
SHIKISHIMA REEFER CARGO/TRANSPORT VESSEL	JA-82-0089	GOA,BSA, SNA,NWA	3
SEISHU MARU NO.2 CARGO/TRANSPORT VESSEL	JA-82-0928	BSA,GOA, NWA,SNA	3
SUNNY REEFER CARGO/TRANSPORT VESSEL	JA-82-0892	GOA,BSA, SNA,NWA	3
HAKODATE MARU NO.2 CARGO/TRANSPORT VESSEL	JA-82-1017	GOA,BSA, SNA,NWA	3
YOHO MARU CARGO/TRANSPORT VESSEL	JA-82-1018	GOA,BSA, SNA,NWA	3
KAIKO MARU CARGO/TRANSPORT VESSEL	JA-82-1019	GOA,BAS, SNA,NWA	3
KENTOKU MARU CARGO/TRANSPORT VESSEL	JA-82-1021	GOA,BSA, SNA,NWA	3
MISHIMA MARU CARGO/TRANSPORT VESSEL	JA-82-1023	GOA,BSA, SNA,NWA	3
NIKKO MARU CARGO/TRANSPORT VESSEL	JA-82-1077	GOA,BSA, SNA,NWA	3
SHINPRIMA MARU CARGO/TRANSPORT VESSEL	JA-82-1081	GOA,BSA, SNA,NWA	3
TOKYO REEFER CARGO/TRANSPORT VESSEL	JA-82-1135	GOA,BSA, SNA,NWA	3
OSAKA REEFER CARGO/TRANSPORT VESSEL	JA-82-2011	GOA,BSA, SNA,NWA	3
YAMATO REEFER CARGO/TRANSPORT VESSEL	JA-82-1019	GOA,BSA, SNA,NWA	3
SKY REEFER CARGO/TRANSPORT VESSEL	JA-82-0907	GOA,BSA, SNA,NWA	3
FUJI REEFER CARGO/TRANSPORT VESSEL	JA-83-0908	GOA,BSA, SNA,NWA	3
SAKURA REEFER CARGO/TRANSPORT VESSEL	JA-82-0909	GOA,BSA, SNA,NWA	3
ARIAKE REEFER CARGO/TRANSPORT VESSEL	JA-82-0910	GOA,BSA, SNA,NWA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
AKEBONO REEFER CARGO/TRANSPORT VESSEL	JA-82-0911	GOA,BSA, SNA,NWA	3
MIZUHO REEFER CARGO/TRANSPORT VESSEL	JA-82-0016	GOA,BSA, SNA,NWA	3
ASUKA MARU TANKER FUEL/WATER	JA-82-0009	CRB,BSA, GOA,SNA	3
TENYOSHI MARU TANKER FUEL/WATER	JA-82-0008	CRB,BSA, GOA,SNA	3
DAIEI MARU NO.5 TANKER FUEL/WATER	JA-82-0007	CRB,BSA, GOA,SNA	3
KYOKUYO MARU TANKER FUEL/WATER	JA-82-0885	CRB,BSA, GOA,SNA	3
RICH SEAGULL TANKER FUEL/WATER	JA-82-0888	CRB,BSA, GOA,SNA	3
TENKAI MARU TANKER FUEL/WATER	JA-82-0894	CRB,BSA, GOA,SNA	3
CHIGUSA MARU TANKER FUEL/WATER	JA-82-2002	CRB,BSA, GOA,SNA	3
YACHIYO MARU NO.26 CARGO/TRANSPORT VESSEL	JA-82-1079	GOA,BSA, SNA	3
WAKASHIO MARU NO.32 CARGO/TRANSPORT VESSEL	JA-82-1121	GOA,BSA, SNA	3
YACHIYO MARU NO.15 CARGO/TRANSPORT VESSEL	JA-82-1123	GOA,BSA, SNA	3
SAMEI MARU CARGO/TRANSPORT VESSEL	JA-82-0568	BSA,CRB, GOA	3
NIKKA MARU CARGO/TRANSPORT VESSEL	JA-82-0927	BSA,CRB, GOA	3
TSUBU MARU CARGO/TRANSPORT VESSEL	JA-82-1085	BSA,CRB, GOA	3
SUZUKAZE MARU CARGO/TRANSPORT VESSEL/ TANKER	JA-82-1058	BSA,GOA, CRB	3
SACHIKAZE MARU CARGO/TRANSPORT VESSEL/ TANKER	JA-82-1057	BSA,GOA, CRB	3
MIE MARU NO.7 CARGO/TRANNSPORT VESSEL	JA-82-1080	BSA,CRB, GOA	3

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
UNOMARU NO.1 CARGO/TRANSPORT VESSEL	JA-82-1120	BSA,CRB, GOA	3
YUWASU MARU CARGO/TRANSPORT VESSEL	JA-82-0005	BSA,CRB, GOA	3
FUJISAN MARU NO.28 CARGO/TRANSPORT VESSEL	JA-82-0006	BSA,CRB, GOA	3
KYOHO MARU CARGO/TRANSPORT VESSEL	JA-82-1034	BSA,GOA	3
KURUSHIMA MARU CARGO/TRANSPORT VESSEL	JA-82-1128	BSA,GOA	3
NAGISA MARU CARGO/TRANSPORT VESSEL	JA-82-1061	BSA,GOA	3
AWASHIMA MARU CARGO/TRANSPORT VESSEL	JA-82-1060	BSA,GOA	3
KASHIWAHANA MARU NO.1 CARGO/TRANSPORT VESSEL	JA-82-0884	BSA,GOA	3
KINEI MARU NO.3 LONGLINE FISHING VESSEL	JA-82-3079	PBS	1
TOYOTOMI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-3886	PBS	1
ANYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-82-0283	BSA	1
JIN PO MARU NO. 65 CARGO/TRANSPORT VESSEL	JA-82-1142	CRB,BSA, GOA,NWA, ABS,PBS, SMT,SNA	3
EIKYU MARU NO. 3 MEDIUM STERN TRAWLER	JA-82-1174	BSA	1
ANYO MARU NO.18 MEDIUM STERN TRAWLER	JA-82-1175	BSA	1
AKEBONO MARU NO.31 MEDIUM STERN TRAWLER	JA-82-0306	BSA,GOA	1
KOYO MARU NO.21 MEDIUM STERN TRAWLER	JA-82-0292	BSA,GOA	1
KOYO MARU NO. 2 LARGE STERN TRAWLER	JA-82-0297	BSA,GOA	1
KOYO MARU NO.3 LARGE STERN TRAWLER	JA-82-0343	BSA,GOA	1
TENYO MARU LARGE STERN TRAWLER	JA-82-0352	BSA,GOA	1
TENYO MARU NO.2 LARGE STERN TRAWLER	JA-82-0332	BSA,GOA	1
TENYO MARU NO.3 LARGE STERN TRAWLER	JA-82-0333	BSA,GOA	1
TENYO MARU NO.5 LARGE STERN TRAWLER	JA-82-0334	BSA,GOA	1
AKEBONO MARU NO.1 MEDIUM STERN TRAWLER	JA-82-1153	BSA,GOA	1
AKEBONO MARU NO.2 MEDIUM STERN TRAWLER	JA-82-1154	BSA,GOA	1
AKEBONO MARU NO. 72 LARGE STERN TRAWLER	JA-82-0338	BSA,GOA	1
AKEBONO MARU NO. 32 MEDIUM STERN TRAWLER	JA-82-0307	BSA,GOA	1
AKEBONO MARU NO. 27 MEDIUM STERN TRAWLER	JA-82-0308	BSA,GOA	1
AKEBONO MARU NO. 28 MEDIUM STERN TRAWLER	JA-82-0309	BSA,GOA	1
AKEBONO MARU NO.11 MEDIUM STERN TRAWLER	JA-82-0310	BSA,GOA	1
AKEBONO MARU NO. 18 MEDIUM STERN TRAWLER	JA-82-0315	BSA	1
AKEBONO MARU NO.15 MEDIUM STERN TRAWLER	JA-82-0312	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
AKEBONO MARU NO. 16 MEDIUM STERN TRAWLE■	JA-82-0313	■■A,■OA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
ANYO MARU NO.12 MEDIUM STERN TRAWLE■■	JA-82-0■00	■SA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
AKEBONO MARU NO. 16 MEDIUM ■TERN TRAWLER	JA-82-0313	BSA,GOA	1
AKEBONO MARU NO.17 MEDIUM STERN TRAWLER	JA-82-0314	BSA	1
AKEBONO MARU NO. 21 MEDIUM STERN TRAWLER	JA-82-0316	BSA	1
YAMATO MARU LARGE ■TERN TRAWLER	JA-82-■339	■SA,GOA	1
RIKUZEN MARU LARGE STERN TRAWLER	JA-■2-■340	BSA,GOA	1
HARUNA MARU LARGE STERN TRAWLER	JA-■2-0350	■SA,GOA	1
KONGO MARU LARGE STERN TRAWLER	JA-■2-0341	■■A,GOA	1
NIITAKA MARU LARGE STERN TRAWLER	JA-■■-■289	■■A,GOA	1
AKEBONO MARU NO.22 MEDIUM ■TERN TRAWLER	JA-■2-0317	■SA,GOA	1
ZUIHOO MARU NO.28 MEDIUM STERN TRAWLER	JA-■■-0565	BSA	1
SHIZUOKA MARU MEDIUM STERN TRAWLER	JA-82-0318	B■A,G■A	1
SHINNICHI MARU NO.38 MEDIUM STERN TRAWLER	JA-■2-0563	BSA	1
SHUNYOO MARU NO.118 MEDIUM ■TERN TRAWLER	JA-■2-0564	■S■	1
DAIAN ■ARU NO. 188 MEDIUM STE■N TRAWLER	JA-■2-■553	BSA	1
KAIYO MARU NO.12 MEDIUM STE■N TRAWLER	JA-■2-■724	■■A	1
CHIKU■U MARU LARGE STERN TRAWL■R	JA-■2-0336	■■A,GOA	1
TSUDA MARU LARGE STERN TRAWLER	JA-■2-0337	■■A,GOA	1
OHTORI MARU LARGE STERN TRAWL■■	JA-■2-■342	■SA,GOA	1
ANYO MARU NO. 11 MEDIUM STERN TRAWLER	JA-■2-■541	■SA,GO■	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
ANYO MARU NO.12 MEDIUM STERN TRAWLER	JA-82-0500	■SA	1
SUIYO MARU NO.2 LARGE STERN TRAWLER	JA-82-0351	■SA,GOA	1
ZUIYO MARU NO.3 LARGE STERN TRAWL■R	JA-82-0331	■SA,GOA	1
KYOWA MARU NO.11 MEDIU■ STERN TRAWLER	JA-82-0566	BSA,GOA	1
KOSHIN MARU NO.11 MEDIUM STERN TRAWL■R	JA-82-0303	■SA,GOA	1
EIKYU MARU NO.2 MEDIUM STERN TRAWL■R	JA-82-0299	■SA	1
EIKYU MARU NO.11 MEDIUM STERN TRAWL■■	JA-82-0300	BSA	1
EIKYU MARU NO.12 MEDIUM STERN TRAWLER	JA-■2-0411	■S■	1
TOMI MARU NO.85 MEDIUM STERN TRAWLER	JA-82-■282	BSA,GOA	1
TOMI MARU NO.83 MEDIUM ■TERN TRAWLER	JA-■2-117■	■■A,GOA	1
FUKUYOSHI MARU NO.38 MEDIUM STERN TRAWLER	JA-82-■304	■SA,GOA	1
DAISHIN MAR■ NO.28 LARGE STERN TRAWLER	JA-82-0569	BSA,GOA	1
TOKAC■I MARU STERN TRAWLER	JA-82-0360	NW■	1
SUZUK■ MARU STERN TRAWLE■	JA-82-0363	NWA	1
SHIRA■E MARU STERN TRAWLE■	JA-■2-0362	NWA	1
ZAO MARU STERN TRAWLE■	JA-82-0361	NWA	1
TESHIO MARU STERN TRAWLE■	JA-■2-1169	NWA	1
■OYO MARU STERN TRAWLE■	JA-82-036■	NWA	1
BANSHU MARU NO.6 LARGE ■TERN TRAWLER	JA-■2-■373	NWA	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
BANSHU MARU NO.7 LARGE STERN TRAWLER	JA-82-0374	NWA	1
TAIYO MARU NO.83 MEDIUM STERN TRAWLER	JA-82-0380	NWA	1
ENIWA MARU LARGE STERN TRAWLER	JA-82-0898	NWA	1
MIKAMI MARU LARGE STERN TRAWLER	JA-82-0368	NWA	1
NIHONKAI MARU MEDIUM STERN TRAWLER	JA-82-0369	NWA	1
DAISHIN MARU NO.16 LARGE STERN TRAWLER	JA-82-0376	NWA	1
ZUIYO MARU LARGE STERN TRAWLER	JA-82-0335	BSA,GOA, SMT	1
RYUYO MARU LARGE STERN TRAWLER	JA-82-0200	BSA,GOA, SMT	1
DAISHIN MARU NO.12 LARGE STERN TRAWLER	JA-82-0285	BSA,GOA, SMT	1
DAISHIN MARU NO.22 LARGE STERN TRAWLER	JA-82-0286	BSA,GOA, SMT	1
KITAKAMI MARU MEDIUM STERN TRAWLER	JA-82-0321	BSA,GOA, SMT	1
ASO MARU LARGE STERN TRAWLER	JA-82-0288	BSA,GOA, SMT	1
TAKACHIHO MARU LARGE STERN TRAWLER	JA-82-0291	BSA,GOA, SMT	1
MINESHIMA MARU FACTORY SHIP	JA-82-0080	BSA	2
KAIKO MARU NO.8 DANISH SEINER	JA-82-0090	BSA	1
EBISU MARU NO.21 DANISH SEINER	JA-82-0091	BSA	1
KAIUN MARU NO.78 DANISH SEINER	JA-82-0092	BSA	1
SHOSEI MARU NO.30 DANISH SEINER	JA-82-0556	BSA	1
MITSU MARU NO.50 DANISH SEINER	JA-82-0095	BSA	1
SHUYO MARU PAIR TRAWLER	JA-82-0110	BSA	1
EIYO MARU PAIR TRAWLER	JA-82-0111	BSA	1
KOYO MARU PAIR TRAWLER	JA-82-0112	BSA	1
FUKUYO MARU PAIR TRAWLER	JA-82-0113	BSA	1
KATORI MARU PAIR TRAWLER	JA-82-0114	BSA	1
KATSUKI MARU PAIR TRAWLER	JA-82-0115	BSA	1
AOBA MARU PAIR TRAWLER	JA-82-0116	BSA	1
WAKABA MARU PAIR TRAWLER	JA-82-0117	BSA	1
WASHIMA MARU PAIR TRAWLER	JA-82-0122	BSA	1
TOYOSHIMA MARU PAIR TRAWLER	JA-82-0123	BSA	1
TATEYAMA MARU PAIR TRAWLER	JA-82-0835	BSA	1
NISHIYAMA MARU PAIR TRAWLER	JA-82-0836	BSA	1
KATSUYAMA MARU PAIR TRAWLER	JA-82-0033	BSA	1
MATSUYAMA MARU PAIR TRAWLER	JA-82-1157	BSA	1
HEIKYU MARU NO.35 DANISH SEINER (STERN CHUTE)	JA-82-0567	BSA	1
SHIKISHIMA MARU FACTORY SHIP	JA-82-0030	BSA	2
EBISU MARU NO.11 DANISH SEINER	JA-82-0042	BSA	1
SEIHO MARU NO.15 DANISH SEINER	JA-82-0043	BSA	1
HOKKO MARU NO.17 DANISH SEINER	JA-82-0050	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
MIZUHO MARU PAIR TRAWLER	JA-82-0060	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
YURYO MARU NO.35	JA-82-0201	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
MIZUHO MARU PAIR TRAWLER	JA-82-0060	BSA	1
AKIHO MARU PAIR TRAWLER	JA-82-0061	BSA	1
SYUNYO MARU PAIR TRAWLER	JA-82-0062	BSA	1
RAKUYO MARU PAIR TRAWLER	JA-82-0063	BSA	1
WAYO MARU PAIR TRAWLER	JA-82-0064	BSA	1
JUNYO MARU PAIR TRAWLER	JA-82-0065	BSA	1
YASHIMA MARU PAIR TRAWLER	JA-82-0070	BSA	1
TSUSHIMA MARU PAIR TRAWLER	JA-82-0071	BSA	1
KAIUN MARU NO.62 DANISH SEINER	JA-82-1482	BSA	1
OYO MARU PAIR TRAWLER	JA-82-0120	BSA	1
EIYO MARU PAIR TRAWLER	JA-82-0121	BSA	1
OTOHA MARU PAIR TRAWLER	JA-82-0010	BSA	1
KUREHA MARU PAIR TRAWLER	JA-82-0011	BSA	1
HOKKAI MARU PAIR TRAWLER	JA-82-0012	BSA	1
HAKUREI MARU PAIR TRAWLER	JA-82-0013	BSA	1
HOKUSHIN MARU PAIR TRAWLER	JA-82-0014	BSA	1
HOKUTO MARU PAIR TRAWLER	JA-82-0015	BSA	1
NITTO MARU NO.75 MEDIUM STERN TRAWLER	JA-82-0406	BSA	1
HOYO MARU FACTORY SHIP	JA-82-0190	BSA	2
YURYO MARU NO.35 DANISH SEINER	JA-82-0201	BSA	1
SOHO MARU NO.32 DANISH SEINER	JA-82-2007	BSA	1
SOHO MARU NO.68 DANISH SEINER	JA-82-0204	BSA	1
KAKUYO MARU NO.1 PAIR TRAWLER	JA-82-0210	BSA	1
KAKUYO MARU NO.2 PAIR TRAWLER	JA-82-0211	BSA	1
KAKUYO MARU NO.3 PAIR TRAWLER	JA-82-0212	BSA	1
KAKUYO MARU NO.5 PAIR TRAWLER	JA-82-0213	BSA	1
KAKUYO MARU NO.7 PAIR TRAWLER	JA-82-0214	BSA	1
KAKUYO MARU NO.8 PAIR TRAWLER	JA-82-0215	BSA	1
KAKUYO MARU NO.11 PAIR TRAWLER	JA-82-2008	BSA	1
KAKUYO MARU NO.12 PAIR TRAWLER	JA-82-2009	BSA	1
NITTO MARU NO.31 PAIR TRAWLER	JA-82-0218	BSA	1
NITTO MARU NO.32 PAIR TRAWLER	JA-82-0219	BSA	1
NITTO MARU NO.35 PAIR TRAWLER	JA-82-0220	BSA	1
NITTO MARU NO.36 PAIR TRAWLER	JA-82-0221	BSA	1
TENYU MARU NO.28 DANISH SEINER	JA-82-1483	BSA	1
NISSHIN MARU NO.2 FACTORY SHIP	JA-82-0140	BSA	2
AKATSUKI MARU NO.1 DANISH SEINER (STERN CHUTE)	JA-82-1129	BSA	1
SHOKEN MARU NO.8 DANISH SEINER	JA-82-1160	BSA	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
AKASHI MARU NO.16 PA■R TRAWL■R	J■-82-0160	■SA	1
AKASHI MARU NO.17 PAIR TRAWLER	JA-82-0161	BSA	1
AKASHI MARU NO.51 PAIR TRAWLER	JA-82-0162	BSA	1
AKASHI MARU NO.52 PAIR TRAWLER	JA-82-■163	■SA	1
AKASHI MARU NO.58 PAIR TRAWLER	JA-82-0164	BSA	1
AKAS■I MARU NO.59 PAIR TRAWLER	JA-82-0165	BSA	1
AKASHI MARU NO.6 PAIR TRAWLER	JA-82-0166	BSA	1
AKASHI MARU NO.65 PAIR TRAWLER	JA-82-0167	■SA	1
AKASHI MARU NO.66 PAIR TRAWLER	JA-82-0168	■SA	1
AKAS■I MARU NO.67 PAIR TRAWLER	JA-82-0169	■SA	1
AKASHI MARU NO.68 PAIR TRAWLER	JA-82-■170	BSA	1
AKASHI MARU NO.69 PAIR TRAWLER	JA-82-0171	■SA	1
AKASHI MARU NO.71 PAIR TRAWLER	JA-82-0172	BSA	1
AKASHI MARU NO.72 PAIR TRAWLER	JA-82-0173	BSA	1
AKASHI MARU NO.73 PAIR TRAWLER	JA-82-0174	BSA	1
AKASHI MARU NO.75 PAIR TRAWLER	JA-82-0175	BSA	1
AKASHI MARU NO.76 PAIR TRAWLER	JA-82-0176	BSA	1
AKASHI MARU NO.77 PAIR TRAWLER	JA-82-0177	■SA	1
AKASHI MARU NO.18 PAIR TRAWLER	JA-82-0178	BSA	1
SOYO MARU FACTORY SHIP	JA-82-0240	BSA	2
TAISEI MARU NO.51 MEDIUM STERN TRAWLER	JA-82-0250	BSA	1
MUTSU MARU NO.52 MEDIUM STERN TRAWLER	JA-82-0251	BSA	1
TORA MARU NO.18 MEDI■M STERN TRAWLER	JA-82-0252	BSA	1
ZENPO ■ARU NO.21 MEDIU■ STERN TRAWLER	JA-82-0253	BSA	1
KAKUDAI MARU NO.25 MEDIUM STERN TRAWLER	JA-82-0254	BSA	1
FUJI MARU NO.1 MEDIUM STERN TRAWLER	JA-82-0255	BSA	1
HOKEN MARU NO.38 MEDIUM STERN TRAWLER	JA-82-1164	■SA	1
KAIKO MARU NO.5 MEDIUM STERN TRAWLER	JA-82-0404	BSA	1
KAIKO MARU NO.3 MEDIUM STERN TRAWLER	JA-82-■258	BSA	1
AKAS■I MARU NO.1■ PAIR TRAWLER	JA-82-1136	■SA	1
KASHIMA MARU FACTORY SHIP	JA-82-0001	BSA,NWA, GOA,SNA, CRB	2
EIKYU MARU NO.16 MEDIUM STERN TRAWLER	JA-82-0420	BSA	1
KORYO MARU NO.108 MEDIUM STERN TRAWLER	JA-82-0421	BSA	1
TAISEI MARU NO.68 MEDIUM STERN TRAWLER	JA-82-0428	BSA	1
TOMI MARU NO.53 MEDIUM STERN TRAWLER	JA-82-0433	BSA	1
TOMI MARU NO.55 MEDIUM STERN TRAWLER	JA-82-0437	BSA	1
TOMI MARU NO.51 MEDI■M STERN TRAWLER	JA-82-0897	■SA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
NO.8 MITOMARU MEDIUM STERN TRAWLER	JA-82-0435	BSA	1
TORA MARU NO.31 MEDIUM STERN TRAWLER	JA-82-0422	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
NO.8 MITOMARU MEDIUM STERN TRAWLER	JA-82-0435	[illegible]	1
YAHATA MARU NO.56 MEDIUM STERN TRAWLER	JA-82-0441	BSA	1
YAHATA MARU NO.53 MEDIUM STERN TRAWLER	JA-82-[illegible]440	[illegible]	1
KOHOKU MARU NO.16 MEDIUM STERN TRAWLER	JA-82-0442	[illegible]	1
KOHOKU MARU NO.17 MEDIUM STERN TRAWLER	JA-82-0443	[illegible]	1
SEITOKU MARU NO. 105 MEDIUM STERN TRAWLER	JA-82-0447	BSA	1
JUKYU MARU NO.18 MEDIUM STERN TRAWLER	JA-82-0402	[illegible]	1
YAMASAN MARU NO.81 MEDIUM STERN TRAWLER	JA-82-0409	BSA	1
YAMASAN MARU NO.85 MEDIUM STERN TRAWLER	JA-82-0410	BSA	1
DAITO MARU NO.38 MEDIUM STERN TRAWLER	JA-82-[illegible]413	BSA	1
SHOYO MARU MEDIUM STERN TRAWLER	JA-[illegible]2-1394	[illegible]	1
KAIYO MARU NO.7 MEDIUM STERN TRAWLER	JA-82-[illegible]431	[illegible]	1
KAIYO MARU NO.8 MEDIUM STERN TRAWLER	JA-82-0432	[illegible]	1
KYOYO MARU NO.2 MEDIUM STERN TRAWLER	JA-82-0424	[illegible]	1
MANRYO MARU NO.31 MEDIUM STERN TRAWLER	JA-[illegible]2-0445	BSA	1
MANRYO MARU NO.32 MEDIUM STERN TRAWLER	JA-82-0446	[illegible]	1
[illegible] MARU NO.35 MEDIUM [illegible] TRAWLER	JA-[illegible]2-0438	[illegible]	1
HOKKO MARU NO.57 MEDIUM STERN TRAWLER	JA-[illegible]2-0407	[illegible]	1
[illegible] MARU NO.77 MEDIUM [illegible] TRAWLER	JA-82-0100	[illegible]	1
TORA MARU NO.31 MEDIUM STERN TRAWLER	JA-82-[illegible]422	[illegible]	1
KAIUN MARU NO.65 MEDIUM STERN TRAWLER	JA-82-2010	BSA	1
HATSUE MARU NO.62 MEDIUM STERN TRAWLER	JA-82-0403	BSA	1
HOKEN MARU NO.8 MEDIUM STERN TRAWLER	JA-82-0425	BSA	1
CHUYO MARU NO.21 MEDIUM STERN TRAWLER	JA-82-0418	[illegible]	1
CHUYO MARU NO.22 MEDIUM STERN TRAWLER	JA-82-0419	BSA	1
TOMI MARU NO.82 MEDIUM STERN TRAWLER	JA-82-0434	BSA	1
TAISEI MARU NO.3 MEDIUM STERN TRAWLER	JA-82-0449	BSA	1
TAISEI MARU [illegible]O.11 MEDIUM STERN TRAWLER	JA-82-0451	BSA	1
TAISEI MARU [illegible]O.16 MEDIUM STERN TRAWLER	JA-82-0450	BSA	1
YASHIO MARU [illegible]O.11 MEDIUM STERN TRAWLER	JA-82-[illegible]452	BSA	1
SHOSHIN MARU NO.18 MEDIUM STERN TRAWLER	JA-82-[illegible]454	BSA	1
SHOSHIN MARU NO.21 MEDIUM STERN TRAWLER	JA-82-0453	[illegible]	1
NARITA MARU NO.35 MEDIUM STER[illegible] TRAWLER	JA-82-[illegible]456	[illegible]	1
HOKUO MARU N[illegible].25 MEDIUM STERN TRAWLER	JA-[illegible]2-0457	[illegible]	1
HAMAZE[illegible] MARU NO.35 MEDIUM STERN TRAWLER	JA-82-0461	BSA	1
YURYO [illegible]ARU NO.[illegible] MEDIUM STE[illegible]N T[illegible]AWLER	JA-82-0463	[illegible]	1
KAIYO [illegible]ARU NO.53 MEDIUM STERN TRAWLER	JA-82-0464	BSA	1
SEIJU MARU NO.28 MEDIUM STERN TRAWLER	JA-82-0465	BSA	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
YAHATA MARU NO.35 MEDIUM STERN TRAWLER	JA-82-0467	BSA	1
SOHOMARU NO.52 MEDIUM STERN TRAWLER	JA-82-0466	BSA	1
FUKUYOSHI MARU NO.28 MEDIUM STERN TRAWLER	JA-[illegible]2-0472	BSA	1
RYOAN MARU NO.25 MEDIUM STERN TRAWLER	JA-82-[illegible]475	BSA	1
RYOAN MARU NO.28 MEDIUM STERN TRAWLER	JA-82-0426	[illegible]SA	1
SACHI MARU NO.22 MEDIUM STERN TRAWLER	JA-82-0477	BS[illegible]	1
RYUHO MARU NO.37 MEDIUM STERN TRAWLER	JA-82-0480	BSA	1
GINRYU MARU NO.5 MEDIUM STERN TRAWLER	JA-82-1171	[illegible]SA	1
DAIKICHI MARU NO.32 MEDIUM STERN TRAWLER	JA-82-0554	[illegible]SA	1
DAIKICHI MARU NO.35 MEDIUM STERN TRAWLER	JA-82-0494	B[illegible]	1
DAIKICHI MARU NO.37 MEDIUM STERN TRAWLER	JA-82-0483	[illegible]SA	1
DAIKICHI MARU NO.51 MEDIUM STERN TRAWLER	JA-[illegible]2-0484	BS[illegible]	1
RYUJIN MARU NO.8 MEDIUM STERN TRAWLER	JA-[illegible]2-0486	[illegible]SA	1
KOEI MARU NO.15 MEDIUM STERN TRAWLER	JA-82-1396	BSA	1
KOEI MARU NO.35 MEDIUM STERN TRAWLER	JA-82-0489	BSA	1
KOEI MARU NO.51 MEDIUM STERN TRAWLER	JA-82-0486	BSA	1
YAKUSHI MARU NO.21 MEDIUM STERN TRAWLER	JA-82-0491	BSA	1
YAKUSHI MARU NO.31 MEDIUM STERN TRAWLER	JA-82-0496	BSA	1
FUKUCHO MARU NO.23 MEDIUM STERN TRAWLER	JA-82-0495	B[illegible]A	1
TENYU MARU NO.3 MEDIUM STERN TRAWLER	JA-82-0497	BSA	1
RUYJIN MARU NO.11 MEDIUM STERN TRAWLER	JA-82-1172	B[illegible]A	1
KOTOBUKI MARU NO.25 MEDIUM STERN TRAWLER	JA-82-0502	BSA	1
RYUHO MARU NO.31 MEDIUM STERN TRAWLER	JA-82-0506	[illegible]SA	1
KASHIMA MARU NO.23 MEDIUM STERN TRAWLER	JA-82-0508	[illegible]SA	1
EIKYU MARU NO.35 MEDIUM STERN TRAWLER	JA-82-0511	[illegible]SA	1
DAINICHI MARU NO.31 MEDIUM STERN TRAWLER	JA-82-0514	BSA	1
RYOEI MARU NNO. 38 MEDIUM STERN TRAWLER	JA-82-0517	BSA	1
CHOUN MARU NO.21 MEDIUM STERN TRAWLER	JA-82-0519	BSA	1
DAITOKU MARU NO.31 MEDIUM STERN TRAWLER	JA-82-0516	BSA	1
MEISHO MARU NO.35 MEDIUM STERN TRAWLER	JA-82-0522	BSA	1
DAIRIN MARU NO.28 MEDIUM STER[illegible] TRAWLER	JA-[illegible]2-0524	[illegible]A	1
KOSHIN MARU NO.21 MEDIUM STERN TRAWLER	JA-82-0525	BSA	1
KAHURYU MARU NO.51 MEDIUM STERN TRAWLER	JA-82-0505	BSA	1
SHINEI MARU NO.53 MEDIUM STERN TRAWLER	JA-[illegible]2-0487	BSA	1
RYOAN MARU NO.31 MEDIUM STERN TRAWLER	JA-[illegible]2-0459	BSA	1
MEISHO MARU NO. 81 MEDIUM STERN TRAWLER	JA-82-0550	BSA	1
RYUJIN MARU NO.52 MEDIUM STERN TRAWLER	JA-82-0548	BSA	1
DAIKICHI MARU NO. 23 MEDIUM STERN TRAWLER	JA-82-0423	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
FUKUHO MARU NO.18 MEDIUM STERN TRAWLER	JA-82-0528	BSA	1
MINATO MARU NO.102 LONGLINE FISHING VESSEL	JA-82-3[illegible]47	PBS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
FUKUHO MARU NO.18 MEDIUM STERN TRAWLER	JA-82-0528	BSA	1
TEISHO MARU NO.18 MEDIUM STERN TRAWLER	JA-82-0535	BSA	1
KAIUN MARU NO.38 MEDIUM STERN TRAWLER	JA-82-0533	BSA	1
KUMANO MARU NO.15 MEDIUM STERN TRAWLER	JA-82-0534	BSA	1
KYOWA MARU NO.15 MEDIUM STERN TRAWLER	JA-82-0305	BSA	1
SHINEI MARU NO.?1 MEDIUM STERN TRAWLER	JA-82-0537	BSA	1
YOSHI MARU NO.81 MEDIUM STERN TRAWLER	JA-82-0555	BSA	1
FUKUSHIN MARU NO.5 MEDIUM STERN TRAWLER	JA-82-0531	BSA	1
FUKUI MARU NO.8 MEDIUM STERN TRAWLER	JA-82-0542	BSA	1
FUKUI MARU NO.10 MEDIUM STERN TRAWLER	JA-82-0543	BSA	1
SHOEI MARU NO.2 MEDIUM STERN TRAWLER	JA-82-0539	BSA	1
ANYO MARU NO.15 MEDIUM STERN TRAWLER	JA-82-0504	BSA	1
ORIENT MARU NO.3 MEDIUM STERN TRAWLER	JA-82-0551	BSA	1
DAIEI MARU NO.2 MEDIUM STERN TRAWLER	JA-82-0544	BSA	1
FUKUI MARU NO.18 MEDIUM STERN TRAWLER	JA-82-1173	BSA	1
TOMI MARU NO.31 LONGLINE FISHING VESSEL	JA-82-3025	PBS	1
KIKU MARU NO.8 LONGLINE FISHING VESSEL	JA-82-3037	PBS	1
SAKAE MARU NO.33 LONGLINE FISHING VESSEL	JA-82-3043	PBS	1
MINATO MARU NO.80 LONGLINE FISHING VESSEL	JA-82-3046	PBS	1
MINATO MARU NO.102 LONGLINE FISHING VESSEL	JA-82-3047	PBS	1
MINATO MARU NO.103 LONGLINE FISHING VESSEL	JA-82-3048	PBS	1
MINATO MARU NO.25 LONGLINE FISHING VESSEL	JA-82-3052	PBS	1
YURYO MARU NO.38 LONGLINER	JA-82-3883	PBS	1
KIKU MARU NO.51 LONGLINER	JA-82-3884	PBS	1
KAIYO MARU NO.55 LONGLINER	JA-82-3885	PBS	1
KINSEI MARU NO.53 LONGLINE FISHING VESSEL	JA-82-3818	PBS	1
KINSEI MARU NO.32 LONGLINE FISHING VESSEL	JA-82-3070	PBS	1
CHIYO MARU NO.71 LONGLINE FISHING VESSEL	JA-82-3815	PBS	1
MATU MARU NO.35 LONGLINE FISHING VESSEL	JA-82-3076	PBS	1
KUROMORI MARU NO.32 LONGLINE FISHING VESSEL	JA-82-3075	PBS	1
KINEI MARU NO.38 LONGLINE FISHING VESSEL	JA-82-3084	PBS	1
KINEI MARU NO.88 LONGLINE FISHING VESSEL	JA-82-3078	PBS	1
KINEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-3081	PBS	1
KINEI MARU NO.58 LONGLINER	JA-82-3887	PBS	1
KINEI MARU NO.118 LONGLINE FISHING VESSEL	JA-82-3077	PBS	1
KINEI MARU NO.128 LONGLINE FISHING VESSEL	JA-82-3083	PBS	1
TAKAYA MARU NO.1 LONGLINE FISHING VESSEL	JA-82-3663	PBS	1
KONPIRA MARU NO.37 LONGLINE FISHING VESSEL	JA-82-3057	PBS	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
KONPIRA MARU NO.1 LONGLINE FISHING VESSEL	JA-82-3056	P■■	1
CHIDORI MARU NO.82 LONGLINE FISHING VESSEL	JA-■2-3102	PB■	1
CHIDORI MARU NO.7 LONGLINE FISHING VESSEL	JA-82-3103	P■■	1
CHIDORI MARU NO.86 LONGLINE FISHING VESSEL	JA-■■-3104	PB■	1
EBISU MARU NO.78 LONGLINE FISHING VESSEL	JA-82-3109	PBS	1
CHIDORI MARU NO.8 LONGLINE FISHING VESSEL	JA-■2-3■09	P■■	1
EBISU MARU NO.71 LONGLINE FISHING VESS■L	JA-■■-3■13	P■■	1
CHIDORI MARU NO.■1 LONGLINE FISHING VESSEL	JA-■2-3■1■	P■■	1
SHOFUKU MARU NO.88 LONGLINE FISHING VESS■L	JA-■■-30■0	P■S	1
TENYU MARU NO.81 LONGLINE FISHING VESSEL	JA-■2-311■	P■S	1
TAIHEI MARU NO.■■ LONGLINE FISHING VESS■L	JA-■2-3124	PBS	1
RYOEI MARU NO.18 LONGLINE FISHING VESS■■L	JA-■2-3129	P■S	1
NARITA MARU NO.81 LONGLINE FISHING VESSEL	JA-■2-3■30	P■■	1
RYUHO MARU NO.81 LONGLINE FISHING VESSEL	JA-■2-3144	P■■	1
TENYO MARU NO.21 LONGLINE FISHING VESSEL	JA-82-3149	P■S	1
CHOJU MARU NO.20 LONGLINE FISHING VESS■L	JA-■2-3146	P■S	1
TOKA MARU NO.2 LONGLINE FISHING VESSEL	JA-■2-3131	PBS	1
KOYO MARU NO.11 LONGLINE FISHING VESSEL	JA-■2-1305	PB■	1
TOEI MARU NO.8 LONGLINE FISHING VESSEL	JA-■2-1312	PBS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
EIKYU MARU NO.22 LONGLINE FISHING VESSEL	JA-82-3320	P■S	1
EIKYU MARU NO.23 LONGLINE FISHING VESSEL	JA-82-3321	P■S	1
SEIKO MARU NO.16 LONGLINE FISHING VESSEL	JA-82-3827	PBS	1
SUMIYOSHI MARU NO.65 LONGLINE ■ISHING VES■EL	JA-82-1246	PB■	1
EIKYU MARU NO.21 LONGLINE FISHING VESSEL	JA-82-3319	P■S	1
EIKYU MARU NO.31 LONGLINE FISHING VESS■L	JA-82-3823	■■S	1
EIKYU MARU NO.32 LONGLINE FISHING VESSEL	JA-82-3824	P■S	1
TSUNE MARU NO.31 LONGLINER/■ILLNET	J■-■2-0601	GOA,BSA	1
KIYO MARU NO.55 LONGLINER/GILLNET	JA-82-06■2	GOA,■■A	1
FUKUYOSHI MARU NO.85 LONGLINER/GILLNET	JA-82-0603	GOA,■■A	1
FUKUYOSHI MARU NO.8 LONGLINER/GILLNET	JA-■2-0624	GOA,■SA	1
HATSUE MARU NO.38 LONGLI■ER/GILLNET	JA-82-■605	GOA,■■A	1
HATSUE MARU NO.68 LONGLINER/GILLNET	JA-82-0562	GOA,■SA	1
EIKYU MARU NO.■2 LONGLINER/GILLNET	JA-82-0607	GOA,B■A	1
SUMIYOSHI MARU NO.53 LONGLINER/GILLNET	JA-82-0608	GOA,■SA	1
MATSUEI MARU NO.88 LONGLIN■R/GILLNET	JA-82-■609	G■A,■SA	1
EBISU MARU NO.88 LONGLINER/GILLNET	JA-82-0610	GOA,B■A	1
MITO MARU NO.82 LONGLINER/GILLNET	JA-82-■611	G■A,BSA	1
TOMI MARU NO.88 LONGLINER/GILLNET	JA-■2-0612	GOA,B■A	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SHINTOKU MARU NO.25 LONGLINER/GILLNET	JA-82-■613	GOA,BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SHOSHIN MARU NO.83 LONGLINE FISHING VESSEL	JA-82-13■8	A■■	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SHINTOKU MARU NO.25 LONGLINER/GILLNET	JA-82-0613	GOA,BSA	1
SHINKO MARU NO.3 LONGLINER/GILLNET	JA-82-0614	GOA,BSA	1
CHOYO MARU NO.81 LONGLINER/GILLNET	JA-82-0615	GOA,BSA	1
TENYU MARU NO.37 LONGLINER/GILLNET	JA-82-0616	GOA,BSA	1
RYUHO MARU NO.38 LONGLINER/GILLNET	JA-82-0617	GOA,BSA	1
TENYO MARU NO.25 LONGLINER/GILLNET	JA-82-0618	GOA,BSA	1
RYUSHO MARU NO.15 LONGLINER/GILLNET	JA-82-0619	GOA,BSA	1
RYUSHO MARU NO.18 LONGLINER/GILLNET	JA-82-0620	GOA,BSA	1
ANYO MARU NO.21 LONGLINER/GILLNET	JA-82-0621	GOA,BSA	1
ANYO MARU NO.22 LONGLINER/GILLNET	JA-82-0622	GOA,BSA	1
TATSU MARU NO.28 LONGLINE FISHING VESSEL	JA-82-3496	PBS	1
MEISHO MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1521	ABS	1
YUSHO MARU NO.5 LONGLINE FISHING VESSEL	JA-82-1522	ABS	1
HOYO MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1477	ABS	1
TOMI MARU NO.21 LONGLINE FISHING VESSEL	JA-82-1476	ABS	1
MITO MARU 3 GO LONGLINE FISHING VESSEL	JA-82-1478	ABS	1
EISHIN MARU NO.78 LONGLINER	JA-82-1523	ABS	1
SHOSHIN MARU NO.82 LONGLINE FISHING VESSEL	JA-82-1308	ABS	1
SHOSHIN MARU NO.85 LONGLINE FISHING VESSEL	JA-82-1479	ABS	1
SHOSHIN MARU NO.83 LONGLINE FISHING VESSEL	JA-82-1328	ABS	1
SHINZAN MARU NO.3 LONGLINE FISHING VESSEL	JA-82-3667	ABS	1
SHINZAN MARU NO.2 LONGLINE FISHING VESSEL	JA-82-3666	ABS	1
SHINZAN MARU LONGLINE FISHING VESSEL	JA-82-3665	ABS	1
TAIKO MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1262	ABS	1
TAIKO MARU NO.68 LONGLINE FISHING VESSEL	JA-82-1263	ABS	1
TAIKO MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1330	ABS	1
TAIKO MARU NO.7 LONGLINE FISHING VESSEL	JA-82-1350	ABS	1
TAIKO MARU NO.17 LONGLINE FISHING VESSEL	JA-82-1351	ABS	1
TAIKO MARU NO.78 LONGLINE FISHING VESSEL	JA-82-1352	ABS	1
TAIKO MARU NO.88 LONGLINE FISHING VESSEL	JA-82-1353	ABS	1
SHOFUKU MARU NO.78 LONGLINE FISHING VESSEL	JA-82-1360	ABS	1
SHOFUKU MARU NO.28 LONGLINE FISHING VESSEL	JA-82-1398	ABS	1
KENSHO MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1417	ABS	1
KOMINE MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1422	ABS	1
TENYU MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1425	ABS	1
TENYU MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1426	ABS	1
FUKUTOKU MARU NO.88 LONGLINE FISHING VESSEL	JA-82-1432	ABS	1
SHOEI MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1434	ABS	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SHOFUKU MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1474	ABS	1
SHINMEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1481	ABS	1
CHIYO MARU NO.7 LONGLINE FISHING VESSEL	JA-82-1484	ABS	1
ANEI MARU NO.68 LONGLINE FISHING VESSEL	JA-82-1502	ABS	1
SHOFUKU MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1504	ABS	1
SHOEI MARU NO.7 LONGLINE FISHING VESSEL	JA-82-3881	ABS	1
YAMATO MARU NO.88 LONGLINE FISHING VESSEL	JA-82-1524	ABS	1
KAIGATA MARU NO.20 LONGLINE FISHING VESSEL	JA-82-1525	ABS	1
KAIGATA MARU NO.31 LONGLINE FISHING VESSEL	JA-82-3680	ABS	1
EBISU MARU NO.75 LONGLINE FISHING VESSEL	JA-82-1472	ABS	1
HOYO MARU NO.78 LONGLINE FISHING VESSEL	JA-82-1527	ABS	1
MYOJIN MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1501	ABS	1
RYOEI MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1415	ABS	1
DAIKICHI MARU NO.78 LONGLINE FISHING VESSEL	JA-82-1518	ABS	1
RYUHO MARU NO.18 LONGLINE FISHING VESSEL	JA-82-3142	ABS	1
DAITOKU MARU NO.51 LONGLINE FISHING VESSEL	JA-82-3126	ABS	1
SUMIYOSHI MARU NO.16 LONGLINE FISHING VESSEL	JA-82-1244	ABS	1
SUMIYOSHI MARU NO.71 LONGLINE FISHING VESSEL	JA-82-1242	ABS	1
SUMIYOSHI MARU NO.75 LONGLINE FISHING VESSEL	JA-82-1243	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SEIKO MARU NO.86 LONGLINE FISHING VESSEL	JA-82-1414	ABS	1
KOYO MARU NO.6 LONGLINE FISHING VESSEL	JA-82-1251	ABS	1
KOYO MARU NO.65 LONGLINE FISHING VESSEL	JA-82-1250	ABS	1
SUMIYOSHI MARU NO.3 LONGLINE FISHING VESSEL	JA-82-1248	ABS	1
SUMIYOSHI MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1249	ABS	1
KOYO MARU NO.15 LONGLINE FISHING VESSEL	JA-82-1256	ABS	1
TOEI MARU NO.6 LONGLINE FISHING VESSEL	JA-82-1311	ABS	1
KORYO MARU NO.6 LONGLINE FISHING VESSEL	JA-82-1241	ABS	1
KORYO MARU NO.11 LONGLINE FISHING VESSEL	JA-82-1255	ABS	1
KORYO MARU NO.15 LONGLINE FISHING VESSEL	JA-82-1469	ABS	1
KORYO MARU NO.18 LONGLINER	JA-82-1529	ABS	1
SUMIYOSHI MARU NO.86 LONGLINE FISHING VESSEL	JA-82-1236	ABS	1
SUMIYOSHI MARU NO.81 LONGLINE FISHING VESSEL	JA-82-1245	ABS	1
SUMIYOSHI MARU NO.73 LONGLINE FISHING VESSEL	JA-82-1238	ABS	1
SUMIYOSHI MARU NO.55 LONGLINE FISHING VESSEL	JA-82-1240	ABS	1
KORYO MARU NO.5 LONGLINE FISHING VESSEL	JA-82-1234	ABS	1
KAISEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1269	ABS	1
YUKO MARU NO.52 LONGLINE FISHING VESSEL	JA-82-1467	ABS	1
YUKO MARU NO.68 LONGLINE FISHING VESSEL	JA-82-1466	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
DAIEI MARU NO.32 LONGLINE FISHING VESSEL	JA-82-3028	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
FUJISEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1498	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
DAIEI MARU NO.32 LONGLINE FISHING VESSEL	JA-82-3026	ABS	1
JUNKO MARU NO. LONGLINER	JA-8[illegible]-1267	ABS	1
KOTOSHIRO MARU NO.7 LONGLINER	JA-82-1355	ABS	1
KOTOSHIRO MARU NO. LONGLINER	JA-82-1532	ABS	1
KOTOSHIRO MARU NO. LONGLINER	JA-82-1533	ABS	1
TAISEI MARU NO.5 LONGLINE FISHING VESSEL	JA-82-1405	ABS	1
TAISEI MARU NO.31 LONGLINE FISHING VESSEL	JA-82-1505	ABS	1
MEISEI MARU NO.1 LONGLINE FISHING VESSEL	JA-82-1456	ABS	1
KOEI MARU NO.1 LONGLINER	JA-82-1534	ABS	1
KOEI MARU NO.38 LONGLINER	JA-82-1535	ABS	1
KOHO MARU NO.1 LONGLINER	JA-82-1307	ABS	1
ZENKO MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1201	ABS	1
ZENKO MARU NO.6 LONGLINE FISHING VESSEL	JA-82-1305	ABS	1
ZENKO MARU NO.2 LONGLINER	JA-8[illegible]-1364	ABS	1
ZENKO MARU NO.36 LONGLINER	JA-82-1306	ABS	1
ZENKO MARU NO.3 LONGLINER	JA-82-1315	ABS	1
ZENKO MARU NO.85 LONGLINER	JA-82-1304	ABS	1
TAIYO MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1408	ABS	1
FUJISEI MARU NO.6 LONGLINE FISHING VESSEL	JA-82-1497	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
FUJISEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1496	ABS	1
TAIYO MARU NO.1 LONGLINER	JA-82-1204	ABS	1
TAIYO MARU NO.2 LONGLINER	JA-82-1542	ABS	1
KAIHO MARU NO.55 LONGLINER	JA-8[illegible]-1543	ABS	1
SHOYU MARU NO.28 LONGLINER	JA-82-1465	ABS	1
SEISYU MARU NO.17 LONGLINE FISHING VESSEL	JA-82-1281	ABS	1
[illegible]EISHU MARU NO.5 LONGLINE FISHING VESSEL	JA-82-1365	ABS	1
SEISHU MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1506	ABS	1
KOTOSHIRO MARU NO.11 LONGLINE FISHING VESSEL	JA-82-1339	ABS	1
KOTOSHIRO MARU NO.28 LONGLINE FISHING VESSEL	JA-82-1205	ABS	1
OTOSHIRO MARU NO.15 LONGLINE FISHING VESSEL	JA-82-1209	ABS	1
KAIO MARU NO.51 LONGLINE FISHING VESSEL	JA-82-1464	ABS	1
KAIO MARU NO.18 LONGLINER	JA-82-1545	ABS	1
CHOKYU MARU NO.1 LONGLINE FISHING VESSEL	JA-82-1359	ABS	1
CHOKYU MARU NO.2 LONGLINER	JA-82-1293	ABS	1
KYOWA MARU NO.15 LONGLINE FISHING VESSEL	JA-82-1463	ABS	1
TAISHIN MARU NO.25 LONGLINE FISHING VESSEL	JA-82-1409	ABS	1
SHINYO MARU NO.11 LONGLINE FISHING VESSEL	JA-82-1213	ABS	1
SHINYO MARU NO.18 LONGLINER	JA-82-1498	ABS	1

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NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
RYOEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1462	ABS	1
MATSUEI MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1215	ABS	1
MATSUEI MARU NO.[illegible]8 LONGLINE FISHING VESSEL	JA-[illegible]2-1372	ABS	1
TAGA MARU NO.35 LONGLINER	JA-82-1500	ABS	1
KOHO MARU NO.58 LONGLINER	JA-82-1387	A[illegible]S	1
OTORI MARU NO.18 LONGLINER	JA-82-1519	ABS	1
OJU MARU NO.2 LONGLINE FISHING VESSEL	JA-[illegible]2-1370	ABS	1
KOKEI MARU NO.18 LONGLINER	JA-8[illegible]-1551	A[illegible]S	1
OTORI MARU NO.38 LONGLINE FISHING VESS[illegible]L	JA-[illegible]-1210	ABS	1
MASA MARU NO.31 LONGLINER	JA-82-1499	ABS	1
MA[illegible]A MARU NO.21 LONGLINE FISHING VESSEL	JA-[illegible]2-1279	ABS	1
DAI MARU NO.37 LONGLINE FISHING VESSEL	JA-[illegible]2-1220	A[illegible]S	1
DAI MARU NO.31 LONGLINE FISHING VESSEL	JA-82-1371	ABS	1
DAIKOKU MARU NO.28 LONGLINE FISHING VESS[illegible]L	JA-[illegible]2-1492	ABS	1
KORYO MARU NO.36 LONGLINE FISHING VESSEL	JA-[illegible]2-1324	A[illegible]S	1
HOMARE MARU NO.22 LONGLINE FISHING VESS[illegible]L	JA-[illegible]2-1405	ABS	1
HANEI MARU NO.28 LONGLINE FISHING VESSEL	JA-[illegible]2-1378	A[illegible]S	1
KUROSHIO MARU NO.8 LONGLINE FISHING VESSEL	JA-8[illegible]-1403	ABS	1
RYUO MARU NO.28 LONGLINE FISHING VESSEL	JA-82-1373	A[illegible]	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
TAISEI MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1379	ABS	1
TAIKAN MARU NO.15 LONGLINER	JA-[illegible]-1490	ABS	1
KENKYU MARU NO.15 LONGLINE FISHING VE[illegible]SEL	JA-[illegible]2-1460	ABS	1
MANRYO MARU NO.8 LONGLINE FISHING VESSEL	JA-8[illegible]-1404	A[illegible]	1
TAKATOYO MARU NO.18 LONGLINE FISHING VESS[illegible]L	JA-[illegible]2-1331	ABS	1
YASU MARU NO.28 LONGLINE FISHING VESSEL	JA-[illegible]-1277	A[illegible]	1
SUMI MARU NO.1[illegible] LONGLINER	JA-[illegible]2-1491	ABS	1
SUMI MARU NO.15 LONGLINE FISHING VESSEL	JA-82-13[illegible]9	ABS	1
KASHO MARU NO.31 LONGLINE FISHING VES[illegible]EL	JA-82-1452	A[illegible]S	1
SEISHIN MARU NO.25 LONGLINE FIS[illegible]ING VESS[illegible]L	JA-82-14[illegible]0	A[illegible]	1
ZUIRYO MARU NO.8 LONGLINE FI[illegible]HING VESSEL	JA-[illegible]2-1386	ABS	1
TAKE MARU NO.31 LONGLINE [illegible]ISHING VESSEL	JA-[illegible]2-1[illegible]7[illegible]	ABS	1
CHOKYU MARU NO.1[illegible] LONGLIN[illegible]R	JA-82-1381	A[illegible]S	1
GOEI MARU NO.18 LONGLINE FISHING VE[illegible]SEL	JA-[illegible]2-1376	ABS	1
GOEI MARU NO.36 LONGLINE FISHING VESS[illegible]L	JA-[illegible]2-1461	A[illegible]	1
SHINEI MARU NO.88 LONGLINE FISHING VESSEL	JA-[illegible]2-1458	A[illegible]S	1
SHINEI MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1382	ABS	1
SHINEI MARU NO.3[illegible] LONGLINE FISHING VESSEL	JA-[illegible]2-1459	AB[illegible]	1
SHINEI MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1444	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
HIME MARU NO.28 LONGLINE [illegible]ISHIN[illegible] VE[illegible]EL	JA-[illegible]2-1375	AB[illegible]	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
HIME MARU NO.28 LONGLINE FISHING VESSEL	JA-82-1375	ABS	1
KINSHO MARU NO.28 LONGLINER	JA-82-1506	ABS	1
ASAHI MARU NO.8 LONGLINER	JA-82-1509	ABS	1
KOSHIN MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1494	ABS	1
KOSHIN MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1218	ABS	1
NANKAI MARU NO.118 LONGLINE FISHING VESSEL	JA-82-1225	ABS	1
KOEI MARU NO.11 LONGLINE FISHING VESSEL	JA-82-1390	ABS	1
KAEI MARU NO.28 LONGLINE FISHING VESSEL	JA-82-1556	ABS	1
KOYO MARU NO.10 LONGLINE FISHING VESSEL	JA-82-3307	ABS	1
KOYO MARU NO.11 LONGLINE FISHING VESSEL	JA-82-1318	ABS	1
KOYO MARU NO.12 LONGLINE FISHING VESSEL	JA-82-1438	ABS	1
AZUMA MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1291	ABS	1
AZUMA MARU NO.58 LONGLINE FISHING VESSEL	JA-82-1412	ABS	1
DAITO MARU NO.5 LONGLINE FISHING VESSEL	JA-82-1209	ABS	1
DAITO MARU NO.8 LONGLINE FISHING VESSEL	JA-82-1228	ABS	1
DAITO MARU NO.18 LONGLINE FISHING VESSEL	JA-82-1227	ABS	1
DAITO MARU NO.28 LONGLINE FISHING VESSEL	JA-82-1203	ABS	1
DAITO MARU NO.38 LONGLINE FISHING VESSEL	JA-82-1391	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
*SULAK FACTORY/MOTHERSHIP	UR-82-0203	BSA,GOA	3
*TALNIKI CARGO/TRANSPORT	UR-82-0741	BSA,GOA WOC	3
*TOKAREVSK CARGO/TRANSPORT	UR-82-0742	BSA,GOA WOC	3

*These Soviet vessels have applied to operate in the continuing joint venture fishery with Marine Resources Company, 192 Nickerson, Suite 307, Seattle, Washington 98109.

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[Public Notice 785]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its August, September, and October 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article iv(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

John W. Kimball,

Director, Office of International Conferences.

November 13, 1981.

U.S. Delegation to the Twenty-Seventh Session Group of Rapporteurs, Committee of Experts on Transport of Dangerous Goods, United Nations Economic and Social Council (ECOSOC), Geneva, Aug. 3–14, 1981

Representative

Alan I. Roberts
Associates Director for Hazardous Materials Regulation
Research and Special Programs Administration

Alternate Representative

Edward A. Altemos
Chief, International Standards Staff
Research and Special Programs Administration
Department of Transportation

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Cargo and Hazardous Materials Division
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C. Jack Smith
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Office of International Conferences
Department of State
October 23, 1981

U.S. Delegation to the Twenty-Seventh Session Group of Rapporteurs, Committee of Experts on Transport of Dangerous Goods, United Nations Economic and Social Council (ECOSOC), Geneva, Aug. 3–14, 1981

Representative

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Office of International Conferences
Department of State
November 12, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR); Study Group 8, International Telecommunications Union (ITU); Geneva, Aug. 17 to Sept. 18, 1981

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Office of International Conferences
Department of State
October 5, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR); Study Group Six; International Telecommunications Union (ITU); Geneva, Aug. 24–Sept. 8, 1981

Chairman

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Office of International Conferences
Department of State
October 22, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR); International Telecommunications Union (ITU); Study Group Five; Geneva, Aug. 24–Sept. 11, 1981

Chairman

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Office of International Conferences
Department of State
October 23, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR), Study Group 7, International Telecommunications Union (ITU), Geneva, Sept. 7–16, 1981

Chairman

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Chief of Advanced Systems
Office of Tracking and Data
National Aeronautics and Space Administration

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National Bureau of Standards
Department of Commerce
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Defense Communications Agency
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Office of International Conferences
Department of State
October 23, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR), Study Group 3, International Telecommunications Union (ITU), Geneva, Sept. 9–18, 1981

Chairman

Jean E. Adams
Institiute for Telecommunication Sciences
National Telecommunications and Information Administration
Department of Commerce
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National Telecommunications and Information Administration
Department of Commerce
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Department of the Navy

Washington, D.C.

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Arlington, Virginia

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Harris Corporation
Rochester, New York

Office of International Conferences
Department of State
October 23, 1981

U.S. Delegation to the Committee on Housing, Building and Planning, Forth-Second Session, Economic Commission for Europe (ECE), Geneva, Sept. 14–18, 1981

Representative

Benjamin F. Bobo
Deputy Assistant Secretary for Policy Development and Research
Department of Housing and Urban Development

Alternate Representative

John M. Geraghty
ECE Coordinator
Office of International Affairs
Department of Housing and Urban Development

Private Sector Adviser

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President
Mortgage Bankers Association
Washington, D.C.

Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Ninth Session, Subcommittee on Bulk Chemicals; Intergovernmental Maritime Consultative Organization (IMCO); London, Sept. 14–18, 1981

Representative

K. B. Schumacher, Captain, USCG
Chief, Cargo and Hazardous Materials Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Alternate Representative

Frits Wybenga
Cargo and Hazardous Materials Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Advisers

Harvey Clew
Shipping Attache
United States Embassy
London

J. F. McGowan, Lt. Commander, USCG
Merchant Marine Technical Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Michael D. Morrissette
Cargo and Hazardous Materials Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Emanuel P. Pfersich
Cargo and Hazardous Materials Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Private Sector Adviser

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Marathon Oil Company
Findlay, Ohio

Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Fourth General Assembly and Meetings of the Executive Council and Commission of the Americas; World Tourism Organization (WTO); Rome, Sept. 14–25, 1981

Representative

Constantine Warvariv
Director, Transportation and Communications
Bureau of International Organization Affairs
Department of State

Alternate Representatives

Frederick M. Bush
Assistant Secretary for Tourism
Department of Commerce

Jean G. O'Brien
United States Travel Service
Department of Commerce

Advisers

David L. Edgell
Special Assistant to the Assistant Secretary for Tourism
Department of Commerce

Norman C. LaBrie
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United States Embassy
Madrid

Private Sector Adviser

Chuck Y. Gee
Dean, School of Travel Industry Management
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David G. Elmore
First Family of Travel, Ltd.
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Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR); Study Group CMTT of the International Telecommunications Union (ITU); Geneva, Sept. 17–Oct. 7, 1981

Chairman

Joseph M. McNulty
Staff Manager, Network Services
American Telephone and Telegraph Company
Basking Ridge, New Jersey

Adviser

Neal K. McNaughten
International Staff
Office of Science and Technology
Federal Communications Commission

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Holmdel, New Jersey

Ronald Gnidziejko
Director, On-Air Operations
NBC Television Network
New York, New York

Abraham A. Goldberg
Manager, Digital Television
CBS Technology Center, CBS, Inc.
Stamford, Connecticut

Robert A. O'Connor
Director, Transmission Engineering
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New York, New York

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New York, New York

Paul R. Wickliffe
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Bell Telephone Laboratories
Holmdel, New Jersey

Roman Z. Zaputowycz
Director, Analog Plans
Western Union Telegraph Company
Upper Saddle River, New Jersey

Office of International Conferences
Department of State
October 23, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR); Study Group CMTT of the International Telecommunications Union (ITU); Geneva, Sept. 17–Oct. 7, 1981

Chairman

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Director, Analog Plans
Western Union Telegraph Company
Upper Saddle River, New Jersey

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Committee on Buffer Stock Operations International Natural Rubber Organization, Kuala Lumpur, Sept. 21–22, 1981

Representative

Fred W. Siesseger
Director
Resources Policy Division
Department of Commerce

Alternate Representative

James C. Todd
Chief
Industrial and Strategic Materials Division
Bureau for Economic and Business Affairs
Department of State

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Office of the U.S. Trade Representative
Executive Office of the President

Elizabeth Shelton
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Kuala Lumpur

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Managing Director
Goodyear Orient Private Ltd.
Republic of Singapore

Harold Ross Miller
Managing Director
Goodrich Company Private Ltd.
Republic of Singapore

Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Forty-Sixth Session of the Legal Committee Intergovernmental Maritime Consultative Organization (IMCO), London, Sept. 21–25, 1981

Representative

Paul E. Versaw, Commander, USCG
Chief, Maritime and International Law Division
United States Coast Guard
Department of Transportation

Alternate Representative

Robert J. Reining, Lt. Commander, USCG
Office of the Chief Counsel
Maritime and International Law Division
United States Coast Guard
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Peter Bernhardt, Office of Oceans and Polar Affairs
Office of Oceans and International Environmental and Scientific Affairs
Department of State

Michael D. Morrissette
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Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Harvey Clew
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American Embassy
London

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Assistant to the President
American Institute of Merchant Shipping
Washington, D.C.

Office of International Conferences
Department of State
October 21, 1981

U.S. Delegtion to the Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP), Economic and Social Commission for Asia and the Pacific (ESCAP), Seoul, Sept. 21–Oct 2, 1981

Representative

John A. Reinemund
Chief
Office of International Geology
U.S. Geological Survey
Department of Interior

Alternate Representative

Maurice J. Terman
Deputy Chairman for Circum-Pacific Map Project
Office of International Geology
U.S. Geological Survey
Department of Interior

Adviser

George R. Lorentzen
Director, Magnetics Division
Naval Oceanographic Office
Bay Saint Louis, Mississippi

Private Sector Adviser

Dennis E. Hayes
Deputy Director
Lamont—Doherty Geological Observatory
Columbia University
Palisades, New York

Office of International Conferences
Department of State
October 23, 1981

U.S. Delegation to the Joint Meeting of the RID Safety Committee and Group of Experts on the Transport of Dangerous Goods, Berne, Sept. 21–Oct. 2, 1981

Representative

Edward A. Altemos
International Standards Coordinator
Materials Transportation Bureau
Department of Transportation

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Business Manager, Intermediates
Agricultural Products Company, Inc.
Union Carbide Corporation
New York City, New York

Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Joint Meeting of the International Radio Consultative Committee (CCIR), Study Groups 10 and 11 of the International telecommunications Union (ITU), Geneva, Sept. 21 to Oct. 9, 1981

Chairman

Neal K. McNaughten
Office of Science and Technology
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Voice of America
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Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Joint Meeting of the International Radio Consultative Committee (CCIR), Study Groups 10 and 11 of the International Telecommunications Union (ITU), Geneva, Sept. 21–Oct. 9, 1981

Chairman

Neal K. McNaughten
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Western Union Telegraph Company
Upper Saddle River, New Jersey.

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Special Session of the International Natural Rubber Organization, Kuala Lumpur, Sept. 23–25, 1981

Representative

James C. Todd
Chief
Industrial and Strategic Materials Division
Bureau of Economic and Business Affairs
Department of State

Alternate Representative

Fred W. Siesseger
Director
Resources Policy Division
Department of Commerce

Advisers

Gregory F. Christopulos
Office of Agricultural Affairs and Commodity Policy
Office of the U.S. Trade Representative
Executive Office of the President

Elizabeth Shelton
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Goodyear Orient Private Ltd.
Republic of Singapore

Harold Ross Miller
Managing Director
Goodrich Company Private Ltd.
Republic of Singapore

Office of International Conferences
Department of State
October 21, 1981

U.S. Delegation to the Meeting of the International Telephone and Telegraph Consultative Committee (CCITT), Study Group 3 of the International Telecommunications Union (ITU), Geneva, Sept. 24 to Oct. 2, 1981

Chairman

Earl S. Barbely
Common Carrier Bureau
Federal Communications Commission

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Office of International Communications Policy
Bureau of Economic and Business Affairs
Department of State

Leslie Taylor
National Telecommunications and Information Administration
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Greenwich, Connecticut
Denis O'Shea
International Business Machines
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U.S. Delegation to the Meeting of the International Telephone and Telegraph Consultative Committee (CCITT), Study Group 3 of the International Telecommunications Union (ITU), Geneva, Sept. 24 to October 2, 1981

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Earl S. Barbely
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Department of State

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Joseph Wellington
Communications Satellite Corporation
Washington, D.C.

Kathleen White
Citibank Corporation
New York, New York

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Ninth Meeting of the Working Group on Radiobroadcasting of the Organization of American States (OAS/Citel), Mexico City, Sept. 28 to October 2, 1981

Representative

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Broadcast Bureau
Federal Communications Commission

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William H. Jahn
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Bureau of Economic and Business Affairs
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Broadcast Bureau
Federal Communications Commission

Kalmann Schaefer
Assistant to the Chairman for International Communications
Federal Communications Commission

Steven Selwyn
Office of Science and Technology
Federal Communications Commission

Louis C. Stephens
Broadcast Bureau
Federal Communications Commission

Private Sector Adviser

Wallace E. Johnson
Executive Director
Association for Broadcast Engineering Standards
Washington, D.C.

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Diplomatic Conference on the Revision of the Paris Industrial Property Convention, World Intellectual Property Organization (WIPO), Nairobi, Sept. 28–Oct. 24, 1981

Representative

The Honorable
William E. Schuyler, Jr.
Ambassador
Washington, D.C.

Alternate Representative

Michael K. Kirk
Director, Office of Legislation and International Affairs
Patent and Trademark Office
Department of Commerce

Harvey J. Winter
Director, Office of Business Practices
Bureau of Economic and Business Affairs
Department of State

Adviser

Lee Schroeder
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Department of Commerce

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Standard Oil Company
Cleveland, Ohio

Beverly Pattishall
Pattishall, McAuliffe, and Hofstetter
Chicago, Illinois

Office of International Conferences
Department of State
October 28, 1981

U.S. Delegation to the Meeting of the International Telephone & Telegraph Consultative Committee (CCITT), Study Group 8, of the International Telecommunications Union (ITU), Geneva, Oct. 5–16, 1981

Representative

Harold Folts
National Communications System
Arlington, Virginia

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Federal Communications Commission
Washington, D.C.

Charles D. Bodson
National Communications System
Arlington, Virginia

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Washington, D.C.

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Princeton, New Jersey

Robert E. Marin
Extel Corporation
Northbrook, Illinois

Joseph D. Wetherington
American Telephone and Telegraph Company
Parsippany, New Jersey

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR), Study Group 2 of the International Telecommunications Union (ITU), Geneva, Oct. 6 to 23, 1981

Chairman

Harold G. Kimball (International Vice Chairman, Study Group 2)
Communications and Data Systems Division
National Aeronautics and Space Administration

Advisers

John W. Kiebler,
Communications and Information Division

National Aeronautics and Space Administration

Donald Miller
Advanced Systems Concepts
National Oceanic and Atmospheric Administration
Department of Commerce

Dean Olmstead
Communications and Data Systems Division
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Vernon Pankonin
Radio Spectrum Manager
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John R. Postelle
Systematics General Corporation
Falls Church, Virginia

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the 8th Session of the Administrative and Legal Committee of the Union for the Protection of New Plant Varieties (UPOV), Geneva, Oct. 12–14, 1981

Representative

Stanley D. Schlosser
Office of Legislation and International Affairs
Patent and Trademark Office
Department of Commerce

Private Sector Advisers

Leo Donahue
National Association of Plant Patent Owners
Washington, D.C.

Harold Loden
American Seed Trade Association
Washington, D.C.

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Twenty-Fourth Session Subcommittee on Ship Design and Equipment Maritime Safety Committee (MSC) Intergovernmental Maritime Consultative Organization (IMCO) London, Oct. 12–16, 1981

Representative

Richard L. Brown, Captain, USCG
Chief, Merchant Marine Technical Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Alternate Representative

James C. Card, Commander, USCG
Merchant Marine Technical Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Advisers

J. W. Calhoun, Lt. Commander, USCG
Merchant Marine Technical Division
Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

Harvey Clew
Shipping Attache
American Embassy
London

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Office of Merchant Marine Safety
United States Coast Guard
Department of Transportation

John C. Maxham, Commander, USCG
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Private Sector Adviser

William A. Mayberry, Captain, USCG (Ret.)
Executive Director
Offshore Marine Service Association
New Orleans, Louisiana

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Timber Committee Meeting Economic Commission for Europe (ECE) Geneva, Oct. 12–16, 1981

Representative

Dwight Hair
Forest Economist
Leader of Demand, Price and Trade Analysis Group
Forest Service
Department of Agriculture

Alternate Representative

George Dempsey
U.S. Mission
Geneva

Private Sector Adviser

John Vines Ward
Director of International Trade
National Forest Products Association
Washington, D.C.

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Working Group on International Plutonium Storage and Safeguards, International Atomic Energy Agency, Vienna, Oct. 12–16, 1981

Representative

Joerg H. Menzel
Chief
Nuclear Safeguards and Technology Division
Arms Control and Disarmament Agency

Alternate Representative

Allen L. Sessoms
Office of Nuclear Technology and Safeguards
Bureau of Oceans and International Environmental and Scientific Affairs
Department of State

Adviser

Sol Rosen
Director, International Nuclear Programs Division
Department of Energy

Private Sector Adviser

Richard Schneider
Safeguards Specialist
Exxon Nuclear Company
Hanford, Washington

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Group of Experts on Explosives on the Transport of Dangerous Goods (21st Session), Economic and Social Council (ECOSOC), Geneva, Oct. 12–16, 1981

Representative

Charles W. Schultz
Office of Hazardous Materials Regulation
Research and Special Programs Administration
Department of Transportation

Alternate Representative

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Materials Transportation Bureau
Department of Transportation

Advisers

Ray B. Sawyer
Explosive Safety Board
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Department of the Interior

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New York, New York

Albert B. Opperman
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New York, New York

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR), Study Group 9 of the International Telecommunication Union (ITU), Geneva, Oct. 12–28, 1981

Chairman

Alex C. Latker
Common Carrier Bureau
Federal Communications Commission

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Spectrum Engineering and Analysis Division
National Telecommunications and Information Administration
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Thomas L. Johnson
Private Radio Bureau
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North Andover, Massachusetts
Michael J. Pagones
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Holmdel, New Jersey

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR), Study Group 4 of the International Telecommunication Union (ITU), Geneva, Oct. 12–30, 1981

Chairman

James B. Potts
International Communications
Communications Satellite Corporation
Washington, D.C.

Vice Chairman

Richard D. Parlow
Government Operations and Spectrum Management
National Telecommunications and Information Administration
Department of Commerce

Advisers

Ronald J. Lepkowski
International and Satellite Branch
Common Carrier Bureau
Federal Communications Commission
William G. Long, Jr.
Space Systems Engineering
Defense Communications Agency
Department of Defense
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Federal Communications Commission
Harold J. Ng
Spectrum Analysis Branch
National Telecommunications and Information Administration
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Hughes Aircraft Company
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Western Union Telegraph Company
Upper Saddle River, New Jersey
Robert C. Harris
Long Lines Division
American Telephone and Telegraph Company
Bedminister, New Jersey
Robert A. Hedinger
Spacecraft Systems
Bell Laboratories
American Telephone and Telegraph Company
Holmdel, New Jersey
Dominic L. LaBanca
Sylvania Systems Group
GTE Products Corporation
Needham Heights, Massachusetts
Michael Mitchell
Regulatory Engineering
Satellite Business Systems
McLean, Virginia
David E. Weinreich
ComSat Laboratories
Communications Satellite Corporation
Washington, D.C.
Hans J. Weiss
Systems Studies Division
Communications Satellite Corporation
Washington, D.C.
Leland B. Zehalka
GTE Satellite Corporation
GTE Telephone and Electronics Corporation
Stamford, Connecticut

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Eighth Session Working Group on International Shipping Legislation, United Nations Conference on Trade and Development an (UNCTAD), Geneva, Oct. 12–30, 1981

Representative

John Harter
U.S. Mission
Geneva

Adviser

John Berlin
U.S. Mission
Geneva

Private Sector Advisor

George F. Wood
American Institute of Marine Underwriters
New York, New York

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Second Session of the Working Group for the Western Pacific (WESTPAC), Intergovernmental Oceanographic Commission, United Nations Educational, Scientific, and Cultural Organization (UNESCO/IOC), Jakarta, Oct. 19–24, 1981

Representative

Louis B. Brown
Division of Ocean Sciences
National Science Foundation

Private Sector Advisers

Edward Miles
Senior Scientist
University of Washington
Seattle, Washington
Jerry R. Schubel
Head, Department of Oceanography
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Stony Brook, New York
Warren White
Physical Oceanographer
Scripps Institution of Oceanography
La Jolla, California

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Meeting of the International Radio Consultative Committee (CCIR) Study Group 1 of the International Telecommunication Union (ITU) Geneva, Oct. 19 to Nov. 3, 1981

Chairman

William F. Utlant
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National Telecommunications and Information Administration
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Leslie A. Berry
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Robert Bulawka
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David J. Cohen
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Equipment Construction Branch
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Paul Major
USA Electronics Command
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Fort Monmouth, New Jersey
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Advanced Technology, Inc.
McLean, Virginia

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Conference of National Armament Directors (CNAD) North Atlantic Treaty Organization (NATO), Brussels, Oct. 20–21, 1981

Representative

Richard D. Delauer
Under Secretary for Research and Engineering
Department of Defense

Alternate Representative

Michael Lorenzo
Deputy Under Secretary of Defense for International Programs and Technology

Department of Defense

Advisers

Richard C. Bowman, Major General, USAF
Director
European and NATO Affairs
Office of Assistant Secretary of Defense for International Security Affairs
Department of Defense
Robert Calaway
Deputy Defense Adviser (Research and Engineering)
U.S. Mission NATO
Brussels
Samuel W. Hubbard, Jr., Rear Admiral, USN
Acting Deputy Under Secretary of Defense for International Programs and Technology
Department of Defense
Daniel K. Malone, Colonel, USA
Director
Armament and Standardization Division
U.S. Mission NATO
Brussels
Charles H. Thomas
Director
Office of Security and Political Affairs
Bureau of European Affairs
Department of State

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Committee on International Investment and Multinational Enterprises, Working Group on Accounting Standards and Information Disclosure, Organization for Economic Cooperation and Development (OECD), Paris, Oct. 20–22, 1981

Representative

Philip T. Lincoln, Jr.
Office of International Finance and Development
Bureau of Economic and Business Affairs
Department of State

Alternate Representative

Clarence G. Staubs
Securities and Exchange Commission

Private Sector Adviser

Richard D. Fitzgerald
Vice Chairman
Price Waterhouse International

U.S. Delegation to the General Assembly Meeting of the International Institute for Cotton and the Plenary Meeting or the International Cotton Advisory Committee, Lisbon, Oct. 24–31, 1981

Representative

Everett Rank
Administrator
Agricultural Stabilization and Conservation Service
Department of Agriculture

Alternate Representative

John A. Barcas
Tropical Products Division
Bureau of Economic and Business Affairs
Department of State
Gordon H. Lloyd
Tobacco, Cotton and Seeds Division
Department of Agriculture

Advisers

Charles V. Cunningham
Agricultural Stabilization and Conservation Service
Department of Agriculture
Leonard Mobley
Industry Assessment Division
Office of Textiles
Department of Commerce

Private Sector Adviser

David Cox
Cotton Incorporated
Raleigh, North Carolina
J. William Donaghy
President
New York Cotton Exchange
New York, New York
Peter E. Hirschfeld
President
American Cotton Shippers Association
Dallas, Texas
Robert H. Squires
President
Cotton Council International
Washington, D.C.
Wilber Wuertz
Supima Association
Casa Grade, Arizona

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Fifteenth Pan American Railway Association Congress (PARCA) Organization of American States (OAS), Mexico City, Mexico, Oct. 25 to 31, 1981

Representative

Richard Schiefelbein
Deputy Federal Railway Administrator
Federal Railway Administration
Department of Transportation

Advisers

Jose Berrios
Federal Railway Administration
Department of Transportation
James Gorman
United States Embassy
Mexico City

Private Sector Adviser

Willard R. Barnett
Former Law Enforcement Official
Torrence, California
Howard Croft
President
American Short Line Railroad Association
Washington, D.C.
William Deaver
Editor/Publisher
Mojave Desert News
Mojave, California
Demon McNear
President
Southern Pacific Transportation Company
San Francisco, California
L. L. White, Jr.
Senior Vice President
Portec, Inc. and Chairman
Railway Progress Institute
Alexandria, Virginia

Office of International Conferences
Department of State
October 30, 1981

U.S. Delegation to the Expert Group on International Spent Fuel Management, International Atomic Energy Agency (IAEA), Vienna, Oct. 26–30, 1981

Representative

Richard Getzinger
Science Counselor
U.S. Embassy
Ottawa

Private Sector Adviser

Myron Kratzer
International Energy Associates, Limited
Washington, D.C.

Office of International Conferences
Department of State
October 30, 1981

[FR Doc. 81-35043 Filed 12-4-81; 8:45 am]
BILLING CODE 4710-19-M

VETERANS ADMINISTRATION

Policies and Procedures for Processing Graduated Payment Mortgage Loans

AGENCY: Veterans Administration.

ACTION: Notice of final policies.

SUMMARY: The VA (Veterans Administration) is issuing final policies on the processing of graduated payment mortgage loans.

EFFECTIVE DATE: October 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389–3042.

SUPPLEMENTARY INFORMATION: The Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981 (Pub. L. 97–66, 95 Stat. 1026) revised chapter 37 of title 38, United States Code, to authorize the Administrator of Veterans Affairs to guarantee graduated payment mortgage loans (GPM's). A graduated payment mortgage is based on the concept of a lower monthly payment in the early years with annual increases until the mortgage payment reaches a level which will remain constant for the remaining term of the loan.

VA has adopted a plan which has been the most popular authorized by HUD (Department of Housing and Urban Development). This plan allows an increase in payments of 7.5 percent each year for 5 years. The mortgage payment will then level off and remain constant during the remaining term of the loan.

The processing of a GPM requires that certain requirements be met in connection with the submission of such

loans to VA for guaranty. The policy statement will be issued as a Department of Veterans Benefits Circular. The policy statement will be administered by the 50 VA Regional Offices and Centers with home loan operations.

Interested persons may submit written comments, suggestions, or objections to the Administrator of Veterans Affairs (264), 810 Vermont Avenue, N.W., Washington, D.C. 20420 on or before January 7, 1982. Material submitted will be evaluated and considered in any future revision.

Accordingly, DVB Circular 26–81–36, Graduated Payment Mortgage Loans is adopted as stated below.

Approved: December 1, 1981.

By direction of the Administrator.

John P. Murphy,

Acting Administrator.

[DVB Circular 26–81–36]

Graduated Payment Mortgage Loans

1. General

Section 1803(d)(2) of title 38, United States Code has been amended by Pub. L. 97–66 to permit the guaranty of loans with graduated payment features. GPM's (Graduated Payment Mortgages) are amortized in a manner which allows lower initial monthly payments than traditional fixed payment mortgages. The monthly payment is scheduled to increase periodically (annually in most plans) by a fixed percentage for a stated "graduation period." After the graduation period, the monthly payment levels off and stays the same for the remainder of the loan. The reduction in the initial monthly payments is accomplished by deferring a portion of the interest due on the loan each month and by adding that interest to the principal balance. This causes the outstanding loan balance to increase during the graudation period, an effect known as "negative amortization." Although compared to a fixed payment mortgage, the monthly payments are higher on a GPM after the leveling off period has been reached, the lower initial payments are of benefit to those veterans who otherwise could not afford to finance suitable housing. Specific provisions of the new law relative to VA GPM's are as follows:

a. The initial principal amount of the loan may not exceed the reasonable value of the property as of the time the loan is made;

b. The principal amount of the loan thereafter (including the amount of all interest to be deferred and added to principal) may not at any time be scheduled to exceed the projected value of the property;

c. For this purpose, the projected value of the property may be calculated by increasing the reasonable value of the property as of the time the loan is made at a rate not in excess of 2.5 percent per year, but in no event to exceed 115 percent of such reasonable value. However, implementation of this provision will be deferred for the present time (see par. 2a);

d. GPM's are limited to the acquisition of single-family dwelling units. This includes the purchase of new or existing homes, condominium units in VA-approved projects, and existing homes in which the loan will also include funds for energy conservation improvements. GPM's are not eligible for guaranty if made for the purchase of more than one-family dwellings, refinancing, or for alteration, repair, or improvement only purposes, and for the present time, mobile home and/or lot loans may not be made with graduated payment features; and

e. The State usuary exemptions under 38 U.S.C. 1828 are extended to apply to GPM's (see par. 5).

2. Additional Provisions

a. *Eligible Amortization Plan.* For the time being, only one method of graduated payment amortization will be authorized. This plan will be identical (except for the "minimum cash investment" requirement) to HUD's (Department of Housing and Urban Development) Plan III under section 245 of the National Housing Act, which provides for increasing loan payments at a rate of 7½ percent per year for the first 5 years. The rate increases occur at annual intervals. At the beginning of the sixth year, the payments become level and remain so for the remaining term. The maximum loan amount may not exceed the VA-established reasonable value for the property. Because the outstanding loan balance will be increasing during the graduation period (see par. 1), a downpayment will be required to prevent the loan balance from exceeding the CRV (certificate of reasonable value). The amount of downpayment required is equal to the highest amount of "negative amortization" that occurs during the graduation period. The "minimun cash investment" required under HUD programs (i.e., 3 percent of the first $25,000 of value and closing costs, plus 5 percent of the remainder, etc.) will not be applicable to VA GPM's, although a veteran-borrower may, of course, offer a higher downpayment than that needed to offset the negative amortization if he or she wishes. For the present, implementation of an amortization plan recognizing a projected increase in the reasonable value of the property by 2½ percent annually (as described in par 1c) will be deferred.

b. *Cash Downpayment.* The downpayment required under the plan must be paid in cash from the veteran's own resources.

c. *Minimum Economic Life.* To be eligible for guaranty with a GPM, the property to secure the loan must have a remaining economic life of at least 30 years as shown on the CRV.

d. *Credit Underwriting.* In determining whether a veteran-applicant meets statutory requirements with respect to the relationship between the veteran's present and anticipated income and the payment amounts for a GPM, the loan analysis will be based on the first year's payment amount, provided nothing would preclude a reasonable expectation that the veteran's income will increase to cover the yearly increases in loan payments required by the amortization plan. GPM cases in which both the veteran's present income is marginal and some doubt exists as to whether his or her income will keep pace with the graduation schedule will not be approved.

e. *Charge to Entitlement and Maximum Guaranty.* As is presently the case for fixed payment loans, both the charge to the veteran's entitlement and the maximum percent of guaranty will be based on a division of the maximum entitlement of $27,500 (or lesser amount available to the veteran) by the original loan amount at the time the loan closed, with 60 percent being the upper limit of guaranty. The maximum claim under guaranty as of the cutoff date (i.e., date of publication or decree) will be the percent of guaranty (not to exceed 60%) multiplied by the total eligible indebtedness as of such date. The percent of guaranty applicable to the negative amortization portion of the loan balance will be the same as that applicable to the original loan amount. Incident to the termination of a loan, when a holder submits a claim under guaranty, the holder will be required to report the principal balance on the date interest was last paid by the obligor on line 12A of VA Form 26–1874, Claim Under Loan Guaranty.

f. *Interest Rate.* The maximum interest rate allowable for GPM loans will be the same as for VA-guaranteed home acquisition loans with fixed payment terms.

g. *Refinancing of GPM.* Although a GPM may not initially be made for refinancing purposes, an existing VA-guaranteed GPM may be refinanced at any time with a level payment VA-guaranteed loan made with a lesser rate of interest as authorized under 38 U.S.C. 1810(a)(8).

3. Processing Procedures

VA GPM loans may be processed on a prior approval basis or on an automatic basis by authorized lenders. Existing application forms and procedures will be applicable, with the following exceptions:

a. *Case Number Prefix.* For identification purposes, the case number shown on VA GPM prior approval applications, certificates of commitment, reports of loan disbursement, automatic loan reports, and guaranty certificates will bear the prefix "GPM" instead of "LH" or "LHC."

b. *Computing Maximum Loan Amount and Amortization Schedule.* Since the VA GPM plan is identical to HUD's Plan III section 245 GPM, HUD tables for that plan showing outstanding principal balance factors and monthly installment amounts per $1,000 of original loan proceeds may be used to compute maximum VA GPM loan amounts and required principal and interest payments. These tables, which are available through HUD offices as appendixes to HUD Handbook 4240.2 Rev. provide computation factors for a range of interest rates (progressions for both outstanding balance and principal and interest payments vary according to the interest rate to be charged). Use of the HUD tables will not entail an adjustment for either the ½ percent mortgage insurance premium or the minimum cash investment required by HUD, since the tables are computed without consideration for these

items. Should a lender be unable to obtain these tables from other sources, VA offices will have a limited supply available.

c. *Use of Table To Compute Maximum Loan Amount.* As set forth in paragraph 2a, the maximum VA GPM loan is limited to the CRV less the highest amount of negative amortization. The outstanding principal balance on a GPM will usually increase until the end of the graduation period and then begin to decline. Thus, for VA's 5-year graduation plan at current interest rates, the highest amount of negative amortization occurs at the 60th month. To determine the maximum VA GPM loan amount, the reasonable value of the property is divided by the highest outstanding principal balance factor per $1,000 of original loan proceeds for the particular interest rate and then multiplied by 1,000. For example, for a $60,000 CRV, the maximum GPM loan at 17½ percent is determined by dividing $60,000 by $1.131.6268 (see HUD tables) and multiplying by 1,000, resulting in a maximum loan of $53.021 (rounded down to the nearest dollar); i.e., a minimum downpayment of $6,979 is required in this case.

d. *Computation of Monthly Installment.* Monthly principal and interest installments are computed by multiplying the number of thousands of dollars in the original loan amount (e.g. 53.021 in the above example) by the monthly installment per $1,000 shown in the table for the particular interest rate (i.e., 53.021 × 11.6465 yields the first year's monthly payments of $617.51 for the above example. 53.021 × 12.5200 = $663.83 payments for the second year, and so on until the sixth and remaining years' payments are determined by multiplying 53.021 × 16.7201 to equal $886.52).

e. *APR Tables.* Tables for lenders' use in computing APR's (annual percentage rates) for a VA GPM are available from VA on request. HUD's GPM APR tables may not be used for VA purposes since they include an adjustment for the HUD mortgage insurance premium.

f. *Veteran's Statement.* The following statement must be appropriately completed, signed by the veteran, and submitted with each application or automatic loan report involving a VA GPM:

"I fully understand that because of the graduated-payment loan obligation I am undertaking, my mortgage payment excluding taxes and insurance will start at $——— and will increase by 7.5 percent each year for 5 years to a maximum payment of $——— and the mortgage balance will increase to no more than $——— at the end of the ——— year. The maximum total amount by which the deferred interest will increase the principal is $———. Monthly installments will be due according to the following schedule:

$——— during the 1st year of the loan
$——— during the 2nd year of the loan
$——— during the 3rd year of the loan
$——— during the 4th year of the loan
$——— during the 5th year of the loan
$——— during the 6th year of the loan and every year thereafter."

For prior approval GPM loans to be closed at a higher interest rate than shown in the loan application (see par. 4), it will be necessary for the lender to prepare an amended veteran's statement to reflect the new loan terms. The amended statement must be signed by the veteran and submitted as a required exhibit with VA Form 26–1876, Certification of Loan Disbursement.

4. Effect of Interest Rate Increase on Loans in Process

Because the maximum GPM loan amount varies by the interest rate to be charged, any increase in the interest rate after the maximum loan is determined will require a recomutation of both the loan and payment schedule to assure that they conform to maximum permissible amounts and required amortization methods as set forth in paragraphs 2a and 3b. It will be the lender's responsibility to make certain that the loan which is actually closed complies fully with these required terms and limitations.

5. State Usury Exemptions.

a. Title 38 U.S.C. 1828 previously provided that if loans and mortgages insured under titles I and II of the National Housing Act are exempt "from the application of the provisions of any State constitution or law limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved by lenders, then loans guaranteed or insured under this chapter are also exempt from the application of such provisions." Currently, title II, section 245(c) of the National Housing Act (12 U.S.C. 1715z–10) provides that a HUD-insured graduated payment mortgage is not subject to State usury provisions (statute, constitutional provision, court decree, etc.), such as prohibitions against the charging of interest on interest, if the State usury provision would not apply except for the mortgage's graduation provisions. In addition, the provision exempts HUD GPM's from any State requirement concerning minimum amortization of principal of the mortgage or loan.

b. Section 529 of the National Housing Act (12 U.S.C. 1735f–7) exempts title I and title II lonas under the Act from the usury provisions of any State constitution or law unless the State reenacts a usury provision after December 21, 1979. These two provisions have been made applicable to the VA program by section 1828 of title 38, U.S.C., as amended by Pub. L. 97–66. Lenders should note, however, that it is their responsibility to determine the effect of this provision on their lending operations.

6. Tables for Stations' Use

Stations are provided copies of tables showing HUD Plan III, section 245 GPM outstanding principal balance and monthly installment factors, for their use.

7. Erroneous Loan Terms

Stations receiving closed GPM loan submissions in which lender error has resulted in the loan exceeding the maximum permissible amount should request that the lender take appropriate corrective action. If the error cannot be corrected, guaranty should be issued based on the eligible portion of the loan only, in accordance with VA Regulation 4303(H). (38 CFR 36.4303(h))

8. Release of Liability/Substitution of Entitlement

In processing release of liability or substitution of entitlement cases involving a GPM in which the assumption will take place during the graduation period (first 5 years of the loan at current interest rates), stations will obtain from the assumer a signed statement as described in paragraph 3f, modified to reflect the payment information as of the year in the schedule that the assumption occurs.

9. Processing of Claim

a. Upon receipt of a claim, stations will verify the accuracy of the unpaid principal balance by referring to HUD tables which can be used as a "negative amortization" schedules to verify the unpaid principal balance as reported by the holder.

b. If there is a variance between the unpaid principal balance as reported by the holder and VA's calculation, VA's calculation will be used in the manual computation of the claim (see M26–4, par. 3.04). Upon receipt of a holder's claim, TT 536–KE (Date Claim Received) will be coded into LCS (Liquidation and Claims System). After LCS's claim has been reviewed and authorized for payment, TT 536–KG (Date Claim Vouchered) will be coded into LCS. It is important to note that TT 530 (Claim Analysis) will *not* be coded.

c. Interest will be allowed in the holder's final accounting to the Administrator at the contract rate computed on the principal balance existing at the date interest was last paid by the borrower. Such interest will accrue in the holder's claim from the date interest was last paid to the date of sale or confirmation of sale.

10. Coding

Coding of graduated payment loans into the GIL (Guaranteed/Insured Loan) System will require the addition of a new field, Graduated Payment Mortgage Indicator, on transaction 01 (Application Received) submissions. Values will be 0 (Regular Fixed Payment) or 1 (Graduated Payment). This field need only be coded for GPM loans in the upper right corner of the Remarks section (item 19) on Va Form 26–1807, Docket Progress, DPC copy 2, or in item 20 on VA Form 26–1804, Utility Code Sheet, for transaction 05 (Change Application Information Only) and transaction 01 corrections.

Dorothy L. Starbuck,

Chief Benefits Director.

[FR Doc. 81–35087 Filed 12–7–81; 8:45 am]

BILLING CODE 8320–01–M

Availability of Report of Health Services Research and Development Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Health Services Research and Development Program has been completed.

Single copies of the Health Services Research and Development Report are

available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: December 1, 1981.

John P. Murphy,

Acting Administration.

[FR Doc. 81-35088 Filed 12-7-81: 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 235
Tuesday, December 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C 552b(e)(3)

CONTENTS

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Federal Reserve System (Board of Governors)	2
National Transportation Safety Board	3

1

COMMISSION ON CIVIL RIGHTS

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:00 a.m.–12 noon; 1:30–4 p.m., Monday, December 7, 1981.

CHANGES IN THE MEETING:

MATTERS TO BE CONSIDERED:

IX. Civil Rights Developments in the Northwest Region

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera and Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S–1831–81 Filed 12–4–81; 3:09 pm]

BILLING CODE 6335–01–M

2

FEDERAL RESERVE SYSTEM
(Board of Governors)

TIME AND DATE: 10 a.m., Monday, December 14, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report concerning changes in bank supervision.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

James McAfee,
Assistant Secretary of the Board.

Dated: December 4, 1981.

[S–1832–81 Filed 12–4–81; 4:14 pm]

BILLING CODE 6210–01–M

3

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR–81–41]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 58392, December 1, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, December 8, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

The first three items are open to the public; the fourth is closed under exemption B of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report:* The United States Air Trafffic Control System and *Recommendations* to the Federal Aviation Administration.

2. *Marine Accident Report:* Grounding of the U.S. Sailboat MR. B. near Punta Chivata, Mexico, November 25, 1980, and *Recommendations* to Vision Quest National, Ltd.; the U.S. Coast Guard; and the National Association of the State Boating Law Administrators.

3. *Marine Accident Report:* Explosion and Fire on Board the U.S. Tankship MONTICELLO VICTORY at Port Arthur, Texas, May 31, 1981, and *Recommendations* to the U.S. Coast Guard and Victory Carriers, Inc.

4. *Opinion and Order:* Commandant v. Amoury, Docket ME–90; disposition of appellant's appeal.

CONTACT PERSON FOR INFORMATION: Sharon Flemming 202–382–6525.

December 3, 1981.

[S–1830–81 Filed 12–4–81; 3:09 pm]

BILLING CODE 4910–58–M

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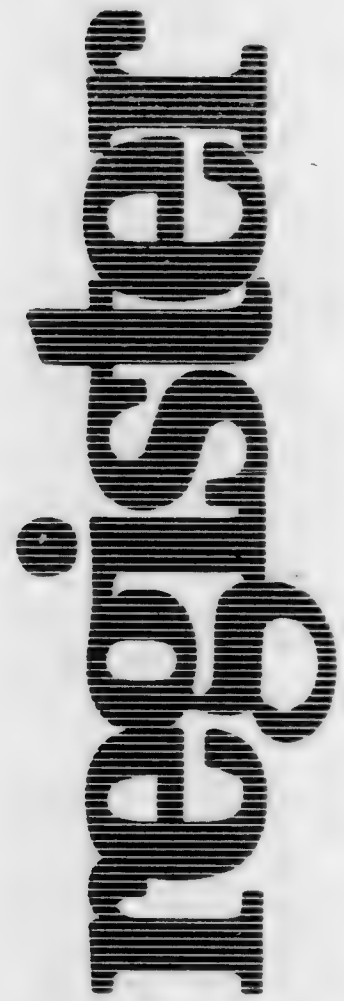

Tuesday
December 8, 1981

Part II

Department of Health and Human Services

Office of the Secretary

Privacy Act of 1974; Systems of Records, Table of Contents/Index for the Annual Republication

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Sectetary

Privacy Act of 1974; Systems of Records, Table of Contents/Index for the Annual Republication

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of the Assistant Secretary for Public Affairs (OASPA).

ACTION: Publication of the Table of Contents/Index for the Department's annual republication of notices of systems of records.

SUMMARY: On October 27, 1981 the Department made its annual republication of notices of systems of records to meet the requirements of 5 U.S.C. 552a(e)(4). In order to assist the public, the Department publishes this consolidated list of systems numbers, names, and **Federal Register** page numbers for the October 27 issue.

SUPPLEMENTARY INFORMATION: The **Federal Register** publication for our notices is Vol. 46, No. 207, Book 2: Pages 52601–53020. This document included more than 400 notices of systems of records for the following organizations of the Department:

- Office of the Assistant Secretary for Management and Budget (OASMB).
- Office of Inspector General (OIG).
- Office of the Assistant Secretary for Legislation (OASL).
- Office of the Assistant Secretary for Public Affairs (OASPA).
- Executive Secretariat (ES).
- Office of Consumer Affairs (OCA).
- Office for Civil Rights (OCR).
- Office of the General Counsel (OGC).
- Office of Child Support Enforcement (OCSE).
- Office of the Assistant Secretary for Planning and Evaluation (OASP&E).
- Region 1, Administrative Support Center (ASC).
- Office of the Assistant Secretary for Personnel Administration (OASPER).
- Office of Human Development Services (OHDS).
- Health Care Financing Administration (HCFA).
- Office of the Assistant Secretary for Health (OASH).
- Health Resources Administration (HRA).
- Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).
- National Institutes of Health (NIH).
- Center for Disease Control (CDC).
- Health Services Administration (HSA).
- Food and Drug Administration (FDA).
- Social Security Administration (SSA).

In order to inform the public of the Privacy Act restrictions on the disclosure of records contained in systems of records, we have set forth the "Conditions of Disclosure" section of the Privacy Act (October 27 issue *FR* page 52604).

In addition we have set forth the following sections of the Department's Privacy Act Regulation 45 CFR Part 5b (October 27 issue *FR* pages 52602–4):

- 5b.5 Notification of or access to records
- 5b.6 Special procedures for notification of or access to medical records
- 5b.7 Procedures for correction or amendment of records, and
- 5b.10 Parents and guardians

This will assist an individual by giving him or her the following information:

- How to find out if HHS has a record about him or her, and how to get a copy of that record.
- Special procedures for finding out about medical records.
- Special procedures for finding out about his or her child's medical records.
- Correcting mistakes in his or her record.
- Special procedures pertaining to parents and guardians of minors and incompetent persons.

An individual should consult the Department's systems notices to determine which systems of records are likely to contain records pertaining to him or her, to whom his or her requests should be addressed, and the degree of specificity with which he or she should make these requests. An individual's requests should then be addressed to the appropriate Department officials listed in the systems notices.

The format for the Table of Contents/Index is as follows: system number/system name/October 27, **Federal Register** page number.

Dated: November 20, 1981.

Pamela G. Bailey,

Assistant Secretary for Public Affairs.

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*09–90–0023 Department Parking Control Policy, HHS/OS/ASMB/FE. p. 52608

*09–90–0024 Accounting Records of Payments to Individuals From Agency and Regional Financial Management and Disbursing Office, HHS/OS/ASMB 1. p. 52609

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*09–90–0028 Biographics and Photographs of HHS Officials, HHS/OS/ASPA. p. 52618

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Tuesday
December 8, 1981

Part III

Department of Agriculture

Food and Nutrition Service

Food Stamp Program; Certifying Residents of Shelters for Battered Women and Children

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 274 and 278

[Amdt. No. 205]

Food Stamp Program; Certifying Residents of Shelters for Battered Women and Children

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule exempts shelters for battered women and children which provide meals to their residents from being considered institutions and permits shelter residents, who are otherwise eligible for Program participation, to receive food stamps. The rulemaking is necessary to establish some special procedures for permitting shelter residents to use food stamps to purchase meals prepared by shelters in accordance with Public Law 96–249, the 1980 Amendments to the Food Stamp Act of 1977.

EFFECTIVE DATE: This rule is effective January 7, 1982, and shall be fully implemented no later than April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–9075.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in relation to the requirements of Executive Order 12291, and it has been determined that the action is not a major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more. Although the Department anticipates that the annual increased cost to the Food Stamp Program of this rule will be approximately $2 million, the rule is not likely to result in a major increase in costs or prices for consumers, individual industries, other Federal, State, or local government agencies, or geographic regions. Because the rule will not directly affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Public Law 96–354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The action will implement Section 101 of the 1980 Amendments to the Food Stamp Act of 1977, by permitting residents of shelters for battered women and children to use food stamps to purchase meals prepared by shelters. It affects only residents of shelters which provide meals to their residents and there are not a large number of such shelters. The effect on these shelters will be to increase the shelters' resources since the rule permits residents to use food stamps to purchase meals prepared for them.

Note.—The reporting and recordkeeping requirements contained in this regulation are subject to review by OMB under the Paperwork Reduction Act and are not effective until approved by OMB.

Background

The Department, on January 16, 1981, at 46 FR 4642, issued proposed regulations relative to certifying residents of shelters for battered women and children as a part of its proposed rulemaking to implement certain segments of the 1980 Amendments to the Food Stamp Act of 1977 (Public Law 96–249, 94 Stat. 357, May 26, 1980). Due to the number of comments received concerning the shelter provisions, as well as the range of issues involved, a determination was made to treat this matter separately from the other amendments contained in the January 16 proposal. Therefore, this final action addresses only those provisions in the January 16 proposed rulemaking which relate to shelters for battered women and children.

The other segments of the 1980 Amendments to the Food Stamp Act for which the Department proposed regulations in the January 16 proposal and which are not dealt with in this final action, include: referring illegal aliens to the Immigration and Naturalization Service (INS); prorating income and counting resources of ineligible aliens; making administrative fraud determination hearings optional; and eliminating depreciation as a cost of doing business for self-employed households. In addition, that action proposed to incorporate into regulations a series of policy interpretations and technical amendments to clarify provisions published on October 17, 1978 (43 FR 47846). The Department is currently taking action to issue final regulations on these other matters.

A total of 68 letters containing comments on the provisions extending eligibility to residents of shelters for battered women and children were received as a part of the comment process on the January 16 proposed regulations. Comments on the shelter provisions were received from one member of Congress, 18 State welfare agencies, two local welfare agencies, six Regional Offices and one internal division of the Food and Nutrition Service, 26 shelters for battered women and children, 11 public interest groups, and three members of the general public. All of the comments received relating to the shelter provisions were reviewed and considered during the development of the final provisions contained in this action.

In order to avoid confusion, the reader is advised to keep certain distinctions in mind regarding the various types of shelters discussed in this final rule. The 1980 Amendments to the Food Stamp Act of 1977 extended eligiblity to residents of shelters for battered women and children which provide meals to their residents. This extension was necessary in order for residents of shelters that provide meals to become eligible because the 1977 Act limits participation in the Program to individuals and groups of individuals constituting households and excludes from eligibility those people who reside in an institution. Residents of shelters for battered women and children which do not provide meals, however, may already participate (if otherwise eligible) because under program regulations at 7 CFR 273.1(e) they are not considered as residing in institutions. Also, under Program regulations at 7 CFR 273.1(a) such shelter residents are either considered as individual household units or as part of a household unit comprised of a group of individuals, depending on whether they customarily purchase and prepare food separately or together, respectively. While these shelter residents who are eligible under existing regulations will continue to be eligible to participate, the facility will need to meet the definition of shelter for battered women and children contained in this final rule in order for its residents to be eligible for most of the special procedures established by this rulemaking. (Shelters with residents that are already permitted to participate need not take any specific measures in order for their residents to continue to be eligible. If, however, such a shelter wishes for its residents to be eligible for the special procedures established by this rulemaking or decides to provide

meals to its residents, the shelter may need to take measures to meet the definition of shelter for battered women and children contained in this final rule. It should then contact the local project area office so a determination can be made as to whether it qualifies under the new definition. This will facilitate the prompt certification of eligible residents under these final rules.) The definition of shelter for battered women and children contained in this final rule specifies that it must be a public or private nonprofit residential facility. If such a facility serves persons other than battered women and their children, it must have a wing or rooms set aside on a long-term basis to shelter victims of abuse.

Definitions

a. *"Eligible foods"*—The Department received only one comment on the proposed change to this definition, and that comment was an expression of support. Since the intended result is mandated by the statute and commenters did not raise any objections to the proposed wording, the provision has been adopted, unchanged, in this final action. The definition, therefore, includes meals prepared by and served by a shelter for battered women and children to its residents as eligible foods that can be purchased by residents with their food stamp coupons. (See 7 CFR 271.2.)

b. *"Retail food store"*—The proposed rule revised the definition of retail food store contained in current Program regulations to include shelters for battered women and children. The Department did not receive any comments on the change to this definition and has, therefore, adopted the proposed wording in this final rule (See 7 CFR 271.2.)

c. *"Shelter for battered women and children"*—The proposed rule introduced an additional definition to clarify what is meant by the term "shelter for battered women and children", and to establish some criteria for identifying such shelters. According to the proposed definition, a shelter means a public or private nonprofit residential facility that serves battered women and their children. The proposal also specified that if such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. This definition limits the criteria for determining those facilities whose residents would be eligible for the special procedures established by these final rules to the criteria in the statute and the legislative history (Public Law 96–249, Section 101; H.R. Rep. No. 96–788, 96th Cong., 2nd Sess. (1980), pp. 148–149).

Fourteen commenters expressed support for the proposed definition, numerous other commenters raised concerns regarding various aspects of the definition which need clarification, and one commenter opposed the definition because it creates a separate set of participants that must be given special consideration. The Department does not concur with the latter comment, but rather believes that special treatment of persons residing in shelters is especially warranted due to the serious physical and mental abuse to which they have been subjected. In addition, the statute contemplates special rules to apply to residents of these shelters and provides a basis to distinguish these cases from other participants.

Most of the concerns raised by commenters centered around the need to clarify exactly which facilities would qualify under the definition. Six commenters requested that the definition be expanded to include any place of refuge to which a battered family flees when leaving the abusive household. These commenters argued that the important consideration in such cases should be that the battered persons were forced to leave their prior residence, and not where the persons go when fleeing an abusive situation, particularly in those situations where abused persons must find alternative dwellings until space is available in a shelter. While the Department is sympathetic to these arguments, it does not believe that the special procedures established by these final rules should be made available to nonshelter residents for two reasons. First, the legislation which mandated this change in Program eligibility specifically limited its scope of applicability to residents of shelters for battered women and children. And second, there is nothing in current Program rules to prevent battered persons who temporarily reside with family or friends from applying for benefits under the Program.

One commenter asked that nonprofit be clarified to mean having Internal Revenue Service (IRS) tax-exempt status. The Department, however, prefers to leave determinations of nonprofit status to the discretion of State agencies and does not want to hamper their efforts in this regard by imposing any unnecessary requirements. While tax-exempt status under the Internal Revenue Code of 1954 may be appropriate for shelters which possess certification of such status, other methods of demonstrating nonprofit status may be available to them, such as State tax-exempt status. In addition, the Department is reluctant to regulate any one method of determining nonprofit status because doing so could unnecessarily impose additional requirements, not required by statute, on facilities (i.e., shelters) which do not directly receive assistance under the Program.

Similarly, several commenters raised concerns about the criterion of the definition which specified that, if a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. These commenters either opposed allowing facilities which serve other individuals to qualify under these provisions, or sought to have further clarified the purpose of the phrase "set aside." As mentioned earlier, the proposed criteria for determining those shelters whose otherwise eligible residents may participate in the Program were developed by reference to the statute and legislative history. Committee Report No. 96–788 indicates that Congress intended "* * * only shelters that function exclusively to serve battered women with or without their children * * *" to qualify as exempted institutions. The report further states that "* * * any place of abode that takes care of such women from time to time in addition to serving as a regular residence for others * * * unless a portion of such place were reserved and set aside on a long-term basis to shelter such women * * *" should not be included under this exemption. (H.R. Report No. 96–788, p. 149.) Therefore, the Department believes that if a facility, such as a YWCA, serves persons other than battered women and their children, its otherwise eligible residents who are victims of abuse can participate if the facility has a wing or rooms set aside on a long-term basis to shelter them. Based on the information currently available, this approach does not seem to present any major problems. However, should problems arise in the future the Department is prepared to reassess its position regarding facilities which serve other persons in addition to battered women and children

The other concerns raised by commenters centered around the need to clarify exactly who is eligible to be served under the definition. Two commenters requested that the definition be clarified to include any persons (i.e., male or female) who are forced to leave their primary residence, another commenter asked that it include women seeking shelter when the

children have been abused but the wives have not, another suggested including any group of individuals admitted to a shelter without reference to their relationship to one another, and another commenter asked simply that clarification be provided as to who is being served. Since the statute and legislative history refer specifically to battered women and children, the Department is unable to extend eligibility for the special procedures established in this final action to battered men. However, the Department believes that the relationship between the women and children admitted to the shelter and whether the children have been abused but the women have not are irrelevant to Program eligibility. Therefore, the sole consideration for determining eligibility of otherwise eligible household units for the special procedures established by these final rules is that the women and children seek refuge in a facility which meets the Program's definition of a shelter for battered women and children. (See 7 CFR 271.2.)

No Aid Reduction

The proposed rule contained provisions which would prohibit the reduction of assistance to food stamp recipients by any participating State or political subdivision because of the receipt of food stamp benefits and specified the types of governmental action which would be considered reductions in aid. As a part of this larger prohibition against decreasing the established benefit level of any food stamp recipient, the proposed rule specifically prohibited the reduction of assistance to shelter residents, and exempted funding provided to the shelter itself from this prohibition. Since the discussion of the aid reduction prohibition was inadvertently omitted from the preamble to the proposed rule, however, nearly all the comments received on these provisions were in terms of their effect on shelters and shelter residents alone. The Department has determined that it would be unwise to issue final rules in this regard without first having brought the matter to the public's attention through a proposed explanatory preamble and, thereby, affording interested parties the opportunity to submit comment. Therefore, the provision of the proposed rule which prohibited reductions of assistance to shelter residents because of receipt of food stamps does not appear in this final rule. The Department intends to assess its position on this issue and, if a change is determined to still be necessary, the provision will be reproposed at a later date.

In the absence of any change, the Department would like to point out that its current policy still applies. The prohibition against reduction of assistance to food stamp recipients because of the receipt of food stamps under current Program regulations at 7 CFR 272.1(b) will continue to be applied to the individual's benefits and not to the operation of the facility itself. Any funding given to individual shelter residents or to the shelter which is earmarked for an individual's expenses, such as per diem payments, cannot be reduced due to receipt of food stamps.

Individual Household Units

The Department proposed that residents of shelters be certified as individual household units. A single woman or a woman with her children, for example, would be considered an individual household unit rather than part of a household unit comprised of a group of shelter residents. This provision was proposed in response to the Conference Report on the 1980 Amendments which states that residents of shelters for battered women and children shall "* * * be considered for eligibility as individual (parent/child) units, rather than considered as part of a single household consisting of all shelter residents." (See H.R. Rep. No. 96–957, 96th Cong., 2nd Sess., (1980), p. 11.)

Twenty-four comments were received in support of this provision, and only one commenter opposed it. The Department believes that the proposal is both consistent with Congressional intent, as revealed in the legislative history, and should help ease the transition for residents from the shelter to new places of residence. In addition, the short stay of most residents makes it advantageous to certify the women/children as a household, and makes on-going certification simpler. Upon leaving the shelter the women/children will have ready access to their coupon allotment, and will not need to divide the allotment between those remaining in the shelter and those leaving. Therefore, the provision has been retained in this final rulemaking. (See 7 CFR 273.1(e)(4)).

Expedited Service

The proposed rule provided that the shorter 2 or 3 day standard for expedited service would apply to shelter residents who are otherwise entitled to expedited service. This shorter standard is already provided by Program regulations for zero net income and destitute households. The regulations also provide a 7 day service standard which is used for residents of treatment centers and group living arrangements who are otherwise eligible for expedited service. (See 7 CFR 273.2(i)). Twenty-three comments were received in favor of this provision. Three commenters suggested that the 7 day service standard would be more appropriate.

The Department believes that the 7 day limit in effect for residents of other facilities would not adequately meet the needs of shelter residents because of the short periods of time such residents normally stay in a shelter. Making coupons available to them as soon as possible will provide for their immediate needs. In addition, relatively few shelters provide meals without charge as do treatment centers or group living arrangements. Therefore, the final rule retains the proposed provision for the shorter 2 or 3 day standard for expedited service to shelter residents who are otherwise entitled to expedited service. This provision may apply to residents of any shelter for battered women and children, regardless of whether the facility meets the definition of a shelter for battered women and children contained in this final rule. For instance, residents of shelters not meeting the Program's definition may participate as individual household units or as part of a group of individuals if their shelters do not provide meals. Those residents of such shelters who participate as individual household units and who are otherwise entitled to expedited service will be processed using this provision. Residents of such shelters who participate as part of a group of individuals already participating, however, will be processed as a reported household change. (See 7 CFR 273.2(i)(3)(v)).

Residency

The proposed rule would exempt residents of shelters for battered women and children from the current regulatory prohibition against participation in more than one project area, in any month. This provision would apply only to women and children leaving the household containing the person who had subjected them to abuse. The Department proposed this provision because the limited number of these facilities results in shelter residents often having to locate in a different project area from where they formerly participated in the Program. Also, the Department intends that the eligibility of such shelter residents be determined based on their current circumstances as a separate household, regardless of past participation. A more detailed discussion of this issue is provided below, under the subject heading "Separate Households". Only one

comment was received on this provision, and that comment was a suggestion to allow the new project area time to notify the shelter resident's former project area prior to certifying the applicant to participate in the Program. The Department believes that such a provision could result in unnecessary delays in the delivery of Program benefits to shelter residents and further complicate the administrative responsibilities of State agencies. Therefore, the Department has not adopted the commenter's suggestion and the proposed provision is retained in the final rule. This provision applies only to residents of facilities that meet the definition of shelters for battered women and children contained in this final rule. Residents of facilities that do not meet this definition will continue to be prohibited from participating in more than one project area, in any month. (See 7 CFR 273.3).

Resources

The Department proposed that any resources jointly owned by shelter residents and members of their former household be automatically considered inaccessible to the shelter residents. This proposal was made in order to be responsive to the abused person's possible need for protection and to speed-up processing of the case as the inaccessibility of resources would not have to be determined. Although eighteen comments were received in favor of this proposal, four other comments were received from State agencies raising various concerns about jointly held resources which are not, in fact, totally inaccessible to shelter residents and urging that determinations of inaccessibility be made on a case-by-case basis. The Department agrees with the point that not all jointly held resources may be inaccessible to shelter residents, and realizes that as a result determinations on a case-by-case basis are necessary.

The proposal was intended to protect abused persons from the possible danger which could result from revealing their whereabouts, and to ensure that resources which are in practicality inaccessible to them due to joint ownership are not considered when determining their resources. For example, an abused person would be forced to leave the shelter in order to obtain her share of a passbook savings account at a bank, and access to the funds in such an account sometimes requires the signatures of all joint owners. However, access to the funds in jointly held draft accounts at banks (i.e., checking accounts) can be obtained by issuing drafts to third parties, thereby precluding the need for the shelter resident to leave the shelter. Resources may also be jointly held with a non-abusing member of the former household who has fled with the battered person and these resources would not be inaccessible. Therefore, the Department has decided to further stipulate that in order to consider resources jointly held with members of the former household of shelter residents inaccessible to such residents, access to the value of the resources must be dependent on the agreement of a person who still resides in the former household. This provision applies only to residents of facilities that meet the Program's definition of shelters for battered women and children contained in this final rule. (See 7 CFR 273.8(d)).

Shelter Status

In the proposed rulemaking, the Department required State agencies to verify that a facility meets the Program's definition of "shelter for battered women and children" and outlined the procedure for shelters to obtain a determination of shelter status through their local project area office. The proposal exempted, from the verification requirement, shelters which have Food and Nutrition Service (FNS) authorization to redeem coupons through wholesalers. The comments received on these provisions indicated confusion about the intended purpose, and signaled the need to both revise the subject provisions and provide further clarification in this explanatory preamble.

One commenter requested that we clarify what verification would be required and suggested that State agencies determine rather than verify that a facility meets the Program's definition. The Department agrees with this suggestion and has, therefore, revised the provision to require a State agency determination of shelter status. In addition, the final rule stipulates that State agencies must document the basis of this determination. Use of the term "verification" unavoidably implies efforts on the part of State agencies, such as their verification responsibilities for certification of households, which were unintended. The Department only requires that State agencies apply the criteria established in the Program's definition of a shelter for battered women and children in order to arrive at their determinations, and that the relevant facts are documented for future reference.

Another commenter objected to requiring shelters to contact their local project area office to determine that they meet the Program's definition. Although the proposed rule contained a suggestion that shelters should contact their local office for such a determination in order to expedite certification of eligible residents, the Department understands that such a suggestion placed within the body of a regulation could imply a requirement. Therefore, this suggestion has been deleted from the final rule. The Department would like to point out, however, that shelters may want to contact their local project area office in order to initiate the State agency's determination process.

Two other commenters suggested elimination of the requirement that local project area offices maintain a list of shelters meeting this definition. The Department agrees with these commenters but would like to provide State agencies with the authority to utilize such a list in order to facilitate prompt certification of eligible shelter residents. Therefore, the provision of the proposed rule requiring local project area offices to maintain a list of shelters meeting the definition has been revised for this final rule to provide State agencies the option of requiring their local project area offices to maintain such a list. The final rule also retains the exemption of shelters having FNS authorization to redeem coupons through wholesalers from the requirement that State agencies determine whether these shelters meet the Program's definition. Shelters wishing to obtain such FNS authorization should contact the FNS Regional Office in their area; this authorization substitutes for a State agency determination. The FNS Regional Office will provide the names of any shelters it authorizes to the State agency for dissemination to the local project areas. (See 7 CFR 273.11(g)(1)).

Separate Households

The proposed rule would allow shelter residents who are included in other certified households to participate in the Program as separate households if the household which includes them contains the person who subjected them to abuse. It further stipulated that shelter residents who are included in other certified households may receive an additional allotment as a separate household only once a month. Although twenty-one commenters supported these provisions, two commenters opposed them on the grounds that they were contrary to the intent of Congress and/or they would discriminate against other households. The Department, however, believes that the legislation contemplates special rules for only

residents of these shelters, and not for other persons who leave a participating household during a certification period.

Numerous other commenters suggested ways to expand these provisions to include either those victims staying with family or friends, or those victims who were included in certified households that did not include the persons who subjected them to abuse. The Department rejected the first recommendation because it believes Congress intended special rules to apply to only residents of shelters for battered women and children, and because Congress itself created this distinction by passing legislation which specifically extended eligibility to residents of such shelters. The second recommendation was not accepted because the Department believes that individuals leaving a certified household not containing the person who subjected them to abuse are capable of retaining their share of the household's coupon allotment for the month in which they were included in the certified household. Therefore, the final rule limits use of these provisions to those shelter residents who were actually forced to leave their prior place of residence.

Several other commenters were either concerned about the once a month limitation or felt that shelter residents should not be allowed to participate twice in the same month. The Department, however, does not view allowing shelter residents who have left the household containing the person who had abused them as dual participation because it assumes that such persons would not normally retain access to their current coupon allotment. The once a month limitation has been retained in the final rule to prevent the duplication of benefits to shelter residents who return to the former household and are forced to take refuge in a shelter for the second time in one month. This provision applies only to residents of facilities that meet the Program's definition of shelters for battered women and children contained in this final rule. (See 7 CFR 273.11(g) (1) and (2)).

Action on Changes to Former Households

In the proposed rulemaking, the Department required State agencies to provide the former household of shelter residents a notice of expiration in accordance with § 273.14(b) and Policy Interpretation 79–108. Current Program regulations at 7 CFR 273.14(b) specify the timeframes and contents of notices of expiration. Policy Interpretation Response Number 79–108 interpreted the Program's regulations to allow State agencies to shorten the certification period of a nonassistance household based on a reported change.

Two commenters suggested requiring the use of a notice of adverse action rather than a notice of expiration, unless the certification period ends the month in which the household divides. Two other commenters suggested providing State agencies with the flexibility to use either a notice of adverse action or notice of expiration. And, one of these commenters requested that the procedure for terminating or reducing the benefits of the former household be clarified without reference to Policy Interpretation Response Number 79–108. The Department recognizes the validity of each of these comments and has decided, therefore, to revise the proposed provision to allow State agencies either to use a notice of adverse action to reduce benefits or to shorten the certification period through a notice of expiration. This provides State agencies with the maximum amount of administrative flexibility. It also clarifies that the intended result is to reduce the benefits of the former household to reflect the change in its composition and not, necessarily, to terminate the former household, unless the change itself makes the former household ineligible. The Department believes that State agencies will ensure that the former household's benefits are promptly reduced by whichever method they deem appropriate in view of the household's circumstances. (See 7 CFR 273.11(g)(5)).

Coupon Issuance

Current Program regulations at 7 CFR 278.2(c) prohibit retailers from accepting loose $5 or $10 coupons without coupon books. Since residents often stay in a shelter for a short period of time and the shelter only provides them with a few meals, many shelters would be forced to accept loose $5 or $10 coupons which they could not redeem at retailers without the coupon books. A possible recourse would be to obtain FNS authorization to redeem through wholesalers, even though many shelters are small operations for which volume purchases are impractical. Alternatively, shelters could attempt to spend the coupon allotments of individual residents at retailers with the residents' coupon books, which would necessitate prorating an appropriate amount of coupons according to each individual resident's share of the particular purchases so that any unused coupons could be returned to departing residents.

The preamble to the proposed rule solicited comments on how to resolve this issue and suggested as a possible option allowing shelters wishing to redeem loose $5 and $10 coupons at retailers to do so through the use of a specially annotated identification card. Thirteen comments were received in favor of this possible option, and three other commenters expressed support for allowing shelters to redeem loose coupons at retailers but opposed the use of special identification cards. Seven commenters opposed the inclusion of such a procedure and several other commenters suggested alternative approaches to avoid the problem of loose $5 and $10 coupons. The Department has determined that allowing only shelters to redeem loose coupons could be viewed as discriminating against other group living arrangements and treatment centers whose short term residents could also benefit from such a policy. The likelihood also exists that retailers would become confused over who may and may not redeem loose coupons, and this confusion could weaken the current regulatory ban on redeeming loose coupons at retailers.

The Department has decided, therefore, to allow residents of shelters which are not authorized by FNS to redeem coupons through wholesalers to request that they receive all or part of their coupon allotment in one dollar denomination coupons. Current Program regulations at 7 CFR 274.2(h) already allow a similar request to be made by blind and visually handicapped participants who can receive their allotment in coupons of all one denomination. This approach avoids all of the already mentioned problems associated with special procedures allowing shelters to redeem loose $5 and $10 coupons. In addition, since one dollar denomination coupons are exempted from the regulatory ban on redeeming loose coupons at retailers under current Program regulations at 7 CFR 278.2(c), the ban designed to discourage the use of illegally obtained coupons will not be weakened. State agencies should explain the availability of this alternative to shelters which do not have FNS authorization to redeem through wholesalers and to residents of such shelters who are certified to participate in the Program. State agencies should also ensure that such shelters are aware of the need for their participating households to designate the shelter as an authorized representative for coupon use so that the shelter can purchase food in authorized retail food stores. (See 7 CFR 274.2(h)).

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Meals in Shelters

The proposed rule allowed residents of shelters to use their coupons to purchase meals prepared especially for them at the shelter. Only one comment was received on this proposal, which expressed concern that use of the word "especially" prohibited the use of coupons for purchasing meals by residents of facilities which serve persons other than battered women and children. The Department views the provision as applying to any facility which meets the Program's definition of a shelter for battered women and children. Therefore, the provision has been retained without change in this final rule. (See 7 CFR 274.10(d)).

Authorization for Shelters to Redeem Through Wholesalers

The proposed rule provided for FNS authorization of shelters as retail food stores in accordance with normal Program rules governing such authorization at 7 CFR 278.1(a) and (b), thereby enabling these shelters to redeem coupons directly through wholesalers. The availability of this authorization was limited to those facilities which meet the Program's definition of a shelter for battered women and children, and which serve meals or provide food to their residents. Thirteen comments were received in favor of this provision. One commenter suggested revising the language of the first sentence because it implies that all shelters will be authorized by FNS as retail food stores. The Department agrees with this commenter and has, therefore, revised the first sentence to clarify that FNS shall authorize as retail food stores those shelters wishing to redeem coupons directly through wholesalers. The remainder of the provision has been adopted without change. (See 7 CFR 278.1(g)).

Shelters as Authorized Representatives for Purchasing Food and Bank Redemption Prohibition

The proposed rule allows a shelter to purchase food in authorized retail food stores as the authorized representative of its participating households. It also prohibits shelters from presenting coupons directly to a bank for redemption. The Department received very few comments on these proposals, and those received generally supported them. Therefore the provisions have been adopted without change in this final rule. (See 7 CFR 278.2(g)).

Other Comments

The Department would like to address the following additional comments:

A. One commenter suggested revising the first sentence of 7 CFR 278.2(g) to clarify that retail food concerns may exchange coupons through wholesalers which are *authorized* to accept coupons from that retailer. The Department agrees with this comment and has revised that subject provision accordingly. (See 7 CFR 278.2(g)).

B. One commenter suggested allowing shelter residents the option of making food stamp application on their own behalf or naming the shelter as an authorized representative. The Department does not, however, believe that shelters should be acting as the authorized representative of their participating households for making applications for participation in the Program. Unlike the procedures provided under current Program regulations at 7 CFR 273.1(f) regarding addict/alcoholic treatment centers and some group living arrangements, the Department intends for shelter residents to apply on their own behalf. Drug addict and alcoholic treatment centers automatically act as the authorized representative of their residents for application and certification under the Program, and group living arrangements determine if any of their residents may apply and be certified on his/her own behalf. Where these facilities act as authorized representatives for their residents through a designated employee, they exercise control over the use of the residents' coupon allotments. The Department believes that residents of shelters for battered women and children should control the use of their own coupon allotments.
Shelter residents are, however, free to name a shelter staff member or volunteer as an authorized representative for application and certification purposes. This procedure may be necessary in cases where shelter residents would be endangered if they left the shelter and they are unable to appoint another authorized representative of their choice.

C. And, one commenter suggested the Department require State agencies to provide the alternative of phone interviews for shelter residents. The Department does not believe that such a requirement is necessary because current Program regulations at 7 CFR 273.2(e) already provide for the waiving of office interviews on a case-by-case basis. However, when making the determination of hardship conditions for waiving office interviews, State agencies are encouraged to consider the possibility that shelter residents could be endangered should they leave the shelter.

Implementation

The preamble to the Januray 16 proposed rule provided for implementation of the provisions extending eligibility to residents of shelters for battered women and children, along with all the other provisions of that proposed rulemaking, by State agencies on the first day of the month 120 days after publication as a final rule. The Department received five comments on the proposed implementation schedule which made specific reference to the shelter provisions. One commenter suggested that we allow 180 days for implementation, while another commenter asked that we require implementation within 60 days of publication. Three other commenters expressed the hope that these provisions would be implemented as soon as possible or without further delay. Also, several State agencies have requested on a number of occasions that the Department provide for implementation of regulations on the first day of yearly quarters, whenever possible, in order to facilitate making changes to their administrative procedures. The Department has decided to provide for implementation of the shelter provisions contained in this final rule no later than April 1, 1982, so that State agencies may implement them as soon as it is practicable or to take advantage of quarterly implementation should they choose to do so. (See 7 CFR 272.1(g)(37)).

Accordingly, 7 CFR Parts 271, 272, 273, 274, and 278 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.2, the definitions of "eligible foods" and "retail food store" are revised, and a definition of "shelter for battered women and children" is added in alphabetical order, to read as follows:

§ 271.2 Definitions.

* * * * *

"Eligible foods" means (1) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption; (2) seeds and plants to grow foods for the personal consumption of eligible households; (3) meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase delivered meals; or meals served by an authorized communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining; (4) meals prepared and served by a drug addict or alcoholic treatment and rehabilitation center to eligible households; (5) meals prepared and

served by a group living arrangement facility to residents who are blind or disabled recipients of benefits under title II or title XVI of the Social Security Act; (6) meals prepared by and served by a shelter for battered women and children to its eligible residents; and (7) in the case of certain eligible households living in areas of Alaska where access to food stores is extremely difficult and the households rely on hunting and fishing for subsistence, equipment for the purpose of procuring food for eligible households, including nets, lines, hooks, fishing rods, harpoons, knives, and other equipment necessary for subsistence hunting and fishing but not equipment for the purpose of transportation, clothing or shelter, nor firearms, ammunition or other explosives.

* * * * *

"Retail food store" means (1) an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume is more than 50 percent staple food items for home preparation and consumption; (2) public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; public or private nonprofit group living arrangements; or public or private nonprofit shelters for battered women and children; (3) any stores selling equipment for procuring food by hunting and fishing to eligible households in Alaska, as specified in the definition of eligible food; (4) any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and (5) a farmers' market.

* * * * *

"Shelter for battered women and childern" means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, a new paragraph (37) is added to paragraph (g) to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(37) *Amendment 205.* The procedures extending eligibility to otherwise eligible residents of shelters for battered women and children contained in Amendment 205 shall be implemented by State agencies no later than April 1, 1982.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.1, a new paragraph (4) is added to paragraph (e) to read as follows:

§ 273.1 Household concept.

* * * * *

(e) *Residents of institutions.* * * *

(4) Women or women with their children temporarily residing in a shelter for battered women and children as defined in § 271.2. Such persons temporarily residing in shelters for battered women and children shall be considered individual household units for the purposes of applying for and participating in the Program.

* * * * *

4. In § 273.2, paragraph (i)(3), a new paragraph (v) is added to read as follows:

§ 273.2 Application processing.

* * * * *

(i) Expedited service. * * *

(3) Processing standards. * * *

(v) *Residents of shelters for battered women and children.* Residents of shelters for battered women and children who are otherwise entitled to expedited service shall be handled in accordance with the time limits in paragraph (i)(3)(i) of this section.

* * * * *

5. Section 273.3 is revised to read as follows:

§ 273.3 Residency.

Households must be living in the project areas in which they file applications for participation unless the State agency has made arrangements, in accordance with the provisions of § 272.5, to allow particular households to file applications for participation in nearby specified project areas. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in § 271.2 and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with § 273.11(g). The State agency shall not impose any durational residency requirements. A fixed residence is not required; for example, migrant campsites satisfy the residency requirement. Nor shall residency require an intent to reside permanently in the State of project area. Persons in a project area solely for vacation purposes shall not be considered residents.

6. In § 273.8, a new sentence is added to the end of paragraph (d) to read as follows:

§ 273.8 Resource eligibility standards.

* * * * *

(d) * * * Resources shall be considered inaccessible to persons residing in shelters for battered women and children, as defined in § 271.2, if (1) the resources are jointly owned by such persons and by members of their former household; and (2) the shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former household.

* * * * *

7. In § 273.11, paragraph (g) is redesignated as (h) and a new paragraph (g) is added to read as follows:

§ 273.11 Action on households with special circumstances.

* * * * *

(g) *Shelters for Battered Women and Children.* (1) Prior to certifying its residents under this paragraph, the State agency shall determine that the shelter for battered women and children meets the definition in § 271.2 and document the basis of this determination. Shelters having FNS authorization to redeem at wholesalers shall be considered as meeting the definition and the State agency is not required to make any further determination. The State agency may choose to require local project area offices to maintain a list of shelters meeting the definition to facilitate prompt certification of eligible residents following the special procedures outlined below.

(2) Many shelter residents have recently left a household containing the person who has abused them. Their former household may be certified for participation in the Program, and its certification may be based on a household size that includes the women and children who have just left. Shelter residents who are included in such certified households may nevertheless apply for and (if otherwise eligible) participate in the Program as separate households if such certified household which includes them is the household containing the person who subjected them to abuse. Shelter residents who are included in such certified households may receive an additional allotment as a separate household only once a month.

(3) Shelter residents who apply as separate households shall be certified solely on the basis of their income and

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resources and the expenses for which they are responsible. They shall be certified without regard to the income, resources, and expenses of their former household. Jointly held resources shall be considered inaccessible in accordance with § 273.8. Room payments to the shelter shall be considered as shelter expenses.

(4) Any shelter residents eligible for expedited service shall be handled in accordance with § 273.2(i).

(5) State agencies shall take prompt action to ensure that the former household's eligibility or allotment reflects the change in the household's composition. Such action shall include either shortening the certification period by issuing a notice of expiration in accordance with § 273.14(b) to the former household of shelter residents or acting on the reported change in accordance with § 273.12 by issuing a notice of adverse action in accordance with § 273.13.

. . . . .

PART 274—ISSUANCE AND USE OF FOOD COUPONS

8. In § 274.2, a new sentence is added to the end of paragraph (h) to read as follows:

§ 274.2 Issuance systems.

. . . . .

(h) * * * (4) Residents of shelters for battered women and children, as such shelters are defined in § 271.2 and which are not authorized by FNS to redeem through wholesalers, may request that all or part of their coupons be of the 1-dollar denomination and State agencies are authorized to grant this request, where feasible.

9. In § 274.10, a new sentence is added to the end of paragraph (d) to read as follows:

§ 274.10 Use or redemption of coupons by eligible households.

. . . . .

(d) * * * Residents of shelters for battered women and children as defined in § 271.2 may also use their coupons to purchase meals prepared especially for them at a shelter which is authorized by FNS in accordance with § 278.1 to redeem at wholesalers, or which redeems at retailers as the authorized representative of participating households in accordance with § 278.2(g).

. . . . .

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

10. In § 278.1, paragraphs (g) through (m) are redesignated as (h) through (n) and a new paragraph (g) is added to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

. . . . .

(g) *Shelters for battered women and children.* FNS shall authorize as retail food stores those shelters for battered women and children wishing to redeem coupons directly through wholesalers. The shelter must be public or private nonprofit, as defined in paragraph (d)(1) of this section, and meet the requirements of paragraphs (a) and (b) of this section. Shelters which also serve other groups of individuals must have a portion of the facility set aside on a long-term basis to shelter battered women and children. Also required is that the shelter be a residence which serves meals or provides food to its residents.

. . . . .

11. In § 278.2, paragraph (g) is revised to read as follows:

§ 278.2 Participation of retail food stores.

. . . . .

(g) *Redeeming coupons.* Authorized retail food stores may exchange coupons in accordance with this part for face value upon presentation through the banking system or through a wholesale food concern authorized to accept coupons from that retailer. Authorized drug addict or alcoholic treatment and rehabilitation programs, group living arrangements, and shelters for battered women and children may present coupons for redemption through authorized wholesale food concerns. A drug addict or alcoholic treatment center, group living arrangement, or shelter for battered women and children may purchase food in authorized retail food stores as the authorized representative of its participating households. Authorized drug addict and alcholic treatment and rehabilitation programs, group living arrangements, and shelters for battered women and children shall not present coupons directly to a bank for redemption.

* * * * *

(Sec. 101, Pub. L. 96-249, 94 Stat. 357 (7 U.S.C. 2012 and 2019))

(Catalog of Federal Domestic Assistance Program No. 10551, Food Stamps)

Dated: December 1, 1981.

David B. Alspach,

Acting Administrator.

[FR Doc. 81-35061 Filed 12-7-81; 8:45 am]

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Tuesday
December 8, 1981

Part IV

Department of Agriculture

Agricultural Marketing Service

Florida Oranges, Grapefruit, Tangerines, and Tangelos; Imported Grapefruit; Grade and Size Requirements

V 46 / 235 DEC 8 81 UMI

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905 and 944

[Florida Orange, Grapefruit, Tangerine and Tangelo Reg. 6; Grapefruit Import Reg. 6]

Florida Oranges, Grapefruit, Tangerines, and Tangelos; Imported Grapefruit; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for Florida oranges, grapefruit, tangerines and tangelos and imported grapefruit. Such action is necessary to assure shipment of ample supplies of fruit of acceptable grades and sizes in the interest of growers and consumers. This rule also makes minor revisions in the instructions for obtaining inspection and certification of imported avocados, grapefruit, limes and oranges. This action reflects reorganization of inspection services and changes in addresses of inspection offices.

DATES: Effective December 7, 1981, and continued in effect until modified, suspended, or terminated.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on October 13, 1981 (46 FR 50359) which specified minimum grade and size requirements applicable to shipments of Florida oranges, grapefruit, tangerines, and tangelos and imported grapefruit through December 6, 1981. That rule provided an opportunity to file comments through November 12, 1981. No comments were received. During and subsequent to the comment period four actions were recommended by the Citrus Administrative Committee. Based on those recommendations and available information the Department issued four amendments to the interim rule. Amendment 1 provided that during the period November 9 through November 15, 1981, handlers were allowed to ship Florida Dancy tangerines with a minimum diameter of 2⁴⁄₁₆ inches. Amendment 2 provided that during the period November 16 through November 22, 1981, handlers were allowed to ship a quantity of smaller size Dancy variety tangerines (2⁴⁄₁₆ inches in diameter), equal to 35 percent of total shipments during a specified prior period. Amendment 3 continued the provisions of Amendment 2 for the period November 23 through November 29, 1981. Amendment 4 provided that during the period November 30 through December 6, 1981, handlers were allowed to ship a quantity of smaller size Dancy tangerines (2⁴⁄₁₆ inches in diameter), equal to 30 percent of total shipments during a specified prior period.

The Florida orange, grapefruit, tangerine and tangelo regulation is issued under the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The grapefruit import regulation is issued under § 8e (7 U.S.C. 608e–1) of this act. The grade and size requirements applicable to Florida oranges, grapefruit, tangerines and tangelos were recommended by the Citrus Administrative Committee which locally administers the program.

The grade and size requirements for domestic and export shipments are necessary to prevent shipment of Florida oranges, grapefruit, tangerines and tangelos of a lower grade or smaller size than specified and to assure that the various varieties of Florida citrus will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop.

It is estimated that the 1981–82 season crop of Florida round oranges will be 166 million boxes, 4 percent less than last season. Grapefruit production is estimated at 55 million boxes, nine percent higher than the 1980–81 season production, and an 11 percent increase in Florida specialty citrus fruit is expected.

The committee reports that grove conditions are generally improving from the effects of the January 1981 freeze. The new crop should be of good quality. The shape and size of the fruit is considered to be generally average.

The committee's appraisal indicates fresh market demand at 17,000 carlots of round oranges, 3,000 carlots of Temple oranges, 10 carlots of seeded grapefruit, 33,000 carlots of seedless grapefruit, 3,500 carlots of tangelos, and 4,800 carlots of tangerines. Hence, considering the available supply and the reported size and quality of the fruit, more than ample quantities of each of the specified fruit meeting the grade and size requirements will be available to supply such demands.

The minimum grade and size requirements for imported grapefruit are consistent with Section 8e of the act. This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity.

It was proposed that the regulations contained in the interim rule would be effective for the period October 19, 1981, through December 6, 1981, and then continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. Issuance of regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them only for a single season. In addition, the action could result in a reduction in operational costs to the committee and the government. Although this final regulation is effective for an indefinite period the committee will continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will review committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipment of Florida oranges, grapefruit, tangerines and tangelos would tend to effectuate the declared policy of the act.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) the current interim Florida orange, grapefruit, tangerine, and tangelo and grapefruit import regulation (46 FR 50359) provided a 30-day comment period and no comments were received: (2) shipment of the current crop of Florida citrus is in progress: (3) the Florida citrus regulation was recommended by the committee following discussion at a public meeting on September 15, 1981; (4) Florida citrus handlers have been apprised of these requirements for Florida oranges, grapegruit, tangerines and tangelos and the effective date; (5) the grapefruit import requirements are mandatory under section 8e of the act, and they become effective at the same time as the domestic requirements; (6) the import regulation imposes the same grade and size requirements as are being made applicable to the shipment of grapefruit grown in Florida under Florida Orange, Grapefruit, Tangerine and Tangelo Regulation 6; and (7) three days notice, the minimum prescribed by section 8e, is provided with respect to this import regulation.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information collection requirements shall not become effective until such time as clearance by OMB has been obtained.

Therefore, new §§ 905.306 and 944.106 are added and § 944.400 is revised to read as follows:

PART 905—ORANGE, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) During the period specified in Column (2) of Table I, no handler shall ship between the production area and any point outside thereof, in the continental United States, Canada, or Mexico, and variety of fruit listed in Column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section specified for such variety in Columns (3) and (4) of such table.

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early and midseason	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Navel	On and After 12/7/81	U.S. No. 1 Golden	$2^{8}/_{16}$
Valencia and other late type	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Temple	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
GRAPEFRUIT			
Seeded, except pink	On and After 12/7/81	U.S. No. 1	$3^{1}/_{16}$
Seeded, pink	On and After 12/7/81	U.S. No. 1	$3^{1}/_{16}$
Seedless, except pink	On and After 12/7/81	Improved No. 2	$3^{5}/_{16}$
Seedless, pink	On and After 12/7/81	Improved No. 2	$3^{5}/_{16}$
TANGERINES			
Robinson	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Dancy	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Honey	On and After 12/7/81	Florida No. 1	$2^{11}/_{16}$
TANGELOS			
Tangelos	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$

(b) During the period specified in Column (2) of Table II, no handler shall ship to any destination outside the continental United States, other than Canada or Mexico, any variety of fruit listed in Column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in Columns (3) and (4) of such table.

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early and midseason	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Navel	On and After 12/7/81	U.S. No. 1 Golden	$2^{8}/_{16}$
Valencia and other late type	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Temple	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
GRAPEFRUIT			
Seeded, except pink	On and After 12/7/81	U.S. No. 1	$3^{1}/_{16}$
Seeded, pink	On and After 12/7/81	U.S. No. 1	$3^{1}/_{16}$
Seedless, except pink	On and After 12/7/81	Improved No. 2	$3^{5}/_{16}$
Seedless, pink	On and After 12/7/81	Improved No. 2	$3^{5}/_{16}$
TANGERINES			
Robinson	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Dancy	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$
Honey	On and After 12/7/81	Florida No. 1	$2^{8}/_{16}$
TANGELOS			
Tangelos	On and After 12/7/81	U.S. No. 1	$2^{8}/_{16}$

(c) Size Tolerances: In the determination of minimum size as prescribed in Tables I and II, the following tolerances are permitted (1) for *oranges*, as set forth in § 2851.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos, except that such tolerances for other than navel and Temple oranges shall be based only on the oranges in the lot measuring $2^{14}/_{16}$ inches or smaller in diameter, and the tolerance for Honey tangerines shall be as specified in § 2851.1818 of the U.S. Standards for Grades of Florida Tangerines; (2) for *grapefruit*, as specified in § 2851.761 of the U.S. Standards for Grades of Florida Grapefruit; (3) for *tangerines*, as specified in § 2851.1818 of the U.S. Standards for Grades of Florida Tangerines; and (4) for *tangelos*, as set forth in § 2851.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos.

(d) Terms used in the marketing order, including Improved No. 2 grade for grapefruit, when used herein, mean the same as is given to the terms in the order: Florida No. 1 grade for Honey tangerines means the same as provided in Rule No. 20–35.03 of the Regulations of the Florida Department of Citrus, and terms relating to grade, except Improved No. 2 grade for grapefruit, and diameter shall mean the same as is given to the terms in the U.S. Standards for Grades

of Florida Oranges and Tangelos (7 CFR 2851.1140–2851.1180), the U.S. Standards for Grades of Florida Tangerines (7 CFR 2851.1810–2851.1835), or the U.S. Standards for Grades of Florida Grapefruit (7 CFR 2851.750–2851 784).

PART 944—FRUITS; IMPORT REGULATIONS

§ 944.106 Grapefruit Regulation 6.

(a) *Applicability to imports.* Pursuant to Section 8e of the Act and Part 944—Fruits; Import Regulations, on and after December 11, 1981, the importation into the United States of any variety of grapefruit listed in Column (1) of said table is prohibited unless such variety meets the applicable minimum grade and size specified for such variety in Columns (3) and (4) of said table. In the determination of minimum size as prescribed in Table I, a tolerance is permitted as specified in paragraph (c) of § 905.306 of this chapter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR 944.400).

(c) Notwithstanding any other provisions of this regulation, any importation of grapefruit which, in the aggregate, does not exceed ten standard packed cartons, equivalent to four-fifths (⅘) of a United States bushel of grapefruit, each, or equivalent quantity, may be imported without regard to the requirements specified herein.

(d) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(e) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(f) It is determined that imports of grapefruits, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements of this section are the same as those being made effective for grapefruit grown in Florida.

(g) Terms used herein relating to grade, except Improved No. 2 grade, and diameter shall have the same meaning as in the United States Standards for Grades of Florida Grapefruit (7 CFR 2851.750–2851.784). Improved No. 2 shall mean the same as in the marketing agreement and Order No. 905, both as amended (7 CFR Part 905). Importation means release from custody of the United States Customs Service.

§ 944.400 Designated inspection services and procedure for obtaining inspection and certification of imported avocados, grapefruit, limes, and oranges regulated under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(a) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, AMS, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados, grapefruit, limes and oranges that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of the specified fruit, is required on all imports. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados, grapefruit, limes, and oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the fruit will be imported:

Ports, Office, and Advance Notice

All Texas points: Officer-in-Charge, P.O. Box 107, San Juan, TX 78587, phone 512–787–4091, or Officer-in-Charge, 6070 Gateway East, Suite 410, El Paso, TX 79905, phone 915–543–7723; 1 day.

All New York points: Officer-in-Charge, Room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212–991–7668 and 7669, or Officer-in-Charge, 176 Niagara Frontier Food Terminal, Room 7, Buffalo, N.Y. 14206, phone 716–824–1585; 1 day

All Arizona points: Officer-in-Charge, 3150 Tucson-Nogales Highway, P.O. Box 1485, Nogales, Ariz. 85621, phone 602–281–0783; 1 day.

All Florida points: Officer-in-Charge, 1350 Northwest 12th Avenue, Room 530, Miami, Fla. 33136, phone 305–324–6116, or Officer-in-Charge, 550 Third Street NW., P.O. Box 1232, Winter Haven, Fla. 33880, phone 813–294–3511, extension 33, or Officer-in-Charge, Unit 8, 3335 North Edgewood Avenue, Jacksonville, Fla. 32205, phone 904–354–5983; 1 day.

All California points: Officer-in-Charge, 784 South Central Avenue, Room 271, Los Angeles, Calif. 90021, phone 213–688–2489; 3 days.

All Louisiana points: Officer-in-Charge, 5027 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113, phone 504–589–6741; 1 day.

All other points: Chief, Fresh Products Branch, FVD, AMS, USDA, Washington, D.C. 20250, phone 202–447–5870; 3 days.

(b) Inspection certificates shall cover only the quantity of fruit that is being imported at a particular port of entry by a particular importer.

(c) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851). The cost of any inspection and certification shall be borne by the applicant therefore.

(d) Each inspection certificate issued with respect to any of the specified fruits to be imported into the United States shall set forth, among other things: (1) The date and place of inspection; (2) The name of the shipper, or applicant; (3) The commodity inspected; (4) The quantity of the commodity covered by the certificate; (5) The principal identifying marks on the container; (6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, the name of the air carrier, or other identification of the shipment; and (7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-35207 Filed 12-7-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing December 3, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4144/Pub. L. 97–88 Energy and Water Development Appropriation Act, 1982. (Dec. 4, 1981; 95 Stat. 1135) Price: $2.

H.R. 3454/Pub. L. 97–89 Intelligence Authorization Act for Fiscal Year 1982. (Dec. 4, 1981; 95 Stat. 1150) Price: $2.

H.R. 3413/Pub. L. 97–90 Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1982. (Dec. 4, 1981; 95 Stat. 1163) Price: $1.75.

H.R. 4522/Pub. L. 97–91 District of Columbia Appropriation Act, 1982. (Dec. 4, 1981; 95 Stat. 1173) Price: $1.75

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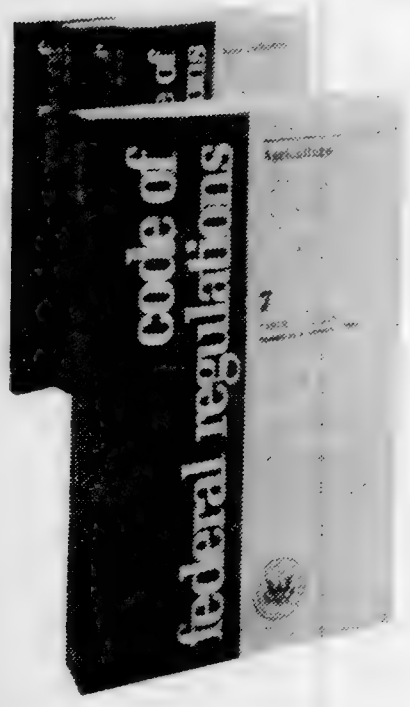

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60173 **Bill of Rights Day, Human Rights Day and Week** Presidential proclamation.

60191 **Seafood** Commerce/BEA issues regulations on survey of foreign direct investment in U.S. fish and seafood processing industries.

60179 **Loan Programs—Housing** USDA/FmHA amends regulations on borrower supervision, servicing and collection of single family housing accounts.

60270 **Telecommunications** FCC institutes inquiry into additional sources of financing for public broadcasting.

60189 **Banking** FRS removes discount rate surcharge applying to large, frequent borrowers at discount window.

60210 **Loan Programs—Cotton** USDA/CCC proposes changes to price support loan requirements for 1980 and subsequent crops.

60193 **Securities** SEC amends requirements for broker-dealer filing and reporting.

60376 SEC announces determination not to designate single exchange as exclusive market place for trading of standardized options on particular non-equity securities.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

60358 **Radio and Television** FCC changes policy on petitions for amendments to FM and television tables of assignments. (Part II of this issue)

60364 **Railroad Unemployment Insurance** RRB announces determination on "period of high unemployment" as applied to extended benefit period.

60201 **Postal Service** PS allows nationwide forwarding of express mail at no additional charge, and purchase of address correction service for express mail.

60200 PS changes postage procedures for incidental pieces of first-class mail attached to or enclosed with second, third and fourth-class mail.

60194 **Privacy** DOD/Army establishes policy on obtaining information from financial institutions during investigations.

60229 **Imports** CITA increases level of restraint for certain cotton and man-made fiber textile products from the Republic of Korea.

60229 CITA announces import restraint level for certain man-made fiber textile products from Costa Rica.

60379 Trade Representative excludes certain multi-ply headboxes and papermaking machine forming sections from importation into the United States.

60208 **Tariffs** ICC adopts regulation on filing of joint rates and through routes.

60406 **Energy** DOE/BPA proposes rules of procedure governing rate adjustments under the Pacific Northwest Electric Power Planning and Conservation Act (Part III of this issue)

60177 **Hops** USDA/AMS revises salable quantity and allotment percentage for 1981–82 marketing year.

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The President

Proclamation 4885 of December 4, 1981

Bill of Rights Day

Human Rights Day and Week, 1981

By the President of the United States of America

A Proclamation

On December 15, 1791, our Founding Fathers rejoiced in the ratification of the first ten amendments to the Constitution of the United States—a Bill of Rights which has helped guarantee all Americans the liberty which we so cherish.

One hundred and fifty-seven years later, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, an effort aimed at securing basic human rights for the people of all nations.

Each of these great documents was born after the bloodshed of a bitter war. We remember the great sacrifices Americans have made for 200 years, from the Revolutionary War, in which our ancestors pledged "their lives, their fortunes, and their sacred honor," to the wars of this century, in which hundreds of thousands of young Americans and millions of others gave their lives on the battlefields of Europe, Asia, and Africa in the struggle for freedom. And, yet, even today, as we celebrate Bill of Rights Day and Human Rights Day, we all are only too well aware that the individual rights declared in these documents are not yet respected in many nations.

We have learned that the lesson our Founding Fathers taught is as true today as it was two centuries ago—liberty depends not upon the state but upon the people. Liberty thrives in the free association of citizens in free institutions: families, churches, universities, trade unions, and a free press.

Mankind's best defense against tyranny and want is limited government—a government which empowers its people, not itself, and which respects the wit and bravery, the initiative, and the generosity of the people. For, above all, human rights are rights of individuals: rights of conscience, rights of choice, rights of association, rights of emigration, rights of self-directed action, and the right to own property. The concept of a nation of free men and women linked together voluntarily is the genius of the system our Founding Fathers established.

We will continue to strive to respect these rights fully in our own country and to promote their observance abroad. We could have no greater wish for mankind than that all people come to enjoy these rights.

This year, after nearly 20 years of effort, the United Nations Human Rights Commission and the UN General Assembly have approved a declaration on the elimination of all forms of discrimination based on religion. It begins with words Americans will find familiar, "Everyone will have the right to freedom of thought, conscience and religion." It declares that parents must have the right to teach their children to worship God and that all religions must have the right to teach their faith, to train their clergy, and to observe their customs and holidays.

We in America are blessed with rights secured for us by the sacrifices of our forefathers, but we yearn for the day when all mankind can share in these blessings. Never is there any excuse for the violation of the fundamental rights of man—not at any time or in any place, not in rich countries or poor, not under any social, economic or political system.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1981 as Human Rights Day and December 15, 1981 as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1981 as Human Rights Week. During this week, let each of us give special thought to the blessings we enjoy as a free people and let us dedicate our efforts to making the promise of our Bill of Rights a living reality for all Americans and, whenever possible, for all mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of December, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-35386
Filed 12-7-81; 3:35 pm]
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

Tomatoes Grown in Florida; Minimum Grade, Size, Pack, Container, and Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipment of tomatoes grown in certain counties in Florida to be inspected and meet minimum grade, size, pack, container and marking requirements. This will promote orderly marketing of such tomatoes and keep less desirable sizes and qualities from being shipped to consumers.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The final impact analysis relating to this rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the October 9, 1981, issue of the **Federal Register** (46 FR 50046), specifying grade, size, pack, container, marking and inspection requirements applicable to shipments of Florida tomatoes during the period October 11 through December 31, 1981. The action was taken pursuant to authority contained in Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR 966), regulating the handling of tomatoes grown in designated counties of Florida. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The interim rule, based on recommendations made by the Florida Tomato Committee at a public meeting held September 11, 1981, proposed that the same requirements, except for container net weights, be made effective for the period January 1 through June 12, 1982. During that period, tomatoes would be required to be packed in 20, 25, or 40 pound containers instead of in containers of 20, 30, or 40 pounds as specified in the interim rule. This adjustment was recommended by the committee at a second meeting held October 5.

Written comments on the proposed final regulation were solicited until November 9, 1981. Thirty-two comments were received from tomato receivers and repackers and organizations representing them. All comments opposed the change in container net weights and will be discussed as they pertain to the subject matter.

The grade and size requirements specified herein are necessary to prevent tomatoes of lower quality and undesirable size from being distributed in fresh market channels, and will not affect the total volume of fresh tomatoes on the U.S. markets. Tomatoes which fail to meet the minimum grade of U.S. No. 3 have serious defects or physical damage and are not salable. Tomatoes less than $2\frac{3}{32}$ inches in diameter are generally passed over during harvest and left on the vine to grow to the minimum size.

Under Section 8e of the act, the same grade and size requirements will be applicable to fresh tomato imports, which are almost entirely from Mexico. Exports from Mexico are subject to grade and size requirements which are generally more strict than U.S. regulations. Therefore, requiring imported tomatoes to meet the same minimum quality standards as are applied to domestic shipments will not restrict imports.

The requirements for containers, container net weights, and size classifications are intended to standardize shipping practices and enhance marketing efficiency. They will have no effect on the quantity of tomatoes shipped from Florida.

The regulation requires tomatoes to be packed in containers with net weights of 20, 25, or 40 pounds, instead of in 20, 30, or 40 pound containers as is currently required. The 20 and 40 pound cartons are used only to a limited extent.

The replacement of the 30 pound container with one of 25 pounds was recommended by the committee at a public meeting held October 5. The new carton will have the same length and width dimensions as the carton currently in use, but will be reduced in height by one inch. This reduction will yield a stronger carton.

Fewer tomatoes packed in each container will result in a higher quality product. In the ripening rooms, a lower mass per carton will improve ethylene circulation, resulting in more uniform ripening. Bruising and other physical damage that occur during the handling and transportation of tomatoes would be reduced, due to the stronger carton and the reduction in weight per container. Consumers will benefit by the higher quality product and the accompanying reduction in waste at the receiving end.

Comments were received from tomato receivers and repackers who opposed this change on the grounds that an increase in consumer prices will result. They contend that tomato prices will rise because the 25-pound carton will sell for the same amount as the 30-pound carton, and because certain handling costs will increase.

Tomatoes are sold on a per pound rather than a per container basis. A switch to a smaller container therefore will not directly affect the price of tomatoes.

Handling costs expected to rise include those for transportation, brokerage, and ripening. The use of a smaller carton will allow more containers to be loaded on a truck, although the total weight of tomatoes per truck will be less. This will yield a higher transportation cost on a per pound basis. Brokerage fees and ripening charges are normally established on a per carton basis. Therefore, these costs will also rise when computed on a per pound basis.

Although it appears that some handling costs will rise as a result of

switching to a smaller container, these costs are expected to be more than offset by better arrival conditions and reductions in waste. The industry should benefit by providing the consumer with a higher quality product.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments may be allowed to certain special purpose outlets without regard to minimum grade, size, container or inspection requirements provided that safeguards are used to prevent such tomatoes from reaching unauthorized outlets. Tomatoes for canning are exempt under the legislative authority for this part. Since no purpose would be served by regulating tomatoes used for relief, experimental or charity purposes such shipments are also exempt. Because export requirements differ materially, on occasion, from domestic market requirements such shipments are exempt.

The following types of tomatoes are exempt from these regulations: elongated types commonly referred to as pear shaped or paste tomatoes, cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes and greenhouse tomatoes. Such types are generally of good quality, readily identifiable either by their destinctive shapes or container markings and usually comprise a very small part of the total crop. Only tomatoes shipped outside the regulated area are being regulated because of an increase in the U-pick type of harvest in Florida production areas close to urban areas and resulting difficulty in obtaining compliance with regulations. The minimum quantity exemption permits persons to handle up to 60 pounds of tomatoes per day without regard to the requirements of this part. This reduces the problem of enforcement on small shipments of essentially noncommercial nature. The requirements concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected and certified tomatoes when repacked in consumer size packages.

Occassionally individual fruit of several new varieties, including Flora-Dade, may be elognated in shape. This characteristic may be exaggerated by adverse growing conditions. It is anticipated that handlers packing these varieties usually will be able to comply with all provisions of the regulation. However, if situations arise in which the incidence of tomatoes not of the normal globular shape makes sizing in accordance with present grade standards infeasible, the affected varieties may be exempted from the size requirements of the regulation.

Findings

After consideration of all relevant matter presented, including the Florida Tomato Committee recommendations, comments received, and other available information, it is hereby found and determined that this handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that (1) shipments of the 1981–82 crop tomatoes grown in the production area have begun and the regulation should become effective on the effective date herein to maximize benefits to producers; (2) the regulation was recommended by the committee following discussion at open meetings; (3) information regarding these requirements and the effective date has been disseminated among growers and handlers of tomatoes in the production area; (4) the requirements are esentially the same as those in effect during past seasons; and (5) compliance with this section will not require any special preparation on the part of handlers subject thereto which cannot be completed by the effective date.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

§ 966.320 [Removed]

Section 966.320 (46 FR 50046, October 9, 1981) is hereby removed and a new § 966.321 is added as follows:

§ 966.321 Handling regulation.

During the period January 1, 1982, through June 12, 1982, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) of this section or are exempted by paragraphs (b) or (d), of this section.

(a) *Grade, size, container and inspection requirements.*—(1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes (7 CFR 2851.1855–2851.1558). When not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be at least 2$^{3}/_{32}$ inches in diameter and be sized in one or more of the following ranges of diameters. Measurement of diameters shall be in accordance with the methods prescribed in § 2851.1859 of the U.S. Standards for Grades of Fresh Tomatoes.

Size Classification	Inches	
	Minimum diameter	Maximum diameter
7×7	$2^{3}/_{32}$	$2^{5}/_{32}$
6×7	$2^{7}/_{32}$	$2^{17}/_{32}$
6×6	$2^{15}/_{32}$	$2^{25}/_{32}$
5×6 and larger	$2^{25}/_{32}$	

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2^{15}/_{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only numerical terms may be used to indicate the above listed size designations on containers of tomatoes, except when tomatoes are commingled the containers can be marked 6x6 & Lgr. or 5x6 & Lgr.

(iv) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 25, or 40 pounds designated net weights and comply with the requirements of § 2851.1863 of the U.S. Standards for Grades of Fresh Tomatoes.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (¼) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the lid of such container shall be marked in a principal display area at least 2½ inches high and 4½ inches long with the words "Used Box" in letters not less than 1¼ inches high and the name of the shipper and point of origin in letters not less than ⅜ inch high.

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(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, experimental purposes, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, experimental purposes, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment may be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of this regulation each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of this regulation but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes which met the inspection requirements of paragraph (a)(4) of this section which are resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from (i) the tomato grade classifications of paragraph (a)(1) of this section, (ii) the size classifications of paragraph (a)(2) of this section except that the tomatoes shall be at least 2$^{23}/_{32}$ inches in diameter and (iii) the container weight requirements of paragraph (a)(3) of this section.

(4) *For varieties.* Upon recommendation of the committee, varieties of tomatoes that are elongated or otherwise misshapen due to adverse growing conditions may be exempted by the Secretary from the provisions of paragraph (a)(2) of this section.

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting and repacking tomatoes into consumer size packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (7 CFR 2851.1855–2851.1877), effective December 1, 1973, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

(f) *Applicability to imports.* Under section 8e of the act and § 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the effective period of this section shall be at least U.S. No. 3 grade and at least 2$^{23}/_{32}$ inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

(Secs. 1–19, 48 Stat. 31, as amended, (7 U.S.C. 601–674))

Dated: December 3, 1981, to become effective January 1, 1982.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-35213 Filed 12-8-81: 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 991

Hops of Domestic Production; Revision of Salable Quantity and Allotment Percentage for the 1981–82 Marketing Year; Amendment of Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This emergency final rule: (1) Increases the quantity of hops that may be marketed freely from the 1981 crop; and (2) changes from November 1, to December 14, 1981, the date certain hops from the 1981 production become reserve hops and from November 15 to December 15, 1981, the date such hops must be identified as reserve hops. This action is taken under the marketing order for domestic hops to bring the volume regulation and related provisions in line with current supply and demand conditions. The changes are expected to allow all of the 1981 crop to be marketed freely.

EFFECTIVE DATES: August 1, 1981, through July 31, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

It is found that an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency final action. This action would increase the salable quantity and allotment percentage for the 1981–82 marketing year, which began August 1, 1981. It also relieves restrictions on handlers with respect to delivering hops to the reserve pool. Since handlers currently are receiving hops from producers in volume, this action must be taken promptly so that handlers know what regulations will be in effect for the current marketing year and be able to plan accordingly.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is further found upon good cause that notice and other public procedures with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Notice of a proposal to establish a salable quantity of 78,279,375 pounds and an allotment percentage of 130 percent for the 1981–82 marketing year was published in the January 15, 1981, issue of the Federal Register (46 FR 3541). That action was based on the recommendation of the Hop Administrative Committee in accordance with provisions of Marketing Order No. 991, as amended (7 CFR 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The final rule on that matter was published in the April 7, 1981, issue of the Federal Register (46 FR 20667).

On October 14, 1981, the Committee met and reviewed the salable quantity and allotment percentage previously established for the 1981–82 marketing year and the estimates from which the salable quantity and allotment percentage were derived. Based on current supply and demand conditions, the Committee recommended an upward revision that is expected to allow all of the 1981 crop to be marketed freely. The current supply and demand estimates used by the Committee in making its recommendations together with the earlier estimates (in parentheses) are listed below:

(1) Total domestic consumption of 47,000,000 (47,500,000) pounds of hops;

(2) Minus imports of 16,308,465 (16,500,000) pounds of hops to result in domestic consumption of U.S. hops of 30,691,535 (31,000,000) pounds;

(3) Plus total exports of 42,000,000 (41,000,000) pounds of hops to equal 72,691,535 (72,000,000) pounds total usage of U.S. hops;

(4) Plus 1,500,000 (1,500,000) pounds to adjust for weight loss of hops processed into pellets and extract;

(5) Plus 5,570,000 (3,000,000) pounds as an inventory adjustment; and

(6) Plus and adjustment of 0 (1,779,375) pounds to provide for adequate supplies should some producers' allotments not be fully produced;

(7) This results in a salable quantity of 79,761,535 (78,279,375) pounds.

The salable percentage is computed by subtracting from this salable quantity 1,228,535 pounds for additional allotment bases for hops of the Fuggle variety established pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,228,535 pounds of additional allotment bases for Fuggle variety hops, to result in a salable percentage of 132.5 percent.

Section 991.36 provides in part that prior to August 1 of each year, the Committee shall review its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate increase in the salable quantity and allotment percentage for the ensuing crop as may be warranted. That section, however, does not prohibit any subsequent Committee review and recommendations. Further, that section provides for notice of the marketing policy recommendations for a marketing year and prompt submission of any later changes to the Secretary and all producers and handlers. The Committee complied with the procedures of that section.

Section 991.37 provides, in part, that the salable quantity shall be prorated among producers by applying an allotment percentage to each producer's allotment base. Thus, even when the salable quantity exceeds total production, hops may be delivered to the reserve pool if a producer produces in excess of the allotment percentage. However, the Committee expects that its recommendation would make all 1981 crop hops available for market. This is based on its revisions of several estimates of the previously approved marketing policy. Most notably the inventory adjustment has been increased sharply because carry-in supplies of 1980 hops were several million pounds less than previously estimated. In addition, the estimated net use of 1981 U.S. hops has been increased by almost 700,000 pounds, primarily due to expected increased export sales.

Thus, the revised allotment percentage and salable quantity for the 1981–82 marketing year result directly from the revision of the Committee's earlier marketing policy estimates, and as revised reflect the current supply and demand conditions. The upward revision is not intended to, nor should it have the effect of, undermining the producers' ability to sell hops. On the contrary, it is expected to allow producers to sell all of the 1981 crop hops they produce.

Section 991.39 provides, in part, that hops baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer annual allotment or total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association on November 1, or such other date as the Committee may prescribe, shall be reserve hops. Section 991.32 prescribes inspection and identification requirements for hops received for reserve handling and provides, in part, that inspection and identification shall be completed prior to November 15 or other date established pursuant to § 991.39.

On October 14, the Committee also recommended that the date on which excess hops from the 1981 production become reserve hops be extended beyond November 1, 1981, and that identification of those reserve hops be completed at a date later than November 15, 1981. The purpose of the date changes for the 1981 crop is the same as those for the 1980 crop. It enables producers who produced less than their annual allotments to fill any deficit as authorized in § 991.38(e), by acquiring hops from other producers who produced in excess of their annual allotments before the excess hops become reserve hops pursuant to § 991.39. The 1981 crop was a record production, and as a result, it is anticipated that growers will experience delays in completing the filling of deficiencies. Finally, the changes in dates are necessary to prevent the unnecessary delivery of excess hops to the reserve pool. As previously indicated, the revision of the salable quantity and salable percentage are intended to allow all of the 1981 crop to be freely marketed.

Therefore, § 991.139 is revised to provide that, for the 1981–82 marketing year, excess hops become reserve hops on December 14, 1981. In addition, the introduction and paragraph (a) of § 991.132 are revised by inserting a proviso that, for the 1981–82 marketing year, reserve hops should be identified, as prescribed in that section, prior to December 15, 1981.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee, and other information, it is further found that amendment of Subpart—Administrative Rules and Regulations (7 CFR 991.130–991.160), and the upward revision of the salable quantity and allotment

percentage for the 1981–82 marketing year, would tend to effectuate the declared policy of the act.

PART 991—HOPS OF DOMESTIC PRODUCTION

The changes read as follows:

1. Section 991.132 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 991.132 Identification of reserve hops.

As provided in §§ 991.32 and 991.39, identification of reserve hops shall be completed prior to November 15 or such other date established pursuant to § 991.39: *Provided,* That for the 1981–82 marketing year, identification of reserve hops shall be completed prior to December 15, 1981. Also, prescribed reports are required with respect to reserve hops held and not delivered by the closing date for pooling.

(a) Any hops which become reserve hops pursuant to § 991.39 shall, prior to November 15 of the year of production or such other date as may be established pursuant to § 991.39, be identified by such devices and in such manner as the Committee finds necessary to maintain surveillance over such hops to assure disposition thereof in accordance with this part and to prevent their unauthorized use in outlets for salable hops: *Provided,* That for the 1981–82 marketing year, such identification shall be completed prior to December 15, 1981. Such identification of bales of reserve hops held by a producer-handler or cooperative marketing association, as provided in § 991.39, shall be by Committee-approved seals or stencils, or such other means as the Committee may approve in writing, applied to the individual bales. Each such producer-handler or association holding reserve hops shall be responsible for having the Committee-approved seals, stencils, or other identification applied to such hops; and representatives of the Committee and the Secretary shall have access to all premises on which such producer-handler and associations hold reserve hops.

* * * * *

2. Section 991.139 is revised to read as follows:

§ 991.139 Reserve hops.

Pursuant to § 991.39, hops baled, packaged, processed or otherwise prepared for market that are in excess of an effective individual producer annual allotment, or the total of such allotment to members of a cooperative marketing association and are held by any producer-handler or association on November 1, shall be reserve hops: *Provided,* That for the 1981–82 marketing year this date shall be December 14, 1981.

3. Section 991.219 is revised to read as follows:

§ 991.219 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1981.

The allotment percentage during the marketing year beginning August 1, 1981, shall be 132.5 percent, and the salable quantity shall be 79,761,535 pounds.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: December 4, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-35217 Filed 12-8-81; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1822, 1863, 1872, 1924, 1927, 1951 and 1955

Borrower Supervision, Servicing, and Collection of Single Family Housing Loan Accounts

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends, consolidates, and redesignates its regulations regarding Borrower Supervision, Servicing, and Collection of Single Family Housing Loan Accounts. This redesignation, revision, and consolidation will place in one regulation the requirement for borrower supervision, servicing, and collection of single family housing loan accounts, provide counseling and supervisory guidelines for field staff to meet the indicated needs of borrowers, and provide specific steps in the servicing and collection of delinquent accounts. The action enables the FmHA to provide single family housing borrowers better counseling and supervisory assistance and field staff to take specific actions to assist borrowers to remove and reduce delinquencies.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Phil Girard, Program Specialist, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, 14th and Independence Avenues, SW., Washington, D.C. 20250, Telephone 202–382–1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined nonmajor. This determination is based on the fact that there will be little, if any, increase in the cost to the government or to the borrowers affected by this instruction. There will be some increase in cost in assisting borrowers, however these costs will be offset by the reduction in the number and amount of delinquencies, which will decrease the loss to the government resulting from the liquidation of borrowers accounts. Three alternative actions were considered.

A. Status quo—retain current procedure. Under this option the borrower supervision, and servicing and collection of borrower accounts would continue to remain in several different FmHA Instructions. Under this method we recognize that the current procedures do not provide specific steps for field staff to take to assure that all single family housing borrowers will be informed and granted the assistance for which they might be entitled, nor does it provide for specific steps to be taken in the servicing of delinquent accounts in order to reduce the number and amount of borrower delinquencies thereby reducing the instance of borrower failure.

B. Modify existing regulations to include additional guidelines for borrower supervision and the servicing of single family housing borrower accounts. Under this option the revised regulation would not take into consideration the need for placing all procedures pertaining to borrower supervision, and servicing and collection into one instruction.

C. Publish new instructions (regulations) that will place borrower supervision, and servicing and collection of single family housing accounts into one instruction. Also, through more definitive and specific language provide detailed requirements for assisting borrowers and servicing and collection of delinquent accounts.

Under this option, the requirement for borrower supervision and the servicing and collection of single family housing loan accounts will be placed into one instruction. An integral part of this option is outlining of specific requirements for assisting borrowers and the servicing of delinquent accounts. By placing those requirements in one instruction and providing specific details for assisting borrowers and servicing accounts the field staff would be more efficient in accomplishing their goals of providing additional borrower

supervision and reducing delinquency. This will enable the field staff through better supervision and collection technique to assist those borrowers most in need.

The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in Subpart H of Part 1901 of this Chapter. The reference in the Catalog of Federal Domestic assistance is 10.410 Low- to Moderate-Income Housing loans. On December 18, 1980, the Farmers Home Administration published in the **Federal Register** a Proposed Rule to establish under Chapter XVIII, Title 7, Subchapter H, in the Code of Federal Regulations Part 1951, Servicing and Collections, a new Subpart G, "Borrower Supervision, Servicing, and Collection of Single Family Housing Loan Accounts." This new Subpart G of Part 1951 also replaces Part 1951, Subpart A, §§ 1951.17 and 1951.20; Part 1924, Subpart B, is amended and no longer pertains to Single Family Housing Borrowers.

The final rule contains revisions to the proposed rule which reflect FmHA's consideration of the comments received as well as other information available to FmHA. The following is a discussion of the comments received:

§ 1951.301. Two comments were received concerning the exclusion of 502 borrowers from this instruction who also have Farmer Program type loans. We believe there is merit in having a separate servicing instruction for 502 borrowers, however, we agree that Farmer Program borrowers who also have a 502 loan should not be excluded from the interest credit and moratorium provisions of this instruction. The paragraph will be reworded to clarify this change.

§ 1951.307(b)(2). It was suggested that the decision to offer or accept counseling agency services be left to the borrower or the counseling agency/TSA grantee. This change will not be made since FmHA, to fully exercise its servicing responsibilities, must maintain control over its loan servicing activities.

§ 1951.307(b)(4). It was suggested that this paragraph, in effect, postpones liquidation for up to 6 months without any guarantee that a realistic agreement will be reached with the borrower. Without such an agreement a borrower will become 6 months delinquent at which point it would be extremely difficult to recover. The regulation has been changed to require FmHA not to take any liquidation action for one month to allow a repayment agreement acceptable to FmHA to be worked out with the Counselor.

§ 1951.307(b). Comments were received regarding the privacy rights of borrowers. A statement has been added that information released as described in (b)(2) of this section is allowable and proper under the provisions of the Freedom of Information and Privacy Acts.

§ 1951.308. One comment suggested that seasonally employed borrowers be permitted to convert to annual payment plan even if they did not originally have an annual note. This will not be implemented because rescheduled payment agreements can be used to assist those borrowers.

§ 1951.308(b). One comment suggested that procedure be expanded to include an explanation of how the payment due date is determined for subsequent loans. This change is implemented.

§ 1951.309(a). One comment suggested that the phrase "whichever is later" be added to the end of the first sentence. A change will be made requiring that payment cards will be held for the first three payments in all cases.

§ 1951.310. One comment requested that taxes not be restricted to a one year reamortization period if paid by FmHA. Another comment suggested that FmHA notify the borrower of a decision to advance recoverable costs to allow for an appeal. No changes were made because it would not be practical for FmHA to pay taxes on an account each year. The agency's appeal procedure does not provide for appeals of this type. The FmHA mortgage requires payment of taxes and insurance. If unpaid, the borrower is in default and expenses are vouchered to protect the agency's security interest.

§ 1951.311(a). One comment suggested that Form FmHA 451–35, "Past Due Notice" contain moratorium notice. This change will not be implemented because a Past Due Notice is generated from the Finance Office. Borrower receives moratorium notice in collection letters issued from the County Office as specified in § 1951.312(e).

Another comment suggested that accounts subject to moratorium or receiving counseling pursuant to § 1951.307(b)(4) not receive past due notice. A borrower that has been granted a moratorium will not receive a Past Due Notice nor will a borrower that is receiving counseling, has executed a Form FmHA 451–37, and is paying as agreed.

§ 1951.311(b). One comment suggested that County Supervisors provide a copy of the monthly report to counseling agencies. This will not be changed because this report is on all delinquent borrowers. The County Supervisor will advise counseling agencies on the progress of borrowers receiving their services. Another comment requested that the Finance Office refrain from listing as delinquent those borrowers who have transactions pending in the Finance Office. Many similar suggestions for improving Finance Office operations are being considered and will be implemented after current assessment is completed.

§ 1951.311(f)(2). One comment suggested that the quarterly district report be replaced with monthly County Office reports. This subsection has been removed as this report is no longer required.

§ 1951.312. One comment recommended that refinancing be included, with the other authorities under this section. No change will be made because information has not been submitted to show that borrowers would be better off if this discretionary authority was used.

§ 1951.312(d)(1). One comment suggested that Form 451–37 be prohibited and Form 440–9 be used if delinquency can be eliminated within 4 months. This change will be made.

§ 1951.312(d)(2). One comment suggested that the $10 minimum for Additional Partial Payment Agreements (APPA) should be eliminated. No change will be made because it would be impractical to allot personnel and computer time to process APPA of such small value. The purpose of APPA is to repay a delinquency or advance and it is doubtful that a $1 a month reduction, for example, would be the difference between foreclosure and a borrower keeping his or her home.

Another comment suggested that APPA be revised to allow for gradually increased payments rather than a level payment schedule. No change will be made at present, however, this idea plus many other servicing methods are continually being evaluated as to their potential usefulness and also the projected impact on our Finance Office. However, at present the computer has only limited capacity for new programming, such as would be required in this case and it was felt necessary to issue this instruction before such a revision as that suggested could be implemented.

Another comment requested clarification regarding use of APPA to repay an advance. A voucher is used to notify the Finance Office and the APPA is used to document the borrower's agreement to repay. The APPA can be used to repay a recoverable cost if for 2

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or more years taxes or for a nonrecurring cost.

§ *1951.312(e)(1).* Comments were received suggesting that: Subsections (i). (ii) and (iii) be combined; the County Supervisor be required to mention all servicing options to the borrower on each contact; subsections (ii) and (iii) include notice of counseling, APPA, interest credit reamortization and moratorium; borrower attitude should not be a factor when considering foreclosure; a new subsection be added to specify that foreclosure not be recommended until all servicing options have been exhausted; guide letters be in plain English; the instruction is in conflict with existing regulations because the District Director is excluded from the decision process regarding voluntary foreclosure; the personal visit requirement be eliminated because of mileage cutbacks; effort is duplicated by notifying borrowers about interest credit and moratorium more than once; clarification is needed on servicing actions required when a borrower remains one, two, or three months delinquent for several months; the time limit prior to liquidation is excessive. This subsection establishes a systematic servicing plan for housing borrowers. Many comments pertain only to small parts of the plan but impact on the entire plan. Many changes were made in this subsection but specific comment on each suggestion is difficult because many of the comments were incorporated in part or in a form somewhat different than presented. Specifically, the systematic servicing plan has been completely revised. Borrower attitude, as suggested, has been deleted as a foreclosure consideration and replaced with willingness to pay and wording has been added that will clarify servicing actions regarding borrowers that remain one, two and three months delinquent. Part 1955, Subpart A gives the County Supervisor approval authority for voluntary conveyances up to $100,000; therefore, the instruction is not in conflict with other agency regulations as suggested, by excluding the District Director from the voluntary conveyance decision process.

§ *1951.313(a)(2)(i).* Two comments suggested that the requirement that a moratorium not be granted if principal, interest, taxes and insurance are less than 30 percent of adjusted income, be deleted. This was changed to 35 percent to more accurately reflect the portion of income most families pay for housing.

§ *1951.313(a)(2)(i)(E).* Two comments suggested that the 6 month separation requirement without filing of legal papers, is unrealistic because a moratorium can only be retroactive for up to 90 days and, therefore, it could force commencement of divorce or separation proceedings. No change will be made because a time period needs to be established to prevent misuse of the moratorium provisions under the conditions set forth in this subsection. Six months was determined to be a reasonable time frame.

§ *1951.313(b)(2)(ii)(B).* As suggested this subsection is changed to simplify the wording.

§ *1951.313(b)(2).* One comment suggested that a separate subsection be added to assure that an account in liquidation would not be denied a moratorium if improperly serviced. Another comment suggested that, as written, it would appear that upon termination of liquidation action the County Supervisor would be required to grant a moratorium. As suggested this subsection has been clarified.

§ *1951.313(b)(4).* One comment suggested that the limit of 90 day retroactive moratorium relief be eliminated. No change will be made because a borrower is notified of the moratorium provision when one month delinquent and therefore, has plenty of time to apply for moratorium relief.

§ *1951.313(b)(5).* One comment suggested that there is no basis for requiring State Director review when a request for moratorium is within five years of a previous moratorium or for liquidation if hardship continues after three years of moratorium relief.

No change will be made. Experience does not indicate any reason to delete State Director review. One of the conditions in granting a moratorium is the expectation that the borrower will be able to make payments after the moratorium period. The purpose of the moratorium provision of the law is to grant temporary relief; it is reasonable that some time limit be placed on this relief and three years was determined as an appropriate time frame.

§ *1951.313(c)* One comment suggested that borrowers be advised of the circumstances for which moratorium relief may be granted. The agency does not want to be in the position of leading the borrower in his/her request. The agency advises the borrower regarding the possibility of moratorium relief and the borrower's reply should accurately represent the circumstance(s) causing the payment problems. No change will be made.

§ *1951.314(a).* A suggestion that all delinquent borrowers be eligible for reamortization will not be implemented because the servicing authorizations in § 1951.312 satisfactorily handle conditions not presented in this subsection.

§ *1951.314(b) (2) and (3).* It was suggested that the section limits reamortization of assumptions to those made at new terms. This is not the case and the wording will be changed to clarify.

Therefore, Chapter XVIII is amended as follows:

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1822.7 [Amended]

1. In § 1822.7(a), line 6, change the reference from "Subpart A of Part 1802" to "Subpart G of Part 1951."

§ 1822.12 [Amended]

2. In § 1822.12(a)(2)(i), line 2 and paragraph (a)(2)(ii), line 3, change "Subpart B of Part 1802" to "Subpart G of Part 1951."

§ 1822.18 [Amended]

3. In § 1822.18, line 13, change the reference from "§ 1951.20 or § 1951.40" to "§ 1951.314 or § 1951.40."

PART 1863—REAL ESTATE TAX SERVICING

§ 1863.4 [Amended]

4. In § 1863.4, line 17, after "Subpart A" add "and Subpart G."

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security

§ 1872.4 [Amended]

5. In § 1872.4(d), line 71, change the reference from "§ 1951.20 or § 1951.40 Subpart A of this Chapter" to "§ 1951.314 or § 1951.40."

PART 1924—CONSTRUCTION AND REPAIR

Subpart B—Management Assistance to Individual Borrowers and Applicants

6. § 1924.51 is revised to read as follows:

§ 1924.51 General.

This Subpart sets forth policies for providing management assistance to individual applicants and borrowers except Rural Housing (RH) borrowers unless the borrower is also indebted for an active farmer program type loan. The term "individual" as used in this Subpart also applies to farming

partnerships and corporations receiving Emergency (EM) and Soil and Water (SW) loans. This Subpart pertains to all insured loans that depend on farm income for loan repayment, except for Rural Housing (RH) borrowers who are not also indebted for an active farmer program type loan.

7. Part 1927 is amended by revising the heading to read as follows:

PART 1927—FEDERAL STATUTE OF LIMITATIONS

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

8. Subpart A is amended by removing and reserving § 1951.17 and § 1951.20 as follows:

§§ 1951.17–1951.24 [Reserved]

9. Subpart G of Part 1951 is added and reads as follows:

* * * * *

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

Sec.

1951.301 Purpose.
1951.302 Authorities and Responsibilities.
1951.303–1951.306 [Reserved]
1951.307 Supervision.
1951.308 Payment Cards and Changes in Payment Plan.
1951.309 Receiving and Application of Payments.
1951.310 Amortization of Recoverable Cost.
1951.311 Reports, Statements and Notices.
1951.312 Servicing.
1951.313 Moratoriums.
1951.314 Reamortizations.
1951.315–1951.350 [Reserved].
Exhibits: A—Cooperative Agreement for Utilization of Housing Supervisory and Counseling Services Between the Farmers Home Administration; B—Monitoring File Record Card

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

§ 1951.301 Purpose.

This Subpart sets forth policies and procedures of the Farmers Home Administration (FmHA) to ensure that in borrower supervision, servicing and collections of Single Family Housing Loan Accounts, all authorities are considered and used to assist borrowers to become successful homeowners, thereby reducing the number and amount of borrower delinquencies and borrower failures resulting in liquidation of the account. This Subpart pertains to all Section 502 and 504 Single Family Rural Housing (RH) borrowers including those who are also indebted for an active Farmer Program type loan. Farmer Program loans will also be serviced in accordance with Subpart B of Part 1924 of this Chapter. In executing the authorities provided in this Subpart, a borrower's race, color, religion, sex, martial status, age, or handicap will not be considered in a discriminatory manner.

§ 1951.302 Authorities and responsibilities.

County Supervisors are responsible for borrower supervision and servicing and collecting all Single Family Housing loans as prescribed by this Subpart under the general guidance and supervision of District Directors and State Office personnel.

§§ 1951.303–1951.306 [Reserved]

§ 1951.307 Supervision.

Supervision and counseling will be provided to give borrowers an opportunity to become successful homeowners, thereby accomplishing the purpose and objective of the loan.

(a) *Supervising and counseling borrowers.* The County Supervisor, and supervisory and counseling agencies where a Cooperative Agreement is in effect, will counsel borrowers on property care and maintenance, reducing energy consumption in the home, preventing and reducing delinquencies and/or other problems, in order to reduce defaults and the need for initiating liquidation actions. County Supervisors and counselors employed by supervisory and counseling agencies will:

(1) Counsel borrowers on adequate care for and maintenance of their dwellings and sites.

(2) Develop plans to assist and encourage borrowers in the reduction of energy consumption and cost by:

(i) Becoming aware of the various types of energy conservation practices available and being able to estimate relative costs and benefits to the borrower of such practices.

(ii) Inspecting borrowers' dwellings for energy waste and explaining the advantages of taking the necessary action to lessen energy use. The borrower should be made aware that utility companies and other private suppliers have technicians available to assist homeowners with energy audits.

(iii) Encouraging borrowers not to heat thier homes above 68°, or to cool them below 78° if the dwelling has air conditioning.

(iv) Encouraging borrowers to weatherize their dwellings, when cost effective, by using:

(A) Borrower funds.

(B) Loan funds from FmHA or other sources.

(C) Funds available from other Federal or State agencies.

(v) Encouraging borrowers to participate in "even payment" plans or similar services offered by most utility companies.

(3) Provide Credit Counseling.

(i) Counsel borrowers as to the general use and cost of credit.

(ii) Assist borrowers in planning for the wise use of credit, including advice on debt levels, credit purchases and consumer and cost awareness.

(iii) Counsel borrowers that credit should only be used if they can reasonably expect to repay such credit when payments become due.

(4) Counsel borrowers about the FmHA's graduation requirements as prescribed in Part 1865 of this chapter (FmHA Instruction 451.6).

(5) Advise borrowers that FmHA may grant interest credits and/or a moratorium on loan payments in some cases to assist them when they have had a loss or reduction of income or are facing other difficulties which unduly impair their standard of living.

(6) Assist borrowers in resolving their construction complaints in accordance with Subpart F of Part 1924 of this Chapter.

(7) Encourage borrowers on an informal basis to obtain assistance from other sources such as the local Agricultural Extension Service, Soil Conservation Service, utility companies, etc.

(b) *Use of Housing Counselors from other sources.* There are several agencies and organizations, including the Department of Housing and Urban Development (HUD), ACTION, and public and private nonprofit organizations, and State and local organizations that have programs to provide supervision and counseling or approve or certify nonprofit corporations and public bodies to perform supervision and counseling services for low- and moderate-income families. These agencies, non-profit corporations and public bodies have employees with the background and experience to perform the needed counseling. Prior to participating in a counseling program with these agencies and organizations, the FmHA must enter into a Cooperative Agreement with the agencies or organizations providing the counseling services as outlined in Exhibit A.

(1) County Supervisors are authorized to enter into Cooperative Agreements with nonprofit corporations and public bodies which employ qualified housing counselors. The Counseling Agency will provide free counseling to the FmHA borrower and neither the Counseling Agency nor the Counselor will receive payment from the borrower or the FmHA. In all cases, the Cooperative Agreement will be in the form of Exhibit A unless an exception is authorized by the National Office.

(2) In counties where a Cooperative Agreement is in effect and the Counseling Agency will be counseling delinquent borrowers, the County Supervisor will send a letter to each borrower who the County Supervisor determines needs assistance in order to overcome the delinquency problem and to become a successful borrower. (See Guide Letter 1951–G–1) This letter is to introduce the counseling program to the delinquent borrower and encourage their participation. When the borrower has agreed to participate by signing and returning the letter, the counselor will be notified and provided the information in the borrower's case file which is needed for effective counseling. Release of this information is allowable and proper under the provisions of the Freedom of Information and Privacy Acts. (See Guide Letter 1951–G–1)

(3) The County Supervisor, with assistance from the District Director and State Office staff, will provide necessary training in FmHA loan policies and servicing policies to the counselors. This will include, as a minimum, training concerning:

(i) Interest credits
(ii) Moratorium
(iii) Rescheduled payment agreements
(iv) Reamortization
(v) FmHA budget forms
(vi) The borrowers' obligation under the promissory note and security instrument
(vii) Home Energy Management
(viii) Graduation
(ix) Construction complaints and defects.

(4) When a borrower is referred to a counselor, the County Supervisor will take no liquidation action for one month to allow a repayment agreement, acceptable to FmHA, to be worked out with the counselor. An account is considered referred after Guide Letter 1951–G–1 is executed by the borrower and the counselor notified.

(c) *Technical and Supervisory Assistance (TSA) grants.* In those counties or areas in which TSA grants have been funded and implemented, the County Supervisor will refer those FmHA low-income borrowers who are in need of counseling and supervisory assistance as defined in Subpart K of Part 1944 of this Chapter, and recommend their participation in this program.

§ 1951.308 Payment cards and changes in payment plan.

(a) *Issuing payment cards.* A packet of 12 payment cards and preaddressed envelopes is provided initially for each borrower. The payment cards will be mailed to the County Supervisor or the borrower depending on the information provided on Form FmHA 1940–1, "Request for Obligation of Funds." The County Supervisor will use Form 451–34 "Direct Payment Plan Change," to change the place for mailing payment cards and to request new cards. A new packet of 12 cards and envelopes will be provided when:

(1) The tenth card in the packet is processed in the Finance Office; or

(2) The Finance Office is notified by use of Form 451–34 that the borrower needs additional cards; or

(3) The required monthly payment is changed for one of the following reasons:

(i) Recoverable cost is charged to the borrower's account.

(ii) Form FmHA 451–37, "Additional Partial Payment Agreement," is processed.

(iii) A subsequent loan is closed.

(iv) The final payment of an advance is paid.

(v) An account rescheduled by use of Form 451–37 becomes current.

(vi) An Interest Credit Agreement is placed in effect.

(vii) An Interest Credit Agreement is canceled or renewed for a different amount.

(viii) The account is reamortized.

(b) *Changes in payment plan.*—(1) *From annual payment to monthly payment.* If borrowers agree they may be converted from annual payments to the monthly payment plan at any time by using Form FmHA 451–34, completed in accordance with the Forms Manual Insert (FMI). The County Office must be careful not to create a delinquency when making this conversion. When the form is processed in the Finance Office, the required monthly payments will be established as 1/12th of the annual installment. Cents will be rounded to the next higher dollar.

(2) *From monthly payments to annual payment.* Borrowers with annual payment notes who voluntarily converted to the monthly payment plan may be removed from the monthly payment plan upon request. The change will be accomplished by completing Form FmHA 451–34.

(c) *Subsequent loan payments.* Initial and subsequent loans of the same loan type must be on the same payment plan and payments must be due on the same date.

(1) *Monthly installment required.* If the initial loan was closed with a monthly payment note or the borrower has assumed a loan to be repaid with monthly installments, the subsequent loan must be closed with a monthly payment note. At the time the subsequent loan is closed, the Finance Office will prepare a new payment card packet and forward it to the County Office. The monthly payment due date shown on the cards will be that required by the initial loan. The first installment on the subsequent loan will be due on the date of the first installment on the initial loan after closing.

(2) *Annual installment required.* If the initial loan was closed with an annual installment note, the subsequent loans must be closed with an annual installment note. When the subsequent loan is closed, the Finance Office will automatically place it on the payment plan in effect for the initial loan and issue payment cards which reflect the combined payments on both loans.

§ 1951.309 Receiving and application of payments.

(a) *Payments on accounts.*—(1) *Payments to Finance Office.* Normally, borrowers should mail their payments directly to the Finance Office in the self-addressed envelope provided with the card packets. However, for all new loans, the payment cards will be held in the County Office for the first three payments. The County Supervisor may continue to hold the cards for a longer period of time until it is determined that the borrowers understand their responsibilities and will make payments in a timely manner.

(2) *Payments to County Office.* Direct payments may be accepted in the County Office or in the field by employees listed in Exhibit B of Subpart B of FmHA Instruction 1951–B. (Available in any FmHA office.)

(i) A regular payment paid by check or money order and made payable to the "Farmers Home Administration" should be placed in a direct payment envelope with the appropriate payment card, sealed, and transmitted to the Finance Office in the manner outlined in Section 1951.60(a)(2). The check or money order and the appropriate payment card should not be stapled, clipped, or attached in any manner.

(ii) Payments received in currency or coin and payments without direct payment cards will be listed on Form

FmHA 451-2 "Schedule of Remittances," and remitted in accordance with Subpart B of Part 1951 of this Chapter. The payment card will not be transmitted with Form FmHA 451-2.

(iii) Extra payments and refunds as defined in Section 1951.8 of Subpart A of Part 1951 of this Chapter will be listed on Form FmHA 451-2 and remitted in accordance with Subpart B of Part 1951 of this chapter.

(b) *Application of payment.* The definitions of regular payments, extra payments, and refunds in Subpart A of Part 1951 of this Chapter apply to this Subpart.

(1) *Regular payments.* Regular payments will be applied by the Finance Office in the following order of priority.

(i) Advances for recoverable cost in the amount necessary to keep the advance accounts current. Payments on amortized advances can only be applied to the amortized advances in full monthly increments. Partial payments are not applied to the amortized advance, but are applied to the borrower's loan account.

(ii) Unamortized advances.

(iii) Accrued interest on the note account.

(iv) Principal on the note account.

(2) *Payments insufficient to pay amount due.* When a borrower makes a payment in an amount insufficient to pay the amount then due and such borrower has more than one loan of the same type, the payment shall be applied on a prorata basis to each loan according to the amount then due. For delinquency reporting purposes, a borrower with more than one loan of the same type will be considered delinquent if the payments received are less than the combined amounts due on all loans of the same type.

(3) *Extra payments and refunds.* Extra payments and refunds will be credited to the borrower's note account(s) as of the date of the Form FmHA 451-2 and will be applied as prescribed in paragraph (b)(1) of this section. Extra payments and refunds will not relieve borrowers from making their next scheduled payment.

§ 1951.310 Amortization of recoverable cost.

When an advance is made by FmHA to pay recoverable costs, the Finance Office will automatically increase the payments during the amortization period by the amount necessary to repay the advance, with interest computed at the note rate.

(a) *Monthly payment borrowers.* Recoverable costs will be automatically amortized for 12 months when charged to monthly payment accounts unless the County Supervisor determines that based on the borrower's repayment ability that a longer period is needed and specifies so on the voucher. An amortization period of more than 12 months will be used only when the recoverable cost charged is (1) two or more years' taxes or (2) a non-recurring cost. If there is an outstanding balance from a previous advance when a new advance is made, the two amounts will be combined and reamortized. If the new installment is less than the previous installment, the larger of the two will be used, thus causing the balance to be paid in less than 12 payments.

(b) *Other than monthly payment borrower.* Recoverable costs will be automatically due and payable for all other than monthly payment borrowers on the next payment due date, unless the County Supervisor determines, based on the borrower's repayment ability, that a longer period is needed and so specifies on the voucher. The advance can be prorated for more than one annual payment under the conditions specified in paragraph (a) of this section.

(c) *Scheduling adjusted loan payments.* A copy of Form FmHA 451-26, "Transaction Record," will be sent to the County Office when a recoverable cost is charged to an account. The first increased payment will be due on the first regular monthly due date occurring 30 or more days after the effective date of the charge.

§ 1951.311 Reports, statements and notices.

(a)(1) *Past due notices.* The Finance Office will prepare a Form FmHA 451-35, "Past Due Notice," on any account behind schedule after all payments received by the fifteenth day after the due date have been processed. The Past Due Notice will be mailed directly to the borrower. The borrower will receive a notice each month until (1) the account becomes current or ahead of schedule, (2) a Form FmHA 451-37, is processed by the Finance Office, (3) the account is more than three payments behind schedule, (4) the Finance Office is notified that bankruptcy, other court action, or foreclosure is pending, (5) a Form FmHA 451-34 is processed changing the borrower's place of payment to the County Office, or (6) accounts are flagged because of unprocessed transactions.

(2) A Past Due Notice will also be sent to borrowers who become delinquent on Form FmHA 451-37. When the County Supervisor believes that payments have not been correctly applied to the borrower's account, the Finance Office should be notified and furnished all pertinent information, including a copy of both sides of the canceled check, if possible, to assist in correcting the error.

(b) *Monthly status report.* The Finance Office will provide each County Office with a monthly report showing the unpaid balance of interest and principal, daily interest accrual, date of last payment, and schedule status of each borrower. Separate reports will be prepared for monthly payment borrowers and annual payment borrowers. The Finance Office will provide each State Office with a monthly report showing the number of delinquent monthly and annual payment borrowers in each County Office.

(c) *Annual statement.* At the end of each calendar year, the Finance Office will send each borrower a statement showing the unpaid loan balance and the total amount of principal and interest paid during the year. If the borrower received subsidy that is subject to recapture, the annual statement will also show the annual and total subsidy granted on the loans. The annual statement will invite the borrower to write, call, or meet with the County Supervisor if the borrower does not understand or is in disagreement with the information contained in the annual statement.

§ 1951.312 Servicing.

The County Supervisor will use all the authorities available to give borrowers an opportunity to become successful homeowners. Every effort should be made to reduce the number and amount of borrower delinquencies and failures resulting in liquidation of the account. To assure that effective use is made of those authorities, followup and monitoring procedures must be established. The County Office will develop a monitoring system for borrowers sending payments to the County Office and a followup system to show the status of servicing actions and to trigger needed followup activity (see Exhibit B). A delinquent review will be held at least monthly for borrowers making payments to the Finance Office and weekly for borrowers scheduled to make payments to the County Office to determine if appropriate servicing actions are being accomplished and desired results are being attained. The District Director will assist in the review each month if practicable and in all cases at least once each quarter. All actions taken, agreements reached and recommendations made in the servicing of a borrower account are to be documented. Account servicing includes the following:

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(a) *Hold payment cards.* The County Supervisor will hold payment cards for all borrowers who have signed a rescheduled payment agreement until the delinquency is removed or the problem corrected.

(b) *Interest credit.* When servicing loan accounts, County Supervisors should make sure that borrowers are receiving all of the interest credit assistance for which they are eligible as provided for in Exhibit E of Subpart A of Part 1822 of this Chapter. (FmHA Instruction 444.1).

(c) *Moratorium.* Borrowers who due to circumstances beyond their control, are unable to continue with the scheduled payments on their loan without unduly impairing their standard of living should be considered for a moratorium in accordance with Section 1951.314.

(d) *Rescheduled payment agreements.* Delinquent borrowers will be expected to bring their accounts current as soon as possible, based on their ability to repay as determined by a completed Form FmHA 431–3, "Family Budget." Borrowers who are unable to pay the delinquent amount in a single payment will pay a larger than scheduled regular payment until the account is current.

(1) If the account can be brought current in four payments or less a Form FmHA 440–9, "Supplementary Payment Agreement," will be executed. This form will not be sent to the Finance Office.

(2) Borrowers who need more than four months to repay a delinquency will execute Form FmHA 451–37 which will be sent to the Finance Office. The amount of the additional partial payment must be at least $10 per month. The County Supervisor may enter into only one agreement with any one borrower in any two-year period. Prior authorization from the District Director is required for a second agreement and from the State Director for a third agreement during this two-year period.

(e) *Systematic method to service accounts of delinquent borrowers.* The following system is to be followed as a minimum in servicing each delinquent housing account. Guide Letters 1951–G–2, 3, and 4 will be used in all servicing systems to assure that all borrowers receive proper notification of the possible availability of interest credits and the granting of a moratorium.

(1) *Initial delinquency contact.* All borrowers must be contacted as soon as the County Office becomes aware of the delinquency. This should be when the borrower first misses a payment, however, an existing delinquent borrower that has not previously been contacted will be serviced in accordance with this paragraph (e). In most cases this initial contact will determine the success or failure of future servicing efforts. To be effective, the contact must be timely, the County Supervisor's approach firm, the resolution realistic and the follow-up persistent.

(i) Borrowers scheduled to make payments in the County Office should be contacted by phone or personal visit the day following the due date of a missed payment.

(ii) A borrower delinquent for the first time, or an existing delinquent borrower being contacted for the first time who is scheduled to send payments to the Finance Office will be contacted by phone or personal visit immediately after the County Supervisor becomes aware of the missed payment.

(iii) The borrower, when contacted in accordance with paragraphs (e)(1) (i) and (ii) of this section will be informed that:

(A) The account is delinquent and payment should be remitted immediately;

(B) Payments are expected to be received on or before the due date;

(C) The borrower must notify the County Office if a payment will be late;

(D) Interest credits or a moratorium are available to borrowers who qualify.

(iv) If the contact cannot be made by telephone or personal visit, the County Supervisor will advise the borrowers of the points prescribed in paragraph (e)(1)(iii) of this section by letter. (See Guide Letter 1951–G–2)

(2) *No response to the initial delinquency contact.* If, within ten days, no response has been received to the initial delinquency contact, the County Supervisor will write a letter notifying the borrower that the required payment has not been received. A delinquent borrower who previously has been contacted but has not been scheduled for an appointment or has not entered into a payment agreement will also receive this letter. The letter will notify the borrower of interest credit and moratorium provisions and schedule an appointment for a County Office visit. Family Budget Form 431–3 will be attached. The borrower will be requested to bring to the FmHA Office the Payment Cards and the completed Family Budget. (See Guide Letter 1951–G–3.) During the borrower's visit at least one of the following actions will be initiated or taken:

(i) Review the Family Budget, Form FmHA 431–3, counseling the borrower as appropriate in the wise use of income and credit.

(ii) Develop a repayment plan to remove the delinquency by either entering into a Supplementary Payment Agreement, Form FmHA 440–9, or an Additional Partial Payment Agreement, Form FmHA 451–37.

(iii) Develop an Interest Credit Agreement.

(iv) Process a moratorium on principal and interest payments.

(v) Confirm in writing the date and amount of payments to be made.

(vi) If the borrower is not eligible for moratorium and does not have income to be successful even with interest credit assistance, the County Supervisor will explain to the borrower that the FmHA has no other choice but to take action to liquidate the account. The County Supervisor will explain to the borrower all the options available through the voluntary liquidation process as outlined in paragraph (e)(3)(ii) of this section.

(3) *Borrower does not visit the County Office.* If the borrower does not respond to the County Supervisor's letter or fails to keep scheduled appointments, the County Supervisor will immediately notify the borrower of a planned visit to the property to counsel the borrower, to make a security check and to make an evaluation of the property. (See Guide Letter 1951–G–4)

(i) When the County Supervisor visits the borrower at the property, the following items are to be discussed:

(A) Is the borrower willing and able to make additional payments in excess of the scheduled payment to bring the account current?

(B) Is the borrower entitled to interest credit assistance or additional interest credits?

(C) Does the borrower qualify for a moratorium?

(ii) If the borrower does not qualify for a moratorium or additional interest credit and cannot or is not willing to make a firm commitment to make additional payments to bring the account current, the County Supervisor will discuss voluntary liquidation of the account. The following points will be covered with the borrower:

(A) When there is equity, inform the borrower of the approximate amount of equity in the property and the advantage of placing the dwelling on the market for sale. It should be made clear to the borrower that this is an estimation and could differ from actual equity realized. The borrower should be given a reasonable time to complete the sale, including a possible assumption of the indebtedness by an FmHA applicant.

(B) If there is no equity, explain that the Government will process an assumption or may accept a voluntary conveyance instead of taking the

necessary action to foreclose. Outline to the borrower the advantages of voluntarily liquidating the loan.

(C) Foreclosure action will be initiated if the borrower does not voluntarily liquidate the account by sale, transfer, voluntary conveyance or payment of the account in full.

(4) *Borrower fails to keep appointments or defaults on payment agreements.* If the borrower has failed to keep appointments or make payments according to previous agreements (including the promissory note), the County Supervisor will prepare and send a completed Form FmHA 465–7, "Report on Real Estate Problem Case," to the State Director with a recommendation for foreclosure of the loan. The County Supervisor may seek the advice of the District Director, as needed, on a case-by-case basis. The State Director will review the file and decide if appropriate action has been taken by the County Supervisor to adequately service the account in an effort to give the borrower an opportunity to become a successful homeowner. If the State Director determines that appropriate action has been taken in servicing the account and that further servicing efforts will not result in the borrower meeting loan obligations, foreclosure action will be initiated. If the State Director determines that additional servicing efforts are appropriate the County Supervisor will be instructed regarding actions to be taken. (Guide Letter 1951–G–5 may be used if the State Director chooses to write the borrower). If the County Supervisor cannot work out an agreement with the borrower, the file will be returned to the State Director for initiation of foreclosure action.

(5) *Mortgage defaults other than payments.* If the borrower abandons or does not properly maintain the property, fails to pay taxes or defaults on any other mortgage covenant, the borrower, when possible, will be contacted. If the County Supervisor cannot reach an agreement with the borrower and foreclosure is recommented the account will be serviced as in paragraph (e)(4) of this section.

§ 1951.313 Moratoriums.

A moratorium on principal and interest payments shall be granted on Sections 502 and 504 RH loans, as authorized under section 505 of the Housing Act of 1949, upon a determination that, due to circumstances beyond the borrower's control, the borrower is unable to continue making scheduled payments without unduly impairing his or her standard of living. Cancellation of interest accrued during the moratorium period is also authorized in cases of extreme hardship.

(a) *Definitions.* As used in this section:

(1) "Scheduled payments" means the amount of the monthly or annual installment on an RH loan promissory note as modified by any Interest Credit Agreement, Supplementary Payment Agreement, Additional Partial Payment Agreement, or other written agreements between FmHA and the borrower.

(2) "Unduly impaired standard of living" means a condition whereby the borrower, due to circumstances beyond the borrower's control, is unable to pay normal living expenses and scheduled payments as provided by the loan documents. The borrower must present evidence that the inability to repay the loan will probably last for a period of 6 months or more and that income will be available to resume payments after the moratorium period. The circumstances include but are not limited to the following:

(i) A substantial reduction of income which will cause the total payments on the RH loan and the taxes and insurance on the dwelling to exceed the borrower's ability to pay after all interest credits authorized have been granted. A moratorium based on loss or reduction of income will not be granted if the sum of the principal, interest, real estate taxes and insurance is less than 35 percent of the borrower's adjusted income based on the next 12 months' projected income. The fact that such payments would exceed 35 percent of the borrower's projected annual income does not by itself mean that the borrower is eligible for moratorium. Such reduction may result from:

(A) Unemployment or underemployment caused by circumstances beyond the borrower's control, or

(B) Loss or reduction in benefits which constituted a substantial part of the annual income as defined in § 1822.3(n) of Subpart A of Part 1822 of this Chapter. (FmHA Instruction 444.1), or

(C) Illness, injury, or death of the borrower or other adult who contributed to the annual income, or

(D) A situation in which a spouse is living apart from the borrower's family and away from the RH financed dwelling and legal action has been started in the appropriate court to commence divorce or legal separation proceedings provided: the remaining spouse is occupying the dwelling, owns a legal interest in the property, is liable for the debt, and the loan account is put in the remaining spouse's name only, or

(E) A situation in which a spouse has lived apart from the borrower's family and away from the RH financed dwelling for 6 months or longer because of broken marriage or separation and not because of work assignment or military order and legal papers have not been filed to commence divorce proceedings, provided the conditions of paragraph (a)(2)(i) of this section are met by the borrower who is living in the dwelling. (For purposes of the retroactive provisions of paragraph (b)(4) of this section, the moratorium may be effective 90 days prior to the end of the 6-months' period or to the filing of a request for moratorium, whichever is later.)

(ii) The need to pay certain essential family expenses which have resulted or may result in a lien being placed on the borrower's dwelling, and which if not paid are likely to result in loss of the dwelling. Such expenses may result from:

(A) Accident, illness, or injury to the borrower or dependent member of the borrower's family, or

(B) Death of a member of the borrower's family, or

(C) Cost of repairs for uninsured damage to the security if the loss occurred because adequate insurance coverage was not available.

(b) *Granting a moratorium.* (1) Applicants and borrowers will be advised of the moratorium provisions as follows:

(i) In the interview required by § 1822.11(c) of this Chapter, (FmHA Instruction 444.1), the interviewer will inform the applicant(s) of moratorium provisions under this Subpart.

(ii) In addition to the requirements for notification of moratorium provisions as set forth in § 1951.312, the County Supervisor will also advise the borrower in writing of the possible availability of a moratorium when the County Supervisor becomes aware of a change in the borrower's circumstances which would likely justify the granting of a moratorium.

(iii) A notice of acceleration and demand for payment (Exhibit C to Subpart A of Part 1955 of this Chapter) is sent to a borrower whose loan has been approved for forced liquidation because of monetary default. A paragraph will be inserted to read as follows: "However, you have the opportunity to have a hearing before this foreclosure takes place. If you wish to make use of this opportunity because you believe the United States is in error in accelerating your account(s) and proceeding with the foreclosure, or because you have not been advised of

your rights to request a moratorium on payments on your rural housing loan account, you should within 30 days contact the Designated Hearing Officer of the Farmers Home Administration in writing at the following address: ."

(2) Moratorium on principal and interest payments on an RH loan account will be granted when:

(i) The borrower has requested a moratorium on payments in accordance with paragraph (c) of this section and appropriately documents the conditions causing the unduly impaired standard of living and;

(ii) The County Supervisor:

(A) Has verified the accuracy of the information received with the request for a moratorium on payments from the borrower, and

(B) Has determined, after using all other alternatives such as granting all authorized interest credits, that a moratorium on payments is necessary and the borrower is eligible for such moratorium on payments.

(3) The County Supervisor is authorized to approve or disapprove a request for a moratorium and extension thereof. The borrower will be notified of the action taken within 15 days after request has been received in the County Office. The decision relative to a moratorium is recorded on Form FmHA 451–23, "Moratorium on Payment: (Section 502–504 RH Loans)." The reasons and justification for approval or disapproval will be noted or attached as additional information. An original and two copies will be prepared and distributed as indicated on the FMI. If the moratorium is denied, the borrower will be notified in accordance with the provisions of Subpart B of Part 1900 of this Chapter. The letter will include a statement of the action taken, a recitation of the facts upon which the decision is based, and the specific reason(s) for the decision denying the moratorium or extension.

(4) A moratorium may only be granted for an initial period of 6 months and successive extensions may be granted in accordance with paragraph (b)(5) of this section. The initial moratorium may be retroactive for up to, but not more than, 90 days prior to the date the request for a moratorium was received in the County Office if the circumstances for which the moratorium is to be granted existed during that time.

(5) Immediately before the end of each 6-month period, or sooner if the County Supervisor becomes aware of the facts that substantially change the borrower's repayment ability, the justification for a moratorium will be reviewed by the County Supervisor and the moratorium terminated or extended for another 6-month period if the facts so warrant. The extension will be processed in accordance with paragraph (b)(3) of this section prior to the expiration date of the current moratorium. No moratorium plus extensions may exceed three years. Five years from the end of the moratorium plus extensions must elapse before another moratorium may be granted unless prior approval is received from the State Director. If the situation creating a hardship continues after three consecutive years of moratorium and the borrower is still unable to make scheduled payments even if the account were reamortized, and all authorized interest credits were granted and interest accrued during the moratorium were canceled, the account must be liquidated in accordance with Supbart A of Part 1955 of this Chapter. If, at the end of the moratorium period and any extension(s) thereof, it is determined that the account will be continued (as modified by any interest credit or interest cancellation assistance), it will then be handled in accordance with paragraph (e) of this section.

(6) Interest will accrue during the moratorium at the rate shown on the promissory note as modified by an Interest Credit Agreement. Interest credits will be granted and renewed throughout the period a moratorium is in effect for all borrowers eligible for interest credits under Exhibit E of Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1).

(7) Cancellations of part or all of the interest accrued during the moratorium plus any extensions thereof will be granted only in cases of extreme hardship. This would be when the debt has been reamortized over the maximum authorized period and cancellation is needed to reduce payments to within the borrower's repayment ability. Cancellations will be done in accordance with paragraph (e) of this section.

(c) *Request for moratorium.* The County Supervisor will provide borrowers who wish to apply for a moratorium with two copies of Form FmHA 451–22, "Request for Moratorium on Payments (Sections 502–504 RH Loans)." The borrower, who may be assisted by County Office personnel, will complete the applicable spaces on the form, and sign and return the original to the County Supervisor. The County Supervisor will process the application and retain the original in the borrower's case folder.

(d) *Borrower's appeal of adverse action.* The borrower may appeal an adverse action on the request for moratorium, extension, or cancellation of interest accrued during the moratorium. The appeal will be handled in accordance with Subpart B of Part 1900 of this Chapter.

(e) *Action at the expiration of the final moratorium period.* (1) At the end of the moratorium period, the County Supervisor will verify the borrower's annual income and obtain a current financial statement to determine the borrower's ability to repay the unpaid balance of the RH indebtedness. Interest cancellation, reamortization of the account, and repayment schedules will be determined in accordance with the following provisions:

(i) Borrowers who can repay, within 2 years, any principal and interest which was deferred during the moratorium period, in addition to the regular scheduled installments, will execute Form FmHA 451–37 to establish a new repayment schedule.

(ii) For borrowers who cannot meet the repayment requirements of paragraph (e)(1)(i) of this section, the unpaid principal and interest balance of the loan will be reamortized within the remaining term of the loan.

(iii) For borrowers who cannot meet the repayment requirements of paragraph (e)(1)(ii) of this section, the loan account will be reamortized for the remaining term of the loan plus a period not to exceed the time the moratorium was in effect. If the loan was not originally scheduled for the maximum legal term, then the loan can be reamortized for the maximum legal term of the loan plus a period not to exceed the time the moratorium was in effect, less the number of years the loan has been outstanding. State supplements establishing policies and procedures will be issued for extending the term of the loan or advice will be obtained from the Office of General Counsel (OGC) on a case-by-case basis. The borrower must pay for title clearance and legal services needed to assure that the Government's lien priority is retained.

(iv) If the determination is made that the borrower cannot make scheduled payments on the balance owed under the terms of paragraph (e)(1)(iii) of this section without cancellation of part or all of the interest which accrued during the moratorium, the County Supervisor will determine how much interest must be canceled to enable the borrower to repay the loan during the time authorized in paragraph (e)(1)(iii) of this section. The County Supervisor will complete Section II of Form FmHA 451–23 indicating the amount of interest canceled. Such amount will be deducted

from the balance owed in determining a new repayment schedule.

(v) The borrower will be advised by letter of the action taken, the reasons for the action, the new repayment schedule, and that, if the borrower does not agree with the action taken, the borrower may appeal the action as provided in Subpart B of Part 1900 of this Chapter.

(2) The County Supervisor, after a determination concerning the cancellation of interest has been made, will complete Form FmHA 452–2, "Reamortization and/or Deferral Agreement," if the account is to be reamortized or Form FmHA 451–37 if reamortization is not planned. If Form FmHA 451–37 is submitted, the County Supervisor will appropriately change County Office records to reflect the amount of the new installments.

§ 1951.314 Reamortizations.

Reamortizing Section 502 and 504 RH loans extends loan payments to the maximum authorized repayment period, or rearranges the payments within the remaining years of the original repayment period.

(a) *Conditions.* RH loan accounts may be reamortized:

(1) When the borrower has made extra payments or refunds totaling 10 percent or more of the loan being reamortized and the County Supervisor determines that the borrower cannot reasonably be expected to meet the obligation unless the account is reamortized to substantially reduce the annual or monthly installments, or

(2) At the expiration of the final moratorium period in accordance with § 1951.313(e) of this Subpart, or

(3) When an individual FP loan for real estate purposes, or a Section 502 or 504 RH loan is being made to a presently indebted Section 502 or 504 RH borrower, and the loan approval official determines that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized.

(4) When the loan was not originally scheduled for the maximum legal term and the security life of the property is such that the term can be extended, then the loan can be reamortized for the maximum legal term less the number of years the loan has been outstanding provided the County Supervisior determines that the borrower's financial condition has changed and the borrower cannot reasonably be expected to meet the obligation unless the account is reamortized.

(b) *Required actions.* The following actions will be taken:

(1) Form FmHA 452–2 will be completed in accordance with the FMI.

(2) If the note or assumption agreement being reamortized is not held in the County Office, the County Supervisor will obtain the promissory note and any assumption agreement from the Finance Office before processing the reamortization.

(3) On the back of the original note or assumption agreement, below all signatures and endorsements, the County Supervisor will insert the following: "A Reamortization and/or Deferral Agreement dated , 19 , in the principal sum of $, has been given to modify the payment schedule of this note."

(4) The end of the amortization period will be the final due date of the note being reamortized unless the due date is extended in accordance with Section 1951.313(e)(1)(iii) or Section 1951.314(a)(4).

(5) Interest rate for the loan will be unchanged. If the borrower is to receive interest credit benefits following reamortization of the account a new Form FmHA 444–6, "Interest Credit Agreement (Section 502 RH Loans)," is to be attached to Form FmHA 452–2 and submitted to the Finance Office.

§§ 1951.315–1951.350 [Reserved]

Exhibit A—Cooperative Agreement for Utilization of Housing Supervisory and Counseling Services Between the Farmers Home Administration and

1. This agreement, dated , between , a political subdivision or nonprofit organization of the State of (hereinafter called the Agency), and the United States of America acting through the Farmers Home Administration (FmHA), U.S. Department of Agriculture, is entered into for the purpose of permitting the Agency to assist in the FmHA's effort to make available housing counseling and other assistance for FmHA rural housing borrowers in the County of in the State of and to enable them to better care for and maintain their dwellings, reduce energy consumption and better manage their finances.

2. FmHA certifies that it is empowered by current Federal laws and related rules and regulations to enter into this Cooperative Agreement with the Agency and that the work to be done by the Agency will be useful, in the public interest, could not otherwise be provided, and will not result in the displacement of employed workers.

3. The Agency certifies that it has the authority under the laws of the State of to enter into this Agreement and to provide the services agreed upon in the manner provided for.

4. FmHA agrees to:

A. Provide training to employees of the Agency who will provide housing counseling. The training will include general information on the sections 502 and 504 housing programs and specific information on:

1. Computing interest credit
2. Rescheduled payment agreements
3. Moratorium on payments
4. Reamortization
5. FmHA budget forms
6. The borrower's obligation under the promissory note and security instrument
7. Home energy management
8. Graduation
9. Construction complaints and defects.

B. At its discretion, the FmHA may also provide its own servicing actions in a way to maximize the effectiveness of the Agency's counseling activities.

C. Provide access to FmHA files of a borrower upon receipt of an executed letter of permission from the borrower.

D. Evaluate the success of the counseling provided under this Agreement on a quarterly basis.

E. Consult with the Agency, as necessary, on situations involving misconduct, neglect of work, and apparent conflicts of interest of Agency employees.

5. The Agency agrees to:

A. Not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, marital status, national origin or physical or mental handicap. The Agency will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, marital status, national origin or physical or mental handicap. Such action will include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Agency will post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

B. Work with borrowers in a patient and understanding manner, with a goal toward eliminating loan delinquency and other housing-related problems.

C. Pay all salaries and other expenses of Agency employees and comply with Federal, State, and local minimum wage statutes. No monies will be paid by the Administration under this Agreement, either to the Agency or its employees.

D. Not charge borrowers or FmHA for services rendered under this Agreement or receive any compensation or payments from borrowers or FmHA for services rendered pursuant to this Agreement.

E. Not assign specific Agency employees to act as housing counselors for FmHA borrowers upon request of FmHA.

F. Advise FmHA borrowers on the items covered in 4A of this agreement and as described in FmHA regulations.

G. Contact all borrowers who have returned the authorization letter.

6. The Agency and FmHA mutually understand and agree that reasons for determining that an Agency employee is unacceptable as a housing counselor for FmHA borrowers may include but shall not be limited to the following:

A. Practicing or appearing to practice discrimination for reasons of race, color,

V 46 / 236 DEC 9 81 UMI

religion, sex, age, marital status, national origin, or mental or physical handicap.

B. Being or becoming involved in real or apparent conflicts of interest, such as engaging directly or indirectly in business transactions with FmHA applicants or borrowers, or using or appearing to use a counseling assignment for private gain, other than basic salary and benefits.

C. Engaging in or having engaged in criminal, dishonest, or immoral conduct, or conducting him/herself in a manner which might embarrass or cause criticism of the FmHA.

D. Engaging in direct partisan political activity while working with FmHA borrowers.

7. The Agency and FmHA further understand that:

A. Agency employees may not represent themselves as employees of FmHA nor represent that they can enter agreements binding on FmHA.

B. Agency employees may not collect loan payments or other funds for or in behalf of FmHA.

8. The term of this Agreement shall commence on the date in the first paragraph. It shall continue until September 30, 198–, unless terminated by at least thirty (30) days' advance written notice by either party to the other. The Agreement may be renewed for successive one-year periods beginning each October 1 hereafter if mutually agreed to by the Agency and FmHA.

9. No member of or delegate to Congress or resident Commissioner shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom, unless it be made with a corporation for its general benefit.

Enter Official Title of Agency
By _____
Authorizing Official
Farmers Home Administration
By _____
FmHA County Supervisor

Exhibit B—Monitoring File Record Card

Name & Address Telephone *533–3932*
Paymore, Fred
9025 Bartlett Street
Terms of Agreement: OV 4–28–77—borrower agreed to pay $30 extra on 8th of each month.
Case No. 00–01–000000
PAYMENT SCHEDULE
Due Date: 8th of month
Regular: $80.00/month
Extra: $30.00/month
Total: $110/month

Date	FmHA Empl	Amt rec'd	Amt to delinq	Behind schedule	Date	FmHA Empl	Amt rec'd	Amt to delinq	Behind schedule
				$500.00					
5/8		$110.00	$30.00	470.00					
6/8		Phone-	to pay	by 20th					
6/20		110.00	30.00	440.00					
7/7		80.00	0	440.00					
8/8		110.00	30.00	410.00					

How does it work?

1. Prepare a monitoring card—basic information on individual's card: telephone, address, payment amount and extra payments report, due date of payment and record of payments.

2. Cards are filed according to payment due date (on promissory note).

3. Direct payment cards will be kept in the County Office management or monitoring file Borrowers are instructed to send payments to County Office.

4. For agreements to pay on a different day from regular due date, prepare card for each due date.

Example: Regular due date—15th; Agreement to pay 2 times—15 and 25; Place card in each section of box, i.e. 15 and 25.

5. County office staff monitors daily and, following the servicing system established under § 1951.312(e), telephones or sends a letter to each borrower who has not paid as agreed.

6. As payments are received, the date and amount will be entered on the individual monitoring card. Payments are mailed to the Finance Office according to § 1951.60(a)(2).

7. Monitoring cards will be destroyed when the County Supervisor returns the direct payment cards to the borrower and instructs that payments are to be made directly to the Finance Office. This will be done when the borrower has established a record of paying on time and the County Supervisor determines that the borrower will continue to pay as agreed. In all other cases, the monitoring card will be kept in the monitoring file while the account is active and placed in the borrower's County Office case folder if the account is recommended for foreclosure.

PART 1955—PROPERTY MANAGEMENT

Subpart A—Liquidation of Forms and Acquisition of Property

§ 1955.15 [Amended]

10. In § 1955.15(d)(4) line 9, change the reference from "§ 1951.11(b)" to § 1951.313."

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: November 4, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81–35133 Filed 12–8–81, 8:45 am]

BILLING CODE 3410–07–M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of removing the discount rate surcharge that applies to large, frequent borrowers at the discount window. No change was made in the basic discount rate of 13 per cent. The Board considers the surcharge unnecessary in the current circumstances in the light of the level of short-term interest rates prevailing in the market and the reduced level of adjustment borrowing.

EFFECTIVE DATE: The changes were effective on November 17, 1981 at the Federal Reserve Banks of Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Dallas, and San Francisco; on November 18, 1981 at the Federal Reserve Banks of Boston and New York; and on November 20, 1981, at the Federal Reserve Banks of Kansas City and Philadelphia.

FOR FURTHER INFORMATION CONTACT:

James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, Washinton, D.C. 20551 (202/452–3259).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553(b)(3)(B) and (d)(3), this amendment is being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial consideration required that this amendment must be adopted immediately.

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357) Part 201 is amended as set forth below:

§ 201.51 [Amended]

1. Section 201.51 is amended by removing the last sentence in its entirety.

(12 U.S.C. 248(i) Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, December 3, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35212 Filed 12-8-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 205

[Reg. E; EFT-2]

Electronic Fund Transfers; Official Staff Commentary; Technical Amendment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation; technical amendment.

SUMMARY: The staff is making a technical amendment to its official staff commentary to Regulation E (Electronic Fund Transfers) published at 46 FR 46876, September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Lynn Goldfaden, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3867.

SUPPLEMENTARY INFORMATION: The final official staff interpretation contained in *FR Doc.* 81-27675 is amended as follows:

On page 46881, column 3, answer 5-2 is amended by changing the reference to question 7-9 to read, "(See question 7-6.)"

Board of Governors of the Federal Reserve System, December 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-35209 Filed 12-8-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 226

[Reg. Z; TIL-1]

Trust in Lending; Regulation Z; Official Staff Commentary; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation; technical amendments.

SUMMARY: The staff is making technical amendments to its official staff commentary to Regulation Z (Truth in Lending) published at 46 FR 50288, October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-2412.

SUPPLEMENTARY INFORMATION: The final official staff interpretation contained in FR Doc. 81-29734 is amended as follows:

1. On page 50296, column 2, the fourth sentence of the second paragraph of *1981 changes* is amended to read as follows:

"Other terms previously defined, such as 'customer' and 'organization,' are merged into new definitions."

2. On page 50299, column 1, the fourth sentence of the third bulleted paragraph in Comment 4(a)-4 is amended to read as follows:

"In addition, the agreement states that the creditor will pay 0% interest on the amount of the time deposit that corresponds to the amount of the credit extension(s)."

3. On page 50307, column 2, the following heading for and the first sentence of Comment 7(g)2 is added immediately after "1. *Rate same as corresponding annual percentage rate.* See Comment 7(d)-5":

"2. *Multifeatured plans.* In a multifeatured plan, the actual annual percentage rate that reflects the finance charge imposed during the cycle may be separately stated for each feature."

4. On page 50307, column 3, the last sentence of Comment 7(k)-2 is amended by adding "the" after "Both of the billing rights statements in Appendix G contain such a precautionary instruction, so that a creditor could, by including either of these statements with each periodic statement, ensure that" and before "required address is provided in a clear and conspicuous manner."

5. On page 50309, column 3, the punctuation of the first sentence of Comment 9(c)-1 is amended as follows:

"No notice of a change in terms need be given if the specific change is set forth initially, such as: rate increases under a properly disclosed variable rate plan, a rate increase that occurs when an employee has been under a preferential rate agreement and terminates employment, or an increase that occurs when the consumer has been under an agreement to maintain a certain balance in a savings account in order to keep a particular rate and the account balance falls below the specified minimum."

6. On page 50310, column 1, the last sentence of Comment 9(c)(1)-3 is amended as follows:

"But the consumer's general acceptance of the creditor's contract reservation of the right to change terms, or the consumer's use of the account (which might imply acceptance of its terms under state law), is not 'an agreement' between the consumer and the creditor for purposes of § 226.9(c)(1)."

7. On page 50311, column 3, the reference to § 226.10 appearing in the *1981 changes* paragraph is amended to read "§ 226.11."

8. On page 50316, column 3, the reference in Comment 13(f)-2 is amended by changing "(See Comment 13(e)-1)" to "(See Commentary to § 226.13(e).)"

9. On page 50317, column 3, the first sentence of Comment 14(a)-3 is amended by inserting "by" after "permitted" and before "§ 226.14(a)."

10. On page 50318, column 2, the title of Comment 14(d)-1 is amended by changing *"Quotient Methods."* to *"Quotient Method."*

11. On page 50336, column 3, Comment 23(a)-4 is amended by changing "creditor" to "consumer."

Board of Governors of the Federal Reserve System, December 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-35210 Filed 12-8-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 226

[Reg. Z; Docket No. R-0288]

Truth in Lending; Revised Regulation Z; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendments.

SUMMARY: The Board is making technical amendment to Appendices E and G of its final rules on Regulation Z (Truth in Lending) published at 46 FR 20848, April 7, 1981.

FOR FURTHER INFORMATION CONTACT: Ruth Amberg, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3667.

SUPPLEMENTARY INFORMATION: The final rules contained in FR Doc. 81-10847 are amended as follows:

1. On page 20912, column 1, the last sentence of the paragraph entitled Section 226.11 in Appendix E is amended by changing "5 business days" to "7 business days."

2. On page 20917, the paragraph entitled "How to Cancel" of model form C–6 is amended by adding "If you send or deliver your written notice to cancel some other way, it must be delivered to the above address no later than that time." immediately after "* * *" (or midnight of the third business day following the latest of the three events listed above)."

Board of Governors of the Federal Reserve System, December 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81–35211 Filed 12–8–81; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Survey of Foreign Direct Investment in U.S. Fish and Seafood Processing Industries

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This action amends 15 CFR Part 806 to provide for the BE–21—Survey of Foreign Direct Investment in U.S. Business Enterprises Engaged in the Processing, Packaging, or Wholesale Distribution of Fish or Seafoods. The purpose of the survey is to secure information on foreign direct investment in U.S. fish and seafood processing firms in order to analyze the market shares and impact of their operations on the domestic fish and seafood processing and wholesaling industries, and ultimately, the U.S. fishing industry.

There has been a continuing Congressional interest in foreign involvement in the U.S. fishing industry and the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265) requires a phaseout of foreign involvement within our territorial seas as U.S. capacity develops. Barriers in the processing and marketing area may impede development of U.S. fishing capacity.

EFFECTIVE DATE: This rule is effective December 9, 1981.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523–0657.

SUPPLEMENTARY INFORMATION: In the July 6, 1981 **Federal Register**, Volume 46, No. 128, (46 FR 34812) BEA published a notice of proposed rulemaking to amend 15 CFR Part 806 to provide for this survey. In the July 15, 1981 **Federal Register**, Volume 46, No. 135, (46 FR 36715) the due date for comments was extended to August 6, 1981. Comments received in resonse to the notice of proposed rulemaking were considered in making this final rule, but did not result in any changes in the planned rules and survey form. No substantive changes have been made; some clarifying wording has been added.

The survey will consist of three forms:

(1) Form BE–21P, "Identification Questionnaire," which is to be completed in advance of the other two forms and will be used to prepare a mailing list for the two statistical reports, Forms BE–21A and BE–21B.

(2) Form BE–21A, "Report for a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person," which is to be completed by the U.S. affiliate, i.e., the U.S. business enterprise that is owned to the extent of 10 percent or more, directly or indirectly, by one foreign person, and that engaged in the processing, packaging, or wholesale distribution of fish or seafoods. The form is to cover the fully consolidated U.S. business enterprise, including all subsidiaries that are more than 50-percent owned.

(3) Form BE–21B, "Report for each Establishment of a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person," which is to be completed for each establishment, of the U.S. affiliate, that engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

Form BE–21P has been cleared by OMB. Forms BE–21A and B will not be prepared for comment until after the information reported on the BE–21P has been processed.

OMB publishes a notice in the FR of report forms received for clearance, which includes information on securing copies of the submission and to whom comments on the forms should be submitted. When Forms BE–21A and BE–21B have been prepared, they will be submitted to OMB for approval and the public may comment on them during OMB's regular clearance process. BEA itself will not issue any further notices as concerns Forms BE–21A and BE–21B. Forms BE–21A and BE–21B will not become effective until they have been approved by OMB under 44 U.S.C., Chapter 35, as amended.

All legal authorities, provisions, definitions, and requirements contained in 15 CFR 806.1 through 806.13 and 806.15 (a), (b), (c), (e), and (f) are also applicable to this survey.

The Bureau of Economic Analysis has determined that this rule is not "major" under Executive Order 12291. The public use burden will be undertaken within the Department of Commerce allocated FY 1982 Information Collection Budget ceiling.

Regulatory Flexibility Act—The provisions of the Regulatory Flexibility Act relating to a final rule are not applicable to this final rule, because it will not have a significant economic impact on a substantial number of small entities. As indicated in the material submitted to OMB requesting clearance of the form and the proposed rule, only 4,000 entities are expected to be subject to the reporting requirements of the identification questionnaire, Form BE–21P. Not all of these are small entities and the average completion time will not exceed one-half hour. For those who have to complete the full questionnaire, the burden should not exceed one hour. The number of enterprises estimated to be required to complete the statistical reports—Forms BE–21A and B—is only 60. Most of those will be large firms.

Copies of these forms may be obtained from the Bureau of Economics.

Accordingly, it is hereby certified under provisions of the Regulatory Flexibility Act [5 U.S.C. 605(b)], that this rule will not have a significant economic impact on the substantial number of small entities.

Part 806 is therefore modified as set forth below.

Sherman E. Unger,

General Counsel.

PART 806—DIRECT INVESTMENT SURVEYS

The following subparagraph (j)(5) is added to § 806.15(j):

§ 806.15 Foreign direct investment in the United States.

* * * * *

(j) Other report forms

* * * * *

(5) BE–21—Survey of Foreign Direct Investment in U.S. Business Enterprises Engaged in the Processing, Packaging, or Wholesale Distribution of Fish or Seafoods. Reporting consists of:

(i) Form BE–21P—Identification Questionnaire. A completed questionnaire is required from (a) each U.S. business enterprise that is a U.S. affiliate of a foreign person and that engaged in the processing, packaging, or wholesale distribution of fish or seafoods, and (b) any person to whom a questionnaire is sent by BEA.

(ii) Form BE–21A—Report for a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person. A completed report is required from each

U.S. business enterprise that is a U.S. affiliate of a foreign person and that engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

(iii) Form BE-21B—Report for each Establishment of a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person. A completed report is required for each establishment, of the U.S. affiliate, that engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

[FR Doc. 81-35281 Filed 12-8-81; 8:45 am]

BILLING CODE 3510-06-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. IC-12072]

Delegation of Authority to Director of Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Investment Management authority to issue notices and orders in connection with certain applications for orders of exemption or approval by the Commission under the Investment Company Act of 1940. Such authority is limited to applications which, upon examination, do not appear to the Director to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held. The change will enable the Commission and its staff to process such requests for exemption or approval more expeditiously, resulting in savings of time for the Commission and the public.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara G. Fraser, (202) 272-3017 or Mary A. Cole, (202) 272-3023, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On October 21, 1980, amendments (the "1980 Amendments") to the Investment Company Act of 1940 (the "1940 Act") (15 U.S.C. 80a-1 et seq.), Title I of the Small Business Investment Incentive Act of 1980 (Pub. Law. No. 96-477), which establish a regulatory system for certain domestic, closed-end investment companies, defined as "business development companies," became effective. Approval by order of the Commission of certain transactions between business development companies and certain related persons is required as part of that regulatory scheme. Specifically, pursuant to the terms of section 57(c) of the 1940 Act (15 U.S.C. 80a-56(c)), certain persons[1] may not knowingly purchase property or borrow money from or sell property to a business development company or a company controlled by such a company unless the Commission has issued any such person an order of exemption. Pursuant to the terms of section 57(j) of the 1940 Act (15 U.S.C. 80a-56(j)), a director of a business development company who is not also an officer or employee or general partner in the company may not obtain a loan from the company unless the Commission has approved the loan by order. Pursuant to section 57(k) of the 1940 Act (15 U.S.C. 80a-56(k)), certain persons[2] acting as brokers may not receive commissions exceeding that described in the Act unless the Commission has granted an order permitting such larger commissions. Pursuant to the terms of section 57(n) of the 1940 Act (15 U.S.C. 80a-56(n)), a business development company may establish a profit-sharing plan for directors who are not also officers or employees of or general partners in the company only if such plan is approved by order of the Commission. Finally, pursuant to the terms of section 61(a)(3) (15 U.S.C. 80a-60(a)(3)), such a company may issue warrants, options and rights to subscribe or convert to voting securities to directors who are not also officers or employees of or general partners in the company only if the proposal to issue such securities has been approved by order of the Commission.

Since the authority of the Commission to issue notices and orders under the above sections of the 1940 Act is contained in those sections, at the present time the Division does not have delegated authority to issue notices and orders on applications filed under those sections. So that applications for orders pursuant to the above five sections may be processed as expeditiously as possible, the Commission is hereby amending rule 30-5 (17 CFR 200.30-5) of its rules relating to general organization to delegate to the Director of the Division of Investment Management authority to issue notices and orders on applications filed pursuant to sections 57(c), 57(j), 57(k), 57(n) and 61(a)(3) of the 1940 Act (15 U.S.C. 80a-56(c), 56(j), 56(k), 56(n) and 60(a)(3)) where, upon examination, the matter does not appear to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or interest of investors requires that a hearing be held.

[1] Section 57(b) of the 1940 Act (15 U.S.C. 80a-56(b)) lists such persons.

[2] Section 57(l) of the 1940 Act (15 U.S.C. 80a-56(l)) lists such persons.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by adding paragraphs (a)(1)(xxvi), (xxvii), (xxviii), (xxix) and (xxx) to § 200.30-5 to read as follows:

§ 200.30-5 Delegation of authority to Director of Division of Investment Management.

* * * * *

(a) * * *

(1) * * *

(xxvi) Section 57(c), 15 U.S.C. 80a-56(c).

(xxvii) Section 57(j), 15 U.S.C. 80a-56(j).

(xxviii) Section 57(k), 15 U.S.C. 80a-56(k).

(xxix) Section 57(n), 15 U.S.C. 80a-56(n).

(xxx) Section 61(a)(3), 15 U.S.C. 80a-60(a)(3).

* * * * *

The Commission finds, in accordance with sections 553(b) and 553(d) of the Administrative Procedure Act (5 U.S.C. 553(b) and 553(d)), that the foregoing action relates solely to agency organization, procedure or practice; and that section 553(b) of such Act (5 U.S.C. 553(b)) makes unnecessary the notice and prior publication required by section 553 of such Act (5 U.S.C. 553). In view of the foregoing, good cause exists for dispensing with the normal 30-day delay in effectiveness. Accordingly, the amendments to Rule 30-5 are effective immediately.

(Pub. L. No. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2)

By the Commission.

George A. Fitzsimmons,

Secretary.

December 3, 1981.

[FR Doc. 81-35283 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 240

[Release No. 34-18300]

Requirements for Broker-Dealer Filing and Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is eliminating the requirement imposed on broker-dealers to file Schedules II and III of Form X-17A-5, the Financial and Operational Combined Uniform Single ("FOCUS") Report. The two Schedules were designed to capture certain financial data which the Commission will be able to obtain, in less detail, from sources other than the Schedules. Broker-dealers' reporting requirements will therefore be reduced. However, Schedule I which contains operational information needed for regulatory purposes will be retained in its present form.

DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, Washington, D.C. 20549 (202) 523-5493; or James G. Moody, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-2370.

SUPPLEMENTARY INFORMATION: Rule 17a-10 (17 CFR 240.17a-10) requires broker-dealers to file Schedules I, II and III of Form X-17A-5.[1]

1. Schedule I of Form X-17A-5 is a calendar year unconsolidated report, designed to measure certain financial and operational characteristics of a registered broker-dealer, which must be filed by all registrants as a supplement to the regular fourth quarter Part II or IIA[2] of Form X-17A-5 within seventeen business days after the end of the quarter. Schedule I will continue to be required in its present form.

2. Schedule II of Form X-17A-5 requires the listing of annual revenue, expense and net income items (reflecting the aggregate of all such items during the calendar year) and certain balance sheet items (as of the end of the calendar year) and must be filed by all registrants except those exempt from the filing requirements of paragraphs (a)(i), (ii) and (iii) with the fourth quarter Part II or IIA within seventeen business days after the end of the fourth calendar quarter. Schedule II is eliminated with the publication or this Release.

3. Schedule III of Form X-17A-5 requires detailed information pertaining to realized gains (losses) in securities trading accounts, profit (loss) from underwriting and selling groups, income from other selected securities activities and short and long positions in firm securities, commodities, joint and capital accounts, and must be filed on a calendar year basis as a supplement to the fourth quarter Part II within sixty calendar days of the end of the fourth calendar quarter by any broker-dealer which files Part II of Form X-17A-5 and has annual gross revenue related to the securities business of $10 million or more for the calendar year. Schedule III is eliminated with the publication of this Release.

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934 and particularly sections 15(c)(3), 17 and 23 thereof, 15 U.S.C. 78*o*(c)(3), 78q and 78w, the Commission is amending § 240.17a-10 of Title 17 of the Code of Federal Regulations as set forth below. There are no burdens imposed on competition by the amendments. Pursuant to section 4(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the Commission finds that notice and opportunity for comment are unnecessary because the amendments provide relief to broker-dealers without impairing any protections to investors. Pursuant to section 4(c) of the Administrative Procedure Act (5 U.S.C. 553(d)), the Commission has determined to make the amendments effective immediately upon publication in the **Federal Register** since they relieve restrictions that are currently imposed by the provisions hereby being amended.

Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.), imposes new procedural steps applicable to agency rulemaking which has "a significant economic impact on a substantial number of small entities." The Act, however, is not applicable to rules for which the agency does not publish a general notice of proposed rulemaking, and therefore does not apply to this rule.

Amendment

In accordance with the foregoing, 17 CFR Part 240 is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By removing paragraphs (a)(3) and (e) of § 240.17a-10 and revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 240.17a-10 Report on revenue and expenses.

(a)(1) Every broker or dealer exempted from the filing requirements of paragraph (a) of § 240.17a-5 shall, not later than 17 business days after the close of each calendar year, file the Facing Page, a Statement of Income (Loss) and balance sheet from Part IIA of Form X-17A-5 (§ 249.617 of this chapter) and Schedule I of Form X-17A-5 (§ 249.617 of this chapter) for such calendar year.

(2) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a-5 shall submit Schedule I of Form X-17A-5 (§ 249.617 of this chapter) with its Form X-17A-5 (§ 249.617 of this chapter) for the calendar quarter ending December 31 of each year.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

December 3, 1981.

[FR Doc. 81-35235 Filed 12-8-81: 8:45 am]

BILLING CODE 8010-01-M

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[1] The Commission adopted the FOCUS Report as of January 1, 1976. See Securities Exchange Act Release No. 11935 (December 17, 1975) 40 FR 59706 (December 30, 1975).

[2] Part II of Form X-17A-5 is a comprehensive quarterly report which must be filed by every broker-dealer who clears transactions or carries customer accounts. Part IIA is a less detailed quarterly report which must be filed by broker-dealers who do not clear transactions or carry customer accounts.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (New Mexico—6); Order No. 195]

High-Cost Gas Produced From Tight Formations; New Mexico

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

Issued: December 3, 1981.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation

designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of New Mexico Oil Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation in New Mexico as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued September 22, 1981 (46 FR 49466, September 28, 1981)[1] based on a recommendation by the New Mexico Oil Conservation Commission (New Mexico) in accordance with § 271.703(c) that the Dakota Formation be designated as a tight formation.

Evidence submitted by New Mexico supports the assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). One comment was received in response to the Notice of Proposed Rulemaking from Southern California Company (SoCal). SoCal noted that by Order No. R–1670–V, New Mexico authorized infill drilling in the Basin Dakota Gas Pool. Order No. R–1670–C, issued November 4, 1960, consolidated all Dakota gas production in San Juan and Rio Arriba Counties, created the Basin Dakota Gas Pool, and established 320-acres gas proration units. Order No. R–1670–V, issued May 22, 1979, retained the original 320-acre unit spacing, but allowed the drilling of an additional well on each unit. Citing to Commission Order No. 137–A, in Docket No. RM79–76,[2] wherein the Commission excluded from a tight formation designation certain fields in a formation which had been subject to an infill drilling order and had been substantially developed at the time the infill drilling order was issued, SoCal indicated that a similar situtation, requiring exclusion of the infill area, may exist for the recommended Dakota Formation.

The Commission has reviewed SoCal's comments and for the following reasons does not believe that an exclusion of infill areas is required in this case. There are 422 drilling units in the Dakota formation recommended by New Mexico for tight formation designation. Wells have been drilled in 35 of these units, representing 8.3 percent of the available drilling sites. Of the 35 wells drilled, 22 have been abandoned, leaving 13 wells currently producing. All of these Dakota wells are the only wells in their drilling units. There has been been no infill drilling in the area proposed for tight formation designation, and the Commission finds that the area has not been substantially developed, as was the area excluded in Order No. 137. For the reasons stated above, the Commission adopts the New Mexico recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available a soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective December 3, 1981.

By the Commission. Commissioner Sheldon voted present.

Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (60) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(60) *The Dakota Formation in New Mexico.* RM79–76 (New Mexico—6).

(i) *Delineation of formation.* The Dakota Formation underlies portions of Townships 24 and 25 North, Ranges 7 through 10 West, in San Juan and Rio Arriba Counties, New Mexico. The producing interval of the Basin Dakota Field in the Dakota Formation is defined as beginning at the base of the Greenhorn Limestone, and extending to a point 400 feet below the base of the Greenhorn Limestone.

(ii) *Depth.* The average depth to the top of the Dakota Formation is 6,350 feet. The Dakota Formation begins at the base of the Greenhorn Limestone and is 200 to 350 feet in gross thickness.

[FR Doc. 81–35216 Filed 12–8–81; 8:45 am]

BILLING CODE 6717–01–M

[1] No party requested a hearing in this docket and no hearing was held.

[2] "Order Denying Application for Rehearing of Order No. 137," issued June 17, 1981 (46 FR 32235, June 22, 1981).

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 504

[AR 190–06]

Obtaining Information From Financial Institutions

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This rule establishes policy and procedures governing access to and disclosure of financial records maintained by financial institutions during the conduct of Army investigations or inquiries. It delineates procedures that must be followed by Army law enforcement elements, which are authorized to request such information. Adherance to this rule will ensure that Army law enforcement elements comply with the Right to Financial Privacy Act of 1978.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: MAJ Thomas W. Anderson, 202–756–1896.

SUPPLEMENTARY INFORMATION: The Right to Financial Privacy Act of 1978 restricted the government's authority to have access to, or obtain copies of, the information contained in the financial records of any customer from a financial institution unless the financial records are reasonably described and—

(1)The customer authorizes disclosure;

(2) The financial records are disclosed in response to an administrative subpoena or summons;

(3) The financial records are disclosed in response to a search warrant;

(4) The financial records are disclosed in response to a judicial subpoena; or

(5) The records are disclosed in response to a formal written request.

Department of Defense Directive 5400.12, Obtaining Information from Financial Institutions, provided guidance and procedures for Department of Defense components to implement this Act. This rule further implements the Act for the Department of the Army. It specifies that it is Department of the Army policy to seek consent of the customer in order to obtain a customer's financial records from a financial institution unless doing so would compromise or harmfully delay a legitimate law enforcement inquiry. If obtaining consent is not possible or if the customer declines to grant access, this rule details alternate means by which Army investigative elements may seek such access under the law.

Proposed rulemaking was published on page 11672–11678 of the **Federal Register** of February 10, 1981, and invited comments for 30 days ending March 12, 1981. No substantive comments were received.

No substantive changes have been made to the rule. Numerous editorial adjustments have been made in the interest of clarity and the Department of the Army regulation format requirements. The "AR 190–XX" designation has been changed to "AR 190–6".

The Department of the Army has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to this rule.

(12 U.S.C. 3401 et seq., Pub. L. 95–630)

Accordingly, 32 CFR is amended by adding a new Part 504 as set forth below:

Dated: December 1, 1981.

John O. Roach II,

Army Liaison Officer With the Federal Register.

The following Part 504 is added as follows:

PART 504—OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS

Sec.

504.1 General.
504.2 Procedures.
Appendix A—Request for Basic Identifying Account Data—Sample Format
Appendix B—Customer Consent and Authorization for Access—Sample Format
Appendix C—Certificate of Compliance With the Right to Privacy Act of 1978—Sample Format
Appendix D—Formal Written Request for Access—Sample Format
Appendix E—Customer Notice of Formal Written Request —Sample Format

Authority: 12 U.S.C. 3401 et seq., Pub. L. 95–630.

§ 504.1 General.

(a) *Purpose.* This regulation provides DA policies, procedures, and restrictions governing access to and disclosure of financial records maintained by financial institutions during the conduct of Army investigations or inquiries.

(b) *Applicability and scope.* (1) This regulation applies to all DA investigative activities conducted by the Active Army, the Army National Guard, and the US Army Reserve.

(2) The provisions of 12 U.S.C. 3401 et seq. do not govern obtaining access to financial records maintained by financial institutions located outside of the states or territories of the United States, Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands. The procedures outlined in § 504.2(d)(4) will be followed in seeking access to financial information from these facilities.

(3) This regulation applies only to financial records maintained by financial institutions as defined in § 504.1(c)(1).

(c) *Explanation of terms.* For purposes of this regulation, the following terms apply:

(1) *Financial institution.* Any office of a—

(i) Bank.

(ii) Savings bank.

(iii) Credit card issuer as defined in section 103 of the Consumers Credit Protection Act (15 U.S.C. 1602(n)).

(iv) Industrial loan company.

(v) Trust company.

(vi) Savings and loan association.

(vii) Building and loan association.

(viii) Homestead association (including cooperative banks).

(ix) Credit union.

(x) Consumer finance institution.

This includes only those offices located in any State or territory of the United States, or in the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(xi) Military banking contractors located outside the States or territories of the United States or the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(2) *Financial record.* An original record, its copy, or information known to have been derived from the original record held by a financial institution, pertaining to a customer's relationship with the financial institution.

(3) *Person.* An individual or partnership of five or fewer individuals. (Per DODD 5400.12.)

(4) *Customer.* Any person or authorized representative of that person—

(i) Who used or is using any service of a financial institution.

(ii) For whom a financial institution is acting or has acted as a fiduciary for an account maintained in the name of that person.

(5) *Law enforcement inquiry.* A lawful investigation or official proceeding that inquires into a violation of, or failure to comply with, a criminal or civil statute or any enabling regulation, rule, or order issued pursuant thereto.

(6) *Army law enforcement office.* Any army element, agency, or unit authorized to conduct investigations under the Uniform Code of Military Justice or Army regulations. This broad definition of, Army law enforcement office includes military police, criminal investigation, inspector general, and military intelligence activities conducting investigations of violations of law or regulation.

(7) *Personnel security investigation.* An investigation required to determine a person's eligibility for access to classified information, assignment or retention in sensitive duties, or other designated duties requiring such investigation. Personnel security investigation includes investigations of subversive affiliations, suitability information, or hostage situations conducted to make personnel security determinations. It also includes investigations of allegations that—

(i) Arise after adjudicative action, and

(ii) Require resolution to determine a person's current eligibility for access to classified information or assignment or retention in a sensitive position. Within DA, personnel security investigations are conducted by the Defense Investigative Service.

(d) *Policy.*—(1) *Customer consent.* It is DA policy to seek customer consent to obtain a customer's financial records from a financial institution unless doing so would compromise or harmfully delay a legitimate law enforcement inquiry. If the person declines to consent to disclosure, the alternative means of obtaining the records authorized by this regulation will be used. (See § 504.2 (c) through (g).)

(2) *Access requests.* Except as provided in paragraph (d)(3) of this section and § 504.1(f)(1), 504.2(g) and 504.2(j), Army investigative elements may not have access to or obtain copies of the information in the financial records of any customer from a financial institution unless the financial records are reasonably described and the—

(i) Customer has authorized such disclosure (§ 504.2(b));

(ii) Financial records are disclosed in response to a search warrant which meets the requirements of § 504.2(d);

(iii) Financial records are disclosed in response to a judicial subpoena which meets the requirements of § 504.2(e); or

(iv) Financial records are disclosed in response to a formal written request which meets the requirements of § 504.2(f).

(3) *Voluntary information.* Nothing in this regulation will preclude any financial institution, or any officer, employee, or agent of a financial institution, from notifying an Army investigative element that such institution, or officer, employee or agent has information which may be relevant to a possible violation of any statute or regulation.

(e) *Authority.* (1) Law enforcement offices are authorized to obtain records of financial institutions per this regulation, except as provided in § 504.2(e).

(2) The head of a law enforcement office, of field grade rank or higher (or an equivalent grade civilian official), is authorized to initiate requests for such records.

(f) *Exceptions and waivers.* (1) A law enforcement office may issue a formal written request for basic identifying account information to a financial institution as part of a legitimate law enforcement inquiry. The request may be issued for any or all of the following identifying data:

(i) Name.

(ii) Address.

(iii) Account number.

(iv) Type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transactions.

(2) A request for disclosure of the above specified basic identifying data on a customer's account may be issued without complying with the customer notice, challenge, or transfer procedures described in § 504.2. However, if access to the financial records themselves is required, the procedures in § 504.2 must be followed. (A sample format for requesting basic identifying account data is in App. A.)

(3) No exceptions or waivers will be granted for those portions of this regulation required by law. Submit requests for exceptions or waivers of other aspects of this regulation to HQDA(DAPE–HRE), WASH, DC 20310.

§ 504.2 Procedures.

(a) *General.* A law enforcement official seeking access to a person's financial records will, when feasible, obtain the customer's consent. This chapter also sets forth other authorized procedures for obtaining financial records if it is not feasible to obtain the customer's consent. Authorized procedures for obtaining financial records follow. All communications with a US Attorney or a US District Court, as required by this regulation, will be coordinated with the supporting staff judge advocate before dispatch.

(b) *Customer consent.* (1) A law enforcement office or personnel security element may gain access to or a copy of a customer's financial records by obtaining the customer's consent and authorization in writing. (See App. B for a sample format.) Any consent obtained under the provisions of this paragraph must—

(i) Be in writing, signed, and dated.

(ii) Identify the particular financial records being disclosed.

(iii) State that the customer may revoke the consent at any time before disclosure.

(iv) Specify the purpose of disclosure and to which agency the records may be disclosed.

(v) Authorize the disclosure for a period not over 3 months.

(vi) Contain a "Statement of Customer Rights Under the Right to Financial Privacy Act of 1978" (App. B).

(2) Any customer's consent not containing all of the elements listed in paragraph a of this section will not be valid.

(3) A copy of the customer's consent will be made a part of the law enforcement inquiry file.

(4) A certification of compliance with 12 U.S.C. 3401 et seq. (App. C), along with the customer's consent, will be provided to the financial institution as a prerequisite to obtaining access to the financial records.

(5) The annual reporting requirements of § 504.2(m) apply to requests made to a financial institution even with the customer's consent.

(c) *Administrative summons or subpoena.* The Army has no authority to issue an administrative summons or subpoena for access to financial records.

(d) *Search warrant.* (1) A law enforcement office may obtain financial records by using a search warrant obtained under Rule 41 of the Federal Rules of Criminal Procedure in appropriate cases.

(2) No later than 90 days after the search warrant is served, unless a delay of notice is obtained under § 504.2(i), a copy of the search warrant and the following notice must be mailed to the customer's last known address:

Records or information concerning your transactions held by the financial institution named in the attached search warrant were obtained by this (office/agency/unit) on (date) for the following purpose: (state purpose). You may have rights under the Right to Financial Privacy Act of 1978.

(3) Search authorization signed by installation commanders or military judges will not be used to gain access to financial records from financial institutions in any State or territory of the United States.

(4) Access to financial records maintained by military banking contractors in oversea areas or by other financial institutions located on DOD installations outside the United States, Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands is preferably obtained by customer consent.

(i) In cases where it would not be appropriate to obtain this consent or such consent is refused and the financial institution is not otherwise willing to provide access to its records, the law enforcement activity may seek access by use of a search authorization. This authorization must be prepared and issued per AR 27–10, Legal Services.

(ii) Information obtained under this paragraph should be properly identified as financial information. It should be transferred only where an official need-to-know exists. Failure to do so, however, does not render the information inadmissable in courts-martial or other proceedings.

(iii) Law enforcement activities seeking access to financial records maintained by all other financial institutions overseas will comply with local foreign statutes or procedures governing such access.

(e) *Judicial subpoena.* Judicial subpoenas—

(1) Are those subpoenas issued in connection with a pending judicial proceeding.

(2) Include subpoenas issued under paragraph 115 of the Manual for Courts-Martial and Article 46 of the Uniform Code of Military Justice. The servicing staff judge advocate will be consulted on the availability and use of judicial subpoenas. The notice and challenge provisions of 12 U.S.C. 3407 and 3410 will be followed.

(f) *Formal written request.* (1) A law enforcement office may formally reques financial records when the records are relevant to a legitimate law enforcemen inquiry. This request may be issued only if—

(i) The customer has declined to consent to the disclosure of his or her records, or

(ii) Seeking consent from the customer would compromise or harmfully delay a legitimate law enforcement inquiry.

(2) A formal written request will be in a format set forth in appendix D and will—

(i) State that the request is issued under the Right to Financial Privacy Act of 1978 and this regulation.

(ii) Described the specific records to be examined.

(iii) State that access is sought in connection with a legitimate law enforcement inquiry.

(iv) Describe the nature of the inquiry.

(v) Be signed by the head of the law enforcement office or a designee (persons specified in § 504.1(e)(2)).

(3) At the same time or before a formal written request is issued to a financial institution, a copy of the request will be personally served upon or mailed to the customer's last known address unless a delay of customer notice has been obtained under § 504.2(i). The notice to the customer will be—

(i) In a format similar to Appendix E.

(ii) Personally served at least 14 days or mailed at least 18 days before the date on which access is sought.

(4) The official who signs the customer notice is designated to receive any challenge from the customer.

(5) The customer will have 14 days to challenge a notice request when personal service is made, and 18 days when service is by mail.

(6) The head of the law enforcement office initiating the formal written request will set up procedures to insure that no access to financial records is attempted before expiration of the above time periods—

(i) While awaiting receipt of a potential customer challenge, or

(ii) While awaiting the filing of an application for an injunction by the customer.

(7) Proper preparation of the formal written request and notice to the customer requires preparation of motion papers and a statement suitable for court filing by the customer. Accordingly, the law enforcement office intending to initiate a formal written request will coordinate preparation of the request, the notice, motion papers, and sworn statement with the supporting staff judge advocate. These documents are required by statute; their preparation cannot be waived.

(8) The supporting staff judge advocate is responsible for liaison with the proper United States Attorney and United States District Court. The requesting official will coordinate with the supporting staff judge advocate to determine whether the customer has filed a motion to prevent disclosure of the financial records within the prescribed time limits.

(9) The head of the law enforcement office (§ 504.2(f)(2)) will certify in writing (see App. C) to the financial institution that such office has complied with the requirements of 12 U.S.C. 3401 et seq.—

(i) When a customer fails to file a challenge to access to financial records within the above time periods, or

(ii) When a challenge is adjudicated in favor of the law enforcement office.

No access to any financial records will be made before such certification is given.

(g) *Emergency access.* (1) In some cases, the requesting law enforcement office may determine that a delay in obtaining access would create an imminent danger of—

(i) Physical injury to a person,

(ii) Serious property damage, or

(iii) Flight to avoid prosecution.

§ 504.2(g)(2)(3) provides for emergency access in such cases of imminent danger. (No other procedures in this regulation apply to such emergency access.)

(2) When emergency access is made to financial records, the requesting official (§ 504.1(e)(2)) will—

(i) Certify in writing (in a format similar to that in App. C) to the financial institution that the provisions of 12 U.S.C. 3401 et seq. have been complied with as a prerequisite to obtaining access.

(ii) File with the proper court a signed, sworn statement setting forth the grounds for the emergency access within 5 days of obtaining access to financial records.

(3) After filing of the signed, sworn statement, the official who has obtained access to financial records under this paragraph will—

(i) Personally serve or mail to the customer a copy of the request to the financial institution and the following notice, unless a delay of notice has been obtained under § 504.2(i):

> Records concerning your transactions held by the financial institution named in the attached request were obtained by (office/agency/unit) under the Right to Financial Privacy Act of 1978 on (date) for the following purpose: (state with reasonable detail the nature of the law enforcement inquiry). Emergency access to such records was obtained on the grounds that (state grounds).

(ii) Insure that mailings under this section will be by certified or registered mail to the last known address of the customer.

(4) The annual reporting requirements of § 504.2(m) apply to any request for access under this section.

(h) *Release of information obtained from financial institutions.*—(1) *Records notice.* Financial records, to include derived information, obtained under 12 U.S.C. 3401 et seq. will be marked as follows:

> This record was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and may not be transferred to another Federal agency or department outside DOD without prior compliance with the transferring requirements of 12 U.S.C. 3412.

(2) *Records transfer.* (i) Financial records originally obtained under this regulation will not be transferred to another agency or department outside the DOD unless the transferring law enforcement office certifies their relevance in writing. Certification will state that there is reason to believe that the records are relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency or department. To support this certification, the transferring office may require that the requesting agency submit adequate justification for its request. File a copy of this certification with a copy of the released records.

(ii) Unless a delay of customer notice has been obtained (§ 504.2(i)), the transferring law enforcement office will, within 14 days, personally serve or mail the following to the customer at his or her last known address—

(A) A copy of the certification made according to § 504.2(h)(2)(i) and

(B) The following notice, which will state the nature of the law enforcement inquiry with reasonable detail:

> Copies of, or information contained in, your financial records lawfully in possession of the Department of the Army have been furnished to (state the receiving agency or department) pursuant to the Right to Financial Privacy Act of 1978 for (state the purpose). If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Financial Privacy Act of 1978 or the Privacy Act of 1974.

(iii) If a request for release of information is from a Federal agency authorized to conduct foreign intelligence or foreign counterintelligence activities (Executive Order 12036) and is for puposes of conducting such activities by these agencies, the information will be released without notifying the customer, unless permission to provide notification is given in writing by the requesting agency.

(iv) Financial information obtained before the effective date of the Financial Privacy Act of 1978 (10 March 1978) may continue to be provided to other agencies according to existing procedures, to include applicable Privacy Act System Notices published in AR 340–21 series.

(3) *Precautionary measures.* Whenever financial data obtained under this regulation is incorporated into a report of investigation or other correspondence, precautions must be taken to insure that—

(i) The report or correspondence is not is not distributed outside of DOD except in compliance with paragraph (h)(2)(ii)(B) of this section.

(ii) The report or other correspondence contains the following warning restriction on the first page or cover:

> Some of the information contained herein (cite specific paragraphs) is financial record information which was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq. This information may not be released to another Federal agency or department outside the DOD without compliance with the specific requirements of 12 U.S.C. 3412 and AR 190–6.

(i) *Delay of customer notice procedures.*—(1) *Length of delay.* The customer notice required by formal written request (§ 504.2(f)(3)), emergency access (§ 504.2(g)(3)), and release of information (§ 504.2(h)(2)(iii)) may be delayed for successive periods of 90 days. The notice required for search warrant (§ 504.2(d)(2)) may be delayed for one period of 180 days and succesive periods of 90 days.

(2) *Conditions for delay.* A delay of notice may be granted only by a court of competent jurisdiction. This will be done only when not granting a delay in serving the notice would result in—

(i) Endangering the life or physical safety of any person.

(ii) Flight from prosecution.

(iii) Destruction of or tampering with evidence.

(iv) Intimidation of potential witnesses.

(v) Otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding to the same degree as the circumstances in § 504.2(i)(2)(ii) through (iv).

(3) *Coordination.* When a delay of notice is appropriate, the law enforcement office involved will consult with the supporting staff judge advocate to obtain such a delay. Applications for delays of notice should contain reasonable detail.

(4) *After delay expiration.* Upon the expiration of a delay of notice under above and required by—

(i) § 504.2(d)(1), the law enforcement office obtaining financial records will mail to the customer a copy of the search warrant and the following notice.

> Records or information concerning your transactions held by the financial institution named in the attached search warrant were obtained by this (agency or office) on (date). Notification was delayed beyond the statutory 90-day delay period pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning (state with reasonable detail). You may have rights under the Right to Financial Privacy Act of 1978.

(ii) § 504.2(f)(3), the law enforcement office obtaining financial records will serve personally or mail to the customer a copy of the process or request and the following notice:

> Records or information concerning your transactions which are held by the financial institution named in the attached process or request were supplied to or requested by the government authority named in the process or request on (date). Notification was withheld pursuant to a determination by the (title of the court so ordering) under the Right to Financial Privacy Act of 1978 that such notice might (state reason). The purpose of the investigation or official proceeding was (state purpose with reasonable detail).

(iii) § 504.2(g)(3), the law enforcement office obtaining financial records will serve personally or mail to the customer a copy of the request and the notice required by § 504.2(g)(3).

(iv) § 504.2(h)(2), the law enforcement office transferring financial records will serve personally or mail to the customer the notice required by § 504.2(f)(3). If the law enforcement office was responsible for obtaining the court order authoriziang the delay, such office shall also serve personally or by mail to the customer the notice required in § 504.2(f)(3).

(5) *Annual reports.* The annual reporting requirements of § 504.2(m) apply to delays of notice sought or granted under this paragraph.

(j) *Foreign intelligence and foreign counterintelligence activities.* (1) Except as indicated below, nothing in this regulation applies to requests for financial information in connection with authorized foreign intelligence and foreign counterintelligence activities as defined in Executive Order 12036. Appropriate foreign intelligence and counterintelligence directives should be consulted in these instances.

(2) However, to comply with the Financial Privacy Act of 1978, the following guidance will be followed for such requests. When a request for financial records is made—

(i) A military intelligence group commander, the chief of an investigative control office, or the Commanding General (or Deputy CG), US Army Intelligence and Security Command, will certify to the financial institution that the requesting activity has complied with the provisions of 12 U.S.C. 3403(b).

(ii) The requesting official will notify the financial institution from which records are sought that 12 U.S.C. 3414(a)(3) prohibits disclosure to any person by the institution, its agents, or employees that financial records have been sought or obtained.

(3) The annual reporting requirements shown in § 504.2(m) apply to any request for access under this section.

(k) *Certification.* A certificate of compliance with the Right of Financial Privacy Act of 1978 (App. C) will be provided to the financial institution as a prequisite to obtaining access to financial records under the following access procedures:

(1) Customer consent (§ 504.2(b)).
(2) Search warrant (504.2(d)).
(3) Judicial subpoena (504.2(e)).
(4) Formal written request (504.2(f)).
(5) Emergency access (504.2(g)).
(6) Foreign intelligence and foreign counterintelligence activities (§504.2(j)).

(l) *Penalties.* Obtaining or disclosing financial records or financial information on a customer from a financial institution in violation of the Act or this regulation may subject the Army to payment of civil penalties, actual damages, punitive damages as the court may allow, and cost with reasonable attorney fees. Military and civilian personnel who willfully or intentionally violate the Act or this regulation may be subject to disciplinary action.

(m) *Right to Financial Privacy Act of 1978 Annual Report (RCS DD–COMP(A)1538).* (1) Major Army commanders will submit this report to HQDA(DAPE–HRE) concerning requests for financial information from financial institutions. Reports are to include all queries requested or information obtained under the provisions of this regulation by subordinate Army law enforcement offices (as defined in §504.1(c)(6)). Negative reports will be submitted.

(2) This report is to arrive at HQDA(DAPE–HRE), WASH, DC 20310, not later than 1 February following the calendar year reported.

(3) The annual report will contain the number of—

(i) Requests for access to financial institutions, specifying the types of

access and any other information deemed relevant or useful.

(ii) Customer challenges to access and whether they were successful.

(iii) Transfers to agencies outside of the DOD of information obtained under this regulation.

(iv) Customer challenges to the transfer of information and whether they were successful.

(v) Applications for delay of notice, the number granted, and the names of the officials requesting such delays.

(vi) Delay of notice extensions sought and the number granted.

(vii) Refusals by financial institutions to grant access, by category of authorization, such as customer consent or formal written request.

(4) A consolidated Army report will be submitted by HQDA(DAPE–HRE) to the Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense (Administration), by 15 February each year.

Appendix A.—Request for Basic Identifying Account Data—Sample Format

(Official Letterhead)

(Date)

Mr./Mrs. XXXXXXXXXX,
Chief Teller (as appropriate), First National Bank, Little Rock, AR 72203.

Dear Mr./Mrs. XXXXXXXXXX: In connection with a legitimate law enforcement inquiry and pursuant to section 3414(g) of the Right to Financial Privacy Act of 1978, section 3401 et seq., Title 12, United States Code, you are requested to provide the following account information: (name, address, account number, and type of account of any customer or ascertainable group of customers associated with a certain financial transaction or class of financial transactions as set forth in § 504.1(f)).

I hereby certify, pursuant to section 3403(b) of the Right to Financial Privacy Act of 1978, that the provisions of the Act have been complied with as to this request for account information.

(Official Signature Block)

Under section 3417(c) of the Act, good faith reliance upon this certification relieves your institution and its employees and agents of any possible liability to the subject in connection with the disclosure of the requested financial records.

Appendix B.—Customer Consent and Authorization for Access—Sample Format

Pursuant to section 3404(a) of the Right to Financial Privacy Act of 1978, I, (name of customer), having read the explanation of my rights on the reverse side, hereby authorize the (name and address of financial institution) to disclose these financial records: (list of particular financial records) to (Army law enforcement office) for the following purpose(s): (specify the purpose(s)).

I understand that this authorization may be revoked by me in writing at any time before my records, as described above, are disclosed, and that this authorization is valid for no more than 3 months from the date of my signature.

Date:

Signature:

(Typed name)

(Mailing address of customer)

Statement of Customer Rights Under the Right to Financial Privacy Act of 1978

Federal law protects the privacy of your financial records. Before banks, savings and loan associations, credit unions, credit card issuers, or other financial institutions may give financial information about you to a Federal agency, certain procedures must be followed.

Consent to Financial Records

You may be asked to consent to the financial institution making your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Futhermore, any consent you give is effective for only 3 months and your financial institution must keep a record of the instances in which it discloses your financial information.

Without Your Consent

Without your consent, a Federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose. Generally, the Federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The Federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out. While these procedures will be kept as simple as possible, you may want to consult an attorney before making a challenge to a Federal agency's request.

Exceptions

In some circumstances, a Federal agency may obtain financial information about you without advance notice or your consent. In most of these cases, the Federal agency will be required to go to court for permission to obtain your records without giving you notice beforehand. In these instances, the court will make the Government show that its investigation and request for your records are proper. When the reason for the delay of notice no longer exists, you will usually be notified that your records were obtained.

Transfer of Information

Generally, a Federal agency that obtains your financial records is prohibited from transferring them to another Federal agency unless it certifies in writing the transfer is proper and sends a notice to you that your records have been sent to another agency.

Penalties

If the Federal agency or financial institution violates the Right to Financial Privacy Act, you may sue for damages or seek compliance with the law. If you win, you may be repaid your attorney's fee and costs.

Additional Information

If you have any questions about your rights under this law, or about how to consent to release your financial records, please call the official whose name and telephone number appears below:

(Last Name, First Name, Middle Initial) Title (Area Code) (Telephone Number)

(Component activity, address)

Appendix C.—Certificate of Compliance With the Right to Financial Privacy Act of 1978—Sample Format

(Official Letterhead)

Mr./Mrs. XXXXXXXXXX,
Manager, Army Federal Credit Union, Fort Ord, CA 93941.

Dear Mr./Mrs. XXXXXXXXXX: I certify, pursuant to section 3403(b) of the Right to Financial Privacy Act of 1978, section 3401 et seq., Title 12, United States Code, that the applicable provisions of that statute have been complied with as to the (customer's consent, search warrant or judicial subpoena, formal written request, emergency access, as applicable) presented on (date), for the following financial records of (customer's name):

(Describe the specific records)

(Official Signature Block)

Pursuant to section 3417(c) of the Right to Financial Privacy Act of 1978, good faith reliance upon this certificate relieves your institution and its employees and agents of any possible liability to the customer in connection with the disclosure of these financial records.

Appendix D.—Formal Written Request for Access—Sample Format

(Official Letterhead)

(Date)

Mr./Mrs. XXXXXXXXXX,
President (as appropriate), City National Bank and Trust Company, Altoona, PA 16602.

Dear Mr./Mrs. XXXXXXXXXX: In connection with a legitimate law enforcement inquiry and pursuant to section 3402(5) and section 3408 of the Right to Financial Privacy Act of 1978, section 3401 et seq., Title 12, United States Code, and Army Regulation 190–6, you are requested to provide the following account information pertaining to (identify customer):

(Describe the specific records to be examined)

The Army has no authority to issue an administrative summons or subpoena for access to these financial records which are required for (describe the nature or purpose of the inquiry).

A copy of this request was (personally served upon or mailed to) the subject on (date) who has (10 or 14) days in which to challenge this request by filing an application in an appropriate United States district court if the subject desires to do so.

Upon expiration of the above mentioned time period and in the absence of any filing or challenge by the subject, you will be furnished a certification certifying in writing that the applicable provisions of the Act have been complied with prior to obtaining the requested records. Upon your receipt of a Certificate of Compliance with the Right to Financial Privacy Act of 1978, you will be relieved of any possible liability to the subject in connection with the disclosure of the requested financial records.
(Official Signature Block) ———————

Appendix E.—Customer Notice of Formal Written Request—Sample Format

(Official Letterhead)

(Date) ———————
Mr./Ms. XXXXX X. XXXXX,
1500 N. Main Street, Washington, DC 20314.

Dear Mr./Ms. XXXXX: Information or records concerning your transactions held by the financial institution named in the attached request are being sought by the (agency/department) in accordance with the Right to Financial Privacy Act of 1978, section 3401 et seq., Title 12, United States Code, and Army Regulation 190–6, for the following purpose(s):

———————
(List the purpose(s))

If you desire that such records or information not be made available, you must do the following:

a. Fill out the accompanying motion paper and sworn statement or write one of your own—

(1) Stating that you are the customer whose records are being requested by the Government.

(2) Giving the reasons you believe that the records are not relevant or any other legal basis for objecting to the release of the records.

b. File the motion and statement by mailing or delivering them to the clerk of any one of the following United States District Courts:

———————
(List applicable courts)

c. Mail or deliver a copy of your motion and statement to the requesting authority: (give title and address).

d. Be prepared to come to court and present your position in further detail.

You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of (10 days from the date of personal service) (14 days from the date of mailing) of this notice, the records or information requested therein may be made available.

These records may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer if such transfer is made.

3 Inclosures (see para———)
(Signature) ———————

[FR Doc. 81-35185 Filed 12-8-81; 8:45 am]

BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 111

Attached Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: By separate notice published in the daily edition for December 8, 1981, the Postal Service announced changes in the mail classification schedule provisions for attached mail, under the authority of 39 U.S.C. 3625. The changes, recommended by the Postal Rate Commission and approved by the Governors of the Postal Service, became effective at 12:01 a.m. on December 6, 1981.

The changes provide that incidental pieces of First-Class Mail may be attached to or enclosed with second-class mail, third-class merchandise (including books but excluding merchandise samples), and fourth-class mail, with postage paid on the combined piece at the applicable rate of the host piece.

In order to reflect these mail classification schedule changes, the Postal Service adopts revisions to part 136 of the Domestic Mail Manual, with minor conforming changes in other sections.

EFFECTIVE DATE: 12:01 a.m., December 6, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, (202) 245–4749.

SUPPLEMENTARY INFORMATION: Under current regulations, although an incidental piece of First-Class Mail attached to or enclosed with second-, third-, or fourth-class mail travels as part of the host piece, the mailer pays not only the rate applicable for the host piece, but also the applicable First-Class rate on the attachment or enclosure, as if it had been mailed separately. Under the changes adopted by the Governors of the Postal Service, postage will be paid on the combined piece at the applicable rate of the host piece (the second-, third-, or fourth-class piece containing the incidental First-Class attachment or enclosure).

Post offices have been notified of the regulation changes by telecommunication, so that the new provisions can be used as of the effective date of the classification changes (December 6, 1981). The Domestic Mail Manual is amended as provided below effective on December 6, 1981.

A new section 136.4 has been added to describe the eligibility requirements and postage payment provisions for incidental attachments. Former sections 136.4 and 136.5 are renumbered as 136.5 and 136.6, respectively. Section 136.321b has been deleted, and section references have been added to sections 136.1, 136.23, 136.52, 136.53, 425.6, 625, and 721.2 to conform to the addition of new section 136.4.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions to the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

Part 136—Mixed Classes of Mail

136.1 [Amended]

1. In 136.1, delete the words "in 136.2 and 136.3" and insert in lieu thereof "in 136.2, 136.3, and 136.4."

136.23 [Amended]

2. In 136.23, strike out the period at the end thereof and add the following: "except as noted in 136.4."

136.321b [Deleted]

3. In 136.32, delete section .321b.

136.4 [Redesignated as 136.5]

136.5 [Redesignated as 136.6]

4. Redesignate 136.4 and 136.5 as 136.5 and 136.6, respectively.

5. Add new 136.4 as follows:

136.4 Incidental First-Class Attachments or Enclosures.

.41 Incidental First-Class matter may be enclosed in or attached to second-class matter, third-class merchandise (including books but excluding merchandise samples) and fourth-class matter. The attached or enclosed incidental matter may be mailed at the applicable postage rate of the host piece with which it is attached or enclosed.

.42 Eligibility Requirements.

.421 An incidental attachment or enclosure must be closely associated with or related to the piece to which it is attached or in which it is enclosed, it must be secondary to that piece, and it must not encumber postal processing.

.422 An incidental attachment or enclosure includes, but is not limited to, one or more of the following items:

a. A bill for the product or publication;

b. A statement of account for past products or publications;

c. A personal message or greeting included with a product, publication or parcel.

.43 Payment of Postage. Incidental First-Class attachments or enclosures may be mailed with second-class matter, third-class merchandise (including books but excluding merchandise samples) and fourth-class

mail. Postage is based on the combined weight of the incidental attachment or enclosure and the host piece with which it is attached or enclosed, and is to be paid at the rate applicable to the host piece. *Note:* for incidental attachments or enclosures with second-class matter, if the second-class piece consists entirely of nonadvertising matter, the attachment or enclosure is also considered nonadvertising matter; in all other instances the attachment or enclosure is considered part of the advertising portion of the second-class piece.

.44 Markings. There are no marking requirements for incidental First-Class attachments or enclosures mailed under the provisions of this section.

136.52 [Amended]

6. In the first sentence of redesignated 136.52, add the words "attached or" immediately before the word "enclosed," and the words ", 136.3 and 136.4" immediately after "136.2."

7. In redesignated 136.53, add the words "mailed under the provisions of 136.2 or 136.3" immediately after the word "pieces" in the first sentence of .531, and immediately after the word "piece" in the first sentence of .532 and .533.

8. In redesignated 136.53, add new .534 as follows:

136.53 Return.

* * * * *

.534 Items mailed under the provisions of 136.4 are returned according to the class of the host piece.

Part 425—What May Be Mailed at the Second-Class Rates

425.6 [Amended]

9. In 425.6, strike out the period at the end of the first sentence and add the following: "and incidential First-Class attachments or enclosures as provided for in 136.4."

10. In 625, add new 1. at the end thereof, reading as follows:

Part 625—Additions

* * * * *

1. Incidental First-Class matter may be enclosed or attached to third-class merchandise (including books but excluding merchandise samples) under the provisions of 136.4.

Part 721—General Provisions Applicable to All Fourth-Class Mail

11. In 721.2, add new 1. at the end thereof, reading as follows:

721.2 Additions and Enclosures.

* * * * *

1. Incidental First-Class enclosures and attachments are allowed under the provisions of 136.4.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-35236 Filed 12-8-81; 8:45 am]

BILLING CODE 7710-12-M

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39 CFR Part 111

Express Mail, Forwarding and Address Correction Service; Implementing Regulations

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: By separate notice published in the daily edition for December 8, 1981, the Postal Service announced changes in the mail classification schedule provisions for the forwarding of Express Mail and the establishment of address correction service for Express Mail under the authority of 39 U.S.C. 3625. The changes approved by the Governors of the Postal Service became effective at 12:01 a.m. on December 6, 1981.

The changes allow the nationwide forwarding of Express Mail, at no additional charge, and the purchase of address correction service for Express Mail.

In order to reflect these mail classification schedule changes, the Postal Service adopts revisions to parts 159, 215, 222, 230, 291 and 292 of the Domestic Mail Manual.

EFFECTIVE DATE: 12:01 A.M., December 6, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur I. Porwick (202) 245-4315.

SUPPLEMENTARY INFORMATION: This document changes Express Mail regulations to remove the limitation that undeliverable-as-addressed Express Mail can be forwarded only to an address within the delivery area of the destination post office. In the past if an addressee had moved outside the delivery area of the destination post office, the piece of Express Mail would have been returned to the sender. The revisions will allow the nonlocal forwarding of undeliverable-as-addressed Express Mail, at no additional charge. The revisions also will allow an Express Mail user, for the first time, to purchase address correction service for a fee of 25 cents for each address correction or notification of reason for nondelivery.

Post offices have been notified of the regulation changes by telecommunication, so that the new provisions can be used as of the effective date of the classification changes (December 6, 1981). The Domestic Mail Manual is amended as provided below effective December 6, 1981.

Sections 159.221e, 159.224a, 159.224b, 159.225, 159.242h, and 291 of the Domestic Mail Manual are revised to indicate that Express Mail can be forwarded nationwide, at no additional charge. Express Mail pieces that are forwarded nonlocally will be handled and transported as Express Mail. These revisions eliminate the limitation that Express Mail can only be forwarded locally. Sections 159.311, 159.313, 215, and 292 are revised to indicate that an Express Mail user may purchase address correction service for a fee of 25 cents for each address correction or notification of reason for nondelivery. Sections 222.2, 223.3, and 224.4 and part 230 are revised to indicate that no refund of Express Mail postage will be made to an Express Mail user if the item is available for claim or delivery attempted within the times specified and the item is then delayed because it has to be forwarded or returned.

Exhibit 159.151, a chart showing the treatment of undeliverable-as-addressed mail, is currently under review and will be revised shortly. At that time, the treatment of Express Mail will be included in the chart.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

Part 159—Undeliverable Mail

1. In 159.22, add new .221e as follows:

159.22 Forwardable Mail.

.221. * * *

* * * * *

e. Express Mail.

159.224 [Amended]

159.225 [Amended]

2. In the first sentence of 159.224a, 159.224b, and 159.225, add the words "Express Mail," immediately before the word "First-,".

3. In 159.24, add new .242h as follows:

159.24 Postage for Forwarding.

* * * * *

.242 * * *

h. *Express Mail* is forwarded as Express Mail without the payment of additional fees.

159.311 [Amended]

159.313 [Amended]

4. In 159.311 and 159.313 add the words "Express Mail," immediately before the word "First-,".

Chapter 2—Express Mail

5. Add new 215 as follows:

215 Address Correction Fee.

The fee for address correction service is 25 cents per notice issued.

6. In 222.2 add new d. as follows:

222.2 Refund of Postage.

* * * * *

d. provision of forwarding or return service after the item is available for claim at the time specified in accordance with 222.1.

223.3 [Amended]

7. In 223.3 change the period to a comma at the end of the present text and add the following: "if the item was made available for claim or delivery was attempted within 24 hours after tender or by the time specified in the service agreement, and then the item was delayed because forwarding or return service had to be provided."

8. Revise 224.4 to read as follows:

224.4 Service Guarantee.

The Postal Service will refund postage under provisions in 295 for an item not available for claim, or for which delivery was not attempted (See 230), in accordance with 224.4, unless the item was delayed by strike or work stoppage, or if the item was available for claim or delivery was attempted within the times specified in 224.2, and then the item was delayed because forwarding or return service was provided.

230 [Amended]

9. At the end of 230 add the following: "Postage will be refunded if an item is delayed because forward or return service was provided after the item was made available for claim or delivery was attempted within the times specified in 221.1, 223.2 (and see service agreement) or 224.2. Otherwise no postage refund will be made. Note: Attempted delivery occurs when delivery is physically attempted, but cannot be made; or the delivery employee discovers that the item is undeliverable-as-addressed prior to leaving on the delivery route."

10. Revise 291 to read as follows:

291 Forwarding.

Express Mail pieces are forwarded when the new address is known. Pieces being forwarded will be handled and transported as Express Mail. No additional postage is collected for forwarding.

11. Revise 292 to read as follows:

292 Return and Address Correction.

292.1 Return. Express Mail pieces which are undeliverable or unclaimed after five working days are returned to the sender at no additional postage. Pieces being returned to the sender will be handled and transported as Express Mail. The mailer can direct return after less than five working days by placing instructions to that effect under the return address.

292.2 Address Correction Service. When an Express Mail piece bearing the endorsement "Address Correction Requested" is forwarded to a new address, the sender is notified on Form 3547, *Notice to Mailer of Correction in Address*, of the new address. See 215 for the address correction service fee.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. sec. 401, 403, 404, 3621, 3623)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-35237 Filed 12-8-81: 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-1953-7]

California State Implementation Plan Revision; San Joaquin Valley

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve changes to the Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare County Air Pollution Control Districts' (APCDs) portions of the California State Implementation Plan (SIP) submitted by the Govenor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP as required by the Clean Air Act.

EFFECTIVE DATE: January 8, 1982.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, Chief, SIP Section; (415) 974-8201.

SUPPLEMENTARY INFORMATION: On May 7, 1981 (46 FR 25483) EPA published a notice of proposed rulemaking for revisions to the Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare County APCDs' rules and regulations. These revisions were submitted to EPA on May 23 and October 15, 1979 and April 2, July 25, October 5, November 7, and December 15, 1980 by the California Air Resources Board for inclusion in the California SIP.

As discussed in the May 7, 1981 notice, all the revisions were evaluated and found to be in conformance with the requirements of 40 CFR Part 51 and EPA policy, with certain exceptions. The notice of proposed rulemaking provided for a 60-day public comment period. There were no comments received on revisions being acted upon in this notice.

This notice approves all the rule revisions listed in the May 7 notice and incorporates them into the California SIP, with the exception of the rules discussed below:

EPA is deferring action on Rule 519, *Emergency Variance*, for the Kings, Madera, Merced, Stanislaus, and Tulare County APCDs and Rule 521, *Emergency Variance*, for the San Joaquin County APCD. Similarly, action is being deferred on Rules 111(c), 109(c), 110(c) and 111(c) of Kings, Merced, Stanislaus, San Joaquin, and Tulare County APCDs, respectively, since these rules rely on Rule 519. As is the case of the aforementioned rules, Madera County Rule 402(f) concerns emergency variances resulting from equipment breakdowns and EPA is also deferring action on this rule.

EPA is taking no action on Rule 417.1, *Agricultural Burning*, for Madera and Tulare Counties and Rule 301, *Permit Fee*, for Stanislaus County. These rules have been superseded by later submittals which will be addressed in a future notice. Further, no action is being taken on Madera County Rules 419, *Nuisance*, and 420, *Exception*, and

Stanislaus County Rule 209.3, *National Ambient Air Quality Standards,* because they are not specifically directed at the attainment and maintenance of the national standards.

Rule 412.1(a), *Transfer of Gasoline into Vehicle Fuel Tanks,* for Kern County was submitted on April 2, 1980 and proposed for approval by EPA. However, this rule was superseded by a revised submittal on March 23, 1981. Since the revised submittal of Rule 412.1(a) does not substantively alter the April 2, 1980 submittal of Rule 412.1(a), EPA finds that good cause exists to approve the March 23, 1981 revision without prior proposal (see the Administrative Procedure Act, Section 553(B)). Therefore the revised submittal is approved by today's notice.

As discussed in the proposal notice, EPA is rescinding 40 CFR 52.256, "Control of Evaporative Losses from the Filling of Vehicular Tanks," for Fresno, Kern, Madera, Merced, San Joaquin, Stanislaus and Tulare County APCDs. Rules submitted for these counties addressing Stage II vapor recovery adequately control those sources addressed in 40 CFR 52.256.

The Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been met.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not major because they approve state actions. They impose no new regulatory requirements. Pursuant to the provisions of 5 U.S.C. 605(B), I hereby certify that the rules approved in this notice will not have a significant economic impact on a substantial number of small entities.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to these comments are available for public inspection at EPA Region 9, Air and Hazardous Materials Division, 215 Fremont Street, San Francisco, California, 94105.

Note.—Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

(Sections 110 and 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: December 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220(c) is amended by adding subparagraphs (51)(viii)(B), (51)(ix)(B), (51)(x)(B), (52)(iv)(B), (52)(v)(B), (52)(vi)(B), (52)(vii)(B), (52)(ix)(B), (52)(xv)(B), (67)(iii), (83)(iii)(B), (85)(i)(B), (85)(ii), (87)(iii), (88)(i)(B), (88)(v), (94), and (95) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(51) * * *

(viii) [Reserved]

(A) [Reserved]

(B) New or amended rules 110 (a), (b), and (d)–(i), 301, 303–311, and 511.

(ix) [Reserved]

(A) [Reserved]

(B) New or amended rule 110 (A), (B) and (D)–(I).

(x) [Reserved]

(A) [Reserved]

(B) New or amended rules 111 (a), (b), and (d)–(i), 402, and 417.

* * * * *

(52) * * *

(iv) [Reserved]

(A) [Reserved]

(B) New or amended rules 111 (A), (B), and (D)–(I), 301, 302, and 401.

(v) [Reserved]

(A) [Reserved]

(B) New or amended rules 102, 103, 103.1, 104, 105, 108, 108.1, 110, 115, 210.3, 301, 305, 402(a)–(e), 409, 410, 416, 417, 418, 501, 504, 511, 601, 602, 603, 606–611, and 612.

(vi) [Reserved]

(A) [Reserved]

(B) New or amended rules 109 (A), (B), and (D)–(I).

(vii) [Reserved]

(A) [Reserved]

(B) New or amended rule 209.3.

(viii) [Reserved]

(ix) [Reserved]

(A) [Reserved]

(B) New or amended rules 301 and 302.

* * * * *

(xv) [Reserved]

(A) [Reserved]

(B) New or amended rules 301, 302, and 305.

* * * * *

(67) * * *

(i) * * *

(ii) * * *

(iii) Kern County APCD.

(A) New or amended rules 412.1(b)–(f).

* * * * *

(83) [Reserved]

(i) [Reserved]

(ii) [Reserved]

(iii) [Reserved]

(A) [Reserved]

(B) New or amended rules 411.1 and 416.1.

* * * * *

(85) [Reserved]

(i) [Reserved]

(A) [Reserved]

(B) New or amended rule 412.1.

(ii) Madera County APCD.

(A) New or amended rule 412.1

* * * * *

(87) [Reserved]

(i) [Reserved]

(ii) * * *

(iii) San Joaquin County APCD.

(A) New or amended rule 411.2.

* * * * *

(88) [Reserved]

(i) [Reserved]

(A) [Reserved]

(B) New or amended rules 103 and 305.

(ii) * * *

(iii) * * *

(iv) [Reserved]

(v) Merced County APCD.

(A) New or amended rule 411.1.

(89)—(93) [Reserved]

(94) Revised regulations for the following APCD's submitted on October 7, 1980, by the Governor's designee.

(i) Stanislaus County APCD.

(A) New or amended rule 411.1.

(95) Revised regulations for the following APCD's submitted on March 23, 1981, by the Governor's designee.

(i) Kern County APCD.

(A) New or amended rule 412.1(a).

2. Section 52.256(b) introductory text is revised as follows:

§ 52.256 Control of evaporative losses from the filling of vehicular tanks.

* * * * *

(b) This section is applicable in the Metropolitan Los Angeles and Sacramento Valley Intrastate Air Quality Control Regions, except as follows:

(1) * * *

(2) [Reserved]

* * * * *

[FR Doc. 81-35057 Filed 12-8-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL-1993-4]

Approval and Promulgation of Implementation Plans; Rhode Island Revisions—Receipt of Compliance Schedules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of submittal to satisfy condition of plan approval: Rhode Island.

SUMMARY: This notice is to announce the receipt of State Implementation Plan (SIP) revisions for Rhode Island. The revisions were submitted on August 4, 1981 to satisfy a condition of EPA's approval of Rhode Island's Attainment Plan SIP revisions, which were required under Part D of the Clean Air Act. The state submittal consists of compliance schedules for eight volatile organic compound (VOC) sources covered under its Regulation 19.

DATES: See Supplementary Information.

ADDRESSES: Copies of the Rhode Island submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Division of Air Pollution Control, Room 204, 75 Davis Street, Providence, R.I. 02908.

FOR FURTHER INFORMATION CONTACT: Alan Dion, Air Branch, Region I, Room 1903, JFK Building, Boston, Massachusetts 02203, (617) 223–5630.

SUPPLEMENTARY INFORMATION: EPA published a Final Rulemaking Notice (FRN) in the **Federal Register** on May 7, 1981, (46 FR 25446), conditionally approving Rhode Island's Attainment Plan SIP revisions submitted on May 14, June 11 and August 13, 1979. The revision was submitted to comply with the requirements of Part D of the Clean Air Act by implementing new measures for controlling air pollution which are designed to achieve attainment of the primary and secondary National Ambient Air Quality Standards by December 31, 1982. One of the conditions in the FRN specified that the state submit, by July 1, 1981, compliance schedules for sources covered under Regulation 19 and include a justification for extensions for any sources beyond the December 31, 1982 compliance date.

Rhode Island has submitted SIP revisions amending Regulation 19 on August 4, 1981. EPA is presently reviewing the state's compliance schedule submittal to determine compliance with Clean Air Act requirements, and intends to publish a final rulemaking notice in the **Federal Register**. The conditional approval of Rhode Island's attainment plan is continued pending EPA's final action on the compliance schedule submittal.

Dated: November 6, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-35197 Filed 12-8-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-77]

Rounding Requisition Quantities to Bulk Pack

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation provides for rounding requisition quantities to bulk pack by GSA to achieve processing economies.

DATES: Effective date: December 11, 1981. Expiration date: September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Jeremiah, Director, Office of Requisition Processing and Control (703–557–0400).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effect. The General Services Administration has based all Administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 485(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations Temporary Regulation E–77

November 20, 1981.

To: Heads of Federal agencies

Subject: Rounding requisition quantities to bulk pack

1. *Purpose.* This regulation outlines GSA procedures under certain conditions where it may be necessary to adjust requisition shipment quantities to achieve processing economies.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires December 31, 1982, unless revised or superseded sooner.

4. *Applicability.* This regulation applies to all Federal agencies authorized to requisition from GSA.

5. *Explanation of changes.* The following paragraph is added to Subpart 101–26.3—Procurement of GSA Stock Items.

Section 101–26.312. Bulk pack shipments. When the quantity requisitioned exceeds a bulk pack unit but is less than a second bulk pack, GSA will decrease the quantity actually shipped to the nearest bulk pack unit, unless advice Code 2D is cited on the FEDSTRIP/MILSTRIP requisition requesting exact quantity only (do not adjust quantity).

6. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FSR), Washington, DC 20406, no later than June 30, 1982, for consideration and possible incorporation into a permanent regulation.

7. *Effect on other directives.* This regulation supplements the policies in § 101–26.3.

Ray Kline,

Acting Administrator of General Services.

Note.—FPMR Temporary Regulation E–76 is being reviewed by the Office of Management and Budget under Executive Order 12291, and it will not be published until the review has been completed.

[FR Doc. 81-35185 Filed 12-8-81; 8:45 am]

BILLING CODE 6820-24-M

National Archives and Records Service

41 CFR Part 101–11

[FPMR Amendment B–48]

Disposition of Federal Records

AGENCY: National Archives and Records Service, GSA.

ACTION: Final rule.

SUMMARY: This rule clarifies the procedures used to develop comprehensive records disposition schedules, supersede previously approved schedules, transfer records between agencies, and retire records to

a Federal records center. In addition, it changes the age at which records may be transferred to the National Archives.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond Mosley, Director, Records Disposition Division (202–724–1625).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits, and has chosen the alternative approach involving the least net cost to society.

PART 101–11—RECORDS MANAGEMENT

1. Section 101–11.404–1 is amended by revising paragraphs (a)(3), (a)(4), (a)(5), and (e) and by adding paragraphs (a)(6), (f), and (g) to read as follows:

§ 101–11.404–1 Comprehensive agency records disposition schedules.

* * * * *

(a) * * *

(3) If any items on a proposed schedule have been previously scheduled, the procedures contained in § 101–11.406–7 must be followed.

(4) All schedules shall take into account the existing filing system so that destruction or transfer can be handled in blocks.

(5) The disposition of nonrecord materials should be controlled by instructions in the comprehensive schedule. Nonrecord materials, such as extra copies of documents preserved solely for reference, stocks of proposed documents, preliminary worksheets, and similar papers, shall be maintained separately from official agency files to aid in records disposition.

(6) Schedules shall be reviewed and, if necessary, updated annually. Agencies shall schedule the records of new programs within 1 year of their implementation. Certification of this review shall be included on Standard Form 136, Annual Summary of Records Holdings, in accordance with § 101–11.102–7.

* * * * *

(e) Withdrawn items. Agencies may request that items listed on SF 115 be withdrawn in order to aid in the processing (appraisal) of the remaining items on the schedule.

(1) If, during the course of the appraisal process, NARS determines that records series described by an item(s) on the proposed schedule do not exist or are not arranged as stated on the schedule, NARS may request the agency to withdraw the item(s) from consideration, if the agency is unable to offer sufficient clarification.

(2) If NARS and the agency cannot readily agree on the retention period for an item(s), the item(s) may be withdrawn at the request of the agency. In these cases, the agency will submit an SF 115 with a revised proposal for disposition within 6 months of the date of approval of the original SF 115.

(f) Applicability. Records described by items marked "disposition not approved" or "withdrawn" may not be destroyed until a specific disposition has been approved by NARS.

(g) Application of comprehensive schedules. The head of each Federal agency shall direct the application of records schedules to ensure maximum economy of space, equipment, and personnel. Three copies of each directive or other issuance affecting an agency's records disposition program at the bureau or higher organization level shall be sent to the General Services Administration (NCD).

2. Section 101–11.406–7 is revised to read as follows:

§ 101–11.406–7 Request to change disposal authority.

Agencies desiring to change the approval disposition of a series of records should submit a Standard Form 115. Disposal authorizations contained in approved disposal schedules automatically are superseded by approval of a later schedule applicable to the same records unless the later schedule specifically provides that both the earlier and later schedules shall be applicable at the agency's discretion. Agencies submitting records and schedules must indicate in entry 9 of the Standard Form 115 the relevant schedule and item to be superseded, the citation to the current printed records disposition schedule, if any, and/or the General Records Schedule item which covers the records.

3. Section 101–11.408–1(a) is revised to read as follows:

§ 101–11.408–1 Responsibilities.

(a) The Administrator of General Services and the heads of Federal agencies are responsible for preventing unauthorized disposition of records, including all forms of mutilation and alienation of records. Unauthorized disposition is the removal from Federal custody or destruction of records without regard to the provisions of agency disposition lists and schedules that have been approved by NARS or the General Records Schedules issued by NARS (44 U.S.C. 2905, 3106, and 3303a).

* * * * *

4. Section 101–11.408–3(b) is revised to read as follows:

§ 101–11.408–3 Reporting.

* * * * *

(b) This report has been cleared in accordance with FPMR 101–11.11 and assigned Interagency Report Control Number 0285–GSA–AR.

* * * * *

5. Section 101–11.409–9 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 101–11.409–9 Exceptions.

* * * * *

(c) The transfer of records or functions or both is required by statute, Executive Order, Presidential reorganization plan, or Treaty, or by specific determinations made thereunder.

(d) Records accessioned by the National Archives, later found to be of insufficient value for continued retention by the National Archives are governed exclusively for further disposition in accordance with § 101–11.411–12.

6. Section 101–11.410–2(e) is revised to read as follows:

§ 101–11.410–2 Procedures for transfer to Federal records centers.

* * * * *

(e) Transfers to Federal records centers shall be preceded by the submission of Standard Form 135, Records Transmittal and Receipt. A separate accession number is required for each series of records listed on the Standard Form 135. An accession consists of records in one series that have the same disposal authority and disposal date and that will be shelved in contiguous space in the records center. Agencies shall prepare an original and three copies of the Standard Form 135, retain one copy for filing purposes, and send the original and two copies to the Federal records center to arrive at least 2 weeks (10 workdays) before the desired date of the records shipment. The records center will review the Standard Form 135 for completeness to determine the appropriateness of the

transfer. If the transfer is approved, the records center may annotate block 65 of the Standard Form 135 with Federal records center shelf location where each accession will be stored. The Federal records center returns two copies of the Standard Form 135 to the agency indicating that the records may be transferred. One of these copies shall be placed in the first carton of the shipment when the records are shipped to the center.

* * * * *

7. Section 101–11.411–2 is amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 101–11.411–2 Authority.

(a) * * *

(2) Direct and effect the transfer to the National Archives of the United States of Federal agency records that have been in existence for more than 30 years and that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the U.S. Government, unless the head of the agency which has custody of the records certifies in writing to the Administrator that the records must be retained in his or her custody for use in the conduct of the current business of the agency.

(b) *Custody of records transferred.* Under 44 U.S.C. 2104, the Administrator of General Services is responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions concerning the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Administrator, the Archivist of the United States, and the employees of the General Services Administration. When the head of an agency states in writing restrictions that appear to him or her to be necessary or desirable in the public interest on the use or examination of records being considered for transfer from his or her custody to the Administrator, the Administrator will impose the restrictions on the records so transferred. The Administrator will not remove or relax these restrictions without the concurrence in writing of the head of the agency from which the material was transferred or of his or her successor, if any. Heads of agencies must, however, justify and cite the statute or Freedom of Information Act exemption (5 U.S.C. 552(b)) that authorizes placing restrictions on the use or examination of records being considered for transfer. Statutory and other restrictions referred to in this section shall remain in force until the records have been in existence for 30 years unless the Administrator determines for specific bodies of records that the restrictions shall remain in force for a longer period. Restrictions on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material was transferred or of his or her successor, if any.

* * * * *

8. Section 101–11.411–3 is amended by revising paragraph (a)(1) to read as follows:

§ 101–11.411–3 Types of records to be transferred.

(a) * * *

(1) They are 30 years old; or

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Note.—FPMR Amendments B–46 and B–47 are being reviewed by the Office of Management and Budget under Executive Order 12291, and they will not be published until the review has been completed.

Dated: November 24, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–35159 Filed 12–8–81; 8:45 am]

BILLING CODE 6820–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Illinois and Oregon

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60. Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Illinois	(V) Meredosia, Morgan County (Docket No. FEMA-5920)	Illinois River	Entire length of community along Illinois River	447*
	Maps available for inspection at the Village Hall, Meredosia, Illinois.			
Oregon	Phoenix (city), Jackson County, FEMA-5673	Bear Creek	Fern Valley Road—150 feet upstream from centerline	*1,472
		Coleman Creek	U.S. Highway 99—300 feet downstream from centerline	*1,473
			U.S. Highway 99—70 feet upstream from centerline	*1,489
	Maps available for inspection at City Hall, 510 West First Street, Phoenix, Oregon.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 16, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35180 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

National Flood Insurance Program; Letter of Map Amendment for the City of Las Cruces, New Mexico

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Las Cruces, New Mexico. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Cruces, New Mexico, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 355332B Panel 01, published on October 6, 1980, in 45 FR 66094, indicates that University Place, Tract D, Las Cruces, New Mexico, recorded as Plat No. 702, Reception No. 5736, Book 10, Page 40, in the Office of the Clerk, Dona Ana County, New Mexico, is within the Special Flood Hazard Area.

Map No. H & I 355332B Panel 01 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on May 6, 1977. This property is in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35177 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

National Flood Insurance Program; Letter of Map Amendment for the City of Tulsa, Oklahoma

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical

review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 405381D Panel 134, published on October 6, 1980, in 45 FR 66095, indicates, that Lots 2 through 4, Woodland View Park 6th, Tulsa, Oklahoma, recorded as Instrument No. 856137, Plat No. 4011, in the Office of the Clerk, Tulsa, Oklahoma, are within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 134 is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on August 14, 1979. These lots are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35176 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[Ex Parte No. 261 (Sub-1)]

In the Matter of Tariffs Containing Joint Rates and Through Routes; Freight Forwarders and Nonvessel Operating Common Carriers by Water (NVO)

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: On July 9, 1981 (46 FR 35516), the Commission published in the **Federal Register** the Notice of Final Rules adopted in this proceeding, regarding tariffs containing joint rates and through routes between rail, motor, and water carriers subject to ICC jurisdiction and nonvessel operating common carriers (NVO's) subject to the jurisdiction of the Federal Maritime Commission. Due to inadvertence, a proposed change in 49 CFR 1310 was not included in the notice of proposed rulemaking, served December 24, 1980, (45 FR 86738, December 31, 1980). In the July notice we delayed implementation of the final rules for 60 days so that comments could be received pertaining to the proposed modification of 49 CFR 1310. The comments have been considered and the adopted final rules became effective September 8, 1981.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7693.

SUPPLEMENTARY INFORMATION: In our July 9, 1981 decision we modified existing rules to allow the filing of joint rates and through routes between rail, motor and water carriers subject to our jurisdiction and non-vessel operating common carriers (NVO) by water subject to the jurisdiction of the Federal Maritime Commission (FMC). We delayed implementation of these final rules for 60 days to allow filing of comments concerning the modification of 49 CFR Part 1310. In our December 24, 1980 notice of proposed rulemaking we had inadvertently failed to include Part 1310 (motor). Numerous parties in this proceeding noted this inadvertence and the delay was to correct this oversight.

We have received comments from two parties, Overnite Transportation Company and Associated Latin American Freight Conferences (ALAFC). The former supports the Commission's decision to allow motor carriers to file joint rates and through routes with NVO's. It states that our decision will promote intermodal transportation and will result in more efficent and less costly service.

ALAFC is against the modifications. It reiterates the argument addressed in our previous decision that we should have filed this proposal with the FMC prior to any action on our part. Also, ALAFC asserts that the Commission is not in compliance with 49 U.S.C. 10703a(4)(E) which requires the Commission to promulgate regulations implementing the provisions of that paragraph within 180 days of July 1, 1980.

We find no merit in these assertions. The July notice did not purport to reopen these matters. It was merely to correct a technical oversight. In any case, as we said in our July decision, we do not see this action affecting shipping in the foreign trade (section 19 of the Merchant Marine Act of 1920, 49 U.S.C. 876). The FMC currently allows NVO's to join in through routes and joints rates with carriers subject to our jurisdiction. Also, the FMC had urged us to adopt these modifications in the past, and has not filed any objection with us in this proceeding. In addition, we believe that we have complied with 49 U.S.C. 10703a(4)(E) in that we issued our notice of proposed rules on December 24, 1980, well within the 180 day limit. The rules themselves including the proposal to which the comments and this decision are directed were effective September 8, 1981. They appeared in the July 9 **Federal Register** (46 FR 35516) and need not be repeated here.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

This decision will not have a significant effect on a substantial number of small entities. It is directed merely to correcting a technical oversight in the CFR amendments. The rules themselves were adopted in a prior decision.

[49 U.S.C. 10321, 10703, 10762, 5 U.S.C. 553]
Dated: December 2, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35171 Filed 12-8-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Observer Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) amends the foreign fishing regulations to require payment for U.S. observers aboard foreign fishing vessels within 90 days from the date of billing. Foreign countries participating in the Atlantic billfish and shark fishery also will be required to pay observer fees in advance of harvesting as required by the recently amended Atlantic Tunas Convention Act. This action is necessary because of a change in the law.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Wood, (202) 634-7265.

EFFECTIVE DATE: January 8, 1982.

SUPPLEMENTARY INFORMATION: On July 9, 1981, the proposed change to the foreign fishing regulations governing payment of U.S. observer fees was published in the **Federal Register** (46 FR 35535). The proposed change would amend the foreign fishing regulations to require payment for U.S. observers aboard foreign fishing vessels within 90 days from the date of billing. Foreign countries participating in the Atlantic billfish and shark fishery also would be required to pay observer fees in advance of harvesting as required by the recently amended Atlantic Tunas Convention Act. Public comments were accepted until August 10, 1981.

There were comments from three parties on the proposed rulemaking. No changes were made to the proposed rules in response to the comments. The comments, with the NOAA response, appear below:

1. The proposed rule required foreign countries participating in the Atlantic billfish and shark fishery to pay observer fees in advance. The proposed rule does not provide for refunds in the event funds are not expended.

One commenter requested that the proposed rule include a provision for the refund of any observer fees paid in advance that were not used during the fishing year. The commenter noted that the actual cost of placing an observer aboard a foreign fishing vessel could vary from year to year due to weather and sea conditions.

NOAA response: Section 2, paragraph (e) of the 1980 Amendments to the Atlantic Tunas Convention Act of 1975 establishes a revolving fund for the purpose of carrying out the Observer Program. That section states that all observer funds not currently needed to carry out the program be kept on deposit or invested in obligations of, or guaranteed by, the United States. Since refunds are not permitted under the current law, it would be inappropriate to include such a provision in the implementing regulations.

2. The proposed rule requires payment of observer fees within 90 days upon receipt of the bill. One commenter asked for more time to pay the observer fee after receipt of the bill so as to permit fishing operators to make comments and ask questions concerning their billings.

NOAA response: NOAA believes that 90 days between receipt of the bill and payment of the bill provides adequate time for fishing operators to raise questions concerning their bills. Since observer cost estimates are based upon the previous year's effort, these estimates are likely to be more accurate if prepared at the end of the year when program managers have the most recent data on foreign fishing effort. A longer period of time would require that bills be prepared much earlier and thereby increase the likelihood of errors in cost estimations.

Other Information

The Assistant Administrator for Fisheries, NOAA, has determined that the amendment to the foreign fishing regulations is necessary and appropriate to the conservation and management of United States fishery resources, that it is consistent with the national standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act), other provisions of the Magnuson Act, other applicable law, and is consistent with the provisions of the Atlantic Tunas Convention Act. He also has determined that this amendment is not a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act.

The Administrator, NOAA, has determined that the rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

The Administrator certifies that the rule is not significant under the Regulatory Flexibility Act, and therefore does not require the preparation of a regulatory flexibility analysis. Finally, the Administrator has determined that the rule does not call for additional collection of information from the public under the Paperwork Reduction Act (44 U.S.C. 3501).

Dated: December 2, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

1. The authority citation for 50 CFR 611.8 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, and 16 U.S.C. 971 *et seq.*

2. For the reasons set out in the preamble, 50 CFR 611.8 is amended by revising paragraph (b) as follows:

§ 611.8 Observers.

* * * * *

(b) The owner or operator of each fishing vessel to which an observer is assigned shall pay the United States for the total costs of placing the observer aboard, including salary, per diem, transportation of observer, and overhead costs. Payment of these costs must be made within 90 days of billing. Vessels in the Atlantic billfish and shark fishery will be billed in advance.

* * * * *

[FR Doc. 81-35208 Filed 12-8-81; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 236
Wednesday, December 9, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1427

CCC Cotton Loan Program Regulations Governing 1980 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This action proposes a change in the regulations governing the Commodity Credit Corporation (CCC) price support loan program for the 1980 and subsequent crops of cotton. The proposed amendment would be effective for 1982 and subsequent crops of cotton and would require that the packaging of cotton pledged as collateral for price support loan shall meet the specifications for bale packaging materials used in wrapping cotton as approved and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC). Currently, the specifications for bale packaging materials used in wrapping cotton are published by CCC in the Federal Register annually. Interested persons are invited to submit written comments on the proposed rule.

DATES: Comments must be received on or before February 8, 1982 in order to be assured of consideration.

ADDRESS: Send comments to Director, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013 (202) 447-7987. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is being prepared and will be available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this proposed rule applies to is: Title—Commodity Loans and Purchases; Number—10.051; as found in the catalog of Federal Domestic Assistance.

This proposed change will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The existing regulations at 7 CFR 1427.5 require that the packaging of cotton pledged as collateral for price support loan shall meet the CCC Specifications for Bale Packaging Materials Used in Wrapping Cotton. These specifications are primarily the recommendations of the JCIBPC. This committee is sponsored by the National Cotton Council of America (NCCA) and represents all segments of the cotton industry from producer to end user. The JCIBPC is, in fact, two committees. One committee represents raw cotton (producers, ginners, warehousemen, merchants, and cooperatives) and the other represents the American Textile Manufacturers Institute which represents textile mills and manufacturers. Members of the JCIBPC are appointed by the President of the NCCA for a term of three years.

The United States Department of Agriculture (USDA) has recognized the recommendations of this committee as being acceptable to CCC for the packaging of cotton pledged as collateral for price support loan since 1967. A representative of USDA has met and will continue to meet annually with the committee in an advisory capacity when recommendations are presented and adopted.

Under the proposed change in the regulations, the specifications for bale packaging material used in wrapping cotton would no longer be published by CCC and codified at 7 CFR 1427.1901 through 1427.1905. In lieu thereof, CCC would incorporate by reference those specifications which are adopted and published by the JCIBPC. CCC would require that the packaging of cotton pledged for price support loan meet the specifications that are recommended, approved, and published by the JCIBPC. Copies of the specifications would be made available by the JCIBPC to the public upon request at the following address: Joint Cotton Industry Bale Packaging Committee, National Cotton Council of America, P.O. Box 12285, Memphis, Tennessee 38112.

The JCIBPC would distribute copies of the specifications to all State Agricultural Stablization and Conservation Service (ASCS) offices. State ASCS offices would provide adequate copies to county ASCS offices for their distribution to gins, warehouses, and other interested persons upon request as is currently done.

PART 1427—COTTON

Proposed Rule

Accordingly, the regulations at 7 CFR 1427.5(l) are proposed to be revised to read as follows:

§ 1427.5 Eligible cotton.

* * * * *

(l) Each bale must be packaged in materials which meet the specifications adopted and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) sponsored by the

National Cotton Council of America for bale coverings and bale ties or must be packaged in material and/or bale coverings and bale ties identified with the experimental programs of the JCIBPC. Heads of bales must be completely covered.

* * * * *

Signed at Washington, D.C., on December 1, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-35205 Filed 12-8-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 822 3000]

Thomas L. Baker, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a La Jolla, California corporation and its corporate officer to cease misrepresenting or failing to disclose material facts regarding the purchase of gemstones as investments, or their liquidity. The firm would be prohibited from misrepresenting the source of graphs or charts used in promotional literature; failing to disclose the limitations associated with the certificates issued by the company to accompany their gemstones; or representing that their price increases reflect general market price increases. The order would require the firm to disclose, both orally and in writing, before the execution of any contract for the sale of gemstones, among other things, that gemstones are not as easy to sell as other investments; that there are risks involved in the purchase of colored gemstones; and that diamonds .04 to .60 carats may be difficult to resell except through the firm, and the fee charged by the company for the resale. The firm would also be required to comply with the FTC's Mail Order Merchandise Rule and possess documentation supporting any claim regarding past or future appreciation of gemstones.

DATE: Comments must be received on or before February 8, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PS, Curtis Yee, Washington, D.C. 20580. (202) 724-1037.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act (38 Stat. 721, 15 U.S.C. 46) and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America, Before Federal Trade Commission

Commissioners: James C. Miller III, Chairman, David A. Clanton, Michael Pertschuk, Patricia P. Bailey.

In the matter of Thomas L. Baker, Inc., a corporation, also trading and doing business as American Diamond Co., American Diamond Company, a corporation, and Thomas L. Baker, individually and as an officer of said corporations; File No. 822 3000 Agreement Containing Consent Order to Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Thomas L. Baker, Inc., a corporation, American Diamond Company, a corporation, and Thomas L. Baker, individually and as an officer of said corporations, and it now appearing that Thomas L. Baker, Inc., a corporation, American Diamond Company, a corporation, and Thomas L. Baker, individually and as an officer of said corporations, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Thomas L. Baker, Inc., and American Diamond Company, by their duly authorized officer, and Thomas L. Baker, individually and as an officer of said corporations, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Thomas L. Baker, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 1205 Prospect Street, Room 250, La Jolla, California 92038.

Proposed respondent American Diamond Company is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 1205 Prospect Street, Room 250, La Jolla, California 92038.

Proposed respondent Thomas L. Baker is an officer and director of said corporations. As such, he formulates, directs and controls the acts and practices of said corporations, and his address is the same as that of said corporations.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Thomas L. Baker, Inc., a corporation, respondent American Diamond Company, a corporation, their successors and assigns, and their officers, and Thomas L. Baker, individually and as an officer of said corporations, and respondents' agents, representatives, brokers, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the purchasing, advertising, offering for sale, sale or distribution of any diamond, ruby, or any other precious or semi-precious stone, (hereinafter gemstones) or other merchandise in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) A diamond or ruby or other gemstone is an investment which can be easily or quickly sold by an individual investor for a price subtantially the same as what an individual would have to pay to purchase such gemstone from respondent(s) or another commercial source.

(b) A person can sell a diamond or ruby or other gemstone through respondent(s) as easily as he or she could sell a stock or bond through a stock broker.

(c) There is at any time an establish, generally recognized market price for a diamond or other gemstone at which an individual could easily sell or exchange his or her gemstone(s).

2. Misrepresenting in any manner, directly or by implication, the ease with which an individual can resell a diamond, ruby or other gemstone or the price an individual is likely to receive upon such resale.

3. Failing to disclose, clearly and conspicuously, in writing and orally, prior to the execution of any contract for sale of any gemstone(s), the following information:

(a) Gemstones are not as easy to sell as many other investments. If you seek a quick sale of a gemstone you will in many instances only be able to get a price substantially lower than the current selling price of the gemstone.

(b) If you resell your gemstones through [name company] you will be required to pay liquidation/consignment fees of [insert fees].

(c) If you try to resell your gemstones through [name company] you may in some instances have to wait a substantial period of time before the gemstones are sold. In addition, a sale on consignment is not completed until thirty (30) days after the gemstones have been delivered to the new purchaser. This allows the new purchaser the right to inspect and return the gemstones.

(d) There are substantial differences in the past appreciation of gemstones of different weight, color, cut and clarity. Also, the fact that particular gemstones may have appreciated in the past is no guarantee that they will appreciate in the furture.

4. Failing to disclose, clearly and conspicuously, in writing and orally, prior to the execution of any contract for sale of any diamond(s), ranging in size from .04 to .60 carats, the following information:

(a) [Name company] is the principal place for you to resell these diamonds. Resale for profit to other outlets such as retail jewelers may be difficult. Many jewelers will not buy diamonds from an individual. Those that do generally pay substantially less than what they pay their customary suppliers.

(b) Resale through outlets other than [name company] may be made more difficult by the lack of certification by a recognized independent gemological laboratory.

(c) The grading on [name company] certificates accompanying these diamonds is for identification purposes only and not for purposes of valuation. More specific grading may be necessary to enable a purchaser to resell through anyone other than [name company].

5. Misrepresenting in any manner, directly or by implication, the past appreciation in value of any diamond(s) or other gemstone(s).

6. Making any representation, directly or by implication, concerning the past appreciation of any diamond(s), or other gemstone(s) without:

(a) Disclosing, clearly and conspicuously, the type of diamond or other gemstone, in terms of size, color, cut, clarity, or other relevant characteristic, to which the past appreciation representation relates; and

(b) Having a reasonable basis upon which to make the claim.

7. Misrepresenting in any manner, directly or by implication, the source of any graph or chart or of any information depicted in any promotional material or other presentation relating to the sale of any gemstone(s).

8. Making any representation, directly or by implication, in any advertising or sales promotional material or orally during the course of any sales presentation, concerning the future appreciation of any diamond(s) or other gemstone(s) unless at the time of such representation respondents possess and rely upon a reasonable basis for the representation.

9. Failing to maintain accurate records, which may be inspected by Commission staff members upon reasonable notice, which:

(a) Consist of documentation in support of any representation concerning the past or future appreciation of any diamond or other gemstone included in any advertising or sales promotional material disseminated by respondents, insofar as the text of such representation is prepared, or is authorized and approved, by any person who is an officer or employee of respondents or by any advertising agency engaged for such purpose by respondents, and;

(b) Provide the basis upon which respondents relied as of the time the representation was made.

10. Misrepresenting in any manner, directly or by implication, that respondents' own price increases reflect general maket price increases.

11. Representing, directly of by implication, that:

(a) Respondents are "sight" buyers of diamonds from DeBeers Central Selling Organization.

(b) Respondents are wholesale rough brokers of diamonds or other gemstones.

(c) Respondents maintain an inventory of the gemstones they sell unless at the time such representation was made respondents actually had in their possession or on consignment the exact gemstones about which the representation was made.

12. Misrepresenting in any manner, directly or by implication, the business activities engaged in by respondents, including how respondents' pricing compares to price levels at various positions on the gemstone distribution chain such as cutter or wholesale levels.

13. Failing to disclose, clearly and conspicuously, in writing and orally, prior to the execution of any contract for sale of any colored gemstone, the following information:

(a) If your gemstone is re-certified, it may receive a different grade. This may affect its value. There are two reasons for this. First, colored gemstone grading is, in part, subjective. Second, procedures used for grading colored genstones may change.

(b) A colored gemstone which receives a higher grade on a certificate is not necessarily more valuable than one receiving a lower grade. Dealers in colored gemstones may differ significantly in their assessment of the value of particular gemstones and will often rely on personal inspection in setting a value for a gemstone instead of relying only on a certificate.

(c) The above characteristics of colored gemstone grading and valuation are a risk you should consider before investing in colored gemstones.

14. Failing to comply with Federal Trade Commission Rule concerning Mail Order Merchandise, 16 CFR § 435.

15. Failing to answer and to answer promptly inquiries by or on behalf of any customer regarding any purchase made from respondents.

16. Failing to deliver a gemstone with the specific characteristics ordered unless a customer has agreed in writing to a substitution.

17. Failing to deliver the proceeds of a gemstone sale which the respondents have made on behalf of a previous customer or other party to such customer or party within 10 working days of completion of sale.

II

It is further ordered, that the written affirmative disclosures required by Paragraphs 3, 4, and 13 of this order shall be made in the manner described below:

Risk Factors You Should Consider Before Investing in Gemstones

1. Gemstones are not as easy to sell as many other investments. If you seek a quick sale of a gemstone you will in many instances only be able to get a price substantially lower than the current selling price of the gemstone.

2. If you resell gemstones through [name company] you will be required to pay liquidation/consignment fees of [insert fees.]

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3. If you try to resell your gemstones through [name company] you may in some instances have to wait a substantial period of time before the gemstones are sold. In addition, a sale on consignment is not completed until thirty (30) days after the gemstones have been delivered to the new purchaser. This allows the new purchaser the right to inspect and return the gemstones.

4. There are substantial differences in the past appreciation of gemstones of different weight, color, cut and clarity. Also, the fact that particular gemstones may have appreciated in the past is no guarantee that they will appreciate in the future.

For Purchasers of Diamonds .04–.60 Carats in Size

5A. [Name company] is the principal place for you to resell these diamonds. Resale for profit to other outlets such as retail jewelers may be difficult. Many jewelers will not buy diamonds from an individual. Those that do generally pay substantially less than what they pay their customary suppliers.

5B. Resale through outlets other than [name company] may be made more difficult by the lack of certification by a recognized independent gemological laboratory.

5C. The grading on [name company] certificates accompanying these diamonds is for identification purposes only and not for purposes of valuation. More specific grading may be necessary to enable a purchaser to resell through anyone other than [name company].

For Purchasers of Colored Gemstones

6A. If your gemstone is re-certified, it may receive a different grade. This may affect its value. There are two reasons for this. First, colored gemstone grading is, in part, subjective. Second, procedures used for grading colored gemstones may change.

6B. A colored gemstone which receives a higher grade on a certificate is not necessarily more valuable than one receiving a lower grade. Dealers in colored gemstones may differ significantly in their assessment of the value of particular gemstones and will often rely on personal inspection in setting a value for a gemstone instead of relying only on a certificate.

6C. The above characteristics of colored gemstone grading and valuation are a risk you should consider before investing in colored gemstones.

A. This notice shall appear in all written advertising and promotional material used to sell any gemstone(s) except newspaper and magazine advertisements and one-page promotional material whose sole purpose is to solicit a prospective customer to request further information. The title "Risk Factors You Should Consider Before Investing in Gemstones" shall be printed in no smaller than ten (10) point bold face type. The remainder of the notice shall be printed in type no smaller than the smallest type otherwise in the advertising or no smaller than eight (8) point type, whichever is larger. The capitalization, punctuation and wording of the text and headings must be exactly as shown above.

B. This notice must also appear on the front page of all sales agreements or on a separate sheet of paper given to customers before they sign the sales agreement. The separate sheet may not contain any other writing. The notice required in this subparagraph shall be in the form set forth as follows:

1. At the bottom of the notice shall be the language "I have read this notice and understand what it says" and a place for the buyer's signature.

2. The text of the notice must be printed in no smaller than 9-point type and the heading "Risk Factors You Should Consider Before Investing in Gemstones" must be 2 type points larger and boldface. The capitalization, punctuation and wording of the text and headings must be exactly as shown above.

3. The whole notice, from the word "Risk" to the words "what it says," must be printed in gothic, astron, avant garde, eras, frutiger, gill sans, grotesque, helidustry, helvetica, kabel, antique, optima, univers, vogue, americana, american typewriter, newtext, or quorum type in blue, blue-black, or black ink on white or buff background. If the notice is printed on the front page of a sales agreement on which other information is emphasized by the use of colored type, the notice must then be printed in the most conspicuous colored type used.

4. The whole notice from the word "Risk" to the space for the customer's signature, must be boxed with lines 2 points thick if the notice appears on the front page of a sales agreement.

C. The disclosures in Paragraph 4 only have to be made if the promotional material or contract relates to the sale of diamonds of .04 carats to .60 carats in size. The disclosures in Paragraph 13 only have to be made if the promotional material or contract relates to the sale of colored gemstones.

It is further ordered, that each customer be given at the time of sale a fully filled-in and legible copy of the sales agreement. Respondents shall keep a fully filed-in and legible copy of each sales agreement for three years after signing.

III

It is further ordered, that respondents herein shall notify the Commission at least 30 days prior to any change in the structure of any of the corporate respondents involving dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary, or any other change in the respective corporation which may affect compliance obligations arising out of this order.

IV

It is further ordered, that the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment if the business or employment is similar in nature to respondent's present employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

V

It is further ordered, that respondents distribute a synopsis of this order to all operating divisions of said corporations, and to present or future personnel, agents or representatives having sales, advertising, or policy responsibilities with respect to the subject matter of this order and that respondents secure from each such person a signed statement acknowledging receipt of said order.

VI

It is further ordered, that respondents herein shall, within ninety (90) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Thomas L. Baker, Inc., American Diamond Company, and from Thomas L. Baker, the president of both companies.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint accompanying the proposed consent order charges that Thomas L. Baker, Inc., American Diamond Company, and Mr. Baker (hereinafter referred to as "respondents") have through the dissemination of advertising and through oral sales presentations, made several false and misleading representations and failed to disclose material facts regarding gemstones sold to consumers for investment purposes. In particular, the complaint alleges that respondents have misrepresented and failed to disclose material facts regarding the liquidity of gemstones (the ease with which they can be resold). For example, the complaint alleges that respondents have failed to disclose the material fact that an individual who seeks a quick sale of gemstones usually will only be able to obtain a resale price substantially lower than the purchase price of such gemstones.

The complaint also charges that respondents have failed to disclose material facts regarding their own gemstone resale service and that when respondents ahve sold diamonds ranging in size from .04 to .06 carats, they ahve failed to disclose material facts concerning difficulties investors may experience in resale and limitations associated ith the certificates issued by respondents to accompany these diamonds. The limitations are the fact that the grading on respondents' certificates is for identification purposes only and not for purposes of valuation. Resale through outlets other than respondents may be made more difficult by the lack of certification by a recognized independent gemological laboratory. Thus more specific grading than that contained on respondents' certificates may be necessary to enable a purchaser to resell through anyone other than respondents.

The complaint further charges that respondents have made false representations and failed to disclose material facts concerning the past appreciation of gemstones, and that they have misrepresented that their own price increases reflect general market price increases. Further, the complaint charges that respondents have made representations concerning the future appreciation of gemstones for which they lacked a reasonable basis. In addition, the complaint charges that respondents have misrepresented the source from which they have derived charts and graphs used in their promotional literature to show the economic performance and past appreciation of gemstones, the nature of their business activities, and that they would deliver gemstones with specific characteristics and in a specific or reasonable amount of time. The complaint also charges that certain of respondents' practices relating to the delivery of gemstones were deceptive and unfair.

Part I of the proposed consent order contains several provisions designed to remedy the violations charged. Respondents are prohibited from making certain specific representations as to the liquidity of gemstones and misrepresenting in general the ease with which gemstones can be resold. Respondents may not misrepresent the past appreciation of gemstones, the source of graphs or charts used in their promotional literature, that their own price increases reflect general market price increases, or respondents' own business activities. Whenever respondents make a claim concerning the past appreciation of gemstones, they must disclose the relevant characteristics of the gemstone to which the claim relates and have reasonable basis for making the claim. Respondents must have a reasonable basis for any claim concerning the future appreciation of gemstones and maintain accurate records to document the basis on which they have relied in making any claim concerning either the past or future appreciation of gemstones. Respondents are required to disclose, in writing and orally, prior to the execution of any contract for the sale of gemstones: (1) that gemstones are not as easy to sell as other investments and that diamonds .04 to .60 carats in size bought from respondents may be difficult to resell except through respondents, (2) the fee for reselling gemstones through respondents and that resale may take a substantial amount of time, (3) that gemstones with different characteristics differ substantially in their past appreciation and that past appreciation of any gemstone is not a guarantee of a future increase in value and (4) there are risks involved in the purchase of colored gemstones. These include the fact that if a colored gemstone is re-certified it may receive a different grade because colored gemstone grading is, in part, subjective and the procedures used for grading colored gemstones may change. Further, a colored gemstone which receives a higher grade on a certificate is not necessarily more valuable than one receiving a lower grade. Dealers in colored gemstones may differ significantly in their assessment of the value of particular gemstones and will often rely on personal inspection in setting a value for a gemstone instead of relying only on a certificate. Other provisions of the proposed consent order require the respondents to comply with the Federal Trade Commission Rule concerning Mail Order Merchandise, to promptly respond to inquires from customers regarding purchases made from respondents, to deliver gemstones with the specific characteristics ordered unless the customer has consented in writing to a substitution, and to deliver the proceeds of any gemstone resale made for a customer within ten working days of completion of the sale.

Part II of the proposed consent order requires respondents to make written disclosures in the exact format specified in that part of the order in certain advertising and promotional material and either on the front page of a sales contract or on a separate sheet of paper given to a consumer before he signs a sales contract.

Part III of the proposed consent order requires respondents to notify the Commission at least thirty (30) days before any proposed structural change in the corporate respondents occurs that may affect compliance with the order.

Part IV of the proposed consent order requires the individual respondent to notify the Commission of the discontinuance of his present business and of his affiliation with a new business if it is similar in nature to his present employment. This notification must state the nature of the new business and describe respondent's duties and responsibilities.

Part V of the proposed consent order requires that respondents distribute a synopsis of the order to all individuals having sales, advertising, or policy responsibilities relating to the matters dealt with in the order, and that respondents secure from each of them a signed statement acknowledging receipt of the order.

Part VI of the proposed consent order requires respondents to file a compliance report with the Commission within ninety (90) days after service of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-35164 Filed 12-8-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-4]

Form No. 423: Monthly Report of Cost and Quality of Fuels for Electric Plants; Proposed Revision

Issued: December 3, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to revise its Form 423, "Monthly Report of Cost and Quality of Fuels for Electric Plants" and its corresponding regulations at 18 CFR 141.61. As proposed, Form No. 423 would be amended so as to apply only to plants that have a stream electric generating capacity of 50 MW or greater. In addition, certain data requests in the form would be clarified, and the number of copies to be submitted with the original would be reduced. The proposed revision of Form 423 is part of the Commission's ongoing program to eliminate reporting requirements that are not necessary to the performance of the Commission's regulatory responsibilities and to reduce the burden associated with necessary filing requirements.

DATE: Comments are due by January 4, 1981.

ADDRESSES: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 and should reference Docket No. RM82-4.

Copies of the proposed Form No. 423 are available at: Federal Energy Regulatory Commission, Division of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357-8055.

FOR FURTHER INFORMATION CONTACT: Alexander Gakner, Office of Electric Power Regulation, 825 North Capitol Street NE., Room 507H-RB, Washington, D.C. 20426, (202) 376-9389.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Energy Regulatory Commission (Commission) proposes to amend Form No. 423, "Monthly Report of Cost and Quality of Fuels for Electric Plants" and to amend its regulations prescribing that form (18 CFR 141.61).[1] This rulemaking has been initiated as part of the Commission's ongoing program to review the Commission's filing requirements and reduce unnecessary reporting burdens.

Form No. 423 solicits information about the cost, quantity, and quality of fuel received monthly at generating plants owned or operated by electric

[1] The proposed Form No. 423 (Appendix) is not being printed in the **Federal Register**. Copies of the proposed Form No. 423, including all instructions to the form, are available at the Commission's Division of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357-8055.

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utilities that are subject to the jurisdiction of the Commission under the Federal Power Act.[2]

Form No. 423 provides the Commission with information about utility fuels; specifically, their cost, quality (energy content, sulfur content, ash content), geographic source, type of contract, and method of mining (coal). The information is used to evaluate fuel quality and costs in electric rate cases, and also to evaluate fuel purchase practices of electric utility companies according to section 208 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824d(f)).[3] The information is also used by other Federal agencies, such as the Environmental Protection Agency, the Departments of Labor and Commerce, the Federal Reserve Board, and the General Accounting Office, in the discharge of their various statutory responsibilities. Information in the form is collected every month from about 900 plants.

The Form No. 423 has been prescribed by Commission regulations since 1972.[4] After reevaluating the form, the Commission now proposes to increase the threshold capacity requirement that triggers the requirement to submit the form and the Commission proposes to alter the definition of that capacity requirement. The proposed amendments would also clarify certain data requests so as to prevent the filing of inconsistent data by reporting entities and to provide more meaningful information to the Commission. These amendments should result in a net decrease of approximately 17 percent in the number of utility plants that must gather the data, record it, and submit it to the Commission. Because fewer companies would be required to file the Form No. 423 and because the form itself would be simplified, the total number of hours spent annually in preparing the form should decrease correspondingly. Finally, the respondents would be required to file four copies of the completed form, rather than six.

[2] The Commission is authorized to regulate electric utilities engaged in interstate commerce under Part II of the Federal Power Act (16 U.S.C. 792–828c) pursuant to section 402 of the Department of Energy Organization Act (42 U.S.C. 7172(b)). The Commission collects information in the Form No. 423 under section 304 of the Federal Power Act pursuant to a delegation of authority from the Secretary of Energy to the Commission (Delegation Order No. 0204–1 (October 1, 1977)).

[3] Section 208 requires the Commission to periodically review fuel purchaser practices and policies under automatic adjustment clauses in order to promote the efficient use of fuel and energy resources, and to evaluate the justness and reasonableness of rates charged by electric utilities.

[4] Docket No. R–432, Order No. 453, issued June 7, 1972 (37 FR 11860, June 15, 1972); revised July 19, 1974, Docket No. R–432–A, Order No. 512 (39 FR 34030, September 23, 1974).

B. Summary of Proposed Changes

The Commission proposes to revise the general instructions in Form No. 423 so that the filing requirement is triggered if an electric power producer's plant possesses a rated generating capacity of 50 megawatts (MW), rather than 25 MW as is now required. The minimum capacity requirement would be determined by reference to only steam-electric facilities. Combustion turbine and internal combustion engine plants, which are used to provide power during peak system load, would no longer be included in computing the filing threshold.

The Commission proposes these changes because the plants that have less than a 50 MW rated generating capacity, or that operate by combustion turbine or internal combustion, represent less than five percent of the generating capacity that is reported in the Form No. 423 and this type of information is not needed on a monthly basis. Information about these smaller plants can be obtained in individual rate proceedings or through specific data requests, as needed. However, the Commission believes that a threshold higher than 50 MW would not provide sufficient information to the Commission for the analysis of rate filings.

Specific instructions in the form would be amended in certain respects. For reporting purposes, a central storage facility would be treated as a plant, to clarify the classification of such facilities. The instructions would also require respondents to provide certain additional detail in the form to more clearly report their activities, such as indicating the expiration date (if such occurs within 24 months) of all contracts under which deliveries of coal or oil are made; and the name of the broker, if applicable, from whom coal was purchased during the reporting month. Finally, the instructions would be revised to include "flame stabilization" fuels in the instruction requiring fuel identification and to define "spot" purchase to be "shipments under purchase orders or contracts of less than one year duration".

The regulations at § 141.61 which prescribe the filing of Form No. 423 would be revised to reflect the increase in the minimum capacity requirement from 25 MW of steam-electric generating plant capacity to 50 MW rated steam-electric generating capacity. The regulations would also be revised to make certain non-substantive changes that more clearly describe who must file the form and when the filing is required.

C. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities".

Pursuant to section 605(b) of the RFA, the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial numer of small entities. Virtually all electric utility companies required to file the monthly report are large entities. Moreover, this rule, if promulgated, will reduce the filing burden on the electric utility companies because the proposed revisions will simplify the current report.

D. Written Comment Procedure

The Commission invites interested persons to submit written data, views and other information concerniing the matters set out in this Notice. An original and 14 copies of such comments should be filed with the Commission by January 4, 1981. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM82–4.

All written submissions to this rulemaking will be placed in the Commission's public files and will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426, during regular business hours.

(Department of Energy Organization Act (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR Part 142; Federal Power Act (16 U.S.C. 792–828c); Public Utility Regulatory Policies Act (16 U.S.C. 2601–2645))

In consideration of the foregoing, the Commission proposes to amend Form No. 423 as set forth in the Appendix, and Part 141 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 141—STATEMENT AND REPORTS (SCHEDULES)

Section 141.61 is revised to read as follows:

§ 141.61 FERC Form No. 423, Monthly Report of Cost and Quality of Fuels for Electric Plants.

(a) *Prescription.* The form of Monthly Report of Cost and Quality of Fuels for Electric Plants, designated herein as FERC Form No. 423, is prescribed for the month of January, 1982, and for each month thereafter.

(b) *Filing Requirements.* (1) *Who must file.* Each electric power producer with a rated steam-electric generating capacity of 50 megawatts or greater during the reporting month shall prepare and file with the Commission an original and conformed copies of FERC Form No. 423 pursuant to the General Instructions set out in that form.

(2) *When to file.* The completed report shall be filed on or before the 45th day after the end of the reporting month.

[FR Doc. 81-35215 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Comments Received From Federal Agencies on the Virginia State Permanent Program Submitted Under Pub. L. 95-87

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Announcement of public disclosure of comments on the Virginia Program.

SUMMARY: Before the Secretary of the Interior may approve permanent state regulatory programs submitted under section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain federal agencies must be solicited and disclosed. The Secretary has solicited comments of these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during regular business hours at:

Virginia Department of Conservation and Economic Development, Division of Mined Land Reclamation, Post Office Drawer U, Big Stone Gap, Virginia 24219, Telephone: (703) 523-2925

Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125

Office of Surface Mining, Department of the Interior, Room 135, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-4728

FOR FURTHER INFORMATION CONTACT:

Mr. Dick Leonard, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125

Mr. Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is reevaluating the Virginia permanent regulatory program submitted by Virginia for his review on March 3, 1980. See 45 FR 15576 (March 11, 1980), 45 FR 28167-28168 (April 28, 1980), 45 FR 41973-41976 (June 23, 1980), 45 FR 69977-70000 (October 22, 1980). In accordance with section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1), the Virginia program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following federal agencies were invited to comment to the Virginia program:

Advisory Council on Historic Preservation, Appalachian Regional Commission, Council on Environmental Quality
Department of Agriculture:
- Agriculture Stabilization and Conservation Service
- Farmers Home Administration
- Forest Service
- Agricultural Research Service
- Soil Conservation Service

Department of Energy
Department of the Interior:
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Mines
- Fish and Wildlife Survice
- Geological Survey
- National Park Service

Department of Labor:
- Mine Safety and Health Administration

Environmental Protection Agency
Ohio River Basin Commission
Tennessee Valley Authority
U.S. Army Corps of Engineers
Water Resources Council

Of those agencies invited to comment, OSM received comments from the following offices:

Department of Agriculture:
- Cooperative Extension Service
- Forest Service
- Soil Conservation Service

Department of the Interior:
- Bureau of Land Management
- Bureau of Mines
- Fish and Wildlife Service
- Geological Service
- National Park Service

Department of Labor:
- Mine Safety and Health Administration

Environmental Protection Agency
Tennessee Valley Authority
U.S. Army Corps of Engineers

These comments are available for review and copying during regular business hours at the locations listed above under "Addresses."

Dated: December 2, 1981.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 81-35188 Filed 12-8-81; 8:45 am]

BILLING CODE 4310-05-M

PANAMA CANAL COMMISSION

35 CFR Part 10

Access to Information Concerning Individuals; Proposed Exemption From Access of System of Records Under the Privacy Act

AGENCY: Panama Canal Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule would exempt a system of records, called "Ombudsman Investigation Files, PCC/OM-1," from certain provisions of the Privacy Act of 1974. The general effect of the exemption would be to make information in the system inaccessible to the subjects of the records. The exemption is needed because the system consists of information maintained by an office of the Panama Canal Commission whose functions include the receiving, investigating, and resolving of complaints, grievances, and requests concerning administrative problems, inefficiencies and conflicts arising as a result of the implementation of the Panama Canal Treaty of 1977 and related agreements. Divulging the information in the system to the subjects of the records could render the efforts of the Office of Ombudsman ineffective.

DATES: Comments must be received on or before: December 29, 1981. The

proposed effective date for this rule is January 8, 1982.

ADDRESS: Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street N.W., Washington, D.C. 20004; or Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street N.W., Washington, D.C. 20004 (telephone 202–724–0104).

SUPPLEMENTARY INFORMATION: Since the purpose of this rule is to exempt a narrow class of records concerning individuals from the access and contest provisions of the Privacy Act, no small entities would be affected by its implementation. Accordingly, the agency has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, sections 603 and 604 of 5 U.S.C. do not apply to the regulation proposed in this document, and the head of the agency so certifies pursuant to 5 U.S.C. 605(b). Further, for the same reasons, this proposed rule is not considered to be a "major rule" as defined in section 1(b) of Executive Order 12291 of February 17, 1981.

PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

Under the Privacy Act of 1974, 5 U.S.C. 552a, the Panama Canal Commission proposes to amend Part 10 of 35 CFR by adding a new paragraph (xxviii) to 35 CFR 10.22(a)(2), as follows:

§ 10.22 **Specific exemptions.**

(a) * * *

(2) * * *

(xxviii) Ombudsman Investigation Files, PCC/OM–1.

Dated: December 4, 1981.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

[FR Doc. 81–35239 Filed 12–8–81; 8:45 am]

BILLING CODE 3640–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–2001–4]

Approval and Promulgation of Implementation, Indiana

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Extension of the public comment period.

SUMMARY: On November 5, 1981, the U.S. Environmental Protection Agency (EPA) proposed rulemaking on the redesignation of Porter County, Indiana (46 FR 54974).

At the time of proposed rulemaking a 30 day public comment period was provided. However, in response to a request by Bethlehem Steel for additional time to comment, the public comment period is extended to January 6, 1982.

DATE: Comments must be received on or before January 6, 1982.

ADDRESSES: Comments should be submitted to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6036.

Dated: November 30, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 81–35218 Filed 12–8–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 180

[PH–FRL–2001–6; PP 9E2202/P201]

Phenmedipham; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the herbicide phenmedipham. This proposal to establish a maximum permissible level for residues of phenmedipham in or on spinach was submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before January 8, 1982.

ADDRESS: Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS–767C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4) New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 9E2202) to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Arkansas, California, and Oklahoma.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide phenmedipham in or on the raw agricultural commodity spinach at 0.5 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included: A three-generation rat reproduction study with a no-observable-effect-level (NOEL) (for reproductive effects) of 500 ppm (highest dose tested); a rat teratology study with no teratogenic or fetal toxic effects noted at 500 ppm (highest dose tested); a two-year dog feeding study with a NOEL of 1,000 ppm (highest dose tested); a rat chronic feeding and oncogenic study with no unusual incidence of tumor formation and a NOEL (based on body weight change) of 100 ppm; and a mouse mutagenic potential study (using micronucleus test) with no evidence of mutagencity.

The acceptable daily intake (ADI), based on the two-year rat feeding study (NOEL of 5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 3.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0060 mg/day; the current action will add 0.0004 mg/day. Published tolerances and this proposed tolerance utilize 0.21 percent of the ADI.

The nature of the residues is adequately understood and an analytical method, using gas chromatography and an electron capture detector is available for enforcement purposes. There is no problem of secondary residues in meat, milk, poultry, and eggs from this use. There are presently no actions pending against the continued registration of chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration

of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before January 8, 1982, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Good, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number "[PP 9E2202/P201]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e))).

Dated: November 27, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMCIALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR Part 180.278 be revised by reformating the commodities in an alphabetized columnar listing and alphabetically inserting the raw agricultural commodity "spinach" to read as follows:

§ 180.278 Phenmedipham; tolerances for residues.

Tolerances are established for residues of the herbicide phenmedipham (methyl *m*-hydroxycarbanlate *m*-methylcarbanlate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Beets	0.2 (N)
Beets, sugar, roots	0.1 (N)
Beets, sugar, tops	0.1 (N)
Spinach	0.5

[FR Doc. 81-35219 Filed 12-8-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6121]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Michigan

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Wyoming, Michigan.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 FR 39620 on August 4, 1981 and in the *Wyoming Reporter*, published on or about June 30, 1981, and July 7, 1981, and hence supersedes those previously published rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at Treasurer's Office, 1155 28th Street, SW, Wyoming, Michigan.

Send comments to: the Honorable Harold Isenga, 1155 28th Street, SW, Wyoming, Michigan 49509.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Energency Management Agency, Washington, D. C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locatgions in the City of Wyoming, Michigan, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Grand River	Intersection of Conrail and Interstate Highway 196.	*607
Plaster Creek	Intersection of creek and center of Chicago Drive.	*616
	50 feet downstream from center of Division Street.	*641
Buck Creek	50 feet upstream from center of Byron Center Avenue.	*640
	Intersection of 56th Street and Crippen Avenue.	*666
	60 feet south of intersection of 36th Street and Wentworth Drive.	*630

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Novemer 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44

FR 19367; and delegation of authority to the Associate Director)

Issued: November 16, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35220 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6147]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Massachusetts

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 47635 on September 29, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the City of Leominster, Worcester County, Massachusetts.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Leominster, Worcester County, Massachusetts, previously published at 46 FR 47635 on September 29, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The following location descriptions have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations remains unchanged.

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Monoosnoc Brook	West Street (upstream) (Upstream crossing)	463
Fall Brook	Litchfield Street (upstream) (downstream crossing).	349
	Grant Street (upstream)	461
	Fall Brook Reservoir Dam (upstream).	654
Tributary B to Fall Brook.	Approximately 800' upstream of Union Street.	[redacted]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director.

[FR Doc. 81-35178 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6153]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Virginia

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Stony Creek, Sussex County, Virginia.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Federal Register at 46 FR 48730 on October 2, 1981, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Town Hall, Stony Creek, Virginia.

Send comments to: Honorable T. W. Baicy, Mayor of Stony Creek, Office of the Mayor, Stony Creek, Virginia 23882.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Stony Creek, Sussex County, Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Virginia	Stony Creek, Town Sussex County	Nottoway River	Area south of State Route 40 by-pass and east of Interstate 95 at southeast corporate limits.	*73
		Stony Creek	Downstream Corporate Limits	*75
			Upstream of Seaboard Coastline Railroad	*79
			Upstream Corporate Limits	*80

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director.

[FR Doc. 81-35179 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6080]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Vermont; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 31691 on June 17, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Wolcott, Lamoille County, Vermont.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Wolcott, Lamoille County, Vermont, previously published at 46 FR 31691 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has not economic impact.

Under the Source of Flooding of Wild Branch, the location description "1,450 feet upstream of Private Drive (upstream crossing)" should be amended to read "1,450 feet upstream of Private Drive (downstream crossing)." The corresponding elevation is correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35182 Filed 12-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6124]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Indiana; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Portage, Porter County, Indiana, previously published at 45 FR 41112 on August 14, 1981.

DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of proposed Determinations of base (100-year) flood elevations for selected locations in the City of Portage, Porter County, Indiana previously published at 46 FR 41112 on August 14, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood

Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The following corrections were made to Portage Indiana: Willow Creek, "About 4000 feet upstream of Lute Road, 634*," Lenburg Ditch, "At mouth, 626*," "About 0.39 mile upstream of mouth, 628*," " About 140 feet downstream of Stone Avenue, 630*," North Road is the designated name given by the U.S. Geological Survey quadrangle maps; however, the community prefers Lute Road which is the given name by the community. Linberg Ditch changed to Lenburg Ditch due to a clerical error. These changes warranted a correction to the Base Flood Elevation notice.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground * Elevation in feet (NGVD)
Indiana	(C) Portage, Porter County	Willow Creek	About 4000 feet upstream of Lute Road	*634
		Lenburg Ditch	At mouth	*626
			About 0.39 mile upstream of mouth	*628
			About 140 feet downstream of Stone Avenue	*630

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81–35183 Filed 12–8–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Docket No. 80–739; Report No. 16627]

Frequency Allocations and Radio Treaty Matters General Rules and Regulation

AGENCY: Federal Communications Commission.

ACTION: Public notice regarding fourth notice of inquiry.

SUMMARY: The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80–739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This Fourth Notice of Inquiry considers frequency allocations for the portion of radio spectrum from 40.5 GHz through 400 GHz and new emission designators. This action is necessary in order for the Commission to proceed with appropriate rulemaking in a timely manner after U.S Senate consideration and ratification of the WARC treaty.

DATE: Comments due December 22, 1981, reply comments due January 6, 1982.

ADDRESS: Federal Communications Commission, 1919 "M" Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas, Office of Science and Technology, 1919 "M" Street, NW., Washington, D.C. 20554, (202) 653–8171.

SUPPLEMENTARY INFORMATION: October 2, 1981.

Inquiry Begun for Implementation of 1979 WARC Actions in 40.5–400 GHz Spectrum

The Commission has begun a further inquiry for preparation of rule changes to put into effect the final acts of the 1979 World Administrative Radio Conference involving frequency allocations in the spectrum from 40.5 to 400 GHz.

The Notice of Inquiry compares U.S. proposals with the 1979 WARC actions and proposes appropriate modifications of FCC rules. In cases where U.S. proposals were drawn to provide flexibility and were adopted, the inquiry proposes choices among alternatives. Previous inquiry notices dealt with spectrum changes below 40 GHz and other matters stemming from the WARC actions.

The Commission specifically asked for comment on proposals for:

1. Nearly complete sharing between government and nongoverment users in the spectrum above 40 GHz.

2. A new system for designating radio frequency emissions to conform FCC rules to International Radio Regulations.

The actions of the 1979 WARC, which constitute a treaty, will take effect January 1, 1982, in countries which have ratified them. The treaty has not yet been submitted to the Senate for ratification. When ratified the treaty will have the force of law in the United States.

The WARC generally adopted the U.S. approach to spectrum allocation above 40 GHz, as reflected in U.S. proposals which included making allocations for both terrestrial and space services. The allocations will provide guidance for the development of new technology and coming generations of telecommunications systems.

The Commission's previous inquiry notices were released on December 30, 1980, and on June 15 and July 16, 1981. The FCC inquiries are being coordinated

with other federal agencies, which are developing regulatory provisions for changes affecting government radio uses.

Comments are due by December 22, 1981 and replies by Jan. 6, 1982.[1]

Action by the Commission October 1, 1981, by Fourth Notice of Inquiry (FCC 81-457). Commissioners Fowler (Chairman), Quello, Washburn, Fogarty, Jones, Dawson and Rivera.

For further information contact Fred Thomas, (202) 653-8171, or William Torak, (202) 632-7025.

William J. Tricarico,

Secretary, Federal Communications Commission.

Note.—Because of the effort to minimize printing costs, the Notice of Inquiry will not be printed herein. However, copies of that document in its entirety may be obtained from the FCC Public Affairs Office, Room 202, 1919 M St., N.W., Washington, D.C.

[FR Doc. 81-35202 Filed 12-8-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 74

[BC Docket No. 81-793; FCC 81-535]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Current Policy and Procedure

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: As part of an ongoing effort to review its rules for accuracy and clarity, the FCC is proposing a number of amendments to Subparts D, E, F and H of Part 74 regarding experimental, auxiliary, and special broadcast and other program distributional services. This action is being initiated to give interested parties an opportunity to comment on rule changes which would formally express existing policy. The intended effect of the action is to conform the rules with actual policy and to eliminate certain rules which are no longer deemed necessary.

DATES: Comments must be filed on or before January 2, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven D. Linn, Broadcast Bureau, (202) 632-7698.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: November 25, 1981.

By the Commission.

1. Recent review of the rules pertaining to the Broadcast Auxiliary Services indicates the need for certain substantive and editorial changes in order that they reflect current policy and procedure. Accordingly, notice of proposed rule making is given in the above-entitled matter. This *Notice* and the *Notice of Proposed Rule Making* in BC Docket No. 81-794 (Amendment of Part 74, Subpart F of the Commission's Rules to permit shared use of broadcast auxiliary facilities with other broadcast and non-broadcast entities and to establish new licensing policies for television auxiliary broadcast stations) comprise the present phase of the Commission's Part 74 deregulatory and regulatory flexibility review programs. Parties having an interest in this proceeding who may identify in Part 74 other rules which become obsolete or which appear excessively burdensome in view of the intended benefit, or which place a disproportionate or unnecessary burden on small business entities, the deletion or amendment of which would not be likely to engender sufficient controversy to warrant individual rule makings, are encouraged to identify and discuss same in conjunction with comments filed in response to the specific issues raised in this *Notice*. This will enable the subsequent *Report and Order* to be as comprehensive as possible and avoid unnecessary delay in worthwhile revision of the rules.

Reference to the Chicago Regional Office, and FCC Form 425

2. As operation of the Commission's Chicago Regional Office has been terminated, reference to it in §§ 74.433(c) and 74.833(c) and mention of FCC Form 425 in § 74.832(e) is no longer appropriate. These strictly editorial amendments could be the subject of a separate *Order*; but for reasons of economy and administrative simplicity, they are being included in this proceeding.

"Grandfathered" Operation Between 942 and 947 MHz

3. The "grandfather clause" in §§ 74.502(c) and 74.603(c) concerning continued operation of aural broadcast STL, intercity relay and TV auxiliary broadcast stations does not contain a provision for such stations operating on frequencies between 942 and 947 MHz. This band was allocated to land mobile and reserved in the *First Report and Order and Second Notice of Inquiry* [1] in Docket 18262. We believe, for purposes of clarity, that it would be desirable to include the substance of Footnote NG-64 (which states that "[b]roadcast auxiliary stations licensed as of July 10, 1970, to operate in the frequency band 942-947 MHz may continue to so operate pending a decision as to their disposition through a future rule making proceeding") in §§ 74.502(c) and 74.603(c). [The Commission has under consideration two petitions (RM-3885, Aeronautical Radio, Inc., developmental license, granted August 25, 1981, and RM-3524, Air Fone, Inc., developmental license, granted December 12, 1980) proposing air-to-ground telephone service in the 942-947 MHz band. Action on these two proposals will be taken in the near future.]

Notification Requirements

4. It is our belief that communications technology today is sufficiently advanced to warrant the elimination of the notification requirements set forth in paragraphs (a) of §§ 74.533, 74.634 and 74.635 (which concern remote control and unattended operation). We feel similarly with respect to paragraph (c) of § 74.651 (which concerns the use of multiplex equipment). Accordingly, in the proposed rules set forth in the Appendix these requirements are deleted. Paragraph (c) in § 74.533 and paragraphs (b) of §§ 74.634 and 74.635 also require amendment to reflect the new policy. While it might be possible to eliminate these paragraphs altogether, we feel that their retention in the modified form as set forth in the Appendix is desirable to give the Commission some latitude in the resolution of any conflicts or interference problems that may arise. We would emphasize that the operating requirements of these sections are being retained in full; only the need to notify the Commission would be eliminated.

Intracity Relay Stations

5. Another of our policies which is not reflected in the rules is that of authorizing intracity relay stations pursuant to Subpart F. Thus, the use of the term "television intercity relay station" in § 74.601(c) and elsewhere is misleading. We wish to simplify the term to "TV relay station" in order to more clearly signify the broader applicability and use of this type of station. Again, the necessary rule

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[1] In the original document, these dates are stated as being November 16, 1981 and December 1, 1981 respectively. However, notification through the **Federal Register** was not given. The dates mentioned herein are given to allow interested **Federal Register** readers the opportunity to submit comments and replies. An *Order extending time for filing comments/replies* will be issued by the Commission to present these dates to all parties who obtained copies of the original document.

[1] See *First Report and Order and Second Notice of Inquiry*, Docket 18262, Appendix C, revision to Part 2, § 2.106, Footnote NG-64, published in the **Federal Register** (35 FR 8644) on June 4, 1970.

amendments are set forth in the Appendix. Also in keeping with previously discussed changes is amendment of § 74.631(c) to read: "A TV relay station is authorized to transmit visual program material between television broadcast stations for simultaneous or delayed broadcast, or may be used to transmit visual program material from a remote receiver site of a single station." This change simply deletes the term "intercity" for reasons discussed previously, and acknowledges use (relay or remote receiver information) not presently specified in the rule but permissible under existing practice and policy.

Use Of Subpart E Facilities for Transmission of TV Sound

6. We turn our attention next to § 74.603(b), which allows the transmission of the sound portion of television broadcast program material over an aural broadcast STL or intercity relay station licensed under the provisions of Subpart E. This provision was created because of equipment limitations. However, in recent years the spectrum available under the provisions of Subpart E has become so intensively used by AM and FM broadcasters, we feel that the time has come when permission to use this spectrum in conjunction with video broadcasting should be withdrawn. Thus, we propose to remove paragraph (b) of § 74.603, but only if information submitted in comments generally supports our view. We would also ask what type of "grandfather" provisions, if any, should be applicable.

Special Temporary Authority

7. We feel that where our policies in administering the services regulated by the various subparts of Part 74 are similar, the related rules should likewise agree to the extent practicable. This results in a uniformity in the rules which serves as a memory aid and eliminates the appearance of special exceptions where none in fact exist.[2] A case in point is the absence of a paragraph in § 74.633 similar to paragraph (f) in §§ 74.433 and 74.833, which is, in fact, the policy applicable to Special Temporary Authorizations (STA's) issued in Subpart F. We therefore are proposing a new paragraph (e) for § 74.633 which will state that "Special temporary authority to permit operation of television auxiliary broadcast stations pending Commission action on an application for regular authority will not normally be granted." This will discourage the requests occasionally received by the Commission in this regard.

Zones

8. We wish to make an editorial amendment to § 74.802(b) which refers to certain zones without defining them. We believe a statement referring the reader to § 73.609 (where the three zones are clearly defined) would be helpful and eliminate ambiguity.

Specification of Nearest TV Station

9. We also propose, in § 74.832(e), to delete the requirement that applicants specify the nearest television stations operating on the requested channel, since operations in this band are limited to areas removed from existing co-channel stations. We have found, through years of experience, that users of the 174–216 MHz spectrum take care to maintain a sufficient distance from co-channel stations, since it is rare that they can be in a location where they can cause interference to the reception of a television station, yet not receive comparable interference themselves. Thus, as experience has shown this requirement to be useless, we propose its deletion.

Low Power Auxiliary Station Operation at Temporary Locations

10. We would also like to propose amendment of paragraphs (f) and (h) of § 74.832 to allow greater flexibility in the operation of low power auxiliary stations at temporary locations. This would be accomplished by amending paragraph (f) to read (in part):

(f) Applications for the use of the 174–216 MHz band must specify the usual area of operation within which the low power auxiliary station will be used. This area of operation may, for example, be specified as the metropolitan area in which the broadcast licensee serves, or the usual area within which motion picture and television producers are operating. (The remainder of the paragraph would be unchanged.)

It will be noticed that the essential change made above involves the use of the word "usual" to provide the alternative which would allow operation at locations not specified, as may be necessary. In paragraph (h), the requirement to obtain prior authorization from the Commission would be eliminated. We are proposing these changes because at the time the service was created these requirements were suitable simply as a precautionary measure; but after years of experience we have seen no instances of abuse whatever and see no need to retain these needlessly burdensome requirements.[3]

11. *Regulatory Flexibility Act Initial Analysis.*

I. *Reasons for action.* Due to administrative oversight in other rule making proceedings and the gradual evolution of policies more in keeping with the objectives and actual needs of the various auxiliary broadcast services, certain rules in Part 74 of the Commission's Rules have become obsolete or are in need of minor revision.

II. *The objectives.* The Commission desires to update the rules for purposes of improved clarity, to make them reflect actual policy and to eliminate certain requirements no longer deemed necessary which may constitute a burden to some broadcasters and other entities eligible for operation in these services.

III. *Legal basis.* Action proposed is in furtherance of Sections 303(r), 4(i) and of the Communications Act of 1934, as amended, which permits the Commission to make such rules and regulations, not inconsistent with law, as may be necessary in the execution of its functions, with the additional view of the public welfare.

IV. *Description, potential impact and number of small entities affected.* No impact is seen on non-broadcast entities. The rule changes proposed are largely editorial in nature and reflect policies which are already operative. Certain of the other changes proposed are permissive in nature, and should be welcomed by large and small broadcast and broadcast-related entities alike. In sum, no adverse impact on any entity, large or small, is anticipated.

V. *Recording, record-keeping and other compliance requirements.* Certain administrative burdens (notifying the Commission of certain operations) would be eliminated for both small and large broadcast and broadcast-related entities.

VI. *Federal rules which overlap, duplicate or conflict with these rules.* None.

VIII. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective.* None, and retention of the *status quo* would constitute a continuing burden.

12. Accordingly, it is proposed to amend Part 74 of the Commission's Rules as set forth in the attached Appendix.

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[2] This is not to say that where unique circumstances or considerations arise, we will sacrifice flexibility for conformity. In such cases the rules applicable to the various subparts must necessarily differ.

[3] The predominant use of these low power auxiliary stations is for wireless microphones having a very short piece of wire for an antenna and a range not in excess of a few hundred feet.

13. Authority for the action taken herein is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

14. Pursuant to the procedures set forth in sections 1.4, 1.415 and 1.419 of the Commission's Rules and Regulations, interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

15. In accordance with section 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished the Commission. Members of the general public who wish to participate informally in this proceeding may submit one copy of their comments, specifying BC Docket Number 81—793.

16. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M St., N.W., Washington, D.C.

17. For further information concerning this proceeding contact Steven D. Linn, Broadcast Bureau (202) 632–7698. However, members of the public should note that from this time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

18. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554 (202) 632–7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1006, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Appendix

It is proposed to amend Part 74 of the Federal Communications Commission's Rules and Regulations as follows:

1. In Subpart D, it is proposed to revise paragraph (c) of § 74.433 to remove the reference to the Commission's Chicago Regional Office:

§ 74.433 Temporary authorizations.

* * * * *

(c) An informal request for special temporary authority shall be addressed to the FCC in Washington, D.C. and must include full particulars including: licensee's name, call letters of associated broadcast station or stations, name and address of individual designated to receive return authorization, call letters of remote pickup station, if assigned, type and manufacturer of equipment, power output, emission, frequency or frequencies proposed to be used, commencement and termination date, location of proposed operation and purpose for which request is made including any partiular justification. In the event that the proposed antenna installation will increase the height of any natural formation or existing man-made structure by more than 20 feet, a vertical plan sketch showing the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographical coordinates of the proposed site, shall be submitted with the application.

2. In Subpart E, it is proposed to revise paragraph (c) of § 74.502 to read as follows:

§ 74.502 Frequency assignment.

* * * * *

(c) Aural broadcast STL and intercity relay stations licensed as of July 10, 1970, to operate in the frequency band 942–947 MHz, may continue to so operate pending a decision as to their disposition through a future rule making proceeding.

* * * * *

3. In § 74.533, the introductory texts of paragraphs (a) and (b) would be revised to remove the Commission notification requirement; and paragraph (c) would be revised to read as follows:

§ 74.533 Remote control and unattended operation.

(a) Aural broadcast STL and intercity relay stations may be operated by remote control provided that such operation is conducted in accordance with the conditions listed below:

* * * * *

(b) Aural broadcast STL and intercity relay stations may be operated unattended provided that such operation is conducted in accordance with the conditions listed below:

* * * * *

(c) The FCC may notify the licensee to cease or modify operation in the case of frequency usage disputes, interference or similar situations where such action appears to be in the public interest, convenience and necessity.

4. In Subpart F, paragraph (c) of § 74.601 would be amended to remove the term "intercity" as follows:

§ 74.601 Classes of TV auxiliary broadcast stations.

(c) *TV relay station.* A fixed station used for transmission of TV program material and related communications for use by TV broadcast stations.

* * * * *

5. In § 74.602, the introductory text of paragraph (a) and (f) would be revised as follows.

§ 74.602 Frequency assignment.

(a) The following frequencies are available for assignment to TV pickup, TV STL, TV relay stations and TV translator relay stations:

* * * * *

(f) Community antenna relay stations may be assigned channels in Band D between 12,700 and 13,200 MHz subject to the condition that no harmful interference is caused to TV STL and TV relay stations authorized at the time of such grants. Similarly, new TV STL and TV relay stations must not cause harmful interference to community antenna relay stations authorized at the time of such grants. The use of channels between 12,700 and 13,200 MHz by TV pickup stations is subject to the condition that no harmful interference is caused to community antenna relay, TV STL and TV relay stations, except as provided for in § 74.602(a) Note 2.

* * * * *

6. In § 74.603, paragraph (b) is removed and marked "Reserved" and paragraph (c) is revised to read as follows:

§ 74.603 Sound channels.

* * * * *

(b) [Reserved]

* * * * *

(c) TV STL or TV relay stations licensed as of July 10, 1970, to operate in the frequency band 942–947 MHz, may continue to so operate pending a decision as to their disposition through a future rule making proceeding.

* * * * *

7. In § 74.631, paragraphs (c) through (f) would be revised to read as follows:

§ 74.631 Permissible service.

* * * * *

(c) A TV relay station is authorized to transmit visual program material between television broadcast stations for simultaneous or delayed broadcast, or may be used to transmit visual program material from a remote pickup receiver site of a single station.

(d) The transmitter of an STL, TV relay station or TV translator relay station may be multiplexed to provide additional communication channels for the transmission of aural program material and operational communications. Operational communications include voice communications and telemetry signals, all of which must be directly related to the technical operation of the associated broadcast TV or TV translator station of the STL, TV relay or translator system of which the multiplexed transmitter is a part. Aural program material may include the sound accompanying the visual program material transmitted over the system or aural program material intended for broadcast by other AM, FM, or TV broadcast stations owned by or under the common control of the licensee of the TV STL or TV relay station. Multiplexing on TV translator relay stations shall be limited to the sound accompanying the visual program material and operational communications as defined in this paragraph. A TV broadcast STL or TV relay station will be authorized only in those cases where the principal use is the transmission of TV broadcast program material for use by its associated TV broadcast station. However, STL or TV relay stations so licensed may be operated at any time for the transmission of aural program material and operational communications whether or not visual program material is being transmitted, provide that such operation does not cause harmful interference to TV broadcast pickup, STL or TV relay stations transmitting TV broadcast program material.

(e) Except as provided in paragraphs (a), (d) and (f) of this section, all program material transmitted over a TV pickup, STL, or TV relay station shall be used by or intended for use by a TV broadcast station owned by or under the common control of the licensee of TV pickup, STL, or TV relay station. Program material transmitted over a TV pickup, STL or TV relay station and so used by the licensee of such facility may, with the permission of the licensee of the broadcast auxiliary facility, be used by other TV broadcast stations and by nonbroadcast closed circuit educational TV systems operated by educational institutions.

(f) A TV broadcast pickup, STL or TV relay station may, at times when it is not transmitting program material to its associated TV broadcast station, be used for the transmission of program material to non-broadcast closed circuit educational television systems operated by educational institutions, provided that such use is less than 50% of the total use of the broadcast auxiliary facility during any one year of the license period. Use of the broadcast auxiliary facility for this purpose is subject to the condition that no harmful interference is caused to broadcast auxiliary stations operating in accordance with the basic frequency allocation. No charge either direct or indirect may be made for this use. Licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternative uses, during each year of the license term.

* * * * *

8. In § 74.632, paragraphs (b) and (d) would be revised to read as follows:

§ 74.632 Licensing requirements.

* * * * *

(b) A license for a TV relay station may be issued in any case where the circuit will operate between TV broadcast stations either by means of "off-the-air" pickup and relay or location of the initial relay station at the studio or transmitter of a TV broadcast station.

* * * * *

(d) Licensees who have two or more TV broadcast stations located in different cities shall, in applying for a new TV pickup station or for renewal of license of an existing station, designate the TV broadcast station in conjunction with which it is to be operated principally. Operation in a city which is not the city of license of the associated TV broadcast station is on a secondary, non-interference basis to home-city users.

* * * * *

9. In § 74.633 new paragraphs (e) and (f) would be added to read as follows:

§ 74.633 Temporary authorizations.

* * * * *

(e) [Reserved]

(f) Special temporary authority to permit operation of a TV auxiliary broadcast station of any class pending FCC action on an application for regular authority will not normally be granted.

10. In § 74.634, the introductory text of paragraph (a) and (b) would be revised to read as follows:

§ 74.634 Remote control operation.

(a) A TV auxiliary station may be operated by remote control provided that such operation is conducted in accordance with the conditions listed below:

* * * * *

(b) The FCC notify the license to cease or modify operation in the case of frequency usage disputes, interference or similar situations where such action appears to be in the public interest, convenience and necessity.

11. In § 74.635, the introductory text of paragraph (a), (a)(4) and (b) would be revised to read as follows:

§ 74.635 Unattended operation.

(a) TV relay stations, TV translator relay stations, and TV STL stations may be operated unattended provided such operation is conducted in accordance with the conditions listed below:

* * * * *

(4) In the case of TV relay stations, TV STL stations, and TV translator stations, observations shall be made at intervals not exceeding 24 hours, at the receiving end of the microwave circuit, by a person designated by the licensee, who must institute measures sufficient to ensure prompt correction of any condition of improper operation that is observed. In the case of an STL station associated with a TV station operated by remote control, the observations may be made by monitoring the TV station's transmitted signal at the remote control point. In the case of a TV translator relay station, the observations may be made by monitoring the associated TV translator station's transmitted signal.

* * * * *

(b) The FCC may notify the licensee to cease or modify operation in the case of frequency usage disputes, interference or similar situations where such action appears to be in the public interest, convenience and necessity.

12. Paragraph (c) of § 74.651 would be revised to remove the notification requirement:

§ 74.651 Equipment changes.

* * * * *

(c) Multiplexing equipment may be installed on any licensed TV broadcast STL, TV relay, or translator relay station without authority from the Commission provided that such changes are shown in the next application for renewal of license for the station.

13. In Subpart H, the introductory material preceding paragraph (b)(1) of § 74.802 would be revised to read as follows:

§ 74.802 Frequency assignment.

* * * * *

(b) In the 174–216 MHz band, operations are limited to locations removed from existing co-channel stations by the following distances unless otherwise authorized by the Commission:

Zone I, 97 Km (60 miles)
Zone II and III, 120 Km (75 miles)

Note.—See § 73.609 for a definition of each of the zones.

Specific frequency operation is required in this band and the licensee will select the exact frequency on which operation is desired. Specific frequencies available for use by low power auxiliary stations in the 174–216 MHz band are as follows:

* * * * *

14. In § 74.832, paragraphs (e), (f) and (h) are revised to read as follows:

§ 74.832 Licensing requirements and procedures.

* * * * *

(e) An application for low power auxiliary stations or for a change in an existing authorization shall specify the broadcast station, combination of such stations, or the network with which the low power broadcast auxiliary facilities are to be principally used as given in paragraph (h) of this section; or it shall specify the motion picture or television production company or the cable television operator with which the low power broadcast auxiliary facilities are to be solely used. A single application, filed in duplicate on FCC Form 313 may be used in applying for the authority to operate one or more low power auxiliary units. The application must specify the number of units to be operated and the frequency bands which will be used. Motion picture producers, television program producers, and cable television operators are required to attach a single sheet to their application form explaining in detail the manner in which the eligibility requirements given in paragraph (a) of this section are met.

(f) Applications for the use of the 174–216 MHz band must specify the usual area of operation within which the low power auxiliary station will be used. This area of operation, may for example, be specified as the metropolitan area in which the broadcast licensee serves, or the usual area within which motion picture and television producers are operating. Since low power auxiliary station use of this band will only be permitted in areas removed from existing co-channel television broadcast stations, it is the licensee's responsibility to insure operation of these stations does not occur at distances less than those specified in § 74.802(b) with respect to existing co-channel TV stations serving part of the specified area of operation.

* * * * *

(h) For broadcast licensees, low power auxiliary stations will be licensed for use with a specific broadcast station or combination of broadcast stations licensed to the same licensee and to the same community. Licensing of low power auxiliary stations for use with a specific broadcast station or combination of such stations does not preclude their use with other broadcast stations of the same or a different licensee at any location. Operation of low power auxiliary stations outside the area of operation specified in the authorization, or in other bands is permitted without further authority of the Commission. However, operation of low power auxiliary stations shall, at all times, be in accordance with the requirements of § 74.882 of this Subpart. Also, a low power auxiliary station that is being used with a broadcast station or network other than one with which it is licensed, must, in addition to meeting the requirements of § 74.861 of this Subpart, not cause harmful interference to another low power auxiliary station which is being used with the broadcast station(s) or network with which it is licensed.

* * * * *

15. Paragraph (c) of § 74.833 would be revised to remove the reference to the Commission's Chicago Regional Office as follows:

§ 74.833 Temporary authorizations.

(c) An informal request for special temporary authority shall be addressed to the FCC in Washington, D.C., and must include full particulars including: applicant's name, statement of eligibility, call letters of associated broadcast stations or stations, if any, name and address of individual designated to receive return telegram, type and manfacturer of equipment, power output, emission, frequency or frequencies proposed to be used, commencement and termination date, location of proposed operation, and purpose for which request is made including any particular justification.

* * * * *

[FR Doc. 81-35200 Filed 12-8-81; 8:45 am]
BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 46, No. 236
Wednesday, December 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service

Modification of Farm Labor Report

This notice modifies the proposed annual *Farm Labor Survey* as announced in the **Federal Register** of Monday, July 27, 1981. The 28 States for which State-level data will be published will include Arizona, Colorado and Idaho. Alabama, South Carolina and Tennessee will be deleted from the list of States for which State-level data were proposed in the July **Federal Register** Notice. There will be no change in plans to provide data for 6 regions and the United States in addition to the data for 28 individual States. This change is expected to better meet data user needs.

Done at Washington, D.C. this 4th day of December, 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81-35276 Filed 12-8-81; 8:45 am]

BILLING CODE 3410-20-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 21-81]

Foreign-Trade Zone No. 40, Cleveland, Ohio; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Cleveland-Cuyahoga County Port Authority (the Port Authority), grantee of Foreign-Trade Zone No. 40, requesting authority to expand its zone project to include a site in Brook Park, Ohio, within the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 1, 1981. The applicant is authorized to make this proposal under § 4582.06(f) of the Ohio Revised Code.

On September 29, 1978, the Port Authority received authority from the Board to establish a foreign-trade zone project in the Cleveland area (Board Order 135, 43 FR 46886, 10–11–78). The facility covers 32 acres of port property on W. 9th Street, in Cleveland harbor, and includes a 600,000 square foot multi-purpose building currently being prepared for zone activity. The zone is designed to improve the port's international trade services.

The Port Authority now proposes to include as a part of its zone project a site in Brook Park to be used primarily as an international exhibition center. Covering 175 acres adjacent to Cleveland Hopkins International Airport, the facility, formerly the Cleveland Tank Plant, has 2.2 million square feet of exhibition, storage and manufacturing floor space. It is owned and will be operated by the Park Corporation, a firm experienced in industrial park operations and international machine tool distribution. The exhibition center is to be used for capital equipment, such as metal-working machine tools, and zone status will help the facility serve as an international trade center. In addition to drawing up to 1200 exhibitors and 350,000 visitors annually, the center is expected to employ 750 persons and generate shipping activity for the port.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald L. Cavanaugh, District Director, U.S. Customs Service, Region IX, 6th Floor, Plaza Nine Building, 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel George P. Johnson, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 6, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Room 600, 666 Euclid Avenue, Cleveland, Ohio 44114;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Room 3721, Washington, D.C. 20230.

Dated: December 3, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-35191 Filed 12-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, January 28–29, 1982. The meeting will commence at 9:00 a.m.on January 28, and 9:00 a.m. on January 29. The meetings will be held in the Navy Conference Room, Page I Building, 2001 Wisconsin Avenue, NW., Washington, D.C. The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 4:00 p.m. until 5:00 p.m. on January 28, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairperson retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statement should notify the Committee Control Office 24 hours before the meeting, or written statements may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235, Attn: Ms. JoAnn Chandler, Committee Control Officer, CZM Advisory Committee. All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the

meeting. Inquiries may be directed to the Committee Staff at (202) 634–4249. The items for Committee discussion at the meeting will include the following:

January 28

9:00 A.M.—Call To Order, Barbara Fegan, Chairperson, Approval of Agenda, Minutes of September 17–18, 1981 meeting
9:15 A.M.—Dr. John V. Byrne, Administrator, NOAA
9:45 A.M.—OCS Revenue Sharing
10:15 A.M.—Coffee Break
10:30 A.M.—Discussion of OCS Revenue Sharing
12:00 Noon—Lunch
1:30 P.M.—OCZM Update
2:00 P.M.—Barrier Islands Legislation
2:30 P.M.—OCZM—Hazards Report
3:30 P.M.—ORCA Gulf Strategic Assessment Project
4:00 P.M.—Public Statements

January 29

9:00 A.M.—Committee Business
9:15 A.M.—Coffee Break
9:30 A.M.—"The Public Partner" Panel Discussion on the Role of State Coastal Advisory Committees
1:00 P.M.—Adjourn

The meeting will be devoted to an analysis and commentary on the above areas as they relate to the management of the coastal zone.

Dated: December 4, 1981.

William Matuszeski,

Acting Assistant Administrator, Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 81-35231 Filed 12-8-81; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Notice of Agency decision to close out files pertaining to certain claims filed under Title IV, Outer Continental Shelf Lands Act Amendments of 1978, as amended (Title IV).

SUMMARY: Notice is given that the Agency has closed out the files with regard to the following claims brought under Title IV, and will take no further action in their regards because either the claimants have failed to file claims following the submission of five-day reports or have failed to respond in timely fashion to notices of deficiencies in the claims as filed.

Claim Numbers and Dates of Filing

FCF–02–79, February 15, 1979
FCF–32–79, May 5, 1979
FCF–53–79, June 18, 1979
FCF–55–79, June 18, 1979
FCF–60–79, July 16, 1979
FCF–61–79, No claim filed
FCF–66–79, July 27,1979
FCF–67–79, July 30, 1979
FCF–68–79, July 27, 1979
FCF–73–79, August 20, 1979
FCF–74–79, August 14, 1979
FCF–76–79, September 4, 1979
FCF–78–79, No claim filed
FCF–84–79, October 1, 1979
FCF–85–79, October 1, 1979
FCF–86–79, October 1, 1979
FCF–87–79, October 1, 1979
FCF–88–79, October 1, 1979
FCF–89–79, October 1, 1979
FCF–90–79, October 1, 1979
FCF–91–79, October 1, 1979
FCF–92–79, October 1, 1979
FCF–93–79, October 1, 1979
FCF–94–79, October 1, 1979
FCF–95–79, October 1, 1979
FCF–96–79, October 1, 1979
FCF–97–79, October 1, 1979
FCF–98–79, October 1, 1979
FCF–99–79, October 1, 1979
FCF–100–79, October 1, 1979
FCF–101–79, October 1, 1979
FCF–102–79, October 1, 1979
FCF–103–79, October 1, 1979
FCF–104–79, October 1, 1979
FCF–105–79, October 1, 1979
FCF–106–79, October 1, 1979
FCF–107–79, October 1, 1979
FCF–109–79, August 26, 1979
FCF–110–79, October 10, 1979
FCF–111–79, October 4, 1979
FCF–113–79, October 26, 1979
FCF–115–79, December 31, 1979
FCF–03–80, December 7, 1979
FCF–07–80, December 20, 1979
FCF–08–80, January 14, 1980
FCF–11–80, January 21, 1980
FCF–13–80, March 13, 1980
FCF–15–80, March 15, 1980
FCF–19–80, February 28, 1980
FCF–20–80, March 26, 1980
FCF–22–80, April 7, 1980
FCF–24–80, April 7, 1980
FCF–26–80, No claim filed
FCF–27–80, May 12, 1980
FCF–32–80, July 29, 1980
FCF–33–80, June 19, 1980
FCF–37–80, July 7, 1980
FCF–38–80, July 18, 1980
FCF–42–80, February 18, 1981
FCF–43–80, September 3, 1980
FCF–01–81, October 14, 1980
FCF–04–81, September 10, 1980
FCF–11–81, November 10, 1980
FCF–18–81, January 31, 1981
FCF–19–81, February 18, 1981
FCF–23–81, No claim filed
FCF–24–81, No claim filed

ADDRESS: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan at the above address (telephone: 202–254–8350).

SUPPLEMENTARY INFORMATION: Title IV (43 U.S.C. 1841) established the Fishermen's Contingency Fund from which the Secretary of Commerce is authorized to compensate commercial fishermen for damage to, or loss of, fishing gear and for any resulting economic loss due to activities related to oil and gas exploration, development, and production of the Outer Continental Shelf.

In pertinent parts, the regulations implementing Title IV, (50 CFR 296) declare as follows. Damage or loss is not compensable if a claim is not filed within 60 days of the discovery of the damage or loss. 50 CFR 286.5(c)(3). A claim brought under Title IV must contain certain specified information (50 CFR 296.7(e)). The Chief, Financial Services Division, National Marine Fisheries Service (Chief, FSD), is authorized initially to decide whether a claim contains this information, or so much of it as is thought necessary to process the claim (50 CFR 296.7(e), 296.8(b)(1)). If the Chief, FSD, finds that the claim is incomplete, the claimant must be notified in writing of any deficiencies (50 CFR 296.8(b)(3)(i)). Thereafter, a claimant has 60 days in which to correct the deficiency. If the claimant does not so do within 60 days, the claim is not eligible for compensation unless the Chief, FSD, extends the 60-day period (50 CFR 296.8(b)(3)(ii)). The General Counsel is authorized to review any determination by the Chief, FSD, with regard to a deficiency. If the General Counsel finds that a claim has been abandoned by reason of the claimant's having failed to file a claim within 60 days of the discovery or loss, or by reason of the claimant's having failed to respond in timely fashion to a notice of deficiency from the Chief, FSD, the General Counsel "may close the file without further action under * * * Part 296" (50 CFR 296.8(d)(1)).

With regard to each of the above claims, either the claimant failed to file a claim within the 60-day limit, or failed to respond to a notice of deficiency within 60 days and, in some cases within 20 or 30 additional days unilaterally granted by the Chief, FSD. Therefore, the General Counsel has found that these claims have been abandoned within the meaning of 50 CFR 296.8(d)(1), has closed the files on

them, and will take no further action in their regards.

Signed at Washington, D.C., this 4th day of December 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-35230 Filed 12-8-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Level for Certain Man-Made Fiber Textile Products from Costa Rica, Effective January 1, 1982

December 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing an import restraint level of 1,811,000 dozen for man-made fiber brassieres in Category 649, produced or manufactured in Costa Rica and exported to the United States during the twelve-month period beginning on January 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on Febuary 28, 1980 (45 FR 13172) as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), and October 27, 1981 (46 FR 52409)).

SUMMARY: On September 22, 1980 the Governments of the United States and Costa Rica exchanged diplomatic notes establishing a cotton, wool and man-made fiber textile agreement beginning on January 1, 1980 and extending for four years through December 31, 1983. The agreement establishes a specific level of restraint for man-made fiber textile products in Category 649 during the agreement year beginning of January 1, 1982 and extending through December 31, 1982. In the letter published below, the Chairman of the Committee for the Implementation of Textitle Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 649, produced or manufacturerd in Costa Rica and exported during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, in excess of 1,811,000 dozen.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 3, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 22, 1980, between the Governments of the United States and Costa Rica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 649, produced or manufactured in Costa Rica, in excess of 1,811,000 dozen.

In carrying out this directive entries of man-made fiber textile products in Category 649 which have been exported to the United States prior to January 1, 1982, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The level set forth above is subject to adjustment in the future according to the provisions of the bilateral agreement of September 22, 1980 between the Governments of the United States and Costa Rica which provide, in part, that: (1) The specific limit may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms or T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23,1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Costa Rica and with respect to imports of man-made fiber textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc 81-35154 Filed 12-8-81; 8:45 am]

BILLING CODE 3510-25-M

Increasing Level of Restraint for Certain Cotton and Man-Made Fiber Textile Products From the Republic of Korea

December 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Applying the additional swing made available through an increase agreed for cotton, wool and man-made fiber textile products in Group I (Categories 300-320, 330, 360-369, 600-627, 630 and 665-669), produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1981. The adjustment raises the group level from 162,478,778 square yards equivalent to 173,978,778 square yards equivalent.

(2) Exempting from the adjusted group limit T.S.U.S.A. numbers 355.8210 (other narrow fabrics of strips of lace or netting) in Category 627 and 385.5300 (bags, sacks and other shopping containers) in Category 669.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and Qctober 27, 1981 (46 FR 52409)).

SUMMARY: The Governments of the United States and the Republic of Korea have exchanged diplomatic notes further amending the Bilateral Cotton, Wool

and Man-Made Fiber Textile Agreement, as amended, between the two governments to provide among other things for an increase in the Group I level covering Categories 300–320, 330, 360–369, 600–627, 630 and 665–669 during the agreement year which began on January 1, 1981. The amendment also provides exemption for man-made fiber textile products in Categories 627 (only T.S.U.S.A. number 355.8210) and 669 (only T.S.U.S.A. number 835.5300). The agreement, as amended, provides for percentage increases in certain categories during an agreement year (swing). The additional swing being applied results from the increase in the group level.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 30, 1980 a letter dated December 23, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (45 FR 85811), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint for Group I [Categories 300–320, 330, 360–369, 600–627, 630 and 665–669) to 173,978,778 square yards equivalent for the same twelve-month period and to exempt from the level man-made fiber textile products in T.S.U.S.A. numbers 355.8210 and 385.5300.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 3, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 23, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Rupublic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilteral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as ameended, between the Governments of the United States and the Republic of Korea and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11961 of January 6, 1977, you are directed effective on December 11, 1981 to increase the twelve-month level of restraint established for Group I (Categories 300–320, 330, 360–369, 600–627, 630 and 665–669) to 173, 978, 778 square yards equivalent.[2]

You are further directed, effective on December 11, 1981 and for the twelve-month period which begain on January 1, 1981 and extends until further notice, to exempt from the adjusted level of restraint for Group I T.S.U.S.A. numbers 355.8210 in Category 627 and 385.5300 in Category 669.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–35155 Filed 12–8–81; 8:45 am]

BILLING CODE 3510–25–M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangement or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; New System of Records

Correction

In FR Doc. 81–34859, published on page 59287, on Friday, December 4, 1981, in the third column, in the "DATES:" paragraph, in the second line "January 6, 1981" should be corrected to read "January 6, 1982".

BILLING CODE 1505–01–M

Binary Chemical Munitions Program; Filing of Final Programmatic Environmental Impact Statement

ACTION: Notice of filing of final programmatic environmental impact statement of binary chemical munitions program.

FOR FURTHER INFORMATION CONTACT: CPT Steven R. Bennett, Ecology Branch, Environmental Technology Division, Chemical Systems Laboratory, Aberdeen Proving Ground, MD 21010; telephone (301) 671–2586/3564.

Notice—On November 13, 1980, the Department of the Army published a Notice of Intent (NOI) in the **Federal Register** that information was being gathered to prepare a Programmatic Environmental Impact Statement (PEIS) for the binary chemical munitions program. The Draft PEIS was filed with the Environmental Protection Agency on September 18, 1981. Notice of Availability of the Draft PESI was announced in the **Federal Register** on September 23, 1981.

The Department of the Army on December 4, 1981 provided the Environmental Protection Agency a Final PEIS concerning the planned binary chemical munitions modernization program. The PEIS evaluates the environmental impacts associated with the construction and operation of an Integrated Binary Production Facility. Copies of the Final PEIS are being forwarded to concerned Federal, state, and local agencies.

Interested organizations or individuals may review the PEIS at: Public Affairs Office, Pine Bluff Arsenal, Pine Bluff, Arkansas 71611: Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland 21010; and at the Army Environmental Office (DAEN-ZCE), Room 1E676, Pentagon, Department of the Army, Washington, D.C. 20310. In addition, limited copies are available for single-copy requests from the Public Affairs

V 46 / 236 DEC 9 1981 UMI

Office, Edgewood Area, Aberdeen Proving Ground, Maryland.

Dated: December 4, 1981.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health, OASA (IL&MF).

[FR Doc. 81-35226 Filed 12-8-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary of Defense

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Thursday, 28 January 1982, Plaza West, Rosslyn, Virginia

Friday, 29 January 1982, The Pentagon, Washington, D.C.

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on the REIS program.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-35225 Filed 12-8-81; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Designation of a Disposal Site for Dredged Material in Western Long Island Sound—WLIS-III; Intent To Prepare Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DOD, New England Division.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed action is to designate a regional dredged material disposal site in the waters of Western Long Island Sound. Coordinates W73° 28′ long., N40° 59′ lat.

2. This site specific DEIS will be tiered on the draft Programmatic EIS for Long Island Sound (DPEIS). These proceedings are a result of public input to the DPEIS and three public hearings held to determine the needs for such a designation.

3. Alternatives evaluated are those to the site and include 13 other sites within Western Long Island Sound. Three of these appear viable.

4. The DEIS (WLIS-III) is scheduled to be completed and available for review in December, 1981.

ADDRESS: Information concerning the proposed action and DEIS can be obtained by contacting David Tomey, Impact Analysis Branch, New England Division, U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, MA 02254, ATTN: NEDPL-IE, Phone (617) 894-2400, extension 234; (FTS 839-7234).

Dated: December 2, 1981.

C. E. Edgar III,

Colonel, Corps of Engineers, Division Engineer.

[FR Doc. 81-35234 Filed 12-8-81; 8:45 am]

BILLING CODE 3710-24-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-025]

Consolidated Edison Co. of New York, Inc.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

On October 19, 1981 Consolidated Edison Company of New York, Inc. (Con Edison), 4 Irving Place, New York, N.Y. 10003 filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 2.20 billion cubic feet of natural gas per year to displace approximately 312,000 barrels of residual fuel oil (0.3 percent sulfur), and approximately 15,000 barrels of No. 2 fuel oil (0.2 percent sulfur), approximately 41,000 barrels of kerosene (0.05 percent sulfur) per year at six of its steam and electric generating stations located in New York City: Astoria in Queens; East River in Manhattan; Narrows in Brooklyn; Ravenswood in Queens; Waterside in Mahattan; and East 60th Street in Manhattan. The eligible seller of the natural gas is New York State Electric and Gas Corporation, 4500 Vestal Parkway East, Binghamton, New York 13902. The gas will be transported by Transcontinental Gas Pipe Line Corporation, and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. Notice of that application was published in the **Federal Register** (46 FR 56498, November 17, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication.

Con Edison has in effect a certification by the ERA, effectice April 13, 1981 (Docket No. 81-CERT-005), which authorizes purchases of approximately 62 billion cubic feet of natural gas per year from other eligible sellers for use at the electric generating stations named in this certification.

The ERA has carefully reviewed Con Edison's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisifies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 6304, RG-13, 2000 M Street NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 3, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Economic Regulatory Administration.

[FR Doc. 81-35139 Filed 12-8-81; 8:45 am]

BILLING CODE 6450-01-M

January Entitlement Notice

The Supreme Court today denied certiorari in *Mobil Oil Corporation* v. *DOE*, No. 81-499, in which an order was sought to enjoin the Department from issuing an entitlement list for January 1981. Although that litigation is no longer a bar to issuance of the list, other litigation that challenges the validity of certain certifications concerning tertiary production projects remain unresolved. Since this litigation may affect the entitlements list, the Department has decided not to issue a list at the time.

Dated: December 7, 1981

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81-35380 Filed 12-7-81; 3:17 pm]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-52-000]

Arkansas Louisiana Gas Co.; Application

December 7, 1981.

Take notice that on November 2, 1981, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21744, Shreveport, Louisiana 71151, filed in Docket No. CP82-52-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 1,350 horsepower compressor unit at the existing Enid Compressor Station near Enid, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Enid Compressor Station is located near the middle of its 14-inch Line 2 near Enid, Oklahoma, and presently consists of two 1,200 horsepower units. Applicant asserts that the two existing compressor units have been in service approximately 16 years and that virtually all gas destined for Applicant's retail customers north of Enid is compressed at this station. Applicant proposes the installation of a third compressor unit of 1,350 horsepower at the Enid Compressor Station which would be utilized as a standby unit at that critical location. It is asserted that the additional unit would improve reliability of service north of Enid.

Applicant states that the total cost for the proposed construction would be approximately $1,950,000. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35250 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF81-64-000]

Caterpillar Tractor Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility; Correction

December 4, 1981.

In Docket No. QF81-64-000 appearing in the **Federal Register** issue of Thursday, October 29, 1981 on page 53490, make the following correction: On page 53490, in the third column, in the first full paragraph, lines nine and ten:

"Electrical capacity will be 2.070 kilowatts" is corrected to read "Electrical capacity will be 2,070 kilowatts".

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35251 Filed 12-8-81; 8:45]

BILLING CODE 6717-01-M

[Project No. 4632]

Clifton Power Corp.; Application for Short-Form License

December 3, 1981.

Take notice that Clifton Power Corporation (Applicant) filed on May 7, 1981, and application for a license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for continued operation of a water power project to be known as Clifton Mills No. 1, Project No. 4632. The project would be located on the Pacolet River near Clifton in Spartanburg County, South Carolina. Correspondence with the Applicant should be directed to: Charles B. Mierek, P.E., Cortland Associates, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The existing project consists of: (1) and existing concrete slab and buttress type dam approximately 175 feet long and 16 feet high with three tainter gates each 16.5 feet high by 25 feet wide; (2) an existing reservoir with a surface area of 15 acres with a maximum storage capacity of 150 acre-feet at a normal pool elevation of 594 feet msl; (3) an existing headworks structure approximately 100 feet long containing three vertical type wooden gates approximately 12 feet wide by 12 feet high; (4) an existing powerhouse located approximately 25 feet downstream of the dam, containing two generating units with a capacity of 800 kW; (5) and existing 12.47 kV transmission line; and (6) appurtenant facilities. The project would be operated on a run-of-river basis.

Purpose of Project—All project energy produced will be sold to the Duke Power Company for marketing to the residents and establishments of the local area. The average annual generation is expected to be 5,120 MWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 10, 1982 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 11, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d). (*as amended*, 44 *FR* 61328, October 25, 1979).

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Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intevene must be filed on or before February 10, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35240 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-83-003]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 4, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 10, 1981, tendered for filing the following tariff sheet to its FERC Gas Tariff, Original Volume No. 1, to become effective January 1, 1982:

Sixth Revised Sheet No. 29

Columbia states that Sixth Revised Sheet No. 29 is being tendered herewith for filing for the sole purpose of reinstating into its tariff, effective January 1, 1982, a portion of certain language, included in Fifth Revised Sheet No. 29, filed July 1, 1981, which was ordered eliminated and its use suspended until January 1, 1982, by the Commission in its order issued July 31, 1981, in Docket No. RP81-83-000.

Copies of the filing were served upon the Company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before Dec. 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35267 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 4, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 13, 1981, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective January 1, 1982.

Seventy-Seventh Revised Sheet No. 16, Twenty-Fifth Revised Sheet No. 16A

Columbia states that the aforementioned tariff sheets are being filed to reflect an increase in the Gas Research Institute (GRI) funding unit from 0.56¢ per Mcf to 0.72¢ per Mcf as authorized by Opinion No. 131 issued by the Federal Energy Regulatory Commission on September 28, 1981, at Docket No. RP81-72-000. Ordering Paragraph B of such Opinion approves the GRI funding requirement for the year 1982 and provides that members of GRI may collect from their applicable customers a general R&D funding unit of 0.72¢ per Mcf (0.70¢ per Dth) during 1982 for payment to GRI.

Copies of this filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35268 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP71-15-011, *et al.*]

East Tennessee Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

December 4, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refunds plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refunds reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 17, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No	Type filing
Oct. 29, 1981	East Tennessee Natural Gas Co	RP71-15-011	Report.
Do	Midwestern Gas Transmission Co	RP71-16-013	Do.
Oct. 30, 1981	Colorado Interstate Gas Co	RP72-122-014	Do.
Nov. 4, 1981	Columbia Gas Transmission Co	RP76-94-015	Do.
Nov. 5, 1981	Southern Natural Gas Co	RP81-105-007	Do.
Nov. 13, 1981	Tennessee Natural Gas Lines, Inc	RP81-143-002	Do.
Nov. 16, 1981	Southern Natural Gas Co	RP78-36-012	Do.

APPENDIX—Continued

Filing date	Company	Docket No	Type filing
Do	Transcontinental Gas Pipe Line Corp	RP73-69-001	Do.
Nov 17, 1981	Panhandle Eastern Pipe Line Co	RP80-78-006	Do.
Nov 19, 1981	Alabama-Tennessee Natural Gas Co	RP81-128-004	LFUT Report.
Do	Panhandle Eastern Pipe Line Co	RP80-78-007	SRO Report.
Do	Panhandle Eastern Pipe Line Co	RP78-62-011	Do.
Nov 23, 1981	Northern Natural Gas Co	RP81-79-001	Report.
Nov 24, 1981	Columbia Gas Transmission Corp	RP73-65-021	Do.

[FR Doc. 81-35252 Filed 12-8-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES82-24-000]

El Paso Electric Co.; Application

December 4, 1981.

Take notice that on November 25, 1981, El Paso Electric Company (Applicant) filed an application with the Commission, pursuant to section 204 of the Federal Power Act for authorization for the assumption of liabilities of not more than $70 million of debt of the Rio Grande Resources Trust relative to nuclear fuel for the Palo Verde Nuclear Generating Station, Units 1, 2 and 3 in which Applicant has an interest.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 18, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35253 Filed 12-8-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP79-166-005]

El Paso Natural Gas Co.; Tariff Filing

December 4, 1981.

Take notice that on November 12, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, and in compliance with ordering paragraph (B) of the Commission's order issued November 2, 1981 at Docket No. CP79-100-004, *et al.*, Second Revised Sheet Nos. 1359, 1361, 1363, 1382 and First Revised Sheet No. 1382-A to special Rate Schedule X-54 contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2.

El Paso states that special Rate Schedule X-54 is comprised of the Lincoln Road Gas Exchange Agreement ("Lincoln Road Agreement") dated December 20, 1978, between El Paso and Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), providing for the exchange of certain quantities of natural gas from Michigan Wisconsin's reserves in the Lincoln Road area of the State of Wyoming for equivalent volumes, on an MMBtu basis, of El Paso's reserves underlying High Island Block A -309 located in the East Addition, High Island Area South Extension, Federal Domain offshore Texas. El Paso further states that by order issued November 2, 1981, at Docket No. CP79-166-004, *et al.*, the Commission authorized the establishment of the El Paso Receipt Point No. 8 under the subject arrangements. The revised tariff sheets identified above were tendered by El Paso in compliance with ordering paragraph (B) of said order to modify special Rate Schedule X-54 by (i) adding the El Paso Receipt Point No. 8 to Exhibit A of the Lincoln Road Agreement and (ii) revising certain provisions of the Lincoln Road Agreement in order to accommodate the additional receipt point. The changes to the Lincoln Road Agreement are identical to those set forth in the Amendatory Agreement dated February 12, 1981, between El Paso and Michigan Wisconsin.

El Paso required, pursuant to § 154.51 of the Commission's Regulations, that waiver of the notice requirements of § 154.22 of the Commission's Regulations be granted so as to permit the tendered tariff sheets to become effective November 2, 1981, the date of the amended certificate authorization granted by the Commission's order issued November 2, 1981, at Docket No. CP79-166-004, *et al.*

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before December 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35270 Filed 12-8-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5349-000]

Goat Mountain Mine Co.; Application for Preliminary Permit

December 3, 1981.

Take notice that Goat Mountain Mine Company (Applicant) filed on September 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5349 to be known as the Swift Creek Hydroelectric Water Project located on Swift Creek near the town of Glacier in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn T. Shaw, Esquire, Suite 1100, 1333 New Hampshire Ave., N.W., Washington D.C. 20036.

Project Description—The proposed project would consist of: (1) two 5-foot high diversion structures across Swift and Rainbow Creeks; (2) two diversion channels, 15,300-foot long and 9,500-foot long, bringing waters of Swift and Rainbow Creeks, respectively, to; (3) a 2,800-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 10,700 kW. The applicant estimates the average annual energy output at 70.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued,

does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35241 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-51-001 (GRI82-1)]

Great Lakes Gas Transmission Co.; Proposed Change in Gas Research Institute Charge

December 4, 1981.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on November 16, 1981, tendered for filing Thirty-Ninth-C Revised Sheet No. 57, to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective January 1, 1982.

Great Lakes states that the revised tariff sheet reflects the GRI adjustment related to the Gas Research Institute's 1982 Research and Development Program as approved by Commission Opinion No. 131 (RP81-72-000) issued September 28, 1981.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35271 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5567-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 3, 1981.

Take notice that Hydro Management, Incorporated (Applicant) filed on October 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5567 to be known as the Ashley Creek Power Project located on Ashley Creek in Flathead County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman II, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a 22-foot long, 3-foot high diversion structure on Ashley Creek; (2) a 5,000-foot long, 16-inch diameter penstock; (3) a powerhouse with a total rated capacity of 352 kW; and (4) a 1,000-foot long 14.4-kV transmission line from the powerhouse to an existing 14.4-kV transmission line owned by the Flathead Electric Cooperative Incorporated. The Applicant estimates that the average annual energy output would be 2.13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies and also prepare an FERC license application. No new roads would be required to conduct these studies. The Applicant estimates that the cost of undertaking these studies would be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35242 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5523-000]

Hydro Management, Inc.; Application for Preliminary Permit

December 3, 1981.

Take notice that Hydro Management, Inc. (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No 5523 to be known as the North Fork Lost Creek Power Project located on the North Fork of Lost Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a 16-foot long, 3-foot high diversion structure on the North Fork of the Lost Creek; (2) a 13,250-foot long, 12-inch diameter penstock; (3) a powerhouse with a total rated capacity of 184 kW; and (4) a 2,000-foot long 7.2-kV transmission line from the powerhouse to an existing 7.2-kV transmission line owned by the Pacific Power and Light Company. The Applicant estimates that the average annual output would be 1.12 million kWh. The project lies within U.S. Federal lands owned by Flathead National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be required to conduct these studies. The Applicant estimates that the cost of undertaking these studies would be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35243 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-70-000]

Lone Star Gas Co., a Division of Enserch Corp.; Application

December 7, 1981.

Take notice that on November 12, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-70-000 an application pursuant to Section 7(b) of the Natural Gas Act as implemented by § 157.7(e) of the regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon, during the calendar year 1982, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement

certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35254 Filed 12-8-81 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-47-000]

Michigan Wisconsin Pipe Line Co.; Application

December 7, 1981.

Take notice that on October 30, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82-47-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is asserted that Tennessee has acquired the right to purchase gas reserves underlying South Marsh Island Block 265, offshore Louisiana, attributable to an undivided 9 percent interest of General American and requires assistance from Applicant in effectuating receipt of such gas into its system.

Applicant, therefore, proposes to receive and transport up to 900 Mcf of natural gas per day for Tennessee pursuant to a transportation agreement dated August 14, 1981. It is asserted that Applicant would receive the subject gas at the production platform in South Marsh Island Area Block 265 and make redelivery of equivalent volumes at a subsea valve located at the juncture of Applicant's 8⅝-inch line and the Applicant-Tennessee jointly owned 8⅝-inch line in South Marsh Island Area Block 257.

A monthly demand charge of $5.17 per Mcf of contract demand would be assessed pursuant to the transportation agreement, it is submitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35255 Filed 12-8-81 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-48-004 and TA81-2-25-004]

Mississippi River Transmission Corp.; Rate Change Filing

December 4, 1981.

Take notice that on November 10, 1981, Mississippi River Transmission Corporation (Mississippi) tendered for filing Second Substitute Seventy-Ninth Revised Sheet No. 3A and Second Substitute Eightieth Revised Sheet No. 3A to its FERC Gas Tariff, First Revised Volume No. 1, carrying effective dates of September 1 and October 1, 1981, respectively.

The filing is being submitted pursuant to a Commission Order in the captioned dockets issued October 27, 1981 which accepted for filing a revised PGA rate change effective September 1, 1981. Such Order conditioned acceptance upon the refiling by Mississippi of its September 1 PGA and its October 1, 1981 Docket No. RP81-48 rates to reflect any rate modifications made by certain pipeline suppliers, and to remove unpaid accruals from the deferred account other than those attributable to the normal billing and payment lag.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-35272 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-63-000]

Montana-Dakota Utilities Co.; Application

December 7, 1981.

Take notice that on November 6, 1981, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82-63-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities on its interstate natural gas transmission system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

A. A new city gate station to serve the community of Edinburg, North Dakota;

B. A new city gate station to serve the community of Edmore, North Dakota;

C. Four transmission line taps and meter and regulator facilities to serve a new industrial customer, Shell Oil Company, at four different locations in McKenzie County, North Dakota;

D. A city gate station to provide natural gas service to Wyoming Gas Company in Washakie County, Montana;

E. A transmission line tap and meter and regulator facilities to serve a new industrial customer, Centennial Quarry, in Lawrence County, South Dakota;

F. Sixty other transmission line taps and meter and regulator facilities to serve residential and commercial customers at various locations within the certificated service area from transmission mains.

Applicant estimates the total cost to construct the facilities at $171,300 to be financed from internally generated funds and/or interim short-term bank loans.

Applicant states that the service requested would be to consumers within its franchised distribution area and that there are no other natural gas distributors in the area which could provide the service proposed herein.

Applicant explains that each new customer whether from a distribution system or as a direct connection from a transmission main would count as a new connection. Applicant further explains that it would provide service for the five industrial accounts only if its proposed Amendment of Stipulation and Agreement in Settlement of Remaining Issues filed July 10, 1981, is approved and the Commission grants such authority. It is indicated that said amendment is to Applicant's currently effective curtailment plan as approved by the Commission on November 30, 1979, in Docket No. RP76-91.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by is in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-35256 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-58-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

December 7, 1981.

Take notice that on November 5, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-58-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of 10,346 Mcf of annual firm entitlement of Greeley Gas Company (Greeley) under Applicant's Rate Schedules CD-1, SS-1, and WPS-1 to Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an exchange agreement dated April 21, 1981, Peoples has agreed to acquire the natural gas distribution properties owned and operated by Greeley and supplied by Applicant in the Minnesota communities of Worthington, Windom, Mountain Lake and Lakefield. Applicant asserts that in exchange Greeley has agreed to acquire the natural gas distribution properties and franchise rights of Peoples to serve the Colorado communities of Cortez, Dolores, Florence, Gunnison, Mancos, Penrose and Portland which are currently supplied by Northwest Pipeline Corporation, Western Slope Gas Company and Colorado Interstate Gas Company.

Applicant explains that Peoples would serve the Minnesota communities acquired from Greeley under the General Rules, Terms, and Conditions set forth in Peoples' Tariff on file with the Commission.

Applicant States that the transfer specifically involves 9,200 Mcf of contract demand, 896 Mcf of seasonal service and 250 Mcf of winter period service

Any person desiring to be heard or to protest with reference to said application should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-35257 Filed 12-8-81 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF81-69-000]

Occidental Chemical Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 4, 1981.

Correction

In Docket No. QF81-69-000 appearing in the **Federal Register** issue of Thursday, November 21, 1981 on page 55766, make the following correction: On page 55766, in the third column, in the second full paragraph, line ten and continuing on page 55767, column one:

"The waste heat is made available as steam which is passed through a turbo generator to produce electric power. Most of the steam (60–70%) is exhausted at 100 psig and used for low pressure evaporation of phosphoric acid; the balance can be condensed for maximum energy extraction. Installation of the facility began in July 1981." is corrected to read "The waste heat is made available as steam which is passed through a turbo generator to produce electric power. Most of the steam (60–70%) is exhausted at 100 psig and used for low pressure evaporation of phosphoric acid; the balance can be condensed for maximum energy extraction. Installation of the facility began in January 1979."

Kenneth F. Plumb,

Secretary.

[FR Doc 81-35258 Filed 12-8-81 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-28-000]

Panhandle Eastern Pipe Line Co.; Change in Tariff

December 4, 1981.

Take notice that on November 10, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Forty-First Revised Sheet No. 3–A
Eighteenth Revised Sheet No. 3–B

An effective date of January 1, 1982 is proposed.

Panhandle states that such filing reflects a rate adjustment pursuant to Opinion 131 issued September 28, 1981 in Docket No. RP81-72. Ordering Paragraph (B) of that Opinion provides that jurisdictional members of Gas Research Institute (GRI), such as Panhandle, may file a general R&D cost adjustment to be effective January 1, 1982. This adjustment will permit the collection of 7.2 mills per Mcf (7.2 mills when adjusted to Panhandle's pressure base and dekatherm commodity sales unit) of Program Funding Services for payment to GRI.

Panhandle states that copies of its filing have been served on all customers subject to the tariff sheets and applicable states regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protest should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-35273 Filed 12-8-81, 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5455-000]

Phi Sig Associates; Application for Preliminary Permit

December 3, 1981.

Take notice that Phi Sig Associates (Applicant) filed on October 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5455 to be known as the Grade Creek Hydropower Project located on Grade Creek in Skagit County, Washington. The application is of file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tabor Shaw, Suite 1100, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) a 40-foot long, 4-foot high diversion structure; (2) a 5,000-foot long, 32-inch diameter penstock; (3) a powerhouse with a total rated capacity of 1,800 kW; and (4) a 6-mile long transmission line from the powerhouse to an existing 230-kV transmission line. The Applicant estimates that the average annual energy production would be 10.25 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting those studies. The Applicant estimates that the cost of undertaking these studies would be $100.000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice on intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to

intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", an applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36244 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5447-000]

D. William Saulsberry; Application for Preliminary Permit

December 3, 1981.

Take notice that D. William Saulsberry (Applicant) filed on October 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5447 to be known as the Little Boulder Creek Water Power Project located on the Little Boulder Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. D. William Saulsberry, P.O. Box 68, Trinity Center, California 96091.

Project Description—The proposed project would consist of: (1) a diversion structure with negligible storage; (2) a 5,500-foot long, 18-inch diameter penstock; (3) a powerhouse with a total rated capacity of 500 kW; and (4) a 1.5-mile long 12.5-kV transmission line from the powerhouse to an existing 12.5-kV Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy output would be 1.9 million kWh. The project is partly located on U.S. Federal lands owned by the U.S. Forest Service.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed to conduct those studies. The Applicant estimates that the cost of undertaking these studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35245 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP81-48-000; S-281 Terry Haggerty Well JD-8126295, API-047-033-2192]

James F. Scott Oil and Gas; Petition for Withdrawal of Final Well Category Determinations

Issued: December 4, 1981.

Take notice that on August 17, 1981, James F. Scott Oil and Gas (James F. Scott), P.O. Box 112, Salem, West Virginia 26426, filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen a final well category determination and to withdraw the application for section 108 well category determination under the Natural Gas Policy Act of 1978 (NGPA) for the well referenced above.

James F. Scott states that incorrect information was erroneously submitted to establish the maximum efficient rate in qualifying the stripper well, in that production for the last six months in the twelve month qualification period was incorrectly stated. Although the determination was terminated April 22, 1981, and no collections pursuant to section 108 were received, James F. Scott requests that the determination be re-opened and the application be formally withdrawn.

With respect to the question of refunds arising out of James F. Scott's request for withdrawal of the subject final well category determination, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.102(d), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this proceeding should file, on or before January 8, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35260 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-425-001]

Southern Natural Gas Co.; Petition To Amend

December 7, 1981.

Take notice that on November 2, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-425-001 a petition to amend the order issued December 12, 1979, in the instant docket pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction of a single offshore project in excess of the single-project limitation of $3,500,000, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 12, 1979, it was authorized to construct and operate each year gas purchase facilities with no single offshore project to exceed $3,500,000. Petitioner asserts that it undertook the construction of 2.3 miles of 16-inch pipeline and appurtenant facilities connecting reserves from South Pass Area Block 78, offshore Louisiana, which was estimated to cost $3,300,000. It is stated that delays due to problems attaching the pipeline rises, bad weather and repairs by the producer on its production platform raised the actual cost of construction to approximately $5,300,000. Petitioner, therefore, requests an increase in the single project cost limitation from $3,500,000 to $5,300,000 for construction of the South Pass Area Block 78 pipeline.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35261 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-10-000]

Tennessee Gas Pipeline Co., Division of Tenneco Inc.; Tariff Filing

December 4, 1981.

Take notice that on November 17, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff to be effective on November 1, 1981:

Original Sheet Nos. 87 and 88
Substitute Third Revised Sheet No. 22
A Sheet Reserving Original Sheet Nos. 89 through 186 for Future Use

Tennessee states that the sole purpose of these tariff sheets is to implement its Rate Scehdule IT, applicable to all transportation service pursuant to Part 284 and §157.45 of the Commission's Regulations.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35262 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-23-000]

Texas & New Mexico Power Co.; Application

December 4, 1981.

Take notice that on November 24, 1981, Texas & New Mexico Power Company (Applicant), filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act proposing to issue and sell up to 300,000 shares of Common Stock, par value, $10 per share, pursuant to Applicant's Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35259 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-64-000]

Transwestern Pipeline Co.; Application

December 7, 1981.

Take notice that on November 10, 1981, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-64-000 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the calendar year 1982 and operation of various field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would

not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000 with the cost of any single project not to exceed $500,000. Such costs, it is asserted, would be financed through the use of existing corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jursidiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35263 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-30-000]

Trunkline Gas Co.; Change in Tariff

December 4, 1981.

Take notice that on November 10, 1981 Trunkline Gas Company (Trunkline) tendered for filing the following revised sheet to its FERC Gas Tariff, Original Volume No. 1:

Thirty-Eighth Revised Sheet No. 3-A

An effective date of January 1, 1982 is proposed.

Trunkline stated that such filing reflects a rate adjustment pursuant to Opinion No. 131 issued September 28, 1981 in Docket No. RP81-72. Ordering Paragraph (B) of that Opinion provides that jurisdictional members of Gas Research Institute (GRI), such as Trunkline, may file a general R&D cost adjustment to be effective January 1, 1982. This adjustment will permit the collection of 7.2 mills per Mcf (7.0 mills when adjusted for Trunkline's pressure base and dekatherm commodity sales unit) of Program Funding Services for payment to GRI.

Trunkline states that copies of its filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before Dec. 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35264 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5375-000]

Utah Power & Light Co.; Application for Preliminary Report

December 3, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on September 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5375 to be known as the Mesa Falls Hydro Project located near the Town of Ashton on Henry's Fork of the Snake River in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would affect lands of the United States within the Targhee National Forest and would consist of two new Developments: A. The Upper Development comprising: (1) a 350-foot long and 7-foot high diverson dam; (2) a reservoir extending about 900 feet upstream; (3) an intake structure; (4) a 9-foot diameter 2,000-foot long penstock; (5) a powerhouse containing generating unit(s) having a total rated capacity of 8,300-kW; (6) a 4,500-foot long 115-kV transmission line; and (7) appurtenant facilities. B. the Lower Development comprising: (1) a 280-foot long and 7-foot high diversion dam; (2) a reservoir extending about 900 feet upstream; (3) an intake structure; (4) a 9-foot diameter 850-foot long penstock; (5) a powerhouse containing generating unit(s) having a total rated capacity of 4,600-kW; and (6) appurtenant facilities.

Project energy would be utilized by Applicant within its service territory. Applicant estimates that the average annual energy output would be 78,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct field inspections of site locations, prepare detailed designs for facilities and conduct detailed project economic feasibility evaluations. Applicant estimates the cost of the studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to Mesa Falls Project No. 3878 filed on April 6, 1981, by Gregory Wilcox under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before January 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35246 Filed 12-8-81; 8:45 am]

BILLING CODE 6717-01-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 2, 1981

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
				OKLAHOMA CORPORATION COMMISSION			
-ANDOVER OIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204905	11152	3507322783	103	KRAUS #19-2		100.0	CITIES SERVICE GA
-CLARK RESOURCES INC			RECEIVED: 11/02/81	JA: OK			
8204925	11218	3507322957	103	ALVA 29-1	SOONER TREND	50.0	PANHANDLE EASTERN
-CONRA OIL AND GAS CORPORATION			RECEIVED: 11/03/81	JA: OK			
8204899	12206	3505920959	102-4	HOLCOMB 3 #1	UNALLOCATED	36.5	PAN EASTERN EXPLO
8204899	12206	3505920959	103	HOLCOMB 3 #1	UNALLOCATED	36.5	PAN EASTERN EXPLO
-COTTON PETROLEUM CORPORATION			RECEIVED: 11/03/81	JA: OK			
8204912	02984	3505920371	108-SA	CHABINO #1		0.0	DELHI GAS PIPELIN
-DAWN ENERGY CO			RECEIVED: 11/02/81	JA: OK			
8204926	11234	3515321165	102-2	OWENS #1-16	NORTH BOILING SPRINGS	438.0	NORTHERN NATURAL
8204926	11234	3515321165	103	OWENS #1-16	NORTH BOILING SPRINGS	438.0	NORTHERN NATURAL
-DONALD C SLAWSON			RECEIVED: 11/03/81	JA: OK			
8204900	13697	3501721083	102-A	ERICKSON B UNIT #1	WATONGA TREND	70.0	CITIES SERVICE GA
8204900	13697	3501721083	103	ERICKSON B UNIT #1	WATONGA TREND	70.0	CITIES SERVICE GA
-ESTORIL PRODUCING CORP			RECEIVED: 11/02/81	JA: OK			
8204892	10490	3512521244	102-2	HARRELL #1	NE TECUMSEH	182.5	TRANSOK PIPELINE
8204892	10490	3512521244	103	HARRELL #1	NE TECUMSEH	182.5	TRANSOK PIPELINE
8204893	14492	3512521270	102-2	STONE #1	NE TECUMSEH	36.5	TRANSOK PIPELINE
8204893	14492	3512521270	103	STONE #1	NE TECUMSEH	36.5	TRANSOK PIPELINE
-EXXON CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204938	11205	3507322922	103	A C HIXON #6	SOONER TREND	1.0	
-FLOYD BERGEN			RECEIVED: 11/02/81	JA: OK			
8204889	14418	3512120452	102-A	JOHN DANIEL B #1	NORTH BLOCKER	100.0	SE TRANSMISSION &
-FUNK EXPLORATION INC			RECEIVED: 11/02/81	JA: OK			
8204902	11138	3500721994	103	FINNEY #1	NE MOCANE	0.0	NORTHERN NATURAL
8204886	9603	3500721892	103	JESSIE #1-25	NW MOCANE	0.0	NORTHERN NATURAL
8204885	9540	3508700000	103	REEDS #1-25	N LINDSEY RIDGE	0.0	SUN GAS CO
8204884	9539	3500721935	103	VENABLE #1	MIDDLE-GREENNOUGH	0.0	PANHANDLE EASTERN
-HARPER OIL COMPANY			RECEIVED: 11/03/81	JA: OK			
8204897	11247	3508320652	103	HARTING #1	MARSHALL	10.0	EASON OIL CO
8204896	11179	3507323037	103	NEWTON #2	SOONER TREND	35.0	PHILLIPS PETROLEU
8204898	11248	3508328040	103	O'BRIEN #1	N E CRESCENT	4.0	EASON OIL CO
-HENRY H GUNDOLL			RECEIVED: 11/03/81	JA: OK			
8204928	11184	3500320766	103	HERTZLER-PARKER 2-22	SOONER TREND	47.0	SIGNAL OIL & GAS
8204927	11183	3514722281	103	HUSTON 1-23	SOONER TREND	110.0	PANHANDLE EASTERN
*8204887	11186	3509321967	103	MONSEES 1-24	SOONER TREND	261.0	OKLAHOMA AND NATU
-J L THOMAS ENGINEERING INC			RECEIVED: 11/03/81	JA: OK			
8204931	11207	3500320750	103	MCCUNE #1	SOONER TREND	50.0	PANHANDLE EASTERN
-JET OIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204919	11180	3504722405	103	HONNOLD #1	NORTH ELKHORN	0.0	EASON OIL CO

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-J. M. HUBER CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204888	11181	3507322911	103	HUBER #1-A	SOONER TREND	0.0	
-JOHN H HENDRIX CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204894	11174	3507322911	103	HENDRIX #1-A	SOONER TREND	0.0	
-KAISER-FRANCIS OIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204907	11227	3507322944	103	MCCLAIN #1-A	SOONER TREND	0.0	
-KERR-MCGEE CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204909	11228	3507322945	103	MCCLAIN #1-B	SOONER TREND	0.0	
-LARIO OIL & GAS COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-LEE ENERGY CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204911	11230	3507322947	103	MCCLAIN #1-D	SOONER TREND	0.0	
-MAGNUM PETROLEUM INC			RECEIVED: 11/02/81	JA: OK			
8204908	11226	3507322943	103	MCCLAIN #1-E	SOONER TREND	0.0	
-MARATHON OIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-MCCLAIN OIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204906	11225	3507322942	103	MCCLAIN #1-F	SOONER TREND	0.0	
-MOBIL OIL CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-MONSANTO COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-NEARBURG PRODUCING COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-OKLAHOMA NATURAL GAS COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-PENNZOIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-SHELL OIL COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-SUN EXPLORATION & PRODUCTION COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-TEXACO INC			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-TEXAS OIL & GAS CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-UNION TEXAS PETROLEUM CORPORATION			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	
-WILLIAMS PRODUCTION COMPANY			RECEIVED: 11/02/81	JA: OK			
8204910	11229	3507322946	103	MCCLAIN #1-C	SOONER TREND	0.0	

JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME	
-JOHN T RIETZ & CO INC						RECEIVED: 11/02/81	JA: OK
8204801	14348	3508321826		102-2		FLEMING #2	
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 11/02/81	JA: OK
8204883	6332	3505900000		108		MUNDELL #1	
-LEE R ELLER						RECEIVED: 11/02/81	JA: OK
8204918	11022	3503722910		103		THOMAS #1	
-LEECO OIL CO						RECEIVED: 11/02/81	JA: OK
8204908	11027	3514321093		103		HOMIL #1	
8204907	11028	3514321148		103		POTTER #1	
8204909	11025	3514321090		103		RASBERRY #1	
8204922	11024	3514321109		103		SCOTT POOL #1	
8204917	11023	3514321110		103		SCOTT POOL #2	
-MAJOR OIL CORP						RECEIVED: 11/02/81	JA: OK
8204923	11208	3509322008		103		MARRS #1-18	
-MICHIGAN WISCONSIN PIPE LINE CO						RECEIVED: 11/02/81	JA: OK
8204921	10757	3501520750		103		OPITZ-HOTZ A-2	
-MORGAN & STEINERT INC						RECEIVED: 11/02/81	JA: OK
8204929	11196	3507322939		103		LANKARD #1	
-MUSHROOM OIL CO						RECEIVED: 11/02/81	JA: OK
8204881	14495	3514722361		102-2		MOORE A #11	
8204882	14496	3514722575		102-2		MOORE A #14	
8204894	14493	3514722573		102-2		MOORE E #13	
8204880	14494	3514722674		102-2		MOORE E #15	
-OIL LIFT INC						RECEIVED: 11/02/81	JA: OK
8204891	14452	3510500000		102-2		SMITH #1-16	
8204890	14451	3510500000		102-2		TITUS #1-23	
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 11/02/81	JA: OK
8204915	11095	3504721570		103		APEL B #2	
8204906	11107	3504721421		103		CRIDER A #1	
8204916	11101	3504721420		103		EARNHEART A #1	
8204911	11109	3504721463		103		GEORGE A #1	
8204904	11111	3504721424		103		KREY A #1	
8204910	11108	3504721541		103		MCKNIGHT #1-7	
8204913	11082	3501721781		103		STANDARD LIFE B #1	
8204914	11083	3507322813		103		VOSS A #1	
-RESOURCES INVESTMENT CORPORATION						RECEIVED: 11/02/81	JA: OK
8204895	11192	3502720450		103		WESTINGHOUSE #1	
-RICKS EXPLORATION CO						RECEIVED: 11/02/81	JA: OK
8204903	11172	3515121071		103		HYDE 31A	
-SOUTHLAND ROYALTY CO						RECEIVED: 11/02/81	JA: OK
8204920	10917	3515120961		108		DEVINE #1-13	
-SPECTRA ENERGY CORP						RECEIVED: 11/02/81	JA: OK
8204880	11174	3507220480		103		BALDWIN #1	
-SUTTON-MARDS EXPLORATION INC						RECEIVED: 11/02/81	JA: OK
8204924	11217	3507122165		103		SCHILTZ #1	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
-ATLAS RESOURCES INC						RECEIVED: 11/06/81	JA: PA
8205069	9469	3706325642		103		LAWER #4	
8205068	9470	3706325667		102-2		WANCHISN #1	
8205067	9468	3706325668		102-2		WANCHISN #2	
-C & C TROYER BROTHERS						RECEIVED: 11/06/81	JA: PA

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FIELD NAME	PROD	PURCHASER
EVANSVILLE	8.0	WILSON GAS PROCES
MOBANE	11.0	NORTHERN NATURAL
WEST KEILLER	330.0	PHILLIPS PETROLEU
SKIATOOK (EAST BIRDCREEK	208.0	PHILLIPS PETROLEU
SKIATOOK (EAST BIRDCREEK	211.5	PHILLIPS PETROLEU
SKIATOOK (EAST BIRDCREEK	10.5	PHILLIPS PETROLEU
SKIATOOK (EAST BIRDCREEK	251.0	PHILLIPS PETROLEU
SKIATOOK (EAST BIRDCREEK	69.3	PHILLIPS PETROLEU
RINGWOOD	75.0	PIONEER GAS PRODU
E LOOKEBA	401.5	
SOONER TREND	100.0	CONOCO INC
BARTLESVILLE-DEWEY	5.3	CITIES SERVICE GA
BARTLESVILLE-DEWEY	5.3	CITIES SERVICE GA
BARTLESVILLE-DEWEY	12.0	CITIES SERVICE GA
BARTLESVILLE-DEWEY	12.0	CITIES SERVICE GA
SOUTH COFFEYVILLE	18.3	PELICAN PIPELINE
SOUTH COFFEYVILLE	54.8	PELICAN PIPELINE
SOONER TREND	50.0	TRANSOK PIPE LINE
SOONER TREND	8.0	TRANSOK PIPE LINE
SOONER TREND	2.0	TRANSOK PIPE LINE
SOONER TREND	12.0	TRANSOK PIPE LINE
SOONER TREND	27.0	TRANSOK PIPE LINE
SOONER TREND	130.0	TRANSOK PIPE LINE
E RICHLAND	109.0	OKLAHOMA NATURAL
S E ALTONA	100.0	OKLAHOMA NATURAL
N W NORMAN	200.9	SUN GAS
W ALINE	337.0	AMINOIL USA
S W FREEDOM	14.7	PANHANDLE EASTERN
S LOGAN	137.0	PHILLIPS PETROLEU
EAST TONKAWA	8.0	CITIES SERVICE CO
GRANT	54.0	COLUMBIA GAS TRAN
CHERRYHILL	5.0	COLUMBIA GAS TRAN
CHERRYHILL	20.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205074	9319	3704921044		103		STUTZINAN #1 (#24)	BEAVERDAM	12.0	NATIONAL FUEL GAS
-CABOT OIL & GAS CORP				RECEIVED: 11/06/81 JA: PA					
8205083	9648	3703921148		102-2		ALLAN HART #3	FAIRFIELD	50.0	TENNESSEE GAS PIP
8205082	9646	3703921203		102-2		CAROL KENNEDY #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8205079	9604	3703921212		102-2		ELI TROYER #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8205081	9608	3703921259		102-2		F & H BITENC #7	GREENWOOD	50.0	TENNESSEE GAS PIP
8205080	9606	3703921196		102-2		FRANCES SIGSBEE #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8205077	9594	3703920872		102-2		FRANK NADER #1	GREENWOOD	50.0	TENNESSEE GAS PIP
8205078	9598	3703921332		102-2		JENNIE GRINNELL #1	UNION	50.0	TENNESSEE GAS PIP
8205076	9500	3708520263		102-2		THEODORE GATES #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8205075	9498	3708520240		102-2		VICTOR BABYAK #2	FRENCH CREEK	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC				RECEIVED: 11/06/81 JA: PA					
8205084	9551	3706324007		108		J BATISTIC #2 (C-4088) IND-2400?7	YOUNG TOWNSHIP	21.5	INDUSTRIAL ENERGY
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L				RECEIVED: 11/06/81 JA: PA					
8205087	9?65	3712921651		103		C L UBER JR 829-1	E HUNTINGTON	30.0	COLUMBIA GAS OF P
8205086	9?53	3712921669		103		H R HERNLEY-SYLVAN IND INC 832-1	E HUNTINGTON	46.0	COLUMBIA GAS OF P
8205085	9652	3712921634		103		WESTMORELAND-FAYETTE COUNCIL 880-1	S HUNTINGTON	21.6	COLUMBIA GAS OF P
-DOC-NCC SERVICE CO				RECEIVED: 11/06/81 JA: PA					
8205092	9659	3712921767		103		D W CRAMER 798-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205098	9666	3712921765		103		E C BAKER 846-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205099	9667	3712921841		103		E C BAKER 846-3	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205089	9655	3712921783		103		F N STONER TRUST 761-3	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205090	9656	3712921864		103		F N STONER TRUST 761-4	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205094	9661	3712921790		103		H J MOORE 818-3	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205088	9654	3712921836		103		J HAZY 415-1	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205101	9670	3712921768		103		J P SKOVIRA 891-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205102	9671	3712921842		103		J P SKOVIRA 891-3	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205093	9660	3712921777		103		J W GAUT 800-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205100	9668	3712921762		103		P J MCSHANE 881-?	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205091	9657	3712921761		103		R E GAUT 779-3	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205095	9662	3712921821		103		T J CATALINA 822-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205096	9663	3712921766		103		W C LAYMAN 823-2	E HUNTINGTON	30.0	TEXAS EASTERN TRA
8205097	9664	3712921822		103		W C LAYMAN 823-3	E HUNTINGTON	30.0	TEXAS EASTERN TRA
-EMPIRE DRILLING CO				RECEIVED: 11/06/81 JA: PA					
8205103	9365	3706325955		103		CURTIS POOLE	WEST LEBANES	6.0	T W PHILLIPS GAS
-ENERGY PRODUCTION CO				RECEIVED: 11/06/81 JA: PA					
8205104	9629	3706325959		103		M B STEPHENS #3	NOLO MOUNTAIN	32.0	COLUMBIA GAS TRAN
8205105	9630	3706326049		103		M B STEPHENS NO 4	NOLO MOUNTAIN	25.6	COLUMBIA GAS TRAN
8205106	9631	3706325920		103		N EDMONDSON #1	NOLO MOUNTAIN	44.8	COLUMBIA GAS TRAN
8205107	9632	3706325863		103		NORMAN DICK #1	NOLO MOUNTAIN	44.8	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED: 11/06/81 JA: PA					
8205108	9089	3706324562		102-2		VERNON HENRY #1	GREEN	25.5	COLUMBIA GAS TRAN
-G E BURGLY				RECEIVED: 11/06/81 JA: PA					
8205073	9511	3712921857		103		HILL CREST COUNTRY CLUB #2	BRAEBURN	15.0	T W PHILLIPS OIL
-GOE PRO INC				RECEIVED: 11/06/81 JA: PA					
8205116	9628	37?4921466		103		A M GRAVES #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8205111	9547	3704721400		103		FRANK SISAK (SMC) #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8205109	9543	3704921398		103		J & H HARRINGTON #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8205110	9545	3704921?89		103		J RAUSCH SR #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8205114	9624	3704921468		103		JACK WILSON	ALBION WEST	0.0	NATIONAL FUEL GAS
8205113	9622	3704921467		103		JOHN RAUSCH JR #1	ALBION WEST	0.0	NATIONAL FUEL GAS
8205115	9626	3704921442		103		PHYLIS SIMPSON	ALBION WEST	0.0	NATIONAL FUEL GAS
8205112	9549	37?4721441		103		RON SIMPSON	ALBION WEST	0.0	NATIONAL FUEL GAS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-H D HOUGH AGENT				RECEIVED: 11/06/81 JA: PA					

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-H D HOUGH AGENT						RECEIVED: 11/06/81 JA: PA			
8205117	9482	3700522162		108		S C PATTERSON #2	RURAL VALLEY	8.8	PEOPLES NATURAL G
-IRA F. WITTINGER						RECEIVED: 11/06/81 JA: PA			
8205072	9637	3700520166		108		MIKE ONDICH #2	COWANSHANNOCK	1.5	PEOPLES NATURAL G
8205070	9635	3700520307		108		MIKE ONDICH #3	COWANSHANNOCK	1.5	PEOPLES NATURAL G
8205071	9638	3700520712		108		MIKE ONDICH #4	COWANSHANNOCK	1.5	PEOPLES NATURAL G
-JAMES F SCOTT						RECEIVED: 11/06/81 JA: PA			
8205130	9515	3706326379		103		MARUCA PS-375	NORTH MAHONING	44.0	CONSOLIDATED GAS
8205131	9515	3706522356		103		RANDALL KELLER PS-363	GASKILL	11.0	CONSOLIDATED GAS
8205129	9512	3706522358		103		WILBUR NORTH PS-361	GASKILL	36.0	CONSOLIDATED GAS
-PENNZOIL COMPANY						RECEIVED: 11/06/81 JA: PA			
8205118	9497	3706326317		102-2		CAPIZZI UNIT #1	COMMODORE	0.0	
-PLEASANT VALLEY OIL & GAS CO INC						RECEIVED: 11/06/81 JA: PA			
8205127	9618	3700500000		108		ALLSHOUSE	GILPIN	2.5	APOLLO GAS CO
8205128	9619	3700500000		108		FARSTER	GILPIN	1.0	APOLLO GAS CO
8205119	9610	3700500000		108		HILL #1	SOUTH BUFFALO	9.1	APOLLO GAS CO
8205120	9611	3700520208		108		HILL #2	SOUTH BUFFALO	9.5	APOLLO GAS CO
8205125	9616	3700521344		108		KLINGENSMITH	GILPIN	1.0	APOLLO GAS CO
8205121	9612	3700500000		108		MCDIVITT	SOUTH BUFFALO	1.5	APOLLO GAS CO
8205126	9617	3700522174		108		NOVINGER	GILPIN	5.0	APOLLO GAS CO
8205124	9615	3700521264		108		RAZ	GILPIN	3.0	APOLLO GAS CO
8205122	9613	3700521891		108		STEPP #1	SOUTH BUFFALO	12.0	APOLLO GAS CO
8205123	9614	3700521782		108		STEPP #2	SOUTH BUFFALO	2.5	APOLLO GAS CO
-US ENERGY DEVELOPMENT CORP						RECEIVED: 11/06/81 JA: PA			
8205132	9518	3704981292		103		E WOODS #1	AMITY	80.0	NATIONAL FUEL GAS
-VICTORY DEVELOPMENT CO						RECEIVED: 11/06/81 JA: PA			
8205133	8908	3703321049		102-2		EINSIG #3 CLE-21049	BARRY D EINSIG	78.0	COLUMBIA GAS TRAN
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY						RECEIVED: 11/03/81 JA: WV			
8204972	A-718	4708300227		108		A-718	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8204973	A-990	4704103014		103		A-990	HACKERS CREEK DISTRICT	0.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC						RECEIVED: 11/03/81 JA: WV			
8204956		4704501076		103		PARDEE #68 - 890931	LOGAN-WYOMING	40.0	CONSOLIDATED GAS
8204957		4710900845		103		PARDEE #69 - 891241	LOGAN-WYOMING	5.1	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION						RECEIVED: 11/03/81 JA: WV			
8204938		4710721049		107-DV		CORBIN #2	UNION	1.4	CONSOLIDATED GAS
8204939		4710720982		107-DV		EDITH WRIGHT #1	UNION	28.8	CONSOLIDATED GAS
*8204983		4700101522		102-4		EVANS #3	BARKER	311.3	CONSOLIDATED GAS
*8204941		4700121201		108		H WATSON #1	VALLEY	25.1	CONSOLIDATED GAS
8204937		4710721051		107-DV		HUGGINS #2	UNION	3.7	CONSOLIDATED GAS
*8204982		4700121523		102-4		I RIDGEWAY #1	BARKER	193.5	CONSOLIDATED GAS
8204975		4710700999		103		LINGER-PHILLIPS #1	UNION	3.7	CONSOLIDATED GAS
*8204943		4700121224		108		P THORNE #1	VALLEY	11.0	CONSOLIDATED GAS
*8204942		4700121203		108		T HARRIS #1	VALLEY	16.9	CONSOLIDATED GAS
*8204940		4700121240		108		VOWLS #3	VALLEY	15.0	CONSOLIDATED GAS
8204974		4710701110		103		WILKINSON #1	UNION	4.0	CONSOLIDATED GAS
8204976		4710701111		103		WILKINSON #2	UNION	1.5	CONSOLIDATED GAS
-CABOT OIL & GAS CORP						RECEIVED: 11/03/81 JA: WV			
8204966		4703903624		103		C E BURFORD #1	JEFFERSON	40.0	TENNESSEE GAS PIP
-D C MALCOLM INC						RECEIVED: 11/03/81 JA: WV			
8204946		4709701881		108		COTTRILL UNIT #1	OVERHILL	14.8	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204945		4709701882			108	COTTRILL UNIT #2	OVERHILL	14.0	CONSOLIDATED GAS
8204948		4703903464			108	MCKINLEY HARDING #1	ELKVIEW	12.0	COLUMBIA GAS TRAN
8204947		4703903468			108	MCKINLEY HARDING #2	ELKVIEW	12.0	COLUMBIA GAS TRAN
-DAVID A FRESHWATER		RECEIVED: 11/03/81 JA: WV							
8204933		4701303306			103	B B SHIMER #1	YELLOW CREEK	12.0	CABOT CORP
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED: 11/03/81 JA: WV							
8204981		4702103717			107-DV	J E HAYS #8	GLENVILLE	45.0	EQUITABLE GAS CO
8204977		4704103037			103	LOUDIN #1	COURTHOUSE	40.0	CONSOLIDATED GAS
8204979		4704103039			103	LOUDIN #2	COURTHOUSE	40.0	CONSOLIDATED GAS
8204955		4708504847			103	OLEN JACKSON #1A	GRANT	15.0	CONSOLIDATED GAS
8204978		4704103030			103	SHEPHERD #1	COURTHOUSE	65.0	CONSOLIDATED GAS
8204980		4708505127			103	SMITH #1	COURTHOUSE	10.0	CONSOLIDATED GAS
-FOX DRILLING CO INC		RECEIVED: 11/03/81 JA: WV							
8204968		4701101360			103	BARBOUR COUNTY BD OF EDUCATION # 1	BELINGTON	25.0	COLUMBIA GAS TRAN
8204971		4701101361			103	BARBOUR COUNTY BD OF EDUCATION # 2	BELINGTON	25.0	COLUMBIA GAS TRAN
8204969		4701101363			103	BARBOUR COUNTY BD OF EDUCATION # 4	BELINGTON	25.0	COLUMBIA GAS TRAN
-FRANKLIN ADKINS		RECEIVED: 11/03/81 JA: WV							
8204953		4709921716	D	107	-DV	COPLEY #1	LINCOLN	14.6	COLUMBIA GAS TRAN
8204952		4709921711	D	107	-DV	SMITH #1	LINCOLN DISTRICT	15.0	COLUMBIA GAS TRAN
8204944		4709921717		107	-DV	STAMPER #1	LINCOLN DISTRICT	12.6	COLUMBIA GAS TRAN
8204954		4709921698	D	107	-DV	WATTS #1	LINCOLN DISTRICT	15.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC		RECEIVED: 11/03/81 JA: WV							
8204967		4701101397			103	J-320	UNION	0.0	CONSOLIDATED GAS
8204970		4701101410			103	J-326	UNION	0.0	CONSOLIDATED GAS
-MAGNUM OIL CORP		RECEIVED: 11/03/81 JA: WV							
8204932		4701702885			103	C NESLER #1	CENTER DISTRICT	22.5	CONSOLIDATED GAS
-SWIFT ENERGY CO		RECEIVED: 11/03/81 JA: WV							
8204958		4704103009			103	CLARK B #3	ASPINALL FINSTER	50.0	
-TEXAS INTERNATIONAL PET CORP		RECEIVED: 11/03/81 JA: WV							
8204934		4706700568			103	FEDERAL COAL #42	TWENTY MILE CREEK	18.0	CABOT CORP
8204935		4706700570			103	FEDERAL COAL #45	TWENTY MILE CREEK	0.0	CABOT CORP
8204936		4706700571			103	FEDERAL COAL #48	TWENTY MILE CREEK	31.0	CABOT CORP
-UNITED OPERATING COMPANY		RECEIVED: 11/03/81 JA: WV							
8204949		4708504174			108	GUY WHITEHAIR #1	SUGAR RUN	14.0	CONSOLIDATED GAS
8204951		4702103512			108	MARTHA PITZER #1	LITTLE KANAWHA RIVER-GLE	17.0	CONSOLIDATED GAS
8204950		4702103547			108	MARTHA PITZER #2	LITTLE KANAWHA RIVER-GLE	17.0	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC		RECEIVED: 11/03/81 JA: WV							
8204965		4702103222			103	ALFRED LOWTHER #2	ELLIS	21.0	CONSOLIDATED GAS
8204964		4702103385			103	ALFRED LOWTHER #3	ELLIS	21.0	CONSOLIDATED GAS
8204961		4702103651			103	WHITING #10A	GILMER	72.0	CONSOLIDATED GAS
8204960		4702103749			103	WHITING #11A	GILMER	73.0	CONSOLIDATED GAS
8204959		4702103766			103	WHITING #12A	GILMER	15.0	CONSOLIDATED GAS
8204963		4702103649			103	WHITING #8A	GILMER	70.0	CONSOLIDATED GAS
8204962		4702103650			103	WHITING #9A	GILMER	77.0	CONSOLIDATED GAS
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
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-ALPHA TWENTY-ONE PRODUCTION CO		RECEIVED: 11/04/81 JA: NM 4							
8205039	NM-1309-81	3002526700			103	JUSTIS FEDERAL #2	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO		RECEIVED: 11/04/81 JA: NM 4							
8204990	NM-1596-80	3002526438			102-4	ANDRIKOPOULOS FEDERAL #1	WILDCAT MORROW	329.5	EL PASO NATURAL G
8205018	NM1267-81	3004506985			108	FRED FEASEL B #1	FULCHER-KUTZ PICTURED CL	17.0	SOUTHERN UNION GA
8204991	NM-1759-80	3004511947			108	GALLEGOS CANYON UNIT #261	PINON-FRUITLAND	21.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205037	NM-1229-81	3003906549			108	JICARILLA APACHE 102 #1	IAPACITO-PICTURED CLIFFS	16.0	GAS CO OF NEW MEX
8205038	NM-1229-81	3003906550			108	JICARILLA APACHE 102 #2	IAPACITO-PICTURED CLIFFS	16.0	GAS CO OF NEW MEX
-ARCO OIL AND GAS CO		RECEIVED: 11/04/81 JA: NM 4							
8205040	NM-1309-81	3002526701			103	JUSTIS FEDERAL #3	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
8205041	NM-1309-81	3002526702			103	JUSTIS FEDERAL #4	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-BOLACK MINERALS CO		RECEIVED: 11/04/81 JA: NM 4							
8205042	NM-1309-81	3002526703			103	JUSTIS FEDERAL #5	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-CONOCO INC		RECEIVED: 11/04/81 JA: NM 4							
8205043	NM-1309-81	3002526704			103	JUSTIS FEDERAL #6	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP		RECEIVED: 11/04/81 JA: NM 4							
8205044	NM-1309-81	3002526705			103	JUSTIS FEDERAL #7	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-HANLEY PETROLEUM INC		RECEIVED: 11/04/81 JA: NM 4							
8205045	NM-1309-81	3002526706			103	JUSTIS FEDERAL #8	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-HARVEY E YATES CO		RECEIVED: 11/04/81 JA: NM 4							
8205046	NM-1309-81	3002526707			103	JUSTIS FEDERAL #9	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-MARATHON OIL CO		RECEIVED: 11/04/81 JA: NM 4							
8205047	NM-1309-81	3002526708			103	JUSTIS FEDERAL #10	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-MESA PETROLEUM CO		RECEIVED: 11/04/81 JA: NM 4							
8205048	NM-1309-81	3002526709			103	JUSTIS FEDERAL #11	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-MOBIL PRODUCING TEXAS & NEW MEXICO INC		RECEIVED: 11/04/81 JA: NM 4							
8205049	NM-1309-81	3002526710			103	JUSTIS FEDERAL #12	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-PENNZOIL CO		RECEIVED: 11/04/81 JA: NM 4							
8205050	NM-1309-81	3002526711			103	JUSTIS FEDERAL #13	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM CO		RECEIVED: 11/04/81 JA: NM 4							
8205051	NM-1309-81	3002526712			103	JUSTIS FEDERAL #14	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-SHELL OIL CO		RECEIVED: 11/04/81 JA: NM 4							
8205052	NM-1309-81	3002526713			103	JUSTIS FEDERAL #15	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO		RECEIVED: 11/04/81 JA: NM 4							
8205053	NM-1309-81	3002526714			103	JUSTIS FEDERAL #16	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-TEXACO INC		RECEIVED: 11/04/81 JA: NM 4							
8205054	NM-1309-81	3002526715			103	JUSTIS FEDERAL #17	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-TOM BROWN INC		RECEIVED: 11/04/81 JA: NM 4							
8205055	NM-1309-81	3002526716			103	JUSTIS FEDERAL #18	JUSTIS GLORIETA	180.0	EL PASO NATURAL G
-WILLIAMSON & STONE		RECEIVED: 11/04/81 JA: NM 4							
8205056	NM-1309-81	3002526717			103	JUSTIS FEDERAL #19	JUSTIS GLORIETA	180.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205037	NM-1229-81	3003906549		108		JICARILLA APACHE 102 #1	TAPACITO-PICTURED CLIFFS	16.0	GAS CO OF NEW MEX
8205019	NM-1268-81	3003921317		108		JICARILLA APACHE 102 #18	TAPACITO-PICTURED CLIFFS	18.0	GAS CO OF NEW MEX
8205038	NM-1301-81	3003921388		108		JICARILLA APACHE 102 #19	TAPACITO	18.0	GAS CO OF NEW MEX
8205053	NM-1326-81-A	3003922520		103		JICARILLA CONTRACT 146 #11E	BASIN-DAKOTA	225.0	NORTHWEST PIPELIN
8205054	NM 1326-81-B	3003922520		103		JICARILLA CONTRACT 146 #11E	GONZALES-MESAVERDE	200.0	NORTHWEST PIPELIN
8205051	NM-1325-81-A	3003922568		103		JICARILLA CONTRACT 155 #27	OTERO-CHACRA	86.0	NORTHWEST PIPELIN
8205052	NM-1325-81-B	3003922568		103		JICARILLA CONTRACT 155 #27	GONZALES-MESAVERDE	195.0	EL PASO NATURAL G
8205055	NM 1327-81-A	3003922531		103		JICARILLA CONTRACT 155 #29	OTERO-CHACRA	219.0	EL PASO NATURAL G
8205056	NM 1327-81-B	3003922531		103		JICARILLA CONTRACT 155 #29	GONZALES-MESAVERDE	183.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED: 11/04/81 JA: NM 4					
*8205005	NM1202-81	3001522842		103		EMPIRE ABO UNIT L #122	EMPIRE ABO	0.0	PHILLIPS PETROLEU
*8205002	NM1199-81	3001522849		103		EMPIRE ABO UNIT L #123	EMPIRE ABO	58.0	PHILLIPS PETROLEU
*8205004	NM1201-81	3001522815		103		EMPIRE ABO UNIT L #171	EMPIRE ABO	25.0	PHILLIPS PETROLEU
*8205000	NM1197-81	3001522812		103		EMPIRE ABO UNIT M #123	EMPIRE ABO	145.0	PHILLIPS PETROLEU
*8205001	NM1198-81	3001522833		103		EMPIRE ABO UNIT M #133	EMPIRE ABO	86.0	PHILLIPS PETROLEU
*8205003	NM1200-81	3001522834		103		EMPIRE ABO UNIT M #141	EMPIRE ABO	70.0	PHILLIPS PETROLEU
*8204999	NM1196-81	3001522838		103		EMPIRE ABO UNIT M #153	EMPIRE ABO	71.0	PHILLIPS PETROLEU
-BCO INC				RECEIVED: 11/04/81 JA: NM 4					
8205040	NM-1311-81	3003922772		103		DUNN #7	LYBROOK GALLUP	40.0	EL PASO NATURAL G
-BRAZOS PETROLEUM CO				RECEIVED: 11/04/81 JA: NM 4					
8205013	NM-1244-81	3002527427		103		FERDERBER FEDERAL #1	SAWYER (SAN ANDRES)	50.0	WARREN PETROLEUM
-COTTON PETROLEUM CORPORATION				RECEIVED: 11/04/81 JA: NM 4					
8205043	NM-1317-81	3003920203		108		KEETON-JICARILLA #1	BALLARD PICTURED CLIFFS	9.0	NORTHWEST PIPELIN
-DELTA DRILLING CO				RECEIVED: 11/04/81 JA: NM 4					
8204989	NM-1576-80	3001500000		102-4		SOUTH CULEBRA BLUFF UNIT #5	UNDESIGNATED ATOKA	0.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED: 11/04/81 JA: NM 4					
8205048	NM-1322-81	3004525035		103		BRIGHT ANGEL #1 WELL	UNDESIGNATED GALLUP	24.0	EL PASO NATURAL G
8205042	NM1314-81	3004524420		103		HARVEY #2	BASIN DAKOTA	17.5	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED: 11/04/81 JA: NM 4					
8205029	NM-1284-81	3004521406		108		BALLARD #17	ANGELS PEAK - GALLUP GAS	10.0	EL PASO NATURAL G
8205064	NM 1343-81	3004505276		108		BUD-DOS-PAH #1	BALLARD - PICTURED CLIFF	20.0	EL PASO NATURAL G
8205024	NM1278-81	3003920717		103		CANYON LARGO UNIT #191	BALLARD PICTURED CLIFFS	40.0	EL PASO NATURAL G
8205034	NM-1292-81	3003920727		108		CANYON LARGO UNIT #206	BALLARD - PICTURED CLIFF	20.0	EL PASO NATURAL G
8205035	NM-1293-81	3003906187		108		CANYON LARGO UNIT #65	BLANCO- SOUTH - PICTURED	21.0	EL PASO NATURAL G
8205066	NM-1345-81	3004500000		108		CLEVELAND #5	FULCHER KUTZ - PICTURED	16.0	EL PASO NATURAL G
8204993	NM-0139-81	3004523753		108		FLORANCE E #2	BLANCO PICTURED CLIFFS	22.0	EL PASO NATURAL G
8205031	NM-1287-81	3004507715		108		HUGHES A #4	BLANCO - MESAVERDE	20.0	EL PASO NATURAL G
8205060	NM 1334-81	3003906001		108		JICARILLA E #4	SOUTH BLANCO PICTURED CL	21.0	EL PASO NATURAL G
8204986	NM002481PB	3003906711		108-PB		JICARILLA 119 N #9		0.0	EL PASO NATURAL G
8205008	NM1231-81	3003922740		103		LINDRITH UNIT #104	BLANCO SOUTH PICTURED CL	45.0	EL PASO NATURAL G
8205009	NM1232-81	3003922742		103		LINDRITH UNIT #107	BLANCO SOUTH PICTURED CL	30.0	EL PASO NATURAL G
8205032	NM-1288-81	3004507056		108		MICHENER A #1	BLANCO SOUTH - PICTURED	21.0	EL PASO NATURAL G
8205065	NM-1344-81	3004512147		108		P L DAVIS #1	BASIN-DAKOTA GAS	18.0	EL PASO NATURAL G
8205061	NM-1335-81	3003906802		108		RINCON UNIT #26	SOUTH BLANCO - PICTURED	16.0	EL PASO NATURAL G
8204985	NM002381PB	3003920127		108-PB		SAN JUAN 27-4 UNIT #47		0.0	EL PASO NATURAL G
*8205027	NM-1281-81-A	3003922516		103		SAN JUAN 27-5 UNIT #101E	BASIN DAKOTA	67.0	EL PASO NATURAL G
*8205028	NM-1281-81-B	3003922516		103		SAN JUAN 27-5 UNIT #101E	BLANCO MESAVERDE	160.0	EL PASO NATURAL G
*8205010	NM1233-81	3003922435		103		SAN JUAN 27-5 UNIT #105E	BASIN DAKOTA	130.0	EL PASO NATURAL G
8204988	NM002681PB	3003920174		108-PB		SAN JUAN 28-4 UNIT #32	BASIN	0.0	EL PASO NATURAL G
8205063	NM 1340-81	3003907218		108		SAN JUAN 28-4 UNIT #8	BLANCO - MESAVERDE	20.0	EL PASO NATURAL G
8204984	NM002281ER	3003907330		108-ER		SAN JUAN 28-5 UNIT #1	BLANCO	0.0	EL PASO NATURAL G
8205030	NM-1285-81	3003920857		108		SAN JUAN 28-6 UNIT #193	SOUTH BLANCO - PICTURED	22.0	EL PASO NATURAL G
8205033	NM-1290-81	3003907125		108		SAN JUAN 28-6 UNIT #24	BLANCO - MESAVERDE	20.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204997	NM-0871-81	3003907197		108		SAN JUAN 28-6 UNIT #38	BLANCO-MESAVERDE	18.0	EL PASO NATURAL G
8205036	NM-1294-81	3003907156		108		SAN JUAN 28-6 UNIT #39	BLANCO - MESAVERDE GAS	18.0	EL PASO NATURAL G
8204995	NM-0735-81	3003907145		108		SAN JUAN 28-6 UNIT #66 PC & MV	SOUTH BLANCO PICTURED CL	23.0	EL PASO NATURAL G
8204987	NM002581PB	3003907130		108-PB		SAN JUAN 28-6 UNIT #80	BLANCO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8205025	NM1279-81-A	3003922400		103		SAN JUAN 29-7 UNIT #111M	BASIN DAKOTA	120.0	EL PASO NATURAL G
*8205026	NM-1279-81-G	3003922400		103		SAN JUAN 29-7 UNIT #111M	BLANCO MESAVERDE-B	300.0	EL PASO NATURAL G
8205062	NM 1338-81	3004507461		108		TAPP #2	BLANCO-MESAVERDE	22.0	EL PASO NATURAL G
-ESTORIL PRODUCING CORP				RECEIVED: 11/04/81 JA: NM 4					
8204994	NM3446-81-A	3002[illegible]688[illegible]		103		BELCO FEDERAL #1	ANTELOPE RIDGE (MORROW G	0.0	GAS CO OF NEW MEX
-GRACE PETROLEUM CORPORATION				RECEIVED: 11/04/81 JA: NM 4					
8205007	NM1218-81	3003922[illegible]5		103		FEDERAL 6-1	LYBROOK (GALLUP)	0.0	GAS CO OF NEW MEX
-HOLLY ENERGY INC				RECEIVED: 11/04/81 JA: NM 4					
8205016	NM-1255-81	3001523444		103		CANADIAN KENWOOD 18 FED. #1	NORTH SHUGART MORROW	332.5	
8205015	NM1254-81	3001523382		103		MCINTYRE A #10	GRAYBURG-JACKSON	5.8	CONOCO INC
8205014	NM1253-81	3001523407		103		MCINTYRE A #9	GRAYBURG-JACKSON	5.1	CONOCO INC
8205017	NM1256-81	3001523536		103		ROCHE FEDERAL #2	NORTH SHUGART MORROW	1642.5	
-LEWIS B BURLESON				RECEIVED: 11/04/81 JA: NM 4					
[illegible]205006	NM-1204-81	300[illegible]527[illegible]8N		103		SUE FEDERAL #1	JALMAT OIL FIELD	3[illegible].[illegible]	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED: 11/04/81 JA: NM 4					
8204992	NM1787-80	3004524334		103		OHIO GOVERNMENT #2-E	KUTZ CANYON	[illegible]12.0	EL PASO NATURAL G
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 11/04/81 JA: NM 4					
8205057	NM-1330-81	3003906400		108		FEATHERSTONE FEDERAL #1	GAVALIN PICTURED CLIFFS/	17.0	NORTHWEST PIPELIN
8205058	NM 1331-81	3003920162		108		JICARILLA B #8	TAPACITO PICTURED CLIFFS	13.0	NORTHWEST PIPELIN
8205059	NM 1332-81	3003922712		103		LINDRITH "B" UNIT #17	CHACON-DAKOTA ASSOCIATED	31.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 11/04/81 JA: NM 4					
*8205047	NM-1321-81	3004524467		103		SAN JUAN 32-7 #71	[illegible]LANCO MESAVERDE	16[illegible].[illegible]	NORTHWEST PIPELIN
8205046	NM-1320-81	3004524661		103		SAN JUAN 32-7 UNIT 74	[illegible]LANCO MESAVERDE	3[illegible].0	NORTHWEST PIPELIN
-PERRY R BASS				RECEIVED: 11/04/81 JA: NM [illegible]					
8205044	NM131881-103	3001523385		103		BIG EDDY UNIT #79-Y	FENTON DRAW MORROW	572.0	NATURAL GAS PIPEL
8205049	NM 1323-81	3001523430		102-A		POKER LAKE UNIT #49	WILDCAT	109.5	NATURAL GAS PIPEL
8205050	NM 1323-81	3001523430		103		POKER LAKE UNIT #49	WILDCAT	109.5	NATURAL GAS PIPEL
-SCHALK DEVELOPMENT COMPANY				RECEIVED: 11/04/81 JA: NM 4					
8205041	NM1313	3003922517		103		SCHALK 54 #2A	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
8205045	NM-1319-81	3003922541		103		SCHALK 57 #2A	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
-SUPRON ENERGY CORPORATION				RECEIVED: 11/04/81 JA: NM 4					
8205020	NM1273-81	3[illegible]04524772		103		CALVIN 1-E	[illegible]ASIN DAKOTA	270.0	SOUTHERN UNION GA
[illegible]205021	NM1275-81	3[illegible]04524835		103		CONGRESS 7-E	[illegible]ASIN DAKOTA	194.0	SOUTHERN UNION GA
8204996	NM-0754-81	3004506278		108		NAVAJO B-4	SOUTH BLANCO PICTURED CL	7.9	GAS CO OF NEW MEX
8205023	NM1277-81	3004524563		103		NICKSON 11-E	BASIN DAKOTA	261.0	EL PASO NATURAL G
8204998	NM-1116-81	3004524763		103		TALIAFERRO 7	BLANCO MESAVERDE	767.0	SOUTHERN UNION GA
8205022	NM1276-81	3004524528		103		ZACHRY 25	BLOOMFIELD CHACRA EXT	769.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED: 11/04/81 JA: NM 4					
8205011	NM1236-81	3004524920		103		CHILDERS #1	BASIN DAKOTA	500.0	EL PASO NATURAL G
8205012	NM1237-81	3004524686		103		PRITCHARD #8	BASIN DAKOTA	500.0	EL PASO NATURAL G

OTHER PURCHASERS

8204887	PIONEER GAS PRODUCTS CO	8205002	TRANSWESTERN PIPELINE CO
8204940	BROOKLYN UNION GAS CO	8205003	TRANSWESTERN PIPELINE CO
8204941	BROOKLYN UNION GAS CO	8205004	TRANSWESTERN PIPELINE CO
8204942	BROOKLYN UNION GAS CO	8205005	TRANSWESTERN PIPELINE CO
8204943	BROOKLYN UNION GAS CO	8205010	NORTHWEST P L CORP
[illegible]204982	BROOKLYN UNION GAS CO	8205026	NORTHWEST P L CORP
8204983	BROOKLYN UNION GAS CO	8205027	NORTHWEST P L CORP
8204995	TRANSWESTERN PIPELINE CO	8205028	NORTHWEST P L CORP
8205000	TRANSWESTERN PIPELINE CO	8205047	EL PASO NATURAL GAS CO
8205001	TRANSWESTERN PIPELINE CO		

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determinations are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New Onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35847 Filed 12–8–81; 8:45 am]

BILLING CODE 6717–01–M

8204982	BROOKLYN UNION GAS CO	8205028
8204983	BROOKLYN UNION GAS CO	8205027
8204999	TRANSWESTERN PIPELINE CO	8205028
8205000	TRANSWESTERN PIPELINE CO	8205047
8205001	TRANSWESTERN PIPELINE CO	

BILLING CODE 6717-01-C

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 2, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
						TEXAS RAILROAD COMMISSION			
-A L HERNDEN & MORRIS CANNAN		RECEIVED: 11/06/81 JA: TX							
8205136	F-03-012390	4202500008		102-4		AUDREY C GOREE #1-D		500.0	TEXAS EASTERN TRA
-ADA OIL EXPLORATION CORP		RECEIVED: 11/06/81 JA: TX							
8205151	F-03-029230	4237300000		102-2		RACKI 1-B	SCHWAB SOUTH (WILCOX)	226.3	UNITED TEXAS TRAN
-ALPAR RESOURCES INC		RECEIVED: 11/06/81 JA: TX							
8205227	F-10-034963	4235731068		102-4		HARBAUGH 24-147	LONE BUTTE	0.0	PHILLIPS PETROLEU
-AMERICAN PETROFINA COMPANY OF TEXAS		RECEIVED: 11/06/81 JA: TX							
8205341	F-06-039918	4240100008		103		A E DEAN G U #1 #1	HENDERSON NORTH (COTTON	250.0	UNITED GAS PIPE L
8205342	F-06-039918	4240100000		107-TF		A E DEAN G U #1 #1	HENDERSON NORTH (COTTON	250.0	UNITED GAS PIPE L
8205249	F-03-036202	4216730798		102-4		H B CLEMENTS #1	LEAGUE CITY (11,800)	70.0	HOUSTON PIPE LINE
8205249	F-03-036202	4216730798		103		H B CLEMENTS #1	LEAGUE CITY (11,800)	70.0	HOUSTON PIPE LINE
-AMOCO PRODUCTION CO		RECEIVED: 11/06/81 JA: TX							
8205329	F-08-039483	4200332369		108-A		DAVID FASKEN #1 #1	FASKEN EAST (WOLFC	96.0	AMOCO PRODUCTION
-ANCIL T FULLER		RECEIVED: 11/06/81 JA: TX							
8205274	F-03-037320	4215731171		102-4		FULLER-BERT F WINSTON #1	MCCRARY (THIRD YEGUA)	0.0	DOW CHEMICAL CO
8205274	F-03-037320	4215731171		103		FULLER-BERT F WINSTON #1	MCCRARY (THIRD YEGUA)	0.0	DOW CHEMICAL CO
8205273	F-02-037318	4223931590		102-4		FULLER-KOOP LITTLEFIELD UNIT #1	EAST ANITA	0.0	UNITED GAS PIPELI
8205273	F-02-037318	4223931590		103		FULLER-KOOP LITTLEFIELD UNIT #1	EAST ANITA	0.0	UNITED GAS PIPELI
-ANDERSON PETROLEUM INC		RECEIVED: 11/06/81 JA: TX							
8205186	F-7C-032724	4210533197		103		ELOISE CARSON CLEGG C 2-61	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8205186	F-7C-032724	4210533197		107-TF		ELOISE CARSON CLEGG C 2-61	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8205205	F-7C-033858	4210533225		103		SARAH C MILLSPAUGH B 4-16	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8205205	F-7C-033858	4210533225		107-TF		SARAH C MILLSPAUGH B 4-16	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
-ARCADIA REFINING CO		RECEIVED: 11/06/81 JA: TX							
8205314	F-06-038777	4220131100		102-4		M KANGERGA #104407	HENDERSON S (TRANS)	0.0	FERGUSON CROSSING
8205315	F-06-038778	4240131167		102-4		W J JONES EST UNIT #1	MINDEN E (TRAVIS PEAK TR	0.0	FERGUSON CROSSING
-ARCO OIL AND GAS COMPANY		RECEIVED: 11/06/81 JA: TX							
8205276	F-01-037420	4231131506		102-4		D W RHODE #97 #6	RHODE RANCH EAST (FRIO 2	180.0	TEXAS EASTERN TRA
8205140	F-04-023640	4221530999		103		EVERETT BELL GU 2 WELL #3	TABASCO (#)	300.0	TENNESSEE GAS PIP
-ARKLA EXPLORATION COMPANY		RECEIVED: 11/06/81 JA: TX							
8205338	F-06-039802	4240131037		103		KUYKENDALL #1	TATUM NORTH	240.0	ARKANSAS LOUISIAN
8205338	F-06-039802	4240131037		107-TF		KUYKENDALL #1	TATUM NORTH	240.0	ARKANSAS LOUISIAN
8205339	F-06-039803	4240131056		103		UTTLEY #2	TATUM NORTH	500.0	ARKANSAS LOUISIAN
8205339	F-06-039803	4240131056		107-TF		UTTLEY #2	TATUM NORTH	500.0	ARKANSAS LOUISIAN
-AUSANKA OIL OPERATIONS		RECEIVED: 11/06/81 JA: TX							
8205219	F-09-034577	4250334013		102-4		J S CRISWELL A #3	A O O (MISS)	91.0	LONG STAR GAS CO
8205220	F-09-034578	4250333000		102-4		KURK-CRISWELL #3	A O O (MISS GAS)	108.0	LONE STAR GAS CO
-BLOCKER EXPLORATION CO		RECEIVED: 11/06/81 JA: TX							
8205263	F-05-036912	4229330530		102-4		KAREN LOU SEMPLE #2	SOUTH THORNTON (COTTON V	365.0	TEXAS UTILITIES F
8205263	F-05-036912	4229330530		107-TF		KAREN LOU SEMPLE #2	SOUTH THORNTON (COTTON V	365.0	TEXAS UTILITIES F
-BLUE RIDGE OIL & GAS EXPLOR INC		RECEIVED: 11/06/81 JA: TX							

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205158	F-7C-031034	4210532108		103		A PHILLIPS #1	ADAMS-BAGGETT RANCH (CAN	22.9	DETROIT-TEXAS GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205158	F-7C-031034	4210532108		103		A PHILLIPS #1
8205159	F-7C-031035	4210532289		103		A PHILLIPS #2
8205160	F-7C-031036	4210532290		103		A PHILLIPS #3
8205161	F-7C-031037	4210532291		103		A PHILLIPS #4
8205162	F-7C-031038	4210532292		103		A PHILLIPS #5
8205163	F-7C-031039	4210532293		103		A PHILLIPS #6
8205164	F-7C-031080	4210532286		103		ADAMS #1
8205164	F-7C-031080	4210532286		107-TF		ADAMS #1
8205191	F-7C-033421	4210532986		103		ADAMS #3
8205191	F-7C-033421	4210532986		107-TF		ADAMS #3
-BLUESKY OIL & GAS INC				RECEIVED: 11/06/81 JA: TX		
8205268	F-03-037103	4214930635		102-2		ARNIM H UNIT 8
8205268	F-03-037103	4214930635		103		ARNIM H UNIT 8
8205148	F-03-028909	4214930680		102-2		MARES UNIT #1
8205148	F-03-028909	4214930680		103		MARES UNIT #1
-BOW VALLEY PETROLEUM INC				RECEIVED: 11/06/81 JA: TX		
8205332	F-03-039524	4231330292		102-4		HENSARLING #1
-CA-TEX PETROLEUM INC				RECEIVED: 11/06/81 JA: TX		
8205267	F-09-037057	4250334798		102-2		C K GARVEY A #3
8205266	F-09-037042	4250334516		102-2		C K GARVEY F #1
8205265	F-09-037036	4250334850		102-2		GRAHAM #3
8205264	F-09-037023	4200935042		102-2		PRIDEAUX 1867 #1
-CARTER EXPLORATION CO				RECEIVED: 11/06/81 JA: TX		
8205285	F-04-037915	4224731252		103		A LOPEZ #2
-CASHCO OIL CO				RECEIVED: 11/06/81 JA: TX		
8205232	F-03-035376	4218530251		102-4		B B HICKS #1
8205232	F-03-035376	4218530251		103		B B HICKS #1
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 11/06/81 JA: TX		
8205150		4218330439		102-2		ALFORD JONES #1
8205150		4218330439		107-TF		ALFORD JONES #1
8205258	F-03-036784	4205100000		102-2		ANNIE WHITE #1
8205258	F-03-036784	4205100000		103		ANNIE WHITE #1
8205155	F-06-030271	4240100000		107-TF		BAILEY SHEPPARD #4
8205167	F-03-031442	4205130765		102-2		BARTLETT JONES #1
8205167	F-03-031442	4205130765		103		BARTLETT JONES #1
8205334	F-03-039543	4205130764		102-2		C D HENRY #1
8205334	F-03-039543	4205130764		103		C D HENRY #1
8205157	F-06-030963	4236530965		107-TF		CARTHAGE GAS UNIT 27 #2
8205144	F-03-026764	4205130654		102-2		DELBERT ZGABAY #1
8205173	F-03-031899	4205130912		102-2		ELDIE LEE KOEHLER #1
8205170	F-03-031899	4205130912		103		ELDIE LEE KOEHLER #1
8205311	F-03-038601	4205100000		102-2		HENRY R ZGABAY #2
8205311	F-03-038601	4205100000		103		HENRY R ZGABAY #2
8205296	F-03-038188	4205131457		102-2		JOHN W HEINE #2
8205296	F-03-038188	4205131457		103		JOHN W HEINE #2
8205138	F-06-020249	422030[illegible]000		103		LETOURNEAU #5
8205138	F-06-020249	4220300000		107-TF		LETOURNEAU #5
-CHEVRON U S A INC				RECEIVED: 11/06/81 JA: TX		
8205231	F-08-035317	4249531250		103		SEALY SMITH FOUNDATION 7 #2
-COASTAL OIL & GAS CORP				RECEIVED: 11/06/81 JA: TX		
8205226	F-10-034823	4237530823		103		BIVINS 902RO
-COBRA OIL AND GAS CORPORATION				RECEIVED: 11/06/81 JA: TX		
8205254	F-10-036601	4242130221		102-2		BENBROOK #1
8205254	F-10-036601	4242130221		103		BENBROOK #1

FIELD NAME	PROD	PURCHASER
ADAMS-BAGGETT RANCH (CAN	22.9	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	20.6	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	12.3	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	15.3	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	46.3	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	61.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	13.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	13.7	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	38.4	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	38.4	DETROIT-TEXAS GAS
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	109.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	109.0	CLAJON GAS CO
SOUTHWEST MADISONVILLE-D	210.0	LONE STAR GAS CO
ARCHER COUNTY REGULAR	0.0	MID STATES GAS CO
YOUNG COUNTY REGULAR	0.0	MID STATES GAS CO
YOUNG COUNTY REGULAR	0.0	MID STATES GAS CO
ARCHER COUNTY REGULAR	0.0	MID STATES GAS CO
JONES E (HOCKLEY)	200.0	SUN GAS CO
MARTINS PRAIRIE	0.0	LONE STAR GAS CO
MARTINS PRAIRIE	0.0	LONE STAR GAS CO
SABINE S E	62.1	HYDROCARBON TRANS
SABINE S E	62.1	HYDROCARBON TRANS
GIDDINGS	0.0	FERGUSON CROSSING
GIDDINGS	0.0	FERGUSON CROSSING
E EASON	308.0	HYDROCARBON TRANS
GIDDINGS	76.6	FERGUSON CROSSING
GIDDINGS	76.6	FERGUSON CROSSING
GIDDINGS	67.0	FERGUSON CROSSING
GIDDINGS	67.0	FERGUSON CROSSING
CARTHAGE	730.0	TENNESSEE GAS PIP
GIDDINGS	240.5	FERGUSON CROSSING
GIDDINGS	134.7	FERGUSON CROSSING
GIDDINGS	134.7	FERGUSON CROSSING
GIDDINGS	0.0	FERGUSON CROSSING
GIDDINGS	0.0	FERGUSON CROSSING
GIDDINGS	816.0	FERGUSON CROSSING
GIDDINGS	816.0	FERGUSON CROSSING
SABINE S E (COTTON VALLE	488.0	HYDROCARBON TRANS
SABINE S E (COTTON VALLE	488.0	HYDROCARBON TRANS
ARENOSO (STRAWN)	51.1	PHILLIPS PETROLEU
PANHANDLE (RED CAVE)	82.0	COLORADO INTERSTA
GIDDINGS	0.0	PHILLIPS PETROLEU
GIDDINGS	0.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-COMANCHE RESOURCES INC						RECEIVED: 11/06/81 JA: TX
8205278	F-78-037491	420490[illegible]00[illegible]		102-4		D B GUNN #1
-CONOCO INC						RECEIVED: 11/06/81 JA: TX
8205212	F-04-034001	4247932901		102-2		ROSA V BENAVIDES B #3
8205212	F-04-034001	4247932901		107-TF		ROSA V BENAVIDES B #3
8205166	F-08-031366	4213500000		108		WIGHT UNIT #81 I D #20661
-COTTON PETROLEUM CORPORATION						RECEIVED: 11/06/81 JA: TX
8205279	F-10-037724	4229530832		102-4		SCHULTZ F #2
8205279	F-10-037724	4229530832		103		SCHULTZ F #2
-CROWN EXPLORATION CO						RECEIVED: 11/06/81 JA: TX
8205210	F-78-033931	4205900000		102-4		BRISCOE #2
-CUMMINS & WALKER OIL CO INC						RECEIVED: 11/06/81 JA: TX
8205319	F-02-039090	4217500000		103		J L URBAN #1-R
-DALTON H COBB						RECEIVED: 11/06/81 JA: TX
8205142	F-08-024404	4[illegible]37100[illegible]00		102-4		FOREST-DUNCAN #1
-DAMERON PETROLEUM CORP						RECEIVED: 11/06/81 JA: TX
8205195	F-7C-033522	4210532557		102-2		ARMOND HOOVER #1016A
8205195	F-7C-033522	4210532557		107-TF		ARMOND HOOVER #1016A
8205196	F-7C-033525	4210532723		102-2		W P HOOVER - SEC 13 #1A
8205196	F-7C-033525	4210532723		107-TF		W P HOOVER - SEC 13 #1A
8205192	F-7C-033515	4210532680		102-2		W P HOOVER - SEC 93 #1
8205192	F-7C-033515	4210532680		107-TF		W P HOOVER - SEC 93 #1
8205194	F-7C-033520	4210532578		102-2		W P HOOVER 16 #1
8205194	F-7C-033520	4210532578		107-TF		W P HOOVER 16 #1
8205193	F-7C-033519	4210532630		102-2		W P HOOVER 16 #2
8205193	F-7C-033519	4210532630		107-TF		W P HOOVER 16 #2
-DANDEN PETROLEUM INC						RECEIVED: 11/06/81 JA: TX
8205259	F-10-036822	4248300000		108		HOWE #1
8205260	F-10-036823	4248300000		108		HOWE #2
-DERNICK RESOURCES INC						RECEIVED: 11/06/81 JA: TX
8205247	F-78-036107	4214330418		102-2		LAUGHLIN #1
-DILLEY PRODUCTION CO						RECEIVED: 11/06/81 JA: TX
8205213	F-10-034036	4248330[illegible]0[illegible]		108		RICE #13
-DRILLERS ENERGY SEARCH INC						RECEIVED: 11/06/81 JA: TX
8205239	F-04-035552	4240931483		102-4		KEETON #1-T
-EL PASO NATURAL GAS COMPANY						RECEIVED: 11/06/81 JA: TX
8205253	F-10-036301	420[illegible]726155		108		LUTES A #1
-ENRE CORP						RECEIVED: 11/06/81 JA: TX
8205323	F-78-039314	4213333161		102-4		GARNER #2 (94756)
-ENSERCH EXPLORATION INC						RECEIVED: 11/06/81 JA: TX
8205346	F-05-04055	4221300000		107-PE		G W MALONE #1
-EXXON CORPORATION						RECEIVED: 11/06/81 JA: TX
8205347	F-08-040080	4200332494		103		FULLERTON CLEARFORK UNIT #1541
8205309	F-10-038564	4239330830		103		MARIAN OSBORNE JAMESON #1L
8205348	F-04-040093	4242731493		102-4		MCGILL BROS 468
-F B LACY						RECEIVED: 11/06/81 JA: TX
8205312	F-04-038642	4247900000		102-4		VAQUILLAS #2
-FLORIDA GAS EXPLORATION COMPANY						RECEIVED: 11/06/81 JA: TX
8205299	F-7C-038275	4243532477		103		FLORENCE 32 #2
8205299	F-7C-038275	4243532477		107-TF		FLORENCE 32 #2
8205298	F-7C-038274	4243532476		103		HUNT 36 #2
8205298	F-7C-038274	4243532476		107-TF		HUNT 36 #2
-FOY BOYD MANAGEMENT CORP						RECEIVED: 11/06/81 JA: TX

FIELD NAME	PROD	PURCHASER
DALE (CADDO)	20.0	SIOUX PIPELINE CO
CAPRICE (WALKER-LOBO) (P	400.0	
CAPRICE (WALKER-LOBO) (P	400.0	
COWDEN NORTH	1.0	AMOCO PRODUCTION
MAMMOTH CREEK NW (TONKAW	440.0	DIAMOND SHAMROCK
MAMMOTH CREEK NW (TONKAW	440.0	DIAMOND SHAMROCK
BAIRD EAST (STRAWN SAND)	125.0	LONE STAR GAS CO
MARSHALL (2600*)	100.0	DELHI GAS PIPELIN
COBB (DEVONIAN)	365.0	EL PASO NATURAL G
AMERICAN (CANYON)	45.0	EL PASO NATURAL G
AMERICAN (CANYON)	45.0	EL PASO NATURAL G
AMERICAN (CANYON)	65.0	EL PASO NATURAL G
AMERICAN (CANYON)	65.0	EL PASO NATURAL G
AMERICAN (CANYON)	50.0	EL PASO NATURAL G
AMERICAN (CANYON)	50.0	EL PASO NATURAL G
AMERICAN (CANYON)	65.0	EL PASO NATURAL G
AMERICAN (CANYON)	65.0	EL PASO NATURAL G
AMERICAN (CANYON)	65.0	EL PASO NATURAL G
AMERICAN (CANYON)	65.0	EL PASO NATURAL G
PANHANDLE EAST	1.6	ASHLAND OIL CO
PANHANDLE EAST	7.3	ASHLAND OIL CO
MORGAN HILL (MARBLE FALL	35.0	CORONADO TRANSMIS
PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
HIBERNIA (5050)	257.0	HOUSTON PIPELINE
PANHANDLE EAST	13.0	EL PASO NATURAL G
TEE JAY (CONGL)	130.0	BENGAL GAS TRANSM
OPELIKA	540.0	LONE STAR GAS CO
FULLERTON	15.0	PHILLIPS PETROLEU
MENDOTA NW (GRANITE WASH	110.0	PIONEER NATURAL G
KELSEY SOUTH (ZONE 27-A)	263.0	TRUNKLINE GAS CO
J E WILSON (7100*)	36.0	VALERO TRANSMISSI
PHYLLIS SONORA	36.0	
PHYLLIS SONORA	36.0	
PHYLLIS SONORA	36.0	INTRATEX GAS CO
PHYLLIS SONORA	36.0	INTRATEX GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205244	F-08-035985	4247532235		103		BLACK #1

FIELD NAME	PROD	PURCHASER

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205244	F-08-035985	4247532235		103		BLACK #1
				RECEIVED: 11/06/81 JA: TX		
-GAGE & CO						
8205292	F-09-038072	4223733702		102-4		BOYD #1 (93702)
8205173	F-09-032097	4223733034		102-4		CHAMBERS ETAL #1 (20229)
8205198	F-7C-033555	4208130973		102-4		J S WALKER #1 (08750)
8205172	F-09-032096	4223733236		102-4		TOM BERRY A #1 (20731)
8205143	F-09-025092	4223732943		102-4		WELCH #1 (19951)
8205143	F-09-025092	4223732943		103		WELCH #1 (19951)
				RECEIVED: 11/06/81 JA: TX		
-GAS DEVELOPMENT CORP						
8205294	F-7C-038136	4243532420		103		JO NELL JOHNSON 16 #1
				RECEIVED: 11/06/81 JA: TX		
-GENESIS PETROLEUM CORP						
8205320	F-03-039192	4232131118		102-4		STATE TRACT 302 #1-L
8205321	F-03-039205	4232131118		102-4		STATE TRACT 302 #1-U
				RECEIVED: 11/06/81 JA: TX		
-GEOCHEMICAL SURVEYS INC						
8205178	F-7C-032599	4243500000		103		SIMMONS RANCH #1
8205178	F-7C-032599	4243500000		107-TF		SIMMONS RANCH #1
				RECEIVED: 11/06/81 JA: TX		
-GETTY OIL COMPANY						
8205149	F-03-029040	4205100000		102-2		F B MCCOY #1
				RECEIVED: 11/06/81 JA: TX		
-GOLDKING PRODUCTION COMPANY						
8205222	F-04-034663	4221531104		103		HANKAMER A #2
8205221	F-02-034640	4229732595		103		PATRICIA CROCKER #2
				RECEIVED: 11/06/81 JA: TX		
-GRACE PETROLEUM CORPORATION						
8205242	F-05-035902	4216130455		103		NEYLAND #1
8205286	F-06-037958	4236530212		108		T B WAITS #1
				RECEIVED: 11/06/81 JA: TX		
-GUADALUPE EXPLORATION CORP						
8205307	F-10-038533	4208730127		108		BRUTON A #1
				RECEIVED: 11/06/81 JA: TX		
-GULF OIL CORPORATION						
8205337	F-03-039650	4224531475		102-4		M HALF CIRCLE RANCH #3
8205224	F-08-034773	4237130568		108		NEVILLE - STATE VG #1
				RECEIVED: 11/06/81 JA: TX		
-H-M OIL CO						
8205293	F-04-038098	4213100000		102-4		BLAS GARCIA #1
8205293	F-04-038098	4213100000		103		BLAS GARCIA #1
				RECEIVED: 11/06/81 JA: TX		
-HANOVER MANAGEMENT CO						
8205343	F-06-039960	4200131079		102-4		CADY #2
				RECEIVED: 11/06/81 JA: TX		
-HENDERSON CLAY PRODUCTS INC						
8205225	F-06-034816	4240131108		102-2		MADDOX EST GU #1
8205225	F-06-034816	4240131108		107-TF		MADDOX EST GU #1
				RECEIVED: 11/06/81 JA: TX		
-HENRY PETROLEUM CORP						
8205241	F-01-035621	4249300000		103		CELLMER #1
				RECEIVED: 11/06/81 JA: TX		
-HILL PRODUCTION CO						
8205171	F-06-031978	4240130957		102-4		ORA T HALE #1 89734
				RECEIVED: 11/06/81 JA: TX		
-HILLIN PRODUCTION CO						
8205261	F-08-036827	4230130252		102-4		JOHNSON 76 #1
				RECEIVED: 11/06/81 JA: TX		
-HMH OPERATORS						
8205214	F-08-034056	4243100000		103		GUNTER #1
8205284	F-7C-037906	4210500000		103		SUPRON-UNIVERSITY #2
-HOUSTON OIL & MINERALS CORPORATION						
				RECEIVED: 11/06/81 JA: TX		
8205250	F-03-036218	4207131020		102-2		SHIPCHANNEL GU 1 #4
				RECEIVED: 11/06/81 JA: TX		
-J PAUL GOLDSMITH						
8205217	F-06-034452	4240131083		103		C R LAWLER #1
8205217	F-06-034452	4240131083		107-TF		C R LAWLER #1
				RECEIVED: 11/06/81 JA: TX		
-JOHN L COX						
8205206	F-7C-033895	4246131644		103		DOLLIE #2 (RRC#08412)

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FIELD NAME	PROD	PURCHASER
	75.0	DELHI GAS PIPELIN
RUSMAG SE (CONGL 5300)	0.0	SOUTHWESTERN GAS
MARYETTA SE (CONGL)	0.0	SOUTHWESTERN GAS
SILVER (ODOM)	0.0	SUN GAS CO
MARYETTA SE (CONGL)	0.0	SOUTHWESTERN GAS
RUSMAG SE (CONGL 4900)	0.0	LONE STAR GAS CO
RUSMAG SE (CONGL 4900)	0.0	LONE STAR GAS CO
JO NELL (CANYON D)	547.5	NORTHERN NATURAL
OLIVER POINT S (4250')	548.0	HOUSTON PIPELINE
OLIVER POINT S (3975') P	365.0	HOUSTON PIPELINE
SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
GIDDINGS	0.0	
SAN SALVADOR (7750)	764.0	ESPERANZA PIPE LI
MIKESKA N (SLICK)	948.0	VALLEY GAS TRANSM
WEST TEAGUE (RODESSA)	0.0	LONE STAR GAS CO
BECKVILLE WEST	24.0	ARKANSAS LOUISIAN
EAST PANHANDLE	17.0	EL PASO NATURAL G
M HALF CIRCLE	1500.0	
HUBER - 5050 WOLFCAMP	11.2	DELHI PIPELINE CO
ASOG (FRIO 4950)	0.0	GHR ENERGY CORP
ASOG (FRIO 4950)	0.0	GHR ENERGY CORP
PRAIRIE LAKE SW (RODESSA	730.0	SEAGULL PIPELINE
CYRIL (COTTON VALLEY)	400.0	HENDERSON CLAY PR
CYRIL (COTTON VALLEY)	400.0	HENDERSON CLAY PR
PRUSKE (BUDA)	0.0	
REDWINE (TRAVIS PEAK "A"	360.0	DELHI GAS PIPELIN
WILDCAT	148.3	
CONGER (PENN)	73.0	ESPERANZA PIPELIN
FARMER (SAN ANDRES)	110.7	NORTHERN NATURAL
SHIP CHANNEL (F-24)	0.0	UNITED TEXAS TRAN
BRACHFIELD S E (CV)	120.0	DELHI GAS PIPELIN
BRACHFIELD S E (CV)	120.0	DELHI GAS PIPELIN
BENEDUM (FUSSELMAN)	20.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205207	F-7C-033928	4246131675		103		HALAMICEK B #1 (RRC #08693)	MCGILL (SPRABERRY)	10.0	PHILLIPS PETROLEU
8205208	F-08-033929	4232930945		103		MABEE FOUNDATION C #1	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL
8205209	F-08-033930	4232930954		103		MABEE FOUNDATION D #1	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL
8205290	F-7C-038012	4246100000		103		NEAL 38-B #1	BENEDUM (FUSSELMAN)	20.0	UNION TEXAS PETRO
8205289	F-7C-038002	4246131716		103		RINN #1	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
						RECEIVED: 11/06/81 JA: TX			
-JONES CO									
8205317	F-78-038880	4241733247		102-4		BLANTON 49 #1-A	SALT PRONG (CONGL)	365.0	DELHI GAS PIPELIN
8205281	F-78-037737	4241700000		102-4		LEE A SANDERS #1 (88974)	D J (CONGL)	328.0	DELHI GAS PIPELIN
8205280	F-78-037730	4241700000		102-4		LEE A SANDERS #2 (86508)	D J (CONGL)	365.0	DELHI GAS PIPELIN
						RECEIVED: 11/06/81 JA: TX			
-K & A INC									
8205251	F-03-036348	4203931629		102-4		JAMES BUTE #2	ALLEN DOME (3800 MIOCENE	438.0	HNG PIPELINE CO
8205251	F-03-036348	4203931629		103		JAMES BUTE #2	ALLEN DOME (3800 MIOCENE	438.0	HNG PIPELINE CO
						RECEIVED: 11/06/81 JA: TX			
-KILLAM & HURD LTD									
8205327	F-04-039439	4247932806		107-TF		LILIA BRUNI SLAUGHTER #3	JUANITA (LOBO)	0.0	TRANSCONTINENTAL
						RECEIVED: 11/06/81 JA: TX			
-KIRKWOOD & CO									
8205033	F-01-035405	4212732114		102-4		MARY E BARBER #1 91711	BARBER	0.0	VALERO TRANSMISSI
						RECEIVED: 11/06/81 JA: TX			
-L E JONES PRODUCTION COMPANY									
8205072	F-09-037131	4209700000		102-4		YOUNG #1	DELAWARE BEND (VIOLA)	700.0	LONE STAR GAS CO
						RECEIVED: 11/06/81 JA: TX			
-MARTIN OIL & GAS CO									
8205275	F-03-037337	4205100000		102-2		HAMILTON UNIT #1	CALDWELL (AUSTIN CHALK)	0.0	FERGUSON CROSSING
						RECEIVED: 11/06/81 JA: TX			
-MCCORMICK OPERATING CO									
8205297	F-08-038260	4236530250		103		E M SHIVERS GU #1	BECKVILLE WEST (COTTON V	18.0	TEJAS GAS CORP
8205301	F-04-038421	4204730772		102-4		LOPEZ #2	NORTH RUCIAS	350.0	TRANSCONTINENTAL
						RECEIVED: 11/06/81 JA: TX			
-MCFARLANE OIL CO INC									
8205223	F-02-034761	4240500005		103		MCFARLANE FEE #5	PLACEDO	0.0	TENNECO CHEMICALS
						RECEIVED: 11/06/81 JA: TX			
-MCR OIL CORP OF TEXAS									
8205313	F-10-038676	4221130161		108		MATHERS RANCH #17	HUMPHREYS-DOUGLAS	12.0	ARKANSAS LOUISIAN
						RECEIVED: 11/06/81 JA: TX			
-MITCHELL ENERGY CORPORATION									
8205315	F-78-038552	4236300000		108		FRANCES M MARQUESS #1 08543	MINERAL WELLS S (CONGL)	5.8	SOUTHWESTERN GAS
8205248	F-03-036134	4214900000		103		GEBERT #1	GIDDINGS (AUSTIN CHALK)	25.0	SOUTH CEN-TEX GAS
8205246	F-09-036044	4233700000		108		J D ORTON #2 15583	ORTON (CADDO)	2.0	LONE STAR GAS CO
8205088	F-78-037084	4236700000		108		J O BAKER -A- #1	SANORA K (STRAWN)	3.7	SOUTHWESTERN GAS
8205134	F-09-035060	4249700000		108-ER		TARRANT COUNTY WATERBOARD #21	BOONSVILLE	6.0	NATURAL GAS PIPEL
8205185	F-08-033150	4249731783		103		URA GREEN #1	BOONSVILLE (BEND CONGLOM	140.0	NATURAL GAS PIPEL
8205245	F-09-035992	4223733402		102-4		VERA HENDERSON #1-C	HENDERSON RANCH (MARBLE	480.0	
8205147	F-09-028063	4249700002		108		W T SMITH #1 84104	BOONESVILLE (BEND CONGL	0.0	SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC									
8205215	F-04-034110	4233531680		102-4		D A SMITH CO #1	CALALLEN SE (9130)	1167.0	(1) CHANNEL INDUS
						RECEIVED: 11/06/81 JA: TX			
-MOLL OPERATING COMPANY INC									
8205336	F-03-039599	4208132134		103		SUPAK #1	JONES CREEK (4850)	0.0	FLORIDA GAS TRANS
						RECEIVED: 11/06/81 JA: TX			
-NEUMIN PRODUCTION CO									
*8205341	F-03-039812	4203931641		102-4		C W BROWN UNIT #1	MANVEL W (3,280')	100.0	HOUSTON PIPE LINE
						RECEIVED: 11/06/81 JA: TX			
-NICO ENERGY CORP									
8205153	F-03-030122	4205100000		102-2		WHITENER 4C	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8205153	F-03-030122	4205100000		103		WHITENER 4C	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
						RECEIVED: 11/06/81 JA: TX			
-OILWELL OPERATORS INC									
8205237	F-10-035508	4217900000		108		GRAY #10 02920	PANHANDLE-GRAY	11.0	CABOT PIPELINE CO
8205236	F-10-035504	4217900000		108		GRAY #14 02920	PANHANDLE-GRAY	11.0	CABOT PIPELINE CO
8205235	F-10-035503	4217900000		108		GRAY #15 02920	PANHANDLE-GRAY	11.0	CABOT PIPELINE CO
8205234	F-10-035501	4217900000		108		GRAY #17 02920	PANHANDLE-GRAY	11.0	CABOT PIPELINE CO
8205238	F-10-035510	4217900000		108		GRAY #8 02920	PANHANDLE-GRAY	11.0	CABOT PIPELINE CO
						RECEIVED: 11/06/81 JA: TX			
-OJB INC									
*8205335	F-7C-039593	4210500000		103		C C MONTGOMERY EST 1-3	OZONA (CANYON SAND OIL)	72.0	NORTHERN NATURAL

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PALO-PLACER						RECEIVED: 11/06/81 JA: TX			
8205176	F-7C-032218	4246131525			103	AMACKER-HALFF 48-3	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
-PARAFFINE OIL CORP						RECEIVED: 11/06/81 JA: TX			
8205204	F-02-033852	4205700000			102-4	KEERAN #2	KEERAN E (5840)	50.0	FLORIDA GAS TRANS
-PHARAOH & ASSOCIATES INC						RECEIVED: 11/06/81 JA: TX			
8205269	F-03-037108	4205100000			102-2	ALVIN HEIN #2	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8205269	F-03-037108	4205100000			103	ALVIN HEIN #2	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8205270	F-03-037109	4205100000			102-2	TEAGUE-RODGERS UNIT #1	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8205270	F-03-037109	4205100000			103	TEAGUE-RODGERS UNIT #1	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-PHILLIPS & SPRADLEY						RECEIVED: 11/06/81 JA: TX			
*8205262	F-04-036885	4240931467			102-4	KIRK GAS UNIT NO A-3	WHITE POINT EAST DEEP (6	460.8	VALERO TRANSMISSI
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 11/06/81 JA: TX			
8205184	F-10-032634	4217900000			108	ANNIE #10	PANHANDLE GRAY	0.0	
8205183	F-10-032633	4217900000			108	ANNIE #13	PANHANDLE GRAY	0.0	
8205180	F-10-032629	4217900000			108	ANNIE #14	PANHANDLE GRAY	0.0	
8205179	F-10-032628	4217900000			108	ANNIE #15	PANHANDLE GRAY	0.0	
8205201	F-10-033810	4217900000			108	ANNIE #2	PANHANDLE GRAY	0.0	
8205200	F-10-033805	4217900000			108	ANNIE #7	PANHANDLE GRAY	0.0	
8205202	F-10-033814	4217900000			108	CLAY #7	PANHANDLE GRAY	0.0	
8205182	F-10-032632	4217900000			108	DAVIDSON M #8	PANHANDLE GRAY	0.0	
8205181	F-10-032631	4217900000			108	DAVIDSON M #9	PANHANDLE GRAY	0.0	
8205199	F-10-033802	4248300000			108	DESON #14	PANHANDLE WHEELER	0.0	
8205243	F-10-035930	4234100000			108	WITHERBEE H D #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION						RECEIVED: 11/06/81 JA: TX			
8205230	F-8A-035204	4203330587			102-4	DAVENPORT #2-414	DENNY (STRAWN)	0.0	
8205197	F-10-033549	4229500000			103	FRY-WHEATLEY #2-1042	MAMMOTH CREEK NORTH/CLEV	0.0	NORTHERN NATURAL
-PRITCHARD ENGINEERING & OPER INC						RECEIVED: 11/06/81 JA: TX			
8205300	F-06-038307	4236531220			102-4	JAMES B FURRH 93288	ELYSIAN (TRAVIS PEAK)	360.0	UNITED GAS PIPELI
-RICHEY EXPLORATION CO						RECEIVED: 11/06/81 JA: TX			
8205174	F-09-032100	4249731925			103	C M COCANOUGHER #1	HOOKSVILLE (BEND CONGL G	170.0	LONE STAR GAS CO
8205175	F-09-032136	4249731953			103	C M COCANOUGHER #2	HOOKSVILLE (BEND CONGL G	100.0	LONE STAR GAS CO
-RIDDLE OIL CO						RECEIVED: 11/06/81 JA: TX			
8205169	F-06-031653	4240130924			107-TF	FOSTER #1	OAK HILL S (COTTON VALLE	500.0	TEXAS EASTERN TRA
8205168	F-06-031680	4240130865			107-TF	MAJOR KENNEDY EST #1	OAK HILL S (COTTON VALLE	500.0	TEXAS EASTERN TRA
-RIDGE OIL CO						RECEIVED: 11/06/81 JA: TX			
8205308	F-78-038550	4213332180			102-4	BLEDSOE #2	RANGER NW (MARBLE FALLS)	36.0	COMPRESSOR RENTAL
8205308	F-78-038550	4213332180			103	BLEDSOE #2	RANGER NW (MARBLE FALLS)	36.0	COMPRESSOR RENTAL
-RUTHERFORD OIL CORP						RECEIVED: 11/06/81 JA: TX			
8205271	F-03-037123	4216700000			102-4	STATE TRACT 104-L #7	GALVESTON BLK 104-L (SD	1500.0	DOW CHEMICAL CO
-SAMEDAN OIL CORPORATION						RECEIVED: 11/06/81 JA: TX			
8205324	F-8A-039410	4216532049			103	SO CENTRAL ROBERTSON #51	ROBERTSON NORTH/CLEARFOR	45.0	PHILLIPS PETROLEU
-SANCHEZ-OBRIEN MINERALS CORP						RECEIVED: 11/06/81 JA: TX			
8205141	F-04-024024	4235531443			102-4	FLINN #1	PETRONILLA CREEK (6850')	0.0	UNITED TEXAS TRAN
-SANCHEZ-OBRIEN OIL & GAS CORP						RECEIVED: 11/06/81 JA: TX			
8205350	F-7C-040161	4223531713			102-4	TSRH #1-136	SUGG (ELLENBURGER)	500.0	EL PASO NATURAL G
-SANTA FE ENERGY PRODUCTS CO						RECEIVED: 11/06/81 JA: TX			
8205344	F-03-040012	4219931497			102-4	WALKER PETTIT KIRBY #3	SOUR LAKE E (KIRBY)	531.0	TEJAS GAS CORP
-SAXON OIL COMPANY						RECEIVED: 11/06/81 JA: TX			
8205188	F-08-033128	4231732210			103	KNOX #1	BREEDLOVE EAST	36.5	PHILLIPS PETROLEU
-SHELL OIL CO						RECEIVED: 11/06/81 JA: TX			
8205306	F-04-038503	4242731537			102-4	MARTINEZ-STATE #7	WINCON NORTH (VICKSBURG	360.0	LONE STAR GAS CO
-SPARKMAN PRODUCING CO						RECEIVED: 11/06/81 JA: TX			
8205190	F-04-033174	4224900000			102-4	GOODE #4	ALMOND (5260)	300.0	NUE-WELLS PIPE LI
8205190	F-04-033174	4224900000			103	GOODE #4	ALMOND (5260)	300.0	NUE-WELLS PIPE LI

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
						RECEIVED: 11/06/81 JA: TX
-SPENCER & HUTSON						
8205325	F-01-039429	4217730770		103		THOMPSON #1
						RECEIVED: 11/06/81 JA: TX
-SPINDLETOP OIL & GAS CO						
8205211	F-78-033937	4222130597		102-3		STRAIN #1 (92342)
8205331	F-78-039519	4236732062		102-4		THREATT #1
						RECEIVED: 11/06/81 JA: TX
-SUN OIL COMPANY (DELAWARE)						
8205185	F-08-032661	4238300000		108		M B HUTCHISON #4
8205137	F-04-018568	4242731332		102-4		REILLY GAS UNIT #2
						RECEIVED: 11/06/81 JA: TX
-TED R FERGUSON INC						
8205326	F-03-039434	4228730678		102-2		SCHMIDT-MASSEY UNIT #1
8205326	F-03-039434	4228730678		103		SCHMIDT-MASSEY UNIT #1
						RECEIVED: 11/06/81 JA: TX
-TEE OPERATING CO						
8205165	F-03-031358	4215730941		102-2		ENGEL GAS UNIT #1
8205165	F-03-031358	4215730941		103		ENGEL GAS UNIT #1
						RECEIVED: 11/06/81 JA: TX
-TENNECO OIL COMPANY						
8205216	F-02-034147	4229732120		102-4		MARY ELYCE LINDHOLM #1
8205177	F-04-032278	4242731477		103		T B BLICK ET AL #77
						RECEIVED: 11/06/81 JA: TX
-TEXACO INC						
8205252	F-04-036961	4221530104		108		A B GUERRA #14
8205340	F-08-039804	4210931440		103		CULBERSON V FEE #5
						RECEIVED: 11/06/81 JA: TX
-TEXAS INTERNATIONAL PET CORP						
8205316	F-08-038862	4233531202		103		EDWIN PARKS #9
8205349	F-03-040149	4205100000		102-2		GIESSEL #4C
						RECEIVED: 11/06/81 JA: TX
-TEXAS OIL & GAS CORP						
8205154	F-05-030216	4229330528		103		BARNETT D #1
8205305	F-05-038499	4216130648		103		BLOUNT "A" #1
8205305	F-05-038499	4216130648		107-TF		BLOUNT "A" #1
8205145	F-06-027790	4240131015		102-4		BOLTON A #2
8205145	F-06-027790	4240131015		103		BOLTON A #2
8205156	F-02-030914	4228531445		102-4		HANEDCK K #1
8205146	F-06-028008	4220330771		102-4		KEY A #1
8205146	F-06-028008	4220330771		103		KEY A #1
8205187	F-02-032953	4229731971		103		MCCLELLAND #13
8205203	F-02-033947	4217531306		102-4		TERRELL #3
8205318	F-05-038936	4221330322		102-4		THOMPSON J #1
						RECEIVED: 11/06/81 JA: TX
-THE DOW CHEMICAL COMPANY						
8205282	F-05-037875	4234931254		107-TF		FARMER OIL UNIT A #1
8205322	F-02-039258	4225500000		103		LOUISE YANTA #2
						RECEIVED: 11/06/81 JA: TX
-THOMAS D COFFMAN INC						
8205302	F-03-038437	4228730767		102-2		CHAPPLE #3 C89757
						RECEIVED: 11/06/81 JA: TX
-TIERRA EXPLORATION INC						
8205291	F-78-038023	4208300000		102-4		THOMPSON #1
						RECEIVED: 11/06/81 JA: TX
-TIERRA PETROLEUM CORP						
8205277	F-04-037481	4204700000		103		C F HOPPER # 3-668
						RECEIVED: 11/06/81 JA: TX
-TIPPERARY OIL AND GAS CORP						
8205283	F-01-037901	4216331651		103		LLOYD HURT #1
8205287	F-01-037971	4216331802		103		MASSEY-HARPER & LAWLESS A #2
8205255	F-01-036676	4217730586		103		MORROW #1
						RECEIVED: 11/06/81 JA: TX
-TRANSCO EXPLORATION COMPANY						
8205303	F-04-038484	4224731259		102-4		E M CALDWELL #1
8205304	F-04-038485	4224731283		102-4		E M CALDWELL #2
						RECEIVED: 11/06/81 JA: TX
-TRIPLE L OIL CO INC						
8205328	F-02-039457	4212331129		103		CHEATHAM-WEBB GAS UNIT (93391)

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FIELD NAME	PROD	PURCHASER
PEACH CREEK (AUSTIN CHAL	7.3	VALERO TRANSMISSI
SUN BELT (ATOKA)	36.0	LONE STAR GAS CO
DOSS 4900	108.0	LONE STAR GAS CO
SPRABERRY (TREND AREA)	3.0	PECOS CO
REILLY	90.0	TRANSCONTINENTAL
GIDDINGS (AUSTIN CHALK)	14.6	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	14.6	CLAJON GAS CO
KODYTEK (VICKSBURG)	0.0	LONE STAR GAS CO
KODYTEK (VICKSBURG)	0.0	LONE STAR GAS CO
LINDHOLM	12.0	HOUSTON PIPE LINE
HINDE	730.0	TENNESSEE GAS PIP
CERRITOS (8,000')	18.3	TENNESSEE GAS PIP
FORD WEST (4100)	547.5	EL PASO NATURAL G
DIXON (STRAWN)	0.0	SUN GAS CO
GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
OLETHA SW	250.0	
REED N (COTTON VALLEY LI	0.0	
REED N (COTTON VALLEY LI	0.0	
MINDEN E (TRAVIS PEAK TR	500.0	FERGUSON CROSSING
MINDEN E (TRAVIS PEAK TR	500.0	FERGUSON CROSSING
PROVIDENT CITY	0.0	DELHI GAS PIPELIN
WOODLAWN (TRAVIS PEAK)	250.0	
WOODLAWN (TRAVIS PEAK)	250.0	
OAKVILLE FIELD	0.0	DELHI GAS PIPELIN
TERRELL POINT	0.0	DELHI GAS PIPELIN
MALAKOFF SOUTH (TRAVIS P	0.0	
CRENEYBORO	146.0	INTRASTATE GAS TR
PERSON (EDWARDS)	20.0	VALERO TRANSMISSI
WILDCAT	18.3	PGP GAS PRODUCTS
COLEMAN S BRENEKE	30.0	LONE STAR GAS CO
VICKSBURG (7680)	144.0	VALERO INTERSTATE
PEARSALL (AUSTIN CHALK)	3.6	T G P INC
PEARSALL (AUSTIN CHALK)	14.6	T G P INC
PEACH CREEK (AUSTIN CHAL	156.0	VALERO TRANSMISSI
LAS VIVORITAS (BRUNI 580	163.0	TRANSCONTINENTAL
LAS VIVORITAS	163.0	TRANSCONTINENTAL
THOMASTON (YEGUA 4800')	292.0	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
						RECEIVED: 11/06/81 JA: TX
-U S OPERATING INC						
8205240	F-05-035587	4205130972		102-2		BO UNIT #1 RRC ID 13995

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FIELD NAME	PROD	PURCHASER
GIDDINGS (AUSTIN CHALK)	0.7	PHILLIPS PETROLEU

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JD NO	DKT NO	API NO	D	SEC	CNT	WELL NAME	FIELD NAME	PROD	PURCHASER
-U S OPERATING INC						RECEIVED: 11/05/81 JA: TX			
8205240	F-03-035587	4205130972		102-2		RD UNIT #1 #RC ID 13995	GIDDINGS (AUSTIN CHALK)	0.9	PHILLIPS PETROLEU
-VANDERHILT RESOURCES CORPORATION						RECEIVED: 11/06/81 JA: TX			
8205257	F-08-036763	4231730297		103		GLASSCOCK A-3	SPRAYBERRY (TREND AREA)	36.0	ADOBE OIL & GAS C
-W B WILSON						RECEIVED: 11/06/81 JA: TX			
8205345	F-7C-040028	4249100000		108		KENNEMER #1	CARLSBAD (STRAWN REEF)	20.0	LONE STAR GAS CO
-W C D PETROLEUM INC						RECEIVED: 11/06/81 JA: TX			
8205333	F-03-039532	4205131726		102-2		FRIEMSON APACHE HILLS UNIT #1	GIDDINGS AUSTIN CHALK *A	0.8	CLAJON GAS CO
-W E CARL & HAWN BROTHERS						RECEIVED: 11/06/81 JA: TX			
8205330	F-03-039489	4208931165		102-0		ELSIE P COOPER	SOUTH EASTEN (9000)	500.0	TENNESSEE GAS PIP
-W L PENNINGTON INC						RECEIVED: 11/06/81 JA: TX			
8205152	F-10-029753	4208700000		108-EN		EMMERT 2-99	PANHANDLE EAST	0.0	EL PASO NATURAL G
-WALLACE OIL & GAS INC						RECEIVED: 11/06/81 JA: TX			
8205139	F-10-022733	4208213234		103		PRUNGER #1-310	TEXAS HUGOTON	48.0	TRANSWESTERN PIPE
-WEST TEXAS OIL & GAS CORP						RECEIVED: 11/06/81 JA: TX			
8205228	F-08-034969	4231700000		103		CHANDLER #1	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8205229	F-08-034970	4231700000		103		ENFIELD #1	SPRAYBERRY (TREND AREA)	0.0	
-WILLIAM PERLMAN						RECEIVED: 11/06/81 JA: TX			
8205295	F-7C-038141	4213730751		103		J T HUNT 37-1	SAWYER (CANYON)	0.0	ODESSA NATURAL GA
8205295	F-7C-038141	4213730751		107-TF		J T HUNT 37-1	SAWYER (CANYON)	0.0	ODESSA NATURAL GA
8205215	F-7C-034459	4203532452		103		MAYER #10	SAWYER (CANYON)	0.0	VALERO GAS TRANSM
8205218	F-7C-03445*	4203532452		107-TF		MAYER #10	SAWYER (CANYON)	0.0	VALERO GAS TRANSM
-WINDSOR GAS CORP						RECEIVED: 11/06/81 JA: TX			
8205135	F-7C-038517	4243530474		108		DUKE WILSON GU #9 #170-2	SHUMLEY RANCH (CANYON)	20.0	VALERO TRANSMISSI
-WINDSOR PRODUCING CO						RECEIVED: 11/06/81 JA: TX			
8205250	F-03-036752	4229730805		102-2		FRANCES #2	GIDDINGS (AUSTIN CHALK)	36.5	MGP GAS PRODUCTS
8205256	F-03-036752	4208730805		103		FRANCES #2	GIDDINGS (AUSTIN CHALK)	36.5	MGP GAS PRODUCTS

OTHER PURCHASERS

8205262 FLORIDA GAS TRANSMISSION CO
8205335 P & M PIPELINE CORP
8205341 ALUMINUM CO OF AMER

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35248 Filed 12–8–81: 8:45 am]

BILLING CODE 6717–01–M

[Volume 549]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 2, 1981

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[Volume 549]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 2, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ALLEN & SHUMATE INC				RECEIVED: 11/06/81 JA: TX					
8205417	F-04-041063	4224931426		103		A J BAKER HEIRS #7	TERESA (3110)	0.0	VAL GAS CO
8205416	F-04-041062	4224931425		103		A J BAKER HEIRS #8	TERESA (3110)	0.0	VAL GAS CO
-ALPAR RESOURCES INC				RECEIVED: 11/06/81 JA: TX					
8205402	F-10-040857	4235731057		103		P A HARBAUGH #43	PAUL HARBAUGH (ATOKA SAN	24.0	PHILLIPS PETROLEU
-AMMEX PETROLEUM INC				RECEIVED: 11/06/81 JA: TX					
8205373	F-03-040495	4205130874		102-2		DANA UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	CLAJON GAS CO
8205373	F-03-040495	4205130874		103		DANA UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 11/06/81 JA: TX					
*8205537	F-03-041862	4203931581		102-4		B L TURNER #28	HASTINGS EAST (P-SAND)	0.5	AMOCO GAS CO
8205361	F-06-040343	4240131112		102-4		BASSETT GAS UNIT #1	N HENDERSON/COTTON VALLE	12.0	VALERO TRANSMISSI
8205361	F-06-040343	4240131112		102-TF		BASSETT GAS UNIT #1	N HENDERSON/COTTON VALLE	12.0	VALERO TRANSMISSI
8205534	F-08-041859	4200332632		103		BLOCK 9 FUHRMAN-MASCHO UNIT #133	FUHRMAN-MASCHO	7.3	PHILLIPS PETROLEU
8205535	F-08-041860	4200332631		103		BLOCK 9 FUHRMAN MASCHO UNIT #134	FUHRMAN-MASCHO	4.0	PHILLIPS PETROLEU
8205536	F-08-041861	4200332801		103		MIDLAND FARMS AW #3	FASKEN (PENN)	72.6	AMOCO PRODUCTION
8205538	F-03-041864	4203931675		103		R J SCHMIDT #3	HASTINGS WEST	2.2	TEXAS EASTERN TRA
8205533	F-7B-041858	4243331181		103		T A JEAN D #20	FRANKIRK (ELLENBURGER)	16.8	CITIES SERVICE CO
8205374	F-08-040524	4200332516		103		W T FORD #14A	FUHRMAN-MASCHO	50.0	PHILLIPS PETROLEU
-AMTEX ENERGY CORP				RECEIVED: 11/06/81 JA: TX					
8205358	F-7B-040284	4242932765		102-2		ADAMS #1	MCLENNAN (MISS)	500.0	WARREN PETROLEUM
-ANDOVER OIL COMPANY				RECEIVED: 11/06/81 JA: TX					
8205443	F-02-041331	4228531555		103		BORCHERS EST #14	BORCHERS SOUTH (2400)	0.0	BAY PIPELINE INC
-ARCO OIL AND GAS COMPANY				RECEIVED: 11/06/81 JA: TX					
8205401	F-04-040856	4221531150		103		ARCADIA GUERRA #6	SAN SALVADOR (7750)	898.0	TENNESSEE GAS PIP
-B A COOPER				RECEIVED: 11/06/81 JA: TX					
8205411	F-7B-041005	4208300000		108		FRED EHLER #1 (89911)	COLEMAN COUNTY REGULAR (	7.0	CITY OF BRADY
-BILLY J TUCKER				RECEIVED: 11/06/81 JA: TX					
8205440	F-7B-041308	4205900000		108		MYRTLE WILSON #1 (40916)	CALLAHAN COUNTY REGULAR	44.0	SOUTHWESTERN GAS
-BLAIR EXPLORATION INC				RECEIVED: 11/06/81 JA: TX					
8205352	F-7C-040227	4230730514		102-4		VEDA TAYLOR #1	WALLOPE CREEK	182.0	SIOUX PIPELINE CO
-BTA OIL PRODUCERS				RECEIVED: 11/06/81 JA: TX					
8205485	F-08-041675	4213533668		103		RATLIFF #53	COWDEN NORTH	29.0	AMOCO PRODUCTION
-BURK ROYALTY CO				RECEIVED: 11/06/81 JA: TX					
8205531	F-01-041853	4250731108		102-4		C VAN CLEVE #2	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205531	F-01-041853	4250731108		103		C VAN CLEVE #2	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205530	F-01-041852	4250731023		102-4		JACK VAN CLEVE #1	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205530	F-01-041852	4250731023		103		JACK VAN CLEVE #1	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205532	F-01-041854	4250731396		102-4		VAN CLEVE #3	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205532	F-01-041854	4250731396		103		VAN CLEVE #3	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205529	F-01-041851	4250731024		102-4		W A VAN CLEVE #1	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
8205529	F-01-041851	4250731024		103		W A VAN CLEVE #1	PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205528	F-01-041850	4250731397		102-4		W A VAN CLEVE #2
8205528	F-01-041850	4250731397		103		W A VAN CLEVE #2
8205527	F-01-041849	4250731299		102-4		WILLMON #1
8205527	F-01-041849	4250731299		103		WILLMON #1
8205526	F-01-041848	4250731299		102-4		WILLMON #2
8205526	F-01-041848	4250731299		103		WILLMON #2
8205525	F-01-041847	4250731022		102-4		WITHERSPOON #1
8205525	F-01-041847	4250731022		103		WITHERSPOON #1
		RECEIVED: 11/06/81 JA: TX				
-CHAMPLIN EXPLORATION INC						
8205517	F-03-041796	4214930798		103		SIERRA MADRE #1 (RRC ID#13836)
8205518	F-03-041797	4214930800		103		SIERRA MADRE #2 (RRC ID#13836)
		RECEIVED: 11/06/81 JA: TX				
-CHEVRON U S A INC						
8205496	F-08-041696	4200332683		103		COLUMBUS GRAY 21 #22
8205476	F-08-041605	4200332681		103		COLUMBUS GRAY 22 #20
		RECEIVED: 11/06/81 JA: TX				
-COLUMBIA GAS DEVELOPMENT CORP						
8205524	F-03-041845	4228731011		102-2		IRA J LEHMANN #4
8205429	F-03-041237	4228780903		102-2		LINDEN & FRANK BOWERS #3
		RECEIVED: 11/06/81 JA: TX				
-COMMAND ENERGY CORP						
8205376	F-78-040549	4213300[illegible]00		102-4		H D KEITH #1 R R C #92345
8205388	F-78-040744	4213300000		102-4		WARFORD #1 RRC
		RECEIVED: 11/06/81 JA: TX				
-CONOCO INC						
8205367	F-08-040412	4227732437		103		G O CHALK-C- #26 I D #1[illegible]89
8205521	F-04-041805	4242700000		108		T B SLICK EST E-537 #28
8205522	F-04-041806	4242700000		108		W I CAMERON -138 #22
		RECEIVED: 11/06/81 JA: TX				
-COTTON PETROLEUM CORPORATION						
8205356	F-10-C[illegible]0261	4229500[illegible]3		108		HAMKER #2
		RECEIVED: 11/06/81 JA: TX				
-CRYSTAL OIL COMPANY						
8205387	F-06-040666	4236530778		108		LIZZIE GRIFFIN #1
8205386	F-06-040665	4236530717		108		LIZZIE GRIFFIN #2
8205385	F-06-040664	4236530776		108		LIZZIE GRIFFIN #3
8205384	F-06-040663	4236530779		108		LIZZIE GRIFFIN #4
8205383	F-06-040662	4236530781		108		LIZZIE GRIFFIN #5
		RECEIVED: 11/06/81 JA: TX				
-DAMSON OIL CORPORATION						
8205403	F-03-040863	4220131142		102-4		DOREMUS #1
		RECEIVED: 11/06/81 JA: TX				
-DAVIS OIL COMPANY						
8205390	F-03-040747	4203931645		102-4		FRANCES CRAIG FREEMAN UNIT #1
		RECEIVED: 11/06/81 JA: TX				
-DELTA DRILLING CO						
8205519	F-7C-041799	4243500[illegible]00		108		SHURLEY #1 31428
		RECEIVED: 11/06/81 JA: TX				
-DELTA OIL & GAS CO						
8205472	F-78-041582	4242900000		108		J L HOLT #1
8205475	F-78-041598	4242900000		108		J L HOLT #4 15905
		RECEIVED: 11/06/81 JA: TX				
-DIAMOND SHAMROCK CORPORATION						
8205470	F-10-041478	4229530928		103		GUSSIE B SHUTTERLY #2
8205468	F-10-041476	4229530952		103		J A LITTLE 9 #2-454
8205469	F-10-041477	4229530953		103		KATIE SELL #2
		RECEIVED: 11/06/81 JA: TX				
-E B GERMANY & SONS						
8205419	F-05-041078	4228930400		103		J R MONTGOMERY GAS #1 [illegible]RID #93246
		RECEIVED: 11/06/81 JA: TX				
-ECHO PRODUCTION INC						
8205364	F-09-040375	4249731974		103		ABEL #2
		RECEIVED: 11/06/81 JA: TX				
-EL PASO NATURAL GAS COMPANY						
8205482	F-10-041663	4217923689		108		BARNES #2
8205452	F-10-041433	4208726019		108		BERGMAN #3
		RECEIVED: 11/06/81 JA: TX				
-ENRE CORP						

FIELD NAME	PROD	PURCHASER
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
PILOSA EAST (2ND SAN MIG	109.5	SONCETT ENERGY IN
GIDDINGS (AUSTIN CHALK)	48.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK-3	9.6	PHILLIPS PETROLEU
FUHRMAN-MASCHO	55.0	PHILLIPS PETROLEU
FUHRMAN MASCHO	202.0	PHILLIPS PETROLEU
GIDDING[illegible] (AUSTIN CHALK-3	57.0	PHILLIPS PETROLEU
GIDDING (AUSTIN CHALK -3	5.0	PHILLIPS PETROLEU
SHOAF-MERGNER (MISSISSIP	30.0	NORTHERN GAS PROD
COMMAND ENERGY (MARBLE F	36.0	NORTHERN GAS PROD
HOWARD GLASSCOCK	3.7	PHILLIPS PETROLEU
RINCON (FRIO B)	17.8	TENNESSEE GAS PIP
NORTH [illegible]INCON (STRAY 30[illegible]	19.8	TENNESSEE GAS PIP
BR[illegible]DFORD SE/CLEVEL[illegible]ND	0.0	DIAMOND SHAMROCK
PANOLA	26.3	UNITED GAS PIPELI
PANOLA	26.3	UNITED GAS PIPELI
PANOLA	26.3	UNITED GAS PIPELI
PANOLA	26.3	UNITED GAS PIPELI
PANOLA	26.3	UNITED GAS PIPELI
CROSBY NORTH	164.0	UNITED TEXAS TRAN
PRATER (REEVES LO "B")	365.0	FLORIDA GAS TRANS
[illegible]AWYER (CYN)	0.0	NORTHERN NATURAL
STEPHENS COUNTY REGULAR	9.4	LONE STAR GAS CO
LINK RANCH (STRAWN)	8.2	LONE STAR GAS CO
BRADFORD	126.0	
LIPSCOMB	600.0	
LIPSCOMB SW	574.0	
JEWETT (TRAVI[illegible] PEAK)	450.0	LONE STAR GAS CO
BOONESVILLE ([illegible]END CONGL	72.0	NATURAL GAS PIPEL
PANHANDLE WEST	13.0	EL PASO NATURAL G
PANHANDLE EAST	17.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME

FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205410	F-7B-041003	4205933803		102-4		JANE CLINTON #1	SCRANTON N W (DUFFER)	5.0	BENGAL GAS TRANSM
-ENRICH OIL CORPORATION				RECEIVED: 11/06/81 JA: TX					
8205407	F-7B-040976	4235331106		103-4		J M MCLAUGHLIN #3/12	JMM SOUTH (COOK)	283.3	SUN GAS CO
-ENSERCH EXPLORATION INC				RECEIVED: 11/06/81 JA: TX					
8205541	F-7C-041879	4241300000		108		A M JEFFERS #1	TURKEY ROOST	13.0	EL PASO NATURAL G
8205540	F-7C-041878	4241300000		108		A M JEFFERS #2	KAMA	5.0	EL PASO NATURAL G
8205395	F-7B-040800	4213300000		108		J E MINCADE -B- #2	CISCO	0.0	LONE STAR GAS CO
8205539	F-7C-041877	4241300000		108		POWELL -14- #1	KAMA	4.0	EL PASO NATURAL G
8205511	F-09-041767	4249700000		107-PE		RUSH WAGES A #1	BOONSVILLE	99.0	LONE STAR GAS CO
8205512	F-7B-041768	4213300000		107-PE		W H GROVE #4	EASTLAND COUNTY REGULAR	98.0	LONE STAR GAS CO
-EXCELSIOR OIL CORP				RECEIVED: 11/06/81 JA: TX					
8205550	F-06-041904	4245900000		103		H N #1	ROSEWOOD (COTTON VALLEY)	8.0	WESTERN GAS CORP
8205550	F-06-041904	4245900000		107-TF		H N #1	ROSEWOOD (COTTON VALLEY)	8.0	WESTERN GAS CORP
8205551	F-06-041905	4245900000		103		L V RAY #1	ROSEWOOD (COTTON VALLEY)	72.0	WESTERN GAS CORP
8205551	F-06-041905	4245900000		107-TF		L V RAY #1	ROSEWOOD (COTTON VALLEY)	72.0	WESTERN GAS CORP
-EXPANDING EXPLORATION INC				RECEIVED: 11/06/81 JA: TX					
8205477	F-02-041607	4202500000		102-4		H D BRASHEAR #3	MINERAL N (800)	20.0	TEXAS EASTERN TRA
-EXXON CORPORATION				RECEIVED: 11/06/81 JA: TX					
*8205355	F-06-040242	4240130938		102-2		EMMA THORNTON #1	OAKHILL N W (COTTON VALL	400.0	ARMCO STEEL CORP
*8205355	F-06-040242	4240130938		107-TF		EMMA THORNTON #1	OAKHILL N W (COTTON VALL	400.0	ARMCO STEEL CORP
*8205404	F-08-041071	4200332794		103		FULLERTON CLEARFORK UNIT #2827	FULLERTON	10.0	PHILLIPS PETROLEU
*8205396	F-08-040804	4200332795		103		FULLERTON CLEARFORK UNIT #3031	FULLERTON	15.0	PHILLIPS PETROLEU
8205397	F-08-040805	4222732420		103		H R CLAY #35	HOWARD-GLASSCOCK (GLORIE	15.0	PHILLIPS PETROLEU
*8205456	F-04-041443	4227331280		102-4		K R ALAZAN 312-F (09162)	HINOJOSA NORTH (F-30)	20.0	ARMCO STEEL CORP
*8205497	F-04-041699	4227331330		102-4		K R ALAZAN 320-D (09856)	HINOJOSA NORTH (F-73)	5.0	ARMCO STEEL CORP
*8205473	F-04-041596	4227331563		103		K R EAST LAURELES G-44-D (94520)	LAGUNA LARGA (G-1,III)	930.0	ARMCO STEEL CORP
*8205474	F-04-041597	4227331563		103		K R EAST LAURELES G-44-F (94769)	LAGUNA LARGA (B-1,III)	1300.0	ARMCO STEEL CORP
*8205479	F-04-041701	4228130608		102-4		M J K JR TR STILLMAN PASTURE 52	TORDILLA (I-67 N)	580.0	ARMCO STEEL CORP
8205505	F-04-041711	4240930649		103		S H BELL B 7 (07858)	WILLAMAR (GRABEN 5640)	37.0	NATURAL GAS PIPEL
*8205420	F-04-041080	4228130483		103		SANTA FE RANCH-MULA PASTURE 20	STILLMAN (SHALLOW)	35.0	ARMCO STEEL CORP
*8205498	F-04-041700	4228130602		103		SANTA FE RANCH-MULA PASTURE 27	STILLMAN (SHALLOW)	200.0	ARMCO STEEL CORP
-FISHER-WEBB INC				RECEIVED: 11/06/81 JA: TX					
8205448	F-7B-041350	4244131888		103		ALEXANDER #1	ULANDER (GRAY)	75.0	UNION TEXAS PETRO
8205495	F-7C-041690	4235331093		103		ARLEDGE 216 #1	ARLEDGE (PENN SAND)	25.0	SUN GAS CO
-FORTUNE PRODUCTION CO				RECEIVED: 11/06/81 JA: TX					
*8205414	F-7C-041042	4223331778		103		CRAWFORD 1230 #4	BAKER RANCH (CANYON)	101.7	CRA INC
*8205415	F-7C-041043	4223331685		103		PHILLIPS #1	BAKER RANCH (CANYON)	51.3	CRA INC
-FRAC INC				RECEIVED: 11/06/81 JA: TX					
8205459	F-08-041480	4200332836		103		M A THORNBERRY CONS III #17454	FUHRMAN MASCHO	12.4	PHILLIPS PETROLEU
8205462	F-08-041463	4200332803		103		THORNBERRY "4W" #1 #26747	FUHRMAN MASCHO	27.8	PHILLIPS PETROLEU
8205461	F-08-041462	4200332749		103		THORNBERRY "7N" #3 #26736	FUHRMAN MASCHO	15.6	PHILLIPS PETROLEU
8205460	F-08-041461	4200332788		103		THORNBERRY "7N" #4 #26735	FUHRMAN MASCHO	9.5	PHILLIPS PETROLEU
-GEORGE H BRADLEY & ASSOCIATES				RECEIVED: 11/06/81 JA: TX					
8205486	F-7B-040893	4205933023		102-4		WOOD #1	ORINI (BEND CONGL)	506.0	DELHI GAS PIPELIN
-GD OIL CORP				RECEIVED: 11/06/81 JA: TX					
8205552	F-7B-041969	4236701870		103-4		PATTERSON #1 EID NO 04704)	BETHESDA SW (CONGL)	8.0	SOUTHWESTERN GAS
-GROVER J GEISELMAN				RECEIVED: 11/06/81 JA: TX					
8205424	F-03-041119	4215731142		103		DIPPEL GAS UNIT #1	NEEDVILLE(BLK 7 MIOCENE	310.0	PHILLIPS PETROLEU
8205423	F-03-041118	4215730189		103		DIPPEL GAS UNIT #2	NEEDVILLE S (FLT BLK 410	438.8	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED: 11/06/81 JA: TX					
8205368	F-08-041436	4249531363		103		KEYSTONE CATTLE CO #357	KEYSTONE (COLBY)	0.0	CABOT CORP
-GUY A SWARTZ				RECEIVED: 11/06/81 JA: TX					
8205463	F-7C-041466	4208130774		103		HARRIS EST #2	LYGAY	10.0	SUN OIL CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-HANLEY PETROLEUM INC						
						RECEIVED: 11/06/81 JA: TX
8205369	F-7C-040444	4241331006		103		UNIVERSITY 53-21A #1 #94195
8205369	F-7C-040444	4241331006		107-TF		UNIVERSITY 53-21A #1 #94195
-HARRISON INTERESTS LTD						
						RECEIVED: 11/06/81 JA: TX
8205382	F-7C-040649	4210500000		103		JOHN W HENDERSON III F #17
8205382	F-7C-040649	4210500000		107-TF		JOHN W HENDERSON III F #17
-HINDS C L & W C						
						RECEIVED: 11/06/81 JA: TX
8205445	F-10-041339	4248300000		108		CHANCE B F (ID#35255)
8205446	F-10-041340	4248300000		108		HALL D #1 (ID #37696)
8205444	F-10-041338	4208700000		108		MCDONALD #1
-HINTON PRODUCTION COMPANY						
						RECEIVED: 11/06/81 JA: TX
8205427	F-05-041147	4246730479		102-4		J W BASS #1
8205427	F-05-041147	4246730479		103		J W BASS #1
-HNG OIL COMPANY						
						RECEIVED: 11/06/81 JA: TX
8205365	F-7C-040390	4243530193		107-TF		MORRISS 61 #1
8205381	F-08-040612	4247531797		102-4		UNIVERSITY 17-40 #1 I D #25839
8205381	F-08-040612	4247531797		103		UNIVERSITY 17-40 #1 I D #25839
-HORIZON OIL & GAS CO OF TEXAS						
						RECEIVED: 11/06/81 JA: TX
8205393	F-10-040793	4219530780		103		DETA BLODGETT A-4
-HOUSTON OIL & MINERALS CORPORATION						
						RECEIVED: 11/06/81 JA: TX
8205404	F-03-040885	4228730915		103		EDWIN W GRIMM #3
8205506	F-8A-041724	4216531818		102-4		WATERS #1
-INDIAN WELLS OIL CO						
						RECEIVED: 11/06/81 JA: TX
8205436	F-7C-041291	4210532512		107-TF		MCMULLAN 36-3
8205437	F-7C-041292	4210532991		107-TF		MCMULLAN 37-4
-INTERNORTH INC						
						RECEIVED: 11/06/81 JA: TX
8205363	F-10-080365	4221131308		103		FRANCIS 2-58
-J A LEONARD						
						RECEIVED: 11/06/81 JA: TX
8205430	F-03-041269	4205100000		102-4		COFFIELD SMITH "D"
8205432	F-03-041271	4205130376		102-4		COFFIELD SMITH A #1
8205431	F-03-041270	4205130376		102-4		COFFIELD SMITH F #1
8205433	F-03-041272	4205130376		102-4		COFFIELD-SHAW #1
8205434	F-03-041273	4205130376		102-4		U P ROODY #1
-JOHN H HENDRIX CORP						
						RECEIVED: 11/06/81 JA: TX
8205480	F-08-041657	4237133409		103		ABELL CITY B #1
8205516	F-08-041794	4237133360		103		CLAUDE OWENS #1
-JOHN R THOMPSON OPERATING INC						
						RECEIVED: 11/06/81 JA: TX
8205449	F-02-041373	4212300000		103		W SINAST #1
-LACY & BYRD INC						
						RECEIVED: 11/06/81 JA: TX
8205438	F-8A-041295	4211531465		103		STEWART #1 RRC #63291
-LANKFORD & NANCE						
						RECEIVED: 11/06/81 JA: TX
8205447	F-10-041341	4248300000		108		LANKFORD #1 (ID #39409)
-MABEE PETROLEUM CORP						
						RECEIVED: 11/06/81 JA: TX
8205408	F-08-040993	4231732153		103		BREEDLOVE B #1
-MARINE CONTRACTORS & SUPPLY INC						
						RECEIVED: 11/06/81 JA: TX
8205372	F-03-040488	4220100000		102-2		W W BAKER #1-A
-MAXON PETROLEUM CO						
						RECEIVED: 11/06/81 JA: TX
8205357	F-7B-040265	4204932639		102-4		J R GRUSH #4
-MAYNARD OIL COMPANY						
						RECEIVED: 11/06/81 JA: TX
8205479	F-7B-041646	4208300000		103		E DALE HERRING #2
-MCBRIDE PRODUCTION CO						
						RECEIVED: 11/06/81 JA: TX
8205553	F-7B-042004	4242932093		103		H FAMBROUGH #2 16623
8205556	F-7B-042007	4242932474		103		H WINCHELL #1 94270

FIELD NAME	PROD	PURCHASER
UNIVERSITY 53 (CANYON)	36.5	CRA INC
UNIVERSITY 53 (CANYON)	36.5	CRA INC
OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
PANHANDLE EAST	16.8	WARREN PETROLEUM
PANHANDLE EAST	6.6	WARREN PETROLEUM
PANHANDLE EAST	5.3	WARREN PETROLEUM
MARTINS MILL W (RODESSA)	250.0	LONE STAR GAS CO
MARTINS MILL W (RODESSA)	250.0	LONE STAR GAS CO
SAWYER CANYON	27.0	INTRATEX GAS CO
CAPRITO (WOLFCAMP)	21.2	NATURAL GAS PIPEL
CAPRITO (WOLFCAMP)	21.2	NATURAL GAS PIPEL
HORIZON-CLEVELAND	48.0	NORTHERN NATURAL
GIDDINGS (BUDA)	120.0	PGP GAS PRODUCTS
MONARCH (SAN ANDRES)	7.3	
OZONA CANYON SAND	0.0	NORTHERN NATURAL
OZONA CANYON SAND	150.0	NORTHERN NATURAL
BRISCOE (MORROW)	750.0	INTERNORTH INC
INEZ JAMESON (NAVARRO A)	71.0	FERGUSON CROSSING
INEZ JAMESON (NAVARRO A)	54.0	FERGUSON CROSSING
INEZ JAMESON (NAVARRO A)	56.0	FERGUSON CROSSING
INEZ JAMESON (NAVARRO A)	54.0	FERGUSON CROSSING
INEZ JAMESON (NAVARRO A)	54.0	FERGUSON CROSSING
ABELL EAST (WADDELL W SE	12.6	NORTHERN NATURAL
PUCKETT EAST (STRAWN)	208.8	INTRATEX GAS CO
HENZE (SLICK)	109.5	UNITED TEXAS TRAN
JO-MILL (SPRABERRY)	15.0	GETTY OIL CO
PANHANDLE EAST	2.3	WARREN PETROLEUM
BREEDLOVE SOUTH (SPRABER	30.6	NORTHERN NATURAL
TOMBALL (3850)	292.0	NATURAL GAS PIPEL
MAXON (CANYON 800)	11.0	ODESSA NATURAL CO
COLEMAN COUNTY REGULAR	11.0	LONE STAR GAS CO
STEPHENS COUNTY REGULAR	30.0	SOUTHWESTERN GAS
STEPHENS COUNTY REGULAR	45.0	SOUTHWESTERN GAS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205554	F-7B-042005	4242932552		103		TODD-FAMBRO HRS #1 94268
8205555	F-7B-042006	4242932094		103		W FAMBROUGH #4 14746

FIELD NAME	PROD	PURCHASER
STEPHENS COUNTY REGULAR	30.0	SOUTHWESTERN GAS
STEPHENS COUNTY REGULAR	4.5	SOUTHWESTERN GAS

JO NO	JA DKT	API NO	D SEC CAT	WELL NAME
8205554	F-78-042005	4242932552	103	TODD-FAMBRO HRS #1 94268
8205555	F-78-042006	4242932094	103	W FAMBROUGH #4 14746
			RECEIVED: 11/06/81 JA: TX	
-MCILHENNY-POWELL OPERATING CO				
8205442	F-01-041317	4216331934	103	WARREN WOODS
			RECEIVED: 11/06/81 JA: TX	
-MEWBOURNE OIL COMPANY				
8205366	F-08-040411	4210332312	103	COWDEN #1
			RECEIVED: 11/06/81 JA: TX	
-MGF OIL CORP				
8205520	F-7C-041803	4245130772	103	WINTERBOTHAM "B" #4
			RECEIVED: 11/06/81 JA: TX	
-MICHAELSON PRODUCING CO				
8205471	F-7C-041488	4210532718	103	UNIVERSITY 9 #8
			RECEIVED: 11/06/81 JA: TX	
-MID-AMERICA PETROLEUM INC				
8205409	F-7C-040999	4238331832	103	UNIVERSITY 17 #4
8205400	F-7C-040821	4238331856	103	UNIVERSITY 20 #3
8205399	F-7C-040820	4238331857	103	UNIVERSITY 20 #4
			RECEIVED: 11/06/81 JA: TX	
-MITCHELL ENERGY CORPORATION				
8205422	F-09-041106	4223700000	108	MINNIE PRICE #1 60884
8205421	F-03-041104	4237300000	108	SOUTHLAND PAPER MIS -D- #1 58799
			RECEIVED: 11/06/81 JA: TX	
-MOBIL PRDG TEXAS & NEW MEXICO INC				
8205394	F-7B-040796	4215131318	102-4	D L TANKERSLEY #2
8205439	F-7B-041307	4215131319	102-4	D L TANKERSLEY #3
8205378	F-10-040561	4217900000	108	E B REEVES #1
8205379	F-08-040562	4210300000	108	SAND HILLS JUDKINS UNIT #6
			RECEIVED: 11/06/81 JA: TX	
-MONSANTO COMPANY				
8205377	F-10-040555	4235700000	108	FLOWERS #1
			RECEIVED: 11/06/81 JA: TX	
-MONTERREY PETROLEUM CORP				
8205353	F-04-040228	4247931290	108	BLOCKER RANCH #1 (69970)
8205354	F-04-040229	4247900000	108	BLOCKER RANCH #3-T (72806)
8205370	F-03-040454	4205130563	102-2	TEXAS A & M (A) #1
			RECEIVED: 11/06/81 JA: TX	
-MORRIS STEPHENS				
8205389	F-09-040746	4223733059	103	MINEOLA RIDER A #1 RRC#
			RECEIVED: 11/06/81 JA: TX	
-MR OIL CO				
8205504	F-08-041709	4247532350	103	MCFARLAND I B SEC 37 #28 A
8205481	F-08-041659	4247531933	103	RICHTER LOUIS B #7
			RECEIVED: 11/06/81 JA: TX	
-OLSEN ENERGY INC				
8205523	F-08-041820	4249531365	103	WALTON A #2
			RECEIVED: 11/06/81 JA: TX	
-PETRO-LEWIS CORPORATION				
8205405	F-09-040887	4249731807	103	B M CARAWAY #2
			RECEIVED: 11/06/81 JA: TX	
-PETROLEUM CORPORATION OF TEXAS				
8205359	F-02-040301	4246931688	103	ALVIN MELWEG #6
8205380	F-08-040566	4249530898	103	BROWN-ALTMAN C #9
			RECEIVED: 11/06/81 JA: TX	
-PHILLIPS PETROLEUM COMPANY				
8205487	F-08-041678	4213502581	108	CLYDE COWDEN -- 125 (02309)
8205451	F-08-041429	4200304527	108	HOLT-H 2 (14433)
8205486	F-08-041677	4213506536	108	NORTH PENWELL UNIT - 16 (21556)
			RECEIVED: 11/06/81 JA: TX	
-PIONEER PRODUCTION CORPORATION				
8205515	F-10-041791	4229500000	108	REDELSPERGER #1
			RECEIVED: 11/06/81 JA: TX	
-RAW HIDE OIL & GAS INC				
8205545	F-10-041898	4217930859	103	CHRISGA #1
8205546	F-10-041899	4217930855	103	HEIDAJA #2
8205547	F-10-041900	4217930854	103	KAJANCA #2
8205548	F-10-041901	4217930915	103	KAJANCA #3
8205549	F-10-041902	4217930916	103	KAJANCA #6
			RECEIVED: 11/06/81 JA: TX	
-ROMAC OIL CO INC				

FIELD NAME	PROD	PURCHASER
STEPHENS COUNTY REGULAR	30.0	SOUTHWESTERN GAS
STEPHENS COUNTY REGULAR	6.5	SOUTHWESTERN GAS
PEARSALL (AUSTIN CHALK)	0.0	TGP INC
CRANE (DEVONIAN)	20.0	
DOVE CREEK (CANYON-C-)	216.0	CRA INC
FARMER (SAN ANDRES)	7.0	J L DAVIS
SPRABERRY TREND AREA	12.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	20.0	NORTHERN NATURAL
SPRABERRY (TREND AREA)	20.0	NORTHERN NATURAL
JACK COUNTY REGULAR (GAS	9.7	SOUTHWESTERN GAS
HORTENSE (WOODBINE)	5.1	HOUSTON PIPELINE
ALKALI CREEK SW (FLIPPEN	12.0	LONE STAR GAS CO
ALKALI CREEK SW (FLIPPEN	20.1	LONE STAR GAS CO
PANHANDLE EAST	18.0	COLTEXO CORP
SAND HILLS/JUDKINS	0.0	EL PASO NATURAL G
PARSELL (MORROW LOWER)	3.5	TRANSWESTERN PIPE
APACHE RANCH (OLMOS)	11.5	DELHI GAS PIPELIN
APACHE RANCH (OLMOS)	3.7	DELHI GAS PIPELIN
GIDDINGS (AUSTIN CHALK G	365.0	FERGUSON CROSSING
BARTONS CHAPEL S (STRAWN	90.0	LONE STAR GAS CO
WARD-ESTES NORTH	20.0	WESTERN COUNTIES
WARD-ESTES NORTH	365.0	CABOT CORP
HENDERSON	49.0	EL PASO NATURAL G
BOONESVILLE BEND	492.8	NATURAL GAS PIPEL
PRIDHAM LAKE (OAKVILLE)	100.0	VALERO TRANSMISSI
EMPEROR (DEEP)	1.1	CABOT CORP
GOLDSMITH (5600)	5.2	EL PASO NATURAL G
TRIPLE-N (PENN UPPER)	2.4	NORTHERN NATURAL
PENWELL	5.3	EL PASO NATURAL G
MAMMOTH CREEK NORTH (CLE	0.0	NORTHERN NATURAL
PANHANDLE GRAY COUNTY	146.0	CABOT PIPELINE CO
PANHANDLE GRAY COUNTY	146.0	CABOT PIPELINE CO
PANHANDLE GRAY COUNTY	73.0	CABOT PIPELINE CO
PANHANDLE GRAY COUNTY	142.4	CABOT PIPELINE CO
PANHANDLE GRAY COUNTY	142.4	CABOT PIPELINE CO

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JD NO	DA TKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205455	F-7B-041440	4244732377		103		JACK MCKNIGHT #1 (16556)	GOBER	85.0	GREAT WESTERN GAS
-S R I PRODUCTION						RECEIVED: 11/06/81 JA: TX			
8205450	F-7C-041395	4239931841		103		A B STOVALL "A" #1	CREWS SOUTH	16.0	LONE STAR GAS CO
-SCARTH OIL & GAS CO						RECEIVED: 11/06/81 JA: TX			
8205392	F-1B-040769	4235731116		103		CALLIHAM #2-472	PEERY (CLEVELAND)	0.0	DIAMOND SHAMROCK
-SMITH CARL M REVOCABLE TRUST						RECEIVED: 11/06/81 JA: TX			
8205418	F-1B-041072	4248300000		108		BELEW #1 (ID #27014)	PANHANDLE EAST	16.0	WARREN PETROLEUM
-SNOW OIL CO						RECEIVED: 11/06/81 JA: TX			
8205398	F-7B-040818	4242932922		103		HARRELL #6	LEDBETTER (RANGER)	0.0	ATLAS-REISS PIPEL
8205483	F-7B-041668	4213332514		103		JOHNSTON #1 (16600)	LEE RAY (MISS)	20.0	LONE STAR GAS CO
-SPENCER & HUTSON						RECEIVED: 11/06/81 JA: TX			
8205428	F-01-041171	4217730709		103		ACME #1	PEACH CREEK (AUSTIN CHAL	146.0	VALERO TRANSMISSI
-STAHL PETROLEUM CO						RECEIVED: 11/06/81 JA: TX			
8205375	F-1B-040538	4248330722		138		TEDDER #2-#90614	EAST PANHANDLE	8.0	PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 11/06/81 JA: TX			
8205412	F-7C-041037	4246131672		1B3		DAMRON D #1	HELUMA S E DEVONIAN	22.0	PHILLIPS PETROLEU
-SWEETWATER DRILLING CO INC						RECEIVED: 11/06/81 JA: TX			
8205507	F-7B-041729	4205932438		102-4		NAOMI HEYSER #1 (16263)	NUGENT'S NOOK (DUFFER 3B	16.0	DELHI GAS PIPELIN
-TAUBERT & STEED						RECEIVED: 11/06/81 JA: TX			
8205457	F-06-041456	4249930758		102-4		HOWARD MOORE #2	NEUHOFF (WOODBINE)	75.9	UNITED GAS PIPELI
8205458	F-06-041457	4249930879		102-4		HOWARD MOORE #3	NEUHOFF (WOODBINE)	61.0	UNITED GAS PIPELI
-TEXACO INC						RECEIVED: 11/06/81 JA: TX			
8205391	F-7B-040751	4243900000		108		J M GHOLSON #11	STEPHENS REGULAR	13.4	LONE STAR GAS CO
8205371	F-8A-040485	4231933090		103		MONTGOMERY EST DAVIES NCT-B #73	LEVELLAND	6.9	AMOCO PRODUCTION
8205514	F-8A-041773	4221933107		103		MONTGOMERY EST DAVIES NCT-2 #76	LEVELLAND	8.7	AMOCO PRODUCTION
8205511	F-08-041772	4247532319		103		STATE GAS UNIT P #7	CAPRITO (DELAWARE MIDDLE	47.5	WESTAR TRANSMISSI
-TEXAS ENERGY EXPLORATION INC						RECEIVED: 11/06/81 JA: TX			
8205351	F-04-040216	4224900000		103		H J MOSSER #2	SUE (5150)	15.3	TRUNKLINE GAS CO
-TEXAS OIL & GAS CORP						RECEIVED: 11/06/81 JA: TX			
8205425	F-03-041131	4241312732		108		FENNER L-1 REC ID #83365	GOLDENROD	0.0	TRUNKLINE GAS CO
8205426	F-03-041133	4229732107		108		ZAMZOW A-1	BAY POINT NORTH	0.0	UNITED GAS PIPELI
-TEXLAND-RECTOR & SCHUMACHER						RECEIVED: 11/06/81 JA: TX			
8205465	F-8A-041468	4221933152		102-4		F VERETTO #1	LEVELLAND (ABO)	1.0	AMOCO PRODUCTION
8205464	F-8A-041467	4221900000		102-4		KIMBROUGH #3	LEVELLAND (ABO)	1.0	AMOCO PRODUCTION
8205466	F-8A-041469	4244530889		102-4		KIRRIE-BELL #5	WARHORSE (CLEARFORK UPPE	2.0	AMOCO PRODUCTION
8205467	F-8A-041471	4244530900		102-4		PAULINE MORGENSTERN #5	TERRYON (CLEARFORK UP)	3.0	AMOCO PRODUCTION
-THE DOW CHEMICAL COMPANY						RECEIVED: 11/06/81 JA: TX			
8205362	F-05-040344	4234921413		102-4		A W PEVEHOUSE UNIT #1	CHENEYBORO	37.0	INTRASTATE GAS TR
8205362	F-05-040344	4234921413		197-TF		A W PEVEHOUSE UNIT #1	CHENEYBORO	37.0	INTRASTATE GAS TR
-THREE-B OIL CO						RECEIVED: 11/06/81 JA: TX			
8205509	F-08-041741	4237132811		103		ARCO CORDZ A #2 #26420	PAYTON	85.5	EL PASO NATURAL G
8205510	F-08-041742	4237132955		103		ARCO CORDZ A #3 #26420	PAYTON	23.6	EL PASO NATURAL G
-TRANS-AMERICAN DEVELOPMENT CORP						RECEIVED: 11/06/81 JA: TX			
8205494	F-7B-041689	4204900000		103		HECK #2 (92532)	BROWN COUNTY REGULAR (MA	9.0	ODESSA NATURAL CO
8205490	F-7B-041685	4204900009		103		BOYD #2 (16387)	BROWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
8205491	F-7B-041686	4204900000		103		MUCKLEROY #1 (17325)	BROWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
8205493	F-7B-041688	4204900000		103		MUCKLEROY #2 (92173)	BROWN COUNTY REGULAR (MA	20.0	ODESSA NATURAL CO
8205492	F-7B-041687	4204900000		103		STEWART #1 (17326)	BROWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
-TRANSCONTINENTAL OIL CORPORATION						RECEIVED: 11/06/81 JA: TX			
8205503	F-7C-041708	4223531374		103		PHILLIPS #1	IRION W (CANYON)	16.4	CRA INC
-U S OPERATING INC						RECEIVED: 11/06/81 JA: TX			
8205441	F-03-041313	4228730861		102-4		CORA #1	GIDDINGS (AUSTIN CHALK G	8.0	PGP GAS PRODUCTS
-W C S PETROLEUM INC						RECEIVED: 11/06/81 JA: TX			

JD NO	DA TKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205435	F-03-041274	4205131699		102-2		ANNIE BARTON #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205436	F-03-041275	4205131700		102-2		ANNIE BARTON #2	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205437	F-03-041276	4205131701		102-2		ANNIE BARTON #3	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205438	F-03-041277	4205131702		102-2		ANNIE BARTON #4	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205439	F-03-041278	4205131703		102-2		ANNIE BARTON #5	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205440	F-03-041279	4205131704		102-2		ANNIE BARTON #6	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205442	F-03-041280	4205131705		102-2		ANNIE BARTON #7	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205443	F-03-041281	4205131706		102-2		ANNIE BARTON #8	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205444	F-03-041282	4205131707		102-2		ANNIE BARTON #9	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205445	F-03-041283	4205131708		102-2		ANNIE BARTON #10	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205446	F-03-041284	4205131709		102-2		ANNIE BARTON #11	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205447	F-03-041285	4205131710		102-2		ANNIE BARTON #12	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205448	F-03-041286	4205131711		102-2		ANNIE BARTON #13	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205449	F-03-041287	4205131712		102-2		ANNIE BARTON #14	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205452	F-03-041288	4205131713		102-2		ANNIE BARTON #15	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205453	F-03-041289	4205131714		102-2		ANNIE BARTON #16	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205454	F-03-041290	4205131715		102-2		ANNIE BARTON #17	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205456	F-03-041291	4205131716		102-2		ANNIE BARTON #18	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205457	F-03-041292	4205131717		102-2		ANNIE BARTON #19	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205458	F-03-041293	4205131718		102-2		ANNIE BARTON #20	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205459	F-03-041294	4205131719		102-2		ANNIE BARTON #21	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205460	F-03-041295	4205131720		102-2		ANNIE BARTON #22	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205461	F-03-041296	4205131721		102-2		ANNIE BARTON #23	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205462	F-03-041297	4205131722		102-2		ANNIE BARTON #24	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205463	F-03-041298	4205131723		102-2		ANNIE BARTON #25	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205468	F-03-041299	4205131724		102-2		ANNIE BARTON #26	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205469	F-03-041300	4205131725		102-2		ANNIE BARTON #27	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205470	F-03-041301	4205131726		102-2		ANNIE BARTON #28	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205471	F-03-041302	4205131727		102-2		ANNIE BARTON #29	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205472	F-03-041303	4205131728		102-2		ANNIE BARTON #30	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205473	F-03-041304	4205131729		102-2		ANNIE BARTON #31	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205474	F-03-041305	4205131730		102-2		ANNIE BARTON #32	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205475	F-03-041306	4205131731		102-2		ANNIE BARTON #33	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205476	F-03-041307	4205131732		102-2		ANNIE BARTON #34	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205477	F-03-041308	4205131733		102-2		ANNIE BARTON #35	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205478	F-03-041309	4205131734		102-2		ANNIE BARTON #36	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205479	F-03-041310	4205131735		102-2		ANNIE BARTON #37	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205480	F-03-041311	4205131736		102-2		ANNIE BARTON #38	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205481	F-03-041312	4205131737		102-2		ANNIE BARTON #39	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205482	F-03-041313	4205131738		102-2		ANNIE BARTON #40	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205483	F-03-041314	4205131739		102-2		ANNIE BARTON #41	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205484	F-03-041315	4205131740		102-2		ANNIE BARTON #42	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205485	F-03-041316	4205131741		102-2		ANNIE BARTON #43	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205486	F-03-041317	4205131742		102-2		ANNIE BARTON #44	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205487	F-03-041318	4205131743		102-2		ANNIE BARTON #45	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205488	F-03-041319	4205131744		102-2		ANNIE BARTON #46	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205489	F-03-041320	4205131745		102-2		ANNIE BARTON #47	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205490	F-03-041321	4205131746		102-2		ANNIE BARTON #48	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205491	F-03-041322	4205131747		102-2		ANNIE BARTON #49	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205492	F-03-041323	4205131748		102-2		ANNIE BARTON #50	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205493	F-03-041324	4205131749		102-2		ANNIE BARTON #51	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205494	F-03-041325	4205131750		102-2		ANNIE BARTON #52	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205495	F-03-041326	4205131751		102-2		ANNIE BARTON #53	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205496	F-03-041327	4205131752		102-2		ANNIE BARTON #54	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205497	F-03-041328	4205131753		102-2		ANNIE BARTON #55	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205498	F-03-041329	4205131754		102-2		ANNIE BARTON #56	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205499	F-03-041330	4205131755		102-2		ANNIE BARTON #57	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205500	F-03-041331	4205131756		102-2		ANNIE BARTON #58	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205501	F-03-041332	4205131757		102-2		ANNIE BARTON #59	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205502	F-03-041333	4205131758		102-2		ANNIE BARTON #60	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205503	F-03-041334	4205131759		102-2		ANNIE BARTON #61	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205504	F-03-041335	4205131760		102-2		ANNIE BARTON #62	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205505	F-03-041336	4205131761		102-2		ANNIE BARTON #63	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205506	F-03-041337	4205131762		102-2		ANNIE BARTON #64	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205507	F-03-041338	4205131763		102-2		ANNIE BARTON #65	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205508	F-03-041339	4205131764		102-2		ANNIE BARTON #66	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205509	F-03-041340	4205131765		102-2		ANNIE BARTON #67	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205510	F-03-041341	4205131766		102-2		ANNIE BARTON #68	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205511	F-03-041342	4205131767		102-2		ANNIE BARTON #69	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205512	F-03-041343	4205131768		102-2		ANNIE BARTON #70	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205513	F-03-041344	4205131769		102-2		ANNIE BARTON #71	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205514	F-03-041345	4205131770		102-2		ANNIE BARTON #72	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205515	F-03-041346	4205131771		102-2		ANNIE BARTON #73	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205516	F-03-041347	4205131772		102-2		ANNIE BARTON #74	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205517	F-03-041348	4205131773		102-2		ANNIE BARTON #75	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205518	F-03-041349	4205131774		102-2		ANNIE BARTON #76	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205519	F-03-041350	4205131775		102-2		ANNIE BARTON #77	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205520	F-03-041351	4205131776		102-2		ANNIE BARTON #78	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205521	F-03-041352	4205131777		102-2		ANNIE BARTON #79	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205522	F-03-041353	4205131778		102-2		ANNIE BARTON #80	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205523	F-03-041354	4205131779		102-2		ANNIE BARTON #81	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205524	F-03-041355	4205131780		102-2		ANNIE BARTON #82	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205525	F-03-041356	4205131781		102-2		ANNIE BARTON #83	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205526	F-03-041357	4205131782		102-2		ANNIE BARTON #84	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205527	F-03-041358	4205131783		102-2		ANNIE BARTON #85	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205528	F-03-041359	4205131784		102-2		ANNIE BARTON #86	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205529	F-03-041360	4205131785		102-2		ANNIE BARTON #87	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205530	F-03-041361	4205131786		102-2		ANNIE BARTON #88	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205531	F-03-041362	4205131787		102-2		ANNIE BARTON #89	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205532	F-03-041363	4205131788		102-2		ANNIE BARTON #90	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205533	F-03-041364	4205131789		102-2		ANNIE BARTON #91	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205534	F-03-041365	4205131790		102-2		ANNIE BARTON #92	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81 JA: TX			
8205535	F-03-041366	4205131791		102-2		ANNIE BARTON #93	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-UNION PACIFIC RESOURCES CO						RECEIVED: 11/06/81

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205435	F-03-041274	4205131699		102-2		ANNIE BARTON #1
-W L PENNINGTON INC				RECEIVED: 11/06/81 JA: TX		
8205413	F-10-041040	420[illegible]700[illegible]		108		ST MARY 1-84 ID #38269
-WALSH AND WATTS INC				RECEIVED: 11/06/81 JA: TX		
8205478	F-78-041641	4215131307		103		YORK #6 (15270)
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 11/06/81 JA: TX		
8205508	F-08-041740	4210332589		103		W N WADDELL #1[illegible]02
-WES-TEX MINERALS INC				RECEIVED: 11/06/81 JA: TX		
8205454	F-78-041439	4236700[illegible]00		108		MARY LOVING SMITH #3 (37860)
8205453	F-78-041438	4236700[illegible]00		108		MARY LOVING SMITH #4 (37861)
-WESSELY ENERGY CORPORATION				RECEIVED: 11/06/81 JA: TX		
8205360	F-06-040312	4245930478		103		J B ORR #1
[illegible]205360	F-06-040312	4245930478		107-TF		J B ORR #1
-WILSON ENERGY INC				RECEIVED: 11/06/81 JA: TX		
8205489	F-7C-041680	4210500000		103		UNIVERSITY 2 D #1
[illegible]205488	F-7C-[illegible]41679	4210500000		103		UNIVERSITY 2 D #2
-WY-VEL CORP				RECEIVED: 11/06/81 JA: TX		
[illegible]205542	F-10-041880	4206530609		103		BURNETT (04270) #1
8205543	F-10-041881	4206530668		103		BURNETT (04270) #2
[illegible]205544	F-10-041882	4206530889		103		BURNETT (04270) #7
8205501	F-10-041703	4223330723		103		COCKRELL RANCH #8 (00757)
[illegible]205502	F-10-041704	4223330855		103		COCKRELL RANCH #9 (00757)
[illegible]205500	F-10-041702	4206530735		103		RUBY MAE FROST ETUIR (02510) #6

FIELD NAME	PROD	PURCHASER
GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
PANHANDLE EAST	20.0	EL PASO NATURAL G
JUDY GAIL (CANYON SAND)	2.0	LONE STAR GAS CO
SAND HILLS (TUBB)	100.0	EL PASO NATURAL G
MILLSAP D (BEND CONGLOME	5.0	SOUTHWESTERN GAS
MILLSAP E (BEND CONGLOME	11.0	SOUTHWESTERN GAS
CEDAR SPRINGS (MADDOX 10	72.0	DELHI GAS PIPELIN
CEDAR SPRINGS (MADDOX 10	72.0	DELHI GAS PIPELIN
FARMER (SAN ANDRES)	292.0	BIG LAKE GASOLINE
FARMER (SAN ANDRES)	292.0	BIG LAKE GASOLINE
PANHANDLE CARSON COUNTY	60.0	GETTY OIL CO
PANHANDLE CARSON COUNTY	4.0	GETTY OIL CO
PANHANDLE CARSON COUNTY	85.0	GETTY OIL CO
PANHANDLE HUTCHINSON COU	10.0	GETTY OIL CO
PANHANDLE HUTCHINSON COU	7.0	GETTY OIL CO
PANHANDLE CARSON COUNTY	22.0	GETTY OIL CO

OTHER PURCHASERS

8205355	E I DUPONT DE NEMOURS & CO INC
8205396	AMOCO PRODUCTION CO
8205414	LONE STAR GAS CO
8205415	LONE STAR GAS CO
8205420	E I DUPONT DE NEMOURS & CO INC
8205456	E I DUPONT DE NEMOURS & CO INC
8205473	E I DUPONT DE NEMOURS & CO INC
8205474	E I DUPONT DE NEMOURS & CO INC
8205494	AMOCO PRODUCTION CO
8205497	E I DUPONT DE NEMOURS & CO INC
8205498	E I DUPONT DE NEMOURS & CO INC
8205499	E I DUPONT DE NEMOURS & CO INC
8205537	TEXAS EASTERN TRANSMISSION CORP

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 1023: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36249 Filed 12–8–81 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Cases Filed; Week of November 13 Through November 20, 1981

During the week of November 13 through November 20, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 3, 1981.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 13 through Nov 20, 1981]

Date	Name and Location of Applicant	Case No.	Type of Submission
Nov. 18, 1981	Planning Research Corp., Washington, D.C	HFA–0016	Appeal of an Information Request Denial. If granted: The November 12, 1981, Information Request Denial issued by the Office of Procurement Operations would be rescinded, and Planning Research Corporation would receive access to portions of the Source Evaluation Board report.
Nov. 16, 1981	Mapco, Inc., Washington, D.C	HFA–0015	Appeal of Information Request Denial. If granted: The October 9, 1981, Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Mapco, Inc. would receive access to certain DOE information.
Nov. 16, 1981	OSC/Texaco, Inc., Washington, D.C	HRZ–0004	Interlocutory Order. If granted: The "Errata Sheet for Texaco's Statement of Factual Objections Third Submission" which Texaco, Inc. filed on October 30, 1981, would be stricken from the record in Texaco, Inc. (Case No. DRO–0199).
Nov. 17, 1981	New York State (Chevron), Albany, N.Y	HEG–0007	Petition for Special Redress. If granted: The October 26, 1981, Consent Order issued to Chevron USA, Inc. by the Office of Special Counsel would be modified regarding the disposition of refunds of overcharges in the State of New York.
Nov. 17, 1981	New York State (Western), Albany, N.Y	HEG–0008	Petition for Special Redress. If granted: The October 21, 1981, Consent Order issued to Western Crude Oil, Inc. by the Office of Special Counsel would be modified regarding the disposition of refunds of overcharges in the State of New York.

NOTICES OF OBJECTION RECEIVED

[Week of Nov. 13, 1981 to Nov. 20, 1981]

Date	Name and Location of Applicant	Case No.
Nov. 13, 1981	Placid Refining Co., Washington, D.C	BEE–1270

[FR Doc. 81–35138 Filed 12–8–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; Period of October 19 Through November 6, 1981

During the period of October 19, through November 6, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also

file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearing and Appeals, Room B–120, 2000 M Street, N.W., Washington D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 2, 1981.

Pioneer Refining, Inc., Washington, D.C., BEE–1634 Crude Oil

Pioneer Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted would result in the issuance of additional entitlements to the firm for the crude oil which it purchased to establish an increased permanent inventory for a new sour crude refinery located at Nixon, Texas. On November 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted. The DOE also issued an Interim order which implemented the relief immediately. (Case No. BEN–0086.)

Placid Co., Refining, Port Allen, Louisiana, BEE–1270 Crude Oil

Placid Refining Co. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted would permit Placid Refining Co. to recalculate its small refiner bias entitlements for the months of June through September 1979 and to receive additional entitlements based on the recalculation. On November 6, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81–35137 Filed 12–8–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and EURATOM

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the supply of 1,000 milligrams of uranium–233 and 20 milligrams of plutonium–242 for use as standards for isotope dilution analysis at Karlsruhe, Federal Republic of Germany, under Contract Number S–EU–702.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 24, 1981.

Dated: November 30, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81–35279 Filed 12–8–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Finland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Finland Concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 105.6 grams of uranium, enriched to 4.30% in U–235, under Contract Number WC–FI–9.

The above material is to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 24, 1981.

For the Department of Energy.

Dated: November 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81–35277 Filed 12–8–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Norway and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Norway and Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer from Norway to Sweden of 4,000 grams of uranium, containing 140 grams of U–235 (3.5% enrichment). This material is being returned to Sweden after analysis at the Institutt for Energiteknikk, Kjeller, Norway.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that this retransfer, designated as RTD/SW(NO)–17 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 24, 1981.

Dated: November 30, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81–35278 Filed 12–8–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Thailand

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Thailand Concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale: Contract Number S–TH–

4, to the Office of Atomic Energy for Peace, Bankok, Thailand, 75 grams of depleted uranium, 2.4 grams of uranium enriched to 93.1% in U–235, 43.7 grams of uranium enriched to 1.35% in U–235, 194.1 grams of natural uranium, and 162.5 grams of thorium, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 24, 1981.

Dated: November 30, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81-35280 Filed 12-8-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Special Docket No. 81-1]

Temporary Commission on Alternative Financing for Public Telecommunciations; Special Inquiry on Alternative Financing for Public Telecommunications

AGENCY: Federal Communications Commission.

ACTION: Notice of Public Inquiry.

SUMMARY: Action herein institutes a formal inquiry into additional sources of financing for public telecommunications entities. This inquiry will serve as an information gathering device for the Commission's report to Congress on or before July 1, 1982.

DATES: Comments must be filed on or before January 15, 1982, and reply comments must be filed on or before February 15, 1982.

FOR FURTHER INFORMATION CONTACT: Judith Herman, Federal Communications Commission (202) 632–6302, or Brian Fontes, Federal Communications Commission (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 9, 1981.

Released: November 13, 1981.

By the Temporary Commission on Alternative Financing for Public Telecommunications.

In the matter of special inquiry on alternative financing for public telecommunications; Notice of public inquiry.

1. By publication of this *Notice* the Temporary Commission on Alternative Financing for Public Telecommunications ("Temporary Commission"), hereby solicits public comment and other information on all matters relating to additional funding sources for public broadcasting. This public inquiry will serve as an information gathering vehicle, and will be an important source of information for the Temporary Commission's July 1, 1982, report to the Congress.[1]

Background

2. The Temporary Commission on Alternative Financing for Public Telecommunications was created by the Public Broadcasting Amendments Act of 1981, which was incorporated into the Omnibus Budget Reconciliation Act of 1981.[2] The Act requires that a study be conducted "regarding options which may be available to public telecommunications entities, the Public Broadcasting Service, and National Public Radio with respect to the development of sources of revenue in addition to the sources of revenue available to such entities and organizations on the date of the enactment of this Act."[3] As required by statute, this study should "seek to identify funding options which also will ensure that public telecommunications as a source of alternative and diverse programming will be maintained and enhanced, and that public telecommunications services will continue to expand and be available to increasing numbers of citizens throughout the Nation."[4] In addition, this study "also shall seek to determine appropriate means for ensuring that the use of such funding alternatives does not interfere with the content and quality of programming appearing on public television and raido."[5] The Temporary Commission has been given authority to hold hearings and receive testimony as it considers advisable.[6] In so doing, it must seek to obtain testimony and advise of business representatives, persons representing public interest groups, and other persons and organizations with an interest in public broadcasting.[7] The report to the Congress must include an evaluation of each option available to public broadcasting and recommendations for legislative or other action the Temporary Commission considers necessary or appropriate.

3. The Public Broadcasting Amendments Act of 1981 also authorizes the Temporary Commission to engage in an Advertising Demonstration Project involving up to ten public radio and ten public television station licensees. Although the Advertising Demonstration Project is separate from this broad inquiry into alternative financing for public broadcasting, the subject of advertising on public stations is relevant to this proceeding.

General Information

4. The Temporary Commission wishes to gather all relevant information on alternative revenue sources which may be available to public telecommunication entities. In so doing, it recognizes that significant research on this issue already has been undertaken by groups such as the Carnegie Commissions, the Corporation for Public Broadcasting, the national organizations of public broadcasting stations, as well as others. The Temporary Commission will consider any existing research which is brought to its attention and may incorporate these in its report and recommendations to the Congress.[8] Each idea set forth in these previous studies will be reappraised and considered in light of present economic and technological circumstances. Persons wishing to present new comments on these previously considered revenue sources are encouraged to do so.

5. The Temporary Commission also has an opportunity to develop and present new ideas to the Congress. The report calls for legislative as well as other recommendations which could involve revenue generating devices now foreclosed to the public broadcasting system because of legal or other restraints. Such ideas are of special interest and are particularly sought in this proceeding. Each alternative funding technique will be examined with respect to its revenue generating potential and its impact on the content and quality of public broadcasting programming.

6. Public broadcasting is funded from a variety of sources with tax-based entities providing the largest block of funds. In 1980, income for public broadcasting equalled approximately 700 million dollars. In recent years, the Federal government has provided approximately 30 percent of total public broadcasting income with state and

[1] For purposes of collecting and storing comments submitted in response hereto, the Federal Communications Commission (FCC) has provided recordkeeping facilities to the Temporary Commission. The FCC has opened Special Docket 81–1 for this purpose.

[2] Pub. L. 97–35, August 13, 1981.

[3] *Ibid.*, Sec. 1232(a)(1).

[4] *Ibid.*, Sec. 1232(a)(2).

[5] *Ibid.*, Sec. 1232(a)(3).

[6] See Sec. 1232(g).

[7] *Ibid.*

[8] Any study examined by the Temporary Commission will be placed in this Docket.

local governments and state colleges providing an additional 40 percent. The remaining 30 percent is raised directly by public broadcasting from voluntary contributions from the general public ("subscribers"), corporations, foundations, auctions, and private colleges.[9]

7. Public broadcasting derives funds from the Federal government from two major sources. First, the Department of Commerce's Public Telecommunications Facilities Program provides funds directly to individual stations for their equipment purchases. Second, federal funds are distributed through the Corporation for Public Broadcasting (CPB). Created by the Public Broadcasting Act of 1967, CPB is a private, nonprofit corporation, which receives and then dispenses public and private funds to underwrite the production, acquisition, and distribution of radio and television programs. CPB provides funds directly to stations through Community Service Grants. Stations receiving these funds may use them for activities relating to the provision of telecommunications services. CPB also contracts with National Public Radio (NPR) and Public Broadcasting Service (PBS) for management of the public broadcasting satellite interconnection system. CPB also contracts with NPR to provide public radio programming.[10]

Inquiry

8. The Temporary Commission seeks information relating to sources of revenue that are consistent with public broadcasting's mission and public interest character. In this regard, parties may wish to comment on factors they believe contribute to and sustain public broadcasting as a "source of alternative and diverse programming."[11] We believe this is an appropriate area for inquiry since such factors will influence the choice of recommended funding options. We, therefore, seek comment on the factors which are most important in maintaining the character and prosperity of public broadcasting. Such factors may include:

a. Nature of programming

b. Differences in regulatory treatment (*i.e.*, nonprofit status of licensees)

c. Levels of community service

d. Reliance on multiple source of public and private income (*i.e.*, tax-based sources, contributions)

e. Absence of advertisements

9. Congress requires the Temporary Commission to consider funding alternatives that will support the current level of activity in public broadcasting as well as promote future growth. Thus, the Temporary Commission seeks information about:

A. Public broadcasting's funding requirements through 1990. (Operating costs and capital requirements should be listed separately.)

B. The amount of non-federal support public broadcasting can reasonably expect through 1990, without changes in Federal law or regulation. (Revenues should be listed by source.)[12]

10. Since future funding may not be able to meet public broadcasting's fiscal needs, it is increasingly important to use available funding sources in the most efficient manner possible. Therefore, we solicit answers to the following questions:

A. Are there provisions in existing Federal law or regulation that unduly impede public broadcasters' ability to raise funds from non-federal sources? If so, what are they and how can they be addressed?

B. Are there any legal or regulatory provisions which may unnecessarily restrict the authority of Federal agencies or departments to make grants to public telecommunications organizations for the purpose of distributing information to the public?

C. Are there any Federal regulatory, legal, CPB, or other requirements that increase public broadcasters' costs of operation without providing public benefits in excess of those costs?

D. Are there ways in which public broadcasters could more efficiently use their available resources?

11. We have included, in Appendix A, a list of several specific funding alternatives that has been compiled by members of the Temporary Commission. Also, in Appendix B, specific questions are raised about one alternative. These questions are illustrative of the kinds of concerns that may be raised about many of the other alternatives. We encourage comments on any and all of these alternatives with respect to the revenues they may generate and any possible impact on programming. The alternatives listed in the appendices are meant to be illustrative, not restrictive, and parties should freely propose other alternatives.

12. For each funding source, we ask parties to answer the following questions:

A. Is the funding source capable of generating revenue for both public radio and public television; or is it more specialized?

B. Could the funding source be available to stations individually or would national representation or coordination be necessary?

C. What is the short-term revenue generating potential of the funding source; the long term; for individual stations; for the system as a whole? (These revenue estimates should reflect all direct costs.) What are the potential indirect costs of the funding source? (For example, would exploitation of this source decrease the expected yield from another source?)

D. Would use of the funding source: (1) "ensure that public telecommunications as a source of alternative and diverse programming * * * [is] maintained and enhanced"; (2) "interfere with the content and quality of programming appearing on public television and radio"?[13]

E. Are there legal and/or regulatory barriers to the use of this funding source by public broadcasting entities? If so, what legislative, regulatory, or other action would be needed to eliminate these obstacles?

Procedural Matters

13. Authority for this inquiry is contained in Section 1232(g) of the Public Broadcasting Amendments Act of 1981. Parties are invited to submit comments by January 15, 1982. Reply comments should be submitted by February 15. All material submitted by these dates will be considered by the Temporary Commission before making its final report to the Congress. The Temporary Commission may consider any other relevant material, but interested parties are urged to submit all such material through this public inquiry. Parties should file an original and five copies of all comments and materials. In addition, parties should submit an original and 15 copies of a one page, single spaced abstract of their comments. All material submitted as part of this inquiry will be available for public inspection during regular business hours in the Federal Communications Commission Public Reference Room (Room 239) in its

[9] Historically, state and local governments and private donations provided for the capital plant and operating cost needs of public broadcasting. Significant federal funding efforts began during the 1960's.

[10] NPR and PBS also provide certain support services including promotion, research, and fund raising.

[11] Pub. L. 97-35, Sec. 1231(a)(2).

[12] It may be the case that recent changes in Federal tax laws will have an impact on public broadcasters' ability to secure contributions from the private sector (*i.e.*, reductions in marginal income tax rates, estate tax deductions and the ability to deduct charitable contributions on the IRS short form). We ask parties, if possible, to discuss any such effects in their estimates.

[13] Pub. L. 97-35, Sec. 1232(a) (2) and (3).

headquarters in Washington, D.C. (1919 M Street, NW.).

14. Material submitted in this inquiry should be addressed to the Secretary, Federal Communications Commission, Washington, D.C. 20554. The abstract and first page of the comments also should include the words "Special Inquiry on Financing Public Telecommunications: Special Docket No. 81-1."

15. For further information about this proceeding, interested parties may contact Brian Fontes, (202) 632-7792, and Judith Herman, (202) 632-6302.

Temporary Commission on Alternative Financing for Public Telecommunications.

John Kamp,

Staff Director.

Appendix A—Alternatives for Financing Public Television and Radio

I. Alternatives Involving Public Broadcasting Subscribers, Contributors, and Underwriters

A. *Additional Incentives to Subscribe or Contribute*—incentives include tax credits or check-offs, government matching of private contributions, and might require FCC rule changes to allow for more effective over-the-air fundraising.

B. *Debt Financing of Public Broadcasting*—public broadcasting entities could be authorized to issue tax-free debt instruments guaranteed by the Federal government or by state governments, thus enabling public broadcasting entities to borrow at below-market rates.

II. Over-the-Air Alternatives

A. *Advertising*—the concept of advertising on public broadcasting stations raises several issues, such as impact on underwriters, subscribers, and type and amount of advertising. The Temporary Commission has authorized a demonstration program involving no more than ten public television and ten public radio licensees. It is anticipated that the demonstration program will address the array of issues surrounding advertising on public broadcast stations, however, public comment is sought on this as an alternative source of funding.

B. *Use of ITFS* (Instructional Television Fixed Service) *and MDS* (Multipoint Distribution Service)—lease existing ITFS and MDS facilities for pay programming delivery, business executive training sessions, data transmission, and delivery of programs to libraries and other users.

C. *Use of SCA* (Subsidiary Communications Authorization)—pay radio service involving specialized programming, or leasing facilities to others wishing to provide specialized services.

D. *Subscription Television*—pay television service involving over-the-air scrambled signal, with subscribers given equipment to unscramble the signal. (See Appendix B for further discussion.)

III. Alternatives Involving Satellites

Alternatives involving satellites require large, up-front commitments of capital in order to construct and launch satellites. Public broadcasting does not now operate with such a capital base. Thus, these alternatives would require the Federal government and/or private contributors to provide public broadcasting with sufficient funds to invest in satellite communications.

A. *Public Broadcasting Satellite System*—public broadcasting could construct, launch, and operate one or more satellites, with leasing (or sales) authority for transponders not used by public broadcasting entities.

B. *Satellite Brokerage*—a public broadcasting entity could act as a satellite broker, leasing a large portion of a system's capabilities and then reselling space to others.

C. *Direct Broadcast Satellites (DBS)*—public broadcasting either could own a direct broadcast satellite and sell time on it to others, or could sell its programs to one or more DBS operators. Public broadcasting could be permitted to provide a subscription television channel on a DBS.

D. *Teleconferencing*—existing station facilities, uplink, receiving stations, and transponder capacity could provide clients with the ability to conduct a simultaneous conference, seminar, training session, or the like at two or more locations.

E. *Lease of Excess Transponder and Terminal Capacity*—service could be offered on an end-to-end basis, or there could be separate leasing of uplinks, ground receiving stations, and transponders; potential customers include advertising agencies (*e.g.*, Blairsat), video programmers, and communications common carriers (*e.g.*, Western Union).

IV. Cable Television Alternatives

A. *Provision of a Subscription Pay Cable Service*—public broadcasting entities could provide, through cable operators, one or more channels for subscription programming (*e.g.*, PACE).

B. *Cable System Ownership*—public broadcasting entities could construct and operate one or more local cable systems.

C. *Operation of One or More Cable Channels*—for a fee, public broadcasting entities could agree to operate, on behalf of cable franchisees, municipal channels, public access channels, instructional and school channels, etc.

V. Alternatives Involving Video and Audio Tapes and Discs

Public broadcasting could put its program library into marketable form and offer to sell or lease the library to the general public or to selected groups (*e.g.*, universities).

VI. Teletext and Videotext Alternatives

A. *Delivery of Newspapers, Advertisements (Electronic Yellow Pages), Government Announcements, and Other Print-Related Materials*—the broadcast vertical blanking interval or cable could be used to deliver print material to home or office television.

B. *Service for the Hearing-Impaired*—captioning for the deaf could be provided over-the-air or over cable.

VII. Alternatives Involving Station Equipment and Facilities

A. *Video and Audio Taping of Significant Events*—microphones, mobile cameras and station production facilities could be used to provide videotapes for profit of private events such as business meetings, weddings, birthday parties, and testimonial dinners.

B. *Commercial Production*—video and audio program producers could lease public broadcasting studios, cameras, and other facilities to produce programs for commercial distribution.

C. *Leasing of Selected Equipment and Crews*—in covering a news story in a romote location, major market commercial television and radio stations may find it more economical to rent crews and equipment from a local public television or radio station than to use their own.

D. *Equipment Maintenance and Repair*—public broadcasting technicians are qualified to maintain and repair a full range of video and audio equipment, including satellite earth stations; service could be provided on a long- or short-term basis.

Appendix B—Subscription Television Alternative

Subscription, or pay, television (STV) involves scrambling the over-the-air signal so that only those television sets equipped with an unscrambling device can receive the signal. By charging a fee for the unscrambling device, broadcasters can obtain financial support directly from viewers. Standard over-the-air broadcasting cannot similarly force consumers to "purchase" their viewing time because they cannot prevent non-payers from receiving the signal. Thus, permitting public television station licensees to provide STV service should enable them to raise additional funds from the viewing public. (FCC regulations now proscribe public broadcasters from providing STV.)[1]

Further, the STV option need not be an all-or-nothing choice. A public broadcaster could provide a mix of STV and regular over-the-air programming. For example, STV could make up only part of the broadcast day of a station. Or, a public licensee might provide STV on one station in order to financially support the programming of another station. Another decisional parameter is whether the noncommercial restrictions that are now placed on public broadcasting programming should also apply to their STV programming. It may be the case that commercially oriented STV could raise more funds for public broadcasting than noncommercial fare.

The STV options discussed above may generate revenue for public television but may present some public interest concerns. We therefore raise the following questions:

1. Should public broadcasting be permitted to provide noncommercial STV? Can public

[1] STV is similar in many ways to other pay telecommunications services, and to that extent the questions raised here are applicable to all such services. However, STV uses the broadcast spectrum for program delivery while some other pay services do not (*e.g.*, pay cable television). This distinction leads to different public interest concerns for the FCC and other regulators which could be addressed in the comments.

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broadcasters continue to fulfill their responsibility to provide noncommercial programming to the public (*i.e.*, both subscribers and non-subscribers) if STV is permitted for all or part of the broadcast day? Would the response be different if a television station was expected to go off-the-air without some STV revenue?

2. Should public broadcasting be permitted to provide STV programming of a commercial nature? Can public broadcasters continue to fulfill their responsibility to provide non-commercial programming to the public (*i.e.*, both subscribers and non-subscribers) if commercial STV programming is permitted for part of the broadcast day? Can they do so if a public broadcast licensee is permitted to provide full-time commercial STV programming on one of its stations while providing full-time noncommercial programming over its other station(s)? Would the response be different if a public television station was expected to go off-the-air (or, alternatively, never come on-the-air) if it were not permitted one of the options discussed above?

[FR Doc. 81-35201 Filed 12-8-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

Rulemaking Petition: Notice of Availability

AGENCY: Federal Election Commission.

ACTION: Rulemaking petition: Notice of availability.

SUMMARY: On November 2, 1981, the Committee for American Principles filed a Petition for Rulemaking with the Commission. The petition is available for public inspection in the Commission's Public Records Office. Statements in support of or in opposition to the petition must be filed on or before January 8, 1982.

DATE: Comments must be received on or before January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463, (202) 523-4143.

Rulemaking Petition: Notice of Availability

On November 2, 1981, the Committee For American Principles filed a Petition for Rulemaking with the Federal Election Commission. Petitioners seek promulgation of a rule which would remove certain activities in opposition to Federal candidates from the definition of independent expeditures if the person engaging in such activities had some coordination or contact with the campaigns of those running against the targeted candidates.

Copies of the Petition for Rulemaking are available for public inspection at the Commission's Public Records Office, 1325 K Street, NW., Washington, D.C. 20463, between the hours of 9:00 a.m. and 5:00 p.m.

Statements in support of or in opposition to the Petition for Rulemaking must be filed with the Commission by January 8, 1982.

Dated: December 3, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-35223 Filed 12-8-81; 8:45]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-72]

Seald-Sweet International, Inc. v. Sea-Land Service, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Seald-Sweet International, Inc. against Sea-Land Service, Inc. was served December 2, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of sections 17 and 18 (b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35232 Filed 12-8-81; 8:45 am]

BILLING CODE 6730-01-M

Gas and Equipment Transport, Inc.; Independent Ocean Freight Forwarder License Applicant

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Gas and Equipment Transport, Inc., 333 North Belt East, Houston, TX 77060

Officers: Terence J. Hatton, President/Director; Acadio Sanchez, Vice President; Michael W. Milner, Vice President; N. J. Hind, Vice President; R. T. H. Billington, Vice President; J. L. Metcalfe, Director.

Dated December 3, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35148 Filed 12-8-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarders License No. 2326]

Hilton Freight Systems Corp.; Order of Revocation

On November 30, 1981, Hilton Freight Systems Corporation, 5242 Katella Avenue, Los Alamitos, CA 90720 surrendered its Independent Ocean Freight Forwarder License No. 2326 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2326 issued to Hilton Freight Systems Corporation be revoked effective November 30, 1981.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Hilton Freight Systems Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-35149 Filed 12-8-81; 8:45 am]

BILLING CODE 6730-01-M

GOLD COMMISSION

Meeting

Notice is hereby given that the Commission established pursuant to Pub. L. 96-389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress will meet in the Treasury Department Cash Room on Friday, December 11, 1981, beginning at 10:00 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph V. Korp, Director, Office of International Monetary Affairs, U.S. Department of

the Treasury, Washington, D.C. 20220, (202) 566–5365).

Dated: December 3, 1981.

Ralph V. Korp,

Director, Office of International Monetary Affairs, Treasury Department.

[FR Doc. 81-35153 Filed 12-8-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Self-Tripping Presence Sensing Systems; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Self-Tripping Presence Sensing Systems

Date: December 15, 1981
Time: 8:30 a.m. to 4 p.m.
Place: Marriott Inn, 101 Marriott Drive, Pittsburgh, PA 15205
Purpose: To review the NIOSH contract protocol for the safety of the selection and use of any mechanical power press system which uses a presence sensing device as the stroke actuator.

Additional information may be obtained from: John Etherton, Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, WV 26505, Telephone: (304) 599–7454.

Dated: December 2, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-35195 Filed 12-8-81; 8:45 am]

BILLING CODE 4110-87-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Oil Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0443, Block 188, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region. U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 2, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-35140 Filed 12-8-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[Serial No. AA-045553]

Alaska; Proposed Withdrawal and Reservation of Lands; Tongass National Forest

November 3, 1981.

The U.S. Department of Agriculture, Forest Service filed application, serial number AA–045553, on October 27, 1981, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws subject to valid existing rights for a term of twenty years:

Tongass National Forest, Copper River Meridian, Alaska Lots 1–3 of U.S. Survey Number 3758, situated on Glacier Loop Road fourteen miles northwest of Juneau, Alaska. Containing 22.51 acres.

The applicant agency desires that the lands be withdrawn and reserved for the future expansion of the Forest Service administrative facility which will include housing, warehouse and office space.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management (BLM) on or before January 8, 1982.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, on or before January 8, 1982. Notice of the public hearing will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, section 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

Effective on the date of publication of this notice, the above-described lands shall be segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall continue for a period of two years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

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All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Barbara A. Yoppke,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35141 Filed 12-8-81; 8:45 am]

BILLING CODE 4310-84-M

[Phoenix 077264, et al.]

Arizona; Order Providing for Opening of Public Lands

November 30, 1981.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

Phoenix 077264

T. 2 N., R. 4 W.,
Sec. 32, All.

Phoenix 077370

T. 2 N., R. 5 W.,
Sec. 36, E½E½.
T. 2 N., R. 6 W.,
Sec. 36, N½, SW¼.

Phoenix 077478

T. 2 N., R. 6 W.,
Sec. 36, SE¼.

Phoenix 077853

T. 2 N., R. 5 W.,
Sec. 36, E½SE¼SW¼, SW¼SE¼.

Phoenix 080984

T. 1 N., R. 7 W.,
Sec. 2, N½NE¼SE¼.

Phoenix 081056

T. 1 N., R. 5 W.,
Sec. 2, E½E½SW¼, W½SE¼.

Phoenix 080834

T. 1 S., R. 5 W.,
Sec. 3, S½N½.

The areas described aggregate approximately 1,800.00 acres in Maricopa County, Arizona.

2. The United States did not acquire the mineral rights in the lands described in paragraph 1.

3. The lands have been classified for disposal under the State selection program and will not be open to other appropriation under the public land laws.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602-261-3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35142 Filed 12-8-81; 8:45 am]

BILLING CODE 4310-84-M

Grand Hogback Coal Field; Results of Coal Unsuitability Review

As part of the land use planning process, the BLM Glenwood Springs Resource Area, Grand Junction District, has completed its coal unsuitability review of the Grand Hogback Coal Field as required by 43 CFR Part 3460. Based on application of the 20 coal unsuitability criteria, six areas have been identified as suitable for further consideration for coal leasing. These six areas are described as follows:

Area 1 (Approximately 8,800 Acres)

T. 5S., R. 93W., 6th P.M.,
Sec. 4, all.
T. 4S., R. 93W.,
Sec. 19, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 29, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, S½NW¼, S½.
T. 4S., R. 94W.,
Sec. 2, NE¼NE¼, W½NE¼, W½, SE¼;
Sec. 3, N½, SW¼SW¼, E½SW¼, SE¼;
Sec. 10, N½, N½S½, S½SE¼;
Sec. 11, all;
Sec. 12, W½NW¼, SW¼;
Sec. 13, S½NE¼, W½, SE¼;
Sec. 14, all;
Sec. 15, NE¼, E½SE¼;
Sec. 24, all;
Sec. 25, N½, N½SW¼, SE¼SW¼, SE¼.

Area 2 (Approximately 4,000 Acres)

T. 5S., R. 93W.,
Sec. 1, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 2, S½N½, S½;
Sec. 3, all;
Sec. 10, N½, NW¼SW¼, E½SW¼, W½SE¼, lot 2, lot 3;
Sec. 11, all;
Sec. 12, SW¼NE¼, W½, SE¼;
Sec. 13, N½, SW¼;
Sec. 14, E½.
T. 5S., R. 92W.,
Sec. 7, lot 4, SE¼SW¼;
Sec. 18, lot 1, NE¼NW¼.

Area 3 (Approximately 5,760 Acres)

T., 5S., R. 92W.,
Sec. 7, S½SE¼;
Sec. 8, NE¼SE¼, S½S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, S½;
Sec. 13, SW¼;
Sec. 14, N½SW¼, N½SE¼, SE¼SE¼;
Sec. 15, all;
Sec. 16, all;
Sec. 17, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 18, lot 1, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, NW¼NE¼, S½NE¼, W½, SE¼.

Area 4 (Approximately 4,440 Acres)

T. 5S., R. 91W.,
Sec. 16, S½SW¼, SW¼SE¼;
Sec. 17, S½S½;
Sec. 18, SE¼SW¼, S½SE¼;
Sec. 19, lot 1, lot 4, NE¼, NE¼NW¼, SE¼SW¼, N½SE¼;
Sec. 20, all;
Sec. 21, N½, N½SW¼, SE¼;
Sec. 22, S½;
Sec. 23, SW¼SW¼;
Sec. 26, W½NE¼, NW¼, NW¼SE¼;
Sec. 27, N½NE¼;
Sec. 28, S½NW¼, SW¼;
Sec. 29, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 30, lot 1, lot 2, NW¼NE¼, S½NE¼, E½NW¼, N½SE¼;
Sec. 32, NE¼, NE¼NW¼;
Sec. 33, NE¼, N½NW¼.

Area 5 (Approximately 1,560 Acres)

T. 6S., R. 89W., 6th P.M.,
Sec. 31, lot 7, W½SE¼.
T. 7S., R. 90W.,
Sec. 1, lot 1 and 5.
T. 7S., R. 89W.,
Sec. 4, SW¼SW¼;
Sec. 5, E½NW¼, SW¼SW¼, W½SE¼;
Sec. 6, lot 1-5, SE¼NW¼, S½NE¼;
Sec. 7, NE¼, NE¼SE¼;
Sec. 9, NW¼NW¼, E½SW¼, SW¼SE¼;
Sec. 16, NW¼NE¼, E½NW¼, SW¼SE¼, E½SE¼.

Area 6 (Approximately 5,520 Acres)

T. 6S., R. 91W., 6th P.M.,
Sec. 2, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 11, N½, N½SE¼;
Sec. 12, S½NE¼, S½;
Sec. 13, NE¼.
T. 6S., R. 90W.,
Sec. 7, lot 2, lot 3, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 8, NW¼SW¼, S½S½;
Sec. 15, SW¼;
Sec. 16, NW¼NW¼, S½N½, S½;
Sec. 17, NE¼, S½NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 18, lot 1, lot 2, lot 3, E½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 21, N½N½, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 22, all;
Sec. 23, S½;
Sec. 24, W½SW¼, SE¼SW¼;
Sec. 25, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, E½, E½NW¼, NW¼NW¼;
Sec. 27, E½NE¼.

Information materials and maps showing these areas are available for review and comment in the BLM Glenwood Springs Resource Area Office located at 50629 Hwy. 6 and 24, Glenwood Springs, Colorado. In addition to this unsuitability review,

additional areas may later be found unsuitable based on incompatible resource uses as proposed in the land use plan being developed for this area.

For further information, contact Al Wright, Glenwood Springs Resource Area Manager, P.O. Box 1009, Glenwood Springs, CO 81602 (phone 303–945–2341).

Dave Jones,

District Manager

[FR Doc. 81–35147 Filed 12–8–81 8:45 am]

BILLING CODE 4310–84–M

[OR 5658]

Oregon; Termination of Classification for Multiple Use Management

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on April 7, 1970 (35 FR 5631), the following described public lands were classified for multiple use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18):

Willamette Meridian

T. 10 S., R. 46 E.,
Sec. 16, N½, SW¼, and W½SE¼, and a parcel of land in the E½SE¼ described as follows: Beginning at a point on the South line of said section 16, which point bears S. 87°19′ E., 478.47 feet, more or less, from the Southwest corner of the SE¼SE¼, said point being on the 2,100 foot elevation contour, U.S.G.S. mean sea level datum;
Thence, along said contour by the following courses and distances: N. 19°51′ E., 138.5 feet; N. 11°47′ W., 67.1 feet; N. 00°15′ E., 288.6 feet; N. 32°17′ E., 235 feet; N. 11°38′ W., 134.9 feet; N. 63°57′ W., 103 feet; N. 34°04′ E., 161.2 feet; N. 26°06′ W., 121.5 feet; N. 65°33′ W., 117.8 feet; N. 77°13′ E., 246.1 feet; N. 40°03′ E., 109.2 feet; N. 12°47′ E., 28.8 feet; more or less, to a point on the north line of said SE¼SE¼ said point being S. 87°12′ E., 761.43 feet from the NW corner of said SE¼SE¼; N. 12°47′ E., 274.44 feet; N. 43°16′ E., 99.2 feet; N. 24°58′ E., 116.3 feet; N. 03°08′ W., 103.7 feet; N. 60°56′ E., 92.5 feet; N. 24°54′ E., 220.3 feet; N. 08°04′ E., 66.3 feet; N. 32°59′ E., 308.4 feet, more or less, to a point on the East line of said section, which point bears S. 00°13′ W., 186.60 feet from the quarter corner common to secs 16 and 15, said T. and R.;
Thence N. 00°13′ E., 186.60 feet to the Northeast corner of said NE¼SE¼;
Thence West along the North line thereof to the Northwest corner of said NE¼SE¼;
Thence South along the West line of said E½SE¼ to the SW corner of said SE¼SE¼;
Thence S. 87°19′ E., 478.47 feet to the point of beginning.
T. 12 S., R. 37 E.,
Sec. 35, NE¼SE¼ and S½SE¼.
T. 13 S., R. 37 E.,
Sec. 2, Lots 2 and 4, SW¼NE¼, S½NW¼, and SW¼.
T. 13 S., R. 44 E.,
Sec. 8, W½SW¼SW¼;
Sec. 17, NE¼NW¼.

The areas described aggregate approximately 1,151.36 acres in Baker County, Oregon.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification as to the above described public lands is terminated upon publication of this notice in the **Federal Register.**

3. The minimal estate in the following described lands is not in United States ownership:

Willamette Meridian

T. 12 S., R. 37 E.,
Sec. 35, NE¼SE¼ and S½SE¼.
T. 13 S., R. 37 E.,
Sec. 2, Lots 2 and 4, SW¼NE¼, S½NW¼, and SW¼.

4. At 10:00 a.m., on January 6, 1982, the lands described in paragraph 1 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 6, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands described in paragraph 1, except as provided in paragraph 3, have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Dated: December 1, 1981.

William G. Leavell,

State Director.

[FR Doc. 81–35194 Filed 12–8–81; 8:45 am]

BILLING CODE 4310–84–M

[M 43877]

Montana

November 30, 1981.

Notice is hereby given that pursuant to sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and the regulations in 43 CFR 2200, a quitclaim deed issued to Thomas J. De Mars and Jacqueline De Mars for the following described land in Fergus County:

Principal Meridian

T. 20 N., R. 18 E.,
Sec. 1, E½SE¼.
T. 20 N., R. 19 E.,
Sec. 5, SW¼NE¼, E½SW¼, and SE¼;
Sec. 6, Lots 6 and 7, and E½SW¼; and
Sec. 8, NE¼NW¼.
Aggregating 554.31 acres.

A warranty deed issued to the United States for the following land, which becomes public land subject to administration by the Bureau of Land Management, Montana State Office:

Principal Meridian

T. 23 N., R. 22 E.,
Sec. 19, Lot 6;
Sec. 20, Lot 6;
Sec. 21, Lots 5, 6, 7, and 8;
Sec. 28, Lot 1, NW¼NE¼, and NE¼NW¼; and
Sec. 29, Lots 2, 3, 4, and 6.
T. 22 N., R. 23 E.,
Sec. 6, Lot 2.
T. 23 N., R. 23 E.,
Sec. 31, Lots 4 and 5.

Aggregating 384.91 acres.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–35192 Filed 12–8–81; 8:45 am]

BILLING CODE 4310–84–M

[N–31791]

Nevada; Realty Action

Exchange of Public and Private Lands in Lander County
November 30, 1981.

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 16N., R. 44 E.,
Sec. 10, SE¼
Sec. 11, E½, SE¼NW¼, SW¼;
Sec. 12, SW¼NW¼, SW¼;
Sec. 13, all;
Sec. 14, N½, N½SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 15, S½SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, NE¼NW¼, W½W½;
Sec. 23, E½NW¼NE¼, SE¼NE¼;
Sec. 24, NE¼, NE¼NW¼, SW¼SW¼.

Comprising 2,593.02 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Telford Work:

Mount Diablo Meridian, Nevada

T. 31 N., R. 46 E.,
Sec. 11, N½, SE¼;
Sec. 13, SW¼NE¼, W½, W½SE¼;
Sec. 23, all;
Sec. 27, SE¼NE¼, SE¼.
T. 31 N., R. 47 E.,
Sec. 17, all, except 2.48 acre parcel in NW¼SE¼;
Sec. 19, all;
Sec. 29, all;
Sec. 31, Lots 1 and 2, E½, E½NW¼.

Comprising 4,123.57 acres of private land.

The purpose of this exchange is to acquire the non-Federal lands which

have high public values for wildlife habitat. These lands are considered to have high values as chukar habitat and mule deer winter range. The present ownership patter is a private/public checkerboard as a result of a land grant to a railroad. The exchange will cause blocked public ownership and facilitate effective public land management. The public interest will be well served by completing the exchange.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by Telford Work of funds in an amount not to exceed 25% of the total value of the lands to be transferred out of Federal ownership.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for irrigation ditch purposes which have been granted to Theodore K. Young, his successors or assigns, by Permit No. Nev–064382, under the Act of March 3, 1891, 26 Stat. 1101, 43 U.S.C. 946–949.

2. Those rights for highway purposes which have been granted to the Nevada State Highway Department, its successors or assigns, by Permit No. CC–022622, under the Act of November 9, 1921, 42 Stat. 212.

3. Those rights granted by oil and gas leases, N–18304, N–18305, N–18308 and N–18309, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570.

Further information concerning the exchange, including the environmental assessment, is available for review at the Bureau of Land Management, Battle Mountain District Office, corner of 2nd and Scott Streets, Battle Mountain, Nevada, 89820, and the Nevada State Office, 300 Booth Street, Reno, Nevada, 89520.

For a period of 45 days from the date of first publication interested parties may submit comments to the State Director (N–943), P.O. Box 12000, Reno, NV 89520.

Charles E. Hancock,

Acting Chief, Division of Technical Services.

[FR Doc. 81–35193 Filed 12–8–81; 8:45]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permits; Receipt of Applications; San Diego Wild Animal Park, et al.

December 3, 1981.

The following applicants wish to conduct certain activities with Endangered Species.

Applicant: San Diego Wild Animal Park, Escondido, California, PRT 2–8647.

The applicant requests a permit to import 15 wild-caught black-faced impalas (*Aepyceros melampus petersi*) from Namibia for enhancement of propagation.

Applicant: San Diego Wild Animal Park, Escondido, California, PRT 2–8649.

The applicant requests a permit to import 40 wild-caught cheetahs (*Acinonyx jubatus*) from Namibia for enhancement of propagation.

Applicant: Atlanta Zoological Park, Atlanta, Georgia, PRT 2–8674.

The applicant requests a permit to export 30 captive-bred Morelet's crocodiles (*Crocodylus moreleti*) to Las Lagunas de Chacahua, Oaxaca, and the Estacion Experimental de Jiutepec, Morelia, Mexico, for enhancement of propagation. The Mexican Wildlife Service will handle the project.

Applicant: San Diego Zoological Garden, San Diego, California, PRT 2–8672.

The applicant requests a permit to import one male and one female captive-bread North China tigers [*Panthera tigris altaica* (*-amuresis*)] from the Guangzhou Zoo, People's Republic of China, for enhancement of propagation.

Applicant: Seminole Tribe of Florida, Hollywood, Florida, PRT 2–8673.

The applicant requests a permit to import 4 male and 6 female captive-bred American crocodiles (*Crocodylus acutus*) from Jamaica for enhancement of propagation

Applicant: Greater Baton Rouge Zoo, Baker, Louisiana, PRT 2–8666.

The applicant requests a permit to export in foreign commerce one captive-bred jaguar (*Panthera onca*) to the Parc Safari Africain, Quebec, Canada, for enhancement of propagation.

Applicant: Area Director, Boise Area, U.S. Fish and Wildlife Service, Boise, Idaho, PRT 2–953.

The applicant requests a permit to capture cui-ui fish (*Chamistes cujus*) for radio-telemetry purposes and to investigate natural history aspects of the species for scientific research and enhancement of survival.

Applicant: Idaho Cooperative Wildlife Research Unit, U.S. Fish and Wildlife Service, University of Idaho, Moscow, Idaho, PRT 2–239.

The applicant requests a permit to import whooping crane (*Grus americana*) eggs from Canada to place in Sanhill Crane (*Grus canadenis*) nests and to band and radio-tag young whooping cranes for scientific research and enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before January 8, 1982, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: December 4, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–35186 Filed 12–7–81; 8:45 am]

BILLING CODE 4310–55–M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Business Meeting

Notice is given that the Commission on Fiscal Accountability of the Nation's Energy Resources will hold a business meeting on January 8, 1982, in Washington, D.C. The specific location of the meeting is yet to be determined.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and royalty management problems. The Commission will examine the problems of waste and loss of revenues from energy resources on Federal and Indian tribal lands. A final report will be submitted to the Secretary evaluating the Royalty Management System,

internal controls, and actions relating to the allegations of oil theft.

Purpose of the Meeting

The purpose of this meeting will be to consider options and material to be persented in the Report. For additional information on the meeting, interested individuals should contact the Commission staff at the Commission on Fiscal Accountability of the Nation's Energy Resources, Suite 403, 1111 18th Street, NW., Washington, D.C. 20036, telephone (202) 653–9051.

Minutes of the meeting will be available for public inspection within 30 days in Suite 403, 1111 18th Street, NW., Washington, D.C. 20036.

Dated: December 2, 1981.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 81–35156 Filed 12–8–81; 8:45 am]

BILLING CODE 4310–10–M

[516 DM 6, Appendix 5]

National Environmental Policy Act Revised Implementing Instructions

AGENCY: Department of the Interior, Secretary.

ACTION: Notice of proposed revised instructions for the Bureau of Land Management.

SUMMARY: This notice proposes additions to the actions categorically excluded from the NEPA process for the Bureau of Land Management. The current categorical exclusions were published in the **Federal Register** on January 23, 1981 (46 FR 7492).

DATE: Comments due by January 25, 1982.

ADDRESS: Comments to J. Robinson West, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–3891. For Bureau of Land Management contact Alan Stein, Telephone (202) 653–8830.

SUPPLEMENTARY INFORMATION: This is a proposed revision to Section 5.4 of Appendix 5 to Chapter 6, Part 516 of the Departmental Manual (516 DM 6, App. 5.4). It adds to the categorical exclusions previously published in the **Federal Register** on January 23, 1981 [46 FR 7492]. The categorical exclusions must be taken in conjunction with the Department's NEPA procedures (especially 516 DM 2) which were published in the **Federal Register** on April 23, 1980 (45 FR 47941).

These proposed additional categorical exclusions are based on continued experience with the NEPA process. They will result in a reduction in unnecessary paperwork for actions which have not in the past and will not in the future cause significant environmental impacts. Reviewers are reminded that the Departmental exceptions listed in 516 DM 2A(3) apply to these additions.

We would also like to bring to your attention a typographical error which appeared in the **Federal Register** notice of January 23, 1981. Section 5.4B(3) should read "* * * there has not been a serious interest * * *" This error does not appear in the Departmental Manual release #2316 of January 19, 1981.

Comments on this proposal are invited. To be considered in the preparation of the final revision, comments must be received by January 25, 1981.

Dated: December 4, 1981.

Bruce Blanchard,

Director Environmental Project Review.

516 DM 6—Appendix 5

* * * * *

The following additions to Section 5.4 are proposed:

5.4A General

* * * * *

(6) Exploratory drilling for data collection and decisionmaking where no appreciable additional disturbance is required.

5.4B. Realty

* * * * *

(28) Transfer of land or interest in land to or from other Bureaus or the Department of Agriculture where any subsequent changes in the management of the lands would be subject to the NEPA process.

(29) Easement acquisition or grant of right-of-way or temporary use permit to use existing improvements, facilities, or sites for the same or similar purpose, where there will be little additional surface disturbance or when only routine maintenance will be performed.

(30) Grant of a right-of-way for a pipeline to an individual residence, well, facility, or building where installation will involve no more than minimal clearance of vegetation or soil disturbance.

(31) Grant of a right-of-way for a terminal transportation road (or utility line or drop) to an individual residence, building, well or facility.

(32) Grant of a right-of-way to authorize common use of lands covered by an existing grant, and minor modifications of existing grants where there would be only minor environmental disturbance.

(33) Grant of right-of-way for buried utility line or pipeline adjacent to an existing road.

(34) Designation of existing transportation and utility corridors under Section 503 of FLPMA.

(35) Grant of a right-of-way within a designated corridor where there would be only minor environmental disturbance.

(36) Renewals, assignments, and conversions of existing right-of-way grants.

(37) Temporary placement of pipelines above ground along an existing road.

(38) Grant of temporary use permit for storage sites involving little or no environmental disturbance.

(39) Authorization of installation of raptor electrocution prevention devices or measures to existing utility lines.

(40) Issuance of land use authorization, in Alaska, on State, native village, or regional corporation selected land if the selecting entity does not object to or is promoting the action.

5.4C Transportation

* * * * *

(4) Placement of recreational, special designation, or information signs, visitor registers, and kiosks.

(5) Minor road maintenance activities.

5.4D. Minerals

* * * * *

(12) Mineral lease adjustments and transfers, including assignments and subleases.

(13) Issuance of individual noncompetitive geothermal leases.

(14) Disposal of small amounts of mineral materials as authorized by the Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

(15) Issuance of prospecting permits on non-energy, non-competitive leases where there has not been serious interest in mineral development expressed.

(16) Processing and issuance of preference right leases for non-energy minerals.

(17) Final issuance of preference right leases for coal.

(18) Validation of mining claims.

(19) Offering and issuance of upland competitive oil and gas leases where the issuance of the lease is consistent with existing land uses or has been covered by an areawide environmental document.

5.4E. Other

* * * * *

(11) Construction and maintenance of snow fences for safety purposes or to

accumulate snow for small water facilities.

(12) Maintenance of existing water facilities.

(13) Small exclosures constructed for protective purposes, including those to protect reservoirs and springs and those to protect small study areas.

(14) Free use of small quantities of sand and gravel, vegetative products, or other materials for non-commercial purposes.

(15) Removal of non-valuable, recent structures and materials, (including abandoned automobiles, dumps, fences, and buildings) and reclamation of site.

(16) Issuance of special recreation permits to organized groups for search and rescue training, orienteering, or similar activities.

(17) Issuance of special recreation permits along rivers, trails and other specified areas where use is similar to previous permits on which environmental documents have been prepared and which would not substantially increase the level of use or continue unsatisfactory environmental conditions.

(18) Small timber sales for removal of individual trees which are dead, diseased, injured, or which constitute a safety hazard, and where removal requires no more than minor improvement (maintenance) to existing rights-of-way.

(19) Reseeding or reforestation of old timber sale or burn areas where no chemicals are used and there is no conversion of timber type or conversion of forested to non-forested land.

(20) Precommercial thinning activities using mechanical methods.

(21) Issuance of reindeer grazing permits in Alaska which are consistent with an approved land use plan.

(22) Issuance of authorization for temporary use of small site for field work camp, where surface disturbance is minimal.

(23) Removal of log jams and debris dams using hand labor or small mechanical devices.

(24) ORV designation which would not increase the level of use or continue unsatisfactory environmental conditions.

(25) Issuance of special recreation use permits for dog trials, endurance horse races, and similar events.

[FR Doc. 81-35190 Filed 12-8-81; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

Availability for Public Review of Finding of No Significant Impact for Reclamation Activities Proposed for Grigsby Coal Refuse Fire Abandoned Mine Land Reclamation Project, Perry County, Ky.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Availability for public review of finding of no significant impact (FONSI) for reclamation activities proposed for an abandoned mine land project.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement has determined that reclamation activities proposed for the Grigsby Coal Refuse Fire Abandoned Mine Land Reclamation Project, Perry Country, Kentucky, will not result in significant impacts on the quality of the human environment. Therefore, a more detailed and comprehensive analysis of the possible effects of the proposed reclamation, in the form of an environmental impact statement, will not be necessary.

ADDRESS: The FONSI, along with the Environmental Assessment (EA) from which this decision was made, will be made available for public inspection and review at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Ralph H. Cox, Assistant Regional Director, AML (Telephone: (615) 971-5287) at the location given in "ADDRESS." The Office is not soliciting comments on the FONSI or the EA. Persons wishing to submit statements may, however, forward their views to Mr. Cox at the above address.

Dated: December 4, 1981.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-35189 Filed 12-8-81; 8:45 am]

BILLING CODE 4310-05-M

Receipt of Amendment To Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations; Texas

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of receipt of amendment to petition for designation of lands as unsuitable for surface coal mining operations and request for comments.

SUMMARY: On October 16, 1981, John R. Prager of Route 1, Elgin, Texas, submitted to the Office of Surface Mining (OSM) a request to amend by approximately 7,100 acres of Federal lands the 2,375 acres of Federal lands located in Camp Swift, Bastrop County, Texas, that on August 7, 1981, were petitioned to be designated unsuitable for surface mining of coal. The petition was submitted pursuant to section 522 of the Surface Mining Control and Reclamation Act of 1977 (The Act) 30 U.S.C. 1272). On September 10, 1981, OSM determined the petition to be complete. Public notices concerning receipt of the complete petition were published in various newspapers and on page 49963 of the **Federal Register**, Volume 46, No. 195, dated October 8, 1981. The amendment request was accepted by OSM on November 16, 1981. Information on which the base analyses of the issues raised by the amendment is being sought from all interested parties.

DATE: Comments should be received by March 1, 1982.

ADDRESSES: Comments and requests for copies of the amendment should be sent to: Richard E. Dawes, Deputy Administrator, Western Technical Service Center, Office of Surface Mining, either at 818 Grand Ave., Scarritt Bldg., Kansas City, MO 64106, or at 1020—15th St., Denver, CO 80202.

A public record has been established for public inspection during normal business hours at the following locations;

Bastrop County Public Library, 1008 Water Street, Bastrop, Texas 78602

U.S. Department of the Interior, Office of Surface Mining, 818 Grand Ave., Scarritt Bldg., Kansas City, Missouri 64106

U.S. Department of the Interior, Office of Surface Mining, Room 135, South Interior, 1951 Constitution Ave., N.W., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Richard E. Dawes or Dennis Haag, Western Technical Service Center, Office of Surface Mining, either at Kansas City or Denver as listed under "ADDRESSES."

SUPPLEMENTARY INFORMATION: The petitioner cites in the amendment the original allegations, which are summarized in the **Federal Register** notice of October 8, 1981, and the following:

1. The area contains over 1,000 acres of lands classified as "prime farmland."

2. The area contains at least five cemeteries.

The location and description of the original petition are are given in the **Federal Register** notice of October 8, 1981.

The amendment area is also located in Bastrop County, is adjacent to and west of the petitioned area, and is described as approximately the remaining portion of the Camp Swift KRCRA (Known Recoverable Coal Resource Area) consisting of, more or less, 7,100 acres. The amended public lands are described as Corps of Engineers Tract Numbers A–21, A–22, A–31, A–37, D–131, D–133, D–137, D–138, D–139, D140, D–141, D–142, D–145, D–146, D–146A, D–147, D–151, D–152, D–153, D–165, D–166, D–171, G–104, G–193, G–308, G–309, G–314, G–315, G–316, G–316, G–318, G–319, G–320, G–321, G–322, G–323, G–324, G–325, G–326, G–327, G–328, G–329, G–330, G–331, G–332, G–350, OT–100.

The allegations of the amendment pertain to environmental resource parameters either already scheduled for evaluation in conjunction with the petition or scheduled for evaluation in conjunction with other Federal government investigations. Therefore, the allegations pertaining to the amended acres of Federal lands are to be evaluated within the time frame for processing the originally petitioner Federal lands.

After reviewing and analyzing available information, OSM will issue a draft evaluation document which will be available for public review. This will be followed by a public hearing held near the area covered by the petition. Notice of the time and place of the hearing will be announced at a later date.

After completion of the analyses and public hearing, the Department of the Interior may designate the area or a portion thereof as unsuitable for all or certain types of surface coal mining operations. The agency may also decline to designate all or any part of the area as unsuitable. A decision will be made by August 7, 1982.

Dated: December 4, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81–35187 Filed 12–8–81; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–31814 appearing at page 54654 in the issue for Tuesday, November 3, 1981, make the following correction.

On page 54657, in the second column, in the third paragraph, MC 150756 (Sub–4), application of Guthmiller Trucking, Inc., in the last line, "MN, LA, MO" should have read "MN, IA, MO."

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Correction

In FR Doc. 81–31929, published at page 54811, on Wednesday, November 4, 1981, on page 54816, in the third column, in paragraph "MC 5819," in the eleventh line, "Rockingham County, NJ" should be corrected to read "Rockingham County, NH."

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–33972, at page 57766, in the issue of Wednesday, November 25, 1981, on page 57767, first column under **Volume No. OPY–2–226**, make the following corrections:

(1) Paragraph 3, line 1, correct "Mc 615592 (Sub-504)" to read "MC 61592 (Sub-504)".

(2) Paragraph 5, line 1, correct "MC 109433 (Sub-36) to read "MC 109443 (Sub-36)".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—all applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–232

Decided: December 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 6252 (Sub-5), filed November 6, 1981. Applicant: TEAL'S EXPRESS, INC., 36 Laura St., Lyons Falls, NY 13368. Representative: Roy D. Pinsky, Suite 1020, State Tower Bldg., Syracuse, NY 13202; 315–422–2384. Transporting *general commodities* (except classes A and B explosives), between points in Albany, Cayuga, Chemung, Columbia, Cortland, Fulton, Green, Herkimer,

Jefferson, Lewis, Madison, Monroe, Montgomery, Oneida, Onondaga, Oswego, Rensselaer, Saratoga, Schenectady, Schoharie, Seneca, St. Lawrence, Tompkins and Wayne Counties, NY. Condition: Issuance of a certificate here is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC-6252 Sub-No. 6, issued September 8, 1981.

MC 16513 (Sub-30), filed November 12, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312; (703) 750–1112. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ball Corporation, of Muncie, IN, and its subsidiary companies.

MC 16513 (Sub-31), filed November 20, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Jeffrey A. Vogelman, P.O. Box 11278, Alexandria, VA 22312; 703–750–1112. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Westvaco Corporation, of New York, NY.

MC 42092 (Sub-12), filed September 23, 1981. (Correction), previously published in the **Federal Register** issue of October 16, 1981, and republished this issue. Applicant: ACME INTER-CITY FREIGHT LINES, INC., 3414 2nd Ave. S., Seattle, WA 98134. Representative: Boyd Hartman, P.O. B 3641, Bellevue, WA 98009 (206) 453–0312. Transporting *general commodities* (except classes A and B explosives), between points in WA and OR.

Note.—This republication corrects the territory description.

MC 89693 (Sub-48), filed November 17, 1981. Applicant: HARMS PACIFIC TRANSPORT, INC., 7322 Division St., Spokane, WA 99208. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009; 206–453–0312. Transporting *commodities in bulk,* between points in Salt Lake County, UT, on the one hand, and, on the other, points in WA, OR and ID and between points in Benton County, WA, on the one hand, and, on the other, points in UT.

MC 99493 (Sub-14), filed November 9, 1981. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, P.O. Box 2821, Harrisburg, PA 17105–2879. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101–1295 (717) 236–9318. Transporting *general commodities* (except classes A and B explosives), between points in Warren, Hunterdon and Mercer Counties, NJ, on the one hand, and, on the other, points in MD, DE, DC, and those points in PA in and east of U.S. Hwy 219.

MC 107012 (Sub-754), filed November 16, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant) (219) 429–2224. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of fans and lighting fixtures, between points in Providence County, RI, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-755), filed November 18, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant) 219–429–2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Semiconductor Corporation, of Sunnyvale, CA.

MC 111302 (Sub-180), filed November 18, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant) (615) 584–8631. Transporting *commodities in bulk,* (1) between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, and (2) between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 119293 (Sub-7), filed November 16, 1981. Applicant: DIAL TRANSFER, INCORPORATED, 756 North 4th St., Minneapolis, MN 55401. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *furniture,* between Minneapolis, MN, on the one hand, and, on the other, points in IL, IN, IA, MI, MT, NE, WI, and WY.

MC 128213 (Sub-5), filed November 17, 1981. Applicant: FRANK MALATESTA, d.b.a. FRANK MALATESTA MOVING & STORAGE, 61 Iowa Ave., Paterson, NJ 07503. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20789 (301) 840–8565. Transporting *household goods,* between New York, NY, on the one hand, and, on the other, points in FL.

MC 128932 (Sub–17), filed November 16, 1981. Applicant: COMMERCIAL STORAGE & DISTRIBUTION COMPANY, 432 Richmond Rd., Texarkana, TX 75501. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006 (202) 833–8884. Transporting *household goods,* (1) between points in KS, MO, NC, OH, SC, and TN, and (2) between points in KS, MO, NC, OH, SC, and TN, on the one hand, and, on the other, points in AL, AR, GA, LA, MS, OK, and TX.

MC 134283 (Sub–3), filed November 19, 1981. Applicant: VEDDER TRANSPORT (1974) LTD., 34416 C Marshall Rd., Abbotsford, BC., Canada V2S 5A5. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, 604–853–3341. Transporting *prefabricated homes and building materials,* between points in the U.S., under continuing contract(s) with National Homes Limited of Abbotsford, B.C., Canada.

MC 138312, (Sub–4), filed November 10, 1981. Applicant: T & R MOTORS, INC., R.R. 2, Box 230, Nowata, OK 74048. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, 913–233–9629. Transporting *chemicals and related products,* between points in KS, OK, AR, TX, and NM.

MC 142672 (Sub–186), filed November 18, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521–8121. Transporting *alcholic beverages,* between New Orleans, LA, and Galveston and Houston, TX, on the one hand, and, on the other, points in the U.S.

MC 145702 (Sub–8), filed November 18,1981. Applicant: TRANSURFACE CARRIERS, INC., P.O. Box 271, Northboro, MA 01532. Representative: Alice M. Vogler, 31 Milk St., Boston, MA 02109; 617–956–1700. Transporting *general commodities,* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Dow Chemical Company of Gales Ferry, CT.

MC 151193 (Sub-19), filed November 12, 1981. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant) 201–499–3869. Transporting *cleaning compounds, detergents, and solvents,* between points in the U.S., under continuing contract(s) with Economics Laboratories, Inc., of Avenel, NJ.

MC 156842, filed November 10, 1981. Applicant: LASER MOBILE HOME

TRANSPORT, INC. d.b.a. HAMMONS MOBILE HOME TRANSPORT, 1618 Forrest Drive, Plainfield, IN 46168. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204 3491 (317) 638–1301. Transporting *mobile, modular and double-wide homes,* between points in IN, on the one hand, and, on the other, points in IL, IN, OH, MI, KY, TN, AR, MO, TX, LA, AL, MS, GA, NC, SC, VA, WV, OK and FL.

MC 158002 (Sub-3), filed November 16, 1981. Applicant: SAHARA EXPRESS, a Division of Sahara Packing Company, 741½ Parkridge, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786; 714–981–9981. Transporting *paper and paper products,* between points in Los Angeles County, CA, on the one hand, and, on the other points in the U.S.

MC 158162, filed November 16, 1981. Applicant: CON PAC, INC., P.O. Box 1148, West Monroe, LA 71291. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205 (601) 948–8820. Transporting *food and related products,* between points in Jefferson County, CO., on the one hand, and, on the other, points in LA.

MC 158733, filed November 16, 1981. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., SW., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of beer, between points in Shelby County, TN and Forsyth County, NC, on the one hand, and, on the other, points in Marshall County, IA.

MC 159323, filed November 17, 1981. Applicant: CITIZENS BUS LINE, INC., Route 4, Box 245A, Greenwood, SC 29646. Representative: James W. Youngblood, Route 2, Box 352, Greenwood, SC 29646, 803–229–3532. Transporting *passengers and their baggage* in the same vehicle as passengers in charter and special operations, between points in SC, on the one hand, and, on the other, points in the U.S.

MC 159373, filed November 19, 1981. Applicant: RONALD R. REAGER, d.b.a. R & B LEASING CO., 4228 Kendall, Warren, MI 48091. Representative: Lawrence S. Cohen, 3000 Town Center, Suite 1450, Southfield, MI 48075, (313) 358–3930. Transporting *metal products,* between points in the U.S.

Volume No. OPY–4–464

Decided: December 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157967, filed August 27, 1981, previously noticed in the **Federal Register** issue of September 15, 1981, and republished this issue. Applicant: CHARLES ROSENBLATT, d.b.a. ORWELL-CLEVELAND COACH LINE, 4220 E. 146th St., Cleveland, OH 44128. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Ashtabula, Cuyahoga, Geauga, and Lake Counties, OH, and extending to points in AL, CT, FL, GA, IL, IN, KY, MD, MI, MO, MS, NJ, NY, NC, PA, SC, TN, VA, WI, WV, and DC.

Note.—The purpose of this republication is to include charter operations.

MC 159227, filed November 9, 1981. Applicant: BESTWAY ENTERPRISES, INC., d.b.a. MARANATHA TRUCKING DIV., Luker Rd., RD 3, Cortland, NY 13045. Representative: Clarence W. Ochs (same address as applicant), (607) 756–7871. Transporting *lumber and wood products,* between points in NY, on the one hand, and, on the other, points in FL, GA, NC, NJ, PA, SC, VA, and WV.

Volume No. OPY–4–465

Decided: December 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 60066 (Sub-34), filed November 20, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *such commodities* as are dealt in or used by manufacturers of batteries, flashlights, and electrical equipment, between points in TN, IA, KS, and MO.

MC 111936 (Sub-30), filed November 20, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628–9243. Transporting *rubber and plastic products,* between points in Greenup County, KY, on the one hand, and, on the other, points in NC, SC, and VA.

MC 159346 (Sub-1), filed November 24, 1981. Applicant: DON LINMAN, d.b.a. LINMAN TRUCKING, Rt. #1, Monmouth, IL 61462. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *fertilizers, herbicides and chemicals,* between points in IA, on the one hand, and, on the other, points in Warren, Henderson, Knox, Gallatin, Mercer and Rock Island Counties, IL.

MC 159428, filed November 24, 1981. Applicant: DON TENBERGE, d.b.a. TENBERGE REFRIGERATED EXPRESS, 9528 Compton Blvd., Bellflower, CA. 90706. Representative: Don Tenberge (same address as applicant) (213) 867–4184. Transporting *bakery products,* between points in Los Angeles County, CA on the one hand, and, on the other, points in Multonmah County, OR, and King County, WA.

MC 159396, filed November 20, 1981. Applicant: G. A. TRUCKING CO., P.O. Box 314, Stephens, AR 71764. Representative: T. A. Womack, P.O. Box 777, Camden, AR 71701. Transporting *roofing and roofing materials,* between points in Ouachita County, AR, and points in LA, MO, MS, TN, AL, OK, and TX.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–35168 Filed 12–8–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 205]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory

requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 30487 (Sub-9)X, filed November 16, 1981. Applicant: KWICK-WAY TRANSPORTATION COMPANY, P.O. Box 3611 CRS, Johnson City, TN 37601. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Sub 8: (1) Broaden from telecommunications equipment materials, parts and supplies to "machinery, instruments and photographic goods", part 3; (2) Remove (a) "commodities requiring special equipment" restriction, parts 2 and 3, and (b) "originating at or destined to" restriction, part 3(a); and (3) Broaden to radial authority, part 2.

MC 45656 (Sub-28)X, filed November 13, 1981. Applicant: ANDERSON TRUCK LINE, INC., P.O. Box 1196, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave., and 13th St., NW., Washington, D.C. 20004. MC–45656 and Sub-No. 16 (1) broaden from the lead: (A) lumber, lumber products, veneers, plywood, hardware, glue, finishing materials, sandpaper, cardboard, paper, and all commodities used in the manufacture of furniture to lumber or wood products, pulp, paper, and related products, chemicals and related products, clay, concrete, glass or stone products and metal products"; (B) heaters and stoves to "metal products and machinery"; (C) rugs to "textile mill products and rubber or plastic products"; (D) woodwool to "pulp, paper or allied products"; and (E) asphalt to "chemicals and related products and petroleum or coal products"; (2) in the lead, broaden from (A) Lenoir, NC, and points in NC within 50 miles of Lenoir to Caldwell, Alexander, Iredell, Catawba, Lincoln, Cleveland, Rutherford, Burke, McDowell, Yancey, Mitchell, Avery, Watauga, Wilkes, Ashe, Yadkin, Alleghany, Polk, Henderson, Buncombe, Surry, Davie, Rowan and Mecklenburg Counties, NC; (B) Atlanta and Rome, GA, and points within 40 miles of Lenoir, NC, including Lenoir to Atlanta, GA, and Floyd County, GA, and Caldwell, Alexander, Iredell, Catawba, Lincoln, Cleveland, Rutherford, Burke, McDowell, Yancey, Mitchell, Avery, Watauga, Wilkes, Ashe, Yadkin and Alleghany Counties, NC; (C) points within 40 miles of Lenoir, NC, including Lenoir, to Caldwell, Alexander, Iredell, Catawba, Lincoln, Cleveland, Rutherford, Burke, McDowell, Yancey, Mitchell, Avery, Watauga, Wilkes, Ashe, Yadkin and Alleghany Counties, NC; (D) Hallsboro, VA, Lenoir and Hickory, NC, to Chesterfield County, VA, and Caldwell and Catawba Counties, NC; and (E) Charleston, SC, and Lenoir, NC, to Charleston County, SC, and Caldwell County, NC; (3) change one-way authority to radial. In Sub 16, broaden (1) from roofing and roofing materials to "building materials"; (2) Charleston, SC, and Lenoir, NC, to Charleston County, SC, and Caldwell County, NC; and (3) change one-way authority to radial.

MC 52419 (Sub-1)X, filed August 3, 1981, previously noticed in the **Federal Register** of August 25, 1981, republished as follows: Applicant: JONES TRUCKING CO., INC., 3020 Bayview Drive, Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Lead permit No. MC–84273, to broaden the commodity description from for example cheese, cheese boxes, salad dressing, cheese spread, sandwich spread, cheese factory machinery and parts, salt and tin foil, bottle caps and covers, bottles wire, paper and articles used in the manufacture of cheese factory products to "food and related products, machinery, metal products, clay, concrete, glass or stone products, and pulp, paper and related products." This Board previously broadened this permit and other sub-nos. but failed to include the complete commodity description-above.

MC 56383 (Sub-13)X, filed November 24, 1981. Applicant: KESSELL TRANSFER & STORAGE CO., INC., 2105 Wall Ave., Ogden, UT 84409. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902. Lead and Subs 7, 10, 11 and 12G certificates: Broaden to (A) countywide authority: (1) lead, (a) (Des Moines) Polk, Dallas and Warren Counties, IA; (b) (Des Moines and points within 30 miles of Des Moines) Polk, Dallas, Madison, Clarke, Lucas, Warren, Marion, Jasper, Marshall, Story and Boone Counties, IA; (c)(Des Moines and points within 50 miles of Des Moines) Polk, Dallas, Guthrie, Adair, Madison, Union, Clarke, Decatur, Wayne, Warren, Lucas, Monroe, Marion, Mahaska, Jasper, Poweshiek, Tama, Marshall, Hardin, Story, Hamilton, Boone, Webster and Greene Counties, IA; (d) (Des Moines and points within 80 miles of Des Moines) Polk, Dallas, Guthrie, Audubon, Shelby, Madison, Adair, Cass, Pottawattamie, Montgomery, Adams, Union, Clarke, Warren, Lucas, Wayne, Decatur, Ringgold, Taylor, Marion, Monroe, Appanoose, Davis, Wapello, Mahaska, Keokuk, Jasper, Poweshiek, Iowa, Marshall, Tama, Benton, Black Hawk, Grundy, Butler, Story, Hardin, Franklin, Wright, Hamilton, Boone, Webster, Humboldt, Greene, Calhoun, Pocahontas, Carroll, Crawford, and Sac Counties, IA, and Harrison, Mercer, Putnam and Worth Counties, MO; (2) Sub 7, (Helena and points within 50 miles of Helena) Lewis and Clark, Meagher, Cascade, Powell, Granite, Deer Lodge, Silver Bow, Jefferson, Madison, Broadwater and Gallatin Counties, MT; and, (3) Sub 11, (Eureka and points within 45 miles of Eureka) Greenwood, Lyon, Osage, Coffey, Allen, Anderson, Wilson, Woodson, Neosho, Elk, Chatauqua, Chase, Montgomery, Cowley, Butler, Sedgwick, Harvey, Marion, and Morris Counties, KS; and (b) radial authority, Sub 12G.

MC 67408 (Sub-6)X, filed August 9, 1981, previously noticed in the **Federal Register** of August 24, 1981, republished as follows: Applicant: STOKDYK TRUCK LINES, INC., P.O. Box 82, Port Washington, WI 53074. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions from its lead and Sub-No. 1 certificates. This Board previously broadened the commodity description and authorized service to all intermediate points. Applicant also requested county-wide territories in place of off-route points, but this segment was denied. Applicant appealed and the Commission, following the decision in No. MC–2202 (Sub-No. 656)X *Roadway Express, Administrative Appeal,* (not printed), served May 8, 1981, instructed the Board to republish. Notice is hereby given that applicant seeks to expand off-route points of Cedar Grove, Gibbsville, and Belgium, WI to "Sheboygan, Milwaukee, and Ozaukee Counties, WI."

MC 71772 (Sub-7)X, filed November 24, 1981. Applicant: MT. PLEASANT TRANSFER, INC., P.O. Box 267, Mt. Pleasant, TN 38474. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Lead and Subs 2 and 4: (1) broaden general commodities (with exceptions) to "general commodities (except classes A and B explosives)," lead and Sub 4; (2) allow service at all intermediate points, lead and Sub 4; (3) remove except chemicals in bulk and fertilizer and fertilizer ingredients restriction, Sub 2; (4) change one-way to radial authority, Sub 2; and (5) replace cities with county-wide authority: Mt. Pleasant (Maury County, TN) and Memphis (Shelby County and Memphis, TN), Sub 2.

MC 98748 (Sub-6)X, filed November 6, 1981. Applicant: DUNMYRE MOTOR EXPRESS, INC., Box 289, Chicora, PA 16025. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Subs-1 and 5F, broaden (1) to "general commodities (except classes A and B explosives)" from general commodities (exceptions), both Subs; to "petroleum products" from petroleum products,. . ., in containers, and to "chemicals and related products" from aluminum chloride, etc., Sub-1; (2) authorize services to all intermediate points, and expand off-routes of St. Petersburg, Wentling's Corners, East Brady, Kaylor, and Brady's Bend, to Clarion, Butler, and Armstrong Counties, PA, Sub-1 regular route; (3) to radial, Sub-1; (4) expand: Karns City and Petrolia to Butler County, PA, and Elkton to Cecil County, MD, Sub-1; and Chicora, East Brady, Eau Clair, Karns City, and Petrolia to Butler, Clarion, and Armstrong Counties, PA, Sub-5F; and (4) remove restrictions: against transporting non-inflammable petroleum products in containers from Karns City to points in NJ and PA; and to shipments for export only.

MC 108884 (Sub-16)X, filed November 25, 1981. Applicant: ROGERS TRANSFER, INC., Rt. 46, Great Meadows, NJ 07838. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Lead and Subs 3, 13, and 15 (1) broaden various fresh and frozen food items to "food and related products" in all authorities; (2) delete commodity limitations in all authorities; (3) authorize radial service in all authorities; (4) broaden cities to counties: in the lead, Easton, PA to Northampton County, Allentown, PA to Lehigh County, Bethlehem, PA to Northampton County, Reading, PA to Berks County, Lebanon, PA to Lebanon County, Harrisburg, PA to Dauphin County, York, PA to York County, Lancaster, PA to Lancaster County, Worcester, MA to Worcester County, Mt. Kisco, NY to Westchester County, Gloucester, MA to Essex County, Great Meadows, NJ to Warren County, Sub 13 Gloucester, MA to Essex County, (5) remove restriction against transportation of frozen imported meats having a prior movement by water in lead in Sub 3, (6) remove mixed loads restriction in lead and Sub 13, (7) remove in refrigerated vehicles restriction in lead and Subs 3 and 15.

MC 113678 (Sub-916)X, filed November 17, 1981. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same and applicant). Subs 669M–1F, 750F, 892F, 905X, and 911X: (1) broaden general commodities (with exceptions) to "general commodities (except classes A and B explosives)", Subs 705F and 905X; (2) change one-way to radial authority (irregular route), Subs 892F and 911X (parts 36, 46, 53, 54, and 65), and one-way to two-way authority (regular route), Sub 750F; (3) allow service at all intermediate points, Sub 750F; (4) remove except in bulk restriction, Sub 669 M–1F; (5) replace Denver, CO with Adams, Arahoe, Denver, Douglas, Jefferson, and Boulder Counties, CO. Sub 699M–1F and Irving, TX with Dallas, TX, Sub 911X (part 53); and (6) change cities to counties: Menasha, Neenah, and Oskosh, WI (Winnebago County), Appleton, Combined Locks, Kimberly, and Kaukauna, WI (Outagami County), Portage and Columbus, WI (Columbia County), Peshitigo, WI (Marinette County), Rhinelander, WI (Oneida County), Green Bay, WI (Brown County), Eau Claire, WI (Eau Claire County), Ladysmith, WI (Rusk County), Menomonee Falls, WI (Waukesha County), Park Falls, WI (Price County), Tomahawk and Merrill, WI (Lincoln County), Brokaw and Rothschild, WI (Marathon County), Biron and Wisconsin Rapid, WI (Wood County), and Stevens Point, WI (Portage County), Sub 911X (part 36).

MC 118130 (Sub-124)X, filed November 17, 1981. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl St., Forth Worth, TX 76103. Sub 121F: Remove all exceptions in the general commodities description, except classes A and B explosives.

MC 119579 (Sub-2)X, filed November 17, 1981. Applicant: J J TAYLOR, INC., P.O. Box 417, Marshall, VA. Representative: Richard D. Balcom (same as applicant). Lead and Sub 2 broaden to (1) "building materials" from cinder blocks; from brick, chimney blocks, chimney tile and building tile, lead; (b) "clay, concrete, glass or stone products" from cinders, lead and (c) "building materials" from brick, Sub 2, (2) lead, Woodbridge, VA to Prince Williams County, and points in MD and VA within 75 miles of Washington, DC, including Washington, DC to Washington, DC, Alexandria, Falls Church, and Fredericksburg, VA and Arlington, Caroline, Clarke, Culpeper, Essex, Fairfax, Fauquier, Frederick, Hanover, King George, King and Queen, King William, Loudoun, Louisa, Madison, Northumberland, Orange, Page, Prince William, Rappahannock, Richmond, Shenandoah, Spotsylvania, Stafford, Warren and Westmoreland Counties, VA and Washington, Frederick, Carroll, Howard, Montgomery, Baltimore, Harford, Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Wicomico, Anne Arundel, Prine Georges, Calvert, Charles and St. Mary's Counties, MD and (3) one way to radial, in both.

MC 121060 (Sub-139)X, filed November 30, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: W. Ronald Waldrop, P.O. Box 20806, Birmingham, AL 35216. Sub Nos. 129, 130, 131, 132 and 133, broaden to: Hamilton County, OH, for Cheviot and Miamitown in Sub 129; Avoyelles and Points Coupee Parishes, LA, for Big Bend, Boardelonville, Bunkie, Cottonport, Dupont, Evergreen, Hamburg, Legonier, Lettsworth, Longbridge, Mansura, Marksville, Moreauville, Plaucheville, Simmesport and Torres in Sub 130; Shelby County, AL, for Calera, Columbiana, Shelby, Shelby Springs, and South Calera in Sub 131; Humphreys, Leflore, Marion, Pike, Quitman, Sunflower, Tallahatchie and Walthall Counties, MS, for Minter City, Ryall Chapel, Somerville, Barto, Beartown, Conerly, Davo, Dillon, Fernwood, Holmesville, Knoxo, Kokomo, Lehr, Lexie, McComb, Mesa, Rushing, Tylertown, Baird, Bellwood, Belzoni, Blaine, Caile, Castleman, Cottondale, Indianola, Inverness, Isola, Jaquith, Markham, Milroy, Minot, Parchman, Pentecost, Rome, Ruleville, Sunflower, Tutwiler, Vance and Whitney in Sub 132; and Mississippi County, MO, for Anniston, East Prairie, Samos, Whiting, Wilson City, and Wyatt in Sub 133.

MC 125896 (Sub-2)X, filed November 24, 1981. Applicant: O'BRIEN TRUCKING CO., INC., 221 Oakridge Terrace, Liverpool, NY 13088. Representatives: Herbert M. Canter and Benjamin D. Levine, 305 Montgomery Street, Syracuse, NY 13202. Lead certificate: (1) remove all exceptions from its general commodities authority, except Classes A and B explosives; (2) remove the ex-air restriction; and (3) broaden airports to county-wide authority: Clarence E. Hancock Airport (Onondaga County, NY); John F. Kennedy International Airport (Nassau and Queens Counties, NY); LaGuardia Airport (Queens County, NY); The Greater Buffalo International Airport (Erie County, NY) Rochester-Monroe County Airport (Monroe County, NY); Oneida County Airport (Oneida County, NY); Broome County Airport (Broome County, NY); Chemung County Airport

(Chemung County, NY); Albany County Airport (Albany County, NY); Watertown Airport (Jefferson County, NY); Massena Airport (St. Lawrence County, NY); Tompkins County Airport (Tompkins County, NY); and Newark Municipal Airport (Essex County, NJ).

MC 128916 (Sub-4)X, filed October 14, 1981 previously published in the **Federal Register** of November 3, 1981, republished as follows: Applicant: PASSPORT TRANSPORT, LTD., 9479 Aero Space Dr., St. Louis, MO 63134. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Lead certificate: Broaden antique cars and classic cars, in secondary movements, in truckaway service, and horse drawn vehicles, in truckaway service, to motor vehicles and horse drawn vehicles. The purpose of this republication is to correct the commodity description.

MC 133189 (Sub-43)X, filed November 13, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, P.O. Box 32231, Fridley, MN 55432. Representaitve: William D. Brejcha, 10 S. LaSalle St. #1600, Chicago, IL 60603. Subs 12F and 26F: (1) broaden commodity descriptions in Subs 12F (1) and 25 (1) from roofing and insulating materials to "building materials;" and in Sub 26F(2) sound deadening materials, felt, and paper to "sound deadening materials and pulp, paper, and related products"; (2) broaden territorial description: Joliet to Will County, IL; and Mount Vernon to Posey County, IN; (3) eliminate facilities limitation in Subs 12F and 26F; (4) expand one-way to radial authority; and (5) remove the except commodities in bulk restrictions in Sub 12F.

MC 138891 (Sub-9)X, filed November 24, 1981. Applicant: FRANK TRANSFER & STORAGE, INC., 324 E. 8th Street, Sioux Falls, SD 57102. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103. Subs 6MIF and 7F: (1) broaden commodity description: in Sub 6MIF from malt beverages and in Sub-7F from meats, meat products, dairy products, meat byproducts, and articles distributed by meat packing houses (except hides and skins and commodities in bulk) to "food and related products", (2) broaden territorial description in Sub-7F: Beadle County, SD (Huron, SD) and Minnehaha County, SD (facilities at or near Sioux Falls, SD); (3) change one-way to radial authority; and (4) remove restrictions limiting service to transportation of shipments originating at named origins in Sub-7F.

MC 141343 (Sub-5)X, filed November 24, 1981. Applicant: WILLIAM H. COOKE, d.b.a. WILLIAM COOKE TRUCKING, 5512 Thomas Ave. South, Minneapolis, MN 55410. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Lead and Sub 2 permits: Broaden to (1) "food and related products" from meat, meat products, and meat by-products, both subs; and (2) "between points in the U.S.," under continuing contract(s) with Schweiger & Meat of Illini, Inc.

MC 144003 (Sub-5)X, filed November 24, 1981. Applicant: TIEDT TRUCKING, CO., Lemont and Bluff Rds., Lemont, IL 60439. Representative: Leonard R. Kofkin, 29 South La Salle St., Chicago, IL 60603. Lead permit: Broaden to (1) "clay, concrete, glass, or stone products" from pre-cast concrete products, and (2) "between points in the U.S.," under continuing contract(s) with named shippers.

MC 144809 (Sub-4)X, filed November 13, 1981. Applicant: POSEY TRUCK LINES, INC., Route 2, Fayetteville, TN 37334. Representative: Neal A. Jackson, 1156—15th Street, N.W., Washington, DC 20005. Sub No. 3 permit: Broaden to between points in U.S. under continuing contract(s) with named shipper.

MC 147521 (Sub-10)X, filed November 24, 1981. Applicant: J.S.I., 918 E. Vermont Ave., Anaheim, CA 92806. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Sub-8X certificate; broaden part (1) to radial authority.

[FR Doc. 81-35170 Filed 12-8-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Notice No–F–171

The following applications were filed in region 2. Send Protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 35706 (Sub-II–1TA), filed November 24, 1981. Applicant: ATSL, INC., 10 E. Oregon Ave., Phila., PA 19148. Representative: H. Kirk House, 135 N. 4th St., Phila., PA 19106. *General Commodities except classes A and B explosives* between points in the states of PA, NJ, NY, MD, MA, and DC on the one hand, and, on the other, points in the states of PA, NJ, DE, MD, VA, WV, OH, NY, CT, MA, RI, ME, DC, NC, SC, KY, AR, GA, FL, TX, IN, IL, NE, MI, TN, AL, MS, WI, MO, IA, CO, AZ, CA, LA, NV, MN, NH, VT, OK and KS for 270 days. An underlying ETA seeks 120 days authority. There are 28 supporting shippers. Their supporting statements may be examined at the Regional ICC Office, Room 620, 101 N. 7th St., Phila., PA 19106.

MC 127100 (Sub-II–5TA), filed November 24, 1981. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams Street, Toledo, Ohio 43624. Contract irregular: *Malt (beer and ale) beverages* in containers from Latrobe, and Pittsburgh, PA to Toledo, Sandusky, Defiance and Lima, OH, under a continuing contract with Metropolitan Distributing Company, The Defiance Beverage Company, Shawnee Distributors, Inc. and The Thornburgh Sales Company for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Metropolitan Distributing Company, 911 Summit Street, Toledo, Ohio 43604; The Defiance Beverage Company, 911 Summit Street, Toledo, Ohio 43604; Shawnee Distributors, Inc., 911 Summit Street, Toledo, Ohio 43604; The

Thornburgh Sales Company, 911 Summit Street, Toledo, Ohio 43604.

MC 159480 (Sub-II–1TA), filed November 30, 1981. Applicant: JOSEPH C. BRAY, d.b.a. BRAY ENTERPRISES, 4908 Detroiter Dr., Virginia Beach, VA 23462. Representative: Joseph C. Bray (same as applicant). *Contract; irregular: textile mill products and materials, equipment and supplies used in the manufacture, sale and distribution of textile mill products,* between Jacksboro, TN and Las Cruces, NM on the one hand, and, on the other, pts. in AL, AR, AZ, CA, CT, FL, GA, IL, IN, MA, MI, MS, MO, NJ, NM, NY, NC, OR, PA, SC, TN, TX, UT, and VA, under continuing contracts with Furtex Corp., Jacksboro, TN and Furtex West, Inc., Jacksboro, TN, for 270 days. Supporting shipper(s): Furtex Corp., P.O. Box 400, Jacksboro, TN 37757; Furtex West, Inc., P.O. Box 400, Jacksboro, TN 37757. Manufacturing facilities at: Entrada Del Sol Industrial Park, P.O. Box 15117, Las Cruces, NM 88001.

MC 157621 (Sub-II–3TA), filed November 24, 1981. Applicant: D & M EXPRESS, INC., 1655 E. Market St., Akron, OH 44305. Representative: John A. Wilson (same address as applicant). *Sand, in dump vehicles,* from Muskegon, MI to Defiance, OH and its commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Central Foundry, Div. of General Motors Corp., 77 Center, Saginaw, MI 48605.

MC 147463 (Sub-II–2TA), filed November 30, 1981. Applicant: R. M. GUINTHER, INC., R.D. #1, Box 539, Boyertown, PA 19512. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Specialty Chemicals and Metals,* between the facilities of KBI, a Division of Cabot Corporation, in Colebrookdale Township, Berks County, and Douglas Township, Montgomery County, PA, on the one hand, and, on the other, points in KY and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): KBI, a Division of Cabot Corporation, County Line Road, Boyertown, PA 19512.

MC 147681 (Sub-II–16TA), filed November 24, 1981. Applicant: HOYA EXPRESS, INC., Rt. 18, West Middlesex, PA 16159. Representative: Michael P. Pitterich, P.O. Box 543, West Middlesex, PA 16159. *Glass Containers* between points in PA and Dayville, CT, on the one hand, and, on the other, points in AL, TN, GA, SC, NC, KY, VA, WV, MD, DE, IN, OH, IL, PA, NY, MA, ME, VT, NH, CT, RI, WI, MS, MI, NJ, and District of Columbia for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Glass Containers Corp., 114 Penn Ave., Knox, PA 16159.

MC 148372 (Sub-II–2TA), filed November 24, 1981. Applicant: COLONEL C. HEETER, d.b.a. MAIL DELIVERY, P.O. Box 651, Pittsburgh, PA 15230. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *General commodities* (except Classes A and B explosives, household goods in use and commodities in bulk), no single shipment to exceed 150 pounds, between points in PA on and west of U.S. Highway 15, on the one hand, and, on the other, points in OH, WV, VA, MD and NY, for 270 days. Supporting shipper(s): There are 11 supporting shippers. Their statements may be examined at the Phila. ICC Office.

MC 107012 (Sub-II–205TA), filed November 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, (same as applicant). *Carpet* from Aberdeen, NC, to points in VA, UT, and CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: J. P. Stevens Co., Inc., P.O. Box 20087, Greensboro, NC 27420.

MC 107012 (Sub-II–206TA), filed November 25, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Animal feed* from Hamilton, MI to Springfield, TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: High Life Corporation, Lincoln Road, Hamilton, MI 49419.

MC 155377 (Sub-II–2TA), filed November 24, 1981. Applicant: PGT TRUCKING, INC., P.O. Box 197, Industry, PA 15052. Representative: Jon F. Hollengreen, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Wash., DC 20004. *Lumber and wood products,* between pts. in AL, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Santaim Midwest, 48707 Van Dyke, Utica, MI 48087.

MC 152640 (Sub-II–10TA), filed November 30, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Contract; irregular: Chemicals or related products* between Dover, DE, on the one hand, and, on the other, pts. in CA under continuing contract(s) with International Playtex, Inc., Dover, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: International Playtex, Inc., P.O. Box 631, Dover, DE 19901.

MC 152672 (Sub-II–10TA), filed November 24, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract Carrier:* Irregular Route; *artifical Christmas trees, wreaths, ornaments, gift wrapping paper, laminated fabric, shaving cream products, shoe polish, barber supplies and synthetic dyes, (2) materials, equipment and supplies used in the manufacture and distribution of (1)* between the facilities of American Technical Industries, Inc., Papercraft Corporation and Knomark, Inc., on the one hand, and, on the other points in the U.S. under continuing contract(s) with American Technical Industries, Inc., Papercraft Corporation and Knomark, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): American Technical Industries, Inc., Papercraft Corporation, Knomark, Inc., Papercraft Park, Pittsburgh, PA 15238.

MC 112588 (Sub-II–4TA), filed November 25, 1981. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Construction materials and materials, equipment and supplies used in the manufacture, installation and distribution of construction materials, except commodities in bulk,* between the facilities of CertainTeed Corporation located in Erie County, OH, on the one hand, and, on the other, points in CT, ME, MA, NH, RI, and VT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482.

MC 159196 (Sub-II–1TA), filed November 24, 1981. Applicant: SCHAAD INTERSTATE TRUCKING, 731 Chestnut St. York, PA 17403. Representative: H. Stanley Robert, 127 East King St., York, PA 17403. *Contract Irregular: Building Material (veneer logs and lumber)* from the facilities of Buehler Lumber Co to all points in the US under a continuing contract(s) with Buehler Lumber Company, Ridgway, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Buehler Lumber Company, W. Main St., Ridgway, PA 15853.

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MC 158075 (Sub-II–2TA), filed November 27,1981. Applicant: T & S BUS SERVICE, INC., 5009 Wheeler Rd., Oxon Hill, MD 20754. Representative: Brian L. Troiano, 918–16th St., N.W., Washington, D.C. 20006. *Passengers and their baggage, in roundtrip charter operations,* beginning and ending at Washington, DC ; points in Montgomery, Prince Georges, and Anne Arundel Counties, MD; points in Arlington and Fairfax Counties, VA; and Alexandria and Falls Church, BA; and extending to points in CT, FL, GA, IL, MA, ME, MI, NH, NJ, NY, PA, RI, TN, VA, VT, and WV, for 180 days. Supporting shipper(s): Robert J. Dunn Tours, Inc., 5107 Woodland Blvd., Oxon Hill, MD 20021; Ski Trips Unlimited, 3549 Devon Dr., Falls Church, VA 22042; Sea & Ski Student Travel Service, Inc., 12105 Darnestown Rd., Gaithersburg, MD 20878.

MC 153918 (Sub-II–2TA), filed November 27, 1981. Applicant: TRANSPORTATION & CONSOLIDATION CENTERS, INC., P.O. Box 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. *General Commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment) between Baltimore, MD; Elmira, NY; Allentown, Harrisburg and Philadelphia, PA on the one hand, and, on the other, points in MD, NY and PA for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Springmeier Shipping Company, Inc., 1123 Hadley Street, St. Louis, MO 63101.

MC 158196 (Sub-II–3TA), filed November 24, 1981. Applicant: BANKS WRIGHT, d.b.a. WRIGHT MOTOR LINES, Box 177, Armagh, PA 15920. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Contract:* Irregular: *Mining locomotives, including materials, parts, and supplies,* between Blairsville, PA, including its commercial zone, on the one hand, and, on the other, points in the U. S. under a continuing contract or contracts with Balco, Inc., for 270 days. Supporting Shipper: Balco, Inc., P.O. Box 56, Blairsville, PA 15717.

MC 145583 (Sub-II–3TA), filed November 30, 1981. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler Street, Philadelphia, PA 19137. Representative: Anthony A. Cerone (same as applicant). *Alcohol and alcoholic beverages,* between points in ME, TN, FL, GA, KY, OH, IN, IL, WV, NC, SC & MI for 270 days. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the Phila. ICC office.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 148018 (Sub-6–6TA), filed November 23, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 83702. *Foodstuffs and related products,* from St. Louis County, MN, Jackson County, OH and DeKalb County, GA, on the one hand, to points in CA, OR, WA, CO, ID, MT, WY, NM, NV, UT and AZ, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jeno's, Inc., 525 Lake Ave. South, Duluth, MN 55882.

MC 158727 (Sub-6–1TA), filed November 24, 1981. Applicant: WAYNE WILSON, d.b.a. CHEYENNE STAPLETON STAGE, 3516 Essex Rd., Cheyenne, WY 82001. Representative: G. Wayne Wilson (same as above). *Passengers and baggage* restricted to eight passenger vans from Cheyenne, WY to Denver, CO and return, for 180 days. Supporting shippers: Cheyenne Chamber of Commerce, 1500 Oak Ct., Cheyenne, WY; H. Eldon McWilliams, 409 E. 18th St., Cheyenne, WY; Ron Herring, 4411 Ocean Ave., Cheyenne, WY; and V. P. Connor, Cheyenne, WY.

MC 153418 (Sub-6–1TA), filed November 20, 1981. Applicant: DISTRIBUTION CONCEPTS, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton, DCI, Suite 415, 333 Hegenberger Rd., Oakland, CA 94621. *Contract carrier,* Irregular routes: *films, chemicals, paints, fibres and resins,* between points in CA on the one hand, and, on the other, points in AZ, NV and UT, for 270 days. Under contract with E. I. du Pont de Nemours & Company, Inc., Wilmington, DE 19898. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 152625 (Sub-6–2TA), filed November 23, 1981. Applicant: GEER BROS. TRUCKING, INC., 3912 Park Dr., Olympia, WA 98502. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier,* irregular routes, *coal, scrap metal and ferrous silicone,* between WA and OR, for 270 days. Supporting shipper: Morris & Sons, Inc., 21810 76th Ave. S., Kent, WA 98031; Bethlehem Steel Corp., Pac. Coast Div., 4045 Delridge Way S.W., Seattle, WA 98106.

MC 159433 (Sub-6–1TA), filed November 24, 1981. Applicant: MARTIN J. HODGE, d.b.a. HODGE TRUCKING, 1170 Autumn Hills, Reno, NV 89511. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Building Materials, and Metal Products,* between points in CA, OR, WA, UT and Washoe County, NV, for 270 days. Supporting shippers: R-Max, Inc., 13524 Welch Rd., Dallas, TX 75234; Kinnear of Portland, Division of Harsco Corp., 5511 S.E. 26th Ave., Portland, OR 97202; Pittsburgh–Des Moines Corp., (Steel Service Center Group), P.O. B. 673, Sparks, NV 89431; and Washoe Building Supply, Inc., d.b.a. Nevada Shake & Shingle Co., 1535 Glendale Ave., Sparks, NV 89431.

MC 139906 (Sub-6–86TA), filed November 18, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B 81849, Lincoln, NE 68501. *Containers and container parts* (except in bulk) from the facilities of Design Containers, Inc., at or near Jacksonville, FL, to points in the United States for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Design Containers, Inc., P.O. Box 52287, Jacksonville, FL 32201.

MC 139906 (Sub-6–87TA), filed November 20, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Floor coverings, and parts, materials and supplies used in the manufacture sale and distribution of floor coverings* (except in bulk) from the warehouse facilities of Neway Carpet Express Co. in Whitefield and Murray Counties, GA to Detroit and Grand Rapids, MI and points in their respective commercial zones for 270 days. Supporting shipper: Neway Carpet Express Co., 533 E. Beltline S.E., Grand Rapids, MI 49506.

MC 159390 (Sub-6–1TA), filed November 20, 1981. Applicant: LIBERTY TRANSPORT, INC., 3380 Edward Ave., Santa Clara, CA 95050. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier;* Irregular routes: *(1) Furniture and fixtures and textiles mill products* from Santa Clara, CA to Denver, CO, Doraville, GA, Mundelein, IL, Lenexa, KS, Minneapolis, MN, Whitehall, PA, Grand Prairie, TX, Salt Lake City, UT and Kent, WA, and (2) *materials, equipment and supplies used in the manufacture of commodities named in (1)* from Everett, WA to Santa Clara, CA under continuing contract(s) with Liberty Vinyl Corporation, Santa Clara,

CA for 270 days. Supporing shipper: Liberty Vinyl Corporation, 3380 Edward Ave., Santa Clara, CA 95050.

MC 146170 (Sub-6–1TA), filed November 20, 1981. Applicant: OVERDRIVE TRIPS, INC., 202–1334 W. 6th Ave., Vancouver, B.C., CN V6H 1A7. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Bands, entertainment groups and materials, equipment and supplies used by bands and entertainment groups,* between points in the U.S. for 270 days. Supporting shipper: T.R.T. Travel Service, 17822 Porto Marina Way , Pacific Palisades, CA 90272.

MC 152300 (Sub-6–1TA), filed November 19, 1981. Applicant: JOHN A. SADOVICH, d.b.a. PINE-EAGLE FREIGHTLINE, 1704 Broadway, Baker, OR 97814. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 83702. *Contract carrier* Irregular routes: *General Commodities (except Classes A & B explosives),* between LaGrande, OR and Elgin, Union, Enterprise and Halfway, OR, for the account of Sears, Roebuck & Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sears, Roebuck & Co., 2465 Utah S., Seattle, WA 98184.

MC 148083 (Sub-6–4TA), filed November 20, 1981. Applicant: SELLERS TRANSPORT SERVICE, INC., 1620 Parnell Dr., Eugene, OR 97404. Representative: Robert W. Sellars (same as applicant). *Clay, Concrete, Glass and Stone Products and Related Products* (not in bulk or tank vehicles) from the facilities of Interpace Corp., in OR, WA, CA, to points in the U.S. for 270 days. Supporting shipper: Interpace Corp., 12502—132nd Ave. NE., Kirkland, WA 98033.

MC 158394 (Sub-6–3TA), filed November 20, 1981. Applicant: SUNRUNNER TRANSPORTATION, INC., 2943 East Weiding Road, Tuscon, AZ 85706. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *General commodities* (except classes A and B explosives and household goods) betwen Tuscon and Nogales, AZ on the one hand, and, on the other, the counties of Los Angeles, Orange, Riverside, San Diego, Ventura, San Bernardino, Santa Barbara and Kern, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional Office listed above.

MC 159399 (Sub-6–1TA), filed November 20, 1981. Applicant: JAMES D. OLSON, d.b.a. TREE LINE TRANSPORTATION, 8061 Jordan S.E., Salem, OR 97301. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055. *Contract Carrier,* Irregular Routes, *Pulp, Paper and Related Products,* and Materials, Equipment and Supplies used in the manufacture and distribution of pulp, paper and related products, from Oregon City and Newberg, OR to Berkeley, Glendora, Los Angeles, Modesto, Palo Alto, Sacramento and San Francisco, CA and from Richmond, CA to Vancouver, WA under continuing contract(s) with Publishers Paper Company, Portland, OR and Sonoco Products Company, Vancouver, WA for 270 days. Supporting shipper: Publishers Paper Company, 6637 S.E. 100th Ave, Portland, OR; Sonoco Products Company, 7016 N.E. 40th Ave., Vancouver, WA 98661.

MC 159303 (Sub-6–2TA), filed November 24, 1981. Applicant: TWO WAY TRANSPORTATION, LTD., 2527 N. Carson St., Ste. 205, Carson City, NV 89701. Representative: A. R. Fairman (same address as applicant). *Contract carrier:* Irregular routes: *Golf Cars and Golf Buggies and such commodities (Crated and Uncrated). Fuel Cells and Batteries and Related Parts. Small Electric or Gas Vehicles and Related Articles. Gas and Electric Motors and Related Parts;* Between points to and from Cooksville, IL to all (49) states (except HI), Washington, D.C., and all provinces of CD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Elmco, Inc., P.O.B. 176, Cooksville, IL 61730.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35172 Filed 12–8–81; 8:45 am]

BILLING CODE 7035–01–M

[Amdt. No. 1 to Third Revised I.C.C. Order No. 80 Under Service Order No. 1344]

Rail Carriers; Rerouting Traffic; St. Louis Southwestern Railway Co., et al.

TO: St. Louis Southwestern Railway Company; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company; and Chicago and North Western Transportation Company.

Upon further consideration of Third Revised I.C.C. Order No. 80 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 80 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., December 31, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., November 30, 1981.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 30, 1981.

Interstate Commerce Commission.

Bernard Gaillard,

Agent

[FR Doc. 81–35169 Filed 12–8–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–79]

Suspension of Countervailing Duty Investigation Concerning Sodium Gluconate From the European Economic Community

AGENCY: International Trade Commission.

ACTION: Suspension of countervailing duty investigation on sodium gluconate from the European Economic Community (EEC).

SUMMARY: On November 24, 1981, the United States Department of Commerce notified the Commission that pursuant to section 704(f)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671c) it had suspended the countervailing duty investigation involving sodium gluconate from the European Economic Community. The basis for the suspension is an agreement between the Department of Commerce and Joh A. Benckiser (Benckiser), a manufacturer and exporter of sodium gluconate in the Federal Republic of Germany that accounts for substantially all of the imported merchandise. This agreement completely offsets the subsidy. As a result of this action by the Department of Commerce, the Commission is required by section 704(f)(1) (B) and (C) of the Tariff Act of 1930 to suspend its investigation effective December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake, Office of Investigations, telephone 202–523–4618.

SUPPLEMENTARY INFORMATION: On June 16, 1981, a petition was filed simultaneously with the Department of Commerce (the administering authority)

and the U.S. International Trade Commission by Pfizer, Inc., alleging that sodium gluconate imported from the EEC benefits from the payment or bestowal of bounties or grants within the meaning of the countervailing duty laws of the United States. On July 31, 1981, the Commission notified Commerce of its preliminary determination that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the importation of the merchandise in question. On September 9, 1981, Commerce preliminary determined that the EEC is subsidizing the manufacture, production, and exportation of sodium gluconate within the meaning of the countervailing duty laws. Commerce directed the U.S. Customs Service to suspend liquidation of entries of the merchandise entered, or withdrawn from warehouse, and to require a cash deposit, bond, or other security in the amount of $107.05 per metric ton (the estimated amount of the net subsidy) to be posted on this merchandise.

On October 30, 1981, Commerce published in the **Federal Register** a notice of proposal to suspend the investigation on the basis of an agreement proposed on behalf of Benckiser. The basis of the proposed suspension agreement was contained in a letter to Commerce dated August 14, 1981, in which Benckiser agreed to renounce all export restitution payments on sales of sodium gluconate to the United States effective August 18, 1981.

Issued: November 30, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-35222 Filed 12-8-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-5]

Termination of Countervailing Duty Investigation Concerning Ski Lifts and Parts Thereof From Italy

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to ski lifts and parts thereof from Italy.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller, Office of Investigations, telephone number (202) 523-0305.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the outstanding countervailing duty order on ski lifts and parts thereof from Italy (T.D. 68-288).

The Commission instituted an investigation on ski lifts and parts thereof from Italy on August 10, 1981 (46 FR 42220). A prehearing conference was held on October 1, 1981, however, no persons other than Commission staff attended or otherwise participated. On October 7, 1981, the Commission was notified by letter that Hall Ski-Lift Co., the original and only petitioner for the countervailing duty order, wished to withdraw its petition on ski lifts because of minimal imports from Italy in recent years.

There is no provision in the Trade Agreements Act of 1979, or in its legislative history, specifically permitting termination of a section 104(b) investigation. However, authority to terminate such investigations is implied under section 704(a) of the Tariff Act of 1930. Section 704(a) permits termination of countervailing duty investigations properly instituted under Title VII of the Tariff Act of 1930. Section 704(a) directs the Commission to solicit public comment prior to termination and approve termination only if it is in the public interest.

On October 19, 1981, the Commission published a notice in the **Federal Register** (46 FR 51326) requesting public comment by November 18, 1981 on the proposed termination of the Commission investigation on ski lifts and parts thereof from Italy. No adverse comments were received in response to the Commission's notice. Thus, the Commission deems it to be in the public interest to terminate this investigation in light of the withdrawal of the petition by the original petitioner and by lack of interest in the continuance of the investigation by any interested parties.

The Commission is therefore terminating its investigation (Inv. No. 104-TAA-5) under section 104(b)(1) of the Trade Agreements Act of 1979 on ski lifts and parts thereof from Italy (T.D. 68-288). The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of such an industry be materially retarded, if the countervailing duty order were to be revoked.

In addition to publishing this **Federal Register** notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this investigation and is also notifying the Department of Commerce of its action in this case.

Issued: November 30, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-35224 Filed 12-8-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 77-81]

Privacy Act System Notices; 1981 Annual Publication

AGENCY: Department of Justice.

ACTION: Annual publication of Privacy Act issuances.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of records they maintain from which information is retrieved by name or other personal identifier. Accordingly, the Department of Justice published on September 30, 1977 in **Federal Register** Volume 42 a notice of all Department systems of records. Subsequently, the Department published the following annual updates:

1. September 28, 1978, **Federal Register** Volume 43, page 44676;

2. January 10, 1980, **Federal Register** Volume 45, page 2194; and

3. November 17, 1980, **Federal Register** Volume 45, page 75898.

Later, for the convenience of the public, the Office of the Federal Register issued a publication which combined the 1977 notice and all subsequent updates into a single document entitled "Privacy Act Issuances—1980 Compliation, Volume II." This document reflected all systems of records issued through December 31, 1980.

Now, by way of this notice, the Department is publishing its 1981 annual update which reflects only those systems which have been added or

amended during 1981 and those we propose to amend or delete at this time.

To date the Department's Foreign Claims Settlement Commission (FCSC) has published its annual update separately. However, this notice incorporates the Commission's 1981 annual update and all previous updates by giving notice that the Commission has not established or revised any systems since that published along with its annual update of March 26, 1981 in **Federal Register** Volume 46, page 18789. (The public may review all FCSC systems of records published through December 31, 1980 in a document published by the Office of the Federal Register entitled "Privacy Act Issuances—1980 Compilation, Volume IV.")

The compilations and the 1981 annual updates may be examined at Regional Depository Libraries at 50 locations around the country. The compilations may also be examined at Federal Information Centers at 38 locations around the country.

Published here are:

—Part I: a table of contents listing *all* the systems of records published here in full text;

—Part II: the full text of systems of records which the Department *amended* during the year, and the full text of *new* systems of records which the Department *established* during the year;

—Part III: the full text of systems of records which the Department *now proposes to amend;* and

—Part IV: notice that the Office of the Associate Attorney General proposes to delete a duplicate notice of a system of records and the Office of Justice Assistance, Research and Statistics proposes to delete a system of records.

DATES: This document fulfills the annual notice requirements of the Privacy Act for 1981.

FOR FURTHER INFORMATION CONTACT: William J. Snider, (202) 633–3452.

Dated: November 20, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

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JUSTICE/UST–001, Bankruptcy Case Files and Associated Records
JUSTICE/UST–009, United States Trustee Appendix 1—List of Record Retention Addresses

Part II

Systems of records amended and published during the year and systems of records established and published during the year are listed below. The date published along with the **Federal Register** volume and page number are cited in the parentheses. Following the list, the systems are reprinted in full text.

Amended

JUSTICE/BOP–005, Inmate Central Records System (August 19, 1981, Volume 46, page 42221)
JUSTICE/CIV–001, Civil Division Case File System (July 15, 1980, Volume 45, page 36781)
JUSTICE/FBI–001, National Crime Information Center (NCIC) (September 16, 1981, Volume 46, page 46025)

New

JUSTICE/DEA–030, Agent Recruit Assessment Program (April 30, 1981, Volume 46, page 24330)
JUSTICE/FBI–013, Security Access Control System (SACS) (January 14, 1981, Volume 46, page 3305)
JUSTICE/INS–006, Alien Address Reports (July 30, 1981, Volume 46, page 39058)
JUSTICE/JMD–004, Bookstream (July 30, 1981, Volume 46, page 39059)

JUSTICE/JMD–005, Grievance Records (August 4, 1981, Volume 46, page 39706)

JUSTICE/BOP–005

SYSTEM NAME:

Inmate Central Records System

SYSTEM LOCATION:

Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U.S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Computation of sentence and supportive documentation; (2) Correspondence concerning pending charges, and wanted status, including warrants; (3) Requests from other federal and Non-federal law enforcement agencies for notification prior to release; (4) Records of the allowance, forfeiture, witholding and restoration of good time; (5) Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal courts, and federal prosecuting agencies; (6) Identification data, physical description, photograph and fingerprints; (7) Order of designation of institution of original commitment; (8) Records and reports of work and housing assignments; (9) Program selection, assignment and performance adjustment/progress reports; (10) Conduct Records; (11) Social background; (12) Educational data; (13) Physical and mental health data; (14) Parole Board orders actions and related forms; (15) Correspondence regarding release planning, adjustment and violations; (16) Transfer orders; (17) Mail and visit records; (18) Personal property records; (19) Safety reports and rules; (20) Release processing forms and certificates; (21) Interview request forms from inmates; (22) General correspondence; (23) Copies of inmate court petitions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of this system are (a) to provide documented records of the classification, care, subsistence, protection, discipline and programs, etc., of persons committed to the custody of the Attorney General; (b) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for disclosure of information that are matters solely of general public record, such as name, offense, sentence data, release date, and etc.; (e) to provide information source for disclosure to contracting or consulting correctional agencies that provide correctional services for federal inmates; (f) to provide informational source for responding to inquiries from federal inmates involved or Congressional inquiries; (g) Internal Users— Employees of the Department of Justice who have a need to know information in the performance of their duties; (h) External Users—State and Federal law enforcement officials for the purpose of investigation, possible criminal prosecution, civil court actions, and regulatory proceedings; state correctional agencies providing services to federal inmates; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion or personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to the Social Security Administration: Identifying data of inmates of the Bureau of Prisons (BOP) may be disclosed to the Social Security Administration (SSA), pursuant to Public Law 96–473, for the purpose of matching the data against SSA records. This matching process will enable SSA to determine eligibility of BOP inmates to receive disability benefits under the Social Security Act. SSA will destroy the BOP data after the match has been accomplished.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

RETRIEVABILITY:

(1) Documents, Tab Cards and Microfilm—Information is indexed by name and/or register number. (2) Magnetic Tape and Disk—Information is indexed by Name, Register Number, Social Security Number, and FBI Number.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau of Prisons rule governing access and release.

RETENTION AND DISPOSAL:

Records *of a sentenced inmate* are retained for a period of thirty (30) years after expiration of sentence, then destroyed by shredding. *Records of an unsentenced inmate are retained for a period of ten (10) years after the inmate's release from confinement, then destroyed by shredding.*

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Information Systems Group; U.S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

NOTIFICATION PROCEDURE:

Address inquiries to: Director, Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a(j). Inquiries concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempt from this requirement under 5 U.S.C. 552a(j). To the extent that this system of records in not subject to exemption, it is subject to access and contest. A determination as to

exemption shall be made at the time a request for access is received.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

(1) Individvual inmate; (2) Federal law enforcement agencies and personnel; (3) State and federal probation services; (4) Non-federal law enforcement agencies; (5) Educational institutions; (6) Hospital or medical sources; (7) Relative, friends and other other interested individuals or groups in the community; (8) Former or future employers; (9) Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4)(H), (e)(8), (f) and(g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/CIV-001

SYSTEM NAME:

Civil Division Case File System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any and all parties involved in the cases handled by the Civil Division will have identifying data contained in this system. Any employees of the Civil Division, Department of Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The main record of the system is the official case file which is retained on each case under the jurisdiction of the Civil Division except for those cases for which files are maintained in the Civil Division Case File System: Field Office, Customs Litigation, Commercial Litigation Branch and the Office of Alien Property File System and constitutes the official record of the Department of Justice. All record material relating to a case is retained in the file. Each case is assigned a number comprised of the category designation for the subject matter, the code number for the judicial district where the action originated, and the number of cases of that category which have arisen in that district.

(2) Alphabetical and numerical indices are utilized as a means of access to the proper file by the cross-referencing of the names of all parties to a suit with the file number. Forms CV-54 and carbon-interleaf index cards are used in these indices.

(3) An automated record of selected data which has been extracted from each case file is maintained on magnetic diskettes and magnetic tapes in order to follow the progress of all Division cases and to obtain statistical data for monthly and fiscal reports.

(4) An automated record, maintained on magnetic disketts and tapes, contains the names of employees and the allocation of their time according to the kind of work activity and the case on which the work was performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 CFR 0.77(f) and 28 U.S.C. 552 and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice including the F.B.I. and the United States Attorneys' Offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an apporpriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a

license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President in accordance with the provisions of 28 C.F.R. 17.60.

Any record pertaining to the allocation of employee time to specific cases or other work activities may be used by responsible Civil Division employees as a basis (1) for preparing budget estimates, requests, and justifications; (2) for determining the effective allocation of staff and other resources; (3) for an automated record of the status of individual cases; and (4) for evaluating employee performance.

Release of information to the news media: information permitted to be released to the news media and the public pursuant to 26 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) The case files utilize standard file jackets and are retained in electronic, rotary power files; or in standard file cabinets. (2) The alphabetical and numerical index cards are retained in standard file cabinets. (3) Automated records are maintained on magnetic diskettes and magnetic tapes. (4) Automated records on employee time use are maintained on magnetic diskettes and magnetic tapes.

RETRIEVABILITY:

The files must be retrieved by file number. The file number can be ascertained from the alphabetical index if the name of any party to the suit is known. Automated case records can be retrieved by Department of Justice case number, plaintiffs name, defendant's name, or Civil division attorney's name. Automated employee time-use records are retrievable by employee name. Department of Justice case number, case caption, type of case, and kind of work activity.

SAFEGUARDS:

Information contained in the system is unclassified. However, only attorneys who have their names recorded in the File Unit can be issued a case file. Mimimal information about a case is provided from the various indices to telephone callers, since there is a problem with indentifying the identity of a caller. If a party desires detailed information, he is referred directly to the attorney of record.

Automated employee time-use records are safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to employee time-use records is limited to Civil division employees needing access to those records to perform their official duties. Individual employees have access to their personal records through regular reports or through requests.

RETENTION AND DISPOSAL:

When a case file is closed by the responsible attorney, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives.

After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged. Automated employee time-use records constitute a cumulative resource file for which there are no plans to delete records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General: Civil Division: U.S. Department of Justice: 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for information concerning the cases of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request." The request should include the file number and/or the names of any litigants known to the requestor. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above. Requests may also be made by telephone. In such cases the caller will be referred to the attorney of record. The attorney, in turn, may require an official written request.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state, what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put onto docket and index cards. Information on employee time use in obtained through time records submitted by Civil Division employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI–001

SYSTEM NAME:

National Crime Information Center [NCIC].

SYSTEM LOCATIONS

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons: 1 Individuals for whom Federal warrants are outstanding. 2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutues of the jurisdictions originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria. 3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictionary boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. 2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary. 3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. 4. A person who is missing and declared unemanicipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons".

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities. 2. "Securities" for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat File.

H. Computerized Criminal History File: A cooperative federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28—Judicial Administration, Chapter I—Department of Justice (Order No. 601–75) Part 20—Criminal Justice Information Systems. Public Law 92–544 (86 Stat. 115), Executive Order 10450, Public Law 94–29 (89 Stat. 97) Security Acts Amendments of 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S. Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen/missing gun file, stolen article file, wanted person file, securities file, and boat file may be accessed by the Royal Canadian Mounted Police. Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry, established by a statute, which provides vehicle registration and driver record information to criminal justice agencies; (3) a governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communication services to criminal justice agencies; and (4) The national Automobile Theft Bureau, a nongovernmental, nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the

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individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle file: (a) Vehicle identification number; (b) License plate number; (c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate file: (a) License plate number; (b) NCIC number. 3. Gun File: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number. 5. Wanted Person File: (a) Name and one of the following numerical identifiers, date of birth, FBI Number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought o the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record), Originating agency case number; (b) Vehicle or license plate known to be in the possession of the wanted person; (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File. (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security; (d) NCIC number. 7. Boat File: (a) Registration document number; (b) Hull serial number; (c) NCIC number. 8. Computerized Criminal History File: (a) Name, sex, race, and date of birth; (b) FBI number; (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person File—Same as "Wanted Person" File.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Center: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all time. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history informtion must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept of inject system traffic.

3. Terminal Devices Having Access to NCIC; a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminals history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates or origin or title, and serially numbered stolen vehicles engines or transmissions will remain in file for the year of entry plus 4.

2. License Plate File: Unrecovered stolen licenses plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.

3. Gun File: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File: Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will

be automatically removed from file after 48 hours).

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2.

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File: When an individual reaches age of 80.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURES:

Same as the above.

RECORD ACCESS PROCEDURE:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are in file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly, in the State's central identification agency.

CONTESTING RECORD PROCEDURES:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA-030

SYSTEM NAME:

Agent Recruit Assessment Program.

SYSTEM LOCATION:

Drug Enforcement Administration (DEA), 1405 I Street, NW., Washington, D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Prospective recruits for basic agent classes

B. Basic agent trainees

C. Special Agents

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information concerning: (1) scores on measurement instruments; (2) personality score derivatives; and (3) job-related factors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained under DEA's authority to recruit and train Special Agents to enforce the Comprehensive Drug Abuse Prevention and Control Act of 1970 [Pub. L. 91–513].

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records maintained in this system are utilized only for internal purposes and no disseminaton outside the Department of Justice is contemplated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of the records is maintained on an ADP storage device. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Information relating to an individual is retrieved by name or a unique identifying number assigned by DEA.

SAFEGUARDS:

Access to the system is restricted to DEA personnel on a strict need-to-know basis. The records are maintained in a secure area at DEA headquarters, which is protected by guards and electronic means.

RETENTION AND DISPOSAL:

The automated portion of the system is maintained for 15 years and then purged from the data base. Manual records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Enforcement, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Division, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information pertaining to individuals in the system is obtained from test protocols and allied records or provided by the individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d), (e)(4)(G) and (H), and (f) of the Privacy

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Act pursuant to 5 U.S.C. 552a(k)(6). See 28 CFR 16.98 for exemption regulations.

JUSTICE/FBI–013

SYSTEM NAME:

Security Access Control System (SACS)

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Building., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, both FBI employees and outside visitors, who have been granted access to the J. Edgar Hoover Building.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains computerized information concerning names, badge numbers, and the dates and times of entries of those individuals, including escorted visitors, who have been issued access badges to the J. Edgar Hoover Building.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Executive Order 12065, the Privacy Act of 1974 (5 U.S.C. 552a(e)(10)) and Pub. L. No. 90–620, as amended (44 U.S.C. Chapters 21 and 33). Each of these two statutes, as well as the Executive Order, is directed toward security of United States Government records maintained by Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Category of users: Federal Bureau of Investigation management officials and security personnel. The information is used to determine the status of individuals entering the building and maintain control of badges issued to individuals requiring access to the J. Edgar Hoover Building.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of the records is maintained on a magnetic tape. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Alphabetically by last name; numerically by access badge number.

SAFEGUARDS:

Maintained in a locked room, which is manned 24 hours per day, with access limited to FBI security personnel.

RENTENTION AND DISPOSAL:

Computerized information had been maintained for 1 year with hard copy computer listings maintained for 6 months. However, pursuant to the preliminary injunction with modifications, issued by Judge Harold H. Greene, United States District Court, District of Columbia, in the Civil Action *American Friends Service Committee, et al.* v. *William H. Webster, et al,* (U.S.D.C.D.C.) Civil Action No. 79–1655, destruction programs have been suspended. In addition, cards containing badge information are maintained indefinitely, with duplicate badges being maintained on individuals granted permanent access to the building until access is no longer required and upon separation or transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS–006

SYSTEM NAME:

Alien Address Reports.

SYSTEM LOCATION:

Immigration and Naturalization Service (INS), Central Office, 425 I Street N.W., Washington, D.C. 20536.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aliens required to report addresses each January: nonimmigrants; aliens lawfully admitted for permanent residence; aliens granted political asylum; refugees and other conditional entrants.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index and copies of Form I–53, Alien Address Report Card, required to be filed on January 1 of each year by aliens in the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 103, 265, and 290 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1305, and 1360).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system are used by officers and employees of INS and other components of the Department of Justice in the administration and enforcement of the immigration and nationality laws, including the processing of applications for benefits under those laws, detecting violations of the laws, and referrals for prosecution; and for compilation of reports of statistical and demographic information.

Relevant records in this system of records may be referred to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting a violation or potential violation of law or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

A record from this system may be disclosed to other Federal agencies for the purpose of conducting national intelligence and security investigations.

Information contained in this system of records may be disclosed to other Federal agencies in connection with refugee assistance programs.

Records may be disclosed to one or more private firms for the purpose of entering data, sorting, analyzing, coding, microfilming, or otherwise refining records in the system. Such firms will be required to maintain Privacy Act safeguards with respect to such records.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an at the request of the individual who is the subject of the record.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of

the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINNING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original input Forms I–53, Alien Address Report Card, are stored in boxes in INS-controlled areas that are locked when not supervised by INS employees. When entered into the system, the cards are serially numbered and microfilmed. Information for preparation of the microfiche index and reports is coded and stored on computer-readable magnetic tape.

RETRIEVABILITY:

Records in the system are indexed and retrievable by name of the individual.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. INS offices are located in building, under security guard, and access to premises is by official identification. Access to automated systems is controlled by restricted passwords for use of remote terminals in secured areas.

RETENTION AND DISPOSAL:

Original input forms are destroyed in accordance with procedures approved by NARS after microfilming and computer data entry is completed, verified, and accepted, or three years after the year of receipt, whichever is earlier. Copies of the index and reports for each year are kept for three years by INS.

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Management, INS, Central Office, 425 I Street, N.W., Washington, D.C. 20536.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; and, if known, the alien registration number.

RECORD ACCESS PROCEDURE:

A person desiring access to a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that procedure. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request," and a return address must be provided for transmitting any information to him.

CONTESTING RECORD PROCEDURE:

A person desiring to contest a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that caption and clearly stating which record(s) is being contested, the reason(s) for constesting, and the proposed amendment(s) to the record(s). If a request to contest a record is made by mail, the envelope and letter shall be clearly market "Privacy Act Request," and a return address must be provided for transmitting any information to him.

RECORD SOURCE CATEGORIES:

All information contained in this system is provided by the individuals to whom the records relate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Bookstream (Justice/JMD–004)

SYSTEM LOCATION:

Justice Manager Division (JMD), Main Library, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

All Office, Board, and Division (OBD) Metropolitan Washington Department of Justice employees, and other selected Department employees who request to borrow from the Library system.

CATEGORY OF RECORDS IN THE SYSTEM:

The file contains the full name of Department of Justice employees; their organization building; room number; telephone number and last four digits of their social security number. In addition, a record of all library materials borrowed by or loaned to each employee is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This file is maintained pursuant to requirements for maintenance of records of Federal agencies. (See 44 U.S.C. 3101 (1976).)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by Main Library staff personnel to maintain more effective control over library materials, including the ability to recall materials and to clear Department of Justice employees leaving the agency. Records will not be disseminated, and there will be no release of information outside of the Library system other than to notify library patrons of the availability of materials or overdue status of borrowed materials. A list of items outstanding prior to clearance from the agency will be provided to the employee.

There will also be a release of outstanding loans to the Department of Justice Board of Survey when an employee leaving the Department cannot account for items charged out. The Board of Survey, consisting of Department of Justice personnel, was established by OBD Order 1300.4, February 18, 1981.

A record from the system of records may be disclosed to the National Archives and Records Service for records management inspections conducted under the authority of 44 U.S.C. 2404 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained by JMD Library staff on a Data General M600 minicomputer using DATALIB proprietary software.

RETRIEVABILITY:

Information is retrieved by a variety of datafields including, but not limited to the name of the employee, call number, title key or patron identification code.

SAFEGUARDS:

Information maintained in the system is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an access code will have use of the circulation system. Access codes will be assigned only to those library employees who have the requisite need for the information to perform their official duties. In addition, access to the information must be accomplished through a single terminal which is only operational from 9:00 a.m. to 5:30 p.m., and access to such terminal will be limited.

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RETENTION AND DISPOSAL:

Records classified by the employee's name are retained for two weeks after the employee leaves the employment of the Justice Department. The records are then deleted from the system.

SYSTEM MANAGER AND ADDRESS:

Circulation Librarian, Room 5400, Main Library, United States Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Circulation Librarian, Room 5400, Main Library, United States Department of Justice, Washington, D.C. 20530. Before identifying whether the system contains a record relating to an individual employee, Department of Justice employment is first verified by checking information provided by the employee against an employee personnel listing extracted from the Justice Uniform Personnel System (Juniper). (See "Record source categories" below.) Bookstream is then searched for records relating to that employee. Therefore, to assist the Library in verifying employment and in identifying any record relating to an employee, the employee must provide his full name, social security number, date of employment and duty assignment station.

RECORD ACCESS PROCEDURE:

Persons desiring to access a record shall submit their request in writing, by mail, or in person to the agency official designated under "Notification procedure" above. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." In addition, the requester must furnish the information set forth under "Notification procedure" above.

CONTESTING RECORD PROCEDURE:

See "Record access procedure" above.

RECORD SOURCE CATEGORIES:

Sources are the Juniper system and bibliographic records either keyed at the time an item is borrowed or taken from the master record of Library holdings. The juniper system is a system of records which is included under the umbrella of a government-wide system of records reported by the Office of Personnel Management. The system is entitled "General Personnel Records, OPM/GOVT–1."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Justice/JMD–005

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Records relating to grievances originating in an office, board or division (defined in 28 CFR 0.1) are located in the office of the Associate Director for Operations, Personnel and Training Staff (PTS). Records relating to grievances originating in a particular bureau (defined in 28 CFR 0.1) are located in the central personnel office of the bureau where the grievance originated, except for the Federal Bureau of Investigation (FBI) which is excluded from coverage of the Agency Administrative Grievance System by 5 CFR 771.206(a). (See caption "System managers and addresses.")

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Department of Justice employees, except for employees of the FBI, who have submitted grievances in accordance with 5 CFR Part 771 (Office of Personnel Management (OPM) regulations) and the Department's grievance procedures, or in accordance with a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under 5 CFR Part 771 and the Department's grievance procedures, or under a negotiated grievance procedure. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, and a copy of any original and final decision and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that PTS and the bureaus may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(f); 5 CFR Part 771; 5 U.S.C. 1032, 3301, 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to another apropriate Federal, State, or local agency, responsible for investigating, prosecuting, enforcing, or implementing a statute rule, regulation, or order, where the Department becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identiy the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to another Federal agency (in response to its request) for its use in the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security and/or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary to its decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2908.

g. By the Department or OPM in the production of summary descriptive statistics, if available, and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of data elements included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; the equal Employment Opportunity Commission; or, the OPM when requested to perform their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to labor organization officials recognized under

the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

a. *Offices, Boards and Divisions.* Associate Director for Operations, Personnel and Training Staff, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

b. *Bureau of Prisons.* Personnel Officer, Bureau of Prisons, HOLC Building, 320 First Street, NW., Washington, D.C. 20534.

c. *Drug Enforcement Administration.* Personnel Officer, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

d. *Immigration and Naturalization Service.* Assistant Commissioner for Personnel, Immigration and Naturalization Service, CAB Building, 425 I Street, NW., Washington, D.C. 20530.

e. *Office of Justice Assistance, Research and Statistics.* Personnel Officer, Office of Justice Assistance, Research and Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531.

f. *United States Marshals Service.* Personnel Officer, U.S. Marshals Service, 1 Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed regarding the existence of such records on them. They must furnish the following information for the records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that the individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed. Individuals must provide the information listed under the caption "Notification procedures" for their records to be located and identified. Individuals requesting access must also follow the Department's Privacy Act regulations (28 CFR 16.41) regarding access to records and verification of identify.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to the records to correct factual errors should contact the personnel office (named under the caption "System managers and addresses" above) where the grievance was processed. Individuals must furnish the information listed under the caption "Notification procedures" for their records to be located and identified.

Individuals requesting amendment must also follow the office's Privacy Act regulations (28 CFR 16.41) regarding amendment to records and verifications of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Department officials.

d. From related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Part III

Systems of records which the Department now proposes to amend or clarify are listed below. Following the list, the systems are published in full text. Dates on which the systems were last published in full text are given in the introductions to a system or systems of records. All changes, additions, and clarifications have been italicized for the reader. Other changes, additions, or clarifications are briefly discussed in the introductions.

JUSTICE/BOP–999, Appendix of Field Locations for the Bureau of Prisons Regional Offices
JUSTICE/CRT–004, Registry of Names of Interested Persons Desiring Notification of Submissions Under Section 5 of the Voting Rights Act
JUSTICE/CRT–007, Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission
JUSTICE/DAG–002, Appointed Assistant United States Attorneys Personnel System
JUSTICE/DAG–003, Assistant United States Attorney Applicant Records System
JUSTICE/DAG–004, Honor Program Applicant System
JUSTICE/DAG–005, Master Index File of Names
JUSTICE/DAG–006, Presidential Appointee Candidate Records System
JUSTICE/DAG–007, Presidential Appointee Records System
JUSTICE/DAG–008, Special Candidates for Presidential Appointments Records System
JUSTICE/DAG–009, Summer Intern Program Records System
JUSTICE/DAG–010, United States Judge and Department of Justice Presidential Appointee Records
JUSTICE/DAG–011, Miscellaneous Attorney Personnel Records System
JUSTICE/FBI–002, The FBI Central Records System
JUSTICE/FBI–009, Identification Division Records System
JUSTICE/FBI–014, FBI Alcoholism Program
JUSTICE/INS–999, INS Appendix: List of principal offices of the Immigration and Naturalization Service
JUSTICE/INTERPOL–001, The United States National Central Bureau (USNCB) (Department of Justice), Criminal Investigative Records System (CIRS)
JUSTICE/JMD–017, Department of Justice Controlled Parking Records
JUSTICE/OJARS–001, Personnel System
JUSTICE/OJARS–004, Grants Program System
JUSTICE/OJARS–005, Financial Management System
JUSTICE/OJARS–009, Federal Advisory Committee Membership Files
JUSTICE/OJARS–010, Technical Assistance Resource Files

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JUSTICE/OJARS–011, Registered Users File—National Criminal Justice Reference Service (NCJRS)
JUSTICE/OLP–001, Freedom of Information and Privacy Appeals Index
JUSTICE/OLP–002, United States Judges Records System
JUSTICE/OPA–001, Executive Clemency Files
JUSTICE/PRC–001, Docket, Scheduling and Control
JUSTICE/PRC–002, Freedom of Information Act Record System
JUSTICE/PRC–003, Inmate and Supervision Files
JUSTICE/PRC–004, Labor and Pension Case, Legal File and General Correspondence System
JUSTICE/PRC–005, Office Operation and Personnel System
JUSTICE/PRC–006, Statistical, Educational and Developmental System
JUSTICE/PRC–007, Workload Record, Decision Result, and Annual Report System
JUSTICE/USM–001, United States Marshals Service Badge and Credentials File
JUSTICE/USM–002, United States Marshals Service Internal Investigations System
JUSTICE/USM–003, United States Marshals Service Prisoner Transportation System
JUSTICE/USM–004, Special Deputy File
JUSTICE/USM–005, Special Detail System
JUSTICE/USM–006, United States Marshals Service Training Files
JUSTICE/USM–007, Warrant Information System
JUSTICE/USM–008, Witness Security Files Information System
JUSTICE/USM–999, Appendix to United States Marshals Systems of Records. Official Addresses of United States Marshals
JUSTICE/USA–001, Administrative Files
JUSTICE/USA–003, Citizen Complaint Files
JUSTICE/USA–005, Civil Case Files
JUSTICE/USA–007, Criminal Case Files
JUSTICE/USA–008, Freedom of Information Act/Privacy Act Files
JUSTICE/USA–012, Security Clearance Forms for Grand Jury Reporters
JUSTICE/USA–015, Pre-Trail Diversion Program Files
JUSTICE/USA–999, Appendix of United States Attorney Office locations
JUSTICE/UST–001, Bankruptcy Case Files and Assosiated Records
JUSTICE/UST–999, United States Trustee Appendix 1—List of Record Retention Addresses

Bureau of Prisons (BOP)

The Appendix of Field Locations for the Bureau of Prisons Regional Offices, JUSTICE/BOP–999, was last published on November 17, 1980 in **Federal Register** Volume 45, page 75908.

Justice/BOP—999

SYSTEM NAME:

Appendix of Field Locations for the Bureau of Prisons Regional Offices

Northeast Region

Scott Plaza II, Industrial Highway, Philadelphia, Pennsylvania 19113

Southeast Region

523 McDonough Boulevard, S.E., Atlanta, Georgia 30315

North Central Region

Airworld Center, 10920 Ambassador Drive, Kansas City, Missouri 64153

South Central Region

1607 Main St., Ste. 700 Praetorian Bldg., Dallas, Texas 75219

Western Region

330 Primrose Road, Fifth Floor, Burlingame, California 94010

United States Penitentiaries

Atlanta, Georgia 30315
Leavenworth, Kansas 66048
Lewisburg, Pennsylvania 17837
Marion, Illinois 62959
Terre Haute, Indiana 47808

Federal Correctional Institutions

Alderson, West Virginia 24910
Ashland, Kentucky 41101
Bastrop, Texas 78602
Butner, North Carolina 27509
Danbury, Connecticut 06801
El Reno, Oklahoma 73036
Englewood, Colorado 80110
Ft. Worth, Texas 76119
La Tuna, Texas 88021
Lexington, Kentucky 40507
Lompoc, California 93436
Memphis, Tennessee 38134
Miami, Florida 33177
Milan, Michigan 48160
Morgantown, West Virginia 26505
Otisville, New York 10963
Oxford, Wisconsin 53952
Petersburg, Virginia 23803
Pleasanton, California 94568
Ray Brook, New York 12977
Sandstone, Minnesota 55072
Seagoville, Texas 75159
Talladega, Alabama 35362
Tallahassee, Florida 32304
Terminal Island, California 90731
Texarkana, Texas 75501

Federal Prison Camps

Allenwood-Montgomery, Pennsylvania 17752
Big Spring, Texas 79720
Boron, California 93516
Eglin Air Force Base, Florida 32542
Maxwell Air Force Base, Montgomery, Alabama 36112
Safford, Arizona 85546

Medical Center for Federal Prisoners

Springfield, Missouri 65802

Federal Detention Center

Florence, Arizona 85232

Metropolitan Correctional Centers

71 W. Van Buren Street
Chicago, Illinois 60605

150 Park Row
New York, New York 10007

808 Union Street
San Diego, California 92101

Civil Rights Division (CRT)

The following CRT systems of records were last published on September 28, 1978 in **Federal Register** Volume 43, page 44713 and on January 10, 1980 in **Federal Register** Volume 45, page 2219, respectively.

JUSTICE/CRT–004

SYSTEM NAME:

Registry of Names of Interested Persons Desiring Notification of Submissions under Section 5 of the Voting Rights Act.

SYSTEM LOCATION:

U.S. Department of Justice, Civil Rights Division, *320 First Street,* NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested that the Attorney General send them notice of submissions under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Registry contains the name, address and the telephone numbers of interested persons and, where appropriate, the area or areas with respect to which notification was requested by such persons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 FR 877 (1981) to be codified in 28 CFR 51.30, 42 U.S.C. 1973c; 5 U.S.C. 301 and 28 U.S.C. 509, 510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Registry is used to identify persons interested in receiving notice of Section 5 submissions and to comply with their requests. The Registry may be used to notify the persons listed therein of any proposed changes in the "Procedures for the Administration of Section 5 of the Voting Rights Act of 1965," *46 FR 870 (1981) to be codified in 28 CFR Part 1,* and to solicit their comments with respect to any such proposed changes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise

required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Names are stored in a card file system.

RETRIEVABILITY:

Records in this system are retrievable by the names of interested persons or organizations.

SAFEGUARDS:

Information in the system is safeguarded in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

RETENTION AND DISPOSAL:

An individual or organizational name is retained in the Registry until such time as that person or organization requests that the name be deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voting Section, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

This system contains no information about any individual other than as described in Category of Record above. Persons whose names appear on the Registry may have access thereto or have their names and other information pertaining to them deleted or modified upon a request of the same nature as indicated in *46 FR 877 (1981) codified in 28 CFR 51.30.*

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Sources of information in the Registry are those persons or organizations whose names appear therein by virtue of their having requested inclusion in the Registry pursuant to *46 FR 877 (1981) to be codified in 28 CFR 51.30.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRT–007

SYSTEM NAME:

Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission.

SYSTEM LOCATION:

U.S. Department of Justice: Civil Rights Division, 10th and Constitution Avenue NW.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons seeking employment or employed by a state or a political subdivision of a state who have filed charges alleging discrimination in employment with the Equal Employment Opportunity Commission (hereinafter EEOC) which have resulted in a determination by EEOC that there is probable cause to believe that such discrimination has occurred, and attempts by EEOC at conciliation have failed.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain copies of charges filed with EEOC; copies of EEOC's "determination" letters, letters of transmittal from and to *EEOC,* analyses or evaluations summarizing the charge and other materials in the EEOC file, internal memoranda, attorney notes, and copies of 'right to sue' letters issued by the Civil Rights Division.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained pursuant to 44 U.S.C. 3101 and in order to accomplish the Civil Rights Division's responsibility under 28 CFR 0.50 to enforce Federal Statutes affecting civil rights including 42 U.S.C. 2000e–5(f) and 2000e–6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used by employees and officials of the Department to make decisions regarding prosecution of alleged instances of employment discrimination, to issue 'right to sue' letters on behalf of individuals; to make policy and planning determinations; to prepare annual budget requests and justifications; to prepare statistical reports on the work product of the *Federal Enforcement and General Litigation* Sections and to carry out other authorized internal functions of the Department. If the Department has determined to initiate an investigation or litigate a matter referred by EEOC, the records pertaining to that matter are not contained in this system. Such records and their routine uses are described under the notice for the system named: Central Civil Rights Division Index File and Associated Records.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored manually on index cards and file jackets which are maintained by the *Federal Enforcement* Section, Civil Rights Division. If the charge relates to a public educational agency or institution and was filed before September 1977, such information may be maintained by the *General Litigation* Section, Civil Rights Division.

RETRIEVABILITY:

Information is retrieved primarily by using the appropriate Department of Justice file number, or the name of the charging party, or the state in which the alleged discrimination occurred.

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SAFEGUARDS:

Information in the system is unclassified. It is safeguarded and protected in accordance with departmental rules and procedures.

RETENTION AND DISPOSAL:

If the Department determines not to prosecute a matter referred by the EEOC, the records transmitted with the referral are returned to the EEOC. Other records in the system are kept for routine use by the Department and, when no longer needed, are destroyed or sent to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' The request should indicate the state where the alleged employment discrimination took place and the employer to which the charge was related. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Disclosure of part of the materials in this system may be prohibited by *42 U.S.C. 2000c–5(b),* 42 U.S.C. 2000c–*6*(e) and 44 U.S.C. 3508. Part of this system is exempted from access and contest under 5 U.S.C. 552a(k)(2).

RECORD SOURCE CATEGORIES:

Sources of information in this system are charging parties, information compiled and maintained by EEOC, and employees and officials of the Department of Justice responsible for the disposition of the referral request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

Deputy Attorney General (DAG)

As a result of a Departmental reorganization, implemented by authority of Attorney General Order No. 945–81 dated May 26, 1981, system number identifiers for the systems listed and republished below have been changed. Organizational changes have also been made to the texts of these systems.

JUSTICE/DAG–002 was formerly published as JUSTICE/AAG–001 on September 30, 1977 in **Federal Register** Volume 42, page 53354.

JUSTICE/DAG–003 was formerly published as JUSTICE/AAG–002 on September 30, 1977 in **Federal Register** Volume 42, page 53355.

JUSTICE/DAG–004 was formerly published as JUSTICE/AAG–003 on September 30, 1977 in **Federal Register** Volume 42, page 53355.

JUSTICE/DAG–005 was formerly published as JUSTICE/AAG–004 on September 30, 1977 in **Federal Register** Volume 42, page 53356.

JUSTICE/DAG–006 was formerly published as JUSTICE/AAG–005 on September 30, 1977 in **Federal Register** Volume 42, page 53356.

JUSTICE/DAG–007 was formerly published as JUSTICE/AAG–006 on September 30, 1977 in **Federal Register** Volume 42, page 53357.

JUSTICE/DAG–008 was formerly published as JUSTICE/AAG–007 on September 30, 1977 in **Federal Register** Volume 42, page 53357.

JUSTICE/DAG–009 was formerly published as JUSTICE/AAG–008 on September 30, 1977 in **Federal Register** Volume 42, page 53358.

JUSTICE/DAG–010 was formerly published as JUSTICE/AAG–009 on September 30, 1977 in **Federal Register** Volume 42, page 53359.

JUSTICE/DAG–011 was formerly published as JUSTICE/AAG–011 on September 30, 1977 in **Federal Register** Volume 42, page 53360.

JUSTICE/DAG–002

SYSTEM NAME:

Appointed Assistant United States Attorneys Personnel System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all Assistant United States Attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of five sections. The personnel section contains personnel records such as completed Civil Service forms, letters of recommendation, law school grade transcripts, appointment letters, appointment affidavits, bar affidavits, locator forms and personnel action forms. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders. Rarely does a personnel folder contain more than the personnel and character sections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquiries from other government agencies about a former assistant's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the transfer of the assistant to such an agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the assistant's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal government employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the assistant transfers to another agency of the federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the assistant leaves office.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this sytem should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include the individuals, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-003

SYSTEM NAME:

Assistant United States Attorney Applicant Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all applicants for Assistant United States Attorney positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. Rarely does a personnel folder contain more than the personnel and character sections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel for recruitment purposes. However, the fact that the applicant was being considered would be made known to the references supplied by the applicant and others contacted. Information about the applicant, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the applicant's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

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RETENTION AND DISPOSAL:

These records are retained, in the case of applicants who are not offered positions, for two years and then destroyed. If the applicant is offered a position and accepts it, his folder is transferred to the Appointed Assistant United States Attorney Personnel System and retained as specified therein.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Associate Deputy Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Associate Deputy Attorney General, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the individual, government agenices as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG–004

SYSTEM NAME:

Honor Program Applicant System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses third year law students who will be honor graduates of law schools and law clerks of federal judges who file applications for attorney positions in the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of items supplied by the applicant, such as resumes, completed Civil Service forms, applications forms, and transcipts of grades, items supplied by third parties such as letters of recommendation, and items supplied by the Department such as acceptance or rejection letters and interview evaluation sheets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are made available within the Department for recruitment purposes and may be made available to other federal agencies, at their request, for recruitment purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Informantion contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved in various ways, depending upon the age of the record. Initially, the records are indexed by the name of the applicant's law school, then by the names of the applicants according to their ranking by interviewers. Therefore, to locate an individual's file, it is necessary to known both the name of the individual and his or her law school. After the Department's annual attorney hiring is completed, these files are transferred to the control of the Associate Deputy Attorney General. His staff then places the files in alphabetical order by name and stores them.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are maintained and stored for two years and then destroyed if the applicant is not offered a position with the Department or rejects an offered position. If a position is accepted by the applicant, his folder is transferred to another system.

SYSTEM MANAGER(S) AND ADDRESS:

Honor Program Director, Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washinton, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system may be made in person or in writing to the System Manager. Any written request should clearly be marked 'Privacy Access Request' on both the letter and envelope.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager and clearly and concisely state what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are as noted in Categories of Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG-005

SYSTEM NAME:

Master Index File of Names.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all individuals having file folders contained in the following systems of records; Appointed Assistant U.S. Attorneys Personnel System, Assistant U.S. Attorney Applicant Records, Presidential Appointee Candidate Records System, Presidential Appointee Records System, Special Candidates for Presidential Appointments Records System, and U.S. Judges Records System, dating from 1932 until the present.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of file cards containing an individual's date of birth, date of entry on duty in Federal Service, date of termination of Federal Service, notes as to the disposition of his records folder, and title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These cards contain information used solely for Department internal purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on file cards.

RETRIEVABILITY:

Information is retrieved by using the name of the individual, as these cards are filed alphabetically.

SAFEGUARDS:

These cards are kept in file drawers stored in a locked room.

RETENTION AND DISPOSAL:

These cards are retained indefinitely, except in the instance of cards relating to applicants for attorney positions within the Department. If the applicant is rejected, his card is destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individual's records folder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG-006

SYSTEM NAME:

Presidential Appointee Candidate Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all individuals who are brought to the attention of the Department of Justice as potential candidates for appointment as United States Judges, United States Attorneys, or United States Marshals.

CATEGORIES OF RECORDS IN THE SYSTEM:

As to any particular individual, the number and kind of records may vary according to the qualifications of the individual. Thus, these records, in some instances, contain merely single letters from the individual himself or some other person recommending his consideration for one of the positions mentioned in Categories of Individuals. The records may also contain biographical sketches of the individual, supplied either by the individual himself or the person recommending him. If the individual is under serious consideration for nomination for appointment, a confidential evaluation of his qualifications for the position will be in his folder. Also present may be completed background investigations on the individual. Letters, if any are received, protesting the individual's potential appointment may also be in his folder. Also present would be any information supplied by the individual or any other letters of recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records vary with the amount of consideration given to nominating the individual for appointment. In some instances, the records are stored, reviewed by

Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire records folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation is routinely provided to the Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved from this system by reference first to the office, indexed geographically or by the circuit or district, for which the individual is being considered, and then alphabetically by name of the candidate.

SAFEGUARDS:

These records are stored in cabinets which are kept in a locked room.

RETENTION AND DISPOSAL:

These records are kept for five years and then destroyed, unless the individual receives the appointment. In that event, his individual record is transferred to another records system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Associate Deputy Attorney General. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Associate Deputy Attorney General stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information in this system include the general public, the candidates themselves, government agencies where appropriate, and any other interested party.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-007

SYSTEM NAME:

Presidential Appointee Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue; N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses the following: Department of Justice Presidential appointees and retired resigned, or deceased appointees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to five sections. The personnel section includes such items as biographical sketches, qualification statements, completed Civil Service forms if applicable, letters recommending appointment, notifications of appointment, and other personnel-related matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The complaint section contains correspondence from individuals or groups complaining about office holders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Generally, these records are used only for internal Department of Justice purposes. Prior to appointment, routine uses would include those specified for the Presidential Appointee Candidate Records System. If an appontee leaves the Depatment, information contained in his personnel folder might be used as the basis for answering inquires from prospective employers about his qualifications and performance. The personnel section of his folder would be made available to other federal agencies, at their request, upon the transfer of the appointee to such an agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice

unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by using the name of the individual who is the subject of the folder.

SAFEGUARDS:

These recores are stored in cabinets which are kept in a locked room.

RETENTION AND DISPOSAL:

The personnel section of these records is retained indefinitely at the Office of the Deputy Attorney General, except in the instance of an appointee who resigns or dies, in which case that section is sent to the St. Louis Records Center for indefinite storage. All other sections of the folders, in the instance where an appointee dies or resigns, are sent to the Suitland, Maryland Records Center for storage for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquires to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writng to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the general public, the subjects of the records themselves, government agencies when appropriate, and any other interested party.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 US.C. 553(b), (c), and (e) and have been published in the Federal Register.

JUSTICE/DAG–008

SYSTEM NAME:

Special Candidates for Presidential Appointments Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals under consideration for presidential appointments as heads of divisions or sections of the Department of Justice

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendations, and related personnel matters. The character section contains completed and portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The majority of these personnel folders contain only the personnel section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301 to assist the President in obtaining information necessary for determining the qualifications and availability of individuals for appointed offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records vary with the amount of consideration given to nominating the candidate for appointment. In some instances, the records are stored, reviewed by Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire records folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation in routinely provided to the Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 522, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member

or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by the name of individuals seeking appointment as the files are arranged alphabetically by name.

SAFEGUARDS:

These records are in cabinets in a locked room.

RETENTION AND DISPOSAL:

In the event a candidate is not nominated for appointment, his record is maintained for five years and then destoryed. If the candidate is appointed, his records are transferred to the Presidential Appointee Records System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the general public, the subjects of the records themselves, government agencies when appropriate, and any other interested party.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirement of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-009

SYSTEM NAME:

Summer Intern Program Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit applications for the Department's Summer Intern Program for Law Students.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of items such as completed Civil Service forms, law school grade transcripts, letters of recommendation, and completed Summer Law Intern Applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by Department personnel for recruitment purposes. However, in the case of an applicant with regard to whom the Department has decided not to extend an offer of employment, his or her application and Civil Service forms might be referred to another agency, upon its request, for that agency's recruitment purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stapled together.

RETRIEVABILITY:

Information is retrieved by use of the applicant's name, as these records are filed by use of the first letter of the applicant's last name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained, in the case of applicants who are not offered positions, for one year and then destroyed. In the case of accepted applicants, their records enter the Civil Service system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request'.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the applicant and references provided by him.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG–010

SYSTEM NAME:

United States Judge and Department of Justice Presidential Appointee Records.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all United States Judges and all Department of Justice Presidential Appointees.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Card index relating to United States Judges which includes name, salary, Congress of appointment, state of birth, political party (if known), religion (if known), and American Bar Association rating.

B. Cross index of judges' names and districts.

C. Roster of districts showing the dates of duty of district court judges and Department of Justice Presidential Appointees, indexed alphabetically by name.

D. Book of commissions of United States Judges and Department of Justice Presidential Appointees in order by date of appointment and indexed alphabetically by name.

E. Nomination book showing the name of the nominated judge or Department of Justice Presidential Appointee, the date the proposed nomination was sent to the White House, the date the nomination was made to the Senate, the date of confirmation, the date of appointment, and the date of entrance on duty. This book is in chronological order, and is indexed alphabetically by name of the nominee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained to make responses to public inquiries regarding those individuals noted in Categories of Individuals, (the political party and religion of an appointee is not released), and for Department internal purposes.

Release of information to the new media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are kept on cards, in folders or in books.

RETRIEVABILITY:

As noted above in Categories of Records.

SAFEGUARDS:

Biographical sketches are kept in a lockable safe. All other information is kept in cabinets or card files.

RETENTION AND DISPOSAL:

This information is maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request of access to these records should be directed orally or in writing to the System Manager. When requests are in writing the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individuals who are the subjects of the records and from other Department of Justice records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG–011

SYSTEM NAME:

Miscellaneous Attorney Personnel Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who applied to or are employed by the Department of Justice as attorneys and are not included within another OAAG system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of four sections. The personnel

section contains records such as resumes, letters of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders and may contain matters relating to the disposition of those complaints. Rarely does a personnel folder contain more than the personnel and character sections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquiries from other government agencies about a former employee's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the transfer of an employee to such an agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of an individual's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a lockable room.

RETENTION AND DISPOSAL:

These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the individual transfers to another agency of the Federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the individual leaves office. The entire folders of individuals who were applicants and were not offered employment or did not accept employment with the Department are destroyed one year after final action is taken on the application.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General, Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the individuals who are the subjects of the records, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Federal Bureau of Investigation (FBI)

The following FBI system of records was last published on November 17, 1980 in Federal Register Volume 45, page 75912. Changes below consist principally of minor changes, including the deletion of subindices no longer maintained and changes to descriptions of subindices.

JUSTICE/FBI–002

SYSTEM NAME:

The FBI Central Records System.

SYSTEM LOCATION:

a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535; b. 59 field divisions (see Appendix); c. 12 Legal Attaches (see Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States

Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

(All manner of information concerning individuals may be acquired in connection with and relating to the varied investigative responsibilities of the FBI which are further described in "Categories of Records in the System." Depending on the nature and scope of the investigation this information may include, among other things, personal habits and conduct, financial information, travel and organizational affiliation of individuals. The information collected is made a matter of record and placed in FBI files.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The FBI Central Records System—The FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. *This abstract system is both a textual and an automated capability for locating mail.* Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The FBI has 214 classifications used in its basic filing system.

The pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 214 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates the FBI is no longer initiating investigative cases in these matters, although the material is retained for reference purposes):

1. Training Schools; National Academy Matters; FBI National Academy Applicants. Covers general information concerning the FBI National Academy, including background investigations of individual candidates.

2. Neutrality Matters. Title 18, United States Code, Sections 956 and 958–962; Title 22, United States Code, Sections 1934 and 401.

3. Overthrow or Destruction of the Government, Title 18; United States Code, Section 2385.

4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms. Title 26, United States Code, Sections 5801–5812; Title 18, United States Code, Sections 921–928; Title 18, United States Code, Sections 1201–1203.

5. Income Tax. Covers violations of Federal income tax laws reported to the FBI. Complaints are forwarded to the Commissioner of the Internal Revenue Service.

6. Interstate Transportation of Strikebreakers. Title 18, United States Code, Section 1231.

7. Kidnaping. Title 18, United States Code, Sections 1201 and 1202.

8. Migratory Bird Act. Title 18, United States Code, Section 43; Title 16, United States Code, Sections 703 through 718.

9. Extortion. Title 18, United States Code, Sections 876, 877, 875, and 873.

10. Red Cross Act. Title 18, United States Code, Sections 706 and 917.

11. Tax (Other than Income). This classification covers complaints concerning violations of Internal Revenue laws as they apply to other than alcohol, social security and income and profits taxes, which are forwarded to the Internal Revenue Service.

12. Narcotics. This classification covers complaints received by the FBI concerning alleged violations of Federal drug laws. Complaints are forwarded to the Administration (DEA), or the nearest district office of DEA.

13. Miscellaneous. Section 125, National Defense Act; Prostitution; Selling Whiskey Within Five Miles Of An Army Camp. 1920 only. Subjects were alleged violators of abuse of U.S. flag, fraudulent enlistment, selling liquor and operating houses of prostitution within restricted bounds of military reservations. Violations of Section 13 of the Selective Service Act (Conscription Act) were enforced by the Department of Justice as a war emergency measure with the Bureau exercising jurisdiction in the detection and prosecution of cases within the purview of that Section.

14. Sedition. Title 18, United States Code, Sections 2387, 2388, and 2391.

15. Theft from Interstate Shipment. Title 18, United States Code, Section 659; Title 18, United States Code, Section 660; Title 18, United States Code, Section 2117.

16. Violation Federal injunction (obsolete). *Consolidated into Classification 69, "Contempt of Court". FBI records do not provide a explanation of the nature of this classification.*

17. *Fraud Against the Government*—Veterans Administration Matters. Title 18, United States Code, Sections 287, 289, 290, 371, or 1001; and Title 38, United States Code, Sections 787(a), 787(b), 3405, 3501, and 3502.

18. May Act. Title 18, United States Code, Section 1384.

19. Censorship Matter (obsolete). Pub. L. 354, 77th Congress.

20. Federal Grain Standards Act. 1920 only. Subject were alleged violators of contracts for sale, shipment of interstate commerce, Section 5, U.S. Grain Standards Act.

21. Food and Drugs. This classification covers complaints received concerning alleged violations of the Food, Drug and Cosmetic Act; Tea Act; Import Milk Act Caustic Poison Act; and Filled Milk Act. These complaints are referred to the Commissioner of the Food and Drug Administration or the field component of that Agency.

22. National Motor Vehicle Traffic Act. 1922–27. Subjects possible violators of the National Motor Vehicle Theft Act; Automobiles seized by Prohibition Agents.

23. Prohibition. This classification covers complaints received concerning bootlegging activities and other violations of the alcohol tax laws. Such complaints are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, or field representatives of that Agency.

24. Profiteering. 1920–42. Subjects are possible violators of the Lever Act—Profiteering in food and clothing or accused company was subject of file. Bureau conducted investigations to ascertain profits.

25. Selective Service Act; Selective Training and Service Act. Title 50, United States Code, Section 462; Title 50, United States Code, Section 459.

26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft. Title 18, United States Code, Sections 2311 (in part), 2312, and 2313.

27. Patent Matter. Title 35, United States Code.

28. Copyright Matter, Title 17, United States Code, Sections 104 and 105.

29. Bank Fraud and Embezzlement. Title 18, United States Code, Sections 212, 213, 215, 334, 655–657, 1004–1006, 1008, 1009, 1014, and 1306; Title 12, United States Code, Section 1725(g)

30. Interstate Quarantine Law. 1922–25. Subjects alleged violators of Act of

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February 15, 1893, as amended, regarding interstate travel of persons afflicted with infectious diseases. Cases also involved unlawful transportation of animals, Act of February 2, 1903. Referrals were made to Public Health Service and the Department of Agriculture.

31. White Slave Traffic Act. Title 18, United States Code, Sections 2421–2424.

32. Identification (Fingerprint Matters). This classification covers general information concerning Identification (fingerprint) matters.

33. Uniform Crime Reporting. This classification covers general information concerning the Uniform Crime Reports, a periodic compilation of statistics of criminal violations throughout the United States.

34. Violation of Lacy Act. 1922–43. Unlawful transportation and shipment of black bass and fur seal skins.

35. Civil Service. This classification covers complaints received by the FBI concerning Civil Service matters which are referred to the *Office of Personnel Management* in Washington or regional offices of that Agency.

36. Mail Fraud. Title 18, United States Code, Section 1341.

37. False Claims Against the Government. 1921–22. Subjects submitted claims for allotment, vocational training, compensation as veterans under the Sweet Bill. Letters were generally referred elsewhere (Veterans Bureau). Violators apprehended for violation of Article No. 1, War Risk Insurance Act.

38. Application for Pardon to Restore Civil Rights. 1921–35. Subjects allegedly obtained their naturalization papers by fraudulent means. Cases later referred to Immigration and Naturalization Service.

39. Falsely Claiming Citizenship. Title 18, United States Code, Sections 911 and 1015(a)(b).

40. Passport and Visa Matter. Title 18, United States Code, Sections 1541–1546.

41. Explosives (obsolete). Title 50, United States Code, Sections 121 through 144.

42. Deserter; Deserter, Harboring. Title 10, United States Code, Sections 808 and 885.

43. Illegal Wearing of Uniforms; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of Smokey Bear Symbol. Title 18, United States Code, Sections 702, 703, and 704; Title 18, United States Code, Sections 701, 705, 707, and 710; Title 36, United States Code, Section 182; Title 50, Appendix, United States Code, Section 2284; Title 46, United States Code, Section 249; Title 18, United States Code, Sections 498, 499, 506, 709, 711, 711a, 712, 713, and 714; Title 12, United States Code, Sections 1457 and 1723a; Title 22, United States Code, Section 2518.

44. Civil Rights; Civil Rights, Election Laws, Voting Rights Act, 1965, Title 18, United States Code, Sections 241, 242, and 245; Title 42, United States Code, Section 1973; Title 18, United States Code, Section 243; Title 18, United States Code, Section 244, Civil Rights Act—Federally Protected Activities; Civil Rights Act—Overseas Citizens Voting Rights Act of 1975.

45. Crime on the High Seas (Includes stowaways on boats and aircraft). Title 18, United States Code, Sections 7, 13, 1243, and 2199.

46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act. Title 50, United States Code, Section 1211 et seq.; Title 31, United States Code, Section 231; Title 41, United States Code, Section 119; Title 40, United States Code, Section 489.

47. Impersonation. Title 18, United States Code, Sections 912, 913, 915, and 916.

48. Postal. Violation (Except Mail Fraud). This classification covers inquiries concerning the Postal Service and complaints pertaining to the theft of mail. Such complaints are either forwarded to the Postmaster General or the nearest Postal Inspector.

49. National Bankruptcy Act. Title 18, United States Code, Sections 151–155.

50. Involuntary Servitude and Slavery. U.S. Constitution, 13th Amendment; Title 18, United States Code, Sections 1581–1588, 241, and 242.

51. Jury Panel Investigations. This classification covers jury panel investigations which are requested by the appropriate Assistant Attorney General as authorized by 28 U.S.C. 533 and AG memorandum #781, dated 11/9/72. These investigations can be conducted only upon such a request and consist of an indices and arrest check, and only in limited important trials where defendant could have influence over a juror.

52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property. Title 18, United States Code, Sections 641, 1024, 1660, 2112, and 2114. Interference With Government Communications, Title 18, U.S.C., Section 1632.

53. Excess Profits On Wool. 1918 (obsolete). Subjects possible violator of Government Control of Wool Clip of 1918.

54. Customs Laws and Smuggling. This classification covers complaints received concerning smuggling and other matters involving importation and entry of merchandise into and the exportation of merchandise from the United States. Complaints are referred to the nearest district office of the U.S. Customs Service or the Commissioner of Customs, Washington, D.C.

55. Counterfeiting. This classification covers complaints received concerning alleged violations of counterfeiting of U.S. coins, notes, and other obligations and securities of the Government. These complaints are referred to either the Director, U.S. Secret Service, or the nearest office of that Agency.

56. Election Laws. Title 18, United States Code, Sections 241, 242, 245, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, and 607; Title 42, United States Code, Section 1973; Title 26, United States Code, Sections 9012 and 9042; Title 2, United States Code, Sections 431, 432, 433, 434, 435, 436, 437, 439, and 441.

57. War Labor Dispute Act (obsolete). Pub. L. 89—77th Congress.

58. Bribery; Conflict of Interest. Title 18, United States Code, Sections 201–203, 205–211; Pub. L. 89–4 and 89–136.

59. World War Adjusted Compensation Act 1924–44. Bureau of Investigation was charged with the duty of investigating alleged violations of all sections of the World War Adjusted Compensation Act (Pub. L. 472, 69th Congress (H.R. 10277)) with the exception of Section 704.

60. Anti-Trust. Title 15, United States Code, Sections 1–7, 12–27, and 13.

61. Treason or Misprison of Treason. Title 18, United States Code, Sections 2381, 2382, 2389, 2390, 756, and 757.

62. Administrative Inquiries. Misconduct Investigations of Officers and Employees of the Department of Justice and Federal Judiciary; Census Matters (Title 13, United States Code,

Sections 211–214, 221–224, 304, and 305) Domestic Police Cooperation; Eight-Hour-Day Law (Title 40, United States Code, Sections 321, 322, 325a, 326); Fair Credit Reporting Act (Title 15, United States Code, Sections 1681q and 1681r); Federal Cigarette Labeling and Advertising Act (Title 15, United States Code, Section 1333); Federal Judiciary Investigations; Kickback Racket Act (Title 18, United States Code, Section 874); Lands Division Matter; Other Violations and/or Matters; Civil Suits—Miscellaneous; Soldiers' and Sailors' Civil Relief Act of 1940 (Title 50, Appendix, United States Code, Sections 510–590); Tariff Act of 1930 (Title 19, United States Code, Section 1304); Unreported Interstate Shipment of Cigarettes (Title 15, United States Code, Sections 375 and 376); Fair Labor Standards Act of 1938 (Wage and Hours Law) (Title 29, United States Code, Sections 201–219); Conspiracy (Title 18, United States Code, Section 371 (formerly Section 88, Title 18, United States Code); effective September 1, 1948).

63. Miscellaneous—Nonsubversive. This classification concerns correspondence from the public which does not relate to matters within FBI jurisdiction.

64. Foreign Miscellaneous. This classification is a control file utilized as a repository for intelligence information of value identified by country. More specific categories are placed in classification 108–113.

65. Espionage. Attorney General Guidelines on Foreign Counterintelligence; Internal Security Act of 1950; Executive Order 11905.

66. Administrative Matters. This classification covers such items as supplies, automobiles, salary matters and vouchers.

67. Personnel Matters. This classification concerns background investigations of applicants for employment with the FBI.

68. Alaskan Matters (obsolete). This classification concerns FBI investigations in the Territory of Alaska prior to its becoming a State.

69. Contempt of Court. Title 18, United States Code, Sections 401, 402, 3285, 3691, 3692; Title 10, United States Code, Section 847; and Rule 42, Federal Rules of Criminal Procedure.

70. Crime on Government Reservation. Title 18, United States Code, Sections 7 and 13.

71. Bills of Lading Act. Title 49, United States Code, Section 121.

72. Obstruction of Criminal Investigations. Title 18, United States Code, Sections 1503 through 1510.

73. Application for Pardon After Completion of Sentence and Application for Executive Clemency. This classification concerns the FBI's background investigation in connection with pardon applications and requests for executive clemency.

74. Perjury. Title 18, United States Code, Sections 1621, 1622, and 1623.

75. Bondsmen and Sureties. Title 18, United States Code, Section 1506.

76. Escaped Federal Prisoner, Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator. Title 18, United States Code, Sections 751–757, 1072; Title 18, United States Code, Sections 3651–3656; and Title 18, United States Code, Sections 4202–4207, 5037, and 4161–4166.

77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications). This classification covers the background investigations conducted by the FBI in connection with the aforementioned positions.

78. Illegal Use of Government Transportation Requests. Title 18, United States Code, Sections 287, 495, 508, 641, 1001 and 1002.

79. Missing Persons. This classification covers the FBI's Identification Division's assistance in the locating of missing persons.

80. Laboratory Research Matters. At FBI Headquarters this classification is used for Laboratory research matters. In field office files this classification covers the FBI's public affairs matters and involves contact by the FBI with the general public, Federal and State agencies, the Armed Forces, corporations, the news media and other outside organizations.

81. Gold Hoarding. 1933–45. Gold Hoarding investigations conducted in accordance with an Act of March 9, 1933 and Executive Order issued August 28, 1933. Bureau instructed by Department to conduct no further investigations in 1935 under the Gold Reserve Act of 1934. Thereafter, all correspondence referred to Secret Service.

82. War Risk Insurance (National Life Insurance (obsolete). This classification covers investigations conducted by the FBI in connection with civil suits filed under this statute.

83. Court of Claims. This classification covers requests for investigation of cases pending in the Court of Claims from the Assistant Attorney General in charge of the Civil Division of the Department of Justice.

84. Reconstruction Finance Corporation Act (obsolete). Title 15, United States Code, Chapter 14.

85. Home Owner Loan Corporation (obsolete). This classification concerned complaints received by the FBI about alleged violations of the Home Owners Loan Act, which were referred to the Home Owners Loan Corporation. Title 12, United States Code, Section 1464.

86. *Fraud Against the Government*—Small Business Administration. Title 15, United States Code, Section 645; Title 18, United States Code, Sections 212, 213, 215, 216, 217, 657, 658, 1006, 1011, 1013, 1014, 1907, 1908 and 1909.

87. Interstate Transportation of Stolen Property (Fraud by wire, Radio, or Television). Title 18, United States Code, Sections 2311, 2314, 2315, and 2318.

88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony. Title 18, United States Code, Sections 1073 and 1074.

89. Assaulting or Killing a Federal Officer, Congressional Assassination Statute. Title 18, United States Code, Sections 1111, 1114, 2232.

90. Irregularities in Federal Penal Institutions. Title 18, United States Code, Sections 1791 and 1792.

91. Bank Burglary; Bank Larceny; Bank Robbery. Title 18, United States Code, Section 2113.

92. Anti-Racketeering, Title 18, United States Code, Section 3237.

93. Ascertaining Financial Ability. This classification concerns requests by the Department of Justice for the FBI to ascertain a person's ability to pay a claim, fine or judgment obtained against him by the United States Government.

94. Research Matters. This classification concerns all general correspondence of the FBI with private individuals which does not involve any substantive violation of Federal law.

95. Laboratory Cases (Examination of Evidence in Other Than Bureaus Cases). This classification concerns non-FBI cases where a duly constituted State, county or a municipal law enforcement agency in a criminal matter has requested an examination of evidence by the FBI Laboratory.

96. Alien Applicant (obsolete). Title 10, United States Code, Section 310.

97. Foreign Agents Registration Act. Title 18, United States Code, Section 951; Title 22, United States Code, Sections 611–621; Title 50, United States Code, Sections 851–857.

98. Sabotage. Title 18, United States Code, Sections 2151–2156; Title 50, United States Code, Section 797.

99. Plant Survey (obsolete). This classification covers a program where in the FBI inspected industrial plants for the purpose of making suggestions to the operators of those plants to prevent espionage and sabotage.

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100. Domestic Security. This classification covers investigations by the FBI in the domestic security field, e.g., Smith Act violations.

101. Hatch Act (obsolete). Pub. L. 252. 76th Congress.

102. Voorhis Act, Title 18, United States Code, Section 1386.

103. Interstate Transportation of Stolen Cattle. Title 18, United States Code, Sections 2311, 2316 and 2317.

104. Servicemen's Dependents Allowance Act of 1942 (obsolete). Pub. L. 625, 77th Congress, Sections 116–119.

105. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

106. Alien Enemy Control; Escaped Prisoners of War and Internees. 1944–55. Suspects were generally suspected escaped prisoners of war, members of foreign organizations, failed to register under the Alien Registration Act. Cases ordered closed by Attorney General after alien enemies returned to their respective countries upon termination of hostilities.

107. Denaturalization Proceedings (obsolete). This classification covers investigations concerning allegations that an individual fraudulently swore allegiance to the United States or in some other manner illegally obtained citizenship to the U.S., Title 8, United States Code, Section 738.

108. Foreign Travel Control (obsolete). This classification concerns security-type investigations wherein the subject is involved in foreign travel.

109. Foreign Political Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign political matters broken down by country.

110. Foreign Economic Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign economic matters broken down by country.

111. Foreign Social Conditions. This classification is a control file utilized as a repository for intelligence information concerning foreign social conditions broken down by country.

112. Foreign Funds. This classification is a control file utilized as a repository for intelligence information concerning foreign funds broken down by country.

113. Foreign Military and Naval Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign military an naval matters broken down by country.

114. Alien Property Custodian Matter (obsolete). Title 50, United States Code, Sections 1 through 38. This classification covers investigations concerning ownership and control of property subject to claims and litigation under this statute.

115. Bond Default; Bail Jumper. Title 18, United States Code, Sections 3146–3152.

116. Department of Energy Applicant; Department of Energy, Employee. This classification concerns background investigations conducted in connection with employment with the Department of Energy.

117. Department of Energy, Criminal. Title 42, United States Code, Sections 2011–2281; Pub. L. 93–438.

118. Applicant, intelligence Agency (obsolete). This classification covers applicant background investigations conducted of persons under consideration for employment by the Central Intelligence Group.

119. Federal Regulations of Lobbying Act Title 2, United States Code, Sections 261–270.

120. Federal Tort Claims Act. Title 28, United States Code, Sections 2671 to 2680. Investigations are conducted pursuant to specific request from the Department of Justice in connection with cases in which the Department of Justice represents agencies sued under the Act.

121. Loyalty of Government Employees (obsolete). Executive Order 9835.

122. Labor Management Relations Act, 1947. Title 29, United States Code, Sections 161, 162, 176–178 and 186.

123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Pub. L. 402, 80th Congress) (obsolete). This classification covers loyalty and security investigations on personnel employed by or under consideration for employment for Voice of America.

124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Programs; A.I.D., Agency for International Development (obsolete). This classification covers security and loyalty investigations of personnel employed by or under consideration for employment with the European Recovery Program, Pub. L. 472, 80th Congress.

125. Railway Labor Act; Railway Labor Act—Employer's Liability Act, Title 45, United States Code, Sections 151–163 and 181–188.

126. National Security Resources Board, Special Inquiry (obsolete). This classification covers loyalty investigations on employees and applicants of the National Security Resources Board.

127. Sensitive Positions in the United States Government, Pub. L. 266 (obsolete). Pub. L. 266, 81st Congress.

128. International Development Program (Foreign Operations Administration). (obsolete) This classification covers background investigations conducted on individuals who are to be assigned to duties under the International Development Program.

129. Evacuation Claims (obsolete). Pub. L. 886, 80th Congress.

130. Special Inquiry, Armed Forces Security Act (obslete). This classification covers applicant-type investigations conducted for the Armed Forces security agencies.

131. Admiralty Matter. Title 46, United States Code, Sections 741 to 752 and 781 to 799.

132. Special Inquiry, Office of Defense Mobilization (obsolete). This classification covers applicant-type investigations of individuals associated with the Office of Defense Mobilization.

133. National Science Foundation Act. Applicant (obsolete). Pub. L. 507, 81st Congress.

134. Foreign Counterintelligence Assets. This classification concerns individuals who provide information to the FBI concerning Foreign Counterintelligence matters.

135. PROSAB (Protection of Strategic Air Command Bases of the U.S. Air Force). (obsolete) This classification covered contacts with individuals with the aim to develop information useful to protect bases of the Strategic Air Command.

136. American Legion Contact (obsolete). This classification covered liaison contacts with American Legion officers.

137. Informants, Other than Foreign Counterintelligence Assets. This classification concerns individuals who furnish information to the FBI concerning criminal violations on a continuing and confidential basis.

138. Loyalty of Employees of the United Nations and Other Public International Organizations. This classification concerns FBI investigations based on referrals from the Civil Service Commission wherein a question or allegation has been received regarding the applicant's loyalty to the U.S. Government as described in Executive Order 10422.

139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications). Title 47, United States Code, Section 605; Title 47, United States Code, Section 501; Title 18, United States Code, Sections 2510–2513.

140. Security of Government Employees; S.G.E., Fraud Against the Government. Executive Order 10450.

141. False Entries in Records of Interstate Carriers. Title 47, United States Code, Section 220; Title 49, United States Code, Section 20.

142. Illegal Use of Railroad Pass. Title 49, United States Code, Section 1.

143. Interstate Transportation of Gambling Devices. Title 15, United States Code, Sections 1171 through 1180.

144. Interstate Transportation of Lottery Tickets. Title 18, United States Code, Section 1301.

145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language. Title 18, United States Code, Sections 1462, 1464 and 1465.

146. Interstate Transportation of Prison-Made Goods. Title 18, United States Code, Sections 1761 and 1762.

147. *Fraud Against the Government*—Department of Housing and Urban Development, Matters. Title 18, United States Code, Sections 1010, 709, 657 and 1006; Title 12, United States Code, Sections 1715 and 1709.

148. Interstate Transportation of Fireworks. Title 18, United States Code, Section 836.

149. Destruction of Aircraft or Motor Vehicles. Title 18, United States Code, Sections 31 through 35.

150. Harboring of Federal Fugitives. Statistics.

151. (Referral cases received from the Office of Personnel Management under Pub. L. 298). Agency for International Development; Department of Energy; National Aeronautics and Space Administration; National Science Foundation; Peace Corps.; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; International Communications Agency. This classification covers referrals from the Civil Service Commission where an allegation has been received regarding an applicant's loyalty to the U.S. Government. These referrals refer to applicants from Peace Corps., Department of Energy, National Aeronautics and Space Administration, Nuclear Regulatory Commission, United States Arms Control and Disarmament Agency and the International Communications Agency.

152. Switchblade Knife Act. Title 15, United States Code, Sections 1241 through 1244.

153. Automobile Information Disclosure Act. Title 15, United States Code, Sections 1231, 1232 and 1233.

154. Interstate Transportation of Unsafe Refrigerators. Title 15, United States Code, Sections 1211 through 1214.

155. National Aeronautics and Space Act of 1956. Title 18, United States Code, Section 799.

156. Employee Retirement Income Security Act. Title 29, United States Code, Sections 1021–1029, 1111, 1131, and 1141; Title 18, United States Code, Sections 644, 1027, and 1954.

157. Civil Unrest. This classification concerns FBI responsibility for reporting information on civil disturbances or demonstrations. The FBI's investigative responsibility is based on the Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest which became effective April 5, 1976.

158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete). Pub. L. 86–257, Section 504.

159. Labor-Management reporting and Disclosure Act of 1959 (Investigative Matter). Title 29, United States Code, Sections 501, 503, 504, 522, and 530.

160. Federal Train Wreck Statute. Title 18, United States Code, Section 1992.

161. Special Inquiries for White House, Congressional Committee and Other Government Agencies. This classification covers investigations requested by the White House, Congressional committees or other Government agencies.

162. Interstate Gambling Activities. This classification covers information acquired concerning the nature and scope of illegal gambling activities in each field office.

163. Foreign Police Cooperation. This classification covers requests by foreign police for the FBI to render investigative assistance to such agencies.

164. Crime Aboard Aircraft. Title 49, United States Code, Sections 1472 and 1473.

165. Interstate Transmission of Wagering Information. Title 18, United States Code, Section 1084.

166. Interstate Transportation in Aid of Racketeering. Title 18, United States Code, Section 1952.

167. Destruction of Interstate Property. Title 15, United States Code, Sections 1281 and 1282.

168. Interstate Transportation of Wagering Paraphernaila. Title 18, United States Code, Section 1953.

169. Hydraulic Brake Fluid Act (obsolete); 76 Stat. 437, Pub. L. 87–637.

170. Extremist Informants (obsolete). This classification concerns individuals who provided information on a continuing basis on various extremist elements.

171. Motor Vehicle Seat Belt Act (obsolete). Pub. L. 88–201, 80th Congress.

172. Sports Bribery. Title.

173. Public Accommodations, Civil Rights Act of 1964 Public Facilities, Civil Rights Act of 1964 Public Education, Civil Rights Act of 1964 Employment, Civil Rights Act of 1964. Title 42, United States Code, Section 2000; Title 18, United States Code, Section 245.

174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats). Title 18, United States Code, Section 844.

175. Assaulting the President (or Vice President) of the United States. Title 18, United States Code, Section 1751.

176. Anti-riot Laws. Title 18, United States Code, Section 245.

177. Discrimination in Housing. Title 42, United States Code, Sections 3601–3619 and 3631.

178. Interstate Obscene or Harrassing Telephone Calls. Title 47, United States Code, Section 223.

179. Extortionate Credit Transactions. Title 18, United States Code, Sections 891–896.

180. Desecration of the Flag. Title 18, United States Code, Section 700.

181. Consumer Credit Protection Act. Title 15, United States Code, Section 1611.

182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture. Title 18, United States Code, Section 1955; Title 18, United States Code, Section 1511.

118. Racketeer, Influence and Corrupt Organizations. Title 18, United States Code, Sections 1961–1968.

184. Police Killings. This classification concerns investigations conducted by the FBI upon written request from local Chief of Police or duly constituted head of the local agency to actively participate in the investigation of the killing of a police officer. These investigations are based on a Presidential Directive dated June 3, 1971.

185. Protection of Foreign Officials and Officials Guests of the United States. Title 18, United States Code, Sections 112, 970, 1116, 1117 and 1201.

186. Real Estate Settlement Procedures Act of 1974. Title 12, United States Code, Section 2602; Title 12, United States Code, Section 2606, and Title 12, United States Code, Section 2607.

187. Privacy Act of 1974, Criminal. Title 5, United States Code, Section 552a.

188. Crime Resistance. This classification covers FBI efforts to develop new or improved approaches, techniques, systems, equipment and devices to improve and strengthen law enforcement as mandated by the

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Omnibus Crime Control and Safe Streets Act of 1968.

189. Equal Credit Opportunity Act. Title 15, United States Code, Section 1691.

190. Freedom of Information/Privacy Acts. This classification covers the creation of a correspondence file to preserve and maintain accurate records concerning the handling of requests for records submitted pursuant to the Freedom of Information—Privacy Acts.

191. False Identity Matters. This classification covers the FBI's study and examination of criminal elements efforts to create false identities.

192. Hobbs Act—Financial Institutions. Title 18, United States Code, Section 1951.

193. Hobbs Act—Commerical Institutions. Title 18, United States Code, Setion 1951; and Title 47, United States Code, Section 506

194. Hobbs Act—Corruption of Public Officials. Title 18, Untied States Code, Section 1951.

195. Hobbs Act—Labor Related. Title 18, United States Code, Section 1951.

196. Fraud by Wire. Title 18, United States Code, Section 1343.

197. Civil Actions or Claims Against the Government. This classification covers all civil suits involving FBI matters and most administrative claims filed under the Federal Tort Claims Act arising from FBI activities.

198. Crime on Indian Reservations. Title 18, United States Code, Sections 1151, 1152, and 1153.

199. Foreign Counterintelligence—Terrorism. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

200. Foreign Counterintelligence Matter. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

201. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

202. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

203. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

204. Federal Revenue Sharing. This classification covers FBI investigations conducted where the Attorney General has been authorized to bring civil action whenever he has reason to believe that a pattern or practice of discrimination in disbursement of funds under the Federal Revenue Sharing status exists.

205. Foreign *Corrupt* Practices Act of 1977. Title 15, United States Code, Section 78.

206. Fraud Against the Government—Department of Defense. (See classification 46 (supra) for statutory authority for this and the four following classifications).

207. Fraud Against the Government—Environmental Protection Agency.

208. Fraud Against the Government—General Services Administration.

209. Fraud Against the Government—Department of Health, and *Human Services (Formerly, Department of Health, Education, and Welfare).*

210. Fraud Against the Government—Department of Labor.

211. *Ethics in Government Act of 1978, Title VI (Title 28, Sections 591–598).*

212. Foreign Counterintelligency—*Intelligence Community Support. This is an administrative classification for the FBI's operational and technical support to other Intelligence Community agencies.*

213. *Fraud Against the Government-Department of Education.*

214. Civil Rights of Institutionalized *Persons Act (Title 42, United States Code, section 1997).*

Records Maintained in FBI Field Divisions—FBI field divisions maintain for limited periods of time investigative, administrative and correspondence records, including files, index cards and related material, some of which are duplicated copies of reports and similar documents for forwarded to FBI Headquarters. Most investigative activities conducted by FBi field divisions are reported to FBI Headquarters at one or more stages of the investigation. There are, however, investigative activities wherein no reporting was made to FBI Headquarters, e.g., pending cases not as yet reported and cases which were closed in the field division for any of a number of reasons without reporting to FBI Headquarters.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilities access to documents prepared in connection with major cases.

In recent years, as the emphasis on the investigation of white collar crime, organized crime, and hostile foreign intelligence operations has increased, the FBI has been confronted with increasingly complicated cases, which require more intricate information processing capabilities. Since these

complicated investigations frequently involve massive volumes of evidence and other investigative information, the FBI uses its computers, when necessary, to collate, analyze, and retrieve investigative information in the most accurate and expeditious manner possible. It should be noted that all investigative information, which is placed in computerized form, is actually extracted from the main files and that the duplicative computerized information is only maintained as necessary to support the FBI's investigative activities. Information from these internal computerized subsystems of the "Central Records System" is not accessed by any other agency. All disclosures of computerized information are made in printed form in accordance with the routine uses which are set forth below.

Records also are maintained on a temporary basis relevant to the FBI's domestic police cooperation program, where assistance in obtaining information is provided to state and local police agencies.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

(The following chart identifies various listings or indexes maintained by the FBI which have been or are being used by various divisions of the FBI in their day-to-day operations. The chart identifies the list by name, description, and use, and where maintained, i.e., FBI Headquarters and/or Field Office. The number in parenthesis in the field office column indicates, the number of field offices which maintain these. The chart indicates, under "status of index," those indexes which are in current use (designated by the word "active") and those which are no longer being used, although maintained (designated by the word "inactive"). There are 27 separate indices which are classified in accordance with existing regulations and are not included in this chart. The following indices are no longer being used by the FBI and are being maintained at FBIHQ pending receipt of authority to destroy: Black Panther Party Photo Index; Black United Front Index; Security Index; and Wounded Knee Album.

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Administrative Index (ADEX)	Consists of cards with descriptive data on individuals who were subject to investigation in a national emergency because they believed to constitute a potential or active threat to the internal security of the United States. When ADEX was started in 1971, it was made up of people who were formerly on the Security Index, Reserve Index, and Agitator Index. The index is maintained in two separate locations in FBI Headquarters. ADEX was discontinued in January 1976.	Inactive	Yes	Yes (29).
Anonymous Letter File	*Consists of photographs of anonymous communications and extortionate credit transactions; kidnapping, extortion and threatening letters*	*Active*	*Yes*	*No.*
Associates of DEA Class I Narcotics Violators Listing.	Consists of a computer listing of individuals whom DEA has identified as associates of Class I Narcotics Violators.	Active	Yes	Yes (59)
Background Investigation Index—Department of Justice.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with Department of Justice, such as U.S. Attorney, Federal judge, or a high level Departmental position	Active	Yes	No.
Background Investigation Index—White House, Other Executive Agencies, and Congress.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with the White House, Executive agencies (other than the Department of Justice) and the Congress.	Active	Yes	No.
Bank Fraud and Embezzlement Index.	Consists of individuals who have been the subject of "Bank Fraud and Embezzlement" investigation. This file is used as an investigative aid.	Active	No	Yes (1).
Bank Robbery Album	Consists of photos of bank robbers, burglars, and larceny subjects. In some field offices it will also contain pictures obtained from local police departments of known armed robbers and thus potential bank robbers. This index is used to develop investigative leads in bank robbery cases and may also be used to show to witnesses of bank robberies. It is usually filed by race, height, and age. This index is also maintained in one resident agency (a suboffice of a field office).	Active	No	Yes (47).
Bank Robbery Nickname Index	Consists of nicknames used by known bank robbers. The index card on each would contain the real name and method of operation and are filed in alphabetical order.	Active	No	Yes (1).
Bank Robbery Note File	Consists of photographs of notes used in bank robberies in which the suspect has been identified. This index is used to help solve robberies in which the suspect has not been identified but a note was left. The note is compared with the index to try to match the sentence structure and handwriting for the purpose of identifying possible suspects	Active	Yes	No.
Bank Robbery Suspect Index	Consists of a control file or index cards with photos, if available, of bank robbers or burglars. In some field offices these people may be part of the bank robbery album. This index is generally maintained and used in the same manner as the bank robbery album.	Active	No	Yes (33).
Car Ring Case Photo Album	Consists of photos of subjects and suspects involved in a large car theft ring investigation. It is used as an investigative aid.	Active	No	Yes (3).
Car Ring Case Photo Album and Index.	Consists of photos of subjects and suspects involved in a large car theft ring investigation. The card index maintained in addition to the photo album contains the names and addresses appearing on fraudulent title histories for stolen vehicles. Most of these names appearing on these titles are fictitious. Both the photo album and card indexes are used as an investigative aid.	Active	No	Yes (1).
Car Ring Case Toll Call Index	Consists of cards with information on persons who subscribe to telephone numbers to which toll calls have been placed by the major subjects of a large car theft ring investigation. It is maintained numerically by telephone number. It is used to facilitate the development of probable cause for a court-approved wiretap.	Active	No	Yes (2).
Car Ring Theft Working Index	Contains cards on individuals involved in car ring theft cases on which the FBI laboratory is doing examination work	Active	Yes	No.
Cartage Album	Consists of photos with descriptive data of individuals who have been convicted of theft from interstate shipment or interstate transportation of stolen property where there is a reason to believe they may repeat the offense. It is used in investigating the above violations.	Active	No	Yes (3).
Channelizing Index	Consists of cards with the names and case file numbers of people who are frequently mentioned in informant reports. The index is used to facilitate the distributing or channeling of informant reports to appropriate files.	Active	No	Yes (9).
Check Circular File	Consists of fliers filed numerically in a control file on fugitives who are notorious fraudulent check passers and who are engaged in a continuing operation of passing checks. The fliers which include the subject's name, photo, a summary of the subject's method of operation and other identifying data is used to alert other FBI field offices and business establishments which may be the victims of bad checks.	Active	Yes	Yes (43)

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Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Computerized Telephone Number File (CTNF) Intelligence	Consists of a computer listing of telephone numbers (and subscribers' names and addresses) utilized by subjects and/or certain individuals which come to the FBI's attention during major investigations. During subsequent investigations, telephone numbers, obtained through subpoenas, are matched with the telephone numbers on file to determine connections or associations.	Active	Yes	No
Con Man Index	Consists of computerized names of individuals, along with company affiliation, who travel nationally and internationally while participating in large-dollar-value financial swindles.	Active	Yes	No
Confidence Game (Flim Flam) Album.	Consists of photos with descriptive information on individuals who have been arrested for confidence games and related activities. It is used as an investigative aid.	Active	No	Yes (4)
Copyright Matters Index	Consists of cards of individuals who are film collectors and film titles. It is used as a reference in the investigation of copyright matters.	Active	No	Yes (1)
Criminal Intelligence Index	Consists of cards with name and file number of individuals who have become the subject of an antiracketeering investigation. The index is used as a quick way to ascertain file numbers and the correct spelling of names. This index is also maintained in one resident agency	Active	No	Yes (2)
Criminal Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No
DEA Class I Narcotics Violators Listing.	Consists of a computer listing of narcotic violators—persons known to manufacture, supply, or distribute large quantities of illicit drugs—with background data. It is used by the FBI in their role of assisting DEA in disseminating intelligence data concerning illicit drug trafficking. This index is also maintained in two resident agencies.	Active	Yes	Yes (59)
Deserter Index	Contains cards with the names of individuals who are known military deserters. It is used as an investigative aid.	Active	No	Yes (4)
False Identities Index	Contains cards with the names of deceased individuals whose birth certificates have been obtained by other persons for possible false identification uses and in connection with which the FBI laboratory has been requested to perform examinations.	Inactive	Yes	No
False Identities Program List	Consists of a listing of names of deceased individuals whose birth certificates have been obtained after the person's death, and thus whose names are possibly being used for false identification purposes. The listing is maintained as part of the FBI's program to find persons using false identities for illegal purposes.	Inactive	No	Yes (31)
False Identity Photo Album	Consists of names and photos of people who have been positively identified as using a false identification. This is used as an investigative aid in the FBI's investigation of false identities.	Inactive	No	Yes (2)
FBI Wanted Persons Index	Consists of cards on persons being sought on the basis of Federal warrants covering violations which fall under the jurisdiction of the FBI. It is used as a ready reference to identify those fugitives.	Active	Yes	No
Foreign Counterintelligence (FCI) Asset Index.	Consists of cards with identity background data on all active and inactive operational and informational assets in the foreign counterintelligence field. It is used as a reference aid of the FCI Asset program.	Active	Yes	No
Fraud Against the Government index.	Consists of individuals who have been the subject of a "fraud against the Government" investigation. It is used as investigative aid.	Active	No	Yes (1)
Fugitive Bank Robbers File	Consists of fliers on bank robbery fugitives filed sequntially in a control file. FBI Headquarters distributes to the field offices fliers on bank robbers in a fugitive status for 15 or more days to facilitate their location.	Active	Yes	Yes (43)
General Security Index	Contains cards on all persons that have been the subject of a security classification investigation by the FBI field office. These cards are used for general reference purposes	Active	No	Yes (1)
Hoodlum License Plate Index	Consists of cards with the license plates numbers and descriptive data on known hoodlums and cars observed in the vicinity of hoodlum homes. It is used for quick identification of such persons in the course of investigation. The one index which is not fully retrievable is maintained by a resident agency.	Active	No	Yes (3).
Identification Order Fugitive Flier File	Consists of fliers filed numerically in a control file. When immediate leads have been exhausted in fugitive investigations and a crime of considerable public interest has been committed, the fliers are given wide circulation among law enforcement agencies throughout the United States and are posted in post offices. The fliers contain the fugitive's photograph, fingerprints, and description.	Active	Yes	Yes (49)
Informant index	Consists of cards with the name, symbol numbers, and brief background information on the following categories of active and inactive informants, top echelon criminal informants, security informants, criminal informants, operational and informational assets, extremist informants (discontinued), plant informant—informants on and about certain military bases (discontinued), and potential criminal informants.	Active	No	Yes (59)
Informants in Other Field Offices. Index of.	Consists of cards with names and/or symbol numbers of informants in other FBI field offices that are in a position to furnish information that may be of value to other field offices. Basic background information would also be included on the index card.	Active	No	Yes (15)
Interstate Transportation of Stolen Aircraft Photo Album.	Consists of photos and descriptive data on individuals who are suspects known to have been involved in interstate transportation of stolen aircraft. It is used as an investigative aid.	Active	No	Yes (1)
IRS Wanted List	Consists of one-page fliers from IRS on individuals with background information who are wanted by IRS for tax purposes. It is used in the identification of persons wanted by IRS.	Active	No	Yes (11).
Kidnapping Book	Consists of data, filed chronologically, on kidnappings that have occurred since the early fifties. The victims names and the suspects, if known, would be listed with a brief description of the circumstances surrounding the kidnapping. The file is used as a reference aid in matching up prior methods of operation in unsolved kidnapping cases.	Active	Yes	No
Known Check Passers Album	Consists of photos with descriptive data of persons known to pass stolen, forged, or counterfeit checks. It is used as an investigative aid.	Active	No	Yes (4)
Known Gambler Index	Consists of cards with names, descriptive data, and sometimes photos of individuals who are known bookmakers and gamblers. The index is used in organized crime and gambling investigations. Subsequent to GAO's review, and at the recommendation of the inspection team at one of the two field offices where the index was not fully retrievable, the index was destroyed and thus is not included in the total.	Active	No	Yes (5)
La Cosa Nostra (LCN) Membership Index.	Contains cards on individuals having been identified as members of the LCN index. The cards contains personal data and pictures. The index is used solely by FBI agents for assistance in investigating organized crime matters.	Active	Yes	Yes (55)
Leased Line Letter Request Index	Contains cards on individuals and organizations who are or have been the subject of a national security electronic surveillance where a leased line letter was necessary. It is used as an administrative and statistical aid.	Active	Yes	No
Mail Cover Index	Consists of cards containing a record of all mail covers conducted on individuals and groups since about January 1973. It is used for reference in preparing mail cover requests.	Active	Yes	No.
Military Deserter Index	Consists of cards containing the names of all military deserters where the various military branches have requested FBI assistance in locating. It is used as an administrative aid.	Active	Yes	No.

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
National Bank Robbery Album	Consists of fliers on bank robbery suspects filed sequentially in a control file. When an identifiable bank camera photograph is available and the case has been under investigation for 30 days without identifying the subject. FBIHQ sends a flier sends a filer to the field offices to help identify the subject.	Active	Yes	Yes (42)
National Fruadulent Check File	Contains photographs of the signatures on stolen and counterfeit checks. It is filed alliphabetically but there is no way of knowing if the names are real or fictitious. The index is used to help solve stolen check cases by matching checks obtained in such cases against the index to identity a possible suspect.	Active	Yes	No.
National Security Electronic Surveillance Card File.	Contains *cards recording electronic surveillances previously authorized by the Attorney General and previously and currently authorized by the FISC; current and prevous assets in the foreign counterintelligence field; and a historical, invactive section which contains cards believed to record non-consented physical entries in national securrty cases, previous toll billngs, mail covers and leased lines. The inactive section also contains cards reflecting previous Attorney General approvals and denials for warrant-less electronic surveillance in the national securrty cases.*	Active	Yes	No.
Night Depository Trap Index	Contains cards with the names of person who have been involved in the theft of deposits made in bank night depository boxes. Since these thefts have involved various methods, the FBI uses the index to solve such cases by matching up similar methods to identify possible suspects.	Active	Yes	No.
Organized Crime Photo Album	Consists of photos and background information on individuals involved in organized crime activities. The index is used as a ready reference in identifying organized crime figures within the field offices' jurisdiction.	Active	No	Yes (13).
Photospread Identification Elimination File.	Consists of photos of individuals who have been subjects and suspects in FBI investigations. It also includes photos received from other law enforcement agencies. These pictures can be used to show witnesses of certain crimes.	Active	No	Yes (14).
Prostitute Photo Album	Consists of photos with background data on prostitutes who have prior local or Federal arrests for prostitution. It is used to identity prostitutes in connection with investigations under the White Slave Traffic Act.	Active	No	Yes (4).
Royal Canadian Mounted Police (RCMP) Wanted Circular File.	Consists of a control file of indivduals with background information of persons wanted by the RCMP. It is used to notify the RCMP if an indrvidual is located.	Active	No	Yes (17).
Security Informant Index	Consists of cards containing identify and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No.
Security Subjects Control Index	Consists of cards containing the names and case file numbers of individuals who have been subject to security investigations check. It is used as a reference source	Active	No	Yes (1).
Security Telephone Number Index	Contains cards with telephone subscriber information subpensed from the telephone company in any security investigation. It is maintained numerically by the last three digits in the telephone number. It is used for general reference purposes in security investigations.	Active	No	Yes (1).
Selective Service Violators Index	Contains cards on individuals being sought on the basis of Federal warrants for violation of the Selective Service Act.	Active	Yes	No.
Sources of Information Index	Consists of cards on individuals and organizations such as banks, motels, local governments that are willing to furnish information to the FBI with sufficient frequency to justify listing for the benefit of all agents. It is maintained to facilitate the use of such sources.	Active	No	Yes (10).
Special Services Index	Contains cards of prominent individuals who are in a position to furnish assistance in connection with FBI investigative responsibility.	Active	No	Yes (28).
Stolen Checks and Fraud by Wire Index.	Consists of cards on individuals involved in check and fraud by wire violations. It is used as an investigative aid.	Active	No	Yes (1).
Stop Notices Index	Consists of cards on names of subjects or property where the field office has placed a stop at another law enforcement agency or private business such as pawn shops in the event information comes to the attention of that agency concerning the subject or property. This is filed numerically by investigative classification. It is used to insure that the agency where the stop is placed is notified when the subject is apprehended or the property is located or recovered.	Active	No	Yes (43).
Surveillance Locator Index	Consists of cards with basic data on individuals and businesses which have come under physical surveillance in the city in which the field office is located. It is used for general reference purposes in antiracketeering investigations.	Active	No	Yes (2)
Telephone Number Index—Gamblers.	Contains information on persons identified usually as a result of a subpena for the names of subscribers to particular telephone numbers or toll records for a particular phone number of area gamblers and bookmakers. The index cards are filled by the last three digits of the telephone number. The index is used in gambling investigations.	Active	No	Yes (2)
Telephone Subscriber and Toll Records Check Index	Contains cards with information on person identified as the result of a formal request or subpena to the phone company for the identify of subscribers to particular telephone numbers. The index cards are filed by telephone number and would also include identity of the subscriber, billing parties identity, subscribers address, date of request from the telephone company, and file number.	Active	No	Yes (1)
Thieves, Couners, and Fences Photo Index.	Consists of photos and background information on individuals who are or are suspected of being thieves, couriers, or fences based on their past activity in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4)
Toll Record Request Index	Contains cards on individuals and organizations on whom toll records have been obtained in national security related cases and with respect to which FBIHQ had to prepare a request letter. It is used primarily to facilitate the handling of repeat requests on indivduals listed.	Active	Yes	No.
Top Burglar Album	Consists of photos and background data of known and suspect top burglars involved in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4).
Top Echelon Criminal Informant Program (TECIP) Index	Consists of cards containing identity and brief background information on individuals who are either furnishing high level information in the organized crime area or are under development to furnish such information. The index is used primarily to evaluate, corroborate, and coordinate informant information and to develop prosecutive data against racket figures under Federal, State, and local statutes.	Active	Yes	No
Top Ten Program File	Consists of fliers, filed numerically in a control file, on fugitives considered by the FBI to be 1 of the 10 most wanted including a fugitive on the top 10 usually assures a greater national news coverage as well as nationwide circulation of the flier	Active	Yes	Yes (44).
Top Thief Program Index	Consists of cards of individuals who are professional burglars, robbers, or fences dealing in items likely to be passed in interstate commerce or who travel interstate to commit the crime. Usually photographs and background information would also be obtained on the index card. The index is used as an investigate aid.	Active	No	Yes (27).
Truck Hijack Photo Album	Contains photos and descriptive data of individuals who are suspected truck hijackers. It is used as an investigative aid and for displaying photos to witnesses and/or victims to identify unknown subjects in hijacking cases.	Active	No	Yes (4).
Truck Thief Suspect Photo Album	Consists of photos and background data on individuals previously arrested or are currently suspects regarding vehicle theft. The index is used as an investigative aid.	Active	No	Yes (1)

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Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Traveling Criminal Photo Album	Consists of photos with identifying data of individuals convicted of various criminal offenses and may be suspects in other offenses. It is used as an investigative aid.	Active	No	Yes (1)
Veterans Administration (VA)/Federal Housing Administrative Matters (FHA) Index.	Consists of cards of individuals who have been subject of an investigation relative to VA and FHA matters. It is used as an investigate aid.	Active	No	Yes (1)
Wanted Fliers File	Consists of fliers, filed numerically in a control file, on badly wanted fugitives whose apprehension may be facilitated by a flier. The flier contains the names, photograph, aliases, previous convictions, and a caution notice	Active	Yes	Yes (46)
Wheeldex	Contains the nicknames and the case file numbers of organized crime members. It is used in organized crime investigations.	Active	No	Yes (1)
White House Special Index	Contains cards on all potential White House appointees, staff members, guests, and visitors that have been referred to the FBI by the White House security office for a records check to identify any adverse or derogatory information. This index is used to expedite such checks in view of the tight time frame usually required.	Active	Yes	No
Witness Protection Program Index	Contains cards on individuals who have been furnished a new identity by the U.S. Justice Department because of their testimony in organized crime trials. It is used primarily to notify the U.S. Marshal's Service when information related to the safety of a protected witness comes to the FBI's attention.	Active	Yes	No

Authority for maintenance of the system: Federal Records Act of 1950, Title 44, United States Code, Chapter 31, Section 3101; and Title 41, Code of Federal Regulations Subpart 101–11.202, requires Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and financial rights of the Federal Government. Title 28, United States Code, Section 534, delegates authority to the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime and other records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records, both investigative and administrative, are maintained in this system in order to permit the FBI to function efficiently as an authorized, responsive component of the Department of Justice. Therefore, information in this system is disclosed to officials and employees of the Department of Justice, and/or all components thereof, who have need of the information in the performance of their official duties.

Personal information from this system may be disclosed as a routine use to any Federal agency where the purpose in making the disclosure is compatible with the law enforcement purpose for which it was collected, e.g., to assist the recipient agency in conducting a lawful criminal or intelligence investigation, to assist the recipient agency in making a determination concerning an individual's suitability for employment and/or trustworthiness for access clearance purposes, or to assist the recipient agency in the performance of any authorized function where access to records in this system is declared by the recipient agency to be relevant to that function.

In addition, personal information may be disclosed from this system to members of the Judicial Branch of the Federal Government in response to a specific request, or at the initiation of the FBI, where disclosure appears relevant to the authorized function of the recipient judicial office or court system. An example would be where an individual is being considered for employment by a Federal judge.

Information in this system may be disclosed as a routine use to any state or local government agency directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation and parole, and the judiciary, where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement officer. Disclosure to a state or local government agency, (a) not directly engaged in the criminal justice process or, (b) for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances, as determined by the FBI.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector pursuant to an appropriate legal proceeding, or if deemed necessary to elicit information or cooperation from the recipient for use by the FBI in the performance of an authorized activity. An example would be where the activities of an individual are disclosed to a member of the public in order to elicit his/her assistance in our apprehension or detection efforts.

Information in this system may be disclosed as a routine use to an organization or individual in the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, to the extent the information is relevant to the protection of life or property.

Information in this system may be disclosed to legitimate agency of a foreign government where the FBI determines that the information is relevant to that agency's responsibilities, and dissemination serves the best interests of the U.S. Government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected.

Relevant information may be disclosed from this system to the news media and general public where there exists a legitimate public interest, e.g., to assist in the location of Federal fugitives, to provide notification of arrests, and where necessary for protection from imminent threat of life or property.

A record relating to an actual or potential civil or ciminal violation of the copyright statute, Title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title.

The FBI has received inquiries from private citizens and Congressional offices on behalf of constituents seeking assistance in locating individuals such as missing children and heirs to estates. Where the need is acute, and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the requester. Information will be provided only in those instances where there are reasonable grounds to conclude from available information the individual being sought would want the information to be furnished, e.g., an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority.

Release of information to Members of Congress: Information contained in this system, the release of which is required by the Freedom of Information-Privacy Acts, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information in behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The active main files are maintained in hard copy form and some inactive records are maintained on microfilm. Investigative information which is maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

Retrievability: The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted ar indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating the General Index and, therefore, the retrieval of certain information from the main files will be accomplished through the use of peripheral computer equipment, that is, Cathode Ray Tubes (CRTs) and printers. Automation will not change the "Central Records System"; it will only facilitate more economic and expeditious access to the main files. The automated General Index will not cause the "Central Records System" to be interfaced with any other system of records, nor will it allow any outside agency to access FBI information. Since the General Index of all of the field offices will not be automated for quite some time, certain complicated investigative matters are presently supported with special computerized indices which allow retrieval of information from the main files. These special indices are either maintained on printed listings or on disk storage and then accessed through the use of CRTs.

Safeguards: Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a ten thousand-dollar fine or 10 years' imprisonment or both. Employees that resign or retire are also cautioned about divulging information acquired in the job. Registered mail is used to transmit routine hard copy records between field offices. Highly classified records are hand carried by Special Agents or personnel of the Armed Forces Courier Service. Highly classified or sensitive privacy information, which is electronically transmitted between field offices, is transmitted in encrypted from the prevent interception and interpretation. Information transmitted in teletype form is placed in the main files of both the receiving and transmitting field offices. Field offices involved in certain complicated investigative matters may be provided with on-line access to the duplicative computerized information which is maintained for them on disk storage in the FBI Computer Center in Washington, D.C., and this computerized data is also transmitted in encrypted form.

Retention and disposal: *All FBI records destruction programs relevant to this system were suspended as a result of a court order, issued January 10, 1980, in the U.S. District Court for the District of Columbia, enjoining the FBI from destroying or otherwise disposing of any FBI records until such time as detailed records retention plans and schedules are developed by NARS and the FBI, and are submitted to and approved by the Court. With the exception of certain limited record categories, this court order prohibits records destruction at both FBI Headquarters and FBI field offices.*

System manager(s) and address: Director; Federal Bureau of Investigation; Washington, D.C. 20535.

Notification procedure: Same as above.

Record access procedures: A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests can be addressed to the Director, Federal Bureau of investigation, Washington, D.C. 20535, or individually to one or more of the FBI field divisions or Legal Attachés listed in the appendix to this system notice.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3)(d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the proposed rules section of today's **Federal Register.**

Appendix of Field Divisions for the Federal Bureau of Investigation Field Office—

502 U.S. Post Office and Court House, Albany, N.Y. 12207.

301 Grand Ave., N.E., Albuquerque, N. Mex. *87102.*

Room 500, 300 North Lee Street, Alexandria, Va. 22314.

Federal Building, Room E–222, 701 C Street, Anchorage, Alaska 99513.

275 Peachtree Street, N.E., Atlanta, Ga. 30303.

7142 Ambassador Road, Baltimore, Md. 21207.

Room 1400–2121 Building, Birmingham, Ala. 35203.

John F. Kennedy Federal Office

Building, Boston, Mass. 02203
Room 1400–111 West Huron Street, Buffalo, N.Y. 14202.
115 U.S. Court House and Federal Building, Butte, Mont. 59701.
1120 Jefferson Standard Life Building, Charlotte, N.C. 28202.
Room 905, Everett McKinley Dirksen Building, Chicago, Ill. 60604.
400 U.S. Post Office and Court House Building, Cincinnati, Ohio 45202.
3005 Federal Office Building, Cleveland, Ohio 44199.
1529 Hampton Street, Columbia, S.C. 29201.
1801 North Lamar, Suite 300, Dallas, Tex 75202.
Room 18218, Federal Office Building, Denver, Colo. 80202.
Patrick V. McNammara Building, 477 Michigan Avenue, Detroit, Mich. 48226.
202 U.S. Court House Building, El Paso, Tex. 79901.
Kalanianaole Federal Building, Room 4307, 300 Ala. Moana Boulevard, Honolulu, Hawaii 96850.
6015 Federal Building and U.S. Court House, Houston, Tex. 77002.
575 No. Pennsylvania St., Room 679, Indianapolis, Ind. 46204
Federal Building, Room 1553, 100 W. Capitol St., Jackson, Miss. 39201.
Oaks V, Fourth Floor, 7820 Arlington Expressway, Jacksonville, Fla. 32211.
Room 300—U.S. Courthouse, Kansas City, Mo. 64106.
Room 800, 1111 Northshore Drive, Knoxville, Tenn. 37919.
Room *219,* Federal Office Building, Las Vegas, Nev. 89101.
215 U.S. Post Office Building, Little Rock, Ark. 72201.
11000 Wilshire Boulevard, Las Angeles, Calif. 90024.
Room 502, Federal Building, Louisville, Ky. 40202.
841 Clifford Davis Federal Building, Memphis, Tenn. 38103.
3801 Biscayne Boulevard, Miami, Fla. 33137.
Room 700, Federal Building and U.S. Court House, Milwaukee, Wis. 53202.
392 Federal Building, Minneapolis, Minn. 55401.
520 Federal Building, Mobile, Ala. 36602.
Gateway I, Market Street, Newark, N.J. 07101.
Federal Building, *150 Court* Street, New Haven, Conn. 06510.
701 Loyola Avenue, New Orleans, La. 70113.
26 Federal Plaza, New York, N.Y. 10007.
Room 839, 200 Granby Mall, Norfolk, Va. 23510.
50 Penn Place, N.W., 50th at Pennsylvania, Oklahoma City, Okla. 73118.
Room 7401, Federal Building, 215 North 17th Street, Omaha, Nebr. 68102.
8th Floor, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.
2721 North Central Avenue, Phoenix, Ariz. 85004.
1300 Federal Office Building, Pittsburgh, Pa. 15222.
Crown Plaza Building, Portland, Oreg. 97201.
200 West Grace Street, Richmond, Va. 23220.
Federal Building, 2800 Cottage Way, Sacramento, Calif. 95825.
2704 Federal Building, St. Louis, Mo. 63103.
3203 Federal Building, Salt Lake City, Utah 84138.
433 Federal Building, Box 1630, San Antonio, Tex. 78296.
Federal Office Building, Room 6S31, 880 Front Street, San Diego, Calif. 92188.
450 Golden Gate Avenue, San Francisco, Calif. 94102.
U.S. Courthouse and Federal Building, Room 526, Hato Rey, P.R. 00918.
5401 Paulson Street, Savannah, Ga. 31405.
915 Second Avenue, Seattle, Wash. 98174.
535 West Jefferson Street, Springfield, Ill. 62702.
Room 610, Federal Office Building, Tampa, Fla. 33602.
Washington Field Office, Washington, D.C. 20535.
Federal Bureau of Investigation Academy, Quantico, Va. 22135.
Legal Attaché (AH c/o the American Embassy for the Cities Indicated):
Bern, Switzerland.
Bogota, Colombia
Bonn, Germany (Box 310, APO, New York 09080).
Hong Kong, B.C.C. (FPO, San Francisco 96659).
London, England (Box 40, FPO, New York 09510).
Manila, Philippines (APO, San Francisco 96528).
Mexico City, Mexico.
Ottawa, Canada.
Panama City, Panama
Paris, France (APO, New York 09777).
Rome, Italy (APO, New York 09794).
Tokyo, Japan (APO, San Francisco 96503).

The following Federal Bureau of Investigation system of records was last published on January 23, 1981 in **Federal Register** Volume 46, page 7508. A typographical error in a legal citation has been corrected.

JUSTICE/FBI–009

SYSTEM NAME:

Identification Division Records System.

SYSTEM LOCATION:

Federal Bureau of Investigation: J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of Federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets" which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained to the system.

D. An alphabetical name index pertaining to *all individuals* whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established, maintained and used under authority granted by 28 U.S.C. 534, *15 U.S.C. 78q. 7 U.S.C. 12a, and Pub. L. No. 92–544 (86 Stat. 1115).* The authority is also codified in 28 CFR 0.85 (b), and (j).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The FBI operates the identification Division Records System to perform identification and criminal history record information functions for federal, state, local, and foreign criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state

statute pursuant to Public Law 92–544 (86 Stat. 1115). Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian *purposes*.

Release of information to the news media: *Guidelines applicable for the release of information to the news media and the public are set forth in 28 CFR 20.33(a)(4), 20.33(c), and 50.2.*

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management and inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored *in computerized data storage devices.*

RETRIEVABILITY:

(1) All information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of the unique *identifying characteristics appearing in* fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through alphabetical *name* indexes which contain names of the individuals, their birth date, other physical descriptors, and the individuals technical fingerprint classifications and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained *in* the system.

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon *the request* of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerpring cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying informations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue N.W., Washington, D.C 20535.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

The Attorney General has exempted the Identification Division Records system from compliance with subsection (d) of the Act. However, pursuant to 28 CFR 16.30–34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 Fed Reg. 22114 (Section 20.34) for Criminal Justice Information Systems, and individual is permitted access to his identification record maintained in the identification Division Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

See Categories of Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections *(c)(3) and (4); (d); (e)(1), (2), (3), (4)(G) and (H), (5) and (8); (f); and (g)* of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

The following Federal Bureau of Investigation system of records was last published on July 8, 1981 in **Federal Register** Volume 46, page 35395. The notice has been modified to show that the system is not exempt from any Privacy Act provisions.

JUSTICE/FBO–014

SYSTEM NAME:

FBI Alcoholism Program

SYSTEM LOCATION:

FBI Headquarters, Administrative Service Division, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535; and FBI Field Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on current and former FBI employees who have been counseled or otherwise treated regarding alcohol abuse or referred to the Alcoholism Program Coordinator or Counselor.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and records regarding employees and/or their families who have been referred to the Alcoholism Program Coordinator or Counselor, the results of any counseling which may have occurred, recommended treatment and results of treatment, in addition to interview appraisals and other notes or records of discussions held with employees relative to this program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Pub. L. No. 91–616 and Pub. L. No. 92–255, as amended by Pub. L. No. 93–282, Section 122, and the implementing regulations, 42 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

All disclosures of information pertaining to an individual are made in compliance with Public Law No. 91–616, Section 333, and the Confidentiality of Alcoholism and Drug Abuse Patient Records Regulations, 42 CFR Part 2.2, as amended, for the sole purpose of administering the program.

These records are used to document the nature of an individual's alcohol abuse problem and progress made, and to record an individual's participation in, and the results of, community or private sector treatment or rehabilitation programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Files are maintained in locked file cabinets, or safes under the immediate control of the Alcoholism Program Coordinator or other authorized individuals. Access is strictly limited to the Coordinator and other authorized personnel.

RETENTION AND DISPOSAL:

Pursuant to the preliminary injunction with modifications issued by Judge Harold H. Greene, FBI destruction programs have been suspended. *American Friends Service Committee* v. *Webster* (D.D.C.), Civil Action No. 79–1655.

SYSTEM MANAGER(S) AND ADDRESS:

Director, FBI, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Requests made by employees should be made in writing to the Director, FBI, Washington, D.C. 20535. Requests must contain employee's full name, date and place of birth, and current office of assignment and/or home address where records are to be sent. If the individual making the request is a former employee, he/she must submit a duly notarized signature in order to establish identity. In addition, the requester must specify the location of the system of records sought, i.e., those maintained at FBI Headquarters or those maintained in a particular field division.

CONTESTING RECORD PROCEDURES:

Requests for correction/amendment of records in this system should be made in writing to the Director, FBI, Washington, D.C. 20535, specifying the information to be amended, and the reasons and justifications for requesting such amendment.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Immigration and Naturalization Service (INS)

The INS Appendix: List of principal offices of the Immigration and Naturalization Service was last published on November 17, 1980 in Federal Register Volume 45, page 75930.

JUSTICE/INS-999

SYSTEM NAME:

INS Appendix: List of principal offices of the Immigration and Naturalization Service.

Central Office: Immigration and Naturalization Service; 425 "I" Street NW, Washington, DC 20536.

Regional Offices: Eastern Regional Office, Federal Building, Burlington, VT 05401.

Northern Regional Office, Fort Snelling, Twin Cities, St. Paul, MN 55111.

Southern Regional Office, Skyline Center Building, 311 North Stemmons Freeway, Dallas, TX 75207.

Western Regional Office, Terminal Island, San Pedro, CA 90731.

District Offices in the United States: Anchorage District Office, Federal Building, U.S. Courthouse, Room D—229, 701 "C" Street, Anchorage, AK 99513.

Atlanta District Office, Richard B. Russell Federal Building, Room 1408, 75 Spring Street SW, Atlanta, GA *30303*.

Baltimore District Office, E.A. Garmatz Federal Building, 100 South Hanover Street, Baltimore, MD 21201.

Boston District Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

Buffalo District Office, 68 Court Street, Buffalo, NY 14202.

Chicago District Office, Dirksen Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.

Cleveland District Office, Anthony J. Celebrezze Federal Building, Room 1917, 1240 East Ninth Street, Cleveland, OH 44199.

Dallas District Office, Federal Building, Room 6A21, 1100 Commerce Street, Dallas, TX 75242.

Denver District Office, Federal Building, Room 1787, 1961 Stout Street, Denver, CO 80202.

Detroit District Office, Federal Building, 333 Mt. Elliott Street, Detroit, MI 48207.

El Paso District Office, U.S. Courthouse, *Room* 343, El Paso, TX 79984.

Harlingen District Office, 719 Grimes Avenue, Harlingen, TX 78550.

Hartford District Office, 900 Asylum Avenue, Hartford, CT 06105.

Helena District Office, Federal Building, Room 512, 301 South Park, Helena, MT 59601.

Honolulu District Office, 595 Ala Moana Boulevard, Honolulu, HI 96809.

Houston District Office, 2627 Caroline Street, Houston, TX 77004.

Kansas City District Office, 324 East Eleventh Street, Suite 1100, Kansas City, MO 64106.

Los Angeles District Office, 300 North Los Angeles Street, Los Angeles, CA 90012.

Miami District Office, *155 South Miami Avenue*, Miami, Fl 33130.

Newark District Office, Federal Building, 970 Broad Street, Newark, NJ 07102.

New Orleans District Office, Postal Services Building, 701 Loyola Avenue, New Orleans, LA 70113.

New York District Office, 26 Federal Plaza, New York, NY 10007.

Omaha District Office, 106 South 15th Street, Omaha, NE 68102.

Philadelphia District Office, U.S. Courthouse, Room 1321, 601 Market Street, Philadelphia, PA 19106.

Phoenix District Office, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

Portland, Maine, District Office, 76 Pearl Street, Portland, ME 04112.

Portland, Oregon, District Office, Federal Office Building, 511 NW Broadway, Portland, OR 97209.

St. Albans District Office, Federal Building, St. Albans, VT 05478.

St. Paul District Office, *Main* Post Office Building, Room *927* 180 East Kellogg Boulevard, St. Paul, MN *55101*.

San Antonio District Office, U.S. Federal Building, Suite A301, *727 East* Durango, San Antonio, TX 78206.

San Diego District Office, 880 Front Street, San Diego, CA 92188.

San Francisco District Office, 630 Sansome Street, San Francisco, CA 94111.

San Juan District Office, GPO Box 5068, San Juan, PR 00936.

Seattle District Office, 815 Airport Way, South, Seattle, WA 98134.

Washington, DC, District Office, *25 "E" Street, NW, Washington, DC 20538.*

District Offices in Foreign Countries:

Hong Kong District Office, U.S. Immigration and Naturalization Service, c/o American Consulate General, Box 30, FPO San Francisco, CA 96659.

Mexico District Office, U.S. Immigration and Naturalization Service, c/o American Embassy, Aparato Postal 88 BIS, Mexico City 5, D.F., Mexico.

Rome District Office, Immigration and Naturalization Service, c/o American Embassy, APO New York, NY 09794.

Suboffices (Files Control Offices) in the United States:

Agana Office, 801 Pacific News Building, 238 *O'Hara* Street, Agana, GU 96910.

Albany Office, U.S. Postoffice and Courthouse, Room 220, Albany, NY 12207.

Charlotte Office, *1111 Hawthorne Lane, Charlotte, NC 28205.*

Cincinnati Office, U.S. Postoffice and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45201.

Hammond Office, Federal Building, Room 104, 507 State Street, Hammond, IN 46320.

Las Vegas Office, Federal Building, U.S. Courthouse, 300 Las Vegas Boulevard, South, Las Vegas, NV 89101.

Memphis Office, Federal Building, Room 814, 167 North Main Street, Memphis, TN 38103.

Milwaukee Office, 186 Federal Building, Room 186, 517 East Wisconsin Avenue, Milwaukee, WI 53202.

Norfolk Office, Norfolk Federal Building, Room 439, 200 Granby Mall, Norfolk, VA 23510.

Pittsburgh Office, Federal Building, Room 2130, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Providence Office, Federal Building, U.S. Post Office, Exchange Terrace, Providence, RI 02903.

Reno Office, 350 South Center Street, Suite 150, Reno, NV 89502.

St. Louis Office, U.S. Courthouse and Customhouse, Room 423, 1114 Market Street, St. Louis, MO 63101.

Salt Lake City Office, New Federal Building, Room 4103, 125 South State Street, Salt Lake City, UT 84138.

Spokane Office, U.S. Courthouse Building, Room 691, Spokane, WA 99201.

Border Patrol Sector Headquarters:

Blaine Sector Headquarters, 1590 H Street, Blaine, WA 98230.

Buffalo Sector Headquarters, 231 *Grand* Island Boulevard, Tonawanda, NY 14150.

Chula Vista Sector Headquarters, 3752 Beyer Boulevard, San Ysidro, CA 92073.

Del Rio Sector Headquarters, *Hudson Drive, Del Rio, TX 78840.*

Detroit Sector Headquarters, P.O. Box 32639, Detroit, MI 48232.

El Centro Sector Headquarters, 1111 North Imperial Avenue, El Centro, CA 92243.

El Paso Sector Headquarters, 8901, Montana Avenue, El Paso, TX 79986.

Grand Forks Sector Headquarters, 2320 South Washington Street, Grand Forks, ND 58201.

Havre Sector Headquarters, Beaver Creek Road, Havre, MT 59501.

Houlton Sector Headquarters, Route 1, *P.O. Box 706,* Houlton, ME 04730.

Laredo Sector Headquarters, *207 W. Del Mar Boulevard, Laredo, TX 78041.*

Livermore Sector Headquarters, Building 312 Camp Parks, Pleasanton, CA 94566.

Marfa Sector Headquarters, Madrid Street, Marfa, TX 79843.

McAllen Sector Headquarters, 2301 South Main Street, McAllen, TX 78501.

Miami Sector Headquarters, 161 NE 183rd Street, Miami, FL 33169.

New Orleans Sector Headquarters, 3819 Patterson Drive, New Orleans, LA 70174.

Ogdensburg Sector Headquarters, 127 North Water Street, *Ogdensburg,* NY 13669.

Spokane Sector Headquarters, 10710 North State Highway No. 6, Spokane, WA 99208.

Swanton Sector Headquarters, Grand Avenue, Swanton, VT 05488.

Tucson Sector Headquarters, 1970 West Ajo Way, Tucson, AZ 85726.

Yuma Sector Headquarters, 350 First Street, Yuma, AZ 85364.

Border Patrol Academy: Officer Development and Training Facility, c/o Federal Law Enforcement Training Center (FLETC), Glynco, GA 31520.

Charlotte Amalie, St. Thomas, Virgin Islands, New Federal Building, Room 117, Charlotte Amalie, St.-Thomas, VI 00801.

Suboffices (Files Control Offices) in Foreign Countries:

Athens Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO New York 09253.

Bangkok Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO San Francisco, CA 96346.

Manila Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO San Francisco, CA 96528.

Naples Office, U.S. Immigration and Naturalization Service, c/o American Consulate General, Box 18, FPO New York 09521.

Palermo Office, U.S. Immigration and Naturalization Service, c/o American Embassy (P), APO New York 09794.

Seoul, Korea, Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO San Francisco, CA 96301.

Vienna Office, U.S. Immigration and Naturalization Service, c/o American Embassy, 1010 Vienna, Austria.

El Paso Intelligence Center (EPIC), 2211 East Missouri Street, El Paso, TX 79903.

INTERPOL—United States National Central Bureau (INTERPOL-USNCB)

The following INTERPOL–USNCB system of records was last published on November 17, 1980 in **Federal Register** Volume 45, page 75902 as JUSTICE/DAG–007. As a result of a recent reorganization, this system has been redesignated JUSTICE/INTERPOL–001. (The exemption rule for this system will be revised to reflect this redesignation in the near future.) In addition, clarification changes are made to the "Storage" and "Record Source Categories" sections of the notice.

JUSTICE/INTERPOL–001

SYSTEM NAME:

The United States National Central Bureau (USNCB) (Department of Justice) Criminal Investigative Records System (CIRS).

SYSTEM LOCATION:

Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W. Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific wanted/missing persons; specific deceased persons in connection with death notices; individuals who may be associated with certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in a crime; victims of criminal violations in the United States or abroad; and USNCB personnel involved in litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning fugitives, wanted persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes names, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, and details and circumstances surrounding the actual or suspected violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 263a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

In the event a record(s) in this system of records indicates a violation or potential violatioin of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use to the appropriate law enforcement and criminal justice agencies whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations or order issued pursuant thereto. A record may be disclosed to federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; to federal agencies in response to their request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. A record may be disclosed to appropriate parties engaged in litigation or in preparation of possible litigation, e.g., to potential witnesses for the purpose of securing their testimony when necessary before courts, magistrates or administrative tribunals; to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings; to foreign governments in accordance with formal or informal international agreements; to local, state federal and foreign agents; to the Treasury Enforcement Communications System (TECS) (Treasury/CS 00.244); to the International Criminal Police Organization (INTERPOL) General Secretariat and National Central Bureaus in member countries; to employees and officials of financial and commercial business firms and private individuals where such release is considered reasonably necessary to obtain information to further investigative efforts or to apprehend criminal offenders; to other third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and to translators of foreign languages as necessary. In addition, information from this system is accessed by USNCB employees who have a need for the records in the performance of their duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service; A record from a system of records may be disclosed as a routine use to the National Archives and Records Service [NARS] in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders *in the INTERPOL—United States National Central Bureau, and in file folders* and on magnetic disks *in the INTERPOL Case Tracking System (ICTS) at the INTERPOL*— United States National Central Bureau, and certain limited data, *e.g.*, that which concerns fugitives and wanted persons, is stored in the Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244, a system published by the U.S. Department of the Treasury.

RETRIEVABILITY:

Information is retrieved primarily by name, file name, system identification number, personal identification number, and by weapon or motor vehicle number or by other identifying data.

SAFEGUARDS:

Information maintained on magnetic disks is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an identification code by the system manager will have access to the computer. Identification codes will be assigned only to those USNCB employees who require access to the information to perform their official duties. In addition, access to the information must be accomplished through a terminal which is located in the USNCB office that is occupied during the day and locked at night. Information in file folders is stored in file cabinets in the same secured area.

RETENTION AND DISPOSAL:

Upon inactivity for ten years, the case file is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, United States National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, United States National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. To enable USNCB personnel to determine whether the system contains a record relating to him or her, the requester must submit a written request identifying the record system,identifying the category and type of records, sought, and providing the individual's full name and at least two items of secondary information (data of bith, social security number, employee identification number, or similar identifying information).

RECORD ACCESS PROCEDURES:

Although the Attorney General has exempted the system from the access, contest and amendment provisions of the Privacy Act, some records may be available under the Freedom of Information Act. Inquiries should be addressed to the official designated under "Notification procedure" above. The letter and envelope should be clearly marked "Freedom of Information Request" and a return address provided

for transmitting any information to the requester.

CONTESTING RECORD PROCEDURES:

See "Access procedures" above.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports of federal, state, local, and foreign law enforcement agencies (including investigative reports from a system of records published by Department of the Treasury entitled Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244); other non-Department of Justice investigative agencies; client agencies of the Department of Justice; statements of witnesses and parties; and the work product of the staff of the United States National Central Bureau working on particular cases. *Although the organization uses the name INTERPOL–USNCB for purposes of public recognition, the INTERPOL–USNCB is not synonymous with the International Criminal Police Organization (ICPO–INTERPOL), which is a private, intergovernmental organization headquartered in St. Cloud, France. The Department of Justice INTERPOL–USNCB serves as the United States liaison with the INTERPOL General Secretariat and works in cooperation with the National Central Bureaus of other member countries, but is not an agent, legal representative, nor organizational subunit of the International Criminal Police Organization. The records maintained by the INTERPOL–USNCB are separate and distinct from records maintained by the International Criminal Police Organization, and INTERPOL–USNCB does not have custody of, access to, nor control over the records of the International Criminal Police Organization.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has proposed exemption of this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (6), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2) and (k)(5). An exemption rule was promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and published in the Proposed Rules Section of the **Federal Register** on October 12, 1979. A final rule will be published 30 days from the publication date of this notice.

Justice Management Division (JMD)

The following JMD system of records was last published on November 17, 1980 in **Federal Register** Volume 45, page 75932.

JUSTICE/JMD–017

SYSTEM NAME:

Department of Justice Controlled Parking Records.

SYSTEM LOCATION:

U.S. Department of Justice: 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Justice employees who have applied for vehicle parking space which is assigned and controlled by the Department of Justice, per Department of Justice Order 2540.2D, Dec. 20 1977.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains copies of Form DOJ–362, Department of Justice Parking Space Application (DOJ Space), and *DOJ OT–90*, Department of Justice Parking Space Application (DOJ Carpool Space), which have been completed and submitted by Department of Justice employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained in accordance with Federal Energy Office (FEO) memorandum of January 17, 1974, Federal Management Circular 74–1 of January 21, 1974, and Federal Energy Office memorandum of April 5, 1974, as reflected in Federal Property Management (Temporary) Regulation *D–65 of September 6, 1979.* Operating procedures are contained in Department of Justice Order 2450.2D, Dec. 20, 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to assign, identify and control the use of vehicle parking space for which the Department of Justice is responsible.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in a locked file cabinet.

RETRIEVABILITY:

These records are indexed alphabetically, by the last name of the applicant, within the organizational element.

SAFEGUARDS:

Information contained in this system is unclassified and is disseminated on a need to know basis by the Office of the Director, *Property Management and Procurement Staff, Office of Personnel and Administration, Justice Management Division.*

RETENTION AND DISPOSAL:

Although these records are currently retained as long as applicants remain as employees of the Department of Justice, the establishment of a disposal schedule is still pending.

SYSTEM MANAGER(S) AND ADDRESS:

Property Management and Procurement Staff, Office of Personnel and Administration, Justice Management Division: U.S. Department of Justice: 10th Street and Constitution Avenue, N.W.; Washington. D.C. 20530.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Applications from employees.

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SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Justice Assistance, Research and Statistic (OJARS)

Systems of records maintained by OJARS were last published on November 17, 1980 in Volume 45 of the **Federal Register**, beginning on page 75933. They are reprinted below to reflect the establishment of the Office of Juvenile Justice and Delinquency Prevention as an independent office within OJARS (Pub. L. No. 96–509). Other minor changes have also been made.

JUSTICE/OJARS–001

SYSTEM NAME:

Personnel System.

SYSTEM LOCATION:

Office of Justice Assistance, Research, and Statistics; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regional Operating Files; Motor Vehicle Operators Permit, Form SF 74; Interagency Motor Pool Service Authorization, Form GSA 1313; Government Parking Spaces, Form GSA 7415; Property Sign-out, LEAA Form 1820/4; Equipment Control Records, LEAA Form 1820/5; Annual Physical Examination File.

CATEGORIES OF RECORDS IN THE SYSTEM:

Motor Vehicle Operators Permit, Form SF 74; Interagency Motor Pool Service Authorization, Form GSA 1313; Government Parking Spaces, Form GSA 7415; Property Sign-out, LEAA Form 1820/4; Equipment Control Records, LEAA Form 1820/5; Annual Physical Examination File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301, 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The motor vehicle and property data is used for inventory control, parking space control, and to allow use of government vehicles for official purposes. Routine users would be GSA. Physical examination information is nonreleasable except upon written authorization of individual.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in system is stored in file, folders and index cards.

RETRIEVABILITY:

Information is retrieved by name of employee.

SAFEGUARDS:

Data is maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Documents relating to equipment control and motor vehicles are closed when employee leaves agency. Records are destroyed three years thereafter. Health records are placed in sealed envelopes upon separation of employee and filed with official personnel folder. Such data is destroyed in accordance with Civil Service regulations. Operating files are destroyed when an individual resigns, transfers or is separated from Federal service.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator; Office of Operations Support; *Office of Justice Assistance, Research, and Statistics;* 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from the system shall be in writing, with the envelope and letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend infomation maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, employee's supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/IJARS–004

SYSTEM NAME:

Grants Program System.

SYSTEM LOCATION:

Office of Justice Assistance Research, and Statistics; 633 Indiana Avenue, N.W.; Washington, D.C. 20531

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains recipients of *OJARS, LEAA, NIJ, BJS, and OJJDP* funds, project monitors and project directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant/Contract Applicant Index: Grant/Contract Award Computer Data File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

Records from this system of records may be disclosed for the purpose of technical review and fiscal or program evaluation to experts in particular subject areas related to the substantive fiscal components of the program.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of particular case would constitute an

unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice not otherwise required to be released pursuant to 5 U.S.C. 552, may be disclosed as a routine use to a member of Congress or staff acting upon the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored on computer disc for use in a computer environment.

RETRIEVABILITY:

Data is retrievable by name and grant/contract number.

SAFEGUARDS:

Information in the system is safeguarded and protected by computer password key. Direct access is limited to computer personnel.

RETENTION AND DISPOSAL:

Data is maintained for current fiscal year and previous fiscal years in master file. Data is not destroyed, but maintained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller; *Office of Justice Assistance, Research, Statistics* 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." Include in the request the name and grant/contract number. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their requests to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in the system are grant/contract award documents and applications for award.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OJARS–005

SYSTEM NAME:

Financial Management System.

SYSTEM LOCATION:

Office of Justice Assistance, Research and Statistics; 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of *OJARS, LEAA, NIJ, BJS and OJJDP* funds; Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee Travel files; time and attendance files; Government transportation Request; Paid Vendor Documents File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commercial credit bureaus for address location assistance.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized discs, filed folders.

RETRIEVABILITY:

Name, social security numbers, digital identifiers assigned by accounting office.

SAFEGUARDS:

Manual information in system is safeguarded in locked file cabinets. Computerized passwork key is needed to access computerized information. Direct access only by comptroller presonnel.

RETENTION AND DISPOSAL:

Employee travel files, time and attendance files and Government transportation files are closed at end of fiscal year, held three years thereafter; the records are then retired to Federal Records Center. Records Center destroys in accordance with instructions of GAO.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller; *Officer of Justice Assistance, Research, and Statistics;* 633 Indiana Avenue, N.W., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendments to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in the system are the individuals to whom the information pertains.

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SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OJARS–009

SYSTEM NAME:

Federal Advisory Committee Membership Files.

SYSTEM LOCATION:

Office of Justice Assistance, Research, and Statistics; 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the *OJARS, LEAA, NIJ, BJS, and OJJDP.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with the documents relating to committee members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act, 5 U.S.C. App. I et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Annual Report to the President; administrative reports to OMB and other federal agencies.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information in system is stored in file folders.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Data is maintained in file cabinets. The entrance to the building requires building pass or security sign-in.

RETENTION AND DISPOSAL:

The data is placed in an inactive file upon discontinuance of membership, held for two years and then retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Advisory Committee Officer; Office of General Counsel; *Office of Justice Assistance, Research, and Statistics;* 633 Indiana Avenue, N.W., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information are supplied directly by individuals about whom the record pertains, references, recommendations, program personnel, and biographical reference books.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OJARS–010

SYSTEM NAME:

Technical Assistance Resource Files.

SYSTEM LOCATION:

Law Enforcement Assistance Administration and the Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants with expertise in criminal justice systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of resumes and other documents related to technical assistance requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained under authority of 42 U.S.C. 3755(b) and 42 U.S.C. 5614(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used to determine the qualifications and availability of individuals for technical assistance assignments. Users are State Criminal Justice Councils, Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information contained in the system is on hard copy and stored in file cabinets.

RETRIEVABILITY:

Information is manually retrieved by the name of the individual.

SAFEGUARDS:

Records are stored in file cabinets. Admittance to the building in which they are stored requires a building pass

or an individual signature at the main entrance to the building.

RETENTION AND DISPOSAL:

Records are placed in an inactive file at the end of the fiscal year in which final use was made. They are held two years in the inactive file; then transferred to the Federal Records Center. Records are destroyed after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Technical Assistance Coordinator; *Division Director of Program area in which records are sought: Adjudication, Enforcement, Corrections, and Special Programs in the Office of Criminal Justice Programs: Law Enforcement Assistance Administration and juvenile justice programs in the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, Research and Statistics,* 633 Indiana Avenue, N.W., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Address inquires to the system manager(s) at the above address.

RECORD ACCESS PROCEDURES:

A request for access to a record contained in this system shall be made in writing with the envelope and letter clearly marked "PRIVACY ACCESS REQUEST." Include in the request the name and grant/contract number for the record desired. Access requests will be directed to the system manager(s) listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their requests to the system manager(s) listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are those individuals to whom the information pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE-OJARS-011

SYSTEM NAME:

Registered Users File—National Criminal Justice Reference Service (NCJRS).

SYSTEM LOCATION:

Justice Data Service Center; U.S. Department of Justice; 4th & I Streets, NW., Washington, D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains information on those individuals engaged in criminal justice activities, citizen groups and academicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system provides a record of registrants who request services and products from NCJRS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained and established in accordance with 42 U.S.C. *3721.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in the system is used within the Department of Justice. No external dissemination of information is made.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from a systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information is stored on magnetic disc pack for use in a computer environment.

RETRIEVABILITY:

Information is retrieved by the name and user identity number of the desired record.

SAFEGUARDS:

Information is maintained in the Justice Data Services Center which is a secured area. Special identity cards are required for admittance to the area.

RETENTION AND DISPOSAL:

Information is retained until the individual no longer wishes to utilize the service. Upon notification by an individual that he no longer wishes to use the service, or by lack of response of user to Annual Renewal, his record is electronically purged from the file.

SYSTEM MANAGER(S) AND ADDRESS:

Operation Services Supervisor, National Criminal Justice Reference Service; P.O. Box 6000, Rockville, MD 20850

NOTIFICATION PROCEDURE:

Address inquiries to the system manager(s) at the above address.

RECORD ACCESS PROCEDURES:

A request for access to a record contained in this system shall be made in writing with the envelope and letter clearly marked. 'PRIVACY ACCESS REQUEST.' Access requests will be directed to the system manager(s) at the above address.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their requests to the system manager(s) listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources for the information contained in this system are those individuals to whom the information pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Legal Policy (OLP)

As a result of a Departmental reorganization, implemented by authority of Attorney General Order No. 945–81 dated May 26, 1981, system number identifiers for the systems listed and republished below have been changed. Organizational changes have also been made to the texts of these systems.

JUSTICE/OLP–001 was formerly published as JUSTICE/AAG–013 on January 10, 1980 in Federal Register Volume 45, page 2216.

JUSTICE/OLP–002 was formerly published as JUSTICE/AAG–010 on September 30, 1977 in Federal Register Volume 42, page 53359.

JUSTICE/OLP–001

SYSTEM NAME:

Freedom of Information and Privacy Appeals Index.

SYSTEM LOCATION:

Office of Legal Policy; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit administrative appeals under the Freedom of Information or Privacy Acts and initial requests for access to records located in the Office of the Attorney General, Deputy Attorney General or Associate Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains copies of administrative requests, appeals and other related correspondence filed under the Freedom of Information and Privacy Acts and copies are filed sequentially by date of receipt based on a numerical identifier assigned to each appeal. Also included are index cards which list the name of the appellant and the numerical identifier assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system was established and is maintained to enable the Officer of Legal Policy to comply with the reporting requirements set forth in 5 U.S.C. 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained for the purpose of processing administrative requests and appeals under the Freedom of Information and Privacy Acts and to comply with the reporting requirements of those Acts.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

These records are stored in file folders in cabinets.

RETRIEVABILITY:

These folders are filed by the number assigned to each.

SAFEGUARDS:

These records are stored in cabinets in a lockable room.

RETENTION AND DISPOSAL:

These folders are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Privacy and Information Appeals, Office of Legal Policy; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

Those individuals who submit certain requests and all appeals under the Freedom of Information and Privacy Acts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OLP–002

SYSTEM NAME:

United States Judges Records System.

SYSTEM LOCATION:

Office of the Legal Policy; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses every United States Judge except those appointed to the United States Court of Military Appeals and Tax Court.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to five sections. The personnel section contains general, personnel-type information and includes such items as biographical sketches, oaths of office, copies of commissions, nomination letter, qualifications statements, letters of recommendation, and copies of notifications of appointment. The character section contains completed or portions of on-going background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The complaint section contains correspondence from individuals or groups complaining about office holders. The protest section contains correspondence, if any exists, protesting the appointment of candidates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Generally, these records are used only for internal Department of Justice purposes. Prior to appointment, routine uses would include those specified for the Presidential Appointee Candidate Record System.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a

Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

These records are maintained in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the name of the judge, as these records are filed alphabetically.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

The personnel section of the folders of United States Supreme Court Judges are sent to the National Archives upon the death of the judge. All other sections are retained indefinitely as are the entire records folders of all other United States Judges.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Office of the Legal Policy; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the general public, organizations, associations, the subjects of the records themselves, government agencies as appropriate, and other interested parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Office of the Pardon Attorney (OPA)

While retained in the Office of the Pardon Attorney, United States Department of Justice, Executive clemency files are files of the President of the United States which are compiled and maintained to provide for the exercise of his constitutional responsibilities pursuant to Article II, section 2, and are not subject to the provisions of the Privacy Act of 1974. However, in compliance with the spirit of the Act, the Office of the Pardon Attorney (1) hereby notifies the public that guidelines approved by the President for handling requests for Executive clemency and disclosure of materials submitted or furnished in connection with Executive clemency requests are published in 28 CFR Part 1, and (2) hereby publishes an amended system notice.

The Executive Clemency Files system (JUSTICE/OPA–001) was last published on November 17, 1980 in **Federal Register** Volume 45, pages 75941 and 75942. The system is reprinted below without change, except for clarifying amendments to "Categories of Individuals Covered by the System," "Categories of Records in the System" and "Retention and Disposal."

JUSTICE/OPA–001

SYSTEM NAME:

Executive Clemency Files.

SYSTEM LOCATION:

Office of the Pardon Attorney; U.S. Department of Justice; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for or been granted Executive clemency.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the individual petitions for Executive clemency (OPA–6 or *13*) submitted by the applicants and accompanying oath and character affidavits *(OPA 11)*, investigatory material, evaluative *reports, official and other correspondence, both solicited and unsolicited,* interagency and intra-agency correspondence and memoranda relating to individual petitions for clemency. The system includes Presidential Clemency Board files transferred to the Office of the Pardon Attorney upon termination of the Board's existence on September 15, 1975.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with the United States Constitution, Article II, section 2, Executive Order of the President dated June 16, 1893, Order No. 288–62, 27 FR 11002, November 19, 1962, as codified in 28 CFR 1.1 et seq. and E.O. 11878 dated September 10, 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Executive clemency files are used to (a) enable the Attorney General to investigate each petition for Executive clemency, to review each petition and information developed by his investigation thereof and to advise the President whether, in his judgment, the request for clemency is of sufficient merit to warrant favorable action by the President; (b) prepare notices to the public of the name of each grantee of clemency, date of Presidential action, nature of clemency granted, nature of grantee's offense, date and place of sentencing, description of sentence imposed, and names of character affiants and interested members of Congress; and disclose similar information to that specified above with respect to denials of general public interest if the disclosure does not constitute an unwarranted invasion of privacy; (c) prepare bound and indexed volumes containing photocopies of the official *warrant* of clemency granted each recipient of clemency as a public and official record of Presidential

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action; (d) upon request of the President and members of his staff, to make available to them individual clemency files; (e) upon specific request, to advise the requestor whether a named person has applied for, been granted or denied clemency, the date thereof and the nature of the clemency granted or denied; (f) upon specific request, to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy; and (g) upon request or otherwise, to make any information which indicates a violation or apparent violation of law, whether civil, criminal or regulatory in nature, available to the appropriate agency, whether Federal, state, local or foreign.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information maintained in the system is stored in the Office of the Pardon Attorney and in Archives.

RETRIEVABILITY:

Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

SAFEGUARDS:

Information contained in the system is safeguarded and protected in accordance with Department of Justice Rules Governing Petitions for Executive Clemency, specifically, 28 CFR 1.6. Executive clemency files are maintained in the Office of the Pardon Attorney and are not commingled with Department of Justice records.

RETENTION AND DISPOSAL:

Records are stored in the Office of the Pardon Attorney and closed cases are transferred to the Federal Archives Records Center when five years old. Except for the "letter of advice" furnished to the President in connection with clemency *applications, Presidential responses, warrants or other documents signifying the President's action in a clemency case* and cases designated by the Pardon Attorney as having significant public interest, records are destroyed after 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Pardon Attorney; Office of the Pardon Attorney; Department of Justice; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Pardon Attorney; Department of Justice; Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

While the Attorney General has exempted Executive Clemency files from the access provisions of the Privacy Act, requests for discretionary releases of records contained in the system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document and the name of the clemency applicant in whose file it is contained. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

While the Attorney General has exempted Executive Clemency files from the correction (contest and amendment) provisions of the Privacy Act, requests for the discretionary correction (contest and amendment) of records contained in this system should be directed to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individual applicants for clemency, Federal Bureau of Investigation or other official investigatory reports, Bureau of Prisons records, armed forces reports, probation or parole reports and reports from *individuals* or non-Federal organizations, both solicited and unsolicited.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

United States Parole Commission (PRC)

PRC systems of records (JUSTICE/PRC–001 through JUSTICE/PRC–007) were last published on November 17, 1980 in **Federal Register** Volume 45, pages 75942 through 75949.

JUSTICE/PRC–001

SYSTEM NAME:

Docket, Scheduling and Control

SYSTEM LOCATION:

Records are maintained at each of the Regional Offices for inmates incarcerated in and persons under supervision in each region, except for the National Appeals Board docket maintained in Washington. Duplicates of regional materials are maintained in Washington. All requests for records should be made to the appropriate regional office or Headquarters at the following addresses: United States Parole Commission, Scott Plaza II, Industrial Highway, 6th Floor, Philadelphia, Pa. 19113; United States Parole Commission, *715 McDonough Blvd., S.E., Atlanta,* Ga. 30315; United States Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015, ATTN: National Appeals Board, United States Parole Commission, *Air World Center Suite 220, 10929 Ambassador Dr.,* Kansas City, Mo. 64153. United States Parole Commission, *555 Griffin Square, Suite 820* Dallas, Tex. *75202.* United States Parole Commission, 330 Primrose Drive, 5th Floor Burlingame, Calif. 94010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General who are to be scheduled for hearings under Commission procedures. Former inmates includes those presently under supervision as parolees or mandatory releases and those against who a revocation *warrant* has been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Docket sheets—Each region and the National Appeals Board in

Washington maintains a cumulative series of docket sheets in time sequence showing Commission action. Principal data elements are name and register number of inmate, offense, sentence, and previous and present Action. The appeal docket includes the date and type of appeal in addition to much of the above data. These provide a continual running record of the basic data elements per inmate and former inmate. Docket sheets are used to input this information into a computer program which produces printouts of identical information and certain statistical reports. (b) Hearing schedules—*Shortly after inmates are incarcerated,* their names appear on an eligibility list prepared by the Bureau of Prisons, for initial parole hearings. Inmates denied *immediate* parole are "continued" by the Commission to future dates for review hearings or records reviews. Other types of hearings and reviews are provided for in the Code of Federal Regulations as part of parole, rescission or revocation procedures. All of the different types of hearings and reviews are placed on schedules for examiners to process when they visit the various institutions or hold "local" hearings. The data elements are similar to those on the docket but indicate the number and type of hearing or review to be held instead of the result.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) The dockets provide the basis of answering basic inquiries, mostly from within the Parole Commission, as to when a hearing came up for an individual and what action was taken. The schedules indicate to examiners and prison staff the specific hearings and reviews to be prepared for and held.

(b) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(c) A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning parole matters.

(d) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(e) Internal users—Employees of the Department of Justice who have a need to know the information in the performance of their duties.

(f) External users—As noted above, on occasion employees of Federal, State and local enforecment, correctional, prosecutive, or other agencies, and courts may have access to this information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute and unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information stored in the system is on sheets of paper, one item per line, stored in folders or binders. An experimental program to store such data on tape disk, or microfiche using ADP technology, and to prepare certain computer printouts is in effect in all regions. Data also may be stored on paper printouts through file retention.

RETRIEVABILITY:

Name, register number, date, institution Commission action, and statistical data as to such actions.

SAFEGUARDS:

Copies of dockets, printouts and schedules are not disseminated outside of Commission offices and Bureau of Prisons installations. They are available only to Commission and bureau employees on a "need to know" basis. Information therefrom may be given outside the Department as indicated in the "Routine Uses." If so, a letter will be written covering the item disclosed, date and identity of the recipient. If information must be given over the phone due to urgency, the caller will be identified beforehand and details of the call recorded.

RETENTION AND DISPOSAL:

Records in this system are kept for five (5) years after the effective date of the schedule or date of the last item recorded on the docket. They are then shredded and electronically stored records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy, Attorney-Management Analyst, United States Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address system manager. The Attorney General has exempted this system from compliance with the provisions of subsection (d), under the provisions of subsection (j).

RECORD SOURCE CATEGORIES:

(1) Bureau of Prisons files; (2) Parole Commission and Bureau of Prison's employees; (3) Court Records; (4) Parole Commission inmate files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b) (c) and (e) and have been published in the **Federal Register.**

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JUSTICE/PRC–002

SYSTEM NAME:

Freedom of Information Act Record System

SYSTEM LOCATION:

Records may be retained at any of the Regional Offices as indicated in the Inmate and Supervision Files System and the Headquarter's Office. All requests for records may be made to the Central Office, United States Parole Commission 5550 Friendship Blvd., Bethesda, Md. 20015, ATTN: Executive Assistant to Chairman, or to the appropriate Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General, including former inmates on supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Administrative requests and responses to requests for information and records under 5 U.S.C. 552, and 552a and appeals from denials of data; (2) Final orders of Commission following all parole, rescission, and revocation hearings, record reviews, and appeals are maintained in the Freedom of Information Act reading room at Commission headquarters with names removed to protect individual privacy of inmates and persons on supervision. Final decisions in labor and pension cases are maintained in said reading room.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used: (a) to maintain records concerning the processing and determination or requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. 552 and Privacy Act, 5 U.S.C. 552a; and make final orders available in a reading room pursuant to 5 U.S.C. 552; (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information and Privacy Acts if needed for processing contested denials of release of data; (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to maintain a count of requests and method of compliance as required by Freedom of Information and Privacy Acts.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552 and 552a may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information maintained in the system is stored on documents.

RETRIEVABILITY:

Documents are indexed by name and/or register number. Final orders in the reading room are indexed by register number, type and source.

SAFEGUARDS:

Information is stored in file cabinets in rooms supervised by day and locked at night and are made available to Commission personnel and other Department of Justice employees on a "need to know" basis. Each requestor may see his own file. The public may use the reading room.

RETENTION AND DISPOSAL:

Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, United States Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

(1) Inmates and persons on supervision; (2) Department of Justice employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/PRC–003

SYSTEM NAME:

Inmate and Supervision Files

SYSTEM LOCATION:

Records are maintained at each of the Commission's Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarter's Office located at 5550 Friendship Blvd., Bethesda, Md. 20015 when used by the National Appeals Board or other Headquarters personnel. A duplicate record of certain data elements from files is maintained on microfiche for Headquarters use. Prior to the first parole hearing, the inmate's file is maintained at the institution at which he is incarcerated. Certain records on parolees and mandatory releasees are maintained at probation offices. All requests for records should be made to the appropriate regional office at the following addresses: U.S. Parole Commission, Scott Plaza II, Industrial Highway, Sixth Floor, Philadelphia, Pa. 19113. U.S. Parole Commission, *715 McDonough Blvd. S.E.*, Atlanta, Ga. 30315. U.S. Parole Commission, *Air World Center, Suite 220, 10920 Ambassador Drive*, Kansas City, Mo. 64153. U.S. Parole Commission, *555 Griffin Square, Suite 820, Dallas, Tex. 75202.* U.S. Parole Commission, 330 Primrose Drive, Fifth Floor, Burlingame, Calif. 94010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General. Former inmates include those presently under supervision as parolees or mandatory releases.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Computation of sentence and supportive documentation.

2. Correspondence concerning pending charges, and wanted status, including warrants.

3. Requests from other Federal and non-Federal law enforcement agencies for notification prior to release.

4. Records of the allowance, forfeiture, withholding and restoration of good time.

5. Information concerning present offense, prior criminal background, sentence, and parole from the U.S. Attorneys, the Federal Courts, and Federal prosecuting agencies.

6. Identification Data.

7. Order of designation of institution of original commitment.

8. Records and reports of work and housing assignments.

9. Program selection, assignment and performance adjustment/progress reports.

10. Conduct records.

11. Social background.

12. Educational data.

13. Physical and mental health data.

14. Parole Commission applications, appeal documentation, orders actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements of third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.

15. Correspondence regarding release planning, adjustment and violations.

16. Transfer orders.

17. Mail and visit records.

18. Personal property records.

19. Safety reports and rules.

20. Release processing forms and certificates.

21. Interview request forms from inmates.

22. General correspondence.

23. Copies of inmate court petitions and other court documents.

24. Reports of probation offcers, Commission correspondence with former inmates and others, and Commission orders and memoranda dealing with supervision and conditions of parole or mandatory release.

25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainers and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

(a) The file is the "working tool" used by Parole Commission examiners to frame the questions at the inmates initial hearing. After that hearing, it is placed in the appropriate regional office where it provides the principal information source for decisions necessary during the pre-release stage (before parole), the review hearing or record review, and the post release stage (when supervision takes place). It is sent temporarily to Commission Headquarters when appeals come before the National Appeals Board or when needed by counsel and others on the Headquarters Staff. It is used by employees at all levels including Commission members to provide the information for decision making in every area of Commission responsibility. Files of released inmates are used to make statistical studies of subjects related to parole and revocation.

(b) The system is used to provide an information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties.

(c) The system is used as a source for disclosure of information which is solely of general public record, such as offense, sentence data, release date, etc. Names are not disclosed when information is so provided.

(d) The system is used to provide informational source for responding to inquiries from Federal inmates, their families or representatives, or Congressional inquiries.

(e) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties.

(f) External Users—U.S. Probation Officers, who supervise parolees and mandatory releases and U.S. District Court judges when Commission action is attacked in litigation. Very rarely, to enforcement authorities outside of the Department of Justice.

(g) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

(h) A record from this system may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to current or former inmates under supervision.

(i) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(j) A record from this system may be disclosed to a person or to persons who may be exposed to harm through contact with a particular parolee or mandatory releasee if it is deemed by a Commissioner to be reasonably necesary to give notice that such danger exists.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information maintained in the system is stored on papers fastened into file jackets and a minimal amount is on cards stored in card file drawers. A duplicate record of certain data elements is stored on microfiche at Headquarters. Active files and card indices are located in each region; inactive files are at the Washington Federal Records Center and the card index to inactive files is at the Bureau of

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Prisons in Washington. An experimental program to store such data on tape, disk or microfiche using ADP technology has been partially implemented.

RETRIEVABILITY:

All data is indexed by name and/or register number. When ADP technology is used in the future, such data may be available by FBI identification number, or other indices.

SAFEGUARDS:

Within the Department of Justice, routine use is made available to employees only on a "need to know" basis. Files are stored in rooms which are supervised by day and locked at night. Data from files for recipients outside of the Parole Commission and Bureau of Prisons is conveyed by a letter so that a record exists. When files are sent they are covered by a letter with a follow-up on return of the file. Such disclosure is infrequent, and is within the Federal enforcement-prosecution-judicial area only.

RETENTION AND DISPOSAL:

Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means of shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy, Attorney-Management Analyst, Unitd States Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015.

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of Subsection (j).

RECORD SOURCE CATEGORIES:

1. Individual inmate; 2. Federal law enforcement agencies and personnel; 3. State and Federal probation services; 4. Non-Federal law enforcement agencies; 5. Educational institutions; 6. Hospital or medical sources; 7. Relatives, friends and other interested individuals or groups in the community; 8. Former or future employers; 9. Evaluations, observations, reports and findings of institution supervisors, counselors, board and committees, Parole Commission examiners, Parole Commission Members; 10. Federal Court records; 11. U.S. Bureau of Prisons personnel and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d)(e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 55a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC–004

SYSTEM NAME:

Labor and Pension Case, Legal File and General Correspondence System.

SYSTEM LOCATION:

All Labor and Pension cases, *most* Legal file and some general correspondence material is located at: Commission Headquarters, 5550 Friendship Blvd., Bethesda, Md. 20015. The balance of the general correspondence material is located at the Commission's Regional Offices, the addresses of which are specified in the Inmate and Supervisions System. *Some legal files are maintained at the Northeast Regional Office.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111, all persons litigating with the U.S. Parole Commission, all persons corresponding with the Commission on subjects not amenable to being filed in an inmate or supervision file identified by an individual, and all Congressmen inquiring about constituents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Commission processes applications of persons convicted of certain crimes for exemptions to allow their employment in the Labor field under 29 U.S.C. 504 of by Employee Benefit Plan under 29 U.S.C. 1111. The files contain memoranda, correspondence, and legal documents with information of a personal nature, i.e., family history, employment history, income and wealth, etc., and of a criminal history nature, i.e., record of arrests and convictions, and details as to the crime which barred employment. The final decision of the Commission in each case is a public document under the Freedom of Information Act. The Counsel's Office of the Parole Commission maintains work files for each inmate or person on supervision who is litigating with the Commission. These files contain personnel and criminal history type data regarding inmates, and internal communications among attorneys, *Commissioners* and others developing the Commission's legal position in these cases. Files of the Commission's correspondence with Congressmen who inquire about groups of constituents who have paroles or revocations pending or other subjects are maintained in the Chairman's Office and in the regions. Files of correspondence, notes, and memoranda concerning parole revocation *rescission* and related problems are also maintained in those locations. Some of this material duplicates material in the inmate files and contains personnel-criminal history type information about individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are maintained pursuant to 18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, 28 CFR Parts 2 and 4, 29 U.S.C. 504, 1111, and all statutory sections and procedural rules allowing inmates, persons under supervision, or others to litigate with the Parole Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Within the Parole Commission material in this system is used respectively by Counsel's Office staff and Commission Members in processing exemption applications. The legal file material is used by Counsel's Office staff in asserting the litigative position of the Commission. The general correspondence is used by the Commission personnel in responding to Congressmen, and by Commission Members and others in transacting the day-to-day business of the Commission. Final pension and labor case decisions are used by the Commission, the Justice, and Labor Departments, and the public to establish precedents in this field of litigation.

In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant

to an agency decision relating to pension or labor matters. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records managenent inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All data is on documents or other papers in bound files. Labor and pension case material is in Counsel's Office or the Chairman's Office at Headquarters, except for final decisions which are in the Freedom of Information Act reading room. Legal files are in Counsel's Office at Headquarters, *or in the Northeast Regional Attorney's office,* general correspondence is in the Chairman's Office, the office of his staff at Headquarters, and the offices of each regional *Commissioner.* Files are in file cabinets.

RETRIEVABILITY:

Labor, pension, and legal file material is indexed or filed by name of applicant or litigant, respectively. General correspondence is indexed or filed by subject, time sequence or individuals to whom the items refer.

SAFEGUARDS:

Material is available only to Commission employees on a "need to know" basis. Storage locations are supervised by day and locked at night. Only disclosure made therefrom is to other agencies of the Department of Justice, the U.S. Probation Office, Federal enforcement agencies or the Congress. Disclosure to Congressmen in response to inquiries concerning constituents is subject to the exemptions of the Freedom of Information Act. The Commission Decisions in labor and pension cases are public information under the Freedom of Information Act.

RETENTION AND DISPOSAL:

Records are maintained for 10 years and are shredded or destroyed electronically thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy; Attorney/Management Analyst, United States Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015.

RECORD SOURCE CATEGORIES:

a. Applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111; b. U.S. Department of Labor; c. Administrative Law Judges and others connected with labor or pension cases; d. Litigants proceeding against Parole Commission; e. The Commission's legal staff and other Commission personnel; f. Congressmen and others making inquiries of Commission; g. Commission Members and employees responding to inquiries, corresponding with others, preparing speeches, policy statements and other means of contact with other branches of the Federal Government, State, and local governments, and the public.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (c)(2) and (3), (4)(G) and (H), (c)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/PRC–005

SYSTEM NAME:

Office Operation and Personnel System.

SYSTEM LOCATION:

At each regional office as indicated in the "Inmate and Supervision File System Report" and at the U.S. Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Commission Members and employees of the U.S. Parole Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, leave records, property schedules, budgets and actual expense figures, obligation schedules, expense and travel vouchers, and the balance of the usual paperwork to run a Government office efficiently.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

All statutory sections, CFR sections, and OPM, MSPB, GSA, and OMB directives establishing procedures for government personnel, financial, and operational functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Day-to-day activity involving personnel, financial, procurement, maintenance, recordkeeping, mail delivery, and management functions.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in paper files or on computer printouts. They are stored in operations areas of offices.

RETRIEVABILITY:

Data of a personal nature is in employee personnel files, used by Commission personnel on a "need to know" basis. Each employee has a right to see his own file on request. Other files are used by Commission personnel on a "need to know" basis.

SAFEGUARDS:

Files are supervised by appropriate personnel during the working day and are in locked rooms at night.

RETENTION AND DISPOSAL:

Subject to applicable OPM, MSPB, OMB, DOJ, and GSA regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant to the Chairman, U.S. Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Parole Commission employees, Office of Management and Finance. All other contributing Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/PRC-006

SYSTEM NAME:

Statistical, Educational and Developmental System.

SYSTEM LOCATION:

Parole Commission Headquarters, 5550 Friendship Blvd., Bethesda, Md. 20015.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any inmate or former inmate under custody of the Attorney General including former inmates supervised as parolees or mandatory releasees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records as described in the Workload Record, Decision Result, and Annual Report System Plus data on additional input forms and certain follow-up forms and the Salient Factor Worksheet Form. These forms include criminal history-type data elements regarding specific individuals selected from the above category of individuals. This data is either organized and processed by hand or is input into a computer and has been used to provide the following one-time reports in pamphlet-text form: (a) Administrative Review of Parole Selection and Revocation decisions; (b) Parole Decisionmaking, a Salient Factor Score; (c) Effect of Representation at Parole Hearings; (d) Parole Decisionmaking—Structuring Descretion; (e) Time Served and Release Performance—A Federal Sample and certain additional reports, all available in the public reading room. The data base collected as described in this and in JUSTICE/PRC 007 *system* will be used to prepare studies on similar or related subjects in the future. It has been used to develop revocation guidelines similar to parole guidelines, rescission guidelines and other operational improvements. Items collected for this data base may change depending on the subject matter of new studies to be undertaken by the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Internal—Develop methodology for a more scientific determination of parolability and revocability, methodology to comply with changing concepts of due process, and methodology to select persons to be released from prison who will be less likely to recidivate.

b. External—Add to the general body of knowledge in the parole area of criminology, and provide educational material for other parole boards, and members of the criminal justice and academic communities interested in this subject. Published pamphlets in text form are prepared on subjects of interest in this area of criminology and are circulated freely. They contain no references to individuals, either by name, address, register number or other means of identification. They do not contain recognizable fact situations, descriptions, or other writings through which identification of any individual within the present or former jurisdiction of the Parole Commission can be made.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release oif information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is in input forms, IBM card decks and on *printouts or other* computer produced storage media. It is stored as described in the JUSTICE/PRC–007 system description. Pamphlet text reports are public documents stored in offices, libraries, and in bookshelves, and in the public reading room.

RETRIEVABILITY:

Information by name, register number or FBI identification number may be retrieved from the input forms, card decks, or *storage media.* This material is used only by authorized parole *commission* personnel on a "need to know" basis and is data processed only by authorized Bureau of Prisons or Justice Department personnel. Material is not retrieved in identifiable form except that computer produced "hard copy" may be used to prepare a report or internal work papers. The final pamphlet text reports and material resulting from studies are used by Commission personnel for internal purposes and the public externally. None of this material contains any references to an individual. *Documents* which contains information *concerning* one individual *are* made available to that individual if requested under the *Privacy* Act.

SAFEGUARDS:

See "Safeguards" section of JUSTICE/PRC–007 regarding input forms, IBM cards or printouts, discs, or tape. Reports in pamphlet form are not safeguarded.

RETENTION AND DISPOSAL:

See "Retention and Disposal" of preceding system. The studies in pamphlet form are not disposed of on schedule. Some will be maintained perpetually in archives.

SYSTEM MANAGER(S) AND ADDRESS:

Research Director, U.S. Parole Commission, 5550 Friendship Blvd., Bethesda, Md. 20015

RECORD SOURCE CATEGORIES:

a. Commission inmate files; b. Docket Sheets; c. Commission Notices of Action, orders and documentation following hearings; d. Commission warrant applications and warrants; e. General Commission records and data; f. Enforcement agency records regarding former inmates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the **Federal Register.**

JUSTICE/PRC–007

SYSTEM NAME:

Workload Record, Decision Result, and Annual Report System.

SYSTEM LOCATION:

U.S. Parole Commission Headquarters, 5550 Friendship Blvd., Bethesda, Md. 20015

CATEOGROIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any inmate and parolee or mandatory releasee who has been the subject of a decision for the period covered in the report for which the data is used (prior month, prior quarter, prior year or other period).

CATEGORIES OF RECORDS IN THE SYSTEM:

Certain original input forms indicate the inmate or person under supervision by name and register number and give the date and specific statistical detail as to the decision made. They include criminal history type of information regarding the persons in question. The principal types of decisions covered are after initial or review hearings, after record review, after Regional Appeal, after National Appeal, and after a decision reopening and modifying. The data is input into a computer and is used to provide the following: (a) A monthly report of workload containing number and type of hearings per region further broken out by institutions within regions and type of sentence; (b) Bimonthly report on decision results indicating, among other statistics, number and type of decisions within above, and below guidelines broken out by examiners making the decisions; (c) Other or substitute reports as needed, and (d) Together with land posted data on other items of statistical value, this data is being used to create the Annual Report of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201–4218, 5005–5041, 28 CFR Part O, Subpart V, 28 CFR Part 2

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) There records are used internally to analyze work product, the performance of evaluators, and various types of procedures and hearings and to evaluate the guidelines and other Commission procedures.

(b) These records are used to prepare an annual report to the Attorney General, and Congress and the public indicating in quantitative and qualitative terms Commission activity and accomplishment.

(c) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, rule, regulation or order issued pursuant thereto.

(d) A record from this system of records may be disclosed to a Federal, State, or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to Parole Commission matters.

(e) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper input forms are stored in folders only until information from them is *entered into machine readable media.* Monthly and other reports in the form of computer printouts are filed in folders. Annual report is in book form and stored in library shelves.

RETRIEVABILITY:

Data in this system can be retrieved by inmate's name and register number from the original input forms, IBM card decks, *and computer-produced storage media.* It is usually only retrieved by region, by examiner, by type of decision made or hearing held, by relation to the guidelines and other similar means except for individual case retrievability when infrequently required.

SAFEGUARDS:

Data on forms, IBM cards and/or tape *or other computer produced storage media* retrievable by individual is stored in the *Commission's* Office in cabinets. Commission employees supervise this data by day and use it on a "need to know" basis. The rooms where it is

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stored *are* locked outside of office hours and the entire Headquarters building is locked at certain times with card key-access. Monthly and *other* reports are for use of the Chairman, his Executive Assistant and Commission Members and professional personnel. No information thereon is retrievable as pertaining to any individual except certain breakouts by Parole Commission employee examiners and by inmate in the guideline section of reports. These printouts are stored in the Commission Headquarters offices, all of which are supervised by day, *and* locked at night. The Annual Report contains no information identifiable by individual and is a public document.

RETENTION AND DISPOSAL:

Completed input forms—1. Until data is keypunched—usually 1 month after forms are completed. They are then destroyed; 2. IBM cards decks or *other* tape substiture—10 years after preparation, cards will be destroyed—tape or discs degaussed; 3. Printouts of annual and *other* reports—10 years; 4. Annual Reports—Some copies retained perpetually in Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant to the Chairman, 5550 Friendship Blvd., Bethesda, Md. 20015.

RECORD SOURCE CATEGORIES:

(a) Commission inmates files; (b) Docket sheets; (c) Commission notices of action, orders, and documentation following hearings; (d) Commission warrant applications and warrants; (e) General Commission records and data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (c)(4) (g) and (H), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

United States Marshals Service (USM)

USM systems of records (JUSTICE/USM–001 through JUSTICE/USM–008, and JUSTICE/USM–999) were last published on September 30, 1977 in **Federal Register** Volume 42, pages 53397 through 53400.

JUSTICE/USM–001

SYSTEM NAME:

United States Marshals Service Badge & Credentials File.

SYSTEM LOCATION:

United States Marshals Service; *One Tysons Corner Center, McLean, Virginia 22102.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Marshals Service Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel data system established to control issuance of badges and credentials to U.S. Marshals Service personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 C.F.R. 0.111–113.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This file serves as a record of issuance of credentials. Information from this file is requested by various law enforcement agencies, e.g., FBI, Secret Service, state, county & municipal police.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originals kept in files.

RETRIEVABILITY:

Indexed by name and chronological order of number.

SAFEGUARDS:

Access restricted to personnel of Administrative Services Division.

RETENTION AND DISPOSAL:

Records are kept for duration of employee's tenure in the Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Division; United States Marshals Service, U.S. Depart. of Justice; *One Tysons Corner Center, McLean, Virginia 22102.*

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' It should clearly indicate name of requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Record of Notification of Employment by U.S. Marshals Service Personnel Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM–002

SYSTEM NAME:

United States Marshals Service Internal Investigations System.

SYSTEM LOCATION:

United States Marshals Service: Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Marshals Service employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Internal *Investigations* System contains reports prepared by the Office of Internal *Investigations* United States Marshals Service on findings of alleged misconduct of U.S. Marshals, Service employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 C.F.R. Subpart T. 0.111(n).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information gathered is used by U.S. Marshals Service in disciplinary proceedings against employees. It is also used in administrative hearings before the Civil Service Commission and in court proceedings.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originals stored in file.

RETRIEVABILITY:

Information is retrieved by name of employee.

SAFEGUARDS:

Records are stored in locked safe.

RETENTION AND DISPOSAL:

Records are retained for 12 months and then referred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Internal Investigations, U.S. Marshals Service; U.S. Department of Justice, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

The major part of these systems is exempted from this requirement under 5 U.S.C. 552a(k)(5). To the extent that these systems are not subject to exemption they are subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' It should clearly indicate name of the requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information derived from investigation of alleged malfeasance, by U.S. Marshals Service Office of Internal Investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/USM-003

SYSTEM NAME:

United States Marshals Service Prisoner Transportation System.

SYSTEM LOCATION:

United States Marshals Service; Department of Justice; 324 East 11th Street, Kansas City, Missouri 64106

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prisoners taken into U.S. Marshal custody.

CATEGORIES OF RECORDS IN THE SYSTEM:

D.J. 100's; Compilation of identifying information for each prisoner taken into U.S. Marshal custody, when and where the prisoner is taken into custody, what he is charged with and where he is moved to. These files provide a ready reference source on the prisoner for purposes of arranging prisoner transportation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Prisoner Coordination Program is authorized under 28 CFR Subpart T 0.111(k).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as working files in the transporting of prisoners, by U.S. Marshals Service. Bureau of Prisons and other federal, state and local law enforcement officials.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the

Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in standard file cabinets.

RETRIEVABILITY:

Information is retrieved by name of prisoner and number

SAFEGUARDS:

Access restricted to Operations Personnel.

RETENTION AND DISPOSAL:

Records are disposed of after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Prisoner Transportation Division, United States Marshals Service; U.S. Department of Justice; 324 East 11th Street, Kansas City, Missouri 64106.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' It should clearly indicate name of requester, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Identifying material of each prisoner taken into custody by the U.S. Marshal.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM–004

SYSTEM NAME:

Special Deputy File.

SYSTEM LOCATION:

United States Marshals Service: Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Deputies, who are selected law enforcement officers or employees of the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Special Deputization file contains oath of office of persons utilized as deputy marshals for a short duration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 C.F.R. Subpart T. Section 0.112, 28 U.S.C. 562.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Federal agencies for whom the Marshals Service has deputized employees would have access to this system.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member of staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS.

Release of information to the National archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originals are filed.

RETRIEVABILITY:

Files are indexed by name and by government department.

SAFEGUARDS:

Records are kept in a locked file.

RETENTION AND DISPOSAL:

Records are retained for one year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Operations Division, U.S. Marshals Service; U.S. Department of Justice: One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Address inquiries to: System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' The requestor shall also provide a return address for transmitting the information Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it and the proposed amemdment to the information sought.

RECORD SOURCE CATEGORIES:

Federal agencies requesting special deputations provide all necessary information required by the Marshals Service in making the special deputations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-005

SYSTEM NAME:

Special Detail System.

SYSTEM LOCATION:

United States Marshals service: Department of Justice; One Tysons Corner Center, McLean, Virginia 22102. Each of the 96 district offices maintain their own files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the system: Deputy United States Marshals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system include a compilation of deputies' special assignments; e.g., civil disturbances, special trials, witness security, process serving, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Special Detail System is authorized under 28 C.F.R. 0.111(a) through (g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Special Detail System provides background data on what details were made; who went where, etc. This information may be used in Civil Service Commission hearings and court cases involving the Marshals Service or its personnel.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that released of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originals are filed.

RETRIEVABILITY:

Records are retrieved by name of deputy.

SAFEGUARDS:

Records are kept in a locked file.

RETENTION AND DISPOSAL:

Dispose after 10 years; transfer to Federal Records Center after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Special Assignments, U.S. Marshals, Service; U.S. Department of Justice, One Tysons Corner Center, McLean Virginia 22102

NOTIFICATION PROCEDURES:

Address inquiries to: System Manager.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of the requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information provided by designated U.S. Marshals Service Personnel in each district who work on special details.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-006

SYSTEM NAME:

United States Marshals Service Training Files.

SYSTEM LOCATION:

United States Marshals Service; Department of Justice Building 70, Glynco, Georgia 31520

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Trainees

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Individual United States Marshals Service training files contain information on the individual's educational background and training history, and an individual development plan; (2) Skills files identify special skills possessed by the individual United States Marshals Service employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The training school is established pursuant to 28 CFR Subpart T, Section 0.111(h) which authorizes the director to provide a training school for United States Marshals Service personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are used as training histories; (2) records are used to determine training eligibility; (3) records are used in Administrative hearing before U.S. Civil Service Commission, and in court proceedings.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Standard file cabinets containing original documents.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are kept in locked files.

RETENTION AND DISPOSAL:

Training files are maintained until the employee leaves the Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Employee Development Division, U.S. Marshals Service; U.S. Department of Justice; Building 70, Glynco, Georgia 31520.

NOTIFICATION PROCEDURE:

Address inquiries to: System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." It should clearly indicate name of requestor, the nature of the record sought and approximate dates covered by the record. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

(1) The forms, documentation of skills, etc. which are completed by a new trainee; (2) documentation of skills by Training Personel; (3) evaluation reports prepared by the Combined Federal Law Enforcement Training Academy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM–007

SYSTEM NAME:

Warrant-Information System.

SYSTEM LOCATION:

Each district office of the U.S. Marshals Service maintains their own files. See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom Federal warrants have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pertinent information, correspondence, etc., vis-a-vis the warrant, as well as NCIC copy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system is established by 28 C.F.R. Subpart T. 0.111(a) and 28 U.S.C. 569(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Attorneys, Federal Courts, and other Federal law enforcement agencies have access to this information.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on Roladex Cards.

RETRIEVABILITY:

Records are retrieved by individual name.

SAFEGUARDS:

Access is restricted to personnel in each district's U.S. Marshals office.

RETENTION AND DISPOSAL:

Records are kept in operating file until warrant is executed and then transferred to closed files, where they are indefinitely kept.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Operations Division; U.S. Marshals Service; U.S. Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

RECORD SOURCE CATEGORIES:

Information is obtained from the Bureau of Prisons, Department of Justice and arresting agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USM—008

SYSTEM NAME:

Witness Security Files Information System.

SYSTEM LOCATION:

United States Marshals Service; Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government witnesses, who are participants in the Federal Witness Security Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Request to enter program; (2) background information (education, experience, medical history, names, relatives, etc.); (3) funding information; (4) moving information; (5) documentation of all the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the Witness Security Program is O.B.D. 2110.2 January 10, 1975; 28 CFR Subpart T. 0.111(c), 28 U.S.C. 524; 18 U.S.C. prec 3481.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Background for planning working files; (2) Used to accomplish major functions of witness security e.g. protection of government witnesses and their families; (3) Used in court proceedings.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originals are kept in files.

RETRIEVABILITY:

Filed according to ID special number

SAFEGUARDS:

Locked files limited access—(Witness Security Personnel).

RETENTION AND DISPOSAL:

All records at this time are being indefinitely maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Witness Security Division; U.S. Marshals Service; U.S. Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

RECORD SOURCE CATEGORIES:

All identifying background criteria of individual: (1) education; (2) job history; (3) medical history; (4) history of residence; (5) relatives, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f)(2) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USM—999

SYSTEM NAME:

Appendix to U.S. Marshals Systems of Records, Official Addresses of United States Marshals.

Northern Alabama
128 Federal Courthouse
Birmingham, Alabama 35203

Middle Alabama
P.O. Drawer 4249
Montgomery, Alabama 36101

Southern Alabama
P.O. Box 343
Mobile, Alabama 36601

District of Alaska
P.O. Box 28
Anchorage, Alaska 99513

District of Arizona
6016 U.S. Courthouse
Phoenix, Arizona 85025

Eastern Arkansas
P.O. Box 8
Little Rock, Arkansas 72203

Western Arkansas
P.O. Box 1572
Fort Smith, Arkansas 72901

Northern California
450 Golden Gate Avenue, Room 20–005
San Francisco, California 94102

Eastern California
1020 U.S. Courthouse
Sacramento, California 95814

Central California
G–23 U.S. Courthouse
Los Angeles, California 90012

Southern California
LLB–71 U.S. Courthouse
San Diego, California 92189

District of Canal Zone
PSC Box 1535
APO Miami, Florida 34003

District of Colorado
Drawer 3599
Denver, Colorado 80294

District of Connecticut
P.O. Box 904
New Haven, Connecticut 06504

District of Delaware
4311 Federal Bldg. & U.S. Courthouse
Wilmington, Delaware 19801

District of Columbia
U.S. Courthouse
3rd & Constitution Avenue, N.W.
Washington, D.C. 20001

Northern Florida
P.O. Box 1150
Pensacola, Florida 32595

Middle Florida
P.O. Box 4189
Jacksonville, Florida 32201

Southern Florida
P.O. Box 010391
Miami, Florida 33101

Northern Georgia
1669 Federal Bldg.
Atlanta, Georgia 30303

Middle Georgia
P.O. Box 7
Macon, Georgia 31202

Southern Georgia
P.O. Box 9765
Savannah, Georgia 31412

District of Guam
506 Pacific Daily News Bldg.
Agana, Guam 96910

District of Hawaii
P.O. Box 50184
Honolulu, Hawaii 96850

District of Idaho
692 Federal Bldg. & Cthse.
Boise, Idaho 83724

Northern Illinois
219 S. Dearborn Street
Chicago, Illinois 60604

Southern Illinois
P.O. Drawer 309
East St. Louis, Illinois 62201

Central Illinois
P.O. Box 156
Springfield, Illinois 62705

Northern Indiana
P.O. Box 477
South Bend, Indiana 46624

Southern Indiana
P.O. Box 44803
Indianapolis, Indiana 46244

Northern Iowa
P.O. Box 4740
Cedar Rapids, Iowa 52407

Southern Iowa
208 U.S. Courthouse
Des Moines, Iowa 50309

District of Kansas
444 Southeast Quincy
Topeka, Kansas 66683

Eastern Kentucky
P.O. Box 30

Lexington, Kentucky 40501
Western Kentucky
204 P.O. & Courthouse Bldg.
Louisville, Kentucky 40202
Eastern Louisiana
500 Camp Street, Room 600
New Orleans, Louisiana 70130
Middle Louisiana
P.O. Box 3653
Baton Rouge, Louisiana 70821
Western Louisiana
P.O. Box 53
Shreveport, Louisiana 71161
District of Maine
P.O. Box 349
Portland, Maine 04112
District of the Northern Mariana Islands
289 Inter-Continental Hotel
Garapan, Saipan 96950
District of Maryland
605 U.S. Courthouse
Baltimore, Maryland 21201
District of Massachusetts
P.O. Box 352
Boston, Massachusetts 02101
Eastern Michigan
932 Federal Bldg. & Cthse.
Detroit, Michigan 48226
Western Michigan
514 Federl Bldg.
Grand Rapids, Michigan 49503
District of Minnesota
523 U.S. Courthouse
Minneapolis, Minnesota 55401
Northern Mississippi
P.O. Box 887
Oxford, Mississippi 38655
Southern Mississippi
P.O. Box 959
Jackson, Mississippi 39205
Eastern Missouri
108 U.S. Courthouse & Customhouse
St. Louis, Missouri 63101
Western Missouri
509 U.S. Cthse.
Kansas City, Missouri 64106
District of Montana
5110 Federal Bldg.
Billings, Montana 59101
District of Nebraska
P.O. Box 1477
Omaha, Nebraska 68101
District of Nevada
P.O. Box 16039
Las Vegas, Nevada 89101
District of New Hampshire
P.O. Box 1435
Concord, New Hampshire 03301
District of New Jersey
P.O. Box 186
Newark, New Jersey 07101
District of New Mexico
P.O. Box 444
Albuquerque, New Mexico 87103
Northern New York
P.O. Box 418
Utica, New York 13503
Eastern New York
172 U.S. Courthouse
Brooklyn, New York 11201
Southern New York
114 U.S. Courthouse Annex
New York, New York 10007
Western New York
129 U.S. Courthouse
Buffalo, New York 14202
Eastern North Carolina
P.O. Box 25640
Raleigh, North Carolina 27611
Middle North Carolina
P.O. Box 1528
Greensboro, North Carolina 27402
Western North Carolina
P.O. Box 59
Asheville, North Carolina 28802
North Dakota
P.O. Box 2425
Fargo, North Dakota 58108
Northern Ohio
323 U.S. Courthouse
Cleveland, Ohio 44114
Southern Ohio
P.O. Box 688
Cincinnati, Ohio 45201
Northern Oklahoma
P.O. Box 1097
Tulsa, Oklahoma 74101
Eastern Oklahoma
P.O. Box 738
Muskogee, Oklahoma 74401
Western Oklahoma
P.O. Box 886
Oklahoma City, Oklahoma 73101
District of Oregon
P.O. Box 871
Portland, Oregon 97207
Eastern Pennsylvania
2110 U.S. Courthouse
Philadelphia, Pennsylvania 19106
Middle Pennsylvania
P.O. Box 310
Scranton, Pennsylvania 18501
Western Pennsylvania
810 Post Office & Cthse.
Pittsburgh, Pennsylvania 15219
District of Puerto Rico
P.O. Box 3748
San Juan, Puerto Rico 00904
Rhode Island
P.O. Box 1524
Providence, Rhode Island 02901
District of South Carolina
P.O. Box 1774
Columbia, South Carolina 29202
District of South Dakota
P.O. Box 1193
Sioux Falls, South Dakota 57101
Eastern Tennessee
P.O. Box 551
Knoxville, Tennessee 37901
Middle Tennessee
866 U.S. Courthouse
Nashville, Tennessee 37203
Western Tennessee
1007 Federal Bldg.
Memphis, Tennessee 38103
Northern Texas
1100 Commerce Street, Room 16F47
Dallas, Texas 75242
Eastern Texas
P.O. Box 111
Beaumont, Texas 77704
Southern Texas
P.O. Box 61608
Houston, Texas 77208
Western Texas
655 East Durango St., Room 235
San Antonio, Texas 78206
District of Utah
P.O. Box 1234
Salt Lake City, Utah 84110
District of Vermont
621 Federal Bldg.
Burlington, Vermont 05401
Eastern Virginia
P.O. Box 1181
Norfolk, Virginia 23501
Western Virginia
P.O. Box 2280
Roanoke, Virginia 24009
District of the Virgin Islands
P.O. Box 720
St. Thomas, Virgin Islands 00801
Eastern Washington
P.O. Box 1463
Spokane, Washington 99210
Western Washington
300 U.S. Courthouse
Seattle, Washington 98104
Northern West Virginia
P.O. Box 832
Fairmont, West Virginia 26554
Southern West Virginia
P.O. Box 2667
Charleston, West Virginia 25330
Eastern Wisconsin
310 Federal Bldg.
Milwaukee, Wisconsin 53202
Western Wisconsin
P.O. Box 1706
Madison, Wisconsin 53701
District of Wyoming
P.O. Box 768
Cheyenne, Wyoming 82001

Executive Office for United States Attorneys (USA)

The following USA systems of records are republished below to reflect address changes, changes to system locations (and corresponding changes to the "Retrievability" and/or "Safeguards"

sections of the notice), and to notice the addition of a United States Attorney's Office in Agana, Guam. USA-001 and USA-008 were last published on November 17, 1980 in **Federal Register** Volume 45, pages 75949 and 75951, respectively; USA-005 was last published on September 28, 1978 in **Federal Register** Volume 43, page 44707; USA-003, USA-007, USA-012, USA-015 and USA-999 were last published on September 30, 1977 in **Federal Register** Volume 42 beginning on page 53404.

Justice/USA-001

SYSTEM NAME:

Administrative Files.

SYSTEM LOCATION:

Ninety-five United States Attorneys' Offices (See attached Appendix); Executive Office for United States Attorneys, U.S. Department of Justice, 10th & Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Office Personnel (present and past); (b) Expert professionals whose services are used by the office; (c) Applicants for office positions; (d) Witnesses in Court proceedings; (e) Prisoners-In-Custody; (f) Defendants; (g) Debtors; (h) Vendors; (i) Citizens making inquiries; (j) Members of local and state Bar Associations.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Personnel Files (official/unofficial); (b) Applicant Files; (c) Employee Record cards (SF-7B); (d) Office Rosters; (e) Tickler File System for Promotions; (f) Personnel Address and Telephone Number Lists; (g) Sign In/Out Sheets; (h) Time and Attendance Records (OMF—44); (i) Wage Earnings Statement (DOJ—296); (j) Travel Authorizations and Vouchers (OBD-1 and SF-1012); (k) Advice of Obligations incurred (DJ-60); (l) Telephone Records and Logs; (m) Fiscal Vouchers; (n) Witness Records (LAA-3); (o) Lists of Records at Federal Records Centers; (p) In-House Statistical Reports; (q) Internal Meetings Records; (r) Equal Employment Opportunity (EEO) Records; (s) Employees: Organizations and Unions Records; (t) Federal Woman's Program Records; (u) Address and Telephone Indexes; (v) Lists of State and Local Bar Members; (w) Lists of Expert Professionals; (x) Requests for Expert Witnesses; (y) Teletype Files; (z) Correspondence Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law or legal obligation, criminal, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law or civil remedy;

(b) in the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, or to an individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

(k) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policymaking provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

Release of information to the news media:

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Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Member of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for repoduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is stored in file cabinets in the United States Attorney's offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendement to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are limited to, investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; data, memoranda and reports from the Courts and agencies thereof; and the work product of Assitant United States Attorneys, Department of Justice attorneys and administrative staff of the divisions, offices and bureaus, work product of secretarial and administrative staff within the U.S. Attorneys office and the Executive Office for U.S. Attorneys, from general public referral sources or as provided by members of the public who participate, assist or observe in pending cases or matters, or commercial establishments which provide goods or services, publications and reports from the Department's other offices, divisions and bureaus and internal U.S. Attorney work product.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA-003

SYSTEM NAME:

Citizen Complaint Files.

SYSTEM LOCATION:

U.S. Attorney's Office; 3rd & Constitution Avenue, N.W., Washington, D.C. 20001; *Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W., Washington, D.C. 20530*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on home records are maintained in this system may be broadly classified in four categories. 1) Those individuals who have been charged with Federal and D.C. Code violations; 2) those individuals who are currently under investigation for violations of Federal and D.C. Code; 3) those individuals about whom complaints have been made on upon whom investigations were conducted, but no prosecution was intitiated; and 4) complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

A file may consist of a single sheet of paper describing briefly the nature of a complaint and its disposition or it may consist of a more comprehensive file containing the results of a hearing, depending on the complexity or seriousness of the complaint. If the complaint results in criminal charges being preferred, the contents of the file are transfered to the appropriate criminal file system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) in any case in which there is a an indication of a violation or potential

violation of law, whether civil, crimimal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcment or implementing such laws;

(2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state , local, or foreign agency, or to an individual, if there is reason to believe that such ageny or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) records or extracts thereof relating to case matter or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local or foreign court or grand jury in accordance with estabished constitutional, substantive, or procedural law or practice.

(4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing:

(5) a record relating to a case or matter may be disseminated to a actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) a record relating to a person held arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prision, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transporation, or release of such person;

(8) a record relating to a case or matter may be disseminated to a foreign country pursuant to a international treaty or convention entered into and ratified by the United States.

(9) a record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and

(10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Citizen complaint files are maintained in one of two ways; either on a single sheet which is a record of the complaint and disposition thereof or in complaints which result in further proceedings, a file folder would be established.

RETRIEVABILITY:

Information is retrieved either by the name of a complainant, the name of a person about whom a complaint is registered or by a complaint number. If further proceedings are conducted with respect to a citizen's complaint and the complaint materializes into a criminal action, the file folder will become part of the criminal files and then is retrievable in the same manner as any criminal file is retrieved.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected by being maintained in files at the Citizens Complaint Center, and the Legal Services section of the Executive Office for United States Attorneys, which is manned at all times when it is open and at other times is locked. More sensitive files that materialize into hearings or require further action by the Misdemeanor Trial Section of the Superior Court Division, or the Executive Office for United States Attorneys, are maintained by the Chief of the Misdemeanor Trial Section in his office in Building B of the Superior Court, or the Assistant Director for Legal Services, Executive Office for United States Attorneys in his safe.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70–77.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Misdemeanor Trial Section; U.S. Attorney's Office; Superior Court Division; Building B, 4th & E Streets, N.W.; Washington, D.C.; Director; Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

The major part of these systems are exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for acxcess to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major parts of these systems are exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To

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the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system come primarily from citizens walking into this unit to register complaints. Sources also include but are not limited to investigative reports of federal, state and local law enforcement agencies, forensic reports, statements of witnesses and parties, as well as verbatim trancripts of grand jury proceedings and court proceedings, memoranda and reports from the court and agencies thereof and the work product of Assistant United States Attorneys and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USA—005

SYSTEM NAME:

Civil Case Files.

SYSTEM LOCATION:

Ninety-*five* United States Attorneys' Offices (See attached Appendix), Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals beings investigated in anticipation of Civil suits; (b) Individuals involved in Civil suits; (c) Defense Counsel(s); (d) Information sources; (e) Individuals relevant to the development of Civil suits.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All Civil Cases Files (USA–34); (b) Docket Cards (USA–116); (c) Civil Debtor Cards—(USA–117b); (d) Civil Case Activity Card (USA–164); (e) civil Debtor Activity Card (USA–166); (f) 3 x 5 Index Cards; (g) Caseload Printouts; (h) General Correspondence re: Civil Cases; (i) Reading Files re: Civil Cases; (j) Information Source File; (k) Attorney Assignment sheets; (l) Telephone records; (m) Miscellaneous Investigative files; (n) Lands condemnation files (Appraisal and Negotiator Reports); (o) Tax Case Resource File; (p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; (q) Search Warrants; (r) Files uniques to District; (s) Civil Miscellaneous Correspondence File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) in the course of investigating the potential or actual violation or civil liability of any government action or law, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency;

(c) a record relating to a case or matter may be disseminated in an appropriate Federal State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a case or matter may be disseminating to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(h) a record may be disseminated to a Federal, State, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency or to assist in general civil matters or cases;

(i) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance as is required, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(j) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of types or courses of action or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(k) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in general crime prevention, the pursuit of general civil, regulatory or administrative civil actions or to provide investigative leads to such country, or

assist in the location and/or returning of witnesses and other evidence;

(l) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

(m) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of this record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices, and the Executive Office for United States Attorneys by means of cathode-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorney's offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending. (See attached appendix.)

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to examination shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552(a) (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of Federal, State, and local law enforcement, civil litigation, regulatory and administrative agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of deposition and court proceedings; data, memoranda and reports from the court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/USA-007

SYSTEM NAME:

Criminal Case Files.

SYSTEM LOCATION:

Ninety-five United States Attorneys' Offices (See attached Appendix); Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals charged with violations; (b) Individuals being

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investigated for violations; (c) Defense Counsel(s); (d) Information Sources; (e) Individuals relevant to development of Criminal Cases; (f) Individuals investigated, but prosecution declined; (g) Individuals referred to in potential or actual cases and matters of concern to a U.S. Attorney's Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All case files (USA–33); (b) Docket Cards (USA–115); (c) Criminal Debtor Cards (USA–117a); (d) Criminal Case Activity Card (USA–163); (e) Criminal Debtor Activity Card (USA–164); (f) 3' X 5' Index Cards; (g) Caseload Printouts; (h) Attorney Assignment Sheets; (i) General Correspondence re: Criminal Cases; (j) Reading Files re: Criminal Cases; (k) Grand Jury Proceedings; (l) Miscellaneous Investigative Reports; (m) Information Source Files; (n) Parole Recommendations; (o) Immunity Requests, (p) Witness Protection Files; (q) Wiretap Authorizations; (r) Search Warrants; (s) Telephone records; (t) Criminal Complaints; (u) Sealed Indictment Records; (v) Files unique to a District; (w) Criminal Miscellaneous Correspondence File; (x) Prosecution Declined Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) in the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

(n) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(n) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court procedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USA-008

SYSTEM NAME:

Freedom of Information Act/Privacy Act Files.

SYSTEM LOCATION:

Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, D.C. 20530; Ninety-five United States Attorney's Offices (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who write to the Executive Office for United States Attorneys, its Director or a member of his staff, or a U.S. Attorneys office.

(b) Individuals who write to the Attorney General or the Department of Justice or the FOI/PA Unit and whose letter is referred to the Executive Office of United States Attorneys.

(c) Individuals whose letter has been referred to the Executive Office of United States Attorneys for a response by the FOI/PA Unit or Appeals Unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes the original correspondence received as well as any response, referral letters or notes concerning the subject of the request and copies of any enclosures. The system is arranged alphabetically by the last name of the original requestor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101 and the provisions of the Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the responses may be provided to the referrer or the original request or the requester. All other uses are internal within the Department.

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RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The material is stored within manila file folders, within metal file cabinets

RETRIEVABILITY:

The system is indexed by name, arranged alphabetically.

SAFEGUARDS:

The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

Director; Executive Office of United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System manager listed above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Freedom of Information' or 'Privacy Access Request.' Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

RECORD SOURCE CATEGORIES:

Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c)(3), (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/USA–012

SYSTEM NAME:

Security Clearance Forms for Grand Jury Reporters.

SYSTEM LOCATION:

Ninety-five United States Attorneys' Offices (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Proposed Grand Jury Reporters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for security clearance of grand jury reporters(s) employed by the reporting firm under contract with the Justice Department; carbon copy of "PERSONNEL INFORMATION SHEET—Grand Jury Reporting" on which is listed name of proposed grand jury reporter, home address, date and place of birth, and present business affiliation; and clearance or denial of clearance for the proposed reporter from the Department of Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All uses of this information are internal within the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Security clearance forms are kept alphabetically in file cabinets in the Administrative Office.

RETRIEVABILITY:

Security clearance forms on grand jury reports are retrievable from an alphabetical filing system.

SAFEGUARDS:

Security clearance forms are maintained in the Administrative Division in the District Court Building which is manned at all times during working hours and at other times is locked.

RETENTION AND DISPOSAL:

Security clearance forms are maintained for five years, at which time they must be renewed. Upon receipt of renewed security clearance, old forms are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ninety-five United States Attorneys' Offices (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in these files are the reporter's request for security clearance, personnel information sheet and the clearance or denial of clearance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA-015

SYSTEM NAME:

Pre-Trail Diversion Program Files.

SYSTEM LOCATION:

Ninety-five United States Attorneys' Offices (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to in potential or actual pre-trail diversion cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) USA Form 184—Referral letter to Probation Service; (b) USA Form 185—Letter to defendant; (c) USA Form 186—Agreement for Pre-Trail Diversion; (d) USA Form 187—Pre-Trail Diversion Report Form; (e) USA Form 188—Certification of Completion of Program; (f) USA Form 189—Defendant Application Form; (g) Telephone Records; (h) Miscellaneous Correspondence; and (i) Files Unique to a District.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) in the course of investigating the potential or actual violation of any law, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization posseses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (d) a record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) a record relating to a case or matter that has been referred by an agency for investigation prosecution or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual;

(l) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila filed folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved by the name of the person, case number or complaint number.

SAFEGUARDS:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached Appendix.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the diversion application or approval was made. (See attached appendix.)

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the enevelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached Appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of Federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data; memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USA-999

SYSTEM NAME:

Appendix of United States Attorney Office locations:

Alabama, N
200 Federal Building
1800 Fifth Avenue North
Birmingham, Alabama 35203
Alabama, M
P.O. Box 197
Montgomery, Alabama 36101
Alabama, S
P.O. Drawer E
Mobile, Alabama 36601
Alaska
Fed. Bldg. & U.S. Courthouse
Rm. C–252, Mail Box 9
701 C Street
Anchorage, Alaska 99513
Arizona
400 U.S. Courthouse
230 North First Avenue
Phoenix, Arizona 85025
Arkansas, E
P.O. Box 1229
Little Rock, Arkansas 72203
Arkansas, W
P.O. Box 1524
Fort Smith, Arkansas 72901
California, N
450 Golden Gate Avenue
San Francisco, Calif. 94102
California, E
3305 Federal Bldg.
650 Capitol Mall
Sacramento, Calif. 95814
California, C
312 N. Spring St.
Los Angeles, Calif. 90012
California, S
940 Front Street
Rm. 5–N–19
U.S. Courthouse
San Diego, Calif. 92189
Canal Zone
PSC Box 2990
APO Miami, Florida 34002
Colorado
Suite 1200—Drawer 3615
Federal Office Bldg.
Denver, Colorado 80294
Connecticut
P.O. Box 1824
New Haven, Conn. 06508
Delaware
J. Caleb Boggs Fed. Bldg.
844 King Street
Wilmington, Del. 19801
D.C.
Room 3600–E U.S. Court House
3rd & Constitution Ave., NW.
Washington, D.C. 20001
Florida, N
P.O. Box 12313
Pensacola, Florida 32501
Florida, M
501 Fed. Bldg.
80 N. Hughey Avenue
Orlando, Fla. 32801
Florida, S
155 South Miami Ave.
Miami, Florida 33130
Georgia, N
Ste. 1800, Richard Russell Building

75 Spring St., S.W.
Atlanta, GA 30335
Georgia, M
P.O. Box U
Macon, Georgia 31202
Georgia, S
P.O. Box 8999
Augusta, GA 30903
Guam
P.O. Box Z
Agana, Guam 96910
Hawaii
Rm. C–242 PJKK Fed. Bldg.
Box 50183
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Idaho
Rm. 693 Federal Bldg.
Box 037, 550 W. Fort St.
Boise, Idaho 83702
Illinois, N
Everett McKinley Dirksen Bldg.
219 S. Dearborn St.
Room 1500 South
Chicago, Illinois 60604
Illinois, S
Rm. 330
750 Missouri Avenue
East St. Louis, Ill. 62202
Illinois, C
Post Office Box 375
Springfield, Ill. 62705
Indiana, N
Rm. 332, U.S.P.O. & Cthse.
204 S. Main Street
South Bend, Ind. 46601
Indiana, S
274 U.S. Cthse.
46 E. Ohio St.
Indianapolis, Ind. 46204
Iowa, N
P.O. Box 4710
Cedar Rapids, Iowa 52407
Iowa, S
122 U.S. Cthse.
E. 1st & Walnut Streets
Des Moines, Iowa 50309
Kansas
P.O. Box 2098
444 Quincy Street
Topeka, Kansas 66683
Kentucky, E
P.O. Box 1490
Lexington, Kentucky 40501
Kentucky, W
Rm. 211, U.S.P.O. & Cthse.
601 West Broadway
Louisville, Kentucky 40202
Louisiana, E
Hale Boggs Fed. Bldg.
500 Camp Street
New Orleans, LA 70130
Louisiana, M
Federal Bldg. and U.S. Court House
Rm. 130, 707 Florida St.
Baton Rouge, LA. 70801
Louisiana, W
Rm. 3B12, Fed. Bldg.
Shreveport, LA. 71161
Maine
P.O. Box 1588
Portland, Maine 04104
Maryland
4th Floor—U.S. Cthse.
101 W. Lombard Street
Baltimore, MD 21201
Massachusetts
1107 John W. McCormack
P.O. & Court House
Boston, Mass. 02109
Michigan, E
817 Federal Building
231 Lafayette
Detroit, Michigan 48226
Michigan, W
544 Federal Bldg. & U.S. Court House
110 Michigan Ave., N.W.
Grand Rapids, Michigan 49502
Minnesota
596 U.S. Court House
110 S. 4th Street
Minneapolis, Minn. 55401
Mississippi, N
P.O. Drawer 886
Oxford, Miss. 38655
Mississippi, S
P.O. Box 2091
Jackson, Miss. 39205
Missouri, E
Rm. 414, U.S. Court & Custom House
1114 Market Street
St. Louis, Mo. 63101
Missouri, W
549 U.S. Court House
811 Grand Avenue
Kansas City, Missouri 64106
Montana
173 Fed. Bldg.
400 N. Main
Butte, Montana 59701
Nebraska
P.O. Box 1228
Omaha, Nebraska 68101
Nevada
Box 16030
Las Vegas, Nevada 89101
New Hampshire
Federal Building
Concord, New Hampshire 03301
New Jersey
Federal Building
970 Broad Street, Rm. 502
Newark, NJ 07102
New Mexico
P.O. Box 607
Albuquerque, N. Mex. 87105
New York, N
P.O. Box 1258
Federal Bldg.
Syracuse, N.Y. 13201
New York, S
One St. Andrew's Plaza
New York, N.Y. 10007
New York, E
U.S. Court House
225 Cadman Plaza East
Brooklyn, N.Y. 11201
New York, W
502 U.S. Court House
Buffalo, N.Y. 14202
N. Carolina, E
P.O. Box 26897
Raleigh, N.C. 27611
N. Carolina, M
P.O. Box 1858
Greensboro, N.C. 27402
N. Carolina, W
P.O. Box 132
Asheville, N.C. 28802
N. Dakota
P.O. Box 2505
Fargo, N.D. 58102
Ohio, N
Room 400
U.S. Court House
Cleveland, Ohio 44114
Ohio, S
220 U.S.P.O. & Cthse.
Cincinnati, Ohio 45202
Oklahoma, N
Rm. 460, U.S. Court House
333 West Fourth Street
Tulsa, Okla 74103
Oklahoma, E
P.O. Box 1009
Muskogee, Okla. 74401
Oklahoma, W
Room 4434
U.S. Court House & Federal Office Bldg.
Oklahoma City, Okla. 73102
Oregon
P.O. Box 71
Portland, Oregon 97207
Penn., E
3310 U.S. Cthse.
Independence Mall West
601 Market St.
Philadelphia, PA 19106
Penn., M
P.O. Box 309
Scranton, PA 18501
Penn., W
633 U.S.P.O. & Court House
7th Ave. & Grant St.
Pittsburgh, Penn. 15219
Puerto Rico
Rm. 101, Fed. Office Bldg.
Carlos E. Chardon St.
Mato Rey, PR 00918
Rhode Island
P.O. Box 1401
Providence, R.I. 02901
S. Carolina
P.O. Box 2266
Columbia, SC 29202
S. Dakota
231 Federal Bldg. & U.S. Court House
400 S. Phillips Avenue
Sioux Falls, S.D. 57102
Tennessee, E
P.O. Box 372
Knoxville, TN 37901
Tennessee, M
879 U.S. Cthse.
Nashville, TN 37203
Tennessee, W
1026 Fed. Office Bldg.
167 North Main St.
Memphis, TN 38103
Texas, N
310 U.S. Court House
10th at Lamar
Ft. Worth, Texas 76102
Texas, S
P.O. Box 61129
Houston, Texas 77061
Texas, E
P.O. Box 1049
Tyler, Texas 75701
Texas, W
John H. Wood, Jr.
Fed. Bldg.
655 E. Durango Blvd.
San Antonia, Texas 78206
Utah
200 P.O. and Court House
350 South Main Street

Salt La
Vermont
P.O. B
Federa
Burling
Rutlan
Virgin Is
P.O. B
St. Tho
Virginia,
701 Pri
Alexar
Virginia,
P.O. B
Roanol
Washing
Box 14
Spokar
Washing
10th Fl
Seattle
W. Virgi
P.O. Bo
Wheeli
W. Virgi
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330 Fed
517 Eas
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Salt Lake City, Utah 84101
Vermont
P.O. Box 570
Federal Bldg.
Burlington, VT 05402
Rutland, Vermont 05701
Virgin Islands
P.O. Box 1441
St. Thomas, V.I. 00801
Virginia, E
701 Prince Street
Alexandria, VA 22313
Virginia, W
P.O. Box 1709
Roanoke, Va. 24008
Washington, E
Box 1494
Spokane, Wash. 99210
Washington, W
10th Floor, U.S. Cthse.
Seattle, Wash. 98104
W. Virginia, N
P.O. Box 591
Wheeling, W. Va. 26003
W. Virginia, S
P.O. Box 3234
Charleston, WV 25332
Wisconsin, E
330 Federal Building
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Wisconsin, W
P.O. Box 112
Madison, Wisc. 53701
Wyoming
P.O. Box 668
Cheyenne, Wyoming 82001
North Mariana Islands
c/o U.S. Attorney's Office
Post Office Box Z
Agana, Guam 96910

Executive Office for United States Trustees (UST)

The following system of records was last published on November 17, 1980 in **Federal Register** Volume 45, page 75952.

JUSTICE/UST-001

SYSTEM NAME:

Bankruptcy Case Files and Associated Records.

SYSTEM LOCATION:

Ten offices of the United States Trustees, and three offices of Assistant United States Trustees. In addition, the Executive Office for United States Trustees maintains duplicate copies of certain pleadings and materials relating to specific cases or entities. (See appendix identified as JUSTICE/UST-999.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in bankruptcy proceedings (under Chapters 7, 11 and 13 of 11 U.S.C.) subsequent to September 30, 1979, including but not limited to debtors, creditors, bankruptcy trustees, agents representing debtors, creditors, and trustees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Petitions/orders for relief, (b) schedules of assets and liabilities of bankrupts, (c) lists of creditors, (d) statements of debtors' financial affairs, (e) docket cards (UST–001, 002, 003, and any alterations thereof), (f) alphabetical cross-reference index cards, (g) general correspondence regarding cases, (h) miscellaneous investigative records, (i) copies of certain petitions, pleadings or other papers filed with the court, including UST recommendations to court for appointment of trustee or examiner in Chapter 11, recommendations for dismissal or conversion, recommendations as to dischargeability, (j) appraisal reports, (k) names of approved depositories and amounts of funds deposited therein, (l) names of sureties and amounts of trustees' bonds, (m) tape or other recordings of creditors' meetings called pursuant to Section 341 of Title 11, U.S.C., for the purpose of examination of debtors by creditors, trustee and others, (n) plans filed under Chapters 11 or 13, (o) lists of persons serving as counsel, trustee, or other functionaries in bankruptcy cases, including compensation earned or sought by each, (p) lists of attorneys representing creditors in bankruptcy cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 28 U.S.C. 586 and 11 U.S.C., especially Chapter 15 thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by personnel of the *Executive office or the* U.S. Trustee office where maintained, to determine the existence in the office of a case, to ascertain the status of actions with respect to that case, and to ensure that timely action is taken as appropriate, and to ascertain the involvement by agents or other representatives of parties in such cases.

As provided by 11 U.S.C. 107, a paper filed in a case and the dockets of the bankruptcy court are public records and open to examination except when the court moves to protect an entity with respect to a trade secret, confidential research, development, or commercial information, or to protect a person with respect to a scandalous or defamatory matter contained in a paper filed in a case. In this case, that portion of the record is only available upon the consent of the debtor. In addition, except when the Court has moved to protect an entity, the records will be released as follows.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determine that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 *et seq.*, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Service: A record from the system of records may be disclosed to the National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C. Secs. 2904 and 2906.

Release of information to law enforcement or regulatory agencies: Information obtained by the U.S. Trustees will be transmitted to appropriate state, local, Federal or other law enforcement or regulatory agencies whenever a U.S. Trustee or the Director, Executive Office for U.S. Trustees or his designee believes that such transmittal in the public interest, except to the extent that such transmittal would conflict with any immunity granted by a court of competent jurisdiction in accordance with the provisions of Title 11, U.S.C.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All information, except that specified below in this paragraph, is recorded on basic paper/cardboard material and maintained within metal file boxes, file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, for possible reproduction in paper form at a later date.

RETRIEVABILITY:

Information is maintained by bankruptcy court docket number, and is cross-referenced alphabetically by names of debtors. Information with respect to agents representing debtors, creditors and trustees, and with respect

to depository banks, is maintained alphabetically. *(Case files maintained in the Executive Office are referenced alphabetically by name of the parties and then assigned sequential file numbers.)*

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of office records. During duty hours access to this system is monitored and controlled by U.S. Trustee office personnel. During nonduty hours office are locked.

RETENTION AND DISPOSAL:

Maintenance and disposition schedules have been developed within the Executive Office for U.S. Trustees and are pending approval by the National Archives and Records Service of the General Services Administration. There is presently no authority to destroy any information within this system, except those documents which are duplicates of records for which the bankruptcy courts maintain the officials record copies.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the U.S. Trustee and in the Executive Office, the Deputy Director. (See appendix of addresses identified as JUSTICE/UST–999.)

NOTIFICATION PROVEDURE:

Address inquiries to the System Manager for the judicial district in which the case is pending, or was administrered. (See appendix of addresses identified as JUSTICE/UST–999.)

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall ordinarily be made in person at the U.S. Trustee office in which the case is filed.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see appendix of addressees identified as JUSTICE/UST–999), stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this record are generally limited to debtors, creditors, trustees, examiners, attorneys, and other agents participating in the administration of a case, judges of the bankruptcy courts and employees of the U.S. Trustee offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–34767 Filed 12–8–81; 8:45 am]
BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

Philadelphia Electric Co., Limerick Generating Station, Units 1 and 2; Special Prehearing Conference

[Docket Nos. 50–352 and 50–353]

December 4, 1981.

Please take notice that the Atomic Safety and Licensing Board will conduct a special prehearing conference pursuant to 10 CFR 2.751a of the Commission's regulations. This proceeding has been convened to consider the application of Philadelphia Electric Company (Applicant) for licenses to operate the Limerick Generating Station, Units 1 and 2. This facility consists of two boiling water nuclear powerplants, located on the Applicant's site adjacent to the Schuylkill River, near Pottstown, in Limerick Township, Montgomery County, Pennsylvania.

The conference will begin on January 6, 1982, at 9:30 a.m. at: Norristown Borough Hall, 235 East Airy Street, Norristown, Pennsylvania 19401.

The conference may continue as necessary on January 7 and 8.

The purpose of the special prehearing conference is to permit identification of the key issues in the proceeding and to provide for the further identification and organization of issues; to consider all intervention petitions as amended and supplemented to the extent not peviously ruled upon; and to consider the status of parties to the proceeding and the coordination or consolidation of parties. The Board will also consider the extent of participation by the interested agencies of the Commonwealth of Pennsylvania.

A schedule for discovery and further actions in the proceeding will also be considered. The Applicant, NRC Staff and all petitioners to intervene whose petitions were not previously denied or their representatives, are directed to attend the special prehearing conference. Counsel for the interested Commonwealth agencies which have requested participation are requested to attend.

The public is invited to attend but there will be no opportunity for public participation during this conference. The Board will provide the opportunity for limited appearance statements at public appearance sessions to be scheduled in the future.

At the request of the Norristown Borough Manager, persons attending the conference are advised to respect the limited parking privileges of Borough employees and visitors on official Borough business, and therefore not park in the parking lot to the rear of Borough Hall.

Bethesda, Maryland, December 4, 1981.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,
Chairman, Administrative Judge.

[FR Doc. 81–35275 Filed 12–8–81; 8:45 am]
BILLING CODE 7590–01–M

PANAMA CANAL COMMISSION

Privacy Act of 1974; New Systems of Records

AGENCY: Panama Canal Commission.

ACTION: Notice of two new systems of records.

SUMMARY: The Panama Canal Commission is maintaining two new systems of records called "Ombudsman Investigation Files, PCC/OM–1" and "Marine Accident Investigation Reports/Statistics, PCC/MRBL–2." Descriptions of the systems are published below. The Ombudsman investigation files system is used to make findings and render assistance with respect to the complaints, grievances, and requests submitted to the Office of Ombudsman arising as a result of implementation of the Panama Canal Treaty of 1977 and related agreements. The marine accident investigation reports/statistics system is stored on a time-sharing computer system and contains statistical and other data concerning investigations and administrative reports of marine accidents. It is used to record the facts, and the Board's findings and opinions, concerning marine accidents.

DATES: Written comments by any member of the public concerning the intended routine uses of the information in these systems is invited. To be considered, comments must be received by December 29, 1981. If no comments requiring modification of the routine uses are received, the routine uses will become effective on January 8, 1982.

ADDRESS: The public should address comments to: K. E. Goldsberry, Agency Records Officer (Chief, Administrative Services Division), Panama Canal Commission, APO Miami 34011. Mark all comments "OM–1" or "MRBL–2."

FOR FURTHER INFORMATION CONTACT: Hazel M. Murdock, Assistant to the Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street N.W., Washington, D.C. 20004 (telephone 202–724–0104).

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Panama Canal Act of 1979, Pub. L. 96–70, 93 Stat. 452 and the Panama Canal Treaty of 1977, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by the Panama Canal Commission on October 1, 1979. The Panama Canal Act of 1979 created within the Commission the Office of Ombudsman and, as a direct result, a new system of records came into existence. Notice of the existence and character of this system has not previously been given due to the major reorganization which took place and the ensuing administrative workload. Because this system contains investigatory material compiled for law enforcement purposes (some of which, if disclosed, would reveal the identity of confidential sources), the agency proposes to exempt the records in the system from mandatory disclosure under the Privacy Act. A proposed rule to exempt the system appears in the proposed rules section of this issue.

The marine accident investigation reports/statistical information had previously been maintained by a manual system using a log book in which information was not retrievable by name or personal identifier. In the interest of establishing a method for efficient and rapid access to vessel accident information, the Board of Local Inspectors began to store marine accident investigation information in a time-sharing computer system. This created the capability of retrieving the information by the name of the Panama Canal pilot involved in the accident. Notice that a new privacy act system had come into existence as the result of automating a previously manually maintained system has not been given through administrative oversight.

Suspension of either of these two systems would adversely affect the functions of the respective offices; therefore, this agency has requested for each a waiver of the 60-day notice period required before implementation of a system by OMB Circular A–108 and Transmittal Memorandums 1 and 3.

Dated: December 4, 1981.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PCC/MRBL–2

SYSTEM NAME:

Marine Accident Investigation Reports/Statistics.

SYSTEM LOCATION:

Board of Local Inspectors, Bldg. 5140, Diablo, Republic of Panama, and Data Processing Division, Administration Bldg., Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission pilots involved in marine accident during transit operations; and persons injured in marine accidents during transit operations (since 1960).

CATEGORIES OF RECORDS IN THE SYSTEM:

Pilot's name, case number, vessel description (name, type, length, beam), date, time and location of accident, direction vessel was traveling, damage type and dollar estimate, fault or no fault, transcript of hearing held by the Board of Local Inspectors, administrative reports prepared by Navigation Division regarding marine accidents, name of injured parties, medical report on injured parties, and other information which may be pertinent to the Board's investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C 3777–3778 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Parts 115 and 117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The final published report of findings of an investigation is available to the public. Information about an accident under investigation may be disclosed to parties having a legitimate interest therein, such as owners or opereators of vessels, insurance underwriters, legal counsel. See also general routine uses in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes, paper printouts, logs, and charts, tapes, paper files, transcripts of Board proceedings.

RETRIEVABILITY:

Pilot's name code, case number, and most other data elements in the system.

SAFEGUARDS:

On-line access restricted to a limited number of authorized personnel who use a confindential identifying code and access code. One person has been designated to maintain control of all input documents and issuance of report information. Reports and tapes are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

No retention schedule established. Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of Local Inspectors, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to either of addressess designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals involved in accident, administrative reports from Marine Transit Operations Division personnel, investigations by the Board.

SYSTEM NAME:

Ombudsman Investigation Files.

SYSTEM LOCATION:

Office of the Ombudsman, Building 37, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees, and dependents of the Panama Canal Commission, Department of Defense, Smithsonian Tropcial Research Institute, Federal Aviation Administration, and any other U.S. Government agency operating prior to October 1, 1979 in the former Canal Zone, who have submitted complaints, grievances, requests, or suggestions to the Ombudsman.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's or dependent's name, identifying number, residence, citizenship, employing unit, mailing address, description or history of problem, facts and observations of investigation, and other materials placed into the record to complete the case file and to document the actions, decisions, findings, or recommendations of the Ombudsman.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3623 (Supp. III 1979); Article III of the Panama Canal Treaty of 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be disclosed to other U.S. Government agencies or Government of Panama officials as necessary to investigate the matter under review by the Ombudsman. See also the general routine uses in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; and logs.

RETRIEVABILITY:

Filed by case number; reference to log enables retrieval by individual's name.

SAFEGUARDS:

Records maintained in locked security filing cabinet or safe in building which is locked after duty hours. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained 5 years after final disposition of case, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from the complainant/suggestor, and from various other sources in the course of investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 522a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

[FR Doc. 81-35266 Filed 12-8-81; 8:45 am]

BILLING CODE 3640-01-M

RAILROAD RETIREMENT BOARD

Determination of the Ending of a "Period of High Unemployment"

In accordance with the provisions of section 2(h)(4) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(4)) as amended, the Railroad Retirement Board has determined that the "period of high unemployment" (as defined in section 2(h)(2) of that Act), which began July 20, 1980, shall end with December 20, 1981. Consequently, no extended benefit period under the second provision of section 2(c) of that Act shall begin after that date.

Dated: November 27, 1981.

By Authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 81-35198 Filed 12-8-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22292; (70-6673)]

Columbia Gas System Inc., et al.; Proposed Intrasystem Financing and Issuance and Sale of Commercial Paper and/or Notes to Bank by Holding Company

December 2, 1981.

In the matter of The Columbia Gas System, Inc., Columbia Gas System Service Corporation, Columbia LNG Corporation, Columbia Alaskan Gas Transmission Corporation, 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; Columbia Gas of Kentucky, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of West Virginia, Inc., 99 North Front Street, Columbus, Ohio 43215; Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas Development of Canada, Ltd., 639—5th Avenue, S.W., Calgary, Alberta, Canada T2P 0M9; Columbia Gas Development Corporation, 1700 West Loop, South, Houston, Texas 77027; Commonwealth Gas Pipeline Corporation, Commonwealth Gas Services, Inc., Commonwealth Propane, Inc., 200 South Third Street, Richmond, Virginia 23219; and Columbia Hydrocarbon Corporation, The Inland Gas Company, Inc., Columbia Coal Gasification Corporation, 340—17th Street, Ashland, Kentucky 41101.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed an application-declaration with this Commission pursuant to Sections 6(a), 6(b), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) promulgated thereunder.

It is proposed that certain subsidiaries of Columbia listed below issue and sell to Columbia prior to December 31, 1982, common stock and installment promissory notes up to the amounts indicated:

	Equity			Notes aggregate amount (dollars)	Total (dollars)
	No. of shares	Par value (dollars)	Aggregate amount (dollars)		
Columbia of Kenntucky	140,000	25	3,500,000	500,000	4,000,000
Columbia of Ohio	1,260,000	25	31,500,000	10,500,000	42,000,000
Columbia of Maryland	88,000	25	2,200,000	400,000	2,600,000

	Equity			Notes aggregate amount (dollars)	Total (dollars)
	No. of shares	Par value (dollars)	Aggregate amount (dollars)		
Columbia of New York	[illegible]	25	700,000	1,300,000	2,000,000
Columbia of Pennsylvania	680,000	25	17,000,000	4,000,000	21,000,000
Columbia of Virginia	80,000	25	2,000,000	[illegible]	2,200,000
Columbia Transmission	5,000,000	25	125,000,000	50,000,000	175,000,000
Columbia Gulf	1,920,000	25	48,000,000	25,000,000	73,000,000
Development U.S.				25,300,000	25,000,000
Hydrocarbon				400,000	[illegible]
Inland				[illegible]	300,000
Development Canada				14,000,000	14,000,000
Commonwealth Services				2,900,000	2,900,000
Commonwealth Pipeline				6,000,000	6,000,000
Total			299,900,000	140,500,000	370,400,000

The subsidiaries will ussue installment notes if the last public financing by Columbia was in the form of the issuance of debentures or preferred stock; however, floating rate term notes will be issued by the subsidiaries if the last public financing by Columbia was through the issuances of notes under its Revolving Credit Term Loan Agreement dated as of April 1, 1980 ("Term Agreement") among Columbia and certain banks named therein (File No. 70-6436). The installment notes are to be unsecured and will be dated the date of their issue. The principal amounts will be due in equal annual installments on January 31st of each year for a term which approximates that of the instrument issued by Columbia. Interest on the installment notes will accrue from the date of issuance and is to be paid semi-annually on the unpaid principal thereof until fully paid. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures or preferred stock prior to the issuance of said notes, decreased by an amount necessary in order that the interest rate be a multiple of ⅛th of 1%. Interest on the floating rate term notes will be paid on a calendar quarterly basis on the unpaid principal amount of said notes at a floating rate which will be equal to the effective cost of money to Columbia under the Term Agreement. Installment and/or floating rate term notes issued by Development Canada will have the same provisions as those mentioned above except that the interest on such notes of Development Canada shall be due and payable only if and to the extent that it is determined, as of the end of such payment period, that Columbia will be able to reduce its United States consolidated income tax liability for the taxable year in which such interest is to be paid, or for any preceding taxable year, by the full amount of any foreign taxes paid or payable by Columbia with respect to such interest or the receipt thereof.

It is stated and the proceeds from the issuance and sale of the common stock and installment notes, together with funds generated from internal sources, will be used to finance these subsidiaries' capital expenditures programs and other corporate needs. Big Marsh Oil Company, Columbia of West Virginia, Commonwealth Propane, Coal Gasification, Columbia LNG, and Service are financing their entire capital expenditures from internally generated funds. The projected aggregate of net capital expenditures for all of the subsidiaries is estimated at $651,926,000.

It is also proposed that Columbia advance on open account to certain subsidiaries, and have outstanding from time to time, up to an aggregate amount of $752,800,000 to finance the purchase by such subsidiaries of underground storage gas inventories and liquid hydrocarbon inventories and to use for short-term requirements. All of such advances are to be taken down by December 31, 1982, and are to repaid on or before January 1, 1983. The open account advances will initially bear interest at the prime rate in effect from time to time at the agent bank for Columbia's short-term loan line of credit. Interest charges to these subsidiaries subsequently will be adjusted, after the storage financing period, to the effective cost of money Columbia achieves on its short-term borrowing for this purpose.

The proposed advances will be limited to the amount of each subsidiary's estimated short-term financing requirements as shown below:

Columbia of Kentucky	$30,000,000
Columbia of Ohio	200,000,000
Columbia of Maryland	3,000,000
Columbia of New York	7,000,000
Columbia of Pennsylvania	45,000,000
Columbia of Virginia	8,000,000
Columbia of West Virginia	40,000,000
Columbia Transmission	275,000,000
Columbia Gulf	35,000,000
Development U.S.	20,000,000
Columbia LNG	57,000,000
Hydrocarbon	11,000,000
Inland	1,000,000
Development Canada	12,300,000
Service	1,000,000
Commonwealth Propane	3,500,000
Commonwealth Services	2,000,000
Commonwealth Pipeline	2,000,000
Total	752,800,000

Columbia requests that, through December 31, 1982, the exemption from the provision of 6(a) of the Act afforded it by the first sentence of 6(b), relative to the issue and sale of short-term notes, be increased from 5% to approximately 30% and that Columbia be permitted to issue and sell through December 31, 1982, and/or have outstanding at any one time, up to $450,000,000 principal amount of short-term notes. Generally, this is to enable Columbia to furnish funds to its subsidiaries for the purchase of gas for underground storage and liquid hydrocarbon inventories and for other short-term financing requirements as shown above. Columbia's proposed short-term notes will be in the form of either commerical paper or notes under bank credit lines.

Columbia proposes to issue and sell commerical paper to one or more commerical paper dealers and continue to do so as long as the effective interest rate on such commercial paper is less than the effective interest cost which Columbia would have to pay to the banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain greater flexibility, commerical paper may be issued with an effective interest cost in excess of the effective interest cost on bank borrowing if the paper has a maturity of not more than 60 days from the date of issue. Commerical paper will be issued by Columbia in denominations of not less than $50,000 nor more than $5,000,000 and will be reoffered by the dealer or dealers in such a manner as not to constitute a public offering. Such commerical paper will be sold by Columbia to the dealer or dealers at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of that particular maturity and rating sold by issuers

thereof to commerical paper dealers. No commission or fee will be payable by Columbia in connection with the issuance and sale of such commercial paper. The purchasing dealer, however, will reoffer such notes at a discount rate of 1/10 of 1% per annum less than such discount rate to the issuer.

For short-term purposes, Columbia has $350,000,000 bank lines of credit and intends to secure an additional $100,000,000 for an aggregate amount of up to $450,000,000. In no event will the proposed bank borrowings and/or commercial paper exceed an aggregate amount of $450,000,000 at any one time outstanding. Borrowings under these lines of credit will be repaid within nine months from the date of issuance, and Columbia will also have the right to prepay any or all of such bank notes, in whole or in part, without penalty. It is anticipated that the negotiations will result in a maximum cost not greater than the prime rate, in effect from time to time, adjusted for the effect of compensating balances or fees in lieu thereof. Assuming a 7.0% compensating balance requirement and a prime rate of 17.5%, the effective cost would be 18.8%. Assuming a fee in lieu of balances of ¼% and a prime rate of 17.5%, the effective cost would be 17¾%. Virtually all of the proceeds from Columbia's short-term borrowings will be related to gas inventory requirements, and Columbia anticipates that all short-term borrowing will be repaid from the proceeds of the subsidiaries' sale of inventory gas prior to May 31, 1983.

It is stated that during the winter heating season the distribution subsidiaries generate substantial amounts of cash in excess of their current requirements. During the same period, however, the transmission subsidiaries generate lesser amounts of cash and their capital expenditures are generally larger, with the result that Columbia must advance such subsidiaries funds under Commission authorization while the distribution subsidiaries have cash considerably in excess of their current requirements. Also, there are considerable fluctations in the subsidiaries' cash flow on a day-to-day basis during each month due to their normal receipt and disbursement patterns. Accordingly, it is proposed that the subsidiaries, from time to time during 1982, temporarily prepay outstanding installment promissory notes and, for Development Canada, demand promissory notes with excess cash in aggregate amounts not to exceed the amounts set forth below for each company respectively. Interest on such indebtedness will cease upon prepayment and recommence upon reinstatement.

Columbia of Kentucky	$12,000,000
Columbia of Ohio	125,000,000
Columbia of Maryland	4,000,000
Columbia of New York	7,500,000
Columbia of Pennsylvania	55,000,000
Columbia of Virginia	6,500,000
Columbia of West Virginia	20,000,000
Columbia Transmission	330,000,000
Columbia Gulf	75,000,000
Development U.S.	50,000,000
Columbia LNG	116,000,000
Hydrocarbon	5,000,000
Inland	4,400,000
Coal Gasification	20,000,000
Development Canada	12,300,000
Service	7,500,000
Commonwealth Services	2,900,000
Commonwealth Pipeline	6,000,000
Columbia Alaskan	15,000,000
Total	874,100,000

As such funds are thereafter required for construction and other corporate purposes, it is proposed that advances be made on open account to such subsidiary by Columbia in such aggregate amounts not to exceed the amount of indebtedness previously prepaid, less any current maturities applicable to notes which have matured subsequent to the date of prepayment. The open account loans will bear interest at the same rate or rates as borne by the equivalent principal amounts of indebtedness previously prepaid by such subsidiary during 1982. It is proposed that advances on open account to an individual subsidiary as proposed herein be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiary; however, at no time will the advances outstanding under the authority herein requested be in excess of the indebtedness prepaid theretofore. Either at such time as the advances equal the aggregate amount of indebtedness prepaid or in any event not later than December 31, 1982, the indebtedness that was prepaid will be reinstated and accepted by Columbia in repayment of the outstanding open account loans.

It is requested that the companies be authorized to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 31, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35301 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12067; 811-1007]

Dallas Business Capital Corp.; Proposal to Terminate Registration

December 2, 1981.

Notice is hereby given That the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Dallas Business Capital Corporation ("Dallas"), 333 Meadows Building, Dallas, Texas 75206, registered under the Act as a closed-end, non-diversified, management investment company, ceased to be an investment company required to be registered under the Act, effective as of the date on which Dallas elected to be treated as a business development company.

Information contained in the files of the Commission indicates that Dallas, a corporation organized under the laws of Nevada, has been registered under the Act since 1958. On January 13, 1981, the company filed a notification of election to be regulated as a business development company pursuant to Section 54 of the Act.

Section 6(f) provides, in pertinent part, that any closed-end company which elects pursuant to Section 54 of the Act to be regulated as a business development company under Sections 55–65 or the Act will be excluded from the definition of an investment company and exempted from registration as an investment company pursuant to Section 8 of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order.

Notice is further given That any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Dallas at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35296 Filed 12–8–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12071; 812–4811]

Heizer Corp.; Filing of Application

December 3, 1981.

Notice is hereby given that Heizer Corporation ("Applicant"), 20 North Wacker Drive, Chicago, Illinois 60606, filed an application on January 27, 1981, and amendments thereto on July 17, 1981, and September 21, 1981, for an order pursuant to Section 61(a)(3)(B) of the Investment Company Act of 1940 ("Act") approving the issuance of stock options to non-employee directors of Applicant, pursuant to an executive compensation plan. Applicant requests that the relief be granted retroactive to the date on which Applicant became subject to the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a business development company ("BDC") within the meaning of Section 2(a)(48) of the Act and that it elected to become subject to the provisions of Sections 55 through 65 of the Act on May 7, 1981. Applicant represents that its primary investment objective is to achieve long-term capital appreciation through investing primarily in new and developing companies whose securities have no established market, and in mature companies, some of which are experiencing financial difficulties. According to the application, Applicant does not have an external "investment adviser" within the meaning of the Act; and its directors and officers make all its investment decisions. Applicant further represents that it generally acquires a substantial or controlling interest in its portfolio companies, and provides them with significant managerial assistance. Applicant asserts that its directors, who often become involved in the management of its portfolio companies, function more like the board of an operating company than like the board of an investment company. Accordingly, Applicant believes that the skill and experience of its directors are critical to its success.

Applicant states that in order to attract and retain highly qualified and motivated personnel, while still a private company, it granted to its officers and directors, pursuant to an employee compensation plan, options to purchase shares of Applicant that are exercisable on a cumulative basis, beginning in the second year after the date of grant, at an annual rate of 10 percent in each year thereafter, with the final 10 percent exercisable within 90 days of the tenth anniversary date of the grant. The exercise price of the options is $7.64, the price at which Applicant determined its stock would sell in a public market at the time the options were granted had Applicant been a public company. That price is higher than the net asset value of Applicant's shares, $6.75, at the time the options were granted. The options expire on the earlier of (a) ten years less one day from the day on which they were granted, or (b) 90 days after termination of the director's service with Applicant. The options are not transferable other than by will or the laws of descent and distribution. According to the application, non-employee directors of Applicant held 45,000 of the options at the time Applicant elected to become a BDC. Applicant represents that its option plan significantly enhances its ability to recruit qualified personnel, provides an important incentive to such personnel to increase their efforts on behalf of Applicant and to remain with Applicant, and assures a closer identification of interest between Applicant and its personnel.

Section 61(a)(3)(B) of the Act permits a BDC to issue to its officers, directors and employees options to purchase voting securities of such company pursuant to an executive compensation plan if the options, by their terms, expire within 10 years; the exercise price of such options is not less than the current market value at date of issuance or if no such market value exists, the current net asset value of such options; the options are not transferable except by gift, will or intestacy; no investment adviser of such BDC receives any compensation described in paragraph (1) of Section 205 of the Investment Advisers Act of 1940, except to the extent permitted by clause (A) or (B) of that section; the BDC does not have a profit-sharing plan described in Section 57(n) of the Act; and the proposal to issue such options has been authorized by the shareholders of the BDC and, in the case of options issued to non-employee directors, approved by order of the Commission, upon application, on the basis that the terms of the proposal are fair and reasonable and do not involve overreaching of the BDC or its shareholders.

Section 61(b) of the Act states that a BDC shall comply with the provisions of Section 61 at the time it becomes subject to Sections 55 through 65 of the Act, as if it were issuing a security of each class which it has outstanding at such time.

Applicant represents that the terms of its opinions and the manner in which they were granted are consistent with Section 61(a)(3)(B) with the exception of the requirement of Commission approval of the proposal to issue options to its non-employee directors. Applicants states that it did not seek approval prior to granting such options because, at the time the options were granted, Applicant was not a BDC subject to the Act and did not expect to become a public company subject to the Act. Applicant further states that Section 61(b) requires that it be in compliance with Section 61(a) at the time it filed its election under the Act. Applicant submits that the terms of its stock options and the manner in which they were granted are fair and reasonable and do not involve overreaching of its shareholders insofar as the options granted to its non-employee directors represent only a small percentage of Applicant's outstanding shares (.06 percent at the date on which this application was filed) and the exercise of such options would have a *de minimis* effect on Applicant's net asset

value per share. Based on December 31, 1980 figures, Heizer's net asset value per share as a public company was $17.86. If all non-employee options were exercised, the net asset value would be diluted to $17.83. If all outstanding options were exercised, the net asset value would be diluted to $17.58. Applicant further submits that because the right to exercise such options vests over a ten-year period, at a rate of 10% per year, the directors holding such options will benefit from them in proportion to the length of their service with Applicant and the extent to which Applicant enjoys business success during that service. Applicant also argues that the proposal to issue such options was approved by its shareholders prior to granting the options. Applicant submits that, at that time, a vast majority of its shares were held by institutions which were clearly able to make informed decisions as to issuance of stock options and protect themselves against overreaching. Applicant also submits that the exercise price of the options is greater than its net asset value on the date that the options were granted. Finally, Applicant states that no member of its management or board of directors sold any shares in the public offering of its shares, which took place more than a year after the options were granted.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commision shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order diposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35298 Filed 12–8–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22293; 70–6665]

Indiana & Michigan Electric Co.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to Dealer; Request for Exception From Competitive Bidding

December 2, 1981.

Indiana & Michigan Electric Company ("I&M"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to Section 6 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(2) and 50(a)(5) promulgated thereunder.

I&M requests authorization to incur short-term debt through the issuance and sale of notes to banks and commercial paper to a dealer in commercial paper in an aggregate amount not to exceed $200,000,000 outstanding at any one time. The notes to banks and commercial paper would be issued from time to time subsequent to December 31, 1981 and prior to January 1, 1983, but shall not mature later than June 30, 1983. I&M seeks to issue such notes and commercial paper pursuant to an exemption under Section 6(b) of the Act for I&M to incur unsecured debt in an aggregate principal amount up to 20% of capitalization. Such a 20% exemption through December 31, 1985, was authorized by Commission order dated September 30, 1980 (HCAR No. 21734) and approved by a majority of the holders of I&M's preferred stock. I&M proposes to issue and sell its short-term notes to three groups of banks, including two groups of domestic and a group of foreign banks, with which I&M maintains lines of credit totaling $468,465,000.

Each note to be issued to the first group of domestic banks will generally bear interest at a rate not greater than the bank's prime rate, will mature not more than 270 days after the date of issuance or renewal, and will be prepayable by I&M at any time without premium or penalty. Credit arrangements with these banks require it to maintain compensating balances equal to a percentage of the line of credit made available by the bank plus a percentage of any amount actually borrowed (generally not in excess of 10% of the line of credit and 10% of the amount borrowed). Such requirements are frequently satisfied by I&M's normal operating accounts.

Each note to be issued to a second group of domestic banks will bear interest at up to 108.5% of the prime rate, will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. Compensating balances of 5% of the line of credit and a fee of ⅜ of 1% of the size of the line are generally required. The combination of 5% compensating balances and the fee is generally equivalent to compensating balances not in excess of 10% of the line of credit made available.

In the case of borrowings from the foreign bank group, no compensating balances are required, only a fee of ¼ of 1% of the unused amount of the line of credit. Borrowings from these five banks may be made in U.S. dollars and/or in Eurodollars except in the case of Royal Bank of Canada N.V., where the borrowings are on a Eurodollar basis only. Where such borrowings are made in Eurodollars, the rate of interest will be a designated percent, not more than ½%, over the London Interbank Offering Rate (LIBOR). Such borrowings are not prepayable. Borrowings in U.S. dollars will be at the prime rate then in effect and are prepayable at any time without premium or penalty.

The total cost of borrowings from the second and third bank groups would not be greater than the effective rate for borrowings hearing interest at the prime rate with compensating balances equal to 10% of the line of credit and 10% of the amount borrowed. If the balances maintained and fees paid by I&M with the banks were maintained and paid solely to fulfill requirements for borrowing, the effective annual interest cost under any of the above arrangements, assuming full use of the line of credit, would not exceed 125% of the prime commercial rate in effect from time to time, or not more than 23.75% on the basis of a prime commercial rate of 19.0%.

Except for a $20,000,000 commitment with Irving Trust Company, all lines of credit with the second and third bank groups are shared with Kentucky Power Company, Appalachian Power

Company, Columbus and Southern Ohio Electric Company and Ohio Power Company, associate companies of I&M, and certain of the credit lines are shared with AEP, I&M's parent company. If proposed short-term bank borrowings through December 31, 1982, are authorized or permitted under Section 6(b) of the Act, I&M and these participating associate companies will be authorized to borrow a maximum aggregate amount of approximately $722,000,000 as of January 1, 1982. Fees and balances for shared lines of credit are borne by I&M and participating associate companies in proportion to their respective projected maximum need for such credit facilities.

I&M also has a money market facility with The Fidelity Bank of Philadelphia, Pa., in an aggregate amount of $10,000,000. This money market facility does not represent a formal commitment or engagement by The Fidelity Bank to I&M but represents merely the ability of I&M to request unsecured borrowings, in the form of promissory notes, on a case-by-case basis. Borrowings may be made for periods of up to 180 days after the date of issuance and any such borrowings are prepayable by I&M at any time without premium or penalty. No compensating balances are required. The interest rate which is to be negotiated on a case-by-case basis, will be a designated percent of the bank's average Federal Fund rate. However, the interest rate will be lower than the effective interest rates for the other bank borrowings described above.

Commercial paper will be sold directly by I&M to Lehman Commercial Paper Incorporated, a dealer in commercial paper. The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, and of varying maturities, with no maturity more than 270 days after the date of issue. Such notes will not pe prepayable prior to maturity and will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper maturing in more than 90 days will be issued at an effective interest cost higher than bank borrowings of equal principal amount.

The commercial paper dealer will reoffer the commercial paper, at a discount rate of ⅛ of 1% less than the discount rate at which such notes were purchased from I&M, to not more than 200 of the dealer's customers identified and designated in a non-public list prepared by the dealer in advance. No sales of such commercial paper will be made to any customer unless that customer has received up-to-date reports as to the credit position of I&M. It is expected that such customers will hold such commercial paper notes to maturity; but if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper and reoffer it to other customers on its non-public list.

The proceeds of the short-term debt incurred by I&M will be added to the general funds of I&M and used to pay the general obligations of I&M, including expenses incurred in its various construction projects, and for other corporate purposes. The estimated cost of I&M's net construction program (adjusted to reflect the planned acquisition of a portion of the Rockport Plant by an affiliated company) for the year 1982 is approximately $296,000,000.

I&M seeks an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) for the issuance and sale of commercial paper because it is not practicable to invite competitive bids for commercial paper and current commercial paper rates for prime borrowers are published daily in financial publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 24, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35299 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22294; 70-6664]

Kentucky Power Co.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to Dealer; Request for Exception From Competitve Bidding

December 3, 1981.

Kentucky Power Company ("Kentucky"), 1701 Central Ave., Ashland, KY 41101, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to Section 6 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(2) and 50(a)(5) promulgated thereunder.

Kentucky seeks authorization to issue and sell up to an aggregate amount of $50,000,000 of short-term notes to banks and commercial paper to a dealer pursuant to an exception under Section 6(b) of the Act. Such notes and commercial paper will be issued from time to time prior to January 1, 1983, but shall not mature later than June 30, 1983. Kentucky proposes to issue and sell its short-term notes to three groups of banks, including two groups of domestic and a group of foreign banks, with which Kentucky maintains lines of credit totaling $373,900,000.

Each note to be issued to the first group of domestic banks will generally bear interest at a rate not greater than the bank's prime rate, will mature not more than 270 days after the date of issuance or renewal, and will be prepayable by Kentucky at any time without premium or penalty. Credit arrangements with these banks require it to maintain compensating balances equal to a percentage of the line of credit made available by the bank plus a percentage of any amount actually borrowed (generally not in excess of 10% of the line of Credit and 10% of the amount borrowed). Such requirements are frequently satisfied by Kentucky's normal operating accounts.

Each note to be issued to a second group of domestic banks will bear interest at up to 108.5% of the prime rate, will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. Compensating balances of 5% of the line of credit and a fee of ⅜of 1% of the size of the line are generally required. The combination of 5% compensating balances and the fee is generally equivalent to compensating balances not in excess of 10% of the line of credit made available.

In the case of borrowings from the foreign bank group, no compensating balances are required, only a fee of ¼of 1% of the unused amount of the line of credit. Borrowings from these five banks may be made in U.S. dollars and/or in Eurodollars except in the case of Royal Bank of Canada N.V., where the borrowings are on a Eurodollar basis only. Where such borrowings are made in Eurodollars, the rate of interest will be a designated percent over the London Interbank Offering Rate (LIBOR). Such borrowings are not prepayable. Borrowings in U.S. dollars will be at the prime rate then in effect and are prepayable at any time without premium or penalty.

The total cost of borrowings from the second and third bank groups would not be greater than the effective rate for borrowings bearing interest at the prime rate with compensating balances equal to 10% of the line of credit and 10% of the amount borrowed. If the balances maintained and fees paid by Kentucky with the banks were maintained and paid solely to fulfill requirements for borrowing, the effective annual interest cost under any of the above arrangements, assuming full use of the line of credit, would not exceed 125% of the prime commercial rate in effect from time to time, or not more than 20% on the basis of a prime commercial rate of 16.0%.

All lines of credit with the second and third groups of banks are shared with Appalachian Power Company, Columbus and Southern Ohio Electric Company, Ohio Power Company, and, with the exception of a $20,000,000 commitment of Irving Trust Company, with Indiana & Michigan Electric Company, all of which are associate companies of Kentucky. Certain of such lines of credit are also shared with AEP, Kentucky's parent company. If proposed short-term bank borrowings through December 31,1982 are authorized or permitted under Section 6(b), Kentucky and its associate companies will be authorized to borrow an aggregate amount of $722,000,000 as of January 1, 1982. Fees and balances for shared lines of credit are borne by Kentucky and participating associate companies in proportion to their respective projected maximum need for such credit facilities.

Kentucky also has a money market facility with The Fidelity Bank of Philadelphia, Pa., in an aggregate amount of $10,000,000. This money market facility does not represent a formal commitment or engagement by The Fidelity Bank to Kentucky but represents merely the ability of Kentucky to request unsecured borrowings, in the form of promissory notes, on a case-by-case basis. Borrowings may be made for periods of up to 180 days after the date of issuance and any such borrowings are prepayable by Kentucky at any time without premium or penalty. No compensating balances are required. The interest rate which is to be negotiated on a case-by-case basis, will be a designated percent of the bank's average Federal Fund rate. However, the interest rate will be lower than the effective interest rates for the other bank borrowings described above.

Commercial paper will be sold directly by Kentucky to Lehman Commercial Paper Incorporated, a dealer in commercial paper. The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, and of varying maturities, with no maturity more than 270 days after the date of issue. Such notes will not be prepayable prior to maturity and will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper maturing in more than 90 days will be issued at an effective interest cost higher than bank borrowings of equal principal amount.

The commercial paper dealer will reoffer the commercial paper, at a discount rate of ⅛ of 1% less than the discount rate at which such notes were purchased from Kentucky, to not more than 200 of the dealer's customers identified and designated in a non-public list prepared by the dealer in advance. No sales of such commercial paper will be made to any customer unless that customer has received up-to-date reports as to the credit position of Kentucky. It is expected that such customers will hold such commercial paper notes to maturity; but if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper and reoffer it to other customers on its non-public list.

The proceeds of the short-term debt incurred by Kentucky will be added to the general funds of Kentucky and used to pay the general obligations of Kentucky, including expenses incurred in its various construction projects, and for other corporate purposes. The estimated cost of Kentucky's net construction program for the year 1982 is estimated to be approximately $205,000,000.

Kentucky seeks on exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) for the issuance and sale of commercial paper because it is not practicable to invite competitive bids for commercial paper and current commercial paper rates for prime borrowers are published daily in financial publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35295 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12073; 812-4962]

Midland Capital Corp., et al.; Filing of Application

December 3, 1981.

Notice is hereby given that Midland Capital Corporation (the "Company"), a New York corporation, a business development company regulated under the Investment Company Act of 1940 ("Act"), and a small business investment company ("SBIC") subject to the Small Business Investment Act of 1958, as amended ("SBIC Act"), Midland Capital Corporation ("New Midland"), a Delaware corporation, a business development company regulated under the Act and a wholly-owned subsidiary of the Company, and Midland Venture Capital Limited ("Ventures"), 110 William Street, New York, New York 10038, a Delaware corporation, a business development company regulated under the Act and a wholly-

owned subsidiary of New Midland, (together with the Company and New Midland, "Applicants"), filed an application on August 27, 1981, and an amendment thereto on September 23, 1981, requesting an order of the Commission pursuant to Section 57(c) of the Act exempting from the provisions of Section 57(a) of the Act, (1) a proposed merger ("Merger") pursuant to which the Company would merge with and into Ventures, and (2) certain transactions between New Midland and Ventures. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicants state that after the proposed Merger, Ventures would be the surviving corporation and, as a licensee of the Small Business Administration ("SBA") under the SBIC Act, Ventures would conduct the Company's SBIC business. Ventures would assume all of the liabilities of the Company, including the Company's currently outstanding subordinated debentures issued to, or guaranteed by, the SBA in the aggregate principal amount of $9,035,000. As a result of the merger, New Midland would issue shares of its common stock to the existing shareholders of the Company (except those duly exercising dissenters' rights of appraisal under New York law) in exchange for outstanding shares of common stock of the Company on a share-for-share basis. Following the Merger, New Midland would provide venture capital equity financing and managerial advisory services to selected businesses which, in the opinion of New Midland's board of directors, have a significant potential for long-term growth and which are permissible investments for business development companies under Section 55(a) of the Act. New Midland would not be an SBIC.

Applicants state that following consummation of the Merger, New Midland and Ventures may enter into the following types of transactions:

(1) New Midland may, from time to time, make additional investments in Ventures by way of contributions to capital, purchases of additional shares of Venture's capital stock or loans;

(2) Ventures may, from time to time, make loans to New Midland; and

(3) Ventures and New Midland may, from time to time, engage in transactions between themselves in the ordinary course of business and jointly participate in investments in unaffiliated third parties.

New Midland and Ventures represent that, as a condition to the issuance of an order granting the application, they will comply with the following:

(1) New Midland will at all times own and hold beneficially and of record all of the outstanding shares of capital stock of Ventures.

(2) Vacancies on the board of directors of Ventures occurring between annual meetings of stockholders will be filled in the manner provided in Section 16(b) of the 1940 Act. Notwithstanding the foregoing, the board of directors of Ventures will be elected by New Midland as the sole stockholder of Ventures, and may be comprised of some, but not all, of the directors of New Midland. All the officers of New Midland will hold corresponding positions with Ventures.

(3) No person shall serve or act as an investment adviser to Ventures unless the directors and stockholders of New Midland shall have taken the action with respect thereto required to be taken by the directors and stockholders of Ventures pursuant to Section 15(a) and Section 15(c) of the Act.

(4) No person shall serve as the independent accountant of Ventures, unless the directors and stockholders of New Midland shall have taken the action with respect thereto required to be taken by the directors and stockholders of Ventures pursuant to Section 32 of the Act.

(5) Subject always to New Midland, individually, and New Midland and Ventures on a consolidated basis, having the asset coverage required by Section 18(a) of the Act, immediately after the issuance or sale of any senior securities representing indebtedness, (a) New Midland may issue and sell its senior securities representing indebtedness in consideration of any loan, extension or renewal thereof made by private arrangement, provided that such senior securities representing indebtedness are not intended to be publicly distributed, and provided further that such senior securities representing indebtedness are not convertible into, exchangeable for, or accompanied by any options to acquire, any equity security except, in the case of New Midland, as permitted by Section 61 of the Act, and (b) Ventures may borrow from the SBA on such basis as the SBA may from time to time lend to SBIC's and as may be permitted under the Act and applicable rules thereunder, provided that New Midland will not guarantee any such borrowings by Ventures. New Midland will not itself, and will not cause or permit Ventures otherwise to issue any class of senior security representing indebtedness.

(6) New Midland and Ventures will file with the Commission, and New Midland will provide its stockholders, the financial statements required by the Securities Exchange Act of 1934 and other federal securities laws, on a consolidated basis for New Midland and Ventures and on a separate basis for Ventures. New Midland will also cause Ventures to file with the Commission copies of all reports which Ventures will be required to file with the SBA.

Applicants assert that the Merger will benefit the Company's shareholders since Ventures will continue the Company's SBIC business and continue to be eligible to obtain financing through the issuance of debentures to, or guaranteed by, the SBA at interest rates approximately equal to those paid on borrowings by the United States Treasury, while New Midland would be able to participate in venture capital and other investment opportunities which cannot be undertaken by an SBIC.

Although certain of the contemplated transactions between the parties are permitted under Rule 17d–1, as made applicable to business development companies by Section 57(i), and under Section 21(b) and 62, others may violate Section 57 which states, in pertinent part, that:

(a) It shall be unlawful for any person who is related to a business development company in a manner described in subsection (b) or this section, acting as principal—

(1) knowingly to sell any security or other property to such business development company, unless such sale involves solely (A) securities of which the buyer is the issuer, or (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities;

(2) knowingly to purchase from such business development company or from any company controlled by such business development company, any security or other property (except securities of which the seller is the issuer);

(3) Knowingly to borrow money or other property from such business development company or from any company controlled by such business development company (unless the borower is controlled by the lender), exept as permitted in Section 21(b) or Section 62; or

Knowingly to effect any transaction in which such business development company or a company controlled by such business development company is a joint or a joint and several participant with such person in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such business development company or controlled

company on a basis less advantageous than that of such person, except that nothing ~~contained~~ in this paragraph shall be deemed to preclude any person from acting as manager of any underwriting syndicate or other group in which such business development company or controlled company is a participant and receiving compensation therefor.

Applicants state that the consummation of the Merger may violate Section 57(a) of the Act because the Merger may involve the purchase and sale of property between the Company and Ventures and a joint transaction among the Applicants. Applicants also state that the on-going transactions between New Midland and Ventures after consummation of the Merger, including joint transactions between New Midland and Ventures and joint investments by New Midland and Ventures in unaffiliated third parties could involve violations of the provisions of Section 57(a) of the Act. Accordingly Applicants request an exemption from the provisions of Section 57(a) with respect to the proposed transactions of New Midland and Ventures after the consummation of the Merger on the terms and conditions set forth in the application. Section 57(c) provides that, notwithstanding the prohibitions of subsection (a),

any person may file with the Commission an application for an order exempting a proposed transaction of the applicant from one or more provisions of such paragraphs. The Commission shall grant such application and issue such order of exemption if evidence establishes that—

(1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching of the business development company or its shareholders or partners on the part of any person concerned;

(2) the proposed transaction is consistent with the policy of the business development company as recited in the filing made by such company with the Commission under the Securities Act of 1933, its registration statement and reports filed under the Securities Act of 1934, and its reports to shareholders or partners; and

(3) the proposed transaction is consistent with the general purposes of this title.

In support of the application, Applicants submit that the Merger and proposed transactions between New Midland and Ventures following consummation of the Merger are reasonable and fair and involve no overreaching, are consistent with the policies of the Applicants and the general purposes of the Act, and participation in the Merger and other joint transactions by the Applicants are not on different or less advantageous terms.

Applicants submit that the value to be received by the Company's shareholders as a result of the proposed Merger would be identical to the value of their shares of the Company's common stock since the underlying net asset value of New Midland and Ventures on the effective date of the Merger would be identical to that of the Company. The Applicants further submit that the Merger would permit New Midland and Ventures to participate in an expanded range of investment opportunities compared to those of the Company, since Ventures would continue to conduct the Company's SBIC operations while New Midland would be permitted to make a wider range of investments in accordance with Section 55 of the Act. Both New Midland and Ventures will be subject to the provisions of the Act as business development companies. Moreover, since Ventures will be a wholly-owned subsidiary of New Midland, the Merger would have no material economic or regulatory effect on New Midland's stockholders. Applicants submit that, accordingly, the public interest will be protected and the exemption requested is consistent with the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission a request in writing for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law, if any, proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (priority mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35300 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18299; (SR-NASD-80-23)]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

December 2, 1981.

On December 8, 1980, the National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, NW., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change[1] which addresses certain recommendations of the Commission's Special Study of the Options Markets ("Options Study") relating to options sales communications.[2]

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by issuance of a Commission release (Securities Exchange Act Release No. 17374 (December 15, 1980), 21 SEC Docket 967) and by publication in the **Federal Register** (45 FR 83726 (December 19, 1980)). No comments were received with respect to the proposed rule change.

The Commission previously approved uniform rule proposals submitted by the options exchanges and the New York Stock Exchange ("NYSE") in response to the Options Study recommendations, including those concerning options sales communications.[3] In conjunction with those rules, the exchanges also submitted for Commission review a booklet for distribution to their members containing guidelines designed to assist in the preparation of advertisements and sales communications.

For the most part, the proposed NASD rules are identical to the uniform exchange options sales communication rules. They do, however, differ from the uniform rules in certain respects. For example, the NASD proposal does not

[1] *See* Securities Exchange Act Release No. 17374 (December 15, 1980).

[2] H.R. Rep. No. IFC3, 96th Cong., 1st Sess. (Comm. Print 1978).

[3] *See* Securities Exchange Act Release No. 16896 (March 28, 1980).

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include the uniform rules' "good taste and truthfulness" standard for options sales communications. Nor does the NASD proposal require that options sales communications contain certain disclosures pertaining to the advisability of engaging in options trading.[4] Finally, the NASD rule proposal does not require that all advertisements be submitted to an SRO for prior *approval* at least ten days before its proposed use. Rather, the NASD would only require that advertisements and certain other option-related communications be submitted to the NASD Advertising Department for prior *review* ten or more days before their proposed use.

While the Commission would have preferred that the NASD adopt the uniform exchange options sale communications rules in their entirety, the Commission does not believe that the deviations in the NASD rules generally raise significant regulatory concerns. The "good taste and truthfulness" provision in the uniform rules was intended by the exchanges to provide guidance to their member firms regarding statements that might be fraudulent or misleading, but generally was not intended to create a new substantive disclosure standard. Accordingly, its omission will not result in a measurable decrease in investor protection. Similarly, the Commission does not believe that the absence of the warnings contained in the uniform rules concerning the advisability of investing in options in and of itself would render options sales communications misleading.

Finally, the Commission is of the view that the substitution by the NASD of a prior review standard for the prior approval requirement in the uniform rules will be of limited significance. First, we do not believe that in most instances a firm would use an advertisement in the face of a strong NASD staff objection. Second, the rule will have limited application. In this regard, the uniform exchange rules provide that member firms may satisfy the requirement for prior approval of options advertisements by submitting them to another SRO having a comparable rule. Since the NASD rule only calls for prior review, and not approval, of options advertisements, it is not in the Commission's view comparable to the uniform exchange rules. Accordingly, exchange member firms would not be able to satisfy the uniform exchange requirement by submitting options advertisements for prior review to the NASD.

The Commission believes that the subject proposal adequately addresses the major concerns underlying the Options Study sales communications recommendations. Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35282 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[4] The uniform rules state that all options advertisements and sales communications should contain a warning that options are not for everyone. They also provide that it should not be suggested that options are suitable for all investors. The NASD proposal omits the first requirement and replaces the second with a provision that it should not be suggested that *speculative options strategies* are suitable for *most* investors, or for *small* investors.

[Release No. 18298 (SR-NYSE-81-20)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 2, 1981.

On October 20, 1981, the New York Stock Exchange, Inc., ("NYSE") 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to amend NYSE Rule 409 to remove the provision which permits a member organization to address confirmations, statements and other communications to a husband having power of attorney over his wife's account, without the wife's express written instructions to do so, and without providing her with duplicate copies.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 18206, October 23, 1981) and by publication in the **Federal Register** (46 FR 53571, October 29, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, in general, and, the requirements of Rules 10b-10 and 15c3-2, in particular.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35303 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22291; (70-6097)]

System Fuels, Inc.; Proposal by Fuel Procurement Subsidiary To Make Borrowings From Its Public-Utility Parent Companies for Its Fuel Supply Programs

December 2, 1981.

In the Matter of System Fuels, Inc., Noro Plaza, 666 Poydras, New Orleans, Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205; and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

System Fuels, Inc. ("SFI"), a fuel procurement subsidiary of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively the "Operating Companies"), each a subsidiary of Middle South Utilities, Inc., a registered holding company, and the Operating Companies have filed a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), 10, 12(b), and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 90, and 91 promulgated thereunder.

By order dated December 31, 1980 (HCAR No. 21871) in this matter, SFI was authorized to make additional long-term borrowings of up to $207,000,000 through December 31, 1981, from the Operating Companies in order to finance, in part, SFI's fuel procurement, storage, and transportation activities. It is estimated that pursuant to such authorization $87,500,000 will be outstanding on December 31, 1981. SFI intends to enter into a further

amendment to its Loan Agreement, dated January 4, 1978, with the Operating Companies to provide for proposed additional borrowings in 1982 of up to $259,500,000 through December 31, 1982. Any amounts outstanding as of December 31, 1981, will be converted into loans under the Loan Agreement. Consequently, the amount of borrowings which have been, or are proposed to be, made under the Loan Agreement through December 31, 1982, is estimated to be $327,000,000, which amount will be adjusted to reflect the actual amount of loans outstanding at December 31, 1981. It is presently contemplated that additional net capital of $31,000,000 will be required for SFI's fuel supply programs during 1882, as follows:

Fuel supply program	Amount
A. Exploration & development expenditures	$8,200,000
B. Uranium exploration	9,200,000
C. Nuclear fuel procurement	72,300,000
D. Coal procurement	5,900,000
E. Fuel oil procurement, storage & handling	12,600,000
F. Natural gas procurement	2,000,000
Gross capital requirements	110,200,000
Less:	
Depreciation & Amortization	2,200,000
Funds generated by sales of gas, crude oil, and condensate	20,000,000
External financing	57,000,000
Net capital requirements	31,000,000

Under the Loan Agreement, each Operating Company will agree to make loans which will mature on December 31, 2007, to SFI until December 31, 1982, in aggregate principal amounts at any one time outstanding up to but not exceeding the following:

Operating companies	Commitment
Arkansas Power & Light Company	$107,595,000
Louisiana Power & Light Company	138,460,000
Mississippi Power & Light Company	50,610,000
New Orleans Public Service Inc.	30,335,000
Total	$327,000,000

The amounts of the commitments include $67,500,000 assumed to be outstanding under the 1981 Loan Agreement at December 31, 1981, and will vary to reflect the loans actually outstanding at that time. Each Operating Company's commitment to make additional loans in 1982 is equal to an amount in such proportion as its kilowatt-hour sales for the twelve months ended September 30, 1981, bear to the total kilowatt-hour sales of the Operating Companies for that period, computed in both cases by including sales to rural electric cooperatives and municipalities but excluding sales to other public utilities.

The obligation of SFI to repay the loans made by each Operating Company under the Loan Agreement shall be evidenced by the promissory note ("Note") of SFI in the principal amount equal to such Operating Company's commitment and payable to the order of such Operating Company on December 31, 2007. SFI will authorize each Operating Company to endorse on the reverse side of the Note payable to such Operating Company and appropriate notation evidencing its pro rata share of the loans made to SFI under the Loan Agreement and each prepayment and payment of principal with respect to such loans. Each loan will be made pro rata according to the commitments. Simultaneously with the delivery of the Notes and their appropriate notation for borrowings outstanding at December 31, 1981, under the 1981 Loan Agreement, the Notes issued under the 1981 Loan Agreement which evidence such borrowings will be returned to SFI and cancelled.

Each Note will bear interest on the unpaid principal balance thereof, adjustable monthly on the first day of each month, at an annual rate for such month equal to the annual rate of interest borne on the last day of the preceding month by the short-term bank borrowings of the Operating Company to which such note shall have been issued. If, on the last day of any month, such Operating Company shall have short-term bank borrowings bearing more than one rate of interest, the highest rate shall apply. If, on the last day of any month, such Operating Company shall not have any short-term bank borrowings, the prime commercial rate generally charged by commercial banks in New York City on such day shall apply. The loans will be prepayable at any time in any amount without premium or penalty. Each prepayment on account of the unpaid principal balance of the notes will be made by SFI to the Operating Companies pro rata in accordance with their respective percentage shares of the commitments. The rights and obligations of the parties under the Loan Agreement will be subject to certain restrictions relating principally to the payment or prepayment by SFI of its indebtedness to the Operating Companies during the terms of certain other agreements.

SFI also requests that the existing authorization be extended through December 31, 1982, for the following: (1) The Operating Companies, in connection with a transaction in the ordinary course of SFI's fuel supply business and not involving the issuance of a security, to assure any party contracting with SFI that the Operating Companies will, in accordance with their respective shares of ownership of the Common Stock of SFI, take such action as may be appropriate from time to time to keep SFI in a sound financial condition so that it may discharge its obligations under the particular contract; and (2) To have personnel employed by the other companies in the System perform services for SFI at cost where it is more economical and efficient for such personnel to perform such services.

It is requested that the companies be authorized to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

The application-declaration, as now amended, and any further amendments thereto are available for public inspection through the Commission's Office of PUblic Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 28, 1981, to the Secretary, Securities and Exchange Commisison, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35302 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12068; 811-2549]

United Daily Dividend Fund, Inc.; Filing of Application

December 2, 1981.

Notice is hereby given that the United Daily Dividend Fund, Inc. ("Applicant"), One Crown Center, P.O. Box 1343, Kansas City, Missouri 64141, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on September 25, 1981, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred

to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On December 5, 1974, Applicant, a Maryland Corporation, filed a registration statement pursuant to Section 8(b) of the Act. Its registration statement under the Securities Act of 1933 was declared effective on March 17, 1975 and an initial public offering was commenced immediately thereafter.

Applicant represents that on March 23, 1979 it redeemed all of its outstanding shares and thereby distributed all of its remaining assets to its only shareholder, Waddell and Reed, Inc.

Applicant represents that it has no debts or other outstanding liabilities; it has no assets or securityholders, and it is not a party to any litigation or administrative proceedings. Applicant states that within the last 18 months it has not for any reason transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage in any business activity. According to Applicant, it intends to file articles of dissolution as required under Maryland law.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35297 Filed 12–8–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22295; 70–6671]

Yankee Atomic Electric Co.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to a Commercial Paper Dealer; Request for Exception From Competitive Bidding Requirement

December 3, 1981.

Yankee Atomic Electric Company ("Yankee Atomic"), 1671 Worcester Road, Framingham, MA 01701, an electric utility subsidiary company of New England Electric System ("NEES") and Northeast Utilities ("NU"), registered holding companies, has filed an application-declaration pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(B)(2), 50(a)(2), and 50(a)(5) promulgated thereunder.

Yankee Atomic proposes to issue and sell short-term notes to banks and commercial paper to a commercial paper dealer from time to time through December 31, 1982, up to a maximum aggregate principal amount of $16,000,000 outstanding at any time. The notes will be sold to the Bank of Nova Scotia or the Bank of Nova Scotia International (Curacao), N.V. ("Banks") and the commercial paper will be sold to A.G. Becker and Company, Incorporated ("Becker"), a comercial paper dealer. The proceeds will be used to finance the cost of nuclear fuel, capitalizable expenditures and other corporate purposes. The proposed short-term borrowings will be repaid from internally generated funds, from additional short-term borrowings, or through permanent financing, subject to requisite Commisison authorization.

Under an Operating/Standby Credit Agreement between Yankee Atomic and the Banks, proposed borrowings will be evidenced by a note payable maturing in less than twelve months from the date of issuance. Voluntary prepayment, in whole or in part, is not subject to premium or penalty. However, if Yankee Atomic makes a voluntary prepayment on advances by The Bank of Nova Scotia International (Curacao), N.V., on other than a London Interbank Offered Rate ("LIBO Rate") rollover date, Yankee Atomic is required to compensate this bank for any loss or expense it might incur as a result of such payment. Advances made by The Bank of Nova Scotia shall bear interest at a rate per annum which at all times shall be equal to ½of 1% above this bank's base rate. Borrowings from The Bank of Nova Scotia International (Curacao), N.V., shall bear interest equal to ¾of 1% above this bank's 1, 2, 3, 6 or 9 month LIBO Rate as selected from time to time by Yankee Atomic. On a monthly basis, the Company is to pay a standby fee equal to ⅜of 1% per annum on the average daily unborrowed portion of the line of credit under said Credit Agreement. Assuming borrowings of one-half the line of credit, based on the current base rate of 15¾% and using the 6 month LIBO rate of 12^{13}⁄$_{16}$%, the effective interest cost to Yankee Atomic under borrowings with The Bank of Nova Scotia and Bank of Nova Scotia International, would be 16.63% and 13.94%, respectively.

The commercial paper would be issued and sold through December 31, 1981, directly to Becker. Becker, as a principal, will reoffer such commercial paper to not more than 100 of its customers whose names appear on a non-public list prepared in advance by Becker. No additions will be made to such list of customers. Each list includes commercial banks, insurance companies, pension funds, investment trusts, foundations, colleges and universities, municipal and state benefit funds, eleemosynary institutions, finance companies and non-financial corporations. It is expected that such commercial paper will be held to maturity by the purchasers. However, should any purchaser wish to resell prior to maturity, Becker, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on the list of customers. The commercial paper will be in the form of unsecured promissory notes having varrying maturities of not in excess of 270 days, will be in denominations of not less than $50,000 nor more than $1,000,000 and will not by its terms be prepayable prior to maturity. It will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity sold by public utility issuers to commercial paper dealers. Becker will

initially reoffer the commercial paper at a discount rate not exceeding ⅛of 1% per annum les than the prevailing discount rate to Yankee Atomic. No commercial paper notes having a maturity of more than 90 days will be issued at an effective interest cost which exceeds the effective interest cost at which Yankee Atomic could borrow from The Bank of Nova Scotia or The Bank of Nova Scotia International (Curacao), N.V.

Yankee Atomic seeks an exception from the competitive bidding requirments of Rule 50 pursuant to Rule 50(a)(5) for the issuance of commercial paper because the commercial paper will mature within nine months, the effective interest costs with the exception stated above will not exceed the effective interest cost for the proposed bank borrowings, rates for prime borrowers are available from daily financial publications, and the publications of invitations for bids for commercial paper is not practical.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35284 Filed 12-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18297]

Multiple Trading of Non-equity Options; Policy Statement

AGENCY: Securities and Exchange Commission.

ACTION: Policy statement.

SUMMARY: The Commission announces its determination not to designate a single exchange as the exclusive market place for the trading of standardized options on particular non-equity securities.

EFFECTIVE DATE: December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard T. Chase, Office of Self-Regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, Washington, DC 20549, (202) 272-2405.

SUPPLEMENTARY INFORMATION:

I. Background

In its 1980 release announcing the termination of the options moratorium, the Commission identified certain potential benefits that could result from the expansion of multiple trading in equity options:

> [A]n expansion of multiple trading in options may be beneficial to public investors and market professionals. In addition to the direct effects of intermarket competition in terms of increased depth and liquidity, multiple markets provide broakers and dealers with alternative markets in which to execute orders for a particular options class, thereby assuring that securities market participants are given an effective means of influencing market centers to provide more efficient pricing, execution and clearing services. Moreover, without the discipline provided through competition among market makers and among market centers resulting from multiple trading, the Commission would have to assume an undesirable oversight role in the allocation of securities to particular markets.[1]

The Commission also addressed certain concerns that historically have been associated with multiple trading of equity options. For example, the Commission noted that, to the extent multiple trading results in a significant dispersion of order flow among markets, it could raise concerns regarding market fragmentation, which could result in price disparities (particularly at the opening) and difficulties by broakers in obtaining best execution of their customers' orders. Moreover, the Commission stated that, because of the "primary market" phenomenon,[2] any competition resulting from multiple trading likely would be transitory at best.[3] The Commission also was concerned that expansion of multiple trading of equity options in the current market environment might adversely affect to a material degree the financial condition of the Philadelphia Stock Exchange ("Phlx") and the Pacific Stock Exchange ("PSE"), thereby jeopardizing the ability of these regional exchanges to participate as meaningful competitors in the continuing development of a national market system for stocks.[4]

The Commission concluded that, under appropriate circumstances, the benefits of multiple trading of equity options appeared to outweigh the potential adverse consequences. Nevertheless, the Commission expressed the view that the near term development of market integration facilities might create a fairer, more efficient market structure within which multiple trading could occur and deferred further action on multiple trading to afford the self-regulatory organizations ("SROs") an opportunity to examine whether and to what extent the development of such facilities would alleviate market fragmentation concerns and maximize competitive opportunities. On September 2, 1981, a joint SFRO task force formed to address the feasibility of such market integration facilities submitted its final report to the Commission, which, in general, concluded that market integration facilities for equity options are not feasible.[5] Accordingly, without endorsing the findings of the joint task force, it does not appear to the Commission that there is any present prospect that such facilities will be developed.

In its order approving the Chicago Board Options Exchange's ("CBOE") proposal to trade GNMA options, however, the Commission stated, as a preliminary matter, that it did not believe its decision to defer consideration of whether to permit expansion of multiple trading in equity options should apply to options on non-equity securities ("non-equity options").[6] In reaching this determination, the Commission noted that "franchising" or allocation of non-equity options would be more difficult than the allocation of stock options because of the limited

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[1] Securities Exchange Act Release No. 16701 at pages 26-27, March 26, 1980 ("Moratorium Termination Release") (45 FR 21426, April 1, 1980).

[2] The primary market phenomenom refers to the tendency of one exchange ultimately to receive the preponderance of trading volume in a particular option. Since most large retail firms generally designate one market to which they automatically route virtually all of their retail order flow in a particular options class, largely on the basis of the relative trading volume attracted by each exchange, primary market designation in effect becomes a "self fulfilling prophecy," and accordingly, any real intermarket competition for public order flow occurs for the short term only. See Report of the Special Study of the Options Markets to the Securities and Exchange Commission, 96th Cong., 1st Sess. at 853 (Comm. Print 1978) ("Options Study").

[3] Moratorium Termination Release at 27-31.

[4] *Id.* at 30, n. 47.

[5] *See* letter from Nicholas A. Giordano, President, Phlx, to George Simon, Associate Director, Division of Market Regulation (September 2, 1981).

[6] See Securities Exchange Act Release No. 17577 at 11 (February 26, 1981)("February 26, 1981 release").

number of optionable non-equity instruments and the problems associated with determining whether proposed options contracts on the same underlying instrument were sufficiently distinctive to constitute different options. In addition, the Commission observed that multiple trading of non-equity options does not give rise to the same concerns regarding the financial viability of any of the current options exchanges, since no potential market has committed significant resources to non-equity options trading on the basis of exclusive franchising and no functioning market structure would be threatened by such multiple trading.

The Commission solicited public comment on the preliminary views it expressed in the CBOE order in publishing notice of the New York Stock Exchange's ("NYSE") GNMA options proposal [7] and in soliciting public comment on the Treasury options proposals of the American Stock Exchange ("Amex"), CBOE and NYSE.[8] The existing options exchanges, other than Amex (which has not expressed an opinion), have expressed opposition to multiple trading of non-equity options,[9] as has the Options Committee of the Securities Industry Association ("SIA")[10] and those broker-dealers that have commented.[11] The NYSE has indicated that it favors multiple trading of debt options.[12] In addition, the Treasury Department and the Federal Reserve Board have indicated that they are not opposed to multiple trading of non-equity options.[13]

The industry commentators opposing multiple trading of non-equity options believe that the major concerns raised in the stock options context—market fragmentation and unfair competition between markets—also are present in the non-equity options context. These commentators contend that market fragmentation resulting from multiple trading of non-equity options would lead to a dilution of capital, investor confusion, and increased costs for brokers, and ultimately, the investing public.[14] The three options exchanges submitting comments assert that multiple trading will result in unfair competition between markets, particularly if NYSE entry were permitted. In this latter regard, they contend that NYSE could unfairly use the power and resources derived from its dominance in the stock market to subsidize its position in the non-equity options market. In addition, they contend that because of NYSE's stock market dominance its stock specialists will have the ability to exert pressure on members firms to send options orders to the NYSE.

In Addition, the CBOE maintains that multiple trading would impose certain other burdens on competition by permitting exchanges merely to copy and market non-equity options products developed by another exchange. Thus, the CBOE contends that multiple trading would discourage innovation, research and development of new options products. It also alleges that the unitary specialist system (proposed by Amex and NYSE for their debt options markets), by vesting monopoly powers in a single specialist, would confer an unfair competitive advantage on those markets over the competitive market making system proposed by CBOE for its debt options markets.[15] For example, the CBOE asserts that a specialist, as the custodian of the limit order book, has the ability to subsidize its dealer function with earnings derived from brokerage activity, unlike competitive market makers who are prohibited from concurrently acting as floor brokers in options classes in which they act as market makers.

To resolve the competitive and other problems perceived to result from multiple trading, CBOE proposes that the first exchange to develope a product should be given exclusive trading rights in that product.[16] Phlx and PSE instead propose that each interested exchange be allowed to trade one non-equity option on a pilot basis.

The NYSE states that the same factors that lead it to favor multiple trading of equity options apply to non-equity options. In particular, the NYSE contends that the 1975 Securities Act Amendments, "by embodying a clear legislative mandate for maximum competition among orders, among market centers and among market markers, implicitly preclude the alternative of arbitrarily restricting, by government fiat, trading in any security to any single market center." [17] The FRB stated that multiple trading of options on exempt securities need not pose a problem for the functioning of the Treasury securities markets, provided contracts are properly specified and that surveillance and regulation by the exchanges and Commission are effectively carried out. [18] The Treasury Department stated that "competition among the exchanges is healthy and thus [we] do not object to multiple listings." It also concurred with the Commission's preliminary view that " 'regulatory intervention' should not be substituted 'for market forces as the arbiter of contract and market design.' " [19]

II. Discussion

The Commission is not persuaded by the comments it has received to alter its preliminary conclusion that multiple listings of non-equity options shoud be permitted. As indicated in its February 26, 1981 release, restricting trading of particular non-equity options ot one exchange market place would widen the Commission's role in allocating marketing franchises. [20] The Commission believes that competitive forces should be permitted to define the structure of the non-equity options

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[7] See Securities Exchange Act Release No. 17578 (February 26, 1981).

[8] *See* Securities Exchange Act Release No. 17795 (May 11, 1981).

[9] Letter from Walter E. Auch, Chairman, CBOE to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated August 18, 1981 ("CBOE letter"); Letter from Nicholas A. Giordano, President, Phlx, and Charles E. Rickershauser, Jr., Chairman, PSE, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated May 14, 1981. These letters are contained in Public File Nos. SR–Amex–81–1, SR–CBOE–80–8 and SR–NYSE–81–5.

[10] Statement of B. Macon Brewer, Chairman of the SIA Options Committee, before the Commission on September 9, 1981.

[11] Letter from George M. Bollenbacher, Vice President, Paine Webber, Inc. to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated June 9, 1981; Letter from William A. Schreyer, Chairman, Merrill Lynch, Pierce, Fenner & Smith, Inc. to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated July 1, 1981. These letters are contained in Public File Nos. SR–Amex–81–1, SR–CBOE–80–8 and SR–NYSE–81–5.

[12] Letter from James E. Buck, Secretary, NYSE to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated July 1, 1981 ("NYSE letter"). This letter is contained in Public File Nos. SR–Amex–81–1, CBOE–80–8 and SR–NYSE–81–5.

[13] Letter from Roger M. Mehle, Assistant Secretary, Department of Treasury, to Douglas Scarff, Director, Division of Market Regulation, Securities and Exchange Commission, dated June 20, 1981 ("Treasury letter"); Letter from Stephen H. Axilrod, Staff Director for Monetary and Financial Policy Board of Governors of the Federal Reserve System ("FRB") to Douglas Scarff, Director, Division of Marketing Regulations, Securities and Exchange Commission, dated September 18, 1981 ("FRB letter"). These letters are contained in Public File Nos. SR–Amex–81–1, CBOE–80–8 and NYSE–81–5.

[14] *See*, e.g., Paine Webber and Merrill Lynch Letters, *supra* note 11.

[15] Amex and Phlx currently utilize a unitary specialist system for their stock options markets, while CBOE and PSE utilize a competing market maker system.

[16] CBOE urges that the Commission permit options trading by a second exchange on the same underlying instrument only if the terms of its options contract are sufficiently different to "provide a meaningful economic alternative" to the first contract.

[17] NYSE letter, *supra* note 12, at 7.

[18] FRB letter, *supra* note 13, at 3.

[19] Treasury letter, *supra* note 13, at 2

[20] February 26, 1981 release at 11.

markets to the maximum extent possible. Moreover, the Commission recognizes that the "primary market" phenomenon witnessed in the stock option markets would also be likely to appear in the non-equity options markets and, therefore, that fragmentation concerns associated with order-by-order price competition among competing exchanges represent a most unlikely longer term problem. Viewed from this perspective, the Commission believes that it is preferable, as matter of regulatory policy, to defer to the marketplace to select the surviving, or at least the dominant, market for new non-equity options products.

In this regard, certain of the concerns which have prompted the Commission to defer a decision with respect to the expansion of multiple listings of equity options, particularly relating to possible adverse structural changes in the options markets and a decrease in competition in other areas, are not present in the context of a prospective market for options on non-equity securities. No potential market for non-equity options currently is substantially reliant on revenue flow from the trading of non-equity options, nor is there any existing market structure that would be disrupted by multiple listings. Accordingly, the Commission believes that multiple listings of non-equity options would not have the potential to jeopardize any market place's financial stability or its ability to participate in other areas of the securities markets.

Further, the allocation of non-equity options by government franchising would be significantly more difficult because apparently there is a limited number of optionable non-equity instruments. The CBOE has stated that at this stage the Commission should not assume that the number of new options products is limited, asserting that each interested securities exchange is likely to have one or more new product proposals in addition to those that already have been submitted.[21] Even assuming the CBOE assessment is correct, this situation nevertheless is far different from the equity options markets.

For example, when the Commission deferred expansion of multiple trading in equity options when the moratorium ended, the existing options exchanges initially were able to select 60 new underlying stocks in addition to the almost 220 stocks on which options were already traded.[22] Given the significantly lesser number of non-equity instruments available for options trading, problems inevitably would arise concerning the method to be used in allocating those instruments among the exchanges.

Moreover, the Commission would be required to make difficult decisions concerning whether contracts on the same underlying instrument were sufficiently distinct to in effect constitute different instruments. The CBOE has suggested that more than one exchange should be permitted to trade options on the same or similar underlying instrument only if there are "meaningful variations" in their proposed options contracts.[23] Such a standard, however, would prove very difficult to apply in practice. For example, the Commission could be faced with deciding whether an option on a "market basket" of Treasury bonds was sufficiently distinct from options contracts on individual Treasury bond issues, whether 13 week and 26 week Treasury bills should be considered separate underlying instruments or whether a GNMA option with an 8 percent nominal coupon rate should be considered distinct from one with a 12 percent nominal coupon rate.[24]

As a result of the practical difficulties in identifying "meaningful variations" in contract design on the same or related underlying instruments, goverment allocation of non-equity options could effectively eliminate the possibility of competition among exchanges on the basis of such variations, a phenomenon that has occurred to some extent in the futures markets,[25] and apparently has occurred with respect to the Amex, CBOE and NYSE proposed Treasury options contracts.[26] The three commenting options exchanges, however, assert that multiple listings would permit exchanges merely to copy and market nonequity options products developed by another exchange and therefore would discourage innovation, research and development of new options products. To alleviate this concern the CBOE has proposed that the first exchange to develop a product should be given exclusive rights in that product. Phlx and PSE instead propose that each interested exchange be allowed to trade one non-equity option as a pilot.

The Commission is of course concerned that its actions designed to promote competition and innovation in the nonequity options markets not, in effect, produce an opposite result. The Commission, however, is not persuaded that multiple listings of non-equity options would have such an effect.[27] Rather, the Commission continues to believe that unrestricted inter-exchange competition in the non-equity options markets is the approach most likely to result in the development of options contracts best suited to the economic needs of market participants.[28]

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[21] CBOE letter *supra* note 9, at 4.

[22] There are a number of other stocks that are eligible for options trading under the exchanges' current listing standards that have not been selected by the exchanges. In addition, if proposed amendments to the options listing standards recently filed by the options exchanges are approved, the Commission understands that 70 or more new stocks may be eligible for options trading. *See* Securities Exchange Act Release No. 18152 (October 6, 1981).

[23] CBOE letter, *supra* note 9, at 4.

[24] In this regard, a recent study of the futures markets concludes that, with respect to competition between competing futures contracts, "[m]any minor components of contract design that seem trivial at first * * * ultimately prove crucial." Silber, William L., "Innovation Competition, and New Contract Design in "Futures Markets," *J. of Futures Markets* at 145 (1981) ("Silber article").

[25] For example, in 1963 the Commodities Exchange, Inc. ("COMEX") introduced a 10,000 ounces silver futures contract, which remained the only silver contract traded until 1969, when the Chicago Board of Trade ("CBT") commenced trading of a 5,000 ounce contract. Because the 5,000 ounce contract proved to be of a size better suited to hedger needs and speculator interest, the CBT started to capture a substantial portion of the silver futures market. The CBT's market share only stabilized after COMEX changed over to a 5,000 ounce contract. In this manner, multiple listings appear to have facilitated the development of a more economically useful silver futures contract.

[26] While in many respects the exchanges' Treasury options proposals are similar, several differences exist. For example, CBOE does not propose to maintain a limit order book for any of its Treasury options contracts. Amex and NYSE apparently anticipate that the specialists for their Treasury options classes would maintain a limit order book. Similarly, each exchange initially proposed to trade $100,000 Treasury note and bond contracts and $1 million Treasury bill contracts. Subsequently, however, Amex proposed to introduce additional contracts of smaller denominations, an approach later adopted by CBOE and NYSE. Each exchange also initially proposed to trade options only on specific Treasury bond issues. CBOE has since also proposed to trade a "market basket" Treasury bond options contract.

[27] The concerns of the commenting options exchanges have not been borne out in the futures markets. *See e.g.*, Silber articles at 124–129, 145, where Silber concluded that competition is a "powerful force" in innovation and improving contract design in the futures markets.

[28] The CBOE argued that its alternative would not preclude the possibility of exchange competition on the basis of contract design. In its view, the trading of options on the same instrument on two separate exchanges would not constitute multiple trading if the terms of the second exchange's options contracts were sufficiently different to provide a meaningful economic alternative to the first exchange's options contract. The difficulties that the Commission would confront in determining the extent to which the terms of two options contracts would be required to deviate in order to avoid the multiple trading question have been noted above. While the CBOE argues that the comments received from the industry concerning a proposed new contract will generally make it clear whether the difference between proposed contract designs relating to the same product are sufficiently meaningful to avoid the problem of multiple trading.

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Further, multiple listings of options on non-equity instruments could generate other benefits. For example, multiple listings should enhance price competition among exchange markets, at least until the emergence of a primary market for a particular options contract. It also would permit competition among exchanges on the basis of additional factors such as quality of markets and quality of execution and back office services. Without multiple listings, inter-market competition can take place only on the basis of product selection, *i.e.*, once an exchange receives a franchise in a particular debt instrument, other exchanges can compete for order flow in the debt options market only by trading options on other debt instruments. Even after the emergence of a dominant exchange for a particular contract, multiple listings may provide salutary competitive effects. Specifically, price competition may continue to be viable for larger orders which are individually handled by brokerage firms' traders. In addition, the existence of potential competitors may encorage the primary market to continue to provide quality markets and enhanced services to investors and the brokerage community, and would provide alternate markets for investors dissatisfied with the quality of the market or services on the primary exchange.

In the Commission's view these benefits outweight the possible negative effects of multiple listings of non-equity options. The principal concerns relating to multiple trading in the past concern fragmentation of the market and unfair competition. While at least initially multiple trading of non-equity options may raise the possibility of market fragmentation, to the extent the primary market phenomenon continues in the non-equity options context, any fragmentation that may occur will dissipate with the emergence of a dominant exchange. Moreover, the potential benefits in terms of narrowing of spreads resulting from inter-market competition prior to the emergency of a primary market in the Commission's view outweigh the potential adverse effect of fragmentation during that time.[29]

The SIA Options Committee has asserted that even though a primary market for a particular option eventually emerges, investors are adversely affected by the perpetuation of second place markets that generate poor executions and create customer dissatisfaction. Past multiple trading experience has shown, however, as a practical matter, that firms generally direct customer orders to the primary market.[30] Moreover, significant pricing disparities between markets for multiply listed stock options classes has been infrequent.[31]

Further, the CBOE, Phlx and PSE have expressed concern that the NYSE will enjoy unfair competitive advantages in the non-equity options market because of its dominance in the stock market. The Commission believes that the concerns associated with NYSE entry into the equity options market [32] generally are of little relevance in the context of non-equity options. In particular, it is unclear whether the NYSE's prominence as the primary stock exchange will convey any substantial competitive advantage in the generally unrelated non-equity options markets, particularly since it will be competing against exchanges with established options programs.[33] The Commission recognizes that to the extent there is an overlap between the participants in the stock markets and the non-equity options markets, NYSE stock specialists theoretically could attempt to divert options business to the NYSE by taking unfair advantage of their position in the stock market. The Commission does not believe it would be appropriate, however, to preclude the NYSE from participating as a competitor in the developing non-equity options market because of such theoretical concerns. Of course, should the Commission in the future become aware that any market participants are engaging in competitive practices inconsistent with the federal securities laws it will take appropriate remedial action at that time.

Finally, and wholly aside from the continuing debate as to whether multiple trading is desirable or harmful, the proposal that the Commission should allocate particular non-equity option contracts to particular exchanges raises a serious question as to whether this is a proper function for the Commission as a government agency. This is a question which must be addressed by the Commission and as to which it cannot properly defer to the SRO's or the securities industry.

There may be circumstances where such government intervention is necessary but we do not believe that this is a such case. We believe that market forces and competition with Commission oversight will allocate as well or better than we could. In addition, we do not desire to commit our limited resources to deciding difficult and complex questions as to whether a particular contract is sufficiently unlike other contracts as to constitute a different product. More fundamentally, and particularly in this period of deregulation, we do not think it appropriate for us to displace by government action the workings of the free markets.

Conclusion

In view of the foregoing, the Commission is issuing this release to announce its determination not to designate a single exchange as the exclusive market place for the trading of standardized options on particular non-equity instruments.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 2, 1981.

[FR Doc. 81-35285 Filed 12-8-81; 8:45 am]

BILLING CODE [illegible]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Machine Forming Sections; Request for Public Comments: Certain Headboxes and Papermaking

On October 19, 1981, the United States International Trade Commission (the Commission) found a violation of section 337 of the Tariff Act of 1930 in the importation into the United States of certain multi-ply headboxes and papermaking machine forming sections, manufactured by Aktiebolaget Karlstads Mekaniska Werkstad of Karlstad, Sweden, which were held to infringe claims of two U.S. letters patent thereby causing substantial injury to an efficiently and economically operated

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the Commission does not believe that this kind of determination is an appropriate one for the Commission to make prior to actual trading experience. Rather, competitive market forces should be the ultimate arbiter of whether variations in contract design are in fact meaningful.

[29] To evaluate the effects of multiple trading, the Options Study obtained data from each options exchange concerning the liquidity, continuity and depth in multiple traded options for periods before and after the initiation of multiple trading. The data generated by this study showed an improvement in market quality in each respect. While the Options Study cautioned that the data obtained might not be sufficient to support broad conculsions, it concluded that they suggest that multiple trading may improve market quality in the short run. Options Study at 809–824.

[30] The Commisison is not suggesting, however, that under all circumstances a firm is justified in routing all customer orders to a "primary" market.

[31] To the extent pricing disparities between markets for multiply traded options develop, professional arbitrage generally will rapidly eliminate such disparities.

[32] See Options Study at 870–825.

[33] The difficulty of the NYSE in transferring its market position in the stock markets to the New York Futures Exchange is illustrative of the difficulty in predicting the outcome of NYSE entry into the non-equity options markets.

domestic industry. An order was issued excluding the articles in question from importation into the United States.

Under section 337(g), the President may disapprove the determination of the Commission for policy reasons within sixty days of the date following receipt of the determination and record. Disapproval by the President would cause the determination and order of the Commission to be without force or effect. The President also may approve the determination expressly, making it final on the date the Commission receives notice, or he may take no action, allowing the order to become final following the sixty day period provided for review.

Interested parties are invited to submit comments concerning foreign or domestic policy issues which should be considered by the President in making his decision regarding the case. Parties submitting comments regarding domestic policy issues should refer to the portion of the Commission record in which information or comment concerning that issue was presented. If no presentation of the domestic policy issue being raised was made to the Commission, the interested party should include justification for having failed to make such a presentation. The Trade Representative will be reluctant to review comments concerning domestic policy issues not included in the Commission proceeding, absent adequate justification for the failure of the interested party to present the issue before the Commission. Because foreign policy issues are considered only during the Presidential review, interested parties need not refer to the Commission record to submit comments based upon foreign policy.

Comments submitted should not be longer than 15 double spaced, letter sized pages, including attachments. The original and 19 copies of the submission should be delivered no later than close of business Friday, December 18, 1981, to the Secretary, Trade Policy Staff Committee, 600 17th St., NW., Washington, D.C. 20506. For further information call Alice Zalik 395–3432.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81–35274 Filed 12–8–81; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 236
Wednesday, December 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1, 2
Commodity Futures Trading Commission	3
Copyright Royalty Tribunal	4
Federal Maritime Commission	5
Federal Mine Safety and Health Review Commission	6
Securities and Exchange Commission	7

1

[M-339, Amdt. 1; December 4, 1981]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of items to the December 9, 1981, board meeting.

TIME AND DATE: 10 a.m., December 9, 1981 (after open meeting).

PLACE: Room 1027 (Open), Room 1012 (Closed); 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Closed: 22. Docket 38746 and 36595, EDR–408 and *Investigation into the Competitive Marketing of Air Transportation—Retail Pricing Phase.* International Tariff Flexibility. In addition: Docket 38157, 38242, 38308, 38309, 38447, 38554 and 38298 relating various requests for exemptions. (Memo 149–T, OGC)

Closed: 23. Docket 36595, *Investigation into the Competitive Marketing of Air Transportation—Agreements Phases.* NPTA Motion to Expedite Procedures. (Memo 149–R, 149–S, OM, OGC, BIA)

STATUS: 1–14 (Open); 15–23 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673–5068.

[S–1839–81 Filed 12–7–81; 3:58 pm]

BILLING CODE 6320–01–M

2

[M-339, Amdt. 2; December 7, 1981]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of items to the December 9, 1981, board meeting.

TIME AND DATE: 10 a.m.—December 9, 1981 (after open meeting).

PLACE: Room 1027 (Open), Room 1012 (Closed); 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Changed from open to closed: 14. Dockets 39935, 39799, 40035, 39942, 39949, 38721, 39888 and 39886—Applications of Action Air Cargo, Arrow, Challenge, Flying Tiger, Global, Rich, and Southern for certificates of public convenience and necessity to provide scheduled all cargo service between the United States and Latin America (BIA, OGC, BALJ).

Closed: 24. Dockets 40185 and 40186, Agreement 28600—Application of Air Florida and Lineas Aereas Costarricenses, S.A. for prior approval of agreements and interlocking relationship pursuant to sections 408, 409, and 412 and for antitrust immunity pursuant to section 414. (BIA, OGC).

Closed: 25. Docket 33068, *Transpacific Low-Fare Route Investigation* (Japan Phase): Request for Instructions (OGC).

Closed: 26. U.S.—U.K. User Charges Issue. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673–5068.

[S–1838–81 Filed 12–7–81; 3:58 pm]

BILLING CODE 6320–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 am., Thursday, December 24, 1981.

PLACE: 2033 K Street, NW., Washington, D.C., 8th floor conference room.

STATUS: closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 am., Tuesday, December 15, 1981.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Chicago Board of Trade Eurodollar Certificate of Deposit.

New York Futures Exchange Eurodollar Certificate of Deposit.

Regulation 1.56, Prohibition of Guarantees by FCM's.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1834–81 Filed 12–7–81; 1:26 pm]

BILLING CODE 6351–01–M

4

COPYRIGHT ROYALTY TRIBUNAL

TIME AND DATE: 10 a.m., Tuesday, December 15, 1981.

PLACE: 1111 20th Street, NW, Room 458, Washington, D.C.

MATTERS TO BE CONSIDERED: 1. Adoption of final regulations for determination of interim adjustments of royalty for making and distributing phonorecords (mechanical royalty).

CONTACT PERSON FOR FURTHER INFORMATION: Frances Garcia, Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW, Room 450, Washington, D.C. 20036, (202) 653–5175.

Frances Garcia,

Chairman.

S–1833–81 Filed 12–7–81; 11:43 am]

BILLING CODE 1410–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., December 15, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during November 1981.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during November 1981.
3. Report of the Secretary on Applications for Admission to Practice approved during November 1981, pursuant to delegated authority.
4. Agreement No. 9745–3: Modification of the Dart Containerline Company Limited consortium to substitute Centennial Shipping Limited for Bristol City Line Limited.

Portion closed to the public:

1. Docket No. 72–35: Pacific Westbound Conference: Investigation of Wastepaper Rates, Consideration of further proceedings.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–1839–81 Filed 12–7–81; 3:59 pm]

BILLING CODE 6730–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

December 2, 1981.

TIME AND DATE: 10 a.m., Wednesday, December 9, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Carolina Stalite Company, Docket Nos. BARB 79-319-PM, etc. (Issues include whether company is a mine under the 1977 Mine Act).

2. Secretary of Labor on behalf of Bobby Gooslin v. Kentucky Carbon Corporation, Docket No. KENT 80-145-D. (Issues include whether the ALJ erred in failing to award back pay to miner found to have been illegally discriminated against).

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653-5632.

[S-1836-81 Filed 12-7-81: 2:23 pm]

BILLING CODE 6820-12-M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 57961 November 27, 1981].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, November 24, 1981.

CHANGES IN THE MEETING: Addditional items.

The following additional items was considered at a closed meeting schedule for Thursday, December 3, 1981, following the 10:00 a.m. open meeting.

Regulatory matter regarding financial institution.

Formal order of investigation.

Consideration of *amicus* participation.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contract: Diane Klinke at (202) 272-2178.

December 4, 1981.

[S-1835-81 Filed 12-7-81: 1:27 pm]

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federal register

Wednesday
December 9, 1981

Part II

Federal Communications Commission

FM Table of Assignments; Policies and Procedures and Assignment of Air-Ground Channel 1 to Memphis, Tenn.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[BC Docket No. 80-130; FCC 81-538]

Amendment of Policies and Procedures for Amending the FM Table of Assignments of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action eliminated the pre-Notice of Proposed Rule Making stage of the rule making proceeding to amend the FM and Television Tables of Assignments. The filing of a petition to amend the FM or Television Table will henceforth be announced and comments solicited thereon by a Notice of Proposed Rule Making issued after receipt of the petition. This action is necessary to expedite processing of petitions for rulemaking.

EFFECTIVE DATE: November 12, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of policies and procedures for amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, BC Docket No. 80-130.

First Report and Order

Adopted: November 12, 1981.

Released: November 20, 1981.

1. The Commission is presently considering major revisions to the policies and procedures utilized to process petitions to amend the FM Tables of Assignments (§§ 73.202(b) and 73.504(a) of the Commission's rules). In the *Notice of Proposed Rule Making*, 45 FR 26390, published April 18, 1980, we proposed several substantive changes in the policies we apply in considering requests to add new FM channel assignments to various communities. In addition, we suggested a procedural modification in order to reduce the processing time in the disposition of such cases. We still have under consideration the proposed substantive changes and do not plan to discuss those proposals herein. However, we are now in a position to adopt the procedural change concerning the pre-Notice of Proposed Rule Making stage so as not to delay its implementation any further.

2. In originally proposing to eliminate the pre-Notice stage in FM Table cases, we realized that such a purely procedural change did not require a full notice and comment rulemaking proceeding under the Administrative Procedure Act. 5 U.S.C. 553(b)(3)(A). However, we were opening a broad inquiry into more substantive standards applicable to these cases, and it seemed appropriate to solicit comments on this procedural change as well. Having reviewed the comments, we believe that elimination of the pre-Notice stage is warranted. We further believe that a similar change is warranted with regard to the procedures governing the handling of petitions to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules). Because these changes are purely procedural in nature, they can be accomplished for cases involving the TV Table as well as the FM Tables without further notice and comment proceedings.

3. As stated in the *Notice*, the rulemaking process is initiated by the submission of a petition which is analyzed to determine whether it is acceptable. This determination involves mostly technical considerations. If additional information is needed, acceptance may be delayed until the information is received. Announcement of the acceptance is made by Public Notice and a rulemaking number is given. Comments are permitted for a specified period (30 days for initial comments; 15 days for replies). Some time later, depending on the current backlog, the Notice of Proposed Rule Making is issued (assuming the proposal has merit) outlining the Commission's proposed change in the FM or Television Table in response to the petitioner's request. Another comment period of 30 days for initial comments and 15 days for reply comments is instituted. Depending again on the backlog and the complexity of the case, a final action (Report and Order) is adopted some time later.

4. The proposed change would expedite consideration of these cases by eliminating a 45 day waiting period. Under the proposal, the Notice of Proposed Rule Making would announce acceptance of the petition and any necessary additional information would then be requested. Comments on this proposal have been received from: The National Association of Broadcasters, the National Telecommunications and Information Administration, American Broadcasting Companies, Inc., the National Radio Broadcasters Association, Radio Broadcast Licensees (as a joint pleading), and General Electric Broadcasting, Co., Inc.[1] Reply comments were filed by Radio Broadcast Licensees, by American Broadcasting Companies, Inc., and by the National Association of Broadcasters.

5. All commenting parties agreed that the elimination of the pre-Notice of Proposed Rule Making stage was desirable and urged its removal. Some commenters expressed concern that the creation of a one-step process in which the Notice of Proposed Rule Making is issued without first considering comments should not be interpreted as a presumption in favor of granting the petition.

6. The Commission was confronted with this exact proposal in 1974. See *Amendment of Part 1, Subpart C, FM and Television Table of Assignments*, RM-2393, 32 RR 2d 71 (1974). We then agreed that the suggestion was desirable but decided that the Public Notice step and receipt of comments did not cause a delay in issuing the Notice of Proposed Rule Making. Rather the number of cases on the staff's workload and the lack of sufficient personnel combined to postpone resolution of pending cases. We stated that we hoped we would some day be in a position to eliminate the pre-Notice of Proposed Rule Making step.[2]

7. While the pre-Notice comments and replies could be beneficial, in most cases no pleadings are filed or the pleadings that are filed have little effect on the content of the Notice of Proposed Rule Making. Furthermore, the Commission's staff is now in a position to act on these cases in a more expeditious manner than was possible in 1974. Accordingly, we no longer believe that the limited potential benefits of pre-Notice comments and replies justifies a 45 day waiting period in the preparation of a Notice of Proposed Rule Making. The Administrative Procedure Act presents no impediment to our adopting this one-step procedure. Section 553(b)(3) merely requires a notice which includes the terms or substance of the proposed rule and a description of the subjects and issues involved. The Notice of Proposed Rule Making adequately fulfills this requirement.

8. Therefore the time is ripe to eliminate this built-in delay in the handling of these FM and Television Tables of Assignments rulemaking

[1] Other parties submitted comments in this docketed proceeding, but they are not under consideration here because they did not address this proposal.

[2] See Separate Statement of Chairman Wiley, *supra* at p. 77.

cases. The acceptance of petitions and the assignment of rule making numbers will be handled in the Notice of Proposed Rule Making. If any special problems require additional showings, that information can be requested in the Notice. We emphasize that under this amended procedure, as in the past, the issuance of a Notice of Proposed Rule Making indicates nothing more than the Commission's intention to consider the proposed change in the Table of Assignments and to afford petitioner, interested parties and the public an opportunity to comment on that proposal.

9. Accordingly, the Commission's rules are amended as set forth in the Appendix below. Since the amendments are procedural in nature, we have determined that the effective date provision of section 4 of the Administrative Procedure Act is inapplicable. Accordingly, the amended procedures shall apply to proceedings in which the petition for rulemaking is accepted on or after November 12, 1981.

10. Authority for these amendments is contained in sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, and 5 U.S.C. 4 and 553 (the Administrative Procedure Act).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 1—PRACTICE AND PROCEDURE

The following provisions of the Commission's rules have been amended as follows:

Section 1.403 (Notice and availability) is revised to read as follows:

§ 1.403 Notice and availability.

All petitions for rulemaking (other than petitions to amend the FM and Television Tables of Assignments) meeting the requirements of § 1.401 will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petition for Rule Making Filed") as to the petition, file number, nature of the proposal and date of filing. Petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D.C.

Section 1.405 (Responses to petitions; replies) is amended by adding introductory text to read as follows:

§ 1.405 Responses to petitions; replies.

Except for petitions to amend the FM or Television Tables of Assignments:

* * * * *

[FR Doc. 81-36828 Filed 12-8-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 1 and 22

[CC Docket No. 81-350; RM-3817; FCC 81-552]

Amendment of the Commission's Rules To Add Memphis, Tenn., to the Table of Assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service and To Apply Additional Procedures in Proceedings for Amendment of the Table

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends its rules to assign air-ground channel 1 to Memphis, Tennessee. This amendment is in response to a petition for rulemaking submitted by Mobile/Comm, Inc. The effect of this amendment is to afford reliable air-ground communication service to aircraft flying in the Memphis area. In addition, the Commission amends its rules to apply additional procedures in proceedings to amend the table of assignments for air-ground radiotelephone stations. The effect of this amendment is to require that procedures now applied in amending the FM and television tables of assignment also be applied in proceedings to amend the air-ground table of assignments. Finally, the Commission amends its rules to exclude amendments to the air-ground table of assignments from the procedure of soliciting comments on a rulemaking petition. The effect of this exclusion is to expedite action on petitions to amend the air-ground table of assignments.

EFFECTIVE DATE: December 17, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ann Stevens, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION: Under the Regulatory Flexibility Act of 1980, the Federal Communications Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

In the matter of amendment of § 22.521(b) of the Commission's rules to add Memphis, Tennessee to the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service, amendment of § 1.420 of the Commission's rules to apply additional procedures in proceedings for amendment of the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service, CC Docket No. 81-350, RM-3817.

Report and Order

Adopted: November 24, 1981.

Released: December 2, 1981.

By the Commission: Chairman Fowler not participating.

Background

1. On May 21, 1981 (46 FR 31292, June 15, 1981), the Commission adopted a Notice of Proposed Rulemaking (FCC 81-253) which proposed to add Memphis, Tennessee to the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service. The Notice was issued in response to a petition for rulemaking filed by Mobile/Comm Inc. (RM-3817). Mobile/Comm filed a comment reaffirming its intention to apply for the channel, if assigned. No other comments were filed.

2. Section 22.521(a) of the Commission's rules allocates twelve frequency pairs for assignment to land mobile radio systems that are interconnected to the nationwide public landline telephone system and afford communications service to airborne stations. Section 22.521(b) allocated from one to four of these frequency pairs, or working channels, to specific geographic locations. That subsection also provides that base stations operating on these frequencies must be within 25 miles of the location specified.

3. Memphis, Tennessee is not among the locations listed in § 22.521(b), nor is it within 25 miles of any of the other specified locations. Mobile/Comm requested that § 22.521(b) be amended by adding Memphis to the list of assignments for air-ground stations. This amendment would allow an air-ground station to be operated on the working frequency 454.950 MHz (Channel 1) and on 454.675 MHz (the nationwide signaling channel) within 25 miles of Memphis. No harmful electrical interference is expected to result from this amendment.

4. The air-ground station nearest Memphis is 130 miles away at Little Rock, Arkansas. According to Mobile/Comm, this spacing between stations reveals a void in air-ground service in

the vicinity of Memphis. Mobile/Comm also claims that Memphis is the scene of significant general aviation activity. In response to a survey conducted by Mobile/Comm among the general aviation community in the Memphis area, 27 prospective subscribers expressed sufficient interest in Mobile/Comm's proposal to produce "firm applications for service." Mobile/Comm states that present air-ground service is inadequate to afford reliable service to aircraft flying in the Memphis area. In addition, aircraft at sufficiently high altitudes may obtain service, but must pay toll charges to communicate with a Memphis telephone through a distant base station.

Amendment of § 22.521(b)

5. In view of the apparent need for air-ground communications service in Memphis, we believe the public interest would be served by amendment of § 22.521(b) of the Commission's rules, assigning air-ground channel 1, frequency 454.950 MHz, to Memphis, Tennessee. This assignment conforms with the mileage separations used elsewhere in the table of frequency assignments for air-ground radiotelephone service.

Amendment of Part 1

6. Also in this proceeding, we are amending several sections of Part 1 of the Commission's rules. We are amending § 1.420, which sets forth additional procedures in proceedings to amend the FM and television tables of assignments. The procedures in this section concern the filing of comments and reply comments in amending these tables of assignments. Since there are no specialized procedures for amending the air-ground table of assignments in the Domestic Public Land Mobile Radio Service, we believe it is appropriate to apply § 1.420 to proceedings to amend this table of assignment. We are also amending §§ 1.403 and 1.405 of the Commission's rules. These amendments will exclude amendments to the air-ground table of assignments from the Commission procedure of issuing a Public Notice announcing acceptance of a rulemaking petition and allowing for comments and reply comments on the petition. Amendments to the FM and television assignment tables were recently excluded from this same procedure. These amendments to Part 1 involve rules of agency practice or procedure, and are therefore exempt from the notice and comment requirements of the adminstrative Act, 5 U.S.C. 553(b). *See Buckeye Cablevision, Inc.* v. *United States*, 538 F. 2d 948 (6th Cir. 1971); *Meredith Broadcasting Co.* v. *Federal Communications Commission*, 365 F. 2d 912 (D.C. Cir. 1966). Compare *Pickus* v. *United States Board of Parole*, 507 F. 2d 1107 (D.C. Cir. 1974).

Authority

7. Authority to amend Section 22.521(b) of the Commission's rules appears in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended. Authority to amend §§ 1.403, 1.405 and 1.420 of the Commission's rules appears in Section 4(i) of the Communications Act of 1934, as amended.

8. Accordingly, it is ordered, That effective December 17, 1981, §§ 22.521(b), 1.403, 1.405 and 1.420 of the Commission's rules are amended as set forth in the attached appendix below.

9. It is further ordered, that this proceeding is terminated.

10. The Secretary shall cause a copy of this Report and Order to be published in the **Federal Register.**

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

The Commission amends 47 CFR as set forth below:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.403 is revised to read as follows:

§ 1.403 Notice and availability.

All petitions for rulemaking (other than petitions to amend the FM, Television and Air-Ground Tables of Assignments) meeting the requirements of § 1.401 will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petition for Rule Making Filed") as to the petition, file number, nature of the proposal and data of filing. Petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D.C.

2. Section 1.405 is amended by revising the introductory language to read:

§ 1.405 Responses to petitions; replies.

Except for petitions to amend the FM Television or Air-Ground Tables of Assignments:

* * * * *

3. Section 1.420 is amended by revising paragraphs (a) and (b) to read:

§ 1.420 Additional procedures in proceedings for amendment of the FM, Television or Air-Ground Table of Assignments.

(a) Comments filed in proceedings for amendment of the FM Table of Assignments (§ 73.202 of this title), the Television Table of Assignments (§ 73.606 of this title) or the Table of Assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service (§ 22.521 of this title) which are initiated on a petition for rulemaking shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the FM, Television or Air-Ground Tables of Assignments shall be served on the person(s) who filed the comments to which the reply is directed.

* * * * *

PART 22—PUBLIC MOBILE RADIO SERVICES

4. Section 22.521(b) is amended by adding a location to read as follows:

§ 22.521 Nationwide plan for assignment of frequencies to land mobile systems rendering communication service to airborne stations.

(a) * * *

(b) * * *

Location	Channel
* * * * *	
Tennessee	
* * * * *	
Memphis	1
* * * * *	

[FR Doc. 81-35229 Filed 12-8-81; 8:45 am]

BILLING CODE 6712-01-M

federal register

Wednesday
December 9, 1981

Part III

Department of Energy

Bonneville Power Administration

Rules of Procedure Governing Rate Adjustments

V 46 / 236 DEC 9 81 UMI

DEPARTMENT OF ENERGY

Bonneville Power Administration

18 CFR Ch. X

Proposed Amendments to Rules of Procedure Governing Rate Adjustments

AGENCY: Bonneville Power Administration, DOE.

ACTION: Proposed amendments to rules of procedure governing Bonneville Power Administration rate adjustments.

SUMMARY: On December 5, 1980, the President signed into law the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) (Pub. L. 96–501) which, among many other things, provides at section 7(i) for new procedures for involving the public in the development of Bonneville Power Administration's (BPA) wholesale power and transmission rates. By Federal Register notice of February 10, 1981 (46 FR 11697), BPA published its "Rules of Procedure Governing Bonneville Power Administration Rate Adjustments." That notice requested public comments on the procedures. These procedures were designed to give the public notice of how it could participate in BPA's rate adjustments and elaborate on the statutory procedures called for in the Regional Act. BPA received comments on the procedures from a number of its customers and interested members of public interest groups. In addition, BPA applied the procedures in conducting its 1981 Wholesale Power Rate and Transmission Rate hearings conducted February through May 1981. The amendments proposed by this notice are based upon the comments received and BPA's experience in the 1981 rate hearings.

DATE: Comments will be received through December 24, 1981. A public meeting on the proposed amendments will be held on December 21, 1981.

ADDRESSES: Written comments should be sent to: Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon. A public hearing on the proposed amendments will be held in December, beginning at 9 a.m. in Room 464 of the Bonneville Power Administration Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261, or Mr. Michael C. Dotten, Attorney, General Counsel's office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503–234–3361, extension 4214. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

SUPPLEMENTARY INFORMATION: BPA will accept written public comments on the proposed amendments to the regulations until December 24, 1981, and, if the public comments so warrant, the proposed amendments may be adjusted, as necessary. Written comments should sent to: Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212.

BPA will hold a public meeting on the proposed amended procedures on December 21, 1981, beginning at 9 a.m. in Room 464 of the BPA Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon. The meeting will be conducted in a discussion format and will be transcribed.

Based upon written and oral comments, the proposed amended procedures may be substantially revised, and the final procedures will be published in the Federal Register.

The most significant elements of the proposed amendments and discussions relating to amendments proposed by those commenting on the regulations are summarized below, arranged by section:

Section 1(b): Forelaws on Board (FOB), an environmental group, objected to permitting the Hearing Officer to supplement the rules with unspecified supplemental rules of procedure. As happened in the 1981 rate hearings, situations will undoubedly arise which are unanticipated by these rules; therefore, the Hearing Officer must have flexibility to adapt these procedures. However, the FOB concern for confusion is well founded. Therefore, Section 16 is proposed to be amended to permit the Hearing Officer to apply the Federal Rules of Evidence and the Federal Rules of Civil Procedure to the extent deemed appropriate and in a manner not inconsistent with these rules.

Sections 2(c), 4(a), and 4(c): The Public Power Council (PPC), a nonprofit corporation representing the interest of its 113 publicly owned utility members, and an association of eight privately owned utilities (Privates), protested the provision allowing the BPA staff to submit an evaluation of the record after the record closed. FOB did not expressly object to the staff evaluation, but believed that the evaluation should be subject to rebuttal by all parties. In the 1981 proceeding, the Hearing Officer provided such an opportunity for rebuttal in the form of briefs of counsel.

We reject the notion underlying the PPC and Privates' assertion that the staff evaluation is an *ex parte* document and implying that Section 7(i) of the Regional Act imposes a separation of functions requirement upon BPA, preventing the rates staff from presenting a case in the proceeding and then assisting the Administrator in reviewing the record in making the final decision. We reject this view because "ratemaking" falls within the definition of "rulemaking" under the Administrative Procedure Act, 5 U.S.C. 551; and *not* within the definition of "order" or "adjudication." See *United States v. Florida East Coast Railway Co.*, 410 U.S. 224, 234–35 (1973). Section 9(e)(2) of the Regional Act also makes clear that an adjudication was not intended by referring to the result of the Section 7(i) proceedings as a "rulemaking record" and then stating: "Nothing in this section shall be construed to require a hearing pursuant to section 554, 556, or 557 of title 5 of the United States Code." In rulemaking it is clear that the agency staff may assist in the making of a decision:

> *"Even in formal rule making* proceedings subject to sections [556 and 557], the Act leaves the hearing officer entirely free to consult with any other member of the agency's staff. In fact, *the intermediate decision may be made by the agency itself or by a responsible officer other than the hearing officer.* This reflects the fact that the purpose of the rule making proceeding is to determine policy. Policy is not made in Federal agencies by individual hearing examiners; rather it is formulated by the agency heads relying heavily upon the expert staff which have been hired for that purpose. And so the Act recognizes that in rule making the intermediate decisions will be more useful to the parties in advising them of the real issues in the case if such decisions reflect the views of the agency heads or of their responsible officers who assist them in determining policy. *In sharp contrast is the procedure required in cases of adjudication subject to section [554(d)]. There the hearing officer who presides at the hearing and observed the witnesses must personally prepare the initial or recommended decision required by section [557].* Also, in such adjudicatory cases, the agency officers who performed investigative or prosecuting functions in that or a factually related case may not participate in the making of decisions. These requirements reflect the characteristics of adjudication." Attorney General's Manual on the Administrative Procedure Act 15 (1947) as quoted with approval in *National Association of Advertisers v. FTC*, 627 F.2d 1151, 1169 (D.C. Cir. 1979) *cert. denied*, 100 S.Ct. 3011 (1980).

Notwithstanding the permissibility of the evaluation, we have deleted the requirement for a staff evaluation of the record in these proposed amendments. It

adds significant delay at the end of the rate proceedings and when time permits, the Administrator would seem better served by evaluations of the record and the law submitted by all parties, as was done in the 1981 rate proceedings in the form of briefs. These procedures provide the Hearing Officer with discretion to call for such briefs or oral argument where time permits this tool to be used to assist the Administrator in the final decision. As proposed for amendment sections 2(d) (Evaluation of the Record) and 4(a) are accordingly eliminated and Sections 4(c) and 4(e) delete reference to the evaluation.

Section 2(f): Several BPA customers believed that transmission line losses should be included in the definition of "rate." BPA has numerous contracts with differing treatments of line losses, which terms are not subject to unilateral amendment upon change of rates as are BPA's rate schedules. Computation of line losses for contractually provided services is not a rate or change for the sale or disposition of power, but rather a means of computing the amount of power to be replaced (due to loss of electricity from the lines) by a party to a contract that uses BPA's transmission lines to wheel power. Furthermore, BPA has begun, through a separate rulemaking process, the development of a transmission policy (46 FR 12658, February 17, 1981).

Section 2(i): *Party status.* The Public Power Council and the Public Generating Power Pool suggested that associations of BPA customers be permitted to be parties of right, on behalf of its members, but that its members be permitted to "secede" from the group representation in order to be represented by another group or individually on a particular issue or issues. Such an amendment would reflect the latitude extended by the Hearing Officer in the 1981 rate proceedings and would permit grouping of interests with resulting efficiencies in the hearing process. As a consequence, section 2(i) of the regulations is proposed to be amended to permit such shifting joint representation and individual participation.

Section 2 (h) and (i): International Paper Company (IPC) and St. Regis Paper Company, although eventually admitted as parties to the 1981 rate proceeding by stipulation, filed comments objecting to the different treatment accorded "parties" and "participants" by the rules.

Section 7(i)(2) (A) and (B) of the Regional Act provides in pertinent part:

> In any such hearing—
>
> (A) Any person shall be provided an adequate opportunity by the hearing officer to offer refutation or rebuttal of any material submitted by any other person or the Administrator, and
>
> (B) The hearing officer in his discretion shall allow a reasonable opportunity for cross examination, which, as determined by the hearing officer, is not dilatory, in order to develop information and material relevant to any such proposed rate.

IPC reads the foregoing to require BPA not only to permit all persons to have the opportunity to offer refutation and rebuttal, but also to afford *all* persons an opportunity to engage in cross-examination, be served with documents and all other rights normally accorded a full fledged party in a proceeding.

BPA believes that the express words of the Regional Act do *not* require that all persons be permitted to cross-examine, but that a "reasonable opportunity for cross-examination" be allowed by the Hearing Officer.

When the rate precedures were introduced on the floor of the Senate, the sponsor of section 7(i) said:

> Mr. President, that provision is intended to give the hearings officer the opportunity to limit the amount of cross-examination which may take place at any of the hearings in the rate determination, but it is not intended and should not be read to allow the hearings officer to completely exclude the cross-examination of the administrator's witnesses.
>
> I think a fair reading of the requirement in the context of the amendment would indicate that, yes, it should not be interminable, because there is almost total access for interested parties to the hearings process and for putting material in the record. *The hearings officer may have to, as a matter of practice, limit the number of people who are permitted to crossexamine,* but not to the extent of fully excluding those who might produce evidence or ask questions that were necessary to develop fully any essential fact which is material and relevant directly. And, if, as a matter of fact, the records of all of the proceedings, the administrative record which goes to the court for review, would indicate that the hearings officer had totally excluded that opportunity, and that the opportunity was focused upon such material and relevant essential facts, the court could then remand the proceedings back to the Administrator for further proceedings. The court could upset the rate if as a matter of fact the hearings officer took that action.

(125 Cong. Rec. S 11599 (daily ed. August 3, 1979) (remarks of Senator McClure).)

The House Interior Committee in its report on S. 885 did not take issue with Senator McClure's suggestion regarding a limitation on the number of people who could cross-examine, but rather intended that its version eliminate the Hearing Officer's discretion to prohibit cross-examination altogether. See H.R. Rep. No. 976, Part II, 96th Cong. 2d Sess. 20 and 53 (1979).

The full House restored the "in his discretion" and "reasonable opportunity" qualifiers. Nowhere in the legislative history of the Regional Act did anyone dispute Senator McClure's limitation on the right of cross-examination.

BPA believes that Congress intended a reasonable result from the enactment of the section 7(i) procedures. To have but one category of participants in the rate proceeding would unduly encumber the hearings themselves and result in burdens upon those who might wish to have their views considered—but who do not wish to be burdend with the requirement of serving all other parties, the prefiling of testimony and the like. To read section 7(i)(2)(B) to permit all persons, whether otherwise represented or not, to participate would greatly add to the possibility that the hearings would simply collapse of their own weight. In the 1981 Wholesale Power Rate proceedings, 37 active parties participated. Literally dozens of others "participated." Even though expedited, the hearings took 27 days with 37 parties. If all persons who wished to participate were permitted to be a full fledged "party," it is difficult to imagine how long the hearings might eventually take. Consistent with Senator McClure's recognition that there must be a logical limit to the number of persons permitted to cross-examine, BPA developed this dicotomy between "participant" and "party" and retains this distinction.

However, BPA does recognize that a limited number of interested persons, who are not in privity of contract with BPA, may have such a substantial interest in the proceedings that party status should be accorded. In the original rules BPA allowed party status to those "representing a significant and otherwise unrepresented *public* interest." It is clear that significant *private* interests may also demonstrate that they are otherwise unrepresented. Therefore, the proposed amendments delete the word "public" to permit a significant and otherwise unrepresented public or private interest to be represented through party status where the Hearing Officer finds that a person requesting such status has satisfied the "significant" and "otherwise unrepresented" tests.

Section 3(b): FOB believed that *ex parte* procedural rulings should not be allowed; the PPC believed that notice to all parties of any procedural ruling ought to be provided. During the 1981 hearings the Hearing Officer was required to rule on procedural matters between hearing sessions. Should the Hearing Officer not be allowed to rule *ex parte*, under some

circumstances it is conceivable that a large group of parties, many from long distances away, would be obligated to convene for a hearing for a short period of time only to have a delay motion granted, or a fundamental change made in the hearing schedule. Therefore, we leave the opportunity for *ex parte* ruling on procedural matters—but institute two safeguards. One, the simultaneous filing of all motions on all parties at the time the Hearing Officer is served, the second a requirement that the Hearing Officer render a written ruling to be served on all parties.

Section 3(c): *Information Requests.* The Public Power Council suggested that the Hearing Officer should, by rule, be required to fix dates for making and responding to data requests. The Hearing Officer would be empowered, by the proposed amendment, to provide a schedule for such data request of BPA and the other parties to the proceeding. The proposed amendment also makes clear that any party to the proceeding is subject to such requests, and like the Federal Rules of Civil Procedure, the proposed amendments make clear that data requests may be made in any sequence. The proposed amended rule also provides for oral clarifying information requests on the record. Such a technique was successfully used in the 1981 rate proceedings and resulted in expedition of the hearings.

Section 3(d)(5)(b): One company objected to a provision in the rules permitting the Hearing Officer to order appropriate limitations on the number of attorneys or other parties permitted to cross-examine and make and argue motions. During the course of the 1981 hearings the Hearing Officer used his or her discretion in applying section 3(d)(5)(b) in ways which expedited the hearings but gave such interest groups full opportunity to cross-examine. This section is a necessary tool of the Hearing Officer to prevent redundant and dilatory cross-examination. Given the large number of parties in the 1981 case (37) and the potential for each of BPA's more than 150 customers to intervene separately, the Hearing Officer must be able to require group representation. Otherwise domination of the rate hearings by one or another customer group with a near identity of interests could threaten the participation rights granted by section 7(i) of the Regional Act to other parties.

Pacific Gas and Electric Company suggested that the Hearing Officer, before requiring parties with substantially like interests to operate through "lead counsel," be required to make a specific finding of such like interests and state the factual basis for such a finding. Because of the large number of parties in the Section 7(i) proceedings, such a requirement would place a heavy burden on the Hearing Officer and require the taking of evidence. To accomplish the aim of preventing a party from being locked into a lead counsel relationship with other parties without similar interest in some issues, this paragraph is proposed to be amended to permit the Hearing Officer to allow disaggregation of parties on such issues where the party seeking to represent itself on a particular issue can demonstrate that its interest would otherwise not be adequately represented.

Section 3(d)(7): This new section is added to allow the Hearing Officer to call for briefs or oral argument, where time permits, in lieu of the staff evaluation of the record, proposed to be deleted.

Section 4: Decision Process. Several customers believe that the Hearing Officer should forward recommended rates or a proposed order to the Administrator. Such a role is not contemplated by the Regional Act which, as indicated above, clearly distinguishes these rulemaking procedures from adjudications. The requirement that the presiding officer at a hearing make a recommendation, stems from section 557(b) of the Administrative Procedure Act. However, "section [557] applies to cases of rulemaking and adjudication which are required by sections [553] and [554] to be conducted in accordance with sections [556] and [557]." Attorney General Manual on the APA 81 (1947). Since a section 553 informal rulemaking proceeding is not "required * * * to be conducted in accordance with sections 556 and 557," there is no APA requirement for an initial recommendation, nor an opportunity for the parties to submit their own findings and conclusions.

The use of the term "Hearing Officer" in section 7(i) of the Regional Act as opposed to "Hearing Examiner" is significant. The distinction between a "Hearing Officer" and "Hearing Examiner" was sharply pointed out by the U.S. Supreme Court in *International Tel. & Tel. Corp.* v. *Local 134*, 419 U.S. 428 (1975), where the Court, admonishing the lower court, said that:

> The Court of Appeals may have confused "hearing officers" with "trial examiners" or "hearing examiner" (now "administrative law judges") who are ordinarily required to make recommended decisions, 5 U.S.C. 557(b) [5 USCS § 557(b)], and who must be appointed pursuant to 5 USC § 3105 [5 USCS § 3105]. *Id.* at 448 n. 18.

There is no requirement that the Hearing Officer issue a proposed order or recommended decision. To require one individual to take on such a task from a record as voluminous as the one in the last rate proceeding would unreasonbly delay rate adjustments. Thus, I have not added such a requirement to these proposed amended rules.

BPA's Proposed Amended Rate Procedures follow:

Accordingly, the Bonnerville Power Administration, proposes to amend Title 18 of the Code of Federal Regulations by establishing a new Chapter X, consisting at this time of Part 1010 which reads as set forth below:

CHAPTER X—BONNEVILLE POWER ADMINISTRATION, DEPARTMENT OF ENERGY

PART 1010—RULES OF PROCEDURE GOVERNING RATE ADJUSTMENTS

Sec.

1010.1 Purpose and scope.
1010.2 Definitions.
1010.3 Rate adjustment procedures.
1010.4 Decision process.

Authority: Sec. 7(i) of Pub. L. 96–501; and 5 U.S.C. 553.

§ 1010.1. Purpose and scope.

(a) The purpose of this rule is to establish procedures for conducting rate adjustment hearings required to be held by the "Pacific Northwest Electric Power Planning and Conservation Act" (Regional Act) (Pub. L. 96–501). As amended, these regulations supersede BPA's "Procedure for Public Participation in Marketing Policy Formulation," 45 FR 73531 (November 5, 1980) as they apply to rates developed pursuant to Section 7 of the Regional Act and "Bonneville's Rules of Procedure Governing Bonneville Power Administration Rate Adjustments," 46 FR 11697 (February 10, 1981).

(b) The Hearing Officer may render any procedural rulings necessary to the conduct of orderly and expenditious hearings. The Hearing Officer may apply the Federal Rules of Evidence and the Federal Rules of Civil Procedure as deemed appropriate, to the extent not inconsistent with these rules.

§ 1010.2. Definitions.

(a) *Administrator.* The Bonneville Power Administrator.

(b) *Notice.* A notification required by this procedure and published in the **Federal Register** or elsewhere if determined by the Administrator to be desirable. Notices shall be effective on date of publication in the **Federal Register** unless otherwise stated.

Wherever a time period is provided, the date of publication of the **Federal Register** notice shall determine the commencement of the time period unless otherwise stated.

(c) *Official Record.* The compiled and indexed records which document the development of rates. The Official Record is the responsibility of the Hearing Officer.

(d) [Reserved].

(e) *Record of Decision.* The Administrator's summary of the decision.

(f) *Rate.* The monetary charge or the formula for computing such a charge for any electric service provided by BPA, including charges for capacity (or demand), energy, or transmission service, and discounts or surcharges; however, it does not include transmission line losses, leasing fees, or other types of facility use charges for other than transmission of non-Federal power, or charges for operation and maintenance of customer-owned facilities. A rate may be set forth in a rate schedule or in a contract.

(g) *Rate Adjustment.* A change in an existing rate or rates, or the establishment of a rate or rates for a new service. It does not include a change in rate schedule provisions or in contract terms, if such change does not involve a change in the price per unit of service, nor does it include changes in the monetary charge pursuant to a formula stated in a rate schedule or a contract.

(h) *Participant.* A person or entity testifying at a hearing or providing written views, data, questions, or argument, but not formally becoming a party.

(i) *Party.* A person or entity itself declaring to be a party to a rate adjustment proceeding and who is determined by the Hearing Officer to be either: (1) A party of right; or (2) a party representing a significant and otherwise unrepresented interest. "Parties of right" are those persons having a power sales or transmission contract with BPA which is subject to adjustment as a result of the proceedings, or an association representing parties of right. Parties will be entitled to participate in any prehearing conferences, to cross-examine witnesses (subject to reasonable limitations), to call witnesses, and service of documents from all other parties. A party will also be subject to cross-examination of its witnesses and, as determined by the Hearing Officer, may be required to serve all other parties with documents. Parties may choose to participate through an association on matters of common concern. Such parties may participate individually on other matters where the Hearing Officer determines that the individual parties' interests would be otherwise unrepresented.

§ 1010.3. Rate adjustment procedures.

(a) *Notice.* Upon a determination that revenues from existing rates are insufficient or excessive to meet the Administrator's obligations, or where the Administrator determines a rate form needs adjustment, the Administrator may initiate a rate adjustment.

(1) The Administrator may issue a notice of intent to adjust rates and solicit views of interested parties.

(2) The Administrator shall provide notice in the **Federal Register** of proposed rates with a statement of the justification and reasons supporting such proposed rates together with a statement of the research, studies, analyses, and other available information in support of the proposed rates. Such notice shall establish a deadline for filing a notice of intention to claim status as a party. The notice may include such additional rules as necessary for an orderly procedure and shall specify a date for the commencement of the hearing conducted pursuant to paragraph (e) of this section.

(b) *Prehearing Conference.* The Hearing Officer may establish hearing schedules, convene the parties for such prehearing conferences as are necessary for modifying hearing schedules, prefiling deadlines, and defining issues for consideration at the hearings. Disputes regarding procedures may be resolved at such conference or *ex parte.* If seeking an *ex parte* ruling, the moving party shall simultaneously serve any motion upon all parties to the proceeding, in writing, by regular mail at the time of requesting the ruling. The Hearing Officer shall rule upon any *ex parte* motion in writing indicating disposition of the motion and the grounds therefor and serve such ruling upon all parties by regular mail, or if required under the circumstances, may notify all parties of the ruling by other means.

(c) *Information Requests.* (1) Prior to publication of any initial rate proposal information may be requested of BPA pursuant to the Freedom of Information Act (5 U.S.C. 552) or informally by making a written request through BPA's General Counsel.

(2) Upon publication of initial proposed rates, requests for information may be served upon counsel for any party or person petitioning to be a party to the proceeding. Parties or persons petitioning to be parties shall answer such requests within a reasonable time or as set forth in an order issued pursuant to paragraph (c)(3) of this section, to the extent such request is relevant, material, and otherwise not privileged or protected.

(3) The Hearing Officer may issue any necessary orders and mediate any disputes related to such data requests and may establish schedules for providing requested information.

(4) Unless the Hearing Officer, for the convenience of parties and in the interests of justice, orders otherwise, information requests may be made in any sequence.

(5) The Hearing Officer may provide for oral clarifying information requests on the record to permit clarification of prefiled testimony or other matter. The Hearing Officer need not preside at such sessions, and the parties may move to exclude from the record any improper matter.

(d) *Hearings*—(1) *Initial Proposed Rates—Hearing.* One or more hearings shall be conducted as expeditiously as practicable by the Hearing Officer to develop a full and complete record and to receive public comment in the form of written or oral presentation of views, data, questions, and argument related to the proposed rates. In any such hearing—

(i) Any person shall be provided an adequate opportunity by the Hearing Officer to offer refutation or rebuttal of any material submitted by any other person or the Administrator, and

(ii) The Hearing Officer shall allow reasonable opportunity for cross-examination to develop information and material relevant to any such proposed rate.

(2) *Written Record.* In addition to the opportunity to submit oral and written material at the hearings, any written views, data, questions, and arguments submitted by or before the close of hearings shall be made a part of the Official Record.

(3) *Order of Testimony.* Participants and parties may appear personally at the hearings or by qualified counsel. Views, data, questions, and arguments will be received in the order determined by the Hearing Officer subject to such limitations as the Hearing Officer may impose.

(4) *Prefiling of Testimony.* The Hearing Officer may require parties to prefile exhibits or testimony on any issue raised in the proceedings. The Hearing Officer may exclude all or part of such testimony not prefiled by the specified deadline.

(5) *Cross-Examination.* (i) To prevent unnecessary delay, the Hearing Officer may place such limitations on cross-examination deemed necessary.

(i) Where there are two or more parties having substantially like interests and positions, the Hearing Officer may, in order to expedite the hearing, order appropriate limitations on the number of attorneys or parties appearing *pro se* who will be permitted to cross-examine and make and argue motions and objections on behalf of such parties. Where a party demonstrates that it would not be adequately represented in the joint presentation of an issue or issues, the Hearing Officer may permit separate examination or argument regarding such issue or issues.

(6) *Revised Proposed Rate—Hearing.* After a hearing, the Administrator may propose Revised Proposed Rates, publish such Revised Proposed Rates in the **Federal Register**, and conduct additional hearings in accordance with these regulations.

(7) *Briefs or Oral Argument.* Where time permits, the Hearing Officer may extend an opportunity to the parties to summarize the record and analyze the law either through briefs or oral argument.

§ 1010.4 Decision process.

(a) [Reserved].

(b) *Continuation of Hearings.* If additional hearings are necessary to reflect new factual material previously unavailable to the parties, the Hearing Officer may, upon notice, and consistent with contractual time constraints, reconvene the hearings to allow the presentation of new evidence and to allow rebuttal and cross-examination thereon.

(c) *The Official Record.* The Hearing Officer shall certify the Official Record to the Administrator for decision.

(1) The Official Record shall contain:

(i) all **Federal Register** or other notices provided for by these procedures;

(ii) the principal research, analyses, and other available information, or a summary thereof, used in developing the rates;

(iii) the transcribed record of hearings including documents and exhibits presented at such hearings, written comments and questions from interested persons, and BPA's replies;

(iv) such records or minutes as exist of workshops or other public meetings on the rates;

(v) [Reserved].

(vi) written views, data, and suggestions submitted by persons before the close of the hearings; and

(vii) any other information the Hearing Officer or the Administrator determines is relevant.

(2) A copy of the Official Record shall be available for inspection or copying in the office of the BPA Public Involvement Coordinator.

(d) *Final Proposed Rates*—(1) *Record of Decision.* The Administrator shall develop Final Proposed Rates based upon the record certified to the Administrator by the Hearing Officer. The basis for adopting the Final Proposed Rates shall be explained in the Administrator's Record of Decision. The Record of Decision shall contain findings of fact, statements of applicable law, major areas of controversy, principal objections to and statements in support of the proposed new or revised rates submitted by participants or parties together with summaries of BPA's analyses thereof, and a statement of the reasons for the Administrator's decision.

(2) *Service of Decision.* Upon adopting the Final Proposed Rates, the Administrator shall serve copies of the Administrator's Record of Decision upon all parties and shall promptly file such Final Proposed Rates together with the Official Record with the Federal Energy Regulatory Commission (FERC) for confirmation and approval; and if the FERC does not have final procedures for granting interim approval, with the Secretary of Energy.

Dated: December 2, 1981.

Peter T. Johnson,

Administrator.

[FR Doc. 81-35346 Filed 12-8-81; 8:59 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of December 13 through December 19, 1981

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Agricultural Marketing Service—

58337 12–1–81 / Milk in the Middle Atlantic Marketing Area; recommended decision and opportunity to file written exceptions on proposed amendments to tentative marketing agreement and order; comments by 12–16–81

Animal and Plant Health Inspection Service—

50965 10–16–81 / National Poultry Improvement Plan provisions and auxiliary provisions; comments by 12–15–81

Commodity Credit Corporation—

56624 11–18–81 / Warehouses for grain, rice, dry edible beans and seed; standards for approval; comments extended to 12–16–81

[*See also* 46 FR 50378, 10–13–81]

CIVIL AERONAUTICS BOARD

56425 11–17–81 / Amendment of charter rules to allow airlines to conduct "part charters" which are flights that carry both charter- and scheduled-service passengers; comments by 12–17–81

50551 10–14–81 / Terms, conditions and limitations of certificates authorizing scheduled route service and of foreign air carrier permits; proposed rule to discontine airport notice and service plan requirements and unnecessary operating restrictions; comments by 12–14–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

53475 10–29–81 / Foreign Fishing Regulations; Groundfish of the Bering Sea; comments by 12–14–81

CONSUMER PRODUCT SAFETY COMMISSION

56762 11–18–81 / Urea-formaldehyde foam insulation, additional data; comments by 12–18–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

56820 11–19–81 / High-cost gas produced from tight formations; Cisco Sandstone Formation, Texas; comments by 12–14–81

56819 11–19–81 / High-cost gas produced from tight formations; James Lime Formation, La.; comments by 12–14–81

56822 11–19–81 / High-cost gas produced from tight formations; Wilcox Formation, Texas; comments by 12–14–81

ENVIRONMENTAL PROTECTION AGENCY

55722 11–12–81 / Air quality planning; designation of areas; California; comments by 12–14–81

56461 11–17–81 / Approval and promulgation of implementation plans; Connecticut revision; comments by 12–17–81

56463 11–17–81 / Approval and promulgation of implementation plans; Maryland; control of lead (Pb) emissions; comments by 12–17–81

56462 11–17–81 / Approval and promulgation of implementation plans; Utah; prevention of significant deterioration (PSD); comments by 12–17–81

55714 11–12–81 / Approval and promulgation of State Implementation Plans; Arizona Department of Health Services NSR/PSD regulations; comments by 12–14–81

55716 11–12–81 / Approval and promulgation of State Implementation Plans; Connecticut revisions; comments by 12–14–81

56465 11–17–81 / Availability of Minnesota State Solid Waste Management Plan; comments by 12–17–81

54770 11–4–81 / Illinois application for interim authorization Phase I, hazardous waste management program; comments by 12–18–81

55994 11–13–81 / Ohio; sulfur dioxide control strategy; comments by 12–14–81

56626 11–18–81 / Polychlorinated biphenyls (PCBs), proposed amendment to use authorization for PCB railroad transformers; comments by 12–18–81

50968 10–16–81 / Proposed redesignation of ocean dumping site; comments by 12–15–81

55720 11–12–81 / State implementation plans; Oregon; ambient air quality standards for ozone (O_3); comments by 12–14–81

55719 11–12–81 / State implementation plans; Vermont revision; comments by 12–14–81

55725 11–12–81 / 2-Amino-4, 5-Dihydro-6-Methyl-4-Propyl-S-Triazolo(1,5-Alpha) Pyrimidin-5-One; proposed exemption from the requirement of a tolerance; comments by 12–14–81

FEDERAL COMMUNICATIONS COMMISSION

53726 10–30–81 / Annual financial report of broadcast stations (Form 324); reply comments by 12–15–81

56836 11–19–81 / Elimination of requirement for type approval of aural modulation monitors; extension of time; comments by 12–16–81

[*See also* 46 FR 52398; 10–27–81]

52151 10–26–81 / FM broadcast station; Atlantic City, N.J.; changes in table of assignments; comments by 12–15–81

52145 10–26–81 / FM broadcast station; Celina, Clinton, Knoxville, LaFollette, and Sweetwater, Tennessee; Louisville, Oneida, Radcliff, Somerset, and Stanford, Kentucky; Madison and New Albany, Indiana; changes in table of assignments; comments by 12–15–81

48258 10–1–81 / FM broadcast station; changes in table of assignments; Marco, Fla.; reply comments by 12–14–81

56466 11–17–81 / List of rules to be reviewed pursuant to the Regulatory Flexibility Act during 1981–82; comments by 12–17–81

55125 11–6–81 / Revision of programming policies and reporting requirements related to public broadcasting licensees; reply comments by 12–16–81

[Originally published at 46 FR 43190; 8–27–81]

FEDERAL RESERVE SYSTEM

50975 10–16–81 / Addition to list of activities permissible for Edge Corporations in the U.S.; comments by 12–18–81

FEDERAL TRADE COMMISSION

50977 10–16–81 / General Electric Co.; proposed consent agreement with analysis to aid public comment; comments by 12–15–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

56409 11–17–81 / Asparagus; standard of identity (final rule); objections by 12–17–81

Social Security Administration—

50756 10–14–81 / Federal old-age, survivors, and disability insurance benefits and supplemental security income for the aged, blind, and disabled; payment to States for successful rehabilitation services; comments by 12–14–81

INTERIOR DEPARTMENT

Geological Survey—

56564 11–17–81 / Oil and gas operating regulations; discovery, development and production from onshore Federal and restricted Indian leases; comments by 12–17–81

Land Management Bureau—

51258 10–19–81 / National scenic trails; use of motorized vehicles; comments by 12–18–81

58109 11–30–81 / Oil and gas leasing; increase in filing fees accompanying noncompetitive oil and gas lease applications and rental increase for simultaneous oil and gas leases; comments extended to 12–15–81

[*See also* 46 FR 53645, 10–29–81]

National Park Service—

55709 11–12–81 / Big Cypress National Preserve, Florida Indian Use and Occupancy Regulations; comments by 12–14–81

Surface Mining Reclamation and Enforcement Office—

56433 11–17–81 / Permanent State Regulatory Program, Iowa; comments by 12–17–81

INTERNATIONAL TRADE COMMISSION

56780 11–19–81 / Implementation of the Equal Access to Justice Act; comments by 12–21–81

LABOR DEPARTMENT

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50981 10–16–81 / Advance notice of proposed amendment of provisions on adverse effect wage rates for temporary employment of nonimmigrant aliens on Guam in occupations other than agriculture or logging; comments by 12–15–81

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57696 1

57284 1

57498 1

57061 1

57572 1

55994 1

54787 1

50570 1

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58706 12–3–81 / HHS/HDS—Grants and Subgrants to for-profit organizations; comments by 2–1–82

59368 12–4–81 / HHS/NIH—Recombinant DNA research; revised guidelines; comments by 2–2–82

58706 12–3–81 / HHS/PHS—Grants and Subgrants to for-profit organizations; comments by 2–1–82

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58578 12–2–81 / ED—Strengthening Research Library Resources Program projects for FY 1982; apply by 2–16–82

58599 12–2–81 / HHS/HRA—Traineeships for students in schools of public health; apply by 2–8–82

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58500 12–2–81 / DOE/CREO—Cancellation of 12–4–81 hearing on provisions for review and certification of contracts, grants, cooperative agreements, and projects under the Methane Transportation Research, Development and Demonstration Act of 1980

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58368 12–1–81 / HHS/HCFA—Health Financing Research Demonstration grants; cancellation of solicitation

58186 11–30–81 / HHS/HDSO—Federal allotments to States for social services expenditures pursuant to Title XX, Social Services Block Grant Act; promulgation for fiscal year 1983

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Highlights

60562 **Wilderness Study Areas** Interior/BLM requests comments on energy and mineral resource data gathering. (Part II of this issue)

60512, 60513 **Continental Shelf—Oil and Gas Leasing** Interior/GS announces availability of second edition of Atlantic and Pacific Indexes and Gulf of Mexico Summary Report No. 2. (2 documents)

60429 **Natural Gas** DOE/FERC revises certain producer reporting requirements.

60470 **Supplemental Security Income (SSI)** HHS/SSA proposes to revise rules on deeming of income and resources to students and aliens.

60504 **Grant Programs—Aged** HHS/HDSO invites applications for planning and development of long term care gerontology centers under the Multidisciplinary Centers of Gerontology Program.

60492 **Motor Vehicles—Fuel Economy** DOE announces availability of First Edition of 1982 *Gas Mileage Guide.*

60481 **School Buses** DOT/NHTSA proposes change in rearview mirror requirements.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

60482 **Motor Vehicles** DOT/NHTSA proposes to exempt Federal purchase of new motor vehicles from odometer disclosure requirements.

60458 **Minority Business** DOT modifies definition of "Hispanic" in its minority business enterprise regulation.

60421 **Securities** SEC interprets Regulation S-K management remuneration disclosure requirements.

60446 **Hazardous Waste Management** EPA decides that certain generators may qualify for interim status as storage facilities.

60435 **Helium** Interior/Mines revises rules on purchase by Federal agencies.

60457 **Radio** FCC allows entry of new stations into public coast station market.

60486 **Imports** Commerce/ITA and Interior propose 1982 allocation provisions on watch quotas for producers in the Virgin Islands, Guam, and American Samoa.

60490 CITA adjusts restraint level for certain cotton and man-made fiber apparel products from Haiti.

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60486 Viscose rayon staple fiber from Sweden

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Rules and Regulations

Federal Register
Vol. 46, No. 237
Thursday, December 10, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Delay in Effective Date for Required Use of Diverter-Type Mechanical Samplers

Correction

In FR Doc. 81-34449 appearing on page 58277 in the issue for Tuesday, December 1, 1981, third column, second full paragraph, fifth line from the bottom, insert the following after "the": "effect of providing the grain industry with the option of having".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 6, Amdt. 1]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum size requirement applicable to fresh shipments of Dancy variety tangerines from 2$^{6}/_{16}$ inches to 2$^{4}/_{16}$ inches in diameter on and after December 7, 1981. This action allows an increase in the supply of tangerines in recognition of demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT:
William J. Doyle, Acting Chief, Fruit Branch, F&V AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This amendment is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

Interim regulation 5, setting minimum grade and size requirements for Florida Dancy tangerines, was effective for the period October 19, 1981 through December 6, 1981. The final rule is to become effective on and after December 7, 1981. The final rule provides, among other things, that the minimum diameter of Florida Dancy tangerines be not smaller than 2$^{6}/_{16}$ inches.

This amendment would relax limitations on the handling of Dancy tangerines by permitting each handler, on and after December 7, 1981, to ship 210 size (2$^{4}/_{16}$ inches) Dancy tangerines.

The committee reports that the total quantity of large fruit is less than anticipated and there is a need to augment the total available supply by permitting shipment of smaller sized fruit. Thus, relaxation of the regulation is necessary to allow a greater proportion of the available supply to reach the market.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. This amendment relieves restrictions on the handling of Florida Dancy tangerines. Handlers have been apprised of such provisions and the effective date.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6 (46 FR 60170) are amended by revising table I paragraph (a) to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
Tangerines, Dancy	On and after 12/7/81	U.S. No. 1	2$^{4}/_{16}$

* * * * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 4, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-35330 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 531; Navel Orange Reg. 530, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 11–December 17, 1981, and increases the quantity of such oranges that may be so shipped during the period December 4–December 10, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective December 11, 1981, and the amendment is effective for the period December 4–10, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a pulbic meeting on October 6, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 8, 1981, at Redlands, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.831 is added as follows:

§ 907.831 Navel orange regulation 531.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 11, 1981, through December 17, 1981, are established as follows:

(a) District 1: 1,274,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 126,000 cartons;
(d) District 4: Unlimited cartons.

2. Section 907.830 *Navel orange regulation 530* (46 FR 58639) is hereby revised to read:

§ 907.830 Navel orange regulation 530.

(a) District 1: 1,547,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 153,000 cartons;
(d) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: December ??, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–35547 Filed 12–8–81 11:31 am]
BILLING CODE 3410–02–M

7 CFR Part 1133

Milk in the Inland Empire Marketing Area; Order Suspending Certain Provisions

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain provisions of the Inland Empire Federal milk order that affect the regulatory status of distributing plants. The suspension is based on a cooperative association's request considered at a public hearing on a proposal to merge the Puget Sound and Inland Empire orders. The public hearing was held in Seattle, Washington, on September 15–19, 1981, and on September 21, 1981, in Spokane, Washington. The suspension is effective beginning for the month of December 1981 and continues until final disposition is made of the hearing proceeding. Such action recognizes the current marketing situation of the cooperation association and is in the interest of producers associated with the market.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 11, 1981; published June 16, 1981 (46 FR 31424).

Notice of Postponement of Hearing: Issued June 30, 1981; published July 6, 1981 (46 FR 34805).

Notice of Rescheduling of Hearing: Issued July 23, 1981; published July 28, 1981 (46 FR 38524).

Notice of Proposed Suspension: Issued November 6, 1981; published November 12, 1981 (46 FR 55707).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The action will not have a significant economic impact on a substantial number of small entities. It lessens the regulatory impact of the order on certain milk handlers and tends to ensure that

dairy farmers who supply milk for the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Inland Empire marketing area.

It is hereby found and determined that beginning for the month of December 1981 and continuing until final disposition is made of the hearing proceeding on the proposal to merge the Puget Sound and Inland Empire orders the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1133.7, paragraph (a)(2).

Statement of Consideration

This action suspends the minimum total route disposition requirement that a distributing plant must meet to qualify as a pool plant under the order. The order now requires that a distributing plant must dispose of at least 40 percent of its milk receipts as fluid milk products on routes during February through August and 50 percent of such receipts during other months before the plant is qualified for pool plant status.

The suspension was requested by Northwest Dairymen's Association (NDA), a cooperative association, at the above mentioned hearing. The cooperative represents a majority of the dairy farmers supplying the market, and its marketing agent, Consolidated Dairy Products Co. (Consolidated), operates two pool distributing plants and a nonpool manufacturing plant in the market. Also, NDA was the proponent of the proposal to merge the Puget Sound and Inland Empire orders.

At the hearing, proponent testified that the need for the suspension stems from changes in plant operations and milk movements contemplated by Consolidated as a result of the September 1, 1981, merger of Mayflower Farms (Mayflower) with NDA. Proponent's spokesman testified that among the changes under consideration is the combining of the nonpool manufacturing plant operated by Consolidated with the former Mayflower pool distributing plant at Spokane into one integrated plant. Both of these plants are located on the same premises but presently are operated separately. The witness stated that this change would result in significant operating efficiencies. He indicated, however, that if these plants are combined, the total Class I route disposition of the combined plant would be less than the order's present requirement for a pool distributing plant. He claimed that failure of the combined plant to meet the pooling requirements would result in the milk of many of NDA's member producers who are regular suppliers on the market not being priced and pooled under the order. The witness indicated that the suspension should be effectuated soon so that Consolidated could proceed with the desired revamping of its Spokane facilities. No one testified in opposition to the suspension request at the hearing.

Subsequent to the hearing, NDA renewed its suspension request and asked that it be considered prior to the time that a complete review could be made of the post-hearing briefs on this limited issue considered at the hearing. The basis of this later request was that the plans to combine the two plants at Spokane were finalized and the suspension was needed immediately to make the change feasible. Whether the plants should be combined had not yet been decided at the time of the hearing.

In response to NDA's later request, the Department issued a notice of proposed suspension which provided interested parties the opportunity to comment on the proposed action. Comments in support of the suspension request were filed separately by NDA and Consolidated. Further, they indicated in their comments that the suspension will provide Consolidated with greater flexibility in determining whether to continue operating its Moses Lake plant as a pool distributing plant. There were no comments filed in opposition to the proposed suspension.

One of proponent's proposals considered at the merger hearing would remove the total route disposition requirement for pooling a distributing plant that the cooperative now seeks to have suspended. No one opposed this proposal at the hearing. However, whether or not the proposal would be adopted in a merged order that may be issued as a result of the hearing proceeding, is a matter to be determined after the hearing record and post-hearing briefs are completely evaluated. In the interim, suspension of the total route disposition requirement for pooling a distributing plant is warranted on the basis of the hearing evidence as it will tend to assure orderly marketing pending the outcome of the hearing proceeding.

Without the suspension, Consolidated might be able to meet the total route disposition pooling standard for the combined plant operation either by moving considerable quantities of fluid milk products between its two distributing plants associated with the market or discontinue receiving milk from some of its producers. This would tend to disrupt the normal and efficient marketing practices of the handler and would jeopardize the pool status of some of the producers involved. The suspension action, however, will enable Consolidated to make certain changes in its plant operations that will result in significant operating efficiencies. Also, it will permit the producers regularly supplying the Spokane plant to continue to share uniformly with other producers supplying the market in the proceeds from Class I sales in the market.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action a number of dairy farmers who have been regularly supplying the fluid market could lose their producer status under the order and thus no longer share in the Class I sales of the market.

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) The marketing problems that provide the basis for the suspension were fully reviewed at a public hearing and all interested parties had the opportunity of being heard on this matter.

Therefore, good cause exists for making this order effective December 10, 1981. It is therefore ordered, that the aforesaid provisions of the order are hereby suspended beginning for the month of December 1981 and continuing until final disposition is made of the hearing proceeding on the proposal to merge the Puget Sound and Inland Empire orders.

(Secs. 1–19, Stat. 31, as amended (7 U.S.C. 601–674))

Effective Date: December 10, 1981.

Signed at Washington, D.C., on December 7, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

(FR Doc. 81-35410 Filed 12-9-81; 8:45 am)

BILLING CODE 3410-02-M

Packers and Stockyards Administration

9 CFR Parts 201, 202, 203, and 204

Regulations, Rules of Practice, Policy Statements and Organization and Functions

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This document amends Chapter II of 9 CFR to change the agency to the Packers and Stockyards Administration from Agricultural Marketing Service. The changes are made because the Packers and Stockyards Administration was re-established as a separate agency by Secretary's Memorandum 1000–1 issued June 17, 1981, and the revision of delegation of authority (46 FR 47747).

DATES: Effective December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Calvin W. Watkins, Assistant to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone (202) 447–7201.

SUPPLEMENTARY INFORMATION: On June 17, 1981, the Secretary, by Memorandum 1000–1, re-established the Packers and Stockyards Administration as a separate unit within the Department. Parts 201, 202, 203 and 204 of Chapter II, Title 9 of the Code of Federal Regulations, contain the Agricultural Marketing Service as the agency responsible for administering the provisions of the Packers and Stockyards Act, 1921, as amended. Part 204, Organization and Functions, is amended to show the current organization and functions of the Packers and Stockyards Administration. Also, it is amended to set forth the Freedom of Information Act procedures of the agency.

On October 14, 1981 (46 FR 50510), the definitions of terms in 9 CFR Part 201.2 were revised to reflect the reorganizational changes. The definitions in 9 CFR Part 201.2 also apply to 9 CFR Part 202, 9 CFR Part 203 and 9 CFR Part 204.

The chapter title of Title 9, Animals and Animal Products, Chapter II, is changed to read Packers and Stockyards Administration, Department of Agriculture, rather than Agricultural Marketing Service (Packers and Stockyards), Department of Agriculture.

Footnote 1 to 9 CFR Parts 201, 202 and 203 is removed. In addition, Parts 202 and 203 are amended to change the name of the agency to Packers and Stockyards Administration and the Agency head to the Administrator of the Packers and Stockyards Administration.

This rule relates to agency organization, management and personnel, and consequently the requirements of 5 U.S.C. 553 do not apply. Further, since the rule relates to agency organization, management, and personnel, it is exempt from the provisions of Executive Order 12291 by Section 1(a)(3) of that Order. Lastly, this action is not a rule as defined in Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Accordingly, Chapter II of Title 9 of the Code of Federal Regulations is amended as set forth below:

1. The title of Chapter II is revised to read:

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

2. Footnote 1 to the Part 201 heading is removed.

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

1. Footnote 1 to the Part 202 heading is removed.

2. Section 202.102 is amended by revising paragraphs (e) and (f) to read as follows:

§ 202.102 Rule 2: Definitions.

* * * * *

(e) "Agency" means those divisions and offices of the Packers and Stockyards Administration of the Department which are charged with administration of the Act;

(f) "Agency Head" means the Administrator, Packers and Stockyards Administration, of the Department, or any officer or employee of the Agency to whom authority is lawfully delegated to act for the Administrator;

* * * * *

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

1. Footnote 1 to this Part 203 heading is removed.

§ 203.17 [Amended]

2. Section 203.17 is amended by removing the words "Packers and Stockyards—AMS" wherever they appear and inserting in their place the words "The Packers and Stockyards Administration."

(7 U.S.C. 228(a))

1. Part 204 is revised to read as follows:

PART 204—ORGANIZATION AND FUNCTIONS

Public Information

Sec.

204.1 Introduction.
204.2 Organization.
204.3 Delegations of authority.
204.4 Public inspection and copying.
204.5 Indexes.
204.6 Requests for records.
204.7 Appeals.

Authority: 5 U.S.C. 552

Public Information

§ 204.1 Introduction.

The Packers and Stockyards Administration hereby describes its central and field organization, indicates the established places at which and methods whereby the public may secure information, directs attention to the general course and method by which its functions are channeled and determines and set forth the procedures governing the availability of opinions, orders, and other records in the files of said Administration.

§ 204.2 Organization.

(a) The Packers and Stockyards Administration consists of a headquarters office located in the South Building of the U.S. Department of Agriculture in Washington, D.C., and 13 regional offices. The Washington headquarters office is organized to include the Office of the Administrator and two Divisions, the Packer and Poultry Division and the Livestock Marketing Division.

(b) *Office of the Administrator.* This office has overall responsibility for administering the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 *et seq.*), for enforcement of the Truth-in-Lending Act (15 U.S.C. 1601–1665) with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended, and for executing assigned civil defense and defense mobilization activities. These responsibilities include formulation of long range and current programs relating to assigned functions; technical and administrative direction and coordination in the execution of approved policies and programs carried out by the Packers and Stockyards Administration; review and evaluation of program operations and determination of remedial measures for improvement; maintenance of relations and communications with producer and industry groups.

(1) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to the Packers and Stockyards Administration except such activities as are reserved to the Judicial Officer (32 FR 7468). He reports to the Assistant Secretary for Marketing and Inspection Services.

(2) *Deputy Administrator.* The Deputy Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to the Packers and Stockyards Administration.

(3) *Assistant to the Administrator.* The Assistant to the Administrator participates with the Administrator and Deputy Administrator in the development, administration, and analysis of policies and program and directs the internal administrative management, information, and related activities of the Packers and Stockyards Administration and maintains liaison for management support services.

(4) *Director, Industry Analysis Staff.* The Director of the Industry Analysis Staff serves as the source of economic advice for the Administrator on broad policy questions and on the economic implications of various Administration programs and policies on livestock and poultry producers, on the several segments of the livestock, meat, and poultry marketing, processing, and wholesaling industries, and on consumers.

(c) *Packer and Poultry Division.* This Division carries out the enforcement of the provisions of the Packers and Stockyards Act relating to packers and live poultry dealers and handlers and licensees. These responsibilities and functions include determination of applicability of the provisions of the Act to individual packer and poultry operations, surveillance of these operations, investigation of complaints, initiation of formal proceedings, when warranted, to correct illegal practices, and maintenance of working relationships with the meat packer and poultry industries.

(d) *Livestock Marketing Division.* This Division enforces those provisions of the Packers and Stockyards Act relating to stockyard owners, market agencies, and dealers. Included within these responsibilities and functions are determination of the applicability of the provisions of the Act to individual stockyard operations; posting of stockyards; registration and bonding of market agencies and dealers; bonding of packers; testing of scales and checkweighing; acceptance for filing of schedules of rates and charges; surveillance and investigation of the lawfulness of rates and charges of stockyard owners and market agencies and the adequacy of stockyard services furnished by stockyard owners and market agencies; and surveillance and investigation of trade practices within the purview of the Act, other than packer and poultry marketing practices. The Division also initiates formal proceedings, when warranted, to correct illegal practices, rates, or charges and maintains working relationships with producer and industry groups.

(e) *Field Service.* (1) The Field Service of the Packers and Stockyards Administration is divided into 13 regional offices. These offices are responsible for supervision of the operations of stockyard companies, market agencies, dealers, packers, and poultry dealers and licenses to assure compliance with the Act. They formulate recommendations relating to enforcement of the Act; conduct investigations to determine the existence of and develop evidence of, unfair trade practices; evaluate the adequacy of stockyard facilities and services; receive and investigate complaints including reparation complaints; prepare investigative reports and recommend corrective action, audit books, records, and reports of persons subject to the Act; review applications for registration, licenses, and rate changes for accuracy and compliance; assist in prosecution of cases; and maintain relationships with producers, the trade, States, and other groups interested in the welfare of the livestock and poultry industries concerning enforcement of the Act.

(2) The addresses of these offices, which are under regional supervisors, are as follows:

Atlanta—Room 338, 1720 Peachtree Street, NE., Atlanta, GA 30309
Bedford—Turnpike Road, Box 101E, Bedford, VA 24523
Denver—208 Livestock Exchange Building, Denver, CO 80216
Fort Worth—Room 8A36, Federal Building, 819 Taylor Street, Fort Worth, TX 76102
Indianapolis—Suite 24, 537 Turtle Creek, South Drive, Indianapolis, IN 46227
Kansas City—828 Livestock Exchange Building, Kansas City, MO 64102
Lawndale—15000 Aviation Boulevard, Room 2W6, P.O. Box 6102, Lawndale, CA 90261
Memphis—Room 459, Federal Building, 167 North Main Street, Memphis, TN 38103
North Brunswick—825 Georges Road, Room 303, North Brunswick, NJ 08902
Omaha—909 Livestock Exchange Building, Omaha, NE 68107
Portland—9370 S.W. Greenburg Road, Suite E, Portland, OR 97223
South St. Paul—208 Post Office Building, Box 8, South St. Paul, MN 55075
Springfield—875 Durkin Drive, Suite G, Springfield, IL 62704

§ 204.3 Delegation of authority.

(a) *Deputy Administrator.* Under the direction of the Administrator, the Deputy Administrator is hereby delegated authority to perform all the duties and to exercise all the functions and powers which are now or which may hereafter be, vested in the Administrator (including the power of redelegation).

(b) *Division Directors.* The Directors of the Industry Analysis Staff, Livestock Marketing Division, and the Packer and Poultry Division, under administrative and technical direction of the Administrator and the Deputy Administrator, are hereby individually delegated authority, in connection with the respective functions assigned to each of said organizational units in § 204.2, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation) except such authority as is reserved to the Administrator and Deputy Administrator under paragraph (i) of this section.

(c) *Branch Chiefs.* (1) The Chief of the Financial Protection Branch; the Chief of the Marketing Practices Branch; the Chief of the Scales and Weighing Branch of the Livestock Marketing Division; the Chief of the Livestock Procurement Branch, the Chief of the Meat Merchandising Branch, and the Chief of the Poultry Branch of the Packer and Poultry Division are hereby individually delegated authority under the provisions of section 402 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 222), to issue special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and, with respect thereto, to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50).

(2) The Chief of the Financial Protection Branch of the Livestock Marketing Division is hereby delegated authority to perform all acts, functions, and duties with respect to suspending the operation of schedules of rates and charges of stockyard owners and market agencies and extending the time of such suspensions as prescribed in section 306(e) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 207(e)); all acts, functions and duties as prescribed in § 1.133 of Part 1 of Title 7 (7 CFR 1.133) with respect to the investigation and disposition of information furnished concerning apparent violations involving rates or charges or the application of regulations

of stockyard owners and market agencies, or the alleged failure of such persons to furnish reasonable stockyard services as required by section 304 of the same Act (7 U.S.C. 205); all acts, functions, and duties with respect to the posting and deposting of stockyards pursuant to the provisions of section 302(b) of the same Act (7 U.S.C. 202(b)); perform all acts, functions, and duties of the Administrator with respect to the execution of bonds and trust fund agreements under §§ 201.27 through 201.38 of this chapter, including the power to determine that a bond is inadequate under § 201.30(f) of this chapter, and to determine the amount of bond needed under such paragraph; and perform all acts, functions, and duties with respect to the investigation and disposition of informal complaints for reparation as prescribed in § 202.104 of this chapter and to arrange for the service of documents and perform all other acts, functions, and duties of the Administrator and Administration as prescribed in §§ 202.104 through 202.108 of this chapter.

(3) The Chief of the Poultry Branch of the Packer and Poultry Division is hereby delegated authority to perform all acts, functions, and duties of the Director of said Division with respect to issuing of licenses pursuant to the provisions of section 502(b) of the Packers and Stockyards Act, as amended (7 U.S.C. 218a(b)).

(e) *Regional Supervisors.* (1) The Regional Supervisors of the Packers and Stockyards Administration are hereby individually delegated authority under the provisions of section 402 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 222), to issue special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act. (15 U.S.C. 46(b)), and, with respect thereto, to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50); to notify persons deemed to be subject to the bonding requirements in 7 U.S.C. 204 of their obligations to file bonds or trust fund agreements in conformity with §§ 201.27 through 201.38 of this chapter; to notify persons deemed to be subject to the reporting requirements in § 201.97 of this chapter of their obligations to file annual reports; and to grant reasonable requests for extension of 30 days or less, of the time for the filing of such annual reports in conformity with § 201.97 of this chapter.

(2) The Regional Supervisors are hereby individually delegated authority, when there is reason to believe that there is a question as to the true ownership of livestock sold by any person, to disclose information relating to such questionable ownership to any interested person.

(f) *Investigative employees.* All employees of the Packers and Stockyards Administration assigned to or responsible for investigations in the enforcement of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*) or the enforcement of the Truth-in-Lending Act (15 U.S.C. 1601–1665) with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended or any other Act with respect to any civil defense or defense mobilization activities assigned to the Administration, are hereby individually delegated authority under the Act of January 31, 1925, 43 Stat. 803, 7 U.S.C. 2217, to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the aforementioned Acts. This authority may not be redelegated and will automatically expire upon the termination of the employment of such employee with the Packers and Stockyards Administration.

(g) *Concurrent authority and responsibility to the Administrator.* No delegation prescribed herein shall preclude the Administrator or Deputy Administrator from exercising any of the powers or functions or from performing any of the duties conferred upon them, and any such delegation is subject at all times to withdrawal or amendment by the Administrator or Deputy Administrator or the Division Director responsible for the function involved. The officials to whom authority is delegated herein shall (1) maintain close working relationships with the Division Directors and Administrator or Deputy Administrator as the case may be, (2) keep them advised with respect to major problems and developments, and (3) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of the Packers and Stockyards Administration, or other Governmental or private organizations or groups.

(h) All prior delegations and redelegations of authority relating to any function or activity covered by these delegations of authority shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignment of functions.

(i) *Reservations of authority.* There is hereby reserved to the Administrator and Deputy Administrator the authority with respect to proposed rulemaking and final action for the issuance of regulations (§ 201.1 of this chapter *et seq.*), rules of practice governing proceedings (§ 202.1 of this chapter *et seq.*), and statements of general policy (§ 203.1 of this chapter *et seq.*), and the issuance of moving papers as prescribed in the rules of practice governing formal adjudicatory administrative proceedings instituted by the Secretary (7 CFR Part 1, subpart H, 1.133); and the authority to make final determinations in accordance with the provisions of 7 CFR Part 1, Subpart A, as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered exempt from disclosure under § 204.7 of this part.

§ 204.4 Public inspection and copying.

(a) Facilities for public inspection and copying of the indexes and materials required to be made available under 7 CFR 1.2(a) will be provided by Packers and Stockyards Administration during normal hours of operation. Request for this information should be made to the Freedom of Information Act Officer at the following address: Freedom of Information Act Officer, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250.

(b) Copies of such materials may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Director, Office of Operations and Finance, USDA.

§ 204.5 Indexes.

Pursuant to the regulations in 7 CFR 1.4(b), the Packers and Stockyards Administration will maintain and make available for public inspection and copying current indexes of all material required to be made available in 7 CFR 1.2(a). Notice is hereby given that publication of these indexes is unnecessary and impractical, since the material is voluminous and does not change often enough to justify the expense of publication.

§ 204.6 Request for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a). Authority

to make determinations regarding initial requests in accordance with 7 CFR 1.4(c) is delegated to the Freedom of Information Act Officer of the Packers and Stockyards Administration. Requests should be submitted to the FOIA Officer at the following address: Freedom of Information Act Officer (FOIA Request), Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250.

(b) The request shall identify each record with reasonable specificity as prescribed in 7 CFR 1.3.

(c) The FOIA Officer is authorized to receive requests and to exercise the authority to (1) make determination to grant requests or deny initial requests, (2) extend the administrative deadline, (3) make discretionary release of exempt records, and (4) make determinations regarding charges pursuant to the fee schedule.

§ 204.7 Appeals.

Any person whose request under § 204.6 of this Part is denied shall have the right to appeal such denial in accordance with 7 CFR 1.3(e). Appeals shall be addressed to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(5 U.S.C. 552).

Done at Washington, D.C., *December 4, 1981.*

James L. Smith,

Acting Administrator, Packers and Stockyards Adminstration.

[FR Doc. 81-35412 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-64; Amdt. 39-4274]

Airworthiness Directives; Mitsubishi Aircraft International, Inc.; (MAI) Model MU-2B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and/or replacement of engine wiring harnesses on MAI MU-2B series airplanes. There have been several reports of kinked and frayed wiring in the engine wiring harness. These defects could result in fires or other malfunctions resulting from shorted wiring.

DATES: Effective December 10, 1981. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Mitsubishi Aircraft International, Inc., Post Office Box 3848, San Angelo, Texas 76901. A copy of the Service Bulletin may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Al Backstrom, Propulsion Branch, Aircraft Certification Division, ASW-140, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: There have been reports of kinked and frayed wiring in the engine wiring harness of 16 MU-2B series airplanes. These failures can lead to failure or improper operation of the electrical system and the possibility of engine compartment fires. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and/or replacement of engine wiring harness to prevent fires or other malfunctions resulting from shorted wiring on MAI MU-2B airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Mitsubishi Aircraft International, Inc. (MAI): Applies to MAI Model MU-2B-25/-26/-26A/-40, serial numbers 313SA, 321SA, 348SA through 453SA, Model MU-2B-35/-36A/-60, serial numbers 652SA, 661SA, 697SA through 799SA, 1501SA through 1536SA, and 1540SA.

Compliance is required as indicated unless previously accomplished.

Within the next 25 hours' time in service from the effective date of this AD:

1. Visually inspect the engine's electrical wiring to determine if nonshielded and noncolor coded wiring is white or brown (tan). Inspection may be made at connectors P4001 and P4020. Remove spiral wrap as required for inspection.

2. If wires are brown (tan) inspect in accordance with paragraph 4.

3. If wires are white, open the harness as necessary and inspect wires for identification:

a. If white wires are marked MS 25471-XX (XX indicates wire gauge), inspect in accordance with paragraph 4.

b. If white wires are marked M 22759/5-XX no further inspection is necessary and the airplane may be returned to service.

4. Each 25 hours' time in service remove wiring harness which incorporates wires affected by paragraph 2 or 3a from the engines and visually inspect all brown (tan) or white insulated MS 25471-XX wires for tight loop, kinks, or bulged deformation. If these conditions are found, replace the wiring harness using one of the procedures in paragraph 5 before further flight. Inspections may be discontinued when wires are replaced using one of the procedures in paragraph 5.

5. Before 300 hours' time in service, after the effective date of this AD, replace all brown (tan) or white insulated MS 25471-XX wires using one of the procedures specified in Part 3 of MAI S/B SB036/71-003 Revision A or alternate means approved by the Chief, Aircraft Certification Division, Southwest Region, Federal Aviation Administration.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the airplane to a location where this AD can be accomplished.

This amendment becomes effective December 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) nor will it have significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves relatively low cost per aircraft. A final regulatory evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on November 25, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-35465 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-EA-26; Amdt. 39-4276]

Airworthiness Directives; Piper

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes A.D. 80-22-15 applicable to various Piper type airplanes and issues a new airworthiness directive (A.D.) covering the inspection for cracks and replacement, where necessary, of the lift strut forks. It also requires inscription of "No Step" on the strut. This new A.D. is prompted by the fact that with the termination of the mandatory times in A.D. 80-22-15, a simpler version of the correction can be published since it permits deletion of unnecessary paragraphs.

EFFECTIVE DATE: December 14, 1981. Compliance is required as set forth in the A.D.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

C. Kallis, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There has been an alleged problem in the field in understanding A.D. 80-22-15. This was contributed to by the need to incorporate a number of mandatory times which, while necessary, tend to confuse the needed action. This present A.D. is simpler and easier to understand. Thus, in view of the fact that this new rule is clarifying in nature and does not add an additional burden on any person, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by revoking A.D. 80-22-15 and by issuing a new airworthiness directive as follows:

Piper: Applies to the following Piper series aircraft certificated in all categories:

PA-22, PA-20, PA-19, PA-18, PA-17, PA-16, PA-15, PA-14, PA-12, PA-11, J5, J4, J3, J2, L-21, L-18, L-14, L-4, AE-1 and HE-1.

(a) For Models PA-12, PA-14, PA-16 PA-18, PA-19, PA-20, PA-22, J5, J4, L-14, L-18, L-21, AE-1 and HE-1.

1. Unless already accomplished in the last 450 hours in service, within the next fifty hours in service and thereafter at intervals not to exceed 500 hours in service, remove lift strut forks, and inspect for cracks by "magnetic" means or approved equivalent.

2. Replace lift strut forks prior to the accumulation of 1000 hours in service if used at any time on float equipped aircraft, and prior to the accumulation of 2000 hours in service if used on landplanes. Replacement parts must be parts with the same number manufactured with rolled threads, or approved equivalent.

3. Lift strut forks manufactured with machined (cut) threads are unacceptable for use.

(b) For Models J2, J3, L4, PA-11, PA-15, and PA-17 airplanes, inspect wing lift strut forks in accordance with (a)(1).

(c) For models in paragraphs (a) and (b), unless already accomplished, within the next 50 hours in service, inscribe the statement NO STEP in 1" minimum high letters, in a color which contrasts with the airplane color, or each wing lift strut approximately 6" from the bottom of the struts, and in such direction so that the NO STEP caution can be read when entering and leaving the airplane.

(d) Replace cracked parts before further flight with lift strut forks of the same part number, or approved equivalent, both of which meet the requirements of this AD. For the models in paragraph (a) these forks must have rolled threads; for the models in paragraph (b) these forks may have either machined (cut) or rolled threads.

(e) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance times specified in this AD.

(f) Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(g) Airplanes may be ferried to a base in accordance with FAR 21.197 where the AD can be accomplished.

Note (1): The following parts are acceptable for use on the airplanes as indicated. The dashed numbers are Piper's new numbers (since September 1981) with the Piper "logo" metal stamped at the fork-end of the parts.

Old part Nos.	New part Nos.	Model
P/N 13770	P/N 13770-2	J3, L-4, PA-11
P/N 11431	P/N 11431-2	J4.
P/N 11281	P/N 11281-4	PA-15, PA-17, J2
P/N 14481	P/N 14481-2	PA-12, PA-14, PA-16, PA-18, PA-19, PA-20, PA-22, J5, L-14, L-18, L-21, AE-1, HE-1.

Note (2): To distinguish between machined and rolled threads, a 10-power magnifying glass should be used to examine the threads. A rolled thread is processed by a thread die configuration which upsets the material when forming the thread. This results in an even threaded surface with generous radii in the root of the thread. A machined thread will show machining marks and "tear" areas on the thread surface along with sharp V shaped roots, all caused by the cutting tool. Both conditions are easily discernible under a magnifying glass and not readily recognized with the naked eye.

Effective Date: This amendment is effective December 14, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the court of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on November 27, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-35288 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NE-19; Amdt. 39-4277]

Airworthiness Directives; Rolls-Royce Ltd., DART 542-10, 542-10J, and 542-10K Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Rolls-Royce DART 542-4, 542-4K, 542-10, 542-10J, and 542-10K engines installed on Convair Model 340/440 (commonly known as Convair 600/640) and NAMC Model YS-11 airplanes by deleting certain model Rolls-Royce DART engines in the Convair model airplanes; by increasing the initial inspection interval for other Rolls-Royce DART engine models as installed on NAMC Model YS-11 airplanes; and by providing for terminating action.

DATES: Effective—December 10, 1981. Comments on the rule must be received on or before January 11, 1982. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable Service Bulletins may be obtained from: Rolls-Royce, Ltd., Technical Publications Department, East Kilbride G74 4PY, Scotland.

A copy of each service bulletin [1] is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine Standards Section, ANE-215, Engineering and Manufacturing Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7347.

SUPPLEMENTARY INFORMATION: Amendment 39-1652, AD73-12-03, currently requires inspection of the engine mounting feet for cracks and inspection of the mounting feet studs for fracture, looseness, and loose nuts, and repairs as necessary on Rolls-Royce, Ltd., DART 542-4, 542-4K, 542-10, 542-10J, and 542-10K engines installed on NAMC YS-11 and General Dynamics/Convair Model 340/440 airplanes. After issuing Amendment 39-1652, the FAA has determined that the inspections are no longer required for certain engine models listed in that amendment; that the initial inspection interval can be increased for certain other engine models; and that inspections can be terminated when certain Rolls-Royce modifications are incorporated. Therefore, the AD is being amended to delete certain engine models from the applicability statement; to increase the inspection interval for remaining models until the manufacturer's recommended design modifications are installed; and also to make reference to the current issue of the Rolls-Royce Service Bulletin.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule which is relaxatory and, thus, was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-1652, AD73-12-03, as follows:

1. Amend the applicability statement by striking "542-4, 542-4K" and by deleting all references to Convair airplanes so as to read: "Applies to Rolls-Royce DART engine models 542-10, 542-10J, and 542-10K which do not have Rolls-Royce, Ltd., Modification No. 1681 and Modification No. 1768 incorporated, as installed on, but not limited to, NAMC YS-11 airplanes."

2. Revise compliance paragraph (a) to read:

(a) Within the next 400 hours time in service after the effective date of this AD or within 400 hours time in service since the last inspection, whichever occurs sooner, and thereafter at intervals not to exceed 400 hours time in service since the last inspection, inspect engine top mounting feet which do not incorporate Modification 1681 and side mounting feet which do not incorporate Modification 1768 for cracks and the mounting feet studs for fracture, looseness, and loose nuts, in accordance with Rolls-Royce Service Bulletin Da72-384, Revision 2, dated September 1979.

3. Strike from paragraph (b) the words "dated August 24, 1971," and insert "Revision 2, dated September 1979."

4. After paragraph (b), add a note to read:

Note.—Rolls-Royce DART Service Bulletins Da72-411 and Da72-444 concern Modification No. 1681 and Modification No. 1768, respectively.

The manufacturer's Service Bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 533(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Technical Publications Department, Rolls-Royce, Ltd., East Kilbride G74 4PY, Scotland. The documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the New England Region Office.

Amendment 39-1652 became effective July 1, 1973.

This amendment 39-4277 becomes effective December 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under the provisions of Department of Transportation Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Note.—The incorporation by reference provision of this document was approved by the Director of the Federal Register on December 31, 1980.

[1] Service Bulletins filed as a part of original document.

Issued in Burlington, Massachusetts, on November 30, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-35285 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 19497; Amdt. No. 93-45]

Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Special Airport Traffic Areas and Air Traffic Rules in U.S. airspace near Sault Ste. Marie, Ontario, and Abbotsford, British Columbia, Canada. The rule requires pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive authorization from Canadian Air Traffic Control before operating in the designated special airport traffic area. The requirements enhance the level of safety within the designated U.S. airspace by establishing consistency with rules applied in Canadian Positive Control Zones. The rule reduces the midair collision potential caused by uncontrolled and unknown aircraft operating in the airspace in which air traffic control is currently provided by Canada to aircraft operating under instrument flight rules (IFR).

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

By a letter dated January 9, 1978, the Superintendent of International Coordination, Transport Canada, requested the FAA to issue a special air traffic rule under Part 93 of the Federal Aviation Regulations. The letter requested a rule which would establish special airport traffic areas and air traffic rules that would apply to operations in U.S. airspace within control zones designated for certain Canadian airports. The requested rule required pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive a Canadian ATC clearance before operating in the specified areas. The Canadians requested that the special airport traffic areas be associated with airports located at Sault Ste. Marie, ON, and Abbotsford, BC, Canada.

Through letters of agreement, jurisdiction of certain U.S. airspace juxtaposed to Canadian positive control zones is delegated by the United States to the Canadian air traffic facilities for the control of IFR traffic. However, unlike the requirements for operation in U.S. airport traffic areas under FAR §§ 91.85 and 91.87, Canadian rules for positive control zones in Canadian airspace require aircraft to have authorization to enter or operate in the control zone and to maintain two-way radio communications with the control tower. Further, the Canadian requirement does not govern aircraft operating in U.S. airspace. Similarly, a U.S. airport traffic area does not exist, under the general rules, for Canadian airports and the requirements of §§ 91.85 and 91.87 do not apply to operations in the vicinity of those airports with operating control towers in Canada. Consequently, pilots operating to, from, and near those airports do not have protection of either rule while in the United States airspace.

Discussion of Comments

On April 30, 1981, the FAA published a Notice of Proposed Rulemaking (NPRM) which detailed the rule-changes requested by the Canadians (46 FR 24199). Only two comments were received in response to the NPRM.

The Air Line Pilots Association concurred with the proposal, but expressed doubt that the proposed regulation would tend to reduce the midair collision potential. The FAA believes that the mandatory communication requirement will facilitate the issuance of information by ATC concerning conflicting aircraft traffic, and, thus, will indeed reduce the midair collision potential.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposal because of the *special* designation of the airport traffic areas. AOPA requested instead that a U.S. type airport traffic area be established in U.S. airspace. The FAA disagrees with this comment because the airspace is designated for Canadian airports, not U.S. airports, and the preponderance of traffic that would be affected by the rule would be operating into and out of those Canadian airports. The AOPA proposal, involving dissimilar types of airspace and procedures affecting common operations, would be disconcerting to pilots and ATC alike.

In commenting further, AOPA pointed out that VFR traffic pattern operations at Lynden, Washington, and Sault Ste. Marie, Michigan, airports, both of which are just outside the proposed airspace designations, should be excluded from the proposed rule. The FAA agrees. In the case of Lynden, Washington, the southernmost line has been moved northward by 30 seconds, limiting the special ATA to that airspace which is north of State Highway 546 and the airport management's recommended traffic pattern. In the case of Sault Ste. Marie, the traffic patterns are all northeast of the airport and do not conflict with the proposed airspace designation.

In its comment, AOPA identified four errors in the proposed rule as it appeared in the **Federal Register.** Those errors have been corrected as follows:

1. The ceiling for Abbotsford special ATA has been changed from 3000 feet to the intended 4000 feet.

2. The ceiling for Sault Ste. Marie special ATA has been changed from 4000 feet to the intended 3000 feet.

3. The "180°T bearing" specified in proposed § 93.183(b)(2) has been changed to the intended "108°T bearing."

4. The words "all statute miles southeast" in proposed § 93.183(b)(3) have been changed to the intended "11 statute miles southeast."

Discussion of the Rule

In order for the Canadian airport control towers to effectively control the air traffic within the control zones, it is necessary that the controller in the terminal area be aware of all aircraft movements within the control tower's area of jurisdiction. With this awareness, controllers will be better able to separate aircraft and provide pilots with air traffic services, thereby enhancing the safe and efficient use of the navigable airspace. This rule accomplishes those objectives by requiring pilots to comply with requirements that would apply if that airspace were Canadian and controlled by the appropriate Canadian air traffic control tower.

This rule applies the special air traffic rules to the U.S. portion of the Abbotsford control zone at or below 4000 feet MSL. A requirement for radio contact is placed on pilots desiring to operate aircraft within or through the Abbotsford and Sault Ste. Marie positive control zones and the corresponding U.S. special airport traffic areas prior to entering the designated U.S. areas. All aircraft operating in the special airport traffic areas must have a

clearance from Canadian Air Traffic Control. The rule enables ATC to effectively control the air traffic within the tower's area of jurisdiction, including that in the United States.

Adoption of the Amendment

Accordingly, Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is amended, effective January 21, 1982, by adding a new Subpart Q to read as follows:

PART 93—SPECIAL AIR TRAFFIC AREAS AND AIRPORT TRAFFIC PATTERNS

* * * * *

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

Sec.
93.181 Applicability; scope.
93.183 Special airport traffic areas.
93.185 Communications.

Authority: Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

§ 93.181 Applicability; scope.

This subpart describes special airport traffic areas and air traffic rules for persons operating in the airspace designated under this subpart for Abbotsford, British Columbia, and Sault Ste. Marie, Ontario, Canada.

§ 93.183 Special airport traffic areas.

Special airport traffic areas under this subpart are designated as follows:

(a) *For Abbotsford, BC,*—that airspace in the United States at or below 4,000 feet MSL within the area bounded by a line beginning 48°58′00″ N; 122°21′43″ W, thence counterclockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01′32″ N; 122°21′43″ W, thence to 49°02′00″ N; 122°28′40″ W, to 49°02′00″ N; 122°33′45″ W, to 48°58′00″ N; 122°33′45″ W; and thence to the point of beginning.

(b) For Sault Ste. Marie, ON—that airspace in the United States at or below 3,000 feet MSL within the following areas:

(1) Within a 5-statute-mile radius of the Sault Ste. Marie, Ontario Airport (lat. 46°29′ N; long. 84°31′ W, estimated);

(2) Within 1.75 statute miles north of the 108°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 5.5 statute miles southeast;

(3) Within 1.75 statute miles each side of the 118°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 11 statute miles southeast; and

(4) Within 1.75 statute miles each side of the 293°T bearing from the geographical center to the airport extending from the 5-statute-mile radius zone to 5.5 statute miles northeast.

§ 93.185 Communications.

For operations within the special airport traffic areas under this subpart the following apply:

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft within a special airport traffic area designated under this subpart shall comply with the applicable provisions of this section.

(b) *ATC clearance.* No person may operate an aircraft within a special airport traffic area designated under this subpart without prior authorization from the appropriate Canadian airport traffic control tower.

(c) *Two-way radio communication.* No person may operate an aircraft within a special airport traffic area designated under this subpart unless two-way radio communications are maintained between that aircraft and the appropriate control tower. However, if the radio fails in flight on an aircraft operating under VFR, within the designated area (with weather conditions at or above VFR weather minimums), and the operator maintains visual contact with the tower, the operator may continue to operate that aircraft and land as soon as possible. If the radio fails in flight on an aircraft operating either under IFR within the designated area, or under VFR within the designated area and visual contact with the tower cannot be maintained, the operator shall comply with the requirements of § 91.127 of this chapter.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.)

Note.—The FAA has determined that this document involves a regulation which is—(1) not major under Executive Order 12291; and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. Further, it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities because of its low altitude, localized applicability in two small areas on the Canadian border and the nominal, routine nature of the air traffic rules involved.

Issued in Washington, DC, on November 10, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-35289 Filed 12-9-81; 8:45 am]
BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241 and 271

[Release Nos. 33-6364, 34-18302, IC-12070]

Interpretation of Rules Relating to Disclosure of Management Remuneration

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretations.

SUMMARY: The Commission has authorized the issuance of this release setting forth the views of its Division of Corporation Finance (the "Division") regarding the management remuneration disclosure requirements of Item 4 of Regulation S-K. This release sets forth responses to the remuneration questions most frequently received by the Division. This release also supersedes two prior interpretive releases. The questions and responses in those releases have either been superseded or are restated in this release with revisions where appropriate. Interpretive responses to questions concerning personal benefits which were published in a third release, which is not being superseded, are summarized in a table in this release. Publication of the Division's views is intended to provide guidance to issuers and others in complying with the management remuneration disclosure requirements.

FOR FURTHER INFORMATION CONTACT: Ann M. Glickman, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, at (202) 272-2573.

SUPPLEMENTARY INFORMATION: In November 1980, the Commission adopted amendments to the management remuneration disclosure requirements of Item 4 of Regulation S-K (17 CFR 229.20),[1] which significantly altered some of the requirements for disclosing the compensation of officers and directors in registration statements,

[1] Release No. 33-6261 (45 FR 70982) (November 14, 1980).

proxy statements, and periodic reports filed pursuant to the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.] and the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.]. During the months following the adoption of the amendments, the staff of the Division received numerous requests for interpretive advice regarding the amended requirements. Further, many inquiries were received regarding the continuing validity of interpretive views previously published by the Division on the subject of management remuneration. Therefore, in order to address the issues raised for the benefit of all interested persons, the Commission has authorized the publication of this release setting forth the current views of the Division.

Release No. 33–6261, in which the most recent amendments to Item 4 were adopted,[2] Release No. 33–5904,[3] which discussed the requirements for disclosure of personal benefits or "perquisites," and this release are intended to serve as the sole sources of interpretive guidance on the subject of disclosure of management remuneration in filings with the Commission. Consequently, Release No. 33–6166,[4] which discussed a broad range of disclosure issues, may be regarded as superseded, since the 1980 amendments either codified or rendered inapplicable many of the interpretations contained in that release. Those interpretations in Release No. 33–6166 which have continuing validity have been reiterated herein.[5]

Although some of the interpretations in Release No. 33–5904, covering personal benefits provided to officers and directors, have been codified or otherwise superseded, many continue to provide useful guidance. Those interpretations which still may be relied upon are listed in the following table under appropriate captions.

Description	Interpretation No. in Release 33–5904
A. *Types of Personal Benefits.*	
Use of company property	13, 20
Automobiles, limousines	14, 16
Corporate aircraft	17, 18
Club and other memberships	22, 24
Medical examinations	25
Liability insurance; indemnification	28, 29
Payment of living expenses	30, 31, [illegible]
Security devices	33
Corporate loans	34
Use of corporate staff or consultants	36, 40
Transactions with outside parties	38, 39, 41, 42
Expense accounts	44, 45, [illegible]
First-class travel arrangements	47
B. *Alternative Means of Valuation:*	
Valuation in general	7(a), (b) & (c)
Company cars	15
Use of company assets	21
Club memberships	23
Medical examinations	26
Company loans	35(a)
Use of corporate staff	37
C. *Identification of Perquisites:*	
Identification generally	5 & 6

Release No. 33–6027 [6] provided interpretive guidance on: (1) the choice of executive officers to be named in the Item 4(a) remuneration table, and (2) disclosure relating to defined benefit pension plans. That release was codified in part and superseded in part by subsequent rule amendments. As a result, it may be disregarded in its entirety.

The remainder of this release sets forth the staff's interpretations in a question and answer format, with appropriate explanatory notes.

17 CFR Parts 231, 241 and 271 are amended by adding this release thereto.

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I. The Remuneration Table

Item 4(a) of Regulation S–K requires disclosure, in a specified tabular format, of total aggregate remuneration for the five most highly compensated executive officers and directors of reporting entities, naming such persons, and for all officers and directors as a group (the "remuneration table").

A. Format; Amounts and Persons Included in the Remuneration Table

(1) *Question:* Must a registrant list all columns specified in Item 4(a)(3) in its remuneration table regardless of their applicability?

Answer: No. The registrant is required to include only those columns for which it has information required to be reported in the remuneration table.

(2) *Question:* May a registrant include additional columns in its table? If so, must these additional columns be aggregated?

Answer: Instruction 5 to Item 4(a) specifically permits the inclusion of additional columns. It is unnecessary, however, to aggregate them. It has been the Division's experience that some registrants do not include bonus payments in Column C1 but instead place them in a separate column. The Division encourages this practice.

(3) *Question:* Are all cash amounts received as remuneration included in Column C1?

Answer: No. Column C1 includes salaries, fees, directors' fees, commissions and bonuses. All other forms of cash remuneration should be included in Column C2. Once the determination has been made that an amount should be reported in Column C rather than Column D, the fact that the distribution of such amount will be deferred is of no importance in determining whether Column C1 or C2 is the appropriate column.

(4) *Question:* Corporate directors who are not employees of the corporation or firms with which corporate officers and directors are associated may be hired by the corporation to perform specific tasks. Should the compensation for performance of such tasks be reported in the Item 4(a) remuneration table or pursuant to Item 4(f)?

Answer: Generally, such compensation is reported pursuant to Item 4(f), having been paid in connection with a transaction in which a corporate officer or director had a direct or indirect material interest. The exception to this general rule is compensation paid to a director who is an individual consultant, which should be reported in the Item 4(a) remuneration table. The reason for this exception is to increase comparability between the disclosures of corporations who hire individual consultants to perform certain functions and the disclosures of those

[2] One portion of the explanatory material contained in Release No. 33–6261 has led to confusion in the treatment of performance unit rights in tandem with stock options or stock appreciation rights. Part II. E.4. of that release (45 FR at 76989) stated that for such performance unit rights, the "accrual balance" with regard to such a right should be reported under the potential [unrealized] value for the related stock option or stock appreciation right. In accordance with Instruction 12 to Item 4(d), the potential [unrealized] value of the performance unit right, rather than the accrual balance related thereto, should be so reported.

[3] 43 FR 6060 (February 6, 1978).

[4] 44 FR 74808 (December 12, 1979).

[5] Specifically, the following interpretations of Release No. 33–6166 have been reiterated in this release: 1, 2, 15, 16, 18, 19, 25, 26, 27, 28, 29, 31, 33, 34, 36, 37, 38, 43, 45, 46, 49, 50, 51. The following have been included in modified form: 3, 6, 7, 12, 35, 39, 49. The following interpretations were either codified in or superseded by the November 14, 1980 amendments: 4, 5, 8, 9, 10, 11, 13, 14, 17, 20, 21, 22, 23, 24, 30, 32, 40, 41, 42, 44, 47, 48, 52, 53.

[6] 44 FR 16368 (February 22, 1979).

corporations that have the same functions performed by corporate employees.

(5) *Question:* A person becomes a corporate officer during the course of a corporation's fiscal year. His annualized compensation would be sufficient to cause him to be named in the remuneration table of Item 4(a); however, the actual compensation paid him would not. Should the officer be included in the remuneration table as one of the five named individuals?

Answer: No. The person need not be named in the remuneration table as one of the highest-paid individuals. The actual compensation paid to him should be included in the group disclosure for all officers and directors.

(6) *Question:* Which officers are contemplated by Item 4(a)(2), which requires that all officers and directors as a group be included in the remuneration table? How does the group of "officers" differ from the group of "executive officers," from whom the five most highly compensated may be selected?

Answer: Instruction 1(b) defines the term "executive officer" as follows:

> An "executive officer" of the registrant means its president, secretary, or treasurer, any vice president of the registrant in charge of a principal business unit, division, or function (such as sales, administration or finance), and any other individual who performs similar policy-making functions for the registrant. Executive officers of subsidiaries may be deemed executive officers of the registrant if they perform such policy-making functions for the registrant.

The group of "officers" is more inclusive than the group of "executive officers"; it comprises all executive officers as well as persons with primary responsibility for certain corporate functions who are not included within the top policy-making group. For example, a corporate vice-president in charge of public relations might be considered an officer, although he might not be included within the group of executive officers.

Generally, a corporation's officers and executive officers are identifiable by title; however, membership in either group is determined by the functions performed for the corporation. For example, in the case of a one-bank holding company, persons with official positions only in the bank subsidiary may nonetheless perform significant policy-making functions for the parent holding company and should be regarded as executive officers of the holding company. Conversely, a large bank holding company with numerous vice-presidents who do not have primary responsibility for any corporate function would not regard these vice-presidents as officers.

B. Perquisites

Instruction 2(d) to Item 4(a) requires the inclusion in the remuneration table of "[t]he value of personal benefits which are not directly related to job performance, other than those provided to broad categories of employees and which do not discriminate in scope, terms or operation in favor of officers or directors, furnished by the registrant or its subsidiaries * * *." Subpart (1) of the instruction indicates how such perquisites should be valued. Subpart (2) sets forth an exclusion from the disclosure requirements if the registrant cannot without unreasonable effort or expense determine the specific amount of certain personal benefits or the extent to which benefits are personal rather than business benefits. Subpart (3) requires expanded disclosure regarding perquisites if such personal benefits aggregate to a specific threshold.

(7) *Question:* When is the footnote disclosure called for by subpart (1) of Instruction 2(d) required?

Answer: Subpart (1) requires footnote disclosure when the aggregate actual incremental costs for such personal benefits are significantly less than the aggregate amounts the recipient would have had to pay to obtain the benefits. For the purposes of Instruction 2(d), the comparison of incremental cost to the personal value to the recipient is to be done on an aggregate basis individual by individual, and perquisite by perquisite.

(8) *Question:* If the registrant pursuant to subpart (2) of Instruction 2(d) cannot determine, without unreasonable effort or expense, the specific amount of certain personal benefits or the extent to which benefits are personal rather than business, and after reasonable inquiry the registrant has concluded that the aggregate amounts of such personal benefits do not in any event exceed $10,000, must an affirmative statement that the conditional exclusion has been utilized be included in the covering letter submitted to the Commission with the proxy statement, report or registration statement?

Answer: If the conditional exclusion has been utilized by the registrant, this fact should be noted in the covering letter which accompanies the filed document.

(9) *Question:* Is the conditional exclusion a *de minimis* perquisite exclusion?

Answer: The conditional exclusion is not a *de minimis* perquisite exclusion; rather, it is available if the registrant cannot determine without unreasonable effort or expense the specific amount of certain personal benefits or the extent to which benefits are personal rather than business benefits. Otherwise, the specific amounts of any personal benefits are to be included in Column C2.

(10) *Question:* If an issuer has utilized the $10,000 conditional exclusion for a particular individual, should the amount of personal benefits conditionally excluded be considered for the purpose of determining whether the footnote disclosure describing such benefits called for by subpart (3) of Instruction 2(d) is required?

Answer: The amount of such personal benefits is not required to be considered for the purpose of the footnote disclosure. The footnote requirement of subpart (3) of Instruction 2(d) relates only to amounts representing personal benefits included in Column C2.

(11) *Question:* If an individual has over $10,000 of "indeterminable" personal benefits, should the entire amount or only the amount in excess of $10,000 be included in Column C2?

Answer: The entire amount of such personal benefits would be included in Column C2, not merely the amount in excess of $10,000.

(12) *Question:* Does disclosure in response to Instruction 2(d) satisfy all other disclosure requirements of Item 4?

Answer: No. Instruction 2(d) and the other Item 4 provisions may overlap, and therefore additional disclosure may be necessary. For example, a low interest loan obtained from the registrant by an officer or director may be required to be described under Item 4(e) of Regulation S–K as well as reported as a personal benefit in the remuneration table. However, duplicate disclosure is unnecessary where a form of disclosure satisfies all the requirements of the pertinent provisions.

(13) *Question:* Is a life insurance plan covering all salaried employees, in which benefit payout is proportional to remuneration, to be regarded under Instruction 2(c) to Item 4(a) as discriminatory in scope, terms or operation in favor of officers or directors, because their remuneration levels are generally higher than those of other salaried employees?

Answer: No.

(14) *Question:* With regard to split-dollar life insurance, must Column C2 reflect all of the premiums paid by the registrant?

Answer: Instruction 2(c) requires the inclusion of the cost of the premiums paid by the registrant or its subsidiaries. Therefore, if under a split-dollar life insurance policy the company will

recoup some or all of its premiums from the proceeds of the policy, the Division will raise no objection if the registrant includes only the amounts relating to the policy that have been expensed for financial reporting purposes. Registrants should also be aware of their obligation to describe such a plan briefly under Item 4(b)(1).

(15) *Question:* Instruction 2(c) and Item 4(b)(1) indicate that information need not be furnished with respect to any group life, health, hospitalization or medical reimbursement plans which do not discriminate in favor of officers and directors and which are available generally to all salaried employees. In order to qualify for this exception must a policy taken out with an insurance company be involved?

Answer: No. "Reimbursement" plans, similar to life insurance or otherwise, need not be funded by an insurance company policy to qualify for this exception.

(16) *Question:* Should a remunerative amount arising as a result of a life, health or medical reimbursement plan which is to be reported pursuant to Instruction 2(c) to Item 4(a) be deemed a perquisite for the purpose of determining whether footnote disclosure is required under subpart (3) of Instruction 2(d)?

Answer: No. The staff would not object if registrants excluded such amounts from the calculation determining whether the footnote disclosure is necessary.

(17) *Question:* Is specific disclosure required for all perquisites provided by a registrant?

Answer: Outside of the footnote provisions called for by subpart (1) of Instruction 2(d) which requires disclosure where the personal benefit is significantly in excess of reported cost, and by subpart (3), which requires disclosure where aggregate amounts exceed certain limits, there is no specific requirement for separate disclosure of personal benefits per se. However, registrants may voluntarily include additional columns or subcolumns pursuant to Instruction 5 to Item 4(a). In practice, some registrants have provided information regarding the components of compensation reported in Column C2.

(18) *Question:* The conditional exclusion for personal benefits provided in subpart (2) of Instruction 2(d) is available if "after reasonable inquiry, the registrant has concluded that the aggregate amounts of personal benefits which cannot be specifically or precisely ascertained do not in any event exceed * * * $10,000 for each person in the group * * *" If one officer/director has no "indeterminable" perquisites, may his $10,000 maximum be allocated to other group members?

Answer: No. The company may not allocate the "unused" portion of one officer/director's conditional exclusion to another officer/director who has over $10,000 of "indeterminable" personal benefits.

(19) *Question:* How does the footnote disclosure requirement of subpart (3) of Instruction 2(d) with regard to personal benefits apply to the group disclosure?

Answer: Subpart (3) of Instruction 2(d) requires footnote disclosure only for the persons named in the remuneration table and not for the group. As stated previously, some registrants provide a description of the components of remuneration reported in C2 for the named individuals and for the group.

(20) *Question:* If an issuer gives an officer/director a personal benefit which is tax deductible to the company as compensation expense, may the incremental cost that must be reported pursuant to Instruction 2(d) be discounted to account for the value of the tax deduction to the company?

Answer: The incremental cost to the company is to be computed without regard to tax benefits. In reporting remuneration generally, there is no provision for adjustments relating to tax benefits accruing to a registrant. For example, a corporation's contributions to a TRASOP on behalf of its officers and directors are reportable pursuant to Item 4(a), although the amounts paid may be taken as a credit against the corporation's federal taxes.

C. Allocation of Amounts Between Columns C and D

Column D of the remuneration table reports the aggregate of contingent forms of remuneration accrued during the course of the fiscal year for individuals named in the remuneration table and the group of all officers and directors. "Contingent remuneration," as defined in Instructions 2(e) and 3 to Item 4(a), is remuneration whose measurement, vesting, or distribution is "subject to future events." This does not mean that all remuneration to be paid in the future should be reported in Column D. If the "future event" is certain to occur (e.g., retirement or other termination of employment), the remuneration should be reported in Column C. If the "future event" may or may not occur (e.g., the performance of future services for the company), the remuneration should be reported in Column D.

(21) *Question:* The company has a deferred bonus plan under which amounts are presently expensed but benefits are payable only if the participant is living at the date of payment. Is the remuneration reported in Column C1 or D?

Answer: The registrant must determine whether a true contingency exists. Under normal circumstances, if by standard actuarial tables the officer or director is expected to be living at the payment date, then no true contingency is present and the amount "accrued" for the officer or director should be reported in Column C1. Column C1 would be used instead of Column C2 because, notwithstanding the fact that the distribution is deferred, the amount relates to a bonus. See Instruction 2(a).

(22) *Question:* A corporation expenses each year an amount used to purchase an annuity for one of its officers. The annuity is payable on a yearly basis beginning upon retirement and provides for payments for at least ten years to the annuitant or his estate. Payments beyond the ten year period will be made only if the annuitant is still alive. Should the expense of the annuity be reported in Column C or Column D?

Answer: A portion of the annuity premium (that used to purchase the "ten year certain" feature) should be reported in Column C and the rest of the corporation's expense in Column D (if a true contingency exists as to the officer's receipt of that portion of the annuity). In the event that such split reporting is impracticable, the registrant may report the entire amount in Column C.

(23) *Question:* A corporation pays amounts into a TRASOP for the benefit of its employees. Such amounts, although fully vested, are subject to adjustments for tax reasons. Are such amounts to be reported in the C2 or D column?

Answer: Such amounts should be reported in the C2 column if expensed by the company. Credits to the company's books on account of later adjustments may be reported in Column D. (See Question 25.)

(24) *Question:* The company's tax-qualified profit sharing retirement plan has the following vesting schedule: year 1–0%, year 2–10%, year 3–20%, and 10% increments in the following years. No benefits are payable until after termination. How would the company's annual contributions of $1,000 to the plan for an officer/director be reported in the table?

Answer: The vested portion of profit-sharing or other retirement plans would be reportable in Column C2, and the unvested portion in Column D. Accordingly, with regard to the specific inquiry, the disclosure should be as follows:

First year disclosure:
Col. C2, 0
Col. D, $1000
(There is no vesting in year 1)
Second year disclosure:
Col. C2, $100
Col. D, $900
(The schedule calls for 10% vesting. However, since the prior year's contribution has already been reported in Column D, no reporting is necessary for any amount reported in Column D in year 1 that vests in year 2. Thus, only the second year's contributions must be reported)
Third year disclosure:
Col. C2, $200
Col. D, $800

(The basic principle is that no reporting is required for amounts previously reported in Column D that vest in subsequent years.) The table need not disclose cumulative account balances, nor any additions (or deductions) to a participant's account resulting from the annual allocation of trust earnings (or losses) or of amounts reallocated as forfeiture for the accounts of terminated employees who were not fully vested.

(25) *Question:* Is Column D exclusively for contingent remuneration?

Answer: All positive entries in Column D should be for remuneration subject to a true contingency but nevertheless expensed during the fiscal year for financial reporting purposes. However, negative adjustment entries with respect to amounts previously reported in Column C (and, of course, against amounts previously reported in Column D) are always to be reported in Column D.

(26) *Question:* What type of disclosure is necessary if negative adjustments are reported in Column D?

Answer: Subpart (2) of Instruction 3(b) to Item 4(a) provides, "if amounts credited pursuant to this instruction are so reflected in the table [in Column D], include a footnote briefly stating the amount of such credit and describing such treatment." The instruction discusses appropriate footnote treatment in the event that there are several plans generating negative entries.

D. Other Matters Relating to the Remuneration Table

(27) *Question:* Compensation may be paid in the form of "restricted shares," whose restrictions lapse over a period of years. The award of such shares is generally accounted for by expensing amounts over the period during which the restrictions lapse on the basis of the value of the shares at the time of the initial award. How are these awards to be reported?

Answer: Such awards are not considered stock appreciation rights, because changes in market value during the years in which the awards are expensed are not taken into account in the expensing process. Rather, the amounts expensed are based upon share values at the time of the initial award. Such awards are therefore reported in the Item 4(a) remuneration table. Amounts expensed are reported in that table for the fiscal year during which they are expensed, in the C2 or D column, as appropriate. In the table for the year during which restrictions finally lapse, market appreciation of the shares since the date of the award is reported in the C2 column (even though such appreciation is not expensed); decline in market value is reported in Column D. Dividends paid under this sort of restricted share program would be reported in Column C2 in the year paid.

(28) *Question:* An employee has the option of deferring payment of a portion of his compensation until retirement. During the time of deferral, the corporation pays the employee interest on the amount deferred. Is this interest required to be reported as compensation in the remuneration table?

Answer: Yes. The interest should be reported in the C2 column. This situation should be differentiated from the situation in which an employee's deferred compensation is paid into a thrift plan or other plan with funds separate from the general funds of the corporation. In such a case, any interest paid on the employee's account would not be required to be reported.

II. Item 4(b)(1)—Description of Proposed Remuneration

Item 4(b)(1) provides for a brief description of:

(A)ll remuneration payments proposed to be made in the future pursuant to any ongoing plan or arrangement to the individuals and group specified in Item 4(a). The description should include a summary of how each plan operates, any performance formula or measure in effect (or the criteria used to determine payment amounts), the time periods over which the measurement of benefits will be determined, payment schedules, and any recent material amendments to the plan. Information need not be furnished with respect to any group life, health, hospitalization, or medical reimbursement plans which do not discriminate in scope, terms or operation in favor of officers or directors of the registrant and which are available generally to all salaried employees.

(29) *Question:* If no amounts have been expensed by the corporation in the current fiscal year or are to be expensed in future years in connection with ongoing plans or arrangements, are such plans or arrangements still required to be reported under Item 4(b)(1)?

Answer: Yes. If the corporation has an obligation to make future payments, even if it is no longer expensing amounts in connection with such payments, continuing disclosure is required.

(30) *Question:* Does Item 4(b)(1) require that the registrant describe proposed salary increases for the current fiscal year?

Answer: Ordinarily, no description would be required. In the event, however, that the current year's salary increases will be substantially more than would be required to compensate officers and directors for the effects of inflation and increased responsibilities, it would appear appropriate to expand the Item 4(b)(1) discussion to include a brief description of the increases. Of course, any salary arrangements embodied in employment agreements would have to be fully described. (See Question 34.)

(31) *Question:* Are informal arrangements whereby corporations provide officers and directors with such prerequisites as automobiles or financial planning required to be described in Item 4(b)(1)?

Answer: No. If such benefits are significant in relation to compensation as a whole, they will be disclosed under Item 4(a) in footnote form, pursuant to Instruction 2(d), subpart (3). If arrangements relating to perquisites have been formalized as a part of a written contract, disclosure would be necessary.

(32) *Question:* Is any description of stock option or stock appreciation rights plans required by Item 4(d)?

Answer: While such a description is not required by Item 4(d), it should be included in the discussion of management remuneration pursuant to Item 4(b)(1). The description may be placed with the registrant's disclosure pursuant to Item 4(d).

(33) *Question:* In describing an Employee Stock Ownership Plan or similar employee benefit plan pursuant to Item 4(b)(1), is it necessary to state the assets accumulated by the plan to date?

Answer: No. Because employer contributions to the plan are disclosed in the remuneration table as they are set aside on a yearly basis, it is not necessary to state total (accumulated) plan assets under Item 4(b)(1) or elsewhere.

(34) *Question:* Are individual contractual arrangements, such as employment agreements, with (a) individuals named in the remuneration table, and (b) individuals who are not named but are included in the group

disclosure, required to be disclosed under Item 4(b)(1)?

Answer: Yes. (a) Arrangements with persons named in the remuneration table should be fully disclosed, naming such persons. (b) Arrangements with officers or directors who are not named in the remuneration table should also be fully disclosed, but such persons need not be named in the course of disclosure. If a number of group members who are not specifically named in the remuneration table are covered by similar contracts or arrangements, such contracts or arrangements may be described generally, giving ranges of benefits, to the extent such disclosure is not misleading.

(35) *Question:* Certain life insurance plans discriminate in favor of officers and directors and are therefore required to be described pursuant to Item 4(b)(1). If the premiums paid by the company pursuant to such plans are not reported in the Item 4(a) remuneration table because they are not allocable to individuals, is any disclosure of such premiums required?

Answer: Such disclosure is generally not required if the allocation cannot be made.

(36) *Question:* A corporation maintains an incentive compensation plan. Payments are made from an incentive compensation fund depending upon the corporation's attainment of certain pre-determined earnings goals over a period of several years. Are specific dollar amounts of earnings goals required to be stated in the description of the plan required by Item 4(b)(1)?

Answer: No. If the following elements are included in the Item 4(b)(1) disclosure of incentive compensation plans, specific earnings targets used to determine awards under such plans need not be disclosed in dollar amounts. However, the fact that earnings targets exist should be disclosed, and there should be a general indication of the manner in which such targets are set.

1. The description should identify the person or persons determining the recipients and the amounts of incentive compensation pursuant to the plan.

2. The description should state the time period over which corporate performance is to be measured to determine awards under the plan.

3. The description should set forth the criterion or criteria of corporate performance used to determine the aggregate amount available and the specific amounts awarded to particular individuals under the plan.

4. The description should indicate whether compensation under the plan may be paid even if there is no improvement in performance over prior periods. For example, a profit sharing plan ordinarily provides for contribution of a percentage of profits, regardless of whether profits for the year represent an improvement over the prior year.

5. The description should indicate whether the full amount of the incentive compensation fund must be awarded in a particular year, or whether there is discretion not to award the full amount.

6. The description should include any maximum or ceiling on the total amounts available under the plan or on the amounts which may be awarded to specific individuals. For example, an individual's incentive compensation bonus for a year may be limited to a percentage of that person's salary.[7]

(37) *Question:* Does the language of Item 4(b)(1) calling for a description of "recent material amendments" to plans of remuneration require discussion of amendments to stock option plans whose sole purpose is to permit options granted and to be granted under the plan to be treated as "incentive stock options" for federal income tax purposes?

Answer: No. Such amendments are not required to be described pursuant to Item 4(b)(1), nor need they be reflected in disclosure made pursuant to Item 4(d).

III. Item 4(b)(2)—Defined Benefit Plans

The requirements of Item 4(b)(2), as adopted in the 1980 amendments, represented a revision of the Commission's previous disclosure regulations for defined benefit pension plans. Formerly, amounts expensed by the registrant with respect to such plans were to be reported in the item 4(a) remuneration table. However, such reporting of defined benefit plan expenses was frequently impracticable, since it was not actuarially possible to attribute portions of the amounts expensed to the accounts of individuals in the remuneration table. Registrants utilized an alternative format for reporting compensation in the form of defined benefit plans—a pension table showing how amounts payable upon retirement varied with years of service and final compensation. Item 4(b)(2) as amended makes this type of disclosure applicable to all defined benefit pension plans, where pension benefits depend on years of service and final or final average compensation. (Other types of defined benefit plans are described through the use of a table showing the estimated annual benefits to be paid upon retirement to the named individuals in the Item 4(a) remuneration table. See Instruction 3 to Item 4(b).)

(38) *Question:* What should be included in the Item 4(a) remuneration table concerning a defined contribution plan or "individual account plan," as opposed to a defined benefit plan?

Answer: The amount of the contribution attributed to or allocated for the account of an officer/director should be reflected in the table. Since there usually is no waiting period prior to vesting under these plans, company contributions will generally be reported in Column C2. It should be noted that a brief description of such a plan is required by Item 4(b)(1).

(39) *Question:* Does Item 4(b)(2) require a specified number of columns or set increments in both the remuneration and years of service classifications for the pension table?

Answer: No. Since the staff is not in a position to determine what is appropriate disclosure for the myriad of retirement plans, neither the number of columns nor set increments of amounts have been mandated. However, most issuers appear to reflect four or five classifications each as to remuneration and years of service.

(40) *Question:* If a registrant maintains several defined benefit plans, must it provide separate pension tables?

Answer: If it is possible to consolidate the plans into one table which accurately reflects the registrant's retirement program, the company may present only one table. However, if such a consolidation is not possible, separate tables would be required.

(41) *Question:* Is pension table disclosure required if only one Item 4(a) individual is covered by a defined benefit pension plan?

Answer: If the registrant is able to provide information similar to that which the table would provide as to the one participant, the staff would not object to omission of a full table. Comparable information would include information as to potential benefits reflecting any increases in remuneration and years of service.

(42) *Question:* A corporation has two types of retirement plans applicable to its officers and directors. One is a defined benefit pension plan; the other, a profit-sharing plan in which each year amounts are accrued for the accounts of individual officers. How are these plans to be reported? Should they be combined in a table under Item 4(b)(2)?

Answer: The defined benefit pension plan should be reported in the form of the pension table required by Item

[7] This interpretation represents the position taken by the Division in its letter to Leland J. Markley, Esq., dated February 20, 1981.

4(b)(2). The profit-sharing plan should be reported in the Item 4(a) remuneration table. Because it is generally impracticable to compose a table of the type described in Item 4(b)(2) covering both types of plans accurately, only supplementary plans which are defined benefit pension plans should be included in the pension table.

(43) *Question:* May the pension table reflect benefits to be paid upon retirement after an offset for expected Social Security benefits has been made?

Answer: No. The table should disclose benefits expected to be paid prior to adjustments for Social Security benefits or other offsets. However, the description of the plan should indicate whether plan benefits are subject to offset.

(44) *Question:* Is the statement of "current remuneration" covered by a defined benefit or actuarial plan, as called for by Item 4(b)(2)(ii), required to reflect increases in salary or other compensation since the close of the last fiscal year?

Answer: No. The term "current remuneration covered by the plan" refers to that portion of total compensation for the most recent fiscal year upon which computation of plan benefits is based.

Example: Column C1 reflects compensation of $100,000 for executive A during the most recently ended fiscal year; $60,000 in salary and $40,000 as bonus. The corporation's defined benefit pension plan provides a retirement benefit whose computation is based solely on a participant's salary. The issuer should specify $60,000 as executive A's "current remuneration covered by the plan," since that amount differs by more than 10% from the $100,000 figure set forth in Column C1.

(45) *Question:* Should the "credited years of service" required to be stated under Item 4(b)(2)(ii) be computed as of a recent date or as of the individual's projected retirement date?

Answer: "Credited years of service" are to be computed as of a recent date, rather than the individual's retirement date. The "credited years" figure should be computed without regard to plan vesting arrangements.

(46) *Question:* Instruction 3 to Item 4(b), which is to be followed when the use of an Item 4(b)(2) pension table is inappropriate, requires a description of the plan "as required by Item 4(b)(2)." What information is required to be furnished in this description?

Answer: As much of the information called for by Item 4(b)(2) as will aid in understanding the plan should be furnished. For example, if the plan payments are based upon remuneration, the remuneration covered by the plan should be described. On the other hand, if payments under the plan do not depend upon credited years of service, such information need not be included.

(47) *Question:* How are "career average pension plans," in which pension benefits are determined on the basis of the beneficiary's average compensation during his entire term of employment *and* on the basis of his years of service, to be reported under Item 4(b)(2)?

Answer. Such plans are covered by Instruction 3 to Item 4(b)(2), and may be reported as described in that instruction. The Division would not object, however, to the use of a table similar to the pension table illustrated in Item 4(b)(2), with the figures along the vertical axis representing career average compensation rather than final or average final compensation, to report such pension benefits. If such a table is utilized, the registrant should state the credited years of service for the individuals named in the Item 4(a) remuneration table, as well as each person's average annual salary since the beginning of his employment. The Division will not object if the table does not provide for increases in existing compensation levels; registrants may present as the highest remuneration level the highest amount of current covered compensation for any individual named in the Item 4(a) remuneration table.

IV. Item 4(d)—Stock Options and Stock Appreciation Rights

The November 14, 1980 amendments represented a departure from past practice in reporting remuneration in the form of stock options and stock appreciation rights ("SARs"). Such remuneration had been disclosed in the Item 4(a) remuneration table. In adopting the amendments, the Commission noted that such disclosure tended to be distortive, since the remuneration table reflected fluctuations in market value as well as actual grants of options and SARs. Now, information concerning remuneration in the form of stock options and SARs appears in a separate presentation, usually in tabular format, and is specified by Item 4(d).

(48) *Question:* Under some compensation plans, an employee may defer a portion of his compensation until retirement. The deferred portion is put into "phantom stock"; i.e., the employee's deferred compensation is converted into stock equivalents based on the market value of the company's stock at some time during the year of award. Upon retirement, the employee will receive the then market value of all "phantom stock" into which compensation was converted in previous years. The equivalent of dividends on all phantom shares credited to an employee's account are paid during the years in which compensation is deferred. How is remuneration under this type of deferred compensation plan properly reported?

Answer: It is the staff's understanding that, in accounting for this type of phantom stock plan, amounts are expensed and credited from year to year in accordance with fluctuations in the market price of the stock. Therefore, awards under this type of plan are properly reported in an SAR table pursuant to Instruction 1 to Item 4(d).

If the employee's cash compensation, which he has elected to defer, represents a "floor" for what he will receive upon retirement, regardless of the market value of the stock at that time, that amount should be reported in the remuneration table under Item 4(a). The "base price" shown in the SAR disclosure will then be the market value at which compensation is converted into phantom stock units. However, if the cash which the employee will receive upon retirement depends solely on the market price of the stock at that time, no amount of compensation deferred should be reported in the remuneration table under Item 4(a). The "base price" in the SAR disclosure will be zero.

Dividend equivalents should be reported as compensation in the C2 column of the remuneration table for the years in which dividends are paid.

(49) *Question:* Performance units are a form of deferred compensation in which the amount which will be paid out depends on the market price of stock at a future date and the attainment of performance goals (which may be measured in different ways) at such date. For each unit awarded, the award recipient will be paid 100% of the market value of a share of stock if the performance goal is reached, a lesser percentage if some lower performance level is attained. What is the proper disclosure of awards of performance units?

Answer: Because the amount expensed on account of the award of such units varies from year to year with the market value of the stock as well as the projected attainment of performance goals, awards of such units should be reported as awards of SARs under Instruction 1 to Item 4(d). The following information should be furnished: (A) The number of units awarded during the period of time covered by the remuneration disclosure; (B) The total

amount of cash paid out during the period on account of maturation of performance unit awards made in previous years; (C) The number of awarded units which may be paid out in future years, if performance goals are attained; (D) The "potential value" of such units already awarded but not paid out at the close of the reporting period (this figure is derived by multiplying the "C" figure by the market value of the company's stock at the close of the reporting period).

Because performance unit awards are frequently paid out in terms of the full value of shares, the "base" price will be zero, and need not be disclosed. Otherwise, the information furnished, as described in (A) through (D) above, corresponds to the disclosures specified in Item (4)(d)(iv).

Following Instruction 8 to Item 4(d), the information specified in (A), (C) and (D) above should be furnished without regard to the possibility that performance goals may not be attained, although the fact that payout will be dependent upon attainment of performance goals should be reflected in a footnote. Alternatively, (A), (C) and (D) may be expressed in terms of ranges which may be achieved, with appropriate footnote disclosure.

(50) *Question:* Instruction 7 to Item 4(d) calls for additional disclosure of grants of stock options and SARs since the end of the last fiscal year under certain circumstances. In what documents is such disclosure required to be included?

Answer: Such disclosure should be included in proxy and information statements, annual reports on Form 10–K, and all other documents in which information is furnished pursuant to Item 4(d) except Securities Act registration statements in which Item 4(d) information is incorporated by reference.

(51) *Question:* For purposes of Item 4(d), should registrants prepare a separate table for each plan under which stock options or SARs are awarded?

Answer: No. Information regarding all such plans may be cumulated into two types of disclosure—that regarding stock options and tandem SARs and that relating to non-tandem SARs. The use of the tabular format described in Appendix A, while optional, is encouraged.

(52) *Question:* Does Item 4(d)(ii), which calls for a statement of the net value of securities or cash "realized" during the year on account of the exercise of options or realization of SARs, require inclusion of any gains derived as a result of the sale of shares acquired through the exercise of options?

Answer: No. In Item 4(d)(ii), "realization" refers only to the exercise of options or SARs and not to any subsequent sales of securities.

(53) *Question:* In computing the potential [unrealized] value of options and rights pursuant to Item 4(d) as of the end of a specified period, what measure of market value should be used?

Answer: If the security is reported on the Consolidated Transaction Reporting System, the staff suggests using the price of the last sale reported thereon for the last day of the specified period or, if there are no reported transactions on the Consolidated Transaction Reporting System, the mean of the closing bid and offer reported on the Consolidated Quotation System. For exchange-listed securities not reported on the Consolidated Transaction Reporting System, the price of the last sale on the exchange on that date should be used in the computation or, if there are no reported transactions on the exchange on that date, the means of the closing bid and offer on the exchange on that date. For NASDAQ-quoted securities, the mean of the reported closing bid and offer for that date should be utilized. For all other securities, the staff suggests using the mean of the highest independent bid and lowest independent offer current on that date, determined on the basis of reasonable inquiry.

(54) *Question:* In computing the net value of securities realized pursuant to Item 4(d)(ii) and the potential [unrealized] value of options or rights pursuant to Item 4(d)(iii), and in making the corresponding calculations in Item 4(d)(iv)(D) and (F), is it permissible to discount the fair market value of the security acquired through the exercise of the option or right because the recipient has a required holding period pursuant to Rule 144 under the Securities Act or Section 16(b) of the Exchange Act?

Answer: No. The fair market value may not be discounted when calculating the spread between the acquisition price and market value.

V. Other Matters

A. Item 4(h)—Termination of Employment

(55) *Question:* An individual named in the Item 4(a) remuneration table for the most recent or next preceding fiscal year resigns his employment and signs a consultancy contract with his former employer. Are the payments to the individual required to be disclosed pursuant to Item 4(h)?

Answer: Yes. Such payments are deemed to be made pursuant to a "remunerative arrangement" which results from the employee's resignation and are therefore subject to disclosure under Item 4(h).

B. Appendix A to Schedule 14A

(56) *Question:* Table I of Appendix A includes a line relating to sales of shares by optionees. Is such information required to be disclosed by Item 4(d)?

Answer: No. Information relating to sales of shares is required to be furnished only in proxy statements used to solicit shareholder approval of a bonus, pension, option or similar plan. Such information is required by Items 9, 10 and 11 of Schedule 14A under the Exchange Act. Incidentally, when information is furnished for stock options and SARs pursuant to these items, it should be furnished for the period from the beginning of the fith full previous fiscal year through the most recent practicable date.

By the Commission.
December 3, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-35401 Filed 12-9-81; 8:45 am]
BILLING CODE 6010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 34

[Docket No. RM81-18]

Application for Authorization of the Issuance of Securities or Assumption of Liabilities; Order Granting Rehearing

Issued: December 3, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for purposes of further consideration.

SUMMARY: The Federal Energy Regulatory Commission (Commission) grants rehearing for the limited purpose of further consideration of a petition to rehear Order No. 182, a final rule to revise Part 34 of the Commission's regulations. That final rule, which was

issued on October 7, 1981 (46 FR 50511, October 14, 1981), clarified and simplified Part 34 and reduced or eliminated certain requirements in that Part.

FOR FURTHER INFORMATION CONTACT:

Cathy Ciaglo, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street NE., Room 8104–B, Washington, DC 20426, (202) 357–8606.

SUPPLEMENTARY INFORMATION:

In the matter of revision of Part 34—Application for authorization of the issuance of securities or the assumption of liabilities; order granting rehearing for purposes of further consideration.

On October 7, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule to revise Part 34 of its regulations, "Application for Authorization of the Issuance of Securities or the Assumption of Liabilities" (Order No. 182, 46 FR 50511, October 14, 1981). That final rule clarified and simplified the provisions of Part 34 and reduced or eliminated certain of the requirements specified in that Part. The revisions were made as part of the Commission's ongoing program to review all of its reporting requirements and to eliminate any further collection of data that are not needed for Commission decisionmaking and regulatory duties.

On November 6, 1981, the law firm of Simpson Thacher and Bartlett filed a timely application for rehearing or reconsideration of that final rule. In order to have sufficient time to consider the issues raised in this application, the Commission will grant rehearing of the final rule solely for the purpose of further consideration.

The Commission Orders: Rehearing of Order No. 182 is granted for the limited purpose of further consideration of the issues raised in the application for rehearing. This action does not constitute a grant or denial of the application on its merits in whole or part. As provided in § 1.34(d) of the Commission's regulations, no answers to this application will be entertained by the Commission because this order does not grant rehearing on any substantive issues.

By the Commission. Commissioner Sheldon voted present.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35417 Filed 12–9–81; 8:45 am]

BILLING CODE 6717–01–M

18 CFR Parts 154, 157, 250, and 260

[Docket No. RM81–16; Order No. 196]

Discontinue Producer Reports and Related Form Nos. 108 and 314–B and To Reinstitute and Revise Producer Filing Instructions

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is discontinuing two reporting requirements and the related regulations: FPC Form No. 108 "Rate Schedule Analysis on a Continuing Basis" (18 CFR 260.6), and FPC Form No. 314–B, "Annual Statement for Independent Producers Holding Small Producer Exemptions" (18 CFR 154.104).

In lieu of Form No. 108, which is composed of five separate schedules, the Commission substitute simplified requirements, Format No. FERC 558, "Contract Summary to be Filed by All Applicants for Certificates of Public Convenience and Necessity, Including Successors in Interest" (18 CFR 250.5); and Format No. FERC 559, "Independent Producer Rate Change or Initial Billing Statement" (18 CFR 250.14).

Form No. 314–B is replaced by a requirement that companies file a simple statement with the Commission stating that they have lost their small producer status by producing more than 10 million Bcf of gas per year.

DATE: The revisions in this rulemaking are effective January 6, 1982.

FOR FURTHER INFORMATION CONTACT:

Stephen Badzik, Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation, 825 North Capitol Street, NE, Room 6006–F, Washington, D.C. 20426, (202) 357–8758.

SUPPLEMENTARY INFORMATION:

Issued: December 7, 1981.

By this rule, the Federal Energy Regulatory Commission (Commission) discontinues two of its reporting requirements: FPC Form No. 108, "Rate Schedule Analysis on a Continuing Current Basis," and FPC Form No. 314–B, "Annual Statement for Independent Producers Holding Small Producer Exemptions." Two of the five schedules in Form No. 108 and the supporting documents in the form are deleted in their entirety. In lieu of the other three schedules in the form, the Commission substitutes the simpler reporting requirements of the new Format Nos. FERC 558 and 559. The Commission also replaces Form No. 314–B with a less burdensome reporting requirement. Certain necessary revisions are made to the Commission's regulations to reflect these form changes.[1]

The changes are made as part of the Commission's ongoing program to review all of its reporting requirements, to eliminate requirements that are not necessary to the performance of its regulatory responsibilities and to reduce the burden of filing required data with the Commission. The changes resulting from this rulemaking should reduce respondent reporting burden significantly.[2]

I. Background and Summary of Proposed Changes

A. *Form No. 108.* The filing of the Form No. 108 had been required since 1976 under § 260.6 of the Commission's regulations.[3] The form collected, in a computer format, information from large independent gas producers concerning natural gas flowing in interstate commerce. It was required to be filed each time a rate schedule was submitted to the Commission for the first time or a rate schedule presently on file with the Commission was proposed to be amended. Much of the information in the form had been used for determinations respecting biennial national rate adjustments under section 4 of the Natural Gas Act (15 U.S.C. 717c). With the passage of the Natural Gas Policy Act (NGPA) (15 U.S.C. 3301–3432), however, biennial rate adjustments were discontinued. As a result, most of the data collected in Form No. 108 has become obsolete.

More specifically, two of the schedules in Form No. 108, Schedule No. 501, "Independent Producer Natural Gas Sales Summary," and No. 505, "Independent Producer Annual Rate Schedule Sales Data", collected annual gas sales, volume and revenue reports. These reports became insufficient after

[1] The Commission's predecessor, the Federal Power Commission, was authorized to collect the information in Form Nos. 108 and 314–B under sections 4, 7, and 10 of the Natural Gas Act (15 U.S.C. 711–717w). Pursuant to section 402(a)(1)(C) and (D) of the Department of Energy Organization Act (42 U.S.C. 7101–7352), the authority under sections 4 and 7 of the Natural Gas Act was transferred to the Commission. The Secretary of Energy delegated the authority of section 10 of the Natural Gas Act to the Commission under Delegation Order 0204–1 (October 1, 1977).

[2] In anticipation of the rulemaking proceeding in this docket, the Commission issued an order on May 5, 1980 to suspend, until further notice, the filing of the two schedules which are deleted from Form No. 108, and the filing of the Form No. 314–B (45 FR 33600, May 20, 1980).

[3] Form No. 108 was promulgated in Order No. 556, Docket No. RM76–10, November 22, 1976 (41 *FR* 52441, November 30, 1976), and was revised in Order No. 556–A, Docket No. RM76–10, August 5, 1977 (42 *FR* 41271, August 16, 1977).

passage of the NGPA because they did not collect data required for NGPA compliance purposes. Moreover, the Commission's field audit program has proven to be an effective means of assuring producer and pipeline compliance with the NGPA and with the Commission's regulations. In addition, information about actual gas volumes and revenues can be obtained through specific data requests to the producers and pipeline companies. The Commission, therefore, issued a Notice of Proposed Rulemaking on February 19, 1981 (46 FR 14899, March 3, 1981) proposing, among other things, to discontinue Form No. 108 and the requirements of Schedule Nos. 501 and 505 in that format. The Commission's regulations at § 260.6 that require the filing of Form No. 108 were also proposed to be eliminated.

Schedule No. 502 of Form No. 108 "Independent Producer Rate Schedule Identification and Contract Data" and Schedule No. 503, "Independent Producer Rate Schedule Pricing Provisions and Actual Quality Data" collected summary data about gas contracts. These schedules were filed each time a producer submitted a new contract or contract amendment. Although the passage of the NGPA makes the filing of much of the data in these schedules unnecessary, sections 4 and 7 of the Natural Gas Act still require that certain information be reported about gas that is "committed or dedicated to interstate commerce" within the meaning of section 2(18) of the NGPA. In the February 19th notice, therefore, the Commission proposed to replace Schedule Nos. 502 and 503 with the new Format No. FERC 558, "Contract Summary to be Filed by all Applicants for Certificates of Public Convenience and Necessity, Including Successors in Interest." This format would be filed with every producer's application for a certificate of public convenience and necessity and would be prescribed under a new § 250.5 of the Commission's regulations. The notice also provided that this requirement would include NGPA pricing data, certain new elements that are required for a certificate application and a few additional clarifying items. The notice further stated that the new Format No. FERC 558 would represent an 82 percent reduction in data elements from Schedule Nos. 502 and 503 and would be designed for human (*i.e.*, noncomputer) responses.

The fifth, and last, of the Form No. 108 schedules is Schedule No. 507, "Independent Producer Rate Change Filing or Initial Billing Statement". Schedule No. 507 reported either the initial rate a producer proposed to charge under its requested certificate for a newly certificated sale of natural gas under section 7 of the NGA, or a change that a producer proposed to make to the rate that it filed under section 4 of the NGA. Many changes in rate filings have been eliminated under the blanket affidavit procedures adopted in Commission Order Nos. 15 and 25.[4] Therefore, in the February 19th notice, the Commission proposed to replace Schedule No. 507 with a new, simpler format to be entitled, "Format No. FERC 559, Independent Producer Rate Change or Initial Billing Statement". The notice proposed that this new format would be required by § 250.14 of the Commission's regulations. It would be required to be filed at the time a certificate to sell gas is submitted, and when a rate change is proposed. Format No. FERC 559 would continue to collect the basic data for new rates or changes in rates and would also require new information for NGPA compliance purposes. Much of the data previously required in Schedule No. 507 would be totally eliminated from the new format, according to the notice. As a result of the proposed deletions in the new, simplified format, there should be a 30 percent reduction in data elements from that previously required.

B. *Form No. 314–B.* Section 154.104 of the Commission's regulations has required the filing of annual reports of interstate sales by small producers in the statement set out in § 250.11. These data were submitted on Form No. 314–B.[5] The report was used to identify small producers and their affiliates whose combined annual jurisdictional sales exceeded 10 million Mcf, so that small producer certificates could be cancelled with respect to future sales. (*See* 18 CFR 157.40(a)(1) and (d).)

Because the NGPA now prescribes the maximum statutory prices for producer sales in both interstate and intrastate markets, the annual report of interstate small producer sales are of minimal value to the Commission. Therefore, the notice proposed the elimination of the Form No. 314–B and the reporting burden it represented. In lieu of this requirement, the notice proposed that companies file a simple statement with the Commission, described in 18 CFR 157.40(a), that they have lost their small producer status if and when their jurisdictional sales exceeded 10 million Mcf during the previous calendar year.

II. Summary and Analysis of Comments and Changes

The Commission received comments from seven natural gas producers and an interested party in response to the Notice of Proposed Rulemaking.[6] All of the comments, at least generally, supported the eliminations proposed in this rulemaking.[7] One commenter stated that eliminating Schedule Nos. 501 and 505 of Form No. 108 will result in savings of approximately 250–300 man-hours per year. Two other commenters stated that the revised reporting requirements were more practical than the existing forms. Another added that the revised requirements provide all of the information necessary for the analysis of proposed rate schedules under the Natural Gas Act and the NGPA and they alleviate the burdens on producers of providing information that is no longer necessary for the Commission's analysis of gas rate schedules. The Commission has, therefore, adopted the changes to §§ 154.92, 154.94, 154.104, 157.24, 157.40, 250.11 and 260.6, that were proposed in the Notice of Proposed Rulemaking.

Several of the commenters also offered suggestions for changes to Format No. 558 (new § 250.5) and to Format No. 559 (new § 250.14). With respect to the changes for Format No. 558, one company said that Item (8), "Total price in dollars per MMBtu (including all adjustments and tax

[4] Order No. 15, "Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements", Docket No. RM79–4 (issued November 17, 1978), 43 FR 55758 (November 29, 1978), amended by Order No. 15–A, "Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements", Docket No. RM79–4 (issued December 28, 1978), 44 FR 1100 (January 4, 1979); Order No. 25, "Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements", Docket No. RM79–31 (issued March 27, 1979), 44 FR 19389 (April 3, 1979).

[5] Although Form No. 314–B was not specifically mentioned in either § 154.104 or § 250.11, the data prescribed in § 250.11 were required through Commission practice to be reported by respondent companies on the Form No. 314–B. Section 250.11 was promulgated in Order No. 308, "Rate and Certificate Filings by Small Independent Producers", Docket No. R–279 (issued October 29, 1965), 30 FR 14099 (November 5, 1965), amended by Order No. 428–A, "Exemption of Small Producers From Regulation", Docket No. R–393 (issued April 9, 1971), 36 FR 7233 (April 16, 1971), and also amended by Order 428–D, "Exemption of Small Producers From Regulation", Docket No. R–393 (issued May 4, 1972), 37 FR 9559 (May 12, 1972).

[6] Comments were submitted by: Champlin Petroleum Company; Conoco, Inc. (concurring with Exxon's comments); Exxon Corporation; Henderson Clay Products, Inc.; Santa Fe Energy Company; Shell Oil Company; Sun Gas Company, a Division of Sun Oil Company; and Texas Gas Exploration Corporation, a subsidiary of Texas Gas Transmission Corporation.

[7] One commenter supported the proposed discontinuance of Form No. 314–B and added that it "did not disagree" with the proposed requirement to report the loss of small producer status instead of the requirement to file an annual report.

reimbursement)" should require only a statement of total price in dollars per MMBtu, exclusive of any adjustments for lawful add-ons. With respect to Item (9), which elicits a separate specification of adjustments included in the total price per MMBtu, the company said that the item should prescribe a specification of adjustments in the mode actually billed and received, whether in cents per MMBtu, per Mcf, or otherwise. According to this company, these changes to Items (8) and (9) would simplify the reporting requirement with respect to the burdensome conversion of data from MMBtu to Mcf or some other basis.

The Commission agrees with these suggestions and has amended Item (8) to require the base price in dollars per MMBtu (exclusive of any statutory adjustments and tax reimbursements) and has clarified Item (9) to require a report of the statutory adjustments including tax reimbursements to be added to the base price in Item (8). The footnote to Item (9) has also been clarified to require the amount for each type of statutory adjustment in the manner actually billed and received, either in cents per MMBtu or Mcf.

The company also suggested that Item (10), "Estimated Sales Volumes (Mcf per month)" should be modified to specify which "month" is involved (*i.e.*, month of initial deliveries, or peak production, or average month's production over a long period). This commenter added that Item (10) should provide that the data reported do not constitute a representation or warranty of gas availability by the seller.

The Commission has clarified Item (10), as suggested. The estimated sales are "for the first month of deliveries." In addition, the Commission will require that these sales be reported in MMBtu or Mcf, to be consistent with the requirement in Item (9). However, the Commission need not state that the reported data in Item (10) do not constitute a representation or warranty of available gas, because only "estimated" sales volumes are requested in that item. Such information of course, would not be warranted.

The company also suggested that Item (11), "Delivery Pressure" should specify whether a statement of maximum/minimum contract pressures or a statement of anticipated actual working pressure is required. In addition, the commenter stated that this item should also provide that the data reported do not constitute a warranty of delivery pressure by the seller.

In response to this suggestion, the Commission has clarified Item (11). What will be required is the "estimated delivery pressure" of the reported gas. The Commission believes that this terminology is more accurate than the suggested "anticipated actual working pressure". As in Item (10), these estimated data are not supposed to constitute a representation or warranty of delivery pressure.

Finally, this company claimed that clarification was needed in Item (13), "Other special conditions affecting price", as to the type of information required. As a result, the Commission has reexamined Item (13) and has determined that it is not necessary, because sufficient data respecting conditions that affect price are reported elsewhere in the format. Therefore, Item (13) has been entirely deleted from the form.

Three of the commenters offered several suggestions for revisions to Format No. FERC 559 (the proposed § 250.14). First, they criticized the "Note" that follows the format heading that, among other things, provides the requirements for filing tax reimbursement data. Each of these commenters objected to the statement: "Applications filed to collect rates at Natural Gas Act or contract rate levels must include tax items 9(a) through (e)". They argued that, because there are now only NGPA rates and not NGA rates, the work "tax" is misused in the sentence. They also requested clarification of the terms "NGPA rate" and "contract rate" in the Note. One of these commenters noted that all rates are, in fact, NGPA rates, even where the Commission's NGA jurisdictions is retained. Another suggested that tax reimbursement data should be furnished only when the producer collects contract rates that are different from applicable NGPA rates.

These commenters also criticized the requirement in the "Note" for a statement, under oath, that such producer "will be reimbursed only for taxes actually paid, to the extent contractually aurthorized". One of the commenters said that the Commission does not seek tax reimbursement data for NGPA rates and two commenters stated that the oath requirement simply restates the statutory requirements of sections 110 and 504 of the NGPA and § 271.1102(a) of the Commission's regulations. One company suggested that the oath requirement could be replaced by an estimate of the taxes to be collected.

The Commission has revised Format No. 559 by, among other things, entirely eliminating the "Note" and its oath requirement, and by adding several instructions to clarify the requirements in the format.[8] With respect to the Note, the Commission has transferred the reporting of tax reimbursements to "Other adjustments" (the new Item (11)(c)). The instruction for Item (11)(c) has been clarified to specifically provide that "Other adjustments" includes tax reimbursements (if the change is to the base rate, other than to the maximum lawful price under the NGPA), dehydration, compression, etc. Although the Commission does not agree that the oath provision restates requirements in the NGPA and the regulations, the Commission does agree that the oath is not an essential requirement to the format and can be eliminated.

One of the commenters requested clarification of Item (8) of Format No. FERC 559, "Regulation Section (type of change)." The commenter also suggested that Items (12) and (13) (data respecting future NGPA escalations under § 154.94(h) affidavits, and reports of rate applications under sections 102(d) or 108 of the NGPA, respectively) should be grouped immediately after Item (8), for ease of reporting.

In response to this comment, the Commission has clarified Item (8) (new Item (6)) by eliminating the requirement to identify the section of the regulations that pertains to the filing, because it creates an added burden that is not essential to the Commission's regulation. Instructions have been added to Item (6), specifying the type of rate change to be reported. The Commission has also moved Items (12) and (13) (new Items (9) and (10), respectively), to follow the three related items, "Type of Change" (new Item (6)), "Contract Basis" (new Item (7)), and "Proposed Effective Date" (new Item (8)).

Two of the commenters stated that Item (9), "Rate Information" should not require that data be reported on both an MMBtu and Mcf basis. According to one of these commenters, the necessary conversion calculations to do this would be difficult. The Commission believes that the reporting of rate information in this format will be acceptable either in MMBtu's or Mcf's. The instructions to Item (9) (new Item 11) have been revised accordingly.

One company stated that Item (9)(b), "Btu adjustment" should be changed to require estimated data, because the Btu content of gas can change over a period of time. This company also

[8] The Commission also rearranged the items in the format so that they are presented in a more logical manner and made other minor revisions, such as requiring the Field *or* Plant and the County *or* Parish identification in the new Item (5), and also requiring in Item (15) the name and telephone number of a contact person, as necessary.

recommended that Item (9) be placed immediately before Item (14), "Remarks" because explanations of (9)(d), "Other, explain" would be made in Item (14).

The Commission has determined that information about the sales volumes and the Btu content of gas is not really needed for establishing qualification to collect the maximum lawful price for such gas. When the Commission needs information about volumes and Btu content, it can collect it in specific data requests. As a result, the proposed Items (9)(b), (10) and (11) can be entirely eliminated from the new format. In addition, Item (9) (new Item (11)) has been placed immediately before Item (14) (new Item (12)), as suggested.

A commenter requested clarification of Item, the proposed Item (12), by asking whether future NGPA escalations are to be covered by blanket affidavits filed under § 154.94(h) of the Commission's regulations. The commenter argued that a "yes" response to the inquiry would appear to obviate further filings of Format No. FERC 559.

As suggested, the Commission has included a clarifying instruction for Item (12) (new Item (9)). This item pertains only to the first sales of gas for which qualification to collect the NGPA base rate under § 154.94(h) is being established by Format No. FERC 559. Section 154.94(h) permits producers who are contractually authorized to collect NGPA maximum lawful prices to state that such first sales will be covered by a previously-submitted blanket affidavit.

One commenter recommended a change to the proposed Item (13)(b), which requires the effective date of the final determination of a rate application under section 102(d) or 108 of the NGPA. Since the Commission does not publish the date of a final determination, the commenter suggested that Item 13(b) should require "the date of filing a determination with the Commission, as published in the **Federal Register.**" The Commission agrees with this suggestion and has accordingly changed Item (13)(b) (new Item (10)(b)) to read, "Date jurisdictional agency's well determination is received by the FERC, as published in the **Federal Register.**"

Finally, one commenter suggested that the address requirement in Item (15)(c) (new item (13)) should provide for the use of Post Office numbers as an alternative to a street address. The Commission agrees with this recommendation and has merely left the address line blank, so that any appropriate address can be inserted.

III. Effective Date

The changes in this final rule will be effective January 6, 1982.

(Natural Gas Act, 15 U.S.C. 717–717w; Department of Energy Organization Act, 42 U.S.C 7101–7352; E.O. 12009, 3 CFR Part 142)

In consideration of the foregoing, the Commission amends Parts 154, 157, 250 and 260 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

1. Section 154.92 is amended by revising the second sentence of paragraph (a) and the second sentence of paragraph (b) to read as follows:

§ 154.92 Filing of rate schedules by independent producer.

(a) * * * To each such rate schedule, there shall be attached a billing statement, in the format specified in § 250.14.

(b) * * * To each such rate schedule there shall be attached a statement, in the format specified in § 250.14, which shows the estimated sales and billing for the first month of service, in sufficient detail to show the method of billing and price used.

* * * * *

2. Section 154.92 is further amended by removing paragraph (e) in its entirety.

3. Section 154.94 is amended by revising paragraph (f), and amending Appendix A by revising the fourth paragraph of Item II of the Instructions for Completing Exhibit A to read as follows:

§ 154.94 Changes in rate schedules.

* * * * *

(f) *Notice of change in rate level.* An independent producer who is proposing a contractual change in rates, charges, etc., shall file the information specified in § 250.14.

* * * * *

Appendix A to § 154.94

* * * * *

Exhibit A

* * * * *

Instructions for Completing Exhibit A

* * * * *

II. *Specific Instructions. Respondent Name and Code:*

* * * * *

Applicable Just and Reasonable Rate Previously Established Under the NGA: Enter either the base rate (Mcf at 14.73 psia) reflected in the last notice of change in rate submitted for the vintage involved or the base rate reflected in the initial billing statement. *See* § 250.14 of this chapter.

* * * * *

§ 154.104 [Removed]

4. Section 154.104 is removed in its entirety.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

5. Section 157.24 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 157.24 Contents of application.

(a) Every application for a certificate of public convenience and necessity required under § 157.23 shall be filed with the Commission and shall contain, in the form specified in § 250.5, a summary of each contract for the sale or transportation of natural gas for which a certificate is requested.

* * * * *

6. Section 157.40 is amended in paragraph (a)(1) by revising the last two sentences of the second paragraph to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) *Definitions.* (1) * * *

If such termination occurs as a result of merger or affiliation, the producer shall give notice thereof to its purchasers and to the Commission within 30 days of the effective date of such occurrence. If such termination occurs as a result of sales having exceeded the 10,000,000 Mcf limitation during a calendar year, the producer shall give notice thereof to its purchasers and to the Commission by letter to be submitted on or before April 1 of the following year.

* * * * *

PART 250—FORMS

7. Chapter I, Subchapter G, Part 250 is amended by adding a new § 250.5 to read as follows:

§ 250.5 Contract summary to be filed by all applicants for certificates of public convenience and necessity, including successors in interest. (See § 157.24(a) of this chapter.)

OMB Reference: "Format No. FERC 558" is the identification number used by the Commission and the Office of Management

and Budget to reference the filing requirements in § 250.5

All applicants shall complete Part I. An applicant who is an assignee (including farmout) filing as a successor shall also complete Part II–A and Part II–B if the related rate schedule is under suspension, if the rate is in effect subject to refund, or if the sale is being made by the assignor under temporary certificate with a rate refund condition. The reporting pressure base is 14.73 psia. The information in this format will not be treated as confidential or proprietary.

Date _____

Part I

(1) Name of applicant _____
(2) Person responsible for application:
(a) Name and title _____
(b) Mailing address _____
(c) Telephone No. _____
(3) Name of purchaser _____
(4) Are applicant and purchaser affiliated?
No——Yes——
(5) Location of sale _____
(Field, County, State)
(6) Type of application [1] _____
(7) Date of contract _____
(8) Base price in dollars per MMBtu (exclusive of any statutory adjustments and tax reimbursements)

_____

(9) Statutory adjustments, including tax reimbursements, to be added to the base price in Item (8) above [2]

_____

(10) Estimated sales for the first month of deliveries (MMBtu or Mcf per month)

_____

(11) Estimated delivery pressure _____
(12) Delivery point, e.g., wellhead, plant tailgate, central point in field, etc.

_____

(13) Advance payments: Yes No

Part II–A

(14) Assignor _____
(15) Description of service to be continued:
(a) FERC Docket No.(s) under which assignor was originally authorized:
(b) Proposed disposition of assignor's FERC Gas Rate Schedule(s)

_____

Part II–B

(16) Suspension Docket No. _____
(17) Price currently being collected subject to refund (in dollars per MMBtu)

_____

(18) Date price made effective subject to refund

_____

(19) Estimated amount subject to possible annual refund $

_____

(20) In addition to the refund obligation required by § 154.92(d)(3), does assignee intend to file bond or undertaking to assure total refund: (a) from the date increased rate of assignor became effective subject to refund or (b) from date operation commenced under assignor's temporary certificate containing a refund condition? Yes No

§ 250.11 [Removed]

8. Section 250.11 is removed in its entirety.

9. Chapter I, Subchapter G, Part 250 is amended by adding a new § 250.14 to read as follows:

§ 250.14 Independent producer rate change or initial billing statement.

(See §§ 154.92 and 154.94)

OMB Reference: "Format FERC No. 559" is the identification number used by the Commission and the Office of Management and Budget to reference the filing requirements in § 250.14.

BILLING CODE 6717-01-M

[1] Specify whether initial service, add acreage, delete acreage, continue service of predecessor, farmout, or other. If "other", give details.

[2] Specify the amount for each type of statutory adjustment (*e.g.*, gathering, dehydration, compression, liquefiable hydrocarbons, etc.) in the manner actually billed and received, either in cents per MMBtu of Mcf.

This format is to be used to file either a Notice of Change in Rate or an Initial Billing Statement by checking the appropriate box and answering the applicable questions. Rates should be shown in dollars to three decimal places. The reporting pressure base is 14.73 psia. The information in this format will not be treated as confidential or proprietary.

Check One: RATE CHANGE STATEMENT (§ 154.94) /_/
INITIAL BILLING STATEMENT (§ 154.92) /_/

For Commission Use Only
Gas Rate
Schedule No.
Supplement No.
Memo No.
Docket No.
Filing Date
Effective Date

(1) Producer _____

(2) Buyer _____

(3) Gas Rate Schedule No. _____

(4) Basic Contract Date _____

(5) Location:
(a) Field/Plant _____
(b) County/Parish _____
(c) State _____

(6) Type of change _____

(7) Contract Basis _____

(8) Proposed Effective Date _____

(9) Are future escalations to be covered by affidavit filed under § 154.94(h)? _____

(10) (a) FERC Notice of Determination Control No. _____

(b) Date jurisdictional agency's well determination is received by the FERC, as published in the Federal Register _____

(11) Rate Information:
Check One: $ per MMBtu /_/ $ per Mcf /_/

	Current	Proposed
(a) Base rate	$_____	$_____
(b) Gathering allowance	_____	_____
(c) Other adjustments	_____	_____
(d) Total rate	_____	_____

BILLING CODE 6717-01-C

(12) Remarks

(13) Person responsible for this filing:
(a) Name and title
(b) Signature
(c) Address

(d) Contact Person (if different from person identified in (a)

(e) Telephone number of person to be contacted

(f) Date

Instructions

Item (6): Use only for reporting rate changes (*e.g.*, change in contract rate; change in minimum rate or maximum lawful price under sections 102(d), 104, 106(a), 108, or any other applicable section of the NGPA).

Item (7): Specify the basic article or section of the contract. If the basis for the proposed rate is an amendment, supply the date of the amendment.

Item (9): This information applies only to the first sales for which qualification to collect the NGPA base rate under the rate schedule is being established.

Item (10): This information applies to the first well under a rate schedule that qualifies for the gas ceilings under either sections 102(d), 108, or any other applicable section of the NGPA.

Item (11)(c): Report the total adjustment amounts and explain under Item (12), "Remarks". These adjustments include tax reimbursements (if the proposed change is to base rates other than to the maximum lawful price under the NGPA), dehydration, compression, etc.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

§ 260.6 [Removed]

10. Section 260.6 is removed in its entirety.

[FR Doc. 81-35415 Filed 12-9-81; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7798]

Procedure and Administration; Periodic Report of Actuary; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the **Federal Register** publication beginning at 46 FR 57482 on November 24, 1981, of amendments to the regulations which were the subject of Treasury Decision 7798 relating to periodic actuarial reports filed for defined benefit pension plans.

EFFECTIVE DATE: In the case of a plan in existence on January 1, 1974, the regulations are effective for plan years beginning after December 31, 1975. In the case of a plan not in existence on January 1, 1974, the regulations are effective for plan years beginning after September 2, 1974. This correction is to be effective in the same manner.

FOR FURTHER INFORMATION CONTACT: George B. Baker of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3422 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On July 8, 1980, the **Federal Register** published at 45 FR 45926 proposed amendments to the Procedure and Administration Regulations (26 CFR Part 301) under sections 6059 and 6692 of the Internal Revenue Code of 1954, as added by section 1033 of ERISA. On November 24, 1981, the **Federal Register** published Treasury Decision 7798 (46 FR 57482) (FR Doc. 81-33721). The purpose of these final regulations was to provide guidance to plan administrators who are required to file the report and to actuaries who must prepare the report.

Need for a Correction

As published, the full text of the regulations, in § 301.6059-1(d)(6), appearing on page 57484 in the left-hand column, incorrectly prints the word "reflecting" in place of the phrase "furnished to comply with". Due to a misprint, § 301.6059-1(d), on page 57484 in the left-hand column in the first line, contains an erroneous cross reference, "paragraph (d)(1)(v) and", which should be deleted.

Drafting Information

The principal author of these corrections is George B. Baker of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

PART 301—PROCEDURE AND ADMINISTRATION

Accordingly, the publication of the amendments to the regulations which were the subject of FR Doc. 81-33721 (46 FR 57482) is corrected by revising the first sentence of paragraph (d) and by revising subparagraph (6) of paragraph (d) of § 301.6059-1 to read as follows:

§ 301.6059-1 Periodic report of actuary.

* * * * *

(d) *Certification by enrolled actuary.* The actuarial report filed on Schedule B must be signed by an enrolled actuary (within the meaning of section 7701(a)(35)) or there may be attached to the report a statement signed by the actuary that contains the statements described in paragraph (c) (4) and (5) of this section. * * *

* * * * *

(6) A statement furnished to comply with the requirements of paragraph (c)(6) of this section. * * *

* * * * *

Dated: December 4, 1981.

James F. Malloy,

Acting Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-35406 Filed 12-9-81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 602

Purchases of Helium by Federal Agencies; Revised Regulations

AGENCY: Bureau of Mines, Interior.

ACTION: Final rule.

SUMMARY: This revised rule establishes new regulations associated with the purchase of helium by Federal agencies. The revised regulations reflect changes required to conform them to Federal court decisions which invalidated portions of current regulations.

DATE: The revised regulations will become effective January 11, 1982.

FOR FURTHER INFORMATION CONTACT: M. H. Williamson, Division of Helium Operations, Bureau of Mines, 1100 S. Fillmore St., Amarillo, Tex 79101, A/C 806 376-2614, FTS 735-1614.

SUPPLEMENTARY INFORMATION: A proposed rule revising 30 CFR Part 602 was published in 45 FR 82669-82694 on Tuesday, December 16, 1980. A 30-day period ending January 15, 1981, was allowed for public comment. No comments were received on the proposed 30 CFR Part 602. Therefore, the Bureau of Mines, Department of the Interior, by publication herein will make the revision final, subject to the following minor corrections.

Corrections to 45 FR 82669 through 82674 are as follows:

Section 602.3 last word of heading: should be "contracts" (45 FR 82669).

Section 602.1, 11th line, first word and all subsequent places: should be

"January 15, 1982" (45 FR 82669, 82670, and 82671).

Section 602.2(c), 14th line, and all subsequent places: "High-Purity" should be "Grade-A" (45 FR 82670 and 82671).

Section 602.2(d) and Appendix, Article I, Definitions, paragraph 1.14 entire paragraph: should be "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume (45 FR 82670 and 82671).

Section 602.2(h), first sentence: should read "* * * regardless of physical state or in mixture with other gases, * * *" (45 FR 82670).

Section 602.2(k), first word: should be "Bureau" (45 FR 82670).

Section 602.3 (Title), last word: should be "contracts" (45 FR 82670).

Section 602.3(b) is redesignated as paragraph (c);

Section 602.3(c) is redesignated as paragraph (d);

Section 602.3(d) is redesignated as paragraph (e)

Section 602.3 Add a new paragraph (b) which reads as follows:

(b) The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032–0113. The information is being collected to identify firms desiring to become helium distribution contractors. This information will be used to determine responsible applicants as possible contractors, to establish an accountability of helium transfer between distributors, and to report distributor annual sales, transfers, and purchases of Bureau of Mines helium as certification of compliance with 30 CFR Part 602. The obligation to respond is required to obtain a benefit.

Section 602.3(a) after last sentence: add "(The currently approved helium distribution contract is set out in the Appendix to this Part.)" (45 FR 82670).

Section 602.3(c), last sentence and all subsequent places: change mailing address to 1100 S. Fillmore St. (45 FR 82670 and 45 FR 82674).

Section 602.3(c), last sentence: change telephone number to FTS 735–1638 (45 FR 82670).

Section 602.3(d), first sentence: fourth word should be "contracts" (45 FR 82670).

New Heading: After the last sentence of § 602.3(e) the word "Appendix" should be inserted between that paragraph and the sample contract. (45 FR 82670).

Appendix: Contents, Addendum "C", and all subsequent places: Form No. should be 1575–A (45 FR 82670, 82672, and 82674).

Appendix: Contract, Article I, Definitions, paragraph 1.7: Last sentence should read "The term does not include Federal agencies, but does include Federal agency contractors." (45 FR 82671).

New Heading: After the last sentence of § 602.3(d) the word "Appendix" should be inserted between that paragraph and the sample contract (45 FR 82670).

Appendix: Contents, Addendum "C", and all subsequent places: Form No. should be 1575–A (45 FR 82670, 82672, and 82674).

Appendix: Contract, Article I, Definitions, paragraph 1.7: Last sentence should read "The term does not include Federal agencies, but does include Federal agency contractors." (45 FR 82671).

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis and review under Executive Order 12291.

Accordingly, pursuant to authority provided by the Helium Act of 1960 (50 U.S.C. 167 et seq.), 30 CFR Part 602 is amended as set forth below.

Dated: August 20, 1981.

William P. Pendley,

Assistant Secretary of the Interior.

Part 602 of Title 30, Chapter VI is revised to read as set forth below:

PART 602—HELIUM DISTRIBUTION CONTRACTS

Sec.

602.1 Purpose.
602.2 Definitions.
602.3 Bureau helium distribution contracts.

Authority: The Helium Act of 1960, Pub. L. 86–777, 50 U.S.C. 167, et seq., 5 U.S.C. 301.

§ 602.1 Purpose.

The purpose of this Part 602 is to establish procedures governing distribution of Bureau of Mines helium by a system of authorized private helium distributors. To the same end, the regulations prescribe certain requirements that must be met by private helium distributors under new contracts, entered into with the Bureau of Mines with an effective date of January 15, 1982, or later, to distribute Bureau of Mines helium.

§ 602.2 Definitions.

As used in this part—

(a) "Helium Act" means Pub. L. 86–777, 74 Stat. 918 (50 U.S.C. 167–167n).

(b) "Helium" means the element helium regardless of its physical state.

(c) "Bureau of Mines helium" or "Bureau helium" is helium, regardless of physical state or purity, available for purchase or purchased from the Secretary or a Bureau helium distribution contractor after the effective date of this revision of 30 CFR 602. Bureau helium cannot be obtained from any other source of supply. Bureau of Mines helium includes volumes of helium available for delivery or delivered to the purchaser or Bureau helium distribution contractors in the Grade-A gaseous physical state or liquid physical state, and volumes of Grade-A gaseous helium used as raw stock to produce (1) liquid helium, and the liquid produced therefrom, (2) a gaseous or liquid mixture having a purity of helium different from Grade-A, (3) a gaseous or liquid mixture having a concentration of helium-4 isotope different from the concentration of such isotope in Grade-A helium, and (4) helium mixtures different in any other way from Grade-A gaseous helium. Bureau helium does not include private helium stored under contract with the Bureau and redelivered to the private enterprise in crude, Grade-A gaseous, or liquid helium form.

(d) "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume.

(e) "Federal agency" means any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101–105; 5 U.S.C. 551 (1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(f) "Bureau Helium Distribution Contractor" is a private helium merchant (as defined by the Texas Business and Commercial Code Ann., Title 1, Sec. 2.104 (Uniform Commercial Code)) that, by new contract with an effective date of January 15, 1982, or later with the Bureau, has Bureau helium available for distribution.

(g) "Private helium purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, purchasing or wanting to purchase helium. The term does not include Federal agencies, but does include Federal agency contractors.

(h) "Helium requirement" or "requirement of helium" is all helium, regardless of physical state or in mixture with other gases, that is required by or delivered to a Federal agency to accomplish an objective, project, mission, or program of the Federal agency.

(i) "Major helium requirement" or major requirement of helium" is a helium requirement or delivery of 5,000 standard cubic feet (scf), measured at 14.7 pounds per square inch absolute pressure and 70° Fahrenheit temperature, or more, including liquid helium gaseous equivalent, during a calendar month, including the first 5,000 scf per calendar month when the "helium requirement" equals or exceeds 5,000 scf per calendar month.

(j) "Secretary" is the Secretary of the Department of the Interior.

(k) "Bureau" is the Bureau of Mines of the United States Department of the Interior.

§ 602.3 Bureau helium distribution contracts.

(a) Any private helium merchant may make application to the Bureau to become a Bureau helium distribution contractor and, upon meeting the requirements of this Part and upon execution of a three-year distribution contract with the Bureau, may become a Bureau helium distribution contractor. To be eligible, a prospective contractor must demonstrate: adequate financial resources to pay for Bureau helium and helium-related services in advance, adequate facilities and equipment to meet delivery schedules and quality standards required by purchasers of Bureau helium, a satisfactory record of performance in the distribution of helium, and/or other compressed gases, a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective contractor is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to receive an award of a Bureau helium distribution contract under applicable laws and regulations. Effective January 15, 1982, and thereafter, only those helium merchants having a valid Bureau helium distribution contract shall be included on Bureau lists of Bureau helium distribution contractors. (The currently approved helium distribution contract is set out in the Appendix to this Part.)

(b) The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032–0113. The information is being collected to identify firms desiring to become helium distribution contractors. This information will be used to determine responsible applicants as possible contractors, to establish an accountability of helium transfer between distributors, and to report distributor annual sales, transfers, and purchases of Bureau of Mines helium as certification of compliance with 30 CFR 602. The obligation to respond is required to obtain a benefit.

(c) Bureau helium distribution contracts shall require the Bureau helium distribution contractor to deliver only Bureau helium to supply (1) major helium requirements of any Federal agency, whether or not Bureau helium is specified by the agency, and (2) any helium requirement of any Federal agency if procurement documents in any manner specify or evidence intent to acquire Bureau helium. Information about which Federal agencies have major helium requirements is available from Bureau of Mines Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806 376–2638 or FTS 735–1638.

(d) Bureau helium distribution contracts shall also require the Bureau helium distribution contractor to deliver only Bureau helium to (1) any private helium purchaser, including Federal agency contractors, if procurement documents in any manner specify or evidence intent to acquire Bureau helium, or (2) another Bureau helium distribution contractor if certification as Bureau helium is required or furnished.

(e) Contracts shall include provisions for sources of supply of Bureau helium, quantity, quality, delivery requirements, Bureau helium book inventory, actual physical volume of helium in inventory, commingling, accounting and reporting procedures, records and facilities examinations, shipping points, payments, and contract termination.

Appendix

Bureau Helium Distribution Contract No. 14–09–0060 ——— Between United States Department of the Interior, Bureau of Mines and ———

Contents

Preamble
Article I, Definitions
Article II, Term of Contract
Article III, Bureau Helium Distribution Contractor
Article IV, Bureau of Mines
Article V, Conditions
Article VI, General Provisions
Addendum "A"—Application
Addendum "B"—Certificate of Resale of Bureau of Mines Helium (Form HA–285a)
Addendum "C"—Bureau of Mines Helium: Stocks, Receipts, and Distribution Annual Report (Form 6–1575–A(1–77) Rev.)

Bureau Helium Distribution

Contract

This contract, made this —— day of ———, 19—, pursuant to the Helium Act (Act of 1960, Public Law 86–777, 74 Stat. 918, 50 U.S.C. 167 et seq., 5 U.S.C. 301), between the United States of America, Department of the Interior, Bureau of Mines, hereinafter styled Bureau of Mines, represented by the officer executing this contract, and ——— whose principal address is ——— hereinafter styled Bureau Helium Distribution Contractor, or Contractor.

Witnesseth that:

Whereas, pursuant to provisions of the Helium Act: "The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary," (of the Department of the Interior);

Whereas, the Bureau of Mines, by virtue of authority delegated by the "Secretary" (of the Department of the Interior) under the Helium Act administers the production and distribution of helium for Federal use;

Whereas, the authorization of private helium merchants to participate in the distribution of Bureau of Mines helium for Federal use is advantageous to both the United States Government and the private helium merchants; and

Whereas, an application to become a Bureau Helium Distribution Contractor, attached to and forming a part of this contract (Addendum A), has been received by the Bureau of Mines from the private helium, merchant named as a party to this contract.

Now Therefore, in consideration of the mutual and dependent covenants herein contained, it is mutually agreed between the parties as follows:

Article I.—Definitions

1.1 "Bureau Helium Distribution Contractor" is a private helium merchant (as defined by the Texas Business and Commercial Code Ann., Title 1, Sec. 2.104 (Uniform Commercial Code)) that by new contract with an effective date of January 15, 1982, or later with the Bureau, has Bureau helium available for distribution.

1.2 "Bureau" is the Bureau of Mines of the United States Department of the Interior.

1.3 "Bureau of Mines helium" or "Bureau helium" is helium, regardless of physical state or purity, available for purchase or purchased from the secretary or another Bureau helium distribution contractor after the effective date of this contract. Bureau helium cannot be obtained from any other source of supply. Bureau of Mines helium includes volumes of helium available for delivery or delivered to purchasers or Bureau helium distribution contractors in the Grade-A gaseous physical state or liquid physical state and volumes of Grade-A gaseous helium used as raw stock to produce (1) liquid helium and the liquid produced therefrom, (2) a gaseous or liquid mixture having a purity of helium different from Grade-A, (3) a gaseous or liquid mixture having a concentration of helium-4 isotope different from the concentration of such isotope in Grade-A helium, and (4) helium mixtures different in any other way from Grade-A gaseous helium. Bureau helium does not include private helium stored under contract with the Bureau and redelivered to

the private enterprise (owner) in crude Grade-A gaseous, or liquid helium form.

1.4 "Contracting Officer" is the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

1.5 "Federal Agency" is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101–05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

1.6 "Federal Agency Contractor" is any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or a State or political subdivision thereof which has entered into or that is obligated by a contract or cooperative agreement with a Federal agency, or received a grant from a Federal agency, or which subcontracts with a Federal Agency Contractor.

1.7 "Private helium purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, purchasing or wanting to purchase helium. The term does not include Federal agencies, but does include Federal agency contractors.

1.8 "Helium" is the element helium regardless of its physical state.

1.9 "Helium Requirement" or "Requirement of Helium" is all helium, whether in the gaseous or liquid state or in mixtures with other gases, that is required by or delivered to a Federal agency, to accomplish an objective, project, mission, or program of the Federal agency.

1.10 "Major Helium Requirement" or "Major Requirement of Helium" is a helium requirement of 5,000 scf or more during a calendar month, including the first 5,000 scf per calendar month when the "helium requirement" equals or exceeds 5,000 scf per calendar month.

1.11 "Secretary" is the Secretary of the Deparrment of the Interior.

1.12 "Shipping Point" is a shipping facility of the Bureau Helium Distribution Contractor from which Bureau of Mines helium is available.

1.13 "Standard cubic foot" (scf) is a 1-cubic-foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit. Volumes of liquid helium shall be expressed in liters or U.S. gallons. One liter of liquid helium is equivalent to 26.63 standard cubic feet of gaseous helium. One U.S. gallon of liquid helium is equivalent to 100.8 standard cubic feet of gaseous helium. One pound of liquid helium is equivalent to 96.67 standard cubic feet of gaseous helium. Appropriate Grade-A gaseous equivalents of volumes of helium mixtures different in any way from Grade-A gaseous helium may be used, and such equivalents must be used when required by the Division of Helium Operations, Bureau of Mines, Amarillo, Texas.

1.14 "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume.

Article II.—Term of Contract

2.1 This contract shall be effective on the date heretofore stated and shall remain effective for a period of three (3) years thereafter unless sooner terminated as hereinafter provided in Section 6.2 or for default.

Article III.—Bureau Helium Distribution Contractor

3.1 The Bureau Helium Distribution Contractor (hereafter styled Contractor) shall deliver only Bureau of Mines helium to supply: (1) major helium requirements of a Federal agency without regard as to whether or not Bureau of Mines helium is specified by the agency, (2) any quantity of helium to a Federal agency if procurement documents specify in any manner that Bureau of Mines helium be furnished, (3) any quantity of helium to private helium purchasers if procurement documents specify in any manner the intent that Bureau of Mines helium be furnished, (4) any quantity of helium to another Bureau helium distribution contractor if certification as Bureau of Mines helium is required or furnished.

3.2 Helium delivered for Federal use under the terms of this contract shall conform to the quality, quantity, and delivery requirements agreed to between the Contractor and the purchasing Federal Agency or private helium purchaser.

3.3 Each delivery of helium that requires Bureau of Mines helium in accordance with Sec. 3.1 of this contract shall be made only from an inventory of Bureau of Mines helium on hand except as provided in Sec. 3.4 of this contract.

3.4 Helium is a fungible commodity; therefore, the Contractor may commingle Bureau of Mines helium with helium from other sources. For purposes of Bureau helium accounting records, as much of the Contractor's helium inventory will be considered Bureau of Mines helium as is equal to the volume of: (1) helium purchased from the Bureau of Mines and delivered to the Contractor, plus (2) helium delivered to the Contractor by another Bureau helium distribution contractor and certified as Bureau of Mines helium in accordance with Sec. 3.11 of this contract, less (3) helium deliveries in accordance with Sec. 3.1 of this contract. The Contractor may, except as restricted by Sec. 3.6 of this contract, sell as Bureau of Mines helium volumes of helium from its inventory even though its inventory does not contain, at the time of sale, sufficient helium purchased from the Bureau of Mines or helium received from and certified as Bureau of Mines helium by another Bureau helium distribution contractor to meet the Bureau of Mines helium requirements of the purchaser; however, the Contractor shall report such sales as sales of Bureau of Mines helium and shall, within thirty (30) calendar days following the end of a reporting period or discovery of a negative inventory of Bureau of Mines helium, whichever is sooner, place a firm procurement order with the Bureau of Mines or another Bureau helium distribution contractor for sufficient Bureau of Mines helium to restore its Bureau of Mines helium inventory to a positive value. Failure to order sufficient helium within the thirty (30) day period shall be sufficient grounds to terminate this contract for cause, according to Sec. 3.7.

3.5 The Contractor's opening inventory of Bureau of Mines helium on its initial report to the Bureau shall be any Bureau of Mines helium received and not delivered in accordance with the provisions of this contract within the thirty (30) day period immediately preceding the effective date of this contract, except that, in the event that the Contractor was an Eligible Private Helium Distributor at the time of entering into this contract, opening inventories under this contract will be determined by the Bureau of Mines based on the Eligible Distributor's reports for the previous reporting periods and examination of Eligible Distributor's helium accounting records by a Bureau representative.

3.6 The inventory balance of Bureau helium at the end of an annual reporting period may be carried forward as the opening inventory for the subsequent period, provided, however, that at no time shall the inventory of Bureau helium exceed the total volume of helium in physical inventory.

3.7 At the end of each annual reporting period, the Contractor shall have a positive or zero balance of Bureau of Mines helium in its inventory. Negative closing balances of Bureau of Mines helium at the end of the annual reporting period, whether reported by the Contractor on its "Bureau of Mines Helium" (Addendum C), or revealed through Bureau of Mines examination of the Contractor's Bureau helium accounting records, if not changed to a positive value within thirty (30) days according to Sec. 3.4, shall be sufficient cause for termination of this contract.

3.8 The Contractor shall not add or delete shipping points designated in the original application (Addendum A) except through amendment of this contract. The Contracting Officer, upon receipt of a written request from the Contractor to amend the contract to add or delete shipping points, along with a full explanation of the reason therefor, may send a contract amendment to the Contractor for execution or notify the Contractor of rejection of the request.

3.9 The Contractor shall keep Bureau helium accounting records necessary to show compliance with this contract. Such records shall be kept in a central location and shall be retained for one (1) year following the last day of the applicable annual reporting period. Helium accounting records shall include but are not limited to the following: (1) records of sales of Bureau of Mines helium to each Federal agency and to each private helium purchaser, (2) all pertinent documents supporting sales of Bureau of Mines helium, (3) helium sales contracts between the Contractor and another Federal Agency Contractor who, in the opinion of the Contracting Officer, may reasonably be considered a Federal Agency Contractor, (4) all pertinent documents supporting any contention that a Federal Agency Contractor was not required to use Bureau of Mines

helium to meet the requirements of a Federal Agency, or a Federal Agency Contractor whose order intended delivery of Bureau of Mines helium in the opinion of the Contracting Officer, (5) certificates of Resale of Bureau of Mines helium certifying the resale of helium as required by Sec. 3.11 of this contract.

3.10 The Contracting Officer or his duly authorized representative shall have access to and the right to examine, during the Contractor's normal business hours, any pertinent books, documents, records, and physical facilities involving transactions related in any way to this contract.

3.11 Sales of Bureau of Mines helium to another Bureau helium distribution contractor shall be certified on a "Certificate of Resale of Bureau of Mines Helium" as illustrated in Addendum B to this contract. The original of the Certificate shall be furnished to the buyer. The Contractor shall submit a fully executed copy of each Certificate issued during a reporting period with its annual report of "Bureau of Mines Helium." One copy of each Certificate issued shall be retained in the Central Bureau helium accounting records of the Contractor.

3.12 Receipts of Bureau of Mines helium from another Bureau helium distribution contractor shall be substantiated by the original "Certificate of Resale of Bureau of Mines Helium" executed and issued by the selling Bureau helium distribution contractor at the time of the sale and retained in the buying contractor's Bureau helium accounting records according to Sec. 3.9(5). The buying contractor shall submit a copy of each original Certificate received during a reporting period with its annual report of "Bureau of Mines Helium," (Addendum C). No claimed receipt of Bureau of Mines helium from another Bureau helium distribution contractor will be allowed on an annual report unless fully supported by copies of valid Certificates.

3.13 The Form No. 6–1575–A Rev., "Bureau of Mines Helium" attached as Addendum C to this contract, shall be used by the Contractor to report the stocks, receipts, and distribution of Bureau of Mines helium. The required reporting period is January 1 through December 31 of each calendar year. The reports are due at the Bureau of Mines office indicated below on or before the thirtieth (30th) day of January of each year following the applicable preceding reporting period. The completed forms shall be submitted to the Department of the Interior, Bureau of Mines, Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Copies of the blank form may be obtained from the above address.

Article IV.—Bureau of Mines

4.1 The Bureau of Mines will place the Contractor's name, address, and locations of designated shipping points on the Bureau of Mines list of Bureau Helium Distribution Contractors.

4.2 The Bureau of Mines will furnish its list of Bureau Helium Distribution Contractors to known users of Bureau of Mines Helium, and to other parties upon request, for their use in obtaining Bureau of Mines helium.

4.3 The Bureau of Mines authorizes the Contractor to sell and distribute Bureau of Mines helium in accordance with the provision of this contract and to compete in the open market for such sales of Bureau of Mines helium that are otherwise reserved to the Secretary of the Department of the Interior.

4.4 The Bureau of Mines will furnish, upon request by the contractor, information as to which Federal agencies have major helium requirements.

Article V.—Conditions

5.1 *Repurchase Rights*

The Bureau of Mines shall have the right to repurchase from the original purchaser helium that has been sold by the Bureau and that has not been resold, lost or dissipated, when needed for United States Government use, as provided in Sec. 6(e) of the Helium Act. However, small volumes of Bureau helium purchased by the Contractor from another Bureau helium distribution contractor shall not be subject to repurchase by the Bureau.

5.2 *Liability*

(a) The Bureau of Mines warrants the quality and quantity of helium delivered to the original purchaser only and assumes no further liability, financial or otherwise, in connection with any sale or delivery of helium hereunder, including but not limited to claims relating to: (1) losses on business transactions or commitments between original purchaser and third parties, such as the Contractor, (2) losses on original purchaser's helium containers filled by the Bureau, or (3) losses occasioned by transportation delays.

(b) Contractor shall be liable for any and all actual damages to the Government caused by Contractor, Contractor's representatives, or Contractor's owned or leased equipment.

(c) Contractor is hereby advised that helium requirements of the United States Government shall have priority over non-Government requirements and that such priority requirements of the Government or occasions of Force Majeure may cause delay or deferral of shipment of any helium ordered by Contractor from the Bureau of Mines or another Bureau helium distribution contractor under this contract.

Article VI.—General Provisions

6.1 This contract cannot be assigned or otherwise transferred without the express written approval of the Contracting Officer.

6.2 This contract may be terminated at any time by either party by serving not less than sixty (60) days' written notice of termination upon the other party, stating therein the date that such termination shall be effective. In the event of contract termination under the provisions of this Sec. 6.2, a report of receipts and distribution of Bureau of Mines helium, as required by Sec. 3.13 of this contract, shall be submitted for the period from January 1 to the effective date of the termination in the calendar year in which the termination occurs within 15 days after the effective date of the termination.

6.3 *Disputes*

(A) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in Sec. 6.3.a above, *provided*, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Standard Provisions

The remainder of the contract is comprised of nine standard provisions as follows:

6.4 Officials Not to Benefit
6.5 Covenant Against Contingent Fees
6.6 Utilization of Small Business Concerns
6.7 Utilization of Labor Surplus Area Concerns
6.8 Utilization of Minority Business Enterprises
6.9 Equal Opportunity
6.10 Affirmative Action for Handicapped Workers
6.11 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era
6.12 Clean Air and Water

In witness whereof, the parties hereto have caused this contract to be fully executed in duplicate by their proper officers the day and year first above written.

United States of America, Department of the Interior, Bureau of Mines.
By— _____

Contracting Officer.

Bureau Helium Distribution Contractor.

_____

(Name of Individual or Company)
By _____
(Signature)
Title _____

(The following is to be executed if Contractor is a Corporation.)

I, the undersigned, hereby certify that I am the _____ Secretary of the above-named corporation; that the officer who signed this contract on behalf of such corporation was then acting in the capacity indicated; and that the records of the corporation, of which I have custody, indicate that such officer has the authority to so bind the corporation and that such authority is within the scope of its corporate power, and has not been revoked.

_____
(Signature)

(Affix Corporate Seal)

BILLING CODE 4310-53-M

3. Indicate the range of total volume of helium (commercial and/or Bureau of Mines helium) distributed by the Company during the past

Addendum A
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES

O.M.B. No. 1032-0113
Approval Expires 12 31/ 83

Form 6—1581-X
Helium Oper. (9-81)

V 4 6 D E 1 0 8 1 UMI

Form 6—1581-X
Helium Ops. (5-81)

Addendum A
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O.M.B. No. 1032-0113
Approval Expires 12 31/ 83

Application to enter into a contract with the United States Department of the Interior, Bureau of Mines, as a Bureau Helium Distribution Contractor

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that: This information is being collected to determine essential applicant data necessary for completion of a contract. This information will be used to determine the legitimacy of applicants as possible helium distribution contractors. The obligation to respond is required to obtain a benefit."

Application is hereby made on this date, _____, 19___, by _____ whose principal address is _____ to enter into a contract with the United States Department of the Interior, Bureau of Mines, as a "Bureau Helium Distribution Contractor." Upon acceptance of this application and execution of the contract by both parties, the Contractor may sell and distribute Bureau of Mines helium for Federal use and may compete in the open market for such sales that are otherwise reserved, by Statute, to the Secretary of the Department of the Interior.

Applicant submits the following information and attests to its accuracy and completeness, with the understanding that the Bureau of Mines may make further inquiry of Applicant or others. (If additional space is needed to answer any question, additional sheets may be attached. If additional sheets are used, please reference all answers to the applicable question number.)

1. As of the date of this application, applicant is ☐ or is not ☐ distributing helium for Federal use as a Bureau of Mines "Eligible Private Helium Distributor."

2. If the answer to 1. above is negative, applicant has ☐ or has not ☐ previously been an Eligible Private Helium Distributor.

3. Indicate the range of total volume of helium (commercial and/or Bureau of Mines helium) distributed by the Company during the past calendar year:

☐ More than
2,000 Mcf of gaseous helium
☐ Less than

☐ More than
50,000 liters of liquid helium
☐ Less than

4. Indicate the range of total volume of other compressed or liquefied gases distributed by the company during the past calendar year.

☐ More than
5,000 Mcf of compressed gases
☐ Less than

☐ More than
100,000 liters of liquefied gases
☐ Less than

5. List each shipping point, along with the mailing address thereof, that Applicant wishes to designate for distribution of Bureau of Mines helium for Federal use.

6. Describe Applicant's facilities and equipment to be used in supplying helium requirements of Federal use customers.

a. Plant and container filling

b. Containers

c. Quality control and methods

d. Does Applicant have rail siding within or adjacent to its facilities?

7. Based on past performance records, estimate delivery time to Federal use customers that Applicant anticipates serving.

_____ % within 24 hours after receipt of order.

_____ % longer than 24 hours after receipt of order.

8. Based on Applicant's present accounting system, describe any problems that would result from the records and reporting requirements of the contract.

9. Present a statement of facts concerning Applicant's financial capability, including the maintenance of an inventory of Bureau of Mines helium to meet anticipated sales for Federal use.

The Government reserves the right to reject any application and not award a contract.

Applicant hereby acknowledges that it has reviewed the attached contract documents and agrees to the terms thereof, and further agrees that this application, if approved, will be attached to and form a part of the resulting contract.

_____
Name of Applicant

_____
Name and Title of Signer
(Print or Type)

_____
Signature

_____
Date

Form 6-1511
Helium Op

UMI 1 8 0 1 E D 6 4 V

Addendum B

Form 6-1580-A
Helium Oper. (9-81)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O.M.B. No. 1032-0113
Approval Expires 12/31/83

INDIVIDUAL COMPANY DATA—PROPRIETARY

The data furnished in this report will be treated in confidence by the Department of the Interior, except that they may be disclosed to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

CERTIFICATE OF RESALE OF BUREAU OF MINES HELIUM

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that: This information is being collected to determine distributor accountability and certification of compliance with the 30 CFR 602. This information will be used to account for helium transfer between distributors. The obligation to respond is required to obtain a benefit."

I certify that on this _____ day of _____, 198___,

_____ standard cubic feet of Bureau of Mines helium (convert liquid helium to its gaseous helium equivalent) was sold from

(Company)_____,

to

(Company)_____.

Name _____

Title _____

Company _____

Address _____

_____

Signature _____

Form 6–1575–A
(Helium Oper. 9–81)

Addendum C
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O.M.B. No. 1032-0113
Approval Expires 12/31/83

INDIVIDUAL COMPANY DATA—PROPRIETARY

The data furnished in this report will be treated in confidence by the Department of the Interior, except that they may be disclosed to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

BUREAU OF MINES HELIUM:
Stocks, Receipts, and Distribution

Year 19____

To: Bureau of Mines, Helium Operations,
Department of the Interior
1100 South Fillmore Street
Amarillo, Texas 79101

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that: This information is being collected for the purpose of distributor accountability and certification of compliance with the Regulation. This information will be used to report annual sales, transfers, and purchases of Bureau helium as certification of compliance with 30 CFR 602. The obligation to respond is required to obtain a benefit."

This report is required by contract. The Bureau of Mines may withhold deliveries under a contract or terminate a contract with a private helium distributor for failue to comply with the reporting provisions specified by contract.

SECTION 1. COMPANY IDENTIFICATION.

Each distributor should prepare this report. Indicate opening stocks, receipts, distribution and closing balance, in Section 2 for indicated annual period.

1. Your company name _____
2. Address _____

SECTION 2. STOCKS, RECEIPTS, AND DISTRIBUTION FOR INDICATED ANNUAL PERIOD.

Because sales of Bureau of Mines helium to civilian consumers are not required to be reported, the closing balance of Bureau of Mine helium may exceed the total closing helium inventory. However, it is not possible for the opening inventory of Bureau of Mines helium t exceed the total helium inventory at the beginning of a reporting period. Purchases and transfers from sources other than the Bureau o Mines must be supported by copies of certificates from suppliers. Copies of this certificate are enclosed with this mailing

Item (1)	Liquid and Gaseous Helium Standard Cubic Feet✓ (2)
1. Opening Inventory:	
a) Carryover closing balance from previous period or total helium inventory, whichever is smaller	
2. Receipts	
a) By purchase from Bureau of Mines	
(b) By purchase from another distributor	
(c) Total receipts (equals 2 (a) plus 2 (b))	
3. Total Available for Distribution this Period (equals 1 (a) plus 2 (b))	
4. Distribution:	
a) By sale to Federal agencies	
(b) By certified sale to another distributor	
(c) Total distribution (equals 4 (a) plus 4 (b))	
5. Closing Balance (equals 3 minus 4 (c))	
6. CLOSING INVENTORY (actual helium on hand at end of period)	

✓ Liquid helium shall be reported in gaseous helium equivalent. One liter of liquid helium is equivalent to 26.63 standard cubic feet and 1 gallon of liquid helium is equivalent to 100.82 standard cubic feet

CERTIFICATION—I certify that the forgoing report is true, correct, and complete to the best of my knowledge and belief

Name _____ Title _____

Signature _____ Date _____

Name of person to be contacted regarding this report		Tel. area code	No.	Ext.
Address No. Street		City	State	Zip

[FR Doc. 81-35304 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-53-C

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[SECNAVINST 5211.5B]

Availability of Records and Publication of Documents Affecting the Public

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This rule corrects an error in existing Department of Navy Privacy Act rules by deleting an incorrect reference.

DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Gwendolyn Aitkens, Naval Records Management and Administrative Services Division, OPNAV 09B1P, Room 4D–471, The Pentagon, Washington, D.C. 20350. Telephone (202) 694–2004.

SUPPLEMENTARY INFORMATION: In § 701.104(a)(3) of Subpart F of Title 32 of the *Code of Federal Regulations* there is erroneous reference to a nonexistent § 701.108 of the title. Accordingly this section is amended as follows:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Subpart F—Personal Privacy and Rights of Individuals Regarding Their Personal Records

§ 701.14 Policy, responsibilities and authority. [Amended]

In paragraph (a)(3) after the words **Federal Register** remove the comma, insert a period and remove the remainder of the sentence beginning with the words "in accordance with * * *."

M. S. Healy,

OSD Federal Register Liaison Officer. Washington Headquarters Services. Department of Defense.

December 7, 1981.

[FR Doc. 81-35385 Filed 12-9-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-091]

Drawbridge Operation Regulations; Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee and Burnham Canals, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of Milwaukee, Wisconsin, the Coast Guard is revising the regulations governing the operation of certain bridges across the Milwaukee, Menomonee and Kinnickinnic Rivers, and the South Menomonee and Burnham Canals. This action will relieve the bridge owner of the burden of having bridgetenders on duty at these bridges from 11 p.m. to 7 a.m. This change will not affect hours of operation of the North Broadway, North Water, and Michigan Street bridges across the Milwaukee River, the Plankinton Avenue bridge across the Menomonee River, or the Kinnickinnic Avenue bridge across the Kinnickinnic River, nor will it affect the hours of operation of all but one of the railroad bridges.

EFFECTIVE DATE: This amendment becomes effective on January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, United States Coast Guard, 1240 East Ninth Street, Cleveland, Ohio 44199 (216–522–3993).

SUPPLEMENTARY INFORMATION: On August 4, 1980, the Coast Guard published a proposed rule (45 FR 41617) concerning this amendment. The Commander, Ninth Coast Guard District also published the proposal as a Public Notice dated August 15, 1980. Interested parties were given until September 4, 1980, and September 17, 1980, respectively to submit comments.

Drafting Information

The principal persons involved in drafting this Final Rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Lt. M. E. Reeves, Project Attorney, Ninth Coast Guard District, Legal Office.

Discussion of Comments

One Comment was received which recommended that the Milwaukee River bridges be retained on the old published schedule which states that the draws need not open from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. and two hours notice is required at all other times; and that public vessels of the United States, state or local government vessels used for public safety, vessels in distress and vessels having a license to carry 50 or more passengers when proceding to or from their regular landing places on their regular trips, shall be passed through the draws of the bridges even though regulated periods are in effect. This was an oversight in the original proposal and will be incorporated in these regulations. A new paragraph (d) and (h) will reflect this action. Paragraphs (d), (e), and (f) will also be changed to paragraphs (e), (f), and (g). and an additional paragraph (h) has been added.

Eight comments were received which were concerned with the free movement of vessels over navigable waters of the United States. These regulations, however, do not substantially restrict the free movement of vessels over the waterways in the City of Milwaukee They only require that a specified amount of advance notice be given, between the hours of 11 p.m. and 7 a.m., in order for a vessel to pass through the draws of certain bridges operated by the City of Milwaukee.

One commentor was concerned with the removal of bridgetenders, during the 11 p.m. to 7 a.m. shift, on the Broadway and Water Street bridges over the Milwaukee River and the North Plankinton Avenue bridge over the Menomonee River. The Proposed Rule did not include these bridges for removal of the 3rd shift bridgetenders.

One comment was received requesting the 11 p.m. to 7 a.m. bridgetender service be maintained on the Kinnickinnic Avenue, North 6th Street, and South 6th Street bridges. After a review of the bridgetender logs and a discussion with the City of Milwaukee officials, it was determined that the 11 p.m. to 7 a.m. bridgetender would remain on the Kinnickinnic Avenue bridge. However, bridgetender logs did not support the need for bridgetenders on the North and South 6th Street bridges during the 3rd shift. The Kinnickinnic Avenue bridge has been added to section (b) which states what bridges shall open on signal except for the two one hour periods during vehicle rush hours.

These regulations have been reviewed

under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since its impact is expected to be minimal because these regulations only require a vessel to give advance notice to have a bridge open during hours when navigation through certain draws is minimal.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.655 to read as follows:

§ 117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee and Burnham Canals, Milwaukee, Wisconsin; bridges.

(a) The draws of the Chicago and North Western bridges across the Kinnickinnic River, mile 1.0, and Milwaukee River, mile 0.3, and the Chicago, Milwaukee, St. Paul and Pacific bridge across the Menomonee River, mile 0.1, shall open on signal at all times.

(b) The draws of the North Broadway Street, North Water Street, and Michigan Street bridges across the Milwaukee River, mile 0.5, 0.6, and mile 1.13, respectively; the North Plankinton Avenue bridge across the Menomonee River, mile 0.1, and the Kinnickinnic Avenue bridge across the Kinnickinnic River, mile 1.45, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except holidays, the draws need not open.

(c) The draws of the Chicago, Milwaukee, St. Paul, and Pacific Railroad bridge and the Chicago & North Western Railway bridge across the Kinnickinnic River, mile 1.5 and mile 1.52 respectively; and the draw of the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the Burnham Canal, mile 0.8, shall open on signal if at least two hours notice is given.

(d) The draws of the bridges across the Milwaukee River need not open from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., and need not open at all other times unless at least 2 hours notice is given.

(e) All other drawbridges across the Kinnickinnic, and Menomonee Rivers, and the Menomonee and Burnham Canals shall open on signal. However, from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except holidays, the draws need not open, and from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(f) *Signals.* (1) The opening signal for all drawbridges except those listed below is one long blast followed by one short blast.

(i) The opening signal for the Chicago and North Western drawbridges across the Kinnickinnic River, mile 1.0, and the Milwaukee River, mile 0.3, is two long blasts.

(ii) The opening signal for the Broadway Street drawbridge, mile 0.5, is three long blasts followed by one short blast.

(iii) The opening signal for the Water Street drawbridge, mile 0.6, is three long blasts followed by two short blasts.

(iv) The opening signal for the Chicago, Milwaukee and St. Paul and Pacific Railroad drawbridge across the Menomonee River, mile 0.1, is two long blasts followed by two short blasts.

(2) The acknowledging signal when the draw will open is the same as the opening signal.

(3) The acknowledging signal when the draw will not open or is open and must be closed is four short blasts.

(g) The owners of or agencies controlling the bridges, other than those required to open on signal at all times, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, where it may be read at any time, a copy of the regulations in this section as they pertain to each bridge, together with information stating exactly to whom advance notice shall be given when an opening is required.

(h) Public vessels of the United States, state or local government vessels used for public safety, vessels in distress and vessels having a license to carry 50 or more passengers when proceeding to or from their regular landing places on their regular trips, shall be passed through the draws of bridges in this section as quickly as possible even though regulated periods are in effect.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: December 2, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 81–35405 Filed 12–9–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 262

[SWH–FRL–1965–7]

Consolidated Permit Regulations and Hazardous Waste Management System

AGENCY: Environmental Protection Agency.

ACTION: Notice of issuance of regulation interpretation memorandum.

SUMMARY: The Environmental Protection Agency (EPA) is issuing today a Regulation Interpretation Memorandum (RIM) which provides official interpretation of the issue of whether a generator who accumulates hazardous waste pursuant to 40 CFR 262.34, may qualify for interim status after November 19, 1980. This issue arose when the requirements for submitting a Part A permit application (one of the prerequisites to qualifying for interim status) were amended on November 19, 1980. The provisions interpreted today are part of the Consolidated Permit Regulations promulgated under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (RCRA).

DATE: This Regulation Interpretation Memorandum becomes effective December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Deborah Wolpe, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 755–9107.

SUPPLEMENTARY INFORMATION: In the matter of RIM 122–81–01, Regulation Interpretation Memorandum on whether a generator accumulating hazardous waste in compliance with 40 CFR 262.34 may qualify for interim status after November 19, 1980.

Issue

EPA has received questions concerning the interpretation of 40 CFR 122.23(a) and 262.34. Section 122.23(a) of the regulations and Section 3005(e) of RCRA provide the criteria which the owner or operator of a hazardous waste management (HWM) facility must meet to qualify for interim status. Section 262.34 allows a generator to accumulate wastes on-site for a 90-day period without having to obtain a RCRA permit or comply with the applicable standards under Part 264. The question we will respond to today is whether a generator who has been accumulating hazardous waste in accordance with § 262.34 may

qualify for interim status if wastes continue to be accumulated beyond the 90-day period. The question arises because generators who accumulate hazardous waste pursuant to § 262.34 are not required to qualify for interim status, but may want to qualify in the future.

Decision

A generator who has been accumulating hazardous waste in accordance with 40 CFR 262.34, and who begins to store the waste for more than 90 days may qualify for interim status as a storage facility if (1) the storage area was in existence on or before November 19, 1980 (i.e., the generator was accumulating hazardous waste at the facility on or before that date and the waste accumulated is the same before and after November 19, 1980;[1] (2) the owner or operator complied with Section 3010(a) of RCRA; and (3) the Part A permit application is submitted within 30 days of the date that the waste first becomes subject to Parts 265 or 266, or a longer period if the Administrator so allows under 40 CFR 122.22(a)(3)). This thirty day filing period of 40 CFR 122.22(a) is triggered when the storage period exceeds 90 days.

Discussion

On May 19, 1980, EPA published regulations interpreting the three statutory requirements of RCRA necessary to qualify for interim status.[2] On November 19, 1980, EPA amended the regulatory requirements to clarify the circumstances under which an owner or operator of a hazardous waste management (HWM) facility could qualify for interim status.[3] Pursuant to Section 3005(e) of RCRA and 40 CFR 122.23(a) as amended, a person who:

(1) Owns or operates a facility which is required to have a permit under Section 3005 of RCRA and which was in existence on November 19, 1980 [4] and

(2) Has complied with the requirements of Section 3010(a) of RCRA; and

(3) Has complied with the requirements of Section 3005 of RCRA governing submission of Part A permit applications shall have interim status and shall be treated as having been issued a RCRA permit.

This memorandum interprets the third requirement, that of filing a permit application, as it applies to generators accumulating hazardous waste in compliance with 40 CFR 262.34.

A. Requirement that the Owner or Operator Submit a Part A Permit Application

Prior to November 19, 1980, 40 CFR 122.22(a) required that all owners and operators of existing HWM facilities submit Part A of their permit application not later than six months after the first promulgation of regulations in 40 CFR Part 261 listing and identifying hazardous wastes.

On November 19, 1980, this section was amended to allow owners and operators of existing HWM facilities to submit their Part A permit applications either six months after the date regulations are first published which require them to comply with the Part 265 interim status standards (i.e., EPA brings them into the HWM system through a regulatory amendment), or thirty days after they first lose their regulatory exemption and become subject to already effective standards (i.e., the facility brings itself into the HWM system), whichever occurs first.[5]

The November 19, 1980, amendment clarifies the requirements for filing Part A permit applications and qualifying for interim status in three situations: (1) After an EPA amendment to the regulations; (2) after a revised filing deadline has been announced by EPA; or (3) after a change in the facility's own operations after November 19, 1980, brings it into the HWM system. Generators accumulating hazardous waste in compliance with 40 CFR 262.34, but who then exceed the allowed accumulation time, fall into this third category.

B. Qualification for Interim Status as a Result of a Facility's Changes in its Own Operations

The November 19, 1980, amendment addresses two situations in which a change in the facility's own operations would bring it into the HWM system. The first situation involves a small quantity generator who exceeds the small quantity exemption level (e.g., 1000 kg per month). The generator may then need to obtain interim status for an existing on-site treatment, storage or disposal facility.[6]

The second situation concerns a facility which properly determined on August 18, 1980, that the solid waste it was treating did not exhibit any of the characteristics of hazardous waste, but upon retesting after November 19, 1980 found that it did constitute a hazardous waste. These facilities may also qualify for interim status as in the first situation (i.e., they file a Part A permit application within 30 days of finding that they need interim status for a treatment, storage, or disposal operation because they are handling a hazardous waste).

A third situation, not addressed by the November 19, 1980, amendment, is clearly analogous to the first two. That situation is when a generator is accumulating hazardous waste in accordance with 40 CFR 262.34 on November 19, 1980, but later, the storage period exceeds 90 days.[7] Section 262.34 considers such a generator to be "an operator of a storage facility and * * * subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 122." As in the previous situations, this generator was not required to comply with the permit requirements of Section 3005 of RCRA until the storage period exceeds 90 days. Assuming he meets the notification and "in existence" criteria, he may qualify for interim status if he files his Part A permit application within 30 days of losing his regulatory exemption, as required by 40 CFR 122.22(a)(1).

It should be noted that these facilities will technically be operating without a permit until they submit their permit application. EPA stated in the November 19, 1980, amendment that it will not initiate any enforcement action against them if they contact their EPA Regional Office immediately and file an application within the thirty-day period.[8] These facilities are not immune from citizen suits, and possibly EPA enforcement if they do not contact the Regional Office immediately upon losing exempted status.

It should be further noted that an owner or operator who was not accumulating hazardous waste at all on or before November 19, 1980, but after that date begins to do so for more than 90 days cannot qualify for interim

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[1] For a discussion of the "same waste" criteria see 45 FR 76634–76635, November 19, 1980.

[2] See 40 CFR 122.22(a) and 122.23(a), and the accompanying preamble discussion, which interprets Section 3005 of RCRA, 42 U.S.C. 6925; 45 FR 33321–33324, 33433–33434 (May 19, 1980).

[3] 45 FR 76630–76636 (November 19, 1980).

[4] See definition of "Existing hazardous waste management (HWM) facility", 40 CFR 122.3, 46 FR 2344–2348 (January 9, 1981) for interpretation of this requirement.

[5] 40 CFR 122.22(a)(1), 45 FR 76635 (November 19, 1980).

[6] Based on the conclusion reached in this memorandum, these generators may continue to store hazardous waste for 90 days after they exceed the exemption level. They then have 30 days to file their Part A permit application to qualify for interim status.

[7] EPA intends to amend 40 CFR 262.34 in the near future to include, inter alia, a provision for a thirty day extension to the 90 day period, in certain circumstances. Therefore, a generator who accumulates hazardous waste for more than 90 days may not always be required to obtain a storage permit.

[8] See 45 FR 76633.

status. In this situation, a permit is required before the generator can operate a storage facility, (i.e., exceed the 90 day storage period), because his storage area was not in existence on or before November 19, 1980.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. Since this notice is merely an interpretation of a regulation, and not a regulation, it does not require a Regulatory Impact Analysis.

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: November 3, 1981.

Christopher Capper,

Acting Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 81-35342 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6209]

Communities Eligible for Sale of Insurance Under National Flood Insurance Program; California, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority as been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
California:				
Monterey County	Del Rey Oaks, city of	060197	780623, emergency; 811104, regular	760514
Monterey County	Salinas, city of	060202	750501, emergency; 811104, regular	740315
Georgia: Liberty County	Riceboro, city of	130126	750626, emergency; 811104, regular	740510
Hawaii: Kauai County	Kauai County*	150002	710402, emergency; 811104 regular	741220
Idaho: Bonneville County	Bonneville County*	160027	740606, emergency; 811104, regular	741018
Illinois: McHenry County	Spring Grove, village of	170485	750210, emergency; 811104, regular	740308
Indiana:				
Wayne County	Fountain City, city of	180282	810102, emergency; 811104, regular	740510
Wayne County	Greens Fork, town of	180283	750530, emergency; 811104, regular	740920
Massachusetts: Hampden County	Palmer, town of	250147	750620, emergency; 811104 regular	740405
Maryland: Anne Arundel County	Highland Beach, town of	240161	750731, emergency; 811104 regular	[illegible]
Michigan:				
Monroe County	Bedford, township of	260142	751008, emergency; 811104 regular	740215
Lenawee County	Hudson, city of	260116	750620, emergency; 811104 regular	740517
Wayne County	Livonia, city of	260233	730216, emergency; 811104 regular	731207
Minnesota:				
Olmsted County	Oronoco, city of	270330	740703, emergency; 811104 regular	740510
Steele County	Owatonna, city of	270463	740516, emergency; 811104, regular	740607
Steele County	Steele County*	270635	740430, emergency; 811104, regular	770902
Montana:				
Carbon County	Carbon County*	300139	780323, emergency; 811104, regular	790102
Carbon County	Fromberg, town of	300005	760512, emergency; 811104, regular	741122
North Carolina: Cumberland County	Hope Mills, town of	370312	750716, emergency; 811104, regular	750718
New Jersey:				
Cumberland County	Deerfield, township of	340553	750915, emergency; 811104, regular	750207

State and county	Location	Community No	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Hunterdon County	East Amwell, township of	[illegible]	740114, emergency; 811104, regular	740726
Hunterdon County	Kingwood, township of	340499	731121, emergency; 811104, regular	740315
New York: Rockland County	South Nyack, village of	360691	750815, emergency; 811104, regular	740315
Ohio: Montgomery County	Vandalia, city of	390418	750827, emergency; 811104, regular	740607
Pennsylvania:				
Adams County	Berwick, township of	421160	740424, emergency; 811104, regular	741227
Beaver County	Hopewell, township of	421321	740729, emergency; 811104, regular	740308
Lycoming County	McIntyre, township of	420645	730608, emergency; 811104, regular	740628
Cumberland County	South Middleton, township of	420371	730419, emergency; 811104, regular	740719
South Carolina: York County	York County*	450193	750618, emergency; 811104, regular	780217
Tennessee: Sumner County	Hendersonville, city of	470186	740528, emergency; 811104, regular	740621
Texas:				
Young County	Graham, city of	480685	741107, emergency; 811104, regular	740628
Fort Bend County	Sugar Land, city of	480234	750331, emergency; 811104, regular	740531
Virginia:				
Pittsylvania County	Pittsylvania County*	510113	750121, emergency; 811104, regular	781006
Independent City	Roanoke, city of	510130	730911, emergency; 811104, regular	740503
Vermont: Lamoille County	Hyde Park, town of	500230	760607, emergency; 811104, regular	741206
Pennsylvania:				
Wayne County	Bethany, borough of	422566	751031, emergency; 811106, regular	750117
Allegheny County	Bradfordwoods, borough of	421262	770309, emergency; 811106, regular	750103
Delaware County	East Lansdowne, borough of	420412	750211, emergency; 811106, regular	761001
Virginia: Henry County	Ridgeway, town of	510079	750610, emergency; 811106, regular	740628
Michigan: Bay County	Fraser, township of	260657	811113, emergency; 811113, regular	780526

Total is: 40.

Code for reading column 5 and 6 dates: First two digits designate the year; Middle two digits designate the month, Last two digits designate the day.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81–35158 Filed 12–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 64

[Docket No. FEMA 6207]

Communities Eligible for Sale of Insurance Under National Flood Insurance Program; Georgia, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Georgia: Liberty	Riceboro, city of	130126B	Nov. 4, 1981, suspension withdrawn	May 10, 1974, and Jan. 30, 1976.
Hawaii: Kauai	Unincorporated areas	150002B	do	Dec. 20, 1974, and Dec. 20, 1977
Idaho: Bonneville	do	160027C	do	Oct. 18, 1974, Aug. 2, 1977, and Feb 27, 1979.
Indiana: Wayne	Fountain City, town of	180282D	do	May 10, 1974, Apr. 16, 1976, Apr. 15, 1977, and Mar. 23, 1979
Maryland: Anne Arundel	Highland Beach, town of	240161A	do	
Michigan:				
Monroe	Bedford, township of	260142B	do	Feb. 15, 1974, and July 30, 1976
Lenawee	Hudson, city of	260116B	do	May 17, 1974, and Sept. 17, 1976
Wayne	Livonia, city of	260233B	do	Dec. 7, 1973, and June 11, 1976.
Minnesota:				
Isanti	Unincorporated areas	270197A	do	
McLeod	do	270616B	do	
Olmsted	Oronoco, city of	270330B	do	May 10, 1974, and June 11, 1976.
Steele	Owatonna, city of	270463B	do	June 7, 1974, and July 16, 1976.
Steele	Unincorporated areas	270635B	do	Sept. 2, 1977.
Montana:				
Carbon	Unincorporated areas	300139B	do	Jan. 2, 1979.
Do	Fromberg, town of	300005A	do	Nov. 22, 1974.
New Jersey:				
Cumberland	Deerfield, township of	340553A	do	Feb. 7, 1975.
Hunterdon	East Amwell, township of	340498B	do	July 26, 1974, and Sept. 10, 1976
Do	Kingwood, township of	340499B	do	Mar. 15, 1974, and Feb. 3, 1978.
Cumberland	Lawrence, township of	340171A	do	Feb. 27, 1976.
New York: Rockland	South Nyack, village of	360691B	do	Mar. 15, 1974, and July 23, 1976.
North Carolina: Cumberland	Hope Mills, town of	370312B	do	July 18, 1975, and July 28, 1978.
Pennsylvania:				
Beaver	Hopewell, township of	421321B	do	Mar. 8, 1974, and June 18, 1976.
Adams	Berwick, township of	421160A	do	Dec. 27, 1974.
Lycoming	McIntyre, township of	420645B	do	June 28, 1974, and July 23, 1976
Cumberland	South Middleton, township of	420371B	do	July 19, 1974, and Nov. 21, 1975.
South Carolina: York	Unincorporated areas	450193B	do	Feb. 17, 1978.
Tennessee: Sommer	Hendersonville, city of	470186B	do	June 21, 1974, and July 15, 1977.
Texas: Young	Graham, city of	[illegible]	do	June 28, 1974, and Sept. 5, 1975
Vermont: Lamoille	Hyde Park, town of	500230B	do	Dec. 16, 1974, and May 24, 1977
Virginia	Roanoke, city of	510130B	do	May 3, 1974, and Apr. 15, 1977.
Wisconsin: Washington	Jackson, village of	550530C	do	Mar. 30, 1979.
Pennsylvania: Greene	Jefferson, township of	421672B	Dec. 2, 1975, emergency; Sept. 16, 1981, regular, Sept. 16, 1981; suspended; Nov. 3, 1981, reinstated.	Dec. 20, 1974, and June 11, 1976
Michigan: Oakland	Holly township of	260474A	Nov. 4 1981, emergency	June 24, 1977.
Texas: Cooke*	Unincorporated areas	480765A	Oct. 29, 1981, emergency	Oct. 18, 1981.
New York: Oswego	Oswego, town of	360657B	Dec. 16, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended; Nov. 5, 1981, reinstated.	May 10, 1974, and May 14, 1976.
Michigan: Marquette	Ely, township of	260449B	Nov. 9 1981, emergency	May 20, 1977, and Feb. 13, 1980
Missouri: St. Louis	Sycamore Hills, village of	290884 New	Nov. 13, 1981, emergency	
Texas				
Stephens*	Unincorporated areas	481244	Nov. 5, 1981, emergency	
Palo Pinto	do	480516	Nov. 6, 1981, emergency	
Michigan: Bay	Fraser, township of	260657B	Nov. 13 1981, emergency; Nov. 13, 1981, regular	May 26, 1978, and Mar. 18, 1980.
Montana: Big Horn	Lodge Grass, town of	300002B	May 1, 1975, emergency; Sept. 2, 1981, regular, Sept. 2, 1981, suspended; Nov. 13, 1981, reinstated.	May 31, 1974, and Dec. 12, 1975.
Texas: Grayson*	Unincorporated areas	[illegible]	Nov. 12, 1981, emergency	Dec. 20, 1977.
Alabama: Jefferson	Trussville, city of	0101338	Nov. 16, 1981, suspension withdrawn	June 28, 1974, and Jan. 9, 1976.
Connecticut: Hartford	Bristol, city of	[illegible]	do	May 17, 1974, and Apr. 16, 1975
Florida: Pasco	Unincorporated areas	120230B	do	Nov. 4, 1977.
Minnesota: St. Louis	Hermontown, city of	270708B	do	Oct. 13, 1978.
New Jersey: Hunterdon	Milford, borough of	340329B	do	June 28, 1974, and July 2, 1976
New York:				
Erie	Buffalo, city of	[illegible]	do	June 28, 1974, and Nov. 28, 1975
Niagara	Newfane, town of	[illegible]	do	May 17, 1974, and Apr. 23, 1976.
Westchester	Tarrytown, village of	360933B	do	May 31, 1974, and Sept. 24, 1976
Wyoming	Warsaw, village of	360951B	do	May 17, 1974, and Sept. 3, 1976.
Pennsylvania:				
McKean	Foster, township of	421855B	do	May 3, 1974, and June 11, 1976.
Westmoreland	Scottsdale, borough of	420896B	do	July 20, 1973, and Apr. 23, 1976.
Cambria	East Carroll, township of	[illegible]	Nov. 19, 1981, emergency	Feb. 14, 1975.
Illinois: Sangamon	Riverton, village of	170603A	Nov. 20, 1981, emergency	Nov. 16, 1973, and Mar. 5, 1976.
Michigan: Lenawee	Clinton, village of	260437A	do	Apr. 18, 1975, and Oct. 1, 1976.
Illinois: Kane	Batavia, city of	170321B	Nov. 20, 1981, emergency; Nov. 20, 1981, regular.	Mar. 15, 1974, and Sept. 10, 1976.
Oregon: Washington	Gaston, city of	410242	Nov. 24, 1981, emergency	
Wisconsin: Grant	Boscobel, city of	550148C	Nov. 27, 1981, emergency; Nov. 27, 1981, regular.	Dec. 17, 1973, Nov. 30, 1979, and Nov. 4, 1981.
Minnesota: Norman	Unincorporated areas	[illegible]	Jan. 23, 1974, emergency; Sept. 2, 1981, regular; Sept. 2, 1981, suspended; Nov. 30, 1981, reinstated.	Feb. 23, 1979.

*Disaster community.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35175 Filed 12-9-81: 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6208]

Suspension of Community Eligibility Under National Flood Insurance Program; Colorado, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATE: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Colorado: La Plata	Unincorporated areas	080097B	Dec. 12, 1974, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 3, 1977	Dec. 15, 1981.
Illinois: St. Clair	....do	170616A	Mar. 30, 1973, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	May 21, 1976	Do.
Indiana: Boone	Zionsville, town of	180016B	May 2, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	April 12, 1974, August 6, 1976	Do.
Louisiana: Tangipahoa	Hammond, city of	220208B	Apr. 14, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	March 8, 1974, June 4, 1976	Do.
New Jersey:					
Hunterdon	Bethlehem, township of	340554B	Sept. 16, 1975, emergency; Sept. 15, 1981, regular; Sept. 15, 1981, suspended.	November 22, 1974, October 31, 1975.	Do.
Bergen	Hillsdale, borough of	340043B	Nov. 19, 1971 emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	January 16, 1974, September 24, 1976.	Do.
Somerset	Raritan, borough of	340442B	Dec. 10, 1974, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	May 3, 1974, March 19, 1976	Do.
Burlington	Washington, township of	340117B	Apr. 14, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	July 26, 1974, June 25, 1976	Do.
Bergen	West Paterson, borough of	340412B	June 25, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 28, 1974, June 18, 1976	Do.
Ohio:					
Montgomery	Unincorporated areas	390775B	Sept. 27, 1977, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 2, 1978	Do.
Do	Riverside, village of	390416B	May 12, 1976, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	February 15, 1974, November 21, 1975.	Do.
Oregon: Linn	Lyons, city of	410142C	Feb. 28, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	March 8, 1974, April 21, 1975, April 8, 1977.	Do.
Pennsylvania:					
Westmoreland	Export, borough of	420876B	Apr. 17, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 28, 1974, June 11, 1976	Do.
Northampton	Lehigh, township of	421931A	June 10, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	November 15, 1974	Do.
Westmoreland	New Stanton, borough of	420892B	Sept. 30, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	August 2, 1974, October 31, 1975.	Do.
Allegheny	Pittsburgh, city of	420063B	Apr. 13, 1973, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	March 8, 1974, August 20, 1976.	Do.
Lebanon	South Lebanon, township of	420[illegible]1B	Mar. 16, 1973, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	December 28, 1973, February 11, 1977.	Do.
Westmoreland	Upper Burrell, township of	422195B	Aug. 20, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	September 20, 1974, May 28, 1976.	Do.
Erie	Waterford, Borough of	42[illegible]54B	Aug. 21, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	May 10, 1974, May 28, 1976	Do.
Westmoreland	Youngwood, borough of	420908B	Mar. 24, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 21, 1974, August 6, 1976	Do.
Delaware	Millbourne, burough of	422406C	Aug. 7, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	January 24, 1975, September 22, 1978.	Do.
Vermont: Lamoille	Hyde Park, village of	500231B	June 7, 1976, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	December 6, 1974, May 24, 1977.	Do.
Virginia: Accomack	Onancock, town of	510298A	Feb. 17, 1976, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	January 31, 1975	Do.
Washington: Pierce	South Prairie, town of	530145A	June 30, 1980, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	November 19, 1976	Do.
Minnesota: Isanti	Unincorporated areas	270197A	April 4, 1972 emergency; Dec. 19, 1981, regular; Dec. 15, 1981, suspended.	May 19, 1981	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35173 Filed 12-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

Changes in Special Flood Hazard Areas Under National Flood Insurance Program; West Virginia, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Associate Director, State and Local Programs and Support, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed Special Flood Hazard Areas (SFHAs) for those communities is appropriate as a result of requests for changes in the interim and/or Proposed Rule.

DATES: These modified SFHAs are in effect as of the dates listed in the sixth column of the attached list and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified SFHA determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0220.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support has published a notification of the SFHAs in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Associate Director has received appeals from the communities requesting changes in the proposed SFHA determinations.

The numerous changes made in the SFHAs on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the SFHA changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified SFHA determinations are available for inspection.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These SFHAs are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The changes in the SFHAs listed below are in accordance with 44 CFR 65.4.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
West Virginia:					
Logan	Town of Chapmanville, Docket No. FemA-6108	*Logan Banner*, Apr. 24, 1981, May 1, 1981	Honorable Chester G. Browning, Mayor, Town of Chapmanville, Municipal Building, P.O. Box 426, Chapmanville, WV 25508	Apr. 13, 1981 (66B)	540092B
Do	(Unincorporated areas), Docket No. FEMA-6108	*Logan Banner*, Apr. 24, 1981, May 1, 1981	Ott H. Dameron, County Administrator, Logan County, Room 103, Logan County Court House, Logan, West Virginia 25601.	Apr. 13, 1981 (66B)	545536A
Do	City of Logan, Docket No. FEMA-6108	*Logan Banner*, Apr. 24, 1981, May 1, 1981	Honorable Robert L. Wright, Mayor, City of Logan, City Building, Logan, West Virginia.	Apr. 13, 1981 (66B)	545535B
Do	Town of Man, Docket No. FEMA-6108	*Logan Banner*, Apr. 24, 1981, May 1, 1981	Honorable Mervil Perry, Mayor, Town of Man, P.O. Box 70, Man, West Virginia 25635	Apr. 13, 1981 (66B)	545537A
Do	Town of Mitchell Heights, Docket No. FEMA-6108	*Logan Banner*, Apr. 24, 1981, May 1, 1981	Honorable Melvin Triolo, Mayor, Town of Mitchell Heights, 305 Central Avenue, Logan, West Virginia 25601.	Apr. 13, 1981 (66B)	540095A
Do	Town of West Logan, Docket No. FEMA-6108	*Logan Banner*, Apr. 24, 1981, May 1, 1981	Honorable Steve Toth, Mayor, Town of West Logan, P.O. Box 260, West Logan, WV 25601.	Apr. 13, 1981 (66B)	545539C
Colorado: Boulder	City of Boulder, Docket No. FEMA-6108.	*Daily Camera*, May 5, 1981, May 6, 1981	The Honorable Ruth Correll, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306	Apr. 17, 1981 (66B)	[illegible]
Texas: Harris, Fort Bend, and Montgomery.	City of Houston, Docket No. FEMA-6108.	*The Houston Chronicle* and *The Houston Post*, May 11, 1981, May 12,1981	The Honorable Jim McCoon, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77001	Apr. 23, 1981 (56B)	480296B
Illinois: Cook	Village of Forest Park, Docket No. FEMA-5915	*Forest Park Review*, Sept. 24, 1980, Oct. 1,1980	Honorable Fred E. Marunde, Mayor, Village of Forest Park, 517 Des Plaines Avenue, Forest Park, IL 60130.	May 8, 1981	170092C
Pennsylvania: Philadelphia.	City of Philadelphia, Docket No. FEMA-5937	*Philadelphia Evening Bulletin*, Oct. 3, 1980, Oct. 10, 1980.	Honorable William Green, Mayor, City of Philadelphia, Room 1620, Municipal Services Building, 15th and Arch Streets, Philadelphia, PA 19107.	May 29, 1981	420757C
Ohio: Mahoning	Village of Lowellville, Docket No. FEMA-5962	*Youngstown Vindicator*, Nov. 14, 1980, Nov. 21, 1980.	Honorable Alfred Russo, Mayor, Village of Lowellville, 240 East Liberty Street, Lowellville, Ohio 44436	July 3, 1981	390620B

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Wisconsin: Crawford	(Unincorporated areas) Docket No. FEMA-5991.	*Courier Press*, Dec. 29, 1980, Dec. 31, 1980.	Robert G. Dillman, County Board Chairman, Crawford County, 111 West Dunn Street, Prairie Du Chien, WI 53821.	July 31, 1981	555551B.
Maryland: Carroll	(Unincorporated areas), Docket No. FEMA-5984.	*The Carroll County Times*, Dec. 26, 1980, Jan. 2, 1981.	Roger L. Mann, President, Commissioner Office, Carroll County, 225 North Center Street, Westminster, MD 21157.	Aug. 7, 1981	240014B.
Ohio: Franklin	City of Westerville, Docket No. FEMA-5988.	*The Public Opinion*, Jan. 1, 1981, Jan. 8, 1981.	Maynard Dils, City Manager, City of Westerville, 21 South State Street, Westerville, Ohio 43081.	Aug. 7, 1981	390179C.
Mississippi: Hinds	Hinds County, Docket No. FEMA-5986	*Jackson Daily News*, Jan. 16, 1981, Jan. 23, 1981	Mr. Herbert Berryhill, President, Board of Supervisors, Hinds County, Jackson, Mississippi 39205.	Aug. 28, 1981	280070C.
Mississippi: Manon	City of Columbia, Docket No. FEMA-5985.	*The Columbian Progress*, Jan. 21, 1981, Jan. 28, 1981.	The Honorable Robert R. Bourne, Mayor, City of Columbia, 201 2nd Street, Columbia, MS 39429.	Sept. 4, 1981	280111C.
Minnesota: Sherburne	City of Elk River, Docket No. FEMA-6009	*Sherburne County Star News*, Mar. 5, 1981, Mar. 12, 1981.	Honorable Frank Madsen, Mayor, City of Elk River, 505 UPA Drive, Elk River, MN 55330.	Oct. 23, 1981	270436C.
Pennsylvania: Northampton.	Township of Lower Mt. Bethel, Docket No. FEMA-6010.	*Easton Express*, Mar. 20, 1981, Mar. 27, 1981.	Tony Plebani, Chairman, Lower Mt. Bethel Township Supervisors, P.O. Box 213R, Martins Creek, PA 18063.	Oct. 30, 1981	420724B.
New Jersey: Ocean	Borough of Pine Beach, Docket No. FEMA-5987.	*Times Observer*, Jan. 23, 1981, Jan. 30, 1981.	The Honorable Benjamin Mabie, Mayor, Borough of Pine Beach, Borough Hall, 599 Pennsylvania Avenue, Pine Beach, NJ 08741.	Nov. 6, 1981	340385C.
Minnesota: Ramsey	City of Vadnais Heights, Docket No. FEMA-5983.	*Vadnais Heights Free Press Little Canada*, Dec. 30, 1980, Jan. 6, 1981.	Honorable Henry J. Tessier, Mayor, City of Vadnais Heights, 3782 McMenemy Street, Vadnais Heights, MN 55110.	Nov. 13, 1981	270385B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participation communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 24, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35174 Filed 12-9-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-408; RM-3816]

FM Broadcast Station in Canton, Illinois; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 265A to Canton, Illinois, in response to a petition filed by Canton Communications. The assignment will provide Canton with a second local FM service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Canton, Illinois), BC Docket No. 81-408, RM-3816.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 FR 34609, published July 2, 1981, in response to a petition filed by Canton Communications ("petitioner"), proposing the assignment of FM Channel 265A to Canton, Illinois, as that community's second FM assignment. Supporting comments were filed by petitioner,[1] in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Canton (population 14,626),[2] the seat of Fulton County (population 43,687), is located approximately 248 kilometers (155 miles) southwest of Chicago, Illinois. It is currently served by Class A FM Station WBYS (Channel 252A), and daytime-only AM Station WBYS.

3. In support of its proposal, petitioner submitted information with respect to Canton which is persuasive as to its need for a second FM channel assignment.

4. In the *Notice*, we indicated that preclusion would occur as a result of the proposed assignment only on the co-channel in four Illinois communities, which contain a population in excess of 1,000 persons, as follows: Lewiston (population 2,758), Brooklyn (population 1,233), Cuba (population 1,648), and Manito (population 1,869). Petitioner was requested to provide, in supporting comments, a list of alternate channels available to those communities presently without any local FM service. This it neglected to do. However, since the proposed assignment does not exceed our population criteria, and no other party has expressed an interest in a channel in any of the precluded areas, the preclusion impact does not appear to be substantial enough to bar a grant of the instant proposal, on this basis. Additionally, there is merit in the proposal since it could provide Canton with an additional local FM service. This is especially significant since Canton's present broadcast facilities consist of commonly-owned Stations WBYS (AM-FM), and implementation of the proposed assignment could provide

[1] Although the supporting comments were late-filed, we have accepted them since they provide the requisite interest we need to assign the channel.

[2] Population figures herein are extracted from the 1980 U.S. Census unless otherwise indicated.

it with a diversification of expression to serve the interests, and needs of the community.

5. In view of the above, we believe that the public interest would be served by the assignment of Channel 265A to Canton, Illinois, as that community's second FM assignment. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

6. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City and Channel No.

Canton, Illinois, 252A, 265A.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-35354 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-488; RM-3903]

TV Broadcast Station in Fort Walton Beach, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes UHF Channel 53 for Channel 52 at Fort Walton Beach, Florida, in response to a petition filed by Fort Walton Beach Broadcasting Corporation. The substitution will provide more flexibility in site selection.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Stations (Fort Walton Beach, Florida), BC Docket No. 81-488, RM-3903.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has under consideration a *Notice of Proposed Rule Making,* 46 FR 40707, published August 11, 1981, proposing the substitution of UHF television Channel 53 for Channel 52 at Fort Walton Beach, Florida, in response to a petition filed by Fort Walton Beach Broadcasting Corporation ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. Comments were also filed by Gulf Property and Investment Company ("Gulf"), in which it expressed an interest in the assignment.

2. The *Notice* herein set forth the background of this proceeding and therefore, it need not be repeated in detail here. Briefly, the *Notice* stemmed from an earlier *Report and Order* released February 10, 1981, in BC Docket No. 80-519, RM-3642, wherein the Commission assigned Channel 52 to Fort Walton Beach in response to a petition for rulemaking filed by the petitioner herein.[1] Subsequently, petitioner advised that the Channel 52 assignment had proved to be unsatisfactory in terms of locating a suitable transmitter site to accommodate the proposal. Its engineering study revealed that the assignment, while not in contravention of the minimum distance separation requirements, would however cause siting restrictions due to aeronautical considerations and spacing requirements to an unused allocation on Channel 44 in Pensacola, Florida. Therefore, it requested that Channel 53 be substituted for Channel 52 in order to allow greater flexibility in site selection consistent with aeronautical safety requirements.

3. The Commission believes that the public interest would be served by the substitution of UHF television Channel 53 for Channel 52 in Fort Walton Beach, Florida. The substitution would permit greater site flexibility than currently exists, and would be consistent with the minimum distance separation requirements of § 73.610 of the Commission's rules.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 1, 1982, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended as follows:

City and Channel No.

Fort Walton Beach, Florida, 35, 53.

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-35353 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner initially requested that Channel 50 be substituted for existing Channel 35 at Fort Walton Beach because of site limitations caused by close mileage separation tolerances and air hazard considerations due to the proximity of Eglin Air Force Base. After reviewing comments and an expression of interest by Hess Broadcasting Corporation in applying for Channel 35 for the operation of a satellite television station in Fort Walton Beach, the Commission retained the channel in that community. Since both Channels 35 and 50 could not be assigned to the community due to minimum distance separation requirements, Channel 52 was proposed to accommodate the petitioner's proposal.

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47 CFR Part 73

[BC Docket No. 81-174; RM-3759]

TV Broadcast Station in Joplin, Montana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 35, in lieu of Channel 38, to Joplin, Montana, in response to a petition filed by Garryowen Corporation. The petitioner proposes to provide Joplin and the surrounding areas with its first full CBS network coverage by rebroadcasting Station KTVQ, Billings, Montana, with a high-powered 1,000 watt translator.

DATE: Effective February 1, 1982.

ADDRESS: Federal Commmunications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Stations. (Joplin,

Montana), BC Docket No. 81-174, RM-3759.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.

Released: December 3, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 19269, published March 30, 1981, which proposed the assignment of UHF television Channel 38 to Joplin, Montana, in response to a petition filed by Garryowen Corporation ("petitioner").[1] Supporting comments were filed by petitioner reaffirming its intent to apply for the channel, if assigned. Subsequently petitioner amended the proposal requesting that Channel 35 be substituted for Channel 38 in order to make use of a more desirable transmitter site.

2. Joplin (population 490),[2] in Liberty County (population 2,329), is located approximately 112 kilometers (70 miles) northwest of Great Falls, Montana. It presently has two assignments: Channel 48 (construction permit for translator Station K48AI, to be operated by petitioner), rebroadcasting Station KRTV, Great Falls, and Channel 54 (translator application pending) to rebroadcast Station KFBB-TV, Great Falls.

3. Petitioner indicates that with the proposed assignment of UHF television Channel 38 to Joplin it intends to provide the area's first full CBS network coverage by rebroadcasting Station KTVQ (CBS), Billings, Montana, with a high-powered 1,000 watt translator. Further, it states that the proposed operation from its intended transmitter site would enable it to provide service to approximately 50,000 persons in the sparsely populated counties of Blaine, Hill, Toole, Liberty, Glacier, and Pondera (comprising approximately 7.2 percent of Montana's population). It adds that parts of this area are currently served by low-power translators, but that the signal received is frequently of marginal quality.

4. Petitioner requests that Channel 35 be substituted for Channel 38 due to the Canadian Government's recent allocation of Channel 24 to Coutts/Milk River, Alberta, to which a spacing of 60 miles is required. It states that although the reference coordinates for Joplin meet this 60 miles spacing requirement, the site it has selected in the Sweet Grass Hills would be 21.8 miles short-spaced to the Channel 24 assignment. It adds that the proposed site was chosen since Joplin is in an area of flat prairie land, and the uniquely favorable terrain factors of the proposed site make it the only one suitable for wide area coverage. As it had stated in its petition, the proposed site would allow it to provide a Grade B signal to a substantial portion of the sparsely populated and underserved areas of north central Montana. Presumably, as a further effort to establish the preferability of the proposed site, petitioner advises that it is the same location from which its translator Station K48AI is proposed to operate on Channel 48, and that from which Channel 54 (translator application pending), would transmit. As a final note, petitioner adds that its engineering study reveals that Channel 35 could be utilized at the proposed transmitter site in full compliance with the minimum distance spacing requirements for domestic and Canadian assignments.

5. In view of the above, the Commission believes that the public interest would be served by assigning UHF television Channel 35, in lieu of Channel 38, to Joplin. An apparent need for the additional television signal, which could provide reception to underserved, sparsely-populated areas, has been shown. As indicated in the *Notice*, the channel could also be utilized to provide a first local commercial television service should the interest arise. The assignment can be made consistent with the minimum distance separation requirements of the Commission's rules, and Canadian concurrence in the assignment has been obtained.

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended, effective February 1, 1982, as follows:

City and Channel No.

Joplin, Montana, 35-, 48, 54-.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-35352 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-504; RM-3749]

FM Broadcast Station Petosky, Michigan; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Petosky, Michigan, and modifies the license of the Class A station, WMBN, to specify the Class C channel, at the request of the licensee, MacDonald Broadcasting Corporation.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Petosky, Michigan). BC Docket No. 81-504, RM-3749.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 42475, published August 24, 1981, proposing the substitution of Class C FM Channel 242 for Channel 244A at Petosky, Michigan, in response to a petition filed by MacDonald Broadcasting Corp. ("petitioner").[1] The *Notice* also proposed modification of the license for Channel 244A to specify operation on Channel 242. Petitioner submitted comments, restating its interest in the Class C channel. No oppositions to the proposal were received.

2. Petosky (population 6,432),[2] seat of Emmet County (population 18,331), is located on the shores of Lake Michigan, approximately 368 kilometers (230 miles)

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[1] Petitioner is also the licensee of the following Montana stations: KTVQ, Billings; KRTV, Great Falls; KXLF-TV, Butte; KPAX-TV, Missoula; and translator stations serving Lewiston (K13IX); Miles City (K10GF); Helena (K08GK); Hardin (K06KF); Castle Rock and Lame Deer (K70ER); and Heath (K55AJ); as well as the Wyoming community of Sheridan (K07HC).

[2] Population figures are extracted from the 1980 U.S. Census.

[1] MacDonald is the licensee of Stations WSAM(AM), WKCQ(FM), Saginaw, Michigan; WMBN (AM and FM), Petosky, Michigan; and WATT(AM) Cadillac, Michigan.

[2] Population figures are taken from the 1970 U.S. Census.

northwest of Detroit. It is served locally by daytime-only AM Station WMBN, FM Station WMBN (Channel 244A) and FM Station WJML (Channel 255).

3. Petitioner incorporated by reference the information contained in the *Notice* that demonstrated the need for a Class C assignment, and noted that the need for a Class C assignment is greater now than previously stated, due to the increased population, tourist trade and small business activity with burgeoning retail sales. As indicated in the *Notice*, the Class C assignment would provide a first service to 2,711 square kilometers (1,059 square miles) for 6,000 persons and a second service to 1,024 square kilometers (400 square miles) for 4,150 persons.

4. The assignment of Channel 242 to Petosky would cause preclusion on Channel 240A within 65 miles. Five communities without AM or FM service would be affected by the assignment (Harbor Springs, Elk Rapids, Mancelona, East Jordan and Onaway, Michigan). Petitioner did not submit a listing of alternate channels available to the communities precluded by the Class C assignment as requested in the *Notice*.

5. After careful consideration of the proposal, we believe that the public interest would be served by the substitution of channels, inasmuch as it would provide substantial first and second service to the surrounding area and population, and it would remove the intermixture that presently exists at Petosky. The transmitter site is restricted to 25 kilometers (16 miles) north of the city to avoid short-spacing to Station WHNN, Bay City, Michigan. We have also authorized in paragraph 8, a modification of petitioner's license, Station WBBN(FM), to specify operation on Channel 242, since there has been no other expression of interest in the Class C channel. *See, Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

6. Canadian concurrence in the substitution of Channel 242 for Channel 244A at Petosky, Michigan, has been obtained.

7. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to the city of Petosky, Michigan, as follows:

City and Channel No.
Petosky, Michigan, 242, 255.

8. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by MacDonald Broadcasting Corp. for Station WMBN, Petosky, Michigan, is modified, effective February 1, 1982, to specify operation on Channel 242 instead of Channel 244A. Station WMBN may continue to operate on Channel 244A for one year from the effective date of this action or until it is ready to operate on Channel 242, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 242, the licensee of Station WMBN(FM) shall file with the Commission, a minor change application for a CP (Form 301).

(b) Within 10 days after commencing operation on Channel 242, the licensee of Station WMBN(FM) shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter site or to avoid the necessity of filing an environmental impact statement where required.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-35332 Filed 12-8-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 81

[PR Docket No. 80-583; FCC 81-551]

Stations on Land in the Maritime Services; Removal of Regulation Which Limits the Establishment of New Public Coast Stations Operating on Certain Frequencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document removes a restriction in the Commission's rules thereby allowing entry of new stations into the public coast station market. This rule will allow for the further development of the maritime public correspondence service on frequencies below 27,500 kHz.

EFFECTIVE DATE: January 18, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Linda R. Figueroa, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: December 10, 1981.

In the matter of an amendment of the Commission's rules to delete § 81.303(c) which limits the establishment of new public coast stations operating on frequencies below 27,500 kHz; PR Docket No. 80-583; Report and Order (Proceeding Terminated).

Summary

1. In this Report and Order, we are deleting from the Commission's rules § 81.303(c) which limits the establishment of new public coast radiotelephone stations operating on frequencies below 27,500 kHz. This proceeding reflects the present Commission policy to deregulate various facets of the communications industry and to permit open entry into the market when practicable.

Background

2. This rule making proceeding was initiated by the Commission to further the present policy of deregulating the communications industry where regulation has become obsolete or detrimental to the further development of the industry. Section 81.303(c) of the Commission's rules states that only one public coast station operating on frequencies below 27,500 kHz may be authorized by the Commission to serve any one area. A *Notice of Proposed Rule Making*, FCC 80-583, proposing to delete § 81.303(c) was adopted on September 25, 1980, and was published in the **Federal Register** on October 3, 1980 (45 FR 65639).

Comments

3. Comments were received from American Telephone and Telegraph Company (AT&T) and Mobile Marine Radio, Inc. (MMR). Reply comments were also filed by MMR. In general the commenters did not oppose the proposal to delete § 81.303(c). However, the commenters unanimously recommended that new frequencies be provided before new entrants are considered. The commenters argued that if entry is permitted without the assignment of additional frequencies, the resulting sharing of frequencies will create interference, spectrum inefficiencies and unsatisfactory service. This proceeding is limited to eliminating the one-station-to-a-location restriction only. We did not propose to allow sharing of the existing frequencies among licensees as a result of this proposal. The

Commission recognizes the shortages of frequencies in the high seas radiotelephony service. The assignment of additional frequencies is being considered and will be addressed in our proceeding in Docket 21349, which implements the provisions of the 1974 World Maritime Administrative Radio Conference.

4. The high seas public coast stations have a communications range of up to several thousand kilometers. High frequency propagation characteristics create a great potential for interference under most sharing plans. Since all the available frequencies in the high seas service have been assigned, entry of a new Class I–B public coast radiotelephone station is not possible unless an existing station closes or additional frequencies become available.

5. The Coastal Harbor (Class II–B) service provides a regional service of up to about 275 kilometers. At present, frequencies in this service are underutilized due to the Commission's implementation of the VHF (Class III–B) service. A number of years ago, the Commission amended its rules to encourage the use of marine VHF to relieve the congestion that was becoming prevalent in the Coastal Harbor service.[1] The successful establishment of the VHF service ultimately caused a significant drop in the use of the Coastal Harbor service. Therefore, there are sufficient frequencies available to accommodate new entrants to this service.

Conclusion

6. We conclude that the amendment proposed in the NPRM to allow entry of new stations into the public coast station market when frequencies are available without regard to locality limits would be in the public interest. This amendment will allow for further developments in the public coast station market by eliminating the present barriers to entry.

7. Regarding questions on matters covered in this document contact Linda R. Figueroa or Robert P. DeYoung at (202) 632–7175.

8. Accordingly, it is ordered, That under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r) the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective January 18, 1982.

9. It is further Ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

§ 81.303 [Amended]

§ 81.303 paragraph (c) is removed and designated as reserved.

[FR Doc. 81-35409 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[Docket No. 64]

Definition of "Hispanic" in Department of Transportation Minority Business Enterprise Regulation

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department of Transportation is publishing a final rule to make an interim amendment to its minority business enterprise regulation. This interim provision will remain in effect throughout the period that the Department is preparing a comprehensive revision of the entire minority business rule. The interim amendment modifies the definition of "Hispanic" and is necessary to alleviate hardships associated with the existing definition pending completion of the comprehensive revision.

EFFECTIVE DATE: This rule is effective December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, 400 Seventh Street SW., Washington, D.C. 20590 (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1980, the Department of Transportation (DOT) published a final rule establishing a Minority Business Enterprise (MBE) program in DOT's assistance programs (49 CFR Part 23; 45 FR 21172). Recipients of DOT financial assistance were required by the regulation to set goals and take other actions to enhance opportunities for MBE participation in DOT-assisted programs. Such recipients were required to undertake these efforts only with regard to businesses owned and controlled by members of minority groups or by women.

Hispanics constitute one of the minority groups eligible to participate in the DOT MBE program. A Hispanic was defined by § 23.5 of the regulation as "a person of Spanish or Portuguese culture with origins in Mexico, Central or South America or the Caribbean Islands, regardless of race." The definition was drafted explicitly to include people with origins in all Latin American countries while excluding anyone with European, including Spanish or Portuguese, origins. This definition was the result of efforts by an Interagency Committee, composed of representatives from DOT, the Department of Housing and Urban Development, the Economic Development Administration of the Department of Commerce, the then Department of Health, Education and Welfare, and the Department of the Interior, to achieve uniformity among Federal MBE programs. At that time, it was considered inequitable to include individuals with Spanish or Portuguese origins within the scope of the definition while excluding individuals with origins in other European nations.

In Executive Order 12291 as well as in other directives, President Regan has instructed Federal agencies to review their existing regulations to determine which can be modified or rescinded to reduce regulatory burdens. The MBE rule has been identified by the Department as a costly and controversial rule deserving priority review. After reviewing the rule and the controversy it has created, the Department has decided the rule should be changed. A notice of proposed rulemaking (NPRM) comprehensively revising the rule is expected to be published soon.

Comments Received

Soon after the final rule was published by the Department, members of Hispanic organizations and other members of the public began to express their dissatisfaction with the rule's definition of Hispanic. Thus far, over ninety letters commenting on the definition have been received by the Department. Virtually all favored a change that would include individuals

[1] Essentially, the rules were amended to require ship stations having the capacity to transmit on 2 MHz frequencies or the medium frequency band to also have the capacity to operate on VHF and, further, to prohibit the use of 2 MHz to vessels within VHF range of the stations with which they want to communicate.

with origins in Spain or Portugal under the scope of the definition. The most important rationale for such a change was that discrimination against Hispanics occurs regardless of their place of origin. The few comments opposing change in the definition were not specific.

Petition for Rulemaking

Among the comments received was a formal petition for rulemaking submitted by the Hispanic American Contractor's Association of McLean, Virginia. It was published by the Department on January 5, 1981 (46 FR 969). The petition requested that the existing definition of "Hispanic" be replaced by a definition of Hispanic as "a person of Mexico, Puerto Rican, Cuban, Central or South American or other Spanish culture origin, regardless of race."

The petition asserts that numerous Federal and administrative court decisions, as well as congressional legislative actions, indicate that there is no basis for differentiating among Hispanics according to their place of origin. To the extent discrimination against Hispanics exists, the petition further argues, it occurs without regard to the precise national origin of a Hispanic person; in addition to their national origin, the petition notes that discrimination against Hispanics may be based upon their distinctive culture, language, speech accent or physical appearance.

When the text of the Hispanic American Contractors' Association's petition for rulemaking was published, the Department discussed three responses the Department could make to the petition. The petition for rulemaking could be denied, with the Department retaining the existing definition of Hispanic. A variation with the same substantive result would be a change of the racial/ethnic category name from "Hispanic" to "Latin American", which would express the meaning of the existing definition with greater semantic precision. Finally, the petition for rulemaking could be granted and an NPRM proposing the change could be published, thus affording further opportunity for public comment. As a procedural alternative to this approach, the petition for rulemaking could be granted and an interim final rule could be published, thus allowing the change to become effective quickly. At the time it published the petition for rulemaking, the Department noted, in response to similar comments expressed by Portuguese-American commenters, that any change to include persons of Spanish origins would also include persons of Portuguese origins.

Interim Amendment

After reviewing the Association's petition for rulemaking and comments by other members of the public, the Department has decided to grant the petition for rulemaking and issue an interim final rule. This interim final rule will modify the existing definition of Hispanic to include individuals with European Spanish origins. It will do so by adopting a standard Federal definition of Hispanic found in Office of Federal Statistical Policy and Standards Directive No. 15. This Directive defines Hispanics as persons of "Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race."

This definition creates one problem. As explained by Directive No. 15, the definition does not encompass persons with origins in Portugal or non-Spanish-speaking Latin American nations, such as Brazil. In order to continue the existing rule's inclusion of persons of Brazilian origins, and in order to include persons of Portuguese origin, the Department will have to add a new category, Portuguese, to the definition of "minority" in section 23.5 of the rule.

Further comments on these changes will be sought as part of the notice of proposed rulemaking proposing revisions to the entire MBE regulation, which the Department anticipates publishing in the near future.

Effective Date

The Department of Transportation is making this rule effective immediately, without additional opportunity for public comment. The Department has already provided several opportunities for public comment on the definition (including the January 5, 1981, notice concerning the Hispanic-American Contractors Association petition, which, while not so styled, was the functional equivalent of an NPRM) and has received many comments, which overwhelmingly favor the action the Department is taking. An additional comment period at this time would be unlikely to produce new or different types of comment that would be useful to the Department. An NPRM comprehensive revising the regulation will be published soon, and, at that time, a further comment period will be available. This rule involves matters relating to public grants and therefore is exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(a)(2)).

Under the Department's Regulatory Policies and Procedures, the Department may make a rule effective upon publication if it publishes a statement of reasons for the action. In this case, specific Hispanic-owned and controlled businesses are continuing to be hurt by the existing definition and it seems to be clearly contrary to the public interest to postpone further the implementation of this amendment.

The policy official responsible for making the determination concerning the effective date of the rule is Rosalind A. Knapp, Acting General Counsel of the Department of Transportation.

Regulatory Impact Analysis

The Department has determined that this interim amendment is neither a major rule under E.O. 12291 nor a significant rule under its own Regulatory Policies and Procedures, and will not have significant economic effects on a substantial number of small entities. The number of Spanish or Portuguese-owned businesses affected is likely to be relatively small. The interim final rule essentially eliminates a distinction many businesses and members of the public believed to be unfair. Thus, any impact that the regulation has with respect to small businesses and other small entities is likely to be positive. There is likely to be little if any general economic impact from this change, except to the small number of firms directly affected. Therefore, the Department did not prepare a regulatory impact analysis or regulatory flexibility analysis for this rule. However, a brief regulatory evaluation has been prepared and placed in the docket.

Issued at Washington, D.C., December 3, 1981.

Drew Lewis,

Secretary of Transportation.

PART 23—PARTICIPATION BY MINORITY BUSINESS ENTERPRISE IN DEPARTMENT OF TRANSPORTATION PROGRAMS

Therefore, Part 23 of Title 49 of the Code of Federal Regulations is amended as follows:

§ 23.5 [Amended]

(1) By revising the definition of "Hispanic" (paragraph (b) in the definition of "Minority" in § 23.5 thereof) to read as follows:

* * * * *

"(b) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South

American, or other Spanish culture or origin, regardless of race);"

(2) By redesignating paragraphs (c), (d), and (e) of the present definition of "Minority" in § 23.5 thereof as paragraphs (d), (e), and (f), respectively.

(3) By adding a new paragraph (c) to the definition of "Minority" in § 23.5 thereof, to read as follows:

"(c)" Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race);"

[FR Doc. 81-35238 Filed 12-9-81; 8:45 am]
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Proposed Rules

Federal Register
Vol. 46, No. 237
Thursday, December 10, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 21, 43, 45, 47, 61, 63, 65, 91, 93, 99, 121, 123, 125, 127, 133, 135, 137, and 141

[Docket No. 18334; Notice No. 79-2B]

Revision and Realignment of General Operating and Flight Rules; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice 79–2A (46 FR 45256; September 10, 1981). That notice proposed to reorganize and realign the general operating and flight rules to make them more understandable and easier to use. Notice 79–2A proposed to reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to make future changes easier.

On November 24, 1981, the National Business Aircraft Association (NBAA) petitioned for a 120-day extension of the comment period on Notice 79–2A. In its petition, the NBAA cited the need for additional time in which to prepare what it believes will be substantive comments on the notice. The FAA has determined that, based on the NBAA desire to provide substantive input to the proposed regulation, it would be in the public interest to extend the comment period to allow the public more time to undertake a thorough review of this proposal.

DATE: Comments on Notice 79–2A must be received on or before April 9, 1982.

ADDRESS: Comments on Notice 79–2A may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC–204), Docket No. 18334, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. All comments must be marked: Docket No. 18334. Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Everett W. Pittman, Safety Regulations Staff (AVS–20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed Notice 79–2A. The proposals contained in Notice 79–2A may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped post card on which the following statement is made: "Comments to Docket No. 18334." The post card will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice and Notice 79–2A by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, "Notice of Proposed Rulemaking Distribution System," which describes the application procedures.

Background

On August 9, 1978, the Aircraft Owners and Pilots Association (AOPA) petitioned the Federal Aviation Administration (FAA) to revise Part 91 of the Federal Aviation Regulations (14 CFR Part 91) to make the regulations simpler and more comprehensible. In response to this petition, on January 11, 1979, the FAA issued an Advanced Notice of Proposed Rulemaking (ANPRM) No. 79–2 (44 FR 4572; January 22, 1979) consisting of a verbatim publication of AOPA's proposal.

On July 27, 1981, the FAA issued Notice 79–2A (46 FR 45256; September 10, 1981). Notice 79–2A proposed to reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to make future changes easier. Other improvements would be made by deleting redundancies and obsolete compliance dates, and by making other minor changes. The proposal was primarily the result of a petition filed by the Aircraft Owners and Pilots Association on August 9, 1978, which was later withdrawn. Additionally, the proposal is part of the President's regulatory reform program to simplify regulations. The proposal does not contain any substantive regulatory changes.

Operators and organizations representing them have had to spend a great deal of time within the last few months keeping up to date with the changing operations of the Nation's air traffic system. The promulgation of the General Aviation Reservation system increased the flow of air traffic information betwen the FAA and the users of the system, and many potential commenters were unable to devote the concentrated effort required to prepare substantive comments on the proposal. Now that the intensity of air traffic problems has subsided somewhat, the industry will be able to focus better on the proposals suggested in Notice 79–2A. Accordingly, the industry has requested that the comment period for Notice 79–2A be extended for 120 days.

Extension of Comment Period

In consideration of the NBAA petition, the FAA concludes that extending the

comment period for an additional 120 days would serve the public interest. Accordingly, the comment period for Notice 79–2A is extended. The comment period will close on April 9, 1982.

(Sections 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1372, 1421, 1422, 1443, 1472, 1510, and 1522); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note—This document extends the comment period on a notice of proposed rulemaking. Therefore, I certify that this document is not a major rule under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 7, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-35418 Filed 12-8-81; 10:14 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AAL-17]

Establishment of Point Hope, AK, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a transition area in the vicinity of Point Hope, AK. This action would provide controlled airspace needed to accommodate prescribed instrument approach procedures.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81–AAL–17, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (ATT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: Comments to Airspace Docket No. 81–AAL–17. The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area to provide controlled airspace in the vicinity of Point Hope, AK. A nondirectional radio beacon has been installed at Point Hope, AK, and two instrument approach procedures have been developed which use this aid. The transition area is needed to provide protected airspace to accommodate these instrument approach procedures. The transition area would extend upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Point Hope NDB (lat. 68°20′40″ N., long. 166°47′30″ W.) 020° T (004° M) bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the 205° T (189° M) and 025° T (009° M) bearings extending from 1 mile north of the NDB to 18. 5 miles south of the NDB. Section 71.181 of Part 71 was republished on January 2, 1981 (46 FR 540).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside of the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, the Annex 11 to, the convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and

Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 540), as follows:

Point Hope, AK [New]

By adding Point Hope, AK, Transition Area to read as follows:

Point Hope, AK

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Point Hope, NDB (lat. 68°20'40" N., long. 166°47'30" W.) 020° T (004° M) bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the 205° T (189° M) and 025° T (009° M) bearings extending from 1 mile north of the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); E.O. 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procudures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 2, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35286 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-59]

Proposed Alteration of Transition Area; Lafayette, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes alteration of a transition area at Lafayette, LA. The intended effect of a proposed action is to provide adequate controlled airspace for aircraft executing new instrument approach procedures to the Acadiana Regional Airport, New Iberia, LA. This action is necessary to provide protection for aircraft executing an instrument approach procedure using the Lake Martin Nondirectional Radio Beacon (NDB) located north of the airport.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: James Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Lafayette, LA, will necessitate an amendment to this subpart. This amendment will be required at Lafayette, LA, since there is a proposed change in IFR procedures to the Acadiana Regional Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-59." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

* * * And within 3 miles east of the 181° bearing from the Lake Martin NDB (Latitude 30°11'33" N., Longitude 91°52'58" W.) extending from the 6.5-mile radius to 10 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for

which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on November 30, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-35037 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-62]

Proposed Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposing rulemaking.

SUMMARY: This notice proposes to renumber certain alternate VOR Federal Airways in the eastern part of the U.S. This action would eliminate the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airways from the National Airspace System.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-62, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AEA-62." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-8N, V-12S, V-16S, V-39E, and V-44E. There would be no change in the amount of designated controlled airspace as a result of this action. The alternate airway segments are renumbered to eliminate the use of alternate airway assignments. This action would be in accordance with ICAO agreement to phase out alternate airways from the National Airspace System. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. V-8 [Amended]

By deleting the words ", including a north alternate from Grantsville to the INT of Hagerstown, MD, 157° and the Martinsburg 130° radials via Hagerstown."

2. V-438 [New]

By adding "V-438 From Grantsville, MD, via Hagerstown, MD, to the INT of Hagerstown 157° and the Martinsburg, WV, 130° radials."

3. V-12 [Amended]

By deleting the words ", including a S alternate from Johnstown to Harrisburg via St. Thomas, PA." and substituting for them the words "; INT Harrisburg 087° and East Texas, PA, 225° radials; to East Texas."

4. V-469 [Amended]

By deleting the words "to Johnstown." and substituting for them the words "Johnstown; St. Thomas, PA; to Harrisburg, PA."

5. V-16 [Amended]

By deleting the words "including a S alternate via INT Pulaski 094° and Lynchburg 253° radials;"

6. V-470 [New]

By adding "V-470 From Pulaski, TN, via INT Pulaski 094° and Lynchburg, VA, 253° radials; to Lynchburg."

7. V-39 [Amended]

By deleting the words "including an E alternate via Casanova, VA;"

8. V-453 [New]

By adding "V-453 From Gordonsville, VA, via Casanova, VA, to Linden, VA."

9. V-44 [Amended]

By deleting the words ", including an east alternate via INT Atlantic City 055° and Deer Park 209° radials"

10. V-184 [Amended]

By deleting the words "Atlantic City, NJ." and substituting for them the words "Atlantic City, NJ; INT Atlantic City 055° and Deer Park 209° radials; to the INT Atlantic City 048° and Deer Park 209° radials."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 1, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35284 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 81-AWP-24]

Proposed Amendment to Temporary Restricted Area; Yuma, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend the time of designation of Temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ. Circumstances beyond the control of the using agency have caused a need to add the period of April 1, 1982, through October 31, 1982, to the existing time of designation.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWP-24, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

Send comments on environmental aspects to: Mr. Willard C. Robinson, Chief, Facility Engineering Directorate, U.S. Army Proving Ground, Yuma, AZ 85364. Telephone: (602) 328-2167.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWP-24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.23 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the time of designation of Temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ, by adding the period of April 1, 1982, through October 31, 1982, to the existing time of designation. Unavoidable production delays by commercial contractors will prevent completion of the flight test program within the presently scheduled period. Utilization of the area is minimal in that one military drone flight will be in the area less than 30 minutes per day. The Commander, Yuma Proving Grounds, will release the airspace for public use immediately upon completion of the drone flights. Nonavailability of restricted airspace for the flight test program combined with existing unavoidable production delays could cause high cost overruns which would be significantly reduced as a result of this action. Section 73.23 of Part 73 was republished on January 2, 1981 (46 FR 784).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.23 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 784) as follows:

§ 73.23 [Amended]

R-2311 Army Proving Grounds, Yuma, AZ. Time of designation, is amended by deleting the words "October 1, 1980, through March 31, 1982." and substituting for them the words "October 1, 1980, through October 31, 1982."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 1, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35283 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AAL-14]

Extension of High Altitude Route J-133

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend High Altitude Route J-133 from Johnstone Point, AK, VORTAC, to Galena, AK, VORTAC. The majority of aircraft departing or overflying Anchorage for Galena request direct routing. The proposed extension of J-133 would ease flight planning and reduce controller and pilot workload associated with rerouting of these aircraft by allowing flight plans to be filed along the new route.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-14, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J-133 from Johnstone Point, AK, to Galena, AK. This proposed change is responsive to the current traffic flow. Most aircraft departing or overflying Anchorage en route to Galena request direct routing. The proposed extension would ease flight planning and reduce controller and pilot workload associated with rerouting of these aircraft by allowing flight plans to be filed along the new route. Section 75.100 or Part 75 was republished on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) as follows:

J-133 [Amended]

By deleting the words "to Johnstone Point, AK." and substituting for them the words "Johnstone Point, AK; Anchorage, AK; to Galena, AK."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 2, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35287 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM 80-42]

Tax Normalization for Certain Items Reflecting Timing Differences In the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes; Opportunity for Submitting Additional Comments

Issued: November 30, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice Providing Time for Additional Comments.

SUMMARY: On May 6, 1981, 46 FR 26613, published May 14, 1981, the Commission issued a final rule (Order No. 144) in Docket No. RM-42 to require public utilities making rate filings under the Federal Power Act or interstate pipelines making rate filings under the Natural Gas Act to use tax

normalization for certain timing differences to compute the income tax component of their costs of service. Petitions to rehear that final rule were received by the Commission and on July 2, 1981, pending a final order on rehearing in response to those petitions, the Commission stayed the effective date of the final rule.[1] Subsequent to these actions, on August 13, 1981, the Economic Recovery Tax Act of 1981 became law. A petition has been received by the Commission to reopen the rulemaking in light of this new tax law. Without deciding the merits of that petition, the Commission is providing a short time period for the receipt of additional comments to the rulemaking, those comments to be limited to the question of whether the new tax law requires amendment of the final rule.

IMPORTANT DATES: Comments should be received by December 21, 1981.

ADDRESS: All comments should cite to Docket No. RM80–42 and should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: John Conway, Acting Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, Room 8106 (202) 357–8150.

SUPPLEMENTARY INFORMATION:

On May 6, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM80–42 which amended Part 2 of its regulations to require public utilities making rate filings under the Federal Power Act or interstate pipelines making rate filings under the Natural Gas Act to use tax normalization for miscellaneous timing differences to compute the income tax component of costs of service.[2] That rule was stayed on July 2, 1981, pending final Commission action on applications to rehear the rule.[3]

Subsequent to the issuance of both the final tax normalization rule and the Commission's order staying that rule, the Congress passed the Economic Recovery Tax Act of 1981.[4] On October 5, 1981, some participants in the rulemaking (the East Tennessee Group) requested that the Commission institute extensive proceedings for re-examination of all aspects of its final rule in light of the new law.[5] This request has been opposed by other participants in the rulemaking.[6] The Commission expresses no opinion at this time on the merits of the petition of the East Tennessee Group.

However, the request of the East Tennessee Group raises the issue of the impact of the Economic Recovery Tax Act of 1981 on the final rule issued May 6, 1981. Because of the importance of this question and the fact that an answer to it may result in amendments to the final rule, the Commission is providing an opportunity for submission of additional comments in this rulemaking proceeding. These comments are limited to the narrow question of whether the new tax law requires amendment of the final rule. Because of the importance in completing this proceeding expeditiously and the narrow scope of the question to be commented upon, the time for submitting the additional comments is short.

Those wishing to submit comments on this issue should file their comments with the Commission by December 21, 1981. An original and fourteen conformed copies should be submitted to the Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM80–42. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Division of Public Information, 825 North Capitol Street, N.E., Washington, D.C. during regular business hours.

In order that all interested participants in this proceeding may be promptly notified of this opportunity to submit additional comments, the Secretary shall immediately serve all persons named on the service list established for this proceeding with a copy of this notice.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35233 Filed 12–9–81: 8.45 am]

BILLING CODE 6717–01–M

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[1] Editorial Note: Not published in the **Federal Register.** See Docket Nos. RM 80–42, R–424, and R–446.

[2] Order No. 144, 46 FR 28613 (May 14, 1981).

[3] Docket Nos. RM80–42, R–424 and R–446, "Order Granting Rehearing for Purposes of Further Consideration and Providing for Stay" (issued July 2, 1981).

[4] Pub. L. No. 97–34 (August 13, 1981).

[5] "Petition of East Tennessee Group, et al. for Reopening of Record of Order No. 144 to Reflect the Impact of the Economic Recovery Tax Act of 1981 and for Reconstruction," Docket Nos. Rm80–42, R–424, and R–446 (filed October 5, 1981).

[6] "Response to Petition of East Tennessee Group to Reopen the Record", Docket Nos. RM80–42, R–424, and R–446, filed on behalf of various utilities (filed October 20, 1981); "Opposition of Edison Electric Institute to Petition to Reopen", Docket No. RM80–42 (filed October 26, 1981).

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18 CFR Part 271

[Docket No. RM79–76 (Texas—16)]

High-Cost Gas Produced From Tight Formations; Texas

Issued: December 7, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Olmos Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 6, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on December 22, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Olmos Formation located in the northwest part of Webb County and the southern part

of Dimmit County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas recommendation that the Olmos Formation in these two counties be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Olmos Formation in specifically designated areas of Webb and Dimmit Counties, Texas, Railroad Commission Districts 4 and 1, respectively, be designated as a tight formation. The geographical area covered by Texas' recommendation is all of that portion of Dimmit County, extending approximately 14 miles north of the northern boundary of Webb County, and all of that portion of northwest Webb County west of a north-south line extending south from a point approximately 1.5 miles east of the southwest corner of La Salle County and north of an east-west line located approximately 22 miles south of the southwest corner of La Salle County.

The vertical interval requested for tight formation designation is correlation to that interval from 4146 feet to 5237 feet as measured in the log of the Trans Delta Corporation Petty well No. 6–7. This well is located in Section 7, Block 8, of the I. & G.N.R.R. Co. Survey in the S.W. Catarina Field, Webb County, Texas. The Olmos Formation consists of a series of alternating sands and shales of deltaic origin deposited along a late cretaceous shoreline.

III. Discussion of Recommenation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Olmos Formation in Webb and Dimmit Counties, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 6, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas—16), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than December 22, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301—3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(80) to read as follows:

271.703. Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated. and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(60) through (79) [Reserved]

(80) *Olmos Formation in Texas.* RM79–76 (Texas—16)

(i) *Delineation of formation.* The Olmos Formation is located in the northwest portion of Webb County and the southern portion of Dimmit County in Texas. The formation includes all of that portion of Dimmit County extending approximately 14 miles north of the northern boundary of Webb County, and all of that portion of northwest Webb County west of a north-south line extending south from a point approximately 1.5 miles east of the southwest corner of La Salle County and north of an east-west line located approximately 22 miles south of the southwest corner of La Salle County.

(ii) *Depths.* The top and base of the Olmos Formation are found at approximately depths of 4146 feet and 5237 feet, respectively, on the log of the Trans Delta Corporation Petty well No. 6–7. This well is located in Section 7, Block 8, of the I. & G.N.R.R. Co. Survey in the S.W. Catarina Field, Webb County, Texas.

[FR Doc. 81–35414 Filed 12–9–81; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76 (Texas—17)]

High-Cost Gas Produced from Tight Formations; Texas

Issued: December 7, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Massive "A" Sand Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 6, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on December 22, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N. E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8317, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On November 3, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Massive "A" Sand Formation in the Chapa, East Field, Live Oak County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Massive "A" Sand Formation in this field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Chapa, East Field where the Massive "A" Sand Formation is encountered be designated as a tight formation. The Chapa, East Field is located in Live Oak County, Texas, Railroad Commission District 2.

The recommended area is within a 2.5 mile radius of the Aminoil USA, Inc., El Paso Natural Gas No. 5 well, the only well producing from the formation in the recommended area. This well is located in Section 299, Hooper & Wade A–250 Survey, which is situated in the southwest part of the county approximately 4 miles east of the McMullen County line. The average depth to the top of the formation is aproximately 11,600 feet and thickness varies from 220 feet in the northwest part to 560 feet in the southeast part of the recommended area.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Massive "A" Sand Formation in the Chapa, East Field as described and delineated in Texas' recommendation as filed with the Commission be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 6, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Texas—17), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than December 22, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (81) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(60) through (80) [Reserved]

(81) *Massive "A" Sand Formation in Texas.* RM79–76 (Texas—17).

(i) *Delineation of formation.* The Massive "A" Sand Formation is found in the Chapa, East Field in southwestern Live Oak County, Texas, Railroad Commission District 2. The formation is

described by a 2.5 mile radius around the Aminoil USA, Inc., El Paso Natural Gas No. 5 well located in Section 299, Hooper & Wade A-250 Survey, approximately 4 miles east of the McMullen County line.

(ii) *Depth.* The average depth to the top of the Massive "A" Sand Formation is approximately 11,600 feet and thickness varies from 220 feet in the northwest to 560 feet in the southeast.

[FR Doc. 81-35413 Filed 12-9-81; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Family Relationships, Income, and Resources

AGENCY: Social Security Administration, HHS.

ACTION: Proposed Rule.

SUMMARY: These regulations reflect the provisions of section 203 of Pub. L. 96-265 which amends section 1614(f)(2) of the Social Security Act and section 504 of Pub. L. 96-265 which adds sections 1614(f)(3) and 1621 to the Act. Section 203 eliminates deeming of parents' income and resources to students who are age 18 but under age 21. It provides for us to continue to deem parental income and resources to certain children until age 21 if deeming gives them a higher benefit. Section 504 requires that, with a few exceptions, the income and resources of the sponsor of an alien (and of the sponsor's spouse if sponsor and spouse live together) are to be deemed to be the income and resources of the alien. Both provisions were effective October 1, 1980.

DATE: Your comments will be considered if we receive them no later than February 8, 1982.

ADDRESSES: Send your written comments to Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive can be seen at the Social Security Administration, Department of Health and Human Services; Switzer Building Room 1212, 330 C St., SW. Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Rita Hauth, Legal Assistant, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7112.

SUPPLEMENTARY INFORMATION: We plan to revise our rules on income and resources under the Supplemental Security Income (SSI) program. The revisions are necessary because of the provisions of sections 203 and 504 of Pub. L. 96-265. Section 203 amends section 1614(f)(2) and section 504 adds sections 1614(f)(3) and 1621 to the Social Security Act.

Since the SSI program began, section 1614(f) of the Act has required that spouses and parents who are not eligible for SSI be considered to share their income and resources with their spouses and children who live with them and are eligible for SSI benefits. This process is called deeming—we deem the income and resources of the spouse or parent to be those of the SSI beneficiary. The statute authorizes the Secretary to determine the amounts and types of income and resources that are excluded before any is deemed to the beneficiary. The deemed income and resources are added to those the applicant or beneficiary already has and the total is subject to the limits and exclusions the statute provides for individuals and couples. Under existing regulations the income and resources of parents not eligible for SSI are deemed to their eligible children in the household. Deeming stopped when the children reached age 18 or, if the children were students, when they reached age 21.

Beginning October 1, 1980, deeming of parental income and resources stops when children reach age 18. A savings clause will protect children who were already age 18 and under age 21 in September 1980, who received a Federal SSI benefit for that month, and who would receive a lesser benefit if deeming stopped.

Section 504 of Pub. L. 96-265 adds a new kind of deeming—the income and resources of sponsors of aliens are considered to be those of aliens they sponsor. A sponsor is an individual who has signed an affidavit agreeing to support an alien as a condition of the alien's admission for permanent residence in the United States. Under the new law, the Departments of Justice and State will inform sponsors that information they supply will be given to SSA and that they may be asked for additional information if the aliens apply for SSI benefits.

There are some exceptions. Under the terms of the statute we do not deem a sponsor's income and resources to aliens who have been admitted as refugees under certain provisions of the Immigration and Nationality Act or to aliens who have been granted political asylum by the Attorney General of the United States. Nor do we deem to aliens of any age beginning with the time they meet the statutory definition of blindness or disability if this occurs after their admission to the United States. Deeming stops if it applied before the blindness or disability begins.

A sponsor's income and resources are deemed to aliens who first apply for SSI benefits after September 30, 1980, and are deemed to aliens for 3 years after their admission to the United States.

Three subparts of Regulations No. 16 require amendment because of section 203 of the new statute which ends deeming of parental income to children upon reaching age 18.

Subpart K, Income, was recodified at 45 FR 65541 (October 3, 1980). It explains how the receipt of income affects SSI eligibility. It describes the different types of income, including income deemed from a parent to a child beneficiary. Subpart L, Resources, provides similar information about resources. We must revise sections in Subpart K, Income, and Subpart L, Resources, to include the new rules on parent-to-child deeming and on sponsor-to-alien deeming of income and resources.

Section 416.1148 is revised to show that if a beneficiary has income deemed from a sponsor and also receives cash or in-kind support and maintenance (food, clothing, or shelter) from the sponsor, we count only the deemed income. This section and § 416.1149 are revised to reflect the change to stop deeming income to children at age 18 rather than at age 21, except for the savings clause.

Section 416.1160 explains what deeming is, gives the basic steps we follow in deeming income, and defines terms used in connection with deeming. We have added the rules which end deeming from parents to children at age 18 and the rules which require deeming a sponsor's income to an alien. We have defined "date of admission or entry", "dependent", and "sponsor". Other deeming rules specify amounts of income that can be allocated for spouses, children, and parents who are not eligible for SSI and who live in the same household with the beneficiary.

In deeming a sponsor's income to an alien we allocate amounts for dependents. The statute does not define "dependent". SSA is adopting the same criteria used by the Internal Revenue Service for personal income tax purposes. This provides for consistency among government agencies, is easy for the public to understand, and provides

uniformity of administration for beneficiaries in all locations.

For the purposes of these rules we define a sponsor as an individual or individuals (but not an organization) who sign an affidavit of support or similar agreement as a condition of an alien's admission to the United States for permanent residence. We define an alien's "date of admission or entry" to be the date established by the Immigration and Naturalization Service as the date the alien was admitted for permanent residence.

This section explains that if a sponsor lives with and is also the spouse or parent of the alien, we apply the rules for spouse or parent deeming rather than sponsor deeming. The statute does not address this question and we believe we have discretion to assign priority. It is our position that the objective of the new kind of deeming is to take care of situations where no deeming previously existed, not to replace existing rules.

Further, this section explains how we figure benefits payable when a sponsor of an alien is also the ineligible spouse or ineligible parent of another beneficiary and income is deemable to both the alien and the eligible spouse or eligible child. The statute is very specific as to what income can be excluded to figure the amount of income to deem from a sponsor to an alien. It provides exclusions for all dependents of the sponsor. Other provisions of the Act give the Secretary discretion to determine what income it is equitable to exclude to figure the amount of income to deem from an ineligible spouse or ineligible parent to an eligible individual. SSA, therefore, will figure the amount of income to be deemed to the alien and to the spouse or child independently. The amount produced under the sponsor-to-alien deeming rule will be deemed to the alien. The amount produced for the spouse or child will be deemed to that individual after an allowance (allocation) for the alien. Current regulations for spouse-to-spouse or parent-to-child deeming make no allowance for the existence of the alien to whom income is also deemed. These rules, therefore, are being revised to provide an allocation for the alien in the spouse-to-spouse and parent-to-child deeming rules. The allocation is the same amount that has been provided for ineligible children in the household, one-half the full Federal benefit rate payable to an eligible individual. This method of deeming considers the existence of multiple applicants or beneficiaries.

Section 416.1161 tells what amounts and types of income are excluded before we deem any of an individual's income to an applicant or a beneficiary. We have added the rules that apply to the sponsor of an alien. We exclude three kinds of income before we deem the balance to be the income of the alien. (1) An allocation (in the amount of the Federal benefit rate of an individual eligible for SSI) for the sponsor (or for each sponsor if more than one individual signed the affidavit of support) plus allocations (in the amount of one-half the Federal benefit rate) for each dependent of the sponsor. There may also be allocations for dependents of the sponsor's spouse if the sponsor and spouse live in the same household. There is no additional dependent allocation for a co-sponsor who is also the sponsor's dependent and there is no dependent allocations for the alien, or the alien's spouse. (2) Income and benefits provided the sponsor under other Federal statutes which specify that their benefits are not income for programs under the Social Security Act. (3) Income of children in the household of the sponsor received by them or on their behalf.

A new § 416.1162 has been added to explain when we do not deem the income of a sponsor to an alien. We do not deem the income of a sponsor if the alien is admitted as a refugee under certain provisions of the Immigration and Nationality Act, has been given political asylum by the Attorney General of the United States, or becomes disabled or blind at any age after admission to the United States. Income may have been deemed prior to an alien's becoming blind or disabled. Usually, an individual who applies for SSI has to establish disability or blindness as of the date of application for benefits because that is the first month payment is possible. Under the new rules, sponsor deeming does not apply beginning with the time the alien becomes disabled or blind after admission to the United States. It will, therefore, now be necessary to establish when an alien becomes disabled or blind (as defined in existing regulations, § 416.901).

Section 416.1165 is revised to show that parent-to-child deeming stops when children reach age 18 unless the savings clause applies. Under this savings clause, children who received Federal SSI benefits for September 1980, and were at least age 18 in that month, are protected against a reduction in benefits because of the new rules. These protected children may continue to have parental income and resources deemed to them until they reach age 21 if they are otherwise eligible and if deeming provides a higher benefit. Deeming may provide a higher benefit if the reduction in benefits is less under deeming rules than it would be if another rule applied. For example, if we deem parental income we do not also reduce a benefit because the child receives food, clothing, and shelter (in-kind support and maintenance) from the parents. If deeming stops, we begin to count the value of food, clothing, and shelter as income and this may reduce a benefit by as much as one-third.

Sections 416.1163, 416.1165, and 416.1166 explain the processes for figuring how much income to deem from an ineligible spouse or ineligible parent to an eligible spouse, child, or combination of the two. These sections are amended to provide an allocation for aliens to whom income is also deemed from the ineligible spouse or ineligible parent. We are adding examples to illustrate how the allocation affects deemed income. We are also adding an example to § 416.1165 to illustrate how deemed income is distributed to beneficiaries when one of them has his or her own income. This example is added to clarify existing regulations.

Section 416.1166a is new. It explains how we deem a sponsor's income to an alien. After appropriate exclusions, the balance of the sponsor's income is deemed to be the unearned income of the alien. This section also includes examples to show how deemed income applies in various situations.

Section 416.1167 explains the effects of a change in status that occurs after eligibility for SSI is established. Paragraphs (c) and (d) are revised to show that deeming of parental income to a child stops in the month following the month the child reaches age 18 unless the savings clause applies. If the savings clause applies, deeming stops in the month following the month in which the child reaches age 21. We are adding a new paragraph (e) to this section to explain that a sponsor's income is not deemed to an alien beginning with the month in which occurs the third anniversary of the alien's date of admission to the United States.

The appendix to Subpart K is being updated to show how the exclusions provided by other Federal statutes apply to income deemed from a sponsor to an alien. Each listing that differs for sponsor-to-alien deeming is annotated to show how it applies to a sponsor's income. Those that are not annotated apply to a sponsor's income the same as they apply to that of a beneficiary or for other deeming purposes. Item V(a), the Domestic Volunteers Act, is being revised because the law was amended in 1980. Under the amended statute, the exclusion does not apply if the director

of the action agency determines that the payment equals the minimum wage.

Subpart L, Resources, defines resources and explains which resources we do or do not count to determine SSI eligibility. Resources may include those of a parent that are deemed to a child-beneficiary. Section 416.1202 is being revised to show that deeming of parental resources stops when the child reaches 18 unless the savings clause applies.

New § 416.1204 is being added to explain the effects of a sponsor's resources on the eligibility of an alien. With the exception of certain resources excluded under Federal Statutes other than the Social Security Act, a sponsor's resources are subject to the same exclusions that apply to an individual eligible for SSI (See § 416.1210). There is a further exclusion fo $1,500 for the sponsor or $2,250 for the sponsor and spouse if they live together. After appropriate exclusions, the balance of the sponsor's resources is deemed to the alien. Deeming continues for 3 years after the date of admission. However, deeming of resources does not occur if the alien is a refugee admitted under certain provisions of the Immigration and Nationality Act, has been granted political asylum by the Attorney Gereral, or becomes blind or disabled (as defined in existing regulations (§ 416.901)) at any age after admission to the United States.

Subpart J, Family Relationships, was recently recodified at 45 FR 71797 (October 30, 1980) and was redesignated Subpart R on May 29, 1981 (46 FR 29190). It includes provisions which explain when proof is necesssary to establish family relationships. Section 416.1821 currently requires persons under age 21 and living with their parents to show us proof of marriage. This section is revised, because of the statutory change, to show that children subject to deeming rules (rather than children under age 21) will be asked for proof of marriage if we have reason to believe they are married. Section 416.1851 is revised to clarify which children are subject to deeming rules. Both §§ 416.1821 and 416.1851 have been cross-referred to the sections in other subparts that explain parent-to-child deeming of income and resources.

These regulations describe the process of deeming a sponsor's income and resources to an alien. Regulations will be prepared in the future to cover related provisions of the statute such as those dealing with the sponsor's responsibility to provide information, recovery of overpayments and access to the appeals process.

We certify that these regulations do not have a significant impact on small entities because these regulations affect only individuals. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

Instructions on the implementation of these rules in these regulations have been given to operating personnel because the provisions of the statute became effective October 1, 1980.

We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for a major regulation.

(Catalogue of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: October 14, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: November 24, 1980.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart K of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631(d), 49 Stat. 647, as amended, 86 Stat. 1465, 1466, 1468, 1470, 1473; 42 U.S.C. 1302, 1381, 1381a, 1382, 1382a, 1382b, 1382c(f) and 1383(d) unless otherwise noted. Secs. 203 and 504 of Pub. L. 96-265, 94 Stat. 449, and 94 Stat. 471 (42 U.S.C. 1382c and 42 U.S.C. 1382j).

2. Section 416.1148 paragraphs (a) and (b)(2), are revised to read as follows:

§ 416.1148 If you have both in-kind support and maintenance and income that is deemed to you.

(a) *The one-third reduction and deeming of income.* If you live in the household of your spouse or parent or essential person whose income can be deemed to you the one-third reduction does not apply to you. If you are an alien living in the household of your sponsor whose income can be deemed to you the one-third reduction does not apply to you. The rules on deeming income are in §§ 416.1160 through 416.1169. However, if you live in another person's household as described in § 416.1131, and someone whose income can be deemed to you lives in the same household, we must apply both the one-third reduction and the deeming rules to you.

(b) *The presumed value rule and deeming of income.* (1) * * *

(2) If you are a child (as defined in § 416.1101) who lives in the same household with an ineligible parent, and you are temporarily absent from the household to attend school (§ 416.1167(a)(2)), any food, clothing, or shelter you receive at school is income to you unless your parent purchases it. We value this income under the presumed value rule (§ 416.1140). We also apply the deeming rules to you (§ 416.1165) if appropriate.

3. Section 416.1149(c)(2)(ii) is revised to read as follows:

§ 416.1149 What is a temporary absence from your living arrangement.

* * * * *

(c) * * *

(2) * * *

(ii) However, if you are a child under age 18, and your permanent living arrangement is with an ineligible parent or essential person (§ 416.243), we follow the rules in § 416.1148(b)(2).

Note.—These rules may apply to you until you reach age 21 if you meet the exception in § 416.1165.

4. Section 416.1160 is revised to read as follows:

§ 416.1160 What is deeming of income.

(a) *General.* We use the term deeming to identify the process of considering another person's income to be your own. When the deeming rules apply, it does not matter whether the income of the other person is actually available to you, we must apply these rules anyway. There are four categories of individuals whose income may be deemed to you.

(1) *Ineligible spouse.* If you live in the same household with your ineligible spouse, we look at your spouse's income to decide whether we must deem some of it to you. We do this because we expect your spouse to use some of his or her income to take care of some of your needs.

(2) *Ineligible parent.* If you are a child to whom deeming rules apply (See § 416.1165), we look at your parent's income (and that of your parent's spouse) to decide whether we must deem some of it to be yours. We do this because we expect your parent to use some of his or her income to take care of your needs.

(3) *Sponsor of an alien.* If you are an alien who has a sponsor and you first apply for SSI benefits after September 30, 1980, we look at your sponsor's income to decide whether we must deem some of it to be yours. This rule applies for 3 years after you are admitted to the United States for permanent residence and regardless of whether you live in

the same household as your sponsor. We deem your sponsor's income to you because your sponsor agreed to support you (signed an affidavit of support) as a condition of your admission to the United States. If two deeming rules could apply to you because your sponsor is also your ineligible spouse or parent who lives with you, we use the appropriate spouse-to-spouse or parent-to-child deeming rules instead of the sponsor-to-alien rules. If you have a sponsor and also have an ineligible spouse or parent who is not your sponsor and whose income can be deemed to you, both rules apply. If your sponsor is not your parent or spouse but is the ineligible spouse or parent of another SSI beneficiary, we use the sponsor-to-alien deeming rules for you and the appropriate spouse-to-spouse or parent-to-child deeming rules for the other SSI beneficiary.

(4) *Essential person.* If you live in the same household with your essential person (as defined in § 416.1160(c)), we must look at that person's income to decide whether we must deem some of it to you. We do this because we have increased your benefit to help meet the needs of your essential person.

(b) *Steps in deeming.* Although the way we deem incomes varies depending upon whether you are an eligible individual, an eligible child, an alien with a sponsor, or an individual with an essential person, we follow several general steps to determine how much income to deem.

(1) We determine how much earned and unearned income your ineligible spouse, ineligible parent, your sponsor (if you are an alien), or your essential person has and we apply the appropriate exclusions. (See § 416.1161(a) for exclusions that apply to an ineligible parent or spouse, § 416.1161(a–1) for those that apply to a sponsor of an alien, and § 416.1161(b) for those that apply to an essential person.)

(2) Before we deem income to you from either your ineligible spouse or ineligible parent, we allocate an amount for each ineligible child in the household. (Allocations for ineligible children are explained in § 416.1163(b).) We also allocate an amount for each eligible alien who has been sponsored by and who has income deemed from your ineligible spouse or parent. (Allocations for eligible aliens are explained in § 416.1163(b–1).)

(3) We then follow the deeming rules which apply to you.

(i) For deeming income from your ineligible spouse, see § 416.1163.

(ii) For deeming income from your ineligible parent, see § 416.1165.

(iii) For deeming income from your ineligible spouse when you also have an eligible child, see § 416.1166.

(iv) For deeming income from your sponsor if you are an alien, see § 416.1166a.

(v) For deeming income from your essential person, see § 416.1168.

(vi) For provisions on change in status, see §§ 416.1167 and 416.1169.

(c) *Definitions for deeming purposes.* For deeming purposes—

"Date of admission to or date of entry into the United States" means the date established by the Immigration and Naturalization Service as the date the alien is admitted for permanent residence.

"Dependent" means the same thing as it does for Federal income tax purposes—we mean someone you are entitled to take a deduction for on your personal income tax return. Exception: An alien and an alien's spouse are not considered to be dependents of the alien's sponsor for the purposes of these rules.

"Essential person" means someone who was identified as essential to your welfare under a State program that preceded the SSI program. (See §§ 416.241 through 416.249 for the rules on essential persons.)

"Ineligible child" means your natural child or adopted child or the child of your spouse or the natural or adopted child of your parent or of your parent's spouse (as the terms "child" and "spouse" are defined in § 416.1101), who is under age 21, lives in the same household with you, and is not eligible for SSI benefits.

"Ineligible parent" means a natural or adoptive parent, or the spouse (as defined in § 416.1101) of a natural or adoptive parent, who lives with you and is not eligible for SSI benefits. The income of ineligible parents affects your benefit only if you are a child.

"Ineligible spouse" means someone who lives with you as your husband or wife and is not eligible for SSI benefits.

"Sponsor" means an individual or individuals (but not an organization) who signs an affidavit of support agreeing to support you as a condition of your admission as an alien for permanent residence in the United States.

5. Section 416.1161 is amended by revising the material preceding paragraph (a), and by adding new paragraphs (a–1) and (d) to read as follows:

§ 416.1161 Income of an ineligible spouse, ineligible parent, sponsor of an alien, and essential person for deeming purposes.

The first step in deeming is determining how much income your ineligible spouse, ineligible parent (if you are a child), your sponsor (if you are an alien), or your essential person, has. We do not always include all of their income when we determine how much income to deem. In this section we explain the rules for determining how much of their income is subject to deeming. As part of the process of deeming income from your ineligible spouse or parent we must determine the amount of income of any ineligible children in the household.

* * * * *

(a–1) *For a sponsor of an alien.* We include all the income (as defined in § 416.1110 and § 416.1120) of the sponsor of an alien and of the spouse of the sponsor (if the sponsor and spouse live in the same household) except—

(1) An amount equal to the SSI Federal benefit rate for an individual eligible for SSI as an allocation for the sponsor (or for each sponsor) and an amount equal to one-half the individual Federal benefit rate for each dependent of the sponsor (a co-sponsor, the alien and the alien's spouse are not dependents for purposes of this provision);

(2) Income excluded for SSI purposes by certain Federal laws other than the Social Security Act (see the appendix to this subpart); and

(3) Income of a child in the household of the sponsor received by or on behalf of the child.

* * * * *

(d) *For a sponsored alien.* If you are an eligible spouse or child whose ineligible spouse or ineligible parent has income that is also deemed to an eligible alien, we do not deem any income to you from the eligible alien. We do, however, reduce the alien's allocation if he or she has income (§ 416.1163(b–1)(2)). For this purpose we do not include any of the alien's income listed in paragraph (a) of this section.

6. Section 416.1162 is added to read as follows:

§ 416.1162 When sponsor deeming rules do not apply to you if you are an alien.

If you are an alien, we do not apply the sponsor deeming rules to you if—

(a) *You are a refugee.* You are a refugee admitted to the United States as the result of application of one of three sections of the Immigration and Nationality Act: (1) Section 203(a)(7), effective before April 1, 1980; (2) Section

207(c)(1), effective after March 31, 1980; or (3) Section 212(d)(5);

(b) *You have been granted asylum.* You have been granted political asylum by the Attorney General of the United States; or

(c) *You become blind or disabled.* You become blind or disabled as defined in § 416.901 (at any age) after your admission to the United States. We stop deeming your sponsor's income to you when your disability or blindness begins.

7. Section 416.1163 is revised by adding new paragraph (b–1) and new example No. 4 to paragraph (d) to read as follows. The introductory text is set forth for the reader's convenience.

§ 416.1163 How we deem income to you from your ineligible spouse.

If you have an ineligible spouse who lives in the same household, we apply the deeming rules to your ineligible spouse's income in the following order.

* * * * *

(b–1) *Allocations for aliens sponsored by your ineligible spouse.* We also deduct an allocation for eligible aliens who have been sponsored by and who have income deemed from your ineligible spouse.

(1) The allocation for each alien who is sponsored by and who has income deemed from your ineligible spouse is one-half of the quarterly Federal benefit rate for an eligible individual. The amount of the allocation automatically increases whenever the Federal benefit rate increases. If the allocation applies to only one or two months of a calendar quarter, we reduce the allocation by two-thirds or one-third, as appropriate.

(2) Each alien's allocation is reduced by the amount of his or her own income.

(3) We first deduct the allocations from your ineligible spouse's unearned income. If your ineligible spouse does not have enough unearned income to cover the allocations, we deduct the balance from your ineligible spouse's earned income.

* * * * *

(d) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual. Therefore, the income, the income exclusions, and the allocations are all quarterly amounts. The Federal benefit rates used are those effective July 1, 1980.

* * * * *

Example No. 4. Simon has a disabled spouse, Julia, and has sponsored an alien, Ollie. Julia has unearned income of $300 and Simon has earned income of $800. We allocate one-half the Federal benefit rate for an individual, $357, from Simon's earned income to Ollie who has no other income. This reduces the $600 to $243 in earned income to deem to Julia. We deduct $60, the general income exclusion, from the unearned income ($300), leaving $240. We deduct the earned income exclusion ($195 plus one-half the difference) from the $243 earned income, leaving $24. The combined countable income, $264, is less than one-half the benefit rate for an eligible individual ($357) so there is no income to deem. Therefore, we compute Julia's benefit on the basis of her own income. She has countable income of $240 ($300 less the general income exclusion of $60). This is subtracted from the Federal benefit rate for an individual ($714) and provides a quarterly benefit of $474 and a monthly benefit of $158. For the way we deem Simon's income to Ollie, see the rules in § 416.1166a.

8. Section 416.1165 is amended by revising the material preceding paragraph (a), by adding new paragraph (b–1), and by adding new examples No. 3 and No. 4 to paragraph (f) to read as follows. The introductory text of paragraph (f) is set forth for the readers convenience.

§ 416.1165 How we deem income from your ineligible parents.

If you are a child living with your parents, we apply the deeming rules to you through the month in which you reach age 18. (You reach an age the day before your birthday.) There is an exception to this rule. If you were at least age 18 but under age 21 in September 1980, and received a Federal SSI benefit for that month, we may deem your parent's income to you until you reach age 21. If you are a student and live with your parents, we deem your parents' income to you if this results in a higher benefit. We apply the rules for deeming income in the following order.

* * * * *

(b–1) *Allocations for aliens who are sponsored by and have income deemed from your ineligible parent.* We also deduct an allocation for eligible aliens who have been sponsored by and have income deemed from your ineligible parent as described in § 416.1163(b–1).

* * * * *

(f) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual. Therefore, the income, the income exclusions, and the allocations are all quarterly amounts. The Federal benefit rates used are those effective July 1, 1980.

* * * * *

Example No. 3. Janet is the ineligible parent of two disabled children, Beth and Linda, and has sponsored an alien, Sean. Beth, Linda, and Sean have no income; Janet has unearned income of $2,000. We first reduce the mother's income by an allocation of $357 for Sean which leaves a balance of $1,643. Next, we allocate for the mother's own needs (the $60 general income exclusion plus $714, the amount of the Federal benefit rate payable to an individual), a total of $774. The balance of $869 ($1,643−$774=$869) is divided equally between Beth and Linda. Each now has unearned income of $434.50 from which we deduct the $60 general income exclusion ($434.50−$60=$374.50). Beth and Linda each have quarterly benefits of $339.50 ($714−$374.50=$339.50) and monthly benefits of $113.17. (For the way we deem the mother's income to Sean, see examples No. 3 and No. 4 in § 416.1166a.)

Example No. 4. Gertrude has two disabled children, Mildred and Edith, and earned income of $2,300 a quarter. We allocate for Gertrude's own needs, $255 plus twice the Federal benefit rate for an individual ($714×2=$1,428), a total of $1,683. After this allocation there is $617 that can be deemed to Mildred and Edith. Ordinarily, we would divide this equally between the children but Mildred has her own unearned income of $700 so we deem to her only enough to make her ineligible. Mildred's income of $700 less the $60 general income exclusion gives her $640 in countable income. $75 in addition makes her ineligible ($640+$74+$1=$715, or $1 more than the $714 Federal benefit rate for which Mildred could be eligible). We, therefore, deem $75 to Mildred and the balance of the $617, or $542, to Edith. The $60 general income exclusion reduces Edith's income to $482 so her quarterly benefit is $232 ($714−$482=$232) and her monthly benefit is $77.34. Although Mildred is now an ineligible child we do not allocate any of Gertrude's income to her because her own income exceeds the amount that could be allocated to her ($357, one-half the Federal benefit rate).

9. Section 416.1166a is added to read as follows:

§ 416.1166a How we deem income to you from your sponsor if you are an alien.

Before we deem your sponsor's income to you if you are an alien, we add all the sponsor's earned and unearned income as defined in section 1612(a) of the Act or §§ 416.1110 and 416.1120. We include the income of the sponsor's spouse if they live in the same household. We next exclude the kinds of income listed in § 416.1161(a–1); the balance of the income is deemed to you.

(a) *If you are the only alien applying for or already eligible for SSI benefits who has income deemed to you from your sponsor.* If you are the only alien who is applying for or already eligible for SSI benefits and who is sponsored by your sponsor, all the deemed income is your unearned income.

(b) *If you are not the only alien who is applying for or already eligible for SSI benefits and who has income deemed to you from your sponsor.* If you and other aliens applying for or already eligible for SSI benefits are sponsored by the same

sponsor, we deem the income to you and the other aliens independently. The income is deemed to each of you and becomes your unearned income.

(c) *Examples.* These examples show how we deem a sponsor's income to an eligible individual who is an alien. The income, income exclusions, and the benefit rates are in quarterly amounts. The Federal benefit rates are those effective July 1, 1980.

Example 1. John, an alien who has no income, has been sponsored by Herbert who has earned income of $4,000 and unearned income of $200. Herbert's wife and three children have no income. We add Herbert's earned and unearned income ($4,200) and apply the allocations for the sponsor and his dependents. No other exceptions apply. Allocations total $2,142. These are made up of $714 (the Federal benefit rate for an eligible individual) for the sponsor, plus $1,428 (one-half the Federal benefit rate for an individual, $357 each) for Herbert's wife and three children. The $2,142 is subtracted from Herbert's income of $4,200 which leaves $2,058 to be deemed to John as his unearned income. John's only exclusion is the $60 general exclusion. Since the balance, $1,998, exceeds the Federal benefit rate of $714, John is ineligible.

Example 2. George and Sue are an alien couple who have no income and who have been sponsored by Harry. Harry has earned income of $2,000 and his wife, Jennie, has earned income of $500. Their two children have no income. We combine Harry's and Jennie's income ($2,000+$500=$2,500). We deduct the only applicable exclusions, $714 for Harry (the Federal benefit rate for an individual) and $1,071 for Jennie and the two children ($357 or one-half the Federal benefit rate for each), a total of $1,785. The exclusions ($1,785) are deducted from the income ($2,500) which leaves $715. This amount must be deemed independently to George and Sue. George and Sue would qualify for SSI benefits as a couple in the amount of $1,071 if no income had been deemed to them. The $1,430 ($715 each to George and Sue) deemed income is unearned income to George and Sue and is subject to the $60 general income exclusion, leaving $1,370. This exceeds the couple's rate of $1,071 so George and Sue are ineligible for SSI benefits.

Example 3. Bert and Dave are aliens sponsored by their sister Jean, who has earned income of $1,700. She also receives $600 as survivors' benefits for her two minor children. We exclude the $600 survivors' benefits because it is provided specifically for the children. We also exclude $714 for Jean (the Federal benefit rate for an individual) plus $714 ($357, one-half the Federal benefit rate, for each child), a total of $1,428. We subtract the $1,428 from Jean's income of $1,700, which leaves $272 to be deemed to Bert and Dave. The brothers live in a boarding house (a commercial establishment) so each lives in his own household and would be eligible to receive the full Federal benefit rate of $714. The deemed income, $272, is deemed to Bert and to Dave. As a result Bert and Dave each have countable income of $212 ($272 minus the $60 general income exclusion). This is subtracted from $714, the Federal benefit rate for an individual which provides a benefit of $502 or $167.34 per month for each.

Example 4. The same situation applies as in example No. 3 except that one of Jean's children is disabled and eligible for SSI benefits. The eligibility of the disabled child does not affect the amount of income deemed to Bert and Dave since the sponsor-to-alien and parent-to-child rules are applied independently. The child's benefit is computed under the rules in § 416.1165.

10. Sections 416.1167 (c) and (d) are revised and paragraph (e) is added to read as follows:

§ 416.1167 When a change in status affects the use of deeming rules.

* * * * *

(c) *When you reach age 18.* If you are a child living with your parent, we stop deeming with the month following the month you reach age 18. For example, if you reach age 18 in June, the deeming rules do not apply to you beginning in July. (You "reach" a certain age on the day before your birthday.)

(d) *When you are at least age 18 but under 21 and become a student.* If you meet the requirements for the exception to the rule for ending deeming at age 18 (§ 416.1165) and become a student when you are at least age 18 but under 21, we will apply the deeming rules, if this provides a higher benefit, in the month after you become a student. For example, if you become a student in September, the deeming rules apply beginning in October.

(e) *When you are an alien and income is no longer deemed to you from your sponsor.* If you are an alien and have had your sponsor's income deemed to you, we stop deeming the income with the month in which the third anniversary of your admission into the United States occurs. However, if you become blind or disabled (as defined in § 416.901) we stop deeming with the month in which you meet the qualifications for blindness or disability (as defined in § 416.901). For example, if you were admitted to the United States in April 1981, we will stop deeming beginning April 1984. If you are found to be disabled in August 1982, no income is deemed to you beginning with that month.

11. The appendix following Subpart K is amended as follows:

Appendix—List of Types of Income Excluded Under the SSI Program as Provided by Federal Laws Other Than the Social Security Act

* * * * *

II. *Housing and Utilities* * * *

(c) Value of any assistance paid with respect to a dwelling unit under—

(1) The United States Housing Act of 1937;

(2) The National Housing Act;

(3) Section 101 of the Housing and Urban Development Act of 1965; or

(4) Title V of the Housing Act of 1949.

Note.—This exclusion applies only if the alien is living in the housing unit for which the sponsor receives the housing assistance.

III. *Education and Employment.*

(a) Incentive allowances for individuals under section 124(a)(3) of the Comprehensive Employment and Training Act (CETA) (92 Stat. 1943, 29 U.S.C. 826(a)), also earnings and allowances paid to a youth in certain training or employment programs (applies to the youth and the youth's family) under section 446 of CETA (92 Stat. 1992, 29 U.S.C. 921).

Note.—This exclusion applies to the income of sponsors of aliens only if the alien is part of the sponsor's family.

* * * * *

IV. *Native Americans.*

(a) Revenues from the Alaska Native Fund paid under section 21(a) of the Alaska Native Claims Settlement Act, Pub. L. No. 92–203 (85 Stat. 713), 43 U.S.C. 1620(a)).

Note.—This exclusion does not apply in deeming the income from sponsors to aliens.

(b) Indian tribes—Distribution of per capita judgment funds to members of— * * *

2. The Grand River Band of Ottawa Indians in Indian Claims Commission docket number 40–K under section 6 of Pub. L. No. 94–450 (90 Stat. 2504).

Note.—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

* * * * *

(c) Receipts from land held in trust by the Federal government and distributed to members of certain Indian tribes under section 6 of Pub. L. No. 94–114 (89 Stat. 579).

Note.—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

* * * * *

V. *Other.*

(a) Compensation provided volunteers in the foster grandparents program and other similar programs, unless determined by the Director of the ACTION Agency to constitute the minimum wage, under sections 404(g) and 418 of the Domestic Volunteer Service Act of 1973 (87 Stat. 409, 413), as amended by Pub. L. No. 96–143 (93 Stat. 1077); 42 U.S.C. 5044(g) and 5058).

Note.—This exclusion does not apply to the income of sponsors of aliens.

* * * * *

12. The authority citation for Subpart L of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612 1613, 1614(f), 1621, and 1631(d), 49 Stat. 647, as amended, 86 Stat. 1465, 1466, 1468, 1473; 42 U.S.C. 1302, 1381, 1381a, 1382, 1382b, 1383c(f) and 1383(d) unless otherwise noted. Secs. 203 and 504 of Pub. L. 96–265, 94 Stat. 449, and 94 Stat. 471 (42 U.S.C. 1382c and 42 U.S.C. 1382j)

13. Section 416.1202(b) is revised to read as follows:

§ 416.1202 Deeming of resources.

* * * * *

(b) *Child.*—(1) *Child under age 18.* In the case of a child (defined in § 416.1101) who is under age 18, the child's resources will be deemed to include resources of parents who live in the same household. The resources of parents are subject to the same exclusions that apply to an eligible individual or couple (see §§ 416.1205 through 416.1237) before any amount of resources is deemed to the child. For purposes of this section, a parent may be a natural or adoptive parent or the spouse of a parent.

(2) *Child at least age 18 but under age 21.* Children who were at least age 18 as of September 1980, and received a Federal SSI benefit for that month, will have their parents' resources deemed to them until they reach age 21 if—

(i) They live in the same household as the parents;

(ii) They are or become students; and

(iii) Deeming of parental resources provides a higher benefit to such children. It can provide a higher benefit if the child is receiving income that is not counted when deeming applies. Example: The value of in-kind support and maintenance provided by parents is not income to a child as long as the parent's income is deemed to the child.

14. Section 416.1204 is added to read as follows:

§ 416.1204 Deeming of resources of the sponsor of an alien.

The resources of an alien who first applies for SSI benefits after September 30, 1980, are deemed to include the resources of the alien's sponsor for 3 years after the alien's date of admission into the United States. The "date of admission" is the date established by the Immigration and Naturalization Service as the date of admission for permanent residence. The resources of the sponsor's spouse are included if the sponsor and spouse live in the same household. Deeming of these resources applies regardless of whether the alien and sponsor live in the same household and regardless of whether the resources are actually available to the alien. The following rules apply in the specific situations as listed.

(a) *Deeming rules do not apply to an alien.* The sponsor deeming rules do not apply to an alien if—

(1) The alien has been admitted as a refugee as the result of application of one of three sections of the Immigration and Nationality Act: (1) Section 203(a)(7) effective prior to April 1, 1980; (2) 207(c)(1) effective after March 31, 1980; or (3) Section 212(d)(5);

(2) The alien has been granted political asylum by the Attorney General of the United States; or

(3) The alien becomes blind or disabled (as defined in § 416.901) at any age after admission to the United States. The sponsor's resources are not deemed to the alien as of the time the disability or blindness begins.

(b) *Exclusions from the sponsor's resources.* Before we deem a sponsor's resources to an alien we exclude the same kinds of resources that are excluded from the resources of an individual eligible for SSI benefits. The applicable exclusions from resources are explained in §§ 416.1210 (paragraphs (a) through (i) and (k) through 416.1237.) We next exclude $1,500 for the sponsor or $2,250 for the sponsor and spouse (if living together). For resources excluded by Federal statutes other than the Social Security Act, as applicable to the resources of sponsors deemed to aliens, see the appendix to Subpart K, Income. The same exclusions apply when income is held so that it becomes a resource except there is no resource exclusion under section III(c) of the appendix.

(c) *An alien sponsored by more than one sponsor.* The resources of an alien who has been sponsored by more than one person are deemed to include the resources of each sponsor.

(d) *More than one alien sponsored by one individual.* If more than one alien is sponsored by one individual the deemed resources are deemed to each alien as if he or she were the only one sponsored by the individual.

(e) *Alien has a sponsor and a relative with deemable resources.* Resources may be deemed to an alien from both a sponsor and a spouse or parent (if the alien is a child) provided that the sponsor and the relative are not the same person and the conditions for each rule are met.

(f) *Alien's sponsor is also the alien's ineligible spouse or parent.* If the sponsor is also the alien's ineligible spouse or parent who lives in the same household, the spouse-to-spouse or parent-to-child deeming rules will apply instead of the sponsor-to-alien deeming rules. If the spouse or parent deeming rules cease to apply the sponsor deeming rules will begin to apply. The spouse or parent rules may cease to apply if an alien-child reaches age 18 or if either the sponsor who is the ineligible spouse or parent or the alien moves to a separate household.

(g) *Alien's sponsor also is the ineligible spouse or parent of another SSI beneficiary.* If the sponsor is not the alien's eligible spouse or parent but is the ineligible spouse or ineligible parent of an SSI beneficiary other than the alien, the sponsor's resources are deemed to the alien under the rules in paragraph (b) and to the eligible spouse or child under the rules in §§ 416.1202, 416.1205, 416.1234, 416.1236, and 416.1237.

15. The authority citation for Subpart R of Part 416 is revised to read as follows:

Authority: Sec. 1102, 1614(b), (c) (d), and 1631(d)(1) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1473 and 1476; (42 U.S.C. 1302, 1382c(b), (c), and (d) and 1383(d)(1)). Sec. 203 of Pub. L. 96–265, 94 Stat. 449, 42 U.S.C. 1382c.

16. Section 416.1821 (a) and (b) are revised to read as follows:

§ 416.1821 Showing that you are married when you apply for SSI.

(a) *General Rule: Proof is unnecessary.* If you tell us you are married we will consider you married unless we have information to the contrary. We will also consider you married, on the basis of your statement, if you say you are living with an unrelated person of the opposite sex and you both lead people to believe you are married. However, if we have information contrary to what you tell us, we will ask for evidence as described in paragraph (c).

(b) *Exception: If you are a child to whom deeming rules apply.* If you are a child to whom the deeming rules apply and we receive information from you or others that you are married, we will ask for evidence of your marriage. The rules on deeming parental income are in §§ 416.1165 and 416.1166. The rules on deeming of parental resources are in § 416.1202.

* * * * *

17. Section 416.1851(c) is revised to read as follows. The introductory text is set forth for the reader's convenience.

§ 416.1851 Effects of being considered a child.

If we consider you to be a child for SSI purposes, the rules in this section apply when we determine your eligibility for SSI and the amount of your SSI benefits.

* * * * *

(c) If you are under age 18 and live with your parent or stepparent who is not eligible for SSI, we consider (deem) part of his or her income and resources to be your own. Sections 416.1165 and 416.1166 explain the rules and the exception to the rules on deeming your parent's income to be yours and § 416.1202 explains the rules and the

exception to the rules on deeming your parent's resources to be yours.

[FR Doc. 81-35403 Filed 12-9-81; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR 117

[CGD 81-071]

Drawbridge Operation Regulations; Little Potato Slough, Calif.

AGENCY: Coast Guard, DOT.
ACTION: Proposed rule.

SUMMARY: At the request of two yacht clubs, two large marinas, and several mariners, the Coast Guard is considering changing the regulation governing the Highway 12 bridge over Little Potato Slough near Stockton, California, to require the bridge to open on signal 16 hours a day from May through October with four hours advance notice required at all other times. The bridge is presently operated for 9 hours a day during the months of July, August and September with four hours notice at all other times. This action is intended to meet the needs of increased waterway traffic, improve vessel safety and reduce marine fuel consumption.

DATE: Comments must be received on or before January 25, 1982.

ADDRESS: Comments should be submitted to and are available for examination from 7 a.m. to 4 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, Room 936, San Francisco, California 94126.

FOR FURTHER INFORMATION CONTACT: Rose E. Guerra, Bridge Administrator, at (415) 556-8668, or at the above address.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. The Commander, Twelfth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Rose E. Guerra, Bridge Administrator, and Lieutenant Commander W. A. CASSELS, Project Attorney, District Legal Office, Twelfth Coast Guard District.

Discussion of Proposed Rule

The Little Potato Slough Bridge is a low-level swing bridge built in 1935. It provides only 13 feet vertical clearance above Mean Low Water, and a large portion of the vessels using Little Potato Slough require the draw to open for safe passage.

Marine traffic consists primarily of recreational vessels with an occasional tug, barge, dredge, or other marine construction equipment. Waterway traffic is increasing at a rate of 4% each year. Several new marinas have been built along Little Potato Slough or tributary waters to accommodate the increased boating traffic. Even with the present limited schedule of attended service, the bridge opens more than 400 times each month. The Coast Guard has had a record of inquiries over the past seven years requesting increased service at the bridge. Due to an unusual set of circumstances, it was not possible to accurately evaluate marine traffic demand at the bridge until the 1980 navigation season.

Regulatory Evaluation

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, the impact of the proposed regulation is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.714(g) to read as follows:

§ 117.714 San Joaquin River and its tributaries, Calif.

* * * * *

(g) Little Potato Slough. State of California Highway Bridge at Terminous.

(1) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(2) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 931, at 937, as amended (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: December 24, 1981.

J. P. Stewart,
Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 81-35404 Filed 12-9-81; 8:45 am]
BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-4-FRL-2003-6]

North Carolina's Application for Interim Authorization; Phase II Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.
ACTION: Notice of public hearing and public comment period.

SUMMARY: Regulations to protect human health and the environment from the improper management of hazardous waste were published in the Federal Register on May 19, 1980 (45 FR 33063). The hazardous waste management program regulations include provisions for authorization of State programs to operate in lieu of the Federal program and for a transitional stage in which States can be granted interim program authorization. This document announces the availability for public review of the North Carolina application for Phase II Components A and B Interim Authorization, invites public comment, and gives notice of a public hearing to be held on the application.

DATE: Comments on North Carolina Interim Authorization application must be received by the close of the public hearing January 19, 1982. *Public Hearing:* EPA will conduct a public hearing on the North Carolina Interim

Authorization application at 7:00 p.m. on Tuesday, January 19, 1982. The State of North Carolina will participate in the public hearing held by EPA on this subject.

ADDRESSES: Copies of the North Carolina Interim Authorization application are available at the following addresses for inspection and copying by the public:

Solid and Hazardous Waste Management Branch, Room 213, Bath Building, 306 North Wilmington Street, Raleigh, North Carolina 27602; Telephone: 919/733–2178

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE., Atlanta, Georgia 30365; Telephone: 404/881–4216.

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; Telephone: 404/881–3016.

The public hearing will be held at: McKimmon Center, North Carolina State University, Western Boulevard, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; Telephone: 404/881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of North Carolina received Interim Authorization for Phase I on December 18, 1980.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of Interim Authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802) contains standards for permitting containers, tanks, surface impoundments, and waste piles. Component B published in the **Federal Register** January 23, 1981 (46 FR 7666) contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479).

As noted in the May 19, 1980, **Federal Register** copies of complete State submittals for Phase II Interim Authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

Dated: December 3, 1981.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 81-35458 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-433; RM-3803]

FM Broadcast Station in College and Fairbanks, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to either College or Fairbanks, Alaska, in response to a petition filed by Associated Students of the University of Alaska (BC Docket No. 81–435). Further information is requested of the proponent.

DATES: Comments must be filed on or before January 18, 1982, and reply comments on or before February 2, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (College and Fairbanks,[1] Alaska), BC Docket No. 81–433, RM–3803.

Adopted: November 30, 1981.

Released: December 3, 1981.

1. A *Notice of Proposed Rule Making* was issued, 46 FR 37919, published July 23, 1981, proposing the assignment of Channel 280A to College, Alaska, in response to a petition filed by Associated Students of the University of Alaska ("petitioner"). Supporting comments were filed by the petitioner, in which it restated its intent to apply for the channel, if assigned. Comments in opposition to the proposal were filed by Interior Broadcasting Corporation ("Interior"), licensee of Station KAYY, Fairbanks, Alaska. Before action can be taken on the proposal, additional information is needed with regard to the community status of College, Alaska.

2. Interior Broadcasting, in response to the *Notice*, argues that College does not qualify as a community for allocation purposes, since it is without political boundaries, and it is an amorphous area located both within and outside the city limits of Fairbanks. Its residents are required to use a Fairbanks address, according to Interior. Citing *Coker, Alabama*, 43 RR 2d 190 (1978). It also claims that the proposed assignment is in reality a fourth assignment to Fairbanks, which would exceed the Commission's population guidelines for FM assignments. Fairbanks presently has an abundance of service (local and nearby), and therefore, a need does not exist for an additional assignment to that community, in Interior's view. Additionally, it contends that the assignment of Channel 280A to Fairbanks would create an intermixture of Class A and Class C channels, and some questions remain as to whether the station will be used for a commercial or educational broadcast facility. Accordingly, Interior requests that the Commission deny the petitioner's proposal to assign Channel 280A to College.

3. The petitioner did not respond to the opposition's comments, however, we feel that the comments have merit, requiring the petitioner to submit additional information before action can be taken on the proposal. We have no independent knowledge of College's status as a community at this point. The 1970 Census listed College as a "place," a term not really defined. See *North Naples, Florida*, 41 RR 2d 1549 (1978). Even though the Census' recognition of particular places often coincides with a Commission determination that such a place is a community, it is by no means conclusive for our purposes. The criteria used by the Commission require, as noted previously, the coalescence of common interests. No such requirement is reflected in the Census listings as a

[1] This community has been added to the caption.

"place." [2] Rather the decision to include a place in the listings is based on information submitted by the county. As a result, that it choses to have population listings in a particular fashion has no necessary connection with community status. The information submitted by the petitioner is not sufficient in itself to determine the community status of College.

4. In an earlier proceeding, the Commission reassigned Channel 284 from College to Fairbanks, Alaska, without a formal rule making proceeding. See *College, Alaska,* Mimeo No. 39553, adopted February 23, 1976. College at that time had been described to be an incorporated community, located adjacent to Fairbanks. The University's Board of Regents adopted a resolution changing the identity of the University's location to Fairbanks, primarily to correct the conflicting identification of the location of the University, as well as the problem of mailing and directory listings. However, since an educational station was involved, the Commission made no finding on the status of College as a community. Rather, the reassignment took place to conform the station's license to the location of the University of Alaska at Fairbanks, licensee of the station.

5. Therefore, based on the above findings, the petitioner is requested to submit additional information including official boundaries indicating that College is identifiable, separate and distinct from Fairbanks. Such information generally consists of the existence of such factors as social organizations, businesses, post office, community services, etc., that in some way are identified as serving College in particular. Finally, we are proposing, as an alternative, the assignment of Channel 280A to Fairbanks in case the showing cannot be made. The need for an additional channel assignment to Fairbanks may be addressed in comments.

6. Canadian concurrence in the assignment of Channel 280A to College, Alaska, has been obtained and will be requested for Fairbanks.

7. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the rules, with respect to the communities listed below:

ALTERNATIVE I

City	Channel No	
	Present	Proposed
College, Alaska	[illegible]	[illegible]

ALTERNATIVE II

City	Channel No.	
	Present	Proposed
Fairbanks, Alaska	262, 266, 284	262, 266, 280A, 284

8. Interested parties may file comments on or before January 18, 1982, and reply comments on or before February 2, 1982.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; (47 U.S.C. 154, 303.))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 81–433 RM–3803]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's

[2] The Census Bureau does not make its own independent judgment as to whether a "place" is a community in this sense before it is included in the population listing.

Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.
[FR Doc. 81-35351 Filed 12-9-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-494; RM-3597 and 3754]

FM Broadcast Station in Farmville and Appomattox, Va.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information.

SUMMARY: Action taken herein solicits further comment on the respective positions of the parties to this proceeding. The status of current interests of each party on the proposal to assign FM Channel 274 to either Farmville or Appomattox, Virginia, is necessary to a resolution of this proceeding.

DATES: Comments must be filed on or before January 18, 1982, and reply comments on or before February 2, 1982

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Farmville and Appomattox, Virginia).

Request for Supplemental Information

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has under consideration in this proceeding a *Notice of Proposed Rule Making*, 45 FR 63532, released September 25, 1980. The *Notice* proposes to assign Channel 274 to, and delete Channel 296A from, Appomattox, Virginia, or, in the alternative, to assign Channel 274 to Farmville, Virginia. Comments were filed by HTB, Inc., the licensee of Stations WTTX(AM) and WTTX-FM (Channel 296A) Appomattox;[1] Fletcher Hubbard;[2] Genesis Communications, Inc.;[3] and Everette Broadcasting Co.[4] Several of these parties also filed reply comments.

2. In both his comments and reply comments Fletcher Hubbard asserts that if his counterproposal is adopted by the Commission, he will form a corporation to apply for and construct a station on Channel 274 in Appomattox. He states that he would have no interest in applying for, or operating a station on, Channel 274 in Farmville, or on Channel 296A in Appomattox. HTB states that unless Channel 274 is assigned to Appomattox and its license for WTTX-FM can be modified to specify operation on that channel it will withdraw its proposal. In a letter dated October 20, 1981, counsel for HTB informed the Commission that it understands that one or more of the parties mentioned above have changed their position in the year since the close of the comment period and asked that the Commission determine whether any such position changes have, indeed, taken place in that time.

3. The October 20, letter was prompted by a conversation between Bureau staff and counsel for HTB. Since this conversation could be considered as more than a conversation concerning status, we have set forth the substance of the contact so that all interested parties may have an opportunity to comment. In the conversation, it was indicated to the Bureau staff that counsel for HTB had attempted to contact Fletcher Hubbard to ascertain his intentions and to discuss the possibility of entering into negotiations to resolve the apparent mutually exclusive desires of the two parties. Apparently all attempts to locate Mr. Hubbard proved unsuccessful leading HTB to believe that he may have abandoned his intentions in this matter. We believe it advisable to notify all of the parties of this contact and to solicit further information concerning the intentions of the parties. We are hesitant to pursue any of the options under consideration absent such information since, should any of the parties no longer wish to pursue their proposal or counterproposal, as the case may be, it could have a major effect on this proceeding.[5]

4. Accordingly, the Commission is requesting all of the parties to advise it of their present intentions in this matter. This is especially so with regard to Mr. Hubbard's intentions which have been called into question. On the basis of this additional information, the Commission will be better able to weigh the merits of the positions of both parties and arrive at an equitable resolution of this proceeding. The Commission is expressly requesting that the comments address only the intentions of the parties and that no further information concerning the comparative merits of the various proposals and counterproposal be provided.

5. Interested parties may file comments on or before January 18, 1982, and reply comments on or before February 2, 1982.

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. For further information concerning this proceeding, contact Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

8. It is requested that the Secretary shall send, by certified mail, return receipt requested a copy of this Request for Supplemental Information to Fletcher Hubbard c/o Eric L. Bernthal, Esquire, Arent, Fox, Kintner, Plotkin and Kahn, 1815 H Street NW., Washington, D.C. 20006.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-35411 Filed 12-9-81; 8:45 am]
BILLING CODE 6712-01-M

[1] HTB, Inc. petitioned for the assignment of Channel 274 to Appomattox and the modification of its license for WTTX-FM to specify that channel of operation.

[2] Hubbard also filed a counterproposal seeking the addition of Channel 274 to Appomattox but with the retention of Channel 296A in that community.

[3] Genesis Communications' comment was filed late and has not been considered in this proceeding. Additionally Genesis has filed a Petition for Rule Making asking that Channel 296A be assigned to Bedford, Virginia, if we adopt HTB's proposal in this matter. Genesis' petition has been held in abeyance pending the resolution of this proceeding.

[4] Everette Broadcasting petitioned for the assignment of Channel 274 to Farmville and expressed an intent to apply if it is so assigned.

[5] For instance, HTB has indicated that it would withdraw its proposal if it cannot have its license for WTTX-FM modified to specify Channel 274 without a comparative hearing with Fletcher Hubbard. Therefore, if Hubbard's expression of interest continues and HTB withdraws its proposal, only the Farmville proposal will remain for our consideration. If, on the other hand, Fletcher Hubbard does not still harbor the intent expressed in his earlier filings both proposals will remain subject to consideration.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-21; Notice 1]

Standard No. 111, Rearview Mirrors

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from the North Carolina State Board of Education, the agency proposes a change in the mirror requirements for school buses. Standard No. 111, *Rearview Mirrors*, currently requires the use of a convex crossview mirror with a uniform radius of curvature on the front of school buses. The crossview mirror allows the bus driver to spot school children in front of the bus while it is being loaded and unloaded. North Carolina petitioned the agency to allow convex mirrors with a nonuniform radius of curvature as crossview mirrors. North Carolina field tests have shown that such mirrors can provide a wider field of view for the bus driver. The proposed change would eliminate a design restriction in the current standard and allow the use of mirrors that are at least equivalent to current mirrors.

DATES: Comment closing date January 25, 1982.

Proposed effective date: 30 days after publication of the final rule in the **Federal Register.**

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Kaehn, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–1351).

SUPPLEMENTARY INFORMATION: Standard No. 111, *Rearview Mirrors*, sets requirements for the mirror systems used on passenger cars, trucks, multipurpose passenger vehicles, and buses. Section 9.2 of the standard requires each school bus to be equipped with a crossview mirror that provides the bus driver with a view of the ground immediately in front of the bus. The mirror must be convex (i.e., the surface of the mirror is spherical rather than flat) which means that it will provide a wider field of view than an equivalent size flat mirror. In addition, the surface must have a uniform radius of curvature of not less than 12 nor more than 25 inches. The purpose of the crossview mirror requirement is to ensure that the bus driver can quickly spot school children that may be walking in front of the bus, before entering and after exiting the bus.

The North Carolina State Board of Education has petitioned the agency to change the crossview mirror requirement. North Carolina has conducted field testing to find new ways of helping drivers spot school children walking in front of and to the sides of school buses. The tests have included use of up to seven additional mirrors on the front of the bus, electronic sensing devices, and a mechanical gate arrangement attached to the front bumper. Based on a 10-month test, involving 1,500 buses, North Carolina found that a convex mirror, with a nonuniform radius of curvature, mounted on the right and left fenders, provided an adequate view to the front and sides of the bus. Since the convex mirror used by North Carolina does not have a uniform radius of curvature, it does not comply with Standard No. 111's current requirement for crossview mirrors. (The mirror used by North Carolina was manufactured by Mirror-Lite Co. and has a radius of curvature that varies between approximately 3.5 to 4.5 inches.) Thus, it could not be installed as an item of original equipment on a school bus.

The agency has examined the information provided by North Carolina on its school bus mirror field tests. In addition, the agency has examined a school bus equipped with convex mirrors with nonuniform radius of curvature to evaluate the quality of the image and field of view provided by the mirror. Finally, the agency has examined drawings, prepared by Thomas Built Buses, Inc., comparing the field of view provided by current convex mirrors with a uniform radius of curvature and convex mirrors with a nonuniform radius of curvature. Based on all the above, the agency has tentatively concluded that convex crossview mirrors with a nonuniform radius of curvature can provide an image quality and field of view that is at least equivalent to the image quality and field of view provided by convex mirrors that meet the current standard. Therefore, the agency proposes to delete the current radius of curvature requirements for convex crossview mirrors. The agency solicits comments on whether new minimum and maximum radius of curvature requirements are necessary and, if so, what those requirements should be.

An important consideration in the agency's tentative decision to allow the use of a convex mirror with a nonuniform radius of curvature is that the crossview mirror is not a "driving" mirror used to spot other vehicles approaching a school bus. The distortion produced by a nonuniform radius of curvature could impair the ability of a driver to judge the approximate distance of an approaching vehicle and the rate at which the vehicle is approaching the school bus (i.e., the closure rate). Such considerations are not crucial for a crossview mirror since its only purpose is to allow the driver to determine if a child is in front of the stationary school bus, the distance of the child from the bus or rate at which he or she is moving are not crucial.

The agency has considered the economic and other effects of this proposal and has determined that the proposed rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the proposal is not significant within the meaning of the Department of Transportation's Regulatory procedures. The basis for those determinations is that the proposed rule removes a design restriction in the current standard. It does not require school buses to be equipped with new mirrors; it merely gives manufacturers the flexibility to use a different type of mirror, whose performance is at least as effective as current mirrors. The cost impact, if any, should be minimal.

The agency has also considered the effect of this proposal in relation to the Regulatory Flexibility Act and has determined that the proposal would not have a significant effect on a substantial number of small entities. The effect of the proposed amendment on small businesses is to give manufacturers the option of using new types of mirrors. It does not require any manufacturer to change its current practice.

The proposal will not have a significant effect on a substantial number of small government jurisdictions and small organizations. Those entities are affected because they are purchasers of school buses. It is unknown how many of them will exercise the voluntary choice of using new types of mirrors, but the cost impact, if any, should be minimal. Accordingly, no initial regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not

have any significant effect on the human environment.

Because the proposed amendment would relieve a restriction in the current standard, it is proposed that the amendment be effective 30 days after publication of the final rule.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage: specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

In consideration of the foregoing, it is proposed that the following amendment be made in Part 571.111, *Rearview Mirrors*, of Chapter V of Title 49, Code of Federal Regulations:

1. Section 9.2 of Standard No. 111, *Rearview Mirrors*, is amended to read as follows:

Section 9.2 *Outside crossview mirror.* Each school bus, except those which are forward control vehicles, shall have a convex mirror with at least 40 in^2 of reflective surface and either a uniform or nonuniform radius of curvature. The crossview mirror shall be mounted so that it provides the driver a view of the front bumper and the area in front of the bus. The crossview mirror shall have a stable support.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 4, 1981.

Courtney M. Price,

Acting Associate Administrator for Rulemaking.

[FR Doc. 81-35328 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 580

[Docket No. 81-13; Notice 1]

Odometer Disclosure Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petition and notice of proposed rulemaking.

SUMMARY: This notice responds to a petition submitted by General Motors Corporation to exempt from the Odometer Disclosure Requirements (49 CFR Part 580) all sales of new motor vehicles by a manufacturer directly to any agency of the United States. In response to this petition the agency is proposing to amend 49 CFR Part 580 to permit this exemption from the disclosure requirements. The purpose of this proposed change is to alleviate the burden on manufacturers of complying with this requirement.

DATE: Comments must be submitted by January 25, 1982. The proposed effective date is the date of publication of a final rule in the **Federal Register.**

ADDRESS: Comments should refer to the docket and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8:00 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Kathleen DeMeter, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1834).

SUPPLEMENTARY INFORMATION: Since March 1, 1973, a regulation has been in effect which requires the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy. This regulation (49 CFR Part 580) lists four exceptions where the transferor need not disclose the vehicle's mileage. Those exceptions include:

1. A vehicle having a gross vehicle weight rating of more than 16,000 pounds;

2. A vehicle that is not self-propelled;

3. A vehicle that is 25 years old or older; and

4. A new vehicle prior to its first transfer for purposes other than resale.

General Motors has recently filed a petition for rulemaking with the agency seeking to exempt an additional category of transactions from the odometer disclosure requirements. GM proposes that a manufacturer selling motor vehicles directly to any agency of the United States in conformity with contractual specifications be exempt from these requirements. GM indicated that this exemption would be an extension of the fourth existing exemption which already exempts most of a vehicle manufacturer's transfers from the odometer disclosure requirements. GM stressed that the disclosure requirements were designed to protect consumers against odometer fraud during retail sales transactions. The conditions lending themselves to fraud in the retail market are, GM urged, nonexistent in manufacturer-to-government sales. GM also listed several practical difficulties with the execution of odometer statements in manufacturer-to-government sales.

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

In consideration of the foregoing, it is proposed that 49 CFR 580.5 be revised to read as follows:

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage;

(1) A vehicle having a gross vehicle weight rating, as defined in § 571.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that is 25 years old or older; or

(4) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(b) A transferor of a new vehicle prior to its first transfer for any purposes other than resale need not disclose the vehicle's odometer mileage.

The agency has assessed the economic and other impacts of the proposed change and determined that this is not a major rule within the meaning of Executive Order 12291. Neither is it a significant rule under the Department of Transportation's policies and procedures for implementing that order. Based on that assessment, the agency concludes also that the economic and other consequences of this proposal are so minimal as not to require preparation of a regulatory impact analysis or a regulatory evaluation. I hereby certify that the proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, preparation of an Initial Flexibility Analysis is not necessary. The impact is minimal since the amendment does not impose new requirements, but in fact, alleviates existing requirements.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments received on or before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments received after the closing date will be considered. However, the final standard may be issued at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 408, Pub. L. 92–513, 86 Stat. 947, as amended by Pub. L. 94–364, 90 Stat. 981 (15 U.S.c. 1988); delegation of authority at 49 CFR 1.50(f)).

Frank Berndt,

Chief Counsel.

[FR Doc. 81-35327 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Ch. VI

Mid-Atlantic Fishery Management Council and Its Scientific and Statistical Committee; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265) and as authorized by the Act, the Council has established a Scientific and Statistical Committee (SSC). The Council and its SSC will hold separate public meetings. The Council will meet to discuss quota recommendations for fishing year 1982–1983, for the Squid, Atlantic Mackerel and Butterfish Fishery Management Plan (FMP), as well as discuss the status of other FMP's; discuss gear conflict regulations, foreign fishing applications, and other fishery management and administrative matters. The SSC will also meet to discuss quota recommendations for fishing year 1982–1983, for the Squid, Atlantic Mackerel and Butterfish FMP, as well as discuss the Summer Flounder FMP and other fishery matters. The meetings may be rearranged or changed depending upon progress on the same.

DATES: The Council meeting will convene on Wednesday, January 13, 1982, at approximately noon and will adjourn on Thursday, January 14, 1982, at approximately 3 p.m. The SSC meeting will convene or Wednesday, January 6, 1982, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m.

ADDRESS: Both the Council and SSC meetings will take place at the Best Western Airport Motel, Route 291, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building—Room 2115, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: December 7, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-35349 Filed 12-9-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 237
Thursday, December 10, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Pacific Crest National Scenic Trail Relocation, Acton-Agua Dulce Segment, Angeles National Forest, Los Angeles County, California; Decision and Finding of No Significant Impact

An environmental assessment of a proposed relocation of the Pacific Crest National Scenic Trail (PCNST) in the vicinity of Acton-Agua Dulce, Los Angeles County, California, has been completed.

Based on the analysis and evaluation described in the environmental assessment for the Acton-Agua Dulce Segment of the PCNST, it is my decision to adopt Route 4. A detailed description and maps of the trail relocation are included in the appendix to this decision notice.[1]

The purpose of the proposed relocation of the PCNST from the Federal Published Route is to meet the needs of the trail user, as well as to minimize impacts on private landowners throughout the general area.

Public response was clearly in opposition to the Published Route location because of the adverse effect the trail would have on private lands. Subdivision-type developments predominate throughout the Published Route location, losing its conformity with the PCNST concept.

The minor relocation fits the concept of PCNST under the provisions of Section 7(b) of the National Trails Systems Act. Approximately 40 percent of the trail relocation will maximize the use of Federal and other public land.

A portion of this land will provide trailhead and trailcamp facilities. The only deviation from the concept of the PCNST is utilization of a county road right-of-way for a 2.5-mile distance. The use of the road shoulder greatly reduces the adverse effect to landowners and meets the desires of the community to keep the area in its present state, which is rural in nature. The road shoulder is currently utilized by horse riders and the proposed relocation would continue to meet their needs.

Seven (7) alternative routes were considered, along with a "No Action" alternative. These routes are summarized here:

No Action—The National Trails Systems Act mandated that a trail be constructed. Therefore, the "No Action" Alternative for this segment of the trail did not meet the intent of Congress, nor did it meet the needs of the trail user.

Published Route—This is an all trail alternative, starting at the National Forest boundary, traversing through private land, and ending at National Forest System land to the north.

Route 1—This is a road-trail combination utilizing road rights-of-way and private land.

Route 2—This is an all road alternative utilizing existing road rights-of-way along Sierra Highway.

Route 3—This is an all road alternative, utilizing existing road rights-of-way along Hubbard Road, Escondido Canyon Road, Agua Dulce Canyon Road, Mint Canyon Road, and Peterson Road.

Route 4—This is a road-trail combination utilizing public land and road rights-of-way along Agua Dulce Canyon Road, Mint Canyon Road, and Peterson Road. This route is considered to be the most environmentally preferable alternative.

Route 5—This is a road-trail combination utilizing public land and road rights-of-way along Soledad Canyon Road, Agua Dulce Canyon Road, Mint Canyon Road, and Peterson Road. This also is considered an environmentally preferable alternative.

Considerable public involvement took place, and resulted in the following relevant factors being identified, which guided the decision.

—Minimize impact on private land
—Water availability
—Access and resupply
—Minimize cost
—Maintain the PCNST concept.

The California Sub Group of the PCNST Advisory Council has also been consulted, and their recommendations were considered in selecting the trail relocation route.

Routes 1, 2, 3, and 5 were for the most part road alternatives and did not meet the concept of the PCMST. Route 4 had a substantial amount of unconnected public land available. This minimized the impact on the private land holdings, both presently and in the future. Route 4 best balances the congressional intent of the National Scienic Trails Act.

All of the alternate routes, except Routes 4 and 5, utilize existing road crossings of State Highway 14, a major four lane divided highway. Routes 4 and 5 utilize large culverts, which completely separate the trail user from highway traffic.

Routes 4 and 5 are the lowest cost. Route 3 and the Published Route are the most expensive. Route 4, estimated at $763,970 is the lowest cost, and considered the most economically preferable.

All practicable means to avoid or minimize environmental harm by the selection of Route 4 have been adopted. These measures are found both in the criteria section of the Environmental Analysis and in the mitigation measures that are part of the alternative selected.

Based on the analysis summarized above, it is determined there are no irreversible resource commitments and no irretrievable loss of habitat. The critical concerns of the public have been mitigated. No apparent adverse cumulative or secondary effects were found. The environmental assessment and the selected alternative indicate there will be no significant effects upon the quality of the human environment; therefore, an environmental impact statement is not needed.

The environmental assessment is available for review during regular working hours in the following Forest Service Offices:

USDA, Forest Service, 150 S. Los Robles Ave., Suite 300, Pasadena, CA 91101
USDA, Forest Service, Recreation Management, Room 4240, 12th and Independence Avenue SW., P.O. Box 2417, Washington, D.C. 20013.

Questions regarding this decision notice should be directed to Ed Medina, Lands Staff, Angeles National Forest, 150 S. Los Robles Ave., Suite 300, Pasadena, CA 91101, (213) 377–0050.

Implementation of this trail relocation may take place immediately.

[1] Maps filed as a part of original document.

This decision is subject to administrative review pursuant to 36 CFR 211.19.

Dated: December 3, 1981.

Douglas R. Leisz,

Associate Chief.

Appendix—Pacific Crest National Scenic Trail Relocation, Acton-Agua Dulce Segment, Angeles National Forest, Los Angeles County, CA

This minor relocation is proposed under the provisions of Section 7(b) of the National Trails Systems Act (82 Stat. 919; U.S.C. 1241–1249).

The following changes in wording to the Tuesday, January 30, 1973 **Federal Register** (Vol. 38, No. 19, Part II) are recommended:

Page 2836, Column 2, Paragraph 3, Lines 19 through 31 Delete:

"* * * Canyon and Mint Canyon and leaves the Angeles National Forest. The route heads southeasterly through private land, crossing Letteau Canyon, goes by Summit, crosses Antelope Valley Freeway and crosses Kashmere Canyon before passing east of Parker Mountain where the Trail swings east across Soledad Canyon and again into the Angeles National Forest. It then proceeds southerly crossing Araastre Canyon and reaches Mt. Gleason where it turns easterly on the ridge, passing Bucket and Shack triangulation stations to Mill Creek Summit where it crosses * * *."

Add:

"* * * Canyon and up to Sierra Pelona Ridge, then follows Mint Canyon southerly and leaves the Angeles National Forest. The route continues southerly along Aqua Dulce Road, and then through Vasquez Rocks County Park then follows Escondido Canyon crossing under the Antelope Valley Freeway (Hwy. 14). Continuing along Escondido Canyon Road easterly then turning southerly between Bobcat Canyon where the trail crosses Soledad Canyon to Indian Canyon and again into the Angeles National Forest. Continuing southerly along Indian Canyon Road which ties into Santa Clarita Divide Road and follows the road easterly to Mt. Gleason. The trail continues on to Mill Creek Summit where it crosses * * *"

Page 2837, Column 3

SAN BERNARDINO MERIDIAN

Township	Range	Section
Delete the Following Described Private Lands		
4 North	13 West	1, 2, and 12.
5 North	13 West	5, 6, 7, 8, 9, 16, 21, 27, 28, 33, 34, and 35.
Add the Following Described Private Lands		
4 North	13 West	8, 17.
5 North	13 West	31.
5 North	14 West	14, 23, 26, and 35

The maps shown on pages 2929 and 2930 of the published **Federal Register** (see Exhibits "A" and "B" attached) should be revised to show the above described trail relocation. Because the relocation runs off these maps, a new map, Exhibit "C", is added to show this relocation.

[FR Doc. 81-35322 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-12-32]

Surinam Airways Ltd.; Application for Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board proposed to approve the following application:

Applicant: Surinaamse Luchtvaart Mattschappij, N.V. (Surinam Airways Limited).

Application Date: November 1, 1979. Docket 37025.

Authority Sought: Amended foreign air carrier permit to include passenger authority and to add the intermediate points Georgetown, Guyana; Port of Spain, Trinidad and Tobago; and Panama.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN December 29, 1981 file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Republic of Surinam. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to the disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for objections:

Docket 37025, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Applicant: Surinam Airways Limited c/o Harry A. Bowen, Esq., 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007

To get a copy of the completed order, request it from the CAB Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Nancy Pitzer Trowbridge of the Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, (202) 673–5134.

By the Civil Aeronautics Board: December 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-35381 Filed 12-9-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 22-81]

Foreign-Trade Zone 51, Duluth, Minnesota; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Seaway Port Authority of Duluth (the Port Authority), grantee of Foreign-Trade Zone 51, requesting authority to expand its zone to include an industrial park site in Duluth, Minnesota, within the Duluth Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 2, 1981. The applicant is authorized to make this proposal under Section 2, Chapter 270, Laws of Minnesota 1976.

On November 27, 1979, the Port Authority received authority from the Board to establish a foreign-trade zone project (Board Order 149, 44 FR 70508, 12/7/79). The facility is located on a 1.3-acre parcel with an 11,000 square foot building within the Arthur M. Clure Public Marine Terminal in Duluth.

So that it can serve operations with large space requirements and firms requiring their own facilities, the Port Authority now requests the addition of an industrial park site as part of its zone project. The proposed facility covers 29 acres at Enterprise Circle and Airpark Boulevard within the 120-acre Airpark Industrial Park, Duluth, adjacent to the Duluth International Airport. A number of firms have recently expressed an interest in using zone procedures at Airpark for storage, light processing and assembly of electronic products and medical equipment and supplies.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Robert W. Nordness, District Director, U.S.

Customs Service, Region IX, 209 Federal Building, Duluth, Minnesota 55802; and Colonel Robert V. Vermillion, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 8, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Customs District Office, 209 Federal Building, Duluth, Minnesota 55802

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Room 3721, Washington, D.C. 20230

Dated: December 7, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-35371 Filed 12-9-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Die Presses From Italy; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on die presses from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On June 10, 1974, a final countervailing duty determination on die presses from Italy, T.D. 74-165, was published in the **Federal Register** (39 FR 20369).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of die presses from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On July 2, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 34618). The Department determined that a net subsidy on die presses from Italy of 20 lire per kilogram of this merchandise was being conferred during the period of review and reported that rate to the ITC.

On November 18, 1981, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of die presses covered by the countervailing duty order if the order were revoked (46 FR 56682). As a result, the Department is revoking the countervailing duty order concerning die presses from Italy (T.D. 74-165) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

(section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).)

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 3, 1981.

[FR Doc. 81-35390 Filed 12-9-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Sweden; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On July 13, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden. The review is based upon information for the period October 1, 1979 through September 30, 1980. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 3.44 percent of the f.o.b. invoice price for regular fiber and 40.37 percent of the f.o.b. invoice price for modal fiber. Interested parties were invited to comment on these preliminary results. After analysis of all comments received, the Department finds no basis for changing its conclusions. Therefore, countervailing duties in the amount of 3.44 percent of the f.o.b. invoice price for regular fiber and 40.37 percent of the f.o.b. invoice price for modal fiber shall be assessed on all entries of this merchandise made during the period January 1, 1980 through September 30, 1980. The Department further determines that a cash deposit of estimated countervailing duties at these same rates shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C., (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 13, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 35949) a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on viscose rayon staple fiber from Sweden (T.D. 79-141, 44 FR 28319). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are both regular and high-wet modulus

("modal") viscose rayon staple fiber from Sweden. These imports are currently classifiable under items 309.4320 and 309.4325, Tariff Schedules of the United States Annotated.

The review is based upon information for the period October 1, 1979 through September 30, 1980, and it is limited to the two programs found countervailable in the original order: the elderly employment compensation program and the interest free loans/grants program. The sole Swedish producer is Svenska Rayon AB ("Svenska").

Analysis of Comments Received

The petitioner raised three issues to support a claim that a single countervailing duty rate be applied to both regular and modal fiber.

(1) *Rayon Staple Fiber is One Product.* The petitioner argues that rayon staple fiber, whether modal or regular fiber, is one product. To support this position, the petitioner cited several determinations by Treasury, certain of which were subject to injury determinations at the International Trade Commission ("the ITC"), with respect to the scope of the "class or kind" of merchandise.

While we agree that regular and modal fiber consititute one "class or kind" of merchandise, that fact has no bearing on this issue. Svenska received grants to develop a separate facility to produce modal fiber, a particular type of rayon staple fiber. It makes no difference in this case when determining the existence of a subsidy how many types of rayon staple fiber there are, if we clearly determine, as Treasury did, that one type of rayon staple fiber, in this instance modal fiber, has benefitted from a particular program and other types have not.

(2) *The Facility Built with the Loan/Grant Money Can Be Easily Converted to the Production of Regular Fiber.* In its "Final Determination of Countervailing Duty," Treasury stated that "the benefits provided for acquiring modal fiber *machinery* might have been considered a benefit applicable to regular fiber production, if it had been shown that modal machinery could easily be adapted to the production of regular fiber. However, conversion appears to be impractical from both the commercial and technical points of view. Therefore, it would be improper to allocate portions of the benefits associated with the production of modal fiber to the production of regular fiber."

At a hearing on our preliminary results held on September 11, 1981, the petitioner presented evidence through expert witnesses to support the claim that Svenska had the capability of easily converting the production facility for modal fiber to the production of regular fiber. Citing their own experience as domestic manufacturers of rayon staple fiber, these witnesses clearly demonstrated that at their plants such conversions are frequent, not costly and essential part of being in the rayon staple fiber business. They further established that Svenska owns some of the key machinery capable of such conversions.

Svenska responded that, whatever the situation may be for U.S. manufacturers, it is immaterial to Svenska. Expert testimony presented on behalf of Svenska demonstrated that the plan for producing modal fiber was designed solely for this purpose, that the flexibility for easy conversion did not currently exist, and that to convert from the production of modal fiber to regular fiber now would require 2–3 months. To achieve a capacity to convert readily between the production of modal fiber and regular fiber would require further technical development and additional capital investment. Svenska stated that given the recent modernization and expansion of its facilities for producing regular fiber and its consequent existing capacity to expand production at small cost, any commercial need for developing the capacity to convert its modal production facility was remote.

Since this review covers a past period and both the petitioner and Svenska agree that adaptations necessary for the conversion of the modal facility to production of regular fiber have not occurred, the issue of convertibility does not apply to entries during the period of review. In addition, with no clear demonstration that Svenska can or will soon be able to produce regular fiber at the facility built with the loan/grant money, the Department does not currently consider this issue germane to future entries. Should the Department find during a subsequent review that Svenska is producing regular fiber at this facility or has made the necessary technical adjustments and capital investments which would enable such conversion, we will reassess our position.

(3) *The Subsidy Benefits a Product Not Directly Subsidized.* The petitioner argues that, independent of the issue of convertibility, the funds from the loan/grant program reduce overall costs and consequently benefit all aspects of Svenska's single, unified rayon operation, including the production of regular fiber. According to the petitioner, many of the upstream productive facilities and much of the administrative overhead, whose full cost was one borne by Svenska's regular rayon production alone, are now shared by both regular and modal production. From this the petitioner concludes that many fixed costs are spread over more productive capacity and that per-unit variable costs are lower due to economies of scale.

Such conclusions are speculative because no cost data was presented. Since production of modal fiber represented only 10 percent of Svenska's production during the period of review, any economies of scale would have been small at best. However, it is equally plausible that as these common facilities operate closer to full capacity they incur higher per-unit costs, having reached the point of diminishing returns.

Whatever the situation, we would not consider possible benefits to the regular fiber plant if operation of the modal fiber plant resulted in lower per-unit operating costs for common upstream facilities anymore than we would permit claims for offsets to the subsidy if operation of the modal fiber plant incurred higher per-unit costs for these common facilities. It is the Department's policy not to recognize any indirect benefits to a lateral, non-subsidized facility when such benefits would have to be passed through non-subsidized, upstream facilities.

Final Results of the Review

After review of the comments received from interested parties, our analysis of programs as set forth in our preliminary results remains unchanged. As stated in our preliminary results, we determine the aggregate net subsidy conferred by the Government of Sweden on the production of modal viscose rayon staple fiber to be 40.37 percent of the f.o.b. invoice price and on the production of regular viscose rayon staple fiber to be 3.44 percent of the f.o.b. invoice price.

The U.S. Customs Service shall assess countervailing duties at the rates stated above on all unliquidated entries of modal and regular viscose rayon staple fiber from Sweden entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and exported on or before September 30, 1980. The provision of T.D. 79–141 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the Trade Agreements Act of 1979, apply to all entries made prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties on unliquidated entries of modal fiber and regular fiber

which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 at 8.6 percent and 0 percent, respectively, of the f.o.b. invoice price, the amounts set forth in T.D. 79–141.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties of 40.37 percent of the f.o.b. invoice price on modal fiber and 3.44 percent of the f.o.b. invoice price on regular fiber for all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

These deposit requirements will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of May, 1982. The amount of countervailing duties to be imposed on shipments exported from October 1, 1980 to September 30, 1981 will be determined in the next administrative review.

Consequently, the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after October 1, 1980.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: December 7, 1981.

Gary N. Horlick,

Deputy Assistant Secretary of Import Administration.

[FR Doc. 81–35389 Filed 12–9–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet regarding the decision process on the Billfish and Snapper-Grouper Fishery Management Plans (FMP's); discuss progress on the Swordfish FMP; dicuss the status of other FMP activities, as well as discuss other management and administrative matters as appropriate.

DATES: The public meetings will convene on Tuesday, January 26, 1982, at approximately 1:30 p.m., and will adjourn on Thursday, January 28, 1982, at approximately noon.

ADDRESS: The meetings will take place at the Days Inn, 201 West Bay Street, Savannah, Georgia.

FOR FURTHER INFORMATION CONTACT: South Alantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: December 7, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81–35395 Filed 12–9–81; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Unlimited Pegasus, Inc.; Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Unlimited Pegasus, Inc., having a place of business at Libby, Montana an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Single Line, Traction Driven Running Skyline System," U.S. Patent No. 4,103,784 dated August 1, 1978. The availability of this invention for licensing was announced in the **Federal Register** on April 20, 1979. Copies of the Patent may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–41.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: December 3, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 81–35289 Filed 12–8–81; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial and International Affairs

Proposed Rules for the Allocation of Watch Quotas for Calendar Year 1982 Among Producers Located in the Virgin Islands, Guam and American Samoa

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Territorial and International Affairs, Department of the Interior.

ACTION: Proposed annual rules.

SUMMARY: Pursuant to Section 3 of the Departments' Codified Watch Quota regulations (15 CFR Part 303), annual rules for calendar year 1982 are being proposed. The Departments propose to make a number of substantive changes from the 1981 provisions. The proposed changes are discussed in Supplementary Information, below.

DATE: Comments must be received on or before January 15, 1982.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Frank W. Creel, who can be reached on 202–377–1660.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Interior have determined that these rules do not constitute a "major rule" as defined by Section 1(b) of the Order. They are not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices in either the public or private sector; or

(3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

Additionally, to further the intent of the Regulatory Flexibility Act, the Departments have determined that publication of these rules will have no adverse impact on small business entities. The interests of the small business entities affected by the rules, in fact, require their timely publication in

order that the Departments may allocate the duty-free quotas upon which the continued existence of thee small business entities depends.

Finally, the Departments have determined that publication of these rules will impose no change in the information collection burden on the public. That burden is limited solely to those entities receiving the associated federal benefits and the information collection is made on ITA form 334P under OMB approval number 0625–0040. Accordingly, publication of these rules is consisent with the Department's responsibilities under the Paperwork Reduction Plan Act of 1980.

Since 1979 the Departments have employed a two-tier allocation system designed to maintain incentives for the several producers to engage in in-depth assembly in the insular possessions. For reasons set forth below, we propose to adopt rules containing comparable incentives without the two-tier feature.

First, the U.S. Customs Service adopted in mid-1980 minimal assembly requirements for the duty-free treatment of insular watches and watch movements. We believe that this change of practice has been effective in preventing the use of largely preassembled movements in insular production, a mode of production which grew from an insignificant to a substantial share of total insular output in the 1976–78 period. We are aware of no such production in 1981.

Second, our projection is that less than 40% of the combined Virgin Islands and Guam quota for 1981 will be used by the end of the year (compared with an average utilization of 85% in the 1967–76 period). This extraordinarily low degree of quota utilization, coupled with the fact that no producer is known currently to engage in the assembly of largely preassembled components, reduces the need for the special incentives formulated for the 1979 rules and retained in 1980 and 1981.

Accordingly, the Departments propose to adopt in place of those incentives, which split the total quota and conditioned access to part of it on the producer's satisfaction of certain minimal requirements, a rule which makes satisfaction of those same requirements a condition simply for receiving quota under reallocation procedures. Because quota earned under the allocation formula which exceeds the producer's request for quota is considered to have been voluntarily relinquished for reallocation purposes, we believe this rule, in combination with the Customs requirements, will be effective in preventing any new reliance on low-labor assembly in the territories.

We also propose to adopt the following changes in the 1982 rules:

(1) To combine the wages and tax payments of the producers in a single allocation factor, "direct economic contributions."

(2) To assign an allocation weight of 80% to direct economic contributions and a weight of 20% to shipments.

(3) To raise the ceiling on creditable wages from $17,000 to $18,000.

These changes are proposed in order (1) to avoid penalizing some producers (due to the widely disparate weights previously assigned to the separate wage and tax factors) who may still be making tax payments to the insular government, and to remove an artificial advantage for others who showed negative tax balances in 1981, by providing for the deduction of such negative balances from the producer's net economic contributions; (2) to continue the Departments' policy of increasing the emphasis on wage and tax payments (i.e., direct economic contributions); and (3) to offset in part the practical lowering of the wage ceiling by inflation while continuing the Departments' policy of encouraging reliance on local managerial and technical human resources.

Also, we propose, as we have in the past several years, to invite applications from new firms for all of the 1982 American Samoa quota. This quota has gone unused since 1978. Additionally, we propose to invite applications from new firms for two million units of the 1982 Virgin Islands quota. We expect approximately four million units of the 1981 Virgin Islands quota to go unused.

Finally, we propose to suspend during calendar year 1982 most of the quarterly reporting requirements set forth in § 303.8 of the codified rules (15 CFR Part 303). Those requirements are imposed primarily for the purpose of permitting the Departments to identify those producers who will not be able to use all of their quota so that the excesses can be reallocated among producers who can use additional quota. The extraordinarily low level of quota utilization in 1981 can be expected to be repeated in 1982, meaning that there is virtually no prospect of a need for industry-wide reallocation of quota next year. The proposed rule would retain, however, the requirement for producers to report any changes of ownership or control in the prior quarter.

For the above reasons, the Departments propose calendar year 1982 watch quota rules as follows:

Section 1. (a) The 1982 Virgin Islands and Guam quotas will be allocated on the basis of (1) the net dollar amount of economic contributions to the territories consisting of the dollar amount of wages, up to a maximum of $18,000 per person, paid by each producer during calendar year 1981 to insular residents and attributable to each producer's headnote 3(a) watch and watch movement assembly operations plus the dollar amount of income taxes paid by each producer during calendar year 1981 attributable to its headnote 3(a) watch and watch movement assembly operations (excluding penalty and interest payments and deducting income tax refunds and subsidies paid by the territorial government during calendar year 1981), and (2) the number of units of watches and watch movements assembled in the territories and entered by each producer duty-free into the customs territory of the United States during calendar year 1981.

(b) In making allocations under this formula, a weight of 80 percent will be assigned to the economic contributions factor and a weight of 20 percent will be assigned to the shipments factor. In calculating each producer's economic contributions, the Departments shall deduct from creditable wages any negative tax balances. That is, if the total of a producer's income tax payments during 1981 (excluding penalties and interest charges) is smaller than the total of refunds and subsidies received from the territorial government during 1981, the difference of the two sums shall be deducted from the producer's creditable wages for allocation purposes.

Section 2. (a) Reallocation of calendar year 1982 quota that becomes available will be restricted to those firms satisfying the criteria set forth below. Reallocation may be made to firms which: (1) Assembled all watch movements shipped during 1981 from unassembled movements having at least 26 discrete components and all watches (that is, cased movements) during 1981 from at least 29 discrete components, including at least 26 movement components and at least 3 case components; or (2) Made wage payments during 1981 in the territory averaging not less than $.75 per watch movement and $.95 per watch assembled and shipped into the customs territory of the United States.

(b) In determining a firm's eligibility under this criterion, the Departments may make appropriate data adjustments to take into account wages paid for the assembly of units not shipped during 1981 and shipments assembled prior to 1981.

Section 3. Quota set aside for new firms in the Virgin Islands under subsection 4(b) shall be subtracted from

the quota amount allocable under Section 1, before allocations are made pursuant thereto.

Section 4. (a) Applications from new firms are invited for the calendar year 1982 American Samoa quota. Due to the limited size of the American Samoa quota, the Departments will allocate that quota to the single firm which offers the best prospect of making a meaningful long-term contribution to the economy of the territory.

(b) Applications from new firms are invited for 2,000,000 units of the calendar year 1982 Virgin Islands quota.

(c) Applicants for new-entrant quotas must complete applicable sections of Form ITA–334P, copies of which may be obtained from the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Detailed instructions for completing ITA–334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

(d) The Departments will consider new entrant applications only from firms which certify to the Departments that they are able and willing to meet the minimum assembly or wage contribution criteria established in Section 2. Following the Secretaries' determination that a qualifying application has been received, an announcement will be published in the **Federal Register** establishing a closing date for further applications. The closing date shall be 30 days from the date of such notice. If the Departments do not receive prior to September 1, 1982, a qualifying application for quota set aside by subsection (b) above, that quota may be reallocated among eligible producers pursuant to § 303.5(b) of Title 15 of the Code of Federal Regulations.

Section 5. As used in Section 2 of these rules:

(a) "Wages" means all wages up to $18,000 per person paid to residents of the territories employed in a firm's headnote 3(a) watch and watch movement assembly operations. Excluded, however, are wages paid (i) accountants, lawyers or other professional personnel who may render special services to the firm, (ii) persons assembling non-headnote 3(a) watches and watch movements, (iii) persons engaged in the repair of non-headnote 3(a) watches and watch movements, and (iv) persons engaged in the strapping and packaging of watches. Wages paid to persons engaged in both headnote 3(a) and non-headnote 3(a) assembly and repair activities shall be credited proportionately for their headnote 3(a) activities, provided the firm maintains production and payroll records adequate for the Departments' verification of the headnote 3(a) portion.

(b) "Discrete movement components" means screws, parts, components and subassemblies not assembled together with another part, component or subassembly at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with other parts, would be considered a single discrete component, as would a barrel bridge subassembly.) Excluded are dials, dial washers, dial screws, hour wheels, hands, automatic mechanisms and related parts, day-date mechanisms and calendar features, and jewels.

Section 6. (a) All firms must, as a condition for receipt of reallocations based on subsection 2(a) criteria, certify to the Departments that they will not alter assembly operations during calendar year 1982 in a manner which would result in their failure to satisfy the respective criteria.

(b) If the Departments have reason to believe that a producer has not complied with or is not complying with certification required by subsection (a) of this section, they may issue an order requiring the producer to show cause within 30 days of receipt of the order why the duty-free quota to which it would otherwise be entitled should not be cancelled or reduced by the Departments.

Section 7. (a) The quarterly reporting requirements of § 303.8(a) of the Code of Federal Regulations are suspended for calendar year 1982, and copies of Form IT–321P will not be forwarded to producers at the times specified by that provision.

(b) Each producer must comply with § 303.8(b) of the Code of Federal Regulations and report any changes in ownership, interest and control which have occurred during any quarter by April 15, July 15 and October 15, respectively, but may do so by letter.

(Pub. L. 89–805, 80 Stat. 1521 (19 U.S.C. 1202) as amended; 15 CFR Part 303)

Issued at Washington, D.C. on December 7, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce.

Diane Morales,

Deputy Assistant Secretary for Territorial and International Affairs, U.S. Department of the Interior.

[FR Doc. 81–35389 Filed 12–9–81; 8:45 am]
BILLING CODE 4310–10, 3510–25–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton and Man-Made Fiber Apparel Products from Haiti

December 4, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing the level of restraint for cotton and man-made fiber brassieres in Category 349/649 from 1,168,819 dozen, to 1,250,636 dozen, produced or manufactured in Haiti and exported during the agreement year which began on May 1, 1981 and extends through April 30, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti, provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of the increase is compensated for by an equivalent decrease in one or more specific limits.

Pursuant to the terms of the bilateral agreement, as amended, and at the request of the Government of Haiti, the import restraint level established for Category 349/649 is being adjusted for the twelve-month period which began on May 1, 1981.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On May 1, 1981, there was published in the **Federal Register** (46 FR 24617) a letter dated April 28, 1981 from the Chairman of the Committee for the Impementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on

May 1, 1981 and extends through April 30, 1982. In accordance with the terms of the bilateral agreement and at the request of the Government of Haiti, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 349/649 and in excess of the adjusted level of restraint of 1,250,636 dozen.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 4, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On April 28, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on May 1, 1981 and extending through April 30, 1982 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Haiti, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Effective on December 10, 1981, the level of restraint established for Category 349/649 in the directive of April 28, 1981 is amended to the following:

Category	Amended 12-month level of restraint [1] (dozen)
349/649	1,250,636

[1] The level of restraint has not been adjusted to account for any imports after April 30, 1981.

The action taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-35367 Filed 12-8-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti, which provide, in part, that: (1) for the second and third agreement years, each specific limit shall be increased by seven percent annually, except Category 349/649; (2) a specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Department of the Army

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: The National Board for the Promotion of Rifle Practice (NBPRP)
Date of meeting: 8 January 1982
Place: Secretary of the Army Conference Room, Room 2E687, The Pentagon
Time: 0900 Hours

Proposed Agenda

1. Executive Officer Report
2. Executive Committee Report
3. Budget Committee Report
4. Appointment of Standing Committees
5. Revision to Title 10, United States Code, Sections 4307-4313
6. Program Objectives
7. Five Year Program
8. Anheuser-Busch National Match Trophy proposal
9. Revision to Army Regulation 920-30

This meeting is open to the public.

Persons desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272-0810 Prior to 8 January 1982 to arrange admission to the Pentagon.

Persons unable to make prior arrangements should call 697-5673 *upon* arrival at the Pentagon.

Lawrence E. Enterkin,

LTC, USA (Ret), Assistant Executive Officer.

[FR Doc. 81-35383 Filed 12-9-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Privacy Act of 1974; Addition of a System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Addition of a system of records.

SUMMARY: The Department of the Navy proposes to add a system of records to its inventory of records subject to the Privacy Act of 1974. The system notice for the proposed system is set forth below.

DATES: This action will be effective on January 11, 1982, unless comments are received which result in a contrary determination.

ADDRESSES: Address all comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-0981P) Department of the Navy, The Pentagon, Washington, D.C. 20350, telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. Law 93-479, 88 Stat. 1896, *et seq.*) was published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981
FR Doc. 81-13603 (46 FR 25337) May 6, 1981
FR Doc. 81-14976 (46 FR 27370) May 19, 1981
FR Doc. 81-16065 (46 FR 28893) May 29, 1981
FR Doc. 81-17204 (46 FR 30680) June 10, 1981
FR Doc. 81-19041 (46 FR 33070) June 26, 1981
FR Doc. 81-20655 (46 FR 36730) July 15, 1981
FR Doc. 81-22903 (46 FR 40067) August 6, 1981
FR Doc. 81-23257 (46 FR 40557) August 10, 1981
FR Doc. 81-28933 (46 FR 49173) October 6, 1981

A new system report as required by 5 U.S.C. 552a(o) was submitted for this system on November 11, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washingtom Headquarters Services, Department of Defense.

December 7, 1981.

NO5760-1

SYSTEM NAME:

Biographical and Service Record Sketches of Chaplains.

SYSTEM LOCATION:

Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy chaplains who have served on extended active duty at some time during the period 1778-1981 inclusive, and any future editions. It lists the names, years in which they were commissioned, and ecclesiastical affiliations of all who held chaplaincy commissions during the period.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and professional summary which includes individual's full name, denomination or faith group, date and place of birth, education, ordination, date of marriage and name of spouse, first names of children, prior professional experience, authorship, prior military service (including date of commission, date of rank at commissioning, ships/stations, places and dates; and period spent, if any, in Inactive Reserve), date of augmentation (if applicable), promotion history, awards and decorations, conclusion of active duty (date of resignation, release from active duty, or retirement as applicable), post active duty career (retirees only), and distinctions which have made the chaplain's career interesting or unusually significant (corroborative material suggested).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office of the Chief of Chaplains, the Chaplain Corps of the Navy, all U.S. Navy and Marine Corps commands, activities, and organizations, to provide background data in response to news media requests; to provide information on individual chaplains prior to public appearances in which they are scheduled to appear; to provide internal release of information as required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in bound and published volumes. Source materials are in paper files.

RETRIEVABILITY:

Data is indexed alphabetically by individual names and made available upon written request.

SAFEGUARDS:

Files are locked after official working hours.

RETENTION AND DISPOSAL:

Forms and documents are destroyed after five years from the date of publication. The volumes are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplain Corps Historian, Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager or authorized representative upon written request signed by the listed individual. The full name of the individual should be given. Individuals making inquiry in person must present personal identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from returned questionnaires addressed to individual chaplains, supplemented by Officer Data Cards and historical research.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-35393 Filed 12-9-81; 8:45 am]
BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Fuel Economy for Motor Vehicles; Availability of First Edition or the 1982 Gas Mileage Guide

The Department of Energy (DOE) hereby gives notice of the availability of the First Edition of the 1982 *Gas Mileage Guide*. The Environmental Protection Agency (EPA) has issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (40 CFR Part 600) which, among other things, contain requirements for dealers of 1981 and later model year automobiles and light trucks to have copies of a booklet, the *Gas Mileage Guide*, available and on display in their showrooms and to keep an adequate stock on hand to meet public demand. In this booklet, prospective purchasers will be able to find the fuel economies of the various model vehicles certified as of August 31, 1981 for sale in the United States. DOE is required by Section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended by Section 301 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*), to publish and distribute this booklet. Section 600.405-77 of the EPA regulations states that dealers will be expected to make these booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The First Edition of the 1982 *Gas Mileage Guide* is available for display and distribution by dealers in their showrooms. Any dealer who has not already received *Guides* from DOE or requires additional copies should request copies in writing to the following address, specifying the quantity desired of the 49-State and/or the California version:

For bulk copies, write: Fuel Economy Distribution, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, Tennessee 37830.

Issued in Washington, D.C., December 2, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81-35348 Filed 12-9-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 81-CERT-026]

Consolidated Edison Co. of New York, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Consolidated Edison Company of New York, Inc. (Con Edison), 4 Irving Place, New York, New York 10003, filed an application on November 2, 1981, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at six of its steam and electric generating stations located in New York City: Astoria in Queens; East River in Manhattan; Narrows in Brooklyn; Ravenswood in Queens; Waterside in Manhattan; and East 60th Street in Manhattan, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 6304, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Con Edison states that the volume of natural gas for which it requests certification is approximately 21.0 billion cubic feet. This volume is estimated to displace the use of approximately 2,989,000 barrels of residual fuel oil (0.3 percent sulfur), approximately 141,000 barrels of No. 2

fuel oil (0.2 percent sulfur), and approximately 386,000 barrels of kerosene (0.05 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various steam and electric generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (Bcf)	Estimated oil displacement (000 barrel)		
		0.3 percent sulfur residual	0.05 percent sulfur kerosene	0.2 percent sulfur No. 2
Astoria, 20th Avenue and 12 St., Queens	6.932	1,161		
East River, 14th St. and East River, Manhattan	1,473		247	
Narrows, 53rd. St. and 1st Avenue, Brooklyn	1.884	315		
Ravenswood, 7-18 37th Avenue, Queens	0.842			141
	6.933	1,161		
Waterside, 38th to 40th St. and East River, Manhattan	0.622		104	
East 60th St., 514 East 60th St., Manhattan	2.104	352		
	0.210		35	
Totals	21.000	2,989	386	141

The eligible seller is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219. The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, Tennessee Gas Pipeline Company, A Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001, and Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77002.

Con Edison has in effect a certification by the ERA, effective April 13, 1981 (Docket No. 81-CERT-005), which authorizes purchases of approximately 62 billion cubic feet per year from Consolidated Gas Supply Corporation and National Fuel Gas Distribution Corporation for use at the steam and electric generating stations named in this application. It also has pending before the ERA another application filed on October 19, 1981 (Docket No. 81-CERT-025) for certification of 2.20 billion cubic feet of natural gas per year from New York State Electric and Gas Corporation for use at these same steam and electric generating stations.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6304, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Paula A. Daigneault, on or before December 21, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Con Edison and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on December 3, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Economic Regulatory Administration.

[FR Doc. 81-35349 Filed 12-9-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-022]

Terra Chemicals International, Inc., Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 2, 1981, Terra Chemicals International, Inc. (Terra), P.O. Box 1828, Sioux City, Iowa 51102, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 3,500 Mcf of natural gas per day to displace approximately 2,500,000 gallons (59,524 barrels) of No. 2 fuel oil (0.5 percent maximum sulfur) per year at its Port Neal, Iowa, plant. The eligible seller of the gas is Centennial Gas Corporation, c/o Industrial Gas Services, Inc., 4501 Wadsworth Blvd., Wheat Ridge, Colorado 80033. The gas will be transported by Northern Natural Gas Company, Colorado Interstate Gas Company, Western Slope Gas Company, and Iowa Public Service Company. Notice of that application was published in the **Federal Register** (46 FR 53743, October 30, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On October 2, 1980, Terra received a recertification (ERA Docket No. 80-CERT-030) of an eligible use of natural gas purchased from Centennial Gas Corporation for a period of one year expiring October 1, 1981, for use at its Port Neal, Iowa, plant. Due to the lateness in the applicant's filing for recertification and the necessity for providing the public with an opportunity for comment, continuity with the earlier recertification was not possible. Terra informed ERA that no natural gas was being used to displace fuel oil at the close of the earlier recertification period and that no loss of oil displacement would occur as a result of delay in issuing this recertification.

The ERA has carefully reviewed Terra's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Terra's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA Docket Room 6304, 2000 M Street NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 3, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Economic Regulatory Administration.

[FR Doc. 81-35350 Filed 12-9-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders Filed Week of November 2 through November 6, 1981

During the week of November 2 through November 6, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–1200, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 3, 1981

Appeal

Standard Oil Co. of Ohio, 11–5–81, BEA–0732

On April 14, 1981, the Standard Oil Company of Ohio (Sohio) filed an "Application to Resubmit or Refile its Refiner's Monthly Cost Allocation Reports" with the DOE Office of Special Counsel for Compliance (OSC). OSC denied the Sohio Application, but then agreed to reconsider. Subsequently, Sohio filed an Appeal with the Office of Hearings and Appeals (OHA). In considering the firm's Appeal, the OHA found that there had not yet been a final disposition of Sohio's Application by the OSC, and that the matter was therefore not subject to appeal under the applicable DOE regulations. The OHA also rejected Sohio's contention that the OSC's failure to complete its reconsideration within 30 days constituted a constructive denial which was appealable to the OHA. For these reasons, the OHA determined that the Sohio Appeal should be dismissed without prejudice.

Remedial Orders

Davidson's Service, 11–2–81, BRO–1539

Davidson's Service objected to a Proposed Remedial Order which the Western District Office of Enforcement of the Economic Regulatory Administration (ERA) issued to the firm on July 9, 1980. In the Proposed Remedial Order, ERA found that from December 15, 1979 through May 8, 1980 Davidson violated 10 CFR 212.93 by selling motor gasoline at prices which exceeded the firm's maximum lawful selling price. In considering the firm's Statement of Objections, the DOE found that § 212.93 does not violate the provisions of Section 324 of the Clear Air Act Amendments of 1977, 42 U.S.C. 7624. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order subject to the modification that Davidson's overcharges be paid to the United States Treasury rather than be refunded through price rollbacks.

Prime Resources Corporation, Kenneth C. Ross, 11–5–81, BRO–1459

Prime Resources Corp. filed a Notice of Objection to a Proposed Remedial Order which the Region VI Office of Enforcement issued to the firm on July 1, 1981. In the Proposed Remedial Order, Region VI found that Prime Resources Corp. had charged prices for crude oil in excess of those specified at 10 C.F.R. Part 212, Subpart D, and had thus overcharged its customers by a total of $4,699,629.44. After the firm failed to file a Statement of Objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Order.

K. R. "Ken" Rearick d/b/a Clearview Gulf Service Center, 11–5–81, BRO–0327

K. R. "Ken" Rearick d/b/a Clearview Gulf Service Center (Rearick) filed a statement of Objections to a Proposed Remedial Order that the Southwest District Office of the Office of Enforcement of the Economic Regulatory Administration (ERA) issued to the firm on November 13, 1979. In the PRO, the ERA found that Rearick violated 10 CFR 212.93 by overcharging its motor gasoline customers. In considering the firm's Statement of Objections, the DOE found that the PRO was procedurally proper and established a prima facie case, and that Rearick failed to present any evidence to indicate that the PRO was erroneous. The DOE therefore concluded that the PRO should be issued as a final Order. One of the important issues discussed in this case involves Rearick's contention that ERA had harassed him and unfairly selected him for enforcement action.

Requests for Exception

Kentucky Oil and Refining Company Inc., 11–3–81, BEE–1625

Kentucky Oil and Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which it requested relief from its obligation to purchase entitlements for the period January 1, 1981 through January 27, 1981. In considering the request, the DOE determined that Kentucky should receive $220,181 in exception relief for that period. Accordingly, exception relief was granted.

Little America Refining Company, Inc., 11–4–81, DEE–7391

Little America Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought to be relieved of its obligation to purchase entitlements with respect to crude oil receipts and runs to stills for the period July through October 1979. In considering the request, the DOE found that exception relief was necessary to alleviate the gross inequity which the firm would incur if required to fulfill its entitlement purchase obligations. Accordingly, exception relief was granted in part. The important issues discussed in the Decision and Order are (i) the circumstances under which exception applications in entitlements cases should no longer be considered under the *Delta* exception standards, and (ii) the method by which to terminate *Delta* relief to which the firm would otherwise be entitled.

Requests for Modification and/or Rescission

Exxon Company, U.S.A., 11–15–81, BRR–0159

Exxon Company, U.S.A. filed a Motion for Reconsideration of a Decision and Order which the office of Hearings and Appeals issued to it on August 13, 1981. *Exxon Co., U.S.A.*, 8 DOE ¶ 82,616 (1981). That decision denied nearly all aspects of a Motion for Discovery that Exxon filed in connection with a Proposed Remedial Order issued to it by the Houston Branch of the Office of Special Counsel for Compliance on May 14, 1979. The DOE found that Exxon's Motion for Reconsideration presented no compelling reasons why the August 13 determination should be modified, and largely restated arguments Exxon made in its original Motion for Discovery. Accordingly, the Motion for Reconsideration was denied.

Warrior Asphalt Co. of Alabama, Inc., 11–6–81 BYR–0137; BYR–0132; BYR–0133; BES–0172

On May 12, 1981 and June 26, 1981, Warrior Asphalt Co. of Alabama, Inc. (Warrior) filed Motions for Reconsideration of two Supplemental Orders issued to the firm by the Office of Hearings and Appeals of the Department of Energy on May 27, 1981 and June 4, 1981, respectively. In those Supplemental Orders, the DOE directed Warrior to purchase a total of $490,098 in additional entitlements to account for excessive exception relief that the firm received for its 1979 and 1980 fiscal years. In its Motions, Warrior requested that the May 27 and June 4 determinations be modified. In considering the firm's requests, the DOE determined that there is no merit in the firm's contention that it is unable to refund $490,098 in excessive entitlements exception relief. Accordingly, the DOE determined that Warrior's Motions for Reconsideration be denied, and the findings of the May 27, 1981 and June 4, 1981 Supplemental Orders be affirmed.

Motion for Evidentiary Hearing

Mitchell Energy Corporation, 11–4–81, BRH–0003

Mitchell Energy Corporation filed a Motion for Partial Dismissal and a Motion for Evidentiary Hearing and the Economic Regulatory Administration (ERA) filed a Motion for Partial Rescission with the DOE Office of Hearings and Appeals. All three submissions were filed in connection with a Proposed Remedial Order (PRO) issued to Mitchell by ERA Region VI on January 28, 1978. The PRO alleges that Mitchell misclassified certain of its crude oil producing properties and consequently charged unlawful prices for crude oil from these properties. The PRO requires Mitchell to repay these overcharges and to conduct a "self-audit" to identify other instances in which the firm may have misclassified its properties.

In its Motion for Partial Dismissal, Mitchell argued that the self-audit requirement was improper and should be deleted from the PRO. The DOE determined that this motion was not timely filed, and that even if it were timely filed, the self-audit requirement was not improper as a matter of law. The DOE additionally determined that Mitchell's argument that the self-audit requirement was factually unsupported could not be considered in the context of a Motion to Dismiss. Accordingly, the Mitchell Motion for Partial Dismissal was denied.

In its Motion for Partial Rescission, ERA sought to remove the self-audit requirement of the PRO under two conditions. These conditions were first, that the motion be granted for the express purpose of permitting ERA to conduct a new audit of Mitchell; and second, that the self-audit requirement be reimposed should Mitchell fail to comply with the records inspection requirement of 10 CFR 210.1, or otherwise obstruct or impede the audit. The DOE concluded that the imposition of the second condition on Mitchell without its consent would not promote the orderly conduct of the enforcement proceeding. Accordingly, the ERA Motion for Partial Rescission was denied.

In its Motion for Evidentiary Hearing, Mitchell requested that an evidentiary hearing be convened for the purpose of presenting testimony concerning the statistical basis of the self-audit requirement. The DOE found that a factual dispute did exist between Mitchell and the ERA concerning this issue. However, the DOE concluded that an evidentiary hearing of the type Mitchell contemplated would shed no further light on the issue because Mitchell had not shown that the ERA auditor whom it desired to question at the hearing possessed the necessary information about statistical techniques to serve as an expert witness. Accordingly, the Mitchell Motion for Evidentiary Hearing was denied.

Motion for Discovery

Ashland Oil, Inc., 11–16–81, BED–1676

Ashland Oil, Inc. filed a Motion for Discovery in which the firm sought to elicit information from the Economic Regulatory Administration concerning the decline in the volume of price-controlled crude oil receipts during the final months of the Entitlements Program. In considering the Motion for Discovery, the DOE found that Ashland erroneously assumed that ERA possesses information which would adequately explain the decline in reported crude oil receipts. Instead, the DOE determined that the discovery sought by Ashland is more appropriately directed at other participants in the Entitlements Program. Accordingly, the DOE Order permits Ashland to submit a proposed discovery request directed at no more than six participants in the Entitlements Program.

Interlocutory Order

Murphy Oil Corporation, 11–5–81, BRZ–0109

Murphy Oil Corporation filed a Motion for Relief from a Stipulation entered into by its counsel during a discovery hearing. That stipulation had formed the basis for the denial of several discovery requests filed by the Office of Special Counsel (OSC). In its motion, Murphy alleged that its stipulation prevented the firm from fully litigating an important issue in the underlying enforcement action. In considering the motion, the DOE determined that the motion should be granted in order to permit full litigation of Murphy's claim on its merits. Accordingly, Murphy's motion was granted. In addition, discovery requests filed by OSC with respect to Murphy's claim were granted.

Supplemental Orders

Little America Refining Company, Inc., 11–4–81, DEX–0005

Little America Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought to be relieved of its obligation to purchase entitlements for its 1977 fiscal year. In considering the request, the DOE found that the firm had previously been afforded insufficient *Delta* relief for its 1977 fiscal year. Accordingly, exception relief was granted in part. The important issues discussed in the Decision and Order are (i) the circumstances under which adjustments may be made to a firm's historical return on invested capital for purposes of the *Delta* exception criteria, and (ii) the inequity of retroactively applying new exception standards to a previous fiscal period.

Little America Refining Company, Inc., 11–4–81, DEX–0116

Little America Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought to be relieved of its obligation to purchase entitlements for its 1978 fiscal year. In considering the request, the DOE found that the firm had previously been afforded excessive *Delta* relief for its 1978 fiscal year. Accordingly, exception relief was denied. The important issues discussed in the Decision and Order are (i) the circumstances under which adjustments may be made to a firm's historical return on invested capital for purposes of the *Delta* exception criteria, and (ii) the circumstances under which the methodology for determining a firm's current invested capital for purposes of the *Delta* standards may be altered.

Interim Order

The following firm was granted interim exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name and Case No.

Pioneer Refining, BEN–0086

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Exxon Company, U.S.A., Mobil Oil Corp., (Canadian Allocation Program), BRH–0177, BEA–0155, BEA–0344, BEA–0400, BEA–0446, BEA–0522, BEA–0531, BEA–0544

[FR Doc. 81–35388 Filed 12–9–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51342A; TSH–FRL–2002–7]

Certain Chemicals; Premanufacture Notices; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN generic name on two premanufacture notices (PMNs) published in the **Federal Register** of November 5, 1981 (46 FR 55002).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 5, 1981 (46 FR 55002), EPA issued a notice of receipt of two PMNs.

In the FR Doc. 81–32067 appearing at page 5502 under "PMN 81–550", first column, the generic name, "Aliphatic Polyurethane-waterborne dispersion" is corrected to read "Aliphatic polyurethane-acrylic waterborne dispersion" and under "PMN 81–551", second column, the generic name, "Aliphatic polyurethane-acrylic waterborne dispersion" is corrected to read "Aliphatic polyurethane-waterborne dispersion."

Dated: December 3, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81–35333 Filed 12–9–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51363; TSH–FRL–2002–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences.

Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eight PMNs and provides a summary of each.

DATES: Written comments by: PMN 81–608, 81–609, 81–610, 81–611, 81–612, 81–613, 81–614, and 81–615, January 30, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51363]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460 (202–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–608

Close of Review Period. March 1, 1982.

Manufacturer's Identity. The C. P. Hall Company, 7300 South Central Avenue, Chicago, IL 60638.

Specific Chemical Identity. Polyethylene glycol di-2-ethylhexoate.

Use. The manufacturer states that the PMN substance will be used as a plasticizer.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	15,000	50,000
2d year	50,000	150,000
3d year	150,000	350,000

Physical/Chemical Properties

Appearance—Clear liquid.
Specific gravity, 25/25°C—1.022.
Flash point, closed cup—470°F.
Freezing point—−40°C.
Refractive index n_D25°C—1.4521.
Acid value—0.51.
Color, Gardner—1–2.
Water, wt. %—0.04.
OH value (IR)—<5.
OH value (Wet)—2.7.
Fire point, closed cup—505°F.

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture 4 workers may experience inhalation exposure 4 hrs/days, 20 days/yrs during loading and unloading of chemical reactants.

Environmental Release/Disposal. The manufacturer states that 10–100 kg/yr will be released to air and 100–1,000 kg/yr will be released to water. Disposal is by publicly owned treatment works (POTW), incineration, or by an approved waste disposal company.

PMN 81–609

Close of Review Period. March 1, 1982.

Manufacturer's Identity. The C. P. Hall Company, 7300 South Central Avenue, Chicago, IL 60638.

Specific Chemical Identity. Methoxy polyethylene glycol 2-ethylhexoate.

Use. The manufacturer states that the PMN substance will be used as a placticizer.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	15,000	50,000
2d year	50,000	150,000
3d year	150,000	350,000

Physical/Chemical Properties

Appearance—Clear liquid.
Specific gravity, 25/25°C—1.058.
Flash point, closed cup—460°F.
Freezing point—9°C.
Solubility: water—Complete.
Refractive index n_D25°C—1.458.
Acid value—0.35.
Color, Gardner—1–2.
Hydroxyl value (wet)—4.2.
Water, wt. %—0.05.
Fire point, closed cup—505°F.

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture 4 workers may experience inhalation exposure 4 hrs/days, 20 days/yrs during loading and unloading of chemical reactants.

Environmental Release/Disposal. The manufacturer states that 10–100 kg/yr will be released to air 4 hrs/day, 20 days/yr and 100–1,000 kg/yr will be released to water 4 hrs/days, 20 day/yr. Disposal is by POTW, incineration, or by an approved waste disposal company.

PMN 81–610

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane acrylate.

Use. Claimed confidential business information. Generic use information provided: The Manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	25,000	50,000
2d year	27,500	55,000
3d year	30,000	60,000

Physical/Chemical Properties

Flash point—180° F.
Viscosity—10 stokes.
Acid value—<5 mg KOH/g.
Total solids—75% (105° C).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 93 workers may experience dermal and occular exposure up to 7 hrs/day, up to 32 days/yr during quality control, filtration, filling and clean up operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–1,000 kg/yr to land. Disposal is by landfill and incineration.

PMN 81–611

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polyurethane from a diisocyanate, substituted alkane diol and mixed polyether diols.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	45,400
2d year	30,000	45,400
3d year	35,000	60,000

Physical/Chemical Properties

Flash point—193° F.
Viscosity—700–1,000 cps.
Acid value—5 Mg KOH/g.
Total solids—75% (105° C).
Color, Gardner—2.
Hydroxyl value—20 Mg KOH/g.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 111 workers may experience dermal and occular exposure up to 7 hrs/day, up to 12 days/yr during sampling analysis, transfer, testing, filling and clean up operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–1,000 kg/yr to land. Disposal is by landfill and incineration.

PMN 81–612

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,999,999.

Manufacturing site—West South Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester of a polybasic fatty acid and a polyoxyethylated polypropylene glycol.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	11,340	26,300
2d year	15,900	31,800
3d year	18,100	38,100

Physical/Chemical Properties

Appearance—Amber, aromatic odor.
Specific gravity—0.96.
Flash point—128° F.
Vapor density—>1.0.
Solubility: water—Insoluble.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, use and disposal 13 workers may experience dermal and ingestion exposure up to 10 hrs/day, up to 30 days/yr during drumming off.

Environmental Release/Disposal. The manufacturer states that 100–1,000 kg/yr will be released to land and water. Disposal is to a POTW.

PMN 81–613

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Southeast Atlantic region.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl glucoside.

Use. The manufacturer states that the PMN substance will be used as an industrial and commercial surfactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Light to dark brown flakes.
pH—7.5 (1% aqueous solution).
Melting point—42–49° C.
Solubility: water—Readily soluble.
Surface tension (0.1% water solution)—28 dynes/cm.

Toxicity Data

Ames salmonella—Negative.

Environmental Test Data

COD mg/l/1,700,000.
BOD_5/COD—0.26 readily biodegradable.
BOD mg/l—436,065.
TOC mg/l/338,000.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The manufacturer states that 10–100 kg/yr will be released to water 1 hr/day. Disposal is to a POTW.

PMN 81–614

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Freeman Chemical Corporation, 222 East Main Street, Port Washington, WI 53074.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester urethane acrylate—blocked.

Use. The manufacturer states that the PMN substance will be used as an energy cure coating component.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	2,500	20,000
2d year	2,500	30,000
3d year	2,500	

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 6 workers may experience dermal exposure 1 hr/day, 5 days/yr during packaging, sampling, or filling drums.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air 24 hrs/day, 5 days/yr. Disposal is by incineration.

PMN 81–615

Close of Review Period. March 1, 1982.

Manufacturer's Identity. CIBA–GEIGY Corporation, Plastics and Additives Division, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aryl amine, epoxide polymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Yellow-orange solid; odorless.
Melting point—150° C.
Solubility: water—Insoluble; alcohol—Relatively low solubility; ketones—Soluble.
Vapor pressure, 25° C—Estimated to be less than 10^{-5} $_m$bar.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.
Acute dermal toxicity LD_{50} (rat)—>3,000 mg/kg.
Skin irritation (rabbit)—Slight.
Eye irritation (rabbit)—Minimal.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal and inhalation exposure up to 7 hrs/day during sampling, transfer, and bagging.

Environmental Release/Disposal. The manufacturer states that less than 75 kg/yr will be released to air. Disposal is to an approved landfill.

Dated: December 3, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-35335 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59072A; TSH-FRL-2002-8]

Mixture of 1-Amino-8-Naphthol-4, 6-Disulfonic Acid and its Mono and Disodium Salts Premanufacture Exemption Application; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the TME submitter's identity on a test marketing exemption (TME) submitted by Mobay Chemical Corporation, published in the **Federal Register** of November 23, 1981 (46 FR 57343).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 23, 1981 (46 FR 57343), EPA issued a notice of receipt of a TME submitted by Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

In the FR Doc. 81-33653 appearing at page 57343 under "TME 81-47", second column, the "Manufacturer's Identity" is corrected to read "Importer's Identity" and "importer" should be substituted wherever "manufacturer" appears throughout the document.

Dated: December 3, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-35334 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51364; TSH-FRL-2003]

1,7-Naphthalenedisulfonic Acid, 4-Benzamido-5-Hydroxy-6-((2-Sulfooxyethyl)Sulfonyl)-1-Sulfonaphthalen-2-yl)Azo)-, Tetrasodium Salt; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 81-616, February 1, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51364]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-616

Close of Review Period. March 3, 1982.

Manufacturer's Identity. American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. 1,7-naphthalenedisulfonic acid, 4-benzamido-5-hydroxy-6-((2-sulfooxyethyl)sulfonyl)-1-sulfonaphthalen-2-yl)azo)-, tetrasodium salt.

Use. The manufacturer states that the PMN substance will be used in a textile dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solubility: water @ 20° C—~25%.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—5.0 g/kg.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Non-irritant.

Exposure. The manufacturer states that during manufacture 1 worker may experience inhaliation exposure less than 10 man hrs/yr during dumping and drumming.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Disposal is to a National Pollution Discharge Elimination System (NPDES).

Dated: December 3, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-35331 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59069A; TSH-FRL-1996-5]

Polymer of a Substituted Alkanediol, a Carbomonocyclic Anhydride, and a Substituted Alkanoic Ester; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an appplication for a test marketing exemption (TM-81-42) under section 5 of the Toxic Substances Control Act (TSCA) on October 27, 1981. Notice of receipt of the application was published in the **Federal Register** of November 5, 1981 (46 FR 55003). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460 (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any

unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On October 27, 1981, the EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–42. The manufacturer claimed its identity, the specific chemical identity, and the specific use of the new substance as confidential business information. The generic name of the new substance is a polymer of a substituted alkanediol, a carbomonocyclic anhydride, and a substituted alkanoic ester and it will be used in an open use. A maximum of 40,000 kilograms (kg) will be manufactured for test market purposes, during a test marketing period not to exceed two months. During manufacture at two sites, a total of 84 workers may be exposed to the new substance 7 hours/day for 3 days. During processing, 30 workers will be exposed for 8 hours/day for 21 days. During industrial use, at sites not controlled by the submitter, a total of 124 workers will be exposed for a maximum of 8 hours/day for 45 days at average concentrations of 0–1 mg/m^3 and peak concentrations of 1–10 mg/m^3. A notice published in the **Federal Register** of November 5, 1981 (46 FR 55003) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing or the substance described in TM–81–42, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance at the levels of exposure expected to result from manufacture, processing, and industrial use. As a formulated mixture, there will be no direct exposure to consumers of the new substance. Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a cured solid state. Some potential for environmental accumulation and toxicity to aquatic species could be expected. However, environmental release of the substance will be very low and mitigates this potential.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer(s) specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 40,000 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a two-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 2, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–35340 Filed 12–9–81; 8:45 am]

BILLING CODE 6560–31–M

[AEN–9–FRL–2002–1]

Issuance of NSR/PSD Permit Extension to Petro-Lewis Corp.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of extension and amendment of New Source Review/Prevention of Significant Deterioration permit to Petro-Lewis Corporation for the construction of four 50 MM BTU/hr steam generators, and one 7.5 MM BTU/hr heater treater in the North Kern Front Oil Field, Kern County, California. EPA project number SJ 78–01.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on November 12, 1981 the Environmental Protection Agency issued an extension of a NSR/PSD permit to the applicant named above for approval to construct four 50 MM BTU/hr steam generators and one 7.5 MM BTU/hr heater treater, a project reduced in scope from the original. The EPA also amended the permit to reflect a revised control technology evaluation.

This permit has been issued under EPA's New Source Review (40 CFR 52.233(g)) and Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emmission rates as follows: SO_2 at 0.063 lb/MMBTU; NO_x at 0.20 lb/MMBTU for each new 50 MM BTU/hr steam generator; NO_x at 0.30 lb/MMBTU for the existing 50 MM BTU/hr steam generator; TSP at 0.038 lb/MMBTU. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) technology include LOW-NO_x burners, flue gas scrubbing, and excess oxygen control.

Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E–4–1, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

Dated: November 25, 1981.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division, Region 9.

[FR Doc. 81–35341 Filed 12–9–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1467]

Associated Transportation Center, Inc.; Order of Revocation

On November 30, 1981, Associated Transportation Center, Inc., Fourth and Battery Bldg., Suite 995, Seattle, WA 98121 requested the Commission to

revoke its Independent Ocean Freight Forwarder License No. 1467.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1467 issued to Associated Transportation Center, Inc. be revoked effective November 21, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1467 issued to Associated Transportation Center, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Associated Transportation Center, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-35355 Filed 12-8-81; 8:45 am]

BILLING CODE 6730-01-M

[Exemption No. 27]

Puget Sound Tug & Barge Co.; Application for Exemption From Tariff Filing Requirements

An application for extension of the currently existing exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereto, for general cargoes transported between all ports in the contiguous Continental United States (except ports in the Mississippi River System above Baton Rouge, Louisiana) on the one hand and on the other, the Arctic Coast of Alaska between Beechy Point, Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean has been filed by Puget Sound Tug & Barge Company (PSTB). Notice of the application appeared in the **Federal Register** on August 14, 1981.

PSTB requests that its current exemption be extended indefinitely or at least for a period of seven years beyond 1981. The effect of such an exemption would be a continuation of present authority to provide tansportation by barge to the Prudhoe Bay area with freedom from tariff filing requirements and regulations with respect to the reasonableness of rates. Applicant states that the request for continuation of exemption for an indefinite period or at least seven years beyond 1981 is necessary since it has already executed agreements pertaining to the construction and engineering of the Prudhoe Bay area and these agreements extend over a seven year period. Though development of the natural gas pipeline is progressing as new breakthroughs in construction and engineering agreements are reached between developing partners, the completion of the pipeline project at this point is indefinite due, in part, to continued discoveries of oil fields in the area.

Between 1970 and 1981, the Commission has granted PSTB and its predecessors, yearly and three-year exemptions from tariff filings and regulatory rate requirements of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933. The latest exemption is scheduled to expire on December 31, 1981.

Sea-Land Service, Inc., (Sea-Land) filed comments on petitioner's application for exemption. Sea-Land has no objection to the exemption *per se*, but does object to an indefinite extension of the exemption or an extension over a long period of time. It is Sea-Land's preference that PSTB's extension not exceed a three-year period as previously granted. PSTB filed a reply to Sea-Land's comments in which it argues that an indefinite or seven-year extension should be approved since Sea-Land has not shown that it would be harmed by such an extension.

Statements in support of the application were received from major shippers utilizing the service: Arco Oil and Gas Company (a division of Atlantic Richfield Company); Sohio Alaska Petroleum Company (a subsidiary of Standard Oil of Ohio) and Stearns—Roger (under contract with Arco Oil and Gas Company). These statements indicate the need for service to fully develop the Prudhoe Bay oil fields and the natural gas pipeline for at least a period of seven years and in one instance, indefinitely.

Upon review of the application, the Commission finds that the conditions under which the exemption was initially granted and subsequently renewed have not substantially changed. The continuation of the requested exemption by PSTB would not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

Pursuant to the National Environmental Policy Act of 1969 (NEPA), the Federal Maritime Commission's Office of Energy and Environmental Impact (OEEI) has assessed the environmental impacts of this section 35 exemption. This assessment indicates that no significant adverse effects on the use of energy or the quality of the human environment will result from the Commission's approval, or disapproval or modification of the exemption. For this reason, OEEI has concluded that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a):

It is ordered that the tariff filing requirements of the Intercoastal Shipping Act, 1933, and Shipping Act, 1916, as amended, and the reporting requirements set forth in 46 CFR Part 512 shall not apply to direct transportation of general cargo (including liquid in bulk) by water between ports in the contiguous Continental United States (excluding ports in Mississippi River System above Baton Rouge, Louisiana) and Prudhoe Bay, Alaska provided by Puget Sound Tug & Barge Company for an indefinite period commencing with the publication of this exemption in the **Federal Register**.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35351 Filed 12-8-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 31, 1981.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

First National Boston Corporation, Boston, Massachusetts (trust activities; South Carolina): To engage *de novo* through its proposed subsidiary Old Colony Trust Company of South Carolina, N.A., in activities that may be carried on by a trust company, including activities of an agency, custodial, fiduciary or investment advisory nature. Those activities would be conducted from an office to be located at Hilton Head, South Carolina, serving the state of South Carolina.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsyvania 19105:

1. *Fidelcor, Inc.*, Philadelphia, Pennsylvania (financing activities; Illinois): To engage through its subsidiary, Trefoil Capital Corporation, in the specific business of commercial financing, factoring and general lending. These activities would be conducted from an office in Chicago, Illinois, servicing the state of Illinois.

2. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage banking activities; Illinois): To engage through its subsidiary, Colonial Mortgage Service Company Associates, Inc., in making, acquiring, and servicing real estate mortgages. These activities would be conducted from offices in Decatur, Illinois, servicing Macon County and adjoining counties.

3. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage banking activities; Alaska): To engage through its subsidiary Colonial Mortgage Service Company Associates, Inc., in making, acquiring and servicing real estate mortgages. These activities would conducted from offices in Anchorage, Alaska serving Anchorage, Alaska.

C. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

First National Cincinnati Corporation, Cincinnati, Ohio (underwriting credit-related life, accident, and health insurance activities, Ohio): To engage, through a proposed subsidiary, The Miami Valley Insurance Company, Phoenix, Arizona, in underwriting, as reinsurer, credit-related life, accident and health insurance related to the extension of credit by its banking subsidiaries. The activities will be performed at offices located at 1421 East Thomas Road, Phoenix, Arizona, serving Gollia, Green, Hamilton, Lawrence, Miami, Pickaway, and Sciato counties in Ohio.

D. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

South Trust Corporation, Birmingham, Alabama (lending activities related to international banking; Alabama, Mississippi and Florida): To engage in making loans or other extensions of credit related to international trade transactions, including the issuance of commercial letters of credit and execution of acceptances such as would normally be created by an international finance operation; these activities will include specifically the extension of loans secured by import/export trade receivables and similar services to fully accommodate customers engaged in international trade and related activities. These activities will be conducted from offices in Mobile, Alabama, serving a trade area extending about 75 miles from Mobile, Alabama. The activities will at no time include the acceptance of any form of deposits for the credit of any individual or business.

E. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Northwestco, Inc., Northbrook, Illinois (leasing activities; Illinois): To engage in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from offices at One GBC Plaza, Northbrook, Illinois, serving the state of Illinois. Comments on this application must be received not later than December 24, 1981.

F. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis Missouri 63166:

First Union Bancorporation, St. Louis, Missouri (leasing activities; Missouri, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Nebraska, Tennessee and Texas): To engage through its subsidiary, Centerre Leasing Company, in the leasing of personal property for commercial or business use, and serving as agent, broker or adviser in the leasing or real and/or personal property in accordance with Regulation Y. These activities will be conducted from an office located in St. Louis, Missouri, serving the states noted above.

G. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Bank Securities, Inc., Albuquerque, New Mexico (leasing, lending, and servicing activities; southwestern United States): To engage, through its subsidiary, American National Leasing Co., in leasing real or personal property and acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y; making such leases or other extensions of credit; and servicing such leases for any person. These activities will be conducted from an office in Albuquerque, New Mexico, serving New Mexico, Texas, Colorado, and Arizona.

H. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; New Mexico): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a New Mexico corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in the state of New Mexico. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an existing office located in Albuquerque, New Mexico, and will serve the entire state of New Mexico.

I. Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35347 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Albion National Management Co., Inc.; Formation of Bank Holding Company

Albion National Management Co., Inc., Albion, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Albion National Bank, Albion, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35357 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Alex Brown Financial Group; Formation of Bank Holding Company

Alex Brown Financial Group, Sacramento, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Alex Brown, Walnut Grove, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35358 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

American Bancshares, Inc.; Formation of Bank Holding Company

American Bancshares, Inc., Cookeville, Tennessee, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of American Bank and Trust, Cookeville, Tennessee. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35359 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Bangs Bancshares, Inc.; Formation of Bank Holding Company

Bangs Bancshares, Inc., Bangs, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Bangs, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35360 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Camp Grove Bancorp, Inc.; Formation of Bank Holding Company

Camp Grove Bancorp., Inc., Camp Grove, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 per cent or more of the voting shares of Camp Grove State Bank, Camp Grove, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35361 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Commerce Southwest, Inc.; Acquisition of Bank

Commerce Southwest, Inc., a bank holding company, and its subsidiary, CSWI Bancshares, Inc., both of Dallas, Texas, have applied for the Board's Approval under 3(a)(1) and 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1) and (3)) to acquire 100 per cent of the voting shares of Houston

Bancshares, Inc., Houston, Texas, and thereby indirectly acquire 98.8 per cent of the voting shares of Houston City Bank and 100 per cent of the voting shares of Houston Northside Bank, both of Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35362 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Independent Community Banks, Inc.; Formation of Bank Holding Company

Independent Community Banks, Inc., Sanibel, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Winter Park National Bank, Winter Park, Florida and Bank of The Islands, Sanibel, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35363 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

J. P. Morgan & Co., Inc., Proposal to Engage in Execution and Clearance of Futures Contracts as a Futures Commission Merchant

J. P. Morgan & Co. Incorporated, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(8)) and § 225.4(a) and (b)(2) of the Board's Regulation Y (12 CFR 225.4(a), (b)(2)), for permission to acquire voting shares of a *de novo* subsidiary, Morgan Futures Corporation. Applicant states that Morgan Futures Corporation would engage, as a futures commission merchant for nonaffilatiated persons, in the execution and clearance of futures contracts on major commodity exchanges. Such contracts would cover bullion, foreign exhange, U.S. Government securities, negotiable U.S. money market instruments, and other money market instruments.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). The proposed activity has not been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies. Applicant believes, however, that the activity is closely related to banking and a proper incident thereto, and this opinion is based in part on Board Orders of September 14, 1977, approving the retention of voting shares of Republic Clearing Corporation, New York, New York, by Republic New York Corporation, New York, New York, and other parties (63 *Federal Reserve Bulletin* 951), and September 27, 1973, approving an acquisition of voting shares of Mocatta Metals, Inc., New York, New York, by Standard and Chartered Banking Group, Limited, London, England (38 FR 27552).

The Board is also considering, pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act, the addition of Applicant's proposed activity to the list of permissible bank holding company activities contained in § 225.4(a) of Regulation Y. Such a proposed rule would add the acitvity of engaging as a futures commission merchant for nonaffiliated persons in the execution and clearance of futures contracts covering bullion, foreign exchange, U.S. Government securities, negotiable U.S. money market instruments, and other money market instruments, on major commodity exhanges.

Interested persons may express their views on whether the proposed activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices," and whether the Board should add Applicant's proposed activity to the list of permissible bank holding company activities contained in Regulation Y. Any request of a hearing on these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 4, 1982.

Board of Governors of the Federal Reserve System, December 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-35364 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

UNB Corp.; Formation of Bank Holding Company

UNB Corporation, Fayetteville, Tennessee, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Union National Bank, Fayetteville, Tennessee. The factors that are considered in acting on

the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35365 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

West Shore Bank Corp., Formation of Bank Holding Company

West Shore Bank Corporation, Scottville, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of State Savings Bank of Scottville, Scottville, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35366 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13638-821]

Multidisciplinary Centers of Gerontology Program: Long Term Care Gerontology Centers; Announcement of Availability of Financial Assistance

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Financial Assistance for the Long Term Care Gerontology Centers Program.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted for the Multidisciplinary Centers of Gerontology Program authorized by Title IV, Part E of the Older Americans Act of 1965, as amended (42 U.S.C. sec. 3036) to support Stage I, Planning and Development of Long Term Care Gerontology Centers only. Eligibility for these awards is limited to institutions located in Department of Health and Human Services Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming).

DATE: Closing date for receipt of applications is February 26, 1982.

Scope of This Announcement

This program announcement describes the purpose and overall goals and objectives of the Long Term Care Gerontology Centers Program announced in this issue of the **Federal Register.** Information describing specific project activities and application requirements for Stage I Planning Grants which are covered by this announcement and other special requirements of the program are contained in *Guidelines for Preparation of Grant Applications—Long Term Care Gerontology Centers Title IV-E of the Older Americans Act—Fiscal Year 1982.*

Program Purpose

The purpose of the Long Term Care Gerontology Centers Program is to foster the planning and development of multidisciplinary gerontology centers oriented around the continuum of community-based health and social services for the elderly.

Program Goal and Objectives

The goal of the Administration on Aging's Long Term Care Gerontology Centers program is to foster the capability to develop the knowledge base and methods required for improving the health care and social services needed by functionally impaired older people. The objectives of these centers will be to promote an interdisciplinary approach to career and continuing education and training, the development of models of service delivery oriented around the health and social services needs of the functionally impaired elderly, and research. An essential condition for achieving these program objectives is the development of a viable organizational center structure. The program objectives will be achieved through a collaborative effort to join the interests of the Federal government and educational institutions to assist states and communities to improve the planning, management, and implementation of services for the functionally impaired elderly. Such an effort is expected to produce knowledge about the long term care needs of older people and develop a cadre of professionals from a multiplicity of disciplines who can meet these needs. Centers will have applied settings and carry out their mission through collaboration with health, social service, and aging agencies.

Long Term Care Gerontology Centers will combine the functions of a university based or affiliated medical school, other health and social services professinal schools, and, if appropriate, a public or private non-profit health or social service organization to achieve the goals and objectives of the program. Centers will accomplish the following programmatic objectives:

- Develop the health and social services personnel required to meet the needs of functionally impaired older persons through interdisciplinary career and continuing education and training; and provide to the aging network (i.e., State and Area Agencies on Aging, and service providing agencies supported under Older Americans Act programs), as well as other public and private agencies, curricula and other education and training materials designed to advance the skills of practitioners in the field.
- Develop and evaluate models of health care and social services provided through interdisciplinary teams on a continuum of care, in order to enable functionally impaired older persons to remain in the least restrictive settings consonant with their needs.
- Develop a knowledge for long term care through the conduct of interdisciplinary clinical, applied, and policy research.
- Provide technical assistance to State and Area Agencies on Aging,

health care and socal service agencies, academic institutions, and professional organizations; and

• Disseminate findings from the Center's research and model development activities as well as other information concerning long term care to State and Area Agencies on Aging, service providers and consumers, policy makers and program managers, educators and researchers.

It is expected that centers have established the appropriate governance and structure in order to develop the organizational capability required to achieve the programmatic objectives. Therefore, Long Term Care Gerontology Centers will have accomplished the following organizational objectives:

• Have institutional support and commitment to the center at the highest levels of the larger organization and hold a relatively high position in the institutional hierarchy.

• Have their own charter, goals and objectives, and responsibility for a range of administrative functions including budgetary control, faculty appointment, and space allocation.

• Have their own center director, core faculty, and facilities in order to carry out center programmatic, administrative, and data collection activities.

• Have the ability to generate their own funding, and maintain such funds for use within the center, especially for various discretionary programmatic activities.

• Utilize in a full participatory way their own advisory or steering committee and develop and use its own internal peer review system for the allocation of discretionary funds.

There are three (3) stages of center development:

• Stage I—Planning.
• Stage II—Operational.
• Stage III—Comprehensive.

1. Planning Stage of Center Development

At the planning stage, grantees specify their programmatic and organizational goals and objectives, organize their resources, establish university commitments, and create and or expand community linkages. The Administration on Aging provides centers one year of support for planning. Such centers have the potential, through the competitive process, to obtain multiyear awards for the operational stage.

2. Operational Stage of Center Development

At the operational stage, centers will be implementing activities relative to their organizational structure and in the program areas of education, development of service and practice models, and research. The Administration on Aging will give operational stage centers up to four years of core support.

3. Comprehensive Stage of Center Development

It is the Administration on Aging's intent eventually to designate a select number of Comprehensive Centers. Comprehensive designation will be a recognition that these select centers have achieved programmatic excellence and strong organizational development within the institution.

A center may apply for comprehensive designation at the end of any budget period in the operational stage at which time a full review will be held to determine the center's readiness for comprehensive status. A complete review will take place at the end of the fourth operational year to determine if a center can be designated as comprehensive.

Coordination With Appropriate Office on Aging

Activities conducted under Title IV–E Long Term Care Gerontology Center grants are expected to be coordinated with the appropriate DHHS Regional Office and with State and Area Agencies on Aging. This coordination will facilitate information exchange on policy and program developments in long term care, provide a basis for informed transfer and dissemination of findings from research and model demonstrations, and facilitate program and policy technical assistance to State and local governmental officials.

Coordination will facilitate educational placement opportunities for students, explore opportunities for collaborative training, research and demonstrations in social services, mental health, rehabilitation, and health services as related to the purposes and programs of the Centers. Centers will regularly provide information to the appropriate offices on aging and collaborate with the agencies regarding education and training, research, and service activities and seek advice and counsel with respect to these activities.

Eligible Applicants

Only public or non-profit organizations or institutions are eligible under the provisions of Title IV–E, Multidisciplinary Centers of Gerontology.

To be eligible for this Stage I, Planning Award competition, applicants must be located within the Department of Health and Human Services Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming). Eligible applicants are any university or public or private non-profit health or social service organization provided the applicant is affiliated with a medical school, or has a letter of agreement with a medical school.

Available Funds

It is anticipated that the Administration on Aging will make two awards beginning May 1, 1981 for Center planning projects for a period of twelve (12) months in the amount of $100,000 each.

Grantee Share of the Project

Cost sharing is considered to be an important means of demonstrating an applicant's commitment to the objectives of this program. Grantees are expected to provide at least five (5) percent of the total allowable project costs. The grantee share may be cash or in-kind, and must be project related and allowable under the Department's applicable regulations published in 45 CFR Part 74, subparts G and Q (see 43 FR 34076, August 2, 1978).

The Application Process

Availability of Forms and Technical Assistance

Application for a grant under the Long Term Care Gerontology Centers Program must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *Guidelines for Preparation of Grant Applications Long Term Care Gerontology Centers, Title IV–E of the Older Americans Act, Fiscal Year 1982.* Copies of the Guidelines, as well as technical information to assist in the preparation of applications, may be obtained by writing or calling: Division of Long Term Care, Administration on Aging, Room 4740, DHHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 426–8403.

Application Submission

One (1) signed original and four (4) copies of the grant application, including all attachments, must be prepared. The original and two (2) copies must be submitted to: Department of Health and Human Services, Office of Human Development Services, Grants and Contracts Management Division, Room 1740, HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

One (1) copy is to be submitted to the appropriate State Agency on Aging and one (1) copy is to be submitted to the Regional Program Director of the DHHS Region VIII Office of Aging. Addresses of State Agencies on Aging are included in the application instructions.

A–95 Notification Process

Applications for Long Term Care Gerontology Centers must, follow the provisions of OMB Circular A–95. Applicants for grants must, prior to the submission of an application, notify *both* the State and Areawide A–95 Clearinghouse of their interest to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977), or the DHHS Regional Office of Aging for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will undergo a competitive review and evaluation by qualified persons outside the Administration on Aging. Applications considered as approvable by the review committee will be reviewed by AoA staff for consistency with AoA policy and priorities and appropriateness of the funding which is requested. In making a decision on awards the Commissioner on Aging will consider results of the review, AoA staff recommendations, and comments by the appropriate State Agency on Aging. Successful applicants will be notified through the issuance of Notice of Financial Assistance Awarded. This notice sets forth the amount of funds awarded, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Consideration for Funding

In determining the order of funding of applications which have been recommended for approval, priority will be given to applications which propose to establish a center responsive to the special needs of underserved populations including minority and rural elderly.

Criteria for Review and Evaluation of Applications

Each application will be administratively reviewed to determine that it meets the objectives of the program; includes all required elements for a complete review; and meets all applicable Federal statutes and regulations.

Review Criteria for Stage I Planning Grants:

Criterion 1. The application proposes a project consistent with the programmatic and organizational objectives for a Long Term Care Gerontology Center as set forth in the guidelines. 25 points

Criterion 2. The project narrative adequately describes and documents the purpose and the need for the project the applicant proposes. 10 points

Criterion 3. The implementation plan is capable, if properly executed, of assuring the accomplishment of the proposed project's programmatic and organizational objectives. Specifically:

a. the proposal appropriately identifies the tasks to be accomplished related to:

(1) the programmatic objectives;

(2) the organizational objectives. 10 points

b. the proposal presents an appropriate and feasible method of approach to task accomplishment over the proposed project period relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 10 points

c. the proposal documents the extent to which the necessary commitments from within and outside the applicant institution have been secured to assure task accomplishment relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 10 points

d. the proposal provides time-lines for task accomplishment that are appropriate and reasonable relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

e. the proposal indicates staff loadings by tasks that are appropriate and reasonable relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

f. the proposal specifies how task accomplishment will be evaluated relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

Criterion 4. The proposed resources are appropriate and sufficient to assure the accomplishment of both of the project's programmatic and organizational goals. Specifically:

a. the proposed project staff are well qualified and sufficient to carry out the project tasks relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

b. sufficient time of senior staff is allocated to the project to assure adequate and appropriate management of the project tasks relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

c. other facilities and resources are appropriate and adequate to assure task accomplish related to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

Criterion 5. The proposed budget is appropriate, justifiable, and reasonable in relation to support needed for project activities. 5 points

Closing Dates For Receipt of Applications

The closing date for receipt of applications under this program announcement is February 26, 1982. All applications must be received by no later than 5:30 p.m. on the applicable closing date. Applications sent by mail will be considered to be received on time if:

- The application was sent by registered or certified mail and mailed no later than February 23, 1982 as evidenced by the U.S. Postal Service postmark on the wrapper or the original receipt from the U.S. Postal Service, unless the application arrives too late to be considered by the review panel;
- The application is received on or before close of business on February 26, 1982 in the DHHS mailroom in Washington, D.C.; or
- The application is hand-delivered to the address included under "application submission" in this announcement by close of business February 26, 1982.

Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays and Federal holidays. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services.

Applications received after the deadline because thery were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13.638, Multidisciplinary Centers of Gerontology Program)

Dated: November 30, 1981.

Lennie-Marie P. Tolliver,

Commissioner on Aging.

Approved: December 7, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 81-35402 Filed 12-9-81; 8:45 am]

BILLING CODE 4130-01-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Amend Part A (Office of the Secretary), Chapter AH (Office of the Assistant Secretary for Personnel Administration) (45 FR 72290, October 31, 1980) to move the functions of the Reviewing Authority (Civil Rights) from the immediate office of the Assistant Secretary to the Office of Personnel Systems Integrity. This change locates the function in an organization which already operates quasi-independently.

1. Amend Chapter AH, Section AH.10, "Organization", by deleting the final paragraph and adding a new final paragraph which reads as follows:

The Assistant Secretary also provides administrative support for the Departmental Grant Appeals Board which is organizationally assigned to his office.

2. Amend Chapter AH, Section AH.20, "Functions", by deleting paragraph F in its entirety and relettering paragraph G as paragraph F.

3. Delete Chapter AH-1, "Reviewing Authority (Civil Rights)", in its entirety.

4. Amend Subchapter AHP, Section AHP.20, "Functions", by adding a new subparagraph 8 to paragraph E to read as follows:

8. There is established a Civil Rights Reviewing Authority which shall consist of no more than three members to be appointed by the Secretary. The Authority shall be supported by a permanent Director and by such additional staff as may be necessary. The Authority provides administrative supervision of the Department's adjudication process under the nondiscrimination regulations which implement appropriate provisions of the Public Health Service Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975 and all other civil rights proceedings authorized by regulation. The Authority shall carry out the responsibilities described in 45 CFR 80.10(a)-(d), in connection with the administration of appropriate provisions of Title 45 of the Code of Federal Regulations, and shall designate Administrative Law Judges and set the time and place for hearings pursuant to 45 CFR 80.9(b).

The Authority shall review and issue a final decision on those cases in which exceptions to initial decisions of Administrative Law Judges are filed. Each final decision of the authority shall constitute the final agency action of the Department, except that the Secretary may, upon the petition of any party, and at his sole discretion, review a final decision or any parts thereof. In such cases, the Secretary's decisions shall constitute final agency action of the Department.

With the exception of final decisions, the functions and duties of the Authority herein delegated may be exercised by a single member of the Authority. Prior to the appointment of any member of the Authority, or in any other instance where no member thereof is available, the functions and duties herein delegated (except the rendering of final decisions) may be exercised by the Director.

Dated: December 2, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-35400 Filed 12-9-81; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

APS/SDG&E Interconnection Project; Availability of the Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Record of Decision.

The Bureau of Land Management (BLM) will issue a right-of-way on public lands to Arizona Public Service Company (APS) and San Diego Gas and Electric Company (SDG&E) for a 500kV transmission line and ancillary facilities pursuant to Title V of the Federal Land Policy and Management Act of 1976.

The transmission system will interconnect the electric power networks of APS, SDG&E and the Imperial Irrigation District from the Palo Verde Nuclear Generating Station switchyard, near Phoenix, Arizona, through the Yuma, Arizona area, through the Imperial Valley, California, to the Miguel Substation near San Diego, California.

The route chosen on public lands is essentially the same as the northern environmentally preferred route. It uses the northerly Sand Hills crossing in California with one minor deviation in Arizona. The deviation was made to conform with a route recommended by the Arizona Power Plant and Transmission Line Siting Committee and certified by the Arizona Corporation Commission. The route crosses the Dome Valley and the Laguna Mountains to the north of the environmentally preferred route.

At this time, no decision can be made on which route will be approved north of the Wellton-Mohawk area. The decision on routes to the north of the Mohawk Valley, and whether to cross the Muggins Mountains or use the more southerly environmentally preferred route is deferred pending the outcome of protests or appeals of BLM's decision releasing Wilderness Inventory Units AZ-530-53A and AZ-530-53B from further consideration. All of the routes were certified by the Arizona Corporation Commission, although both of the northern routes were preferred.

The decision document was mailed to all those who received copies of the final environmental document.

A limited number of copies are available upon request to the Arizona State Director (920), 2400 Valley Bank Center, Phoenix, Arizona 85073. Copies will be available for review at the following locations:

Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602) 261-[illegible]

Phoenix District Office, BLM, 2929 W. Clarendon Ave., Phoenix, Arizona 85017, (602) 241-2501

Yuma District Office, BLM, 2450 Fourth Ave., Yuma, Arizona 85364, (602) 726-6300

California State Office, BLM, Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4541

California Desert District Office, BLM, 1695 Spruce St., Riverside, California 92507, (714) 787-1462

El Centro Resource Area, BLM, 333 S. Waterman Ave., El Centro, California 92243, (714) 352-5842

Dated: December 2, 1981.

Clair M. Whitlock,

Arizona State Director, Bureau of Land Management.

[FR Doc. 81-35312 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Havasu Resource Management Plan; Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare a Resource Management Plan/EIS and Invitation for Public Participation.

SUMMARY: Preparation of the Havasu Resource Management Plan, (RMP), Yuma District, began October 1, 1981. The plan will serve as a guide for the orderly use and development of approximately 490 thousand acres of public lands along the Lower Colorado River in southwest Arizona and California. Various land use

alternatives, ranging from resource production to resource preservation, will be identified and analyzed in the Resource Management Plan.

The planning area is located in portions of Yuma and Mohave Counties in Arizona and San Bernardino County in California. The area generally extends from Davis Dam on the north, along the Colorado River in a strip ranging from approximately 5 to 35 miles in width, to the Colorado River Indian Reservation and Arizona State Highway 72 on the south. Major communities located within the planning area are: Bullhead City, Golden Shores, Lake Havasu City, and Parker in Arizona, and Needles, California.

Public meeting/workshops will be held on January 19, 20, and 21, 1982 from 7:00 to 10:00 p.m. The meeting places in Lake Havasu City, Parker and Bullhead City will be announced through appropriate media.

FOR FURTHER INFORMATION CONTACT:

Dennis Turowski, Planning Coordinator, Bureau of Land Management, Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364; Telephone FTS 764–6612, Commercial (602) 726–6300.

Jim May, Area Manager, Bureau of Land Management, Havasu Resource Area, 2049 Swanson Avenue, P.O. Box 685, Lake Havasu City, Arizona 86403; Telephone (602) 855–8017.

Andrea Nygren, Planner, Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone FTS 261–4128, Commercial (602) 261–4128.

SUPPLEMENTARY INFORMATION: The proposed action will be based on the multiple use recommendations developed in the land (Resource Management Plan (RMP)).

Among the significant issues expected to be addressed in the plan are: Designation of public lands for protection of special natural, cultural or recreational resources; wildlife habitat areas; vegetation allocations to domestic livestock, wildlife, and other demands; location of utility corridors and communication sites; making public land available for community expansion and development purposes; recreational resource development/management; and wilderness.

An interdisciplinary planning team will develop the Resource Management Plan. Disciplines represented will include: Recreation, land use planning, wildlife biology, economics, and sociology. Planning will take place in fiscal years 1982 and 1983; an environmental impact statement will be drafted in fiscal 1983 and published as a final EIS in fiscal 1984.

Public participation will be a key part of the planning effort and will be encouraged and utilized throughout plan development. The issue identification or scoping phase of the plan begins in November 1981. Federal, State and local governmental entities, Indian Tribal Councils, and other interested publics will be contacted and provided opportunity to participate via public meetings, workshops, and written comment. Additional public meetings will be held during the planning process. Opportunities for public involvement will be announced via the news media, and by direct mailings to interested individuals.

Formal record of all public participation and planning activities, decisions, and documents will be maintained in the Yuma District Office and will be made available for public review upon request.

Dated: December 1, 1981.

Tom Allen,

Acting State Director.

[FR Doc. 81-35319 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Canyon Management Framework Plan; Amendment

AGENCY: Bureau of Land Management (BLM), Shoshone, Idaho, Interior.

ACTION: Canyon MFP amendment.

SUMMARY: This Canyon Management Framework Plan (MFP) amendment shall apply only to the parcel known as the Jerome East Lands, further identified as: T. 8 S., R. 18 East, Boise Meridian, Idaho, Section 30, Lots 1,2, NE¼NW¼, casefile No. I–18296.

This notice is a modification in response to public comment and supersedes a notice published February 10, 1981.

DATE: The MFP amendment may be implemented January 11, 1982.

ADDRESS: Bureau of Land Management, Shoshone District Office, P.O. Box 2B Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT:

Jack Durham, Bennett Hills Area Manager, at the above address, or telephone (208) 886–2206.

Dated: December 4, 1981.

Charles J. Haszier,

District Manager.

[I–18296]

Amendment.—Step 3—Management Framework Plan

Area #26 and 26a—Canyon Unit

Allow disposal of lots 1 and 2 and the NE¼NW¼, Section 30, T, 8 S., R. 18 East, Boise Meridian, Idaho, only through exchange. If this exchange is not consummated, manage these lands according to the following MFP decisions. For the remaining public lands within Areas #26 and #26a, manage under the following MFP decisions:

1. Retain in public ownership and management will be primarily for wildlife habitat and open space.

2. Grazing of domestic livestock allowed to extent compatible to item No. 1 above, and not detrimental to wildlife habitat. Issue term permit.

3. Area open to mineral leasing and mining laws.

4. Allow the removal of common variety minerals within only the SE¼NW¼ of Section 30, to extent it is compatible with wildlife habitat and open space.

5. After removal of common variety minerals from the SE¼NW¼ Section 30, provide for rehabilitation measures. These measures to be oriented toward wildlife habitat.

Dated: December 4, 1981.

Recommended by:

Charles J. Haszier,

District Manager.

[FR Doc. 81-35377 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council; Meeting

The Council will meet January 15, 1982, at the Palomino Valley Wild Horse and Buro Placement Center, 17800 Pyramid Lake Highway (about 18 miles north of Sparks, Nevada), at 9:30 a.m.

The agenda will include election of chairperson and vice-chairperson, subcommittee reports, unfinished business, new business, general discussion, and public statements. The meeting will be open to the public. Any person may appear before the Council, or have a statement read, at 2:00 p.m.

For further information contact: Stephen A. Weiss, Public Affairs Officer, Carson City District, Bureau of Land Management, 1050 East William Street, Suite 335, Carson City, Nevada 89701, (702) 882–1631.

Dated: December 4, 1981.

Roy S. Jackson,

Acting District Manager.

[FR Doc. 81-35378 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado and Wyoming; Call for Expression of Leasing Interest in Federal Coal in the Green River-Hams Fork Coal Production Region

November 30, 1981.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This call for expression of coal leasing interest, Phase I, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Green River-Hams Fork Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until January 22, 1982.

ADDRESS: Responses to this call should be sent to each of the following addresses:.

State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001, and

District Conservation Management for Resource Evaluation, U.S. Geological Survey, P.O. Box 2373, Casper, WY 82602, and

State Director (930), Bureau of Land Management, 1037 20th Street, Denver, CO 80202

FOR FURTHER INFORMATION CONTACT:

J. Stan Mckee, Bureau of Land Management (930), P.O. Box 1828, Cheyenne, WY 82001, 307–778–2220, extension 2413, or

Donald Sweep, District Manager, BLM, Rock Springs District, P.O. Box 1869, Rock Springs, WY 82901, 307–383–5350

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, Phase I, is now in effect for the second round of coal leasing activity in the Green River-Hams Fork Region for possible lease sales beginning in March 1984. Additional calls for expressions will be made in phases extending through June 1982. The call for Phase II is anticipated in January-February 1982; Phase III in February-March 1982; Phase IV in April-May 1982; and Phase V in May-June 1982. All areas in all five phases are BLM planning areas. While the total situation and needs of the region should be considered, the responses submitted by January 22, 1982, should be for the Phase I portion only. Areas covered by the call are as follows:

Phase I (December 1981–January 1982), Big Sandy and Salt Wells Planning Areas, Rock Springs District, Wyoming.

Phase II (January–February 1982), White River Planning Area, Craig District, Colorado.

Phase III (February-March 1982), Pioneer Trails Planning Area, Rock Springs District, Wyoming.

Phase IV (April-May 1982), Overland and Divide Planning Areas, Rawlins District, Wyoming.

Phase V (May-June 1982), Williams Fork Planning Area, Craig District, Colorado.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling, and analysis processes that are an integral part of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1–4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications are required by 43 CFR 3420.1–4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producres and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. location: a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. Type of mine: a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. Proposed uses of coal: a. By mining companies.

b. By public and private industries.

6. Where coal is consumed (include extra-regional markets).

7. Transporation needs (i.e., railroads, pipelines, etc): a. Existing facilities.

b. Proposed facilities and development timing.

8. Available sources of coal: a. Presently operative.

b. Contingency of other sources.

9. Information relating to mineral ownership: a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc..

b. Commitments from fee coal owners or for associated non-Federal coal.

10. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2–5.

Data which are considered proprietary should not be submitted as

part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framework planting information for the Big Sandy and Salt Wells planning areas may be obtained by contacting the Rock Springs BLM District Manager at the above address. Packets containing all maps and information pertaining to the call are available on request from the Rock Springs District Manager or from J. Stan McKee at the above address.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-35376 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Meridian Land and Mineral Co.; Mineral Exchange Proposal

AGENCY: Bureau of Land Management, Miles City District, Montana, Interior.

ACTION: Notice of Mineral Exchange Proposal and Comment Period (M-53572).

SUMMARY: Notice is hereby given that on November 12, 1981, Meridian Land and Mineral Company, a subsidiary company of Burlington Northern (BN) filed a proposal to exchange checkerboard BN and Bureau of Land Management (BLM) coal property rights in the Circle West lignite deposit, McCone County, Montana. The proposal was filed pursuant to Section 206 of the Federal Land Policy & Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716) and the Exchange Regulations published in the **Federal Register** on January 6, 1981.

The mineral lands are located approximately 20 miles west of Circle, Montana in the following described areas.

T. 18, N., R. 44 E.
T. 19 N., R. 43, 44, 45 E.
T. 20 N., R. 44, 45 E.
T. 21, N., R., 45, 46 E.

The purpose of this notice is to inform the public of the filing of the proposal.

Comment period: Any interested persons desiring to express their views or furnish any information about this proposal should contact the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana, 59301. All comments should be submitted in writing by February 1, 1982.

For the State Director.

Ray Brubaker,

District Manager.

[FR Doc. 81-35374 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

[U-42874]

Utah: Proposed Modification of Withdrawal and Opportunity for Public Hearing

The Bureau of Land Management, United States Department of the Interior, proposes that the existing land withdrawal made by Public Land Order 972 on June 15, 1954, be continued for a period of twenty years, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976. The lands are described as follows:

Salt Lake Meridian, Utah

T. 3 S., R. 20 E.,
Sec. 1:
Sec. 12; N½NE¼.
Containing 720 acres in Uintah County.

The purpose of the withdrawal is to protect the water supply for the City of Vernal, Utah. The lands are currently segregated from entry under the public land laws generally including the mining and mineral leasing laws.

The proposed modification would, continue the withdrawal for 20 years, maintain the segregation from mining location, open the lands to operation of the public land laws generally, and open the lands to mineral leasing.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 16, 1982. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned, officer on or before March 16, 1982.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Date Signed: December 4, 1981.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35373 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Coal Lease Tract Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given that a public meeting will be held to receive comments by the public and coal developers about the proposed North Horn Mountain Lease Tract sale. Significant issues are the size and configuration of the tract and the time of the lease sale. The meeting will be held December 15, 1981, at 10:00 a.m. in the Salt Palace, Room 128, 100 South West Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Coal Project Manager, Utah State Office, BLM, 136 East South Temple, Salt Lake City, Utah 84111, Telephone 801(524-5326).

Dated: December 3, 1981.

Roland G. Robison, Jr.,

Utah State Director.

[FR Doc. 81-35375 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With Buttonwillow Improvement District; Intent To Initiate Negotiations for an Amended Small Reclamation Projects Act Loan Repayment Contract

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate an amended Small Reclamation Project Act loan repayment contract with the Buttonwillow Improvement District of the Semitropic Water Storage District, Wasco, California. The district comprises about 80,000 acres of agricultural land located in north-central Kern County in the San Joaquin Valley of California. The proposed amended contract is to defer payment of the district's 1982 principal and interest payments due the Bureau of Reclamation under its two Small Reclamation Projects Act loans. The deferral is being requested because of serious financial impacts on the district resulting from continuing abnormal failures of installed pipelines. These failures are requiring an extensive pipeline repair and replacement program. The proposed amended contract will provide for deferral of the 1982 installment payments and subsequent payment of the deferred installments.

The authority for the Secretary of the Interior to approve an amended contract to defer repayment installments is Pub. L. 86–308, amending Section 17(b) of the Reclamation Project Act of 1939, and Pub. L. 92–167, amending the Small Reclamation Projects Act of 1956.

All meetings scheduled by the Bureau of Reclamation with the Buttonwillow Improvement District for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of such meetings shall be provided only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meeting. The public is invited to submit written comments on the form of the proposed contract no later than 30 days after the completed draft is declared to be available to the public. In the event that there is little or no interest expressed in these negotiations, as evidenced by the response to this notice or local announcements, the availability of a negotiated amended contract will not be formally announced in the **Federal Register** or other media.

All written correspondence concerning the proposed amended contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended. For further information, please contact Mr. Ken Townsend, Repayment Specialist, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone number (916) 484–4880.

Dated: December 7, 1981.

Eugene Hinds,

Assistant Commissioner of Reclamation.

[FR Doc. 81–35387 Filed 12–9–81; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Intent To Prepare a Master Plan With Environmental Impact Statement for the Great Swamp National Wildlife Refuge, New Jersey; Scoping Meetings

AGENCY: U.S. Fish and Wildlife Service, Interior .

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to initiate a comprehensive planning process for purpose of developing a master plan for the Great Swamp National Wildlife Refuge. As part of the plan development an Environmental Impact Statement (EIS) will be prepared. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on issues to be considered in the plan development. Comments and participation in this scoping process are solicited.

The Great Swamp National Wildlife Refuge was established as a unit of the National Wildlife Refuge System in 1960. It consists of 6,779 acres located within Morris County and Harding, Passaic and Chatham Townships in New Jersey. The refuge lies within the 10,000 acre Great Swamp Basin, only 26 air miles from New York City's Times Square.

The refuge master plan is to be a comprehensive land use plan that will clearly set forth long-term objectives for resource management and public use of the refuge. An interdisciplinary planning team comprised of staff from the refuge; the Area Office in Harrisburg, Pennsylvania; and the Regional Office in Newton Corner, Massachusetts, has been established to carry out the planning process. The process will include a data inventory and resource mapping phase, an analysis of land suitability to support potential uses, and evaluation of alternative ways to allocate refuge lands to potential uses in a manner consistent with the overall objectives of the National Wildlife Refuge System and the purposes for which the refuge was established.

Public involvement will be an essential component of the planning process. As a public resource management agency, the Service will make every effort to insure that attitudes, interests and desires of local, regional and national groups are considered in the planning process. Public participation will include personal contact with individuals, users groups, agencies, etc., and workshop sessions and meetings.

Scoping sessions and workshops will be held to identify issues and problems that should be considered in the planning process. Scoping sessions with Federal, State and local agencies will take place as follows:

January 19, 1982, 1:00 p.m., at Conference Room B–12, U.S. Post Office and Courthouse, 402 E. State Street, Trenton, New Jersey

January 20, 1982, 7:30 p.m., at Great Swamp MWR Headquarters, Pleasant Plains Road, Basking Ridge, New Jersey

Following agency scoping, a series of public workshops will be held at the following times and locations:

February 9, 7:30 p.m., at the Environmental Center Auditorium, Lord Stirling Park, 190 Lord Stirling Drive, Basking Ridge, New Jersey

February 10, 7:30 p.m., at the Upper School Cafeteria, Harding Township School, Lee's Hill Road, New Vernon, New Jersey

If your agency or organization is interested in participating, please contact the individual at the end of this announcement.

The time and location of future meetings will be announced at least one month in advance.

In order to obtain public input as early as possible in the planning process, a general mailing to solicit public comments will be conducted during January and February 1982. Persons, representatives of organizations and agency representatives who have suggestions regarding problems and issues that should be considered in the planning process and/or wish to be on the mailing list are invited to contact the service. Written comments should be addressed to: Regional Director (Attention: Marvin Armstrong, Landscape Architect), U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158.

DATES: Comments should be received by February 15, 1982.

FOR FURTHER INFORMATION CONTACT:
Marvin Armstrong, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, telephone no. (617) 965–5100, extension 278, or FTS 829–9278.

The planning process and environmental review of the master plan will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 CFR Parts 1500–1508), other appropriate Federal regulations, and Service procedures for compliance with those regulations.

It is estimated that the Draft EIS will be available to the public in the spring of 1983.

William C. Ashe,

Deputy Regional Director, U.S. Fish and Wildlife Service.

December 4, 1981.

[FR Doc. 81-35313 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-55-M

Intent To Prepare a Master Plan With Environmental Impact Statement for the Great Dismal Swamp National Wildlife Refuge, Virginia, and North Carolina.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to initiate a comprehensive planning process for the purpose of developing a master plan for the Great Dismal Swamp National Wildlife Refuge. As part of the plan development, an Environmental Impact Statement (EIS) will be prepared. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1510.7) to obtain suggestions and information from other agencies and the public on issues to be considered in the plan development. Comments and participation in this scoping process are solicited.

Great Dismal Swamp National Wildlife Refuge was established by an act of Congress in 1973. It consists of 101,990 acres in the cities of Suffolk and Chesapeake, Virginia, and Gates, Camden, and Pasquotank Counties in North Carolina; an additional 8,000 acres have been recommended for Federal ownership. The refuge is a palustrine forested wetland enclosing 3100–acre Lake Drummond.

The refuge master plan is to be a comprehensive land use plan that will clearly set forth long-range objectives for resource management and public use of the refuge. An interdisciplinary planning team comprised of staff from the refuge, the Area Office in Annapolis, Maryland, and the Regional Office in Newton Corner, Massachusetts has been established to carry out the planning process. the process will include: (1) A data inventory and resource mapping phase, (2) an analysis of land suitability to support potential uses, and (3) an evaluation of alternative ways to allocate refuge lands to potential uses in a manner consistent with the overall objectives of the National Wildlife Refuge system and the purposes for which the refuge was established.

It is estimated that the planning process will extend from December 1981, to early 1983, at which time a Draft EIS will be made available to the public. Land use alternatives will be developed and a proposed action determined during the third phase of the process, in the fall of 1982. Although refuge constraints, opportunities, and issues will be identified early in the process, no formal alternatives will be generated until a data analysis has been performed.

Public involvement will be an essential component of the planning process. In its capacity as a public resource management agency, the Service will make every effort to ensure that attitudes, interests, and desires of local, regional and national groups are considered during planning. Public participation will include personal contact with individuals, user groups, agencies, etc., information bulletins, workshops and meetings. A set of workshops may be held during March 1982, depending upon the level of interest expressed in initial personal contacts; the purpose of these workshops will be to identify issues and problems that should be addressed in the planning process.

Prior to the workshops, scoping sessions will be held with government agencies and organizations. If any agency or organization is interested in participating, please contact one of the individuals listed at the end of this announcement.

The time and location of meetings will be announced at least one month in advance.

In order to obtain public input as early as possible in the planning process, a general mailing to solicit public comments will be conducted during February 1982. Persons, representatives of organizations and agency representatives who have suggestions regarding problems and issues that should be considered in the planning process and/or wish to be on the mailing list are invited to contact the Service by March 15, 1982. Written comments should be addressed to: Regional Director (Attention: Mary Parkin, Landscape Architect), U.S. fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158.

DATES: Comments should be received by March 15, 1982.

FOR FURTHER INFORMATION CONTACT:
Mary Parkin, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, telephone no. (617) 965–5100, extension 278, or FTS 829–9278

or

Mike Tansy, Great Dismal Swamp NWR, U.S. Fish and Wildlife Service, P.O. Box 349, Suffolk, Virginia 23434, telephone no. (804) 539–7479, or FTS 827–6253

William C. Ashe,

Deputy Regional Director, Fish and Wildlife Service.

December 4, 1981.

[FR Doc. 81-35381 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of Gulf of Mexico Summary Report No. 2

AGENCY: Geological Survey, Interior.

ACTION: Notice.

SUMMARY: A revised edition of an initial report in a series that provide affected States with current planning information on OCS oil and gas activities has been published in accordance with section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report supplements the initial report *Outer Continental Shelf Oil and Gas Activities in the Gulf of Mexico and their Onshore Impacts: A Summary Report, September 1980* (USGS open-file report no. 80–864). It is a synthesis of recent data regarding OCS-related activities (i.e., current oil and gas resource estimates, reserves, and production levels; magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the nature and location of onshore facilities).

Among other Summary Reports being planned or written is the Arctic Summary Report (OF 81–621), which will be published mid-December 1981.

EFFECTIVE DATE: November 30, 1981.

ADDRESSES: Copies of the reports may be obtained free upon request from the Office of OCS Information, U.S.

Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT:
Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092, (703) 860–7166.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81–35408 Filed 12–9–81; 8:45 am]

BILLING CODE 4310–31–M

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of Second Edition of Atlantic and Pacific Indexes

SUMMARY: Second editions of Indexes to the Atlantic and Pacific OCS leasing regions have been published by the U.S. Geological Survey, Department of the Interior. Second editions of the Alaska and Gulf of Mexico Indexes are scheduled for release to the public in March and June 1982, respectively.

The Atlantic and Pacific Indexes follow the format of the first editions and are continuums of relevant lease sale data that have accumulated since their respective publication dates, November 1980 and October 1980. Indexes will continue to be updated and published annually.

The standard format presents detailed information on OCS mineral leasing activities and on the 5-year OCS oil and gas leasing schedule process. Ongoing support programs of the Bureau of Land Management and the U.S. Geological Survey are described along with information on State involvement in the leasing process. Appendixes include a directory of State and Federal OCS-related contacts, Federal depository libraries, and other general OCS-related information.

EFFECTIVE DATE: December 12, 1981.

ADDRESSES: Copies of the reports may be obtained free upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT:
Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092, (703) 860–7166.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81–35407 Filed 12–9–81; 8:45 am]

BILLING CODE 4310–31–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision–Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, a can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–314

Decided: December 1, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 2110 (Sub-13), filed November 17, 1981. Applicant: BOWLUS TRUCKING CO., INC., 200 County Road 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge Street, P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in Sandusky County, OH, on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-342), filed November 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, (same address as applicant), (918) 445–4434. Transporting (1) *plumbing fixtures and fittings,* between points in Spartanburg County, SC, Brown County, TX, and Sheboygan County, WI, on the one hand, and, on the other, points in the U.S., and (2) *electric generators and internal combustion engines,* between points in Sheboygan County, WI, on the one hand, and, on the other, points in the U.S.

MC 63801 (Sub-11), filed November 24, 1981. Applicant: HILLSBORO TRANSPORTATION CO., a Corporation, U.S. Route 50, West, Hillsboro, OH 45133. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Over regular routes transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving points in IN as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to tack to its existing authority.

MC 82861 (Sub-23), filed November 20, 1981. Applicant: BROOKS TRUCK LINE, INC., 609 14th St., SE (P.O. Box 40), Puyallup, WA 98371. Representative: Kenneth R. Mitchell, 2329A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Norris Paint & Varnish Co., Inc., of Salem, OR.

MC 91550 (Sub-4), filed November 16, 1981. Applicant: CAPPELLO TRUCKING, INC., 56 Atwood Road, Southborough, MA 01772. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *machinery, construction equipment and building materials*, between points in MA, NH and RI, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI and VT.

MC 96750 (Sub-8), filed November 18, 1981. Applicant: TRUCKING UNLIMITED, 9215 Sorensen Avenue, Santa Fe Springs, CA 90670. Representative: Robert Fuller, 13215 E. Penn Street, Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting *wallboard*, between points in the U.S., under continuing contract(s) with Specialty Materials Company, Inc., of Santa Ana, CA.

MC 108461 (Sub-139), filed November 18, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 West Buckeye Road, Phoenix, AZ 85009 Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *such commodities* as are dealt in or used by grocery and food business houses, hardware, discount, drug, variety, and department stores, between points in AZ, CA, CO, ID, NV, NM, OR, UT, WA and WY.

MC 124411 (Sub-25), filed November 24, 1981. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully IA 50251. Representative: James M. Hodge, 1000 United Central Bank Building, Des Moines, IA 50309, (515) 243–6164. Transporting *asphalt products*, between points in Polk County, IA, on the one hand, and, on the other, points in IL, MN, and WI.

MC 125551 (Sub-28), filed November 9, 1981. Applicant: K. & W. TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56302. Representative: E. Lewis Coffey (same address as applicant), (612) 255–7474. Transporting *oilfield commodities* (1) between Moses Lake, WA, on the one hand, and, on the other, points in AK, (2) between points of entry on the international boundary line between the U.S. and Canada in ID, MT, and WA, on the one hand, and, on the other, Moses Lake, WA, and (3) between points of entry on the international boundary line between the U.S. and Canada in AK, on the one hand, and, on the other, points in AK.

MC 136511 (Sub-110), filed November 20, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517, (804) 369–5661. Transporting *furniture and furniture parts*, between those points in TN east of Interstate Hwy 75, on the one hand, and, on the other, points in the U.S.

MC 136511 (Sub-112), filed November 24, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517, (804) 369–5661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 141940 (Sub-5), filed November 17, 1981. Applicant: R. B. BATOR TRUCKING, INC., Lime Street, Adams, MA 01220. Representative: Gerald A. Denmark, 120 South Street, Pittsfield, MA 01201, (413) 499–4501. Transporting *cable, wire, and cord sets*, between Jewett City, CT and Bennington, VT.

MC 144081 (Sub-4), filed November 18, 1981. Applicant: D. W. STACY CO., INC., P.O. Box 1215, Gaffney, SC 29340. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204, (704) 372–6730. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S., under continuing contract(s) with Stouffer Foods Corporation, of Solon, OH.

MC 145610 (Sub-10), filed November 24, 1981. Applicant: TRUCK AIR, INC., Box 713, Birmingham, AL 35201. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309, (404) 892–8020. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), (1) between points in LA and MS, (2) between points in LA and MS, on the one hand, and, on the other points in AL, GA, NC and SC, and (3) between points in TN, on the one hand, and, on the other points in AL, GA, LA, MS, NC and SC.

MC 149151 (Sub-5) filed November 24, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Wisconsin Chromium Corporation, of Kaukauna, WI.

MC 149541 (Sub-4), filed November 19, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Road, Camp Hill, PA 17011. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Suite 502, Solar Building, Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contact(s) with Fisher Corp., of Milroy, PA.

MC 152161 (Sub-4), filed November 24, 1981. Applicant: PONSELL SUPPLY CO., INC., 1702 Swan Street, P.O. Box 2135, Jacksonville, FL 32204. Representative: Norman J. Bolinger, Suite 225, 3100 University Boulevard, South, Jacksonville, FL 32216, (904) 724–7539. Transporting *building materials*, between points in Duval County, FL, on the one hand, and, on the other points in AL, FL, GA, LA, MS, NC, SC, TN, TX, and VA.

MC 153480 (Sub-2), filed November 17, 1981. Applicant: RICHARD P. WARD, d.b.a. WARD DISTRIBUTING CO., P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101, (303) 589–4677. Transporting *malt beverages*, between Longview, TX, on the one hand, and, on the other points in CO.

MC 156100 (Sub-1), filed November 24, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a., GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Archie W. Andrews, 617 F Lynrock Terrance, Eden, NC 27288, (919) 627–0555. Transporting *hoisery*, between points in Granville County, NC, and Suffolk County, NY, on the one hand, and, on the other, points in the U.S.

MC 156390 (Sub-1), filed November 18, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman Street, Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Road, Fair Lawn, NJ 07410, (201) 791–2270. Transporting (1) *food and related products*, between Markham, WA, and points in GA, and those in Burlington County, NJ, Kenosha County, WI, and Plymouth County, MA, on the one hand, and, on the other, points in the U.S., (2) *chemicals and related products and*

rubber and plastic products, between Los Angles, CA, and Chicago, IL, and points in NJ, PA, and TX, on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in by retail department stores, between points in Hudson and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 157820, filed November 24, 1981. Applicant: SCHULTZ TRUCKING, INC., Route 1, Box 306, Antigo, WI 54409. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with A. F. Schulz Creamery, Inc., and Schulz Dairy Products, Inc., both of Antigo, WI.

MC 158290 (Sub-1), filed November 10, 1981. Applicant: JAMES CARTER WILSON, d.b.a., JCW TRUCKING CO., INC., Route 1, Box 280, P.O. Box 296, Fortson, GA 31808. Representative: William Burton Steis, North Court Square, Hamilton, GA 31811, (404) 628–4977. Transporting *food and related products, farm products, tobacco products, and textile mill products,* between points in the U.S.

MC 158381 (Sub-2), filed November 24, 1981. Applicant: YELLOW LAKE, INC., P.O. Box 1364, Auburndale, FL 33823. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701–1378, (305) 869–5936. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Wakefern Foods Corporation, of Elizabeth, NJ, Campbell Soup Company, of Camden, NJ, and John Sexton & Company, of Orlando, FL.

MC 159250 (Sub-1), filed November 20, 1981. Applicant: MULTIPLE MAGAZINE DISTRIBUTORS, INC., 141 West Ruby Avenue, Palisades Park, NJ 07650. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048–0640, (212) 466–0220. Transporting *such commodities* as are dealt in or used by manufacturers, publishers or distributors of printed matter, and books, between New York, NY, on the one hand, and, on the other, points in NJ, DE, CT, NY and PA.

MC 159331, filed November 17, 1981. Applicant: J.T.I. TRANSPORTATION CO., P.O. Box 47, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products,* between points in Dawson, Kearney and York Counties, NE, on the one hand, and, on the other, points in the U.S.

CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 159350, filed November 18, 1981. Applicant: LANMAN CORPORATION, 1096 Riverbend Club Drive, N.W., Atlanta, GA 30339. Representative: Steven A. Lauer, Suite 800, 1019 19th Street, N.W., Washington, DC 20036, (202) 785–3420. Transporting (1) *meat and meat products, (2) lighting fixtures and parts for lighting fixtures, and (3) pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Action Commodities Corporation of Stone Mountain, GA in (1) above; Lithonia Lighting of Conyers, GA in (2) above; and DeFoe and DaFoe, Ltd., of Norcross, GA in (3) above.

MC 159391, filed November 20, 1981. Applicant: MARVIN L. VAN HORN, Rt. #2, Pearl City, IL 61602. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *gasoline, diesel fuel, fertilizers, and anhydrous ammonia,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pearl City Elevator, Inc., of Pearl City, IL.

Volume No. OPY–2–234

Decided: December 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 80443 (Sub-50), filed November 9, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *general commodities* (except classes A and B explosives), (1) between points in MN, IA and WI, and (2) between points in MN, IA and WI, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 97932 (Sub-8), filed November 5, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, P.O. Box 1867, Roseville, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. Transporting *general commodities* (except classes A and B explosives (1) between Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in Mower, Freeborn and Isanti Counties, MN, and (2) between points in Isanti County, MN, on the one hand, and, on the other, points in Polk County, WI.

Note.—Applicant intends to tack with existing authority in MC–97932.

MC 134472 (Sub-14), filed November 9, 1981. Applicant: RICHARD KUSTERMANN, d.b.a. KUSTERMANN TRUCK SERVICE, R. R. #3, Box 93, Highland, IL 62249. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701, (217) 544–5468. Transporting *food and related products and paper and plastic supplies* used by restaurants and dairy stores, between points in the U.S., under continuing contract(s) with P.F.D. Supply Corporation of Granite City, IL, and Prairie Farms Dairy, Inc., of Granite City, IL.

MC 143522 (Sub-7), filed November 9, 1981. Applicant: CONSOLIDATED CARRIERS, INC., P.O. Box D, Irwin, PA 15642. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, 303–892–6700. Transporting *clay, concrete, glass or stone products,* between points in Cumberland County, NJ, Westmoreland and Allegheny Counties, PA, Jay County, IN, Fairfield County, OH and Lewis County, WV, on the one hand, and, on the other, points in CA.

MC 144083 (Sub-19) filed November 9, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, 601–355–3543. Transporting *food and related products,* between points in Grand Traverse County, MI and Scott County, MS, on the one hand, and, on the other, points in the U.S.

MC 144693 (Sub-13), filed November 9, 1981. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *such commodities* as are dealt in by luggage and office products manufacturers, between points in the U.S., under continuing contract(s) with Hazel Incorporated, of Washington, MO.

MC 147433 (Sub-7), filed November 9, 1981. Applicant: LONG LEASING CORP, P.O. Box 587, East Jordan, MI 49727. Representative: William B. Elmer, 615 E. Eigth St., Traverse City, MI 49684, 616–941–5313. Transporting *food and related products,* between points in Grand Traverse County, MI, and Scott County, MS, on the one hand, and, on the other, points in the U.S.

MC 154183 (Sub-1), filed November 9, 1981. Applicant: D & H DELIVERY SERVICE, INC., P.O. Box 168, Caldwell, NJ 07006. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, 201–791–2270. Transporting *photographic equipment* and *supplies and chemicals and related products*, between points in Essex County, NJ, Los Angeles, CA, and Atlanta, GA, on the one hand, and, on the other, points in U.S.

MC 158073, filed November 9, 1981. Applicant: MEMOREX DISTRIBUTION AND SERVICES CORPORATION, San Tomas at Central Expressway, Santa Clara, CA 95052. Representative: John Paul Fischer, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104, (408) 987–1038. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Memorex DIC, of Santa Clara, CA.

Volume No. OPY–3–222

Decided: December 3, 1981.

By the Commission, Review Board, No. 2, Members Carleton, Fisher, and Williams.

MC 85885 (Sub-4), filed November 20, 1981. Applicant: CARTER TRUCK LINES, INC., 2462 South West St., Indianapolis, IN 46225. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *such commodities* as are dealt in or used by plumbing supply houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Delta Faucet Company, Division of Masco Corporation of Indiana, of Greensburg, IN.

MC 106485 (Sub-25), filed November 20, 1981. Applicant: LEWIS TRUCK LINES, INC., Box 393, Lisbon, ND 58054. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and commodities which because of their size or weight require the use of special equipment), between points in ND, SD, MN, NE and IA.

MC 115554 (Sub-44), filed November 25, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *chemicals and related products* and *plastic products* (except commodities in bulk), between points in the U.S. (except AK and HI).

MC 119974 (Sub-237), filed November 24, 1981. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305, (414) 497–7400. Transporting *corn products*, between Chicago, IL, and points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, KY, LA, ME, MD, MA, MS, MT, NV, NH, NM, NY, NC, OK, OR, PA, RI, SC, TN, TX UT, VT, VA, WA, WV, and WY.

MC 120364 (Sub-40), filed November 20, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contracts with (1) Hot Formed Products, a Division of MacLean Fog Corporation, of Savanna, IL, (2) Monterey Mills, Inc., of Janesville, WI, and (3) Rockford Can Co., of Rockford, IL.

MC 123065 (Sub-14), filed November 24, 1981. Applicant: STX INC., A DELAWARE CORP., d.b.a. SPOTSWOOD TRAIL EXPRESS, Redbone Road, Chester Springs, PA 19425. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Boston, MA, North Bergen, NJ, and Philadelphia, PA, on the one hand, and, on the other, points in Guilford County, NC.

MC 125535 (Sub-34), filed November 24, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Metal Processors, Inc., of Chesterfield, MO.

MC 135185 (Sub-69), filed November 24, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., Suite 665, Denver CO 80203, (303) 839–5856. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of traffic control products and paving marking compounds, and (2) *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pave-Mark Corporation, of Smyrna, GA.

MC 135205 (Sub-4), filed November 20, 1981. Applicant: P. RODNEY HOFFMAN, INC., 247 Hopewell St., Birdsboro, PA 19508. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting (1) *metal, metal products and coke*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hoffman Storage and Warehouse Company, of Birdsboro, Berks County, PA, and (2) *metal products and machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Birdsboro Corporation, of Birdsboro, Berks County, PA.

MC 136155 (Sub-11), filed November 20, 1981. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Savannah, GA 31408. Representative: Herbert Alan Dubin, 818 Connecticut Avenue, NW, Washington, DC 20006, (202) 331–3700. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in AL, FL, GA, LA, NC, SC, and VA, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 147494 (Sub-6), filed November 24, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *lumber and wood products*, between points in Hinds County, MS, on the one hand, and, on the other, points in AZ, CA, CO, KS, MO, OK, OR, TX, UT, and WA.

MC 148075 (Sub-7), filed November 20, 1981. Applicant: CECIL E. KING, JR., d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting *electric appliances and audio equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric, Houseware and Audio Business Division, of Bridgeport, CT.

MC 150724 (Sub-5), filed November 24, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43125, (614) 228–8575. Transporting *metal products*, between points in Mahoning County, OH, on the one hand, and, on the other, points in NM, TX, OR, CA, WA, LA, OK, and MN.

MC 151404 (Sub-1), filed November 24, 1981. Applicant: NORTHLAND

PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with W. R. Grace & Co., of Cambridge, MA, and Dry Slide, Inc., of Fremont, MI.

MC 151714, filed June 8, 1981, previously published in the **Federal Register** issue of June 29, 1981. Applicant: CENTRAL ARKANSAS CARTAGE, INC., 2104 John Harden, Jacksonville, AR 72076. Representative: Ron Harvey (same address as applicant), (501) 982–4776. Over regular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods) between Little Rock, AR, and Kansas City, MO, from Little Rock over U.S. Hwy 65 to Springfield, MO, then over MO Hwy 13 to Clinton, MO, then over MO Hwy 7 to Harrisonville, MO, then over U.S. Hwy 71 to Kansas City, and return over the same route. Condition: Issuance of a certificate is conditioned upon a request by applicant in writing for cancellation of its certificate No. MC–151714, issued August 25, 1981.

Note.—This republication reflects applicant's desire to operate over the above-described routes which would allow service at all intermediate points.

MC 152364, filed November 24, 1981. Applicant: TOM, DICK AND HARRY DELIVERY CO., INC., 7313 Edwards St., Houston, TX 77007. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, (703) 691–0900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those of unusual value, cement, household goods, and those requiring special equipment), between Houston, TX, on the one hand, and, on the other, points in Milam, Robertson, Leon, Houston, Angelina, San Augustine, Lee, Liberty, Burleson, Brazos, Grimes, Madison, Trinity, Polk, Tyler, Jasper, Newton, Washington, Waller, Harris, Walker, San Jacinto, Montgomery, Fayette, Austin, Colorado, Chambers, Jefferson, Orange, Hardin, Victoria, Jackson, Wharton, Brazoria, Fort Bend, Galveston, Matagorda, Calhoun, Refugio, and Aransas Counties, TX.

MC 153294 (Sub-1), filed November 24, 1981. Applicant: A YANKEE LINE, INC., P.O. Box 281, Allston, MA 02134. Representative: Michael Eby, Ten Post Office Square, Boston, MA 02109, (617) 482–1900. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between Boston, MA, and its commercial zone, on the one hand, and, on the other, points in the U.S. (except HI).

MC 154344, filed November 24, 1981. Applicant: EMIL E. ZIEGLER, dba. ZIEGLER TRUCKING CO., RFD 3, Tripp, SD 57376. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101, (605) 335–1777. Transporting (1) *chemicals and related products*, and (2) *building materials*, between points in Hutchinson, Charles Mix, Bon Homme, Yankton, Douglas, and Hanson Counties, SD, on the one hand, and, on the other, points in IA, ID, IL, MN, MO, MT, NE, OR, WA, and WI.

MC 155314 (Sub-2), filed November 24, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lykes Bros. Meat Company, of Plant City, FL.

MC 156294 (Sub-1), filed November 24, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar St., Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting (1) *tape and surgical supplies*, and (2) *metal products*, between points in Simpson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159024, filed November 24, 1981. Applicant: EUGENE WOOD, Route 4, Box 285J, Blanchard, OK 73010. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 521–3884.Transporting *iron and steel products*, between points in the U.S. (except AK and HI), under continuing contract(s) with AAA Steel, Inc., of Oklahoma City, OK.

MC 159385, filed November 20, 1981. Applicant: McCORMICK'S TRAVEL 10691 Folsom Blvd., Rancho Cordova, CA 95670. Representative: Gene and Dorothy McCormick (same address as applicant), (916) 361–2037. As a *broker* at Sacramento County, CA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in CA and extending to points in the U.S.

MC 159394, filed November 20, 1981. Applicant: NEW ORLEANS-ATLANTA EXPRESS, INC., 1040 Murfreesboro Rd., Nashville, TN 37217. Representative: Roland M. Lowell, 501 Union Bldg., 5th Fl., Nashville, TN 37219, (615) 255–0540. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New Orleans, LA, and Atlanta, GA.

MC 159395, filed November 20, 1981. Applicant: GILMAR CRANE SERVICE ALBERTA, LTD., 3208–3rd Ave., S., P.O. Box 871, Lethbridge, Alberta, Canada T1J3Z8. Representative: Bruce W. Shand, Suite 280,. 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with CP Rail, Intermodal Service, Ltd., of Lethbridge, Alberta, Canada.

MC 159404, filed November 24, 1981. Applicant: CLETUS CARY, d.b.a. OMNI BUS SERVICE, 3419 Craig, Wichita, KS 67216. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213, (316) 943–2325. Transporting *passengers and their baggage*, in special and charter operations, between points in Sedgwick County, KS, on the one hand, and, on the other, points in AR, NM, OK, MO, CO, and TX.

MC 159414, filed November 24, 1981. Applicant: PHILLIP HOMER GOULET, d.b.a. PHIL GOULET FARMS, 10612 Wheatland Road, N.E., Gervais, OR 97026. Representative: Phillip H. Goulet (same address as applicant), (503) 399–0534. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West/MTLS, Inc., of Lake Oswego, OR.

MC 159415, filed November 24, 1981. Applicant: DON'S TRANSPORT CARTAGE (WINDSOR) LTD., 11110 Tecumseh Rd. East, Windsor, Ontario, Canada N8R1A2. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962–6492. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Hiram Walker & Sons, Inc., of Detroit, MI.

MC 159424, filed November 24, 1981 Applicant: HAND TRUCKING, INC., 140 Wilbur Place, Bohemia, NY 11716. Representative: Joseph Hand (same address as applicant), (516) 567–4559. Transporting *computers and computer parts*, between points in the U.S. (except AK and HI), under continuing contract(s) with Contemporary

Computer Service, Inc., and T J Computer Services, Inc., both of Bohemia, NY, and DPF, Inc., of Hartsdale, NY.

MC 159425, filed November 24, 1981. Applicant: NATALIE S. BAGGETT and JANE ANN BLACKERBY, d.b.a. NEW BERN GUIDED TOURS, P.O. Box 5223, New Bern, NC 28560. Representative: B. Hunt Baxter, Jr., P.O. Drawer U, 318 Craven St., New Bern, NC 28560, (919) 638–5792. As a *broker*, at New Bern, NC, in arranging for the transportation of *passengers*, beginning and ending at points in Craver County, NC, and extending to points in the U.S. (except AK and HI).

MC 159435, filed November 24, 1981. Applicant: SUPER TRANSPORT, INC., 5861 Pembroke Rd., Hollywood, FL 33023. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in FL.

MC 159444, filed November 24, 1981. Applicant: WILLIAM Z. DAVIS, d.b.a. WILLIAM Z. DAVIS TRUCKING, Route 2, Box 17–C, Yamhill, OR 97148. Representative: William Z. Davis (same address as applicant), (503) 662–3949. Transporting *such commodities* as are dealt in or distributed by producers of building materials, between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West/MTLS, Inc., of Lake Oswego, OR.

Volume No. OPY–4–466

Decided: December 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 37896 (Sub-53), filed November 24, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 76266 (Sub-152), filed November 24, 1981. Applicant: ADMIRAL–MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *plastic articles*, between points in Blue Earth County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124236 (Sub-112), filed November 24, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. Transporting *commodities* in bulk, between points in the U.S. (except AK and HI).

MC 134286 (Sub-174), filed November 24, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80220, (303) 839–5856. Transporting *general commodities* (except household goods classes A and B explosives and hazardous waste), between points in AZ, CA, CT, CO, DE, GA, IA, ID, IL, IN, KS, KY, MA, MD, MI, MO, NC, NE, NJ, NM, NY, OH, OR, PA, SC, TX, UT, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145516 (Sub-30), filed November 24, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E. Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant), (704) 536–1122. Transporting *food and related products*, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 146616 (Sub-20), filed November 24, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 W. 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 E. Forth St., Tulsa, OK 74103, (918) 583–9000. Transporting (1) *metal products*, (2) *Lumber and wood products*, (3) *building materials*, (4) *machinery*, and (5) *chemicals and related products*, between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146676 (Sub-7), filed November 24, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 235, Green Springs, OH 44836. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *such commodities* as are dealt in by manufacturers of stereo equipment and stereo speaker systems and electronic equipment, between points in the U.S.

MC 151256 (Sub-3), filed November 24, 1981. Applicant: ODYSSEY TRANSPORTATION, INC., 3826 Depot Rd., Hayward, CA 94544. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cargill Incorporated, Chemical Products Division, of Lynwood, CA.

MC 154416 (Sub-4), filed November 24, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261–9725. Transporting *printed matter*, between points in NY, NJ, CT, FL, PA, IL, WI, OR, WA, ID, CA, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159446, filed November 25, 1981. Applicant: CALCUT SALES & SERVICE, INC., 16061 Lauren, Taylor, MI 48180. Representative: John S. Barbour, 2711 E. Jefferson, Detroit, MI 48207, (313) 259–6555. Transporting *machinery*, between points in MI, OH and TX, on the one hand, and, on the other, points in FL, GA, IA, IL, IN, KY, MI, NH, NJ, NY, OH, PA, SC, TX, VA, WI, and WV.

Volume No. OPY–4–467

Decided: December 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 12957 (Sub-1), filed November 24, 1981. Applicant: AL'S TOURS, INC., 1034 South Brentwood Blvd., St. Louis, MO 63117. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. To engage in operations, as a *broker*, at St. Louis, MO, and Kansas City, KS in arranging for the transportation of passengers and their baggage, between points in the U.S.

MC 38317 (Sub-3), filed November 20, 1981. Applicant: CONLON MOVING AND STORAGE, INC., 255 York Ave., Pawtucket, RI 02861. Representative: David R. Harrison (same address as applicant), (401) 723–4500. Transporting *households goods*, between points in AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 119837 (Sub-26), filed November 24, 1981. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with National Lamination Company, of Des Plaines, IL.

MC 146857 (Sub-5), filed November 19, 1981. Applicant: W. K. THOMAS, INC., 60 Robbins Rd., Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128, (413) 783–0442. Transporting *sporting goods*,

between points in the U.S. (except AK and HI), under continuing contract(s) with Spalding, Division of Questor, of Chicopee, MA.

MC 159357, filed November 19, 1981. Applicant: COLLINSVILLE DELIVERY SERVICE, INC., 828 Henry St., Collinsville, IL 62234. Representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *tobacco products*, between Madison County, IL, on the one hand, and, on the other, points in MO.

MC 159397, filed November 20, 1981. Applicant: EAST COAST TRANSPORTATION, INC., Suite 117, Bellevue Ave., Newport, RI 02840. Representative: Christine M. Sousa (same address as applicant), (401) 847–0470. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Noramco Systems, Inc., of Plymouth, MA.

Volume NO. OPY–5–214

Decided: December 1, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 105369 (Sub-16), filed October 29, 1981. Originally published in the **Federal Register** November 19, 1981. Applicant: MIDLANTIC COAST DELIVERY SYSTEMS, INC., 47–10 Grand Ave., Maspeth, NY 11378. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, 212–755–9400. Transporting *such commodities* as are dealt in by door to door sales, catalogue sale and mail-order houses (except commodities in bulk, household goods as defined by the Commission and classes A and B explosives), (1) between points in Middlesex County, NJ, on the one hand, and, on the other, points in New York, NY; Philadelphia, PA; Baltimore, MD and Washington, D.C. and (2) between points named in (1) above, on the one hand, and, on the other, points in DE, MD, VA, WV, and DC.

MC 136278 (Sub-3), filed November 17, 1981. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Blvd., Detroit, MI 48217. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting (1) *metallic ores, coal and coke, non-metallic minerals* and *primary metal products*, between points in AL, DE, GA, IL, IN, IA, KY, MD, MI, MN, MO, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, and DC, and (2) *general commodities*, between points in Lucas County, OH, on the one hand, and, on the other, points in (1) above.

MC 145129 (Sub-13), filed November 17, 1981. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756–3620. Transporting (1) *metal products* and (2) *plastic products* between points in Marshall County, AL, Macon County, IL, Laurens County, SC, and Hamilton County, TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145129 (Sub-14), filed November 17, 1981. Applicant: Whitaker transportation company, inc., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (613) 756–3620. Transporting (1) *food and related products* and (2) *scrap paper*, (a) between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (b) between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in AL, GA, KY, MS, NC, SC, TN, and VA.

MC 150798 (Sub-5), filed November 17, 1981. Applicant: CKR TRANSPORT, LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615–790–2510. Transporting (1) *pulp, paper and related products*, between Philadelphia, PA; Cleveland, OH; New York, NY; points in Beauregard Parish, LA; and Montgomery County, IN; and points in WI and IL, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the eastern boundary of Itasca County, MN, thence northward along the eastern boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, and (2) *printed matter*, between Milwaukee, WI on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153448 (Sub-3), filed November 6, 1981. Applicant: CONTRUX, INC., 9001 West 79th Place, Justice, IL 60458. Representative: Jack I. Anderson (same address as applicant), 800–323–8485. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL.

MC 153138 (Sub-1), filed November 17, 1981. Applicant: LARRY DON EASLEY d.b.a. EASLEY TRUCKING, P.O. Box 103, Ben Wheeler, TX 75754. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *food and related products*, between points in WA, ID, CA, UT, and OR, on the one hand, and, on the other, points in KS, OK, TX, AR, and LA.

MC 155238 (Sub-3), filed November 12, 1981. Applicant: EVAN F. SITTON d.b.a. E. SITTON TRUCKING, 2211 Whistlers Park Road, Roseburg, OR 97470. Representative: Evan F. Sitton (same address as applicant), (503) 672–2767. Transporting (1) *steel pipe*, between points in the U.S., (2) *metal products*, between (a) points in Box Elder County, UT, on the one hand, and, on the other points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY, and (b) between points in Contra Costa County, CA, on the one hand, and, on the other, Tacoma, WA, and (3) *pre-fab homes* and *related building materials*, between Tacoma, WA, on the one hand, and, on the other, Portland, OR and Los Angeles, CA.

MC 156069 (Sub-2), filed November 18, 1981. Applicant: TRANSITALL SERVICE, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 606)¢. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60606, 312–782–8880. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Meijer, Inc. of Grand Rapids, MI.

MC 157369, filed November 18, 1981. Applicant: ROLL OUT PRODUCTIONS, INC., 204 West Mariposa, San Clemente, CA 92672. Representative: Jerry Rappaport, 16530 Ventura Blvd., Suite 208, Encino, CA 91436, 213–783–8882. Transporting *theatrical equipment, materials and supplies used in the operation and maintenance of itinerant theatrical, stage*, and *television show productions or exhibitions*, between points in the U.S. under continuing contract(s) with Segel and Goldman Management Company of Beverly Hills, CA.

MC 158378 (Sub-1) filed November 13, 1981. Applicant: MARVIN BROS. EXPRESS, INC., 425 Hardin Avenue, Stratford, CT 06497. Representative: Steven M. Gold, One Financial Plaza, Hartford, CT 06103, (203) 522–3234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and

Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 159278, filed November 13, 1981 Applicant: BERG OIL, INC., P.O. Box 333, Eleventh, MN 55734. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Transporting *hazardous materials,* between points in Aitkin, Beltrami, Carlton, Cass, Cook, Crow Wing, Hubbard, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Mille Lacs, Morrison, Pine, St. Louis and Wadena Counties, MN, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding shall be limited in point of time to a period expiring five years from the date of issuance of the certificate.

MC 159289, filed November 16, 1981. Applicant: BRENHOLB, INC. d.b.a. BRENNER TRUCKING COMPANY, Fourteen Burwood Lane, San Antonio, TX 78216. Representative: Elise Ann Brenner (same address as applicant), 512–349–4126. Transporting *textile mill products,* between points in the U.S. under continuing contract(s) with Wilton Company of San Antonio, TX.

MC 159298, filed November 16, 1981 Applicant: CHARLES D. TAYLOR d.b.a.TAYLOR TRUCKING, Route 4, Box 454, Maryville, MO 64468. Representative: W. R. England, III, P.O. Box 456 Jefferson City, MO 65102, 314–635–7186. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in MO on the one hand, and, on the other, points in the U.S.

MC 159299, filed November 16, 1981. Applicant: LEACH BROTHERS BROKERAGE, INC., 862 East Third St., Forest, MS 39074. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting (1) *food and related products,* (2) *chemicals and related products,* and (3) *metal products,* between points in Antrim and Grand Traverse Counties, MI; and Hinds, Leake, Madison, Neshoba, Rankin, Scott and Simpson Counties, MS on the one hand, and, on the other, points in the U.S.

MC 159318, filed November 17, 1981. Applicant: L & D TRANSPORTATION, INC., 5046 West Angling Rd., Ludington, MI 49431. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, 616–941–5313. Transporting *food and related products,* between points in Grand Traverse County, MI and Scott County, MS, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA.

MC 159319, filed November 17, 1981. Applicant: ALPINE RECREATION, INC. d.b.a. ALPINE SKI CENTER, P.O. Box 485, Hwy 184, Banner Elk, NC 28604. Representative: Hiram A. Lewis (same address as applicant), (704) 898–5055. To engage in operations, as a *broker* at Banner Elk, NC, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in NC, SC, GA, FL, TN, and AL, on the one hand, and, on the other, points in the U.S.

MC 159348, filed November 18, 1981. Applicant: RBC TRANSPORTATION, INC., Dug Hill Rd., Rt. 2, Huntsville, AL 35804. Representative: William H. Borghesani, Jr., 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457–1122. Transporting (1) *aluminum foil and plastic wrapping paper,* under continuing contract(s) with Benham and Co., Inc., of Mineola, TX; (2) *food and related products,* under continuing contract(s) with JFG Coffee Company—Division of William B. Reily and Co., of Knoxville, TN; (3) *plastic products, articles used to distribute plastic products, and corrugated cartons,* under continuing contract(s) with Thompson Industries Co.—Division of Dart and Kraft, of Phoenix, AZ; (4) *such commodities* as dealt in or used by wholesale and retail grocery houses, under continuing contract(s) with (a) C. B. Ragland Co., of Nashville, TN, and (b) Ragland Brothers Company of Huntsville, AL; (5) *beer,* under continuing contract(s) with (a) Turner Beverage Co., Inc., and (b) Falstaff Sales Co., Inc., both of Huntsville, AL; (6) *bleach and dog food, under continuing contract(s) with Smith and Sons, Inc., of Tullahoma, TN; (7) cans, glassware, and paper products,* under continuing contract(s) with J. J. Food Brokers, Inc., of Huntsville, AL; (8) *food and related products, plastic jugs and packaging and corrugated boxes,* under continuing contract(s) with Beatrice Foods, Inc., of Chicago, IL, and (9) *food and related products and matches,* under continuing contract(s) with Hunt-Wesson Foods, Inc., of Fullerton, CA, between points in the U.S.

MC 159358, filed November 19, 1981. Applicant: CAROLINA CONTRACT CARRIERS, INC., P.O. Box 999, Gapway Road, Georgetown, SC 29440. Representative: Barnard B. Turner (same address as applicant), (803) 546–2447. Transporting (1) *metal products,* (2) *machinery,* and *(3) scrap metal,* between points in the U.S. under continuing contract(s) with Georgetown Steel Corporation, of Georgetown, SC.

Agatha L. Mergenovich,

Secretary

[FR Doc. 81-35305 Filed 12-9-81, 8:45 am]

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[Volume No. 206]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings.

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 5428 (Sub-9)X, filed November 20, 1981. Applicant: LYON VAN LINES, INC., 55 Battery Street, Seattle, WA 98121. Representative: Robert J. Brooks, 1828 L. Street, N.W., Suite 1111, Washington, DC 20036. Lead and Sub-Nos. 5 and 7 (1) broaden the commodity descriptions (a) from metal signs and gas ranges to "metal products," lubricating oils and greases to "petroleum or coal products" and electric ironers and washing machines to "electrical machinery or equipment" in the lead certificate (b) from "general commodities, (with exceptions)" to

"general commodities (except classes A and B explosives)" in the lead and Sub-No. 5; (c) from airplanes and airplane parts and used or damaged airplanes or parts thereof, uncrated in the lead certificate and autogyros and component parts, knocked-down, uncrated, and blades and booms thereof in the Sub-No. 5, to "transportation equipment;" (2) change to round-trip authority in the lead and Sub-No. 5; (3) enlarge cities to county-wide authority (a) in the lead from San Diego, CA, and points on North Island, CA, to San Diego County, CA; and from the Los Angles, CA, Commercial Zone and Los Angeles Harbor, CA to Los Angeles, Orange, and Ventura Counties, CA; from Fresno, CA to Fresno County, CA; from San Diego, CA, and points within 20 miles of the junction of 5th and Broadway Streets, San Diego, not including those on the Boundary of the United States and Mexico, in San Ysidro, CA to San Diego County, CA; from Fresno, CA, to Fresno County, CA (c) in Sub 5, from Seattle, WA and points within 3 miles of Seattle to Island, King, Kitsap, Pierce and Snohomish Counties, WA and from Portland, OR to Clackamas, Multnomah and Washington Counties, OR and Clark County, WA;" (d) in the lead from San Diego, CA and points in CA (within) 40 miles of the junction of 5th and Broadway Streets, San Diego to San Diego County, CA; and (e) in the lead, from El Segundo, CA and Lake Havasu City, AZ to Los Angeles County, CA and Mohave, County, AZ; (4) remove restrictions in the lead; (a) traffic moving to the Territories or possessions of the United States, and transportation in foreign commerce only," and (b) between airports of landing fields, and points at which steamships or other vessels may be loaded or unloaded."

MC 30045 (Sub-10X), filed July 30, 1981 and previously noticed in the **Federal Register** of Aug. 24, 1981, republished as corrected this issue. Applicant: KITCHELL TRUCK LINES INC., P.O. Box 391, Ipswich, SD 57451. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5, 8 and 9F certificates as previously published, except that the territorial broadening in part (2) should also include in paragraphs two and three of the lead certificate, Plymouth County, IA and Polk, St. Croix, Pierce and Trempealeau Counties, WI for Sioux City, IA, Winona, MI and points in the Minneapolis-St. Paul, MN Commercial Zone. Also, in Sub-No. 2 Turner County, SD should be included in broadening Sioux Falls, SD. The purpose of this republication is to correct inadvertent errors and omissions.

MC 98572 (Sub-83X), filed November 30, 1981. Applicant: SOUTHEAST TEX-PACK EXPRESS, INC., P.O. Box 47960, Dallas, TX 75247. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub 80F certificate: Remove the "500 pounds or less per shipment" restriction.

MC 100449 (Sub-129X), filed November 9, 1981. Applicant: MALLINGER TRUCK LINE, INC., 2100 North General Bruce Drive, Temple, TX 76501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Subs 2, 8, 9, 11, 12, 14, 15, 17, 19, 22, 23, 24, 26, 27, 28, 29, 32, 35, 36, 37, 39, 40, 49, 50, 52, 53, 55, 56, 57, 60, 65, 67, 68, 70, 71, 72, 74, 75, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 99, 100, 101, 102, 103, 104, 105, 107, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 123 and 124. Broaden: (1) all Subs (except Subs 8, 9, 11, 14, 15, 24, 53, 65, 87, 114) to "food and related products" from tankage and meat scrap, foodstuffs, except meats and packinghouse products and commodities in bulk, meat commodities, except commodities in bulk, and hides, skins, pieces thereof; inedible fats in bulk; nonalcoholic beverages, frozen foods, beer, canned goods, bakery products (and frozen), and materials, equipment and supplies used in the manufacture of bakery products, frozen nondairy milk and cream substitutes, beverages and concentrates; Subs 8, 9, 11, 14, 65, to "clay products" from sewer pipe, drain tile, flue lining wall coping, motor mix, fire clay, clay pipe; Subs 15, 114, to "chemicals and related products" from agricultural chemicals (except in bulk) and fertilizer; Sub 24, to "lumber and wood products" from pallates and lumber; Sub 53, to "hardware products" from materials, equipment and supplies used in the manufacture and distribution of recreational vehicles, trucks, trailers and pelletizers; Sub 87, to "hardware, plastic articles and recreational vehicles, campers and trailers in truckaway service" from recreational vehicles, campers and trailers, accessories, equipment, materials and supplies used in the manufacture thereof; (2) facilities/points to county wide authority: Sub 12, Ft. Dodge to Webster County, IA; Sub 14, Lehigh to Webster County, IA; Sub 15, Muscatine to Muscatine County, IA; Sub 17, Waterloo to Black Hawk County, IA; Sub 19, Joslin to Rock Island County, IL; Sub 22, West Point to Cuming County, NE, Dennison to Crawford County, Ft. Dodge to Webster County, LeMars to Plymouth, and Mason City to Cerro Gordo County, IA and Luverne to Rock County, MN; Sub 23, Hospers to Sioux County, IA; Sub 24, Armstrong to Emmet County, IA; Sub 27, Austin to Mower County, MN, Fremont to Dodge County, NE and Ft. Dodge to Webster County, IA; Sub 28, Tama to Tama County, IA; Sub 29, Austin to Mower County, MN, Milan to Rock Island County, IL and Lincoln to Lancaster County, NE; Des Moines to Polk County, IA, Lincoln to Lancaster County, NE, Ft. Dodge to Webster County, IA, Ottumwa to Wapello County, IA, Estherville to Emmet County, IA, Madison to Lake County, SD, Bureau to Bureau County, IL, Fremont to Dodge County, NE, Algona to Kossuth County, IA; Sub 32, New Hampton to Chickasaw County, IA; Sub 35, Ft. Dodge to Webster County, IA; Sub 39, Ft. Dodge to Webster County, IA; Sub 40, Albert Lea to Freeborn County, MN; Sub 49, York to York County, NE; Sub 52, Cedar Rapids to Linn County, IA; Sub 53, Humboldt to Humboldt County, IA; Sub 55, Albert Lea to Freeborn County, MN; Sub 56, Cherokee to Cherokee County, IA; Sub 57, Ottumwa to Wapello County, IA; Sub 60, Albert Lea to Freeborn County, MN; Sub 65, Lehigh, IA to Webster County, IA; Sub 67, Spencer to Clay County, IA, Hartley to O'Brien County, IA and Ft. Dodge to Webster County, IA and Schuyler to Colfax County, NE; Sub 68, Ft. Dodge, to Webster County, IA, Hartley to O'Brien County, IA and Spencer to Clay County, IA, Fremont to Dodge County, NE and Schuyler to Colfax County, NE; Sub 70, Albert Lea to Freeborn County, MN; Sub 72, Albert Lea to Freeborn County, MN; Sub 75, Whitehall to Trempealeau County, WI and Buffalo Lake to Renville County, MN; Sub 81, Ft. Dodge to Webster County, IA and Austin to Mower County, MN; Sub 82, Indianapolis, IN to Marion County, IN; Sub 83, Hartford to Van Buren County, MI, Bailey to Muskegon County, MI and Grawn to Grand Traverse County, MI; Sub 84, New Hampston to Chickasaw County, IA; Sub 85, Cedar Rapids to Linn County, IA; Sub 86, Schuyler to Colfax County, NE, Fremont to Dodge County, NE, Sioux Center to Sioux County, IA; Sub 87, Forest City to Hancock and Winnebago Counties, IA, Mansfield to Tarrant County, TX; Sub 89, Cedar Rapids to Linn County, IA and Des Moines to Polk County, IA; Subs 90 and 91, Cherokee to Cherokee County, IA; Sub 93, Logansport to Cass County, IN and Monmouth to Warren County, IL; Sub 94, Pauls Valley to Garvin County, OK; Sub 100, Murfreesboro to Rutherford County, TN; Sub 101 Weslaco to Hidalgo County, TX; Sub 102, Dennison to Crawford County, IA,

Carroll to Carroll County, IA, Iowa Falls to Hardin County, IA, Des Moines to Polk County, IA, Ft. Dodge to Webster County, IA, Cherokee to Cherokee County, IA and Sioux City to Woodbury County, IA, Crete to Saline County, NE, Lincoln to Lancaster County, NE; Sub 103, Estherville to Emmet County, IA; Sub 105, Cedar Rapids to Linn County, IA, Des Moines to Polk County, IA; Sub 107, Monmouth to Warren County, IL; Sub 113, Marshall to Saline County, MO; Sub 114, Marseilles to LaSalle County, IL; Sub 115, West Point to Cuming County, NE, Emporia to Lyon County, KS; Sub 116, Cedar Rapids to Linn County, IA, Cherokee to Cherokee County, IA and Monmouth to Warren County, IL; Sub 117, Marshall to Saline County, MO; Sub 118, Glenwood to Mills County, IA, Marshalltown to Marshall County, IA, Rochelle to Ogle County, IL, St. Charles to Kane County, IL, Bradley to Kankakee County, IL, Belmont to Gonzales County, TX, Cactus to Moore County, TX, Guymon to Texas County, OK, Clovis to Curry County, NM; Sub 119, LeMars to Plymouth County, IA, Dennison to Crawford County, IA; Sub 122, Holcomb to Finney County, KS; (3) all subs (except Subs 67, 124) to radial authority; (4) all subs (except Subs 2, 8, 9, 11, 14, 24, 37, 65, 67, 74, 88, 99, 114, and 124), remove originating/destined to facility/point restrictions; remove facility restrictions: Sub 37, (West Fargo, ND); Sub 71, (Chicago and Deerfield, IL); Sub 92, (Eau Claire, WI); Sub 95, (Appleton, WI); Sub 104, (Independence MO); Sub 111, (Chicago, IL); Sub 115, (Dakota City).

MC 106223 (Sub-78X), filed November 11, 1981. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Rd., P.O. 667, Ashtabula, OH 44004. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Lead and Subs 45, 50, 51, 59, 60, 61 and 66: (1) broaden: from mostly in bulk, in lead (parts 13, 14, 15, 16 and 17) and Subs 45, 51(b), 60 and 66 from latex, in lead (part 11) from chlorinated paraffin, in lead (parts 18 and 19), and Subs 45(b), 50 and 61 from plasticizer, in bulk, in lead (part 20) from rubber, preservatives in bulk and in Sub 59 from foundary core compound to "chemicals and commodities in bulk;" (2) broaden in lead (parts 14(b), 15(c), 16, 19(a), 20 and 21) Akron and Barberton, OH, to Summit County, OH, in lead (parts 13, 14(c), 15(a), 17 and 21), and Subs 45(a) and 60 from Louisville, KY, to Jefferson County, KY, and Floyd and Clark Counties, IN, in lead (parts 18 and 19(b)) and Subs 50, 51, 61 and 66, Lorain and Avon Lake, OH, to Lorain County, OH, in lead (parts 11, 18, and 19(b)) and Subs 45(b) and 59, Painesville Township and Madison, OH, to Lake County, OH, in lead (part 12), Ashtabula, OH, to Ashtabula County, OH, and in lead (part 15(b)), Ashland, OH, to Ashland County, OH; (3) expand its one-way authority to radial authority; (4) eliminate the facilities limitation in Subs 61 and 66; and (5) remove the restriction "in tank vehicles."

MC 114552 (Sub-263X), filed November 19, 1981. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Subs 3, 12, 13, 17, 18, 19, 20, 21, 23, 31, 32, 33, 35, 38, 39, 40, 41, 43, 44, 45, 47, 50, 52, 53, 57, 58, 59, 62, 69, 75, 80, 81, 82, 86, 88, 90, 91, 92, 93, 95, 98G, 99G, 100, 101, 104, 105, 107G, 109, 110, 111, 112, 113, 114, 118, 121, 129, 134, 138, 139, 143, 144, 145, 146, 148, 150, 151F, 153F, 154F, 155, 158, 159F, 162F, 163F, 178F, 182F, 183F, 188F, 189F, 196F, 201, 208F, 209F, 210F, 219F, 222F, 223F, 224F, 246F, 249, 250F, 254F, 255 and 257. Broaden (1) to "lumber and wood products," from, for example, lumber, treated and untreated wood poles, posts, pilings and crossarms, plywood, composition board, moulding, veneer, particleboard, fiberboard, lumber mill products, and palletes, in Subs 3, 12, 13, 17, 18, 21, 23, 31, 33, 35, 38, 39, 40, 41, 43, 44, 45, 47, 50, 52, 53, 57, 58, 59, 62, 69, 75, 81, 82, 83, 88, 90, 91, 92, 93, 95, 98G, 99G, 100, 101, 105, 107G, 109, 111, 112, 114, 118, 121, 124, 129, 138, 139, 143, 144, 146, 148, 153F, 154F, 155, 159F, 162F, 178F, 182F, 183F, 201, 208F, 219F, 222F and 246F; to "chemicals and related products," from, for example, fertilizer, stain, nitrogen fertilizer solutions, urethane and urethane products, ploy vinyl chloride, and vehicle body sealer compounds and sound deadener compounds, in Subs 3, 19, 20, 31, 75, 99G, 139, 150, and 209F; to "clay, concrete, glass or stone products," from gypsum board, clay and clay products (except in bulk), or refractory products and ground pyrophilite in Subs 31, 41, 52, 124, 182F, 188F, 222F, and 223F; to "construction materials," from insulation, ventilator systems, insulation sheathing, modular mausoleum crypt systems, and insulating materials, in Subs 75, 99G, 139, 210F, and 223; to "machinery", from agricultural machinery, safety protection devices, and industrial, heavy duty, and machinery parts, in Subs 110, 196F, and 224F; to "pulp, paper and related products," from paperboard panels, paper and paper products, newsprint paper, or waste and scrap paper, in Subs 113, 134, 189F, 250F and 254F; to "food and related products," from citrus pulp and citrus meal in Sub 32; to "construction materials, clay, concrete, glass or stone products, lumber and wood products, and chemicals and related products," from materials and supplies useful in the manufacture and distribution of roofing and roofing materials, gypsum and gypsum products, composition boards, and urethane and urethane products (except commodities in bulk), in Sub 80; to "rubber and plastic products," from plastic articles (except in bulk), plastic materials, and plastic pipe in Subs 104, 145 and 150; to "waste or scrap materials not identified by industry producing," from waste newspapers and cores in Subs 189F and 250F; to "transportation equipment," from tractor cab enclosures in Sub 196F, to "metal products," from filters related to petroleum products in Sub 209F and from iron and steel articles in Sub 224; to "petroleum, natural gas and their products," from petroleum and petroleum products in Sub 209F; to "general commodities (except classes A and B explosives), from general commodities (exception), Sub 249; (2) remove: restriction against the transportation of plywood from Orangeburg and Charleston, SC, to points in the US in and west of MN, IA, MO, AR, and LA in Subs 3, 12, 13, 18, 98G, and 99G; commodities in bulk exceptions, wherever they appear; ex-water restrictions, in Subs 75, 99G, 224F, and 138; restriction against the transportation of commodities moving in foreign commerce between four points in SC, and the Port of Charleston, in Sub 98G; restriction against the transportaion of lumber and composition board, between points in three states and the restriction against the transportation of roofing from points in LA, to points in AL and MS in Sub 151F; restriction against the transportation of furniture from points in NC in Sub 158; restriction against shipments from Norfolk, VA, and points within 25 miles thereof, to points in PA and NY in Sub 99G; restriction against shipments from Chattanooga, TN to points in AR, MS, LA, and part of MO in Sub 114; limitation against serving Mobile, AL and certain Ga cities to points in other states or cities in Sub 23; restrictions against serving specified portions of Halifax and Pender Counties, NC in Sub 13 and in parts 8, 10, and 16 of Sub 201; restriction against transportation of traffic from named facilities at Jamesburg, NJ, to points in VA in Sub 183; facilities restrictions in Subs 35, 39, 43, 44, 45, 50, 53, 57, 58, 59, 69, 75, 80, 81, 86, 88, 90, 91, 93, 95, 99G, 101, 104, 105, 107G, 109, 110, 111, 114, 124, 129, 134, 145, 148, 150, 153F, 163F,

178F, 208F, 209F, 219F, 223F, 224F, 246F, 254F, and 255; (3) to radial authority, all subs except Subs 21, 23, 92, 100, 145, 154, 158, 163, 182, 222, 246, 249, 255, and 257; (4) to counties or cities named from the points indicated in brackets with the sub nos. in which they appear: AL—Baldwin & Mobile [Mobile–208F], Barbour [Clayton–111], Monroe [Monroeville–91], Pike [Brundidge and Troy–163F], and Sumter [Livingston–58, 99G]; AR—Crittenden, AR and Shelby, TN [West Memphis–139]; FL—Calhoun and Liberty [Blountstown–81], Pasco [Dade City–210F]; GA—Bryan, Chatham and Effingham, GA and Beafort and Jasper, SC [Savannah–3, 143], Camden [St. Mary's–134], Columbia and Richmond, GA and Aiken and Edgefield, SC [Augusta–19], Cook [Adel–35, 39, 75, 99G], Evans [Claxton–196F], Fulton [East Point–114], Gilmer [Ellijay–208F], Jasper [Monticello–162F], McDuffie [Thomson–69], Walton [Loganville–208F]; IL—Fulton [Canton–255]; IN—Porter [Burns Harbor–159]; KY—Clark [Winchester–18]; LA—Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles and St. Tammany and Hancock, MS [New Orleans–39, 62], Sabine [Many–148]; MD—Anne Arundel, Howard, Montgomery and Prince Georges [Laurel–210F]; MA—Essex, Middlesex, Norfolk, Plymouth, and Suffolk [Boston–138]; MI—Branch [Coldwater–146]; MS—Jones [Laurel–107G], Lafayette [Oxford–219F], Scott [Forest–93]; NJ—Burlington, Camden and Gloucester and Philadelphia, PA [Camden–75, 99G], Burlington, Mercer, Monmouth, Somerset and Hunterdon, NJ and Bucks, PA [Trenton–183], Middlesex [Jamesburg–183]; NY—Franklin and Lawrence [Tupper Lake–33], New York City [Queens County–43, 53, 99G]; NC—Brunswick and New Hanover [Wilmington–19, 75, 99G], Cabarrus, Gaston, Lincoln, Mecklenburg and Union, and Lancaster and York, SC [Charlotte–31, 41], Edgecombe [Tarboro–110], Guilford [Colfax–150], Nash [Spring Hope–57, 75, 99G], Orange [Hillsborough–223F], Wikes [Roaring River–44]; OH—Allen, Putnam and Hancock [Bluffton–210F], Ashtabula [Ashtabula–178F], Cuyahoga, Lorain and Medina [Strongsville–38]; PA—Erie [Erie–39]; SC—Anderson [Anderson–145], Berkeley, Charleston, and Dorcester [Charleston–3, 118], Charleston [North Charleston–45], Chester [Chester–3], Colleton [Walterboro–59, 99G], Marion [Marion–88], Newberry [Silverstreet–95], Orangeburg [Holly Hill–59, 99G, 101; Orangeburg–129], Spartanburg [Roebuck–3; Spartanburg–114], York [Catawba–219F]; TN—Henry [Paris–188F], Madison [Jackson–153]; TX—Angelina [Diboll–139], Sabine [Pineland–139], Shelby [Center–153]; WV—Mineral and Allegany, MD [Keyser–75, 99G]; WI—Dane, Jefferson and Rock [Edgerton–18].

MC 115840 (Sub-129X), filed November 30, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same address as applicant). Sub-120: (1) broaden commodity description: fabricated fiberglass structural members to "plastic products (except in bulk)"; and (2) change one-way to radial authority.

MC 120737 (Sub-100X), filed November 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Sub-No. 37, (1) broaden steel cattle handling equipment to "machinery"; (2) change St. Joseph to Buchanan County, MO; and (3) to radial authority.

MC 121741 (Sub-4X), filed November 30, 1981. Applicant: WESTERN TEX-PACK, INC., 3200 Bolt St., Ft. Worth, TX 76110. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub 2F remove the 500 pound aggregate weight restriction and the restriction against transporting shipments originating at/destined to Wichita Falls, Ft. Worth, Dallas, Albany and Abilene; and against serving any intermediate point between Ft. Worth and Throckmorton except Lake Worth, Azle and Springtown, TX.

MC 121775 (Sub-3X), filed November 24, 1981. Applicant: MILTON B. ANDERSON and MELVIN K. ANDERSON d.b.a. OVERLAND EXPRESS, 1330 East Glendale Avenue, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Sub 2, Broaden: general commodities, with exceptions, to "general commodities (except Classes A and B explosives)"; film, exposed and unexposed, and motion pictures, to "instruments and photographic goods": San Francisco, Palo Alto and Sacramento to San Francisco, Santa Clara, San Mateo and Sacramento Counties, CA; Reno and Sparks to Washoe County, NV; remove restrictions: against transportation of shipments exceeding 200 lbs., in aggregate, from/to any one consignor/consignee on any one day; against transportation of any single package exceeding 100 lbs; against the transportation of shipments having prior/subsequent air movement.

MC 124174 (Sub-188)X, filed November 9, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Raymond A. Jensen (same as applicant). Subs 24, 31, 32, 33, 35, 40, 43, 44, 46, 47, 52, 53, 56, 57, 62, 80, 84, 87, 89, 90, 91, 93, 94, 95, 97, 101, 103, 104, 105, 107, 110, 113, 115F, 124F, 125F, 126F, 127F, 129F, 134F, 135F, 136F, 137F, 138F, 142F, 143, 144F, 148F, 151, 162F, 163F, 164F, 165F, 167F, 168F, 171F, 172F, 173F, 174, F, 175F, 177, 178F, 179F, and 185F: (1) broaden commodity descriptions from (a) animal and poultry feed ingredients, casings and collagen, canned goods, cold pack fruits, vegetables, food and foodstuffs to "food and related products" in Subs 24, 175, and 185 (parts 1 and 7); (b) iron and steel articles, iron and steel, iron and steel castings, metallic conduit and fittings, scrap metal, aluminum articles, electric cable, castings, forgings, electric copper wire and cable, fabricated metal products, antimony and antimony oxide, enameled plumbers' goods, cable and wire and empty cable and wire reels to "metal products" in Subs 31, 32, 40, 43, 62, 80, 87, 90, 91, 97, 101, 105, 107, 125, 126, 129, 144, 162, 163, 164 (part 1), 168, 171, 172, 174, 175 (part 3), 177, 178, 179, and 185 (part 2); (c) dry fertilizer, urea, anhydrous ammonia, fertilizer solutions, and chemicals and fertilizers to "chemicals and related products and petroleum, natural gas, and their products" in Subs 33, 35, 46 and 57; (d) glassware and closures for glass containers, and paper containers used in the packing or shipping of glass articles to "clay, concrete, glass or stone products, pulp, paper and related products, rubber and plastic products, and metal products" in Sub 44; (e) general commodities, with exceptions to "general commodities (except household goods, and classes A and B explosives)" in Subs 47 and 94; and "general commodities (except classes A and B explosives)" in Subs 103 (part 1) and 151F; (f) feed milling machinery, food processing machinery, fertilizer and chemical mixing machinery, and parts and accessories to "machinery" in Sub 52, and iron and steel articles, and contractor's machinery, equipment, supplies and materials to "metal products and machinery" in Sub 93; (g) pipe, tubing, and electric light poles and materials, equipment, and supplies used in the installation and maintenance of electric light poles; pipe, fittings, valves, and hydrants, and accessories; and sinks, lavatories, and tubs to "metal products, rubber and plastic products, and clay, concrete, glass or stone products" in Subs 53, 136, 138, and 173; (h) petroleum products to "petroleum,

natural gas and their products" in Subs 5 and 89; (i) charcoal, in packages to "food and related products and lumber and wood products, in Sub 84; (j) ventilators, ventilator parts, ventilator equipment, ventilators systems and accessories used in the installation of such commodities to "metal products, and rubber and plastic products" in Sub 95; (k) wheels, rims, hubs, spindles, axles, and component parts used in the assembly and sale thereof to "metal products and rubber and plastic products" in Sub 104; (l) building, construction, manufacturing, divider, floor, roof, or wall panels and sections to "metal products, forest products, lumber and wood products, pulp, paper and related products, rubber and plastic products" in Sub 110; (m) composition boards and wood fibre products to "forest products, lumber and wood products, and pulp, paper and related products" in Subs 113 and 165; (n) paper cups, plastic cups, paper containers, plastic containers, paper plates, plastic plates, paper lids, plastic lids, paper covers, plastic covers, paper pails, and plastic pails to "pulp, paper and related products and rubber and plastic products" in Sub 124F; (o) cabinets, such commodities as are used in the erection and installation of cabinets, and materials used in the manufacture of cabinets to "furniture and fixtures, such commodities as are used in the erection and installation thereof, and material equipment and supplies used in the manufacture of furniture and fixtures" in Sub 127; (p) fibreboard containers and pulpboard containers to "forest products and pulp, paper and related products" in Sub 134; (q) treated poles, crossarms, ties, lumber, and pilings and lumber, lumber products, wood products and forest products to "forest products and lumber and wood products, in Sub 137 and 167; (r) irrigation systems and parts, solar energy systems and fuelburning heating appliances, pipe and poles, and iron and steel articles to "metal products, forest products, lumber and wood products, and machinery, materials, equipment and supplies used in the manufacture or assembly of the commodities thereof" in Sub 143; (s) foodstuffs and tobacco to "food and related products and tobacco products" in Sub 148; (t) catalogues and printed matter to "printed matter", in Sub 185 (part 3), cable and wire and empty cable and wire reels to "metal products and lumber and wood products" in Sub 185 (part 4), and synthetic floor systems, facing or floor covering and laying accessories to "petroleum, natural gas and their products, chemicals and related products, rubber and plastic products, textile mill products, lumber and wood products, and clay, concrete, glass or stone products" in Sub 185 (part 5); and (u) communications and telephone equipment, materials, supplies and such commodities as are used in the installation, erection, and maintenance to "metal products, rubber and plastic products, clay, concrete, glass or stone products, and instruments and photograhic goods" in Sub 164 (part 2); (2) broaden territorial descriptions: Montpelier to Muscatine County, IA; Burns Harbor to Porter County, IN; Sterling and Rock Falls to Whiteside County, IL; Nebraska City to Otoe County, NE; Hoag to Gage County, NE; Council Bluffs to Pottawattamie County, IA; one-half mile west of County Line Road, IL (off-route point) to Du Page County, IL; Sabetha to Nemaha County, KS; Valley to Douglas County, NE; Eagan Township, approximately ½ mile south of jct. MN Hwys 49 and 55 to Dakota County, NE; Estherville and Spencer to Emmet and Clay Counties, IA; points within 25 miles of Swea City, IA to Winnebago, Palo Alto, Hancock, Emmet and Kossuth Counties, IA, and Martin and Fairbault Counties, MN; St. Marys to Pleasant County, WV; Joplin to Jasper County, MO; Grand Island to Hall County, NE; New Kensington and Ambridge to Westmoreland and Beaver Counties, PA; Niles to Trumball County, OH; Meta to Osage County, MO; Hamblet to Starke County, IN; Toccoa to Stephens County, GA; Lone Star to Morris County, TX; Congo to Hancock County, WV; Glendale to Marshall County, WV; Ashland to Boyd County, KY; Indian Oaks to Kankakee County, IL; Underwood (off-route point) to Pottawattamie County, IA; Tabor City to Columbus County, NC; Lackawanna and Buffalo to Erie County, NY; Ft. Smith and Little Rock to Sebastian and Pulaski Counties, AR; Beatrice to Gage County, NE; Kokoma to Howard County, IN; Joliet and Blue Island to Will and Cook Counties, IL; Waterloo to Douglas County, NE; Armstrong to Emmet County, IA; Kingsbury to La Porte County, IN; Bridgeview to Cook County, IL; Fairless Hills to Bucks County, PA; Winfield to Cowley County, KS; Manchester to Hillsborough County, NH; Lisbon Falls and Auburn to Androscoggin County, ME; Columbus to Franklin County, OH; Hays to Ellis County, KS; Worthington to Nobles County, MN; Columbus, Fremont and Scottsbluff to Platte, Dodge and Scotts Bluff Counties, NE; Aberdeen, Pierre, Sioux Falls, and Watertown to Brown, Hughes, Minnehaha, and Codington Counties, SD; Springfield to Greene County, MO; Saco to York County, ME; Oswego to Oswego County, NY; Fairmont to Marion County, WV; Auburn to Nemaha County, NE; Nashau to Hillsborough County, NH; Union City and Bulter to Randolph and DeKalb Counties, IN; Oak Creek to Milwaukee County, WI; East Moline and Granite City to Rock Island and Madison Counties, IL; Jefferson City and Columbia to Cole and Boone Counties, MO; Jackson to Madison County, TN; Louisville to Winston County, MS; Buckhannon to Upshur County, WV; Clinton and Davenport to Clinton and Scott Counties, IA; Granite City to Madison County, IL; El Paso, Eagle Pass, Laredo, and Hidalgo to El Paso, Maverick, Webb, and Hidalgo Counties, TX; Eden Prairie to Hennepin County, MN; Spencer and Shenandoah to Clay and Page Counties, IA; Shawnee to Pottawattamie County, OK; Providence, Ashton and Phillipsdale to Providence County, RI; Worcester to Worcester County, MA; Suffern to Rockland County, NY; Greenville to Washington County, MS; Maquoketa, Monticello, and Dubuque to Jackson, Jones, and Dubuque Counties, IA; Auburn to Cayuga County, NY; Alton to Madison County, IL; Morristown to Hamblen County, TN; Elizabeth City to Pasquotank County, NC; Hastings to Adams County, NE; Searcy to White County, AR; San Antonio to Bexar County, TX; Odebolt to Sac County, IA; Portales to Roosevelt County, NM; Pinckneyville to Perry County, IL; Newport and Wilder to Campbell County, KY; Roma and Uvalde to Starr and Uvalde Counties, TX; Scranton and Easton to Lackawanna and Northampton Counties, PA; Troy and Watervliet to Rensselaer and Albany Counties, NY; Springfield to Hampden County, MA; and Fogelsville to Lehigh County, PA; (3) eliminate facilities limitations in Subs 24, 31, 35, 43, 46, 47, 52, 57, 80, 87, 89, 93, 94, 97, 101, 104, 105, 107, 113, 124F, 125F, 127F, 129F, 135F, 136F, 137F, 138F, 142F, 143F, 163F, 165F, 167F, 178F, and 185F; (4) remove the originating at or destined to restriction in Subs 31, 43, 47, 52, 87, 89, 93, 101, 105, 107, 115, 126F, 127F, 142F, 167F, and 185F; (5) change one-way authority to radial authority; and (6) remove the restrictions against (a) size and weight; (b) transportation of cast iron pressure pipe originating at a named plant; (c) liquid animal fats and liquid vegetable oil; (d) in bulk, in tank vehicles; (e) commodities in bulk; (f) in containers; (g) scrap metal in bulk; and (h) petrochemicals.

MC 125254 (Sub-88)X, filed November 13, 1981. Applicant: MORGAN TRUCKING CO., P.O. Box 714,

Muscatine, IA 52671. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Subs, 2, 20, 23, 30, 33, 36, 38, 39F, 42F, 46F, 51F, 54F, 61F, 66F, 67F, 70F, 80X and 84F broaden to (1) "food and related products" from foodstuffs, malt beverages, corn starch, corn sugar, products of corn, feed ingredients, corn products, soybean protein, cottonseed protein, and nonedible food products, Sub 2; malt beverages, Subs 20, and 46F; feed and feed ingredients, Subs 23, and 33; materials, equipment and supplies, used in manufacturing and packaging of food products Sub 30; canned and preserved foodstuffs Subs 38, 51F, 67F, and 70F; frozen foods, Subs 39F and 61F; pet food and prepared animal and poultry feed Sub 42F; foodstuffs, Sub 54F; inedible cheese Sub 66F; from meat, meat products, meat by-products, and articles distributed by meat packinghouses and equipment, materials, and supplies, Sub 84; and from foodstuffs, corn products, soybean products, cottonseed products, Sub 80X; to "food and related products and chemicals and related products" from (a) grain products, Subs 36 and 80X, to "chemicals and related products" from agricultural chemicals, Sub 2 and to "pulp, paper and related products" from paper and paper products, Sub 80X, (2) remove facilities limitation and replace (a) Iowa City, IA with Johnson County, Muscatine, IA with Muscatine County, IA and Rock Island County, IL and Mapleton, MN with Blue Earth County, MN, Sub 2; (b) Plover, WI with Portage County, WI, Sub 39 (c) Pittsburgh, PA with Alleghany, Westmoreland and Washington, Counties, PA, Subs 51, 67, (d) Louisville, KY with Jefferson, Bullitt and Oldham Counties, KY and Clark, Floyd and Harrison Counties, IN, Sub 54, (e) Indianapolis, IN with Marion, Hancock, Hamilton, Boone, Hendricks, Morgan, Johnson and Shelby Counties Sub 61, (f) Muscatine, IA with Muscatine County, IA and Rock Island County, IL; Iowa City, IA with Johnson County, IA Toledo, OH with Lucas, Wood and Ottawa Counties, OH and Monroe County, MI and Holland, MI with Ottawa and Allegan Counties, Sub 67, (g) Muscatine, IA with Muscatine County, IA and Rock Island County, IL and Iowa City, IA with Johnson County, Sub 70, and (h) Cedar Rapids, IA with Linn, Benton and Johnson Counties, Sub 84, (3) Sub 2, Kalona, IA to Washington County; Kansas City, MO to Platte, Jackson, Clay, Cass, and Johnson Counties, MO and Wyandotte, and Johnson Counties, KS; St. Louis, MO to St. Louis, MO and Jefferson, St. Louis and St. Charles Counties, MO and Jersey, Madision, St. Clair, and Monroe Counties, IL; points in IL in the St. Louis commercial zone to Jersey, Madision, St. Clair and Monroe Counties; Iowa City, IA to Johnson County, and Muscatine, IA to Muscatine County, IA and Rock Island County, IL; Rock Island, IL to Rock Island County; Omaha, NE to Douglas, Sarpy and Washington Counties, NE and Pottawattamie County, IA; Davenport, IA to Scott and Muscatine Counties, IA and Rock Island County, IL; La Crosse, WI to La Crosse County, WI and Houston and Winona Counties, MN and Bettendorf, IA to Scott County, (b) Sub 20, Milwaukee, WI to Miwaukee, Ozauke, Washington, Waukesha and Racine Counties, (c) Subs 20, 23, 33, 36, 46, 66 Muscatine, IA to Muscatine County, IA and Rock Island County, IL, (d) Sub 30, Burns Harbor and Portage In to Porter County; Gary, IN to Lake and Porter Counties, (e) Subs 30, Iowa City, IA to Johnson County, (f) Sub 36, Davenport, IA to Scott and Muscatine Counties; Milan, IL to Rock Island County, (g) Sub 38, Minneapolis, MN to Hennepin, Anoka, Ramsey, DaKota and Scott Counties; (h) Sub 42, Manassas, VA to Prince Williams County, (i) Sub 46, St. Paul, MN to Hennepin, Ramsey, Washington, and Dakota Counties; (j) Sub 84, Columbus Junction and Waterloo, IA to Louisa and Black Hawk Counties, (4) remove originating at and/or destined to, in bulk, exception to named commodities restrictions in various subs, and (5) to radial authority in all certificates.

MC 139273 (Sub-6)X, filed November 27, 1981. Applicant: KINGS COUNTY TRUCK LINES, P.O. Box 1016, Tulare, CA 93274. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Lead and Subs-3F and 5F; (1) broaden commodity description: ice cream sherbert, ices, frozen cakes, frozen strawberries, cream topping, advertising materials, ice cream mix, ice milk, water ice, ice cream topping, frozen yogurt, and cakes to "food and related products" in each permit; and (2) broaden territorial description to between points in the US under continuing contract(s) with a named shipper.

MC 144335 (Sub-2)X, filed November 24, 1981. Applicant: DONALD H. BAUGHMAN, INC., 986 Oliver Street, North Tonawanda, NY 14120. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Lead and Sub-1: (1) broaden commodity description: in lead and Sub-1 from anhydrous aluminum chloride, aluminum chloride anhydrous, and dry aluminum chloride to "chemicals and related products", and in Sub-1 malt to "food and related products"; (2) eliminate the facility limitations in the lead and Sub-1; (3) broaden territorial description: Huntsville to Walker County, TX; Buffalo to Erie and Niagara Counties, NY; Elberta and Lockport to Niagara County, NY; Institute to Kanawha County, WV; Brainards to Warren County, NJ; Ashtabula to Ashtabula County, OH; West Elizabeth to Alleghany County, PA; Staten Island to Richmond County, NY; Elton to Cecil County, MD; and LaPorte to Harris County, TX; (4) expand ports of entry at Niagara River and Buffalo to allow service at all ports of entry in NY in Sub-1; (5) remove the following restrictions: In bulk and/or in tank vehicles; in tank vehicles equipped with pneumatic unloading devices; and against traffic originating at Sarnia, Ontario, Canada; and (6) change one-way to radial authority.

MC 146869 (Sub-5)X, filed November 27, 1981. Applicant: CARRIER FREIGHT LINES, INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Sub-2F certificate. Broaden (1) to "furniture and fixtures" from new furniture, damaged and rejected shipments of new furniture, and supplies and equipment etc.; (2) change facilities at Newton and Hiddenite, NC, to Catawba and Alexander Counties, NC; and (3) to radial authority.

MC 147485 (Sub-2)X, filed November 25, 1981. Applicant: TRUCK TRAIN TRANSFER, INC., P.O. Box 3303, D.C.S., Greenville, TN 37743. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Sub-No. 1F, remove ex-rail restriction.

MC 152390 (Sub-7)X, filed November 24, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, East Liverpool, OH 43920. Representative: Stephen J. Habsah, 100 E. Broad St., Columbus, OH 43215. Sub-5 (embracing MC 121223 Subs 3F, 6, 8F, 9F, and 12F transferred in MC–FC–79239). Broaden: (1) roofing and roofing materials (except comodities in bulk) to "building materials"; iron and steel articles, and materials, equipment, and supplies used in the manufacture of iron and steel articles (except commodities in bulk) to "metal products and materials, equipment, and supplies used in the manufacture of metal products"; general commodities, (with exceptions), to "general commodities (except Classes A and B explosives)"; (2) Youngstown, Wickliffe, and health

facilities to Mahoning, Trumbull, Lake and Licking Counties, OH; North Tonawanda facilities to Niagara and Erie Counties, NY; Allegheny and Westmoreland Counties facilities to those counties; Steubenville to Jefferson County, OH; Allenport and Monessen, PA, Beachbottom, Benwood, Follansbee and Wheeling, WV, and Steubenville, OH, facilities to Westmoreland and Washington Counties, PA, Brooke, Ohio, and Marshall Counties, WV, and Jefferson County, OH; Mahoning, Trumball, Cuyahoga and Lorain Counties, OH and Westmoreland and Alleghany Counties, PA, facilities to those counties; and (3) to radial authority.

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[Volume No. 27]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Montana Docket No. T-6058, filed October 26, 1981. Applicant: NORMAN C. MATHISON, d.b.a. GLACIER COACH LINE, 3232 Third Ave., NW., Great Falls, MT 59404. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Passengers, baggage and express, Class A, between Great Falls, Montana and East Glacier Park, Montana over Highways No. 89 and No. 2 serving the intermediate and off-route points of Vaughn, Fairfield, Choteau, Bynum, Pendroy Jnt., Dupuyer, Old Agency, Heart Butte, Browning and East Glacier. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Montana Public Service Commission, 1227 11th Avenue, Helena, MT 59620, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-4680, filed November 23, 1981. Applicant: CHARLES STIERLIN, d.b.a. STIERLEN'S EXPRESS, Route 9W, Congers, NY 10920. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Household Goods—Between New York City and the Counties of Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess and Orange, on the one hand, and, on the other, all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9956, filed October 23, 1981. Applicant: LEWISTON TRUCKING CO., INC., 4746 Model City Road, P.O. Box 209, Model City, NY 14107. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Hazardous, waste and toxic materials. Between all points in New York State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

North Dakota Docket No. S-1504 (Sub-1), filed October 26, 1981. Applicant: DUANE KAVLI, d.b.a. KAVLI's TRUCK LINE, Rolette, North Dakota 58366. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Extension Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: No. 566 *which presently authorizes the following:* General commodities to, from and within the following described territory: "Bounded on the east by the Rolete County Line, on the north by North Dakota Hwy. No. 5, on the west by the Rolette County Line and on the south by North Dakota Hwy. No. 17," *to include the following:* "General commodities to, from and within points in Bottineau County, North Dakota." Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to North Dakota Public Service Commission, Capitol Building, Bismarck, ND 58505, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 81-364-T, filed October 20, 1981. Applicant: Embers Express Trucking Company, Inc., P.O. Box 937, Lake City, SC 29560. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Canned goods, and materials and supplies related to the manufacture and distribution of canned goods: Between points and places in Florence County, and between points and places in Florence County and points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to South Carolina Public Service Commission P.O. Drawer 11649 Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35307 Filed 12-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Eact transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the

relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3. Krock, Joyce and Dowell.

FD–29777. By decision of November 16, 1981 issued under 49 U.S.C. 10926, Review Board Number 3 approved the transfer TO CALUMET MARINE TRANSPORTATION, INC., of Chicago, IL, of Certificate No. W–1320 (Sub-1F), issued November 14, 1978 to EDWARD H. BARNABY AND RICHARD W. CASEY, d.b.a. CMT TRANSPORTATION COMPANY, of Chicago, IL, authorizing the transportation of *commodities generally, by non-self propelled vessels with use of separate towing vessels, between ports and points along Lake, MI, Lake Superior, Lake Huron, Lake Erie, and Lake Ontario, and interconnecting waterways. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603.*

Notes.—TA has not been filed. Transferee is not a carrier.

MC-FC 79323. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ROBERT J. VANENHEN and WILLIAM F. VANGENHEN, d.b.a. VENGENHEN & SON, INC., of Belleville, IL of Certificate No. MC–32530, 32530 Subs 1 & 2 issued December 5, 1969, November 25, 1970 & April 25, 1972, to FRED VANGENHEN, JR., d.b.a. VANGENHEN AND SON, authorizing the transportation of Belleview, IL in lead certificate of *coal* from points in St. Clair & Madison Counties, IL to St. Louis, MO and *sand and gravel* from St. Louis, MO to Belleville, IL and points within 5 miles of Belleville; in Sub 1 of sand and gravel (except silica sand), in bulk, from points in St. Louis County, MO to Belleview, IL and in Sub 2 of *minerolite* in bulk, from St. Louis, MO to Belleville, IL. Representative: Paul F. Braner, 7 N. High Street, #302, Belleville, IL 62220. TA Lease is not sought. Transferee is not a carrier.

MC-FC–79367. By decision [1] of November 20, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to NORTH CENTRAL TRANSPORTATION, INC. of Certificate No. MC–145341 (Sub-Nos. 4, 5, 7, 8, and 9F); Permit No. MC–145820 (Sub-Nos. 1, 2, and 3), and Permit No. MC–145341 (Sub-No. 10) issued to NORTH CENTRAL DISTRIBUTING CO., generally authorizing the transportation of corn flour, crushed vehicles, scrap metal, lumber and related products, animal and poultry feed and feed ingredients, iron and steel articles, and general commodities (with the usual exceptions, for the United States Government, and Louisiana—Pacific Corporation) from, to and between points in the United States, and lumber and wood products between points in the United States under contract(s) with Champion International Corporation, of Hamilton, OH. Representative: Richard P. Anderson, Esq., Van Osdel, Foss & Miller, 502 First National Bank Bldg., Fargo, ND 58126.

MC-FC–79400. By decision of November 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to EDWARD L. MACAULEY, d.b.a. WESTERN PINES CO. of Certificate No. MC–128815 (Sub-No. 2) issued to CLARKE'S TRUCKING COMPANY authorizing: Irregular routes: *Lumber,* from points in Benton, Lane, and Linn Counties, OR, to Portland and Newport, OR, and Vancouver and Camas, WA. Representative: George A. Morris, 525 West Centennial Blvd., Springfield, OR 97477. TA lease is not sought. Transferee is not a carrier.

MC-FC 79433. By decision of November 30, 1981, Review Board Number 3 approved the transfer to BEBO FREIGHT SYSTEM, INC. of Edwardsville, IL of Certificate No. MC–120879 Subs 4 and 5 isssued to GENERAL MOVERS, INC. of St. Louis, MO authorizing *General commodities,* with named exceptions (A) between points in the St. Louis, MO-East St. Louis, IL commercial zone, (B) between Palestine, IL, and Evansville, IN, serving the intermediate points of Heathsville and Russellville, IL, and Vincennes, IN, and the off-route points of Richwoods, IL, and (C) *commodities* (1) between points in IL, and (2) between St. Louis, MO, on the one hand, and, on the other, points in IL. Transferee is not a carrier. Temporary authority has not been requested. Representative: Herbert Alan Dubin, 818 Connecticut Avenue NW., Washington, D.C. 20006.

MC–FC–79440. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to INDEPENDENT MOTOR TRANSPORT, INC., of Tangent, OR, of Certificate No. MC–148077 Subs 1 and 2 issued to JAMES L. KAMPSTRA, d.b.a. KAMPSTRA TRUCKING, INC. of Albany, OR, authorizing general commodities (with exceptions), between Portland, OR, and Corvallis, OR, and between Portland and Eugene, OR, serving named intermediate and off-route points. Representative: Thomas W. Peterson, 32455 Hwy. 34, Tangent, OR 97389. TA lease is not sought. Transferee is a carrier.

MC–FC–79441. By decision of November 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to SCHROETLIN TANK LINE, INC. of Sutton, NE, of Certificate Nos. MC–89497 (Subs 1, 4, 6 and 7) issued April 3, 1952; May 5, 1961: August 30, 1963; and October 9, 1975, respectively, to DOWD AND STOLZ TRANSFER CO., INC. of Norfolk, NE. Sub 1 authorizes the transportation of *salt,* from Lyons and Hutchinson, KS, and points within two miles of each of the named points, to points in NE; and from Hutchinson, KS and points within two miles of Hutchinson, to points in SD. Sub 4 authorizes the transportation of *pepper,* in packages, in mixed shipments with salt and salt comounds, from Lyons and Hutchinson, KS, to points in NE; and from Hutchinson, KS, to points in SD. Sub 6 authorizes the transportation of mineral mixtures, in packages from Hutchinson, KS to points in NE and SD. Sub 7 authorizes the transporation of *materials and supplies used in the agricultural, water treatment, food processing wholesale*

[1] This decision based on additional evidence, set aside Review Board Number 3's decision entered September 11, 1981, and served September 29, 1981, insofar as it dismissed the permanent and temporary authority applications.

grocery, and institutional supply industries, in mixed loads with salt and salt products, from the plantsites of Carey Salt Co. and Cargill, Inc. at Hutchinson KS, the Morton Salt Co. at South Hutchinson, KS and the American Salt Corporation at Lyons, KS, to points in NE and SD. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761.

Notes.—Transferee presently holds authority from the ICC under Docket No. MC–409 and does seek temporary authority under Section 11349.

MC–FC–79442. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to MACON FARMS TRUCKING, INC. of P.O. Box 846, Cheraw, SC 29520 of Permit No. MC–145710 (Sub-No. 1F and 3F) issued to CHARLES ALBERT MACON, d.b.a. MACON FARMS TRUCK AND TRUCK LEASING of P.O. Box 925, Cheraw, SC 29520 authorizing the transporation of (1) *containers and container closures,* and *materials, equipment,* and (2) *supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between points in SC, on the one hand, and, on the other, points in 21 States under continuing contract(s) with Crown Cork and Seal, Inc. of Cheraw, SC and (2) *rolls of pulpboard and fibreboard* (not corrugated), between Florence, SC and points in 19 States under continuing contract(s) with South Carolina Industries, of Florence, SC. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036. TA lease is sought. Transferee is not a carrier.

Note.—Contrary to applicant's representative MC–145710 (Sub-No. 3–1TA) is not susceptible to transfer under 1132.

MC–FC–79443. By decision of November 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to TRANSCORP CARRIERS, INC., of Greensboro, NC, of a portion of Certificate No. MC–139495 (Sub-No. 539) issued 8/3/81, to NATIONAL CARRIERS, INC., of Liberal, KS, authorizing the transporation of tobacco products between points in Guilford County, NC, and Jefferson County, KY, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY. Representative: Herbert Alan Dubin, 818 Connecticut Avenue, N.W., Washington, DC 20006, (202) 331–3700. Transferee presently holds no authority. TA application has not been filed.

MC–FC–79450. By decision of November 17, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to BOB RICH-SCHROEDER TRUCKING, INC. of Certificate of Registration No. MC–121702 issued February 6, 1973 to ALFRED J. FLORESI and RAYMOND L. FLORESI, a partnership, DBA SCHROEDER DRAYAGE CO. evidencing a right to engage in transportation in interstate commerce corresponding in scope to (state certificate No. 80916 dated January 9, 1973 issued by the Public Utilities Commission of the State of California and authorizing the transportation of *general commodities,* with several named exceptions, within the San Francisco Territory, as described therein. Subject to the following conditions: A copy of the State order approving the transfer of the corresponding State rights must be furnished when it is available. Representative is: Marshall J. Beral, 601 California St., San Francisco, CA.

MC–FC–79451. By decision of November 25, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to SHAWNEE EXPRESS, INC. of Effingham, IL. of Permit No. MC–141958 Sub-Nos. 1, 5, 17F, and 23, issued on July 20, 1978, March 2, 1979, November 25, 1980 and July 8, 1981 to FEDCO FREIGHTLINES, INC. of Effingham, IL authorizing the transportation of household appliances and commercial appliances, between points in the United States under continuing contract(s) with Norge Division, Magic Chef, Inc., of Herrin, IL. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. TA lease is not sought. Transferee is not a carrier.

MC–FC–79472. By decision of November 25, 1981, Review Board Number 3 approved the transfer to AGRICULTURAL CARRIERS, INC. of Wichita, KS, of a portion of Certificates No. MC–57393 Subs 7 and 11 issued to WINTERS TRUCK LINES, INC., of Wichita, KS authorizing: *general commodities* over regular routes between named Kansas points, including Hutchinson, Pratt, and Wichita, serving named intermediate and off-route points. Representative: Charles Kimball, 665 Capital Life Center, 1600 Sherman St., Denver, CO 80203. TA lease is sought. Transferee is a carrier.

MC–FC–79474. By decision of November 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SIGMUND TRANSFER of Certificate No. MC–399 issued to JOSEPH CAMIC AND ANN SIGMUND CAMIC, a partnership, d.b.a. RIDDLESTONE TRANSFER, McKEESPORT, PENNSYLVANIA authorizing: IRREGULAR ROUTES: *Household goods,* between points in Allegheny County, PA., on the one hand, and on the other points in MI, IL, OH, WV, VA, MD, PA, NY, and DC. Representative: James M. Duffy, 124 South Penn. Ave., Greensburg, PA 15601. TA lease is not sought. Transferee is not a carrier.

MC–FC–79478. By decision of 11/27/81 Review Board 3 approved the transfer to CAPITOL CITY TRANSFER, INC., of Topeka, of Certficate No. MC–42326 issued to ROLAND D. SELLERS, d/b/a SELLERS TRUCK LINE, of Salina, KS, authorizing: general commodities and named specified commodities, including farm machinery, furniture, agricultural commodities, petroleum products, and related commodities between named points in Kansas, Missouri, Nebraska, and Colorado. Representative: John E. Jandern, 641 Harrison St., Topeka, KS 66603. TA lease is not sought. Transferee is a carrier.

MC–FC–79481. By decision of November 25, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to AREA INTERSTATE TRUCKING, INC., of Harvey, IL, of Permit Nos. MC–144368 (Sub-No. 1), issued December 6, 1978, MC–144368 (Sub-No. 4), issued November 10, 1980, MC–144368 (Sub-No. 5), issued November 20, 1980, MC–144368 (Sub-No. 7), issued May 5, 1981, and Certificate No. MC–144368 (Sub-No. 6), issued January 21, 1981, to GENPAT, INC., of Harvey, IL, authorizing in Subs 1, 4, 5, and 7 the movement of named commodities, from and between various points in the United States under continuing contracts with (1) Reynolds Metals Company, of Richmond, VA; (2) Lawndale Steel Company and Hancock Steel Processing Co., a subsidiary of Lawndale Steel Company; and (3) Pinkert Steel, and in Sub 6 general commodities (with exceptions), for the U.S. Government, between points in the United States. Representative: Leonard R. Kofkin, Attorney, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. TA lease is not sought. Transferee is a carrier.

MC–FC–79482. By decision of November 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49

CFR Part 1132, Review Board Number 3 approved the transfer to HAUL TRANSPORT, INC., of Milwaukee, WI, of Certificate No. MC–124078 (Sub-No. 978F), issued July 27, 1981, to SCHWERMAN TRUCKING CO., of Milwaukee, WI, authorizing the transportation of *commodities in bulk,* (1) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States in and west of MT, WY, CO, and NM (except AK and HI). Representative: James R. Ziperski, 61 So. 28 St., P.O. Box 1601, Milwaukee, WI 53201.

Notes.—TA has not been filed. Transferee does not currently hold any motor carrier authority, but it is affiliated with transferor. Because transferor is retaining duplicative authority, applicants elected to submit evidence showing a public need for the competitive service as required in 49 USC 10922.

MC–FC–79483. By decision of 11/25/81, Review Board 3 approved the transfer to FAYETTE TRUCKING, INC., of Uniontown, PA, of Certificate No. MC–8509 issued to REDSTONE HAULING AND EQUIPMENT CO. (a corporation), of Uniontown, PA, authorizing Structural steel, *Mercer* commodities, and machinery, between named points in PA, WV, MD, NY, OH, and DC. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. TA lease is not sought. Transferee is not a carrier.

MC–FC–79489. By decision of 11/25/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to GEORGE O. BAIR, AN INDIVIDUAL, d.b.a. WESTERN STATES TRUCKING, of West Valley City UT, of Certificate No. MC–145660 (Sub-No. 2) issued 11/20/80, to CALLISTER & SONS TRUCKING, of Salt Lake City, UT, authorizing: *lumber, lumber mill products,* and *wood fiber building materials,* (1) from points in OR and WA to points in CO, ID, UT, and WY (except 14 ID Counties) and (2) from points in CA in and north of the Counties of Calaveras, Napa, San Joaquin, Solano, Sonoma, and Tuolumne, to points in ID, UT, and WY (except 14 ID Counties). Representative: Miss Irene Warr, Attorney, 311 South State Street, Suite 280, Salt Lake City, UT 84111, (801) 531–1300. TA lease is not sought. Transferee is not a carrier.

MC–FC–79492. By decision of 11/30/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to THOMAS TURPIN, AN INDIVIDUAL, d.b.a. ELM CITY MOVERS, of West Haven, CT, of Certificate No. MD–29182 issued 3/6/74, to ELM CITY MOVING AND TRUCKING COMPANY, INC., of New Haven, CT, authorizing: *china dishes* and *earthenware,* from New Haven, CT, to Pawtucket and Providence, RI and Hackensack, NJ; *general commodities,* with the normal exceptions, between New Haven, West Haven, and Hamden, CT; and *household goods,* between New Haven, CT, and points within 20 miles thereof, on the one hand, and, on the other, points in MA, NJ, NY, and RI. Representative: William J. Meuser, Attorney, 86 Cherry Street, P.O. Box 507, Milford, CT, (203) 878–1747. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35308 Filed 12–9–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

December 7, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

Aggregate-of-Intermediates

No. 43943, Trans-Continental Freight Bureau, Agent's No. 563, rates on iron or steel articles, carload minimum weight 80,000 pounds, from Minnequa, CO to stations in Idaho, Oregon, and Washington. Rates are to be published in Item 4026–series to tariff ICC TCFB 3001–D. Grounds for relief—maintenance of depressed rates published to meet motor carrier competition without use of such rates as factors in constructing combination rates.

Long-and-Short-Haul

No. 43944, Trans-Continental Freight Bureau, Agent's No. 564, rates on iron or steel articles, carload minimum weight 80,000 pounds, from Minnequa, CO to stations in Idaho, Oregon, and Washington. Rates are to be published in Item 4026–series to tariff ICC TCFB 3001–D. Grounds for relief—Motor Carrier Competition.

By the Commission:

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35309 Filed 12–9–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–32915 appearing at page 56249 in the issue for Monday, November 16, 1981, please make the following corrections:

(1) On page 56252, in the first column, the paragraph beginning "MC 2493 (Sub–4)" filed for Woodburn Truck Line, Inc., should have begun "MC 24943 (Sub–4)".

(2) On page 56252, in the first column, the last paragraph, "MC11142 (Sub–12)" filed for O. D. Anderson, Inc., should have begun "MC111422 (Sub–12).

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Crown Oil Corp.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Central District of California in *United States of America v. Crown Oil Corporation, et al.,* Civil Action No. 81–0787–TJH.

The complaint in this case alleged that the three corporations conspired to raise and maintain prices and to create an artificial shortage of crude coconut oil in the United States in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The proposed Final Judgment enjoins the defendants from entering into or maintaining any agreement, understanding, combination or conspiracy to fix, maintain or stabilize prices; to refuse to sell to any persons in the United States; to discriminate in price or any other terms or condition of sale between or among refiners, end-users or dealers within the United States; and to store crude or refined coconut oil in the United States. The proposed Final Judgment further enjoins the defendants from communicating with any other person who imports, sells, or markets coconut oil in the United States any information about past, present, future or proposed prices, discounts or any other terms or conditions for the sale of coconut oil.

The proposed Final Judgment requires the defendants to distribute copies of the judgment to its officers and directors and to those employees with responsibility for importing, selling or

marketing crude coconut oil. It also requires that the defendants institute an antitrust compliance program which it must continue for ten years from the date of the judgment.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Leon W. Weidman, Acting Chief, Los Angeles Field Office, Antitrust Division, Department of Justice, 3101 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012 (telephone: (213) 688–2500).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Leon W. Weidman, Trischa J. O'Hanlon, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90012, Telephone: (213) 688–2500, *Attorneys for the United States.*

U.S. District Court, Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities,* Defendants.

Civil No. 81–0787–TJH.

Filed: November 25, 1981.

Entered: *Stipulation*

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by service of notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Charles F. B. McAleer, Leon W. Weidman, Trischa J. O'Hanlon, *Attorneys, U.S. Department of Justice.*

For the defendants: William J. Linklater, Baker & McKenzie, Attorney for Defendant, Crown Oil Corporation.

James F. Kirkham, Pillsbury, Madison & Sutro, Attorney for Defendants, Granex Corporation, U.S.A. and Pan Pacific Commodities.

Leon W. Weidman,Trischa J. O'Hanlon, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90012, Telephone: (213) 688–2500, *Attorneys for the United States.*

U.S. District Court Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities,* Defendants.

Civil No. 81–0787–TJH.

Filed: November 25, 1981.

Entered:

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on February 17, 1981, and Plaintiff and Defendants Crown Oil Corporation ("Crown"), Granex Corporation, U.S.A. ("Granex"), and Pan Pacific Commodities ("Pan Pac"), by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact of law and upon consent of the parties, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and each of the parties. The Complaint states a claim upon which relief may be granted against each Defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

This Final Judgment applies to each Defendant and each of said Defendant's officers, directors, agents, employees, subsidiaries, successors and assigns and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to transaction or activities required by the laws or the regulations having the force of law of the jurisdictions in which such transaction or activity takes place.

III

As used in this Final Judgment:

A. "Person" means any individual, partnership, firm, corporation, asociation or other business or legal entity;

B. "Refiner" shall mean any person engaged in the business of refining and processing crude coconut oil;

C. "Dealer" shall mean any person trading in commodities, such as coconut oil, for their own accounts;

D. "End-users" shall mean any person engaged in the business of manufacturing products or substances derived from crude or refined coconut oil;

E. "Crude Coconut Oil" shall mean bulk oil derived from the crushing of copra and which has not been further processed;

F. "UNICOM"shall mean United Coconut Mills, Inc., a Philippine Corporation; and

G. "UCPB" shall mean United Coconut Planters Bank, a bank organized under Philippine law.

IV

Crown, Granex and Pan Pac are each enjoined and restrained from:

(A) Entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, combination or conspiracy with any other person or persons, directly or indirectly to:

(1) Raise, fix, maintain or stabilize the price of crude or refined coconut oil in the United States;

(2) Refuse to sell crude or refined coconut oil to any persons or entities within the United States;

(3) Discriminate in price or any other terms or conditions of sale between or among refiners, or end-users or dealers of crude or refined coconut oil within the United States; and

(4) Store crude or refined coconut oil; provided, however, that this subparagraph shall not apply to any *bona fide* storage agreement or contract.

(B) Communicating to, requesting from or discussing with any other person who imports, sells or markets crude or refined coconut oil in the United States any information about past, present, future or proposed prices, discounts or other terms or conditions for the sale of crude or refined coconut oil; provided, however, that this section does not apply to (1) any necessary communication in connection with a *bona fide* comtemplated or actual sale of crude or refined coconut oil by a Defendant, or (2) communication of price or other terms or conditions of sale between a Defendant and its parent.

(C) Discriminating as to price or other terms or conditions of sale for the benefit of any other Defendant or any other person purchasing on behalf of, for the account of, or for resale to any such Defendant.

V

(A) Within sixty (60) days after the date of entry of this Final Judgment, each Defendant shall furnish a conformed copy hereof to the following persons and advise each that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment and/or a fine:

(1) Each of its officers and directors;

(2) Each of its employees and principal agents who is engaged in, or has responsibility for or authority over, the pricing of any product;

(3) The officers and directors of its parent corporations, if any; and

(4) The officers and directors of UCPB and UNICOM.

(B) Within ninety (90) days after the date of entry of this Final Judgment, each Defendant shall file with this Court and serve upon the Plaintiff an affidavit setting forth the fact and manner of compliance with Paragraph (A) of this Section.

(C) Within thirty (30) days after any person becomes an officer, director, employee or agent of the kind described in Paragraph (A), the Defendant employing said person shall furnish to him or her a conformed copy of this Final Judgment together with the advice specified by said Paragraph (A).

(D) Each person receiving from a Defendant a conformed copy of this Final Judgment in accordance with this paragraph shall furnish a receipt therefor which shall be retained in the Defendant's files.

VI

(A) Each Defendant shall advise each of its officers who has management responsibility for the importation, sale or marketing of crude or refined coconut oil, and each of its employees and principal agents who is engaged in, or who has responsibility for or authority over, the pricing of crude or refined coconut oil, of its and their obligations under this Final Judgment for a period of ten (10) years from the entry of this Final Judgment. Each Defendant shall maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to each of the persons described immediately above:

(1) The annual distribution to them of this Final Judgment;

(2) The annual submission to them of a written directive setting forth the Defendant's policy regarding compliance with the Sherman Act and with this Final Judgment, including (a) an admonition that noncompliance with such policy and this Final Judgment will result in appropriate disciplinary action determined by the employing Defendant and which may include dismissal, and (b) a statement that the Defendant's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems;

(3) The imposition of a requirement that each of them sign and submit to his employer, once a year, a certificate in substantially the following form:

The undersigned hereby (1) acknowledges receipt of a copy of the Final Judgment entered in *United States* v. *Crown Oil Corporation, et al.*, Civil No. 81-0787-TJH (C.D. cal.) and a written directive setting forth the company's policy regarding compliance with the antitrust laws and with such Final Judgment; (2) represents that the undersigned has read and understands such Final Judgment and directive; (3) acknowledges that the undersigned has been advised and understands that noncompliance with such policy and Final Judgment will result in appropriate disciplinary measures determined by the company and which may include dismissal; and (4) acknowledges that the undersigned has been advised and understands that noncompliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine;

(4) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such meeting within a twelve (12) month period; and

(5) The imposition of a requirement that for a period of ten (10) years from the entry of this Final Judgment each of them shall report, subject to any legally recognized privilege, to his or her immediate superior in writing each communication not permissible under Section IV hereof with any officer, director, or representative or employee of any other company which imports, exports or sells crude or refined coconut oil, if such communication in any way involves prices or any of the terms or conditions of importation, exportation or sale of such commodities or any information from which a price or term or condition of importation, exportation or sale may be computed. Each of them is to meet this requirement by completing a written report of each such communication within ten (10) days of the communication, stating the date, time and place of the communication, and the names of all individuals who participated in the communication. Any person required to file a report by this Paragraph and who declines to report any communication on the basis of a legally recognized privilege must complete a written report within ten (10) days of the claimed privilege. Any person required to complete reports of communications by this Paragraph and who completes no such reports during any six-month period must certify that he or she had no communications of the type described in this Paragraph. Each Defendant shall include in its annual sworn statement required to be filed by this Section of this Final Judgment, the name and address of each person, if any, who has failed to submit a report or certification required by this Paragraph during the twelve-month period preceding the filing of the Defendant's sworn statement. The Defendants shall maintain for inspection by the Plaintiff until the tenth anniversary of the date of the entry of this Final Judgment all reports and certifications required by this Paragraph.

(B) For a period of ten (10) years from the entry of this Final Judgment, each Defendant shall file with the Plaintiff and with the Court, on or before the anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by the Defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Section. This statement shall be accompanied by copies of all written directives issued by the Defendant during the prior year with respect to compliance with the antitrust laws and with this Final Judgment.

(C) Upon direction of the Court, or motion by the Plaintiff, the designated official referred to in Paragraph (B) immediately above shall appear before the Court to give sworn testimony on the manner of compliance with this Final Judgment.

VII

Each Defendant shall require, as a condition of the sale or disposition of all, or substantially all, of the stock, assets or goodwill of the Defendant that the acquiring party shall agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a Defendant made to its principal office, be permitted:

(1) Access during office hours of such Defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such Defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such Defendant and without restraint or interference from it, to interview officers, employees and agents of such Defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to a Defendant's principal office, such Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a Defendant to Plaintiff, such Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said Defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to such Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that Defendant is not a party.

IX

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

X

All provisions of the Final Judgment, unless terminated or modified prior thereto, shall terminate ten (10) years from the date of entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

Los Angeles, California.

United States District Judge.

Leon W. Weidman, Trischa J. O'Hanlon, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 N. Los Angles Street, Los Angles, California 90012, Telephone: (213) 688–2500, *Attorneys for the United States.*

U.S. District Court, Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities,* Defendants.

Civil No. 81–0787–TJH.

Filed: November 25, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of This Proceeding

On February 17, 1981, the United States filed a civil antitrust action under Section 4 of the Sherman Act, 15 U.S.C. 4, alleging that the defendants and unnamed co-conspirators conspired to purchase and store crude coconut oil to create a shortage of crude coconut oil in the United States and to fix the price of crude coconut oil in the United States. The complaint alleges that, as a result of this conspiracy, the price for crude coconut oil in the United States has been fixed at artificial and noncompetitve levels; competition in the sale of crude coconut oil in the United States has been restrained; and refiners, dealers and end-users in the United States have been denied the benefits of free and open competition in the purchase of crude coconut oil. The United States sought a judgment declaring the alleged conduct to be a conspiracy in restraint of trade in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, and injuctive relief prohibiting the conduct alleged to have given rise to the violation.

Entry by the Court of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify, or enforce the Final Judgment or to punish violations of any of the provisions of the Final Judgment.

II

Description of Practices Giving Rise to the Alleged Violation

A. *The Defendants.* Each of the defendants listed below is incorporated and exists under the laws of the state listed opposite its name, with its principal place of business in the city listed. During all or part of the period of time covered by the complaint, each of said defendants engaged in the importation, sale and/or refining of crude coconut oil in the United States.

Corporation	State of incorporation	Principal place of business
Crown Oil Corp.	Nevada	San Francisco, CA.
Granex Corp., U.S.A	Delaware	San Francisco, CA.
Pan Pacific Commodities	California	Los Angles, CA (until February 1980). San Francisco, CA (after February 1980).

B. *Co-conspirators.* The complaint alleges that various entities and individuals not made defendants in the complaint have participated as co-conspirators in the violation alleged and have performed acts and made statements in furtherance thereof.

C. *Trade and Commerce Involved.* The industry that the complaint alleges as the subject of defendants' conspiracy is the importation, sale and/or refining of crude coconut oil. Defendants sold this crude oil in the United States to refiners, dealers and end-users located in various states. Most of the crude coconut oil refined or sold by defendants was imported from the Republic of the Philippines to the United States.

D. *Alleged Violations.* During the period of time covered by the complaint, each of the defendant corporations sold crude coconut oil in the United States to refiners, dealers and end-users located in various states of the United States. During this same period of time, Granex Corporation, U.S.A. also processed and sold refined coconut oil to refiners, dealers and end-users located in various states of the United States. Most of the crude coconut oil refined or sold by defendant corporations was imported from the Republic of the Philippines to the United States. Interstate commerce was substantially affected by the combination and conspiracy alleged in the complaint.

The complaint alleges that beginning in or about October 1979 and continuing thereafter at least until March 1980, Crown Oil Corporation; Granex Corporation, U.S.A.; Pan Pacific Commodities; and their co-conspirators engaged in a combination and conspiracy in unreasoable restraint of interstate trade and commerce in crude coconut oil in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The alleged combination and conspiracy consisted of a continuing agreement, understanding and concert of action among defendants and co-conspirators to raise, fix and stabilize the price of crude coconut oil in the United States; to purchase crude coconut oil to create an artificial shortage in the United States; to refuse to sell crude coconut oil to purchasers in the United States, other than defendants of their co-conspirators, for less than certain set prices; and to store crude coconut oil in various storage facilities in the United States until such time as the market price increased to the desired level.

The complaint alleges that in furtherance of their combination and conspiracy, the defendants and their co-conspirators have discussed with each other the coordination of pricing policies and marketing strategies with regard to sales of crude coconut oil in the United States; have exchanged information regarding shipments of crude coconut oil and storage facilities; have purchased large quantities of crude coconut oil and have relayed and implemented agreements reached among officers, directors and members of the United Coconut Oil Mills, Inc. (UNICOM), a private Philippine corporation, with regard to the purchase, sale and marketing of crude coconut oil. The complaint also alleges that defendants and their co-conspirators combined and conspired to store large quanties of crude coconut oil, jointly and individually, in various parts of the United States; to communicate the prices to be offered in the United States for crude coconut oil; to coordinate the sale and marketing of crude coconut oil; and to refuse to sell crude coconut oil in the United States for certain periods of time.

According to the complaint, the conspiracy had the following effects: (a) Competition in the sale of crude coconut oil in the United States was suppressed; (b) the price of crude coconut oil was fixed, maintained and stabilized; and (c) refiners, dealers and end-users in the United States were deprived of the benefits of free and open competition in the purchase of crude coconut oil.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have agreed in a stipulation that a Final Judgment in the form negotiated by the parties may be entered by the Court any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Final Judgment provides that there have been no admissions by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Final Judgment is conditioned upon the Court's determination that it is in the public interest.

A. *Prohibited Conduct.* The proposed Final Judgment grants the fundamental relief the United States sought in the complaint. In Section IV of the Final Judgment, the defendants are enjoined from entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy to fix, maintain or stabilize prices; to refuse to sell to any persons within the United States; to discriminate in price or any other term or condition of sale between or among refiners, or end-users or dealers; or to store crude or refined coconut oil.

The defendants are further prohibited by Section IV from communicating with any other person who imports, sells, or markets crude or refined coconut oil in the United States any information about past, present,

future or proposed prices, discounts or any other terms or conditions for the sale of crude or refined coconut oil.

Section IV also prohibits defendant corporations from discriminating as to price or other terms or conditions of sale for the benefit of any other defendant or any other person purchasing on behalf of, for the account of, or for resale to any such defendant.

The scope of the Final Judgment is limited in three ways. First, noting contained in the Final Judgment shall apply to any negotiation or necessary communication by a defendant in connection with a contemplated or actual *bona fide* purchase or sale of crude or refined coconut oil. Second, the Final Judgment does not apply to transactions or communications between a defendant and a parent or between the officers, directors, agents or employees thereof. Third, the Final Judgment does not prohibit a defendant from contracting for or agreeing to any *bona fide* storage agreement or contract.

B. *Scope of the Proposed Final Judgment*

The Final Judgment shall apply to each defendant and to each of its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment by personal service or otherwise. There is no geographical limitation in the Final Judgment However, the Final Judgment shall not apply to transactions or activities required by the laws or the regulations having the force of law of the jurisdiction in which such transaction or activity takes place.

The Final Judgment specifically requires that if a defendant sells its stock, assets or goodwill, the acquiring party must agree to be bound by the provisions of the Final Judgment.

Within 60 days after entry of the Final Judgment, each defendant will be required to furnish a copy of the Final Judgment to certain of its officers, directors, employees and agents, as well as officers and directors of its parent corporations and the officers and directors of the United Coconut Planters Bank (UCPB) and UNICOM. Each defendant must also take additional steps to advise these persons of their obligations under the Final Judgment and of the criminal penalties for violation thereof. Within 90 days of entry of the Final Judgment, an affidavit as to the fact and manner of each defendant's compliance must be filed with the Court. These provisions should help prevent future violations of the Final Judgment by making each responsible employee individually aware of the Final Judgment and its prohibitions.

In order to assure compliance, the Final Judgment authorizes the Department of Justice to inspect and copy records and documents in the possession or under the control of any defendant relating to any matters contained in the Final Judgment. In addition, the Department of Justice may require any defendant to submit reports from time to time.

The Final Judgment is for a term of ten years from the date it is entered and the Court retains jurisdiction for that period.

C. *Effect of the Proposed Final Judgment on Competition.* The terms of the Final Judgment are designed to prevent any recurrence of the activities alleged in the complaint. The Final Judgment is designed to ensure that in the future defendants' prices will be independently determined and will be free from the restraining and artificial influences which result from communications and agreements among competitors.

The Department of Justice believes that the proposed Final Judgment provides fully adequate provisions to prevent continuance or recurrence of the violations of the antitrust laws charged in the complaint. In the Department's view, disposition of the lawsuit withour further litigation is appropriate in that the proposed Final Judgment provides all the relief which the Government sought in its complaint and the additional expense of litigation would not result in additional public benefit

IV

Alternative Remedies Considered by the Government

The Government did not consider seeking any remedies other than those that appear in the proposed Final Judgment.

V

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides than any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment has no *prima facie* effect in subsequent lawsuits which may be brought against these defendants

VI

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Loen W. Weidman, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, within the 60-day period provided by the Act. These comments and the Department's responses to them will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. The proposed Final Judgment provides that the Court retains jurisdiction over this action and the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VII

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial of the issues on the merits and on relief. The Division considers the substantive language of the Final Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the Final Judgment provides all or substantially all of the relief which could reasonably be expected to be obtained after a full trial

VIII

Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, were considered in formulating this proposed Final Judgment. Consequently, none are submitted pursuant to such Section 2(b).

Dated:

Respectfully submitted,

Loen W. Weidman, Trischa J. O'Hanlon,
Attorneys, U.S. Department of Justice.

[FR Doc. 81-35317 Filed 12-9-81; 8:45 am]
BILLING CODE 4410-01-M

United States v. Hawthorn Mellody, Inc., et al., and Competitive Impact Statement Thereon; Proposed Final Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for The Northern District of Ohio, Eastern Division, in *United States* v. *Hawthorn Mellody, Inc., et al.*, Civil No. C 80–1894. The Complaint in this case alleges that two dairies violated the Sherman Act by conspiring to fix, raise, stabilize, and maintain wholesale prices of fluid milk in Northeastern Ohio.

The proposed Judgment enjoins the defendants from participating in the alleged conspiracy and from communicating certain pricing information to any other dairy.

The CIS describes the terms of the proposed Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Office, Antitrust Division,

Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Joseph H. Widmar,

Director of Operations.

United States District Court, Northern District of Ohio, Eastern Division

United States of America, Plaintiff, v. *Hawthorn Mellody, Inc., Hillside Dairy Company, Inc.*, Defendants; Civil No. C80–1894. Judge George W. White; Filed: 11–30–81.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: ———

For the Plaintiff: William F. Baxter, *Assistant Attorney General*, Joseph H. Widmar, John A. Weedon, *Attorneys, Department of Justice*. James R. Williams, *United States Attorney*. Donald S. Scherzer, Richard E. Reed, Paul L. Binder, *Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, (216) 522–4082.*

For the Defendants: Robert J. Hoerner, *Counsel for Hawthorn Mellody, Inc.* John D. Leech, *Counsel for Hillside Dairy Company, Inc.*

United States District Court, Northern District of Ohio, Eastern Division

United States of America, Plaintiff v. *Hawthorn Mellody, Inc.; Hillside Dairy Company, Inc.*, Defendants; Civil Action No. C80–1894. Judge George W. White; Filed: 11–30–81.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on October 10, 1980, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

Ordered, Adjudged, and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Person" means any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Fluid milk" means pasteurized milk in fluid form that is fit for human consumption;

(C) "Dairy" means any person which processes raw milk into fluid milk and other dairy products or sells and distributes fluid milk and other dairy products to customers such as grocery stores, restaurants, hotels, schools, hospitals, government entities, and home delivery purchasers;

(D) "Northeastern Ohio" means the area encompassed by Cuyahoga, Lake, Lorain, and Summit Counties.

(E) "Hawthorn Mellody, Inc." means a Delaware Corporation organized on October 16, 1968, which changed its name to HM Liquidating, Inc. and sold its assets and the right to use its name, "Hawthorn Mellody, Inc.", to HAS Acquisition Corp. on August 11, 1981.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any dairy to determine, establish, fix, raise, stabilize, maintain, or adhere to wholesale prices or other terms or conditions for the sale of fluid milk.

V

Each defendant is enjoined and restrained from, directly or indirectly:

(A) Communicating to any dairy any information concerning the costs, future costs or anticipation of changes or revisions in the costs of fluid milk or other dairy products in Northeastern Ohio;

(B) Communicating to any dairy any information concerning the present wholesale or any future prices or terms or conditions of sale at which fluid milk or other dairy products are or may be sold in Northeastern Ohio, or consideration of changes or revisions in any prices or terms and conditions of sale of such products in Northeastern Ohio;

(C) Requesting from any person any information that said defendant could not communicate without violating subsections (A) or (B) hereof.

VI

Nothing in Sections IV or V of this Final Judgment shall prohibit any defendant from:

(A) Communicating information to or obtaining information from any person in the course of, and related to, negotiation for, entering into, or carrying out a bona fide purchase or sale transaction with such person;

(B) Engaging in bona fide joint collective bargaining or bona fide collective bargaining through a common agent in the course of labor negotiations.

VII

Nothing in Section V of this Final Judgment shall prohibit defendant Hillside Dairy Company, Inc., its successors or its assigns, from being a member of Quality Chekd Dairy Products Association and participating in those activities of Quality Chekd Dairy Products Association which are not prohibited by law.

VIII

Each defendant is ordered and directed to:

(A) Furnish a copy of this Final Judgment within thirty (30) days after the date of its entry to each of its officers and directors and to each other person (excluding salesman-truck drivers) who has any responsibility for the pricing or sale of fluid milk in Northeastern Ohio;

(B) Furnish a copy of this Final Judgment to each successor to any person described in subsection (A) hereof within thirty (30) days after each such successor assumes such position;

(C) Obtain from each such person furnished a copy of this Final Judgment pursuant to subsections (A) and (B) hereof a signed receipt therefor, which receipt shall be retained in the defendant's files;

(D) Attach to each copy of this Final Judgment furnished pursuant to subsections (A) and (B) hereof a statement, in substantially the form set forth in Appendix A attached hereto, advising each person of his obligations and of such defendant's obligations under this Final Judgment, and of the criminal penalties which may be imposed upon him and upon such defendant for violation of this Final Judgment;

(E) Hold, within seventy-five (75) days after the date of entry of this Final Judgment, a meeting or meetings of the persons described in subsection (A) hereof, at which meeting such persons shall be instructed concerning the defendant's and their obligations under this Final Judgment. Similar meetings shall be held at least once a year, which meetings shall also be attended by those persons described in subsection (B) hereof;

(F) Establish and implement a plan for monitoring compliance by the persons described in subsections (A) and (B) hereof with the terms of the Final Judgment;

(G) File with this Court and serve upon the plaintiff, within ninety (90) days after the date of entry of this Final Judgment, an

affidavit as to the fact of its compliance with subsections (A), (C), (D), (E), and (F) hereof.

IX

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the manufacture and sale of fluid milk, that the acquiring party agrees to be bound by the provisions of this Final Judgment and to file such agreement with the Court.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction of carrying out this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XII

This Final Judgment shall expire ten (10) years from its date of entry.

XIII

Entry of this Final Judgment is in the public interest.

Dated: ————.

United States District Judge.

Appendix A

Re: *United States v. Hawthorn Mellody, Inc., and Hillside Dairy Company, Inc., Civil Action No. C 80–1894 (N.D. Ohio)*

Attached hereto is a copy of a Final Judgment entered ————, 1981 in the captioned case. We are required to provide this to you. You should read it carefully. The provisions of the Final Judgment contained in Sections IV and V apply to you. If you violate these provisions, you may subject the company to a fine and you may also subject yourself to a fine and imprisonment.

United States District Court, Northern District of Ohio, Eastern Division

United States of America, Plaintiff v. *Hawthorn Mellody, Inc.; Hillside Dairy Company, Inc.*, Defendants; Civil Action No. C 80–1894, Judge George W. White.

Agreement To Be Bound by the Provisions of the Final Judgment

On August 11, 1981, HAS Acquisition Corp. acquired from Fuqua Industries the assets of defendant Hawthorn Mellody, Inc., together with the right to use the Hawthorn Mellody name. After acquiring the assets, HAS Acquisition Corp. changed its name to Hawthorn Mellody, Inc. (hereinafter "new Hawthorn Mellody"). The new Hawthorn Mellody, a Delaware corporation which was incorporated on February 18, 1981, hereby represents to this Court, through its undersigned attorney, that it agrees to be bound by the provisions of the proposed Final Judgment that is being filed concurrently in this case and submits to the jurisdiction of this Court for that purpose.

Silas Spengler,

Spengler Carlson Gubar Brodsky & Rosenthal.

United States District Court, Northern District of Ohio; Eastern Division

United States of America, Plaintiff, v. *Hawthorn Mellody, Inc.; and Hillside Dairy Company, Inc.*, Defendants; Civil No. C 80–1894, Judge George W. White.

Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I.—Nature and Purpose of the Proceeding

On October 10, 1980, the United States filed a civil antitrust Complaint alleging that two dairies, Hawthorn Mellody, Inc. ("Hawthorn") and Hillside Dairy Company, Inc., ("Hillside") conspired to fix prices in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleges that, beginning at least as early as April 1978 and continuing at least until April 1979, the defendants engaged in a combination and conspiracy to fix, raise, stabilize, and maintain the wholesale prices of fluid milk sold by the defandants in four Northeastern Ohio counties. In furtherance of the conspiracy, the defendants discussed and agreed upon the amount of wholesale price increases to pass on to various purchasers. Thus, Northeastern Ohio purchasers of fluid milk were deprived of the benefit of competitive prices in the sale of fluid milk.

The Complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also asks that the Court enjoin the defendants from such activities in the future.

The defendants in this action have previously pleaded *nolo contendere* to criminal felony charges concerning the same combination and conspiracy alleged in this action. A fine of $350,000 was levied against each of the defendants. This civil case has been held in abeyance until the criminal charges were resolved.

II.—Description of the Practices Giving Rise to the Alleged Violations of the Antitrust Laws

Hawthorn was organized as a Delaware Corporation in 1968. On August 11, 1981, Hawthorn's assets, together with the right to use the name "Hawthorn Mellody, Inc.," were sold to HAS Acquisition, a Delaware Corporation. Thereafter, the defendant, Hawthorn Mellody, Inc., changed its name to HM Liquidating, Inc. HAS Acquisition Corp., which is now known as Hawthorn Mellody, Inc., is not a defendant in this case but has agreed, in a paper filed with the Court together with the proposed Final Judgment, to be bound by the provisions of the proposed Final Judgment.

Before the sale of its assets, defendant Hawthorn marketed dairy products in nine midwestern states, one of which was Ohio. Its major dairy product, fluid milk, accounted for 72 percent of total net sales in 1978. Hawthorn was the largest dairy in Cuyahoga County, one of the four counties affected by the conspiracy.

Hillside is an Ohio Corporation with headquarters in Cleveland Heights, Ohio. It sells 95 percent of its dairy products in Cuyahoga County. Hillside is the largest independent dairy in Cuyahoga County.

During the period covered by the Complaint, defendants Hawthorn and Hillside processed and sold wholesale fluid milk and related dairy products. The defendant dairies purchased raw milk from a dairy cooperative and pasteurized the milk into fluid form that is fit for human consumption. The pasteurized product, fluid milk, was sold wholesale to customers such

as schools, grocery stores, restaurants, hotels, hospitals, government entities, and home delivery purchasers.

Although a majority of both defendants' customers were located in Cuyahoga County during the period of the conspiracy, they also had customers in Lake, Lorain, and Summit Counties. The Complaint charged that the defendants had combined sales of fluid milk in 1978 of approximately $29 million.

The Complaint alleges that beginning as early as April 1978 and continuing at least until April 1979, the defendants engaged in a conspiracy to fix, raise, stabilize, and maintain the wholesale price of fluid milk sold to customers in Northeastern Ohio. Northeastern Ohio is defined as Cuyahoga, Lake, Lorain, and Summit Counties.

The Complaint alleges that the combination and conspiracy to fix prices was in restraint of trade and commerce in violation of Section 1 of the Sherman Act, as amended (15 U.S.C. 1). The conspiracy to fix prices had the following effects:

a. The price of fluid milk in Northeastern Ohio was fixed, raised, stabilized, and maintained at artificial and non-competitive levels;

b. Purchasers of fluid milk were deprived of the benefits of free and open competition in the sale of fluid milk;

c. Competition in the sale of fluid milk in Northeastern Ohio was restrained.

III.—Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section IV enjoins and restrains the defendants from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any dairy to determine, establish, fix, raise, stabilize, maintain, or adhere to wholesale prices or other terms or conditions for the sale of fluid milk.

Section V of the proposed Final Judgment enjoins the defendants from communicating with each other or with any other dairy about the costs, prices or terms of sale of fluid milk. Specifically, the defendants are enjoined and restrained from, directly or indirectly:

(A) Communicating to any dairy any information concerning the costs, future costs or anticipation of changes or revisions in the costs of fluid milk or other dairy products in Northeastern Ohio;

(B) Communicating to any dairy any information concerning the present wholesale or any future prices or terms or conditions of sale at which fluid milk or other dairy products are or may be sold in Northeastern Ohio, or consideration of changes or revisions in any prices or terms and conditions of sale of such products in Northeastern Ohio;

(C) Requesting from any person any information that said defendants could not communicate without violating subsections (A) or (B) hereof.

Since the defendant dairies often sold to each other and often competed for the same customers, Section VI of the proposed Final Judgment provides that certain activities are excluded from the prohibitions of Sections IV and V. Specifically, Section VI provides that the defendant shall not be prohibited from communicating information to, or obtaining information from, any person in the course of, and related to, negotiation for, entering into, or carrying out a bona fide purchase or sale transaction with such person. Section VI also provides that the defendant dairies are not prohibited from engaging in bona fide joint collective bargaining or bona fide collective bargaining through a common agent in the course of labor negotiations.

Section VII states that nothing in Section V of this Final Judgment shall prohibit defendant Hillside Dairy Company, Inc. from being a member of Quality Chekd Dairy Products Association and participating in those activities of Quality Chekd Dairy Products Association which are not prohibited by law.

Section VIII of the proposed Final Judgment orders the defendants to furnish a copy of the Final Judgment to each of its officers and directors and to each other person, excluding salesmen-truck drivers, who has any responsibility for the pricing or sale of fluid milk in Northeastern Ohio; successors of those persons are also to be furnished a copy of the Judgment. Each copy of the Final Judgment so provided will have attached a statement informing the recipient that a violation of the Final Judgment could result in a fine for the company and a fine and imprisonment for the recipient. Section VIII also requires each defendant to hold a meeting every year at which the persons mentioned above are instructed on their obligations and their company's obligations under the Final Judgment. The defendants are required to implement a plan for monitoring compliance of those persons with the Final Judgment.

Section III of the proposed Final Judgment makes the Judgment applicable to each defendant and to the officers, directors, agents, employees, subsidiaries, successors, and assigns of each defendant, as well as all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment.

Section IX requires that, if a defendant sells the assets of its dairy business, the purchaser must agree to be bound by the Final Judgment and to so inform the Court.

Section XII makes the Final Judgment effective for ten years from the date of its entry.

Section XIII states that entry of this Judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest.

Standard provisions similar to those found in other antitrust Final Judgments entered by consent are contained in Section I (jurisdiction of the Court), Section X (investigation and reporting requirements), and Section XI (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutary effect on competition in the fluid milk market. Not only have the defendants been enjoined from future collusive behavior, but they are also required to provide copies of the Final Judgment to each of their officers, directors, and other persons with substantial responsibility for pricing fluid milk in Northeastern Ohio. In addition, those people must meet annually to be instructed about their responsibilities under the Judgment. It is anticipated that these provisions will make future violations less likely.

IV.—Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V.—Procedures Available for Modification of The Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216–522–4070). These comments and the Department's responses to them will be filed with the Court and published in the Federal Register.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, Section XI of the proposed Judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification, interpretation, or enforcement of the Judgment after its entry.

VI.—Alternatives to The Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

VII.—Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted,

John A. Weedon, David F. Hils, *Attorneys,* Department of Justice. Donald S. Scherzer, Richard E. Reed, Paul L. Binder. *Attorneys, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199. Telephone: 216–522–4082.*

[FR Doc. 81–35318 Filed 12–9–81; 8:45 am]

BILLING CODE 4410–01–M

Attorney General

U.S. v. Lancaster Metals Science Corp.; Proposed Consent Decree in Action to Obtain Injunctive Relief to Abate an Imminent and Substantial Endangerment Presented by Disposal of Hazardous Wastes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 19, 1981, a proposed consent decree in *United States* v. *Lancaster Metals Science Corporation* was lodged with the United States District Court for the Eastern District of Pennsylvania. The proposed decree would require Lancaster Metals Science Corporation to undertake remedial work, including removal, treatment, repackaging, and permanent disposal of hazardous wastes presently stored in drums on the site, and the relining of waste lagoons.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice (on or before January 11, 1982), written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Lancaster Metals Science Corporation*, D.J. Ref. 90–7–1–95.

The proposed consent decree may be examined at the office of the United States Attorney, 3310 United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, at the Region III Office of the Environmental Protection Agency, Enforcement Division—Legal Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1252) Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $1.80 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–35314 Filed 12–9–81; 8:45 am]

BILLING CODE 4410–01–M

U.S. v. Union Carbide Corp.; Proposed Consent Decree in Action To Enjoin Discharge of Pollutants Under Clean Water Act

In accordance with the Departmental policy, 28 CFR 50. 7, 38 FR 19029, notice is hereby given that on November 9, 1981, a proposed consent decree in *United States of America v. Union Carbide Corporation,* Civil Action No. C–2–79–349, was lodged with the United States District Court for the Southern District of Ohio. The proposed decree requires Union Carbide Corporation to pay the sum of $20,000 to the United States Treasury as a penalty for violations of a National Pollutant Discharge Elimination System permit issued to Union Carbide at its facility in Washington County, Ohio.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, Southern District of Ohio, 85 Marconi Boulevard, Columbus, Ohio 43215 (2) the Office of the Environmental Protection Agency, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois 00004 (3) and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $5.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America v. Union Carbide Corporation,* DOJ Reference #90–5–1–1–1086.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–35316 Filed 12–9–81; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL SCIENCE FOUNDATION

Statement of Organization; Information for Guidance of the Public

A. *Creation and Authority.* The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950 (64 Stat. 149; 42 U.S.C. 1861–1875), as amended, and was given additional authority by the National Defense Education Act of 1958 (72 Stat. 1601; 42 U.S.C. 1876–1879). The Foundation consists of the National Science Board of 24 Members and a Director, each appointed by the President with the advice and consent of the Senate. Other senior officials include a Deputy Director and seven Assistant Directors.

The Foundations's organic legislation authorizes it to:

1. Initiate and support scientific research programs to strengthen scientific research potential and science education programs at all levels; and to appraise the impact of research upon industrial development and the general welfare.

2. Award graduate fellowships in the sciences.

3. Foster the interchange of scientific information among scientists in the United States and foreign countries.

4. Evaluate the status and needs of the various sciences and take into consideration the results of this evaluation in correlating its research and educational programs with other Federal and non-Federal programs.

5. Maintain a current register of scientific and technical personnel, and in other ways provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and technical resources in the United States.

6. Determine the total amount of Federal money received by universities, and appropriate nonprofit organizations for the conduct of scientific research, including both basic and applied, but excluding development, and report annually thereon to the President and the Congress.

7. Initiate and support specific activities in connection with matters

relating to international cooperation, national security, and the effects of scientific applications upon society.

8. Recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

B. *Organization.* The Foundation is organized along functional and disciplinary lines corresponding to program support of science, engineering and science edcuation.

1. *National Science Board.* The National Science Board is composed of 24 part-time Members and the Director of the Foundation ex officio. Members are appointed by the President, with the advice and consent of the Senate, for six-year terms. Members are selected because of their distinguished service in science, medicine, engineering, agriculture, education, public affairs, research management, or industry. They are chosen in such a way as to be representative of scientific leadership in all areas of the Nation. The officers of the Board, the Chairman and Vice Chairman, are elected by the Board from among its Members for two-year terms. The Board exercises authority granted it by the NSF Act, including establishing policies for carrying out the purposes of the Act. Meetings of the Board are governed by the Government in the Sunshine Act (Pub. L. 94–409) and the Board's Sunshine regulations (45 CFR Part 614). The policies of the Board on the support of science and development of scientific manpower are generally implemented through the various programs of the Foundation. The National Science Board is required by statute to render an annual report to the President for submission to the Congress.

2. *Director.* The Director of the National Science Foundation is appointed by the President, with the advice and consent of the Senate. The Director is the Chief Executive Officer of the Foundation. He serves ex officio as a Member of the National Science Board and as Chairman of its Executive Committee. The Director is responsible for the execution of the Foundation's programs in accordance with the NSF Act and other provisions of law, and the powers and duties delegated to him by the Board and for recommending policy considerations to the Board. The Director is assisted by a Deputy Director who is appointed by the President, with the advice and consent of the Senate.

C. *Activities of the Foundation.* The Activities of the Foundation are carried out by a number of Foundation components reporting to the Director through their respective senior officers.

1. *Staff Offices.*

a. *General Counsel.* Provides legal advice to the Director, the National Science Board, and NSF staff and represents them in legal matters, including the development of law and regulations likely to affect the NSF, science, or the use of science. Prepares and coordinates NSF comments on proposed legislation.

b. *Director, Office of Government and Public Programs.* Responsible for representing the Foundation, the Director, and his key associates in relationship with the Congress, various academic groups and professional societies, institutions and other NSF clientele, the communications media and the public. The Office of Government and Public Programs carries out the above responsibilities through four major elements: The Congressional Liaison Branch, the Public Information Branch, the Communications Resource Branch, and the Community Affairs Branch.

c. *Director, Office of Planning and Resources Management.* Responsible for program planning, programming, and budgeting activities; the development of long-range planning estimates; and a range of functions associated with appropriation and authorization process. The organization consists of three Divisions: The Division of Budget and Program Analysis, consisting of the Budgeting Section and the Programming Section; the Division of Planning and Policy Analysis, consisting of the Policy Analysis Section and the Program Review Section; and the Division of Program Development, responsible for establishing new programs and guiding their development.

d. *Director, Office of Equal Employment Opportunity.* Responsible for developing, maintaining, and carrying out a continuing Agency-wide affirmative action program designed to provide equal employment opportunity for all persons and to eradicate every form of prejudice or discrimination based on race, color, religion, sex, age, or national orgin.

e. *Director, Office of Small Business Research and Development.* Responsible for fostering communication between the National Science Foundation and the small business community; collecting, analyzing, compiling, and publishing information concerning grants and contracts awarded to small business concerns by the Foundation; assisting small business concerns in obtaining information regarding programs, policies, and procedures of the Foundation; and recommending to the Director and to the National Science Board any changes in procedures and practices which would enable the Foundation to use more fully the resources of the small business research and development community.

f. *Director, Office of Small and Disadvantaged Business Utilization.* Responsible for NSF compliance with the provisions of Pub. L. 95–507. Assists small and disadvantaged businesses with information about NSF programs and procurement opportunities.

g. *Director, Office of Audit and Oversight.* Responsible for post hoc sampling of proposal actions and post-award administration to evaluate documentation and adherence to stated procedures; assessing overall system performance and recommendations for improved and simplified procedures; investigating charges of improper actions by NSF staff and monitoring the decision reconsideration system; conducting financial, evaluation, and program audits; and monitoring and coordinating procedures for scientific oversight undertaken by disciplinary panels.

h. *Director, Office of Scientific Ocean Drilling.* Responsible for the management and the support of the development and operations of the Foundation's worldwide program of scientific deep sea drilling. This is accomplished through two major activities: the *Deep Sea Drilling Project* (DSDP) and the *Advanced Ocean Drilling Program* (AOD). DSDP scientific investigations, a reconnaissance of the global ocean floor, have been essential to development of the plate tectonics hypothesis; AOD is a planning effort to define and direct future drilling objectives and techniques. The Office directs and supports, through contracts, scientific planning and operations, the acquisition and conversion of research vessels, and the development of new drilling techniques and systems.

2. *Directorates.*

a. *Assistant Director for Mathematical and Physical Sciences.* Appointed by the President, with the advice and consent of the Senate. Serves as an advisor to the Director in the development of long-range plans, annual programs, and research policy in the areas of mathematical and physical sciences, as established under statutory and National Science Board authority; and is responsible for developing and carrying out a program to accomplish the Foundation's research support mission in these areas. Four Divisions report to the Assistant Director for Mathematical and Physical Sciences. Each Division is headed by a Division Director and generally is subdivided on a disciplinary or functional basis into

Sections and/or Programs. In addition to the specific areas of support discussed below, each Division supports appropriate conferences, symposia, and research workshops in the areas of science for which it has responsibility.

(1) *Division of Physics.* Responsible for providing support for research which concentrates on the most fundamental aspects of the properties and interactions of mat.er and energy. Support is provided through programs in atomic, molecular and plasma physics, nuclear physics, elementary particle physics, theoretical physics, intermediate energy physics, and gravitational physics. In addition, support is provided for university physics research facilities.

(2) *Division of Materials Research.* Responsible for the support of research designed to extend and deepen our understanding of materials and to help discover ways to apply that understanding. Included is research in solid state physics and chemistry, metallurgy, polymers, ceramics, and other areas of science and engineering necessary to improve basic understanding of materials and their engineering properties. This also includes research on the preparation, characterization, and understanding of the properties of crystalline and amorphous materials.

(3) *Division of Mathematical and Computer Sciences.* Responsible for providing research support in mathematics and in the applications of mathematics to other sciences; and for research in computer science and engineering, advanced computer-based research techniques and the impact of the computer on organizations and the individual. The Division also provides support for regional meetings on topics at the forefront of mathematics research.

(4) *Division of Chemistry.* Responsible for the support of fundamental research in all areas of chemistry, to improve understanding and make possible new applications of chemistry beneficial to other sciences, engineering and technology. The broad subfields supported are inorganic and organic synthesis, chemical dynamics and thermodynamics, structural chemistry, quantum chemistry, and chemical analysis. In addition, a special program exists to assist department and individual investigators in acquiring advanced instrumentation critical to modern chemical inquiry.

b. *Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.* Appointed by the President, with the advice and consent of the Senate. Responsible for the conduct of the Foundation's programs in the areas of astronomical, atmospheric, earth, ocean, and polar multi-disciplinary sciences. The Assistant Director serves as the Director's principal advisor in these areas, formulating long-range plans, annual programs, and research policy within the framework of policy established by statutes and the National Science Board. The Directorate is organized into five Divisions under the leadership of Division Directors who report to the Assistant Director. The Divisions are subdivided on a drsciplinary or functional basis into Sections and Programs, as appropriate.

(1) *Division of Astronomical Sciences.* Responsible for the support of research in all ares of ground-based astronomy including research on the sun, the solar system, the structure and evolution of stars, stellar systems and motions, and the composition and distribution of interstellar gas and dust; provides support to the U.S. scientific community for the development and acquisition of advanced telescopes and instrumentation related to the analysis of light and radio waves. The Division also carries out the Foundation's responsibilities in radio spectrum management. Further, the Division also assures continuing support, through contracts, for the development and operation of the country's five National Research Centers: National Astronomy and Ionosphere Center (NAIC), Arecibo, Puerto Rico; Cerro Tololo Inter-American Observatory (CTIO), Cerro Tololo, Chile; National Radio Astronomy Observatory (NRAO), Green Bank, WV—Kttt Peak, AZ—Socorro, NM: Kitt Peak National Observatory (KPNO), Kitt Peak, AZ; and Sacramento Peak Observatory (SPO), Sunspot, NM. The major objective of the Division is to increase the understanding of the physical principles governing the universe and the properties and behavior of astronomical objects such as the solar system, individual stars and stellar groups, and phenomena of outer space such as quasars, active galactic nuclei, and molecular masers.

(2) *Division of Atmospheric Sciences.* Responsible for the support of research in the atmospheric sciences at the Natiion's academic institutions through a wide range of programs including aeronomy, atmospheric chemistry, climate dynamics, meteorology, solar terrestrial research, and field research on the physics and dynamics of the troposphere. Also responsible for providing university and private sector support for scientific participation in the U.S. Global Atmospheric Research Program (GARP). Continuing support, through contract, is provided for the development and operations of the National Center for Atmospheric Research (NCAR) with principal laboratories located in Boulder, Colorado, which provides the atmospheric science community advanced research facilities including modern computing support and a fleet of aircraft, radars and other observational instrumentation. The objective of the Division of Atmospheric Sciences is to expand fundamental knowledge of the atmosphere of the earth, the sun, and other planets through a better understanding of the physical behavior of climate and weather; natural global cycles of gases and particles in the earth's atmosphere; the composition and dynamics of the upper atmospheric systems, and increased knowledge of the sun and neighboring planets as they relate to an understanding of the earth's upper atmosphere and space environment.

(3) *Division of Earth Sciences.* responsible for support of research in earth sciences at the Nation's academic institutions in: experimental and theoretical geochemistry, environmental geosciences, mantle geochemistry, stratigraphy and paleontology, seismology and deep earth structure, experimental and theoretical geophysics, petrogenesis and mineral resources, and crustal structure and tectonics, focusing on the application of the plate tectonics hypothesis to the study of the origin and evolution of continents. The objective of the Division of Earth Sciences is to enhance basic knowledge of the structure and evolution of the earth and the organisms living on it from its beginning to the present time; its chemical and physical properties; and the processes that create mountains, plains, ore deposits, fertile soils, earthquakes, landslides, and volcanic eruptions.

(4) *Division of Ocean Sciences.* Responsible for support of research at the Nation's academic oceanographic institutions of a broad spectrum of scientific projects directed towards a greater understanding of the physical, chemical, geological and biological processes or the ocean and its boundaries that control the chemical composition and motions of ocean waters, the nature and distribution of marine organisms, and the character of the ocean floor; and assures continued support to academic oceanographic institutions for the acquisition, operations, and maintenance of a fleet of research vessels and specialized facilities serving the basic oceanographic research programs and a wide range of other science that derives

data and research materials from the ocean. The major objective of the Division of Ocean Sciences is to improve basis knowledge of the sea, its resources, and its relationship to human activities and to provide oceanic ships and research facilities to sustain a viable research effort at the Nation's universities.

(5) *Division of Polar Programs.* Implements the Executive Directive assigning to the Foundation sole responsibility for planning, funding and managing a United States Antarctic Research Program that preserves national interests in Antarctic, including: Continued peace and stability in the region under a strong Antarctic Treaty; cooperative international research on regional and worldwide problems; conservation of the flora, fauna and environment of Antarctica; equitable and wise use of the region's natural resources; and protecting U.S. rights resulting from exploration or discovery in the region prior to the Antarctic Treaty. Scientific investigations by U.S. academic institutions are supported in Antarctica and the adjacent oceans in the disciplines of glaciology, oceanography, and the atmospheric, earth, and biological sciences. U.S. reserach stations in the Antarctic, designed, managed, and operated with support from NSF, provide scientists with year-round living accommodations and modern laboratories with specialized equipment. Other specialized facilities are provided aboard research ships and ski-equipped aircraft. The Division's arctic research program supports selected research projects, both individual and multi-investigator, for field experiments and observations in Alaska, Canada, Greenland, the Arctic Ocean and subarctic seas in the disciplines of glaciology, oceanography, and the atmospheric, earth, and biologic sciences. The major objectives of the Division of Polar Programs are to acquire new knowledge of the relationship of the earth's polar regions to global weather and climate; to develop a better understanding of upper atmosphere physics, tectonics, terrestrial biology, and paleontology of the polar regions and their relationship to the rest of the world; to evaluate the scientific basis for possible renewable and nonrenewable resources and to foster cooperative international research contributing to these objectives and toward environmental protection of the earth's polar regions.

c. *Assistant Director for Biological, Behavior, and Social Sciences.* Appointed by the President, with the advice and consent of the Senate. The Assistant Director serves as principal advisor to the Director in the development of long-range plans, annual programs, and research policy in the biological, behavioral, and social sciences as established under the statutory and the National Science Board authority. The Assistant Director is also responsible for developing and implementing programs to strengthen scientific research potential in these sciences. The Directorate, composed of five Divisions, each reporting to the Assistant Director, is structured primarily on a disciplinary basis. Each Division, headed by a Division Director, is subdivided into Programs.

(1) *Division of Physiology, Cellular, and Molecular Biology.* Responsible for supporting research in the fields of biochemistry, biophysics, genetics, cell physiology, cellular, developmental, metabolic, and regulatory biology and on alternative biological resources. The Division also provides support for specialized facilities, research conferences and workshops, and biological instrumentation. The major objectives of the Division are to understand better how plants, animals, and microbes regulate their metabolic and physiologic activities, reproduce, grow, and age and, in physical and chemical terms, how these life processes occur at the molecular, cellular, and organismal level and how this information may be used in addressing health and agricultural problems.

(2) *Division of Behavioral and Neural Sciences.* Responsible for basic and applied research in anthropology, linguistics, memory and cognitive processes, neurobiology, psychobiology, sensory physiology and perception, and social and developmental psychology. The Division also provides support for dissertation research, systematic anthropological collections, conferences and workshops, specialized facilities, and instrumentation. The major goals of the Division are to advance human understanding of behavior and nervous systems and to comprehend better the biological, psychological, and culture mechanisms underlying behavior.

(3) *Division of Social and Economic Science.* Responsible for research in economics, geography and regional science, sociology, measurement methods and data resources, political science, law and social sciences, and history and philosophy of science and regulation and policy analysis. Interdisciplinary and applied research is assisted. The Division also provides support for specialized research conferences and doctoral dissertation research. The objective of research support by this Division is to contribute to the basic understanding of how social organizations and institutions function and change and how human interaction and decisionmaking are influenced by social conditions and institutional arrangements.

(4) *Division of Environmental Biology.* Responsible for research in ecology, ecosystem studies, population biology and physiological ecology, and systematic biology. The Division provides support for biological research resources such as systematic collections, controlled environmental facilities, field research facilities, and culture collections. Support is also provided for dissertation research, research equipment, and research conferences and workshops. The research supported by this Division is to advance knowledge of the attributes and interrelations of organisms, populations, and communities as they exist in their natural environment.

(5) *Division of Information Science and Technology.* Responsible for programs (a) to increase understanding fo the properties and structure of information and information transfer, (b) to contribute to the store of scientific and technical knowledge which can be applied in the design of information systems, and (c) to improve understanding of the economic and other impacts of information science and technology.

d. *Assistant Director for Science and Engineering Education.* Appointed by the President with the advice and consent of the Senate. As principal advisor to the Director, provides leadership in all aspects of science and engineering education policy and programming. The Assistant Director for Science and Engineering Education has the responsibility of managing four major program categories: programs to improve the quality and distribution of scientific human resources; programs to strengthen science programs at educational institutions; programs of educational research and development; and programs that deal with promoting greater knowledge and use of science by the general public. At the present time, the status of Science and Engineering Education programs for Fiscal Year 1982 is not known, pending final Congressional action on NSF's budget.

e. *Assistant Director for Engineering.* Responsible for strengthening engineering research and, as appropriate, focusing some of that research in areas which are relevant to national problems. This is accomplished by supporting research across the entire

range of engineering disciplines and by identifying and supporting special areas of engineering research where results are expected to have timely and topical impacts on the selected problems. The specific objectives of the Directorate for Engineering are to advance fundamental knowledge of engineering principles that will be applied to the analysis and design of a large variety of man-made devices, systems, and processes; strengthen the academic engineering research base in order to address the need for increased basic knowledge underlying engineering technology; create an improved academic research environment which will encourage larger numbers of young engineers to seek graduate education and research; and stimulate the application of fundamental engineering knowledge and capabilities towards the solution of a limited number of significant problems of national interest. The Assistant Director participates with the Director in planning, analyzing, and evaluating the activities and in establishing and maintaining an effective liaison with the Congress, other Federal agencies, the educational and scientific community, professional societies, and other interested parties. Four Divisions report to the Assistant Director. Each Division is headed by a Division Director and generally subdivided on a disciplinary or functional basis into Sections and/or Programs. Within the Office of the Assistant Director for Engineering, the Problem Analysis Group seeks to identify and analyze major national problems with significant scientific content to provide a preliminary assessment of the appropriate role of science and technology and the Federal government (including NSF) in their solution.

(1) *Division of Chemical and Process Engineering.* Responsible for promoting the creation of knowledge relevant to the design, optimization, and operation of a wide range of processes in the chemical, petroleum/petrochemical, food, biochemical/pharmaceutical, mineral, and allied industries. Research efforts include the development of fundamental principles, design and control strategies, mathematical models, and experimental techniques which cut across a large number of industries and processes. Areas of support include catalysis, combustion, plasma chemistry, biochemical, electrochemical, macromolecular, and separation processes, particulate characterization and interaction, thermodynamic and transport properties, and renewable and nonrenewable materials processing.

(2) *Division of Civil and Environmental Engineering.* Deals with extending our understanding of the basic behavior of natural and man-made physical structures and systems from both the elemental and macroscopic viewpoints, and with the interaction of the built environment and man's activities with the natural environment. Areas of research include geotechnical engineering, structural mechanics, water resources and environmental engineering. Under the President's Earthquake Hazards Reduction Act, the Division also supports research on the phenomena involved in hazards produced by earthquakes, and the means by which these and other natural hazards can be mitigated.

(3) *Division of Electrical, Computer, and Systems Engineering.* Seeks to stimulate exploration of fundamental engineering principles applicable to man-made electrical systems and devices. Research topics include studies of electronic materials, solid-state devices, very large scale integrated circuits, integrated optics, lasers and optoelectronics, sensors and imaging systems, plasmas and particle beams, computer engineering, machine intelligence, robotics and automation, information theory and communications control systems methodologies and networks, and operations research.

(4) *Division of Mechanical Engineering and Applied Mechanics.* Supports research driven by both the intrinsic interest in the phenomena which arise in technological applications as well as by the need for solutions to problems in mechanical engineering. Applied Mechanics research deals with the continuum behavior of solids, fluids, multi-phase mixtures, and biological materials including the effects of heat transfer, phase changes and chemical reaction. Special attention is given to time dependent or unsteady phenomena. On the other hand, mechanical engineering research deals with fundamental problems relating to the behavior and design of meachanical systems and industrial production. It supports research relating to the analysis and synthesis of machines and mechanical systems including tribology and dynamical behavior, and to optimization of manufacturing processes.

f. *Assistant Director for Scientific, Technological and International Affairs.* Responsible for programs designed to: Link the producers of research with the users of research; support research on the interactions between science, technology, and public policy; and to facilitate the international exchange of scientific and technical information. Serves as the principal advisor to the NSF Director in the development of long-range plans, programs, and policy for scientific, technological and international affairs. Provides policy analyses and assessments of scientific and techological issues of interest to decisionmakers in the Executive Office of the President, the National Science Board, and the Congress. The Directorate consists of five Divisions.

(1) *Division of Idustrial Science and Technological Innovation.* Responsible for programs designed to accelerate industrial science and technological innovation by improving the linkage between universities and industries. This is done by supporting research centers and projects where industrial and university scientists and engineers collaborate in work on specific topics of mutual interest. In addition, opportunities are provided for small science- and technology-based firms to perform research projects leading to more rapid commercialization of new ideas, products, and processes. The Division also supports studies to improve the understanding of the processes by which technological innovation occurs and how those processes are affected by Federal actions.

(2) *Division of International Programs.* Administers the Foundation's programs for international cooperative scientific activites including joint research projects, seminars, and scientific visits. Facilitates U.S. scientists' access to unique facilities and sites abroad. Provides staff support to Joint Commissions and other U.S. international scientific efforts. Manages the use of Special Foreign Currency for programs in research and related activities. Coordinates other National Science Foundation programs with international aspects.

(3) *Division of Policy Research and Analysis.* Responsible for developing information for decisionmakers through analysis of existing and emerging national and international issues having substantial scientific and technological (S&T) components. Activities include: Identifying issues that relate research and development and technological advances to national concerns; developing a knowledge base and monitoring capabilities for analyzing the S&T enterprise; and assessing alternative policy options and their potential costs, risks, and benefits. The Division provides information useful to policy-makers within the Executive Office of the President, such as the Office of Science and Technology Policy

and the Office of Management and Budget.

(4) *Division of Science Resources Studies.* Responsible for development and maintenance of a data base dealing with the characteristics, magnitude, and utilization of the Nation's human and financial resources for S&T activities. Studies and analyses provide information on scientific and technological personnel, science education, scientific institutions, the funding of research and development, the nature and relationship of different types of R&D activities, the economic impact of R&D, and related topics.

(5) *Division of Intergovernmental and Public Service Science and Technology.* Maintains liaison and coordination among, and provides technical information and services to State and local governments and nongovernmental organizations. Purpose is to improve their capacity to make effective use of scientific and technical resources in decisionmaking and in managing public services.

g. *Assistant Director for Administration.* Serves as the principal advisor to the Director on all administrative and general management activities of the National Science foundation. This responsibility encompasses: Grants and contracts administration; management analysis; personnel management and employee-oriented programs; general administrative and logistic support functions; financial management systems; and information processing activities, including the operation of the NSF computer facility. The organization consists of one Office and four Divisions: Health Services; Division of Grants and Contracts; Division of Information Systems; Division of Personnel and Management; and Division of Financial and Administrative Management.

(1) *Division of Personnel and Management.* Responsible for planning, developing and implementing the personnel management program of the Foundation to provide for the effective acquisition, retention, motivation, development and utilization of NSF personnel as well as for improvement of Foundation management systems and procedures.

(2) *Division of Grants and Contracts.* Responsible for the negotiation of grants and contracts or other arrangements in accordance with existing laws, regulations and Foundation policy and procedures. Negotiation includes those activities necessary to obtain agreement on the arrangements between the grantee or contractor and the Foundation prior to the making of an award. Administration includes those administrative activities necessary to execute the award, monitor performance, and close out the grant, contract, or other arrangement.

(3) *Division of Financial and Administrative Management.* Responsible for the development, coordination and direction of financial management policies, programs, and operations, and responsible for the design of modern automated business management systems. This Division provides fund control, payroll and disbursing services, and maintains accounting systems to manage the financial aspects of Foundation operations and to produce timely and accurate data for financial management and budgetary purposes. Also responsible for the management and direction of administrative services in the following areas: travel arrangements; procurement and issuance of supplies, materials and equipment, including maintenance; space management; communications and building maintenance; records disposition; mail (including mailing list control) and messenger services; property accountability records; document and building security matters; printing, reproduction and binding services, including publications distribution and storage, contractual and typographic services. This Division also provides a library program for the Foundation.

(4) *Division of Information Systems.* Responsible for development, operation, maintenance and oversight of automated systems that provide management information and support program and administrative staff activities throughout the Foundation;s business cycle. Included are policy development, technical assistance, systems analysis (for both manual and automated systems), computer programming, operation of the central computer facility, implementation/coordination of office automation/word processing systems and external computing services, and a variety of services for document handling and data entry for proposals, award budgets, reviewer forms, financial management and grants and contracts administration.

Information for Guidance of the Public

A. *Inquiries and Transaction of Business.* All inquiries, submittals, or requests should be addressed to the National Science Foundation, Washington, D.C. 20550. A member of the public may call at the Foundation offices at 1800 G Street, NW., Washington, D.C. during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday. The Statement of Organization, set forth above, indicates the offices with which members of the public should deal on particular matters. If an individual is uncertain as to which office to contact, that person may write the Foundation's mailing address or visit the National Science Foundation, Public Information Branch, Room 531, 1800 G Street, NW.

B. *General Method of Functioning, Procedures, Forms, Description of Programs.* The Foundation acomplishes its mission primarily through the award of grants and other agreements to universities, colleges, other nonprofit organizations, and to individuals as well as profit-making organizations. In instances where NSF has a specially assigned mission, or where services are being procured, contracts are used rather than grants. The Foundation's general course and method of operations is to provide financial support for basics and applied research and education in the sciences and engineering in response to requests, applaications and proposals submitted by the person or organization desiring support. In general, grants are made on a merit basis after a review process involving several qualified outside commentators drawn from the scientific, educational, and industrial communities.

C. *Honorary Awards.* The National Science Board bestows annually the Alan T. Waterman Award on an outstanding young scientist for support of research and study. This award provides for up to $150,000 for three years of research and study at the institution of the awardee's choice. From time to time the Board also presents the Vannevar Bush Award to a person who, through public service activities in science and technology, has made an outstanding contribution toward the welfare of the Nation and mankind. The two awards together are designed to encourage individuals to seek to achieve the Nations's objectives in scientific research and education.

The National Science Foundation also provides support for the President's Committee on the National Medal of Science.

D. *Pertinent Publications.* The Foundation and the National Science Board publish a variety of booklets and other materials describing the programs and procedures of the Foundation and assessing the status of science in the Nation. All publications and forms may be obtained by writing to or visiting the Foundation. The following are key publications of the Foundation:

1. *Grants for Scientific Research (NSF 78–41).* Provides basic guidelines and

instructions for investigators applying to the Foundation's program of scientific research project support and other closely related programs, such as the support of foreign travel, conferences, symposia and specialized research equipment and facilities. Complete details are given on application procedures. Additional information outlines the more detailed areas of how application data must be presented and other scientific areas for which NSF support funds may be granted. Also provides information on the evaluation process concerning the merit review of proposals for support. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

2. *NSF Grant Policy Manual.* A compendium of basic NSF grant administration policies and procedures generally applicable to most types of NSF grants and to most categories of recipients. Included are fiscal regulations regarding the use and expenditure reporting of NSF granted funds and other specific administrative procedures and policies. The NSF Grant Policy Manual (GPM) is available only by subscription, $9.00 domestic and $11.25 foreign, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. This loose-leaf manual, identified by GPO as NSF
77–47, revised October 1977, will be updated periodically through supplements which will be furnished by GPO to subscribers. GPM subscription rules and prices are subject to change by GPO.

3. *NSF Bulletin.* This monthly publication summarizes program announcements and other NSF activities. Available fom the Public Information Branch, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

4. *NSF Annual Report.* An annual presentation to the President for submission to the Congress highlighting the activities of the Foundation for the fiscal year. Accomplishments in research project support activities and science and engineering education are reflected in a series of brief synopses illustrating and explaining recent undertakings and results which have been brought about through NSF grants. Other data relating to the Foundation staff, financial reports, patents, research center contractors, advisory committees, panels and their membership are contained in the appendix. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

5. *National Science Board Reports.* The National Science Board assesses the status and health of science and its various disciplines, including such matters as national resources and manpower, in reports rendered annually to the President for submission to the Congress. The last three such reports which have been submitted or are under preparation are:

Science Indicators—1978 (Eleventh NSB Report, 1979)
One Science (Twelfth NSB Report, 1980)
Science Indicators—1980 (Thirteenth NSB Report, 1981)

6. *Publications of the National Science Foundation.* Provides a listing of issued NSF publications available to the public, with prices where they apply.

7. *Guide to Programs.* Contains summary information about assistance support programs of the National Science Foundation. The Guide is a source of general information for individuals interested in participating in these programs. Program listings describe the principal characteristics and basic purpose of each activity, as well as eligibility requirements, closing dates (where applicable), and the address from which more detailed information, brochures, or application forms may be obtained. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

8. *Individual Program Announcements.* Detailed program publications are issued by individual program areas of the Foundation, announcing and describing award programs and containing critical dates and application procedures for competitions.

9. *Important Notices.* The primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. These notices convey important announcements of NSF policies and procedures or other subjects determined to be of interest to the academic community and to other selected audiences.

10. *NSF Organization and Functions Manual.* The approved organization structure of the Foundation, including the functions and responsibilities of each major component, described in chart and narrative form.

11. *Internal Directives.* The Foundation also maintains a system of internal issuances for communication within the Agency on matters of policy, procedures, and general information. The internal directives are issued to establish organizations, define missions, set objectives, assign responsibilities, delegate or limit authorities, establish program guidelines, and delineate basic requirements affecting activities of the Foundation.

a. *Staff Memoranda.* These are issuances reserved for use by the Director and Deputy Director, for communication with the staff on subjects of their choice.

b. *Circulars.* A series of issuances to communicate Agency policies, regulations, and procedures of a continuing nature.

c. *Manuals.* Developed to implement detailed information on operating procedures, requirements, and criteria.

d. *Bulletins.* Issuances to communicate urgent information concerning changes in policy or procedure prior to their incorporation into a circular or manual, and to communicate information that is pertinent generally for a period of less than one year.

16. *Mosaic.* An interdisciplinary magazine of basic and applied research. Published six times a year. Edited for nonspecialists in the sciences as a way for the Foundation to report on the scientific research it supports. Available from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Subscription is $11.00 per year in the United States and possessions. A single copy may be purchased for $2.75.

17. *Antarctic Journal of the United States.* This magazine, published quarterly, is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

18. *Arctic Bulletin.* A quarterly publication, available from the Division of Polar Programs, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

E. *Availability of Information.* Persons desiring to obtain information, including documents, may submit a request by telephone or in writing to the Public Information Branch or to other Foundation units. If not satisfied with the response, they may submit a formal request under terms of the NSF Freedom of Information Act regulations, 45 CFR Part 61, or, if applicable, the NSF Privacy Act regulations, 45 CFR Part 613. All documents will be made available for inspection or copying, except for those which fall within the exemptions specified in the law and the withholding of which is deemed absolutely necessary.

Sources of Information

Grants. Individuals or organizations planning to submit grant proposals

should refer to the *NSF Guide to Programs* and to appropriate program brochures and announcements which may be obtained by writing the Forms and Publications Unit, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550 or calling the Foundation at 202/357–7861.

Contracts. The Foundation publicizes contracting and subcontracting opportunities in the *Commerce Business Daily* and other appropriate publications. Organizations seeking to undertake contract work for the Foundation may contact the Division of Grants and Contracts, 202/357–7384, Room 640, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Small Business. The NSF Office of Small Business Research and Development provides information on opportunities for NSF support to small businesses with strong research capabilities in science and technology. Interested organizations may contact the Office at 202/357–7464, Room 511–A, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Engineering Information Resources. Information concerning engineering resources may be obtained through Engineering Information Resources, Room 1110, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

National Science Board Documents. Schedules of Board meetings, agendas, and summary minutes of the open meetings of the Board may be obtained from the NSB Office, 202/357–7510, Room 545, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Committee Minutes. Summary minutes of meetings of the Foundation's advisory groups may be obtained from the Division of Personnel and Management, Management Analysis Branch, 202/357–9520, Room 217–A, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Freedom of Information Act (FOIA) Inquiries. Requests from the public for Agency records should be clearly identified "FOIA REQUEST" and addressed to the Public Information Branch, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Privacy Act Inquiries. Persons desiring to obtain personal records which are legally available to the individual under the Privacy Act of 1974, should submit a request in accordance with the NSF Privacy Act Regulations, 45 CFR Part 613.

Reading Room. Persons who wish to inspect or copy records should contact the NSF Public Information Branch, 202/357–9498, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Employment. Inquiries may be directed to the National Science Foundation, Division of Personnel and Management, Room 212, 1800 G Street, NW., Washington, D.C. 20550.

Dated: December 3, 1981.

Thomas Ubois,

Assistant Director for Administration.

[FR Doc. 81–35320 Filed 12–9–81; 8:45 am]

BILLING CODE 7555–01–M

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permits Issued Under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7934.

SUPPLEMENTAL INFORMATION: On October 27, 1981, the National Science Foundation published a notice in the **Federal Register** of permit applications received. On December 2, 1981 permits were issued to: David G. Ainley, John G. Baust.

Charles E. Myers,

Division of Polar Programs.

[FR Doc. 81–35372 Filed 12–9–81; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Safety Recommendations to *Secretary, Department of Transportation (Dec. 1), I–81 –11 through –16:* Form single agency for department-wide hazardous materials program; develop safety analysis guidelines/standards to identify unreasonable risks; require safety analyses to be submitted as part of exemption applications; develop regulations based on "quantity and form" framework; eliminate requirements for shipment if quantity and form does not pose unreasonable risk; safety analysis evaluations program.

Recommendation Responses from—

Federal Highway Administration, Nov. 16, H–81 –17 and 18. On-Guard bulletin being developed for worn ball joint assembles and end fittings on power-assist mechanism; but inspection procedures being studied.

U.S. Coast Guard, Nov. 16, M–81 –74 and 75. "Towboat boarding program" not feasible because of budget and manpower constraints; steering gear inspection requirements not justified.

Federal Aviation Administration, Nov. 20, A–76 –136 and –137. National program surveys and final report, National Runway Friction Measurement Program," completed; AC 150/5320–12, Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, is being revised. *Nov. 20, A–81 –99 and –100.* Will require procedures to cope with potential leaks in pressurized cabins for commuters and air taxis using pressurized aircraft; preparing corrective maintenance procedures for Nord 262 door safety latch mechanism.

Association of American Railroads, Nov. 16, R–81–102. Checked signal systems maintenance procedures; distributed copies of safety recommendation to members.

Columbia LNG Corporation, Nov. 10, P–80 –35 through –38. Conducts monthly fire and evacuation drills; added post indicator valve in lateral between vaporizer/second-stage pump building; posted diagram of firefighting equipment on site; notification of outside agencies lists emergency telephone numbers.

Western Pacific Raiload Company, Nov. 13, R–80–27 through 29 and –41 through –46. Revised organization responsibilities and authority; strengthened supervision; clarified rules and instructions; increased training; required attendance at periodic rules classes; and increased number and improved quality of operational efficiency tests.

Note.—Single copies of reports, recommendations and responses are free on written request, identified by recommendation or report number, to: Public Inquires Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are available from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.)

B. Sharon Flemming,

Director, Executive Secretariat.

December 4, 1981.

[FR Doc. 81–34968 Filed 12–9–81; 8:45 am]

BILLING CODE 4910–58–M

Schedule for Awarding Senior Executive Service Bonuses

The National Transportation Safety Board hereby gives notice that it intends to award Senior Executive Service bonuses for the performance cycle of October 1, 1980, through September 30, 1981, with payouts scheduled by December 31, 1981.

This notice is given in accordance with the Office of Personnel Management guidelines which require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Dated: December 4, 1981.

B. Michael Levins,

Director, Bureau of Administration.

[FR Doc. 81-35370 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[License No. 45-09963-01 (EA 81-51)]

Met Lab, Inc.; Hearing

Met Lab, Incorporated, 605 Rotary Street, Hampton, VA 23661 (Licensee), is the holder of NRC License No. 45-09963-01, which authorizes the Licensee to possess and use byproduct materials for industrial radiographic operations, under conditions specified in the license.

Pursuant to section 234 of the Atomic Energy Act of 1954 (42 U.S.C. 2282) and 10 CFR 2.205, on June 3, 1981, the Director of the Office of Inspection and Enforcement served on the Licensee a Notice of Violation and Proposed Imposition of Civil Penalty, which alleged that the Licensee was responsible for violations of Commission requirements and set forth civil penalties to be assessed for two of the alleged violations. The two violations for which penalties were assessed related to inspections of Licensee's radiography activities conducted on March 25 and April 10, 1981, which found exposure to a radiographer in excess of NRC limits and a failure to process immediately a film badge after the pocket dosimeter discharged beyond its range. The Licensee responded to the Notice of Violation and Proposed Civil Penalty on July 3, 1981. After consideration of the Licensee's Answer, the Director issued an Order Imposing a Civil Monetary Penalty in the total amount of $3,000.00 on August 14, 1981. 46 FR 42555 (August 21, 1981). By letter dated September 11, 1981, the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before the Honorable Ivan W. Smith, Administrative Law Judge, at a time to be set by the Administrative Law Judge. The issues to be considered and decided shall be:

(a) Whether the Licensee violated the NRC requirements set forth in the June 3, 1981, Notice of Violation and Proposed Imposition of Civil Penalty;

(b) Whether the August 14, 1981 Order Imposing a Civil Monetary Penalty should be sustained.

A prehearing conference will be held by the Administrative Law Judge at a date and place to be set by him to consider pertinent maters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the **Federal Register.** Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than December 30, 1981.

Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and two (2) copies of each such paper with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the **Federal Register.**

Dated at Washington, DC, this 4th day of December 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-35392 Filed 12-9-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

December 4, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Mellon National Corp., Common Stock, $.50 Par Value (File No. 7-6096)

North European Oil Royalty Trust, Units of Beneficial Interest (File No. 7-6097)

SCA Services, Inc., Common Stock, $1 Par Value (File No. 7-6098)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 28, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35343 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

December 4, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Amdahl Corporation, Common Stock, $.05 Par Value (File No. 7–6099)
Brock Hotel Corporation, Common Stock, $.10 Par Value (File No. 7–6100)
Central Vermont Public Service Corporation, Common Stock, $6 Par Value (File No. 7–6101)
Unit Drilling and Exploration Company, Common Stock, $.20 Par Value (File No. 7–6102)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 28, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commisssion, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets, and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35344 Filed 12–9–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18310; File No. SR–BSE–81–11]

Boston Stock Exchange, Inc.; Proposed Change by Self-Regulatory Organization

In the matter of proposed rule change relating to an assessment against members. Comments requested on or before December 31, 1981.

Pursuant to section 19(b)1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 27, 1981 the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Effective November 2, 1981 to place an assessment on all members in the amount of $7,000 per member. However, members whose firms have executed less than a monthly average of 50,000 shares over the past six months will be assessed at $4,000. Members whose firms have not executed any business or utilized the facilities of the Exchange over the past year are assessed $1,000. members associated with specialist firms, regardless of their levels of business, are assessed at $7,000 for the first seat. Members associated with firms holding multiple seats are assessed at $3,000 for the second seat and $1,000 each for the third and additional seats. Members who find that a single payment of the assessment would result in a net capital problem will be permitted to pay the assessment in installments (after a 50% down payment in November 1981) by March 31, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below, the self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) On October 22, 1981, the Board of Governors of the Exchange voted to implement immediately settlement and depository interfaces with National Securities Clearing Corp. (NSCC) and the Depository Trust Company (DTC) in New York and with any other entity selected by participants. In order to prepare for the future growth, to provide some cushion for past and anticipated losses, and to adopt more sophisticated technology in the trading and settlement of securities, the Board of Governors determined that an infusion of additional funds was necessary. The Board also felt that when working capital was built to a sufficient level to warrant it, consideration would be given to returning to members some or all of this assessment proportional to the amount paid.

(b) The basis under the Act for the proposed rule change is section 6(b)(4) requiring the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed Rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date Of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol St., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted on or before December 31, 1981.

Dated: December 4, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35398 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11348]

Lifemark Corp.; Application and Opportunity for Hearing

December 7, 1981.

Notice is hereby given that Lifemark Corporation (formerly Medenco, Inc., hereinafter referred to as "Lifemark") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Manufacturers Hanover Trust Company ("Manufacturers") as successor trustee under two indentures, each dated as of July 1, 1975, between Lifemark and Southern National Bank of Houston and under four other indentures, dated June 1, 1978, June 1, 1979, October 1, 1980 and April 15, 1981, the first three of which were heretofore qualified under the Act, between Lifemark and Manufacturers, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as successor trustee under any such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and any other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

Lifemark alleges that:

1. Lifemark has outstanding on the date hereof indentures covering (i) $1,994,344 principal amount of 10% Subordinated Notes due 1995 (the "1975 Notes") under an Indenture dated as of July 1, 1975 (the "1975 Note Indenture"), between Lifemark and Southern National Bank of Houston, Trustee, (ii) $255,640 principal amount of 10% Subordinated Sinking Fund Debentures due 1995 (the "1975 Debentures") under an Indenture dated as of July 1, 1975 (the "1975 Debenture Indenture"), between Lifemark and Southern National Bank of Houston, Trustee, (iii) $10,000,000 principal amount of 11% Subordinated Sinking Fund Debentures due October 1, 1998 (the "1978 Debentures") under an Indenture, dated as of June 1, 1978 (the "1978 Indenture"), between Lifemark and Manufacturers, Trustee, (iv) $15,000,000 principal amount of 11¾% Subordinated Sinking Fund Debentures due 1999 (the "1979 Debentures") under an Indenture, dated as of June 1, 1979 (the "1979 Indenture"), between Lifemark and Manufacturers, Trustee, (v) $23,565,000 principal amount of 9% Convertible Subordinated Debentures due 2005 (the "1980 Debentures") under an Indenture dated as of October 1, 1980 (the "1980 Indenture"), between Lifemark and Manufacturers, Trustee, and (vi) $25,000,000 principal amount of 9¼% Convertible Subordinated Debentures due 1996 (the "1981 Debentures") under an Indenture between Lifemark International N.V., Lifemark as Guarantor and Manufacturers, Trustee, dated as of April 15, 1981 (the "1981 Indenture").

2. The 1975 Notes and the 1975 Debentures were issued in transactions exempt from registration under the Securities Act of 1933, pursuant to the provisions of section 3(a)(9) thereof. The 1978 Debentures, the 1979 Debentures and the 1980 Debentures were registered under the Securities Act of 1933 (File Nos. 2-61616, 2-64705 and 2-69191, respectively) and the 1975 Note Indenture, the 1975 Debenture Indenture, the 1978 Indenture, the 1979 Indenture and the 1980 Indenture, were qualified under the Act (File Nos. 22-8372, 22-8389, 22-9604, 22-9994 and 22-10734, respectively). Inasmuch as the 1981 Debentures were offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the 1981 Debentures were not registered under the Securities Act of 1933 and the Indenture was not qualified under the Act. The Commission has previously granted an application by Lifemark pursuant to section 310(b)(1)(ii) of the Act for a finding by the Commission that the trusteeship of Manufacturers under the 1978, 1979, 1980 and 1981 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as trustee under any of such Indentures (File No. 22-11124).

3. Appointment of Manufacturers as a successor trustee to Southern National Bank of Houston will involve Manufacturers in a conflict of interest within the meaning of (i) section 8.08 of the 1975 Note Indenture and of the 1975 Debenture Indenture since Manufacturers is trustee under the 1978, 1979, 1980 and 1981 Indentures and (ii) section 608 of each of the 1978, 1979 and 1980 Indentures because the 1975 Note Indenture and the 1975 Debenture Indenture were qualified prior to the 1978, 1979, 1980 and 1981 Indentures.

4. The 1975 Note Indenture and the 1975 Debenture Indenture and the 1978, 1979, 1980 and 1981 Indentures are wholly unsecured. The guaranty of Lifemark under the 1981 Indenture ranks equally with Lifemark's other unsecured and unsubordinated indebtedness, including the 1975 Notes and the 1975, 1978, 1979 and 1980 Debentures. The only material differences between the 1975 Note Indenture and the 1975 Debenture Indenture and the 1978, 1979, 1980 and 1981 Indentures, and between the rights of the holders of the 1975 Notes and the 1975, 1978, 1979, 1980 and 1981 Debentures relate to the fact that Lifemark is the Guarantor under the 1981 Indentures, but is the primary obligor under the 1975 Note Indenture, the 1975 Debenture Indenture and the 1978, 1979 and 1980 Indentures, and also relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment provisions or procedures, reports of the Trustee or the issuer, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the 1981 Debentures and other provisions of a similar nature. In addition, the 1980 Debentures are convertible into Lifemark common stock, $.01 par value, at $37 per share and the 1981 Debentures are convertible into such common stock at $47.75 per share. The 1975 Notes and the 1975, 1978 and 1979 Debentures are not convertible. Any such differences and any other difference in the provisions of the six Indentures are unlikely to cause any conflict of interest between the

respective trusteeships of Manufacturers under such Indentures.

5. Lifemark is not in default under the 1975 Note Indenture, the 1975 Debenture Indenture and the 1978, 1979, 1980 or 1981 Indentures.

6. Such differences as exist between the 1975 Note Indenture, the 1975 Debenture Indenture and the 1978, 1979, 1980 and 1981 Indentures are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as successor trustee under either the 1975 Note Indenture or the 1975 Debenture Indenture.

Lifemark has waived its right to a hearing and any and all rights to specify procedures under Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application, which is a public document on file in the office of the Commission, Washington, D.C. 20549

Notice is further given that any interested person may, not later than December 28, 1981, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after such date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35399 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18303; File No. SR-MSTC-81-5]

Midwest Securities Trust Co.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to MSTC policy regarding penalties for settlement violations.

Comments requested on or before December 31, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 16, 1981 the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the MST System Administrative Bulletin dated November 12, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

MSTC requires participants to meet their payment obligations daily in next day valued funds. MSTC incurs a liability and, in some situations, a related interest expense when a participant fails to remit next-day valued funds on Settlement Date. This expense should not be absorbed by all participants, but rather passed along to those participants creating the situation.

The purpose of the change in the MSTC policy regarding penalties for settlement violations is to increase the penalty charged to a participant in relation to the frequency of settlement violations. It is the responsibility of the participant to ensure that payment obligations are being met on a timely basis. All fines are appealable under MSTC Rule 14 and any fine which becomes final is reported to the Securities and Exchange Commission.

The proposed change in policy is consistent with section 17 of the Act in that it is designed to safeguard the funds related to the prompt and accurate clearance and settlement of securities transactions by enforcing the MSTC procedures requiring payment obligations to be made on a timely basis. The procedures also provide that participants will be appropriately disciplined for violations of the rules of the clearing agency, pursuant to the guidelines set forth in this filing.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submisions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-

mentioned self-regulatory organization. All submissions should refer to the file number in the caption above, and should be submitted on or before December 31, 1981.

Dated: December 4, 1981.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35396 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18311; File No. SR-PCC-81-3]

Pacific Clearing Corp.; Proposed Rule Change By Self-Regulatory Organization

In the matter of proposed rule change relating to enhancements to the Institutional Clearing Program. Comments requested on or before December 31, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on December 3, 1981, Pacific Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pacific Clearing Corporation is initiating certain revisions in its Institutional Clearing Program to make the program more efficient for participants.

II. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to enhance the Institutional Clearing Program operated by Pacific Clearing Corporation by providing information meeting the requirements of Securities Exchange Act Rule 10b-10 on behalf of participants and making certain other modifications. The proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that it provides for the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before December 31, 1981.

Dated: December 7, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35397 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Ellis County, Tex.

AGENCY: Federal Highway Administration (FHwA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHwA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Ellis County, Texas.

FOR FURTHER INFORMATION CONTACT: George H. Nelson, District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, Telephone: (512) 397-5966.

SUPPLEMENTARY INFORMATION: The FHwA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare and environmental impact statement (EIS) on a proposal to construct United States Highway 287 (U.S. 287) in Ellis County, Texas. The facility proposed is a four lane divided facility with no control of access.

The highway section under study, bypasses Ennis, Ellis County, Texas on new location. The corridor study begins at US. 287 near the west city limits of Ennis and ends at Interstate Route 45 for a total length of approximately 5.7 miles.

An interregional route, U.S. 287, serves extensive truck traffic between Fort Worth and Houston, Texas.

The proposed action, if constructed, will provide for a fast, safe and efficient transportation facility that will provide for the needs of the area.

Several alternative locations as well as taking no action will be considered.

There are currently no plans to hold a formal scoping meeting for this proposal.

A public hearing will be scheduled after the environmental impact statement is circulated for comments. Adequate notice will be given through the news media concerning the location of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHwA at the address provided above.

Issued on November 30, 1981.

George H. Nelson,

District Engineer, Austin, Texas.

[FR Doc. 81-35097 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Philadelphia County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in the city of Philadelphia, Philadelphia County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Robert L. Rowland, P.E., District Engineer, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087, Telephone: (215) 687-1600.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposal to construct a portion of the Vine Street Expressway (I-676) between the Schuylkill Expressway (I-76) on the west and the Benjamin Franklin Bridge on the east. A series of ramps interconnecting with the local streets and with the Delaware Expressway (I-95) are also proposed. The total length of limited access divided highway involved is 2.5 miles of which 1.2 miles is constructed to Interstate standards. Completion of the remainder of the highway section will eliminate congestion and delay on the existing route and adjacent arterial streets as well as provide better east-west access for the surrounding region.

The project has been under consideration for may years and a variety of alignments have been studied. During these studies, various alignments were eliminated because traffic congestion, social and economic considerations, community opposition, potential urban impacts, and consideration of historical sites. Three alternates will now be considered. They are (1) a "scaled down" expressway, (2) a "modified arterial" roadway, and (3) taking no action. All three alternates will be studied in detail in the areas of air quality, noise poullution, preliminary engineering, historical and archaeological resources, traffic/transportation/energy, water resources, social-economic and land use, cost anlaysis of effective alternatives, and consulation/coordination. The alternatives being considered are those selected by the Vine Street Task Force whose work was completed in 1980. This group consisted of representatives of the appropriate Federal, State and City agencies. Input from local business concerns and community groups was also obtained. The alternates selected were developed to minimize many adverse environmental, social, and economic concerns which precluded construction of the project in the past.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have expressed interest in the proposal. Scoping meetings are planned with the agencies between December 1981 and February 1982. A series of public meetings will be held in the city of Philadelphia in the winter and spring of 1982. In addition, a public hearing will be held. Public notice will be given of the time and place of these meetings and the hearing. The draft EIS will be available for public and agency review and comment. To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: December 4, 1981.

Louis M. Papet,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 81-35379 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in September 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2709-P	DOT-E 2709	Thiokol Corporation, Bngham City, UT	49 CFR 173.52, 173.93, 177.821, 177.834(l)(1), 177.835(k).	To become a party to Exemption 2709. (Mode 1.)
3569-X	DOT-E 3569	NL McCullough/NL Industnes, Incorporated. Houston TX.	49 CFR 173.246, 172.101 column 4, 175.3.	To authorize use of non-DOT specification non-refillable cylinders for shipment of a liquid oxidizer. (Modes 1, 2, 3, 4.)
3630-P	DOT-E 3630	Mallinckrodt, Inc., St. Louis, MO	49 CFR 173.839(a), 177.839(b)	To become a party to Exemption 3630. (Mode 1.)
3630-P	DOT-E 3630	Ashland Oil, Inc., Dublin, OH	49 CFR 177 839(a), 177.839(b)	To become a party to Exemption 3630. (Mode 1).
3768-X	DOT-E 3768	Minerec Corporation, Baltimore, MD	49 CFR 173.119, 173.245, 173.288	To authorize use of DOT Specification MC-304, MC-307 and MC-312 cargo tanks for shipment of certain flammable and corrosive liquids. (Mode 1.)
3992-X	DOT-E 3992	Dow Chemical Company, Midland, MT	49 CFR 173 314	To authorize shipment of hydrogen chloride in a DOT specification 105A600W tank car. (Mode 2.)

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RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5248-P	DOT-E 5248	Los Alamos Scientific Laboratory, Los Alamos, NM	49 CFR 173.389(g), 175.3	To become a party to Exemption 5248 (Modes 1, 2, 4, 5.)
5485-X	DOT-E 5485	Union Carbide Corporation, Tarrytown, NY	49 CFR 172.101, 173.315(a)	To authorize the shipment of liquid helium in non-DOT specification insulated cargo tanks. (Mode 1.)
6122-X	DOT-E 6122	Pennwalt Corporation, Buffalo, NY	49 CFR 173.154(a)(12), 173.158(a)(3) 178.205-16	To authorize the use of non-DOT specification full telescope half slotted fiberboard boxes for the shipment of certain dry organic peroxides. (Modes 1, 2.)
6452-X	DOT-E 6452	Pennwalt Corporation, Buffalo, NY	49 CFR 173.154	To authorize the shipment of certain organic peroxides in one pound bags in a DOT Specification 12B65 fiberboard box. (Modes 1, 2.)
6468-X	DOT-E 6468	Martin Marietta Chemicals, Charlotte, NC	49 CFR 173.365	To authorize use of insulated DOT Specification MC-304 cargo tanks for shipment of certain Class B poison. (Mode 1.)
6806-P	DOT-E 6806	Pall Trinity Micro Corporation, Cortland, NY	49 CFR 173.302(a), 175.3	To become a party to Exemption 6806. (Mode 5.)
7005-P	DOT-E 7005	Reilly Tar & Chemical Corporation, Indianapolis, IN.	49 CFR 173.119, 173.141(a)(10), 173.221, 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35	To become a party to Exemption 7005. (Modes 1, 2, 3, 4, 5.)
7005-P	DOT-E 7005	United Tank Containers, Inc., Limited, Dallas, TX.	49 CFR 173.119, 173.141(a)(10), 173.221, 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35	To become a party to Exemption 7005. (Modes 1, 2, 3, 4, 5.)
7060-X	DOT-E 7060	Charles R. Wall, d/b/a HZm RAM Air, Cornelius, OR.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize the carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7274-X	DOT-E 7274	Union Carbide Corporation, Tarrytown, NY	49 CFR 172.101, 173.315(a)	To authorize the use of non-DOT specification portable tanks for the shipment of certain nonflammable gases. (Mode 3.)
7512-X	DOT-E 7512	Puerto Rico Marine Management, Inc., Elizabeth, NJ.	49 CFR 173.119, 173.125(a)(1), 173.128(a)(1), 173.129(a)(1), 173.131(a)(1), 173.132(a)(1), 173.135(a)(9), 173.144(a)(1), 173.145(a)(7), 173.147(a)(1), 46 CFR 90.05-35, 98.35-3.	To authorize the use of non-DOT specification portable tanks complying with DOT Specification MC-306 for shipment of flammable and combustible liquids. (Modes 1, 2, 3.)
7607-P	DOT-E 7607	Lubrizol Corporation, Wickcliffe, OH	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5.)
7769-X	DOT-E 7769	Brunswick Corporation, Lincoln, NB	49 CFR 173.302(a)(1), 175.3	To authorize the manufacture, marking, and sale of non-DOT specification fiber reinforced plastic full composite cylinders for shipment of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
7857-X	DOT-E 7857	Makhteshim Darom, Beer Sheva, Israel	49 CFR 173.315	To authorize the use of certain non-DOT specification portable tanks for shipment of certain flammable gases. (Modes 1, 3.)
7869-P	DOT-E 7869	Suffolk Chemical Company, Chapin, SC	49 CFR 173.245, 178.253	To become a party to Exemption 7869. (Mode 1.)
7891-P	DOT-E 7891	Reliance Electric Company, Cleveland, OH.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.126, 173.237, 173.246, 173.25(a), 175.3.	To become a party to Exemption 7891. (Modes 1, 2.)
7907-P	DOT-E 7907	Union Explosivos Rio Tinto, Madrid, Spain.	49 CFR 173.127, 173.184, 178.224	To become a party to Exemption 7907. (Modes 1, 2.)
7915-P	DOT-E 7915	US Department of Defense, Washington D.C.	49 CFR 173.93(b)	To become a party to Exemption 7915. (Mode 1.)
8000-X	DOT-E 8000	Transport International Containers, Paris, France	49 CFR F & H, Part 173 Subpart D.	To authorize shipment of certain flammable, corrosive, irritating, class B poison, combustible liquids and organic peroxide in non-DOT specification portable tanks. (Modes 1, 2, 3.)
8002-P	DOT-E 8002	Compagnie Generale Maratime, Paris, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 8002. (Modes 1, 2, 3.)
8012-X	DOT-E 8012	Degussa, Frankfurt, West Germany	49 CFR 173.266	To authorize the transportation of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, 3.)
8065-X	DOT-E 8065	U.S. Department of Energy, Washington, D.C.	49 CFR 173.65, 173.93, 173.94	To authorize the shipment of certain Class A and Class B explosives in non-DOT specification plywood boxes. (Mode 1.)
8127-P	DOT-E 8127	Union Explosivos Rio Tinto, Madrid, Spain.	49 CFR 173.127, 173.184, 178.224	To become a party to Exemption 8127. (Modes 1, 2, 3.)
8186-X	DOT-E 8186	King-Seeley Thermos Company, Kendallville, IN	49 CFR Parts 100-177	To authorize sodium potassium liquid alloy sealed in a stainless steel temperature sensing bulb of thermostatic element to be shipped in a non-DOT specification corrugated fiberboard box. (Modes 1, 2, 4.)
8194-X	DOT-E 8194	Pennwalt Corporation, Buffalo, NY	49 CFR 173.119(m)(6), 173.221(a)(3), 178.205, 178.210-10.	To authorize the use of a fiberboard box complying with DOT Specification 12B (except for closure method and its one-piece, die-cut design) for shipment of liquid organic peroxides. (Modes 1, 3.)
8217-X	DOT-E 8217	Hugonnet, S.A., Paris, France	49 CFR F, H, J, & K, Part 173 Subpart D	To authorize shipment of flammable, combustible, corrosive, and poison B liquids, and ORM-A materials in non-DOT specification ISO portable tanks. (Modes 1, 2, 3.)
8245-X	DOT-E 8245	Halliburton Company, Duncan, OK	49 CFR 173.263(a)(11), 173.264(a)	To authorize use of non-DOT specification steel portable tanks for shipment of certain corrosive liquids. (Modes 1, 3.)
8249-X	DOT-E 8249	Lawrence Packaging Supply Corporation, Newark, NJ	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.126, 173.136, 173.237, 173.246, 173.25(a), 175.3	To authorize hazardous materials, which are required to bear the POISON label, to be transported without the label when shipped in prescribed packaging. (Modes 1, 2, 4.)
8256-X	DOT-E 8256	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.273(a)(4), 174.3, 179.102-16, 179.202-13	To authorize shipment of stabilized sulfur trioxide in DOT Specification 105A100W and 111A100W2 tank cars equipped with standpipe electrical heaters and a modified safety relief device. (Mode 2.)
8273-X	DOT-E 8273	Rocket Research Corporation, Redmond, WA.	49 CFR 173.153, 173.154, 175.3	To authorize the transportation of a passive restraint module, and the inflator therefor, containing a Class B explosive as a flammable solid. (Modes 1, 2, 3, 4.)
8417-P	DOT-E 8417	United Tank Containers, Inc., Limited, Dallas, TX	49 CFR 173.119, 173.221, 173.245, 173.346	To become a party to Exemption 8417. (Modes 1, 2, 3.)
8445-P	DOT-E 8445	Earth Industrial Waste Management, Inc., Memphis, TN.	49 CFR 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8451-P	DOT-E 8451	Aerojet Strategic Propulsion Company, Sacramento, CA	49 CFR 173.65, 173.86(e), 175.3	To become a party to Exemption 8451. (Modes 1, 2, 4.)
8554-P	DOT-E 8554	Alamo Explosives Company, Inc., Houston, TX.	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8554-P	DOT-E 8554	Explosives, Inc., Clarksburg, WV	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8648-X	DOT-E 8648	Marshall Hyde, Incorporated, Port Huron, MI	49 CFR 172.101, 173.100, 173.86	To authorize the transportation of an explosive pest repellant device in limited quantities in non-DOT specification inner fiberboard cartons. (Modes 1, 2.)

NEW EXEMPTIONS

Application No.	Exemtion No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8599-N	DOT-E 8599	Liquid Air Corporation, San Francisco, CA	49 CFR 173.315, 173.316	To authorize shipment of a flammable gas in non-DOT specification super insulated portable tanks. (Modes 1, 3.)
8611-N	DOT-E 8611	Parsano, Inc., Alvin, TX	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell certain non-DOT specification cargo tanks for transportation of certain hazardous materials. (Mode 1.)
8614-N	DOT-E 8614	Arrowhead Airways, Inc., Minneapolis, MN	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize transportation of class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8629-N	DOT-E 8629	Fabricated Metals, Inc., San Leandro, CA	49 CFR 173.245, 173.289	To manufacture, mark and sell DOT Specification 57 stainless steel portable tanks for shipment of formic acid or solutions thereof (Modes 1, 2.)
8640-N	DOT-E 8640	Fruehauf Corporation, Omaha, NB	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5	To manufacture, mark and sell certain non-DOT specification cargo tanks for transportation of certain hazardous materials. (Mode 1.)
8643-N	DOT-E 8643	Lely Corporation of Delaware, Wilson, NC	49 CFR 173.119(a), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5	To manufacture, mark and sell certain non-DOT specification cargo tanks complying generally with DOT Specification MC-307 or 312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8644-N	DOT-E 8644	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.315	To authorize shipment of liquid nitrogen or oxygen in non-DOT specification tank motor vehicles (cargo tanks). (Mode 3.)
8653-N	DOT-E 8653	Fiber Industries, Inc., Charlotte, NC	49 CFR 173.245	To authorize shipment of a corrosive liquid, n.o.s. in A DOT Specification 57 stainless steel portable tanks. (Mode 1.)
8656-N	DOT-E 8656	Texas Nuclear Corporation, Austin, TX	49 CFR 173.302, 175.3	To authorize the shipment of nonflammable gases in non-DOT specification metal, single-trip, inside containers. (Modes 1, 2, 3, 4, 5.)
8659-N	DOT-E 8659	Goodyear Tire & Rubber Company, Akron, OH	49 CFR 173.224	To authorize shipment of organic peroxide solution in DOT Specification MC-310, MC-311, or MC-312 cargo tanks. (Mode 1.)
8665-N	DOT-E 8665	Bethlehem Steel Corporation, Bethlehem, PA.	49 CFR 173.245, 173.248, 173.263, 178.343-5.	To authorize the use of rubber lined DOT Specification MC-312 cargo tanks with modified bottom outlets, for shipment of certain corrosive waste liquids. (Mode 1.)
8668-N	DOT-E 8668	Millipore Corporation, Bedford, MA	49 CFR 173.119, 175.3	To authorize shipment of pyroxylin solution, classed as a flammable liquid, in non-DOT specification stainless steel drums of 20 liter capacity. (Modes 1, 2, 4.)
8671-N	DOT-E 8671	Allied Chemical Corporation, Mornstown, NJ.	49 CFR 173.119(a)(23), 175.30, 178.24a-5	To authorize shipment of various flammable liquids in non-DOT specification polyethylene bottles of 1000 ml capacity overpacked in a DOT Specification 12A fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
8674-N	DOT-E 8674	Gulf Chemicals Company, Overland Park, KS	49 CFR 173.114a(b)	To authorize shipment of blasting agents in a non-DOT specification cement mixture, lined with cold tar epoxy. (Mode 1.)
8686-N	DOT-E 8686	NL Industries, Inc., Highstown, NJ	49 CFR 173.297	To authorize the shipment of titanium sulfate solution, classed as a corrosive material, in 30 gallon DOT Specification 34 polyethylene drums. (Mode 1.)
8687-N	DOT-E 8687	Par-Chem Products, Inc., Houston, TX	49 CFR 173.245	To authorize the shipment of paint removing compound, corrosive to skin but not to metal, in a DOT Specification 12B65 fiberboard box, with six inside F-Style metal cans not over one-gallon capacity each. (Mode 1.)
8691-N	DOT-E 8691	Aluminum Company of America, Pittsburgh, PA.	49 CFR 173.333	To authorize the shipment of aluminum chloride contaminated with phosgene, packed in one liter glass containers overpacked in a DOT Specification fiberboard box, or in 55 gallon drums, or metal portable tanks. (Modes 1, 2.)
8692-N	DOT-E 8692	Mitsubishi International Corporation, New York, NY.	49 CFR 173.154	To authorize the shipment of sodium persulfate in collabsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2,200 pounds each. (Modes 1, 2, 3.)
8695-N	DOT-E 8695	Atomic Energy of Canada, Limited, Ottawa, Canada.	49 CFR 173.395(c)(2)	To transport large quantities of cobalt 60 within the State of Texas using packagings certified by the Canadian competent authority and revalidated by the Department of Transportation for international shipments. (Mode 1.)
8697-N	DOT-E 8697	ERA Helicopters, Inc., Anchorage, AK	49 CFR 172.101, Column (6)b, 175.30(a)(1)	To authorize the carriage by cargo-only aircraft in the State of Alaska of a larger quantity of liquefied petroleum gas in DOT Specifications 4B240, 4BA240, and 4BW240 cylinders. (Mode 4.)
8706-N	DOT-E 8706	Prairie State Equipment, Inc., Sioux Falls, SD.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8666-X	DOT-E 8666	Transamerica Airlines, Inc., Oakland, CA	49 CFR 172.101 Column (6)b, 173.86, 173.92, 175.3, 175.30.	To authorize the one time shipment of a rocket motor, class B explosive. (Mode 4.)
EE 8713-N	DOT-E 8713	Ethyl Corporation, Baton Rouge, LA	49 CFR 173.252(a)(4)	Authorizes the transportation of bromine in a Dot Specification MC-312 tank motor vehicle. (Mode 1.)
EE 8714-N	DOT-E 8714	Lobrizol Corporation, Wickliffe, OH	49 CFR 173.272(i)(22)	To authorize the use of two DOT Specification 115A60W6 tank cars for the shipment of oleum. (Mode 2.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8144-X	Hercules, Incorporated, Wilmington, DE	49 CFR 173.133	To authorize transport of 10 percent of nitroglycerine in propylene glycol in metal inside containers, packed in a DOT Specification wooden box. (Mode 1.)

Issued in Washington, DC, on November 30, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35325 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes January 11, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8747-N	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249, 175.3	To authorize shipment of alkaline corrosive liquid, n.o.s., classed as a corrosive material in DOT Specification 37C, unlined, removable head 5-gallon steel pails. (modes 1, 2, 3, 4)
8748-N	Reuter-Stokes, Inc., Cleveland, OH	49 CFR 172.101, 173.302, 175.3	To authorize shipment of boron trifluoride, classed as a nonflammable gas in non-DOT specification containers when shipped as a component of a radiation detector. (modes 1, 2, 3, 4, 5)
8749-N	British Caledonian Airways Limited, West Sussex, England.	49 CFR 175.75	To authorize shipment of small medical inhalers each containing 15 grams of nonflammable compressed gas not to exceed a total net weight of 500 pounds of gas stowed in each assessible cargo compartment aboard passenger-carrying aircraft. (mode 5)
8751-N	Delta Tech Service, Inc., Martinez, CA	49 CFR 173.245, 173.249, 173.263, 178.343-5.	To authorize shipment of various corrosive waste liquids or semi-solids in non-DOT specification cargo tanks similar to DOT Specification MC-312 except for bottom outlet value variations. (mode 1)
8753-N	Union Carbide Corporation Tarrytown, NY	49 CFR 173.315	To manufacture, mask and sell non-DOT specification cargo tanks or portable tank for shipment of pressurized liquid argon, nitrogen or oxygen. (mode 1)
8754-N	Columbia Nitrogen Corporation, Augusta, GA	49 CFR 173.245	To authorize shipment of ammonium hydroxide, classed as a corrosive material in DOT Specification 109A200ALW or 105A200ALW tank car tanks. (mode 2)
8755-N	U.S. Department of the Interior, Anchorage, AK	49 CFR 172.101, 173.119, 175.3	To authorize shipment of gasoline and turbine fuel, classed as flammable liquids in non-DOT specification rubberized fabric containers of up to 500 gallon capacity. (mode 4)
8756-N	Trailmobile Inc., North Kansas City, MO	49 CFR 173.119(a)(17), 173.245(a)(30), 173.245(a)(31), 173.346(a)(12), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable, corrosive or poisonous waste liquid of semi-solids. (mode 1)
8757-N	Y-Z Industries, Inc., Snyder, TX	49 CFR 173.302, 173.304, 175.3	To manufacture, mark and sell non-DOT specification pressure vessels (Gas Sampling Device) comparable to a DOT Specification 3E for shipment of certain liquefied and non-liquefied compressed gases. (modes 1, 4)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 3, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35323 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions of Applications To Become a Party To an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of the application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes December 28, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

Application No	Applicant	Renewal of exemption
5322-X	San Diego Gas & Electric, San Diego, CA	5322
5454-X	Union Carbide Corporation Tarrytown, NY	5454
6113-X	Utility Propane Company, Elizabeth, NJ	6113
6250-X	U.S. Department of Defense, Washington, DC	6250
6536-X	Utility Propane Company, Elizabeth, NJ	6536
6563-X	Mada Medical Products, Inc., Carlstadt, NJ	6563
6614-X	GPS Industries, City of Industry, CA	6614
6614-X	Jones Chemicals, Incorporated, Caledonia, NY	6614
6614-X	Chem Lab Products, Inc., Ontano, CA	6614
6653-X	Shell Oil Company, Houston, TX (See Footnote 1).	6653
6700-X	Container Corporation of America, Wilmington, DE.	6700
6765-X	Union Carbide Corporation, Tarrytown, NJ	6765
6765-X	Cities Service Company, Tulsa, OK	6765
6800-X	Plash-Drum Corporation, Lockport, IL	6800
6826-X	Atlantic Research Corporation, Gainesville, VA.	6826
6898-X	Mallinckrodt, Incorporated, St. Louis, MO	6898
6898-X	MCB Manufacturing Chemists, Incorporated, Cincinnati, OH	6898
6902-X	Halocarbon Products Corporation, Hackensack, NJ.	6902
6913-X	Conoco, Inc., Houston, TX	6913
7060-X	Summit Airlines, Inc., Philadelphia, PA	7060
7060-X	Las Vegas Airlines, Incorporated, Las Vegas, NV	7060
7060-X	Sajen Air, Inc., Manchester, NH	7060
7060-X	Charles R. Wall, d.b.a. HZm RAM Air, Cornelius, OR.	7060
7060-X	Express Airways, Inc., Sanford, FL	7060
7220-X	Greif Brothers Corporation, Springfield, NJ (See Footnote 2)	7220
7280-X	U.S. Department of Defense, Washington, DC.	7280
7502-X	Snyder Industries, Incorporated, Lincoln, NB	7502
7584-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	7584
7607-X	Dow Chemical Company, Freeport, TX	7607
7616-X	Missouri Pacific Railroad Company, St. Louis, MO	7616
7803-X	Plastican, Inc., Leominster, MA	7803
7897-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France.	7897
8192-X	Greif Brothers Corporation, Springfield, NJ (See Footnote 3)	8192
8301-X	Container Corporation of America, Wilmington, DE	8301
8307-X	U.S. Department of Energy, Washington, DC	8307
8341-X	Pacific Coast Drum Company, South El Monte, CA.	8341
8342-X	Great Lakes Container Corporation, Southfield, MI	8342
8354-X	Fauvet-Girel, Paris, France	8354
8354-X	Compagnie des Containers Reservoirs, Paris, France.	8354
8386-X	J. J. Mauget Company, Burbank, CA.	8386
8525-X	Associated Container Transportation (USA), New York, NY	8525
8572-X	Western States Energy, Inc., Salt Lake City, UT	8572
8572-X	AMEX, Inc., Hayden Lake, ID	8572

Application No	Applicant	Parties to Exemption
2582-P	Ozark-Mahoning Company, Tulsa, OK (See Footnote 1)	2582
6218-P	Welding & Therapy Service, Inc., Louisville, KY	6218
6759-P	Atlas Powder Company, Dallas, TX	6759
7503-P	Compagnie des Containers Reservoirs, Paris, France	7503
7695-P	Compagnie des Containers Reservoirs, Paris, France	7695
7701-P	Compagnie des Containers Reservoirs, Paris, France	7701
7835-P	Liquid Air Corporation, San Francisco, CA	7835
7835-P	Wilson Oxygen and Supply, Inc., Austin, TX	7835
7893-P	Compagnie des Containers Reservoirs, Paris, France	7893
8000-P	Compagnie des Containers Reservoirs, Paris, France	8000
8080-P	Allied Chemical Company, Morristown, NJ	8080
8109-P	Compagnie des Containers Reservoirs, Paris, France	8109
8110-P	Compagnie des Containers Reservoirs, Paris, France.	8110
8129-P	Multichem Corporation, Baltimore, MD	8129
8196-P	Freon Products Middle East, Beirut, Lebanon.	8196
8396-P	Witco Chemical Corporation, Richmond, CA.	8396
8436-P	Witco Chemical Corporation, Richmond, CA	8436
8441-P	Bunker Ramo Corporation, Westlake Village, CA	8441
8511-P	E. I. duPont de Nemours & Co., Inc., Wilmington, DE	8511
8599-P	Air Products and Chemicals, Inc., Allentown, PA.	8599
8655-P	American Chemical & Refining Company, Waterbury, CT	8655
8678-P	Freon Products Middle East, Beirut, Lebanon	8678
8710-P	Witco Chemical Corporation, Richmond, CA	8710
8732-P	Chemcentral Inc., Santa Fe, CA	8732

Application No	Applicant	Renewal of exemption
4399-X	Union Carbide Corporation, Danbury, CT	4399

[1] To authorize monomethylchloroacetoacetamide, corrosive liquid, n.o.s. to be stowed under deck when shipped by cargo vessel

[2] To authorize hydrogen peroxide exceeding 52% strength classed as oxidizer as an additional commodity

[3] To authorize hydrogen peroxide exceeding 52% strength classed as oxidizer as an additional commodity

[1] Request party status and to allow those commodities presently authorized in DOT Specification 3E cylinders to be shipped under this exemption

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 3, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35324 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

Public Notice of Non-Existent Exemption; DOT-E 8347-A

I have been provided a copy of a document prepared in the form of a DOT exemption of the type issued pursuant to the provisions of 49 CFR, Subpart B of Part 107. The document indicates that certain hazardous materials may be

transported in DOT Specification 57 portable tanks aboard cargo vessels. The company named on the document as the alleged holder of the exemption is Itasco Industries, Inc., of Anaheim, California.

The purpose of this Notice is to advise all shippers and carriers of hazardous materials that no exemption bearing the identification "DOT-E 8347-A" has been issued by the Materials Transportation Bureau, and no person may offer hazardous materials for transportation, nor transport, thereunder. Use of a document identified as exemption DOT-E 8347-A as a basis for the offering and/or transportation of hazardous materials may subject the user to civil and criminal penalties under 49 U.S.C. 1809, and 18 U.S.C. 1001.

Exemption 8347 (without any suffix) which relates to use of DOT Specification 57 portable tanks is valid and was reissued by me on October 15, 1981.

Issued in Washington, D.C. on December 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35326 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Guidelines Pertaining to Treatment of Veterans Exposed to Agent Orange and Ionizing Radiation

Correction

In FR Doc. 81-34438 appearing on page 58636 in the issue of Wednesday, December 2, 1981, make the following correction:

On page 58636, center column, in the third line from the top of the page, "* * * it was legally * * *" should have read "* * * it was not legally * * *".

BILLING CODE 1505-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 5, 1982, at 1:00 p.m., the Winston-Salem Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 609, Federal Building, 251 North Main Street, Winston-Salem, North Carolina, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Wilkes Community College, Wilkesboro, North Carolina, should be discontinued, as provided in 38 CFR 21.4207, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

November 30, 1981.

Kenneth E. McDonald,

Director, Veterans Administration Regional Office.

[FR Doc. 81-35382 Filed 12-9-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 237
Thursday, December 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, December 7, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Issac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request by Peoples Westchester Savings Bank, Tarrytown, New York, for relief from a previously imposed condition of an order issued pursuant to section 18(c) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1840-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:00 p.m. on Monday, December 7, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,928-L (Amended)—The Drovers' National Bank of Chicago, Chicago, Illinois

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating gent of those assets:

Memorandum and Resolution re: City Bank of Philadelphia, Philadelphia, Pennsylvania

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1841-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 14, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for rescission of a condition imposed in granting Federal deposit insurance:
Arlington State Bank, Arlington, Texas.
Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,935–L—Southern National Bank, Birmingham, Alabama
Case No. 44,996–NR—United States National Bank, San Diego, California
Case No. 45,008–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee
Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.
Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.
Reports of committees and officers:
Report of the General Counsel:
Memorandum re: Reports of Actions Approved Under Delegated Authority: Settlement of Claims, New Employment of Counsel and Attorneys' Fees Approved for Payment.
Report of the Director, Division of Liquidation:
Memorandum re: Sale of Hamilton National Bank Mortgage Loans to Federal National Mortgage Association.
Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:
Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1842–81 Filed 12–8–81; 11:59 am]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 14, 1981, to consider the following matters;

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.
Reports of committees and officers:
Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Memorandum and Resolution re: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico
Memorandum and Resolution re: Amendments to Parts 335 and 338 of the Corporation's rules and regulations, entitled "Securities of Nonmember Insured Banks" and "Fair Housing," respectively, which give notice that the information collection requirements contained in the regulations have been cleared by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.
Memorandum and Resolution re: Recommended Definition of Bank Capital to be Used in Determining Capital Adequacy.
Memorandum and Resolution re: Mandatory Accrual Accounting Guidelines for Commercial Banks and Mutual Savings Banks.
Memorandum re: Renewal of lease for office space in the building located at 1709–11 New York Avenue, N.W., Washington, D.C.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1843–81 Filed 12–8–81; 11:59 am]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:25 p.m. on Friday, December 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from the Greenwich Savings Bank, New York, New York (Case No. 45,017).

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Issac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to the public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B)).

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1844–81 Filed 12–8–81; 11:59 am]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:50 a.m. on Friday, December 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) approve the application of Central Savings Bank, New York (Manhattan), New York, for consent to merge with Harlem Savings Bank, New York (Manhattan), New York, under the charter and title of Harlem Savings Bank, and to establish the main office, seven branches, and one public accommodation office of Central Savings Bank as eight branches and one public accommodation office of the resultant bank, and (2) provide financial assistance to the resulting bank, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to prevent the probable failure of Central Savings Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director

Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1845-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, December 15, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Litigation. Audits. Personnel. Labor Management Relations (current contract negotiations involving FEC and NTEU).

* * * * *

DATE AND TIME: Wednesday, December 16, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Continuation of agenda of December 15, 1981 Executive Session, if necessary.

* * * * *

DATE AND TIME: Thursday, December 17, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Draft AO 1981-51 William C. Oldaker, Metzenbaum for Senate
Election of officers
Appropriations and budget
Revised non-filer policy and procedure
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-1849-81 Filed 12-8-81; 2:50 pm]

BILLING CODE 6715-01-M

8

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 58779, December 3, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m. December 9, 1981.

CHANGE IN THE MEETING: Addition of the following item to the open session:

3. Agreement No. T-3938 between the City of Los Angeles and American President Lines, Ltd.—Petition for reconsideration of Order of Conditional Approval.

[S-1848-81 Filed 12-8-81; 3:27 pm]

BILLING CODE 6730-01-M

9

BOARD OF GOVERNORS FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, December 16, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed 1982 Fee Schedule for Coin Wrapping Services.
2. Consideration of secondary market activities of International Banking Facilities (IBFs).
3. Proposed technical amendments to Regulation Q (Interest on Deposits) to conform with actions of the Depository Institutions Deregulation Committee.

Discussion Agenda:

4. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) to adjust the low reserve tranche for transactions accounts.
5. Proposed timing of 1982 revisions to fee schedules for services.
6. Amendments to the Financial Institutions Regulatory and Interest Rate Control Act of 1978 proposed by the Federal Financial Institutions Examination Council.
7. Proposed Federal Reserve Bank budgets for 1982.
8. Proposed Federal Reserve Board budget for 1982.
9. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 8, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1850-81 Filed 12-8-81; 3:50 pm]

BILLING CODE 6210-01-M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: [To be published.]

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Wednesday, December 2, 1981.

CHANGES IN THE MEETING: Additional items/meeting:

The following additional item will be considered at a closed meeting scheduled for Tuesday, December 8, 1981, at 10:00 a.m.
Litigation matter.
The following item will be considered at an open meeting scheduled for Tuesday, December 8, 1981, 3:30 p.m.
The Commission will meet with representatives of the British Council for the Securities Industry, at their request, to discuss areas of mutual interest; for example, those aspects of the U.S. securities regulation which may affect British investments in U.S. markets. For further information, please contact Brandon Becker at (202) 272-2300.
The following additional item will be considered at a closed meeting scheduled for Wednesday, December 9, 1981, following the 10 a.m. open meeting.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted

or postponed, please contact: Jerry Marlatt at (202) 272–2092.

December 8, 1981.

[S–1846–81 Filed 12–8–81; 1:04 pm]

BILLING CODE 8010–01–M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of December 14, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, December 15, 1981, at 10:00 a.m., on Wednesday, December 16, at 2:30, and on Thursday, December 17, 1981, following the 10:00 a.m. open meeting. An open meeting will be held on Thursday, December 17, 1981, 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 15, 1981, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Settlement of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Freedom of Information Act appeal.
Institution of injunctive action.
Litigation matter.
Regulatory matters regarding financial institutions.
Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Wednesday, December 16, 1981, at 2:30 p.m., will be:

Litigation matter.

The subject matter of the closed meeting scheduled for Thursday, December 17, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive action and administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, December 17, 1981, at 10:00 a.m., will be:

Consideration of whether to adopt the proposed Subpart N to 17 CFR Part 200 to display the consent control numbers assigned by the Director of the Office of Management and Budget to information collection devices of the Commission, pursuant to the Paperwork Reduction Act. For further information, please contact Theodore S. Bloch at (202) 272–2454.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Sieglebaum at (202) 272–2468.

December 8, 1981.

[S–1847–81 Filed 12–8–81; 3:25 pm]

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federal register

Thursday
December 10, 1981

Part II

Department of the Interior

Bureau of Land Management

Energy and Mineral Resource Data Gathering in Wilderness Study Areas; Request for Public Comment

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Energy and Mineral Resource Data Gathering in Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Request for public comment on a possible method of rating the favorability of the geologic environment of wilderness study areas to contain mineral and energy resources.

SUMMARY: The Bureau of Land Management is looking for ways to supplement its minerals data base as a preliminary step in the wilderness study process. In cooperation with members of the minerals industry a mineral assessment form has been developed. All interested publics having knowledge about energy and mineral resources within wilderness study areas would be encouraged to complete a form on each wilderness study area of interest.

This system is intended to encourage industry and other interested members of the public to rate a particular tract of land according to the favorability of the geologic environment to contain mineral and energy resources. Favorability does not consider the feasibility of extraction, the accessibility to the tract, or other factors that might preclude economic development of the resources. Favorability is a rating of the resource based on the (1) adverse, to (2) permissive, to (3) suggestive, to (4) highly suggestive nature of the geologic framework present within and adjacent to an area.

This information would be used by the Bureau of Land Management in evaluating the overall energy and mineral resource potential of a wilderness study area. The overall potential would be one factor used by the Bureau of Land Management to make recommendations of wilderness suitability or unsuitability.

The public is invited to comment on the system generally, its usefulness, and to recommend modifications as appropriate. If this system is implemented and is well received by the public, the Bureau of Land Management would consider extending the scope of the system to all public lands administered by the Bureau of Land Management.

It is emphasized that this notice does not constitute a proposal to adopt either this system or one similar. Following analysis and evaluation of all the comments received a decision will be made either to stop or to continue the development of a rating system. If further development results in a proposal it would be published in the **Federal Register** for appropriate review prior to adoption.

DATE: Written comments will be accepted on or before February 8, 1982.

ADDRESS: Comments should be addressed to: Director (550), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Joseph Buesing, Division of Geology and Minerals Assessment, Bureau of Land Management, (202) 343–8537.

SUPPLEMENTARY INFORMATION: As a result of the Bureau of Land Management's wilderness inventory, as of January 1, 1981, there are almost 24 million acres of public land under study as Wilderness Study Areas and Instant Study Areas. Another 149 million acres have been determined to lack wilderness characteristics and were dropped from further consideration in the wilderness review.

Each wilderness study area will be studied through the Bureau of Land Management's resource management planning process where the merits of preserving the area as wilderness will be considered together with other resource management alternatives. When the study process has been completed, each wilderness study area must be reported as either suitable or nonsuitable for designation as wilderness through the Secretary of the Interior and the President to Congress.

The energy and mineral resource potential of each wilderness study area will be assessed by the Bureau of Land Management as part of the study/planning process. In addition, a mineral survey will be conducted by the Geological Survey and Bureau of Mines for any area recommended as suitable.

Rating System

As a basic part of the energy and mineral resource assessment program, the Bureau is considering the use of a rating system. One possible system would provide an estimate of the geologic favorability of a wilderness study area to contain energy and mineral resources. This favorability would be classified as either "Low," "Medium," "High," "Very High," or "Unknown". The rating system would serve to standardize a method of eliciting public comment on the energy and mineral resources of individual wilderness study areas. Although there are several mechanisms available to the public to provide information for the Bureau of Land Management's mineral resource assessment, the public has often failed to respond for a variety of reasons. Uncertainty about the type of information needed by the Bureau of Land Management is one of the reasons cited. The form described below represents an opportunity for the industry and the public to provide specific energy and mineral resource information to permit better decisionmaking. Consequently, it is important that the rationale for the rating be as explicit, detailed, and quantifiable as possible.

The use of the rating form would, of course, be optional. The Bureau would accept and evaluate all information in any form submitted pertinent to the energy and mineral resources of areas under study.

Format

The individual ratings would be recorded on this form:

Bureau of Land Management, Energy and Mineral Resources Assessment Form

State: County:
BLM District: Planning Unit
Wilderness Study Area Name: Wilderness Study Area Number
Date:

Resource	Rating	Remarks
Oil and Gas.		
Uranium.....		
Coal.....		
Geothermal..		
Other Minerals (Specify).		

Commentary and Summary: _____
Geologic Characteristics: _____
Reference/Citation: _____
Rated by: _____
(Name of company, person to contact, mailing address and phone No.)

Completing the Form

A set of instructions along with a map or maps of an individual wilderness study area will accompany each form. The instructions are as follows:

A. Complete the form for each wilderness study area or subdivision thereof for which you have energy and mineral resource information.

B. Assign a rating to each of the mineral or energy resources listed on the form, based on the tract's favorability to contain that resource. "Favorability" is defined as the potential of a particular geologic environment to contain mineral and energy resources. Favorability does not consider the feasibility of extraction, the accessibility to the tract, or other factors that might preclude economic development of the resource. Favorability is a rating of the resource based on the (1) adverse, to (2) permissive, to (3) suggestive, to (4)

highly suggestive nature of the geologic framework present within and adjacent to an area.

Ratings

Low favorability = very few geologic characteristics favorable for the occurrence of a given resource are present.

Medium favorability = some geologic characteristics are present that are favorable for the occurrence of a given resource.

High favorability = a number of geologic characteristics are present that suggest the occurrence of a given resource.

Very high favorability = many geologic features are present that indicate the occurrence of a given resource.

Unknown favorability = this rating will be applied when there are few facts on which to make the evaluation, and the true rating may be low, medium, high, or very high.

c. If more information is available for specific locations in the area, and you are willing to provide such information, please do so.

D. Remarks—indicate any clarifying information about the rating assigned (type of bed, stratification, depth, etc.)

E. Commentary and Summary—include any narrative description in support of your ratings. The more backup information that is provided, the more helpful these ratings will be to us in making fully informed decisions as to the suitability or nonsuitability of a wilderness study area for wilderness.

F. Geologic Characteristics—include any geologic support data here (age, structures, belts, etc.)

G. Reference/Citation—list any public documents available for reference in support of the ratings.

H. Rated By—give the name and telephone number of the rater or the person to contact for clarification or follow-up on the data provided. Include a mailing address to insure that you receive information on the progress of the planning process and opportunities for additional public involvement.

Dated: December 3, 1981.

Arnold E. Petty,

Acting Associate Director.

[FR Doc. 81-35345 Filed 12-9-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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federal register

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Highlights

60712 **Passports—Libya** State restricts use of United States passports to, in, or through Libya.

60572, 60577 **Retirement** Treasury/FS amends rules on United States Retirement Bonds and United States Individual Retirement Bonds. (2 documents)

60592 **Food Assistance Program** USDA/FNS proposes changes in Summer Food Service Program.

60758 **Occupational Safety and Health** Labor/OSHA amends rules on occupational exposure to lead. (Part III of this issue)

60778 **Surface Mining** Interior/SMREO proposes to revise rules on establishment and administration of Abandoned Mine Land Reclamation Program. (Part IV of this issue)

60654 **Cancer Reports** HHS/PHS reevaluates carcinogenicity reports on Dimethylterephthalate.

60657 HHS/PHS announces availability of bioassay of F.D.& C. Yellow No. 6 and monitoring guidelines for carcinogen bioassays.

60629 **Cuban and Haitian Refugees** HHS/SSA proposes new cash and medical assistance policies for refugee resettlement program.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

60634 **Procurement** OMB/OFPP announces availability of draft Federal Acquisition Regulation segment.

60591 **Federal Employees** MSPB proposes to clarify "whistleblower" provisions.

60616 **Forests** USDA/ASCS proposes to amend Forestry Incentives Program regulations.

60636 **Courts** Administrative Office of United States Courts announces Spanish/English certification examination for court interpreters.

60589 **Endangered and Threatened Wildlife** Interior/FWS further postpones effective date of rule authorizing export of Bobcat taken in 1981–82 season.

60614 **Food Stamps** USDA/FNS requests comments on bilingual services regulations.

60637 **Wheat and Barley** USDA/ASCS announces determination of national program acreages and program factors for 1981 crops.

60617 **Energy** DOE/FERC proposes to revise annual report (Form P) filed by oil pipeline companies.

60645 **Labor** Federal Mediation and Conciliation Service requests comments on draft FY 1982 program announcement for Labor-Management Cooperation Program.

60639 **Imports** CITA requests comments on bilateral agreements during 1982 on cotton, wool and man-made fiber textile and apparel products from Brazil, China, Colombia, Haiti, Hong Kong, India, Republic of Korea, Pakistan, the Philippines, Romania, Taiwan and Thailand.

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60713 **Sunshine Act Meetings**

Separate Parts of This Issue

60740 **Part II, Labor/ESA**
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 337 and Lemon Reg. 336, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period December 13–19, 1981, and increases the quantity of lemons that may be shipped during the period December 6–12, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective December 13, 1981, and the amendment is effective for the period December 6–12, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 8, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. Section 910.637 is added as follows:

§ 910.637 Lemon regulation 337.

The quantity of lemons grown in California and Arizona which may be handled during the period December 13, 1981, through December 19, 1981, is established at 260,000 cartons.

2. Section 910.636 Lemon Regulation 336 (46 FR 29228) is revised to read as follows:

§ 910.636 Lemon regulation 336.

The quantity of lemons grown in California and Arizona which may be handled during the period December 6, 1981, through December 12, 1981, is established at 265,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 9, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–35783 Filed 12–10–81; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 51

[Docket No. 81-096]

Brucellosis Indemnity; Effective Date Corrected

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correction of effective date.

SUMMARY: This document corrects the effective date for amendments to the regulations relating to payment of indemnity for breeding swine destroyed because of brucellosis. This action is needed to correct a typographical error which incorrectly stated the effective date as December 12, 1981, instead of December 21, 1981.

EFFECTIVE DATE: The amendments to 9 CFR Part 51 published at 46 FR 57026–57027 are effective December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. G. H. Frye, USDA, APHIS, VS, Federal Building, Room 804, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION: On November 20, 1981, there was published in the **Federal Register** (46 FR 57026–57027) a final rulemaking document amending the brucellosis indemnity regulations relating to breeding swine in 9 CFR Part 51. The effective date was

published as December 12, 1981. It should have been December 21, 1981.

In order to correct this typographical error, the effective date of the final regulations concerning Part 51, Title 9, Code of Federal Regulations, published in the **Federal Register** on November 20, 1981, at 46 FR 57026–57027 is changed to December 21, 1981.

Done at Washington, D.C. this 8th day of December 1981.

Robert I. Brown,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-35481 Filed 12-10-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 80F-0151]

Indirect Food Additives; Substances for Use as Components of Coatings; Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of two polyamides (Nylon 12 and Nylon 12/6) as components of side seam cements. This action also provides for the use of four optional adjuvant substances that may be employed in the production of side seam cements. This action is based on a petition filed on behalf of Toray Industries, Inc., Tokyo, Japan.

DATES: Effective December 11, 1981; objections by January 11, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of Friday, June 5, 1981 (46 FR 30199), FDA announced that a food additive petition (FAP 1B3556) had been filed on behalf of Toray Industries, Inc., Tokyo, Japan, proposing that § 175.300(b)(3)(xxxii) (21 CFR 175.300(b)(3)(xxxii)) of the food additive regulations be amended to provide for the safe use of two polyamides (Nylon 12 and Nylon 12/6) as components of side seam cement formulations.

In an amended filing notice published in the **Federal Register** of Friday, October 9, 1981 (46 FR 50155), FDA announced that the petition also proposes that § 175.300(b)(3)(xxxii) be amended to provide for the following four adjuvant substances as components of side seam cement formulations:

(1) 4,4'-Bis(*alpha,alpha*-dimethylbenzyl)diphenylamine,

(2) *N,N'*-Hexamethylenebis(3,5,di-*tert*-butyl-4-hydroxyhydrocinnamide),

(3) Polypropylene glycol, and

(4) Tetrakis [methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane.

Having evaluated the data in the petition and other relevant material, FDA concludes that the proposed uses are safe and that the food additive regulations should be amended as set forth below.

The agency has considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is therefore not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch, address above, between 9 a.m. and 4 p.m., Monday through Friday.

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATING AND COMPONENTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 175 is amended in § 175.300(b)(3)(xxxii) by alphabetically adding six new additives to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxxii) * * *

4,4'-Bis(*alpha,alpha*-dimethylbenzyl)diphenylamine, CAS Reg. No. 10081–67–1.

N,N'-Hexamethylenebis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamide), CAS Reg. No. 23128–74–7.

Polyamides consisting of the following:

Homopolymer of *omega*-laurolactam, CAS Reg. No. 25038–74–8 (Nylon 12).

Copolymer of *omega*-laurolactam and *espilon*-caprolactam, CAS Reg. No. 25191–04–2 (Nylon 12/6).

Polypropylene glycol CAS Reg. No. 25322–69–4.

Tetrakis [methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane, CAS Reg. No. 6683–19–8.

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 11, 1982 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective December 11, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: December 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-35290 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 81F-0037]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ethyl alcohol as a substitute for isopropyl alcohol when

used with *n*-alkyl (C_{12}-C_{18}) benzyldimethylammonium chloride in sanitizing solutions. This action responds to a petition by Huntington Laboratories, Inc.

DATES: Effective December 11, 1981; objections by January 11, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 20, 1981 (46 FR 17886), FDA announced that a petition (FAP 1H3544) had been filed by Huntington Laboratories Inc., P.O. Box 710, Huntington, IN 46750, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of ethyl alcohol as a substitute for isopropyl alcohol as a component of a sanitizing solution used on food-processing equipment and utensils.

Having evaluated the data in the petition and other relevant material, FDA concludes that the proposed food additive use is safe and that § 178.1010 should be amended as set forth below. The agency also believes that § 178.1010(b)(9) should be edited for clarity, and has made those editorial changes, which are not substantive.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and therefore, that an environmental impact statement is not required. The agency's findings of no significant impact and the supporting evidence may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.1010 by revising paragraph (b)(9) to read as follows:

§ 178.1010 Sanitizing solutions.

* * * * *

(b) * * *

(9) An aqueous solution containing *n*-alkyl (C_{12}-C_{18}) benzyldimethylammonium chloride compounds having average molecular weights of 351 to 380. The alkyl groups consist principally of groups with 12 to 16 carbon atoms and contain not more than 1 percent each of groups with 8 and 10 carbon atoms. Additionally, the aqueous solution may contain either ethyl alcohol or isopropyl alcohol as an optional ingredient.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 11, 1982 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 11, 1981.

(Sec. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: December 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-35292 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 431, 436, 444, 446, 448, 450, 453, 455, 460, 540, 544, and 546

[Docket No. 76N-0198]

Antibiotic and Antibiotic-Containing Drugs; Histamine Test Method

AGENCY: Food and Drug Administration

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by adopting the United States Pharmacopeia (USP) XX procedure used for testing antibiotic drug samples for histamine and by changing the word "histamine" to the phrase "depressor substances" to be consistent with this amendment. The agency is taking this action to ensure quality control of certain antibiotic products.

DATES: Effective January 11, 1982; comments, notice of participation, and request for hearing by January 11, 1982; data, information, and analyses to justify a hearing by February 9, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 25, 1976 (41 FR 26228), FDA proposed to amend the antibiotic drug regulations by clarifying the procedure used in repeat testing of antibiotic drugs for histamine. As discussed in the proposal, the histamine test regulation (21 CFR 436.35) does not fully describe the requirements for repeat testing. For the sake of clarity, FDA proposed an amendment to this regulation to specify the number of repeat tests to be performed and to describe how to evaluate the results obtained. This proposed test procedure would be more consistent with the procedure described in the then current USP XIX (official from July 1, 1975).

Interested persons were given until August 24, 1976, to submit written comments. One comment was received from a pharmaceutical manufacturer recommending a modification of the proposed procedure. The comment stated that because a test animal may have a tendency toward atypical responses, it is difficult to determine whether such response is a function of the administered drug or an idiopathic (unknown) reaction of the test animal. The comment suggested that the repeat test procedure provide for the use of additional animals if further testing is necessary.

The agency has considered this comment and agrees that the repeat test procedure should provide for the use of more than one animal. However, because extensive repeat testing could

distort test results, it should be limited to only one additional animal.

On July 1, 1980, the USP XX became official. The revised histamine test method now incorporates all agency requirements for repeat testing, including the use of one additional animal. This test has been entitled "Depressor substances test" to reflect the fact that histamine has not been positively identified as the substance causing the depressor response in test animals.

The agency believes that the test methods of the USP and the agency should be consistent for regulatory and quality control purposes. The agency has reviewed the USP XX depressor substances test and considers it adequate for antibiotic drug certification. Although the USP XX test method incorporates a more sophisticated statistical sampling plan and interpretation of results than was proposed in 1976, the agency believes that the differences are insubstantial refinements of the basic test procedure and reflect currently acceptable standards. Accordingly, the agency is adopting the USP XX depressor substances test as the official histamine test method for antibiotic drugs. Consistent with this amendment, the agency is also replacing the word "histamine" with the phrase "depressor substances" wherever it appears in the antibiotic drug regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C. 357, 360b(n), 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Title 21 of the Code of Federal Regulations is amended as follows:

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

§ 431.53 [Amended]

1. Part 431 is amended in §431.53 *Fees* by changing the "Histamine test" to read "Depressor substance test" in the table in paragraph (b)(1).

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended by revising § 436.35 to read as follows:

§ 436.35 Depressor substances test.

Proceed as directed in the USP XX depressor substances test. Prepare the sample test solution as follows: For each antibiotic listed in the table below, select the appropriate diluent and test dose (concentration and volume). If the product is packaged for dispensing and is in a combination package with a container of diluent, dilute the product as directed in the labeling.

Antibiotic	Diluent [1]	Concentration of test solution [2]	Volume of test solution to be injected [3]
Bleomycin sulfate	4	[4] 0.5	1.0
Capreomycin sulfate	4	3.0	1.0
Chlortetracycline hydrochloride	3	5.0	.6
Clindamycin phosphate	4	5.0	1.0
Dihydrostreptomycin sulfate	4	3.0	1.0
Doxorubicin hydrochloride	4	1.5	1.0
Doxycycline hyclate	4	5.0	1.0
Lincomycin hydrochloride monohydrate	4	3.0	1.0
Minocycline hydrochloride	4	5.0	.5
Mithramycin	3	0.050	1.0
Mitomycin	4	0.050	1.0
Oxytetracycline [5]	3	5.0	.6
Oxytetracycline hydrochloride	4	5.0	.6
Rolitetracycline	4	5.0	.6
Rolitetracycline nitrate	4	5.0	.6
Sodium colistimethate	4	3.0	1.6
Spectinomycin hydrochloride	4	15.0	1.0
Streptomycin sulfate	4	3.0	1.0
Tetracycline hydrochloride	4	5.0	.6
Tetracycline phosphate [5]	3	5.0	.6
Vidarabine monohydrate [5]	4	1.0	1.0
Viomycin sulfate	4	5.0	.6

[1] Diluent number as listed in sec. 436.31(b).
[2] Milligrams of activity per milliliter
[3] Milliliters per kilogram of body weight.
[4] The concentration of the test solution is expressed in units per milliliter in lieu of milligrams of activity per milliliter.
[5] To prepare the test solution, proceed as directed in the individual section of the antibiotic drug regulation in this chapter for the antibiotic to be tested.

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

§§ 444.70a and 444.270b [Amended]

3. Part 444 is amended in the following sections by changing the phrases "histamine nor histamine-like" and "histamine or histamine-like" to read "depressor" and by changing the word "histamine" to read "depressor substances" wherever they appear: § 444.70a(a)(1)(v), (3)(i), and (b)(5); and § 444.270b(a)(1), (3)(i)(*a*) and (*b*), and (b)(5).

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

§§ 446.10a, 446.20a, 446.65a, 446.67a, 446.75a, 446.76a, 446.81a, 446.220, 446.260, 446.265, 446.267, 446.275a, 446.275b, 446.276a, 446.276b, 446.281 and 446.282 [Amended]

4. Part 466 is amended in the following sections by changing the phrases "histamine nor histamine-like" and "histamine or histamine-like" to read "depressor" and by changing the word "histamine" to read "depressor substances" wherever they appear: § 446.10a(a)(1)(v), (3)(i), and (b)(5); § 446.20a(a)(1)(v), (3)(i), and (b)(5); § 446.65a(a)(1)(v), (3)(i), and (b)(5); § 446.67a(a)(1)(v), (3)(i), and (b)(5); § 446.75a(a)(1)(v), (3)(i), and (b)(5); § 446.76a(a)(1)(v), (3)(i), and (b)(5); § 446.81a(a)(1)(v), (3)(i), and (b)(5); § 446.220(a)(1), (3)(i)(*b*), and (b)(5); § 446.260(a)(1), (3)(i)(*b*), and (b)(5); § 446.265(a)(1), (3)(i)(*b*), and (b)(5); § 446.267(a)(1), (3)(i)(*b*), and (b)(5); § 446.275a(a)(1), (3)(i)(*b*), and (b)(5); § 446.275b(a)(3)(i)(*a*); § 446.276a(a)(1), (3)(i)(*b*), and (b)(5); § 446.276b(a)(3)(i)(*a*); § 446.281(a)(3)(i)(*a*); § 446.282(a)(1) and (3)(i)(*a*), and (b)(6).

PART 448—PEPTIDE ANTIBIOTIC DRUGS

§§ 448.15a and 448.80a [Amended]

5. Part 448 is amended in the following sections by changing the phrases "histamine nor histamine-like" and "histamine or histamine-like" to read "depressor" and by changing the word "histamine" to read "depressor substances" wherever they appear: § 448.15a(a)(1)(v), (3)(i), and (b)(5); § 448.80a(a)(1)(v), (4)(i), and (b)(5).

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

§§ 450.10a, 450.224, 450.240 and 450.245 [Amended]

6. Part 450 is amended in the following sections by changing the phrases "histamine nor histamine-like" and "histamine or histamine-like" to read "depressor" and by changing the word "histamine" to read "depressor substances" wherever they appear: § 450.10a(a)(1)(v), and (3)(i); § 450.224(a)(1), (3)(i)(*b*), and (b)(4); § 450.240(a)(1), (3)(i)(*b*), and (b)(7); § 450.245(a)(1), (3)(i)(*b*), and (b)(5).

PART 453—LINCOMYCIN ANTIBIOTIC DRUGS

§§ 453.22a, 453.30a, 453.222 and 453.230 [Amended]

7. Part 453 is amended in the following sections by changing the phrases "histamine nor histamine-like" and "histamine or histamine-like" to read "depressor" and by changing the word "histamine" to read "depressor substances" wherever they appear: § 453.22a(a)(1)(vi), (3)(i), and (b)(6); § 453.30a(a)(1)(v), (3)(i), and (b)(5); § 453.222(a)(1), (3)(i)(*b*), and (b)(5); § 453.230(a)(1), (3)(i)(*b*), and (b)(5).

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

§ 455.80a [Amended]

8. Part 455 is amended in § 455.80a in paragraph (a)(1)(vi) by changing the

phrase "histamine nor histamine-like" to read "depressor" and in paragraphs (a)(3)(i) and (b)(6) by changing the word "histamine" to read "depressor substances."

PART 460—ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE

§ 460.42 [Amended]

9. Part 460 is amended in § 460.42(a)(1) by changing the word "histamine" to read "depressor substances."

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.274d [Amended]

10. Part 540 is amended in § 540.274d(a)(4)(ii)(*c*) by changing the phrase "histamine content" to read "depressor substances."

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

§§ 544.173a, 544.173b, 544.173c, 544.173e, 544.211a, 544.211b, 544.274, 544.370a, 544.373a, 544.373b, and 544.973b [Amended]

11. Part 544 is amended in the following sections by changing the phrases "histamine nor histamine-like" and "histamine or histamine-like" to read "depressor" and the phrase "histamine content" and the word "histamine" to read "depressor substances" wherever they appear: § 544.173a(a)(1); § 544.173b(a)(1); § 544.173c(a)(1) and (b)(2); § 544.173e(a)(1); § 544.211a(b)(3); § 544.211b(a)(1)(iv), (4)(ii)(*a*), and (b)(3); § 544.274(a)(1)(ii), (4)(ii)(*a*), and (b)(2); § 544.370a(a)(4) and (b)(2); § 544.373a(a)(1); § 544.373b(a)(1); and § 544.973b(a)(1).

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 546.312a [Amended]

12. Part 546 is amended in § 546.312a(a)(1)(iii) by changing the word "histamine" to read "depressor substances."

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before January 11, 1982, a written notice of participation and request for hearing, and (2) on or before February 9, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for a hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in three copies identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (address above).

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective January 11, 1982.

(Secs. 507, 512(n), 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C. 357, 360b(n), 371(f) and (g)))

Dated: December 3, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-35166 Filed 12-10-81; 8:45 am]
BILLING CODE 4160-01-M

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21 CFR Parts 510, 520, 522, and 526

New Animal Drugs; Change of Sponsor Names and Addresses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of several supplemental new animal drug applications (NADA's) filed by Syntex Agribusiness, Inc., providing for change of sponsor names and addresses.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV-104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed several supplemental NADA's providing for changing the sponsor name and address of Syntex Laboratories, Inc., Palo Alto, CA; Diamond Laboratories, Des Moines, IA; and Syntex Agribusiness, Inc., Springfield, MO, to Syntex Agribusiness, Inc., Palo Alto, CA. In addition, certain approved NADA's now sponsored by Syntex Agribusiness, Inc., Palo Alto, CA, and not previously codified in the regulations are codified.

This action concerns the change of sponsor names and addresses, and does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (see 42 FR 64367; December 23, 1977), this is a Category I change which does not require reevaluation of the safety and effectiveness data in the parent applications. The supplemental NADA's for the change of sponsor are approved and the regulations amended to reflect the approvals.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510, 520, 522, and 526 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended alphabetically in paragraph (c)(1) and numerically in paragraph (c)(2) by removing the entries "Diamond Laboratories, Inc." and "Syntex Laboratories, Inc.," and by revising the

entry for "Syntex Agribusiness, Inc.," to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304	[redacted]
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
000033	Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. Part 520 is amended as follows:

§ 520.1628 [Amended]

a. In § 520.1628 *Oxfendazole powder and pellets*, paragraph (b), by removing "017180" and inserting in its place "000033".

§ 520.2002 [Amended]

b. In § 520.2002 *Propiopromazine hydrochloride*, paragraph (c), by removing "013947" and inserting in its place "000033".

§ 520.2122 [Amended]

c. In § 520.2122 *Spectinomycin dihydrochloride oral solution*, paragraph (b)(2) by removing "013947" and inserting in its place "000033".

§ 520.2610 [Amended]

d. In § 520.2610 *Trimethoprim and sulfadiazine tablets*, paragraph (b), by removing "013947" and inserting in its place "000033".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. Part 522 is amended as follows:

§ 522.2002 [Amended]

a. In § 522.2002 *Propiopromazine hydrochloride injection*, paragraph (c), by removing "013947" and inserting in its place "000033".

§ 522.2120 [Amended]

b. In § 522.2120 *Spectinomycin injection*, paragraph (b), by inserting after the number "043731" the phrase "and 000033".

PART 526—INTRAMAMMARY DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 526.820 [Amended]

4. In Part 526, § 526.820 *Erythromycin* is amended in paragraph (b) by inserting after the number "050604" the phrase "and 000033".

Effective date. December 11, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 3, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-35428 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs not Subject to Certification; Praziquantel Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Bayvet Division of Cutter Laboratories, Inc., providing for the safe and effective use of praziquantel tablets for removel of certain cestodes from dogs and cats.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Bayvet Division of Cutter Laboratories, Inc., P.O. Box 390, Shawnee, KS 66201, filed an NADA (111-798) providing for the safe and effective use of praziquantel tablets (Droncit Tablets) for removal of certain canine and feline cestodes. Bayvet submitted results of one controlled study demonstrating effectiveness of the drug in treating experimentally induced *Echinococcus granulosus* infections in dogs and literature references citing extensive studies in foreign countries demonstrating effectiveness against naturally infected dogs. The latter studies provided a basis for waiver from the requirements of a second adequate and well-controlled study. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Director's finding of no significant impact and the evidence supporting this finding are contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*a*), (*e*) (*1*) and (*2*), and (iii) which may be seen in the Dockets Management Branch, address above.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1870 to read as follows:

§ 520.1870 Praziquantel tablets.

(a) *Specifications.* Each dog tablet contains 34 milligrams (mgs) of praziquantel; each cat tablet contains 23 mgs of praziquantel.

(b) *Sponsor.* See No. 000859 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs.* (i) *Indications for use.* For removal of canine cestodes *Dipylidium caninum, Taenia pisiformis,* and *Echinococcus granulosus.*

(ii) *Dosage.* Dogs 5 pounds and under, ½ tablet (17 mgs); 6 to 10 pounds, 1 tablet (34 mgs); 11 to 15 pounds, 1½ tablets (51 mgs); 16 to 30 pounds, 2 tablets (68 mgs); 31 to 45 pounds, 3 tablets (102 mgs); 46 to 60 pounds, 4

tablets (136 mgs); over 60 pounds, 5 tablets maximum (170 mgs).

(iii) *Limitations.* Administer directly by mouth or crumbled and in feed. Not intended for use in puppies less than 4 weeks of age. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cats*—(i) *Indications for use.* For removal of feline cestodes *Dipylidium caninum* and *Taenia taeniaeformis.*

(ii) *Dosage.* Cats 4 pounds and under, ½ tablet (11.5 mgs); 5 to 11 pounds, 1 tablet (23 mgs); over 11 pounds, 1½ tablets (34.5 mgs).

(iii) *Limitations.* Administer directly by mouth or crumbled and in feed. Not intended for use in kittens less than 6 weeks of age. Do not use in breeding or pregnant cats. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. December 11, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 7, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-35428 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Bacitracin Zinc

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by International Minerals & Chemical Corp. providing for use of bacitracin premixes to manufacture complete swine feeds containing 20 or 20 to 40 grams of bacitracin per ton respectively for increased rate of weight gain and improved feed efficiency in growing-finishing swine.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: International Minerals & Chemical Corp., P.O. Box 207, Terre Haute, IN 47808, filed a supplemental NADA (46-920) providing for use of premixes containing either 10, 25, 40, or 50 grams of bacitracin (as bacitracin zinc) per pound to manufacture a complete feed containing 20 or 20 to 40 grams of bacitracin per ton for growing-finishing swine. The 20-gram per ton medicated feed is used for increased rate of weight gain in growing-finishing swine, the 20- to 40-gram per ton medicated feed is used for improved feed efficiency in growing-finishing swine.

Bacitracin zinc at 10 to 50 grams per ton was in use for swine prior to October 10, 1962. The product was the subject of the National Academy of Sciences/National Research Council (NAS/NRC) notices published in the **Federal Register** of July 17, 1970 (DESI 0061NV, 35 FR 11531) and October 2, 1970 (DESI 0061NV, 35 FR 15408). The NAS/NRC notices concluded, and FDA concurred, that more information was needed for the growth claim in swine, and that these products were probably not effective for therapeutic claims in swine. The firm submitted a supplemental NADA in response to the NAS/NRC notice providing revised claims and restricted use levels. The supplement is supported by several well-controlled studies for effectiveness and safety. The supplemental NADA is approved and the regulations are amended to reflect the approval.

The revised claim is for a limited use of bacitracin within an already approved range. Because bacitracin zinc is currently approved for use in complete feed at levels requested, this supplemental approval will not result in a significant increase in the number of food-producing animals receiving medication, and therefore will not cause an increase in human exposure to residues of bacitracin. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the human safety data supporting the parent application.

In the **Federal Register** of September 16, 1980 (45 FR 61289), the regulations for use of bacitracin zinc for swine feeds were inadvertently amended in the table in § 558.78(e)(1) (21 CFR 558.78(e)(1)) to add new item (iii)3. Subsequently the regulation was amended in the **Federal Register** of April 10, 1981. The item (iii)3. was redesignated (iv)3. This amendment as so redesignated is in error and is removed. This supplement to NADA 46-920 provides data and information supporting the swine weight gain and feed efficiency uses and amends the regulations accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.78 is amended in the table of paragraph (e)(1) by removing item (iv)3., by redesignating existing items (v) through (vii) as (vii) through (ix), and by adding new items (v) and (vi), to read as follows:

§ 558.78 Bacitracin zinc.

* * * * *

(e) *Conditions of use.* (1) * * *

Bacitracin zinc in grams per [illegible]	Combinations in [illegible] per ton	Indications for use	Limitations	Sponsor
•	•	•	•	•
(v) 20		Growing-finishing swine; increased rate of weight gain.	In complete feed	012769
(vi) 20 to 40		Growing-finishing swine; improved feed efficiency.	....do	012769
•	•	•	•	•

* * * * *

Effective date. This amendment is effective December 11, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 3, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-35291 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of N-ethylamphetamine into Schedule I

Correction

In FR Doc. 81-35123 appearing at page 59969, of the issue of Tuesday, December 8, 1981 make the following correction.

On page 59969, the "Effective Date" incorrectly reads "January 7, 1981". The "Effective Date" should read "January 7, 1982".

BILLING CODE 1501-01-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 22

[Docket No. SD-172; Departmental Reg. 108.813]

Change in Fees for Consular Services

Corrections

In FR Doc. 81-34374 appearing on page 58071 in the issue of Monday, November 30, 1981, make the following changes:

1. On page 58072, third column, Item No. 58, paragraph (a) should read as follows:

58. * * *	
(a) In connection with the execution of forms or documents (except those related to applications for passports or immigrant visas) required by and to be presented to any department or agency of the Federal Government.	No fee.

* * * * *

2. On page 58073, first column, the fee for Item No. 66 should read "No fee."; the fee for Item No. 67 should read "$16.00."; and in the second column, the sixteenth line of Item No. 94, "loss * * *" should read "lost * * *".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Adoption of Amendments

Correction

In FR Doc. 81-34837, appearing at page 59243, in the issue of Friday, December 4, 1981, make the following correction.

On page 59246, § 2530.203-3 (c)(2), was incorrectly designated, and contained a typographical error. As corrected, the introductory text of § 2530.203-3(c)(2) should read as set forth below:

§ 2530.203-3 Suspension of pension benefits upon employment.

* * * * *

(c) * * *

(2) *Multiemployer plans.* In the case of a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period:

—Completes 40 or more hours of service (as defined in § 2530.200b-2(a) (1) and (2)) or

—Receives payment for any such hours of service performed on each of 8 or more days (or separate work shifts) in such month or payroll period, *Provided,* That the plan has not for any purpose determined or used the actual number of hours of service which would be required to be credited to the employee under § 2530.200(b)-(2)(a); in

—An industry in which employees covered by the plan were employed and accrued benefits under the plan as a result of such employment at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, and

—A trade or craft in which the employee was employed at any time under the plan, and

—The geographic area covered by the plan at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment.

* * * * *

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 341

Regulations Governing United States Retirement Plan Bonds

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This sixth amendment to the regulations governing United States Retirement Plan Bonds is being issued to reflect the latest improvements in the investment yield of these bonds.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: United States Retirement Plan Bonds have been issued since 1963 as an investment option for individuals eligible to make tax deductible contributions to a Keogh ("H.R. 10") retirement account. This amendment to the offering of these bonds implements two interest rate increases announced by the Secretary of

the Treasury. On October 30, 1980, the Secretary authorized an interest rate of 8 percent per annum, compounded semiannually for bonds issued on and after November 1, 1980. On October 2, 1981, the Secretary adopted an interest of 9 percent per annum, compounded semiannually for bonds issued on and after October 1, 1981. Accordingly, § 341.1 of the regulations is being amended and new redemption value tables E and F are being added to the appendix to reflect these rates.

This amendment is effected under authority of Sections 1 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 288, 48 Stat. 343, both as amended, 31 U.S.C. 752, 754b) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

Paul H. Taylor,

Fiscal Assistant Secretary.

Dated: December 1, 1981.

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

Accordingly, Department of the Treasury Circular, Public Debt Series, No. 1–63, dated January 10, 1963, as amended, is hereby further amended by the removal of § 341.1(a) and the addition of new § 341.1(a) and new Tables E and F in the Appendix to Part 341 of Title 31 of the Code of Federal Regulations, as follows:

§ 341.1 Description of bonds.

(a) *Investment yield (interest).* United States Retirement Plan Bonds, hereinafter sometimes referred to as Retirement Plan Bonds, will be issued at par. The investment yields (interest) are as follows:

(1) Bonds with issue dates of January 1, 1963, through May 1, 1966—3.75 percent per annum, compounded semiannually (see Table of Redemption Values in the Appendix).

(2) Bonds with issue dates of June 1, 1966, through December 1, 1969—4.15 percent per annum, compounded semiannually (see Table A in the Appendix).

(3) Bonds with issue dates of January 1, 1970, through January 1, 1974—5 percent per annum, compounded semiannually (see Table B).

(4) Bonds with issue dates of February 1, 1974, through July 1, 1979—6 percent per annum, compounded semiannually (see table C).

(5) Bonds with issue dates of August 1, 1979, through October 1, 1980—6.5 percent per annum, compounded semiannually (see table D).

(6) Bonds with issue dates of November 1, 1980, through September 1, 1981—8 percent per annum, compounded semiannually (see table E).

(7) Bonds with issue dates of October 1, 1981, or thereafter—9 percent per annum, compounded semiannually (see table F).

Interest will be paid only upon redemption of the bonds. The accrual of interest will continue until the bonds are redeemed or have reached maturity, whichever is earlier, in accordance with these regulations.

* * * * *

2. In the Appendix to Part 341 of title 31 of the Code of Federal Regulations, Tables E and F are added as follows:

Table E.—Table of Redemption Values Providing an Investment Yield of 8.00 Percent Per Annum for Bonds Bearing Issue Dates Beginning November 1, 1980

Note.—This table shows how Retirement Plan Bonds bearing issue dates beginning November 1, 1980, by denomination, increase in redemption value during successive half-year periods following issue. The redemption values have been determined to provide an investment yield of 8.00 percent per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. The period to maturity is indeterminate in accordance with the provisions of § 341.1(b).

BILLING CODE 4810-40-M

ISSUE PRICE	$ 50.00	$100.00	$ 500.00	$1000.00
PERIOD AFTER ISSUE DATE	REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD SHOWN)			
FIRST HALF YEAR.	$ 50.00	$100.00	$ 500.00	$1000.00
.5 TO 1.0 YEARS	52.00	104.00	520.00	1040.00
1.0 TO 1.5 YEARS	54.08	108.16	540.80	1081.60
1.5 TO 2.0 YEARS	56.24	112.48	562.40	1124.80
2.0 TO 2.5 YEARS	58.50	117.00	585.00	1170.00
2.5 TO 3.0 YEARS	60.84	121.68	608.40	1216.80
3.0 TO 3.5 YEARS	63.26	126.52	632.60	1265.20
3.5 TO 4.0 YEARS	65.80	131.60	658.00	1316.00
4.0 TO 4.5 YEARS	68.42	136.84	684.20	1368.40
4.5 TO 5.0 YEARS	71.16	142.32	711.60	1423.20
5.0 TO 5.5 YEARS	74.02	148.04	740.20	1480.40
5.5 TO 6.0 YEARS	76.98	153.96	769.80	1539.60
6.0 TO 6.5 YEARS	80.06	160.12	800.60	1601.20
6.5 TO 7.0 YEARS	83.26	166.52	832.60	1665.20
7.0 TO 7.5 YEARS	86.58	173.16	865.80	1731.60
7.5 TO 8.0 YEARS	90.04	180.08	900.40	1800.80
8.0 TO 8.5 YEARS	93.64	187.28	936.40	1872.80
8.5 TO 9.0 YEARS	97.40	194.80	974.00	1948.00
9.0 TO 9.5 YEARS	101.30	202.60	1013.00	2026.00
9.5 TO 10.0 YEARS	105.34	210.68	1053.40	2106.80
10.0 TO 10.5 YEARS	109.56	219.12	1095.60	2191.20
10.5 TO 11.0 YEARS	113.94	227.88	1139.40	2278.80
11.0 TO 11.5 YEARS	118.50	237.00	1185.00	2370.00
11.5 TO 12.0 YEARS	123.24	246.48	1232.40	2464.80
12.0 TO 12.5 YEARS	128.16	256.32	1281.60	2563.20
12.5 TO 13.0 YEARS	133.30	266.60	1333.00	2666.00
13.0 TO 13.5 YEARS	138.62	277.24	1386.20	2772.40
13.5 TO 14.0 YEARS	144.16	288.32	1441.60	2883.20
14.0 TO 14.5 YEARS	149.94	299.88	1499.40	2998.80
14.5 TO 15.0 YEARS	155.94	311.88	1559.40	3118.80
15.0 TO 15.5 YEARS	162.16	324.32	1621.60	3243.20
15.5 TO 16.0 YEARS	168.66	337.32	1686.60	3373.20
16.0 TO 16.5 YEARS	175.40	350.80	1754.00	3508.00
16.5 TO 17.0 YEARS	182.42	364.84	1824.20	3648.40
17.0 TO 17.5 YEARS	189.72	379.44	1897.20	3794.40
17.5 TO 18.0 YEARS	197.30	394.60	1973.00	3946.00
18.0 TO 18.5 YEARS	205.20	410.40	2052.00	4104.00
18.5 TO 19.0 YEARS	213.40	426.80	2134.00	4268.00
19.0 TO 19.5 YEARS	221.94	443.88	2219.40	4438.80
19.5 TO 20.0 YEARS	230.82	461.64	2308.20	4616.40
20.0 TO 20.5 YEARS	240.06	480.12	2400.60	4801.20

BILLING CODE 4810-40-C

Table F.—Table of Redemption Values Providing an Investment Yield of 9.00 Percent Per Annum for Bonds Bearing Issue Dates Beginning October 1, 1981

Note.—This table shows how Retirement Plan Bonds bearing issue dates beginning October 1, 1981, by denomination, increase in redemption value during successive half-year periods following issue. The redemption values have been determined to provide an investment yield of 9.00 percent per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. The period to maturity is indeterminate in accordance with the provisions of § 341.1(b).

BILLING CODE 4810-40-M

ISSUE PRICE	$ 50.00	$100.00	$ 500.00	$1000.00
PERIOD AFTER ISSUE DATE	REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD SHOWN)			
FIRST HALF YEAR.	$ 50.00	$100.00	$ 500.00	$1000.00
.5 TO 1.0 YEARS	52.24	104.48	522.40	1044.80
1.0 TO 1.5 YEARS	54.60	109.20	546.00	1092.00
1.5 TO 2.0 YEARS	57.06	114.12	570.60	1141.20
2.0 TO 2.5 YEARS	59.62	119.24	596.20	1192.40
2.5 TO 3.0 YEARS	62.30	124.60	623.00	1246.00
3.0 TO 3.5 YEARS	65.12	130.24	651.20	1302.40
3.5 TO 4.0 YEARS	68.04	136.08	680.40	1360.80
4.0 TO 4.5 YEARS	71.10	142.20	711.00	1422.00
4.5 TO 5.0 YEARS	74.30	148.60	743.00	1486.00
5.0 TO 5.5 YEARS	77.64	155.28	776.40	1552.80
5.5 TO 6.0 YEARS	81.14	162.28	811.40	1622.80
6.0 TO 6.5 YEARS	84.80	169.60	848.00	1696.00
6.5 TO 7.0 YEARS	88.60	177.20	886.00	1772.00
7.0 TO 7.5 YEARS	92.60	185.20	926.00	1852.00
7.5 TO 8.0 YEARS	96.76	193.52	967.60	1935.20
8.0 TO 8.5 YEARS	101.12	202.24	1011.20	2022.40
8.5 TO 9.0 YEARS	105.66	211.32	1056.60	2113.20
9.0 TO 9.5 YEARS	110.42	220.84	1104.20	2208.40
9.5 TO 10.0 YEARS	115.40	230.80	1154.00	2308.00
10.0 TO 10.5 YEARS	120.58	241.16	1205.80	2411.60
10.5 TO 11.0 YEARS	126.02	252.04	1260.20	2520.40
11.0 TO 11.5 YEARS	131.68	263.36	1316.80	2633.60
11.5 TO 12.0 YEARS	137.60	275.20	1376.00	2752.00
12.0 TO 12.5 YEARS	143.80	287.60	1438.00	2876.00
12.5 TO 13.0 YEARS	150.28	300.56	1502.80	3005.60
13.0 TO 13.5 YEARS	157.04	314.08	1570.40	3140.80
13.5 TO 14.0 YEARS	164.10	328.20	1641.00	3282.00
14.0 TO 14.5 YEARS	171.48	342.96	1714.80	3429.60
14.5 TO 15.0 YEARS	179.20	358.40	1792.00	3584.00
15.0 TO 15.5 YEARS	187.26	374.52	1872.60	3745.20
15.5 TO 16.0 YEARS	195.70	391.40	1957.00	3914.00
16.0 TO 16.5 YEARS	204.50	409.00	2045.00	4090.00
16.5 TO 17.0 YEARS	213.70	427.40	2137.00	4274.00
17.0 TO 17.5 YEARS	223.32	446.64	2233.20	4466.40
17.5 TO 18.0 YEARS	233.36	466.72	2333.60	4667.20
18.0 TO 18.5 YEARS	243.86	487.72	2438.60	4877.20
18.5 TO 19.0 YEARS	254.84	509.68	2548.40	5096.80
19.0 TO 19.5 YEARS	266.32	532.64	2663.20	5326.40
19.5 TO 20.0 YEARS	278.30	556.60	2783.00	5566.00
20.0 TO 20.5 YEARS	290.82	581.64	2908.20	5816.40

[FR Doc. 81-35487 Filed 12-10-81; 8:45 am]
BILLING CODE 4810-40-C

31 CFR Part 346

Regulations Governing United States Individual Retirement Bonds

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This third amendment to the regulations governing United States Individual Retirement Bonds is being issued to reflect the latest improvements in the investment yield of these bonds.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: United States Individual Retirement Bonds have been issued since 1975 as an investment option for individuals eligible to make tax deductible contributions to an individual retirement account ("IRA"). This amendment to the offering of these bonds implements two interest rate increases announced by the Secretary of the Treasury. On October 30, 1980, the Secretary authorized an interest rate of 8 percent per annum, compounded semiannually for bonds issued on and after November 1, 1980. On October 2, 1981, the Secretary adopted an interest rate of 9 percent per annum, compounded semiannually for bonds issued on and after October 1, 1981. Accordingly, § 346.1 of the regulations is being amended and new redemption value tables B and C are being added to the appendix to reflect these rates.

This amendment is effected under authority of Sections 1 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 288, 48 Stat 343, both as amended, 31 U.S.C. 752, 754b), and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

Dated: December 1, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

PART 346—REGULATIONS GOVERNING UNITED STATES INDIVIDUAL RETIREMENT BONDS

Accordingly, Department of the Treasury Circular, Public Debt Series, No. 1-75, dated January 28, 1975, as amended, is hereby further amended by the removal of § 346.1(a) and the addition of new § 346.1(a) and new Tables B and C in the Appendix to Part 346 of Title 31 of the Code of Federal Regulations as follows:

* * * * *

§ 346.1 Description of bonds.

(a) *Investment yield (interest).* United States Individual Retirement Bonds, hereinafter sometimes referred to as Individual Retirement Bonds, will be issued at par. The investment yields (interest) are as follows:

(1) Bonds with issue dates of January 1, 1975, through July 1, 1979—6 percent per annum, compounded semiannually (see Table of Redemption Values in the Appendix).

(2) Bonds with issue dates of August 1, 1979, through October 1, 1980—6.5 percent per annum, compounded semiannually (see Table A in the Appendix).

(3) Bonds with issue dates of November 1, 1980, through September 1, 1981—8 percent per annum, compounded semiannually (see Table B).

(4) Bonds with issue dates of October 1, 1981, or thereafter—9 percent per annum, compounded semiannually (see Table C).

Interest will be paid only upon redemption of the bonds. The accrual of interest will continue until the bonds are redeemed or have reached maturity, whichever is earlier, in accordance with these regulations.

* * * * *

2. In the Appendix to Part 346 of Title 31 of the Code of Federal Regulations, Table B and C are added as follows:

Table B.—Table of Redemption Values Providing an Investment Yield of 8.00 Percent Per Annum for Bonds Bearing Issue Dates Beginning November 1, 1980

Note.—This table shows how Individual Retirement Bonds bearing issue dates on or after November 1, 1980, by denomination, increase in redemption value during the successive half-year periods following issue. The redemption values provide an investment yield of approximately 8.00 percent per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. No increase in redemption value is shown, however, until 1 year after issue date since no interest may be paid on bonds redeemed before that time. The period to maturity is fixed in accordance with the provisions of § 346.1(b) of this circular.

BILLING CODE 4810-40-M

ISSUE PRICE	$ 50.00	$ 75.00	$ 100.00	$ 500.00
PERIOD AFTER ISSUE DATE	REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD SHOWN)			
FIRST YEAR	$ 50.00	$ 75.00	$ 100.00	$ 500.00
1.0 TO 1.5 YEARS	54.08	81.12	108.16	540.80
1.5 TO 2.0 YEARS	56.24	84.36	112.48	562.40
2.0 TO 2.5 YEARS	58.50	87.75	117.00	585.00
2.5 TO 3.0 YEARS	60.84	91.26	121.68	608.40
3.0 TO 3.5 YEARS	63.26	94.89	126.52	632.60
3.5 TO 4.0 YEARS	65.80	98.70	131.60	658.00
4.0 TO 4.5 YEARS	68.42	102.63	136.84	684.20
4.5 TO 5.0 YEARS	71.16	106.74	142.32	711.60
5.0 TO 5.5 YEARS	74.02	111.03	148.04	740.20
5.5 TO 6.0 YEARS	76.98	115.47	153.96	769.80
6.0 TO 6.5 YEARS	80.06	120.09	160.12	800.60
6.5 TO 7.0 YEARS	83.26	124.89	166.52	832.60
7.0 TO 7.5 YEARS	86.58	129.87	173.16	865.80
7.5 TO 8.0 YEARS	90.04	135.06	180.08	900.40
8.0 TO 8.5 YEARS	93.64	140.46	187.28	936.40
8.5 TO 9.0 YEARS	97.40	146.10	194.80	974.00
9.0 TO 9.5 YEARS	101.30	151.95	202.60	1013.00
9.5 TO 10.0 YEARS	105.34	158.01	210.68	1053.40
10.0 TO 10.5 YEARS	109.56	164.34	219.12	1095.60
10.5 TO 11.0 YEARS	113.94	170.91	227.88	1139.40
11.0 TO 11.5 YEARS	118.50	177.75	237.00	1185.00
11.5 TO 12.0 YEARS	123.24	184.86	246.48	1232.40
12.0 TO 12.5 YEARS	128.16	192.24	256.32	1281.60
12.5 TO 13.0 YEARS	133.30	199.95	266.60	1333.00
13.0 TO 13.5 YEARS	138.62	207.93	277.24	1386.20
13.5 TO 14.0 YEARS	144.16	216.24	288.32	1441.60
14.0 TO 14.5 YEARS	149.94	224.91	299.88	1499.40
14.5 TO 15.0 YEARS	155.94	233.91	311.88	1559.40
15.0 TO 15.5 YEARS	162.16	243.24	324.32	1621.60
15.5 TO 16.0 YEARS	168.66	252.99	337.32	1686.60
16.0 TO 16.5 YEARS	175.40	263.10	350.80	1754.00
16.5 TO 17.0 YEARS	182.42	273.63	364.84	1824.20
17.0 TO 17.5 YEARS	189.72	284.58	379.44	1897.20
17.5 TO 18.0 YEARS	197.30	295.95	394.60	1973.00
18.0 TO 18.5 YEARS	205.20	307.80	410.40	2052.00
18.5 TO 19.0 YEARS	213.40	320.10	426.80	2134.00
19.0 TO 19.5 YEARS	221.94	332.91	443.88	2219.40
19.5 TO 20.0 YEARS	230.82	346.23	461.64	2308.20
20.0 TO 20.5 YEARS	240.06	360.09	480.12	2400.60

BILLING CODE 4810-40-C

Table C.
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Table C.—Table of Redemption Values Providing an Investment Yield of 9.00 Percent Per Annum for Bonds Bearing Issue Dates Beginning October 1, 1981

Note.—This table shows how Individual Retirement Bonds bearing issue dates on or after October 1, 1981, by denomination, increase in redemption value during the successive half-year periods following issue. The redemption values provide an investment yield of approximately 9.00 percent per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. No increase in redemption value is shown, however, until 1 year after issue date since no interest may be paid on bonds redeemed before that time. The period to maturity is fixed in acordance with the provisions of § 346.1(b) of this circular.

BILLING CODE 4810-40-M

ISSUE PRICE	$ 50.00	$ 75.00	$ 100.00	$ 500.00
PERIOD AFTER ISSUE DATE	REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD SHOWN)			
FIRST YEAR	$ 50.00	$ 75.00	$ 100.00	$ 500.00
1.0 TO 1.5 YEARS	54.60	81.90	109.20	546.00
1.5 TO 2.0 YEARS	57.06	85.59	114.12	570.60
2.0 TO 2.5 YEARS	59.62	89.43	119.24	596.20
2.5 TO 3.0 YEARS	62.30	93.45	124.60	623.00
3.0 TO 3.5 YEARS	65.12	97.68	130.24	651.20
3.5 TO 4.0 YEARS	68.04	102.06	136.08	680.40
4.0 TO 4.5 YEARS	71.10	106.65	142.20	711.00
4.5 TO 5.0 YEARS	74.30	111.45	148.60	743.00
5.0 TO 5.5 YEARS	77.64	116.46	155.28	776.40
5.5 TO 6.0 YEARS	81.14	121.71	162.28	811.40
6.0 TO 6.5 YEARS	84.80	127.20	169.60	848.00
6.5 TO 7.0 YEARS	88.60	132.90	177.20	886.00
7.0 TO 7.5 YEARS	92.60	138.90	185.20	926.00
7.5 TO 8.0 YEARS	96.76	145.14	193.52	967.60
8.0 TO 8.5 YEARS	101.12	151.68	202.24	1011.20
8.5 TO 9.0 YEARS	105.66	158.49	211.32	1056.60
9.0 TO 9.5 YEARS	110.42	165.63	220.84	1104.20
9.5 TO 10.0 YEARS	115.40	173.10	230.80	1154.00
10.0 TO 10.5 YEARS	120.58	180.87	241.16	1205.80
10.5 TO 11.0 YEARS	126.02	189.03	252.04	1260.20
11.0 TO 11.5 YEARS	131.68	197.52	263.36	1316.80
11.5 TO 12.0 YEARS	137.60	206.40	275.20	1376.00
12.0 TO 12.5 YEARS	143.80	215.70	287.60	1438.00
12.5 TO 13.0 YEARS	150.28	225.42	300.56	1502.80
13.0 TO 13.5 YEARS	157.04	235.56	314.08	1570.40
13.5 TO 14.0 YEARS	164.10	246.15	328.20	1641.00
14.0 TO 14.5 YEARS	171.48	257.22	342.96	1714.80
14.5 TO 15.0 YEARS	179.20	268.80	358.40	1792.00
15.0 TO 15.5 YEARS	187.26	280.89	374.52	1872.60
15.5 TO 16.0 YEARS	195.70	293.55	391.40	1957.00
16.0 TO 16.5 YEARS	204.50	306.75	409.00	2045.00
16.5 TO 17.0 YEARS	213.70	320.55	427.40	2137.00
17.0 TO 17.5 YEARS	223.32	334.98	446.64	2233.20
17.5 TO 18.0 YEARS	233.36	350.04	466.72	2333.60
18.0 TO 18.5 YEARS	243.86	365.79	487.72	2438.60
18.5 TO 19.0 YEARS	254.84	382.26	509.68	2548.40
19.0 TO 19.5 YEARS	266.32	399.48	532.64	2663.20
19.5 TO 20.0 YEARS	278.30	417.45	556.60	2783.00
20.0 TO 20.5 YEARS	290.82	436.23	581.64	2908.20

[FR Doc. 81-35466 Filed 12-10-81; 8:45 am]
BILLING CODE 4810-40-C

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; California, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM). showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230. Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
California	Fortuna (City), Humboldt County, FEMA–6121	Eel River	At Dinsmore Drive crossing of Rohner Creek	*43
		Strongs Creek	50 feet downstream of confluence with Jameson Creek.	*54
		Rohner Creek	At upstream edge of Main Street	*65
Maps available for inspection at Department of Public Works, 621 11th Street, Fortuna, California.				
California	Marin County (unincorporated areas), FEMA–6121	Coyote Creek	Intersection of Jean Street and Ross Drive	*8
		San Francisco Bay	Intersection of Seminary Drive and Hodges Drive	*6
		Tennessee Creek	Intersection of Gibson Avenue and Marin Avenue	*8
		Crest Mann Creek	Intersection of Ross Drive and Linda Way	*8
		Reed Creek	Intersection of Reed Street and Ethel Avenue	*12
		Sutton-Manor Creek	300 feet west of intersection of Meadow Drive and Tower Drive.	#2
		Eskoot Creek	Intersection of Calle del Arroyo and Calle del Resaca	*7
			20 feet upstream from center of Shoreline Highway	*41
		San Pablo Bay	Intersection of Vendola Drive and Birch Way	*6
		Bolinas Lagoon	100 feet upstream from center of Walla Vista	*6
		Novato Creek	Intersection of Creek and most downstream Corporate Limits—City of Novato.	*8
			Confluence with Bowman Canyon	*117
		Arroyo San Jose	Confluence with Ignacio Creek	*55
		Miller Creek	200 feet upstream from center of U.S. Highway 101	*32
			Intersection of Lucas Valley Road and Mt. McKinley Road	*167
		Lagunitas Creek	Intersection of Sir Francis Drake Boulevard and 1st Street	*15
		Olema Creek	100 feet upstream from center of Bear Valley Road Bridge	*49
Maps available for inspection at Department of Public Works, 3rd Floor, Marin County Courthouse, San Rafael, California.				
California	Rio Dell (City), Humboldt County, FEMA–6121	Eel River	Downstream side of the northbound lane of U.S. Highway 101 over the channel (crossing in northern portion of city)	*85
			Wildwood Avenue bridge over the channel	*106
Maps available for inspection at Department of Public Works, 675 Wildwood Avenue, Rio Dell, California.				
Illinois	(V) Pawnee, Sangamon County (Docket No. FEMA–6121).	Horse Creek	About 0.25 mile downstream of Carroll Street	*587
			About 0.39 mile upstream of Washington Street	*589
		Henkle Branch	At confluence with Horse Creek	*588
			About 0.53 mile upstream of 5th Street	*591
Maps available for inspection at the City Clerk's Office, Village Hall, 1201 7th Street, Pawnee, Illinois.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Thayer, Sangamon County (Docket No. FEMA-6121).	Sugar Creek	About 2000 feet downstream of Harrison Avenue	*623
			About 100 feet upstream of Illinois Route 4	*627
			About 100 feet upstream of Elm Street	*628
Maps available for inspection at the Village Clerk's Office, Village Hall, Thayer, Illinois.				
Indiana	(C) Lebanon, Boone County (Docket No. FEMA-6121).	Prairie Creek	About 1.2 mile downstream of Lafayette Avenue	*913
			About 2900 feet upstream of upstream Conrail crossing.	*938
		New Reynolds Ditch	Approximately 1600 feet downstream of North 176th Road.	*919
			About 900 feet downstream of State Route 39	*930
			About 1300 feet upstream of Grant Boulevard	*940
Maps available for inspection at the City Hall, Building Inspector's Office, 201 East Main Street, Lebanon, Indiana.				
Indiana	(T) Pendleton, Madison County (Docket No. FEMA-6121).	Fall Creek	About 630 feet downstream of Reformatory Road	*821
			Just upstream of State Route 38	*830
			About 300 feet upstream of State Route 67	*857
			At upstream extra-territorial limits	*862
		Prairie Creek	At mouth	*842
			Just downstream of Conrail	*848
			At upstream extra-territorial limits	*851
		Spring Branch	At mouth	*857
			Just upstream of State Route 38 (upstream crossing	*868
			Just downstream of 150 West Road	*882
Maps available for inspection at the Town Hall, 119 West State Street, Pendleton, Indiana.				
Iowa	(C) Ft. Madison, Lee County (Docket No. FEMA-6074).	Unnamed Creek	Approximately 900 feet downstream of U.S. Highway 61.	*538
			Approximately 350 feet upstream of 48th Street	*544
			Approximately 3000 feet upstream of 48th Street	*556
		Penitentiary Creek	Just downstream of Burlington Northern railroad	*526
			At upstream corporate limits	*554
		Dry Creek	About 1100 feet downstream of Burlington Northern railroad.	*524
			About 400 feet upstream of A Avenue (at upstream corporate limits).	*572
		Fork Creek	Just downstream of Burlington Northern railroad	*525
			At upstream corporate limits	*549
		French Creek	About 100 feet downstream of Burlington Northern railroad.	*525
			Just downstream of H Avenue	*535
			Just upstream of H Avenue	*541
			Just downstream of D Avenue	*545
			Just upstream of D Avenue	*551
			At upstream corporate limits	*558
		Mississippi River	Approximately 7.3 miles downstream of Atchison, Topeka and Santa Fe Railway.	*523
			Approximately 1.4 miles above Atchison, Topeka and Santa Fe Railway.	*526
Maps available for inspection at the Municipal Building, 811 Avenue E, Ft. Madison, Iowa.				
Iowa	(C) Johnston, Polk County (Docket No. FEMA-6121)	Beaver Creek	Just upstream of Northwest Beaver Drive	*806
			About 1900 feet upstream of Merle Hay Road	*809
			About 380 feet downstream of Northwest 62nd Street	*815
			Just downstream of Northwest 70th Avenue	*822
Maps available for inspection at the City Building, P.O. Box 158, Johnston, Iowa.				
Iowa	(C) Pleasant Hill, Polk County (Docket No. FEMA-6121).	Little Fourmile Creek	At mouth	*799
			Just upstream of University Avenue	*808
			About 0.8 mile upstream of University Avenue	*816
		Fourmile Creek	At confluence with Des Moines River	*781
			About 1000 feet upstream of University Avenue	*803
		Des Moines River	About 1.8 miles downstream of State Highway 46	*781
			Just upstream of State Highway 46	*782
Maps available for inspection at the City Hall, 4450 East Oakwood, Pleasant Hill, Iowa.				
Louisiana	Town of Henderson, St. Martin Parish (FEMA 5927)	Bayou Peyronnet	Just upstream of Louisiana Highway 352	*13
			Just upstream of Interstate Highway 10 Westbound Lanes.	*15
		Bayou Portage	Just upstream of Interstate Highway 10 Westbound Lanes.	*14
		True Canal	Just upstream of Patin Street	*15
Maps available for inspection at Town Hall, Amy Street, Henderson, Louisiana 70525.				
Louisiana	Unincorporated Areas of St. Landry Parish (FEMA-5947).	Bayou Carencro	Just upstream of State Highway 182	*28
			Just upstream of South Pacific Railroad	*31
		Tributary to Bayou Carencro	Just upstream of U.S. Highway 167	*35
		Bayou Sylvain	Just upstream of confluence of Magnolia Ridge	*38
		Magnolia Ridge	Just upstream of confluence with Bayou Sylvain	*40
		Bayou Petite Prairie	Just upstream of Unnamed Road	*32
		Dry Bayou	Just upstream of Texas and Pacific Railroad Bridge	*45
		Bayou Courtableau	At confluence of Little Darbonne Bayou	*25

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		East Bayou Mallet	At approximately 500 feet downstream of Route 104	*62
		Bayou Teche	Just upstream of Missouri Pacific Railroad	*28
		Bayou Fusilier	Just upstream of State Highway 93	*23
		Bayou Little Teche	Just upstream of Missoun Pacific Railroad	*23
Maps available for inspection at St. Landry Parish Courthouse, Opelousas, Louisiana 70570.				
Louisiana	Unincorporated areas of St. Martin Parish (FEMA-5947).	WABPL Borrow Pit	Just downstream of Parish Road	*12
			Just upstream of Parish Road	*12
		Bayou Portage	Just downstream of Parish Road	*14
			Just upstream of Parish Road	*14
		Coulee Datder	At extended Route 354	*14
			Approximately 1200 feet from Route 341	*20
		Bayou Capucine	Just downstream of Parish Road	*17
			Just upstream of Parish Road	*17
		Bayou Berard	Just downstream of Parish Road	*12
			Just upstream of Parish Road	*12
		Catahoula Coulee	Just downstream of Parish Road	*13
			Just upstream of Parish Road	*14
		Coulee Coteau Holmes	Just upstream of confluence with Bayou Du Portage	*9
		Bay on Fusilier	Just downstream of State Highway 93	*23
			Just upstream of State Highway 93	*23
Maps available for inspection at St. Martin Parish Police Jury, St. Martin Parish Courthouse, St. Martinville, Louisiana 70570.				
Maine	Bndgton, Town, Cumberland County (Docket No. FEMA-6012)	Stevens Brook	Kansas Road (upstream)	*336
			Approximately 100' downstream of Smith Avenue	*346
			Approximately 250' upstream of Smith Avenue	*358
			Approximately 90' downstream of footbndge (downstream footbndge).	*365
			Upstream of footbndge (downstream footbndge)	*374
			Approximately 70' downstream of Bisbee Dam	*388
			Upstream of Bisbee Dam	*390
			Upstream of Portland Street (U. S. Route 302)	*397
			Upstream of Main Street (U. S. Route 302)	*407
			Downstream of dam and footbndge	*417
			Upstream of dam and footbndge	*427
			Downstream of Highland Lake Dam	*428
		Willett Brook	Confluence with Stevens Brook	*403
			Upstream of Willett Road	*407
		Corn Shop Brook	Confluence with Stevens Brook	*403
			Upstream of Park Street	*405
		Long Lake	Entire shoreline within corporate limits	*274
		Highland Lake	Entire shoreline within corporate limits	*428
Maps available for inspection at the Municipal Building, 48 Main Street, Bridgton, Maine.				
Michigan	(V) Homer, Calhoun County (Docket No. FEMA-6121)	South Branch Kalamazoo River	About 1200 feet downstream of Webster Street	*964
			Just downstream of Byron Street	*968
Maps available for inspection at the Clerk's Office, Village Hall, 130 East Main Street, Homer, Michigan.				
Minnesota	(C) Albert Lea, Freeborn County (Docket No. FEMA-6122).	Bancroft Creek	Mouth at Fountain Lake	*1218
			Just downstream of County Road (at upstream corporate limits)	*1219
		Goose Lake Outlet Stream	Mouth at Fountain Lake	*1218
			Just downstream of Chicago, Rock Island and Pacific Railroad	*1222
		White Lake Outlet Stream	Mouth at Fountain Lake	*1218
			About 450 feet upstream of State Highway 13	*1219
		Fountain Lake Outlet Stream	Mouth at Albert Lea Lake	*1214
			Just upstream of Main Street	*1215
			Outlet from Fountain Lake	*1218
		Pickerel Lake Outlet Stream	Mouth at Fountain Lake	*1218
			Just upstream of State Highway 13	*1219
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*1220
		Fountain Lake	Shoreline	*1218
		Albert Lea Lake	Shoreline	*1214
Maps available for inspection at the City Hall, 221 East Clark Street, Albert Lea, Minnesota.				
Minnesota	(C) Blue Earth, Faribault County (Docket No. FEMA-6122).	Blue Earth River	About 1000 feet downstream of the confluence with East Fork Blue Earth River	*1060
			About 2800 feet upstream of County Highway 6	*1063
		East Fork Blue Earth River	Just downstream of Old Highway 169	*1060
			About 0.72 mile upstream of 7th Street	*1065
Maps available for inspection at the City Hall, 125 West 6th Street, Blue Earth, Minnesota.				
Minnesota	(C) Emmons, Freeborn County (Docket No FEMA-6122)	State Line Lake	Shoreline	*1272
		State Line Lake Outlet Stream	About 150 feet downstream of Lake Street	*1269
			Just upstream of Lake Street	*1271
			About 200 feet upstream of State Line Lake Outlet Dam.	*1272
Maps available for inspection at the City Hall, Emmons, Minnesota				
Minnesota	(Uninc.) Freeborn County (Docket No FEMA-6122)	Shell Rock River	Just upstream of U.S. Highway 65	*1210
			Just downstream of Albert Lea Lake Outlet Dam	*1214
		Goose Creek	Just upstream of County Road located at center of Section 18, T 101 N, R 21 W	*1231

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Goose Creek Tributary	About 1600 feet downstream of U.S. Highway 69	*1258
			Confluence with Goose Creek	*1232
			About 4675 feet upstream of confluence with Goose Creek.	*1233
		Goose Lake Outlet Stream	About 2750 feet downstream of Chicago, Rock Island and Pacific Railroad.	*1221
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*1222
		Pickerel Lake Outlet Stream	About 1300 feet upstream of State Highway 13	*1220
			Just downstream of White Lake Road	*1226
			Just upstream of White Lake Road	*1233
			Just downstream of Pickerel Lake Dam	*1239
		White Lake Outlet Stream	Mouth at Fountain Lake	*1218
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*1221
		Manchester Creek	Mouth at Fountain Lake	*1218
			About 200 feet downstream of Interstate 90	*1241
		Bancroft Creek	About 150 feet upstream of mounth	*1218
			Just upstream of Interstate 90	*1223
			Just downstream of County Highway 25	*1232
		Pickerel Lake	Shoreline	*1239
		White Lake	Shoreline	*1221
		School Section Lake	Shoreline	*1237
		Goose Lake	Shoreline	*1222
		Lower Twin Lake	Shoreline	*1260
		Fountain Lake	Shoreline	*1218
		State Line Lake	Shoreline	*1272
		Albert Lea Lake	Shoreline	*1214
Maps available for inspection at the Freeborn County Courthouse, Albert Lea, Minnesota.				
Minnesota	(C) Glenville, Freeborn County (Docket No. FEMA-6122).	Shell Rock River	About 5,800 feet dowstream of Main Street	*1212
			About 7,600 feet upstream of Main Street	*1213
Maps available for inspection at the City Hall, West Main Street, Glenville, Minnesota.				
Minnesota	(C) St. James, Watonwan County (Docket No. FEMA-6122).	St. James Creek	About 1,200 feet dowstream of Chicago and North Western Railroad.	*1050
			Just downstream of State Highway 60	*1059
		St. James Lake	Shoreline	*1082
Maps available for inspection at the City Hall, 120 Armstrong Boulevard South, St. James, Minnesota.				
Minnesota	(C) Twin Lakes, Freeborn County (Docket No. FEMA-6122).	Lower Twin Lake	Shoreline	*1260
		Goose Creek	About 1,775 feet downstream of Depot Street	*1237
			Just downstream of abandoned railroad (about 600 feet downstream of Depot Street).	*1247
			Just upstream of abandoned railroad (about 600 feet downstream of Depot Street).	*1255
			Just upstream of Main Street	*1259
			Outlet from Lower Twin Lake	*1260
Maps available for inspection at the City Hall, Twin Lakes, Minnesota.				
New Hampshire	Plymouth, Town, Grafton County (Docket No. FEMA-6012).	Pemigewasset River	Downstream corporate limits	*483
			Upstream corporate limits	*490
		Baker River	Confluence with the Pemigewasset River	*485
			Upstream corporate limits	*490
		Sanborn Mill Brook	Confluence with Baker River	*488
			Downstream side of Old State Route 25	*492
			Upstream side of 1st crossing Yeaton Road	*501
			Upstream side of 2d crossing Yeaton Road	*507
			Approximately 2,700' upstream of 2d crossing Yeaton Road.	*528
Maps available for inspection at the Town Hall, Main Street, Plymouth, New Hampshire				
New Hampshire	Marlborough, Town, Cheshire County (Docket No. FEMA-6073)	Minnewawa Brook	Downstream corporate limits	*635
			Canada Street Bridge (upstream side)	*663
			East Terrace Street Bridge (upstream side)	*713
			State Route 124 Bridge (upstream side)	*728
			Confluence of Robbins Brook	*753
			Approximately 2,420 feet upstream from State Route 101 Bridge.	*796
		Robbins Brook	Confluence with Minnewawa Brook	*753
			Downstream crossing of State Route 101 Bridge (upstream side).	*812
			Ryan Road Bridge (downstream side)	*832
			Approximately 1,720' upstream from Ryan Road Bridge	*877
			Approximately 4,500' upstream from Ryan Road Bridge.	*921
			Approximately 8,350' upstream from Ryan Road Bridge	*1,028
			Approximately 10,790' upstream from Ryan Road Bridge	*1,058
		South Branch Ashuelot River	Downstream corporate limits	*639
			Old Iron Bridge (upstream side)	*682
			Approximately 950' upstream from Old Iron Bridge	*691
Maps available for inspection at the Marlborough Municipal Building, Main Street, Marlborough, New Hampshire				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Syracuse, City, Onondaga County (Docket No FEMA-6124)	Harbor Brook	Confluence with Onondaga Lake	*372
			50' downstream of State Fair Boulevard	*377
			50' upstream of Delaware Street	*404
			30' upstream of Velasko Road	*407
			450' upstream of Velasko Road	*412
		Ley Creek	Confluence with Onondaga Lake	*372
			30' downstream of 7th North Street	*375
		Meadow Brook	150' downstream of Dewitt Road (downstream crossing)	*473
			550' downstream of Dewitt Road (upstream crossing)	*483
			50' upstream of Dewitt Road (upstream crossing)	*491
			700' downstream of Carlton Road	*497
			30' upstream of Carlton Road	*505
			100' upstream of Hillsboro Parkway	*511
			Upstream of Service Road	*518
			30' upstream of Brookford Road	*526
			400' upstream of Montana Street	*534
			200' upstream of Fellows Avenue	*541
			150' upstream of Meadowbrook Drive	*544
	Maps available for inspection at the Office of the City Engineer, City Hall, 233 Washington Street, Syracuse, New York 13202			
New York	Windsor, Town, Broome County (Docket No FEMA-6033).	Susquehanna River	Downstream corporate limits	*913
			1,200' upstream of County Route 548 extended	*917
			Fordway Road extended	*926
			6,000' upstream of Ouaguaga Bridge	*937
			Upstream corporate limits	*940
	Maps available for inspection at the Town Hall, 36 Main Street, Windsor, New York			
Ohio	(V) Genoa, Ottawa County (Docket No FEMA-6089)	Packer Creek	About 950 feet downstream of Washington Street	*619
			About 690 feet upstream of Wilson Street	*625
	Maps available for inspection at the Mayor's Office, Town Hall, 509 Main Street, Genoa, Ohio			
Pennsylvania	LeBoeuf, Township, Erie County (Docket No FEMA-6012).	French Creek	Upstream U.S. Route 6	*1,167
			Upstream Flatts Road	*1,179
			0.33 mile upstream Dewey Road	*1,199
	Maps available for inspection at the Township Building, LeBoeuf, Pennsylvania			
Pennsylvania	Northampton, Borough, Northampton County (Docket No. FEMA-6124)	Lehigh River	Downstream corporate limits	*285
			9th Street (downstream)	*287
			Northampton Dam (upstream)	*299
			Upstream corporate limits	*302
		Hokendauqua Creek	Confluence with Lehigh River	*288
			Approximately 700' upstream of Main Street	*292
			Conrail (2d crossing) downstream	*311
			Dam (upstream)	*318
			State Route 329 (upstream)	*328
			Approximately 1,240' upstream of State Route 329	*329
	Maps available for inspection at the Municipal Building, Northampton, Pennsylvania			
Pennsylvania	Norwood, Borough, Delaware County (Docket No FEMA-6073).	Darby Creek	Downstream corporate limits	*10
			Upstream corporate limits	*10
	Maps available for inspection at the Borough Building, Norwood, Pennsylvania			
Pennsylvania	Scott, Township, Allegheny County (Docket No FEMA-6027).	Chartiers Creek	Downstream corporate limits	*763
			Downstream Carothers Avenue approximately 500 feet upstream of corporate limits.	*771
			Downstream Hiland Street extended	*781
			Upstream Pittsburgh and Washington Pike extended	*790
			Upstream corporate limits	*795
		Whiskey Run	Downstream corporate limits	*772
			Downstream Norland Avenue extended	*779
			Upstream Noblestown Road	*789
			Downstream culvert downstream of Penn Lincoln Parkway	*793
			Upstream Penn Lincoln Parkway	*805
			Upstream corporate limits	*818
		Georges Run	Upstream access road upstream of culvert	*817
			Downstream Charles Drive	*827
			Approximately 530 feet upstream of Charles Drive	*835
			Approximately 160 feet downstream of Hope Hollow Road	*845
			Upstream Hope Hollow Road	*835
			Approximately 90 feet downstream culvert (Green Tree Road).	*868
			Downstream culvert (Green Tree Road)	*877
			Approximately 400 feet upstream of downstream face of culvert	*889
			Approximately 375 feet upstream of culvert	*901
			Approximately 750 feet upstream of culvert	*906
		Scrubgrass Run	Confluence with Chartiers Creek	*786
			Downstream Green Tree Road	*796
			Downstream culvert (Norfolk and Western Railroad)	*815
			Upstream culvert (Norfolk and Western Railroad)	*821

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream private drive approximately 730' upstream of culvert.	*829
			Downstream private drive approximately 190' downstream of Old Scrubgrass Road.	*839
			Upstream Old Scrubgrass Road	*849
			Upstream private drive approximately 700' upstream of Old Scrubgrass Road.	*859
			Downstream private drive approximately 1,130' upstream of Old Scrubgrass Road.	*875
			Upstream private drive approximately 1,750' upstream of Old Scrubgrass Road.	*886
			Approximately 2,040' upstream of Scrubgrass Road	*893
			Approximately 2,400' upstream of Scrubgrass Road	*904
			Approximately 2,830' upstream of Scrubgrass Road	*914
			Approximately 1,900' downstream of Raven Drive	*917
			Approximately 1,500' downstream of Raven Drive	*927
			Downstream private drive approximately 1,000' downstream of Raven Drive.	*939
			Approximately 575' downstream of Raven Drive	*953
			Downstream private drive approximately 200' downstream of Raven Drive.	*966
			Approximately 110' downstream of Raven Drive	*977
		Painters Run	Downstream corporate limits	*853
			Approximately 140' upstream of Painters Run Road	*867
Maps available for inspection at the Scott Public Works Building, 2600 Old Greentree Road, Carnegie, Pennsylvania.				
Pennsylvania	South Coatesville, Borough, Chester County (Docket No. FEMA-6073).	West Branch Brandywine Creek	Downstream corporate limits	*284
			Private road approximately 2,800' upstream of corporate limits (upstream side).	*294
			Legislative Route 15236 (upstream side)	*299
			Conrail (upstream side)	*304
			Upstream corporate limits	*308
Maps available for inspection at the South Coatesville Borough Building, Modena Road, Coatesville, Pennsylvania.				
Pennsylvania	Wayne, Township, Lawrence County (Docket No FEMA-6124).	Beaver River	Approximately 2,000' downstream of Conrail	*763
			Approximately 1,800' upstream of State Route 288	*765
			Approximately 8,220' upstream of State Route 288	*768
		Squaw Run	Confluence with Duck Run	*919
			Upstream of Legislative Route 37017	*940
			Squaw Run Road (downstream crossing) upstream side.	*993
			Mount Hope Road (upstream side)	*1,051
			Approximately 4,330' upstream of Mount Hope Road	*1,134
		Tributary to Squaw	Confluence with Squaw Run	*1,051
			Approximately 588' upstream of the confluence with Squaw Run.	*1,095
			Approximately 1,148' upstream of the confluence with Squaw Run.	*1,138
		Duck Run	Confluence with Connoquenessing Creek	*813
			New Castle Road (upstream side)	*917
			Legislative Route 37012 (upstream side)	*944
			Confluence of Tributary to Duck Run	*1,001
		Tributary to Duck Run	Confluence with Duck Run	*1,001
			Approximately 730' upstream of private drive	*1,035
			Approximately 1,755' upstream of private drive	*1,082
		Slippery Rock Creek	Approximately 400' downstream of State Route 488	*831
			State Route 488 (upstream crossing) (upstream side)	*835
			Approximately 5,100' upstream of upstream crossing of State Route 488.	*840
			Approximately 1,400' upstream of Van Gorder Road	*849
Maps available for inspection at the Wayne Township Municipal Building, 1418 Wampum Road, Ellwood City, Pennsylvania.				
South Carolina	York (City), York County FEMA-6122	Ross Branch	25' upstream from center of California Street	*644
		Ross Branch Tributary No. 1	Intersection of tributary and center of U.S. Highway 321 Bypass.	*667
		Ross Branch Tributary No. 2	200' upstream from center of U.S. Highway 231 Bypass.	*667
		Creekside Branch	200' south from intersection of Bratton Avenue and Forrest Drive.	*649
			100' upstream from center of Railroad Avenue	*685
		Creekside Branch Tributary No. 1	400' east-southeast from intersection of Lynwood Circle and Benfield Avenue.	*687
		Creekside Branch Tributary No. 2	50' upstream from center of Woodland Drive	*688
		Langham Branch	150' upstream from center of East Liberty Street	*675
		Langham Branch Tributary No. 1	100' downstream from center of South Pacific Avenue	*685
		Fishing Creek Tributary No. 1	100' upstream from center of Nottingham Road	*643
			100' upstream from center of North Congress Street	*698
		Fishing Creek Tributary No. 1-A	100' upstream from center of Morton Street	*691
		Fishing Creek Tributary No. 1-B	175' downstream from center of Hall Street	*700
Maps available for inspection at City Hall, York, South Carolina.				
Vermont	Middlesex, Town, Washington County (Docket No. FEMA-6061).	Winooski River	Downstream corporate limits	*431
			State Route 2	*447
			Approximately 250' downstream of Middlesex Dam	*463
			Upstream of Middlesex Dam	*501

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City, town, county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Confluence with Great Brook	*504
			Confluence with Sunny Brook	*513
			Upstream of corporate limits	*517
		Great Brook	Confluence with Winooski River	*504
			Approximately 600' upstream of Interstate Route 89	*515
			Approximately 2,150' upstream of Interstate Route 89	*580
			Point Lookout Road	*621
			Approximately 1,800' upstream of Point Lookout Road	*640
			Approximately 4,400' upstream of Point Lookout Road	*683
		Sunny Brook	Confluence with Winooski River	*512
			Upstream of Sunny Brook Road (downstream crossing)	*529
			Upstream of Sunny Brook Road (upstream crossing)	*551
			Approximately 1,300' upstream of Sunny Brook Road (upstream crossing)	*578
Maps available for inspection at the Town Clerk's Office, Municipal Offices, Middlesex, Vermont				
Virginia	Hallwood, Town, Accomack County (Docket No FEMA-6073)	Messongo Creek	Downstream corporate limits	*11
			1st Conrail Bridge (upstream side)	*18
			Upstream corporate limits	*23
Maps available for inspection at the Town Hall, Hallwood, Virginia				
Washington	Selah, City, Yakima County (Docket No. FEMA-6122)	Yakima River	Downstream corporation limits	*1,088
			Naches Avenue (downstream) (extended)	*1,096
			East Bartlett Avenue (extended) (downstream)	*1,098
			Approximately 4,200' upstream of Naches Avenue (extended)	*1,108
Maps available for inspection at City Hall, 115 West Naches Avenue, Selah, Washington				
Wisconsin	(Uninc.) Calumet County (Docket No FEMA-6122)	Killsnake River	About 1900 feet downstream of County Highway Y	*810
			About 400 feet upstream of Weeks Road	*820
			Just upstream of Irish Road	*839
			Just downstream of County Highway E	*860
			About 2200 feet upstream of McHugh Road	*885
			Just downstream of Faro Springs Road	*907
		Brothertown Creek	About 1200 feet downstream of Harbor Road	*750
			Just downstream of U.S. Highway 151	*793
			About 1500 feet upstream of U.S Highway 151	*799
		Black Creek	Mouth at Spring Creek	*805
			Just downstream of State Highway 114	*810
			About 800 feet upstream of Round Lake Road	*826
			Just downstream of County Line Road	*851
		East Branch Spring Creek	At confluence with Spring Creek	*842
			Just upstream of County Highway PP	*846
			About 4100 feet upstream of County Highway PP	*876
		Mill Creek	About 2100 feet of downstream of Lakeshore Road	*805
			Just upstream of State Highway 55	*855
			About 3300 feet upstream of State Highway 55	*865
		Mud Creek	At mouth	*748
			Just downstream of Mud Creek Road	*756
			About 2450 feet upstream of Lake Shore Road (at Village of Stockbridge corporate limits)	*788
		South Branch Manitowoc River	About 2.5 miles downstream of Weeks Road	*808
			About 100 feet upstream of Weeks Road	*816
			Just upstream of dam near Weeks Road	*820
			About 1000 feet upstream of Irish Road	*842
			About 425 feet upstream of East Main Street	*850
			About 1.8 miles downstream of Coffeen Road	*890
			About 200 feet upstream of Coffeen Road	*894
			About 1.6 miles upstream of Harlow Road	*900
		Pine Creek	Just upstream of U.S Highway 151	*821
			About 400 feet upstream of Honeymoon Hill Road	*828
			About 150 feet upstream of Meggars Road	*864
			About 0.57 mile upstream of Tecumseh Road (at City of New Holstein corporate limits)	*906
		North Branch Manitowoc River	About 3.5 miles upstream of mouth	*807
			About 4.6 miles upstream of mouth	*807
		Spring Creek	About 2000 feet downstream of Hacker Road (at City of Brillion corporate limit)	*825
			About 475 feet upstream of Hacker Road	*834
			About 2,400 feet upstream of Rusch Road	*851
		Stoney Brook	At mouth	*900
			About 150 feet downstream of Stoney Brook Road	*900
			About 150 feet upstream of Quinney Road	*946
			Just downstream of County Highway F	*962
		Unnamed Tributary of Pine Creek	At mouth	*826
			About 850 feet downstream of Bruckner Road	*840
			Just upstream of Hayton Road	*882
			Just downstream of State Highway 57	*895
		Unnamed Ditch-Ariens Ditch	At downstream City of Brillion corporate limit	*814
			At upstream City of Brillion corporate limit	*814
Maps available for inspection at the Zoning Administrator's Office, Chilton County Courthouse, 206 Court Street, Chilton, Wisconsin				
Wisconsin	(V) Germantown, Washington County (Docket No FEMA-6073.	Menomonee River	About 1.45 miles downstream of U.S. Highway 41	*842
			About 0.53 mile upstream of Lovers Lane	*853
		North Branch Menomonee River	At confluence with Menomonee River	*850

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			About 150 feet upstream of Holy Hill Road	*853
			About 150 feet downstream of Chicago and North Western railroad	*885
			About 0.53 mile upstream of State Highway 145	*900
			About 1.1 miles upstream of State Highway 145	*925
		West Branch Menomonee River	At confluence with Menomonee River	*850
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad (upstream of Maple Drive).	*867
			Just upstream of Freistadt Road (about 0.25 mile downstream of Golden Dale Road)	*905
			Just downstream of U.S. Highway 41	*913
			About 0.28 mile upstream of Hilltop Drive	*930
		Bonniwell Creek	Just downstream of Bonniwell Road	*860
			Just downstream of Rockfield Road	*888
		Little Cedar Creek	About 0.14 mile downstream of Chicago and North Western railroad	*851
			About 1.0 mile upstream of Fond du Lac Road	*860
		Willow Creek	Just upstream of Lannon Road	*843
			Just upstream of State Highway 175	*857
			Just downstream of Amy Belle Road	*892
		Tributary No. 1	Just downstream of South Division Road	*844
			About 0.83 mile upstream of South Division Road	*853
			Just upstream of Glenwood Drive	*898
		Tributary No. 1A	At confluence with Tributary No. 1	*844
			About 130 feet upstream of Lilac Lane	*851
			About 0.57 mile upstream of Lilac Lane	*864
		Tributary No. 1B	At confluence with Tributary No. 1	*859
			About 0.43 mile upstream of Pilgrim Road	*873
		Tributary No. 2	About 0.48 mile downstream of Western Avenue	*848
			About 260 feet downstream of Mequon Road	*852
		Tributary No. 3	At confluence with Menom- onee River	*850
			About 0.56 mile upstream of confluence with Menomonee River.	*855
		Tributary No. 5	Just downstream of Lovers Lane	*852
			About 0.37 mile upstream of Lovers Lane	*857
		North Crossway Channel	About 0.76 mile downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*769
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*779

Maps available for inspection at the Office of the Engineer, Village Hall, N122 W17177 Fond du Lac Avenue, Germantown, Wisconsin.

Wisconsin	(Uninc.) Monroe County (Docket No. FEMA-6124	Baraboo River	At downstream county limit	*963
			About 0.15 mile downstream of 33d Road	*977
			Just downstream of 33d Road	*981
			Just downstream of Glendale Highway	*995
			At Kendall corporate limits	*1005
		Beaver Creek	Just upstream of Sparta corporate limits	*787
			About 3.7 miles upstream of Sparta corporate limits	*832
		Black River	At downstream county line	*724
			Upstream county line	*732
		Brush Creek	About 0.61 mile downstream of Hoff Valley Road	*885
			Just upstream of 17th Drive	*915
			At confluence of Brush Creek	*951
		Upper Brush Creek	Just upstream of 4th Drive	*1007
			About 0.41 mile upstream of 4th Drive	*1019
		Council Creek	At City of Tomah corporate limits	*969
			Just upstream of State Highway 131	*1027
			Just upstream of 24 Court	*1092
		Kickapoo River	At Ontario corporate limits	*879
			Just downstream Wilton corporate limits	*955
			Just upstream Wilton corporate limits	*979
			About 0.28 mile upstream of Dixon Court	*1121
		La Crosse River	At downstream county line	*737
			Just upstream of State Highway 27	*766
			Just downstream of State Highway 21	*787
			Just upstream of State Highway 21	*793
			Just downstream Camp McCoy Military Reservation	*814
		Little La Crosse River	Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*756
			About 1.6 miles upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad (about 0.85 mile downstream of County Highway X).	*810
			Just downstream of County Highway F	*860
			About 1.32 miles upstream of Endora Avenue	*1000
		South Fork Lemonweir River	Chicago and North Western Railroad	*917
			About 1.95 miles upstream of County Highway C	*984
		Farmers Valley Creek	Just downstream of Sparta corporate limits	*785
			About 1.67 miles upstream of Dalton Road	*874
		Unnamed Tributary in Cannon Valley	Mouth at Little La Crosse River	*800
			About 1.86 miles upstream of State Highway 27	*837
		Unnamed tributary in Pleasant Valley	Mouth at Little La Crosse River	*793
			About 0.52 mile upstream of State Highway 27	*799
			About 0.65 mile upstream of abandoned road bridge	*817
		Lake Tomah	About 0.7 mile downstream of County Highway C	*963

Maps available for inspection at the Office of the Zoning Administrator, Monroe County Courthouse, Sparta, Wisconsin.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Stockbridge, Calumet County (Docket No. FEMA-6122).	Mill Creek	Mouth at Lake Winnebago	*749
			At upstream corporate limits	[illegible]
		Mud Creek	At downstream corporate limits	*788
			At upstream corporate limits	*866
		Lake Winnebago	Shoreline	*748

Maps available for inspection at the Stockbridge Village Hall—Firehouse, Highway 55, Stockbridge, Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director.)

Issued: November 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35221 Filed 12-10-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat Taken in the 1981-1982 Season; Deferral of Effective Date

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective date of final rule.

SUMMARY: The Fish and Wildlife Service is further postponing the effective date of a final rule authorizing export, pursuant to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), of bobcat taken during the 1981–1982 season. The final rule permitting the export of bobcat taken during the 1981–1982 season was published on October 14, 1981 (46 FR 50774). The effective date of that rule was postponed for 60 days so that the Service could seek vacation of an injunction issued by the United States District Court for the District of Columbia prohibiting the Service from authorizing export of bobcat until it promulgates new guidelines and makes findings on the basis of these guidelines. The Court has yet to rule on the Service's motion to vacate the injunction. Accordingly, the effective date of the rule published on October 14, 1981 is postponed for an additional 30 days pending the Court's ruling. This action does not affect the effective date of the rule allowing the export of species other than bobcat published on October 14, 1981.

DATES: The new effective date for the rule permitting the export of bobcat published on October 14, 1981 is January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Ruswick, Jr., Division of Conservation and Wildlife, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–2172.

Dated: December 8, 1981.

G. Ray Arnett,

Assistant Secretary of the Interior.

[FR Doc. 81-35404 Filed 12-10-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 238
Friday, December 11, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management (OPM).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: OPM is initiating a study of many positions now included in the excepted service under Schedules A and B to determine whether exception of these positions from the competitive service is still appropriate. In addition to actions involving individual excepted appointing authorities, which would not require regulatory change, information gained during the study may lead to revision of the regulations setting forth the conditions under which exceptions are granted. This advance notice explains the purposes of the study, and invites comments from all interested parties.

DATE: Comments must be received on or before February 9, 1982.

ADDRESS: Noncompetitive Staffing and College Relations Branch, Staffing Services, Office of Personnel Management, Room 6A12, 1900 E Street, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: William Bohling, (202) 632–6000.

SUPPLEMENTARY INFORMATION: Positions, other than those in the Senior Executive Service, which OPM excepts from the competitive service are placed in one of three schedules: Schedule A, covering positions for which any examination is impracticable; Schedule B, covering positions for which competitive examination is impracticable; and Schedule C, covering confidential or policy-determining positions. Schedule A was established in 1903, Schedule B in 1910, and Schedule C in 1953. The appointing authorities placed in Schedule A and B have not been systematically reviewed since 1955. By contrast, all Schedule C authorities were reviewed during 1975. As a result of that review, many changes were initiated in the Schedule C program, including revocation of over 200 individual authorities, creation of the automatic revocation system for positions vacant more than 60 days, and issuance of formal guidance to agencies on the establishments and modification of Schedule C authorities. OPM expects similar program improvement and modification of Schedule C authorities. OPM expects similar program improvements may result from a study of Schedules A and B.

Purpose of This Notice

OPM believes that the views of agencies, other interested parties, and the public should be balanced when answering policy questions about which authorities can be consolidated, which bases for exception are still valid, and which are obsolete. OPM will work with agencies having single-agency Schedule A or B appointing authorities to ascertain the justification, use and need for continuation of those authorities. All other agencies, interested parties and the public are invited to comment either on use of specific authorities or on general policy relating to exceptions from the competitive service. To this end, OPM is setting forth for comment the major authorities and policies which OPM contemplates will be affected by the study.

Policy Issues

What is the present relationship between competitive service appointments and those authorized under Schedules A and B? How many excepted positions resemble positions in the competitive service? Are there clear differences—in duties, qualifications, or working conditions between the excepted jobs and their competitive counterparts, and do these differences still constitute valid bases for exception?

What criteria are appropriate for removing positions from the competitive service? Now that agencies can conduct their own examinations for certain positions, the need for agency expertise in rating qualifications for unique positions may no longer justify removal of positions from the competitive service. What should be done, about Schedule A and B exceptions previously established on that basis? If one agency has capability to examine for a particular type of position, what should be done about comparable positions in other agencies which lack that capability? Larger questions are what qualifications are basically impracticable to examine, by either the agency or OPM, what should be done with situations not susceptible to open competition, and what limits, if any, should be built into authorities which may be subject to obsolescence.

Should Schedules A and B include any positions above grade GS–15? Positions in the Senior Executive Service are already excluded from Schedules A and B. However, some positions at GS–16 and above are outside the SES; and some of these are covered by Schedule A and B appointing authorities. Would an appointing authority under the executive assignment system be more appropriate for filling these jobs?

Authorities to be Studied

OPM has authorized two kinds of Schedule A and B authorities, those for use by *any* agency—which are general in their concept and applicability—and those specific to a *single,* particular agency. A preliminary review of the rationale for excepted authorities indicates that most general authorities, on their face, are in categories for which examination is impracticable. For example: exception of chaplains and chaplains assistants reflects the Constitutional requirement for separation of church and state; exception of attorneys reflects the appropriations act prohibition against such examination; and exception of students in cooperative education programs reflects the primary role of the participating schools in selections. Single-agency authorities, on the other hand, are usually established to meet a particular situation and may become inappropriate if the situation changes. Therefore, first priority in the study will be given to review of single-agency authorities.

In addition, certain positions, found in both the general and the specific agency authorities, appear to afford a good chance for consolidation and simplification. Specifically, these are:

Temporary positions. Temporary jobs are filled under literally dozens of authorities, in both the competitive and

the excepted service. What criteria should be used to determine when to place temporary jobs in the competitive service and when to place them in the excepted service? Should the current definition of a temporary position as one lasting for 1 year or less be expanded to include positions lasting up to 2 years? Should the definition of temporary positions contain a maximum time limit and, if so, should this limit apply to the specific position, the agency, or the appointee? Should the authority make any specific provision for extension beyond 2 years? Assuming that temporary appointments to continuing positions would generally be competitive, should such appointments be excepted in any circumstances? Should other conditions, such as grade level, be considered in drawing the line between temporary positions properly included in the competitive and the excepted service?

Position requiring fluency in foreign languages. In addition to the general exception for Chinese, Japanese and Hindu interpreters, individual authorities exist in several agencies for positions requiring foreign language fluency. These authorities have been established because only a very few agencies, which have substantial foreign-language program operations, have the expertise needed to examine for these positions at reasonable cost. Could a single general authority be developed covering such positions? What level of fluency should be required? Should there be any restriction on types of positions? To what extent should individual agencies' examining capabilities under delegated examining authorities be considered in assessing feasibility of examination?

Part-time and intermittent positions. Many Schedule A authorities have been approved for one or both of the following reasons: the small amount of employment involved does not justify the costs of examination (although the break-even point varies among authorities); or the candidates who are interested in and available for intermittent assignments when needed—usually local residents—may not meet competitive qualification requirements. Could the general authority covering part-time and intermittent positions in which total annual pay does not exceed 40 percent of GS–3 step 1 be expanded without compromising its validity to take in more of the single-agency situations? Would the limits of an expanded authority be better applied to pay or service? What would be the appropriate break-even point?

Academic positions. Positions on the faculty and staff of various academic institutions operated by Federal agencies are filled under several patterns: all positions excepted; positions involving student welfare excepted; or continuing staff positions competitive, but with visiting positions excepted. Could a single staffing pattern, preferably with a single general appointing authority, be developed for academic positions?

Methodology

To produce maximum improvement within available resources, OPM proposes to limit the review to the following authorities in the listed pirority order: (1) All individual agnecy authorities listed in Schedules A and B, except those established or subjected to substantive review during fiscal years 1980 and 1981; (2) general Schedule A and B authorities for the types of positions discussed above; and (3) any other authorities suggested by agencies or other commentors which appear to warrant such a study.

Comments on the general authorities and policy issues should discuss the questions set forth in this Advance Notice and should be as specific as possible with regard to recommended coverage of general authorities (e.g., types of positions, grade levels, time limits, special conditions of employment, etc.). Recommendations for additional authorities to study should be supported by specific examples of problems encountered in administration of the authority and questions to be answered.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 81–35422 Filed 12–10–81; 8:45 am]

BILLING CODE 6325–01–M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Parts 1252 and 1253

Whistleblower Allegations Referred to Agencies for Investigation or Report

AGENCY: Office of the Special Counsel.

ACTION: Notice of proposed amendment of rules.

SUMMARY: The Office of the Special Counsel proposes to amend its regulations to clarify requirements for whistleblower allegations referred to agencies for investigation or report. The proposed amendment also adds addresses of new field offices and makes certain other technical changes.

DATE: Comments must be received by January 30, 1982.

ADDRESS: Comments should be sent to the Office of the Special Counsel, Room 818, 1120 Vermont Avenue, N.W., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Mary Eastwood, Office of the Special Counsel (202–653–8972).

SUPPLEMENTARY INFORMATION: The Special Counsel is authorized to receive and refer to agencies for investigation or report certain disclosures of information believed to evidence a violation of law, rule or regulation, or mismanagement, abuse of authority, gross waste of funds or a substantial and specific danger to public health or safety. 5 U.S.C. 1206(b). The Special Counsel may require the agency to investigate or submit a report on the alleged wrongdoing only if the disclosure of information is submitted by or in behalf of a present or former federal employee or applicant for employment. Therefore, information received from other persons or received anonymously will be referred to the appropriate agency without a request for investigation or report.

If the Special Counsel determines that there is a substantial likelihood that the information discloses a violation of law, rule or regulation, or mismanagement, gross waste of funds, abuse of authority or substantial and specific danger to the public health or safety, he may require the agency to conduct an investigation and submit a written report. 5 U.S.C. 1206(b)(3). Agency reports required by the Special Counsel under this provision must be "reviewed and signed by the head of the agency." 5 U.S.C. 1206(b)(4). This function of the agency head is not delegable and reports received by the Special Counsel which do not bear the signature of the agency head will be returned for the personal review and signature of the agency head. Any request for an extension of the statutory 60 day time limit for submitting a report also must be reviewed and signed by the head of the agency.

When a report is required pursuant to 5 U.S.C. 1206(b)(3), the head of the agency should send a copy of the report to the Special Counsel for review, and the Special Counsel will transmit it to the Congress and to the President after the review is completed. This will insure that the report meets the requirements of the statute prior to its dissemination.

Accordingly, it is proposed that Parts 1252 and 1253 of Subchapter B of Chapter II of Title 5, Code of Federal Regulations, be amended as follows:

1. The authority citation for Parts 1252 and 1253 reads as follows:

Authority: 5 U.S.C. 1206(k); sec. 204(g) of Reorganization Plan No. 2 of 1978.

PART 1252—DISCLOSURES OF INFORMATION (WHISTLEBLOWING)

§ 1252.1 [Amended]

2. Section 1252.1 of Part 1252, relating to disclosures of information (whistleblowing), is amended by adding at the end:

* * * * *

* * * This part applies only to disclosures made by or on behalf of a present or former federal employee or applicant for employment.

§ 1252.2 [Amended]

3. Paragraph (b) of § 1252.2 is revised to read as follows:

* * * * *

(b) Any report required by the Special Counsel under this section shall be submitted within sixty (60) calendar days after the date on which the Special Counsel transmitted the information to the head of the agency, or within any reasonable longer period of time agreed to in writing by the Special Counsel. In the event the agency finds that it is unable to adequately investigate and report within the time limit imposed by the statute, the agency head shall, as soon as practicable, but not less than ten (10) days before the date the report is due to the Special Counsel, submit a written request to the Special Counsel specifying the additional time required and the reasons therefor.

* * * * *

4. Paragraph (d) of § 1252.2 is redesignated paragraph (f) and is revised to read as follows:

* * * * *

(f) Any report required under this section will be transmitted by the Special Counsel to the Congress and to the President, after review to determine whether the findings are reasonable and if the report meets the requirements of 5 U.S.C. 1206(b)(4).

5. A new paragraph (d) of § 1252.2 is added, to read as follows:

* * * * *

(d) Any report required under this section which does not bear the signature of the agency head does not meet the requirements of 5 U.S.C. 1206(b)(4) and will be returned for the personal review and signature of the agency head. Requests to the Special Counsel for an extension of time to submit a report also must be reviewed and signed by the agency head.

* * * * *

PART 1253—FILING OF COMPLIANTS AND ALLEGATIONS

6. Section 1253.1 of Part 1253, relating to filing of complaints and allegations, is revised to read as follows:

§ 1253.1 Place of filing.

All complaints, allegations, and information under this subchapter should be submitted to the Office of the Special Counsel, Merit Systems Protection Board, Room 818, 1120 Vermont Avenue, Washington, D.C. 20419, or to the appropriate field office listed below:

450 Golden Gate Avenue, Room 11454, Post Office Box 36007, San Francisco, CA 94102
Mall Building, Room 505, 325 Chestnut Street, Philadelphia, PA 19106
1100 Commerce Street, Room 2B29, Dallas, TX 75242
Pershing Point Plaza, 1365 Peachtree Street, N.E., Room 317, Atlanta, GA 30309.

Dated: December 4, 1981.

Alex Kozinski,

Special Counsel.

[FR Doc. 81-35206 Filed 12-10-81; 8:45 am]
BILLING CODE 6325-20-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

Summer Food Service Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would limit sponsor and geographic area eligibility for participation in the Summer Food Service Program (SFSP); prohibit sites serving milk under the Special Milk Program from participation in the SFSP; and make several minor changes in requirements to increase State agency administrative flexibility. The changes in sponsor eligibility are mandated by Congress by the Omnibus Reconciliation Act of 1981 (Pub. L 97-35). The other changes result from recommendations made by task forces convened by the Food and Nutrition Service to suggest regulatory reforms directed at reducing costs in the Agency's Special Nutrition Programs.

DATE: Comments must be submitted on or before December 31, 1981.

ADDRESS: Written comments may be mailed to Jordan Benderly, Director, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Walstrom at the above address or by telephone at (202) 756-3888. Copies of all written comments will be available for review during normal business hours at room 416, 3101 Park Center Drive, Alexandria, Virginia 22302.

SUPPLEMENTARY INFORMATION:

Classification

This proposed rule has been reviewed under Executive Order 12291 and has not been classified as major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. The proposed rule has also been reviewed with regard to the requirements of Public Law 96-354. Pursuant to that review, David B. Alspach, Acting Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

Comment period

The President has directed each Executive Agency to adopt procedures to improve the public comment and rulemaking process (Executive Order 12291). Although the guidelines for implementing the Executive Order establish a 60-day comment period for proposed regulations, they do allow for a shorter comment period if good reason exists. Because section 13(g) of the National School Lunch Act requires that the final regulations be published by January 1 of each year, it is impossible to provide the normal 60-day comment period. A shortened comment period for this proposed rule will allow timely publication of the final rule. Therefore, 20 days, rather than 60 days, are being allowed for public comment.

Background

The SFSP is authorized by section 13 of the National School Lunch Act. Comprehensive regulations for the SFSP were last published on January 21, 1981 (46 FR 6266). That final rule implemented changes made in the SFSP by Pub. L. 96-499, the Omnibus Reconciliation Act of 1980, and Pub. L. 96-528, and appropriations act for Fiscal Year 1981. Pub. L. 96-499 limited daily meal services at sites other than camps and sites primarily serving migrant children. Pub. L. 96-528 prohibited FNS

from administering the SFSP in those States which administered the SFSP in Fiscal Year 1980.

On August 13, 1981, the Omnibus Reconciliation Act of 1981 was enacted as Pub. L. 97–35, making several changes in the SFSP to reduce expenditures and to improve Program management. This proposed rule would implement these changes.

Prior to the enactment of Pub. L. 97–35, the Department formed several task forces to suggest regulatory reforms to reduce costs and allow State agencies more administrative flexibility. The task forces were comprised of FNS, State agency and local food service personnel, and members of public interest groups. Several changes recommended by the task forces are also included in this proposed rule.

Both the changes mandated by the statute and those derived from task force recommendations are discussed below. The discussion indicates which of the changes mandated by the statute are nondiscretionary. The Department asks that commenters keep in mind that comments on the nondiscretionary changes cannot substantively affect the final rulemaking.

Statutory Changes

1. Area Eligibility

Section 809 of Pub. L. 97–35 changed the definition of "areas where poor economic conditions exist." Under the earlier definition, such areas included those in which at least 33⅓ percent of the children meet the Secretary's guidelines for free or reduced price school meals. Under the new definition, at least 50 percent of the children must meet the Secretary's guidelines. The 50 percent criterion applies to all sites other than camps. These non-camp sites must qualify either by serving a geographic area where 50 percent of the children meet the Secretary's guidelines, or by serving an enrollment of which at least 50 percent of the children meet the guidelines. This change is nondiscretionary. (§ 225.2).

2. Sponsor Eligibility

The definition of "service institutions" (sponsors) was also changed by Congress in Section 809 of Pub. L. 97–35. Reflecting the new definition, the proposed regulations specify that service institutions eligible to sponsor the SFSP include: (a) Public or nonprofit private school food authorities; (b) Public or nonprofit private residential summer camps; and (c) units of local, municipal, or county government.

Public and nonprofit private school food authorities and residential summer camps retain their eligibility status and may operate the same types of sites as under provious regulations. However, no other types of private nonprofit entities, such as private agencies which have been designated community action agencies under 42 U.S.C. 2790, and service clubs or organizations, will be eligible to sponsor the SFSP. This change is mandated by Congress and is nondiscretionary.

For the third category of eligible service institutions, governments (under (c) above), Pub. L. 97–35 does stipulate an additional requirement. Section 809(2) of the statute mandates that these sponsors shall be eligible, "only if such programs are operated directly by such governments"

The Department believes that this statutory provision is intended to emphasize that goverment sponsors shall only be eligible to operate programs which will be under their immediate control. Therefore, to ensure that government sponsors are approved only for sites over which they have direct operational control, the proposed rule establishes three criteria for their eligibility. First, these sponsors must retain authority for managing site staffs, including such areas as hiring, conditions of employment, and termination. Sites may be staffed by either sponsor employees or volunteers; however, site staffs must be finally accountable to the sponsor. Government sponsors are required to document that they are responsible for the recruitment, payment and overall personnel management of Program site staff members.

Second, the proposed rule requires that government sponsors operate only sites which are properties or facilities under the year-round auspices or control of the local, municipal, or county government. This criterion would prevent government sponsors from acting as "umbrella" sponsors for sites which are not facilities directly controlled by that government entity. For example, a county health department would be eligible to sponsor the SFSP at its own facilities or those which it controls on a year-round basis. However, it would not be eligible to sponsor the SFSP at churches or other provately-owned facilities. The proposed rule would, therefore, require applicant government sponsors to submit documentation which indicates that proposed Program sites are properties or facilities under the year-round control of the applicant. Lease or rental agreements which indicate that the sponsor is responsible for the site on a year-round basis would be acceptable documentation in cases where the government entity does not maintain direct ownership.

Finally, the proposed rule requires that applicant goverment sponsors submit information which documents that there is an on-going, year-round relationship between the applicant and the site which indicates direct control by the applicant. Applicant government sponsors would be required to submit documenation that substantiates that activities, other than the operation of the SFSP, are maintained by the applicant at the proposed Program site on an on-going basis. These three criteria are included in § 225.18(b)(9).

The Department solicits comments concerning the proposed provisions governing the eligibility of government sponsors, particularly with regard to requirements for establishing that such sponsors will directly operate their programs. Comments which give specific suggestions for demonstrating direct operation will be especially helpful.

In § 225.2, the proposed rule also includes a definition of "unit of local, municipal, or county government." The definition stipulates that such units are those which are so recognized by the State constitution, or State laws, such as State administrative procedures acts, tax laws, or other applicable State laws which delineate authority for government responsibility in the State. The Department anticipates that for the majority of applicants which apply as government entities, State agencies will be able to determine very easily whether or not the applicant is a unit of local, municipal, or county government. Whenever the State agency has reason to question that an applicant is a government entity, the State agency may wish to seek the counsel of the appropriate State attorney general, or to refer to the State constitution or applicable State laws. The Department emphasizes that it is the applicant's responsibility to demonstrate its eligibility, and the State agency may require the applicant to submit legal evidence that it is a unit of government.

3. Program Administration

Section 813 of Pub. L. 97–35 prohibits the Department from assuming the administration of the Program in states which are currently administering the Program, except that if a State educational agency is not permitted by law to disburse funds to any of the nonpublic schools in the State, the Secretary shall disburse the funds directly to such schools within the State for the same purpose and subject to the same conditions as are authorized or required with respect to the

disbursements to public schools within the State by the State educational agency. Section 817 of the statute prohibits the Department from administering the Program in any State in which the Department has not continuously operated the Program since October 1, 1980. Although a similar prohibition was included in the final rule published on January 21, 1981, in accordance with Pub. L. 96-528, the provision included in Pub. L. 97-35 extends the prohibition. Modifications in § 225.3 of the regulations include this restriction and eliminate the provision included in prior regulations which required FNS to take over the administration of the Program in cases where it was found that a State agency was not operating the Program in accordance with the regulations. This change is mandated by Congress and is nondiscretionary.

4. Claims Adjustment Authority

Section 816 of Pub. L. 97-35 provides the Secretary with the authority to adjust, settle, compromise, or deny any claim arising under Programs authorized under the National School Lunch Act and the Child Nutrition Act. Accordingly, this provision has been included in § 225.22(h). This change is nondiscretionary.

5. Special Milk Program.

Currently, under certain circumstances, sites participating in the program may simultaneously participate in the Special Milk Program. Section 807 of Pub. L. 97-35 now prohibits sites which participate in the SFSP from participating in the Special Milk Program. This prohibition has been included in § 225.18(i) of the regulations. This restriction does not prohibit an organization which sponsors the SFSP at one site from entering into a separate agreement with a State agency to operate a Special Milk Program at some other facility. This change is nondiscretionary.

6. Free Meal Policy

Section 803 of Pub. L. 97-35 makes a number of changes in the procedures used for determining the eligibility of children at certain kinds of sites. For camps and other programs which do not qualify on the basis of geographic area, the changes involve: (1) A requirement that sponsors include the Secretary's guidelines for free and reduced-price meals in the annual news release; and (2) the addition of a number of items on the application for meals distributed to parents of children enrolled in the Program. These changes in Program requirements are included in § 225.21(b), (c), and (d) and are nondiscretionary. In addition, an editorial change has been made in § 225.21(b)(1) to refer to the Secretary's guidelines rather than the State's family size and income standards.

Changes Recommended by Task Forces

1. Management and Administration Plan.

One of the task forces was convened specifically to review regulatory requirements for State plans in the FNS Special Nutrition Programs. One of the recommendations made by the task force was to eliminate any plan requirements not specifically required in the statute. The proposed rule has complied with this recommendation by using the same language as given in the statute (in section 13(a) of the National School Lunch Act) in the regulatory requirements for State Management and Administration Plans. (§ 225.6(g)).

2. Management Evaluations

The proposed rule amends the language in the provisions governing management evaluations of administering agencies. As was recommended by one of the task forces, this change is proposed to make the wording consistent with that included in the regulations for the National School Lunch Program (7 CFR 210.17). (§ 225.12(b))

3. Termination of Sponsors for Serious Deficiencies

Regulations for 1981 changed the rules governing termination of seriously deficient sponsors by providing that terminated sponsors could be allowed readmission to the SFSP. Readmission was allowed either three years after the termination, or sooner, if the State agency determined (with FNS concurrence) that the sponsor had taken appropriate corrective action.

One of the taskforce comments was that this provision can be interpreted to require readmission to the SFSP after a probation period of three years, therefore restricting State agency flexibility. Such restriction of State agency authority in dealing with deficient sponsors was not intended. To clarify the provision, and remove any implication that State agencies are required to readmit seriously deficient sponsors after three years, the three year timeframe governing readmission has been dropped. The proposed rule would allow State agencies to readmit sponsors which have been determined seriously deficient in any year following the year of termination. Readmission would only be allowed if the sponsor demonstrates, to the satisfaction of the State agency, that it has taken appropriate corrective action. To further increase State agency flexibility, the proposed rule would delete the requirement that FNS concur with a State agency's decision to readmit a sponsor. (§ 225.23(c))

4. Appeal Procedures Notification

Regulations for prior years have included several provisions requiring the State agency to notify sponsors or food service management companies of the procedures for requesting a review when the State agency takes an appealable action. In order to simplify the notification requirements and to reduce State agency workload, the proposed rule would simply require the State agency to send written notification of its appeal procedures and a list of appealable actions: (a) To each potential sponsor upon application (i.e., to each applicant), and (b) to each food service management company upon application for registration. (225.15(c))

5. Meals Prepared by Schools

The proposed rule would permit State agencies to allow sponsors serving meals prepared in schools to substitute the meal pattern requirements of the National School Lunch and School Breakfast Programs for the meal pattern requirements given in this part. This change is intended to simplify the task of complying with Program requirements for schools. (§ 225.20(o))

Other Program Changes

a. This proposed rule establishes a national deadline date by which applicant sponsors must submit written Program applications to the administering agency. Former Program regulations required administering agencies to establish the deadline date for application submission and allowed administering agencies to approve Program applications submitted after that date in cases where "failure to do so would deny the Program to an area in which poor economic conditions exist or a significant number of needy children would not otherwise have reasonable access to the Program". The proposed rule now specifies a national deadline date of June 15. The rule also provides that administering agencies may establish an earlier deadline date at their discretion.

b. This proposed rule also would delete several regulatory requirements which the Department believes unnecessarily limit State agency discretion in SFSP administration. The deleted provisions are identified below.

1. The requirement that sponsors which operate fewer than 10 days during their first month of operation must combine the claim for that month with the claim for the next month. It would be at the State agency's option to require combined claims of such sponsors.

2. The requirement that State agencies hire all administrative personnel no later than 30 days prior to the State's application deadline date, and all field staff no later than 15 days prior to commencement of SFSP operations has also been deleted. However, States would still be expected to have sufficient personnel to meet the requirements of the Program.

Accordingly, it is proposed that 7 CFR Part 225 be revised and reissued as follows:

PART 225—SUMMER FOOD SERVICE PROGRAM

Subpart A—General

Sec.
225.1 General purpose and scope.
225.2 Definitions.
225.3 Administration.

Subpart B—Assistance to States

225.4 Payments to State agencies and use of Program funds.
225.5 Commodity assistance.

Subpart C—State Agency Provisions

225.6 Program management and administration plan.
225.7 State agency responsibilities.
225.8 Program applications.
225.9 Program monitoring and assistance.
225.10 Records and reports.
225.11 Program payments.
225.12 Audits and management evaluation.
225.13 Corrective action procedures.
225.14 Claims against sponsors.
225.15 Appeal procedures.
225.16 Procedures for food service management companies.
225.17 Procurement standards.

Subpart D—Provisions for Sponsors

225.18 Requirements for sponsor participation.
225.19 Operational responsibilities of sponsors.
225.20 Meal service requirements.
225.21 Free meal policy.

Subpart E—Miscellaneous Provisions

225.22 Other provisions.
225.23 Program information.

Authority: Secs. 803, 807, 809, 816 and 817, Pub. L. 97–35, secs. 203 and 206, Pub. L. 96–499, Secs. 5, 7, 10, Pub. L. 95–627, 95 Stat. 3603 (42 U.S.C. 1771); sec. 2, Pub. L. 95–166, 91 Stat. 1325 (42 U.S.C. 1961); sec. 7; Pub. L. 91–248, 84 Stat. 211 (42 U.S.C. 1859a).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and prescribes the regulations under which the Secretary will carry out a Summer Food Service Program to assist States through grants-in-aid to conduct non-profit food service programs for children during the summer months and at other approved times. The primary purpose of the Program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

§ 225.2 Definitions.

"Act" means the National School Lunch Act, as amended.

"Administrative costs" means costs incurred by a sponsor related to planning, organizing, and managing a food service under the program, and excluding interest costs and operating costs.

"Advance payments" means financial assistance made available to a sponsor for its operating costs and/or administrative costs prior to the end of the month in which such costs will be incurred.

"Areas in which poor economic conditions exist" means (1) the local areas from which a site draws its attendance in which at least 50 percent of the children are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined (i) by information provided from departments of welfare, education, zoning commissions, census tracts, and organizations determined by the State agency to be migrant organizations, (ii) by the number of free and reduced price lunches or breakfasts served to children attending public and nonprofit private schools located in the areas of Program sites, or (iii) from other appropriate sources, or (2) an enrollment program in which at least 50 percent of the children at the site are eligible for free or reduced price school meals as determined by statements of eligibility based on the sizes and incomes of the families of the children enrolled.

"Camps" means residential summer camps and nonresidential day camps which offer a regularly scheduled food service as part of an organized program for enrolled children. Nonresidential camps shall offer a continuous schedule of organized cultural or recreational program for enrolled children between meal services.

"Children" means (1) persons 18 years of age and under, and (2) persons over 18 years of age who are determined by a State educational agency or a local public educational agency of a State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

"Costs of obtaining food" means costs related to obtaining food for consumption by children. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

"Continuous school calendar" means a situation in which all or part of the student body of a school are (1) on a vacation for periods of 15 continuous school days or more during the period October through April and (2) in attendance at regularly scheduled classes during most of the period May through September.

"Department" means the U.S. Department of Agriculture.

"Fiscal year" means the period beginning October 1 of any calendar year and ending September 30 of the following calendar year.

"FNS" means the Food and Nutrition Service of the Department.

"FNSRO" means the appropriate FNS Regional Office.

"Food service management company" means any commercial enterprise or non-profit organization which contracts with a sponsor to manage any aspect of the food service program. Food service management companies may be (1) public agencies or entities; (2) private, nonprofit organizations; or (3) private, for-profit companies.

"Income accruing to the program" means all funds used by a sponsor in its food service program, including but not limited to all monies, other than program payments, received from Federal, State and local governments, from food sales to adults, and from any other source, including cash donations or grants. Income accruing to the Program will be deducted from combined operating and administrative costs.

"Meals" means food which is served to children at a food service site and which meets the nutritional requirements set out in this part.

"Milk" means whole milk, lowfat milk, skim milk, and buttermilk. All milk must be fluid and pasteurized and must meet State and local standards for the appropriate type of milk. Milk served may be flavored or unflavored. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands of the United States, if a sufficient supply of such types of fluid milk cannot be obtained, reconstituted or recombined milk may be used. All milk

should contain Vitamins A and D at the levels specified by the Food and Drug Administration and at levels consistent with State and local standards for such milk.

"Needy children" means children from families whose incomes are equal to or below the Secretary's Guidelines for Determining Eligibility for Reduced Price School Meals.

"OIG" means the Office of the Inspector General of the Department.

"Operating costs" means the cost of operating a food service under the Program, including (1) cost of obtaining food, (2) labor directly involved in the preparation and service of food, (3) cost of nonfood supplies, (4) rental and use allowances for equipment and space and (5) costs for transporting children in rural areas to feeding sites in rural areas, but excluding (i) the cost of the purchase of land, acquisition or construction of buildings, (ii) alteration of existing buildings, (iii) interest costs, (iv) the value of in-kind donations, and (v) administrative costs.

"Private nonprofit" means tax exempt under the Internal Revenue Code of 1954, as amended.

"Program" means the Summer Food Service Program for Children authorized by Section 13 of the Act.

"Program funds" means Federal financial assistance made available to State agencies for the purpose of making Program payments.

"Program payments" means financial assistance in the form of start-up payments, advance payments or reimbursement paid to sponsors for operating and administrative costs.

"Rural" means (1) any area in a county which is not a part of a Standard Metropolitan Statistical Area or (2) any "pocket" within a Standard Metropolitan Statistical Area which, at the option of the State agency and with FNSRO concurrence, is determined to be geographically isolated from urban areas.

"Secretary" means the Secretary of Agriculture.

"Self-preparation" means the sponsor prepares the meals which will be served at its site(s), and does not contract with a food service management company for the preparation of all or a portion of the meals.

"School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program in those schools.

"Session" means a specified period of time during which an enrolled group of children attend camp.

"Site" means a physical location at which a sponsor provides a food service for children and at which children consume meals in a supervised setting.

"Special account" means an account between a sponsor and a food service management company with a State or Federally insured bank in which checks from the State agency for operating costs are deposited by the sponsor and released only in accordance with the terms of the special account agreement.

"Sponsor" means a public or private nonprofit school food authority; public or private nonprofit residential summer camp; or unit of local, municipal, or county government, which develops a special summer or other school vacation program providing food service similar to that available to children during the school year under the National School Lunch and School Breakfast Programs and which is approved to participate in the Program. (Sponsors are referred to in the Act as "service institutions").

"Start-up payments" means financial assistance made available to a sponsor for administrative costs to enable it to effectively plan a summer food service, and to establish effective management procedures for such a service. These payments shall be deducted from subsequent administrative costs payments.

"State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

"State agency" means the State educational agency or an alternate State agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and which has been approved by the Department to administer the Program within the State, or in States where FNS administers the Program, FNSRO.

"Unit of local, municipal, or county government" means an entity which is so recognized by the State constitution, or State laws, such as the State administrative procedures act, tax laws, or other applicable State laws which delineate authority for government responsibility in the State.

§ 225.3 Administration.

(a) FNS shall act on behalf of the Department in the administration of the Program.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that if FNSRO has continuously administered the Program in any State since October 1, 1980, FNS shall continue to administer the Program in that State, unless a State educational agency is not permitted by law to disburse funds to any of the nonpublic schools in the State, in which case the Secretary shall disburse the funds directly to such schools within the State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to public schools within the State by the State educational agency. A State in which FNS administers the Program may upon request to FNS, assume administration of the Program. Each State agency shall notify the Department by November 1 of the fiscal year involved as to whether or not it intends to administer the Program.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with FNS for the administration of the Program in the State in accordance with the provisions of this part. The agreement shall cover the operation of the Program during the period specified therein and may be extended by written consent of both parties. The agreement shall contain an assurance that the State agency will comply with the Department's nondiscrimination regulations (7 CFR Part 15), issued under Title VI of the Civil Rights Act of 1964, and any Instructions issued by FNS pursuant to those regulations.

(d) In States in which FNSRO administers the Program, it shall have all of the responsibilities of a State agency and shall earn State administrative and Program funds as set forth in this part.

Subpart B—Assistance to States

§ 225.4 Payments to State agencies and use of Program funds.

(a) *Letter of Credit for Program payments.* (1) Not later than April 15 of each fiscal year, FNS shall make available to each participating State in a Letter of Credit an amount equal to 65 percent of the preceding fiscal year's Program payments for operating costs plus 65 percent of the preceding fiscal year's Program payments for administrative costs in the State. This amount may be adjusted to reflect changes in reimbursement rates made pursuant to § 225.11(c)(11). However, the State shall not withdraw funds from this Letter of Credit until its Program management and administration plan is approved by FNS. (2) Not later than May 15, FNS shall make available, if necessary, additional funds in a Letter of Credit to ensure that at least 65 percent of the Program operating and administrative funds estimated to be

needed for the summer in the State's approved management and administration plan has been provided to each State. (3) Not later than July 1, FNS shall make available, if necessary, in a Letter of Credit an amount sufficient to ensure that at least 65 percent of the Program operating and administrative funds determined during the evaluation required in § 225.12(c) to be needed for the summer has been provided to the State. Funds made available in these Letters of Credit shall be used by the State agency to make Program payments to sponsors. FNS may make appropriate changes in the amounts included in these Letters of Credit based on any information available upon which determinations of actual Program size may be made.

(b) *Continuous school calendar.* The Letter of Credit shall include sufficient funds to enable the State agency to make advance payments to sponsors serving areas in which schools operate under a continuous school calendar. These funds shall be made available no later than the first day of the month prior to the month during which the food service will be conducted.

(c) *Remaining funds.* FNS shall make available any remaining Program funds due within 45 days of the receipt of valid Claims for Reimbursement from sponsors by the State agency. However, no payment shall be made for claims submitted for any fiscal year if they are submitted after December 31 of the following fiscal year, except as allowed under § 225.11(c)(6).

(d) *Return of funds.* Each State agency shall release to FNS any Program funds which it determines are unobligated as of September 30 of each fiscal year. Release of funds by the State agency shall be made as soon as practicable, but in no event later than 30 calendar days following demand by FNS, and shall be accomplished by an adjustment in the State agency's Letter of Credit.

(e) *State administrative funds.* For each fiscal year, FNS shall pay to each State agency for administrative expenses incurred in the Program an amount equal to (1) 20 percent of the first $50,000 in Program funds properly payable to the State in the preceding fiscal year; (2) 10 percent of the next $100,000 in Program funds properly payable to the State in the preceding fiscal year; (3) 5 percent of the next $250,000 in Program funds properly payable to the State in the preceding fiscal year; and (4) 2½ percent of any remaining Program funds properly payable to the State in the preceding fiscal year: Provided, however, That FNS may make appropriate adjustments in the level of State administrative funds to reflect changes in Program size from the preceding fiscal year as evidenced by information submitted in the State Program management and administration plan and any other information available to FNS.

(f) *Use of State administrative funds.* State administrative funds paid to any State shall be used by State agencies to employ personnel, including travel and related expenses, and to supervise and give technical asistance to sponsors in their initiation, expansion, and conduct of any food service for which Program funds are made available. State agencies may also use administrative funds for such other administrative expenses as are set forth in their approved Program management and administration plan.

(g) *State administrative funds Letter of Credit.* (1) At the beginning of each fiscal year, FNS shall make available to each participating State agency by Letter of Credit an initial allocation of State administrative funds for use in that fiscal year. This allocation shall not exceed one-third of the administrative funds provided to the State in the preceding fiscal year. For State agencies which did not receive any Program funds during the preceding fiscal year, the amount to be made available shall be determined by FNS.

(2) Additional State administrative funds shall be made available upon the receipt and approval by FNS of the State's Program management and administration plan. The amount of such funds, plus the initial allocation, shall not exceed 80 percent of the State administrative funds determined by the formula set forth in paragraph (e) of this section and based on the estimates set forth in the approved Program management and administration plan.

(3) The remaining State administrative funds shall be paid to each State agency as soon as practicable after the conduct of the funding assessment described in § 225.12(b) and (c) (but not later than September 1) and shall be in an amount equal to that determined to be needed during the funding evaluation, less the amounts paid under paragraphs (g) (1) and (2) of this section.

(h) *Funding assurance.* At the time FNS approves the State's management and administration plan, the State shall be assured of receiving State administrative funding equal to the lesser of the following amounts: 80 percent of the amount obtained by applying the formula set forth in paragraph (e) of this section to the total amount of Program payments made within the State during the prior fiscal year, or, 80 percent of the amount obtained by applying the formula to the amount of Program funds estimated to be needed in the management and administation plan. The State agency shall be assured that it will receive no less than this level unless FNS determines that the State agency has failed or is failing to meet its responsibilities under this part.

(i) *Limitation.* In no event may the total payment for State administrative costs in any fiscal year exceed the total amount of expenditures incurred by the State agency in administering the Program.

(j) *Adjustment of Letter of Credit.* Prior to May 15 of each fiscal year, FNS shall make any adjustments necessary in each State's Letter of Credit to reflect actual expenditures in the preceding fiscal year's Program.

(k) *Health inspection funds.* Each fiscal year, FNS shall make available by Letter of Credit to each State agency an amount equal to one percent of Program funds expended in the preceding fiscal year in the State. Following approval of the State's management and administration plan, FNS shall make available in a Letter of Credit any additional funds necessary to ensure that 1 percent of Program funds estimated to be needed for Program payments in the State's management and administration plan is available to the State. These funds shall be used soley to enable State or Local health departments or other governmental agencies charged with health inspection functions to carry out health inspections and meal quality tests, provided that if these agencies cannot perform such inspections or tests, the State agency may use the funds to contract with an independent agency to conduct the inspection or meal quality tests. An adjustment may be made in the amount provided for in this paragraph based on the evaluation required in § 225.12 (b) and (c), if such an adjustment is warranted. Funds so provided but not expended or obligated shall be returned to the Department by September 30 of the same fiscal year.

§ 225.5 Commodity assistance.

(a) Sponsors eligible to receive commodities under the Program include only those which prepare the meals to be served at their sites and those which have entered into an agreement with a school or school district for the preparation of meals. The State agency shall make available to these sponsors information on available commodities.

(b) Not later than June 1 of each year State agencies shall prepare a list of the names of sponsors which are eligible to receive commodities. The list shall

indicate the average daily number of eligible meals to be served by each of these sponsors. If the State agency does not handle the distribution of commodities donated by the Department, this list shall be forwarded to the agency of the State responsible for the distribution of commodities. The State agency shall be responsible for promptly revising the information included on the list to reflect additions or terminations of sponsors and for adjusting the average daily participation data as it determines necessary.

Subpart C—State Agency Provisions

§ 225.6 Program management and administration plan.

(a) Not later than February 15 of each year, each State Agency shall submit to FNSRO a Program management and administration plan for that fiscal year.

(b) Each plan shall be acted on or approved by March 15, or if it is submitted late, within 30 calendar days of receipt of the plan. If the plan initially submitted is not approved, the State agency and FNS shall work together to ensure that changes to the plan, in the form of amendments, are submitted so that the plan can be approved within 60 calendar days following the initial submission of the plan. Upon approval of the plan, the State agency shall be notified of the level of State administrative funding which it is assured of receiving under § 225.4(j).

(c) Prior to submission, the State shall ensure that interested parties have opportunity to make comments and recommendations and that timely comments and recommendations have been given full consideration in the development of the Plan.

(d) The Plan shall have the original signature of the Chief Official (Commissioner or Superintendent) of the State agency.

(e) The State agency shall give the Governor, or his delegated agent, the opportunity to comment on the management and administration plan. A period of 45 calendar days from the date of receipt of the Plan shall be afforded to make such comments.

(f) Approval of the Plan by FNS shall be a prerequisite to the withdrawal of Program funds by the State from the Letter of Credit and to the donation by the Department of any commodities for use in the State's Program.

(g) The Plan shall include, at a minimum, the following information:

(1) The State's administrative budget for the fiscal year, and the State's plans to comply with any standards prescribed by the Secretary for the use of these funds;

(2) The State's plans for use of Program funds and funds from within the State to the maximum extent practicable to reach needy children, including the State's methods for assessing need, and its plans and schedule for informing service institutions of the availability of the Program;

(3) The State's best estimate of the number and character of service institutions and sites to be approved, and of meals to be served and children to participate for the fiscal year, and a description of the estimating methods used;

(4) The State's plans and schedule for providing technical assistance and training to eligible service institutions;

(5) The State's schedule for application by service institutions;

(6) The actions to be taken to maximize the use of meals prepared by service institutions and the use of school food service facilities;

(7) The State's plans for monitoring and inspecting service institutions, feeding sites, and food service management companies and for ensuring that such companies do not enter into contracts for more meals than they can provide effectively and efficiently;

(8) The State's plan and schedule for registering food service management companies;

(9) The State's plan for timely and effective action against Program violators;

(10) The State's plan for determining the amounts of Program payments to service institutions and for disbursing such payments;

(11) The State's plan for ensuring fiscal integrity by auditing service institutions not subject to auditing requirements prescribed by the Secretary; and

(12) The State's procedure for granting a hearing and prompt determination to any service institutions wishing to appeal a State ruling, as specified in § 225.15.

§ 225.7 State agency responsibilities.

(a) The State agency shall provide sufficient qualified consultative, technical, and managerial personnel to administer the Program, monitor performance, and measure progress in achieving Program goals. The State agency shall assign Program responsibilities to personnel to ensure that all applicable requirements under this part are met.

(b) Each State agency shall inform all of the previous year's sponsors which meet current eligibility requirements and all potential sponsors of the deadline date for submitting a written application for participation in the Program. The State agency shall require that all applicant sponsors submit written applications for Program participation to the State agency by June 15. However, the State agency may establish an earlier deadline date for Program application submission.

(c) Within 30 days of receiving a complete and correct application, the State agency shall notify the applicant of its approval or disapproval. If an incomplete application is received, the State agency shall so notify the applicant within 15 days and shall provide technical assistance for the purpose of completing the application. Any disapproved applicant shall be notified of its right to appeal under § 225.15.

(d) The State agency shall determine the eligibility of applicant sponsors (and their sites) applying for participation in the Program in accordance with the applicant sponsor and site eligibility criteria outlined in § 225.18.

(e) The State agency shall review each applicant's administrative budget as a part of the application approval process, in order to assess the applicant's ability to operate in compliance with these regulations within its projected reimbursement. In approving the applicant's administrative budget, the State agency shall take into consideration the number of sites and children to be served, as well as any other relevant factors. A sponsor's administrative budget shall be subject to review for adjustments by the State agency if the sponsor's level of site participation or the number of meals served to children changes significantly.

(f) State agencies may approve the application of an otherwise eligible applicant which does not provide a year-round service to the community which it proposes to serve under the Program only if it meets one or more of the following criteria: (1) it is a residential camp, or (2) it proposes to provide a food service for the children of migrant workers, or (3) a failure to do so would deny the Program to an area in which poor economic conditions exist, or (4) a significant number of needy children will not otherwise have reasonable access to the Program.

(g) Applicants which qualify as camps shall be approved for reimbursement only for meals served free to enrolled children who meet the eligibility requirements for free and reduced price school meals.

(h) The State agency shall use the following order of priority in approving applicants to operate sites which

propose to serve the same area or the same enrolled children:

(1) Applicants which are public or nonprofit private school food authorities and other applicants which have demonstrated successful Program performance in a prior year;

(2) Applicants which propose to prepare meals at their own facilities or which operate only one site;

(3) Applicants which propose to utilize local school food service facilities for the preparation of meals;

(4) Other applicants which have demonstrated ability for successful Program operations; and

(5) Applicants which plan to integrate the Program with Federal, State, or local employment or training programs.

(i) When evaluating a proposed food service site, the State agency shall ensure that:

(1) If not a camp, the proposed site serves an area in which poor economic conditions exist, as defined by § 225.2;

(2) The area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal; and

(3) The site is approved to serve no more than the number of children for which its facilities are adequate.

(j) When approving an application, the State agency shall establish for each meal service an approved level for the maximum number of meals which may be served under the Program for each site which will serve meals prepared by a food service management company. These approved levels shall be established in accordance with the following provisions:

(1) The initial maximum approved level shall be based upon the historical record of attendance at the site if such a record has been established in prior years and the State agency determines that it is accurate. The State agency shall develop a procedure for establishing initial maximum approved levels for sites when no accurate record from prior years is available.

(2) The maximum approved level shall be adjusted, if warranted, based upon information collected during site reviews. If attendance at the site on the day of the review is significantly below the site's approved level, the State agency should consider making a downward adjustment in the approved level with the objective of providing only one meal per child.

(3) The sponsor may seek an upward adjustment in the approved level for its sites by requesting a site review or by providing the State agency with evidence that attendance exceeds the sites' approved levels.

(4) Whenever the State agency establishes or adjusts approved levels of meal service for a site, it shall document the action in its files, and it shall provide the sponsor with immediate written confirmation of the approved level.

(5) Upon approval of its application or any adjustment of maximum approved levels, the sponsor shall inform the food service management company with which the sponsor contracts of the approved level for each meal service at each site for which the food service management company will provide meals. This notification of any adjustments in approved levels shall take place within the time frames set forth in the contract for adjusting meal orders. Whenever the sponsor notifies the food service management company of the approved levels or any adjustments to these levels for any of its sites, the sponsor shall clearly inform the food service management company that an approved level of meal service represents the maximum number of meals which may be served at a site and is not a standing level for meal orders at that site. The sponsor shall adjust meal orders with the objective of serving only one meal per child, as required under § 225.19(d), when the number of children attending is below the site's approved level.

(k) Each State agency shall inform potential sponsors of the procedure for applying for advance operating and administrative costs payments as provided for in § 225.11(b), and where applicable, each State agency shall inform sponsors of the procedure for applying for start-up payments provided for in § 225.11(a).

(l) The State agency shall not approve any applicant sponsor to operate more than 200 sites or to serve an average daily attendance of more than 50,000 children unless it can demonstrate to the satisfaction of the State agency that it has the capability of managing a program of that size.

(m) The State agency shall not approve the application of any applicant sponsor identifiable through its organization or principals as a sponsor which has been determined to be seriously deficient in its Program operations. The official making the determination of denial must notify the applicant sponsor in writing stating all of the grounds on which the State agency based the denial. Serious deficiencies which are grounds for nonapproval are described in § 225.13(c).

(n) Pending the outcome of a review of a denial the State agency shall proceed to approve other applicants in accordance with its responsibilities under paragraph (h) of this section, without regard to the application under review.

(o) The State agency shall not approve the application of any applicant sponsor which submits fraudulent information or documentation when applying for Program participation or knowingly withholds information which may lead to the disapproval of its application. Complete information regarding such disapproval of an applicant shall be submitted by the State agency through FNSRO to OIG.

§ 225.8 Program applications.

(a) The applicant shall submit a written application to the State agency for participation in the Program as a sponsor. The State agency may use the application form developed by FNS or it may develop an application form for use in the Program. Application shall be made on a timely basis in accordance with the deadline date established under § 225.7(b). At a minimum, the application shall include the items listed below:

(1) A site information sheet, as developed by the State agency, for each site where a food service operation is proposed. The site information sheet shall demonstrate or describe the following:

(i) An organized and supervised system for serving meals to attending children;

(ii) The estimated number and types of meals to be served and the times of service;

(iii) Arrangements, within standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and arrangements for storing and refrigerating any leftover meals until the next day;

(iv) Arrangements for food service during periods of inclement weather;

(v) Access to a means of communication for making adjustments as needed in the number of meals delivered in accordance with the number of children attending daily at each site;

(vi) The geographic area to be served by the site;

(vii) The percentage of children to be served by the site who meet the eligibility requirements for free or reduced price school meals; and

(viii) Whether the site is rural, as defined in § 225.2, or non-rural, and

whether the sites's food service will be self-preparation or vended.

(2) Along with its site information sheet for a site that is not a camp, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist.

(i) For those sites at which applicants will serve children of migrant workers, the documentation requirement may be met by providing the State agency with data from an organization determined by the State agency to be a migrant organization, which supports eligibility for those children as a group, and

(ii) When a sponsor proposes to serve a site which it served in the previous year, documentation from the previous year may be used to support the eligibility of the site. For such sites applicants shall only be required to obtain new documentation every other year.

(3) Prior to filing their Claims for Reimbursement for each session or at such time as specified by the State agency, camps shall submit to the State agency family-size and income information which documents the number of children enrolled in each session who meet the eligibility requirements for free or reduced price school meals.

(4) Information in sufficient detail to enable the State agency to determine whether the applicant meets the criteria for participation in the Program as set forth in § 225.18, and the extent of Program payments needed, including a request for advance payments and start-up payments, if applicable, an administrative and operating budget, and a staffing and monitoring plan.

(5) A complete administrative budget for State agency review and approval. The budget shall contain the projected administrative expenses which a sponsor expects to incur during the operation of the Program, and shall include information in sufficient detail to enable the State agency to assess the sponsor's ability to operate under the Program within its estimated reimbursement. A sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs.

(6) A plan for and a synopsis of its invitation to bid for food service, if a bid is required under § 225.16.

(7) A free meal policy statement, as required in § 225.21.

(8) For each applicant which seeks approval under § 225.18(a)(3) (as a unit of local, municipal, and county government), certification that it will directly operate the Program in accordance with § 225.18(b)(9).

(b) Sponsors approved for participation in the Program shall enter into written agreements with the State agency. The agreements shall provide that the sponsor shall:

(1) Operate a nonprofit food service during any period from May through September for children on school vacation or at some other time or times during the year for children on school vacation under a continuous school calendar system;

(2) Serve meals which meet the requirements and provisions set forth in § 225.20 during a period designated as the meal service period by the sponsor, and serve the same meals to all children;

(3) Serve meals without cost to all children, except that camps may charge for meals served to children who are not served meals under the Program;

(4) Issue a policy statement in accordance with § 225.21;

(5) Meet the training requirement for its administrative and site personnel, as required under § 225.19(i).

(6) Claim reimbursement only for the type or types of meals specified in the agreement and served without charge to children at approved sites during the approved meal service period, except that camps shall claim reimbursement only for the type or types of meals specified in the agreement and served without charge to children who are eligible for free or reduced price school meals. The agreement shall specify the approved levels of meal service for the sponsor's sites for which approved levels have been established as required under § 225.7(j).

(7) Submit Claims for Reimbursement in accordance with procedures established by the State agency, and those stated in § 225.11;

(8) In the storage, preparation and service of food, maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(9) Accept and use, in quantities that may be efficiently utilized in the Program, such foods as may be offered as a donation by the Department;

(10) Have access to facilities necessary for storing, preparing, and serving food;

(11) Maintain a financial management system as prescribed by the State agency;

(12) Maintain on file documentation of site visits and reviews in accordance with § 225.19(g) and (h);

(13) Upon request, make all accounts and records pertaining to the Program available to State, Federal, or other authorized officials for audit or administrative review, at a reasonable time and place. These records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain, unless audit or investigation findings have not been resolved, in which case the records shall be retained until all issues raised by the audit or investigation have been resolved;

(14) Maintain children on site while meals are consumed; and

(15) Retain final financial and administrative responsibility for its program.

(c) Each State agency shall require applicant sponsors submitting Program applications, site information sheets, Program agreements or a request for advance payments, and sponsors submitting claims for reimbursement, to certify that the information submitted on these forms is true and correct and that the sponsor is aware that deliberate misrepresentation or withholding of information may result in prosecution under applicable State and Federal statutes.

(d) Within two weeks of receiving notification of their approval, but in any case prior to commencement of operations under the Program, sponsors shall submit to the State agency a copy of their letter advising the appropriate health department of their intention to provide a food service during a specific period at specific sites.

(e) In addition, the State agency may require any sponsor which contracts with a food service management company to enter into an agreement with the State agency to provide that the sponsor shall establish a special account with a State or Federally insured bank for operating costs payable to the sponsor by the State. The special account agreement shall specify that any disbursement of monies from the account must be authorized by both the sponsor and the food service management company. The special account agreement may contain other terms agreed to by both sponsor and food service management company, which are not inconsistent with the terms of the contract between the sponsor and the food service management company. A copy of the special account agreement shall be submitted to the State agency and another copy maintained on file by the sponsor. Any charges made by the bank for the account described in this section shall be considered an allowable sponsor administrative cost.

(f) In accordance with § 225.12(a) and (b) within two weeks of receiving notification of its approval, but in any case prior to commencement of operations under the Program any

sponsor whose total Program payments are expected to exceed $75,000 shall submit to the State agency a copy of its letter of agreement with the accounting firm or individual which is to conduct the audit of its program.

§ 225.9 Program monitoring and assistance.

(a) *Program availability.* By February 1 of each fiscal year, each State agency shall announce the purpose, eligibility criteria, and availability of the Program throughout the State, through appropriate means of communication. As part of this effort, each State agency shall compile a listing of potential sponsors which have not previously participated in the Program and shall contact them. State agencies shall identify rural areas, Indian tribal territories, and areas with a concentration of migrant farmworkers which qualify for the Program and shall actively seek eligible applicant sponsors to serve such areas. State shall identify priority outreach areas in accordance with FNS guidance and target outreach efforts in these areas. The State agency shall encourage potential sponsors to use their own facilities or the facilities of public or nonprofit private schools for the preparation, delivery, and service of meals under the Program.

(b) *Training.* Each State agency shall plan for an carry out Program training for sponsors, food service management company representatives, auditors, and health inspectors which will participate in the Program in that State. Prior to Program operations, each State agency shall ensure that the sponsor's supervisory personnel responsible for the food service receive training in all necessary areas of Program administration and operations. This training shall be structured and scheduled to reflect the fact that individual sponsors or groups of sponsors require different levels and areas of Program training. State agencies are encouraged to utilize sponsors which have previously participated in the Program in such training, and in the training of site personnel regarding their responsibilities. Training should be made available at convenient locations. Prior to the beginning of Program operations, each State agency shall make available training in all necessary areas of Program administration for representatives from all food service management companies and each health department which will participate in the Program in the current year.

(c) *Program materials.* Each State agency shall develop and make available all necessary Program materials in sufficient time to enable applicant sponsors to adequately prepare for their participation in the Program.

(d) *Food specifications and meal quality standards.* With the assistance of the Department, each State agency shall develop and make available to all sponsors minimum food specifications and model meal quality standards which shall become part of the contracts between sponsors and food service management companies.

(e) *Program monitoring and assistance.* The State agency shall conduct monitoring and provide Program assistance according to the following provisions:

(1) *Pre-approval visits.* The State agency shall conduct pre-approval visits of sponsors and sites as specified below, to further assess the applicant sponsor's or site's potential for successful Program operations and to verify information provided in the application. The State agency shall visit prior to approval:

(i) All applicant sponsors which did not participate in the Program in the prior year;

(ii) All other applicant sponsors which, as a result of operational problems noted in prior year, the State agency has determined need a pre-approval visit;

(iii) All proposed nonschool sites with an expected averge daily attendance of 300 children or more and which did not participate in the Program in the prior year.

(2) *Sponsor and site reviews.* The State agency shall review sponsors and sites, to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (Part 15 of this title) and any other applicable instructions issued by the Department. In determining which sponsors or sites to review under this paragraph, the State agency shall, at a minimum, consider whether or not the sponsor or site has been used or reviewed in prior years, the performance of the sponsor or site in prior years, the performance of other sites operated by the same sponsor in prior years and the current year, and the performance of the applicable sponsor in prior years and the current year. Reviews shall be conducted as follows:

(i) For the following types of sponsors, State agencies shall conduct both a review of sponsor operations and reviews of sponsor operations and reviews of an average of 15 percent of their sites during the first four weeks of the sponsor's operations:

(A) Sponsors which have 10 or more sites and which did not operate the Program in the prior year, and

(B) Other sponsors of 10 or more sites which are determined by the State agency to need early reviews.

(ii) The State agency shall review the following types of sponsors and sites not reviewed under subparagraph (2)(i) of this paragraph at least once during the period of Program operations:

(A) All remaining sponsors of 10 or more sites and an average of at least 15 percent of their sites, and

(B) 70 percent of all sponsors of fewer than 10 sites and an average of 10 percent of their sites.

(3) *Follow-up reviews.* The State agency shall conduct follow-up reviews of sponsors and sites as necessary.

(4) *Monitoring system.* Each State agency shall develop and implement a monitoring system to ensure that sponsors, including site personnel, and the appropriate food service management company, if applicable, immediately receive a copy of any review reports which indicate Program violations and which could result in a Program disallowance.

(5) *Records.* Documentaton of Program assistance and results of such assistance shall be maintained on file by the State agency.

(6) *Food preparation facility visits.* As a part of the review of any sponsor which contracts with a food service management company for the preparation of meals, the State agency shall inspect the facilities of the food service management company. Each State agency shall establish an order of priority for visiting facilities at which food is prepared to be served in the Program. The State agency shall respond promptly to complaints concerning facilities with potential problems. Funds provided for in § 225.4(k) may be used for this purpose.

(7) *Forms for reviews by sponsors.* Each State agency shall develop and provide monitor review forms to all approved sponsors. These forms shall be completed by sponsor monitors. The monitor review form shall include, but not be limited to, time of reviewer's arrival and departure, site supervisor's signature, certification statement to be signed by monitor, the number of meals prepared or delivered, the number of meals served to children, the deficiencies noted, and corrective actions taken by sponsor and date of such actions.

(8) *Statistical monitoring.* State agencies may use statistical monitoring procedures in lieu of the site monitoring requirements prescribed in paragraph

(e)(2) of this section to accomplish the monitoring and technical assistance aspects of the Program. State agencies which use statistical monitoring procedures may use the findings in evaluating claims for reimbursement. Statistical monitoring may be used for some or all of a State's sponsors. Use of statistical monitoring does not eliminate the requirements for reviewing sponsors as specified in paragraph (e)(2) of this section.

(9) *Corrective actions.* Corrective actions which the State agency may take when Program violations are observed during the conduct of a review are discussed in § 225.13. The State agency shall conduct follow-up reviews as appropriate when corrective actions are required.

(f) *Food quality and preparation facility inspections.* The State agency shall make a positive effort to ensure that inspections of food preparation facilities and food service sites, including meal quality tests, are conducted. The procedures for carrying out the inspections and tests shall be consistent with procedures used by local health authorities. For inspections of facilities of food service management companies not conducted by State agency personnel, copies of the results of the inspections shall be provided to the State agency. The company and the sponsor shall also immediately receive a copy of the results of these inspections when corrective action is required.

(g) *Financial management.* Each State agency shall establish a financial management system in accordance with Office of Management and Budget Circular A–102 and FNS guidance to identify allowable Program costs and establish standards for sponsor recordkeeping and reporting. The system shall also be consistent with Federal Management Circular 74–4. The State agency shall provide guidance on these financial management standards to each sponsor.

(h) *Nondiscrimination.* (1) Each State agency shall comply with the requirements of Title VI of the Civil Rights Act of 1964, and the Department's regulations concerning nondiscrimination issued thereunder (7 CFR Part 15), including requirements for racial and ethnic participation data collection, public notification of the nondiscrimination policy, and reviews to assure compliance with such policy, to the end that no person shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Program. (2) Complaints of discrimination filed by applicants or participants shall be referred to FNS or the Secretary of Agriculture, Washington, D.C. 20250.

§ 225.10 Records and reports.

(a) Each State agency shall maintain complete and accurate current accounting records of its Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, income, claims against sponsors and efforts to recover overpayments, and expenditures for administrative and operating costs. These records shall be retained for a period of three years after the date of the submission of the final Program Operations and Financial Status Report (SF–269), except that, if audit findings have not been resolved, the affected records shall be retained beyond the three year period until such time as any issues raised by the audit findings have been resolved. The State agency shall also retain a complete record of each review or appeal conducted, as required under § 225.15, for a period of three years following the date of the final determination on the review or appeal. Records may be kept in their original form or on microfilm.

(b) By December 15 of each year the State agency shall provide FNS with information on the scope of Program operations within the State.

(c) Each State agency shall report information to FNS on the use of funds and on Program operations on a form provided by, and as instructed by, FNS.

(d) Not later than March 1 of each fiscal year, the State agency shall submit to FNS a final Operations and Financial Status Report for the prior fiscal year, on a form (SF–269) provided by FNS. Any requested increase in reimbursement levels for a fiscal year resulting from corrective action taken after submission of the final Program Operations and Financial Status Reports shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such an increase, it will make payment, subject to the availability of funds. Any reduction in reimbursement for that fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports shall be handled in accordance with the provisions of § 225.14(d), except that amounts recovered may not be used to make Program payments.

(e) By October 15, each State agency shall submit to FNS, on a form provided by FNS, information concerning each food service management company which applied to the State agency for registration for that calendar year's Program. FNS shall allow any food service management company to review the information concerning that company which was submitted to FNS in accordance with this paragraph.

§ 225.11 Program payments.

(a) *Start-up payments.* At their discretion, State agencies may make start-up payments to sponsors which have executed Program agreements. Start-up payments shall not be made more than two months before the sponsor is scheduled to begin food service operations and shall not exceed 20 percent of the sponsor's approved administrative budget. The amount of the start-up payment shall be deducted from the first advance payment for administrative costs, if the sponsor does not receive advance payments, from the first administrative reimbursement.

(b) *Advance payments.* At the sponsor's request, State agencies shall make advance payments to assist sponsors in meeting operating costs and administrative expenses. For sponsors operating under a continuous school calendar, all advance payments shall be forwarded on the first day of each month of operation. Advance payments shall be made by the dates specified in subparagraphs (1) and (2) of this paragraph for all other sponsors whose requests are received at least 30 days prior to those dates. Requests received less than 30 days prior to those dates shall be acted upon within 30 days of receipt. When making advance payments, State agencies shall observe the following criteria:

(1) *Operating costs.* (i) State agencies shall make advance payments for operating costs by June 1, July 15, and August 15. To be eligible for the second advance payment, the sponsor must have conducted training sessions for its own personnel and site personnel covering Program duties and responsibilities. A sponsor shall not receive advance operating cost payments for any month in which it will participate in the Program for less than ten days.

(ii) To determine the amount of the advance payment to any sponsor, the State agency shall employ whichever of the following methods will result in the larger payment: (A) The total operating costs paid to the sponsor for the same calendar month in the preceding year, or (B) for sponsors contracting with a food service management company, 50 percent of the amount determined by the

State agency to be needed that month for meals, and, for sponsors preparing their own meals, 65 percent of the amount determined by the State agency to be needed that month for meals.

(2) *Administrative costs.* (i) State agencies shall make advance payments for administrative costs by June 1 and July 15. To be eligible for the second advance payment, the sponsor must certify that it is operating the number of sites for which the administrative budget was approved and that its projected administrative costs do not differ significantly from the approved budget. A sponsor shall not receive advance administrative costs payment for any month in which it will operate under the Program for less than 10 days. However, if a sponsor operates for less than 10 days in June but for at least 10 days in August, the second advance administrative costs payment shall be made by August 15.

(ii) Each payment shall equal one third of the total amount which the State agency determines the sponsor will need to administer its program. For sponsors which will operate for ten or more days only in one month and, therefore, will qualify for only one advance administrative costs payment, the payment shall be no less than one half and no more than two thirds of the total amount which the State agency determines the sponsor will need to administer its program.

(3) *Advance payment estimates.* When determining the amount of advance payments payable to the sponsor, the State agency shall make the best possible estimate based on the sponsor's request and any other available data. Under no circumstances may the amount of the advance payment for operating or administrative costs exceed the amount estimated by the State agency to be needed by the sponsor to meet operating or administrative costs, respectively.

(4) *Limit.* The sum of the advance operating and administrative costs payments to a sponsor for any one month shall not exceed $40,000 unless the State agency determines that a larger payment is necessary for the effective operation of the Program and the sponsor demonstrates sufficient administrative and managerial capability to justify a larger payment.

(5) *Deductions from advance payments.* The State agency shall deduct from either advance operating payments or advance administrative payments the amount of any previous payment which is under dispute or which is part of a demand for recovery under § 225.14.

(6) *Withholding of advance payments.* If the State agency has reason to believe that a sponsor will not be able to submit a valid Claim for Reimbursement covering the month for which advance payments have already been made, the subsequent month's advance payment shall be withheld until a valid claim is received.

(7) *Repayment of excess advance payments.* Upon demand of the State agency, sponsors shall repay any advance Program payments in excess of the amount cited on a valid Claim for Reimbursement.

(c) *Reimbursements.* Sponsors shall not be eligible for reimbursements for operating and administrative costs unless they have executed an agreement with the State agency. All reimbursements shall be in accordance with the terms of this agreement. Reimbursements shall not be paid for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program. Income accruing to a sponsor's program shall be deducted from combined operating and adminstrative costs. The State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement, but shall first make any necessary adjustments in the amount to be paid. The following requirements shall be observed in submitting and paying claims:

(1) No reimbursement may be issued until the sponsor certifies that it operated all sites for which it is approved and that there has been no significant change in its projected administrative costs since its preceding claim or, for a sponsor receiving an advance payment for only one month, that there has been no significant change in its projected administrative costs since its initial advance administrative costs payment.

(2) Claims for reimbursement shall be submitted by the 10th day of the month following the month for which the claim is made. The State agency may require that claims be submitted more frequently than once each month.

(3) Sponsors which in the final month of operations operate less than 10 days shall submit a combined claim for the final month and the month immediately preceding within 10 days of the last day of operation.

(4) The State agency shall forward reimbursements within 45 days of receiving valid claims. If a claim is incomplete or invalid, the State agency shall return the claim to the sponsor within 30 days with an explanation of the reason for disapproval. If the sponsor submits a revised claim, final action shall be completed within 45 days of receipt.

(5) The State agency is not required to act upon any Claim for Reimbursement which is not received within 30 days of the sponsor's last day of food service operations, unless the State agency determines that the late submission is due to circumstances beyond the sponsor's control, in which case payment shall be made if the claim is valid.

(6) Claims for Reimbursement for any fiscal year shall not be considered if they are submitted later than the following December 31, with the exception of Claims submitted on or before December 31 and subsequently amended as a result of audits or investigations.

(7) Claims for reimbursement shall include data sufficient to justify the amount claimed and to enable the State agency to provide the information required in Program reports. Sponsors shall also certify that records supporting the claim are available. The cost of meals served to adults performing necessary food service labor and the cost of meals disallowed by the State agency may be included in the claim. The State agency may choose to allow sponsors to include the cost of meals disallowed as meals served to the children, in accordance with § 225.13(e) (1) and (2) in its report of operating costs on its Claim for Reimbursement. In no case shall the cost of meals in excess of a site's approved level of meal service established under § 225.7(j) be considered allowable.

(8) The State agency shall promptly take corrective action with respect to any Claim for Reimbursement for which such action is determined necessary based upon the results of Program reviews or any other information available. The corrective action must be completed in time to be reflected in the final Program Operations and Financial Status report for each fiscal year if reimbursement for the claim is to be made available for that fiscal year through the Letter of Credit system described under § 225.4(j).

(9) Payments to a sponsor for operating costs shall equal the lesser of the following totals:

(i) The actual operating costs incurred by the sponsor, or

(ii) The sum of the amounts derived by multiplying the number of meals, by type, actually served under the sponsor's program to eligible children by 85.75 cents for each lunch or supper, 47.75 cents for each breakfast and 22.50 cents for each supplement. These are base rates of reimbursement, not current

rates, and must be adjusted in accordance with paragraph (c)(11) of this section.

(10) Payments to a sponsor for administrative costs shall equal the lowest of the following totals:

(i) The amount estimated in the sponsor's approved administrative budget (taking into account any amendments);

(ii) The actual administrative costs incurred by the sponsor; or

(iii) The sum of the amounts derived by multiplying the number of meals, by type, actually served under the sponsor's program to eligible children by 6.75 cents for each lunch or supper, 3.50 cents for each breakfast and 1.75 cents for supplements, except that sponsors shall be eligible to receive an additional 1.50 cents for each lunch or supper, 1.00 cents for each breakfast, and .50 cents for each supplement served to participating children at rural or self-preparation sites. All rates in this paragraph are base rates of reimbursement, not current rates, and must be adjusted in accordance with paragraph (c)(11) of this section.

(11) Each January 1, FNS shall publish a notice in the **Federal Register** announcing any adjustment to the reimbursement rates described in paragraphs (c)(9)(ii) and (10)(iii) of this section. Adjustments shall be based upon changes in the series for food away from home of the Consumer Price Index for all Urban Consumers since the establishment of the rates.

(12) Sponsors of camps shall be reimbursed only for meals served to children in camps whose eligibility for free or reduced-price meals is documented. Any nonresidential camp reduced to fewer than four meal types per day under the terms of § 225.13(d) shall receive reimbursement only for those meals served to children eligible for free or reduced-price school meals.

(13) If a State agency has reason to believe that a sponsor or food service management company has engaged in unlawful acts in connection with Program operations, evidence found in audits, reviews, or investigations shall be a basis for nonpayment of the applicable sponsor's Claims for Reimbursement.

(d) The sponsor may claim reimbursement for any meals which are examined for meal quality by the State agency, auditors, or local health authorities and found to meet the meal pattern requirements.

(e) The sponsor shall not claim reimbursement for meals served at any site in excess of the site's approved level of meal service, if one has been established under § 225.7(j). In reviewing a sponsor's claim, the State agency may limit payments to the sponsor according to the approved level for meal service which may be claimed for reimbursement at the sponsor's sites, as provided for in § 225.7(j).

§ 225.12 Audit and management evaluation.

(a) *Audits.* (1) Upon approval of applicant sponsors whose total Claims for Reimbursement are expected to exceed $75,000, the State agency shall provide those sponsors with an aduit guide to be used in the conduct of the audit required by § 225.19(k) and any other guidance necessary to enable them to comply with the audit requirements of this part. The audit guide developed by the State agency shall, at a minimum, contain the standards set forth in the audit guide issued by the Department for the program.

(2) In addition to the plan submitted under § 225.6(g)(12), the State agency shall ensure that all sponsors within the State whose total Claims for Reimbursement are expected to be more than $75,000 provide for an annual audit of their program. Any sponsor required to provide for an audit of its program shall engage an accounting firm or individual which is independent of the sponsor to conduct the audit.

(3) The State agency shall also provide for biennial audits of sponsors whose total Claims for Reimbursement are expected to be less than $75,000 with the following exceptions: (i) sponsors under $10,000, (ii) sponsors receiving other Federal funds, and subject to an organization-wide audit in accordance with OMB Circular A–102, and (iii) sponsors for which the State agency determines an audit is unnecessary based on program performance. States must justify and document all exemptions made to the biennial audit requirement. The cost of such audits shall be considered an allowable State administrative expense, and in no case may the cost of such audits be passed through to sponsors. States which can demonstrate that compliance with the requirement will impose finanical hardship may initiate an appeal through FNSRO to FNS.

(4) Any audit of an organization which is conducted in accordance with the Program audit guide and includes the Program covered by this part may be included to meet a portion of the audit requirement contained in this section.

(5) Audits shall be conducted by: State agency internal auditors; State Auditors General; State Comptroller's Offices; and other comparable State or local government audit groups; Certified Public Accountants; or public accountants licensed on or before December 31, 1970, and currently certified or licensed by the regulatory authority of the State or other political subdivision of the United States.

(6) Within the first two weeks of the sponsor's operation of the Program, the auditor engaged by any sponsor required to have an annual audit shall submit to the sponsor and to the State agency a copy of a letter evaluating and making recommendations for the improvement of the sponsor's accounting and recordkeeping systems.

(7) Each State agency shall coordinate its monitoring review findings under § 225.9 and the audit reports provided for under § 225.19(k). Each State agency shall ensure that monitoring is conducted to result in a representative review of the sponsor's operations under the Program.

(8) While OIG shall rely to the fullest extent feasible upon State-sponsored audits, it shall, when considered necessary, (i) make audits on a State-wide basis, (ii) perform on site test audits, and (iii) review audit reports and related working papers of audits performed by or for State agencies.

(9) State agencies shall provide FNS and OIG with full opportunity to conduct management evaluations (including visits to sponsors) and audits of all operations of the State agency. Each State agency shall make available its records, including records of the receipts and expenditures of funds, upon a reasonable request by FNS or OIG, OIG shall also have the right to make audits of the records and operations of any sponsor.

(10) Use of Program audit guides available from OIG is encouraged. When this guide is utilized, OIG will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(b) State agencies shall provide FNS with full opportunity to conduct management evaluations (including visits to sponsors) of all operations of the State agency. Each State agency shall make available its records, including records of the receipts and expenditures of funds, upon a reasonable request by FNS.

(c) In addition to any management evaluation, FNSRO shall collect data on the need for Program and State administrative funding within any State agency if the funding needs estimated in a State's management and administration plan are no longer accurate. Based on this data, FNS may make adjustments in the level of State administrative funding paid or payable to the State agency under § 225.4(g) to

reflect changes in the size of the State's Program as compared to that estimated its management and administration plan. The data shall be based on approved Program participation levels and collected during the period of Program operations, but no later than August 20. Immediately following this data collection, payment of State administrative funds shall be made to the State agency. The payment may reflect adjustments in the level of State administrative funding, based on the information collected. FNS shall not decrease the amount of a State's administrative funds unless the State failed to make reasonable efforts to administer the Program as proposed in its management and administration plan or the State incurred unnecessary expenses.

(d) The State agency shall fully respond to any recommendations made by FNSRO pursuant to the management evaluation.

(e) FNSRO may require the State agency to submit on 20 days notice a corrective action plan regarding serious problems observed during any phase of the management evaluation.

(f) In conducting management evaluations or audits for any fiscal year, the State agency, FNS or OIG may disregard overpayment which does not exceed $100 or, in the case of State agency administered programs, does not exceed the amount established by State law, regulations or procedures as a minimum for which claims will be made for State losses generally. No overpayment shall be disregarded, however, when there are unpaid claims for the same fiscal year from which the overpayment can be deducted or when there is substantial evidence of violation of criminal law or civil fraud statutes.

§ 225.13 Corrective action procedures.

(a) *Purpose.* The provisions in this section shall be used by the State agency to improve Program performance.

(b) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. The State agency shall maintain on file all evidence relating to such investigations and actions. The State agency shall inform the appropriate FNSRO of any suspected fraud or criminal abuse in the Program which would result in a loss or misuse of Federal funds. The Department may make investigations at the request of the State agency, or where the Department determines investigations are appropriate.

(c) *Denial of applications and termination of sponsors.* The State agency shall not enter into an agreement with any applicant sponsor identifiable through its corporate organization, officers, employees, or otherwise, as an institution which participated in any Federal child nutrition program and was seriously deficient in its operation of any such program. The State agency shall terminate the Program agreement with any sponsor which it determines to be seriously deficient. However, the State agency shall afford a sponsor reasonable opportunity to correct problems before terminating the sponsor for being seriously deficient. The State agency may approve the application of a sponsor which has been disapproved or terminated in prior years in accordance with this paragraph if the sponsor demonstrates to the satisfaction of the State agency that the sponsor has taken appropriate corrective actions to prevent recurrence of the deficiencies. Serious deficiencies which are grounds for disapproval of applications and for termination include, but are not limited to, any of the following:

(1) Noncompliance with the applicable bid procedures and contract requirements of federal child nutrition program regulations;

(2) The submission of false information to the State agency;

(3) Failure to return to the State agency any start-up or advance payments which exceeded the amount earned for serving meals in accordance with this part, or failure to submit all Claims for Reimbursement in any prior year, provided that failure to return any advance payments for months for which Claims for Reimbursement are under dispute from any prior year shall not be grounds for disapproval in accordance with this paragraph.

(4) Program violations at a significant proportion of the sites which include, but are not limited to, the following:

(i) Noncompliance with the between meal time requirements;

(ii) Failure to maintain adequate records;

(iii) Failure to adjust meal orders to conform to variations in the number of participating children;

(iv) The simultaneous service of more than one meal to any child;

(v) The claiming of Program payments for meals not served to participating children;

(vi) Service of a significant number of meals which did not include required quantities of all meal components;

(vii) Excessive instances of off-site meal consumption;

(viii) Continued use of food service management companies that are in violation of health codes.

(d) *Meal service restriction.* The State agency shall restrict to one meal service per day (1) any food service site which is determined to be in violation of the time restrictions for meal service included in § 225.20(a) when corrective action is not taken within a reasonable time as determined by the State agency, and (2) all sites under a sponsor if more than 20 percent of the sponsor's sites are determined to be in violation of the time restrictions included in § 225.20(a). If this action results in children not receiving any meals under the Program, the State agency shall make reasonable effort to locate another source of meal service for the children.

(e) *Meal disallowances.*—(1) *Meal disallowances for improper planning.* If the State agency determines that a sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service at a site, the State agency shall disallow as meals served to children the number of meals prepared or ordered in excess of the number of children served.

(2) Meal disallowances for violations of meal service requirements. If State agency observes meal service violations during the conduct of a site review, the State agency shall disallow as meals served to children all of the meals observed to be in violation.

(3) The State agency shall also disallow any meals which are in excess of a site's approved level established under § 225.7(j).

(4) Whenever the State agency observes violations during the course of a site review, it shall require the sponsor to take corrective action. If the State agency finds a high level of meal service violations, the State agency shall require a specific immediate corrective action plan to be followed by the sponsor and shall either conduct a follow-up visit or in some other manner verify that the specified corrective action has been taken. Paragraph (f) of this section indicates actions the State agency shall undertake if corrective action has not been taken.

(f) *Termination of sites.* (1) The State agency shall terminate the participation of a sponsor's site if the sponsor fails to take action to correct the Program violations noted in a State agency review report within the timeframes established by the State agency and specified in the review report.

(2) The State agency shall immediately terminate the participation of a sponsor's site if during a review it

determines that the health or safety of the participating children is imminently threatened.

(3) Within 48 hours of terminating a site, the State agency shall, if applicable, notify the food service management company providing meals to the site of the termination.

§ 225.14 Claims against sponsors.

(a) The State agency shall disallow any portion of a Claim for Reimbursement and recover any payment to a sponsor not properly payable under this part, except as provided for in § 225.12(f). However, the State agency shall notify the sponsor of the reasons for the disallowance or demand for repayment.

(b) Minimum State agency collection procedures for unearned payments shall include: (1) written demand to the sponsor for the return of improper payments; (2) if after 30 calendar days the sponsor fails to remit full payment or agree to a satisfactory repayment schedule, a second written demand for the return of improper payments, sent by certified mail, return receipt requested; (3) if after 60 calendar days following the original written demand, the sponsor fails to remit full payment or agree to a satisfactory repayment schedule, a third written demand for the return of improper payments, sent by certified mail, return receipt requested; and (4) if after 90 calendar days following the original written demand, the sponsor fails to remit full payment or agree to a satisfactory repayment schedule, the State agency shall refer the claim against the sponsor to appropriate State or Federal authorities for pursuit of legal remedies.

(c) If FNS does not concur with the State agency's action in paying a sponsor or in failing to collect overpayment, FNS shall notify the State agency of its intention to assert a claim against the State agency. In all such cases, the State agency shall have full opportunity to submit evidence concerning the action taken. The State agency shall be liable to FNS for failure to collect an overpayment unless FNS determines that the State agency has conformed with this part in issuing the payment and has exerted reasonable efforts in accordance with paragraph (b) of this section to recover the improper payment.

(d) The amounts recovered by the State agency from sponsors may be utilized (1) to make Program payments to sponsors for the period for which the funds were initially available, and (2) to repay the State for any of its own funds used to make payments on Claims for Reimbursement. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

§ 225.15 Appeal procedures.

(a) Each State agency shall establish a procedure to be followed by an applicant requesting a review of a denial of an application for participation, a denial of a request by a sponsor for an advance payment, a denial of a claim by a sponsor for reimbursement, a claim against a sponsor for remittance of a payment, the termination of the sponsor or a site, a denial of a sponsor's application for a site, a denial of a food service management company's application for registration, or revocation of that registration.

(b) At a minimum, the procedures for those reviews shall provide that:

(1) The sponsor or food service management company be advised in writing that the request for review must be made within a specified time and must meet the requirement of paragraph (b)(3) of this section. The State agency shall establish this period of time at not less than one week nor more than two weeks from the date of receipt of the notice of action;

(2) the Appellant be afforded the opportunity to review any information upon which the action was based;

(3) The appellant may refute the charges contained in the notice of action either in person or by filing written documentation with the review official. To be considered, written documentation must be submitted by the appellant within seven days of submitting the request for review, must clearly identify the State agency action being appealed, and must include a photocopy of the notice of action issued by the State agency;

(4) A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review. The appellant may retain legal counsel, or may be represented by another person. Failure of the appellant's representative to appear at a scheduled hearing shall constitute the appellant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State agency shall be allowed to attend the hearing to respond to the appellant's testimony and written information and to answer questions from the review official;

(5) If the appellant has requested a hearing, the appellant and the State agency shall be provided with at least 5 days advance written notice, sent by certified mail, return receipt requested, of the time and place of the hearing;

(6) The hearing shall be held within 14 days of the date of the receipt of the request for review, but, where applicable, not before the appellant's written documentation is received in accordance with paragraph (b)(4) of this section;

(7) The review official shall be independent of the original decision-making process;

(8) The review official shall make a determination based on information provided by the State agency and the appellant, and on Program regulations;

(9) Within 5 working days after the appellant's hearing, or within 5 working days after receipt of written documentation if no hearing is held, the reviewing official must make a determination based on a full review of the administrative record and inform the appellant of the determination of the review by certified mail, return receipt requested;

(10) The State agency's action shall remain in effect during the appeal process. However, participating sponsors and sites may continue to operate under the Program during an appeal of termination, and if the appeal results in overturning the State agency's decision, reimbursement shall be paid for meals served during the appeal process. However, such continued operation under the Program shall not be allowed if the State agency's action is based on imminent dangers to the health or welfare of children. If the sponsor or site has been terminated for this reason, the State agency shall so specify in its notice of action; and

(11) The determination by the State review official is the final administrative determination to be afforded to the appellant.

(c) The State agency shall send written notification of the complete appeal procedures and of the actions which are appealable, as specified in § 225.15(a):

(1) To each potential sponsor upon application, and

(2) To each food service management company upon application for registration under § 225.16(c).

(d) A record regarding each review shall be kept by the State agency as required under § 225.10(a). The record shall document the State agency's compliance with these regulations and shall include the basis for the decision.

§ 225.16 Procedures for food service management companies.

(a) Any sponsor may contract with a food service management company for the preparation of unitized meals with or without milk or juice. In all cases, the sponsor shall adhere to the procurement standards indicated in § 225.17. All meals prepared by a food service management company shall be unitized, with or without milk or juice, unless the sponsor submits to the State agency a request for exceptions to the unitizing requirement for certain components of a meal. These requests shall be submitted to the State agency in writing prior to advertising for bids. The State agency shall notify the sponsor in writing of its determination in a timely manner.

(b) Any sponsor which contracts with a food service management company shall be responsible for ensuring that the food service operation is in conformity with its agreement with the State agency and all the applicable provisions of this part. No sponsor may contract out for the management responsibilities of the Program such as monitoring, enforcing corrective action, or preparing Program applications.

(c) A sponsor may contract only with a food service management company which is registered with the State in which the sponsor will operate the Program, except that a school or school food authority acting as a food service management company and a food service management company which has an exclusive contract with a school or school food authority for year-round service (and no contracts with other sponsors) shall not be required to register with the State. The procedures for registration of all other food service management companies are as follows:

(1) By February 1, each State agency shall notify each food service management company which participated in the Program in either of the prior two years in the State that it must register with the State agency. This notification shall include at a minimum: (i) a statement that registration with the State agency is a prerequisite to participation in the Program during the fiscal year; (ii) a list of the items which must be submitted in the application for registration as set forth in subparagraph (2) of this paragraph; (iii) a complete description of the criteria developed by the State agency for determining registrant eligibility; and (iv) any other information necessary to apply for registration. In addition, each State agency shall by the same date issue a public announcement of the registration requirement, including all the information necessary to apply for registration.

(2) With the exceptions described in the first sentence of this paragraph, each food service management company shall register with the State by March 15 of each fiscal year. At a minimum, registration shall require: (i) submission of name and mailing address and any other names under which such food service management company presently or in the past two years has marketed its services; (ii) a certification that the food service management company meets applicable State and local health, safety, and sanitation standards; (iii) disclosure of present company owners, directors, and officers, and their relationship in the past two years to any sponsor or food service management company which participated in the Program; (iv) records of contract terminations, disallowances, and health, safety, and sanitation code violations related to prior Program participation during the past two years; (v) records of any other contract terminations and health, safety, and sanitation code violations during the past two years; (vi) the address or addresses of the company's food preparation and distribution facilities which will be used in the Program and the local officials responsible for the operation of the facilities; (vii) the number of meals which can be prepared in each preparation facility in a twenty-four hour period for use in the Program; (viii) a certification that the food service management company will operate in accordance with current Program regulation; (ix) a statement that the food service management company understands that it will not be paid for meals which are delivered to non-approved sites, or for meals which are delivered to approved sites outside of the agreed upon delivery time, or meals that do not meet the meal requirements and food specifications contained in the contract between the sponsor and the food service management company; and (x) submission of a Certified Public Accountant's audit report if an audit was performed during the prior year and, (xi) a statement as to whether the organization is a minority business enterprise. A minority business enterprise is a business,

(A) in which the management and daily operations of the business are controlled by a member or members of a minority group; and

(B) at least 51 percent of which is owned by a member or members of a minority group; (*1*) if the business is a corporation, at least 51 percent of all classes of voting stock of the corporation must be owned by members of a minority group; (*2*) if the business is a partnership, at least 51 percent of the partnership must be owned by a member or members of a minority group. Minority groups are Black, Hispanics, American Indians, Alaskan Natives, Orientals and Aleuts.

(3) A State agency shall consider a food service management company's application for registration submitted after March 15 of the current year, if the State agency determines and documents that the lack of registration could result in a significant number of needy children not having reasonable access to the Program.

(4) Prior to registration, the State agency shall provide for inspections of all food service management companies' food preparation facilities listed on the applications for registration, except those located outside the State. The State agency shall promptly notify FNSRO of the name and location of any out-of-State facility, and FNSRO shall insure that the facility is inspected prior to registration. The purpose of the inspection is to evaluate each facility's suitability for preparation of meals for use in the Program. The State agency may waive this inspection requirement if a facility was registered last summer and operated in accordance with Program requirements.

(5) No food service management company shall be registered by the State agency if the State agency determines that the company lacks the administrative and financial capability to perform under the Program or if it is identifiable through its organization or principals as a food service management company which participated in the Program during any previous year and was seriously deficient in its Program operation. Serious deficiencies which are grounds for non-registration include, but are not limited to, any of the following:

(i) Noncompliance with the applicable bid procedures, contract requirements or Program regulations;

(ii) Submission of false information to the State agency;

(iii) Failure to conform meal deliveries to meal orders;

(iv) Delivery of a significant number of meals which do not meet contract requirements;

(v) Failure to maintain adequate records;

(vi) Significant health code violations which were not corrected upon reinspection;

(vii) Failure to deliver meals; or

(viii) The conviction of any officer, owner, partner, or manager of the company for a crime in connection with a prior Program operation.

(6) Each State agency shall require food service management companies

submitting applications for registration to certify that the information submitted is true and correct and that the food service management company is aware that misrepresentation may result in prosecution under applicable State and Federal statutes.

(7) The State agency shall notify in writing each food service management company which applied for registration of its determination on the application within 30 calendar days after receipt of the complete application. The official making the determination of denial must notify the food service management company in writing, stating all the grounds on which the State agency based the denial.

(8) Each State agency shall submit information to FNS regarding registration of food service management companies, as required under § 225.10(e).

(d) In the absence of any applicable State or local laws governing bid procedures and with the exceptions identified in this paragraph, each sponsor which contracts with a food service management company shall comply with the competitive bid procedures described in this paragraph. Sponsors which are schools or school food authorities which have an exclusive contract with food service management companies for year-round service and sponsors whose total contracts with food service management companies will not exceed $10,000, shall not be required to comply with these procedures. These exceptions do not relieve the sponsor of the responsibility to ensure that normally accepted bidding procedures are followed in contracting with any food service management company. Each sponsor whose proposed contract is subject to competitive bidding procedure shall ensure, at a minimum, that:

(1) All proposed contracts shall be publicly announced at least once, not less than 14 calendar days prior to the opening of bids, and the announcement shall include the time and place of the bid opening;

(2) The bids shall be publicly opened; and

(3) The State agency is notified at least 14 calendar days prior to the opening of the bids, of the time and place of the bid opening.

(4) When advertising for bids, the sponsor shall adhere to the following requirements, at a minimum:

(i) the invitation to bid shall not specify a minimum price;

(ii) The invitation to bid shall contain a cycle menu approved by the State agency upon which the bid shall be based;

(iii) the invitation to bid shall contain food specifications and meal quality standards approved by the State agency upon which the bid shall be based;

(iv) the invitation to bid shall not specify special meal requirements to meet ethnic or religious needs unless such special requirements are necessary to meet the needs of the children to be served;

(v) Neither the invitation to bid nor the contract shall provide for loans or any other monetary benefit or term or condition to be made to sponsors by food service management companies;

(vi) Nonfood items shall be excluded from the invitation to bid, except where such items are essential to the conduct of the food service.

(5) A copy of the food service management company registration determination issued by the State agency shall be submitted by the food service management company with each bid;

(6) Sponsors shall submit to the State agency copies of all bids received and their reason for selecting the food service management company chosen;

(7) All bids in an amount which exceeds the lowest bid shall be submitted to the State agency for approval before acceptance. All bids totaling $100,000 or more shall be submitted to the State agency for approval before acceptance. State agencies shall respond to a request for approval of such bids within 5 working days of receipt.

(e) Each State agency shall develop a standard form of contract for use by sponsors in contracting with food service management companies. (Sponsors which are public institutions and sponsors exempt from the competitive bid procedures described in paragraph (d) of this section may use their existing or usual form of contract, if such form of contract has been submitted to and approved by the State agency.) The standard contract developed by the State agency shall expressly and without exception provide that:

(1) The sponsor shall provide to the food service management company a list of State agency approved food service sites, along with the approved level for the number of meals which may be claimed for reimbursement for each site (established under § 225.7(j)), and shall notify the food service management company of all sites which have been approved, cancelled, or terminated subsequent to the submission of the initial approved site list and of any changes in the approved level of meal service for a site. Such notification shall be provided within the time limits mutually agreed upon in the contract;

(2) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the sponsor will need to meet its responsibilities under this part, and shall report to the sponsor promptly at the end of each month, at a minimum;

(3) The food service management company shall have State or local health certification for the facility in which it proposes to prepare meals for use in the Program, and it shall ensure that health and sanitation requirements are met at all times. In addition, the food service management company shall provide for meals which it prepares to be periodically inspected by the local health department or an independent agency to determine bacteria levels in the meals being served. These levels shall conform to the standards which are applied by the local health authority with respect to the level of bacteria which may be present in meals served by other food service establishments in the locality. Results of the inspections shall be submitted to the sponsor and to the State agency;

(4) The meals served under the contract shall conform to the cycle menus and meals quality standards and food specifications approved by the State agency and upon which the bid was based;

(5) The books and records of the food service management company pertaining to the sponsor's food service operation shall be available for inspection and audit by representatives of the State agency, the Department, and the U.S. General Accounting Office at any reasonable time and place for a period of 3 years from the date of receipt of final payment under the contract;

(6) The sponsor and the food service management company shall operate in accordance with the current Program regulations;

(7) The food service management company shall be paid by the sponsor for all meals delivered in accordance with the contract and this part. However, neither the Department nor the State agency assumes any liability for payment of differences between the number of meals delivered by the food service management company and the number of meals served by the sponsor that are eligible for reimbursement;

(8) Meals shall be delivered in accordance with a delivery schedule prescribed in the contract;

(9) Increases and decreases in the number of meals ordered shall be made by the sponsor, as needed, within a prior notice period mutually agreed upon;

(10) All meals served under the Program shall meet the requirements of § 225.20;

(11) In cases of nonperformance or noncompliance on the part of the food service management company, the company shall pay the sponsor for any excess costs the sponsor incurs by obtaining meals from another source; and

(12) If the State agency requires the sponsor to establish a special account for the deposit of operating costs payments made by the State agency to the sponsor in accordance with the conditions given in § 225.8(e), the contract shall so specify.

(f) A food service management company entering into a contract with a sponsor under the Program shall not subcontract for the total meal, with or without milk, or for the assembly of the meal.

(g) Each State agency shall have a representative present at all procurement bid openings of sponsors which expect to receive more than $100,000 in Program payments.

(h) The State agency may require any sponsor which contracts with a food service management company to establish a special account in a State or Federally insured bank for the deposit of Program payments for operating costs. The special account shall be such that any disbursement of monies from the account must be authorized by both the sponsor and the food service management company, and shall be in accordance with the other specifications included in § 225.8(e).

(i) Copies of all contracts between sponsors and food service management companies, along with a certification of independent price determination, shall be submitted to the State agency prior to the beginning of Program operations.

(j) Each food service management company which submits a bid over $100,000 shall obtain a bid bond in an amount not less than five (5) percent nor more than ten (10) percent, as determined by the sponsor, of the value of the contract for which the bid is made. A copy of the bid bond shall accompany each bid.

(k) Each food service management company which enters into a food service contract for over $100,000 with a sponsor shall obtain a performance bond in an amount not less than ten (10) percent nor more than twenty-five (25) percent of the value of the contract as determined by the State agency. Any food service management company which enters into more than one contract with any one sponsor shall obtain a performance bond covering all contracts if the aggregate amount of the contracts exceeds $100,000. Sponsors shall require the food service management company to furnish a copy of the bond within ten days of the awarding of the contract.

(l) Food service management companies shall obtain bid bonds and performance bonds only from surety companies listed in the current Department of the Treasury Circular 570.

(m) Failure by a sponsor to comply with the provisions of this section shall be sufficient grounds for the State agency to terminate participation by the sponsor in accordance with §225.22(b). If a food service management company fails to take the actions recommended to correct violations noted by the State agency or health inspectors in the conducting of a review or inspection, the State agency shall notify the sponsor and the food service management company that reimbursement shall not be paid for meals prepared by the food service management company after a date specified in the notification.

§ 225.17 Procurement standards.

(a) State agencies and sponsors which are Federally recognized Indian tribal governments or entities of local governments (such as some school districts, elementary and secondary schools, and public park authorities) shall comply with the standards prescribed in Attachment O of Office of Management and Budget Circular A–102 in the procurement of food, supplies, goods, and other services with Program payments.

(b) All sponsors other than those identified in paragraph (a) of this section shall comply with the standards prescribed in Attachment O of Office of Management and Budget Circular A–110 in the procurement of food, supplies, goods, and other services with Program payments.

(c) The State agency shall make available to sponsors information on Office of Management and Budget Circulars A–102 and A–110, as appropriate.

(d) Sponsors may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements made with Program funds conform with provisions of this section, as well as with procurement requirements which may be established by the State agency, with the approval of FNS, to prevent fraud, waste, and Program abuse.

(e) The State agency shall ensure that all sponsors are aware of the following practices specified in OMB Circular A–102, with respect to minority business enterprises:

(1) including qualified minority business enterprises on solicitation lists,

(2) soliciting minority business enterprises whenever they are potential sources,

(3) when economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum participation by minority business enterprises,

(4) establishing delivery schedules which will assist minority business enterprises to meet deadlines, and

(5) using the services and assistance of the Small Business Administration, and the Office of Minority Business Enterprise of the Department of Commerce as required.

Subpart D—Provisions for Sponsors

§ 225.18 Requirements for sponsor participation.

(a) *Sponsor eligibility.* Applicants eligible to sponsor the Program include:

(1) Public or nonprofit private school food authorities;

(2) Public or nonprofit private residential summer camps; and

(3) Units of local, municipal or county governments.

(b) *Requirements.* No applicant sponsor shall be eligible to participate in the Program unless it:

(1) Demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites at which it proposes to conduct a food service.

(2) Has not been seriously deficient in operating the Program in the prior three years.

(3) Will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist or qualifies as a camp.

(4) Has adequate supervisory and operational personnel for overall monitoring and management of each site including adequate personnel to conduct the visits and reviews required in § 225.19 (g) and (h).

(5) Provides an ongoing year-round service to the community which it proposes to serve under the Program, except as provided for in § 225.7(f);

(6) Certifies that all sites have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(7) If not a camp, provides documentation that its food service will serve children from an area in which poor economic conditions exist, as defined in § 225.2. If a camp, certifies

that it will collect family size and income information to support its Claim for Reimbursement;

(8) If a summer school, is open to serve children in addition to those enrolled in the accredited school program or is a school serving children outside of the summer school hours: and

(9) Each applicant described under § 225.18(a)(3) shall only be approved to provide the Program at sites which the applicant will directly operate. Such direct operation means that the applicant will be responsible for: (i) managing site staff, including such areas as hiring, conditions of employment, and termination; (ii) operating only sites which are properties or facilities under the year-round auspices or control of the applicant; and (iii) operating only sites with which the applicant has an ongoing, year-round realtionship which indicates direct control by the applicant.

(c) *Applications.* Applicants shall make written application to the State agency for participation in the Program as sponsors. Such application shall be made on a timely basis in accordance with the requirements of § 225.8.

(d) *Agreements.* Each sponsor shall enter into a written agreement with the State agency upon approval of its application, as required in § 225.8(b).

(e) *Meal services.* The meals which may be served under the Program are breakfast, lunch, supper, and supplemental food. No sponsor shall be approved to provide more than two services of supplemental food per day. A sponsor shall only be reimbursed for meals served in accordance with paragraphs (f) and (g) of this section.

(f) *Camps.* Sponsors of camps shall only be reimbursed for meals served in camps to children from families which qualify for free and reduced price meals under the guidelines established for the National School Lunch Program (7 CFR Part 210.) The sponsor shall maintain a copy of the family size and income documentation of each child receiving meals under the Program. Meal service at camps shall be subject to the following provisions:

(1) A camp may serve up to four meals each day.

(2) Residential camps are not subject to the time restrictions for meal service given in § 225.20(a)(1).

(3) A camp shall be approved to serve these meals only if it has the administrative capability and, where applicable, adequate food preparation and holding facilities, and if the service period of the different meals does not coincide or overlap.

(g) *Sites other than camps and those serving migrant children.* Food service sites other than camps shall serve children in areas where poor economic conditions exist, as defined in §225.2. A sponsor which operates in accordance with this part shall receive reimbursement for all meals served to children at these sites in accordance with this part. Food services sites other than camps and those which primarily serve migrant children may serve either (1) one meal each day, a breakfast, a lunch, or a supplement, or (2) two meals each day, if one is a lunch and the other is a breakfast or a supplement.

(h) *Sites which serve children of migrant families.* Food service sites which primarily serve children from migrant families may be approved to serve up to four meals each day. These sites shall serve children in areas where poor economic conditions exist as defined in § 225.2. A sponsor which operates in accordance with this part shall receive reimbursement for all meals served to children at these sites. A site which primarily serves children from migrant families shall only be approved to serve more than one meal each day if it has the administrative capability and, where applicable, adequate food preparation and holding facilities, and if the service period of the different meals does not coincide or overlap.

(i) No site shall be eligible to participate in both this Program and the Special Milk Program (7 CFR Part 215).

§225.19 Operational responsibilities of sponsors.

(a) Sponsors shall operate the food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS under this part or issued by the State agency which are not inconsistent with the provisions of this part.

(b) Each sponsor shall, to the maximum extent feasible, utilize either its own food service facilities, or obtain meals from a school food service facility. If the sponsor obtains meals from a school food service facility the applicable requirements of this part shall be embodied in a written agreement between the sponsor and the school.

(c) Upon approval of its application or any adjustment in the approved levels of meal service for its sites, established under §225.7(j), the sponsor shall inform the food service management company with which the sponsor contracts of the approved level for each meal service at each site for which the food service management company will provide meals.

(d) Sponsors shall plan for and prepare or order meals on the basis of participation trends with the objective of providing only one meal per child at each meal service. The sponsor shall make the adjustments necessary to achieve this objective using the results from its monitoring of sites. For sites for which approved levels of meal service have been established in accordance with § 225.7(j), this means that the sponsor shall adjust the number of meals ordered or prepared with the objective of providing only one meal per child whenever the number of children attending the site is below the approved level. In no case shall the sponsor order or prepare meals for any site in excess of the site's approved level. Records of participation and of preparation or ordering of meals shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of meals needed and to reduce the resultant waste, any excess meals within the approved level for the site that are prepared or ordered may be served to children and claimed for reimbursement unless the State agency determines that the sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service. Second meals shall be served only after all participating children at the site's meal service have been served a meal. In no case shall the sponsor order or prepare meals for any site in excess of its approved level, established in accordance with § 225.7(j).

(e) Sponsors shall submit Claims for Reimbursement only for meals served to children in accordance with this part. Claims shall be submitted by the 10th day of the month following the month for which the claim is made. However, the State agency may require that claims be submitted more frerquently.

(f) Sponsors shall maintain accurate records which justify all costs and meals claimed. The sponsor's records shall be available at all times for inspection and audit by representatives of the Secretary, the Comptroller General of the United States, and the State agency for a period of three years following the date of submission of the final Claim for Reimbursement for the fiscal year.

(g) Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies.

(h) Sponsors shall review food service operations at each site at least once during the first four weeks of Program operations, and thereafter shall maintain a reasonable level of site monitoring. Sponsors shall complete a

monitoring form developed by the State agency during the conduct of these reviews.

(i) Each sponsor shall hold training sessions for its administrative and site personnel with regard to Program duties and allow no site to operate until site personnel have attended at least one of these training sessions. Training of site personnel, at a minimum, shall include: the purpose of the Program, site eligibility, recordkeeping, site operations, meal pattern requirements, and duties of a monitor. Each sponsor shall ensure that its administrative personnel attend State agency training provided to sponsors, and sponsors shall provide training throughout the summer to ensure that administrative and site personnel are thoroughly knowledgeable in all requisite areas of Program administration and operation and are provided with sufficient information to enable them to carry out their Program responsibilities. Each site shall have present at each meal service at least one person who has received this training.

(j) Sponsors shall not claim reimbursement under Parts 210, 215, 220, or 226 of this Chapter, or any other Federally-funded program for meals served under the Program.

(k) Each sponsor whose total Program payments under any Program agreement are expected to exceed $75,000 shall have an audit conducted of its Program claims and the supporting documentation for those claims. The audit shall be conducted in accordance with the provisions of § 225.12(a) and (b). A report on the audit shall be submitted to the State agency.

§ 225.20 Meal service requirements.

(a) *Time restrictions for meal service.* (1) Three hours shall elapse between the beginning of one meal service, including supplements, and the beginning of another, except that 4 hours shall elapse between the service of a lunch and supper when no supplement is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this subparagraph shall not apply to residential camps.

(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

(3) Meals served outside of the period of approved meal service shall not be eligible for Program payments.

(4) Any permanent or planned changes in meal service periods must be approved by the State agency.

(5) Meals for each meal service which are not prepared at the food service site shall be delivered within one hour of the beginning of the appropriate meal service unless the site has adequate facilities for holding hot or cold meals within the temperatures required by State or local health regulations.

(6) The sponsor shall serve only the type(s) of meals for which it is approved under its agreement with the State agency.

(b) *Meal patterns.* The meal requirements for the Program are designed to provide nutritious and well-balanced meals to each child. Sponsors shall ensure that meals served meet all of the requirements. Except as otherwise provided in this section, the following tables present the minimum requirements for meals served to children in the program.

Breakfast [1]

(1) The minimum amount of food components to be served as breakfast are as follows:

Food components	Minimum amount
Vegetables and Fruits	
Vegetable(s) and/or fruit(s)	½ cup.[1]
or	
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetables(s), fruit(s) and juice.	½ cup (4 fl. oz.).
Bread and Bread Alternates[2]	
Bread	1 slice.
or	
Cornbread, biscuits, rolls, muffins, etc.[3].	1 serving.
or	
cold dry cereal[4]	¾ cup or 1 oz
or	
Cooked cereal or cereal grains	½ cup.
or	
Cooked pasta or noodle products or an equivalent quantity of any combination of bread/bread alternate	½ cup.
Milk[5]	
Milk, fluid	1 cup (½ pint, 8 fl. oz).
Meat and Meat Alternates (*Optional*)	
Lean meat or poultry or fish	1 oz.
or	
Cheese	1 oz.
or	
Eggs	1 large egg.
or	
Cooked dry beans or peas	½ cup.

[1] Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section.

Food components	Minimum amount
or	
Peanut butter or an equivalent quantity of any combination of meat/meat alternate	2 Tbsp

[1] For the purposes of the requirement outlined in this subsection, a cup means a standard measuring cup

[2] Bread, pasta or noodle products, and cereal grains (such as rice, bulgur, or corn grits) shall be whole-grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain, enriched or fortified

[3] Serving sizes and equivalents to be published in guidance materials by FNS

[4] Either volume (cup) or weight (oz.), whichever is less

[5] Milk shall be served as a beverage or on cereal, or used in part for each purpose

Lunch or Supper [2]

(2) The minimum amounts of food components to be served as lunch or supper are as follows:

Food components	Minimum amount
Meat and Meat Alternates	
Lean meat or poultry or fish	2 oz
or	
Cheese	2 oz.
or	
Eggs	1 large egg.
or	
Cooked dry beans or peas	1/2 cup.[1]
or	
Peanut butter or an equivalent quantity of any combination of meat/meat alternate	4Tbsp
Vegetables and Fruits	
Vegetable(s) and/or fruit(s)[2]	3/4 cup total.
Bread and Bread Alternates[3]	
Bread	1 slice
or	
Cornbread biscuits, rolls, muffins, etc	1 serving.[4]
or	
Cooked pasta or noodle products	1/2 cup
or	
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate	1/2 cup.
Milk	
Milk, fluid, served as a beverage	1 cup (1/2 pint, 8 fl. oz.).

[1] For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup

[2] Serve 2 or more kinds of vegetable(s) and/or fruit(s) or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement

[3] Bread, pasta or noodle products, and cereal grains (such as rice, bulgur, or corn grits) shall be whole-grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain or enriched or fortified

[4] Serving sizes and equivalents to be published in guidance materials by FNS

Supplemental Food [3]

(3) The minimum amounts of food components to be served as supplemental food are as follows. Select

[2] Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section.

[3] Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section.

two of the following four components. (Juice may not be served when milk is served as the only other component.)

Food components	Minimum amount
Meat and Meat Alternates	
Lean meat or poultry or fish	1oz.
or	
Cheese	1oz.
or	
Eggs	1 large egg.
or	
Cooked dry beans or peas	½ cup.[1]
or	
Peanut butter or an equivalent quantity of any combination of meat/meat alternate.	2 Tbsp.
Vegetables and Fruits	
Vegetable(s) and/or fruit(s)	¾ cup.
or	
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	¾ cup (6 fl. oz.)
Bread and Bread Alternates [2]	
Bread	1 slice.
or	
Cornbread, biscuits, rolls, muffins, etc.[3].	1 serving.
or	
Cold dry cereal [4]	¾ cup or 1 oz.
or	
Cooked cereal	½ cup.
or	
Cooked pasta or noodle products	½ cup
or	
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	½ cup.
Milk [5]	
Milk, fluid	1 cup (¼ pint, 8 fl. oz.).

[1] For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
[2] Bread, pasta or noodle products, and cereal grains (such as rice, bulgur, or corn grits) shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour, cereal shall be whole-grain or enriched or fortified.
[3] Serving sizes and equivalents to be published in guidance materials by FNS.
[4] Either volume (cup) or weight (oz.), whichever is less.
[5] Milk should be served as a beverage or on cereal, or used in part for each purpose.

(c) Meat or meat alternate. Meat or meat alternates served under the Program are subject to the following requirements and recommendations.

(1) The required quantity of meat or meat alternate shall be the quantity of the edible portion as served. These foods must be served in a main dish, or in a main dish and one other menu item.

(2) Cooked dry beans or peas may be used as a meat alternate or as a vegetable, but they may not be used to meet both component requirements in a meal.

(3) Textured vegetable protein products, cheese alternate products, and enriched macaroni with fortified protein may be used to meet part, but not all, of the meat/meat alternate requirement. The Department will provide guidance on the part of the meat/meat alternate requirement which these foods may be used to meet. If enriched macaroni with fortified protein is served as a meat alternate, it shall not be counted toward the bread requirement.

(4) If the sponsor believes that the recommended portion size of any meat or meat alternate is too large to be appealing to children, the sponsor may reduce the portion size of that meat or meat alternate and supplement it with another meat or meat alternate to meet the full requirement.

(d) *Varying Amounts.* The State agency may authorize the sponsor to serve food in smaller quantities than are indicated in paragraph (b) of this section to children under six years of age if the State agency determines that the sponsor has the capability to ensure that variations in portion size are in accordance with the age levels of the children served. In such cases, the sponsor shall follow the age-appropriate meal pattern requirements contained in the Child Care Food Program regulations (7 CFR Part 226).

(e) *Infant meal patterns.* Sponsors approved to serve children under one year of age shall be required to comply with the applicable meal requirements contained in the Child Care Food Program regulations (7 CFR Part 226).

(f) *Additional foods.* To improve the nutrition of participating children, additional foods may be served with each meal.

(g) *Temporary unavailability of milk.* If emergency conditions prevent a sponsor normally having a supply of milk from temporarily obtaining milk deliveries, the State agency may approve the service of breakfasts, lunches or suppers without milk during the emergency period.

(h) *Continuing unavailability of milk.* The inability of a sponsor to obtain a supply of milk on a continuing basis shall not bar it from participation in the program. In such cases, the State agency may approve service of meals without milk, provided that an equivalent amount of canned, whole dry or nonfat dry milk is used in the preparation of the components of the meal set forth in the tables included in this section. In addition, the State agency may approve the use of nonfat dry milk in meals served to children participating in activities which make the service of fluid milk impracticable, and in locations which are unable to obtain fluid milk. Such authorization shall stipulate that nonfat dry milk be reconstituted at normal dilution and under sanitary conditions consistent with State and local health regulations.

(i) *Statewide substitutions.* In American Samoa, Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, the following variations from the meal requirements are authorized: a serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, or sweet potatoes may be substituted for the bread requirements.

(j) *Individual substitutions.* Substitutions may be made by sponsors in food listed in paragraph (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods. Such statement shall be kept on file by the sponsor.

(k) *Special variations.* FNS may approve variations in the food components of the meals on an experimental or a continuing basis for any sponsor where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(l) *Donated commodities.* Institutions shall efficiently use in the Program any foods donated by the Department and accepted by the institution.

(m) *Plentiful foods.* Institutions shall in so far as practicable, purchase and efficiently use in the Program foods designated as plentiful by the Department.

(n) *Sanitation.* Institutions shall ensure that in storing, preparing, and serving food, proper sanitation and health standards are met which conform with all applicable State and local laws and regulations. Institutions shall ensure that adequate facilities are available to store food or hold meals.

(o) *Additional provision.* The State agency may allow sponsors which serve meals prepared in schools participating in the National School Lunch or School Breakfast Programs to substitute the meal pattern requirements of the regulations governing those programs (7 CFR Part 210 and 7 CFR Part 220, respectively) for the meal pattern requirements contained in this section.

§ 225.21 Free meal policy.

(a) As part of the application, applicants shall submit a statement of their policy for serving free meals at all sites under their jurisdiction. No application may be approved unless its accompanying policy statement is approved. The policy statement shall consist of an assurance to the State agency that all children are served the same meals at no separate charge and that there is no discrimination in the course of the food service.

(b) In addition, the policy statement for camps and other programs not eligible under § 225.2 (areas in which poor economic conditions exist (1)) that charge separately for meals shall include the following:

(1) A statement that the eligibility standards conform to the Secretary's family size and income standards for free and reduced-price school meals;

(2) A description of the method for accepting applications;

(3) A description of the method for collecting payments from children who pay the full price of the meal while protecting the anonymity of children receiving a free meal.

(4) An assurance that the camp will establish a hearing procedure for families wishing to appeal a denial of an application for free meals which provides for the following:

(i) That a simple, publicly announced method will be used for a family to make an oral or written request for a hearing;

(ii) That the family will have the opportunity to be assisted or represented by an attorney or other person;

(iii) That the family will have an opportunity to examine the documents and records supporting the decision being appealed both before and during the hearing;

(iv) That the hearing will be reasonably prompt and convenient for the family;

(v) That adequate notice will be given to the family of the time and place of the hearing;

(vi) That the family will have an opportunity to present oral or documentary evidence and agruments supporting its position;

(vii) That the family will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

(viii) That the hearing shall be conducted and the decision made by a hearing official who did not participate in the action being appealed;

(ix) That the decision shall be based on the oral and documentary evidence presented at the hearing and made a part of the record;

(x) That the family and any designated representative shall be notified in writing of the decision;

(xi) That a written record shall be prepared for each hearing which includes the action being appealed, any documentary evidence and a summary of oral testimony presented at the hearing, the decision and the reasons for the decision, and a copy of the notice sent to the family; and

(xii) That the written record shall be maintained for a period of three years following the conclusion of the hearing, during which it shall be available for examination by the family or its representatives at any reasonable time and place.

(5) An assurance that, if a family requests a hearing, the child shall continue to receive free meals until a decision is rendered;

(6) An assurance that there will be no overt identification of free meal recipients and no discrimination against any child on the basis or race, color, national origin, age or handicap.

(c)(1) Each sponsor shall annually announce in the media serving the area from which it draws its attendance, the availability of free meals. Camps and other programs not eligible under § 225.2 ("areas in which poor economic conditions exist (1)") shall annually announce to all participants the availability of free meals for eligible children. All media releases issued by camps and other programs not eligible under § 225.2 ("areas in which poor economic conditions exist (1)") shall include the Secretary's family-size and income standards and shall state that meals are available without regard to race, color or national origin;

(d) For purposes of determining eligibility for free meals, camps and other programs not eligible under § 225.2 ("areas in which poor economic conditions exist (1)") shall distribute applications for meals to parents or guardians of children enrolled in the program. The application, and any other descriptive material distributed to such persons, shall contain only the family-size and income levels for reduced-price eligibility with an explanation that households with incomes less than or equal to these values would be eligible for free meals. Such forms and descriptive material may not contain the income standards for free meals. The application shall include the social security numbers of all adult members of the household.

Subpart E—Miscellaneous Provisions

§ 225.22 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the Program shall be in accordance with Attachment K of the Office of Management and Budget Circular A–110 (41 FR 32016, July 30, 1976), or Attachment L of the Office of Management and Budget Circular A–102 (42 FR 45828, September 12, 1977), whichever is applicable.

(b) *Termination for cause.* (1) FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and reason for the termination, together with the effective date and shall allow the State 30 calendar days to respond. In instances where the State does respond, FNS shall inform the State of its final determination no later than 30 calendar days after the State responds. (2) A State agency shall terminate a sponsor's participation in the Program by written notice whenever it is determined by the State agency that the sponsor has failed to comply with the conditions of the Program. (3) When participation in the Program has been terminated for cause, any funds paid to the State agency or a sponsor or any recoveries by FNS from the State agency or by the State agency from a sponsor shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may agree to terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the State agency for the Federal share of the noncancellable obligations properly incurred by the State agency prior to termination. A State agency may terminate a sponsor's participation in the manner provided for in this paragraph.

(d) *Maintenance of effort.* Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act and a certification to this effect shall become part of the agreement provided for in § 225.3(c).

(e) *Program benefits.* The value of benefits and assistance available under the Program shall not be considered as income or resources of recipients and their families for any purpose under Federal, State of local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(f) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional operating requirements which are not inconsistent with the provisions of this part, provided that such additional requirements shall not deny the Program to an area in which poor economic conditions exist, and shall not result in a significant number of needy children not having access to the Program. Prior to imposing any additional requirements, the State agency must receive approval from FNSRO.

(g) *Fraud penalty.* Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property that are the subject of a grant or other form of assistance under this part, whether received directly or indirectly from the Department or whoever receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets, or property are of the value of $100 or more, be fined not more than $100,000 or imprisoned not more than five years, or both, or, if such funds, assets, or property are of a value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(h) *Claims adjustment authority.* The Secretary shall have the authority to determine the amount of, to settle, and to adjust any claim arising under the Program, and to compromise or deny such claim or any part thereof. The Secretary shall also have the authority to waive such claims if the Secretary determines that to do so would serve the purposes of the Program. This provision shall not diminish the authority of the Attorney General of the United States under section 516 of Title 28, U.S. Code, to conduct litigation on behalf of the United States.

§ 225.23 Program information.

Persons desiring information concerning the Program may write to the appropriate State agency or Regional Office of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont: Northeast Regional Office, FNS, U.S. Department of Agriculture, 33 North Avenue, Burlington, MA 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, One Vahlsing Center, Robbinsville, NJ 08691.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30367.

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, IL 60605.

(e) In the States of Arkansas, Louisiana, New Mexico, Oklahoma and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–C–30, Dallas, TX 75202.

(f) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 2420 West 26th Avenue, Room 430, Denver, CO 80211.

(g) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, CA 94108.

(Catalog of Federal Domestic Assistance Programs No. 10.559, Summer Food Service Program for Children).

(The Summer Food Service Program for Children is subject to Part III of Attachment A of OMB Circular No. A–95 (revised). Part III requires that Governors or their designated Plan review agency be given the opportunity to review the State plans required by Program regulations.)

Note.—The reporting and recordkeeping requirements contained in this rule are subject to review by OMB under the Paperwork Reduction Act and are not effective until approved by OMB.

Dated: December 4, 1981.

David B. Alspach,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 81–35310 Filed 12–10–81; 8:45 am]

BILLING CODE 3410–30–M

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7 CFR Part 272

Food Stamp Program; Bilingual Services

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of intent to propose rulemaking.

SUMMARY: This action announces that the Department is considering publishing proposed rules amending the bilingual services requirements of the Food Stamp Program. The Department is soliciting public comments on the bilingual services regulations to determine whether current procedures have been effective in lowering barriers to participation for non-English speaking low-income households as well as whether the procedures are administrtively burdensome. Interested individuals and groups are invited to submit any comments, views, or arguments they may have as to whether or not the bilingual services rules should be changed and, if so, what changes should be made. Following the close of the 120 day comment period, the Department will analyze the comments submitted and, if necessary, formulate a proposed rule amending § 272.4 and pertinent provisions such as § 272.1(g). This proposed rule would then be subject to public comment and a final rule would be issued.

DATE: Comments must be received on or before April 12, 1982, to be assured of consideration.

ADDRESS: Comments should be submitted to Thomas J. O'Connor, Jr., Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 500 12th Street, S.W., Room 678, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Thomas J. O'Connor, Jr., Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250; Phone (202) 447–9075.

SUPPLEMENTARY INFORMATION:

Classification:

This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512–1. This action will not result in an annual effect on the economy of $100 million or more or a major increase in cost or price for consumers, individuals, Federal, State or local governments, or geographical regions. Additionally, this action will not have significant effects on competition, employment, investment, productivity, innovation, or

the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

This action has also been reviewed with regard to the requirements to the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Mr. G. William Hoagland, Administrator, Food and Nutrition Service, has certified that this action has no economic impact on small entities. This action simply announces that the Department is considering amending current regulations on the provision of bilingual services to non-English speaking low-income households.

Background

The use of bilingual services was mandated by Section 11(e) of the Food Stamp Act of 1977 (Pub. L. 95–113). The Department published regulations establishing procedures for bilingual services in the October 17, 1978 **Federal Register** (43 FR 47846). A technical amendment to these rules was published in the June 8, 1979 **Federal Register** (44 FR 33380) to correct a minor oversight. The Department's regulations prescribed various methods for State agencies to use in determining which project areas needed bilingual services. The rules also specified the type of services and the form and content of bilingual printed materials to be used. Since the final regulations were implemented, various State agencies have experienced difficulties in isolating project areas where bilingual services would be needed as well as in providing appropriate non-English language material sand services. The Department is interested in determining whether the procedures established in 1978 have been effective in lowering barriers to participation for non-English speaking low-income households. The Department is also interested in evaluating the administrative feasibility of the current procedures.

Assessing Need for Bilingual Services

Section 11(e) of the Food Stamp Act of 1977 requires State agencies to "* * * use appropriate bilingual personnel and printed material in the administration of the program in those portions of political subdivisions in the State in which a substantial number of members of low-income households speak a language other than English * * *." The Department's regulations require State agencies to provide certification materials and bilingual staff or interpreters in each certification office that provides service to an area containing 100 or more low-income households which speak the same non-english language ("single language minority households"). In project areas with less than 100 low-income households, these services are required if a majority of the low-income households are of a single language minority. See 7 CFR 272.4(c).

The October 1978 regulations also required State agencies to provide appropriate language outreach materials in each project area containing 2000 or more low-income households where over 5 percent of these households are of the same single-language minority In project areas containing less than 2000 low-income households, bilingual materials were required if 100 or more of these households were of a single-language minority. Project areas which are required to provide bilingual certification materials and bilingual staff or interpreters were also required to provide bilingual outreach materials.

Section 111 of the 1981 Omnibus Reconciliation act (Pub. L. 97–35) eliminated the mandatory requirements for outreach activities and prohibited Federal reimbursement to State agencies for the administrative costs of their outreach programs. The Department amended its regulations to delete the outreach requirements yet maintained procedures for informing applicants and participants of certain aspects of the program such as rights and responsibilities (46 FR 44712). The amended regulations adopt the same criteria to determine the need for bilingual program informational activities which, prior to the new Act, were used to gauge the need for bilingual outreach materials.

The above procedures were developed to establish a fairly uniform system for providing adequate bilingual services, and yet to offer bilingual services to sparsely populated areas in which a non-English language may predominate. As a result, many certification offices must determine the number of low-income households in the project area as well as the number of low income single-language minority households for each non-English language spoken in the area.

The regulations require State agencies to develop estimates of the number of low-income single-language minority households, both participating and nonparticipating, in each project area and certification office. The regulations suggest various sources of information such as census data and community service organizations which could be used in determining the need for bilingual services. If these sources do not provide sufficient information, each certification office must record the number of single-language minorities which visit the office. If more than 100 single language minority households visit a certification office during a 6 month period, that office must provide bilingual staff or interpreters. State agencies must also combine the figures they collected in each certification office within a project area to determine whether bilingual informational material is required in that project area.

The procedures for determining need for bilingual services have been criticized for not responding to the needs of individual States and localities. The Department is concerned that bilingual services reach all localities where they are necessary and, at the same time, that such services are not consistently required in areas where they are not needed. The Department is thus interested in comments on whether the regulations should be amended to give State agencies greater flexibility in providing bilingual services, or whether the regulations should be expanded to take into account more fully the particular circumstances of various localities.

The Department is interested in determining whether the suggested sources provide adequate information for estimating the number of low-income single-language minorities and whether the presence of the prescribed number or density of single-language minority households in a project area is an adequate indicator of the need for bilingual services in that area. Because the regulations do not prescribe a method for State agencies to use in determining the total number of low-income households (including non-participating households and households which do speak English) in each project area, the Department is interested in learning whether State agencies have experienced difficulties in making these determinations. Because the requirement for outreach activities has been replaced by a requirement for program information activities, both this requirement and the mandate for bilingual certification material and staff or interpreters are now directed towards the same group of individuals, i.e., non-English speaking participants and

applicants. The Department thus believes that a separate formula for determining the need for bilingual information activities may no longer be necessary. Interested parties are encouraged to comment on this issue.

Implementation and Review of Bilingual Needs and Services

Section 272.1(g)(1)(vii) of the regulations establishes procedures for implementing the bilingual requirements. State agencies are required to assess the need for bilingual services in particular certification offices and project areas and advise FNS of their determinations. If a State agency cannot determine, based on available information sources, whether or not bilingual services are required in a particular project area, it must so notify FNS and develop procedures to record the number of non-English speaking low-income households which contact each certification office in that project area. The regulations do not specify how often State agencies should reassess the need for bilingual services in particular project areas and whether and how often the results of such assessments should be reported to FNS. Similarly, State agencies are not required to prepare a plan describing how they are assessing the need for bilingual services and how such services are being provided.

The Department is interested in determining whether State agencies have been able to keep informed about the need for bilingual services in particular project areas. Interested parties are encouraged to comment on whether State agencies should be required to periodically reassess and report their need for bilingual services. Commentors who believe the Department should establish procedures for State agencies to use in reassessing the need for bilingual services should specify how often this need should be reassessed. Comments are also encouraged on the question of whether State agencies should be required to submit to FNS a description of the procedures they are using or intend to use in assessing and providing for bilingual needs. The Department is especially interested in comments on whether the planning and reporting burden for State agencies should be increased if State agencies are given greater flexibility in assessing bilingual needs and providing appropriate services.

Developing Bilingual Materials

State agencies are currently responsible for developing and providing bilingual certification material whenever such material is required. Certification material includes the food stamp application form, change report form and notices to households. If a certification office is required to use several languages in notifying households, it may print a notice in English and provide statements in other languages summarizing the purpose of the notice. The preamble to the October 17, 1978 regulations indicated that FNS would assist State agencies in developing such materials.

The Department is interested in determining whether bilingual certification material has helped to remove obstacles to participation for non-English speaking households and whether State agencies have experienced difficulties in providing bilingual certification materials. Commentors who have found the production of bilingual material to be an undue administrative burden are encouraged to suggest alternate procedures for providing bilingual services. The Department also encourages comments on whether a sheet explaining in detail the contents of each form or notice might be preferable to an exact translation of the English forms or notice. Similarly, comments are encouraged regarding the administrative ease and effectiveness of providing bilingual summaries of notices. Commenters should indicate whether they believe that the practice of providing statements in non-English languages summarizing the purpose of certain notices should be expanded to cover other notices and certification materials.

Conclusion

The Department has not decided whether or not any amendments to the bilingual requirements will be necessary. The decisions that are made will depend largely on the information received in response to this notice. Therefore, we encourage all interested parties to submit any comments they may have. All comments and suggestions will be given full consideration during the preparation of proposed rulemaking.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: December 7, 1981.

David B. Alspach,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 81–35423 Filed 12–8–81; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Conservation and Environmental Programs

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, (USDA).

ACTION: Proposed rule.

SUMMARY: The Agricultural Stabilization and Conservation Service (ASCS) proposes to amend the regulations governing the Forestry Incentives Program (FIP). Under the proposed rule, the maximum level at which ASCS will share the costs with landowners for performing a practice under the program would be reduced from 75 percent to 65 percent of the actual cost of performing such practice. The effect of the proposed rule would be to make assistance under the program available to a greater number of producers within the funding limits established for the program.

DATE: Comments must be received on or before February 8, 1982, in order to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments to: Director, Conservation and Environmental Protection Division, ASCS, USCS, USDA, P.O. Box 2415, Washington, D.C. 20013, telephone 202–447–6221.

FOR FURTHER INFORMATION CONTACT: John R. Henry, Chief, Conservation Program Branch, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013, telephone 202–447–7333. The draft Impact Analysis describing the options considered in developing this rule is available on request from the above named office.

SUPPLEMENTARY INFORMATION: This action has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increase in costs or prices for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the Federal Assistance Program to which this notice applies are: Title—Forestry Incentives Program; Number—10.064; as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local governments are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since ASCS is not required to publish a notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this rule.

The FIP is authorized by Section 4 of the Cooperative Forestry Assistance Act of 1978 (Pub. L. 95–313, 92 Stat. 365). Under the program, the Secretary of Agriculture is authorized, in consultation with a committee of at least five State foresters or equivalent State officials, to develop and implement a forestry incentives program to encourage the development and protection of the Nation's nonindustrial private forest lands. The purpose of the program is to encourage landowners to apply forestry practices that will provide for the forestation of suitable open lands and reforestation of cutover or understocked forest lands. The program is also designed to encourage intensive multipurpose forest resource management and protection in order that cost-effective timber production and other related forest resource benefits can be realized.

The proposed change in the regulations would reduce the maximum level at which ASCS will cost-share with a landowner for performing a practice under the program from 75 percent to 65 percent of the actual cost incurred by the landowner. Because of the high demand for assistance under the program and the limited funding available, it has been difficult for the Department to fund otherwise eligible FIP applicants. It is felt that if a maximum cost-share level of 65 percent were imposed under FIP, the available program funds could be used more effectively thus achieving the maximum forestry benefits possible. Comments on the proposed rule will be received and considered for a period of 60 days after the date of the publication of this proposed rule in the Federal Register. (On or before February 8, 1982)

Any comments that are offered during the public comment period for this amendment to the regulations will be evaluated in the development of the final rule.

Proposed Rule

PART 701—CONSERVATION AND ENVIRONMENTAL PROGRAMS

Accordingly, it is proposed that 7 CFR 701.37(b) be revised to read as follows:

§ 701.37 Level and rates of cost-sharing.

* * * * *

(b) Levels of cost-sharing shall be approved by the State ASC committee and shall not be in excess of 65 percent of actual costs incurred by the landowners.

* * * * *

Signed at Washington, D.C., December 3, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81–35329 Filed 12–10–81; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 357

[Docket No. RM82–5]

Proposed Rulemaking To Amend Annual Report Of Carriers By Pipeline: Form P

Issued: December 4, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to revise Form P, which is an annual report filed by oil pipeline companies in accordance with § 357.2 of the Commission's regulations (18 CFR 357.2). The proposed revisions will include deleting certain schedules and data columns in the Form P, adding new data elements, and consolidating and clarifying other information in the form. The Commission proposes to designate this revised annual report as "FERC Form No. 6 Annual Report of Oil Pipeline Companies". The proposed revisions are made as part of the Commission's ongoing program to review all of its reporting requirements and to eliminate those requirements that are not necessary to the performance of the Commission's responsibilities.

DATES: Written comments are due February 2, 1982.

ADDRESSES: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82–5.

Copies of the proposed Form No. 6 are available at: Federal Energy Regulatory Commission, Division of Public Information, 825 North Capitol Street, NE., Room 1000, Washington, D.C. 20426 (202) 357–8055.

FOR FURTHER INFORMATION CONTACT: Elaine Dawson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 3405N, Washington, DC 20426 (202) 357–9190.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is proposing to amend the annual report, Form P, which oil pipeline companies file in accordance with § 357.2 of the Commission's regulations (18 CFR 357.2). The Commission proposes to replace Form P with "FERC Form No. 6, Annual Report of Oil Pipeline Companies".[1] The proposed Form No. 6 is modeled after Form P but deletes certain schedules that collect information not pertinent to the Commission's regulation of these companies and includes other information requirements. This proposal is part of the Commission's ongoing program to review its reporting requirements and reduce unnecessary burdens by eliminating the collection of data that are not necessary to the performance of the Commission's regulatory responsibilities.

A. Background

Authority to regulate oil pipline companies was transferred from the Interstate Commerce Commission (ICC) to this Commission by section 402(b) of the Department of Energy Organization Act (DOE Act). (42 U.S.C. 717(b))[2]

The authority in section 402(b) to regulate the rates and charges of oil pipeline companies is provided in section 1 of the Interstate Commerce Act (ICA) (49 U.S.C. 1). The ability of the Commission to regulate rates effectively depends on its authority to collect pertinent information from the regulated companies. The Commission, therefore,

[1] The proposed Form No. 6 (Appendix C) is not being printed in the Federal Register. Copies of the proposed form are available at the Commission's Division of Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8055.

[2] Section 402(b) provides that: [t]here are hereby transferred to, and vested in, the Commission all functions and authority of the Interstate Commerce Commission or any officer of component of such Commission where the regulatory function establishes rates and charges for the transportation of oil by pipeline or establishes the valuation of any such pipeline.

exercises the authority under Section 20 of the ICA to require pipeline companies to file annual reports that include that information.[3]

Annual Report Form P was developed by the ICC to collect information that would enable it to carry out its rate regulation responsibility under the ICA. The form had been specifically required in § 1241.61 of the ICC's regulations (49 CFR 1241.61).[4] The Commission believes that many of the schedules in the report have been modeled after schedules in annual reports that were filed by other comon carriers regulated by the ICC. Such carriers were subject to a broader regulatory scheme than oil pipeline companies. Therefore, some of the information collected on Form P is unnecessary for the rate regulation of pipeline companies. For example, Schedule 205, "Compensating Balances and Short-Term Borrowing Arrangements," and Schedule 206, "Special Deposits," were included in Form P to collect information relating to Security and Exchange Commission disclosure requirements.

The Commission has also determined that some of the information collected by Form P need not be collected in the detail required by that report. For example, Schedule 210, "Notes Receivable," collects detailed information which could be obtained by the Commission from a specific company if the Commission determines at a later date that the information is necessary for rate regulation. A total figure for notes receivable is collected, however, on Schedule 200, "Comparative Balance Sheet Statement," which is not proposed to be revised in this rulemaking.

The Commission believes that reporting the type of information described under Form P constitutes a filing burden on the oil pipeline companies that can be reduced without impairing the Commission's ability to effectively regulate the rates and charges of these companies. As a result of the changes proposed in this form, the respondent burden should be reduced by about 20 percent.

[3] Section 20 of the ICA authorizes the Commission to require reports from "carriers, lessors, and associations" and require answers to "questions upon which the Commission may deem information to be necessary * * *." This authority was transferred to the Commission in support of its responsibilities under section 402(b) of the DOE Act.

[4] By Order No. 119, (Docket No. RM81-8, issued December 19, 1980 46 FR 9043, January 28, 1981), the Commission transferred to Title 18 of the Code of Federal Regulations those regulations in Title 49 applicable to the Commission's oil pipeline jurisdiction. As part of this transfer, 49 CFR 1241.61 became 18 CFR 357.2.

The following are the proposals to revise Form P and to amend 18 CFR 357.2.

B. Proposed Revisions

The Commission proposes to revise Form P by redesignating that form as "FERC Form No. 6, Annual Report of Oil Pipeline Companies", by eliminating serveral schedules entirely, by eliminating columns from certain other schedules; and by redesigning the form and consolidating and clarifying the instructions. A new schedule would also be included to require certain additional information. The proposed revisions to the Form P are summarized on a chart in Appendix A attached to this notice.

The most significant deletions from the Form P are the deletions of the following schedules in their entirety:

Title of schedule and reference to schedule No. in Form P

Guaranties and suretyships, 110
Compensating balances and short-term borrowing arrangements, 205
Special deposits, 206
Notes receivable, 210
Accounts receivable, 212
Companies controlled through nonreporting intermediaries, 223
Sinking and other funds, 225
Rental expense of lessee, 243
Minimum Rental commitments, 244
Lessee disclosure, 245
Lease commitments—Present value, 246
Income impact—Leasee, 247
Notes payable, 250
Accounts payable, 252
Long-term debt changes during the year, 261
Security for long-term debt, 262
Stock liabilities for conversion of securities of other companies, 272
Abstracts of terms and conditions of leases, 342
Rentals, 420
Abstracts of leasehold contracts, 422
Compensation of officers, directors, etc., 562
Competitive bidding—Clayton Antitrust Act, 595 [1]

The new schedule to be added would be entitled, "Statement of Changes in Financial Position" (a copy of which is attached to this proposal as Appendix B). It would require additional information on the finanical condition of pipelines that would be reported in place of other deleted data.

The Commission proposes to amend § 357.2 of the Commission's regulations by redesignating "Form P' as "FERC Form No. 6, Annual Report of Oil Pipeline Companies". The format regulations would also be revised to describe more clearly the requirements for filing the form. The changes, however would not change the substance of the current regulations.

[1] The deletion of Schedule 595 in no way affects the requirement to file a statement of the competitive bidding transaction under 49 C.F.R. Part 1010.

C. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires certain statements, descriptions, and analyses of proposed rules that will have a "significant economic impact on a substantial number of small entities".

Pursuant to section 605(b) of the RFA, the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Virtually all oil pipeline companies required to file the annual report are large entities. Moreover this rule, if promulgated, should result in an overall reduction in the filing burden on the oil pipeline companies as most of the proposed revisions either delete or consolidate the schedules presently including in the annual report.

V. Written Comment Procedures

The Commission invites interested persons to submit written data, views, and other information concerning matters set out in this notice. All comments in response to this notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM82–5. An original and 14 copies of such comments should be filed with the Commission by February 2, 1982.

All written submissions to this rulemaking will be placed in the Commission's public file and will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142 (1978); Interstate Commerce Act, 49 U.S.C. 1, et seq.)

In consideration of the foregoing, the Commission proposes to amend Part 357 of Subchapter R, Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 357—ANNUAL SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART 1 OF THE INTERSTATE COMMERCE ACT

Section 357.2 is revised to read as follows:

§ 357.2 FERC No. 6, annual report of oil pipeline companies.

(a) *Prescription.* The form, Annual Report FERC Form No. 6 (Carriers by Pipeline), is prescribed for the year ending December 31, 1982, and for each year thereafter.

(b) *Filing Requirements.*—(1) *Who must file.* Each carrier by pipeline subject to the provisions of Section 20 of the Interstate Commerce Act, shall prepare and file with the Commission an original and conformed copies of FERC Form No. 6 pursuant to the General Instructions set out in that form.

(2) *When to file.* The report shall be filed on or before March 31st of the year following the year to which it relates.

The following Appendices A and B will not appear in the Code of Federal Regulations.

BILLING CODE 6717-01-M

PROPOSED REVISIONS - FORM P

Title	Schedule No.	Retain - As is	Retain - Revise Instructions	Retain - Delete Columns	Delete Complete Schedule	Explanation
Notice	-		X			In the final redesign format this page will become a part of the instructions, with minor editorial revisions.
Table of Contents	-		X			The title will be changed to "List of Schedules," delete the page numbers;and add a column "Remarks" to indicate the schedules which are not applicable or omitted.
Identity of Respondent	101	X				
Directors	102		X	X		Revise instruction by deleting No. 2 to reflect the deletion of columns (c), (d), (e) and (f).
Principal General Officers	103			X		Delete column (d).
Corporate Control Over Respondent	108	X				
Stockholders Report	108A		X			To be included in the General Instructions with the non-filing reported in the List of Schedules.
Voting Powers and Elections	109			X		Column (e) and (f) merged into one column for reporting preferred stocks
Guaranties and Suretyships	110				X	
Comparative Balance Sheet Statement	200	X				Minor editorial revision to line numbers
Notes to above	200	X				Moved to separate page and to include all notes to the financial statements on a single schedule.
Income Statement	300	X				
Analysis of Federal Income and Other Taxes Deferred	300A	X				
Working Capital	302	X				
Notes and Remarks	-					Will be merged with one schedule to report all notes to the financial statements.
Unappropriated Retained Income Statement	305	X				
Dividend Appropriations of Retained Income	306			X		Delete columns (b) and (c).
Compensating Balances and Short-term Borrowing Arrangements	205				X	
Special Deposits	206				X	
Notes Receivable	210				X	
Receivables from Affiliated Companies	211	X				
Accounts Receivable	212				X	
General Instructions Concerning Returns in Schedules 220 and 221	-	X				
Investments in Affiliated Companies	220		X	X		Delete columns (e) through (h), (j) and (l).
Investments in Common Stocks of Affiliated Companies	220A	X				
Other Investments	221		X	X		Delete columns (d) through (g), (i) and (k).
Companies Controlled Directly by Respondent Other Than Through Title of Securities	222	X				
Companies Controlled Through Nonreporting Intermediaries	223				X	
Securities, Advances, and Other Intangibles Owned or Controlled through Nonreporting Carriers and Noncarrier Subsidiaries	224			X		Delete columns (c) and (e) and (g).
Sinking and Other Funds	225				X	
Carrier Property	230	X				
Depreciation Base and Rates - Carrier	231	X				
Depreciation Base and Rates - System	231a	X				
Accrued Depreciation - Carrier Property	232	X				
Accrued Depreciation - System Property	232A	X				

PROPOSED REVISIONS - FORM P

Title	Schedule No.	Retain - As is	Retain - Revise Instruction	Retain - Delete Columns	Delete Complete Schedule	Explanation

Depreciation Base and Rates - System	231a	X			
Accrued Depreciation - Carrier Property	232	X			
Accrued Depreciation - System Property	232A	X			

PROPOSED REVISIONS - FORM P

Title	Schedule No.	Retain - As is	Retain - Revise Instruction	Retain - Delete Columns	Delete Complete Schedule	Explanation
Amortization Base and Reserve	233	X				
Noncarrier Property	234	X				
Other Deferred Charges	240	X				
Rental Expense of Lessee	243				X	
Minimum Rental Commitments	244				X	
Lessee Disclosure	245				X	
Lease Commitments - Present Value	246				X	
Income Impact-Lessee	247				X	
Notes Payable	250				X	
Payables to Affiliated Companies	251	X				
Accounts Payable	252				X	
Long-Term Debt Payable Within One Year	253				X	Except column (l) relocated to schedule 260.
Long-Term Debt Payable After One Year	260		X	X		Delete columns (d) thru (h). Added one column for above
Long-Term Debt Changes During the Year	261				X	
Security for Long-Term Debt	262				X	
Capital Stock	270			X		Delete columns (n), (o), (p), (r), (s) and (u). Revise heading for column (v) to read " Book Value."
Capital Stock Changes During the Year	271		X			Revise title headings for columns (d) and (i) to read: Number of Shares.
Stock Liability for Conversion of Securities of Other Companies	272				X	
Additional Paid-in Capital	274	X				
Apporpriated Retained Income	275	X				
Operating Revenue Accounts	310	X				
Operating Expense Accounts	320	X				
Pipe-Line Taxes (Other Than Income Taxes)	330	X				
Income From Noncarrier Property	340			X		Delete column (d).
Abstracts of Terms and Conditions of Leases	342				X	
Interest and Dividend Income	345	X				
Miscellaneous Items in Income and Retained Income Accounts for the Year	360	X				
Statistics of Operations	400	X				
Miles of Pipe Line Operated at Close of Year	410	X				
Rentals	420				X	
Abstracts of Leasehold Contracts	422				X	
Employees and Their Compensation	561	X				
Compensation of Officers, Directors, etc.	562				X	
Payments for Services Rendered by Other Than Employees	563	X				
Important Changes During the Year	591	X				Schedule will be moved to the front of the form as part of the schedule for notes to financial statements.
Competitive Bidding - Clayton Antitrust Act	595				X	
Verification , Oath, Supplemental Oath	-		X			Delete the requirement for Notary and Supplemental Oath.
Memoranda (for use of Commission only)	-				X	
Index	-		X			Will be revised to reflect deleted schedules and renumbered schedules.
Statement of Changes in Financial Position	-					Schedule added to allow for a more complete financial presentation of the financial condition of the pipelines to compensate for the loss of deleted data.

* Data requirements will remain the same, with only a redesign in the format presentation.

Appendix B

SPECIMEN

Name of Respondent	This Report Is: (1) ☐ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report
			Dec. 31, 19___

STATEMENT OF CHANGES IN FINANCIAL POSITION

1. This statement is not restricted to those items which are non-current in nature. It is intended that this statement be flexible enough in nature so that latitude can be given, under the classification of "Other," to allow for disclosure of all significant changes and transactions, whether they are within or without the current asset and liability groups.
2. If the notes to the funds statement in the respondent's annual report to stockholders are applicable in every respect to this statement, such notes should be attached to page 122.
3. Under "Other" specify significant amounts and group others.
4. Codes Used:
   (a) Such as net increase-decrease in working capital, etc., other than changes in short term investments shown as item 4(a).
   (b) Bonds, debentures and other long-term debt.
   (c) Net proceeds or payments.
   (d) Include commercial paper.
   (e) Identify separately such items as investments, fixed assets, intangibles, etc.
5. Enter on page 122 clarifications and explanations.

Line No.	SOURCES OF FUNDS *(See instructions for explanation of codes)* (a)	Amounts (b)
1	Funds from Operations	
2	Net Income	
3	Principal Non-Cash Charges (Credits) to Income	
4	Depreciation	
5	Amortization	
6	Provision for Deferred Taxes	
7	Other (Net)	
8		
9		
10		
11		
12	TOTAL Funds from Operations *(Enter Total of lines 2 thru 11)*	
13	Funds from Outside Sources (New Money)	
14	Long-Term Debt (b) (c)	
15	Capital Stock (c)	
16	Net Increase in Short-Term Debt (d)	
17	Other (Net)	
18		
19		
20		
21	TOTAL Funds from Outside Sources *(Enter Total of lines 14 thru 20)*	
22	Sale of Non-Current Assets (e)	
23		
24	Contributions from Associated and Subsidiary Companies	
25	Other (Net) (a)	
26		
27		
28	TOTAL Sources of Funds *(Enter Total of lines 12, 21, 22 thru 27)*	

SPECIMEN

SPECIMEN

Name of Respondent	This Report Is: (1) ☐ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 19___

STATEMENT OF CHANGES IN FINANCIAL POSITION (Continued)

Line No.	APPLICATION OF FUNDS (a)	Amounts (b)
29	Gross Additions to Carrier Property	
30	Gross Additions to Noncarrier Property	
31	Other	
32		
33		
34		
35		
36	TOTAL	
37		
38	Dividends on Capital Stock	
39	Funds for Retirement of Securities and Short-Term Debt	
40	Long-term Debt (b) (c)	
41	Redemption of Capital Stock	
42	Net Decrease in Short-term Debt (d)	
43	Other (Net)	
44		
45		
46	Purchase of Other Non-Current Assets (e)	
47		
48		
49	Investments in and Advances to Associated and Subsidiary Companies	
50	Other (Net) (a):	
51		
52		
53	TOTAL Applications of Funds *(Enter Total of lines 36 thru 52)*	

Name of Respondent	This Report Is: (1) ☐ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 19___

NOTES TO FINANCIAL STATEMENTS

1. Use the space below for important notes regarding the Balance Sheet, Statement of Income for the year, Statement of Retained Earnings for the year, and Statement of Changes in Financial Position, or any account thereof. Classify the notes according to each basic statement, providing a subheading for each statement except where a note is applicable to more than one statement.

2. If the notes to financial statements relating to the respondent company appearing in the annual report to the stockholders are applicable and furnish the data required by instructions above and on pages , such notes may be attached hereto.

SPECIMEN

[FR Doc. 81-35416 Filed 12-10-81; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 168

[Docket No. 81N-0238]

Fructose; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Recommended International Standard for Fructose (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by February 9, 1982.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts, a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for fructose.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for fructose.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for fructose specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

[CAC/RS 102-1978]

Recommended International Sandard for Fructose

1. *Description:* Fructose is purified and crystallized D-fructose.

2. *Essential Composition and Quality Factors:*

2.1 *Specific Rotation*

$$[\infty]\ \frac{20}{D} = \frac{100\infty}{1c} - 89^{\circ} \text{ to } -93.5^{\circ}$$

2.2 *Loss on drying* (5 hours at 70°C) not more than 0.5% m/m

2.3 *Conductivity Ash* not more than 0.1% m/m

2.4 *Colour* not more than 30 ICUMSA units

2.5 *pH (solution 10% m/m) 4.5-7.0*

3. *Food Additives:* Sulphur dioxide (residue from raw material) not more than 20 mg/kg

4. *Contaminants:*

4.1 Arsenic (As) not more than 1 mg/kg

4.2 Copper (Cu) not more than 2 mg/kg

4.3 Lead (Pb) [1]

5. *Hygiene:* It is recommended that the product covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

6. *Labelling:* In addition to Sections 1, 2, 4 and 6.1 of the General Standard for the Labelling of Pre-packaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

6.1 *The Name of the Food:* The name of the product shall be "fructose", or "laevulose".

6.2 *Net Contents:* The net contents shall be declared by weight in either the metric "Systeme International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

[1] The proposed maximum level of 2 mg/kg for lead has not been endorsed by the Codex Committee on Food Additives pending a revision of maximum levels for lead in Recommended International Standards for sugars.

6.3 *Name and Address:* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.4 *Country of Origin:* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7. *Methods of Sampling and Analysis:* The methods of sampling and analysis referred to hereunder are international referee methods.[2]

7.1 *Determination of Specific Rotation:* The solution if prepared by dissolving 10 g of fructose in 50 ml of distilled water, adding 0.2 ml of diluted ammonia solution (10% m/m ammonia making up to 100ml with distilled water and allowing to stand for 30 minutes. Preparation of the solution and measurement of specific rotation should be carried out at 20°C ± 0.1°C. The specific rotation is calculated with reference to the anhydrous substance and according to the formula:

$$[\alpha] \frac{20}{D} \frac{100\alpha}{lc}$$

Where,

α is the observed rotation
l is the length of the observed layer in dm
c is the number of g of anhydrous substance contained in 100 ml of solution

7.2 *Determination of Loss on Drying:* According to the FAO/WHO Codex Alimentarius Methods of Analysis for Sugars (CAC/RM 1–1969, *Determinaton of Total Solids Content*), but dry the fructose at 70°C for 5 hours. Loss on drying is calculated according to the formula:

% m/m loss on drying =

$$\frac{\text{sample mass (g)-dry samples mass (g)}}{\text{samples mass (g)}} \times 100$$

7.3 *Determination of Conductivity Ash:* According to the FAO/WHO Codex Alimentarius Methods of Analysis for Sugars (CAC/RM 8–1969, *Determinaton of Conductivity Ash*). Results are expressed as % m/m conductivity ash.

7.4 *Determination of Colour:* According to the FAO/WHO Codex Alimentarius Methods of Analysis for Sugars (CAC/RM 6–1969, *Determination of Colour*). Results are expressed in ICUMSA units.

7.5 *Determination of pH:* According to the ICUMSA method of pH measurement (ICUMSA Methods of Sugar Analysis, 1964, p 59) except that a 10% m/m solution of fructose is used for the determination.

7.6 *Determination of sulphur dioxide:* According to the FAO/WHO Codex Alimentarius Methods of Analysis for Sugars (CAC/RM 4–1969. *Determination of sulphur dioxide*) (according to Moniar-Williams method). Results are expressed as mg SO_2/kg.

7.7 *Determination of Arsenic:* According to the colorimetric (silver diethyldithiocarbamate) method of the Assocation of Official Analytical Chemists (Official Methods—AOAC 1975, 25.006–25.013). Results are expressed as mg arsenic/kg.

7.8 *Determination of Copper:* According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106, b. *Copper*). Results are expressed as mg copper/kg.

7.9 *Determination of Lead:* According to the ICUMSA "wet-ashing" (ICUMSA Methods of Sugar Analysis, 1964, p. 48, c. "Wet-ashing" Procedure for Low Grade Product). Results are expressed as mg lead-kg.

Interested persons may, on or before February 9, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: December 4, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-35421 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

[2] See last paragraph of the section of this publication entitled "Introduction".

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21 CFR Part 168

[Docket No. 81N–0256]

Powdered Dextrose (Icing Dextrose); Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Recommended International Standard for Powdered Dextrose (Icing Dextrose) (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by February 9, 1982.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex Standards, among which is that for powdered dextrose (icing dextrose).

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission states that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefore, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no

U.S. standard for powdered dextrose (icing dextrose).

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Section 7, "Methods of Analysis and Sampling" of the Codex standard does not specify analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and are requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

[CAC/RS 54–1971]

Recommended International Standard for Powdered Dextrose (Icing Dextrose)

1. *Description:* Powdered dextrose (icing dextrose) is finely pulverized *dextrose anhydrous* or *dextrose monohydrate* or mixtures thereof, with or without the addition of an anti-caking agent.

2. *Essential Composition and Quality Factors:*

2.1 *Optional Ingredients:* Starch not more than 5% m/m of the product, provided that no other anti-caking agent is used.

2.2 *Quality Criteria:* That part of powdered dextrose, other than the anti-caking agent or agents, shall conform to the following specifications:

2.2.1 *Reducing sugar content (dextrose equivalent):* not less than 99.5% m/m on a dry basis

2.2.2 *Total Solids Content:*

2.2.2.1 *Powdered dextrose* made from *dextrose anhydrous:* not less than 98.0% m/m

2.2.2.2 *Powdered dextrose* made from *dextrose monohydrate:* not less than 90.0% m/m

2.2.2.3 *Powdered dextrose* made from *dextrose anhydrous* or *dextrose monohydrate* or *mixtures thereof:* the total solids content shall be proportional to the characteristics of the mixture.

2.2.3 *Sulphated ash* not more than 0.25% m/m on a dry basis

3. *Food Additives:*

3.1 *Sulphur dioxide* (residue resulting from the dextrose used) not more than 20 mg/kg

3.2 *Anti-caking agents:* The following may be used, singly or in combination, provided that starch is not present:

Calcium silicate;
Calcium phosphate, tribasic;
Magnesium carbonate;
Magnesium stearate;
Silicon dioxide, amorphous (dehydated silica gel);
Silicates:
Magnesium trisilicate;
Sodium calcium alumino-silicate: (not more than 1.5% m/m)

4. *Contaminants:*

4.1 Arsenic (As) not more than 1 mg/kg
4.2 Copper (Cu) not more than 2 mg/kg
4.3 Lead (PB) not more than 2 mg/kg

5. *Hygiene:* It is recommended that the product covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1–1969).

6. *Labelling:* In addition to Sections 1, 2, 4 and 6.1 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1–1969), the following specific provisions apply:

6.1 *The Name of the Food:* The name of the food shall be Powdered Dextrose or Icing Dextrose. The name shall be accompanied by a reference to *dextrose anhydrous* or *dextrose monohydrate* appropriate or, in the case of mixtures, *dextrose anhydrous and dextrose monohydrate.*

6.2 *List of Ingredients:*

6.2.1 The presence of *starch* and the maximum amount present shall be declared on the label or container of powdered dextrose.

6.2.2 The presence of *anti-caking agents* (other than starch) shall be declared on the label or container of powdered dextrose either by the generic term "anti-caking agent" or by the chemical name, or names, of the specific anti-caking agent or agents present.

6.3 *Net Contents*: The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.4 *Name and Address*: The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin*:

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7. *Methods of Analysis And Sampling*: (To be finalized later).

Joint FAO/WHO Food Standards Programme—Codex Alimentarius Commission

Amendment 1 to CAC/RS 54–1971

September 1976

Amendment to the Endorsement of Food Additive Provisions in the Recommended International Standard for Powdered Dextrose (Icing Dextrose)

The Codex Alimentarius Commission, at its eleventh session, adopted the following change to the endorsement of food additive provisions in the above standard, CAC/RS 54–1971:

3.2 *Anti-caking agents*: Magnesium trisilicate changed from "endorsed" to "temporarily endorsed"

Issued by the Secretariat of the Joint FAO/WHO Food Standards Progamme, FAO, Rome.

Interested persons may, on or before February 9, 1982, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a

U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: December 4, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–35425 Filed 12–10–81; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 168

[Docket No. 81N–0260]

Powdered Sugar (Icing Sugar); Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Recommended International Standard for Powdered Sugar (Icing Sugar) (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by February 9, 1982.

ADDRESS: Written comments, data, or other information to the Dockets, Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for powered sugar (icing sugar).

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard be distributed freely within the accepting country.

A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for powdered sugar (icing sugar).

Under the procedure prescibed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Section 7, "Methods of Analysis and Sampling," of the Codex standard does not specify analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comment are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 5–1969

Recommended International Standard for Powered Sugar (Icing Sugar)

1. *Description. Powdered sugar* (icing sugar) is finely pulverized *white sugar* with or without the addition of an *anti-caking agent.*

2. *Essential Composition and Quality Factors.*

2.1 *Optional ingredients:*

Starch—not more than 5% m/m of the product provided that no other anti-caking agent is used.

2.2 *Quality criteria.* That part of powdered sugar, other than the anti-caking agent or agents, shall conform to the following specifications:

2.2.1 *Polarization*—not less than 99.7° S.

2.2.2 *Invert sugar content*—not more than 0.04% m/m.

2.2.3 *Conductivity ash*—not more than 0.04% m/m.

2.2.4 *Loss of drying (3 hours at 105° C)*—not more than 0.1% m/m.

2.2.5 *Colour*—not more than 60 ICUMSA units.

3. *Food Additives:*

3.1 *Sulphur dioxide* (residue resulting from the white sugar used)—not more than 20 mg/kg.

3.2 *Anti-caking agents.* The following may be used, singly or in combination, provided that starch is not present:

Calcium phosphate, tribasic—not more than 1.5% m/m.

Magnesium carbonate—not more than 1.5% m/m.

Magnesium stearate—not more than 1.5% m/m.

Silicon dioxide, amorphous (dehydrated silica gel)—not more than 1.5% m/m.

Silicates:

Calcium silicate—not more than 1.5% m/m.

Magnesium trisilicate—not more than 1.5% m/m.

Sodium calcium aluminosilicate—not more than 1.5% m/m.

4. *Contaminants:*

4.1 Arsenic (As)—not more than 1 mg/kg.

4.2 Copper (Cu)—not more than 2 mg/kg.

4.3 Lead (Pb)—not more than 2 mg/kg (temporarily endorsed).

5. *Hygiene.* It is recommended that the product covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. N° CAC/RCP 1–1969).

6. *Labelling.* In addition to Sections 1, 2, 4 and 6.1 of the General Standard for the Labeling of Prepackaged Foods (Ref. N° CAC/RS 1–1969), the following specific provisions apply:

6.1 *The Name of the Food.* All products designated as *powdered sugar* or *icing sugar* must conform to this Standard and products not conforming may not be so designated.

6.2 *List of Ingredients:*

6.2.1 The presence of *starch* and the maximum amount present shall be declared on the label or containers of powdered sugar.

6.2.2 The presence of anti-caking agents (other than starch) shall be declared on the label or container of powdered sugar either by the class title "anti-caking agent", or by the chemical name or names of the specific anti-caking agent or agents present.

6.3 *Net Contents.* The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin:*

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7. *Methods of Analysis and Sampling* (to be developed later).

Joint FAO/WHO Food Standards Programme, Codex Alimentarius Commission

Amendment 1 to CAC/RS 5–1969

September 1976.

Amendment to the Endorsement of Food Additive Provisions in the Recommended International Standard for Powdered Sugar (Icing Sugar)

The Codex Alimentarius Commission, at its eleventh session, adopted the following change to the endorsement of food additive provisions in the above standard, CAC/RS 5–1969:

3.2 *Anti-caking agents.* Magnesium trisilicate—changed from "endorsed" to "temporarily endorsed".

Issued by the Secretariat of the Joint FAO/WHO Food Standards Programme, FAO, Rome.

Interested persons may, on or before February 9, 1982, submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: December 4, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–35424 Filed 12–10–81; 8:45 am]

BILLING CODE 4160–01–M

Social Security Administration

45 CFR Parts 400 and 401

Refugee Resettlement Program and Cuban and Haitian Entrant Program; Cash and Medical Assistance Policies

AGENCY: Social Security Administration (SSA), HHS.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the refugee resettlement program regulations (45 CFR Part 400) and establish new policies on cash and medical assistance available to refugees and Cuban and Haitian entrants who are ineligible for Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), adult assistance (OAA, AB, APTD, and AABD) in the Territories and Medicaid.

The Refugee Resettlement Program (RRP) provides Federal reimbursement to States for 100 percent of the costs of cash and medical assistance provided to such refugees in accordance with applicable program rules and requirements and the administrative costs of providing such assistance. Cash assistance provided to such refugees under the RRP is termed "refugee cash assistance" (RCA); medical assistance provided to such refugees under the RRP is termed "refugee medical assistance" (RMA). The proposed changes would limit 100 percent Federal reimbursement for RCA and RMA for an eligible refugee to the first 18 months that a refugee is in the United States.

For a refugee who has been in the U.S. more than 18 months but less than 36 months, a State could, at its option, seek RRP reimbursement for the cost of General Assistance (GA) provided to such a refugee.

The proposed policy changes support several major objectives: (1) to reduce the likelihood of unnecessary welfare dependency resulting from extended periods of special support; (2) to reduce the degree of special treatment afforded to refugees, which results in unequal treatment among low-income populations; and (3) to relieve States of refugee cash and medical assistance costs during a refugee's first 36 months in this country.

Putting the proposed program modifications into effect will enable the Department to operate the RRP within the anticipated FY 1982 budget.

DATES: Written comments will be considered if received no later than January 11, 1982. The comment period is limited to 30 days since limitation upon the funds expected to be available for FY 1982 necessitate implementation of a change in assistance policy by February 1, 1982.

ADDRESS: Please submit written comments in duplicate to: Ellen McGovern, Office of Refugee Resettlement, Room 1229, Switzer Building, 330 C Street SW., Washington, D.C. 20201. Comments will be available approximately two weeks after publication in Room 1319, 330 C Street SW., on Monday through Friday of each week from 9:30 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Ellen McGovern (202) 472–6510.

SUPPLEMENTARY INFORMATION: The proposed amendments to part 400 would revise policy relating to the provision of cash and medical assistance to refugees under chapter 2 of title IV of the Immigration and Nationality Act, as amended by the Refugee Act of 1980 (henceforth the Refugee Act), 8 U.S.C. 1521 *et seq.*

The proposed new part 401 addresses the Cuban and Haitian Entrant Program, which is authorized under title V of the Refugee Education Assistance Act of 1980, Pub. L. 96–422. Section 501(a) of

the Refugee Education Assistance Act directs the President of the United States to "exercise authorities with respect to Cuban and Haitian entrants which are identical to the authorities which are exercised under chapter 2 of title IV of the Immigration and Nationality Act." These authorities, which the Department has interpreted to include the administration of a program of reimbursement to States for cash and medical assistance provided to Cuban and Haitian entrants as defined by the Refugee Education Assistance Act, have been delegated to the Secretary of Health and Human Services by Executive Order 12251 (November 15, 1980).

The proposed policy changes support several major objectives: (1) to reduce the likelihood of unnecessary welfare dependency resulting from extended periods of special support; (2) to reduce the degree of special treatment afforded to refugees, which results in unequal treatment among low-income populations; and (3) to relieve States of refugee cash and medical assistance costs during a refugee's first 36 months in this country.

We believe the changes proposed represent the best method of targeting program expenditures according to these objectives and the provisions and the purposes of the Refugee Act. The Refugee Act permits, but does not require, HHS to provide up to 100 percent Federal reimbursement for expenditures that States incur on behalf of a refugee for up to 36 months after the refugee arrives in this country. The House Report on the Act includes discussion of the Congress' intent that State and local governments "will not be unduly burdened by Federal decisions to admit refugees." H. Rep. No. 96–608, 96th Cong., 1st Sess. 6 (1979). Although the Department considered options which would have reduced both the level and duration of Federal reimbursement, the proposed policy continues 100 percent reimbursement for 36 months to States for cash and medical assistance costs which State and local governments are required to incur under their AFDC, SSI or adult assistance, Medicaid, and GA programs.

Also as reflected in the House Report, the Congress felt that greater benefits should be available at the beginning of the refugee's presence in the United States in order to reduce long-term welfare dependency. *Id.* at 24. Similarly, our consultations with voluntary resettlement agencies have suggested that the period immediately following entry is the time of refugees' greatest vulnerability and need. The proposed policy responds to this concern by concentrating on the crucial first 18 months a refugee is in the United States. During that period, the policy provides for RCA and RMA benefits which are equal to AFDC level benefits but which are generally greater than GA benefits.

We also believe that after a refugee's transitional 18-month period, assistance should be available to the refugee on the same basis as to a non-refugee. After that period, we believe refugees ineligible for AFDC, SSI, adult assistance programs, and Medicaid should receive aid under programs generally available to other needy residents in a State or locality. Although we considered not allowing reimbursement for costs incurred to assist refugees under such programs, we opted for a policy which does not shift costs to the States and localities. Therefore, when the 18-month period of RCA and RMA ends, this proposed rule permits States to claim reimbursement for assistance provided to refugees under GA programs administered and funded by the State or a county, municipality, or other local government unit within the State, and for the administrative costs of providing such assistance.

Putting the proposed program modifications into effect will enable the Department to operate the RRP within the anticipated FY 1982 budget. Section 414 of the Immigration and Nationality Act (the Act) (8 U.S.C. 1524) authorizes appropriations for the purpose of providing cash and medical assistance under section 412 of the Act (8 U.S.C. 1522). The Act does not mandate that refugees receive an established level of benefits. Section 412(a) expressly limits the Director of ORR's authority to provide assistance, including cash and medical assistance, under the Act "to the extent of available appropriations." We anticipate implementing the proposed policy February 1, 1982.

By separate **Federal Register** notice, the Department will be announcing a new program of flexible, targeted assistance through which a State may apply for project grants to assist its refugee/entrant population in areas where specific needs exist for supplementation of currently available resources.

Current Policy

Under current RRP policy, when a refugee applies for cash and/or medical assistance, a State must first determine eligibility under the AFDC, SSI or adult assistance programs and/or Medicaid. States must comply with all regulations operative in the State regarding applications, determinations of eligibility, and furnishing of assistance under these federally aided programs. If the refugee is determined eligible, a State must provide assistance or services to that refugee under the appropriate program or programs. For refugees eligible for such programs, the RRP reimburses States for the State share costs for 36 months and the applicable program budget funds the Federal share.

If a refugee does not meet the categorical requirements of the AFDC, SSI, or adult assistance programs (i.e., family composition, the presence of children, age, disability, etc.), the State must determine eligibility for refugee cash assistance (RCA). The term "refugee cash assistance" refers specifically to cash assistance to needy refugees who do not meet all eligibility requirements for AFDC, SSI, or adult assistance programs, but who meet the AFDC need standard in their State of residence, after consideration of income and resources in accordance with standards and criteria set forth at 45 CFR 233.20(a) (3) through (11). RCA currently is provided for the first 36 months after a refugee enters the United States, and payments are made at the appropriate AFDC payment level in the State.

If a refugee does not meet categorical requirements of the Medicaid program, the State must determine eligibility for refugee medical assistance (RMA). The term "refugee medical assistance" referes specifically to medical assistance to needy refugees who do not meet all eligibility requirements for Medicaid, but who meet financial eligibility requirements as follows: In States with a medically needy program, the State applies the medically needy financial eligibility standards established for the Medicaid program in regulations at 42 CFR Part 435, Subpart I. In States without a Medicaid medically needy program, the State applies the financial need standard used in the State's AFDC program, after consideration of income and resources in accordance with standards and criteria set forth at 45 CFR 233.20(a) (3) through (11). RMA currently is provided for the refugee's first 36 months in the United States, and covers the same services which are provided under the State's Medicaid program or which are generally available to destitute residents of the State or locality through public facilities.

Changes Contained in This Proposed Regulation

In developing policy to target the anticipated appropriation as effectively

and efficiently as possible, we have attempted to balance such factors as comparability between the assistance available to refugees and non-refugees; reimbursement to States for the costs of providing assistance; refugee need and incentives for employment and self-sufficiency; and administrative burden on States. As indicated above, we considered several options in balancing these factors. For example, some options would not have continued 100 percent Federal reimbursement for 36 months. Some would have shortened further the period for RCA and RMA. Some would not have permitted reimbursement of State and local GA costs. Others would have required percentage phasedown in level of benefits and increased the complexity of program administration.

We believe the policy we propose represents a fair balance of essential program concerns and provides support to refugees during the transitional period when they have the greatest need. The policy is intended to promote self-sufficiency and strengthen employment incentives by reducing the period of special assistance. The policy shortens the period of special assistance to refugees to an initial 18 month period after which assistance would be available to refugees and non-refugees on the same basis. However, the policy offsets burdens to States and localities by continuing to permit Federal funding of the costs they would otherwise incur for refugees under GA programs during a refugee's second 18 months in this country. Also, by using AFDC standards instead of imposing new standards for eligibility determinations, the policy minimizes the administrative burden on States.

Under this proposal, a State must continue to determine eligibility and calculate the RCA payment according to the State's AFDC need standard and payment level during the 18-month period which begins with the month the refugee entered the United States. However, under section 400.62(c) of this proposed rule, a $30 plus one-third disregard shall not be applied in determining the eligibility of refugees for RCA. (The $30 plus one-third or other applicable disregards would, of course, continue to apply in determining benefits to refugees receiving AFDC, SSI or adult assistance.)

Eliminating the $30 plus one-third disregard in determining RCA eligibility reduces the special treatment previously afforded to refugees not eligible for AFDC, SSI, or adult assistance. A $30 plus one-third disregard is not generally applied in State or local GA programs on which non-refugees must often depend when they are ineligible for federally funded programs. While we do not believe that only general assistance should be available to non-categorically eligible refugees during their first 18 months in this country, we do not believe that all of the special disregards must apply in the RCA program to maximize effective resettlement.

With respect to RMA, this proposed rule does not change current eligibility policy during a refugee's first 18 months in the United States, except with respect to application of the $30 plus one-third disregard as explained above.

The policy makes the duration of RCA and RMA coincide, and, after a refugee's first 18 months in the United States, provides for cash and medical assistance to refugees on the same basis as to other needy State residents.

During the refugee's second 18 month period in the United States, the State would not provide RCA or RMA. However, during the refugee's second 18 months, the State would have the option of seeking reimbursement under the RRP for financial or medical assistance provided under a State or locally administered and funded GA program to any refugee who is eligible for and receives aid under such a program. A State could seek reimbursement for all or any part of State or local GA program expenditures resulting from provision of assistance to an eligible refugee. A State could not establish a GA program which limits eligibility to refugees, but otherwise would have discretion on whether to claim allowable State or local GA program expenses from RRP funds.

The proposed regulations would also establish the rules for federally reimbursable assistance to Cuban and Haitian entrants under the Cuban and Haitian entrant program (CHEP). Pursuant to legislative intent in the enactment of the Refugee Education Assistance Act, the proposed rule would provide federally reimbursed cash and medical assistance and services to Cuban and Haitian entrants under the same conditions and to the same extent as such assistance and services are made available to refugees. (See comments of Congressman Fascell in the House of Representatives on September 30, 1980, 125 Cong. Rec. No. 153 Part II at p. H10122.)

The proposed regulation pertaining to CHEP also provides that procedures and requirements identical to those applicable under the Refugee Program for Federal Reimbursement of State costs, including those relating to the submission and approval of State plans, are also applicable in CHEP.

The proposed regulation also establishes the period of time for which the Federal Government will reimburse cash and medical assistance costs incurred on behalf of a Cuban and Haitian entrant. Under CHEP, reimbursement starts from the date on which the entrant first was granted parole status under the Immigration and Nationality Act or on which an individual meeting the definition of a "Cuban and Haitian entrant" set forth in the Refugee Education Assistance Act otherwise began residing in an American community. The basis for this policy is that the Cuban and Haitian entrants are not all considered to have "entered" the United States within the meaning of the Immigration and Nationality Act. Therefore, it is not possible in all cases to reimburse States for cash and medical assistance provided during a prescribed period of months after initial "entry" into the country, as is done for refugees in the Refugee Program. For other Cuban and Haitian entrants it is impossible to verify their actual date of entry to the U.S. The Department has determined that, for CHEP purposes, the point in time at which a Cuban and Haitian entrant residing in an American community was first granted parole or otherwise issued documentation by the Immigration and Naturalization Service is the most reasonable and appropriate point from which to count the period of assistance authorized by Congress.

Regulatory Procedures

Executive Order 12291: These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act: We certify that these regulations will not, if promulgated, have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act because the regulations affect individuals only.

Paperwork Reduction Act. All reporting and recordkeeping forms resulting from this regulation will be submitted to OMB for review and approval prior to the issuance of final regulations.

PART 400—REFUGEE RESETTLEMENT PROGRAM

45 CFR Part 400 is proposed to be amended as follows:

(1) Sections 400.12 through 400.61 are added and reserved.

§ 400.12–400.61 [Reserved]

(2) A new § 400.62 is added to read as follows:

§ 400.62 Refugee cash and medical assistance: Need standards; consideration of income and resources; payment levels; and duration of eligibility.

(a) *Definitions.* For purposes of this section—

(1) "filing unit" means an individual or individuals whose needs are taken into account in determining eligibility for, and the amount of, assistance for which Federal reimbursement is claimed under this part.

(2) "General Assistance program" means a financial and/or medical assistance program existing in a State or local jurisdiction and which: (i) is funded entirely by State and/or local funds. (ii) is generally available to needy persons residing in the State or locality who meet specified income and resource requirements. (iii) consists of one-time, emergency, or ongoing assistance intended to meet basic needs of recipients, such as for food, clothing, shelter, medical care or other essentials of living.

(3) "refugee cash assistance" means cash assistance provided under section 412(e) of the Act to refugees who are ineligible for AFDC, the adult assistance programs (OAA, AB, APTD, AABD), or SSI, and who have resided in the United States for less than an 18-month period from their initial entry to the country.

(4) "Refugee medical assistance" means medical assistance provided under section 412(e) of the Act to refugees who are ineligible for Medicaid benefits and who have resided in the United States for less than an 18-month period from their initial entry to the country.

(b) *Need standards.* In determining need for refugee cash assistance, a State must use the State's AFDC need standards established under § 233.20(a)(1) and (2) of this title.

(c) *Condiseration of income and resources.* In considering the income and resources of applicants for and recipients of refugee cash assistance, the State agency must apply standards and criteria identical to those provided for in regulations at § 233.20(a)(3) through (11) of this title for considering income and resources of AFDC applicants, except that the State agency shall not apply an earned income disregard of $30 plus one-third of the remainder of the earnings as is provided for in § 233.20(a)(11)(ii) of this title.

(d) *Payment levels.* In determining the amount of the refugee cash assistance payment to an eligible refugee who meets the need standards in paragraph (b) of this section, and applying the consideration of income and resources in paragraph (c), a State must pay 100 percent of the payment level which would be appropriate for an eligible filing unit of the same size under the AFDC program.

(e) *Duration of eligibility.* Refugee cash assistance and refugee medical assistance are not available to refugees who have been in the United States for more than 18 months.

(f) *Reimbursement to States.* (1) During the 36-month period beginning with the month a refugee entered the United States, Federal financial participation is available to States, subject to availability of funds, for—

(i) The non-federal share of assistance provided to a refugee who is determined eligible for AFDC, adult assistance programs, or Medicaid; and

(ii) A State supplementary payment provided by the State to a refugee who is determined eligible for SSI.

(2) During the 18-month period beginning with the month a refugee entered the United States, reimbursement is available to States, subject to availability of funds, for refugee cash assistance and refugee medical assistance provided to a refugee who is determined eligible under this section. —

(3) During the second 18-month period a refugee is in the United States, Federal financial participation is available to States, subject to availability of funds, for financial and/or medical assistance under a State or local General Assistance program provided to a refugee who is determined eligible for the General Assistance program.

(Sec. 412(a)(9) and 412(e), Immigration and Nationality Act (8 U.S.C. 1522(a)(9) and 1522(e))

45 CFR Chapter IV is amended by adding a new Part 401 to read as follows:

PART 401—CUBAN/HAITIAN ENTRANT PROGRAM

Sec.
401.1 [Reserved]
401.2 Definitions.
401.3–401.11 [Reserved]
401.12 Cuban and Haitian entrant cash and medical assistance.

Authority: Sec. 501(a), Pub. L. 96–422, 94 Stat. 1810 (8 U.S.C. 1522 note).

§ 401.1 [Reserved]

§ 401.2 Definitions.

For purposes of this part a "Cuban and Haitian entrant" or "entrant" is defined as:

(a) Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals or Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and

(b) Any other national of Cuba or Haiti

(1) Who—

(i) Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

(ii) Is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(iii) Has an application for asylum pending with the Immigration and Naturalization Service; and

(2) With respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

§§ 401.3–401.11 [Reserved]

§ 401.12 Cuban and Haitian entrant cash and medical assistance.

Except as may be otherwise provided in this section, cash and medical assistance shall be provided to Cuban and Haitian entrants by the same agencies, under the same conditions, and to the same extent as such assistance is provided to refugees under Part 400 of this title.

(a) For purposes of determining the eligibility of Cuban and Haitian entrants for cash and medical assistance under this section and the amount of assistance for which they are eligible under this section, the same standards and criteria shall be applied as are applied in the determination of eligibility for an amount of cash and medical assistance for refugees under § 400.62 of this title.

(b) Federal reimibursement will be provided to States for the costs of providing cash and medical assistance to Cuban and Haitian entrants according to procedures and requirements, including procedures and requirements relating to the submission and approval of a State plan, identical to those applicable to the Refugee Program and set forth in Part 400 of this title.

(c) The number of months during which an entrant may be eligible for cash and medical assistance for which Federal reimbursement is available under this section shall be counted starting with the first month in which an individual meeting the definition of a Cuban and Haitian entrant in § 401.2 of this part was first issued documentation

by the Immigration and Naturalization Service indicating:

(1) That the entrant has been granted parole by the Attorney General under the Immigration and Nationality Act,

(2) That the entrant is in a voluntary departure status, or

(3) That the entrant's residence in a United States community is known to the Immigration and Naturalization Service.

The proposed amendments are to be issued under the authority contained in Sec. 412(a)(9) and 412(e), Immigration and Nationality Act (8 U.S.C. 1522(a)(9) and 1522(e)).

(Catalog of Federal Domestic Assistance Programs, Nos. 13.814 and 13.817)

Dated: November 30, 1981.

John A. Svahn,

Commissioner of the Social Security Administration.

Approved: December 2, 1981.

Richard S. Schweiker,

Secretary of the Department of Health and Human Services.

[FR Doc. 81-35658 Filed 12-10-81; 8:45 am]

BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81 and 83

[Gen. Docket No. 81-822; FCC 81-546]

Proposed Addition of Gulf Intracoastal Waterway to Authorized Service Area of Inland Waterways Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to add the Gulf Intracoastal Waterway (GIWW) to the authorized service area of Inland Waterways Communications Systems providing marine communications in the 216–220 MHz band. This action was requested by Waterway Communications System, Inc. in the context of a separate proceeding. The intended effect is to permit maritime communications in the 216–220 MHz band to be expanded from the Mississippi River System to include the GIWW from Brownsville, Texas to the Florida Panhandle.

DATES: Comments must be received on or before January 18, 1982, and reply comments must be received on or before February 2, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: December 10, 1981.

1. In this Notice we are proposing to add the Gulf Intracoastal Waterway to the authorized service area of Inland Waterways Communications Systems operating in the 216–220 MHz band.

Background

2. In General Docket No. 80-1 the Commission consolidated a number of related requests to provide radio frequencies for an automated, integrated, interconnected marine communications system on the Mississippi River and connecting waterways. Primarily, these request for an Inland Waterways Communications System (hereafter IWCS) had been from tug, towboat and barge operators who serve the Mississippi River transportation system. Essentially, these tug and barge operators complained that the existing ship-shore communications service on the rivers was not adequate to meet their needs.

3. With the benefit of considerable in-depth public comment on the *Notice* in that proceeding,[1] the Commission, in the subsequent *Report and Order*,[2] took the actions indicated in the paragraphs below.

4. In light of the record of strong support, the Commission affirmed its earlier tentative conclusion that a need existed for an automatic, intergrated, interconnected inland waterways communications system(s) on the Mississippi River and connecting waterways.

5. The Commission allocated the 216–220 MHz band for use by maritime communications systems on the Mississippi River System. Certain technical requirements were prescribed to prevent potential interference with reception on television channels 10 and 13. This allocation was viewed to be in the public interest because (1) it is consistent with the U.S. Proposal adopted for Region 2 at the 1979 World Administrative Radio Conference (WARC) of the International Telecommunicaton Union, (2) sufficient spectrum is provided for such communications for the foreseeable future, (3) the propagation characteristics are favorable and the equipment and technology should be readily adaptable, and (4) of great importance to the maritime community, an IWCS can likely be implemented without significant delays.

6. In regard to system and equipment standards, the Commission concurred with the view of the majority of the commenters that detailed technical standards, particularly for nonvoice services, should not be adopted at this time. Therefore, the Commission amended the rules to provide a framework under which system development could commence, but which would not unduly hinder innovation and flexibility.

7. Additionally, an application (file No. W-P-C 2279) submitted by Waterway Communications Systems, Inc. (hereafter Watercom) seeking a determination that an IWCS was needed and authority to operate such a system (initially utilizing four VHF maritime public correspondence frequencies) was dismissed without prejudice. In effect, the application had been superseded by the rulemaking proceeding.

8. A number of petitions were filed in response to the *Report and Order*. As relevant here, Watercom filed a Petition For Clarification which, among other things, argued that the Gulf Intracoastal Waterway (hereafter GIWW) is an integral part of the Mississippi River System and that it was erroneously omitted from the list of waterways defining the Mississippi Rvier System. Therefore, Watercom requested that the Mississippi River System be redefined in the rules to include the GIWW.

9. The Commission denied Watercom's request.[3] The GIWW was not mentioned during the lengthy proceedings in General Docket No. 80-1. Neither the Commission nor any of the numerous commenters, including Watercom, specifically suggested that the GIWW was or ought to be included in a discussion of frequency allocation for an automatic "inland" waterways communications system. The entire proceeding focused on the Mississippi River and connecting inland rivers. The Commission did not intend, nor was it believed interested parties considered, General Docket NO. 80-1 to include some 1100 miles of Gulf Coast in the Mississippi River System. Accordingly, the Commission felt that it would be fundamentally unfair to expand the area of IWCS service along the Gulf Coast

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[1] *Notice of Proposed Rule Making Order and Notice of Inquiry*, General Docket No. 80-1, FCC 80-2, 45 FR 3064. Three Errata were issued: Mimeo 15497, 45 FR 6987; mimeo 15647, 45 FR 13477; mimeo 15775, 45 FR 17043.

[2] General Docket No. 80-1, released March 11, 1981, FCC 81-24, 46 FR 15690; An Errata was released April 29, 1981, mimeo 29348, 46 FR 26485.

[3] See, *Memorandum Opinion and Order*, Gen. Docket No. 80-1, adopted November 24, 1981 FCC 81-541, —— FR ——.

approximately from Brownsville, Texas. to the St. Mark's River on the Flordia Panhandle without providing interested parties adequate notice and an opportunity to comment.

10. However, since (1) substantial wateborne traffic flows between the GIWW and the Mississippi River System, (2) Watercom seeks to have the rules amended to include the GIWW in the service area of the IWCS, and (3) during the reconsideration process there appeared to be little opposition from the numerous parties who participated in General Docket No. 80–1, the Commission indicated it would initiate a separate rulemaking proceeding proposing to expand the IWCS service area to include the GIWW. This would provide the public adequate notice and an opportunity to comment on the merits of such an expansion of the subject maritime communications system.

Proposal

11. As we indicated in the *Memorandum Opinion and Order* referenced above, we believe that since the GIWW connects with the lower Mississippi River and from a waterborne transportation point of view is an extremely important traffic interchange (only the Ohio River has a higher rate of traffic interchange with the Mississippi River), it is reasonable to include the GIWW within the authorized service area of the IWCS. Accordingly, we propose to amend the rules by adding the GIWW to the authorized service area of Inland Waterway Communications Systems described in Parts 2, 81 and 83.

12. The proposed amendments to the Commission's rules as set forth in the attached Appendix, are issued pursuant to the authority contained in sections 4(i) and 303(d) and (r) of the Communications Act of 1934, as amended.

13. Interested persons who desire to submit comments on these, or related matters may do so on or before January 18, 1982. Replies to any suggestions or comments may be submitted not later than February 2, 1981. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. An original and 5 copies will be furnished of all statements, briefs or comments filed in response to this Notice. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

14. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral cummunication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

15. These rules will make 80 channels in the 216–220 MHz band available for assignment to Inland Waterways Communications Systems for ship-shore communications along the Gulf Intracoastal Waterway. If an IWCS is ultimately constructed along the GIWW, it will provide the maritime community with another means to fulfill its ship-shore communications needs in that area. In most cases, these proposed rules will only provide a basis for marginal improvement in the efficiency of vessel participating in an IWCS or a marginal decrease in the traffic handled by existing coast stations operating along the GIWW. Therefor, we have determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding, because the rules will not, if promulgated, have a significant economic impact on a substantial number of small entities.

16. For further information of this proceeding, contact Robert H. McNamara at (202) 632–7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

William J. Tricarico,
Secretary

Appendix

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as followed:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. In § 2.106, footnote NG121 is revised to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

NG121 The maritime mobile use of this band is limited to operation along the Mississippi River and connecting waterways, and the Gulf Intracoastal Waterway.

* * * * *

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

§ 81.913 [Amended]

B. In § 81.913, the second sentence of paragraph (a) is amended by adding ", and the Gulf Intracoastal Waterway" after the words "and the Yazoo rivers".

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.1100 [Amended]

C. In § 83.1100, the second sentence is amended by adding ", and the Gulf Intracoastal Waterway" after the words "and the Yazoo rivers".

[FR Doc. 81–35447 Filed 12–10–81; 8:45 am]
BILLING CODE 6712–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 7, 22, and 34

Acquisition Planning, Equal Employment Opportunity, and Major System Acquisition

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft Federal acquisition regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR). Availability of additional

segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before January 29, 1982.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395–3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.[1]

Part 7—Acquisition Planning

Subpart 7.1 Acquisition Plans

This subpart prescribes policies and procedures for developing acquisition plans. It states the policy that for acquisitions, other than small repetitive buys, agencies shall perform coordinated planning, integrating the efforts of all personnel responsible for significant aspects of the acquisition. It requires agencies to: (a) establish thresholds of cost and/or complexity that will determine the degree of formality and detail in acquisition planning; (b) conduct planning for the acquisition of services as well as supplies; and (c) rely on the designated planner to prepare and maintain the acquisition plan.

Part 22—Application of Labor Laws to Government Acquisitions

Subpart 22.8 Equal Employment Opportunity

This subpart prescribes policies and procedures pertaining to nondiscrimination in employment by Government contractors and subcontractors. It implements Executive Order 11246 as amended which requires that all Government contracting agencies include an Equal Opportunity clause in all nonexempt Government contracts and to act to ensure compliance with the clause and the regulations of the Secretary of Labor to promote the full realization of equal employment opportunity for all persons, regardless of race, color, religion, sex, or national origin.

Part 34—Major System Acquisition

This part prescribes the policies and procedures to be followed in acquiring major systems and implements the relevant acquisition policies of OMB Circular A–109. Although the FPR contains no implementing coverage for OMB Circular A–109 and the DAR has but a single paragraph, this FAR coverage does not propose any new policy.

Dated: December 7, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81–35463 Filed 12–10–81; 8:45 am]

BILLING CODE 3110–01–M

[1] Filed as part of original document.

Notices

Federal Register
Vol. 46, No. 238
Friday, December 11, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Interpreters in Courts of the United States; Announcement of Spanish/English Certification Examination

AGENCY: Administrative Office of the United States Courts.

ACTION: Notice of Spanish/English Certification Examination for Court Interpreters.

SUMMARY: The Director of the Administrative Office of the United States Courts announces that the agency will conduct the written portion of the certification examination for individuals who desire to be certified to serve as Spanish English interpreters in courts of the United States in accordance with the Court Interpreters Act, Pub. L. No. 95–539, 92 Stat. 2040 (1978) (28 U.S.C. 1827). To sit for the examination, an individual must file written or telephone application.

DATES: The agency will administer the written portion of the examination March 20, 1982 at 9 a.m. The deadline for filing of applications is 4:00 p.m. on January 15, 1982. The oral portion will be administered in June/July, 1982.

ADDRESS: Applicants may sit for the written examination at any of the locations identified in the attached schedule. Applicants must identify the city for taking both the written and oral portions. For 1982, oral examination sites are limited to: Phoenix, AZ; Los Angeles and San Francisco, CA; Washington, DC; Miami, FL; Atlanta, GA; New Orleans, LA; Boston, MA; Albuquerque, NM; New York, NY; San Juan, PR; Houston and San Antonio, TX

FILING: To make application for the examination, either *telephone* or *write* the following information:

1. Name
2. Mailing address
3. Date of birth
4. Daytime telephone number
5. Social security number
6. City where you wish to take the written and oral examinations
7. Any special arrangements that should be made due to physical disability or keeping of the Sabbath.

Applicants will then receive an admission form to the written examination and the specific location of the examination site.

Telephone or mail applications with the above information *must be received not later than 4:00 p.m. on January 15, 1982* to: Office of Court Reporting and Interpreting Services, Administrative Office of the United States Courts, 811 Vermont Avenue, NW., Room 776, Washington, D.C. 20544; Telephone: (202) 633–6212.

FOR FURTHER INFORMATION CONTACT: Jon A. Leeth at the above address (FTS 633–6212).

SUPPLEMENTARY INFORMATION:

I. Background

The Director of the Administrative Office of the United States Courts (AOUSC) is responsible for the establishment of a program to facilitate the use of interpreters in courts of the United States. He must prescribe, determine and certify the qualifications of persons who may serve as certified interpreters in bilingual proceedings and proceedings involving the hearing impaired. 28 U.S.C. 1827(b). Whenever an interpreter is required for a person in any criminal or civil action initiated by the United States, the presiding judicial officer must utilize the services of a certified interpreter, unless no certified interpreter is reasonably available.

The AOUSC will provide the courts with a roster of certified court interpreters selected on the basis of the successful completion of written and oral examinations in English and a foreign language.

II. This Examination

This examination will be a comprehensive written and oral examination for bilingual proficiency in Spanish and English.

The written portion of the examination does not necessarily require the special knowledge of court vocabulary. Each applicant who completes successfully the written portion will be eligible for the oral examination. Successful applicants will receive notice of the time and place of the oral portion of the examination.

The oral portion of the examination will test, in simulated settings, the applicant's ability to: (1) Interpret precisely from Spanish to English, in consecutive, simultaneous, and summary modes; (2) interpret from English to Spanish in consecutive, simultaneous, and summary modes; and (3) perform sight interpretation. The oral portion of the examination does not necessarily require previous experience in court interpreting.

III. Qualifications

There are no formal educational requirements for certification, either in languages or interpreting. However, the difficulty of the examination is at the college degree level of proficiency. Successful completion of the oral portion of the examination normally would require prior training or professional experience in simultaneous, consecutive, and summary interpreting.

IV. Duties

Successful completion of the examination will not necessarily lead to full-time employment. Interpreters satisfy most court needs as independent contractors. However, where full-time interpreters are needed, only certified interpreters will be eligible for appointment.

As the Federal Courts require full-time salaried interpreters, the interpreter will be chosen from the eligibility lists. The annual salary range is JSP–10 and JSP–11 ($21,449–$30,640) for full-time salaried interpreters. For certified interpreters who provide services as independent contractors, the fee is $145 per day.

Court interpreters perform all or some of the following duties: (1) Intrepret verbatim in simultaneous, consecutive, or summary mode a foreign language into English, and vice versa, at arraignments, preliminary hearings, pretrial hearings, trials, and other court proceedings; (2) transcribe from electronic sound recordings; and (3) translate technical, medical and legal documents and correspondence for introduction as evidence.

Issued at Washington, D.C., on December 7, 1981.

William E. Foley,

Director.

[FR Doc. 81-35444 Filed 12-10-81; 8:45 am]

BILLING CODE 3210-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1981 Wheat and Barley Crops; Determinations Regarding the Proclamation of National Program Acreages and Allocation Factors

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination of National Program Acreages and Program Allocation Factors for 1981 Crops of Wheat and Barley.

SUMMARY: This notice is to announce the revised national program acreages and the determination of the program allocation factors for the 1981 crops of wheat and barley. The national program acreages were originally published on August 22, 1980 (45 FR 56118) for wheat and on November 21, 1980 (45 FR 77095) for barley. The national program acreages which were announced for wheat and barley were 71.0 and 9.7 million acres, respectively. The revised national program acreages are 84.5 and 10.2 million acres for wheat and barley, respectively. Based upon these revised national program acreages, the program allocation factors for both wheat and barley are 100 percent. These actions are taken in accordance with applicable provisions of the Agricultural Act of 1949, as amended, which (1) authorize the Secretary of Agriculture to revise the national program acreages if it is determined to be necessary based upon the latest information and (2) requires the Secretary of agriculture to determine a program allocation factor for the 1981 crop of wheat and barley.

EFFECTIVE DATE: December 12, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber, Agricultural Program Specialist, Analysis Division, ASCS-USDA, 3738 South Building, P.O. Box 2415, Washington, D.C. 20013, Telephone (202) 447-4146. This Notice of Determination serves as the impact statement.

SUPPLEMENTARY INFORMATION: this notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as "designated nonmajor." It has been determined that these provisions will not result in: (1) Major increases in costs or prices for consumers, individual industries, Federal, State, or local Government agencies or geographic regions; or (2) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based industries to compete with foreign-based enterprises in domestic or foreign markets. In addition, it has been determined that while the provisions will not have an annual impact on the economy of $100 million or more, they could affect budget outlays substantially.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since ASCS is not required by 5 U.S.C. 553 or any other provisions of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the federal assistance programs that this notice applies to are: TITLE-Wheat Production Stabilization: NUMBER 10.056, and TITLE-Feed Grain Production Stabilization: Number 10.055, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, a review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

The purpose of this notice is (1) to revise the national program acreages for the 1981-crop wheat and barley first proclaimed on August 22, 1980, and November 21, 1980, respectively, and (2) to determine the national program allocation factors for such commodities. Sections 107A(d)(1) and (2) and sections 105A(d)(1) and (2) of the Agricultural Act of 1949, as amended, authorize the Secretary to make such determinations. Under these provisions, the Secretary may revise the national program acreages first proclaimed for any crop year for the purpose of determining the allocation factor if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such national program acreage as soon as it is made.

The national program acreages for wheat and barley are revised to reflect the most recent 1981/82 marketing year utilization estimates. Based on these estimates the revised 1981 National Program Acreage for wheat will be 84.5 million acres and for barley 10.2 million acres.

It has also been determined that the program allocation factors for the 1981 crops of wheat and barley will be 100 percent since the revised National Program Acreages for wheat and barley are greater than the reported national harvested acreage for the 1981 crop of these commodities.

Since the revised national program acreages and the determinations of the program allocation factors impact upon the calculations of the deficiency payments which may be made for the 1981 crop of wheat and barley, it is essential that this notice be made effective as soon as possible. Accordingly, it has been determined that it is impracticable and contrary to the public interest to comply with any further public rulemaking requirements of 5 U.S.C. 553. Thus, this notice of determination shall become effective upon December 10, 1981.

Accordingly, the final national program acreages and allocation factors for the 1981 crops of wheat and barley are determined to be the following:

DETERMINATIONS

1. *Revised National Program Acreage for 1981-Crop Wheat.* It is hereby proclaimed that the final revised national program acreage for the 1981 crop of wheat shall be 84.5 million acres. The revised national program acreage is based on the following data.

(a) Estimated Domestic use, 1981-82 (million bushels)	932
(b) Plus estimated exports, 1981-82 (million bushels)	1900
(c) Minus estimated imports, 1981-82 (million bushels)	2
(d) Plus adjustment for carryover 1981-82 (million bushels)[1]	93
(e) Divided by national weighted average farm program yield (bushel/acre)	34.6
(f) Equals: 1981 National Program Acreage (million acres)	84.5

2. *Program Allocation Factor for 1981-Crop Wheat.* It is hereby proclaimed that the program allocation factor for the 1981 crop of wheat shall be 100 percent. The program allocation factor is based on the following data.

(a) National Program Acreage	84.5
(b) Divided by Harvested Acreage	80.7
(c) Equals: Program Allocation Factor[2]	[3] 100

3. *Revised National Program Acreage for 1981-Crop Barley.* It is hereby proclaimed that the final national program acreage for the 1981 crop of barley shall be 10.2 million acres. The revised national program acreage is based on the following data.

(a) Estimated domestic use, 1981-82 (million bushels)	375
(b) Plus estimated exports, 1981-82 (million bushels)	100
(c) Minus estimated imports, 1981-82 (million bushels)	10
(d) Plus adjustment for carryover (million bushels [3])	49
(e) Divided by national weighted average farm program yield (bushels/acre)	50.2
(f) Equals: 1981 National Program Acreage (million acres)	10.2

4. *Program Allocation Factor for 1981-Crop Barley.* It is hereby proclaimed that the program allocation factor for the 1981 crop of barley shall be 100 percent. The program allocation factor is based on the following data.

(a) National Program Acreage	10.2
(b) Divided by Harvested Acreage	9.1
(c) Equals: Program Allocation Factor[4]	[5] 100

[1] An appropriate carryover level of U.S. wheat stocks has been determined to be equal to 6.6 percent of world consumption of wheat. Such consumption during the 1980-81 marketing year is estimated to be 447.5 million metric tons (MMT) (447.5 × .066 = 29.5 MMT × 36.74 (bushel conversion factor) = 1,084 million bushels (maximum level of U.S. carryover wheat stocks)). 1981-82 carryin wheat stocks were 991 million bushels resulting in a 93 million bushel stock adjustment.

[2] The program allocation factor shall not be less than 80 percent or more than 100 percent. Thus, the program allocation factor is established at 100 percent even though the actual quotient equals 104.7 percent.

[3] An appropriate carryover level of U.S. feed grain stocks has been determined to be equal to 6.7 percent of world consumption of coarse grains. Such consumption during the

1980–81 marketing year is estimated to be 741.8 million metric tons (MMT) (741.8 × 0.067 = 49.4 MMT maximum level of U.S. feed grain carryover stocks). The barley component of the feed grain total has been determined to be 185 million bushels (4.02 MMT × 45.93 (bushel conversion factor)). 1981–82 carryin barley stocks are 136 million resulting in a 49 million bushel stock adjustment.

[4] The program allocation factor shall not be less than 80 percent or more than 100 percent. The actual factor is 112.1 percent for barley.

[5] Percent.

Signed in Washington December 2, 1981.

John R. Block,

Secretary.

[FR Doc. 81-35167 Filed 12-10-81; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Tilghman Park; Water Based Recreation RC&D Measure, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tilgman Park Water Based Recreation RC&D Measure, Talbot County, Maryland.

The enviornmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water based recreation on the Chesapeake Bay at Tilghman Island. Planned works of improvement include a boardwalk, observation tower, picnic area, tot lot, and a parking lot.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 11, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-35321 Filed 12-10-81; 8:45 am]

BILLING CODE 3410-16-M

Baiting Brook Watershed, Massachusetts; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Sherman L. Lewis, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, Telephone 413–256–0441.

Notice: Sherman L. Lewis, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Massachusetts, is hereby providing notification that a record of decision to proceed with the installation of the Baiting Brook Watershed project is available. Single copies of this record of decision may be obtained from Sherman L. Lewis at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 2, 1981.

Sherman L. Lewis,

State Conservationist.

[FR Doc. 81-35311 Filed 12-10-81; 8:45 am]

BILLING CODE 3410-16-M

Jackson Gulch Diversion Farm Irrigation R.C. & D. Measure, Colorado

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Boone, State Conservationist, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217, telephone (303) 837–4275.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jackson Gulch Diversion Farm Irrigation RC&D Measure, Montezuma County, Colorado.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant, local, regional, or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan for rehabilitating a diversion structure for the Jackson Gulch irrigation system. The planned works of improvement include replacing the old diversion with a concrete structure. The new structure has designed capacity of 250 CFS with water control and sluice gates.

This Notice of Finding of No Significant Impact (FMSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Sheldon G. Boone. The FMSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FMSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 11, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: November 23, 1981.

Sheldon G. Boone,

State Conservationist.

[FR Doc. 81-35384 Filed 12-10-81; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Montana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights,

that a meeting of the Montana Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 noon, on January 9, 1982, at the Northern Hotel, in the Midland Empire Room, on the corner of 28th and 1st Avenue, North, Billings, Montana 59102 The purpose of this meeting is to orientate the new members of the Advisory Committee; review the preliminary research into juvenile justice for Native American youth, and to plan for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Angela V. Russell, Box 333 Lodge Grass, Billings, Montana 59050. (406) 248–7421 or contact the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 8 1981

Donald A. Deppe,

Acting Advisory Committee Management Officer.

[FR Doc. 81–35443 Filed 12–10–81; 8:45 am]

BILLING CODE 6335–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Negotiations During 1982

December 8, 1981.

The U.S. Government anticipates holding negotiations during 1982 concerning the bilateral agreements covering certain cotton, wool and man-made fiber textile and apparel products from Brazil, China, Colombia, Haiti, Hong Kong, India, the Republic of Korea, Pakistan, the Philippines, Romania, Taiwan and Thailand.

The purpose of this notice is to invite any party wishing to comment or provide data or information regarding these agreements, or to comment on domestic production or availability of textiles and apparel affected by these agreements, to submit such comments or information in ten copies to Mr. Paul T. O'Day, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the negotiations is not yet established, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 2808, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding the bilateral agreements, or the implementation thereof, is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) for matters which constitute "a foreign affairs function of the United States".

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–35502 Filed 12–10–81; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendment to System Notice

AGENCY: Department of the Army, DOD.

ACTION: Amendment to a system notice.

SUMMARY: The Department of the Army proposes to amend the system notice for one of its system of records subject to the Privacy Act of 1974. The proposed amendments followed by entire system notice as amended is set forth below.

DATES: The amended system will become effective on January 11, 1982 unless public comments are received which result in a contrary determination.

ADDRESSES: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Records Management Division, HQDA (DAAG–AMR–S) Hoffman Building No. 1, 2561 Eisenhower Ave., Alexandria, VA 22331.

SUPPLEMENTARY INFORMATION: The Department of Army inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5 United States Code Section 552a (Pub. Law 93–579, 88 Stat. 1896 *et seq.*) have been published in the Federal Register at:

FR Doc. 79–37052 (44 FR 73729), December 17, 1979
FR Doc. 81–85 (46 FR 1002), January 5, 1981
FR Doc. 81–897 (46 FR 6460), January 21, 1981
FR Doc. 81–3374 (46 FR 9692), January 29, 1981
FR Doc. 81–5883 (46 FR 13544), February 23, 1981
FR Doc. 81–7250 (46 FR 15531), March 6, 1981
FR Doc. 81–7821 (46 FR 16111), March 11, 1981
FR Doc. 81–10724 (46 FR 21220), April 9, 1981
FR Doc. 81–10791 (46 FR 21221), April 9, 1981
FR Doc. 81–12660 (46 FR 23523), April 27, 1981
FR Doc. 81–15109 (46 FR 27518), May 20, 1981
FR Doc. 81–16678 (46 FR 29981), June 4, 1981
FR Doc. 81–19043 (46 FR 33069), June 26, 1981
FR Doc. 81–25194 (46 FR 43231), August 27, 1981
FR Doc. 81–26729 (46 FR 45793), September 15, 1981
FR Doc. 81–32240 (46 FR 55134), November 6, 1981
FR Doc. 81–33755 (46 FR 57337), November 23, 1981

An altered system report as required by 5 U.S.C. 552a(o) was submitted for this system on November 11, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 8, 1981.

Changes

A0914.04aDASG

System Name:

Change "Clinical Investigation Record System" to "Research and Experimental Case Files."

System Location:

Delete current entry and insert:

"U.S. Army Medical Research Institute of Chemical Defense (USAMRICD), Aberdeen Proving Ground, MD 21010.

Individual research/test/medical documents (paper records) are contained in individual's health record which, for reserve and retired military members, is at the U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO; for other separated military members, is at the National Personnel Records Center (NPRC), St. Louis, MO; for other separated military members, is at National Personnel Records Center (NPRC), St Louis, MO; for military members on active duty, is at the servicing medical facility/center; for civilians (both Federal employees and prisoners) is in a special file at NPRC.

As paper records are coverted to microfiche, the original (silver halide) and 1 copy of the microfiche will be located at the Washington National Records Center; 1 copy will be located at the Surgeon General's Office (DASG–PSA), Headquarters, Department of the Army, Washington, D.C. 20310; 1 copy will reside with the Army contractor—the National Academy of Sciences; and 1 copy retained at the U.S. Army

Medical Research Institute of Chemical Defense.

Historical 16mm film and audio visual tapes are at Norton Air Force Base, CA."

Catagories of Individuals Covered by the System:

Delete present entry and insert: "Volunteers (military members, Federal civilian employees, state prisoners) who participated in Army tests of potential chemical agents and/or antidotes from the early 1950's until the program ended in 1975."

Categories of Records in the System:

Delete present entry and insert: "Individual pre-test physical examination records and test records of performance and biomedical parameters measured during and after test exposure."

Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses:

Delete present entry and insert: "By the Department of the Army: (1) to follow up on individuals who voluntarily participated in Army chemical/biological agent research projects for the purpose of assessing risks/hazards to them, and (2) for retrospective medical/scientific evaluation and future scientific and legal significance.

Disclosed to the Veterans Administration in connection with benefits determinations.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Delete entire present entry and insert: *"Storage:* Paper records in individual's medical file folders; see system location above for storage of microfiche, computer magnetic tapes and paper printouts, video tapes, and 16mm film."

"Retrievability: Paper records in individual's health record are retrieved by surname and/or service number/social security account number. Microfiche are retrieved by individual's surname. Film/video tape is accessed by case number and/or volunteer's number. Automated records are accessed by volunteer's number or case number.

"Safeguards: Paper records and microfiche are kept in locked rooms/compartments with access limited to authorized personnel. Access to computerized data is by use of a valid site ID number assigned to the individual terminal and by a valid user ID and password code assigned to authorized user changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Computer files are controlled by keys known only to USAMRICD personnel assigned to work on the data base. Data base output is available only to designated computer operators at USAMRICD. Computer facility has double barrier physical protection. The remote terminal is in a room which is locked when vacated and the building is secured when unoccupied. The contractor (National Academy of Sciences) employs equal safeguards which meet Army standards for Privacy Act data."

"Retention and Disposal: Records stored in the computer and on microfiche are retained indefinitely at the sites identified under "system location". Paper medical records in an individual's health record are retained permanently."

System Manager(s):

Delete present entry and insert: "The Surgeon General, Headquarters, Department of the Army (DASG/PSA), The Pentagon, Washington, D.C. 20310."

Notification Procedures:

Delete present entry and insert: "Individuals wishing to inquire whether this system of records contains information about them should contact the Commander, U.S. Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010. Written requests should include the full name, social security account number, current address, and telephone number of the requester. For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer or other individually identifying number, building pass, etc."

Contesting Record Procedures:

Delete present entry and insert: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record Source Categories:

Delete present entry and insert: "From the individual through test/questionnaire forms completed at test location; from medical authorities/sources by evaluation of data collected previous to, during, and following tests while individual was participating in this research program."

AO914.04sDASG

SYSTEM NAME:

Research and Experimental Case Files.

SYSTEM LOCATION:

US Army Medical Research Institute of Chemical Defense (USAMRICD), Aberdeen Proving Ground, MD 21010.

Individual research/test/medical documents (paper records) are contained in individual's health record which, for reserve and retired military members, is at the US Army Reserve Components Personnel and Administration Center, St Louis, MO; for other separated military members, is at the National Personnel Records Center (NPRC), St Louis, MO; for military members on active duty, is at the servicing medical facility/center; for civilians (both Federal employees and prisoners) is in a special file at NPRC.

As paper records are converted to microfiche, the original (silver halide) and 1 copy of the microfiche will be located at the Washington National Records Center; 1 copy will be located at The Surgeon General's Office (DASG–PSA), Headquarters, Department of the Army, Washington, DC 20310; 1 copy will reside with the Army contractor—the National Academy of Sciences; and 1 copy retained at the US Army Medical Research Institute of Chemical Defense.

Historical 16mm film and audio visual tapes are at Norton Air Force Base, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteers (military members, Federal civilian employees, state prisoners) who participated in Army tests of potential chemical agents and/or antidotes from the early 1950's until the program ended in 1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual pre-test physical examination records and test records of performance and biomedical parameters measured during and after test exposure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 3012e and 4503.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: (1) to follow up on individuals who voluntarily participated in Army chemical/biological agent research projects for the purpose of assessing risks/hazards to them, and (2) for retrospective medical/scientific evaluation and future scientific and legal significance.

Disclosed to the Veterans Administration in connection with benefits determinations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in individual's medical file folders; see "system location" above for storage of microfiche, computer magnetic tapes and paper printouts, video tapes, and 16mm film.

RETRIEVABILITY:

Paper records in individual's health record are retrieved by surname and/or service number/social security account number. Microfiche are retrieved by individual's surname. Film/video tape is accessed by case number and/or volunteer's number. Automated records are accessed by volunteer's number or case number.

SAFEGUARDS:

Paper records and microfiche are kept in locked rooms/compartments with access limited to authorized personnel. Access to computerized data is by use of a valid site ID number assigned to the individual terminal and by a valid user ID and password code assigned to authorized user, changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Computer files are controlled by keys known only to USAMRICD personnel assigned to work on the data base. Data base output is available only to designated computer operators at USAMRICD. Computer facility has double barrier physical protection. The remote terminal is in a room which is locked when vacated and the building is secured when unoccupied. The contractor (National Academy of Sciences) employs equal safeguards which meet Army Standards for Privacy Act data.

RETENTION AND DISPOSAL:

Records stored in the computer and on microfiche are retained indefinitely at the sites identified under "system location". Paper medical records in an individual's health record are retained permanently.

SYSTEM MANAGER(S):

The Surgeon General, Headquarters, Department of the Army (DASG–PSA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Commander, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010. Written requests should include the full name, social security account number, current address, and telephone number of the requester. For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer or other individually identifying number, building pass, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual through test/questionnaire forms completed at test location; from medical authorities/sources by evaluation of data collected previous to, during, and following tests while individual was participating in this research program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–35481 Filed 12–10–81; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on January 21, 1982 at the Palisades Institutes for Research Services, Inc. 1925 North Lynn St., Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the areas of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Department propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance wih 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c) 1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

December 7, 1981.

[FR Doc. 81–35445 Filed 12–10–81; 8:45 am]

BILLING CODE 3810–01–M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, December 16, 1981, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular December business meeting, which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices in West Trenton, New Jersey. The subjects of the hearing will be as follows:

A. *Current Expense Budget:*

A proposed current expense budget for the fiscal year beginning July 1, 1982, in the aggregate amount of $1,848,500, and a capital budget for the same period in the amount of $27,000. The following amounts would be apportioned among the signatory parties, along with the additional appropriations by the Commission, to balance the current expense budget: Delaware $149,800; New Jersey $398,000; New York $250,000; Pennsylvania $459,600; and the Federal Government $269,000. Copies of the current expense and capital budget are available from the Commission on request.

B. *Applications for Approval of the Following Projects Pursuant to Article 11 of the Compact and/or Section 3.8 of the Compact:*

1. *Village of Hancock (D–77–8 CP Rev.).* A wastewater collection and treatment project serving the Village of Hancock, Delaware County, New York. The project involves collecting sewers, two pumping stations and a treatment plant. The treatment plant, located in the Town of Hancock, is designed to remove 85 percent BOD and 90 percent suspended solids. Treated effluent will discharge to the Delaware River approximately 800 feet downstream of the confluence of the East and West Branches.

2. *Brush Wellman, Inc. (D–80–81).* An industrial waste treatment facility at the company's copper-beryllium alloy production plant in Perry Township, Berks County, Pennsylvania. A new, larger clarifier and lined lagoon will be utilized to remove about 97 percent of suspended solids from an average wastewater flow of 250,000 gallons per

day. Treated effluent will dicharge to a storm drainage ditch to the Schuylkill River.

Documents relating to the above-listed projects may be examined at the Commission's offices. Contact Mr. David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

December 1, 1981.

[FR Doc. 81-35440 Filed 12-10-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Service to Coos-Curry Electric Cooperative (Fairview-Bandon 230-kV Transmission Project); Finding of No Significant Impact

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of a finding of no significant impact (FONSI) for BPA's proposed Fairview-Bandon 230-kV transmission project providing service to Coos-Curry Electric Cooperative.

SUMMARY: BPA has prepared an environmental assessment (EA) evaluating its proposal to construct electrical transmission facilities improving service to the Coos-Curry Electric Cooperative in southwest Oregon. The proposed action is to rebuild 19.3 miles of 115-kV transmission line to double-circuit 230-kV and to construct a new 230/115-kV substation. The transmission line crosses the Coquille River and Bear Creek, requiring construction within their 100-year floodplains. Based on the EA, the Department of Energy (DOE) has determined that BPA's proposed action will not have a significant effect on the human environment and an environmental impact statement, therefore, will not be prepared. DOE also finds that there is no practicable alternative to siting the action within the floodplains.

SUPPLEMENTARY INFORMATION: The need for action is based on load growth forecasts for southwest Oregon and increasing electrical losses on the existing transmission lines.

The proposed project involves rebuilding 19.3 miles of two 115-kV transmission lines (known as Fairview-Bandon No. 1 and No. 2) from Fairview Substation to Bandon Substation and constructing the new Rogue Substation. BPA will rebuild the existing Fairview-Bandon No. 2 line to 230-kV, double-circuit from Fairview Substation to its junction with the Fairview-Bandon No. 1 line 7 miles east of Bandon Substation. BPA will rebuild the existing Fairview-Bandon No. 1 line to 230-kV, double-circuit from this point to within ½ mile of Bandon Substation, where it will be connected to an existing 230-kV double-circuit line, thus completing a 230-kV double-circuit transmission line between Fairview and the proposed new Rogue Substation. The substation will be constructed on 8 acres of land 6 miles north of Gold Beach. As discussed in the EA, the environmental impacts of the proposed action are:

(1) Increased visibility of larger, more complex towers. However, the line is farily remote and screened from most viewers by topography and vegetation.

(2) To accommodate the larger structures the present right-of-way must be widened by 10 feet. For the length of the line this is an additional 15–20 acres of new right-of-way with little commercial timber value.

(3) The number of towers along the line will be reduced because longer spans are possible with the larger towers.

(4) The Rogue Substation site is nearly level and contains little tall vegetation, so only minor clearing and grading will be required.

(5) There are no residences near the substation site to be disturbed by the noise of substation operations.

(6) Less than 2 miles of new access roads would be required. Some erosion may occur, to be minimized by the use of water bars, culverts, and rocking where necessary.

(7) The proposed action is consistent with coastal zone management plans.

(8) No threatened or endangered species or their critical habitat will be affected.

(9) The proposed action is not expected to affect properties listed on or eligible for listing on the National Register of Historic Places. If any historic or archeologic resource is encountered during construction, BPA will halt construction and notify appropriate authorities.

(10) No farmland classified as prime will be affected. Soils classified as unique farmland will be crossed, but not taken out of production.

(11) The transmission line will be constructed in Coos County, where utility lines are listed as a conditional use in the land use plan. This plan has not been acknowledged by the State. Because the transmission line is to be constructed on an existing transmission line corridor, it is compatible with existing land uses in the area. In the absence of a plan approved by the State, the only applicable landuse plan is Oregon's Statewide Planning Goals and Guidelines. The proposed transmission line is consistent with the State planning goals "to plan and develop a timely, orderly, and efficient arrangement of public facilities" and "to conserve energy."

(12) The Rogue Substation will be constructed in Curry County on land currently zoned for grazing and forestry. Although utility facilities are a conditional use in Curry County's land use plan, the State has not approved the plan and is prohibiting Curry County from changing existing land uses. The substation is consistent with the same State planning goals as the transmission line; it is inconsistent with the goals "to preserve and maintain agricultrual lands" and "to conserve forest lands for forest uses." However, the statewide plans provide for exceptions to goals when it appears that it is not possible to apply the appropriate goal to specific properties. The substation would be compatible with an adjacent land use, a landfill operated by Curry County.

BPA also considered two alternative plans of service and the alternative of no action. If no action is taken to increase transmission capacity, loss of either the Fairview-Bandon No. 1 or No. 2 line after 1986 will overload the other and customers will experience power outages. The probability of these outages will increase with load growth. After 1981, electrical losses begin to increase because the optimum power-carrying capacity of the conductor is exceeded. This loss of electricity will result in high operating costs. Furthermore, BPA's goal of energy conservation by loss reduction will not be advanced.

One alternative plan of service would rebuild the Fairview-Bandon line No. 2 and the Rogue Substation as with the proposal. In addition, a 3-mile long 115-kV line would be built between the Fairview-Bandon No. 2 line and Norway Substation. When this line is in service, line No. 1 between Fairview and Norway would be torn down. Loss savings on this plan are less than the proposal because of the increased electrical losses that occur by tapping a line. Reliability would also be reduced by this option because there would be only one complete circuit instead of two between Fairview and Bandon.

The other alternative plan of service would rebuild the existing Fairview-Bandon No. 2 to double-circuit 230-kV, but operate both sides at 115-kV. The Rouge Substation would not be constructed for this option; however,

modifications necessary at Fairview and Bandon Substations would be more extensive than Plans 1 or 2, requiring additional transformers and power circuit breakers. The electrical carrying capacity of the line for this option would not be increased enough to reduce electrical losses.

Because the Fairview Substation and the service area are on opposite sides of the Coquille river and Bear Creek, and because the 100-year floodplains are too wide to span, no action is the only possible alternative that could avoid locating new transmission line towers within the floodplains. However, no action is not practicable because it would not serve increasing electrical loads and would decrease the reliability and efficiency of service to the Coos-Curry Electric Cooperative. Therefore, there is no practicable alternative to locating part of the proposed action in the floodplains. To minimize potential harm to or within the floodplains, BPA would: (1) locate the new transmission line within an existing right-of-way rather than establish a new right-of-way; (2) minimize erosion by designing access roads with water bars and culverts; (3) where possible, locate towers out of cultivated fields or along their edges; (4) design tower footings to withstand floods; (5) locate towers away from the rivers' edges; (6) leave vegetative buffer zones along the stream banks; and (7) revegetate all areas disturbed by construction activity. The proposed action conforms to applicable State and local floodplain protection standards.

FOR FURTHER INFORMATION CONTACT:

Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208; phone (503) 234–3361, extension 5136.

BPA may implement the proposed action December 28, 1981.

Dated: November 2, 1981.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81–35500 Filed 12–10–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2006–7]

Availability of Environmental Impact Statements Filed Pursuant to 40 CFR Part 1506.9

Responsible Agency: USEPA, Office of Federal Activities.

Information Contact: Ms. Kathi Wilson (202) 245–3006.

EISs Filed: November 30–December 4, 1981.

Comment Due Dates: Drafts—January 25, 1982. Finals—January 11, 1982.

Corps of Engineers (COE): Draft—Wynoochee Hydropower/Fish Hatchery Development, Grays Harbor County, Washington; Extended review 1/31/82 (EPA EIS #810983)

COE: Draft—Chicago Area Confined Disposal Facility and Maintenance Dredging, Cook County, Illinois (EPA EIS #810984)

COE: Final—Riverport Port Facilities Construction, Permit, Jefferson County, Kentucky (EPA EIS #810968)

COE: Final Supplement—Richard B. Russell Dam and Lake, Fish and Wildlife Mitigation Plan, Georgia and South Carolina (EPA EIS #810974)

Department of Energy (DOE: Draft—Shippingport Atomic Power Station Decommissioning, Beaver County, Pennsylvania; Extended review 1/31/82 (EPA EIS #810975)

DOI: Bureau of Reclamation: Draft—Central Arizona Project, Water Allocation and Water Service Contracting, Arizona; Extended review 1/29/82 (EPA EIS #810967)

DOI: National Park Service: Final—Lincoln Boyhood National Memorial, General Management Plan, Spencer County, Indiana (EPA EIS #810981)

DOT: Federal Highway Administration (FHWA): Draft—Appalachian Corridor X, AL–19 to County Road 45, Marion County, Alabama (EPA EIS #810976)

DOT: FHWA: Final—72nd Street Reconstruction, NB–370 to L Street, Douglas and Sarpy Counties, Nebraska (EPA EIS #810966)

DOT: FHWA: Final—Tri-County Expressway, Winnebago, Calumet and Outagamie Counties, Wisconsin (EPA EIS #810972)

DOT: FHWA: Final—WA–290 Spur Improvement, Hamilton Street to WA–90, Spokane County, Washington (EPA EIS #810982)

DOT: Urban Mass Transportation Administration: Draft—San Jose Transit Mall, Santa Clara County, California (EPA EIS #810965)

Department of Housing and Urban Development (HUD): Draft—Franklin Farm Residential Community, Mortgage Insurance, Fairfax County, Virginia (EPA EIS #810979)

HUD: Draft Supplement—Soul City New Community, Title VII Termination, Warren County, North Carolina (EPA EIS #810977)

HUD: Final—Countryside Housing Development, Mortgage Insurance, Pennington County, South Dakota (EPA EIS #810969)

HUD: Final—Colorado Springs Metropolitan Areawide Study, Mortgage Insurance, EL Paso County, Colorado (EPA EIS #810980)

USDA: Forest Service (FS): Draft—Targhee National Forest Land Management Plan, Idaho and Wyoming; Extented review 3/15/82 (EPA EIS #810973)

USDA: FS: Draft—Quartz Hill Molybdenum Claims Road Access and Bulk Sampling, Tongass National Forest, Alaska; Extended review 1/29/82 (EPA EIS #810978)

USDA: FS: Final—Northern Regional Plan, Standards and Guidelines, Idaho, Montana, North Dakota, South Dakota and Washington (EPA EIS #810986)

Department of State: Final—Federal International Center Modification, Washington, DC (EPA EIS #810987)

Department of the Navy: Final—China Lake NWC, Feral Burro Management Program, Inyo, Kern and San Bernardino Counties, California (EPA EIS #810970)

Department of the Army: Final—Binary Chemical Munitions Program, Pine Bluff Arsenal, Jefferson County, Arkansas (EPA EIS #810985)

Dated: December 8, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81–35490 Filed 12–10–81; 8:45 am]

BILLING CODE 6560–37–M

[A-3-FRL-2003-3]

Determinations—Region III; Prevention of Significant Air Quality

Notice is hereby given that between the period of April 10, 1981 to October 21, 1981 the Environmental Protection Agency (EPA) Region III issued the following final determinations relating to EPA's Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) as amended in the **Federal Register** on August 7, 1980 (45 FR 52735):

I. PSD Permits Issued

Applicant	Source	Location	Date of final action
Borg-Warner Corporation	Fluidized Bed Boiler	Morgantown, WV	4/16/81
Philip Morris, USA	Coal/Oil Fired Boiler & Related Coal & Fly Ash Handling Systems.	Chester, VA	5/20/81
Airco Speer Carbon-Graphite	Six Carbottom Kilns & Increased Production of Graphitizing Plant.	St. Mary's, PA	5/20/81
GPU Service Corp	Coal Fired Electric Utility Steam Generating Unit	Springfield & Girard Townships, Erie County, PA.	6/18/81
Domtar Chemical Group	No. 1 Rotary Kiln	Bellefonte, PA	9/10/81
Northeast Maryland Waste Disposal Authority	Southwest Resource Recovery Facility	Baltimore, MD	9/10/81
Consolidated Gas Supply Corp	Natural Gas Fired Internal Combustion Engines (2)	Hastings, WV	9/14/81
Delmarva Power & Light Co	Coal Fired Electric Utility Steam Generating Unit	Vienna, MD	9/30/81
Pennsylvania Coke Technology, Inc	Coke Plant	Lester, WV	9/30/81

These permits were issued in accordance with specific conditions (emission limitations, monitoring and testing requirements) and general provisions set forth by the PSD requirements.

II. PSD Nonapplicability Determinations

The following sources were reviewed by this agency and were determined not to be subject to the PSD permit requirements:

Applicant	Source	Location	Date of final action
Texas Eastern Transmission Corp	Gas Turbine	Delmont, PA	4/10/81
Multitrade Group	Wood/Coal Fired Boiler	Martinsville, VA	4/22/81
Marley Neck Coal Terminal	Coal Terminal	Marley Neck, MD	5/14/81
Louie Glass Co.	Glass Melting Unit	Weston, WV	5/22/81
Meenan Corp	Boiler Testing	Indian Head, MD	6/22/81
Columbia Gas Transmission Corp	Additional Horsepower to Compressor Station	Chester County, PA	6/30/81
Union Carbide Institute Plant	Pesticide Production Unit	Charleston, WV	6/30/81
Ashland Chemical Co	Maleic Anhydride Plant (Change in Feedstock)	Neal, WV	7/31/81
Consolidation Coal Co.[1]	Coal Preparation Plant (Dents Run Mine)	Mannington, WV	8/18/81
Armco, Inc	Coal Preparation Plant	Prenter, WV	8/21/81
Consolidation Coal Co.[1]	Coal Preparation Plant (Buchanan No. 1 Mine)	Buchanan County, VA	8/27/81
Consolidation Coal Co.[1]	Coal Preparation Plant (Manor Mine)	Greene County, PA	8/27/81
Appleton Papers, Inc.[1]	No. 3 Recovery Boiler	Roaring Springs, PA	9/3/81
Consolidation Coal Co.[1]	Coal Preparation Plant (Westland II Mine)	Washington County, PA	9/8/81
Halltown Paperboard Co.[1]	Coal Fired Boiler	Halltown, WV	9/30/81

[1] Reevaluations of the applicability of PSD permit requirements were made on these nonapplicability determinations under the Administrator's July 7, 1981 temporary partial stay of PSD regulations (46 FR 36695, July 15, 1981).

These nonapplicability determinations do not relieve the reviewed sources of the responsibility for complying with all local, State, and Federal regulations which are part of the State Implementation Plan. A determination will be void if the information submitted and used as a basis for the PSD nonapplicability decision proves to be incorrect or is modified.

III. Permit Extension

Hampton Roads Energy Company (HREC), Norfolk, VA. An 18-month extension of the original PSD permit approved on January 25, 1980 was granted to HREC on June 30, 1981. This action was based upon the company's showing that they were unable to commence construction within the original 18-month period required by the PSD regulations.

IV. Permit Modifications

a. Clinchfield Coal Company, McClure River Plant, Dante, VA. Modifications to the conditions of the PSD permit issued on July 7, 1979 for the McClure River Plant were granted on July 1, 1981. This action reflected a change in hours of operation and emission rate limitations. All other permit conditions remain in effect.

b. Celanese Fibers Company, Cumberland, MD. Approval was granted on August 18, 1981 for an innovative technology waiver for the company's coal boiler at the Amcelle Plant. EPA's review indicated that the dry scrubbing system for removal of sulfur dioxide emissions from the flue gas, represents innovative technology. All other conditions of the original permit remain unchanged.

V. Permit Rescissions

a. Bethlehem Steel Corporation, Johnstown, PA. On July 24, 1981 the PSD permit issued on July 3, 1979 for the construction and operation of the company's electric furnace melt shop was rescinded. The closure of older integrated steelmaking facilities at the plant resulted in a net decrease in emissions. In addition, Johnstown is designated as a nonattainment area, and under the PSD regulations as amended, PSD permits are not required for new or modified sources in nonattainment areas.

b. Marvin V. Templeton & Sons, Inc., Piney River, VA. On September 4, 1981 the PSD permit issued on May 7, 1979 for relocation of an asphalt plant from Tennessee to the company's plant site in Piney River, VA was rescinded. Under

the PSD regulations as amended, this facility falls below the 250 ton per year emission rate used to define an asphalt plant as a major source.

c. Pendleton Construction Corporation, Wytheville, VA. On October 21, 1981 the PSD permit issued on January 2, 1980 for relocation of an asphalt plant from Carroll County, VA to Lynchburg, VA was rescinded. Under the PSD regulations as amended, this facility falls below the 250 ton per year emission rate used to define an asphalt plant as a major source.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before February 9, 1982.

Copies of these determinations are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr Robert J. Blaszczak (215–597–8186).

Dated: November 30, 1981.

Peter N. Bibko,

Regional Administrator, EPA—Region III

[FR Doc. 81–35406 Filed 12–10–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Request for Public Comment

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Request for public comment on draft fiscal year 1982 program announcement.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is publishing this draft program announcement/application solicitation for the FY 1982 Labor-Management Cooperation Program to inform the public and obtain public comments. This program is supported by Federal funds authorized by the Labor-Management Cooperation Act of 1978, subject to annual appropriations.

DATE: Comments are due on or before January 11, 1982.

ADDRESS: Send comments to: Peter L. Regner, Director, Labor-Management Grant Programs, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, 202–653–5320.

SUPPLEMENTARY INFORMATION:

A. Introduction

The following is the draft announcement for the Fiscal year 1982 cycle of the Labor-Management Cooperation Program. These guidelines represent the second year of efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was approved in October 1978.

The Act generally authorized FMCS to: Provide assistance in the establishment and operation of plant, area, and industrywide labor and management committees which—

(A) Have been organized jointly by employers and labor organizations representing employees in that plant, area, or industry; and

(B) Are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Act also prohibited FMCS from awarding any grants or contracts under the following three circumstances:

(1) No assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;

(2) No assistance can be given for an area or industrywide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of the employees of an employer participating in such a committee. However, employers whose employees are not represented by a labor organization may participate on such areas or industrywide committees; and

(3) No assistance can be given to any committee which FMCS finds to have as one of its purposes the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry.

With respect to item (2) above, applicants for area or industrywide grants should offer committee memberships to every labor organization having a collective bargaining contract with any employer participating on the committee. Any labor organization so desiring may voluntarily elect not to participate on the Committee. Documentation of all this (i.e., the listing of each participating employer and corresponding labor organizations and written declinations by those labor organizations not electing to participate on the committee) should be included as part of the application.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, areawide, or industrywide labor-management committee. Directions for obtaining an application kit may be found in Section F

B. Program Description

Objectives

The Labor Management Cooperation Act of 1978 identified the following seven general areas for which financial assistance would be appropriate:

(1) To improve communications between representatives of labor and management;

(2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;

(4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) To enhance the involvement of workers in making decisions that affect their working lives;

(6) To expand and improve working relationships between workers and managers; and

(7) To encourage free collective bargaining by stablishing continuing mechanisms for communication between employers and their employees through Federal assistance to the formation and operation of labor-management committees.

The primary objective of this program is to provide financial assistance for the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria and conform to the restrictions mentioned in Section A (Introduction). As discussed in the legislation, these committees may be found at either the plant, area, or industry levels. A plant committee is generally characterized as restricted to

one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple and diverse employers as well as multiple labor unions operating within city, county, contiguous multi-county or statewide jurisdictions. An industry committee generally consists of a collection of productive enterprises and related labor unions producing a common product or service either on a local, state, regional, or nationwide level. In FY82, the industry committee competition will be divided into two separate categories—private industry and public sector committee. Public sector committees are those composed of public managers and public service employee unions and focus on government services. The employees represented in such public sector committees must be covered by a formal collective bargaining agreement.

In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

Required Program Elements

1. *Problem Statement*—The application, which should have numbered pages, must discuss in detail what specific problem(s) face the plant, area, or industry and workforce that will be addressed by the committee. Applicants must document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the plant, area, industry, or community. An industrial or economic profile of the plant/area/industry and workforce might prove useful in explaining the problems. This section basically discusses WHY the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail WHAT the labor-management committee will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one overall goal of a project, the objectives must, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have on the plant, area, or industry. Existing committees should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—this section of the application specified HOW the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) A discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) A listing, by name and title, of all proposed members of the labor-management committee. Be sure to identify the chairperson(s) and the role he/she will play. The application should also offer a rationale for the selection of the committee members (e.g. members represent 70% of the area workforce);

(c) A discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) In addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) A statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes;

(f) For applications from existing committees (i.e., in existence at least 6 months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future expanded effort; and

(g) For plant committees, a justification for why their proposed efforts should be considered innovative and replicable in other plants across the country.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for WHEN they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progresss reports to FMCS.

5. *Evaluation*—Applicants are allowed the options of contracting for external evaluations or conducting their own evaluation. Applicants may expend up to $7,000 for an outside evaluation. In either case, an evaluation plan must be discussed in this section.

The evaluation plan should discuss what basic questions or issues the proposed evaluator would examine and what baseline data the committee staff would already have or will gather for the evaluator. This section should be written with the application's own goals and objectives clearly in mind and the impacts or changes that the effort is expected to cause.

6. *Letters of Commitment*—Applications must include letters of commitment from all proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating how many employees will be covered or represented through the labor-management committee;

(b) From existing committees, a copy of the existing staffing levels and breakout of annual operating costs;

(c) A detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) An assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(e) An assurance that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address;

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the plant, area, or industry. For existing committees, the extent to which the committee will focus on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results. For plant committees, the degree of innovation will receive special consideration;

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application;

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates;

(6) The feasibility and thoroughness of planning on how to best evaluate the project's impacts, including major

evaluation topics and necessary data elements; and

(7) The cost effectiveness and fiscal soundness of the application's budget request as well as the application's fiscal feasibility vs. its goals and approach.

(8) The cost value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978.

E. Eligibility

Eligible grantees include State and local units of government, private non-profit labor-management committees, and a labor organization/private company or public agency applying jointly to create a labor-managment committee. In the latter situation, the application must be signed by a leading labor and company/industry or public official and indicate which entity will assume fiscal responsibility for the grant. If a private for-profit industry assumes such responsibility, no request for payment of fee or profit will be accepted.

Third party private non-profit entities who can document that a major purpose or function of their organization has been the improvement of labor relations are also eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part B must be followed. Applications from third-party entities must document strong support and participation from all labor and management parties with whom the applicant will be working.

In addition to the eligibility restrictions mentioned above and in Section A (Introduction), the following restrictions are also placed on applicants for a plant or industry labor-management committee:

(1) Where an area labor-management committee is already in existence or in the final stages of development, applicants for either plant or industry committees in that same area must document that their proposed efforts would not duplicate or otherwise conflict with the area committee, particularly in a jurisdiction where a currently FMCS-funded area labor-management committee exists.

(2) Applicants for plant committees must document that their objectives are innovative and replicable in other situations and geographic areas.

In the event two or more applications are received which compete under the same category from the same jurisdiction (e.g., two plant committee applications from the same city or two areawide applications from the same county), only the higher scoring application will be awarded (if both are ranked acceptable for funding and the funds are available).

C. Allocations

For Fiscal Year 1982, an appropriation of $1 million has been approved by the House of Representatives for this program. If this allocation is approved by the Senate and the President, the funds, will be divided into four funding pools: up to $100,000 will be available for committees at the plant level; up to $500,000 will be for committees at the area level; up to $200,000 will be for private sector committees at the industrywide level, and up to $200,000 will be for all public sector committees

In the event that the amount requested by acceptable applications for one or more of the above four categories falls short of the amount of funds available, those excess funds will be reprogrammed to the category(ies) where demand exceeds available funds. FMCS also reserves the right to reprogram up to 15 percent of funds from any category into one or more other categories without prior notice, as well as set aside up to $50,000 of the appropriation for one or more conferences on labor-management cooperation to be sponsored in conjunction with the National Association of Area Labor-Management Committees.

D. Dollar Range and Length of Grants and Continuation Policy

Awards to continue or expand existing labor-management committees (i.e., in existence at least 6 months prior to the submission deadline) shall be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 12 months. The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 6 months prior to the submission deadline), shall be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months. The total project period will thus normally be no more than 36 months.

The dollar range of awards are as follows:

(1) Plant—up to $20,000 per annum or $30,000 per 18-month period.

(2) Area—up to $75,000 per annum or $100,000 per 18-month period.

(3) Industry—up to $75,000 per annum or $100,000 per 18-month period.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and grantee match, applicants may supplement these funds through voluntary contributions from other sources

E. Match Requirements and Cost Allowability

In FY82, applicants must provide at least 10 percent of the total allowable project costs. This 10 percent match must be in cash rather than in-kind goods or services. Matching funds may come from state or local government sources or private sector sources, but may generally not include other Federal funds.

It shall also be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds previously made available for these purposes. Also, under no circumstances will management staff or employees participating on a labor-management committee be paid or otherwise compensated out of grant funds for time spent at committee meetings or training sessions.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FMCS Financial and Administrative Grants Manual which will be included in the application kit.

F. Application Submission and Review Process

Applicants wishing to submit a draft or pre-application for informal review and comment by the grants program staff may submit pre-applications anytime up to February 28, 1982. FMCS staff will provide brief and general comments as to possible application deficiencies. The pages of pre- and final applications should be numbered.

Final applications must be postmarked no later than April 30, 1982 and should indicate under which category (Area, Plant, Private or Public Industry) they are to be considered. No applications or supplementary materials can be accepted after the deadline. An original application plus three copies should be addressed to the Federal Mediation and Conciliation Service, Division of Labor-Management Grant

Programs, 2100 K Street, N.W., Washington, D.C. 20427.

After the deadline has passed, all eligible applications will be reviewed and scored by an FMCS Grant Review Board. The Assistant Director of the Office of Policy and Resource Management, Labor-Management Grant Programs, will finalize the scoring and recommend which applications will be placed in which one of the following three categories: (a) unacceptable for funding, (b) potentially acceptable for funding but funds are unavailable, and (c) recommended for funding. The final decision on funding and responsibility for award will rest with the Director of the Office of Policy and Resource Management.

All FY 82 grant awards are expected to be made within 90 days of the application submission deadline. Applications submitted after the deadline dates or that fail to adhere to eligibility or other major requirements will be administratively rejected prior to the convening of the Grant Review Board.

G. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained by contacting Peter L. Regner, Federal Mediation and Conciliation Service, Division of Labor-Management Grant Programs, 2100 K Street, N.W., Washington, D.C. 20427, or calling 202/653–5320.

Kenneth E. Moffett,

Deputy Director, Federal Mediation and Conciliation Service.

[FR Doc. 81–35503 Filed 12–10–81; 8:45 am]

BILLING CODE 6732–01–M

FEDERAL RESERVE SYSTEM

C.S.B. Corp.; Formation of Bank Holding Company

C.S.B. Corporation, Marianna, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Citizens State Bank, Marianna, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81–35429 Filed 12–10–81; 8:45 am]

BILLING CODE 6210–01–M

D.C. National Bancorp, Inc.; Formation of Bank Holding Company

D.C. National Bancorp, Inc., Washington, D.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to District of Columbia National Bank, Washington, D.C. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81–35430 Filed 12–10–81; 8:45 am]

BILLING CODE 6210–01–M

First Moore Bancshares, Inc.; Proposed Acquisition of First Moore Insurance Agency, Inc.

First Moore Bancshares, Inc., Moore, Oklahoma, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of First Moore Insurance Agency, Moore, Oklahoma.

Applicant states that the proposed subsidiary would engage in the sale of credit life, accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Moore, Oklahoma, and the geographic area to be served is that which is served by Applicant's banking subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than January 3, 1981.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81–35431 Filed 12–10–81; 8:45 am]

BILLING CODE 6210–01–M

Highland Park Bancorporation, Inc.; Formation of Bank Holding Company

Highland Park Bancorporation, Inc., St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares of Mid-America State Bank of Highland Park, St. Paul, Minnesota. The factors that are considered in acting on the application

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35432 Filed 12-10-81; 8:45 am]

BILLING CODE 6210-01-M

Kansas Unlimited Investments, Inc.; Formation of Bank Holding Company

Kansas Unlimited Investments, Inc., Pleasanton, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Bank of Pleasanton, Pleasanton, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35433 Filed 12-10-81; 8:45 am]

BILLING CODE 6210-01-M

Lake Shore Bancorp, Inc.; Formation of Bank Holding Company

Lake Shore Bancorp, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Lake Shore National Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35434 Filed 12-10-81; 8:45 am]

BILLING CODE 6210-01-M

Larch Bancorporation, Inc.; Formation of Bank Holding Company

Larch Bancorporation, Inc., Larchwood, Iowa, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82 per cent or more of the voting shares of Security Savings Bank, Larchwood, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 3, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35435 Filed 12-10-81; 8:45 am]

BILLING CODE 6210-01-M

Manhattan Bancshares, Inc.; Formation of Bank Holding Company

Manhattan Bancshares, Inc., Manhattan, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of The First National Bank of Manhattan, Manhattan, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35436 Filed 12-10-81; 8:45 am]

BILLING CODE 6210-01-M

Tri-State Financial Bancorp.; Formation of Bank Holding Company

Tri-State Financial Bancorp., Bryan, Ohio, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to First National Bank Northwest Ohio, Bryan, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an

application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35437 Filed 12-10-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Advisory Committee on Preservation; Renewal

Renewal of Advisory Committee. This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the renewal of the Advisory Committee on Preservation. The Administrator of General Services has determined that renewal of this advisory committee is in the public interest to ensure that the National Archives and Records Service obtains necessary advice relating to the preservation of the permanently valuable records in the National Archives of the United States.

Designation. Advisory Committee on Preservation.

Purpose. The committee advises the Archivist of the United States on the state of current preservation technology and research, preservation problems arising from the use of past technologies, potential preservation problems that may arise when records on new media are accessioned, and related matters of concern to the continued preservation of the records in the National Archives of the United States.

Dated: December 2, 1981.

Gerald P. Carmen,

Administrator of General Services.

[FR Doc. 81-35438 Filed 12-10-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee, Pulmonary Function Testing Subcommittee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Pulmonary Function Testing Subcommittee of the Mine Health Research Advisory Committee

Date—Time: December 21-22, 1981—8:30 a.m. to 4:30 p.m.

Note.—The 15-day requirement for advance meeting notice has not been met due to unforeseen difficulties with the availability of committee members.

Place: Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Room 203, Morgantown, WV 26505

Type of Meeting: Open

Contact Person: John L. Hankinson, Ph. D., Chief, Clinical Investigations Branch, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Room 254, Morgantown, WV 26505, Telephone: (304) 599-7755

Purpose: To discuss criteria for evaluating pulmonary function tests and options for possibly incorporating such tests in the medical surveillance program for coal miners.

The Mine Health Research Advisory Committee (MHRAC) was established by the Federal Mine Safety and Health Act of 1977. This legislation also provides the basis for periodic chest roentgenograms for underground coal miners. Examinations are made available by mine operators, and NIOSH administers the program using the procedures under 42 CFR Part 37. Consideration is being given to expanding the medical examinations to include pulmonary function or other tests.

Interested parties wishing to participate in the meeting are requested to contact Dr. John Hankinson at the address above in order to be assured appropriate time for presentation. Four copies of the text of the presentation must be provided to the subcommittee chairperson, Dr. Donald L. Rasmussen, 306½ Stanaford Road, Beckley, WV 25801, prior to or at the subcommittee meeting.

The subcommittee will present its report on this subject to the MHRAC at their next meeting currently scheduled for February 1-2, 1982. The final subcommittee report, as approved by the MHRAC, will be available subsequent to the February meeting.

Dated: December 4, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-35442 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 81-M-0385]

Coburn Optical Industries, Inc.; Premarket Approval of Choyce Mark VIII and Choyce Mark IX Anterior Chamber Intraocular Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Choyce Mark VIII and Choyce Mark IX anterior chamber intraocular lenses sponsored by Coburn Optical Industries, Inc., Clearwater, FL. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 11, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On April 16, 1980, Coburn Optical Industries, Inc., Clearwater, FL, submitted to FDA an application for premarket approval of Choyce Mark VIII and Choyce Mark IX anterior chamber intraocular lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On December 1, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Under the Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 539-583), intraocular lenses are regulated as class III devices (premarket approval).

A summary of the safety and effectiveness data on which FDA's

approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contract Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515 (d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e (d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 11, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-35143 Filed 12-4-81; 2:14 pm]

BILLING CODE 4160-01-M

[Docket No. 81D-0262]

Confirmation of Aflatoxin B_1 in Pumpkin Seed; Availability of Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of revised FDA Compliance Policy Guide 7120.26 pertaining to the analytical methods used to confirm the identity of aflatoxin B_1 in foods. FDA has included pumpkin seeds among the commodities for which it is not necessary to confirm the identity of aflatoxin B_1 by means of a Chicken Embryo Bioassay for Aflatoxin B_1 Toxicity. The agency decided to except pumpkin seeds from this requirement on the basis of analytical data on pumpkin seeds that showed, without exception, that confirmation of aflatoxin B_1 has been corroborated by chemical derivatization. This method reliably confirms the identity of aflatoxin B_1 in pumpkin seeds, yet requires considerably less time than the chicken embroy bioassay procedure.

ADDRESS: Written comments on these criteria and requests for single copies of FDA Compliance Policy Guide 7120.26 should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The guideline for adulteration with aflatoxin in foods has existed for several years. As required by the guideline, analyses for confirmation of identity of aflatoxin have been performed using two procedures, one consisting of a chemical derivatization of aflatoxin and the other of a lengthy chicken embryo bioassay for aflatoxin B_1 toxicity.

The agency has reviewed data developed since 1984 on the identity of aflatoxin in foods. These data show that the confirmation of aflatoxin B_1 in pumpkin seeds by the chemical derivatization procedure has, without exception, been corroborated by the chicken embryo bioassay. Since 1979, the results of confirmatory tests on samples of pumpkin seeds have been compiled by FDA. The tests show in all cases that the results of the chemical assay have been confirmed by the bioassay, thereby establishing that the chemical derivative procedure provides adequate means to confirm the identity of aflatoxin in pumpkin seeds. Thus, the chemical test can stand alone as the confirmatory test for the identity of aflatoxin B_1 in pumpkin seeds, as well as the other commodities that are excepted in the FDA guideline (corn and corn meal, cottonseed and cottonseed meal, coconut meal, and copra). The chicken embryo bioassay confirmation takes a little more than 3 weeks to perform, and regulatory action must await the bioassay results. Accordingly, FDA Compliance Policy Guide 7120.26 has been revised to require no longer the chicken embryo bioassay for pumpkin seeds before regulatory action can be taken on the basis of samples found to be violative. The level of aflatoxin permitted in pumpkin seeds and other foods covered by this guide has not changed.

Background data supporting revised FDA Compliance Policy Guide 7120.26 are on file in the Dockets Management Branch under the docket number found in brackets in the heading of this document. Requests for single copies of FDA Compliance Policy Guide 7120.26 should reference the docket number found in brackets in the heading of this document and should be submitted in writing to the Dockets Management Branch, (address above).

Interested persons may submit to the Dockets Management Branch, address above, written comments on the guide. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments are available for examination in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 3, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-35144 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0360]

Heinrich Fischer & Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Heinrich Fischer & Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of disodium EDTA (ethylenediaminetetraacetic acid,

disodium salt) component of lubricants with incidental food contact.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3588) has been filed by Heinrich Fischer & Co., 8180 Corporate Park Drive, Cincinnati, OH 45242, proposing that § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) be amended to provide for the safe use of disodium EDTA as a component of lubricants with incidental food contact.

The potential environmental impact statement of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 30, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–35146 Filed 12–10–81; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81M–0363]

Novametrix Medical Systems, Inc.; Premarket Approval of TCO_2M Model 818 Transcutaneous O_2/CO_2 Monitor

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the TCO_2M Model 818 Transcutaneous O_2/CO_2 Monitor sponsored by Novametrix Medical Systems, Inc., Wallingford, CT. After reviewing the recommendation of the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 11, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On May 15, 1981, Novametrix Medical Systems, Inc., Wallingford, CT, submitted to FDA an application for premarket approval of the carbon dioxide systems of the TCO_2M Model 818 Transcutaneous O_2/CO_2 Monitor, a trend monitor for oxygen/carbon dioxide tension at the skin surface. (The oxygen system is substantially equivalent to other preamendments devices and consequently does not require premarket approval). The application was reviewed by the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of this device on neonates and adults. On November 9, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 11, 1982, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–35145 Filed 12–10–81; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81N–0346; DESI Nos. 6327 etc.]

Revised Marketing Requirements for Certain Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice states the revised marketing requirements for persons who do not now hold an approved new drug application (NDA) for the drug products listed below. Abbreviated new drug applications (ANDA's) will now be accepted for these drug products. (Docket No. 81N–0346; DESI Nos. 6327, 6460, 8085, 8461, 9048, 9149, 9238, 9675, 10690, 11020, 11127, 12097, 12122, 12285, 12665, and 13413).

EFFECTIVE DATE: December 11, 1981.

ADDRESSES: Communications in response to this notice should be identified with the pertinent DESI reference number, which appears in the list of products below, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Original ANDA's (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Requests for information on conducting bioavailability tests: Division of Biopharmaceutics (HFD–520), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

FOR FURTHER INFORMATION ON BIOAVAILABILITY REQUIREMENTS CONTACT: Shrikant V. Dighe, Bureau of Drugs (HFD–520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1640.

SUPPLEMENTARY INFORMATION: The 16 notices listed below classified a number of drug products in the Drug Efficacy Study Implementation (DESI) program as effective for certain indications. These notices also required, or have been interpreted as requiring, a full NDA containing the information specified in the NDA form FD–356H (21 CFR 314.1(c)) from any person who wishes to market a duplicate of one of these products and does not already hold an approved NDA. Upon reevaluation of this requirment, the agency has determined that ANDA's are sufficient for duplicates of these drug products. 21 CFR 314.1(a). Based on this finding of ANDA acceptability, any manufacturer who seeks approval to market one of these products may submit an ANDA (21 CFR 314.1(f)) instead of a full new drug application.

This notice applies to any drug product that is not the subject of an approved NDA and is identical in active ingredient, dosage form and strength, and route of administration to one of the products named below and is recommended for use for the indications classified as effective in the DESI notice cited below. For any drug product that is similar but not identical in one or more of these characteristics, either a full new drug application or an ANDA is required. An ANDA will not be acceptable unless FDA has made a separate finding that an ANDA is sufficient for that product. It is the responsibility of every drug manufacturer to determine whether this notice covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

The bioavailability regulations (21 CFR 320.21) require any person submitting an ANDA after July 7, 1977, to include either evidence demonstrating the in vivo bioavailability of the durg or information to permit waiver of the requirement, unless this requirement is already waived, under 21 CFR 320.22(c) (1) or (2), based on a finding that the drug product does not have a known or suspected bioavailability problem. Because DESI drug products subject to full NDA requirements were not reviewed for bioavailability problems when these regulations were promulgated, the drug products listed below have now undergone this review. For some of these products, in vivo bioavailability data will not be waived. This is noted below so that applicants will be aware of the requirement. These drugs will be added to the list of drugs with known or potential bioavailability problems at the next updating of that list (21 CFR 320.22(c) (1) and (2)).

This notice amends the DESI notices cited below to permit ANDA's and to identify the drug products for which bioavailability data will not be waived. Marketing before ANDA approval of any of these products which are not already the subject of an approved NDA will subject the products, and those persons who caused the proudcts to be marketed, to regulatory action.

NDA	DESI No. FR citation	Product name (nonproprietary name) and bioavailability requirement if applicable	Dosage form	Potency
[illegible]	DESI 6327, 36 FR 16126, Aug. 19, 1971	Norisodrine Sulfate (isoproterenol sulfate). Bioavailability requirement will not be waived if particle size distribution and delivery system are not similar.	Powder for inhalation	10% or 25%.
10–375	do	Medihaler-Iso (isoproterenol sulfate)	Aerosol for inhalation	2 mg/mL.
11–469	do	Caytine (protokylol hydrochloride)	Solution for inhalation	10 mg/mL.
[illegible]	DESI 6460, 33 FR 7774, May 28, 1968	Protamine Sulfate (protamine sulfate)	Injection	10 mg/mL.
7–413	do	Protamine Sulfate (protamine sulfate)	Injection	50 mg/vial.
9–053	DESI 8085, 35 FR 16429, Oct. 21, 1970	Purinethol (mercaptopurine). Bioavailability requirement will not be waived.	Tablet	50 mg
12–209	do	Fluorouracil (fluorouracil)	Injection	50 mg/mL.
8–461	DESI 8461, 35 FR 14578, Sept. 17, 1970	Triethylenemelamine (triethylenemelamine). Bioavailability requirement will not be waived.	Tablet	5 mg
10–669	do	Leukeran (chlorambucil). Bioavailability requirement will not be waived	Tablet	2 mg.
1–892	do	Uracil Mustard (uracil mustard). Bioavailability requirement will not be waived.	Capsule	1 mg
12–936	do	Drolban (dromostanolone propionate)	Injection	50 mg/mL.
[illegible]	DESI 9048, 38 FR 30573, Nov. 6, 1973	Oxsoralen (methoxsien)	Lotion	1%.
11–361	DESI 9149, 41 FR 37835, Sept. 8, 1976	Trilafon (perphenazine). Bioavailability requirement will not be waived	Controlled-release tablet	8 mg.
11–495	do	Trilafon (perphenazine). Bioavailability requirement will not be waived	Rectal suppository	2, 4, or 8 mg.
9–238	DESI 9238, 36 FR 18116, Sept. 9, 1971	Progesterone (progesterone)	Injection	25 or 50 mg/mL.
10–347	do	Delalutin (hydroxyprogesterone caproate)	Injection	125 or 250 mg/mL.
10–895	do	Norlutin (norethindrone). Bioavailability requirement will not be waived	Tablet	5 mg.
12–184	do	Norlutate (norethindrone acetate). Bioavailability requirement will not be waived	Tablet	5 mg
12–985	do	Duphaston (dydrogesterone). Bioavailability requirement will not be waived	Tablet	5 or 10 mg.
9–675	DESI 9675, 33 FR 9351, June 26, 1968	Astrafer (dextriferron)	Injection	Eq 20 mg trivalent iron/mL
10–787	do	Imferon (iron dextran complex)	Injection	Eq 50 mg iron/mL.
13–056	DESI 10690, 35 FR 21613, Nov. 11, 1971	Penthrane (methoxyflurane)	Solution for inhalation	99.9%
11–020	DESI 11020, 35 FR 18213, Nov. 28, 1970	Dartal (thiopropazate hydrochloride). Bioavailability requirement will not be waived.	Tablet	5 mg
11–751	do	Prolixin (fluphenazine hydrochloride). Bioavailability requirement will not be waived.	Tablet	2.5 mg
			Injection	2.5 mg/mL.
12–034	do	Permitil (fluphenazine hydrochloride). Bioavailability requirement will not be waived.	Tablet	0.25, 1, 2.5, 5, or 10 mg
12–145	do	Prolixin (fluphenazine hydrochloride)	Elixir	0.5 mg/mL.
12–254	do	Tindal (acetophenazine maleate). Bioavailability requirement will not be waived.	Tablet	20 mg

NDA	DESI No. FR citation	Product name (nonpropnetary name) and bioavailability requirement if applicable	Dosage form	Potency
12-419	..do.....	Permitil (fluphenazine hydrochloride). Bioavailability requirement will not be waived.	Controlled-release tablet.....	1 mg
11-127	DESI 11127, 43 FR 14742, Apr. 7, 1978..	Compazine (prochlorperazine). Bioavailability requirement will not be waived	Rectal suppository.....	2.5, 5, or 25 mg
12-097	DESI 12097, 33 FR 9351, June 26, 1968.....	Kenalog in Orabase (triamcinolone acetonide).....	Dental paste	0.1%.
12-122	DESI 12122, 33 FR 14552, Sept. 27, 1968.....	Glucagon (glucagon hydrochloride).....	Injection	Eq 1 or 10 mg base/amp.
12-285	DESI 12285, 33 FR 9037, June 19, 1968.....	Syntocinon (oxytocin)..	Nasal solution	40 units/mL.
12-665	DESI 12665, 35 FR 14581, Sept. 17, 1970.....	Velban (vinblastine sulfate)..	Injection	10 mg/amp.
13-413	DESI 13413, 35 FR 18214, Nov. 28, 1970....	Decadron Phosphate (dexamethasone sodium phosphate). Bioavailability requirement will not be waived if delivery system is not similar.	Aerosol for inhalation..	Eq 15 mg base/12.6 g

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: November 27, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-35368 Filed 12-10-81; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Reevaluation by the National Toxicology Program of Technical Report NCI-CG-TR-121 Entitled Bioassay of Dimethylterephthalate for Possible Carcinogenicity

Two versions of the Technical Report NCI-CG-TR-121, entitled Bioassay of Dimethlterphthalate for Possible Carcinogenicity, were issued by the National Cancer Institute in 1979. The two reports contained an identical data base but variance in the statistical analysis of the data, and differing conclusions concerning the carcinogenicity of dimethlterphthalate. Since the carcinogenesis testing program is now part of the National Toxicology Program (NTP), the NTP sought to resolve the discrepancy between the two versions.

The background, course of action by the NTP, and the final conclusions, approved after peer review by the Technical Reports Review Subcommittee of the NTP Board of Scientific Counselors on June 23, 1981, are described in the following supplement:

Supplement to Technical Report No. 121, Bioassay of Dimethlterephthalate for Possible Carcinogencity

Two differing versions of the Technical Report NCI-CG-TR-121, entitled Bioassay of Dimethlterephthalate for Possible Carcinogenicity (CAS No. 121-61-6), were issued by the National Cancer Institute (NCI) in 1979. Each report contains the identical data base derived from the chronic phase of the two-year dose-feed study of dimethlterephthalate (DMT) conducted between April, 1975 and April, 1977 at Hazleton Laboratories. The two Technical Reports are at variance regarding the statistical analysis of the data on the incidence of alveolar/bronchiolar adenomas and alveolar/bronchiolar carcinomas in B6C3F$_1$ male mice and the final conclusion concerning the carcinogenicity of DMT in these animals.

The first report concludes that DMT was carcinogenic in male mice causing a significant increase in adenomas and carcinomas of the lung. No evidence of a carcinogenic effect was found in treated male and female rats or treated female mice. A significant ($P<0.001$) dose-related increase in lung tumors was reported in the DMT male mice groups (controls, 1/49, 2%; low-dose, 8/49, 16% high-dose, 13/49, 27%). The historical control rate of these tumors was listed as 4% (18/482), an incidence consistent with the matched control rate. This report was considered for peer review by the Data Evaluation/Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens on December 13, 1978. The Subgroup approved the report as written.

Due to a high level of interest in the phthalate class of chemical compounds by the public and scientific communities and concerns regarding the low incidence of lung tumors observed in control male mice in the DMT study, the results were re-examined by the staff of the Carcinogenesis Testing Program of the NCI in early 1979. The staff at that time determined the historical control data reported in the Technical Report came from studies of less than two years duration. Since lung tumors are late appearing lesions (all 13 lung tumors observed in the high-dose DMT male mice were observed in animals killed at 104 weeks), the reported historical incidence, 18/482(4%), was not appropriate for comparative purposes in the report of the two-year bioassay of DMT.

Hazleton Laboratories carried out three other NCI *two-year* bioassays using untreated male mice as controls. Animals in these studies were housed in the same room as the "matched" DMT controls for most of their lifespan. The incidences of lung tumors in the control male mice from these studies are:

Control lung tumor incidence (male B6C3F$_1$ mice)	Compound under study	Results
5/49 (10%)	Benzoin	(–)
6/46 (13%)	d,l-Menthol; Titanium Dioxide	(-)
9/49 (18%)	Sulfisoxazole	(–)

Since the incidence of lung tumors in the matched DMT controls was less than that observed in the three control groups cited above (4% versus 10-to 18%), a decision was made to re-analyze the data utilizing these additional controls.

Each control incidence was substituted for the matched control incidence in statistical comparisons with the DMT-treated groups. An updated Technical Report was prepared using these analyses of the male mice data on lung tumors.

The revised statistical analyses are reported on pages 37 and 38 of this updated Technical Report. The Report states that "from these results one may infer that the incidences of these tumors in the dimethyl terephthalate control group were inordinately low." The second paragraph on page 38 continues with: "If the incidence of 5/49 * * * is substituted for that of the matched controls * * *, the Fisher exact test comparing this control group with the high dose (13/49, 27%) results in a probability level of $P=0.033$. Using 6/46

as the incidence of the control group, the result is P=0.082; and using 9/49 as the control incidence, the result is P=0.234. None of these results are statistically significant.

The Report concludes on page 38 that "The variability evidenced by these control groups prevents an outright conclusion that the 13/49 (27%) incidence of lung tumors observed in the high dose male group in the (DMT) study is associated with the administration of the chemical."

The Technical Report Summary states that DMT was not carcinogenic for F344 rats or B6C3F$_1$ mice of either sex under the conditions of the bioassay. Appended to this second Report are the same peer review comments made by the Clearinghouse Subgroup for the first report.

In light of this background and the fact that the reanalyzed data in the second report were not evaluated by an independent scientific review panel, the NTP in June 1981 took the following course of action.

1. Validated the original diagnoses of tumors in the lungs of the male mice.

2. Analyzed these data using the diagnosis of the re-examining pathologist.

3. Presented the findings to the NTP Technical Reports Peer Review Subcommittee, an *ad hoc* group of expert scientists.

All slides of lung tissue from the control, low dose, and high dose groups of male mice were examined by an independent board-certified pathologist with extensive experience in rodent tumor pathology. The reviewing pathologist had no knowledge of the experimental conditions (chemical, groups of animals) or the reason why this review was being requested.

Table 1 compares the original diagnoses and the diagnoses of the re-examining pathologist. Both histopathology examinations were in general agreement regarding those animals bearing lung tumors. With the exception of control animal 46, the re-examining pathologist diagnosed no additional tumors. This pathologist described animals 1 and 18 in the low dose group as bearing no lung tumors, whereas the original pathologist reported these two animals as having adenomas.

The NTP Peer Review Subcommittee of the Board of Scientific Counselors met on June 23, 1981. Following consideration of the original and reexamined data from the DMT study, the following conclusions were made:

1. Reexamination of slides in June, 1981 essentially confirmed the original diagnoses of total lung tumors in male mice. However, disagreement was apparent between the two diagnoses regarding the stage of tumor development (adenoma, carcinoma). Thus, proper and reliable interpretation of the study should be based primarily on evaluation of data using total lung tumors rather than on adenomas or carcinomas considered separately.

2. Statistical analyses should be carried out using the diagnoses of the reexamining pathologist, and these analyses should be made by the statistical methods currently employed by the NTP, as recommended by the International Agency for Research on Cancer.

3. Further statistical analyses should include comparisons of the incidence of lung tumors in DMT-treated male mice with incidences in matched control animals and incidences in pooled control male mice. In this study concurrently run control values serve to solidify the baseline incidence of lung tumors over an overlapping time span in the bioassay laboratory. Morever, the pooled control data should include the control lung tumor incidence from the DMT study as well as the three concurrent control groups (same room).

The reevaluated and reanalyzed data on total lung tumors are presented in Table 2. The results show significant dose-related trends ($P<0.003$) and an incidence at the high dose (13/49, 27%) that is statistically significant ($P<0.007$) relative to matched controls (2/49, 4%). Pair-wise comparison between the pooled control incidence of lung tumors (22/193, 11%) and that in the high dose group (13/49, 27%) also shows a statistically significant difference ($P<0.017$). There are significantly ($P<0.023$) positive dose-related trends using the pooled control values with the treatment groups. No statistically significant effect was found at the low dose treatment level compared with either the matched or pooled control group.

When alveolar/bronchiolar carcinomas are considered separately, there is a statistically significant dose-response trend ($P<0.022$ *vs* matched controls; $P<0.001$ *vs* pooled controls). The incidence in the high dose group (7/49, 15%) is also elevated relative to matched controls (1/49, 2%; $P<0.057$) and relative to pooled controls (4/193, 2%; $P<0.002$).

No significant differences are seen in alveolar/bronchiolar adenomas alone. The increases in total lung tumors observed as a result of treatment of male mice with DMT are due to increased incidences of carcinoma alone. As a hypothesis, DMT treatment decreases the transition time from one stage, lung adenomas, to the next stage, carcinomas, in tumor development.

Conclusion

1. A statistically significant increase in total lung tumors was found when comparing the high dose group to either matched control incidences or pooled control incidences.

2. This positive statistical finding is biologically equivocal. The following factors temper judgment on the biological findings:

a. Total lung tumors are a relatively common lesion in B6C3F1 mice. In control male mice historical incidences of total lung tumors in recent studies at other laboratories in the Bioassay Program range from 2 to 34 percent. The 27 percent incidence in the high dose group of male mice in this study falls within the high limit of this range.

b. Total lung tumors are not sex independent in B6C3F1 mice. Since no effect was observed on the incidence of total lung tumors in female mice following treatment with DMT, the increase in lung tumors in male mice are rendered less meaningful.

TABLE 1.—COMPARISON OF ORIGINAL DIAGNOSIS AND RE-EXAMINATION OF LUNG TUMOR INCIDENCE IN MALE MICE ADMINISTERED DMT

Matched control			Low dose			High dose		
Animal No	Original diagnosis	Re-exam	Animal No.	Original diagnosis	Re-exam	Animal No.	Original diagnosis	Re-exam
13	AC	AC	1	A	-	4	C	C
46	-	A	4	A	A	5	A	A
			9	A	C	[illegible]	C	A
			18	A	-	7	[illegible]	A
			24	A	A	10	[illegible]	C
			32	A	A	12	[illegible]	C
			37	C	C	17	A	C
			46	A	A	23	[illegible]	A

TABLE 1.—COMPARISON OF ORIGINAL DIAGNOSIS AND RE-EXAMINATION OF LUNG TUMOR INCIDENCE IN MALE MICE ADMINISTERED DMT—Continued

Matched control			Low dose			High dose		
Animal No.	Original diagnosis	Re-exam	Animal No.	Original diagnosis	Re-exam	Animal No	Original diagnosis	Re-exam
						26	A	A
						37	C	C
						40	C	C
						42	C	A
						45	AC	C

- No lung tumor
A Lung adenoma.
C Lung carcinoma.

TABLE 2.—LUNG: ALVEOLAR/BRONCHIOLAR ADENOMA OR CARCINOMA [a]

	Matched control	Low dose	High dose
Tumor rates:			
Overall [b]	2/49(4)	6/49 (12)	13/49(27)
Adjusted [c] (percent)	6.1	14.1	32.5
Terminal [d]	2/33(6)	5/41(12)	13/40(32)
Statistical tests [e]:			
Life table	P=0.003	P=0.204	P=0.007
Incidental tumor test	P=0.002	P=0.204	P=0.007
Cochran-Armitage trend Fisher exact test	P=0.001	P=0.134	P=0.002

	Pooled control	Low dose	High dose
Tumor rates:			
Overall [b]	22/193(11)	6/49(12)	13/49(27)
Adjusted [c] (percent)	15.4	14.1	32.5
Terminal [c, d]	20/140(14)	5/41(12)	13/40(32)
Statistical tests [e]:			
Life table	P=0.023	P=0.537(N)	P=0.017
Incidental tumor test	P=0.015	P=0.576(N)	P=0.013
Cochran-Armitage trend Fisher exact test	P=0.009	P=0.518	P=0.009

[a] Dosed groups received doses of 2,500 or 5,000 ppm of BMT in the diet.
[b] Number of tumor bearing animals/number of animals examined at the site
[c] Kaplan-Meier estimated lifetime tumor incidence after adjusting for intercurrent mortality
[d] Observed tumor incidence at terminal kill.
[e] Beneath the control incidence are the P-values associated with the trend test. Beneath the dosed group incidence are the P-values corresponding to pairwise comparisons between that dosed group and the controls. The life table analysis regards tumors in animals dying prior to terminal kill as being (directly or indirectly) the cause of death. The incidental tumor test regards these lesions as nonfatal. The Cochran-Armitage and Fisher's exact tests compare directly the overall incidence rates. A negative trend is indicated by (N)

ANALYSIS OF PRIMARY LUNG TUMORS IN MALE MICE

TABLE 3—LUNG: ALVEOLAR/BRONCHIOLAR CARCINOMA [a]

	Matched control	Low dose	High dose
Tumor rates.			
Overall [b]	1/49(2)	2/49(4)	7/49(14)
Adjusted [c] (percent)	3.0	4.9	17.5
Terminal [d]	1/33(3)	2/41(5)	7/40(18)
Statistical tests. [e]			
Life table	P=0.022	P=0.576	P=0.057
Incidental tumor test	P=0.022	P=0.576	P=0.057
Cochran-Armitage test Fisher exact test	P=0.014	P=0.500	P=0.030

	Pooled control	Low dose	High dose
Tumor rates.			
Overall [b]	4/193(2)	2/49(4)	7/49(14)
Adjusted [c] (percent)	2.9	4.9	17.5
Terminal [d]	4/140(3)	2/41(5)	7/40(18)
Statistical tests. [e]			
Life table	P=0.001	P=0.445	P=0.001
Incidental tumor test.	P=0.001	P=0.445	P=0.001
Cochran-Armitage test Fisher exact test	P<0.001	P=0.351	P=0.002

[a] Dosed groups received doses of 2,500 or 5,000 ppm of DMT in the diet.
[b] Number of tumor bearing animals/number of animals examined at this site
[c] Kaplan-Meier estimated lifetime tumor incidence after adusting for intercurrent mortality.
[d] Observed tumor incidence at terminal kill.
[e] Beneath the control incidence are the P-values associated with the trend test. Beneath the dosed group incidence are the P-values corresponding to pairwise comparisons between that dosed group and the controls. The life table analysis regards tumors in animals dying prior to terminal kill as being (directly or indirectly) the cause of death. The incidental tumor test regards these lesions as nonfatal. The Cochran-Armitage and Fisher's exact tests compare directly the overall incidence rates. A negative trend is indicated by (N).

ANALYSIS OF PRIMARY LUNG TUMORS IN MALE MICE

TABLE 4.—LUNG: ALVEOLAR/BRONCHIOLAR ADENOMA [a]

	Matched control	Low dose	High dose
Tumor rates:			
Overall [b]	2/49(4)	4/49(8)	6/49(12)
Adjusted [c] (percent)	6.1	8.3	15.0
Terminal [d]	2/33(6)	3/41(7)	6/40(15)
Statistical tests [e]			
Life table	P=0.141	P=0.424	P=0.202
Incidental tumor test	P=0.113	P=0.424	P=0.202
Cochran-Armitage test Fisher exact test	P=0.088	P=0.339	P=0.134

	Pooled control	Low dose	High dose
Tumor rates:			
Overall [b]	19/193(10)	4/49(8)	6/49(12)
Adjusted [c] (percent)	13.2	8.3	15.0
Terminal	17/140(12)	3/41(7)	6/40(15)
Statistical tests [e]			
Life table	P=0.529	P=0.362(N)	P=0.508
Incidental tumor test	P=0.464	P=0.400(N)	P=0.466
Cochran-Armitage test Fisher exact test	P=0.414	P=0.484(N)	P=0.394

[a] Dosed groups received doses of 2,5000 or 5,000 ppm of DMT in the diet.
[b] Number of tumor bearing animals/number of animals examined at the site.
[c] Kaplan-Meier estimated lifetime tumor incidence after adjusting for intercurrent mortality
[d] Observed tumor incidence at terminal kill.
[e] Beneath the control incidence are the P-values associated with the trend test. Beneath the dosed group incidence are the P-values corresponding to pairwise comparisons between that dosed group and the controls. The life table analyses regards tumors in animals dying prior to terminal kill as being (directly or indirectly) the cause of death. The incidental tumor test regards these lesions as nonfatal. The Cochran-Armitage and Fisher's exact tests compare directly the overall incidence rates. A negative trend is indicated by (N)

Questions or requests for further information about this Supplement should be addressed to Dr. Charles K. Grieshaber, National Toxicology Program, Landow Building, 7910 Woodmont Avenue, Bethesda, MD 20205; telephone (301) 496–5591, FTS: 496–5591.

Dated: November 25, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81–35498 Filed 12–10–81: 8:45 am]

BILLING CODE 4110–08–M

NTP Announces Availability of Bioassay of F.D.&C. Yellow 6 and Monitoring Guidelines for Carcinogen Bioassays

The Department of Health and Human Service's National Toxicology Program (NTP) today announced the availability of the results of a cancer bioassay of F.D.&C. Yellow No. 6 and "Monitoring Guidelines for the Conduct of Carcinogen Bioassays."

F.D.&C. Yellow No. 6, used since 1929 to color foods such as gelatin desserts, sherbets, sodas, candles, and cereals; drug solutions and capsules; toothpastes and hair rinses did not produce cancer in a 103 week feeding study involving rats and mice. Figures for 1978 indicate that 221,000 pounds were produced in the United States.

This carcinogenesis bioassay was conducted by the National Cancer Institute component of the NTP. This test screens chemicals for cancer-causing activity in animals.

The NTP has about 250 chemicals in on-going bioassays. "Monitoring Guidelines" sets standards for studies performed both in NTP and contract laboratories.

Copies of these reports—*Bioassay of F.D. and C. Yellow No. 6 for Possible Carcinogenicity* (T.R. 208), and *Monitoring Guidelines for the Conduct of Carcinogen Bioassays* (T.R. 218) are available by writing to the Public Information Office, National Toxicology Program, MD B2–04, Box 12233, Research Triangle Park, North Carolina 27709. Telephone: (919) 541–3991, FTS 629–3991.

Dated: November 27, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81–35497 Filed 12–10–81: 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability of Public Lands for Access to Asbestos Deposits in the North Fork Fortymile Drainage; Realty Action

The following described lands are available for non-federal uses authorized by section 605(b) of ANILCA (94 Stat 2415–16):

1. A cleared area in T.26N., R.19E., CRM. Section SW¼.

2. Those portions of the following listed townships which include segments of the North or South Fork of the Fortymile River or Slate Creek:

T.3S., R.26 thru 28 E., FM; T.4S., R.26 thru 28E., FM;

T.5S., R.28 thru 29E., FM; T.6S., R.29E., FM;

T.7S., R.29 thru 30 E., FM; T.8S., R.30E., FM:

T.27N., R.18 thru 19E., CRM:

T.26N., R.19E., CRM; T.28N., R.19E., CRM.

BLM has received a use proposal from WGM, Inc., mining and geologic consultants for overland transportation of freight, fuel, equipment and rock samples between the Taylor Highway and the Alaska Asbestos Joint Venture Project on Doyon Ltd. lands near Slate Creek during the period between January 1, 1982 and April 1, 1982.

All applications for land use will be subject to environmental analysis pursuant to National Environmental Protection Act. Non-competitive permits issued under 43 CFR Part 2920 will be subject to terms and conditions the Authorized Officer considers necessary.

For a period of 15 days from the date of last publication of this notice, interested parties may submit comments to Area Manager, Fortymile Resource Area, Bureau of Land Management, P.O. Box 307, Tok, Alaska 99780. Any adverse comments will be evaluated by the Area Manager, who may vacate or

modify this Realty Action and issue a final determination. In absence of any action by the Area Manager, this Realty Action will become the final decision of the Bureau.

Donald E. Runberg,

Acting District Manager.

[FR Doc. 81-35441 Filed 12-10-81; 8:45 am]

BILLING CODE 4310-84-M

Chief, Branch of Lands and Minerals Operations, Oregon; Redelegation of Authority

Pursuant to the authority contained in Section 1.1 of *Bureau Order No. 701*, as amended, authority is hereby redelegated to the Chief, Branch of Lands and Minerals Operations to take on all matters pertaining to (1) copies of records under section 2.2(c); (2) notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams under section 2.4(a)(4); and (3) mining claims section 2.6(k).

This notice cancels the redelegations of authority to the Chief, Branch of Records and Data Management effective August 2, 1971 (36 FR 12046, June 24, 1971) and May 2, 1977 (42 FR 23885, May 11, 1977).

EFFECTIVE DATE: This redelegation is effective on January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Harold A. Berends, 943 (503-231-6255) Oregon State Office, BLM, P.O. Box 2965, Portland, Oregon 97208.

William G. Leavell,

State Director.

December 3, 1981.

[FR Doc. 81-38439 Filed 12-10-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Washington Water Power Company, Inc.; Intent To Begin Contract Negotiations for Industrial Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to enter into contract negotiations with the Washington Water Power Company, Inc. (WWP), Spokane, Washington, leading to a 40-year industrial water service contract pursuant to section 9(c)(2) of the Reclamation Project Act of 1939 (53 Stat. 1187).

WWP expects to need about 24,000 acre-feet of water per year from Franklin D. Roosevelt (FDR) Lake to operate a proposed 2,032 megawatt coal-fired powerplant to be located 60 miles west of Spokane, Washington, near the town of Creston. FDR Lake, which has an active capacity of about 5.2 million acre-feet of water, is formed by Grand Coulee Dam on the Columbia River in eastern Washington. The proposed Creston Powerplant will consist of four individual units, each with a capacity of 508 megawatts. Initial production of energy at the plant is scheduled to occur in 1987, with all four units in operation by 1993.

The terms and conditions of the proposed contract are ultimately dependent upon the Secretary of the Interior's approval of the form of the proposed contract. The public may observe negotiating sessions between the Bureau of Reclamation and WWP regarding the proposed contract. Advance notice of such meetings will be furnished upon written request received at least 1 week in advance of the meetings from interested parties specifying their interest in the proposed water service contract with WWP for the Creston Powerplant water supply. Inquiries should be addressed to the Regional Director, Bureau of Reclamation, Attention: Code 440, Box 043, 550 West Fort Street, Boise, Idaho 83724.

The public is invited to submit written comments on the proposed contract for a 30-day period after the completed contract draft is available to the public. Unless significant public interest is demonstrated in response to this notice, announcement of the availability of the proposed contract will be limited to those parties who have expressed an interest.

All written correspondence concerning the proposed contract will be made available for review and inspection upon receipt of written request pursuant to terms and procedures of the Freedom on Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions or copies of the proposed contract form, please contact Ms. Cathy Kent, Contract and Repayment Specialist, at the address above, or telephone (208) 334-9011.

Dated: December 7, 1981.

Eugene Hinds,

Assistant Commissioner of Reclamation.

[FR Doc. 81-35462 Filed 12-10-81; 8:45 am]

BILLING CODE 4310-09-M

Water Allocations and Water Service Contracting, Central Arizona Project; Public Hearing on Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a Draft Environmental Impact Statement (EIS) on the Water Allocations and Water Service Contracting, Central Arizona Project. This statement (INT DES 81-50 dated December 1, 1981), filed with the Environmental Protection Agency, is available to the public as specified in the Notice of Availability.

The Secretary of the Interior, who has sole and legal responsibility for allocating CAP waters, announced on November 12, 1981, his "proposed action" on the CAP dealing with water allocations. This proposed allocations for CAP water is consistent with the intent of this EIS, which was to consider a range of alternatives and the resulting environmental impacts that would encompass the overall allocation ultimately made by the Secretary.

A final allocation of CAP water is required so that identified CAP users (Indian tribes, non-Indian agriculture, and municipal-and-industrial water users) may design and construct the facilities required to treat and deliver the CAP water to the point of use. The main CAP aqueduct system is scheduled to make water delivers to the Phoenix and Pinal County areas in 1985, and to the Tucson area in 1988 or 1989. Considerable lead time, therefore, is required for the construction of delivery systems if water users are to be ready to receive CAP water when its comes on line.

Public hearing to receive comments on the draft statement will be in Phoenix, Arizona, at 1 p.m. and 7 p.m. on January 12, 1982, at the County Supervisor's Auditorium located at 205 W. Jefferson; and in Tucson, Arizona, at 1 p.m. and 7 p.m. on January 13, 1982, at the Tucson Community Center located at 350 Church Street.

Oral presentations at the hearings will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral statement; however, the Hearing Officer may allow any speaker to provide additional oral comment after all persons wishing to make comments have been heard. Additional comments will be limited to 10 minutes. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the schedule. Requests for scheduled presentations will be accepted up to 4 p.m., January 8, 1982, and any subsequent requests will be handled on a first come, first serve basis following the scheduled presentations.

Organizations or individuals desiring to present their statements at the hearings should contract the Environmental Division, Bureau of Reclamation, Arizona Projects Office, Suite 2200—Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073, telephone (602) 261–3577, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentations will be accepted for the record until 4 p.m., January 8, 1982. Written comments should be addressed to the Environmental Division at the address listed above and should specify that they are to be included in the hearing record.

Dated: December 8, 1981.

R. N. Broadbent,

Commissioner.

[FR Doc. 81–35532 Filed 12–10–81; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–43 (Sub-No. 80F)]

Illinois Central Gulf Railroad Co.; Abandonment in Holmes County, MS; Findings

The Commission has found that the public convenience and necessity permit Illinois Central Gulf Railroad Company to abandon its 12.7 mile rail line between Durant (excluding Durant) (milepost 0) and Lexington (milepost 12.7), in Holmes, County, MS. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35475 Filed 12–10–81; 8:45 am]

BILLING CODE 7035–01–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Advanced Marketing Systems Corporation, 3745 Farnsworth Street, Indianapolis, IN 46241.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

A. Maplehurst Deli-Bake, Inc., (an Indiana corporation), 8929 West Washington Street, Indianapolis, IN 46231.

B. Maplehurst Deli-Bake South, Inc. (an Indiana corporation), P.O. Box 439H, Rte. #5, Carrolton, GA 30117.

3. Sister corporation which has identical shareholders as Advanced Marketing Systems Corporation in identical percentages of ownership.

A. Maplehurst Farms, Inc. (an Indiana corporation), 3745 Farnsworth Street, Indianapolis, IN 46241.

4. Wholly-owned subsidiary of Maplehurst Farms, Inc.:

A. Maplehurst Dairy, Inc., 3745 Farnsworth Street, Indianapolis, IN 46241.

I. Parent Corporation and Address of Principal Office

Bayly Corp., Denver Tech Center, Bldg. 22, P.O. Box 5148, Denver, CO 80217.

II. Wholly-Owned Subsidiaries Which will Participate in the Operations, and States of Incorporation

A. Aspen Leaf, Inc., Denver, CO, Colorado corporation.

B. Waco Apparel, Inc., Waco, TX, Texas corporation.

C. Fly Manufacturing Company, Shelbyville, TN, Tennessee corporation.

D. Bayly Mexicana, S.A. de. C.V., Allende, Coahuila, Mexico, Mexican corporation.

E. Bayly de. Nicaragua, S.A., Managua, Nicaragua, C.A., Nicaragua corporation.

F. Baywood Transport, Inc., Waco, TX, Delaware corporation.

G. Bayly International Corp., Denver, CO, Colorado corporation.

1. Parent corporation and address of principal office: The Bendix Corporation, Bendix Center, P.O. Box 5060, Southfield, Michigan 48037.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) Bendix Autolite Corporation (Deleware).

(b) Aviation Electric Limited (Canada).

(c) Bendix Field Engineering Corporation (Delaware).

(d) Bendix Heavy Vehicle Systems, Inc. (Canada).

(e) Bendix Machine Tool Corporation (Michigan).

(i) BMT Engineering Corporation (Delaware).

(ii) Drillunit, Inc. (Michigan).

(f) Bendix Products Corporation (Indiana).

(g) Bendix Space Technology & Navigation, Inc. (Delaware).

(h) Bendix Technology, Inc. (New Jersey).

(i) Bendix Transportation Management Corporation (Delaware).

(j) Bendix Wind Power Products Company (Delaware).

(k) Continental Controls Corporation (Delaware).

(l) Courter, Inc. (Delaware).

(m) Fram Corporation (Delaware).

(i) Fram Canada, Inc. (Canada).

(a) Canadian Fram Limited (Ontario).

(b) Superior Machine & Tool (Chatham) Limited (Ontario).

(n) Texas Pipe Bending Company (Delaware).

(o) Toledo Stamping & Manufacturing Company (Ohio).

(p) The Warner & Swasey Company (Delaware).

(i) Midwest Machine & Tool Co. (Ohio).

(ii) The G. A. Gray Company (Ohio).

1. Parent corporation and address of principal office: Indiana Desk Co., Inc., P.O. Box 270, Jasper, Indiana 47546.

2. Wholly-owned subsidiary which will participate in the operations, and state of incorporation.

(a) Indiana Cabinet Company, Inc., formerly known as Dubois Cabinet Company, Inc.

(b) Incorporated in the State of Indiana.

1. The parent corporation and address of its principal office is: Union Chemicals Division, Union Oil Company of California, 1231 West Fifth Street, Los Angeles, California 90017.

2. The wholly-owned subsidiary, which will participate in the operation, and States in which it is qualified to do business is: PureGro Company (a California corporation), 1111 West Sixth Street, Los Angeles, California 90017.

Arizona	Idaho
California	Illinois
Colorado	Kansas

Montana
Nebraska
Oregon
Washington
Wyoming

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-35473 Filed 12-10-81; 8:45 am]
BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

December 7, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

FSA No. 43945, Southwestern Freight Bureau, carload rates on cottonseed hulls, and kindred and related articles, between Stations in Southwestern Territory, including Mississippi River Crossings Memphis, TN, and South, also between points in Southwestern Territory, on the one hand, and stations in Illinois and Western Trunk Line Territory, on the other hand, and only for the account of MP, in Tariff ICC SWFB 4450, to become effective January 2, 1982. Grounds for relief: Origin rate relationship.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-35474 Filed 12-10-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 68F)]

Southern Pacific Transportation Co.; Abandonment Between Marlboro and Villa Park, CA; Findings

The Commission has issued a certificate authorizing the Southern Pacific Transportation Company to abondon its 1.76 mile rail line between Marboro (milepost 514.90) and Villa Park (milepost 516.66), in Orange County, CA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen D. Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-35476 Filed 12-10-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 7, 1981.

By the Commission, Review Board Number 3. Members Krock, Joyce, and Dowell.

MC-F-14737, filed November 10, 1981. BURLINGTON STAGE LINES, LTD., d.b.a. BURLINGTON TRAILWAYS (Burlington) (504 Spring Street, West Burlington, IA 52655)—purchase (portion)—American Buslines, Inc., d.b.a. American Trailways (American) (1500 Jackson Street, Dallas, TX 75201). Representative: Lawrence E. Lindeman, 425 13th Street, N.W., Suite 1032, Washington, DC 20004. Burlington seeks authority to purchase a portion of the operating authority of American. Ronald R. Moore and Arnold Coombs, who control Burlington through stock ownership, seek to control the operating rights through the transaction. The operating rights sought to be purchased are contained in Certificate No. MC-2890 (Sub-No. 18), IA Certificate C-12P, and MO Certificate 281, which authorize the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, (1) between St. Louis, MO, and Grandview, IA, via US Hwys 61, 24, 136 and alternate 40, and IL Hwy 96; and (2) between Muscatine, IA, and Cedar Rapids, IA, via US Hwys 6 and 218 and IA Hwy 28. Burlington filed an extension

application, docket No. MC–159197, published December 1, 1981. Application for TA has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35477 Filed 12–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; Finance Application

The following proceeding has been remanded to the Commission by the United States Court of Appeals for the District of Columbia Circuit for reconsideration of a substantive issue. The Commission has decided to reopen the proceeding and by this publication provides notice to interested persons of the issues which will be reconsidered in light of the Court's decision and explains how they may participate.

No. MC–F–11787, *O.N.C. Freight Systems-Purchase-William Louis Damon, D/B/A Damon Freight Lines*, [Embraces No. MC–71459 (Sub-No. 490), *O.N.C. Freight Systems, Ext.-Albuquerque.] By decision in O.N.C. Freight Systems* v. *United States and Interstate Commerce Commission*, U.S.C.A. D.C. Cir., No. 77–1834 (1980), the District of Columbia Circuit Court of Appeals remanded this proceeding to the Commission for reconsideration of whether a restriction prohibiting tacking of the subject authority with purchaser's other authority should be removed. Sale of the authority to McLean Trucking Company has been conditionally authorized in No. MC–F–13974, *McLean Trucking Company—Purchase (Portion)—O.N.C. Freight Systems* (not printed), decided April 24, 1980. The operating rights sought to be transferred authorize the transportation, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Albuquerque, NM, on the one hand, and, on the other, points in the Navajo Indian Reservation in Arizona, New Mexico, and Utah; the Hopi Indian Reservation in Arizona; the Zuni Indian Reservation in New Mexico, and points in McKinley County, NM (except Gallup and Gamerco), and points in San Juan County, NM (except Farmington). Restriction: The operations authorized herein may not be combined or joined for the purpose of providing a thorough service.

By decision dated November 6, 1981, we directed applicants to submit evidence in support of their request to remove the no-tacking restriction. Persons wishing to oppose removal of the restriction must comply with 49 CFR 1100.247 (See 45 FR 45539, July 3, 1980). Representative: O.N.C.—Joseph Ficurelli, P.O. Box 10290, Palo Alto, CA 24303. McLean—Dave Eschelman, P.O. Box 213, Winston-Salem, NC 27154.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35478 Filed 12–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seeks approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuance) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 1, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

No. MC–F–14740, filed November 16, 1981. CARGO EXPRESS CO., INC. (Cargo) (728 Planters Road, Lilburn, GA 30247)—PURCHASE (PORTION)—ARTIM TRANSPORTATION SYSTEM, INC. (Artim) (8400 W. Lake Dr., Merrillville, IN 46410). Representative: E. Stephen Heisley, 805 McLachlen Bldg., 666 Eleventh St. NW., Washington, DC 20001. Cargo seeks authority to purchase a portion of the interstate operating rights of Artim. Kennedy Leasing Co., Inc., a non-carrier and sole stockholder of Cargo, and, in turn, R. Ralph Artim and Ralph D. Artim (Individuals), the persons in control of Kennedy Leasing Co., Inc., seek authority to acquire control of said rights through the transaction. The Individuals are also the controlling stockholders of Artim and therefore seek authority to continue in control of Cargo upon the institution by Cargo of operations, in interstate commerce, as a motor common carrier. The operating authority to be purchased

is contained in No. MC–41406 (Sub-Nos. 26, 54, 58 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 97, 99, 102, 103, 104, 107, 115, 116, 117, 118, 119, 120, 121, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 138, 146, 147, 148, 149, 155, 157, 158, 159, 161, 162, 164, 165, 166, 167*, 168X (paragraphs (1)(c) and (3)), 169X (paragraph (1)(f)), 171X, 172X, 173X, 174X, and 175X (paragraphs (2), (4), (5)). The authority to be purchased by Cargo Express Co., Inc. generally authorizes the transportation of such commodity groupings as: *metal products, building materials,* and those commodities which because of their size or weight require the use of special various specified commodities between points in the eastern United States.

Note.—An application for temporary authority has been filed.

No. MC–F–14744, filed November 30, 1981. S.R.T. MOTOR FREIGHT, INC. (S.R.T.) (1801 South Pennsylvania Avenue, Morrisville, PA 19067)—CONTROL—AMERICAN TRANS-FREIGHT, INC. (American) (P.O. BOX 796, Manville, NJ 08335). Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110–1097. S.R.T. seeks authority to acquire control of American through the purchase by S.R.T. of all the issued and outstanding capital stock of American. Stephen R. Tranovich, major stockholder of S.R.T., seeks authority to acquire control of the operating rights and property of American through the transaction. American holds authority under Docket No. MC–140768 to transport specified commodities as a contract carrier, over irregular routes, between points in the United States, for a number of named shippers. American also holds authority under MC–140768 as a common carrier, to transport specified commodities over irregular routes, between points in the United States. S.R.T. holds authority as a common carrier under Docket No. 84450 to transport (a) *machinery and articles* which because of size or weight require special equipment between Philadelphia, PA and points in NJ, DE, and PA within 30 miles of Philadelphia on the one hand, and, on the other, points in NJ, DE, MD, PA, CT, and DC and those in NY within 75 miles of New York, NY, and (b) *metal products,* between points in Philadelphia County, PA, on the one hand, and, on the other, points in the United States, and (c) handling or equipment, between various points and areas throughout the United States. Artim Transportation System, Inc., is retaining generally that authority which authorizes service between points in the Midwest and Middle Atlantic States. Condition: So far as can be ascertained from the evidence of record in this proceeding, Kennedy Leasing Co., Inc., is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Kennedy Leasing Co., Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting and of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—TA has been filed.

[FR Doc. 81–35479 Filed 12–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–315

Decided: December 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 159320, filed November 17, 1981. Applicant: INTERSTATE MOVING AND STORAGE, INC., Route 236, P.O. Box 314, Kittery, ME 03904. Representative: H. Alan Bouffard, Old Post Road, Kittery, ME 03904, (207) 439–0344. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159321, filed November 17, 1981. Applicant: LOIS C. WELCH, d.b.a. L–C TRUCKING, 1811 Harve St., Missoula, MT 59801. Representative: Lois C. Welch (same address as applicant), (406) 549–8465. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil*

conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159330, filed November 17, 1981. Applicant: FLETCHER TRANSFER AND STORAGE, INC., P.O. Box 5244, Lawton, OK 73504. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OP1–317

Decided: December 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 134890 (Sub-14), filed November 24, 1981. Applicant: MARION TRANSFER, INC., 3011 North 30th St., Milwaukee, WI 53210. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146041 (Sub-10), filed November 13, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Robert G. Egerton (same address as applicant), (714) 549–1982. Transporting *general commodities* (except classes A and B explosives), between Primrose and Luthersville, GA, Cardwell, Arbyard, Hornersville, Edna, Lewistown, Hurdland and Ewing, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allison, TX, Raymond, Oakley, Adams, and Myles, MS, Snyder and Hamburg, AR, Holly Springs, Stokedale, Dallas, and High Shoals, NC, Radcliff, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton, Richmond, Dunkel, Oconee, Hanson, Vera, Shobonier, Vernon, and Pataka, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia, and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon, and Butler, OK, McDonald, Painesville, Chardon, Middlefield, and Clarksville, OH, Paris, Paris Crossing, and Malden, IN, South Haven, MI, Filbert, SC, Monticello and Bell, FL, Clyde, WA, Hosston, LA, and Fallbrook, CA, on the one hand, and, on the other, points in the U.S.

MC 159301, filed November 16, 1981. Applicant: EMPLOYEE TRANSFER CORPORATION, 20 North Wacker Drive, Chicago, IL 60606. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159351, filed November 18, 1981. Applicant: BEST TIME MESSENGER SERVICE, INC., 38 Middleneck Road, Great Neck, NY 11201. Representative: Eugen Natale, 600 Old Country Road, Garden City, NY 11530, (516) 742–1022. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–2–233

Decided: December 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 159213, filed November 9, 1981. Applicant: DAVID EUGENE JONES, 8930 Hickory Place, Thornton, CO 80229. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80229, (303) 837–1204. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159332, filed November 17, 1981. Applicant: JAMES D. EDWARDS, d.b.a. ESI, P.O. Box 8, Sandpoint, ID 83864. Representative: James D. Edwards (same address as applicant), (208) 263–6678. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159352, filed November 18, 1981. Applicant: MOVER'S INTERNATIONAL, INC., 18800 Highway 99, Lynnwood, WA 98036. Representative: Robert H. Johnson, P.O. Box 1294, Lynnwood, WA 98036, 206–775–3888. (1) Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (3) Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPY–3–223

Decided: December 3, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Willaims.

MC 102295 (Sub-46), filed November 20, 1981. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–7900. Transporting for or on behalf of the United States Government *general commodities* Except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 123254 (Sub-11), filed November 17, 1981. Applicant: PITZER BROTHERS, INC., P.O. Box 633, Jeannette, PA 16544. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005,(202) 783–3525. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148775 (Sub-4), filed November 12, 1981. Applicant: ARNIE MAKEEFF, d.b.a. MAKEEFF TRUCKING, 1347 Tillamack, Billings, MT 59101. Representative: Alma Longmire, P.O. Box 30351, Billings, MT 59107, (406) 252–9413. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 151634 (Sub-3), filed November 24, 1981. Applicant: GOLDEN COACH, A.C., INC., Boston at Pacific, Atlantic City, NJ 08404. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *shipments weighing 100 pounds or less* if transported in a motor

vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159244, filed November 24, 1981. Applicant: ROBERT WESLIE CARTER, Route 2 Box 75DA, Apex, NC 27502. Representative: Robert Weslie Carter (same address as applicant), (919) 362–7787. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the vehicle in such vehicle, between points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159434, filed November 24, 1981. Applicant: FEDERAL TRANSPORT, INC., 5658 Elmore Rd., Bartlett, TN 38134. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret marterials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–468

Decided: December 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 159407, filed November 24, 1981. Applicant: BONANZA VAN LINES, INC., 1501 S.E. 1st, Lawton, OK 73501. Representative: James J. Fratino, P.O. Box 82, Edgewater, MD 21037, (301) 261–7227. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159427, filed November 24, 1981. Applicant: JAMES BRANT, d.b.a. BRANT TRUCKING, 1300 S.W. 196 Ave., Pembroke Pines, FL 33029. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd. St., Miami, FL 33166, (305) 592–0036. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–5–215

Decided: December 1, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 159338, filed November 18, 1981. Applicant: J & B EXPEDITERS, INC., P.O. Box 923, Bensenville, IL 60106. Representative: Patrick H. Smyth, 105 W. Madison, Suite 1008, Chicago, IL 60603, 312–263–2397. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159349, filed November 18, 1981. Applicant: BOB DONALDSON TRUCKING, 503 Southern Ave., Selah, WA 98942. Representative: Robert A. Donaldson (same address as applicant), 509–697–8652. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–5–217

Decided: December 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 142059 (Sub-182), filed November 20, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Dr., Channahon, IL 60410. Representative: Jack Riley (same address as applicant), (815) 729–3808. Transporting *general commodities* between Oconee and Vera, IL, Alta Vista, Elma, Fredericksburg, Garwin, Harlan, Irwin, McIntire, Riceville, Sumner, Toledo, and Westgate, IA, Dennison, Dundas, Elkton, Kenyon, Nerstrand, and West Concord, MN, Carlyle, MT, Great Bend, ND, Clarksville, OH, Forest City, Nicholson, Starruca, Thompson, and Union Dale, PA, Soumethun, TX, and Arpin, Barksdale, Cedar Lake, Clearwater Lake, Conover, Eagle River, Edgar, Fenwood, Gagen, Lac du Flambeau, Lake Tomahawk, Manitowish, Marathon City, McNaughton, Mercer, Idanah, Powell, Three Lakes, Vesper, Washburn, and Woodruff, WI, on the one hand, and, on the other, points in the U.S.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35480 Filed 12–10–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–316

Decided: December 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 18080 (Sub-5), filed November 13, 1981. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 2312, Grand Island, NE 68802–2312. Representative: Johnnie K. Walker (Same address as applicant) (308) 381–8300. Transporting *iron and steel articles,* between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 18080 (Sub-6), filed November 17, 1981. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 2312, Grand Island, NE 68802–2312. Representative: Johnnie Walker, P.O. Box 313, Wood River, NE 68883 (308) 583–2000. Transporting *lumber and wood products,* between points in WY, MT, CA, ID, OR, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 18080 (Sub-7), filed November 24, 1981. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 2312, Grand Island, NE 68802–2312. Representative: Johnnie Walker, P.O. Box 313, Wood River, NE 68883. Transporting *hides, skins, pelts, and pieces of hides, skins, or pelts,* between points in NE and CO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 52460 (Sub-343), filed November 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (Same address as applicant) (918) 445–4434. Transporting *transportation equipment,* between points in Los Angeles County, CA, Mercer County, OH, and Kay County, OK, on the one hand, and, on the other, points in the U.S.

MC 121470 (Sub-88), filed November 24, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant) (615) 244–7417. Transporting *general commodities* (except household goods and classes A and B explosives), between points in TN, AL, and GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124111 (Sub-71), filed November 18, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *metal products,* between points in Columbiana County, OH, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX.

MC 124251 (Sub-77), filed November 18, 1981. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *pulp, paper and related products, and plastic composite tubes and cores,* between points in Whitfield County, GA, on the one hand, and, on the other, points in AL, FL, GA, NV, NC, SC and TN.

MC 127921 (Sub-5), filed November 19, 1981. Applicant: COOLEY TRANSPORT, INC., Route 8, Box 225, Inman, SC 29349. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840–8565. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Cargill, Inc., of Minnetonka, MN.

MC 128761 (Sub-7), filed November 16, 1981. Applicant: RICHARD M. GODFREY, 8530 Kingscove Dr., Salt Lake City, UT 84121. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111 (801) 531–1300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Grand Central, Inc., of Salt Lake City, UT.

MC 135231 (Sub-67), filed November 24, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Hwy 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *chemicals and related products,* between points in Morris County, NJ and Harrison County, TX, on the one hand, and, on the other, points in the U.S.

MC 135861 (Sub-99), filed November 19, 1981. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103 (817) 332–4718. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wes-Tex Shippers Association, of Lubbock, TX.

MC 141021 (Sub-2), filed November 13, 1981. Applicant: PETROLEUM TRANSPORT CO., INC., P.O. Drawer 1559, Kenner, LA 70063. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130 (504) 522–7284. Transporting *cement, oil field drilling mud and mineral filler,* between points in LA, on the one hand, and, on the other, points in MS.

MC 144011 (Sub-9), filed November 16, 1981. Applicant: HALL SYSTEMS, INC., 214 South 10th St., Birmingham, AL 35233. Representative: J. Wesley Raybon (Same address as applicant) (205) 324–5620. Transporting *metal products,* between points in the U.S., under continuing contracts(s) with Metalplate Galvanizing, Inc., of Birmingham, AL.

MC 145190 (Sub-6), filed November 16, 1981. Applicant: D. A. D. TRANSPORT CORPORATION, 3832 New Cummings Road, Chattanooga, TN 37409. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting (1) *pulp, paper and related products* and (2) *rubber and plastic products,* between Chattanooga, TN, on the one hand, and, on the other, points in AL, AR, GA, LA, MS, NC, SC, and those in FL in and east of Jefferson County

MC 148380 (Sub-20), filed November 18, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 29 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting *forest products, building materials, and lumber and wood products,* between points in the U.S., under continuing contract(s) with Babcock Lumber Co., of Pittsburgh, PA.

MC 148621 (Sub-1), filed November 16, 1981. Applicant: MIKE REYNOLDS TRUCKING COMPANY, INC., P.O. Box 197, Maplesville, AL 36750. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104 (205) 262–2756. Transporting *lumber and wood products,* between points in AL, on the one hand, and, on the other, points in the U.S.

MC 150700 (Sub-7), filed November 17, 1981. Applicant: OLIN WOOTEN TRANSPORT CO., INC., P.O. Box 731 Hazlehurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Manville Forest Products Corporation of West Monroe, LA.

MC 150951 (Sub-9), filed November 17, 1981. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston Street, Cranston, RI 02920 Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Soluol Chemical Company, Inc., of West Warwick, RI.

MC 151981 (Sub-3), filed November 18, 1981. Applicant: JERRY L. ROVINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, 599 Earlywood Drive, Franklin, IN 46131. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with The Coca-Cola Company Foods Division, of Houston, TX.

MC 152730 (Sub-13), filed November 16, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 349, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348–0051. Transporting *such commodities* as are dealt in or used by manufacturer and distributor of dairy products, between points in Madison County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155811, filed November 13, 1981. Applicant: TOM McCARTY TRUCKING, 2400 2nd N.W., Albuquerque, NM 87102. Representative: Tom McCarty, 436 Alcazar S.E., Albuquerque, NM 87108, (505) 265–4542. Transporting *clay, concrete, glass or stone products*, between points in IN and MO, on the one hand, and, on the other, points in WA, OR, CA, NV, UT, MT, WY, and AZ.

MC 156511 (Sub-1), filed November 13, 1981. Applicant: ANTHONY J. ULGIATI, d.b.a. A. J. TRANSPORTATION, 24 Lincoln Ave., Rochester, NY 14611. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580, (716) 265–9510. Transporting *such commodities* as are dealt in or used by a manufacturer of railroad machinery and devices, between points in NY, on the one hand, and, on the other, points in the U.S.

MC 159270, filed November 13, 1981. Applicant: DARYL O. HATTEN, d.b.a. D. O. HATTEN TRUCKING, East 7905 Boone, Spokane, WA 99206. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *building materials, iron and steel articles, scrap metal, machinery and parts*, and *commodities which because of size or weight require special equipment*, and *drilling supplies and equipment*, between points in WA, ID, OR, MT, WY, CO, NV, UT, CA, NM, and AZ.

MC 159300, filed November 16, 1981. Applicant: CHARLOTTE MESSNER, d.b.a. CHAR LYN TRUCKING, 1431 Taylor Ave., Altoona, PA 16602. Representative: Ray Messner (same address as applicant), (814) 942–3989. Transporting (1) *food and related products*, (2) *metal products*, (3) *plastic products*, and (4) *paper products*, between points in the U.S. (except AK and HI).

MC 159311, filed November 16, 1981. Applicant: MARTIN MOTOR COMPANY, INC., P.O. Box 263, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *steam cleaning equipment, metal products, and chemicals and related products*, between points in AR, on the one hand, and, on the other, points in the U.S.

MC 159420, filed November 24, 1981. Applicant: M & W TRANSPORTATION CO., INC., P.O. Box 345, Conley, GA 30027. Representative: Paul P. Watkins, P.O. Box 76358, Atlanta, GA 30358, (404) 255–0688. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OPY–4–470

Decided: December 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 115826 (Sub-606), filed November 25, 1981. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Amoco Production Company, of Denver, CO, Ralston Purina Company, of St. Louis, MO, and Potters Industries, Inc., of Hasbrouck Heights, NJ.

MC 127876 (Sub-5), filed November 25, 1981. Applicant: EUCLIDE TRUCKING CO., INC., Route 1, Abrams, WI 54101. Representative: Edward J. Gerrity, 601 W. College Ave., P.O. Box 914, Appleton, WI 54912, (414) 734–5608. Transporting (1) *building materials*, between points in Brown County, WI, on the one hand, and, on the other, points in IL, and (2) *pulp, paper and related products*, between points in Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, points in IL.

MC 130656 (Sub-1), filed November 27, 1981. Applicant: MARK ANTHONY COMPANY, d.b.a. SELECT TOURS, 114 East 8th St., P.O. Box 115, Madrid, IA 50156 0115. Representative: Mark Anthony (same address as applicant), (515) 795–3111. Transporting *passengers and their baggage*, in special and charter operations, between points in Carroll, Greene, Boone, Story, Polk, Hamilton, Webster, Calhoun, and Sac Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138126 (Sub-49), filed November 25, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Route 313, P.O. Box 477, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 144616 (Sub-16), filed November 24, 1981. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112, (817) 457–0804. Transporting (1) *chemicals and related products*, and (2) *toilet preparations*, between points Duvall County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146046 (Sub-5), filed November 27, 1981. Applicant: INTERCOASTAL LINES, LTD., 200 Foxhunt Crescent, Syosset, NY 11791. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048–0604, (212) 466–0220. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, between points in the U.S. (except AK and HI), under continuing contract(s) with Paul Masson Vineyards, Inc., of San Jose, CA; and (2) *such commodities* as are dealt in or used by manufacturers and distributors of pharmaceutical and medical products, between points in the U.S. (except AK and HI), under continuing contract(s) with Schering Corporation, of Kenilworth, NJ.

MC 147196 (Sub-19), filed November 27, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643–1700. Transporting *chemicals and related*

products, between points in the U.S. (except AK and HI), under continuing contract(s) with Anko Products, of Lancaster, TX.

MC 147746 (Sub-3), filed November 27, 1981. Applicant: TRI-UNION EXPRESS, INC., 3680—179th St., Hammond, IN 46323. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *beverages and related products,* between points in IL, IN and WI.

MC 151566 (Sub-18), filed November 24, 1981. Applicant: PERRY TRANSPORT, INC., 14375—172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *metal and plastic components,* between points in the U.S. (except AK and HI), under continuing contract(s) with Winward Products, Inc., of Grand Haven, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 2410.

MC 156866, filed November 27, 1981. Applicant: MUNDANZAS INTERNACIONALES MEXICANAS, INC., 10517 Long Beach Blvd., Lynwood, CA 90262. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *household goods,* between points in AZ and CA, on the one hand, and, on the other, ports of entry on the International Boundary line between the U.S. and the Republic of Mexico, at points in AZ and CA.

MC 159466, filed November 27, 1981. Applicant: CRYSTAL TRAVELS, INC., Rt. 8, Box 135, Rd. S–42–214, Inman, SC 29349. Representative: Joseph M. Epting, P.O. Box 11414, Columbia, SC 29211, (803) 799–9427. To operate as a *broker,* at Inman, SC, in arranging for the transportation of *passengers and their baggage,* between points in Spartanburg County, SC, and points in the U.S.

Volume No. OPY–4–472

Decided: December 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 115557 (Sub-41), filed November 30, 1981. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Verne T. Mahood (same address as applicant), (814) 365–5811. Transporting *materials, equipment and supplies used in the production, installation and distribution of glass containers* (except commodities in bulk), between Contra Costa, Alameda, Los Angeles, and Orange Counties, CA, Windham County, CT, Clayton County, GA, Grant County, IN, Indianapolis, IN, Jackson, MS, Armstrong, Clarion, Forest, and Venango County, PA, and Anderson County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135997 (Sub-2), filed November 25, 1981. Applicant: TEXAS TANK LEASING, INC., Route 5, Box 99, Conroe, TX 77301. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472–1101. Transporting *general commodities* (except classes A and B explosives and household goods), between the facilities of Owens-Corning Fiberglass Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141317 (Sub-6), filed November 30, 1981. Applicant: HAAG TRANSPORT, INC., P.O. Box 25, Shelburn, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *metal products,* between points in Knox County, IN, Cuyahoga County, OH, and McIntosh County, OK, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 151637 (Sub-3), filed November 30, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *new furniture,* between points in Crawford and Sebastian Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157957, filed November 30, 1981. Applicnt: LORAS KALB, 904 Monticello Drive, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001 (319) 557–1320. Transporting *fertilizer,* between points in IL, IA, and WI.

MC 159487, filed November 30, 1981. Applicant: GARY PETERSON and CRAIG AUKES d.b.a. MIDWEST TRANSPORT CO., 101 3rd St., N.W., P.O. Box 138, Buffalo Center, IA 50424. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *fertilizer,* (1) between points in Clinton, Hancock, Webster, and Woodbury Counties, IA, on the one hand, and, on the other, points in IL, MN, SD, and WI, and (2) between points in Winnebago and Kossuth Counties, IA, on the one hand, and, on the other, points in MN.

Volume No. OPY–5–216

Decided: December 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 41098, (Sub-70), filed November 27, 1981. Applicant: GLOBEL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street N.W., Washington, DC 20006, 202–833–8884. Transporting *transportation equipment,* between points in San Diego County, CA, on the one hand, and, on the other, points in the U.S.

MC 88368, (Sub-56), filed November 25, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902, (301) 649–5074. Transporting (1) *machinery* and (2) *metal products,* between points in MI, on the one hand, and, on the other, points in the U.S.

MC 145559, (Sub-17), filed November 20, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by a distributor of carpet or appliances, between points in AZ, on the one hand, and, on the other, points in the U.S.

MC 145939, (Sub-2), filed November 19, 1981. Applicant: ATLANTIC CARRIERS, INC., Box 284, Atlantic, IA 50022. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *fertilizer* between points in IA, MO, and IL, on the one hand, and, on the other, points in IA, KS, MO, NE, SD, MN, WI, and IL.

MC 147499, (Sub-6), filed November 24, 1981. Applicant: D. H. TRANSFER, INC., 671 M–73, Iron River, MI 49935. Representative: Donald Hooper (same address as applicant), 906–265–9329. Transporting *lumber and wood products,* between points in Gogebic County, MI on the one hand, and, on the other, points in the U.S.

MC 147969 (Sub-10), filed November 24, 1981. Applicant: JOE S. BROWN, INC., P.O. Box 262, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. Transporting (1) *such commodities* as are dealt in or used by manufacturers or distributors of artificial Christmas trees, portable ice

chests and plastic products, between points in Boone County, IN, on the one hand, and, on the other, points in the U.S. and (2) *edible flour*, between points in St. Clair County, IL, on the one hand, and, on the other, points in the U.S.

MC 148328 (Sub-3), filed November 20, 1981. Applicant: LEONARD ALLEN AND GARY ARIOTTI, d.b.a. ALLEN TRUCKING, 5257 N. Vincent, P.O. Box 2121, Irwindale, CA 91706. Representative: Leonard Allen (same address as applicant), (213) 332–4934. Transporting *general commodities* (except commodities in bulk and A and B explosives), between points in the U.S., under continuing contract(s) with Caltop Cooperative, Inc., of Bell, CA.

MC 150088 (Sub-9), filed November 25, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwestern Pkwy., Grand Prairie, TX 75051. Representative: Robert K. Frisch, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240, (214) 934–0963. Transporting *general commodities*, (except classes A and B explosives, and commodities in bulk), between points in the U.S. under continuing contract(s) with Sterling Warehousing and Distribution, Inc. of Grand Prairie, TX.

MC 151448 (Sub-4), filed November 25, 1981. Applicant: BERNS TRANSPORTATION, INC., 4585 South Harding St., Indianapolis, IN 46217. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. 317–638–1301. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in IL, IN, KY, MI and OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, MI, MN, MO, MS, NC, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC.

MC 151819 (Sub-7), filed November 20, 1981. Applicant: CARGO-MASTER, INC., 917 S. Harwood, Dallas, TX 75201 Representative: Jackson Salasky (same address as applicant), (214) 741–6185. Transporting *containers* between points in TX, on the one hand, and, on the other, points in the U.S.

MC 156588, filed November 24, 1981 Applicant: BISON TRANSPORT SERVICES, LTD., 1063 Sherwin Road, Winnipeg, Manitoba, Canada R3H OT8. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting (1) *pulp, paper and related products* and (2) *food and related products*, between the ports of entry on the international boundary line between the U.S. and Canada at points in MN and ND, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, ND, SD, and WI.

MC 157728, filed November 19, 1981. Applicant: RICHARD D. VANZUIDEN, d.b.a. R & D TRUCKING, 11256 Billings Ave., Lafayette, CO 80026. Representative: Richard D. VanZuiden (same address as applicant), (303) 665–9899. Transporting (1) *metal products*, under continuing contract(s) with Explosive Fabricators, Inc., of Louisville, CO, and (2) *metal and fiberglass products, electronic equipment*, and *construction equipment*, under continuing contract(s) with Link-Up, Inc., of Arvada, CO, between points in the U.S.

MC 159328, filed November 24, 1981. Applicant: DAN DARROW, d.b.a. DARROW TRUCKING, 8185 S. Cole Road, Boise, ID 83709. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 83702. Transporting (1) *lumber and wood products*, (2) *pre-cut log homes*, and (3) *building materials*, between points in the U.S., under continuing contract(s) with Pressure Treated Timber Co., Inc., of Boise, ID.

MC 158039, filed November 20, 1981. Applicant: NORMA BESSIRE, d.b.a. SOLAR HULL COMPANY, P.O. Box 1272, Canadian, TX 79014. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., Neenah, WI 54956. (414) 722–2848. Transporting *Mercer commodities* (1) between points in Butte County, SD, Weston and Big Horn Counties, WY, Bowman County, ND, and Phillips County, MT, on the one hand, and, on the other, points in OK and TX, and (2) between points in Butte County, SD, Park, Big Horn, Sweetwater, Natrona, and Western Counties, WY, on the one hand, and, on the other, points in Seward County, KS, and those points in TX and north of Oldham, Potter, Carson, Gray, and Wheeler Counties.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35482 Filed 12-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–32473, appearing at page 55568 in the issue of Tuesday, November 10, 1981, the 10th line of the second complete paragraph in column one on page 55572 should have read, "and, on the other, points in CO, IA, IN, MN."

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; La Salle Fashions, Inc., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period November 30–December 4, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,673; La Salle Fashions, Inc., Hoboken, NJ
TA–W–12,619; Uddeholm Corp., Stora Steel Div., Fairfield, NJ
TA–W–12,415; Lucy Rose Anna Coat Co., Inc., Hoboken, NJ
TA–W–12,379; The Bendix Corp., Electric & Fluid Power Div., Eatontown, NJ
TA–W–12,378; All Star Products, Inc., Edgerton, OH
TA–W–12,141; Asko, Inc., American Shear Knife Div., West Homestead, PA
TA–W–12,103; Colt Industries, Trent Tube Div., East Troy, WI
TA–W–11,367; Jack's Glove Co., Gloversville, NY
TA–W–11,326; Douglas & Lomason Co., Marianna, AR
TA–W–11,129; Weatherbee Coats, Youngstown, OH
TA–W–11,752; Commercial Dress Co., High Bridge, NJ
TA–W–11,572; Ina Sportswear, New York, NY
TA–W–10,974; Conaway Winter, Inc., Willow Springs, MO
TA–W–11,694; Bush Hog Continental Gin, Prattville, AL.

TA–W–11,189; Rockwell International, Suspension Components Div., Chelsea, MI
TA–W–11,235; Welpro, Inc., Seabrook, NH
TA–W–11,833; Cowden Mfg. Co., Morehead, KY
TA–W–12,278; Mark Levinson Audio Systems, Ltd., Hamden, CT
TA–W–11,871; Sullivan Shoe Co., Sullivan, MO
TA–W–11,911; Bethlehem Steel Corp., Conemaugh & Backlick Railroad, Johnstown, PA
TA–W–11,821 & 11,822; Amax Specialty Metals Corp., Alloy Div., Florham Park Newark, NJ
TA–W–11,107; National Steel Pellet Co., Keewatin, MN
TA–W–11,417 & 11,489; A&A Mfg. Corp., Springfield and Aurora, MO

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,761; General Electric Co., Hermetic Motor Products Dept., Tiffin, OH
TA–W–11,768; Standard Alliance Industries, Inc., Transue Williams Div., Stamping Plant, Alliance, OH
TA–W–12,921; Georgetown Steel Corp., Georgetown, SC
TA–W–12,969; Chrysler Learning, Inc., McNicols Training Center, Highland Park, MI
TA–W–12,470; Mel Coat Fashions, Inc., Weehawkin, NJ
TA–W–12,454; Lunar Fashions, Hoboken, NJ
TA–W–12,122; Style Sportswear, Inc., Paterson, NJ
TA–W–12,067; Jessop Steel Co., Washington, PA
TA–W–11,514; Olivetti Corp., Harrisburg, PA
TA–W–12,650; Ship 'N Shore, Ephrata, PA

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA–W–12,156; Leather Mates, Inc., New York, NY

Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA–W–11,671; S.W.S. Silicones Corp., Adrian, MI

With respect to silicone rubber, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to silicone fluids, U.S. imports are negligible

TA–W–11,475 & 11,475A; Singer Mfg., Inc., M Richard Singer & Co., Philadelphia, PA

Aggregate U.S. imports of men's and boys suit coats and sportscoats did not increase as required for certification.

In the following case the investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA–W–11,923; Schwaid and Schwaid Corp., New York, NY

Affirmative Determinations

TA–W–12,168; Grizzly Shake Co., Forks, WA

A certification was issued in response to a petition received on January 23, 1981 covering all workers separated on or after January 12, 1980 and before June 1, 1980.

TA–W–11,255; Athalon Products, Ltd., Denver, CO

A certification was issued in response to a petition received on October 3, 1980 covering all workers separated on or after March 1, 1980.

TA–W–11,183; Dover Handbag Co., Inc., Netcong, NJ

A certification was issued in response to a petition received on September 29, 1980 covering all workers separated on or after September 24, 1979.

TA–W–10,484; Tiffin Crystal, Div. of Towle Mfg. Co., Tiffin, OH

A certification was issued in response to a petition received on August 1, 1980 covering all workers separated on or after January 18, 1980.

TA–W–11,033; 11,034; 11,035; 11,036; & 11,037; SCM Corp., Smith-Corona Group Plant #2, Cortland, NY; Plant #3, Groton, NY; Plant #5, Cortland, NY; Plant #8, Cortland, NY; and Plant #1, Cortland, NY

A certification was issued in response to a petition received on September 16, 1980 covering all workers separated on or after September 12, 1979 and before April 1, 1981

TA–W–11,573; Mickey Madann Handbags, Inc., New Bedford, MA

A certification was issued in response to a petition received on October 24, 1980 covering all workers of the firm separated on or after June 28, 1980.

I hereby certify that the aforementioned determinations were issued during the period November 30–December 4, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal working hours or will be mailed to persons who write to the above address.

Dated: December 7, 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance

[FR Doc. 81–35471 Filed 12–10–81; 8:45 am]
BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Biquette, Inc., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213

Signed at Washington, D.C. this 7th day of December 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Biquette, Inc. (company)	W. New York, N.J.	12/4/81	11/30/81	TA-W-13,124	Sportswear—children.
Braddock Frosted Foods, Inc. (UFCW)	Hammonton, N.J.	11/25/81	11/18/81	TA-W-13,125	Seafood, vegetables—frozen.
Gerity Schultz (UAW)	Toledo, Ohio	12/1/81	11/24/81	TA-W-13,126	Carburators and parts.
Gulf & Western Enery Products Group, Taylor Forge (boilermakers)	Memphis, Tenn	12/1/81	12/1/81	TA-W-13,127	Steel—carbon, elbows and tees.
Jaques Syl Knitwear (company)	W. New York, N.J.	12/4/81	11/30/81	TA-W-13,128	Sportswear—childrens.
New Jersey Zinc, a Division of Gulf & Western Manufacturing Co. (USWA).	Thorn Hill, Tenn	11/25/81	11/23/81	TA-W-13,129	Zinc—mining.
Avon Services, Inc. (workers)	Battle Mt. Nev	12/4/81	11/30/81	TA-W-13,130	Barite mining.
Jeep Corp. (UAW)	Toledo, Ohio	12/4/81	11/25/81	TA-W-13,131	Trucks—pick-up, vehicles—general.

[FR Doc. 81-35469 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-233-C]

Valley Camp Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Valley Camp Coal Company, 2971 E. Dupont Avenue, Shrewsbury, WV 25184 has filed a petition to modify the application of 30 CFR 75.303(a) (preshift examinations) to its No. 9 Tunnel located in Kanawha County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that preshift examinations of seals be made within three hours immediately preceding the beginning of any shift.

2. The No. 9 tunnel is used to transport coal by belt from the petitioner's other mines to the preparation plant.

3. When extraction of coal was taking place from the No. 9 Tunnel, ten panels were mined off the main entries. Those ten panels were all sealed when extraction of coal was completed. Since the erection of the seals, numerous roof falls along the main entries adjacent to the seals have occurred to a point where the seals cannot be located or examined. The seals are now blocked by fallen rock extending from the seals to the main belt entries, a distance of approximately 50 to 100 feet.

4. As an alternative method, petitioner proposes to perform examinations for hazardous conditions at designated evaluation points near the location where the seals are blocked by rock and debris.

5. Petitioner states that this proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 11, 1982. Copies of the petition are available for inspection at that address.

Dated: December 1, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-35470 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Application No. D-2554]

Proposed Exemption for Certain Transactions Involving the Robert V. Bain, M.D., P.C., Defined Benefit Pension Plan and Trust, Located in Salem, Oregon

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain sanctions resulting from the application of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the contribution on December 31, 1980, by Robert V. Bain, M.D., P.C. (the Employer) to the Robert V. Bain, M.D., P.C., Defined Benefit Pension Plan and Trust (the Plan) of an option to purchase certain real property. The proposed exemption, if granted, would affect the Employer and Robert V. Bain, M.D., a disqualified person with respect to the Plan.

Since Dr. Bain is the sole shareholder and employee of the Employer and the only participant in the Plan, the Plan is not subject to Title I of the Employee Retirement Income Security Act of 1974 (the Act), including section 406, pursuant to 29 CFR 2510.3-3(c)(1). However, the Plan is subject to Title II of the Act, which includes section 4975 of the Code.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 11, 1982.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective on December 31, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2554. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Dr. Bain, the sole owner and employee of the Employer, is also both the administrator and trustee of the Plan, in which he is the only participant. The Plan, which became effective January 1, 1980, provides for an annual Employer contribution of $22,000. As of April 23, 1981, the Plan's assets totalled $22,000.

2. On December 31, 1980, the Employer contributed an option (the Option) to purchase the real property described below to the Plan, contingent upon the granting of an exemption by the Department regarding such non-cash contribution. The remaining portion of the contribution due to the Plan was made in cash. The real property which is the subject of the Option consists of three vacant lots (the Lots) located on Mountain Crest Way South, Salem, Oregon, and described as Lots 6, 7, and 8, Block 24, Skyline Village Phase IV, Marion County, Oregon. Mr. John P. Totten, MAI, and Ms. Christine A. Fisher, independent real-estate appraisers and analysts, have estimated the fair market value of each of the three Lots as $21,000 as of July 28, 1981, and have reported that the highest and best use of the Lots would be as single family residences. They also state that the Lots are considered to be the best in the subdivision and have an excellent view. There are no outstanding mortgages on the Lots. The property adjacent to the Lots is owned by Larry Epping Building Company (the Seller) on one side and by the Richard Baglien Construction Company on the other side. The Employer will not have an option to purchase or lease the Lots from the Plan. The Employer believes the Lots will appreciate in value, will be marketable to independent third parties in a period of time reasonable for similar property, and will bring a favorable rate of return. The Employer and Dr. Bain have concluded that the contribution of the Option meets various financial requirements and goals of the Plan.

3. The Employer purchased the Option on January 9, 1980, from the Seller, which is not related to either the Employer or to the Plan, for $10,000 cash. The Option provides that this sum will apply toward the purchase price of the Lots if the purchaser of the Option elects to purchase the Lots. Accordingly, the contribution of the Option to the Plan is required to be recorded at $10,000. The Plan exercised the Option on June 11, 1981. The total purchase price for the Lots is $60,660, of which $20,000 (including $10,000 applied from the Option) was paid by the Plan on June 11, 1981. The Plan is obligated to pay the remaining balance of $40,660 in monthly installments of at least $1,000 each, including principal and interest at the rate of 16 percent per annum on the unpaid balance. The Plan's sole purpose in acquiring the Lots is to sell the land for a profit within a suitable period of time.

4. In summary, the applicant represents that the contribution of the Option to the Plan meets the criteria for an exemption provided by section 4975(c)(2) of the Code because (a) the applicant believes the contribution provided an exceptionally favorable investment opportunity which would not be available to the Plan on the open market, (b) the contribution was a one-time transaction, (c) the contribution credited the Plan with $10,000 toward the purchase price of the Lots, and (d) the Plan trustee believes that the contribution was in the interests of the Plan and himself as sole participant of the Plan.

Notice to Interested Persons

Since Dr. Bain is the only participant in the Plan and the sole owner of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the contribution on December 31, 1980, of the Option by the Employer to the Plan provided the Option was valued at its fair market value on such date.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this proposed exemption.

Signed at Washington, D.C., this 4th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35451 Filed 12–10–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D-2614]

Proposed Exemption for Certain Transactions Involving Bellco Glass, Inc.; Salaried Employees Pension Plan, Located in Vineland, N.J.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the proposed loan (the Plan Loan) of money by the Bellco Glass, Inc. Salaried Employees Pension Plan (the Plan) to Bellco Glass, Inc. (the Employer), a party in interest with respect to the Plan; and (2) a guarantee of repayment by the principal shareholders of the Employer. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 21, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2614. The application for exemption and the Comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plan trustees (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan was established by the Employer, a New Jersey manufacturer of biological glassware, as a defined benefit plan in 1980 and had total assets of $559,798 and 64 participants as of September 30, 1980. Investment decisions for the Plan are made by the Trustees, who are Donald Harker, president and 14% stockholder of the Employer, Ruth K. Harker, treasurer and 29% stockholder of the Employer and Russell Festa, vice president and 1% stockholder of the Employer.

2. The Plan is requesting an exemption which would permit it to make the Plan Loan to the Employer in the amount of $140,000. The proceeds from the Plan Loan would be used by the Employer to purchase certain equipment and to have a catalog published of its biological glassware products.

3. The Plan Loan will have: (a) a floating interest rate of 1% over the Bank of New Jersey prime rate adjusted quarterly with a floor of 10%; and (b) a term of five years. Repayments will be made in monthly installments to cover principal and interest. The Plan Loan will represent approximately 25% of the assets of the Plan as of September 30, 1980.

4. The Plan Loan will be secured by certain tangible assets (the Collateral) of the Employer located at 340 Edrudo Road, Vineland, New Jersey. The Collateral will include certain manufacturing and miscellaneous equipment related to the Employer's business. An appraisal performed by Gaylord Evey, the owner and president of Evey Engineering Company, Inc. (the Company) of Vineland, New Jersey, valued the Collateral at $434,740 as of March 31, 1981. The Company is in the business of buying and selling glassworking equipment. It is represented that: (a) Mr. Evey is qualified to perform the above appraisal; (b) the company and the Employer are totally independent companies; and (c) the only prior dealing between the two companies terminated eight years ago. A security agreement (the Security Agreement) and UCC financing statements (collectively, the Documents) will be executed by the Employer and the Plan recording the Plan's secured interest in the Collateral. The documents will be duly filed in the State of New Jersey where the Collateral is located. The Security Agreement provides that the Employer shall keep the collateral in good operating condition and repair, free of any liens, and shall keep the Collateral fully insured against theft, fire and other casualty loss throughout the term of the Plan Loan. It is represented that the Plan will be the named insured on all policies insuring the Collateral.

5. An unrelated party, Edward L. Avena (Avena), a public accountant who has experience auditing pension plans, has been appointed as an independent fiduciary with respect to the Plan Loan, effective April 13, 1981. Avena represents that after reviewing the nature of the proposed transaction and the accompanying security arrangements, he believes that the Plan Loan is in the best interests of the Plan, its participants and their beneficiaries and is protective of their rights. Avena will monitor all terms and conditions of the Plan Loan, will enforce collection of the Plan Loan in the event of default and will require annual appraisals of the Collateral. The cost of the appraisals will be borne by the Employer. Avena will also require the Employer to provide additional Collateral when the market value of the Collateral is less than 150% of the remaining unpaid balance of the Plan Loan. In such an instance, Avena will be provided with appraisals of additional Collateral, the cost of which will be borne by the Employer. It is represented that if the Collateral is found to be less than 150% of the remaining unpaid balance of the Plan Loan and additional Collateral cannot be provided, the Employer shall deposit with Avena the required amount in cash within 30 days of such finding, so that the value of the Collateral and cash will always represent 150% of the outstanding balance of the Plan Loan. Additionally, it is represented that if the Employer defaults on the Plan Loan, the Principal shareholders of the Employer (Principal Shareholders) Ruth K. Harker and Donald K. Harker will personally guarantee payment within 30 days of the default by the Employer. Ruth K. Harker has a net worth of approximately one million dollars and Donald K. Harker has a net worth of more than five hundred thousand dollars.

6. In summary, the applicant represents that the Plan Loan satisfies

the statutory criteria of section 408(a) of the Act because: (a) Avena, an independent party, has determined that the Plan Loan is in the best interest of the Plan participants and beneficiaries and protective of their rights; (b) the Plan Loan will at all time be secured by the Collateral and cash with a value of at least 150% of the outstanding balance of the Plan Loan; (c) the Collateral has been independently appraised and will be annually appraised by an independent appraiser; (d) the cost of the appraisals will be borne by the Employer; (e) the Plan will have a perfected first security interest in the Collateral; (f) the Plan will be the named insured on all policies insuring the Collateral; and (g) in event of default, the Principal Shareholders of the Employer will guarantee repayment of the Plan Loan.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all Plan participants and beneficiaries. Such notice will either be personally delivered to such interested persons or will be mailed to such interested persons at their last known personal residence by first class mail. Such notice will contain a copy of the notice of pendency of such exemption published in the **Federal Register** and timely inform such interested persons within 10 days of the time notice of the pendency of an exemption is published in the **Federal Register** of their right to comment and their right to request a hearing within the period set forth in the notice of pendency of exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the Plan Loan as described herein, provided that the terms and conditions of the Plan Loan will be and remain at least as favorable to the Plan as an arm's-length transaction would be with an unrelated party; and (2) the guarantee of repayment by the Principal Shareholders should the Employer default on the Plan Loan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35453 Filed 12–10–81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–2900]

Proposed Exemption for Certain Transactions Involving the Supplementary Unemployment Benefit Fund, of the International Ladies' Garment Workers' Union (the ILGWU), New York, N.Y.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the transfer of residual assets from the Supplementary Unemployment Benefit Fund, ILGWU (the SUB Fund) to the ILGWU National Retirement Fund (the National Retirement Fund) and the Retirement Fund, Local 102 ILGWU (the Local 102 Retirement Fund). (These plans are collectively referred to as the Funds.) The proposed exemption, if granted, would affect the trustees of the Funds, the participants and beneficiaries of the Funds and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before February 11, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2900. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S.

Department of Labor , Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523–7222. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (b)(2) of the Act. The proposed exemption was requested in an application filed by Mr. Theodore Bernstein, Director of the SUB Fund (the Applicant), pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The SUB Fund is a multiemployer welfare plan, administered jointly by union and employer trustees (the Trustees) under an indenture (the Indenture) between the ILGWU and the Associated Corset and Brassiere Manufacturers, Inc., an employer association. The SUB Fund was created in 1960 to provide supplementary unemployment benefits to employees displaced as a result of the termination of their employer's business. Benefits have been provided to employees throughout the United States and Puerto Rico. The principal office of the SUB Fund is located in New York, New York.

Contributions to the SUB Fund were made until May 1979 by employers who were signatories to collective bargaining agreements in effect at that time. Because of adverse economic conditions affecting the garment industry during the 1970s, operating deficits occurred in the SUB Fund and resulted in reduced benefit levels. These events prompted the Trustees to adopt a resolution on November 15, 1978 whereby: the benefit program would be discontinued; benefits would cease to accrue after May 31, 1979; no claims for pre-May 31, 1979 terminations would be honored after December 31, 1980;[1] and the SUB Fund would be terminated in accordance with the provisions and procedures set forth in the Indenture. Thereafter, collective bargaining agreements negotiated contained no provisions for further employer contributions to the SUB Fund. Contributions which would otherwise have been made by employers to the SUB Fund were reallocated to other benefit programs covering the same individuals as those who participated in the SUB Fund.

The SUB Fund has continued in existence solely for the purpose of paying benefits accuring before June 1, 1979. As of June 30, 1979, there were 284,000 participants in the SUB Fund. As of August 31, 1980, the SUB Fund held assets with an approximate fair market value of $2.7 million. These assets consist of private placement and fixed income securities having an estimated par value of $3.6 million.

2. The National Retirement Fund and the Local 102 Retirement Fund are multiemployer, collectively bargained pension plans covering essentially all of the participants of the SUB Fund throughout the United States and Puerto Rico.[2]

The Retirement Funds are headquartered in New York, New York. According to union records for dues-paying members, as of June 30, 1979, there were an estimated 286,370 participants in the National Retirement Fund. There are no other retirement plans covering SUB Fund participants. Moreover, there are no other SUB funds covering participants in either the National Retirement Fund or the Local 102 Retirement Fund.

With the exeception of seven employer trustees, all of the SUB Fund Trustees are trustee of the National Retirement Fund. One SUB Fund Trustee is a trustee of the Local 102 Retirement Fund. In addition, the Applicant serves as the Director of the National Retirement Fund. The Applicant represents that the SUB Fund does not furnish or receive services from either Retirement Fund and is not otherwise a party in interest with respect to the Retirement Funds.

3. Due to the economic downshift in the garment industry as well as the November 15, 1978 resolution, the Trustees of the SUB Fund have determined the plan is no longer adequate to carry out its original intent and purpose which was to provide benefits to employees upon their loss of employment. Therefore, they propose to dissolve the SUB Fund and transfer the $2.7 million in residual assets to the two Retirement Funds. The transfer is authorized under section 8.2 of the Indenture. The amount transferred will be allocated between the Retirement Funds in proportion to the number of SUB Fund participants who are covered by each of the transferee Funds. The Applicant represents that the rights of SUB Fund participants will be protected by a provision stating that all assets transferred to the Retirement Funds will be subject to any future claims or liabilities which may arise against the SUB Fund.

4. The Applicant represents there is no other feasible way of disposing of the assets to benefit participants other than through a plan-to-plan transfer of the type proposed. No lists of SUB Fund participants have ever been compiled. The Applicant suggests it would be virtually impossible to construct a list of the names and addresses of SUB Fund participants through payroll records because many of the employers are no longer in business and as such, it is conceivable their records no longer exist. Therefore, a direct distribution of the residual assets to the SUB Fund participants would be impractical and costly.

In addition, the Trustees believe that even if the names and addresses of the SUB Fund participants are known, a direct distribution of the assets would, after administrative costs, produce a negligible per capita share. The Trustees feel it would not be in the best interests of the participants to incur such costs and thereby reduce the amount of assets that are available for the benefit of the participants.

5. In summary, the Applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) it will be the solitary action of a terminating plan; (b) it will not require administrative supervision or oversight; (c) to the best knowledge of the Trustees all benefits accrued under the SUB Fund have been fully paid; (d) it will eliminate administrative costs which would otherwise be incurred by the SUB Fund in distributing the assets directly to the participants; and (g) the rights of SUB Funds participants will be protected by a provision stating that all assets transferred to the National Retirement Fund and the Local 102 Retirement Fund will be subject to any future claims or liabilities which may arise against the SUB Fund.

Notice to Interested Persons

Notice of the pending exemption will be given to all current and former SUB Fund participants no later than thirty

[1] A subsequent Trustee resolution of July 23, 1981, which has been certified by the Applicant, states that to the best knowledge of the Trustees all benefits properly claimed by December 31, 1980 have been paid.

[2] There may be small differences resulting from the temporary nature of employment in the industry, and from the nature of the collective bargaining process. For example, in a small number of cases an employer may have agreed to contribute to a Retirement Fund but not to the SUB Fund.

(30) days following the publication of the notice of pendency in the **Federal Register**. The notice will include a copy of the notice of pendency as published in the **Federal Register** and will inform interested persons of their right to comment on and/or request a hearing with respct to the proposed exemption. Notice will be provided to interested persons by: (1) publication in the union newspaper "Justice"; (2) posting in all union officers and circulating copies at all meeting places; and (3) posting at the offices of the ILGWU in New York, New York.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interested from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Internal Revenue Code of 1954 that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) and 406 (b)(1) and (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption if granted, the resrictions of section 406(b)(2) of the Act shall not apply to the transfer by the SUB Fund of approximately $2.7 million in residual assets to the National Retirement Fund and the Local 102 Retirement Fund.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 7th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Program, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35448 Filed 12–10–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–116; exemption application No. D–2569]

Exemption From the Prohibitions for Certain Transactions Involving the BMC Pathology Group, P.A. Employees' Pension Plan Located in Birmingham, Alabama

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption will permit (1) the proposed sale of an improved parcel of real property (the Property) to Dr. Arthur S. Ludwig's (Dr. Ludwig) directed investment account (the Account) in the BMC Pathology Group, P.A. Employees Pension Plan (the Plan) by Dr. Ludwig, a party in interest with respect to the Plan; (2) the proposed lease-back of the Property (the Lease) by the Plan on behalf of the Account to Dr. Ludwig; and (3) a guarantee by Dr. Ludwig to the Plan with respect to the future disposition of the Property by the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: On October 20, 1981, notice was published in the **Federal Register** (46 FR 51499) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c) of the Code does not relieve a fiduciary of other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These

provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for exclusive benefit of the employees of the employe maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1)(A) through (E) of the Code, shall not apply to (1) the proposed sale of the Property by Dr. Ludwig to his Accoount in the Plan; (2) the proposed Lease of the Property by the Plan, on behalf of the Account, to Dr. Ludwig; and (3) the guarantee by Dr. Ludwig to the Plan, on behalf of the Account, with regard to the future disposition of the Property; provided that (a) the sales price of the Property is not less than its fair market value on the date of sale; and (b) the rental received by the Plan from the Property throughout the terms of the Lease is not less than the Property's fair market rental value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35449 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2654]

Proposed Exemption for Certain Transactions Involving Clementson Engineers, Inc., Profit Sharing Plan Located in San Antonio, Texas

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the proposed purchase of certain real property by the Clementson Engineers, Inc. Profit Sharing Plan (the Plan) from Mr. Rex Clementson (Clementson), a party in interest with respect to the Plan; and (2) the subsequent proposed leasing (the Lease) of the Property by the Plan to Clementson Engineers, Inc. (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect Clementson, the Employer, participants and beneficiaries of the Plan and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before January 21, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2654. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Clementson, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applicaiton on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan which as of October 15, 1981 had 20 participants and assets of $111,600. The trustee of the Plan is Clementson who is also the president of the Employer.

2. The applicant is requesting an exemption that will permit the Plan to buy the Property from Clementson and subsequently lease the Property to the Employer. The Property consists of an unimproved parcel of land located in San Antonio, Texas. The Plan will pay cash of $39,100 for its purchase of the Property. On May 26, 1981, an appraisal (the Appraisal) of the Property was performed by an independent firm, Rafael Luebbert & Associates, which represented that the fair market value of the Property as of that date was $39,100. No sales commissions will be paid in the proposed sale.

3. After the Plan purchases the Property, the Property will be leased to the Employer. The Employer will then

construct a building on the Property. The Lease between the Plan and the Employer will be an absolute net lease for a period of nine years with two additional three year extension periods. The initial rent, which was established by the Appraisal, will be $5,865 per year. The rental rate will be adjusted periodically, but at a minimum of every three years, to a rate which is the greater of 15% of the fair market value of the Property as determined by an independent appraiser or the fair market rental value of the Property as determined by an independent appraiser. In addition, the Plan at all times has a put option to sell the Property to Clementson or the Employer at a price equal to the greater of the Property's fair market value at such time as determined by an independent appraiser or the Property's original cost to the Plan plus an incremental factor of 10% per annum from the time of purchase. The applicant represents that Clementson and the Employer each has a net worth in excess of $500,000.

4. An independent Plan fiduciary, Mr. Joe Hely, an attorney located in San Antonio, Texas, will examine the proposed transactions. Hely, in his law practice, represents businesses of various sizes and represents the real estate department of the National Bank of Commerce of San Antonio in San Antonio, Texas. Prior to the Plan entering into the proposed transactions, Hely must certify that (1) the proposed transactions are in the best interests of the participants and beneficiaries of the Plan; and (2) the terms and conditions of the proposed transactions are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party. Hely also has the responsibility of (1) monitoring the terms and conditions of the proposed transactions on behalf of the Plan; (2) ensuring the rent is always at least the fair market rent; and (3) determining when and if the Plan should sell the Property.

5. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act as follows: (1) the trustee of the Plan represents that they are in the best interests of the participants and beneficiaries of the Plan; (2) the transactions will be approved and monitored by an independent fiduciary; (3) the rental rate and sales price of the Property have been established by a qualified, independent appraiser; (4) the rental rate will always be at least fair market rate, and (5) the Plan has a put option which will allow the independent fiduciary to sell the Property thus guaranteeing the Plan a high return on its investment.

Notice to Interested Persons

Within ten days of its publication in the Federal Register, a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the proposed purchase of the Property by the Plan from Clementson for cash of $39,100 provided that this price is no more than the fair market value of the Property at the time of sale; and (2) the Lease of the Property by the Plan to the Employer provided that the terms and conditions of the Lease are at least as favorable to the Plan as those which the Plan could receive from an unrelated party in a similar transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35450 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-115; Exemption Application No. D-1619]

Exemption From the Prohibitions for Certain Transactions Involving the Durham Clinic, P.A. Profit Sharing Plan and Trust Locaed in Durham, North Carolina

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits both the sale of certain real property with improvements by the Hillandale Corporation (the Corporation) to the Durham Clinic, P.A. Profit Sharing Plan and Trust (the Trust) and the proposed lease of the same property by the Trust to the Durham Clinic, P.A. (the Employer).

FOR FURTHER INFORMATION CONTACT: C. E. Beaver of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52451) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(a)(1) (A) through (E) of the Code, for the transactions described in the application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was provided to interested persons in accordance with the requirements set forth in the notice of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to both the sale of real property at 1830 Hillandale Road, Durham, North Carolina by the Corporation to the Trust and the lease of the same real property by the Trust to the Employer, if the sale and lease are in accordance with the terms set forth in the application for exemption filed by the Employers.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35450 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2690 and D-2691]

Proposed Exemption for Certain Transactions Involving the Fowler, White, Gillen, Boggs, Villareal, and Banker, P.A. Pension and Profit Sharing Plans and Related Trusts Located in Tampa, Florida

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a loan (the Loan) by the Fowler, White, Gillen, Boggs, Villareal and Banker, P.A. Pension and Profit Sharing Plans and Related Trusts (the Plans) of the lesser of $850,000 or 25 percent of the Plans' aggregate assets to Fowler, White, Gillen, Boggs, Villareal and Banker, P.A, (the Employer), a party in interest with respect to the Plans. The proposed exemption, if granted, would affect the participants and beneficiaries

of the Plans, the trustee of the Plans, the Employer and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before January 25, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2690 and D–2691. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a law firm, engaged in the practice of law in Tampa, Florida. The Plans consist of one pension plan (the Pension Plan) and one profit sharing plan (the Profit Sharing Plan), each having 118 participants as of June 26, 1980. As of April 30, 1981, the Pension Plan had assets of $1,341,871; the Profit Sharing Plan had assets totaling $2,218,831. The trustee of the Plans is the First National Bank of Florida (First National) which is located in Tampa, Florida.

2. The Employer is requesting an exemption in order to borrow from the Plans either the lesser of $850,000 or 25 percent of the combined assets of the Plans. (A maximum of 25 percent of each Plan's assets would be borrowed.) The Loan would enable the Employer to acquire certain furniture, furnishings, telephone equipment and leasehold improvements for use in new offices into which the Employer intends to move in November 1981.

3. The Employer presently has a loan commitment of up to $850,000 for a term of seven years in order to make said purchases from the Metropolitan Bank and Trust Company (Metropolitan) of Tampa, Florida. Metropolitan is unrelated to the parties involved in the proposed transaction. In a letter of June 25, 1981, Metropolitan has indicated its loan commitment is for a ½ percent floating interest rate over the prime lending rate. The loan would be secured by an assignment of all accounts receivable of the Employer. Alternatively, Metropolitan has represented it would be willing to lend the Employer $850,000 at a floating interest rate of 1 percent over prime for a fifteen year duration. The loan would also be secured by the Employer's accounts receivable.

4. The proposed Loan between the Plans and the Employer would carry interest at a rate of 1¼ percent over the prime rate of Metropolitan, and include a floor of 12½ percent per annum. In addition, the Loan would be for a duration of seven years with equal monthly payments of principal and interest. The applicant further represents that the amount of interest paid on the proposed loan that exceeds the fair market value rate will be treated as an Employer contribution to the Plans and that such excess, when added to the balance of the annual additions to the Plans, will not exceed the limitation prescribed by section 415 of the Code.

5. To secure the Loan, the Plans would be given first security interests in a collateral pool (the Collateral) consisting of existing furniture, furnishings, and equipment which the Employer presently owns; new furniture, furnishings and leasehold improvements which the borrowed funds will be used to purchase; and a pledge of the Employer's accounts receivable. The Collateral thus designated would be evidenced by security agreements and financing statements executed by the Plans and the Employer. The documents would also be recorded. At all times during the term of the Loan, the Collateral would have a fair market value in excess of 150 percent of the outstanding Loan balance. In addition, the Collateral would be insured and the Plans named the beneficiaries of the insurance policies.

6. On August 28, 1981, the Collateral was preliminarily appraised by Messrs. Henry Shell and H. Blaine Strickland, two independent appraisers (the Appraisers) in the Tampa, Florida area. The Appraisers placed the value of the entire Collateral at $2,090,000 and also valued individual Collateral components. With respect to existing furniture, equipment, and the Employer's law firm library, the Appraisers reported a total cost of $626,088 and an actual cash value of $450,000. Considering that some of the items had appreciated in value (due some extent to refurbishing), the Appraisers said the existing items would have a value "over and above the normal run-of-the-mill conglomerate of office furniture."

With regard to the furniture, furnishings and equipment contemplated for purchase by the Employer, the Appraisers believed a valuation of $240,000, the proposed purchase price of 375 items under consideration, an appropriate figure. The Appraisers acknowledged that a specific inventory of the items designated for purchase was not available for their review inasmuch as a purchase contract had not been finalized by the Employer and the seller. However, predicated upon the contract's consummation and the quality and workmanship of the goods being compatible with the expectations of a law firm of the caliber of the Employer, the Appraisers considered the $240,000 figure "fair" for the purpose of Collateral.

The Appraisers placed the value of the Employer's accounts receivable, which totaled approximately $1,900,000 as of July 31, 1981, at $1,400,000. The appraised value, according to the Appraisers, represented a range of collectible monies based upon two formulations—an overall flat discount rate of 30 percent applied to the $1,900,000 total balance and individual discount rates ranging from 5 percent for current receivables up to 35 percent for 120 day items. The Appraisers also noted that more than 50 percent of the Employer's receivables are typically collected each month and that there were no serious uncollectible accounts that an "effort over and above customary office finesse and billing procedure could not collect."

7. First National has been designated as the independent fiduciary of the proposed Loan. First National has represented: it does not retain the Employer as its general counsel; that none of the shareholders of the Employer serves as a director of First National, its holding company or any other affiliate of the bank; and that the present balance of outstanding loans the Employer has with the bank ($248,921) is a negligible figure when compared to the $533 million total of outstanding loans the bank has overall.

As independent fiduciary, First National considers the Loan an appropriate and suitable investment for the Plans. First National believes the Loan will not alter the Plans' intended long term investment balances and it will represent only a portion of the reserve and fixed income balances in the Plans' investment portfolios. In addition, First National believes the Loan will enable the Plans to increase their rates of return and operate to the benefit of the participants in several significant ways. First, the annual rate of income return will float 1¼ percent over the generally regarded bank prime lending rate and also contain a floor of 12½ percent per annum. Second, amortization of the Loan will permit reinvestment of capital returned as a result of periodic amortized payments. Third, the annual accounting value of each participant's interest in the Plans for that portion invested in the Loan will not be subject to market variations as is true with current marketable fixed income investments. Further, First National considers the Collateral appropriate and marketable in the event of a default by the Employer.

With respect to specific duties it will undertake, First National will monitor the terms of the Loan to ensure repayment. The Employer will supply First National, upon demand, with a detailed listing of all receivables, and, if necessary, will notify all debtors involved to make their payments directly to the bank. In the event of a default by the Employer, First National will step in and levy on the Collateral to pay off the Loan within a sixty day period.

To ensure the Collateral is at all times 150 percent of the outstanding Loan balance, First National will institute certain inventorying procedures. These procedures require First National to perform physical inspections of the furniture and equipment as often as the bank deems it necessary and to have the Collateral appraised at least annually for revaluation purposes by an independent appraiser. For accounts receivable, First National will require an aging schedule from the Employer which would be certified for its accuracy. If at any time the value of the Collateral falls below the 150 percent level, First National will instruct the Employer to furnish additional collateral or to make additional Loan payments in order to reduce the Loan balance within the 150 percent parameter.

8. In summary, the applicant represents that the proposed Loan satisfies the statutory criteria set forth in section 408(a) of the Act because: (a) First National represents that the Loan is in the best interests of the Plans and of their participants; (b) First National will monitor the Loan to ensure repayment and levy on the Collateral should there be a default by the Employer; (c) the Loan will have a high rate of interest with a floor of 12½ percent per annum and, at all times, it will be secured by a Collateral pool consisting of furniture, furnishings, leasehold improvements, telephone equipment and accounts receivable having a combined fair market value in excess of 150 percent of the declining Loan balance; (d) The Plans will have perfected, first security interests in the Collateral; (e) the Collateral will be insured by the Employer and the Plans will be named the beneficiaries of the insurance policies; (f) the Collateral will be appraised during the term of the Loan whenever First National considers it necessary, but at least once a year; and (g) an independent third party, Metropolitan, has expressed its willingness to make a similar loan to the Employer but at a lesser interest rate.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the pending exemption will be given to present and former participants of the Plans within fifteen (15) days after publication of the notice of pendency in the **Federal Register.** Such notice shall contain a copy of the notice of pendency as proposed in the **Federal Register** and shall inform interested persons of their right to comment on and/or request a hearing regarding the pending exemption. Notice will be provided to interested persons by personal delivery and by first class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interest of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for

public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed Loan by the Plans to the Employer of the lesser of $850,000 or 25 percent of the aggregate assets of the Plans provided that the terms and conditions of the Loan are at least as favorable to those which the Plans could receive in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35457 Filed 12–10–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2632]

Proposed Exemption for Certain Transactions Involving the Spreitzer, Inc., Profit Sharing Trust Located in Cedar Rapids, Iowa

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt for a period of five years the proposed loans of funds (the Loans) by the Spreitzer, Inc. Profit Sharing Trust (the Plan) to Spreitzer, Inc. (the Employer), the sponsor of the Plan. The proposed exemption, if granted would affect the Employer, the Plan and its participants and beneficiaries and other persons participating in the proposed transacton.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 29, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2632. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plan trustees (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with eleven participants. The Employer and sponsor of the Plan is an Iowa corporation engaged in the selling, leasing and servicing of construction and mining heavy equipment. As of December 31, 1980 the Plan had net assets of approximately $434,500.00. Messrs. Harry J. Spreitzer and Joseph Spreitzer are the Trustees of the Plan and decision-makers for the Plan with respect to Plan investments.

2. The Trustees seek an exemption to allow the Plan to enter into a loan agreement (the Loan Agreement) with the Employer whereby the Plan will periodically lend to the Employer amounts of money (the Loans) up to an aggregate at any point in time of the lesser of $152,075 or 35% of Plan assets. The Loans will be made over a five-year period, the first day of which will be the date the grant of an exemption is published in the **Federal Register**. All of the proposed Loans will mature and become due and payable on or before the last day of such five year period. Each individual Loan will have a maturity of ninety days or less. The interest rate for any Loan granted under the Loan Agreement will be ½ percent above the rate charged by the Merchants National Bank of Cedar Rapids, Iowa (the Bank) to its customers for prime commercial loans of ninety day maturity, but in no event less than 11% per annum. Principal and interest will be amortized equally in quarterly payments. The Trustees represent that no Loan will be made under the Loan Agreement unless the terms and conditions of the Loan are at least as favorable as those which the Plan could obtain from an unrelated third party.

3. Each Loan made during the five year period will be secured by a first lien on new and used construction and mining equipment (the Collateral). The Collateral is presently owned by the Employer and used to conduct the Employer's business operations. The Plan will have perfected first security interests in the Collateral through the execution and filing by the Employer of security agreements on behalf of the Plan. The Employer will pay all costs associated with the maintenance of the Collateral, including but not limited to paying all taxes, insurance premiums, repairs and storage costs. The Employer will warrant to own throughout the terms of the Loans, all Collateral free from any adverse claims, security interests (other than security interests granted to the Plan) or encumbrances. The Employer represents that the Collateral is marketable and that its value is not expected to decrease appreciably over the five year term of the Loans. The appraised market value of the Collateral for the Loans will at all

times during the term of the Loans be not less than 200% of the amount of the outstanding Loan balances. The fair market value of each piece of equipment comprising the Collateral will be determined by an independent appraiser, Mr. Gary Jung of Euclid, Inc., and each appraisal will be updated annually to assure that the required value of the Collateral is maintained. Mr. Gary Jung is a sales representative with Euclid, Inc., a manufacturer of off-highway trucks, and is familiar with the prices paid for such equipment based on four years of experience in selling such equipment throughout a 10 state area. The Collateral will be kept insured at the Employer's expense against theft, fire and other hazards, with the Plan designated as beneficiary of the insurance policy.

4. An independent attorney, Mr. Richard F. Nazette (Nazette) of Nazette, Hendrickson, Marner & Good in Cedar Rapids, Iowa, has been appointed as an independent fiduciary to approve, monitor and enforce the proposed Loans. Nazette has reviewed the needs of the Plan and the transactions as proposed and has concluded that the proposed Loans are in the best interests of the Plan. Nazette will approve all Loans made under the Loan Agreement, monitor all terms and conditions of the Loans and will enforce collection on the Loans in the event of a default. Nazette will also monitor the value of the Collateral so that at no time during the term of the Loans will the value of the Collateral fall below 200% of the aggregated outstanding Loan balances.

5. Additionally, Mr. Joseph Spreitzer, a major shareholder of the Employer, will personally guarantee to cure any default on the Loans within thirty days of receiving notice of such default. Mr. Joseph Spreitzer has a personal net worth in excess of $800,000.

6. In summary, the applicants represent that the proposed transaction satisfies the criteria for an exemption under section 408(a) of the Act because: (1) the Trustees and Nazette, the independent fiduciary for the Plan, represent that the proposed Loans are in the best interests of the participants and beneficiaries of the Plan; (2) Nazette will approve and monitor each Loan made under the Loan Agreement; (3) the Loans will be for a relatively short duration; (4) each Loan made will have a high rate of interest with a floor of 11% per annum and will at all times be secured by fully insured Collateral which will have a value of not less than 200% of the outstanding balance of all Loans; and (5) Mr. Joseph Spreitzer will personally guarantee to cure any default on the Loans within thirty days of receiving notice of such default.

Notice of Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be hand delivered or mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the Loans by the Plan to the Employer as described herein, provided that the terms and conditions of the Loans are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 14th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35454 Filed 12–10–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2570]

Proposed Exemption for Certain Transactions Involving TP Laboratories, Inc., Revised Profit-Sharing Trust Plan Located in La Porte, Indiana

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of

the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed purchase by TP Laboratories, Inc. Revised Profit-Sharing Trust Plan (the Plan) from the Estate of the late Harold D. Kesling (the Estate), a party in interest with respect to the Plan, of 390 shares of common stock of The State Exchange Bank (SEB) and 390 shares of common stock of State Exchange Finance Company (SEFC). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan; the Estate and its beneficiaries; SEB, as the executor of the Estate; the regular trustees of the Plan; and La Porte Bank & Trust Company (La Porte), a special trustee of the Plan with respect to the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before February 16, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2570. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, its trustees, and La Porte, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan covered approximately 228 participants as of May 6, 1981, and had total assets of $1,192,373 as of June 30, 1980. The regular trustees of the Plan are Peter C. Kesling, David L. Kesling, and Marvin L. Myers. Peter C. Kesling, and David L. Kesling own the majority of the shares of common stock of TP Laboratories, Inc. (the Employer) and are, respectively, the Chairman of the Board and Vice President of the Employer. They are also the sons of the late Harold D. Kesling and Mrs. Jean Kesling, who owns 50 percent or more of the beneficial interest of the Estate. The remaining beneficiaries of the Estate are her grandchildren.

2. SEB is the executor of the Estate. SEFC is an affiliate of SEB. The shares of SEB stock and SEFC stock are not publicly traded. As of July 1, 1981, there were 30,000 shares of SEB common stock issued and outstanding, 30,000 shares of SEFC common stock issued and outstanding, and approximately 330 stockholders of both companies. At present, Jean Kesling owns 300 shares of common stock of both companies, Peter Kesling owns 1 share of common stock of both companies, and the Estate owns 2,600 shares of common stock of both companies. David Kesling, the Employer, and the Plan own no shares of either company. It is represented that the aggregate number of shares of common stock of SEB and of SEFC owned by members of the Kesling family and the Estate does not give them a controlling interest in these companies.

3. McQueen & Thieling, Certified Public Accountants (the Accountants) have been engaged for several years as the independent auditors and accountants for SEB and SEFC but do not have any relationship or previous contact with either the Kesling family or the Employer. They explain that the management of SEB and SEFC has a long history of establishing values for the purchase and sale of the shares of stock of these companies. Three different values have regularly been determined annually or, when circumstances dictated, semiannually: (1) a price at which the stock would be sold to the general public (the General Price), (2) a price at which the stock would be sold to employees and directors of the companies (the Employee/Director Price), and (3) a price at which SEFC would buy back shares within certain legal limitations (the Buy-Back Price). The values determined by management have been communicated to the various officers of the organization which are empowered to buy or sell stock. These values are then used by those persons until such time as management establishes new values. SEFC has, in effect, created a local buy and sell market for the stock and has conducted transactions as both buyer and seller for many years with both employees and outsiders. The Accountants believe there has never been a transfer of stock in one of the corporations without a simultaneous transfer of an equal number of shares of stock in the other corporation. The General Price, Employee/Director Price, and Buy-Back Price established by the management of SEB and SEFC for one share of the SEB and one share of SEFC for the past three yeas are: $360, $345, and $330, respectively, for 1979; $420, $405, and $385, respectively, for 1980; and $475, $455, and $435, respectively, for 1981. The Accountants have expressed their opinion that the methods used by the management of SEB and SEFC in valuing their stock are not unreasonable and result in a determination in the appropriate range of the fair market value of the companies.

4. The Estate proposes to sell to the Plan 390 shares of SEB common stock and 390 shares of SEFC common stock for $150,150, payable in a lump sum. This amount is the book value, and also the Buy-Back Price of the shares for 1980 (i.e., $385 for one SEB share plus one SEFC share). There are no commissions payable in connection with the proposed transaction. The Plan shall not bear the cost of legal fees incurred in preparing and processing the exemption application.

5. La Porte has been appointed as a special trustee of the Plan with respect to the proposed purchase of SEB and SEFC common stock. It is represented that La Porte is independent of the Employer, members of the Kesling family, SEB, and SEFC. Although Jean Kesling and David L. Kesling maintain checking accounts at La Porte, David L. Kesling has borrowed from La Porte, and the Employer has invested in certificates of deposit of La Porte, the amounts involved in each of these categories of transactions with these parties represent less than one percent

of the amounts of La Porte's total business transactions in each category. La Porte represents that it has independent and uninfluenced authority to approve or reject the proposed transaction. In its fiduciary capacity, La Porte has reviewed and approved the proposed purchase based upon the following factors, among others not specified: consistent capital ratios of approximately six months since 1975; continuous annual record of dividends and dividend growth; consistently increasing value of SEB stock and SEFC stock since 1976; Federal and State regulation of SEB and SEFC, as financial institutions; the small investment cost is relation to total Plan assets; the good history and viability of SEB as a whole; the fact that the amount of shares proposed to be purchased is not a substantial fraction of the total shares outstanding; and the fact that no apparent difficulty in the sale of this stock has occurred in the past even though the stock is not actively traded. La Porte also believes that the proposed purchase price does not exceed the fair market value of the shares proposed to be purchased by the Plan.

6. In summary, the applicants states that the proposed transaction would meet the criteria of section 408(a) of the Act because (a) an independent fiduciary has approved the proposed purchase on behalf of the Plan, (b) the independent fiduciary believes that the proposed purchase price of the shares does not exceed the current fair market value of the proposed purchase on behalf of the Plan, (b) the independent fiduciary believes that the proposed purchase price of the shares does not exceed the current fair market value of the shares, (c) the proposed purchase is a one-time transaction involving no ongoing relationship between the Plan and any party in interest with respect to the Plan, and (d) there are no commissions payable in connection with the proposed transaction and the Plan shall not bear the cost of legal fees incurred in preparing and processing the exemption application.

Notice to Interested Persons

Within 30 days of the date this notice of proposed exemption is published in the **Federal Register**, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include all participants and beneficiaries of the Plan and fiduciaries with respect to the Plan. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comment and/or request that a hearing be held with respect to the proposed exemption. The notice will be posted in all places commonly used on the business premises to provide notice to employees.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transmission is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed purchase by the Plan from the Estate of 390 shares of SEB common stock and 390 shares of SEFC common stock for $150,150 provided that this amount is not higher than the fair market value of such shares as of the date of purchase.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standard, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35452 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2645]

Proposed Exemption for Certain Transactions Involving the Littler, Mendelson, Fastiff & Tichy Profit Sharing Plan Located in San Francisco, California

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt for a period of three years the proposed loans of funds

(the Loans) by Littler, Mendelson, Fastiff & Tichy Profit Sharing Plan (the Plan) to Littler, Mendelson, Fastiff & Tichy (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect the Employer, the Plan and its participants and beneficiaries and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 29, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2645. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a legal professional corporation with offices in San Francisco, Los Angeles, Palo Alto, Fresno and San Jose, California. The Plan is a profit sharing plan with approximately thirty-five participants and assets of $850,000 as of February 1, 1981. The Trustees and administrators of the Plan are Wesley J. Fastiff, George J. Tichy II and John T. Hayden, all of whom are employees and shareholders of the Employer.

2. The Trustees seek an exemption to allow the Plan to enter into a loan agreement (the Loan Agreement) with the employer whereby the Plan will periodically lend to the Employer amounts of money (the Loans) up to an aggregate at any point in time of the lesser of $260,000 or 30% of Plan assets. The Loans will be made over a three year period, the first day of which will be the date the grant of an exemption is published in the **Federal Register**. All of the proposed loans will mature and become due and payable on or before the last day of such three year period. The interest rate for any Loan granted under the Loan Agreement will be 2% above the prime rate charged by Bank of America to its most creditworthy commercial customers. In no event may the rate of interest on the Loans be less than 15%. Principal and interest will be amortized equally in twelve equal quarterly payments. The Loans will be evidenced by negotiable promissory notes payable to the Plan by the Employer. The Trustees represent that no Loan will be made under the Loan Agreement unless the terms of the Loan are at least as favorable to the Plan as those which the Plan could obtain from an unrelated third party.

3. Loans made under the Loan Agreement will be secured by a perfected security interest in accounts receivable and contract rights in the amount of $1,983,000 and by a perfected security interest in the full value of the Employer's library assets at its various locations (the Collateral). The Employer states that, based on past experience, the accounts receivable and contract rights are collected at the rate of approximately one-half the above-referenced figure per month. The library assets were appraised on July 8, 1981 by Mr. Russ Lake of Lake Law Books, Inc. of San Francisco, California, who determined their aggregate fair market value on that date to be $121,221. Mr. Russ Lake and Lake Law Books, Inc. are independent of the Employer and the principals of the Employer. The library assets will be fully insured at the Employer's expense against theft, fire and other hazards, with the Plan named as beneficiary of the insurance policy. The appraised fair market value of the Collateral for the Loans will at all times during the term of the Loans be not less than 250% of the amount of the outstanding Loan balances. If the value of the Collateral at any time falls below that amount, additional collateral will be offered as security.

4. An independent attorney, Mr. Peter B. Lauritzen (Lauritzen) of Palo Alto, California, has been appointed as independent fiduciary for the Plan to approve, monitor and enforce the terms of the proposed Loan Agreement. Mr. Lauritzen has reviewed the proposed Loan Agreement and the needs of the Plan for liquidity and diversification and has determined that the Loans are in the best interests of the participants and beneficiaries of the Plan. Lauritzen will have the power to approve or disapprove any Loans by the Plan to the Employer under the Loan Agreement and to take any necessary steps in regard to any outstanding Loans in order to protect the Plan.

5. In summary, the applicants represent that the proposed transaction satisfies the criteria for an exemption under section 408(a) of the Act because: (a) the Trustees of the Plan and Lauritzen, an independent fiduciary for the Plan, represent that the proposed Loans are in the best interests of the Plan and its participants and beneficiaries; (b) the Loans will enable the Plan to realize a high rate of return which at all times will not be less than 15% per annum; (c) the total outstanding balance of all Loans will not at any time exceed 30% of Plan assets and will at all times be secured by Collateral having a fair market value of not less than 250% of the outstanding balances; (d) the Loans will be for a relatively short duration; and (e) Lauritzen will monitor and enforce the terms of the Loans and take any necessary steps with regard to any outstanding Loan in order to protect the interests of the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice

of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be hand delivered or mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loans by the Plan to the Employer as described herein, provided that the terms and conditions of each Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35455 Filed 12-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2866]

Proposed Exemption for Certain Transactions Involving Gilmore Steel Corp. Pension Plan and Trust for Union Employees Located in Portland, Oregon

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the leasing (the Lease) of certain real property (the Property) by the Gilmore Steel Corporation Pension Plan and Trust for Union Employees (the Plan) to the Gilmore Steel Corporation (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect the Employer, the participants and beneficiaries of the Plan and other persons participating in the proposed transaction.

EFFECTIVE DATE: The effective date of the proposed exemption is October 9, 1981.

DATES: Written comments and requests for a public hearing must be received by the Department on or before January 26, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2866. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons

are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan. As of December 31, 1980, the Plan had 599 participants and assets of $19,908,000. All investment decisions for the Plan are made by an investment committee (the Investment Committee) whose members are: V. Neil Fulton, the Treasurer and Secretary of the Employer; David J. Tikka, and Assistant Treasurer of the Employer; and Walter E. Jameson, a member of the Employer's Board of Directors. The trustees (the Trustees) of the Plan are: C. Lee Emerson, the President of the Employer; Robert C. Harris, an Assistant Secretary of the Employer; and Walter E. Jameson. Messrs. Emerson and Harris are also members of the Employer's Board of Directors.

2. The Plan currently owns the Property which consists of 4.64 acres of land improved with a building. In 1979, the Plan leased the Property to Van Dorn Company (Van Dorn) for a term of twelve years at an annual rental of $119,587. Van Dorn is a Cleveland, Ohio company which is independent of the Employer. Van Dorn improved the Property as a heat treating and normalizing facility and processed plate steel for the Employer there.

3. The Employer represents that, because of the Property's proximity to its headquarters and its distance from Van Dorn's Cleveland headquarters, the heat treating process could be performed more efficiently by the Employer itself. Because of this, the Employer made an agreement with Van Dorn to purchase the heat treating equipment and to acquire Van Dorn's leasehold interest in the Property. On October 9, 1981, the Lease between the Plan and the Employer was entered into.

4. The Employer is requesting an exemption for the Lease. The initial term of the Lease is nine years with two options to renew the Lease for two additional three year periods. The initial rent on the Lease is $150,000 per year with upward adjustments every three years to reflect the then current fair market rental of the Property. The rental rate was established by an appraisal (the Appraisal) performed on September 22, 1981 by R.J. Frank & Associates of Portland, Oregon, an appraiser who is independent of the Employer. The Appraisal respresnts that the rental rate used in the Lease assures the Plan of receiving the fair market rent during the term of the Lease. The Lease also provides that the Employer will pay all taxes, insurance, maintenance costs, and any other costs of ownership or operation of the Property.

5. Prior to the Plan entering into the Lease an independent fiduciary, the First Interstate Bank of Oregon, N.A. (the Bank) examined the proposed transaction. The Bank certified the transaction as being in the best interests of the participants and beneficiaries of the Plan and that the terms and conditions of the Lease were at least as favorable to the Plan as those which the Plan could receive with an unrelated party. In addition, the Bank has the responsibility for monitoring the Lease and enforcing any rights the Plan has in the Lease. Also, prior to the Plan entering into the Lease, the Trustees and the Investment Committee certified that the transaction was in the best interests of the participants and beneficiaries of the Plan.

6. In summary, the applicant represents that the transaction meets the statutory requirements of section 408(a) of the Act as follows: (1) The Plan receives a higher rent on the Property than it was receiving prior to the Lease; (2) The rental rate was established by an appraisal performed by an independent qualified appraiser; (3) An independent fiduciary, prior to the Plan entering into the Lease, certified that the Lease was in the best interests of the participants and beneficiaries of the Plan; (4) The independent fiduciary has monitored and will continue to monitor the Lease on behalf of the Plan; and (5) The Trustees, prior to the Plan entering into the Lease, certified that the Lease was in the best interests of the participants and beneficiaries of the Plan.

Notice to Interested Persons

On or before December 28, 1981, a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing will be published at all locations of the Employer customarily used for employee communications. In addition the same information within the same time period will be mailed to all participants and beneficiaries of the Plan who are not currently employed by the Employer.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from

the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective October 9, 1981, to the Lease of the Property by the Plan to the Employer provided that the terms and conditions of the Lease are at least as favorable to the Plan as those which the Plan could have received in a similar transaction with an unrelated party at the time the Lease was entered into.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35459 Filed 12-10-81; 8:45 am]
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[Application No. D-2714]

Proposed Exemption for Certain Transactions Involving Henderson, Franklin, Starnes & Holt P.A. Second-Amended Employee Profit Sharing Plan and Trust Located in Fort Myers, Florida

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the proposed loan of $120,000 (the Loan) by the Henderson, Franklin, Starnes & Holt P.A. Second-Amended Employee Profit Sharing Plan and Trust (the Plan) to 2100 Second Street Partnership (the Partnership), a party in interest with respect to the Plan; and (2) the joint and several guarantee of the Partnership's obligations under the Loan by the eleven partners of the Partnership. The proposed exemption, if granted, would affect the Partnership, the Plan and its participants and any other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before January 25, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2714. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan's sponsor, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 48 participants. As of January 31, 1981, the Plan had total assets of $386,073. The trustee of the Plan is the Lee County Bank (the Trustee) who maintains discretion with respect to Plan investments subject to regular review by employees and shareholders of Henderson, Franklin, Starnes & Holt (the Employer), the Plan sponsor, who suggest changes with respect to the Plan's investment portfolio. The Trustee maintains a commercial banking relationship with the Employer.

2. The Employer is a professional service corporation formed to provide legal services. The Partnership is a general partnership comprised of eleven partners who each maintain an equal interest in the Partnership. These partners are also the sole shareholders of the Employer and maintain equal shares of stock of the Employer. At least seven of the eleven partners have net worths which exceed the amount of the proposed Loan. The collective net worth of the partners exceeds $2,500,000.

3. The applicant is requesting an exemption to allow the Plan to engage in the Loan with the Partnership. The Loan amount represents approximately 31% of the Plan's total assets. The proceeds of the Loan will be used by the Partnership to complete certain improvements to an improved parcel of real property presently leased by the Partnership to the Employer (the Property). The Loan will be repaid in forty (40) equal quarterly installments of principal and interest. The interest rate on the promissory note evidencing the Loan will be adjusted on the first day of each quarter to the rate charged for comparable loans prevailing in Lee County, Florida. In no event will the interest rate be adjusted to less than twelve percent (12%) per annum.

4. The Loan will be secured by a duly recorded second mortgage on the Property. The Property is located at 2100 Second Street, Fort Myers, Florida. Mr. W. Stanley Hanson, Jr. MAI, SRPA, and Mr. Woodward S. Hanson, an appraiser-associate, both of Fort Myers, Florida, determined that the Property, as of April 20, 1981, had a fair market value of $1,165,000. This value includes proposed alterations and additions which will be funded by the proceeds of the Loan. As of March 20, 1981, the above appraisers determined that the Property had a fair market value of $975,000. Presently, the Property is subject to an existing first mortgage (the Mortgage) in the total amount of $409,374. The Loan will initially therefore represent approximately 13% of the value of the Property without the improvements and less than 10% of the Property after the improvements are completed. The initial outstanding balance of the Loan and the current outstanding balance of the Mortgage will collectively represent approximately 45% of the value of the Property as improved. The Partnership represents that it will add any additional collateral throughout the term of the Loan to assure that the value of the collateral securing the Loan is at all times equal to at least 150 percent of the

outstanding balance of the Loan. Throughout the term of the Loan the Partnership will keep the Property and other collateral, if added, adequately insured against fire or other loss at its expense. The Plan will be the named insured of such insurance.

5. Security Trust Company of Naples (Security) has been appointed to serve as the independent fiduciary manager with respect to the Loan. Security is completely independent of the Employer and the Partnership other than its proposed serving as independent fiduciary with respect to the Loan, and does not maintain a banking relationship with the Employer or the Partnership. Security has examined the terms of the Loan and has initially determined that the proposed Loan is appropriate and suitable for the Plan. Security will be required to render the same determination immediately prior to the consummation of the transaction. Security will be empowered and directed to enforce the terms of the Loan agreement, including making demand for timely payment, bringing suit, or other appropriate process against the Partnership in the event of default. Security will maintain accurate records and report at least annually on the performance of the Loan, and ensure that the value of the collateral securing the Loan remains equal to at least 150 percent of the outstanding balance of the Loan. Security will determine the rate of interest to which the Loan will be adjusted on a quarterly basis.

6. In summary, the applicant represents that the Loan will satisfy the criteria of section 408(a) of the Act because (a) the Loan will represent approximately 31% of the Plan's total assets; (b) the Loan will yield a high rate of return to the Plan; (c) the Loan will be secured by a second mortgage on the Property which has been appraised at over 200% of the total amount of liens to be outstanding on the Property; (d) the Loan will be jointly and severally guaranteed by the partners of the Partnership; (e) Security, a party independent of the Employer and the Partnership will establish the interest rate to be paid quarterly; and (f) Security has determined that the Loan is in the best interests of the Plan.

Notice to Interested Persons

On or before December 21, 1981, notice will be given to all Plan participants who are presently employed by the Employer by personal delivery and will be given to all non-employee Plan participants by mail. Such notice shall include a copy of the notice of pendency as published in the **Federal Register** and shall inform interested persons of their right to comment on and request a hearing with regard to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975)c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the Loan by the Plan to the Partnership as described above provided that the terms and conditions of the Loan are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated third party; and (2) the personal guarantees of the Partnership's obligations under the Loan by the eleven partners of the Partnership.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35480 Filed 12–10–81: 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2885]

Proposed Exemption for Certain Transactions Involving Rex Companies Employees' Profit Sharing Plan and Trust Located in Lansdale, Pennsylvania

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the

Code). The proposed exemption would exempt a loan (the Loan) by the Rex Companies Employees' Profit Sharing Plan and Trust (the Plan) of $150,000 to Rexmet Corporation (the Employer), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Plan trustee, the Employer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before January 20, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–2885. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer, the successor of the J. W. Rex Company and the sponsor of the Plan, is engaged in the heat treatment of metals. At present, the Employer maintains its principal offices in Lansdale, Pennsylvania. The Employer also has plant locations in Georgia and Florida.

2. The Plan, which was established by the Employer's predecessor on November 10, 1951, is a profit sharing plan with 49 participants. As of September 30, 1980, the Plan had total assets of $1,026,901. The trustee of the Plan (the Trustee) is Mr. John Rex who is also the president of the Employer corporation. The Trustee makes investment decisions for the Plan. Managerial affairs governing the Plan are performed by an administrative committee, comprised of officers and employees of the Employer.

3. The Employer and Trustee wish to enter into an arrangement whereby the Plan will lend $150,000 to the Employer. The loaned funds will be used to finance certain computer equipment (the Equipment) the Employer acquired on January 13, 1981 from Digital Technique, Inc. (DTI) of Fairfield, New Jersey for a total purchase price of $150,000. The Equipment is presently installed in the Employer's main office facility. It consists of DEC PDP 1144 computer hardware (the Hardware) costing $116,900 and computer software (the Software) comprised of three programming modules (a heat treating financial base package, a job card system, and additional program development and customization) aggregately costing $32,100.

4. The proposed Loan will be structured along the lines of a loan commitment extended to the Employer by Union National Bank and Trust Company (Union National) of Souderton, Pennsylvania on March 20, 1981. According to the terms of the commitment, Union National offered to lend the Employer $150,000 for a term of seven years with the rate of interest established at the prime rate of the Manufacturers Hanover Trust Company. Union National also indicated it was willing to disburse the funds at one time or periodically, depending on the financial needs of the Employer.

5. The proposed Loan by the Plan will represent approximately 14.5 percent of the Plan's total assets. The Loan will have an interest rate floor of 12 percent per annum in addition to carrying a floating interest rate tied to the prime rate of the Manufacturers Hanover Trust Company. The interest rate will be adjusted quarterly by an independent fiduciary designated to oversee the Loan. Loan payments will be made in equal monthly installments of principal and interest over a seven year period. Any costs or expenses incurred in connection with the Loan will be borne by the Employer. To evidence the lending arrangement, the Employer will execute a corporate note.

6. As partial security for the Loan, the Employer will pledge the Equipment as collateral. The Employer will execute a Uniform Commercial Code financing Statement and Security Agreement thereby giving the Plan a first lien interest in the Equipment. To perfect the Plan's security interest, the Employer intends to file the financing statement and security agreement with the Secretary of the Commonwealth of Pennsylvania. As additional security, the Employer will execute and have duly recorded a second mortgage on its business premises (the Real Property) located at Eighth Street and Valley Forge Road in Lansdale, Pennsylvania. The principal amount due on the Employer's first mortgage of the Real Property was $349,406 as of July 31, 1981; the original amount of the first mortgage was $690,000.

7. Both the Equipment and Real Property will be insured against casualty loss or other perils by the Employer. In addition, the Plan will be named the beneficiary of the insurance policies.

8. The applicant represents that the Equipment and Real Property have a value greatly in excess of the amount of the Loan based upon the findings of several independent appraisals. The Equipment manufacturer, DTI, indicates in a letter of October 8, 1981 that the Equipment has appreciated in value since the time fo its purchase. DTI states the value of the Hardware (primarily, the DEC PDP 1144 Equipment) has undergone a price increase of 5 percent while the values of the peripherals (the VT 100's, Paper Tigers and Lear Siegler CRT's) have remained constant. In addition, DTI reports that the Software has increased in value from a package price of $32,000 to $40,000.

DTI has also made certin representations concerning the amortization of the computer Hardware over the term of the Loan. DTI believes the fair market value of the DEC PDP 1144 Hardware during the first three years of the Loan will remain extremely high but during the fourth and fifth year, it should decline to 30 percent of its original purchase price and then level / off to 10 percent of its original purchase price by the seventh year.

With respect to the Real Property collateralizing the Loan, three distinct appraisals indicating its fair market value have been prepared. Mr. Robert W. Plank (Mr. Plank), an AMI–SRA appraiser of Philadelphia, Pennsylvania placed the fair market value of the Real Property at $1,150,000 as of May 16, 1972. On May 13, 1977, the Real Property was appraised for insurance purposes by Mr. George D. Sinclair (Mr. Sinclair), an MAI, FASA appraiser and President of the Keystone Appraisal Company located in Philadelphia, Pennsylvania. Mr. Sinclair placed the value of the Employer's business premises at $1,650,704. On April 29, 1981, Mr. Alan S. Apt (Mr. Apt), certified real estate appraiser in Landsdale, Pennsylvania determined the Real Property was worth $1,300,000. Mr. Apt's report states that he inspected the property and considered various sources of information (which included Mr. Plank's 1972 appraisal report, comparable and recent real estate sales data, construction cost data and comparable industrial rental data for the area) before rendering his opinion.

9. To monitor the Loan and ensure the Plan is repaid, the National Bank of Boyerton (National Bank) located in Boyerton, Pennsylvania has agreed to act as the independent fiduciary. National Bank has had no prior dealings with either the Employer or the Plan and as such, is completely independent of both entities. National Bank has reviewed the terms of the transaction and has concluded the Loan will benefit the Plan as well as the participants and beneficiaries. National Bank indicates the Loan is for a reasonably short term and is properly secured by the Equipment and Real Property in which the Employer has considerable equity. National Bank believes the Loan will be easy to monitor and will create little administrative difficulties.

10. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 498(a) of the Act because: (a) the Loan will be collateralized by perfected security interests in the Equipment and Real Property in which the Employer's equity greatly exceeds the amount of the Loan, and the collateral will be insured by the Employer; (b) the Plan will receive interest at the prime rate established by the Manufacturers Hanover Trust Company with a floor of 12%; (c) a third party lender has offered to make a similar loan and would not require as much collateral as is being provided by the Employer; and (d) an independent fiduciary, National Bank, has determined that the Loan is appropriate for the Plan and will monitor and act for the Plan during the duration of the Loan.

Notice to Interested Persons

Notice of the pending exemption will be given to current and former participants who have a vested interest in the Plan, on or before December 21, 1981. Such notice shall include a photocopy of the notice of pendency as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set forth in the proposed exemption. Notice will be provided to interested persons by personal delivery and/or first class mail, return receipt requested.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the Loan of $150,000 by the Plan to the Employer, provided the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35461 Filed 12–10–81: 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-33, Amendment No. 75 to Facility Operating License No. DPR-52, and Amendment No. 48 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos 1, 2 and 3 (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments revise the administrative controls section of the Technical Specifications to reflect changes in the Tennessee Valley Authority and Browns Ferry Nuclear Plant organizations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 15, 1981, as supplemented by letter dated July 13, 1981, (2) Amendment No. 79 to License No. DPR-33, Amendment No. 75 to License No. DPR-52, and Amendment No. 48 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 2nd day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-35495 Filed 12-10-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Veterinary Medical Science Series, GS-701; Establishment of Prescribed Minimum Educational Requirements

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management has revised the prescribed minimum educational requirements for Veterinary Medical Officers employed within the Federal service. Veterinary Medical Science is a professional occupation, and the revised requirements will facilitate the procurement of qualified candidates for veterinary medical officer positions in the Federal service. The minimum educational requirements for this occupation were last revised in April 1980. Since that time, we have become aware of certain ambiguities in the language of the standard and, through this revision, have taken steps to clarify these requirements.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Donald G. Brauer, Chief, Engineering and Science Occupations Division, Office of Standards Development, Staffing Services Group, U.S. Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202-632-5612.

SUPPLEMENTARY INFORMATION: In accordance with Section 3308 of Title 5, United States Code, the Office of Personnel Management has established a prescribed minimum educational requirement for Veterinary Medical Officers employed within the Federal service. The requirement, the duties of the positions, and the reasons for the Office of Personnel Management's decision that the requirement is necessary are set forth below:

The Veterinary Medical Science Series, GS-701, GS-9 Through GS-15

Minimum Educational Requirement

Candidates must show successful completion of a full course of study leading to a degree of Doctor of Veterinary Medicine or equivalent at an accredited or approved ** veterinary medical school. These requirements also may be satisfied when candidates submit positive evidence of possession of equivalent qualification through recognition, certification, or approval by one of the following qualifying organizations in the United States:

—A department of higher education of one of the fifty States.

—An accredited or approved veterinary medical school (i.e., by acceptance of completed D.V.M. or equivalent degree work for advanced degree work).

—A Board of Veterinary Medical Examiners of one of the fifty States.

Graduates of foreign veterinary medical schools who do not meet the requirements specified above must furnish proof of (a) graduation from a veterinary medical school, (b) comprehension and ability to communicate in the English language, and (c) having passed the written examination in veterinary medicine of the Educational Commission on Foreign Veterinary Graduates or the U.S. National Board of Veterinary Medical Examiners. Proof of English language proficiency may be met by (1) achieving a total score on the Test of English as a Foreign Language of at least 550 with a listening comprehension score of at least 60 points, (2) earning an advanced degree (i.e., an MS or Ph.D.) at a U.S. college or university, *or* (3) graduating from a U.S. or Canadian English-speaking high school. Exceptions to these requirements are as follows:

—Certificates held by veterinarians who qualified between 1965 and 1972, under the program of the Educational Commission for Foreign Veterinary Graduates will be honored.

—Veterinarians who are graduates of foreign veterinary colleges which were included on the September 1, 1963 list entitled, "Foreign Veterinary Colleges Evaluated by the Council on Education, American Veterinary Medical Association," and who entered the United States or Canada and qualified as eligible for private

** For purposes of this standard, an approved veterinary medical school is a college of veterinary medicine outside the United States and Canada which has been granted *approval status* by the American Veterinary Medical Association.

practice or Federal employment on or before December 31, 1972, will be accepted.

Duties: Veterinary medical officers apply professional competence in the veterinary medical arts and sciences in programs that are established to protect and improve the health, products, and environment of or for the Nation's livestock, poultry, or other species for the benefit of human, as well as animal, well-being. They apply current, advanced, or specialized veterinary medical principles and practices of gross and microscopic anatomy; general, special, and post mortem pathology; microbiology and immunology; pharmacology and therapeutics; comparative physiology; toxicology; epidemiology; surgery; medicine; hygiene; reproduction; or other specialties of the profession to a variety of programs. They investigate, inspect, and deal with problems such as animal diseases, animal pollution, contamination of food of animal origin, health and safety of imported animals and animal products, safety and efficacy of many animal, as well as human drugs and biological products, and cooperative enforcement activities involving both the public and private sectors.

Reason for Establishing Requirements: The duties of these positions require the application of professional competence in the veterinary medical arts and sciences. Inherent in such professional competence is a thorough knowledge of the principles, concepts, techniques and practices of veterinary medicine and of the underlying scientific concepts. The only method by which the necessary knowledge and training may be acquired is through a full course of study leading to a degree of Doctor of Veterinary Medicine or equivalent at an accredited or approved veterinary medical school, or candidates must submit positive evidence of possession of equivalent qualifications as specified in the Minimum Educational Requirements, above. Meeting these requirements should provide evidence that the necessary knowledge and training were acquired through a directed course of study in a veterinary medical school where competent instruction and guidance are available; where there are adequate veterinary science libraries, laboratories, and facilities; where the course work is arranged in a systematic, progressive schedule; and where progress in the acquisition of professional and scientific knowledge and skill may be competently evaluated.

The revisions in the minimum educational requirements: (1) Clarify the intent of the standard with regard to comprehension and ability to communicate in the English language, (2) delete references to organizations which do not provide evidence of the qualifications of individual candidates for veterinary medical officer positions, and (3) eliminate other ambiguities in the language of the standard.

United States Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 81-35499 Filed 12-10-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22302 (70-6679)]

Columbus and Southern Ohio Electric Co.; Proposed Issuance of Note To Purchase Waste Processing Plant; Exception From Competitive Bidding

December 7, 1981.

Columbus and Southern Ohio Electric Company ("CSOE"), 215 North Front Street, Columbus, Ohio 43215, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

In 1975 CSOE contracted with Conversion Systems, Inc. ("CSI") to build and supervise the operation of a turbulant contact absorber producing flue gas desulfurization waste, basically a scrubber producing sludge, at CSOE's Conesville Generating Station Units 5 and 6 ("Facility"). The scrubber operation is used to comply with the Clean Air Act Amendments of 1970. Under the 1975 letter agreement ("Letter Agreement") expiring in 1996, CSOE makes monthly payments of $250,000 to CSI and CSOE has the option to purchase the Facility. Because of problems relating to sludge quality and capital investments, the Agreement was terminated and the companies will enter into a new contract ("Agreement").

In accordance with the Agreement, dated November 4, 1981, CSOE proposes to issue a promissory note in a principal amount of $9,400,000 to CSI for the purchase of the Facility and all related equipment. The purchase price will be paid in 180 equal monthly installments of $144,700, including interest at 17.01% per annum on the unpaid balance of the purchase price. The Agreement provides that CSOE will make a single monthly payment to CSI of $420,000, a sum which includes CSOE's purchase installment obligation, and payment for CSI's management and operation of the Facility, including labor costs. The purchase price is equivalent to CSOE's net estimated purchase cost of the Facility under the Letter Agreement plus approximately $3,400,000 of capital improvements that CSOE believes that it would have to make to the Facility, in the event CSOE were to exercise its option to purchase and operate the Facility now, in order to process scrubber sludge according to specifications.

Pursuant to the Agreement, CSI will manage, operate and maintain the Facility and a landfill for sludge owned by CSOE for 15 years. CSOE's monthly payment is subject to set-off and adjustment in the event CSI fails to process sludge according to the Agreement's specifications. CSI will also make certain specified capital improvements at its cost to the Facility. During the term of the Agreement, and until title thereto has been coveyed to CSOE at the termination thereof, all risks of loss of and damage to the Facility and the obligations to maintain and insure the Facility will remain with CSI. If the Agreement is terminated for any reason prior to its expiration, CSOE will be obligated to purchase the Facility for an amount equal to the unpaid principal balance due CSI multiplied by a specified percentage that varies depending upon whether such termination results from a default by CSOE or CSI.

An exception is requested from the competitive bidding requirements of Rule 50 pursuant to Rule 50(b)(5) for the note issuance because of the nature of the transaction and no public issuance of securities is involved.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order

issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35487 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18315 (SR-NASD-77-17)]

National Association of Securities Dealers, Inc.; Order Approving Amended Proposed Rule Change

December 7, 1981.

On October 11, 1977, the National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, N.W., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Section B.3.1. of Part II of Schedule D under Article XVI of the NASD's By-Laws to provide for the inclusion of beneficial owners as well as recordholders in meeting the 300 holder requirement for the initial inclusion and continued inclusion of securities on the NASDAQ System. On August 18, 1980, the NASD filed an amendment to the proposed rule change to define beneficial owners to include only customers accounts.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14146, November 15, 1977) and by publication in the **Federal Register** (42 FR 59147, November 15, 1977). Notice of the amendment was given by publication of a Commission Release (Securities Exchange Act Release No. 17102, August 28, 1980) and by publication in the **Federal Register** (45 FR 58994, September 5, 1980). No comments were received on the proposal or the amendment.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35484 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18316 (SR-NASD-81-12), (SR-NASD-81-13), and (SR-NSRB-81-7)]

National Association of Securities Dealers, Inc., and Municipal Securities Rulemaking Board; Order Approving Proposed Rule Changes

December 7, 1981.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C. 20006, submitted on June 12, 1981, and the Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, submitted on June 15, 1981, copies of proposed rule changes pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder to provide plans and specifications for a new qualification examination, the General Securities Sales Supervisor Examination (File Nos. SR-NASD-81-12 and SR-MSRB-81-7). The examination will be taken by individuals seeking to qualify as Limited Principal. General Securities Sales Principal under the rules of the NASD and as Municipal Securities Sales Principal under the rules of the MSRB. The examination was developed by a joint self-regulatory organization task force and will permit certain sales supervisors to qualify with all of the participating self-regulatory organizations by taking one examination, rather than several individual examinations.

The NASD submitted an amendment to the proposed rule change on December 2, 1981, which provides for separate grading of the options and non-options portions of the examination. In order to pass the examination, an applicant must receive a passing grade on both parts of the examination. The NASD filed the amendment in response to concern that persons qualifying in this new category should separately pass the options portion of the examination.

The NASD submitted on June 12, 1981, a second proposed rule change to amend its By-Laws to create the category of Limited Principal—General Securities Sales Supervisor for persons whose supervisory activities in the investment banking and securities business are limited to the securities sales activities of an NASD member, including training, and the maintenance of certain records. (File No. SR-NASD-81-13).

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by the issuance of a Commission Release (Securities Exchange Act Release No. 17876, June 19, 1981 and by publication in the **Federal Register** (45 FR 33160, June 26, 1981). The amendment to SR-NASD-81-12 was not published for comment. No comments were received with respect to the proposed rule filings.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and the MSRB and, in particular, the requirements of Sections 15A, and 15B, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and hereby are approved.

For the Commission, by the Division of market regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35485 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22301 (70-6678)]

National Fuel Gas Co., et al.; Proposal Relating to Intra-System Borrowing Arrangements and Issuance and Sale of Commercial Paper and Notes to Banks by Holding Company; Request for Exception From Competitive Bidding

December 7, 1981.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10112; National Fuel Gas Distribution Corporation, Penn-York Energy Corporation, 10 Lafayette Square, Buffalo, New York 14203; and National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301.

National Fuel Gas Company ("National"), a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply") and Penn-York Energy Corporation ("Penn-York"), each a subsidiary of National, have filed with this Commission an application-declaration pursuant to Sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company

Act of 1935 ("Act") and Rules 42(b)(2), 43, 45, 50(a)(2) and 50(a)(5) thereunder.

At certain times during the year, National and certain of its subsidiaries generate surplus funds. The Commission has authorized short-term loans of such surplus funds between subsidiaries (HCAR No. 20870, January 4, 1979; HCAR No. 21402, January 21, 1980). More recently the Commission authorized a money pool arrangement for the system (HCAR No. 21903, February 2, 1981).

Applicant-declarants propose that intra-system borrowing arrangements be authorized to continue in the form of the money pool arrangement. The money pool would consist of funds from the following sources: (1) Surplus funds of any of the subsidiaries; (2) surplus funds of National; (3) proceeds from National's sales of commercial paper; and (4) borrowings by National from banks. During 1982, it is anticipated that National and certain subsidiaries will have, on an aggregate basis, up to $100,000,000 of surplus funds which could be made available to other subsidiaries through the money pool.

National would administer the money pool by matching up, to the extent possible, the short-term cash surpluses and borrowing requirements of itself and its subsidiaries. Subsidiary requests for short-term loans would be met first from surplus funds of the other subsidiaries that would be available to the money pool, and then from National's corporate funds, to the extent available. It is not anticipated that National will need to make borrowings through the money pool and no "upstream loans" to National from any of the subsidiaries would be made. Each subsidiary would be authorized to make borrowings through the money pool up to the following maximum principal amounts:

Distribution	$90,000,000
Supply	40,000,000
Penn-York	50,000,000

Distribution would use the proceeds in connection with its construction program and the financing of deferred purchased gas costs. Supply would use the proceeds to purchase storage gas, to finance deferred purchased gas costs and in connection with its construction program. Penn-York would use the proceeds in connection with the construction of underground storage facilities to serve non-affiliates.

All borrowings on consolidated basis would never exceed 20% of the consolidated capitalization of the system, except that, Supply may borrow funds for the financing of its storage gas which are inventory loans and are excluded from the definition of unsecured debt in National's Certificate. These inventory borrowings might cause the outstanding short-term debt of the system to exceed 20% of its consolidated capitalization.

Borrowings from and contributions to the money pool will be adequately documented and will be evidenced on the books of each participant who is borrowing or contributing surplus funds through the money pool. The interest rate applicable to all loans of surplus funds through the money pool will be the lower of the rate for commercial paper placed by A. G. Becker & Co., Incorporated having the same rating as National and having a term most nearly equal to the particular money pool loan in question or the prime rate at The Chase Manhattan Bank, N.A.

The interest rate applicable to funds borrowed by National (either through commercial paper or bank loans) and loaned through the money pool will be equal to National's net cost for such external borrowings. In cases where both surplus funds from other subsidiaries and external funds are concurrently borrowed through the money pool, the interest rate applicable to all funds borrowed will be equal to the net cost of the externally borrowed funds. Interest on all borrowings through the money pool will be payable monthly until the principal amount is paid in full except where there are external borrowings from Chase. In that instance, interest will be payable in a manner to allow National to make its payment of interest to Chase on a quarterly basis. Supply is expected to repay borrowings from the money pool from funds received when gas in storage is withdrawn and sold and from other funds generated internally.

When sources of funds for the money pool become insufficient to meet short-term loan requests, borrowings would be made from outside the system through the issuance and sale of commercial paper and/or under bank lines of credit. National proposes to issue and sell from time to time during the period from January 1, 1982, through December 31, 1982, up to $80,000,000 aggregate principal amount at any one time outstanding of its commercial paper to A.G. Becker & Co., Incorporated ("Dealer") and/or short-term unsecured notes to Chase to evidence borrowings under a back-up line of credit and make the proceeds therefrom available to its subsidiaries through the money pool.

The commercial paper would be sold by National to the Dealer in minimum sales amounts of not less than $50,000 and note denominations of not less than $25,000, with varying maturities not to exceed nine months, and will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper; however, the Dealer will reoffer and sell the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing discount rate from the Dealer to National. The Dealer, in reoffering the commercial paper, will limit the reoffer and sale to a nonpublic list of not more than 200 buyers of commercial paper. No additions will be made to such list of customers without approval of the Commission. It is anticipated that the commercial paper of National will be held by the buyer to maturity; however, the Dealer may, if desired, repurchase the commercial paper and reoffer it to others on the approved list of buyers.

The decision to issue commercial paper or short-term notes pursuant to the back-up line of credit would be at the discretion of National, except that, if the effective interest cost for commercial paper exceeds the effective cost of equivalent borrowings from Chase under the back-up line of credit on the date of issue, National will issue its short-term unsecured notes to Chase.

National also proposes to establish lines of credit (including the back-up line of credit mentioned above) with various banks aggregating $155,000,000 and to issue and sell from time to time during the period from January 1, 1982, through December 31, 1982, short-term unsecured notes pursuant thereto, up to an aggregate principal amount at any one time outstanding of $155,000,000 and make the proceeds therefrom available to its subsidiaries through the money pool. The names of the banks and the maximum principal amount to be borrowed and outstanding at any one time from each bank are as follows:

Bank	Amount of line
Chase Manhattan Bank, N.A.:	
Line of Credit	$40,000,000
Back-up Line of Credit	[illegible]
Buffalo Group:	
Marine Midland Bank-Western	14,000,000
Manufacturers and Traders Trust Company	7,000,000
Liberty National Bank and Trust Company	3,000,000
Erie Group:	
First National Bank of Pennsylvania	3,000,000
Marine Bank	2,000,000
Oil City Group:	
First Seneca Bank and Trust Company	2,000,000
Pennsylvania Bank and Trust Company	1,500,000
Northwest Pennsylvania Bank and Trust Company	1,500,000
McDowell National Bank	1,000,000
Total	155,000,000

Under each of the lines of credit, any unsecured note issued will be issued by National, will be dated as of the date of issue, will mature not later than twelve months from the date thereof and will be prepayable at any time, in whole or in part, without penalty or premium. The notes issued and sold to Chase and to the Erie and Oil City banks will bear interest at the prime rate of interest in effect from time to time at Chase. The notes issued and sold to the Buffalo banks will bear interest at the prime rate of interest in effect from time to time of each individual bank. In the case of Chase, interest will be payable quarterly until the principal amount is paid in full. In the case of all the other banks, interest will be payable monthly until the principal amount is paid in full.

In addition to the lines of credit, certain of the banks listed above may have small amounts of funds available, which they will lend to National at fixed rates below the existing prime rate for short periods of time (one day to sixty days). Depending upon market conditions, National may find it very beneficial to repay existing notes outstanding at the prime rate with funds borrowed at the lower fixed rate. Since the one-day—sixty-day notes are not prepayable, National will not utilize such notes unless it anticipates the need for the funds for at least the maturity of the notes. There will be no commitment fee or any closing or related costs in connection with the above borrowings. However, each bank may require the system to keep compensating balances on deposit at the bank.

In recent years the banks have required compensating balances from 5–10% of the line of credit and from 0–15% of the amount borrowed.

Under proposed lines, the banks have requested that the compensating balance arrangement vary depending upon market conditions, however, in no case would the compensating balance arrangement require a balance greater than 20% of the amount of fully utilized lines of credit. In most cases, the average balances maintained for normal operating needs across the system are sufficient to cover these amounts. Assuming National borrowed the full amount under each line of credit, and a compensating balance of 20% under each line was required, the effective cost of money, based on a 17.5% prime rate, would be 21%.

Costs, in the form of compensating balances, may be incurred to support the lines of credit. The aggregate of the operating balances of National, Distribution, Supply, and Penn-York are expected to cover these amounts. Initially, the cost compensating balances will be allocated to the subsidiaries on the basis of 50% to Distribution, 22% to Supply and 28% to Penn-York. At the end of the calendar year, the costs would be retroactively reallocated. Each subsidiary would be reallocated that proportion of the total line of credit costs which is equal to the percentage that its maximum amount of short-term borrowings during the year represents of the aggregate of the maximum short-term borrowings, on a non-coincidental basis, of all the subsidiaries.

National requests that the sale of its commercial paper be excepted from the requirements of Rule 50 pursuant to sub-paragraph (a)(5) thereof since the notes will have maturity not to exceed nine months, will be issued to a limited defined group of buyers, interest cost thereon will not exceed the cost of equivalent borrowings from Chase, and the rate for commercial paper for prime issuers such as National are at any time ascertainable by reference to daily publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35486 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18304 (SR-OCC-81-9)]

The Options Clearing Corporation ("OCC"); Order Approving Proposed Rule Change

December 4, 1981.

On August 10, 1977, OCC filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change giving OCC the flexibility to authorize repayment of subordinated loans that would otherwise be precluded by OCC rules, whenever the Clearing Member has satisfied OCC that it is not necessary for OCC to restrict the repayment.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18213, October 26, 1981) and by publication in the **Federal Register** (46 FR 53,827, October 30, 1981). No written comments were received by the Commission or by OCC.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35483 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12080; (813-50)]

PW Employee Investments; Filing of Application

December 7, 1981.

Notice is hereby given that PW Employee Investments (the "Applicant"), 100 Federal Street, Boston, Massachusetts 02110, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management investment company, filed an application on April 6, 1981, and amendments thereto on August 17 and November 25, 1981, pursuant to section 6(b) of the Act for an order exempting the Applicant from all provisions of the Act or, alternatively, from Sections 8(b), 10(a) and (b), 14(a), 15(a), 16(a), 17(a), (d), (f), and (g), 18(a)(1) and (i), 19(b), 20(a), 23(c), 30(a), (b), and (d) and 32 of the Act and Rules 10f-3 and 17g-1 thereunder. The application further requests an order pursuant to Section 45(a) of the Act granting confidential treatment to certain periodic reports to be filed with the Commission as described herein. All interested persons are referred to the application on file

with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant, a limited partnership formed under the laws of the Commonwealth of Massachusetts, was organized by Paine Webber Incorporated ("Paine Webber"), a publicly-owned holding company whose principal subsidiaries are engaged in various facets of the securities business. According to the application, limited partnership interests in the Applicant will be offered only to those officers, directors and employees of Paine Webber or its affiliates who have annual compensation for the preceding 12 months of at least $50,000 and certify a net worth of at least $25,000 exclusive of home, home furnishings and automobiles ("Limited Partners"). As such, the Applicant states that less than 10% of the approximately 10,000 employees of the Paine Webber organization will be eligible to invest in the Applicant. For each Limited Partner, the minimum capital contribution is $2,500 and the maximum contribution is 10% of such Limited Partner's aggregate compensation for the preceding 12 months. The Applicant further states that after the close of the initial offering of its limited partnership interests, no additional capital contributions will be accepted and no new Limited Partners will be admitted except for transferees or assignees of existing limited partnership interests who are approved for admission by the Applicant's general partner. The Applicant intends to pay all legal fees and other expenses incurred in connection with its organization and offering limited partnership interests unless such expenses should exceed 10% of the Applicant's total subscribed capital, in which case Paine Webber would pay the excess.

The Applicant's general partner, Paine Webber Employee Investments Management, Inc. (the "General Partner"), a wholly-owned subsidiary of Paine Webber, has exclusive control over the management and policy of the Applicant. The directors and officers of the General Partner, each of which intends to invest at least $5,000 in the Applicant, are all active or retired officers of the Paine Webber organization with responsibilities in the areas of general administration or venture capital investment. The Applicant further represents that the General Partner will make a capital contribution of at least 1% of the Applicant's total capital. The General Partner will manage the Applicant without any charge other than out-of-pocket expenses incurred in managing the operations of the Applicant.

In addition to the out-of-pocket expenses of the General Partner, other fees or charges may be paid by the Applicant to Paine Webber affiliates, including management fees on investments in funds advised by Paine Webber, brokerage fees, underwriting discounts or spreads, placement fees and charges for certain other services. The application states that the preservation of these underwriting, placement and other fees is considered necessary in order to preserve equality of treatment of the Applicant and third parties doing business with Paine Webber affiliates. It is contended that such charges will be negotiated on an arm's-length basis and should be comparable to those customarily charged by others for comparable services; and that all such fees will be reported to the Limited Partners in the Applicant's semi-annual reports to Limited Partners.

According to the application, the Applicant was created to give senior management and top sales personnel in the Paine Webber organization an opportunity that most of them would not otherwise have to invest limited amounts, without sales charges, in a portfolio of investments with high potential for long-term appreciation. The Applicant intends to invest principally in venture capital opportunities (but might also invest in private real estate an oil and gas ventures) identified by Paine Webber employees specializing in such investments, many of whom are expected to be Limited Partners in the Applicant. A substantial portion of the Applicant's investments are expected to be made in venture capital funds advised by Paine Webber subsidiaries ("PW Advised Funds") or in tandem with PW Advised Funds and other vehicles investors in which are affiliated persons of Paine Webber ("PW Affiliate Funds"). The Applicant further represents that Paine Webber, its subsidiaries and affiliated persons thereof (including officers and directors of the General Partner, and the Limited Partners) are now and in the future may become investors in such PW Advised Funds and PW Affiliate Funds.

The Applicant represents that in order to protect the customers of PW Advised Funds (most of whom are not employees of Paine Webber), the Applicant and other PW Affiliate Funds will not be entitled to participate in an investment opportunity until it has been offered to all of the PW Advised Funds. The extent of the priority of the PW Advised Funds will vary, with existing PW Advised Funds being entitled to take up to 100% of any investment opportunity before the opportunity may be offered to PW Affiliate Funds, while PW Advised Funds being organized now and in the future should have priority over PW Affiliate Funds only to the extent of 50% of any investment opportunity.

The Applicant further represents that none of the PW Affiliate Funds will have rights prior to the Applicant as to any investment opportunity. In the case of an oversubscription, it is proposed that the Applicant and the PW Affiliated Funds generally will participate in the investment opportunity on a pro rata basis, according to the amounts of capital available for investment. On the other hand, neither the Applicant, nor any venture capital fund in which it participates, will invest in securities issued by Paine Webber or its subsidiaries. Moreover, the Applicant will not make loans to its Limited Partners, the General Partner, any affiliated person of Paine Webber, or any officer, director or employee of the General Partner or any Paine Webber affiliate.

According to the application, the General Partner is required to keep or cause to be kept adequate books and records reflecting all activities of the Applicant and to cooperate with all the Limited Partners in making all such books and records available for their inspection. In addition, the General Partner is required to cause an audit to be made by an independent public accountant of the Applicant's financial statements for each year and to deliver a copy of such certified audit report to each Limited Partner. The General Partner is further required to furnish a semi-annual report to all the Limited Partners setting forth the status of each investment and summarizing the most recent financial information available with respect to the Applicant's investments and amounts paid or reimbursed by the Applicant to the General Partner and other affiliates of Paine Webber.

Section 2(a)(13) of the Act provides that an "employees' securities company" means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of

the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons. Section 6(b) of the Act provides that, "Upon application by any employees' security (sic) company, the Commission shall by order exempt such company from the provisions of the Act and of the rules thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form or organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

The Applicant asserts that it meets the definition of an "employees' securities company" contained in section 2(a)(13) of the Act and should, as such, be exempted from all provisions of the Act. Alternatively, the Applicant requests that the Commission issue an order pursuant to Section 6(b) of the Act exempting it, to the extent noted below, from the following specific provisions of the Act:

(a) Section 8(b) of the Act and Rule 8b–16 thereunder would require the Applicant to submit annual amendments to its Registration Statement on Form N–2 filed with the Commission under the Act. The Applicant asserts that the filing of annual amendments to its Registration Statement is not necessary for the protection of investors, because the Applicant is a closed-end management company which intends to have only one offering of limited partnership interests, for which there will be no trading market. In addition, the Applicant states that the Limited Partners will receive periodic reports and accountings.

(b) Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are interested persons of such registered company. The Applicant requests an exemption from section 10(a) to permit it to be managed by the General Partner which is a wholly-owned subsidiary of Paine Webber and whose directors are nominees of Paine Webber.

(c) Section 10(b)(1) of the Act provides that no registered investment company shall employ as regular broker any director, officer, or employee of such registered company, or any person of which any such director, officer or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such brokers or affiliated persons of any such brokers. The Applicant requests an exemption from section 10(b)(1) of the Act to permit it to effect brokerage transactions through the General Partner, officers and directors of the General Partner and subsidiaries of Paine Webber.

(d) Section 10(b)(2) of the Act makes it unlawful for a registered investment company to use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any of such principal underwriters. The Applicant requests an exemption from section 10(b)(2) of the Act to permit it to employ the General Partner without charge as the principal underwriter of its limited partnership interests.

(e) Section 10(b)(3) of the Act prohibits a registered investment company from having as director, officer, or employee any investment banker, or any affiliated person of an investment banker, unless a majority of the board of directors of such registered company are not investment bankers or affiliated persons of any investment banker. The Applicant requests an exemption from section 10(b)(3) of the Act to permit it to be managed by the General Partner who, along with its directors, might be deemed to be affiliated persons of the investment bankers within the Paine Webber organization.

(f) Section 10(f) of the Act provides, in relevant part, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person. Rule 10f–3 promulgated under the Act provides an exemption from the prohibition of section 10(f), provided that certain specified conditions are met. The Applicant asserts that it is unable to avail itself of the conditional relief from section 10(f) of the Act provided by Rule 10f–3 because, due to its unique structure, it lacks any disinterested directors to perform the tasks required by paragraph (h) of rule 10f–3. Therefore, the Applicant requests an exemption from having to meet the requirements of Rule 10f–3(h) in order to permit it to purchase securities through an underwriting or selling syndicate of which a Paine Webber subsidiary acts as principal underwriter. The Applicant states that in order to utilize this exemption, it will have to meet the requirements of the other sections of the Rule (with the exception of Rule 10f–3(g)).

(g) Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make an initial public offering of its securities unless it has a net worth of $100,000. The Applicant requests an exemption from section 14(a) to the extent necessary to permit it to offer limited partnership interests to officers, directors and employees of Paine Webber and its affiliates prior to the time the Applicant has a net worth of $100,000.

(h) Section 15(a) of the Act provides, among other things, that no person shall act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and which may be terminated at any time without penalty by the board of directors of such investment company, or by vote of a majority of the outstanding voting securities or such company. The Applicant requests an exemption from section 15(a) of the Act to permit the General Partner to provide investment advisory services to the Applicant, either at or below cost, without a written contract which has been approved by the Limited Partners. The Applicant will not be paying any commissions or finder's fees to either the General Partner and its offices, directors and employees, or to any other persons within or without the Paine Webber organization.

(i) Section 16(a) of the Act provides, among other things, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company at an annual or special meeting duly called for such purpose. The Applicant requests an exemption from section 16(a) of the Act because, it

is asserted, compliance with the requirements of section 16(a) would prevent the formation of Applicant as a limited partnership. The Applicant asserts that at all times the officers and directors of the General Partner will also be active or former members of the senior management of Paine Webber.

(j) Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or any affiliated person of such an affiliated person, acting as principal, from knowingly purchasing or selling any security or other property from or to such registered company, subject to certain exceptions. The Applicant requests an exemption from section 17(a) of the Act to permit it to (i) purchase interests in, or purchase securities from, PW Advised Funds, (ii) purchase additional interests in a portfolio company where the Applicant or other Paine Webber affiliates already own 5% or more of the voting securities of the portfolio company or if such company is otherwise affiliated with the Applicant and (iii) to participate as a selling stockholder in a public offering that is underwritten by a Paine Webber subsidiary or in which a Paine Webber subsidiary acts as a member of the underwriting group. As a condition to the granting of this exemptive relief, the Applicant has agreed to limit its investments directly in PW Advised Funds to not more than 50% of the original capitalization of the Applicant. In addition, the Applicant represents that this exemption would not extend to purchases of securities from persons who are directors or officers of the General Partner or Paine Webber or directors of any of the subsidiaries of Paine Webber (except to the extent that such persons may participate indirectly by virtue of investments in PW Advised Funds or PW Affiliate Funds or by virtue of the compensation arrangements with certain existing and future PW Advised Funds or PW Affiliate Funds). The Applicant represents that it recognizes that any such transactions, or other types of transactions otherwise subject to section 17(a) of the Act for which exemptive relief has not been requested, would require specific approval by the Commission.

(k) Section 17(d) of the Act and Rule 17d–1 thereunder provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and an order granting such application has been issued. The Applicant requests an exemption from section 17(d) of the Act to permit it to purchase securities in tandem with other PW Advised Funds and to enter into agreements with respect to the transfer of securities of, the recapitalization or reorganization of, or the exercise of voting rights with respect to, any company in which the Applicant and other PW Advised Funds have invested. The Applicant asserts that to require an exemptive order with respect to each of these proposed joint transactions would be so time consuming and expensive that the proposed investment venture would be unworkable. As a condition to the relief requested, the Applicant represents that no director or officer of the General Partner or Paine Webber and no director of any subsidiary of Paine Webber will also be a participant in such investments (except to the extent that such person may be participating indirectly by virtue of an investment in a PW Advised Fund or a PW Affiliate Fund or by virtue of certain compensation arrangements with existing and future PW Advised Funds or PW Affiliate Funds).

The Applicant further agrees, with reference to the exemptions requested from sections 17(a) and 17(d), to the condition that with respect to every transaction of the Applicant for which the approval of the Commission would have been required under section 17(a) or 17(d) of the Act or the rules and regulations thereunder, were the Applicant not granted an exemption therefrom, the directors of the General Partner of the Applicant will maintain the records required by section 57(f)(3) of the Act. In addition, the directors of the General Partner of the Applicant will comply with the provisions of section 57(h) of the Act.

(l) Section 17(f) of the Act and Rule 17f–1 thereunder provide, in pertinent part, that no registered management investment company shall place or maintain any of its securities or similar investments in the custody of a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934 except pursuant to a written contract which shall have been approved by a majority of the board of directors of such investment company. The Applicant requests an exemption from section 17(f) of the Act to the extent necessary to permit Paine Webber or its subsidiaries, one of which is a member of a national securities exchange, to act as custodian without a written contract. The Applicant asserts that, with the exception of a written contract, it will otherwise comply with all the remaining provisions of Rule 17f–1.

(m) Section 17(g) of the Act and Rule 17g–1 thereunder provide, as relevant here, that the fidelity bond protecting investors of a registered management investment company against larceny and embezzlement of its officers and employees be approved by a majority of the board of directors who are not "interested persons" of the investment company. Paragraph (h) of Rule 17g–1 further requires each registered management investment company to designate an officer thereof to make certain filings and give certain notices as required by this rule. Because the Applicant's organization as a limited partnership does not include disinterested directors or officers, the Applicant requests an exemption from those specific provisions of Rule 17g–1 which require that actions be taken by such persons. Except as provided in the application, the Applicant intends to otherwise comply with the remaining requirements of Rule 17g–1.

(n) The Applicant further requests an exemption from Section 18(a)(1) of the Act which provides, in pertinent part, that it shall be unlawful for any registered closed-end company to issue or sell any class of senior security which represents indebtedness unless (A) immediately after issuance or sale, it will have an asset coverage of at least 300 per centum; (B) the declaration of any dividend or any other distribution upon any class of the capital stock, or the purchase of any such capital stock is prohibited unless the senior security has at the time an asset coverage of at least 300 per centum after deducting the amount of such dividend, distribution or purchase; (C) the holders of such senior securities can elect a majority of the directors of the company where the asset coverage is less than 100 per centum for twelve consecutive calendar months, and a provision is made for the recognition of a default where the asset coverage is less than 100 per centum for 24 consecutive months. The Applicant represents that it does not intend to borrow money on a regular basis and is further prohibited from making any borrowings that would mature in more than nine months from anyone except a Limited Partner, the General Partner or an affiliate of Paine Webber. To the extent borrowings are contemplated, the Applicant considers the proper

valuation of non-liquid investments, for compliance with section 18(a)(1) of the Act, to be a time-consuming and expensive process that would require determinations by the Applicant and review by its independent public accountants. The Applicant further represents that it is, nevertheless, required to undertake this review covering all its portfolio investments, including its non-liquid investments in other PW Advised Funds, each year in preparation of the Applicant's annual audited financial statements.

(o) Section 18(i) of the Act provides, in pertinent part, that every share of stock issued by a registered management company shall be a voting stock and have equal voting rights with every other outstanding voting stock. It is asserted that, as a limited partnership, the Applicant cannot comply with the requirement of section 18(i) that every share of stock have equal voting rights. The limited partnership form of organization is necessary in order to pass through tax deductible items to the investors and eliminate double taxation upon distributions of income or gains by the Applicant to investors.

(p) Section 19(b) of the Act provides, in pertinent part, that it shall be unlawful in contravention of such rules, regulations or orders as the Commission may prescribe for any registered investment company to distribute long-term capital gains more frequently than once every 12 months. Rule 19b–1(b) under the Act provides, as herein relevant, that no registered investment company which is not a "regulated investment company" as defined by section 851 of the Internal Revenue Code shall make more than one distribution of capital gains in any one taxable year of such investment company. The Applicant requests an exemption from section 19(b) of the Act to permit it to distribute its portfolio securities, or the proceeds of such liquidated portfolio securities, to the Limited Partners more than once a year, a part of which could reflect long-term capital gains. The Applicant intends to hold each investment only until it becomes liquid and then to distribute either the investment or the proceeds thereof to its Limited Partners. The Applicant further intends to make certain distributions upon the withdrawal or removal of a Limited Partner. Accordingly, the Applicant contends that compliance with section 19(b) of the Act might seriously interfere with its proposed operations and that such a restriction would be contrary to the best interests of investors.

(q) Section 20(a) of the Act and Rule 20a–1 there under generally require that every registered investment company in soliciting proxies comply with the requirements of section 14(a) of the Securities Exchange Act of 1934 relating to such proxy material. The Applicant requests an exemption from the requirements of section 20(a) of the Act in connection with the Limited Partners' right to remove the General Partner, to approve significant amendments to the Articles of Limited Partnership, and to grant to General Partner their power of attorney to execute and file certain documents on behalf of the Applicant and to amend the Articles in minor respects. In seeking such relief, the Applicant asserts that compliance with the requirements of section 20(a) of the Act could involve difficult questions of interpretation likely to make the process of preparing and filing proxy statements unusually costly and prolonged. The Applicant further asserts that such costs seem unnecessary in view of the limited number and the sophisticated nature of the Limited Partners. As a condition of its exemption from the provisions of section 20(a) and the rules and regulations thereunder, the Applicant agrees that any solicitation of proxies of its Limited Partners will be conducted in accordance with the provisions of section 14(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder.

(r) Section 23(c)(3) of the Act permits a closed-end investment company to purchase its own securities under such circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Rule 23c–1(a) under the Act recites the conditions under which a registered closed-end company may purchase for cash securities of which it is the issuer other than on a securities exchange or pursuant to tenders. The Applicant seeks an exemption from section 23(c)(3) to permit it to repurchase limited partnership interests in the Applicant upon the withdrawal or removal of a Limited Partner. The Applicant asserts that it cannot satisfy the condition set forth in Rule 23c–1(a)(4) because in each repurchase the seller of the limited partnership interest (i.e., the Limited Partner) would be an affiliated person of the Applicant. The Applicant further represents that, due to the nature of its investments, it may encounter significant difficulty in complying with the requirement in paragraph (7) of the rule that the Applicant disclose the asset coverage of a withdrawing or removed Limited Partner's interest in the Applicant. The Applicant asserts that this difficult evaluation is unnecessary since in most cases, the Limited Partner will receive, in exchange for his limited partnership interest in the Applicant, his pro rata portion of the Applicant's assets in kind, and in any event cannot be compelled to accept a cash settlement. Moreover, the Applicant asserts that compliance with the six month notice requirement contained in paragraph (10) of the rule might in some instances require it to delay unnaturally the distribution to a withdrawing of removed Limited Partner.

(s) Sections 30(a), 30(b) and 30(d) of the Act and the rules thereunder generally require that registered investment companies prepare and file with the Commission and prepare and mail to their shareholders certain periodic reports and financial statements. The Applicant seeks exemptions from sections 30(a) and (b) of the Act to the extent necessary to exempt it from filing quarterly and annual reports with the Commission. The Applicant further requests relief to permit it to mail each semi-annual report to its Limited Partners of record within 60 days after the date as of which the semi-annual report was made rather than within the 45-day time period presently required by Rule 30-d(1)(a). The Applicant undertakes to supply in its semi-annual reports all information regarding fees earned by Paine Webber affiliates in connection with partnership transactions, all expenses or charges of the General Partner and any other Paine Webber affiliates paid or reimbursed by the Applicant and the fact and terms (to the extent known to the General Partner) of the removal or withdrawal of any Limited Partner. The Applicant believes that semi-annual reports to its Limited Parnters as proposed would permit it to report to its Limited Parners fully and in a manner that would not hinder the Applicant with excessive and burdensome administrative costs.

The Applicant further requests that all reports filed with the Commission under section 30 of the Act or in lieu of the reports by section 30 (including without limitation filings of semi-annual reports to the Limited Partners) be afforded confidential treatment under section 45(a) of the Act which provides in pertinent part that information filed with the Commission shall be made available to the public, unless and except insofar as the Commission by order upon application, finds that public disclosure

is neither necessary nor appropriate in the public interest or for the protection of investors. The Applicant asserts that confidential treatment is being requested because the investment situations in which the Applicant will be investing and information regarding the issuers are not generally available to the public and if made public may create unwarranted impressions or expectations in the securities industry. The Applicant further asserts that there is no public trading in limited partnership interests in the Applicant and the only persons possibly interested in such information will have all such data sent directly to them.

(t) Section 32 of the Act provides, among other things, that the selection of independent public accountants must be ratified by the shareholders of the investment company. The application states that the Applicant cannot comply with the provisions of section 32 of the Act, regarding the selection of an independent public accountant and the accountant's participation in the preparation of financial statements, because it has no board of directors or voting shareholders, and the members of the board of the General Partner may all be interested persons of the Applicant. The Applicant requests an exemption from section 32(a) of the Act to permit the General Partner to select independent public accountants to participate in the preparation of the Applicant's financial statements without submitting such selection to the Limited Partners for rejection or ratification.

The Applicant represent that granting the exemptions requested herein would be consistent with the protection of investors because of its organization as an employees' securities company conceived and organized by the persons who will be investing in the Applicant and not promoted by persons seeking to profit from fees for investment advice or from the distribution off securities. The Applicant further cites the fact that all the directors, officers, or employees of the General Partner and all the Limited Partners are officers or employees of Paine Webber and its subsidiaries. In addition, the Applicant argues that a community of economic and other interests exists among the Limited Partners as employees of Paine Webber and its subsidiaries. Finally, the Applicant represents that no sales load and no compensation (other than out-of-pocket expenses and fees related to the Applicant's interests in PW Advised Funds) is payable to the General Partner or any affiliated person.

Notice is further given that any interested person may, not later than December 31, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to the controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35488 Filed 12–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22298; 70–6666]

American Electric Power Co., Inc., et al.; Notice of Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to Dealer

December 4, 1981.

In the matter of American Electric Power Company, Inc., 2 Broadway, New York, New York 10004; Appalachian Power Company, 40 Franklin Road, S.W., Roanoke, Virginia 24011; Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus, Ohio 43215; Indiana & Michigan Electric Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801; Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101; and Ohio Power Company, 301 Cleveland Avenue, SW., Canton, Ohio 44701.

American Electric Power Company, Inc. ("AEP"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE"), Indiana and Michigan Electric Company ("I&M"), Kentucky Power Company ("Kentucky") and Ohio Power Company ("Ohio"), electric utility subsidiaries of AEP, have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(2), and 50(a)(5) promulgated thereunder.

AEP requests authorization to incur short-term debt through the issuance and sale of notes to banks and commercial paper to a dealer in commercial paper in an aggregate amount not to exceed $165,000,000 outstanding at any one time. The notes to banks and commercial paper would be issued from time to time subsequent to December 31, 1981 and prior to January 1, 1983, but shall not mature later than June 30, 1983. AEP seeks an exemption pursuant to Section 6(b) of the Act to issue such notes and commercial paper. AEP proposes to issue and sell its short-term notes to two bank groups, including one group of domestic and one group of foreign banks, with which AEP maintains lines of credit totaling $318,000,000.

Each note to be issued to the domestic bank group will bear interest at up to 108.5% of the prime rate, will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. Compensating balances of 5% of the line of credit and a fee of ⅜ of 1% of the size of the line are generally required. The combination of 5% compensating balances and the fee is generally equivalent to compensating balances not in excess of 10% of the line of credit made available.

In the case of borrowings from the foreign bank group, no compensating balances are required, only a fee of ¼ of 1% of the unused amount of the line of credit. Borrowings from these five banks may be made in U.S. dollars and/or in Eurodollars except in the case of Royal Bank of Canada N.V., where the borrowings are on a Eurodollar basis only. Where such borrowings are made in Eurodollars, the rate of interest will be a designated percent over the London Interbank Offering Rate (LIBOR). Such borrowings are not prepayable. Borrowings in U.S. dollars will be at the prime rate then in effect and are prepayable at any time without premimum or penalty.

The total cost of borrowings from either bank group would not be greater than the effective rate for borrowings

bearing interest at the prime rate with compensating balances equal to 10% of the line of credit and 10% of the amount borrowed. If the balances maintained and fees paid by AEP with the banks were maintained and paid solely to fulfill requirements for borrowing, the effective annual interest cost under either of the above arrangements, assuming full use of the line of credit, would not exceed 125% of the prime commercial rate in effect from time to time, or not more than 20% on the basis of a prime commercial rate of 16%.

Credit arrangements with these banks are shared with Appalachian, CSOE, Kentucky, Ohio, and with the exception of the $20,000,000 commitment of Irving Trust Company, with I&M, all of which are subsidiaries of AEP. If proposed short-term bank borrowings through December 31, 1982, are permitted under Section 6(b) of the Act, AEP and these participating associate companies will be authorized to borrow a maximum aggregate amount of approximately $722,000,000 as of January 1, 1982. Fees and balances for shared lines of credit are borne by AEP and participating associate companies in proportion to their projected maximum need for such credit facilities.

AEP also has a money market facility with The Fidelity Bank of Philadelphia, Pa., in an aggregate amount of $10,000,000. This money market facility does not represent a formal commitment or engagement by The Fidelity Bank to AEP but represents merely the ability of AEP to request unsecured borrowings, in the form of promissory notes, on a case-by-case basis. Borrowings may be made for periods of up to 180 days after the date of issuance and any such borrowings are prepayable by AEP at any time without premium or penalty. No compensating balances are required. The interest rate which is to be negotiated on a case-by-case basis, will be a designated percent of the bank's average Federal Fund rate. However, the interest rate will be lower than the effective interest rates for the other bank borrowings described above.

Commercial paper will be sold directly by AEP to Lehman Commercial Paper Incorporated, a dealer in commercial paper. The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, and of varying maturities, with no maturity more than 270 days after the date of issue. Such notes will not be prepayable prior to maturity and will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper maturing in more than 90 days will be issued at an effective interest cost higher than bank borrowings of equal principal amount.

The commercial paper dealer will reoffer the commercial paper, at a discount rate of ⅛ of 1% less than the discount rate at which such notes were purchased from AEP, to not more than 200 of the dealer's customers identified and designated in a non-public list prepared by the dealer in advance. No sales of such commercial paper will be made to any customer unless that customer has received up-to-date reports as to the credit position of AEP. It is expected that such customers will hold such commercial paper notes to maturity; but if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper and reoffer it to other customers on its non-public list.

The proceeds from AEP's sale of notes and commercial paper will be invested by AEP in its public utility subsidiaries. Such funds together with the subsidiaries' general funds will be used to pay the subsidiaries' general obligations, including construction costs, to retire outstanding short-term debt and to serve other corporate purposes. The 1982 construction programs of Appalachian, CSOE, I&M, Kentucky, and Ohio are estimated to cost $173,000,000; $96,000,000; $296,000,000; $205,000,000; and $183,000,000, respectively.

AEP will make such equity investments in its subsidiaries by cash capital contributions from time to time subsequent to December 31, 1981 and prior to January 1, 1983. AEP proposes to make capital contributions of up to aggregate amounts of $20,000,000 in Appalachian, $10,000,000 in CSOE, $50,000,000 in I&M, $50,000,000 in Kentucky, and $60,000,000 in Ohio.

AEP seeks an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) for the issuance and sale of commercial paper because it is not practicable to invite competitive bids for commercial paper and current commercial paper rates for prime borrowers are published daily in financial publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35504 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18309; File No. SR-Amex 81-22]

American Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule relating to rate increases affecting listing fees and a change in billing date for annual fees. Comments requested on or before January 4, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 30, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Sections 151, 152 and 334 of the Amex Company Guide to revise the Exchange's listing fee schedules, and to change the month in which annual fees are due and payable.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

(a) *Purpose.* The purpose of revising the listing fee schedule is to reflect and offset the increased costs of providing necessary surveillance and other services to listed companies and to provide the funds necessary to carry out planned programs. Over the past four years since selected rate increases were adopted, the costs associated with maintaining the Exchange's regulatory and oversight programs, listed company liaison and corporate finance areas have risen dramatically due to inflationary factors and to the upgrading of personnel and equipment. These costs are conservatively expected to rise by approximately 9% in the next year.

The change in annual billing date from July to January in each year beginning with 1982 is intended to change the billing year to a calendar year to facilitate financial planning.

Moving the unchanged information with respect to "backdoor" listing fees to the section of the Company Guide dealing with such listings is for clarification and does not represent a change in rule or policy.

(b) *Basis.* The proposed amendments are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Section 6(b)(4) of the Act in particular in that they provide for the equitable allocation of reasonable fees among issuers using the facilities and services of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule changes will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before January 15, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with the respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 4, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 4, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35505 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12079; 812-5004]

E. F. Hutton Investment Series, Inc.; Filing of Application

December 4, 1981.

Notice is hereby given that E. F. Hutton Investment Series, Inc. ("Applicant") One Battery Park Plaza, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company filed an application on October 29, 1981, and an amendment thereto on November 27, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Sections 2(a)(32), 2(a)(35), 2(a)(41) and 22(c) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value the assets of its Short Term Investment Fund series pursuant to the amortized cost method of valuation and to permit Applicant to impose a contingent deferred sales charge upon all of its various series. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

According to the Application, Applicant was organized as a Maryland corporation on September 29, 1981. Applicant is a series type company consisting of three initial series (the "Funds"): the Short Term Investment Fund; the Growth Fund; and the Bond and Income Fund. Additional series may be established at any time by Applicant's board of directors.

(i) *Amortized Cost Valuation.*

The investment objective of the Short Term Investment Fund ("Fund") is to seek maximum current income consistent with preservation of principal by investing in one or more types of money market instruments. According to its investment policies, the Short Term Investment Fund may invest in the following money market instruments:

(a) U.S. treasury bills and other obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities;

(b) Certificates of deposit and bankers acceptances of (i) domestic banks (including foreign branches thereof), (ii) domestic savings and loan associations, (iii) foreign banks or (iv) domestic branches or agencies of foreign banks. Each such institution (together with its branches or subsidiaries) must have in the aggregate more than $2 billion (or the equivalent in other currencies) in total assets (except that the Fund may purchase all or a portion of a package of certificates of deposit of smaller domestic banks, provided that no obligation of any single bank in such package may exceed the Federal Deposit Insurance Corporation's insurance coverage of such obligation);

(c) Commercial paper issued by U.S. corporations or foreign corporations directly affiliated with U.S. corporations and rated at the date of investment Prime-1 by Moody's Investor Service, Inc. ("Moody's") or A-1 by Standard &

Poor's Corporation ("Standard & Poor's") or, if not rated by Moody's or Standard & Poor's, issued by a corporation having an outstanding debt issue rated Aa or better by Moody's or AA or better by Standard & Poor's. If issued by a foreign corporation, such commercial paper must be U.S. dollar-denominated and not subject at the time of purchase to foreign tax withholding;

(d) Bonds issued by U.S. corporations which at the time of purchase are rated Aa or better by Moody's or AA or better by Standard & Poor's; and

(e) Obligations of the International Bank for Reconstruction and Development (the World Bank).

Notwithstanding the foregoing, Applicant affirms that so long as the portfolio instruments of the Fund are valued pursuant to the amortized cost method of valuation, investments of the Fund will be limited as agreed to in the conditions set forth below.

According to Applicant, subject to certain limitations, the Fund also may enter into repurchase agreements, reverse repurchase agreements and firm commitment agreements with respect to the above securities and may lend its portfolio securities. Applicant states that it is aware of and will comply with present Commission positions and guidelines concerning reverse repurchase agreements. In addition, Applicant states that no more than 10% of the Fund's assets will be invested in illiquid securities, including securities subject to repurchase agreements with maturities in excess of 7 days.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors of the registered investment company. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the Applicant, the investment objectives and policies of the Fund are similar to those generally associated with so-called "money market" funds, in that it seeks maximum current income consistent with preservation of pricnipal and limits its portfolio investments to short-term money market instruments.[1] However, it differs from what are popularly known as money market funds in that it is not designed to provide a short-term vehicle for the temporary "parking" of cash balances at high interest rates. The Fund does not provide for expedited purchases or for redemptions by telephone, wire or draft (although telephone exchanges among the Funds are permitted), and certain redemptions of Fund shares will result in payment of a contingent deferred sales charge. For these reasons, and due to the shareholder's ability to exchange shares among the Funds when investment objectives change or for other reasons, the Fund is expected to attract shareholders with a longer term investment horizon than that of the typical money market fund investor.

These differences notwithstanding, Applicant believes that investors have come to expect that money market-type funds will offer a constant net asset value per share and a relatively smooth stream of investment income, and that potential purchasers of shares of the Fund would seek other investment alternatives if they could not expect that shares of the Fund would maintain a constant net asset value during the life of the investment.[2] Applicant further believes that the amortized cost method of valuing the Fund's portfolio securities could facilitate the maintenance of a constant net asset value per share and offer the Fund's shareholders the convenience of being able to value their investments simply by knowing the number of shares they own. Applicant states that its board of directors has determined in good faith that, absent unusual circumstances, the amortized cost method of valuing portfolio securities represents the fair value of the Fund's money market instruments.

Applicant has agreed that the following conditions may be imposed in any Commission order granting the exemptions requested herein:

1. In supervising the operations of Applicant and the Fund and delegating special responsibilities involving portfolio management to its investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objective, to stabilize the Fund's net asset value per share, computed for the purpose of distribution and redemption, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are resonable in light of current market conditions, to determine the extent of deviation, if any, of the Fund's net asset value per share as determined by using available market quotations from its $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly

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[1] In this regard, Applicant acknowledges that the Fund is subject to the disclosure requirements set forth in Item 17 of Form N–1.

[2] A In this regard, Applicant anticipates that the Fund's seven-day yield quottions calculated in the manner prescribed in Item 17 of Form N–1 will be published in financial journal and in the financial section of major newspapers. Like other money market funds, the Fund intends to declare net income dividends on a daily basis.

consider what action, if any, should be initiated.

(c) If the board of directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the Fund's average portfolio maturity; withholding dividends; redeeming shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year (except that securities held subject to repurchase agreements having a term of one year or less from the date of delivery of the repurchase agreement) or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund's available cash will be invested in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of director's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be include in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Fund's portfolio investments will be limited, including repurchase agreements, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of "high quality." For this purpose, "high quality" instruments shall mean those instruments which are rated by any major rating agency within its two highest rating categories or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. The Fund will not invest in variable rate securities, and, with respect to any loans by the Fund of its portfolio securities, will observe the following conditions in addition to those otherwise applicable:

(a) In determining whether the Fund should lend securities to a particular broker, dealer or finanical institution, applicant's investment adviser will consider all relevant facts and circumstances including the credit worthiness of the broker, dealer or institution.

(b) Applicant will not enter into any securities lending agreement involving securities of the Fund having a duration greater than one year.

(c) Any securities with maturities in excess of one year that the Fund may receive as collateral for a particular loan will not become part of the Fund's portfolio either at the time of the loan or in the event the borrower defaults on its obligation to return the loaned securities.

7. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

(ii) *Contingent Deferred Sales Charge.*

According to Applicant, mutal funds similar to those offered by Applicant have traditionally imposed an up-front sales charge. Applicant proposes to eliminate the initial sales charge, and thereby enable purchasers to have the proceeds of their purchase payments fully invested from the time they are made. However, Applicant also proposes to pay to the distributor a contingent deferred sales charge from the proceeds of certain redemptions of shares of the Funds. Applicant states that in no event could the amount of such charges, in the aggregate, ever exceed 5% of the aggregate purchase payments made by the investor.

Applicant represents that the contingent deferred sales charge would be imposed if an investor redeems an amount which causes the value of the investor's account with the Funds to fall below the total dollar amount of purchase payments made by the investor during the past six years. No contingent deferred sales charge is imposed when the investor redeems amounts derived from (1) increases in the value of the account above the total dollar amount of purchase payments during the past six years (either through growth in net asset value per share of the Funds or through reinvestment of dividends and capital gains distributions in additional shares of the Funds) or (2) purchase payments made more than six years prior to the redemption. Were a contingent deferred sales charge is imposed, the amount of the charge will depend on the number of years since the investor made the purchase payment from which an amount is being redeemed, according to the following table:

Year since purchase payment was made	Percentage contingent deferred sales charge (percent)
First	5
Second	4
Third	3
Fourth	2
Fifth	2
Sixth	1
Seventh and following	0

Applicant proposes to impose the contingent deferred sales charge on an investment company-wide basis, with the result that aggregate purchase payments and current account value for purposes of the charge would be determined without regard to the particular fund to which purchase payments were allocated or from which the redemption is made. However, Applicant states that it will calculate the charge that would have been payable if the same formula had been applied to the current value and the aggregate purchase payments (including, for this purpose only, exchanges from other funds as of the date of exchange) of *only* the particular fund from which the shares are being redeemed. If the latter calculation would result in a lower contingent deferred sales charge, the lower charge will be applied.

The amount of the contingent deferred sales charge (if any) would be calcuated by determining the date on which the purchase payment which is the source of the redemption was made, and applying the appropriate percentage to the amount of the redemption subject to the charge. The Application contains the following example illustrating the operation of the proposed contingent deferred sales charge. Assuming that an investor makes a purchase payment of $10,000 and that 18 months later the value of the investor's account has grown through investment performance and reinvestment of distributions to

$12,000, the investor then may redeem up to $2,000 ($12,000 minus $10,000) without incurring a contingent deferred sales charge. If the investor should redeem $3,000, a contigent deferred sales charge would be imposed on $1,000 of the redemption (the amount by which the investor's account was reduced by the redemption below the amount of the initial purchase payment). The charge would be imposed at the rate of 4% because the redemption is made in the second year after the purchase payment, for a total contingent deferred sales charge of $40.00.

Applicant states that in determining whether a contingent deferred sales charge is payable and, if so, the percentage charge applicable, it would be assumed that shares held the longest are the first to be redeemed. There would be no contingent deferred sales charge on exchanges of shares between the Funds.

Applicant believes that imposition of the proposed contingent deferred sales charge is fair and is in the best interests of shareholders. Applicant submits that the proposed transaction permits shareholders to have the advantages of greater investment dollars working for them from the time of their purchases of shares of the Funds. Moreover, Applicant states that the contingent deferred sales charge applies only to redemptions of amounts representing purchase payments during the first six years after the payments; it does not apply to increases in the investor's account through reinvestment of distributions or increases in net asset value per share.

Applicant proposes to finance its own distribution expenses pursuant to a plan adopted under Rule 12b–1 under the Act (the "Distribution Plan"). Under the Distribution Plan an annual fee is paid by each of the Funds to the distributor, E. F. Hutton & Company Inc., as reimbursement for expenses incurred by the distributor in connection with the sale of shares of the Funds. These expenses include promotional costs, sales administration and related sales expenses and sales commissions. Because the majority of the distribution expenses are incurred upon the sale of shares, the Funds' distribution fees are calculated on the basis of 1.0% per annum of aggregate purchase payments (subject to a cap at 1.0% of net assets). Thus, at the present time, the annual distribution fee borne by each of the Funds is equal to 1.0% of the lesser of (i) aggregate gross sales of each Fund's shares (not including reinvestment of dividends or capital gains), less redemptions subject to the contingent deferred sales charge, or (ii) average daily net assets of the Fund.

Where amounts attributable to purchase payments are redeemed (and thus discontinue supporting the annual distribution charge), Applicant believes that it is fair (1) to impose on the withdrawing shareholder a lump sum payment reflecting approximately the amount of distribution expense which has not been recovered through payments by the Funds and (2) to remove the assets on which the contingent deferred sales charge was imposed from the base amount on which the Funds' distribution fees are calculated. Applicant asserts that the amount, computation and timing of the contingent deferred sales charge are designed to promote fair treatment of all shareholders, while permitting Applicant to offer investors the advantage of having purchase payments fully invested on their behalf immediately. Applicant states that, in its review of the Distribution Plan pursuant to Rule 12b–1, Applicant's board of directors will consider the effect of revenues raised by the proposed contingent deferred sales charge.

Applicant submits that the proposed contingent deferred sales charge is consistent with all provisions of the Act and that no exemptive relief is required in order to implement the proposed transaction. However, to avoid any possibility that questions may be raised as to the potential applicability of various definitional and regulatory sections of the Act, Applicant requests an exemptive order of the Commission, to the extent necessary, from the provisions of the Act detailed below. For the reasons stated herein, Applicant believes that such an exemption is in the public interest.

Section 2(a)(32) of the Act defines a "redeemable security" as any security, other than short-term paper, under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Applicant submits that the imposition of the contingent deferred sales charge in the manner described above would not cause shares of the Funds to fall outside the definition of "redeemable securit(ies)" in Section 2(a)(32) of the Act.

Applicant further believes that imposition of the contingent deferred sales charge will in no way restrict a shareholder from receiving his proportionate share of the current net assets of his fund, but will merely defer the deduction of a sales charge and make it contingent upon an event which may never occur. Although the contingent deferred sales charge is not a redemption charge in the ordinary sense, Applicant submits that the conditions of Section 10(d) of the Act contemplate that an investment company may both be an open-end company (subparagraph (1)) and impose a discount from net asset value on redemption of its shares (subparagraph (4)). However, in order to avoid uncertainty in this regard, Applicant requests an exemption from the operation of Section 2(a)(32) of the Act to the extent necessary to permit implementation of the proposed contingent deferred sales charge.

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities.

Applicant submits that the proposed contingent deferred sales charge is consistent with the intent of the above definition of sales load. The contingent charge is paid to the distributor to reimburse it solely for expenses related to the sale of shares and, therefore, Applicant submits that this arrangement is within the Section 2(a)(35) definition of sales load but for the timing of the imposition of the charge. Applicant contends that the deferral of its sales charge, and its contingency upon the occurrence of an event which may not occur, does not change the basic nature of the charge, which is in every other respect a sales charge. However, Applicant requests an exemption from the provisions of Section 2(a)(35) to the extent necessary to permit the implementation of the proposed charge.

Section 22(c) of the Act empowers the Commission to ". . . make rules and regulations applicable to registered investment companies and to principal underwriters of and dealers in, the redeemable securities of any registered investment company * * *" Rule 22c–1 promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security. Applicant submits that implementation of the proposed contingent deferred sales charge is in no way violative of Section 22(c) or Rule 22c–1 thereunder.

When a redemption of shares of the Funds is effected, the price of the shares on redemption will be based on their current net asset value. The contingent deferred sales charge will merely be deducted at the time of redemption in arriving at the shareholder's proportionate redemption proceeds. However, in order to avoid any possibility that questions might be raised as to the potential applicability of Section 22(c) and Rule 22c–1, Applicant requests an exemption from the operation of the provisions of Rule 22c–1 to the extent necessary or appropriate to permit Applicant to implement the proposed contingent deferred sales charge.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the exemptions it has requested are appropriate and in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act. Applicant, therefore, requests that the Commission issue an order under Section 6(c) of the Act granting the exemptions requested.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35506 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12074; 812-5008]

Keystone Custodian Funds, Inc., as Trustee for Keystone Custodian Funds, Series B–1, B–2, B–4, K–1, K–2, S–1, S–3, and S–4; Filing of Application

December 4, 1981.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), 99 High Street, Boston, Massachusetts 02104, a Delaware corporation, as trustee of each of eight trusts, namely, Keystone Custodian Funds, Series B–1, B–2, B–4, K–1, K–2, S–1, S–3 and S–4 ("Funds"), each registered under the Investment Company Act of 1940 ("Act") as an open-end investment company, filed an application on November 4, 1981, for an order pursuant to Section 6(c) of the Act. The application seeks to exempt each principal underwriter for each Fund from the provisions of Section 15(b)(1) of the Act, on condition that any contract with a Fund's principal underwriter which otherwise would be subject to Section 15(b)(1) of the Act shall continue in effect for a period of more than two years from its date of execution only so only so long as its continuance is specifically approved at least annually either (a) by the board of directors of Keystone or (b) by vote of a majority of the outstanding voting securities of such Fund. All interested persons are referred to the application on file with the Commission for a statement on the representations contained therein, which are summarized below.

The eight Funds, created in 1935, are unincorporated common law trusts, each existing under a separate but substantially identical trust agreement between Keystone as trustee and the investors in that Fund. Keystone, the trustee of each Fund, is a corporation which, pursuant to the terms of the trust agreements, performs as trustee all of the investment, management and administrative services required by that Fund. The Funds have no employees.

Shares in each of the Funds are offered for sale to the public in accordance with the terms of underwriting contracts between Keystone as trustee and principal underwriters. Currently Keystone Massachusetts Inc., a wholly-owned subsidiary of Keystone, is a principal underwriter for each of the Funds. In addition, Nomura Securities Co., Ltd. a company not affiliated with Keystone, serves as a principal underwriter for the sale of shares of Keystone Custodian Fund, Series S–4 in Japan and to non-United States nationals.

According to the application, all of the outstanding shares of capital stock of Keystone are currently held by The Travelers Corporation ("Travelers") as a result of the merger of a subsidiary of Travelers into Keystone. Keystone represents that no director, officer or employee of Travelers is at present or has been since January 26, 1979, a director of Keystone. Keystone further states that, apart from two of its directors selected by Travelers, as to which no opinion is expressed, no other "affiliated person", as defined in Section 2(a)(3) of the Act, of Travelers is a director of Keystone.

In addition, Keystone believes that its board of directors, if considered as the board of directors of each of the Funds, complies with the requirements of Sections 10(a) and 10(b)(2) of the Act. Keystone undertakes that any vacancy on its board of directors which occurs in connection with compliance with Sections 10(a) and 10(b)(2) of the Act and which must be filled by a person who is not an interested person of Keystone or any principal underwriter or any Fund shall be filled only be a person who has been approved for election by a majority of directors of Keystone who are not such interested persons.

Section 15(b)(1) of the Act makes it unlawful for any principal underwriter of a registered open-end investment company to offer securities of such company except pursuant to a written contract, which contract shall continue in effect for a period of more than two years from the date of its execution only so long as such continuance is specifically approved at least annually by the Board of Directors or by vote of a majority of the outstanding voting securities of such company.

Keystone states that each of the Funds is a common law trust with a

corporate trustee and does not have a board of directors. Therefore, absent an exemption from Section 15(b)(1) of the Act it would be necessary to submit annually the matter of the continuation of underwriting contracts to the shareholders of the Funds. Keystone further states that ordinarily no other matters are submitted for shareholder approval. Keystone represents that the cost of such a submission, which under the trust agreements is borne by Keystone, is large in relation to any interest of the shareholders in the matter. For example, the cost of the most recent submission, when there were approximately 297,500 shareholders in the eight Funds, was $178,362, of which about 58% represented postage at then applicable rates.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditonally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Keystone asserts that it is appropriate to grant the relief requested and thereby to reconcile the requirements of Section 15(b)(1) of the Act with the governance structure of Keystone and the Funds in an efficient, practical and sensible way and to reduce the substantial and unnecessary regulatory burden which otherwise would be imposed upon Keystone if the annual submission of underwriting contracts to shareholders of the Funds is required by the Act.

Keystone undertakes that it will not cause any Fund to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as a principal underwriter for that Fund unless the terms of such contract or agreement and any renewal thereof have been approved by a majority of directors of Keystone, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. Keystone acknowledges that it would consider any change in the terms of any such contract or agreement to require such approval pursuant to such undertaking.

Keystone also has agreed, as a condition of the continuing availability of the relief sought in the order requested in this application, that it will not cause any Fund to enter into, renew or continue any contract or agreement whereby a person who is an affiliated person of Keystone within the meaning of Section 2(a)(3) of the Act, or, so long as Keystone is controlled by Travelers, such an affiliated person of Travelers, undertakes regularly to serve or act as a principal underwriter for that Fund, if (a) the contract or agreement is being entered into with a person not theretofore so acting or serving pursuant to a contract or agreement, or (b) the contract or agreement is being entered into as a result of an automatic termination by reason of an assignment of a contract or agreement theretofore in effect, or (c) the contract or agreement is being renewed or continued with a material change in the services to be performed or compensation to be received by the person from those specified in the contract or agreement with that person theretofore in effect, unless, in any such case, the terms of the contract or agreement shall have been approved by vote of a majority of the outstanding voting securities (within the meaning of the Act) of that Fund.

Notice is further given that any interested person may, not later than December 30, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to the controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Keystone at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35607 Filed 12–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18313; SR–MSRB–81–14]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

December 7, 1981.

On September 4, 1981, the Municipal Securities Rulemaking Board (the "MSRB") Suite 507, 1150 Connecticut Ave, N.W. Washington, D.C. 20036 filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, copies of a proposed rule change to adopt new MSRB rule G–33, which establishes a standard method for computing accrued interest on municipal securities transactions and sets forth standard formulas for computing dollar price and yield on municipal securities paying interest at maturity, paying interest on a periodic basis, or trading on a discounted basis. Further, in the case of municipal securities which pay interest on a periodic basis, the formulas distinguish between securities for which only the interest payment at maturity remains due and securities for which two or more interest payments are due. Proposed rule G–33 also sets forth standards for the accuracy of calculations and establishes "truncation" as the method for terminating computed numbers. The proposed rule change adopts the "30/360" day count basis for computations prescribed by the rule, except for municipal notes, in which case the day count basis selected by the issuer is to be used.

The proposed rule change would take effect six months following the date of Commission approval. The MSRB stated that this delay is necessary to allow sufficient time for the industry to receive information on, and acquaint itself with, the calculations standards. Additionally, the proposed rule change permits two computation practices commonly used in the industry to continue until January 1, 1984. Rather than using the actual computed results of the formulas prescribed by the proposed rule change, proposed rule G–33 permits, until January 1, 1984, use of the dollar price "100" for transactions effected at a yield price equal to the interest rate of securities with periodic interest

payments, and use of the interpolative method of deriving the dollar price of municipal securities from the yield. One of the reasons for allowing these two computation practices to remain in use until January 1, 1984, the MSRB stated, is to give the industry sufficient time to reprogram existing calculators.

Notice of the proposed rule change together with its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 18105, September 21, 1981) and by publication in the Federal Register (46 FR 47516, September 28, 1981). One comment letter with respect to the proposed rule change was received by the Commission and was made available to the public at the Commission's Public Reference Room. The comment letter supported the proposed rule change.[1]

Although MSRB rules G–12 and G–15 require intra-industry and customer confirmations to include certain information on the yeild and dollar price of a transaction, these rules do not contain any specific formulas for computing yields, dollar prices, or accrued interest amounts. Proposed rule G–33 establishes standard formulas for such calculations. Adoption of standard calculation methods will improve clearance and processing procedures for municipal securities transactions by, among other matters, facilitating the comparison and delivery of securities and ensuring that customers receive precise and consistent information on the yield and dollar price of their municipal securities transactions. Moreover, such standard methods should lessen the likelihood of disagreements between parties to a transaction with respect to interest and dollar price computations.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

[1] Letter to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, from Arthur J Kalita, Executive Director, Public Securities Association (November 4, 1981) (received in the Office of the Secretary, November 10, 1981).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35509 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22296; 70-6513]

New England Energy Inc.; Proposed Investment by Fuel Subsidiary in Existing Oil and Gas Exploration and Development Partnership

December 4, 1981.

New England Energy Incorporated ("NEEI"), 25 Research Drive, Westborough, Massachusetts 01581, a fuel subsidiary of New England Electric System ("NEES"), a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration pursuant to Sections 6(a), 7, 9(a), 10, 12 and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45(c), 90 and 91 promulgated thereunder.

NEEI is engaged in various activities relating to fuel supply for the NEES system. By order dated December 30, 1980 (HCAR No. 21862) NEEI was authorized to enter into an oil and gas exploration and development partnership agreement ("Partnership Agreement") with Dorchester Exploration, Inc. ("Dorchester") and to invest up to $35 million therein for the calendar year 1981. Through September 30, 1981, NEEI's investment in the Dorchester partnership was $31.5 million, and the partnership has participated in drilling 30 wells, ten of which have been successful providing a total of 55,000 equivalent barrels of proved reserves.

The Partnership Agreement assigns to Dorchester, as managing partner, responsibility for developing, evaluating, and selecting new prospects for exploration. As a matter of practice, NEEI and its consultants are kept informed by Dorchester of this evaluation and selection process. Once a prospect has been identified as appropriate for investment by the partnership, Dorchester undertakes to acquire for the partnership an interest in the leases included in the prospect.

On the basis of Dorchester's projected activities for calendar year 1982, NEEI is seeking Commission authorization of investments in the partnership of up to $30 million for exploration expenses and $15 million for development expenses.

The financing for the proposed investment will consist of (1) additional funds from NEEI's Bank Loan authorized by order dated August 24, 1981 (HCAR No. 22175), borrowings thereunder being $134 million at August 31, 1981 with total borrowings of $180 million anticipated by December 31, 1981, leaving $220 million available through 1984; (2) continued investment by NEES in NEEI through the acquisition of subordinated notes or common stock, with NEES' outstanding investment at $40 million as of September 30, 1981, and with investments of $40 million anticipated at December 31, 1981; (3) additional funds from the receipt of the cash equivalent of reduction in consolidated tax liabilities as a result of the inclusion of NEEI's losses in the consolidated tax returns of the NEES system, it being estimated that NEEI will receive approximately $35 million from other NEES system companies in 1981; and (4) funds from the sale of NEEI production under the terms of the order of July 19, 1978 (HCAR No. 20632), NEEI presently expecting to recover approximately $55 million of its investment in this manner in 1982.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35508 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12078; 811-1325]

Tax Exempt Income Fund, Series 1, c/o United States Trust Company of New York; Filing of Application

December 4, 1981.

Notice is hereby given that Tax Exempt Income Fund, Series 1 ("Applicant") 45 Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on July 21, 1981, and an amendment thereto on September 8, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an Investment company as defined by the Act. All interested persons are referred to the application of file with the Commission for a statement of the representations contained therein, a summary of which appears below.

Applicant registered under the Act on July 20, 1965. The application states that Applicant's trustee, United States Trust Company of New York ("Trustee"), is liquidating Applicant pursuant to the Trust Agreement governing Applicant ("Trust Agreement"). Applicant asserts that Section 8.01(g) of the Trust Agreement provides that the Trustee may in its discretion liquidate Applicant if its value is less than $2,000,000. The application states that as of January 16, 1981 Applicant had one class of 2,033 units outstanding with a net aggregate value of $1,113,575.75 or $547.75 per unit.

The application states that, pursuant to the Trust Agreement, the Trustee gave notice of termination to all of Applicant's unitholders and requested that they surrender their units for cancellation. The application states further that on June 26, 1981 a second request was mailed to all of Applicant's remaining unitholders requesting that they surrender their units for payment. Applicant's final liquidation price per unit was $473.18. The application states that through August 21, 1981, 1,724 units had been surrendered and distributions of $815,762.32 made to Applicant's unitholders. As of the same date, 27 unitholders held 309 units of Applicant's securities. Applicant represents that the Trust Agreement provides that if within one year after the second notice to Applicant's unitholders, all units have not been surrendered for cancellation, the Trustee or an agent appointed by the Trustee may take whatever steps are necessary and appropriate to contact the remaining unitholders. Until Applicant's outstanding unitholders have been located, their interests shall be preserved in trust by the Trustee.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35510 Filed 12-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12076; 811-1357]

Tax Exempt Income Fund, Series 2, c/o United States Trust Company of New York; Filing of Application

December 4, 1981.

Notice is hereby given that Tax Exempt Income Fund, Series 2 ("Applicant") 45 Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on September 8, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which appears below.

Applicant registered under the Act on December 29, 1965. The application states that Applicant's trustee, United States Trust Company of New York ("Trustee"), is liquidating Applicant pursuant to the Trust Agreement governing Applicant ("Trust Agreement"). Applicant asserts that Section 8.01(g) of the Trust Agreement provides that the Trustee may in its discretion liquidate Applicant if its value is less than $2,000,000. The application states that as of April 13, 1981 Applicant had one class of 2,221 units outstanding with a net aggregate value of $973,508.72, or $493.32 per unit.

The application states that pursuant to the Trust Agreement, the Trustee gave notice of termination to all the Applicant's unitholders and requested that they surrender their units for cancellation. The application states further that on June 26, 1981 a second request was mailed to all of Applicant's remaining unitholders requesting that they surrender their units for payment. The application further states that Applicant's final liquidation price per unit was $399.61 and that through August 21, 1981, 1,983 units had been surrendered and distributions of $792,426.63 made to Applicant's unitholders.

The application states that as of the same date, 26 unitholders held 238 units of Applicant's securities. Applicant represents that the Trust Agreement provides that if within one year after the second notice to Applicant's unitholders, all units have not been surrendered for cancellation, the Trustee or an agent appointed by the Trustee may take whatever steps are necessary and appropriate to contact the remaining unitholders. Until Applicant's outstanding unitholders have been located, their interests shall be preserved in trust by the Trustee.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application

accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35511 Filed 12–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12075; 811–1481]

Tax Exempt Income Fund, Series 3, c/o United States Trust Company of New York; Filing of Application

December 4, 1981.

Notice is hereby given that Tax Exempt Income Fund, Series 3 ("Applicant") 45 Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on September 8, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which appears below.

Applicant registered under the Act on March 16, 1967. The application states that Applicant's trustee, United States Trust Company of New York ("Trustee"), is liquidating Applicant pursuant to the Trust Agreement governing Applicant ("Trust Agreement"). Applicant asserts that Section 8.01(g) of the Trust Agreement provides that the Trustee may in its discretion liquidate Applicant if its value is less than $2,000,000. The application states that as of April 13, 1981 Applicant had one class of 2,124 units outstanding with a net aggregate value of $1,059,833.52, or $498.98 per unit.

The application states that pursuant to the Trust Agreement, the Trustee gave notice of termination to all the Applicant's unitholders and requested that they surrender their units for cancellation. The application states further that on June 26, 1981 a second request was mailed to all of Applicant's remaining unitholders requesting that they surrender their units for payment.

The application further states that Applicant's final liquidation price per unit was $489.90 and that through August 21, 1981, 1,943 units had been surrended and distributions of $951.875.70 made to Applicant's unitholders. The application states that as of the same date, 16 unitholders held 181 units of Applicant's securities. Applicant represents that the Trust Agreement provides that if within one year after the second notice to Applicant's unitholders, all units have not been surrendered for cancellation, the Trustee or an agent appointed by the Trustee may take whatever steps are necessary and appropriate to contact the remaining unitholders. Until Applicant's outstanding unitholders have been located, their interests shall be preserved in trust by the Trustee.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35512 Filed 12–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12077; 811–1594]

Tax Exempt Income Fund, Series 4, c/o United States Trust Company of New York; Filing of Application

December 4, 1981.

Notice is hereby given that Tax Exempt Income Fund, Series 4 ("Applicant") 45 Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on September 8, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which appears below.

Applicant registered under the Act on January 31, 1968. The application states that Applicant's trustee, United States Trust Company of New York ("Trustee"), is liquidating Applicant pursuant to the Trust Agreement governing Applicant ("Trust Agreement"). Applicant asserts that Section 8.01(g) of the Trust Agreement provides that the Trustee may in its discretion liquidate Applicant if its value is less than $2,000,000. The application states that as of April 13, 1981 Applicant had one class of 2,270 units outstanding with a net aggregate value of $1,214,064.10, or $534.83 per unit.

The application states that, pursuant to the Trust Agreement, the Trustee gave notice of termination to all of Applicant's unitholders and requested that they surrender their units for

cancellation. The application states further that on June 26, 1981 a second request was mailed to all of Applicant's remaining unitholders requesting that they surrender their units for payment. The application further states that Applicant's final liquidation price per unit was $542.19 and that through August 21, 1981, 1,832 units had been surrendered and distributions of $993,292.08 made to Applicant's unitholders. The application states that as of the date of its filing, 31 unitholders held 438 units of Applicant's securities. Applicant represents that the Trust Agreement provides that if within one year after the second notice to Applicant's unitholders, all units have not been surrendered for cancellation, the Trustee or an agent appointed by the Trustee may take whatever steps are necessary and appropriate to contact the remaining unitholders. Until Applicant's outstanding unitholders have been located, their interests shall be preserved in trust by the Trustee.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

Notice is further given that any interested person may, not later than December 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35513 Filed 12–10–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 787]

Restriction on the Use of United States Passports for Travel to, in, or Through Libya

Pursuant to the authority of Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.72(a)(3), the use of United States passports for travel to, in, or through Libya is hereby restricted.

This action is required by the unsettled relations between the United States and the Government of Libya, and the increased threat of hostile acts against Americans. Travel to or residence in Libya by American citizens is hazardous, because of the continued anti-American stance and hostile actions of the Libyan Government. The Government of Libya has repeatedly demonstrated a willingness to direct hostile acts against United States nationals. The American Embassy in Tripoli remains closed and the United States Government is not in a position to provide diplomatic protection or consular assistance to Americans in Libya. Under the circumstances, there is an imminent danger to the physical safety of Americans traveling to or present in Libya.

Accordingly, United States passports shall cease to be valid for travel to, in, or through Libya unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the **Federal Register** (December 11, 1981) and shall expire at the end of one year unless extended or sooner revoked by Public Notice.

Dated: December 9, 1981.

William P. Clark,

Acting Secretary of State.

[FR Doc. 81–35768 Filed 12–10–81; 12:30 pm]

BILLING CODE 4710–08–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 238
Friday, December 11, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

TIME AND DATE: 3 p.m., December 16, 1981.

PLACE: Cash Room, Department of the Treasury (use Pennsylvania Avenue entrance), Pennsylvania Avenue between 15th Street and East Executive Avenue, Washington, D.C. 20220.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Consideration of a plan to deregulate interest rate limitations on time deposits.
2. Consideration of short-term deposit instrument proposals.
3. Consideration of the interest rate ceiling for savings deposits.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the DIDC offices at the Department of the Treasury, and copies may be purchased for $5.00 per cassette by calling (202) 566–5152 or by writing to: Depository Institutions Deregulation Committee, Department of the Treasury, Room 1054 MT, Washington, D.C. 20220.

For further information about the DIDC and the December 16 meeting, please call (202) 566–3734.

Steven L. Skancke,

Executive Secretary of the Committee.

[S–1854–81 Filed 12–9–81; 3:03 pm]

BILLING CODE 4810–25–M

2

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 59691, December 7, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., December 9, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P–2: (A) Project No. 3842, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District, and South Columbia Basin Irrigation District

P–2: (B) Project No. 3843, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District, and South Columbia Basin Irrigation District

CP–9: CP81–349–000, Northern Natural Gas Company, Division of InterNorth, Inc.

Kenneth F. Plumb,

Secretary.

[S–1856–81 Filed 12–9–81; 3:16 pm]

BILLING CODE 6717–01–M

3

FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 46 56695, November 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 a.m., Monday, November 23, 1981.

CHANGES IN THE AGENDA: Due to a hiatus in appropriations the Federal Trade Commission cancelled its Oral Argument scheduled for November 23, 1981. The argument has been rescheduled for Monday, December 14, 1981, at 2:00 p.m., in room 532.

[S–1855–81 Filed 12–9–81; 3:04 pm]

BILLING CODE 6750–01–M

4

NATIONAL RAILROAD PASSENGER CORPORATION

Amendment to Notice of Meeting

In accordance with Rule 4(d) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors, at its meeting on December 9, 1981, voted to amend its agenda to adopt a resolution relating to the Washington Terminal Company land exchange.

Board members Boyd, Lamphier, Langdon, Mills, Neel, Quinn, Knouse, Trent, Swinburn, Teele, and Robert W. Blanchette, representing Drew Lewis, by unanimous recorded vote, affirmed that no earlier announcement of the change was possible and directed the issuance of this notice at the earliest practicable time.

The agenda was amended to add the following item:

9b. Resolution—Washington Terminal Company Land Exchange.

Inquiries regarding the agenda for the December 9, 1981, Board meeting should be directed to the Corporate Secretary at (202) 383–3754.

Dated: December 9, 1981.

Sandra Spence,

Corporate Secretary.

[S–1853–81 Filed 12–9–81; 3:03 pm]

5

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular meeting of the board

TIME AND DATE: 3:30 p.m., December 15, 1981.

PLACE: Board Room, sixth floor, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Communications, 202–377–6815.

AGENDA:

I. Call to Order and Remarks of the Chairman.
II. Approval of Minutes, August 31, 1981.
III. Election of Vice Chairman.
IV. Election of Officer.
V. Executive Director's Report.
VI. Treasurer's Report.

No. 20, December 8, 1981.

Donnie L. Bryant,

Secretary.

[S–1851–81 Filed 12–8–81; 4:43 pm]

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 7, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, December 8:*

2:00 p.m.:
1. Discussion of Policy and Planning Guidance (public meeting) (rescheduled from December 9)

Wednesday, December 9:

10:00 a.m.:
1. Discussion of Scheduling Matters Regarding TMI-1 Restart (closed—Exemption 10) (as announced)

2:00 p.m.:
1. Discussion of Clinch River Breeder Reactor (approximately 1½ hours) (public meeting) (rescheduled from December 8)
2. Discussion of DOE Petition on Clinch River Breeder Reactor (Approximately 1 hour) (public meeting) (additional item)

Thursday, December 10:

9:30 a.m.:
1. Discussion of Management-Organization and Internal Personnel Matters (approximately 1 hour) (closed—Exemptions 2, 6) (time changed)

(10:30 a.m.):
2. Discussion of Congressional Testimony (closed—Exemption 9) (additional item)

2:30 p.m.:
Affirmation/Discussion Session (approximately 30 minutes) (public meeting) (items revised)
Affirmation and/or Discussion and Vote:
a. Proposed Amendment to 10 CFR 50.54(r)—Modification of Requirements for Submittal of Emergency Plans by Research and Test Reactor Licensees
b. Final Amendments to 10 CFR Parts 71 and 73 for Advance Notification to Governors of Transportation of Nuclear Waste Including Spent Fuel
c. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance
d. Review of Director's Decision on 2.206 Petition (Florida Power and Light Company)

(3:30 p.m.):
Discussion of FY 83 Budget (closed subject to Court Approval—Exemptions 2, 6, 9, 10) (additional item)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Secretary.

[S-1858-81 Filed 12-9-81; 3:59 pm]

BILLING CODE 7590-01-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Friday, December 11, 1981 (additional item).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open.

MATTER TO BE CONSIDERED: Friday, December 11:

10:30 a.m.:
Oral Presentations on Clinch River Breeder Reactor (approximately 1 hour) (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-1859-81 Filed 12-9-81; 3:59 pm]

BILLING CODE 7590-01-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 14, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, December 15:*

2:00 p.m.:
Discussion of Export Licensing Policy (closed meeting)

Wednesday, December 16:

2:00 p.m.:
Discussion of Policy and Planning Guidance (public meeting)

Thursday, December 17:

3:00 p.m.:
Affirmation/Discussion Session (public meeting)
a. Revised General Statement of Policy and Procedure for Enforcement Actions
b. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants"
c. Export and Import of Nuclear Equipment and Material: Proposed Amendments to NRC's Regulations
d. Suggested Time Periods for Issuance of Initial Decisions

ADDITIONAL INFORMATION: Affirmations of Amendments to 10 CFR Chapter I Parts 19, 30, 40, 50, 60, 70, 72 and 150 With Respect to Employees Who Provide Information; Proposed Amendment to 10 CFR Part 50, Appendix E, Frequency of Emergency Preparedness Exercises; and Final Rule for Pending CP/ML Applications, scheduled for December 4, were cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-1857-81 Filed 12-9-81; 3:49 pm]

BILLING CODE 7590-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on December 21, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: A discussion of the Simplified Proceedings—Evaluating the experiment.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: December 9, 1981.

[S-1852-81 Filed 12-9-81; 11:02 am]

BILLING CODE 7600-01-M

federal register

Friday
December 11, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81–5142	Aug. 14, 1981
Kansas: KS81–4053	Oct. 2, 1981
Colorado: CO81–5145	Sept. 4, 1981
CO81–5146	Sept. 4, 1981
CO81–5147	Sept. 4, 1981
CO81–5148	Sept. 4, 1981
Hawaii: HI81–5153	Sept. 25, 1981
Iowa: IA81–4088	Nov. 13, 1981
IA81–4089	Nov. 13, 1981
IA81–4091	Nov. 13, 1981
IA81–4094	Nov. 27, 1981
IA81–4097	Nov. 27, 1981
IA81–4098	Nov. 27, 1981
Maryland: MD80–3047	Aug. 29, 1980
MD81–3031	May 15, 1981
Michigan: MI81–2030	June 26, 1981
New Hampshire: NH81–3086	Nov. 13, 1981
New Jersey: NJ81–3053	Oct. 9, 1981
New York: NY81–3018	March 27, 1981
North Carolina: NC81–1148	Dec. 30, 1980
Ohio: OH81–2039	July 6, 1981
OH81–2040	July 6, 1981
Tennessee: TN79–1146	Nov. 16, 1981
TN81–1202	May 1, 1981
TN81–1203	May 1, 1981
TN81–1204	May 8, 1981
Vermont: VT81–3079	Oct. 30, 1981

Supersedeas Decisions To General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Iowa: IA80–4044 (IA81–4090)	Aug. 8, 1980
IA81–4010 (IA81–4101)	Feb. 6, 1981
Minnesota: MN79–2056 (MN81–2065)	June 15, 1979

Signed at Washington, D.C., this 4th day of December 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510–27–M

Modification Page 2
DECISION NO. CO81-5145 - Mod. #4
(46 FR 44612-September 4,

Modification Page 1
DECISION NO. AZ81-5142 - Mod. #4

Modification Page 1

DECISION NO. AZ81-5142 - Mod. #4 (46 FR 41299-August 14, 1981) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Marble Workers: Area 1	$13.71	.90	$1.10		.19
Terrazzo Workers; Tile Setters: Area 1	13.71	.90	1.10		.19
ADD:					
Plumbers: Zone 4 Hoover Dam only	19.35	1.35	2.50		.08
DECISION NO. K81-4053 - MOD. #1 (46 FR 48847 - October 2, 1981) Leavenworth County, Kansas					
CHANGE:					
ASBESTOS WORKERS	$15.60	1.05	1.75		.06
CEMENT MASONS	13.925	.80	.85		
ELECTRICIANS:					
Zone 1: Delaware, Kickapoo, High Prairie and Leavenworth Townships	16.15	.69	3%+1.00	7%	.12
Zone 2: Remainder of County	15.55	1.00	3%+ .80		.11
GLAZIERS	13.53	.90	1.34	17.14%	.05
IRONWORKERS	14.65	.85	1.85	1.00	.10
SHEET METAL WORKERS	14.17	.75	1.44		.17

Modification Page 2

DECISION NO. CO81-5145 - Mod. #4 (46 FR 44602-September 4, 1981) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons Eagle County	$14.49	.85	$1.10		.06
Plumbers; Steamfitters: Boulder County	15.15	1.00	1.50	1.00	.15
Remaining Counties (including northern portions of Douglas, Elbert, and Park Counties)	15.12	1.00	1.50	1.00	.08
Roofers: Eagle County and southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties	12.36	.84	.40		
DECISION NO. CO81-5146 - Mod. #3 (46 FR 44607-September 4, 1981) El Paso County, Colorado					
Change:					
Electricians	15.90	1.00	3%+1.00		.015
Roofers	12.36	.84	.40		
DECISION NO. CO81-5147 - Mod. #3 (46 FR 44611-September 4, 1981) Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado					
Change:					
Boilermakers	14.97	1.375	1.15		.05
Bricklayers; Stonemasons: Pitkin County	14.49	.85	1.10		.06

Modification Page 3

DECISION NO. CO8-15147 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties	$12.90	.85	$1.10		.05
Lathers:					
Delta, Gunnison, and Montrose Counties	12.64				
DECISION NO. CO81-5148 - Mod. #3 (46 FR 44616-September 4, 1981)					
Las Animas, Otero, and Pueblo Counties, Colorado					
Change:					
Electricians:					
Contract over $100,000.00:					
Electricians;					
Technicians	15.94	1.00	3%+1.00		1½%
Cable Splicers	17.53	1.00	3%+1.00		1½%
Contract under $100,000.00:					
Electricians;					
Technicians	12.00	1.00	3%+.80		1½%
Roofers	12.36	.84	.40		
DECISION NO. HI81-5153 - Mod #3 (46 FR 47194 - Sept. 25, 1981)					
Statewide Hawaii					
CHANGE:					
SHEET METAL WORKERS	$13.50	1.96	3.01	1.22	.44

Modification Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4088 - MOD. #1 (46 FR 56121 - November 13, 1981)					
Black Hawk County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Electricians:					
Electricians	$15.64	.65	3%		3/4%
Cable splicers	16.11	.65	3%		3/4%
DECISION NO. IA81-4089 - MOD. #2 (46 FR 56122 - November 13 1981)					
Clinton County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters - Millwrights	16.65	.75	1.45		.25
Sheet metal workers	14.45	.75	1.72		.14
DECISION NO. IA81-4091 - MOD. #1 (46 FR 56123 - November 13, 1981)					
Dubuque County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Electricians	14.85	.75	3%+.50		3/4%
Sheet metal workers	14.45	.75	1.72		.14
DECISION NO. IA81-4094 - MOD. #1 (46 FR 56019 - November 17, 1981)					
Polk County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Electricians	15.18	.75	3%+1.60		3/4%
Glaziers	13.64	.75	.55	4.35%+c	.01

Modification Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4097 - MOD. #1 (46 FR 56124 - November 13, 1981)					
Scott County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Electricians	15.64	.65	3%		3/4%
Cable splicers	16.11	.65	3%		3/4%

Modification Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4098 - MOD. #1 (46 FR 56125 - November 13, 1981)					
Story County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Electricians	15.64	.65	3%		3/4%
Cable splicers	16.11	.65	3%		3/4%

Modification Page 5

DECISION NO. IA81-4007 - MOD. #1 (46 FR 58016 - November 27, 1981) Cerro Gordo County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction: Electricians	$15.26	.65	3%		3/4%
DECISION NO. IA81-4095 - MOD. #1 (46 FR 58021 - November 27, 1981) Scott County, Iowa					
CHANGE: Sheet metal workers	14.35	.75	1.72		.14

Modification Page 6

DECISION NO. MD80-3047 - MOD. #3 (45 FR 57922 - August 29, 1980) ALLEGANY AND GARRETT COUNTIES, MARYLAND	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS	13.54	.80	1.00		
CARPENTERS	12.71	.80	1.15		.04
CEMENT MASONS	14.50	.75			
ELECTRICIANS - Allegany County	14.20	.90	3%+.80		.75%
ELECTRICIANS - Garrett County	14.60	.90	3%+.80		.75%
IRONWORKERS: Structural & Reinforcing	14.03	.80	1.70		
LABORERS: Unskilled, landscape workers, tool checkers, dumpmen, handymen, & truck spotters	10.45	1.00	1.70		
Power tool operators, masons & plasterers tenders, mortar mixer by hand, scaffold builders, hod carriers, concrete puddlers, pipe layers, chainmen-rodmen, rammers & grade checkers	10.61	1.00	1.70		
Mortar mixer by machine	10.70	1.00	1.70		
Barco tampers	10.78	1.00	1.70		
Blaster/dynamite & wagon drill operator (air track)	10.83	1.00	1.70		
Tunnel workers: Caisson, driller & mucker	11.47	1.00	1.70		
Labor - unskilled	11.03	1.00	1.70		
PILEDRIVERMEN	13.06	.80	1.15		.04
TRUCK DRIVERS					
Group 1	10.80	1.10	1.35		
Group 2	10.99	1.10	1.35		
Group 3	11.24	1.10	1.35		
Group 4	11.48	1.10	1.35		
Group 5	11.77	1.10	1.35		

Modification Page 7

DECISION NO. MD81-3031 - MOD. #2 (46 FR 27051 - May 15, 1981) ALLEGANY AND GARRETT COUNTIES, MARYLAND	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	16.025	1.275	1.25		.04
BRICKLAYERS, MARBLE MASONS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	13.54	.80	1.00		
CARPENTERS	12.84	.80	1.15		.04
CEMENT MASONS AND PLASTERERS	14.80	.75			
ELECTRICIANS:					
Allegany County	14.20	.90	3%+.80		.75%
Garrett County	14.60	.90	3%+.80		.75%
IRONWORKERS:					
Structural, Ornamental, & Reinforcing	14.03	.80	1.70		
LINEMEN-Allegany and Garrett (east of Rte. 219) Counties					
Linemen	14.20	.90	3%+.80		.75%
Equipment Operator	13.49	.90	3%+.80		.75%
Truck Driver	9.23	.90	3%+.80		.75%
Groundmen	9.23	.90	3%+.80		.75%
LINEMEN-Garrett County (west of Rte. 219)					
Linemen	14.60	.90	3%+.80		.75%
Equipment Operator	13.89	.90	3%+.80		.75%
Truck Driver	9.63	.90	3%+.80		.75%
Groundmen	9.63	.90	3%+.80		.75%
MILLWRIGHTS	13.28	.80	1.15		.04
PILEDRIVERMEN	13.22	.80	1.15		.04
ROOFERS:					
Composition	12.35	.75	.40		
Mopmen-composition	12.60	.75	.40		
Slaters	12.55	.75	.40		
SHEET METAL WORKERS	15.24		.36		.12

Modification Page 8

DECISION NO. MD81-3031 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group I	10.61	1.00	1.70		
Group II	10.64	1.00	1.70		
Group III	10.78	1.00	1.70		
Group IV	10.85	1.00	1.70		
Group V	10.92	1.00	1.70		
Group VI	11.03	1.00	1.70		
Group VII	11.63	1.00	1.70		
Group VIII	11.16	1.00	1.70		
Group IX	11.16	1.00	1.70		
TRUCK DRIVERS:					
Group I	10.96	1.10	1.35		
Group II	11.14	1.10	1.35		
Group III	11.39	1.10	1.35		
Group IV	11.62	1.10	1.35		
Group V	11.91	1.10	1.35		
DECISION #MI81-2030 - Mod. #1 (46 FR 33193 - June 26, 1981) Kent County, Michigan					
CHANGE:					
Electricians	$11.00	.85	3% + .35		.01

Modification Page 9

Modification Page 10

Modification Page 9

DECISION NO. NH81-30■6 - MOD. #1 (46 FR 56126 - November 13, 1981) HILLSBOROUGH & MERRIMACK COUNTIES, NEW HAMPSHIRE	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS & SOFT FLOOR LAYERS (MERRIMACK CO.)	11.36	.65	.■5		.03
MILLWRIGHTS & PILEDRIVERS	12.21	.65	.■5		.03
ELECTRICIANS(MERRIMACK CO.)					
Hookset	13.■5	.■■	3■		.■3
Remainder of County:					
Gen. Contracts $500,000 & Over	1■.47	1.15	3■+.50		.■2
Gen. Contracts Less Than $500,000 Or Electrical Contract of $50,000 Or Less	■.9■	1.15	■■+.50		.■2
ELECTRICIANS (HILLSBROUGH CO.):					
Remainder of County	11.■5	.■0	■■		.03
LABORERS					
BUILDING CONSTRUCTION					
Laborers	■.11	.90	1.20		.15
Plasterers' Tenders	■.30	.90	1.20		.15
Pipelayers, Fence & Guard Rail Erectors	■.44	.■■	1.20		.15
Pneumatic Tool Ops., Pavement Breakers, Drillers, Chipping Gun Op., Creosote Work, Powdermen & Blasters	■.77	.■0	1.■0		.15
Pneumatic Tool Ops. on Boiler and Stack Work	10.29	.■0	1.20		.15
SHEET METAL WORKERS	12.52	.■5	3■+.85		.07

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DECISION NO. NJ81-3053 - MOD #2 (46 FR 50243 - Octob■■ 9, 1981) ■ERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN COUNTIES, NEW JERSEY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS:					
ZONE 1	16.02	1.00	1.60		.06
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 4					
Bricklayers & Stone Masons	13.66	.87	.75		
ZONE 9	14.08	.75	1.10		.■4
CARPENTERS, INSULAT■RS & MILLWRI■HTS:					
ZONE 1	13.60	1.■■	1.■■		.06
■ONE 4					
Carpenters & Insulators	14.75	■■	7■		5■
Millwrights	15.25	■■	7■		5■
IRONWORKERS-STRUCTURAL, REINFORCING & ORNAMENTAL:					
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset Sussex and Union Counties	15.■5	1.15	2.■■	1.15	.11
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1	10.■■	.■5	.8■		.10
LABORERS:					
ZONE 2	■.55	1.20	1.■0		.10
ZONE 5	■.90	.85	1.■0		.10

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DECISION NO. NJ81-3053 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 2					
Marble Setters	10.25	1.21	1.71	f	
PLUMBERS:					
ZONE 1	15.78	1.00	2.65		.25
ZONE 3	16.48	1.04	1.80		.11
SHEET METAL WORKERS:					
Middlesex County	14.09	7%	13%+.12		.09
Warren County	13.51	3%+1.20	1.18		.23
Morris, Somerset, Sussex and Union Counties	14.61	1.20	2.10		.15
Hunterdon County	13.86	3%+2.05	1.32		.04
ADD:					
ELECTRICIANS:					
Rail-Road Construction:					
Bergen & Hudson Cos.	17.00	7%	9%+.58		.75%
Commerical Telephone Installation:					
Bergen & Hudson Cos.	17.80	9%	9%+.58		5/10%

DECISION NO. NY81-3018 - Mod. #3
(46 FR 19174 - March 27, 1981)
Albany, Rensselaer, Saratoga & Schenectady Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SCHEDULE #1					
ALBANY COUNTY, NEW YORK					
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	16.53	1.27	1.653		.04
CARPENTERS (3)					
CLASS A	13.18	.70	1.00		.02
CLASS B	13.68	.70	1.00		.02
CLASS E	9.46	.70	1.00		.02
CEMENT MASONS (Heavy & Highway)	11.15	.80	1.40		
ELECTRICIANS(4)					
ZONE I	14.20	.85	3%+1.45		.03
ZONE II	14.85	.90	3%+ .60		.05
ELEVATOR CONSTRUCTORS	13.25	1.345	1.085	d+c	.035
ELEVATOR CONSTRUCTORS HELPERS	9.275	1.345	1.085	d+c	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6.625				
IRONWORKERS (5)					
CLASS A	12.85	.75	1.81		.08
CLASS B	13.10	.75	1.81		.06
CLASS C	12.975	.75	1.81		.08
MARBLE (9)	11.95	.80	1.40		
PAINTERS (10)	13.07		1.00		.02
SHEET METAL WORKERS	13.86	3%+1.07	1.04	h	.07
SPRINKLER FITTERS	15.55	.95	1.40		.08
LABORERS, (Building) (6)					
ZONE I					
CLASS A					
GROUP 1	10.98	1.10	1.30		.17
GROUP 2	11.13	1.10	1.30		.17
GROUP 3	11.155	1.10	1.30		.17
GROUP 4	11.205	1.10	1.30		.17
GROUP 5	11.255	1.10	1.30		.17
GROUP 6	11.23	1.10	1.30		.17
GROUP 7	11.455	1.10	1.30		.17
CLASS B	7.59	1.10	1.30		.17

DECISION NO. NY81-3018 - Mod. #3 CONT'D

DECISION NO. NY81-3018 - Mod. #3 CONT'D

DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #1 ALBANY COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, (Building) Cont'd					
ZONE II					
CLASS A					
GROUP 1	11.20	.90	1.30		.12
GROUP 2	11.35	.90	1.30		.12
GROUP 3	11.375	.90	1.30		.12
GROUP 4	11.425	.90	1.30		.12
GROUP 5	11.475	.90	1.30		.12
GROUP 6	11.45	.90	1.30		.12
GROUP 7	11.675	.90	1.30		.12
LINE CONSTRUCTION (8)					
CLASS A					
GROUP 1	12.00	1.40	3%+1.00	f	
GROUP 2	16.00	1.40	3%+1.00	f	
GROUP 3	10.80	1.40	3%+1.00	f	
GROUP 4	9.60	1.40	3%+1.00	f	
GROUP 5	10.20	1.40	3%+1.00	f	
GROUP 6	9.00	1.40	3%+1.00	f	
CLASS B					
GROUP 1	13.80	1.40	3%+1.00	f	
GROUP 3	12.42	1.40	3%+1.00	f	
GROUP 4	11.04	1.40	3%+1.00	f	
GROUP 5	11.73	1.40	3%+1.00	f	
GROUP 6	10.35	1.40	3%+1.00	f	
CLASS C					
GROUP 1	14.55	1.40	3%+1.00	f	
GROUP 2	16.005	1.40	3%+1.00	f	
GROUP 3	13.095	1.40	3%+1.00	f	
GROUP 4	11.64	1.40	3%+1.00	f	
GROUP 5	12.36	1.40	3%+1.00	f	
GROUP 6	10.91	1.40	3%+1.00	f	
CLASS D					
GROUP 7	11.64	1.40	3%+1.00	f	
GROUP 8	12.36	1.40	3%+1.00	f	
GROUP 2	16.005	1.40	3%+1.00	f	
GROUP 9	14.55	1.40	3%+1.00	f	
GROUP 5	12.36	1.40	3%+1.00	f	
GROUP 10	11.64	1.40	3%+1.00	f	
GROUP 11	10.91	1.40	3%+1.00	f	

DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #1 ALBANY COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (12) (Building)					
CLASS A					
GROUP 1	12.82	1.15	1.25	g	.15
GROUP 2	12.91	1.15	1.25	g	.15
GROUP 3	13.08	1.15	1.25	g	.15
GROUP 4	13.35	1.15	1.25	g	.15
GROUP 5	13.80	1.15	1.25	g	.15
GROUP 6	14.02	1.15	1.25	g	.15
GROUP 7	14.31	1.15	1.25	g	.15
SCHEDULE #II RENSSELAER COUNTY, NEW YORK					
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	16.53	1.275	1.653		.04
CARPENTERS (2)					
CLASS A	13.18	.70	1.00		.02
CLASS B	13.68	.70	1.00		.02
CLASS D	9.46	.70	1.00		.02
CEMENT MASONS (Heavy & Highway)	11.15	.80	1.40		
ELECTRICIANS (3)					
ZONE I	14.85	.90	3%+ .60		.05
ZONE II	14.50	.95	3%+ .95		.05
ELEVATOR CONSTRUCTORS	13.25	1.345	1.085	d+c	.035
ELEVATOR CONSTRUCTORS HELPER	9.275	1.345	1.085	d+c	.035
ELEVATOR CONSTRUCTORS HELPER PROBATIONARY	6.625				
IRONWORKERS (9)					
CLASS A	12.85	.75	1.81		.08
CLASS B	13.10	.75	1.81		.08
CLASS C	12.975	.75	1.81		.08
LABORERS (Building) (5)					
ZONE I					
CLASS A					
GROUP 1	11.20	.90	1.30		.12
GROUP 2	11.35	.90	1.30		.12
GROUP 3	11.375	.90	1.30		.12
GROUP 4	11.425	.90	1.30		.12
GROUP 5	11.475	.90	1.30		.12
GROUP 6	11.45	.90	1.30		.12
GROUP 7	11.675	.90	1.30		.12

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #2 RENSSELAER COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building) Cont'd					
ZONE II					
CLASS A					
GROUP 1	10.98	1.10	1.30		.17
GROUP 2	11.13	1.10	1.30		.17
GROUP 3	11.155	1.10	1.30		.17
GROUP 4	11.205	1.10	1.30		.17
GROUP 5	11.255	1.10	1.30		.17
GROUP 6	11.23	1.10	1.30		.17
GROUP 7	11.455	1.10	1.30		.17
CLASS B	7.59	1.10	1.30		.17
LINE CONSTRUCTION (7)					
CLASS A					
GROUP 1	12.00	1.40	3%+1.00	f	
GROUP 2	16.00	1.40	3%+1.00	f	
GROUP 3	10.80	1.40	3%+1.00	f	
GROUP 4	9.60	1.40	3%+1.00	f	
GROUP 5	10.20	1.40	3%+1.00	f	
GROUP 6	9.00	1.40	3%+1.00	f	
CLASS B					
GROUP 1	13.80	1.40	3%+1.00	f	
GROUP 3	12.42	1.40	3%+1.00	f	
GROUP 4	11.04	1.40	3%+1.00	f	
GROUP 5	11.73	1.40	3%+1.00	f	
GROUP 6	10.35	1.40	3%+1.00	f	
CLASS C					
GROUP 1	14.55	1.40	3%+1.00	f	
GROUP 2	16.005	1.40	3%+1.00	f	
GROUP 3	13.095	1.40	3%+1.00	f	
GROUP 4	11.64	1.40	3%+1.00	f	
GROUP 5	12.36	1.40	3%+1.00	f	
GROUP 6	10.91	1.40	3%+1.00	f	
CLASS D					
GROUP 7	11.64	1.40	3%+1.00	f	
GROUP 8	12.36	1.40	3%+1.00	f	
GROUP 2	16.005	1.40	3%+1.00	f	
GROUP 9	14.55	1.40	3%+1.00	f	
GROUP 5	12.36	1.40	3%+1.00	f	
GROUP 10	11.64	1.40	3%+1.00	f	
GROUP 11	10.91	1.40	3%+1.00	f	

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #2 RENSSELAER COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE (8)	11.95	.80	1.40		
PAINTERS (9)	13.07		1.00		.02
POWER EQUIPMENT OPERATORS (11) (Building)					
CLASS A					
GROUP 1	12.82	1.15	1.25	e	
GROUP 2	12.91	1.15	1.25	e	
GROUP 3	13.08	1.15	1.25	e	
GROUP 4	13.35	1.15	1.25	e	
GROUP 5	13.80	1.15	1.25	e	
GROUP 6	14.02	1.15	1.25	e	
GROUP 7	14.31	1.15	1.25	e	
SHEET METAL WORKERS	13.86	3%+1.07	1.04	g	.07
SPRINKLER FITTERS	15.35	.95	1.40		.08
SCHEDULE #3 SARATOGA COUNTY, NEW YORK					
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	16.53	1.275	1.653		.04
CARPENTERS (2)					
ZONE I					
CLASS A	13.10	.60	1.15		.005
CLASS B	13.35	.60	1.15		.005
CLASS C	13.25	.60	1.15		.005
ZONE II					
CLASS A	13.18	.70	1.00		.02
CLASS B	13.68	.70	1.00		.02
CLASS E	9.46	.70	1.00		.02
CEMENT MASONS (Heavy & Highway)	11.15	.80	1.40		
ELECTRICIANS (3)					
ZONE I	14.50	.95	3%+ .95		.05
ZONE II					
CLASS A	14.20	.85	3%+1.45		.03
CLASS B	14.70	.85	3%+1.45		.03
ELEVATOR CONSTRUCTORS	13.25	1.345	1.085	e+d	.035
ELEVATOR CONSTRUCTORS HELPERS	9.275	1.345	1.085	e+d	.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6.625				

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #3 SARATOGA COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (4)					
CLASS A	12.85	.75	1.81		.08
CLASS B	13.10	.75	1.81		.08
CLASS C	12.975	.75	1.81		.08
LABORERS (Building) (5)					
ZONE I					
CLASS A					
GROUP 1	11.39	.90	1.20		.12
GROUP 2	11.54	.90	1.20		.12
GROUP 3	11.565	.90	1.20		.12
GROUP 4	11.615	.90	1.20		.12
GROUP 5	11.665	.90	1.20		.12
GROUP 6	11.64	.90	1.20		.12
GROUP 7	11.865	.90	1.20		.12
ZONE II					
CLASS A					
GROUP 1	10.98	1.10	1.30		.17
GROUP 2	11.13	1.10	1.30		.17
GROUP 3	11.155	1.10	1.30		.17
GROUP 4	11.205	1.10	1.30		.17
GROUP 5	11.255	1.10	1.30		.17
GROUP 6	11.23	1.10	1.30		.17
GROUP 7	11.455	1.10	1.30		.17
CLASS B	7.59	1.10	1.30		.17
LINE CONSTRUCTION (7)					
CLASS A					
GROUP 1	12.00	1.40	3%+1.00	f	
GROUP 2	16.00	1.40	3%+1.00	f	
GROUP 3	10.80	1.40	3%+1.00	f	
GROUP 4	9.60	1.40	3%+1.00	f	
GROUP 5	10.20	1.40	3%+1.00	f	
GROUP 6	9.00	1.40	3%+1.00	f	
CLASS B					
GROUP 1	13.80	1.40	3%+1.00	f	
GROUP 3	12.42	1.40	3%+1.00	f	
GROUP 4	11.04	1.40	3%+1.00	f	
GROUP 5	11.73	1.40	3%+1.00	f	
GROUP 6	10.35	1.40	3%+1.00	f	
CLASS C					
GROUP 1	14.55	1.40	3%+1.00	f	
GROUP 2	16.005	1.40	3%+1.00	f	
GROUP 3	13.095	1.40	3%+1.00	f	
GROUP 4	11.64	1.40	3%+1.00	f	

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #3 SARATOGA COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION Cont'd					
CLASS C					
GROUP 5	12.36	1.40	3%+1.00	f	
GROUP 6	10.91	1.40	3%+1.00	f	
CLASS D					
GROUP 7	11.64	1.40	3%+1.00	f	
GROUP 8	12.36	1.40	3%+1.00	f	
GROUP 2	16.005	1.40	3%+1.00	f	
GROUP 9	14.55	1.40	3%+1.00	f	
GROUP 5	12.36	1.40	3%+1.00	f	
GROUP 10	11.64	1.40	3%+1.00	f	
GROUP 11	10.91	1.40	3%+1.00	f	
MARBLE (8)	11.95	.75	1.81		.08
PAINTERS (9)					
ZONE I					
CLASS A	10.10	.65	.65		
CLASS B	10.50	.65	.65		
CLASS C	11.00	.65	.65		
ZONE II	13.07		1.00		.02
PLUMBERS & STEAMFITTERS (10)					
ZONE I					
CLASS A	14.90	.90	1.10		.10
ZONE II	13.00	.90	1.20		.10
POWER EQUIPMENT OPERATORS (11)					
Building					
CLASS A					
GROUP 1	12.82	1.15	1.25	e	.15
GROUP 2	12.91	1.15	1.25	e	.15
GROUP 3	13.08	1.15	1.25	e	.15
GROUP 4	13.35	1.15	1.25	e	.15
GROUP 5	13.80	1.15	1.25	e	.15
GROUP 6	14.02	1.15	1.25	e	.15
GROUP 7	14.31	1.15	1.25	e	.15
SHEET METAL WORKERS	13.86	3%+1.07	1.04	g	.07
SCHEDULE #4 SCHENECTADY COUNTY, NEW YORK					
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	16.53	1.275	1.653		.04
CARPENTERS (2)					
CLASS A	13.18	~~.70~~	1.00		.02
CLASS B	13.68	.70	1.00		.02
CLASS C	9.46	.70	1.00		.02

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DECISION NO.NY81-3018 - Mod. #3 CONT'D

SCHEDULE #4 SCHENECTADY COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Heavy & Highway)					
ELECTRICIANS (3)					
CLASS A	14.20	.85	3%+1.45		.03
CLASS B	14.70	.85	3%+1.45		.03
ELEVATOR CONSTRUCTORS	13.25	1.345	1.085	b+c	.035
ELEVATOR CONSTRUCTORS HELPER	9.275	1.345	1.085	b+c	.035
ELEVATOR CONSTRUCTORS HELPER PROBATIONARY	6.625				
IRONWORKERS (4)					
CLASS A	12.85	.75	1.81		.08
CLASS B	13.10	.75	1.81		.08
CLASS C	12.975	.75	1.81		.08
LABORERS (Building) (5)					
CLASS A					
GROUP 1	11.39	.90	1.20		.12
GROUP 2	11.54	.90	1.20		.12
GROUP 3	11.565	.90	1.20		.12
GROUP 4	11.615	.90	1.20		.12
GROUP 5	11.665	.90	1.20		.12
GROUP 6	11.64	.90	1.20		.12
GROUP 7	11.865	.90	1.20		.12
LINE CONSTRUCTION (7)					
CLASS A					
GROUP 1	12.00	1.40	3%+1.00	e	
GROUP 2	16.00	1.40	3%+1.00	e	
GROUP 3	10.80	1.40	3%+1.00	e	
GROUP 4	9.60	1.40	3%+1.00	e	
GROUP 5	10.20	1.40	3%+1.00	e	
GROUP 6	9.00	1.40	3%+1.00	e	
CLASS B					
GROUP 1	13.80	1.40	3%+1.00	e	
GROUP 3	12.42	1.40	3%+1.00	e	
GROUP 4	11.04	1.40	3%+1.00	e	
GROUP 5	11.73	1.40	3%+1.00	e	
GROUP 6	10.35	1.40	3%+1.00	e	
CLASS C					
GROUP 1	14.55	1.40	3%+1.00	e	
GROUP 2	16.005	1.40	3%+1.00	e	
GROUP 3	13.095	1.40	3%+1.00	e	
GROUP 4	11.64	1.40	3%+1.00	e	
GROUP 5	12.36	1.40	3%+1.00	e	
GROUP 6	10.91	1.40	3%+1.00	e	
CLASS D					
GROUP 7	11.64	1.40	3%+1.00	e	
GROUP 8	12.36	1.40	3%+1.00	e	
GROUP 2	16.005	1.40	3%+1.00	e	
GROUP 9	14.55	1.40	3%+1.00	e	
GROUP 5	12.36	1.40	3%+1.00	e	
GROUP 10	11.64	1.40	3%+1.00	e	
GROUP 11	10.91	1.40	3%+1.00	e	

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DECISION NO. NY81-3018 - Mod. #3 CONT'D

SCHEDULE #4 SCHENECTADY COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE (8)	11.95	.80	1.40		
PAINTERS (9)	13.07		1.00		.02
PLUMBERS & STEAMFITTERS (10)					
CLASS A	14.90	.90	1.10		.10
POWER EQUIPMENT OPERATORS (11) (Building)					
CLASS A					
GROUP 1	12.82	1.15	1.25	d	.15
GROUP 2	12.91	1.15	1.25	d	.15
GROUP 3	13.08	1.15	1.25	d	.15
GROUP 4	13.35	1.15	1.25	d	.15
GROUP 5	13.80	1.15	1.25	d	.15
GROUP 6	14.02	1.15	1.25	d	.15
GROUP 7	14.31	1.15	1.25	d	.15
SHEET METAL WORKERS	13.86	3%+1.07	1.04	f	.07
SPRINKLER FITTERS	15.55	.95	1.40		

DECISION #NC81-1148 - MOD. #1
(45 FR 86200 - December 30, 1980)
Statewide, North Carolina Water, Sewer, & Heavy Construction

AMD:
ELECTRICIANS $6.50

Modification Page 21

Modification Page 22

DECISION #OH81-2039 MOD. #1 (46 FR 35017 - July 6. 1981) Lucas County, Ohio	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$16.85	.70	1.70		.02
Boilermakers	17.90	1.27	1.50		.28
Electricians:					
Commercial:					
Electricians	17.40	.85	3%+.95		.3%
Cable Splicers	20.01	.85	3%+.95		.3%
Elevator Constructors:					
Mechanics	16.57	1.345	1.085	a&b	.035
Helpers	70%JR	1.345	1.085	a&b	.035
Helpers (Prob.)	50%JR				
Glaziers	15.89	.85	1.10		.02
Line Construction:					
Linemen	16.75	.70	8%	c	½%
Cable Splicers	19.26	.70	8%	c	½%
Groundmen	10.05	.70	8%	c	½%
Painters:					
Commercial:					
Brush; Drywall Tapers; & Paperhangers	14.70	1.06	2.00		
Bridge; Railings; Powerhouse; Refinery Tanks	14.95	1.06	2.00		
Sandblasting; Spray; Pressure Cleaning	15.25	1.06	2.00		
Residential Work	13.56	1.06	2.00		
Laborers:					
Unskilled	14.03	.95	1.35		.11
Mason Tenders	14.18	.95	1.35		.11
Gunnite Pot Men	14.23	.95	1.35		.11
Mortar Mixers	14.25	.95	1.35		.11
Concrete Pump Nozzle Men; All Power Driven Tools; & Power Buggies	14.185	.95	1.35		.11
Pipe Layers; Bellmen; Bottom Men for Fire Brick Work Only	14.285	.95	1.35		.11
Nozzle Operators for Gunnite Work	14.94	.95	1.35		.11
Plasterers' Tenders & Mixers	14.05	.95	1.35		.11

DECISION NO. OH81-2040 - MOD #1 (46 FR 35014 - July 6, 1981) Mahoning & Trumbull Counties, Ohio	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$15.64	.65	1.75		.01
Electricians:					
Mahoning (Milton Twp.) & Trumbull (Excluding Hubbard & Liberty Twps.) Cos.	16.61	1.01	9%		.702%
Mahoning (Excluding Milton & Smith Twps.) & Trumbull (Hubbard & Liberty Twps.) Cos.	16.07	1.00	11%		.5%
Mahoning (Smith Twp.) Co.:					
Commercial Building	15.70	1.00	3%+1.00		.3%
Residential (4 Units only)	10.94	1.00	3%+.80		.3%
Line Construction:					
Mahoning (Excluding Smith Twp.) & Trumbull Cos.:					
Linemen; Cable Splicer; Operator - Pole Digging Equipment	17.08	.70	8%		½%
Groundman	13.66	.70	8%		½%
Mahoning Co. (Smith Twp.):					
Linemen	15.70	1.00	3%+1.00		.3%
Cable Splicer	14.59	1.00	3%+1.00		.3%
Line Equipment Operators	13.44	1.00	3%+1.00		.3%
Groundman; Truck Driver	9.84	1.00	3%+1.00		.3%
Marble Setters; Terrazzo Workers; & Tile Setters:					
Mahoning Co.	16.05				
Omit:					
Sheet Metal Workers:					
Commercial	15.41	.75	.83		.06
Residential	15.14	.75	.83		.06
Add:					
Sheet Metal Workers	15.14	.75	.83		.06

Modification Page 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN79-1146 Mod. #7 (44FR66147 November 16, 1979) Davidson County, Tennessee					
CHANGE:					
Boilermakers	$14.50	1.375	1.50		.04
Ironworkers	12.35	.95	.95		.17
DECISION #TN81-1202 Mod. #3 (46FR24886 May 1, 1981) Shelby county, Tennessee					
CHANGE:					
Boilermakers	14.50	1.375	1.50		.04
Ironworkers	13.30	.73	1.00		.15
DECISION #TN81-12[illegible]3 Mod. #2 (4[illegible]FR2[illegible]7 May 1, 19[illegible]1) Anderson, Knox, Monroe & Roane Counties, Tennessee					
CHANGE:					
Boilermakers	14.50	1.375	1.50		.04
DECISION #TN81-1204 Mod. #4. (46FR25979 May 8, 1981) Hamilton (Building & Heavy), Marion, Polk & Rhea (Building Construction only) Counties Tennessee					
CHANGE:					
Boilermakers	14.50	1.375	1.50		.04
Ironworkers	12.06	.95	.90		1%
DECISION NO. VT81-3079 - MOD. #1 (46 FR 53953 - October 30, 1981) CHITTENDEN COUNTY, VERMONT					
CHANGE:					
BRICK MASONS/CEMENT MASON	9.95	.90	.40		.01
ELECTRICIANS	11.80	.50	3%+.70		½%
ROOFERS	5.48				

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Des Moines
DECISION NO.: IA81-4090 DATE: Date of Publication
Supersedes Decision No. IA80-4044, dated August 8, 1980, in 45 FR 53044.
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories).

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$16.21	.60	1.35		.20
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS & STONEMASONS	14.18	.90	.60		.07
CARPENTERS:					
Carpenters	14.35	1.00	1.00		.08
Millwrights & piledrivermen	15.05	1.00	1.00		.08
CEMENT MASONS	11.15				
ELECTRICIANS	15.77	.70	3%+.70		3/4%
GLAZIERS	14.31	.75	1.00		.02
IRONWORKERS	15.05	.80	1.05		.06
LABORERS:					
GROUP 1 - Common laborers, wrecking, deck hand	12.50	.50	.80		.05
GROUP 2 - Plaster tender, mortar mixer, mason tender, stone & marble setter tender, drill operator, air tamper, air spade (electric or pneumatic spraying equipment & all mechanically operated tools, excavation over 6 ft. deep below ground level or basement level	12.66	.50	.80		.05
GROUP 3 - Tile layers (sewers); jackhammer & pavement breaker, 80 lbs. & over, on side walls & overhead	12.76	.50	.80		.05
GROUP 4 - Gunniting & sandblasting	12.87	.50	.80		.05
GROUP 5 - Tunnel & sewer mucker & miner over 6 ft. deep, powdermen	12.97	.50	.80		.05
LINE CONSTRUCTION:					
GROUP 1 - Lineman; all rigs setting assembled "H" fixtures & steel transmission structures	13.26	.45	7%	a	1/2%
GROUP 2 - Blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures	10.61	.45	7%	a	1/2%

DECISION NO. IA81-4090 PAGE 2

DECISION NO. IA81-4090 PAGE 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Con-

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
GROUP 3 - Groundman	▮ 8.62	.45	7%	a	1/2%
GROUP 4 - Groundman, truck driver	8.75	.45	7%	a	1/2%
GROUP 5 - Pole treating truck driver	8.49	.45	7%	a	1/2%
GROUP 6 - Pole treating specialist	10.21	.45	7%	a	1/2%
PAINTERS:					
GROUP 1 - Brush & paperhangers	13.00		.50		
GROUP 2 - Rollers	13.10		.50		
GROUP 3 - Sign	13.50		.50		
GROUP 4 - Structural steel over 25 ft. from the ground or floor, bridges, water towers & stage work	13.70		.50		
GROUP 5 - Spray gun & sandblasting	14.00		.50		
PLASTERERS	10.78				
PLUMBERS & PIPEFITTERS	15.15	.70	1.65		.05
ROOFERS	13.13				
SHEET METAL WORKERS	14.45	.75	1.72		.14
SOFT FLOOR LAYERS	14.35	1.00	1.00		.08
SPRINKLER FITTERS	15.10	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.80	1.00	.90		.0▮
GROUP 2	13.40	1.00	.90		.0▮
GROUP 3	12.35	1.00	.90		.0▮

FOOTNOTE FOR LINE CONSTRUCTION:
▮ - Seven Paid Holidays: New Years's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day, The Friday after Thanksgiving Day; Christmas Day

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Op., Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Piledriver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caimson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing 1 paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LaTourneaupull and similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plant (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-propelled Sheepsfoot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Aspco Spreader or similar machine, Slusher, Forklift (over 6000 lbs. capacity or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Op. (more than 1 well point pump), Portable Crusher, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressors (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boilers (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plant (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Pottawattamie
DECISION NO.: IA81-4101 DATE: Date of Publication
Supersedes Decision No. IA81-4010, dated February 6, 1981, in 46 FR 11476.
DESCRIPTION OF WORK: Building Projects in entire County (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.68	1.00	1.00		.06
BOILERMAKERS	14.97	1.37	1.15		.05
BRICKLAYERS & STONEMASONS	14.24	.85	.80		.05
CARPENTERS:					
Carpenters	13.82	1.10	.70		.05
Piledrivermen	13.955	1.10	.70		.05
Millwrights	14.10	1.10	.70		.05
CEMENT MASONS	13.85	.85	1.00		
DRYWALL TAPERS & FINISHERS	12.19	.61		.60	
ELECTRICIANS	15.14	.90	3%+1.75		1/2%
ELEVATOR CONSTRUCTORS:					
Mechanics	14.54	1.345	1.085	a	.035
Helpers	70%JR	1.345	1.085	a	.035
Helpers (Prob.)	50%JR				
GLAZIERS	14.45	.90	.60		.01
IRONWORKERS	12.60	1.10	1.25	1.00	.05
LABORERS:					
Common laborers	11.01	.80	.70		.05
Mason tenders; mortar mixers; pipelayers	11.185	.80	.70		.05
Buggymobile operators	11.35	.80	.70		.05
Plasterers' tenders	11.395	.80	.70		.05
LINE CONSTRUCTION:					
GROUP 1 - Linemen; all rigs setting assembled "H" fixtures & steel transmission structures	13.26	.45	7%	b	1/2%
GROUP 2 - Blaster; special equipment operations(hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	10.61	.45	7%	b	1/2%
GROUP 3 - Groundman	8.62	.45	7%	b	1/2%
GROUP 4 - Groundman - truck driver	8.75	.45	7%	b	1/2%
GROUP 5 - Pole treating truck driver	8.49	.45	7%	b	1/2%
GROUP 6 - Pole treating specialist	10.21	.45	7%	b	1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Paperhangers	$10.60		.25		
Highwork; spray; stage; structural steel	11.15		.25		
PLASTERERS	14.42	.85	.58		
PLUMBERS	14.59	1.20	1.25		.20
ROOFERS:					
Slate; tile	11.20	.70	.20		.01
Composition	10.90	.70	.20		.01
SHEET METAL WORKERS	15.59	.75			.09
SPRINKLER FITTERS	15.10	.95	1.40		.08
TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS	14.37	.85	.40		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit; Seven Paid Holidays A thru G
b - Seven Paid Holidays A thru G

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

SUPERSEDEAS DECISION

STATE: MINNESOTA
COUNTIES: BIG STONE, CHIPPEWA, DOUGLAS, GRANT, KANDIYOHI, LAC QUI PARLE, POPE, RENVILLE, STEVENS, SWIFT, & TRAVERSE.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$12.32	.90	.90		.10
GROUP 2	12.085	.90	.90		.10
GROUP 3	10.78	.90	.90		.10
GROUP 4	10.015	.90	.90		.10

GROUP 1 - Crane including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes & cherry pickers 12½ ton & over rated capacity; derricks; piledrivers & extractors; caisson rigs; side boom & winch truck used for erection of structural steel & moving & setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 & 2 drum hoists; air & electric tuggers (on power plants or setting & grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom & winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes & cherry pickers (under 12½ tons); concrete mixers (1 yard & over); ditching machine (8" & over); fork lifts (on steel erection & machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 cfm or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air & electric tuggers (other than above); ditching machine under 8"

GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-35227 Filed 12-10-81, 8:45 am]

BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: MINNESOTA
COUNTIES: BIG STONE, CHIPPEWA, DOUGLAS, GRANT, KANDIYOHI, LAC QUI PARLE, POPE, RENVILLE, STEVENS, SWIFT, & TRAVERSE.
DECISION NUMBER: MN81-2065 DATE: DATE OF PUBLICATION
Supersedes Decision Number MN79-2056, dated June 15, 1979, in 44 FR 34751.
DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$10.95	.50			
CEMENT MASONS	11.10				
LABORERS:					
Unskilled	6.52				
Asphalt rakers	7.09	.46	.40		
Pipe layers	9.30	.35	.15		
POWER EQUIPMENT OPERATORS:					
Asphalt plant	9.92	.46	.40		
Backhoe	9.93				
Bulldozer	9.09				
Crane, derrick, dragline	9.00				
Crusher	9.31				
Crushing plant operator	8.58				
Finish blade grader	10.46				
Front end loader	9.04				
Greaser	7.25				
Mechanic	9.54	.46	.40		
Motor grader	8.86				
Motor patrol	9.11				
Packer	7.03				
Paver	8.99				
Roller - base	8.73	.46	.40		
Roller - compaction	8.32	.45	.30		
Roller - finish	9.54	.46	.40		
Screedman	9.54	.46	.40		
TRUCK DRIVERS:					
Five axle, low boy, & trailer trucks	9.13	.46	.40		
Semi trucks	9.91	.57	.40		
Single axle trucks	8.22	.46	.40		
Tandem trucks	8.73	.46	.40		
Wheel tractors	8.05	.46	.40		
WELDERS: Rate for craft.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

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Friday
December 11, 1981

Part III

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Lead; Revised Supplemental Statement of Reasons; Amendment of Final Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Revised Supplemental Statement of Reasons; Amendment of Final Rule

AGENCY: Occupational Safety and Health Administration, Labor.

ACTIONS: Revised Supplemental Statement of Reasons; Amendment of Final Rule.

SUMMARY: OSHA is revising the Supplemental Statement of Reasons, published on January 21, 1981 (46 FR 6134), concerning the feasibility of complying with the lead standard for certain industries. In addition, OSHA is amending paragraph (e)(1) of the lead standard, 29 CFR 1910.1025(e)(1), in several important respects. First, the language of paragraph (e)(1) has been amended, consistent with the decision in *United Steelworkers of America* v. *Marshall*, 647 F. 2d 1189 (D.C. Cir. 1980), *cert. denied* 101 S. Ct. 3148 (1981), to reflect the fact that only feasible engineering controls are required by the standard. Second, a limited exclusion, which would allow employers whose employees have 30 or fewer days of exposure per year above the PEL to be exempt from the requirement to control exposures through engineering controls has been incorporated into paragraph (e) to provide a solution to the problem of intermittent lead exposures. Third, table 1 of paragraph (e) has been amended to extend the compliance deadline for the "other industries" to two and one half years to allow sufficient time for the design and installation of controls and to prevent potential inequities to the affected industries as a result of the Secretary's reconsideration of the standard. Finally, OSHA is requesting that the Court of Appeals return the record to the Agency for eight industries because further proceedings on feasibility are necessary. In addition, OSHA has proposed to administratively stay the application of the entire standard in the stevedoring industry and has initiated rulemaking to evaluate the unique problems posed by application of the lead standard in this industry.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John Martonik, Acting Director, Health Standards Directorate, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Room N-3718, Washington, D.C. 20210. Telephone: (202) 523-7076.

SUPPLEMENTARY INFORMATION:

1. Regulatory and Judicial History

On November 14, 1978, OSHA published a final standard limiting occupational exposure to inorganic lead to airborne concentrations of 50 $\mu g/m^3$ based on an 8-hour time weighted average. 29 CFR 1910.1025 (43 FR 52952). This standard superseded the permissible exposure limit (PEL) which had been adopted from a national consensus standard pursuant to section 6(a) of the Occupational Safety and Health Act of 1970. Additional protective provisions included environmental monitoring, recordkeeping, employee education and training, medical surveillance, medical removal protection, hygiene facilities, and other requirements.

Immediately after promulgation, the lead standard was challenged by both industry and labor in several U.S. Courts of Appeals. All cases were transferred and consolidated in the U.S. Court of Appeals for the District of Columbia Circuit.

In an opinion issued on August 15, 1980, the United States Court of Appeals for the District of Columbia Circuit, per Chief Judge Wright, upheld the validity of OSHA's lead standard in most respects. However, the court found that OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard with respect to certain industries, and remanded the standard to the Agency for reconsideration of the question of the technological and economic feasibility of the standard for thirty-eight industries, and for these industries stayed the requirement that the 50 $\mu g/m^3$ PEL must be met primarily through the use of engineering controls, while maintaining the requirement that these industries install engineering controls to meet the preexisting 200 $\mu g/m^3$ exposure level. *United Steelworkers, supra*, 647 F. 2d at 1311. The Court gave OSHA until February 15, 1981 to respond to the remand order.

Accordingly, on September 24, 1980, OSHA published a **Federal Register** notice (45 FR 63476) which reopened the rulemaking record for the limited and express purpose of soliciting and receiving additional information pertaining to the technological and economic feasibility of meeting the 50 $\mu g/m^3$ PEL solely by engineering controls and work practices. An informal public hearing was held on November 5-7, 1981. The record remained open for the receipt of additional comment and data until December 1, and, for posthearing argument until December 10, 1980. Final certification of the record was completed on December 17, 1980, by Administrative Law Judge Feirtag.

On January 19, 1981, OSHA filed its Supplemental Statement of Reasons with the Court of Appeals (46 FR 6134, January 21,1981). Thereafter, OSHA joined industry and requested that the Court defer further judicial proceedings on remand until the Agency had considered and decided petitions for administrative reconsideration of the Supplemental Statement. The Court has granted OSHA until December 10, 1981, to respond to the petitions for reconsideration; five such petitions were received requesting relief in eleven industry segments.

Concurrent with the remand proceedings, industry sought and obtained a stay of the lead standard from the United States Supreme Court pending the filing and disposition of petitions for *certiorari*, which paralleled the stay originally issued by the District of Columbia Circuit on March 1, 1979. On June 29, 1981, the Supreme Court refused to consider further challenges to the lead standard, thus leaving intact the Court of Appeals decision upholding the regulation and dissolving its previously issued stay of the lead standard.

The lead standard, including the requirement that the permissible exposure limit (PEL) be achieved by the use of engineering and work practice controls, is now fully effective in the following industries: Primary lead smelting; secondary lead smelting; battery manufacturing; electronics; gray iron foundries; ink manufacturing; paints & coating manufacturing; wallpaper manufacturing; can manufacturing; and printing. In the remaining industries every provision of the standard except paragraph (e)(1) is in effect. For these industries, however, the obligation to achieve the 200 $\mu g/m^3$ level remains in effect.

2. Conclusions

After receiving the petitions for reconsideration, OSHA recognized the need to reevaluate the remand findings; accordingly, the Agency administratively stayed the effective date of the Supplemental Statement of Reasons until December 10, 1981. Based upon a thorough review of the course of the lead proceedings and the entire remand record, OSHA reaffirms its

previous conclusion that for most of the 46 industries,[1] the supplemental record again demonstrates that the standard is feasible either because exposure levels do not generally exceed the PEL, thus requiring minimal or no compliance actions, or because exposure levels above the PEL can be controlled by available and affordable engineering controls or work practices well within the extended time period of two and one half years permitted for compliance. The Agency has also concluded that further proceedings are necesssary to determine the feasibility of achieving the PEL with engineering controls and work practices in the following industries: Manufacture of lead pigments and lead chemicals; shipbuilding and ship repair; leaded steel manufacture; nonferrous foundries and lead casting; battery breaking in the collection and processing of scrap (excluding collection and processing of scrap which is part of a secondary lead smelting operation); and secondary smelting of copper. In addition, OSHA has proposed to administratively stay the application of the entire standard in the stevedoring industry and has initiated rulemaking to evaluate the unique problems posed by application of the lead standard in this industry. Accordingly, OSHA will ask the Court of Appeals to return the record to the Agency with respect to these industries so that supplementary proceedings may be initiated. During this period of review all provisions of the lead standard will remain in effect for these industries, except paragraph (e)(1). Again, the 200 $\mu g/m^3$ level of the prior standard must be achieved through primary reliance on engineering controls during this period of review.

The conclusions which follow are intended to supersede those in the Supplemental Statement of Reasons published on January 21, 1981 (46 FR 6134), where the conclusions herein differ from those reached in January. OSHA has amended paragraph (e) in three respects. First, the language of paragraph (e)(1) has been changed by substituting the language of OSHA's traditional compliance hierarchy with respect to the use of engineering controls and other means of protection; this change merely conforms the standard to the Court of Appeals decision. Second, a limited exclusion from the requirement that *all* exposures in excess of the PEL be reduced with engineering controls has been incorporated into the lead standard to ease the compliance problems faced by industries with intermittent exposures. Third, the compliance schedule for all the remand industries has been extended to two and one half years. Finally, the Agency will request that the Court of Appeals return the record for eight industries.

In reaching these decisions, OSHA relied on the definitions of "feasible" and "reasonably necessary or appropriate", and the decisional methodology employed during the original promulgation of the lead standard, *i.e.*, engineering controls are "feasible" where they are affordable and capable of reducing lead exposures, and "reasonably necessary or appropriate" where the controls are cost-effective. Thus, OSHA's feasibility findings here are fully consistent with those which were affirmed by the Court of Appeals on August 15, 1980. OSHA has reservations, however, about applying this methodology to the eight industries on which decision is being withheld because of potentially significant inaccuracies in the Agency's understanding of the feasibility problems faced therein. It should also be noted that a separate reconsideration of the entire standard is planned to address the possible application of alternative methodologies to determine the cost-effectiveness of the lead standard (45 FR 22764). OSHA's general response to the pending petitions for reconsideration is described below.

I. Amendments to the Standard

A. Means of Compliance

The lead standard provides:

> (e) Methods of compliance—(1) Engineering and work practice controls. The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

29 CFR 1910.1025(e)(1). Earlier health standards, such as arsenic and cotton dust, on the other hand, explicitly incorporated the concept of feasibility into the methods of compliance section. *See, e.g.*, 29 CFR 1910.1018(g) (arsenic); 29 CFR 1910.1043(e) (cotton dust); 29 CFR 1910.1029(f) (coke oven emissions). The change of language in the lead standard, Lead Industries Association (LIA) contended, attempted "to declare the standard feasible without regard to respirators, and thus announces any failure to meet the PEL by engineering and work practice controls alone a violation of the standard." *United Steelworkers, supra*, 647 F.2d at 1270.

In reviewing the difference between the phraseology of OSHA's various "means of compliance" sections in health standards, the Court of Appeals explained:

> The cases have apparently treated these standards as creating a general presumption of feasibility for an industry. A company could not simply refuse to pursue engineering or work practice controls by asserting their infeasibility. Rather, it would have to attempt to install controls to the limits of contemporary technical knowledge and of its own financial resources.

Id. at 1271. Past OSHA policy, then, as reflected in general and specific air contaminant standards, has permitted employer use of respirators where engineering controls are technologically infeasible. The Court of Appeals interpreted the lead standard's compliance language to have the same meaning. *Ibid.*

Nevertheless, several remand participants claim that while substantial reductions in air lead levels can be achieved with engineering controls, there is no guarantee that the PEL will be reached (*e.g.*, Ex. 475–32). OSHA does not expect such a guarantee from employers, and the language of the standard, which leaves room for misinterpretation, has therefore been amended.

OSHA has previously assured the Court of Appeals that the lead standard did not in substance change the Agency's usual position concerning means of compliance. *See United Steelworkers, supra*, 647 F.2d at 1271. To clear up any remaining confusion, OSHA has amended paragraph (e)(1) so that the lead standard will reflect past compliance policy in form as well as substance. By explicitly incorporating the concept of feasibility directly into the standard, OSHA seeks to reassure concerned parties that it recognizes that engineering controls, even when coupled with effective work practices and administrative rotation, will not, in all cases, assure compliance with the regulation's PEL. Therefore, employers may use effective respiratory equipment to achieve compliance with the standard once they have demonstrated the infeasibility of alternative controls.

B. Intermittent Exposures.

In response to several petitions for reconsideration (Bell Pet.; LIA Pet. at 52, 58; SBC Pet. at 19) and instructions from the Court of Appeals (647 F.2d at n. 168), OSHA has determined that relief to industries with intermittent lead exposures is warranted. Accordingly,

[1] The Court's remand order listed thirty-eight industries. After recategorizing some industries and adding others to the list, OSHA's final conclusions apply to 46 industry categories.

paragraph (e) of the standard has been amended to provide that where employee exposure above the PEL does not exceed 30 days a year, the employer is exempt from the requirement that engineering controls be implemented to reduce lead exposure.

Previously, the lead standard required that all lead exposures which exceeded the PEL be reduced by implementing engineering and work practice controls regardless of the duration of exposure. Industries where lead exposures are intermittent have objected to this requirement in the lead standard for several reasons: (1) Engineering controls are inappropriate to control exposures which may be high but occur only briefly; (2) the exemption of the contruction industry from the lead standard, in part because of the intermittent nature of exposures, warrants a similar exemption for all intermittent exposure industries; and (3) OSHA failed to make significant risk findings applicable to their industries (Ex. 475–22; 475–28; 475–39).

OSHA rejects the contention that the exemption granted to the construction industry compels a similar exclusion for all intermittent industries, *see infra.* The Agency does agree, however, that the magnitude of the health problem posed by lead exposure in industries with intermittent exposures differs from the magnitude of the problem in the general lead industries and has fashioned a response which makes the regulatory obligations of the intermittent industries commensurate with the lead problem presented. OSHA believes that this action complies with the requirements of *Industrial Union Dept.* v. *American Petroleum Institute,* 448 U.S. 607 (1981) and meets the concerns of the intermittent industries.

Under paragraph (e) as amended, the requirement that engineering controls be implemented to reduce lead exposures will not apply until an employee has been exposed to lead above the PEL for more than thirty days per annum. This exclusion parallels that already contained in the medical surveillance program, *see* 29 CFR 1910.1025 (j)(1)(i), is administratively feasible for OSHA to monitor, and should assure that employee blood leads remain within acceptable limits. Where employers qualify for the exemption from the requirement that engineering controls be implemented, the PEL will remain applicable, but exposures may be reduced using any combination of controls. OSHA believes that this approach is a cost-effective means of providing an equivalent level of health protection to employees whose exposure to lead is only sporadic.

Thirty days has been selected because it represents the point at which OSHA can be assured that the lack of engineering controls will not adversely affect employee health. Contrary to the suggestion of some commenters, the fact that lead exposure may be intermittent does not assure that employee blood leads will remain low. Based on the air lead/blood lead correlations from which the new PEL was derived (*See* Ex. 439), OSHA predicts that absent the new lead standard, *i.e.,* assuming compliance with the prior 100 $\mu g/m^3$ standard, blood leads would be expected to peak at a mean value of 48.2 $\mu g/100$ ml if an employee were exposed to lead continuously for thirty days (assuming five years job tenure), and rise to a mean value of 32 $\mu g/100$ ml if an employee were exposed to lead for thirty days evenly distributed over the entire year (also assuming five years job tenure).[2] Because employees are unlikely to be constantly exposed for thirty days per year in any of the intermittent industries and are equally as unlikely to have their exposures evenly spaced throughout the year, OSHA presumes that blood leads can be expected to rise to a level somewhere between these two figures.

While the lead standard was designed to maintain mean blood lead levels at about 36 $\mu g/100$ ml, that figure was not viewed by the Agency as representing a level which will assure that no employee will suffer material impairment of health if he or she is exposed to the substance for their entire working life. 29 U.S.C. 655(b)(5). Rather, in order to achieve this statutory goal, OSHA previously found that blood leads could be harmful as low as 30 $\mu g/100$ ml, but concluded that this blood level would correlate to an air lead level lower than 50 $\mu g/m^3$, and that this lower air level would prove generally infeasible. *See* 43 FR 54358, 54388. *See also* 647 F.2d at 1308–1309. Thus, even thirty days exposure at the old PEL presents a risk of material impairment based on the existing air lead/blood lead correlation in the record.[3]

Accordingly, OSHA will require that all employee exposures which rise above the PEL be controlled to 50 $\mu g/m^3$, but will permit the employer to use any method of control if employees will not be exposed above the PEL for more than thirty days per year. Based upon the air lead/blood lead correlations, OSHA is satisfied that blood leads under this formula will remain within acceptable limits for the reasons which follow.

First, the air lead/blood lead correlation predicts that blood leads of workers exposed to an air lead level of 50 $\mu g/m^3$ (*i.e.,* where engineering controls have brought the employer fully into compliance) will peak at a mean value of 30.3 $\mu g/ml$ if an employee were exposed to lead continuously for thirty days (assuming five years job tenure); and rise to a level of 24 $\mu g/ml$ if an employee were exposed to lead evenly distributed over the entire year (also assuming five years job tenure). Because either scenario is unlikely, OSHA presumes that the mean value would peak at a level somewhere between these figures, and in all probability would remain well below 30 $\mu g/ml$.

Second, some commenters stated (*see* 543 FR 52992–93) that a primary detraction from respirator effectiveness is worker resistance to wearing the devices for prolonged periods. This resistance, it is claimed, decreases the likelihood that employees will scrupulously keep the respirator on while working in lead-exposed areas, which in turn diminishes the protection the respirator would otherwise give. However, it is clear to the Agency that wearing a respirator only 30 days per year, particularly when those days are spaced throughout the year, would significantly ease any such employee resistance.

Third, the 200 $\mu g/m^3$ PEL, which requires implementation of feasible engineering controls, remains in force. Therefore, even if an employee's respirator use during 30 days of lead exposure is less than meticulous, the lead levels he or she breathes during these short periods of negligence will not be inordinately high.

Consequently, OSHA has concluded that the 30 day exposure rule for engineering controls will not result in the mean value of employee blood leads rising significantly above the level it would be at assuming compliance with 50 $\mu g/m^3$ using engineering controls. OSHA notes, moreover, that it is unlikely that any such small rise in the mean value would exceed the Agency's biological goal of 30 $\mu g/ml$.

The thirty day trigger which OSHA has adopted has several benefits. First, because it parallels the thirty day exclusion for medical surveillance already incorporated into the standard, it will not diminish OSHA's ability to monitor compliance with the lead standard. Any other exclusion, *e.g.,* forty

[2] These figures can be expected to rise as job tenure, and hence lead body burden, increase.

[3] This correlation and the previous health findings may, however, be refined on reconsideration if the evidence warrants it.

days per year, or a PEL averaged over the 40 hour work week would seriously impede efforts to determine compliance with the standard. The selection of thirty days as the trigger for the requirement that engineering controls be implemented is thus within the "zone of reasonableness" granted by the courts to numerical determinations by administrative agencies. *See Hercules, Inc.* v. *Environmental Protection Agency,* 598 F.2d 91, 107 (D.C. Cir. 1978) and cases cites therein. Second, the establishment of an engineering control trigger should provide industry with added flexibility to use a combination of work practices and rotation to achieve the PEL and will allow many industries to avoid the installation of more costly engineering controls, and is, therefore, a cost-effective means of controlling intermittent exposures. For example, several parties have maintained that rotation is not a feasible method of controlling daily exposures (Ex. 528–13); this problem will be ameliorated where employees may be rotated on a monthly basis. In addition, OSHA believes this intermittent trigger will ease the burden of the lead standard for small businesses where lead's use is necessary but infrequent. For example, in many small pottery establishments, lead pigments are used to form glazes. These glazes are mixed infrequently due to low usage by such small establishment. Under the original lead standard, engineering controls would have been required regardless of how infrequently glazes were mixed. Under paragraph (e) as amended, such an establishment could avoid the requirement that engineering controls be implemented.

C. Compliance Schedule

During the remand, several industries maintained that compliance with the lead standard could not be achieved in one year. (*See, e.g.,* Ex. 498; 475–35; TR. 353–34). The petitions for reconsideration reiterate the claim that one year provides an inadequate planning horizon in which to analyze, design, purchase and install emission control equipment. After careful evaluation of the rulemaking record and in light of the Agency's experience in compelling abatement of occupational hazards,[4] OSHA agrees that the compliance schedule for achieving the PEL should be extended to two and a half years for all remand industries.[5] Although the engineering problems faced by the various remand industries differ, OSHA does not believe that varied compliance schedules based on the nature and extent of the lead exposure problem are warranted in this instance. For industries where lead exposure levels are generally below the PEL, the extended compliance schedule will have no impact because the standard does not require additional engineering controls. All other industries, regardless of the magnitude of the control problem, face essentially the same design and procurement problems; OSHA therefore concludes that no basis exists for distinguishing between the ability of different industries to obtain and install engineering controls.

An additional reason for extending the compliance schedule is OSHA's previously announced intention to conduct an indepth reevaluation of the technological and economic feasibility, as well as the reasonable necessity and appropriateness of compliance with all the provisions of the lead standard (46 FR 22764, April 21, 1981).[6] Reconsideration of the lead standard will accordingly include a reassessment of the cost-effectiveness of various means of reducing worker exposure to lead. If prior to such a reconsideration affected employers are required to implement the policies being reexamined, the purposes of any resulting agency action may be frustrated. Under the current one year compliance schedule, the Agency's reconsideration of whether primary reliance on engineering controls is the most cost-effective means of complying with the lead standard cannot be completed. The Agency believes that similar problems are unlikely to arise under a two and one-half year compliance schedule.

D. Return of the Rulemaking Record

After careful evaluation of the rulemaking record, OSHA has decided to ask the Court of Appeals to return the record to the Agency for the following industries: lead pigments and lead chemical manufacture; shipbuilding and ship repair; leaded steel manufacture; nonferrous foundries and lead casting; battery breaking in the collection and processing of scrap; and secondary smelting of copper. This action is based on OSHA's conclusions that the petitions for reconsideration filed on behalf of these industries raise significant questions concerning the accuracy of the January remand statement. During the interim period, these industries will be required to install engineering controls to reduce lead exposures to 200 $\mu g/m^3$ and also comply with all provisions of the lead standard except paragraph (e)(1).

OSHA is not satisfied at this time that application of conventional control technology is capable of reducing lead exposures in these industries, either because exposure levels are particularly high, *e.g.,* pigment manufacture, or because lead is encountered in unique circumstances, *e.g.,* shipbuilding. OSHA recognizes, however, that it has a duty to protect *all* workers, *United Steelworkers, supra,* 647 F.2d at 1309—10, and does not view this action as an exemption from paragraph (e)(1) for the affected industries. Rather, OSHA believes that the announced reconsideration of the lead standard is the appropriate forum for resolving the remaining questions concerning the technological feasibility of the standard.

The industries for which OSHA will request that the record be returned differ from those included in the "other industries" category for which OSHA has extended the compliance schedule because each industry may face significant technological or economic problems in achieving compliance, and hence most of these industries must expend far larger capital sums to install equipment which may not reduce exposures to below the PEL. Manufacturing segments in the "other industries" category do not face these technological difficulties, either because exposures are generally below the PEL or because compliance requires little more than upgrading existing control equipment or enhancing work practices. For example, OSHA's analysis of lead exposures in the foundry industry apparently was predicated on exposure data from establishments using metals with little or no lead, an atypical occurrence in the nonferrous foundry industry.[7] *See* LIA Pet. at 42. Similarly, OSHA's analysis of battery breaking operations in scrap yards presumed that the methods of compliance employed by secondary lead smelters during battery breaking would also control exposures in scrap yards. However, OSHA now recognizes that while automated materials handling systems are a viable control strategy for large scale industrial operations, they are unlikely to be adaptable to smaller scrap facilities. *See* NARI Pet. at 15. The shipbuilding

[4] *See, e.g., Secretary of Labor* v. *Bethlehem Steel Corporation* OSHRC Docket No. 78–1362, Settlement Entered—September 12, 1979.

[5] The compliance schedule will remain intact for the industries affirmed by the Court of Appeals.

[6] While the advance notice of proposed rulemaking indicated OSHA's intent to employ cost-benefit analysis during reconsideration, the Supreme Court's subsequent decision in *American Textile Manufacturers Institute* v. *Donovan* precludes reliance on this analysis.

[7] For the purposes of this discussion, the lead casting industry has been grouped with the nonferrous foundry industry because of the similarity between the processes. Likewise, the lead chemical manufacture industry has been grouped with the lead pigment industry.

industry has also criticized OSHA for not adequately accounting for the varied sites where lead exposure may result—most of the ship repair work involving lead exposure occurs in confined spaces where engineering controls are allegedly ineffective—and the mobility of the shipbuilding workforce. *See* SBC Pet. at 8–12. More information is needed on these factors. The secondary copper smelting industry has been declining; there were twenty secondary copper smelters in 1965 while there are only five currently operating (NARI Pet. at 17). OSHA needs more information on the cause of this decline and the lead standard's impact on this industry. Likewise, in the manufacture of pigments, employing separate production lines for different pigment color groups apparently reduces lead exposure significantly (Ex. 476–244); OSHA needs more information to determine the extent of the resultant exposure reduction and the ability of the entire industry to accomplish this production change. Finally, OSHA's discussion of the steel industry focused on that industry's planned modernization and concluded that it would effectively control lead exposures. LIA's petition for reconsideration has convinced OSHA that until the Agency obtains more information on modernization, *e.g.*, which facilities and pieces of equipment are included, how long will the process take to complete, no conclusion can be reached regarding the effect this program will have on lead exposure levels.

Since OSHA is not satisfied that the current record supports any conclusions concerning technological feasibility for these industries, and since the Agency has announced its intent to conduct an in-depth inquiry on feasibility and cost-effectiveness questions, OSHA is drawing no conclusions at this time regarding the ability of these eight industries to meet the PEL.

E. Stevedoring

OSHA has decided to propose administratively staying application of the lead standard to the stevedoring industry. (A separate proposal will be published shortly.) Careful examination of the record evidence, in light of the concerns raised by industry's petition for reconsideration have convinced the agency of the need to determine whether any OSHA lead standard should cover this industry and, if so, what form that standard should take. Several factors have prompted the agency to reach this conclusion. First, the operations and exposure problems in the stevedoring industry closely resemble those found in the construction industry. Both industries have only low intermittent exposure to lead, more importantly both have workforces that move from place to place on the worksite and both have transient workforces. This striking parallel between construction and stevedoring has compelled OSHA to consider whether the peculiar operational characteristics of the stevedoring industry warrants the drafting of a separate lead standard for stevedoring, as the agency has previously announced for construction.

In addition, a claimed total shutdown of the export-import trade in lead ore forces OSHA to examine the earlier claim advanced by ASARCO and St. Joe that the stevedoring industry should be exempt from this lead standard (46 FR 622 1/2). According to industry's petition, publication of the lead standard led to a decision by the stevedoring companies not to handle shipments of lead ore. That decision was based on the stevedores' belief that the standard's provisions requiring companies to alert their employees to the hazards of lead would trigger the filing of an extensive number of frivolous compensation claims by longshoremen (LIA Pet. at 53–56). ASARCO and St. Joe argued that this anticipated wave of claims would increase the cost of worker's compensation insurance so dramatically that handling lead shipments would become unprofitable (Tr. 721, 723). Presently, the agency does not possess the information to evaluate the veracity of the insurance compensation argument of ASARCO and St. Joe, nor does it have any evidence to assist it in measuring the economic impact of the termination of the lead ore carrying trade on the lead mining and smelting industries. This lack of information on such fundamental economic questions provided additional impetus to the agency's decision to reconsider the standard's application to this industry.

Accordingly, OSHA proposes to administratively stay implementation of the lead standard to the stevedoring industry and will provide interested parties until February 10, 1982 to comment on: (1) Whether the stevedoring industry should be subject to this, or any lead standard, and (2) if the industry should be subject to a different lead standard, what form should that standard take.

II. Industry-by-Industry Analysis

Based upon a thorough review of the remand findings, OSHA reaffirms its conclusion of January 21, 1981 that application of the lead standard in the industries listed below is feasible, particularly in light of the extended compliance schedule and thirty day exclusion from the requirement that engineering controls be installed, discussed above. OSHA expects that these two changes will reduce the economic impact of the standard for these industries, but cannot calculate the exact cost savings attributable to the amendments to paragraph (e)(1) due to a lack of information on the frequency of lead exposure in individual workplaces. The industries for which the feasibility findings are reaffirmed are:

Agricultural Pesticides
Artifical Pearl Processing
Book Binding
Brick Manufacture
Cable Coating
Cutlery
Diamond Processing
Electroplating
Explosives Manufacture
Jewelry Manufacture
Lamp Manufacture
Leather Manufacture
Machining
Nickel Smelting
Soldering
Textiles
Glass Manufacture
Primary and Secondary Smelting of Gold, Silver, and Platinum
Pipe Galvanizing
Plastics and Rubber Manufacture
Ammunition Manufacture
Pottery & Ceramics
Solder Manufacture
Terne Metal
Miscellaneous Lead Products
Auto Manufacturing/Solder Grinding
Gasoline Additive Manufacture
Sheet Metal Manufacture
Tin Rolling & Plating
Plumbing
Lead Burning

For the industries listed below, OSHA has also concluded that its remand findings demonstrate the feasibility of the lead standard, but they are being discussed separately so as to provide an opportunity to respond to issues raised in the petitions for reconsideration. These industries differ from the eight industries for which decision has been withheld because the petitions for reconsideration either raise insubstantial criticisms to the supplemental statement or because those criticisms are adequately addressed in the record. Accordingly, the following discussion for these industries focuses on points that the Supplemental Statement of Reasons did not address or modifies specific conclusions set forth in the Supplemental Statement. Each section, as supplemented, has been reproduced for these industries, for the convenience of the reader. The industries for which

the feasibility findings are reaffirmed are:

Aluminum Smelting
Collection and Processing of Scrap (Excluding Battery Breaking)
Primary Copper Smelting
Glass Manufacture
Spray Painting
Steel Manufacture (Excluding Leaded Steel Manufacture)
Telecommunictions
Zinc Smelting

Aluminum Smelting

Substitute the following for the discussion entitled "2. *Aluminum Smelting*" appearing at 46 FR 6144:

Aluminum Smelting

(a) *Uses.* Aluminum is used in the manufacture of chemical vessels; kitchenware, electrical transmission lines, and other products. It has architectual applications and is used extensively in the land, sea, and air transportation industries. (Ex. 476–5G).

(b) *Process Description and Exposure Areas.* Although aluminum ores are widely distributed in the earth's crust, only bauxite has proven to be economical as an ore from which the metal can be smelted (Ex. 476–5G). Bauxite is usually mined through the open-pit method, crushed, sometimes washed to remove clay, and dried. It is then refined through the Bayer process into aluminum oxide or "alumina." In this process, dried, finely ground bauxite is charged into a digester where it is treated, under elevated pressure and temperatures, with caustic NaOH solution to form sodium aluminate. (Ex. 476–5K).

After the digestion process is completed, the residue (containing impurities) is forced out of the digester through filter presses and discarded. The liquid, which contains extracted aluminum in the form of sodium aluminate, is pumped to precipitator tanks where seed crystals are added to aid in separating aluminum hydroxide from the solution. The aluminum hydroxide that settles out from the liquid is filtered and then calcined in kilns which convert the alumina to a form suitable for smelting (*id.*).

Metalic aluminum is produced by an electrolytic process that reduces the alumina into oxygen and aluminum. In this process, pure alumina is dissolved in a batch of molten cryolite (sodium aluminum fluoride) in large electrolytic furnaces called reduction cells or "pots." An electric current is passed through a carbon anode suspended in the bath mixture, causing metallic aluminum to be deposited on the carbon cathode at the bottom of the cell. The heat generated by passage of this electric current keeps the bath molten so that alumina can be added as necessary to make the process a continuous one. At intervals, aluminum is siphoned from the pots and the molten metal is transferred to holding furnaces either for alloying or impurity removal. It is then cast into ingots of various sizes for further fabrication.(*id.*).

Exposure to lead arises from trace amounts in the ore. Exposures may occur at materials handling equipment or during pyrometallurgical processing (Ex. 481). Since most of the bauxite processed in this country comes primarily from Jamaica, Brazil, Surinam, Australia, and Ghana and contains only traces of lead (Ex. 476–56), very little exposure occurs during the handling of raw ore. In fact, the principal source of lead exposure during ore handling is not from the ore itself but rather from acid leach (the process by which the impurities are separated from the ore) which contains traces of lead (0.004) percent lead sulfite) (Ex. 476–57).

The primary exposure problems in the pyrometallurgical process occur when ores containing lead undergo smelting, thereby releasing fugitive emissions, such as lead oxide, or from emissions resulting from impurities which rise to the top of the molten aluminum and must be periodically skimmed off as dross from the melting and holding furnaces. This dross is transferred to a floor area known as a dross pad where it is dumped and raked out to cool. After cooling, the dross is mixed with salts and charged into a rotary melting furnace, where more of the aluminum is recovered.

Secondary smelting of aluminum differs only slightly from primary aluminum smelting. The process begins with scrap aluminum that arrives at the plant by rail car from a wide variety of sources. A quantity of the scrap plus additives such as chromium, magnesium, iron, copper and manganese are weighed and charged into melting furnaces. The molten metal is transferred to holding furnaces where it is fluxed with chlorine or sometimes a mixture of chlorine and nitrogen. Ingots of aluminum ranging from 15,000 to 20,000 pounds are formed by a process known as direct cooling where fine streams of cold water actually form the sides of the ignots. (Ex. 476–58). Thereafter, the secondary process do not significantly differ from the primary process.

(c) *Controls Currently Used.* (i) Materials handling controls include: Pneumatic conveyance; elimination, by redesign or use of dead drops or long material drops; belt wipes; conveyor curtains and skirts; ventilation hoods at transfer points; complete enclosure of conveyors; liquid sprays to suppress dust; chemical dust suppressants; vacuuming (preferably wet vacuuming) instead of dry sweeping of spilled or otherwise deposited materials; and clean air pulpits (Ex. 481).

The selection of the appropriate control strategy depends upon the material being handled, the extent of the exposure problem, the process involved, and the extent to which engineering controls are already in place.

(ii) Pyrometallurgical controls include: Exhaust hoods for tapping and skimming ports; exhaust-hoods for ladles, pots and kettles; covers and hoods for launders; maintaining the unit at negative pressure; enclosure of the entire unit or pertinent parts of the unit; ventilation to capture fugitive emissions which cannot be otherwise contained; enclosed control rooms supplied with clean air; and controlled air pulpits (Ex. 481).

Secondary aluminum operations are also well untilated. The reverberatory furnace usually has primary hooding which effectively eliminates particulate emissions (Ex. 476–133 at 41, 65).

(d) *Exposure Levels.* During aluminum smelting, lead is present as lead sulfide in bauxite ores. Bauxite containing .04% lead would produce an air lead concentration of 4 $\mu g/m^3$ when bauxite concentrations are 10 mg/m^3. Therefore, lead exposure would be well below existing or proposed limits." (Ex. 491). Kaiser and Alco Aluminum also indicated that lead exposure is not a problem in aluminum smelting (Ex. 476–56, 47). Similarly, lead exposures in secondary aluminum smelting are not problematic.

Sampling data in a NIOSH report on the Martin Marietta Aluminum Company in Lewisport, Kentucky (Ex. 476–58) revealed nondetectable lead exposure levels, in most instances, although one sample showed 7.5 $\mu g/m^3$ of inorganic lead (*Id.*). These figures indicate that exposure levels are well below the OSHA permissible exposure limit of 50 $\mu g/m^3$ and the 30 $\mu g/m^3$ action level. An indepth study of the secondary nonferrous smelting industry indicated that lead exposures were insignificant during secondary aluminum smelting (Ex. 476–133 at 42, 43, 46, 150).

(e) *Additional Controls.* The exposure data indicate that lead levels in aluminum smelting are well below 30 $\mu g/m^3$. Control technology already in use has been effective in maintaining lead exposure levels below the PEL. Additional engineering controls, work practices, housekeeping and worker

rotation are not needed. Compliance with the PEL has been achieved (481).

(f) *Conclusion: Technological Feasibility.* The record shows that bauxite ores processed in the United States contain only trace quantities of lead and that alumina (aluminum oxide), from which aluminum is reduced, contains virtually no lead (Ex. 476–56, 57; Ex. 22). Exposures to lead above the PEL are unlikely to occur, as representatives from both Kaiser and Alcoa Aluminum have acknowledged (Ex. 476–56, 57).

Control technologies already in use will be sufficient to control any exposure to lead which may occur.

(g) *Economic Feasibility.* Because the exposure levels are so low, the industry need not enhance existing ventilation systems, establish additional work practice programs, enhance housekeeping practices or rotate workers as a result of this regulation. Therefore, there will be no costs of compliance nor any economic impact incurred as a result of the lead standard.

Collection and Processing of Lead Scrap

Substitute the following for the discussion entitled "9. *Collection and Processing of Lead Scrap* appearing at 46 FR 6151/2:

Collection and Processing of Lead Scrap

(a) *Uses.* The lead scrap from radiators, solder, telecommunications parts, cables, sheet lead, batteries, lead bearing dross, etc., is received by scrap metal recyclers who sort, pack and ship the scrap lead to secondary lead smelters (Tr. 245–246). Some recyclers melt the scrap prior to shipment in an effort to handle the scrap more efficiently (*Id.*). However, Mr. Ness of the National Association of Recycling Industries indicated that waste recyclers usually do not melt scrap (Ex. 476–103), and the record indicates that only 200 scrap dealers remelt metals (Ex. 480). While many scrap dealers process lead-acid batteries for secondary lead smelters, those activities are beyond the scope of this discussion.

(b) *Processing Scrap Metal.*—(i) *Process Description and Exposure Areas.* Scrap may be merely cut, bundled and shipped to secondary smelters or may be melted, cut, bundled and shipped. Processors of scrap fall into two broad categories: melters and non-melters (Tr. 245–246).

Non-melters may be scrap processors who handle dross and flue dust. They must ship, transfer, load, unload, weigh and store the scrap. Where lead is present in the scrap metal, the potential for lead exposure occurs at all handling operations and in mechanized processes at transfer points (Ex. 22, pg. 143).

The Metal Salvage Company of Salt Lake City, Utah, is another type of non-melting scrap processor. It receives scrap lead sheets, radiators, etc., and sorts, chops or cuts, and bales or bundles the lead scrap to be sold to secondary smelters (Ex. 476–102). It does not melt lead scrap, nor does it process dross or flue dust (Ex. 476–102).

NARI testified, however, that "many of these companies do *not* handle any lead bearing scrap materials, or they handle only a very small volume of lead bearing on an irregular, sporadic basis. Most of these small concerns operate open scrap yards, wherein employees regularly move about in the open air and thus are not usually confined to any one work station, and they are not regularly, continuously exposed to lead in their work activities" (Ex. 498 at 35).

(ii) *Controls Currently Used.* The technology available and currently being used by these scrap processors includes water sprays to suppress dusts and local exhaust or portable ventilation (Ex. 476–101). Melting pots are provided with exhaust ventilation (Ex. 476–112).

(iii) *Exposure Levels.* Little exposure data was provided to OSHA (Ex 476–94, 96, 101, 102). Some companies, however, did indicate that controlling lead exposure presents no problem (Ex. 476–101, 102). These firms represent both melters and non-melters. One company stated that it is very close to compliance with the 50 $\mu g/m^3$ standard (Ex. 476–112). Base on NARI's comments, airborne lead exposures are apparently directly related to the amount of lead contained in the scrap metal (Ex. 498).

(iv) *Population Exposed.* No data were available on the number of workers exposed. The number of workers employed by scrap processors appears to range between 6 and 25 (Ex. 476–93–117). Since available data indicate that many of these companies may be nearly in compliance with the standard, OSHA estimates that the number of employees exposed above 50 $\mu g/m^3$ is probably very small.

(v) *Additional Controls.* Based on the data available, controls other than those existing and already applied in some cases, are probably not necessary (Ex. 476–101, 112). One melting scrap processor, which indicated that it was in compliance used both wet suppression and local exhaust ventilation (Ex. 476–101). Another processor that used only exhaust ventilation was very nearly in compliance (Ex. 476–112). A third processor that did no melting indicated that no controls were necessary and mentioned no compliance problems (Ex. 476–101). Thus the application of controls already existing within the industry seems sufficient to achieve compliance (Ex. 476–102, 112). If particularly large amounts of lead are contained in the scrap metal, portable ventilation should be adequate to reduce exposures.

(c) *Conclusion: Technological Feasibility.* The National Association of Recycling Industries argued extensively regarding the infeasibility of the standard for collectors and processors as well as secondary smelters and refiners in achieving compliance with the 50 $\mu g/m^3$ limit. Basically, the Association contends that collectors and processors should have the same 5 to 10 years compliance period as do secondary smelters and refiners. They also stated that these small collectors and processors could not comply within one year, particularly through the use of engineering controls alone. (Ex. 477–17). In its post-hearing submission, the Association argued that it is "technologically infeasible for these additional scrap collectors and processors to comply with the OSHA lead standard—without the continued use of respirators in most of their operations." (Ex. 498, p. 37). OSHA requested the NARI provide data on exposure, on controls being used, and on controls to be implemented. However, the Agency has not received compelling data indicating that compliance is not technologically or economically feasible for the industry. OSHA therefore concludes on the basis of record evidence that the controls discussed in the general feasibility section of this document could also be used to reduce exposures in the recycling industry.

NARI contends that most scrap handlers only handle lead scrap occasionally and also that they are small businesses that lack the resources to implement costly controls. As a result of these factors, NARI believes OSHA should designate collectors and processors of scrap as part of the construction industry and thus relieve them of the burdens of complying with the standard (Ex. 498, p. 37). For the reasons detailed below, OSHA has decided that the exemption for the construction industry should not be extended to scrap processors. However, The 30 day exemption from the requirement that engineering controls be installed should ease compliance obligations where on an "irregular and sporadic" basis lead content of scrap is higher than usual.

Also, based on the data submitted to the record, it appears that in processing scrap, other than batteries, the simplest control technologies are being used,

including wet suppression and local exhaust ventilation (Ex. 476–101), with substantial success. Many of the companies that supplied data to OSHA were small businesses (less than 10 employees) who indicated that lead exposure posed no problem (Ex. 476–101, 102).

Melting operations may require somewhat more effort for exposure control. However, as one commenter contended, melting pots are provided with exhaust ventilation (Ex. 476–112). Containment of fugitive emissions from melting pots is standard practice in many different industries using general ventilation, local ventilation at emission points, negative pressures, maintenance of seals, etc., to achieve compliance with many standards, in addition to lead. These controls are "tried and true" and used by industry as a whole, as noted by Billings and First (Ex. 487, 104).

(d) *Cost of Compliance.* The record contains some industry estimates of costs of compliance in several scrap facilities. One recycler of lead scrap reported that the installation of $6,000 a water spray system and the use of administrative controls were effective in achieving compliance with the standard (Ex. 476–100). Another recycler had a 20 ton remelting operation in which all pots were equipped with exhaust hoods. These hoods were installed at a cost of $15,000 and the firm was reported to be very close to compliance with the standard. With increased attention to personal hygiene, the firm expected to achieve full compliance (Ex. 476–112).

The majority of scrap recyclers are not remelters; therefore, potential compliance costs for most firms will be low. Remelters may require more equipment. A multifaceted approach to reducing air lead levels can result in cost-effective compliance with the lead standard, while simultaneously controlling exposures to other toxic substances present in scrap.

(e) *Industry Profile.* There are an estimated 7428 establishments in SIC 5093, Scrap and Waste Materials (Ex. 476–109). These establishments are primarily engaged in collecting, cleaning, breaking, sorting, chopping, baling, and distributing all types of scrap for delivery to remelters and secondary smelters (Ex. 476–103). The public record indicates that approximately 4,000 to 5,000 of these establishments employ a total of 40,000 workers to potentially handle lead scrap (Tr. 246). These scrap processors, however, do not ordinarily melt lead (Ex. 476–103) and, in fact, it is estimated that only 200 of these establishments may perform remelting operations (Tr. 246).

The continuing national emphasis on the recovery and reuse of natural resources supports positive prospects for the scrap industry in the future (Ex. 476–106). In addition, current deposits of lead bearing ores are diminishing (Ex. 476–108).

Firms within the industry are widely distributed across the nation with concentrations in California, New York, Pennsylvania, Illinois, and Texas (Ex. 476–109). Because of the high cost of transportation, it is unlikely that potential increases in price as a result of compliance would cause major changes in market structure or increased concentration. During ebbs in the business cycle, scrap dealers may be forced to cut prices if their customers, also complying with the lead standard, attempt to shift costs back to them. However, on balance the potential economic impact on the industry should be negligible, since the firms that engage in remelting operations are generally the larger firms that will be able to afford any required additional capital investment. The smaller firms do not ordinarily melt lead and, therefore, will face few new compliance costs.

(f) *Conclusion: Economic Feasibility.* In its petition for reconsideration NARI argued that OSHA "must clearly prescribe the least costly compliance alternative" for scrap collectors and processors, because the great majority of these companies are small businesses (NARI Pet. at 14). The Agency has established precisely such a compliance alternative. OSHA will now permit those scrap collectors and processors whose employees are exposed above the PEL for less than thirty days to be exempt from the requirement that engineering controls be implemented to reduce lead exposure. This measure will substantially reduce the cost of compliance for those small businesses whose lead exposures are generally low, but who on occasion experience exposures above the PEL. Additionally, the change in language in paragraph (e)(1) of the standard clarifies the fact that employers need only install engineering controls up to the point where they are technologically feasible, so that a collector or processor may be able to avoid or limit the expense associated with engineering controls, if he can demonstrate that they are not technologically feasible past a certain point. The standard would then allow the employer to supplement engineering controls with the use of respirators. Finally, OSHA has provided this industry with an extended compliance period of two and one-half years, so the costs of complying with the standard can be amortized over a longer period of time.

Copper Smelting

(a) *Primary Copper Smelting.* Substitute the following for the discussion entitled "(vii) *Conclusion: Technological Feasibility.*" appearing at 46 FR 6156/2.

(vii) *Conclusion: Technological Feasibility.* ASARCO submitted comments during the hearing stating that the technology for controlling lead exposure in copper smelters does not exist (Ex. 475–28). The company's position was premised on the notion tht processes involved in the primary production of copper and zinc are similar to those involved in primary lead production, and that similar technology is necessary to control exposures to lead in zinc and copper operations. ASARCO also argued that primary lead smelters were given extended periods to comply because innovation was necessary (Ex. 475–28) and that allowing copper smelters one year to comply was inconsistent with the number of years allowed for primary lead smelting (10 years) and secondary lead smelting (5 years).

While there may be similarities in processes, the underlying problems associated with control of lead exposure depend on the percentage of lead in the ore. Wagner testified that this percentage was extremely variable and that copper ore lead content ranges from less than .01 to 1.3 percent lead (Ex. 481). Smelters using ores containing a higher percentage of lead may have more difficulty in controlling lead exposures and may require additional time to come into compliance than those using ores with lead concentrations at the lower end of the range. (Tr. 353–354). This is one factor which led OSHA to extend the schedule for compliance.

However, the comparison to primary lead smelting is not completely accurate. Both primary and secondary lead smelters process sulfide ores with lead content far greater than 1 percent and, therefore, have much higher lead exposures. The technology necessary to reduce these exposures is not the same; it requires a much greater degree of control, and sometimes equipment modifications. Upgrading and modifying existing controls is all that is required for most copper smelters in the United States and two and one-half years is an appropriate time limit for these smelters. ASARCO has also claimed that lead emissions from copper smelting at El Paso cannot be effectively controlled independently of the adjoining primary lead smelter. More information is

necessary for OSHA to determine whether El Paso's copper operations should be viewed as an integrated part of the lead smelting operations.

Many of these copper smelters must also comply with the OSHA arsenic standard (29 CFR 1910.1018). The control technology necessary to comply with that standard will also serve to control lead concentrations and achieve compliance with this standard (Ex. 481). In addition, OSHA has established a joint technical group composed of industry, union, and government engineers to explore further the feasibility and propriety of the various available means for controlling occupational arsenic exposures on a plant by plant basis. Asarco, Kennecott Copper, and the United Steelworkers of America have agreed to participate in this experimental effort toward cooperative compliance with occupational health standards. The joint committees have been asked to expand the scope of their discussions to include lead controls, thus providing a forum where the parties may agree on an integrated control strategy to reduce lead and arsenic exposures.

(b) *Secondary Copper Smelting.* Delete the discussion entitled "(b) *Secondary Copper Smelting*" appearing at 46 FR 6156/3.

Economic Feasibility

Substitute the following for the discussion entitled "(c) *Economic Feasibility: Primary and Secondary Copper Smelting*" appearing at 46 FR 6157/3:

(c) *Economic Feasibility: Primary Copper Smelting.*—(i) *Cost of Compliance.* ASARCO has submitted data on the cost of compliance with the lead standard in primary copper smelters (Ex. 475–28). The following compliance expenditures have been estimated for ASARCO's four facilities: Hayden, Arizona, $16,628,000; Tacoma, Washington, $20,941,000; Amarillo, Texas, $667,000; and El Paso, Texas, $18,504,500. These calculations are based on the cubic feet of air per minute necessary to ventilate specific areas of the plants and on the costs of vacuum systems. Costs of associated devices designed and installed to prevent the emission of pollutants into the general atmosphere also appear to be included in these estimates. For instance, wet scrubbers and wet scrubber gas cleaning systems, costing a total of $1,540,000 have been included in three of the estimates. Thus, ASARCO claims that total expenditures of $56,740,000 would be required and also claims that this amount would not guarantee compliance with the standard.

For several reasons, OSHA believes that the standard can be complied with less expensively by copper smelters. First, industry estimates focus on the mechanical ventilation approach to the control of lead when, in fact, housekeeping, work practices, and administrative controls in combination with ventilation should be both less expensive and more effective in achieving compliance (Ex. 481). Therefore, OSHA believes that the proper approach to reducing exposure levels is through an effective, multi-faceted approach to the problem. In this way, industry can minimize the resources spent on achieving a given level of lead in the workplace. Second, industry estimates are not offset by the value obtained from the reclamation of copper and other metals that are captured by control systems. However, industry has not presented data indicating the magnitude of the offset. Third, primary copper smelters have simultaneous legal obligations to comply with other regulations, such as the arsenic regulation. To the extent that actions taken to reduce arsenic levels also reduce lead levels, these expenditures are not attributable solely to the lead standard. In addition, costs attributable to EPA regulations are sometimes mistakenly included in the estimates. Since compliance with different regulations and different agencies is a cumbersome process, OSHA has established tripartite committees to work together in seeking cost-effective compliance strategies.

Considering the above factors, OSHA concludes that Wagner's estimates of the total costs for all potentially affected copper smelters are reasonable counterestimates to the compliance costs submitted by industry. However, because Wagner did not have definitive data on the compliance status of all firms in the industry, he placed caveats on his estimate. Wagner stated that he could have underestimated the costs by as much as 200 percent. Assuming an underestimate of this magnitude, the upper bound on capital costs for the primary copper producers would be only $18 million. Annualized over the useful life of the equipment, primary copper producers will incur $3.2 million in total annual costs.

(ii) *Industry Profile.* The primary copper industry consists of establishments engaged in smelting copper from ore and in refining copper by electrolytic or other processes. Total value of shipments cycled over the last available five years of data and amounted to $3.9 billion in 1977, (Ex. 476–20). Historical statistics show that, since 1967, the number of companies in the industry declined from 15 firms, operating 32 establishments, to 11 firms, with 31 establishments in 1972, and 9 firms, with 27 establishments in 1977.

More recent Bureau of Mine data list the primary producers ranked in order of output as: (1) Phelps Dodge, (2) Kennecott, (3) ASARCO, (4) Magma Copper, (5) Copper Range, (6) Inspiration Consolidated Copper, and (7) Cities Services. These companies operate smelters and/or refineries. Several domestic producers, through subsidiaries or stock holdings, have interests in foreign copper-producing facilities in Australia, Canada, Peru, Mexico, South Africa, and Namibia (Ex. 476–122).

Prior to the exit of Anaconda from the market in October 1980, the top three companies produced about 60 percent of the total industry output (Ex. 476–119). The net profit margins in 1979 for Phelps-Dodge, Kennecott, and ASARCO were 8.7 percent, 5.4 percent, and 15 percent, respectively, with estimated net profit margins in 1982 through 1984 of 11 percent, 7.2 percent, and 15.9 percent (Ex. 476–130, 476–131, 476–132). Kennecott's lower profits were attributed to its relatively high and rising cost structure, which results from "ancient and outdated equipment" (Ex. 476–131).

Although the market shares and profitability of the top three producers indicate that the domestic market is moderately concentrated, the copper market is internationally competitive. Hence, the ability of the primary producers, regardless of individual market share, to raise prices is limited. Although it appears that the domestic market is not currently threatened by foreign copper imports, forward shifting of costs to customers is to some extent constrained. Producers largely eliminated foreign price advantages by basing domestic prices on the New York Commodity Exchange (COMEX) in 1978 (Ex. 476–26). Proximity to markets, a stable political situation, the existence of an advanced infrastructure, and scale of operations should maintain a viable domestic copper industry even in the face of a potentially worsened position vis-a-vis foreign competition (Ex. 476–122).

The ability to pass costs on is also limited by potential substitutes for copper. For instance, in electrical applications, aluminum, cryogenic power transmission techniques, microminiaturization circuitry, and use of statellites may impede the growth in demand for copper. In construction, the trend toward multiple housing units (which reduces the materials needed per

unit), and the substitution of plastic pipes may curtail the demand for copper. Uses of copper in transportation vehicles is expected to continue to decline. In 1975, 34 pounds of copper per automobile were used, and in 1979, this was reduced to 29 pounds. The use of only 25 pounds of copper per automobile is forecast for 1985 (Ex. 467–33). However, growth in armaments production may increase the demand for copper. On balance, total U.S. demand for copper is forecast to rise by the year 2000 to 5.1 million tons, representing an annual growth rate of 3.6 percent (Ex. 476–122). This demand is expected to strain supply sources as growth in demand for electrical equipment, computers, and underground power distribution systems rises.

Because the demand for copper parallels the demand for durable goods, the market is volatile and quite sensitive to national economic business cycles. The demand for copper also increases with growing military activity because of its use in ammunition and military equipment. Typically, the industry expands to meet military demand and suffers from overcapacity during times of peace (Ex. 476–118).

In 1978, the International Trade Commission recommended that an import quota be imposed through 1982 to protect domestic copper producers. However, the petition was rejected, largely because the action carried an unacceptable risk of accelerating inflation, but also because the copper market was in the process of recovering from its depressed condition (Ex. 476–122).

At least two factors have contributed to increasing costs in the copper industry. First, fuel costs, which account for a major portion of production costs in smelting and refining, rose significantly between 1974 and 1978. The second major factor affecting production costs is the long-term declining yield of copper from ores. From 1950 to 1977, average yield has dropped from 18 pounds of copper per ton of ore to 10 pounds, with some deposits containing only 8 pounds of copper per ton of ore. (The cutoff grade is 4 pounds.) In addition, surface mines, which now account for 82 percent of domestic output, have large ratios of overburden (earth that must be removed during mining operations) to ore (Ex. 476–122).

However, a new process has been developed to recover copper from low ore concentrates (Ex. 476–124). The new hydrometallurgical process is pollution-free. Initial testing demonstrates that it is competitive with conventional smelting techniques. Diffusion of this new process throughout the industry may result in significant changes since costs of producing copper are both currently variable and highly dependent on location and physical composition of ore deposits.

Capital expenditures for new buildings, plant, and equipment in 1977 in the copper industry were withheld by the Commerce Department to avoid disclosing operations of individual companies. However, expenditures rose steadily from 1963 to 1975 from $13.1 million to $164.6 million. In 1976, the industry's investments dropped to $52.4 million, reflecting the depressed state of the market beginning in 1974 (Ex. 476–20).

Copper production is considered to be a capital intensive industry. On average, $7,000 per annual ton of new capacity for facilities is required for a totally integrated facility. Expansion of existing facilities requires about $5,000 per annual ton in capital costs (Ex. 476–122).

The primary copper industry employs about 10,000 production workers at smelters and refineries. The ratio of skilled to unskilled laborers has risen with increasing mechanization, and large-scale operations have generated demand for mechanics, technicians, and machine operators. In 1971, employee hours per ton of copper averaged 20.3 hours; whereas in 1977, there were 18.2 employee hours per ton of copper (Ex. 476–122), indicating a slight increase in productivity.

Conclusion: Economic Feasibility

The copper market has demonstrated past volatility and remains sensitive to the demand for durable goods. Thus, the demand for copper will fluctuate with swings in the national economy. However, on balance, the demand for copper is expected to grow at an annual rate of 3.6 percent.

Copper is produced and sold in a world market. The domestic industry has a demonstrated ability to compete successfully in this world market. Foreign price advantages no longer pose a threat to the domestic industry, and the stable political situation in the U.S., the existence of an advanced infrastructure, and the domestic scale of operations are expected to contribute to the continued viability of the domestic producers.

The primary copper industry, which produced shipments valued at almost $4 billion in 1977 (Ex. 467–20), will be required to spend a maximum of $3.2 million in annualized compliance costs. Therefore, OSHA concludes that the domestic copper industry will be able to comply with the lead standard within two and one-half years, and that compliance will not adversely affect the economic viability of the industry.

Glass Manufacture

Substitute the following for the discussion entitled *"(c) Conclusion: Technological Feasibility (Primary and Secondary Processes)"* appearing at 46 FR. 6165/1.

(c) *Conclusion: Technological Feasibility (Primary and Secondary Processes).* Primary and secondary glass operations can achieve the 50 $\mu g/m^3$ PEL. Primary operations will have to make use of engineering controls, to the extent feasible, and supplement them with worker rotation (as the industry is currently doing) to bring areas of high or intermittent peak exposures into compliance with the standard. In addition, improved housekeeping and maintenance operations will be necessary. Compliance with the lead standard will probably also bring about a significant reduction in employee exposure to silica.

Secondary glass operations appear to require minimal controls such as local exhaust ventilation (movable or stationary). Extensive control technology does not appear to be necessary and only in a few instances will worker rotation be necessary.

Representatives of the glass industry emphasized in their submissions that compliance with the 50 $\mu g/m^3$ standard was not possible through engineering controls alone. Based on the evidence submitted, OSHA agrees that the success experienced by this industry in meeting the 50 $\mu g/m^3$ limit has been based on multi-faceted control strategies that include enhancement of existing controls, automation of many processes, stringent work practice programs, improved housekeeping and maintenance and worker rotation. This approach avoids the more costly strategy of relying solely upon engineering controls to achieve compliance. OSHA believes that the use of such balanced controls strategies, rather than reliance upon a single method of control, is perfectly consistent with the lead standard, since the Agency's ultimate goal in regulating worker exposure to lead is to reduce workers' exposures through the combined use of engineering controls, work practices, housekeeping, and some worker rotation. The industry did not dispute the feasibility of achieving compliance using this combination of controls. Owens-Illinois has requested reconsideration of OSHA's finding that the lead standard is technologically feasible because. (1) Administrative controls are unworkable; and (2)

maintenance personnel are exposed to lead levels in excess of the PEL (Ex 528–13). Neither problem would justify a finding of infeasibility.

Owens-Illinois has installed an enclosed, automated materials handling system which has reduced batch house employees' exposure to lead below the PEL. *Id.* The feasibility of worker rotation under these circumstances is virtually irrelevant since further reductions in airborne lead levels are not required. Moreover, OSHA recognizes that the PEL may be exceeded during maintenance operations, *see infra.* The fact that these repair or maintenance operations may result in exposures exceeding the PEL does not detract from OSHA's general finding that the lead standard is feasible for most glass manufacturing firms during most operations.

Lead Casting

Delete the discussion entitled "21. *Lead Casting*" appearing at 46 FR 6174/3.

Lead Chemical Manufacture

Delete the discussion entitled "22. *Lead Chemical Manufacture*" appearing at 46 FR 6175/2.

Lead Pigments Manufacture

Delete the discussion entitled "23. *Lead Pigments Manufacture*" appearing at 46 FR 6176/2.

Nonferrous Foundries

Delete the discussion entitled "29. *Nonferrous Foundries*" appearing at 46 FR 6184/3.

Shipbuilding

Delete the discussion entitled "35. *Shipbuilding*" appearing at 46 FR 6200/1.

Spray Painting

Substitute the following for the discussion entitled "(g) *Conclusion: Technological Feasibility*" appearing at 46 FR 6214/2.

(g) *Conclusion: Technological Feasibility.* OSHA has determined that substitution of non-lead based paints is one feasible alternative for the industry during some applications. Lead and other toxic metal pigments should be eliminated where possible.

Spray booths can be used which maximize the enclosure of the painting operation. The choice of a downdraft or sidedraft booth depends largely on the configuration of the object that is to be painted. Air flow must be in a direction which will carry contaminated air away from the breathing zone of the painter. If necessary, work platforms, product rotators, or other means must be provided in order that the proper orientation of air flow can be maintained.

Application equipment is available which minimizes the energy expended in the atomization process, thus reducing the amount of stray mist that is generated. The recommendations of the paint formulator concerning the method of application and the atomization parameters should be strictly followed.

Several commenters discussed the problems associated with applying lead paint to surfaces. Billings noted problems encountered with "bounce back" and suggested that application be automated or be done by brush or roller in these instances where possible (Ex. 487). However, it appears that in some cases, depending on the number of spray painters, the size of the object, and numerous other environmental factors, the PEL in spray painting can be achieved through the use of currently acceptable control technologies and without reliance on a respirator, as OSHA's compliance activities demonstrate (Ex. 476–16). Even in industries such as the automobile industry which were previously felt to be at the state-of-the-art, new techniques are achieving consistently lower air lead levels. Certain operations, such as painting deep recesses or confined spaces cannot be effectively controlled by ventilation. In some instances, airless application methods can be used for these operations.

LIA's interpretation that engineering controls are absolutely prohibited during spray paint operations is incorrect. As noted in the Supplemental Statement of January 21, 1981, OSHA recognizes that in some spray painting operations engineering controls alone will not be adequate to achieve the PEL, and that respirators may have to be used in addition to currently available controls. *See* 46 6214/3. This position does not differ from that taken by the National Paint and Coatings Association, Inc., (NPCA):

> The NPCA urges that personal protective devices, namely respirators, not be eliminated where engineering and work practice controls are not feasible as a means of protecting the worker potentially exposed to lead. NPCA agrees that engineering and work practice controls should be the first line of defense, but that respirators should be permitted in the future compliance programs where feasible technology has not been developed to perfect engineering and work practice controls.

Ex. 475–9. NPCA's statement regarding primary reliance on engineering controls and supplemental use of respirators in instances where such controls are not technologically feasible precisely parallels OSHA's traditional compliance policy. To remove any remaining doubts concerning methods of compliance the Agency has amended the wording of paragraph (e)(1) of the lead standard so that it parallels the compliance language of other OSHA health standards. Moreover, the adoption of a thirty day trigger for the requirement that engineering controls be implemented should further reduce the number of painting establishments facing substantial compliance obligations. This change allows an employer to use respirators when the employer can demonstrate that engineering controls are not feasible. Therefore, this explicit change in regulatory language grants NPCA the flexibility it sought in the remand hearings and should additionally eliminate any lingering problems of interpretation.

Steel Manufacture

Substitute the following material for the discussion entitled "39. *Steel Manufacture* (a) *Primary Steel Production*" appearing at 46 FR 6214/3.

Steel Manufacture

(a) *Steel Production.* This discussion does not apply to the production of leaded steel which is still under consideration by OSHA.

(i) *Process Description and Exposure Areas.* The basic oxygen steelmaking process uses as its principal raw material molten pig iron from a blast furnace. The other source of metal is scrap. Scrap is processed similar to the methods used in scrap processing and collection; hydraulic scrap cutters may be used. Only the processing of lead scrap poses a problem. Lime, rather than limestone, is the fluxing agent. As the name implies, heat is provided by the use of oxygen.

The basic oxygen furnace (BOF) is a steel shell lined with refractory materials which is supported on horizontal trunnions so that it can be tilted. Usually these furnaces are installed in pairs so that while one is making steel the other can be filled with raw materials.

The first step for making a heat of steel in a BOF is to tilt the furnace and charge it by larry car with steel scrap. Immediately following the scrap charge, an overhead crane presents a ladle of molten iron from a blast furnace or from a holding device called a mixer.

As soon as the furnace is charged, and set uprighted the oxygen lance is lowered and the oxygen is turned on. In a very short time the heat increases and lime, fluorspar are added via a

retractable chute to the metallic charge. From that point on, the blowing procedure is uninterrupted. Oxygen combines with carbon and other unwanted elements eliminating those impurities from the molten charge and converting it to steel. The lime and fluorspar help to carry off the impurities as a flowing layer of slag on top of the metal which is now entirely molten.

When the batch of steel is complete, the oxygen is shut off, the clamps on the lance are released, and the lance is retraced through the hood. The furnace is then tilted in the direction opposite to that in which it is charged, and molten steel flows through a tap hole that is located near the top of the furnace. A ladle receives the molten steel. The slag, which floats on top of the steel, stays above the taphole by the progressive tilt of the furnace.

Electric arc furnaces are used for producing alloy, stainless, tool and other specialty steels. More recently operators have also learned to make larger heats of carbon steels in these furnaces. Therefore, the electric steel making process is becoming a high-tonnage producer.

Electric arc furnaces are shallow steel cylinders lined with the refractory brick. They are charged in one operation from buckets or other containers brought in by overhead cranes. The roof of an electric furnace is pierced so that three carbon or graphite electrodes can be lowered into the furnace. These electrodes provide the current arcs from one electrode to the metallic charge and then from the charge to the next electrode, causing intense heat.

In each process the end product is molten steel in a ladle. Generally, the molten steel is solidified into forms that are suitable for further shaping by the steel industry's rolling mills and other finishing facilities. Molten steel direct from furnaces is rarely cast into finished products.

The traditional method of handling raw steel from a furnace is to "teem" it from the ladle into ingot molds of various sizes and shapes. Alloys are added to the ladle of steel often by chutes extended from above the teeming floor. However, injection may be by gun.

The ladle into which the molten steel from the furnace has been tapped is usually mounted on a railcar which is moved to a position where an overhead crane can lift it. The overhead crane lifts the ladle of molten steel to a position where it can be poured into ingot molds, (or into a strand or continuous casting machine) for a solidification.

The size and shape of an ingot is determined by the desired product. Roughing mills produce semifinished forms of steel such as blooms, which are roughly square in cross section; slabs, which are rectangular in cross section; and billets which are smaller than bloom in cross section and usually much longer.

A more modern technique than the traditional ingot procedure is the use of a strand casting machine to receive molten steel and produce such semifinished solid products or slabs or billets. In so doing, they bypass ingot teeming, stripping, soaking and rolling.

There are several kinds of strand casting machines, but the principles of their operation are similar. Molten steel from a furnace is carried in a ladle to the top of the strand caster. A stopper in the bottom of the furnace ladle is lifted so that molten metal drops into the tundish (which provides an even pool of molten metal to be fed into the casting machine), which also acts as a reservoir allowing an empty ladle to be removed and a full ladle to be positioned and to start pouring without interrupting the flow of metal to the casting machine. In some strand casters the descending column of steel is cut to desired lengths while still in a vertical position. This is done by traveling cutting torches.

Molten metal is often received from conventional steelmaking furnaces and refined to remove impurities quickly before the steel solidifies. Among the vessels and other facilities used in this operation are those for vacuum stream degassing, vacuum/ladle degassing, argon-oxygen decarburization and vacuum/oxygen decarburization. Electron beam processing generally begins with carefully selected and prepared cold raw materials. These remelting processes are used mostly in the production of sophisticated alloys and specialty steels.

Generally speaking, lead exposure only occurs after lead has been added to molten steel to produce leaded steel and in subsequent working of leaded steel. Neither process is included in the scope of this discussion. Otherwise the use of scrap steel, which can contain lead solder or may be covered with lead-based paint, may produce lead emissions earlier in the process at the steelmaking furnace as fugitive emissions and in the scrapyard, where the scrap is cut (sized) to fit the furnace. AISI characterized exposures resulting from lead in scrap metal as intermittent and sporadic (Ex. 475–39A at 8). The fugitive lead emissions from the furnace are a function of the amount of scrap lead added to the furnace.

(iv) *Controls Currently Used.* Materials handling is often done mechanically. In the scrapyard, processing for steel making is comparable to general scrap processing and requires sorting, chopping and cutting. Scrap is processed by using hydraulic cutters (Ex. 500, p. 5) or by using torches to reduce its size prior to charging furnaces. Local exhaust ventilation of furnace areas, ladles carrying molten melts and casting areas are also used.

(ii) *Population Exposed.* The precise number of employees exposed to lead in the steel industry is unknown. The Short report estimates 4000 potentially exposed employees, 500 of whom are directly involved in lead processing in 16 plants. AISI, on the other hand, estimates 7234 potentially exposed employees, 1673 of whom are potentially exposed above the PEL (Ex. 475–39A). These figures include employees whose sole source of exposure is leaded steel production.

(iii) *Exposure Levels.* Exposure data is fragmentary and may not be representative of employees' time weighted exposures. Some samples were run over a full-shift (7 hours); others for only 2 to 3 hours. Moreover, because of the intermittent and varied nature of lead exposure in steel making, determining the average and peak exposures at a particular operation is much more difficult than with continuous exposures.

Available exposure data indicate that notwithstanding high air lead levels during the production of leaded steel, industry-wide exposures generally are less than 100 $\mu g/m^3$, and may be less than 50 $\mu g/m^3$.

Specifically, in the scrap yard, out of 31 samples taken at CF & I all but 3 were below 50 $\mu g/m^3$; these three, however, were quite high (180, 190 and 790 $\mu g/m^3$) (Ex. 476–457).

No data were received showing furnace exposures, however, because of the fugitive and unpredictable nature of lead emissions at the steelmaking furnace, and because of the relatively low quantity of lead present at this stage of steel production. OSHA believes most exposures are insignificant.

(iv) *Additional Controls.* Materials handling operations should include more local exhausting of emissions sources. No additional controls appear necessary.

(v) *Conclusion: Technological Feasibility.* AISI has described lead emissions from scrap handling and furnace emissions as intermittent because "the scrap steel does not always contain significant amounts of lead;" emissions were characterized as fugitive and random. (Ex. 475–39A) On a time weighted basis these exposures are unlikely to exceed the PEL. If exposures

nevertheless do exceed the PEL, rotation of employees on a monthly basis should assure that few if any capital controls will be required of the industry to comply. Thus, the adoption of a thirty day exemption from the requirement that engineering controls be installed should solve the steel industry's compliance problem.

(b) *Secondary Steel Manufacture.* Delete the discussion entitled "(b) *Secondary Steel Manufacture*" appearing at 46 FR 6216/2.

Substitute the following material for the discussion entitled "(e" *Economic Feasibility*" appearing at 46 FR 6218/1.

(e) *Economic Feasibility.* (i) *Cost of Compliance.* There are several potential sources of lead exposure in the steel industry. These include relatively low fugitive emissions at the steelmaking furnace and during scrap handling, and higher exposures during the production of leaded steel and terne metal (a lead-tin alloy), and in processes such as annealing, patenting, grinding and scarfing leaded steel products (USWA, Ex. 477–5). The scope of this discussion includes only fugitive emissions at the furnace, and in wire patenting and terne metal. No cost data were submitted with respect to control of fugitive lead emissions at the furnace.

Estimates for substitution of two salt baths, which have been substituted for lead baths in wire patenting processes, were $85,000 to $115,000 where existing controls were in place. Replacement of existing controls with a fluidized bed system was estimated to cost $750,000. The Stelmor process, which reduces but does not eliminate the need for patenting operations in the production of wire or rod (EX. 475–500), requires capital investment of about $100,000,000 for new plant construction (Ex. 476–482). However, about 25 steel works in the steel industry have already switched to the Stelmor process (Ex. 474–22), and some steel plants have substituted salt baths for lead baths in annealing and patenting operations (Ex. 476–486). Bethlehem Steel has instituted a process change in wire patenting operations that enables it to achieve compliance, but neither the details of the process nor the costs were specified (Ex. 476–481). According to the International Wire Association, the use of the lead in wire patenting is being phased out by replacement with other processes (Ex. 476–484).

OSHA estimates, based on the data of DBA (Ex. 474–65B) capital costs for the wire patenting firms would range between $7 million to $14 million, with annualized capital costs ranging between $1.25 million and $2.5 million. In addition, firms may also need to spend $3 million in annual operating costs. AISI did not submit cost data on control of lead for terne metal producers.

(ii) *Industry Profile.* Within the steel industry there are an estimated 58 companies in SIC 33122 producing steel ingot and semifinished shapes, 85 companies in SIC 33124 producing hot rolled bars, bar shapes, and plate, and 24 companies in SIC 33125 producing steel wire as part of steel mill operations. Steel wire, some of which is produced by lead patenting or annealing, manufactured in steel mills was valued at $606,300,000 in 1977. The quantity and value of long ternes (SIC 3312317) and short ternes (SIC 3312329) were not disaggregated from other tin mill products in the published data (EX. 476–438), but represent a relatively small portion of steel mill production (Ex. 476–475). All processes that potentially involve exposure to lead in steel production are included in the industrial classification above.

Very few companies produce terne metal products (Ex. 476–475). Long ternes (sheet steel that has been coated with a tin-lead alloy) can be produced in continuous and single-sheet coating processes. The latter is less efficient than the continuous process which eliminates some intermittent operations associated with sheet pots and produces a higher quality product since the coating is more uniform. All long terne production processes at U.S. Steel facilities are continuous, but other companies may still use single-sheet coating, which has the advantage of being more adaptable to small, varied orders, especially with respect to the size of sheets needed. Gasoline tanks for tractors, trucks, and automobiles are the major end use of long ternes (Ex. 476–475). Terne plate, occasionally known as short terne, is produced in very small quantities today. It is no longer used at all for roofing material, firedoor plates, or other former uses (476–475).

An estimated 100 plants produce wire by using lead patenting operations (Ex. 474–22). Not all patented wire is produced by steel companies, however, and those steel companies that do produce wire usually have separate purposes. At least two of these producers have used substitution or other controls to comply with the lead standards. CF&I has switched to a sodium bath (Ex. 476–435), and Bethlehem Steel has controlled lead exposures by improving local exhaust ventilation and adding a surface active agent to the molten lead (Ex. 476–454).

Another producer, who produces lead patented wire only when orders are received from customers, considers the operation "marginal." Exposures, which occur intermittently, are not controlled by ventillation at all. However, housekeeping, including vacuuming of dust created in scale from the dragout operation, is performed (Ex. 476–431).

OSHA recognizes that data specific to the producers of lead patented wire and terne metal within the steel industry would be preferable to data for the steel industry in general. However, neither the published data nor the submission of AISI are disaggregated in this manner. Therefore, the following discussion of economic conditions in the steel industry is assumed to be applicable to those firms within the steel industry that are affected by the lead standard.

The steel-related operations of wire patenting and terne metal production will be required to comply with the lead standard within two and one-half years. In these operations, compliance can be achieved through simple modifications of existing equipment; redesign or extensive retrofitting is not required.

To determine the economic feasibility for wire patenting firms to comply with this standard, estimates of the capital and operating costs of compliance are needed. These were provided by DBA and presented in the cost of compliance section above. Using those estimates and assuming a 12 percent rate of interest and a life expectancy of ten years for the required capital equipment, OSHA estimates that the annualized capital costs to this industry will range between $1.25 million and $2.5 million. (Ex. 65(B)). New capital expenditures for this industry in 1977 were $79.4 million. (Ex. 476–20). Thus, as these annualized capital costs represent, at most, only 3.1 percent of the total new capital expenditures in this industry, the rate of return of these firms' investments will not be appreciably lowered by compliance with this standard. DBA further supplies estimates of the annual operating costs of complying with this standard which ranged between $3 million and $5 million. Total 1977 shipments in this industry were $2,258.6 million. Thus, the annual operating costs represent only 0.4% of the total shipments. Therefore, on the basis of the available data, OSHA concludes that this standard would impose very small costs upon the wire patenting industry. That conclusion, in turn, implies that this standard will have a minimal impact upon the price of lead coated wire, the prices of goods and services produced by industries using lead coated wire, the output and employment of firms producing lead coated wire, and the profitability of wire patenting operations, and, hence, the economic

viability and health of small businesses, would not be altered by the costs of complying with this standard.

DBA estimated that the total annual costs of compliance constituted approximately zero percent of value of shipments for terne metal producers (Ex. 26). The available data indicate that as few as three companies manufacture long terne metal plate (Ex. 22) and that technological and economic efficiency dictates the use of large scale production technology. Furthermore, this product has no substitute (within the feasible price range) for automobile gas tanks and in gasoline truck tanks. Thus, this industry's costs of complying with the standard are likely to be passed on to the industrial purchaser of long terne metal plate. The effect which this passed on cost will have upon the prices of the final goods using long terne metal plate (automobiles and gasoline tanker trucks) will be very small because the cost of the long terne metal products is only a minor component of the price of the final goods. Thus, the costs of complying with this standard will not measurably effect the prices of goods produced by industries using long terne metal plate, the output and employment of firms producing long terne metal plate, and the profitability of long terne metal plate operations.

Stevedoring

Discussion entitled "40. *Stevedoring*" appearing at 46 FR 6220/2.

Telecommunications

Substitute the following for the discussion entitled "(g) *Conclusion: Technological Feasibility*" appearing at 46 FR 6221.

(g) *Conclusion: Technological Feasibility*

The industry maintained that its difficulties in complying with the lead standard were comparable to the difficulties associated with the construction industry, and that OSHA should exempt the telecommunications industry from the standard's coverage (Ex. 475–22 and 22(a)). OSHA does not agree that the similarities warrant an exemption. While workers may be required to move from site to site, the sites themselves are stationary and the company has been able to determine representative exposure levels for lead related tasks. Furthermore, the work force is highly specialized and not transient in nature, as it is in the construction industry. Thus, the same employees continue to have potential lead exposures. The fact that telecommunications repairmen move site to site and that sites infrequently have leaded cable, tends to aid employer compliance by naturally eliminating continuous worker exposure to lead. In addition, the general discussion concerning the breadth of the construction exemption, *infra*, applies with equal force here.

Contrary to AT & T's claims (Bell Pet. at 20–23), the record demonstrates that the PEL is technologically feasible because it can be met by application of work practices coupled with minimal rotation. As the Court of Appeals has previously recognized:

> • • • the ease with which this industry can adapt to the standard technologically essentially moots the economic question.

United Steelworkers, supra, 647 F.2d at 1302. Besides, the adoption of an engineering control trigger to ease the burden of the lead standard where exposures are intermittent will further ensure that no obligation to install engineering controls will ever arise in the telecommunications industry.

AT & T further maintains that application of environmental monitoring provisions of the lead standard is impractical in the telecommunications industry and no sound reason exists for differentiating between monitoring requirements in the construction and telecommunications industry. OSHA disagrees. Several factors support the requirement that environmental monitoring should be performed.

First, contrary to AT & T's suggestion, OSHA did not exempt the construction industry from the air sampling requirements of the standard solely because lead exposure within the industry was intermittent, but among other factors because the length of time necessary to obtain the monitoring results would usually exceed the duration of the construction job and the next job was not likely to have the same source of exposure. 43 FR 52986. While OSHA recognizes that AT & T's employees encounter lead exposures at varying locations, these workers are exposed to lead during the same operations, *i.e.*, lead cable splicing and repairing. Thus, air monitoring data showing the representative exposures of workers splicing lead cable are useful indicators of the nature and extent of lead exposure problem during these operations and may serve as the basis for the development of effective work practices which reduce those exposures.

Second, OSHA has resolved AT & T's concern over the monitoring provisions of the lead standard by issuing an interpretive letter which indicates that the requirement for "representative" monitoring may be fulfilled by monitoring the exposures of a typical cable splicer rather than by monitoring lead exposures at every manhole or telephone pole where lead may be encountered.

Industry has further maintained that compliance with the standard would require the installation of hygiene facilities at every location where lead cable may be found and that this requirement rendered the standard infeasible in the context of the telecommunications industry (Tr. 203, 206). This fear is unfounded because the standard requires hygiene facilities to be constructed only when employee exposures exceed the PEL. Since worker rotation and work practices will assure that no telecommunications employee's exposure to lead exceeds the PEL, no requirement to furnish hygiene facilities need ever arise.

Zinc Smelting

Substitute the following for the discussion entitled "46. *Zinc Smelting*" appearing at 46 FR 6224.

46. *Zinc Smelting.*—(a) *Uses.* Zinc metal is used for galvanizing, brass and bronze products, and metal casting. In addition to metallic applications, significant quantities of zinc are consumed in pigments or other chemicals (Ex. 476–491).

(b) *Process Description and Exposure Areas.* The processing of zinc from its ore begins with the milling of the ore to prepare a concentrate that can be treated to recover zinc and its associated byproduct and coproduct metals (Id.).

The mineralogy of zinc-containing ores determines the technology and economics of the milling practice. Heavy-media separation pretreatment prior to zinc flotation has been designed into newer mills. About one-half of the mill feed can be floated at relatively coarse size with the reject fraction assaying as low as 0.04 percent zinc (Ex. 476, 491).

Flotation is the basic mineral reduction process. The general scheme for the flotation of mixed sulfide ore is: (1) Flotation of the lead copper minerals and depression of the zinc and iron minerals; (2) separation, also by flotation, of the lead-copper concentrate into separate lead and copper concentrates; (3) activation and flotation of the sphalerite from the iron and gangue minerals; and (4) flotation of the pyrite if recovery is desired (Id.).

Reduction of the zinc ores and concentrates is accomplished by electrolytic deposition from a sulfate solution or by distillation retorts or furnaces. In either method, the zinc concentrate is roasted to eliminate most

of the sulfur to produce roasted concentrate or calcine (Id.).

At electrolytic zinc plants, the roasted zinc concentrate is leached with dilute sulfuric acid to form a zinc sulfate solution. The solution is then purified and piped to electrolytic cells, where the zinc is electrolytically deposited on aluminum cathodes (Ex. 476, 491). The cathodes are lifted from the tanks at intervals and stripped of the zinc, which is then melted in a furnace and cast into slabs (Ex. 476, 491).

There are three types of distillation retort plants—batch horizontal retorts, continuous vertical retorts heated by fuel, and continuous vertical retorts.

A blast furnace process for producing zinc, also known as the Imperial Smelting Process, was developed by Imperial Smelting Corporation, Ltd., of Avonmouth, England. This process is similar to the normal blast furnace practice of burning coke in intimate association with the ore to be reduced but, as in the retort process, the zinc is released as a vapor and must be condensed (Id.).

The Kivcet-CS process, developed in the U.S.S.R. and available for commercial distribution, combines the functions of sintering, blast furnacing, and slag fuming in one autogenous smelting unit. It offers the possibility of recovering, along with lead, either zinc metal or zinc oxide. The process is characterized by high metal recoverings, low environmental contamination, and low labor and capital costs compared with those of a conventional smelter (Ex. 476, 491).

Potential lead exposure occurs during the handling and storing of concentrates and charging of concentrates to the roaster. Typical operations involve the receipt of concentrates by railcar or dump truck, storage in the open or in storage buildings, moving of concentrates by front-end loader to open conveyors, drying in a rotary dryer, holding in storage bins, and charging by conveyor to the roaster. Exposures in this area are due largely to dust emissions from mechanical screens and conveying equipment, overflow from front-end loaders, and reentrainment by wind (Ex. 481).

Zinc may also be extracted from scrap metal or scrap zinc using a distilling process, during which trace amounts of lead may be present. However, even if lead is present in the metal, it remains in slag form during recovery, and no lead fumes or dust are generated (Ex. 22 at 237).

(c) *Controls Currently Used.* Undisputed evidence that the technology necessary to control lead is available. Mr. Wagner's analysis of available control technology is consistent with the practices which ASARCO, St. Joe, etc. current employ (Ex. 481). In some cases, such as the American Chemet Co., enhanced housekeeping practices are all that would be necessary to achieve compliance with the standard (Ex. 476–501). St. Joe also outlined control technologies consistent with the recommendations made by Mr. Wagner and others. (Ex. 475–36).

(d) *Exposure Levels.* The level of exposure to lead is dependent on the lead content of the concentrates. Lead concentrations in ore range from 0.3 percent (Ex. 481–35) to 1.5 percent (Ex. 481–19). For example, airborne lead exposures among concentrate handlers at National Zinc (Ex. 481–25) and Jersey-Miniere (Ex. 481–25) did not exceed 30 $\mu g/m^3$.

Other potential lead exposures occur in the roasting department: These exposures vary with the type of roaster. Levels at New Jersey Zinc were in the 150–200 $\mu g/m^3$ range where closed, multiple hearth roasters are employed (Ex. 481–20). At National Zinc, where a fluidized bed roaster is used, no lead levels in excess of 30 $\mu g/m^3$ were measured in the roasting department (Ex. 481–25).

In the electrolytic process, calcine and dilute sulfuric acid are introduced into a series of tanks for the leaching operation. Since the concentrates become wet and stay wet throughout the remaining processes, little potential lead exposure occurs (Ex. 481). In the recast process at National Zinc, lead exposure levels for the workers casting the anodes averaged 200 $\mu g/m^3$ (Ex. 481–25), with one exposure measured as high as 1200 $\mu g/m^3$. The cathode strippers have lead exposures that average slightly in excess of 50 $\mu g/m^3$ (Ex. 481–19, 25).

In the pyrometallurgical process, the sintering machine represents the last significant lead exposure area. Lead levels as high as 200 $\mu g/m^3$ have been measured in the fume equipment operator at New Jersey Zinc (Ex. 481–20) and in excess of 50 $\mu g/m^3$ for the other workers in this department. Most of the lead and cadmium is fumed off at this operation, thus little potential for significant lead exposure exists in remaining processes (Ex. 481). Approximately, 65 percent of employees are exposed below 30 $\mu g/m^3$ (Ex. 476–386) and 35 percent of all employees are exposed above 50 $\mu g/m^3$ (Ex. 476–386). Zinc fuming processes showed that most lead levels were below 50 $\mu g/m^3$ (Ex. 481).

In a NIOSH Health Hazard Evaluation survey at the American Chemet Co., of 8 samples taken at the zinc smelter (Ex. 476, American Chemet) 6 were below 50 $\mu g/m^3$. NIOSH recommended that housekeeping be used to reduce levels significantly. An OSHA inspection of the National Zinc Co. found that 360 workers were exposed below 30 $\mu g/m^3$ and only 17 above 50 $\mu g/m^3$ (Ex. 476–503). Based on these findings, OSHA believes exposure to lead is probably not a significant problem in most zinc smelting operations (Ex. 481).

(e) *Population Exposed.* There are an estimated 2,000 production workers potentially exposed to lead in the zinc smelting and refining industry, 70 percent of whom are exposed to less than 30 $\mu g/m^3$. Fifteen percent are exposed to between 30 $\mu g/m^3$ and 50 $\mu g/m^3$, and 15 percent are exposed to over 50 $\mu g/m^3$ (Ex. 481, p. 16).

(f) *Additional Controls.* To bring zinc smelters into compliance requires that some firms upgrade existing ventilation equipment so that it has an increased capture potential. Other firms may need to automate more processes or to rotate workers, while some need only enhance their housekeeping practices to achieve compliance with 50 $\mu g/m^3$.

(g) *Conclusion: Technological Feasibility.* The record evidence indicates that most operations within most zinc smelters are in compliance, and that in those which are not fully in compliance many of their processes are below 50 $\mu g/m^3$ and some are even below 30 $\mu g/m^3$. Thus, compliance for the industry, as a whole, appears feasible within two and one-half years.

(h) *Cost of Compliance.* Two primary producers of zinc—ASARCO and St. Joe Minerals—provided OSHA with written submissions on the feasibility of meeting the lead standard in their operations. Other primary producers and the secondary producers did not respond to OSHA's request for information.

ASARCO provided estimates of compliance costs in its Corpus Christi, Texas, primary zinc facility and its Sand Springs, Oklahoma, secondary zinc facility. In addition, costs for the zinc department of ASARCO's El Paso, Texas, primary copper facility were provided. (Zinc dust from this operation is transported to Corpus Christi for recovery.)

ASARCO claims that the total cost of compliance will be $13,308,000 for its zinc operations. These costs include ventilation and vacuum systems and are divided between primary production ($13,002,000) and secondard production ($306,000) (Ex. 475–28). The Corpus Christi plant estimates do not consider potential changes in work practices which are necessary to eliminate some

of their worst exposures resulting from power sweeping (Tr. 531). ASARCO also overlooks potentially less costly solutions by omitting stand-by pulpits with pressurized filtered air for intermittent operations, such as sampling (Tr. 532). ASARCO did not consider the use of pressurized cabs for mobile equipment (Tr. 532).

OSHA also suggests that other methods of control could be used, such as chemical dust suppressants, traveling ventilation systems, and secondary and tertiary hoods (which are currently used in Japan). These methods are available, effective, and economically attractive.

St. Joe Minerals submitted a compliance cost estimate of $13 million in capital costs and $400,000 in annual operating costs (both in 1978 dollars). This estimate reflects use of "conventional control techniques" (Ex. 475–36A). St. Joe stated that this estimate originated from its prior experience in meeting safety, health, and environmental regultions, and that derivation of the figure was available in its submission to the 1977 rulemaking proceedings (Tr. p. 770).

OSHA estimates that the costs of compliance with the lead standard will the range between OSHA's estimate of $10.5 million and industry's estimate of $26 million (Ex. 481 and Tr. 345; Ex. 475–28; Ex. 475–36A). The lower bound estimate factors in the use of a broad array of control technologies and work practices. Some of these work practices are very inexpensive or carry no costs at all (Tr. 349). In addition, other controls, such an air-lock entry anteroom systems and boot-washing facilities could be used at St. Joe's zinc smelter (Tr. 561). The record shows that some zinc smelters are currently in compliance or near compliance with the lead standard in most of their operations. Hence, not all smelters will incur significant costs. OSHA also recognizes but does not have data to measure the value of reclamation of other metals, which will offset compliance costs for some firms in the industry (Tr. 348). Furthermore, expenditures for compliance are considered business expenses, thereby reducing the after tax burden of these firms (Tr. 349).

In addition, zinc smelters are already under an obligation to control exposures to arsenic. OSHA estimated that the industry would spend $9.3 million in capital costs and $940,000 in annual costs to comply with the arsenic standard (Ex. 476–488). To the extent that resources have been allocated for this purpose, and that they will have reduced lead levels simultaneously, these costs should not be doubled-counted. In light of these considerations, OSHA concludes that the high estimate of $26,000,000 is a reasonable assessment of the upper bound of the potential costs for the zinc industry. Annualized capital costs, therefore, are not expected to exceed $4.6 million.

(i) *Industry Profile.* In 1976, there were 10 companies operating 18 establishments and employing 6,400 production workers in the primary zinc industry (SIC 3333). By 1977, there were 8 companies operating 8 facilities and employing 3,500 production workers. Value added per production worker rose from $8.65 to $16.03 per hour while average hourly earnings of production workers rose from $3.17 to $7.17 per hour (Ex. 476–20). Investments in new capital fell from $25.8 million to a low of $5.9 million in 1969, but have risen since then to $39.8 million in 1977 (Ex. 426–20). Total shipments were valued at $430.7 million in 1977 (Ex. 476–20).

Since 1969, there has been a continuous decline in the production of domestic zinc coinciding with the closure of 9 smelters (Ex. 476–490). Thus, although United States demand for zinc metal over the decade has remained relatively stable, smelting capacity has declined by almost 50 percent. Smelters closed for a variety of reasons, including obsolescence, failure to meet environmental standards, and an inability to obtain sufficient concentrate feed (Ex. 476–490).

ASARCO commented that several operations closed as a result of a downturn in demand lagging the recessionary period of 1974 to 1975 and the long-run trend in substitution away from zinc in the automotive industry (Ex. 475–28). However, the industry has made steady progress in developing and promoting the use of thin-wall zinc diecastings, which are lighter in weight. Thus, zinc has begun to recapture some of the market and currently is used in 150 automotive diecastings compared with 100 in 1978. In addition, the rising costs of substitute materials, such as plastic and aluminum, have increased the competitiveness of zinc in some markets (Ex. 472–26).

Historically, the demand for zinc correlates closely with economic activity (Ex. 476–490). The major use of zinc metal is in the construction industry, which is the major market for zinc-coated or galvanized products, such as structural steel, roofing, siding, guttering and duct material in air conditioning, ventilating and heating systems. Transportation accounts for the second major use of zinc metal. The largest use within this sector is diecastings for automobile components. Zinc is also used as a nonmetallic oxide in the rubber industry, production of photocopying chemicals, and paints. Zinc is most vulnerable to substitution in these nonmetallic uses (Ex. 476–490).

There are currently four domestic producers of primary zinc: AMAX, ASARCO, Jersey-Miniere, and National Zinc. (Ex. 476–489). In addition, St. Joe Minerals has reactivated at 25 percent of capacity its zinc smelting operation. This decision was made because of the discovery of a high-grade zinc deposit in New York (Tr. p. 762–763). Depletion of this deposit is expected to occur within 15 years (Tr. p. 764).

The tenor of zinc ores in the United States tends to be lower than that of foreign ores. Therefore, to ensure a continuing domestic supply and to foster development of domestic low-grade ores, incentives exist to develop and implement efficient mining and extraction processes (Ex. 476–490). However, major United States companies also have substantial interests in foreign zinc mining activities (Ex. 476–49B).

Also, foreign investment by a Belgian firm in the United States zinc industry supplied capital for a joint venture to build an electrolytic, highly automated facility in Tennessee and to develop four mines. In addition, several Japanese companies and a United States oil firm entered into a 3-year partnership to explore for zinc deposits in Tennessee (Ex. 476–49B).

Pilot research in the field of zinc recovery has shown that ores that were previously used to a limited extent or not at all as sources of zinc can become commercial sources of the metal. Specifically, the Kivet CS shaft furnace allows simultaneous smelting of lead and zinc and is ready for industrial scale application in the Soviet Union. Advantages of the process include reduced volumes of waste gas, high metal recovery, improved environmental control of emissions, and lower labor and capital costs compared with conventional smelters (Ex. 476–49B).

The construction of electrolytic plants and the development of hydrometallurgical processes, which will eliminate roasting, can also produce unintended benefits, such as reduced environmental pollution. The newest plant in the United States, a $97 million joint venture of New Jersey Zinc and Union Miniere, uses a highly automated electrolytic process. Some of the plants that closed between 1969 and the present were utilizing obsolete technology and could not meet environmental standards (Ex. 476–490).

Foreign producers with more modern technology and lower labor costs enjoy competitive advantages over domestic

producers. Foreign penetration into the domestic market is approaching 50 percent (Ex. 476–493), and may reach 63 percent by 1981 (Ex. 476–38(b)). However, even absent the OSHA lead regulation, this trend is expected to continue and in fact may be accelerated. Given the current depressed condition of zinc prices in spite of an international cartel active in supporting zinc prices since 1965 (Ex. 476–493), primary producers probably will continue to defer decisions concerning reinvestment in new plant and equipment and more modern technology. Perhaps the cost of such investments will induce a rise in the number of joint ventures to cover the risks of investing in the zinc industry until the development of new markets secures the future of zinc as an industrially important metal.

(j) *Conclusion: Economic Feasibility.* OSHA estimates that the annualized compliance costs in this industry will not exceed $4.6 million, which is only 1.1 percent of the industry's total value of shipments. Therefore the convergence of many factors more significant than the OSHA lead regulation will determine the future of the zinc industry. Current market conditions have resulted in depressed prices in the industry, and the strength of foreign competition is increasing as domestic producers retire obsolete, inefficient plants and deplete domestic ores. Developments of new zinc markets and modernization of technology in the industry may contribute to a brighter outlook for producers. However, if world producers ignore demand, excess supply could force prices down, resulting in lower profits. This might impel additional capacity reductions, which would reduce available supplies in the late 1980s.

OSHA recognizes that the zinc industry is operating is a depressed world market. However, the estimated annualized compliance costs ($4.6 million) are only 1.1 percent of the industry's total value of shipments based on the most recent available data (Ex. 476–20). In addition, most zinc smelters are currently in or close to compliance in most operations.

However, St. Joe contends that it cannot afford to comply with the lead standard at its Monaca smelter because of adverse conditions in the zinc market. This smelter was recently reopened at 25 percent capacity because of the discovery of an ore deposit, which will be depleted in about 15 years. The decision to reopen this smelter was made after promulgation of the lead standard. Therefore, OSHA assumes that St. Joe concluded that the venture would be profitable within the context of a 50 $\mu g/m_3$ lead standard. Operation of the Monaca Smelter at reduced capacity should result in lower air lead levels. However, if unforeseen compliance problems occur, the Agency is willing to discuss those problems with St. Joe.

III. Other Issues

A. *Scope of the Construction Exemption.* The construction industry was exempted from the new lead standard. Since the standard was issued, almost all industries where lead exposures are intermittent, *i.e.*, telecommunications, stevedoring, and shipbuilding, have claimed that this fact alone requires that the exemption be extended to cover their operations.

OSHA's exemption of the construction industry was based on the fact that:

> Construction is a diverse activity about which no valid generalizations can be drawn concerning the nature of lead exposure, the duration of a project, or the duration of an employer-employee relationship, and the record does not support drawing rational distinctions between groups that can feasibly be covered by the standard and groups that cannot.
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>
> Accordingly, OSHA intends to utilize the expertise of the Construction Advisory Committee and will request that it review the rulemaking record and make recommendations on the most appropriate way the lead standard can be applied to the construction industry. These recommendations will then become the basis for a proposed modification to part 1926.
>
> (43 FR 52986)

OSHA's exemption of the construction industry from the lead standard was subsequently challenged by labor and carefully scrutinized by the Court of Appeals, which:

> Agree[d] with the union that OSHA's decision to exclude the workers in one industry from the standard require[d] some explanation, since the statute requires OSHA to protect all workers.
>
> * * * * *
>
> Of course, OSHA would be shirking its statutory responsibilities if it made no effort to protect workers in the construction industry from lead exposure. But we construe OSHA's decision here as one only to exempt the construction industry from this particular standard, not from OSHA jurisdiction generally.
>
> * * * * *
>
> The agency has stated that it has requested its Construction Advisory Committee to review the rulemaking record and to recommend how the agency might fashion a scheme to give construction workers the protection they need. We have no reason to doubt OSHA's assurance that it will take reasonably prompt steps to fashion this protection. So long as it does so, OSHA has met its duty.
>
> *USWA* v. *Marshall, supra,* 647 F. 2d at 1309–10.

Applying these criteria, OSHA believes additional exemptions from the standard are appropriate only for similarly "diverse" industries about which no generalizations regarding the nature and source of lead exposures can be made. Because no other industry shares the characteristics which justify an exemption of the construction industry with the possible exception of stevedoring which has a highly transient workforce, all pending requests for such an exemption are denied.

No other industry except stevedoring can fairly be characterized as sharing the diverse traits of the construction industry. Where the tasks generating lead exposures are repetitive although not necessarily performed at the same location, monitoring results which reflect the levels occurring during lead operations can be obtained and engineering and work practice controls can be designed to contain those exposures; in construction work this would usually not be possible since the nature of exposure for each job differs. Similiarly, where intermittent lead exposures occur at a fixed site (or employees return to a fixed site) hygiene facilities can be constructed; in construction, these facilities would have to be moved with each new job. Finally, since the telecommunications and shipbuilding industries, unlike construction and stevedoring employ stable workforces, the medical survelliance and medical removal provisions of the standard remain applicable; indeed, the importance of these provisions is augmented in light of the 30 day trigger for engineering controls provided for intermittent exposure industries.

B. Maintenance and Repair

OSHA recognizes that workers involved in maintenance and repair operations are placed in circumstances where engineering controls often cannot be used to control lead exposure. Obviously, one of the functions of these workers is to repair the control devices designed to capture airborne lead. Since these devices would be idle during repair and maintenance operations, workers would have to be protected from lead exposure by means other than engineering controls. OSHA acknowledged this condition of industrial life in its discussion of maintenance operations for primary and secondary smelters. The agency conceded that respirators would be

necessary for the protection of maintenance workers in each of these industries. *See* 43 FR 54482/1–2, 54483/3; *United Steelworkers, supra,* 647 F.2d at 1281, n. 128, 1286. Accordingly, if maintenance workers in other industries operate under similar working conditions [8] it would be inconsistent for OSHA not to permit the use of respirators to protect them from lead exposure. In OSHA's view, the fact that respiratory protection may be required during maintenance and repair operations does not detract from a general finding of feasibility for an industry. *See United Steelworkers, supra,* 647 F.2d at 1281, n. 138. Therefore, if an employer can demonstrate that the engineering controls which normally control exposure cannot feasibly be used to control exposure for repair and maintenance operations, the employer may permissibly protect those workers with proper respiratory equipment.

C. Burden of Proof during OSHA Rulemaking

LIA's petition for reconsideration (Pet. at 10) also argues that the remand record must be reopened, *inter alia,* because OSHA failed to carry its burden of proof during the supplemental proceedings. LIA's argument presupposes that during 6(b) rulemaking OSHA must produce evidence supporting its position in a manner similar to that of a plaintiff in an adjudicatory hearing. LIA further implies that OSHA must introduce, by way of direct testimony, evidence supporting the feasibility of a standard, which industry must then be permitted to rebut. LIA continues to argue that if OSHA fails to carry this burden of proof during informal rulemaking proceedings, then the promulgated standard is invalid.

OSHA believes this argument misconstrues the nature of 6(b) proceedings and hereby denies all pending requests for relief from the remand findings which are based on OSHA's alleged evidentiary failures. This is not to say that OSHA has ignored claims for relief where the petitions for reconsideration have highlighted factual errors. The remand findings have been corrected or altered where they were based on inaccurate information.

The Court of Appeals has found that "an OSHA proceeding to set a safety and health standard is obviously rulemaking, not adjudication," *United Steelworkers, supra,* 647 F.2d at 1213 (citations omitted). Since informal agency proceedings are designed to elicit information, no party bears the burden of proof. Once the rulemaking record closes, the Agency then evaluates the evidence and reaches a decision. Should this final rule be challenged, OSHA must demonstrate to the Court of Appeals that its ultimate decisions are based upon "substantial evidence in the record considered as a whole." 29 U.S.C. 655(f). This informal nature of rulemaking proceedings under section 6(b) of the Act should not be altered simply because the proceedings are commenced pursuant to a court ordered remand.

D. Remaining Procedural Claims

The remaining procedural claims in the petitions for reconsideration were raised during the remand proceedings (e.g. Ex. 516) and rejected by OSHA as being "without merit" (46 FR 6136–37). OSHA again rejects these procedural challenges because the Agency believes the remand was conducted in accordance with the requirements of section 6(b) of the Act and the Administrative Procedure Act. No more is required. *See Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council,* 435 U.S. 519 (1978).

IV. EXECUTIVE ORDER 12291

A final regulatory impact analysis has been prepared for this action and is available for copying and inspection by interested persons in OSHA's Docket Office, Docket H–004E, Room S6212, U.S. Department of Labor, Washington, D.C. 20210.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, pursuant to section 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations is hereby amended, for the reasons set forth in the preamble, by revising section 1910.1025 (e)(1) and Table I thereof as set forth below.

Signed at Washington, D.C., this 8th day of December 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended by revising § 1910.1025(e)(1) and Table I thereof to read as follows:

§ 1910.1025 Lead.

* * * * *

(e) *Methods of compliance.*—(1) *Engineering and work practice controls.* (i) Where any employee is exposed to lead above the permissible exposure limit for more than 30 days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (f) of this section. (ii) Where any employee is exposed to lead above the permissible exposure limit, but for 30 days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu g/m^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu g/m^3$.

TABLE I—IMPLEMENTATION SCHEDULE

Industry [1]	Compliance dates [2]		
	200 $\mu g/m^3$	100 $\mu g/m^3$	50 $\mu g/m^3$
Primary lead production	(3)	3	10
Secondary lead production	(3)	3	5
Lead acid battery manufacture	(3)	2	5
Automobile manufacture/solder grinding	(3)	N/A	7
Electronics, gray iron foundries, ink manufacture, paints and coatings manufacture, wall paper manufacture, can manufacture, and printing	(3)	N/A	1

[8] In its petition for reconsideration the Owens-Illinois Corporation reported that its maintenance workers will necessarily be exposed to air lead levels above 200 $\mu g/m^3$ (Ex. 528–13 at 2).

TABLE I—IMPLEMENTATION SCHEDULE—Continued

Industry [1]	Compliance dates [2]		
	200 µg/m³	100 µg/m³	50 µg/m³
Lead pigment manufacture, nonferrous foundries, leaded steel manufacture, lead chemical manufacture, shipbuilding and ship repair, battery breaking in the collection and processing of scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), secondary lead smelting of copper, and lead casting	(3)	N/A	N/A
All other industries	(3)	N/A	2½

[1] Includes ancillary activities located on the same worksite.
[2] Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an 8-hour TWA must be achieved.

3. On effective date. This continues an obligation from Table Z–2 of 29 CFR 1910.1000, which had been in effect since 1971 but which was deleted upon the effectiveness of this section.

* * * * *

(Secs. 6, 8, 84 Stat. 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911)

[FR Doc. 81–35472 Filed 12–10–81; 8:45 am]

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Friday
December 11, 1981

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Reclamation Program; Proposed Revision

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 870, 872, 874, 875, 877, 879, 882, 884, 886, and 888

Proposed Revision of the Abandoned Mine Land Reclamation Program Regulations

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining is seeking comment on its proposed revision of 30 CFR Chapter VII, Subchapter R, regarding the establishment and administration of the Abandoned Mine Land Reclamation Program (AML) by the States and Federal Government as required by the Surface Mining Control and Reclamation Act of 1977, (SMCRA), Pub. L. 95–87 (30 U.S.C. 1231–1273). In response to the Administration's request for regulatory review, the Director of the Office of Surface Mining reviewed and is revising existing AML regulations to clarify the relationships and the responsibilities of the States and Federal Government in implementing a coordinated Abandoned Mine Land Program. These proposed revisions to 30 CFR Chapter VII, Subchapter R, are the result of this review.

DATES: The comment period on the proposed rules will extend until 5:00 p.m., January 11, 1982. Comments received after that time will neither be considered nor included in the administrative record.

Public Hearing.—A public hearing will be held on January 8, 1982, from 9:00 a.m. to 12:00 noon at the following location: Main Auditorium, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. The public hearing is discussed under "Supplementary Information" below.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Interior Building, (AML–01), 1951 Constitution Avenue, N.W., Washington, D.C. 20240. All comments, notices of public meetings, and summaries of the meetings will be available for inspection in Room 153, South Interior Building.

For addresses where additional copies of these proposed regulations are available, see "AVAILABILITY OF COPIES" under "SUPPLEMENTARY INFORMATION."

FOR FURTHER INFORMATION CONTACT:

Don Willen, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining, U.S. Department of the Interior, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 343–7951.

SUPPLEMENTARY INFORMATION:

Public Hearing

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitiate the job of the court reporter. Submission of written statements to the person identified under "For Further Information Contact" in advance of the hearing date will assist the OSM officials by giving them an opportunity to consider appropriate questions which could be used to clarify the statement or elicit more specific information from persons testifying.

Those wishing to testify at the Washington, D.C. hearing should contact: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343–7951.

Persons in the audience who have not been scheduled to speak and wish to do so should register at the hearing and will be heard after the scheduled speakers. Persons not scheduled to testify assume the risk of having the hearing adjourned if they are not present when all scheduled speakers conclude.

Public Meetings

Representatives of OSM will be available to meet between December 11, 1981 and January 11, 1982 at the request of members of the public, State representatives, industry officials, labor representatives and environmental organizations to receive advice and recommendations concerning the content of the proposed regulations.

OSM representatives will be available for such meeting from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m., local time, Monday through Friday, excluding holidays. Summaries of each meeting will be prepared and made available for public review in Room 153 of the South Interior Building.

Persons wishing to meet with representatives of OSM during this time period may request a meeting at the Washington Office or any of the five Regional offices. Persons to contact to schedule such meetings are as follows:

Washington—Don Willen, 202/343–7951
Charleston, W. Va.—Robert Biggi, 304/342–8125
Knoxville, Tennessee—Ralph Cox, 615/637–8060
Indianapolis, Indiana—Richard McNabb, 317–269–2646
Kansas City, Missouri—Dan Jones, 816/374–5162
Denver, Colorado—Wayne Oliver, 303/837–5918

Availability of Copies

Copies of these proposed regulations may be obtained from the U.S. Department of the Interior, Administrative Record Room, (AML–01), South Interior Building, Room 153, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone 202/343–4728 or any of OSM's regional offices.

Summary of Program

The Abandoned Mine Land Reclamation Program was established by the Surface Mining Control and Reclamation Act of 1977, (SMCRA) Pub. L. 95–87, 30 U.S.C. 1201 *et seq.* in response to concern over extensive environmental damage caused by past coal mining activities. The Abandoned Mine Reclamation Fund derives its financing from Title IV of SMCRA which establishes a fee on coal production for the purpose of financing specified Federal, State and Indian reclamation programs. Programs funded by congressional appropriation include grants to States and Indian Tribes to plan and carry out reclamation programs and projects; direct Federal reclamation projects carried out by the Secretary of the Interior through the Office of Surface Mining and other Interior agencies and the Rural Abandoned Mine Lands Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service.

On October 25, 1978, OSM published final regulations implementing an abandoned mine land reclamation program incorporating the provisions of Titile IV of the Act. The regulations established procedures and requirements for the preparation and implementation of State and Indian reclamation programs, consisting of reclamation plans, submission of annual projects and applications for annual grants. Additional parts of this subchapter include provisions for Federal, State and Indian Abandoned Mine Reclamation Funds, general reclamation objectives, rights-of-entry, liens, emergency reclamation acquisitions, disposition of lands and waters, reclamation on private lands, and Indian reclamation programs.

Regulations relating to the amount and collection of fees were promulgated

in 30 CFR Part 837 on December 31, 1977 (42 FR 62713). This part has since been redesignated as Part 870.

Information Collection and Recordkeeping Requirements

The information collection requirements in the existing AML rules were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507. Those approvals were identified in "notes" at the introductions to 30 CFR Parts 870, 872, 877, 879, 882, 884, and 886. OSM will delete those "notes" and codify the OMB approvals under new sections 10 in each of those Parts that contain information collection requirements. OSM is requesting OMB approval of the following new information collection requirements being proposed in this rulemaking: Sections 870.15, 870.16, 877.11, 877.12(b), 879.11(b)(2) and 879.12(a). OSM is also requesting OMB to reapprove the following existing information collection requirements being reproposed in this rulemaking: Sections 870.12, 870.17, 872.11(b), 872.12(a) & (b), 877.13(b) & (c), 879.13, 879.15, 882.12, 882.13(b), 882.14(b), 884.13, 884.15, 886.14, 886.15, 886.18(c)(2), and 886.24. The information is being collected to insure the adequate implementation of approved reclamation programs and to enforce the fee provisions of Pub. L. 95–87. OSM, States and Indian tribes will use the information.

The obligation to respond is required and will benefit the States and Tribes by enabling the allocation of funds for State/Indian reclamation plans and projects.

Introduction to Proposed Regulation Revisions

Pursuant to Executive Order 12291, the Agency is required, within applicable statutory constraints, to choose regulatory goals that maximize benefits to society and to select the most effective means to achieve these goals. In addition, one of the Secretary's goals is to eliminate regulations which are excessive, burdensome or counter-productive. To accomplish this deregulation and regulatory reform and to assure that the Executive Order is carried out, OSM with the assistance of the Secretary's Regulatory Reform Task Force, has reviewed its existing regulations concerning the implementation of the abandoned mine land program and is proposing revisions to 30 CFR Chapter VII, Subchapter R. The Office has sought to provide early and meaningful public participation during its regulatory review. It is willing to meet with any members of the public, State representatives, labor representatives and environmental organizations to receive recommendations concerning the content of the proposed regulations. To this end OSM has met with and has received recommendations from the Interstate Mining Compact Commission (IMCC), which includes representatives from 16 coal mining States. Comments and recommendations received as well as summaries of the meetings are available for inspection in the Administrative Record, Room 153, Interior South Building, Washington, D.C.

Organization

The regulatory revisions being proposed are intended to implement the requirements of the Act consistent with the purposes stated in Section 102(h), its legislative history and the Secretary's commitment to avoid excessive and burdensome regulations. The material is organized into Parts which comprise Subchapter R.

Part 870—Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting

Title IV of the Surface Mining and Reclamation Act of 1977 (SMCRA) directed the Secretary of the Interior to collect per-ton reclamation fees from coal mine operators to support the reclamation and other activities listed under this Title. OSM developed a Reclamation Fee Collection Program and published rules in the **Federal Register** to assist mine operators in meeting their fee obligations to specify management activities for fee collection, and to define a range of compliance activities that includes compliance investigations, audits, debt collection and litigation procedures.

The major components of the fee collection program are the fee collection system, the fee compliance system, and the litigation system.

Fee Collection System: The U.S. Bureau of Mines' (BOM) Finance Branch in Denver, Colorado is OSM's agent for the collection of fund revenues. BOM, through a reimbursable agreement with OSM, is responsible for providing accounting and data processing services to implement and maintain a reclamation fee collection system. These services include: (1) collecting and depositing reclamation fees into the Federal depository, (2) providing an automated information system for fee payments, delinquencies, and program management, and (3) reconciling procedures to make annual allocations of collections for appropriation and use by States and Indian tribes under approved reclamation programs.

Fee Compliance System: Fee Compliance Officers are located in the coal producing regions to insure that fees are collected through appropriate investigation, audit, and collection activities.

Litigation System: The Associate Solicitor, Division of Surface Mining, is responsible for the collection of delinquent fees. The Divison takes enforcement action to collect delinquent fees and provides legal assistance for fee related issues.

On December 13, 1977, OSM published final rules as Part 837 (42 FR 62713) setting forth procedures for payment of reclamation fees and recordkeeping requirements. On May 15, 1978, OSM published an amendment to these rules (43 FR 20793) to establish the interest rate on late payments. These rules were later renumbered in the *Code of Federal Regulations* as 30 CFR Part 870. Although the existing rules have been adequate for the implementation of OSM's Fee Collection Program and for compliance by the coal mining industry, this revision clarifies those regulations regarding the individual responsible for the fee payment; the point of initial sale, transfer of ownership, or use; and the method by which the fee liability is calculated. Furthermore, the current one percent per month interest charge was somewhat of an inducement for timely payments under Section 402(b) of SMCRA in 1978. However, the recent trend toward higher interest rates makes this rate too low. Thus, in § 870.15(c), OSM has proposed an annual rate of 20 percent, based on the average prime rate charged by banks for September 1981. Additionally, the Office proposes to adjust that rate accordingly each year if the average prime rate for September of any given year, rounded to the nearest full percent, varies more than one full percentage point from the interest rate in effect at that time. All definitions included in Subchapter R, AML, have been placed under this part.

Section 870.1 (Scope). The existing section has not been changed in the proposed rules.

Section 870.2 (Objectives). The existing section has been deleted in the proposed rules. The Office considers this section as extraneous to Part 870 because the objectives are clearly defined in SMCRA. The one comment received on this section agreed with the change.

Section 870.3 (Responsibility). The existing section has been deleted in the proposed rules for the same reason as § 870.2. Again, the one comment received on this section agreed with the change.

Section 870.5 (Definitions). All definitions used in Sections 870 through 888 have been moved to this section for clarity and ease of reference. Amended or new definitions are set forth below, along with a discussion of the comments received.

Abandoned Mine Reclamation Fund. In the existing rules and section 401 of the Act, this fund is described as a "trust fund." This has caused certain States to inquire whether trust fund moneys are deposited in interest bearings accounts. Consequently, the word, "Trust," has been replaced by the word, "special," to avoid confusion in the definition. The Treasury does not pay interest on moneys in special accounts unless Congress specifically provides for interest to be paid and makes appropriations for that purpose. Congress has not provided for interest payments in Title IV of SMCRA nor appropriated moneys for that purpose.

Eligible lands and water. This term has been included to clarify what lands and water qualify for reclamation expenditures under Section 404 of the Act.

Expended. This term has been changed in the proposed rules to provide greater flexibility and clarity for the States. The existing definition used the strict interpretation in Black's Law Dictionary: "to pay out or distribute." The new definition provides that expended means that moneys have been obligated, encumbered, or committed for work to be accomplished or services to be rendered. The proposed language was suggested by the States. One commenter believed that this change was unnecessary and that it would promote poor planning and misuse of fund moneys. The Office believes that there are sufficiently stringent financial control procedures required by OMB Circular A–102 to prevent misuse of funds. Furthermore, the Office believes that change will induce affected States to more actively participate in the Abandoned Mine Lands Reclamation Program.

Left or abandoned in either an unreclaimed or inadequately reclaimed condition. This definition has been modified to eliminate the confusion between the findings of "eligibility" and those related to "abandonment" and "inadequate reclamation." The Office recognizes that the findings of eligibility are the specific responsibility of the Office under a Federal program and of the State under an approved reclamation plan and that there is sufficient latitude within these findings for the Office or State to use its discretion on a case by case basis. For instance, the Office considers lands and water still eligible, assuming the other conditions in Section 404 of the Act are met, where all mining processes had ceased but a permit did exist as of August 3, 1977 but the permit has since lapsed and has not been renewed or superceded by a new permit as of the date of the request for reclamation assistance. Or, lands and water are still eligible where a permit has lapsed prior to August 3, 1977 but there have been subsequent reclamation attempts after that date to satisfy State regulatory or bond requirements. These two examples illustrate the complexity of the factual situations faced by the reclamation authorities and the need to consider each project on a case by case basis.

Lignite coal. The comma after the word, "moist," has been deleted from the definition in the existing rules to correspond with the sentence structure in Title VII, Section 701(30). The terms anthracite, bituminous, sub-bituminous, and lignite coal refer to a nationally accepted classification that reflects certain inherent characteristics of coal and not the grade or quality of such coal. Coal is classified according to its degree of alteration, from lignite to anthracite Such classification requires strict sampling techniques. Since lignite coal is subject to a lower fee than other coals, this definition was included in Title VII of the Act to prevent incorrect fee payment.

Operator. This term was included to provide greater clarification for determining reclamation fee liability. The statutory definition in Section 701(13) of the Act must be interpreted within the realities of the industry structure. While the basic fee authority in Section 402 of the Act states, "All operators of coal mining operations subject to the provisions of this Act shall pay * * *." Title V uses the terms "operator," "permittee," and "person" to describe the same entity. Even Section 507, Application Requirements, (Section 507(b)(1)(E)) acknowledges that the operator could be someone other than the permit applicant. To resolve this problem, the Office will look very closely at the business relationships to determine reclamation fee liability, and will pursue a policy of joint liability of involved parties when necessary to recover fees. The new definition provides clear direction for ascertaining reclamation fee liability and should eliminate the inconsistencies and problems raised by the present system.

Permanent facility. This is a new definition resulting from States' comments. It clarifies and provides a more flexible way to define "facility" as it relates to structures and any modification of the surface designed to remain after reclamation.

Project. This is a new definition which should provide the States and Indian tribes the opportunity to define the scope of their projects in concert with their individual abandoned mine land problems and planning efforts. A project may be limited to a single construction site to remedy a single problem, such as filling an open shaft, or it may include more than one construction site such as mine openings, high walls, and revegatating a denuded area. All of these situations might be contained in a single watershed or a soil conservation district. Since a State assumes exclusive responsibility for implementing its approved reclamation program, the Office has attempted to define this term to tive the States and Indian tribes the greatest flexibility in designing individual reclamation projects.

Reclaimed coal. The modification reinforces OSM's position that these operations are subject to the reclamation fee requirements. The authority of the Office to regulate operators involved in the mining and/or processing of refuse coal has been upheld by the U.S. District Court for the District of Columbia. See *IN RE: Permanent Surface Mining Regulations Litigation*, No. 79–1144 (May 16, 1980). Since Section 402(a) of SMCRA requires "all operators of coal mining operations subject to * * * the Act" to pay reclamation fees, and since the mining of coal from silt banks and refuse piles is considered a surface coal mining operation, the collection of the reclamation fee from these operations is proper.

Section 870.11 (Applicability). In § 870.11(b), the term "surface mining" has been changed to "surface coal mining operation" to clarify that both surface and underground mining operations are affected. Sections 870.11 (a) and (c) have not been changed. The phrase "extraction of coal as an incidental sort" in § 870.11(c) is defined in Part 707 of the regulations published in the **Federal Register** (44 FR 15322–15323 (March 13, 1979)). In § 870.11(d), the phrase, "in any twelve consecutive calendar months" has been added to establish a definite time frame.

The authority to recover coal during an approved AML project is provided in Section 412(a) of SMCRA. This section provides the Secretary or the States the authority to do all things necessary to achieve the goals of Title IV. This authority is separate from Title V provisions of SMCRA and § 870.11(c). Each project will be judged on its merits.

The reclamation fee provision may or may not be appropriate.

Section 870.12 (Reclamation fee). Section 870.12(a) has not been changed. Sections 870.12(b) (1), (2) and (3) have been added to clarify the point in time of fee determination, as well as the value and weight parameters for calculating reclamation fees. Section 870.12(b)(2) clarifies that the transportation cost from the mine site to a buyer location should not be considered when determining value, except in the case of captive operations. For such operations, the transportation costs are included in the value determination. The intent of § 870.12(b)(3) is to allow the fees to be based on coal to be sold, and to prevent any deduction for impurities that have not been removed. Section 870.12(d) has been deleted, since it was applicable only for the fourth quarter of 1977.

Section 870.13 (Fee computations). The examples in § 870.13 (a), (b), (c) and (d) were deleted and are provided here. Under § 870.13(a) *surface mining fees,* if the value of a ton of coal is *equal to or greater than* $3.50 per ton, multiply the number of tons produced in the calendar quarter by $0.35. For example, If the tonnage is 1,000 tons×$0.35=$350, which is the fee. If the value of a ton of coal is *less than* $3.50 per ton multiply the value of a ton of coal by the total number of tons produced in the calendar quarter by 0.1. For example, If the value of a ton of coal is $2 and the tonnage is 1,000, then $2×1,000 tons×0.1=$200, which is the fee.

Under subsection 870.13(b), *underground mining fees,* if the value of a ton of coal is *equal to or greater than* $1.50 per ton, multiply the number of tons produced in the calendar quarter by $0.15. For example, If the tonnage is 1,000, then 1,000 tons×$0.15=$1.50, which is the fee. If the value of a ton of coal is *less than* $1.50 per ton, multiply the value of a ton of coal by the total number of tons produced in the calendar quarter by 0.1. For example, If the value of a ton of coal is $1 and the tonnage is 1,000, then $1×1,000 tons×0.1=$100, which is the fee.

Under § 870.13(c), *surface and underground mining fees for lignite coal,* if the value of a ton of lignite is equal to or greater than $5 per ton, multiply the number of tons produced in a calendar quarter by $0.10. For example, if the tonnage is 1,000 tons × $0.10=$100, which is the fee. If the value of a ton of lignite is *less than* $5 per ton, multiply the value of a ton lignite by the total number of tons produced in the calendar quarter by 0.02. For example, if the value is $4 and the tonnage is 1,000, then $4 × 1,000 tons × 0.02=$80, which is the fee.

Under § 870.13(d), *in situ coal mining fees,* if the Btu value of the in situ coal is determined to be 23 million Btu's per ton, then for every 23 million Btu's of gas produced at the wellhead, one ton of coal will be deemed produced for the purposes of this Part. The Btu value of a ton of in place coal shall be determined by analyses, certified by an independent laboratory, of the coal seam that is effected for potential Btu value of a ton of in place of coal. For anthracite, bituminous, and subbituminous coal the fee shall be computed as follows: $F=(G/C)\times V_1$. For lignite coal the fee shall be computed as follows: $F=(G/L)\times V_2$.

Where:

F=Reclamation fee.
C=Million Btu's per ton of coal in place.
L=Million Btu's per ton of lignite in place.
G=Gas produced at the wellhead in million Btu's.
V_1=$0.15/ton equivalent; or if the value of a ton of coal equivalent is less than $1.50, multiply the value by 0.1 and substitute the result for V_1, in the appropriate formula.
V_2=0.10/ton equivalent, or if the valaue of a ton of lignite equivalent is less than $5 multiply the value by 0.02 and substitute the result for V_2 in the appropriate formula. The phrase, "certified through analysis by an independent laboratory," has been added to § 870.13(d) to clarify who must conduct the analysis.

Section 870.15 (Reclamation fee payment). This section was changed to delete provisions no longer applicable (§ 870.15(b) and part of § 870.15(e)) and to reflect the change in the interest rate. The specific mine form notation has been deleted and replaced by language to specify forms approved by OSM.

A new § 870.15(e) has been proposed to required operators to submit negative reports for calendar quarters where no fee liability exists. Currently coal mine operators need only report if coal has been mined during the reporting period. Lack of positive reporting requirements has significantly hampered OSM's collection efforts; a great deal of effort is spent determining whether nonreporting operators had zero production or failed to report an amount of tonnage on which fees are payable. If operators were required to report when zero tonnage was involved, OSM would be able to determine efficiently which accounts are delinquent, to update the list of active mine operators and to update coal production and sales data for each mine.

The change to "forms approved by OSM" was supported by one commenter, and one commenter supported the change in the interest rate. Another commenter suggested that additional language be added to (b) for clarification purposes. This comment was accepted. In addition, the Office added language to (b) to specifically state that Section 402(c) requires an operator to have the applicable form notarized.

Section 870.17 (Compliance authority). This is a new section that provides authority for examination of the buyer's records for the initial sale or transfer of ownership and for situations where coal is sold to the operator.

Part 872—Abandoned Mine Reclamation Funds

The United States Department of the Treasury established an account on its books in accordance with Title IV provisions of Public Law 95–87 and Treasury's rules for a fund of the type. Section 401(a) creates the authority for the account:

> There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund") which shall be administered by the Secretary of the Interior * * *

Section 401(d) delineates availability and purpose of account moneys:

> Moneys from the fund shall be available for the purposes of this title, only when appropriated therefore, and such appropriations shall be made without fiscal year limitations.

These provisions provide the authority for a fiduciary relationship whereby the Congress controls the use of fund moneys for Title IV purposes by the appropriation process, and the Treasury maintains the amounts collected in a special account. Treasury does not pay interest on funds in special accounts unless Congress has specifically provided for interest to be paid and made appropriations for that purpose. There are no such provisions in SMCRA for Title IV.

The United States Bureau of Mines' (BOM) Finance Branch in Denver, Colorado is OSM's agent for the collection of fund revenues. BOM, through a reimbursable agreement with OSM, is responsible for providing accounting and automatic data processing services to implement and maintain a reclamation fee collecting system. These services include: (1) collecting and depositing reclamation fees into a Federal depository, (2) providing an automated information system for fee payments, delinquencies, and program management, and (3) reconciling procedures to make annual allocations of collections for appropriation and use by States and Indian tribes under approved reclamation programs.

Fund revenues are derived from per-ton reclamation fees and late payment interest charges, sales of acquired lands, and donations. The fees and interest charges are paid by coal mine operators and submitted with production and reclamation fee reports for payment identification and credit to OSM's Fee Collection and Assessment Unit.

Funds collected are controlled by Deposit Tickets (prepared by the collection officer), Debit Vouchers issued by the Federal depository for uncollected checks, and Refund Schedules for overpayment (prepared by the Bureau of Mines Finance Branch). These transactions are identified by mine operators as well as by mine and geographic location. Data from OSM approved forms OSM 1.1.A submitted by mine operators with their payment are coded and stored in OSM's ADP system for compliance and disbursement purposes. Net collections (per deposit tickets, debit vouchers and refund schedules) are reconciled on a monthly basis with the amounts reported by mine operators on OSM's approved forms.

All accounts are closed at the end of business on September 30, the final day of the Federal fiscal year (FY). The System is reconciled and collections are identified by State and Indian Lands. Fifty percent of the FY collection is reserved for use by States and Indian tribes to carry out approved reclamations programs. The remainder may be expended by the Secretary of the Interior through the Director, OSM, to meet the objectives of Title IV. Any errors found in prior year allocations are corrected in current allocations. This financial information provides one of the bases for budget requests to support Title IV programs.

The part has been considerably shortened by deleting in their entirety § 872.2 (Objectives) and § 872.4 (Responsibilities), moving § 872.5 (Definitions) to Part 870, and combining §§ 872.12 and 872.13 (State and Indian Abandoned Mine Reclamation Funds) into one section. A major change to the existing rules is a new § 872.11(b)(2)(ii) that provides States with a commitment by the Office that will afford States every opportunity to use allocated moneys.

Section 872.1 (Scope). This section has been changed to reflect the deletions of this part.

Section 872.2 (Objectives). This section has been deleted since SMCRA provides an overview of the Abandoned Mine Land Reclamation Program, and the detailed procedures relative to program funds are covered in the proposed rules. The one comment received agreed with the deletion.

Section 872.4 (Responsibilities). This section has been deleted due to the Office's planned reorganization. If there is a need for this information in the future, the Office will consider amending its regulations.

Section 872.5 (Definitions). Definitions were moved to Part 870 in the July 17, 1981 draft of the proposed rules to provide easy reference for all definitions of Subchapter R.

Section 872.11 (Abandoned Mine Reclamation Fund). Except for the deletion of the reference to 30 CFR Part 822 in 872.11(a)(3), § 872.11(a) remains the same. Section 872.11(b)(1) remains the same. A new (ii) has been added under § 872.11(b)(2). This addition is the result of the following activities:

The Interstate Mining Compact Commission (IMCC), on behalf of member States, petitioned the Director, Office of Surface Mining (OSM) to initiate rulemaking procedures that would amend 30 CFR 872.11(b) to preserve States' 1978 and 1979 reclamation fee allocations for an additional three years. This amendment would prevent the Director, OSM, from using these funds during this period, while guaranteeing their availability for States' use under approved reclamation programs. The existing rule allows the Director to use States' allocations if they have not been granted within three years after allocations. Notice of the petition was published in the **Federal Register** (46 FR 20688), with a request for comments. Of the twenty-one comments received, all generally supported the proposed amendment. Despite this support, the Office believes that such actions might contravene the intent of Congress as set forth in section 402(g)(2) of the Act. This section provides the Secretary with discretionary authority to utilize in any section of the country funds allocated to the States but not expended within three years. Recognizing the merits of the petition, however, OSM modified the proposal to satisfy the States' concerns without jeopardizing the Secretary's authority.

Section 872.11(b)(3). The term "Indian Lands" was changed in error to "Indian Reservation" in the preproposed rules. This error has been corrected in the proposed rules. One commenter stated that this change was appropriate because the term "Reservation" is somewhat defined by law while a definition of "Indian Lands" is not available. Until this definition problem is resolved, the Office will take extra precautions to record the collection of fees on questionable areas thereby insuring that the States/Tribes receive their appropriate share.

Section 872.11(b)(5) has been changed to reference the applicable statutory provisions rather than cite specific uses. One commenter was concerned the deletion of these provisions would negate funding for the development of State reclamation plans. This change will not affect the availability of funds for these efforts. The Office will continue to provide the necessary funds to cover the initial cost of plan preparation.

Sections 872.12 and 872.13 (State and Indian Abandoned Mine Funds). These sections were combined into § 872.12 to eliminate duplication. Also, extraneous language has been deleted. The two comments received regarding this change were positive.

Part 874—General Reclamation Requirements

Part 874 sets forth requirements relating to eligibility and selection of reclamation projects that are applicable to the Rural Abandoned Mine Program administered by the Secretary of Agriculture under Title IV, and those reclamation activities to be carried out directly by the Office. All references to State and Indian Reclamation Programs have been deleted from Part 874 because Title IV of SMCRA clearly sets forth the reclamation requirements binding on these programs.

Section 874.1 (Scope) has been modified to reflect the removal of requirements for evaluation, which are discussed under § 874.14. Section 874.2 (Objectives) was deleted to avoid repetition of statutory language.

Section 874.11 (Applicability) has been modified to limit the scope of Part 874 to those programs administered by the Office and by the Rural Abandoned Mine Reclamation Program.

Section 874.12 (Eligible lands and water) has been modified to apply only to eligible coal lands and water and has been renumbered. One State commented that the language of § 874.12 should be changed to clarify that all three conditions for eligibility (paragrpahs (a), (b), and (c)) must be met. The Office agreed and made appropriate changes. Section 874.12(b) (Reclamation of non-coal mined lands and water) has been redesignated Part 875. See preamble discussion of Part 875 for the reasons for the redesignation.

One State commented that the August 3, 1977 date for determining eligibility in § 874.12(b) should be changed to May 8, 1978, since no Federal surface mining regulations were in effect until that date. The Office rejected this comment

because the language of § 404 of the Act (30 U.S.C. 1234) and the legislative history mandate August 3, 1977.

Section 874.13 (Reclamation objectives and priorities) has been modified to exclude State and Indian Reclamation Programs. Two State commentors agreed with this approach. One State commentor suggested that reference should be made to the Office's reclamation guidelines (45 FR 14812) to determine competing reclamation priorities. The Office accepted this comment because Part 874 now applys only to Federal reclamation programs. The States determine their own criteria for competing reclamation projects as long as the priorities are consistent with section 403 of the Act.

Section 874.14 (Reclamation project evaluation) has been deleted since the State primacy provisions of section 101(f) (30 U.S.C. 1201) and section 405(d) (30 U.S.C. 1235) of SMCRA give States responsibility for project evaluation under approved State Reclamation Programs. Three State commentors and one industry association agreed with the Office's decision to delete § 874.14 as unnecessary since section 405(i) and (j) (30 U.S.C. 1235) of the Act give direction for program and project evaluation. One public interest organization disagreed with this deletion on the grounds that regulation is needed to ensure that AML expenditures are consistent with the Congressional intent and are insulated from State political pressures. The Office rejected this comment since Congress intended the States to have primacy under Title IV and primacy does not relieve the Office of its responsibility to monitor expenditures to ensure that the intent of Congress is implemented.

Part 875—Non-Coal Reclamation

Section 874.12(b) has been redesignated as Part 875 to avoid confusion between the reclamation requirements for coal mined lands and water contained in Sections 403, 404 and 412 (30 U.S.C. 1233, 1234 and 1242) and from those for non-coal mined lands and water contained in section 409 (30 U.S.C. 1239). Part 875 establishes requirements for reclamation of non-coal mined lands and water conducted under Title IV by the Office, the Secretary of Agriculture, and State and Indian Reclamation Programs.

Section 875.1 establishes the scope of Part 875 to be the land and water eligibility requirements for non-coal reclamation.

Section 875.12 gives eligibility requirements for non-coal mined lands and water. The Office has reviewed the legislative history of section 409 and concluded that Congress intended that the eligibility requirements for non-coal reclamation be consistent with the statutory eligibility requirements contained in section 404 of SMCRA (30 U.S.C. 1234) for coal mined lands and waters. Since the source of funds for all reclamation conducted under Title IV of SMCRA comes from a fee collected from coal mine operators, less stringent requirements for non-coal reclamation cannot be logically justified in fairness to the coal mine operators. Moreover, there is no basis in the legislative history of section 409 (30 U.S.C. 1239) to justify a conclusion that Congress intended to allow funding for reclamation on non-coal mined lands and water abandoned after August 3, 1977.

Section 875.12(c) is necessary to clarify the meaning of the words "continuing responsibility" in section 404 (30 U.S.C. 1234) of SMCRA. Continuing responsibility will be determined by State statutes and not by common law. In addition, the language was broadened to allow lands to remain eligible if a forfeited bond is insufficient to conduct adequate reclamation.

Section 875.13 is included to clarify that the requirements for non-coal reclamation are limited to those contained in section 409 (30 U.S.C. 1239) of SMCRA.

Part 877—Rights of Entry

Part 877 establishes procedures for the Office to obtain entry on private lands for purposes of carrying out reclamation activities. The rules state a policy preference for entry under a written consent from the owner rather than under the police powers provided in Sections 407 (a) and (b) and 410(b) of the Act. Non-consensual entry will be undertaken only after due care and deliberation have exhausted all possibilities of obtaining written consent. Notice requirements and procedures for certain written findings are provided for those cases when written consent cannot be obtained.

Section 877.1 (Scope) was modified to remove the reference to States or Indian tribes. This part now only contains requirements for the Office to obtain rights of entry. States and Indian tribes will follow their own requirements, as outlined in their approved State or Indian reclamation Plans.

Section 877.11 (Written consent for entry) was modified at the suggestion of States to eliminate the use of the words, "police power." In either case, entry will be undertaken only after exhausting all possibilities of obtaining written consent.

Section 877.12 (Entry for studies or exploration) in the current regulations was eliminated because the language in § 877.11 is broad enough to cover studies and exploration as reclamation activities and need not be emphasized under a separate section.

Section 877.13 (Entry and consent to reclaim) was modified to eliminate the references to States and Indian tribes for the reason cited in § 877.1. Section 877.13 (a) and (b) were rephrased to emphasize the policy of obtaining consent of the owner as the desired means and itemizing the requirements to be met for non-consensual entry if consent cannot be obtained.

Section 877.14 (Entry for emergency reclamation) was retained as in the current rules except that detailed requirements provided in the Act and other requirements itemized in other sections of the rules were eliminated and replaced by a reference to the appropriate section of the Act or regulations. Section 877.14(d) was eliminated in its entirety, since it is contained in Section 410(b) of the Act and need not be repeated.

Four comments were directed to entry onto private lands to conduct reclamation activities. While all supported the preference for landowner consent as a prerequisite, two were concerned that the change would restrict the use of police power for entry and thereby delay abatement of threatening conditions, particularly for emergencies. It is their contention that the use of a broad exercise or police power is mandated by statute.

The broad use of police powers for entry on private lands, authorized in the statute, is not controverted by the rule change that states a preference for landowners' consent for entry on private lands. The Office has taken a judicious approach to police power entry in full recognition of the threatening conditions at hand. States or Tribes are free to use their police powers as broadly or as narrowly as their statutes permit.

Part 879—Acquisition, Management and Disposition of Lands and Water

Part 879 reflects several provisions of Title IV of the Act concerning the acquisition, use, and disposal of lands and water for emergency and reclamation purposes. States raised two general issues concerning this part of the current regulations. These were whether acquired land must serve recreation, historic, conservation and reclamation purposes or provide open space benefits exclusively and what constitutes permanent facilities as mentioned in § 879.11 of the rules.

The Act provides that reclamation can be done on private property. Land acquisition by the Office, States and Indian tribes will be restricted to those situations where reclamation cannot be done without acquiring the land. In those cases, the Act spells out certain requirements; i.e., the land will serve recreation, historic, conservation and recreation purposes or provide open-space benefits. This does not mean that the land must serve *all* these purposes or *only* these purposes. It is also not necessary that the total area continue to be used *exclusively* for reclamation purposes for an indefinite period of time. Lands can be acquired for a variety of future uses. Multiple use purposes should be encouraged, so long as such uses are not inconsistent with the reclamation objectives and as long as one of the uses meets one requirement of the Act.

The States asked that the Office provide a definition of "permanent facilities." This definition has been included in § 870.5. States and Indian tribes may adopt this definition as they deem appropriate.

Section 879.1 (Scope) has been modified to include emergency projects, and to insure that State and Indian tribe acquisition procedures are included in their reclamation plan.

Two comments were received that emphasized that States and Tribes should be required to use procedures consistent with the goals of the Act. This consistency is insured by the Office's mandated review of State and Tribal procedures.

Section 879.11 (Land eligible for acquisition) was changed to add § 879.11(b)(2). The Office felt that the awkward sentence structure beginning, "or that public ownership is desirable to meet an emergency situation and prevent a recurrence of adverse effects of past coal-mining practices," was not meant to apply to coal refuse piles in particular, but to emergency situations generally. This subpart provides the Secretary with the authority to acquire land in emergency situations where no other viable means are available to abate an immediate threat to human life. Examples of permanent facilities in § 879.11(a)(2) were deleted, since they are now included in § 870.5. Section 879.11(c) was changed to reference Section 407 of the Act rather than repeating such requirements in the rules. Section 879.11(d) was modified to change a reference from § 874.12(b) to Section 875, because reclamation on non-coal areas in now covered in this new section

Three comments were received relative to the changes in § 879.11(b)(2). One comment indicated that the change lengthened the time for obtaining funds for acquisitions in emergency situations. Two commenters felt that the change was an effort to tie the acquisition of coal refuse piles to emergency situation and thereby lessen citizen participation.

The changes made are: (1) States or Tribes have the responsibility to make written findings for acquisition of coal refuse disposal sites and (2) the Office expanded the Secretary's authority to acquire land in an emergency. The previous rules were incorrectly interpreted so as to limit the Secretary's authority to acquire coal refuse sites only. The change allows the Secretary to acquire land in any emergency where public ownership is necessary. Acquisition of coal refuse piles remains as before.

Section 879.2 (Procedures for acquisition) was changed to eliminate the phrase, "of the fair market value," at the beginning of § 879.12(a) and "professional" before "appraiser" in this same subsection. Appraisals of fair market value are required later in this subsection, and professional appraisers are required under the handbook reference. State comments suggested that the proposed change to § 879.12(a) would allow anyone to make an appraisal, and cites Pub. L. 95–87, Section 408(a) as requiring the services of an independent appraiser. The Office considers the language used in § 879.12(a) to be adequate, since these requirements are as set out in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646). Section 408(a) of SMCRA refers only to appraisals made in the case where a lien situation is pending or may occur as a result of the reclamation project improvements. The reference to the handbook for procedures and requirements of the Uniform Appraisal Standards for Federal Land Acquisition implies that competent, knowledgeable staff must be employed, by necessity, to develop appraisals as each need occurs.

Section 879.12(d) was changed to eliminate all references governing land acquisition except for the Uniform Relocation Assistance and Real Property Acquisition Policies Act. This is the one requirement that must be met for all federally assisted real property acquisitions. Other requirements for Federal, State and Indian acquisitions may be included in internal policy documents. Sections 879.12 (e), (f), (g), and (h) have been eliminated because requirements for federally assisted land acquisitions are standardized and need not be repeated in this subsection.

The Office emphasizes that there are basically two requirements for land acquisition: (1) compliance with Section 407(c) of the Act; and (2) compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and Department of the Interior regulations implementing this Act. States and Tribes may use procedures already in place as long as they are in compliance with (1) and (2) above.

Sections 879.13 (Acceptance of gifts of land). Section 879.13 (a) and (b) were rewritten to eliminate Federal requirements governing acceptance of gifts of land. If the gift is to the Federal government, the donor must comply with existing Department of the Interior regulations. If the gift is to States or Indian tribes, the gift must be consistent with existing State or Tribal laws. Section 879.13(c) was deleted because these requirements are contained in existing Interior regulations or have been incorporated into §§ 879.13 (a) or (b).

Section 879.14 (Management of acquired lands) has been modified by incorporating §§ 879.14 (a), (b) and (c) into one section and referencing the requirements contained in Section 407(f) of the Act.

Section 879.15 (Disposition of reclaimed lands). Section 879.15(a) has been modified to eliminate restating requirements already contained in Section 407(g)(2) of the Act. Sections 879.15 (b) and (c) in the existing rules were combined into one § 879.15(b) and broadened to allow for transfer of title to land acquired by the Office to States, Tribes or their political subdivisions. The provision for transfer of administrative responsibility for land acquired by the Office to another Federal agency has been retained. Section 879.15(d) in the existing rules has been clarified and designated as § 879.15(c). Section 879.15(e) in the existing rules has been modified to eliminate restating requirements contained in Section 407(e) of the Act, and designated as § 879.15(d). Section 879.15(f) in the existing rules was broadened to enable States, public agencies or nonprofit organizations designated by States to receive grants to acquire land for housing. This subsection is now designated as § 879.15(e). Section 879.15(f) reflects this same change.

Section 879.15(g) has been rewritten to better structure the subsections and broadened to allow States to transfer title and administrative responsibility for land to cities, municipalities, or quasi-governmental bodies. Certain States requested that landowners be

given the right to buy back land after reclamation. This was not included in the proposed regulations because States may provide for this buy-back privilege in their reclamation plan or State regulations.

One commenter requested that § 879.15(a) list Subsection 407(g)(1) as well as Subsection 407(g)(2) as authority. Reference to Subsection 407(g)(2) is retained because Subsection 407(g)(1) applies to land disposed of by public sale. Subsection 407(g)(2) was used because it provides requirements for public notice of hearings for any land disposed of, by public sale or otherwise.

Part 882—Reclamation on Private Land

Part 882 states the authority of the Office, States and Indian tribes to perform reclamation on private lands. It establishes a requirement for appraisals of the land value on lien situations before and after reclamation work consistent with uniform appraisal standards. The rules also establish conditions and procedures for the filing of liens on private property equal to the increase in fair market value that results from reclamation work under certain circumstances.

Section 882.1 (Scope) is retained as it appears in the present rules.

Section 882.11 (Operations on private lands) was deleted in its entirety because the requirements are contained in Section 877 and need not be repeated in this Section.

Section 882.12 (Appraisals). One commenter suggested using the more restrictive phrase "when a lien is not waived and the property is subject to a lien" to determine the requirement for appraisals. This language is too restrictive since there are occasions when the appraisal must first be performed to determine if a lien shall apply. This section was modified to require appraisals only on those projects that may be subject to a lien situation. As originally written, it was implied that appraisals were required in every instance. The reference that all appraisals shall meet the quality of appraisal practices found in the handbook on "Uniform Appraisal Standards for Federal Land Acquisition" is eliminated and replaced with the requirements that the Office will provide appraisal standards for Federal projects, and the State or Indian tribes will provide appraisal standards for State or Tribal projects. Two commenters suggested performing "before" and "after" appraisals at the same time, with the caution that substantial field changes be considered for reappraisal. Section 882.12(b) has been rewritten to indicate that post-reclamation appraisals can be obtained prior to reclamation, in some instances. In many cases, when reclamation is short term, the appraisals of both the unreclaimed and reclaimed property can be performed at the same time. However, appraisals on projects where reclamation activities take more than six months should be performed after completion of reclamation to assure that appreciation due to reclamation is reflected in value.

Section 882.12(c) was modified at the request of the States to require that the landowner be provided with a statement of the increase in market value only in those cases where a lien is to be filed. Section 882.12(d) was deleted because appraisal requirements for non-lien situations for Federal projects will be contained in OSM policies and procedures and States and Indian tribes will develop their own appraisal requirements in non-lien situations.

Section 882.13 (Liens). Four comments were received relative to § 882.13. Three urged that the rule more accurately reflect the language of Section 408 of the Act. The change effected in § 882.13(a) now gives the Office, State or Tribe the discretionary authority to place or waive a lien on reclaimed land. Another comment urged a rule change to allow States or Tribes to establish priority of AML liens in accordance with State laws. The language has been changed to reflect the fact that State laws and State court decisions apply to lien priorities. Section 882.13(a) has been modified by eliminating "shall" in the present rules and replacing it by "has the discretionary authority to" and inserting "significant" before "increase in the fair market value." This change was requested by the States and reflects Congressional intent of Section 408 of the Act. Section 882.13(b) was changed to remove the reference to the priority of the lien as being second only to any lien of real estate taxes imposed upon the land. Liens are governed by existing State and Federal laws which may be different from the requirements stated in the current rules. Therefore, this reference was deleted and substituted with the requirement that the lien is to be recorded in compliance with existing Federal or State laws. Section 882.13(c) has been retained as it appears in the present rules.

Section 882.14 (Satisfaction of liens) is retained as it appears in the present rules.

Part 884—State Reclamation Plans

Part 884 establishes the content of the State plan required by § 405(b) (30 U.S.C. 1235) of the Act.

Section 884.1 establishes the scope of Part 884. The Office has decided to delete portions of § 884.1 already contained in SMCRA. Section 884.2 (Objectives) was deleted for the same reasons.

Section 884.11 (State eligibility) has not been changed. This requirement remains necessary to clearly set forth the requirements of SMCRA. One State commenter agreed that the section is necessary because it clarifies the intent of the Act. Another State commenter requested that the regulation be changed to delete the requirement of an approved State regulatory (Title V) program because a State AML Program could be stalled if regulatory program (Title V) approval was not granted. The State commenter's suggestion of deleting reference to an approved State regulatory program was rejected based on the clear intent of Congress under Sections 405(c) and (h) (30 U.S.C. 1235) of the Act that approval of Title IV State abandoned mine land programs be contingent on approval of Title V State regulatory programs.

Section 884.12 (Activities eligible for inclusion in State Reclamation Plans) has been deleted to avoid duplication of § 405 of SMCRA (30 U.S.C. 1235). Section 884.12(d) has been designated § 884.17. See preamble discussion to § 884.17.

Section 884.13 has been substantially modified based on State comments. The effect is to limit the opinion of the State's or agency's legal officer to the authority of the agency under State law to conduct the Title IV program of SMCRA. The modification is consistent with the requirements of section 405 of the Act (30 U.S.C. 1235).

The work "detailed" and the phrase "but not limited to" were deleted from § 884.13(c) because they are unnecessary to clarify the words of the regulation or the requirements of the Act. One public interest organization opposed the changes on the grounds tha the Secretary could not properly discharge his duties under section 503 (30 U.S.C. 1233) without sufficient detail to ensure compliance and capability by the State in enforcing its program. The Office disagrees since the Secretary has sufficient authority to monitor the progress and quality of State and Indian programs under section 405(i) (30 U.S.C. 1235). The word "purposes" is substituted for the words "goals and objectives" in § 884.13(c)(1) to conform to the explicit wording of section 405(e) of SMCRA (30 U.S.C. 1235). Although commenters on the proposed rules suggested deleting § 884.13(c)(3) becaus it was not explicitly required by

SMCRA, the Office has decided to retain the regulation to avoid duplication of reclamation efforts. Section 884.13(c)(4) combines public participation requirements for coal and non-coal reclamation and for public participation in the preparation of the State Reclamation Plan. It deletes specific requirements as to how the State shall implement public participation since such participation in reclamation plans and programs is required by section 102(i) of the Act (30 U.S.C. 1202).

One public interest organization disagreed with the Office's decision on § 884.13(c)(4) since the Office's rules should implement the statute and since "economy in words does not necessarily correlate with efficiency of regulations for the State or the industry." While the Office agrees with the general statement of the commenter, it has decided that section 102(i) (30 U.S.C. 1202) is clear in its citizen participation requirements. Since the Office is bound to implement this specific intent of Congress, it is not necessary to duplicate the language of the Act in the regulation.

Section 884.13(d) has been rewritten to preclude repetitious phrases. Other non-substantive changes were made to clarify the text.

Section 884.13(e) has been consolidated with § 884.13(c)(4), as discussed previously, and § 884.13(f) is redesignated (e). The phrase "derived from available data" is added to the introduction in order to clarify the intent of the Office that the State may not need to develop new data to comply with the provisions of § 884.13(f). The required map scale of 1:250,000 was deleted to avoid excessive map reproduction costs.

The requirement of existing § 884.13(f)(4) that the State Reclamation Plan contain a table summarizing the quantities of land and water proposed for reclamation has been deleted since such estimates cannot be obtained until completion of the National Inventory.

The requirements of existing § 884.13(f)(5) have been substantially modified in proposed § 884.13(f) by deleting the required narrative descriptions of sociologic and demographic characteristics; hydrology; flora and fauna; underlying or adjacent beds of commercially mineable coal and other minerals and materials and projected methods of extraction; and the anticipated benefits from reclamation. These requirements were deleted at the request of State commenters and to more accurately reflect that the State need provide only available information.

Non-substantive changes were made to § 884.13(f) for purposes of clarification.

The time for the Director to act upon a submitted Reclamation Plan was increased from 60 days to 90 days in § 884.14 to accommodate review requirements. One State commenter agreed and another State commenter disagreed with the change.

Non-substantive changes, supported by one State commenter, were made to remove redundant language in § 884.15

The words "suspension of plan" are substituted for "withdrawal of plan approval" and "withdraw" is changed to "suspend" in §884.16 to make the regulation consistent with section 405(c) of SMCRA (30 U.S.C. 1235). A State commenter supported the change since it precludes submittal of new plans when the Office takes action against a State. A public interest organization opposed the change since it contends that section 405(d) of the Act mandates "withdrawal." The Office decided that suspension of a State reclamation plan is sufficient to achieve the purposes which Congress intended in Title IV.

New § 884.17 is the former § 884.12(d). The Office decided to add this section on impact assistance in order to avoid confusion as to when impact assistance is available and how it can be obtained. The regulation parallels the language and requirements of section 402 of SMCRA (30 U.S.C. 1232). One State commenter supported this change.

Part 886—State Reclamation Grants

Part 886 sets forth the procedures and requirements for annual grants to States to conduct reclamation activities under their approved Reclamation Plans. Based on Comments received from the States and from a public interest organization, the Office has decided to include the major requirements for State reclamation grants in the form of Part 886 regulations rather than in a separate publication.

State commenters requested exemption from the requirements of Office of Management and Budget (OMB) Circulars A–95 and A–102. Discussions with OMB indicate such exemption to be impossible. However, the Office has attempted to minimize the reporting requirements imposed upon the States in the administration of grants under the OMB Circulars.

A reference to the Office's Final Guidelines for Reclamation Programs and Projects (45 FR 14810–14819 March 6, 1980) was included in § 886.1 (Scope) in order to provide program guidance.

Section 886.2 (Objectives) has been deleted to avoid duplication with SMCRA.

The requirement of existing § 886.12(a) that moneys expended by States to cover direct costs for services and materials from other State agencies or local governments be approved by the Office has been deleted. The words "local government" have been changed to "local jurisdictions" in order to provide increased flexibility in working with local agencies. States do not have to limit cooperative efforts to only those units designated as local governments under State statutory provisions.

The words "to the extent technologically and economically feasible, public facilities that are planned, constructed or modified in whole or in part with abandoned mine land grant funds should utilize fuel other than petroleum or natural gas" are added to § 886.12(b) in order to comply with Executive Order No. 12185.

Section 886.13 (Grant period) has been substantially modified based upon a petition to amend the regulations filed by Wyoming. The petition requested that the project grant period be extended beyond 3 years if the objectives of Section 403 (30 U.S.C. 1233) and Section 409 (30 U.S.C. 1239) of SMCRA are completed. It would allow States to obtain grant funds for coal impact assistance under § 402(g)(2) of SMCRA (30 U.S.C. 1232) even though the last remaining priority reclamation projects of Section 403 and Section 409 of SMCRA had not been completed if:

1. Funding has been obtained to complete all of the § 403 and § 409 priority reclamation projects;
2. An extended period of time is necessary to accomplish § 403 and § 409 projects;
3. There are adequate plans completion dates; and
4. Sufficient funds have been allocated to the State or Tribe under § 872.11(b)(2) to complete Section 403 and Section 409 projects, including provisions for corrective work on completed projects.

State commenters on the preproposed regulations requested that the word "or" be added to preproposed § 886.13(b)(1), the words "provided that" be added to (b)(2) and the word "and" be added to (b)(3). The effect of the request from the State commenters is to extend the provision for grant funding beyond 3 years for grants which meet the conditions of either § 886.13(b) (1), or (2), instead of both of the requirements. The suggested modification has, therefore, the effect of allowing other grant period extensions than those which facilitate, as Wyoming intended, coal impact assistance funding.

The Office has decided that the request of the State commenters to amend § 886.13 is not necessary since grant extensions can be achieved under

the provisions of § 886.17. The purpose of proposed § 886.13(b) is to facilitate the consideration of coal impact assistance projects which would otherwise be delayed if all Section 403 and Section 409 reclamation projects had to be completed.

In the preproposed regulations, the Office elaborated on the requirements of § 886.14 regarding the States' estimated annual budget submittals to require further detail to help the Office justify the State reclamation project requests. Based on State comments on the preproposed regulations, the Office decided to leave the substance of § 886.14 unchanged because the State commenters contended that the information which the Office proposed that the States provide would be too difficult for the States to obtain with a high degree of reliability.

The Office decided to clarify the language of § 886.14 by limiting the section to the annual submission of projects required by section 405 of the Act.

The Office will develop a system for obtaining the data it will need to justify its requests for appropriations from the Congress. At the request of the State commenters, a provision was added that allows the State to include in their grant requests funds required to prepare the annual submission of projects.

Section 886.15(a) has been changed to clarify that a State may submit a grant application at any time and that the Office has 90 days to act upon the application. This is the intent of the existing regulation and, therefore, the change is not substantive. The proposed regulation sets forth a requirement, requested by the State commenters, that the Office must act on a resubmitted grant application within 30 days of its resubmittal. The Office accepted this request because it assists the States to manage their grant activities. The remaining parts of § 886.15 have not been substantially changed. Section 886.15(g) has been deleted because it duplicates the wording of paragraphs (a) and (b).

Section 886.16 remains the same except for editorial changes and the words "or local agencies" in § 886.16(a)(4) are added. The effect of the change is to allow transfers of funds to local jurisdictions in addition to State agencies consistent with the change to § 886.12(a). See preamble discussion to § 886.12(a).

Section 886.17 (Grant amendments) has been renamed "Grant revisions" in order to be consistent with the wording of OMB Circular A–102. This change is also reflected in the text of the regulations. Section 886.17(b) has been changed to place upon the Director the reciprocal responsibility of informing the Agency in writing of any events or changes that may cause the Office to initiate a grant revision.

A new provision, § 886.17(b)(2), has been added to be consistent with the changes discussed under § 886.13. Existing § 886.17(b)(2) has been redesignated as § 886.17(b) (Budget Revisions) at the request of State commenters on the preproposed regulations. The substance of the regulation has not been changed. The reason for the change is that the Office has decided that a separate section will avoid possible confusion since grant revisions and budget revisions are separate and distinct processes.

Section 886.18 (Grant suspension) has been modified, as requested by State commenters on the proposed regulations, to increase the time limit from 10 to 30 days written notice of the intent by the Director to reduce, suspend or terminate a grant. The Office decided to make this change because it provides the States with more timely notice.

Section 886.21 has been modified to delete unnecessary words. Since the grant agreement sets the conditions for allowable costs, it is unnecessary to put these conditions in the text of the regulations.

Section 886.23 has been modified to require quarterly as well as annual reports. This rule change is necessary for proper oversight and management of the program by the Office under Section 405 (i) and (j) of SMCRA (30 U.S.C. 1235). Such increased reporting is necessary due to the size of anticipated grants, and the number, type and duration of individual projects. The annual report for construction projects will be combined by the Office with the final report on the administrative grant to meet the requirement of section 405(j) for an annual report, and thereby eliminate the need for the annual report from the State/tribe reclamation agency. In addition, many project plans will necessarily need modification affecting both the financial and performance aspects of approved projects about which OSM must be made aware.

Part 888—Indian Reclamation Program

Part 888 establishes interim procedures for addressing emergency, extreme danger and high priority reclamation projects on Indian lands. Such procedures are necessary until such time as the Indian lands study is completed and legislation is enacted.

The Office is not proposing changes nor have comments been received regarding this Section. However, proposed changes will be considered.

Determination Under Executive Order 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1971), and determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination of the regulation revisions are as follows:

1. Approval will not have effect on costs or prices for consumers, individual industries, Federal, State or local Government agencies or geographic regions;

2. Approval will not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act 5 U.S.C. 601 *et seq.*, and OSM has determined that the rule will not have a significant economic impact on small entities. The revisions do not alter the statutory fee collection requirements or the disbursement of Abandoned Mine Land funds to States or Tribes. In addition, agency policy and statutory mandates requiring the utilization of small and minority businesses, when possible, remain unchanged. The revised rules will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs and aggregate effects on small entities.

Environmental Assessment: OSM has prepared a draft environmental assessment (EA) on this rule that reaches an interim conclusion that this rule should not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Record, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. A final EA will be completed before issuance of the final rule. OSM may determine at a later date that this rulemaking and related rulemakings under Pub. L. 95–87 have cumulative effects on the environment. At that time, OSM will prepared any further environmental analysis required by the National Environmental Policy Act.

Dated: October 13, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

1. Part 870 is revised as follows:

PART 870—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

Sec.

870.1 Scope.
870.5 Definitions.
870.11 Applicability.
870.12 Reclamation fee.
870.13 Fee computations.
870.14 Determination of percentage-based fees.
870.15 Reclamation fee payment.
870.16 Production records.
870.17 Compliance authority.

Authority: Secs. 201 and 412, Pub. L. 95–87, 91 Stat. 445 and 446 (30 U.S.C. 1201).

§ 870.1 Scope.

This part sets out the procedures for the collection of fees for the Abandoned Mine Reclamation Fund.

§ 870.5 Definitions.

As used in Parts 870 through 888—

Abandoned Mine Reclamation Fund or Fund means a special fund established on the books of the U.S. Treasury for the purpose of accumulating revenues designated for reclamation of abandoned mine lands and other activites authorized by Title IV of the Act.

Agency means the State agency designated by the Governor to administer the State reclamation program and to receive and administer grants under this part.

Allocate means the administrative identification in the records of the Office of moneys in the fund for a specific purpose, e.g., identification of moneys for exclusive use by a State.

Anthracite, bituminous and subbituminous coal means all coals other than lignite coal.

Calendar quarter means a 3-month period within a calendar year. The first calendar quarter begins on January 1 of a calendar year and ends on the last day of March. The second calendar quarter begins on the first day of April and ends on the last day of June. The third calendar quarter begins on the first day of July and ends on the last day of September. The fourth calendar quarter begins on the first day of October and ends on the last day of December.

Eligible lands and water means lands and water eligible for reclamation or drainage abatement expenditures are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an adequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or other Federal laws.

Emergency means a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures.

Expended means that moneys have been obligated, encumbered, or committed by contract by the Office, State or Tribe for work to be accomplished or services to be rendered.

Extreme danger means a condition that could reasonably be expected to cause substantial physical harm to persons, property, or the environment and to which persons or improvements on real property are currently exposed.

Fee compliance officer means any person authorized by the Secretary to exercise authority in matters relating to this part.

In situ coal mining means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, bore hole mining, and fluid recovery mining. At this time, Part 870 considers only in situ gasification.

Indian Abandoned Mine Reclamation Fund or Indian Fund means a separate fund established by an Indian tribe for the purpose of accounting for moneys granted by the Director under an approved Indian Reclamation Program and other moneys authorized by these regulations to be deposited in the Indian Fund.

Indian reclamation program means a program established by an Indian tribe in accordance with this Chapter for reclamation of lands and water adversely affected by past mining, including the reclamation plan and annual applications for grants under the plan.

Left or abandoned in either an unreclaimed or inadequately reclaimed condition means lands and water:

(a) Which were mined or which were affected by such mining, wastebanks, processing or other mining processes prior to August 3, 1977 and all mining has ceased; and

(b) Which continue, in their present condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health and safety of the public; and

(c) For which there is no continuing reclamation responsibility under State or Federal laws.

Lignite coal means consolidated lignite coal having less than 8,300 British thermal units per fund, moist and mineral-matter-free. Moist, mineral-matter-free British thermal units per pound are determined by Parr's formula, page 225, equation 3, D–388–77, Part 26, 1980 Annual Book for American Society of Testing and Material Standards, as follows:

Moist, Mm-free Btu =
(Btu-50S)/[100–(1.08A + 0.55S)] × 100
where:
Mm = mineral matter
Btu = British thermal units per pound (calorific value)
A = percentage of ash, and
S = percentage of sulfur
"Moist" refers to coal containing its natural inherent or bed moisture, but not including water adhering to the surface of the coal.

Operator (for purposes of reclamation fee liability) means any person, partnership, or corporation in whom is vested ownership of the coal under State law immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties.

Permanent facility means any structure that is built, installed or established to serve a particular purpose or any manipulation or modification of the surface that is designed to remain after the reclamation activity is completed, such as a relocated stream channel or diversion ditch.

Project means a delineated area containing one or more abandoned mine land problems. A project may be a group of related reclamation activities with a common objective within a political subdivision of a State or within a logical, geographically defined area, such as a watershed or conservation district.

Reclaimed coal means coal recovered from a deposit that is not in its original geologic location, such as refuse piles or culm banks or retaining dams and ponds that are or have been used during the mining or preparation process, and stream coal deposits. Reclaimed coal operations are considered to be surface coal mining operations for fee calculation purposes.

Reclamation activity means the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining.

Reclamation plan means a plan submitted and approved under 30 CFR Part 884.

State Abandoned Mine Reclamation Fund or *State Fund* means a separate fund established by a State for the purpose of accounting for moneys granted by the Director under an approved State Reclamation Program and other moneys authorized by these regulations to be deposited in the State Fund.

State reclamation program means a program established by a State in accordance with this chapter for reclamation of lands and water adversely affected by past mining, including the reclamation plan and annual applications for grants.

Surface coal mining means the extraction of coal from the earth by removing the materials over the coal seam before recovering the coal and includes auger coal mining. For purposes or subchapter R, reclaiming coal operations are considered surface coal mining.

Ton means 2,000 pounds avoirdupois (0.90718 metric ton).

Underground coal mining means the extraction of coal from the earth by developing entries from the surface to the coal seam before recovering the coal by underground extraction methods, and includes in situ mining.

Value means gross value at the time of initial bona fide sale, transfer of ownership, or use by the operator, but does not include the reclamation fee required by this part.

§ 870.11 Applicability.

The regulations in this Chapter apply to all surface coal mining operations except—

(a) The extraction of coal by a landowner for his own noncommercial use form land owned or leased by him;

(b) The extraction of coal for commercial purposes by surface coal mining operations which affects two acres or less during the life of the mine;

(c) The extraction of coal as an incidental part of Federal, State, or local government-financed highway or other construction;

(d) The extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percent of the mineral tonnage removed for commercial use or sale in any twelve consecutive calendar months; and

(e) The extraction of less than 250 tons of coal within twelve consecutive months.

§ 870.12 Reclamation fee.

(a) The operator shall pay a reclamation fee on each ton of coal produced for sale, transfer, or use, including the products of in situ mining.

(b) The fee shall be determined by the weight and value at the time of initial bona fide sale, transfer of ownership, or use by the operator.

(1) The initial bona fide sale, transfer of ownership, or use shall be determined by the first transaction or use of the coal by the operator immediately after it is severed, or removed from a reclaimed coal refuse deposit.

(2) The value of the coal shall be determined F.O.B. mine.

(3) The weight of each ton shall be determined by the actual gross weight of the coal.

(i) Impurities, including water, that *have* not been removed *shall not* be deducted from the gross weight.

(ii) Operators selling coal on a clean coal basis shall retain records that show run-of-mine tonnage, and the basis for the clean coal transaction.

(iii) Insufficient records shall subject the operator to fees based on raw tonnage data.

(c) If the operator combines surface mined coal, including reclaimed coal, with underground mined coal before the coal is weighed for fee purposes, the higher reclamation fee shall apply, unless the operator can substantiate the amount of coal produced by each mining method by acceptable engineering calculations or other reports which the Director may require.

§ 870.13 Fee computations.

(a) *Surface mining fees.* The fee for anthracite, bituminous, and subbituminous coal, including reclaimed coal, is 35 cents per ton unless the value of such coal is less than $3.50 per ton, in which case the fee is 10 percent of the value.

(b) *Underground mining fees.* The fee for anthracite, bituminous, and subbituminous coal recovered by underground mining operations is 15 cents per ton unless the value of such coal is less than $1.50 per ton, in which case the fee is 10 percent of the value.

(c) *Surface and underground mining fees for lignite coal.* The fee for lignite coal is 10 cents per ton unless the value of such coal is less than $5 per ton, in which case the fee charged is 2 percent of the value.

(d) *In situ coal mining fees.* The fee for in situ mined coal, except lignite coal, is 15 cents per ton based on Btu's per ton in place equated to the gas produced at the site. The fee for in situ mined lignite is 10 cents per ton based on the Btu's per ton of coal in place equated to the gas produced at the site as certified through analysis by an independent laboratory.

§ 870.14 Determination of percentage based fees.

(a) If the operator submits a fee based on the percentage of the value of coal, the operator shall include with the fee and production report documentation supporting the alleged coal value. Based on this information and an additional documentation, including examination of the operator's books and records that the Director may require, the Director may accept the valuation submitted by the operator, or may otherwise determine the value of the coal.

(b) If the Director determines that a higher fee shall be paid, the operator shall submit the additional fee together with interest computed under Section 870.15(c).

§ 870.15. Reclamation fee payment.

(a) Each operator shall pay the reclamation fee based on calendar quarter tonnage no later than thirty days after the end of each calendar quarter.

(b) Each operator shall use mine report forms OSM 1 and 1A approved by OSM to report tonnage of coal sold, ownership transferred, or used during the applicable calendar quarter. Section 402(c) of SMCRA requires that these forms be notarized. [Thus, from the effective date of these rules until February 1, 1983, or until a second adjusted rate of interest becomes effective, delinquent payments are subject to interest at an annual percentage rate of 20 percent.]

(c) Delinquent payments shall be subject to interest. The Secretary will establish an adjusted rate of interest not later than October 15 of each year, to become effective on the following February 1, if the adjusted prime rate charged by banks during September, rounded the nearest full percent, is at least a full percentage point more or less than the percent per annum in effect during any given year. The term "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commerical banks to large businesses, as determined by the Board of Governors of the Federal Reserve System. The Board of Governors of the Federal Reserve System has determined such rate to be 20.08 percent during September 1981. [That rate rounded to the nearest full percent is 20 percent, a change of at least 1 percent from the 12 percent per annum rate now in effect].

(d) A check or money order for each coal mine or a check or money order for all of the operator's mines represented by OSM's approved form(s) shall be made payable to Director, Office of Surface Mining Reclamation and

Enforcement, and shall be sent in the same envelope with OSM's approved form(s) to: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, P.O. Box 25065—DFC, Denver, Colorado 80225.

(e) Operators who did not sell, transfer ownership, or use coal during a calendar quarter period shall send a negative response to the above address.

§ 870.16 Production records.

(a) Each operator shall maintain, on a current basis, books and records that contain at least the following information and data—

(1) Tons of coal sold or transferred, amount received per ton, name of party to whom sold or transferred, and the date of each sale or transfer.

(2) Tons of coal used by the operator and date of consumption.

(3) Tons of coal stockpiled or inventoried which are not classified as sold or used for fee computation purposes under 30 CFR 870.12.

(4) For in situ coal mining operations, total Btu value of gas produced, the Btu value of a ton of coal in place certified by an independent laboratory, and the amount received for gas sold, transferred or used.

(b) The fee compliance officer shall have access to the mine for the purpose of determining compliance with the regulations of this part.

(c) Each operator shall make any book or record necessary to substantiate the accuracy of reports and payments available at reasonable times for inspection and copying by the fee compliance officer. If the fee is paid at the maximum rate, the fee compliance officer shall not copy information relative to price. All information copied shall be protected in accordance with the Freedom of Information Act.

(d) The operator shall maintain books and records for a period of 6 years from the end of the calendar quarter in which the fee was due.

§ 870.17. Compliance authority.

(a) Fee compliance officers shall have the authority to examine records of the second party involved in the sale or transfer of ownership of coal by the operator.

(b) Fee Compliance Officers shall have the authority to examine the records of parties selling coal to the operator.

2. Part 872 is revised as follows:

PART 872—ABANDONED MINE RECLAMATION FUNDS

Sec.
872.1 Scope.
872.11 Abandoned Mine Reclamation Fund.
872.12 State Indian Abandoned Mine Reclamation Funds.

Authority: Secs. 102(g), 201(c), 401, 402(g), and 412, Pub. L. 95–87, 91 *Stat.* 449, 456, 458 and 466 (30 U.S.C. 1211, 1231, 1232 and 1242).

§ 872.1 Scope.

This Part sets forth general responsibilities for administration of Abandoned Mine Land Reclamation Programs and procedures for the Abandoned Mine Reclamation Funds to finance such programs.

§ 872.11 Abandoned Mine Reclamation Fund.

(a) Revenue to the Fund shall include—

(1) Reclamation fees collected under section 402 of the Act and 30 CFR Part 870;

(2) Amounts collected by the Office from charges for use of land acquired or reclaimed with moneys from the Fund under 30 CFR Part 879;

(3) Moneys recovered by the Office through satisfaction of liens filed against privately owned lands reclaimed with moneys from the Fund under 30 CFR Part 882;

(4) Moneys recovered by the Office from the sale of lands acquired with moneys from the Fund or by donation.

(5) Moneys donated to the Office for the purpose of abandoned mine land reclamation.

(b) Moneys deposited in the Fund and appropriated by the Congress shall be used for the following purpose—

(1) An amount not exceeding 10 percent of the reclamation fees collected each quarter, up to a maximum of $10,000,000 each year, shall be used to finance the Small Operator Assistance Program under 30 CFR Part 795.

(2) An amount equal to 50 percent of the reclamation fees collected from within a State shall be allocated at the end of the fiscal year in which they are collected for use in that State under an approved State Reclamation Plan. Reclamation fees collected from Indian lands shall not be included in the calculation of amounts to be allocated to a State. If a State advises the Office in writing that it does not intend to submit a State Reclamation Plan, no moneys shall be allocated to that State. Amounts allocated to a State that have not been granted to the State within 3 years from the date of allocation shall be available to the Director for other purposes under paragraph (b)(5) of this section. Amounts allocated and granted to the State that have not been expended within 3 years from the date of allocation may be withdrawn from the State if the Director finds in writing—

(i) That the amounts involved are not necessary to carry out the approved reclamation Activities; or

(ii) That failure to expend is a result of avoidable delays in conducting approved reclamation activities. Provided, however, that amounts allocated to a State and subject to withdrawal because they are not expended in 3 years will be reallocated to the State if the State has made reasonable efforts to expend the funds but was unable to do so because of unavoidable delays in program approval.

(3) An amount equal to 50 percent of the reclamation fees collected from Indian lands shall be allocated to the Indian tribe having an interest in those lands at the end of the fiscal year in which they are collected for use by that tribe under an approved Indian Reclamation Plan. If an Indian tribe advises the Office in writing that it does not intend to submit an Indian Reclamation Plan, no moneys shall be allocated to that tribe. Amounts allocated to Indian tribes that have not been granted to the Indian tribes within 3 years from the date of allocation shall be available to the Director for other purposes under paragraph (b)(5) of this section. Amounts allocated and granted to the Indian tribe that have not been expended within 3 years from the date of allocation may be withdrawn from the Indian tribe if the Director finds in writing—

(i) That the amounts involved are not necessary to carry out the approved reclamation activities; or

(ii) That failure to expend is a result of avoidable delays in conducting approved reclamation activities. Provided, however, that amounts allocated to a Tribe and subject to withdrawal because they are not expended in 3 years will be reallocated to the tribe if the Tribe has made reasonable efforts to expend the funds but was unable to do so because of unavoidable delays in program approval.

(4) An amount not exceeding 20 percent of the moneys deposited in the Fund annually may be transferred to the Secretary of Agriculture to carry out the Rural Abandoned Mine Program.

(5) All amounts not used for the above purposes shall be available to the Director for the purposes outlined in section 401(c) of the Act.

§ 872.12 State/Indian abandoned mine reclamation funds.

(a) Accounts to be known as State or Indian Abandoned Mine Reclamation Funds shall be established in each State

or Tribal government with approved Reclamation Plans. These funds will be managed in accordance with the Office of Management and Budget Circular No. A–102.

(b) Revenue shall include:

(1) Amounts granted by the Office for purposes of conducting the approved State Reclamation Plan;

(2) Moneys collected from charges for uses of land acquired or reclaimed with moneys from the State Fund under 30 CFR Part 879;

(3) Moneys recovered through the satisfaction of liens filed against privately owned lands;

(4) Moneys recovered by the State from the sale of lands; and

(5) Such other moneys as the State decides should be deposited in the Fund for use in carrying out the approved Reclamation Programs.

3. Part 874 is revised as follows:

PART 874—GENERAL RECLAMATION REQUIREMENTS

Sec.
874.1 Scope.
874.11 Applicability.
874.12 Eligible lands and water.
874.13 Reclamation objectives and priority.

Authority: Sec. 201(c) 403, 404, 409, and 412(a), Pub. L. 95–87, 91 Stat. 449, 458, 459, 465 and 466 (30 U.S.C. 1211, 1233, 1234, 1239 and 1242)

§ 874.1 Scope.

This Part establishes land and water eligibility requirements, reclamation project objectives and standards, and project selection factors.

§ 874.11 Applicability.

The provisions of this Part apply to all reclamation projects to be carried out with money from the Fund and administered by the Office and the Rural Lands Reclamation Program administered by the Secretary of Agriculture under section 406 of the Act (30 U.S.C. 1236).

§ 874.12 Eligible lands and water.

Lands and water are eligible for reclamation activities if:

(a) They were mined or affected by mining processes;

(b) They were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition; and

(c) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State or Federal government, or the State as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional moneys from the Fund may be sought under 30 CFR Parts 886 and 888.

§ 874.13 Reclamation objectives and priorities.

Reclamation projects shall reflect the priorities set out in Section 403 of the Act (30 U.S.C. 1233) Reclamation projects should be accomplished in accordance with the office's "Final Guidelines for Reclamation Programs and Projects" (45 FR 14810–14819, March 6, 1980).

4. Part 875 is added as follows:

PART 875—NON-COAL RECLAMATION

Sec.
875.1 Scope.
875.12 Eligible lands and water.
875.13 Requirements for non-coal reclamation.

Authority: Secs. 409 and 412, Pub. L. 95–87, 91 Stat. 465 and 466 (30 U.S.C. 1239 and 1242).

§ 875.1 Scope.

This Part establishes land and water eligibility requirements for non-coal reclamation.

§ 875.12 Eligible lands and water.

Non-coal lands and water are eligible for reclamation if:

(a) They were mined or affected by mining processes;

(b) They were mined prior to August 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition;

(c) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State or Federal Government or the State as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional moneys from the Fund may be sought under 30 CFR Parts 886 and 888;

(d) The reclamation has been requested by the Governor of the State or head of the tribal governing body;

(e) The reclamation is necessary for the protection of the public health and safety or all coal related reclamation has been accomplished; and

(f) Moneys allocated to the State or Indian tribe under § 872.11(b) (2) and (3) are available for the work.

§ 875.13 Requirements for non-coal reclamation.

Reclamation of eligible non-coal mined lands and waters shall comply with the provisions of Section 409 of Pub. L. 95–87 (30 U.S.C. 1239).

5. Part 877 is revised as follows:

PART 877—RIGHTS OF ENTRY

Sec.
877.1 Scope.
877.11 Written consent for entry.
877.13 Entry and consent to reclaim.
877.14 Entry for emergency reclamation.

Authority: Secs. 201(c), 407 (a) and (b), 410 and 412(a), Pub. L. 95–87, 91 Stat. 449, 462, 463, and 466 (30 U.S.C. 1211, 1237, 1240, and 1242).

§ 877.1 Scope.

This part establishes procedures for entry upon lands or property by the Office for reclamation purposes.

§ 877.11 Written consent for entry.

Written consent from the owner of record and lessee, or their authorized agents, is the preferred means for obtaining agreements to enter lands in order to carry out reclamation activities. Non-consentual entry will be undertaken only after due care and deliberation have exhausted all reasonable possibilities of obtaining written consent.

§ 877.13 Entry and consent to reclaim.

(a) The Office or its agents, employees, or contractors, may enter upon land to perform reclamation activities or conduct studies or exploratory work to determine the existence of the adverse effects of past coal mining if consent from the owner is obtained.

(b) If consent is not obtained, then, prior to entry under this Section, the Office shall find in writing with supporting reasons that—

(1) Land or water resources have been or may be adversely affected by past coal mining practices;

(2) The adverse effects are at a state where, in the interest of the public health, safety, or the general welfare, action to restore, reclaim, abate, control, or prevent should be taken; and

(3) The owner of the land or water resources where entry must be made to restore, reclaim, abate, control or prevent the adverse effects of past coal mining practices is not known or readily available, or the owner will not give permission for the Office, its agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the effects of past coal mining practices.

(c) The Office shall give notice of its intent to enter for purposes of conducting reclamation at least 30 days before entry upon the property. The notice shall be in writing and shall be mailed, return receipt requested, to the owner, if known, with a copy of the findings required by this section. If the owner is not known, or if the current mailing address of the owner is not known, notice shall be posted in one or more places on the property to be entered where it is readily visible to the public and advertised once in a newspaper of general circulation in the locality in which the land is located. The notice posted on the property and advertised in the newspaper shall include a statement of where the findings required by this section may be inspected or obtained.

§ 877.14 Entry for emergency reclamation.

(a) The Office, its agents, employees, or contractors shall have the right to enter upon any land where an emergency exists and on any other land to have access to the land where the emergency exists to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices and to do all things necessary to protect the public health, safety, or general welfare.

(b) Prior to entry under this section, the Office shall make a written finding with supporting reasons that the situation qualifies as an emergency in accordance with the requirements set out in Section 410 of the Act.

(c) Notice to the owner shall not be required prior to entry for emergency reclamation. The Office shall make reasonable efforts to notify the owner and obtain consent prior to entry, consistent with the emergency conditions that exist. Written notice shall be given to the owner as soon after entry as practical in accordance with the requirements set out in § 877.13(c).

6. Part 879 is revised as follows:

PART 879—ACQUISITION, MANAGEMENT, AND DISPOSITION OF LANDS AND WATER

Sec.

879.1 Scope.
879.11 Land eligible for acquisition.
879.12 Procedures for acquisition.
879.13 Acceptance of gifts of land.
879.14 Management of acquired land.
879.15 Disposition of reclaimed land.

Authority: Secs. 201(c); 407 (c), (d), (e), (f), (g), and (h); and 412(a), Pub. L. 95–87, 91 Stat. 449, 463, 464, and 466 (30 U.S.C. 1211, 1237, and 1242).

§ 879.1 Scope.

This part establishes procedures for acquisition of eligible land and water resources for emergency and reclamation purposes by the Office or a State or Indian tribe under an approved State reclamation program. It also provides for the management and disposition of lands acquired by the Office and establishes requirements for the redeposit of proceeds from the use or sale of land.

§ 879.11 Land eligible for acquisition.

(a) Land adversely affected by past coal mining practices may be acquired by the Office with moneys from the Fund, or by a State or Indian tribe if approved in advance by the Office.

The Office shall find in writing that acquisition is necessary for successful reclamation and that—

(1) The acquired land will serve recreation, historic, conservation, and reclamation purposes or provide open space benefits after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, and

(2) Permanent facilities will be constructed on the land for the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal mining practices.

(b) Coal refuse disposal sites and all coal refuse thereon may be acquired with moneys from the Fund by the Office or by a State or Indian tribe if approved in advance by the Office. Prior to the approval of the acquisition of such sites, the Office, State or Indian tribe shall find in writing that the acquisition of such land is necessary for successful reclamation and will serve the purposes of the Abandoned Mine Land Reclamation Program. Where an emergency situation exists and a written finding as set out in Section 877.14 has been made, the Office may use Fund moneys to acquire lands where public ownership is necessary to meet an emergency situation and prevent recurrence of the adverse effects of past coal mining practices.

(c) Land adversely affected by past coal mining practices may be acquired by the Office if the acquisition with moneys from the Fund is an integral and necessary element of an economically feasible plan for project to construct or rehabilitate housing which meets the specific requirements set out in Section 407(h) of the Act.

(d) Land or interests in land needed to fill voids, seal abandoned tunnels, shafts, and entry ways or reclaim surface impacts of underground or surface mines may be acquired by the Office if the Director finds that acquisition is necessary under § 874.12(b).

(e) The Office, State, or Indian tribe which acquires land under this part shall acquire only such interests in the land as are necessary for the reclamation work planned or the post-reclamation use of the land. Interests in improvements on the land, mineral rights or associated water rights may be acquired if—

(1) The customary practices and laws of the State in which the land is located will not allow severance of such interests from the surface estate; or

(2) Such interests are necessary for the reclamation work planned or for the post-reclamation use of the land; and

(3) Adequate written assurances cannot be obtained from the owner of the severed interest that future use will not be in conflict with the reclamation to be accomplished.

§ 879.12 Procedures for acquisition.

(a) An appraisal of all land or interest in land to be acquired shall be obtained by the Office, State or Indian tribe. The appraisal shall state the fair market value of the land as adversely affected by past mining and shall otherwise conform to the requirements of the handbook on "Uniform Appraisal Standards for Federal Land Acquisition" (Interagency Land Acquisition Conference, 1973).

(b) When practical, acquisition shall be by purchase from a willing seller. The amount paid for interests acquired shall reflect the fair market value of the interests as adversely affected by past mining.

(c) When necessary, land or interests in land may be acquired by condemnation. Condemnation procedures shall not be started until all reasonable efforts have been made to purchase the land or interests in lands from a willing seller.

(d) The Office, State or Indian tribe which acquires land under this part shall comply, at a minimum, with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, U.S.C. 4601, *et seq.*, and 41 CFR Parts 114–50.

§ 879.13 Acceptance of gifts of land.

(a) The Director, State or Indian tribe under an approved Reclamation Plan may accept donations of title to land or interests in land.

(b) Offers to make a gift of land or interest in land to the U.S. Government shall be in writing and comply with U.S. Department of the Interior regulations for land donations. The States and Indian tribes may use procedures provided by applicable State or Tribal law.

§ 879.14 Management of acquired land.

Land acquired under this part may be used for any lawful purpose that is consistent with the necessary reclamation activities. Procedures for collection of user charges or the waiver of such charges by the Office shall be as set out in Section 407(f) of the Act.

§ 879.15 Disposition of reclaimed land.

(a) Prior to the disposition of any land acquired under this part, the Office, State or Indian tribe shall publish a notice of proposed land disposition, hold public hearings if requested, and make written findings in accordance with the authority contained in Section 407(g)(2) of the Act.

(b) The Director may transfer administrative responsibility for land acquired by the Office to any Federal Department or Agency, with or without cost to that Department or Agency. The Director may transfer title for land acquired by the Office to any State or Indian tribe or to any agency or political subdivision of a State or Indian tribe, with or without cost to that entity. The agreement under which a transfer is made shall specify:

(1) The purposes for which the land may be used, which shall be consistent with the authorization under which the land was acquired; and

(2) That the title or administrative responsibility for the land shall revert to the Office, State or Indian tribe if, at any time in the future, the Director finds that the land is not used for the purposes specified.

(c) The Director may accept title for abandoned and unreclaimed land to be reclaimed and administered by the Office. If a State or Indian tribe transfers land to the Office under this section, that State or Indian tribe shall have a preference right to purchase such land from the Office after reclamation is completed. The price to be paid by the State or Indian tribe shall be the fair market value of the land in its reclaimed condition less any portion of the land acquisition price paid by the State or Indian tribe.

(d) The Director may sell land acquired and reclaimed under this part, except that acquired for housing under § 879.11(c), to the State or local government within whose boundaries the land is located or to an Indian tribe if the land is located within the boundaries of an Indian reservation. The conditions of sale shall be in accordance with the authorities contained in Section 407(e) of the Act.

(e) The Director may transfer or sell land acquired for housing under § 879.11(c), with or without monetary consideration, to any State or political subdivision of a State, to any Indian tribe, or to any firm, association or corporation. The conditions of transfer or sale shall be in accordance with Section 407(h) of the Act.

(f) The Director may make grants or commitments for grants, or may advance money under such terms and conditions as required, to:

(1) Any State or Indian tribe, or

(2) A department, agency, or instrumentality of a State, or

(3) Any public body or non-profit organization designated by a State for the purpose of acquiring land for housing under §879.11(c).

(g)(1) The Director may sell or authorize the States or Indian tribes to sell land acquired under this part by public sale if:

(i) Such land is suitable for industrial, commercial, residential, or recreational development;

(ii) Such development is consistent with local, State, or Federal land use plans for the area in which the land is located; and

(iii) If it is found that retention by the Office, State or Indian tribe, or disposal under other paragraphs of this section, is not in the public interest.

(2) Disposal procedures will be in accordance with Section 407(g) of the Act and applicable State or Tribal requirements.

(3) States may transfer title or administrative responsibility for land to cities, municipalities or quasi-governmental bodies, provided that the State provide for the reverter of the title or administrative responsibility if the land is no longer used for the purposes originally proposed.

(h) All moneys received from disposal of land under this Part shall be deposited in the appropriate Abandoned Mine Reclamation Fund in accordance with 30 CFR Part 872.

7. Part 882 is revised as follows:

PART 882—RECLAMATION ON PRIVATE LAND

Sec.
882.1 Scope.
882.12 Appraisals.
882.13 Liens.
882.14 Satisfaction of liens.

Authority: Secs. 201(c), 407 (a) and (b), 408, 409, 410 and 412(a), Pub. L. 95–87, 91 Stat. 449, 462, 463, 464, 465, and 466 (U.S.C. 1211, 1237, 1238, 1239, 1240, and 1242).

§ 882.1 Scope.

This part authorizes reclamation on private land and establishes procedures for recovery of the cost of reclamation activities conducted on privately owned land by the Office, State or Indian tribe.

§ 882.12 Appraisals.

(a) A notarized appraisal of the fair market value of private land to be reclaimed which may be subject to a lien under § 882.13 shall be obtained from an independent appraiser. The Office will provide appraisal standards for Federal projects, and the State or Indian tribes will provide appraisal standards for State or Tribal projects.

(b) A notarized appraisal of all land reclaimed which was appraised under paragraph (a) of this section shall also be obtained from an independent appraiser. The appraisal shall state the market value of the land as reclaimed. Where reclamation will require more than six months to complete, the appraisal shall not be started until actual completion of reclamation activities.

(c) The landowner upon whose property a lien is filed is to be provided with a statement of the increase in market value, an itemized statement of reclamation expenses and a notice that a lien is being or has been filed in accordance with 882.13.

§ 882.13 Liens.

(a) The Office, State or Indian tribe has the discretionary authority to place or waive a lien against land reclaimed if the reclamation results in a significant increase in the fair market value based on the appraisals obtained under § 882.12; however,

(1) A lien shall not be placed against the property of a surface owner who acquired title prior to May 2, 1977 and who did not consent to participate in or exercise control over the mining operation which necessitated the reclamation work.

(2) The basis for making a determination of what constitutes a significant increase in market value or what factual situation constitutes a waiver of lien will be made by the Office, State or Indian tribe pursuant to the Congressional intent expressed in Section 408 of the Act and consistent with State laws governing liens.

(3) The lien may be waived by the Office, State or Indian tribe if the reclamation work performed on private land primarily benefits health, safety or environmental values of the greater community or area in which the land is located, or if the reclamation is necessitated by an unforeseen occurrence and the work performed to restore that land will not result in a significant increase in the market value of the land as it existed immediately before the occurrence.

(b) If a lien is to be filed, the Office, State or Indian tribe shall, within 6

months after the completion of the reclamation work, file a statement in the office having responsibility under applicable law for recording judgments against land and for the lands to be liened. Such statement shall consist of an account of moneys expended for the reclamation work, together with notarized copies of the appraisals obtained under § 882.12. The amount reported to be the increase in value of the property shall constitute the lien to be recorded in compliance with existing Federal or State laws.

(c) Within 60 days after the lien is filed the landower may petition under local law to determine the increase in market value of the land as a result of reclamation work. Any aggrieved party may appeal in the manner provided by local law.

§ 882.14 Satisfaction of liens.

(a) A lien placed on private properaty shall be satisfied, to the extent of the value of the consideration received, at the time of transfer of ownership. Any unsatisfied portion shall remain as a lien on the property.

(b) The Office, State or Indian tribe which files a lien on private property shall maintain or renew it from time to time as may be required under State or local law.

(c) Moneys derived from the satisfaction of liens established under this part shall be deposited in the appropriate Abandoned Mine Reclamation Fund Account.

8. Part 884 is revised as follows:

PART 884—STATE RECLAMATION PLANS

Sec.
884.1 Scope.
884.11 State eligibility.
884.13 Content of proposed State reclamation plan.
884.14 State reclamation plan approval.
884.15 State reclamation plan amendment
884.16 Suspension of plan.
884.17 Impact assistance.

Authority: Secs. 201(c), 402(g)(2), 403, 404, 405, 407, 409, and 412(a), Pub. L. 95–87, 91 Stat. 449, 458, 459, 462, 465 and 466 (30 U.S.C. 1211, 1232, 1233, 1234, 1235, 1237, 1239 and 1242).

§884.1 Scope.

This Part establishes the procedures and requirements for the preparation, submission and approval of State Reclamation Plans.

§ 884.11 State eligibility.

A State is eligible to submit a State Reclamation Plan if it has eligible lands or water as defined in § 870.5 within its boundaries. A State is eligible for a State Reclamation Plan to be approved by the Director if it has an approved State regulatory program under section 503 of the Act and meets the other requirements of this Chapter and the Act.

§ 884.13 Content of proposed State reclamation plan.

Each proposed State Reclamation Plan shall be submitted to the Director in writing and shall include the following information:

(a) A designation by the Governor of the State of the agency authorized to administer the State Reclamation Program and to receive and administer grants under 30 CFR Part 886.

(b) A legal opinion from the State Attorney General or the chief legal officer of the State agency that the designated agency has the authority under State law to conduct the program in accordance with the requirements of Title IV of the Act.

(c) A description of the policies and procedures to be followed by the designated agency in conducting the reclamation program, including:

(1) The purposes of the State Reclamation Program;

(2) The specific criteria for ranking and identifying projects to be funded;

(3) The coordination of reclamation work among the State Reclamation Program, the Rural Lands Reclamation Program administered by the Soil Conservation Service, and the reclamation programs of any Indian tribes located within the State;

(4) Public participation and involvement in the preparation of the State Reclamation Plan and in the State Reclamation Program.

(d) A description of the administrative and management structure to be used in conducting the reclamation program, including—

(1) The organization of the designated agency and its relationship to other State organizations or officials that will participate in or augment the agency's reclamation capacity.

(2) The personnel staffing policies which will govern the assignment of personnel to the State Reclamation Program.

(3) The purchasing and procurement systems to be used by the agency. Such systems shall meet the requirements of Office of Management and Budget Circular No. A–102, Attachment O.

(4) The accounting system to be used by the agency, including specific procedures for the operation of the State Abandoned Mine Reclamation Fund.

(e) A general description, derived from available data, of the reclamation activities to be conducted under the State Reclamation Plan, including the known or suspected eligible lands and waters within the State which require reclamation, including—

(1) A map showing the general location of known or suspected eligible lands and waters;

(2) A description of the problems occurring on these lands and waters;

(3) How the plan proposes to address each of the problems occurring on these lands and waters;

(4) How the land to be reclaimed relates to existing and planned uses of lands in surrounding areas.

(f) A general description, derived from available data, of the conditions prevailing in the different geographic areas of the State where reclamation is planned, including–

(1) The economic base;

(2) Significant esthetic, historic or cultural, and recreational values; and

(3) Endangered and threatened plant, fish and wildlife and their habitats.

§ 884.14 State reclamation plan approval.

(a) The Director shall act upon a State Reclamation Plan within 90 days after submittal. A State Reclamation Plan shall not be approved until the Director has—

(1) Held a public hearing on the plan within the State which submitted it, or made a finding that the State provided adequate notice and opportunity for public comment in the development of the plan;

(2) Solicited and considered the views of other Federal agencies having an interest in the plan;

(3) Determined that the State has the legal authority, policies, and administrative structure necessary to carry out the proposed plan;

(4) Determined that the proposed plan meets all the requirements of this subchapter;

(5) Determined that the State has an approved State regulatory program; and

(6) Determined that the proposed plan is in compliance with all applicable State and Federal laws and regulations.

(b) If the Director disapproves a proposed State reclamation plan, the Director shall advise the State in writing of the reasons for disapproval. The State may submit a revised proposed State Reclamation plan at any time under the procedures of this section.

§ 884.15 State reclamation plan amendment.

A State may, at any time, submit to the Director a proposed amendment or revision to its approved Plan. If the amendment or revision changes the objectives, scope or major policies followed by the State in the conduct of

its reclamation program, the Director shall follow the procedures set out in § 884.14 in approving or disapproving an amendment or revision of a State Reclamation Plan.

§ 884.16 Suspension of plan.

(a) The Director shall suspend a State Reclamation Plan, in whole or in part, if he determines that—

(1) Approval of the State regulatory program has been withdrawn in whole or in part; or

(2) The State is not conducting the State reclamation program in accordance with the Plan.

(b) If the Director determines that the plan should be suspended, the Director shall notify the State by mail, return receipt requested, of the proposed action. The notice of proposed suspension shall state the reasons for the proposed action. Within 30 days the State must show cause why such action should not be taken. The Director shall afford the State an opportunity for consultation, including a hearing if requested by the State and performance of remedial action prior to the notice of suspension.

(c) The Director shall notify the State of his decision in writing. The decision of the Director shall be final.

(d) The Director shall lift the suspension if he determines that the deficiencies that led to suspension have been corrected.

§ 884.17 Impact assistance.

(a) The State Reclamation Plan may provide for construction of specific public facilities in communities impacted by coal development. This form of assistance is available when the Governor of the State has certified, and the Director has concurred that—

(1) All reclamation with respect to past coal mining and with respect to the mining of other minerals and materials has been accomplished;

(2) The specific public facilities are required as a result of coal development; and

(3) Impact funds which may be available under the Federal Mineral leasing Act of 1920, as amended, or the act of October 20, 1978, Pub. L. 94–565 (9 Stat. 2662) are inadequate for such construction.

(b) Grant applications for impact assistance may be submitted in accordance with 30 CFR 886.13.

9. Part 886 is revised as follows:

PART 886—STATE RECLAMATION GRANTS

Sec.

886.1 Scope.
886.3 Authority.
886.11 Eligibility for grants.
886.12 Covefage and amount of grants.
886.13 Grant period.
886.14 Annual submission of projects.
886.15 Grant application procedures.
886.16 Grant agreements.
886.17 Grant and budget revisions.
886.18 Grant reduction, suspension and termination.
886.19 Audit.
886.20 Administrative procedures.
886.21 Allowable costs.
886.22 Financial management.
886.23 Reports.
886.24 Records.

Authority: Secs. 201(c), 401(a) and (c), 402(g), 405(h), and 412(a), Pub. L. 95–87, 91 Stat. 449, 456, 458, 460, and 466 (30 U.S.C. 1211, 1231, 1232, 1235, and 1242).

§ 886.1 Scope.

This part sets forth procedures for grants to States having an approved State Reclamation Plan for the reclamation of eligible lands and water and other activities necessary to carry out the plan as approved. The office's final guidelines for reclamation programs and projects (45 FR 14810–14819, March 6, 1980) should be utilized as appropriate.

§ 886.3 Authority.

(a) The Director is authorized to approve or disapprove applications for grants under this part if the total amount of the grants does not exceed the moneys appropriated by the Congress and specifically allocated to the State under § 872.11(b)(2).

(b) The Director is authorized to approved additional grants to a State from the moneys available under § 872.11(b)(5).

§ 886.11 Eligibility for grants.

A State is eligible for grants under this part if it has a State Reclamation Plan approved under 30 CFR Part 884.

§ 886.12 Coverage and amount of grants.

(a) An agency may use moneys granted under this part to administer the approved State reclamation program and to carry out the specific reclamation activities included in the plan and described in the annual grant agreement. The moneys may be used to cover direct costs to the agency for services and materials obtained from other State agencies or local jurisdictions.

(b) Grants shall be approved for reclamation of eligible lands and water, construction of public facilities, program administration, the incremental cost of filling voids and sealing tunnels with waste from mine waste piles reworked for conservation purposes, and community impact assistance. To the extent technologically and economically feasible, public facilities that are planned, constructed or modified in whole or in part with abandoned mine land grant funds should utilize fuel other than petroleum or natural gas.

(c) Acquisition of land or interests in land and any mineral or water rights associated with the land shall be approved for up to 90 percent of the costs.

§ 886.13 Grant period.

(a) Except as provided in paragraph (b), the grant funding period for projects shall not exceed 3 years. The grant period for administrative costs of the authorized agency shall be for one year.

(b) The Director may approve a grant period for specific projects beyond three years if he finds, on the basis of the information contained in the grant application that:

(1) Projects to be funded will fulfill all the objectives of Section 403 and Section 409 of the SMCRA;

(2) The requests are for funding of specific projects with adequate plans, acceptable deadlines for completion, and the likelihood of specific construction contracts to meet the project deadlines; and

(3) Sufficient funds allocated to the State or Tribe under 30 CFR 872.11(b)(2) are available to complete the projects, including provisions for corrective works on completed projects and any additional eligible projects which may be discovered.

§ 886.14 Annual submission of projects.

The agency shall cooperate with the Office in the development of the annual submission of projects by providing the information required by § 405(f) of the Act for use by the Director in the preparation of his requests for appropriation of moneys for the State reclamation grants. The schedule for such estimates shall be determined by the Office on an annual basis. Funds required to prepare the annual submission of projects under Section 405(f) of the Act may be included in administrative grants under 30 CFR 886.12.

§ 886.15 Grant application procedures.

(a) The Office shall act upon a grant application within 90 days of submittal. If the Office approves an agency's grant application, a grant agreement shall be prepared and signed by the agency and the Director.

(b) If the application is not approved, the Office shall set forth in writing the reasons for disapproval and may propose modifications if appropriate. The agency may resubmit the

application or appropriate revised portions of the application. The Office shall approve or disapprove the resubmitted grant application within 30 days of the resubmittal.

(c) The agency shall use the application forms and procedures applicable to construction and/or non-construction programs specified by the Office in accordance with Office of Management and Budget Circular A–102, Attachment M. A preapplication is not required if the total of the grant requested is within the amounts allocated to the State under § 872.11(b)(2).

(d) The agency shall agree to perform the grant in accordance with the Act, OSM implementing regulations, and applicable OMB and Treasury Circulars.

(e) Complete copies of plans and specifications for projects shall not be required before the grant is approved nor at the start of the project. The Director may review such plans and specifications after the start of the project in the agency office or on the project site.

(f) A description of the actual or planned public involvement in the decision to undertake the work, in the planning of the reclamation activities and in the decision on how the land will be used after reclamation shall be included in the application.

§ 886.16 Grant agreements.

(a) If the Director approves an agency's grant application, the Office shall prepare a grant agreement, which includes:

(1) A statement of the work to be covered by the grant;

(2) A statement of the approvals of specific actions as required under this subchapter or of the conditions to be met before such approvals can be given if moneys are included in the grant for such actions;

(3) The amounts approved for each individual project included in the grant application; and

(4) Allowable transfers of funds to other State or local agencies.

(b) The Director may allow an agency to assign functions and funds to other State or local agencies. The Director shall require the grantee agency to retain responsibility for overall administration of the grant, including use of funds and reporting.

(c) The Director shall transmit four copies of the grant agreement by mail, return receipt requested, or by hand to the agency for signature. The agency shall execute the grant agreement and return all copies within 3 weeks after receipt, or within an extension of time granted by the Director.

(d) The Director shall sign the agreement upon its return from the agency or when funds are available for the grants, whichever is later, and return one copy to the agency. The grant is effective and constitutes an obligation of Federal funds at the time the Director signs the agreement.

(e) Neither the approval of the grant application nor the award of any grant shall commit or obligate the United States to award any continuation grant or to enter into any grant revision, including grant increases to cover cost overruns.

§ 886.17 Grant and budget revisions.

(a) *Grant revisions.* (1) A grant revision is a written alteration of the terms or conditions of the grant agreement, whether accomplished on the initiative of the agency or the Office. All procedures for the grant revisions shall conform to OMB Circular A–102.

(2) The agency shall promptly notify the Director, or the Director shall promptly notify the agency, in writing of events or proposed changes which may require a grant revision. The agency shall notify the Director in advance of:

(i) Planned changes in the scope or objective of any individual project even if the change will not result in a change in the total cost of the project; and

(ii) changes which will result in an extension of the grant period.

(3) The Director shall notify the agency of the approval or disapproval of each proposed grant revision within 30 days of receipt thereof.

(b) *Budget revisions.* (1) The agency shall obtain the written approval of the Office for budget revisions which will result in an increase or decrease in the total cost of any project of more than $5,000 or 5 percent of the budgeted amount, whichever is greater.

(2) The Office shall either approve or disapprove the budget revision within 15 days of its receipt.

(3) Changes of less than $5,000 or 5 percent of the budgeted amount of a project may be made by the agency without advance notification or approval of the Office if the change:

(i) can be made without exceeding the total amount of the project grant;

(ii) does not involve a change in the scope or objective of the project involved; and

(iii) is consistent with the procedures set forth in Office of Management and Budget Circular A–102, attachment K.

§ 886.18 Grant reduction, suspension, and termination.

(a) Conditions for reduction, suspension or termination.

(1) If an agency violates the terms of a grant agreement or an approved Reclamation Plan, the Office may reduce, suspend or terminate the grant.

(2) If an agency fails to expend moneys allocated and granted within 3 years from the date of allocation, the Office may reduce the grant in accordance with § 882.11(b)(2) of this subchapter.

(3) If an agency fails to implement, enforce or maintain an approved State regulatory program or any part thereof and, as a result, the administration and enforcement grant provided under Part 735 of this Chapter is terminated, the Office shall terminate the grant awarded under this Part.

(4) If an agency is not in compliance with the following nondiscrimination provisions, the office shall terminate the grant—

(i) Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 252 (42 U.S.C. 2000d–1). Nondiscrimination in federally assisted programs, which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and the implementing regulations in 43 CFR Part 17.

(ii) Executive Order 11246, as amended by Executive Order 11375, Equal Employment Opportunity, requiring that employees or applicants for employment not be discriminated against because of race, creed, color, sex, or national origin, and the implementing regulations in 40 CFR Part 60.

(iii) Section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 355 (29 U.S.C. 794), as amended by Executive Order 11914, Nondiscrimination With Respect to the Handicapped in federally assisted programs.

(5) If an agency fails to enforce the financial interest provisions of Part 705 of this Chapter, the Office shall terminate the grant.

(6) If an agency fails to submit reports required by this subchapter or Part 705 of this Chapter the Office shall terminate the grant.

(b) Grant reduction, suspension, and termination procedures.

(1) The Office shall give at least 30 days written notice to the agency by mail, return receipt requested, of intent to reduce, suspend or terminate a grant. The Office shall include in the notice the reasons for the proposed action and the proposed effective date of the action.

(2) The Office shall afford the agency opportunity for consultation and remedial action prior to reducing or terminating a grant.

(3) The Office shall notify the agency of the termination, suspension or reduction of the grant in writing by mail, return receipt requested.

(4) Upon termination, the agency shall refund or credit to the Fund that remaining portion of the grant money not encumbered. However, any portion of the grant that is required to meet contractual commitments made prior to the effective date of termination shall be retained by the agency.

(5) Upon notification of intent to terminate the grant the agency shall not make any new commitments without the approval of the Office.

(6) The Office may allow termination costs as determined by applicable Federal cost principles listed in Office of Management and Budget Circular A–87.

(c) *Appeals.* (1) Within 30 days of the Office's decision to reduce, suspend, or terminate a grant, the agency may appeal the decision to the Secretary.

(2) The agency shall include in the appeal:

(i) A statement of the decision being appealed; and

(ii) The facts which the agency believes justify a reversal or modification of the decision.

(3) The Secretary shall act upon the appeal within 30 days of receipt.

§ 886.19 Audit.

The agency shall arrange for an independent audit at least once every 2 years, pursuant to the requirements of Office of Management and Budget Circular No. A–102. The audit will be performed in accordance with the Standards for Audit of Governmental Organizations, Programs, Activities, Functions, published by the Comptroller General of the United States and audit guides provided by the Department of the Interior.

§ 886.20 Administrative procedures.

The agency shall follow administrative procedures governing accounting, payment, property and related requirements contained in Office of Management and Budget Circular No. A–102.

§ 886.21 Allowable costs.

(a) Reclamation project costs which shall be allowed include actual costs of construction, operation and maintenance, planning and engineering, construction, inspection, other necessary administration costs and up to 90 percent of the costs of the acquisition of land.

(b) Costs must conform with any limitations, conditions or exclusions set forth in the grant agreement.

§ 886.22 Financial management.

(a) The agency shall account for grant funds in accordance with the requirement of Office of Management and Budget Circular No. A–102. Agencies shall use generally accepted accounting principles and practices consistently applied. Accounting for grant funds must be accurate and current.

(b) The agency shall adequately safeguard all funds, property, and other assets and shall assure that they are used solely for authorized purposes.

(c) The agency shall provide a comparison of actual amounts spent with budgeted amounts for each grant.

(d) When advances are made by a letter-of-credit method, the agency shall make drawdowns from the U.S. Treasury through its commercial bank as closely as possible to the time of making the disbursements.

(e) The agency shall design a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

§ 886.23 Reports.

(a) The agency shall for each grant/cooperative agreement submit quarterly to the Office the following reports prepared according to Office of Management and Budget Circular No. A–102, Attachments H and I:

(1) Financial Status Report, Form SF–269 for the agency's administrative grant/cooperative agreement and the Performance Report, Form OSM–51 covering the performance aspects of the grant/cooperative agreement.

(2) Outlay Report and Request for Reimbursement for Construction Programs, Form SF–271 and the Performance Report, Form OSM–51 for each activity or project including projects peviously funded or completed during the quarter.

(b) The agency shall for each grant/cooperative agreement submit annually to the Office the following reports prepared according to Office of Management and Budget Circular No. A–102, Attachments H and I:

(1) A final Financial Status Report, Form SF–269 for the agency's administrative grant/cooperative agreement and a final Performance Report, Form OSM–51 covering the performance aspects of the grant/coopeative agreement.

(2) A cumulative fourth quarter Outlay Report and Request for Reimbursement for Construction Programs, Form SF–271 and a cumulative annual Performance Report, Form OSM–51 which includes:

(i) For each project or activity, a brief description and the type of reclamation performed, the project location, the landowner's name, the amounts of land or water reclaimed or being reclaimed and a summary of achieved or expected benefits.

(ii) For any land previously acquired but not disposed of, a statement of current or planned uses, location and size in acres, and any revenues derived from use of the land.

(iii) For any permanent facilities acquired or constructed but not disposed of, a description of the facility and a statement of current or planned uses, location, and any revenues derived from the use of the facility.

§ 886.24 Records.

(a) The agency shall maintain complete records in accordance with Office of Management and Budget Circular No. A–102, Attachment C. This includes, but is not limited to, books, documents, maps, and other evidence and accounting procedures and practices sufficient to reflect properly—

(1) The amount and disposition by the agency of all assistance received for the program.

(2) The total direct and indirect costs of the program for which the grant was awarded.

(b) Subgrantees and contractors, including contractors for professional services, shall maintain books, documents, papers, maps and records which are pertinent to a specific grant award.

10. Part 888 is revised as follows:

PART 888—INDIAN RECLAMATION PROGRAM

Sec

888.1 Scope.

888.2 Objectives.

888.11 Interim procedures.

Authority: Secs. 201(c), 405(k), 412(a), and 710, Pub. L. 95–87, 91 Stat. 449, 460, 466, and 523 (30 U.S.C. 1211, 1235, 1242, and 1300).

§ 888.1 Scope.

This part is reserved for any additional or unique regulations that may be required as a result of the special study report submitted pursuant to section 710 of the Act and to achieve the purpose of the Act on Indian lands. Because of the special jurisdictional status of Indian lands, general responsibilities for administration of Indian Reclamation Programs are set forth on an interim basis.

§ 888.2 Objectives.

(a) The objectives of this part are to provide a temporary vehicle for mitigation of emergency situations or extreme danger situations arising from past mining practices and to begin reclamation of other areas determined to have high priority on Indian lands.

(b) Upon completion of the special study report and enactment of any required legislation, this Part will be either deleted and supplemented by the other Parts of this chapter dealing with State and Indian Abandoned Reclamation Programs or expanded as required to achieve the purposes of the Act.

§ 886.11 Interim procedures.

(a) The Director is authorized to receive proposals from Indian tribes for projects which should be carried out on Indian lands and to carry out such projects pursuant to 30 CFR Parts 872 through 882.

(b) The Director shall consult with the Indian tribe and the Bureau of Indian Affairs' office having jurisdiction over the Indian lands on all reclamation activities carried out on Indian lands under this subchapter.

(c) If a proposal is made by an Indian tribe and approved by the Director, the tribal governing body shall approve the project plans. The costs of the project may be charged against the money allocated to the Indian tribe under § 872.11(b)(3).

(d) Approved projects may be carried out directly by the Director or through such arrangements as the Regional Director may make with the Bureau of Indian Affairs or other agencies.

[FR Doc. 81-35468 Filed 12-10-81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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NEW PUBLICATION NOW AVAILABLE

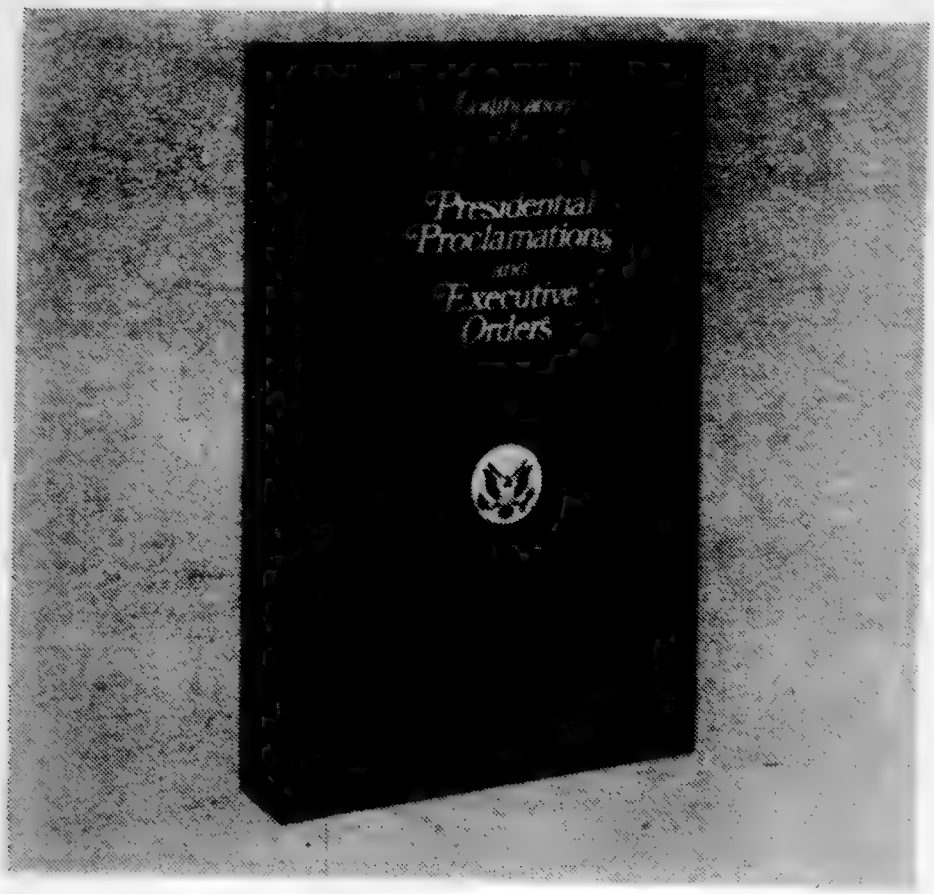

For those of you who must keep informed about Presidential proclamations and Executive orders, there is now a convenient reference source that will make researching certain of these documents much easier.

Arranged by subject matter, this first edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1977, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1977 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume.

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Highlights

60812, 60830 **Consumer Protection** CPSC suspends enforcement and proposes partial revocation of architectural glazing safety standards. (2 documents)

61060 **Grant Programs—Education** ED proposes to consider applicant's past performance in previous programs when applying for new awards under Special Programs for Students from Disadvantaged Backgrounds. (Part II of this issue)

60999 **Medicare and Medicaid** HHS/HCFA describes provisions of the Omnibus Budget Reconciliation Act of 1981 affecting program eligibility, benefits, reimbursement and administration.

61048 **Foreign Aid** State determines that Nicaragua is in default of payment of principal and interest on loans made under Foreign Assistance Act.

60828 **Banks** FDIC proposes to change regulations on disclosure of information.

60834 **Administrative Procedure—Commodity Futures** CFTC proposes to amend reparation and arbitration rules.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

60864 **Legal Paper Size Requirement** Administrative Office of the United States Courts adopts 8½ x 11 inch paper as standard throughout the Federal Judiciary.

61017 **Legal Services** LSC publishes instruction on private attorney involvement with recipients of funding.

60820 **Exports—Arms and Munitions** State removes People's Republic of China from list of countries denied approvals for U.S. Munitions List exports.

60821 **Government Contracts—Defense** DOD publishes list of fiscal year 1981 contractors receiving negotiated contract awards of $10 million or more.

60823 **Government Procurement** VA amends procurement regulations on training, conference space, food service, and supplies and equipment consignments.

60801 **Loan Programs—Agriculture** USDA/FmHA implements New Full-time Family Farmer and Rancher Development Project.

60864 **Tobacco** USDA/CCC issues 1981 price support rates for certain tobaccos.

60859 **Radio** FCC proposes rules on beacon operation in Amateur Radio Service.

60839 **Telecommunications** FCC requires AT&T to provide "Calling Services II" only through separate corporate entity.

60825 **Wildlife** Interior/FWS adds fourteen national wildlife refuges to list of open areas for certain types of hunting and fishing.

60868 **Antidumping** Commerce/ITA issues preliminary results of administrative review on drycleaning machinery from West Germany.

60869 Commerce/ITA announces final results of administrative review on viscose rayon staple fiber from Italy.

60872 **Imports** CITA announces restraint levels for: Certain cotton, wool and man-made fiber textile products from Macau.

60871 Certain cotton textile products from the People's Republic of China.

60984 **Privacy Act Document** FRS

61054 **Sunshine Act Meetings**

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7 CFR Pa

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Rules and Regulations

Federal Register
Vol. 46, No. 239
Monday, December 14, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth Hazardous Recreational Vehicle Sites

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This action affirms the interim rule which amended the list of gypsy moth hazardous recreational vehicle sites under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by adding 93 sites located in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, and by deleting 11 sites located in New Jersey and Pennsylvania. The interim rule was published in the **Federal Register** on July 13, 1981 (46 FR 35907–35909). This rule is necessary in order to prevent the artificial spread of gypsy moth, and to eliminate the imposition of unnecessary restrictions on the movement of recreational vehicles and associated equipment.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–8249.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The interim rule has been determined to be not a "major rule" under Executive Order 12291. Based on information compiled by the Department, it has been determined that the rule will have an annual effect on the economy of approximately $48,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The interim rule placed under regulation 93 hazardous recreational vehicle sites in 8 States and deleted 11 such sites in 2 States. It appears necessary to continue these actions in order to prevent the artificial spread of gypsy moth from the hazardous sites that were added to the list of regulated recreational vehicle sites and to relieve unnecessary requirements on those nonhazardous sites deleted from the list.

Alternatives to this final rule were considered. Alternatives considered were (1) to allow the unrestricted movement of recreational vehicles from recreational vehicle sites or (2) to continue to regulate the movement of recreational vehicles from recreational vehicle sites determined to be hazardous. Alternative (1) is not adopted because it would allow the artificial spread of gypsy moths via recreational vehicles. Alternative (2) is adopted in order to prevent the spread of gypsy moths that could hitchhike aboard recreational vehicles moving from recreational vehicles sites determined to be hazardous.

Inspecting recreational vehicles moving from hazardous sites at origin for hitchhiking pests entails minimal costs as compared to the costs of eradication if the pest spreads to noninfested areas. Therefore, it appears that the regulatory objective chosen maximizes the net benefits to society with the least net cost.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small businesses and should not have a significant economic impact on any small organizations or small governmental jurisdictions. This action affects the interstate movement of regulated articles i.e., recreational vehicles from regulated areas in the States of Connecticut, Maine, Massachussetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. Based on information compiled by the Department, it has been determined that there are hundreds of small entities which move such regulated articles interstate from such States and thousands of small entities which move such regulated articles interstate from other States. However, based on such information, it has been determined that there are only 93 entities which move such regulated articles interstate from the specified areas affected by this action. Further, the overall economic impact from this action is estimated to be only about $48,000.

Background

A document published in the **Federal Register** on July 13, 1981 (46 FR 35907–35909) amended § 301.45–2c of the list of gypsy moth hazardous recreational vehicle sites under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by adding 93 sites located in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, and by deleting 11 sites located in New Jersey and Pennsylvania.

The document stated that the amendment was necessary as an emergency measure in order to prevent the artificial spread of the gypsy moth and to delete unnecessary restrictions on the movement of certain articles. The document also stated that the amendment became effective on July 13, 1981.

Comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment. The factual situations which were set forth in the document of July 13, 1981, still provide a basis for the amendment. Accordingly, it has been determined that the interim rule should remain effective as published in the **Federal Register** on July 13, 1981.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C. this 9th day of December 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-35728 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Supply Plant Shipping and Diversion Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes for the months of December 1981 through March 1982 a portion of the pooling standards for supply plants. Also, the action continues through March 1982 the present relaxation for the months of September through November of the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The revisions are made in response to a request by a cooperative association representing a substantial number of producers supplying the market to prevent uneconomic movements of milk.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed Temporary Revision of Shipping and Diversion Limitation Percentages: Issued November 18, 1981; published November 23, 1981 (46 FR 57306).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the procedure in time to give interested parties timely notice that the shipping requirements for pool supply plants and the limits on the amount of milk that may be moved directly from producer farms to manufacturing plants for December 1981 would be modified.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of §§ 1065.7(b)(3) and 1065.13(d)(4) of the Nebraska-Western Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 57306) concerning a proposed decrease in the shipping requirements for pool supply plants and an increase in the limits on the amount of milk that may be moved directly from producer farms to manufacturing plants for the months of December 1981 through March 1982. Interested parties were afforded the opportunity to comment on the proposal by submitting written data, views, and arguments. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of December 1981 through March 1982 the supply plant shipping percentages of 40 percent as set forth in § 1065.7(b) should be decreased to 30 percent and the diversion limitation percentages as set forth in § 1065.13(d) should be increased from the present 40 percent to 50 percent.

Pursuant to the provisions of § 1065.7(b)(3), the supply plant shipping percentages as set forth in § 1065.7(b) and pursuant to the provisions of § 1065.13(d)(4), the diversion limitation percentages as set forth in § 1065.13(d) (2) and (3) may be increased or decreased up to 20 percentage points during any month to encourage additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc., who represents a portion of the producers supplying the Nebraska-Western Iowa market, requested that during the period of December 1981 through March 1982, the pool supply plant shipping percentages be relaxed 10 percentage points. Also, the cooperative requested that the present relaxation of the diversion limits by 10 percentage points be continued through March 1982.

The basis of the cooperative's request was that the present pooling provisions in question will not accommodate the efficient pooling of the milk of some of its members who are regularly associated with the market. The cooperative indicates that this is because of the present buildup in the market's milk supplies due to a substantial increase in producer deliveries while Class I sales have remained virtually unchanged. It states that this marketing situation is expected to continue at least through March 1982. The cooperative contends that relaxation of the supply plant shipping percentage and diversion limits will be needed beginning in December to prevent unnecessary and uneconomic movements of milk.

Mid-America Dairymen, Inc., which represents a large number of the producers suppling the Nebraska-Western Iowa market, filed a view in support of the proposed reduction in the required shipments of supply plant milk. It also supported the continuation of the relaxation of the diversion limits through March 1982.

A review of current market data indicates that milk supplies available to the market have increased considerably during recent months. For example, producer receipts are up over 14 percent for the first 10 months of 1981 compared to the same months in 1980. At the same time, Class I sales have remained virtually unchanged during the first 10 months of 1981 from the comparable period in 1980.

In view of this development in the supply situation, and without the temporary revision, some milk not needed for bottling use would have to be shipped first to distributing plants and then be shipped to manufacturing plants merely to qualify some supply plants under the order during the forthcoming winter months. Likewise, milk of some dairy farmers would first have to be received at a pool plant to qualify it for pooling rather than being shipped directly from the farm to manufacturing plants for surplus use. This would result

in costly and inefficient movements of milk.

Under these supply-demand conditions, it is concluded that a reduction in the required shipments of a supply plant by 10 percentage points beginning in December will prevent uneconomic movements of milk merely for purposes of maintaining pool plant status. Moreover, a continuation of the present relaxation of the diversion limits by 10 percentage points through March 1982, will prevent uneconomic movements of milk through pool plants merely for the purpose of qualifying it as producer milk under the order.

It is hereby found and determined that thirty days' notice of the effective date is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of December 1981 through March 1982;

(b) This temporary revision does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of December 1981 through March 1982.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the months of December 1981 through March 1982.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 14, 1981.

Signed at Washington, D.C. on December 9, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-35729 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1910, 1924, 1941, and 1943

New Full-Time Family Farmer and Rancher Development Project

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to management assistance for certain farmer loan program applicants and borrowers. This action implements a "New Full-time Family Farmer and Rancher Development Project" that will supplement the management assistance now available from FmHA County Supervisors. This project is being implemented on a pilot basis in 81 counties in 10 States for a 1 year period. After the pilot period, the project will be evaluated, regulations revised as deemed desirable and the project implemented in all counties nationwide. The intended effect of this project is to help develop a continuing and reliable supply of successful full-time commercial family farmers and ranchers to replace the retiring generation and other agricultural producers who discontinue their operations. This project is a coordinated effort to assure that all USDA resources (existing programs and personnel) and local (county level) human resources, on a voluntary basis, are utilized in the encouragement and development of successful full-time family farming and ranching operations.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Morris Monesson, Emergency (EM) Loan Branch Chief, Emergency Loan Division, Farmers Home Administration, USDA, Washington, D.C. 20250, telephone: (202) 382–1632.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1, which implements Executive Order 12291, and has been determined to be "nonmajor."

This action will cause no increase in costs of prices for individuals, organizations or other government agencies affected; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Five alternative actions and their anticipated effects, as enumerated and discussed in the proposed rule, were considered. The alternative selected will provide the greatest net benefits to society at the lowest cost.

This action does not directly affect any FmHA programs or projects that are subject to A–95 clearinghouse review.

CFDA No. and Title:

10.406 Farm Operating Loans (OL)
10.407 Farm Ownership Loans (FO)
10.416 Soil and Water Loans (SW)

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

A proposed rule was published in the **Federal Register** (46 FR 50080) on October 9, 1981. That rule provided for a 30-day comment period through November 9, 1981. Comments on the proposed rule were received from 7 individuals including a former FmHA State Director, a veterinarian employed by the USDA–APHIS, a present FmHA State Director, a rural affairs organization President, an FmHA County Supervisor, a State Commissioner of Agriculture and a State Forester. Additionally, a summary of comments from 18 Soil Conservation Service (SCS) State Conservationists was received from the SCS. The comments received were generally favorable, however, the following concerns were expressed that:

(1) The selection of alternative 5, i.e., the use of local volunteers for extra supervision of certain FmHA farm loan borrowers would be the most costly and least effective method of the 5 alternatives considered, since administrative time would be consumed in attending meetings and in preparation of reports; and the volunteers who will offer their services would not provide the quality of supervision and counseling necessary to assure the success of the borrowers they counsel.

We believe these concerns are not well-founded. Although there will be some extra administrative time consumed initially in getting the Development Committees organized, once organized, those committees will function independently of Government agencies.

The only additional reporting requirement placed on the FmHA County Supervisor is to review and analyze the Development Committee's annual report of progress for each borrower, who has accepted the services of the Committee and Counselor(s), and report those analyses with recommendations to the State Director. Reviewing analyses completed by someone else is far less time consuming than actually doing the analyses yourself with the borrower.

Concerning the capability and quality of volunteer Committeepersons and counselors, it is our belief there are many qualified people willing to give of their time, particularly so in farm oriented communities where the older

generation is anxious to see good farming operations perpetuated in their community. The caliber of the volunteers in any community is controllable locally, since the selection of Development Committeepersons and Guidance Counselors is a local decision. The criteria used for qualifying volunteers as Guidance Counselors will be established by the Development Committee; and the standards adopted for the Counselors will determine the success of the project locally. Development Committees will have to exercise good judgment in their selection of counselors and the matching of Counselors with borrowers. Availability of qualified Counselors may be a limiting factor for the project in some communities. However, we do not expect Development Committees to accept the services of people who are not properly qualified simply because their services are voluntary. The success of this project, at least initially, will be gauged by the number of family farmers and ranchers established, who continue on as successful full-time operators, and not by the total number of FmHA borrowers who receive the Committee's and Counselor's services, but never reach their objective. We do not expect quality to be sacrificed for quantity.

(2) Proper precautions be taken to avoid the establishment of new livestock herds carrying "economic infectious diseases."

We are confident that with the broad representation of local agricultural interests serving on the Development Committees and as Counselors, and the always available expertise of the USDA agencies, this expressed concern will not become a problem.

(3) Presently indebted FmHA farm loan borrowers have need for closer supervision and more counseling which FmHA is unable to provide. It is suggested that the services of the Development Committees and Guidance Counselors be made available to existing FmHA borrowers to the extent local volunteers are willing to give of their time.

We recognize that most FmHA borrowers could benefit from the services of a Development Committee and Counselors. However, this project, by design, is being made available only to those farmers and ranchers and prospective farmers and ranchers who are not now full-time farm operators; and who have expressed a desire to become full-time farm operators; and who have demonstrated the potential to become successful full-time farm operators able to qualify for conventional financing within 5–10 years after accepting the services of the Development Committee and Counselor(s). Those FmHA borrowers who meet these criteria may be referred to the Development Committee for its consideration by the FmHA County Supervisor.

(4) Project will tend to reduce FmHA services to many of its present borrowers, especially limited resource borrowers and other disadvantaged farmers.

It is our belief and our expectation that the activities of the Development Committees and Guidance Counselors will have just the opposite effect, i.e., their services will enable FmHA County Supervisors and other FmHA County Office employees to devote more of their time to those borrowers and applicants who are not interested in becoming full-time operators or who have more serious management problems.

(5) The role of Development Committees partially duplicate and conflict with the responsibilities mandated by law to the FmHA County Committees; and that the Development Committee's acceptance of a candidate would prompt nearly automatic acceptance by the FmHA County Committee.

The proposed rule clearly states that: *"FmHA County Committees*—will continue to be responsible for determining a candidate's basic eligibility for FmHA assistance."

"FmHA County Supervisors—will remain responsible for determining the soundness of the proposed loan(s) and all security and account servicing of borrowers in this project, and for management assistance as set out in Part 1924, Subpart B."

We see no duplication of efforts or conflict of responsibilities between the Development Committees and the FmHA County Committees. We recognize that FmHA County Committees are mandated by statute to certify eligibility or ineligibility of every farm loan applicant, and they will continue to fulfill that responsibility. We also recognize that the Development Committees have no authority, either by statute or by delegation. They will function strictly as a voluntary group offering additional counseling and supervision to certain family farmers and ranchers who seek their services and agree to cooperate in carrying out the Development Committee's recommendations. All loan making activities remain the full responsibility of FmHA County Committees and FmHA loan approval officials.

There is no reason to believe an action by either Committee would cause an automatic reaction by the other, since each Committee is an autonomous body and each has different responsibilities. We do believe, however, that when you have two groups of responsible and knowledgeable people interacting over a period of time, and having similar goals, a mutual respect and understanding develops between them. We, therefore, expect that in most instances candidates who are referred to FmHA by the Development Committees will qualify for FmHA financing because the Development Committees will be familiar with FmHA's eligibility requirements and will not refer someone who is obviously ineligible.

(6) The pilot project be extended to additional States.

We recognize that the services to be performed by the Development Committees and Guidance Counselors are desirable and will be beneficial wherever the project is implemented. The project also has potential problem areas which need to be observed and understood before the project is implemented in all States.

(7) The term of office for Development Committee persons be longer than 3 consecutive years, as prescribed in the proposed rule, when there is a good Committee person who is willing to serve longer.

Our initial thinking in limiting the terms to 3 consecutive years was the avoidance of one or more individuals becoming entrenched and dominating the actions of the Committee. This could create a poor public image and detract from the credibility of the Committee and its work. Upon reconsideration we still believe it would generally be best if the term is limited to 3 consecutive years. We do agree, however, that there will be situations where it would be desirable to extend that term. The Final Rule reflects such a change, leaving it discretionary with each local Development Committee.

We have also made the following changes based on informal inquiries and comments received. Exhibit A, FmHA Instruction 1924–B:

Paragraph IV A 3 *Additional Members*—*"will* be selected * * *" The proposed rule stated "may be selected * * *"

It is intended that Development Committees have representation from the private sector as well as the public sector, although who from the private sector serves on the committees is a local decision.

Paragraph IV B *Guidance Counselors*—The New * * * candidate. Add: Development Committee members may also serve as counselors.

Inquiries were received concerning whether Development Committee members might also serve as Guidance Counselors. Certainly if a community has one or more Committee members who wish to volunteer their services as a counselor, and the Committee determines the individual(s) is qualified, we have no objection and have made provision for it.

Paragraph VI A 2 changed to read "Assisting candidates in the development of comprehensive annual and long-range plans, including soil and water conservation plans, to become * * *"

Items 6 and 7 of Table 1 in paragraph VII speak of "comprehensive plan." However, in the proposed rule there was no reference to a comprehensive plan in the text of the regulation. Neither was there mention that a comprehensive plan will include a soil and water conservation plan.

Paragraph VI B 2 change to read:

2. *Reviewing*—an annual operational analysis (financial, production, marketing and conservation) of each borrower's operation with the borrower, appropriate USDA agency representatives and the Guidance Counselor.

This change is needed to be consistent with paragraphs VI A 2 and VII Table 1.

Accordingly, FmHA amends Subpart A of Part 1910, Subpart B of Part 1924, Subpart A of Part 1941, Subpart A of Part 1943 and Subpart B of Part 1943, Chapter XVIII, Title 7, Code of Federal Regulations, as follows:

PART 1910—GENERAL

Subpart A—Receiving and Processing Applications

1. The introductory paragraph of § 1910.4 is revised to read as follows:

§ 1910.4 Processing applications.

When obtaining information concerning applicants and evaluating their qualifications, FmHA personnel will be governed by the provisions of ECOA and the established policies for the various types of assistance offered by FmHA. In the processing of applications for Farm Ownership, Farm Operating and Soil and Water loans received from family size operators, the County Supervisor may recommend the applicant for the additional services of the "New Full-time Family Farmer and Rancher Development Committee." See Exhibit A of Subpart B of Part 1924 for the policies governing those additional services.

* * * * *

PART 1924—CONSTRUCTION AND REPAIR

Subpart B—Management Assistance to Individual Borrowers and Applicants

2. Table of sections is amended to add the following:

Exhibit A—New Full-time Family Farmer and Rancher Development Project

3. Section 1924.51 is revised to read as follows:

§ 1924.51 General.

This subpart sets forth policies for providing management assistance to individual applicants and borrowers. The term "individual" as used in this Subpart also applies to farming partnerships, corporations and cooperatives receiving Farmer Program loans. This Subpart pertains to all insured loan applicants/borrowers who depend on farm income for loan repayment, including those Farm Ownership (FO), Soil and Water (SW) and/or Operating (OL) loan applicants and borrowers who are afforded the services of a "New Full-time Family Farmer and Rancher Development Committee." (See Exhibit A of this Subpart). It also provides for the necessary supervision and appropriate credit counseling for Rural Housing (RH) applicants/borrowers not dependent on farm income for loan repayment.

4. Exhibit A is added to the end of Subpart B to read as follows:

Exhibit A—New Full-Time Family Farmer and Rancher Development Projects

I. *Objective.* The objective of this additional applicant/borrower service is to develop a continuing and reliable supply of full-time commercial family farmers and ranchers to replace the retiring generation and other agricultural producers who discontinue their operations. This service will enlist the management assistance from the full field force network of the United States Department of Agriculture (USDA) Agencies as well as voluntary representatives of local farm and forestry organizations and farm lending institutions. No applicant applying for FmHA loan assistance will be required to utilize the management assistance of the Development Committee. The decision of an FmHA loan applicant not to utilize the services of the Development Committee will not impair in any way the applicant's eligibility for FmHA assistance.

II. *Definitions.*—A. *USDA Agency Representative*—A USDA full-time or part-time employee.

B. *New Full-Time Family Farmer or Rancher*—An individual, a family partnership or a family corporation who/which is a part-time or a beginning farmer or rancher and has expressed the interest to become a full-time farmer or rancher at the time of recommendation to the Development Committee.

C. *Family Size Farming or Ranching Operation*—An operation recognized to be a family size farming or ranching operation as defined in § 1941.4(d) of this Chapter.

III. *Delivery.* This additional service will be made available, on a pilot basis, immediately in 81 Farmers Home Administration (FmHA) County Office areas within 10 selected States, and then implemented nationwide in Fiscal Year 1983. The 10 pilot States and 61 pilot counties are:

I. *Illinois*

1. Greene
2. Jefferson
3. Kankakee
4. McDonough
5. Stephenson

II. *Minnesota*

1. Clearwater
2. Kanabec
3. Kandiyohi
4. Kittson
5. Murray
6. Olmsted
7. Ottertail

III. *Mississippi*

1. Calhoun
2. Copiah
3. George
4. Monroe
5. Newton
6. Pearl River
7. Pontotoc
8. Quitman
9. Washington
10. Yazoo

IV. *Missouri*

1. Barry
2. Cape Girardeau
3. Douglas
4. Johnson
5. Livingston
6. Mississippi
7. Nodaway
8. Osage
9. Randolph
10. Texas

V. *Nebraska*

1. Box Butte
2. Buffalo
3. Custer
4. Dodge
5. Gage
6. Greeley
7. Knox
8. Red Willow
9. Wayne
10. York

VI. *North Carolina*

1. Alleghany
2. Jackson
3. Nash
4. Northampton
5. Yadkin

VII. *North Dakota*

1. Bottineau
2. Emmons
3. Hettinger
4. LaMoure
5. Mercer
6. Pierce
7. Richland
8. Sheridan
9. Stark
10. Williams

VIII. *Oregon*

1. Clackamas
2. Douglas
3. Jefferson
4. Klamath
5. Linn
6. Malheur
7. Union

IX. *Pennsylvania*

1. Berks
2. Bradford
3. Centre
4. Columbia
5. Crawford
6. Franklin
7. Huntington
8. Lancaster
9. Somerset
10. York

X. *Texas*

1. Haskell	5. Pecos
2. Houston	6. Starr
3. Menard	7. Van Zandt
4. Milan	

IV. *Organization of Voluntary Field Force.*

A. *New Full-Time Family Farmer and Rancher Development Committee.* 1. *Responsibilities for Organizing*—It is the responsibility of FmHA State, District and County Office officials (and County Committeepersons if they wish to volunteer their assistance in organizing and publicizing) to take the necessary and appropriate actions to:

a. Publicize the concept and objectives of the Development Committees and stimulate local interest in the project through the news media and through personal contacts. (All FmHA employees are expected to participate in this action.)

b. Schedule an organizational meeting(s), and establish a New Full-time Family Farmer and Rancher Development Committee at the FmHA County Office level. The County Supervisor will schedule the organizational meeting(s) and serve as chairperson *pro tem* until the Development Committee is established and has elected its permanent officers.

c. Assure that a farmer member of the FmHA County Committee serves as a member of the Development Committee. (The County Supervisor is responsible for taking this action.)

2. *Composition of the Development Committee*—Committee composition will be a local decision. However, Committee members must be selected without regard to race, color, religion, national origin, sex, age, marital status, or handicapped condition. The Committees are to be organized and established in each of the 81 pilot FmHA County Office areas in Fiscal Year 1982, and in every FmHA County Office area during Fiscal Year 1983. Membership on the Development Committees *will* be composed of:

a. A farmer member of the FmHA County Committee.

b. A member of the Agricultural Stabilization and Conservation Service (ASCS) County Committee.

c. A farmer member of the Soil Conservation District Governing Board, where Conservation Districts exist.

d. A farmer representative of the county Cooperative Extension Service (CES).

e. A Federal Crop Insurance Corporation (FCIC) Field Supervisor.

3. *Additional Members*—Members will be selected for the Development Committee during its organizational meeting(s) and *may* include, but are not limited to, some or all of the following individuals:

a. A representative(s) of the local Farm Credit System. (Federal Land Bank Association and/or Production Credit Association.)

b. A representative of a local commercial lender(s) who is actively involved in agricultural lending in the area. (Bank agricultural loan officer(s).)

c. An officer or active member of local farm or forestry organization(s).

d. A Vocational Agriculture Instructor and/or a 4–H Club Leader.

e. A senior member of a local Future Farmers of America (FFA) chapter and/or a farm project oriented 4–H Club.

f. A representative of a farm supply or farm marketing cooperative serving the area.

4. Representatives from the local offices of ASCS, CES, FmHA, FS (Forest Service), SCS and all other appropriate USDA agencies will support the Development Committees as consulting experts and *ex officio* members of the Committees.

B. *Guidance Counselors*—The New Full-time Family Farmer and Rancher Development Committees will solicit and recruit Volunteer Guidance Counselors and assign a Counselor to each individual candidate. Development Committee members may also serve as Counselors. The Counselors must be selected without regard to race, color, religion, national origin, sex, age, marital status, or handicapped condition. The Counselors will provide on-the-farm management assistance and supervisory functions by guiding the candidates in the successful pursuit of their long range plans. Each Development Committee will establish its own qualifying criteria for Counselors and recruit them from the following sources:

1. *Retired farmers or ranchers*—who have been successful operators during their active farming or ranching years.

2. *Active successful farmers and ranchers*—including those who have had FmHA loan assistance and graduated to conventional credit.

3. *Retired professionals*—who have management expertise.

V. *Terms and Compensation of Development Committee Members and Guidance Counselors.*

A. *USDA Agency Employees*—Employees who serve on the Development Committees will work without additional compensation other than mileage reimbursement, utilizing agencies' equipment, facilities and services as necessary. USDA agencies will provide representatives to serve on the Committees as long as the project continued.

B. *Other Committee Members and Guidence Counselors*—All other Committee members and Guidance Counselors who are not USDA Agency employees or representatives of other institutions, e.g., Farm Credit Association—PCA's, FLB's, banks, agribusinesses, etc., will be compensated for mileage traveled while performing their voluntary services. Those volunteers for whom mileage reimbursement is authorized will maintain and submit monthly mileage claims to the local FmHA County Supervisor during the pilot project. County Supervisors are authorized to process mileage claims as set out in FmHA Instruction 2036–A, a copy of which is available in any FmHA office.

C. *Term of Office*—The term of service for Committee members can vary from one to three years; however, the same individuals will ordinarily not serve for more than three consecutive years. Local Development Committees may waive this limitation and extend a Committee member's term for an additional three years on an individual basis. Guidance Counselors may serve for one or more years and may continue with an individual farmer until that farmer graduates to conventional credit or is terminated from the services of the Committee for other reasons.

VI. *Duties and Responsibilities of the Development Committee*—Principal Duties and Responsibilities of the New Full-time Family Farmer and Rancher Development Committee include:

A. *Serving New Candidates*—

1. Interviewing candidates referred to the Committee. Written referrals are required and may be accepted from any responsible local person.

2. Assisting candidates in the development of comprehensive annual and long range plans, including soil and water conservation plans, to become successful farmers or ranchers. These plans will be prepared on Forms FmHA 431–1, "Long Time Farm and Home Plan" and FmHA 431–2, "Farm and Home Plan", or other similar plans. Also, the Committee will assist candidates in preparing Form FHA 410–1, "Application for FHA Services." All FmHA forms will be provided to the Committee by FmHA, as needed.

3. Advising candidates on location and suitability of farm and ranch land resources (as tenants and/or owners).

4. Advising candidates on capital expenditures for livestock, machinery and equipment, and real estate.

5. Recommending the type(s) of farm or ranch enterprise(s) to be conducted which has been proven successful for the local area.

6. Reaching an agreement with the candidates on the type(s) and amount(s) of FmHA loan assistance for which the candidate will apply.

7. Obtaining a written agreement between candidate and Development Committee. The Agreement will read as follows:

Agreement Between the—(Name of County)—County New Full-Time Family Farmer and Rancher Development Committee and Candidate—(Candidate's name)—

The Candidate:

a. Agrees to voluntarily disclose to the Development Committee complete personal financial information and submit a current financial statement.

b. Understands that the assistance to be received from the Development Committee is voluntary; and that such assistance can be terminated by either the candidate or the Development Committee upon written notification. Termination by either of the parties will not preclude the candidate from applying directly to FmHA for loan assistance, nor will it impair the candidate's eligibility for FmHA assistance.

c. Agrees to follow the recommendations and advice of the Development Committee and Guidance Counselor.

The Development Committee:

a. Agrees to treat all information provided by the candidate as confidential.

b. Will assist the candidate in completion of a FmHA loan package which will include Forms FHA 410–1, "Application for FHA Services;" FmHA 431–1, "Long-Time Farm and Home Plan;" and FmHA 431–2, "Farm and Home Plan."

c. Will provide a written recommendation to the FmHA County Supervisor for those candidates determined qualified to receive the continued services of the Development Committee. Such recommendation will ordinarily be made within 2 months, but should not exceed 6 months after the candidate has been referred to the Committee. Such recommendation will carry no assurance of FmHA loan(s) approval.

d. Will notify, in writing, any candidate who does not qualify for the Development Committee's continued service, and return to the candidate all papers and information submitted by the candidate. Such notification will be given not later than 30 days after the candidate has been referred to the Committee. The FmHA County Supervisor will be notified, in writing, of the termination by the Development Committee chairperson.

Candidate _____
Date _____
Development Committee Chairperson _____
Date _____

B. *Serving candidates who are successful in obtaining FmHA financing as a New Full-Time Family Farmer or Rancher*—These services include:

1. *Selecting and assigning*—a Guidance Counselor to work closely with the farmer or rancher.

2. *Reviewing*—an annual operational analysis (financial, production, marketing and conservation) of each borrower's operation with the borrower, appropriate USDA agency representatives and the Guidance Counselor.

3. *Submitting*—an annual report on each borrower to the FmHA County Supervisor by February 1st of each year. The annual report will include the following information and recommendations as the Committee deems appropriate.

a. Actual figures of expenses and income for the previous year's operation, and an analysis of progress made for the year.

b. A plan of operation for the coming crop year if the borrower is to be recommended to continue to receive the services of the Committee.

c. Recommendations as the Committee deems appropriate:

(1) Graduation to other credit where progress justifies it.

(2) Additional FmHA loan(s) and/or continued FmHA financing.

(3) Discontinuance of the services of the Committee due to insufficient progress, lack of cooperation, and/or inability to make necessary adjustment; and notifying FmHA, in writing, of such action.

4. *Recruiting, assigning and overseeing*—the counseling activities of Voluntary Guidance Counselors. Counselors will be expected to work closely with USDA personnel, make on-the-farm visits at least monthly, and advise and counsel the borrower in all areas of farm or ranch management.

VII. *Participation of Individuals and/or Groups Involved or Assisting in each Phase of this Effort.*

TABLE 1.—PARTICIPATION DIAGRAM FOR NEW FULL-TIME FAMILY FARMER AND RANCHER DEVELOPMENT COMMITTEE CANDIDATES

Action	Participants				
	Candidate	NF-TF/R development committee	Guidance counselor	Consulting agency representative	FmHA county committee
1. Nomination/Referral—Any responsible person from the agricultural community—					
2. Application review including inventory of resources	X	X		X	
3. Evaluate need for and feasibility of USDA resources	X			X	
4. Candidate not selected	X	X			
5. Candidate selected	X	X			
6. Comprehensive plan development	X	X		X	
A. On-site planning	X			X	
1. Define objectives	X	X		X	
2. Review problems and opportunities	X	X		X	
3. Evaluate alternatives	X	X		X	
4. Select alternatives	X	X		X	
5. Record planning decisions				X	
B. Prepare comprehensive plan document				X	
7. Review and approve comprehensive plan	X	X		X	
8. Recommend to FmHA those candidates qualified for continued Development Committee assistance		X			
9. Determination of eligibility for FmHA financing				X	X
10. Determination of soundness of proposal by FmHA loan approval official				X	
11. Implementation of plan	X		X	X	
12. Annual review and update of comprehensive plan	X	X	X	X	X
A. Review for graduation to private credit	X	X	X	X	X
B. Termination/continuation of Development Committee's and Counselor's services	X	X	X		
13. Termination/continuation of FmHA financing	X			X	X

NOTE.—More than one X on a line indicates joint participation. *Joint* participation is essential to achieve optimized coordinated delivery of USDA programs, assurance of consideration of all resource needs and potentials, assurance of consideration of all farm/ranch operational needs, and successful development of full-time commercial family farmers and ranchers.

VIII. *Criteria for Selection of Candidates.* A candidate may be an individual, a family partnership, or a family corporation conducting or proposing to conduct a full-time family size farming or ranching operation and having strong agricultural background, training and/or experience, and resources other than the availability of necessary capital on suitable terms.

A. *Candidates May be Referred to the New Full-Time Family Farmer and*

Rancher Development Committee—by any responsible person residing in the local area, including but not limited to:

1. The FmHA County Supervisor. (Applicants or borrowers presently indebted for one or a combination of Farm Ownership, Soil and Water, and/or Operating loan(s) may be referred).
2. A local agricultural lender.
3. A successful active or retired farmer or rancher.
4. A local agricultural leader.
5. Any other responsible person knowledgeable of good farm or ranch management practices.

B. *Candidates must:*

1. Express a commitment to be a full-time farmer or rancher.
2. Be able to offer evidence and project realistic plans indicating that by the end of the third full year of operation, full-time and effort (100 percent) will be devoted to conducting a successful farming operation.
3. Possess the necessary farm experience and/or background and resources, other than capital, which will likely enable the candidate to make sufficient progress and graduate to private credit within 5–10 years.
4. Agree to cooperate with, accept, and utilize the management assistance and supervision of the New Full-Time Family Farmer and Rancher Development Committee and Guidance Counselor(s).
5. Need and qualify for FmHA Farm Ownership, Soil and Water and/or Operating loan assistance to become established in a full-time family farming or ranching operation.

IX. *Candidates Recommended to FmHA for Continued Development Committee Services.* Any candidate recommended to FmHA by the Development Committee will continue to receive the Development Committee's services provided the FmHA approves a loan(s) for the candidate.

A. *FmHA County Committees*—will continue to be responsible for determining a candidate's basic eligibility for FmHA assistance.

B. *FmHA County Supervisors*—will remain responsible for determining the soundness of the proposed loan(s) and all security and account servicing of borrowers in this program, and for management assistance as set out in Part 1924, Subpart B.

C. *The Services of the Volunteer Development Committee and Guidance Counselors*—are intended to be closely coordinated with FmHA's and other USDA agencies' management assistance responsibilities, but not replace them.

D. *Nonfarm Enterprise or Recreational Loan Assistance*—authorized by Part 1941, Subpart A and Part 1943, Subparts A and C will not be available to candidates or borrowers participating in this project. If such loan assistance is requested from FmHA, the candidate or borrower will be terminated from further assistance by the Development Committee.

PART 1941—OPERATING LOANS

Subpart A—Operating Loan Policies, Procedures and Authorizations

5. Section 1941.3 is revised to read:

§ 1941.3 Management assistance.

As provided in Subpart B of Part 1924 of this Chapter, management assistance will be provided all borrowers to the extent necessary to achieve the objectives of the loan. See Exhibit A of Subpart B of Part 1924 for the policies governing the furnishing of additional services to borrowers by the "New Full-time Family Farmer and Rancher Development Committee."

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

Subpart A—Insured Farm Ownership Loan Policies, Procedures and Authorizations

6. Section 1943.3 is revised to read:

§ 1943.3 Management assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government in accordance with Subpart B of Part 1924 of this Chapter. Such assistance consists of farm, home and nonfarm planning; recordkeeping; analyzing the farm and any nonfarm business; and giving management advice. See Exhibit A of Subpart B of Part 1924 for the policies governing the furnishing of additional services to borrowers by the "New Full-time Family Farmer and Rancher Development Committee."

Subpart B—Insured Soil and Water Loan Policies, Procedures and Authorizations

7. Section 1943.53 is revised to read:

§ 1943.53 Management assistance.

Supervision will be provided borrowers to the extent necessary to achieve loan objectives and protect the Government's interests, in accordance with Subpart B of Part 1924 of this Chapter. See Exhibit A of Subpart B of Part 1924 for the policies governing the furnishing of additional services to borrowers by the "New Full-time Family Farmer and Rancher Development Committee."

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: December 3, 1981.

Ruth A. Reister,

Acting Under Secretary for Small Community and Rural Development.

[FR Doc. 81-35693 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Austria

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document makes final the interim rule which extended to Austria the prohibitions previously placed on the importations into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). This action is necessary to protect the livestock of the United States from such disease.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 818, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The final rule has been determined to be not a "major rule" under Executive Order 12291. Based on information received by the Department, it has been determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Background

A document published in the Federal Register on August 31, 1981 (46 FR 43650–43651) amended, on an interim basis, the regulations (9 CFR Part 92, § 92.2(i)(1), to extend to Austria the prohibitions previously placed on the importation into the United States of

certain horses from or that have been in countries affected with contagious equine metritis (CEM).

The Department is responsible for protecting the livestock of the United States against the introduction and dissemination of communicable diseases of livestock. CEM is a communicable disease of horses. Under the circumstances, the prohibition of the importation of certain horses from Austria is the only alternative available which protects the livestock of the United States against the introduction and dissemination of CEM in the United States.

Written comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment. The factual situation which was set forth in the document of August 31, 1981, still provides a basis for the amendment. After careful consideration of all relevant information available to the Department, the Deputy Administrator has determined that the interim rule revising § 92.2(i)(1) should be made a permanent regulation as it appeared in the **Federal Register** on August 31, 1981.

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 8th day of December 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-35489 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-20-AD; Amdt. 39-4275]

Airworthiness Directives; Hughes Helicopters Model 369D Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which provides for periodic inspections of the main rotor drive shaft on Hughes Helicopters Model 369D series helicopters. The AD is needed to detect cracks and provide corrective action which could otherwise result in a forced auto rotative landing.

DATE: Effective December 17, 1981.

Compliance schedule—Initial compliance required within 25 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Hughes Helicopters, Division of Summa Corporation, Centinela and Teale Streets, Culver City, California 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Harold W. Ferris, Aerospace Engineer, Airworthiness Directive Review Board, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351. Call FAA AWP Duty Officer, (213) 536-6435 during off duty hours.

SUPPLEMENTARY INFORMATION: There have been four reports of spherical spline tooth cracks and/or failures at the transmission end of the main rotor drive shaft on Hughes Helicopters Model 369D helicopters. These cracks were detected at the 1200 hour inspection required by Hughes Maintenance Instructions (HMI). Test reports indicate that cracks in the tooth area have propagated to the shaft, causing shaft failure. An alternative consequence is sequential tooth failure. In either case, the eventual result will be failure to deliver torque to the main rotor producing an autorotation situation complicated by the unavailability of tachometer information since the rotor RPM sensor will receive no input. There have been no total shaft failures reported to date as a result of field experience. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires periodic inspections of the main rotor drive shaft at 300-hour intervals on Hughes Helicopters Model 369D helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Hughes Helicopters: Applies to Model 369D Series helicopters certified in all categories

Compliance required as indicated, unless already accomplished

To prevent failure of the main rotor drive shaft, P/N 369D25510, accomplish the following:

(a) Prior to the accumulation of 300 hours' total time in service on the P/N 369D25510 drive shaft, or within the next 25 hours' additional time in service from the effective date of this AD, whichever occurs later, and thereafter at repetitive intervals not to exceed 300 hours' additional time in service since the last such inspection:

(1) Visually inspect the spherical spline and adjacent shaft area of the P/N 369D25510 drive shaft per Hughes Service Notice No. DN-99, dated November 30, 1981.

Note.—If interpretation of visual inspection result is in doubt, Magnaflux inspect Per MIL-I-6868.

(2) Replace cracked parts with like serviceable part prior to return to service and continue to inspect at 300-hour intervals.

Note.—Drive shaft retirement is established at 3410 hours' time in service.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

This amendment becomes effective December 17, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As

such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on November 30, 1981.

H. C. McClure,

Director, FAA Western-Pacific Region

[FR Doc. 81-35519 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-87-AD; Amdt. 39-4279]

Airworthiness Directive; Lockheed-California Co., Model L-1011-385-1 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires inspection for cracks in Fuselage Station (FS) 1363 bulkhead and repair and/or replacement of defective parts as necessary on certain Lockheed Model L-1011-385-1 series airplanes. This action was prompted by reports of fuselage cracks in the main landing gear wheel well area at FS 1363 which, if allowed to progress, could result in rapid decompression of the airplane. This amendment increases the interval for repetitive inspections and, therefore, is relieving in nature. After issuing the airworthiness directive, the FAA evaluated substantiating data and additional service instructions submitted by the manufacturer. It was determined that an increase in the repetitive inspection interval is justified.

DATES: Effective date December 24, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2825.

FOR FURTHER INFORMATION CONTACT: Harvey Chimerine, Aerospace Engineer, Airframe Branch, ANM-120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2825.

SUPPLEMENTARY INFORMATION: On August 21, 1981, telegraphic AD T81-18-51 was issued to all known operators of Lockheed-California Company Model L-1011-385-1 airplane serial numbers 1001 through 1051, inclusive, effective upon receipt, requiring inspection for cracks in FS 1363 bulkhead and repair and/or replacement as necessary. This action was initiated by reports of fuselage cracks in the main landing gear wheel well area at FS 1363. If left unattended, crack progression may result in rapid decompression of the airplane. Subsequently, AD 81-18-51, Amendment 39-4242, was published in the **Federal Register** at 46 FR 52091, October 26, 1981. After issuing Amendment 39-4242, the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, evaluated substantiating data and additional service instructions submitted by the manufacturer. It was determined that an increase in the repetitive inspection interval from the 500 landings previously required to 1000 landings, in accordance with Lockhead L-1011 Service Bulletin 093-53-206, Revision 1, dated October 19, 1981, is justified.

Since this amemdment is relieving in nature, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending the existing Airworthiness Directive 81-18-51 (Amendment 39-4242; 46 FR 52091 dated October 26, 1981) by revising paragraph A.2 to read as follows:

A.2 If operators elect to accomplish the inspections in accordance with paragraph C below, the repetitive inspection interval not to be exceeded is 1000 landings thereafter, until a permanent modification is incorporated.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective December 24, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transporation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment, therefore, is not major under Executive Order 12291 (46 FR 13193, February 19, 1981) and therefore not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on December 4, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-35592 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 22464; Amdt. No. 1205]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements.

These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; 2. The FAA Regional Office of the region in which the affected airport is located; or 3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or 2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

* * * *Effective January 21, 1982*

Dothan, AL—Dothan, VOR Rwy 13, Amdt. 2
Dothan, AL—Dothan, VOR Rwy 18, Amdt. 2
Dothan, AL—Dothan, VOR–A (TAC), Amdt. 10
Phoenix, AZ—Phoenix Sky Harbor Intl, VOR Rwy 26L, Amdt. 19
Phoenix, AZ—Phoenix Sky Harbor Intl, VOR Rwy 26R, Amdt. 1
Phoenix, AZ—Phoenix Sky Harbor Intl, VOR/DME Rwy 8R, Amdt. 9
Carlsbad, CA—Palomar, VOR–A, Amdt. 5
Salinas, CA—Salinas Muni, VOR Rwy 13, Amdt. 9
Salinas, CA—Salinas Muni, VOR/DME–A, Amdt. 6
Salinas, CA—Salinas Muni, VOR/DME Rwy 13, Amdt. 3, cancelled
Middletown, DE—Summit Airpark, VOR–B, Original
Wilmington, DE—Greater Wilmington, VOR Rwy 1, Amdt. 1
Wilmington, DE—Greater Wilmington, VOR Rwy 9, Amdt. 1
Wilmington, DE—Greater Wilmington, VOR Rwy 19, Amdt. 1
Wilmington, DE—Greater Wilmington, VOR Rwy 27, Amdt. 1
Daytona Beach, FL—Daytona Beach Regional, VOR Rwy 16, Amdt. 15
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, VOR Rwy 9L, Amdt. 16
Panama City, FL—Panama City-Bay County, VOR or TACAN Rwy 14, Amdt. 12
Panama City, FL—Panama City-Bay County, VOR or TACAN Rwy 32, Amdt. 7
Panama City, FL—Panama City-Bay County, VOR or TACAN–A, Amdt. 10
Hilo, HI—General Lyman Field, VOR Rwy 26, Amdt. 4
Hilo, HI—General Lyman Field, VOR/DME to TACAN Rwy 26, Amdt. 1
Hilo, HI—General Lyman Field, VOR/DME or TACAN–A, Amdt. 3
Kamuela, HI—Waimea-Kohala, VOR Rwy 4, Amdt. 9
Kamuela, HI—Waimea-Kohala, VOR–A, Amdt. 7
Greenville, IL—Greenville, VOR/DME–A, Amdt. 1
Bay City, MI—James Clements Muni, VOR–A, Amdt. 6
Coldwater, MI—Branch County Memorial, VOR Rwy 3, Amdt. 3, cancelled
Coldwater, MI—Branch County Memorial, VOR Rwy 6, Original
Coldwater, MI—Branch County Memorial, VOR Rwy 21, Amdt. 7, cancelled
Coldwater, MI—Branch County Memorial, VOR Rwy 24, Original
Marlette, MI—Marlette, VOR/DME–A, Amdt. 3
Baudette, MN—Baudette Intl, VOR/DME Rwy 12, Amdt. 1
Baudette, MN—Baudette Intl, VOR Rwy 30, Amdt. 6
Kenton, OH—Hardin County, VOR–A, Amdt. 1
Lima, OH—Allen County, VOR Rwy 27, Amdt. 11
Troy, OH—Troy Skypark, VOR–A, Amdt. 1, cancelled
Austin, TX—Lakeway Airpark, VOR/DME–C, Original
Berkeley Springs, WV—Potomac Airpark, VOR Rwy 29, Amdt. 3

* * * *Effective December 3, 1981*

Chesapeake, VA—Chesapeake Muni, VOR/DME Rwy 22, Amdt. 1

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *Effective January 21, 1982*

Dothan, AL—Dothan, LOC BC Rwy 13, Amdt. 1
Phoenix, AZ—Phoenix Sky Harbor Intl, LOC BC Rwy 26L, Amdt. 2
Salinas, CA—Salinas Muni, LOC/DME Rwy 31, Amdt. 2
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, LOC (BC) Rwy 27R, Amdt. 5
Philadelphia, PA—North Philadelphia, LOC (BC) Rwy 6, Amdt. 4

** * * Effective December 24, 1981*

Hays, KS—Hays Muni, LOC Rwy 34, Original
Dallas, TX—Addison, LOC-B, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective January 21, 1982*

Alexander City, AL—Thomas C. Russell Field, NDB-A, Amdt. 6
Carlsbad, CA—Palomar, NBD Rwy 24, Amdt. 2
Middletown, DE—Summit Airpark, NDB-A, Amdt. 4
Wilmington, DE—Greater Wilmington, NDB Rwy 1, Amdt. 14
Panama City, FL—Panama City-Bay County, NDB Rwy 14, Amdt. 1
East St. Louis, IL—Bi-State Parks, NDB Rwy 30, Amdt. 14
Greenville, IL—Greenville, NDB Rwy 18, Amdt. 3
Mansfield, LA—DeSoto Parish, NDB Rwy 18, Original
Whiteville, NC—Columbus County Muni, NDB Rwy 5, Amdt. 2
Lima, OH—Allen County, NDB-A, Amdt. 2
Guthrie, OK—Guthrie Muni, NDB Rwy 16, Amdt. 1
Philadelphia, PA—Philadelphia Intl, NDB Rwy 27L, Amdt. 4
Walterboro, SC—Walterboro Muni, NDB Rwy 23, Amdt. 4
Castroville, TX—Castroville Muni, NDB Rwy 33, Original

** * * Effective December 24, 1981*

Hays, KS—Hays Muni, NDB Rwy 34, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective January 21, 1982*

Aniak, AK—Aniak, ILS/DME Rwy 10, Amdt. 3
Phoenix, AZ—Phoenix Sky Harbor Intl, ILS Rwy 8R, Amdt. 4
Carlsbad, CA—Palomar, ILS Rwy 24, Amdt. 3
Salinas, CA—Salinas Muni, ILS Rwy 31, Amdt. 2
Wilmington, DE—Greater Wilmington, ILS Rwy 1, Amdt. 16
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l ILS Rwy 9L, Amdt. 10
Panama City, FL—Panama City-Bay County, ILS Rwy 14, Amdt. 11
Tampa, FL—Tampa Intl, ILS Rwy 36L, Amdt. 11
East St. Louis, IL—Bi-State Parks, ILS Rwy 30, Amdt. 3
Covington/Cincinnati, KY—Greater Cincinnati Intl, ILS Rwy 9R, Amdt. 9
Philadelphia, PA—Philadelphia Intl, ILS Rwy 9R, Amdt. 4
Philadelphia, PA—Philadelphia Intl, ILS Rwy 27R, Amdt. 4
Dallas, TX—Dallas Love Field, ILS Rwy 31L, Amdt. 12
Temple, TX—Draughon-Miller Muni, ILS Rwy 15, Amdt. 6

** * * Effective November 28, 1981*

Knoxville, TN—McGhee Tyson, ILS Rwy 4L, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective January 21, 1982*

Daytona Beach, FL—Daytona Beach Regional, RADAR-1, Amdt. 3
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, RADAR-1, Amdt. 2
Panama City, FL—Panama City-Bay County, RADAR-1, Original
Louisville, KY—Standiford Field, RADAR-1, Amdt. 18
North Kingstown, RI—Quonset State, RADAR-1, Amdt. 1

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective January 21, 1982*

Phoenix, AZ—Phoenix Sky Harbor Intl, RNAV Rwy 8L, Amdt. 1, cancelled
Phoenix, AZ—Phoenix Sky Harbor Intl, RNAV 26R, Amdt. 1, cancelled
Wilmington, DE—Greater Wilmington, RNAV Rwy 9, Amdt. 1
East St. Louis, IL—Bi-State Parks, RNAV Rwy 30, Amdt. 6
Austin, TX—Lakeway Airpark, RNAV Rwy 16, Original
Berkeley Springs, WV—Potomac Airpark, RNAV-A, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on December 4, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

[FR Doc. 81-35517 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-60]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zones: Carlsbad, NM, et al.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zones at Carlsbad, NM; Childress, TX; Dalhart, TX; Deming, NM; El Dorado, AR; Gallup, NM; Harrison, AR; Hobart, OK; Wink, TX. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the foregoing airports. The amendment is necessary due to the future possibility of part-timing of the Carlsbad, Childress, Dalhart, Deming, El Dorado, Gallup, Harrison, Hobart, and Wink Flight Service Stations (FSS's). If the facilities are reduced to less than a 24-hour status, there will be no weather reporting available when the facility is nonoperational. Therefore, the airports will not meet the requirements for a control zone during this period.

DATES: Effective date—March 18, 1982. Comments on the rule must be received before February 19, 1982.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-60, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone descriptions at Carlsbad, NM; Childress, TX; Dalhart, TX; Deming, NM; El Dorado, AR; Gallup, NM;

Harrison, AR; Hobart, OK; Wink, TX, will necessitate an amendment to this subpart. A statement at the end of each current description must be inserted in order to have the capability of part-timing the control zone by use of a Notice to Airmen (NOTAM) when the FSS is not operational.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Carlsbad, NM; Childress, TX; Dalhart, TX; Deming, NM; El Dorado, AR; Gallup, NM; Harrison, AR; Hobart, OK; and Wink, TX control zones. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, March 18, 1982, by adding the following to each of the foregoing airports:

The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 4, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-35520 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-EA-13]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area: Ravenwood, W. Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Ravenwood, West Virginia, Transition Area over Jackson County Airport, Ravenwood, West Virginia. A new instrument approach procedure has been developed for Jackson County Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT, December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On June 22, 1981, the Federal Aviation Administration published an NPRM on Page 32269 of the **Federal Register**, and interested parties were given time in which to submit comments. No objections were submitted.

The rule designates a 700 foot transition area within an 8 mile radius of the airport and an extension to the southwest 11 miles wide and 5 miles long.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as published.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on November 25, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Ravenwood, West Virginia 700-foot floor transition area as follows:

Ravenwood, W. Va.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the Jackson County Airport, Ravenwood, West Virginia, 38°55'47" N., 81°49'11" W., within 5.5 miles each side of the 230° bearing from the Jackson County Airport extending from the 8 mile radius area to 13 miles southwest of the airport.

[FR Doc. 81-35521 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-EA-17]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area: Palmyra, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Palmyra, N.Y., Transition Area over Palmyra Air Park Airport, Palmyra, N.Y. A new instrument approach has been developed for the airport which will require protection to aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT, December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On page 32876 of the **Federal Register**, for June 25, 1981, the Federal Aviation Administration published a proposed rule which would designate a 700 foot Palmyra, N.Y., Transition Area within a 5 mile radius of the airport with an extension to the west of approximately 11 miles in length and 10 miles in width. Interested parties were given time in

which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as published.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on November 25, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designation of a Palmyra, New York, 700 foot floor transition area as follows:

Palmyra, New York

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, 43°04'32" N., 77°14'01" W. of Palmyra Air Park, Palmyra, New York; and within 5 miles each side of the Rochester, New York, VORTAC, 098° radial extending from the 5 miles radius area to 5.5 miles east of the VORTAC.

[FR Doc. 81-35522 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-18]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area: Marietta, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Marietta, Pa., Transition Area over Elizabethtown-Marietta Airport, Marietta, Pa. A new instrument approach has been developed for the airport and will require protection for aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT, December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On page 32877 of the **Federal Register** for June 25, 1981, the Federal Aviation Administration published an NPRM which would designate a Marietta, Pa., 700 foot transition area within a 5 mile radius of the airport with an extension to the southwest, approximately 4 miles wide and 3 miles long. Interested parties were given time in which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as published.

(Sections 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designation of a Marietta, Pennsylvania, 700-foot floor transition area as follows:

Marietta, Pennsylvania

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, 40°05'25" N., 76°34'35" W. of Elizabethtown-Marietta Airport, Marietta, Pennsylvania, within 2 miles each side of the 210° bearing for the Elizabethtown-Marietta Airport 5 mile radius area extending to 8 miles southwest of the airport.

Issued in Jamaica, New York on November 25, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-35523 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1201

Safety Standard for Architectural Glazing Materials; Stay of Enforcement of Modulus of Elasticity Test, Hardness Test, and Indoor Aging Test for Plastic Glazing Materials

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of suspension of enforcement of final rule.

SUMMARY: The Commission announces that it is staying enforcement of those portions of the Safety Standard for Architectural Glazing Materials which prescribe a modulus of elasticity test, a hardness test, and an indoor aging test for plastic glazing materials. The Commission takes this action because it has preliminarily determined that these tests for plastic glazing materials are not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with plastic glazing materials. This stay of enforcement shall be in effect until the Commission takes final action on a proposed partial revocation to remove these tests from the standard.

DATE: The stay of enforcement shall be effective December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207; (202) 634-7770.

SUPPLEMENTARY INFORMATION: Elsewhere in the Proposed Rules Section in this issue of the **Federal Register**, the Commission has proposed a partial revocation of the Safety Standard for Architectural Glazing materials (16 CFR Part 1201) to remove three tests now applicable to plastic glazing materials which are used, or intended for use, in products subject to that standard. These tests are the modulus of elasticity test, prescribed by § 1201.4(e)(1)(iii)(A); the hardness test, prescribed by § 1201.4(e)(1)(iii)(B); and the indoor aging test, prescribed by §§ 1201.4(b)(3)(iii), 1201.4(c)(3)(iii), 1201.4(d)(2)(iii), and 1201.4(e)(2)(ii)(C).

The Commission is staying its enforcement of these tests because it

believes that the expenditure of Commission resources to enforce their requirements is not warranted in view of their lack of usefulness to predict breakage characteristics of plastics, and the limited amount of information about injuries associated with breakage of plastic glazing materials.

By letter dated April 20, 1981, Plastic Safety Glazing Committee (PSGC), requested the Commission, among other things, to administratively stay enforcement of the modulus of elasticity, hardness, and indoor aging tests for plastic glazing materials pending final action to remove them from the standard. In that letter, PSGC expresses concern that as long as these requirements remain a part of the standard, state and local building codes requiring either an accelerated environmental durability test or an outdoor weathering test for plastic glazing materials intended for outdoor exposure will be preempted by the Commission's standard.

PSGC assumes that if the Commission stays enforcement of the modulus of elasticity, hardness and indoor aging tests for plastics, that action will have the effect of eliminating the preemption of any additional requirements for plastic glazing materials contained in state or local building codes.

The Commission voted on July 27, 1981, to propose revocation of these tests and to stay enforcement of their requirements pending final action to remove them from the standard.

However, the Commission does not endorse the view of PSGC that staying enforcement of these provisions will eliminate preemption of non-identical state and local requirements for plastics pending final revocation.

Section 26(a) of the CPSA (15 U.S.C. 2075(a)) provides that "whenever a consumer product safety standard under this Act is in effect" and applicable to a product, no state or local government may enact or enforce any requirements applicable to that product and intended to deal with the same risk of injury unless the state or local requirements are "identical" to those of the consumer product safety standard.

As long as the modulus of elasticity test, hardness test, and indoor aging test remain in the architectural glazing standard, that standard will continue to be applicable to plastic glazing materials. Until these tests are revoked from the standard on a final basis, they will remain a part of the standard. Even though the Commission has announced that it will not expend its resources to enforce these provisions, they could be the subject of a private enforcement action under 24 of the CPSA (15 U.S.C. 2073) until revoked.

For these reasons, the Commission believes that until final revocation, the modulus of elasticity, hardness, and indoor aging tests plastic glazing materials will be "in effect" and will continue to preempt any non-identical state or local requirements applicable to plastics, including any accelerated environmental durability test or outdoor weathering test.

Dated: December 9, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-35749 Filed 12-11-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 300

[Docket No. RM82-6]

Confirmation and Approval of the Rates of the Bonneville Power Administration; Interim Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its rules on an interim basis to establish procedures for the interim acceptance of rates submitted by the Bonneville Power Administration under section 7 of the Pacific Northwest Electric Power Planning and Conservation Act.

Specifically, the Commission is adding a new Part 300 to its rules which will provide general procedures, filing requirements and standards for Commission rate review with respect to rate schedules submitted by the Bonneville Power Administration for confirmation and approval. Part 300 is part of a new Subchapter L which is designed to contain all Commission regulations relating to the rates of Federal power marketing agencies.

The rule is being promulgated on an interim basis and is subject to notice and comment procedures before approval on a final basis. Interim approval of the rule is necessary in order to meet the December 5, 1981 statutory deadline. The rule applies only to the Bonneville Power Administration.

DATES: This interim rule is effective December 4, 1981. Comments must be submitted on or before February 5, 1982.

ADDRESSES: All comments must be mailed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All comments should reference Docket No. RM82-6.

FOR FURTHER INFORMATION CONTACT: James Hoecker or Michael Kessler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Issued: December 4, 1981.

The Federal Energy Regulatory Commission (Commission) is amending its rules, on an interim basis, to establish procedures for the interim acceptance of rates submitted by the Bonneville Power Administration (BPA) under section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act or Act).[1] Specifically, the Commission is adding a new Part 300 to its rules which will provide, with respect to rate schedules submitted by the BPA for confirmation and approval: (1) General procedures; (2) filing requirements; and (3) standards for Commission rate review. Part 300 is part of a subchapter L which is designed to contain all Commission regulations relating to the rates of Federal Power Marketing agencies.

The rule is being promulgated on an interim basis to comply with a statutory deadline established by Congress in subsection 7(i)(6) of the Northwest Power Act. Under that subsection, the Commission must implement procedures by December 5, 1981, if any, for the approval on an interim basis of the final rate established by the Administrator of the BPA. Rates promulgated by the Administrator of the BPA may not become effective on a final basis until they are confirmed and approved by the Commission.

I. Background

Section 7 of the Pacific Northwest Act [2] contains the basic rate directives for the sale and transmission of electric power by the BPA.

Section 7(a)(1) of the Northwest Power Act requires the Administrator of the BPA to establish and periodically review and revise BPA rates to recover, in accordance with sound business principles, the Federal investment in the Federal Columbia River Power System.

[1] 16 U.S.C. 839-839h (1980). This rule applies only to the BPA.

[2] 16 U.S.C. 839e.

In establishing rates, the Administrator of the BPA must comply with the substantive requirements of subsection 7(a)(1) and 7(b) of the Northwest Power Act and the procedural requirements of subsection 7(i) of that Act. Subsections 7(i)(1) through (5) of the Northwest Power Act contain extensive notice, hearing, and decisional requirements that the Administrator must follow in establishing rates.

The Commission's role in the BPA ratemaking process is set forth in subsections 7(a)(2), 7(i)(6), 7(k) and 7(l) of the Northwest Power Act which require the final rates established by the Administrator to be submitted to the Commission for confirmation and approval in order to become effective on a final basis. This continues the scheme of previous statutes governing establishment of BPA rates insofar as the Administrator is required to develop rates through separate ratemaking procedures and the Commission is required to confirm and approve on a final basis those rates set by the Administrator.

Under section 7(k) of the Northwest Power Act, rates for the sale of non-firm electric power within the United States but outside the Pacific Northwest region [3] (non-regional rates) may be accorded somewhat different treatment than that specified for rates generally. These non-regional rates are established by the Administrator of the BPA in the same manner as rates for firm and non-firm service within the region. However, rates for services outside the region may be subject to different standards of review by the Commission before they may become effective on a final basis.

Subsections 7(a)(2) and 7(i)(6) of the Northwest Power Act authorize the Commission to approve rates submitted by the Administrator of the BPA on an interim basis. Subsection 7(i)(6) states that the Commission "shall have the authority * * * to approve the final rate submitted by the Administrator on an interim basis, pending the Commission's final decision in accordance with [section 7(a)(2)]." Subsection 7(l) provides that the interim rate approval provisions in subsection 7(i)(6) also apply to rates for BPA electric power sales to entities outside the United States if those rates are established other than by negotiation.

[3] The Pacific Northwest region is defined in Section 3(14) of the Northwest Power Act, 16 U.S.C. 838i(14), to include all of Oregon, Washington and Idaho and parts of Montana, Nevada, Utah, and Wyoming.

II. Issues Relating to Interim Approval of BPA Rates

The Commission has authority to approve BPA rates on an interim basis before it confirms and approves them on a final basis. The Commission is exercising its interim rate approval authority in this docket by means of an interim rule. However, the interim procedures established will be subject to further refinement based on public comment and further consideration by the Commission. In addition to comment on other features of the rule, the Commission specifically invites comment on the following issues.

A. Establishment of Procedures for Interim Rate Approval

Subsection 7(i)(6) of the Northwest Power Act states that: "[P]ending the establishment of * * * procedures [for the filing of interim rates] by the Commission, if such procedures are required, the Secretary [of Energy] is authorized to approve such interim rates during such one-year period in accordance with the applicable procedures followed by the Secretary prior to the effective date of this Act." [4]

The Commission believes that subsection 7(i)(6) of the Northwest Power Act is most reasonably interpreted to mean that any Commission procedures for interim rate approval must be developed within one year of enactment. Without such procedures, the Commission would still be required to review any BPA rate prior to any interim approval using only procedures and standards provided in the Act, or developed in such case. In other words, the Commission finds nothing in the Act which makes the authority to approve rates on an interim basis contingent on the establishment of such procedures. Rather, the Commission believes that this interim rate approval authority is transferred to the Commission on December 5, 1981 and that no corresponding authority will thereafter remain with the Secretary.

The Commission is establishing appropriate procedures under which it will consider BPA rates for which interim rate approval is requested by the Administrator, primarily to standardize the rate filing and approval procedures and to provide sufficient notice of Commission requirements.

The Commission has determined that establishing procedures for rate approval on an interim basis, prior to December 5, 1981, will obviate most questions relating to the effective transfer to the Commission of the Secretary's authority to approve a BPA on an interim basis. In addition, there are important benefits to be obtained from such procedures. Although the Commission is not required to permit BPA to collect rates and charges on an interim basis, the promulgation of uniform filing requirements, and publication of the appropriate standards of review of such rates will benefit BPA, the purchasers of BPA power, and the Commission.

The Commission anticipates that approval of an interim rate, subject to refund with interest, will protect BPA customers while permitting BPA to meet reasonable revenue requirements without undue regulatory delay or repeated rate proceedings and filings with the Commission. The filing requirements which apply to the Administrator, including the general data and supporting rate schedule and technical analysis, and the procedures for addressing deficient applications, will be necessary for the Commission's final determinations, whether or not the Commission chooses to exercise its discretion to confirm and approve any rate on an interim basis.

B. Rates for Service Outside the Region Versus All Other Rates

The Commission may approve all BPA rates on a final basis under section 7 of the Act. However, the statute makes a distinction between rates for non-firm service to customers outside the Pacific Northwest and all other rates. The implication of this distinction for interim rate approval is not entirely clear. The Commission must first ascertain whether it may approve rates for non-regional service on an interim basis and then determine the appropriate standard of review it must apply when considering interim approval.

Although the Commission may approve on an interim basis all rates governed by subsection 7(a)(2), subsection 7(k) addresses only indirectly the Commission's authority to approve rates for non-regional service on an interim basis. Both the legislative history and public policy argue for the Commission's authority to grant interim rate approval for non-regional service established under subsection 7(k) in the same manner as all other BPA rates.

The legislative history of the Act states that:

> the new rate provisions of the Act are different from past rates of BPA and must be implemented very rapidly on a timetable that the Act will set forth. The bill now provided

[4] The Secretary delegated interim rate approval and authority for all Federal Power marketing agencies to the Assistant Secretary for Resource Applications, under Delegation Order No. 0204-33, 43 FR 60636 (Dec. 28, 1978).

FERC reasonable options to assure that BPA rates can become effective on a timely basis * * * . What matters, given the need for new rates and for BPA to meet its repayment obligations, is that interim approval be granted quickly.[5]

Congress made no differentiation among rates for various services when it stated this desire for the Commission to act expeditiously in granting interim rate approval. Historically, BPA has relied on rates for non-regional as well as regional service to generate sufficient revenues to meet its repayment obligations.

As a practical matter, approval of any rate on an interim basis will benefit the BPA without imposing an undue corresponding burden on customers outside the Pacific Northwest region. Adverse effects may, in fact, result from precluding interim approval for rates for non-regional service. First, the BPA may request interim approval to bridge immediate revenue deficiencies. Denial of such approval might create serious cash flow problems.

Second, the absence of interim rate approval authority for rates for non-regional service could result in two kinds of disassociated BPA rates that are not "synchronized" with respect to the period during which such rates would be effective. This lack of synchronization of rates may produce difficulties for both the Administrator's calculation of revenues and the Commission's review of the cost evaluation period.

The interim rule is predicated on the belief that approval of rate schedules for non-regional service on an interim basis can be accomplished so as to minimize an undue financial burden on all BPA customers prior to final confirmation and approval. All customers will be protected by the express condition that interim rates will only be approved subject to refund with interest. Any revenues collected in the interim in excess of the rate level finally confirmed and approved would be required by the rule to be returned to BPA customers.

2. *Standards of Review.* BPA rates established under procedures applicable to the Administrator are reviewable by the Commission. With respect to rates other than those addressed in subsection 7(k) of the Act, the statute does not identify a specific level or standard of review to be applied at the interim approval stage other than to state that the Commission's confirmation and approval authority is exercised "pursuant to subsection (a)(2) * * *." Subsection 7(k) states that non-regional rates "shall become effective after review by the Federal Energy Regulatory Commission for conformance with [the Bonneville Project Act,[6] the Flood Control Act of 1944,[7] and the Federal Columbia River Transmission System Act [8]]."

Subsection 7(k) of the Northwest Power Act also requires the Commission to afford the parties to the proceedings under subsection 7(i) an opportunity for a hearing in accordance with the procedures established for ratemaking pursuant to the Federal Power Act. Such hearing would be in addition to any hearings afforded by the Administrator. No requirement of this type is contained in subsection 7(i)(6) regarding rates generally.

The Commission will provide uniform treatment of all BPA rate filings for acceptance and approval on an interim basis and will carry out the statutory objective of placing BPA rates into effect promptly under both subsections 7 (i) and (k). The participation of interested persons in the Commission's confirmation and approval process, including any hearings, protests, and interventions, will occur during the period in which a rate is effective on an interim basis, subject to the protection afforded by refunds, but before the rate is approved on a final basis. Notice of rate schedule filings and any action on interim rate requests will be published in the **Federal Register**, at which time interested persons may request to participate in the final rate approval process.

The Commission is providing procedures for action on requests by the BPA for interim rate acceptance. Upon receipt of a complete application of the Administrator, the Commission may either: (1) order the rate schedule into effect on an interim basis; (2) deny the Administrator's interim rate request and reject the application; or (3) deny the Administrator's interim rate request and review the application for final confirmation and approval. The Administrator's interim rate request will be rejected if the Commission determines that the application is either patently deficient with respect to the filing requirements described below, or, if it fails to comply with the applicable provisions of the Northwest Power Act.

C. Condition of Acceptance of Interim Rates

As an express condition to the acceptance of any rate on an interim basis, § 300.20(c) of the interim rule requires that the rate approved be subject to refund with interest, if the final rate is lower than the rate approved by the Commission to be collected on an interim basis. The amount refundable is further limited to the amount of the rate increase. This refund provision serves the purpose of allowing the BPA's rates to become effective as quickly as possible while providing the customers protection against excessive rates and charges.

1. *Authority To Order Rates Subject To Refund.* Subsections 7(a)(2), 7(i)(6) and 7(k) of the Northwest Power Act do not expressly grant the Commission refund authority. The House Commerce Committee report, however, clearly indicates that the Commission may establish a provision for refunds, if the final rate approved by the Commission is less than the interim rate.[9] Congress thereby recognized the need to afford this protection to the BPA customers who would be charged under a rate schedule not finally approved by the Commission.

In recognition of the legitimate interests of both the BPA and its customers, the Commission will exercise its discretionary authority not to grant interim rate approval, unless BPA agrees to refund with interest any portion of a rate increase under a rate schedule approved on an interim basis which is demonstrated to be excessive when the rate schedule is finally confirmed and approved. A request by the Administrator for interim rate approval shall constitute a tacit agreement to refund with interest under the rule.

Refunds may be accomplished by means of net energy billing.

2. *Interest.* The second issue regarding the refund requirement is the appropriate interest rate to be paid by the BPA if its interim rate proves excessive. Various computational approaches are available. Section 35.19a(a)(2) of the Commission's rules contains the interest provisions applicable to refunds under rate schedules filed by public utilities under the Federal Power Act (FPA).[10] The position of the BPA in the Nation's financial markets is dissimilar to that of public utilities regulated under the FPA. The FPA interest on refund provision would therefore appear inappropriate for refunds by a power marketing agency.

The Commission proposes that the interest be computed on the periodic

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[5] Congressional Record, September 29, 1980 at H9854. —— Cong. Rec. H9854 (daily ed. Sept. 29, 1980) (remarks of Mr. Swift).

[6] 16 U.S.C. 832.

[7] 33 U.S.C. 701.

[8] 16 U.S.C. 838

[9] *See* H. Rep. 96-976 Pt. 1 (Commerce), 96th Congress, 2nd Sess. at 70.

[10] *See* 16 U.S.C. 824(e).

outstanding balance of any overcharge at the rate or rates of interest charged to the BPA by the U.S. Treasury during the period. Under certain circumstances, other rates may better reflect BPA's cost of money and therefore the interim rule also allows the Commission or a reviewing court to prescribe another form of interest. This interest methodology is derived from the method established by the BPA and utilized in § 35.13a(d)(4)(v) of the Commission's rules, relating to the BPA Average System Cost Methodology.[11]

III. Summary of the Interim Rule Governing Interim Rate Review

A. Subpart A—General Provisions

1. *Section 300.1—Applicability and Definitions.* Subpart A contains the General Provisions of the interim rule. Section 300.1(a) establishes the applicability of the new Part 300.

Section 300.1(b) contains definitions of "cost evaluation period," "electric service," "historic period," "initial capital investment", "interest group", "power repayment study", "proposed rate approval period", "rate schedule", and "replacement."

2. *Section 300.2—Staff Guidance.* Section 300.2 allows the Administrator to seek guidance from Commission staff prior to submitting an application for confirmation and approval of a rate schedule.

B. Subpart B—Filing Requirements

Subpart B of the interim rule lists the documents required to be filed by the Administrator in any application for confirmation and approval of rates. These filing requirements apply to both interim and final rate approval.

There are three categories of documents required to be filed where the Administrator seeks confirmation and approval of rates: a description of general rate schedule information, supporting cost and revenue data, and a description of analytical approaches to the data.

1. *Section 300.10—Application for Confirmation and Approval.* Section 300.10 contains the general filing requirements, including a letter of request for rate approval, a notice of filing suitable for publication in the **Federal Register**, the rate schedules, and the Administrator's Record of Decision.

The Administrator's letter requesting rate approval should specify the period for which approval is requested. Because of rapidly changing conditions and escalating costs, recent filings have been on an annual basis. Past practice of this Commission and its predecessor has been to approve requested rate approval periods which do not exceed five years. Although the Commission would expect to continue this practice, the Administrator has the responsibility to review costs and revenues annually and to develop and file new rates if existing rates are found to be deficient in providing adequate revenues for repaying the Federal investment.

Section 7(i)(5) of the Northwest Power Act requires the Administrator to make a final decision establishing rates based "on the record" and to provide a full and complete justification of that decision. This statutory requirement has become embodied in a document called the Administrator's Record of Decision. Section 300.10(e) of the interm rule requires the Administrator to file this document which, at a minimum, shall discuss: a calendar history of the ratemaking process, a discussion of issues raised, a discussion of all applicable statutory and regulatory requirements, a description of the methodology used for determining revenue requirements, and any cost-of-service studies used by the Administrator in developing the rates.

Section 300.10(a)(2) of the interim rule allows for the incorporation by reference of information that has previously been submitted to the Commission in substantially the same form.

Section 300.10(a)(3) allows the Director of the Office of Electric Power Regulation to notify the Administrator of any deficiencies in the filing. A filing that is patently deficient will not be considered for interim rate approval until such deficiencies are cured.

Section 300.10(a)(4) requires the Commission to publish in the **Federal Register**, with the Notice of Filing, an opportunity to protest or intervene in the final confirmation and approval proceeding for the filed rate schedule.

Section 300.10(f) of the interim rule requires the Administrator to file with the Commission any other materials not specified in Subpart B which are otherwise required to be developed by the Administrator, specifically under Subsection 7(i)(5) of the Act.

2. *Section 300.11—Technical Support for the Rate Schedule.* Section 300.11 establishes the technical supporting data required to be filed by the Administrator in support of a request for confirmation and approval. The supporting data is divided into two related categories: data statements and analysis of that data. For purposes of consistency and ease of reference, § 300.11(a) of the interim rule specifies the content of six basic statements which are considered to provide the basic underlying data that is required to develop a study to demonstrate that the proposed rates are sufficient to assure repayment of the Federal investment and other costs over a reasonable period of years.

The date statements are identified as: Statement A—Sales and Revenues; Statement B—Power Resources; Statement C—Capitalized Investments or Costs; Statement D—Interest Expenses; Repayment of Investments and Debt Capital; Statement E—Operation, Maintenance and Other Annual Expenses; and Statement F—Cost Allocations.

Section 300.11(b) requires the Administrator to provide an analysis of the information submitted in Statements A through F. The Administrator is authorized to use any appropriate analytical methodology, including a Power Repayment Study.

Traditionally, the various Federal power marketing agencies (PMAs), have used the so-called Power Repayment Study (PRS) method to demonstrate that forecasted annual project or system revenues will be adequate to recover forecasted annual costs and to recover the Federal investment within a reasonable period of years. A PRS is prepared to determine whether the revenues that can be obtained from existing wholesale rates will be sufficient to repay all obligations assigned to the power system within the established repayment periods. Repayment studies are based upon year-by-year forecasts of system revenues and costs over the repayment period. There is no annual schedule of capital repayment. The test of sufficiency of revenues is whether the capital investment can be repaid within the overall repayment period established for each power project, each increment of investment in the transmission system, and each block of irrigation assistance. This approach to repayment scheduling has the effect of averaging the year-to-year variation in costs and revenues over the repayment period.[12]

The normal payout period for a Federal reservoir project has been administratively and statutorily established at 50 years. An analyst preparing a PRS in the early phase of a project's life may, therefore, be required

[11] Interim Rule, "Sales of Electric Power to the Bonneville Power Administration—Methodology and Filing Requirements," (Docket No. RM81-41), issued October 1, 1981. 46 FR 50517, October 14, 1981.

[12] H. Rep. 7406, Committee on Interior and Insular Affairs, Hearing before the Subcommittee on Irrigation and Reclamation, 89th Congress, 1st Sess. (September 9 and 10, 1965) at 72.

to forecast conditions 50 years in the future.

In a recent report, the General Accounting Office recommended that the BPA revise its methodology for use in the 1983 BPA rate proposal. On January 16, 1981, the Assistant Secretary of Energy for Resource Applications (the predecessor to the Assistant Secretary for Conservation and Renewable Resources) approved a staff recommendation to encourage BPA to explore other methodologies that may be more appropriate for use under the Northwest Power Act. It is the responsibility of the Administrator to develop whatever analytical techniques may be required to demonstrate that revenues will be adequate to meet statutory requirements.

Changes in the methodological approach may require consultation with Congress and other Federal agencies.

If the Administrator develops a new method of analysis, the Commission encourages the Administrator to seek staff guidance, pursuant to § 300.2 of this rule, before filing a new method of analysis.

C. Subpart C—Commission Rate Review and Approval

Subpart C of the interim rule establishes procedures that relate specifically to interim approval of rates.

1. *Section 300.20—Interim Confirmation and Approval.* Under § 300.20(a), the Administrator is required to tender a complete request for approval of a rate on an interim basis under Part 300 not later than 90 days prior to the requested effective date.

Section 300.20(c) sets forth those actions the Commission may take on a request for interim rate acceptance. The fundamental prerequisite is that the Administrator file an application that complies with the requirements of Part 300. Upon receipt of a complete application, the Commission may take any of three possible courses of action. First, it may order the rate schedule into effect on an interim basis, effective on the date requested by the Administrator or such other time as the Commission may otherwise order. Second, if the Administrator's application is either patently deficient with respect to the filing requirements of Part 300 or fails to comply with the applicable provisions of the Northwest Power Act, the Commission may reject the application. Finally, the Commission may deny the Administrator's interim rate request and review the application for final confirmation and approval.

Section 300.20(c) states that the Commission will approve rates on an interim basis only if such rates are subject to refund with interest. The interest rate methodology adopted conforms with the rate or rates of interest charged to the BPA by the U.S. Treasury during the period unless another form of refund is ordered by the Commission.

Section 300.20(d) provides for publication of notice of acceptance of rates, or any other Commission action specified in § 300.20(b), both in the **Federal Register** and by mail.

IV. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA) requires certain analyses of proposed agency rules that will have a "significant economic impact on a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission hereby finds that the analysis requirements set forth in the rulemaking do not apply to this rulemaking, for the following reasons.

This rule imposes requirements only on the BPA. The BPA is not a "small entity" under the RFA.

The primary purpose of this proposal is to establish procedures for the confirmation and approval of BPA rates for compliance with statutory standards. Under the Pacific Northwest Act, the Commission does not itself set rate levels as it may under the Federal Power Act. The procedures are designed to avoid delays which in the past have accompanied the filing of BPA rates and to implement the Congressional directive to process rate schedules expeditiously. The rules will enable the Commission to place a rate into effect and to reach a decision quickly about its compliance with the statute.

Because this rule applies only to BPA and is procedural in nature, it will not create any impact upon small entities. Hence, the Commission believes a certification of no significant economic impact is entirely proper.

V. Comment Procedures

The Commission invites public comment on the interim rule. The Commission seeks comment particularly on the issues raised relating to confirmation and approval of BPA rates on an interim basis. All comments and views will be considered before the Commission takes final action in this docket.

Written comments on the interim rule must be received by the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, no later than February 5, 1982. Comments should refer to Docket No. RM82–6. Fourteen copies of each comment should be submitted with the original.

Written comments will be placed in the Commission's public files and will be available for inspection during regular business hours in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

VI. Effective Date

In accordance with the provisions of 5 U.S.C. 553 (b) and (d), the Commission finds good cause to make Part 300 effective on an interim basis at the time of its issuance and to conduct public procedures during the interim effective period. The Northwest Power Act requires implementation of interim rate approval procedures, if any, by December 5, 1981, and this requirement makes advance notice and comment impracticable at this time. Since any rate which could be placed into effect under this interim rule would be subject to the refund, with interest, of any charges determined upon further analysis to be excessive in light of statutory standards, the Commission believes that an immediate effective date is consistent with the public interest. If the Commission were unable to establish generic procedures for approving rates on an interim basis, there could be undue delays in placing BPA rates into effect which would be contrary to both the legislative intent to expedite treatment of BPA rates and the public interest. The Commission will receive and consider comments on the interim rule.

(Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 830–839h (1980); Federal Power Act, as amended, 16 U.S.C. 792–828c; Bonneville Project Act, 16 U.S.C. 832–8321; Flood Control Act of 1944, 16 U.S.C. 825s; Federal Columbia River Transmission System Act, 16 U.S.C. 838–838k; Department of Energy Organization Act, 42 U.S.C. 7101–7552 (1978); E.O. 12009, 3 CFR 142 (1978))

In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective on an interim basis on the date of issuance.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Chapter I is amended by adding to the Table of Contents, in the proper sequence, Subchapter L, containing Part 300, to read:

SUBCHAPTER L—REGULATIONS FOR FEDERAL POWER MARKETING AGENCIES UNDER THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT, THE BONNEVILLE PROJECT ACT, THE FLOOD CONTROL ACT OF 1944, AND THE FEDERAL COLUMBIA RIVER TRANSMISSION SYSTEM ACT

Part
300 Confirmation and approval of the rates of the Bonneville Power Administration.

2. Chapter I is amended by adding Subchapter L, containing Part 300, to read:

PART 300—CONFIRMATION AND APPROVAL OF THE RATES OF THE BONNEVILLE POWER ADMINISTRATION

Subpart A—General Provisions

Sec.
300.1 Applicability and definitions.
300.2 Staff guidance.

Subpart B—Filing Requirements

300.10 Application for confirmation and approval.
300.11 Technical support for the rate schedule.

Subpart C—Commission Rate Review and Approval

300.20 Interim acceptance and review.

Authority: This Part is established under the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 830–839h; Federal Power Act, as amended, 16 U.S.C. 792–828c; Bonneville Project Act, 16 U.S.C. 832–832l; Flood Control Act of 1944, 16 U.S.C. 825s; Federal Columbia River Transmission System Act, 16 U.S.C. 838–838k; Department of Energy Organization Act, 42 U.S.C. 7101–7552; E.O. 12009, 3 CFR 142 (1978).

Subpart A—General Provisions

§ 300.1 Applicability and definitions.

(a) *Applicability.* This part sets forth procedures governing the filing, review, and disposition of the rate schedules for the sale or transmission of power and energy established by the Administrator of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act). Except as otherwise provided, the Commission's General Rules of Practice and Procedure will apply to any filings, hearings, or other procedures under this Part.

(b) *Definitions.* For the purposes of this Part, the definitions in section 3 of the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839a, and the following definitions apply.

(1) "Cost evaluation period" means a period, commencing with the end of the historic period, as defined in paragraph (b)(3) of this section, and continuing through the proposed rate approval period, as defined in paragraph (b)(7) of this section, during which future estimates of costs and revenues may be modified by the Administrator to reflect changing conditions.

(2) "Electric service" means any transmission or sale of electric power and energy by the Bonneville Power Administration, including capacity sales, energy sales, firm power sales, transmission services, or any combination of these services, and the utilization by the Bonneville Power Administration, by means of ownership, contractual arrangements, leasing, or other arrangements, of any facility to provide such sales or services.

(3) "Historic period" means the period, commencing with the date of first commercial operation of a powerplant or transmission facility and ending on the last day of the latest year for which actual cost data are available, provided that the period does not end more than 18 months before the date on which the Administrator tenders the rate schedule for filing with the Commission.

(4) "Initial capital investment" means the cost of acquisition or construction of a power facility or non-power facility which has been assigned by the Administrator to be repaid from the power revenues of the Bonneville Power Administration, including any cost of planning, design, land acquisition, construction, interest during construction, and testing incurred before the date on which the facility becomes operational or revenue-producing.

(5) "Interest group" means an aggregation of initial investments, additions, replacements, or other capitalized costs which is required to be repaid at a common interest rate.

(6) "Power repayment study" or "PRS" means a study of the annual repayment of production and transmission investments and other costs through the application of revenues during the repayment period.

(7) "Proposed rate approval period" means the period during which the Administrator proposes to collect revenues for electric service under a rate schedule filed for Commission confirmation and approval under this part.

(8) "Rate schedule" means a statement by the Administrator describing:

(i) Electric service, as defined in paragraph (b)(2) of this section;

(ii) Rates and charges which the Bonneville Power Administration establishes for, or in connection with, its electric service; and

(iii) Classifications and other provisions which directly affect such rates and charges.

(9) "Replacement" means any substitution of a unit of property with another unit of like character.

§ 300.2 Staff guidance.

The Administrator or a designee may seek guidance from Commission staff prior to submitting an application under section 7 of the Northwest Power Act, with respect to the appropriate form and content of such application.

Subpart B—Filing Requirements

§ 300.10 Application for confirmation and approval.

(a) *General provisions.*—(1) *Contents of filing.* Any application by the Administrator of the Bonneville Power Administration for confirmation and approval of rate schedules must include, as described in this section, a letter of request for rate approval, a notice of filing suitable for publication in the **Federal Register**, the rate schedule, the Administrator's Record of Decision, and the technical supporting information required under § 300.11.

(2) *Incorporation of information by reference.* Any information required under this subpart that has previously been submitted to the Commission in substantially the same form as specified in this section may be incorporated by reference only.

(3) *Notice of deficiency.* The Director of the Office of Electric Power Regulation will notify the Administrator of any deficiencies in the filing and permit the Administrator 30 days from receipt of the notice of deficiency, or such additional time as the Director may provide, to correct the deficiency specified by the Director.

(4) *Protest and intervention.* In the Notice of Filing supplied by the Administrator under paragraph (d) of this section and published by the Commission in the **Federal Register**, the Commission will provide for an opportunity to protest or intervene in the final confirmation and approval proceeding for the filed rate schedule.

(b) *Letter of request for rate approval.* A letter of request for rate approval must contain the following information:

(1) A description of the period for which the rate is proposed to be effective, delineated by an effective date and an expiration date, and a request, if any, for interim approval of the rate;

(2) A brief description of the filed rates and charges and estimates of annual sales and revenues for the rate

approval period under both and filed rate schedules;

(3) A description of how the filed rate differs in rate level or rate structure from the existing rate schedule currently effective;

(4) A list identifying all documents submitted for Commission consideration; and

(5) The names and addresses of all customers of the Bonneville Power Administration and other persons who have requested to be informed of the Commission's decision.

(c) *Notice of filing.* The notice of filing, suitable for publication in the **Federal Register**, must contain the following information:

(1) The number of the rate schedule or contract;

(2)(i) The dollar amount and percent increase in rates, if the rate change would increase annual revenues during the rate period; or

(ii) A concise description of the rate schedule change, if the filed rate would not increase annual revenues during the rate period;

(3) A brief description of the reasons for the proposed change;

(4) A statement whether interim approval is requested;

(5) The date on which the rate schedule is tendered with the Commission;

(6) The proposed effective date of the rate schedule; and

(7) The proposed rate approval period.

(d) *Rate schedules.* A filed rate schedule, as defined in § 300.1(b)(8), must indicate the following, as appropriate:

(1) The class of customer to which each rate schedule will apply and service areas or zones which will be affected by the filed rate;

(2) The type of use or class of service to which each schedule is applicable;

(3) The character and conditions of service;

(4) The monthly or annual rate to be applied to capacity and energy services or other services;

(5) The method of computing the billing demand;

(6) Special provisions, such as discounts, penalties, power factor adjustments, service interruptions, unauthorized overruns, and other similar provisions which may affect the rates and charges; and

(7) The period of effectiveness of the rates.

(e) *Administrator's record of decision.* A record of decision must include:

(1) A chronological discussion of the procedural history of the ratemaking process, including meetings held with the general public, required under section 7(i) of the Northwest Power Act;

(2) A discussion of issues raised by customers or the public and how such issues were resolved;

(3) A discussion of all statutory, regulatory, or other requirements which governed the Administrator's decision;

(4) A description of any methodology used for determining revenue requirements and for developing appropriate rate structures; and

(5) Any cost-of-service studies used by the Administrator in developing the filed rate.

(f) *Additional filing requirements.* The Administrator must file with the Commission any other information required to be developed under subsection 7(i)(5) of the Northwest Power Act, in relation to the record of decision.

§ 300.11 Technical support for the rate schedule.

The Administrator must submit, in conjunction with any application under § 300.10, the technical support data described under paragraph (a) of this section and the analysis of data described under paragraph (b) of this section.

(a) *Data.*—(1) *Statement A—Sales and Revenues.* Statement A must include:

(i) Sales and revenues for each rate schedule for the last five years of the historic period, as defined in § 300.1(b)(3);

(ii) For the cost evaluation period, the estimated annual sales and revenues for the existing and each proposed rate schedule, including an aggregation of any revenues from sources not covered by the rate schedule according to general classifications of such revenues;

(iii) Brief explanations of how sales and revenue estimates are prepared and explanations of any changes in sales or revenues during the historic period.

(2) *Statement B—Power Resources.* Statement B must contain a list of the capacity and energy resources for the last five years of the historic period and for the cost evaluation period, used to support the sales and revenues figures contained in Statement A. The statement should identify resources according to the powerplant and any purchase or exchange agreement.

(3) *Statement C—Capitalized Investments or Costs.* (i) Statement C must contain, for all power facilities and those non-power facilities which have been assigned to be repaid from power revenues, a tabulated listing of annual capitalized investments (not excluding retirements) made during the historic period and investments in plant which will be revenue-producing during the cost evaluation period, as defined in § 300.1(b)(1). The tabulation must include such items as the initial capital investment including interest during construction, additions, replacements, and capitalized deferred annual expenses.

(ii) Investments tabulated under this subparagraph must be described as follows:

(A) All investments must be described according to interest group, as defined in § 300.1(b)(5);

(B) For each investment listed, the statement must indicate the year in which the investment is due to be repaid;

(C) Investments data may be arranged so as to conform with financial accounting practices of the Bonneville Power Administration;

(D) Investments made during the last five years of the historic period and any investments projected after that period must be categorized according to the type of investment, such as additions or specified major replacements, and the expected service life and required repayment date. For any projected replacements, the statement must describe any methods used to estimate the annual replacement costs and the price level used to estimate costs;

(E) Facilities financed through the issuance of revenue bonds must be identified; and

(F) The statement must describe the authority or administrative procedure used for adoption of each interest rate.

(4) *Statement D—Interest Expenses; Repayment of Investments and Debt Capital.* (i) For each capitalized investment and cost listed in Statement C, Statement D must describe, by interest group:

(A) The total unpaid balance outstanding at the end of the historic period;

(B) Payments made on principal and interest during each of the last five years of the historic period; and

(C) Annual payments expected to be made through the cost evaluation period.

(ii) The statement must describe how the interest expense was determined for each type of investment and include examples of such computations.

(5) *Statement E—Operation, Maintenance and Other Annual Expenses.* Statement E must contain, for the last five years of the historic period and for the cost evaluation period, as appropriate, a tabulation of actual and projected operation and maintenance, administrative and general, purchased power, wheeling, and any other expenses, other than interest, that are

required to be recovered on an annual basis from power revenues. If purchased power and other similar expenses are derived from more than one source, the statement must list expenses for each individual source. The statement must explain any significant deviations from trends in expenses or any extraordinary expenses. The statement must explain the price level used for estimating expenses.

(6) *Statement F—Cost Allocations.* Statement F must contain, for each multiple-purpose reservoir project, unit, division, or system, a table or other summary showing total investments costs, the total annual operation and maintenance costs, and the allocation of all such costs among the various authorized purposes. The statement must show the amount of power costs allocated to irrigation functions, and any changes from previous allocations, and the procedure used in allocating such costs. Any description of allocations already in the Commission's files need not be shown.

(b) *Analysis of supporting data.* An analysis of the data provided under this section must be supported by an appropriate methodology developed by the Administrator.

(1) *Power Repayment Study.* Any Power Repayment Study (PRS) submitted for this purpose must be developed using currently approved rates for estimating future revenues. If the filed rates differ from the current rates, the Administrator must provide a PRS which uses the proposed rates for estimating future revenues. Unless otherwise required by statute, a PRS must contain only those investments in plant which will be in commercial operation during the proposed rate approval period, except replacements. Forecasts of costs beyond the cost evaluation period must be based on conditions prevailing during the cost evaluation period, unless unusual circumstances warrant otherwise.

(2) The Administrator may use a method other than a PRS to support filed rates.

Subpart C—Commission Rate Review and Approval

§ 300.20 Interim acceptance and review.

(a) *Time of filing.* Any rate schedule for which the Administrator requests interim approval must be tendered for filing with the Commission, in the form and with the materials specified in Subpart B, not later than 90 days prior to the date such rate schedules are requested to be made effective on an interim basis.

(b) *Action on request for interim rate acceptance.* Upon receipt of an application that complies with the requirements of this Part, the Commission may take any of the following actions, based on an evaluation of the application:

(1) Order the rate schedule into effect on an interim basis, effective on the date requested by the Administrator or at such time as the Commission may otherwise order;

(2) Deny the Administrator's interim rate request and reject the application, if the Commission determines that the Administrator's application is:

(i) Patently deficient with respect to the filing requirements of this Part; or

(ii) Fails to comply with the applicable provisions of the Pacific Northwest Electric Power Planning and Conservation Act; or

(3) Deny the Administrator's interim rate request and review the application for final confirmation and approval of the rate schedule pursuant to the provisions of this part.

(c) *Condition of acceptance.* (1) *Condition.* If the Commission places a rate schedule into effect on an interim basis under paragraph (b)(1) of this section, such rates are subject to refund with interest under this paragraph.

(2) *Refund.* If any rate which the Commission makes effective on an interim basis exceeds the rate which is confirmed and approved by the Commission as a final rate, the Administrator must refund with interest any portion of the rate increase collected during the interim period which exceeds the final rate. The Administrator may make refund under this part by means of a net energy billing which reflects the value of any overcharge or by other appropriate methods.

(3) *Interest.* Except as otherwise provided by the Commission, the Administrator shall compute any amount of interest based on the revenues collected subject to refund and required to be refunded under paragraph (c)(2) of this section by using the rate of interest or a weighted average of all rates of interest charged to the Bonneville Power Administration by the U.S. Treasury during the period for which the computation is made.

(d) *Notice.* The Commission Secretary will publish in the **Federal Register** a notice of any action taken under paragraph (b) of this section and will mail notice to any interested person identified in the Administrator's filing.

[FR Doc. 81-35730 Filed 12-11-81; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF STATE

22 CFR Parts 124 and 126

[Dept. Reg. No. 108.815]

Revision of Controls on Exports of Munitions List Articles to the People's Republic of China

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The International Traffic in Arms Regulations (ITAR) are amended to delete the People's Republic of China from the list of countries which are denied licenses and other approvals by the U.S. Department of State for U.S. Munitions List exports. Requests for such approvals will now be considered on a case-by-case basis in accordance with standard procedures.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Robinson, Director, Office of Munitions Control, Department of State, Washington, D.C., (703) 235-9755, or Mr. Charles Hartley, Deputy Director, (703) 235-9756.

SUPPLEMENTARY INFORMATION: The International Traffic in Arms Regulations (ITAR) state that it is a policy of the United States to deny approval for U.S. Munitions List exports to certain enumerated countries, including the People's Republic of China (22 CFR 126.01). This policy has been changed with respect to the People's Republic of China so that requests henceforth for licenses and other approvals for that country will be considered in accordance with the standard procedures of the Office of Munitions Control and on a case-by-case basis. (The requirement in 22 CFR 124.10(i) for the incorporation, in manufacturing license and technical assistance agreements, of a statement that articles produced thereunder may not be transferred to certain enumerated countries, will be similarly altered.)

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

Accordingly, 22 CFR, Chapter I, Subchapter M, is amended as follows:

§ 124.10 [Amended]

1. Section 124.10(i) is amended by removal of "Communist China".

PART 126—PROHIBITED SHIPMENTS, TEMPORARY SUSPENSION OR MODIFICATION OF REGULATIONS, EXEMPTIONS, AND RELATION TO OTHER PROVISIONS OF LAW

§ 126.01 [Amended]

2. Section 126.01 is amended by removal of "Communist China".

Because these regulatory changes involve the foreign affairs functions of the United States, these amendments are adopted as a final rule. (See 5 U.S.C. 553(a); 22 CFR 128.01. See also E.O. 12291, February 17, 1981, 46 FR 13193, sec. 1(a)(2).)

James L. Buckley,

Under Secretary for Security Assistance, Science and Technology.

[FR Doc. 81-35745 Filed 12-11-81; 8:45 am]

BILLING CODE 4710-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 166

Defense Contracting; Reporting Procedures on Defense Related Employment

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This rule is the fiscal year 1981 update of the section listing DoD contractors receiving negotiated contract awards of $10 million or more. The regulation is published to comply with the provisions of section 410, Pub. L. 91-121, November 19, 1969.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Cynthia V. Springer, Office of the Director for Information Operation and Reports, Washington Headquarters Services, The Pentagon, Washington, DC 20301. Telephone (202) 694-5614.

SUPPLEMENTARY INFORMATION: In FR Doc. 70-15846 appearing in the **Federal Register** on November 25, 1970 (35 FR 18040), the Office of the Secretary of Defense published a final rule establishing criteria, prescribing procedures, and assigning responsibilities for monitoring contracting within the Department of Defense. Subsequently, paragraphs (a) and (d) of § 166.11, which constitute the list of DoD contractors receiving negotiated contract awards for $10 million or more, were updated for fiscal years 1971 (36 FR 18464); 1972 (37 FR 18727); 1973 (38 FR 25990); 1974 (39 FR 32985); 1975 (40 FR 44135); 1976 (41 FR 20466); 1977 (43 FR 1617); 1978 (44 FR 3049); 1979 (44 FR 75631); and 1980 (45 FR 83486).

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Accordingly, for FY 1981, § 166.11 of this part is revised to read as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10 million or more.

Fiscal Year 1981

A A I Corp.
A M General Corp.
Abbott Products, Inc.
Action Mfg. Co.
Adobe Refining Co.
Advanced Technology, Inc.
Aero Corp.
Aerojet General Corp.
Aerospace Corp.
Airesearch Mfg. Co. of Arizona
Airesearch Mfg. Co. of California
Airlift International, Inc.
Alabama Power Co.
Alamo Aircraft Supply, Inc.
Alascom, Inc.
Allied Construction, Inc.
Allis Chalmers Corp.
Altama Delta Corp.
Amerada Hess Corp.
American Air Filter Co., Inc.
American Airlines, Inc.
American Development Corp.
American Electronic Laboratories, Inc.
American Home Products Corp.
American Oil & Supply Co.
American President Lines, Ltd.
American Telephone & Telegraph Co.
Ametek, Inc.
Amex Systems, Inc.
Amoco Oil Co.
Ampex Corp.
Analysis & Technology, Inc.
Analytic Sciences Corp.
Applied Devices Corp.
Arco Petroleum Co.
Arinc Research Corp.
Ashland Petroleum Co.
Atacs Corp.
Atkinson Dredging Co.
Atlantic Research Corp.
Atlas Processing Co.
Automation Industries, Inc.
Avco Corp.
Avco Everett Research Laboratory
Avondale Shipyards, Inc.
Ayer N W ABH International, Inc.
B D M Corp.
Baltimore Gas & Electric Co.
Bates Ted & Co., Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Beech Aerospace Services, Inc.
Beech Aircraft Corp.
Belcher Terminals, Inc.
Bell & Howell Co.
Belleville Shoe Mfg. Co.
Bendix Corp.
Bendix Field Engineering Corp.
Bershire Contractors, Inc.
Bernard Clay Systems, Intnl, Ltd.
Blue Shield of California
Boeing Aerospace Co.
Boeing Co.
Boeing Computer Services, Inc.
Boeing Services International, Inc.
Boeing Vertol Co.
Bolt Beranek & Newman, Inc.
Booz Allen & Hamilton, Inc.
Borg Warner Corp.
Braswell Shipyards, Inc.
Brooks & Perkins, Inc.
Bruce Anderson Co., Inc.
Brunswick Corp.
Bulova Watch Co., Inc.
Bunker Ramo Corp.
Burroughs Corp.
C D I Corp.
C F E Air Cargo, Inc.
C Three, Inc.
CACI, Inc. Federal
California Microwave, Inc.
California, University of
Calspan Corp.
Caltex Oil Products Co.
Campbell Soup Co.
Capital Engineering & Mfg. Co.
Carnation Co.
Carolina Power & Light Co.
Caterpillar Tractor Co.
Cecile Industries, Inc.
Centre Mfg. Co.
Cerberonics, Inc.
Chamberlain Mfg. Corp.
Charles Stark Draper Laboratories, Inc.
Chesapeake & Potomac Telephone Co.
Chevron U S A, Inc.
Chromalloy American Corp.
Chrysler Corp.
Chrysler Defense, Inc.
Cibro Petroleum Products, Inc.
Cincinnati Electronics Corp.
Cincinnati Milacron, Inc.
Cities Service Oil Co.
Cleveland Pneumatic Co.
Coastal Dry Dock Repair
Coastal States Marketing, Inc.
Coastal States Trading, Inc.
Colt Industries, Inc.
Command Control & Communication
Computer Sciences Corp.
Computervision Corp.
Condec Corp.
Conoco, Inc.
Control Data Corp.
Coral Petroleum, Ltd.
Cubic Corp.
Curtiss Wright Corp.
Data Design Laboratories
Dataproducts New England, Inc.
Day & Zimmerman, Inc.
Day & Zimmerman, Inc. & Basil FE JV
Dayton, University of
Delta Refining Co.
Derby & Co., Inc.
Devils Lake Sioux Mfg. Corp.
Digital Equipment Corp.
Doss Aviation, Inc.
Douglas Oil Co. of California
Dubuque Packing Co.
Dynalectron Corp.
Dynamics Corp. of America
Dynamics Research Corp.
E G & G, Inc.
E S L Inc.
E Systems, Inc.
Eastman Kodak Co.

Eaton Corp.
Eaton Cutler Hammer
Ebony Oil Corp.
Edaw, Inc.
Edo Corp.
El Paso, City of
El Paso Electric Co.
Electro Methods, Inc.
Electrospace Systems, Inc.
Emerson Electric Co.
Engineering Research Associates
Engineering Research, Inc.
Exxon Co. U.S.A.
Exxon Corp.
F M C Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Fairchild Weston Systems, Inc.
Farrell Lines, Inc.
Federal Electric Corp.
Ferguson H K Co.
Figgie International, Inc.
Fletcher Oil & Refining Co.
Florida Power & Light Co.
Ford Aerospace & Communications
Fortect Construction, Forest Builders & Tectonics, Inc. of Fla. JV
Fugro National, Inc.
Fuller Oil Co.
G & C Enterprise, Inc.
G & M Oil Co., Inc.
G T E Products Corp.
G T E Sylvania, Inc.
Garrett Corp.
Gavco Corp.
General Atronics Corp.
General Defense Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Mills, Inc.
General Motors Corp.
General Research Corp.
General Ship Engine Works
Georgia Technical Research Institute
Getty Oil Co.
Getty Refining & Marketing Co.
Gibraltar Industries, Inc.
Gladieux Refinery, Inc.
Glenn Berry Mfg. Inc.
Global Associates
Golden Eagle Oil Refinery, Inc.
Goodrich B F Co.
Goodyear Aerospace Corp.
Gould, Inc.
Grey Advertising, Inc.
Grimes Oil Co., Inc.
Grumman Aerospace Corp.
Guam Oil & Refining Co., Inc.
Gulf Oil Corp.
Gulf Power Co.
Gulf States Oil & Refining Co.
H I T C O
H R B Singer, Inc.
Hamilton Technology, Inc.
Harris Corp.
Harsco Corp.
Hawaiian Electric Co., Ltd.
Hawaiian Independent Refinery, Inc.
Hayes International Corp.
Hazeltine Corp.
Henningston Durham Richardson
Hercules, Inc.
Hess Oil Virgin Island Corp.
Hewlett Packard Co.
Hollingsworth, John R Co.
Holston Defense Corp.
Honeywell, Inc.
Honeywell Information Systems, Inc.
Houston Oil & Refining, Inc.
Hughes Aircraft Co.
Hughes Helicopters, Inc.
Hunt Oil Co.
Hydroscience, Inc.
I C I Americas, Inc.
I T T & Westinghouse JV
I T T Gilfillan, Inc.
Illinois Institute of Technology
Ingersoll Rand Co.
Institute for Defense Analysis
Intercontinental Mfg. Co.
International Business Machines Co.
International Telephone & Telegraph Corp.
Interstate Electronics Corp.
Itek Corp.
J E T S, Inc.
J I J Construction Co., Inc.
Jackson Oil Co.
Jacksonville Shipyards, Inc.
Jaycor
Jersey Central Power & Light Co.
Johns Hopkins University
K D I Precision Products, Inc.
Kaman Aerospace Corp.
Kaman Corp.
Kaman Sciences Corp.
Keco Industries, Inc.
Kelsey & Associates
Kenco Refining, Inc.
Kentron Hawaii, Ltd.
Kentron International, Inc.
Kings Point Mfg. Co.
Kollmorgen Corp.
Kovatch Truck Center
Kraft, Inc.
Laketon Asphalt Refining, Inc.
Lancer Clothing Corp.
Landmark Beef Processors, Inc.
Lear Siegler, Inc.
Libby McNeill & Libby
Libby Welding Co.
Linkabit Corp.
Listo Energy, Inc.
Little America Refining Co.
Litton Industries, Inc.
Litton Systems, Inc.
Lockheed Corp.
Lockheed Electronics Co., Inc.
Lockheed Missiles & Space Co., Inc.
Lockheed Shipbuilding & Construction
Loggins Meat Co.
Logicon, Inc.
Loral Corp.
Lykes Bros. Steamship Co., Inc.
M B Associates
Magnavox Co.
Magnavox Government & Industrial Electronics Co.
Man Tech Corp.
Management & Technical Services Co.
Marconi Avionics, Inc.
Maremont Corp.
Marine Transport Lines, Inc.
Marinette Marine Corp.
Marion Corp.
Marquardt Co.
Martin Marietta Aluminum Sales, Inc.
Martin Marietta Corp.
Maryland, University of
Mason & Hanger Silas Mason Co.
Mason Chamberlain, Inc.
Massachusetts Institute of Technology
Maxwell Laboratories, Inc.
Mayer Oscar & Co., Inc.
McDonnell Douglas Corp.
McRae Industries, Inc.
Medley Tool & Model Co., Inc.
Menasco Mfg. Co., Inc.
Merando, Inc.
Metric Systems Corp.
Midland Ross Corp.
Mine Safety Appliances Co.
Minnesota Mining & Mfg. Co.
Mission Research Corp.
Mitre Corp.
Mobil Oil Corp.
Morrell John & Co.
Morrison Knudsen Co., Inc.
Motorola, Inc.
National Beef Packing Co.
National Steel & Shipbuilding Co.
Navajo Refining Co.
Needham, Inc.
Nestle Co., Inc.
New Mexico State University
Newport News Shipbuilding & Dry Dock Co.
Norden Systems, Inc.
Norfolk Shipbuilding & Dry Dock Corp.
Norris Industries, Inc.
North Pole Refining Co.
Northern Telecom, Ltd.
Northrop Corp.
Northrop Worldwide Aircraft Services Inc.
Northwest Airlines, Inc.
Nuclear Metals, Inc.
O K C Trading Co.
O R I, Inc.
Olin Corp.
Paccar, Inc.
Page Airways, Inc.
Pan American World Airways, Inc.
Parker Hannifin Corp.
Parsons Ralph M Co., Inc.
Pennsylvania State University
Perkin Elmer Corp
Peterson Builders, Inc.
Petref, Inc.
Philip Morris, Inc.
Phillips Petroleum Co.
Physics International Co.
Pioneer Refining Co.
Planning Research Corp.
Pneumo Corp.
Powerine Oil Co.
Pride Refining, Inc.
Procter & Gamble Distributing Co.
Public Service Co. of New Mexico
Q E D Systems, Inc.
Quality Mfg., Inc.
R & D Associates
R C A Corp.
R C A Global Communications, Inc.
Rand Corp.
Raytheon Co.
Raytheon Service Co.
Reelfoot Packing Co.
Refinery Associates, Inc.
Reflectone, Inc.
Regis Milk Co.
Remington Arms Co.
Reynolds R J Industries, Inc.
Reynolds R J Tobacco Co.
Ridge Instrument Co., Inc.
Right Away Foods Corp.
Roarda, Inc.
Rochester, University of
Rockwell International Corp.

V 46 D E 14 81 UMI

Rohr Industries, Inc.
Rois Mfg. Co.
Rosenblatt & Son, Inc.
S R I International
San Francisco Welding & Steel Fabricating
Sanders Associates, Inc.
Santa Barbara Research Center
Sargent Fletcher Co.
Sargent Industries, Inc.
Saturn Construction Co., Inc.
Saxon B B Co., Inc.
Science Applications, Inc.
Sea Land Industries, Inc.
Sea Land Service, Inc.
Sealol Corp.
Selma Apparel Corp
Shell Oil Co.
Sierra Research Corp.
Signetics Corp.
Simmonds Precision Products
Simplex Wire & Cable Co.
Singer Co.
Smith L H Oil Corp.
Smoot Sherman R Co., Inc.
Softech, Inc.
Solar Turbines International
Southern California Edison Co.
Southern California, University of
Southern Packaging & Storage Co.
Southern Union Refining Co.
Southland Oil Corp.
Southwest Marine, Inc.
Southwest Research Institute
Southwest Truck Body
Southwestern Refining Co., Inc.
Sparton Corp.
Sperry Corp.
Standard Mfg. Co.
Stanford University
Stearns Roger, Inc.
Stewart Warner Corp.
Summa Corp.
Sun Chemical Corp.
Sun Co., Inc.
Sundstrand Corp.
Support Systems Associates, Inc.
Supreme Beef Co., Inc.
Survival Technology Corp.
Sverdrup Technology, Inc.
Swedlow, Inc.
Swift & Co.
System Development Corp.
System Planning Corp.
Systems & Applied Sciences Corp.
Systems Consultants, Inc.
Systems Research Laboratories, Inc.
Systron Donner Corp.
T R W Colorado Electronics, Inc.
T R W Globe Motors
Taylor T H, Inc.
Technical Publications Consultants
Technology Development Corp. (Calif.)
Tektronix, Inc.
Teledyne Brown Engineering
Teledyne C A E
Teledyne Electronics
Teledyne, Inc.
Teledyne Industries, Inc.
Teledyne M E C
Teletype Corp.
Telex Computer Products, Inc.
Tennessee Apparel Corp.
Texaco, Inc.
Texaco International Trader, Inc.
Texas Instruments, Inc.
Texas, University of
Textron, Inc.
Thiokol Corp.
Tiger International, Inc.
Todd Shipyards Corp.
Tonkawa Refining Co.
Tracor, Inc.
Trans International Airlines, Inc.
Transamerica Delaval, Inc.
Transtechnology Corp.
Treadwell Corp.
Tri Par Combustion Corp.
Turner Construction Co.
Unidynamics St. Louis, Inc.
Union Carbide Corp.
Union Oil Co. of California
Uniroyal, Inc.
United Beef Co.
United States & South American Enterprises
United States Lines Co.
United States Petrochemical Co., Inc.
United Technologies Corp.
Universal Maritime Services Corp.
Univox California Co.
V S E Corp.
Valencia Petroleum Corp.
Valmac Industries, Inc.
Vanguard Oil & Service Co.
Varian Associates
Varo, Inc.
Vi Mil, Inc.
Virginia Electric & Power Co.
Vought Corp.
Wallace & Wallace Fuel Oil, Inc.
Wardco, Inc.
Washington, University of
Watkins Johnson Co.
Wells Marine, Inc.
Western Electric Co., Inc.
Western Gear Corp.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
White Engines, Inc.
Whittaker Corp.
Williams Research Corp.
Winfield Mfg. Co., Inc.
World Airways, Inc.
Wylie Corp., The
Wyoming Refining Co.
Xerox Corp.
Xerox Electro Optical Systems, Inc.
Zantop International Airlines, Inc.

(Sec. 410, Pub. L. 91–121)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 8, 1981.

[FR Doc. 81–35581 Filed 12–11–81; 8:45 am]

BILLING CODE 3810–01–M

VETERANS ADMINISTRATION

41 CFR Parts 8–1 and 8–74

General Policies and Special Procurement Controls

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This revision amends the Veterans Administration Procurement Regulations by eliminating Office of Personnel Management loyalty checks for the procurement of outside training; allowing for the procurement of short-term conference space in the District of Columbia; requiring National Sanitation Foundation certification for food service equipment purchased by Dietetic Service; providing for the procurement of supplies and equipment by consignment agreement; and revising the requirements for technical review to include consignment agreements.

EFFECTIVE DATE: This rule is effective December 14, 1981.

FOR FURTHER INFORMATION CONTACT:

Tim Ganous or David S. Derr, Policy and Interagency Service, Office of Procurement and Supply, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 389–2334.

SUPPLEMENTARY INFORMATION: The authority to make an administrative determination that a proposed contractor for training VA employees does not advocate the overthrow of the U.S. Government, which was previously vested in the Office of Personnel Management, has been delegated to contracting officers. The procurement of conference facilities in the District of Columbia is prohibited when not specifically appropriated for by Congress (4 U.S.C. 34). However, the Comptroller General has decided that this restriction does not apply to the rental of short-term conference space (Decision B–183743). The requirement that food service equipment be certified by the National Sanitation Foundation presently applies only to procurements in relation to new construction. This requirement is being extended to the procurement of all such equipment for use by Dietetic Service. The Office of Procurement and Supply has determined that, under certain circumstances, it may be in the best interest of the Veterans Administration to accomplish the procurement of supplies and equipment by consignment agreement. Controls for the use of consignment agreements are established.

The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of section 603 and section 604. The reason for this certification is because this rule is not likely to result in a major increase in costs to consumers

or others, or to have other significant adverse effects.

Approved: December 3, 1981.

Robert P. Nimmo,
Administrator.

PART 8–1—GENERAL

41 CFR Parts 8–1 and 8–74 are amended as follows:

1. In § 8–1.403–52, paragraph (a) is revised to read as follows:

§ 8–1.403–52 Processing for legal review.

(a) *Department of Medicine and Surgery field stations, VA Marketing Center, VA Supply Depots.* (1) Proposed contracts or agreements specified in paragraph (a) (1), (2), (3) (iii) through (vi), (4), (5) and (6) of § 8–1.403–51 will be forwarded by the contracting officer directly to the Assistant Deputy Administrator for Procurement and Supply. The Assistant Deputy Administrator for Procurement and Supply will review the submissions and forward them directly to the General Counsel.

(2) Proposed sharing agreements and contracts for specialized medical services specified in paragraph (a)(3) (vii) and (viii) of § 8–1.403–51 will be forwarded to Central Office in accordance with § 8–3.204(d) for review and submission to the General Counsel.

(3) Proposed interagency agreements specified in paragraph (a)(3)(ix) of § 8–1.403–51 will be forwarded by the approving official to the Assistant Deputy Administrator for Procurement and Supply. The Assistant Deputy Administrator for Procurement and Supply will review the submissions and forward them directly to the General Counsel.

(4) Proposed utility connection agreements specified in paragraph (a)(3)(ii) of § 8–1.403–51 will be forwarded by the contracting officer directly to the Director, Engineering Service. The Director, Engineering Service will review the submissions and forward them to the General Counsel through the Assistant Deputy Administrator for Construction.

(5) Proposed change orders specified in paragraph (b) of § 8–1.403–51 will be forwarded by the contracting officer directly to the Director, Engineering Service. The Director, Engineering Service, will review the submissions and forward them to the General Counsel.

(6) Proposed final decisions or settlement agreements specified in paragraph (b) of § 8–1.403–51 will be forwarded by contracting officer directly to the Assistant Deputy Administrator for Procurement and Supply. The Assistant Deputy Administrator for Procurement and Supply will review the submissions and forward them to the General Counsel.

(7) Proposed revisions to contract clauses specified in paragraph (c) of § 8–1.403–51 will be forwarded by contracting officer directly to the Assistant Deputy Administrator for Procurement and Supply. If concurred in, the Assistant Deputy Administrator for Procurement and Supply will forward them directly to the General Counsel.

* * * * *

2. Section 8–1.403–60 is revised to read as follows:

§ 8–1.403–60 Technical review.

Certain contracts not subject to the legal review requirements of § 8–1.403–51 are subject to a prior technical review for compliance with procurement regulations as provided in this section. Negotiated contracts, including 8(a) set-asides, expected to exceed $50,000, formally advertised contracts (including Step One of two-step procurements) expected to exceed $100,000, and all consignment agreements, regardless of anticipated dollar value, will be reviewed by the Assistant Deputy Administrator for Procurement and Supply, prior to award, except that the requirement for review is not applicable to contracts related to the Loan Guaranty Program, formally advertised construction contracts, architect-engineer contracts or to contracts awarded by the Office of Construction.

(a) The procedure for obtaining the technical review will be the same as that specified for legal review in § 8–1.403–52 except that where paragraphs (b) and (c) of that section indicate submission of documents to the General Counsel, the documents will be forwarded to the Assistant Deputy Administrator for Procurement and Supply.

(b) The documents to be submitted for review are the same as for legal review as specified in § 8–1.403–53.

(c) Upon completion of the technical review, the Assistant Deputy Administrator for Procurement and Supply will advise the appropriate Central Office activity (for field station contracts) or contracting officer (for Central Office contracts) as to approval or as to any changes required to comply with procurement regulations. Where changes are required, immediate action will be taken to amend the solicitation or proposed contract.

(d) The technical review will be completed as expeditiously as possible with due regard to the date by which the contract is needed. Conversely, contemplated effective dates of proposed contracts will take into consideration the need for technical review.

3. In § 8–1.405, paragraph (a)(1) is revised to read as follows:

§ 8–1.405. Ratification of unauthorized contract awards.

(a) * * *

(1) Contracting officers shall not ratify contractual commitments made by other personnel of the Veterans Administration without prior approval. At field stations, the approving authority is the head of the field station concerned. For Central Office contracting officers, the approving authorities are the heads of the concerned departments and staff offices, and the Director, Office of Administration. This approval authority shall not be redelegated.

* * * * *

PART 8–74—SPECIAL PROCUREMENT CONTROLS

4. In § 8–74.113, paragraphs (b) and (c)(1) are revised to read as follows:

§ 8–74.113 Telecommunications equipment.

* * * * *

(b) The descriptive literature to be furnished by the contractor after award, required by the clause in § 8–7.150–18, is to be reviewed and approved by the Office of Data Management and Telecommunications prior to delivery and/or installation by the contractor. Promptly upon receipt of the descriptive literature, contracting officers will forward it together with a copy of the contract, the formal specification, or the detailed purchase description to the Assistant Deputy Administrator for Procurement and Supply (93).

(c) Solicitations, including those for construction, for telecommunications equipment based on "brand name or equal" purchase description (see FPR 1–1.307–4 to 1–1.307–9 inclusive) are subject to the following:

(1) Prior to award, contracting officers will forward to the Assistant Deputy Administrator for Procurement and Supply (93) the abstract of bids, one copy of each offer received, including descriptive literature and pertinent letters, and the comments and recommendations of the contracting officer.

* * * * *

§ 8–74.114 [Amended]

5. In § 8–74.114, *Paid use of conference facilities*, paragraph (d) is removed.

6. A new § 8–74.116 is added to read as follows:

§ 8–74.116 Food service equipment.

(a) All new food service equipment purchased for Dietetic Service through other than the Defense General Supply Center (DGSC) sources must meet requirements set forth by the National Sanitation Foundation (NSF).

(b) The contracting officer will accept an affixed NSF label and/or documentation of the certification by NSF from the contractor as evidence that the subject equipment meets sanitation standards issued by the Foundation.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81–35610 Filed 12–11–81; 8:45 am]
BILLING CODE 8320–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 32 and 33

Addition of Fourteen National Wildlife Refuges to the List of Open Areas; Migratory Bird Hunting, Upland Game Hunting, Big Game Hunting, and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds a number of refuges to the lists of open areas for migratory bird hunting; upland game hunting; big game hunting, and sport fishing. It has been determined that this action would be in accordance with the provisions of all applicable laws, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest, and that such uses are compatible with the major purposes for which each refuge was established. The hunting of migratory birds, upland game, big game, and sport fishing, subject to annual special regulations, will provide additional public recreational opportunities.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: William C. Reffalt, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240; Telephone 202–343–4791.

SUPPLEMENTARY INFORMATION: The author of this document is Ronald L. Fowler, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202–343–4305. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting and sport fishing until officially opened by rulemaking. On September 1, 1981, there was published (46 FR 43858) a proposed rulemaking adding 14 refuges to the lists of open areas for migratory game birds, upland game, big game, and sport fishing.

The public was provided a 30-day comment period and was advised that pursuant to the requirements of Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), an environmental assessment had been prepared on each of these proposals. These assessments are available for public inspection and copying at Room 2024, Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240, or by mail from the Director at the address given above. On the basis of these assessments it has been determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment.

No comments were received concerning the proposed rule.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Act requires that: (1) Any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation. The proposed use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Impact Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and the rapid approach of the hunting seasons, the Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of this rulemaking; therefore the effective date of this final rule is December 14, 1981.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

Accordingly, after consideration of all interests and concerns, 50 CFR Parts 32 and 33 are amended by the addition of Overflow National Wildlife Refuge, Bogue Chitto National Wildlife Refuge, Upper Ouachita National Wildlife Refuge, Mathews Brake National Wildlife Refuge, Morgan Brake National Wildlife Refuge, Panther Swamp National Wildlife Refuge, Lamesteer National Wildlife Refuge, Cedar Island National Wildlife Refuge, Mackay Island National Wildlife Refuge, Lake Zahl National Wildlife Refuge, Lower Hatchie National Wildlife Refuge, Tennessee National Wildlife Refuge, McFaddin National Wildlife Refuge, and Seedskadee National Wildlife Refuge in §§ 32.11, 32.21, 32.31, and 33.4 as follows:

PART 32—HUNTING

§ 32.11 List of open areas; migratory game birds.

* * * * *

Arkansas

Overflow National Wildlife Refuge

* * * * *

Louisiana

Bogue Chitto National Wildlife Refuge

* * * * *

Mississippi

* * * * *

Mathews Brake National Wildlife Refuge

* * * * *

Montana

* * * * *

Lamesteer National Wildlife Refuge

* * * * *

North Carolina

Cedar Island National Wildlife Refuge

* * * * *

Tennessee

Lower Hatchie National Wildlife Refuge

* * * * *

§ 32.21 List of open areas; upland game.

* * * * *

Arkansas

* * * * *

Overflow National Wildlife Refuge

* * * * *

Louisiana

Bogue Chitto National Wildlife Refuge

* * * * *

Mississippi

* * * * *

Mathews Brake National Wildlife Refuge

* * * * *

Montana

Lamesteer National Wildlife Refuge

* * * * *

Tennessee

Lower Hatchie National Wildlife Refuge

* * * * *

§ 32.31 List of open areas; big game.

* * * * *

Arkansas

* * * * *

Overflow National Wildlife Refuge

* * * * *

Louisiana

Bogue Chitto National Wildlife Refuge

* * * * *

Mississippi

* * * * *

Mathews Brake National Wildlife Refuge

* * * * *

Montana

* * * * *

Lamesteer National Wildlife Refuge

* * * * *

North Carolina

Mackay Island National Wildlife Refuge

* * * * *

North Dakota

* * * * *

Lake Zahl National Wildlife Refuge

* * * * *

Tennessee

* * * * *

Lower Hatchie National Wildlife Refuge

* * * * *

PART 33—SPORT FISHING

§ 33.4 List of open areas; sport fishing.

* * * * *

Louisiana

Bogue Chitto National Wildlife Refuge

* * * * *

Upper Ouachita National Wildlife Refuge

* * * * *

Mississippi

* * * * *

Mathews Brake National Wildlife Refuge
Morgan Brake National Wildlife Refuge

* * * * *

Panther Swamp National Wildlife Refuge

* * * * *

Tennessee

* * * * *

Lower Hatchie National Wildlife Refuge

* * * * *

Tennessee National Wildlife Refuge

* * * * *

Texas

* * * * *

McFaddin National Wildlife Refuge

* * * * *

Wyoming

* * * * *

Seedskadee National Wildlife Refuge

* * * * *

(16 U.S.C. 460k, 668dd)

Dated: November 18, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-35643 Filed 12-11-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Extension of emergency interim rule.

SUMMARY: An emergency regulation in effect through December 8, 1981, implements certain provisions of Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries. This notice extends the emergency regulation from December 9, 1981, through January 23, 1982. The extension will continue protection of the resource, while providing more flexibility and fishing opportunity for fishermen than would be available under the regulations which would otherwise be effective.

DATES: Emergency rule effective from December 9, 1981 through January 23, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Grice, Chief, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097. Telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Under section 305(e)(2) of the Magnuson Fishery Conservation and Management Act, emergency interim regulations implementing provisions of Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries were published on October 28, 1981 (46 FR 53181). The rulemaking stated that the regulations would be effective for 45 days and that they could be repromulgated for an additional 45-day period, if necessary. The amendment: (1) provides a flexible procedure which allows the Secretary to specify annual quotas from within a prescribed range; (2) sets a 5½ inch size limit for surf clams in the mid-Atlantic area; (3) extends the portion of the year during which make-up periods can be claimed for fishing time lost due to bad weather; (4) allows vessel operators to determine themselves if weather conditions are severe enough to claim a make-up period; (5) extends the surf clam fishing week to include Sunday; (6) provides increased opportunity for vessel operators to change their surf clam fishing schedules; and (7) eliminates the fee for issuance of a replacement vessel permit. The intended effect of the amendment is to increase the operational flexibility of fishermen and other small business entities affected by the management of the fisheries. The Assistant Administrator for Fisheries, NOAA, had determined that the emergency situation described in the rulemaking continues to exist, and therefore extends the emergency regulations through January 23, 1982.

Classification

The Administrator of NOAA determined on October 23, 1981, that this action is not a major rule under E.O. 12291 and does not require a regulatory impact analysis. The Federal paperwork burden, as defined by 44 U.S.C. 3501 *et seq.*, is not increased for any level of business. Requirements of the Regulatory Flexibility Act are not applicable because the emergency rule was not published as a notice of proposed rulemaking.

Dated: December 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-35578 Filed 12-9-81; 1:17 pm]

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Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 309

Disclosure of Exempt Records by Corporation Personnel

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rulemaking.

SUMMARY: The FDIC is proposing to amend its regulations on disclosure of information to permit insured nonmember banks to directly disclose copies of FDIC examination reports to their parent holding companies and individual shareholders without prior FDIC approval, if certain conditions are met. The FDIC currently authorizes such disclosure at its discretion, if requested in writing to do so. The amendment is expected to reduce FDIC's cost of handling the requests. Banks are expected to benefit in terms of efficiency and cost by making the disclosure directly.

DATE: Comments must be received by February 12, 1982.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments may be hand delivered to Room 6108 between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Pamela E. L. LeCren, Attorney, Legal Division, (202–389–4433), Room 4126–E, or Barbara I. Gersten, Attorney, Legal Division, (202–389–4422), Room 4105–I, 550 17th Street NW., Washington, D.C. 20429; or Clinton Futrell, Special Assistant to the Director, Division of Bank Supervision (202–389–4404), Room 5050, 550 17th Street NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The following information is being set out in compliance with FDIC Statement of Policy Regarding Development and Review of FDIC's Rules and Regulations adopted by the Board of Directors on May 21, 1979. No regulatory flexibility analysis as set out in the Regulatory Flexibility Act, Pub. L. No. 96–354 (to be codified in 5 U.S.C. 601–612) will be undertaken. This is done under authority of section 3 of that Act which says that no flexibility analysis need be done if the head of the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. For the reasons set out in the discussion to follow, the Board of Directors of the FDIC is hereby certifying that the amendment being proposed for comment will not have a significant economic impact on a substantial number of small entities.

The proposed amendment will authorize insured nonmember banks to routinely release copies of examination reports to their parent bank holding companies or majority shareholders without prior approval from the FDIC where certain conditions are met. Those conditions are (1) that the holding company or individual shareholder own in excess of 50 percent of the stock of the bank, (2) that the board of directors of the bank adopt a resolution authorizing the report to be copied and forwarded to the parent or the individual shareholder, and (3) that the bank obtain a receipt from the parent or individual shareholder acknowledging the following three things (a) receipt by the board of directors of the parent or the individual, (b) that the report is to be retained for the parent or shareholder's exclusive use, and (c) that the report, while duplicated and furnished by the bank, is the property of the FDIC and no further release will be made without the prior approval of the FDIC. The disclosing bank will be required to retain the receipts for a three-year period to aid the FDIC in determining compliance with the regulation.

Part 309 of FDIC's regulations currently permits a bank to make direct disclosure if permission is received from the Director of FDIC's Division of Bank Supervision in response to a written request. 12 CFR 309.6(c)(7). The Director must determine that there is good cause to authorize release. Release may be subject to whatever conditions are felt necessary in order to insure confidentiality of the report and protect the integrity of the bank. No blanket authorization for routine disclosure is available under § 309.6(c)(7). Disclosure of the report may also be made under authority of 12 CFR 309.6(c)(6) which authorizes the Director of the Division of Bank Supervision, or anyone designated by the Director, to approve release of examination reports to any third party where good cause is shown. The authority to approve disclosure of examination reports under § 309.6(c)(6) was delegated to FDIC's Regional Directors in the case of parent holding companies and individual shareholders that own in excess of 50 percent of the stock of the bank. A charge of $10 is imposed for each disclosure. Current operating procedures are as follows. Disclosure occurs on a routine basis once a written request is received. Conditions on release may be imposed in order to protect the confidentiality of the report, the financial integrity of the bank, and the privacy interests of any individual named in the report. The board of directors of the bank must adopt a resolution approving the request that the FDIC release the report. When the report is released, it is accompanied by a transmittal letter reminding the parent or shareholder that the report is being furnished solely for the purpose of assisting the FDIC in the supervision of the bank, that the report is still the property of the FDIC, and that the report is confidential.

The only extent to which the proposed amendment would alter existing disclosure procedures would be to allow the bank to directly transmit the examination report on a routine basis. The amendment is being proposed in order to eliminate FDIC's administrative burden in processing requests under § 309.6(c)(6). (Few, if any, requests are made to the Director of the Division of Bank Supervision under § 309.6(c)(7).) This proposal in no way alters FDIC's current position that all FDIC reports are the property of the FDIC and are confidential. As indicated the decision to permit release to parent holding companies and majority shareholders is attributable solely to the supervisory needs of the FDIC as parent holding companies and majority shareholders are in a unique position to aid the FDIC in achieving supervisory goals.

The cost to the FDIC of processing requests under § 309.6(c)(6) is approximately $50 per report. This figure is based upon personnel time and material costs. FDIC regional office personnel must follow a twelve-step procedure each time a report is released, something which takes 2–3 hours from

start to finish. It is anticipated that during the 1981 calendar year, FDIC's regional offices will process and release under §309.6(c)(6) approximately 800 reports in response to requests made by approximately 500 to 600 banks. As an alternative to amending the regulation as described, the FDIC has considered simply raising the fee charged to the requesting bank. Raising the fee, however, would not offset the staff time involved in processing requests, whereas the proposed amendment would free the staff for other responsibilities. If the proposed amendment is not adopted, however, the FDIC will find it necessary to seriously consider raising the fees in order to cover the costs associated with releasing the reports.

The amendment would shift the burden of reproduction and distribution of the reports to insure nonmember banks in addition to the task of obtaining and retaining the necessary receipts. We have no way of quantifying the costs associated with that shift. Any cost figure would have to be tied to the size of the report, which will vary with the institution, and the administrative mechanisms of each bank to deal with reproduction, distribution, and recordkeeping. We can estimate to some extent the number of banks that would be affected by the change. Approximately 2,833 insured nonmember banks supervised by FDIC are members of bank holding company systems. Of the 2,833 banks, approximately 2,358 have more than 50 percent of their stock held by a parent holding company. (We do not have figures readily available to determine how many of the total number of insured nonmember banks are held by individual shareholders who own more than 50 percent of their stock.) In proposing the amendment, the FDIC is assuming that the costs to any one particular bank should not be higher than the cost currently imposed by the FDIC in processing fees and may in fact be significantly less. Even if the cost is higher, that figure would certainly be less than any increased fee which would cover FDIC's $50 per report processing costs. Any decrease or increase in costs to the banks associated with the proposed change would not, in the FDIC's opinion, differ depending upon the size of the bank due to the nature of the change. The change will not affect the competitive status of banks.

As referenced earlier, the FDIC's Board of Directors is certifying that this amendment will not have a significant economic impact on a substantial number of small entities. This determination was based upon the following: (1) Any impact produced by the amendment should affect each institution differently, depending not upon the size of the institution, but upon the efficiency with which it handles administrative matters. (2) any impact would seem to be limited to a one time cost outlay per year in amounts that cannot be described as significant, and (3) the cost of retaining the necessary receipts should be minimal.

The proposed amendment will be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget for review and approval as required by the Paperwork Reduction Act of 1980 (12 U.S.C. 3501 *et seq.).*

PART 309—DISCLOSURE OF INFORMATION

In view of the foregoing, it is proposed that 12 CFR Part 309 be amended as follows:

1. The authority citation for Part 309 reads as follows:

Authority: Sec. 2(9) "Seventh" and "Tenth" Pub. L. No. 797, 64 Stat. 881 as amended by Title III, Sec 309, Pub. L. No. 95–630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth").

2. In Part 309, § 309.6(c)(7)(iii) is redesignated § 309.6(c)(7)(iv) and a new § 309.6(c)(7)(iii) is added to read as follows:

§ 309.6 Disclosure of exempt records by Corporation personnel.

* * * * *

(c) *Disclosure authorized.* * * *

(7) *Reports of examination and other exempt records-disclosure by banks or other third parties.* * * *

(iii) Any subsidiary bank of a bank holding company may reproduce and furnish a copy of any report of examination of the subsidiary bank to the parent holding company without prior approval by the Director of the Division of Bank Supervision and any bank may reproduce and furnish a copy of any report of examination of the disclosing bank to a majority shareholder if the following conditions are met:

(A) The parent holding company or shareholder owns in excess of 50 percent of the voting stock of the bank or subsidiary bank,

(B) The minutes of the board of directors of the bank or subsidiary bank contain a resolution of authorizing the reproduction and furnishing of each specific report,

(C) The disclosing bank obtains a receipt from the board of directors of the parent holding company or the shareholder stating that the parent holding company or shareholder had received the report which will be retained for the exclusive use of the parent holding company or shareholder, and that the report will not be disclosed or made public in any manner without the prior written approval of the Director of the Division of Bank Supervision as provided in § 309.6(c)(7)(ii) of the Corporation's regulations.

Receipts obtained pursuant to § 309.6(c)(7)(iii)(C) are to be retained by the bank or subsidiary bank for a period of three years after each disclosure.

* * * * *

By Order of the Board of Directors, December 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81–35580 Filed 12–11–81; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–NW–70–AD]

Airworthiness Directive; Boeing Model 707/720, 727, 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: This document extends the comment period for a Notice of Proposed Rulemaking issued on October 20, 1981, (46 FR 54381). That NPRM would require repetitive inspection and repair as necessary of the control cabin "E–F" window post on Boeing Model 707/720, 727 and 737 series airplanes.

DATES: The comment period for this NPRM is hereby extended from December 1, 1981, to January 4, 1982.

ADDRESS: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81–NW–70 AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, ANM–120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION: Notice of Proposed Rulemaking (NPRM), Docket

No. 81–NW–70–AD, was published in the **Federal Register** on November 2, 1981, (46 FR 54381). This proposed rule would require repetitive inspection and repair as necessary of the "E–F" window post as well as the steel doubler sandwich between the window post outboard chord and body skin. Failure to detect cracking could lead to failure of the window post with resultant rapid decompression.

The closing date for comments in the original NPRM was December 1, 1981. This date was predicated on timely release of Boeing Service Bulletins 737–53–1023, Rev. 6, and 727–53–86. Rev. 6, which contain the current inspection procedures specified in the NPRM. Due to delays in Boeing's preparation of the bulletins, 737–53–1023, Rev. 6, was not published until October 30, 1981; and 727–53–86, Rev. 6, is not due for release until November 25, 1981. To allow operators time to review these service bulletin revisions, an extension of the comment period to January 4, 1982, is required.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—Since this action merely extends the time period for public comment on a Notice of Proposed Rulemaking and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not subject to Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (47 FR 11031; February 26, 1979).

Issued in Seattle, Washington, on December 3, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81–35593 Filed 12–11–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AAL–15]

Proposed Establishment of Gambell, AK, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a transition area in the vicinity of Gambell, AK. This action would provide controlled airspace needed to accommodate prescribed instrument approach procedures.

DATE: Comments must be received on or before January 13, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81–AAL–15, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AAL–15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area to provide controlled airspace in the vicinity of Gambell, AK. A nondirectional radio beacon has been installed at Gambell, AK, and two instrument approach procedures have been developed which use this aid. The transition area is needed to provide protected airspace to accommodate these instrument approach procedures. The transition area would extend upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Gambell, AK, NDB (lat. 63°46'57"N., long. 171°44'15"W.) 352°T(340°M) bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the NDB 172°T(160°M) bearing extending from the NDB to 18.5 miles south of the NDB. Section 71.181 of Part 71 was republished on January 2, 1981 (46 FR 540).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace

under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) as follows:

By adding Gambell, AK, Transition Area to read as follows:

Gambell, AK

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Gambell, AK, NDB (lat. 63°46'57" N., long. 171°44'15" W.) 352°T(340°M) bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the NDB 172°T(160°M) bearing extending from the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 8, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35518 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1201

Safety Standard for Architectural Glazing Materials; Proposed Partial Revocation of Standard Concerning Modulus of Elasticity Test, Hardness Test, and Indoor Aging Test for Plastic Glazing Materials

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed partial revocation of rule.

SUMMARY: The Consumer Product Safety Commission proposes to partially revoke the Safety Standard for Architectural Glazing Materials by eliminating requirements for a modulus of elasticity test and a hardness test, applicable to all plastic glazing materials; and for an indoor aging test, applicable to plastic glazing materials intended for indoor use. The Commission is proposing this partial revocation because it has preliminarily determined that these tests for plastic glazing materials are not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with plastic glazing materials. If the proposed partial revocation is issued on a final basis, plastic glazing materials would no longer be subject to the architectural glazing standard. The proposed partial revocation does not affect any other type of glazing material which is now subject to the standard.

DATES: (1) Written comments concerning the proposed partial revocation should be submitted on or before February 12, 1982. Comments received after this date will be considered to the extent practicable. 2. An opportunity for presentation of oral data, views, or arguments is scheduled for January 26, 1982 at 9:30 a.m. Those wishing to make oral presentations should notify the Office of the Secretary in writing by January 19, 1982. A summary or copy of the testimony is requested to be submitted to the Office of the Secretary by January 22, 1982.

PROPOSED EFFECTIVE DATE: The Commission proposes an effective date for any final rule based on this proposal ranging from the date of publication of such a final rule to a date 180 days after publication of a final rule. The Commission specifically solicits comments and information concerning the appropriate effective date for the partial revocation.

ADDRESS: Comments should refer to "Plastic Glazing" and should be sent, preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments and other material pertaining to the proposed partial revocation may be seen in, or copies obtained from, the Office of the Secretary, 1111 18th Street, N.W., 3rd floor, Washington, D.C. 20207.

Presentation of oral data, views, or arguments is scheduled to be held at the Commission's Third Floor Hearing Room at 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6453.

SUPPLEMENTARY INFORMATION: .

Background

On January 6, 1977, the Consumer Product Safety Commission issued the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201) to eliminate or reduce unreasonable risks of injury associated with breakage of architectural glazing materials by accidental human impact. (1)[1] The standard became effective on July 6, 1977.

Types of glazing materials which are now subject to the standard include tempered glass, laminated glass, annealed glass, and plastics. However, this proceeding is concerned only with the requirements of the standard which are applicable to plastic glazing materials.

The standard prescribes an impact test to assure that glazing materials used in certain architectural products either will not break when impacted with a specified energy, or will break with characteristics which are less likely to present an unreasonable risk of injury. As an alternative to the impact requirements, the standard contains provisions which pass plastic glazing materials if they meet the requirements

[1] Numbers in parentheses identify reference documents listed in Bibliography at the end of this notice.

for modulus of elasticity (flexibility) and hardness set forth in § 1201.4(e)(1)(iii) of the standard. (1)

The standard also prescribes an indoor aging test, applicable only to plastics intended for indoor use, to assure that those materials retain their ability to pass the impact test or alternative requirements for modulus of elasticity and hardness after exposure to a specified cycle of changes in temperature and humidity. (1)

When the standard was issued in 1977, it also contained an accelerated environmental durability test for plastic glazing materials intended for outdoor exposure. This test was intended to ensure that plastic glazing materials, after simulation of exposure to outdoor conditions, would retain a portion of their original impact strength, as measured by a device commonly called a "Charpy impact testing machine."(1)

However, on October 6, 1980, the Commission took final action to partially revoke the architectural glazing standard by eliminating the accelerated environmental durability test for plastic glazing materials intended for outdoor exposure. (2) The Commission took this action because it had concluded that the accelerated environmental durability test for plastics was not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with plastic glazing materials. The partial revocation became effective on April 6, 1981.

Thereafter, an association of manufacturers of plastic glazing materials brought an action for judicial review of the Commission's partial revocation of the standard eliminating the accelerated environmental durability test. This action, *Plastic Safety Glazing Committee et al.* v. *C.P.S.C.* (No. 80–3795), is now pending before the United States Court of Appeals for the Sixth Circuit.

Petition

On March 11, 1981, the Plastic Safety Glazing Committee (PSGC) petitioned the Commission to revoke the remaining requirements of the architectural glazing standard applicable to plastics. (3, 4, 5, 6, 10) On March 17, 1981, the Court of Appeals for the Sixth Circuit granted PSGC's motion to delay further consideration of the action for judicial review of the partial revocation deleting the accelerated environmental durability test for plastics to allow the Commission time to act on PSGC's petition. (7)

In that petition, PSGC asserts that the remaining requirements applicable to plastic glazing materials are not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with plastics. The petition states that the modulus of elasticity and hardness requirements are not performance tests related to safety of plastic glazing materials, but are instead a definition of plastic by reference to its flexibility and softness. The petition also asserts that the indoor aging test has no relation to safety, citing a portion of the record of the proceeding which led to the issuance of the architectural glazing standard. (6)

Another concern expressed by PSGC's petition is that by retaining the modulus of elasticity and hardness tests, and the indoor aging test for plastic glazing materials, the Commission's standard preempts state and local building code provisions which require either an accelerated environmental durability test or an actual outdoor weathering test for plastic glazing materials intended for outdoor exposure. The petition asserts that these accelerated or natural weathering requirements for plastics are safety related. (6)

The petition was referred to the Commission's technical staff for revaluation. In a briefing package to the Commission, the staff expressed agreement with the assertion in the petition that the remaining requirements of the standard applicable to plastics are not related to elimination or reduction of injuries. (9)

Relationship of Requirements to Safety

As stated above, the standard was issued to eliminate or reduce unreasonable risks of injury associated with breakage of glazing materials used in certain architectural products by accidental human impact. The stated purpose of the tests in the standard is to assure that glazing materials used in the products which are subject to the standard either will not break, or will break with characteristics less likely to result in injury than the breakage characteristics of glazing materials which do not comply with the standard.

After consideration of a technical analysis of the three tests in the standard applicable to plastics (16), the Commission has preliminarily determined that the hardness test, the modulus of elasticity test, and the indoor aging test are not reasonably necessary to reduce or eliminate an unreasonable risk of injury associated with plastic glazing materials for the following reasons.

None of these tests can be used to predict whether an item of plastic will break or not break if impacted at a specified energy. None of these tests can be used to predict breakage characteristics which may result from impacting an item of plastic at a specified energy. Consequently, none of these tests can be used to predict whether an item of plastic glazing material is likely to break from human impact; or if breakage occurs, whether injuries to consumers are more likely to result. (16)

Injury Information

The Commission has also reviewed injury information concerning plastic glazing materials. (12) Both before and after issuance of the standard, only a small number of injuries associated with plastic glazing were being treated in hospital emergency rooms. Based on the relatively small number of these reported injuries, and their limited severity, the Commission concludes that broken plastic glazing materials do not present a serious hazard.

The staff briefing package did not address the petition's assertion that an accelerated environmental durability test or an outdoor weathering test is related to safety of plastic glazing materials. The petition from PSGC did not contain any information on that point which had not already been considered by the Commission during the proceeding which led to the revocation of the accelerated environmental durability test for plastics.

After consideration of this information, the Commission has reason to believe that the remaining requirements in the standard applicable to plastic glazing materials are not related to the elimination or reduction of injuries. The Commission also has reason to believe at this time that plastic glazing materials presently are not a significant source of consumer injuries.

Economic Considerations

If the remaining requirements for plastics are eliminated from the standard, manufacturers of plastics would no longer be required to conduct testing to assure that their products meet those requirements for purposes of supporting certificates of compliance with the standard. (19) Section 14 of the Consumer Product Safety Act, (CPSA, 15 U.S.C. 2063) requires that each manufacturer of a product which is subject to a consumer product safety standard must issue a certificate of compliance with the applicable standard, and base that certificate upon a test of each product, or upon a reasonable testing program.

The Commission estimates, however, that any cost savings to the plastics industry from revocation of the remaining requirements would not be

significant in relation to total sales of plastic glazing materials. (19)

If the Commission revokes the remaining requirements applicable to plastics, state and local requirements for plastics would not longer be preempted by the Commission's standard. For that reason, an indirect effect of revocation of the remaining requirements could be the adoption or enforcement of requirements for plastics by state or local governments. Additionally, such action by states or local jurisdictions could preclude the use of some types of plastics, particularly in applications involving outdoor exposure. At this time, the Commission is unable to predict the specific requirements which state or local governments are likely to adopt, if any, or the effect of such adoption on the market for plastics. (19) However, such effects would not be a direct result of the elimination of requirements for plastic glazing from the Commission's safety standard for architectural glazing materials.

Impact on Small Businesses

Section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603) requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis of the impact of any proposal on small entities, including small businesses. Section 605(b) of the RFA provides that an agency is not required to prepare a regulatory flexibility analysis if the agency certifies that the proposal, if issued on a final basis, will not have a significant economic impact on a substantial number of small entities.

The partial revocation proposed below, if issued on a final basis, will remove some existing requirements applicable to manufacturers of plastic glazing materials, and will not by itself, impose any new requirements or other obligations on any person or firm. The Commission is aware of the possibility that if existing requirements applicable to plastics are removed from the architectural glazing standard, state and local governments will be able to impose their own requirements for plastic glazing materials. However, as indicated above, the Commission is not able to predict the specific requirements, if any, which state or local governments are likely to adopt.

Since a partial revocation based on the proposal would impose no obligation on any person or firm, the Commission hereby certifies that it will not have a significant economic impact on a substantial number of small businesses.

Conclusion

In order to revoke a consumer product safety standard, section 9(h) of the CPSA (15 U.S.C. 2058(h)) requires the Commission to make an affirmative finding that the standard is not "reasonably necessary to eliminate or reduce an unreasonable risk of injury."

After considering information about the inability of the remaining tests applicable to plastics to predict whether an item of plastic glazing materials will break if impacted at a specified energy, or whether, if breakage occurs, injuries to consumers are likely to result; information about injuries associated with plastic glazing materials; and economic information about the remaining requirements applicable to plastics, the Commission has preliminarily concluded that those requirements are not "reasonably necessary" to eliminate or reduce an unreasonable risk of injury and are not in the public interest.

Stay of Enforcement

In the Rules section today's issue, the Consumer Product Safety Commission publishes notice of suspension of enforcement of the elasticity test, hardness test, and the indoor aging test for plastic glazing materials. See the Table of Contents of this **Federal Register** for the proper page number.

Environmental Considerations

The Commission's environmental review procedures state at 16 CFR 1021.5(c)(1) that issuance, amendment, or revocation of a consumer product safety standard normally has little or no potential for affecting the human environment. For this reason, provisions of 16 CFR 1021.5(c)(1) do not require an environmental assessment nor an environmental impact statement for the partial revocation proposed below. The Commission does not foresee any special or unusual circumstances surrounding the proposed partial revocation which could necessitate an environmental review. Consequently, preparation of a draft environmental impact statement is not required.

Effective Date

Section 9(h) of the CPSA (15 U.S.C. 2058(h)) provides that a rule amending or revoking a consumer product safety standard will specify the effective date, which shall not exceed 180 days from the date of publication by the Commission of the final rule, unless the Commission finds, for good cause, that a later effective date is in the public interest.

The Administrative Procedure Act (5 U.S.C. 553(d)), provides that a rule which relieves a restriction or grants an exemption may take effect immediately. It is the Commission's view that the partial revocation proposed below is such a rule that could be issued as a final rule to take effect immediately.

The Commission recognizes that any change in an existing standard on which the regulated industry has relied in making business decisions can result in a degree of market disruption while production methods, inventories, marketing plans and other activities are adjusted to meet new conditions.

Setting a delayed effective date for such a change is one means of lessening the potential disruption by giving affected parties an opportunity to make appropriate adjustments before the change becomes effective. At the same time, a delayed effective date for a change which the Commission has determined is in the public interest could unnecessarily deprive consumers or others affected by the change of benefits which the Commission has determined they should receive.

In the present situation, the Commission has no reliable information concerning the potential market effects of issuing the partial revocation proposed below as a final rule either with an immediate or delayed effective date. The Commission therefore specifically solicits comments and information on this question. If any interested person believes a delayed effective date would be appropriate, the Commission would appreciate specific suggestions concerning the length of the delay.

Accordingly, the Commission gives notice that the effective date of any final rule may range from the date of publication to 180 days following publication of the final rule. The decision as to the effective date will be based on the Commission's evaluation of the comments and information received in response to this notice and other available information concerning the potential effects of various effective dates.

Proposal

In accordance with section 9(h) of the Consumer Product Safety Act, as amended by the Consumer Product Safety Amendments of 1981 (Pub. L. 92–573, as amended by Pub. L. 97–35, 15 U.S.C. 2058(h)) and the Administrative Procedure Act (5 U.S.C. 553), the Commission proposes to partially revoke the Safety Standard for Architectural Glazing Materials to eliminate the modulus of elasticity test,

the hardness test, and the indoor aging test for plastic glazing materials, by making the following changes to Part 1201 of Title 16 of the Code of Federal Regulations:

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

1. In 16 CFR 1201.1(b), the first sentence is revised to read as follows:

§ 1201.1 Scope, application and findings.

* * * * *

(b) *Application.* This part 1201 shall apply to glazing materials, as that term is defined in § 1201.2(a)(11), for use in the architectural products listed in paragraph (a) of this section; and to those architectural products listed in paragraph (a) of this section if they are made with, or incorporate glazing materials, as that term is defined in § 1201.2(a)(11).

* * * * *

2. In 16 CFR 1201.1(d), the following footnote 1 is added:

(d) *Findings [1]—The degree and nature of the risk of injury the rule is designed to eliminate or reduce.* * * *

[1] The Commission's findings apply to the architectural glazing standard as issued at 42 F.R. 1428, on January 6, 1977. Since that date, the Commission has revoked portions of the standard which prescribed requirements for "glazed panels" (45 FR 57383) and an accelerated environmental durability test for plastic glazing materials intended for outdoor exposure (45 FR 68002, October 6, 1980). [If issued on a final basis, this proposed partial revocation will eliminate all requirements applicable to plastic glazing materials from the standard.] However, the findings have not been revised and they are therefore, not fully applicable to the remaining requirements of the standard.

3. In 16 CFR 1201.2 paragraph (a)(11) is revised to read as follows:

§ 1201.2 Definitions.

* * * * *

(a) * * *

(11) "Glazing material" means glass, including annealed glass, organic coated glass, tempered glass, laminated glass, wired glass; or combinations thereof where these are used:

(i) In openings through the architectural products listed in § 1201.1(a), or

(ii) As the architectural products themselves, e.g. unframed doors.

* * * * *

2. In 16 CFR 1201.2 paragraph (a)(23) is removed and reserved.

In 16 CFR 1201.3(b), a second sentence is added, to read as follows:

§ 1201.3 General requirements.

* * * * *

(b) * * * Any material not listed in the definition of "glazing material" in § 1201.2(a)(11) is not subject to this Part 1201.

§ 1201.4 Test procedures.

1. In 16 CFR 1201.4(a)(1), Table 1, "Accelerated Tests," is revised to read as follows:

* * * * *

TABLE 1.—ACCELERATED TEST (APPLICABLE PARAGRAPHS)

Glazing materials	Specimen	Test equipment	Exposure	Criteria for passing
Laminated glass	§ 1201.4(c)(1) and (c)(3)(i)	§ 1201.4(b)(3)(i)	§ 1201.4(d)(2)(i)	§ 1201.4(e)(2)(i)
Organic coated glass	§ 1201.4(c)(1) and (c)(3)(ii)(B)	§ 1201.4(b)(3)(ii)	§ 1201.4(d)(2)(ii)(B)	§ 1201.4(e)(2)(ii)(B)
Tempered glass	Exempt			
Wired glass	Exempt			
Annealed glass	Exempt			

2. In 16 CFR 1201.4(a)(2), the second sentence is revised to read, as follows:

(a) * * *

(2) * * * However, tempered glass, wired glass, and annealed glass are not required to be subjected to the accelerated environmental durability tests.

* * * * *

3. In 16 CFR 1201.4 paragraph (b)(3)(iii) is removed and reserved.

4. In 16 CFR 1201.4 paragraph (c)(3)(iii) is removed and reserved.

5. In 16 CFR 1201.4 paragraph (e)(1)(iii) is removed and reserved.

6. In 16 CFR 1201.4 paragraph (e)(1)(iii) is removed and reserved.

Proposed effective date and stay of enforcement. The Commission proposes an effective date for any final rule based on this proposal ranging from the date of publication of such final rule to a date 180 days after publication of a final rule. In a separate rule document, the Commission is staying enforcement of all provisions of the standard applicable to plastic glazing materials pending issuance of any final rule based on this proposal.

(Sec. 9(h), Consumer Product Safety Act, as amended by the Consumer Product Safety Amendments of 1981 (Pub. L. 92–573, as amended by Pub. L. 97–35, 15 U.S.C. 2057(h)) and 5 U.S.C. 553)

Dated: December 8, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. **Federal Register** notice, "Safety Standard for Architectural Glazing Materials—Establishment of Standard," published by Consumer Product Safety Commission; 23 pages; July 6, 1977 (42 FR 1428).

2. **Federal Register** notice, "Safety Standard for Architectural Glazing Materials; Partial Revocation of Standard Concerning Accelerated Environmental Durability Testing of Plastic Glazing Materials," published by Consumer Product Safety Commission; 6 pages; October 6, 1980 (45 F.R. 66002).

3. "Petition to Amend Standard" from Plastic Safety Glazing Committee to Consumer Product Safety Commission; 3 pages February 19, 1981.

4. Letter from Stephen Lemberg, Assistant General Counsel, to Eric F. Stoer, counsel for Plastic Safety Glazing Committee, concerning submission of February 19, 1981; 3 pages; March 2, 1981.

5. Letter from Eric F. Stoer, counsel for Plastic Safety Glazing Committee, to Stephen Lemberg, Assistant General Counsel, concerning submission of February 19, 1981: 2 pages; March 4, 1981.

6. "Supplement to Petition for Partial Revocation and/or Technical Correction of Architectural Glazing Safety Standard," with attachment, from Plastic Safety Glazing Committee to Consumer Product Safety Commission; 37 pages; March 11, 1981.

7. Letter from Eric F. Stoer, counsel for Plastic Safety Glazing Committee, to Allen F. Brauninger, OGC, concerning judicial action pending in U.S. Court of Appeals for the Sixth Circuit, with attachments; 4 pages; April 15, 1981.

8. Letter from Eric F. Stoer, counsel for Plastic Safety Glazing Committee, to Margaret A. Freeston, Acting General Counsel, requesting reinstatement of accelerated environmental durability test for plastics or stay of enforcement of remaining requirements applicable to plastics; 4 pages; April 20, 1981.

9. Staff briefing package, including transmittal memorandum, from Office of Program Management to Commission concerning petition from Plastic Safety Glazing Committee; 9 pages; June 30, 1981.

The tabs are listed separately below. [TAB A is omitted. The same documents are listed above as items 3 and 6.]

10. TAB B, memorandum from Allen F. Brauninger, OGC, to Richard A. Gross, Executive Director, concerning petition from Plastic Safety Glazing Committee, with attached meeting log; 5 pages; March 25, 1981.

11. TAB C, chronology of events related to petition; 1 page; June 30, 1981.

12. TAB D, memorandum from Paula Present, HIEA, to Harry Cohen, OPM, concerning plastic glazing petition, with attachment; 3 pages; May 6, 1981.

13. TAB E, memorandum from Charles Smith, HICP, to Harry Cohen, OPM, concerning plastic glazing petition; 2 pages; May 13, 1981.

14. TAB F, memorandum from Charles Willis, ESES, to Joseph Z. Fande, ESEM, concerning plastic glazing petition; 2 pages; May 14, 1981.

15. TAB G, memorandum from Paul Galvydis, CARM, to Harry Cohen, OPM concerning plastic glazing petition; 1 page; May 14, 1981.

16. Memorandum from Charles L. Willis, ESES, to Allen F. Brauninger, OGC, concerning requirements applicable to plastics; 2 pages; July 7, 1981.

17. Ballot vote sheet and attachment, from Allen F. Brauninger to Commission; 2 pages; July 9, 1981.

18. Letter from Margaret A. Freeston, Acting General Counsel to Eric F. Stoer, counsel for Plastic Safety Glazing Committee, concerning request for reinstatement of accelerated environmental durability test or stay of enforcement of remaining requirements for plastics; 5 pages; July 10, 1981.

19. Transcript of staff briefing to Commission on petition from Plastic Safety Glazing Committee; 16 pages; July 16, 1981.

20. Letter from Margaret A. Freeston, Acting General Counsel, to Eric F. Stoer, counsel for Plastic Safety Glazing Committee, concerning judicial review action pending before U.S. Court of Appeals for the Sixth Circuit; 2 pages; July 21, 1981.

21. Letter from Sadye E. Dunn, Secretary, to Eric F. Stoer, counsel for Plastic Safety Glazing Committee, concerning Commission action on petition for revocation of remaining requirements applicable to plastics; 1 page; July 28, 1981.

22. Minutes of Commission meeting of August 7, 1981; 2 pages; August 11, 1981.

[FR Doc. 81-35748 Filed 12-11-81; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 12 and 180

Regulations Pertaining To Reparations and Arbitration

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission proposes to amend its rules governing the arbitration proceedings which must be conducted by contract markets, the availability of reparations procedures, and the content and effect of the cautionary language which must be included in pre-dispute arbitration agreements between futures commission merchants, floor brokers, or associated persons and their customers. At present, the Commission's rules allow contract markets to allocate the costs of arbitration among parties thereto. Customers may seek reparations under section 14 of the Commodity Exchange Act notwithstanding their execution of a pre-dispute arbitration agreement with a futures commission merchant, floor broker or associated person. The Commission's rules similarly permit a customer to seek reparations when a futures commission merchant, floor broker or associated person notifies the customer of its intention to submit a dispute to arbitration, pursuant to a pre-dispute arbitration agreement. The Commission's rules also require that the agreement contain bold-faced language which advises the customer of his or her right of election.

The amendments which the Commission proposes to adopt would: (1) authorize the use of binding pre-dispute arbitration agreements which would effectively eliminate the right of a customer who voluntarily enters into such an agreement to seek reparations with respect to a dispute arising under the agreement; (2) provide the customer with a choice of arbitration forums; and (3) require contract markets to provide that their members will bear the costs of the proceedings, including additional costs associated with arbitration by a "mixed panel." The proposal is designed to promote the use of arbitration as a dispute-resolution alternative to reparations proceedings. The Commission also is seeking comment from interested persons with respect to whether its arbitration rules should be amended to address certain related issues.

DATE: Comments on the proposed rules should be submitted on or before February 12, 1982.

ADDRESS: Send comments to: Ms. Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Wendy E. Robinson, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-8955.

SUPPLEMENTARY INFORMATION: Section 5a(11) of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 7a(11) (1976), requires contract markets to establish fair and equitable procedures, through arbitration or otherwise, for the settlement of customers' claims up to $15,000 against the contract market's members or their employees, provided that the customers' use of such procedures is voluntary. Part 180 of the Commission's regulations, 17 CFR 180.1-180.6, establishes the minimum requirements for a fair and equitable procedure and otherwise implements section 5a(11) of the Act. In particular, § 180.2(a), 17 CFR 180.2(a), compels contract markets to provide customers with the choice of a decisionmaking body consisting of at least a majority of persons who have no association with the contract market, its members or their employees (commonly called a "mixed panel"). Contract market rules may provide that any costs incurred as a result of having a mixed panel may, in the panel's discretion, be assessed against the losing party or otherwise allocated among the parties. Similarly, under paragraph (e), 17 CFR 180.2(e), decisionmaking bodies (whether mixed panel or other) are permitted to assess or allocate general fees and costs attendant to the proceedings as they see fit.

Section 180.3(a) of 17 CFR 180.3(a), reiterates that a customer's use of a contract market's dispute settlement procedures must be voluntary, and further, states that those procedures must prohibit the use by any of the contract market's members of binding pre-dispute agreements except as prescribed by paragraph (b) of that rule.

Subparagraph (1) of § 180.3(b), 17 CFR 180.3(b)(1), provides that signing an agreement by which the customer agrees, prior to the time a claim or grievance arises, to submit such claim or grievance to any settlement procedure may not be made a condition for the customer to utilize the services of a futures commission merchant ("FCM"), floor broker or associated person ("AP"). In addition, the rule states that the pre-dispute agreement may not require the customer to waive the right to seek reparations pursuant to section 14 of the Act, 7 U.S.C. 18 (1976).[1] FCMs, floor brokers or APs must advise customers, when they intend to submit a dispute to arbitration, that the customer has 45 days to elect to institute reparations proceedings, and the agreement must advise the customer of this right of election.

In an FCM, floor broker or AP utilizes a pre-dispute agreement, it must contain

[1] Regulation § 180.3(b)(3), 17 CFR 180.3(b)(3).

bold-faced, cautionary language of the kind set forth in paragraph (b)(4) of § 180.3, 17 CFR 180.3(b)(4), which advises the customer that signing the agreement is voluntary, and informs him of the aforementioned right of election. Finally, § 180.3(b)(5), 17 CFR 180.3(b)(5), permits an FCM, floor broker or AP to use an agreement which specifies a forum for dispute resolution other than a contract market, provided the other forum's procedures comply with the Commission's standards prescribed by § 180.5.

Part 12 of the Commission's regulations, 17 CFR 12.1–12.102, implements section 14 of the Act and establishes guidelines for reparations proceedings. Section 12.21 of 17 CFR provides that any person complaining of a violation of the Act or regulations by a Commission registrant or person required to be registered may petition the Commission for a reparation award pursuant to a determination that a violation has occurred and that the complainant is entitled to damages sustained as a result of such violation. Paragraph (a) of that rule specifies the items which the complaint must contain, including a statement that no arbitration proceeding or civil court litigation based on the same facts and against the same parties has been instituted or is pending.[2] Although the rules do not explicitly require such action, it is the Commission's practice to stay reparations actions if the complainant indicates that other proceedings have been instituted or are pending.[3]

Background

When section 14 of the Act was adopted, Congress made clear that the reparations procedure was intended to supplement and be a form of dispute resolution complementary to the arbitration procedures required of, and established by, contract markets under section 5a(11) of the Act. As stated in the House Agriculture Committee Report, the Commission was to have ". . . original jurisdiction to consider all such complaints [arising from violations of the Act] which have not been resolved through the informal settlement procedure required of the contract markets and registered futures associations under the bill."[4] The Committee added that:

> "The procedure is intended as a separate remedy designed to *supplement* the informal 'settlement procedures' contemplated of the contract markets and registered futures associations which are required under other sections of the legislation (H.R. 13113, sections 209 and 301). The Committee expects the Commission to publish regulations, commensurate with these related provisions of the Act, to implement and coordinate these three types of grievance proceedings and their utilization and availability for resolution of disputes. It is the intent of the Committee that those complaints which can be resolved informally and settled without a formal proceeding through the mechanism contemplated of the contract market or a registered futures association should be encouraged to be resolved in such manner. (emphasis supplied) [5]

The Commission first implemented section 14 of the Act through the adoption of Part 12 of its regulations.[6] In its general statement with respect to those rules, the Commission noted the availability of other remedies: "These reparations rules provide the procedures by which a claimant may pursue one of the remedies the law will permit for the recovery of claims. The other available remedies are arbitration and the filing of a lawsuit in an appropriate state or federal court."[7] The Commission also stated that, "The rules establish procedures for persons with complaints against. . . floor brokers, futures commission merchants, commodity trading advisors, commodity pool operators and persons associated with a futures commission merchant or agent thereof, to get just, speedy and inexpensive adjudication of their claims."[8]

Subsequently, the Commission adopted the rules governing contract market arbitrations which comprise Part 180 of the regulations.[9] Originally, proposed § 180.3 would have prohibited the use of any agreement whereby a customer would be bound to a dispute settlement procedure prior to the time a claim or grievance arose. However, after careful consideration of the comments received, many of which were adverse to that prohibition, the Commission amended the proposed rule to permit the use of such agreements under prescribed conditions. In proposing the amendments, the Commission recognized that:

> * * * unless there is binding arbitration, futures commission merchants and other registered persons will have no recourse except to the courts for settling disputes with customers. This will increase the time in which a dispute may be unresolved and entail greater expense that will ultimately be borne by customers as a cost of doing business. For those reasons, the Commission believes that binding arbitration agreements are to be encouraged. Nevertheless, the Commission believes that it must establish requirements that will assure customers . . . do not *unknowingly or involuntarily waive rights* and remedies available under the Commodity Exchange Act. (emphasis supplied) 41 FR 27526 (July 2, 1976).

Thus, the Commission's primary concerns were that customers have a choice whether to enter a pre-dispute agreement, *i.e.*, that they would not be precluded from utilizing the FCM's floor broker's or AP's services should they decide not to sign such an agreement, and that customers have the opportunity to make an informed decision concerning the effects of entering a binding arbitration agreement. As a result, the amendments to the rule which the Commission ultimately adopted require that the agreement contain the bold-faced, cautionary language set forth in § 180.3(b)(4). [10]

Basis for Amendments

It is apparent that, during the time in which the Commission's rules have been effective, reparations proceedings have been instituted in many more instances than arbitration proceedings.[11] The

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[2] § 12.21(a)(7), 17 CFR 12.21(a)(7).

[3] When the Commission adopted the rules governing reparations, it stated:

> "The Commission is of the opinion that the utilization of either an arbitration proceeding or civil court litigation is a waiver of the remedies available under the reparation procedures if the arbitration proceeding or court litigation is pursued to a final decision on the merits. In order to prevent the utilization of the reparation procedures while an arbitration proceeding or civil court litigation is pending, based on the same facts set forth and against the same party or parties named in a complaint, the Commission has determined to require the complainant to set forth in the complaint any pending arbitration proceeding or court litigation based on the facts set forth and against the same party or parties named in the complaint (§ 12.21(a)(7)). Should such an arbitration proceeding or court litigation be pending at the time the reparation complaint is filed with the Commission, the Commission will ordinarily stay the reparation proceeding pending a decision by the arbitration panel or court."

41 FR 3994 (January 27, 1976).

[4] House Committee Report No. 93–975, 93d Cong., 2d Sess., 3 (1974).

[5] *Id.* at 22.

[6] 41 FR 3994 (January 27, 1976).

[7] *Id.*

[8] *Id.*

[9] 41 FR 27520 (July 2, 1976). Because of numerous objections to certain aspects of proposed regulation § 180.3, the Commission delayed adoption of the rule in order to propose additional amendments and seek public comment thereon. *See* 41 FR 27526 (July 2, 1976).

[10] In hearings conducted by the Commission on March 5, 1976, certain FCM's testified that they would refuse to deal with persons who would not sign pre-dispute arbitration agreements. Inasmuch as the Commission believed that such action would preclude a "voluntary" act by a customer, as required by section 5a(11) of the Act, it proposed the bold-faced language which must be included in the agreements to inform customers that signing them may not be made a condition for the utilization of the services of an FCM, floor broker or AP. *See* 41 FR 27526 (July 2, 1976).

[11] In 1980, a total of 56 customer/member arbitrations were filed with the four largest exchanges, while during fiscal 1980, the

Continued

conduct of reparations proceedings is only one of many regulatory functions assigned to the Commission under the Act. In executing its numerous other regulatory functions, the Commission must allocate the limited budget and manpower resources available for their performance. Many of the Commission's other functions are critical in nature and have consumed a substantial portion of those resources, thus contributing to a considerable backlog in pending reparations proceedings.

The Commission believes that the time delays and resulting escalation in costs both to customers and opposing parties are contrary to the stated purposes of its reparations procedures and Congress' view that reparations was to provide a supplement to, rather than a replacement for, dispute resolution through arbitration. As noted above, the Commission adopted Part 12 of the regulations in order to implement the Congressional objective that reparations provide a supplemental forum for the "just, speedy and inexpensive adjudication" of claims. Because the procedures are not fulfilling the purposes for which they were established, the Commission has determined that, consistent with the legislative history of sections 5a(11) and 14 of the Act, it may be appropriate to amend its regulations to encourage the use of arbitration as a less costly and time-consuming alternative.

Arbitration proceedings are available to customers of contract market members by reason of the section 5a(11) mandate which requires contract markets to provide a dispute settlement forum. All contract markets currently have the capability to conduct such proceedings. In addition, under § 180.3(b)(5), customer agreements used by FCMs, floor brokers and APs may specify forums other than contract markets, provided the procedures of those forums comply with § 180.5. At present, the American Arbitration Association, New York Stock Exchange, Inc. and National Association of Securities Dealers, Inc. provide possible alternatives to contract markets for dispute resolution through arbitration. Despite this prevalence of forums, as well as the shorter time periods and lower costs (if any) associated with arbitration, customers have overwhelming initiated reparations (or other litigative) proceedings rather than arbitration. This has resulted in reparations serving as a substitute for, rather than a supplement to, arbitration.

The Commission believes that the public interest would be served by encouraging greater use of the various arbitration alternatives and discouraging what has evolved into an over-utilization of reparations procedures. Toward this end, the Commission has identified certain factors which apparently have led customers to choose reparations over arbitration. Those factors include the additional costs associated with opting for a panel of "disinterested" arbitrators, and particularly, the cost of traveling to the exchange which would conduct the proceeding. In contrast, customers seeking reparations pay only an initial filing fee of $25.00;[12] and proceedings are conducted in relatively close and more convenient locations. Additionally, the administrative law judges who preside over reparations hearings are not associated with contract markets or their members and thus, may be perceived by customers as more impartial than the arbitration panels provided by exchanges.

On the basis of the comparable experience under reparations and contract market arbitration procedures to date, it appears that the overwhelming proportion of customers with claims against contract market members do not perceive current arbitration opportunities to offer the same degree of fairness and equity as reparations proceedings. The Commission is of the opinion that, in order to realize the Congressional objective of reparations as a supplemental dispute resolution vehicle, it may be necessary to elevate current arbitration standards to provide customers with advantages comparable to those which they currently perceive as available only in reparations. Promoting arbitration as a dispute resolution procedure in this manner would also further the favorable legislative and judicial policies toward that alternative.[13]

Description of Proposed Amendments

The Commission believes its objective of encouraging the use of arbitration proceedings in lieu of reparations can be accomplished primarily through facilitating the use of voluntary pre-dispute arbitration agreements. Accordingly, the bulk of the amendments proposed by the Commission relate to 180.3(b). First, a proposed amendment to § 180.3(b)(2) would replace the existing language which requires separate endorsement by the customer if the pre-dispute arbitration agreement is contained as a clause or clauses of a broader agreement. The rule as amended would require that the agreement containing the cautionary language be a separate document specifically endorsed by the customer.[14]

Second, in order that a customer would not be bound to arbitration is an unfavorable or distant forum without his or her consent, new paragraph (b)(3) would state that a pre-dispute agreement must advise the customer that he or she may select an arbitration forum when a dispute arises. The FCM, floor broker or AP would be required to supply the customer with a list of at least two forums and the rules of procedure of those forums within 10 days after the receipt of the customer's notice that he or she intends to submit a dispute to arbitration. Should an FCM, floor broker or AP seek to initiate proceedings, notice to that effect would have to be accompanied by the list of forums and their appliable rules. One of the possible forums on the list would have to be the contract market upon which the transaction giving rise to the dispute was executed or could have been executed, or a registered futures association designated by such contract market, unless the FCM or AP is not a member of such contract market.[15] Either the contract market, its designee or another organization on the list would have to provide the customer with the opportunity to choose a site for the arbitration proceeding from among several cities throughout the country, so as to allow the customer to select a reasonably convenient location, and each forum would be required to provide the customer with the opportunity to choose a "mixed panel". Of course, an FCM, floor broker, or AP would be free to include additional

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Commission's Reparations Section, which processes complaints from persons who apply for reparations awards received 1101 complaints. Thus far in 1981, there have been a total of 40 customer/member arbitrations filed with the same four exchanges, while the Commission received 1417 complaints in fiscal 1981.

[12] 17 CFR 12.27. Overall, however, reparations may be more costly, since the Commission estimates that approximately 75% of the customers whose complaints are forwarded to oral hearings choose to be represented by attorneys. In contrast, preliminary responses from the exchanges indicate that approximately 18% of those who seek arbitration have counsel to present their claims.

[13] *See e.g.*, Section 3 of the Railway Labor Act, 45 U.S.C. 153 (1976); *Andrews v. Louisville and Nashville R. R. Co.*, 406 U.S. 271 (1972); *Wilko v. Swan*, 346 U.S. 427, 431–32 (1953); *Kimbrough v. Holiday Inn*, 478 F. Supp. 586 (E.D. Pa. 1979).

[14] In addition, the paragraph would be renumbered (b)(1) and the current (b)(1) would become (b)(2).

[15] If the FCM or AP is not a member of the contract market on which the transaction was or could have been executed, the FCM or AP would be required to list two alternative forums.

organizations on the list, provided their procedures comply with Commission § 180.5.

Third, regardless of whether a pre-dispute is entered into, as a means of limiting costs to customers the Commission proposes to amend § 180.2(a) to delete the current provision which permits the costs incurred as a result of electing a mixed panel to be allocated among the parties. In addition, the Commission would amend § 180.2(e) to require contract markets to adopt rules compelling members to bear the costs associated with conducting an arbitration proceeding, with the exception of any applicable initial filing fee. Those costs would include the expense, if any, of having a mixed panel arbitrate the dispute,[16] and other charges incurred in the arbitration.[17] To discourage customers from bringing frivolous claims, the amendment to § 180.2(e) would state that the arbitrators may assess fees against the customer upon a finding that he or she initiated the proceeding in bad faith. Proposed new paragraph (b)(4) of § 180.3 would require a pre-dispute arbitration agreement to reflect that costs associated with arbitration, as set forth in § 180.2(e), would be borne by the FCM, floor broker or AP.

Fourth, paragraph (b)(5) of § 180.3 would be entirely new, inasmuch as the 45-day right of election of the reparations remedy would be eliminated. It would state instead that a customer signing a pre-dispute agreement must be advised that he is waiving the right to seek reparations before the Commission on any claim which might arise under the agreement. In addition, the amendment would require that bold-faced language to that effect immediately precede the customer's signature.

Fifth, paragraph (b)(4) would become (b)(6) and be amended to reflect the above changes by incorporating some of the new requirements into the bold-faced language. In addition, the Commission proposes to reword the first two sentences of the first paragraph of boldface. The Commission believes that the change may evidence the benefits which may be obtained through arbitration and, thus, encourage customers to utilize arbitration rather than reparations.

Finally, § 12.21, which sets forth the information that must be included in a complaint filed pursuant to the reparations rules, would be amended to state explicitly the Commission's policy and the waiver effect of signing a pre-dispute arbitration agreement. Specifically, language would be added to the preamble of that rule to preclude a person who has voluntarily signed such an agreement from filing a complaint for reparations if the alleged violation occurred while the complainant was party to an effective pre-dispute arbitration agreement.

* * * * *

The Commission invites all interested persons to submit their views on the proposed amendments on or before February 12, 1982.

In proposing these amendments, the Commission also considered a number of other issues related to the initiation and conduct of arbitration proceedings. In particular, the Commission is concerned that customers who do not sign pre-dispute arbitration agreements may thereby forfeit the possible advantages which would be conferred by such agreements if the Commission adopts the proposed amendments. The Commission also notes that one attribute of reparations is an evolving body of law which may be relied upon by industry participants and customers in ascertaining their rights and responsibilities under the Act and the Commission's regulations. The Commission questions whether utilization of diverse arbitration forums could result in a non-uniform application of the commodities laws, regulations and applicable self-regulatory rules.

Accordingly, the Commission also requests that commentators address the following related issues: (1) whether § 180.3 should be amended further to provide that a customer would have the right to elect arbitration in a forum of his choice when a dispute arises, even though he or she did not enter into a pre-dispute agreement; (2) whether, in any event, the bold-faced paragraph set forth in § 180.3(b)(6) should contain a statement advising the customer that he or she may submit a dispute to arbitration at the time one arises notwithstanding the fact that he or she does not enter into a pre-dispute agreement; (3) whether the Commission's encouragement of arbitration as a forum for dispute resolution in lieu of reparations bears with it a risk that diverse arbitration forums will not uniformly apply the Act, Commission regulations or self-regulatory rules in making determinations of law; and (4) whether the Commission should propose or implement any additional rules or procedures designed to assure that such questions of law are uniformly determined and subsequently applied.

Finally, the Commission would appreciate any additional comments which would help it to identify other factors which may discourage the use of arbitration as a means of resolving commodities-related disputes, as well as any suggestions with respect to the Commission's goal of reducing the number of reparations proceedings and increasing the utilization of arbitration to resolve disputes.

Certification Under Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* ("RFA"), requires agencies to consider whether proposed rules will have a significant economic impact on a substantial number of small entities.[18] The Commission does not believe that these proposed changes will have a significant adverse impact on the parties affected. Rather, the proposal is intended to reduce costs to FCMs, floor brokers and APs by decreasing the number of reparations in which they participate and by minimizing the need for FCMs and APs to travel to the location of an exchange in order to participate in an arbitration proceeding. Costs associated with arbitration proceedings, therefore, should be significantly lower than those currently associated with reparations. Accordingly, pursuant to Section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, certifies that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comment from any small firms which believe that promulgation of these rules will have a significant economic impact upon them.

Pursuant to the authority in sections 5(a)(11), 8a(5) and 14 of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j), 12a(5), and 18, the Commission proposes to amend §§ 12.21, 180.2(e) and 180.3(b) of Chapter I of 17 CFR as follows:

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[16] The Commission believes that the costs of a mixed panel would not be as significant a burden for FCMs, floor brokers or APs as for customers, particularly in view of the anticipated savings to such parties in costs associated with reparations.

[17] The Commission intends that "other charges" would encompass expenses involved in the initial arbitration but would not necessarily include fees which are personal to the customer (*e.g.*, attorney's fees, travel expenses) or generated after the proceeding has terminated (*e.g.*, copies of the record). *See* Commission regulation 180.2(d)(4), 17 CFR 180.2(d)(4).

[18] The Commission has recently published its proposed determination that neither a contract market nor a futures commission merchant is a "small entity" within the meaning of the RFA. 46 FR 23940 (April 29, 1981).

PART 12—RULES RELATING TO REPARATION PROCEEDINGS

1. Section 12.21 of Part 12 is proposed to be amended by revising the introductory paragraph as follows:

§ 12.21 Complaint.

Any person complaining of a violation of any provision of the Act or a rule, regulation or order thereunder by any person who is registered or required to be registered with the Commission under Sections 4d, 4e, 4k or 4m of the Act as a futures commission merchant, floor broker, person associated with a futures commission merchant or agent thereof, commodity trading advisor or commodity pool operator may, at any time within two years after the cause of action accrues, apply to the Commission for a reparation award by petitioning the Commission to determine the amount of damages, if any, to which the complainant is entitled as a result of the violation and to issue an order directing the offender to pay that amount to the complainant on or before a date fixed by the order; provided, however, that any person complaining of such violation may not apply to the Commission pursuant to this rule if the person complaining of the violation was a party to an effective aggreement which complies with § 180.3 of these regulations at the time the alleged violation occurred; and provided further than no such application shall be considered with respect to claims that arise prior to January 23, 1975.

* * * * *

PART 180—ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

2. Section 180.2 of Part 180 is proposed to be amended by revising paragraphs (a) and (e) as follows:

§ 180.2 Fair and equitable procedure.

* * * * *

(a) The procedure shall be objective and impartial. Customers must be provided with the choice of a panel or other decision-making body having at least a majority of the persons serving thereon who are not members or associated with any member of a contract market, or employee thereof, and who are not otherwise associated with a contract market. The rules of a contract market may, with proper notice, require the customer to request such a panel or other such decision-making body at the time of submission of the claim or grievance to the procedure. *Ex parte* contacts by any of the parties with members of any panel shall not be permitted.

* * * * *

(e) The procedure shall provide adequate notice to the parties in advance of a submission of a claim or grievance, or counterclaim (permitted by § 180.4 of this Part), of the nature and amount of any fees or costs which may be assessed against customers utilizing the procedure. Fees or costs shall be reasonable, particularly in relation to the complexity and amount of the claim or grievance or counterclaim, if any, presented. The rules of a contract market must provide that a contract market member which is a party to an arbitration proceeding will pay all costs, other than any applicable initial filing fee or as otherwise excluded under these regulations, unless the arbitrators in a particular case determine that the customer has acted in bad faith in initiating the proceeding.

* * * * *

3. Section 180.3 of Part 180 is proposed to be amended by revising paragraphs (b)(1) through (b)(5) and adding (b)(6) as follows:

§ 180.3 Voluntary procedure and compulsory payments.

* * * * *

(b) * * *

(1) The predispute arbitration agreement (agreement) shall be a separate document, which the customer must specifically endorse, and contain the cautionary language and other provisions specified in this section;

(2) Signing the agreement may not be made a condition for the customer to utilize the services offered by the futures commission merchant, floor broker or associated person;

(3) The agreement must advise the customer that, at such time as he or she may notify the futures commission merchant, floor broker or associated person that he or she intends to submit a claim to arbitration, or at such time as the futures commission merchant, floor broker, or associated person notifies the customer of its intent to submit a claim to arbitration, the customer will have the opportunity to elect a qualified forum for conducting the proceeding. Within 10 business days after receipt of such notice from the customer, or at the time the futures commission merchant, floor broker or associated person so notifies the customer, the futures commission merchant, floor broker or associated person must provide the customer with a list of two or more organizations whose procedures qualify it to conduct arbitrations in accordance with the requirements of § 180.5 of this Part, together with a copy of the rules of each forum. The list must include: (A) the contract market, if available, upon which the transaction giving rise to the dispute was executed or could have been executed or a registered futures association designated by such contract market; and (B) at least one other organization which will provide the customer with the opportunity to select the location of the arbitration proceeding from among several major cities in diverse geographic regions and which will provide the customer with the choice of a panel or other decision-making body having at least a majority of persons serving thereon who are not members or associated with a member of any contract market or employee thereof, and who are not otherwise associated with any contract market (mixed panel).

(4) The agreement must acknowledge that the futures commission merchant, floor broker or associated person will pay all costs of the forum which conducts an arbitration proceeding under this agreement, other than any applicable initial filing fee, including those costs associated with providing a mixed panel, unless the arbitrators in a particular case determine that the customer has acted in bad faith in initiating the proceeding.

(5) The customer must be advised that by signing the agreement, he or she will waive the right to seek reparations under Section 14 of the Act and Part 12 of these regulations. Cautionary language to that effect must appear in boldface as set forth below and immediately precede the line provided for the customer's signature.

(6) The agreement must include cautionary language, to the following effect:

THE COMMODITY FUTURES TRADING COMMISSION (CFTC) RECOGNIZES THAT THE OPPORTUNITY TO SETTLE DISPUTES BY ARBITRATION MAY IN SOME CASES PROVIDE MANY BENEFITS TO CUSTOMERS, INCLUDING THE ABILITY TO OBTAIN EXPEDITIOUS RESOLUTION OF DISPUTES WITHOUT INCURRING SUBSTANTIAL COSTS. THE CFTC REQUIRES, HOWEVER, THAT EACH CUSTOMER INDIVIDUALLY EXAMINE THE RELATIVE MERITS OF ARBITRATION AND THAT YOUR CONSENT TO THIS ARBITRATION AGREEMENT BE VOLUNTARY. YOU NEED NOT SIGN THIS AGREEMENT TO OPEN AN ACCOUNT WITH [NAME]. SEE 17 CFR 180.1–180.6.

BY SIGNING THIS AGREEMENT, YOU MAY BE WAIVING YOUR RIGHT TO SUE IN A COURT OF LAW. FURTHERMORE, BY SIGNING THIS AGREEMENT YOU ARE WAIVING YOUR RIGHT TO ELECT TO PETITION

THE CFTC TO INSTITUTE REPARATIONS PROCEEDINGS UNDER SECTION 14 OF THE COMMODITY EXCHANGE ACT WITH RESPECT TO ANY DISPUTE WHICH MAY BE ARBITRATED PURSUANT TO THIS AGREEMENT.

_____, Customer

* * * * *

Issued in Washington, D.C., on December 9, 1981.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-35743 Filed 12-11-81; 8:45 am]

BILLING CODE 6351-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[FCC 81-483]

American Telephone & Telegraph Co.; Petition for Waiver of a Certain Section of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Order denying petition for waiver.

SUMMARY: Commission denies American Telephone and Telegraph's petition for waiver of § 64.702 of the Commission's Rules, which allows AT&T to offer enhanced telecommunications services only through a separate corporate entity. The Commission finds that AT&T has failed to meet its burden in showing that denial of the requested waiver will foreclose the availability of Custom Calling Services II or impose unreasonable costs upon consumers in the form of higher prices for the services. This action requires AT&T to provide Custom Calling Services II only through a separate corporate entity.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Zecola, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554. Telephone No. (202) 632-9342.

SUPPLEMENTARY INFORMATION:

Adopted: October 7, 1981.

Released: October 20, 1981.

By the Commission: Commissioners Quello and Fogarty concurring in the result.

I. Introduction

1. We have before us a petition for waiver of § 64.702 of the Commission's Rules, 47 CFR 64.702 [46 FR 19852; April 1, 1981; 46 FR 32039, June 19, 1981], which allows AT&T to offer enhanced telecommunications services only through a separate corporate entity. On behalf of the Bell System Operating Companies (BOCs) AT&T seeks permission for the BOCs to provide Custom Calling Services II (CCS–II), directly to their customers, instead of providing it through a separate corporation as required by § 64.702.[1] AT&T describes CCS–II telephone services as "call answering and advance calling, together with an optional remote access feature." AT&T Petition at 3. Call answering permits the automatic answering of simultaneous incoming calls to a customer's telephone when the customer's line is busy or, after a specified number of rings, when the customer does not answer. Call answering also permits callers to leave recorded messages for later retrieval by the customer. The second feature, advance calling, permits customers to record messages for subsequent transmittal to designated telephones at specified or non-specified times. The third feature, remote access, is described as an optional adjunct to call answering and advance calling which permits a CCS–II customer to access the other two features from Touch Tone service equipped telephones at distant locations. AT&T does not intend the waiver to allow provision of data services. It notes that "as presently structured, CCS–II services are not capable of reliably storing and transmitting digital data." AT&T Petition at 14.

2. AT&T waiver request is limited to the offering of CCS–II at voice storage systems (VSS) within the United States at which VSS equipment is installed on or prior to December 31, 1989. Additional CCS–II equipment may be added after that date to provide service and meet customer demand but only from those locations where equipment had been installed on or prior to December 3, 1989. The duration of the requested waiver is the technological life of the equipment, which AT&T estimates at fifteen years. AT&T's best estimate of the duration of the waiver, therefore, is until December 31, 2004.

3. Fifteen parties filed comments on the CCS–II Waiver Petition. AT&T and four other parties filed reply comments. ANPA's Opposition was filed three days after the deadline for comments and was accompanied by a Motion for Acceptance of Late-Filed Comments. There have been no objections to ANPA'S motion and we hereby grant it. Dusty's Answering Service, Inc. and Delphi Communications Corp. have filed supplemental comments which were received two and two and one-half months, respectively, after the authorized pleading cycle. AT&T has filed a motion to deny and strike these late pleadings. Dusty's Answering and Delphi responded, in part, to arguments first raised in AT&T's Reply and their late-filed pleadings represent the only opportunity these parties had to respond to AT&T's new arguments. In order to permit full and fail participation in this proceeding, we deny AT&T's motion. In so doing, however, we wish to make it clear that we did not find it necessary to rely upon the late filed pleadings in reaching our decision and we do not see that any valid purpose will be served by further extending the reply cycle, as AT&T has requested. We believe the record is ripe for disposition. Appendix A contains a list of all parties participating in this proceeding as well as the acronyms by which certain parties are identified throughout this order.

4. For the reasons explained below, we have concluded that AT&T's request for waiver must be denied.

Background

5. In the **Final Decision** in the *Second Computer Inquiry* we divided telecommunications services into two categories, "basic" services (which were to be subject to Title II regulation), and "enhanced" services (which were not to be subject to regulation). Basic services were defined as the common carrier offering of transmission capacity for the movement of information. Enhanced services were defined as services:

> Offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information." [47 CFR 64.702(a), 77 FCC 2d at 498].

This demarcation has several benefits. Foremost is the fact that it frees the more dynamic enhanced services field from any possible inhibitory effects of regulation, while at the same time it provides for continued public interest regulation of the basic communications services upon which our national telecommunications industry is founded.

6. Having established in the *Final Decision* a firm boundary separating regulated basic services from

[1] *See Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry)* 77 FCC 2d 384 (*Final Decision*), *on reconsideration*, 84 FCC 2d 50 (*Reconsideration order*), *appeal pending sub nom. C.C.I.A* v. *F.C.C.*, Case No. 80-1471 (D.C. Cir. 1980).

unregulated enhanced services, we preceeded to address the mechanism through which carriers might offer these services to customers. We required that AT&T and GTE, because of their ability to subsidize non-Title II activity with monopoly generated revenues, offer enhanced services only through a separate subsidiary.[2]

7. The *Final Decision* also discussed the contention of several parties that the Commission's concerns regarding anticompetitive conduct could be alleviated by implementation of an adequate accounting mechanism. Although we recognized accounting to be a "fundamental regulatory tool" used in the fulfillment of our statutory responsibilities, we noted that accounting was "by no means . . . a substitute for structural separation." *Id.*, para. 210 Rather, we viewed "separation and accounting as part and parcel of a single regulatory mechanism." *Id.* We stated that

> Where a carrier has the incentive and ability to engage in sustained cross-subsidization, or predatory pricing, accounting may be employed to assist in the identification of such practices, but it cannot prevent the misallocation of joint and common costs associated with the provision of basic and enhanced services if provided by the same entity. On the other hand, the separation requirement serves as a structural check on the proper allocation of costs between basic and enhanced services. [*Id.*, para. 210].

We also pointed out that, in our view, the separate subsidiary requirement was the only practical means of obligating AT&T to offer competitors equality of interconnection to basic transmission facilities. *Id.* at paras. 229, 231.

8. On *Reconsideration* in the *Second Computer Inquiry* we affirmed the basic/enhanced dichotomy. *Id.*, para. 12. We also addressed specifically the question of whether storage and retrieval information services which did not involve modification of the stored information should be classified as basic rather than enhanced. These services, we stated, are dependent upon the availability of common carrier facilities, but "the end product is not the offering of a common carrier communications service." *Id.* In addition, we asserted that the inclusion of storage and retrieval services within the basic category would "destory any meaningful regulatory boundary that otherwise exists and unduly expand the common carrier offering beyond one of providing the appropriate communications pipeline for the transmission of information to services in which communications is merely a factor of production." *Id.*

9. In this context we rejected arguments by AT&T that CCS-II should be considered a basic service. We observed that the advanced calling and call answering features of CCS–II represented the offering of an "information retrieval service" and as such could not be fairly classified as a basic service. *Id.* at para. 16. Since CCS–II was an enhanced service, we found that it shoud only be offered through a separate subsidiary.

10. AT&T further argued, however, that even if CCS–II were held not to be a common carrier service, the Commission should still permit it to "* * * be provided as part of an integrated basic transmission network on the theory that * * * [CCS–II] must be offered in the network to be efficiently offered or ubiquitously available." *Id.*, para. 18. We rejected this argument as well. We stated that the issue "* * * is whether compelling reasons exist for allowing various services, even though enhanced, to be offered through network computer facilities of those carriers that would otherwise be subject to the separate subsidiary requirement" and that "[b]ased on the record in this proceeding * * *, evidence has not been presented that warrants such a determination." *Id.* We noted that:

> To the contrary, parties such as Delphi Communications Corp., IBM and CBEMA demonstrate that current voice storage services, and specifically AT&T's Custom Calling II features, actually employ entirely separate computer facilities which need not be colocated with the carrier's central office facilities to be provided or ubiquitously available on an economic basis. [*Id.*]

11. Nevertheless, we did recognize that circumstances might arise in which strict adherence to structural separation might foreclose the availability to consumers of certain enhanced services if, for example, state of the art technology dictates that only through the use of network facilities could the carrier provide a given enhanced service, or if complying with the separate subsidiary requirement results in the imposition of unreasonable costs upon consumers. *Id.*, para. 19. In the event that such situations arose, we were prepared to consider waiver of the separation requirement "for a specific service" after notice and opportunity for comment. *Id.*, para. 19. We noted, in addition, that in considering grant of a waiver we would need to determine whether the offering of services through the subsidiary would impose upon consumers unreasonable costs which were not counterbalanced by the benefits which we believe separation will afford.

12. It was also made clear that a party seeking waiver of the separation requirement carried the burden of demonstrating that the public interest concerns which gave rise to the structural separation requirement were outweighed in the individual case. We stated that:

> Petitioners carry the burden of demonstrating that concerns about any cross-subsidization or other anticompetitive effects which may arise from grant of a waiver are outweighed by the possibility of imposition of unreasonable costs upon consumers, or unavailability of an enhanced service, if the waiver is not granted. As part of a waiver request, a petitioner will be expected to provide detailed economic and technical information to support its assertions. [*Id.* at para. 21].

III. Discussion

A. The Standards for Waiver

13. Any applicant for waiver of an agency rule faces a "high hurdle" when seeking to avoid the proscription of a generally applicable determination. *WAIT Radio* v. *FCC*, 418 F. 2d 1153, 1157 (D.C. Cir. 1969). The applicant must clearly demonstrate that the general rule is not in the public interest when applied to its particular case and that the grant of the waiver will not undermine the public policy served by the rule. *Id.* In those instances in which this agency acts by rule rather than case-by-case adjudication, it does so in the expectation that all parties subject to the rule will conform to its dictates.

14. Regulatory uncertainty is detrimental to the progressive evolution of the telecommunication marketplace. Numerous firms invest in development and production of products and services based upon their understanding of this agency's regulatory policies.[3] Expectations should be disturbed only upon a clear showing of changed conditions, in which case the agency may alter its rule, or where a party is able to demonstrate special circumstances, waive the rule.

15. Moreover, where waiver is found to be in the public interest, it is generally expected that the waiver will not be so broad as to eviscerate the rule.

[2] On reconsideration we exempted GTE from the structural separation requirements because we found the benefits of "maintaining the separate subsidiary requirements for carriers other than AT&T [do] not outweigh other public considerations" 84 FCC 2d at para. 71.

[3] Regulatory intervention in the marketplace inevitably influences the ability of market entrants to compete with each other. Indeed, regulatory decisions must account for competitive effects. *See McLean Trucking Co.* v. *United States*, 321 U.S. 67 (1944); *Northern Natural Gas* v. *FPC*, 399 F. 2d 953 (D.C. Cir. 1963); *United States* v. *FCC*, 652 F. 2d 72 (D.C. Cir. 1980).

Rather, the waiver must be tailored to it the specific contours of the exceptional circumstances.

16. The general stringency of the waiver standard is echoed in the specific requirements for waiver adopted in our *Computer II* decision. We made it clear in that decision that a carrier seeking a waiver from the separation mandated in *Computer II* must carry the burden of showing that the waiver is in the public interest by demonstrating—in specific detail—that our "concerns about cross-subsidization or other anticompetitive affects * * * are outweighed by the possibility of imposition of unreasonable costs upon consumers or unavailability of an enhanced service * * *." *Reconsideration*, para. 21.

17. In evaluating AT&T's case for a waiver, we are struck by the many difficulties it presents. First, we are troubled by the apparent breadth of the waiver sought. AT&T's request here is not for a narrowly tailored waiver intended to make available a specialized service to a limited class of customers, but rather for an exception which would permit AT&T to provide every basic transmission customer voice storage enhanced services until the year 2004. Although AT&T has not enlightened us on this point, it may be expected that the revenues for CCS–II will eventually be quite large. Additionally, once we allow a waiver as extensive as that requested by AT&T in this case, the economics of providing any enhanced service through a separate subsidiary will be altered. Specifically, the marginal costs of providing additional enhanced services using some form of voice storage within the basic network would be decreased and the net cost of providing such service outside the basic network would be increased. Thus, the grant of a waiver here would put us on the proverbial "slippery slope" and create considerable uncertainty as to what new enhanced services we will allow to be provided through the basic network.

18. Second, once enhanced services are introduced into the basic network we have no way of effectively policing against possible cross-subsidization between such enhanced services and the basic monopoly services provided by AT&T. As we have shown, it has been this Commission's consistent view—and that view, if anything, is reinforced by the record in this proceeding—that accounting regulations are inadequate by themselves to guard against possible cross-subsidy between AT&T's regulated and unregulated services.

19. The fact that AT&T's request is limited to voice services is of small comfort. We have found in our order on *Reconsideration* that CCS–II may be used for data services now, and we have also determined, after considerable investigation, that any distinction between voice and non-voice services is illusory. *Id.* at para. 14. We certainly do not intend to prevent CCS–II customers from employing their facilities to the fullest extent. It would be extremely inefficient to impose an artificial barrier on the use of CCS–II facilities which would result in an irrational market segmentation. Although AT&T states that CCS–II is not capable "at the present time" of being used effectively for data purposes, it is possible that at some future date it can be modified to attain such capability. If that occurs we could not automatically preclude users from employing it for data purposes. Moreover, even if the waiver granted AT&T would specifically preclude data use, we cannot exclude the possibility that AT&T would later seek an additional waiver to accommodate newly found versatility which commenting parties claim is present in the system now. In such an event, a decision on the extension of the waiver must be based on a fresh examination of the public interest rather than on any prior promise or claim by AT&T in this proceeding.

20. Third, the structural separation of the Computer Rule was designed in part to require AT&T to offer equal interconnection arrangements to competing vendors. It was our view that efficient consumer utilization of the telephone network would be maximized if enhanced service vendors were not impeded in achieving network interconnection, or forced to incur additional interconnection costs beyond those incurred by the carrier's own subsidiary. Our objective was to give the carrier the incentive to provide an underlying facility which all enhanced service vendors could utilize equally. Absence of such an adequate facility or equality of interconnection would bias the unregulated enhanced service market in favor of the regulated carrier. We believe that grant of the waiver will in all likelihood reduce or eliminate AT&T's incentive to provide reasonable interconnection. The carrier, in fact, would be benefited if it were able to decline or delay equal interconnection to competitors while its own service established a market position. We cannot ignore the fact that the grant of a waiver under the circumstances present here would make it more difficult for us to meet our responsibility to insure interconnection to enhanced service vendors on an evenhanded basis.

21. Fourth, it is clear that we have previously addressed the question which AT&T raises in this proceeding. We have explicitly rejected the notion that CCS–II should be provided as part of the basic network. If we are to reverse our previous judgment it must be on the basis of either new evidence or a reinterpretation of our existing standards. In this case, this is an especially heavy burden because, although eighteen months old, the rule has not been given an opportunity to work. We are certainly not dealing with one of those instances in which a regulation has been outmoded by technological or economic change, and we are not compelled to make exception to it in order that users not be deprived of a new service. Indeed, as is clear from the above discussion, our regulatory plan for enhanced services was adopted with CCS–II in full view and contemplation.

22. As we show in the following sections, AT&T has not met the stringent test for waiver required in this case. It has not demonstrated that the application of the separation rules will result in unreasonable costs to consumers because of technical impossibility or economic infeasibility as so recently enunciated in our *Computer II* decision.

B. Technical Showing

1. AT&T's Contentions

23. AT&T asserts that its technical showings alone are sufficient to satisfy our waiver criteria. It notes that as its CCS–II services are now designed they rely upon an integrated configuration of a Voice Storage System (VSS) with its Electronic Switching System (ESS). AT&T represents that it is technically impossible for a separate subsidiary to offer the CCS–II package as it is currently designed. AT&T concedes that redesign of the system to permit a separate subsidiary or other vendors to provide such services is feasible, but states that "these entities could not independently provide a total service." AT&T Petition, p. 18. Under existing technology, the subsidiary or a vendor must still rely in part upon the Bell Operating Companies (BOCs) to provide these services because "[t]he ESS equipment, which is an inextricable part of the BOCs' network, performs essential functions in the provision of all CCS–II type services." *Id.*, p. 18. AT&T claims that, if the system were redesigned so that the separate subsidiary or other vendors could avail

themselves of the network components now required to offer CCS–II type services, the resulting services would be different from those which AT&T would provide under the requested waiver. The difference would be that "[c]all answering and advance calling would no longer be available on a completely usage-sensitive and casual basis, tailored to the needs of the light user." *Id.*, p. 19.

24. While AT&T has conceded that the CCS–II package could be offered through a separate subsidiary or other vendor, it claims that the system redesign required to accommodate such non-integrated operation "would be costly and time consuming, resulting in a delay of the introduction and availability of CCS–II-like services for a minimum of three years." AT&T Petition, p. 22. AT&T then lists the changes required within the ESS. The current CCS–II dialing plan would have to be augmented to include multiple vendor identification numbers and at least one additional access code. Central office line translations would have to be modified to include the identification number of the separate subsidiary or other vendor authorized by a customer for call answering. New translations would have to be developed, programmed and implemented to accommodate the separate subsidiary and other vendors. The ESS equipment would have to be programmed with additional software safeguards that insure that changes would be made in a customer's line translations only by the customer or an authorized vendor.

25. Other changes include augmentation of the ESS equipment to provide it with the capability of recording CCS–II transactions; hardware or software changes or both in the ESS equipment to verify that the vendor system properly returns answer supervision; the revision of ESS screening functions; and the development and implementation of new procedures for backing up and validating recent changes in customer line translations. Trunk testing routines would also have to be revised, and a new service order process, involving the development and implementation of additional ESS equipment software, would have to be formulated for adding, subtracting, and changing vendor related information in the ESS office. Finally, the current customer service order process would have to substantially modified.

26. AT&T states that the VSS also would have to undergo redesign. The modifications identified by AT&T consist of: augmenting the VSS translation function to enable the VSS to retain complete authorized customer service profiles and billing information; enhancing the VSS billing capacity to enable the separate subsidiary to recover charges from customers after it has been billed by the BOC for basic services; and reprogramming the VSS to permit acceptance of customer service orders. The VSS would also require alternate support systems and modified trunk testing procedures.

27. Because ESS software changes "have already been committed through the second quarter of 1984," AT&T estimates that it would require a minimum of three years to develop a system plan for non-integrated provision of voice storage and retrieval services. AT&T warns that this timetable may be optimistic. For significant software development it would need at least one additional year. AT&T estimates that the costs to the BOCs for required redesign of the ESS equipment would be $22.5 million, and to the separate subsidiary $6.5 million for redesign of the VSS equipment.

28. In its Petition, AT&T states that installation and testing of CCS–II equipment has been completed in Philadelphia, Dallas, New York City and Chicago by the Bell Operating Companies which serve these areas. Each operating company, according to the petition, has invested between $2–3 million for equipment and $250,000 for initial deployment. AT&T Petition, pp. 11–12. CCS–II equipment for use by operating companies in Indianapolis, Cleveland and Milwaukee is in various stages of manufacture and installation. AT&T states that these companies will incur cancellation charges imposed by the manufacturer, Western Electric, if the orders are not ultimately fulfilled. *Id.*, p. 12. In addition, Bell of Pennsylvania deferred the filing of a tariff for CCS–II service pending resolution of this proceeding.

29. AT&T has also asked that, if the waiver is granted, we clarify the status of state tariff requirements in the case of an enhanced service offered through the network by the BOCs pursuant to Commission waiver. Since we are not granting the waiver sought, it is not necessary for us to address the issue of state tariff jurisdiction for enhanced services at this time.

2. Comments of Opposing Parties

30. Several parties addressed AT&T's technical showing. The comments provide considerable detailed criticisms of each of AT&T's allegations. Most fundamentally, the parties question the technical criteria upon which AT&T seeks a waiver. For example, CBEMA submits that AT&T has "confuse[d] the term 'state-of-the-art technology' with the state of design of the CCS–II service as implemented by AT&T." CBEMA Opposition, p. 31.[4] Ford Industries, Inc. points out that the "petition is premised upon the mistaken view that the technology relevant to information storage and retrieval is static," with "AT&T bas[ing] its argument for a waiver entirely upon 'existing technical conditions'." Ford Industries Opposition, p. 3. IBM represents that, "[i]n the present case, 'state-of-the-art technology' is capable of modifying network ESS equipment so that CCS–II type services can be provided by an FSS [fully separated subsidiary] and by independent vendors." IBM Opposition, p. 13. Xerox notes that "the Petition acknowledges that no *technical* difficulty precludes the offering of CCS–II in a separated, competitive environment." Xerox Comments, p. 4 (emphasis in original).

31. The parties argue further that AT&T's previous discretionary decisions should not constitute the basis for waiver. Exxon claims that "AT&T unabashedly has designed the ESS to accommodate only its VSS service and has set the stage for denying comparable access to competitors." Exxon Comments, p. 12. ECS Telecommunications, based upon the attached affidavit of Robert J. Nacon, asserts that "[w]hile this Commission was actively considering a refinement of the basic service/enhanced service dichotomy in the Computer II Inquiry, Bell Laboratories, AT&T, and Western Electric were busily designing and engineering the CCS–II system to function exclusively within the telephone network so that prospective competitors could not obtain the substantial technological features and interfaces enjoyed by CCS–II in a monopoly environment." ECS Motion, p. 8. SPCC states that AT&T "[s]imply * * * made imprudent design decisions." SPCC Comments, p. 20. In short, the parties contend that the waiver should not be granted merely because the necessary technology has not yet appropriately been incorporated into AT&T's system configuration.

32. As described above, AT&T contends that the redesign effort now required to provide CCS–II through a separate subsidiary would be costly and time-consuming, resulting in a delay of

[4] One of the conditions under which the Commission would consider granting a waiver is that if "state-of-the-art technology dictates that only through the use of network facilities could the carrier provide a given enhanced service." 84 FCC 2d 50, 57 (1980).

the introduction and availability of CCS–II like services for a minimum of three years. To support this claim, AT&T lists all the changes to the ESS and VSS required to complete the redesign effort. Several parties dispute AT&T's contention and two, SPCC and ECS, challenge each of the redesign modifications, claiming that the complexity of each has been grossly exaggerated.[5] Because it is difficult to comprehend the meaning of these criticisms without reviewing AT&T's assertions, we will repeat the redesign efforts that AT&T claims are necessary as we summarize the parties' objections concerning such efforts.

33. AT&T asserts that the current CCS–II dialing plan would have to be augmented to include multiple vendor identification numbers and at least one additional access code. In response to this, ECS notes that a new sophisticated digit interpretation program can be substituted for AT&T's proposed numbering access plan. SPCC says that only casual customers and very small businesses without PBXs will require vendor identification digits. This means that it is relatively easy to employ a two-digit code to identify a vendor or AT&T's subsidiary. The parties feel these factors refute AT&T's allegation that substantial expansion of the ESS digit reception and analysis program is necessary.

34. AT&T also claims that central office line translations would have to be modified to include the identification number of its separate subsidiary or other vendor authorized by a customer for call answering. In response, ECS states the ESS computer program is already capable of interfacing with multiple VSS systems and keeping track of which customer goes to which system. SPCC submits that only a two-digit vendor code needs to be provided in the customer's line translation. Thus the parties opposing the waiver believe that any changes to central office line translations would be minimal.

35. AT&T says new translations would have to be developed, programmed and implemented to accommodate the separate subsidiary and other vendors. ECS, however, counsels that any ESS system has the capability of keeping track of hundreds of separate groups of facilities between central offices today. SPCC says that the connection from an ESS office to the vendor can be made using Direct Inward Dialing. The parties therefore consider AT&T's allegation of the need for new translations to accommodate the separate subsidiary and other vendors to be without merit.

36. AT&T states the ESS equipment would have to be programmed with additional software safeguards that insure that changes would be made in a customer's line translations only by the customer or an authorized vendor. ECS claims that the magnitude of the job of providing additional software safeguards in the ESS for security purposes is less than AT&T implies, while SPCC believes that a two-digit vendor identification code would obviate the need for such changes.

37. AT&T also alleges the ESS equipment would have to be augmented with the capability of recording CCS–II transactions. In contrast to this position, ECS asserts that augmenting the ESS to provide a capability for recording CCS–II transactions is unnecessary. SPCC claims that the billing that BOCs must complete is for leased lines, rendering any requirement for detailed transaction information null.

38. Continuing the list of modifications to the ESS which it asserts would be needed to provide CCS–II through a separate subsidiary, AT&T states that hardware or software changes or both would be required in the ESS equipment to verify that the vendor system properly returns answer supervision. ECS claims, however, that hardware and software changes necessary in the ESS equipment to verify that the vendor system properly returns answer supervision represent a trivial matter that requires only a positive signal from the vendor before it places the call in the talking state. SPCC states no such changes are necessary because the Direct Inward Dialing trunks would provide the same signaling and answer supervision that is currently available.

39. In response to AT&T's claim that ESS screening functions would require revision, ECS proffers that such revision is an insignificant modification which actually would result in a small savings. SPCC questions whether revision is even necessary because advance calls need only be treated as regular direct distance dialing calls by the BOC.

40. According to AT&T, new procedures would have to be developed and implemented for backing up and validating recent changes in customer line translations. ECS submits that it is perfectly feasible that the vendor and the separate subsidiary provide the necessary backup information for their respective customers, if AT&T lost this information due to a system failure. SPCC notes that changes can be made to a vendor's software to enable the same procedure for retrieving backup data as currently exists in AT&T's system design. Thus, the parties dispute the contention that additional expenses will be incurred by the BOCs for developing and implementing new procedures to validate recent changes in customer line translations.

41. AT&T also foresees modifications to the service systems underlying provision of CCS–II through a separate subsidiary. First, it claims that trunk testing routines would have to be revised. ECS asserts that alleged revisions to the trunk testing routines would result in a division of responsibility for trunk testing that would not be significantly different from that which now exists between AT&T and the independent telephone companies. SPCC says no trunk testing revisions are needed since trunk testing routines already exist for leased Direct Inward Dialing trunks, and these trunks can be used effectively to interconnect vendors to the ESS.

42. Additionally, according to AT&T, it would not only have to formulate a new service order process, involving the development and implementation of additional ESS software for adding, subtracting and changing vendor-related information, but also would have to modify substantially the current customer order process. ECS, however, states that a new service order process can easily be provided for by ESS generic computer programs which allow for easy addition, deletion and feature changes to trunk group translation. SPCC submits no new service order process is necessary since AT&T already has in place an order process for leasing Direct Inward Dialing trunks. Responding to AT&T's claim that substantial modification to the customer service order process is necessary, ECS argues that all of the necessary customer service information would come automatically from the vendors directly to the ESS over the interconnecting trunk facilities. SPCC finds no changes are necessary because call answering services can be initiated and terminated by the customer using a procedure similar to the existing one.

43. AT&T states that the VSS also would have to undergo redesign. The modifications identified by AT&T consist of: augmenting VSS translation functions to enable the VSS to retain complete authorized customer service profiles and billing information; enhancing the VSS billing capacity to

[5] Other parties also contest AT&T allegations. CBEMA, for example, asserts that some of the modifications require no more than implementation of the system used for CCS–I. CBEMA Opposition, p. 31–36. Delphi disputes in great detail many of the modifications that AT&T claims are necessary for a multiple vendor environment and concludes that AT&T claims are impossible to accept.

enable the separate subsidiary to recover charges from customers after it has been billed by the BOC for basic services; and reprogramming the VSS to permit acceptance of customer service orders. The VSS also would require alternate support systems and modified trunk testing procedures.

44. With respect to AT&T's allegations of the changes necessary to the VSS, ECS notes that a simple microcomputer can provide the ability to keep track of necessary billing and service profiles. ECS finds no change in the VSS equipment is required for billing capability. The billing can be performed with the same microcomputer referred to above. ECS submits that the new system required to interface with various network support systems are a necessary cost for all competitors. It says this function is subsidized under the current operations. ECS admits that trunk testing procedures may need to be improved for subsidiary and vendor access to the BOC switching equipment, but says that outside entities can help identify and correct malfunctions, thereby actually simplifying trouble reporting procedures. Regarding the alleged modification of VSS equipment to accept customer service orders, ECS observes that no change in the design of the VSS is necessary if such orders are entered into an offline computer which interfaces with the VSS equipment.

45. More generally, ECS believes that additional costs for VSS equipment changes represent part of a normal operation of any competitive call answering service organization. SPCC agrees, noting that these additional costs arise totally as a consequence of conscious design decisions by AT&T.

46. Several parties challenge AT&T's contentions regarding the time and cost required to redesign the VSS and ESS equipment on other grounds. Delphi notes that the estimated redesign costs "equal the total R & D costs for the initial development of CCS–II," even though "none of the changes involved appear to call for substantial departures from existing technology." Delphi Opposition, p. 30. SPCC submits that "the three-year time period AT&T asserts is required is not a function of engineering or programming, but rather it is a function of AT&T's planning and scheduling process." SPCC Comments, p. 23. Finally, ECS states that "the great bulk of the design and engineering of CCS–II occurred between 1977 and 1979—a two year period—and there is simply no rational explanation or support for the assumption that modest softward changes (see Petition at page 28) will somehow require three more years." ECS Motion, p. 15.

47. The parties also attempt to negate AT&T's appeal for favorable treatment of its Petition on equity grounds, that is, because of the magnitude of the redesign costs. SPCC says these redesign costs pale "when compared with the amounts AT&T can be expected to earn." SPCC Comments, p. 34. Delphi notes that it "alone has invested at least as much in the development of DELTA as AT&T has invested in CCS–II." Delphi Opposition, p. 6.

48. The final issue in AT&T's technical showing concerns service to the casual user. Several parties challenge AT&T contention that the casual user will not be served if its Petition is denied. Delphi, while noting that "AT&T's ability to accommodate 'casual' users depends upon less genuine service economies than upon . . . inter-service subsidies," claims that "a competitive offering, such as DELTA, can serve casual users even under existing technology, and that billing and credit procedures could be optimized if competing vendors have access to ESS identification functions and to AMARS [Automatic Message Accounting Recording System.]" Delphi Opposition, pp. 27, 43. CBEMA argues that "[a]ll that AT&T can, admittedly, offer with CCS–II, and that which makes CCS–II feasible on such a casual basis, is the billing of the service on the subscriber's telephone bill with the attendant ability to cut-off phone service for non-payment." CBEMA Opposition, p. 39 (emphasis omitted). CBEMA concludes that there is no technical limitation to the offering of casual call answering service and that the separate subsidiary could undertake the same service as AT&T proposes for CCS–II if the subsidiary considered that there was a sufficiently lucrative market for casual, bill-by-the-call service. As noted, Delphi, for example, says that it stands ready to serve the casual user provided the necessary interconnection facilities are available.

49. Commenting parties also state that a delay in the introduction of CCS–II will not disadvantage consumers, including casual users, because substitute services are available in the marketplace. SPCC provides in its comments perhaps the most comprehansive summary of alternative services now available to consumers:

> Delphi Communications Corp., a subsidiary of Exxon has developed its own system, and has had a prototype system operating in the San Francisco bay area for over three years. Delphi should be able to deliver production units by late 1981. Electronic Communications Systems, Inc. (ECS) in Dallas, has developed its Voice Message System. ECS presently has its own system serving customers there and in New York City. Additionally, ECS has sold Voice Message Systems to several customers. IBM has developed a system which it calls Voice Mail. Televoice International, Inc. of Santa Clara, California and STC Communications Corporation of Broomfield, Colorado are also designing and developing systems to compete in the marketplace. NEC of Japan, BNR in Ottawa, Ontario and others also have equivalent voice store-and-forward systems on the drawing boards. Some manufacturers such as Televoice and Delphi are seeking not only to produce the systems but also to provide the service. Delayed voice services can also be expected to be provided by other companies already providing telecommunications services. For example, the value added carriers are reportedly developing store-and-forward systems for their packet-switched systems. MCI Telecommunications Corporation has announced that it intends to add delayed voice store-and-forward services to its list of offerings. [SPCC Opposition, p. 11].

50. CBEMA also challenges the AT&T claim that the services comprising OCS–II are either innovative or unique. It claims that "in the market allegedly targeted by AT&T, the demand for call answering and advanced calling services is now being met on a regular basis through customer premises telephone answering equipment and through a variety of automated and/or semi-automated centralized answering services." CBEMA Opposition, p. 6. In short, the parties believe that refusal to grant the requested waiver will in no way deny consumers the features of call answering and advance calling.

3. AT&T's Response

51. AT&T has chosen not to rebut in any detail the major criticisms levied against its technical showing. In response to the criticisms of AT&T's showings concerning the design modifications, the time to develop and implement the modifications, and the cost of the modifications, AT&T submits "[t]he design modifications represent AT&T's considered judgement as to appropriate engineering solutions to meet the three requirements referred to above and, at the same time, to preserve to the extent reasonably possible the desirable features and operations of the current CCS–II design." AT&T Reply, p. 31. It simply says "AT&T affirms that the design modifications, and associated costs and time, specified in the Petition are reasonable in relation to the redesign objectives." *Id.*, p. 32 (footnote omitted). AT&T argues further that, "because the FSS economically cannot provide CCS–II-type services, AT&T submits that the actual implementation

of the modifications, the precise design required, and associated time and cost, are not legitimate issues in the consideration of the waiver request." *Id.* (footnotes omitted).

52. With respect to service to the casual user, AT&T attempts to supplement its showing that the casual user will not be served if its Petition is denied. AT&T explains why each of the services proffered in the comments as serving the casual user really cannot do so, with the exceptions of terminal answering devices, telephone answering services. AT&T further argues that, even with the necessary network interfaces, "neither the FSS nor any other vendor could offer CCS–II-type services to a potential customer unless the customer previously had established an account with the FSS or other vendor." AT&T Reply, p. 17. AT&T concludes that "speculation [concerning the supply of CCS–II to the casual and small business user] is not a proper basis for the Commission to deny the certainty of service availability which will result if the waiver is granted." *Id.*, p. 18.

4. Discussion

53. In judging AT&T's technical showing we must first determine whether denial of the Petition will foreclose the availability of call answering and advance calling to consumers, given the state-of-the-art technology. In this regard, AT&T confirms our understanding that it is *technically* possible for it to provide call answering and advance calling through a fully separated subsidiary. AT&T Petition, pp. 19–28. Additionally no technical reason is proffered for the separate subsidiary's alleged inability to serve the occasional or light user with CCS–II services. The only reason AT&T provides for the subsidiary's inability to serve the casual user relates to the different billing arrangements that are available for the BOCs. AT&T believes the casual user (not now served by terminal answering devices, telephone answering services and similar services) can be served only on a usage sensitive basis without prior subscription. AT&T Petition, p. 19; AT&T Reply, pp. 7, 14–15. We view this as an economic argument and thus it will be addressed in the next section. As we will explain, we believe that the casual user will not be denied call answering and advance calling if AT&T's Petition is denied.

54. Rather than arguing it is technically impossible to provide CCS–II through its separate subsidiary, AT&T has narrowed the scope of its argument by claiming the requisite "redesign effort would be costly and time consuming, resulting in a delay of the introduction and availability of CCS–II-like services for a minimum of three years." AT&T Petition, p. 22. We cannot base a grant of the petition upon such a rationale. With respect to the alleged time delay, we note that parties opposing the Petition have seriously questioned AT&T's inability to complete the necessary modifications for such a long period of time.[6] AT&T's only response to those comments is that "AT&T affirms that the design modifications and associated * * * time, specified in the Petition are reasonable in relation to the redesign objectives." AT&T Reply, p. 32.[7]

55. We are deeply troubled by the lack of support for this judgment. The criticisms of AT&T's analysis are substantial enough to require persuasive rebuttal and cannot be dismissed lightly. Moreover, without insight into the decisional factors leading to AT&T's scheduling process, including the time required for implementing each of the necessary actions, AT&T's judgment in this instance appears to be highly subjective. For example, AT&T simply states that "ESS software changes to be introduced in the ESS during 1981, 1982 and 1983 already have been committed * * *. Therefore, a minimum of three years would be required to develop a system plan, detailed requirements and software, test and integrate the software, and test all early applications of the software." AT&T Petition, pp. 28–29.

56. In essence, by tying the delay of three years in the introduction of CCS–II to prior management decisions about planned changes in ESS software, AT&T seeks to establish a principle of granting a waiver of our structural separation requirements based on a management decision concerning software scheduling priorities. While we do not challenge those priorities here, we note that AT&T is free to modify them, and therefore has the choice to introduce CCS–II in less than three years if it desires.

57. In this regard, we think it is significant that no argument is advanced suggesting that AT&T is unable to devote more funds to implement the necessary design modifications at an earlier date. Changing the software program for the #1 ESS requires considerable expertise. Nevertheless, we urge AT&T to recognize its obligation to provide prompt and reasonable access to its local bottleneck facilities, including the #1 ESS. *Bell Telephone Company of Pennsylvania* v. *FCC*, 503 F. 2d 1250 (3rd Cir. 1974), *cert. denied*, 422 U.S. 1026 (1975). As we shall discuss later, provision of reasonable access to AT&T's local exchange facilities is expected to lead to robust development of call answering and advance calling services, including the availability of service to the casual user.

58. The second reason that we reject AT&T's argument that CCS–II-like services cannot technically be provided under current regulations for a minimum of three years is simply that many entities are already providing voice storage services. The available services and equipment have been described extensively in the record and we have summarized them above. Therefore, we believe that, if there is an immediate and pressing need for voice storage services that the AT&T subsidiary chooses not to, or cannot, meet, alternative services and equipment are available in the marketplace. We recognize that outside vendors will require network interfaces to the ESS to provide call answering (although not necessarily advance calling) service to users that do not have a switch at the customer premises such as a private branch exchange. However, in these instances, if there is a significant demand for call answering service, terminal answering devices are ubiquitously available in the marketplace. In sum, AT&T has not provided sufficient reason for us to conclude that the state-of-the-art technology forecloses the near-term or long-term availability of call answering and advance calling services if the petition is not granted.

59. With respect to the cost of redesign alluded to in AT&T's Petition, we believe the question for us to resolve devolves to one of whether AT&T has established equities in favor of granting the waiver because of its existing investment in CCS–II. AT&T contends that it has invested approximately $30 million in CCS–II development and that a similar expenditure would be required to modify the ESS and VSS to conform to a non-integrated other vendor environment. Here again we are troubled by an apparent lack of information. For example, it is not apparent why the relatively modest modifications contemplated would require an expenditure equivalent to the entire cost of development to date. Nor is it clear how much of this expenditure might ultimately prove useful to AT&T

[6] These comments have been summarized above. For further discussion, see ATAE Opposition at 18–21; CBEMA Opposition at 31–36; Delphi Opposition at 29–33; ECS Motion at 10–15.

[7] AT&T contends further that, "because the FSS economically cannot provide CCS–II-type services, AT&T submits that the actual implementation of the modifications, the precise design required, and associated time and cost, are not legitimate issues in the consideration of the waiver request." AT&T Reply, p. 32 (footnotes omitted).

or its subsidiary in development of related equipment or services. As of May 1980, the time the *Final Decision* was issued in the *Second Computer Inquiry*, AT&T was aware that enhanced services, including voice storage and automatic call answering services, must be provided through a separate subsidiary. *See id.* at paras. 98, 223. Thus, for any expenditures incurred after this date, AT&T's equitable claims are less compelling than if it had no notice of our intent regarding CCS–II. However, even for expenditures incurred before the *Final Decision* was issued, all parties to the *Second Computer Inquiry* were on notice that we might take actions which would influence their participation in enhanced services markets. The Commission cannot be expected to be held to building upon the *status quo* when seeking to impose a regulatory policy. *General Telephone Company of the Southwest* v. *United States*, 449 F. 2d 846 (5th Cir. 1971).

60. In addition, any amounts lost to AT&T or its subscribers must be balanced against the serious problems which grant of the waiver would create. Many firms have invested significant sums, in certain instances equivalent to that by AT&T in CCS–II development, in the face of the same level of regulatory uncertainty. Any consideration of equities favoring AT&T in this proceeding must be balanced against equities favoring competing vendors and, even more important, the interests of users. As noted earlier, grant of the waiver requested by AT&T would make it more difficult to police cross-subsidy and, as a consequence, the cost to monopoly ratepayers might well exceed the relatively small amounts expended by AT&T on CCS–II thus far.[8] Moreover, the lack of structural separation for AT&T would eviscerate the Commission's ability to ensure nondiscriminatory access to AT&T's bottleneck facilities which, in turn, would stifle competition and innovation.

C. Economic Showing

1. AT&T's Contentions

61. In its Petition, AT&T further asserts that its economic showings alone are sufficient to satisfy the waiver criteria. AT&T submits that the costs of providing CCS–II service would increase by 75 percent if the service were provided through a separated subsidiary. AT&T finds this cost increase to be high so as to foreclose recovery through price increases.

62. AT&T's economic analyses purport to show the relative economic viability of offerings of CCS–II services by the BOCs and the separate subsidiary. The studies were based on the provisions of CCS–II over a ten-year period in a serving area of approximately 300,000 main stations. The study for the separate subsidiary, however, was conducted "with the number of CCS–II customers reduced by one-third." AT&T Petition, p. 30. This reduction was assumed "because of the unavailability of CCS–II services to casual users, and the operational differences of FSS-provided CCS–II-like services under present technology." *Id.*, p. 33. Revenues per customer were inflated at the rate of two percent per year for both the BOC and the separate subsidiary. AT&T also reported that "[m]arket research studies and a service trial show that price increases [today] would result in reductions in the number of residence customers and total revenues." AT&T Petition, p. 34.

63. With respect to costing methodology, the "BOC analyses considered the incremental economic effects of providing CCS–II." AT&T Petition, B–2. The separate subsidiary analysis also considered the incremental effects of providing CCS–II. Ongoing ESS and VSS investments were inflated at the rate of 7 percent per year. Ongoing trunk facilities investment was inflated by the rate of 10 percent per year. Cost of capital for the BOC was 14½ percent, while it was specified to be 17 percent for the separate subsidiary. The economic life of the VSS equipment was assumed to be 10 years in both analyses. Billing and marketing expenses were inflated at the rates of 5 and 10 percent, respectively.

64. The studies' results, according to AT&T, show that "the estimated internal rate of return of 27% for the BOC provision of CCS–II exceeds the cost of capital for the BOC of 14.5% * * * by a sufficient margin to assure that ratepayers will not be burdened by a BOC provision of CCS–II." AT&T Petition, p. 32. With respect to the separate subsidiary's provision of CCS–II, "[t]he economic results show an internal rate of return of 2% and a payback period of far longer than 10 years, if ever." *Id.*, p. 33. Based on this analysis, AT&T concludes that "the FSS could not undertake to offer CCS–II-like services under these circumstances." *Id.*

65. AT&T also provided a reference analysis specifying the same number of customers as used in the economic analysis of the BOC provision of CCS–II, even though AT&T describes this procedure as "unrealistic." The result here is an "internal rate of return of 18% [which] just about breaks even with the 17% cost of capital used in the FSS analysis." *Id.*, p. 34. However, AT&T finds this return "insufficient to justify the risk of the FSS making the capital investment using existing technology." *Id.*, p. 35.

2. Comments of Opposing Parties

66. Several parties have responded to AT&T's economic analyses. The criticisms are far ranging, although the majority agree that AT&T has provided insufficient factual data to support its conclusions. IBM describes AT&T's economic analyses as "conclusory economic projections, purportedly supported by unsupplied market research studies." IBM opposition, p. 14. IBM finds that "it is impossible to assess the validity of AT&T's projections in the absence of the underlying studies." *Id.* ATAE notes that "AT&T has totally failed to provide the Commission (or any interested parties) with any 'detailed economic and technical information' to support its claims as required by the Commission in its Reconsideration Order." ATAE Opposition, p. 18. The Justice Department finds that AT&T "has presented only unsupported assertions with minimal factual detail." Justice Opposition, p. 9. Justice concludes that "AT&T has failed to meet its burden and its petition should be denied summarily." *Id.*

67. The parties also attack the assumptions used in AT&T's analyses. For example, SPCC, noting that AT&T's "results are wholly dependent on the assumptions used to generate them," points out that AT&T uses "a model that requires 37 assumptions * * * in a period of highly erratic national economic performance." SPCC Comments, pp. 25, 29. ATAE says that "[w]hile AT&T describes the myriad of assumptions upon which its assertions are based, it provides no detailed factual support for these assumptions." ATAE Opposition, p. 31.

68. One set of assumptions that has particularly disturbed the commenting parties is that the separate subsidiary is assumed to capture one-third fewer subscribers and less revenues than the BOC because the subsidiary allegedly cannot serve the casual user. ANPA claims that "AT&T fails to explain the basis for its conclusion that its CCS–II customer base will decline by 33 percent if the service is provided through a separate subsidiary as required by § 64.702." ANPA Comments, p. 5. Delphi,

[8] Although $30 million is a substantial amount in absolute dollar terms, it is less impressive as an equitable consideration when compared to the billions of dollars which enhanced services are expected to generate over the next decades.

while noting that "a competitive offering, such as DELTA, can serve casual users even under existing technology," says that "AT&T assumes that the average revenue per customer per year is the same in all three analyses. However, in the separated offering, casual customers are assumed to have dropped out and therefore revenues per customer should be higher." Delphi Opposition, p. 43. Xerox asserts that "[e]ven assuming the loss of some 'casual' users, the effect on the volume of business and revenues would not be proportionate to the percentge of casual users as compared to regular customers. The unjustified projection of a one-third reduction in revenues, while keeping costs constant, calls into question the validity of the economic analyses underlying the Petition." Xerox Comment, p. 7.

69. ECS points out that "anyone can make a number of different assumptions of market penetration, numbers of customers, frequency of calling, etc., to come up with virtually any set of annual revenue requirements and estimated revenues." ECS Motion, p. 18. In this regard, CBEMA notes that "the analysis assumes revenues per CCS–II customer of $124 per year (for monthly customers only). Yet the Bell-Pa. tarriff imposes a minimum monthly rate of $12.00, per month, e.g. $144.00 per year." CBEMA Opposition, p. 37. SPCC submits that AT&T "should have documented the expected reduction in quantity of service demanded as the price of service increases. Using that data, AT&T should then have composed its estimated average revenues per customer for service through the network and through a subsidiary with its data on customers' willingness to pay. In this way it could have determined the approximate number of customers who would, in fact, choose to forego service rather than pay the alleged higher price AT&T required for service provided through its separate entity *vis-a-vis* the BOCs." SPCC Comments, p. 26.

70. Many parties also criticized the assumptions and estimates in AT&T's economic showing relating to the analysis of costs for CCS–II. Ford claims that "AT&T does not present or explain the critical method by which the investment was 'derived'," nor does it "present or identify the costs it allegedly examined in making its calculation." Ford Opposition, p. 27. Ford also finds that "AT&T provides no explanation of how it computed a major portion of FSS expenses." *Id.*, p. 18. SPCC takes the same approach to AT&T's economic analysis, saying "[i]t totally lacks any description of cost methodology." SPCC Comments, p. 29.

71. Several parties directly opposed AT&T's costing methodology. Xerox submits that, "[i]f waivers are to be granted on the basis of economic infeasibility, more should be required than mere current cost savings for dominant carriers using incremental cost allocations." Xerox Comments, p. 20. CBEMA asserts that "AT&T's economic analysis suffers a threshold if not fatal defect—as already noted, it is apparently based on an incremental analysis of expenses for the integrated CCS–II service, but assumes that the structurally separated subsidiary will be starting 'from scratch' in making the offering." CBEMA Opposition, p. 36.

72. The opposing parties also attacked AT&T's costing methodology on more specific grounds. The Justice Department believes that the "Commission should reject as frivolous any attempt by AT&T to cite * * * intra-corporate charges it has imposed on itself as evidence of the cost of having to offer CCS–II in a competitive mode." Justice Opposition, p. 13. IBM similarly finds several detailed faults with the methodology AT&T relied upon to perform its economic analysis. First, "AT&T has charged much higher maintenance and administrative costs to the FSS version of CCS–II than it would if the above centralized systems were in place." IBM Opposition, p. 15. Second, the significant difference in cost of capital is attributable to "AT&T's arbitrary choice of giving the BOC version the full advantage of AT&T's embedded monopoly cost of capital while burdening the FSS version with the cost of what is normally the most expensive type of financing—all-equity financing." *Id.* Third, "AT&T uses significantly different tax lives for the VSS equipment in the BOC and FSS version." *Id.* at 16.

73. Xerox criticizes the analysis "for maintaining the cost of service at a constant level while reducing the customer base." Xerox Comments, p. 7. SPCC, noting that AT&T relies extensively on [Net Present Value] investment criteria for most of its engineering economy studies," says "[t]here is a missing element of the economic analysis, the total absence of NPV results." SPCC Comments, p. 31.

3. AT&T's Response

74. AT&T has sought to rebut the major criticisms levied against its economic showing by other parties. Most significantly, to the criticisms that the economic analysis fails to provide any real economic support data, AT&T responds that its "Petition is not a tariff filing" and that full "disclosure [of economic information] at the level of granularity customary in tariff filings would deprive AT&T of its proprietary rights without increasing the Commission's ability to resolve the very different issues in this proceeding." AT&T Reply, pp. 34–35. AT&T further urges that, since CCS–II "is likely to be an untariffed enhanced service, and surely not one subject to the Commission's tariff regulation," the Commission "would be inconsistent, and would place the petitioner at an unfair competitive disadvantage, if it required that a Petition for Waiver parallel a tariff filing." *Id.*, p. 35. Similarly, in response to criticisms alleging that AT&T employed an improper incremental cost analysis, AT&T states that "[i]t should not be required * * * to make and defend its decisions concerning enhanced services on the basis of standards intended for the economic regulation of tariffed services." *Id.*, p. 36.

75. In response to the other criticisms of its economic analysis, AT&T runs its model through a few other iterations and provides the bottom line calculations for each of these iterations.[9] In all cases, its conclusion remains unchanged. CCS–II services can be provided profitably by AT&T only if its petition is granted.

4. Discussion

76. In judging AT&T's economic analysis we must determine whether denial of the Petition will impose uneasonable costs upon consumers in the form of significantly higher prices for the services or, in the extreme, economically foreclose the provision of the service to the public. We have specifically stated that, "[a]s part of a waiver request, a petitioner will be expected to provide detailed economic * * * information to support its assertions." 84 FCC 2d 50, 57 (1980). Moreover, as discussed above, because of the significance of this requested waiver, it is particularly important that we be fully apprised of the relevant facts in this instance. These facts must provide "good cause" for granting the waiver. 47 CFR 1.3.

[9] Specifically, AT&T has adjusted its analysis by assuming that the separate subsidiary would achieve 24 percent less revenue for CCS–II than a Bell System Operating Company providing an integrated service. Previously this figure was assumed to be 33 percent. The result is that the internal rate of return for the separate subsidiary increases from 2 percent to 12 percent with the adjustment. Additionally, as discussed below, AT&T provides the result of a net present value test of the economic projections relied upon in its Petition.

77. AT&T has failed to meet this test in several respects. First, AT&T has provided us with little factual information and no economic support data. The economic showing is based upon marketing studies and economic projections that have not been placed in the record or made available to us by other methods. We do not even know such a basic statistic as the total revenue that AT&T expects from the service. Our understanding of the basic premises of the analysis—such as AT&T's inability to market CCS–II to larger users—is virtually nil.[10] Under these circumstances it is impossible to determine the validity of AT&T's assumptions and projections.

78. AT&T's reason for not submitting the necessary factual information is that the "Petition is not a tariff filing" and that the "disclosure of such data * * * would deprive AT&T of its proprietary rights." AT&T Reply, pp. 34, 35. This logic escapes us. We have rendered a long history of decisions which, although not relating to tariff filings, nevertheless have required substantial information from the moving party in order to receive a "hard look".[11] AT&T's Petition totally fails to substantiate its allegations and, therefore, renders it difficult, if not impossible, to give the Petition a hard look.

79. AT&T also has not explained why the data is confidential or what its competitors will do with the data. In fact, a careful reading of its pleadings suggests that AT&T believes that no one else can provide the service. In any event, the concern that the data is confidential cannot justify withholding information from this Commission. All relevant cost support data must be filed to receive a waiver of § 64.702 of the Commission's Rules. Of course a protective order can be issued if the Commission deems it appropriate.

80. Second, a gleaning of the limited data AT&T has made available suggests that AT&T's conclusion from its analysis concerning the feasibility of a CCS–II offering by the separate subsidiary, despite claims to the contrary, is not very robust. For example, in its Reply Comments, AT&T applies a "net present value" test to its working assumptions and estimates for the separate subsidiary and, while relaxing only one of those parameters, finds the result to be positive. *See* AT&T Reply at 44. Our understanding of the net present value test is that if the resulting figure is positive, the project can be accepted as a viable one.[12]

81. The one assumption that AT&T relaxes concerns the amount of revenue the separate subsidiary can garner from CCS–II customers compared to a BOC. By assuming no loss in revenue for the separate subsidiary, the subsidiary's offering, as explained above, appears viable. AT&T, however, classifies this assumption as unrealistic because the subsidiary will not be able to serve the casual user. We disagree. There are numerous methods that the separate subsidiary can employ to serve the casual user. For example, AT&T, through its telephone operating companies, could offer billing services on a nondiscriminatory basis to all voice storage vendors, including the separate subsidiary. The subsidiary also may arrange to have bills charged directly to one of the ubiquitous charge plans, thereby avoiding the alleged problems of theft of service or the requirement of prior subscription.

82. Moreover, and perhaps most importantly, even if AT&T is correct in asserting that the occasional user can be served only on "a usage sensitive basis without prior subscription" (AT&T Reply, p. 15), it does not follow that such a requirement would seriously discourage usage. The traditional practice in the telecommunications industry in cases where a customer does not have an established line of credit is to require a deposit. Given the small assessments a casual user would be charged for CCS–II, the deposit required to establish an account would not be large enough to discourage many users from subscribing to the service.

83. We also believe it is incumbent upon AT&T to inform us and other interested parties of the sensitivity of its results to other changes in its assumptions and underlying projections. The following examples may be illustrative of the areas that seem ripe for sensitivity analysis. First, AT&T could have calculated the economic analysis over a fifteen year period, instead of a ten year period as it has done. We note that AT&T requests a waiver for fifteen years from the date of installation of its Voice Storage Systems. Second, AT&T could have varied its assumption concerning revenues per customer. AT&T assumes this figure to increase by only 2 percent per year, while at the same time it uses estimates for expenses and costs that increase from 5 to 10 percent per year. In essence, AT&T argues that consumers only will be willing to pay less for CCS–II in real dollars over time. AT&T's assumption for revenues in this regard seems to fly in the face of the available information.[13]

84. It should be obvious that we could proceed to speculate about other of AT&T's assumptions. However, we must agree with ECS in that "anyone can make a number of different assumptions of market penetration, numbers of customers, frequency of calling, etc., to come up with virtually any set of annual revenue requirements and estimated revenues." ECS Motion, p. 18. AT&T must show, or enable us to determine, how sensitive its results are to changes in the underlying assumptions. Based upon the information we have now, the economic showing does not support the conclusion that AT&T's separate subsidiary cannot economically provide CCS–II.

85. In any event, the fact that AT&T might not be willing to provide CCS–II services if its petition is not granted does not necessarily foreclose the availability of similar services to consumers. Provided the necessary interconnection facilities are available from the local telephone companies, the record clearly demonstrates that other entities are willing to risk their capital to provide voice storage services similar to CCS–II services. We would point out that provision of the necessary facilities in this regard will benefit AT&T as well because it will lead to more efficient and

[10] AT&T says that although large business users were canvassed in its market study, it "believes that CCS–II does not offer the same advantages to large business users that it does to residential and small business users." AT&T Reply, p. 16, n. * * *. Based upon this belief, AT&T has determined that it "has no present plans to market CCS–II to large business customers." *Id.* We have two fundamental problems in understanding this reasoning. First, AT&T has not supplied any marketing studies to enable us to ascertain the purchasing behavior of large business users. Second, AT&T provides no indication of the sensitivity of its results to changes in its presumption concerning large business users. What will happen to its economic projections, for example, if large business users subscribe to CCS–II for nighttime service?

[11] *See, e.g., WAIT Radio* v. *FCC*, 418 F.2d 1153, 1157 (1969), where the Court said that allegations "stated with clarity and accompained by supporting data, are not subject to perfunctory treatment, but must be given a 'hard look'," quoting *Pikes Peak Broadcasting Co.* v. *FCC* 422 F.2d 671, *cert. denied* 315 U.S. 979 (1969). *See also WTCN Television, Inc.*, 1 FCC 2d 337 (1965), and *compare Carolina Broadcasting Co.*, 18 FCC 2d 482, 484 (1969), where we said "the burden [of the petitioner], of course, becomes more difficult as the deviation from the standard specified in the rules increases."

[12] *See, e.g.*, J.F. Weston and E.F. Brigham, *Managerial Finance* at 146 (4th Ed. 1972); *see also AT&T, Engineering Economy* at 291 (3rd Ed. 1977). By employing an internal rate of return test with these same assumptions, AT&T estimates that the separate subsidiary will earn 18 percent on its investment. Since the assumed cost of capital of 17 percent for the separate subsidiary includes a risk factor, AT&T is technically incorrect in saying the 18 percent return "is insufficient to justify the risk of the FSS making the capital investment using existing technology." AT&T Petition, p. 35.

[13] *See, e.g.*, International Resources Development, Inc., *Store and Forward Switching* (1980).

extensive use of AT&T's core network.[14] While AT&T attempts to disparage the willingness of others to provide voice storage services, this appears to represent a classic example of where a modicum of experience is worth more than a multitude of analyses.[15] We believe that competition in the marketplace is the only definitive way to resolve this dispute between the parties, based on the evidence available in this proceeding. AT&T has failed to convince us that others will not be able to provide the service ubiquitously.

86. Finally, we believe that AT&T's finding of a 75 percent increase in cost attributable to providing CCS–II services through its separate subsidiary cannot withstand close scrutiny. This reported difference is primarily due to incremental analysis employed for the BOC provision of CCS–II services.[16] However, whenever any enhanced service shares joint and common costs with the regulated services provided by AT&T, fully distributed costing methodologies must be employed. *American Telephone and Telegraph Co.* (Docket No. 18128), 61 FCC 2d 587 (1976), *as modified on rehearing sub nom. Aeronautical Radio, Inc.* v. *FCC*, 642 F.2d 1221 (D.C. Cir. 1980), *cert. denied*, 49 LW 3780, 3787 (1980). With application of this costing methodology, we expect that the reported cost differential between the BOC provision and the separate subsidiary's provision of CCS–II services would diminish markedly.

87. For these reasons, we find that AT&T has failed to meet its burden of showing that denial of its Petition will impose unreasonable economic costs upon consumers. Indeed, a careful reading of its showing suggests that the separate subsidiary may, very well, be able to provide CCS–II economically.

D. Costs of Granting the Waiver

88. In the *Reconsideration Order*, we said:

> Petitioners carry the burden of demonstrating that concerns about any cross-subsidization or other anticompetitive effects which may arise from grant of a waiver are outweighed by the possibility of imposition of unreasonable costs upon consumers, or unavailability of an enhanced service, if the waiver is not granted.

84 FCC 2d 50, 58 (1981).

89. In its petition, AT&T does not address the costs involved with the increased risks of cross-subsidization or other anticompetitive effects, except to mention that "an allocation procedure * * * will be implemented by the BOCs in order to attribute the investments and expenses associated with CCS–II. In addition, the BOCs will separately identify the revenues associated with CCS–II." AT&T Petition, p. 35.

90. Parties opposing AT&T's petition claim that granting the petition would impose substantial costs on consumers. The Justice Department notes that, if AT&T is permitted to carry out the plan described in the petition, "[n]o other company will be able to interface with the ESS central office for the purpose of providing custom calling services." Justice Opposition, p. 5. Justice also finds that "the waiver sought by AT&T is yet another attempt to use its monopoly power over local exchange services, and the associated essential facilities, to obtain a position of market power in competitive services." *Id.* Finally, Justice submits that "[s]ince, under the AT&T proposal, the CCS–II equipment will be intertwined with the local central office equipment, and will employ facilities also used for local exchange service, the local ratepayers may be paying for much of the CCS–II enhancement." *Id.*, p. 6.

91. ATAE purports to show that "the granting of a waiver will effectively prohibit the provision of competitive service offering to the general public by others for both technical and economic reasons." ATAE Opposition, p. 23. Ford states that "grant of the waiver would sacrifice a unique opportunity to establish innovative and competitive information storage and retrieval services." Ford Opposition, p. 7.

92. The parties provide numerous specific examples of why structural safeguards are necessary for AT&T's provision of CCS–II and, conversely, why elimination of these safeguards would be costly. For example, Delphi, noting that "AT&T's reliance on BOC credit and billing services * * * provides an indirect, non-monetary subsidy of CCS–II," emphasizes that "AT&T gives no assurance that its use of BOC customer billing systems will be acquired on a fully compensatory basis." Delphi Opposition, p. 25.

93. Dusty's submits that, "[i]f the BOC were enabled by a grant of the Petition to provide competing TAS [telephone answering service], it would be impossible to protect the integrity of the TAB [telephone answering bureau] customer list." Dusty's Opposition, p. 3. Exxon finds that, "in order to arrange for specialized transmission service, Exxon necessarily would have to disclose to its competitor, AT&T, considerable information concerning the technical parameters of a proposed enhanced services offering. Such circumstances represent an untenable competitive situation for Exxon, which could be avoided if the structural separation were retained as originally conceived." Exxon Opposition, p. 15.

94. SPCC submits "there is nothing in AT&T's Comments which demonstrates that AT&T is capable of accurately allocating costs between regulated and unregulated services." SPCC Comments, p. 38. Indeed, after providing numerous detailed examples, SPCC concludes that "[t]he integration of regulated and unregulated services will be an accounting nightmare." *Id.*, p. 39. Delphi agrees, noting that the Commission already has found that accounting alone cannot prevent the misallocation of joint and common costs associated with the provision of basic and enhanced services if the same entity provides both.

95. Exxon, pointing to the Commission's concerns in the *Second Computer Inquiry* regarding joint use of physical space, states tht AT&T "proposes no offsetting safeguard against the potential abuses from the joint use of physical space." Exxon Opposition, p. 7. Delphi concurs with this assessment, stating that "the co-location of enhanced and basic service elements within the same central offices" is "inherently discriminatory against other enhanced service vendors." Delphi Opposition, p. 39.

96. Exxon, among others, emphasizes that "[o]f particular concern is the potential for a carrier to establish means for discriminating against other enhanced service vendors 'through such mechanisms as the manner in which a subsidiary is able to interconnect or through its charges for the facilities necessary to interconnect enhanced services with the underlying network where the need for such facilities by its own subsidiary might be eliminated'." Exxon Opposition, p. 7, quoting the Commission at 77 FCC 2d at 477–78. Exxon continues by stating that the "Commission acknowledged that the organizational costs of establishing a separate subsidiary and the dedication of separate resources to the dominant carrier's enhanced activities were far outweighed by the anticipated benefits." Exxon Opposition, p. 5. Exxon notes that "it is these institutional factors and cost

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[14] *See, e.g.*, "Voice mail arrives in the office," Business Week, June 9, 1980. *See also Final Decision* at para. 209.

[15] *Cf. American Telephone and Telegraph* v. *FCC*, 572 F.2d 17, 23 (2nd Cir. 1978), where the Court held that a dispute concerning economic impact "is the kind of issue where a month of experience will be worth a year of hearing" (quoting *American Airlines Inc.* v. *CAB*, 350 F.2d 624, 633 (en banc 1966), *cert. denied*, 385 U.S. 845 (1966)).

[16] For a discussion of AT&T's costing methodology, *see* AT&T Petition at 31; B–2; AT&T Reply at 36.

elements which AT&T now labels 'unreasonable' in the instant request." *Id.* IBM notes that the "Petition does not demonstrate that the cost of providing CCS–II through the FSS would be substantially more burdensome than the cost of providing any other enhanced service through the FSS during the same time period." IBM Opposition, p. 15. The Department of Justice, citing *WTCN Television, Inc.*, 1 FCC 2d 337, 339 (1965), contends that "a cost-benefit analysis is an integral part of AT&T's burden since in seeking a waiver of the Commission's rules, a party must analyze the feasibility of other, less anticompetitive alternatives." Justice Opposition, p. 10. Justice finds that "AT&T has made no attempt to demonstrate whether, if at all, CCS–II services, if offered by the Bell Operating Companies, would have tangible benefits that outweigh the costs of the potential for cross-subsidization and other unacceptable effects upon ratepayers." *Id.*

97. Other parties sound this same warning. Delphi, for instance, submits that "AT&T has failed altogether to address the adverse effects of the proposed waiver." Delphi Opposition, p. 14. CBEMA concludes that AT&T's "failure to discuss, much less refute, the potential concerns for cross-subsidization, the lack of a tariff for the basic service elements of CCS–II, and/or other anticompetitive effects of the requested waiver (a burden on the petitioner clearly imposed by the Commission in the Reconsideration) is, *prima facie*, grounds for dismissal of the Petition." CBEMA Opposition, p. 21.

98. In reply to these arguments, AT&T simply states that its economic analysis establishes that granting the waiver will not result in cross-subsidization and that no other risk of anticompetitive behavior exists because network interfaces are available to other vendors. For example, AT&T asserts that the "use of BOC resources in the BOC provision of CCS–II services, on a compensatory basis, as proposed herein, is in no way anticompetitive." AT&T Reply, p. 28. Additionally AT&T states that "[t]his reply shows that any claimed anticompetitive effects raised by the Comments are without merit, and that there is no basis for any concern regarding such claims." *Id.*, p. 54. In essence, AT&T implicitly argues that no benefits will be foregone if its Petition is granted.

99. We cannot accept AT&T's position in this regard. The two major concerns which led this Commission to impose a separate subsidiary requirement upon AT&T were its ability to cross-subsidize enhanced services and its ability to discriminate in the provision of interconnection facilities to enhanced service providers. *Final Decision*, 77 FCC 2d at 463–64. The record here does little to dissipate those concerns.

100. For example, with respect to the question of discriminatory access, we note that AT&T has designed its network precisely in a manner that precludes outside vendors from having comparable interconnection facilities.[17] Because of the incentive that AT&T has to preclude competitors, the Commission has been careful to note that the importance of the control of local facilities cannot be overstated. *Id.* at 468. Granting the petition before us, however, would automatically give AT&T an advantage in the voice storage segment of the enhanced service market. It would also provide AT&T with the ability to provide discriminatory access. The result undeniably will be a reduction in competition in this market. Granting the petition also can reasonably be expected to chill the desire of other business entities to enter the enhanced service market generally.[18]

101. With respect to cross-subsidization, the problem of appropriate accounting methodology for a non-separated CCS–II service offering is readily apparent. AT&T's thirteen-page description of CCS–II costs and revenues in Appendix B of its reply comments is replete with examples of expenses and investment for CCS–II that are held in common with the provision of regulated services. The lack of precision by which joint and common costs are allocated is well known. The Commission has previously concluded with respect to AT&T that accounting alone "cannot prevent the misallocation of joint and common costs associated with the provision of basic and enhanced services." 77 FCC 2d at 464. We believe that granting the petition will impose substantial costs upon consumers in the form of increased risks of cross-subsidization and discriminatory access to AT&T's local bottleneck facilities.

E. Other Matters

102. Several parties have filed Motions for hearing, discovery and the provision of network interfaces by AT&T to competitive vendors of call-answering and call-forwarding services. ECS requests the opportunity to take oral depositions and obtain production of documents pertinent to the issues raised in AT&T's Petition, and moves that the Commission conduct an evidentiary hearing. ECS Motion, p. 26. ATAE submits a detailed list of requests to which it believes AT&T should initially be required to respond before relief is considered. ATAE Opposition, p. 33–37. ATAE maintains that, "should the Commission elect to go forward on the petition as filed, the Commission should then use its powers to direct and allow a full and complete examination of the factual questions raised through its discovery and hearing process." *Id.*, p. 11. ECS and SPCC request that competitive vendors receive equivalent access to the ESS equipment as provided to the BOCs in the current CCS–II design. ECS Motion, p. 26; SPCC Comments, p. 41. Finally the Department of Justice submits that, should the Commission choose not to deny AT&T's petition summarily, "it should hold an evidentiary hearing to determine whether, in fact, the public interest will be served by granting the waiver." Justice Opposition at 3. Because of the disposition of this proceeding, we are dismissing the ATAE and ECS requests as moot. The ECS and SPCC requests that we order equivalent access to the Bell ESS will not be addressed because they are not properly raised in this proceeding.

IV. Conclusion

103. For reasons we have elaborated upon fully above, we are denying AT&T's petition for waiver. AT&T has not provided sufficient justification for us to conclude that the state-of-the-art technology forecloses the availability of services similar to CCS–II if the Petition is not granted. AT&T also has failed to provide the factual information needed to determine whether the economic analysis relied upon in its petition is sound. Based upon the information it does provide in its pleadings, however, its economic analysis does not appear to support the conclusions reached. Additionally, the record developed in this proceeding offers no reasonable basis to believe that call answering and advance calling services cannot be offered economically under the current regulatory scheme, if the local telephone companies provide the requisite interconnection facilities. Finally, and perhaps most importantly, we find that granting AT&T's petition would be likely to create potentially substantial costs to consumers. Not only would the ability of AT&T to cross-subsidize its enhanced services without detection increase

[17] Some parties have argued that this was intentionally done as a matter of marketing strategy. *See, e.g.*, the Reply Comments of ECS Telecommunications, Inc., especially the affidavit of Robert J. Nacon. We reach no judgment in that regard.

[18] *See, e.g.*, the Oppostion of Exxon at p. 14. *Cf. Final Decision*, 77 FCC 2d at 463–464.

significantly, but the competitive evolution of the enhanced voice storage market would also be jeopardized because of the difficulty of compelling AT&T to provide nondiscriminatory access to its local bottleneck facilities. These costs could be expected to compound themselves throughout the life of the waiver request. Final Decision, 77 FCC 2d at 463–64. Given these findings, the result of the calculus we must weigh is clear. We deny AT&T's petition for waiver.

V. Ordering Clauses

104. Accordingly, it is ordered, pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, As Amended, and § 1.3 of the Commission's Rules, 47 CFR 1.3, that the AT&T Petition for Waiver of § 64.702 of the Commission's Rules, 47 CFR 64.702, to provide Custom Calling Services II is denied.

105. It is further ordered that the ATAE requests for information and conducting of a hearing into this matter is dismissed as moot.

106. It is further ordered that the motion to take oral depositions, obtain production of documents, and that the Commission conduct an evidentiary hearing, filed by ECS, is dismissed as moot.

107. It is further ordered that the Motion for Acceptance of Late-Filed Comments submitted by the American Newspaper Publishers Association is granted.

108. It is futher ordered that AT&T's Motion to deny and strike the late filed pleadings of Dusty's Answering Service and Delphi Communications Corp. is denied.

109. It is further ordered that the Secretary shall cause a copy of the decision to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Commenting Parties

American Newspaper Publishers Association (ANPA)
Amtel Communications, Inc. (Amtel)
Associated Telephone Answering Exchanges, Inc. (ATAE)
Computer and Business Equipment Manufacturers Association (CBEMA)
Delphi Communications Corp. (Delphi)
Dusty's Answering Service (Dusty's)
ECS Telecommunications, Inc. (ECS)
Exxon Enterprise (Exxon)
Ford Industries, Inc. (Ford)
International Business Machines Corporation (IBM)
National Association of Regulatory Utility Commissioners (NARUC)
Satellite Business Systems (SBS)
Southern Pacific Communications Company (SPCC)
United States Department of Justice (Justice)
Xerox Corporation (Xerox)

Reply Comments

American Telephone and Telegraph Company (AT&T)
Associated Telephone Answering Exchanges, Inc. (ATAE)
Attorney General of the State of New York (New York)
Computer and Business Equipment Manufacturers Association (CBEMA)
Dusty's Answering Service (Dusty's)
Southern Pacific Communications Company (SPCC)

Late Filings

Delphi Communications Corp. (Delphi)
Dusty's Answering Service (Dusty's)

[FR Doc. 81-35531 Filed 12-11-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-741; RM-3727; RM-3876; FCC 81-493]

Proposed Authorization of Transmission Teletext by TV Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein addresses the possible authorization of teletext transmissions by broadcast television stations. Two petitions for rulemaking regarding teletext, one from CBS, Inc. (RM–3727) and the other from the United Kingdom Industry Group (RM–3876), are included, in part, in this proceeding. The Federal Communications Commission believes that teletext, a new form of broadcast operation, offers substantial opportunities for extending and diversifying the service of television stations and for improving the efficiency of spectrum utilization. The proposed rules would authorize teletext transmissions in the vertical blanking interval and allow licensees to use their own discretion with respect to the kind of service to offer and the technical system they use for transmissions.

DATES: Comments must be submitted by January 11, 1982 and reply comments by February 10, 1982.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Broadcast Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION:

Adopted: October 22, 1981.

Released: November 27, 1981.

1. The Commission is today initiating a proceeding to study the possible authorization of teletext service by television stations. This new form of broadcast operation, which would be transmitted in the vertical interval of the video signal, appears to offer substantial opportunities for diversifying television service into new areas and for improving the efficiency of spectrum usage. Teletext development has been pursued extensively in several foreign countries in recent years and there is now apparent interest in introducing this service in the United States. In keeping with the Commission's responsibility to regulate use of the radio frequencies in accordance with the public interest, we believe it is important to provide a regulatory environment that is conducive to the emergence and implementation of new technology and new uses of the spectrum.[1] Our goal in this proceeding is, therefore, to create such an environment for teletext.

2. The Commission also received petitions from CBS, Inc. (RM–3727) and the United Kingdom Teletext Industry Group (RM–3876) asking for the issuance of rules that would authorize teletext service. These petitions make separate requests that the Commission adopt a single system for technical operation. Since both petitions are closely related to the issue raised herein, we are incorporating parts of them into this proceeding. However, as discussed below, the Commission does not believe that it is necessary or desirable to specify a single system for technical operation. Therefore, those portions of the petitions that request adoption of standards for a single system are being denied.

3. The term teletext is generally used to describe broadcast systems that superimpose alphanumeric and/or graphic information on a television signal in addition to regular programming. Teletext signals are transmitted in the vertical blanking interval and do not interfere with the reception of regular programming.[2] They can only be viewed on receivers that are equipped with special decoder circuitry. Since authorization of such data signals has not been considered in the past, they are not permitted under the Commission's current standards for

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[1] See sections 307 (a) and (b) of the Communications Act of 1934, as amended.

[2] It is also technically feasible to transmit teletext on all 525 lines of the television signal. However, such "full field" teletext transmission would, by definition, replace a station's regular service. The Commission is not raising the issue of whether teletext might be allowed to supplant normal television service. We are limiting this proceeding to consideration of authorization of teletext in the vertical blanking interval only.

television transmissions.[3] This proceeding will study the possible amendment of these rules to permit teletext service.

4. Teletext has the potential to serve a wide variety of applications. Some of those identified thus far, such as closed captioning for the deaf, are related to a station's regular programming activities, while others are wholly independent services. Examples of non-program related information that can be provided through teletext include weather reports, news, comparative shopping prices, and community bulletins. Such information can be transmitted as either an "advertiser supported" service or a subscription service. In addition, commercial data and messages can be disseminated over teletext. These examples are but a few of those that have been identified thus far. However, no one knows which, if any, of these services will ultimately find favor in the market.

5. A related service, known as "videotex," is emerging concurrently with teletext for use on common carrier and cable communications systems. Videotex can provide interactive (two way) capability and is thus able to offer more extended capabilities than teletext. It is not yet clear what effect, if any, videotex will have on teletext development.

6. Three major teletext systems have been competing for acceptance in the United States: 1) The British teletext system; 2) the French "Antiope" system; and 3) the Canadian "Telidon" system. Operational tests of each of these systems have been conducted on a number of television stations over the last two years. Results of these tests demonstrate that teletext is compatible with the technical environment of television in this country.[4] Several stations are also now engaged in trials to study non-technical aspects of teletext such as operation of an information service and user interests.[5]

7. More recently, the parties involved in the technical development process have been engaged in various efforts to develop a consensus for a common system or for a framework that would allow operation of multiple design concepts. The proposal for a "North American Broadcast Teletext Standard," as produced jointly by the developers of the Canadian Telidon system, CBS Inc., the American Telephone and Telegraph Company (AT&T), and the developers of the French Antiope system, represents one such effort.[6] This hybrid system incorporates features from the French and Canadian approaches and also includes some enhancements not found in either of these other systems. Its rules and formats (protocol) for presentation and display functions correspond to the "Presentation Level Protocol" developed by AT&T for use in videotex applications.[7] The AT&T presentation protocol is not, in itself, a fully complete teletext specification but instead is one part of a seven level specifications structure.[8] The intent of this design concept is to promote an environment in which a user can access all teletext and videotex data bases regardless of the type of equipment that is used. In a similar move the Conference of European Postal and Telegraph Authorities (CEPT) has tentatively announced a new videotex standard that incorporates features of the British, French, and German systems into a single European standard.[9]

8. Recognizing the potential of teletext services, the Broadcast Television Systems Committee of the Electronics Industry Association has established a subcommittee to study possible standards for the U.S. Studies are also being conducted by the CCIR and the CCITT looking towards international standards.

9. It is apparent from the comments received in response to the CBS and United Kingdom petitions and from other activity on the part of the broadcast and related industries that there is substantial interest in developing teletext service and that such service would constitute a fuller and more effective use of the television frequencies. On this basis, the Commission considers teletext to be consistent with the public interest and thus believes it appropriate to undertake action that proposes authorizing teletext service and allowing its development. However, the Commission also recognizes that authorization of teletext transmissions by reserving lines of the vertical interval for it might preclude some other use of the vertical blanking interval that may arise in the future. We therefore carefully note the distinction between a policy that reserves spectrum for the exclusive use of a service and one that authorizes service but could allow other uses in the same spectrum area, albeit at a different time or geographic location.

10. In matters concerning authorization of a new service, the Commission generally has two decisions to make: (1) Whether to permit the new use and; if so, (2) the environment for its technical operation. These decisions can be highly interrelated, depending on how many different uses are possible under the service and how many technical designs can be devised to serve these uses. The level of complexity associated with this interrelationship tends to increase as the number of uses and designs increases. Teletext is a multi-purpose concept that embodies several known applications and probably others that have not yet emerged. Some of these uses may be able to use a common design while others may require different technical capabilities that are not necessarily complementary.

11. In developing a policy for teletext, the Commission intends to be guided by the principle that the best approach to regulation is one that achieves its objectives with the least government intervention in the affairs of both business firms and consumers. The Commission holds the opinion that intervention in the decisions of free enterprises and consumers is justifiable only where markets fail to satisfy public policy objectives and the benefits of correcting the failure through government action outweigh attendant costs or where a recognized public interest objective could be better achieved by direct action.

12. In the case of teletext, the available evidence appears to indicate that the forces of competition and the open market are well suited to obtaining the kinds and amounts of service that are most desirable in terms of the public interest. There are clearly many divergent applications and uses for this new form of broadcasting. The need for and importance of the different uses for teletext are likely to vary by market and even within markets by stations and by

[3] See § 73.682 of the Commission's rules.

[4] The first teletext tests were conducted by KSL–TV in Salt Lake City and CBS, Inc. over stations in Los Angeles and St. Louis. The KSL experiment used a modified version of the British CEEFAX system. The CBS tests were more extensive and involved both the CEEFAX and Antiope systems.

[5] Stations KNXT and KCET in Los Angeles, WFLD in Chicago, and WETA in Washington, are currently engaged in teletext market trials.

[6] This system was proposed by CBS in a modification of their petition. The CBS proposal was supported by the French and Canadian system developers in their response to the British petition.

[7] AT&T, "Videotex Standard: Presentation Level Protocol," May 1981.

[8] This design concept follows the International Standard Organization's standards for an open systems interface that are designed to allow the different aspects of a system to be sensitive to one another while maintaining functional independence. The seven level structure helps produce an environment in which information can be exchanged without regard to terminals or the transmission medium that is used. These standards are described in ISO/TC 97/SC16 "Reference Model For Open Systems Interconnection "Doc N227", June 1979 and ISO/TC 74/SC98 Dec. 1981 (Rev).

[9] The alpha-mosaic portion of the CEPT standard is not compatible with the corresponding portion of the proposed North American Standard.

user groups. Moreover the pattern of demand for services is likely to shift over time with changes in the needs and interests of users and in response to developments in other areas of communications technology. Finally, new technological developments may well be in the offing in the future.

13. With these factors and principles in mind, the Commission is proposing to adopt rules that would establish an open environment policy for teletext. Our proposal would allow licenses to exercise their own discretion in activities and operations relating to teletext and thus provide the freedom of choice necessary to establish service based on their present needs and to respond to changes in demand and technical options. We are thus proposing to place responsibility for the determination of service and technical issues in the private sector and eliminate the expenses, delays, and value judgements associated with government regulation.

14. One of the major benefits of the open environment approach is that it would provide a mechanism for resolving the trade-offs among the various systems' characteristics and prices that pose such difficult problems for regulatory decision makers. These matters would be dealt with through the forces of the marketplace. Another feature of the market approach is that it would permit the processes of change and development associated with both user preferences and technology to evolve unencumbered by the costs and delays associated with changing government regulations and avoids the possibility that government action might arbitrarily obsolete existing equipment. This kind of flexibility seems particularly important in the present context where teletext development seems far from mature.

15. The Commission's major performance concern under an open environment policy is that teletext signals not interfere with other radio services. This concern extends to the regular program service of the originating station as well as the services of other broadcast and non-broadcast stations. There is substantial evidence from the experiments of CBS, KSL–TV, and others that teletext can be broadcast without producing interference to other stations or causing degradation of the normal service of the originating station. The use of transmission systems other than those that have already been tested would be also permitted as long as they meet the non-interference standards proposed herein.

The Proposed Rules

16. The open environment plan provides service authorization subject only to certain minimum standards designed to prevent interference. Licensees would otherwise be free to make their own decisions as to whether to offer teletext service and to the technical system they use for it. The proposed authorization would allow both consumer subsecription and business services as well as advertiser supported services that may or may not be related to regular programming.

17. To be consisitent with the theme of maximum freedom for licensees, teletext would be treated as an anciallary service. Stations would not be required to observe service guidelines or other performance standards. The only restriction on activities using the vertical interval would be that they adhere to the definitional limitations for teletext described below.

18. The rules we are proposing include standards for some interference-related technical parameters and a definition of the type of transmissions to be considered teletext. The purpose of these proposed rules is to set forth the nature of the teletext authorization, to define the segment of the vertical interval in which teletext transmissions are permitted, and to assure that such transmissions will not cause unacceptable degradation or interference to the aural or visual transmissions of the originating station or to other broadcast or non-broadcast radio services. The technical parameters that we intend to study in relation to this proposal include the specific vertical interval lines that may be utilized, the bit transmission rate, the transmitted pulse shape, and the signal level. We are also interested in information concerning any additional parameters pertinent to interference that may be associated with transmission methods other than those digital systems now being tested.

19. We are proposing that lines 14 through 18, 20 and 21 authorized for teletext use at this time.[10] Lines 17 and 18 could not, under present rules, be used by stations with remote controlled transmitters.[11] This proposal would thus immediately upon adoption provide a maximum of seven lines for teletext data transmissions. Tests conducted by CBS and others indicate that digital data signals can be inserted on these lines without producing degradation of normal program reception. We wish to emphasize that this proposal is only to authorize the use of these lines and that we do not intend to reserve them exclusively for teletext. If new uses and services are developed for the vertical interval in the future, we anticipate that such applications will be given full consideration, without prejudice to what would be an existing teletext authorization.

20. In proposing to allow teletext to use line 21 on an equal access basis with closed captioning transmissions, we recognize that this has the potential to affect the competitive relationship between teletext and the captioning system that is not in place. The Commission is also aware that a substantial number of Line 21 decoders are currently in use. We would like comment on the impact of our proposal on television service for hearing impaired persons. In addition, we invite interested parties to submit information concerning the kinds of service that teletext can provide for this segment of the population.

21. From the information on currently available systems, it appears that teletext has the capability of providing captioning services that are in many respects superior to those of the existing captioning system and also offers many new features with potential value for all television users. Thus, while we are not considering the elimination of the authorization for the existing captioning system, we do recognize the advantages inherent in an advanced data system for serving the needs of a multiplicity of viewers. The authorization embodied in the proposed rules is sufficiently broad to allow stations to use the Line 21 system for captioning programs. Under this proposal the current authorization and standards for the Line 21 system that are in § 73.682(a)(22) of the rules would clearly be redundant and unnecessary. We are therefore proposing that if the rules for the open environment are adopted, the Line 21 rules be replaced with the new authorization. In making this proposal we wish to emphasize again that it is not our intention to rescind authorization for the Line 21 system or to discourage in

[10] These lines are generally those that are not reserved for other purposes or on which teletext pulse transmissions would not be visible on sets now in use. See § 73.682 of the Commission's Rules. In addition, the Commission is considering a proposal that would authorize transmission of a station identification code (SID) on line 20 (BC Docket 78–309). This would be an optional use and would not preclude use of line 20 for teletext. Also, use of Line 14 would be limited to a 40 IRE signal level (see table I in Appendix A).

[11] The Commission currently has under consideration a notice of proposed rule making to study possible changes in the requirement for VITS (BC Docket 81–239). Teletext policy may ultimatedly be affected by the outcome of Commission action on this matter.

any way its use. We are merely proposing to eliminate duplicative text in the rules.

22. In addition to the line use authorizations proposed above, we also wish to address a plan for the possible use of lines 10–13 in the future. This would allow stations to reduce their information access time, increase their page inventory, or some combination of the two.[12] Tests conducted by KCET–TV and others indicate that signals transmitted on these lines produce noticeable degradation on some, primarily older, receivers.[13] In order to make lines 10–13 available in the future, without additional rule making, we are proposing that use of these lines by authorized according to the schedule on Table I in Appendix A.[14] This approach would allow teletext on these lines when it could be expected that sets that would experience degradation would no longer be in use. Table I also provides for increased signal strength on line 14 in the future. We are suggesting that the standard for a tolerable level of visual degradation be that teletext signals affect no more than one percent of the total receiver population.

23. The phase-in approach for lines 10–14 would enable receiver manufacturers to design in the necessary circuitry to insure that their receivers will have complete vertical retrace blanketing with no visible degradation. It would also serve to notify receiver manufacturers of the planned future availability of the remaining unused vertical interval lines. It is the Commission's understanding that to modify receiver designs to accommodate use of lines 10–14 would not add to the price of receivers. The alternative approach would be to wait until the natural process of product development yields receivers that blank active signals on these lines and then initiate a further rule making. Comment is invited concerning information about all aspects of this plan. Information is desired regarding the extent of visual degradation caused by signals on lines 10–14 on sets in use today and the outlook for reduced degradation in the future. We would also like any available cost data for possible receiver redesigns that would overcome this interference problem.

[12] Teletext information is typically organized in a page format where each page corresponds to one screen of data.

[13] KCET Teletext Project, "The Viewers Perception of Teletext Transmissions on Lines 10–14 of the Vertical Broadcast Interval," (Los Angeles), July 16, 1980.

[14] The data on Table I is based on the KCET experiment.

24. Bit transmission rate, pulse shape and pulse amplitude are all closely interrelated in determining the overall performance quality of a system and its potential for causing interference. A higher bit rate will allow more data to be transmitted in a given interval of time but will also tend to produce more errors due to ghosting caused by terrain and other factors. A high bit rate combined with a pulse shape containing harmonics is more likely to cause interference to the aural and visual signals of its own and other channels.[15] The use of higher transmission rates require higher signal levels and narrower (shorter) pulses.

25. The pulse shape that generally has been employed in the teletext experiments is the raised cosine with some rolloff.[16] The CBS tests were done with a 100 percent raised cosine pulse shape. This requires little pulse shaping at the transmitter but requires extra processing at the decoder. The 100 percent raised cosine shape may pose a problem for cable systems due to significant power at the band edges. On cable systems that carry signals on adjacent channels, the power at the band edges of a signal may "spill over" to the adjacent channels. With a 55 percent roll-off pulse shape, as used in the Telidon transmission system, there is zero power at the band edges. This appears to be most compatible with cable systems but the possibility for overshoots increases.[17] These overshoots could be picked up and treated as a sync pulse by a process amplifier which would result in degradation of the regular television picture. In order to minimize the opportunity for interference from this source, we are proposing that data pulses be shaped to limit spectral energy to the nominal video baseband.

26. The binary signal code used in the known systems is for zero IRE units to represent "0" and for the maximum signal level to indicate "1." A positive pulse of 70–100 IRE units appears to provide an adequate range for the signal strength flexibility that maybe needed to compensate for any spectral, terrain or other factors with which individual licensees may have to contend.[18] This range also appears to provide sufficient flexibility in power to accommodate the designs of various alternative systems. We note that a signal amplitude of 50 IRE units and a relatively slow data rate are used in the line 21 captioning system.[19] Comment is invited regarding all aspects of the signal strength question. We desire information about any limitations that specification of signal strength may place on the further development of teletext systems and on the extent of interference or picture degradation that may result from the use of higher amplitude signals.

27. We are requesting comment concerning the extent to which it may be necessary or desirable to impose other limits or standards on the signalling methods used for teletext in order to prevent interference. Parties are asked to focus their responses on why they believe the rules proposed herein do not provide adequate protection from interference and to suggest alternative standards or performance ranges that would assure such protection.

28. Both CBS and the United Kingdom group have suggested in their proposals that the Commission approve the use of an adaptive equalizer pulse to provide a reference signal for a device that can compensate for multipath reflections. An equalizer device of this type can be used to correct ghosting of both teletext and regular television signals. We recognize the potental value of this technique for reducing errors through signal enhancement and are proposing that an adaptive equalizer pulse be permitted on any of the vertical interval lines authorized for teletext. Comment is invited on this proposal and on the alternative suggested by CBS that the reference signal be included in a portion of the television synchronization waveform (lines 1–9).

29. In its decision regarding authorization of the line 21 captioning service, the Commission specified that priority treatment be accorded to visual emergency messages that are transmitted pursuant to Section 73.635 of the rules.[20] This was done to resolve potential conflicts between open and

[15] Of the various bit rates that have been tested and discussed thus far, 5.727272 Megabits/Sec. appears to be the highest rate that is suitable for teletext under U.S. television standards. This rate is 364 times the line frequency and 8/5 times the frequency of the color subcarrier. It may also be advantageous to use some other reference. The data rate could be related to the horizontal line rate. For example, the Canadian 525 line version of Telidon transmits data at 4.58 Mb, which is 291 times the horizontal line frequency.

[16] After shaping, the spectrum of the NRZ data wave form is determined by a Nyquist filter with a roll-off of 100% followed by a phase corrected low-pass filter with cut-off frequency of 4.1MHz. A 100 percent roll-off denotes a pure cosinusoid wave form, while percentages less than 100 percent indicate the presence of harmonics.

[17] An overshoot is an excessive response to a unidirectional signal change. Sharp overshoots are sometimes referred to as "spikes."

[18] The CBS proposal suggests a signal level of 70 IRE units. The KSL tests demonstrated that a signal level of 100 IRE units could also be used above line 14 without causing degradation of the visual picture.

[19] See § 73.682(a)(22)(i) of the Commission's rules

[20] See 63 FCC 2d 388.

closed captioning "during a single emergency." The Commission desires to preserve this solution in cases where teletext captions may conflict with emergency captions on the regular visual image. Therefore, we are proposing that any captioning arrangement used in connection with a teletext service provide a facility for giving way to visual emergency messages.

30. In order to offer the widest possible opportunity for development of individual facets of teletext service, the range of services authorized under the open environment plan should be broad and unrestricted. Nevertheless, we are not at this time proposing that all types of data transmission be authorized on the vertical interval but are instead limiting this proceeding to teletext. Since teletext is generally understood to be a visual medium, we propose to define it as a data system for transmission of textual and graphic information intended for display on viewing screens.

31. Applications such as control functions or data transmissions intended for purposes other than the viewing screen and not otherwise permitted under the current rules would not be permitted under this proposal. We wish to state that in taking this approach we are not indicating any adverse position with respect to these other uses but are merely limiting the scope of this proceeding to teletext. Comments are requested as to whether the definition of teletext should be expanded to include data transmissions not necessarily intended for visual display. If possible, we prefer that comments include a statement of the suggested expanded definition.

32. It is likely that equipment manufacturers will develop and market external decoder devices that can be attached to existing television receivers to enable them to display teletext material. We would like specific comment as to whether such external decoders should be treated as a Class I TV device under Part 15 of the Commission's rules or should they be considered a receiver under Part 15, Subpart C.[21]

33. The proposed changes to Part 73 of the FTC Rules that would embody the principles and standards for an open environment policy toward teletext as discussed above are set forth in Appendix A. Comments and suggestions are encouraged on any and all of these proposals. Parties are also invited to suggest specific alternatives for improvements or modifications to any of our proposals.

34. We recognize that if teletext were regulated under an open environment approach it is possible that a single system might emerge through the natural forces of the market to become a *de facto* technical standard. So long as such a standard would evolve through fully legitimate processes, the Commission would consider it an acceptable result that is consistent with our policy objectives. Whatever the outcome of the market process would be, the Commission might choose to review and evaluate the performance of open environment policy after it had been in effect for a reasonable period of time.

Teletext and Cable Television

35. Teletext transmissions, especially those at higher data rates, have the potential for producing interchannel interference on cable systems and some head-end processor equipment may not pass teletext signals without a high error rate. These kinds of difficulties may pose particular problems in the case of local "off-air" stations that our rules require cable systems to carry. In order to better understand the cable impact issue, we are asking for comment on these questions;

(1) What problems does retransmission of teletext signals pose for cable head-end processors and what are the options for eliminating these problems?

(2) To what extent might teletext produce interchannel interference if television signals are carried on adjacent cable channels? How might such interference be overcome?

(3) Will small reflections in a cable distribution plant cause excessive data error rates?

(4) What would it cost to make cable systems compatible with teletext signals?

36. Another issue that the Commission may need to address concerns the possibility that cable systems may wish to delete the teletext signals of television stations and perhaps replace them with teletext or data from another source. To examine this matter we need responses to two questions:

(1) If teletext were to be designated an ancillary service as we are proposing, should cable systems be permitted to delete teletext signals or to replace a television station's teletext signals with those from another source?

(2) If such a policy were adopted, should it apply to "must carry" stations only or to all over-the-air broadcasts that are retransmitted on cable?

Procedural Matters

37. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. *Reason for action.* It appears that use of a portion of the television vertical blanking interval for teletext would provide opportunities for extending and diversifying service from television stations and for improving the efficiency of spectrum utilization. This type of service is currently not permitted under § 73.682 of the Commission's rules.

II. *The objective.* The Commission is proposing to authorize teletext service in order to allow development of a new aspect of broadcasting that has come into existence through relatively recent technological advances.

III. *Legal basis.* The proposed action is authorized under section 303 of the Communications Act of 1934, as amended, which charges the Commission with the responsibility to explore new and improved uses of radio.

IV. *Description, potential impact and number of small entities affected.* The authorization of teletext transmissions by television stations could be expected to have a beneficial effect on most parties involved in providing or using such service. The proposed modification of the rules would be permissive, authorizing service but not requiring it. The authorization would have its most direct effect on television stations, permitting them to engage in a new form of business activity. At present, none of the lines in the vertical blanking interval is authorized for any activity that is not related to control functions or regular programming. There are approximately 1025 television stations, including both commercial and noncommercial broadcasters. Manufacturers of electronic equipment related to both transmitting and receiving/decoding teletext signals would also be affected. The number of potential manufacturers, while unknown, is expected to be substantial since component parts suppliers as well as assemblers of final products would be involved. Other groups on which this authorization could be expected to have important economic effects are information suppliers and teletext producers. Information providers include entities such as the weather bureau, the police department (traffic reports), community service organizations, and businesses that supply the basic material that is presented on the data service. Teletext producers are the groups that organize the material from the information providers and prepare it for display. These groups could be part of a station's

[21] The Commission is considering a change of terminology from "Class I TV device" to "TV interface device (Docket 79-244).

regular staff or could function independently on a franchise basis. The number of information providers is potentially very large, while the teletext producers will likely be one group per station offering the service.

The following is a listing of the types of entities, many of which are small, that are expected to be affected by teletext authorization and a description of the expected impacts:

1. Broadcast television stations would have the option to engage in an additional line of business. They would not be required to offer teletext service if it would not be profitable.

2. Manufacturers of electronic equipment would have the opportunity to increase their product lines to include teletext encoding, transmitting, and decoding equipment. These firms would likely also have substantial other product lines so that teletext business would not be expected to have a significant impact on them, although it would contribute additional revenue.

3. Information providers would have another medium for dissemination of news, bulletins, and other material. This would allow local governments, community service groups, and other ready access to the broadcast format and might reduce their overall publicity exenses.

4. Small business would most likely have available a new outlet for advertisement. This would have a positive effect on their business activity.

5. Teletext and user organizations would benefit from the availability of a new source of information with new features and operating efficencies.

V. *Recording, recording keeping and other compliance requirements.* None.

VI. *Federal rules which overlap, duplicate or conflict with this rule.* None.

This notice discusses an open environment policy for teletext. Another possible alternative which the Commission has rejected for reasons discussed above, would be to adopt a single system standard or some intermediate policy between open environment and a single system. The only other alternative would be not to authorize teletext.

38. In order to provide opportunity for the further development and testing of technical systems, the Commission intends to continue to grant special temporary authority (STA's) and experimental test authority for teletext to those licensees who submit requests.

39. With respect to the requests for rulemaking submitted by CBS, Inc. and the United Kingdom Teletext Industry Group, to the extent that these petitions are inconsistent with the proceeding opened herein they ARE DENIED. Other matters addressed in these petitions are being included in this proceeding.

40. Accordingly, it is proposed to amend Part 73 of the Commission's Rules and Regulations as set forth below.

41. Authority for the actions taken herein is contained in sections 4(i), and 303 (a), (b), (c), (d), (e), (f), (g), (h), (n) and (r) of the Communications Act of 1934, as amended.

42. Pursuant to procedures set out in §§ 1.4, 1.415 and 1.419 of the Commission's Rules and Regualtions, interested parties may file comments on or before January 11, 1982, and reply comments on or before February 10, 1982. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

43. In accordance with § 1.419 of the Commission's rules, an original and five copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying docket number BC 81–741.

44. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

45. For further information concerning this proceeding contact Alan Stillwell, Broadcast Bureau, (202) 632–6302. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

46. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554. Phone (202) 632–7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 73—RADIO BROADCAST SERVICES

1. It is proposed that § 73.681, which contains definitions applicable to television technical standards, be amended by adding this definition, in its proper alphabetical order:

73.681 Definitions.

* * * * *

Teletext. A data system associated with a television broadcast signal that is used for the transmission of textual and graphic information intended for display on the screens of suitably equipped receivers.

* * * * *

2. It is proposed to revise § 73.682(a)(22) to read as follows:

73.682 Transmission standards.

(a) * * *

(22) Specific scanning lines in the vertical blanking interval may be used for the purpose of transmitting teletext signals, subject to the following conditions:

(i) Teletext signals may be transmitted on both fields of lines 14–18, 20 and 21. Lines 17 and 18 may not be used by stations with transmitters operated by remote control since such operation requires use of the VITS as specified in § 73.676.

(ii) No observable degradation shall be caused to any portion of the visual or aural signals.

(iii) Teletext signals shall not produce emissions outside the authorized television channel bandwidth. Data pulses shall be shaped to limit spectral energy to the nominal baseband.

(iv) Transmission of emergency visual messages pursuant to § 73.1250 shall take precedence and shall be cause for interrupting teletext caption presentations.

(v) A reference pulse for a decoder-associated adaptive equalizer filter designed to improve the decoding of teletext signals may be inserted on an otherwise unused line in that portion of vertical blanking interval approved for teletext.

(vi) All lines authorized for teletext transmissions may be used for other purposes upon prior approval by the Commission.

(vii) Lines 10–14 may be used for teletext transmissions according to the schedule set forth in Table I.

TABLE I

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
10	X	X	X	X	X	X	X	50 IRE			70 IRE
11	X	X	X	X	X	X	X	50 IRE			70 IRE
12	X	X	X	X	X	X	X	50 IRE			70 IRE
13	X	X	X	X	X	X	X	70 IRE	80 IRE	90 IRE	100 IRE
14	40 IRE							70 IRE	80 IRE	90 IRE	100 IRE
15	100 IRE										
16	100 IRE										
17	100 IRE [1 3]										
18	100 IRE [1 3]										
19	([2])										
20	100 IRE [3]										
21	100 IRE										

[1] Not presently available to stations with remote-controlled transmitters (see RM-2856).
[2] Presently dedicated to the vertical interval reference (VIR) signal.
[3] SID (Also authorized for non-exclusive use).

* * * * *

Appendix B—Teletext Comments

1. Twenty-four parties submitted comments and or replies in response to the CBS proposal. The respondents were generally divided among three basic policy positions: 1) No rule making now; 2) rule making now, but with no specified position regarding the standards suggested by CBS; and 3) rule making now, with an indicated preference for the CBS proposal. A list of the parties submitting comments on the CBS petition follows this discussion.[1]

2. Eleven respondents are opposed to the initiation of a rule making proceeding at this time to establish standards for teletext service.[2] The majority of this group states that it would be premature to set such standards now. They argue that teletext technology and system concepts are still in the developmental stages and that standards would tend to freeze this process when there are many questions concerning both technical issues and user applications about which more information is needed.

3. Technical matters said to require more investigation and research include equipment cost, teletext compatibility with cable retransmission of broadcast signals and with subscription television systems, the relationship between teletext and videotex, closed captioning for the hearing impaired, and alternative for providing flexibility for extension of service in the future. A number of commenters opposed to rule making now suggest that such action be deferred at least until the Electronic Industries Association's teletext subcommittee completes its study and releases its report and recommendations. This report is expected to address many of these issues and to recommend a single system for adoption as the U.S. standard. ABC cites color television standards and AM stereo standards as a reminder of the need to proceed cautiously on adoption of teletext standards.

4. Four commenting parties also suggest that there may be avantages to coordinating system selection with Canada and other international teletext users. The Canadians state that Canada and France are now working towards a common approach to a transmission scheme and that considerable progress has been achieved in evolving a common system for teletext.

5. Another consideration mentioned by opponents of rule making now is that very little is known about user demand for teletext in this country or about the likelihood for its economic success. To date, there has been no licensed teletext service operating in the U.S. nor has any market or user oriented teletext experiment been completed. The Canadian Government, the Subscription Television Association, and the NCTA argue that adoption of standards at this time would arbitrarily restrict uses without sufficient information to justify such action. They suggest that we withhold action until the results of field trials conducted in both the U.S. and Canada are available.

6. In their initial response, the NTIA takes a position in favor of a combined inquiry and rule making proceeding to consider teletext standards. They urge caution in moving to a single system standard before a complete record is developed and there is a clear commitment on the part of the industry to bring a teletext service to the market. NTIA further suggests that only non-system sensitive standards such as definition of teletext, transmission of bit rate, and screen character/row format be proposed as rules at this time. Selection of a system standard could be considered in an inquiry to develop a factual record for a possible future rule making. In their reply comments, they modify this position and recommend that there be no inquiry and that all teletext issues, including selection of a standard system, be considered in the rule making proceeding. This change results from their concern that the delays inherent in the regulatory process would impede the progress of the introduction of teletext service to the American public. A rule making would allow the Commission to adopt a system standard if the comments support such action. If the comments do not provide the information necessary to support standards, then the Commission could issue a further notice of proposed rule making and thus in effect accomplish the two-step procedure they suggest in their earlier remarks.

7. ABC raises a concern about the effect of teletext authorization on alternative use of the vertical blanking interval. They argue that, even though CBS proposes only authorization of use rather than dedication of lines 10 through 16 for teletext, once teletext becomes even minimally established it is highly doubtful that the Commission would authorize any alternative use for the space. Because of this and the lack of any evidence of significant demand for teletext service in this country, they feel it may be advisable to allow additional time for alternative use proposals to emerge.

8. In general, the respondents did not argue against the merits of the specific standards proposed by CBS or the need for authorization of teletext service. The prevailing view was that the CBS system should be considered along with other systems at such time as rule making to authorize service would be appropriate. There were, however, a few exceptions to this general pattern.

9. The United Kingdom Teletext Group (United Kingdom) and the Canadian government, the proponents of CEEFAX and Telidon, respectively, offer comparative statements of the advantages of their systems in relation to the Antiope system proposed by CBS. United Kingdom asserts that decoders for their system would be one-third cheaper than Antiope because most of the information processing activity is accomplished at the transmission point rather than at the receiver. This obviates the need for expensive processing circuitry in the decoder units that consumers will buy either separately or as an integrated part of a television set. They also claim that their system is less susceptible to interference, transmission errors, and multipath effects than is the Antiope system. The Canadians argue that the system proposed by CBS would be less flexible than Telidon. A successful transition from the CEEFAX capability to that of Telidon could be achieved only by preparing and transmitting all pages with graphics twice, in both the old and new formats in order to accommodate different decoders. Thus there would be a serious obsolescence problem involving both terminal and data bases if an alpha-mosaic graphics standard is adopted with the intent of a later transition to alpha-geometric graphics. The transition from limited to high performance Telidon terminals

[1] The comments of the San Juan Unified School District and letters of seven hearing-impaired students from within this district were treated as a single response in the counts of totals expressed herein.

[2] Those opposed to rule making at this time include: ABC, the Government of Canada, the North American Philipo Corp., the National Captioning Institute, the Electronics Industries Association, the San Juan Unified School Distric (informal), the National Cable Television Association, the Corporation for Public Broadcasting, the GTE Telenet Communications Corp., the Public Broadcasting Service, and the Subscription Television Association.

does not involve the same serious problems since all terminals recognize the alpha-geometric code. The Canadians also criticize the use of a five-bit rather than an eight-bit header. They assert that the eight-bit header provides for superior error correction and recovery capability and is necessary for full field (full screen) teletext transmissions. If the five-bit standard were adopted there would be a risk of obsoleting early decoders designed to work only on the vertical blanking interval.

10. The National Captioning Institute (NCI) and several others argue that a number of issues related to captioning need to be resolved before any action on teletext and on the CBS petition, in particular, is appropriate. Their position is that the Commission must require that the captioning provided by any teletext service be receivable by the home viewer at least to the same extent that the underlying visual and aural television is received and that any teletext service must always be capable of providing reliable captioning service. They are also concerned that teletext might interfere with service on the Line 21 captioning system that is currently in use and therefore ask the Commission to require that any captions transmitted on teletext also be transmitted on Line 21. The essence of the latter issue is that many hearing-impaired individuals have already or will soon acquire, separate Line 21 decoders or television sets equipped with integrated decoders. If captioning is not available on both systems, it would be necessary to purchase a second, expensive decoder in order to be able to access all of the available captioned programs.

11. Five respondents favored the initiation of a rule making proceeding to consider teletext standards at this time but chose not to take a position with respect to the substantive standards the Commission should adopt.[3] The NAB urges the Commission to commence rule making at the earliest possible time so that teletext transmissions could begin in the near future and thus enable licensees to expand their service to viewers. The NAB, along with the Information Industry Association (IIA), further argue that delay might interfere with efforts to make teletext compatible with videotex systems. They point out that compatibility between the two types of systems would facilitate the use of a single decoder and thereby permit more efficient use of receiver equipment. Cable television systems and common carriers are not burdened by the technical constraints on the broadcast signal and thus can implement videotex systems without the prior approval of the Commission. United Kingdom agrees that rule making is appropriate now, but as discussed above, they believe that their system would be a more appropriate standard than the system proposed by CBS.

12. The remaining seven respondents urged the Commission to move forward expeditiously with rule making to authorize teletext service and to adopt standards as proposed by CBS.[4] The consensus opinion among the supporters of the CBS proposal was that the research conducted thus far has provided sufficient information for the Commission to make a decision on standards and that the system proposed by CBS has proven to be an effective and practical method for teletext operation and offers the sophistication needed to provide for flexibility and extension in the future. They believe that teletext approval and standards for it are needed as soon as possible to prevent the public from being deprived of a valuable information resource. Westinghouse, in its reply comments, endorses the CBS petition with the statement that unfolding technology is enhanced by its use.

13. Antiope Videotex Systems (AVS), the owner of Antiope technology in the U.S., states that Anitiope's asynchronous technology offers a software based, variable format approach. They argue that the Antiope/Didon system is superior to the fixed format technology of the British system because it maintains the distinction between the means of transmitting the data within the television signal and the actual message the data contains.[5] This allows any size display on any type of display device. AVS argues that the "polyglot C" version of the British system, which overcomes some of the limitations of the basic fixed format technology, is only a "band-aid" beause it introduces complexities that require additional page attributes to be transmitted and requires a more complex decoder. They also claim that all comparative studies conducted to date show that the variable format system and fixed format system are comparably rugged. The variable format would also provide for more efficient use of the spectrum because it does not require transmission of meaningless information such as blanks to fill a line. Finally, they point out that the variable format is decoder-independent and thus allows each manufacturer many options in decoder design. By contrast, the fixed format system is claimed to be decoder dependent and, as a result, manufacturer options are dictated by the transmission system. United Video states that it has tested the Antiope system successfully on its satellite common carrier service.

14. In contrast to the more cautious approach recommended by NCI, two other respondents representing interests associated with the hearing impaired endorse the CBS petition and encourage the Commission to take action to adopt the proposed standards as quickly as possible. The WGBH Educational Foundation, which has provided open captioned programming for the past decade, states their belief that teletext offers unprecedented opportunities for better and more extensive communications service for the hearing impaired. Teletext features which they foresee as useful in serving the hearing impaired are multiple levels of text for different viewers, unrestricted placement of captions, variable color and font size, supplementary information pages, and graphics.

15. Marshall Wick suggests that the deaf population would probably form a proportionately greater initial part of the market for decoders even if teletext had no captions.[6] He points out that communication for the deaf is visual and that the ability to examine a weather or news report that hearing impaired persons cannot obtain by phone or radio is very important to the hearing impaired. As a deaf individual himself, he agrees with the WGBH assessment of the potential for teletext to provide new service to the hearing impaired and also agrees with the NCI argument that teletext captions should also be carried on the Line 21 system to avoid the possibility that such closed captioning would be overlooked in the proliferation of new services.

16. In summarizing these comments, we find that almost all of the commenting parties agree that teletext should be authorized and that the Commission should select a single technical system to serve as the standard for the United States. The main topics of disagreement are whether or not teletext development has progressed to the point where sufficient information is available for the Commission to make a sound determination regarding standards and, among the proponents of the three systems competing for acceptance at this time, which system would be most appropriate. The primary trade-off among the available systems appears to be decoder cost versus system sophistication especially with respect to extensibility for future applications. Other technical issues that were said to need attention include the relationship between teletext and videotex and the compatibility of teletext transmissions with carriage of broadcast signals on satellite and cable systems. The major service questions raised in the comments relate to service for the hearing impaired. Representatives of this group are both enthusiastic about the potential teletext offers for new services and concerned for the impact of teletext on the current Line 21 captioning service.

17. In their reply comments, CBS argues that nothing in the comments filed alters their conclusion that standards are necessary to foster teletext development and that additional studies are not necessary for adoption of standards. It is their belief that more than seven years of experimental and regular operation throughout the world and several tests in the United States have provided sufficient information to go forward with rule making. They also argue strongly for a single system standard rather than an approach that would permit multiple systems to coexist. They point out that television receiver manufacturers would be aware of potential consumer resistance to decoders

[3] Those supporting this position include: the NAB, the National Telecommunications and Information Administration, the United Kingdom Industry Group, and NBC.

[4] The respondents supporting rule making to adopt teletext standards as proposed by CBS are: Community Telecasters of Southern California (CTSC), Antiope Videotex Systems, Inc., the WGBH Educational Foundation, United Video, Inc., Westinghouse, Telease, Inc., and Marshall Wick.

[5] Didon is the transmission system utilized by Antiope.

[6] Mr. Wick is an assistant professor at Gallaudet College, a school for the deaf and hearing impaired located in Washington, D.C.

that might become obsolete and therfore would not make sets equipped with decoders. In answer to NCI's statements regarding the potential harm of teletext to service for the hearing impaired, CBS questions whether impeding the opportunity of hearing impaired persons to take advantage of the superior capabilities of teletext while encouraging them to purchase decoders for an already antiquated system best serves the interests of these individuals. Finally, CBS maintains that teletext is not only compatible with videotex but that fair and effective competition between the two requires that the Commission begin rule making to adopt a standard. They cite the IIA comments in pointing out that teletext transmissions cannot begin until authorized by the Commission, whereas videotex operations do not require such approval.

List of Parties Submitting Responses and/or Replies to the CBS Petition

Responses

1. American Broadcasting Company (ABC)
2. Community Telecasters of Southern Californis (KCET-TV)
3. National Broadcasting Company (NBC)
4. The Government of Canada
5. The National Telecommunications and Information Administration (NTIA)
6. Antiope Videotex Systems, Inc.
7. The United Kingdom Teletext Industry Group
8. North American Phillips Corporation
9. The National Captioning Institute
10. The Consumer Electronics Group of the Electronics Industry Association
11. The San Juan Unified School District including letters from seven students
12. The WGBN Educational Foundation
13. United Video, Inc.
14. The National Cable Television Association
15. The Information Industry Association
16. The Corporation for Public Broadcasting
17. The National Association of Broadcasters
18. GTE Telecommunications Corporation
19. The Public Broadcasting Service

Replies

1. Westinghouse, Inc.
2. The Corporation for Public Broadcasting
3. Telease, Inc.
4. Marshall Wick
5. The Subscription Television Association

Separate Statement of Commissioner Mimi Weyforth Dawson re: Authorization of Transmission of Teletext by TV Stations

The Commission's action today provides the opportunity for the prompt implementation of teletext in the United States. Development of teletext has taken place largely outside the United States and has resulted in various system designs. Today we have adopted a rulemaking to permit all systems access to the vertical blanking interval (VBI). The citizens of this country will not, by this decision, be limited to a single system and, thus, will have the opportunity to respond to any service a provider may wish to make available. Moreover, consumers will not be frustrated while a regulatory body engages in an inane debate over how many angels can dance on the head of the standard setting pin.

It has been reported that representatives of the competing systems are negotiating compatability standards which may permit development of a single decoder for all receivers. By our action today, I believe we are contributing to the incentive for successful resolution of the compatibility question. Regardless of the outcome of these negotiations, teletext service can now proceed unhampered by technical constraints generated at the earliest stage of this services development. The rapid growth of technology cries out for approaches which permit implementation of service today without unduly hamstringing tomorrows developments.

Our action today clearly reflects, in my opinion, a positive step in the regulatory process. We have opened the VBI for new users, we will permit use of the VBI in a non-interference manner to all the people, particularly the hard of hearing, without undue delay, and we are permitting ingenuity to continue to grow without unnecessary government constrainfs.

Among the important technical questions we must address in this rulemaking are those essential to assure proper use of the VBI so as to prevent interference with signals of other stations and the regular visual and aural signals of the originating stations. The technical standards that are to be set pertain to the specific vertical interval lines to be used, the bit transmission rate, the transmitted pulse shape and the signal level. It is important that we identify the minimum technical parameters for the maximum utilization of the VBI for this and other services. This can be done without impeding the ability of service providers to bring new opportunities to the public.

[FR Doc. 81-35446 Filed 12-11-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[FR Docket No. 81-823; RM-3474; RM-3522; FCC 81-549]

Beacon Operation in Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the Amateur Radio Service Rules to define certain types of experimental transmissions as "beacon operation." The proposal also includes rules to govern this type of operation, including provisions to permit beacon operation under automatic control. Amateur radio operators would like to expand the use of experimental transmissions for determining radio propagation conditions and adjusting equipment, however they feel that current requirements that a control operator be present at all times during the operation effectively limits this use. The proposed provisions to permit automatic control would allow beacon operation without a control operator being in attendance. Amateur operators have also expressed concern about some experimental transmissions being used to harass bona fide operations. The proposed rules include provisions to curtail this abuse.

DATES: Comments are due by March 15, 1982 and replies by April 15, 1982.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, Rules Division, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: December 9, 1981.

Introduction

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission has before it at this time two petitions for rule making. The first, RM-3474, was submitted by the Johns Hopkins University Applied Physics Laboratory Amateur Radio Club and received by the Commission on June 28, 1979. This petition requests the Commission to "establish a new class of operation to be called 'Beacon Operation'" and "to permit unattended automatic control of amateur stations engaging in 'Beacon Operation' under specific provisions." Detailed rule changes are also proposed by the petition to meet these requests. The petition claims that these changes will enable amateur operators to better utilize their stations as an aid in the detection of unusual propagation conditions and as an aid in adjusting and checking-out amateur radio equipment.

3. The second petition, RM-3522, was submitted by Charles Spencer *et al* and received by the Commission on October 22, 1979. This petition requests that § 97.89 paragraph (b) of the Commission's rules be amended to require that an amateur station terminate transmissions authorized by that paragraph if other amateur operators and the Commission determine that such operation is causing undue interference. The provisions of that paragraph authorize one-way transmissions "for the measurement of emissions, temporary observation of transmission phenomena, * * * and similar experimental purposes * * *." These transmissions are often referred to by the amateur community as "beacon transmissions." The petition claims that this term is finding increasing use as a guise for malicious operations.

4. The Commission desires to provide amateur operators the greatest freedom possible in their experimental activities. However, this must be balanced by a regulatory structure that avoids subversion of the intent of the Rules for the purpose of causing malicious interference. The two petitions show merit in these respects and the Commission finds it appropriate to propose rules based upon them.

Background

5. As noted above, § 97.89 paragraph (b) of the Commission's rules authorizes experimental transmissions by amateur stations that are not addressed to another amateur station.[1] Continuous or periodic transmissions authorized by this provision are often used by amateur operators to study propagation conditions and to develop and test theories regarding the causes and effects of such conditions. Usually, amateur operators attempt to receive those transmissions from certain other stations in order to determine propagation conditions at any given time. The authorization in paragraph (b) also provides a means for amateur operators to test and adjust their equipment by receiving such transmissions from other amateur stations.[2]

6. Currently, the rules prohibit automatic control[3] of most amateur radio stations including those operating as "beacons."[4] These stations must have a control operator at an authorized control point during all periods of operation.[5] Since one of the functions of a beacon is to aid other stations in determining propagation conditions; and since these conditions are often unpredicitable, particularly in the VHF and UHF bands,[6] the Commission has granted numerous Special Temporary Authorizations (STAs) to amateur licensees to allow them to operate beacons in the amateur bands by automatic control. These authorizations permit the continuous, uninterrupted operation of a beacon transmitter over a period of months without requiring the control operator's presence at a control point during operation.[7] This, in turn, makes it practical for licensees to engage their stations in long-term beacon operation and results in the availability of reliable signals to alert other operators to changes in propagation conditions as they occur. The continuous availability of beacon singals is also an added convenience to those using them for equipment test purposes.

7. As a final background note, the Commission has recently found that some operators allegedly operate "beacons" to intentionally harass legitimate operations (e.g. networks and repeaters). This seems to be one instance of increased amateur-to-amateur malicious interference and is a situation the Commission will not tolerate.

Proposal

8. The Commission proposes to specifically classify beacon operation as a form of amateur radio operation defined in the rules and regulations. It is further proposed to permit automatic control of amateur stations engaged in beacon operation. These proposals are intended to expand the opportunity for experimentation by amateur operators and facilitate more reliable communications by permitting unattended transmissions to alert operators to changing propagation conditions. Stations operating under STAs have demonstrated that automatic control is adequate for most beacon operation and there is no apparent reason to continue to prohibit such control for this form of operation.

9. We propose to limit beacon operation, whether manually or automatically controlled, to certain portions of the amateur frequency bands above 28 MHz. RM–3474 requests that only the following frequencies be made available for beacon operation: 28.05 to 28.10 MHz, 50.025 to 50.075 MHz, 144.04 to 144.06 MHz, 220.025 to 220.075 MHz, 222.025 to 222.075 MHz, 431.9 to 432.0 MHz and all amateur frequencies above 1215 MHz. The frequencies we have selected to propose fall within the same bands as those proposed by RM–3474, however, they are a compromise between that request and the commonly accepted American Radio Relay League[8] band plans. The frequencies we propose are set forth in the Appendix.

10. We are proposing to limit beacon operation to certain frequencies in order to prevent beacon transmissions from being used to harass other operations. We are also proposing this limitation to avoid compounding interference to existing operations due to increased beacon activity which may result from the authorization of automatic control. This reasoning agrees with RM–3474 and RM–3522. Another clear benefit we anticipate as a result of these frequency limitations is that operators will be better able to locate beacon transmissions occurring within each of the amateur bands.

11. We realize that this frequency limitation proposal would prohibit manual beacon operation currently authorized on frequencies below 28 MHz as well as such operation on frequencies above 28 MHz where it would not specifically be permitted. We are proposing the rules in this form since there appears to be no demonstrated need for beacon operation below 28 MHz. This is substantiated by the fact few STA requests have been received by the Commission for automatically controlled beacon operation on these frequencies. We believe there is sufficient two-way communications activity below 28 MHz to serve most of the functions of a beacon operation. Furthermore, the congestion on these bands would make continuous beacon operations undesirable from the standpoint of interference. However, we will continue to entertain STA requests for authorization to perform beacon operations below 28 MHz and above 28 MHz where they would not otherwise be allowed, provided that the request demonstrates a unique need for such operations. In situations where a beacon style operation outside of the authorized beacon frequencies would be so limited in nature as to not warrant an STA, transmissions authorized by § 97.65 paragraph (a) of the Rules may be

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[1] Section 97.89 paragraph (b) reads, in its entirely, "Amateur stations may be used for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and similar experimental purposes and for the purposes set forth in § 97.91."

[2] Although § 97.89 paragraph (b) also authorizes the "radio control of remote objects," that provision is not a part of this proceeding except as explained in paragraph 17 of the above text.

[3] Automatic control is defined in § 97.3 paragraph (m) of the rules as "* * * the use of devices and procedures for control (of an amateur radio station) so that a control operator does not have to be present at the control point at all times."

[4] Although "beacon," "beacon transmission," and other related terms are not currently defined in the rules, in the interest of simplicity they will be used throughout the text to refer to activities described in paragraph 5.

[5] Section 97.79 paragraph (b) reads, in part, "Every amateur radio station, when in operation, shall have a control operator at an authorized control point. The control operator shall be on duty, except where the station is operated by automatic control."

[6] The UHF bands are those frequencies between 30 and 3000 MHz.

[7] Typically, the Commission has made Speical Temporary Authorizations for this purpose effective for a period of 180 days.

[8] The American Radio Relay League is an association of radio amateurs that has developed informal recommendations for situating compatible forms of operation on certain frequencies segregated from other, noncompatible forms of operation in each amateur band. These "band plans" have gained widespread acceptance by amateur operators.

adequate to carry out the intended objective.[9]

12. We propose to limit the emissions of stations in beacon operation below 450 MHz to A, A1, F and F1. These emission modes should be adequate for carrying our virtually all types of experimentation and equipment adjustment commonly associated with beacon operation while also conserving spectrum. We would limit the frequency shift of F1 emissions to 900 Hz in order to conserve spectrum as well. Using these emission modes, the amount of spectrum that we have proposed authorizing for use by beacon operations in the 144 MHz and 420 MHz bands should be sufficient to support enough stations to meet the usual objectives of such operation. We have proposed authorizing somewhat more spectrum for beacon operations in the 28 MHz and 50 MHz bands since propagation at these frequencies often has a range long enough to limit frequency reuse. Widely varying propagation conditions on these bands might prompt the establishment of more beacon operations, also warranting slightly more spectrum. We have proposed authorizing somewhat more spectrum for beacon operations on the 220 MHz band since there is little congestion in this band and since this would be consistent with the American Radio Relay League band plan and the request of RM–3474.

13. RM–3474 suggested "that beacons should not be permitted to emit overpowering signals over large local areas" stating that such operation "would be counter-productive and could become a source of interference to various amateur activities and hence lead to friction within the amateur community." The petition recommends that "(s)tations engaging in Beacon operation * * * be limited to a transmitter power output of no more than 100 watts."

14. We agree that the power of a station engaged in beacon operation should be limited in order to avoid interference. We also believe that a reasonable power limitation should not hamper the objectives of beacon operation. With this intent, consideration was given to applying an effective radiated power (ERP) limitation to beacon operation as the most appropriate form of interference protection for other co-channel operations. However, we recognize that it may be desirable to employ directional antennas in some instances of beacon operation and that regulations limiting ERP may be complex or ambiguous for such situations. Consequently, we are proposing a power input limitation since this would be less ambiguous and consistent with our current regulations regarding operating power measurements. We have selected 100 watts as a reasonable compromise to propose for a power input limitation.

15. We propose, in accordance with RM–3474, to require stations engaged in beacon operation to identify themselves at least once each minute. This seems appropriate since identification of a beacon transmission is generally essential to its usefulness. We would also require beacon transmission to be identified by an "operation designator" similar to those required for repeater and auxiliary operation. That is, the station call sign would be followed by the word "beacon" or the telegraphy abbreviations "BCN" or "B." Automatic identification made using telegraphy would be limited to a maximum speed of 20 words per minute by existing requirements of § 97.84 paragraph (g) of the rules.

16. We have included in our proposed rules a paragraph which explicitly states that the Commission may order the termination of any beacon operation that it deems improper. This is proposed to insure compliance with the intent of the Rules and meets the request of RM–3522. We have also included a paragraph which would prohibit beacon operation on more than one frequency in the same band, from the same location. This is proposed to prevent a station from monopolizing frequencies authorized for beacon operation. We anticipate that amateur operators engaged in bona fide beacon operations would take part in an informal coordination program in situations where this is necessary to avoid mutual interference.

17. Finally, we propose an editorial change in the Rules which would specifically classify radio control operation [10] as a form of amateur radio operation defined in the rules and regulations. This is proposed strictly in the interest of maintaining the readability of the Rules after their amendment to define beacon operation. No substantive change is proposed.

Conclusion

18. Notice if hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposal set forth below.

19. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex exparte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex exparte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemakings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632–7000.

20. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)). Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before March 15, 1982, and reply comments on or before April 15, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into

[9] Section 97.65 paragraph (a) reads, "Type A emission, where not specifically designated in the bands listed in § 97.61, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type A emission is specifically designated."

[10] Radio control operation being those forms of radio communication currently authorized by § 97.89 paragraph (b) as "* * * radio control of remote objects."

consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

21. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

22. The Commission has determined that sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding since this proposal simply recommends a procedural change in amateur radio operations. While the proposal is primarily deregulatory in nature, certain new restrictions would be placed on amateur operations. However, these new restrictions would neither compel amateur operators to acquire any new or different equipment, nor interfere with commonly employed practices. Consequently, there would be no economic impact on small businesses, small organizations or small governmental jurisdictions.

23. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this notice to be published in the **Federal Register**.

24. For further information on this proceeding, contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7597.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 97—AMATEUR RADIO SERVICE

It is proposed that Part 97 of the Commission's rules and regulations, 47 CFR Part 97, be amended as follows:

1. In § 97.3, paragraph (l) would be revised to read as follows:

§ 97.3 Definitions.

* * * * *

(l) Amateur radio operation. Amateur radio communication conducted by amateur radio operators from amateur radio stations including the following:

Fixed operation. Radio communication conducted from the specific geographical land location shown on the station license.

Portable operation. Radio communication conducted from a specific geographical location other than that shown on the station license.

Mobile operation. Radio communication conducted while in motion or during halts at unspecified locations.

Repeater operation. Radio communication, other than auxiliary operation, for retransmitting automatically the radio signals of other amateur radio stations.

Auxiliary operation. Radio communication for remotely controlling other amateur radio stations, for automatically relaying the radio signals of other amateur radio stations in a system of stations, or for intercommunicating with other amateur radio stations in a system of amateur radio stations.

Beacon operation. One-way radio communication conducted in order to facilitate measurement of radio equipment characteristics, adjustment of radio equipment, observation of propagation or transmission phenomena, or other related experimental activities.

Radio control operation. One-way radio communication for remotely controlling objects or apparatus other than amateur radio stations.

* * * * *

2. In § 97.61, paragraph (a) would be revised and paragraph (e) would be added to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater, auxiliary and beacon operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations (see paragraph (b))
kHz		
1800-1900	A1, A3	
1900-2000	A1, A3	1,2
3500-4000	A1	
3500-3775	F1	
3775-3890	A5, F5	
3775-4000	A3, F3	4
4383.8	A3J/A3A	13
7000-7300	A1	3,4
7000-7150	F1	3,4
7075-7100	A3, F3	11
7150-7225	A5, F5	3,4
7150-7300	A3, F3	3,4
14000-14350	A1	
14000-14200	F1	
14200-14275	A5, F5	
14200-14350	A3, F3	
MHz		
21.000-21.450	A1	
21.000-21.250	F1	
21.250-21.350	A6, F5	
21.250-21-450	A3, F3	
28.000-29.700	A1	
28.000-28-500	F1	
28.500-29.700	A3, F3, A5, F5	
50.0-54.0	A1	
50.1-54.0	A2, A3, A4, A5, F1, F2, F3, F5.	
51.0-54.0	A0	
144-148	A1	
144.1-148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F5.	
220-225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
420-450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5,7
1215-1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
2300-2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5,8
3300-3500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5,12
5650-5925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5,9
GHz		
10.000-10.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
24.000-24.250	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5,10
48.000-50.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
71.000-76.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
165.000-170.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
240.000-250.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 300.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

* * * * *

(e) The following amateur frequency bands and emissions are available for beacon operation: 28.08–28.10 MHz, 50.06–50.08 MHz, 144.05–144.06 MHz, 220.05–220.06 MHz, 222.05–222.06 MHz and 432.07–432.08 MHz using type A0, A1, F0 or F1 emissions (When type F1 emission is employed in these bands, the frequency shift shall be less than 900 Hz.); all amateur frequency bands above 450 MHz using emission types authorized under paragraph (a) of this section. Limitations of paragraph (b) of this section apply.

3. In § 97.67, paragraph (e) would be added to read as follows:

§ 97.67 Maximum authorized power.

* * * * *

(e) Within the limitations of paragraph (b) of this section, the power input to the transmitter final amplifying stage of an amateur radio station in beacon operation shall not exceed 100 watts, exclusive of power for heating the cathode of a vacuum tube(s).

4. In § 97.84, the introductory text of paragraph (d) would be revised and paragraph (d)(3) would be added to read as follows:

§ 97.84 Station identification.

* * * * *

(d) When an amateur radio station is in repeater, auxiliary or beacon operation, the following additional requirements shall apply:

* * * * *

(3) When identifying by radiotelephony, a station in beacon operation shall transmit the word "beacon" at the end of the station call sign. When identifying by radiotelegraphy, a station in beacon operation shall transmit the fraction bar DN followed by the letters "BCN" or "B" at the end of the station call sign. This station identification shall be made at intervals not to exceed one minute during any period of operation.

* * * * *

5. A new § 97.87 would be added to read as follows:

§ 97.87 Beacon operation.

* * * * *

(a) A station in beacon operation shall not concurrently operate on more than one frequency in the same amateur frequency band, from the same location.

(b) A station in beacon operation, either locally controlled or remotely controlled, may also be operated by automatic control when devices have been installed and procedures have been implemented to ensure compliance with the rules when a duty control operator is not present at a control point of the station.

(c) Operation shall cease upon notification by the Commission or any Engineer-in-Charge of a Commission field facility that the station is operating improperly or causing undue interference to other operations. Beacon operation shall not resume without prior approval of the Commission or Engineer-in-Charge.

6. In § 97.89, paragraph (b) would be revised to read as follows:

97.89 Points of communications.

* * * * *

(b) Amateur stations may transmit one-way signals to receiving apparatus while in beacon operation or radio control operation.

7. Section 97.91 would be revised to read as follows:

97.91 One-way communications.

In addition to beacon operation and radio control operation, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the international Morse code.

[FR Doc. 81-35420 Filed 12-11-81; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 239
Monday, December 14, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Elimination of Legal Size Paper

At the request of the Archivist of the United States and upon recommendation of its Court Administration Committee, the Judicial Conference of the United States adopted the 8½×11 inch paper size standard for use throughout the Federal Judiciary and directed the elimination of the use of legal size paper measuring 8½×14 inches. During the transaction period from now until December 31, 1982, both 8½×11 inch and 8½×14 inch size paper will be accepted by United States courts (unless previously adopted local court rules prohibit filing on 8½×14 inch size paper).

Effective January 1, 1983, the 8½×11 inch paper size will be the only accepted size in all Federal courts. No requirement will be imposed to use both sides of a sheet of paper.

For further information contact Mr. Rick McBride, Chief, Management Services Branch, Administrative Office of the United States Courts, Washington, D.C. 20544, telephone (FTS) 633–6067.

Done at Washington, D.C. this 9th day of December, 1981.

William E. Foley,

Director.

[FR Doc. 81-35628 Filed 12-14-81, 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Crop Price Support Rates—Ohio Filler, Connecticut Valley Broadleaf, Connecticut Valley Havana Seed, New York and Pennsylvania Havana Seed, Southern Wisconsin, Northern Wisconsin, and Puerto Rican Tobacco

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination of 1981-Crop Price Support Rates for Tobacco.

SUMMARY: This notice sets forth the price support rates applicable to eligible grades of 1981-crop Ohio filler, Connecticut Valley Broadleaf, Connecticut Valley Havana Seed, New York and Pennsylvania Havana Seed, Southern Wisconsin, Northern Wisconsin, and Puerto Rican tobaccos. Price support is made available to eligible producers of these types of tobacco in accordance with Section 106 of the Agricultural Act of 1949, as amended.

DATE: Effective December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Harry D. Millner, ASCS, (202) 447–4281.

This notice sets forth the rates at which eligible grades of 1981-crop tobacco of the types specified herein will be supported. These rates reflect a price support level which has been determined in accordance with the formula prescribed in Section 106 of the Agricultural Act of 1949, as amended. Since there are no options to be considered in connection with this determination, an Impact Analysis has not been prepared.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major" since these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increase in costs to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment investment, production, innovation, or an ability of United States—based enterprises to compete with foreign enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 53 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal Assistance Program to which this notice applies as set forth in the catalog of Federal Domestic Assistance are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

Price support for Ohio filler, Connecticut Valley Broadleaf, Connecticut Valley Havana Seed, New York and Pennsylvania Havana Seed, Southern Wisconsin, Northern Wisconsin, and Puerto Rican tobaccos is made available each year to producers of these types of tobacco by CCC through a producer-owned cooperative marketing association in accordance with regulations codified at 7 CFR Part 1464. Price support is mandatory for eligible kinds of tobacco at the level determined in accordance with Section 106 of the Agricultural Act of 1949, as amended. The level of support for the 1981 crop of tobacco is determined under Section 106 by multiplying the support level for the 1959 crop of eligible kinds of tobacco by the ratio of the average of the index of prices paid by farmers, including wage rates, interest, and taxes for the three calendar years 1978–80 (which is 851) to the average index of such prices paid by farmers, including wage rates, interest, and taxes for the 1959 calendar year (which is 298). The resulting ratio is 2.86. The support level for the 1981 crop of each eligible kind of tobacco is, therefore, 286 percent of the 1959 level.

The support rates determined by the Secretary for the various grades of 1981-crop tobacco as set forth in this notice reflect the statutorily required support level.

Since the Secretary of Agriculture has no discretion in determining the level of support for 1981 crops of Ohio filler, Connecticut Valley Broadleaf, Connecticut Valley Havana Seed, New York and Pennsylvania Havana Seed, Southern Wisconsin, Northern Wisconsin, and Puerto Rican tobaccos and must establish such level in accordance with the formula prescribed by Section 106 of the 1949 Act, it has

been determined that no further public rulemaking is required with respect to the price support rates specified herein.

Accordingly, the Secretary has determined that the following price support rates will be in effect for the 1981 crops of Ohio filler (Types 42–44), Connecticut Valley Broadleaf (Type 51), Connecticut Valley Havana Seed (Type 52), New York and Pennsylvania Havana Seed (Type 53), Southern Wisconsin (Type 54), Northern Wisconsin (Type 55), and Puerto Rican (Type 46) tobaccos:

DETERMINATIONS.—1981 CROP

Grade	Rate [3]
A. Ohio Filler Tobacco, types 42–44: [2]	
Crop run (stripped together):	
X1	89
X2	79
X3	75
X4	69
Nondescript: N	57
B. Connecticut Valley Broadleaf Tobacco, Type 51. [1]	
Binders:	
B1	142
B2	131
B3	117
B4	107
B5	95
Nonbinders: X1	81
C. Connecticut Valley Havana Seed Tobacco, Type 52. [2]	
Binders:	
B1	138
B2	129
B3	115
B4	106
B5	95
Nonbinder: X1	81
D. New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54: [2]	
Crop run:	
X1	89
X2	82
X3	74
Farm Fillers	
Y1	67
Y2	65
Y3	54
Nondescript.	
N1	63
N2	59
E. Northern Wisconsin Tobacco, Type 55: [2]	
Binders	
B1	110.0
B2	100.0
B3	93.5
Strippers	
C1	90.5
C2	83.5
C3	79.0
Crop run:	
X1	90.0
X2	82.5
X3	78.0
Farm fillers	
Y1	64.0
Y2	62.0
Y3	58.0
Nondescript.	
N1	56.0
N2	52.0
F. Puerto Rican Tobacco, Type 46. [4]	
Price Block I (CIF and CIP)	92.0
Price Block II (X1F, X1P, and X1S)	84.5
Price Block III (X2T, X2F, X2P, and X2S)	73.5
Price Block IV (N)	29.0

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (Scrap) or designated "No-G" (no grade). The cooperative association through which price support advances are made available to the producer is authorized to deduct from the advance paid to such producer $1 per hundred pounds to apply against association overhead and receiving costs.

[2] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (Scrap) or designated "No-G" (no grade). The cooperative association through which price support advances are made available to the producer is authorized to deduct from the advance paid to such producer $1 per hundred pounds to apply against association overhead and receiving costs.

[3] Dollars per hundred pounds, farm sales weight.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714(b), 714(c)); Secs 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423))

Signed at Washington, D.C. on December 9, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-35622 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Forest Plans for the Black Hills National Forest, Custer, South Dakota and the Nebraska National Forests (and Associated Units) Nebraska and South Dakota; Correction

The Black Hills National Forest Land and Resource Management Plan Draft Environmental Impact Statement was released to the public on October 21, 1981. A notice of availability of the statement was published in FR 10-30-81, Vol. 46, No. 210, p. 53778. The expiration date for public review of the Black Hills National Forest Plan is hereby corrected to January 30, 1982.

The Nebraska National Forests Land and Resource Management Plan Draft Environmental Impact Statement was released to the public on November 13, 1981. The notice of availability was published in FR 11-27-81, Vol. 46, No. 228, p. 57949. The expiration date for public review of this statement is hereby corrected to February 27, 1982.

Dated: December 8, 1981.

David E. Ketcham,

Director of Environmental Coordination.

[FR Doc. 81-35726 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-11-M

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet in the Federal Building, Room 7X, 301 West Congress, Tucson, Arizona at 10:00 a.m., January 19, 1982. The purpose of this meeting is to discuss allotment management planning, the use of range betterment funds, and to elect board officers.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602-792-6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

December 4, 1981.

R. B. Tippeconnic,

Forest Supervisor.

[FR Doc. 81-35638 Filed 12-11-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.)

Week Ended December 4, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No	Description
Nov 30, 1981	40270	Kodiak Western Alaska Airlines, Inc., c/o Richard P. Taylor, Steptoe & Johnson, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Kodiak Western Alaska Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests to add the following points to its current certificate of public convenience and necessity for Route 141: Aniak, Alaska; Barrow, Alaska; Barter Island (Katkovik), Alaska; Bethel, Alaska, Bettles, Alaska; Cordova,. Alaska; Fairbanks, Alaska; Ft. Yukon, Alaska; Galena, Alaska; Hilo, Hawaii; Juneau, Alaska; Homer, Alaska; Honolulu, Oahu, Hawaii; Iliamna, Alaska; Kailua-Kona, Hawaii, Hawaii; Kahului, Maui, Hawaii, Kamuela, Maui, Hawaii; Kaunakakei, Molokai, Hawaii; Kenai, Alaska; Kotzebue, Alaska; Lanai, Lanai, Hawaii; Lihue, Kauai, Hawaii; McGrath, Alaska, Mekoryuk, Alaska, Nome, Alaska, Umiat, Alaska; Unalakleet, Alaska; Valdez, Alaska; Yakutat, Alaska. Conforming Applications, motions to modify scope, and Answers may be filed by December 28, 1981.
Dec 2, 1981	40276	Servicio De Carga Aerea, S.A. d/b/a Central Amenca Air Cargo, c/o Roy Nerenberg, 1825 K Street NW., Suite 720, Washington, D.C. 20006. Application of Servicio De Carga Aerea, S.A. d/b/a Central America Air Cargo pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to authorize air transportation of property and mail in non-scheduled and charter operations between the terminal point San Jose, Costa Rica; the intermediate points Panama City, Panama; Managua, Nicaragua; San Salvador, El Salvador; San Pedro Sula and Tegucigalpa, Honduras; Guatemala City, Guatemala; Belize, Belize, Belize; Mexico City, Mexico; and the terminal point Miami, Florida. Answers may be filed by December 29, 1981.
Nov 3, 1981	40172	Sunjet International Airlines Limited, c/o Herbert Alan Dubin Baskin and Sears, 818 Connecticut Avenue, N.W., Washington, D.C. 20006. Amended Application of Sunjet International Airlines Limited to embrace service to the intermediate points on UK Route 9 as provided for in Section 3 of Annex 1 of the Air Services Agreement between United Kingdom and United States signed at Bermuda on July 23, 1977, specifically Bahamas, Barbados, Dominican Republic, Grenada, Guadeloupe, Guyana, Haiti, Jamaica, Martinique, St. Maarten, St. Martin, Trinidad & Tobago, Antigua, Dominica, St. Lucia, St. Vincent, Belize, British Virgin Islands, Cayman Islands, Montserrat, and Turks & Caicos Islands, to be served as intermediate points in scheduled and charter foreign air transportation of persons, property and mail on UK Route 9, between St. Kitts, B.W.I. and Miami, Florida. Answers may be filed by December 31, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-35737 Filed 12-11-81; 8:45 am]
BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
81-12-37	Sun Aire Lines	Dec. 23, 1981
81-12-38	North American Airlines, Inc. d/b/a/ Air Miami.	Dec. 18, 1981.
81-12-42	Shasta Air, Inc.	Dec. 28, 1981
81-12-46	New England Airlines, Inc.	Dec. 29, 1981
81-12-47	Greater Pacific Airways, Inc.	Dec. 29, 1981

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 81-12-38, -42, -46, and -47 with the Special Authorities Division, Room 915, and for Order 81-12-37 with the Essential Air Services Division, Room 921, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

For further information contact: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Orders 81-12-37: Barbara Pfeiffer, (202) 673-5354; for Order 81-12-38: Ms. Joyce Snovitch, (202) 673-5074; for Order 81-12-42: Mr. James Lawyer, (202) 673-5088; for Order 81-12-46 Mr. J. Kevin Kennedy, (202) 673-5918; for Order 81-12-47: John McCamant, (202) 673-5082.

By the Civil Aerinautics Board: December 9, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-35735 Filed 12-11-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 40269]

Visit USA Fare/Export Inland Contract Rate Investigation; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter orginally scheduled to be held on December 23, 1981, is hereby postponed until January 28, 1982, at 10:00 a.m. (local time) in Hearing Room "D", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

The Bureau of International Aviation and the Bureau of Compliance and Consumer Protection will circulate their prehearing conference materials on or before January 8, 1982, and the other parties on or before January 22, 1982. The submissions of the other parties shall be limited to points on which they differ with the Bureaus and shall use the numbering and lettering used by the Bureaus to facilitate cross-referencing. The January 8 and January 22nd are dates for actual delivery of materials and not mailing dates.

Dated at Washington, D.C., December 8, 1981.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 81-35738 Filed 12-11-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before January 4, 1982.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00035. Applicant: Naval Research Laboratory, 4555 Overlook Avenue, S.W., Washington, D.C. 20375.

Article: Electron Beam Microfabrication System. Manufacturer: Cambridge Instruments Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used in research in a number of areas involving electron devices and electro-optical devices. In nearly every area of device research, future progress depends on the capability for fabricating test devices and structures with smaller geometries, more accurate geometries, and tighter parameter control. At NRL, the capability for fabricating complex, state-of-the art devices is centered in the Micro-electronics Fabrication Facility. This facility, though a part of the Electronics Technology Division (Code 5200), serves as a research "tool" for work done throughout NRL. The acquisition of this lithography capability would permit NRL to advance its device research, especially in the area of very small devices and very accurate geometry devices, in a very significant way. Application received by Commissioner of Customs: November 2, 1981.

Docket No. 82–00037. Applicant: Yale University, Dept. of Engineering & Applied Science, P.O. Box 2159, Yale Station, New Haven, CT 06520. Article: Optically Contacted Fabry Perot Assembly. Manufacturer: IC Optical Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used as an intracavity spectral tuning element in a broadband pulsed dye-laser. This is expected to narrow the laser emission linewidth to approximately 3 Angstroms. The dye-laser is to be employed in experimental studies on possible population inversions in the atomic levels of hydrogen in a laser-produced plasma. This work is being pursued by a graduate student in partial fulfillment of the degree of Doctor of Philosophy. Application received by Commissioner of Customs: November 2, 1981.

Docket No. 82–00038. Applicant: Texas Department of Health, 1100 West 49th Street, Austin, TX 78756. Article: Electron Microscope, Model H–600–3 and Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for studies of human tissues in both normal and infected modes as seen by a diagnostic microbiology laboratory, and related to investigations of infectious disease processes in tissues, especially kidney, spleen, brain and integument. Experiments will consist of application of current technology to existing problems in clinical microbiology, such as the application of immunochemical techniques to the problem of rapid indentification of viruses, and the identification of cellular receptor sites of bacteria and protozoa as detected with ferritin-labelled antibodies. Further research will consist of classification of viral particles directly from exudative material by morphology. The article will also be used for educational purposes at many levels which will include the use of materials and actual human cases for teaching medical and veterinary students, pathology interns and residents, laboratory technicians and students of microbiology. Application received by Commissioner of Customs: November 2, 1981.

Docket No. 82–00039. Applicant: University of Southern California, Dept. of Biological Sciences, University Park, Los Angeles, CA 90007. Article: (3) Micromanipulators, MP1–2 with Accessory. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended use of article: The articles are intended to be used in the courses: Neurobiology Laboratory, BISC 422L, Comparative Physiology of Animals—BISC 437L and Neurobiology, BISC 564 to train students in the technique of intracellular electrical recording from living cells for which the articles are indispensable. Application received by Commissioner of Customs: November 2, 1981.

Docket No. 82–00040. Applicant: Geophysical Institute, University of Alaska, 903 Koyukuk Ave., No., Fairbanks, AK 99701. Article: Wide Band Digital Imaging System. Manufacturer: MacDonald Dettwiler & Associated Ltd., Canada. Intended use of article: The article is intended to be used for studies of geophysical episodic events such as navigation hazards, wildfires, floods, volcanic eruptions, river freezeup and breakup, and sea-ice morphology. The experiment to be conducted involves acquisition of raw spacecraft data in real-time and the generation of high-resolution photographic images in color and black and-white on an immediate basis without the delays of many weeks which are involved with existing channels for distribution of data from most earth-sensing satellites. the objectives of the research are to develop the means to provide custom-processed satellite data products in near real-time of important episodic events relating to geophysical phenomena in the state of Alaska. Application received by Commissioner of Customs: November 6, 1981.

Docket No. 82–00041. Applicant: Harris Hospital-Methodist, 1300 West Cannon Street, Fort Worth, Texas 76104. Article: Electron Microscope, Model JEM–100CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used primarily and clinically (1) to better characterize certain human pathologic states which cannot be specifically diagnosed by light microscopy, as an aid to the appropriate treatment of the patients, (2) to confirm diagnoses made by light microscopy, initially regarded as equivocal, and (3) to obviate the use of special tissue stains whenever possible because of the difficulty in interpretation and their questionable value. Research usage will be (1) to acquire a better understanding of the pathophysiology of human tissue, i.e., bone marrow, liver, and kidney through the study of cellular ultrastructure, (2) to identify infectious and noninfectious virus particles as well as to reveal viruses that cannot be replicated in cell cultures or laboratory animals or observed indirectly by conventional virological or serological methods, and (3) to study the ultrastructure of hepatoparenchymal damage in an effort to develop a more accurate correlation of the various liver function tests than can be provided by chemical analysis alone. The article will also be used to provide education and training for microscopists at both the technical and professional levels. Application received by Commissioner of Customs: November 6, 1981.

Docket No. 82–00043. Applicant: Auburn University, Auburn, Alabama 36849. Article: Surface Analysis System; XPS, UPS, AES, ISS. Manufacturer: Leybold-Heraeus GMBH & Co., West Germany. Intended use of article: The article is intended to be used for studies of surfaces, thin films, interfaces of various elements, organic/inorganic compounds, and absorbed gases. Experiments to be conducted include preparation and reaction of materials in selected atmospheres followed by study using the available surface analysis techniques. The objectives pursued in the course of the investigations will be to obtain an understanding of the physics and chemistry of surfaces and interfaces. Included will be the determination of chemical composition and structure of surfaces and interfaces of the surface atoms. Such measurements are essential to the research objectives of: novel catalyst design, better fabrication procedures for thin film semiconducting devices, and the study of coal surfaces under reaction (gasification or liquefaction). The article will also be used in the training of M.S. and Ph. D. students during the course of their thesis research. Application

received by Commissioner of Customs: November 9, 1981.

Docket No. 82–00044. Applicant: U.S. Department of Agriculture, Plant Stress Laboratory, PPHI, Bldg. 177B, BARC-East, Beltsville, MD 20705. Article: Electron Microscope, Model H–300 with Film Desiccator and Holders. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for studies of ultrastructural features of cells including observations of membranes, ribosomes, golgi and other cellular organelles. Experiments will be conducted in an effort to increase food and fiber quality and production. Application received by Commissioner of Customs: November 9, 1981.

Docket No. 82–00045. Applicant: Lyndon B. Johnson Space Center, Houston, TX 77058. Article: Red Filter for Precision Approach Path Indicator. Manufacturer: Barrel Lighting Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used in a test evaluation at Northrup Strip, NM using T–38 aircraft and the Shuttle Training Aircraft to determine the suitability of this apparatus to the approach to landing portion of Shuttle Operations. Application received by Commissioner of Customs: November 9, 1981.

Docket No. 82–00046. Applicant: USDA, SE/ARS, Biological Control of Insects Research Laboratory, Box A, Research Park, Columbia, MO 65205. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine and study various types of microorganisms (bacteria, viruses, fungi, protozoa) and biological specimens (organs and cells) of invertebrate, especially insects. Phenomena to be studied include the effects of these microorganisms on organs and tissue as well as the ultrastructure morphology and characteristics of these microorganisms. Experiments to be conducted will include:

(a) Characterization of the morphology and ultrastructure of viral entities as well as components of bacterial, fungal and protozoan cells.

(b) Studies of the various chemical and biological agents on sub-cellular components (both *in vivo* and *in vitro*) of cells and tissue of invertebrates.

(c) Effects of microorganisms on non-homologous and homologous cells.

(d) Mode of absorption, penetration, replication and synthesis of invertebrate viruses in homologous and non-homologous hosts.

(e) Studies on the development and formation of antibodies in the hemolymph of insects exposed to microorganisms and to multicellular invertebrate as well as changes in the cellular and subcellular ultrastructure of hemocytes of insects.

(f) Characterization of mutants and recombinants based on physiological and biochemical reactions to histochemicals as well as ultrastructures and morphology.

(g) Detection and description of the ultrastructure of receptor cells which permit benefical predators and parasites to seek out potential hosts.

(h) Characterization and description of membrane(s) and wall structure(s) of viral inclusion bodies as well as microscopic-capsular spheres.

(i) Anaylsis and observation of cells specially labeled with radioactive isotopes utilizing autoradiographic procedures.

Application received by Commissioner of Customs: November 9, 1981.

Docket No. 82–00047. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Imacon 500, Ultrafast Streak Camera. Manufacturer: Hadland Photonics, Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of metals such as Al, Au, Cu, U, Be, Mo. The equations of state of these metals are to be investigated under the conditions of ultra-high pressure. The shock velocities in the metals noted above will be used to determine the material equation of state along the Hugoniot curve (the locus of final states reached by shock waves of varying strengths). The shock velocity measurement is central to this investigation. Application received by Commissioner of Customs: November 9, 1981.

Docket No. 82–00048. Applicant: The Regents of the University of California, Riverside; Material Management Department, Riverside, CA 92521. Article: Saddle Field Neutral Source. Manufacturer: Ion Tech Ltd., United Kingdom. Intended use of article: The article is intended to be used as the central element of a specially-constructed fast atom bombardment (FAB) source for a fourier transform mass spectrometer. This instrument is being modified to permit gas-phase studies of molecular species with masses in the 10,000–20,000 dalton range. In order to accomplish this, these involatile materials must be volatilized and ionized. That is the purpose of the saddle field gun. by incorporation of the gun in the instrument's direct insertion sample probe it is expected that bombardment of samples with both xenon and argon neutral atoms with energies of circa 5 KeV will be possible. Once the unique research instrument is constructed it will be used for advanced graduate-level training of students studying for the Ph. D. and M.S. degrees in Analytical Chemistry. Application received by Commissioner of Customs: November 18, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 81–35631 Filed 12–11–81; 8:45 am]

BILLING CODE 3510–25–M

Drycleaning Machinery From West Germany; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on drycleaning machinery from West Germany. The review covers the two known manufacturers and exporters of this merchandise to the United States presently covered by the finding and separate time periods for each firm up to June 30, 1980. The review indicates the existence of dumping margins for each firm.

As a result of the review the Department has preliminarily determined to assess dumping duties for those firms equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Betsy E. Stillman or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4833/2657).

SUPPLEMENTARY INFORMATION:

Background

On November 8, 1972, the Department of the Treasury published in the **Federal Register** an antidumping finding with respect to drycleaning machinery from

West Germany (T.D. 72–311, 37 FR 23715).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on drycleaning machinery from West Germany. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of drycleaning machinery, currently classifiable under item 670.4100 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of two firms engaged in the manufacture and exportation of drycleaning machinery to the United States and presently covered by the finding.

This review covers one firm for all time periods up to June 30, 1980, the most recent date for which information is available, during which the company shipped drycleaning machinery to the United States and for which appraisement instructions ("master lists") were not issued by Treasury. The review for the other firm covers the one-year period from July 1, 1979 to June 30, 1980. We will analyze this firm's sales of drycleaning machinery made during previous unreviewed periods, and certain machines sold during the most recent period, in a subsequent administrative review.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued master lists, is under review. Liquidation has been suspended pending disposition of the issue.

United States Price

In calculating United States price, the Department used exporter's sales price, as defined in section 772 of the Tariff Act or section 204 of the 1921 Act.

Exporter's sales price was based on the packed price from the firm's U.S. affiliate to the first unrelated purchaser in the United States. Where applicable, deductions were made for U.S. duty, brokerage fees, ocean freight, insurance, U.S. and foreign inland freight, handling and demurrage. We also made deductions, where applicable, for discounts and selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act. The foreign market value was adjusted, where applicable, for discounts and for differences in packing. We made deductions for technical assistance, differences in credit costs and for commissions to unrelated parties in accordance with section 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. Adjustments were also made for differences in similar merchandise in accordance with § 353.16 of the Commerce regulations and § 153.11 of the Customs regulations. In accordance with § 353.15(c) of the Commerce regulations we made allowances for actual selling expenses incurred in the home market up to the amount of selling expenses incurred in the United States. All selling expenses in the U.S. were deducted from the resale price in accordance with section 772 of the Tariff Act. This was accomplished by deducting all U.S. selling expenses which remained after deducting such expenses to offset the commission paid in the home market.

Additional claims for adjustments for selling expenses were disallowed when they were determined not to be selling expenses or were not properly quantified. We did not allow claims for adjustments to home market price for selling expenses for one respondent because that respondent did not separate U.S. direct from U.S. indirect selling expenses. We could not, therefore, establish the limit to the exporter's sales price offset required by section 353.15(c) of the Commerce Regulations. Level of trade adjustments were disallowed because they were not properly quantified. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Firm	Time period	Margin (percent)
Boewe Maschinenfabrik Gmbh	7/1/79–6/30/80	65.95
Seco Maschinenbau Gmbh & Co. Kommandtgesell-schaft	1/1/78–6/30/80	10.56

Interested parties may submit written comments on these preliminary results on or before January 13, 1982 and may request disclosure and/or a hearing on or before December 29, 1981. Any request for an administrative protective order must be made no later than December 21, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with export dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each shipper directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments of drycleaning machinery entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and §353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 7, 1981.

[FR Doc. 81–35832 Filed 12–11–81; 8:45 am]

BILLING CODE 3510–25–M

Viscose Rayon Staple Fiber From Italy; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On October 8, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on

viscose rayon staple fiber from Italy. The review was limited to the only known exporter, Snia Fibre S.p.A. (formerly Italviscosa), and to the period June 1, 1980 through May 31, 1981. Interested parties were given an opportunity to submit written or oral comments on these preliminary results. We received no comments.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4273/2657).

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1979, an antidumping finding with respect to viscose rayon staple fiber from Italy was published in the **Federal Register** as Treasury Decision 79–168 (44 FR 33878–9). On October 8, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 49936–7). The Department has now completed that administrative review.

Scope of the Review

The imports covered by this review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Italian exporter of viscose rayon staple fiber to the United States. That firm is Snia Fibre, S.p.A. (formerly Italviscosa). The review covered the period June 1, 1980 through May 31, 1981.

Final Results of the Review

The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There are no known shipments to the United States during this time period and no known unliquidated entries.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based upon the most recent margin calculated, that is 18.6 percent of the entered value, shall be required on all shipments of viscose rayon staple fiber from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 7, 1981.

[FR Doc. 81–35633 Filed 12–11–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Manomet Bird Observatory (P288); b. Address: Manomet, Massachusetts 02345.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seal (Phoca vitulina concolor) 5.

4. Type of Take: Up to five(5) rehabilitated, beached/stranded harbor seals will be fitted with a radio transmitter and released at Stage Point, Massachusetts. Animals will be monitored to determine wintering haul-out sites, daily movements, feeding times, frequency, and locations, basic population parameters, and the physiological and biological demands of a free-swimming harbor seal.

5. Location of Activity: Animals will be released at Stage Point, Massachusetts.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee on Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before January 13, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: December 8, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–35734 Filed 12–11–81; 8:45 am]

BILLING CODE 3510–22–M

Patent and Trademark Office

Public Advisory Committee For Trademark Affairs; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

The Public Advisory Committee for Trademark Affairs will meet from 9:00 a.m. until 5:00 p.m. on January 12, 1982, at the Stouffer's National Center Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia.

The Committee was first established in 1970 and was reestablished in 1979 to advise the Patent and Trademark Office of steps that can be taken to increase the effectiveness of administration of the Trademark Act and to provide a continuing source of information from the private sector to the government.

The agenda for the meeting is as follows:

(1) Trademark Fees.

(2) Trademark Pendency.

(3) Trademark Automation.

(4) Operations of the Trademark Trial and Appeal Board.

(5) Proposed Revisions to Trademark Rules of Practice.

(6) Trademark Examining Operation Reorganization.

The meeting will be open to public observation; approximately twelve (12) seats will be available for the public on a first-come first-served basis. If time permits, oral comments by the public of three (3) minutes on each topic within the above agenda will be allowed. To insure proper consideration at the meeting, any comments or suggestions relating to the agenda items should be submitted in writing before January 5, 1982. Further comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Please mark all correspondence to the attention of Alan B. Davidson, Office of the Assistant Commissioner for Trademarks, Room CP3–11C17. Telephone: 703–557–3916.

Dated: December 2, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

Dated: December 3, 1981.

Approved:

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc 81–35579 Filed 12–11–81; 8:45 am]

BILLING CODE 3510–16–M

Office of the Secretary

Senior Executive Service Performance Awards

Pursuant to 5 U.S.C. 5384, the Department of Commerce announces that the following career members of the Senior Executive Service are recipients of SES performance awards (bonuses) for individual and organizational accomplishments during FY 1981. Bonus amounts are listed next to each recipient's name.

Payment Date: December 23, 1981

Bureau of the Census	
Michael Farrell, Assistant Director for Economic and Agriculture Census	$3,006.75
International Trade Administration	
Paul O'Day, Deputy Assistant Secretary for Textiles and Apparel	10,022.50
National Bureau of Standards	
Raymond C. Kammer, Deputy Director, National Bureau of Standards	10,022.50
Robert Mehrabian, Chief, Metallurgy Division	8,018.00
Edward O. Pfrang, Chief, Structure and Materials Division	5,512.50
Edward L. Brady, Associate Director for International Affairs	5,512.50
John B. Wachtman, Director, Center for Materials Science	5,512.50
John A. Simpson, Director, Center for Mechanical Engineering and Process Technology	5,011.25
Robert P. Madden, Principal Scientist, Far Ultraviolet Physics Group	5,011.25
Robert P. Blanc, Chief, Systems and Network Architecture Division	5,011.25
Samuel Kramer, Deputy Director for Programs, NEL	5,011.25
Claude C. Gravatt, Deputy Director for Programs, NML	5,011.25
George A. Uriano, Chief, Office of Standard Reference Materials	4,510.12
National Oceanic and Atmospheric Administration	
Ralph Reeder, Director, Office of Personnel	9,521.38
John J. Carey, Director, Office of Budget and Resources Management	8,018.00
Richard E. Hallgren, Director, National Weather Service	7,516.87
Martin H. Belsky, Assistant Administrator, Office of Policy and Planning	5,512.50
Vernon E. Derr, Deputy Director, Environmental Research Laboratories	5,011.25
Richard J. Keating, Director, Congressional Affairs	2,505.62
Robert D. Wildman, Associate Director for Operations, Sea Grant	2,505.62
Office of the Secretary	
Frederick Knickerbocker, Acting Director, Economic Policy Staff	8,018.00
Beatrice Vaccara, Director, Bureau of Industrial Economics	7,516.87
David S. Nathan, Deputy Assistant Secretary, Office of Acquisition, Grants and Information	7,516.87
Clifford J. Parker, Deputy Assistant Secretary, Office of Resources Management	7,516.87
Hugh L. Brennan, Director, Office of Organization and Management Systems	5,512.50
Edward Smith, Director, Office of Producer Goods, BIE	3,006.75
Allan Young, Deputy Director, Bureau of Economic Analysis	3,006.75
David Edgell, Special Assistant for Special Projects, USTS	2,505.62
Patent and Trademark Office	
Robert F. Burnett, Special Assistant to the Assistant Commissioner for Patents	9,521.38
Samih Zaharna, Director, Patent Examining Group 160	8,018.00
Mark Newman, Director, Patent Examining Group 320	5,512.50
Al Lawrence Smith, Director, Patent Examining Group 240	5,011.25

Payment Date: January 6,1982

Bureau of the Census	
Daniel Levine, Deputy Director, Bureau of the Census	9,020.25
C. Thomas DiNenna, Chief, Computer Operations Division	3,006.75
Emanuel Lipscomb, Chief, Foreign Trade Division	3,006.75
Economic Development Administration	
Edward M. Levin, Chief Counsel	5,512.50
Joseph B. Swanner, Regional Director, Austin, Texas	4,510.12
International Trade Administration	
Michael Doyle, Director for Administration	7,516.87
Gerald Marks, Director, Chicago Office, U.S. Commercial Service	5,512.50
J. Mishell George, Deputy Assistant Secretary, International Trade Development	5,512.50
National Bureau of Standards	
Peter L. Heydemann, Director, Center for Chemical Physics	9,521.38
James R. Wright, Deputy Director of Operations, NEL	5,512.50
Richard D. Deslattes, Leader, Quantum Metrology Group	5,512.50
Morris Krauss, Group Leader, Quantum Chemistry Group	4,510.12
Jesse Hord, Director, Center for Chemical Engineering	4,510.12
Hans J. Oser, Senior Scientist, NEL	4,510.12
Oskars Petersons, Chief, Electrosystems Division	4,009.00
Cedric J. Powell, Chief, Surface Science Division	4,009.00
Bascom W. Birmingham, Director, Boulder Laboratories	4,009.00
Kenneth F. Gordon, Director, Planning Office	4,009.00
National Oceanic and Atmospheric Administration	
Thomas D. Potter, Director, Environmental Data & Information Services	10,022.50
David S. Johnson, Assistant Administrator, National Earth Satellite Service	5,512.50
John M. St. Clair, Chief, Engineering Division, Technical Service, NWS	5,512.50
Alan R. Thomas, Executive Director, Research and Development	5,512.50
Thomas E. Pyle, Deputy Director, National Ocean Survey	5,011.25
Frederick P. Ostby, Director, National Severe Storms Center, NWS	5,011.25
Allen E. Peterson, Director, NE Regional Office, NMFS	5,011.25
Walter H. Chappas, Associate Director, Aeronautical Charting	5,011.25
Steven N. Anastasion, Executive Director, NACOA	4,009.00
William G. Gordon, Assistant Administrator, National Marine Fisheries Service	4,009.00
Richard H. Hagemeyer, Executive Director, National Weather Service	3,006.75
Stuart G. Bigler, Regional Director, Alaska Region, NWS	3,006.75
Dail W. Brown, Director, National Marine Pollution Program Office	2,505.62
Office of the Secretary	
Frederic A. Heim, Jr., Deputy Inspector General	7,516.87
Charles Warta, Chief Economist, Bureau of Economic Analysis	4,009.00
Frank DeLeeuw, Chief Statistician, Bureau of Economic Analysis	4,009.00
Ken Brown, Deputy Director, Bureau of Industrial Economics	4,009.00
Patents and Trademark Office	
Herbert C. Wamsley, Director, Trademark Examining Operations	4,510.12

Persons desiring any further information concerning these performance awards may contact John Innocenti, Chief, Executive Resources Division, Office of Personnel, Main Commerce Building, Room 5119, Washington, D.C. 20230, (202) 377–4534.

Dated: December 8, 1981.

John Innocenti,

Chief, Executive Resources Division, Office of Personnel, Department of Commerce.

[FR Doc. 81–35640 Filed 12–11–81; 8:45 am]

BILLING CODE 3510–B5–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton Textile Products from the People's Republic of China

December 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting increases, variously, for swing, carryover and carryforward for cotton textile products in Categories 331, 339, 340, 341 and 347/348, produced or manufactured in the People's Republic of China and exported during the agreement year which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal**

Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 8542), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China provides for the carryover of shortfalls from the previous agreement year in certain categories (carryover), for percentage increases in certain specific category ceilings during an agreement year (swing), and for the borrowing of yardage from the following year's level (carryforward) with the amount used deducted from that level in the following year. Pursuant to the terms of the bilateral agreement, as amended, and at the request of the Government of the People's Republic of China, the import restraint levels established for Categories 331, 339, 340, 341 and 347/348 are being increased for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 4, 1980, a letter dated November 28, 1980 from the Chairman of the committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (45 FR 80324), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 331, 339, 340, 341, and 347/348, produced or manufactured in the People's Republic of China and exported to the United States during the twelve-month period which began on January 1, 1981. In accordance with terms of the bilateral agreement and at the request of the Government of the People's Republic of China, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the foregoing categories in excess of the adjusted levels of restraint.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 9, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On November 28, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the People's Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on December 9, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 1981, the levels of restraint established for cotton textile products in Categories 331, 339, 340, 341, and 347/348 of the following:

Category	Amended 12-mo. level of restraint [1]
331	3,740,308 dozen.
339	906,015 dozen.
340	577,079 dozen.
341	332,429 dozen.
347/348	2,042,880 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Governments the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-35630 Filed 12-11-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) admisistrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Macau, Effective on January 1, 1982

December 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from Macau, effective on January 1, 1982.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Portugal establishes specific ceilings for cotton, wool and man-made fiber textile products from Macau in Categories 333/334/335 (Suit-Type and Other Cotton Coats), 338 (Men's and Boys' Knit Shirts), 339 (Women's, Girls' and Infants' Knit Shirts and Blouses), 340 (Men's and Boys' Woven Cotton Shirts), 341 (Women's, Girls' and Infants' Woven Cotton Blouses), 347/348 (Cotton Trousers), 445/446 (Wool Sweaters), 633/634/635 (Suit-Type and Other Man-Made Fiber Coats), and 641 (Blouses), during the agreement year which begins on January 1, 1982 and extends through December 31, 1982. The agreement also provides consultation levels for certain categories, such as Categories 331 (Cotton Gloves), and 351 (Cotton Nightwear), which are not subject to specific ceilings and which may be increased upon agreement between the two governments. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Macau and exported during the twelve-month period which begins on January 1, 1982 and extends through December 31, 1982, in excess of the designated levels of restraint. The level of restraint for Categories 333/334/335 has been reduced by 13,750 dozen

for 1982 as a result of a negotiated settlement.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).)

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 9, 1981

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Macau, in excess of the indicated levels of restraint:

Category	12-mo. level of restraint
331	200,000 dozen pairs.
333/334/335	84,992 dozen of which not more than 50,801 dozen shall be in Cat. 333/335
338	129,548 dozen.
339	551,193 dozen.
340	124,180 dozen.
341	80,094 dozen.
347/348	295,773 dozen.
351	13,462 dozen.
445/446	69,279 dozen.
633/634/635	207,107 dozen.
641	74,449 dozen.

In carrying out this directive entries of textile products in the foregoing categories, except Categories 331, 351 and 641, which have been exported to the United States on and after January 1, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 331, 351 and 641 which have been exported before January 1, 1982 shall not be subject to this directive.

Textile products in Categories 331, 351 and 641 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of a restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of November 29, and December 18, 1979, which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 F.R. 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 F.R. 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-35629 Filed 12-11-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Application of High Technology to Ground Forces; Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Application of High Technology to Ground Forces will meet in closed session on January 5, 1982 and February 19, 1982 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meetings on January 5, and February 19, 1982 the Task Force will review current missions of light forces and make recommendations concerning the application of high technology to enhance battlefield capabilities.

In accordance with 5 U.S.C. App. 1, 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

Dated: December 9, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-35657 Filed 12-11-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on University Responsiveness to National Security Requirements; Meeting

The Defense Science Board Task Force on University Responsiveness to National Security Requirements will meet in closed session on January 6, 1982 at the Pentagon, Room IE801, Washington, D.C. The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on January 6, 1982, the Task Force will review, using the guidelines established in its Terms of Reference, industry and university relationships to DoD programs. Additionally, the Task Force's ongoing review of the impact of DoD export control guidelines on university research

and teaching activities will be addressed.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

December 8, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-35628 Filed 12-11-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meeting:

A meeting of the Industry Working Party to the International Energy Agency will be held on January 19–20, 1982, at the offices of OEMV, 5, Otto Wagner—Platz A–1091, Vienna, Austria, beginning at 9:30 a.m. on January 19.

The agenda for the meeting is as follows:

- Status of Standing Committee on the Oil Market and Industry Working Party activities and arrangements for future meetings.
- Consideration of questions connected with the crude cost information system.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., December 7, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-35515 Filed 12-11-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders' Marathon Oil Co.

AGENCY: Department of Energy.

ACTION: Three proposed remedial orders to Marathon Oil Company and Opportunity for Objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of three Proposed Remedial Orders issued to Marathon Oil Company, Findlay, Ohio. In accordance with that section, a copy of one or more of the Proposed Remedial Orders with confidential information, if any, deleted, may be obtained from the DOE.

Marathon is a refiner engaged in the production of crude oil, refining, and the marketing of petroleum products. Marathon was therefore subject to the Mandatory Petroleum Price and Allocation Regulations which were in effect unil January 28, 1981.

II. The Proposed Remedial Orders

1. Proposed Remedial Order No. RMNM00101

The Office of Special Counsel (OSC) of DOE has audited Marathon's reported cost recoveries and class of purchaser determinations from August 19, 1973 through December 31, 1976, and conducted further examinations of certain issues previously raised in Notice of Probable Violation issued to Marathon. OSC's audit also included a review of Marathon's compliance with special regulatory provisions governing the treatment of benezene and toluene during the period 1973–1976. OCS's findings are set forth in this Proposed Remedial Order.

OSC determined that Marathon did not consistently compute its cost recoveries in accordance with the equal application rule, and failed to properly compute cost recoveries at company operated retail service stations during the period 1973–1979, as required by the regulations. OSC also found that from April 1, 1974 through December 31, 1974, Marathon did not report cost recoveries for benzene and toluene because it incorrectly considered these products to be decontrolled. OSC further found that Marathon failed to make special adjustments to its reported incurred costs from April through December 1974 as a result of its treatment of benzene and toluence as decontrolled products.

In addition, OSC found that from August 19, 1973 through December 31, 1979, Marathon improperly treated F.S. Services, Inc., as a member of Marathon's wholesale reseller classes of purchaser instead of placing F.S. Services in its own single member class of purchaser. As a result of this error, Marathon improperly determined the May 15, 1973 weighted average prices for the firm which, in turn, led to the computation of erroneous maximum allowable prices for F.S. Services.

As a remedy for these violations, OSC proposed that Marathon refund $7,799,157 plus interest to F.S. Services to compensate for the effects of Marathon's failure to place F.S. Services in an appropriate class of purchaser from August 19, 1973 through December 31, 1979. OSC also proposed that Marathon refund $49,120,261 plus interest to its gasoline customers, $13,660,548 plus interest to its No. 2 oil customers, and $14,530,702 plus interest to its general refinery products customers to compensate for the effects of Marathon's overstatement of available costs from August 19, 1973 through December 31, 1976, as described in this Proposed Remedial Order and Proposed Remedial Order No. RMNM01701 (which was issued concurrently with this document). Marathon must also refund to its covered product customers those additional overcharges which resulted from the cost overstatements identified in the Proposed Remedial Order for the period January 1, 1977 through December 31, 1979.

2. Proposed Remedial Order No. RMNM01701

The Mandatory Petroleum Price Regulations generally permitted refiners to increase the prices of covered products by the amounts necessary to recoup increased costs on a dollar-for-dollar basis. OSC found in its audit of the increased product costs which Marathon reported for the period August 19, 1973 through December 31, 1979 that Marathon overstated these costs by $36,271,975. OCS's findings are set forth in this Proposed Remedial Order.

OSC determined that the largest portion of the overstatement was caused by Marathon's failure to use consistent methods of accounting to measure its crude oil costs for May 1973 and each month of measurement. Marathon utilized a weighted average method to calculate its domestic crude oil costs for May 1973, but used the "last in, first out" (LIFO) method to calculate each month of measurement.

Marathon also overstated its costs by including unrecouped June and July 1973 costs in its banks for September 1973 through January 1974. (The first month of measurement under the Phase IV regulations was not until August 1973). As a result, those costs from June and July which were not passed on in its increased prices, due to the Freeze Price Rule then in effect, could not be banked for use in later months.

In addition, from January 1977 through December 1979, Marathon reported imputed interest costs as available for pass-through for two of its equity status vessels which were obtained through lease/purchase arrangements. As the inputed interest on the purchase of these

vessels represented a cost of capital, it was not a permissable cost under the regulations.

In compensation for the violations identified in this Proposed Remedial Order and Proposed Remedial Order No. RMNM00101, for the period August 1, 1973 through December 1, 1976, OSC proposed that Marathon refund $49,120,261 plus interest to its gasoline customers, and $13,660,548 plus interest to its No. 2 oil customers, and $14,530,702 plus interest to its general refinery products customers. Marathon must also refund to its covered product customers those additional overcharges which resulted from the violations identified for the period January 1, 1977 through December 31, 1979.

3. *Proposd Remedial Order No. RMNL00001*

OSC's audit included a review of Marathon's reported crude oil and non-product cost increases for the period January 1, 1977 through December 31, 1979. OSC's audit also included a review of Marathon's reported cost banks for the years 1977, 1978 and 1979, and of Marathon's compliance during this period with the regulations which limited bank use. OSC's findings are set forth in this Proposed Remedial Order.

OSC's review disclosed that during the 1977–1979 audit period, Marathon included, as part of its marine transportation cost for imported crude oil, expenses for vessels which carried no Marathon crude oil to the United States. OSC also found that Marathon improperly included imputed interest for two equity status vessels in its marine transportation cost calculations. Marathon also improperly claimed marine transportation costs in 1978 which exceeded those actually incurred by Marathon during that year.

In addition, OSC's review disclosed that during the 1977–1979 audit period, marathon failed to allocate base period and month of measurement marketing costs to individual covered product categories before calculating its marketing cost increases, failed to calculate its marketing cost increases on a firm-wide basis, and failed to apply the cents per gallon limitations on its marketing cost increases in computing maximum allowable prices. OSC's audit also found that Marathon double counted certain additive cost increases, and failed to report net decreases in individual non-product cost categories.

OSC's review also disclosed that throughout the audit period, and during the months of February through December 1976, Marathon neither segregated its unrecouped costs into crude oil, purchased product, and non-product cost banks, nor distinguished these banks according to the period in which the costs were originally incurred, as required by the regulations. More importantly, Marathon also disregarded the regulatory limitations on the amount of unrecouped costs which could be included on its maximum allowable price calculations, and created negative banks to justify excessive selling prices for covered products in certain months.

In addition, OSC's review revealed that Marathon refiled its Refiners' Monthly Cost Allocation Reports for the months of measurement of April 1979 through December 1979, claiming cost bank totals which included increased crude oil costs attributable to exempt products. As a result, Marathon overstated its gasoline and general refinery products cost banks for these months by a cumulative total of $23,728,296,000.

As a remedy for these violations, OSC proposed that Marathon refund $165,407,000 plus interest, to its gasoline customers to compensate for the effects of the regulatory violations committed during the period 1977 through 1979 which are described in this Proposed Remedial Order and in Proposed Remedial Order Case Nos. RMNM01701 and RMNM00101.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to any of the above described Proposed Remedial Orders with the Office of Hearings and Appeals on or before December 29, 1981. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a notice of objection is not filed as provided by § 205.193, the respective Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C.20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of one or more of the Proposed Remedial Orders with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C. 20585.

Issued in Washington, D.C., November 24th, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-35616 Filed 12-11-81; 8:45 am]

BILLING CODE 6450-01-M

Ineligibility of Inactive Uranium Mill Tailings Site for Remedial Action

AGENCY: Department of Energy (DOE).

ACTION: To notify the public that the Baggs, Wyoming, inactive uranium mill tailings (processing) site is no longer eligible for remedial action by DOE under the provisions of Pub. L. 95–604, "Uranium Mill Tailings Radiation Control Act of 1978," enacted November 8, 1978.

SUMMARY: As mandated by Pub. L. 95–604, entitled "Uranium Mill Tailings Radiation Control Act of 1978," enacted November 8, 1978, the Secretary of Energy on November 8, 1979, designated 25 inactive uranium mill tailings (processing) sites for remedial action. That designation included the inactive uranium mill tailings site located in Baggs, Wyoming. (44 FR 74891, December 16, 1979). Recent information from the State of Wyoming and the Department of the Interior pertaining to the eligibility of the site under the provisions of section 101(6)(A) of the Act, has resulted in a determination by the Department of Energy that the Baggs site is on public lands under the jurisdiction of the Bureau of Land Management, U.S. Department of the Interior, and is, therefore, not eligible for remedial action by DOE. Accordingly, the Secretary's prior designation of the Baggs site for remedial action is hereby rescinded.

ADDRESS FOR COMMENTS AND FURTHER INFORMATION:

Dr. William E. Mott, Office of Operational Safety, Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, U.S. Department of Energy, Washington, D.C. 20545, telephone: (301) 353–3016.

Issued in Washington, D.C. this 7th day of December 1981.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-35627 Filed 12-11-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

January Entitlements Notice

Correction

In FR Doc. 81-35380, published on page 60231, on Wednesday, December 9, 1981, make the following corrections:

(1) In the third column, in the heading, "Entitlement" should be corrected to read "Entitlements".

(2) In the first paragraph, in the fifth line "entitlement" should be corrected to read "entitlements".

(3) In the tenth line, "remain" should be corrected to read "remains".

(4) In the last line of the document "the time" should be corrected to read "this time."

BILLING CODE 1505-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-77-000]

Cities Service Gas Co.; Application

December 9, 1981

Take notice that on November 13, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-77-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline taps, measuring, regulating and appurtenant facilities to enable Applicant to render natural gas service to 9 rural right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

1. Tap on Applicant's Wichita-Ottawa 20-inch transmission pipeline in Butler County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Page W. Benson.

2. Tap on Applicant's Pleasant Hill 8-inch transmission pipeline in Cass County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Robert Brinkoetter.

3. Tap on Applicant's Ottawa-Sedalia 12-inch transmission pipeline in Miami County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jerry Cosner.

4. Tap on Applicant's Circleville 2-inch transmission pipeline in Jackson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Frank Gilliland.

(5) Tap on Applicant's Petrolia-Fort Scott 8-inch transmission pipeline in Allen County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Anne C. Jordan.

6. Tap on Applicant's Ottawa-Sedalia 12-inch transmission pipeline in Pettis County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Rob Longan.

7. Tap on Applicant's Plattsburg 6-inch transmission pipeline in Buchanan County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Lloyd Manville.

8. Tap on Applicant's Ponca City 6-inch transmission pipeline in Kay County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Leroy F. Nicholson.

9. Tap on Applicant's Edmond-Drumright 12-inch transmission pipeline in Oklahoma County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Roland Walters.

Applicant estimates that the total cost of the facilities proposed to serve the right-of-way grantors would be $7,872 which cost would be financed from treasury funds on hand. Applicant estimates that the gas required annually be each domestic customer would be approximately 250 Mcf. It is stated that the sales to these nine customers would be made to The Gas Service Company for resale to these customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own-review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35668 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-81-000]

Columbia Gas Transmission Corp.; Application

December 9, 1981.

Take notice that on November 17, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-81-000 an application pursuant to section 7 of the Natural Gas Act for authorization to construct and operate certain natural gas facilities and for permission and approval to abandon certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct 19 individual pipeline replacement projects located in the states of Ohio, Pennsylvania and West Virginia. Applicant also proposes to abandon approximately 7.1 miles of pipeline ranging in diameter from 2 to 10 inches and certain points of delivery and appurtenant measuring facilities.

Specifically, Applicant proposes the following:

(1) The construction and operation of approximately 2.2 miles of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline in Barbour County, West Virginia;

(2) The construction and operation of approximately 0.5 mile of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline in Jefferson County, Pennsylvania;

(3) The construction and operation of approximately 0.9 mile of 3-inch

transmission pipeline replacing a like amount of 12-inch pipeline located in Washington County, Pennsylvania;

(4) The construction and operation of approximately 0.6 mile of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline in Washington County, Pennsylvania;

(5) The construction and operation of approximately 2.8 miles of 3-inch transmission pipeline replacing a like amount of 8-inch pipeline in Washington County, Pennsylvania;

(6) The construction and operation of approximately 0.4 mile of 4-inch transmission pipeline replacing a like amount of 10-inch pipeline located in Washington County, Pennsylvania;

(7) The construction and operation of approximately 0.9 mile of 3-inch transmission pipeline replacing a like amount of 6-inch pipeline in Columbiana County, Ohio.

(8) The construction and operation of approximately 0.4 mile of 8-inch transmission pipeline replacing a like amount of 12-inch pipeline in Medina County, Ohio;

(9) The construction and operation of approximately 0.5 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline in Lorain, County, Ohio;

(10) The construction and operation of approximately 0.6 mile of 4-inch transmission pipeline replacing a like amount of 6- and 8-inch pipeline in Ashland County, Ohio;

(11) The construction and operation of approximately 1.2 miles of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline in Ashland County, Ohio;

(12) The construction and operation of approximately 2.5 miles of 6-inch transmission pipeline replacing a like amount of 4-inch pipeline in Tuscarawas County, Ohio;

(13) The construction and operation of approximately 3.6 miles of 8-inch transmission pipeline replacing a like amount of 10-inch pipeline in Harrison and Carroll Counties, Ohio;

(14) The construction and operation of approximately 2.3 miles of 16-inch transmission pipeline replacing a like amount of 12-inch pipeline in Muskingum County, Ohio;

(15) The construction and operation of approximately 0.3 mile of 3-inch transmission pipeline replacing a like amount of 8-inch pipeline in Belmont County, Ohio;

(16) The construction and operation of approximately 0.4 mile of 6-inch transmission pipeline replacing a like amount of 4-inch pipeline in Noble County, Ohio;

(17) The construction and operation of approximately 4.7 miles of 8-inch transmission pipeline and the abandonment of a like amount of 6- and 8-inch transmission pipeline in Noble County, Ohio;

(18) The construction and operation of approximately 1.7 miles of 4-inch transmission pipeline and appurtenant regulating facilities and the abandonment of approximately 4.7 miles of 6- and 8-inch transmission pipeline in Franklin County, Pennsylvania;

(19) The construction and operation of approximately 0.5 mile of 2-inch transmission pipeline and the abandonment of approximately 1.5 miles of 2-, 3- and 4-inch transmission pipeline in Ashland County, Ohio.

Applicant further requests permission to abandon the following natural gas facilities which are no longer used or useful in Applicant's operations. It is asserted that the proposed abandonments would not result in any loss of gas supply nor the termination of service to any customer.

(1) The abandonment of approximately 0.4 mile of 2- and 4-inch storage pipeline located in Greene County, Pennsylvania;

(2) The abandonment of approximately 3.2 miles of 10-inch transmission pipeline located in Washington County, Pennsylvania;

(3) The abandonment of approximately 1.4 miles of 10-inch transmission pipeline located in Jefferson County, Pennsylvania;

(4) The abandonment of approximately 0.7 mile of 6-inch transmission pipeline located in Cameron County, Pennsylvania;

(5) The abandonment of 0.5 mile of 6-inch transmission pipeline located in Coshocton County, Ohio;

(6) The abandonment of a point of delivery to Columbia Gas of Ohio, Inc. and appurtenant measuring facilities located in Lorain County, Ohio;

(7) The abandonment of a point of delivery to Columbia Gas of Ohio, Inc. and related measuring facilities by sale to Columbia Gas of Ohio, Inc. located in Belmont County, Ohio.

Applicant asserts that the proposed construction projects are primarily designed to maintain safe and reliable service to its existing wholesale customers at levels presently authorized by the Commission. It is further stated that the abandonment projects are necessary in order to retire or abandon facilities no longer used or useful in Applicant's transmission operations.

Applicant estimates the total cost of the proposed construction program at $2,794,700 to be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35669 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-527-002]

El Paso Natural Gas Co.; Amendment to Application

December 9, 1981.

Take notice that on November 3, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP80-527-002 an amendment to its application filed in the instant docket on October 6, 1980, pursuant to section 7(c) of the Natural Gas Act so as to reflect the addition of the Hendrick well, Live Oak County, Texas, and the increase in the

daily transportation and delivery quantity from 4,000 Mcf to 7,500 Mcf of gas on a best-efforts basis for the account of Phelps Dodge Corporation (Phelps Dodge) at certain existing points of delivery on Applicant's interstate pipeline transmission system in New Mexico and Arizona, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is submitted that under a temporary certificate issued in the instant docket, Applicant transports up to 4,000 Mcf of natural gas per day for the account of Phelps Dodge necessary to displace fuel oil. It is stated that such gas is purchased by Phelps Dodge from Ike Lovelady, Inc., *et al.*, at the No. 1A Garza well located in Live Oak County, Texas, and that Seagull Pipeline Corporation (Seagull) accepts the gas at the wellhead of the No. 1A Garza well and transports such gas to Valero Transmission Company (Valero) for transportation and delivery to Applicant which subsequently delivers the natural gas to Phelps Dodge at existing delivery points in its interstate pipeline system.

Applicant asserts that since the filing of the application in this docket it has been advised that Phelps Dodge has acquired additional quantities of natural gas from a second well in Live Oak County, Texas, the Hendrick #1 well, and that it desires to utilize such gas to displace fuel oil during the fuel shortage emergency period.

It is stated that on August 5, 1981, Applicant and Phelps Dodge amended their transportation agreement to provide that the volumes of natural gas to be transported by Applicant would be produced in Live Oak County, Texas, from the No. 1A Garza well and the Hendrick #1 well along with any offset wells related thereto. Applicant further states that on August 1, 1981, it amended its gas transmission agreement with Valero, pursuant to which Valero would receive from Seagull 7,500 Mcf of natural gas per day for the account of Applicant and transport and deliver such volumes to Applicant for ultimate delivery to Phelps Dodge. Due to the variable best-efforts nature of the arrangement, Applicant asserts that it is unable to estimate the total quantity of natural gas which would be tendered to it for transportation on a monthly and annual basis during the term of the arrangements.

In order to implement the transportation and delivery of the additional volumes for the account of Phelps Dodge, Applicant amends its application filed October 6, 1980, in the instant docket so as to reflect the addition of the Hendrick #1 well and to increase the daily transportation quantity from 4,000 Mcf of gas per day to 7,500 Mcf of gas per day.

It is further asserted that except for those revenues which Applicant is expressly entitled to retain the revenues received by Applicant for the transportation service rendered for the account of Phelps Dodge would be credited to Applicant's Unrecovered Purchased Gas Costs Account (Account 191).

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35670 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-408-008]

El Paso Natural Gas Co.; Amendment

December 9, 1981.

Take notice that on November 6, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-408-008 an amendment to its pending petition to amend further the order issued August 29, 1977, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to delete all references reflecting the proposed establishment of the Ignacio delivery point under Petitioner's existing special Rate Schedule T-8 transportation and delivery arrangement with Southwest Gas Corporation (Southwest), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 29, 1977, it was authorized to transport natural gas for Southwest in accordance with their transportation agreement dated July 3, 1977. It is submitted that the transportation agreement is on file with the Commission as Petitioner's Rate Schedule T-8.

Petitioner further states that on April 28, 1981, it filed a petition to amend the order issued August 29, 1977, so as to authorize the removal of the end-use restrictions that prevent Southwest from having natural gas transported by Petitioner and delivered to Southwest's lower priority resale customers, the deletion of ARTICLE V, *Transportation Gas to be Used for Ultimate Service Classified in Priorities 1, 2 or 3* and the substitution therefore of a new ARTICLE V entitled *Incremental Facilities,* which provides for additional facilities for the benefit of Southwest and others necessary to provide adequate transportation capacity on Petitioner's system if Southwest so elects that such incremental facilities would be constructed, the delivery of natural gas when appropriate by Petitioner to a third party for the account of Southwest, the addition of the Ignacio delivery point to the transportation agreement, and certain miscellaneous changes to the transportation agreement.

It is asserted that Petitioner and Southwest have determined that the addition of the Ignacio delivery point would not be needed at this time. Therefore, Petitioner amends its petition to amend by deleting all references to the establishment of the Ignacio delivery point and the rate provisions applicable thereto.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35671 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-78-000]

Honeoye Storage Corp.; Application

December 9, 1981.

Take notice that November 13, 1981, Honeoye Storage Corporation (Applicant), P.O. Box 376, Honeoye, New York, 14471, filed in Docket No. CP82-78-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention and operation of existing facilities as an emergency interconnection between Applicant's existing underground gas storage system and New York State Electric and Gas Corporation's (NYSE&G) existing distribution system in Canandaigua, New York, all as more fully set forth in the application which is on file with the commission and open to public inspection.

Applicant proposes to retain and operate metering, regulating, and apurtenant facilities as an emergency interconnection between Applicant's system and NYSE&G's system. It is stated that such facilities are located between Applicant's existing 8-inch main transmission line and an existing NYSE&G distribution pipeline in the town of Canandaigua, New York, approximately 8½ miles northeast of the Honeoye gas field. Applicant explains that both NYSE&G and Applicant's New York distribution company storage customers may use the tie-in for gas transportation service to one another during periods of emergency. It is asserted that Applicant would be responsible for the maintenance and operation of the meter and regulating station and the emergency interconnection. Applicant submits that it would render emergency transportation service for its New York distribution company customers and NYSE&G pursuant to a transportation agreement dated April 2, 1980.

Applicant maintains that the maximum quantity of gas to be transported through the emergency tie-in would be equivalent to 500 Mcf per hour. It is explained that all emergency deliveries by Applicant would be conditioned upon Applicant's ability to comply with all provisions of its existing gas storage agreements with its customers.

Applicant submits that the cost of the measuring and regulating station is $14,065.

It is contended that approval of the instant application would improve the natural gas reliability in the areas immediately surrounding the Honeoye field.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules and practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be presented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35672 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-68-000]

Lone Star Gathering Co.; Application

December 9, 1981.

Take notice that on November 12, 1981, Lone Star Gathering Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-68-000 an application pursuant to section 7(c) or the Natural Gas Act as implemented by § 157.7(c) of the regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1982, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $100,000. Applicant proposes to finance the proposed facilities from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35673 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-84-000]

Panhandle Eastern Pipe Line Co.; Application

December 9, 1981.

Take notice that on November 18, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-84-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor and related facilities in Morton County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas purchase and sales agreement with Anadarko Production Company dated October 30, 1978, pursuant to which Applicant would attach 38 new nonassociated gas wells resulting in the attachment of some 19,600,000 Mcf of initial recoverable reserves to be produced from the Red Cave Reservior. In order to connect these new supplies of natural gas Applicant proposes the construction and operation of an additional 3,312 horsepower compressor at its Elkhart Compressor Station located in Morton County, Kansas. The Elkhart Compressor Station is currently equipped with 12,800 compressor horsepower.

Applicant estimates the cost of the proposed facilities to be $6,648,000 which would be financed from funds available to the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35674 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-83-000]

Panhandle Eastern Pipe Line Co.; Application

December 9, 1981.

Take notice that on November 18, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-83-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convience and necessity authorizing the construction and operation of certain pipeline, compressor, and related facilities in Baca County, Colorado, which would enable Applicant to connect new supplies of natural gas to its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas purchase and sales agreement with The Nueces Company (Nueces) dated August 20, 1979, as amended, it would purchase from Nueces approximately 8,000 Mcf of natural gas per day produced in Baca County, Colorado. Applicant asserts that its facilities in the Baca County gathering system are not designed to transport the total volumes of gas under the agreement. Therefore, Applicant proposes to construct and operate six miles of 10-inch pipeline and to add 305 horsepower compressor unit to its existing Midway Booster Station. Applicant asserts that the proposed facilities would increase its daily design volume capability of 5,200 Mcf per day through the existing Midway Booster Station to 8,200 Mcf per day.

Applicant states that the total cost of the proposed facilities is estimated to be $1,000,000. Such costs, it is asserted, would be financed from internally generated funds and short term bank borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commissioin's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35675 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP70-185-010]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition To Amend

December 9, 1981.

Take notice that on November 5, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70-185-010 a petition to amend further the order

issued June 22, 1970,[1] as amended, in the instant docket so as to authorize the construction and operation of an additional delivery point to Lowell Gas Company (Lowell) as well as the revision of natural gas service to Lowell, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that pursuant to the order issued June 22, 1970, in the instant docket Petitioner was authorized to provide natural gas service to Lowell under Petitioner's Rate Schedule CD–6 and a March 1, 1981, associated gas sales contract between Petitioner and Lowell which provides for the sale and delivery by Petitioner of a contracted demand volume of 34,680 Mcf of natural gas per day. Petitioner states that it presently delivers up to 34,680 Mcf of natural gas per day to Lowell at the Tewksbury delivery point and up to 12,000 Mcf of natural gas per day at the Wilmington delivery point.

Petitioner states that Lowell has requested that Petitioner construct and operate an additional delivery point on Petitioner's system in order to meet the requirements of Lowell's customers in the Dracut, Massachusetts, area and Petitioner specifically proposes to deliver up to 12,000 Mcf of gas per day to Lowell at the proposed Dracut delivery point. Petitioner asserts that Lowell recognizes that Lowell's total daily receipts from Petitioner at the three delivery points may not exceed its total daily CD–6 contracted demand volume of 34,680 Mcf of gas per day and that Lowell must stay within its annual volumetric limitation.

Petitioner further asserts that Lowell would assume responsibility for all capital costs in connection with the construction of the additional delivery point which would be owned by Lowell and operated by Petitioner for the measurement and delivery of gas to Lowell.

Petitioner, therefore, requests that the Commission further amend its order of June 22, 1970, in the instant docket as amended so as to authorize the construction and operation of the proposed additional delivery point on Petitioner's system in the Dracut, Massachusetts, area as well as the delivery of up to 12,000 Mcf of natural gas per day at such delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35676 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP82–89–000]

Western Gas Interstate Co.; Application

December 9, 1981

Take notice that on November 19, 1981, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP82–89–000 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing January 1, 1982, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed construction under § 157.7(c) would not exceed $100,000. Such cost, it is asserted, would be financed from funds on hand and with short-term borrowings from Applicant's parent, Southern Union Company.

Applicant further states that its existing budget authorization pursuant to § 157.7(c) expires on March 3, calendar-year basis, Applicant requests that the subject authorization commence January 1, 1982, instead of March 3, 1982. Applicant requests in the alternative an effective date of March 3, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise adivsed, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35677 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–120–000]

Alabama Power Co.; Filing

December 9, 1981.

The filing Company submits the following:

Take notice that Alabama Power Company (Alabama) on November 30, 1981, tendered for filing two Transmission Service Delivery Point Agreements specifying additional delivery points to be covered by the Agreement between Alabama and Alabama Electric Cooperative, Inc., (AEC) for Transmission Service to

Distribution Cooperative Members of AEC which was dated August 28, 1980 (Agreement). This Agreement has been designated Rate Schedule FERC No. 147 by the FERC. The purpose of these agreements is to provide for the commencing of transmission service at these locations under the Agreement. These delivery points were not included under the Agreement when it was initially filed with the Federal Energy Regulatory Commission on August 28, 1980, because the initial term of the service agreement for these delivery points had not been fulfilled under the terms of the wholesale tariff at that time. Service will commence under the Agreement for Pioneer Electric Cooperative's Georgiana Delivery Point on November 30, 1981. Likewise, service will commence for Baldwin County Electric Membership Corporation's Baldwin Tie Delivery Point on December 30, 1981. No additional facilities are to be installed by Alabama to effectuate the provision of service under this Agreement to these two delivery points.

Copies of the filing were served upon AEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35679 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4807-000]

American Hydroelectric Development Corp.; Application for Short-Form License (Minor)

December 10, 1981.

Take notice that American Hydroelectric Development Corporation (Applicant) filed on June 3, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as the Sly Park Project No. 4807. The project would be located on Sly Park Creek at the Bureau of Reclamation's Sly Park Dam in El Dorado County, California. Correspondence with the Applicant should be directed to: Mr. William A. Jennings, Director, American Hydroelectric Development Corporation, 100 Park Center Plaza, Suite 520, San Jose, California 95113.

Project Description—The proposed project would consist of: (1) A 36-inch diameter, 20-foot long steel penstock connected to the existing outlet pipe through Sly Park Dam; (2) a powerhouse containing a single generating unit rated at 650 kW; (3) a 36-inch diameter, 35-foot long steel tailrace conduit; and (4) associated electrical and transmission equipment.

Purpose of Project—The project would have an average annual generation of approximately 1,850 MWh and estimated construction costs of $1,068,000. Project power would be sold to the Pacific Gas and Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 9, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d)) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §§ 4.33(c) or 4.101 et seq. (1981).

Comments, Protests, or Petition To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35694 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5255-000]

Anvil Power, Inc.; Application for Preliminary Permit

December 7, 1981.

Take notice that Anvil Power, Inc. (Applicant) filed on August 19, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5255 to be known as the Clearwater Creek Hydropower Project located on Clearwater Creek near Deming in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. G. A. Jones, Anvil Power, Inc., 1675 W. Bakerview Road, Bellingham, Washington 98226.

Project Description—The project would consist of: (1) A 6-foot high, 100-foot long diversion structure; (2) a 3-mile long, 60-inch diameter pipeline; (3) a surgetank; (4) a 2,000-foot long, 36-inch diameter penstock; (5) a powerhouse with total installed capacity of 5,000 kW

and (6) a 5-mile long, 12-kV transmission line from the powerhouse to an existing Puget Power Company transmission line. The Applicant estimates that the average annual energy production would be 25 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis, and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—This application was filed as a competing application to Puget Sound Power & Light Company's application for Project No. 5150 filed on July 30, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35644 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP72-9-004]

Arkansas Louisiana Gas Co.; Petition To Amend

December 9, 1981.

Take notice that on November 5, 1981, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP72-9-004 [1] a petition pursuant to section 7 of the Natural Gas Act to amend the order issued March 26, 1976, in the instant docket so as to authorize the deletion of an exchange point under an agreement with Cities Service Gas Company (Cities) and to permit and approve the abandonment of certain facilities installed and operated by Applicant in connection with its receipt of gas at this point, all as more fully set forth in the application which is on file with Commission and open to public inspection.

Applicant states that by order dated November 1, 1971, as amended March 26, 1976, in the instant docket it was authorized to exchange gas with Cities at a number of exchange points including the McClain exchange point in McClain County, Oklahoma. Applicant further states that it installed and operated facilities to enable it to receive gas from Cities at the McClain exchange point under its budget certificate authorization in Docket CP76-29.

Applicant states that the return of gas by Cities to Applicant has worked out more efficiently for both parties at Jane, Missouri, than at the McClain exchange point. It is asserted that no gas has been delivered by Cities to Applicant at the McClain exchange point since November 1979. Applicant therefore proposes deletion of the McClain exchange point from its exchange agreement with Cities and requests permission and approval to abandon the facilities installed and operated by Applicant in connection with its receipt of gas at this point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35678 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-121-000]

Boston Edison Co.; Filing

December 9, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company (Boston) on December 1, 1981, tendered for filing a proposed initial rate schedule consisting of contracts for the sale of unit capacity on a short term basis to the Reading (Massachusetts) Municipal Light Department. The proposed effective dates of the contracts are August 14, 1981 and September 2, 1981. Boston therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served on the Reading Municipal Light Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35680 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-122-000]

Central Power & Light Co.; Filing

December 9, 1981.

The filing Company submits the following:

Take notice that on December 1, 1981, Central Power and Light Company (CP&L) tendered for filing an application for a rate change for service supplied under an Emergency Service Contract to the City of Robstown, Texas. In its filing, CP&L stated that the proposed rates are identical to those agreed to between CP&L and its other non-generating wholesale customers in a settlement reached in FERC Docket No. ER81-387-000.

CP&L requests an effective date of October 31, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35681 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-80-000]

Colorado Interstate Gas Co.; Application

December 9, 1981.

Take notice that on November 16, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP82-80-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain sales to Peoples Natural Gas Company (Peoples) under Applicant's Rate Schedules G-1 and PS-1 for service to the towns of Florence, Penrose and Portland, Colorado, and for a certificate of public convenience and necessity authorizing the initiation of sales to Greeley Gas Company (Greeley) for the continuation of service to said towns under the aforementioned tariffs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes administrative changes as necessary to transfer certain sales from Peoples to Greeley pursuant to an exchange agreement between Peoples and Greeley dated April 21, 1981. Applicant explains that under the agreement the distribution properties for service to Cortez, Dolores, Florence, Gunnison, Mancos, Penrose and Portland, Colorado, are to be transferred from Peoples to Greeley and the distribution properties for service to Worthington, Windom, Lakefield, and Mountain Lake, Minnesota, are to be transferred from Greeley to Peoples. Applicant's proposal involves only the transfer of properties serving Florence, Penrose and Portland, Colorado.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonement are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35682 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-82-000]

Columbia Gas Transmission Corp.; Application

December 10, 1981.

Take notice that on November 18, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP82-82-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 38 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

1. Columbia Gas of Kentucky, Inc., 1 tap for commercial service.	Estimated annual usage of 550 Mcf
2. Columbia Gas of Ohio, Inc., 24 taps for residential service.	Estimated annual usage of 3,600 Mcf.
3. Columbia Gas of Pennsylvania, Inc., 2 taps for residential service.	Estimated annual usage of 300 Mcf.
4. Columbia Gas of West Virginia, Inc., 10 taps for residential service.	Estimated annual usage of 1,500 Mcf.
5. Union Light, Heat & Power Co., 1 tap for residential service.	Estimated annual usage of 150 Mcf

It is estimated that the total cost of the interconnections proposed herein is $11,475 to be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35696 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-127-000]

Duke Power Co.; Filing

December 10, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on December 3, 1981 a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 144.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 4 from 3,800 KW to 4,200 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of February 17, 1982.

According to Duke Power copies of this filing were mailed to Laurens Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35698 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP68-179-001]

Florida Gas Transmission Co.; Petition To Amend

December 10, 1981.

Take notice that on November 12, 1981, Florida Gas Transmission Company (Petitioner), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP68-179-001 a petition to amend the order issued July 25, 1973,[1] in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize a limited restructuring and modification of Petitioner's currently-effective tariff to facilitate and encourage high-priority growth on Petitioner's system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner proposes to lift those restrictions in its FERC Gas Tariff, Original Volume No. 1 which limit growth in Priorities 1 through 4 of its curtailment plan. Furthermore Petitioner explains that volumetric entitlements attributable to uses classified in Priorities 5 through 9 of the curtailment plan would be set and would be frozen at their current requirements as reflected in the end use data for the twelve-month period ending June 30, 1980, pursuant to FERC Opinion Nos. 98 and 98-A in Priorities 1 through 4 from that customer's total volumetric entitlement. Petitioner states that resale and direct sale customers would be treated identically.

It is stated that the existing volumetric entitlements structure on Petitioner's system was authorized by Commission order issued July 25, 1973. Petitioner submits that the restrictions set forth in the July 25, 1973, order are outdated. Petitioner asserts that unless the limitations imposed in the order are restructured or modified many of Petitioner's customers would no longer be able to serve their markets. Petitioner explains that the pressure on many of its customers to attach high-priority loads has been substantial.

Petitioner states that revision of its volumetric entitlements is also necessary because of price deregulation for most classifications of natural gas that would occur in 1985 under the Natural Gas Policy Act of 1978 and the termination of Petitioner's and Amoco Production Company's warranty contract shortly thereafter. Petitioner avers that because of Florida's climate and the large percentage of Petitioner's market which consists of sales to power companies in direct competition with other fuels it faces unique marketing problems. Petitioner asserts that this competition has caused Petitioner to structure its rates in a way that did not fully compensate Petitioner for its actual cost-of-service. Petitioner submits that beginning in 1985 even if it can theoretically acquire sufficient volumes to serve all of the requirements on its system those acquisitions would be at prices far above Petitoner's current cost of gas. It is explained that based on current pruchase gas cost estimates it is probable that after 1985 Petitioner would no longer be able to compete effectively for those markets that can use No. 6 fuel oil as alternate to natural gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 7, 1982, file with the Federal Energy Regulatory Commission,

Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirments of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35699 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-85-000]

Great Lakes Gas Transmission Co.; Application

December 9, 1981.

Take notice that on November 18, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP82-85-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 30.8 miles of 36-inch pipeline loop, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate in Minnesota and Wisconsin 30.8 miles of 36-inch pipeline loop which would be added parallel to Applicant's existing pipeline system. Applicant asserts that the pipeline loop would be constructed in two segments. One segment would consist of 12.7 miles and would be constructed between Applicant's existing compressor station Nos. 4 and 5 at Deer River and Cloquet, Minnesota, respectively. Applicant submits that the other segment would be 18.1 miles long and would extend between Applicant's existing compressor station Nos. 6 and 7 at Iron River, Wisconsin, and Wakefield, Michigan, respectively.

Applicant avers that the total cost of the proposed loops is estimated to be $25,926,000 which would be financed with internally generated funds and borrowings from banks.

It is maintained that both of the proposed loops would complete valve sections which would provide added security and additional capability on Applicant's pipeline system. Furthermore, Applicant submits that approval of the instant application would result in substantial fuel savings which would accrue to the benefit of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35683 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-5-000]

Houston Pipe Line Co.; Application for Adjustment

December 10, 1981.

On November 24, 1981, Houston Pipe Line Company (Houston) filed with the Federal Energy Regulatory Commission an Application for Adjustment under section 502(c) of the Natural Gas Policy Act, wherein Houston sought relief from the Commission's Regulations governing transportation by intrastate pipelines as set forth in 18 CFR 284.123(b)(1)(ii). Houston seeks such adjustment to permit Houston to elect, pursuant to § 284.123(b)(1)(ii) of the Commission's regulations, to use an existing rate for intrastate storage service, other than a city-gate rate, for storage service rendered to El Paso Natural Gas Company under section 311(a)(2) of the NGPA. Houston's application is on file with the Commission and is available for public inspection.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of practice and procedure, Order No. 24 issued March 22, 1979, as amended by Order 24-B issued March 24, 1980.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before December 29, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35700 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3401-002]

Hydro-Nelson Ltd.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 9, 1981.

Take notice that on June 11, 1981, Hydro-Nelson Ltd. (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3401) would be located on the Rockfish River, near Schuyler, in Nelson County, Virginia. Correspondence with the Applicant should be directed to: Mr. John K. Pollock, General Manager, Box 413, Afton, Virginia 22920.

Project Description—The proposed project would consist of: (1) An existing concrete gravity dam approximately 150 feet long and 35 feet high; (2) an existing reservoir having a surface area of 18 acres at an elevation of 390 feet m.s.l. and a storage capacity of approximately 64 acre-feet; (3) a proposed powerhouse containing two generators with a total capacity of 750 kW; (4) existing 2.5-kV transmission lines adjacent to the dam; and (5) appurtenant facilities. The project is not located on Federal lands.

The proposed project would be operated on a run-of-river basis.

Purpose of Project—All energy generated would be used by the Applicant for sale to the Appalachian Power Company. The average annual energy generation is estimated to be 3.3 GWh.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State of Virginia, Commission of Game & Inland Fisheries, P.O. Box 11104, 4010 W. Broad Street, Richmond, Virginia 23230, are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Rgulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35648 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5388-000]

Jackson Valley Irrigation District; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 10, 1981.

Take notice that on September 18, 1981, Jackson Valley Irrigation District (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5388 would be located on Jackson Creek in Amador County near Ione, California. Correspondence with the Applicant should be directed to: Mr. Henry Willy, Secretary-Manager, Jackson Valley Irrigation District, 5751 Ione-Buena Vista Road, Ione, California 95640.

Project Description—The proposed project would consist of: (1) A 30-inch diameter pipe connecting an existing outlet of the existing 168-foot high and 1,000-foot long Jackson Creek Dam and Lake Amador owned by the Applicant; (2) a powerhouse with a total installed capacity of 500 kW; and (3) a 230-foot long, 12-kV transmission line interconnecting with an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 1.75 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 22, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license appliaction no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comment, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35701 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-125-000]

Kansas Power & Light Co.; Filing

December 10, 1981.

The filing Company submits the following:

Take notice that the Kansas Power and Light Company (KP&L) on December 2, 1981, tendered for filing proposed changes in its Federal Energy Regulatory Commission Electric Service Tariff No. 12

Addendum No. 1 to Participation Power Service Schedule provides for a change in the method of scheduling future power needs which no longer limit but continue to move forward as the requirements for additional energy move forward.

KP&L requests an effective date of October 14, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35702 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-126-000]

Kansas Power & Light Co.; Filing

December 10, 1981.

The filing Company submits the following:

Take notice that the Kansas Power and Light Company (KP&L) tendered for filing on December 2, 1981, proposed changes in its Federal Energy Regulatory Commission Electric Service Tariff No. 83.

The filing of Supplement 1, Electric Interchange Agreement provides for the installation by the KP&L of 345 Kv substation facilities which will provide a connection to Kansas City Power and Light Company's 345 KV Transmission Line extending between its Iatan generating plant and its Craig Substation. The installation of the substation is to be completed on or before June 1, 1983.

KP&L requests an effective date of October 14, 1981.

Copies of the filing were served upon Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35703 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4608-001]

Richard Kaster; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 9, 1981.

Take notice that on October 13, 1981, Richard Kaster (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4608) would be located on the Applicant's fish hatchery site on Box Canyon Springs, in Twin Falls County near Buhl, Idaho. Correspondence with the Applicant should be directed to: Vernon Ravenscroft/Helen Chenoweth, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The project would consist of: (1) An existing diversion structure on Box Canyon Springs; (2) an existing flume; (3) an existing pipeline (directing water to Box Canyon Fish Hatchery); (4) two 25 to 30-foot long penstocks to be located at each end of the fish hatchery; and (5) two powerhouses with a total installed capacity of 316 kW.

Purpose of Project—The power generated by the project would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and

conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or anotice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 25, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35849 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4052-002]

John H. Koyle; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 10, 1981.

Take notice that on October 22, 1981, John H. Koyle (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4052 would be located on the Big Wood River, near the town of Gooding, in Gooding County, Idaho. Correspondence with the Applicant should be directed to: John H. Koyle, Route #2, Gooding, Idaho 83330.

Project Description—The proposed project would consist of: (1) An 8-foot high rock-rubble diversion structure; (2) a canal, (3) headworks; (4) six 265-foot long, 30 inch diameter penstocks; (5) a powerhouse containing six generating units, each rated at 150 kW; and (6) a 1-mile long transmission line. The average annual energy generation is estimated to be 6.7 million kWh.

Purpose of Project—The power output from the project would be sold to the Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35704 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-69-000]

Lone Star Gas Co., Division of Enserch Corp.; Application

December 9, 1981.

Take notice that on November 12, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-69-000 an application pursuant to section 7(c) of the Natural Gas Act as implemented by section 157.7(c) of the regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1982, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in transportation sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000 which costs would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35685 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-71-000]

Lone Star Gas Co., Division of Enserch Corp.; Application

December 9, 1981.

Take notice that on November 12, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-71-000 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the calendar year 1982 and for operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $1,300,000 and the cost for any single project would not exceed $325,000. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35684 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-55-000]

Michigan Wisconsin Pipe Line Co.; Application

December 9, 1981.

Take notice that on November 4, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82-55-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of measuring stations and appurtenant facilities in order to establish new delivery points to Fountaintown Gas Company, Inc. (Fountaintown) at Sulphur Springs and Marietta, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that its customer, Fountaintown, has acquired franchise rights to provide natural gas service to the towns of Sulphur Springs and Marietta, Indiana. Applicant states that Fountaintown has requested that Applicant establish new delivery points pursuant to a service agreement dated January 26, 1981, at Sulphur Springs and Marietta. Therefore, Applicant proposes to construct and operate measuring stations and appurtentant facilities in order to establish new delivery points at Sulphur Springs and Marietta. Applicant states that the proposed service would be within Fountaintown's currently effective peak day and annual entitlements pursuant to Applicant's Rate Schedule SGS-1.

Applicant states that the total cost of the proposed facilities would not exceed $94,290. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35688 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-60-000]

Michigan Wisconsin Pipe Line Co.; Application

December 9, 1981.

Take notice that on November 5, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82-60-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that approximately 50,000,000 Mcf of proven and potential gas reserves have been developed in Vermilion Area Block 380, offshore Louisiana, which have been committed to Natural pursuant to a gas purchase agreement between Natural and Texaco, Inc.

Applicant proposes pursuant to a transportation agreement dated July 30, 1981, to take receipt of up to 40,000 Mcf of natural gas per day at the southwestern terminus of Applicant's existing offshore transmission system in Vermilion Area Block 397 and to transport and redeliver equivalent volumes at an interconnection which Applicant proposes to construct in Beaver County, Oklahoma.

It is stated that the proposed transportation service is for a term of 15 years commencing with the date of initial deliveries. Applicant asserts it would assess Natural a monthly charge of $10.35 per Mcf of contract demand and would retain 1.5 percent of the volumes received for compressor fuel use.

The new interconnection proposed herein would cost an estimated $630,090 which would be financed with funds on hand. It is explained that in order to effectuate receipt of the Block 380 reserves Natural would construct and operate approximately 2.6 miles of 12¾-inch O.D. pipeline connecting the production platform in Block 380 to the southwesterly terminus of Applicant's existing offshore transmission system in Vermilion Area Block 397.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35687 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-90-000]

Michigan Wisconsin Pipe Line Co. and Panhandle Eastern Pipe Line Co.; Application

December 10, 1981.

Take notice that on November 28, 1981, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-90-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Mich Wis and Panhandle each owns and operates pipeline and related facilities in central Wyoming which are utilized to transport gas supplies from various production sources to the transmission system of Colorado Interstate Gas Company (CIG). Applicants propose pursuant to a gas exchange agreement dated June 24, 1981, to exchange natural gas from various sources within an area of interest defined as the counties of Fremont, Natrona and Sweetwater, Wyoming.

It is submitted that initially Mich Wis would gather, deliver and exchange gas for Panhandle from the Monsanto No. 1-28 Well, the Lysite No. 1-11 Well, the Long Butte No. 3 Well, the Long Butte No. 4 Well and the Lysite No. 1-12 Well all in Fremont County, Wyoming, and deliver the subject gas for the account of Panhandle to an existing point of interconnection with CIG located in Fremont County, Wyoming.

Applicants further propose to add wells in the area of interest and to add balancing points from time to time to provide for other mutually agreeable points of exchange. It is asserted that the balancing points which may be added are existing points of interconnection between the pipeline systems of Panhandle and CIG located in Adams County, Colorado, and Sweetwater County, Wyoming. Applicants state they would file with the Commission on or before January 31 of each year appropriate revisions to the gas exchange agreement to show the addition of new wells or the deletion of wells and the addition or deletion of balancing points.

It is explained that the arrangement described above would avoid the duplication of facilities and would result in a reduced cost of bringing gas supplies to market.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35705 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5629-000]

Modesto Irrigation District; Application for Preliminary Permit

December 7, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on November 9, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5629 to be known as the Rock Creek Power Project located on Rock Creek within the Sierra National Forest in Madera County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A 4-foot high, 60-foot long diversion structure; (2) a 30-inch diameter, 1,486-foot long conduit; (3) a 30-inch diameter, 1,323-foot long penstock; (4) a powerhouse containing one or more generating units with a total rated capacity of 1,390 kW; and (5) a 1.1-mile long transmission line connecting the powerhouse to the existing Southern California Edison Company lines. Applicant estimates that the average annual energy production would be 3.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to Messrs. T. Owens, F. Castagna and R. Bean's application for Project No. 5534 filed on October 20, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit

comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rule of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35650 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5446-000]

Modesto Irrigation District; Application for Preliminary Permit

December 10, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on October 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5446 to be known as the Kaiser Creek Project located on Kaiser and Westfall Creeks in Fresno County, California. The project would lie within Stanislaus National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A 115-foot high rock fill dam with concrete face and 2,700 acre-foot capacity reservoir; (2) a concrete diversion dam 10 feet high with negligible capacity; (3) pipeline 14,500 and 2,300 feet long; (4) a powerhouse containing two 4.3 MW capacity turbine generators with annual output of 31.6 GWh; (5) transmission line 11.4 miles long; and (6) appurtenant facilities. Generated power will be used by the Applicant to meet present and anticipated loads within its system and any surplus sold or exchanged.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $200,000.

Competing Applications—This application was filed as a competing application to Hydroelectric Power Engineers' application for Project No. 3539 filed on September 14, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35706 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5426-000]

State of Montana Department of Natural Resources and Conservation; Application for Preliminary Permit

December 9, 1981.

Take notice that the State of Montana Department of Natural Resources and Conservation (Applicant) filed on September 29, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5426 to be known as the Tongue River Hydroelectric Project located on the Tongue River in Big Horn County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator Water Resources Division, Montana Department of Natural Resources, 32 South Ewing, Helena, Montana.

Project Description—The proposed Project No. 5426 would consist of: (1) The existing Tongue River Dam and Reservoir; (2) a proposed hydroelectric generating facility with an estimated installed capacity of up to 2.6 MW and an estimated average annual generation of up to 10.2 GWh; (3) a proposed transmission line to the nearest existing

major transmission line; and (4) appurtenant facilities. The sale of the power from the proposed project would be negotiated with public and private utilities and Federal power marketing agencies.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issurance of a preliminary permit for 36 months, during which time detailed studies, investigations, tests, surveys and power sales negotiations would be conducted to determine the feasibility of the project. The Applicant estimates the cost of project studies to be $100,000.

Competing Applications—This Application was filed as a competing application to the Tongue River Dam Water Project No. 4543 filed on April 17, 1981, by the City of Kalispell, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35656 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5420-000]

State of Montana Department of Natural Resources and Conservation; Application for Preliminary Permit

December 10, 1981.

Take notice that the State of Montana Department of Natural Resources and Conservation (Applicant) filed on September 28, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5420 to be known as the Ruby River Hydroelectric Project located on the Ruby River in Madison County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—The proposed Project No. 5420 would consist of: (1) The existing Ruby Dam and Reservoir; (2) the existing Ruby Dam outlet conduit which would be modified to serve as a penstock; (3) a proposed hydroelectric power generating facility with an estimated installed capacity of 3.7 MW and an estimated average annual generation of 13.6 GWh; (4) a proposed transmission line to connect with the nearest existing major transmission line; and (5) appurtenant facilities. The sale of the power from the proposed project would be negotiated with public and private utilities and Federal power marketing agencies.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for 36 months, during which time detailed studies, investigations, tests, surveys and power sales negotiations would be conducted to determine the feasibility of the project. The Applicant estimates the cost of the project studies to be $100,000.

Competing Applications—This application was filed as a competing application to the City of Kalispell's application for Project No. 4487 filed on April 6, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35697 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-79-000]

Mountain Fuel Supply Co.; Application

December 9, 1981.

Take notice that on November 13, 1981, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No CP82-79-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of one existing four-inch tap and appurtenant facilities as a main line distribution sales tap, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to utilize one existing four-inch tap and appurtenances including regulation and metering facilities located on Applicant's Main Line No. 36 in Unita County, Wyoming, as a distribution sales tap initially for the purpose of selling natural gas to Amoco Production Company (USA) (Amoco) for use as space heating and as start-up fuel at its Whitney Canyon Gas Sweeting Plant. Applicant states that such natural gas distribution service would be provided to Amoco on a best-efforts temporary basis under Applicant's Rate Schedule T-1. It is stated that the volumes to be supplied to Amoco by Applicant do not constitute an expansion of service.

Applicant estimates that Amoco's total plant heating and start-up usage would be 200,000 Mcf for a period of approximately seventeen months (December 1981 through April 1983). Applicant further states that its maximum daily delivery requirements for heating during completion of the Whitney Canyon Plant for the winters of 1981-1982 and 1982-1983 would be 500 Mcf and that the maximum daily delivery requirements for plant start-up commencing in approximately August 1982 and extending through approximately April 1983 would be 7,000 Mcf.

It is asserted that Amoco originally planned to use Thaynes Formation gas from a well located near the plant site for heating fuel this winter but that well began producing sour gas thus preventing its use. No well in the vicinity of the plant site is capable of supplying sweet gas for Amoco's use. It is further asserted that a significant delay in securing a reliable source of heating fuel could result in a shutdown of construction at the plant until next spring.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35688 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-62-000]

Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin); Application

December 10, 1981.

Take notice that on November 6, 1981, Northern States Power Company, a Minnesota corporation (NSP-Minn), 414 Nicollet Mall Minneapolis, Minnesota 55401, and Northern States Power Company, a Wisconsin corporation (NSP-Wis), 100 North Barstow Street, Eau Claire, Wisconsin 54701, filed in Docket No. CP82-62-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for reslae of natural gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's rules of practice and procedure (18 CFR 1.41) for a permanent exemption from the filing requirements of § 281.204 of the Commission's regulations and for an adjustment exempting the purchased gas costs associated with the volumes of gas which Applicants propose to sell to Tennessee from the applicability of the incremental pricing regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell up to 15,000 Mcf of natural gas per day to Tennessee pursuant to a gas sales agreement between the parties dated October 27, 1981. It is submitted that the proposed sale would commence on the date which is agreeable to Applicants, Tennessee, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), the interstate pipeline company which would transport the gas to Tennessee. The initial term of the proposed sale would extend to October 31, 1989, or any date thereafter selected by Applicants or Tennessee in a written notice given at least 12 months in advance of such date by either Applicants or Tennessee to the other, it is explained. Applicants, it is stated, may sell in excess of 15,000 Mcf of natural gas per day to Tennessee if Applicants in their sole judgment determine that they could make additional volumes available. Applicants assert that Tennessee is obligated to purchase on each day the lesser of 11,250 Mcf or the volume which equals the volume of gas required to satisfy the requirements of Applicants' retail customers in the areas served by Applicants from Midwestern Gas Transmission Company's (Midwestern) northern system. It is submitted that on an annual basis Tennessee is obligated to purchase a minimum of 4,106,250 Mcf of natural gas from Applicants.

Tennessee, it is explained, would pay Applicants for the natural gas purchased the sum of

(a) The sum of the monthly charges excluding the demand charged which Applicants pay Midwestern pursuant to section 3.2 of Midwestern's Rate Schedule CRL-2 for the volumes

purchased by Applicants for resale to Tennessee; plus

(b) 1.0 cent for each Mcf sold to Tennessee; plus

(c) Any incremental pricing surcharge required to be imposed.

Applicants state that Midwestern would deliver the gas volumes to Northern at the interconnections of Midwestern's and Northern's facilities near North Branch and/or Cambridge, Minnesota. Northern would then deliver the volumes to Tennessee by an exchange of gas pursuant to an exchange agreement between the parties, it is asserted.

Applicants maintain that if either Midwestern or Northern is unable to satisfy its contract obligations to Applicants, Applicants may curtail sales to Tennessee by an equivalent volume prior to curtailing sales to their retail customers. It is explained that this procedure would give highest priority to Applicant's retail customers.

Applicants state that the proposed sale to Tennessee is part of an overall effort by Applicants to reduce the cost of purchased gas for their retail customers. It is asserted that this reduction would be accomplished by substituting lower-cost volumes purchased from Northern for the higher-cost volumes purchased from Midwestern. Applicants submit that to implement this program of substitution, it is necessary that Midwestern assist Applicants by transporting and delivering the volumes to be purchased from Northern. Applicants aver that Midwestern is willing to provide the transportation service only under certain conditions one of which is the Applicants sell off on a daily basis a volume of gas purchased from Midwestern equal to the daily volumes of gas purchased from Northern and transported by Midwestern for resale to Applicants' Midwestern-supplied customers. Applicants maintain that the proposed sald of natural gas to Tennessee would satify this condition.

Applicants also request a permanent exemption from the filing requirements of § 281.204 of the Commission's regulations. It is stated that § 281.204 requires each interstate pipeline listed in § 281.202 to file tariff sheets which provide that if the interstate pipeline is in curtailment natural gas would be delivered in accordance with the provisions of the permanent curtailment rule adopted by the Commission to implement section 401 of the NGPA. Applicants explain that although they are not interstate pipelines listed in § 281.202 they are concerned that if the Commission approves the proposed sale to Tennessee it may find Applicants to be interstate pipelines subject to the filing requirements of § 281.204. Applicants submit that they are primarily natural gas distribution companies engaged in the business of selling gas at retail. Applicants assert thay they have proposed the jurisdictional act of selling gas to Tennessee only for the purpose of satisfying one of the conditions imposed by Midwestern in order to obtain the transportation service which Midwestern must provide to enable Applicants to carry out their proposal to reduce the purchased gas cost for their customers. Therefore, Applicants submit that they are not interstate pipelines as a result of the sale to Tennessee.

If the Commission concludes that Applicants should be treated as interstate pipelines, they request that an exemption from the requirements of § 281.204 be granted. Applicants explain that under the gas sales agreement between Applicants and Tennessee should either Midwestern or Northern be unable to satisfy its volumetric contract obligation to Applicants Applicants would curtail or interrupt deliveries to Tennessee prior to curtailing deliveries to their retail customers. It is averred that each of the Applicants has filed a curtailment plan with the state commission which has jurisdiction over its retail gas business. Applicants state that if the volumes available from their suppliers are curtailed to the point that all of the curtailment cannot be implemented by reducing sales to Tennessee Applicants would simply curtail sales in accordance with their currently effective state curtailment plans. Applicants contend that since there would be only one jurisdictional customer whose purchases are subject to curtailment there would be no need to establish a plan to allocate a supply shortage among numerous jurisdictional customers.

Furthermore, Applicants request an adjustment permanently to exempt the purchased gas costs associated with the volumes of gas which Applicants propose to sell to Tennessee from the applicability of the Commission's incremental pricing regulations in 18 CFR Part 282. It is explained that by order issued March 24, 1980, in Docket No. SA80–11 Midwestern's northern system was exempt from incremental pricing under Title II of the NGPA for purposes of service to general system customers. Applicants submit that this determination also applies to them with respect to their proposed sale to Tennessee as the volumes which Applicants propose to sell to Tennessee are imported volumes purchased from Midwestern which are not subject to incremental pricing. Applicants assert that the incremental pricing regulations require the establishment of an incremental gas cost adjustments account and two other accounts for unrecovered gas costs and surcharges. Under the circumstances of Applicants' sale to Tennessee, it is stated that Applicants would incur no gas acquisition costs subject to incremental pricing. Applicants maintain that the monthly entries to these various accounts would be zero. Applicants contend therefore that maintenance of the accounts by Applicants in connection with their sales to Tennessee would be a meaningless exercise.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Enrergy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35707 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82-73-000]

Northwest Pipeline Corp.; Application

December 7, 1981.

Take notice that on November 12, 1981, Northwest Pipeline Corporation (Applicant), 315 East 200 South, Salt Lake City, Utah 84111, filed in Docket No. CP82-73-000 an application pursuant to section 3 of the Natural Gas Act for authorization to continue the importation of natural gas from Canada at the Kingsgate, British Columbia, import point through October 31, 1987, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the importation of natural gas is accomplished through the delivery of natural gas at Kingsgate, British Columbia, by Alberta Natural Gas Company for the account of Westcoast Transmission Company Limited (Westcoast) directly into the facilities of Pacific Gas Transmission Company (PGT) for the account of Applicant pursuant to the September 23, 1960, agreement between Applicant and Westcoast. Applicant explains that the gas so delivered to PGT is thereafter transported and delivered to Applicant at a delivery point in the vicinity of Spokane, Washington, with subsidiary delivery points located along PGT's transmission system in the states of Idaho, Washington, and Oregon. Applicant asserts that the September 23, 1960, agreement terminates December 31, 1981, and that the export license, GL-4, issued by the National Energy Board of Canada (NEB) also terminates on December 31, 1981.

It is stated that Applicant and Westcoast by an agreement dated July 6, 1979, amended the September 23, 1960, agreement to extend the term thereof through October 31, 1989, and thereafter subject to Westcoast's having an available supply of natural gas and the necessary authorization to sell and export such gas at the Kingsgate import point.

Applicant states that upon application by Westcoast to the NEB for authority to extend Export License GL-4 the NEB extended the license but limited such authorization as follows:

(a) For the period December 10, 1981, through October 31, 1982, 152,000 Mcf per day and 46,000,000 Mcf annually;

(b) For the period November 1, 1982, through October 31, 1984, 152,000 Mcf per day and 51,000,000 Mcf annually;

(c) For the period November 1, 1984, through October 31, 1985, 116,000 Mcf per day and 38,000,000 Mcf annually;

(d) For the period November 1, 1985, through October 31, 1986, 76,000 Mcf per day and 26,000,000 Mcf annually;

(e) For the period November 1, 1986, through October 31, 1987, 38,000 Mcf per day and 13,000,000 Mcf annually;

(f) A total export volume of 1.24 billion Mcf over the term of the export license.

Applicant requests authority to extend its importation of natural gas at the Kingsgate import point in a manner consistent with the GL-4 export license extension already authorized by Canada.

Applicant submits that unless it is authorized to continue the importation requested herein it would be unable to continue to serve the requirements of its northern system customers at the same level as those requirements are being served today.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35651 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5530-000]

Commonwealth of Pennsylvania; Application for Preliminary Permit

December 7, 1981.

Take notice that The Commonwealth of Pennsylvania (Applicant) filed on October 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5530 to be known as the George B. Stevenson Dam Project located on The First Fork Sinnemahoning Creek in Potter and Cameron Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Peter S. Duncan, Deputy Secretary for Resources Management, P.O. Box 1467, 3rd and Reilly Sts., Harrisburg, Pennsylvania 17120.

Project Description—The project would consist of: (1) The existing George B. Stevenson Dam owned by the Applicant, a rolled earthfill embankment with a maximum height of 166 feet above streambed elevation and an embankment length of 1,665 feet. (2) The existing reservoir having a storage capacity of 2,000 acre-feet at a normal water surface elevation of 920 feet m.s.l. (3) A proposed powerhouse to be constructed at the downstream terminus of a modified existing outlet tunnel with appurtenant facilities and having an installed generating capacity of approximately 0.5 MW. The Applicant estimates annual energy production to be 4,600 MW-hours. Project energy would be used by facilities within Sinnemahoning State Park, or sold to a public institution, industrial users or a public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which the Applicant would perform a study to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Competing Applications—This application was filed as a competing application to the George B. Stevenson Dam Project No. 4618 filed on May 4, 1981, by United American Hydropower Group, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before January 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35646 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5553-000]

Commonwealth of Pennsylvania; Application for Preliminary Permit

December 7, 1981.

Take notice that the Commonwealth of Pennsylvania (Applicant) filed on October 21, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5553 to be known as the Pymatuning Dam Hydropower Project located on the Shenango River in West Shanango Township, Crawford County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Timothy Weston, Associate Deputy Secretary for Resources Management, P.O. Box 1467, 3rd & Riley Sts., Harrisburg, Pennsylvania 17120.

Project Description—The proposed project would consist of: (1) The existing Pymatuning Dam, an earth-filled embankment with a height of 50 feet and a length of 1,500 feet; (2) a reservoir having a surface area of approximately 14,528 acres and a storage capacity of 188,000 acre-feet at normal pool elevation of 1,008 feet m.s.l.; (3) the outlet structure would be modified in such a manner that the existing outlet conduit could be used as a power conduit; (4) a proposed powerhouse having as installed generating capacity of approximately 350 kW to be constructed at the downstream terminus of the modified outlet tunnel; and (5) appurtenant facilities. The Applicant estimates the annual energy production to be 3,000,000 kW-hrs. The Dam is owned and operated by the Commonwealth of Pennsylvania. The project energy would be used by facilities within Pymatuning State Park, or for sale to public institutions, electric cooperatives, or a public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of three years, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates cost of the studies under the permit would be $50,000.

Competing Applications—This application was filed as a competing application to the Pymatuning Dam Project No. 4672 filed on May 15, 1981, by United American Hydropower Group, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applicatons will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rule of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35647 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5315-000]

Phoenix Hydro Corp.; Application for Preliminary Permit

December 7, 1981.

Take notice that Phoenix Hydro Corporation (Applicant) filed on September 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5315 to be known as the Phoenix Project located on the Oswego River in Oswego and Onondaga Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary R. Schoonmaker, President, The Phoenix Hydro Corporation, 2701 Howlett Hill Road, Marcellus, New York 13108.

Project Description—The proposed project would consist of: (1) The existing 771-foot long Oswego River Lock and Dam No. 1; (2) the existing reservoir with an approximate surface area of 75 acres at a normal pool elevation of 363.0 feet (USGS datum); (3) the existing control gates; (4) the existing power canal; (5) a proposed powerhouse with new generating facilities having an installed capacity of 6,400 kW; and (6) appurtenant works. The Oswego River Lock and Dam No. 1 are owned by the New York State Department of Transportation. The Applicant estimates that the average annual energy output would be 25,283,000. Project energy generated would be sold to a local public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $65,000.

Competing Applications—This application was filed as a competing application to the Long Lake Energy Corporation's application for Project No. 4113 filed on February 5, 1981, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before January 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35982 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4440-000]

Rockfish Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 9, 1981.

Take notice that on March 30, 1981, Rockfish Corporation (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4440) would be located on the Rockfish River, near Schuyler, in Nelson County, Virginia. Correspondence with the Applicant should be directed to: Carol C. Pollock, President. Box 413, Afton, Virginia 22920.

Project Description—The proposed project would consist of: (1) An existing downstream step dam, of rock masonry construction, approximately 250 feet long and 18 feet high; (2) a canal at an elevation 93.32 feet m.s.l. with a tailrace and headgates; (3) an existing powerhouse containing two generators with a total capacity of 400 kW; (4) existing transmission lines; and (5) appurtenant facilities. The project is not located on Federal lands. The proposed project would be operated on a run-of-river basis.

Purpose of Project—All energy generated would be used by the Applicant for sale to the Appalachian Power Company. The average annual energy generation is estimated to be 1.75 GWh.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State of Virginia Commission of Game & Inland Fisheries, P.O. Box 11104, 4010 W. Broad Street, Richmond, Virginia 23230 are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of it rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35653 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3193-001]

City of Santa Clara, California; Application for Major License

December 10, 1981.

Take notice than on October 30, 1981, the City of Santa Clara, California (Applicant) filed an application for license with the Federal Emergy Regulatory Commission (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction, operation and maintenance of the Stony Gorge Hydroelectric Project, FERC No. 3193, to be located at the existing outlet of the United States Bureau of Reclamation's Stony Gorge Dam on Stony Creek in Glenn County, California. Correspondence concerning the application should be sent to: Mr. Barry R. Flynn, Director of Electric Utility, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050.

Project Description—The proposed project would involve modification of the existing Stony Gorge Dam Outlet works by removing and reinstalling the existing needle valves at the end of two new 50-inch diameter Y-branched penstock extensions. The new penstock extensions would each be 48 feet long and the penstock branches leading to a proposed powerhouse would each be approximately 100 feet long. In summary the proposed project would consist of: (1) Two 50-inch diameter Y-branched penstocks; (2) a powerhouse containing two generating units with a combined rated capacity of 3,900 kW; and (3) appurtenant facilities.

Applicant estimates the total cost of the project at $11.1 million. Project power would be used in the Applicant's municipal utility system to reduce energy purchases.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 16, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35695 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2144-001]

City of Seattle, Washington, City Light Department; Application for Amendment of License

December 9, 1981.

Take notice that on October 19, 1981, the City of Seattle, Washington, City Light Department (Licensee/Applicant) filed an application for amendment of its license for the existing Boundary Project No. 2144, located on the Pend Oreille River, near the town of Metaline Falls in Pend Oreille County, Washington. Correspondence with the Applicant should be directed to: Mr. Joseph P. Recchi, Superintendent, City Light Department, City of Seattle, 1015 Third Avenue, Seattle, Washington 98104.

Licensee seeks authorization to construct, operate and maintain: (1) Two generating units, with a rated capacity of 196 MW each, at the existing penstock stubouts within the project's existing underground powerhouse; (2) two 3,000-foot long, 230-kV transmission lines connecting the new generating units with the existing Bonneville Power Administration's switching station southwest of the powerhouse; and (3) appurtenant facilities.

The estimated annual generated energy of 510 million kWh by the proposed units would be used by the Licensee to serve its customers. The Licensee estimates the cost of the proposed action at $384 million (1981 Dollars).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before January 25, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35645 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5612-000]

The Town of Skykomish, Wash; Application for Preliminary Permit

December 10, 1981.

Take notice that the Town of Skykomish (Applicant) filed on November 5, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5612 to be known as West Cady Creek Hydropower Project located on West Cady Creek tributary of North Fork of Skykomish River in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288.

Project Description—The proposed project would consist of: (1) A 60-foot long, 5-foot high diversion structure on West Cady Creek; (2) a 3.3-mile long diversion conduit; (3) a 4,000-foot long, 54-inch diameter penstock; (4) a powerhouse with a total installed capacity of 9,800 kW and (5) a 1-mile long, 69-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 60 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct the technical, environmental, and economic studies, and also prepare and FERC license application. The Applicant estimates that the cost of undertaking these studies would be $160,000.

Competing Applications—This application was filed as a competing application to Western Power Incorporated's application for Project No. 5338 filed on September 8, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before January 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35710 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2780-003]

Solano Irrigation District; Application for Amendment of License

December 7, 1981.

Take notice that on October 15, 1981, Solano Irrigation District (SID) filed an application to amend its license for the Monticello Power Plant Project No. 2780, located on Putah Creek in Solano County, California. Correspondence with SID should be directed to: Mr. W. Morris Dally, President, Solano Irrigation District, 508 Elmira Road, Vacaville, California 95688. SID requests authorization to increase the installed capacity of the project to 11.5 MW by installing a 1.5-MW generating unit in the project powerhouse. The addition of the third unit is requested so that the project would be able to generate energy by using the peak discharge from Monticello Dam which is now beyond the capabilities of the two 5-MW licensed units. The third unit would also generate energy during winter months when the discharge from Monticello Dam is below the capability of the two licensed units. SID also requests that its license be amended to delete the 1.4-mile long, 115-kV transmission line from the project works, which was originally proposed to be part of the project. SID states that Pacific Gas and Electric Company is in the process of preparing an FERC license application for construction, operation, and maintenance of the transmission line.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to their responsibilities and applicable statutes. No other formal request for comments will be made. Comments should be confined to substantive issues relevant to the issuance of an order amending project license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1981). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35654 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5585-000]

Southern Pacific Land Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 9, 1981.

Take notice that on October 29, 1981, Southern Pacific Land Company (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5585) would be located on Swift Creek near the town of Trinity Center in Trinity County, California. The project would occupy lands of the United States within the Shasta National Forest. Correspondence with the Applicant should be directed to: Mr. Erik A. Stenstedt, Southern Pacific Land Company, One Market Plaza, San Francisco, California 94105.

Project Description—The proposed project would consist of: (1) An 8-foot high diversion structure across Swift Creek; (2) a 48-inch diameter, 1,800-foot long conduit; (3) a 42-inch diameter, 6,000-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 4,600 KW; and (5) appurtenant facilities.

Purpose of Project—Project energy would be sold to a local utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal request for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35655 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5647-000]

Swift River Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 10, 1981

Take notice that on November 13, 1981, Swift River Company (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5647) would be located on the Sebec River in the town of Milo, Piscataquis County, Maine. Correspondence with the Applicant should be directed to: Christian A. Herter, III, Vice-President, Swift River Company, 44 Exchange Street, Portland, Maine 04101.

Project Description—The proposed project would consist of: (1) An existing 9-foot high, 250-foot long timber crib dam; (2) a 50 acre reservoir with a net storage capacity of 50 acre-feet at elevation 280.54 feet M.S.L.; (3) a new powerhouse containing two turbine-generators with a total rated capacity of 600 kW which would discharge into the easterly river channel; (4) a new 750-foot long, 70-foot wide tailrace channel excavated out of the easterly river channel; (5) a 50-foot long, 7.6-kV transmission line and (6) appurtenant facilities. The project would generate up to 2,500,000 kWh annually.

Purpose of Project—Energy produced at the project would be sold to Bangor Hydro-Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Maine Department of Inland Fisheries and Wildlife are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General

comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35708 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-76-000]

Texas Eastern Transmission Corp.; Application

December 10, 1981.

Take notice that on November 13, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-76-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap facilities necessary for Applicant to take into its system synthetic gas to be purchased from Conoco, Inc. (Conoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas purchase contract dated October 1, 1981, it has agreed to purchase from Conoco up to 60,000 Mcf of synthetic gas per day.

Applicant proposes the construction and operation of a pipeline tap to enable it to receive into its system the quantities of synthetic gas which it intends to purchase from Conoco's Chocolate Bayou Petrochemical Complex located in Brazoria County, Texas. Applicant states that the proposed facilities are estimated to cost $27,200 which cost would be financed initially with funds on hand or through short-term financing.

Applicant further proposes to include in its rates in the operation of its purchased gas adjustment (PGA) on a rolled in basis the cost of synthetic gas purchased from Conoco. Applicant states that it would construct nonjurisdictional pipeline facilities in order to transport the synthetic gas from Conoco's complex to Applicant's transmission system. It is estimated that the cost of said facilities would be $2,450,000. Applicant proposes to include the cost of such facilities in its rate base and submits that recovery of the cost of the synthetic gas through the operation of its PGA would enable it to acquire an important, secure and long-term supply of gas at a price that is reasonable and consistent with prices of other supplies of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35709 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-66-000]

Transcontinental Gas Pipe Line Corp.; Application

December 9, 1981.

Take notice that on November 10, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-66-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a gas transportation agreement dated October 28, 1981, it would transport on an interruptible basis up to 40,000 dekatherms (dt) equivalent of natural gas per day which Elizabethtown has arranged to purchase from Consolidated Gas Supply Corporation (Consolidated). Applicant further states that Consolidated would make available to Texas Eastern Transmission Corporation (Texas Eastern) quantities of gas which Texas Eastern would transport and deliver by displacement to Applicant at the existing Texas Eastern-Applicant Skippack interconnection in Montgomery County, Pennsylvania. Applicant would redeliver equivalent quantities to Elizabethtown at Applicant's existing delivery points to Elizabethtown in New Jersey.

Applicant proposes to charge Elizabethtown a volume charge of 7.0 cents per dt equivalent delivered by Applicant less quantities retained by Applicant for compressor fuel and line loss make-up. Applicant asserts it would retain 0.7 percent of the quantities received for compressor fuel and line loss make-up.

Applicant states that the proposed transportation service is to be for a term beginning on the date of initial deliveries and ending on September 30, 1982.

The proposal would allow Elizabethtown to take delivery of the subject gas without having to construct additional facilities, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35689 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-87-000]

United Gas Pipe Line Co.; Application

December 9, 1981.

Take notice that on November 18, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-87-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Amoco Production Company (Amoco) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on September 21, 1981, Applicant and Amoco entered into a gas transportation agreement whereby Applicant would transport natural gas for the account of Amoco from Baldwin County, Alabama, to St. Landry Parish, Louisiana. Applicant explains that it would receive the gas at a proposed point of interconnection on its 12-inch line and/or its 16-inch line in Baldwin County, Alabama, and it would then transport and redeliver an equivalent quantity of gas for Amoco's account at an existing point of interconnection where Florida Gas Transmission Company's 22-inch line crosses Applicant's 30-inch North-South line in St. Landry Parish, near Arnaudville, Louisiana.

Applicant maintains that to compensate it for fuel and company-used gas, Amoco would provide a volume of gas equal to 2.3 percent of the volume Applicant would transport under the proposed transportation service. It is explained that such fuel and company-used gas would be made available to Applicant contemporaneously with gas Applicant would purchase from Amoco in the Westdale Field, Red River Parish, Louisiana.

Applicant states that in order to deliver the subject gas it would construct and operate measuring facilities and taps on its 12-inch and 16-inch pipelines. It is estimated that the cost for these facilities would be $132,139 which would be reimbursed by Amoco.

Amoco would pay Applicant for the proposed transportation an amount equal to one-half of Applicant's transportation rate in effect from time to time in Applicant's Northern Rate Zone less any amount included in such transportation rate which is attributable to gas consumed in the operation of Applicant's pipeline system. It is stated that the current rate for the proposed transportation is 16.19 cents per Mcf.

Applicant submits that it would transport up to 24,000 Mcf of natural gas per day for a term beginning on the date deliveries commence and ending upon termination of Amoco's contract with Florida Power and Light Company on June 9, 1988.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35690 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-7-000]

Warrior Asphalt Co. of Alabama, Inc.; Filing of Petition for Review

December 9, 1981.

Take notice that Warrior Asphalt Company of Alabama, Inc. on December 3, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who pafticipated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before December 24, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before December 24, 1981, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35691 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-88-000]

Western Gas Interstate Co.; Application

December 9, 1981.

Take notice that on November 19, 1981, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP82-88-000 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing January 1, 1982, and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $500,000 with the cost of any single project limited to 25 percent of the total budget amount. Such cost, it is asserted, would be financed from funds on hand and with short-term borrowings from Applicant's parent, Southern Union Company.

Applicant further states that its existing budget authorization pursuant to § 157.7(g) expires on March 3, 1982. In order that Applicant may maintain its records on a calendar-year basis, Applicant requests that the subject authorization commence January 1, 1982, instead of March 3, 1982. Applicant requests in the alternative an effective date of March 3, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35692 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-114-000]

Cliffs Electric Service Co.; Notice of Filing

December 10, 1981.

The filing Company submits the following:

Take notice that on November 27, 1981, Cliffs Electric Service Company

(CESCO) filed a letter agreement providing for the sale of short term power to Upper Peninsula Power Company for the period November 16, through December 31, 1981. The rate is 0.77/kw and 110% of out-of-pocket costs.

CESCO requests waiver of the Commission's notice requirements to allow for an effective date of November 16, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35711 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-129-000]

Idaho Power Co.; Notice of Filing

December 10, 1981.

The filing Company submits the following:

Take notice that on December 4, 1981, the Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during October, 1981, along with cost justification for the rate changed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35712 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-123-000]

Kansas City Power & Light Co.; Notice of Filing

December 10, 1981.

The filing Company submits the following:

Take notice that on December 2, 1981, Kansas City Power & Light Company (KCPL) filed with the Commission revised Schedules of Rates and Charges for Firm Power Service to supersede and replace Schedules of Rates and Charges for Firm Power Service in contracts and agreements with the following wholesale customers:

1. Missouri Power & Light Company (MPL), FPC No. 73
2. City of Marshall, Missouri (Marshall), FPC No. 83
3. Missouri Public Service company (MPS), FPC No. 74
4. City of Baldwin City, Kansas (Baldwin), FERC No. 85
5. City of Carrollton, Missouri (Carrollton), FERC No. 86
6. City of Gardner, Kansas (Gardner), FPC No. 79
7. City of Garnett, Kansas (Garnett), FPC No. 78
8. City of Higginsville, Missouri (Higginsville), FERC No. 91
9. City of Osawatomie, Kansas (Osawatomie), FPC No. 77
10. City of Ottawa, Kansas (Ottawa), FERC No. 70
11. City of Pomona, Kansas (Pomona), FPC No. 82
12. City of Prescott, Kansas (Prescott), FPC No. 76
13. City of Salisbury, Missouri (Salisbury), FERC No. 87
14. City of Slater, Missouri (Slater), FPC No. 81
15. Coffey County rural Electric Cooperative Association, Inc. (Coffey County), FPC No. 69
16. United Electric Cooperative, Inc. (United), FPC No. 84

KCPL states that the proposed effective date for each revised Schedule of Rates and Charges is one day after the revised Schedules are filed with the Commission. KCPL further states that the estimated annual fuel adjustment revenue attributable to reclamation costs under the revised Schedules of Rates and Charges would be approximately $22,000 during the 12-month test period ended May 31, 1981. Additionally, KCPL states that the changes embodied in the revised Schedules of Rates and Charges include only provision for the inclusion of estimated reclamation costs in the fuel adjustment calculation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-35713 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-8-000]

Little America Refining Co.; Filing of Petition for Review

December 10, 1981.

Take notice that Little America Refining Company on December 4, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Dec. 28, 1981, with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before December 28, 1981, in accordance with the

Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E. Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35714 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA82–9–000]

Little America Refining Co.; Notice of Filing of Petition for Review

December 10, 1981.

Take notice that Little America Refining Company on December 4, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Dec. 28, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before December 28, 1981, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary

[FR Doc. 81–35715 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA82–10–000]

Little America Refining Co.; Notice of Filing of Petition for Review

December 10, 1981.

Take notice that Little America Refining Company on December 4, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary.).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before December 28, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before December 28, 1981, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35716 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–128–000]

Mississippi Power & Light Co.; Proposed Tariff Change

December 10, 1981.

The filing Company submits the following:

Take notice that Mississippi Power & Light Company (MP&L) on December 4, 1981, tendered for filing proposed changes in its Federal Energy Regulatory Commission (FERC) Electric Service Tariff to municipal electric utilities, FERC Rate Schedules No. 87, 88, 93, 236 and 238, and to transmission delivery service schedules included in Interconnection Agreements, FERC Rate Schedule Nos. 239, 243, 251, and 254. The proposed changes would increase revenues from jurisdictional sales and service by $4,762,782 based on the 12 month period ending December 31, 1982.

The Company earned a rate of return of only 7.3% on its rates for resale to the municipal electric utilities and 5.49% on its sales for transmission delivery service in the calendar year 1980. The projected rate of return under the present electric service tariff for the 12 months ending December 31, 1982 for the sales for resale to the municipal electric utilities is 0.18% and for transmission delivery service is only 6.06%. The tariff changes made the filing are necessary to reflect the cost of service for the projected period.

MP&L states that the notice of the proposed effective date and copies of the rate schedule changes were served upon the customers receiving services under the above listed FERC Rate Schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35717 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82-13-000]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

December 9, 1981.

Take notice that National Fuel Gas Supply Corporation ("National Fuel"), on November 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by approximately $25,700,000 based on the 12 month period ended August 31, 1981, as adjusted.

National Fuel states that the increased rates are required to recoup increased costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased depreciation, increased wages and increased taxes.

The rates proposed reflect an overall rate of return of 13.65 percent which is required, National Fuel states, by its increased cost of capital, increased business risk and the need to attract capital. National Fuel alos proposes to design its rates with demand, commodity and winter requirement components.

National Fuel states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware and New Jersey.

Any person desiring to be heard or to protest said filing should file a petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35718 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5533-000 and 5625-000]

T. Owen, F. Castagna, R. Bean and Modesto Irrigation District; Notice of Application for Preliminary Permit

December 10, 1981.

Take notice that T. Owen, F. Castagna, R. Bean and Modesto Irrigation District (Applicants) filed on October 20, 1981, and November 9, 1981, applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects Nos. 5533 (initial application) and 5629 (competing application) to be known as the Sand and Brown's Power Project located on Sand Creek and Brown's Creek in Madera County, California. The projects lie within the Sierra National Forest. The applications are on file with the Commission and are available for public inspection. Correspondence with either Applicant should be directed to: Teddy Owen, Fred Castagna, Richard Bean, 1646 East Street, Redding, California 96001, and/or Mr. A. Lee DeLano, Modesto Irrigation District, 1231—11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed Project No. 5533 would consist of: (1) two 5-foot high diversion structures with negligible storage; (2) diversion conduits or channels 5,610 and 1,080 feet long; (3) penstocks 5,740 and 3,290 feet long; (4) a powerhouse containing one or a combination of turbine generators with 3,651 kW capacity and 9.14 GWh annual energy production; (5) transmission line; and (6) appurtenant facilities. The proposed Project No. 5625 would consist of: (1) two 5-foot high, 185-foot long diversion structures; (2) diversion conduits, 48-inch diameter, 5,610-foot long, 24-inch diameter, 1,080-foot long; (3) penstocks 48 and 24 inch diameter, 3,290 feet long; (4) a powerhouse containing one or more generating units with a capacity of 3,660 kW and 9.14 million kWh annual energy production; and (5) a transmission line. Generated energy will be distributed through an intertie with Pacific Gas and Electric System.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicants seek issuance of a preliminary permit for a period of 36 and 24 months, respectively, during which time the firms plan engineering, economic and environmental studies, to ascertain project feasibility and to support their application for a license to construct and operate the project. The estimated cost of these actions is $102,000 for Project No. 5533 and $75,000 for Project No. 5625.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 13, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-35719 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-679-001]

Pacific Gas and Electric Co.; Notice of Compliance Filing

December 10, 1981.

The filing Company submits the following:

Take notice that on November 24, 1981, Pacific Gas and Electric Company (PG&E) filed revised Volume Nos. 2,3,6 and 7 of its original August 12, 1981 filing. Such filing was made pursuant to the Commission's October 23, 1981 order. PG&E's revised filing reflects the elimination of its incremental depreciation adjustment.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 31, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35720 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-124-000]

Pennsylvania-New Jersey-Maryland Interconnection; Notice of Filing

December 10, 1981.

The filing Company submits the following:

Take notice that on November 25, 1981, the Pennsylvania-New Jersey-Maryland Interconnection (PJM) tendered for filing Interim Modifications to Schedules 6.03, 7.01 and Interim Schedule 10.01 of the PJM Interconnection Agreement (the Interim Schedules) which became effective for service on and after October 1, 1980, as set forth hereinafter:

Company	Rate schedule (FERC No.)
Public Service Electric and Gas Company	23
Philadelphia Electric Company	21
Pennsylvania Power & Light Company	21
Baltimore Gas and Electric Company	9
Jersey Central Power & Light Company	7
Metropolitan Edison Company	7
Pennsylvania Electric Company	24
Potomac Electric Power Company	19
Atlantic City Electric Company	20
Delmarva Power & Light Company	50

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35721 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-338]

Public Service Co. of New Mexico; Notice of Compliance Filing

December 10, 1981.

The filing Company submits the following:

Take notice that on December 2, 1981, Public Service Company of New Mexico filed a compliance report in accordance with the Commission's Opinion No. 133, issued November 9, 1981. The compliance report consists of a revised cost of service study and a revised rate schedule for service to the City of Gallup, New Mexico.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 31, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35722 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 82-1-8-000]

South Georgia Natural Gas Co.; Notice of Revision to Tariff

December 9, 1981.

Take notice that on Nov. 30, 1981, South Georgia Natural Gas Company (South Georgia) tendered for filing Sixteenth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed 30 days before the effective date of January 1, 1982, pursuant to the Purchased Gas Adjustment Provisions set out in Section 14 of South Georgia's tariff.

South Georgia states that its Sixteenth Revised Sheet No. 4 reflects increases in the rates of its pipeline supplier, Southern Natural Gas Company as filed to be effective January 1, 1982. This rate change will increase the cost of purchased gas to South Georgia's jurisdictional customers $4,224,345. Also reflected in Sixteenth Revised Sheet No. 4 is a Surcharge Adjustment as provided for by Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff. The debit balance in tthe Unrecovered Purchased Gas Cost Account of $4,522 will be amortized over the estimated sales for the six-month period commencing January 1, 1982 by a surcharge adjustment rate of 0.05¢ per MMBtu.

Additionally, South Georgia is filing its First Revised Sheet No. 32B. This is a modification to the language covering the Incremental Pricing Surcharges section of the Tariff. This modification was suggested by the FERC Staff as a result of its audit of South Georgia's PGA accounts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Dec. 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35725 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-N

[Project No. 5504-000]

Stewart Ranches, Inc.; Notice of Application for Preliminary Permit

December 10, 1981.

Take notice that Stewart Ranches, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5504 to be known as the Kekawaka Creek I Water Power Project located on Kekawaka Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Oscar Larson and Associates, P.O. Box 3806, Eureka, California 95501.

Project Description—the proposed project would consist of: (1) a 6-foot high and 35-foot long diversion structure with a 48-inch diameter conduit; (2) a 48-inch diameter, 7,400-foot long penstock; (3) a powerhouse containing two generating units with a total rated capacity of 3,200 kW; and (4) a 5,600-foot long transmission line. Applicant estimates that the average annual energy output would be 11,900,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, and including geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1981, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 15, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35723 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5503-000]

Stewart Ranches, Inc.; Notice of Application for Preliminary Permit

December 10, 1981.

Take notice that Stewart Ranches, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5503 to be known as the Kekawaka Creek II Water Power Project located on Kekawaka Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Oscar Larson and Associates, P.O. Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of: (1) a 6-foot high and 25-foot long diversion dam diverting water into a 42-inch diameter conduit; (2) a 42-inch diameter, 6,800-foot long penstock; (3) a powerhouse containing two generating units with a total rated capacity of 1,700 kW; and (4) a 9,000-foot long transmission line. Applicant estimates that the average annual energy output would be 6,300,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption

must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 15, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35724 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-10629-000, et al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

December 7, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 ro 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-10629-000 and G-12049-000, D, Nov. 16, 1981.	Gulf Oil Corp., P.O Box 2100, Houston, Texas 77252	Northern Natural Gas Co., North Hansford Field Hansford County, Texas.	(1)	
G-14604-000, C, Nov. 18, 1981 [2]	Exxon Corp., P.O. Box 2180, Houston, Texas 77001	Transcontinental Gas Pipe Line Corp., Rousseau Field, LaFourche Parish, Louisiana.	(3)	15.025
G-19509-000, Nov. 18, 1981 [4]	Arco Oil and Gas Co., division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Co., Headlee Field, Ector County, Texas.	(4)	14.65
G-2831-002, Nov. 18, 1981 [4]	....do	....do	(5)	14.65
CI79-91-001 C, Nov. 24, 1981	Texas Gas Exploration Co., 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Texas Gas Transmission Corp., Block 271 "B" Platform, Ship Shoal Area, Offshore Louisiana.	(6)	15.025
CI79-507-001, C, Nov. 24, 1981	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056	Columbia Gas Transmission Corp., Galveston Island Area, Block A-156, OCS-404072, Offshore Texas	(7)	14.65
CI79-658-001, C, Nov. 24, 1981	....do	....do	(7)	14.65
CI82-56-000 (G-13304), B, Nov. 12, 1981.	Cities Service Co., P.O. Box 300, Tulsa, Oklahoma 74102	Cities Service Gas Co., Northwest Quarter (NW/4) of Section 17-27N-6W, Grant County, Oklahoma	(8)	
CI82-57-000 (G-10086), B, Nov. 12 1981.	Arco Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	Florida Gas Transmission Co., East Corpus Christi Bay, Nueces County, Texas	(9)	
CI82-58-000, A Nov. 16, 1981	Marathon Oil (Operator), 539 South Main Street, Findlay, Ohio 45840	Texas Eastern Transmission Corp., South Pass Area, South Pass Block 89 Field, Offshore Louisiana	(10)	15.025
CI78-690-001, C, Nov. 27, 1981	Tenneco Oil Co., P.O. Box 2511, Houston, Texas, 77001	Tennessee Gas Pipeline Co., South Marsh Island Block 60, Offshore Louisiana.	(11)	15.025
CI82-60-000 (G-7674), B, Nov. 12, 1981	Arco Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	Lone Star Gas Co., Big Mineral Creek Field, Grayson County, Texas	(12)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI82-61-000, A, Nov. 24, 1981	Koch Industries, Inc., P.O. Box 2256, Wichita, Kansas 67201.	Northern Natural Gas Co., West Delta Block 137 through West Delta Block 138 "A" Platform (OCS-G 1598 "A" Platform), Offshore Louisiana.	([13])	15.025
CI82-62-000, A, Nov 24, 1981	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Texas Eastern Transmission Corp., Block A-568, High Island Area, Offshore Texas	([14])	14.65
CI82-63-000, B, Nov. 24, 1981	Edwin L. Cox, *et al*, 3800 First National Bank Building, Dallas, Texas 75202.	Lone Star Gas Co., Waharockah No. 3 Well, Stephens County, Oklahoma.	([15])	
CI82-64-000 (CI65-630), B, Nov 16, 1981	Conoco Inc. (formerly Continental Oil Co.), P.O. Box 2197, Houston, Texas 77001	Lone Star Gas Co., JGS Field, Panola County, Texas.	([16])	
CI64-686-000, D, Nov 20, 1981	Tenneco Oil Co., Operator and Agent for Tema Oil Co., P.O. Box 2511, Houston, Texas 77001.	Arkansas Louisiana Gas Co., Erick Field, Bechham County, Oklahoma.	([17])	
CI82-52-000, A, Nov. 19, 1981	Tenneco Oil Co., P.O. Box 2511, Houston, Texas, 77001.	Tennessee Gas Pipeline Co., West Cameron Blocks 493 and 499, Offshore Louisiana.	([18])	15.025
CI82-53-000 (CI74-113), B, Nov. 23, 1981.	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Valero Interstate Transmission Co., Gregg Wood Field, Starr County, Texas.	([19])	
CI67-1828-001, July 29, 1981 [20]	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Texas Gas Transmission Corp., Terryville Field, Lincoln Parish, Louisiana.	([21])	15.025

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[1] Leases have expired by their own terms or were assigned to another party.
[2] Edwin L. Cox, et al., do hereby grant, bargain, sell, convey and re-assign to Exxon Corporation (successor to the Humble Oil and Refining Company) all of the interests assigned under Reassignment dated December 15, 1978
[3] Applicant agrees to accept a Permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[4] Applicant is filing to reflect the substitution of the Healee Gas Processing Plant to the Headlee Devonian Unit Plant.
[5] Applicant is filing under Residue Gas Purchase Agreement dated June 1, 1954, amended by Amendatory agreement dated August 24, 1981.
[6] Applicant is filing under Gas Purchase Contract dated September 22, 1978, amended by Amendment dated October 1, 1981.
[7] Applicant is filing under Gas Purchase and Sales Agreement dated May 30, 1979, amended by Amendment dated October 23, 1981.
[8] The primary term under Gas Purchase Contract dated September 1, 1957, was for twenty years from September 1, 1957 and year to year thereafter. Since Cities Service Company does not hold an oil and gas lease on the remaining acreage committed to that contract, under which no deliveries have been made since sometime in 1977, Buyer and Seller have mutually agreed to cancel the Gas Purchase contract, dated September 1, 1957, effective August 28, 1981
[9] Contract expired June 26, 1979. There are no remaining reserves as production ceased in 1971. ARCO plans no further development.
[10] Applicant is filing under Gas Purchase Contract dated July 2, 1981
[11] Applicant is filing under Gas Purchase and Sales Agreement dated April 25, 1978, amended by Amendment dated June 15, 1981
[12] J. E. Barnes Lease, Well No. 5, was plugged and abandoned. ARCO has no plans for workover or recompletion of the well. Contract expires 1-1-82.
[13] Applicant is filing under Gas Purchase Contract dated November 6, 1979, amended by amendment dated August 3, 1981.
[14] Applicant is filing under Gas Purchase Contract dated June 1, 1981
[15] to sell remaining gas to Natural Gas Operations Company for resale to Lone Star
[16] Conoco Inc. has sold and assigned and/or released to the original landowner all of its leasehold interests in the leases covered by RS 292.
[17] Partial sale of acreage dedicated under subject contract.
[18] Applicant is filing under Gas Purchase and Sales Agreement dated November 21, 1979.
[19] Some wells plugged and acreage sold.
[20] Applicant is filing to amend the certificate to provide for an additional delivery point.
[21] Applicant is filing under Gas Purchase Contract dated March 3, 1977, amended by Amendatory Agreement dated July 21, 1980.

[FR Doc. 81-35534 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5618-000]

James O. Boyd; Application for Preliminary Permit

December 8, 1981.

Take notice that James O. Boyd (Applicant) filed on November 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5618 to be known as the Lassen Power Project located on Parsnip Creek in Lassen County, California. The project would lie within the Modoc National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ronald F. Ott, Ott.Water Engineers, Inc., 2334 Washington Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) Large natural boulders placed in the creek that will divert flow into a concrete intake structure while creating negligible storage; (2) a 10,000-foot diversion conduit; (3) a 16,400-foot long penstock; (4) a powerhouse containing one or a combination of turbine generators with a combined capacity of 2.1 MW and annual production of 8.3 GWh; (5) transmission line; and (6) appurtenant facilities. Power will be supplied to the Surprise Valley Electrification Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $80,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 12, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or section 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 12, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35564 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-649-000]

Central Vermont Public Service Corp.; Order Accepting for Filing and Suspending Revised Rates, Acknowledging Intervention, and Establishing Procedures

December 7, 1981.

On July 31, 1981, as completed on October 9, 1981,[1] Central Vermont Public Service Corporation (Central Vermont) tendered for filing a proposed formula rate [2] for calculating charges for firm power service to its wholly-owned subsidiary, Connecticut Valley Electric Company. The proposed formula rate would result in increased revenues of approximately $104,700 (1.34%) for the twelve-month period ending September 30, 1982. Central Vermont requests waiver of the sixty day notice requirement to permit an effective date of October 1, 1981.

The proposed formula incorporates a methodology for developing a demand charge, a delivery point charge, and an transformation charge for power delivered at voltage levels below 34kV. The formula rate also provides for an energy charge to collect the actual monthly per kWh fuel cost incurred by Central Vermont. In addition, the formula incorporates a minimum billing demand ratchet provision.

Under the formula, costs and charges would be developed on a service year basis. The service year is defined as the twelve-month period beginning on April 1 of each year except that the initial (partial) service year is to begin on the effective date established by the Commission for the instant submittal. Most of the cost components reflected in the formula are based on per-book expenses during the calendar year preceding the service year. However, the rate of return and income tax components would reflect capital data as of the first of the month preceding the service year. Costs for Purchased Power (Account No. 555) and Transmission by Others (Account No. 565) would be estimated for the service year, subject to adjustment at the close of the service year to reflect actual costs incurred.

Central Vermont's proposed rate schedule provides for an informational filing with the Commission on or before May 31 of each year, reporting the charges developed and billed under the formula rate and the adjustments required to reflect actual costs for Purchased Power and Transmission by Others. The rate schedule further provides for a refund mechanism under which the charges for the service year would be subject to refund pending analysis of the cost data by the Commission. If a hearing is ordered, the charges would be adjusted to reflect the rates found to be just and reasonable by the Commission.

Notice of Central Vermont's submittal was issued on August 7, 1981, with responses due on or before August 28, 1981. On August 28, 1981, the Vermont Department of Public Service filed a petition to intervene. The Department of Public Service has not raised any specific issues with respect to the proposed formula rate, but notes that the instant submittal provides for an increase to Central Vermont's affiliated customer of less than 2%, while Central Vermont, in Docket No. ER81-660-000, Proposed a 37.6% increase in rates for service to its non-affiliated customers.[3]

On November 24, 1981, Central Vermont filed a unilateral offer of settlement in this docket. The settlement proposal reflects modifications to the formula methodology as well as the use of a more recent test period. Central Vermont suggests that in advance of the period for comments on the settlement proposal, the Commission consider conditionally accepting the settlement rate offer to become effective in lieu of the originally filed rates.

Discussion

The timely-filed pleading is sufficient to initiate participation in this proceeding by the Vermont Department of Public Service.

Our analysis indicates that Central Vermont's originally proposed formula rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. The Commission has had insufficient time (one day) to adequately analyze the company's offer of settlement and we are not prepared at this time to determine an appropriate suspension period, if any, for the settlement rates. This is particularly true in view of the unilateral nature of the settlement proposal and the absence of comments by interested parties. Accordingly, we shall accept the originally proposed formula rate for filing and suspend its operation as ordered below. Such action, however, shall be without prejudice to possible substitution of the settlement rate upon due consideration of Central Vermont's offer of settlement.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. In addition, good cause has not been shown to waive the sixty day notice requirement. Accordingly, we

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[1] By letter dated September 30, 1981, the company was advised that its original submittal was deficient.

[2] Designated as: Central Vermont Public Service Corporation, Rate Schedule FERC No. 105 (Supersedes Service Agreement under FPC Electric Tariff First Revised Volume No. 1).

[3] Central Vermont provides firm power service to six nonaffiliated customers under a separate tariff rate. The rates for service to those customers, as filed in Docket No. ER81-660-000, are not based on a formulary approach. By letter dated September 28, 1981, the Commission accepted a settlement filed in Docket No. ER81-660-000.

[4] *E.g., Boston Edison Co.*, Docket No. ER80-506 (August 22, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

shall suspend Central Vermont's originally filed rates for a period of five months from sixty days after completion of the filing to become effective, subject to refund, on May 9, 1982.

The Commission orders:

(A) Central Vermont's request for waiver of the notice requirements is hereby denied.

(B) Central Vermont's October 9, 1981 submittal is hereby accepted for filing and suspended for five months from sixty days after filing, to become effective, subject to refund, on May 9, 1982.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning and justness and reasonableness of Central Vermont's formula rate.

(D) The timely filed notice of intervention in this proceeding by the Vermont Department of Public Service is hereby acknowledged in accordance with the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order of the Commission in this proceeding.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of establishing procedural dates, including the submittal of testimony and exhibits by Central Vermont, and pursuing other appropriate matters. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's rules of practice and procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36536 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-83-004]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 8, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 1, 1981, tendered for filing the following revised tariff sheets to its FERC Gas Tariff:

Original Volume No. 1

Seventy-Eighth Revised Sheet No. 16
Twenty-Sixth Revised Sheet No. 16A
Seventh Revised Sheet No. 16B
Eighth Revise Sheet No. 19
Sixth Revised Sheet No. 28

Original Volume No. 2

Fourth Revised Sheet No. 693

Columbia states that tariff sheet Nos. 16, 16A and 16B to Original Volume No. 1 are necessary in order to place into effect on January 1, 1982, which is the end of the suspension period, rates which comply with the conditions set forth in ordering paragraph (E) of the Commission's suspension order herein of July 31, 1981.

Columbia states that Eighth Revised Sheet No. 19 and Sixth Revised Sheet No. 28 are being submitted for the purpose of inserting into Columbia's tariff, effective January 1, 1982, a provision, included in Seventh Revised Sheet No. 19 and Fifth Revised Sheet No. 28, the effectiveness of which was suspended until January 1, 1982 by the Commission's suspension order herein.

Columbia further states that substitute Fourth Revised Sheet No. 693 to its Original Volume No. 2 has been revised to reflect the impact on the Capacity Charge included in Rate Schedule X-70 of the elimination from Columbia's cost of service of those of its facilities included in its July 1, 1981 filing which are not expected to be in service on or before December 31, 1981.

Further, Columbia states that the revised rates are based upon the *United* method of cost classification and rate design. The rates reflected in Columbia's July 1, 1981 filing herein were based upon the *Seaboard* formula. Columbia also states that the issue of cost classifcation and rate design on its system is a matter which should be set for hearing, with the results thereof to be made effective prospectively.

Copies of this filing were served upon the Company's jurisdicational customers, interested state commissions and to each of the parties set forth on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in detemining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35548 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-82-001]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

December 8, 1981.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on December 1, 1981 tendered for filing the following revised tariff sheets to its FERC Gas Tariff to become effective January 1, 1982:

Original Volume No. 1

Substitute Twenty-seventh Revised Sheet No. 7

Original Volume No. 2

Substitute Eighth Revised Sheet No. 72
Substitute Eighth Revised Sheet No. 73
Substitute Fifth Revised Sheet No. 92
Substitute Fifth Revised Sheet No. 93
Substitute Fifth Revised Sheet No. 126
Substitute Sixth Revised Sheet No. 145
Substitute Sixth Revised Sheet No. 146
Substitute Fifth Revised Sheet No. 263
Substitute Fourth Revised Sheet No. 320
Substitute Fourth Revised Sheet No. 337
Substitute Fourth Revised Sheet No. 386
Substitute Fourth Revised Sheet No. 387
Substitute Third Revised Sheet No. 416
Substitute Third Revised Sheet No. 417
Substitute Fourth Revised Sheet No. 440
Substitute Fourth Revised Sheet No. 484
Substitute Fourth Revised Sheet No. 493
Substitute Fourth Revised Sheet No. 567
Substitute Fourth Revised Sheet No. 596
Substitute Third Revised Sheet No. 628
Substitute Second Revised Sheet No. 663

Substitute Second Revised Sheet No. 677
Substitute Second Revised Sheet No. 702
Substitute Third Revised Sheet No. 750
Substitute Third Revised Sheet No. 820
Substitute Third Revised Sheet No. 821
Substitute Third Revised Sheet No. 848
Substitute Third Revised Sheet No. 849
Substitute Second Revised Sheet No. 937
Substitute Second Revised Sheet No. 1052
Substitute Second Revised Sheet No. 1097
Substitute Second Revised Sheet No. 1149
Substitute Second Revised Sheet No. 1150
Substitute First Revised Sheet No. 1194
Substitute First Revised Sheet No. 1195
Substitute First Revised Sheet No. 1223

Columbia Gulf states that such tariff sheets are necessary to place its rates suspended by Commission Order issued July 31, 1981 in this proceeding into effect at the end of the prescribed suspension period and to consolidate proceedings herein with proceedings in Docket No. RP81–83. The rates contained in the subject tariff sheets to give effect to (1) the elimination of all costs associated with facilities which will not be in service by December 31, 1981; and (2) to give effect to change in its Account 282—Accumulated Deferred Income Taxes resulting from Internal Revenue Service Refund pursuant to Article VI B of the Approved Stipulation and Agreement at Docket No. RP76–94 et al.

Copies of this filing were served upon all of Columbia Gulf's jurisdictional customers.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35548 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4435-001]

Damnation Peak Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 4, 1981.

Take notice that on October 28, 1981, Damnation Peak Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4435) would be located on Damnation Creek, near the town of Newhalem, in Skagit and Whatcom Counties, Washington. Correspondence with the Applicant should be directed to: Ms. Sherri M. Lee, 2100 Electric Avenue, #326, Bellingham, Washington 98226.

Project Description—The proposed project would consist of: (1) a 4-foot high and 50-foot long diversion weir; (2) an 8,500-foot long, 30-inch diameter steel penstock; (3) a concrete powerhouse containing one generating unit rated at 4 MW; (4) a switchyard; and (5) a 0.75-mile long access road. The average annual energy is estimated to be 26 million kWh.

Purpose of Project—The power output of the project would be sold to a local utility company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the commission, on or before January 20, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in the project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 20, 1982. Application for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 20, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35550 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5627-000]

Energenics Systems, Inc.; Application for Preliminary Permit

December 4, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5627 to be known as the Orwell Dam Project to be located at the U.S. Army Corps of Engineers' Orwell Dam and Reservoir, a flood control project, on the Otter Tail River near Fergus Falls, in Otter Tail County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street NW., Washington, D.C. 20009.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5627 would consist of: (1) A proposed penstock extending from the outlet works; (2) a proposed powerhouse located on the northwestern bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be approximately 2 MW, and the annual energy output to be 7 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Otter Tail Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 10, 1982, the competing application itself [see 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 10, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35551 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5464-000]

Energenics Systems, Inc.; Application for Preliminary Permit

December 8, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on October 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5464 to be known as the Southside Canal Project located on the Southside Canal in Mesa County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would utilize the Bureau of Reclamation's Southside Canal (station 195+95), and would be developed in one of two alternative modes:

(a) A power development to consist of: (1) An intake structure with trash racks; (2) a check structure; (3) a 4-foot diameter penstock, 3,400 feet long; (4) a powerhouse with an installed capacity of 3,000 kW; (5) a tailrace; (6) a transmission line about 3 miles long; and (7) other appurtenances. The estimated annual generation would average about 8,000,000 kWh. If this alternative is developed Applicant will not develop the proposed Project No. 3816 which would consist of a similar power plant at station 171+90 with a 1,000-foot long penstock, a powerhouse with an installed capacity of 2,400 kW, and an annual generation of about 6,800,000 kWh. A preliminary permit for those facilities was issued to the Applicant on August 7, 1981.

(b) A power development to consist of: (1) An intake structure with trash racks; (2) a check structure; (3) a 4-foot diameter penstock 1,000 feet long; (4) a powerhouse with an installed capacity of 700 kW; (5) a tailrace; (6) a transmission line about 3 miles long; and (7) other appurtenances. The estimated annual generation would average about 1,600,000 kWh. Project energy would be sold to Colorado-Ute Electric Association.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 3 years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or § 4.101 et. seq. (1981), as appropriate.

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 12, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35565 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5628-000]

Energenics Systems, Inc.; Application for Preliminary Permit

December 8, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5628 to be known as the Belle Fourche Dam located on the Belle Fourche River in Butte County, South Dakota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, NW., Washington, D.C. 20009.

Project Description—The proposed project would utilize a U.S. Bureau of Reclamation dam and reservoir. Project No. 5628 would consist of: (1) A proposed powerhouse located at each outlet conduit with an estimated installed capacity of 700 kW; (2) existing 69 kV transmission lines located within 5 miles of the site; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3 GWh.

Purpose of Project—Energy at the proposed project would be sold to the Black Hills Power & Light Co., WAPA, or nearby public institutions and industrial users. The project would provide a contribution to the energy needs of the Fruitdale area.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition historic and recreation aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 12, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 12, 1982, and should specify the type of application forthcoming. Applications for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or section 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petition To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to

intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35566 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-278-000]

Florida Public Utilities Co.; Refund

December 9, 1981.

The filing Company submits the following:

Take notice that on November 30, 1981, Florida Public Utilities Company submitted for filing a refund report in accordance with the letter orders issued on May 4, 1981 and November 18, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 28, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35552 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3760-001]

Franklin Industrial Complex, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 4, 1981.

Take notice that on April 20, 1981, the Franklin Industrial Complex, Inc., (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3760) would be located on the Winnipesaukee River in Merrimack County, New Hampshire. Corrspondence with the Applicant should be directed to: Mr. Arthur H. Steckler, President, Franklin Industrial Complex, Inc., Smith and Canal Streets, Franklin, New Hampshire 03235.

Project Description—The proposed project would consist of: (1) An existing 22-foot-high concrete gravity dam known as the Stevens Dam and designated as No. 87.07 by the New Hampshire Water Resources Board; (2) a proposed 1,100-foot-long penstock beginning at the Stevens Dam and running along the south bank between the Franklin Mills buildings. At the northeast corner of the south building the penstock would turn left and continue undergound through the Franklin Mills parking lot, then lead south under Memorial Street, then west through the municipal parking lot, and finally to (3) a proposed powerhouse with an installed capacity of 2,450 kW to be located just downstream of Dam No. 87.08; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be 11,200,000 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—This application was filed as a competing application to the Franklin Falls Project No. 3093 filed on March 20, 1980, and the Stevens Mill Dam Project No. 3454, filed on September 10, 1980, by the Franklin Electric and Power Company under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before January 20, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35553 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3268-001]

Griswold Textile Print, Inc.; Application for Short-Form License (Minor)

December 4, 1981.

Take notice that Griswold Textile Print, Inc. (Applicant) filed on October 27, 1981, an application for license pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for construction and operation of a water power project to be known as the Griswold Textile Hydroelectric Project No. 3268. The project would be located on the Pawcatuck River in Washington County, Rhode Island and New London County, Connecticut. Correspondence with the Applicant should be directed to: Mr. James Blair, Griswold Textile Print, Inc., P.O. Box 354, Westerly, Rhode Island 02891 and Mr. Todd Cormier, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

Project Description—The proposed run-of-the-river project would consist of: (1) An existing 114-foot long and 8-foot high concrete dam with new overflow gate structure at the left (east) abutment and provisions for 3-foot flashboards; (2) an existing 2,000-foot long headrace; (3) new fish ladder; (4) new intake structure with trashracks and headgates; (5) a new powerhouse containing three turbines with a total installed capacity of 495 kW; (6) electrical facilities; (7) new tailrace; and (8) other appuntenances. Applicant estimates annual generation would average 2,323,065 kWh.

Purpose of Project— Project energy would be sold to Narrangansett Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 11, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 7, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before February 11, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35554 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-104-024, et al.]

High Island Offshore System; Petition To Amend

December 8, 1981.

Take notice that on October 29, 1981, High Island Offshore System (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-104-024, *et al.* a petition to amend the order issued December 22, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the deletion of certain certificate conditions, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued December 22, 1978, Petitioner and U-T Offshore System were authorized to render interruptible overrun service conditioned on the requirement that Petitioner record supplemental charges for depreciation and concurrent credits to the accumulated provisions for depreciation for revenues related to interruptible overrun service. Petitioner states that in Docket No. RP81-18 it proposed, *inter alia,* to change its method of computing depreciation from a straight-line method to a unit-of-production method which the Commission opposed. It is asserted that the Stipulation filed concurrently herewith resolves the differences and provides for increased straight-line depreciation rates, a transportation refund obligation for revenues related to interruptible overrun service, and the deletion from the order issued December 22, 1978, of the conditions requiring crediting of revenues related to overrun service.

Petitioner requests that such deletion be effective as of the effective date of the Stipulation in Docket No. RP81-18. If the Stipulation is not approved, Petitioner requests that this petition be deemed withdrawn. Petitioner asserts that the continuation of the certificate requirement requiring crediting of revenues to the depreciation reserve is no longer appropriate once the Stipulation requiring refunding of the revenues is approved.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35567 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5633-000]

Hydro Development Group Inc.; Application for Preliminary Permit

December 8, 1981.

Take notice that Hydro Development Group Inc. (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5633 to be known at the #3 Mill Project located on the Oswegatchie River in St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mark E. Quallen, Hydro Development Group Inc., P.O. Box 58, Dexter, New York 13634.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 15-foot high and 40-foot long concrete overflow-type dam; (2) a reservoir with a surface area of about 2.5 acres and a negligible storage capacity at normal surface elevation 410 feet msl; (3) a flume; and (4) appurtenant facilities.

Applicant proposes to: (1) Repair the flume; (2) construct a powerhouse containing two generating units each rated at 500 kW and operated under an 18-foot head and at a flow of 360 cfs; and (3) construct a 0.25-mile long 2.3-kV transmission line. Applicant estimates that the average annual energy output would be 5 million kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform a detailed engineering assessment and an economic analysis, examine the project's environmental impact, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $44,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 12, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 12, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or section 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35568 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-119-000]

Idaho Power Co.; Filing

December 8, 1981.

The filing Company submits the following:

Take notice that on November 30, 1981, Idaho Power Company (Idaho), tendered for filing a Residential Purchase and Sale Agreement (Agreement) between Idaho and The Bonneville Power Administration (BPA).

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between Idaho and BPA for the benefit of Idaho's residential and farm customers.

Idaho requests an effective date of December 2, 1981, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon BPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35535 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-20-000]

Imotek, Inc.; Application for Commission Certification of Qualifying Status of Cogeneration Facility

December 7, 1981.

On November 18, 1981, Imotek, Inc. of San Francisco, California filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to § 292.207 of the Commission's rules.

The facility will be a topping-cycle cogeneration facility located at the intersection of 20th and C Streets in Sacramento, California, adjacent to the almond processing plant of the California Almond Growers Exchange. The primary fuel will be almond shells and natural gas will be used as a standby fuel. Electric capacity of the facility will be 8.5 megawatts and between 7,500 and 22,000 lbs per hour of 110–125 psig process steam will be sold. Installation of the facility began in December, 1980.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before January 13, 1982. and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35536 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-117-000]

Iowa-Illinois Gas & Electric Co.; Filing

December 8, 1981.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company (Applicant), 206 East Second Street, P.O. Box 4350, Davenport, Iowa, 52808, on November 27, 1981 tendered for filing pursuant to § 35.13 of the Regulations under the Federal Power Act, a proposed change in its Rate Schedule WES (applicable only to Sherrard Power System, Orion, Illinois), FERC Wholesale Electric Tariff, Original Volume No. 1. The change, proposed to be effective February 1, 1982, would increase revenues from jurisdictional sales and service by $1,747,006 based on the Period I 1980 test period.

Applicant alleges that the reason for the proposed increased revenues is because its operating income has declined to a level which provides an inadequate return. It further alleges that it is essential in the interest of preserving its financial integrity that its revenues and operating income be restored to a level to adequately meet the operating expenses necessary to provide good electric service and to attract the additional capital required.

Copies of the filing were served upon Sherrard Power System and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35537 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-118-000]

Kansas Gas & Electric Co.; Filing

December 8, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on November 30, 1981 tendered for filing proposed changes in its FERC Electric Service Tariff No. 32.

Kansas Gas and Electric Company states that the filing is Full Requirements Service which provides electric power and accompanying energy to be supplied to The Kansas Power and Light Company in the form of firm power service.

This filing is necessary because the present contract between the Company and The Kansas Power and Light Company terminates on January 31, 1982 and both parties desire to continue essentially the same relationship in the future. This filing constitutes a vehicle whereby continuity of service can be maintained.

Copies of the filing were served upon The Kansas Power and Light Company and the Utilities Division of the Kansas Corporation Commission.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Paragraph 1.8 and 1.10 of the Commission's rules and practice of procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35538 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-15-000 and ER81-578-000]

Maine Yankee Atomic Power Co.; Order Accepting for Filing and Suspending Proposed Decommissioning Charges, Granting Intervention and Waiver of Notice Requirements, Terminating Docket No. ER81-578-000, Requiring Amendment of Rate Schedule, and Establishing Procedures

December 7, 1981.

On October 9, 1981, Maine Yankee Atomic Power Company (Maine Yankee) submitted for filing a letter dated October 9, 1981, together with an appropriate cost study relative to the decommissioning of its 830 Megawatt nuclear station. In its filing, Maine Yankee states that, under the formulary rate contained in the current Power Contract, the company is proposing to change the new salvage value of the Maine Yankee station to reflect the estimated $57.6 million cost (in 1980 dollars) of immediate dismantlement of the station. Accordingly, the proposed charges for decommissioning costs would result in a revenue increase of approximately $1.8 million (2.0%) annually to recover the

decommissioning costs over the period remaining before expiration of the power contract in December 2002.[1] In its October 9 letter, Maine Yankee states that it intends to segregate the decomissioning funds received in a separate account to ensure availability at the time of dismantlement. Maine Yankee also requests waiver of the prior notice requirement and an effective date of November 1, 1981.

On November 2, 1981, the Maine Public Utilities Commission (MPUC) filed a notice of intervention which states that the MPUC generally supports Maine Yankee's proposed filing in the instant docket, does not seek to delay proceedings or request a hearing, but requests that Maine Yankee be directed to resubmit its October 9, 1981 letter in the form of a rate schedule supplement which details the company's proposed billing for decommissioning costs and specifically provides for segregation of decommissioning funds in a separate account. On November 2, 1981, petitions to intervene were filed by the Public Advocate of the State of Maine and by the Massachusetts Municipal Group (the Municipals).[2] The Maine Public Advocate does not dispute Maine Yankee's decommissioning cost estimates or the method used to determine such costs, but reiterates the concerns and requests of the MPUC. On November 6, 1981, a petition to intervene out of time was filed by the City of Holyoke, Massachusetts.

The Municipals contend that Maine Yankee has failed to demonstrate that its proposed increase is reasonable and adequately supported and, therefore, urge that the Commission deny the company's request for waiver and an effective date of November 1, 1981. The Municipals state that the circumstances of the filing together with the inadequacy of supporting material require a five month suspension. The Municipals argue that Maine Yankee's filing does not demonstrate that the immediate dismantlement method of decommissioning is appropriate or that the associated cost estimates are reasonable. Additionally, the Municipals note that the company has not amended its rate schedule to specifically provide for segregation of decommissioning funds, periodic review and adjustment of decommissioning costs, and a requirement that Maine Yankee make a filing under Part 35 of the regulations prior to billing any revised decommissioning estimates.

Maine Yankee filed a response to these petitions to intervene. It states that it is willing to stipulate to setting up a trust fund or other appropriate segregated account. Maine Yankee argues that Part 35 of our regulations does not require amendment of the Power Contract; it also argues that these parties' underlying concerns that subsequent, unilateral revisions by Maine Yankee to its Power Contract might escape secrutiny can be satisfied because the Commission under section 206 of the Federal Power Act may investigate rates on its own motion or at the request of another party. Maine Yankee also states that it will use its best efforts to secure the most favorable tax treatment with respect to the decommissioning funds. Finally, Maine Yankee disagrees with the Municipals' suggested rate schedule revisions and asks that the Commission deny their request for a five month suspension and accept the proposed charges effective as of November 1, 1981, without suspensión.

Discussion

The Commission finds that participation in this proceeding by the Municipals and the Maine Public Advocate is in the public interest. The Commission also finds that participation in this proceeding by the City of Holyoke, Massachusetts is in the public interest and that good cause exists to permit that customer to intervene out of time. Therefore, the petitions to intervene will be granted. The timely filed notice of intervention is sufficient to initiate the MPUC's participation in this proceeding.

In view of the matters raised by the intervenors, our analysis indicates that the company's proposed decommissioning charges may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed decommissioning charges for filing and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons stated there we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may by unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

Such circumstances have been presented here. While the matters raised by intervenors warrant further inquiry at hearing, our preliminary review suggests that the proposed decommissioning charges may not produce excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the affected customers pending a hearing. With respect to the Municipals' request for denial of waiver to permit Maine Yankee's requested November 1, 1981 effective date, we note that, by letter dated June 5, 1981, Maine Yankee notified the Commission as well as the Maine Yankee participants of its intent to begin billing for decommissioning costs at an annual level of $1.8 million. Additionally, prior to Maine Yankee's tender of the instant filing, a meeting was held on September 22, 1981, between members of the Commission's staff and representatives of Maine Yankee concerning billing for decommissioning charges. Public notice of that meeting was issued on August 31, 1981 (60 days prior to Maine Yankee's proposed November 1, 1981 effective date) and all interested persons were invited to attend. In view of the foregoing, we believe that the intervenors have been given adequate notice of Maine Yankee's proposed rate change. Therefore, we find good cause for waiver of notice. Accordingly, we shall suspend the decommissioning charges to become effective subject to refund on November 1, 1981.

We shall, however, require Maine Yankee to submit a rate schedule amendment which specifically provides for the segregation of decommissioning funds and incorporates Maine Yankee's proposed $1.8 million annual charges. We also note that revisions in decommissioning charges will require timely filing pursuant to Part 35 of the Commission's regulations.

As noted, in Docket No. ER81-578-000, Maine Yankee notified the Commission of its intent to begin billing its sponsors for decommissioning costs. By letter dated July 18, 1981, the Commission advised Maine Yankee that the initiation of billing for decommissioning costs under the Power Contract would constitute a rate

[1] The $1.8 million invested each year for the station's remaining life of 22 years at a 3% annual compounded growth rate, estimated to be the interest realized after inflation, will yield approximately the $57.6 million anticipated to be needed for decomissioning.

[2] The Massachusetts Municipal systems take approximately 4.5% of the Maine Yankee output.

[3] *E.g., Boston Edison Co.,* Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.,* Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company,* Docket No. ER80-488 (August 22, 1980) (one day suspension).

schedule change requiring an appropriate filing under Part 35 of the Commission's regulations. Maine Yankee filed an application for rehearing contending that it was not required to make such a filing. The fact that Maine Yankee has now made a filing under Part 35 of our regulations obviates the need to address the application for rehearing. Therefore, we shall terminate Docket No. ER81–578–000.

The Commission Orders

(A) Maine Yankee's request for waiver of the notice requirements is hereby granted for good cause shown.

(B) Maine Yankee's proposed decommissioning charges are hereby accepted for filing and are suspended to become effective on November 1, 1981, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of Maine Yankee's proposed decommissioning charges.

(D) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene and; *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(E) Maine Yankee shall submit within thirty (30) days of the issuance of this order a rate schedule amendment which specifically provides for the segregation of decommissioning funds and incorporates Maine Yankee's proposed $1.8 million annual charge.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's rules of practice and procedure.

(G) Docket No. ER81–578–000 is hereby terminated.

(H) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35539 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–51–000]

Michigan Wisconsin Pipe Line Co.; Application

December 8, 1981.

Take notice that on November 2, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82–51–000 an application pursuant to section 3 of the Natural Gas Act for authorization to import natural gas from Canada to the United States, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import up to 100,000 Mcf of natural gas per day as well as excess gas, when desired, on a best-efforts basis for a period of ten years beginning November 1, 1982, or as soon thereafter as feasible. It is stated that Applicant has contracted to purchase such gas from TransCanada PipeLines Limited of Toronto, Ontario, Canada, (TransCanada) and that TransCanada has requested authorization from the National Energy Board of Canada to export such gas from Canada. Applicant asserts that the gas is to be delivered to TransCanada for the account of Applicant at the existing interconnection of facilities of TransCanada and Great Lakes Gas Transmission Company (Great Lakes) near Emerson, Manitoba. It is further stated that Great Lakes presently delivers gas to Applicant at existing points of interconnection between the facilities of the two companies. Applicant states that the gas would be purchased at the U.S.A.-Canada border export price.

It is asserted that the proposed importation of gas would permit prompt receipt of gas from prolific reserves at the border price which now applies to large volumes of other gas imported from Canada. Applicant states that the gas involved would be sold by Applicant under its existing service agreements and tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rule.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35569 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–74–000]

Midwestern Gas Transmission Co.; Application

December 8, 1981.

Take notice that on November 12, 1981, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82–74–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on its Northern System and the establishment of two additional sales points related thereto for Northern States Power Company of Minnesota and Northern States Power Company of Wisconsin (Northern States), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 15,000 Mcf of natural gas per day made available at North Branch and Cambridge meter stations in Chisago County and Isanti County, Minnesota, respectively, by Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) for the account of Northern States to the nine separate service areas now being served off Applicant's Northern system by Northern States. Applicant proposes to add North Branch and Cambridge as additional sales delivery points to the gas service agreement with Northern States dated November 1, 1970, and to waive the provisions of paragraph (b) of Article I in its Rate Schedule CRL–2 under which

Applicant provides natural gas service to Northern States so as to permit the continuation of service to Northern States' existing nine service area after Northern States begins receiving gas purchased from Northern in its service areas supplied by Applicant.

It is stated that in order to reduce the cost of purchased gas for Northern States' customers served off of Applicant's Northern System Northern States has made the following arrangements:

(1) Northern would transfer up to 15,000 Mcf per day of Northern States' firm entitlements under its Rate Schedule CD–1 assigned to St. Paul, Minnesota, to North Branch, and Cambridge, Minnesota, for sale to Northern States under Northern's Rate Schedule PL–1; (2) Applicant would transport and deliver the volumes transferred by Northern Natural to North Branch and Cambridge from such points to Applicant's nine existing sales delivery points to Northern States; and (3) Northern States would resell to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) volumes of gas it would purchase from Applicant which would be at least as great as the reduction in the volumes of gas Northern States would purchase from Applicant for resale to customers served by Northern States off of Applicant's system which reduction would result from the availability of gas transferred by Northern from St. Paul.

It is asserted that Northern States would pay a monthly charge for the proposed transportation service which is the product of a transportation rate of 6.04 cents per Mcf times the total of the daily transportation volumes during the month.

It is further stated that Tennessee and Northern have entered into a gas exchange agreement which provides that Northern States would purchase gas from Applicant and make said gas available to Northern at North Branch and Cambridge for Tennessee's account. Applicant adds that equivalent daily volumes would be made available to Tennessee's pipeline system by Northern in the Gulf Coast area of Southern Louisiana.

Applicant asserts that the proposed service utilizing existing facilities would enable Northern States to reduce its cost of purchased gas. Further, it is stated that the proposed service would have no adverse impact on Applicant or any of its Northern System customers and would not result in any increase in the daily volumes of gas which Northern States is entitled to purchase from Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35570 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–116–000]

Missouri Power & Light Co.; Filing

December 8, 1981.

Take notice that Missouri Power & Light Company (MPL) on November 23, 1981, tendered for filing a proposed Electric Service Agreement between MPL and the City of Marceline, Missouri (Marceline).

MPL states that the Agreement, approved by Bill No. 35.595, Ordinance No. 35.595 of the City of Marceline, Missouri, supersedes the Electric Service Agreement between MPL and Marceline entered into on July 24, 1973. MPL proposes that the new Agreement become effective on March 1, 1982. The new Agreement increases capacity from 7500 kilovolt amperes under the hold Agreement to 8400 kilovolt amperes. The new Agreement requires Marceline to give MPL six (6) months' advance written notice of any proposed new municipal use or resale which will result in a 1000 KW addition or more and to consult with MPL prior to such use or resale to determine that such user or resale is consistent with safe and reliable system operation. The new Agreement terminates on July 24, 1983, but is automatically renewed for successive one (1) year periods unless terminated by ninety (90) days written notice by either party to the chief executive officer of the other party. The Agreement is not terminable by either party during the first year of the term. Rates to be charged under the new Agreement will remain the same as rates presently charged under the old Agreement and do not differ from rates charged to other customers in the same class.

Copies of the filing were served upon MPL's jurisdictional customers and the Secretary of the Missouri Public Service Commission.

Any person desiring to be heard to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are open for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35555 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES82–25–000]

Missouri Power and Light Co.; Application

December 7, 1981.

Take notice that on November 27, 1981, Missouri Power and Light Company (Applicant), filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance short-term, unsecured promissory notes in a

aggregate amount of $12,000,000, with a final maturity date of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35540 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-14-000]

Mountain Fuel Resources, Inc.; Proposed Changes in FERC Gas Tariff

December 7, 1981.

Take notice that Mountain Fuel Resources, Inc. (Resources), on December 1, 1981 tendered for filing and acceptance First Revised Sheet Nos. 2 and 3, Fourth Revised Sheet No. 4 and Sixteenth Revised Sheet No. 7 of its FERC Gas Tariff, Original Volume No. 1. The changes are proposed to become effective January 1, 1982, and would increase annual jurisdictional revenues by $3,943,485, inclusive of transportation services, based on the twelve-month period ended August 31, 1981, as adjusted. Of the total amount of the increase requested, transportation revenues are proposed to be increased by $244,465 annually with the balance applicable to sales for resale.

Resources states that the principal reasons for the increased rates are as follows:

(1) Increases in operating and maintenance expenses; (2) increases in rate base and related expenses; and (3) increase in rate of return to 14.76 percent in order to compensate for higher cost of capital.

Resources states that copies of this filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35556 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5515-000]

New England Energy Development Systems, Inc.; Application for Preliminary Permit

December 4, 1981.

Take notice that New England Energy Development Systems, Inc. (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5515 to be known as the Mill River Project located on the Mill River in the town of Northampton, Hampshire County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael Pill, Staff Planner and Attorney, New England Energy Development Systems, Inc., 109 Main Street, Amherst, Massachusetts 01002.

Project Description— The proposed project would consist of five developments described as follows:

(A) The Mill One development would consist of: (1) An existing 15-foot high, 120-foot long concrete and masonry dam; (2) a 15 acre pond at elevation 135 feet m.s.l. with unknown storage capacity; (3) a new 30-foot long penstock of undetermined diameter; (4) a new powerhouse with a single 59 kW turbine-generator; and (5) appurtenant facilities. Mill One would generate up to 240,900 kWh annually.

(B) The Mill Two development would consist of: (1) An existing 15-foot high, 120-foot long concrete and masonry dam; (2) a 500-foot long reservior at elevation 235 feet m.s.l. with unknown storage capacity; (3) a new 50-foot long penstock of undetermined diameter; (4) a new powerhouse with a single 55 kW turbine-generator; and (5) appurtenant facilities. Mill Two would generate up to 240,900 kWh annually.

(C) The Mill Three development would consist of: (1) An existing dam, in two sections, joined by a rock outcrop and constructed of masonry, 80 feet long and 20 feet high on the north section and 30 feet long and 6 to 8 feet high on the south section; (2) a reservoir with unknown storage capacity at elevation 300 feet m.s.l.; (3) a new 75-foot long penstock of undetermined diameter; (4) a new powerhouse containing a single 72 kW turbine-generator; and (5) appurtenant facilities. Mill Three would generate up to 315,360 Kwh annually.

(D) The Mill Four development would consist of: (1) An existing dam, in two sections, constructed of masonry, both 80 feet long and 10 feet high, separated by an island; (2) a reservoir with unknown storage capacity at elevation 312 feet m.s.l.; (3) a new 100-foot long penstock of undetermined diameter; (4) a new powerhouse containing a single 35 kW turbine-generator; and (5) appurtenant facilities. Mill Four would generate up to 153,300 kWh annually.

(E) The Mill Five development would consist of: (1) An existing 150-foot long, 28-foot high masonry dam; (2) a reservior of unknown storage capacity at elevation 355 feet m.s.l.; (3) a new powerhouse containing a single 110 kW turbine-generator; and (4) appurtenant facilities. Mill Five would generate up to 481,800, kWh annually.

The project property is owned by Smith College, Chartpak Company, Massachusetts Electric Company, The Pro Corporation, Meadow Trust Company, Stephen B. Monsein, Gerold B. Jackson and George and Margaret Tobin.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorized construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be up to $25,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 11, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 11, 1982, and should specify the type of application

forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 11, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35541 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5466-000]

City of New York; Application for Preliminary Permit

December 8, 1981.

Take notice that the City of New York (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5466 to be known as the Croton Water Supply System Water Power Project located on East Branch Croton River, Middle Branch Croton River, Cross River, Croton River, Muscoot River, and Titicus River in Cortland, North Salem, Somers and Bedford Townships, Westchester County, and Southeast and Carmel Townships, Putnam County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Francis X. McArdle, Department of Environmental Protection, City of New York, 2358 Municipal Building, New York, New York 10007.

Project Description—The proposed project would redevelop the existing Applicant-owned facilities and would consist of eight separate but hydraulically related developments:

A. The Project A Development comprising: (1) The 2,163-foot long and 297-foot high masonry gravity-type New Croton Dam having an ungated side-discharge spillway; (2) the New Croton Reservoir having a surface area of 2,259 acres at spillway crest elevation 195.5 feet msl; (3) the intake structure, Gatehouse #2, and related conduits through the dam; (4) a new powerhouse containing a new generating unit having a rated capacity of 3,100-kW; (5) the release conduit to the Croton River; (6) a new 0.5-mile long transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 13,000 MWh.

B. The Project B Development comprising: (1) The 1,519-foot long earth-fill and masonry Titicus Dam having a 200-foot long spillway; (2) the Titicus Reservoir having a surface area of 669.4 acres at spillway crest elevation 324.5 feet msl; (3) the intake structure, two 48-inch conduits through the dam, and the gate house; (4) a new powerhouse containing a new generating unit having a rated capacity of 250-kW; (5) the release channel to the Titicus River; (6) a new 1-mile long transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 850 MWh.

C. The Project C Development comprising: (1) The 1,270-foot long and 82-foot high earth-fill Amawalk Dam having a 50-foot long spillway; (2) the Amawalk Reservoir having a surface area of 606 acres at spillway crest elevation 399.5 feet msl; (3) the intake structure, related conduits through the dam, and the gate house; (4) a new 300-foot long penstock; (5) a new powerhouse containing a new generating unit having a rated capacity of 220-kW; (6) a new tailrace to the spillway channel to the Muscoot River; (7) a new 100-foot long transmission line; and (8) appurtenant facilities. Applicant estimates that the average annual energy output would be 730 MWh.

D. The Project D Development comprising: (1) The 1,130-foot long and 58-foot high masonry Muscoot Dam having a 950-foot long spillway; (2) the Muscoot Reservoir having a surface area of 1,166 acres at spillway crest elevation 199.5 feet msl; (3) a modified gate chamber containing a new generating unit having a rated capacity of 600-Kw; (4) a new two-mile long transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,800 MWh.

E. The Project E Development comprising: (1) The 2,190-foot long and 51-foot high earth-fill Diverting Dam having a 1,000-foot long side-discharge spillway; (2) the Diverting Reservoir having a surface area of 154-acres at spillway crest elevation 309.5 feet msl; (3) a modified release chamber containing a new generating unit having a rated capacity of 100-kW; (4) the release conduit and waste channel to the East Branch Croton River; (5) a new 1-mile long transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 670 MWh.

F. The Project F Development comprising: (1) The 1,090-foot long and 170-foot high masonry Cross River Dam having a 240-foot long side-discharge spillway; (2) the Cross River Reservoir having a surface area of 769-acres at spillway crest elevation 329.5 feet msl; (3) the gate house, related conduits through the dam, valve chamber, and the penstock; (4) a modified pumping station containing a modified turbine connected to a new generator having a rated capacity of 325-kW; (5) the tailrace to the outlet channel to the Cross River; (6) a new 1-mile long transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 665 MWh.

G. The Project G Development comprising: (1) The 1500-foot long and 113-foot high masonry Croton Falls Dam having a 700-foot long side-discharge

spillway; (2) the Croton Falls Reservoir having a surface area of 1,062 acres at spillway crest elevation 309.4 feet msl; (3) the intake chamber, related conduits through the dam, and the penstock; (4) a modified pumping station containing a modified turbine connected to a new generator having a rated capacity of 1,650-kW; (5) the tailrace to the waste channel to the Middle Branch Croton River; (6) a new 200-foot long transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 4,200 MWh.

H. The Project H Development comprising: (1) The 1,340-foot long and 60-foot high earth-fill Bog Brook No. 1 Dam; (2) the 1,956-foot long and 35-foot high earth-fill Bog Brook No. 2 Dam; (3) the Bog Brook Reservoir having a surface area of 399 acres at spillway crest elevation 416.5 feet msl; (4) the conduit between the Bog Brook Reservoir and the East Branch Reservoir; (5) the 1,100-foot long and 98-foot high masonry and earth-fill Sodam Dam and separate 500-foot long spillway; (6) the East Branch Reservoir having a surface area of 577-acres at spillway crest elevation 416.5 feet msl; (7) the gate house and release conduit through Sodam Dam; (8) a new powerhouse containing a new generating unit having a total rated capacity of 680-kW; (9) a new tailrace to the East Branch Croton River; (10) a new 1.5-mile long transmission line; and (11) appurtenant facilities. Applicant estimates that the average annual energy output would be 3,350 MWh.

The total installed capacity of the proposed project would be 6,925-kW. The system would continue to be operated essentially to provide water supply to the City of New York. Project energy would be used by Applicant for municipal purposes or would be sold.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 12, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before January 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION ", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35563 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-75-000]

Northern Utilities, Inc.; Application

December 8, 1981.

Take notice that on November 9, 1981, Northern Utilities, Inc. (Applicant), P.O. Box 2800, Casper, Wyoming 82602, filed in Docket No. CP82-75-000 an application pursuant to section 311 of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's regulations authorizing Applicant to transport natural gas for Montana-Dakota Utilities Co., Inc. (MDU), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a gas transportation agreement dated June 12, 1978, as amended on April 11, 1980, it would transport up to 25 trillion Btu of natural gas or 6 billion Btu of natural gas per day purchased by MDU which gas is produced in the area of the Powell II Unit in Converse County, Wyoming, and transported by MDU from the area of production to a point near Midwest, Natrona County, Wyoming, where it is delivered to Applicant. It is further stated that Applicant would transport the gas from a point near Midwest, Wyoming, to a point near Billy Creek, Johnson County, Wyoming, and certain intermediate points. Applicant states that the proposed transportation service would be for a primary term ending January 7, 1996, and from year to year thereafter.

Applicant proposes to charge MDU 22.0 cents per Mcf for transporting the gas. Applicant asserts that this rate is fair and equitable within the meaning of § 284.123(b)(1)(ii) of the Commission's regulations.

The proposal would allow Applicant to take delivery of the subject gas without having to construct additional facilities, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35571 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-4-000]

Owens-Corning Fiberglas Corp.; Application for Adjustment and Request for Interim Relief

December 7, 1981.

Take notice that on November 18, 1981, Owens-Corning Fiberglas Corporation (Owens-Corning), Fiberglas Tower-Arcade, Toledo, Ohio 43659 filed an application with the Federal Energy Regulatory Commission (Commission) for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 and for interim relief pursuant to § 1.41(m) of the Commission's rules of practice and procedure, in which Owens-Corning seeks relief from § 282.203(b) of the Commission's regulations for its Jacksonville, Florida fiberglas mat facility.

Owens-Corning states that prior to August, 1981 it used natural gas as boiler fuel in connection with its felt mill operation at the Jacksonville facility. In August, 1981, Owens-Corning substituted fiberglas in place of felt which resulted in a permanent reduction of natural gas as boiler fuel to levels below an average of 300 Mcf per day. Owens-Corning states that its seeks an adjustment because its past pattern of gas usage is unrepresentative of its current and future requirements and that with the change in operating conditions its boiler fuel usage of natural gas will not exceed an average of 300 Mcf per day in the future.

The procedures aplicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's rules of practice and procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in the adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed by December 29, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35542 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5536-000]

Pacific Gas and Electric Co.; Application for Transmission Line License

December 8, 1981.

Take notice that on September 24, 1981, Pacific Gas and Electric Company (PG&E) filed an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] to construct, operate, and maintain two transmission lines to be known as Pardee Tap No. 2 and Camanche Tap, FERC No. 5536 which would connect East Bay Municipal Utility District's (EBMUD) Lower Mokelumne River Project (FERC No. 2916) to PG&E's transmission system. The project would be located in Calaveras, Amador, and San Joaquin Counties, California. Correspondence with the Applicant on this matter should be addressed to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087 A, San Francisco, California 94106, with a copy to Mr. Louis E. Vincent, Attorney, Pacific Gas and Electric Company, Law Department, P.O. Box 7442, San Francisco, California 94106.

Project Description—The proposed project would consist of: (1) An existing 600-foot long, single circuit, 60-kV tap line known as Pardee Tap No. 2, extending from EBMUD's Pardee Powerhouse to PG&E's Pardee switches; and (2) a new 6.74-mile long, single circuit, 115-kV transmission line, to be known as Camanche Tap, extending from EBMUD's Camanche Powerhouse to PG&E's Halsey Junction-Newark 115-kV Tower Line.

Purpose of Project—The transmission lines would transmit power from the proposed Lower Mokelumne River Project No. 2916 to PG&E's system.

Estimated Cost—The cost of the project is estimated, by the Applicant, to be about $587,000.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 12, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35572 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-115-000]

Pacific Power & Light Co.; Filing

December 7, 1981.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on November 24, 1981, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, individual Letter Agreements between Pacific and the following Purchasers: Pacific Gas and Electric Company, San Diego Gas & Electric Company.

These Letter Agreements provide for the sale of firm electric capacity and energy by Pacific to the Purchasers.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective on September 1, 1981.

Copies of the filing were supplied to the Purchasers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Steet, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35543 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-65-000]

Panhandle Eastern Pipe Line Co.; Application

December 8, 1981.

Take notice that on November 10, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-65-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the implementation of certain transportation and exchange agreements between Applicant and MIGC, Inc., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into gas transportation and exchange agreements with MIGC on February 27, 1981, which include a gas transportation and exchange agreement for the Powder River Basin, Wyoming (Powder River Basin Agreement), and a gas transportation and exchange agreement for areas other than the Powder River Basin (System-Wide Agreement).

It is stated that the Powder River Basin Agreement provides that if either Applicant or MIGC acquires gas supplies in the Powder River Basin, Wyoming, the other pipeline would upon request connect its facilities to such gas pipeline for the purpose of transport and delivery. It is further stated that the agreement provides for a maximum daily delivery volume of 5,000 Mcf with reimbursement of connection costs and payment of a transportation charge of 5.56 per Mcf. The System-Wide Agreement, it is asserted, provides that Applicant and MIGC would accept and redeliver gas supplies acquired by the other pipeline in other areas as well. It is further stated that the agreement provides for a maximum daily delivery volume of 20,000 Mcf with reimbursement of any gathering costs and payment of a transportation charge based on then-effective jurisdictional transportation rates reflecting system-wide costs excluding costs associated with gathering and storage systems and gas used in transmission.

Applicant requests authorization to add and delete points of receipt and delivery as may be required from time to time.

Applicant asserts that the subject proposal would allow it and MIGC to add new sources of natural gas supply to existing pipeline systems without costly additions or duplication of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35573 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-9-000]

Rescission of Final Well Category Determination by Jurisdictional Agency; State of West Virginia

December 8, 1981.

In the matter of State of West Virginia NGPA section 103 Determination Patrick Petroleum Corporation Jacob Daugherty No. 1 Well JD No. 81-27387 State No. 800417-103-001-0724.

On April 28, 1981, the State of West Virginia Department of Mines, Oil and Gas Division (West Virginia) filed with the Commission a notice of determination pursuant to section 502 of the Natural Gas Policy Act of 1978 (NGPA) that the Patrick Petroleum Corporation's Jacob Daugherty No. 1 Well qualifies as a new onshore production well under section 103(c) of the NGPA. The Commission issued notice of the determination on May 13, 1981 (46 FR 27528, May 20, 1981). The determination became final on June 12, 1981, pursuant to § 275.202(a) of the Commission's regulations.

West Virginia's determination was based on Patrick Petroleum Corporation's application which contained a well completion report indicating that the surface drilling of the subject well was commenced on September 18, 1978. The well completion report also stated that the subject well was completed for production on September 22, 1978 in the Riley Formation from 4,066 to 4,071 feet in depth. In order for a well to qualify as a new onshore production well under section 103 of the NGPA, the surface drilling of the well must have commenced on or after February 19, 1977. See NGPA section 103(c)(1).

On September 18, 1981, the Commission received notification from West Virginia that a review of records indicated that surface drilling of the subject well began on July 20, 1975, and that the well was completed for production on July 30, 1975, in the Gantz Formation, at depths of 1,504 to 1,590 feet. Accordingly, West Virginia held a hearing at which it determined that the subject well does not qualify as a new onshore production well under section

103. West Virginia issued an order rescinding its previous order and rejecting the application.

Notice is hereby given of West Virginia's rescission of its prior affirmative determination for the subject well, and of its rejection of the application covering the subject well.

With respect to the question of refunds arising out of West Virginia's rescission of the subject final well category determination, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.102(d), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to make any protest to this action should on or before December 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35575 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-302]

Sea Robin Pipeline Co.; Vermilion Block 22 System; Filing of Revised Tariff Sheets

December 8, 1981.

Take notice that on November 30, 1981, Sea Robin Pipeline Company (Sea Robin) tendered for filing as a part of its FERC Gas Tariff, Original Volume No. 2, Twelfth Revised Sheet Nos. 127–D and 135–C to become effective January 1, 1982. These revised tariff sheets reflect Sea Robin's cost of gas delivered at Pecan Island, Louisiana, for the six (6) month period beginning January 1, 1982, and are being filed 30 days prior to the effective date pursuant to Section 4 of Sea Robin's Tariff.

Copies of the revised tariff sheets and supporting data are mailed to Sea Robin's jurisdictional customers and interested State Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[Docket No. TA82-1-6-000]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

December 8, 1981.

Take Notice that on November 30, 1981, Sea Robin Pipeline Company (Sea Robin) tendered for filing Twenty Eighth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information is being filed 30 days prior to the proposed effective date of January 1, 1982 pursuant to the Purchased Gas Cost Adjustment provisions set out in sections 1 and 3 of Sea Robin's tariff. In addition, Sea Robin submits Ninth Revised Sheet No. 4–A to become effective January 1, 1982, in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978, and July 12, 1978, at Docket No. RP77–6.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35558 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5609-000]

Town of Skykomish, Wash.; Application for Preliminary Permit

December 4, 1981.

Take notice that the Town of Skykomish, Washington (Applicant) filed on November 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5609 to be known as the Silver Creek Hydropower Project located on Silver Creek, near Skykomish, within the lands of Mt. Baker—Snoqualmie National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy Gale, Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288.

Project Description—The project would consist of: (1) A 5-foot high, 100-foot long concrete diversion structure; (2) a 2.7-mile long, 60-inch diameter conduit; (3) a 2,000-foot long, 42-inch diameter penstock; (4) a powerhouse with total installed capacity of 4,100 kW; and (5) a 7-mile long, 69-kV transmission line from the powerhouse to an existing BPA transmission line. The Applicant estimates that the average annual energy production would be 26.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental, and economic analysis; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking the studies would be $100,000.

Competing Applications—This application was filed as a competing application to the Mineral Butte Power Project No. 5341 filed on September 8, 1981, by Western Power Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent is December 16, 1981. Anyone desiring to file a competing application

must submit to the Commission, on or before December 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35544 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-7-000 (PGA82-1)]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 7, 1981.

Take notice that Southern Natural Gas Company (Southern), on December 1, 1981, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective January 1, 1982. Such filing is pursuant to section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items.

(1) A Current Adjustment pursuant to § 17.3 of the General Terms and Conditions of Southern's Tariff, reflecting an annual increase in cost of purchased gas to jurisdictional customers of $5.1 million or approximately 0.952¢ per Mcf.

(2) A Surcharge Adjustment, pursuant to § 17.4 of the General Terms and Conditions of Southern's Tariff, for Unrecovered Purchased Gas Costs of 7.989¢ per Mcf which is an increase of 13.404¢ from the present negative Surcharge Adjustment. This Surcharge Adjustment will amortize the $22.3 million balance in the Deferred Account over the estimated sales for the six-month period commencing January 1, 1982.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's Tariff of (.102¢) per Mcf which is an increase of .325¢ from the present Surcharge Adjustment.

(4) A GRI Surcharge Adjustment of .720¢ per Mcf approved by FERC order dated September 28, 1981, Opinion 131 (Docket No. RP81-72), which is an increase of .160¢ above the present GRI Surcharge Adjustment.

(5) Pursuant to § 282.602(a)(1)(ii) of the Regulations under the Natural Gas Policy Act of 1978, Southern is also filing Fourth Revised Sheet No. 45R with a proposed effective date of January 1, 1982. Such tariff sheet reflects Southern's projected incremental pricing surcharge for each of the six months during the rate collection period aggregating a total for the six month period of $74,334.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35550 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-86-000]

Southern Natural Gas Co.; Application

December 8, 1981.

Take notice that on November 13, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-86-000 an application pursuant to section 311(a)(1) of the Natural Gas Policy Act of 1978 (NGPA) and § 284.107 of the Commission's regulations for approval of a transportation service to be rendered by Applicant on behalf of Sugar Bowl Gas Corporation (Sugar Bowl), an intrastate pipeline company in the state of Louisiana, for a fixed period in excess of two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on October 16, 1981, it entered into a gas transportation agreement with Sugar Bowl under which Sugar Bowl would deliver or cause to be delivered a maximum daily transportation quantity of 1.8 billion Btu of gas to Applicant at an existing point of interconnection between Trunkline Gas Company's pipeline facilities and Applicant's 24-inch North Main Second Loop line near mile post 30.212 on Applicant's line in West Carroll Parish, Louisiana. Applicant further states that pursuant to such agreement it would transport such gas on an interruptible basis and redeliver a thermally equivalent quantity of gas for Sugar Bowl's account at an existing point of interconnection between Applicant's pipeline facilities near its Toca Compressor Station, St. Bernard Parish, Louisiana, and the facilities of Union Texas Petroleum Corporation (Union Texas) at the inlet side of its Toca Plant. It is asserted that such transportation

agreement is for a primary term of five years from the date of initial deliveries.

It is submitted that Sugar Bowl has entered into a gas sales agreement with Union Texas pursuant to which Sugar Bowl would provide Union Texas with a supply of natural gas to be used as fuel gas to fractionate liquids available at Union Texas' natural gas processing plant and fractionator in St. Bernard Parish, Louisiana. It is further submitted that Sugar Bowl's pipeline system is not connected to Union Texas's Toca Plant and in order to effectuate its sale to Union Texas Sugar Bowl has requested Applicant to transport its sales gas to the Toca Plant.

For such transportation service, Applicant states Sugar Bowl would pay Applicant a transportation rate of 28.0 cents per million Btu of gas transported and delivered for its account.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35574 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-12-000]

Tennessee Gas Pipeline Co.; Filing of Changes in Rates

December 8, 1981.

Take notice that on November 30, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing changes in its FERC Gas Tariff to be effective January 1, 1982, consisting of the following revised tariff sheets:

Original Volume No. 1

First Revised Sheet No. 226
Second Revised Sheet No. 225
Substitute Third Revised Sheet No. 21
Substitute Fourth Revised Sheets Nos. 20 and 22
A Sheet Reserving Original Sheet Nos. 227 through 325 for Future Use

Original Volume No. 2

First Revised Sheet Nos. 299QQ4, 299QQ5, and 299RR5, Second Revised Sheet Nos. 267L, 277B, 286E, 297D, 297E, 299V6, 299W5, 299X6, 299Y6, 299EE6, 286E, 299FF5, 299GG7, 299MM5, 299NN4, 299OO5, and 322D; Third Revised Nos. 266J, 267K, 268C, 287E, 288D, 289E, 290E, 291E, 292E, 299L9, 299M6, 299N5, 299Q5, 299R5, 299S9, and 299S10; Fourth Revised Nos. 266I, and 274E; Sixth Revised Sheet No. 141A; Seventh Revised Nos. 249H, and 249I; Eighth Revised Sheet No. 245D; Ninth Revised Sheet Nos. 76, and 215; Tenth Revised Sheet Nos. 53, 54 and 77; Eleventh Revised Sheet No. 141; Thirteenth Revised Sheet Nos. 11 and 12.

The changes would increase revenues from jurisdictional sales and services by $122,284,595 based on a test period consisting of the twelve months ended August 31, 1981, adjusted for known and measurable changes through May 31, 1982.

Tennessee states that the increased rates are required to reflect an increase in rate of return and related income taxes, increased plant and related expenses, and increases in the cost of materials, supplies, wages, taxes, prepayments to producers and the transportation of gas by others.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35560 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-72-000]

Tennessee Gas Pipeline Co., and National Fuel Gas Supply Corp.; Application

December 8, 1981.

Take notice that on November 12, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP82-72-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Fuel Gas Distribution Corporation (Distribution), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request authorization to transport natural gas for the account of Distribution up to a maximum annual volume of 75,000 Mcf of natural gas at daily volumes of up to 15,000 Mcf pursuant to a precedent agreement dated August 25, 1981. Supply proposes to make volumes available to Tennessee at the existing interconnection between the facilities of Supply and Tennessee at Tennessee's existing East Aurora Sales Meter Station delivery point in New York. Tennessee proposes to receive such volumes from Supply and transport equivalent volumes, less fuel and use volumes, to Honeoye Storage Corporation (Honeoye) for the account of Distribution at the existing interconnection of Tennessee's and Honeoye's pipelines in Ontario County, New York.

Applicants state that Distribution would pay Tennessee a volume charge each month equal to 3.48 cents per Mcf transported with provision for a minimum annual bill. It is further stated that Distribution would also provide to Tennessee volumes of natural gas equal to 1.21 percent of the volumes received for transportation as a supplement to Tennessee's system gas supply for its system fuel and use requirements.

It is asserted that the arrangements between Supply and Distribution relative to this proposed transportation service are set forth in a letter agreement dated August 18, 1981. It is explained that Supply would charge Distribution in accordance with its Rate Schedule T-1 which charge is presently 15.68 cents per Mcf. In addition, it is stated that Supply would keep 2.0 percent of the total volumes delivered for shrinkage.

Applicants maintain that the ability to render presently authorized services to their customers would not be affected by this proposal. Such service, it is submitted, would enable Distribution to deliver gas to Honeoye for storage.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35576 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-56-000]

Transcontinental Gas Pipe Line Corp.; Application

December 8, 1981.

Take notice that on November 4, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-56-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the Brazos Area, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 0.43 mile of 16-inch pipeline which would connect the existing "A" production platform in Block 578, Brazos Area, offshore Texas, to a subsea connection in that block with a 24-inch pipeline of Applicant and Columbia Gulf Transmission Company. Applicant also proposes to construct metering, regulating and other appurtenant facilities on the production platform. Applicant states that the proposed facilities would have a maximum capability to transport up to 150,000 Mcf of gas per day.

It is stated that such facilities would have a maximum capability of 150,000 Mcf per day and are estimated to cost $3,604,080 which would be financed initially through short-term loans and available cash with permanent financing to be undertaken at a later date.

It is submitted that the facilities proposed herein are required to attach new gas supplies that would be available to Applicant commencing in the spring of 1982 from Brazos 578.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35545 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-11-000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

December 8, 1981.

Take notice that on November 30, 1981, United Gas Pipe Line Company (United) tendered for filing Fifty-Fifth Revised Sheet No. 4 and Fourth Revised Sheet Nos. 4-A, 4-B, and 4C to its FERC Gas Tariff, First Revised Volume No. 1. These tariff sheets and supporting information are being filed pursuant to the Purchase Gas Adjustment Provisions set out in Sections 19, 22 and 23 of United's tariff.

United states that the current adjustment reflects rates payable to United's suppliers for the six (6) months commencing January 1, 1982.

Fourth Revised Sheet Nos. 4-A and 4-B are being filed to reflect the estimated incremental pricing surcharges as required by Commission Order No. 49, issued September 28, 1979.

Copies of the proposed tariff sheets will be mailed to United's customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Steet, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35561 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC82-5-000]

Virginia Electric & Power Co.; Filing

December 9, 1981.

The filing Company submits the following:

Take notice that on November 30, 1981, Virginia Electric and Power Company (VEPCO) submitted an application for authorization to enter into an exchange of ownership with Monongahela Power Company (Monongahela) and Potomac Edison Company (Potomac Edison) of some of the existing transmission facilities between Mount Storm (near Mt. Storm, West Virginia) and Pruntytown (near Fairmont, West Virginia) substations, Mount Storm and Valley (near Harrisonburg, Virginia) substations and Mount Storm and Morrisville (near Warrenton, Virginia) substations and at Mount Storm and Valley substations. No new transmission facilities are proposed to be constructed pursuant to the agreement to exchange facilities. No consideration will be paid. This is an exchange of equal megawatts of capacity in the affected facilities. The exchange will not affect interconnections among VEPCO, Monongahela and Potomac Edison.

The purpose of the exchange transaction is to provide a direct electrical path over facilities owned by Potomac Edison and Monongahela between the Bath County Project and the operating territory of the Allegheny Power System. VEPCO requests approval of its application pursuant to section 203 of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35582 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-22-000]

Richard C. Walker; Application for Commission Certification of Qualifying Status of Small Power Production Facility

December 7, 1981.

On November 17, 1981, Richard C. Walker of Cambridge, Iowa, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a wind generating system located in Cambridge, Iowa. The rated capacity of the facility is 10 kilowatts. No electric utility, electric utility holding company or any combination therof has an ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35546 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-53-000]

Wisconsin Natural Gas Co.; Application

December 8, 1981.

Take notice that on November 3, 1981, Wisconsin Natural Gas Company (Applicant), 233 Lake Avenue, Racine, Wisconsin 53403, filed in Docket No. CP82-53-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.222 of the Commission Regulations for a certificate of public convenience and necessity for blanket authorization to sell, transport or assign natural gas which is surplus to its present needs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contract demand volumes and available gas volumes temporarily in excess of its system requirements due to the depressed economic situation involving the principal industries it serves and the availability of surplus gas from its pipeline supplier, Michigan Wisconsin Pipe Line Company. Therefore, Applicant requests blanket authority to permit it to sell up to 2,400,000 dekatherms (dt) equivalent of gas per year for the next two years. Applicant asserts this would reduce the cost burdens on its customers associated with the reduced demand for gas sales which otherwise might be borne by its customers.

Applicant proposes a sales rate of $3.919 per dt equivalent subject to upward adjustment based upon changes in Applicant's system cost of gas. It is stated that this rate is based upon the current rate as approved by the Public Service Commission of Wisconsin for Applicant's sales to interruptible industrial customers on its system. Applicant requests authority to modify its rate from time to time to reflect rate changes approved by the Public Service Comission of Wisconsin and, further, requests that its rate as computed from time to time by its proposed methodology be deemed to constitute the maximum price so that Applicant may change such price in any individual transaction under the requested blanket certificate without further Commission action. Additionally, Applicant requests that the Commission disclaim jurisdiction over any activities of Applicant except for the sales made pursuant to the requested authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by

Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35577 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2426-007]

State California Department of Water Resources; Application for Amendment of License

December 4, 1981.

Take notice that on July 24, 1981, the State of California Department of Water Resources (Licensee) filed an application for amendment of its existing license for the California Aqueduct Project No. 2426, to add Mojave Siphon powerplant in San Bernardino County, California. Correspondence with the Licensee should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Licensee seeks authorization to construct, operate, and maintain: (1) a 650-foot long, 11-foot diameter penstock connecting the existing Mojave Siphon inlet structure with; (2) a powerhouse with a total installed capacity of 7.2 MW; (3) an 11-foot diameter pipeline and a 17-foot diameter tunnel carrying the powerplant tailrace to Silverwood Lake; and (4) a 33-kV, 0.5 mile long transmission line connecting adjacent to the powerhouse to an existing Southern California Edison Company's transmission line.

The estimated annual energy of 47 million kWh generated by the proposed powerplant would be added to the energy generated at the other powerplants of the Licensee. The Licensee estimates the cost of the proposed action to be $30,374,780.

Comment, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35584 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4412-001]

Thornton Lake Resource Co.; Application For Exemption For Small Hydroelectric Power Project Under 5 MW Capacity

December 4, 1981.

Take notice that on October 21, 1981, Thornton Lake Resource Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4412) would be located on Thornton Creek, near the town of Newhalem, in Whatcom County, Washington. Correspondence with the Applicant should be directed to: Ms. Sherri M. Lee, 2100 Electric Avenue, #326, Bellingham, Washington 98226.

Project Description—The proposed project would consist of: 1) a 4-foot high and 50-foot long diversion weir; 2) a 9,000-foot long, 30-inch diameter steel penstock; 3) a concrete powerhouse containing one generating unit rated at 4 MW; 4) a tailrace; 5) a switchyard; and 6) a 2-mile long access road.

Purpose of Project—The average annual energy generation of 26 million kWh would be sold to a local utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 20, 1982, either the competing license application that proposed to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 20, 1982. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the

requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 20, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35585 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

[Volume 550]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
				OHIO DEPARTMENT OF NATURAL RESOURCES			
-A & R COMPANY			RECEIVED: 11/06/81 JA: OH				
8205557		3416724714	107-DV	JOSEPH C EDDY TR A #1-A OH 12 0501	NEWPORT	5.0	COLUMBIA GAS TRAN
8205558		3416724718	107-DV	OPHELLA HOFF #1 OH 26 1401	NEWPORT	7.0	COLUMBIA GAS TRAN
8205559		3416724764	107-DV	RAYMOND ABICHT #6 OH 17 0106	NEWPORT	15.0	COLUMBIA GAS TRAN
-ALTEX INC			RECEIVED: 11/06/81 JA: OH				
8205560		3412725271	103	C BIBLER #1	READING TWP	6.0	NATIONAL GAS & OI
-ALTHEIRS OIL INC			RECEIVED: 11/06/81 JA: OH				
8205561		3412725166	103	LEWIS #1	SCOTCH HEIGHTS	10.0	NATIONAL GAS & OI
8205562		3412725243	103	PEABODY COAL #1	SALT LICK TWP	4.0	
-AMERICAN EXPLORATION CO			RECEIVED: 11/06/81 JA: OH				
8205564		3411923758	108	MCNEISH #1		10.0	LIBBEY OWENS FORD
8205565		3411923957	108	MCNEISH #2		10.0	LIBBEY OWENS FORD
-BEREA OIL AND GAS CORPORATION			RECEIVED: 11/06/81 JA: OH				
8205567		3411925388	103	GRANT #1	UNION	0.0	COLUMBIA GAS TRAN
8205567		3411925388	107-TF	GRANT #1	UNION	0.0	COLUMBIA GAS TRAN
8205571		3415521389	103	HUBISH #1	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8205571		3415521389	107-TF	HUBISH #1	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8205572		3415521390	103	HUBISH #2	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8205572		3415521390	107-TF	HUBISH #2	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8205570		3411925630	103	PROUTY #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8205570		3411925630	107-TF	PROUTY #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8205569		3411925541	103	RITCHEY #1	UNION	0.0	COLUMBIA GAS TRAN
8205569		3411925541	107-TF	RITCHEY #1	UNION	0.0	COLUMBIA GAS TRAN
8205568		3411925540	103	RUSSELL-PEACH UNIT #1	UNION	0.0	COLUMBIA GAS TRAN
8205568		3411925540	107-TF	RUSSELL-PEACH UNIT #1	UNION	0.0	COLUMBIA GAS TRAN
-BLACK GOLD PRODUCTIONS			RECEIVED: 11/06/81 JA: OH				
8205573		3411122375	107-DV	POTTS #1	FRANKLIN	0.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO			RECEIVED: 11/06/81 JA: OH				
8205574		3411122442	D 107-DV	WILLIAM STEPHEN #1	MALAGA	30.0	COLUMBIA GAS TRAN
-CARLTON OIL CORP			RECEIVED: 11/06/81 JA: OH				
8205577		3411122145	107-DV	HARRY CLINE #1	WASHINGTON	50.0	
8205575		3411121950	107-DV	PIATT #1 79-1	WASHINGTON	50.0	
8205576		3411121952	107-DV	PIATT #3	WASHINGTON	50.0	
-FARMS OIL CO			RECEIVED: 11/06/81 JA: OH				
8205578		3407322292	103	ADCOCK-THOMA #1	FALLS GORE	72.0	COLUMBIA GAS TRAN
8205579		3407322328	103	ADCOCK-THOMA #2	FALLS GORE	30.0	COLUMBIA GAS TRAN
-FUTURE ENERGY CORPORATION			RECEIVED: 11/06/81 JA: OH				
8205580		3411522145	107-TF	D CLEMENS #1	MALTA	60.0	
-G P ASSOCIATES			RECEIVED: 11/06/81 JA: OH				
8205581		3416726523	107-DV	GREG PRYOR #1	NEWPORT FIELD	5.0	COLUMBIA GAS TRAN
-GEN MOTORS CORP			RECEIVED: 11/06/81 JA: OH				

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205582		3415521528		107	TF	CALKO #1	LORDSTOWN	79.0	EAST OHIO GAS CO
-HADDAD & BROOKS INC						RECEIVED: 11/06/81 JA: OH			
8205583		3411122369		107	DV	MICHAEL DICK #1	BETHEL	17.0	
8205584		3411122370		107	DV	MICHAEL DICK #2	BETHEL	17.0	
-HEINRICH ENTERPRISES INC						RECEIVED: 11/06/81 JA: OH			
8205586		3416724506		107	DV	FREDA WEINSTOCK #1	NEWPORT	4.0	COLUMBIA GAS TRAN
8205587		3416724510		107	DV	HART-KUROSKI #1	MARIETTA	4.0	RIVER GAS CO
8205591		3416724920		107	DV	JOHN VALENTINE #1-A	MARIETTA	4.0	COLUMBIA GAS TRAN
8205590		3416724515		107	TF	LEONARD GARDNER #1	NEWPORT	4.0	COLUMBIA GAS TRAN
8205588		3416724512		107	DV	WILLARD MARSEE #1	MARIETTA	4.0	COLUMBIA GAS TRAN
8205589		3416724514		107	DV	WILLIAM BOWERSOCK #1	NEWPORT	4.0	COLUMBIA GAS TRAN
8205585		3416724505		107	DV	WILLIAM BOWERSOCK #1-A	NEWPORT	4.0	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC						RECEIVED: 11/06/81 JA: OH			
8205594		3412724972		103		WISEMAN #1	MADISON	12.0	COLUMBIA GAS TRAN
8205594		3412724972		107	TF	WISEMAN #1	MADISON	12.0	COLUMBIA GAS TRAN
-INLAND DRILLING CO INC						RECEIVED: 11/06/81 JA: OH			
8205595		3413321981		107	TF	GUYETTE-STAMM #1	SHALERSVILLE	0.5	
8205596		3413322033		107	TF	RAMSEY-HERR #4	SHALERSVILLE	0.1	
-INTEGRATED PETROLEUM COMPANY INC						RECEIVED: 11/06/81 JA: OH			
8205598		3415521299		107	TF	MCCAFFERTY #1	SOUTHINGTON	30.0	
8205600		3415521314		107	TF	MCCAFFERTY #2	SOUTHINGTON	60.0	
8205599		3415521300		107	TF	MCCAFFERTY #3	SOUTHINGTON	40.0	
8205597		3413322068		107	TF	REYNOLDS #2	HIRAM	80.0	
-J. V. ALTIER GAS & OIL CO INC.						RECEIVED: 11/06/81 JA: OH			
*8205563		3411522466		103		JESSIE M & MELVIN D HICKERSON #1	MCCONNELSVILLE	0.0	BAY STATE GAS CO
-J-R DEVELOPMENT CO						RECEIVED: 11/06/81 JA: OH			
8205601		3412725268		103		CONCORD COAL #1	FULTONHAM WEST	37.0	COLUMBIA GAS TRAN
-JONSU OIL CORP						RECEIVED: 11/06/81 JA: OH			
8205689		3403124319		103		R KELLY #1	MONROE	50.0	
-K S T OIL & GAS CO INC						RECEIVED: 11/06/81 JA: OH			
8205605		3415320964		103		BOWERS UNIT #1	NORTHAMPTION	210.0	
8205603		3415320902		103		CUMMINGS #1	NORTHAMPTON	190.0	
8205606		3415320974		103		FIELDMAN UNIT #1	NORTHAMPTION	0.0	
8205607		3415521811		103		GRAND VALLEY #10	BLOOMFIELD	120.0	
8205602		3400721208		103		GRAND VALLEY #2	ORWELL	0.0	
8205604		3415320904		103		MCCULLOUGH-SENEFF #1	NORTHAMPTION	210.0	
-L & B OIL CO INC						RECEIVED: 11/06/81 JA: OH			
8205608		3411122337		107	DV	BLANEY #1	WAYNE	11.0	COLUMBIA GAS TRAN
-L & M OPERATING INC						RECEIVED: 11/06/81 JA: OH			
8205610		3416725336		107	DV	ELIZA BROOKS #2	LAWRENCE	12.8	COLUMBIA GAS TRAN
8205609		3416724703		107	DV	LLOYD LANKFORD #2	NEWPORT	12.8	COLUMBIA GAS TRAN
-L & M PETROLEUM INC						RECEIVED: 11/06/81 JA: OH			
8205612		3416724908		107	DV	CHARLES LOWE #1	FEARING	12.8	COLUMBIA GAS TRAN
8205613		3416724988		107	DV	ELIZA BROOKS #1	LAWRENCE	12.8	COLUMBIA GAS TRAN
8205615		3416725466		107	DV	ELIZA BROOKS #4	LAWRENCE	12.8	COLUMBIA GAS TRAN
8205616		3416725489		107	DV	ELIZA BROOKS #5	LAWRENCE	12.8	COLUMBIA GAS TRAN
8205614		3416725151		107	DV	ELMER MILLER #1	FEARING	12.8	COLUMBIA GAS TRAN
8205611		3412724753		103		NEW LEXINGTON SCHOOL BD/SNYDER # 1	PIKE	4.0	FORAKER GAS CO IN
8205611		3412724753		107	TF	NEW LEXINGTON SCHOOL BD/SNYDER # 1	PIKE	4.0	FORAKER GAS CO IN
-LANDPROVEST INC						RECEIVED: 11/06/81 JA: OH			
8205617		3411925707		107	TF	WENDELL DERRY #2	PERRY	25.0	
-MOHAWK OIL & GAS CORP						RECEIVED: 11/06/81 JA: OH			
8205622		3412122471		107	DV	CRUM #1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205621		3412122446		107	DV	WILLARD HELLER # 1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN

JO NO	JA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205621		3412122446			107-DV	WILLARD HELLER # 1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN
8205620		3411122166			107-DV	WOOD HENDERSHOT #3.	MARR	1.0	COLUMBIA GAS TRAN
-MEDCO INC						RECEIVED: 11/06/81 JA: OH			
8205625		3412122253			107-DV	CLARA FRANKS #1	ELK	50.0	
8205626		3412122254			107-DV	CLARA FRANKS #2	ELK	50.0	
8205627		3412122293			107-DV	WALTER ULLMAN #1	ELK	50.0	
8205628		3412122940			107-DV	WALTER ULLMAN #2	ELK	50.0	
8205629		3412122596			107-TF	WALTER ULLMAN #5	ELK	50.0	
-NOBLE GAS CO						RECEIVED: 11/06/81 JA: OH			
8205630		3411922718			108	VALLEY KNICELY #1		4.0	EAST OHIO GAS CO
-OHIO OIL & GAS CO						RECEIVED: 11/06/81 JA: OH			
8205631		3415521571			102-2	ZULUCK #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8205631		3415521571			107-TF	ZULUCK #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
-OHIO PARTNERS OIL CO						RECEIVED: 11/06/81 JA: OH			
8205632		3411124830			107-DV	MINES #1	WAYNE	20.0	COLUMBIA GAS TRAN
8205634		3415516470			103	SAWYER #1	BRISTOL	20.0	
8205634		3415516470			107-TF	SAWYER #1	BRISTOL	20.0	
8205633		3415516370			103	TOUNSHENDEAUX #1	FARMINGTON	20.0	COLUMBIA GAS TRAN
8205633		3415516370			107-TF	TOUNSHENDEAUX #1	FARMINGTON	20.0	COLUMBIA GAS TRAN
-OILTECH INC						RECEIVED: 11/06/81 JA: OH			
8205635		3407522313			107-TF	HORACE A DUTTON #3	MECHANICS	0.0	COLUMBIA GAS TRAN
8205636		3407522391			107-TF	HORACE A DUTTON #5	MECHANICS	0.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC						RECEIVED: 11/06/81 JA: OH			
8205637		3411522017			103	PARMITER #3	MORGAN	8.0	COLUMBIA GAS TRAN
8205637		3411522017			107-TF	PARMITER #3	MORGAN	8.0	COLUMBIA GAS TRAN
-ORION ENERGY CORP						RECEIVED: 11/06/81 JA: OH			
8205638		3413322508			103	TIMBERLAKE UNIT #2	ATWATER	15.0	
-OWWIG OIL COMPANY						RECEIVED: 11/06/81 JA: OH			
8205639		3407322532			103	ROBERT GEIGER #1	GREEN	6.0	PARAMOUNT TRANSMI
-OXFORD OIL CO						RECEIVED: 11/06/81 JA: OH			
8205648		3411922458			108	ALPINE-SLACK #2		6.5	EAST OHIO GAS CO
8205640		3407521642			108	DALE SCHLEGEL #1		2.5	COLUMBIA GAS TRAN
8205644		3411122180			107-TF	ELEANOR MIRACLE #1	FRANKLIN	11.0	
8205642		3407522197			108	ELI WEAVER #1		1.5	COLUMBIA GAS TRAN
8205641		3407522196			108	GALEN YODER #1		0.0	COLUMBIA GAS TRAN
8205645		3411122330			107-DV	HENRY WINLAND #1	FRANKLIN	12.0	
8205647		3411922453			108	LAWRENCE HARDY #1		6.5	EAST OHIO GAS CO
8205646		3411122492			107-DV	MARGARET GIBSON #1	FRANKLIN	0.0	
8205643		3407523195			103	SCHLABACH-WEAVER #1	PAINT	10.0	
8205643		3407523195			107-TF	SCHLABACH-WEAVER #1	PAINT	10.0	
-PETRO-LEWIS CORPORATION						RECEIVED: 11/06/81 JA: OH			
8205656		3410521694			108	KING #1 ROBERT	RUTLAND	2.4	COLUMBIA GAS TRAN
8205655		3410521636			108	WELSH #1 DENZIL	RUTLAND	0.4	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - 80						RECEIVED: 11/06/81 JA: OH			
8205657		3407522436			103	HAWK #1	WASHINGTON	29.0	
8205659		3407522446			103	PRIMMER #3	WASHINGTON	29.0	
8205658		3407522442			103	PRIMMER #4	WASHINGTON	29.0	
-POI ENERGY INC						RECEIVED: 11/06/81 JA: OH			
8205650		3413322199			107-TF	BECK-GRIFFITH-WILSON #5	STREETSBORO	55.0	
8205654		3415320817			107-TF	KOBERNA #2	HUDSON	45.0	
8205649		3413322043			107-TF	WILCOX #2	STREETSBORO	110.0	
8205651		3413322206			107-TF	WILCOX-ADAMS #3	STREETSBORO	75.0	
8205652		3413322207			107-TF	WILCOX-ADAMS #4	STREETSBORO	50.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205653		3413322208		107	TF	WILCOX-ADAMS #5	STREETSBORO	75.0	
-QUAKER STATE OIL REFINING CORP		RECEIVED: 11/06/81 JA: OH							
8205660		3412725142		103		SULLIVAN #1	READING	16.3	
8205660		3412725142		107	TF	SULLIVAN #1	READING	16.3	
-RELIANCE ENERGY		RECEIVED: 11/06/81 JA: OH							
8205662		3408924154		107	DV	C RODNEY ELLIS #1	NEWTON	3.0	COLUMBIA GAS TRAN
-RMR PETROLEUM CORP		RECEIVED: 11/06/81 JA: OH							
8205661		3416726595		107	DV	ERNEST HANLON #1	GRANDVIEW	12.5	
-RYDER RESOURCES INC		RECEIVED: 11/06/81 JA: OH							
8205663		3416726668		103		WELLS #1	BEAR CREEK ALLOTMENT	0.0	COLUMBIA GAS TRAN
-SANTA FE DRILLING CO INC		RECEIVED: 11/06/81 JA: OH							
8205664		3411122363		107	DV	ELAINE FLEEMAN #5	BETHEL	50.0	
8205665		3416726555		107	DV	ELAINE FLEEMAN #4	LIBERTY	50.0	
-SCHRIMSHER OIL & GAS EXPLORATION		RECEIVED: 11/06/81 JA: OH							
8205667		3416922217		103		ANDREW JOHNSON #7	BAUGHMAN	20.0	EAST OHIO GAS CO
8205667		3416922217		107	TF	ANDREW JOHNSON #7	BAUGHMAN	20.0	EAST OHIO GAS CO
8205668		3416922230		103		ANDREW JOHNSON #8	BAUGHMAN	20.0	EAST OHIO GAS CO
8205668		3416922230		107	TF	ANDREW JOHNSON #8	BAUGHMAN	20.0	EAST OHIO GAS CO
8205669		3416922314		103		LARRY E BAER #8	BAUGHMAN	20.0	EAST OHIO GAS CO
8205669		3416922314		107	TF	LARRY E BAER #8	BAUGHMAN	20.0	EAST OHIO GAS CO
8205666		3415723433		103		RENICKER (WALLACE) #1	WARREN	20.0	EAST OHIO GAS CO
8205666		3415723433		107	TF	RENICKER (WALLACE) #1	WARREN	20.0	EAST OHIO GAS CO
-SUNSET PETROLEUM INC		RECEIVED: 11/06/81 JA: OH							
8205672		3415521443		103		BABCOCK #1	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205672		3415521443		107	TF	BABCOCK #1	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205670		3415521433		103		CHALKER #1	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205670		3415521433		107	TF	CHALKER #1	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205671		3415521436		103		CHALKER-ELSTON #2	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205671		3415521436		107	TF	CHALKER-ELSTON #2	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205673		3415521450		103		HOPE #1	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
8205673		3415521450		107	TF	HOPE #1	SOUTHINGTON	10.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC		RECEIVED: 11/06/81 JA: OH							
8205676		3409921273		103		MOTORCYCLE CLUB #2	GOSHEN	20.0	EAST OHIO GAS CO
8205676		3409921273		107	TF	MOTORCYCLE CLUB #2	GOSHEN	20.0	EAST OHIO GAS CO
8205675		3409921244		107	TF	O'KEEFE #4	GOSHEN	20.0	EAST OHIO GAS CO
8205677		3409921326		107	TF	THAFFICANT #1	GOSHEN	0.0	EAST OHIO GAS CO
8205674		3409921239		107	TF	TRUE #1	GOSHEN	20.0	EAST OHIO GAS CO
-THE BENATTY CORPORATION		RECEIVED: 11/06/81 JA: OH							
8205566		3400922210		107	DV	M BUCK #1	LODI	40.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY		RECEIVED: 11/06/81 JA: OH							
8205624		3416922401		103		CHIPPEWA DEVELOPMENT #2	CHIPPEWA	15.0	EAST OHIO GAS CO
8205623		3412122626		107	DV	ORANGE COAL COMPANY 2-A	ELK	40.0	
-THELSTON O & RUTH MCCOY		RECEIVED: 11/06/81 JA: OH							
8205678		3411920813		108		LONGSTRETH #1		0.9	NATIONAL GAS & OI
-TITAN ENERGY CORP		RECEIVED: 11/06/81 JA: OH							
8205679		3415521700		103		P & V JURKO-UNIT-WELL #2	BROOKFIELD	20.0	
8205679		3415521700		107	TF	P & V JURKO-UNIT-WELL #2	BROOKFIELD	20.0	
-TORO OIL & GAS CO		RECEIVED: 11/06/81 JA: OH							
8205680		3415521601		107	TF	RICCI #1	NEWTON	15.0	COLUMBIA GAS TRAN
8205681		3415521742		107	TF	RICCI #2	NEWTON	15.0	COLUMBIA GAS TRAN
-UNIVERSAL MINERALS INC		RECEIVED: 11/06/81 JA: OH							
8205682		3416920376		107	TF	MUMAW #1	GREEN	12.0	COLUMBIA GAS TRAN
-VESCORP INDUSTRIES INC		RECEIVED: 11/06/81 JA: OH							

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205685		3413320989		108		GIRTON R W AND D J #1		0.9	E O TIMKEN CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205685		3413320989		108		GIRTON R W AND D J #1		0.0	TIMKEN CO
8205683		3411924572		108		HITTLE #1		10.0	TIMKEN CO
8205684		3413320981		108		PAVILONIS #1		10.0	TIMKEN CO
8205686		3413321261		108		ROPPEL #1		0.0	TIMKEN CO
-VIKING RESOURCES CORP		RECEIVED: 11/06/81 JA: OH							
8205687		3415123445		103		ARRASMITH UNIT #4	PARIS	30.0	
8205687		3415123445		107-TF		ARRASMITH UNIT #4	PARIS	30.0	
8205688		3415123528		103		DICK UNIT #3	PARIS	30.0	
8205688		3415123528		107-TF		DICK UNIT #3	PARIS	30.0	
-W J LYDIC INC		RECEIVED: 11/06/81 JA: OH							
8205618		3411122233		107-DV		JULIA JONES #2	LEE	27.0	COLUMBIA GAS TRAN
8205619		3411122421		107-DV		SIMS #1	JACKSON	270.0	COLUMBIA GAS TRAN
-WILLIAM F HILL		RECEIVED: 11/06/81 JA: OH							
8205593		3407523254		103		KEN BARNARD #1	RICHLAND	8.0	
8205592		3407523253		103		KENNETH G BARNARD #2	RICHLAND	6.0	

OTHER PURCHASERS

8205563 FITCHBURG GAS & ELECTRIC CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 29, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New resrevoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35587 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Volume 551]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
-BRADEN-DEEM INC			RECEIVED: 11/06/81 JA: KS			
8205729	K-79-0013	1500700000	108-SA WHEAT B-2	AETNA	18.0	KANSAS POWER & LI
-TEXAS OIL & GAS CORP			RECEIVED: 11/06/81 JA: KS			
8205727	K81-0794	1509521004	102-4 DEPENBUSCH #1	UNDESIGNATED	182.5	DELHI GAS PIPELIN
8205728	K81-0797	1509521010	102-4 HAGEMAN "B" #1	HARDING EAST	182.5	DELHI GAS PIPELIN
OKLAHOMA CORPORATION COMMISSION						
-ANADARKO PRODUCTION COMPANY			RECEIVED: 11/09/81 JA: OK			
8205702	10926	3513900000	108 CITIES SERVICE F #1	MOSTLE HOUGH GAS A	2.8	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY			RECEIVED: 11/06/81 JA: OK			
8205700	11272	3504721595	108 MADORA AUSTIN #13	GARBER	16.7	
8205712	11274	3505300000	108 NELLIE HART #1	MEDFORD WEST	18.3	CITIES SERVICE GA
-B M C OIL & GAS INC			RECEIVED: 11/09/81 JA: OK			
8205732	14548	3509120406	102-2 ALBIN #1-29	NORTH WAIFORD	474.5	WELLHEAD ENTERPRI
-B R POLK INC			RECEIVED: 11/06/81 JA: OK			
8205699	11269	3508321521	103 BETTY MAE KIENHOLZ #2	WEST ORLANDO	0.0	EASON OIL CO
-BEARD OIL COMPANY			RECEIVED: 11/09/81 JA: OK			
8205775	14202	3510920385	102-4 STONE #1	CHOCTAW	103.0	OKLAHOMA NATURAL
-BERRY OPERATING CO			RECEIVED: 11/06/81 JA: OK			
8205710	10852	3511900000	108 BALLARD #1	RIPLEY	18.4	SUN GAS CO
-BOATMAN & HARDGRAVES			RECEIVED: 11/09/81 JA: OK			
8205756	12210	3514321029	103 SUE #1	SOUTH MERIWA	1.5	COLORADO GAS COMP
-CITIES SERVICE COMPANY			RECEIVED: 11/09/81 JA: OK			
8205750	14524	3513921435	102-4 SLEEPER C #5	N E TRIUMPH	26.8	PANHANDLE EASTERN
-CLARK RESOURCES INC			RECEIVED: 11/06/81 JA: OK			
8205711	11177	3507323022	103 MARCUS B-2	SHONEN TREND	75.8	CITIES SERVICE GA
-CONTINENTAL RESOURCES CORP			RECEIVED: 11/09/81 JA: OK			
8205770	11306	3509321949	103 GRAHAM #1	CAMPBELL	150.0	MICHIGAN WISCONSI
-COTTON PETROLEUM CORPORATION			RECEIVED: 11/06/81 JA: OK			
8205692	14748	3505121086	107-DP ZEISET #1	SOUTH VERDEN	435.0	SOUTHERN NATURAL
-COTTON PETROLEUM CORPORATION			RECEIVED: 11/09/81 JA: OK			
8205772	14252	3501521080	102-2 BARGER #1	WEST LOOKEBA	580.0	PRODUCERS GAS CO
8205772	14252	3501521080	103 BARGER #1	WEST LOOKEBA	580.0	PRODUCERS GAS CO
8205749	14871	3501520972	107-DP WATSON A #1	NORTH VERDEN	250.0	
-DAVIS OIL COMPANY			RECEIVED: 11/06/81 JA: OK			
8205708	8971	3501721584	103 HANSKA #2	NORTH FORK	158.8	PHILLIPS PETROLEU
-DEMINEX U.S. OIL CO			RECEIVED: 11/09/81 JA: OK			
8205758	14194	3504921655	102-4 JORDON #1	S W MABLI A	288.0	WARREN PETROLEUM
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 11/09/81 JA: OK			
8205760	13027	3512920517	102-2 THOMAS #1-28	RED FORK	0.0	TRANSWESTERN PIPE

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JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-DIGGER OIL & GAS INC			RECEIVED: 11/09/81 JA: OK			
8205738	10793	3511920883	103 ROSS #3 119-49360	BROYLES	36.1	SUN GAS CO
-ECC OIL CO			RECEIVED: 11/06/81 JA: OK			
8205698	11034	3514721994	103 MOODY #3	OGLESBY GAS	38.1	OKAN GAS CO
-EDDIE HARDGRAVES			RECEIVED: 11/06/81 JA: OK			
8205719	12213	3514320831	103 R O C #3	SOUTH WEKIWA	0.0	COLORADO GAS COMP
-EL DORADO DRILLING INC			RECEIVED: 11/06/81 JA: OK			
8205726	10656	3507122075	103 ROLLY #8	WILDCAT	20.0	SUN GAS CO
-EL PASO NATURAL GAS COMPANY			RECEIVED: 11/09/81 JA: OK			
8205741	14806	3500920393	107-DP GREEN #1	BERLIN EAST ATOKA	590.0	EL PASO NATURAL G
-EXXON CORPORATION			RECEIVED: 11/09/81 JA: OK			
8205751	14553	3512920554	107-DP GLEN KELLY #1	REYDON SW (UPPER MORROW)	1249.0	EL PASO NATURAL G
-F C D OIL CORP			RECEIVED: 11/09/81 JA: OK			
8205768	11302	3504722540	103 OVEN 1-36	GARBER	80.3	AMOCO OIL & GAS
-FAIN-PORTER PRODUCTION CO INC			RECEIVED: 11/06/81 JA: OK			
8205718	8259	3510301070	102-4 HAZEL #1-30	SOUTH TONKAWA	0.0	
8205722	10103	3510321117	102-4 KING #1-24	S TONKAWA	0.0	ARCO OIL & GAS CO
8205721	10104	3510321153	102-4 KING #2-24	S TONKAWA	0.0	ARCO OIL & GAS CO
8205691	10105	3510321154	102-4 KING #3-24	S TONKAWA	0.0	ARCO OIL & GAS CO
8205723	8392	3510320956	102-4 MATTHIESEN #1	SOUTH TONKAWA	0.0	
8205717	8391	3510321075	102-4 RUSH #1-24	SOUTH TONKAWA	0.0	
8205690	10106	3510321157	102-4 SARA #1-24	S TONKAWA	0.0	ARCO OIL & GAS CO
8205716	10107	3510321158	102-4 SARA #2-24	S TONKAWA	0.0	ARCO OIL & GAS CO
-FUNK EXPLORATION INC			RECEIVED: 11/09/81 JA: OK			
8205733	10467	3500721983	102-4 DEHART #1	S BALKO	0.0	NORTHERN NATURAL
8205734	11136	3500721984	102-4 MAYS #1	CAMRICK	0.0	NORTHERN NATURAL
-GETTY OIL COMPANY			RECEIVED: 11/09/81 JA: OK			
*8205764	11145	3513722623	103 DOMA SPEARS WELL NO 11	SHO-VEL-TUM	60.0	OKLAHOMA NATURAL
*8205771	11402	3513722636	103 SELBY WELL #58	SHO-VEL-TUM	150.0	OKLAHOMA NATURAL
-INEXCO OIL COMPANY			RECEIVED: 11/09/81 JA: OK			
8205731	14447	3503720459	102-4 PANTHER #1	UNDESIGNATED	590.0	
-JAMES E AMERSON			RECEIVED: 11/06/81 JA: OK			
8205705	13901	3511122695	103 WILSON #1		91.3	PHILLIPS PETR CO
-JEFFERSON-WILLIAMS ENERGY CORP			RECEIVED: 11/09/81 JA: OK			
8205740	11260	3507122207	103 ELEANOR WILSON #1	TONKAWA	24.0	SUN GAS CO
-KETAL OIL PRODUCING CO			RECEIVED: 11/06/81 JA: OK			
8205703	11292	3513122008	103 BOYD #1	N TALALA	56.6	
8205713	11291	3514721837	103 BUCK #1	RAMONA	64.2	
-L O WARD			RECEIVED: 11/09/81 JA: OK			
8205769	11305	3502700000	103 KERR #1	S W CORN	21.9	SUN GAS CO
-LEECO OIL CO			RECEIVED: 11/09/81 JA: OK			
8205755	11031	3514321239	103 WHITTMORE #5	SKINTOOK (EAST BIRDCREEK	35.0	PHILLIPS PETROLEU
-LRF CORP			RECEIVED: 11/09/81 JA: OK			
8205757	10365	3507920430	103 VERNON #1	SW HOKUSHE	750.0	ARKANSAS LOUISIAN
-MAY PETROLEUM INC			RECEIVED: 11/06/81 JA: OK			
8205720	14441	3510321271	102-4 VANN A #1		182.5	AMINOIL USA INC
-MEWBOURNE OIL COMPANY			RECEIVED: 11/06/81 JA: OK			
8205702	11287	3504520893	102-4 AVA AKERS #1	AVA AKERS	20.0	
-MULTISTATE OIL PROPERTIES NV			RECEIVED: 11/09/81 JA: OK			
8205730	14561	3508520225	102-4 STATE TRACT 5 #1	ENVILLE NW	157.0	
-NOBLE OPERATING INC			RECEIVED: 11/09/81 JA: OK			
8205737	09745	3501121534	103 CLINE #1		0.0	DELHI GAS PIPELIN
8205736	09744	3501121519	103 SHOPE #1		0.0	DELHI GAS PIPELIN

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JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED: 11/09/81 JA: OK			
8205732	10466	3500721982	102-4 DEHART #1	S BALKO	0.0	NORTHERN NATURAL
-OKLAHOMA NATURAL GAS CO			RECEIVED: 11/09/81 JA: OK			
8205760	11145	3513722623	103 DOMA SPEARS WELL NO 11	SHO-VEL-TUM	60.0	OKLAHOMA NATURAL
8205771	11402	3513722636	103 SELBY WELL #58	SHO-VEL-TUM	150.0	OKLAHOMA NATURAL
-PANHANDLE EASTERN PIPE LINE CO			RECEIVED: 11/09/81 JA: OK			
8205727	10657	3507122075	103 ROLLY #8	WILDCAT	20.0	SUN GAS CO
-PHILLIPS PETROLEUM CO			RECEIVED: 11/09/81 JA: OK			
8205742	14807	3500920393	107-DP GREEN #1	BERLIN EAST ATOKA	590.0	EL PASO NATURAL G
-PRIDE ENERGY CO			RECEIVED: 11/09/81 JA: OK			
8205752	14554	3512920554	107-DP GLEN KELLY #1	REYDON SW (UPPER MORROW)	1249.0	EL PASO NATURAL G
-R & B OIL & GAS INC			RECEIVED: 11/09/81 JA: OK			
8205753	11303	3514321239	103 WHITTMORE #5	SKINTOOK (EAST BIRDCREEK	35.0	PHILLIPS PETROLEU
-RAMCO OIL & GAS INC			RECEIVED: 11/09/81 JA: OK			
8205739	14805	3500920393	107-DP GREEN #1	BERLIN EAST ATOKA	590.0	EL PASO NATURAL G
-RAMSEY PRODUCTION CO			RECEIVED: 11/09/81 JA: OK			
8205762	11147	3513722623	103 DOMA SPEARS WELL NO 11	SHO-VEL-TUM	60.0	OKLAHOMA NATURAL
8205773	11404	3513722636	103 SELBY WELL #58	SHO-VEL-TUM	150.0	OKLAHOMA NATURAL
-SAMSON RESOURCES CO			RECEIVED: 11/09/81 JA: OK			
8205744	14809	3500920393	107-DP GREEN #1	BERLIN EAST ATOKA	590.0	EL PASO NATURAL G
-SANTA FE ENERGY CO			RECEIVED: 11/09/81 JA: OK			
8205754	14556	3512920554	107-DP GLEN KELLY #1	REYDON SW (UPPER MORROW)	1249.0	EL PASO NATURAL G
-SHELL OIL CO			RECEIVED: 11/09/81 JA: OK			
8205743	14808	3500920393	107-DP GREEN #1	BERLIN EAST ATOKA	590.0	EL PASO NATURAL G
-SUN EXPLORATION & PRODUCTION CO			RECEIVED: 11/09/81 JA: OK			
8205759	11144	3513722623	103 DOMA SPEARS WELL NO 11	SHO-VEL-TUM	60.0	OKLAHOMA NATURAL
8205770	11401	3513722636	103 SELBY WELL #58	SHO-VEL-TUM	150.0	OKLAHOMA NATURAL
-TEXACO INC			RECEIVED: 11/09/81 JA: OK			
8205745	14810	3500920393	107-DP GREEN #1	BERLIN EAST ATOKA	590.0	EL PASO NATURAL G
-TEXAS OIL & GAS CORP			RECEIVED: 11/09/81 JA: OK			
8205756	11032	3514321239	103 WHITTMORE #5	SKINTOOK (EAST BIRDCREEK	35.0	PHILLIPS PETROLEU
-TRIAD OIL CO			RECEIVED: 11/09/81 JA: OK			
8205758	10366	3507920430	103 VERNON #1	SW HOKUSHE	750.0	ARKANSAS LOUISIAN
-WESTERN OIL FIELDS INC			RECEIVED: 11/09/81 JA: OK			
8205761	11146	3513722623	103 DOMA SPEARS WELL NO 11	SHO-VEL-TUM	60.0	OKLAHOMA NATURAL
8205772	11403	3513722636	103 SELBY WELL #58	SHO-VEL-TUM	150.0	OKLAHOMA NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-OIL LIFT INC				RECEIVED: 11/09/81 JA: OK					
8205747	14535	3510500000		102-2		HUSTON #2	SOUTH COFFEYVILLE	54.8	PELICAN PIPELINE
8205748	14536	3510500000		102-2		OESTMANN #22	SOUTH COFFEYVILLE	21.9	PELICAN PIPELINE
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED: 11/09/81 JA: OK					
8205774	14293	3511921363		102-2		WRIGHT #1	MARKHAM	0.0	PARKS ENERGY INVE
8205773	14291	3511921554		102-2		WRIGHT #2	MARKHAM	0.0	PARKS ENERGY INVE
-P-T LTD 80				RECEIVED: 11/09/81 JA: OK					
8205753	11256	3504722394		103		BECKNER 13-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8205754	11162	3504722185		103		DOBROVOLNY 35-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8205762	11161	3507322807		103		HENNEKE 36-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8205765	11157	3509322040		103		LEE 13-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8205761	11160	3504772191		103		MARKES MILACEK 15-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8205763	11163	3504722377		103		MONTCASTLE 7-4	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PCX CORP				RECEIVED: 11/09/81 JA: OK					
8205743	14857	3501520096		107-DP		J J #1	WILDCAT	700.0	
-PETRO-ENERGY EXPLORATION INC				RECEIVED: 11/09/81 JA: OK					
8205767	11275	3515121134		103		RAWSON #1-14	SOONER TREND	100.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 11/09/81 JA: OK					
8205739	11075	3501720287		108-SA		UNION CITY A #1	UNION CITY	11.2	OKLAHOMA NATURAL
-RAMBLER OIL CO				RECEIVED: 11/06/81 JA: OK					
8205709	14457	3509322284		102-2		WARNER #1-14	S E ORION	0.0	MICHIGAN WISCONSI
-RAMBLER OIL CO				RECEIVED: 11/09/81 JA: OK					
8205742	14458	3509322366		102-2		JANZEN 1-23	S E ORION	15.0	MICHIGAN WISCONSO
-SAMSON RESOURCES COMPANY				RECEIVED: 11/06/81 JA: OK					
8205725	10607	3513520096		102-4		GOODLOE #1-ALMA	KINTA	108.0	ARKANSAS LOUISIAN
8205725	10607	3513520096		103		GOODLOE #1-ALMA	KINTA	108.0	ARKANSAS LOUISIAN
-SENECA OIL COMPANY				RECEIVED: 11/06/81 JA: OK					
8205707	14543	3513921533		102-2		JOLLIFFE #1-23	BEAVER RIVER	301.1	PANHANDLE EASTERN
8205718	14544	3501721979		102-2		SIMPSON #3-4	PIEDMONT	32.9	
8205718	14544	3501721979		103		SIMPSON #3-4	PIEDMONT	32.9	
-SENECA OIL COMPANY				RECEIVED: 11/09/81 JA: OK					
8205766	14545	3501722025		102-2		SIMPSON #4-4	PIEDMONT	12.4	
8205766	14545	3501722025		103		SIMPSON #4-4	PIEDMONT	12.4	
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED: 11/09/81 JA: OK					
8205746	14190	3508321859		102-4		GOLDA #1	CRESCENT	0.0	EASON OIL CO
-STANTON PETROLEUM CO				RECEIVED: 11/06/81 JA: OK					
8205695	11156	3511921245		103		ADKINS #1		21.0	COLORADO GAS COMP
8205694	11155	3511921302		103		ADKINS #2		14.0	COLORADO GAS COMP
8205693	11154	3511921399		103		RAPER #1		14.0	COLORADO GAS COMP
-STEVE JERNIGAN INC				RECEIVED: 11/06/81 JA: OK					
8205734	13643	3501722125		102-2		RALPH ROYSE #1	CONCHO	0.0	PHILLIPS PETROLEU
-SWAN OIL CO				RECEIVED: 11/09/81 JA: OK					
8205745	11409	3501900000		108		BROOKS 4	GRAHAM	1.8	MOBIL OIL CORP
-THE GHK COMPANY				RECEIVED: 11/06/81 JA: OK					
8205706	14540	3503920440		102-1		K C CATTLE 1-33	NORTH ELK CITY	591.3	PANHANDLE EASTERN
8205715	14774	3500920388		107-DP		MORSE 1-13	CARPENTER	591.3	EL PASO NATURAL G
-THE GHK COMPANY				RECEIVED: 11/09/81 JA: OK					
8205759	14541	3512920493		102-1		FOWLER 1-18	CARPENTER	24.1	
-THE WIL-MC OIL CORP				RECEIVED: 11/06/81 JA: OK					
8205701	11293	3511921345		103		DENNIS BODE #1	WEST BLACKWELL LAKE	16.0	AMINOIL USA INC
-WILLIAM H LAMBDIN				RECEIVED: 11/09/81 JA: OK					
8205735	09727	3508700000	D	103		BAKER 6-1	CRINER	43.0	SUN GAS CO
-WORLD OIL INC				RECEIVED: 11/06/81 JA: OK					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205724	11239	3508321518		103		AMY NO 1	S LUCIEN	18.0	AMINOIL USA INC
8205696	11237	3508321440		103		KAREN #1	S LUCIEN	73.0	AMINOIL USA INC
8205697	11238	3508321455		103		KAREN #2	S LUCIEN	91.0	AMINOIL USA INC
-WORLD OIL INC		RECEIVED: 11/09/81 JA: OK							
8205744	11240	3508321530		103		AMY #2	S LUCIEN	18.0	AMINOIL USA INC

OTHER PURCHASERS

8205764 LONE STAR GAS CO
8205771 LONE STAR GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 29, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enchancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35587 Filed 12-11-81; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRC.	PURCHASER
********** TEXAS RAILROAD COMMISSION **********							
-ADOBE OIL & GAS CORPORATION		RECEIVED: 11/12/81 JA: TX					
8206041	F-08-04221	4213500000	108	COLF "A" #1	ANDECTOR (YATES)	20.0	AMARILLO OIL CO
-AMERADA HESS CORPORATION		RECEIVED: 11/12/81 JA: TX					
8206055	F-08-042160	4232900000	108	A O'BRIEN "43" #3	SPRABERRY TREND	1.2	PHILLIPS PETROLEU
-AMERICAN PETROFINA COMPANY OF TEXAS		RECEIVED: 11/12/81 JA: TX					
8205848	F-04-038585	4235531593	102-4	UNION CENTRAL B #19	STRATTON (J-10 E)	150.0	
8205848	F-04-038585	4235531593	103	UNION CENTRAL B #19	STRATTON (J-10 E)	150.0	
-AMOCO PRODUCTION CO		RECEIVED: 11/12/81 JA: TX					
8206029	F-08-042092	4200332512	103	BLOCK 9 FUHRMAN MASCHO UNIT #136	FUHRMAN-MASCHO	6.0	PHILLIPS PETROLEU
8206030	F-08-042093	4213533428	103	ELLIOTT F COWDEN "A" #147	FOSTER	8.4	WESTAR TRANSMISSI
8206056	F-06-042163	4240131175	102-4	HILLIARD GAS UNIT #1	DIRGIN/COTTON VALLEY/	500.0	LONE STAR GAS CO
8206056	F-06-042163	4240131175	107-TF	HILLIARD GAS UNIT #1	DIRGIN/COTTON VALLEY/	500.0	LONE STAR GAS CO
8205871	F-08-040169	4222732100	102-4	TEXAS LAND & MTGE CO A R/A B #114	COWDEN (WOLFCAMP)	246.4	GETTY OIL CO
-ANDERSON PETROLEUM INC		RECEIVED: 11/12/81 JA: TX					
8205788	F-7C-031539	4210533204	103	SARAH C MILLSPAUGH B2 3-16	OZONA (CANYON SAND)	40.0	ANDERSON PETROLEU
8205788	F-7C-031539	4210533204	107-TF	SARAH C MILLSPAUGH B2 3-16	OZONA (CANYON SAND)	40.0	ANDERSON PETROLEU
-ARCO OIL AND GAS COMPANY		RECEIVED: 11/12/81 JA: TX					
8205861	F-02-039473	4212330805	102-4	J R SHARMAN #1	FRIAR RANCH (WILCOX 11,3	40.0	TEJAS GAS CORP
*8206047	F-8A-042139	4250132004	103	WILLARD UNIT #100-B	WASSON	37.0	COLTEXO CORP
*8206049	F-8A-042142	4250131858	103	WILLARD UNIT #109-C	WASSON	13.0	COLTEXO CORP
*8206046	F-8A-042138	4250131860	103	WILLARD UNIT #119-B	WASSON	0.7	COLTEXO CORP
*8206048	F-8A-042141	4250131855	103	WILLARD UNIT #27-B	WASSON	3.0	COLTEXO CORP
-ARKLA EXPLORATION COMPANY		RECEIVED: 11/12/81 JA: TX					
8205818	F-06-034484	4236531126	102-2	ALVIS RITTER #2	CARTHAGE (COTTON VALLEY)	110.0	ARKANSAS LOUISIAN
-B & M ENERGY		RECEIVED: 11/12/81 JA: TX					
8205856	F-08-039330	4249531287	103	JOHN SEALY #5	WARD-ESTES NORTH	4.0	WARREN PETROLEUM
-BAR-MAC & HOLLUB DRILLING CO		RECEIVED: 11/12/81 JA: TX					
8205929	F-03-044195	4205130831	102-4	MORTON #3 LEASE #13152	INEZ JAMESON (NAVARRO -A	26.0	FERGUSON CROSSING
-BLUE RIDGE OIL & GAS EXPLOR INC		RECEIVED: 11/12/81 JA: TX					
8205801	F-7C-033450	4210532879	103	A PHILLIPS #47	ADAMS-BAGGETT RANCH (CAN	0.0	DETROIT-TEXAS GAS
8205801	F-7C-033450	4210532879	107-TF	A PHILLIPS #47	ADAMS-BAGGETT RANCH (CAN	0.3	DETROIT-TEXAS GAS
8205802	F-7C-033451	4210532880	103	A PHILLIPS #48	ADAMS-BAGGETT RANCH (CAN	28.5	DETROIT-TEXAS GAS
8205802	F-7C-033451	4210532880	107-TF	A PHILLIPS #48	ADAMS-BAGGETT RANCH (CAN	28.5	DETROIT-TEXAS GAS
8205798	F-7C-033440	4210532951	102-2	A PHILLIPS #53	ADAMS-BAGGETT RANCH (CAN	25.2	DETROIT-TEXAS GAS
8205798	F-7C-033440	4210532951	107-TF	A PHILLIPS #53	ADAMS-BAGGETT RANCH (CAN	25.2	DETROIT-TEXAS GAS
8205800	F-7C-033446	4210533021	102-2	A PHILLIPS #61	ADAMS-BAGGETT RANCH (CAN	62.4	DETROIT-TEXAS GAS
8205800	F-7C-033446	4210533021	107-TF	A PHILLIPS #61	ADAMS-BAGGETT RANCH (CAN	62.4	DETROIT-TEXAS GAS
8205799	F-7C-033445	4210533022	103	A PHILLIPS #62	ADAMS-BAGGETT RANCH (CAN	26.4	DETROIT-TEXAS GAS
8205799	F-7C-033445	4210533022	107-TF	A PHILLIPS #62	ADAMS-BAGGETT RANCH (CAN	26.4	DETROIT-TEXAS GAS
8205803	F-7C-033452	4210533023	102-2	A PHILLIPS #63	ADAMS-BAGGETT RANCH (CAN	32.4	DETROIT-TEXAS GAS
8205803	F-7C-033452	4210533023	107-TF	A PHILLIPS #63	ADAMS-BAGGETT RANCH (CAN	32.4	DETROIT-TEXAS GAS

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRC.	PURCHASER

JD NO	DA DKT	API NO	ST SEC CAT WELL NAME
8205804	F-7C-033453	4210533024	102-2 A PHILLIPS #64
8205804	F-7C-033453	4210533024	107-TF A PHILLIPS #64
8205805	F-7C-033454	4210533025	102-2 A PHILLIPS #65
8205805	F-7C-033454	4210533025	107-TF A PHILLIPS #65
-BTA OIL PRODUCERS			RECEIVED: 11/12/81 JA: TX
8205917	F-7C-040878	4238331800	103 COATES #6
-BURK ROYALTY CO			RECEIVED: 11/18/81 JA: TX
8205933	F-09-041238	4223733799	103 T D WILLIAMS #4
-CA-TEX PETROLEUM INC			RECEIVED: 11/12/81 JA: TX
8205962	F-09-041487	4250334515	102-2 BOYDSTON #2
8205976	F-09-041648	4250334899	102-2 GRAHAM #4
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 11/18/81 JA: TX
8206065	F-08-042214	4243130941	103 D L GLASS #3
8205796	F-03-033197	4205100800	102-2 W O WARD #1 R
8205796	F-03-033197	4205100800	103 W O WARD #1 R
-CHARLES L WALKER			RECEIVED: 11/12/81 JA: TX
8206021	F-08-040889	4200332863	102-4 FISHER "2" #2
8206021	F-08-042088	4200332863	103 FISHER "2" #2
8206020	F-08-20888	4200332818	102-4 FISHER "4" #2
8206020	F-04204	4200332818	103 FISHER "4" #2
8206001	F-08-041931	4200332864	102-4 FISHER 1 #2
8206001	F-08-041931	4200332864	103 FISHER 1 #2
8206000	F-08-041930	4200332817	102-4 FISHER 6 #2
8206000	F-08-041930	4200332817	103 FISHER 6 #2
8205999	F-08-041929	4200332595	102-4 FISHER 9 #2
8205999	F-08-041929	4200332595	103 FISHER 9 #2
-CHEVRON U S A INC			RECEIVED: 11/12/81 JA: TX
8206026	F-8A-042063	4241531661	103 SACROC UNIT 17A-9
8206027	F-8A-0412084	4241531648	103 SACROC UNIT 199-5
8206025	F-8A-042082	4241531653	103 SACROC UNIT 49-9
-CIRCLE SEVEN PRODUCTION CO			RECEIVED: 11/12/81 JA: TX
8205826	F-09-035584	4223733378	102-4 C C PATTON #1 ID #91636
8205824	F-09-035582	4223733336	102-4 MARY C SEWELL #1 ID #91637
8205825	F-09-035583	4223733079	102-4 TURNER-BURNS #1 ID #91602
-CITIES SERVICE COMPANY			RECEIVED: 11/12/81 JA: TX
8206059	F-10-042184	4217930784	103 SHIELDS A #14
8205941	F-04-041275	4235500000	108 ST TRACT 751 #5U & 5L
-CLAYTON W WILLIAMS JR			RECEIVED: 11/12/81 JA: TX
8205791	F-03-032252	4205100000	102-2 W T BARNHART UNIT #1
-COBRA OIL AND GAS CORPORATION			RECEIVED: 11/12/81 JA: TX
8205980	F-03-041691	4214930415	102-2 MELVIN FRITSCHE #1
8205981	F-03-041692	4214930706	102-2 MELVIN FRITSCHE #2
-COLUMBIA GAS DEVELOPMENT CORP			RECEIVED: 11/12/81 JA: TX
8205969	F-03-041567	4205131749	102-2 E K SCHOPPE #1
8205888	F-03-040644	4228730975	102-2 IRA J LEHMANN #2
-CONOCO INC			RECEIVED: 11/18/81 JA: TX
8206037	F-08-042113	4231700000	108 GRISHAM & GREEMAN -A- #2 ID #22878
8206036	F-08-042112	4231700000	108 GRISHAM & GREEMAN #37 ID #22261
8206034	F-08-042109	4213500000	108 H S FOSTER-C #6 ID #18246
8206035	F-8A-042110	4211500000	108 T L HOWARD JR-A- #1 ID #60944
8206022	F-08-042064	4200300000	108 W FUHRMAN MASCHO UT #11 ID #21220
8206038	F-08-042114	4200300000	108 W M ROMER-A- #24 ID #01663
8206023	F-08-042065	4213500000	108 WIGHT UNIT #114 ID #20661

VOLUME	PROD	PURCHASER
ADAMS-BAGGETT RANCH (CAN	38.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	38.2	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	66.0	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (CAN	66.0	DETROIT-TEXAS GAS
SPRAYBERRY (TREND AREA)	35.0	EL PASO NATURAL G
TTE (ATOKA 4770)	183.5	LONE STAR GAS CO
YOUNG COUNTY REGULAR	0.0	MID STATE GAS COR
YOUNG COUNTY REGULAR	0.0	MID STATE GAS COR
CONGER SW (PENN)	111.0	NORTHERN NATURAL
GIDDINGS	0.0	FERGUSON CROSSING
GIDDINGS	0.0	FERGUSON CROSSING
BLOCK A-34 (SAN ANDRES)	16.2	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	16.2	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	6.5	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	6.5	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	8.0	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	8.0	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	14.8	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	14.8	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	6.1	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	6.1	PHILLIPS PETROLEU
KELLY-SNYDER	28.0	EL PASO NATURAL G
KELLY-SNYDER	70.0	EL PASO NATURAL G
KELLY-SNYDER	33.0	EL PASO NATURAL G
HUNTER (CONGLOMERATE)	0.0	LONE STAR GAS CO
MIGL (8150')	0.0	LONE STAR GAS CO
HUNTER (CONGLOMERATE)	0.0	LONE STAR GAS CO
PANHANDLE GRAY COUNTY	3.3	CITIES SERVICE CO
INDIAN POINT (F-8, F-17)	4.5	HOUSTON PIPE LINE
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS (AUSTIN CHALK)	19.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	26.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK-3	31.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHALK-3	41.0	PHILLIPS PETROLEU
SPRAYBERRY TREND	2.6	PHILLIPS PETROLEU
SPRAYBERRY TREND	0.2	ADOBE OIL CO
COWDEN S	0.4	PHILLIPS PETROLEU
ACKERLY NORTH	1.8	GETTY OIL
FUHRMAN-MASCHO	0.3	PHILLIPS PETROLEU
FUHRMAN-NIX	1.1	PHILLIPS PETROLEU
COWDEN N	6.9	AMOCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CROMERA OIL & GAS CO						RECEIVED: 11/12/81 JA: TX			
8205811	F-09-033863	4223732396		103		HALSELL BROTHERS #1 ID-80518	ARCO (CONGL)	164.2	SOUTHWESTERN GAS
-CUMMINS & WALKER OIL CO INC						RECEIVED: 11/12/81 JA: TX			
8205853	F-02-039091	4217500000		103		TORIAN #1	MARSHALL (2700')	110.0	DELHI GAS PIPELIN
-DAMERON PETROLEUM CORP						RECEIVED: 11/12/81 JA: TX			
8205807	F-7C-033523	4210532716		102-2		B E DUNLAP-SEC 12 BLK 1 #1	AMERICAN (CANYON)	65.0	EL PASO NATURAL G
8205807	F-7C-033523	4210532716		107-TF		B E DUNLAP-SEC 12 BLK 1 #1	AMERICAN (CANYON)	65.0	EL PASO NATURAL G
8205808	F-7C-033524	4210532679		102-2		RAY DUNLAP-SEC 92 #2092	AMERICAN (CANYON)	50.0	EL PASO NATURAL G
8205808	F-7C-033524	4210532679		107-TF		RAY DUNLAP-SEC 92 #2092	AMERICAN (CANYON)	50.0	EL PASO NATURAL G
8205806	F-7C-033518	4210532547		102-2		W P HOOVER #1018A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
8205806	F-7C-033518	4210532547		107-TF		W P HOOVER #1018A	AMERICAN (CANYON)	45.0	EL PASO NATURAL G
-DELTA OIL & GAS CO						RECEIVED: 11/12/81 JA: TX			
8206052	F-7B-042150	4242900000		108		GARLAND CODDY RRC #81820	STEPHENS COUNTY REGULAR	9.2	LONE STAR GAS CO
8206050	F-7B-042143	4242900000		108		JOE ROGERS #1 RRC #16178	STEPHENS COUNTY REGULAR	3.5	LONE STAR GAS CO
8206051	F-7B-042144	4242900000		108		R W STONE RRC #82728	CADDO NORTH (DUFFER)	6.7	LONE STAR GAS CO
-DEVON CORPORATION						RECEIVED: 11/12/81 JA: TX			
8206042	F-7C-042125	4238331948		103		OWENS #3	BARNHART (GRAYBURG)	3.5	EL PASO NATURAL G
-DIAMOND SHAMROCK CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205958	F-10-041454	4229530881		103		ALEX BOHN F #2	BRADFORD	159.0	
8205961	F-10-041479	4229530926		103		OLIVER WATERS D #2-462	LIPSCOMB SW	536.0	
-DON H HANVEY OIL INTERESTS INC						RECEIVED: 11/12/81 JA: TX			
8205983	F-7B-041732	4213332773		102-4		HANVEY-HAGAN #1	WANGUM S (UP MARBLE FALL	80.0	ODESSA NATURAL CO
-DON R ORMAND						RECEIVED: 11/12/81 JA: TX			
8206066	F-08-042215	4237133231		103		FERRIS STATE #1	ABELL (CLEAR FORK UPPER)	36.0	DELHI GAS PIPELIN
-DRILLERS ENERGY SEARCH INC						RECEIVED: 11/12/81 JA: TX			
8205822	F-04-035551	4240931483		102-4		KEETON NO 1-C	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-DUKE OIL & GAS CO						RECEIVED: 11/12/81 JA: TX			
8205905	F-06-040917	4220300000		108		ABNEY ABNEY WHELAN "G" 10	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205906	F-06-040918	4220300000		108		ABNEY ABNEY WHELAN "G" 11	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205907	F-06-040919	4220300000		108		ABNEY ABNEY WHELAN "G" 12	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205908	F-06-040920	4220300000		108		ABNEY ABNEY WHELAN "G" 13	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205909	F-06-040922	4220300000		108		ABNEY ABNEY WHELAN "G" 17	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205910	F-06-040923	4220300000		108		ABNEY ABNEY WHELAN "G" 18	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205911	F-06-040924	4220300000		108		ABNEY ABNEY WHELAN "G" 19	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205912	F-06-040925	4220300000		108		ABNEY ABNEY WHELAN "G" 20	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205899	F-06-040911	4220300000		108		ABNEY ABNEY WHELAN "G" 4	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205900	F-06-040912	4220300000		108		ABNEY ABNEY WHELAN "G" 5	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205901	F-06-040913	4220300000		108		ABNEY ABNEY WHELAN "G" 6	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205903	F-06-040915	4220300000		108		ABNEY ABNEY WHELAN "G" 8	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205904	F-06-040916	4220300000		108		ABNEY ABNEY WHELAN "G" 9	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205896	F-06-040908	4220300000		108		ABNEY ABNEY WHELAN G #1	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205897	F-06-040909	4220300000		108		ABNEY ABNEY WHELAN G #2	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205898	F-06-040910	4220300000		108		ABNEY ABNEY WHELAN G #3	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205913	F-06-040926	4220300000		108		ABNEY ABNEY WHELAN G 21	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205902	F-06-040914	4220300000		108		ABNEY ABNEY WHELAN G 7	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205914	F-06-040297	4220300000		108		BELL DANIELS "G" 1	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205916	F-06-040929	4220300000		108		BELL DANIELS "G" 3	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
8205915	F-06-040928	4220300000		108		BELL DANIELS G 2	LONGWOOD (GOODLAND LIME)	48.0	ARKANSAS LOUISIAN
-DYNAMIC PRODUCTION INC						RECEIVED: 11/12/81 JA: TX			
8205868	F-7B-040042	4236731949		102-4		WALDEN UNIT #1	GARNER (3000)	200.0	NATURAL GAS PIPEL
-EL PASO NATURAL GAS COMPANY						RECEIVED: 11/12/81 JA: TX			
8205977	F-10-041664	4217923691		108		BEASLEY #2	PANHANDLE WEST	17.0	EL PASO NATURAL G
8205995	F-7C-041844	4243519194		108		PERGER GAS UNIT #1	SONORA - CANYON UPPER	19.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ELMER TIDWELL INVESTMENTS INC						RECEIVED: 11/12/81 JA: TX			
8205984	F-7B-041733	4213332774		102-4		HANVEY-HAGAN #2	WANGUM S (UP MARBLE FALL	80.0	ODESSA NATURAL CO
-ENERGY RESERVES GROUP INC						RECEIVED: 11/12/81 JA: TX			
8205824	F-04-035553	4240931485		102-4		KEETON NO 1-E	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-ENSERCH EXPLORATION INC						RECEIVED: 11/12/81 JA: TX			
8205823	F-04-035552	4240931484		102-4		KEETON NO 1-D	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-EXXON CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205978	F-10-041665	4217923692		108		BEASLEY #3	PANHANDLE WEST	17.0	EL PASO NATURAL G
-FOREST OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205825	F-04-035554	4240931486		102-4		KEETON NO 1-F	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-GEORGE R BROWN						RECEIVED: 11/12/81 JA: TX			
8205826	F-04-035555	4240931487		102-4		KEETON NO 1-G	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-GETTY OIL COMPANY						RECEIVED: 11/12/81 JA: TX			
8205827	F-04-035556	4240931488		102-4		KEETON NO 1-H	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-GULF OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205828	F-04-035557	4240931489		102-4		KEETON NO 1-I	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-HARKEN OIL & GAS INC						RECEIVED: 11/12/81 JA: TX			
8205829	F-04-035558	4240931490		102-4		KEETON NO 1-J	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-HOUSTON OIL & MINERALS CORP						RECEIVED: 11/12/81 JA: TX			
8205830	F-04-035559	4240931491		102-4		KEETON NO 1-K	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-HUNT OIL COMPANY						RECEIVED: 11/12/81 JA: TX			
8205831	F-04-035560	4240931492		102-4		KEETON NO 1-L	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-INTERNATIONAL OIL & GAS CORP						RECEIVED: 11/12/81 JA: TX			
8205832	F-04-035561	4240931493		102-4		KEETON NO 1-M	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-JOHN H HENDRIX CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205833	F-04-035562	4240931494		102-4		KEETON NO 1-N	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-KEETON OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205834	F-04-035563	4240931495		102-4		KEETON NO 1-O	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-LEWIS B BURLESON INC						RECEIVED: 11/12/81 JA: TX			
8205835	F-04-035564	4240931496		102-4		KEETON NO 1-P	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MARATHON OIL COMPANY						RECEIVED: 11/12/81 JA: TX			
8205836	F-04-035565	4240931497		102-4		KEETON NO 1-Q	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MARTIN EXPLORATION MANAGEMENT CO						RECEIVED: 11/12/81 JA: TX			
8205837	F-04-035566	4240931498		102-4		KEETON NO 1-R	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCOMBS OIL & GAS CORP						RECEIVED: 11/12/81 JA: TX			
8205838	F-04-035567	4240931499		102-4		KEETON NO 1-S	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205839	F-04-035568	4240931500		102-4		KEETON NO 1-T	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205840	F-04-035569	4240931501		102-4		KEETON NO 1-U	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205841	F-04-035570	4240931502		102-4		KEETON NO 1-V	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205842	F-04-035571	4240931503		102-4		KEETON NO 1-W	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205843	F-04-035572	4240931504		102-4		KEETON NO 1-X	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205844	F-04-035573	4240931505		102-4		KEETON NO 1-Y	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205845	F-04-035574	4240931506		102-4		KEETON NO 1-Z	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205846	F-04-035575	4240931507		102-4		KEETON NO 1-AA	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205847	F-04-035576	4240931508		102-4		KEETON NO 1-AB	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205848	F-04-035577	4240931509		102-4		KEETON NO 1-AC	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205849	F-04-035578	4240931510		102-4		KEETON NO 1-AD	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205850	F-04-035579	4240931511		102-4		KEETON NO 1-AE	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205851	F-04-035580	4240931512		102-4		KEETON NO 1-AF	HIBERNIA (4880)	126.0	HOUSTON PIPELINE
-MCCULLOCH OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205852	F-04-035581	4240931513		102-4		KEETON NO 1-AG	HIBERNIA (4880)	126.0	HOUSTON PIPELINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-ELMER TIDWELL INVESTMENTS INC						RECEIVED: 11/12/81 JA: TX
8205784	F-7B-027962	4241733154		103		MEADOR-STRICKLAND #1 #15950
-ESPERANZA ENERGY CORP						RECEIVED: 11/12/81 JA: TX
8205849	F-7B-038782	4209330625		103		FISHER #1
8205850	F-7B-038783	4209330752		103		FISHER #2
-EXCELSIOR OIL CORP						RECEIVED: 11/12/81 JA: TX
8205815	F-06-034269	4231500000		102-2		FRED BRAMLETT #1
8205815	F-06-034269	4231500000		107-TF		FRED BRAMLETT #1
-EXXON CORPORATION						RECEIVED: 11/12/81 JA: TX
8205876	F-08-040322	4237133446		103		FORT STOCKTON UNIT #1009
8205949	F-08-041362	4200332844		103		FULLERTON CLEARFORK UNIT #2541
*8205892	F-08-040803	4200332487		103		FULLERTON CLEARFORK UNIT #2629
8206064	F-08-042233	4200332793		103		FULLERTON CLEARFORK UNIT #2869
8205928	F-08-041154	4231732191		103		HOLCOMB #1
8205948	F-08-041361	4210332627		103		J B TUBB A/C 1 #246L
8205979	F-08-041672	4210332627		103		J B TUBB A/C 1 #246U
8205947	F-08-041360	4210332608		103		J B TUBB A/C 2 #244U
8205883	F-10-040572	4210332608		103		J B TUBB A/C2 #244L
8205859	F-08-039426	4210332508		103		J B TUBB C #26L
8205878	F-08-040982	4210332602		103		J B TUBB C #290
8205967	F-7C-041493	4210500000		108		J W OWENS G #1
8206018	F-04-042045	4204700000		108		K J HOCKER 2-T (02594)
8206017	F-04-042044	4204700000		108		MCGILL BROS 363-D (55146)
8205946	F-08-041356	4200332832		103		MEANS/SAN ANDRES/ UNIT 1962
8206024	F-08-042077	4200332831		103		MEANS/SAN ANDRES/UNIT #1458
8205972	F-08-041609	4200332779		103		MEANS/SAN ANDRES/UNIT #662
8206019	F-04-042046	4204700000		108		N R MONTALVO 23-D (53661)
*8205879	F-06-040356	4240130988		102-2		OMIE ROBERTSON GAS UNIT 1 #1
*8205879	F-06-040356	4240130988		107-TF		OMIE ROBERTSON GAS UNIT 1 #1
*8205843	F-06-038158	4242330355		107-TF		OVERTON GAS UNIT 18 #1
8205945	F-8A-041354	4216532059		103		ROBERTSON CLFK UNIT #5803
8206016	F-04-042043	4221531108		102-4		SANTA FE RANCH 70 (94720)
*8205878	F-06-040355	4240130987		102-2		W I WHITE GAS UNIT 1 #1
*8205878	F-06-040355	4240130987		107-TF		W I WHITE GAS UNIT 1 #1
-F H STOUT						RECEIVED: 11/12/81 JA: TX
8205894	F-04-040855	4224731381		103		C W PRICE #1
-FAGADAU ENERGY CORP						RECEIVED: 11/12/81 JA: TX
8205978	F-09-041575	4507731043		103		LEWIS BROWN #1 21297
-FAIR OIL CO						RECEIVED: 11/12/81 JA: TX
8206013	F-01-042016	4216331655		103		BOB WHITE RANCH #3 (80117)
8206014	F-01-042017	4216331704		103		BOB WHITE RANCH #4 (84159)
-FIRST AMERICAN OIL & GAS INC						RECEIVED: 11/12/81 JA: TX
8206045	F-7B-042136	4208323625		102-4		H BYROM #2-A
-FISHER-WEBB INC						RECEIVED: 11/12/81 JA: TX
8205809	F-7C-033783	4241330950		103		H EMMONS #1
8205809	F-7C-033783	4241330950		107-TF		H EMMONS #1
-FLAG-REDFERN OIL CO						RECEIVED: 11/12/81 JA: TX
8206043	F-7C-042126	4246131734		103		B S DARBY #2 #008863
-FLORIDA GAS EXPLORATION COMPANY						RECEIVED: 11/12/81 JA: TX
8205873	F-7C-040178	4243532528		103		FLORENCE 28 #1
8205873	F-7C-040178	4243532528		107-TF		FLORENCE 28 #1
-FORTUNE PRODUCTION CO						RECEIVED: 11/12/81 JA: TX
*8205939	F-7C-041259	4223531772		103		BAKER #3

FIELD NAME	PROD	PURCHASER
SHACKELFORD COUNTY REGUL	73.0	DELHI GAS PIPE LI
MITTIE (MARBLE FALLS)	180.0	SOUTHWESTERN GAS
MITTIE (MARBLE FALLS)	180.0	SOUTHWESTERN GAS
RODESSA (COTTON VALLEY)	200.0	TEXAS EASTERN TRA
RODESSA (COTTON VALLEY)	200.0	TEXAS EASTERN TRA
FORT STOCKTON (YATES LOW	30.0	NUECES CO
FULLERTON	15.3	PHILLIPS PETROLEU
FULLERTON	15.0	PHILLIPS PETROLEU
FULLERTON	15.0	PHILLIPS PETROLEU
GREYBERRY (TREND AREA)	7.0	
SAND HILLS (TUBB)	92.0	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	38.0	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	46.0	EL PASO NATURAL G
SAND HILLS (TUBB)	84.0	EL PASO NATURAL G
SAND HILLS (TUBB)	47.0	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	45.0	EL PASO NATURAL G
CLARA COUCH	6.4	EL PASO NATURAL G
SCOTT & HOPPER (7000-A)	4.0	TENNESSEE GAS PIP
KELSEY DEEP (21-N)	13.0	TRUNKLINE GAS CO
MEANS	15.0	PHILLIPS PETROLEU
MEANS	9.0	PHILLIPS PETROLEU
MEANS	15.0	PHILLIPS PETROLEU
SUN (D-1)	19.0	TENNESSEE GAS PIP
OAKHILL NW (COTTON VALLE	400.0	ARMCO STEEL CORP
OAKHILL NW (COTTON VALLE	400.0	ARMCO STEEL CORP
OVERTON (HAYNESVILLE)	329.0	ARMCO STEEL CORP
ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
SANTA FE SOUTH (E-94)	365.0	NATURAL GAS PIPEL
OAKHILL NW (COTTON VALLE	400.0	ARMCO STEEL CORP
OAKHILL NW (COTTON VALLE	400.0	ARMCO STEEL CORP
TERESA (3110)	219.0	UNITED GAS PIPE L
CLAY COUNTY REGULAR	35.0	BLUEGROVE GASOLIN
DOERING RANCH (SAN MIGUE	84.0	TEJAS GAS CORP
DOERING RANCH (SAN MIGUE	112.0	TEJAS GAS CORP
SOMMA SUMMITT (JENNINGS)	425.0	ODESSA NATURAL CO
EMMONS RANCH (CANYON)	200.0	INTRATEX GAS CO
EMMONS RANCH (CANYON)	200.0	INTRATEX GAS CO
KING MOUNTAIN N (CISCO)	65.7	WARREN PETROLEUM
PHYLLIS (SONORA)	621.0	INTRATEX GAS CO
PHYLLIS (SONORA)	621.0	INTRATEX GAS CO
BAKER RANCH (CANYON)	128.6	CRA INC

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JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GEOCHEMICAL SURVEYS INC						RECEIVED: 11/12/81 JA: TX			
8205919	F-7C-041075	4243500000		103		SIMMONS RANCH #4	SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
8205919	F-7C-041075	4243500000		107-TF		SIMMONS RANCH #4	SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
8205920	F-7C-041076	4243500000		103		SIMMONS RANCH #5	SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
8205920	F-7C-041076	4243500000		107-TF		SIMMONS RANCH #5	SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
8205921	F-7C-041077	4243500000		103		SIMMONS RANCH #6	SONORA (CANYON SAND)	36.0	EL PASO NATURAL G
-GEODYNE RESOURCES INC						RECEIVED: 11/12/81 JA: TX			
8205852	F-10-039054	4229530926		103		SCHULTZ #1-872-P	N MAMOTH CREEK (CLEVELAN	186.0	DIAMOND SHAMROCK
-GO OIL CORP						RECEIVED: 11/12/81 JA: TX			
8206004	F-09-041970	4249700000		102-4		JON I GENTRY #1 (ID NO 94789)	GENTRY-PERKINS (STRAWN)	0.0	NORTHERN NATURAL
-GOLDEN PETOLEUM						RECEIVED: 11/12/81 JA: TX			
8205819	F-09-034972	4223733532		103		EATHERLY-BETHESDA LTD #1	STRAHAN (STRAWN)	100.0	SOUTHWESTERN GS P
-GHR ENERGY CORP						RECEIVED: 11/12/81 JA: TX			
8205956	F-04-041419	4250531096		102-4		LA PERLA #28	LA PERLA RANCH (9500)	44.0	VALERO TRANSMISSI
8205956	F-04-041419	4250531096		107-TF		LA PERLA #28	LA PERLA RANCH (9500)	44.0	VALERO TRANSMISSI
8205886	F-04-040632	4250531242		102-4		LA PERLA #34	LA PERLA RANCH (LOBO 895	141.0	VALERO TRANSMISSI
8205886	F-04-040632	4250531242		107-TF		LA PERLA #34	LA PERLA RANCH (LOBO 895	141.0	VALERO TRANSMISSI
-GOOD HOPE REFINERIES INC						RECEIVED: 11/12/81 JA: TX			
8205854	F-04-039138	4247932913		102-4		MARRS MCLEAN #1	VAQUILLAS RANCH (WILCOX	525.0	VALERO TRANSMISSI
8205854	F-04-039138	4247932913		107-TF		MARRS MCLEAN #1	VAQUILLAS RANCH (WILCOX	525.0	VALERO TRANSMISSI
-GRACE PETROLEUM CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205781	F-05-027319	4228930367		102-4		M B FULLEN #1	BEAR GRASS (PETIT)	276.0	DELHI GAS PIPELIN
-GULF OIL CORPORATION						RECEIVED: 11/12/81 JA: TX			
8205823	F-10-035564	4239300000		108		G MCQUISTION A #4	QUINDUNO	3.0	NATURAL GAS PIPEL
-GULF SANDS OIL CO						RECEIVED: 11/12/81 JA: TX			
8205817	F-02-034456	4202531476		103		SNAPKA & NOLTE #1	TYNAN E (3150)	131.0	GULF STATES EQUIT
-HARMAN-TUCKER CO						RECEIVED: 11/12/81 JA: TX			
8205794	F-7C-033062	4245130675		103		BOYER CURRY & SEALS C-1	R L G (CANYON LOWER)	1.0	ODESSA NATURAL CO
-HARRISON INTERESTS LTD						RECEIVED: 11/12/81 JA: TX			
8205887	F-7C-040643	4210500000		107-TF		JOHN W HENDERSON III "G" #13	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
-HAUN BROTHERS						RECEIVED: 11/12/81 JA: TX			
8205931	F-01-041200	4217730913		102-2		R H FLOYD #1	PEACH CREEK (AUSTIN CHAL	219.0	VALERO TRANSMISSI
-HINTON PRODUCTION COMPANY						RECEIVED: 11/12/81 JA: TX			
8205927	F-06-041148	4240131003		102-4		CHILDRESS #1	SKIP (PETTIT) FIELD	500.0	UNITED GAS PIPE L
-HNG OIL COMPANY						RECEIVED: 11/12/81 JA: TX			
8206069	F-7C-042242	4243500000		108		SHURLEY 95 #2	SAWYER CANYON	42.4	INTRATEX GAS CO
8206068	F-7C-042241	4243500000		108		STEWART "34" #1	SAWYER (CANYON)	19.8	INTRATEX GAS CO
-HUGHES & HUGHES						RECEIVED: 11/12/81 JA: TX			
8206057	F-04-042180	4235500000		102-4		HERBERT K SCHULZE #4	AGUA DULCE (8700) FIELD	876.0	HOUSTON PIPE LINE
8206058	F-04-042181	4235531364		102-4		HERBERT K SCHULZE #5	AGUA DULCE (8700 N SEG)	73.0	HOUSTON PIPE LINE
-HYDROCARBON ENERGIES INC						RECEIVED: 11/12/81 JA: TX			
8206060	F-7B-042189	4205932969		103		LUTZENBERGER #1 #17405	NICHOLAS (DUFFER)	63.8	SOUTHWESTERN GAS
8206061	F-7B-042190	4205932970		103		MORRIS #1 #17480	NICHOLAS (DUFFER)	65.7	SOUTHWESTERN GAS
-INDIAN WELLS OIL CO						RECEIVED: 11/12/81 JA: TX			
8205884	F-7C-040618	4241339092		103		GREEN #167	PAGE RANCH (CANYON)	15.0	INTRATEX GAS CO
8205884	F-7C-040618	4241339092		107-TF		GREEN #167	PAGE RANCH (CANYON)	15.0	INTRATEX GAS CO
8205893	F-7C-040846	4241330956		103		GRIFFIN 141	PAGE RANCH (CANYON)	92.0	INTRATEX GAS CO
8205893	F-7C-040846	4241330956		107-TF		GRIFFIN 141	PAGE RANCH (CANYON)	92.0	INTRATEX GAS CO
8205944	F-7C-041290	4223531695		103		HARRIS 61-2	PROBANDT (CANYON)	100.0	NORTHERN NATURAL
8205943	F-7C-041289	4223531593		103		PHILLIPS #4-2	IRION (W CANYON)	19.0	NORTHERN NATURAL
8205885	F-7C-040621	4210532921		103		ROBERTSON 68 #2	OZONA (CANYON SAND)	100.0	DELHI PIPELINE CO
8205885	F-7C-040621	4210532921		107-TF		ROBERTSON 68 #2	OZONA (CANYON SAND)	100.0	DELHI PIPELINE CO
-INEXCO OIL COMPANY						RECEIVED: 11/12/81 JA: TX			

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JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205890	F-33-040669	4214730932		102-2		GUSSIE SIEIN #1			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205890	F-33-040669	4214930932			102-2	GUSSIE STEIN #1
8205891	F-03-040670	4214930933			102-2	LOIS RIGHTMER #1
8205889	F-03-040668	4214931042			102-2	TOMMIE E O BREWER #1
						RECEIVED: 11/12/81 JA: TX
-JAMES K ANDERSON INC						
8206002	F-7C-041939	4239932001			103	PRESLEY #1 RRC LEASE #09005
						RECEIVED: 11/12/81 JA: TX
-JAMES W STRAWN						
8205790	F-7C-032131	4210500000			108	HENDERSON #1
						RECEIVED: 11/12/81 JA: TX
-KAISER-FRANCIS OIL COMPANY						
8205951	F-10-041388	4237500000			108	MASTERSON R #1
						RECEIVED: 11/12/81 JA: TX
-L M YOUNG						
8205828	F-7B-035841	4204932443			102-4	W R CHAMBERS A #1 (91478)
						RECEIVED: 11/12/81 JA: TX
-LA ACEITE ENERGY INC						
8206003	F-7B-041945	4205933091			103	NEUMAN 8 #1
						RECEIVED: 11/12/81 JA: TX
-LA SALLE ENERGY CORP						
8205820	F-03-035176	4214900000			102-2	WHITE #1
						RECEIVED: 11/12/81 JA: TX
-LAYTON ENTERPRISES INC						
8205930	F-8A-041198	4207931417			103	REED WRIGHT #26
						RECEIVED: 11/12/81 JA: TX
-LHG RESOURCES INC						
8205845	F-7C-038233	4232730401			103	MAULDIN #1 #38849
						RECEIVED: 11/12/81 JA: TX
-MARLIN OIL CORPORATION						
8205838	F-05-037574	4228930399			102-4	HOLLEMAN #1 RRC ID #94531
						RECEIVED: 11/12/81 JA: TX
-MARSHALL AND WINSTON INC						
8206028	F-01-042087	4249330840			102-4	MANFORD #1
						RECEIVED: 11/12/81 JA: TX
-MAY PETROLEUM INC						
8205836	F-10-036825	4229530945			103	GEX #1
						RECEIVED: 11/12/81 JA: TX
-MAYNARD OIL COMPANY						
8206012	F-7B-042014	4208300000			102-4	HERRING D #1
						RECEIVED: 11/12/81 JA: TX
-MCBRIDE PRODUCTION CO						
8206008	F-7B-042000	4242932268			108	FAMBRO LAND & CATTLE #4 15471
8206010	F-7B-042002	4242900000			108	FAMBRO LAND & CATTLE A #1 60705
8206009	F-7B-042001	4242932248			108	FAMBRO LAND & CATTLE A #2 15627
8206011	F-7B-042003	4242932158			108	H RICHARDSON #1 RRC 15140
8206007	F-7B-041999	4242931849			108	W FAMBROUGH #2 79612
						RECEIVED: 11/12/81 JA: TX
-MCCORMICK OPERATING CO						
8205855	F-06-039275	4240130569			103	DELTA GAS UNIT #1
						RECEIVED: 11/12/81 JA: TX
-MECCA ENERGY INC						
8206044	F-7B-042133	4242932403			103	ALEXANDER-SEARCY UNIT #1 (15887)
						RECEIVED: 11/12/81 JA: TX
-MEWBOURNE OIL COMPANY						
8205860	F-10-039454	4235731115			103	PRICE "1016" #1
						RECEIVED: 11/12/81 JA: TX
-MMW INC						
8205996	F-7B-041893	4213300000			108	D HAMILTON EST #2 (38063)
						RECEIVED: 11/12/81 JA: TX
-MICHAELSON PRODUCING CO						
8205965	F-7C-041486	4210533270			103	UNIVERSITY "9" #10
*8205964	F-7C-041485	4210533269			103	UNIVERSITY "9" #11
*8205963	F-7C-041484	4210533268			103	UNIVERSITY "9" #12
8205966	F-7C-041487	4210533271			103	UNIVERSITY 9 #9
						RECEIVED: 11/12/81 JA: TX
-MITCHELL ENERGY CORPORATION						
8205837	F-09-037323	4249732128			103	ALLEN C MCCURDY #1
8205940	F-09-041267	4249732049			103	H E ADAMS #2-L
8205830	F-7C-036138	4243500000			107-TF	D GENINI 39 #2
8205857	F-7B-039316	4236732050			103	J P REED #1
8205829	F-09-035921	4249732041			103	N R STEVENSON #1
8205998	F-09-041917	4250334776			103	OLIVER LOVING #3 21289

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FIELD NAME	PROD	PURCHASER
GIDDINGS (AUSTIN-CHALK)	75.0	PHILLIPS PETROLE
GIDDINGS (AUSTIN-CHALK)	50.0	PHILLIPS PETROLE
GIDDINGS (AUSTIN-CHALK)	55.0	PHILLIPS PETROLEU
ENOCH JOHNSON (MORRIS SA	20.0	UNION TEXAS PETRO
SUSITA (SAN ANDRES)	7.3	PERMIAN CORP
W PANHANDLE (RED CAVE)	20.0	WESTAR TRANSMISSI
CHAMBERS (CONGL)	201.0	ODESSA NATURAL CO
CALLAHAN COUNTY REGULAR	4.0	LONE STAR GAS CO
GIDDINGS	0.0	PHILLIPS PETROLEU
LEVELLAND	7.3	CITIES SERVICE CO
JACOBY (FRY)	22.0	SUN GAS CO
S E RED OAK (WOODBINE 64	275.0	SOUTH TEXAS GATHE
ACLETO (AUSTIN CHALK)	0.0	
MAMMOTH CREEK NORTH (CLE	365.0	DIAMOND SHAMROCK
COLEMAN (MORRIS)	73.0	LONE STAR GAS CO
STEPHENS COUNTY REGULAR	4.0	BRAZOS FUEL CO
STEPHENS COUNTY REGULAR	7.2	BRAZOS FUEL CO
STEPHENS COUNTY REGULAR	3.5	BRAZOS FUEL CO
STEPHENS COUNTY REGULAR	10.0	SOUTHWESTERN GAS
WAYLAND FIELD	5.5	SOUTHWESTERN GAS
OAK HILL (COTTON VALLEY)	389.7	HYDROCARBON TRANS
STEPHENS COUNTY REGULAR	4.0	WARREN PETROLEUM
HERMAN (UPPER MORROW)	15.0	PHILLIPS PETROLEU
EASTLAND COUNTY REGULAR	0.0	LONE STAR GAS CO
FARMER (SAN ANDRES)	7.0	J L DAVIS
FARMER (SAN ANDRES)	7.0	J L DAVIS
FARMER (SAN ANDRES)	7.0	J L DAVIS
FARMER (SAN ANDRES)	7.0	J L DAVIS
BOONSVILLE (BEND CONGL G	450.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONGLOM	200.0	NATURAL GAS PIPEL
SHURLEY RANCH (CANYON)	0.0	
WILDCAT	60.0	
BOONSVILLE (BEND CONGLOM	225.0	
JERMYN WEST (MARBLE FALL	22.5	SOUTHWESTERN GAS

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JD NO	DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205997	F-09-041916	4249732211		103		R W WILLIFORD #2	BOONSVILLE (BEND CONGL G	131.8	NATURAL GAS PIPEL
8205793	F-09-032875	4249731951		103		R W LINEHAN #3-C	BRIDGEPORT (ATOKA CONGLO	112.0	NATURAL GAS PIPEL
8205842	F-03-037882	4228700000		103		SCHAUTSCHICK UNIT A #1	GIDDINGS (AUSTIN CHALK)	0.0	
8205777	F-09-023643	4249700000		108		W T ALEXANDER #1 19154	ALVORD (ATOKA CONGL)	16.0	NATURAL GAS PIPEL
8205786	F-09-028866	4249700000		108		WEBER-GUNHILD #1 28847	BOONESVILLE (BEND CONGL	13.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC									
						RECEIVED: 11/12/81 JA: TX			
8205858	F-7C-039418	4244330267		103		BANNER EST #6	BROWN-BASSETT (STRAWN)	2.0	EL PASO NATURAL G
8205975	F-10-041647	4223331017		103		ELIZABETH HERRING #4	PANHANDLE HUTCHINSON COU	85.4	PHILLIPS PETROLEU
-MONSANTO COMPANY									
						RECEIVED: 11/12/81 JA: TX			
8205968	F-8A-041501	4207931388		103		STARNES #41-28	LEVELLAND	7.3	CITIES SERVICE CO
-MONTERREY PETROLEUM CORP									
						RECEIVED: 11/12/81 JA: TX			
8205942	F-03-041287	4205131016		102-2		GINI UNIT #1	GIDDINGS (AUSTIN CHALK-3	90.0	FERGUSON CROSSING
-MOON DRILLING SERVICE CO.									
						RECEIVED: 11/12/81 JA: TX			
8205874	F-09-040206	4223700000		103		D C SMITH 1-A R R C #21030	JACK CO REGULAR	0.0	LONE STAR GAS CO
-MOTE RESOURCES INC									
						RECEIVED: 11/12/81 JA: TX			
8205869	F-09-040069	4249732142		103		MARY C WATERS #2	BOONSVILLE (BEND CONGL G	20.0	NATURAL GAS PIPEL
-MUELLER ENGINEERING CORP									
						RECEIVED: 11/12/81 JA: TX			
8205840	F-02-037596	4217500000		108-ER		WALLACE SHAY #1	BLANKSON	0.0	UNITED GAS PIPELI
-MUSTANG EXPLORATION CO INC									
						RECEIVED: 11/12/81 JA: TX			
8205993	F-01-041816	4217730855		102-2		ANHAISER UNIT #1	PEACH CREEK (AUSTIN CHAL	40.0	TIPPERARY GATHERI
8205994	F-01-041817	4217730855		102-2		BECKENDORF #1	PEACH CREEK (AUSTIN CHAL	150.0	TIPPERARY GATHERI
-OILWELL OPERATORS INC									
						RECEIVED: 11/12/81 JA: TX			
8205971	F-10-041601	4217930958		103		MORGAN #1 - AL	PANHANDLE-GRAY	21.0	COLTEXO CORP
-PALO PETROLEUM INC									
						RECEIVED: 11/12/81 JA: TX			
8206053	F-08-042155	4217331064		103		CALVERLEY #2	SPRABERRY (TREND AREA)	17.2	EL PASO NATURAL G
-PARKER & PARSLEY INC									
						RECEIVED: 11/12/81 JA: TX			
8205923	F-08-041082	4231732335		103		BLOCKER #1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
8205926	F-08-041085	4217331173		103		HUTCHISON B #1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
8205924	F-08-041083	4231732334		103		RICHARDS "G" #1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
8205925	F-08-041084	4232930997		103		TXL "B" #1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL G
8205922	F-08-041081	4232931008		103		TXL C #1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL G
-PCX CORP									
						RECEIVED: 11/12/81 JA: TX			
8205847	F-10-038498	4248330697		102-4		EVANS #1	MCX (GRANITE WASH)	180.0	EL PASO NATURAL G
-PENN-TEX ENGINEERING									
						RECEIVED: 11/12/81 JA: TX			
8205982	F-178-041694	4213332999		102-4		ERNEST REICH #1 (17419)	MANGUM S (UP MARBLE FALL	30.0	ODESSA NATURAL CO
-PETROLEUM ACQUISITIONS CORP									
						RECEIVED: 11/12/81 JA: TX			
8206005	F-08-041992	4231732317		103		O W ORSON #3 (RRC #105873)	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
-PETROLEUM CORPORATION OF TEXAS									
						RECEIVED: 11/12/81 JA: TX			
8205957	F-02-041431	42175313R2		103		WALTER DIETZEL #1	COLLETTOVILLE CREEK (VIC	37.2	
-PHILLIPS PETROLEUM COMPANY									
						RECEIVED: 11/12/81 JA: TX			
8205953	F-08-041400	4213502427		108		ABELL #2 (00217)	ANDECTOR (ELLENBURGER)	4.2	EL PASO NATURAL G
8205877	F-08-040338	4249531352		103		MCCABE F P #56 (21555)	HALLEY	1.0	EL PASO NATURAL G
8205810	F-10-033804	4217900000		108		TRUST #2	PANHANDLE GRAY	0.0	
-PIONEER PRODUCTION CORPORATION									
						RECEIVED: 11/12/81 JA: TX			
8205833	F-10-036538	4229530988		103		FAGG UNIT #2-985	MAMMOTH CREEK NORTH (CLE	0.0	NORTHERN NATURAL
8205844	F-10-038204	4221100000		103		NORRIS #44-6	HEMPHILL FIELD	0.0	PIONEER NATURAL G
8205846	F-10-038446	4221100000		102-4		PICKENS UNIT #1-76	CAST (MORROW UPPER)	0.0	PIONEER CORP
8205846	F-10-038446	4221100000		103		PICKENS UNIT #1-76	CAST (MORROW UPPER)	0.0	PIONEER CORP
-R H ENGELKE									
						RECEIVED: 11/12/81 JA: TX			
8205832	F-02-036291	4223931169		102-4		UNITED METHODIST GAS UNIT #1	LA SALLE (7100)	0.0	TENNESSEE GAS PIP
8205832	F-02-036291	4223931169		103		UNITED METHODIST GAS UNIT #1	LA SALLE (7100)	0.0	TENNESSEE GAS PIP
-REALITOS ENERGY CORP									
						RECEIVED: 11/12/81 JA: TX			
8205864	F-02-039550	4202531542		102-4		BLACKBURN G U #1-C	WILDCAT	250.0	HOUSTON PIPE LINE

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JD NO	DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205995	F-01-041818	4217730855		102-2		BECKENDORF #2	PEACH CREEK (AUSTIN CHAL	40.0	TIPPERARY GATHERI
8205996	F-01-041819	4217730855		102-2		BECKENDORF #3	PEACH CREEK (AUSTIN CHAL	40.0	TIPPERARY GATHERI
-RIO PETROLEUM INC									
						RECEIVED: 11/12/81 JA: TX			
8205972	F-10-041602	4217930957		103		MORGAN #2 - AL	PANHANDLE-GRAY	21.0	COLTEXO CORP
-ROBERTSON ENERGY INC									
						RECEIVED: 11/12/81 JA: TX			
8205967	F-8A-041500	4207931387		103		STARNES #41-27	LEVELLAND	7.3	CITIES SERVICE CO
-ROBERTSON R E									
						RECEIVED: 11/12/81 JA: TX			
8205966	F-8A-041499	4207931386		103		STARNES #41-26	LEVELLAND	7.3	CITIES SERVICE CO
-ROBINSON OIL CO									
						RECEIVED: 11/12/81 JA: TX			
8205965	F-8A-041498	4207931385		103		STARNES #41-25	LEVELLAND	7.3	CITIES SERVICE CO
-ROCKWELL ENERGY CORP									
						RECEIVED: 11/12/81 JA: TX			
8205964	F-8A-041497	4207931384		103		STARNES #41-24	LEVELLAND	7.3	CITIES SERVICE CO
-ROSEWOOD RESOURCES INC									
						RECEIVED: 11/12/81 JA: TX			
8205963	F-8A-041496	4207931383		103		STARNES #41-23	LEVELLAND	7.3	CITIES SERVICE CO
-ROSS OIL CO									
						RECEIVED: 11/12/81 JA: TX			
8205962	F-8A-041495	4207931382		103		STARNES #41-22	LEVELLAND	7.3	CITIES SERVICE CO
-ROYCE OIL & GAS INC									
						RECEIVED: 11/12/81 JA: TX			
8205961	F-8A-041494	4207931381		103		STARNES #41-21	LEVELLAND	7.3	CITIES SERVICE CO
-SAGE ENERGY CO									
						RECEIVED: 11/12/81 JA: TX			
8205960	F-8A-041493	4207931380		103		STARNES #41-20	LEVELLAND	7.3	CITIES SERVICE CO
-SAMSON RESOURCES CO									
						RECEIVED: 11/12/81 JA: TX			
8205959	F-8A-041492	4207931379		103		STARNES #41-19	LEVELLAND	7.3	CITIES SERVICE CO
-SANTA FE ENERGY CO									
						RECEIVED: 11/12/81 JA: TX			
8205958	F-8A-041491	4207931378		103		STARNES #41-18	LEVELLAND	7.3	CITIES SERVICE CO
-SCHERMERHORN OIL CORP									
						RECEIVED: 11/12/81 JA: TX			
8205956	F-8A-041490	4207931377		103		STARNES #41-17	LEVELLAND	7.3	CITIES SERVICE CO
-SCHLUMBERGER WELL SERVICES									
						RECEIVED: 11/12/81 JA: TX			
8205955	F-8A-041489	4207931376		103		STARNES #41-16	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205954	F-8A-041488	4207931375		103		STARNES #41-15	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205951	F-8A-041487	4207931374		103		STARNES #41-14	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205950	F-8A-041486	4207931373		103		STARNES #41-13	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205949	F-8A-041485	4207931372		103		STARNES #41-12	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205948	F-8A-041484	4207931371		103		STARNES #41-11	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205947	F-8A-041483	4207931370		103		STARNES #41-10	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205946	F-8A-041482	4207931369		103		STARNES #41-9	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205945	F-8A-041481	4207931368		103		STARNES #41-8	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205944	F-8A-041480	4207931367		103		STARNES #41-7	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205943	F-8A-041479	4207931366		103		STARNES #41-6	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205941	F-8A-041478	4207931365		103		STARNES #41-5	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205940	F-8A-041477	4207931364		103		STARNES #41-4	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205939	F-8A-041476	4207931363		103		STARNES #41-3	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205938	F-8A-041475	4207931362		103		STARNES #41-2	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205937	F-8A-041474	4207931361		103		STARNES #41-1	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205936	F-8A-041473	4207931360		103		STARNES #40-24	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205935	F-8A-041472	4207931359		103		STARNES #40-23	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205934	F-8A-041471	4207931358		103		STARNES #40-22	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205933	F-8A-041470	4207931357		103		STARNES #40-21	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205932	F-8A-041469	4207931356		103		STARNES #40-20	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205931	F-8A-041468	4207931355		103		STARNES #40-19	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205930	F-8A-041467	4207931354		103		STARNES #40-18	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205929	F-8A-041466	4207931353		103		STARNES #40-17	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205928	F-8A-041465	4207931352		103		STARNES #40-16	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205927	F-8A-041464	4207931351		103		STARNES #40-15	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205921	F-8A-041463	4207931350		103		STARNES #40-14	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205920	F-8A-041462	4207931349		103		STARNES #40-13	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205919	F-8A-041461	4207931348		103		STARNES #40-12	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205918	F-8A-041460	4207931347		103		STARNES #40-11	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205917	F-8A-041459	4207931346		103		STARNES #40-10	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205916	F-8A-041458	4207931345		103		STARNES #40-9	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205915	F-8A-041457	4207931344		103		STARNES #40-8	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205914	F-8A-041456	4207931343		103		STARNES #40-7	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205913	F-8A-041455	4207931342		103		STARNES #40-6	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205912	F-8A-041454	4207931341		103		STARNES #40-5	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205911	F-8A-041453	4207931340		103		STARNES #40-4	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205910	F-8A-041452	4207931339		103		STARNES #40-3	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205909	F-8A-041451	4207931338		103		STARNES #40-2	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205908	F-8A-041450	4207931337		103		STARNES #40-1	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205907	F-8A-041449	4207931336		103		STARNES #39-24	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205906	F-8A-041448	4207931335		103		STARNES #39-23	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205905	F-8A-041447	4207931334		103		STARNES #39-22	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205904	F-8A-041446	4207931333		103		STARNES #39-21	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205903	F-8A-041445	4207931332		103		STARNES #39-20	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205902	F-8A-041444	4207931331		103		STARNES #39-19	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205901	F-8A-041443	4207931330		103		STARNES #39-18	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205900	F-8A-041442	4207931329		103		STARNES #39-17	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205899	F-8A-041441	4207931328		103		STARNES #39-16	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205898	F-8A-041440	4207931327		103		STARNES #39-15	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205897	F-8A-041439	4207931326		103		STARNES #39-14	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205896	F-8A-041438	4207931325		103		STARNES #39-13	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205895	F-8A-041437	4207931324		103		STARNES #39-12	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205894	F-8A-041436	4207931323		103		STARNES #39-11	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205893	F-8A-041435	4207931322		103		STARNES #39-10	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205892	F-8A-041434	4207931321		103		STARNES #39-9	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205891	F-8A-041433	4207931320		103		STARNES #39-8	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205890	F-8A-041432	4207931319		103		STARNES #39-7	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205889	F-8A-041431	4207931318		103		STARNES #39-6	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205888	F-8A-041430	4207931317		103		STARNES #39-5	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205887	F-8A-041429	4207931316		103		STARNES #39-4	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205886	F-8A-041428	4207931315		103		STARNES #39-3	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205885	F-8A-041427	4207931314		103		STARNES #39-2	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205884	F-8A-041426	4207931313		103		STARNES #39-1	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205883	F-8A-041425	4207931312		103		STARNES #38-24	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205882	F-8A-041424	4207931311		103		STARNES #38-23	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205881	F-8A-041423	4207931310		103		STARNES #38-22	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205880	F-8A-041422	4207931309		103		STARNES #38-21	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205879	F-8A-041421	4207931308		103		STARNES #38-20	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205878	F-8A-041420	4207931307		103		STARNES #38-19	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205876	F-8A-041419	4207931306		103		STARNES #38-18	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205875	F-8A-041418	4207931305		103		STARNES #38-17	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205873	F-8A-041417	4207931304		103		STARNES #38-16	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205872	F-8A-041416	4207931303		103		STARNES #38-15	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205871	F-8A-041415	4207931302		103		STARNES #38-14	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205870	F-8A-041414	4207931301		103		STARNES #38-13	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205869	F-8A-041413	4207931300		103		STARNES #38-12	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205868	F-8A-041412	4207931299		103		STARNES #38-11	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205867	F-8A-041411	4207931298		103		STARNES #38-10	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205866	F-8A-041410	4207931297		103		STARNES #38-9	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205865	F-8A-041409	4207931296		103		STARNES #38-8	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL ENERGY E&P INC									
						RECEIVED: 11/12/81 JA: TX			
8205863	F-8A-041408	4207931295		103		STARNES #38-7	LEVELLAND	7.3	CITIES SERVICE CO
-SEAGULL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8205863	F-02-039549	4202531542			102-4	BLACKBURN G U #1-T
						RECEIVED: 11/12/81 JA: TX
-REISS PETROLEUM INC						
8206006	F-7B-041994	4213300000			108	FIRST NATIONAL BANK #1 (36553)
						RECEIVED: 11/12/81 JA: TX
-RICHARD E HAAS						
8205816	F-04-034434	4235531611			102-4	H & F PROPERTIES #1
8205816	F-04-034434	4235531611			103	H & F PROPERTIES #1
						RECEIVED: 11/12/81 JA: TX
-RICHEY EXPLORATION CO						
8205827	F-09-035783	4223733613			103	GLEASON ET AL UNIT #1
						RECEIVED: 11/12/81 JA: TX
-RIDDLE OIL CO						
8205789	F-03-032125	4205130645			102-2	MATT MORELLO #1 #13023
						RECEIVED: 11/12/81 JA: TX
-ROCKWOOD RESOURCES INC						
8205862	F-02-039544	4223931629			102-4	A SCHOMBURG #1 ID NO 94076
8205973	F-02-041630	4223931591			102-4	BERRY K #1 (ID NO 94864)
8205974	F-02-041631	4223931626			102-4	DAHLSTROM #1 (ID NO 94863)
						RECEIVED: 11/12/81 JA: TX
-S & J OPERATING CO						
8206015	F-09-042033	4223733676			103	H E EICHLER #2
						RECEIVED: 11/12/81 JA: TX
-SABINE PRODUCTION COMPANY						
8205872	F-06-040177	4206730337			107-TF	RAWLES #1
						RECEIVED: 11/12/81 JA: TX
-SABIO OIL & GAS INC						
8205867	F-09-039955	4249700000			107-PE	THELMA MCGEE #28537
						RECEIVED: 11/12/81 JA: TX
-SAGE ENERGY CO						
8205821	F-03-035197	4205131224			102-2	BENTKE UNIT #1 RRC #13888
						RECEIVED: 11/12/81 JA: TX
-SAND SPRINGS OIL & GAS CO						
8205955	F-10-041416	4223300000			103	HAMILTON (01134) #50
8205954	F-10-041415	4223300000			103	HAMILTON #51 01134
						RECEIVED: 11/12/81 JA: TX
-SCANDRILL CO						
8205813	F-7B-034078	4244732508			103	KEETER #2
8205814	F-09-034081	4250334443			103	PEARL T KURK #26
8206067	F-09-042216	4250334053			103	WILLIAM KURK #19
						RECEIVED: 11/12/81 JA: TX
-SENTINEL PETROLEUM CORP					102-4	LOUISE HARLOW "B"
8205865	F-7B-039793	4213333073				RECEIVED: 11/12/81 JA: TX
-SKLAR & PHILLIPS OIL CO						
8205881	F-06-040537	4242330441			103	FAIR OIL LTD #1 (RODESSA)
						RECEIVED: 11/12/81 JA: TX
-SPINDLETOP OIL & GAS CO					102-4	HARRIS 1-C
8205992	F-7B-041815	4236732006			102-4	HARRIS 1-T
8205991	F-7B-041814	4236732006				RECEIVED: 11/12/81 JA: TX
-STAHL PETROLEUM CO					108	KINNARD "A" #1
8206063	F-10-042201	4217930699				RECEIVED: 11/12/81 JA: TX
-STALLWORTH OIL & GAS INC					102-4	STALLWORTH O&G INC-WALKER GAS # 1
8205797	F-7B-033286	4236732012			103	STALLWORTH O&G INC-WALKER GAS # 1
8205797	F-7B-033286	4236732012				RECEIVED: 11/12/81 JA: TX
-STUART DEVELOPMENT CO					103	J K GRADSHAW #1
8205792	F-7B-032541	4236731811				RECEIVED: 11/12/81 JA: TX
-SUN OIL CO					108-ER	EVANS GAS UNIT #1
8205776	F-09-011169	4223700000				RECEIVED: 11/12/81 JA: TX
-SUN OIL COMPANY (DELAWARE)					103	CENTRAL LEVELLAND UNIT #249
8205990	F-8A-041752	4221933096			103	CENTRAL LEVELLAND UNIT #262
8205989	F-8A-041751	4221933100			108	DORA MORRIS #2
8205988	F-09-041749	4249731188			108	G W FOWLER "A" #2
8205987	F-09-041747	4223700000			108	G W FOWLER A #1
8205986	F-09-041746	4223700000			103	L L LAUHOFF #8
8205918	F-8A-041035	4221933035				RECEIVED: 11/12/81 JA: TX
-SUPERIOR OIL CO						

FIELD NAME	PROD	PURCHASER
WILDCAT	250.0	HOUSTON PIPELINE
EASTLAND COUNTY REGULAR	11.0	LONE STAR GAS CO
RUNWAY NORTH (COMMONWEAL	730.0	VALERO TRANSMISSI
RUNWAY NORTH (COMMONWEAL	730.0	VALERO TRANSMISSI
MARYETTA S E (CONGL)	91.0	LONE STAR GAS CO
CALDWELL (AUSTIN CHALK)	36.5	ADOBE GAS CO
SANDY CREEK (FRIO 5550)	0.0	LONE STAR GAS CO
S C A R (FRIO 4900)	0.0	TRANSCONTINENTAL
MAYO (FRIO 6530)	0.0	DELHI GAS PIPELIN
JACK COUNTY REGULAR (GAS	73.0	LONE STAR GAS CO
KILDARE (COTTON VALLEY O	50.0	
BOONESVILLE (BEND CONGLO	72.0	LONE STAR GAS CO
GIDDINGS (AUSTIN CHALK)	227.0	FALCON GAS CO
PANHANDLE HUTCHINSON COU	20.0	GETTY OIL CO
PANHANDLE HUTCHINSON COU	20.0	GETTY OIL CO
THROCKMORTON COUNTY REGU	0.0	CLEAR FORK GAS CO
YOUNG COUNTY REGULAR	21.9	SUN GAS GATHERING
YOUNG COUNTY REGULAR	11.0	SUN GAS TRANSMISS
MANGUM WEST	0.0	ODESSA NATURAL CO
CHAPEL HILL (RODESSA LOW	150.0	ETEXAS PRODUCERS
SPRINGTOWN (COMYN)	10.0	LONE STAR GAS CO
SPRINGTOWN (5500)	250.0	LONE STAR GAS CO
EAST PANHANDLE	0.0	TRANSWESTERN PIPE
CLAYTON (CONGL)	0.0	SOUTHWESTERN GAS
CLAYTON (CONGL)	0.0	SOUTHWESTERN GAS
SPRINGTOWN (5500)	150.0	LONE STAR GAS CO
BOONESVILLE BEND CONGLOM	0.0	LONE STAR GAS CO
LEVELLAND	3.0	AMOCO PRODUCTION
LEVELLAND	30.0	AMOCO PRODUCTION
BOONSVILLE	19.0	NATURAL GAS PIPE
BOONSVILLE	17.0	LONE STAR GAS CO
BOONSVILLE	16.0	LONE STAR GAS CO
SLAUGHTER	7.5	AMOCO PRODUCTION

JD NO	DKT	API NO	D	SEC	CAT	WELL NAME
8205875	F-08-043255	4247532375		103		UNIVERSITY 32-1P A-1
				RECEIVED: 11/12/81 JA: TX		
-TAYLOR OPERATING COMPANY						
8206039	F-09-042116	4223700000		103		CHRISTIAN #1 (20654)
8206040	F-09-042119	4223700000		103		FOWLER #2 (20540)
8205785	F-7B-027974	4236300000		103		R G CORNELIUS #1 (91027)
				RECEIVED: 11/12/81 JA: TX		
-TEXACO INC						
8205934	F-10-041250	4217900000		108		J C SHORT #14
8205935	F-10-041251	4217900000		108		J C SHORT #22
8205938	F-10-041255	4217900000		108		J C SHORT #3
8205937	F-10-041254	4217900000		108		J C SHORT #6
8205936	F-10-041253	4217900000		108		J C SHORT #8
8205880	F-HA-040468	4221933105		103		MONTGOMERY EST DAVIES NCT-2 #74
				RECEIVED: 11/12/81 JA: TX		
-TEXAS INTERNATIONAL PET CORP						
8205851	F-08-038913	4233531203		103		EDWIN PARKS #10
				RECEIVED: 11/12/81 JA: TX		
-TEXAS OIL & GAS CORP						
8205787	F-02-030054	4239131369		102-R		FAGAN R #3
8205788	F-02-025259	4229732415		102-A		MCCLELLAND #15 #89642
				RECEIVED: 11/12/81 JA: TX		
-TEXLAND-HECTOR & SCHUMACHER						
8205959	F-8A-041470	4221933076		103		DAVIS-LABOR 4 #1
8205960	F-8A-041472	4244530901		102-A		PAULINE MORGENSTERN #7
				RECEIVED: 11/12/81 JA: TX		
-THE DOW CHEMICAL COMPANY						
8206062	F-7C-042183	4241330929		102-W		UNIVERSITY 55-20 #1
				RECEIVED: 11/12/81 JA: TX		
-THE MAURICE L BROWN COMPANY						
8206054	F-06-042158	4220300000		108		TIMMINS GAS UNIT #1
				RECEIVED: 11/12/81 JA: TX		
-THREE-B OIL CO						
8205984	F-05-041743	4237132969		103		ARCO CORDZ #5 #26420
8205985	F-05-041744	4237132992		103		ARCO CORDZ "A" #6 #26420
				RECEIVED: 11/12/81 JA: TX		
-TIPPERARY OIL AND GAS CORP						
8205835	F-01-036679	4217739633		103		GRAVES #1
8205831	F-01-036241	4217730867		103		MARCEE #1
8205834	F-01-036678	4217730659		103		THOMPSON #1
				RECEIVED: 11/12/81 JA: TX		
-TRACE OIL & GAS CO						
8205839	F-02-037588	4240900000		102-A		J J WELDER #1-C
				RECEIVED: 11/12/81 JA: TX		
-TRANS-AMERICAN DEVELOPMENT CORP						
8205866	F-7B-039919	4204900000		108		VANN-W BOYD #1 (90173)
				RECEIVED: 11/12/81 JA: TX		
-TRIPLE L OIL CO INC						
8205978	F-03-041669	4246931610		102-A		HENRY - ID #14452
				RECEIVED: 11/12/81 JA: TX		
-TSPI INC						
8205882	F-10-040552	4223300000		103		PEANUT #4
				RECEIVED: 11/12/81 JA: TX		
-TUMBLEWEED PRODUCTION CO						
8205795	F-10-033069	4206500000		103		BURNETT C-6-41
				RECEIVED: 11/12/81 JA: TX		
-U S OPERATING INC						
8205950	F-03-041368	4228730855		102-A		SHEILA #1
				RECEIVED: 11/12/81 JA: TX		
-UPHAM OIL & GAS CO						
8205779	25027	4249700000		108-ER		HAROLD SHILLING #2 #51043
8205778	25026	4249700000		108-ER		MARY GUNN #1 RRC #35089
				RECEIVED: 11/12/81 JA: TX		
-WAINOCO OIL & GAS COMPANY						
8205812	F-03-033969	4224531311		103		W C GILBERT EST #1
				RECEIVED: 11/12/81 JA: TX		
-WESTERN STATES PETROLEUM DEVELOPMEN						
8205841	F-10-037645	4223330928		103		HERRING-NIVENS #7
				RECEIVED: 11/12/81 JA: TX		
-WILLIAM PERLMAN						
8205782	F-7C-027530	4243532372		103		FIELDS 57-1
8205782	F-7C-027530	4243532372		107-TF		FIELDS 57-1

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FIELD NAME	PROD	PURCHASER
WAR-WINK S (WOLFCAMP)	0.0	
NEWPORT S (BEND CONGL)	31.0	LONE STAR GAS CO
RUSMAG SE (CONGL 4900)	57.3	LONE STAR GAS CO
PALO PINTO CO REP (GAS)	28.0	LONE STAR GAS CO
PANHANDLE GRAY	0.5	COLTEXO CORP
PANHANDLE GRAY	1.8	COLTEXO CORP
PANHANDLE GRAY	1.8	COLTEXO CORP
PANHANDLE GRAY	1.8	COLTEXO CORP
PANHANDLE GRAY	1.8	COLTEXO CORP
LEVELLAND	31.0	AMOCO PRODUCTION
DIXON (STRAWN)	30.0	SUN GAS CO
FAGAN	0.0	UNITED GAS PIPELI
OAKVILLE (WILCOX 9700)	0.0	DELHI GAS PIPELIN
SLAUGHTER	1.0	AMOCO PRODUCTION
TERRYON (CLEARFORK UP)	1.0	AMOCO PRODUCTION
UNIVERSITY 55 (ELLENBURG	180.0	CRA INC
BETHANY	21.0	TENNESSEE GAS PIP
PAYTON	14.6	EL PASO NATURAL G
PAYTON	14.6	EL PASO NATURAL G
PEACH CREEK (AUSTIN CHAL	1.0	VALERO TRANSMISSI
PEACH CREEK (AUSTIN CHAL	37.0	VALERO TRANSMISSI
PEACH CREEK (AUSTIN CHAL	37.0	VALERO TRANSMISSI
PAPALOTE WEST (3950)	100.0	
MIKLAR	20.3	ODESSA NATURAL CO
KUBELA (6110')	109.0	DOW CHEMICAL U S
PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCI
PANHANDLE	100.0	PANHANDLE EASTERN
GIDDINGS (AUSTIN CHALK G	0.0	PGP GAS PRODUCTS
BOONSVILLE (BEND CONG)	2.1	LONE STAR GAS CO
BOONSVILLE (CONSOL CONG)	8.4	LONE STAR GAS CO
GILBERT RANCH (MACKENBER	365.0	SOUTHWESTERN GAS
PANHANDLE FIELD	182.0	PANHANDLE PRODUCI
SAWYER (CANYON)	0.0	EL PASO NATURAL G
SAWYER (CANYON)	0.0	EL PASO NATURAL G

JD NO JA DKT API NO D SEC CAT WELL NAME
8205783 F-7C-027535 4243500000 103 MAYER #8
8205783 F-7C-027535 4243500000 107-TF MAYER #8

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FIELD NAME PROD PURCHASER
SAWYER (CANYON) 0.0 VALERO GAS TRANSM
SAWYER (CANYON)

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8205783	F-7C-027535	4243500000	103	MAYER #8	SAWYER (CANYON)	0.0	VALERO GAS TRANSM
8205783	F-7C-027535	4243500000	107-TF	MAYER #8	SAWYER (CANYON)	0.0	VALERO GAS TRANSM
-WILLIAMS PETROLEUM CO			RECEIVED: 11/12/81 JA: TX				
8205952	F-7B-041393	4238300000	103	LANDAR #5	B M A (CONGLOMERATE)	290.0	TEXAS UTILITIES F
-WINDSOR PRODUCING CO			RECEIVED: 11/12/81 JA: TX				
8205932	F-03-041204	4228730867	102-2	JENSEN #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8205932	F-03-041204	4228730867	103	JENSEN #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8205895	F-03-040889	4228730764	102-2	MITSCHKE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
-WY-VEL CORP			RECEIVED: 11/12/81 JA: TX				
8206033	F-10-042101	4206530385	103	J R NICHOLSON (02532) #7	PANHANDLE CARSON COUNTY	35.0	GETTY OIL CO
8206032	F-10-042100	4206530624	103	J R NICHOLSON (02532) #8	PANHANDLE CARSON COUNTY	15.0	GETTY OIL CO
8206031	F-10-042099	4206530655	103	J R NICHOLSON (02532) #9	PANHANDLE CARSON COUNTY	10.0	GETTY OIL CO

OTHER PURCHASERS

8205847	E I DUPONT DE NEMOURS & CO INC
8205878	E I DUPONT DE NEMOURS & CO INC
8205879	E I DUPONT DE NEMOURS & CO INC
8205892	AMOCO PRODUCTION CO
8205939	LONE STAR GAS CO
8205963	WARREN PETROLEUM CO
8205964	AMOCO PRODUCTION CO
8206046	SHELL OIL CO
8206047	SHELL OIL CO
8206048	SHELL OIL CO
8206049	SHELL OIL CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275. 203 and 275.204, file a protest with the Commission on or before December 29, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS Lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35588 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

[Volume 553]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

V 4 6 D E 1 4 8 1 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

JD NO	JA DKT	AFE NO	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
-ARCO OIL AND GAS COMPANY		RECEIVED: 11/06/81	JA: CA			
8206075	81-6-0053	0411320602	102-2 A G RICHTER #1	CROSSROADS GAS	177.0	PACIFIC GAS & ELE
-ARMSTRONG PETROLEUM CORP		RECEIVED: 11/06/81	JA: CA			
8206070	81-6-0055	0401120185	102-4 MERIDIAN #2	SYCAMORE GAS	72.0	PACIFIC GAS & ELE
-HOME PETROLEUM CORPORATION		RECEIVED: 11/06/81	JA: CA			
8206076	81-6-0050	0401120119	102-2 ZUMWALT NO 1	WILLIAMS GAS	100.0	PACIFIC GAS & ELE
-JORDAN OIL & GAS COMPANY		RECEIVED: 11/06/81	JA: CA			
8206072	81-6-0052	0401120205	102-4 BARON AG NO 2-5	COMPTON LANDING GAS	100.0	PACIFIC GAS & ELE
8206071	81-6-0056	0401120201	102-4 PRINCETON COMMUNITY 2-19	PRINCETON GAS	400.0	PACIFIC GAS & ELE
-TEXACO INC		RECEIVED: 11/06/81	JA: CA			
8206074	81-6-0058	0409520425	103 DIXON EAST UNIT 1 NO 3	MILLAR	85.0	PACIFIC GAS & ELE
8206073	81-6-0059	0409520416	103 DIXON EAST UNIT 1 NO 4	MILLAR	182.0	PACIFIC GAS & ELE
LOUISIANA OFFICE OF CONSERVATION						
-ARKLA EXPLORATION COMPANY		RECEIVED: 11/17/81	JA: LA			
8206222	81-2014	1711122151	108 ARMSTRONG #2	MONROE	5.0	IMC PIPELINE CO I
8206225	81-2011	1711122152	108 BEN BRYAN #3	MONROE	3.9	ARKANSAS LOUISIAN
8206228	81-2010	1711122133	108 FLORA POTTS #2	MONROE	13.6	ARKANSAS LOUISIAN
8206226	81-2012	1711122138	108 K D LANGFORD #3	MONROE	3.4	IMC PIPELINE CO I
8206291	81-2008	1711122134	108 NOLAN #3	MONROE	12.4	ARKANSAS LOUISIAN
8206227	81-2009	1711122135	108 NOLAN #4	MONROE	4.5	ARKANSAS LOUISIAN
8206253	81-2043	1711122148	103 RABUN #2	MONROE	19.1	ARKANSAS LOUISIAN
8206253	81-2043	1711122148	108 RABUN #2	MONROE	19.1	ARKANSAS LOUISIAN
8206224	81-2013	1711122153	108 WRIGHT #2	MONROE	2.4	ARKANSAS LOUISIAN
-CALPETCO HERBST EXPLORATION INC		RECEIVED: 11/17/81	JA: LA			
8206206	81-1929	1706720765	108 KENYON SPYKER 17	MONROE GAS ROCK	10.0	SOUTHERN NATURAL
8206336	81-1928	1706720965	108 SPYKER 1	MONROE GAS ROCK	1.5	SOUTHERN NATURAL
-CONOCO INC		RECEIVED: 11/10/81	JA: LA			
8206194		1771920261	102-4 SL 2550 WD 56 #2	WEST DELTA BLOCK 56	1825.0	TENNESSEE GAS PIP
-COX		RECEIVED: 11/17/81	JA: LA			
8206263	81-2062	1707321699	103 NUGENT #1 (173468)	MONROE	7.3	IMC PIPELINE CO I
-CRYSTAL OIL COMPANY		RECEIVED: 11/17/81	JA: LA			
8206237	81-2032	1701521448	107-TF HAY RA SU C INTERNL PAPER CO E #1	ARKANA	511.0	ARKANSAS LOUISIAN
8206235	81-2034	1701521404	107-TF HAY RA SU E DISCUS OIL #1	ARKANA	204.4	ARKANSAS LOUISIAN
8206255	81-2041	1701521447	107-TF HAY RA SU F DICKSON DUTY #1	ARKANA	182.5	ARKANSAS LOUISIAN
8206229	81-2039	1701521450	107-TF HAY RA SU J; RINSLAND EST #1	ARKANA	32.8	ARKANSAS LOUISIAN
8206234	81-2035	1701521414	107-TF HAY RA SU K WILLAMETTE #1	ARKANA	68.6	ARKANSAS LOUISIAN
8206232	81-2038	1701520323	107-TF HAY RA SU L WYCHE #1	ARKANA	96.5	ARKANSAS LOUISIAN
8206230	81-2040	1701520204	107-TF HAY RA SU N FOSTER A #1	ARKANA	18.6	ARKANSAS LOUISIAN
8206233	81-2036	1701521507	107-TF HAY RA SU O INTERNL PAPER CO "C" #1	ARKANA	1136.8	ARKANSAS LOUISIAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206252	81-2042	1701521413		107	-TF	HAY RA SU S INTERNL PAPER A #1	ARKANA	13.1	ARKANSAS LOUISIAN
8206231	81-2037	1701500088		107	-TF	HAY RA SU T BOLINGER #1	ARKANA	102.2	ARKANSAS LOUISIAN
8206239	81-2031	1701521545		107	-TF	HAY RA SU U MORESI #1	ARKANA	46.5	ARKANSAS LOUISIAN
8206236	81-2033	1701521451		107	-TF	HAY RA SU W WISE A #1	ARKANA	76.2	ARKANSAS LOUISIAN
-DYNAMIC EXPLORATION INC				RECEIVED: 11/10/81 JA: LA					
8206198		1705320686		102	-A	LANGLEY NO 2	WEST EDNA FIELD	744.0	TENNESSEE GAS PIP
-ERGON INC				RECEIVED: 11/17/81 JA: LA					
8206215	81-1918	1711123093		103		BENNY HAILE #1	MONROE	11.8	TEXAS GAS TRANSMI
8206215	81-1918	1711123093		107	-TF	BENNY HAILE #1	MONROE	11.8	TEXAS GAS TRANSMI
8206242	81-2027	1711123136		103		F V WALL ET AL #1	MONROE	11.8	TEXAS GAS TRANSMI
8206242	81-2027	1711123136		107	-TF	F V WALL ET AL #1	MONROE	11.8	TEXAS GAS TRANSMI
8206290	81-1999	1711121819		108		H D GREEN #9	MONROE	4.9	TEXAS GAS TRANSMI
8206238	81-2030	1711123181		103		MATTHEW W TAYLOR ET AL #7	MONROE	10.9	TEXAS GAS TRANSMI
8206238	81-2030	1711123181		107	-TF	MATTHEW W TAYLOR ET AL #7	MONROE	10.9	TEXAS GAS TRANSMI
8206216	81-1917	1711123095		103		VERA K TAYLOR #2	MONROE	10.2	TEXAS GAS TRANSMI
8206216	81-1917	1711123095		107	-TF	VERA K TAYLOR #2	MONROE	10.2	TEXAS GAS TRANSMI
8206240	81-2029	1711123139		103		VUCC J L COLE JR	MONROE	10.9	TEXAS GAS TRANSMI
8206240	81-2029	1711123139		107	-TF	VUCC J L COLE JR	MONROE	10.9	TEXAS GAS TRANSMI
8206241	81-2028	1711123138		103		VUDD ADELLE C LITTLETON #1	MONROE	13.7	TEXAS GAS TRANSMI
8206241	81-2028	1711123138		107	-TF	VUDD ADELLE C LITTLETON #1	MONROE	13.7	TEXAS GAS TRANSMI
8206288	81-1997	1711121817		108		WUH JIMMY BRANTLEY #1	MONROE	5.3	TEXAS GAS TRANSMI
8206289	81-1998	1711121818		108		WUI FARRIS RATZLAFF #1	MONROE	4.7	TEXAS GAS TRANSMI
8206219	81-1916	1711122934		103		WUR JESSE TAYLOR #2	MONROE (6824)	8.7	TEXAS GAS TRANSMI
8206219	81-1916	1711122934		107	-TF	WUR JESSE TAYLOR #2	MONROE (6824)	8.7	TEXAS GAS TRANSMI
-FRANK B MCGRATH				RECEIVED: 11/17/81 JA: LA					
8206271	81-2054	1711120879		108		DOWNS #1	MONROE	9.0	CENTRAL TRANSMISS
-GLENDA PETROLEUM CORP				RECEIVED: 11/17/81 JA: LA					
8206217	81-1924	1711122804		108		D'ARBONNE CO I #3 S/N 170981	MONROE	12.8	MID LOUISIANA GAS
8206218	81-1923	1711122258		108		D'ARBONNE CO I #8 S/N 170983	MONROE	12.0	MID LOUISIANA GAS
8206220	81-1922	1711122287		108		D'ARBONNE CO 12 #15 (170987)	MONROE	12.5	MID LOUISIANA GAS
8206339	81-1927	1711122795		108		EXXON-ARCO 35 #10 (171220)	MONROE	16.4	MID LOUISIANA GAS
8206298	81-2001	1711122796		108		EXXON-ARCO 35 #11 (171221)	MONROE	11.8	MID LOUISIANA GAS
8206299	81-2002	1711122806		108		EXXON-ARCO 35 #14 (171401)	MONROE	14.8	MID LOUISIANA GAS
8206295	81-2003	1711122807		108		EXXON-ARCO 35 #15 (171402)	MONROE	15.0	MID LOUISIANA GAS
8206337	81-1925	1711121612		108		EXXON-ARCO 35 #5 (171217)	MONROE	15.6	MID LOUISIANA GAS
8206336	81-1926	1711121598		108		EXXON-ARCO 35 #7 (171219)	MONROE	14.8	MID LOUISIANA GAS
8206262	81-2063	1711122620		108		HASTEDT 35 #1 (169865)	MONROE	8.0	MID LOUISIANA GAS
8206261	81-2064	1711122621		108		HASTEDT 35 #2 (169866)	MONROE	8.0	MID LOUISIANA GAS
8206260	81-2065	1711122622		108		HASTEDT 35 #3 (169867)	MONROE	15.8	MID LOUISIANA GAS
8206259	81-2066	1711122623		108		HASTEDT 35 #4 (169868)	MONROE	14.4	MID LOUISIANA GAS
8206258	81-2067	1711122624		108		HASTEDT 35 #5 (169869)	MONROE	14.0	MID LOUISIANA GAS
8206257	81-2068	1711122625		108		HASTEDT 35 #6 (169870)	MONROE	14.8	MID LOUISIANA GAS
8206256	81-2069	1711122626		108		HASTEDT 35 #7 (169871)	MONROE	13.0	MID LOUISIANA GAS
8206254	81-2070	1711122627		108		HASTEDT 35 #8 S/N 169872	MONROE	14.0	MID LOUISIANA GAS
8206207	81-1930	1711122358		108		RABUN I #4 S/N 168189	MONROE	16.9	MID LOUISIANA GAS
8206208	81-1931	1711122641		108		RABUN 82 #7 S/N 169956	MONROE	14.4	MID LOUISIANA GAS
8206221	81-1921	1711122278		108		RIVER CITY #5 (167578)	MONROE	12.6	MID LOUISIANA GAS
8206294	81-2006	1711122634		108		SMITH 35 #6 (169879)	MONROE	9.8	MID LOUISIANA GAS
8206292	81-2007	1711122635		108		SMITH 35 #7 (169880)	MONROE	12.0	MID LOUISIANA GAS
8206296	81-2004	1711122632		108		YELTON #1 (169877)	MONROE	12.4	MID LOUISIANA GAS
8206293	81-2005	1711122633		108		YELTON #2 (169878)	MONROE	12.4	MID LOUISIANA GAS
-HADDOX PETROLEUM CORP				RECEIVED: 11/17/81 JA: LA					
8206244	81-2051	1711123282		103		SMITH A#1	MONROE	18.3	IMC PIPELINE CO I

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206245	81-2052	1711123283		103		SMITH A#2	MONROE	21.2	IMC PIPELINE CO I

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206245	81-2052	1711123283		103		SMITH A#2	MONROE	21.2	IMC PIPELINE CO I
8206272	81-2053	1711123284		103		SMITH A#3	MONROE	14.6	IMC PIPELINE CO I
				RECEIVED: 11/17/81 JA: LA					
-HOOTKINS-SMITH LA LTD									
8206243	81-2026	1711122989		103		M P GARDNER #1	MONROE	13.0	TEXAS GAS TRANSMI
8206243	81-2026	1711122989		107-TF		M P GARDNER #1	MONROE	13.0	TEXAS GAS TRANSMI
				RECEIVED: 11/17/81 JA: LA					
-IMC EXPLORATION COMPANY									
8206334	81-1944	1711122970		108		CHAPMAN #4	MONROE	21.0	PETRO-LEWIS CORP
8206327	81-19422	1707321788		103		UNION PRODUCING CO T #14	MONROE	18.0	IMC PIPELINE CO I
8206335	81-1943	1707321789		103		UNION PRODUCING CO T #15	MONROE	18.0	IMC PIPELINE CO I
8206326	81-1941	1707321783		103		UNION PRODUCING CO T 17	MONROE	18.0	IMC PIPELINE CO I
8206214	81-1920	1707321037		108		WEST VIRGINIA #5	MONROE	18.0	UNITED GAS PIPELI
				RECEIVED: 11/10/81 JA: LA					
-KERR-MCGEE CORPORATION									
8206195		1772620200		102-4		S L 2326 NO 39	BRETON SOUND BLOCK 20	0.0	SOUTHERN NATURAL
				RECEIVED: 11/17/81 JA: LA					
-L A WEST									
8206333	81-1945	1707321731		103		L A WEST #4	MONROE	0.0	IMC PIPELINE CO I
8206332	81-1946	1707321732		103		L A WEST #5	MONROE	12.7	IMC PIPELINE CO I
				RECEIVED: 11/17/81 JA: LA					
-LANKFORD & NANCE									
8206268	81-2059	1711123302		103		BARK #4	MONROE	8.0	TEXAS GAS TRANSMI
8206267	81-2058	1711123291		103		FROST #1	MONROE	10.0	TEXAS GAS TRANSMI
8206251	81-2045	1711123232		103		FROST #10	MONROE	12.0	TEXAS GAS TRANSMI
8206249	81-2046	1711123233		103		FROST #11	MONROE	12.0	TEXAS GAS TRANSMI
8206250	81-2044	1711123215		103		FROST #2	MONROE	28.0	TEXAS GAS TRANSMI
8206266	81-2057	1711123196		103		FROST #6	MONROE	6.0	TEXAS GAS TRANSMI
8206269	81-2056	1711123161		103		HAILE #5	MONROE	24.0	TEXAS GAS TRANSMI
8206248	81-2047	1711123277		103		IRMA HAILE #1	MONROE	24.0	TEXAS GAS TRANSMI
8206270	81-2055	1711123158		103		J M EDWARDS #1	MONROE	30.0	TEXAS GAS TRANSMI
8206264	81-2061	1711123304		103		PARDUE #1	MONROE	14.0	TEXAS GAS TRANSMI
8206265	81-2060	1711123303		103		PENNZOIL #1	MONROE	18.0	TEXAS GAS TRANSMI
8206246	81-2049	1711123305		103		REPPOND #2	MONROE	24.0	TEXAS GAS TRANSMI
8206247	81-2048	1711123292		103		S S REPPOND #1	MONROE	24.0	TEXAS GAS TRANSMI
				RECEIVED: 11/10/81 JA: LA					
-LYONS PETROLEUM INC									
8206200		1703120660		102-4		PANKEY NO 2	BETHANY-LONGSTREET	360.0	ARKANSAS LOUISIAN
8206200		1703120660		103		PANKEY NO 2	BETHANY-LONGSTREET	360.0	ARKANSAS LOUISIAN
				RECEIVED: 11/17/81 JA: LA					
-MARSHALL EXPLORATION INC									
8206329	81-1949	1703121142		108		FBG RA SU 167; HALL #1	LOGANSPORT	19.0	SOUTHERN NATURAL
8206328	81-1950	1703120989		108		FBG RA SU 36; FOSHEE #3	LOGANSPORT	20.0	TENNESSEE GAS PIP
8206330	81-1948	1703120812		108		FBG RA SU 37; FOSHEE #1	LOGANSPORT	20.0	TENNESSEE GAS PIP
8206329	81-1951	1703120926		108		FBG RA SU 41; T G CHANDLER #1	LOGANSPORT	17.0	TENNESSEE GAS PIP
8206331	81-1947	1703121242		108		LGR RA SUY; CONNIE ALLEN #1	LOGANSPORT	17.0	SOUTHERN NATURAL
				RECEIVED: 11/10/81 JA: LA					
-MCALESTER FUEL COMPANY									
8206196		1707922693		102-4		STATE LEASE 8063 NO 1	GARDEN ISLAND BAY	109.0	
				RECEIVED: 11/17/81 JA: LA					
-MID LOUISIANA GAS COMPANY									
8206277	81-1963	1711122435		108		MLGC FEE GAS # 686	MONROE	5.2	MID LOUISIANA GAS
8206313	81-1962	1711121450		108		MLGC FEE GAS #685	MONROE	14.6	MID LOUISIANA GAS
8206273	81-1963	1711121917		108		MLGC FEE GAS #805	MONROE GAS FIELD	18.9	MID LOUISIANA GAS
8206274	81-1964	1711121923		108		MLGC FEE GAS #811	MONROE	8.5	MID LOUISIANA GAS
8206314	81-1961	1711121925		108		MLGC FEE GAS #813	MONROE	15.2	MID LOUISIANA GAS
8206323	81-1952	1711122324		108		MLGC FEE GAS #868	MONROE	6.9	MID LOUISIANA GAS
8206320	81-1953	1711122325		108		MLGC FEE GAS #869	MONROE	1.1	MID LOUISIANA GAS
8206321	81-1954	1711122328		108		MLGC FEE GAS #872	MONROE	3.7	MID LOUISIANA GAS
8206322	81-1955	1711122330		108		MLGC FEE GAS #874	MONROE	6.8	MID LOUISIANA GAS
8206319	81-1956	1711122331		108		MLGC FEE GAS #875	MONROE	8.6	MID LOUISIANA GAS
8206318	81-1957	1711122414		108		MLGC FEE GAS #878	MONROE	1.4	MID LOUISIANA GAS

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206317	81-1958	1711122416	108	MLGC FEE GAS #880	MONROE	1.2	MID LOUISIANA GAS
8206315	81-1959	1711122418	108	MLGC FEE GAS #882	MONROE	1.2	MID LOUISIANA GAS
8206316	81-1960	1711122419	108	MLGC FEE GAS #883	MONROE	5.0	MID LOUISIANA GAS
8206281	81-1981	1711122420	108	MLGC FEE GAS #884	MONROE	6.5	MID LOUISIANA GAS
8206282	81-1982	1711122434	108	MLGC FEE GAS #885	MONROE	7.6	MID LOUISIANA GAS
8206278	81-1984	1711122436	108	MLGC FEE GAS #887	MONROE	8.7	MID LOUISIANA GAS
8206279	81-1985	1711122437	108	MLGC FEE GAS #888	MONROE	1.0	MID LOUISIANA GAS
8206287	81-1976	1711122438	108	MLGC FEE GAS #889	MONROE	8.1	MID LOUISIANA GAS
8206283	81-1977	1711122449	108	MLGC FEE GAS #890	MONROE	1.1	MID LOUISIANA GAS
8206284	81-1978	1711122450	108	MLGC FEE GAS #891	MONROE	8.1	MID LOUISIANA GAS
8206285	81-1979	1711122451	108	MLGC FEE GAS #892	MONROE	1.0	MID LOUISIANA GAS
8206280	81-1980	1711122452	108	MLGC FEE GAS #893	MONROE	13.5	MID LOUISIANA GAS
8206303	81-1965	1711122537	108	MLGC FEE GAS #909	MONROE	11.5	MID LOUISIANA GAS
8206304	81-1966	1711122549	108	MLGC FEE GAS #917	MONROE	2.9	MID LOUISIANA GAS
8206305	81-1967	1711122569	108	MLGC FEE GAS #924	MONROE	9.3	MID LOUISIANA GAS
8206306	81-1968	1711122584	108	MLGC FEE GAS #927	MONROE	10.0	MID LOUISIANA GAS
8206307	81-1969	1711122648	108	MLGC FEE GAS #946	MONROE	4.4	MID LOUISIANA GAS
8206308	81-1970	1711122656	108	MLGC FEE GAS #947	MONROE	7.8	MID LOUISIANA GAS
8206309	81-1971	1711122657	108	MLGC FEE GAS #948	MONROE	2.4	MID LOUISIANA GAS
8206310	81-1972	1711122658	108	MLGC FEE GAS #949	MONROE	8.3	MID LOUISIANA GAS
8206311	81-1973	1711122659	108	MLGC FEE GAS #950	MONROE	6.6	MID LOUISIANA GAS
8206312	811974	1711122660	108	MLGC FEE GAS #951	MONROE	6.2	MID LOUISIANA GAS
8206286	81-1975	1711122661	108	MLGC FEE GAS #952	MONROE	5.7	MID LOUISIANA GAS
8206300	81-2016	1707321463	108	MLGC FEE GAS #971	MONROE	16.3	MID LOUISIANA GAS
8206301	81-2017	1707321462	108	MLGC FEE GAS #972	MONROE	12.6	MID LOUISIANA GAS
8206223	81-2015	1711122677	108	MLGC FEEE GAS #954	MONROE	9.3	MID LOUISIANA GAS
-PRIMOS PRODUCTION CO			RECEIVED: 11/17/81 JA: LA				
8206297	81-2000	1711122368	108	PETRO LEWIS PENNZOIL FEE #5 #5	MONROE	11.4	PETRO-LEWIS FUNDS
-PRIMOS-PENNZOIL JV			RECEIVED: 11/17/81 JA: LA				
8206283	81-1932	1707321474	108	FEE 59 #1	MONROE	14.6	UNITED GAS PIPELI
8206284	81-1933	1711122695	108	M M TAUNTON #1	MONROE	14.4	UNITED GAS PIPELI
-RICHARD T PERRY			RECEIVED: 11/17/81 JA: LA				
8206340	81-1995	1711120564	108	LANKFORD #4	MONROE	12.0	IMC EXPLORATION C
8206302	81-1996	1711120566	108	LANKFORD #5	MONROE	2.6	IMC EXPLORATION C
8206275	81-1993	1707320626	108	M W MORGAN #1	MONROE	3.2	IMC EXPLORATION C
8206276	81-1994	1707320629	108	M W MORGAN #4	MONROE	3.2	IMC EXPLORATION C
-ROBERSON WELL SERVICE			RECEIVED: 11/17/81 JA: LA				
8206212	81-1935	1707321648	108	PENNZOIL OSTERLAND #2	MONROE	7.3	UNITED GAS PIPELI
8206213	81-1936	1707321649	108	PENNZOIL OSTERLAND #3	MONROE	7.3	UNITED GAS PIPELI
8206211	81-1937	1707321650	108	PENNZOIL OSTERLAND #4	MONROE	7.3	UNITED GAS PIPELI
8206210	81-1938	1707321667	108	PENNZOIL OSTERLAND #5	MONROE	7.3	UNITED GAS PIPELI
8206209	81-1939	1707321668	108	PENNZOIL OSTERLAND #6	MONROE	7.3	UNITED GAS PIPELI
8206325	81-1940	1707321669	108	PENNZOIL OSTERLAND #7	MONROE	7.3	UNITED GAS PIPELI
8206205	81-1934	1707321647	108	PENNZOIL OSTERLAND 11	MONROE	7.3	UNITED GAS PIPELI
-SAMEDAN OIL CORPORATION			RECEIVED: 11/10/81 JA: LA				
8206197		1772620188	102-4	S L 7895 NO 1	BRETON SOUND	1350.5	SOUTHERN NATURAL
-SOUTHPORT EXPLORATION INC			RECEIVED: 11/10/81 JA: LA				
8206199		1710900000	102-4	CONTINENTAL LAND & FUR #A-1	BAYOU COPASAW (9200' SAN	700.0	CHAMPION VALLEY F

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NORTH DAKOTA INDUSTRIAL COMMISSION

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-DOME PETROLEUM CORP			RECEIVED: 11/13/81 JA: ND				
8206191	391	3305300908	102-2	DOME BURNS 3-34	MON-DAK	24.3	SHELL OIL CO

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-KERR-MCGEE CORPORATION			RECEIVED: 11/17/81 JA: ND				

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-KERR-MCGEE CORPORATION			RECEIVED: 11/13/81 JA: ND				
8206187	396	3305300115	102-2	ANDERSON #1-12	MONDAK	8.0	
-LADD PETROLEUM CORPORATION			RECEIVED: 11/13/81 JA: ND				
8206192	392	3305301049	102-2	DUNCAN FEDERAL 30-32	SCAIRT WOMEN	103.0	KOCH HYDROCARBON
-MOSBACHER PRODUCTION CO			RECEIVED: 11/13/81 JA: ND				
8206188	395	3300700488	102-2	F F VOLESKY 34-1	UKRAINA (RED RIVER)	161.0	
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 11/13/81 JA: ND				
8206189	394	3305301053	102-3	RIGGS #15-31	BLUE BUTTES	300.0	AMINOIL USA
-TENNECO OIL COMPANY			RECEIVED: 11/13/81 JA: ND				
8206190	393	3302300184	102-2	STATE #1-16	FORTUNA	11.0	PHILLIPS PETROLEU
********** NEW MEXICO DEPARTMENT OF ENERGY & MINERALS **********							
-ALPHA TWENTY-ONE PRODUCTION CO			RECEIVED: 11/12/81 JA: NM				
8206093		3002527396	103	LANSFORD #3	PENROSE-SKELLY	70.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO			RECEIVED: 11/09/81 JA: NM				
8206080		3002526703	103	STATE HU #1	UND WOLFCAMP	3.3	NEGOTIATING GAS S
-AMOCO PRODUCTION CO			RECEIVED: 11/12/81 JA: NM				
8206086		3001523461	102-4	STATE IM COM #1	HAPPY VALLEY MORROW	372.3	EL PASO NATURAL G
-AMOCO PRODUCTION CO			RECEIVED: 11/13/81 JA: NM				
8206136		3001523292	102-4	ALLEY UNIT #1	UND MORROW	377.2	GAS CO OF NEW MEX
8206127		3004521147	103	CANDELARIA GAS COM NO 1 (4TH)	AZTEC - PICTURED CLIFFS	20.0	EL PASO NATURAL G
8206121		3004511650	103	GALLEGOS CANYON UNIT #212 (2ND)	BASIN - DAKOTA	20.8	EL PASO NATURAL G
8206156		3004509255	103	MCCOY GAS COM C NO 1	FLORA VISTA	8.0	NORTHWEST PIPE LI
8206161		3000560830	103-2	O'BRIEN RANCH #1	WILDCAT MISSISSIPPIAN	271.9	
8206149		3001523674	103-4	N I FLOYD COM #1	HAPPY VALLEY MORROW	492.8	EL PASO NATURAL G
8206162		3002526559	102-2	STATE BC #1	WILDCAT WOLFCAMP (PROPOS	37.6	
8206144		3002527136	102-4	STATE IG COM #1	WILDCAT MORROW (PROPOSED	394.9	EL PASO NATURAL G
8206159		3000560787	102-2	STATE JA #1	WILDCAT STRAWN	408.4	
-ARCO OIL AND GAS COMPANY			RECEIVED: 11/12/81 JA: NM				
8206090		3002526874	103	E M BURLESON NO 2	JALMAT TANSILL YATES 7R	71.0	EL PASO NATURAL G
8206091		3002527255	103	E W IDBY NO 6	LANGLIE MATTIX 7R G	5.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD			RECEIVED: 11/12/81 JA: NM				
8206085		3004524219	103	NORTHEAST BLANCO UNIT #48A	BLANCO MESAVERDE SE 32-3	400.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD			RECEIVED: 11/13/81 JA: NM				
8206120		3004524991	103	NORTHEAST BLANCO UNIT #32A	BLANCO MESAVERDE I-7-30N	100.0	EL PASO NATURAL G
-C & E OPERATORS INC			RECEIVED: 11/13/81 JA: NM				
8206130		3004524695	103	AZTEC #6 (BLANCO-MV)	BLANCO-MESAVERDE	156.0	EL PASO NATURAL G
8206131		3004524695	103	AZTEC #8 (FARMER-FRUITLAND)	FARMER-FRUITLAND EXTENSI	150.0	EL PASO NATURAL G
8206132		3004524699	103	AZTEC #9 (BLANCO-MV)	BLANCO-MESAVERDE	175.0	EL PASO NATURAL G
8206147		3004524699	103	AZTEC #9 (FARMER FRUITLAND)	FARMER-FRUITLAND EXTENSI	100.0	EL PASO NATURAL G
8206146		3004524694	103	FEE #M (BLANCO MV)	BLANCO-MESAVERDE	200.0	EL PASO NATURAL G
8206133		3004524693	103	FEE #8A (BLANCO MV)	BLANCO-MESAVERDE	200.0	EL PASO NATURAL G
8206134		3004524693	103	FEE #8A (FARMER-FRUITLAND)	FARMER-FRUITLAND EXTENSI	300.0	EL PASO NATURAL G
8206135		3004524697	103	FEE #9A (BLANCO MV)	BLANCO-MESAVERDE	100.0	EL PASO NATURAL G
8206145		3004524840	103	FEE #9Y (BLANCO MV)	BLANCO-MESAVERDE	100.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED: 11/12/81 JA: NM				
8206100		3004511457	108	HEIZER #1	BLANCO-MESAVERDE GAS	16.0	EL PASO NATURAL G
8206097		3004506485	108	TURNER B GOM B #7	FULCHER KUTZ-PICTURED CL	22.0	EL PASO NATURAL G
8206101		3004505630	108	WILSON A #1	BALLARD-PICTURED CLIFFS	21.0	EL PASO NATURAL G
-ELK OIL COMPANY			RECEIVED: 11/13/81 JA: NM				
8206142		3002527389	102-3	N E KEMNITZ #7	KEMNITZ MORROW	365.0	TRANSWESTERN PIPE
-ENERGY RESERVES GROUP INC			RECEIVED: 11/13/81 JA: NM				

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8206138		3004524616		103		GALLEGOS CANYON UNIT P C #326
-ENSERCH EXPLORATION INC				RECEIVED: 11/13/81 JA: NM		
8206140		3004120594		103		COLLIER NO 1
-FRED POOL DRILLING CO				RECEIVED: 11/13/81 JA: NM		
8206152		3000560633		102-2		CORN 24-1
8206152		3000560633		107-TF		CORN 24-1
8206167		3000560686		102-2		CORN 24-2
8206167		3000560686		107-TF		CORN 24-2
8206153		3000560854		102-2		J C NAIL #2
-GETTY OIL COMPANY				RECEIVED: 11/13/81 JA: NM		
8206170		3004524313		103		W M MANLEY NO 1E
-GIFFORD MITCHELL & WISENBAKER				RECEIVED: 11/13/81 JA: NM		
8206137		3002526557		102-4		WHITE EAGLE #1
-HARPER OIL COMPANY				RECEIVED: 11/13/81 JA: NM		
8206166		3002500000		103		WARFIELD-STATE 1-Y
-HNG OIL COMPANY				RECEIVED: 11/12/81 JA: NM		
8206087		3002500000		103		SIMS "35" STATE #1
-IKE LOVELADY INC				RECEIVED: 11/13/81 JA: NM		
8206151		3000500000		103		PENNZOIL STATE NO 1
-JOHN L COX				RECEIVED: 11/13/81 JA: NM		
8206117		3002500000		102-2		PROCTOR #1
-MARALO INC				RECEIVED: 11/13/81 JA: NM		
8206143		3000520738		102-2		CHAVELES CARSON #4
-MARATHON OIL COMPANY				RECEIVED: 11/12/81 JA: NM		
8206076		3002500000		108		L E WARLICK "C" #2
-MARATHON OIL COMPANY				RECEIVED: 11/13/81 JA: NM		
8206125		3000500000		108		MCDONALD STATE A/C 1 #25
-MESA PETROLEUM				RECEIVED: 11/12/81 JA: NM		
8206098		3004520367		108		DELHI STATE COM K-21
8206099		3004521000		108		STATE "COM" #1
8206088		3002527269		103		WEST KNOWLES #1
-MESA PETROLEUM				RECEIVED: 11/13/81 JA: NM		
8206155		3000560647		107-TF		ACME #1
8206114		3000560866		107-TF		COMER #1
8206158		3000561010		102-2		COMER #1
8206158		3000561010		107-TF		COMER #1
8206169		3000561009		102-2		COMER #2
8206169		3000561009		107-TF		COMER #2
8206157		3000560911		102-2		MEADOWS COM #1
8206157		3000560911		107-TF		MEADOWS COM #1
8206154		3004524027		103		STATE COM A1 33E
8206150		3000560853		102-4		WHITE STATE #2
-MTS LTD PARTNERSHIP				RECEIVED: 11/13/81 JA: NM		
8206168		3000560908		102-2		ROUND TOP STATE #2
8206168		3000560908		107-TF		ROUND TOP STATE #2
8206163		3000560997		102-2		ROUND TOP STATE #3
8206163		3000560997		107-TF		ROUND TOP STATE #3
8206164		3000560998		102-2		ROUND TOP STATE #4
8206164		3000560998		107-TF		ROUND TOP STATE #4
8206165		3004524903		102-2		SOUTH BLANCO STATE 36F #1
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 11/13/81 JA: NM		
8206122		3003900000		108		FEE #2
8206123		3003921277		108		SAN JUAN 30-5 UNIT 58

FIELD NAME	PROD	PURCHASER
KUTZ WEST PICTURED CLIFF	39.9	EL PASO NATURAL G
UNDESIGNATED	22.0	TRANSWESTERN PIPE
UND WILDCAT	0.0	TRANSWESTERN PIPE
UND WILDCAT	0.0	TRANSWESTERN PIPE
UND WILDCAT	0.0	TRANSWESTERN PIPE
UND WILDCAT	0.0	TRANSWESTERN PIPE
UND WILDCAT	0.0	TRANSWESTERN PIPE
BASIN DAKOTA	101.0	EL PASO NATURAL G
PAWNEE STRAWN	300.0	EL PASO NATURAL G
EAST HIGHTOWER	20.0	WARREN PETROLEUM
WILDCAT MORROW	1211.0	
WILDCAT ABO	182.5	TRANSWESTERN PIPE
LERA-MORROW	100.0	WARREN PETROLEUM
CARSON MORROW	12.5	
BLINEBRY GAS POOL	13.0	NORTHERN NATURAL
JALMAT	12.0	NORTHERN NATURAL
BLANCO PICTURED CLIFFS	20.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS	20.0	EL PASO NATURAL G
CASEY STRAWN	720.0	PHILLIPS PETROLEU
WILDCAT ABO	2250.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	286.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	520.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	520.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	900.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	900.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	370.0	TRANSWESTERN PIPE
UNDESIGNATED ABO	370.0	TRANSWESTERN PIPE
BASIN DAKOTA	22.0	NORTHWEST PIPELIN
DIAMOND MOUND MORROW	700.0	
UNDESIGNATED ABO	360.0	UNDETERMINED
UNDESIGNATED ABO	360.0	UNDETERMINED
UNDESIGNATED ABO	40.0	
UNDESIGNATED ABO	40.0	
UNDESIGNATED ABO	30.0	
UNDESIGNATED ABO	30.0	
LYBROOK GALLUP EXT	55.0	GAS CO OF NEW MEX
GAVILAN PICTURED CLIFFS	0.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN

JD ID	JA JMT	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8206141		3003922710	103	SAN JUAN 30-5 UNIT 94	BLANCO MESAVERDE	0.3	NORTHWEST PIPELIN
8206124		3003907907	108	SAN JUAN 31-6 #19	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 11/13/81 JA: NM			
8206129		3002526571	108	E VAC GB/SA UT TR 2230 #002	VACUUM GB/SA	2.1	EL PASO NATURAL G
8206128		3002526379	108	E VAC GB/SA UT TR 2738 #005	VACUUM GB/SA	1.3	EL PASO NATURAL G
8206126		3002501436	108	LEAMEX #10	LEAMEX (WOLFCAMP)	1.7	EL PASO NATURAL G
8206148		3002527403	103	LEAMEX NO 3[illegible]	MALJAMAR GB/SA	66.7	EL PASO NATURAL G
-READ & STEVENS INC				RECEIVED: 11/12/81 JA: NM			
8206092		3001523700	103	GULF WEST MESA #3	3ND PUNKER HILL PENROSE	1.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED: 11/09/81 JA: NM			
8206078		3004524514	103	MOORE #3 (FRUITLAND)	UNDESIGNATED	355.0	SOUTHERN UNION GA
8206079		3004524514	103	MOORE #3 (PICTURED CLIFFS)	BLANCO PICTURED CLIFFS	355.0	SOUTHERN UNION GA
-SOUTHLAND ROYALTY CO				RECEIVED: 11/13/81 JA: NM			
8206119		3002500000	108-ER	CURKIE #1	LUMONT QUEEN GAS	0.0	GETTY OIL CO
8206115		3002525441	108-PB	STATE AR #1	ANTELOPE RIDGE MORRO#	0.0	GAS CO OF NEW MEX
8206160		3001523041	102-2	STATE 14-A COM #1	UNDESIGNATED TURKEY TRAC	156.0	EL PASO NATURAL G
8206118		3004500000	108-PP	YOUNG #1	BASIN DAKOTA	0.0	SOUTHERN UNION GA
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 11/12/81 JA: NM			
8206089		3002500000	108-ER	PEERLESS #1	JALMAT FIELD	0.0	EL PASO NATURAL G
-WESTERN OIL PRODUCERS INC				RECEIVED: 11/13/81 JA: NM			
8206139		3002525715	103	UNION STATE #3	KEMNITZ LOWER WOLFCAMP A	6.3	CONTINENTAL OIL C
-YATES PETROLEUM CORPORATION				RECEIVED: 11/12/81 JA: NM			
8206094		3001523636	103	HOGBACK PO STATE COM #1	WILDCAT STRAWN	0.0	TRANSWESTERN PIPE
8206095		3001523801	103	RIO PENASCO "KD" COM #3	WILDCAT STRAWN	0.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION				RECEIVED: 11/13/81 JA: NM			
8206116		3000560988	107-TF	COCKLEBURR "RD" STATE #1	UND ABO	0.0	TRANSWESTERN PIPE
**********							
UTAH DIVISION OF OIL,GAS, & MINING							
**********							
-BOWERS OIL & GAS EXPLORATION INC				RECEIVED: 11/09/81 JA: UT			
8206081	K-115-3	4301930747	102-A	BOWERS-TEXOMA STATE #2-36	GREATER CISCO AREA	110.0	NATURAL GAS PIPEL
-CIG EXPLORATION INC				RECEIVED: 11/09/81 JA: UT			
8206083	K-129-24	4304730889	107-TF	CIGE 51D-31-9-22	NATURAL BUTTES	657.0	COLORADO INTERSTA
8206082	K-129-23	4304730886	107-TF	CIGE 86D-16-9-21	NATURAL BUTTES	191.0	COLORADO INTERSTA
-COASTAL OIL & GAS CORP				RECEIVED: 11/09/81 JA: UT			
8206084	K-136-4	4304730867	107-TF	NATURAL BUTTES UNIT #57	NATURAL BUTTES	62.0	COLORADO INTERSTA
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-MILLS DRILLING CO INC				RECEIVED: 11/09/81 JA: WV			
8206201		4705900922	107-DV	CLOSTERMAN HEIRS NO M-1	HARVEY DISTRICT	9.1	COLUMBIA GAS TRAN
8206202		4705900935	107-DV	CLOSTERMAN HEIRS NO M-2	HARVEY DISTRICT	21.6	COLUMBIA GAS TRAN
**********							
** U.S. GEOLOGICAL SURVEY - DENVER,CO							
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-ARCO OIL AND GAS COMPANY				RECEIVED: 11/13/81 JA: CO 1			
8206176	CD 0404-81	0506706308	103	SOUTHERN UTE 31-2 33-8 (DK)	IGNACIO BLANCO	36.0	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED				RECEIVED: 11/13/81 JA: CO 1			
8206173	CD 0410 81	0510308596	102-2	4-22-4S-103W	ARCO FEDERAL	1910.0	SOUTHWEST GAS COR
8206172	CD 0409-81	0510303451	107-TF	5-31-4-101	WILDCAT	124.0	SOUTHWEST GAS COR
8206174	CD 0408-81	0510308451	103	5-31-4-101	WILDCAT	124.0	SOUTHWEST GAS COR
-EXXON CORPORATION				RECEIVED: 11/12/81 JA: CO 1			
8206110	CD 0400-81	0507708189	107-CS	VEGA UNIT #4	WILDCAT	31.0	NORTHERN NATURAL

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-IMPERIAL OIL COMPANY				RECEIVED: 11/12/81 JA: CO 1			
8206107	CD 0397-81	0508106439	103	AMOCO-FEDERAL #21-1	POWDER WASH	100.0	MOUNTAIN FUEL SUP
-KENNETH A ROSS JR				RECEIVED: 11/13/81 JA: CO 1			
8206184	CD 0391-81	0512309565	103	FEDERAL 43-4	ARISTOCRAT	65.7	COLORADO INTERSTA
-KOCH INDUSTRIES INC				RECEIVED: 11/12/81 JA: CO 1			
8206112	CD0412-81	0507708383	103	HORSESHOE CANYON NO 2-28	ROBERTS CANYON	109.5	NORTHWEST PIPELIN
-MESA PETROLEUM				RECEIVED: 11/12/81 JA: CO 1			
8206109	CD 0403-81	0512506581	102-2	CONRAD FEDERAL 30 #1	ECKLEY	588.0	CITIES SERVICE GA
8206109	CD 0403-81	0512506581	107-TF	CONRAD FEDERAL 30 #1	ECKLEY	588.0	CITIES SERVICE GA
8206102	CD0387-81	0512506577	102-2	ECKLEY FEDERAL 29 #1	ECKLEY	562.0	CITIES SERVICE GA
8206102	CD0387-81	0512506577	107-TF	ECKLEY FEDERAL 29 #1	ECKLEY	562.0	CITIES SERVICE GA
8206104	CD0388-81	0512506580	102-2	ECKLEY FEDERAL 29 #4	ECKLEY	233.0	CITIES SERVICE GA
8206104	CD0388-81	0512506580	107-TF	ECKLEY FEDERAL 29 #4	ECKLEY	233.0	CITIES SERVICE GA
8206113	CD 0389-81	0512506567	102-0	ECKLEY FEDERAL 6 #1	ECKLEY	854.0	CITIES SERVICE GA
8206103	CD0390-81	0512506569	102-2	FEDERAL KITZMILLER 28 #1	ECKLEY	250.0	CITIES SERVICE GA
8206103	CD0390-81	0512506569	107-TF	FEDERAL KITZMILLER 28 #1	ECKLEY	250.0	CITIES SERVICE GA
-MESA PETROLEUM				RECEIVED: 11/13/81 JA: CO 1			
8206179	CD 0386-81	0512506578	102-2	ECKLEY FEDERAL 29 #2	ECKLEY	335.0	CITIES SERVICE GA
8206179	CD 0386-81	0512506578	107-TF	ECKLEY FEDERAL 29 #2	ECKLEY	335.0	CITIES SERVICE GA
-MURCHISON BROTHERS				RECEIVED: 11/12/81 JA: CO 1			
8206111	CD 0377-81	0506705178	108	UTE BLOCK E NO 5-6	IGNACIO-BLANCO	0.0	WESTERN SLOPE GAS
-TENNECO OIL COMPANY				RECEIVED: 11/13/81 JA: CO 1			
8206183	CD 0392-81	0504506293	102-2	DOUGLAS PASS UNIT #20-15	UNNAMED	160.0	NORTHWEST PIPELIN
-TWIN ARROW INC				RECEIVED: 11/13/81 JA: CO 1			
8206178	CD 0200-81	0510308489	103	CONTINENTAL 2-28	CATHEDRAL	0.0	NORTHWEST PIPELIN
8206177	CD 0201-81	0510308399	103	CONTINENTAL 2-21	CATHEDRAL	0.0	NORTHWEST PIPELIN
-WEXPRO COMPANY				RECEIVED: 11/12/81 JA: CO 1			
8206105	CD0363-81	0510308546	103	MIKULICH-MT FUEL WELL NO 28-1	CATHEDRAL	64.0	MOUNTAIN FUEL SUP
8206105	CD0363-81	0510308546	107-TF	MIKULICH-MT FUEL WELL NO 28-1	CATHEDRAL	64.0	MOUNTAIN FUEL SUP
-BELCO PETROLEUM CORPORATION				RECEIVED: 11/12/81 JA: UT 1			
8206106	UD 0399-81	4304730659	103	STAGECOACH 21-8	STAGECOACH	0.0	MOUNTAIN FUEL SUP
-CIG EXPLORATION INC				RECEIVED: 11/13/81 JA: UT 1			
8206185	UD 0407-81	4304730956	103	CIGE 77D-10-10-21P	NATURAL BUTTES	410.0	COLORADO INTERSTA
8206185	UD 0407-81	4304730956	107-TF	CIGE 77D-10-10-21P	NATURAL BUTTES	410.0	COLORADO INTERSTA
-COASTAL OIL & GAS CORP				RECEIVED: 11/12/81 JA: UT 1			
8206108	UD-0405-81	4304730872	103	NATURAL BUTTES UNIT #46	NATURAL BUTTES	383.0	COLORADO INTERSTA
8206108	UD-0405-81	4304730872	107-TF	NATURAL BUTTES UNIT #46	NATURAL BUTTES	383.0	COLORADO INTERSTA
-COASTAL OIL & GAS CORP				RECEIVED: 11/13/81 JA: UT 1			
8206181		4304730467	107-TF	NATURAL BUTTES UNIT 65-25B	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8206182	UD 0380-81	4304730578	107-TF	NATURAL BUTTES UNIT 71-26B	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-CONOCO INC				RECEIVED: 11/13/81 JA: UT 1			
8206186	UD 0411-81	4304730804	107-TF	CONOCO POST 3 NO 24	OURAY	146.0	MOUNTAIN FUEL SUP
-NATURAL GAS CORPORATION OF CALIF				RECEIVED: 11/13/81 JA: UT 1			
8206180	UD 0362-81	4304730353	102-2	23-11 FEDERAL	SAND RIDGE II UNIT	44.0	PACIFIC GAS & ELE
-NP ENERGY CORPORATION				RECEIVED: 11/13/81 JA: UT 1			
8206171	UD-0812-81	4301930428	108	NP ENERGY FEDERAL 31-3	CISCO DOME	17.0	NORTHWEST PIPELIN
-TEXACO INC				RECEIVED: 11/13/81 JA: UT 1			
8206175	UD 0801-81	4303730645	103	ANETH UNIT #J-229	ANETH	19.0	EL PASO NATURAL G

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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-AMOCO PRODUCTION CO				RECEIVED: 11/12/81 JA: NM 4			
8206193	NM-1303-81	3004511947	108	GALLEGOS CANYON UNIT #261 (2ND)	PINON-FRUITLAND	15.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EL PASO NATURAL GAS COMPANY						RECEIVED: 11/10/81 JA: NM			
8206077	NM-1297-80	3003921972	D	108		RINCON UNIT #100A	BLANCO-MESAVERDE		2.0 EL PASO NATURAL G

OTHER PURCHASERS VOLUME: 553

-006141 EL PASO NATURAL GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 29, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservior
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[Volume 554]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

JD NO	JA DKT	API NO	SEC CAT WELL NAME	FIELD NAME	PRO.	PURCHASER
KANSAS CORPORATION COMMISSION						
-GOULD OIL INC		RECEIVED: 11/16/81 JA: KS				
8206467	K-81-0299	1509720239	108-ER LEISS #1		C.0	PANHANDLE EASTERN
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION						
-APPALACHIAN ENERGY INC		RECEIVED: 11/12/81 JA: NY				
8206372	841	3101313751	102-2 BRUCE KIDDER #1 A-E-72	BUSTI	30.0	COLUMBIA GAS TRAN
8206373	637	3101313787	102-2 BRUCE KIDDER #2 A-E-73	BUSTI	30.0	COLUMBIA GAS TRAN
8206376	1337	3101315353	102-2 L ANDERSON #1 A-E-74	BUSTI	30.0	COLUMBIA GAS TRAN
8206374	1415	3101314863	102-2 OLSEN/JIM UNIT A-E-158	BUSTI	30.0	COLUMBIA GAS TRAN
8206370	1416	3101315351	102-2 OLSEN/STONE #1 A-E-159	BUSTI	30.0	COLUMBIA GAS TRAN
8206381	1338	3101314264	102-2 P CARLSON #1 A-E-117	BUSTI	30.0	COLUMBIA GAS TRAN
8206352	1417	3101315403	102-2 P CARLSON #2 A-E-174	BUSTI	30.0	COLUMBIA GAS TRAN
8206362	946	3101314265	102-2 R HAMILTON A-E-113	BUSTI	30.0	COLUMBIA GAS TRAN
-ARROWHEAD GAS PRODUCERS INC		RECEIVED: 11/12/81 JA: NY				
8206353	1317	3101315828	102-2 G NELSON #2	ELLICOTT	60.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 11/12/81 JA: NY				
8206363	1329	3101315692	102-2 NYS FOREST AREA #1 WELL #1	WILDCAT	60.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 11/18/81 JA: NY				
8206446	1842	3101316062	103 T REARICK UNIT #1	GERRY	30.0	COLUMBIA GAS TRAN
8206445	1843	3101316063	103 T REARICK UNIT #2	GERRY	30.0	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC		RECEIVED: 11/12/81 JA: NY				
8206343	1069	3101313255	102-2 JANE HOLLIDAY #1	BUSTI	100.0	NATIONAL FUEL GAS
8206345	1064	3101312945	102-2 SIMMENTAL RANCHES #5	BUSTI	30.0	NATIONAL FUEL GAS
-BOUNTY OIL & GAS INC		RECEIVED: 11/18/81 JA: NY				
8206438	1589	3101314381	108 MORRISON #1	BUSTI	10.0	NATIONAL FUEL GAS
-CHAUTAUQUA ENERGY INC		RECEIVED: 11/18/81 JA: NY				
8206452	1837	3101315984	103 W HARRIS #1	LAKESHORE	22.0	NATIONAL FUEL GAS
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 11/12/81 JA: NY				
8206375	1153	3101312973	102-2 TCO-EDWARDS 620491	PANAMA	59.6	COLUMBIA GAS TRAN
8206378	1154	3101313882	102-2 TCO-PARKER/SALISBURY 620602	PANAMA	36.5	COLUMBIA GAS TRAN
8206351	1170	3101313603	102-2 TCO-NY DEPT OF ENV CONSERV 620608	SOUTWELL HILL	63.0	COLUMBIA GAS TRAN
8206380	1151	3101313698	102-2 TCO-OPALECKY UNIT 620597	PANAMA	31.3	COLUMBIA GAS TRAN
8206377	1158	3101313695	102-2 TCO-STURGES 620592	PANAMA	20.1	COLUMBIA GAS TRAN
8206382	1152	3101312982	102-2 TCO-STURGES-STURGES-GLEASON 620592	PANAMA	51.5	COLUMBIA GAS TRAN
8206379	1155	3101313729	102-2 TCO-WELLS 620600	PANAMA	25.8	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 11/17/81 JA: NY				
8206391	1160	3101310915	102-4 TCO CURTIS 620106	STEBBINS CORNER	42.1	COLUMBIA GAS TRAN
8206386	1164	3100911479	102-4 TCO-ALFRED L CARROLL 620220	DUBLIN HOLLOW	10.5	COLUMBIA GAS TRAN
8206392	1163	3101310872	102-4 TCO-BUTTON 620109	PANAMA	102.8	COLUMBIA GAS TRAN
8206387	1165	3100911478	102-4 TCO-EDMUND 620221	PIGEON HILL	10.5	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206389	1167	3100911099	102-4	TCO-HERSHBURGER 620166	SNOW HILL	26.3	COLUMBIA GAS TRAN
8206388	1166	3105111493	102-4	TCO-KENNITH L MCBRIDE 620218	SILVER LAKE	42.1	COLUMBIA GAS TRAN
8206385	1161	3101310931	102-4	TCO-KERSHAW 620105	SUMMERDALE	63.1	COLUMBIA GAS TRAN
8206395	1157	3100911100	102-4	TCO-MILLER 620165	MILL CREEK	42.1	COLUMBIA GAS TRAN
8206390	1162	3101310874	102-4	TCO-REYDA 620104	STEBBINS CORNER WEST	31.6	COLUMBIA GAS TRAN
8206393	1158	3101310916	102-4	TCO-SLEASMAN 620108	HARTSON SWAMP	63.1	COLUMBIA GAS TRAN
8206394	1159	3101310873	102-4	TCO-WARN 620107	HARTSON SWAMP	37.9	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED: 11/12/81 JA: NY			
8206380	1332	3101315446	103	R KUKLA #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED: 11/18/81 JA: NY			
8206447	1580	3101315952	103	W GILL #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
-FLINT OIL & GAS INC				RECEIVED: 11/12/81 JA: NY			
8206361	1517	3102915761	102-2	(1324) J & L BENZ #1		0.0	NATIONAL FUEL GAS
8206358	1515	3102915742	102-2	(1392) N BARRIER #1		0.0	NATIONAL FUEL GAS
8206371	1516	3102915808	102-2	(1394) L RUMFOLA #1		0.0	NATIONAL FUEL GAS
8206349	1472	3101315540	102-2	1290 STATE REFORESTATION #3		0.0	COLUMBIA GAS TRAN
8206348	1471	3101315536	102-2	1291 STATE REFORESTATION #4		0.0	COLUMBIA GAS TRAN
8206350	1470	3101315537	102-2	1294 STATE REFORESTATION #5		0.0	COLUMBIA GAS TRAN
8206347	1474	3101315539	102-2	1295 STATE REFORESTATION #6		0.0	COLUMBIA GAS TRAN
8206346	1473	3101315538	102-2	1296 STATE REFORESTATION #7		0.0	COLUMBIA GAS TRAN
-GRIMSBY & CO				RECEIVED: 11/12/81 JA: NY			
8206380	20	3101311613	108	MANLY II - 12	LAKESHORE	7.0	NATIONAL FUEL GAS
-J E & A CO-VENTURE				RECEIVED: 11/18/81 JA: NY			
8206457	1923	3100315900	103	FORD-WOOD FARM #1	FULMER VALLEY FIELD	80.0	NATIONAL FUEL GAS
-JOSEPH MIKULA				RECEIVED: 11/18/81 JA: NY			
8206458	1500	3101312658	108	SEYBOLD #1	LAKESHORE	9.0	NATIONAL FUEL GAS
-K & G GAS CORPORATION				RECEIVED: 11/18/81 JA: NY			
8206453	1844	3102960300	103	MARGARET MOORE #201	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-OXFORD EXPLORATION COMPANY				RECEIVED: 11/18/81 JA: NY			
8206448	1267	3112115461	103	GUSTAV T BERTRAND #1	PERRY	50.0	COLUMBIA GAS TRAN
8206439	1268	3112115579	103	GUSTAV T BERTRAND #2	PERRY	146.0	COLUMBIA GAS TRAN
-P & S DRILLING INC				RECEIVED: 11/12/81 JA: NY			
8206354	1400	3102914434	102-2	REBILAS #1	BUFFALO CREEK	2.1	NATIONAL FUEL GAS
8206344	1120	3102915045	102-2	STODDARD #1	BUFFALO CREEK	11.9	NATIONAL FUEL GAS
-P & S DRILLING INC				RECEIVED: 11/18/81 JA: NY			
8206456	1815	3100914448	108	CORBETT #1B	SKINNER HOLLOW	9.0	NATIONAL FUEL SUP
8206455	1816	3100914619	108	FITZPATRICK & WELLER #1	SKINNER HOLLOW	25.8	NATIONAL FUEL SUP
8206454	1817	3100913724	108	PANIGUTTI #1A	SKINNER HOLLOW	30.0	NATIONAL FUEL SUP
-PARAGON RESOURCES INC				RECEIVED: 11/12/81 JA: NY			
8206382	2257	3101314497	102-2	C CRANDALL UNIT #568	LAKESHORE	75.0	COLUMBIA GAS TRAN
8206365	2258	3101314496	102-2	C GRISWOLD UNIT NO 567	LAKESHORE	25.0	COLUMBIA GAS TRAN
8206367	2261	3101313769	102-2	G ZENNS UNIT NO 561	LAKESHORE	85.0	COLUMBIA GAS TRAN
8206364	2256	3101314545	102-2	JOHN BECK UNIT NO 569	LAKESHORE	15.0	COLUMBIA GAS TRAN
8206366	2260	3101314544	102-2	N DUDLEY UNIT NO 562	LAKESHORE	65.0	COLUMBIA GAS TRAN
8206368	2254	3101313780	102-2	P BECK UNIT NO 578	LAKESHORE	185.0	COLUMBIA GAS TRAN
8206359	2255	3101313773	102-2	P SMITH UNIT NO 571	LAKESHORE	42.0	COLUMBIA GAS TRAN
8206383	2259	3101313772	102-2	W HANNUM UNIT #565	LAKESHORE	30.0	COLUMBIA GAS TRAN
-RAMCO DRILLING INC				RECEIVED: 11/18/81 JA: NY			
8206442	1526	3101315561	103	P SMITH #2	LAKESHORE	28.0	COLUMBIA GAS TRAN
-ROBERT D CHARLEBOIS				RECEIVED: 11/18/81 JA: NY			
8206444	1961	3101315038	103	WESTFIELD WATERSHED #20	LAKESHORE	60.0	COLUMBIA GAS TRAN
8206464	1962	3101315266	103	WESTFIELD WATERSHED #21	LAKESHORE	44.0	COLUMBIA GAS TRAN
8206462	1938	3101314899	103	WESTFIELD WATERSHED #5	LAKESHORE	44.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206463	1963	3101315267	103	WESTFIELD WATERSHED #6	LAKESHORE	44.0	COLUMBIA GAS TRAN
-SHELL OIL COMPANY				RECEIVED: 11/18/81 JA: NY			
8206459	1911	3100315901	103	SHELL-WOOD FARM #1	FULMER VALLEY FIELD	80.0	NATIONAL FUEL GAS
-SOUTHWESTERN ENERGY CO				RECEIVED: 11/18/81 JA: NY			
8206460	1964	3101315268	103	WESTFIELD WATERSHED #7	LAKESHORE	44.0	COLUMBIA GAS TRAN
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/12/81 JA: NY			
8206387	1160	3101310875	102-4	TCO-BOWMAN 620102	SUMMERDALE	63.1	COLUMBIA GAS TRAN
8206391	1164	3101310876	102-4	TCO-CLARK 620103	SUMMERDALE	63.1	COLUMBIA GAS TRAN
8206392	1165	3101310877	102-4	TCO-CLEASMAN 620104	SUMMERDALE	63.1	COLUMBIA GAS TRAN
8206396	1163	3101310878	102-4	TCO-REYDA 620106	SUMMERDALE	63.1	COLUMBIA GAS TRAN
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1845	3102960301	103	MARGARET MOORE #202	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1846	3102960302	103	MARGARET MOORE #203	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1847	3102960303	103	MARGARET MOORE #204	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1848	3102960304	103	MARGARET MOORE #205	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1849	3102960305	103	MARGARET MOORE #206	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1850	3102960306	103	MARGARET MOORE #207	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1851	3102960307	103	MARGARET MOORE #208	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1852	3102960308	103	MARGARET MOORE #209	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1853	3102960309	103	MARGARET MOORE #210	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1854	3102960310	103	MARGARET MOORE #211	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1855	3102960311	103	MARGARET MOORE #212	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1856	3102960312	103	MARGARET MOORE #213	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1857	3102960313	103	MARGARET MOORE #214	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1858	3102960314	103	MARGARET MOORE #215	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1859	3102960315	103	MARGARET MOORE #216	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1860	3102960316	103	MARGARET MOORE #217	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1861	3102960317	103	MARGARET MOORE #218	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1862	3102960318	103	MARGARET MOORE #219	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1863	3102960319	103	MARGARET MOORE #220	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1864	3102960320	103	MARGARET MOORE #221	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1865	3102960321	103	MARGARET MOORE #222	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1866	3102960322	103	MARGARET MOORE #223	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1867	3102960323	103	MARGARET MOORE #224	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1868	3102960324	103	MARGARET MOORE #225	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1869	3102960325	103	MARGARET MOORE #226	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1870	3102960326	103	MARGARET MOORE #227	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1871	3102960327	103	MARGARET MOORE #228	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1872	3102960328	103	MARGARET MOORE #229	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1873	3102960329	103	MARGARET MOORE #230	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1874	3102960330	103	MARGARET MOORE #231	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1875	3102960331	103	MARGARET MOORE #232	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1876	3102960332	103	MARGARET MOORE #233	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1877	3102960333	103	MARGARET MOORE #234	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1878	3102960334	103	MARGARET MOORE #235	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1879	3102960335	103	MARGARET MOORE #236	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1880	3102960336	103	MARGARET MOORE #237	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1881	3102960337	103	MARGARET MOORE #238	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1882	3102960338	103	MARGARET MOORE #239	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1883	3102960339	103	MARGARET MOORE #240	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1884	3102960340	103	MARGARET MOORE #241	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1885	3102960341	103	MARGARET MOORE #242	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1886	3102960342	103	MARGARET MOORE #243	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1887	3102960343	103	MARGARET MOORE #244	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1888	3102960344	103	MARGARET MOORE #245	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1889	3102960345	103	MARGARET MOORE #246	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1890	3102960346	103	MARGARET MOORE #247	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1891	3102960347	103	MARGARET MOORE #248	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1892	3102960348	103	MARGARET MOORE #249	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1893	3102960349	103	MARGARET MOORE #250	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1894	3102960350	103	MARGARET MOORE #251	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1895	3102960351	103	MARGARET MOORE #252	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1896	3102960352	103	MARGARET MOORE #253	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1897	3102960353	103	MARGARET MOORE #254	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1898	3102960354	103	MARGARET MOORE #255	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1899	3102960355	103	MARGARET MOORE #256	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1900	3102960356	103	MARGARET MOORE #257	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1901	3102960357	103	MARGARET MOORE #258	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1902	3102960358	103	MARGARET MOORE #259	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1903	3102960359	103	MARGARET MOORE #260	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1904	3102960360	103	MARGARET MOORE #261	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1905	3102960361	103	MARGARET MOORE #262	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1906	3102960362	103	MARGARET MOORE #263	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1907	3102960363	103	MARGARET MOORE #264	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1908	3102960364	103	MARGARET MOORE #265	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1909	3102960365	103	MARGARET MOORE #266	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1910	3102960366	103	MARGARET MOORE #267	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1911	3102960367	103	MARGARET MOORE #268	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1912	3102960368	103	MARGARET MOORE #269	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1913	3102960369	103	MARGARET MOORE #270	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1914	3102960370	103	MARGARET MOORE #271	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1915	3102960371	103	MARGARET MOORE #272	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206451	1916	3102960372	103	MARGARET MOORE #273	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206450	1917	3102960373	103	MARGARET MOORE #274	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206449	1918	3102960374	103	MARGARET MOORE #275	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206445	1919	3102960375	103	MARGARET MOORE #276	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206446	1920	3102960376	103	MARGARET MOORE #277	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206453	1921	3102960377	103	MARGARET MOORE #278	BUFFALO CREEK	30.0	NATIONAL FUEL GAS
-TEXAS EASTERN TRANSMISSION CORP				RECEIVED: 11/18/81 JA: NY			
8206452	1922	3102960378	103	MARGARET MOORE #279	BUFFALO CREEK	30.0	NATIONAL FUEL GAS

JD NO	JA JKT	API	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206463	1953	3101315247	103	WESTFIELD WATERSHED #6	LAKESHORE	44.0	COLUMBIA GAS TRAN
8206465	1960	3101315193	103	WESTFIELD WATERSHED #8	LAKESHORE	44.0	COLUMBIA GAS TRAN
-SINCLAIRVILLE PETROLEUM CORP			RECEIVED: 11/18/81 JA: NY				
8206450	1925	3102916048	103	PINKER #1	EVANS	16.0	NATIONAL FUEL COR
8206451	1924	3102916013	103	SICURELLA #1	EVANS	15.0	NATIONAL FUEL SUP
6206449	1937	3102916041	103	SICURELLA #2	EVANS	20.0	NATIONAL FUEL SUP
-TEEPEE PETROLEUMS INC			RECEIVED: 11/18/81 JA: NY				
8206441	0056	3101315478	103	KENNETH KEULH #1	LAKESHORE	60.0	COLUMBIA GAS TRAN
8206440	706	3101314569	103	WM PARKER #2	LAKESHORE	60.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC			RECEIVED: 11/12/81 JA: NY				
8206357	1319	3101314819	102-2	M M & DORIS LENT - NY 17	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8206356	1318	3101312535	102-2	M M & DORIS LENT - NY 18	CHERRY CREEK (ELLINGTON	36.0	COLUMBIA GAS TRAN
8206355	903	3101312525	102-2	VRUWINK-N Y 13	PANAMA	36.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC			RECEIVED: 11/18/81 JA: NY				
8206443	1577	3101315212	108	B RENDELL - N Y 8	PANAMA	15.0	COLUMBIA GAS TRAN
8206433	1581	3101314302	108	GAIL JOHNSON - NY 60	PANAMA	6.0	COLUMBIA GAS TRAN
8206431	1579	3101314176	108	GEORGE PETERSON-CRONER #4	PANAMA	12.0	COLUMBIA GAS TRAN
8206432	1580	3101312523	108	J J MEREDITH - NY 10	PANAMA	10.5	COLUMBIA GAS TRAN
8206430	1578	3101314499	108	KLINE - NY 61	PANAMA	6.0	COLUMBIA GAS TRAN
8206434	1582	3101314820	108	P E KLINE - NY 71	PANAMA	4.0	COLUMBIA GAS TRAN
8206435	1583	3101314796	108	WIDRIG - NY 67	PANAMA	8.0	COLUMBIA GAS TRAN
8206436	1584	3101314284	108	WIDRIG - NY 68	PANAMA	4.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC			RECEIVED: 11/18/81 JA: NY				
8206466	1841	3101315414	103	E BARMORE NO 1	GERRY	20.0	COLUMBIA GAS TRAN
8206461	1838	3101315413	103	E BARMORE NO 2	GERRY	20.0	COLUMBIA GAS TRAN
8206460	1839	3101314829	103	R BARMORE NO 1	GERRY	20.0	COLUMBIA GAS TRAN
8206459	1840	3101315416	103	R BARMORE NO 2	GERRY	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP			RECEIVED: 11/12/81 JA: NY				
8206341	1550	3101315498	102-2	DANIELSON #1	BUSTI	20.0	NATIONAL FUEL GAS
8206384	1551	3101315499	102-2	DANIELSON #2	BUSTI	20.0	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP			RECEIVED: 11/18/81 JA: NY				
8206437	1175	3101314465	103	WESTFIELD FISH & GAME #2	LAKESHORE	37.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION							
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 11/13/81 JA: OK				
8206422	11386	3500722017	103	BARRY HENNIGH NO 1	MISCELLANEOUS 18	300.0	MICHIGAN WISCONSI
8206405	11387	3500722025	103	HENNIGH-LIND #1	MISCELLANEOUS 18	300.0	MICHIGAN WISCONSI
8206421	11385	3500722059	103	NELSON-HENNIGH NO 1	MISCELLANEOUS 18	0.0	MICHIGAN WISCONSI
-ANDOVER OIL COMPANY			RECEIVED: 11/13/81 JA: OK				
8206397	10463	3507322634	103	LOOSEN #27-1		100.0	WARREN PETROLEUM
-APACHE CORPORATION			RECEIVED: 11/13/81 JA: OK				
8206427	14934	3500920397	107-DP	J C POTTER #1-1		828.0	MICHIGAN WISCONSI
8206426	14933	3500920398	107-DP	WEBB 2-16		39.0	EL PASO NATURAL G
-B M C OIL & GAS INC			RECEIVED: 11/13/81 JA: OK				
8206398	14577	3509120437	102-2	ALBIN 1-32	UNKNOWN	163.1	WELLHEAD ENTERPRI
-BOATMAN & HARDGRAVES			RECEIVED: 11/13/81 JA: OK				
8206423	12215	3514320841	103	MCKEE #1	SOUTH WEKIWA	0.0	COLORADO GAS COMP
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 11/13/81 JA: OK				
8206417	11224	3509322148	103	CLAUDE LEIERER NO 2	E CHANEY DELL	0.0	CHAMPLIN PETROLEU
8206418	11225	3507322978	103	E BOLLENBACH NO 2	SOONER TREND	245.0	PHILLIPS PETROLEU
-EASON OIL COMPANY			RECEIVED: 11/13/81 JA: OK				
8206411	11270	3508720538	103	ISABEL SMITH NO 1	NORTH BLANCHARD	109.0	SUN GAS CO

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JD NO	JA DKT	WELL ID	SEC CAT WELL NAME		
-F F MORGAN			RECEIVED: 11/13/81 JA: OK		
8206401	11469	3500720000	138 BLAKEMORE A-1		
-FUNK EXPLORATION INC			RECEIVED: 11/13/81 JA: OK		
8206400	12672	3505921055	102-4 HIERONYMUS #1		
8206400	12672	3505921055	103 HIERONYMUS #1		
8206429	673	3515100000	102-4 KORN #1		
8□06429	673	3515100000	103 KORN #1		
-GMC OIL AND GAS CORP			RECEIVED: 11/13/81 JA: □K		
8206407	11378	3510321134	103 HENTGES #1		
8206406	11379	3510321300	103 HENTGES A-1		
-HOME PETROLEUM CORPORATION			RECEIVED: 11/13/81 JA: OK		
8206404	11424	3500722006	103 GABLER #18-3		
-JAMES Q MAGUIRE INC			RECEIVED: 11/13/81 JA: OK		
8206425	14541	3510700000	107-PE RATTERREE NO 1		
-KAISER-FRANCIS OIL COMPANY			RECEIVED: 11/13/81 JA: OK		
8206406	11281	3507322044	103 STATE B #1		
8206409	11280	3507322573	103 STATE C #1		
8206410	11279	3507322574	103 STATE D #1		
-LOUIS DAVIS OIL CO			RECEIVED: 11/13/81 JA: OK		
8206□28	11631	3504921200	103 CLARK #1		
-MACK OIL CO			RECEIVED: 11/13/81 JA: OK		
8206420	11329	3501900000	103 LANE-PEARL UNIT #3		
-PUBLIC SERVICE □□ OF □KLAHOMA			RECEIVED: 11/13/81 JA: □K		
8206396	9615	3512120743	103 FREDDIE BROWNE #2-2		
-RATLIFF EXPLORATION CO			RECEIVED: 11/13/81 JA: OK		
8206416	11197	3509300000	103 ALICE #1		
-SAMEDAN OIL CORPORATION			RECEIVED: 11/13/81 JA: □K		
8206419	11282	3501721844	103 HENRY JO #1		
-SERVICE DRILLING CO			RECEIVED: 11/13/81 JA: OK		
8206414	10838	3511921383	102-4 THOMASON #2-20		
-STANTON PETROLEUM CO			RECEIVED: 11/13/81 JA: □K		
8206415	11153	3511921400	103 DOLL #2		
-STAR RESOURCES INC			RECEIVED: 11/13/81 JA: OK		
8206402	11429	3506321147	103 HAMMOND 2-9		
8206403	11428	3510720876	103 SANDLIN 1-33		
-TEXACO INC			RECEIVED: 11/13/81 JA: OK		
8206412	11263	3508520468	103 LENA A GREEN #4		
-THE WIL-MC OIL CORP			RECEIVED: 11/13/81 JA: □K		
8206413	11261	3508320791	103 MAUD MILLS #1		
-THOMAS N BERRY & CO			RECEIVED: 11/13/81 JA: OK		
8206399	14285	3511921660	102-4 BERRY FEE #6		
-TRI-STATE PETROLEUM CO			RECEIVED: 11/13/81 JA: □K		
8206424	14400	3511921378	102-4 LORETT NO 1		

VOLUME FROM		VOLUME TO	
FIELD NAME	MMCF	PURCHASER	
MOCANE MORROW AREA	16.0	PANHANDLE EASTERN	
NW LOVEDALE	120.0	TRANSWESTERN PIPE	
NW LOVEDALE	120.0	TRANSWESTERN PIPE	
N E CEMP HOUSTAN	400.0		
N E CEMP HOUSTAN	400.0		
UNNAMED	100.0	AMINOIL USA INC	
UNNAMED	100.0	AMINOIL USA INC	
LOYD	292.0	KANSAS-NEBRASKA N	
	91.3	TRANSOK PIPELINE	
SOONER TREND	2.0	CITIES SERVICE GA	
SOONER TREND	80.0	CITIES SERVICE GA	
SOONER TREND	100.0	CITIES SERVICE GA	
CLARK	182.5	WELLHEAD ENTERPRI	
	40.0	AMINOIL USA INC	
FEATHERSTON	160.0	SOUTHEAST TRANSMI	
NW RINGWOOD	36.0	UNION TEXAS PETRO	
NO NAME	255.0	PHILLIPS PETROLEU	
	0.0	CITIES SERVICE GA	
	10.0	COLORADO GAS COMP	
WELEETKA	73.0	PUBLIC SERVICE CO	
WELEETKA	55.0	PUBLIC SERVICE CO	
ENVILLE SW	265.0	CIMARRON TRANSMIS	
SOUTH MULHALL	15.0	EASON OIL CO	
MEHAN	36.0	CITIES SERVICE GA	
S MARKHAM	1.0	PARKS ENERGY INVE	

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35590 Filed 12-11-81 8:45 am]

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[Volume 555]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 7, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
-A & R COMPANY			RECEIVED: 11/17/81 JA: OH			
8206468		3416724923	107-DV ELLEN S MUELLER #1 OH 24 2301	NEWPORT	10.0	COLUMBIA GAS TRAN
-ARAPAHO VENTURES OF NEW YORK INC			RECEIVED: 11/17/81 JA: OH			
8206469		3416725968	103 GOLDIE HAAS #6	AURELIUS	0.0	
-B T SIMPSON JR			RECEIVED: 11/17/81 JA: OH			
8206680		3407522491	103 W C BIRD & MADELLIN BOWER #2	WELCOME	100.0	COLUMBIA GAS TRAN
-BANDS COMPANY INC			RECEIVED: 11/17/81 JA: OH			
8206470		3407523327	103 CASTLE NURSING HOLMES #3	HARDY	3.0	COLUMBIA GAS TRAN
-BARILO OIL AND GAS COMPANY			RECEIVED: 11/17/81 JA: OH			
8206471		3410322571	103 TOTTS UNIT #1	SHARON	25.0	
8206471		3410322571	107-TF TOTTS UNIT #1	SHARON	25.0	
-BAY STATE EXPLORATION CO			RECEIVED: 11/17/81 JA: OH			
8206472		3416320488	103 A & D BROADSTON #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206472		3416320488	107-TF A & D BROADSTON #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206474		3416320491	103 C E & R FOUT #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206474		3416320491	107-TF C E & R FOUT #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206475		3416320496	103 DESSIE M BARNETT #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206475		3416320496	107-TF DESSIE M BARNETT #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206478		3416320637	103 EMORY COX #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206478		3416320637	107-TF EMORY COX #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206477		3416320629	103 FREDA ANKROM #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206477		3416320629	107-TF FREDA ANKROM #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206476		3416305630	103 GOLDIE HART #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206476		3416305630	107-TF GOLDIE HART #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206473		3416320489	103 T & L SCANLAN #1	JACKSON	36.0	COLUMBIA GAS TRAN
8206473		3416320489	107-TF T & L SCANLAN #1	JACKSON	36.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION			RECEIVED: 11/17/81 JA: OH			
8206480		3411925664	103 K EVANS #2	UNION	0.0	COLUMBIA GAS TRAN
8206480		3411925664	107-TF K EVANS #2	UNION	0.0	COLUMBIA GAS TRAN
8206481		3415521762	103 WOOFTER UNIT #1	HARTFORD	0.0	COLUMBIA GAS TRAN
8206481		3415521762	107-TF WOOFTER UNIT #1	HARTFORD	0.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO			RECEIVED: 11/17/81 JA: OH			
8206484		3411122175	103 ARTHUR DALE HELLINGER #1	MALAGA	8.0	NATIONAL PETROLEU
8206490		3411122468	103 AUSTIN WHEELER #1	MALAGA	12.0	NATIONAL PETROLEU
8206489		3411122452	103 CLEMENTINE ANKROM #1	CENTER	9.0	NATIONAL PETROLEU
8206487		3411122390	103 DONALD & DALE WALTERS #1	MALEGA	9.0	NATIONAL PETROLEU
8206486		3411122389	103 GARY DAVIS #1	MALAGA	9.0	NATIONAL PETROLEU
8206485		3411122372	103 HAROLD CHRISTMAN #1	MALAGA	14.0	NATIONAL PETROLEU
8206488		3411122412	103 PAUL LANDEFELD #1	MALAGA	11.0	NATIONAL PETROLEU
8206483		3411121899	107-DV REICH #1	MALAGA	5.0	COLUMBIA GAS TRAN
-CARL M POSTON			RECEIVED: 11/17/81 JA: OH			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206647		3400922134		107	-DV	SUGAR CREEK COAL & MINING CO NO 8	DOVER	11.0	
-CARLTON OIL CORP		RECEIVED: 11/17/81 JA: OH							
8206491		3416725221		107	-DP	BUTLER #1	GRANDVIEW	36.5	
8206492		3416725266		107	-DP	HENDRICKS #1	LIBERTY	36.5	
-CLINTON OIL CO		RECEIVED: 11/17/81 JA: OH							
8206493		3411922552		103		O BRUGMANN SAND & GRAVEL INC #3566	SHALERSVILLE	100.0	
8206493		3411922552		107	-TF	O BRUGMANN SAND & GRAVEL INC #3566	SHALERSVILLE	100.0	
-COLLINS-MCGREGOR OPERATING COMPANY		RECEIVED: 11/17/81 JA: OH							
8206496		3405520308		103		KOTRLIK #1	BURTON	20.0	EAST OHIO GAS CO
8206496		3405520308		107	-TF	KOTRLIK #1	BURTON	20.0	EAST OHIO GAS CO
8206497		3405520309		103		SLABAUGH #1	BURTON	20.0	EAST OHIO GAS CO
8206497		3405520309		107	-TF	SLABAUGH #1	BURTON	20.0	EAST OHIO GAS CO
8206498		3405520311		103		TIMMONS #1	BURTON	20.0	EAST OHIO GAS CO
8206498		3405520311		107	-TF	TIMMONS #1	BURTON	20.0	EAST OHIO GAS CO
8206494		3405520306		103		W P HERING #1	BURTON	20.0	EAST OHIO GAS CO
8206494		3405520306		107	-DP	W P HERING #1	BURTON	20.0	EAST OHIO GAS CO
8206495		3405520307		103		W P HERING #2	BURTON	20.0	EAST OHIO GAS CO
8206495		3405520307		107	-TF	W P HERING #2	BURTON	20.0	EAST OHIO GAS CO
-CONSOLIDATED RESOURCES OF AMERICA		RECEIVED: 11/17/81 JA: OH							
8206500		3405922491		103		HENRY AND LAURA SCHOTT #1	BELLE VALLEY	36.5	EAST OHIO GAS CO
8206500		3405922491		107	-TF	HENRY AND LAURA SCHOTT #1	BELLE VALLEY	36.5	EAST OHIO GAS CO
8206502		3405922906		103		JOHN A JACKSON #1	CAMBRIDGE	164.2	COLUMBIA GAS TRAN
8206502		3405922906		107	-TF	JOHN A JACKSON #1	CAMBRIDGE	164.2	COLUMBIA GAS TRAN
8206501		3405922855		103		JOHN W WIMER ET UX #1	CAMBRIDGE	73.0	COLUMBIA GAS TRAN
8206501		3405922855		107	-TF	JOHN W WIMER ET UX #1	CAMBRIDGE	73.0	COLUMBIA GAS TRAN
8206499		3405921401		103		JOHN W WIMER ET UX #2	CAMBRIDGE	54.7	COLUMBIA GAS TRAN
8206499		3405921401		107	-TF	JOHN W WIMER ET UX #2	CAMBRIDGE	54.7	COLUMBIA GAS TRAN
8206503		3405922907		103		VONDA JACKSON #1	CAMBRIDGE	36.5	COLUMBIA GAS TRAN
8206503		3405922907		107	-TF	VONDA JACKSON #1	CAMBRIDGE	36.5	COLUMBIA GAS TRAN
-CRYSTAL ENERGY		RECEIVED: 11/17/81 JA: OH							
8206504		3410322268		103		CREEKSIDE DEVELOPING CO #1	BRUNSWICK HILLS	10.0	
8206504		3410322268		107	-TF	CREEKSIDE DEVELOPING CO #1	BRUNSWICK HILLS	10.0	
8206506		3410322573		103		FLOYD & PAT MEERS #1	SPENCER	10.0	
8206506		3410322573		107	-TF	FLOYD & PAT MEERS #1	SPENCER	10.0	
8206505		3410322572		103		ROMEO & GALBRAITH #1	SPENCER	10.0	
8206505		3410322572		107	-TF	ROMEO & GALBRAITH #1	SPENCER	10.0	
-DIAMOND OIL CO		RECEIVED: 11/17/81 JA: OH							
8206507		3407322523		103		LEONARD NO 1	WASHINGTON TOWNSHIP	8.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC		RECEIVED: 11/17/81 JA: OH							
8206508		3407522975		103		ABE MILLER #1	PAINT	12.0	COLUMBIA GAS TRAN
8206508		3407522975		107	-TF	ABE MILLER #1	PAINT	12.0	COLUMBIA GAS TRAN
8206509		3407522977		103		DESSIE MCGOVERN #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
8206509		3407522977		107	-TF	DESSIE MCGOVERN #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
8206511		3412725106		103		GEORGE CARR #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8206511		3412725106		107	-TF	GEORGE CARR #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8206510		3411925800		103		ZANE MAUK #1	NEWTON	12.0	COLUMBIA GAS TRAN
8206510		3411925800		107	-TF	ZANE MAUK #1	NEWTON	12.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP		RECEIVED: 11/17/81 JA: OH							
8206515		3416922559		103		BOWER UNIT WELL #1	PLAIN	16.0	COLUMBIA GAS TRAN
8206515		3416922559		107	-TF	BOWER UNIT WELL #1	PLAIN	16.0	COLUMBIA GAS TRAN
8206513		3416922506		103		GARVER WELL #1	WOOSTER	16.0	COLUMBIA GAS TRAN
8206513		3416922506		107	-TF	GARVER WELL #1	WOOSTER	16.0	COLUMBIA GAS TRAN
8206514		3416922551		103		GINDLESBERGER #1	PLAIN	16.0	COLUMBIA GAS TRAN
8206514		3416922551		107	-TF	GINDLESBERGER #1	PLAIN	16.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	*	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206512		3410322386		103		WOODLING WELL #2	GRANGER	12.0	COLUMBIA GAS TRAN
8206512		3410322386		107-TF		WOODLING WELL #2	GRANGER	12.0	COLUMBIA GAS TRAN
-ENNEY OILFIELD RENTAL CO		RECEIVED: 11/17/81 JA: OH							
8206518		3408922995	D	103		HARLEY ROMINE #3	HANOVER	0.0	
8206517		3408922986	D	103		HARLEY ROMINE #4	HANOVER	0.0	
8206516		3408922985	D	103		RALPH FELUMLEE #2	HANOVER	0.0	
-ENTERPRISE ENERGY CORP		RECEIVED: 11/17/81 JA: OH							
8206519		3405922856		103		RAY #1	RICHLAND	36.5	COLUMBIA GAS TRAN
8206519		3405922856		107-TF		RAY #1	RICHLAND	36.5	COLUMBIA GAS TRAN
-FLOYD E KIMBLE DBA RED HILL DEV		RECEIVED: 11/17/81 JA: OH							
8206596		3415723446		107-TF		A BROWN #2	AUBURN	20.0	
8206584		3406720393		107-TF		A CROSIER #1	FREEPORT	12.0	
8206569		3406720266		107-TF		A GROVES #1	WASHINGTON	15.0	
8206591		3415723401		107-TF		B BROWN #1	AUBURN	27.0	
8206594		3415723404		107-TF		C NEWTON #1	FRANKLIN	30.0	
8206588		3415723369		107-TF		CAP #2	BUCKS	19.0	
8206601		3415723551		103		D HAWK #1	JEFFERSON	21.0	
8206601		3415723551		107-TF		D HAWK #1	JEFFERSON	21.0	
8206586		3415723328		107-TF		D MUEHLHOFFER #1	JEFFERSON	19.0	
8206572		3406720368		107-TF		F MCGILL #1	FRANKLIN	18.0	
8206575		3406720371		107-TF		F MCGILL #2	FRANKLIN	15.0	
8206597		3415723467		103		F PUTT #1	SUGARCREEK	9.0	
8206597		3415723467		107-TF		F PUTT #1	SUGARCREEK	9.0	
8206582		3406720386		107-TF		F STEWART #1	FREEPORT	16.0	
8206593		3415723403		107-TF		G BURKY UNIT #1	SUGARCREEK	20.0	
8206595		3415723418		107-TF		H THOMAS #1	FRANKLIN	21.0	
8206583		3406720392		107-TF		HOLMES LIMESTONE #1	FREEPORT	19.0	
8206592		3415723402		107-TF		J BOGER #1	FRANKLIN	33.0	
8206589		3415723382		107-TF		J STAUFFER #1	AUBURN	30.0	
8206576		3406720378		103		L BROWN #1	MONROE	18.0	
8206576		3406720378		107-TF		L BROWN #1	MONROE	18.0	
8206571		3406720365		107-TF		M MCKINNEY #1	FRANKLIN	28.0	
8206598		3415723481		103		MYERS UNIT #2	FRANKLIN	38.0	
8206598		3415723481		107-TF		MYERS UNIT #2	FRANKLIN	38.0	
8206579		3406720381		103		N SEHLINGER #1	FRANKLIN	24.0	
8206579		3406720381		107-TF		N SEHLINGER #1	FRANKLIN	24.0	
8206574		3406720370		107-TF		O BIRNEY #1	FRANKLIN	30.0	
8206577		3406720379		103		O BIRNEY #2	WASHINGTON	17.0	
8206577		3406720379		107-TF		O BIRNEY #2	WASHINGTON	17.0	
8206578		3406720380		103		P TIKVA #1	FRANKLIN	36.0	
8206578		3406720380		107-TF		P TIKVA #1	FRANKLIN	36.0	
8206581		3406720385		107-TF		R ALDEN MOORE #1	FREEPORT	18.0	
8206599		3415723486		103		R BRENISER #2	BUCKS	10.0	
8206599		3415723486		107-TF		R BRENISER #2	BUCKS	10.0	
8206580		3406720384		107-TF		R CLARK #1	FREEPORT	14.0	
8206573		3406720366		107-TF		R HEIL #1	FRANKLIN	30.0	
8206570		3406720350		103		R PALMER #1	MONROE	14.0	
8206570		3406720350		107-TF		R PALMER #1	MONROE	14.0	
8206587		3415723346		107-TF		SWIHART-ANDREWS #1	SUGARCREEK	14.0	
8206585		3415723043		103		W KYLER #1	GOSHEN	30.0	
8206585		3415723043		107-TF		W KYLER #1	GOSHEN	30.0	
8206600		3415723534		103		W MYERS #3	FRANKLIN	19.0	
8206600		3415723534		107-TF		W MYERS #3	FRANKLIN	19.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206590		3415723384		107-TF		WALTER SWIHART #1	SUGARCREEK	20.0	
8206567		3405922703		107-TF		WM HAUETER #1	WASHINGTON	18.0	
8206568		3406720259		107-TF		WM MCCLINTOCK #1	FREEPORT	12.0	
-FORAKER PRODUCING COMPANY INC		RECEIVED: 11/17/81 JA: OH							
8206521		3411925177		107-TF		D WILLIAMS	NEWTON	10.0	TEXAS EASTERN TRA
8206523		3412725005		107-TF		MARLOW #4	HARRISON	20.0	TEXAS EASTERN TRA
8206522		3411925258		103		OHIO POWER-B B SWINEHART #5	NEWTON	7.0	
8206522		3411925258		107-TF		OHIO POWER-B B SWINEHART #5	NEWTON	7.0	
8206520		3411924965		107-TF		OHIO POWER-SWINEHART #1	NEWTON	15.0	TEXAS EASTERN TRA
-GASEARCH INC		RECEIVED: 11/17/81 JA: OH							
8206541		3409921318		103		GABANYIC #1	MILTON	20.0	COLUMBIA GAS TRAN
8206541		3409921318		107-TF		GABANYIC #1	MILTON	20.0	COLUMBIA GAS TRAN
8206542		3409913210		103		GABANYIC #2	MILTON	20.0	COLUMBIA GAS TRAN
8206542		3409913210		107-TF		GABANYIC #2	MILTON	20.0	COLUMBIA GAS TRAN
-GEN MOTORS CORP		RECEIVED: 11/17/81 JA: OH							
8206544		3409921246		107-TF		LEHOTSKY #1	JACKSON	4.0	EAST OHIO GAS CO
8206545		3415521489		107-TF		MOSS #1	LORDSTOWN	32.0	EAST OHIO GAS CO
8206543		3409920797		107-TF		PIRKO "B" UNIT #1	JACKSON	36.0	EAST OHIO GAS CO
8206546		3415521490		107-TF		KUSCHAK #1	LORDSTOWN	54.0	EAST OHIO GAS CO
-GREAT NATIONAL CORP		RECEIVED: 11/17/81 JA: OH							
8206524		3411522112		103		BYLER NO 3	MALTA	15.0	
8206533		3411522195		103		CHRISTIE NO 1	MALTA	15.0	
8206534		3411522196		103		CHRISTIE NO 2	MALTA	15.0	
8206535		3411522197		103		CHRISTIE NO 3	MALTA	15.0	
8206529		3411522135		103		D SOUTHALL NO 1	MALTA	15.0	
8206527		3411522122		103		D SOUTHALL NO 4	MALTA	15.0	
8206528		3411522133		103		J CLEMENS NO 1	MALTA	15.0	
8206540		3411522529		103		J MILLER NO 1	MALTA	15.0	
8206525		3411522120		103		K MORIN NO 3	MALTA	15.0	
8206539		3411522480		103		MILLER NO 2	MALTA	150.0	
8206536		3411522391		103		MURPHY NO 1	MALTA	150.0	
8206538		3411522459		103		W CLARK NO 1	YORK	150.0	
8206532		3411522193		103		W RAY NO 1	MALTA	15.0	
8206526		3411522121		103		W RAY NO 4	MALTA	15.0	
8206530		3411522143		103		W WRIGHT NO 1	MALTA	15.0	
8206531		3411522144		103		W WRIGHT NO 4	MALTA	15.0	
8206537		3411503429		103		ZAROS NO 1	MALTA	150.0	
-HOPCO RESOURCES INC		RECEIVED: 11/17/81 JA: OH							
8206549		3403124102		103		BEACH #1	KEENE	12.0	COLUMBIA GAS TRAN
8206549		3403124102		107-TF		BEACH #1	KEENE	12.0	COLUMBIA GAS TRAN
8206551		3411925491		103		LAWLER #1	MUSKINGUM	12.0	COLUMBIA GAS TRAN
8206551		3411925491		107-TF		LAWLER #1	MUSKINGUM	12.0	COLUMBIA GAS TRAN
8206548		3403124101		103		PEW #1	KEENE	12.0	COLUMBIA GAS TRAN
8206548		3403124101		107-TF		PEW #1	KEENE	12.0	COLUMBIA GAS TRAN
8206550		3403124111		103		S LEPI #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
8206550		3403124111		107-TF		S LEPI #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL & GAS		RECEIVED: 11/17/81 JA: OH							
8206553		3412725178		103		CLYDE AULT #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8206552		3411925612		103		RAYMOND RUCKER #4	NEWTON	10.0	NATIONAL GAS & OI
8206554		3412725186		103		WILLIAM DURST #1	PLEASANT	12.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN		RECEIVED: 11/17/81 JA: OH							
8206556		3408924163	D	107-TF		CANFIELD #2	HANOVER	1.0	NATIONAL GAS CORP
8206555A		3407523155		103		VAUGHN #1	HARDY	1.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206557		3411925611		107-TF		ANDERSON #1	NEWTON	10.0	NATIONAL GAS & OI
8206558		3411925610		107-TF		ANDERSON #2	NEWTON	10.0	NATIONAL GAS & OI
8206559		3411925609		107-TF		ANDERSON #3	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206560		3411925608		107-TF		ANDERSON #4	NEWTON	10.0	NATIONAL GAS & OI
8206561		3411925607		107-TF		ANDERSON #5	NEWTON	10.0	NATIONAL GAS & OI
8206562		3411925606		107-TF		ANDERSON #6	NEWTON	10.0	NATIONAL GAS & OI
8206563		3411925605		107-TF		ANDERSON #7	NEWTON	10.0	NATIONAL GAS & OI
8206564		3411925604		107-TF		ANDERSON #8	NEWTON	10.0	NATIONAL GAS & OI
8206565		3411925603		107-TF		ANDERSON #9	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206566		3411925602		107-TF		ANDERSON #10	NEWTON	10.0	NATIONAL GAS & OI
8206567		3411925601		107-TF		ANDERSON #11	NEWTON	10.0	NATIONAL GAS & OI
8206568		3411925600		107-TF		ANDERSON #12	NEWTON	10.0	NATIONAL GAS & OI
8206569		3411925599		107-TF		ANDERSON #13	NEWTON	10.0	NATIONAL GAS & OI
8206570		3411925598		107-TF		ANDERSON #14	NEWTON	10.0	NATIONAL GAS & OI
8206571		3411925597		107-TF		ANDERSON #15	NEWTON	10.0	NATIONAL GAS & OI
8206572		3411925596		107-TF		ANDERSON #16	NEWTON	10.0	NATIONAL GAS & OI
8206573		3411925595		107-TF		ANDERSON #17	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206574		3411925594		107-TF		ANDERSON #18	NEWTON	10.0	NATIONAL GAS & OI
8206575		3411925593		107-TF		ANDERSON #19	NEWTON	10.0	NATIONAL GAS & OI
8206576		3411925592		107-TF		ANDERSON #20	NEWTON	10.0	NATIONAL GAS & OI
8206577		3411925591		107-TF		ANDERSON #21	NEWTON	10.0	NATIONAL GAS & OI
8206578		3411925590		107-TF		ANDERSON #22	NEWTON	10.0	NATIONAL GAS & OI
8206579		3411925589		107-TF		ANDERSON #23	NEWTON	10.0	NATIONAL GAS & OI
8206580		3411925588		107-TF		ANDERSON #24	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206581		3411925587		107-TF		ANDERSON #25	NEWTON	10.0	NATIONAL GAS & OI
8206582		3411925586		107-TF		ANDERSON #26	NEWTON	10.0	NATIONAL GAS & OI
8206583		3411925585		107-TF		ANDERSON #27	NEWTON	10.0	NATIONAL GAS & OI
8206584		3411925584		107-TF		ANDERSON #28	NEWTON	10.0	NATIONAL GAS & OI
8206585		3411925583		107-TF		ANDERSON #29	NEWTON	10.0	NATIONAL GAS & OI
8206586		3411925582		107-TF		ANDERSON #30	NEWTON	10.0	NATIONAL GAS & OI
8206587		3411925581		107-TF		ANDERSON #31	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206588		3411925580		107-TF		ANDERSON #32	NEWTON	10.0	NATIONAL GAS & OI
8206589		3411925579		107-TF		ANDERSON #33	NEWTON	10.0	NATIONAL GAS & OI
8206590		3411925578		107-TF		ANDERSON #34	NEWTON	10.0	NATIONAL GAS & OI
8206591		3411925577		107-TF		ANDERSON #35	NEWTON	10.0	NATIONAL GAS & OI
8206592		3411925576		107-TF		ANDERSON #36	NEWTON	10.0	NATIONAL GAS & OI
8206593		3411925575		107-TF		ANDERSON #37	NEWTON	10.0	NATIONAL GAS & OI
8206594		3411925574		107-TF		ANDERSON #38	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206595		3411925573		107-TF		ANDERSON #39	NEWTON	10.0	NATIONAL GAS & OI
8206596		3411925572		107-TF		ANDERSON #40	NEWTON	10.0	NATIONAL GAS & OI
8206597		3411925571		107-TF		ANDERSON #41	NEWTON	10.0	NATIONAL GAS & OI
8206598		3411925570		107-TF		ANDERSON #42	NEWTON	10.0	NATIONAL GAS & OI
8206599		3411925569		107-TF		ANDERSON #43	NEWTON	10.0	NATIONAL GAS & OI
8206600		3411925568		107-TF		ANDERSON #44	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206601		3411925567		107-TF		ANDERSON #45	NEWTON	10.0	NATIONAL GAS & OI
8206602		3411925566		107-TF		ANDERSON #46	NEWTON	10.0	NATIONAL GAS & OI
8206603		3411925565		107-TF		ANDERSON #47	NEWTON	10.0	NATIONAL GAS & OI
8206604		3411925564		107-TF		ANDERSON #48	NEWTON	10.0	NATIONAL GAS & OI
8206605		3411925563		107-TF		ANDERSON #49	NEWTON	10.0	NATIONAL GAS & OI
8206606		3411925562		107-TF		ANDERSON #50	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206607		3411925561		107-TF		ANDERSON #51	NEWTON	10.0	NATIONAL GAS & OI
8206608		3411925560		107-TF		ANDERSON #52	NEWTON	10.0	NATIONAL GAS & OI
8206609		3411925559		107-TF		ANDERSON #53	NEWTON	10.0	NATIONAL GAS & OI
8206610		3411925558		107-TF		ANDERSON #54	NEWTON	10.0	NATIONAL GAS & OI
8206611		3411925557		107-TF		ANDERSON #55	NEWTON	10.0	NATIONAL GAS & OI
8206612		3411925556		107-TF		ANDERSON #56	NEWTON	10.0	NATIONAL GAS & OI
8206613		3411925555		107-TF		ANDERSON #57	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206614		3411925554		107-TF		ANDERSON #58	NEWTON	10.0	NATIONAL GAS & OI
8206615		3411925553		107-TF		ANDERSON #59	NEWTON	10.0	NATIONAL GAS & OI
8206616		3411925552		107-TF		ANDERSON #60	NEWTON	10.0	NATIONAL GAS & OI
8206617		3411925551		107-TF		ANDERSON #61	NEWTON	10.0	NATIONAL GAS & OI
8206618		3411925550		107-TF		ANDERSON #62	NEWTON	10.0	NATIONAL GAS & OI
8206619		3411925549		107-TF		ANDERSON #63	NEWTON	10.0	NATIONAL GAS & OI
8206620		3411925548		107-TF		ANDERSON #64	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206621		3411925547		107-TF		ANDERSON #65	NEWTON	10.0	NATIONAL GAS & OI
8206622		3411925546		107-TF		ANDERSON #66	NEWTON	10.0	NATIONAL GAS & OI
8206623		3411925545		107-TF		ANDERSON #67	NEWTON	10.0	NATIONAL GAS & OI
8206624		3411925544		107-TF		ANDERSON #68	NEWTON	10.0	NATIONAL GAS & OI
8206625		3411925543		107-TF		ANDERSON #69	NEWTON	10.0	NATIONAL GAS & OI
8206626		3411925542		107-TF		ANDERSON #70	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206627		3411925541		107-TF		ANDERSON #71	NEWTON	10.0	NATIONAL GAS & OI
8206628		3411925540		107-TF		ANDERSON #72	NEWTON	10.0	NATIONAL GAS & OI
8206629		3411925539		107-TF		ANDERSON #73	NEWTON	10.0	NATIONAL GAS & OI
8206630		3411925538		107-TF		ANDERSON #74	NEWTON	10.0	NATIONAL GAS & OI
8206631		3411925537		107-TF		ANDERSON #75	NEWTON	10.0	NATIONAL GAS & OI
8206632		3411925536		107-TF		ANDERSON #76	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206633		3411925535		107-TF		ANDERSON #77	NEWTON	10.0	NATIONAL GAS & OI
8206634		3411925534		107-TF		ANDERSON #78	NEWTON	10.0	NATIONAL GAS & OI
8206635		3411925533		107-TF		ANDERSON #79	NEWTON	10.0	NATIONAL GAS & OI
8206636		3411925532		107-TF		ANDERSON #80	NEWTON	10.0	NATIONAL GAS & OI
8206637		3411925531		107-TF		ANDERSON #81	NEWTON	10.0	NATIONAL GAS & OI
8206638		3411925530		107-TF		ANDERSON #82	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206639		3411925529		107-TF		ANDERSON #83	NEWTON	10.0	NATIONAL GAS & OI
8206640		3411925528		107-TF		ANDERSON #84	NEWTON	10.0	NATIONAL GAS & OI
8206641		3411925527		107-TF		ANDERSON #85	NEWTON	10.0	NATIONAL GAS & OI
8206642		3411925526		107-TF		ANDERSON #86	NEWTON	10.0	NATIONAL GAS & OI
8206643		3411925525		107-TF		ANDERSON #87	NEWTON	10.0	NATIONAL GAS & OI
8206644		3411925524		107-TF		ANDERSON #88	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206645		3411925523		107-TF		ANDERSON #89	NEWTON	10.0	NATIONAL GAS & OI
8206646		3411925522		107-TF		ANDERSON #90	NEWTON	10.0	NATIONAL GAS & OI
8206647		3411925521		107-TF		ANDERSON #91	NEWTON	10.0	NATIONAL GAS & OI
8206648		3411925520		107-TF		ANDERSON #92	NEWTON	10.0	NATIONAL GAS & OI
8206649		3411925519		107-TF		ANDERSON #93	NEWTON	10.0	NATIONAL GAS & OI
8206650		3411925518		107-TF		ANDERSON #94	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206651		3411925517		107-TF		ANDERSON #95	NEWTON	10.0	NATIONAL GAS & OI
8206652		3411925516		107-TF		ANDERSON #96	NEWTON	10.0	NATIONAL GAS & OI
8206653		3411925515		107-TF		ANDERSON #97	NEWTON	10.0	NATIONAL GAS & OI
8206654		3411925514		107-TF		ANDERSON #98	NEWTON	10.0	NATIONAL GAS & OI
8206655		3411925513		107-TF		ANDERSON #99	NEWTON	10.0	NATIONAL GAS & OI
8206656		3411925512		107-TF		ANDERSON #100	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206657		3411925511		107-TF		ANDERSON #101	NEWTON	10.0	NATIONAL GAS & OI
8206658		3411925510		107-TF		ANDERSON #102	NEWTON	10.0	NATIONAL GAS & OI
8206659		3411925509		107-TF		ANDERSON #103	NEWTON	10.0	NATIONAL GAS & OI
8206660		3411925508		107-TF		ANDERSON #104	NEWTON	10.0	NATIONAL GAS & OI
8206661		3411925507		107-TF		ANDERSON #105	NEWTON	10.0	NATIONAL GAS & OI
8206662		3411925506		107-TF		ANDERSON #106	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206663		3411925505		107-TF		ANDERSON #107	NEWTON	10.0	NATIONAL GAS & OI
8206664		3411925504		107-TF		ANDERSON #108	NEWTON	10.0	NATIONAL GAS & OI
8206665		3411925503		107-TF		ANDERSON #109	NEWTON	10.0	NATIONAL GAS & OI
8206666		3411925502		107-TF		ANDERSON #110	NEWTON	10.0	NATIONAL GAS & OI
8206667		3411925501		107-TF		ANDERSON #111	NEWTON	10.0	NATIONAL GAS & OI
8206668		3411925500		107-TF		ANDERSON #112	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206669		3411925499		107-TF		ANDERSON #113	NEWTON	10.0	NATIONAL GAS & OI
8206670		3411925498		107-TF		ANDERSON #114	NEWTON	10.0	NATIONAL GAS & OI
8206671		3411925497		107-TF		ANDERSON #115	NEWTON	10.0	NATIONAL GAS & OI
8206672		3411925496		107-TF		ANDERSON #116	NEWTON	10.0	NATIONAL GAS & OI
8206673		3411925495		107-TF		ANDERSON #117	NEWTON	10.0	NATIONAL GAS & OI
8206674		3411925494		107-TF		ANDERSON #118	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206675		3411925493		107-TF		ANDERSON #119	NEWTON	10.0	NATIONAL GAS & OI
8206676		3411925492		107-TF		ANDERSON #120	NEWTON	10.0	NATIONAL GAS & OI
8206677		3411925491		107-TF		ANDERSON #121	NEWTON	10.0	NATIONAL GAS & OI
8206678		3411925490		107-TF		ANDERSON #122	NEWTON	10.0	NATIONAL GAS & OI
8206679		3411925489		107-TF		ANDERSON #123	NEWTON	10.0	NATIONAL GAS & OI
8206680		3411925488		107-TF		ANDERSON #124	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206681		3411925487		107-TF		ANDERSON #125	NEWTON	10.0	NATIONAL GAS & OI
8206682		3411925486		107-TF		ANDERSON #126	NEWTON	10.0	NATIONAL GAS & OI
8206683		3411925485		107-TF		ANDERSON #127	NEWTON	10.0	NATIONAL GAS & OI
8206684		3411925484		107-TF		ANDERSON #128	NEWTON	10.0	NATIONAL GAS & OI
8206685		3411925483		107-TF		ANDERSON #129	NEWTON	10.0	NATIONAL GAS & OI
8206686		3411925482		107-TF		ANDERSON #130	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206687		3411925481		107-TF		ANDERSON #131	NEWTON	10.0	NATIONAL GAS & OI
8206688		3411925480		107-TF		ANDERSON #132	NEWTON	10.0	NATIONAL GAS & OI
8206689		3411925479		107-TF		ANDERSON #133	NEWTON	10.0	NATIONAL GAS & OI
8206690		3411925478		107-TF		ANDERSON #134	NEWTON	10.0	NATIONAL GAS & OI
8206691		3411925477		107-TF		ANDERSON #135	NEWTON	10.0	NATIONAL GAS & OI
8206692		3411925476		107-TF		ANDERSON #136	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206693		3411925475		107-TF		ANDERSON #137	NEWTON	10.0	NATIONAL GAS & OI
8206694		3411925474		107-TF		ANDERSON #138	NEWTON	10.0	NATIONAL GAS & OI
8206695		3411925473		107-TF		ANDERSON #139	NEWTON	10.0	NATIONAL GAS & OI
8206696		3411925472		107-TF		ANDERSON #140	NEWTON	10.0	NATIONAL GAS & OI
8206697		3411925471		107-TF		ANDERSON #141	NEWTON	10.0	NATIONAL GAS & OI
8206698		3411925470		107-TF		ANDERSON #142	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206699		3411925469		107-TF		ANDERSON #143	NEWTON	10.0	NATIONAL GAS & OI
8206700		3411925468		107-TF		ANDERSON #144	NEWTON	10.0	NATIONAL GAS & OI
8206701		3411925467		107-TF		ANDERSON #145	NEWTON	10.0	NATIONAL GAS & OI
8206702		3411925466		107-TF		ANDERSON #146	NEWTON	10.0	NATIONAL GAS & OI
8206703		3411925465		107-TF		ANDERSON #147	NEWTON	10.0	NATIONAL GAS & OI
8206704		3411925464		107-TF		ANDERSON #148	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206705		3411925463		107-TF		ANDERSON #149	NEWTON	10.0	NATIONAL GAS & OI
8206706		3411925462		107-TF		ANDERSON #150	NEWTON	10.0	NATIONAL GAS & OI
8206707		3411925461		107-TF		ANDERSON #151	NEWTON	10.0	NATIONAL GAS & OI
8206708		3411925460		107-TF		ANDERSON #152	NEWTON	10.0	NATIONAL GAS & OI
8206709		3411925459		107-TF		ANDERSON #153	NEWTON	10.0	NATIONAL GAS & OI
8206710		3411925458		107-TF		ANDERSON #154	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206711		3411925457		107-TF		ANDERSON #155	NEWTON	10.0	NATIONAL GAS & OI
8206712		3411925456		107-TF		ANDERSON #156	NEWTON	10.0	NATIONAL GAS & OI
8206713		3411925455		107-TF		ANDERSON #157	NEWTON	10.0	NATIONAL GAS & OI
8206714		3411925454		107-TF		ANDERSON #158	NEWTON	10.0	NATIONAL GAS & OI
8206715		3411925453		107-TF		ANDERSON #159	NEWTON	10.0	NATIONAL GAS & OI
8206716		3411925452		107-TF		ANDERSON #160	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206717		3411925451		107-TF		ANDERSON #161	NEWTON	10.0	NATIONAL GAS & OI
8206718		3411925450		107-TF		ANDERSON #162	NEWTON	10.0	NATIONAL GAS & OI
8206719		3411925449		107-TF		ANDERSON #163	NEWTON	10.0	NATIONAL GAS & OI
8206720		3411925448		107-TF		ANDERSON #164	NEWTON	10.0	NATIONAL GAS & OI
8206721		3411925447		107-TF		ANDERSON #165	NEWTON	10.0	NATIONAL GAS & OI
8206722		3411925446		107-TF		ANDERSON #166	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206723		3411925445		107-TF		ANDERSON #167	NEWTON	10.0	NATIONAL GAS & OI
8206724		3411925444		107-TF		ANDERSON #168	NEWTON	10.0	NATIONAL GAS & OI
8206725		3411925443		107-TF		ANDERSON #169	NEWTON	10.0	NATIONAL GAS & OI
8206726		3411925442		107-TF		ANDERSON #170	NEWTON	10.0	NATIONAL GAS & OI
8206727		3411925441		107-TF		ANDERSON #171	NEWTON	10.0	NATIONAL GAS & OI
8206728		3411925440		107-TF		ANDERSON #172	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206729		3411925439		107-TF		ANDERSON #173	NEWTON	10.0	NATIONAL GAS & OI
8206730		3411925438		107-TF		ANDERSON #174	NEWTON	10.0	NATIONAL GAS & OI
8206731		3411925437		107-TF		ANDERSON #175	NEWTON	10.0	NATIONAL GAS & OI
8206732		3411925436		107-TF		ANDERSON #176	NEWTON	10.0	NATIONAL GAS & OI
8206733		3411925435		107-TF		ANDERSON #177	NEWTON	10.0	NATIONAL GAS & OI
8206734		3411925434		107-TF		ANDERSON #178	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206735		3411925433		107-TF		ANDERSON #179	NEWTON	10.0	NATIONAL GAS & OI
8206736		3411925432		107-TF		ANDERSON #180	NEWTON	10.0	NATIONAL GAS & OI
8206737		3411925431		107-TF		ANDERSON #181	NEWTON	10.0	NATIONAL GAS & OI
8206738		3411925430		107-TF		ANDERSON #182	NEWTON	10.0	NATIONAL GAS & OI
8206739		3411925429		107-TF		ANDERSON #183	NEWTON	10.0	NATIONAL GAS & OI
8206740		3411925428		107-TF		ANDERSON #184	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206741		3411925427		107-TF		ANDERSON #185	NEWTON	10.0	NATIONAL GAS & OI
8206742		3411925426		107-TF		ANDERSON #186	NEWTON	10.0	NATIONAL GAS & OI
8206743		3411925425		107-TF		ANDERSON #187	NEWTON	10.0	NATIONAL GAS & OI
8206744		3411925424		107-TF		ANDERSON #188	NEWTON	10.0	NATIONAL GAS & OI
8206745		3411925423		107-TF		ANDERSON #189	NEWTON	10.0	NATIONAL GAS & OI
8206746		3411925422		107-TF		ANDERSON #190	NEWTON	10.0	NATIONAL GAS & OI
-HUNTER PRODUCING CO		RECEIVED: 11/17/81 JA: OH							
8206747		3411925421		107-TF		ANDERSON #191	NEWTON	10.0	NATIONAL GAS & OI
8206748		3411925420		107-TF		ANDERSON #192	NEWTON	10.0	NATIONAL GAS & OI
8206749		3411925419		107-TF		ANDERSON #193	NEWTON	10.0	NATIONAL GAS & OI
8206750		3411925418		107-TF		ANDERSON #194	NEWTON	10.0	NATIONAL GAS & OI
8206751		3411925417		107-TF		ANDERSON #195	NEWTON	10.0	NATIONAL GAS & OI
8206752

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206555		3407523155	D	107-TF		VAUGHN #1	HARDY	1.0	COLUMBIA GAS TRAN
-INTEGRATED PETROLEUM COMPANY INC				RECEIVED: 11/17/81 JA: OH					
8206563		3415521476		103		C FISHER #1	MESOPOTAMIA	100.0	
8206563		3415521476		107-TF		C FISHER #1	MESOPOTAMIA	100.0	
8206558		3409921188		107-TF		DOGWOOD GOLF COURSE #1	MILTON	50.0	
8206557		3409921187		107-TF		DOGWOOD GOLF COURSE #2	MILTON	40.0	
8206559		3409921220		107-TF		DOGWOOD/KOBYLANSKI #1	MILTON	50.0	
8206564		3415521511		103		HERSHBERGER #1	MESOPOTAMIA	100.0	
8206564		3415521511		107-TF		HERSHBERGER #1	MESOPOTAMIA	100.0	
8206560		3413321784		107-TF		REYNOLDS #1	HIRAM	30.0	
8206562		3413322209		107-TF		ST JOSEPH UNIT #1	MANTUA	50.0	
8206561		3413322196		107-TF		ST JOSEPH UNIT #3	MANTUA	60.0	
-JAMES R BERNHARDT				RECEIVED: 11/17/81 JA: OH					
8206482		3410322618		103		JELEN WELL #1	GRANGER	7.0	COLUMBIA GAS TRAN
8206482		3410322618		107-TF		JELEN WELL #1	GRANGER	7.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS				RECEIVED: 11/17/81 JA: OH					
8206565		3415521174		107-TF		#1 DAN K MILLER	FARMINGTON	1250.0	COLUMBIA GAS TRAN
8206566		3415521179		107-TF		#1 ELWYN SATTERLEE UNIT	FARMINGTON	950.0	COLUMBIA GAS TRAN
-KING DRILLING CO				RECEIVED: 11/17/81 JA: OH					
8206602		3416922772		103		ROBERT HOUMARD #1	GREEN	10.0	COLUMBIA GAS TRAN
8206602		3416922772		107-TF		ROBERT HOUMARD #1	GREEN	10.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 11/17/81 JA: OH					
8206604		3416724953		107-TF		WILBUR HOFF #1	LAWRENCE	12.8	COLUMBIA GAS TRAN
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 11/17/81 JA: OH					
8206603		3408924177		103		CARL & BARBARA BAKER #3	EDEN	0.0	
-LOMAK PETROLEUM INC				RECEIVED: 11/17/81 JA: OH					
8206606		3415123060		107-TF		D ROHR #1	TUSCARAWAS	80.0	COLUMBIA GAS TRAN
8206605		3411924622		107-TF		FINNEY #1	BLUE ROCK	25.0	WILLISTON PIPELIN
-MARK OIL & GAS LTD				RECEIVED: 11/17/81 JA: OH					
8206607		3411521824		107-TF		SNODGRASS #1	MALTA	21.6	COLUMBIA GAS TRAN
-MOHAWK OIL & GAS CORP				RECEIVED: 11/17/81 JA: OH					
8206609		3412122412		107-DV		CHRISTMAN #1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN
8206608		3411122393		107-DV		ROHRER #1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN
8206611		3412122416		107-DV		ROMAN SMITH-EGGE #1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN
8206610		3412122415		107-DV		WALKER #1	HARRIETTSVILLE	0.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED: 11/17/81 JA: OH					
8206614		3415521764		102-2		BARKER #1	FOWLER	20.0	COLUMBIA GAS TRAN
8206614		3415521764		107-TF		BARKER #1	FOWLER	20.0	COLUMBIA GAS TRAN
8206617		3415521799		102-2		MASTERS #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8206617		3415521799		107-TF		MASTERS #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8206616		3415521778		102-2		MUIR #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8206616		3415521778		107-TF		MUIR #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8206613		3415521399		107-TF		NORWICH #1	FOWLER	10.0	COLUMBIA GAS TRAN
8206615		3415521765		102-2		RILEY #1	FOWLER	20.0	COLUMBIA GAS TRAN
8206615		3415521765		107-TF		RILEY #1	FOWLER	20.0	COLUMBIA GAS TRAN
-OHIO PARTNERS OIL CO				RECEIVED: 11/17/81 JA: OH					
8206618		3400721556		103		CONEL #1	DENMARK	20.0	
8206618		3400721556		107-TF		CONEL #1	DENMARK	20.0	
-OILTECH INC				RECEIVED: 11/17/81 JA: OH					
8206619		3407522988		107-TF		CAMPBELL UNIT #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8206620		3407523054		107-TF		DUTTON UNIT #1 - BO-NTRIGGER	MECHANIC	0.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC				RECEIVED: 11/17/81 JA: OH					
8206621		3405922523		103		MACONOBURN #1	RICHLAND	5.0	COLUMBIA GAS TRAN
8206621		3405922523		107-TF		MACONOBURN #1	RICHLAND	5.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-OXFORD OIL CO				RECEIVED: 11/17/81 JA: OH					
8206623		3411122493		107-DV		IOLA KUHN #1	BETHEL	12.0	
8206622	3348	3411122531		107-DV		MARTHA BURKHART #1	BETHEL	12.0	
-PETROLEUM SECURITIES FUND - 80				RECEIVED: 11/17/81 JA: OH					
8206641		3407322455		103		HORN #2	WASHINGTON	30.0	
8206642		3407322456		103		HORN #4	WASHINGTON	28.0	
8206643		3407322457		103		HORN #5	WASHINGTON	2.0	
-PIONEER OIL COMPANY INC				RECEIVED: 11/17/81 JA: OH					
8206644		3412725135		103		#1 F MUMFORD	HARRISON	10.0	COLUMBIA GAS TRAN
8206644		3412725135		107-TF		#1 F MUMFORD	HARRISON	10.0	COLUMBIA GAS TRAN
-POI ENERGY INC				RECEIVED: 11/17/81 JA: OH					
8206628A		3407523105		103		BLUM #1		5.0	COLUMBIA GAS TRAN
8206628B		3407523105	0	107-TF		BLUM #1		5.0	COLUMBIA GAS TRAN
8206629		3407523115		103		CROSBY #1	RICHLAND	20.0	COLUMBIA GAS TRAN
8206631A		3407523140		103		GLISSON #1	RICHLAND	5.0	COLUMBIA GAS TRAN
8206631B		3407523149	0	107-TF		GLISSON #1	RICHLAND	5.0	COLUMBIA GAS TRAN
8206625		3400721732		103		HRABAL #2	ANDOVER	50.0	
8206625		3400721732		107-TF		HRABAL #2	ANDOVER	50.0	
8206626		3400721733		103		HRABAL #3	ANDOVER	18.0	
8206626		3400721733		107-TF		HRABAL #3	ANDOVER	16.0	
8206635		3413322091		107-TF		LOAR-KUTINSKY #1	STREETSBORO	5.0	
8206633		3407523240		103		LONDON #1	RICHLAND	12.0	COLUMBIA GAS TRAN
8206639		3413322297		107-TF		LOWER #1	STREETSBORO	40.0	
8206638		3413322296		107-TF		LOWER #2	STREETSBORO	20.0	
8206637		3413322233		107-TF		LOWER FT AL #1	STREETSBORO	40.0	
8206627		3407523104		103		MARYUCH #1	RICHLAND	18.0	COLUMBIA GAS TRAN
8206634		3413322074		107-TF		MILLER-KREIERHOFF-TIPTON #1	STREETSBORO	5.0	
8206632		3407523151		103		MYERS #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8206636		3413322215		107-TF		REESE #1	AURORA	16.0	
8206640		3413320706		107-TF		SOLENTICH-KILROYLE #1	HUDSON	50.0	
8206630		3407523116		103		WATTS #2	RICHLAND	25.0	COLUMBIA GAS TRAN
8206624		3400721587		103		ZUPANIC #1	HARTSGROVE	15.0	
8206624		3400721587		107-TF		ZUPANIC #1	HARTSGROVE	15.0	
-PONDEROSA OIL COMPANY				RECEIVED: 11/17/81 JA: OH					
8206646		3416522359		103		SAMUEL STEINER WELL #2	SUGAR CREEK	11.0	COLUMBIA GAS TRAN
8206646		3416522359		107-TF		SAMUEL STEINER WELL #2	SUGAR CREEK	11.0	COLUMBIA GAS TRAN
-PREMIER ENERGY CORP				RECEIVED: 11/17/81 JA: OH					
8206648		3407522759		103		ALMA M LOWER #2	MECHANIC	6.0	COLUMBIA GAS TRAN
8206648		3407522759		107-TF		ALMA M LOWER #2	MECHANIC	6.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP				RECEIVED: 11/17/81 JA: OH					
8206649		3407322418		103		O FUNK #2	WASHINGTON	36.5	COLUMBIA GAS TRAN
8206649		3407322418		107-TF		O FUNK #2	WASHINGTON	36.5	COLUMBIA GAS TRAN
-RELIANCE ENERGY				RECEIVED: 11/17/81 JA: OH					
8206651		3416922809		103		ATLEE TROYER #1	SALT CREEK	18.0	COLUMBIA GAS TRAN
8206651		3416922809		107-TF		ATLEE TROYER #1	SALT CREEK	18.0	COLUMBIA GAS TRAN
8206650		3411924981		107-TF		J K STEVENSON #2	MUSKINGUM	20.0	COLUMBIA GAS TRAN
-RICHARD C POLING				RECEIVED: 11/17/81 JA: OH					
8206645		3403904013		103		WRIGHT #2	PERRY	5.0	
-RIMCO OPERATING INC				RECEIVED: 11/17/81 JA: OH					
8206663		3416522655		107-TF		CORBETT #10	CHESTER	12.0	COLUMBIA GAS TRAN
8206664		3416522662		107-TF		CORBETT #13	CHESTER	12.0	COLUMBIA GAS TRAN
8206661		3416922651		107-TF		CORBETT #2	CHESTER	12.0	COLUMBIA GAS TRAN
8206662		3416922652		107-TF		CORBETT #3	CHESTER	12.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206656		3416922544		107	-TF	DILLON #1	PLAIN	12.0	COLUMBIA GAS TRAN
8206658		3416922645		107	-TF	M MARTIN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8206659		3416922647		107	-TF	M MARTIN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8206660		3416922648		107	-TF	M MARTIN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8206655		3416922543		107	-TF	MAIRS #1	PLAIN	12.0	COLUMBIA GAS TRAN
8206671		3416922746		107	-TF	MCMILLEN #1	PLAIN	12.0	COLUMBIA GAS TRAN
8206670		3416922745		107	-TF	REED #1	CHESTER	12.0	COLUMBIA GAS TRAN
8206657		3416922603		107	-TF	RICHARDS #2	CHESTER	12.0	COLUMBIA GAS TRAN
8206652		3416922521		107	-TF	RICHARDS #3	CHESTER	12.0	COLUMBIA GAS TRAN
8206653		3416922522		107	-TF	RICHARDS #4	CHESTER	12.0	COLUMBIA GAS TRAN
8206654		3416922523		107	-TF	RICHARDS #5	CHESTER	12.0	COLUMBIA GAS TRAN
8206665		3416922672		107	-TF	TEGTMEIER #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8206669		3416922700		107	-TF	TEGTMEIER #10	CONGRESS	12.0	COLUMBIA GAS TRAN
8206666		3416922676		107	-TF	TEGTMEIER #5	CONGRESS	12.0	COLUMBIA GAS TRAN
8206667		3416922678		107	-TF	TEGTMEIER #7	CONGRESS	12.0	COLUMBIA GAS TRAN
8206668		3416922699		107	-TF	TEGTMEIER #8	CONGRESS	12.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM PROGRAM LTD 81-1.				RECEIVED: 11/17/81 JA: OH					
8206672		3410522133		103		ROSS WELL #1	BEDFORD	5.0	COLUMBIA GAS TRAN
8206673		3410522134		103		ROSS WELL #2	BEDFORD	5.0	COLUMBIA GAS TRAN
-SCHRIMSHER OIL & GAS EXPLORATION				RECEIVED: 11/17/81 JA: OH					
8206674		3415320914		103		FARINA-ROLLER UNIT #1	HUDSON	20.0	
8206674		3415320914		107	-TF	FARINA-ROLLER UNIT #1	HUDSON	20.0	
8206675		3415320924		103		HOTT-AHRENS #1	HUDSON	20.0	
8206675		3415320924		107	-TF	HOTT-AHRENS #1	HUDSON	20.0	
-SENECA ENERGY CORP				RECEIVED: 11/17/81 JA: OH					
8206677		3403124415		107	-TF	CONKLE #1	MILLCREEK	25.0	COLUMBIA GAS TRAN
8206676		3403124414		107	-TF	JACK GUTHRIE #1	MILLCREEK	0.0	COLUMBIA GAS TRAN
-SHIELD DRILLING CO				RECEIVED: 11/17/81 JA: OH					
8206678		3416725579		103		REED HANNA #1	LAWRENCE	20.0	
-STOCKER&SITLER INC				RECEIVED: 11/17/81 JA: OH					
8206681		3401921542		103		NO 1-5S PETRIME-YARGER UNIT	ROSE	1.0	
-TATUM PETROLEUM OHIO INC				RECEIVED: 11/17/81 JA: OH					
8206693		3407523125		107	-TF	ALBERT A RABER #2	MECHANIC	1250.0	COLUMBIA GAS TRAN
8206689		3407523095		107	-TF	DAVID SCHLABACH #2	MECHANIC	1000.0	COLUMBIA GAS TRAN
8206691		3407523097		107	-TF	FERDINAND STUTZMAN #2	MECHANIC	975.0	COLUMBIA GAS TRAN
8206683		3407522793		107	-TF	JACOB O KAMM #1	MECHANIC	500.0	COLUMBIA GAS TRAN
8206685		3407522879		107	-TF	JOHN HERSHBERGER #1 MAST UNIT	CLARK	975.0	COLUMBIA GAS TRAN
8206692		3407523098		107	-TF	LEVI A YODER #2	MECHANIC	950.0	COLUMBIA GAS TRAN
8206686		3407522880		107	-TF	MARCILLE SHUTT #1	CLARK	1500.0	COLUMBIA GAS TRAN
8206688		3407523040		107	-TF	MOSE RABER #1 DAN YODER UNIT	MECHANIC	2500.0	COLUMBIA GAS TRAN
8206682		3403124407		107	-TF	RICHARD W BARTHEL #1	BEDFORD	100.0	COLUMBIA GAS TRAN
8206687		3407522895		107	-TF	SYLVANUS RABER #1	MECHANIC	1250.0	COLUMBIA GAS TRAN
8206684		3407522874		107	-TF	THOMAS WISE #1 SHUTT UNIT	CLARK	1500.0	COLUMBIA GAS TRAN
8206690		3407523096		107	-TF	WAYNE RABER #2	MECHANIC	950.0	COLUMBIA GAS TRAN
-THE BENATTY CORPORATION				RECEIVED: 11/17/81 JA: OH					
8206479		3411925636		103		HUTCHISON PITTMAN #1	UNION	30.0	EAST OHIO GAS CO
8206479		3411925636		107	-TF	HUTCHISON PITTMAN #1	UNION	30.0	EAST OHIO GAS CO
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 11/17/81 JA: OH					
8206612		3413321692		103		BERG #3	NELSON	10.0	EAST OHIO GAS CO
8206612		3413321692		107	-TF	BERG #3	NELSON	10.0	EAST OHIO GAS CO
-TITAN ENERGY CORP				RECEIVED: 11/17/81 JA: OH					
8206694		3405922822		107	-TF	BETTY SELDERS #1	WESTLAND	20.0	
8206705		3415521831		103		BROOKFIELD TWP-CT COAL CLUB #1	BROOKFIELD	20.0	COLUMBIA GAS TRAN
8206705		3415521831		107	-TF	BROOKFIELD TWP-CT COAL CLUB #1	BROOKFIELD	20.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8206703		3415521677		103		BROOKFIELD TRI-CO CONS CLUB #3	BROOKFIELD	20.0	
8206703		3415521677		107-TF		BROOKFIELD TRI-CO CONS CLUB #3	BROOKFIELD	20.0	
8206695		3405922834		107-TF		GEORGE & EVELYN DICKSON-UNIT-WELL 1	WESTLAND	20.0	
8206696		3411522238		107-TF		GEORGE PONCHAK #1	MEIGSVILLE	20.0	
8206697		3411522239		107-TF		GEORGE PONCHAK #2	MEIGSVILLE	20.0	
8206698		3411522248		107-TF		GEORGE PONCHAK #3	MEIGSVILLE	20.0	
8206699		3411522532		103		GEORGE PONCHAK #4	MEIGSVILLE	20.0	COLUMBIA GAS TRAN
8206699		3411522532		107-TF		GEORGE PONCHAK #4	MEIGSVILLE	20.0	COLUMBIA GAS TRAN
8206702		3415521669		103		P & V JURKO - WELL #1	BROOKFIELD	20.0	
8206702		3415521669		107-TF		P & V JURKO - WELL #1	BROOKFIELD	20.0	
8206704		3415521782		103		P & V JURKO - WELL #4	BROOKFIELD	20.0	
8206704		3415521782		107-TF		P & V JURKO - WELL #4	BROOKFIELD	20.0	
8206701		3412122426		107-TF		ROY & MARGARET CLARK #1	BUFFALO	20.0	
8206700		3412122425		107-TF		ROY & MARGARET CLARK #2	BUFFALO	20.0	
-TORO OIL & GAS CO				RECEIVED: 11/17/81 JA: OH					
8206706		3415521769		107-TF		MOHAN UNIT #1	NEWTON FALLS	25.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 11/17/81 JA: OH					
8206708		3405923016		107-TF		COMBS #2	GUERNSEY	0.0	
8206707		3405923003		107-TF		KRUEGER #2	GUERNSEY	0.0	
-TRI-CITY DRILLING CO INC				RECEIVED: 11/17/81 JA: OH					
8206710		3416725748		103		JAMES WOODRUFF #3	BARLOW	0.5	RIVER GAS CO
8206709		3416725746		103		SILAS WOODRUFF #3	BARLOW	0.5	RIVER GAS CO
-VICTOR PETROLEUM CORP				RECEIVED: 11/17/81 JA: OH					
8206711		3407523288		103		EYSTER-WAGNER-HARMAN #1	KILLBUCK FIELD	10.0	COLUMBIA GAS TRAN
8206712		3407523314		103		KEMPEL #1	KILLBUCK FIELD	10.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP				RECEIVED: 11/17/81 JA: OH					
8206719		3415123443		103		ARRASMITH UNIT #2	PARIS	30.0	
8206719		3415123443		107-TF		ARRASMITH UNIT #2	PARIS	30.0	
8206721		3415123560		103		BATES #3	PARIS	30.0	
8206721		3415123560		107-TF		BATES #3	PARIS	30.0	
8206725		3415123593		103		BRUTTO #1	OSNABURG	30.0	
8206725		3415123593		107-TF		BRUTTO #1	OSNABURG	30.0	
8206723		3415123583		103		LEDBETTER UNIT #1	PARIS	30.0	
8206723		3415123583		107-TF		LEDBETTER UNIT #1	PARIS	30.0	
8206724		3415123584		103		LEDBETTER UNIT #2	PARIS	30.0	
8206724		3415123584		107-TF		LEDBETTER UNIT #2	PARIS	30.0	
8206715		3409921253		107-TF		RABUZZI UNIT #1	SMITH	30.0	AMERICAN STEEL FO
8206713		3409921251		107-TF		REPKO UNIT #1	SMITH	30.0	AMERICAN STEEL FO
8206714		3409921252		107-TF		REPKO UNIT #2	SMITH	30.0	AMERICAN STEEL FO
8206722		3415123580		103		SEABURN #1	PARIS	30.0	
8206722		3415123580		107-TF		SEABURN #1	PARIS	30.0	
8206716		3409921352		103		SKYLINE LAND CO #2	BERLIN	30.0	
8206716		3409921352		107-TF		SKYLINE LAND CO #2	BERLIN	30.0	
8206718		3409921354		103		SKYLINE LAND CO #5	BERLIN	30.0	
8206718		3409921354		107-TF		SKYLINE LAND CO #5	BERLIN	30.0	
8206717		3409921353		103		SKYLINE LAND COMPANY UNIT #3	BERLIN	30.0	
8206717		3409921353		107-TF		SKYLINE LAND COMPANY UNIT #3	BERLIN	30.0	
8206720		3415123511		103		TOMPULIS UNIT #3	PARIS	30.0	
8206720		3415123511		107-TF		TOMPULIS UNIT #3	PARIS	30.0	
-W E SHRIDER CO				RECEIVED: 11/17/81 JA: OH					
8206679		3408924122		103		ALFRED SFORZA #2	HANOVER	3.0	NEWZANE GAS CO
-WENNER PETROLEUM CORPORATION				RECEIVED: 11/17/81 JA: OH					
8206726		3416922378		107-TF		JAMES E SAAL #1	MILTON-WAYNE POOL	11.0	COLUMBIA GAS TRAN
-WILLIAM F HILL									
8206547		3407523225		103		ERVIN F FELIX #1	RICHLAND	7.0	

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 29, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35591 Filed 12–11–81; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51365; TSH FRL 2005–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of five PMNs and provides a summary of each.

DATES: Written comments by: PMN 81–617, 81–618, 81–619 and 81–620—February 1, 1982. PMN 81–621—February 2, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51365]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460 (202–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, D.C. 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81–617

Close of Review Period. March 3, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted benzene sulfonic acid derivative.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a site-limited intermediate.

PRODUCTION ESTIMATES

	Kilograms per year (maximum)
1st year	3,000
2d year	4,000
3d year	5,000

Physical/Chemical Properties

Melting point—36–37° C.
Solubility: water—0.1–1.0%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use up to 10 workers may experience dermal exposure up to 1 hr/day, up to 2 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration and biological treatment system.

PMN 81–618

Close of Review Period. March 3, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstitutedcellulose.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a site-limited intermediate.

PRODUCTION ESTIMATES

	Kilograms per year (maximum)
1st year	200
2d year	200
3d year	200

Physical/Chemical Properties

Solubility: water—<0.1%; octanol—<0.1%.

Decomposition temperature—Above 200° C.

Intrinsic viscosity—0.98.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>3,000 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>1,000 mg/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Slight.

Exposure. The manufacturer states that during manufacture and use up to 10 workers may experience dermal and inhalation exposure up to 0.5 hr/day, up to 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration and biological treatment system.

PMN 81–619

Close of Review Period. March 3, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstitutedcellulose salt.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor constituent of an article for commercial use.

BILLING CODE 6717–01–C

PRODUCTION ESTIMATES

	Kilograms per year (maximum)
1st year	250
2d year	250
3d year	250

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>3,000 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>20 ml/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Not an irritant.

Exposure. The manufacturer states that during manufacture and use up to 10 workers may experience dermal exposure up to 0.5 hr/day, up to 5 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration and biological treatment system.

PMN 81-620

Close of Review Period. March 3, 1982.

Manufacturer's Identity. Dow Corning Corporation, P.O. Box 1592, S. Saginaw Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Silicon substituted organic amine.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid.

Specific gravity—0.97.

Flash point, closed cup—260° F.

Viscosity—11 cs.

Color—Water white to amber.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—653 mg/kg.

Acute dermal toxicity LD_{50} (rabbit)—>2,000 mg/kg.

Acute skin irritation (rabbit)—Severely irritating.

Eye irritation (rabbit)—Very slightly irritating.

Ames salmonella—Non-mutagenic.

Exposure. The manufacturer states that during manufacture and processing a maximum of 1 worker may experience exposure during the drumming off process.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment.

PMN 81-621

Close of Review Period. March 4, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $100 million and $499,999,999.

Manufacturing site—Northeastern region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester of propanediol, adipic acid, phthalic anhydride, aromatic aliphatic ester.

Use. The manufacturer states that the PMN substance will be used as an industrial resin for industrial paints.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	6,000	150,000
2nd year	25,000	300,000
3rd year	25,000	300,000

Physical/Chemical Properties

Viscosity—80,000-300,000 cps

Solubility: water (24 hr. extraction)—1.97%.

Acid value—5-15.

% solvent—Zero.

Vapor pressure @ 169° F—55.4 mm Hg.

184° F—63.4 mm Hg.

204° F—73.4 mm Hg.

249° F—103.4 mm Hg.

287° F—137.4 mm Hg.

322° F—169.4 mm Hg.

Weight/gallon—10.2 lbs.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 23 workers may experience dermal exposure up to 8 hrs/day, up to 200 days/yr during sample removal, filling, and cleaning.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 100-10,000 kg/yr to land. Disposal is to a publicly owned treatment works (POTW), an approved landfill and incineration.

Dated: December 17, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-35642 Filed 12-11-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL HOME LOAN BANK BOARD

Palos Savings and Loan Association, Palos Heights, Illinois; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2) (1976)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Palos Savings and Loan Association, Palos Heights, Illinois, effective December 5, 1981.

Dated: December 7, 1981

Gregory B. Smith,

Acting Secretary.

[FR Doc. 81-35493 Filed 12-11-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Home Lines Inc., Panama and Home Lines Inc., Monrovia, c/o Home Lines Cruises Inc., One World Trade Center, Suite 3969, New York, New York 10048.

Dated: December 8, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35529 Filed 12-11-81; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet

Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540: Home Lines Inc., Panama and Home Lines Inc., Monrovia, c/o Home Lines Cruises Inc., One World Trade Center, Suite 3969, New York, New York 10048.

Dated: December 8, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35530 Filed 12-11-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-73]

Arthur J. Fritz & Co., Inc. v. U.S. Atlantic & Gulf/Ecuador Freight Conference and U.S. Florida/Ecuador Steamship Conference, et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Arthur J. Fritz & Co., Inc. against U.S. Atlantic & Gulf/Ecuador Freight Conference and U.S. Florida/Ecuador Steamship Conference, et al. was served December 3, 1981. Complainant alleges that respondents have established tariff rule freight payment and credit provisions which are violative of sections 15, 16 First and 17 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35625 Filed 12-11-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 4, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–2206.

Filing party: Winston F. Tyler, Chairman, Law and Legislation Committee, Port of Los Angeles, P.O. Box 151, San Pedro, California 90733.

Summary: Agreement No. T–2206, between the members of the California Association of Port Authorities (FMC Agreement No. 7345) and the members of the Northwest Marine Terminal Association (FMC Agreement No. 9335), provides for the formation of an organization known as the Joint Pacific Coast Port Committee, whereby members discuss and make recommendations concerning rates, charges, practices, and other tariff matters and matters of concern to the marine terminal industry. Actions taken pursuant to the agreement are not binding upon the members. The agreement was originally approved by the Commission by order issued January 15, 1969 for a three-year term and subsequently extended for two successive five-year terms by Commission orders of January 13, 1972 and January 18, 1977. The parties to the agreement have now requested Commission approval of an extension of the agreement to January 18, 1987

Agreement No. T–3425–1.

Filing party: Mr. H. H. Wittren, Associate Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T–3425–1 modifies the basic agreement between the Port of Seattle (Port) and Puget Sound Tug & Barge Co. (Puget Sound) which provides for the Port's term lease to Puget sound of certain premises at Pier 16, Seattle, Washington. The purpose of the modification is to reinstate a certain portion of the premises, which had previously been deleted, as part of the leased area and to adjust the rental accordingly.

Agreement No. T–3740–1.

Filing party: Mr. Robert W. Goether, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T–3740–1, between the Georgia Ports Authority (Port) and United States Lines, Inc. (USL), modifies the basic agreement between the parties which provides for the Port's 5-year lease to USL (with renewal options) of a portion of container berth No. 60 storage area, Garden City Terminal, Chatham County, Georgia, to be used for the storage and handling of containers, including trailers and chassis used to transport containers. The purpose of the modification is to provide for the assignment of additional container slots, as future needs warrant, at an annual rental of $190 per slot.

Agreement No. 9474–7.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue N.W., Washington, D.C. 20036.

Summary: Agreement No. 9474–7 would amend the Thailand/Pacific Freight Conference Agreement for the purpose of decreasing from 60 to 20 days, the waiting period necessary for a member line to exercise independent action after its independent action proposal is rejected by the conference at a regular or special meeting thereof.

Agreement No. 9615–35.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9615–35 amends the basic agreement of the Iberian/U.S. North Atlantic Freight Conference by changing the current "substituted service" provision to "alternate port service" and providing for the maintenance of Conference voting records.

Agreement No. 10433.

Filing party: Richard H. Saltsman, Esquire, Bowman, Conner, Touhey & Thornton P.C., 2828 Pennsylvania Ave., NW., Washington, D.C. 20007.

Summary: Agreement No. 10433 sets forth terms and conditions for the

charter by Societé Ivoirienne de Transport Maritime of space on vessels of Delta Steamship Lines moving in the westbound trade from the Ivory Coast to the U.S. Gulf.

By Order of the Federal Maritime Commission.

Dated: December 9, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35624 Filed 12-11-81, 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: The Board of Governors of the Federal Reserve System.

ACTION: Proposed amendments to systems of records.

SUMMARY: The Board of Governors of the Federal Reserve System hereby gives notice of amendments to its systems of records as required under the Privacy Act of 1974 (5 U.S.C. 552a).

DATE: This action shall be effective as proposed without further notice on February 1, 1982, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Address comments to the Secretary of the Board, the Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, N.W., Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: MaryEllen A. Brown, Assistant to the General Counsel of Veryl V. Miles, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452-3608 or (202) 452-3611.

SUPPLEMENTARY INFORMATION: An annual notice of the Board's systems of records was published on January 2, 1981, 46 FR 159, and a complete compilation of all systems of records maintained by the Board of Governors of the Federal Reserve System was published on December 31, 1979 (44 FR 77460).

I. This notice proposes three substantive amendments to the Board's systems of records: first, to delete existing system BGFRS-18, FRB—Change in Bank Control Records; second, to add new systems BGFRS-18, FRB—Consumer Complaint Information System; and third, to add new system BGFRS-19, FRB—Financial Disclosure Reports and Outside Business Interest Applications. The changes in Board systems of records required to implement these substantive amendments are discussed below.

1. BGFRS-18, FRB—Changes in Bank Control Records should be deleted from the Board's systems of records. The purpose of this system was to enable the Board to evaluate each proposed change in control of bank holding companies or State member banks in accordance with the standards prescribed under the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)). The information to be contained in this system would have included any biographical data of individuals involved in changes in control regarding the business competence, experience and integrity of such individuals.

The Board's Division of Banking Supervision and Regulation, the initiating unit of this system, has not developed any records for this system and has indicated that no such records will be developed. Consequently, it is appropriate to remove this system from the Board's designated systems of records.

2. Proposed new System of Records BGFRS-18, FRB—Consumer Complaint Information System, will be a consumer complaint information system and will be used to record all consumer complaints received by the Board concerning member banks.

Complaints will be logged in on pre-numbered control forms (form FR-1182). These forms will contain pertinent information relating to each complaint and will be stored in computer readable format. The consumer complaint information system will enable Board staff to handle complaints more efficiently. Processing time and other information relating to complaint status can be monitored with this system, and the system will also enable staff to reply promptly to congressional inquiries regarding complaints.

This new system of records will be maintained by the Board's Division of Consumer and Community Affairs, pursuant to section 11 of the Federal Reserve Act (12 U.S.C. 248), which authorizes the Board to make rules and regulations necessary to perform its duties effectively. Maintenance of the systems of records is expected to have a minimal impact on individual privacy, other rights, or the constitution principles of federalism and separation of powers. The records will be stored in computer readable format computer printouts, and on control forms and microfiche in locked files at the Board. Access to these records will be restricted to authorized personnel only.

3. Proposed new system of records BGFRS-19, FRB—Financial Disclosure Reports and Outside Business Interest Applications will be maintained by the Board's Ethics Official. This system will include records covering financial disclosure statements of Board members, officials and key employees, and outside business interest applications submitted by Board employees. Related records were formerly maintained by the Director of Personnel. Recently, however, pursuant to the Ethics in Government Act, Pub. L. 95-51, the Board appointed an Ethics Official to advise Board employees on matters concerning ethics and conflicts of interest, including financial disclosure reports and outside business interests. As a result of this appointment, all Board records concerning these matters are now in the custody of the Ethics Official.

This system will be maintained by the Board as required under the Ethics in Government Act, Pub. L. 95-521, and as authorized by sections 10 and 11 of the Federal Reserve Act, 12 U.S.C. 241 and 248. Maintenance of the system of records is expected to have a minimal impact on individual privacy, other rights, or the constitutional principle of federalism and separation of powers. The records will be stored in locked files in a secured room at the Board. Access to those records will be restricted to authorized personnel only.

II. This notice also proposes additional amendments which provide for *de minimis* technical changes to Board systems of records and describe more accurately the records maintained by the Board. The following changes are proposed to implement these technical amendments.

1. BGFRS-3, FRB—Medical Records, should be amended to designate the Board's Physician as the individual with authority to release records under this system. Currently, the records maintained under FRB—Medical Records are released at the discretion of the Board's Personnel Director. It would be more appropriate to designate the Board Physician as the sole authority to determine whether disclosure is appropriate and to provide greater safeguards for sensitive medical information maintained about Board employees. This notice proposes to accomplish this purpose by designating the Board Physician as the System Manager. All other record data elements will remain the same.

2. BGFRS-4, FRB—General Personnel Records, should be amended to reflect the addition of medical disability designators to the categories of records maintained in the system. The Board's EEO Council has recently initiated a new program to identify various types of

physical disabilities among Board staff to assist the Board in determining the representation of handicapped individuals at the Board so that any existing physical barriers at the Board can be removed, and to develop a Board recruitment and awareness program. Relevant information will be obtained from staff on a voluntary basis. This change will be achieved by adding the term "medical disability designators" to the record data element entitled "Categories of records in the system." All other data element will remain the same.

3. BGFRS–6, FRB—Adverse Information and Action, Disciplinary, Outside Business Activity and Financial Responsibility Records, should be amended by deleting references to financial responsibility statements and outside business activity applications in the system name and in record data elements entitled "Categories of individuals covered by the system" and "Categories of records in the system"; and by deleting paragraphs "i" and "j" from the record data element entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses." Maintenance of these records or related records was formerly in the custody of the Director of Personnel. Recently, however, the Board appointed an Ethics Official to handle all matters covering ethics and conflicts of interest. Consequently, all Board employee financial disclosure statements and outside business activity applications are now in the custody of the Ethics Official.

(This notice also proposes a new system of records, BGFRS–19, FRB–Financial Disclosure Records and Outside Business Interest Applications, to reflect the Ethics Official's maintenance of these records.)

4. BGFRS–9, FRB—Consultant File, should be amended to reflect a recent employee classification change implemented by the Board's Director of Personnel that separates persons previously classified as consultants into two categories; "consultants" and "staff associates." The Personnel Division has decided to retain custody of the records of "staff associates" and to transfer records pertaining to "consultants" to the Board's Office of the Controller. Accordingly, BGFRS–9 will be amended by: changing the system name to "FRB–Consultant and Staff Associate File;" amending the categories of individuals covered by the system to reflect the separate classifications; and amending the entry under "System manager(s) and address" to include the Controller. All on the other record data elements will remain the same.

5. BGFRS–11, FRB—Official General Files, should be amended to include participants in the Board's Fine Arts Program as a category of individuals covered by the system. All of the other record data elements under this system will remain the same.

6. Board systems of records BGFRS–1, BGFRS–2, BGFRS–3, BGFRS–4, BGFRS–5, BGFRS–6, BGFRS–12, BGFRS–16, and BGFRS–17 are proposed to be amended by adding to the record data element describing routine uses for records the following phrase: "To respond to a court order." This addition reflects statutory language under section 552a(b)(11) of the Privacy Act (5 U.S.C. 552a(b)(11)) requiring disclosure of records pursuant to a court order.

7. Technical amendments are also proposed for systems of records designated BGFRS–2, BGFRS–7, and BGFRS–9, to reflect reassignments of functional responsibilities and to correct typographical errors in the prior publication.

8. All references to the "Civil Service Commission" in Board systems fo records have been changed to the "Office of Personnel Management."

The proposed revised complete compilation of all systems fo records maintained by the Board of Governors of the Federal Reserve System, as amended to incorporate the above-described changes, follows.

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BGFRS—1

SYSTEM NAME:

FRB—Recruiting and Placement Records

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for employment with or are employed by the Federal Reserve Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law; results of tests, appraisal of potential, honors, awards of fellowships; military service; veteran status, school transcripts, work samples; birth date; social security number; sipping authorizations; travel vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Federal Reserve Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244, 248(1) and 248(1)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.

b. To refer current Board employees for consideration for reassignment and promotion within the Board.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical

information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research of other personnel management functions.

d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

e. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

f. To provide information or disclose to a Federal Agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

g. To respond to a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes, punched cards, microfilm, cards, lists, forms, and in folders.

RETRIEVABILITY:

Records are indexed by name, combination of birth date, social security account number, and applicable identification number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Files of eligibles. Retained for a minimum of one year after date of determination that no suitable position exists currently.

b. Index cards. Destroyed when no longer needed.

c. Cancelled and ineligible applications. Same as "a" above.

d. Inquires and replies regarding availability for appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

RECORD ACCESS PROCEDURES:

Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplies, except reports from medical personnel on physical qualifications; and statements supplied by references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatiory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment of the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—2

SYSTEM NAME:

FRB Personnel Background Investigation Reports

SYSTEM LOCATION:

Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants for employment by the Board of Governors; Federal Reserve System employees considered for access to classified information or restricted areas; and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to the Board. Individuals who are neither applicants nor employees of the Board but are or were involved in Board programs under a cooperative assignment or similar agreement; individuals who are neither applicants nor employees of the Board but are or were involved in matters related to the operation of the Board

CATEGORIES OF RECORDS IN THE SYSTEM:

These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; education institutions attended; and other information developed from the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. §§ 248(i) and 248(1)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The contents of these records may be disclosed to and used as follows:

a. To assist in determining the suitability for access to classified information.

b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation

and to identify the type of information requested.

e. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.

f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

g. To respond to a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

RETRIEVABILITY:

Records are indexed by name in alphabetical order.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access and who have appropriate security clearance.

RETENTION AND DISPOSAL:

The indexing cards are retained indefinitely, while the reports of investigation are returned to the originating agency after separation of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Division of Support Services Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

RECORD ACCESS PROCEDURE:

In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.

2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.

3. By personal investigation or written inquiry from sources such as:

Employers
Schools
References
Neighbors
Associates
Police Departments
Courts
Credit Bureau
Medical Records
Probation Officials
Prison Officials

4. Newspapers, magazines, periodicals, and other publications.

5. Published hearings of Congressional Committees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—3

SYSTEM NAME:

FRB—Medical Records

SYSTEM LOCATION:

Board Physician, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Applicants who have been medically examined for Board employment.

2. Applicants for disability retirement under the Civil Service Retirement Law or Federal Reserve System Retirement Plan.

3. Current and former Federal Reserve Board employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Information relating to an individual's medical qualifications to hold a position with the Board.

2. Medical information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held.

3. Information relating to an employee's participation in an occupational health services program.

4. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.

5. Information attesting to an annuitant's state of health as required for "insurable interest" survivor annuity elections.

6. Information relating to handicaps.

7. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information in these records is used to:

a. determine veteran disability status

b. support applications for Disability Retirement

c. support "insurable interest" survivor annuity elections

d. determine suitability for employment or continued employment

e. assist in medical counseling

2. Information in these records may be provided to officials of other Federal agencies responsible for Federal benefit programs administered by:

a. Office of Workmen Compensation Programs

b. Retired Military Pay Centers

c. Veterans Administration

d. Social Security Administration

e. Specific private contractors engaged in providing benefits under Federal contracts.

f. Office of Personnel Management

3. Information in these records is used:

a. to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

b. to request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a grant or other benefit.

c. to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. as a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuls for personnel research or other personnel management functions.

e. To respond to a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in folders.

RETRIEVABILITY:

Records are indexed by name, social security number, identification number, date of birth and/or claim number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

RETENTION AND DISPOSAL.

a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job 6 years after separation.

b. Miscellaneous medical records, correspondence dispensary records and similar papers, 6 months after separation.

c. Applicant's medical records, 6 years after separation.

d. Disability retirement medical files, 6 years after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

RECORD ACCESS PROCEDURES:

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

RECORD SOURCE CATEGORIES:

1. The individual to whom the record pertains.

2. Personal physicians.

3. Medical institutions.

4. Official records of other Federal agencies.

5. Federal Reserve Board Official Personnel Records.

6. Federal Reserve System Personnel Management Records Systems.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None; however, see special procedures provided at 12 CFR 261a.6.

BGFRS—4

SYSTEM NAME:

FRB—General Personnel Records

SYSTEM LOCATION:

Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of and consultants to the Federal Reserve Board and the surviving spouses, and children of former Board employees, if any.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consist of a variety of documents relating to personnel actions of the Board and its determinations made about an individual for, and during the course of his employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group and medical disability designators; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decisions made about an individual; awards; employee parking and other information relating to the status of the individual either while considered for employment or while employed by the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used:

a. For purposes of review in connection with appointments, transfers, promotions, reassignments, training and development needs, adverse actions, disciplinary actions,

and determination of qualifications of an individual, and in assisting the individual in locating other employment.

b. For purposes of making a decision when a Board employee or former Board employee is questioning the validity of a specific document in the individual's record.

c. To respond to a court order.

d. To provide information to a prospective employer of a current or former Board employee.

e. To provide data for the automated Personnel records.

f. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of contract, or the issuance of a grant or other benefit.

h. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

i. As a data source of management information for production of statistical and analytical studies and reports in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

j. Determine eligibility for coverage, benefits due, and payment of benefits under the various benefits programs available to the Board and its staff.

k. Transfer information necessary to support a claim for benefits under the various benefit programs in operation at the Federal Reserve Board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

RETRIEVABILITY:

Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require it.

RETENTION AND DISPOSAL:

The General Personnel Record is retained until five years after death or an individual achieves age 75 where he or she does not separate employment by retirement.

SYSTEM MANAGER(S) AND ADDRESS:

For current and former Federal Reserve Board employees:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Inquiries, including name, date of birth, and Social Security Number should be addressed to the System Manager, address above.

RECORD ACCESS PROCEDURES:

Current and former Federal Reserve Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. OPM Personnel Management Records System
2. Personnel records of other Government agencies
3. Personnel Records of Federal Reserve Banks

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRB—3

SYSTEM NAME:

FRS—EEO Discrimination Complaint File

SYSTEM LOCATION:

Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Board employment, current and former Board employees, and annuitants who file a complaint of discrimination or appeal a determination made by an offical of the Board relating to equal employment opportunities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to a complaint, the decision or determination made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(1)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court order.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application and the kind of action taken by the Board when requesting access to, or contest of records.

RECORD SOURCE CATEGORIES:

a. Individual to whom the record pertains

b. Board employees

c. Affidavits or statements from employee

d. Testimonies of witnesses

e. Official documents relating to the appeal, grievance, or complaints

f. Correspondence from specific organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material complied for law enforcement purposes.

DGFRS—6

SYSTEM NAME:

FRB—Adverse Information and Action Records: Disciplinary Records.

SYSTEM LOCATION:

Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Board employees, (including special employees) and annuitants who are involved in an Adverse Action; employees who suffer a withholding of a Progress Step Increase; and those employees who have creditors contacting the Board relative to credit problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of the letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions and recommendations. Letters from creditors are also contained in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(1)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court order.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel management functions.

f. To refer, where there is an indication of a violation or potential

violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.

h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

i. To administer various aspects of established personnel management programs.

STORAGE:

These records are maintained in file folders, binders, index cards, magnetic tape and disk.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and thus destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

RECORD ACCESS PROCEDURES:

Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System manager, address above.

RECORD SOURCE CATEGORIES:

a. Individual to whom the record pertains

b. Board officials

c. Affidavits or statements from employees

d. Testimonies of witnesses

e. Official documents relating to an action, appeal, grievance, or complaints

f. Correspondence from specific organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BGFRS—7

SYSTEM NAME:

FRB—Payroll

SYSTEM LOCATION:

Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present employees and members of the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W–2 forms, overtime requests, leave data, workmen's compensation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(1)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: USED IN THE PREPARATION OF BOARD PAYROLL, AS INPUT TO SEVERAL MANAGEMENT REPORTS AND, FROM TIME TO TIME, INPUT TO OTHER CONTRIBUTING PROGRAMS AND AS INPUT BOARDS TO STUDIES, ANALYSES, AND REPORTS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On tape, disk, punched cards, index cards, folders and document files.

RETRIEVABILITY:

Filed by name, social security number, and employee number.

SAFEGUARDS:

Access is restricted to authorized personnel only. Records are stored in cabinets and a safe. Access to computer records is restricted to authorized personnel.

RETENTION AND DISPOSAL:

Various: minimum of one year from date of annual audit; maximum of indefinite

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, and identification number (if known).

RECORD ACCESS PROCEDURES:

Current and former emloyees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

RECORD SOURCE CATEGORIES:

Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive forms, insurance forms, leave and overtime reports. Federal and state garnishment forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BGFRS—8

SYSTEM NAME:

FRB—Leave Records

SYSTEM LOCATION:

Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present employees, former employees for a period of three years following their separation from the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions and manpower studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched card, tape, disk, index card, folder, and print out.

RETRIEVABILITY:

Filed by date, but may be filed by name or identifying number.

SAFEGUARDS:

Stored in locked metal file cabinets, other records stored in secured limited access computer facilities.

RETENTION AND DISPOSAL:

Detailed information destroyed after two years. Summary data is a part of permanent official personnel file.

SYSTEM MANAGER(S) AND ADDRESS:

Division of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

RECORD SOURCE CATEGORIES:

Records, files and forms of the Board, information provided by the employee and previous Federal Government employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BGFRS—9

SYSTEM NAME:

FRB—Consultant and Staff Associate File

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals retained by formal agreement, who (1) provide consulting services to the Board and (2) act as advisors to the Board, but do not maintain the independence of action necessary to meet the requirements for classification as an independent contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoicers, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the FRB-General Personnel Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual indenification; verification and confirmation; and referral when used as a basis for prospective employment by employers other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Folder, punched card, tape, disk and index card.

RETRIEVABILITY:

File by name, and cross index by voucher number and date, or identifying number.

SAFEGUARDS:

Stored in secured area.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

For Staff Associates
For Consultants:
Office of Controller
Board of Governors
Federal Reserve System
20th and Constitution N.W
Washington, D.C. 20551
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contract the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

RECORD ACCESS PROCEDURE:

Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this systems of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—10

SYSTEM NAME:

FRB—General File on Board Members

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present members of the Board of Governors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10 of the Federal Reserve Act (12 U.S.C. 241 et seq.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for background information to determine qualifications for appointment, reappointments, for compiling information for news releases and other publications, and for recording correspondence concerning the Governors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

Same as System Manager, address above.

RECORD ACCESS PROCEDURES:

Same as System Manager, address above.

RECORD SOURCE CATEGORIES:

Generated by individuals, incoming correspondence and staff response thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (i)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BCFRS–11

SYSTEM NAME:

FRB—Official General Files

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Correspondents with the Board and System Personnel and Fine Arts Program participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming and outgoing correspondence concerning Board business. Records relating to System Personnel in official capacities such as instructors, consultants, and Board representatives to various committees, conferences, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for reference purposes in preparing responses to inquiries from the pubic and used in recording official duties of System Personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

System Manager, address above.

RECORD ACCESS PROCEDURE:

System Manager, address above.

RECORD SOURCE CATEGORIES:

Generated by individuals incoming correspondence and staff response thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—12

SYSTEM NAME:

FRB—Biographical File of Federal Personnel

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Consitution, N.W.

Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal Reserve System officers, and their staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Reserve System. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries, grades, and position titles; personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4, 11 and 22 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INFORMATION IN THERE RECORDS MAY BE USED:

a. By Federal Reserve System officials for purposes of review in connection with appointments, transfers, promotion, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Board of Governors for purposes of making a decision when a listed employee or former listed employee is questioning the validity of a specific document in the individual's record.

c. To respond to a court order.

d. To publish name and title data for the Directory of officers of Federal Reserve Banks.

e. To provide reports to Congress, agencies, and the public on characteristics of the System work force.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

g. As a data source for management information for production of summary descriptive statistic and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to repond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained in file folders, magnetic tape, punched cards and disk.

RETRIEVABILITY:

Records are indexed by combination of name or identification number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Inquiries, including name, date of birth, and Social Security Numbers should be addressed to the System Manager, address above.

RECORD ACCESS PROCEDURE:

Current and former System employees who wish to gain access to and contest their records should direct such a request in writing, including their name, date of birth, and Social Security Number to the System Manager, address above.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from either the individual to whom it applies, extracted from documents he supplied, or data provided by Federal Reserve System officials and employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BGFRS—13

SYSTEM NAME:

FRB—General File of Examiners and Assistant Examiners at Federal Reserve Banks.

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present examiners and assistant examiners at Federal Reserve Banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief biographies of past and present examiners and assistant examiners. oaths of office, and miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(a) and 248(i)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURES:

System Manager, as indicated above.

RECORD ACCESS PROCEDURE:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Individuals themselves, references such as "Who's Who" and miscellaneous correspondence from system personnel and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—14

SYSTEM NAME:

FRB—General File of Federal Reserve Bank and Branch Directors.

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Federal Reserve Bank and Branch Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographies of past and present Federal Reserve Bank and Branch Directors, oaths of office, resignations, and miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 3, 4 and 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications and recording correspondence concerning such persons.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

System Manager, as indicated above.

RECORD ACCESS PROCEDURE:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Generated by individual's incoming correspondence and staff response thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

SYSTEM NAME:

FRB—General Files of Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

CATEGORIES OR RECORDS IN THE SYSTEM:

Biographies of past and present examiners, oath of office and miscellaneous correspondence relating to such persons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4 and 11 of the Federal Reserve Act (12 U.S.C. 248(i), (j) and 305).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as background information for determining qualifications for appointment, reappointment etc.; for completing information for news releases and other correspondence; and recording correspondence concerning such persons.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE.

Paper records

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

System Manager, as indicated above.

RECORD ACCESS PROCEDURE:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Generated by individual's incoming correspondence and staff response thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act: where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—16

SYSTEM NAME:

FRB—Regulation G Reports

SYSTEM LOCATION:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals other than banks, brokers and dealers who extend credit in specified amounts secured by margin securities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports filed by persons registered pursuant to Regulation G.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 7, 17, and 23 of the Securities Exchange Act of 1934 and Regulation G (12 CFR 207).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Aid the Federal Reserve System in securing compliance with Regulation G, assist registraints regarding interpretation, and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Relevant recordes in the system of records may also be disclosed in response to a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Retained in locked metal file cabinets. Access to Board staff on restricted basis

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Banking Supervision and Regulation
Board of Governors
Federal Reserve System
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

RECORD ACCESS PROCEDURES:

System Manager, as indicated above.

RECORD SOURCE CATEGORIES:

Reports and forms filed by individuals to whom records pertain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsections (k)(2) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this systems of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—17

SYSTEM NAME:

FRB—Municipal Securities Principal and Municipal Securities Representative Records.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th and Constitution Avenue NW., Washington, D.C. 20551. Records stored in computerized files are maintained off Board premises at the National Association of Securities Dealers, 1735 K Street NW., Washington, D.C. 20036.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or seek to be municipal securities principals or municipal securities representatives associated with a municipal securities dealer which is a State member bank of the Federal Reserve System or a subsidiary or a department or division thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records may contain identifying information as well as eductional, employment, and disciplinary information, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes names, address, date and place of birth, and may include social security account number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 15B, 17, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. Secs. 78o–4(c)(5), 78q, and 78w) and section 11 of the Federal Reserve Act (12 U.S.C. 248).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate governmental authority, whether Federal, State, local, or foreign, or self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(a)(26)).

b. To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge.

c. To assist in any proceeding in which the Federal securities or banking laws are in issue or in which the Federal Reserve Board or a past or present member of its staff is a party or otherwise involved in an official capacity.

d. To disclose to a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to a Federal Reserve Board inquiry concerning a person who is or seeks to be associated with a municipal securities dealer described in "Categories of individuals covered by the system" as a municipal securities principal or municipal securities representative.

e. To respond to a request from a Federal, State, local, or foreign governmental authority or a self-regulatory organization for information in connection with the issuance of a license or other benefit to the extent that such information is relevant and necessary.

f. To disclose to a Congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

g. To respond to a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained in file folders and on computer discs.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

File folders are stored in lockable metal cabinets and computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Board, Board of Governors:
Federal Reserve System,
20th and Constitution, NW.,
Washington, D.C. 20551.

NOTIFICATION PROCEDURE:

Inquiries, including name and date and place of birth, should be addressed to the System Manager, address above. Inquiries may be required to include a notarized statement attesting to identity.

RECORD ACCESS PROCEDURES:

Same as Notification above.

CONTESTING RECORD PROCEDURES:

Same as Notification above.

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained as well as municipal securities dealers described in "Catagories of individuals covered by the system" and Federal, State, local, and foreign governmental authorities, and self-regulatory organizations, which regulate the securities industry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BGFRS—18

SYSTEM NAME:

FRB—Consumer Complaint Information System.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th & Constitution Avenue, N.W., Washington, D.C. 20551

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have filed complaints with the Federal Reserve Board or the Federal Reserve Banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records may contain complaints regarding state-chartered member banks, as well as other financial institutions, individuals or organizations that are subject to federal banking regulations. Information included in these records are the complainant's name, a code symbol indicating the subject matter of the complaint, and information regarding the investigation and action taken on the complaint. Supporting records may include documents supplied by the complainant, intra-agency memoranda, as well as correspondence between the Federal Reserve System and the financial institution or other individual or organization in question.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these records may be used:

a. By Board staff in its consumer affairs program for the investigation and resolution of consumer complaints.

b. To provide the appropriate Reserve Bank with information when a complaint or inquiry is received by the Board involving a state-chartered member bank in that Reserve Bank's jurisdiction.

c. In the investigation and resolution of complaints by the Reserve Bank which may require the disclosure of information contained in the records pertaining to the subject individual or institution.

d. For the maintenance of all follow-up correspondence (i.e., information submitted by complainant and information gathered in the investigation process concerning the complainant's bank records and pertinent bank policies.

e. To respond to Congressional inquiries and referral of complaints made on behalf of constituents. Congressional inquiries are generally made for the purpose of assessing the implementation of Congressional legislation. Information identifying the complainant and the institution or individual subject to the complaint is generally deleted in these requests, unless the complainant consents to disclosure. Information provided in response to complaint referrals will be in the form of follow-up correspondence on the complaints.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violations or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

g. To respond to a court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in computer readable format, computer printouts, control forms, in file folders, and on microfiche.

RETRIEVABILITY:

File folders and microfiche are retrievable by subject code; control forms by control form number; computer printouts by state member bank name, consumer name, and control form number.

SAFEGUARDS:

Access to and use of these records is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

a. File folders of complaints will be retained for two years.

b. Complaints on microfiche will be retained indefinitely.

c. Records stored in computer readable format will be retained indefinitely, with the following exceptions: records on control forms will be retained for a maximum of one year, with the exception of Reserve Bank referrals which, will be retained indefinitely; records on computer printouts of monthly and year-end reports will be retained for one year, then put on microfiche and retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director
Division of Consumer and Community Affairs
Board of Governors
Federal Reserve System
20th and Constitution Ave., N.W.
Washington, D.C. 20051

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager at the address above. Inquirers may be required to file notarized statements attesting to their identity.

RECORD ACCESS PROCEDURES:

Inquiries should be directed to the System Manager at the address above. Inquirers may be required to file notarized statements attesting to their identity.

RECORD SOURCE CATEGORIES:

Person(s) who initiate complaints (or his or her representative, which may include a member of Congress or an attorney); appropriate federal, state or local regulatory and enforcement agencies; institutions or individuals that are the subject of a complaint.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(2) and (k)(5) of the Privacy Act and the Board's

regulations relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—19

SYSTEM NAME:

FRB—Financial Disclosure Reports and Outside Business Interest Applications.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, N.W., Washington, D.C. 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Board members, officials, and key Board employees who are required to file annual financial disclosure reports pursuant to Title II of the Ethics in Government Act, as amended, Pub. L. 95–521 (1978) and Pub. L. 96–19, and 96–28 (1979), or pursuant to Board regulation, 12 CFR Part 264; and Outside Business Interest Application forms, filed pursuant to 12 CFR Part 264.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain:

a. the annual Financial Disclosure reports filed on forms prescribed by the Office of Government Ethics, for those Board members and officials who are required by statute to file these reprots;

b. Confidential annual Financial Disclosure Reports filed annually by remaining Board officials and designated key Board employees who are required by Board regulations to file these reports; and

c. Outside Business Interest Application forms filed by employees pursuant to Board regulation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title II of Pub. L. 95–521 (1978) and sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these records may be used:

a. To identify or determine conflict of interest situations or potential conflicts of interest.

b. To advise an employee of potential problems.

c. To provide information to the Office of Government Ethics.

d. To provide copies of those financial disclosure reports filed pursuant to the Ethics in Government Act to the public, upon request.

e. To respond to a request from a Member of Congress.

f. To respond to a request from the General Accounting Office made in the exercise of their official responsibilities.

g. To respond to a court order.

h. To respond to requests for nonidentified statistical information under the Freedom of Information Act.

i. To refer where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, in locked steel file cabinets, in a secured room.

RETRIEVABILITY:

These records are indexed by the names of the individuals to whom they pertain.

SAFEGUARDS:

Access to and use of these records is restricted to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Financial Disclosure Reports filed pursuant to the Ethics in Government Act are retained for the statutorily required six-year period, after which they are destroyed, unless needed in an ongoing investigation.

b. Confidential Financial Disclosure Reports filed pursuant to Board regulation are maintained indefinitely.

c. Outside Business Interest Applications are maintained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Board Ethics Official
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

NOTIFICATION PROCEDURE:

a. Requests for access to Financial Disclosure Reports filed pursuant to the Ethics in Government Act are to be submitted on the form provided by the Office of Government Ethics.

b. Individuals wishing to have access to their own Confidential Financial Disclosure reports or Outside Business Interest Applications should contact the System Manager above.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to or to correct information maintained about them in this system of records should contact the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth and social security number.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Board of Governors of the Federal Reserve System, December 8, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-35604 Filed 12-11-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; the Securities Group

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Securities Group is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets and voting securities of Jartran, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of

Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580; (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–35741 Filed 12–11–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; MGF Oil Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: MGF Oil Corp. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Griffin Petroleum Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–35742 Filed 12–11–81; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee Respirator Research Subcommittee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Respirator Research Subcommittee of the Mine Health Research Advisory Committee
Date: January 4–5, 1982
Time: 8:30 a.m. to 4:30 p.m.
Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Type of Meeting: Open
Contact Person: Jon R. May, Ph.D., Special Assistant to the Director (for Testing and Certification), National Institute for Occupational Safety and Health, Centers for Diesase Control, 5600 Fishers Lane, Room 8A–53, Rockville, MD 20857, Telephone: (301) 443–3680
Purpose: To discuss and obtain comments relevant to the advantages and disadvantages of in-house versus external testing of respirators.

The Mine Health Research Advisory Committee (MHRAC) was established by the Federal Mine Safety and Health Act of 1977. This legislation also provides the basis for the NIOSH/MSHA Respirator Certification Regulations under 30 CFR 11. The subcommittee, composed of members of the MHRAC, will provide a report to the full Committee that may contain a recommendation on NIOSH's role in testing and certification of respirators. Resource personnel from among the users of respirators will be invited to assist the subcommittee.

Viewpoints and suggestions from manufacturers and users of respirators, industry, organized labor, academia, other government agencies, and any other interested parties are invited. Interested parties wishing to participate in the meeting are requested to contact Dr. Jon May at the address above in order to be assured appropriate time for presentation. Four copies of the text of the presentation should be provided to the subcommittee chairperson, John B. Moran, Post Office Box 42, Boyds, MD 20841, prior to or at the subcommittee meeting.

The subcommittee will present its report on this subject to the MHRAC at their next meeting currently scheduled for February 1–2, 1982. The final subcommittee report, as approved by the MHRAC, will be available subsequent to the February meeting.

Dated: December 7, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81–35639 Filed 12–11–81; 8:45 am]

BILLING CODE 4160–19–M

Health Care Financing Administration

Medicare and Medicaid Programs; Omnibus Budget Reconciliation Act of 1981: Information Notice on Medicare and Medicaid Amendments

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice describes briefly some of the provisions of Title XXI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981) that affect eligibility, benefits, reimbursement, and administration of the Medicare and Medicaid programs.

We wish to bring to the attention of the public several provisions that are, in large part, self-explanatory and that are now or will soon become effective. Some of these provisions repeal or amend provisions contained in the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499, December 5, 1980).

By this publication, we wish to serve notice that these provisions will be implemented, on the dates indicated, even though specific regulations have not been promulgated. We will incorporate these provisions in regulations, manual instructions, and other materials as appropriate.

DATE: The effective date of each statutory provision is given in the "Supplementary Information" section of this document.

Since this notice merely contains a brief description of statutory changes and does not contain policy interpretations, we are not providing a specified period for receipt of comments. However, we welcome comments on any of these provisions.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health

and Human Services, P.O. Box 17073, Baltimore, Maryland 21235. In commenting, please refer to BPP–177–GN. We will consider all comments received in future review of the need for departmental legislative initiatives, regulations, or administrative actions.

FOR FURTHER INFORMATION CONTACT:
Sharon Harris (301) 594–9774.

SUPPLEMENTARY INFORMATION:

Background

On December 5, 1980, the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) was enacted. This Act made numerous substantive and technical changes in the administration of the Medicare and Medicaid programs. Many of the provisions of Pub. L. 96–499 have already gone into effect. We have issued instructions and other materials to State agencies, contractors, providers, and others affected by the provisions.

On August 13, 1981, the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) was enacted. Title XXI of this Act (the Medicare and Medicaid Amendments of 1981) repealed or amended some of the provisions contained in the Omnibus Reconciliation Act of 1980, added a variety of new provisions that expand efforts to control Federal expenditures in the Medicare and Medicaid programs, and increased State flexibility in administering State programs.

This notice describes briefly some of the provisions of the new legislation relating to the Medicare and Medicaid programs that are sufficiently complete and clear that we believe they can take effect without issuance of regulations. We believe it is advantageous to provide a brief summary of these provisions and give notice to program administrators, providers of services, beneficiaries, and the general public that they are being implemented. In each case, we will also incorporate these provisions in appropriate regulations or manual issuances, as appropriate, at a later date.

We have already published in the **Federal Register** regulations and notices on a number of other provisions of the 1981 Reconciliation Act. A listing of the subjects and the publication dates is included at the end of this notice for informational purposes. We will be issuing implementing materials (regulations, manual issuances, administrative instructions, etc.) on the remaining sections of the Act soon.

Summary of Specific Provisions

(The section numbers cited before each item refer to the provisions of the Omnibus Budget Reconciliation Act of 1981.)

1. Section 2106—Technical Corrections

This amendment restores a provision that was erroneously deleted by the Omnibus Reconciliation Act of 1980. As corrected, section 1833(a)(2) limits reimbursement for Medicare Part B services to the lower of the provider's customary charge or the reasonable cost of the covered services. Section 2106 also deletes a reference to section 1837(b) of the Social Security Act, which was repealed by the Omnibus Reconciliation Act of 1980, and corrects two other technical errors. (Section 1837(b) had prescribed a two-enrollment limitation for SMI beneficiaries.)

Amends: Sections 1833(a)(2), 1835(a)(2), 1838(b), and 1903(n) of the Social Security Act.

Effective: The restoration of section 1833(a)(2) and the technical corrections are effective retroactively to December 5, 1980, the date of enactment of the Omnibus Reconciliation Act of 1980. The deletion of the reference to section 1837(b) is effective April 1, 1981, the date that section was repealed.

2. Section 2121—Coverage of Alcohol Detoxification Facility Services

This amendment repeals the provision, added by the Omnibus Reconciliation Act of 1980, under which Medicare payment could be made for inpatient alcohol detoxification services furnished in free-standing facilities. It also deletes the requirement that we conduct a study of Medicare coverage of certain additional detoxification-related services.

Amends: Sections 1812(a), 1814(a)(2), 1861(u) and (bb), 1154(b), 1155, 1158, and section 931 of Pub. L. 96–499.

Effective: The statutory effective date of this provision is August 23, 1981. However, since no regulations or instructions were issued to implement the prior provision, no payments have been initiated or authorized.

3. Section 2122—Elimination of Occupational Therapy as a Basis for Initial Entitlement to Home Health Services

This amendment eliminates occupational therapy as a qualifying criterion for initial entitlement to home health services benefits. (The Omnibus Reconciliation Act of 1980 had added occupational therapy to the previously existing list of qualifying conditions—skilled nursing care and physical and speech therapy.) However, an individual who has otherwise qualified for home health benefits on the basis of his need for skilled nursing care, speech therapy, or physical therapy may have payment extended solely because of a continuing need for occupational therapy.

Amends: Sections 1814(a)(2)(D) and 1835(a)(2)(A) of the Social Security Act.

Effective: The amendment is effective with plans of treatment implemented for the first time on or after December 1, 1981. A benficiary receiving home health care under a continuous plan of care implemented before December 1 remains eligible for home health benefits after that date, subject to other applicable requirements, even if occupational therapy was the only qualifying condition for such plan of care.

4. Sections 2131 and 2132—Medicare Part A Deductible and Coinsurance

• Medicare Part A inpatient hospital coinsurance (the amount charged to a beneficiary for each day after the first 60 days of inpatient hospital care during a spell of illness) is, by statute, based on a fraction of the inpatient hospital deductible. The deductible itself is increased each calendar year. Prior to passage of the Omnibus Budget Reconciliation Act of 1981, the formula for coinsurance used the deductible that was in effect at the time the beneficiary's spell of illness began. Section 2131 changes this to base the coinsurance on the deductible in effect on the date inpatient hospital services or posthospital extended care services are furnished.

Amends: Section 1813(b)(2) of the Social Security Act.

Effective: The amendment is effective for Part A inpatient hospital services or posthospital extended care services furnished on or after January 1, 1982.

• Section 1813(b)(2) of the Social Security Act requires us to adjust the Medicare Part A inpatient hospital deductible each year to reflect changes in the average cost of hospital care. The amount of the adjustment is determined by multiplying a base figure of $40 by the ratio of the current average per diem rate for inpatient hospital services for the preceding calendar year to the average per diem rate for the inpatient hospital services for 1966. This results in the inpatient hospital deductible being increased each year by about the same percentage as the increase in the average Medicare daily hospital costs. Section 2132 of the new law increases the base figure of $40 to $45. The formula is otherwise unchanged. Under the amendment, the inpatient hospital deductible for 1982 will be $260.

Amends: Section 1813(b)(2) of the Social Security Act.

Effective: This amendment applies to inpatient hospital services furnished on or after January 1, 1982.

5. Section 2133—Carryover of Incurred Expenses in Meeting Medicare Part B Deductible

This amendment repeals the provision of current law that permits beneficiaries to count expenses incurred in the forth quarter of a calendar year in meeting the Medicare Part B deductible for the following year.

Amends: Section 1833(b) of the Social Security Act.

Effective: This amendment applies to the deductible for the calendar year 1982 with respect to expenses incurred on or after October 1, 1981.

6. Section 2134—Increase in Medicare Part B Deductible

This amendment increases the Medicare Part B annual deductible from $60 to $75.

Amends: Section 1833(b) of the Social Security Act.

Effective: January 1, 1982.

7. Section 2151—Elimination of Unlimited Open Enrollment

This amendment repeals the provision under the Omnibus Reconcilation Act of 1980 that provided for continuous open enrollment under Medicare Part B. It also reinstitutes the prior provision for an annual general enrollment period of January through March of each calendar year.

Amends: Section 1837(e) and (g)(3), 1838(a)(2)(E), and 1839(d) of the Social Security Act.

Effective: October 1, 1981.

8. Section 2152—Utilization Guidelines for Home Health Services

This amendment provides for the establishment of utilization guidelines for determining whether or not payment may be made for home health services under Medicare Parts A and B. (There is authority under existing HCFA regulations to implement this provision. We will issue manual instructions to the Medicare intermediaries for a program of post-payment coverage review of submitted claims on a sample basis.)

Amends: Section 1862 of the Social Security Act by adding a new paragraph (f).

Effective: October 1, 1981.

9. Section 2153—Repeal of Statutory Time Limitation on Provider Agreement With Skilled Nursing Facilities

This amendment eliminates the requirement that an agreement between the Secretary and a skilled nursing facility cannot exceed 12 months. In addition, by implication, this eliminates the need to conduct annual surveys of these facilities for recertification.

Amends: Section 1866(a)(1) of the Social Security Act.

Effective: The statutory effective date is August 13, 1981. Current agreements are not affected. When a facility's current agreement expires, we will decide whether to extend the agreement on an indefinite basis or on a time-limited basis.

10. Section 2155—Elimination of Periodic Interim Payment Delay

This amendment repeals the provision of the Omnibus Reconciliation Act of 1980 that provided for a temporary delay in periodic interim payments (PIP) to providers.

Amends: Section 959 of the Omnibus Reconciliation Act of 1880.

Effective: August 13, 1981.

Provisions For Which Regulations or Notices Have Already Been Published

We have already issued interim final regulations, propose rules, and notices in the **Federal Register** on the following provisions of the 1981 Reconciliation Act:

Federal Register, September 30, 1981, Vol. 46, No. 189 (All are interim final rules except where indicated.)

- Section 2143, Medicare: Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs (General Notice).
- Section 2144, Medicare: Schedule of Limits on Home Health Agency Costs Per Visit, Effective 10/1/81 (General Notice).
- Section 2161, Medicaid—Reduction in Federal Matching Payments to States for FY 1982–1984; and Offset Based on Third Party Liability Recoveries Against Reduction in Medicaid Payments (Notice of Proposed Rulemaking) (2 documents).
- Sections 2171 and 2172, Medicaid Eligibility and Coverage Criteria.
- Section 2173, Payment for Long-Term Care Facility Services and Inpatient Hospital Services.

Federal Register, October 1, 1981, Vol. 46, No. 190, Book 2 (All are interim final regulations.)

- Sections 2103 and 2164, Medicare and Medicaid—Less than Effective Drugs and Inpatient Hospital Tests.
- Sections 2111, 2112, and 2113, Professional Standards Review; Professional Standards Review Organizations.
- Section 2141, Medicare—Inpatient Routine Nursing Salary Cost Differential.
- Sections 2162, 2174, 2182, and 2183. Miscellanous Medicaid Provisions—Increased State Flexibility (Reimbusement for Services of Practitioners and for Noninstitutional Services, Collection of Third Party Payments, Recertifications by Physicians Assistants and Nurse Practitioners, and Addition of Northern Mariana Islands to the States and Territories Participating in Medicaid).
- Section 2175, Medicard—Freedom of Choice: Waiver of and Exception to State Plan Requirements.
- Section 2176, Medicaid—Coverage of Home and Community Based Services.

(Secs. 2106, 2121, 2122, 2131–2134, 2151, 2152, 2153, and 2155 of the Omnibus Budget Reconcilation Act of 1981, Pub. L. 97–35)

Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Programs: No. 13.773: Medicare—Hosppital Insurance Program; and No. 13.774, Medicare—Supplementary Medical Insurance Program.

Dated: November 12, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 7, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-35583 Filed 12-11-81, 8:45 am]

BILLING CODE 4120-03-M

Health Resources Administration

National Advisory Council on Health Professions Education; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1982:

Name: National Advisory Council on Health Professions Education

Date and Time: January 18, 1982, 1:30 p.m.–5:00 p.m.; January 19–20, 1982, 8:30–5:00 p.m.

Place: Conference Room 10, Building 31, C Wing, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open for entire meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The meeting will cover: welcome and opening remarks; report of the Acting Administrator; budget update; legislative update; criteria for selection of ad hoc

reviewers; use of national board scores; institutional commitment to funding of projects; basic educational opportunity grants; and future agenda items.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources Administration, Room 4–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6560.

Agenda items are subject to change as priorities dictate.

Dated: December 8, 1981.

Jackie E. Nylen,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-35528 Filed 12-11-81; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Health Maintenance Organizations; Continued Regulation; Reestablishment of Compliance

AGENCY: Public Health Service, HHS.

ACTION: Notice. Continued regulation of Health Maintenance Organizations: Reestablishment of Compliance.

SUMMARY: On November 13, 1981, the Office of Health Maintenance Organizations (OHMO) notified Community Health Care Center Plan, Inc., (CHCP), 150 Sargent Drive, New Haven, Connecticut 06511, a federally qualified health maintenance organization (HMO), that as of that date CHCP had successfully reestablished compliance with its assurance to the Secretary that it would maintain a fiscally sound operation.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On February 6, 1980, CHCP was officially notified that it was not in compliance with the assurance it had given the Secretary that it would maintain a fiscally sound operation as required by section 1301(c)(1)(A) of the Act. This determination, a notice of which was published at 45 FR 76798–9 on November 20, 1980, did not affect CHCP's status as a federally qualified HMO. Subsequently, CHCP implemented successfully corrective action to bring it into compliance with its assurances. On November 13, 1981, CHCP was notified by OHMO that, as of that date, it had reestablished compliance with its assurance to the Secretary that it would maintain a fiscally sound operation.

Dated: December 3, 1981.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-35634 Filed 12-11-81; 8:45 am]

BILLING CODE 4160-09-M

Health Maintenance Organizations; Continued Regulation; Determination of Noncompliance and Revocation of Federal Qualification

AGENCY: Public Health Service, HHS.

ACTION: Notice. Continued regulation of Health Maintenance Organizations: Determination of Noncompliance and revocation of federal qualification.

SUMMARY: On August 6, 1980, the Office of Health Maintenance Organizations (OHMO) determined that Health Maintenance of Oregon, Inc., (HMO, Inc.), P.O. Box 8471, Portland, Oregon 97207, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, (3) provide basic and supplemental health services in a manner which assures continuity of health care, (4) provide meaningful procedures for hearing and resolving grievances, and (5) establish an ongoing quality assurance program for its health services. On October 30, 1981, the Acting Director of OHMO notified HMO, Inc. that he was revoking their Federal qualification and this revocation became effective on November 17, 1981. Accordingly, HMO, Inc. is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of August 6, 1980, gave HMO, Inc. an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, (3) provide basic and supplemental health services in a manner which assures continuity of health care, (4) provide meaningful procedures for hearing and resolving grievances, and (5) establish an ongoing quality assurance program for its health services. The basis for the revocation of Federal qualification was OHMO's determination that HMO, Inc. had not carried out and would not carry out the corrective action necessary to return to compliance.

The effect of the revocation of the Federal qualification of HMO, Inc. is as follows: (1) HMO, Inc. may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including HMO, Inc. in the health benefits plan offered their employees, HMO, Inc. is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of HMO, Inc. in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) HMO, Inc. is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register**

Dated: December 3, 1981.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-35635 Filed 12-11-81, 8:45 am]

BILLING CODE 4160-09-M

Health Maintenance Organizations; Continued Regulation; Determination of Noncompliance and Revocation of Federal Qualification

AGENCY: Public Health Service, HHS.

ACTION: Notice. Continued regulation of Health Maintenance Organizations: Determination of noncompliance and revocation of federal qualification.

SUMMARY: On July 1, 1981, the Office of Health Maintenance Organizations (OHMO) determined that Southern Connecticut Community Health Plan, (SCCHP), 1010 Summer Street, Stamford, Connecticut 06905, a federally qualified health maintenance organization (HMO), was not incompliance with the assurances it had provided to the Secretary that it would maintain a fiscally sound operation. On November 9, 1981, the Acting Director of OHMO notified SCCHP that he was revoking SCCHP's Federal qualification and this revocation became effective on November 17, 1981. Accordingly, SCCHP is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of July 1, 1981, gave SCCHP an opportunity to initiate corrective action to bring it into compliance with the assurances that it would maintain a fiscally sound operation. The basis for the revocation of Federal qualification was OHMO's determination that SCCHP had not carried out and would not carry out the corrective action necessary to return to compliance.

The effect of the revocation of SCCHP's Federal qualification is as follows: (1) SCCHP may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including SCCHP in the health benefits plan offered their employees, SCCHP is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of SCCHP in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) SCCHP is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: December 3, 1981.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-35636 Filed 12-11-81, 8:45 am]

BILLING CODE 4160-09-M

Health Maintenance Organizations; Continued Regulation of Health Maintenance Organizations; Determination of Noncompliance and Revocation of Federal Qualification

AGENCY: Public Health Service, HHS.

ACTION: Notice. Continued regulation of Health Maintenance Organizations: Determination of noncompliance and revocation of Federal qualification.

SUMMARY: On September 23, 1981, the Office of Health Maintenance Organizations (OHMO) determined that Portland Metro Health, Inc., (PMHI), 8840 S.W. Canyon Road, Portland, Oregon 97225, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. On November 13, 1981, the Acting Director of OHMO notified PMHI that he was revoking PMHI's Federal qualification and this revocation became effective on November 20, 1981. Accordingly, PMHI is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of September 23, 1981, gave PMHI an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. The basis for the revocation of Federal qualification was OHMO's determination that PMHI had not carried out and would not carry out the corrective action necessary to return to compliance. Portland Metro Health, Inc. is now in liquidation pursuant to Oregon State statute and has not provided health care services, as required by Title XIII of the Public Health Service Act, since November 14, 1981.

The effect of the revocation of PMHI's Federal qualification is as follows: (1) PMHI may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including PMHI in the health benefits plan offered their employees, PMHI is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of PMHI in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) PMHI is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: December 3, 1981.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-35637 Filed 12-11-81; 8:45 am]

BILLING CODE 4160-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1104]

President's Commission on Housing; Schedule of Meetings

The President's Commission on Housing announces a tentative schedule of meetings of the Commission and its Committees, through February 26, 1982 (Appendix A). A revised schedule will be published monthly but because of the possibility of changes between publications, persons interested in attending the meetings should call the Commission offices to confirm the date, location and time of each meeting. All Commission and Committee meetings are open to the public.

Further information may be obtained by calling Jean M. Freeze, President's Commission on Housing, 730 Jackson Place N.W., Washington, D.C. 20503, (202) 395-5832.

(Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C., December 9, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

Appendix A—Tentative Schedule of Meetings Through Feb. 26, 1982

Date	Commission/committee	Place	Time
Monday, December 14 and Tuesday December 15.	Committee on Government Regulation and the Cost of Housing—Hearings.	Conf. Rm., fourth floor, City Hall Annex, 900 Bagby Street, Houston, Texas	9:00 a.m.
Wednesday, December 16	Committee on Housing Programs—Assisted Housing Task Force—Hearings	NEOB, Room 2008, Washington, D.C.	Do.
Thursday, January 7	Full commission meeting	do	Do.
Friday, January 29	do	do	Do.
Tuesday, February 16	do	do	Do.
Friday, February 26	do	do	Do.

[FR Doc. 81-35786 Filed 12-11-81, 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 3, 1981. Waiver of the 15-day public commenting period following this publication is necessary for the Oregon nominations listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Oregon's Historic Property Tax Law of 1975 (ORS 358.475), which provides that owners of properties entered into the National Register of Historic Places, including those properties which have been designated as contributing features of historic districts, may apply for special assessment status—a freeze of the assessed valuation for a 15-year period. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properties.

Bruce MacDougal,

Acting Keeper of the National Register.

OREGON

Benton County

Corvallis, *Hadley-Locke House*, 704 NW. 9th St.

Jackson County

Ashland, *Carter-Fortmiller House*, 514 Siskiyou Blvd.

Medford, *West Side Feed and Sale Stable*, 29 S. Grape St.

Marion County

Salem, *Bush and Brey Block and Annex*, 179—197 Commercial St., NE.

Salem, *Cross, Curtis, House*, 1635 S. Fairmount Ave.

Salem, *Harding, Benjamin F., House*, 1043 High St., SE.

Salem, *Jones-Sherman House*, 835 D St., NE.

Salem, *Minto, John and Douglas, Houses*, 841, 835 and 821 S. Saginaw St.

Stayton, *Paris Woolen Mill*, 535 E. Florence St.

Multnomah County

Portland, *Dayton Apartment Building*, 2056—2058 NW. Flanders St.

[FR Doc. 81-35746 Filed 12-11-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 4, 1981. Waiver of the 15-day public commenting period following this publication is necessary for the Alabama nomination(s) listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Alabama's Historic Preservation Authorities Act of 1979, (Act 79-441 and 80-366), which provides that owners of properties entered into the National Register of Historic Places be eligible for tax-exempt bond financing through locally established historic preservation authorities. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properties.

Bruce MacDougal,

Acting Keeper of the National Register.

ALABAMA

Madison County

Huntsville, Vaught House, 701 Ward Ave.

Montgomery County

Montgomery, *Bell Building*, 207 Montgomery St.

[FR Doc. 81-35747 Filed 12-11-81; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will meet in Washington, D.C. on Tuesday, December 15, and Wednesday, December 16 in order to attend to urgent matters. The meetings will be closed to the public because they will involve a discussion of sensitive security information (5 U.S.C. 552b(c)(1)). There also will be a discussion and preparation of the commission's pending report to the Congress, the President, the Secretary of State, and the Director of the International Communication Agency. Premature disclosure of this information is likely to significantly frustrate implementation of proposed Agency action (5 U.S.C. 552b(c)(9)(B)) because there will be a discussion of future Agency policy and programs.

Dated: December 9, 1981.
Charles Z. Wick,
Director.
[FR Doc. 81-35785 Filed 12-11-81; 8:45 am]
BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Award of Bonuses to Senior Executives

The ICC announces that it plans to award bonuses to Senior Executive Service members on or about December 28, 1981.

For further information contact: J. Warren McFarland, Director, Office of Compliance and Consumer Protection, Interstate Commerce Commission, 12th and Constitution Ave., N.W., Washington, DC 20423, (202) 275-7849.

By the Commission, William R. Johnson, Managing Director
Agatha L. Mergenovich,
Secretary.
[FR Doc. 81-35594 Filed 12-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-2-235A]

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absense of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: December 4, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.
Agatha L. Mergenovich,
Secretary.

MC-F-14733, filed November 4, 1981. HAROLD E. ANTONSON AND MICHAEL E. KIBLER (Applicants) (both of 7336 W. 15th Ave., Gary, IN 46406)—continuance in control—Eastern Refrigerated Express, Inc. (Eastern), (same address as above). Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603, (312) 263-1600. Applicants seek authority to continue in control of Eastern upon the institution by Eastern of operations, in interstate or foreign commerce, as a motor common carrier. Applicants, each own 45% of Eastern's stock, seek to acquire control of said rights and property through the transaction. Applicants, non-carriers, also control Enterprise Truck Line, Inc., which holds authority issued by the Commission in Docket No. MC-123194 and subs thereto, and Southern Refrigerated Transportation Co., which holds authority under Docket No. MC-119792 and subs thereto, and MC-145454 and subs thereto. Such common control was approved in MC-F-13676.

Note.—Eastern has filed as a directly related application its initial common carrier application, docketed MC-153703, published in this same **Federal Register** issue

[FR Doc. 81-35600 Filed 12-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Long-and Short-Haul Application for Relief (Formerly Fourth Section Application)

December 9, 1981.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

No. 43948, Southwestern Freight Bureau, Agent (No. B-142), reduced rates on iron or steel pipe and related articles from Centaur, MO to stations in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, in Supplement 309 to its tariff ICC SWFB 4853, effective December 28, 1981. Grounds for relief—Origin Rate Relationships.

By the Commission.
Agatha L. Mergenovich,
Secretary.
[FR Doc. 81-35799 Filed 12-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-2-235]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special

Rule 252 of the Commission's general rules of practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Decided: December 4, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 153703, filed November 4, 1981. Applicant: EASTERN REFRIGERATED EXPRESS, INC., 7336 W. 15th Ave., Gary, IN 46406. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by grocery stores, drugstores, food business houses, and department stores, between points in IL, IN, MI, OH, and WI, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC.

Note.—This application is directly related to MC–F–14733 published in the same Federal Register issue.

[FR Doc. 81–35601 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 207]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 8, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 475 (Sub-7)X, filed November 24, 1981. Applicant: WYMORE TRANSFER CO., P.O. Box 448, Oregon City, OR 97045. Representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, OR 97201. Lead and Subs 1, 4F, and 6F: (1) broaden general commodities (with exceptions) to "general commodities (except classes A and B explosives, and commodities in bulk)", lead; (2) allow service at all intermediate points, lead and Sub 1; and (3) change one-way to radial authority, Subs 4F and 6F.

MC 6380 (Sub-11)X, filed November 20, 1981. Applicant: R. F. TRUESDELL, INC., 6515 Anno Ave., Orlando, FL 32809. Representative: Paul M. Daniell, Suite 1200, 235 Peachtree St., N.E., Atlanta, GA 30303. Subs 4, 6 and 10 permits: Broaden to (1) "such commodities as are used by or dealt in by manufacturers of paper and paper products" from pulpboard, fibreboard boxes, plain or woodcleated; paper and paper products, except printing or fine papers; and/or corrugated and solid fibre boxes or containers, plain or wood reinforced, and returned shipments, all Subs; and (2) "between points in the U.S., (except AK & HI)" under continuing contract(s) with a named shipper.

MC 19227 (Sub-257)X, filed November 25, 1981. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, Miami, FL 33152. Representative: Robert F. McCaughey (same as applicant). Lead and Subs 1, 43, 44, 54, 68, 75, 77, 78, 80, 82, 84, 86, 88, 90, 107, 109, 111, 112, 114, 116, 118, 119, 121, 122, 123, 124, 127, 133, 135, 148, 152, 154, 155, 160, 164, 165, 167, 168, 173, 176, 177, 190, 192, 194, 195, 196, 198, 200, 202G, 204, 205, 206, 222, 223, 227, 228, 231, 234, 235, 236, 238, 241F, 242F, 243F, 244F, 246F, 248F, 249F, 250F, 251F, and 252 certificates and E–letters E–1, E–2, E–3, E–4, and E–6 letter notices: (A) broaden the commodity description to: (1) "metal products, machinery, transportation equipment, and lumber and wood products" from structural steel, contractor's equipment, and machinery, concrete and metal culverts, tanks, farm equipment and machinery, pilings and poles, and road building equipment, lead (part 5); (2) "food and related products"

from vegetables and citrus fruits, lead (part 7) and fresh meats, poultry, canned meats, canned animal foods, butter, cheese, eggs, oleomargarine, lard, and vegetable oils or compounds, lead (part 8); (3) "mercer commodities, and those commodities which because of their size or weight require the use of special handling or equipment" from machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and

such commodities as require specialized handling or rigging because of size or weight in Sub 75; (4) "machinery, and transportation equipment" from forklift trucks and parts and accessories therefor when moving in connection therewith, Sub 77, and forklift trucks, platform trucks and warehouse trucks and parts and accessories therefor when moving in connection therewith, Sub 78; (5) "machinery and parts, materials, and supplies" from concrete handling equipment, and parts, materials, and supplies used in the construction, maintenance, and servicing, Sub 200; (6) "lumber and wood products" from lumber, Subs 86 and 133, lumber and lumber products, Sub 111 (part 3), and posts, poles, and piling and lumber, Sub 111 (part 4); (7) "those commodities which because of their size or weight require the use of special handling or equipment" from communications and transmission towers, and parts thereof when moving in connection with such towers, Sub 90, refuse disposal equipment, Subs 121, 122, 123, and 124, therapy pools, Subs 194, 195, 196, and 198, power control rooms, and switchgear, when moving in mixed loads with power control rooms, Sub 223, and rock crusher equipment, Sub 231; (8) "building materials, and metal products" from wall partition panels, panel core, and aluminum extrusions used in the construction of wall partitions and parts moving therewith, Sub 109; (9) "building materials" from composition board and composition sheets, Sub 111 (part 1), and gypsum wallboard, gypsum lath, and gypsum wallboard products, Sub 111 (part 2); (10) "metal products" from iron and steel articles, Subs 116 and 222, pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers, Sub 155, aluminum pipe and extrusions, Sub 176, iron and steel articles, and iron and steel scrap, Sub 204, aluminum, aluminum products, and supplies, materials, and equipment used in the manufacture of aluminum and aluminum products, and zinc and zinc alloys, Sub 227, iron and steel articles, Sub 238, metal roofing, metal siding, and fabricated metal products, materials, equipment, and supplies used in the manufacture and distribution of the commodities named, Subs 242F and 245F, and aluminum and aluminum products, and materials, equipment, and supplies used in the manufacture of the commodities named, Sub 243F; (11) "machinery, and those commodities which because of their size or weight require the use of special handling or equipment" from portable cement batching plants and related parts and supplies, Sub 148, and bronze propellers and accessories, and machinery, equipment, and parts used in the manufacture, assembly, and servicing of propellers, Sub 190; (12) "machinery" from machinery, equipment, and parts used in the construction, asembly, servicing, and operation of boats, ships, and submarines, and equipment, parts and supplies in Sub 152, material handling equipment and parts for material handling equipment, Sub 160, and air-conditioning machines, Sub 248F; (13) "rubber and plastic products" from plastic pipe, plastic tubing and plastic fittings, Subs 164, 165, and 167, and extruded or injection molded rubber and plastic products and materials, supplies, and equipment used in the manufacture, sale, and distribution of commodities named, Sub 241F; (14) "transportation equipment" from buses, Sub 205, and buses, weighing less than 15,000 pounds, Sub 206; and (15) "self-propelled articles" from self-propelled articles weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, lead (part 6), and Sub 202–G (part D) and E–1, E–2, E–3, E–4, and E–6; (B) remove plantsite restrictions, Subs 80, 82, 84, 111, 114, 118, 121, 122, 123, 124, 133, 134, 152, 160, 164, 167, 173, 177, 190, 194, 195, 196, 198, 200, 204, 222, 223, 227, 231, 235, 236, 238, 241F, 242F, 243F, 244F, 245F, 249F, and 251F; (C) change one-way to radial authority, lead and Subs 54, 77, 78, 80, 82, 84, 86, 90, 111, 112, 116, 121, 122, 123, 124, 133, 148, 154, 155, 160, 164, 165, 167, 168, 176, 177, 192, 194, 195, 196, 198, 200, 202G, 204, 205, 206, 222, 223, 231, 234, 236, 238, 241F, 242F, 244F, 245F, 246F, 248F, 249F, 250F, 251F; (D) replace city-wide with county-wide authority: Miami, FL and points within 10 miles thereof (Dade and Broward Counties), Fort Lauderdale, FL (Broward County), and Palm Beach and West Palm Beach, FL (Palm Beach County), lead; Miami, FL and points within 25 miles thereof (Dade and Broward Counties), Sub 1; Burbank, CA (Los Angeles County), Chula Vista, CA (San Diego County), and Marietta, GA (Cobb County), Sub 54; Patrick Air Force Base, Cape Canaveral, FL (Brevard County), Sub 68; Peoria, IL (Peoria County), and Danville, IL (Vermillian County), Sub 77; Cleveland, OH (Cuyahoga County), Sub 78; Culver City, CA (Los Angeles County), Sub 80; Louisville, KY (Jefferson County), Subs 82 and 84; Martell, CA (Amador County), and Standard, CA (Tuolumne County), Sub 86; Los Angeles, CA (Los Angeles County), Fullerton, CA (Orange County), Paramount, CA (Los Angeles County), and Charlotte, NC (Mecklenburg County), Sub 109; Newbury Park, CA (Ventura County), Chula Vista, CA (San Diego County), and Riverside, CA (Riverside County), Sub 112; Fort Worth, TX (Tarrant County), Sub 114; Corpus Christi, TX (Nueces County), Galveston, TX (Galveston County), and Houston, TX (Harris County), Sub 116; Bethpage, NY (Nassau County), Hicksville, and Syosset, NY (Nassau County), Calverton, Sag Harbor, and Wyandanch, NY (Suffolk County), and Stuart, FL (Martin County), Sub 118; Auburn, NY (Cayuga County), Sub 119; Sun Valley and Pico Rivera, CA (Los Angeles County), Subs 121, 122, 123 and 124; Yuma, AZ (Yuma County), Sub 127; Stockton, CA (San Joaquin County), Sub 133; Sunnyvale, CA (Santa Clara County), Los Angeles, CA (Los Angeles County), Amarillo, TX (Potter County), and Burlington, IA (Des Moines County), Sub 135; Pascagoula, MS (Jackson County), Sub 152; Swan, TX (Smith County), Sub 155; Fairfield, IA (Jefferson County), Sub 160; Houston, TX (Harris County), Subs 164, 165, and 167; Diboll, TX (Angelina County), and Pineland, TX (Sabine County), Sub 168; Los Angeles, CA (Los Angeles County), Louisville, KY (Jefferson County), Knoxville, TN (Knox County), and Arlington, TX (Tarrant County), Sub 173; El Campo, TX (Wharton County), Sub 176; Louisville, KY (Jefferson County), Sub 177; Pascagoula, MS (Jackson County), Sub 190; Springdale, AR (Washington County), Sub 192; Sun Valley, CA (Los Angeles County), Subs 194, 195, 196, and 198; Los Angeles, CA (Los Angeles County), Sub 200; Midlothian, TX (Ellis County), Sub 204; Downey, CA (Los Angeles County), Sub 205; Wilton, IA (Muscatine County), and Newport, MN (Washington

County), Sub 222; Houston, TX (Harris County), Sub 223; Olathe, KS (Johnson County), Sub 235; Houston, TX (Harris County), Sub 236; Irving, TX (Dallas County), Sub 241; Lancaster, PA (Lancaster County), Gridley, IL (McLean County), and Jackson, GA (Butts County), Sub 242; Idabel, OK (McCurtain

County), Sub 245; Santa Fe Springs, CA (Los Angeles County), Sub 246; Salisbury, NC (Rowan County), Sub 248; Stockton, CA (San Joaquin County), Sub 249; Sacramento, CA (Sacramento County), Sub 251; Keyport, WA (Kitsap County), Seal Beach, CA (Orange County), Travis Air Force Base, CA (Solano County), New London, CT (New London County), Charleston, SC (Charleston and Berkeley Counties), and Yorktown, VA (York County), Sub 252; Decatur, AL (Morgan County), Casa Grande, AZ (Pinal County), Long Beach, CA (Los Angeles County), Riverside, CA (Riverside County), Visalia, CA (Tulare County), Perris Valley, CA (Riverside County), Woodland, CA (Yolo County), Loveland, CO (Larimer County), Ocala, FL (Marion County), Plant City, FL (Hillsborough County), Peachtree City, GA (Fayette County), Jonesboro, GA (Clayton County), Boise, ID (Ada County), Twin Falls, ID (Twin Falls County), Morris, IL (Grundy County), St. Charles, IL (Kane County), Franklin, IN (Johnson County), Bicknell, IN (Knox County), McPherson, KS (McPherson County), Montevideo, MN (Chippewa County), St. Louis, MO (St. Louis, MO and St. Louis County), Hernando, MS (DeSota County), Dunkirk, NY (Chautaugua County), Reidsville, NC (Rockingham County), Cleveland, OH (Cuyahoga County), Tulsa, OK (Tulsa and Osage Counties), Checotah, OK (McIntosh County), Slayton, OR (Marion County), Bloomsburg, PA (Columbia County), Denison, TX (Grayson County), Mansfield, TX (Tarrant County), Spokane, WA (Spokane County), Ferndale, WA (Whatcom County), Marshfield, WI (Wood County), Chicago, IL (Cook County), Sub 227; (F) remove the originating at and/or destined to restriction, Subs 111, 114, 133, 135, 148, 190, 200, 227, and 244F; and (G) remove the restriction limiting or prohibiting service to the transportation of specified commodities: (1) size and weight commodities, Subs 44, 54, 82, 84, 107, 109, 112, 135, 152, 155, 177, 202G, and 236; (2) commodities such as boats, oilfield equipment, airplanes and airplane parts, Mercer commodities, panelboard, and etc., lead and Subs 43, 80, 88, 127, 155, 202G, and E–1, E–2, E–3, E–4, and E–6; (3) commodities in bulk and/or in tank vehicles, Subs 127, 152, 227, 241F, 242F, 243F, and 245F; (4) in shipper or U.S. Government owned trailers, Sub 65; (5) in drive-away or towaway service, Subs 121, 122, 123, 124, and 228; and (6) on trailers, lead and Sub 202G and E–1, E–2, E–3, E–4, and E–6.

MC 56640 (Sub-60)X, filed November 17, 1981. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Kirk Wm. Horton (same as applicant). Subs 22, 24, 25, 27, 31, 32, 42F, 43F, 44F, 45F, 46F, 48F, 49F, 50F, 51F, 52, 55, and 58 and MC–F–12875, F–13099 and F–13906: (1) broaden commodity descriptions from general commodities, with exceptions to (a) "general commodities" in Subs-22, 25, 27, 31, and 52, and F–12875; and (b) "general commodities (except classes A and B explosives)" in Subs-24, 32, 42F, 55 and 58, and F–12875, F–13099, and F–13906; (3) authorize service to all intermediate points in Subs 42F, 52, and 55; and in F–12875 between Goshen, OR and Weed, CA; between Portland, OR and Sacramento, CA; between Portland, OR and Tacoma, WA; between Tenino, WA and Tacoma, WA; and between Tacoma, WA and Seattle, WA; (3) remove restrictions: (a) against service between Portland, OR and points north of Salem, OR in Sub 58, (b) against service to or from Ash Meadows or Pahrump, NV and points within 10 miles of Pahrump in Sub 32, and (c) against off-route point service at portions of CA Hwy 140 and 58, between Willits and Novato, and between Napa and Middletown in Sub 22; (4) broaden territorial descriptions: Sacramento to Sacramento County, CA in Subs 44F and 45F; Markham, Aberdeen and Hoquiam to Grays Harbor County, WA in Subs 46F and 48F; Fairfield and Oakland to Solano and Alameda Counties, CA in Sub-49; Salinas to Monterey County, CA in Sub-50; and Merced to Merced County, CA in Sub-51; (5) eliminate facilities limitations in Subs-44F, 45F, 46F, 50F and 51F; (6) expand one-way to radial authority in Subs 44F, 45F, 46F, 48F, 49F, 50F, and 51F; and (7) remove the following restrictions: ex-rail in Sub-43F; originating at in Sub 50F; except newsprint in Sub-48F; except in bulk in Subs 46F and 49; and except frozen in Subs 44F and 49F.

MC 57393 (Sub-12)X, originally published October 16, 1981, republished this issue as corrected. Filed September 14, 1981. Applicant: WINTERS TRUCK LINE, INC., 2620—McCormick, Wichita, KS 67213. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203. Subs 9 and 10 and 7 (acquired in MC–F–13670): broadened (1) as previously noticed, and, in addition, (2) replace points within a nine mile radius of Cheney, KS, numerous missile sites and a named plantsite with Kingman, Reno, Sedgwick and Sumner Counties, KS, Sub 7, and (3) Liberal, KS to Texas and Beaver Counties, OK.

MC 113398 (Sub-17)X, filed November 24, 1981. Applicant: RUSSELL TRANSPORT, INC., P.O. Box 4, Ft. Collins, CO 80522. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Lead and Subs 11 and 14 broaden (1) to: "instruments and photographic goods; printed matter; rubber and plastic products; and incidental advertising material and materials equipment and supplies used in the manufacture and distribution of the commodities named above"; from motion picture films and incidental advertising materials and newspapers, lead and Sub 11; from motion picture films, film, photographs, and related advertising materials and supplies, Sub 14; from film and photograph, Sub 14, (2) to service at all intermediate points, lead, Subs 11 and 14 (regular routes portion) (3) off-route points to county-wide authority (a) lead, Curtis, NE to Frontier County, Grant, Wallace and Wauneta, NE to Perkins, Lincoln and Chase Counties, (b) Sub 14, Glen Rock, Douglas, Laramie, and Torrington, WY to Converse, Albany, and Goshen Counties; Ogalalla and Sidney, NE to Keith and Cheyenne Counties, (4) lead, on regular-route service to remove restrictions against (a) service at Scottsbluff, NE, (b) transportation of newspapers between points in CO, and (c) against delivery of motion picture film at Cheyenne, WY, and (5) remove in bulk restriction, Sub 14.

MC 118806 (Sub-78)X, filed November 25, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnipeg, Manitoba, Canada, R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Sub Nos. 21, 22 and 35. Broaden: in Sub 21, paper and strawboard to "pulp, paper and related products" and wood pulp poles, posts and wood products and materials and supplies used in the manufacture of wood products (except commodities in bulk) to "lumber and wood products"; in Sub 22, fiberglass products to "clay, concrete, glass or stone products"; in Sub 35, sheet steel, castings, pipe and tubing, and wheels and hubs to "metal products", and recreational vehicles to "transportation equipment"; to radial service in all Subs; ports of entry at Noyes and Middleboro, MN, Pembina and Dunseith, ND to all ports of entry in MN and ND in Subs 21 and 22, and port of entry at Noyes, MN to all ports of entry in MN in Sub 35.

MC 134049 (Sub-1)X, filed November 27, 1981. Applicant: TRI-STATE TRANSIT, INC., Dress Regional Airport, Evansville, IN 47711. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead certificate:

(1) Broaden to city-wide and county-wide authority: Indianapolis, IN, and Vanderburgh County, IN (Weir Cook Airport-Indianapolis and Dress Memorial Airport-Evansville), and (2) Remove "prior or subsequent movement by air" restriction.

MC 139615 (Sub-39)X, filed November 24, 1981. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Sub-Nos. 6, 8, 10, 12F, 19F, 20F, 21F, 26F, 27F, 30F, 32F, 33F, and 35F to (1) eliminate all commodity in bulk and in bulk and in tank vehicles restrictions in Sub-Nos. 6, 10, 12F, 19F, 20F, 26F, 27F, 33, 30F; (2) eliminate the "facilities of" restrictions in Sub-Nos. 10, 12F, 19F, 20F, 21F, and 32F; (3) authorize radial authority in Sub-Nos. 8, 12F, 19F, 20F, 21F, 26F, 27F, 32F, and 33F; (4) broaden the commodity descriptions from fire hydrants, valves, and castings, and parts, accessories, materials, and supplies used in the manufacture, distribution & installation thereof, to "metal products and machinery" in Sub-No. 6; from plastic pipe in Sub-No. 8; and from plastic, plastic articles, plastic pipe tubing, fittings, connections and materials, supplies and accessories in Sub-No. 10; to "rubber and plastic products" from plastic pipe, fittings, valves, and hydrants, and materials and supplies used in the manufacture and installation of the foregoing commodities to "rubber and plastic products, metal products, and machinery" in Sub 12F: from pipe, pipe fittings, valves, and hydrants, and materials and supplies used in the installation thereof to "metal products, machinery, rubber and plastic products" in Sub-Nos. 19F, 20; from sewage treatment plants, aerators, and lift stations, and materials, supplies, and accessories used in the manufacture, distribution and installation thereof, to "machinery" in Sub-No. 21F; from trusses and materials and supplies used in the manufacture, construction & distribution of agricultural and commercial buildings, to "lumber and wood products and metal products" in Sub-No. 26F; from silica sand to "nonmetallic minerals" in Sub-No. 27F; from agricultural limestone and gypsum and materials and supplies used in the manufacture and distribution thereof, to "nonmetallic minerals and clay, concrete, glass and stone products" in Sub-No. 30F; from lumber, lumber products, wood products, and forest products, to "lumber and wood products and forest products" in Sub-No. 32F; from lumber and materials and supplies used in the manufacture and distribution of windows, sliding glass doors, folding doors and partitions to "lumber and wood products and furniture and fixtures" in Sub-No. 33F; and from agricultural equipment, and implements, industrial and construction equipment, drainage systems, stump cutter, log splitters, log choppers, and tree spades, parts, attachments, and accessories, and iron and steel articles and equipment, materials, and supplies used in the manufacture, sale and distribution thereof, to "metal products, machinery, lumber and wood products, and transportation equipment" in Sub-No. 35F; and (5) replace cities to country-wide authority, Mahaska County, Iowa, for Oskaloosa, Iowa, in Sub-Nos. 6 and 26F; Jefferson County, Iowa, for Fairfield, Iowa, in Sub-No. 8; Jasper and Poweshiek Counties, Iowa for Grinnell, Iowa, and Phelps County, Missouri, for Rolla, Missouri, in Sub-No. 10; Upshur County, WV, for Buckhannon, WV, in Sub-No. 12F; Jefferson, Shelby, and Saint Clair Counties, AL, for Birmingham, AL, in Sub-No. 19; Boone, County, MO for Columbia, MO in Sub-No. 20F; Boone County, KY, for Richwood, KY, in Sub-No. 21F; Ogle County, IL, for Oregon, IL, in Sub-No. 27F; Marion and Mahaska Counties, IA, for Pella, IA, in Sub-No. 35F; and (6) delete originating at or destined to restrictions in Sub-Nos. 8, 10, 32.

MC 145950 (Sub-97)X, filed November 17, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Subs 3F, 7F, 12F, 21F, 24F, 23F, 39F, 42F, 62F, 71F, 72F, 75F, 76F, 77F, 79F, 81F and 86F broaden (1) from (a) rubber articles, plastic articles, and rubber products, and plastic products, Sub 3, laminated sheet plastic, Sub 7 and tires, Sub 62 to "rubber and plastic products"; (b) chemicals, plastics, and plastic articles to "chemicals and related products", Sub 12F; (c) copper chemicals, Sub 21 chemicals and proprietary antifreeze, Sub 39 liquid plastic, Sub 36 synthetic lubricating oils, Sub 75 cleaning compounds, Sub 77 and titanium and titanium materials to "chemicals and related products," Sub 86, (d) glass products and clay and clay products to "clay, concrete, glass or stone products," metal products to "metal products," plastic products to "rubber and plastic products," feldspar and talc to"ores and minerals", and molds and machinery used in the manufacture of glass products, and bottle coating systems to "machinery", Subs 24F and 71F; (e) plastic articles and burlap articles to "rubber and plastic products and textile mill products", Sub 42F; (f) wheels and tires to "metal products and rubber and plastic products", Sub 79F; and (g) feldspar and talc products to "ores and minerals", Sub 81F (part E); (2) remove facilities limitation (a) in Sub 76, and replace (b) Irving, TX with Dallas and Tarrant Counties, Sub 3, (c) Temple, TX with Bell County, Sub 7, (d) Mankato, MN with Blue Earth County; Newark, OH with Licking County; Clinton, MA with Worcester County; Morris and Mapleton, IL with Grundy and Peoria Counties, Sub 12; (e) Flat River, MO with St. Francois County, Sub 24, (f) Austin, TX with Travis County, Sub 36, (g) Houston, TX with Harris, Brazoria, Galveston, Chambers, Liberty, Ft. Bend, and Montgomery Counties, Subs 21 and 29, (h) Austin, TX with Travis County; and Port Neuches, TX with Jefferson and Orange Counties, Sub 39, (i) Atlanta, GA with Fulton, Clayton, KeKalb, Cobb and Gwinnett Counties, Sub 42, (j) Waco, TX with the McLennan County, Sub 62, (k) Centralia, IL with Marion County, Sub 71, (1) Des Plaines, IL with Lake and Cook Counties, Sub 72, (m) Bayonne and Bayway, NJ with Hudson, Essex, Bergen and Union Counties, NJ and Richmond, New York and King Counties, NY; Baton Rouge, LA with East Baton Rouge, West Baton Rouge, Iberville, Ascension, and Livingston Parishes; Baytown, TX with Harris and Chambers Counties; Pittsburgh, PA with Allegheny and Washington Counties, Sub 75, (n) Glendale, CA with Los Angeles County, Sub 79, (o) Springfield, KY with Washington County, Sub 81, (3)(a) Sub 7, Seattle, WA to King, Snohmish and Piere Counties; San Francisco, CA to Marin, San Francisco, San Mateo and Alameda Counties; Los Angeles, CA to Los Angeles, Orange and Ventura Counties; Denver, CO to Denver, Arapahoe, Adams, Jefferson, Boulder and Douglas Counties; Detroit, MI to Wayne, Monroe, Oakland and Macomb Counties, Grand Rapids, MI to Kent and Ottawa Counties; Boston, MA to Suffolk, Essex, Middlesex, Norfolk and Plymouth Counties; Pennsauken, NJ to Camden County; Atlanta, GA to Fulton, Clayton, DeKalb, Cobb and Gwinnett Counties; Miami, FL to Dade and Broward Counties; Kenyon, MN to Goodhue County; Salt Lake City, UT to Salt Lake and Davis Counties; Phoenix, AZ to Maricopa and Pinal Counties, and (b) Sub 77, Union City, CA to Alameda County; (4) remove originating at and/or destined to, in bulk, and in tank vehicles restrictions in various subs, and (5) to radial authority in Subs 3, 7, 21, 36, 39, 42, 62, 77 and 79.

MC 147435 (Sub-1)X, filed November 27, 1981. Applicant: CRONIN TRANSPORT LIMITED, Post Office Box 54, Dublin, Ontario, Canada, NOK 1EO. Representative: John Guandolo, Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Building, Washington, DC 20036. Lead. Broaden: general commodities, with exceptions, in containers, to "general commodities (except classes A and B explosives)"; remove in foreign commerce traffic restriction; replace ports-of-entry at Detroit and Port Huron, MI and Buffalo, NY on the Niagara River with ports of entry in MI and NY; and Detroit with Wayne, Macomb, Monroe, and Oakland Counties, MI, Port Huron with St. Clair County, MI and Buffalo with Erie and Niagara Counties, NY.

MC 150267 (Sub-12)X, filed November 27, 1981. Applicant: MCARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705. Lead and Subs 1, 2, 5, 8, 9, and 11: (1) eliminate plantsite restrictions, lead and Subs 1, 5, 8, 9, and 11; (2) change one-way to radial authority, lead and Subs 1, 2, 5, 8, 9, and 11; (3) broaden the commodity descriptions to "food and related products" from (a) meats, meat products and meat by-products, and articles distributed by meat-packing houses (except hides and commodities in bulk), lead and Subs 2, 5, 8, 9, and 11 (Parts 4, 5 and 7); (b) bacon, Subs 1 and 11 (Part 3); (c) frozen donuts, Sub 11 (Part 1); (d) frozen foodstuffs, Sub 11 (Part 2); and (e) natural cheese, cheese products, and cheese packaging materials, Sub 11 (Part 5); (4) change cities to county-wide authority: (a) lead, Joslin, IL and Davenport, IA (Rock Island County, IL and Scott County, IA); (b) Subs 1 and 11 (Part 3), Bloomington, IL and Washington Court House and Dayton, OH (McLean County, IL and Fayette and Montgomery Counties, OH); (c) Sub 2, Worthington and Albert Lea, MN (Nobles and Freeborn Counties, MN), Clinton and St. Louis, MO (Henry and St. Louis Counties, MO and the city of St. Louis, MO; Kansas City, KS (Johnson, Leavenworth and Wyandotte Counties, KS and Jackson, Clay and Platte Counties, MO), and Omaha, NE (Douglas, Sarpy and Washington Counties, NE); (d) Sub 5, Dubuque, IA (Dubuque County, IA, Jo Daviess County, IL and Grant County, WI); (e) Sub 8, Madison, WI (Dane County, WI); (f) Sub 9, Dakota City, NE and Ft. Dodge, IA (Dakota County, NE and Webster County, IA); (g) Sub 11 (Part 1), Cincinnati, OH (Hamilton County, OH and Boone, Campbell and Kenton Counties, KY); (h) Sub 11 (Part 2), Omaha, NE (Douglas, Sarpy and Washington Counties, NE); (i) Sub 11 (Part 4), Green Bay, Eau Claire and Chippewa Falls, WI (Brown, Eau Claire and Chippewa Counties, WI); (j) Sub 11 (Part 5), Hyde Park, UT (Cache County, UT); (k) Sub 11 (Part 6), Albert Lea, MN (Freeborn County, MN), and Cedar Rapids, Cherokee and Des Moines, IA (Linn, Cherokee, Polk and Warren Counties, IA); and (l) Sub 11 (Part 7), Cherokee, IA (Cherokee County, IA); and (5) remove the "originating at and/or destined to" restriction, Subs 1, 5, 8, 9 and 11.

MC 150601 (Sub-4)X, filed November 27, 1981. Applicant: MCBURNEY TRANSPORT LIMITED, P.O. Box 427, Hagersville, Ontario, CD N0A 1H0. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Sub 1F permit: (1) Broaden to "ores and minerals; clay, concrete, glass or stone products; forest products; farm products; non-exempt horticultural products; ordnance and accessories and chemicals and related products" from peat moss, humus and soil; marble chips and decorative stone and kitty litter; bark; manure; horticultural products; explosives and explosive ingredients; and, (2) Broaden to "between points in the U.S. under contract(s) with unnamed shippers.

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BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docked and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-172

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159561 (Sub-1-1TA), filed December 4, 1981. Applicant: D.R.C. TRUCKING, P.O. Box 592, Depot Road, Kingston, NH 58102. Representative: Mark S. Gearreald, Esq., Shute, Engel & Morse, P.A., P.O. Box 278, Exeter, NH 03833. *Lumber and lumber products,* between Kingston, NH, and all points in ME, VT, MA, RI, CT and NY under continuing contract(s) with Northland Forest Products, Inc., of Kingston, NH. Supporting shipper: Northland Forest Products, Inc., Box 369, Kingston, NH 03848.

MC 143480 (Sub-1-1TA), filed December 4, 1981. Applicant: R. BROWN & SONS, INC., 11 Canyon Estates Drive, Colchester, VT 05446. Representative: Robert B. Brown (same as applicant). *Contract carrier;* irregular routes: *Manufactured wood products,* from Fairfax, VT to Long Island, NY, New York City, NY and its Commercial Zone, under continuing contract(s) with Spartan Industries, Inc., of Fairfax, VT. Supporting shipper: Spartan Industries, Inc., Fletcher Road, Fairfax, VT 05454.

MC 159410 (Sub-1-1TA), filed December 4, 1981. Applicant: LEWISTON TRUCKING CO., INC., 4746 Model City Road, Model City, NY 14107. Representative: William J. Hirsch, P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Rutile and zircon sand,* between ports of entry on the International Boundary line between the US and CA, located on the Niagara River, on the one hand, and, on the other, points in Niagara Falls, NY. Supporting shipper: TAM Ceramics, Inc., 4511 Hyde Park Blvd., Niagara Falls, NY 14304.

MC 152420 (Sub-1–2TA), filed December 4, 1981. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Road, Wellesley, MA 02181. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Such commodities as are sold in drug, chain, discount and department stores and materials, supplies and equipment related thereto* between points in ME, NH, MA, VT, RI and CT. Supporting Shipper(s): Libbey Glass Division of Owens-Illinois, P.O. Box 919, Toledo, OH 43693; Ferris Associates, 393 'D' Street, South Boston, MA 02210; Luxury Living Group, Inc.; 456 Medford Street, Charlestown, MA; Building #19, Inc., 319 Lincoln Street, Hingham, MA 02043; Touraine Paint, Inc., 1760 Revere Beach Parkway, Everett, MA 02149.

MC 145108 (Sub-1–20TA), filed December 4, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same as applicant). *Contract carrier:* irregular routes: *Rubber and plastic products* between points in the U.S. (except AK and HI) under continuing contract(s) with Alpha Chemical and Plastic Corporation of Newark, NJ. Supporting Shipper: Alpha Chemical & Plastic Corp., One Jabez Street, Newark, NJ 07105.

MC 140950 (Sub/1–3TA), filed November 27, 1981. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothesay, P.O. Box 2332, Station C, St. John, New Brunswick, CD. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Beer* from points on the US/CD border at Houlton and Calias, ME, Detroit, MI, and Buffalo, NY to Norwood, Fairhaven, Lawrence and Marlborough, MA, under continuing contract(s) with United Liquors, Ltd. of West Roxbury, MA. Supporting Shipper: United Liquors, Ltd., 99 Rivermoor Street, W. Roxbury, MA 02132.

MC 140950 (Sub-1–4TA), filed November 30, 1981. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothesay, P.O. Box 2332, Station C, St. John, New Brunswick, CD. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Beer* from points on the US/CD border in Houlton and Calias, ME, Buffalo, NY, and Detroit, MI, to points in AL, AR, AZ, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, VT, VA, WA, and WI under continuing contract(s) with Alliance Shippers, Incorporated, Willow Springs, IL. Supporting Shipper: Alliance Shippers, Incorporated, 8440 Archer Avenue, Willow Springs, IL 60480.

MC 159500 (Sub-1–1TA), filed November 30, 1981. Applicant: THE BRIDGE MFG. CO., INC., Randolph Street, P.O. Box 2404, Enfield, CT 06082. Representative: Donald C. Bridge (same as applicant). *Contract carrier:* irregular routes: *Building materials, products and supplies* from Perth Amboy, NJ and Philadelphia, PA to various points in CT and MA under continuing contract(s) with B.M.D. Cooperative Inc. of Springfield, MA. Supporting Shipper: B.M.D. Cooperative Inc., P.O. Box 397, Highland Station, 54 Oakdale Street, Springfield, MA 01109.

MC 159456 (Sub-1–1TA), filed November 27, 1981. Applicant: D & J MOTOR COMPANY, INC., Logan Airport, Boston, MA 02128. Representative: Hughan R.H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Steam, Generator, Turbine and Gear Products,* between points in the U.S. under continuing contract(s) with General Electric Company, Lynn, MA. Supporting shipper: General Electric Company, 1100 Western Avenue, Lynn, MA 01904.

MC 159532 (Sub-1–1TA), filed December 3, 1981. Applicant: M & M MOTOR FREIGHT CORP., River Road, P.O. Box 595, Utica, NY 13501. Representative: Herbert M. Canter, Esquire, Benjamin D. Levine, Esquire, 305 Montgomery Street, Syracuse, NY 13202. *(1) Such merchandise as is dealt in by department stores and mail order houses, and (2) Materials, equipment and supplies used in the conduct of such businesses* between Syracuse and Utica, NY, on the one hand, and, on the other, points in Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego and St. Lawrence Counties, NY. Supporting shipper(s): Sears, Roebuck & Co., Eastern Territorial Traffic Department, 4640 Roosevelt Boulevard, Philadelphia, PA 19132.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 158410 (Sub-3–1TA), filed November 27, 1981. Applicant: KARE-TRANS SYSTEMS, 2300 E. 28th Street, P.O. Box 2515, Chattanooga, TN 37407. Representative: Jon Soderlund (same address as applicant). *(a) Paper and Paper Products. (b) Rubber and Plastic Products.* between points in AL, GA and TN, on the one hand, and, on the other points in AL, DE, GA, IL, IN, KY, LA, NC, MS, OH, PA, SC, TN and VA. Supporting shippers: Almira Products, 2300 E. 28th St., Chattanooga, TN 37407. Coastal Packaging and Supplies Co., Rt. 4. Box 4232. Dawsonville, GA 30534. GP Westcott and Co., P.O. Box 255. Signal Mountain, TN 37377.

MC 127122 (Sub-3–1TA), filed November 30, 1981. Applicant: SIMPSONVILLE WRECKER SERVICE, INC., 4504 Bishop Lane, Louisville, KY 40218. Representative: Mrs. Lynn Moss (same address as applicant). *Those commodities which because of size or weight require the use of special handling or equipment; Metal and metal products; Machinery; Building materials; Mercer commodities and Self propelled vehicles:* Between all points in IL, IN, KY, OH, WV, and TN and between all points in IL, IN, KY, OH, WV and TN on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: There are nine (9) statements of support to this application which may be examined in the Atlanta, Georgia Regional Office of the Interstate Commerce Commission.

MC 61264 (Sub-3–6TA), filed November 25,1981. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, NC 27102. Representative: (Mrs.) Pansy Beroth (same address as applicant). *General Commodities (except Classes A & B explosives, household goods as defined by the Commission, hazardous waste and commodities in bulk),* between all points in IL, IN, MI, NH and WI, serving all points in the Commercial Zones of points in the above states in connection with carrier's operations in these states. Applicant intends to tack with its existing authority. Applicant intends to interline with carriers and interline points may be examined at the ICC Regional Office in Atlanta. There are 98 statements of support which may be examined at the Atlanta Regional Office.

MC 136285 (Sub-3–3TA), filed November 25, 1981. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in or distributed by a manufacturer or distributor of pharmaceuticals, in containers or in trailers, having an immediately prior or subsequent movement by water,* between the facilities of Ross Laboratories at or near

Sturgis, MI and Columbus, OH, on the one hand, and, on the other, Jacksonville, FL. Applicant intends to interline traffic with water carriers at Jacksonville, FL for through movements on a import-export basis. Supporting shipper: Ross Laboratories, 6480 Bush Boulevard, Columbus, OH 43229.

MC 146282 (Sub-3–3TA), filed November 25, 1981. Applicant: BILL HEAD TRUCKING, INC., P.O. Box 9632, Birmingham, AL 35215. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Food products and related products,* between Gretna, LA on the one hand and on the other AL, GA, TN, MS and FL. Supporting shipper: National Marketing Company, Inc., P.O. Box 1554, Gretna, LA 70053.

MC 156100 (Sub-3–2TA), filed November 27, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a. GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288. *Hosiery and material, supplies and equipment used in the manufacture and sell of hosiery,* between points in Granville County, NC and Suffolk County, NY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kayser-Roth Hosiery, Inc., 2303 West Meadowview Road, Greensboro, NC 27407.

MC 158420 (Sub-3–1TA), filed November 27, 1981. Applicant: EMPIRE TRANSPORTATION CO., INC., P.O. Box 767, Dobson, NC 27017. Representative: Marvin Rosenberg, 918 White Birch Lane, Wantagh, NY 11793. *Contract carrier:* irregular routes; *General commodities, except classes A and B explosives, household goods, and commodities in bulk,* Between points in the US under a continuing contract(s) with Inter State Express, Inc. Supporting shipper; Inter State Express, Inc., 120 Apollo Street, Brooklyn, NY 11222.

MC 146402 (Sub-3–23TA), filed November 27, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Paper and plastic products and equipment, materials and supplies used in the manufacture, and distribution thereof,* between Shelbyville, IL on the one hand, and, on the other, points in the U.S. Supporting shipper: Continental Bondware, 1700 Golf Road, Rolling Meadows, IL 60008.

MC 133221 (Sub-3–11TA), filed November 27, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). *General commodities* between points in the U.S. in and east of MT, WY, CO and NM, for the account of Dow Chemical USA. Supporting shipper: Dow Chemical USA, P.O. Box 36000, Strongsville, OH 44136.

MC 143786 (Sub-3–3TA), filed November 27, 1981. Applicant: HAL MAST TRUCKING COMPANY, INC., Route 1, Box 259, Sugar Grove, NC 28679. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract:* irregular: *meat and meat products,* from Des Moines, IA to points in MS, AL, GA, NC, SC, VA, LA and TN, under continuing contract with Swift Independent Packing Company. Supporting shipper: Swift Independent Packing Company, 115 West Jackson Boulevard, Chicago, IL 60604.

MC 152265 (Sub-3–2TA), filed November 27, 1981. Applicant: STEVE BROWN PRODUCE CO., INC., Route 1, Box 112, Taylorsville, NC 28618. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Canned vegetables,* from Lindale, TX, to points in NC, SC, VA, TN and GA. Supporting shipper: Woldert Canning, Inc., Post Office Box 1140, Tyler, TX 75710.

MC 150536 (Sub-3–4TA), filed November 27, 1981. Applicant: THE STACEY WILLIAMS CO., INC., P.O. Box 10884, Birmingham, AL 35202. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Sugar, corn syrup, and blends thereof (in bulk, in tank vehicles),* between points in Baldwin County, AL, on the one hand, and, on the other, points in AR, FL, GA, LA, MS and TN. Supporting shippers: Mid South Sweeteners, 1800 Morris Avenue, Birmingham, AL; Nutritive Sweeteners of Bay Minette, Railroad Boulevard, Bay Minette, Alabama; Corn Sweetener Division of Archer Daniels Midland Company, P.O. Box 1445, Cedar Rapids, IA 52406; Supreme Sugar Division of Archer Daniels Midland Company, P.O. Box 1445, Cedar Rapids, IA 52406.

MC 2934 (Sub-3–41TA), filed November 27, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract carrier:* irregular routes; *Telephone equipment, material and supplies used in the construction and maintenance of telephone systems;* between points within the U.S. under continuing contracts with Rolm Corporation, 4100 Old Ironside Drive, Santa Clara, CA 95050. Supporting shipper: Rolm Corporation, 4100 Old Ironside Drive, Santa Clara, CA 95050.

MC 154103 (Sub-3–22TA), filed November 30, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Occasional furniture,* from the facilities of Silver Mfg., Inc., at Knoxville, TN to points in the U.S. Supporting shipper: Silver Mfg., Inc., 2742 Hamcock Ave., N.E., Knoxville, TN 37917.

MC 150747 (Sub-3–3TA), filed November 30, 1981. Applicant: L & O TRUCKING COMPANY, INC., 2179 Freemont, Memphis, TN 38114. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Pre-cast concrete products and accessories therefor* from facilities of CPI Concrete Products, Inc., at Memphis, TN, to job sites at or near St. Charles, Hughes and Grapevine, AR. Supporting shipper: CPI Concrete Products, Inc., 1365 Harbor Ave., Memphis, TN 38113.

MC 156416 (Sub-3–1TA), filed November 30, 1981. Applicant: B & C TRUCKING, INC., 2425 Durby, Memphis, TN 38114. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Silica sand* from Guion, AR, to Memphis, TN, and its commerial zone. Supporting shipper: McConnell and Johnson, Inc., 282 E. Mallory, Memphis, TN 38109.

MC 149123 (Sub-3–4TA), filed November 30, 1981. Applicant: BOAZ PRODUCE COMPANY, INC., P.O. Box 635, Fort Payne, AL 35967. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984. *Alcoholic Beverages* between points in MA, NY, NJ, PA, MD, and KY, on the one hand, and, on the other, points in GA and AL. Supporting Shipper: Alaplex, Inc., 2718 South 20th Street, Suite 104, Birmingham, AL 35209.

MC 128220 (Sub-3–3TA), filed November 30, 1981. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Contract carrier,* irregular, *general commodities (except classes A and B explosives),* between Quincy, IL, Bluffton, IN, and Cordele, GA, on the one hand, and, on the other, points in IN, OH, WV, KY, VA, TN, NC, SC, LA, MS, AL, GA, and FL, under continuing contract(s) with Moorman Mfg. Co., Quincy, IL. Supporting shipper: Moorman Mfg. Co., 1000 North 30th Street, Quincy, IL 62301

MC 147169 (Sub-3–3TA), filed November 30, 1981. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, Tennessee 37701. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, Tennessee 37219. *Concrete, clay, glass or stone products and machinery* between points in and east of MN, IA, MO, OK and TX. Supporting Shippers: Midland Glass Company, Cliffwood Avenue, Cliffwood, NJ 07721; Chattanooga Glass Company, 400 West 45th St., Chattanooga, TN 37410; A. O. Smith Corporation, P.O. Box 28, Kankakee, IL 60901.

MC 108676 (Sub-3–14TA), filed November 30, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant). *Glass and Glass Products* between Chicago, IL; Detroit, MI; Toledo, OH; and Williamson CY, TN. Supporting shipper: Ford Motor Co., 300 Renaissance Center, Detroit, MI 48243.

MC 151622 (Sub-3–3TA), filed November 30, 1981. Applicant: SERVICE TRUCKING, INC., P.O. Box 158, Eustis, FL 32726. Representative: K. Edward Wolcott, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. *Contract carrier,* irregular routes; *Engines and parts and accessories* therefor, from Wayne and Detroit, MI, Cincinnati and Hudson, OH and Hartford, CT to Miami, FL under a continuing contract(s) with Southeast Diesel Corporation. Supporting shipper: Southeast Diesel Corporation, 8010 Northwest 60th St., Miami, FL 33166.

MC 158845 (Sub-3–1TA), filed November 30, 1981. Applicant: JERRY SMITH, d.b.a. JERRY SMITH TRANSFER, P.O. Box 69, Magnolia Street, Geneva, Georgia 31810. Representative: F. Lee Champion III, P.O. Box 2525, Columbus, Georgia 31902. *Contract,* carrier: irregular: *plastics, plastic products, and products related to the manufacture of plastics,* between Buck Plastics Company, Columbus, Muscogee County, GA., on the one hand, and, on the other, points in the U.S., under continuing contract with Buck Plastics Company of Columbus, GA. Supporting Shipper: Buck Plastics Company, No. 5 Clay Drive, Columbus, GA. 31903.

MC 159519 (Sub-3–1TA), filed November 30, 1981. Applicant: R. W. JOYCE TRUCKING COMPANY, INC., P.O. Box 1201, 237 Starlite Road, Mt. Airy, N.C. 27030. Representative: Brenda B. Joyce (same address as applicant). *Chemicals and related products, and materials and supplies used in the manufacture and distribution thereof* between Mt. Airy, NC on the one hand, and, on the other, points in AL, AZ, FL, IN, IL, KY, LA, MS, NC, NM, OH, PA, SC, TN, TX, VA, WV. Supporting shipper: Surry Chemicals, Inc., 631 West Street, P.O. Box 1447, Mt. Airy, NC 27030.

MC 142451 (Sub-3–2TA), filed December 2, 1981. Applicant: JAMES L. SMITH AND JERRY ATTKISSON, PARTNERS, d.b.a. SMITH & ATTKISSON TRUCKING CO., Route 2, Columbia, TN 38401. Representative: James N. Clay III, 222 E. Mallory Ave., Memphis, TN 38109. *Coal and coke,* in bulk, from Decatur and Davidson Counties, TN to Maury County, TN, having a prior movement by water. Supporting shipper: Stauffer Chemical Company, Nyala Farms Road, Westport, CT 06881.

MC 136123 (Sub-3–23TA), filed December 2, 1981. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl (same as above). *Naturally carbonated mineral water* from Saratoga Springs, NY to points in FL. Supporting shipper: The Saratoga Springs Co., 200 W. 72nd St., New York, NY 10023.

MC 151173 (Sub-3–15TA), filed December 1, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same address as applicant). *Chemicals, Plastic film and Sheeting, Gloves, Materials, equipment and supplies used in the manufacture, sale and distribution thereof,* except commodities in bulk, between the facilities and warehouses utilized by Borden Chemical Division of Borden Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: Borden Chemical Division of Borden Inc., One Clark St., North Andover, MA 01845.

MC 159542 (Sub-3–1TA), filed December 3, 1981. Applicant: ADKINS CONSTRUCTION CO., INC., 1301 Portland Avenue, Louisville, KY 40203. Representative: Benjamin H. Adkins, Sr. (same address as applicant). *General commodities (except household goods, Classes A & B explosives, liquid and dry commodities in bulk)* between the commercial zone of Louisville, KY, Sumter, SC, on the one hand, and all points in the states of AL, AR, FL, GA, IL, IN, IA, KY, LA, MD, MI, MS, MO, NJ, NC, OH, PA, SC, TN, TX, VA, WV, & WI on the other hand. Supporting shippers: There are 12 statements in support of this application which may be examined at the Interstate Commerce Commission Regional Office in Atlanta, GA.

MC 146343 (Sub-3–5TA), filed December 3, 1981. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Boulevard, Pompano Beach, FL 33062. Representative: Southern Enterprises Incorporated, 2 Sawyer Drive, Coventry, RI 02816. *Contract Carrier:* irregular routes: *Motor Oil, Lubricants, Anti-Freeze, Related Materials, Equipment and Supplies, (except class A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between points in the U.S. (except AK and HI), under continuing contract or contracts with National Wholesale Lubricants, Inc., of East Greenwich, RI.

MC 151916 (Sub-3–8TA), filed December 3, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Eugene D. Anderson, 1001 Connecticut Avenue, Suite 838, Washington, DC 20036. *Frozen bakery products, supplies and materials* from Carrollton, GA to Birmingham, Geneva, Huntsville, Montgomery, Anniston, AL; Orlando, Tampa, Ocala, Miami, Sarasota, Quincy, Jacksonville, FL; Atlanta, Athens, Vidalia, GA; Bowling Green, KY; Jackson, Indianola, MS; Charlotte, Raleigh, Hickory, NC; Greenville, Charleston, SC; New Orleans, Baton Rouge, LA; Chattanooga, Nashville, Memphis, Johnson City, TN; Houston, Fort Worth, TX; and Salem, Shreveport, LA. Supporting shipper: Maplehurst Deli-Bake South, Inc., RR 5, Box 439H, Carrollton, GA 30117.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 117730 (Sub-4–15TA), filed December 1, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. *Pulpboard,* from the facilities of Diamond International Corp., at Middletown and Lockland, OH to the facilities of Diamond International Corp., at Morris, IL. Supporting shipper: Diamond International Corp., 407 Charles Street, Middletown, OH 45052.

MC 129154 (Sub-4–1TA), filed December 1, 1981. Applicant: RICHARD McCURRIE TEAMING COMPANY, 1443 W. 41st Street, Chicago, IL 60609. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Contract: irregular: Fresh and frozen meats and meat products,* between the facilities of Trimen Packing Co. at Lansing and Chicago, IL, on the

one hand, and, on the other, points in IN, IA, MI, and WI, under continuing contract(s) with Trimen Packing Co. of Lansing, IL. Supporting shipper: Trimen Packing Co., P.O. Box 202, Lansing, IL 60438.

MC 140101 (Sub-4–3TA), filed November 30, 1981. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219. Amherst, WI 54406. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract carrier;* irregular routes; *General commodities* (except Classes A & B explosives) between points in IA, IL, IN, KY, MI, MO, OH, PA, TN, and WI under a continuing contract(s) with Alliance Shippers, Inc. for 270 days. Supporting shipper(s): Alliance Shippers, Inc., 8440 Archer Road, Willow Springs, IL 60480.

MC 146184 (Sub-4–1TA), filed November 13, 1981. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Box 161, Watertown, WI 53094. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *malt beverages* between Cold Spring and the Minneapolis/St. Paul Commercial Zone, MN, Chicago and Peoria, IL, Detroit, MI, and Memphis, TN, on the one hand, and, on the other hand, Beaver Dam, Delavan, Oconomowoc and Watertown, WI. Restriction: restricted to transportation performed under continuing contracts with Blue Ribbon Sales, Inc., Otto and Patricia Blase, d.b.a. Blase Distributing Co., Osborn Distributing Co., Inc., R & S Distributing Co., Inc., and Wunrow Distributing Co., Inc. There are five supporting shippers.

MC 150168 (Sub-4–2), filed December 1, 1981. Applicant: AJ & COMPANY, 423 Amelia St., Plymouth, MI 48170. Representative: John Allman, 423 Amelia St., Plymouth, MI 48170. *Contract* irregular: *General commodities* (except Classes A & B explosives and household goods) between all points in the U.S. under continuing contract with Celex Corporation. Supporting shipper: Celex Corporation, 443 Amelia St., Plymouth, MI.

MC 150189 (Sub-4–4TA), filed November 27, 1981. Applicant: R. G. BERRY, an Individual, P.O. Box 8, Shawneetown, IL 62984. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Contract;* irregular; transporting *food and related products* between points in FL on the one hand, and on the other, points in the U.S. under continuing contracts with Rainbow Products, Inc. Supporting shipper(s): Rainbow Products, Inc., 12995 Automobile Blvd., Clearwater, FL 33520.

MC 150365 (Sub-4–2TA), filed November 30, 1981. Applicant: UNITED LIMO, INC., 12495 McKinley Hwy., Mishawaka, IN 46544. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Passengers and their baggage,* between St. Joseph County, IN and Berrien County, MI. Underlying ETA seeks 120 days authority. Supporting shippers: Amtrak Ticket Office, 598 Dey Street, Niles, MI 49120; 1st Source Travel, St. Mary's Office, St. Mary's College, Lemans Hall, Notre Dame, IN 46556; 1st Source Travel, Main Office, 133 S. Main Street, P.O. Box 1602, South Bend, IN 46601; Edgerton's Travel Service, P.O. Box 1955, 226 S. Main Street, South Bend, IN 46601; Howard Johnson's Motor Lodge, 52939 U.S. 31 & 33 North, South Bend, IN 46637.

MC 151404 (Sub-4–3TA), filed November 27, 1981. Applicant: NORTHLAND PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Contract;* irregular: *Foodstuffs,* between points in MI, NJ, KS, IL, OH, and PA. An underlying ETA seeks 120 days authority. Supporting Shipper: Seabrook Foods, Inc., Seabrook, NJ 08302.

MC 151404 (Sub-4–4TA), filed December 1, 1981. Applicant: NORTHLAND PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Contract;* irregular: *Frozen orange juice, lemonade, grape and apple concenterate and related bulk commodities,* from Chicago, IL to all points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Bodines, Inc., 5757 W. 59th St., Chicago, IL 60638.

MC 152353 (Sub-4–4TA), filed November 11, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Building materials and materials, equipment and supplies* used in the manufacture, sale and distribution of such commodites between Allenton, WI, and points in IA, IL, MI, MN, MO and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Jack Walters & Sons, Corp., Box 388, Route 1, Allenton, WI 53002.

MC 154207 (Sub-4–1TA), filed December 1, 1981. Applicant: J. C. ELLIS TRANSPORTATION, INC., P.O. Box 1009, Washington Park, IL 62204. Representative: John M. Hessel, One Mercantile Center, Thirty-Second Floor, St. Louis, MO 63101. *Contract:* irregular, *petroleum products, lubricating oils, greases and related products* between Maryland Heights, MO and points in AR, CO, IA, KS, LA, MS, NE, NM, OK, TX. Supporting Shipper: Pennzoil Products Company, 2625 Wagner Place, Maryland Heights, MO 63043.

MC 154716 (Sub-4–3TA), filed December 2, 1981. Applicant: WALGREEN OSHKOSH, INC., 200 Wilmot Rd., Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525. *Metal containers and container tops* from Chicago Commercial Zone, Danville, IL, St. Louis, MO, Columbus, OH, Montgomery, AL, Decatur, AL to Memphis, TN Commercial Zone under continuing contract with supporting shipper, IG–LO Products Corporation, 314 Robinson, Hernando, MS 38632. Supporting shipper: IG–LO Products Corporation, Hernando, MS. 38632.

MC 157457 (Sub-4–7TA), filed December 1, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46516. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Transportation equipment and machinery,* between Elkhart County, IN on the one hand, and, on the other, points in the U.S. Supporting shipper: Godfrey Conveyor Company, Inc., 22787 County Road 14, Elkhart, IN 46516.

MC 157565 (Sub-4–2TA), filed November 27, 1981. Applicant: BUD MEYER TRUCK LINES, INC., P.O. Box 97, Theilman, MN 55987. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101. *Contract* irregular: *Frozen potatoes,* between points in the U.S. under a continuing contract with Chef-Reddy Foods Corp. Midwest (Clark, SD) and Chef-Reddy Foods Corp. Minnesota (Park Rapids, MN). Supporting shipper: Chef-Reddy Foods Corp. Midwest, Clark, SD 57225.

MC 158813 (Sub-4–1TA), filed November 25, 1981. Applicant: KEN DUNKER, 2208 Braemar Drive, Sioux Falls, SD 57105. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101. *Contract:* Irregular; *Beer and malt beverages, and related products* between points, in IL, MN, MO, SD, and WI for 270 days. Any underlying ETA seeks 120 days. Supporting shipper: Brewster Distributing Co., 174½ Maple, Watertown, SD.

MC 159215 (Sub-4–1TA), filed December 2, 1981. Applicant: WELLS BUS SERVICE, INC., 121 Terrace Drive, Jackson, MN 56143. Representative:

Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle as passengers, in charter operations and in special operations,* beginning and ending at points in the MN counties of Jackson, Nobles and Cottonwood, and the IA counties of Dickinson, Emmet, Clay, and Palo Alto and extending to points in the U.S. Supporting shippers: Karen Fury, Metz Travel Agency, 1026 4th Ave., P.O. Box 44, Worthington, MN 56187; Esther Williams, Worldwide Travel, Estherville, IA 51334; Forest Mariner, Farmers Cooperative Asso. P.O. Box 228, 105 Jackson St., Jackson, MN 56143; Mark Wedel, 301 Grand Ave., Spencer, IA 51301; Stanley Severance, 623 12th St., Windon, MN 56101.

MC 159318 (Sub-4–1TA), filed November 27, 1981. Applicant: L & D TRANSPORTATION, INC., 5046 West Angling Rd., Ludington, MI 49431. Representative: William B. Elmer, 615 E. Eighth St., Traverse City, MI 49684, (616) 941–5313. *Food and related products* between points in Grand Traverse County, MI and Scott County, MS on the one hand, and, on the other, points in and East of MN, IA, MO, AR and LA. Supporting shipper: Chef Pierre, Inc., P.O. Box 1009, Traverse City, MI 49684.

MC 159446 (Sub-4–1TA), filed November 25, 1981. Applicant: CALCUT SALES & SERVICE INC., 16061 Lauren, Taylor, MI 48180. Representative: John S. Barbour, 2711 E. Jefferson, Detroit, MI 48207. *Machinery, machine tools and parts* used in the manufacture, sale and distribution thereof, between points in MI, OH and TX on the one hand, and, on the other hand, points in FL, GA, IA, IL, IN, KY, MI, NH, NJ, NY, OH, PA, SC, TX, VA, WI and WV. Supporting Shippers: There are six (6).

MC 159508 (Sub-4–1TA), filed November 30, 1981. Applicant: MY LORD'S TRUCK LINE, INC., 1433 South Chestnut Street, Green Bay, WI 54304. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *metal products and materials, equipment and supplies used by mechanical contacting businesses* between points in Outagamie County, WI, on the one hand and, on the other hand, points in the U.S. Restricted to transporation performed under continuing contract(s) with Azco Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Azco Inc., P.O. Box 567, Highway 41 South, Appleton, WI 54912.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 52460 (Sub-5–46TA), filed November 30, 1981. Applicant: Ellex Transportation, Inc., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same as above). *Transportation Equipment, materials and supplies used in the manufacture thereof between* Los Angeles, County, CA, Mercer County OH, and Kay County, OK, on the one hand, and on the other, points in the U.S. Supporting shipper: Huffy Corporation, 2500 Huffy Road, Ponca City, OK 74601.

MC 134286 (Sub-21TA), filed November 30, 1981. Applicant: ILLINI EXPRESS, INC., P.O.B. 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman, Suite 665, Denver, CO 80203. *Chemicals and Related Products,* from facilities of Franklin Chemical at Columbus, OH to pts in the U.S. (except AK and HI) Supporting shipper: Franklin Chemical, 2020 Bruck St., Columbus, OH 43207.

MC 142831 (Sub-5–2TA), filed November 30, 1981. Applicant: HAMRIC TRANSPORTATION, INC., P.O. Box 1124, Grand Prairie, TX 75051. Representative: Thomas L. Cook, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75116. *Iron and steel articles and materials and supplies and equipment used in or in connection with production and manufacture of iron and steel articles* between the facilities of Chaparral Steel Co., in Midlothian, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Chaparral Steel Co., Midlothian, TX.

MC 147196 (Sub-5–39TA), filed December 1, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Contract,* Irregular; *Building Materials and Fireplaces* between Dallas County, TX on the one hand, and points in the U.S. on the other. Supporting shipper: Overhead Door Corp., Dallas, TX.

MC 150088 (Sub-5–16TA), filed November 30, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, TX 75051. Representative: Robert K. Frisch, Walker & Frisch, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240. *General commodities* (except Classes A and B explosives and commodities in bulk) between points in Dallas County, TX on the one hand, and on the other, points in TX. Supporting shipper: Sterling Warehousing and Distribution, Inc., 2005 South Great Southwest Parkway, Grand Prairie, TX 75051.

Note.—Applicant intends to tack and interline.

MC 151753 (Sub-5–5TA), filed November 30, 1981. Applicant: M.W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lenexa, KS 66215. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *General commodities (except those of unusual value, Class A & B explosives, Household Goods as defined by the Interstate Commerce Commission, Commodities in bulk, and those requiring special equipment),* from the railroad yards & facilities used by railroads in the Kansas City, KS-Kansas City, MO commercial zone to points in KS & MO. Supporting shipper: National Piggyback Service, Inc., 7700 Edgewater Drive, Suite 742, Oakland, CA 94621.

MC 154646 (Sub-5–8TA), filed November 30, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Contract;* irregular. *General commodities (except household goods and commodities in bulk),* between points in the U.S., under a continuing contract with Pole Barns, Inc. Supporting shipper: Pole Barns, Inc., Box 50A, Route 3, Airport Complex, Grand Island, NE 68801.

MC 155256 (Sub-5–4TA), filed November 30, 1981. Applicant: KASSEL TRANSFER, INC., Route 1, Letts, IA 52754. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Sand and gravel* (except in bulk), from Muscatine County, IA, to points in AL, AR, CO, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX and WI. Supporting shipper: Bos Sand Company, 20500 South LaGrange Road, Frankfort, IL 60423.

MC 159453 (Sub-5–1TA), filed November 30, 1981. Applicant: H. D. PERINE, d.b.a. PERINE ENTERPRISES, 1617 Celia, Wichita Falls, TX 76302. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Meat, meat products and meat by-products and supplies used in packinghouse products as described in Sections A, B & C, Appendix 1 to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 & 766;* between Sedgwick County, KS, on the one hand, and, on the other, AR, AZ, CA, CO, NM, OR, TX, UT & WA. Supporting shipper: DPM of Kansas, Inc., 800 East 37th Street North, Wichita, KS 67219.

MC 159478 (Sub-5–1TA), filed November 30, 1981. Applicant: GERALD POWELL, d.b.a. POWELL TRUCKING, Route 1, Imboden, AR 72434. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201. *Fertilizer Ingredients, in dump vehicles,* from Granite City, IL to Walnut Ridge, AR. Supporting shipper: Frit Industries, Inc., Ozark, AL 36360.

MC 159479 (Sub-5–1TA), filed November 30, 1981. Applicant: ANDREWS AND WHITE TRUCKING CO., 132 Aspen Avenue, Hereford, TX 79045. Representative: Richard Hubert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. *Construction machinery and equipment* between points in the U.S. under a continuing contract(s) with Jake Diel Construction Machinery, Inc., Hereford, TX.

MC 159513 (Sub-5–1TA), filed December 1, 1981. Applicant: LOK TRUCKING COMPANY, Box 44 B, Route #2, Frisco, TX 75034. Representative: L. S. Richey, 7601 Mapleleaf Drive, Fort Worth, TX 76180. *Automotive Equipment, Electrical Appliances and Metal Articles* between the facilities of Gould, Inc., on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35603 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 69)]

Rail Carriers; the Alaska Railroad; Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provision exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275–765.

SUPPLEMENTARY INFORMATION: The Alaska Railroad filed a petition on November 27, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to advance the effective date of its contemporaneously filed contract tariff ICC–ARR–C–0003, now December 19, 1981. The contract covers the movement of building materials to Alaska from points in the continental United States.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. The shipper's need for immediately movement of supplies to Alaska to accommodate winter construction requirements and provide seasonal inventory create circumstances under which authorization of a provisional exemption is warranted. Alaska Railroad's contract tariff ICC–ARR–C–0003 may become effective on one day's notice. [1]

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 7, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35596 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-No. 77F]

Rail Carriers; Illinois Central Gulf Railroad Co.—Abandonment—Near Ackerman to Woodland, MS; Findings

The Commission has issued a certificate authorizing Illinois Central Gulf Railroad Company to abandon its New Albany District that extends from railroad milepost 239.5 near Ackerman, MS (excluding Ackerman) to milepost 274.0 at Woodland, MS (excluding Woodland, though the station designated as Woodland will only be used after abandonment to handle billing to and from a nearby Westvaco plant), a distance of 34.50 miles in Chickasaw, Choctaw, and Webster Counties, MS, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35595 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Directed Service Order no. 1398]

Rail Carriers; Kansas City Terminal Railway Co. Directed to Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Termination of Claim Settlement Operations

AGENCY: Interstate Commerce Commission.

ACTION: directed rail carrier ordered to terminate claim settlement operations.

SUMMARY: Kansas City Terminal Railway Company, as directed rail carrier (KCT–DRC), performed operations over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island or RI) from October 1979 through March 1980. KCT–DRC continues to maintain a staff at RI headquarters in Chicago settling claims arising from directed operations. We direct KCT–DRC to terminate claim settlement operations on March 31, 1983, contingent upon approval of a supplemental appropriation by Congress to fund such operations.

DATE: This decision is effective on December 9, 1981.

[1] Insufficient time was available to grant petitioner's request for a December 1 effective date.

ADDRESS: For copies of the full decision write to: Interstate Commerce Commission, Room 2227, Washington, D.C. 20423 or call Toll Free 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Joel Burns (202) 275–6887.

SUPPLEMENTARY INFORMATION: For further information, see the Commission's decision in directed Service Order No. 1398—Termination of Claim Settlement Operations.

Dated: December 2, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gresham, dissenting.

I am not confident that supplemental appropriations will be provided to the Commission to fund the majority's plan. In that case, any possibility of an orderly termination will have been lost. Moreover, I do not believe that it is responsible for the Commission to spend in excess of $5 million in administrative costs alone to settle claims for 179 days of rail operations. Indeed, the Commission has an obligation to minimize the costs associated with directed service. I do not believe that we have adequately addressed other alternatives which might reduce costs.

[FR Doc. 81–35494 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29774]

Rail Carriers; Louisville & Nashville Railroad Co.—Exemption—Abandonment in Jefferson County, AL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 the abandonment by Louisville and Nashville Railroad Company of its 9,421 feet line segment between Bessemer and Readers, AL.

DATES: This exemption is effective 30 days after this publication. Petitions for reconsideration must be filed within 20 days.

ADDRESSES: Send petitions to:

(1) Interstate Commerce Commission, Section of Finance, Rm 5417, Washington, D.C. 20423
and
(2) R. Lyle Key, Jr., Asst. General Solicitor, Louisville and Nashville Railroad Company, 500 Water Street, Jacksonville, FL 32202.

For copies of the full decision write to: Interstate Commerce Commission, Room 2227, Washington, D.C. 20423 or call Toll Free (800) 424–5403.

Correspondence should refer to Finance Docket No. 29774.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7245
or
Ernest B. Abbott, (202) 275–3002.

SUPPLEMENTARY INFORMATION: For further information, see the Commission's decision in Finance Docket No. 29774.

Decided: December 4, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35597 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29736]

Rail Carriers; Mahoning Valley Railway Co. and the Cuyahoga Valley Railway Co.—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of its prior review and approval under 49 U.S.C. 11343, the control of Mahoning Valley Railway Company by Cuyahoga Valley Railway Company and Jones & Laughlin Steel Corporation.

DATES: The exemption will be effective 30 days from the date of this publication. Petitions for reconsideration of this action must be filed within 20 days.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue NW., Washington, D.C. 20423
(2) Petitioner's representative: Donald A. Wall, Squire, Anders & Dempsey, 1800 Union Commerce Building, Cleveland, Ohio 44115.

For copies of the full decision write to: Interstate Commerce Commission, Room 2227, Washington, D.C. 20423
or
Call Toll Free (800) 424–5403.

Pleadings should refer to Finance Docket No. 29736.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: For further information, see the Commission's decision in Finance Docket No. 29736.

Decided: December 7, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35596 Filed 12–11–81; 8:45 am]

BILLING CODE 7035–01–M

LEGAL SERVICES CORPORATION

Private Attorney Involvement by Recipients of Funding

AGENCY: Legal Services Corporation.

ACTION: Instruction.

SUMMARY: The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1008(e) of the Legal Services Corporation Act provides:

The Corporation shall * * * publish in the Federal Register at least 30 days prior to their effective date all its rules, regulations, guidelines and instructions.

The Legal Services Corporation hereby publishes its instruction on private attorney involvement by recipients of Legal Services Corporation funding.

EFFECTIVE DATE: This instruction is effective January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Theron P. O'Connor, Office of Field Services, Legal Services Corporation, 733 15th Street, NW., Washington, D.C. 20005, (202) 272–4080.

Dan J. Bradley,

President, Legal Services Corporation.

December 9, 1981.

Instruction

I. Purpose

The purpose of this Instruction is to provide direction to recipients of Legal Services Corporation funding in meeting the terms of the Special Condition on private attorney involvement placed upon 1982 grant awards. It is designated to ensure that recipients, through policies and plans adopted by their governing bodies, will provide such opportunities in the most effective and economical manner and consistent with the purposes and requirements of the Legal Services Corporation Act.

The Special Condition provides:

Consistent with an Instruction to be issued by the Corporation, the recipient shall allocate a substantial amount of its annualized Basic Field grant award to provide the opportunity for the involvement of private attorneys in the delivery of legal

assistance to eligible clients. As a guideline, a substantial amount shall be defined as ten percent of the recipient's annualized Basic Field grant award.

Consistent with an Instruction to be issued by the Corporation, recipients of annualized Native American, Migrant and State Support grant awards shall analyze the feasibility of involving private attorneys in the activities undertaken pursuant to such grants.

II. General Policy

The Special Condition implements a policy and statement of Principles on Private Attorney Involvement that was adopted by the Board of Directors of the Corporation on October 2, 1981. That policy requires that a substantial amount of funds be made available to provide the opportunity for the involvement of private attorneys in the delivery of legal assistance to eligible clients.

The policy builds on local program experience, as well as formal research and experimentation undertaken by the Corporation, that has provided comprehensive information about the delivery of legal services to the poor. This information and experience demonstrate several things: the staff attorney system is an effective and economical structure to deliver publicly supported legal assistance to the poor; there are many private attorneys willing and able to provide high quality legal assistance to the poor; and, there are a variety of mechanisms for involving private attorneys, on either a voluntary or a partially-compensated basis, that can be adapted for effective local use.

The Corporation's policy is designed to enhance the participation of private attorneys, through established local programs, in localities where this has not yet occurred, in ways that make sense for those particular communities.

As a guideline, the term "substantial amount" has been defined as ten percent (10%) of the annualized Basic Field grants awarded to existing recipients. To achieve that goal the Corporation will direct that each recipient develop and implement a plan to allocate a substantial amount of its annualized Basic Field grant to activities consistent with this Instruction. In the case of joint efforts involving two or more recipients, the ten percent guideline shall be applied to the aggregate of annualized Basic Field funds involved. Each recipient in any such effort shall be a bona fide participant in the activities undertaken by the joint venture.

Recipients of annualized Native American, Migrant and State Support grant awards, while not subject to the ten percent guideline, shall analyze the feasibility of involving private attorneys in the activities undertaken pursuant to such grants.

Private attorney involvement must be seen as an integral part of a total local program, undertaken within the established priorities of that program in a manner that furthers the fundamental values of high quality, economical and effective client-centered legal assistance to the poor. Decisions about how to meet the substantial involvement requirement rest with the recipient through its governing body. The Corporation expects, however, that the recipient will develop and implement its plan in consultation with its clients and staff, and with the organized bar, including minority and women's bar groups, and private attorneys in its service area. Experience has indicated that effective private attorney involvement occurs in those communities where the legal services program and relevant bar organizations have been able to work together in the design and implementation of a plan to achieve that involvement.

To ensure that activities undertaken pursuant to the Special Condition will result in the continued provision of the highest quality services in the most effective and economical manner, the Corporation will make available to recipients a program of support and technical assistance designed to aid them in meeting this requirement.

III. Range of Activities

(a) Private attorneys can be effectively involved in the delivery of legal assistance to eligible clients in a variety of ways and in response to a variety of priority legal needs of clients. At a minimum the following considerations will apply in defining the range of activities permitted in meeting the requirements of this Instruction:

(1) The primary consideration in undertaking any such activities shall be the provision of the highest quality services to eligible clients in the most effective and economical manner; and

(2) Activities undertaken by the recipient to meet the requirements of this Instruction might include, but not necessarily be limited to:

(A) Direct delivery of legal assistance to eligible clients through organized pro bono or reduced fee plans utilizing volunteer attorneys, judicare panels, private attorney contracts, and/or organized referral systems;

(B) Support provided by private attorneys to the recipient in its delivery of legal assistance to eligible clients on either a reduced fee or pro bono basis through the provision of community legal education; training; technical assistance; research; advice and counsel; co-counseling arrangements; and, the use of private law firm facilities, libraries, computer assisted legal research systems and other resources; and,

(C) Support provided by the recipient in furtherance of activities undertaken pursuant to (A) above including the provision of training; technical assistance; research; advice and counsel; and, the use of recipient facilities, libraries, computer assisted legal research systems and other resources.

(b) The specific activities to be undertaken by a recipient to involve private attorneys in the provision of legal assistance to eligible clients will be determined by the recipient taking into account the following factors:

(1) The priority legal needs of eligible clients in the service area;

(2) The most effective and economical delivery of legal assistance to eligible clients;

(3) Linguistic and cultural barriers to effective advocacy;

(4) Actual or potential conflicts of interest between participating attorneys and eligible clients;

(5) The substantive and practice expertise of participating attorneys; and,

(6) The knowledge and information available from the Delivery Systems Study and other literature and experience related to the involvement of private attorneys in the delivery of legal assistance to eligible clients.

(c) Systems designed to provide direct services to clients by private attorneys, on either a pro bono or reduced fee basis, shall include at a minimum the following components:

(1) Intake and case acceptance procedures which are consistent with the recipient's established priorities in meeting the legal needs of eligible clients;

(2) Case assignment procedures which ensure the referral of cases according to the nature of the legal problem or problems involved and the skills, experience and substantive expertise of the participating attorneys;

(3) Case oversight and follow-up procedures which ensure the timely disposition of cases in a manner and in a forum calculated to achieve, insofar as possible, the result desired by the client and the most efficient utilization of recipient resources; and,

(4) Support and technical assistance procedures which, where appropriate and to the extent feasible, will provide access for participating attorneys to materials, training opportunities and back-up on substantive poverty law and practice considerations.

(d) The recipient shall utilize financial systems and procedures to account for costs allowable in meeting this instruction which will:

(1) Meet the requirements of the Corporation's Audit and Accounting Guide for Recipients and Auditors; and,

(2) Accurately identify and account for: (A) The recipient's administrative, overhead, staff, and support costs related to carrying out private attorney involvement activities; (B) payments to private attorneys for supportive or direct client services rendered; (C) contractual payments to individuals or organizations which will undertake administrative, supportive, and/or direct services to eligible clients on behalf of the recipient consistent with the provisions of this Instruction; and, (D) such other actual costs as may be incurred by the recipient in this regard.

IV. Procedure

(a) Each recipient shall develop a plan to meet the requirements of this Instruction. The plan shall:

(1) Take into consideration the legal needs of eligible clients in the geographic area served by the recipient and the relative importance of those needs consistent with the priorities established pursuant to section 1007(a)(2)(C) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2) and Part 1620 of the Regulations (45 CFR 1620) adopted pursuant thereto; and

(2) Take into consideration the delivery mechanisms potentially available to provide the opportunity for the participation of private attorneys in meeting the established priority legal needs of clients in the most effective and economical manner.

(b) The recipient shall provide the opportunity for consultations with significant segments of the client community, the recipient's employees, and private attorneys and bar associations in the recipient's service area in the development of its plan to provide the opportunity for the involvement of private attorneys in the provision of legal assistance to eligible clients.

(c) On or before March 31, 1982, the recipient shall prepare and submit to the appropriate Regional Office of the Corporation a brief report describing how the recipient will provide the opportunity for private attorneys to participate in the provision of legal assistance to eligible clients. In the case of joint efforts the preparation and submission of the required report shall be the joint responsibility of all participating recipients and shall demonstrate the bona fide participation of each such recipient in the activities to be undertaken. The report shall include:

(1) A brief summary of the priority legal needs of eligible clients;

(2) A brief summary of any delivery mechanisms potentially available to the recipient in meeting those needs in the most effective and economical manner through the involvement of private attorneys;

(3) A brief summary of the consultations with eligible clients, recipient employees, and private attorney groups in developing its plan to provide the opportunity for the involvement of private attorneys in the delivery of legal assistance to eligible clients;

(4) A brief description of the activities which the recipient will undertake to meet the requirements of this Instruction including, where required, its procedures for meeting the provisions of paragraph (c) of section III; and

(5) A tentative budget showing the annualized allocation of a substantial amount of the recipient's Basic Field grant to the activities undertaken to meet the requirements of the Special Condition.

(d) A recipient which currently allocates a substantial amount of its annualized Basic Field grant award to provide the opportunity for the involvement of private attorneys in the delivery of legal assistance to eligible clients, or which has already developed a plan to that end which is consistent with the requirements of this Instruction, need not comply with paragraphs (a) and (b) above. Such recipient shall, however, prepare and submit the report required by paragraph (c) above.

(e) Implementation by the recipient of the plan adopted pursuant to paragraph (a) above shall begin on or before June 30, 1982 and shall be fully operational on or before September 30, 1982.

(f) On or before September 30, 1982, the recipient shall certify to the Corporation that it is expending, consistent with the ten percent guideline, a substantial amount of its annualized Basic Field grant in furtherance of the activities described in the report required in paragraph (c) above.

(g) For recipients of annualized Native American, Migrant and State Support grant awards, the following procedures will apply:

(1) Each such recipient shall analyze the feasibility of involving private attorneys in the activities undertaken pursuant to such grants. The analysis shall:

(A) Take into consideration the legal needs of eligible clients in the geographic area served by the recipient and the relative importance of those needs consistent with the priorities established pursuant to section 1007(a)(2)(C) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)) and Part 1620 of the Regulations (45 CFR 1620) adopted pursuant thereto; and

(B) Take into consideration the methods potentially available to provide the opportunity for the participation of private attorneys in the activities undertaken pursuant to the such grants.

(2) Each such recipient shall provide the opportunity for consultations with significant segments of the client community, the recipient's employees, and private attorneys and bar associations in the recipient's service area in the feasibility analysis.

(3) On or before September 30, 1982, each such recipient shall prepare and submit to the appropriate Regional Office of the Corporation a brief report describing the feasibility of private attorney participation in the activities undertaken pursuant to such grants. The report shall include:

(A) A brief summary of the priority legal needs of eligible clients and the relative priority of other activities undertaken pursuant to such grants;

(B) A brief summary of the methods of involving private attorneys in meeting those needs or in other activities undertaken pursuant to the recipient's grant in the most effective and economical manner;

(C) A brief summary of the consultations with eligible clients, recipient employees and private bar groups in developing the feasibility analysis; and,

(D) A brief description of any private attorney involvement in the activities undertaken pursuant to such grants.

(4) Each such recipient which has already analyzed the feasibility of involving private attorneys in the activities undertaken pursuant to such grants need not comply with paragraphs (1) and (2) above. Such recipient shall, however, prepare and submit the report required by paragraph (3) above.

Issued: December 9, 1981.

Dan J. Bradley,

President, Legal Services Corporation.

[FR Doc. 81-35859 Filed 12-11-81; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence; Calculated Radiation Exposures Exceeding 10 CFR Part 20 Limits

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). Example I.A.2 ("For All Licensees") of the Policy Statement notes that an exposure to an individual in an unrestricted area such that the whole body dose received exceeds 0.5 rems in one calendar year (10 CFR 20.105(a)) can be considered an abnormal occurrence. The following description of the event also contains the remedial action taken.

Date and Place—On May 5, 1981, the Eveleth Expansion Company of Eveleth, Minnesota reported that between April 3 and 7, 1981, personnel working inside an iron ore pellet cooler had been exposed to radiation from a 10 curie, cesium-137 sealed source contained in a level control gauge.

Nature and Probable Consequences—The Pellet Plant cooler had been shut down for repairs on March 30, 1981. On that day, the shutter mechanism of the level control gauge containing a nominal 10 curie cesium-137 sealed source was locked in the closed position. Radiation surveys performed at that time appeared to indicate that the source was properly shielded. After a cooldown period, workmen entered the cooler on April 3, 1981, to replace refractory material on the cooler walls. On April 7, licensee personnel discovered that there were radiation levels in excess of 100 mr/hr within the cooler (later determined to be up to 2.2 rems/hr where the radiation beam entered the cooler). It was determined that several individuals had been exposed to a radiation beam from the source during the working days between April 3 and 7, 1981.

The gauge source holder was removed from its mounting and licensee personnel found that the lead shielding in the shutter had melted and drained from the shield location. This rendered the shielding integrity of the shutter useless.

Investigation showed that 17 licensee personnel and 14 contractor personnel had entered the cooler between April 3 and 7, 1981. Radiation levels in the work area were in excess of 100 mr/hr. The calculated radiation exposures received ranged from 0.14 rem to 3 rem. During the repairs, the pellet cooler area was considered an unrestricted area; of the 31 personnel, it is calculated that 14 had received whole body exposures in excess of 0.5 rems. No health effects were observed nor would be expected from these exposures. *Cause or Causes*—The gauge head was mounted external to the cooler on an upper level so that the source beam would traverse the cooler diagonally to activate the detector on the other side of the cooler, which controlled the speed of the circular cooler.

A hole had been cut in the side of the cooler to reduce shielding and allow more effective operation of the cesium-137 source in the gauge. During recent efforts to increase production, the pressure of the air forced into the cooler had been increased as a means of accelerating the cooling of the pellets. As a result, hot gases may have been forced out the aperture in the cooler wall at the location of the source holder. The temperature of the pellets entering the cooler is about 2400°F, considerably above the melting point of lead. The heat reaching the gauge was sufficient to melt the aluminum alloy dust cover over the gauge shutter mechanism, and to melt the lead in the shutter, thereby allowing a radiation beam to escape the gauge.

The plant was shut down for periodic maintenance and overhaul of the cooler. At the time of the shutdown, the level gauge was secured and the shutter placed in the "lock out" position. The licensee performed a survey, but because of the relative inaccessibility of the gauge location, likely did not detect the unshielded beam. A reading of about 10 mr/hr was reportedly obtained from this measurement. This indicated to the licensee that the gauge was shut off with the shutter in the closed position. (There is also some evidence that the survey meter was not functioning properly at the time and this may be another reason why the radiation beam was not discovered during the survey—neither NRC regulations nor the license conditions required the licensee to perform a survey when the source holder shutter is locked in a closed position).

Actions Taken To Prevent Recurrence

Licensee—The source holder was adequately shielded, placed in properly posted storage, and subsequently shipped to the supplier for repair or disposal.

In the meantime, a gauge manufactured by a different supplier, containing a cobalt-60 sealed source, was installed in place of the inoperable gauge. A new lockout procedure has been established and is being followed by the licensee. Individual workers have been notified in writing of their calculated exposures.

The removed source holder shutter assembly is to be repaired by the supplier so that the lead shielding would be contained in a sealed steel enclosure to prevent the lead from leaking out in the event of exposure to high temperatures. The shutter compartment cover is to be changed to stainless steel to prevent its deterioration.

NRC—The incident was investigated by the NRC on May 19–21, and 26, 1981. Two items of noncompliance were identified: 10 CFR 20.101—individuals received exposures in excess of regulatory limits; and 10 CFR 20.105—radiation levels were created in an unrestricted area in excess of regulatory limits. The licensee was not cited for these items in accordance with the section of the Interim Enforcement Policy which states, in part, that licensees will not ordinarily be cited for violations resulting from matters not within their control that could not have been reasonably foreseen.

The event is being considered for possible generic implications.

Dated at Washington, D.C. this 8th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-35861 Filed 12-11-81, 8:45 am]

BILLING CODE 7590-01-M

Abnormal Occurrence; Failure of High Pressure Safety Injection System

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of Public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). One of the general criteria of the Policy Statement notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence. The following description of the event also contains the remedial action taken.

Date and Place—On September 3, 1981, the NRC was notified by Southern California Edison Company (the

licensee) of a condition involving failure of two safety injection valves to open upon receipt of a safety injection signal at the San Onofre Nuclear Generating Station Unit 1. The San Onofre Unit 1 plant utilizes a pressurized water reactor and is located in San diego County, California.

Nature and Probable Consequences—At about 3:30 AM on September 3, with the reactor at 88% power, one of the regulated power supplies serving one of the two redundant paths of the Reactor Protection System and a portion of the Control and Indication System failed. As a result, feedwater and steam flow and steam generator water level indications were lost for the steam generator served by this power supply and oscillations were observed in similar flow and level indications of the other two steam generators. The operators placed the steam generator water level controls under manual control and then manually tripped the reactor. During this period, high steam generator water levels resulted in increased cooling of the Reactor Coolant System (RCS), thereby reducing the system pressure. At 1735 psig, a Safety Injection Actuation Signal (SIAS) was automatically initiated, in accordance with system design. Subsequently, RCS pressure increased, SIAS was reset at 4:00 AM, and safety injection terminated.

At San Onofre Unit 1, the two steam generator feedwater pumps are also part of the safety injection system (see Figure 1).

BILLING CODE 7590-01-M

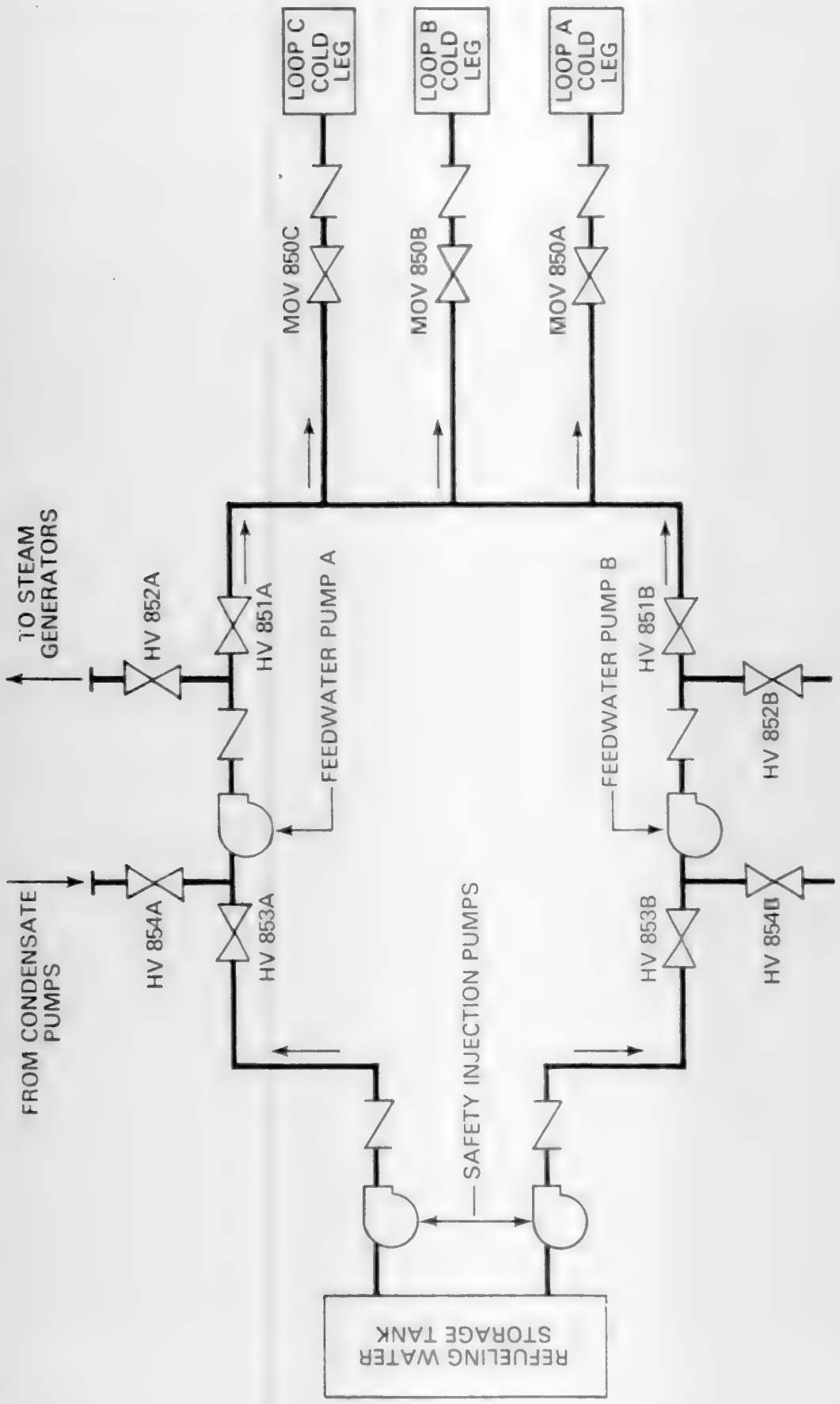

Figure 1. Simplified Schematic of Safety Injection System (San Onofre Unit 1)

BILLING CODE 7590-01-C

During Normal operation, water from the condensate pumps flows through valves HV854 A and B, the feedwater pumps, and valves HV852 A and B to the secondary side of the steam generators. Another line, which connects to each feedwater pump discharge line is normally isolated by safety injection valves HV851 A or B; these lines join to a common header which then connects to the three cold leg return lines from the three steam generators to the reactor vessel. Upon receipt of a SIAS, the feedwater pumps are automatically valved out of the steam generator feedwater system, by closing valves HV854 A and B and HV852 A and B (steam generator feedwater is then supplied by the Auxiliary Feedwater System), and become part of the safety injection system by opening the HV851 A and B and HV853 A and B valves. The safety injection valves, HV851 A and B, downstream of the feedwater pumps, are designed to automatically open upon receipt of the SIAS. Then, if RCS system pressure decreases sufficiently (such as in the case of a loss of coolant accident), borated water (normally from the Refueling Water Storage Tank) would be pumped by the safety injection pumps, through the feedwater pumps and safety injection valves, into the RCS. During the September 3, 1981 event, RCS pressure only decreased to about 1700 psi. Therefore, since the feedwater pump discharge shutoff head pressure is about 1200 psi by design, no safety injection flow would have occurred even if the safety injection valves had opened. In addition, none was actually required since system pressure and inventory were adequate throughout the event.

However, while SIAS was present, plant operators in the Auxiliary Building noted that neither valve HV851 A nor HV851 B had opened. Later, after the event was terminated, the valves did open when the feedwater pumps were tripped. Since operability of the valves could not be demonstrated by subsequent tests, the licensee placed the plant in a cold shutdown condition and agreed not to restart the plant without NRC concurrence.

For this event, the failure of both these valves to open did not result in plant damage, radiological releases, or health effects. The injection of borated water into the RCS was not required by the plant conditions present. However, had a loss of coolant or steamline break accident occurred, one of the key safety systems designed to provide mitigation may not have performed as intended.

Cause of Causes—To date, the following valve design deficiencies have been identified: (1) the contact stress between the valve seat and disc exceeded the threshold of galling (transfer of metal at contact surfaces resulting from local material being overstressed). (2) the coefficient of friction assumed for sizing the hydraulic valve activators was too small, and (3) the lack of any valve bonnet leak-off potentially allowed for an excessive differential pressure across both discs if the feedwater pumps were tripped.

As noted above, the valves did not open until the feedwater pumps were tripped and the differential pressure across the valve gates had significantly decayed. Testing indicated that valve packing tightness was not a factor. The valves were disassembled and the seating surfaces inspected. Maintenance was performed on the valve seats to remove galling which was observed on the valve discs and additional tests were performed. Although valve operation was noted in some instances while the feedwater pumps were running, reliable operation within the acceptance criterion could not be demonstrated.

The valves had been regularly tested at each refueling outage, but the tests were performed with no significant pressure differential across the valves. In 1976, the valve operators were changed from a motor operator to a hydraulic operator to decrease valve stroke time. As indicated above, the hydraulic operators were selected based on a coefficient of friction that was too low. Proper valve operations were demonstrated during the acceptance tests conducted with a design pressure difference of up to 1,350 psi across the valves. Between restart in 1977 and September 3, 1981, no safety injection system challenges occurred—the only operation of the valves was during tests with little or no pressure differential. No major valve maintenance was performed during this period.

Actions Taken To Prevent Recurrence

Licensee—Meetings were held on September 15, 1981, September 30, 1981, and October 22, 1981, with the NRC to discuss possible resolution of the problem. The licensee is continuing to evaluate the problem and possible corrective actions. For the interim period, the licensee has altered the sequence for safety injection, installed valve bonnet leak-off lines, and has completed an extensive preoperational valve and system test program. In addition, the licensee has agreed to institute a surveillance program which is more extensive, in terms of the frequency of testing and the detail of measurement, than required for any other plant. The licensee has also committed to replace the valves in question and their actuators. The plans and schedule for the valve and actuator replacement are to be submitted to the NRC by December 1, 1981. In addition, the licensee has committed to perform a long-term study of the advisability of completely redesigning the safety injection system.

NRC—The NRC's resident inspector followed the licensee's inspection and corrective actions onsite. The NRC's Offices of Inspection and Enforcement and Nuclear Reactor Regulation have reviewed and evaluated the licensee's proposed action and the licensing submittal addressing the causes of the event and the proposed corrective actions including Emergency Core Cooling System modifications and testing. The licensee has submitted a request to the NRC to amend the license to incorporate surveillance tests of the valves, and the submittal has been reviewed and approved.

The NRC is also evaluating the generic implications of the event, i.e., testing the valves under operating pressure differentials. The problem remains under active review within the NRC. Inspection and Enforcement Information Notice No. 81–31 was issued to licensees on October 7, 1981 to inform them of this event. The NRC agreed that the licensee's interim corrective actions were satisfactory and on November 1, 1981 concurred with the licensee that the plant could be restarted. The licensee initiated startup of the plant late on November 3, 1981.

Dated at Washington, D.C. this 8th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–35663 Filed 12–11–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on January 13, 1982, and January 28, 1982, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania 17101. The meetings will be open for public observation.

At these meetings, the Panel will discuss alternative strategies for

assuring financial resources to complete the TMI–2 cleanup.

Further information on the meetings may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492–7466.

Dated: December 9, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–35660 Filed 12–11–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Exemption Change

The ACRS Subcommittee on Class-9 Accidents scheduled to be held on December 16 (1:00 p.m.) and 17 (8:00 a.m.), 1981, at the Rodeway Inn, 4590 Quebec at I-70, Denver, CO, the exemption regarding the close sessions has been changed to the following: Sunshine Act Exemption 9(b)—Disclose information the premature disclosure of which would, in the case of any agency, be likely to significntly frustrate implementation of a proposed agency action.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 9(b) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(b).

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, December 1, 1981 (46 FR 58387).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Dr. Richard Savio (telephone 202/634–3268) between 8:15 a.m. and 5:00 p.m., est.

Dated: December 9, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–35667 Filed 12–11–81; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, IC 010–5 (which should be mentioned in all correspondence concerning this draft guide), is Proposed Revision 2 to Regulatory Guide 1.105 and is entitled "Instrument Setpoints." The guide is being developed to describe a method acceptable to the NRC staff for complying with the Commission's regulations for ensuring that instrument setpoints in systems important to safety are initially within and remain within the technical specifications. This Proposed Revision 2 is being developoed because the guidance in Revision 1 is being incorporated into a national standard, ISA S67.04, "Setpoints for Nuclear Safety-Related instrumentation Used in Nuclear Power Plants." Proposed Revision 2 will endorse, with appropriate modifications, ISA S67.04.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch by

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 7th day of December 1981.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 81–35665 Filed 12–11–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR–72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utiltities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida.

The amendment revises the TSs to authorize Cycle 4 operation of the facility following refueling. It also deletes an improper surveillance requirement for the containment spray additive system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 16, 1981, as supplemented November 20, 1981, (2) Amendment No. 46 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of December 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-35662 Filed 12-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Unit No. 1); Exemption

I

The Georgia Power Company (the licensee) and three other co-owners are the holders of Facility Operating License No. DPR-57 which authorizes operation of the Edwin I. Hatch Nuclear Plant, Unit 1 (Hatch 1 or the facility). The license provides, among other things, that Hatch 1 is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Appling County, Georgia.

II

Section 50.48(c)(2) of 10 CFR Part 50 requires that certain features of the Hatch 1 fire protection program, specifically, those that involve installation of modifications, shall be implemented by November 17, 1981. One such feature is the installation of emergency lighting units in all areas needed for operation of safe shutdown equipment.

By letter dated November 12, 1981, the licensee requested an exemption from the 50.48 schedular requirement, delaying the installation of these lighting units from November 17, 1981, to December 4, 1981. The delay is necessitated by a redesign to ensure seismic integrity of the mounting brackets and subsequent material procurement problems. The licensee stated that a significant amount of emergency lighting is currently installed in Hatch 1, providing adequate illumination for operation of safe shutdown equipment, albeit not yet in compliance with seismic design criteria for the mounting brackets. Additionally, hand-held emergency lighting is available to plant personnel.

As the licensee will have the system operational in a relatively short period of time, has a "non-seismic" system currently operable, and has backup hand-held emergency lighting available, we conclude that the licensee's request for an extension of the completion date required by 10 CFR 50.48(c)(2) should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security, is otherwise in the public interest, and is hereby granted.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 7th day of December 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-35666 Filed 12-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric and Gas Co., et al. (Virgil C. Summer Nuclear Station, Unit 1); Rescheduling of Hearing

December 8, 1981.

Please take notice that the evidentiary hearing has been rescheduled from December 14, 1981, to reconvene at 9:00 a.m. on January 11, 1982 in the Law School Courtroom, Room 239, at the University of South Carolina Law School, Columbia, South Carolina 29208. The public is invited to attend.

The Applicants and NRC Staff are directed to prefile their supplemental testimony by December 18, 1981 and December 31, 1981, respectively. Copies of Staff's testimony are to be delivered to the Board Chairman's office by 2:00 p.m. on December 31, 1981.

By Order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

Dated at Bethesda, Maryland this 8th day of December 1981.

[FR Doc. 81-35664 Filed 12-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443A and 50-444A]

Public Service Co. of New Hampshire, et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Public Service Company of New Hampshire, et al.,[1] pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Canal Electric Company (Canal) in the Seabrook Station, Units 1 and 2. The change involves the transfer of ownership from the Commonwealth Electric Company to Canal.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for two pressurized water reactors. Construction was authorized on July 7, 1976 at the Seabrook site located in Rockingham County, New Hampshire.

The original application was docketed on July 9, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on August 9, 1973 (38 FR 21522). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicants' Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of

[1] The current applicants for the operating licenses for Seabrook Station are: Bangor Hydro-Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Commonwealth Energy Systems, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department, Maine Public Service Company, Massachusetts Muncipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire, Taunton Muncipal Lighting Plant, The United Illuminating Company, and Vermont Electric Cooperative, Inc.

Opportunity for Hearing was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883.

Any person who wishes to have his views on the antitrust matters with respect to the Canal Electric Company presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation, on or before January 29, 1982.

Dated at Bethesda, Maryland, this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-34273 Filed 11-27-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

December 7, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost of the public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96-511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, plesase advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Food and Nutrition Service
Application and Agreement: National School Lunch Program, School Breakfast Program and Special Milk Program
FNS-66 66-1 67
Annually
Businesses or other institutions
Nonpublic, nonprofit schools and resid. child care instit.
SIC: 821 336
Small businesses or organizations
Public assistance and other income supplements: 1,994 responses; 2,317 hours; $384,204 Federal cost; 3 forms; $23,170 public cost; not applicable under 3504(h)
Nell Minow, 202-395-7340

The FNS-66 and 66-1 are used by Applicant organizations for participation in the national school lunch, school breakfast and special milk programs. FNS executes grant agreements with school food authorities of schools approved for participation via the FNS-67.

• Agricultural Marketing Service
Hawaiian Papayas—Marketing Order 928
Monthly annually
Businesses or other institutions
Hawaiian papaya producers, handlers and processors
SIC: 017 515 203
Small businesses or organizations
Agricultural research and services: 965 responses; 539 hours; $532 Federal cost; 3 forms; $3,016 public cost; not applicable under 3540(h)
Charles A. Ellett, 202-395-7304

Papaya administrative committee forms are used to obtain information from papaya producers, handlers, and processors relating to the papayas

disposed of by them, as well as make application for benefits, including obtaining special handling permits to make certain types of shipments exempt from regulation, as provided for in the marketing order.

Revisions

• Food and Nutrition Service
Household Composition, Income Standards, Initial Month Benefits, Adjustments, Deductions, and Outreach (Model Food Stamp Forms)
FNS 385 386 387
On occasion
Individuals or households/State or local governments
State and local welfare agencies, applicant and part. hhlds.
SIC: 943 881
Food and nutrition assistance: 105,877,760 responses; 29,386,083 hours; $67,163,301 Federal cost; 3 forms; not applicable under 3540(h)
Nell Minow, 202–395–7304

Form revisions are necessitated by regulations which implement those provisions of the 1981 Omnibus Reconciliation Act aimed at reducing the growth of Federal food stamp program expenditures for fiscal year 1982, by restricting eligibility for the program and reducing benefits to certain households which remain eligible.

• Economics and Statistics Service
Monthly Farm Report
Monthly
Farms
Grain and field crop producers
SIC: 011 013
Small businesses or organizations
Agricultural research and services: 286,700 responses; 54,875 hours; $2,100,000 Federal cost; 11 forms; $878,000 public cost; not applicable under 3504(h)
Statistical Policy Branch; 202–395–7313

Reported crop condition and probable yield are major input at State level for monthly forecast of crop production. Quarterly on-farm stocks of grain are combined with off-farm stocks (40–R0014) to estimate grain and soybean stocks in all positions.
Data used in marketing decision affecting Nation's food supply.

Extensions (Burden Change)

• Economics and Statistics Service
Ground Data Collection in Support of Agristars
Other—See SF83
Farms
Farmers in pre-selected segments
SIC: 011 013
Agricultural research and services: 9,790 responses; 4,892 hours; $480,000 Federal cost; 2 forms; $78,272 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Provides "ground truth" data for an aerospace remote sensing project to detect condition affecting crop production to improve accuracy of domestic and foreign crop forecast and to develop land use and resource inventories. Data will be turned over to NASDA for use in evaluation of satellite interpreted spectral data.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• National Oceanic and Atmoshperic Administration
Survey of Intent and Capacity to Harvest and Process Fish and Shellfish
Annually
Individuals or households/businesses or other institutions
fishermen and processors
SIC: 091, 514
Small Businesses or organizations
Other advancement and regulation of commerce: 157 responses; 13 hours; $500 Federal cost; 4 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

Assessments are made of the U.S. fishing industries intent and capacity to harvest and process fish and shellfish. Results are used to establish allocation of fish amounts between U.S. and foreign fishermen.

Extensions (Burden Change)

• International Trade Administration
U.S. Supplier Evaluation—Foreign Buyer Program
ITA–4045P
On occasion
Businesses or other institutions
U.S. supplies with exportable products
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 100 responses; 8 hours; $740 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

ITA 4045P is used to ascertain what business was transacted between U.S. firms who were placed in contact with individual foreign buyers assisted by the program. Evaluation reports are submitted to office management and to relevant foreign service posts.

Reinstatements

• Bureau of the Census
Annual Demographic Survey
CPS–865
On occasion
Individuals or households
58,500 interviewed hsehlds in March 1982 CPS, etc.
Other advancement and regulations of commerce: 61,000 responses; 24,400 hours; $1,000,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

This supplement is the source of data on work experience, personal and family income, poverty levels, population status, family relationships, marital status, and migration. These measurements will be analyzed with respect to each other as well as demographic variables such as education, age, race, and sex.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
Report of F.O.B. Origin Deliveries (Alternate Release Procedures)
Other—See SF83
Businesses or other institutions
Petroleum refineries and/or storage terminals
SIC: 291, 517
Small Businesses or Organizations
Department of Defense-Military; 60 responses; 1,512 hours; $6,361 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Record of petroleum products shipped from a commercial refinery or final terminal on an F.O.B. origin basis where the contract authorizes alternate release procedures.

• Departmental and Others
Marine Corps Advertising Awareness and Attitude Tracking Study
Semiannually
Individuals or households
17–24 year old males with no prior military service
Department of Defense-Military: 1,000 responses; 500 hours; $17,645 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Study is the primary means to evaluate the effectiveness of advertising and assisting in the efficient cost effective planning of future advertising campaigns.

• Departmental and Others
Incentive Plan Study
Nonrecurring
Businesses or other institutions
Principally MFR concerns, also, State and local governments
SIC: Multiple

Small businesses or organizations
Department of Defense-Military: 20 responses; 35 hours; $99,248 Federal cost; 1 form; $758 public cost; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Purpose of this project is to gather information about alternative pay-for-performance plans in the private sector, to evaluate such plans for possible applicability to the Federal system workforce, and to develop implementation guidelines and evaluation criteria for selected plans.

Revisions

• Department of the Air Force
Report of Government Vehicles, Equipment, and Material in the Hands of Contractors
AFTO Form 439, AFIO Forms 11, 392, 814, and G009
Monthly
Businesses or other institutions
Maintenance repair contr. and interserv. repair facilities
SIC: Multiple
Small businesses or organizations
multiple functions: 926,640 responses; 185,328 hours; $8,211 Federal cost; 3 forms; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AFLC forms 11 and 392 and AFTO form 439 are manual systems used to report Air Force inventory and production data. The AFLC forms 814 and 815 are manual systems used to report spare parts inventories. The GFM transaction reporting system replaces the AFLC Forms 11, 392, 814, and 815 when applied to high value contracts. All of these collections are required for input to Air Force financial management and production or requirements computations systems.

Extensions (Burden Change)

• Departmental and Others
Supplemental Personal Qualifications Statement Designed for Computer Entry
DD Form 2250
Nonrecurring
Individuals or households
Indiv. who voluntarily apply for DOD entry lev. GS–5, etc.
Department of Defense-Military: 25,000 responses; 25,000 hours; $360,200 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Under provisions of the Civil Service Reform Act (CSRA) Office of Personnel Management (OPM) has delegated to DOD examining authority for entry level GS–5 positions in quality assurance occupational series. DD Form 2250 is specifically designed to collect personal qualification information from applicants for computer entry by an optical mark reader (OMR).

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

• Departmental Management
State Uses of Federal Funds
ED 511
Annually
State or local governments
State education agencies
SIC: 914
Education, training, employment, and social services: 51 responses; 7,650 hours; $100,000 Federal cost; 1 form; $765 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The data provide the necessary basis for annual report mandated by Congress.

• Office of Postsecondary Education
Performance Reporting: Minority Institutions Science Improvement Program (MISIP)
ED–0007P
Annually
Businesses or other institutions
MISIP grantees (minority institutions, non-profit, etc.)
SIC: Multiple
Higher education: 100 responses; 300 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Brief annual reports covering such matters as (1) progress to date in comparison to project schedule, (2) problems encountered and methods used in solving them and (3) circumstances which might significantly affect the project.

Revisions

• Office of Elementary and Secondary Education
Title I, FSEA, Section 143, Migrant Education Interstate and Intrastate Programs
ED 362–2
Annually
State of local governments
State educational agencies/local educational agencies
SIC: 941
Elementary, secondary, and vocational education: 51 responses; 2,040 hours; $48,500 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Grants are needed for State education agencies (that may apply individually or cooperatively) to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant activities. Products of these grants will be distributed to all States serving migrant children, the District of Columbia and Puerto Rico.

• Office of Postsecondary Education
Fiscal—Operations Report/Application to Participate in NDSL, SEOG and CWS Programs
ED 646, 646–1
Annually
Businesses or other institutions
Institutions of Higher Education
SIC: 822, 824
Higher education: 4,650 responses; 174,750 hours; $40,000 federal cost; 1 form; $758,415 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

The application data will be used to compute the amount of funds needed by each institution during the 1983–1984 award period. The fiscal operation's report data will be used to assess program effectiveness and accountability of funds expended during the award 1981–1982.

• Office of Postsecondary Education
Guarantee Agency Quarterly Report
OE 1130, ED 1130
Quarterly
State of local governments
State guarantee agencies
SIC: 821, 822
Higher education: 220 responses; 495 hours; $16,100 federal cost; 1 form; $1,238 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

(1) To provide summary data on agency finances and operations which are funded primarily with federal dollars, (2) to provide the secretary with the necessary information to perform oversight functions of the agency—program operations, fraud and abuse, report to the Congress, etc., and (3) to collect certain specific data required to be reported under section 432(C)(1)(A) of the Higher Education Act.

Extensions (No Change)

• Office of Elementary and Secondary Education
Application for Disaster Assistance (P.L. 81–874 Sec. 7)
ED 423
Nonrecurring
State or local governments
Local education agencies
SIC: 941
Elementary, secondary, and vocational education: 250 responses; 500 hours;

$3,000 Federal cost; 1 form; $10,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data is used to assist in determining eligibility of a local education agency for disaster assistance and amount of grant.

Reinstatements

• Office of Elementary and Secondary Education
Standard Application Federal Assistance (Non-Construction) for Follow-Through Program
OE–4473
Annually
State or local governments/businesses or other institutions
Col. and univ. reg. edu. labs., other nonprof. organ., etc.
SIC: 821, 822, 829, 941
Elementary, secondary, and vocational education: 112 responses; 3,360 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This application form is necessary in order to make annual grants to applicants. The information contained in the application is used to determine annual funding levels to grantees. In addition, information is extracted from the application which is used to prepare reports for Congress, OMB, and the GAO.

• Office of Postsecondary Education
Physician's Certification of Borrower's Total and Permanent Disability for Student Loan Program
OE–777, ED 1172
Annually
Individuals or households
Borrower or borrower's representative, certifying physician
Higher Education: 2,500 responses; 1,000 hours; $2,500 Federal costs; 1 form; $75,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The guaranteed student loan program (GSLP) was established in 1965 under title IV, part B of the Higher Education Act. The GSLP's chief objective is to provide a program of student loan insurance for students attending eligible postsecondary schools. This form is used to request cancellation of loan owed. The law provides that the Federal Government will cancel the loan if the borrower becomes permanently and totally disabled.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Extensions (No Change)

• Federal Energy Regulatory Commission
Application for Annual or Basic Valuation
FERC–42
Annually
Businesses or other institutions
Cil pipeline companies
SIC: 461
Other advancement and regulation of commerce: 90 responses; 45 hours; $300 Federal cost; 1 form: not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

The data collected on this application identify the pipeline company requesting a valuation, and provide for calculation and submission of the required valuation fee in accordance with specified regulations.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Preclearance—Evaluation of Three Demonstrations in Nursing [1]
Homes certification survey and inspections of care
Nonrecurring
Individuals or households/businesses or other institutions
1,100 nursing homes in Wisconsin, Mass, and NY, etc.
SIC: 805
Small businesses or organizations
Health: $860,000 Federal cost; 1 form not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The demonstrations test different streamlined methods of implementing federally-mandated nursing home certification surveys and inspections of patient care. The evaluation will assess the overall success of these streamlined methods hopefully showing less regulatory burden on industry and residents.

• Health Care Financing Administration
Preclearance: AFDC Home Health Aide Demo/Evaluation [2]
HCFA–82–ORDS–01/ET
Nonrecurring
Individuals or households/businesses or other institutions
Low income elderly population at risk of institution,etc.
SIC: 808 919
Small businesses or organizations
Health: $600,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger 202–395–6880

As Mandated by Congress, the purpose of this Procurement is to establish a demonstration-evaluation design for the AFDC home health aide demonstration. This includes assisting HCFA and the States in developing the demonstration projects, any instrumentation or data collection procedures necessary, and implementing a research design which will insure the evaluability of the projects.

• Food and Drug Administration
Physician Response to Reduced Information Requirements in Prescription Drug Advertising
Nonrecurring
Businesses or other institutions
General Practitioners, internists and cardiologists
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 384 responses; 192 hours; $127,938 Federal cost; 5 forms; $127,938 public cost; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

Regulations require prescription drug ads to contain a brief summary of the drug's limitations and have been interpreted as requiring an extensive separate section. The cost and communication effectiveness of this brief summary are controversial. The proposed study will explore the effects of requiring a simplified display of the product's major limitations.

• National Institutes of Health
Final Invention Statement
HHS 568
On occasion
Businesses or other institutions

[1] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and recipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

[2] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and recipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

Principal investigator, project director, awardee
SIC 822, 806
Health research: 18,000 responses; 1,500 hours; $10,362 Federal cost; 1 form; $15,000 public cost, not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

Used in close out of grants and awards for research to obtain certified statement as to inventions made in the course of the work thus supported.

• Health Resources Administration
Impact of Community Oranization Health Career Opportunity Programs
Nonrecurring
Individuals or households/businesses or other institutions
Former and present student participants in program, etc.
SIC: 822, 862, 864
Small businesses or organizations
Health: 2,230 responses; 1,115 hours; $205,000 Federal costs; 4 forms; $11,150 public costs; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

The proposed assessment will provide the first comprehensive analysis of the universe of 52 community organizations funded since 1972. Study results are expected to provide insight on project impact and information useful for management and policymakers. A complete report will be disseminated to HCOP grantees and other interested individuals.

• National Institutes of Health
Case-Control Epidemiologic Study of Leukemia and non-Hodgkin's Lymphoma
Nonrecurring
Individuals or households
Next-of-kin of deceased leukemia and non-Hodgkin's etc.
Health: 300 responses; 300 hours; $50,000 Federal cost; 1 form; $3,000 public cost; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

Preliminary studies suggest that certain occupational factors, particularly farm-related, may play a role in the origin of leukemia and non-Hodgkin's lymphoma. This special epidemiologic study will provide the needed data to identify and quantify occupational and other risk factors for these cancers.

• Health Care Financing Adminstration
Contractors' Information Collection—Post Processing of Claims Data [1]
HCFA–9024
On occasion
Individuals or households/businesses or other institutions providers, physicians, suppliers in medicare program
SIC: 801, 804, 806, 808, 881
Health: 2,100,000 responses; 700,000 hours $0 Federal cost; 1 form; $7,000,000 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary and carrier forms gather data on claims which have been processed. Subject areas include review of medical records, PSRO/UR determinations, outstanding checks and deceased beneficiaries.

Revisions

• Food and Drug Administration
Reporting/Recordkeeping Requirements Under P.L. 90–602
On occasion
Businesses or other institutions
Manufacturers of radiation emitting electronic products
SIC: 367
Small businesses or organizations
Consumer and occupational health and safety: 21,043,085 responses; 1,402,724 hours, $3,352,400 Federal cost; 2 forms; $3,352,400 public cost; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

The data is collected to determine if manufacturers are in compliance with the standards prescribed under the FD&C Act. It is used to evaluate, approve or disapprove electronic radiation emitting products and exemption requests.

• Health Services Administration
Bureau of Community Health Services Common Reporting Requirements
HSA–350
Semiannually
State or local governments/businesses or other institutions Federally-supported ambulatory health care centers
SIC: 808, 943
Health care services: 2,200 responses; 52,800 hours; $264,000 Federal cost; 12 forms; $528,400 public cost; not applicable under 3504(h)
Gwendolyn PLA, 202–395–6880

This reporting form is used by the bureau of community health centers to provide performance information on all operating health centers.

• Health Care Financing Administration
Program Integrity Activity Report (Revision of HCFA–52 Formerly Called OPI Postpayment Review Summary-Medicaid) [2]
HCFA–52
Quarterly
State or local governments
State agencies
SIC: 919
Health: 212 responses; 106 hours; $31,607 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The data collected through the program integrity activity report is necessary as a recordkeeping device for both individual case control and overall program statistics. HCFA will use the data for analysis of patterns and trends of abuse of the medicare and medicaid programs.

• Social Security Administration
Disability Report and Vocational Report
SSA–3368 SSA–3369
On occasion
Individuals or households
Claimants who have filed title II disability and title XVI, etc.
General retirement and disability insurance: 1,500,000 responses; 705,000 hours; $2,122,583 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

The information requested on form SSA–3368 is needed in order to make a determination for a disability claim. Form SSA–3369 supplements the SSA–3368 regarding additional information about past work experience. The information will be used to further document a claim. These forms are essential to case development and adjudication.

Ectensions (Burden Change)

• Social Security Administration
Vocational Survey Form—Disability Insurance Program
HA–625
On occasion
Businesses or other institutions
Employers in labor mkts related to reconsideration of claims
SIC: All
Small businesses or organizations
General retirement and disability insurance: 260 responses; 520 hours;

[1] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and recipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

[2] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and recipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

$5,556 Federal costs; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

In sustaining the denial or cessation of claims for disability insurance benefits based on evidence which indicates that the applicant can engage in substantial gainful activity SSA must be able to show conclusive information about the existence of appropriate jobs, their numbers, and their general locations. This survey is used to give the vocational expert specific factual information to supplement his own personal knowledge, etc.

• Food and Drug Administration
Poisoning Report
FD 2294A
On occasion
State or local governments/businesses or other institutions
Poison control cneters located in pub or priv hospitals, etc.
SIC: 809 806 943
Small businesses or organizations
Consumer and occupational health and safety: 140,000 responses; 3,500 hours; $100,000 Federal costs; 1 form; $35,000 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Poisoning data provides FDA, other public health agencies and the private sector with information needed to plan poison control programs, monitor the effectivenesss of regulatory and nonregulatory poison prevention programs, evaluate product safety and develop consumer education materials.

• Food and Drug Administration
Annual Review of State and Local Radiological Health Programs
FD 2801
Annually
State of local governments
State radiation control agencies
SIC: 943
Consumer and occupational health and safety: 55 responses; 495 hours; $5,830 Federal costs; 1 form; $4,950 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Information is essential in evaluating national program development in radiological health. Data collected is used to fulfill requirements of sec. 357, Pub. L. 90–602. The act requires a national study of current State control of health hazards from electronic product radiation and other types of ionizing radiation.

Extensions (No Change)

• Departmental Management
Request for Advance or Reimbursement
OS–21–81
On occasion
State or local government/businesses or other institutions
HHS grant-in-aid recipients
SIC: Multiple
Public assistance and other income supplements: 83,964 responses; 20,991 hours; $36,027 Federal costs; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This is a cash request form. It requires recipients to schedule from one to four advances within the month to correspond to immediate disbursement needs. It also requires the recipient to report the actual cash on hand as of the request date.

Reinstatements

• Food and Drug Administration
License Applications for the Mfg. of Allergenics and Plasma Derivatives Products and General Establishment
FDA 3210, FDA 3213, FDA 3214
On occasion
Businesses or other institutions
Drug manufacturers of biological products
SIC: 283
Small businesses or organizations
Consumer and occupational health and safety: 57 responses; 342 hours; $18,220 Federal cost; 3 forms; $3,420 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Section 351 of the Public Health Service Act and 21 CFR 601.2 requires all manufacturers of biological products to submit applications for review and approval to the Bureau of Biologics prior to marketing a product. A separate license is issued to the manufacturer for each approved product application. The data is used to determine if the manufacturer is in compliance with license provisions of the regulations.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Housing Programs
Negotiated FHA Interest Rate Program
HUD–9722, HUD–9723
Nonrecurring
Businesses or other institutions
Mortgage lenders
SIC: 616, 612, 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance: 100,000 reponses; 25,000 hours; $100,000 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To carry out new programs and to compile information in order to respond to congressionally mandated study, prescribed by Section 332(2)(D) of the Housing and Community Development Act of 1980, Pub. L. 96–399.

• Community Planning and Development
Urban Renewal Program Certificate of Completion and of Gross and Net Project cost
HUD–6204
Other-see SF83
State or local governments
Local public agencies with still-active urban renewal prog.
SIC: 953
Community development: 25 responses; 100 hours; $500 Federal cost; 1 form; $2,000 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

PL 81–171, section 110 (E) and (F), in regard to the gross and net project cost in the urban renewal program, requires that the grantee (the local public agency) certify these costs to HUD.

• Community Planning and Development
Urban Renewal Program Budgetary Cash Position and requirements
HUD–6252
Other—see SF83
State or local governments
Active urban renewal
SIC: 953
Community development: 100 responses; 200 hours; $1,200 Federal cost; 1 form; $1,200 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

PL 81–171, section 103 (attached) limits the HUD secretary in various ways in regard to honoring requisitions for capital grant payments. This form details the gross and net project costs so that HUD can ascertain that the statutory limits are met and the payment requisition may be honored.

• Community Planning and Development
(1) Technical Assistance Deliverer Questionnaire
(2) Technical Assistance Recipient Questionnaire
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
States, Local Governments, Indian Organizations, etc.
SIC: 911, 912, 953, 739, 822, 892
Small businesses or organizations
Community development: 560 responses; 280 hours; $89,718 Federal cost; 2 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Pub. L. 95–125, section 107 authorized HUD to make awards for the provisions of technical assistance (TA). The regulations at 24 CFR 570.402 state that grants and contracts be made to improve performance and participation in the CDBG and UDAG programs. These questionnaires will help HUD to determine whether TA has been provided efficiently and effectively and will help HUD to improve the TA process.

• Management and Administration
Payroll
WH–347
Weekly
Businesses or other institutions
Construction contractors
SIC: 152, 154, 161
Small businesses or organizations
Multiple functions: 90,000 responses; 1,120,000 hours; $419,220 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Ascertain compliance with Davis-Bacon and related Acts and the Copeland Act as required under Title 29 CFR part 5.

• Management and Administration
Request for Determination and Response to Request
SF–308
On occasion
State or local governments
Comm development block grant recipients, public housing, etc
SIC: 953
Multiple functions: 5,000 responses; 834 hours; $104,805 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Compliance with Title 29 CFR, Subtitle A, Part 1, § 1.5(A)(1). Form is used by contracting agencies for requesting Davis-Bacon Wage decisions from the Department of Labor.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Office of Surface Mining Reclamation and Enforcement
Quantitative Program Management Information (Soap program)
OSM–51C
Semiannually, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 90 responses; 135 hours; $1,620 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

OSM 51C—this form is to be used to report the program. The quantitative data for monitoring and reporting program performance for the small operators assistance program.

• Office of Surface Mining Reclamation and Enforcement
Budget Information—Construction
OSM–48
Nonrecurring, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 715 responses; 11,440 hours; $8,580 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The OSM–48, budget information-construction form is to be used as the standard form for an applicant to submit a construction budget.

• Office of Surface Mining Reclamation and Enforcement
Check List for Grant and Cooperative Agreement Closeout
OSM–61
Annually
State or local governments
25 State agencies and 31 institutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 300 hours; $3,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–61 is to be used by OSM staff as the check list for closing out OSM grants or cooperative agreements.

• Office of Surface Mining Reclamation and Enforcement
Program Narrative Statement and Performance Report
OSM–51
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 5,260 responses; 42,080 hours; $253,680 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–51, program narrative statement and performance report will be used as part IV of an application and to report the performance of an OSM grant or cooperative agreement.

• Office of Surface Mining Reclamation and Enforcement
Outlay Report and Request for Reimbursement for Construction Programs
SF–271
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 4,120 responses; 32,960 hours; $49,440 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

SF–271 is to be used as the standardized format to be used to report the status of funds for OSM construction projects.

• Office of Surface Mining Reclamation and Enforcement
Quantitative Program Management Information
OSM–51A
Semiannually, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 90 responses; 135 hours; $1,620 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM 51A is to be prepared by a recipient and report the Quantitative data for monitoring and reporting of program performance for the State and Federal programs.

• Office of Surface Mining Reclamation and Enforcement
Quantitative Program Management Information, Part 2
OSM–51B
Semiannually, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 90 responses; 135 hours; $1,620 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–51B is to be prepared by a recipient and report the quantitative data for monitoring and reporting of program performance for the State and Federal Program.

• Office of Surface Mining Reclamation and Enforcement
Report of Government Property
OSM–60
Annually
State or local governments
25 State Agencies and 31 institutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 600 hours; $3,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

OSM–60 is to be used when closing out an OSM grant or cooperative

Agreement. This form will be used to account for Government property.

- Office of Surface Mining Reclamation and Enforcement

Recipient's Release
OSM–62
Annually
State or local governments
25 State agencies and 31 insititutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 300 hours; $3,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–62 will be used by a recipient of an OSM grant or cooperative agreement to release OSM from liabilities under the agreement.

- Office of Surface Mining Reclamation and Enforcement

Section B Project Approved Information Report
OSM–50B
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 145 responses; 73 hours; $870 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–50B, section B of the project approved information is to be used as part of an application for Federal assistance for a construction grant or cooperative agreement.

- Office of Surface Mining Reclamation and Enforcement

Section A—Project Approved Information Report
OSM–50A
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 300 responses; 150 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–50A, project approval information—section A is to be part II of an application for Federal assistance for a construction or non-construction grants or cooperative agreements.

Revisions

- Office of Surface Mining Reclamation and Enforcement

Financial Status Report
SF–269
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 1,090 responses; 8,720 hours; $13,080 Federal cost, 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

SF–269 is to be used to report the financial status of funds awarded to a State agency with an OSM grant or cooperative agreement.

- Office of Surface Mining Reclamation and Enforcement

OSM Budget Information Report
OSM–47
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 210 responses; 1,680 hours; $2,520 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This form is designed so that budgets can be made for non-construction funds and establish budgets for functions or activities.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

Employment and Training Administration

- Unemployment Compensation for Ex-Service Persons

(UCX) Handbook
On occasion, other—see SF83
Individuals or households/State or local governments
Individuals filing claims for UCX benefit entitlement, etc.
SIC: 944
Unemployment compensation: 287,000 responses; 384,580 hours; $4,800 Federal cost; 3 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Federal Law (5 U.S.C. 8521 et seq.) provides unemployment insurance protection to former members of the armed forces (Ex-Service Persons) and is referred to in abbreviated form as "UCX." The forms in Chapter V through VIII of the UCX handbook are used in connection with the provision of this benefit assistance.

- Departmental Management

Qualifications Inquiry, DL–166
Pers–6
Nonrecurring
Individuals or households
Applicants
Other labor services: 11, 900 responses; 1,983 hours; $23,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is required under the Department of Labor's negotiated merit staffing plan for positions outside the union bargaining units, National Council of Field Labor Locals, and the National Union of Compliance Officers to solicit information by personnel offices from the applicant's supervisor. The information will be used by raters to evaluate outside applicants against the requirements of the vacancy to be filled.

- Mine Safety and Health Administration

Mine Operator Dust Data Card
MSHA–218
Other—see SF83
Businesses or other institutions
All surface and underground coal mine operators
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 300,000 responses; 4,800 hours; $80,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Coal mine operators are required to collect and submit respirable dust samples to the Secretary of Labor for analysis. Pertinent information associated with identifying and analyzing these samples is submitted with the samples. Authority established by Pub. L. 95–164.

- Mine Safety and Health Administration

Main Fan Maintenance Records
MSHA–421R
Monthly
Businesses or other institutions
Underground metal/nonmetal mines
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 900 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires regular maintenance of the main life support system to the mine. The required record establishes documentation of maintenance program. This documentation may serve as a warning for possible ventilation problems before they occur.

- Mine Safety and Health Administration

Inspections of Firefighting Equipment
MSHA–419R
On occasion
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations

Consumer and occupational health and safety: 14,900 responses; 715,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Firefighting equipment inspection needs vary with the type of equipment, use, environmental exposure, and manufacturers recommendations. Inspections are necessary to assure protection intended when the need arises. The equipment involved includes firefighting trucks, hoses, hydrants, fittings, extinguishers, sprinklers, etc.

• Mine Safety and Health Administration
Hazardous Conditions Complaints
MSHA–707
Other—see SF83
Businesses or other institutions
Representative of miners, or an individual miner
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 500 responses; 100 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Complaints about hazardous conditions must be made in writing to the secretary or an authorized representative. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Annual Status Report and Certification on Impoundments and Refuse Piles
MSHA–211
Annually
Business or other institutions
Active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety; 105 responses; 210 hours; $1,880 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires each operator to submit an annual status report and certification of impoundments and refuse piles. The information is used as an enforcement and administrative tool. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Mine Ventilation System Plan
MSHA–401
Annually
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety; 900 responses; 21,600 hours; $108,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Ventilation plan submission and update assures a continuing understanding of potentially hazardous areas of an underground mine to the District Manager of MSHA. The district personnel will, therefore, be able to recommend alterations to the system in recognition of a hazard, and will be better able to respond to an emergency at the mine.

• Mine Safety and Health Administration
Hearing Conservation Plan
MSHA–210
Nonrecurring
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety; 200 responses; 100 hours; $300 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The plan describes the mine operators hearing conservation program. It is required to be submitted only if excessive noise exposure has been found. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Applications for Approval of Sanitary Toilet Facilities
30 CFR 75.1712–6
MSHA–209
Nonrecurring
Businesses or other institutions
Coal mine operators
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety; 2,601 responses; 1,300 hours; $3,902 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Sanitary toilet facilities are required underground to insure a healthier environment for the employees. Approval of all facilities is required to insure compliance. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Submission and Approval of Slope/Shift Sinking Plans
MSHA–208
On occasion
Businesses or other institutions
Nation's active coal mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety; 40 responses; 1,600 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Require that slope and shaft plans be submitted for approval. Information used to ensure that specific safety requirements are included in a slope/shaft sinking plan via MSHA personnel. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Operations Under Water
MSHA–207
On Occasion
Businesses or other institutions
Underground coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety; 30 responses; 480 hours; $7,200 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The underground coal mine operators are required to submit information and get a permit to mine under bodies of water in order to protect mines from cave-ins and inundations. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Application for Grants
MSHA–100
Quarterly, other—see SF83
State or local governments
State government agencies
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 37 responses 4,144 hours; $62,160 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins 202–395–6880

OMB circular A102 states the reporting requirements for MSHA's Federal assistance programs. The SF424 is the grants application for a new grant or for a modification to an existing grant. Authority established by the Federal Mine Safety and Health Act of 1977, Pub. L. 95–164.

• Mine Safety and Health Administration
Monthly Tests of Mine Rescue Apparatus
MSHA–411R
Monthly
Businesses or other institutions
Underground metal/nonmetal mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 7,200 responses; 57,600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)

Laverne V. Collins, 202–395–6880

Mine rescue apparatus is used as a life support system in deadly atmospheres by trained personnel in the act of rescue work. Failure of the apparatus under rescue conditions could jeopardize the life of the individual wearer and the entire team. The testing and recording procedure will minimize the possibilities of a failure.

• Mine Safety and Health Administration
Fire Door Location Plans for Underground Mines at Level Landings
MSHA–410
On occasion
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 300 responses; 24,000 hours; $36,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Fire doors at level landings are needed to prevent the spread of smoke and toxic gases in the event of an underground mine fire. They afford a protection of a safe refuge for the miners while awaiting a shaft conveyance to escape the mine. Ventilation changes which may occur as a mine is developed may necessitate the relocation of some doors.

• Mine Safety and Health Administration
Application for Waiver of Surface Facilities Requirement
MSHA–212
Annually
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety; 1,800 responses; 900 hours; $2,700 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

If the operator desires to request a waiver of the Federal regulations requiring surface facilities, the coal mine operator files this application to show the grounds upon which the request is based.
Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Application for Approval for the Use of Non-Permissible Explosives and Shot Firing Units
MSHA–203
On occasion
Businesses or other institutions
Active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 50 responses; 50 hours; $750 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

MSHA requires the mine operator to set forth the safeguards to be employed to protect the health and safety of miners that would be exposed to the use of non-permissible shot firing units.

• Mine Safety and Health Administration
Ground Control Plan
MSHA–202
Nonrecurring
Businesses or other institutions
New surface coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 760 responses; 30,400 hours; $1,140 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

The ground control plan is used as an enforcement tool to insure that surface coal mine operators' methods of controlling highwalls, pits and spoil banks are consistent with prudent engineering design and will insure safe working conditions. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Annual Functional Test and Weekly Inspection of Fire Sensor and Warning Device Systems
MSHA–231R
Weekly
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 244,800 responses; 24,480 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Requires that a record be kept of annual functional test and weekly inspections of automatic fire sensor and warning devices. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Examination of Hazardous Conditions
MSHA–233R
Other—see SF83
Businesses or other institutions
Surface coal mines, surface facilities, and independent, etc.
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 1,216,380 responses; 608,190 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Requires reports of daily inspection of hazardous conditions in coal mines. The information is used as an enforcement tool to insure that mine operators are conducting examinations for hazardous conditions. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Hoist and Shaft Inspection Records
MSHA–414R
Quarterly, other—see SF83
Businesses or other institutions
Metal/nonmetal mining industry
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 1,000 responses; 16,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Systematic inspections of shafts and hoists are required at varying intervals. Records must be maintained for 3 years.

• Mine Safety and Health Administration
Main Fan Inspection Logs—Gassy Mines
MSHA–415R
Other—see SF83
Businesses or other institutions
Gassy mines—metal/nonmetal mining industry
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 18 responses; 3,600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Standard applies only to gassy mines. Potentially gassy (explosive) conditions underground are largely controlled by the main fans. Fans must be inspected daily and logs kept.

• Mine Safety and Health Administration
Air Quality Measurements in Gassy Mines
MSHA–416R
Weekly
Businesses or other institutions
Gassy mines, metal/nonmetal mining industry
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 18 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)

Laverne V. Collins, 202–395–6880.

The adequacy of the ventilation system for a gassy mine must be checked weekly to maintain a safe working environment. Quantitative measurements help assure dilution of gasses and preclude and pressure of explosive atmospheres.

• Mine Safety and Health Administration
Daily Inspection of Hoists Record
MSHA–240R
Other—see SF83
Businesses or other institutions
Nation's active coal mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 8,800 responses; 4,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Requires record of preshift plus coshift inspection of hoist equipment. Information is used as an enforcement tool to ensure that hoists used in shaft/slope sinking operations are inspected daily. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Preshift and Onshift Inspections
MSHA–241R
Other—See SF83
Businesses or other institutions
Shaft/slope sinking independent contractors
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 8,800 responses; 4,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Require record of preshift and onshift inspections. Information is used as an enforcement tool to ensure that adequate examinations of the shaft/slope and associated equipment are made. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Results of Examinations of Hoisting Equipment
MSHA–242R
Other—See SF83
Businesses or other institutions
Surface and underground coal mines
SIC: 121, 111
Small businesses or organizations
Consumer and occupational health and safety: 159,280 responses; 27,078 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operator to maintain a record of the daily examination of hoisting equipment. The information is used to insure all man hoists are inspected daily. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Rock Bolt Test Procedures and Rock Bolt Anchorage Capacity Tests
MSHA–418R
On occasion
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 450 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Rock bolting is an acceptable method of ground support in a majority of the strata encountered in underground mines. The anchorage method varies with the strata and individual methods may vary within a single mine. Each anchorage method must be tested to assure the ultimate competence of the ground and to prevent ground fails.

• Mine Safety and Health Administration
Report of Emergency Medical Assistance and Transportation of Injured Persons
MSHA–206
Quarterly
Businesses or other institutions
Nation's active underground and surface coal mines, etc.
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 1,827 responses; 457 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires each operator to report to MSHA their arrangements for emergency medical assistance and transportation for persons injured at the mine. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Noise Data Report Form
NSHA–214
Semiannually
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 350,000 responses; 24,500 hours; $184,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is used to record each noise survey made by coal mine operators. It identifies the survey and the mine environment where the survey was taken. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
First Aid Training Supervisory Employees
30 CFR Section 75.1713–3
NSHA–219
Annually
Businesses or other institutions
Underground and surface coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 5,419 responses; 2,710 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Used in training new employees in the fundamentals of first aid and to practice such in the event of a mine accident to prevent further injury to a miner.

• Mine Safety and Health Administration
Gamma Radiation Exposure Records
MSHA–405R
Annually
Businesses or other institutions
Underground mines where radioactive ores are mined
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 250 responses; 2,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires records to be kept of accumulative individual gamma radiation exposure to insure that annual exposure does not exceed 5 rems per year. It is intended to protect the health of workers.

• Mine Safety and Health Administration
Maintenance of Independent Contractor Register
MSHA–244
On occasion, quarterly, semiannually
Businesses or other institutions
Mine production operators
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 158,000 responses; 39,500 hours; $3,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires mine operators to maintain registration of the independent

contractors and to make the information available. The information is used as an enforcement and administrative tool. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
A Program to Prevent Smoking in Hazardous Areas
MSHA–201
On occasion
Businesses or other institutions
Nations active underground mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 540 responses; 270 hours; $8,100 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

No one is permitted to carry smoking materials underground or smoke around hazardous areas. The information collected is used to monitor compliance. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Representative of Miners
MSHA–700
Other—See SF83
Businesses or other institutions
Each miner's representative of every mine
SIC: 999
Consumer and Occupational Health and Safety: 400 responses; 400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires a document evidencing designation as miner's representative and a statement of authority to be filed with MSHA and sent to the mine operator for posting, and when appropriate, a letter terminating the designation. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
30 CFR Part 45—Independent Contractors
MSHA–719R
On occasion
Businesses or other institutions
Any individ or business contracting with a mine oper, etc.
SIC: 999
Consumer and Occupational health and safety: 90,000 responses; 22,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires independent contractors to provide information in writing to mine operators and the mine operators to make the information available for inspection to authorized representatives of the Secretary of Labor. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of results of examination of self-rescuers
MSHA–243R
Quarterly
Businesses or other institutions
Nation's active underground coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 10,404 responses; 4,473 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operators to record and make available results of examinations of self-rescuers. The information is used to insure that the self-rescuers are in a safe, usable condition. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Check-In, Check-Out System for Underground Personnel
MSHA–412R
Nonrecurring
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The records implied in this standard simply mean an effective, on-going program of check-in, check-out which will enable mine operators and MSHA officials to determine who is underground in event of an emergency. Rescue efforts are enhanced with this knowledge.

• Mine Safety and Health Administration
Detailed Escape and Evacuation Plan
MSHA–400
Semiannually
Businesses or other institutions
Underground metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 21,600 hours; $27,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Detailed escape and evacuation plans containing the requirements of this standard will help assure an orderly, rapid, and possibly life saving exit from the mine.

• Mine Safety and Health Administration
Medical Examinations for Man Hoist Operators
MSHA–409R
Annually
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 1,000 responses; 8,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The safety of all miners riding hoist conveyances is at the mercy of the hoist conveyance operator. The standard requires annual medical examinations for hoist operators. Physical certification must be available at the mine.

• Mine Safety and Health Administration
Respirator Program Records
MSHA–404R
Nonrecurring
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 7,000 responses; 14,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires an operator to establish a respirator program consistent with the requirements of ANSI–Z88.2 1969. The program is to consist of written standard operating procedures governing the selection, use, and care of respirators. The standard is intended to provide guidance that will assist respirator users in safeguarding health and life through proper selection and use of respirators.

• Mine Safety and Health Administration
Record of All Certified and Qualified Persons
MSHA–221R
On occasion, quarterly
Businesses or other institutions
Nation's active underground coal mines
SIC: 111, 121
Small Businesses or organizations
Consumer and occupational health and safety: 26,272 responses; 3,153 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires coal mine operators to maintain records of certified and qualified persons designated to perform mandatory safety duties. Authority established by Pub. L. 95–164.

• Employment and Training Administration

Benefit Rights and Experience
ES–218
Quarterly
State or local governments
State employment security agencies
SIC: 944
Training and employment: 212 responses; 106 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Provides information for evaluation of adequacy of State benefit formulas for analysis of effects of proposed changes in State law and for use in solvency study analysis.

• Employment and Training Administration
Contribution Operations
ETA 581Quarterly
State or local governments
State unemployment insurance agencies
SIC: 944
Training and employment: 212 responses; 848 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Provides quarterly data on State agencies volume and performance delinquent in filing contribution reports, number and extent of tax delinquency and results of the field audit program.

Revisions

• Labor-Management Services Administration
Revision of annual reporting regulations for plans participating in a master trust
Labor 5500, 5500–C, Treasury 5500–K & R
Annually
Businesses or other institutions
Employee pension and welfare benefit plans
SIC: 637, 632, 602
Other labor services: 625,000 responses; 1,865,000 hours; $6,250,000 Federal cost; 4 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

These revisions impose on plans participating in master trusts annual reporting requirements which will more accurately reflect their financial condition while reducing their workhour burden.

• Employment and Training Administration
Application card; Applicant/Job Order Transaction
ETA 511 511C ETA 516
On occasion
Individuals or households / State or local governments
Job seekers applying at State ES & WIN offices,
SIC: 999
Training and employment: 13,889,200 responses; 3,549,227 hours; $3,000 Federal cost; 2 forms; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

The Application card is the basic operating document used in uses and WIN local offices for new and partial applications for individuals seeking assistance in finding employment or seeking employability development services. The ETA 516 is the automated transmitted form for the ETA–511 record of service section.

• Employment and Training Administration
Job Order Form
ETA 514
On occasion
Businesses or other institutions
Government and private employers seeking to hire employees.
SIC: 999
Training and employment: 5,854,000 responses; 463,400 hours; $3,000 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

The job order form is used to record basic job information to provide assistance to employers and job seekers in filling job openings. The information is used to define and describe job requirements for job seekers. Information is used for statistical purposes and for program operation to target labor market penetration efforts.

• Mine Safety and Health Administration
Minimum Roof Control Plan
2000–52
Semiannually
Businesses or other institutions
Underground coal operators
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 3,141 responses; 4,209 hours; $565,380 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires underground coal mine operators to submit roof control plans for all underground passageways. The plans are required to improve the roof control systems of each underground coal mine. The plans are used by the underground coal operators, miners and inspectors to see that supports are set.

• Employment and Training Administration
Extended Benefits Trigger Rates
ETA 5–39
Weekly
State or local governments
State employment security agencies
SIC: 944
Training and employment: 2,756 responses; 2,067 hours; $8,850 Federal cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Determination of the initiation, continuance, or termination of an extended benefit period in any State by reason of the State "ON" or "OFF" trigger.

Extensions (Burden Change)

• Mine Safety and Health Administration
Notification of Legal Identity
2000–7
On occasion
Businesses or other institutions and if and when change
SIC: 999
Small businesses or organizations
Consumer occupational health and safety: 10,400 responses; 10,400 hours; $0 federal costs; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires each operator of a coal mine to file with the Secretary the name and address of such mine and any revisions in such name and address. The information collection is used to monitor compliance.

Reinstatements

• Bureau of Labor Statistics
Information for the Producer Price Index
BLS 473C
Monthly
Businesses or other institutions
Petroleum refiners
SIC: 291
Small Businesses or oganizations
Other labor services: 336 responses; 111 hours; $75,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy branch, 202–395–7313

The data are used in the compilation of the producer price index for refined petroleum products.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Recordkeeping Requirements for Liquid Pipeline Operators
Other—see SF83
Businesses or other institutions
Liquid pipeline carriers
SIC: 461
Small businesses or organizations

Other transportation: 736,000 responses; 184,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The liquid pipeline safety regulations (49 CFR Part 195) require carriers to maintain a number of tests, inspection and maintenance records so that compliance with part 195 can be ascertained.

• Research and Special Programs Administration
Recordkeeping Requirements for LNG Facilities
Other—see SF83
Businesses or other institutions
Liquified natural gas facility operators
SIC: 492
Small businesses or organizations
Other transportation: 48,000 responses; 14,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The liquefied natural gas (LNG) safety regulations (49 CFR Part 193) have been established under the Gas Pipeline Safety Act. They establish comprehensive regulations for LNG facilities.

• Research and Special Programs Administration
Recordkeeping Requirements for Gas Pipeline Operators
Other—see SF83
Businesses or other institutions
Gas pipeline operators
SIC: 492, 493
Small businesses or organizations
Other transportation: 7,400,000 responses; 2,960,00 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The gas pipeline safety regulations (49 CFR Part 192) require gas pipeline operators to maintain a series of tests, inspection and maintenance records so that compliance with Part 192 can be ascertained.

• Federal Highway Administration
Instruction Manual for the Preparation of the 1983 Estimate of the Cost of Completing the Interstate System
Biennially
State or local governments
State highway agencies
SIC: 962
Ground transportation: 50 responses; 317,000 hours; $4,469,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The collected information is used, as required, by the title 23, U.S.C., to report to the Congress biennially on the cost to complete the system for the purpose of developing apportionment factors for the distribution of Federal-aid interstate construction funds. The information is also used, per 23 U.S.C. 103(e) (4), to determine substitute fund entitlements.

• Coast Guard
Ship's Stores Certificate for Hazardous Materials Aboard Ships
On occasion
Businesses or other institutions
All types of vessels and off-shore structures
SIC: 441, 442, 443, 444, 445
Water transportation: 240 responses; 480 hours; $5,100 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The reporting and recordkeeping requirements addressed by this submission are enforcement requirements that state that all hazardous articles and materials used by a vessel or personnel be certified by the Coast Guard. This requires vendors to apply for and retain certification of certain "hazardous" materials.

• Coast Guard
Certification of Completion of First Aid and CPR Training Courses
On occasion
Individuals or households
Applicants for original issue license
Water transportation: 600 responses; 48 hours; $1,971 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 USC 224A, 390B—this letter is used by the Coast Guard in conjunction with officer license examination, to assure that applicants possess a minimum level of qualifications in first aid and cardiopulmonary resuscitation.

• Coast Guard
Retention of Records Related to Equipment Type Approval
On occasion
Businesses or other institutions
Manufacturers of lifesaving and firefighting equipment
SIC: 306
Water transportation: 500 responses; 40 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 CFR 2.95 requires the retention of certificates, plans, specifications and test records as evidence of Coast Guard approval. Parts 160 and 164 of subchapter Q of this chapter contain detailed description of the records to be retained.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• Internal Revenue Service
Adjustment of Basis of Property Under Section 1017 or 1082 (a)(2) of the Internal Revenue Code
982
On occasion
Individuals or households/businesses or other institutions
Indivs. and corps. attributable to discharge of indebt.
SIC: All
Small businesses or organizations
Central fiscal operations: 500 responses; 330 hours; $5,381 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 982 is used by taxpayers who hold property and exclude from gross income any amount of income attributable to discharge (within the taxable year) of indebtedness for which it is liable or subject. Also used as a consent of a corporation to adjustment of basis of its property. The data is used to record any adjustment to the basis of the property.

COMMISSION ON CIVIL RIGHTS

Agency Clearance Officer—Victoria P. Thomas—202–254–6507

New

• Readership Survey of the Report: the Voting Rights Act: Unfulfilled Promises
Semiannually
Individuals or households/businesses or other institutions
Individuals and organ interested in civil rights issues
SIC: 881, 913, 823, 938
Federal law enforcement activities: 700 responses; 126 hours; $1,341 Federal cost; 1 form; $1,341 public cost; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

The information collection will be used to assess the impact of the problems addressed in the publication.

• Readership Survey of the Report: Indian Tribes—A Continuing Quest for Survival
Semiannually
Individuals or households/businesses or other institutions
Individ. and organizations interested in civil rights issues
SIC: 881, 913, 823, 938
Federal law enforcement activities: 700 responses; 126 hours; $1,341 Federal cost; 1 form; $1,341 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This information collection request will assist the Commission in reviewing its

programs and projects in preparation for budget submission.s

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202–254–9735

New

• Regulations Governing Bankruptcies of Commodity Brokers
On occasion
Businesses or other institutions
Merch. and per. required to regis. as fut., etc.
SIC: 622
Other advancement and regulation of commerce: 1 response; 1 hour; $2,400 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Purpose of proposed bankruptcy regulations is to protect, as much as possible, the property of the public in the case of the bankruptcy of a commodity broker.

• Regulations Pertaining to the Responsibilities of Contract Markets and Their Members
On occasion, annually
Individuals or households/businesses or other institutions
Comm. exch., floor brokers and floor traders, etc.
SIC: 622
Other advancement and regulation of commerce: 1 response; 1 hour; $245,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The purposes of these regulations are to assure the retention of documents needed for monitoring purposes by self-regulatory organizations and by the Commission, to enable the Commission to determine whether exchange rules proposed to be adopted meet the statutorily prescribed standards, to assure the efficient and fair disposition of appeals and to assure that the futures association is performing its self-regulatory responsibilities diligently and fairly.

• Regulations and Forms Relating to Registration With the Commission
7–R, 7–R Scheds. A, B, C, 8–R, 8–R Sched. A, 4–RA, 3–R
On occasion, biennially
Individuals or households/businesses or other institutions
FCM's, flr brokers, CPO's CTA's, assoc. persons, etc.
SIC: 622
Other advancement and regulation of commerce: 1 response; 1 hour; $484,500 Federal cost; 7 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The purpose of the regulations and forms is to aid the Commission in determining whether an applicant should be registered and whether a registrant should be reregistered.

• Integrity
Of the marketplace
1–FR
On occasion, weekly, monthly, quarterly
Semiannually, annually
Businesses or other institutions
Futures commission merchants
SIC: 622
Other advancement and regulation of commerce: 1 response; 1 hour; $24,050 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The purpose of form 1–FR and the included regulations is to enable the Commission to monitor the financial stability of FCM's.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• National Adipose Tissue Survey
8510–9, 8510–10
Other-see SF83
Individuals or households/businesses or other institutions
Pathologists throughout the Continental U.S.
SIC: Multiple
Pollution control and abatement: 1,600 responses; 1,600 hours; $10,000 Federal cost; 2 forms; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Collection of human adipose tissue is made by cooperating pathologists throughout the Continental United States. Samples are analyzed and statistic are generated to estimate the prevalence and levels of exposure to pesticides in the general U.S. population.

Reinstatements

• On Site Inspection Report
Nonrecurring
State or local governments/businesses or other institutions
New & used car & engine dealers, commercial repair fac.
SIC: 999
Small businesses or organizations
Pollution control and abatement: 1,225 responses; 102 hours; $1,633 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Responses verify facility name and address for maintenance of FOSD inspection reports and to insure proper naming of respondent if complaint results from inspection. Survey questions assist FOSD in identifying and assessing impact of industry-wide problems.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983.

Revisions

• Higher Education Staff Information (EEO–6)
EEOC–221
Biennially
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 822, 824, 829
Federal law enforcement activities: 3,000 responses; 12,000 hours; $50,000 Federal cost; 1 form; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

The information collected will be used by EEOC for investigations, decisions and conciliation in its compliance, litigation and voluntary programs activities. It will be shared with other Federal agencies which have a need for it and pledge to abide by its confidentiality restrictions.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513.

Revisions

• Application for Authority To Operate a Broadcast Station by Remote Control or Make Changes in a Remote Control Authorization
301–A
On occasion
Businesses or other institutions
Licensees & permit. of AM broadcast stations w/dir. antennas
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 36 responses; 540 hours; $1,980 Federal cost; 1 form; not applicable under 3504 (h)
William T. Adams, 202–395–4814

Filing is required when applying for remote control authority. The data submitted is reviewed by Commission to determine conformance with provisions of the Commission's rules and regulations, and information is extracted as appropriate, for inclusion on the applicant's license.

Extensions (Burden Change)

• Common Carrier and Statellite Radio Licensee Qualification Report
430
Annually
Businesses or other institutions
Appliants are Gen. Corp. or partnerships Prov. telecom. etc.
SIC: 481, 482, 489
Small Businesses or Organizations
Other advancement and regulation of commerce: 2,300 responses; 4,600 hours; $33,723 Federal costs; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Submitted by all common carrier radio station licensees annually. Used by the Commission to evaluate legal qualifications and character of licensees.

• Emergency Broadcast System (EBS) Activation Report
FCC form 201
On Occasion
Businesses or other institutions
Broadcast stations
SIC: 483
Small Businesses or Organizations
Other advancement and regulation of commerce: 600 responses; 50 hours; $5,000 Federal costs; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The EBS activation reports enable the FCC, the NOAA National Weather Service and the Federal Emergency Management Agency to evaluate the efficiency and effectiveness of their program to develop an operational capability for national, State or local officials to use the EBS at the State and local level.

Extentions (No Change)

• Application for Renewal of Radio Station License and/or Notication of Change to License Information
405–A
On Occasion
State or local governments/businesses or other institutions Appli. for licenses in the land mobile, avi., marine, etc.
SIC: 481, 482, 489
Small Businesses or Organizations
Other advancement and regulation of commerce: 35,000 responses; 5,834 hours; $250,000 Federal costs; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required when applying for renewal of radio station licenses without major modification in the aviation, marine, public safety, industrial, land transportation, and disaster services. The data are used for five purposes: (1) renewal of license, (2) mailing address notification, (3) licensee have change notification, (4) vessel more change notification, and (5) station aluminum notification.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Reinstatements

• Annual Summary of Records Holdings
SF–136
Annually
Businesses or other institutions
Reports should include stat. data pert. to Fed. Rec., Etc.
SIC: Multiple
General property and records management: 2,500 responses; 1,250 hours; $31,992 Federal costs; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This report provides data for the administrator's annual report to Congress and OMB on records disposition activities of the Federal Government. It also serves as a management tool to monitor agency records management activities and to determine the effectiveness of the agency's records management program.

NATIONAL SCIENCE FOUNDATION

Agency Clearnace Officer—Herman Fleming—202–357–7811

Extensions (Burden Change)

• Profile Information Sheet
Nonrecurring
Individual or households
Scientists who are experts in diff. field of science & eng.
General science and basic research: 500 responses; 125 hours; $4,800 Federal costs; 1 form; $1,250 public cost; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Continued use of the "evaluator profile information sheet" will facilitate NSF program planning and management by maintaining a database of scientists who can be selected to evaluate diverse products and reports supported by NSF.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

• Equal Access to Justice, 10 CFR 2
On occasion
Individuals or households/businesses or other institutions
NRC adjudicants
SIC: All
Energy information, policy, and regulation: 6 responses; 150 hours; $18,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Equal Access to Justice Act (P.L. 96–48) requires NRC to obtain information from prevailing parties in NRC advisory adjudications.

Revisions

• 10 CFR Part 20—Standards for Protection Against Radiation
Nonrecurring
Businesses or other institutions
NRC licensees
SIC: 483
Small businesses or organizations
Energy information, policy, and regulation: 21,915 responses; 109,614 hours; $168,050 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Covers application, reporting and recordkeeping requirements associated with radiation protection programs.

Extensions (Burden Change)

• 10 CFR Part 30—Domestic Licensing of Byproduct
On plan
Y
Nonrecurring
Businesses or other institutions
NRC licensees
SIC: 483
Small businesses or organizations
Energy information, policy, and regulation: 8,000 responses; 36,819 hours; $6,848 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Covers the application, reporting and recordkeeping requirements associated with domestic licensing of byproduct material.

• 40 CFR Part 190
Quarterly/other—see SF83
Businesses or other institutions
NRC licensees
SIC: 483
Energy: 56 responses; 1,680 hours; $21,400 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

NRC requires quarterly reporting of environmental monitoring program at uranium mills.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Revisions

• Inquiry for United States Government Use Only (Education Inquiry)
OF 50
On occasion
Businesses or other institutions
Educational institutions

SIC: 821, 822
Central personnel management: 60,000 responses; 6,000 hours; $9,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Executive Order 10450, issued April 27, 1953, requires that investigations be conducted of all persons entering the Federal service. Optional form 50 is the voucher form sent to former places of education in conducting national agency checks and inquiries (NACI) of applicants for nonsensitive and noncritical—sensitive positions. Information collected is used to determine the suitability of applicants for Federal Employment.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- N–27D–2, Quarterly Report of Registered Investment Companies That Are Issuers of Periodic Payments Plan Certificates

1157
Quarterly
Businesses or other institutions
Regist. invest. cos. that issue periodic payment plan cert.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 34 responses; 340 hours; $114 Federal cost; 1 form; $25,500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This quarterly report form aids the Commission and public investors in monitoring the experience of registered investment companies issuing periodic payment plan certificates with respect to the surrender and withdrawal rights certificate holders.

- Form N–27I–2, Notice of Withdrawal Right and Statement of Charges for Variable Life Insurance Contract holders Required Pursuant to Rule 6E–2 Under the ICA

1931
Nonrecurring
Businesses or other institutions
Life insur. cos. iss. variable life insurance contracts
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 6,000 responses; 1,500 hours; $0 Federal cost; 1 form; $7,500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–27I–2 is prescribed for use by registered separate accounts issuing variable life insurance contracts to notify contract holders of their right to withdraw from the contract within certain specified periods of time and to receive a refund of all payments made for such contract.

- Form N–27F–1, Notice of Periodic Payment Plan Certificate Holders of 45-day Withdrawal Rights With Respect to Periodic Payment Plan Certificates

1929
Nonrecurring
Businesses or other institutions
Regist. invest. cos. issu. periodic paymt. plan certifica.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 162,000 responses; 81,000 hours; $0 Federal cost; 1 form; $1,620,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–27F–1 is used by investment companies issuing periodic payment plan certificates as the notice to certificate holders of their right of withdrawal as specified in section 27 of the Investment Company Act of 1940.

- Form N–27D–1, Accounting of Segregated Trust Account

1840
Annually
Businesses or other institutions
Depos. of & principal underwriters for invest. cos., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 12 responses; 48 hours; $29 Federal cost; 1 form; $3,600 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This accounting form aids the Commission in monitoring compliance with certain reserve requirements appliable to depositors of, and underwriters for, registered investment companies issuing periodic payment plan certificates.

- Form N–27E–1, Notice of Periodic Payment Plan Certificate Holders of 18-Month Surrender Rights With Respect to Periodic Payment Plan Certificates

1928
Nonrecurring
Businesses or other institutions
Invest. cos. issu. periodic paymt plan cert. & any deposi.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 162,000 responses; 53,946 hours; $0 Federal cost; 1 form; $1,078,920 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–27E–1 is used by investment companies issuing periodic payment plan certificates as the notice to certificate holders of their right to surrender the certificate at anytime within the first 18 months after its issuance and to receive cash in payment thereof.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 81–35419 Filed 12–11–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12086; 812–4844]

Bache Halsey Stuart Shields Inc. et al.; Filing of Application

December 8, 1981.

In the matter of Bache Halsey Stuart Shields Inc.; Chancellor High Yield Fund, Inc.; Chancellor High Yield Municipals, Inc.; Chancellor Tax-Free Money Fund, Inc.; Chancellor Tax-Managed Utility Fund, Inc.; Chancellor New Decade Growth Fund, Inc.; Money Mart Assets, Inc., 100 Gold Street, New York, New York 10038.

Notice is hereby given that Money Mart Assets, Inc. ("Money Mart"), Chancellor Tax-Free Money Fund, Inc. ("Tax-Free"), Chancellor High Yield Fund, Inc. ("High Yield"), Chancellor New Decade Growth Fund, Inc. ("New Decade"), and Chancellor Tax-Managed Utility Fund, Inc. ("Utility") (collectively, the "Funds"), registered open-end diversified management investment companies, and Bache Halsey Stuart Shields Incorporated ("Bache") (collectively, with Funds, "Applicants") filed an application on March 17, 1981, and an amendment thereto on November 2, 1981, for an order pursuant to Section 11(a) of the Investment Company Act of 1940 ("Act") approving certain proposed offers of exchange of shares among the Funds on a basis other than their relative net asset values and pursuant to section 6(c) of the Act exempting Applicants from the provisions of section 22(d) of the Act in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein, which are summarized below.

Applicants state that Bache, as principal underwriter for each of the Funds, maintains a continuous offering of the shares of Money Mart and Tax Free at their respective net asset values

without a sales load and of Municipals, High Yield, Utility and New Decade at their respective net asset values plus a sales load. At present, the applicable sales load as a percentage of offering price for Municipals, High Yield, Utility and New Decade varies with the quantity purchased as follows:

Size of transaction at offering price	Municipals (percent)	High yield, utility and new decade (percent)
Less than $25,000	4.50	6.75
$25,000 to $49,999	4.00	5.25
$50,000 to $99,999	3.50	4.25
$100,000 to $249,999	3.00	3.25
$250,000 to $499,999	2.50	2.50
$500,000 to $999,999	2.00	2.00
$1,000,000 and over	1.25	1.25

According to tha application, at present (1) shares of Money Mart and Tax Free, including shares acquired through reinvestment of dividends and capital gains distributions ("reinvested shares") and shares acquired as a result of an exchange of shares of High Yeild, New Decade, Utility or Municipals, may be exchanged for shares of one another on the basis of their respective net asset values at the time of the exchange without a sales load; (2) shares of Municipals, including reinvested shares and shares acquired as a result of an exchange of shares of High Yield, Utility or New Decade, may be exchanged for shares of Money Mart and Tax Free on the basis of their respective net asset values at the time of exchange without a sales load and shares of Money Mart or Tax Free so acquired, plus any reinvested shares, may be reexchanged for shares of Muncipals on the same basis; (3) shares of High Yield, Utility and New Decade, including reinvested shares, may be exchanged for shares of Municipals on the basis of their respective net asset values without a sales load and shares of Municipals so acquired, plus any reinvested shares, may be reexchanged for shares of High Yield, Utility or New Decade on the same basis; (4) shares of High Yield, Utility or New Decade, including reinvested shares, may be exchanged for shares of Money Mart and Tax Free on the basis of their respective net asset values without a sales load and shares of Money Mart or Tax Free so acquired, plus any reinvested shares, may be reexchanged for shares of High Yield, Utility or New Decade on the same basis; and (5) shares of High Yield, however acquired, may be exchanged for shares of New Decade or Utility on the basis of their respective net asset values at the time of the exchange without a sales load; (6) shares of New Decade, however acquired, may be exchanged for shares of Utility or High Yield on the basis of their respective net asset values at the time of the exchange without a sales load; and (7) shares of Utility, however acquired, may be exchanged for shares of High Yield or New Decade on the basis of their respective net asset values at the time of the exchange without a sales load. Applicants state that each of the foregoing exchanges and reexchanges are subject to the conditions that the shares to be exchanged have a net asset value equivalent to the minimum initial amount required for investment or the minimum amount required for reinvestment in the shares to be acquired.

Applicants propose to make the following offers of exchange: (1) High Yield, Utility and New Decade propose to offer their shares to shareholders of Municipals in exchange for shares of Municipals at their relative net asset value at the time of the exchange, plus the sales charge applicable to the purchase of shares of High Yield, Utility or New Decade, less the sales charge previously paid on the shares of Municipals; and High Yield, Utility and New Decade propose to offer their shares to shareholders of Money Mart and Tax Free who acquired their shares in exchange for shares of Municipals at their relative net asset value at the time of the exchange, plus the sales charge applicable to the purchase of shares of High Yield, Utility or New Decade, less the sales charge previously paid on the shares of Municipals exchanged for the shares of Money Mart or Tax Free.

Applicants state that a shareholder acquiring shares of High Yield, Utility or New Decade through any combination of exchanges or purchases of shares of Money Mart, Tax Free and Municipals would pay the same overall sales charge as a proportion of net asset value or of the public offering price that he would have paid had he directly purchased shares of High Yield, Utility or New Decade with the same net asset value. Applicants represent that Bache does not intend to solicit exchanges but, rather, will notify dealers of the availability of the proposed exchange privilege. Applicants further represent that Bache does not presently intend to offer dealers advice as to the suitability of High Uield, Utility or New Decade for their customers.

According to the application, should the proposed exchange privilege be terminated, Applicants will provide no notice of the termination to shareholders of the Funds other than in the next subsequent effective prospectus of the Funds. Applicants state that if a shareholder desires to exercise the proposed exchange privilege, those shares which may be exchanged at net asset value without a sales charge will be exchanged first. Applicants further state that the remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of lowest additional sales charge. According to the application, if a shareholder of Municipals redeemed his entire holdings and, within the 30-day period for reinstatement of an account without payment of a sales charge did reinstate his account, the shares so reacquired could be exchanged for shares of High Yield, Utility or New Decade on the basis of their relative net asset values plus the differential sales charge applicable without regard to the exercise of the reinstatement privilege. In addition, Applicants state that shares of Municipals acquired through the reinstatement privilege could be exchanged for shares of Money Mart or Tax Free on the basis of their respective net asset values without a sales charge and reexchanged for shares of High Yield, Utility or New Decade on the basis of their relative net asset values plus the differential sales charge applicable without regard to the exercise of the reinstatement privilege.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered, open-end investment company or any principal underwriter thereof to make or cause to be made an offer to a security holder of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the company's prospectus.

Applicants state that the proposed exchange offers would enable a shareholder of Municipals and a shareholder of Money Mart or Tax Free, to the extent that such shares of Money Mart or Tax Free had been acquired through an exchange of shares of Municipals, to exchange his shares for shares of High Yield, Utility or New Decade on a basis other than net asset value because such shareholder would be required to pay the difference in

sales charges between that imposed on purchases of Municipals and that on purchases of High Yield, Utility and New Decade and would not be at their net asset values. Thus, the proposed exchange offers would violate section 11(a) of the Act unless an order approving the offers of exchange is issued. In addition, Applicants assert the proposed exchange offers would violate section 22(d) of the Act since an investor would be able to purchase shares of High Yield, Utility or New Decade at a sales charge other than that described in their prospectuses merely by exchanging shares of Municipals for them or by exchanging shares of Municipals for shares of Money Mart or Tax Free and subsequently exchanging those shares for shares of High Yield, Utility or New Decade.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that the proposed offers of exchange are fair and equitable to shareholders of each of the funds while at the same time giving all of them desirable flexibility in their financial planning and that the orders required are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 4, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or my mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35808 Filed 12-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12087; 812-5010]

The Equitable Life Assurance Society of the United States; Filing of Application

December 8, 1981.

In the Matter of The Equitable Life Assurance Society of the United States and Separate Account Nos. 301, 302, 303, and 304 of the Equitable Life Assurance Society of the United States, 1295 Avenue of the Americas, New York, NY 10019.

Notice is hereby given that the Equitable Life Assurance Society of the United States ("Equitable") and Separate Account Nos. 301, 302, 303, and 304 of Equitable (respectively "Separate Account 301", "Separate Account 302", "Separate Account 303", and "Separate Account 304", and collectively, the "Separate Account") (Equitable and the Separate Accounts together, "Applicants") filed an application on November 9, 1981, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions, to the extent requested, from sections 15(a), 16(a), 17(f), 27(c)(2), and 32(a)(2) of the Act and rule 17f–2 thereunder. Equitable is a mutual life insurance company organized under the laws of New York. Each of the Separate Accounts is registered under the Act as an open-end, diversified management investment company. Interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The Separate Accounts were established by Equitable on October 19, 1981, pursuant to the insurance laws of New York. Each is a separate investment account to which assets will be allocated to fund benefits provided by certain group annuity contracts ("Contracts") under certificates ("Certificate") issued to individuals who establish individual retirement annuities ("IRAs") pursuant to section 408(b) of the Internal Revenue Code of 1954, as amended (the "Code"). Applicants assert that the Certificates, as issued to each participant, will constitute an IRA for purposes of section 408(b) of the Code, subject to the terms thereof, and are designed to provide the tax-favored treatment accorded IRAs under the Code.

Participants may allocate their contributions among the four Separate Accounts, each of which has different investment policy. When contributions are received under the IRA Certificates, Equitable will deduct any applicable premium taxes. On the last day of each calendar quarter before a participant's specified retirement date, Equitable will make a participant service charge against the sum of the values in the Separate Accounts under his Certificate. The charge will be allocated among the Separate Accounts in the ratio that the accumulated value in each of these accounts bears to the cash value of the Certificate, and the amount of the charge will depend on several factors. Applicants represent that the annual charge will in no event exceed $40. For providing investment management services to the Separate Accounts, Equitable will make a daily charge at an effective annual rate of .35% of the value of the assets in Separate Account 301 and Separate Account 303 and .50% of the value of the assets in Separate Account 302 and Separate Account 304. In addition, a daily charge at the effective annual rate of .25% of the value of the assets of each Separate Account attributable to the IRA Certificates is made by Equitable. This administrative expense charge is designed to reimburse Equitable for any administrative expenses in excess of the participant service charge. The investment management service charges and administrative expense charges are reflected in computation of unit values for each of the Separate Accounts. Equitable will impose a $5 transaction charge for each withdrawal of any type under an IRA Certificate except for withdrawals pursuant to a periodic distribution option which will be subject to a $1.50 transaction charge.

Exemptions Requested

Section 15(a) of the Act provides that no person is permitted to serve or act as investment adviser of a registered investment company except pursuant to a written contract which, among other

things, has been approved by a vote of a majority of the outstanding voting securities of such registered company. Section 16(a) of the Act provides that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company at an annual or a special meeting duly called for that purpose. Section 32(a)(2) of the Act provides that it shall be unlawful for a registered management company to file with the Commission any financial statement signed or certified by an independent public accountant unless the selection of such accountant shall have been submitted for ratification or rejection at the annual meeting next succeeding the selection of such accountant by the board of directors.

Each of the Separate Accounts is under the general supervision of a committee ("Committee") comprised of five members ("Members") initially selected by Equitable. Under the respective rules and regulations of the Separate Accounts the first annual meeting of participants in the respective Separate Accounts would be held on April 22, 1982. Applicants claim that if the first annual meeting is held on April 22, a late February, or earlier, record date for participants entitled to vote would have to be established in order to allow an adequate proxy solicitation period. Applicants assert that under the circumstances the number of participants in the respective Separate Accounts of record on a record date for an April 22, 1982 meeting may be less than desirable for a meaningful vote on the election of Members of the Committees, the approval of an investment management agreement between Equitable and each of the Separate Accounts and the ratification of the selection of the independent public accountants for each of the Separate Accounts. Although Equitable will provde the initial capital for each of the Separate Accounts, it has no voting rights in respect thereof.

Applicants request exemptions from the requirements of sections 15(a), 16(a) and 32(a)(2) of the Act so that each of the Separate Accounts may operate without such election, approval and ratification by persons having voting rights until action with respect to those matters is taken at an initial annual meeting of participants in the respective Separate Accounts held no later than April 28, 1983, the scheduled date for the 1983 annual meeting.

Section 17(f) of the Act provides, among other things, that a registered management investment company shall place and maintain its securities and similar investments in the custody of a bank or banks having the qualifications prescribed in section 26(a)(1) or in the custody of members of national securities exchanges, or in its own custody, but only in accordance with rules and regulations or orders which the Commission may from time to time prescribe for the protection of investors. Each of the Separate Accounts proposes to maintain its securities and similar investments in the custody of banks (the "Banks") having the qualifications prescribed in section 26(a)(1) of the Act, or, through the Banks under rule 17f–4(d), in a system for the central handling of securities as permitted by section 17(f). Under the custodial arrangements, authorized persons of the Separate Accounts will be permitted to withdraw investments of the Separate Accounts held by the Banks and, therefore, under rule 17f–2(a), such investments will be deemed to be in the "custody" of the Separated Accounts, requiring compliance with the provisions of rule 17f–2. Rule 17f–2(d) provides, in pertinent part, that no person shall be authorized or permitted to have access to the securities and similar investments deposited with a bank, except pursuant to a resolution of the board of directors of the registered investment company which designates no more than five persons who must be either officers or responsible employees of such company and provides that access to such investments must be had only by two or more such persons jointly, at least one of whom shall be an officer. Access must also be permitted to properly authorized bank officers and to the independent public accountants retained by the investment company.

Applicants assert that under the insurance laws of New York, all of the assets of the Separate Accounts are owned by Equitable. Furthermore, according to Applicants, Equitable's by-laws require that the Investment Committee of its Board of Directors prescribe rules and requirements governing the custody, safekeeping and control of all securities owned or held by Equitable, with certain exceptions. Applicants assert that, in the curcumstances, the custodial arrangements for the Separate Accounts must provide for the withdrawal, deposit and inspection by Equitable of securities held by the Banks for Equitable and the Separate Accounts. Each of the custodial agreements to be entered into between the Applicants and the Banks will provide that certain persons authorized by Equitable and the Separate Accounts may deposit or withdraw securities, or authorize the deposit or withdrawal of securities, and inspect the securities held by the Banks as custodians. Such persons, who will be officers or responsible employees of Equitable and/or the Separate Accounts will be so authorized pursuant to resolutions of both the particular Separate Accounts Committee and the Board of Directors of Equitable or the Investment Committee of Equitable's Board, and, for each of the Separate Accounts, will not exceed five in number at any one time. Access to the assets of the Separate Accounts held by the Banks shall, in each case, be had either by two or more of the authorized persons, at least one of whom shall be an officer of Equitable or the particular Separate Account or by representatives of the New York Insurance Department. In all cases, the persons so authorized, when depositing securities or withdrawing them from the Banks, or when ordering their withdrawal and delivery from the Banks, shall sign notations in respect of such action showing all of the information required by rule 17f–2(e). Applicants request exemption from section 17(f) and rule 17f–2 to permit access to the securities and similar investments of the Separate Accounts in the custody of the Banks by persons authorized by Equitable and by representatives of the Department.

Section 27(c)(2) requires that the proceeds of payments under periodic payment plan certificates be deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1) for the trustees of unit investment trusts and that such proceeds be held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for the trust indentures of unit investment trusts. Section 26(a)(2), in part, prescribes the types of fees and charges allowed the trustees or custodian and requires that the trustee or custodian have possession of all securities and the other property in which the funds of the investment company are invested. Equitable will deduct applicable premium taxes from participant's contributions, a participant service charge and an administrative expense charge for administrative expenses and certain transaction charges upon any withdrawals as noted above. Additionally, Equitable will deduct a management service charge. Applicants consent (a) that charges under the Contracts and certificates for administrative services shall not exceed such reasonable amount as the Commission may prescribe and that the Commission shall reserve jurisdiction

for such purpose, and (b) that the payment of sums and charges out of the assets of the Separate Accounts shall not be deemed to be exempted from regulation by the Commission by reason of the order herein requested; provided that the Applicants' consent shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in the Separate Accounts other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges. In summary, section 26(a)(3) requires that the indenture or custody agreement prohibit the trustee or custodian from resigning until the assets of the investment company ahve been distributed or until a successor has been appointed. Applicants state that under New York law, Equitable cannot abandon its obligations under the Contracts to holders of Certificates, or to any annuitant, until they have been fully discharged. In view of the amount of Equitable's total assets, Applicants allege that the possibility of abandonment or default is remote. In the foregoing circumstances, Applicants submit that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, Applicants request that an exemption from section 27(c)(2) be granted.

Section 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 31, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following December 31, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35609 Filed 12-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12085; 811-1753]

Financial International Corp.; Filing of Application

December 8, 1981.

Notice is further given that Financial International Corporation, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on February 16, 1978, and an amendment thereto on November 18, 1981, for an order of the Commission pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states, among other things, that Applicant was incorporated on April 14, 1966, under the laws of Delaware as a wholly-owned subsidiary of International Bank ("IB"), an Arizona corporation. On November 15, 1966, IB exchanged shares of stock of Financial General Bank Shares, Inc., for shares of Applicant's common stock and Applicant's shares acquired by IB were distributed to the shareholders of IB in December 1966. Applicant registered under the Act on October 30, 1968.

Applicant states that on September 13, 1977, at the annual meeting of Applicant's shareholders a plan of liquidation and dissolution ("Plan") was adopted by a favorable vote of over 99% of the shares voted, with the total number of shares voted being over 310,000 of the 398,899 outstanding. Pursuant to the Plan, certain of Applicant's assets were liquidated, the expenses of Applicant were paid and the remaining assets (except for a cash reserve in the amount of $246,000) were distributed to a liquidating trust the purpose of which was to distribute such assets to Applicant's shareholders. On December 31, 1979, the amount of $215,360.64 remaining in the reserve was distributed to Applicant's transfer agent with instructions to distribute it to shareholders. The trustee of that liquidating trust informed Applicant's shareholders by letter dated January 23, 1978, of the distribution and instructed them to surrender their stock certificates to Applicant's transfer agent. As of November 1, 1981, the transfer agent advised Applicant that of the 389,899 shares of Applicant outstanding at the date of dissolution, 395,917, or 99.3%, had been surrendered and the shares and cash to be exchanged therefor had been transmitted to the shareholders. The remaining 2,982 shares, or .7%, are being held by the transfer agent, First American Bank, Washington, D.C.

The application states that Applicant was dissolved on September 13, 1977, in accordance with Delaware laws upon the acceptance for filing by the Office of the Secretary of the State of Delaware of Applicant's Certificate of Dissolution. Since that date the Applicant has ceased active operations and has existed solely for the purpose of winding up its affairs. Applicant is not a party to any litigation or administrative proceeding, it does not have any outstanding debts, and has no reserve for contingent tax or other liabilities. Applicant, therefore is not currently engaged in business as an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than January 5, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application

accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35607 Filed 12–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12084; 811–1526]

Fundex, Inc.; Filing of Application

December 8, 1981.

Notice is hereby given that Fundex, Inc. ("Applicant"), 342 Madison Avenue, New York, New York 10173, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on October 20, 1981, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be a investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On August 18, 1967, Applicant, a Delaware Corporation, filed a registration statement pursuant to section 8(b) of the Act. Its registration statement filed under the Securities Act of 1933 was declared effective on December 27, 1967 and an initial public offering was commenced immediately thereafter.

Applicant represents that at meetings held on January 19, 1981 and July 28, 1981 its Board of Directors approved the Agreement and Plan of Merger between Applicant and Manhattan Fund, Inc. ("Manhattan"). Applicant states that a majority of its shareholders approved the merger of Applicant into Manhattan, in accordance with the laws of the State of Delaware. Effective as of September 30, 1981, Applicant was merged into Manhattan and, in accordance with the Agreement and Plan of Merger, and pursuant to the filing of the Articles of Merger in the State of Delaware, Applicant ceased to be a separate corporation.

Applicant represents that it has no debts or other outstanding liabilities; it has no securityholders, and it is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not for any reason transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activity.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35606 Filed 12–11–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22307; 70–6676]

Middle South Utilities, Inc. et al.; Proposed Guaranty by Holding Company and Subsidiary Companies of Loans of Non-Associate Exposition Company

December 8, 1981.

In the matter of Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, Louisiana 70174; New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and two of its subsidiary companies, Louisiana Power & Light Company ("LP&L") and New Orleans Public Service Inc. ("NOPSI"), have filed a declaration with this Commission pursuant to section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

MSU, LP&L, and NOPSI propose to guarantee certain obligations incurred by Louisiana World Exposition, Inc. ("LWEI"), a Louisiana non-profit corporation, in connection with the planning and preparation by LWEI for the Louisiana 1984 World Exposition to be held in the City of New Orleans ("Exposition"). LWEI has entered into a Credit Agreement with several banks the terms of which permit LWEI to borrow and reborrow funds through June 30, 1984, for the payment of (i) construction and operation of the Exposition and (ii) interest or fees due on loans under the Credit Agreement, and to borrow funds after June 30, 1984, to pay interest due on loans thereunder. Before the banks are obligated to make any loans to LWEI under the Credit Agreement, LWEI must obtain, among other things, a $5,000,000 guaranty ("Government Guaranty") from the State of Louisiana, or any political subdivision, agency, or instrumentality thereof. Also, LWEI must obtain additional acceptable guaranties from private parties in a minimum aggregate amount of $30,000,000 before the banks are obligated to make any loans to LWEI in excess of $5,000,000. The

aggregate principal amount of LWEI's borrowings under the Credit Agreement at any one time outstanding may not, subject to certain exceptions, exceed the aggregate principal amount of all such guaranties, including the Government Guaranty.

To evidence its indebtedness under the Credit Agreement, LWEI will deliver to each bank a master promissory note ("Note" or collectively "Notes"), dated as of October 15, 1981, obliging LWEI to pay such bank, on or before June 30, 1985, the principal amount of that bank's loan commitment under the Credit Agreement or, if less, the aggregate principal balance of loans made by such bank to LWEI under the Credit Agreement. The Notes shall bear interest, payable monthly and at maturity, on the unpaid principal balance thereof at a rate equal to ½ of 1% above the prime rate of Chemical Bank, New York, in effect from time to time. LWEI will have the right to prepay the unpaid principal balance of the Notes, in whole or in part, at any time without premium or penalty. LWEI has agreed to pay the banks a commitment fee at the rate of ⅜ of 1% per annum on the average quarterly unused portion of the banks' loan commitments during the period from October 15, 1981, until June 30, 1984. Additionally, LWEI has agreed to pay the agent banks at the commencement of the Credit Agreement an agent fee equal to ⅛ of 1% of the aggregate amount of the Loan commitments of the banks under the Credit Agreement.

To ensure the LWEI has sufficient borrowing capability under the Credit Agreement, MSU, LP&L, and NOPSI propose to give the banks guaranties of $500,000, $1,000,000, and $1,000,000, respectively, for the payment of all indebtedness incurred by LWEI pursuant to the terms of the Credit Agreement ("Indebtedness"). The guaranties which MSU, LP&L, NOPSI, and other private parties ("Guarantors") propose to provide are absolute and complete. Each guaranty shall remain in full force and effect until December 31, 1985, unless a written demand for payment of the guaranty has been made pursuant to the Credit Agreement and the guaranty on or prior to that date, in which event the guaranty will remain in full force and effect until the obligations of the guarantor are satisfied in full.

The terms of the guaranties provide that the liability of the Guarantors shall extend only to that amount of the Indebtendness exceeding the amount of the Government Guaranty. Since the obligation of each Guarantor is joint, the liability of any one Guarantor is determined on a pro rata basis in the proportion which the amount of its guaranty bears to the total amount of all Guarantors' guaranties; provided that, in the event any Guarantor defaults in the payment of its guaranty amount, the obligation of any one non-defaulting Guarantor shall be determined on a pro rata basis in the proportion that the amount of its guaranty bears to the total amount of all non-defaulting Guarantors' guaranties. In no event, however, will the liability of any Guarantor exceed the specified amount of its guaranty.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 4, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35805 Filed 12-11-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0413]

Holding Capital Management Co.; Issuance of a License To Operate as a Small Business Investment Company

On March 23, 1981, a Notice was published in the **Federal Register**, (46 FR 18132) stating that Holding Capital Management Company, 711 Fifth Avenue, New York, New York 10022, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a license to operate as a small business investment company.

Interested parties were given until the close of business April 7, 1981, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on November 19, 1981 issued License No. 02/02-0413 to Holding Capital Management Company, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011. Small Business Investment Companies)

Dated: December 8, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-35732 Filed 12-11-81; 8:45 am]

BILLING CODE 8025-01-M

Senior Executive Service Performance Review Board; Substitution of Two Members

AGENCY: Small Business Administration.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Public Law 95-454 dated October 13, 1978, (Civil Service Reform Act of 1978) requires that Federal Agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following substitution of members has been made:

1. Marshall J. Parker, Associate Administrator for External Affairs replaces Robert A. Turnbull, Associate Deputy Administrator.

2. James C. Sanders, Associate Administrator for Management Assistance replaces Donald R. Templeman, Deputy Administrator.

Michael Cardenas,

Administrator.

[FR Doc. 81-35731 Filed 12-11-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 782]

Assistance Under the Foreign Assistance Act in Fiscal Year 1982 to Private Sector Organizations Operating Within Nicaragua

Determination under section 620(q) of the Foreign Assistance Act of 1961, as amended (the "Act"), that it is in the National Interest to Furnish Assistance Under the Act in Fiscal Year 1982 to

Private Sector Organizations Operating Within Nicaragua.

By virtue of the authority vested in me by section 620(q) of the Act, Executive Order 12163 and Delegations of Authority issued thereunder, I hereby determine it is in the national interest of the United States to furnish assistance under the Act in Fiscal Year 1982 to private sector organizations operating within Nicaragua, notwithstanding that the Government of Nicaragua is more than six months in default in payment of principal and interest on loans made under the Act.

This determination shall be published in the **Federal Register.**

Dated: November 24, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-35733 Filed 12-11-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-81-096]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Chemical Transportation Advisory Committee. This committee advises the Coast Guard Marine Safety Council on requirements promoting the safety in the transportation of hazardous materials on vessels, the transfer of these materials between the vessels and shore, and on the waterfront facilities over which these materials move.

To achieve the balance of membership required by the Federal Advisory committee Act, the Coast Guard is especially interested in applications from minorities, women and public interest representatives. Selection will be based upon expertise in the subjects under consideration.

The committee usually meets at least once a year with subcommittee meetings for specific problems on and as required basis. Members serve at no cost to the Federal Government and receive neither travel nor per diem allowances.

An alternate may be selected for each member appointed to the committee. Application for alternate membership should be included with the prospective member's application request.

DATE: Applications should be received no later than February 20, 1982.

ADDRESS: Persons interested in applying should write to Commandant (G-CMC), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mary Williams, Hazardous Materials Division (G-MHM), U.S. Coast Guard Headquarters, Washington, D.C. 20593; (202) 426-2306.

Dated: December 8, 1981.

A. D. Utara,

Commander, USCG, Coast Guard Regulations Officer.

[FR Doc. 81-35740 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD-81-095]

Environmental Impact Statement, Proposed Bridge Construction Across Garrison Channel at Harbour Island, Tampa, Hillsborough County, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Coast Guard is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared in conjunction with agency actions related to construction of bridges across Garrison Channel between the City of Tampa and the proposed Harbour Island Development, formerly known as Seddon Island, in Hillsborough County, Florida.

ADDRESS: Written comments should reference this notice and be addressed to: Commander, Seventh Coast Guard District, Aids to Navigation Branch, 51 SW First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT: Mr. M. T. Bennett, Bridge Administration Specialist, Bridge Section, Aids to Navigation Branch at the address shown above or by telephone at (305) 350-4108.

SUPPLEMENTARY INFORMATION: Greiner Engineering Sciences, Inc., on behalf of Habour Island, Inc., have made application for Coast Guard approval of location and plans for a bridge across Garrison Channel at Franklin Street in Tampa, Hillsborough County, Florida. The proposed bridge, and a second bridge to be constructed at a later date on the general alignment of the existing railroad bridge will provide access to a proposed residential/commercial development to be located on Harbour Island.

In accordance with section 102(2)(c) of the National Environmental Policy Act and 40 CFR 1500-1508, the Commander, Seventh Coast Guard District is soliciting comments from all interested parties concerning the environmental impact of several alternatives as shown below. Comments received in response to this notice will be utilized in determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action.

Alternatives under consideration for the bridge structures include but are not limited to the following:

1. No project.
2. Alternate locations.
3. Alternate means of access.

Development alternatives include but are not limited to the following:

1. No Project.
2. Greater or lesser levels of development.
3. Alternative land uses.

The alternatives will be developed in more detail or modified as the Environmental Impact Statement scoping process continues.

A formal scoping meeting is not anticipated at this time. It is expected that a public hearing will be held after the draft Environmental Impact Statement is made available for public and agency review and comment.

To ensure that the full range of impacts related to the proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and Environmental Impact Statement should be directed to the Commander, Seventh Coast Guard District at the above address.

Dated: December 8, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 81-35739 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 81-094]

Port Access Route Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: The purpose of this notice is to publish results of the Port Access Route study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31, 1980 (45 FR 7026). Only the results for study areas 30 to 32 are published in this notice. Generally, these areas include the coast of Alaska. Two routing measures are recommended for these study areas, including a shipping safety fairway system at the approach to Prince William Sound, and a fairway through Unimak Pass. No fairway

designation is proposed at this time for the area of Cook Inlet, Shelikof Strait and Kennedy Entrance.

Background

The Ports and Waterways Safety Act (PWSA) (Pub. L. 95–474; 92 Stat. 1473, 33 U.S.C. 1223) mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The **Federal Register** for April 16, 1979 (44 FR 22543), announced the scope of the study and included a description of each area to be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ships' routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the **Federal Register.** However, areas for which results are published may be studied again in the future as changes in conditions warrant re-evaluation.

Results for areas 5, 5a and 6 (New York and Delaware approaches and Long Island Sound) were published in 46 FR 49035; for areas 13 to 20 (coast of South Carolina, Georgia and Florida) in 46 FR 48376; for area 21 (Gulf of Mexico) in 46 FR 49989; and for areas 26 to 29 (coast of Oregon and Washington) in 46 FR 59686. Results for the remaining study areas (1 to 4 in New England, 7 to 12 along the Mid-Atlantic coast, and 22 to 25 along California) will be published in a future **Federal Register.**

The Seventeenth Coast Guard District performed the study for areas 30 to 32, along the Coast of Alaska.

Study Method

In accordance with the Ports and Waterways Safety Act (PWSA), in 1979, the Seventeenth District commenced an evaluation of maritime traffic density throughout Alaskan waters. This study involved maritime agents, operators, exploration activities, local communities, fisheries' organizations, state marine pilots, other state interests, Federal government and DOD activities. Over 90 private organizations were contacted in the initial development of the study proposals.

After evaluating the information received, determinations were made on establishing fairways in certain areas. On December 7, 1979, a proposal was mailed to all previously contacted parties and to the State of Alaska. Comments were solicited.

Again, on May 16, 1980, after review of previous comments received and further discussion with interested parties, a final proposal was sent out for comment. All parties seemed in agreement with this proposal in general except for two comments.

The State of Alaska, Department of Policy Development and Planning suggested certain changes in the Unimak Pass area. These changes were discussed in detail over the phone, and a final agreement was to decrease the width of the fairway from five (5) miles to four (4) miles, but to use the same terminus points for the fairway. The reason for using these terminus points is that they are established traditional maritime traffic routes, published in the Coast Pilot and other nautical publications. To change them at this time would require revision not only in other publications, but in many a mariner's navigation track that has been utilized over the years.

Mobil Oil Corporation recommended the use of a precautionary area at the end of the fairway proposed for Hinchinbrook Entrance to Prince William Sound. However, precautionary areas are generally utilized with traffic separation schemes rather than fairways. In this case, tank vessels will be encouraged to keep to the starboard lane of the designated pair of fairways, operating as they have been over the past three years, and leaving no doubt as to another vessel's intentions when entering the area. The fairway designations allow vessels sufficient maneuvering room and are only intended to assure the mariner that he will find no fixed obstruction to navigation within that area.

The exploration activity on the outer continental shelf (OCS) and the growth of Alaskan Ports will be closely monitored; and should future conditions dictate, more formal traffic routing measures could be proposed in accordance with the provisions of the Ports and Waterways Safety and international guidelines.

Proposals

The study performed on Alaskan ports identified three critical transportation corridors: approaches to Prince William Sound, Cook Inlet/Shelikof Strait, and Unimak Pass. Other areas of Alaska simply do not have the volume or type of traffic that would warrant the establishment of vessel routing measures.

Two vessel traffic fairways are recommended for Alaskan waters. One to provide safe maritime routing to and from Prince William Sound through the outer continental shelf areas of the Northern Gulf of Alaska. The other will be through Unimak Pass which is a major route for vessels rounding the Alaska Peninsula as well as a Great Circle route from western U.S. ports to the Far East.

Prior to the enactment of PWSA, shipping fairways were designated by the Army Corps of Engineers (almost exculsively in the Gulf of Mexico) as areas in which no permits for structures would be issued. The authority for designating fairways was specifically delegated by PWSA (sec. 4(c)(1)) to the Secretary of the Department in which the Coast Guard is operating, after a study has determined the need for a particular routing measure. Fairways can only be established through the rulemaking process with opportunity for public comment.

The shipping safety fairways described below are recommended to be established under authority of the PWSA to control the erection of structures therein, to provide safe approaches to entrances to major Alaskan ports. Structures will not be permitted in areas designated as fairways as they would be considered obstructions to navigation.

Area 30: Includes Prince William Sound. (N.O.S. Reference Charts 16700 and 16013). From the coast to 59° N latitude, from 142° W longitude to 148° W longitude.

Prince William Sound, the approaches thereto, across the Northern Gulf of Alaska, average 5 transits a day by tank vessels. These vessels are up to 268,000 DWT in size and are carrying North Slope crude oil in the Trans-Alaska Pipeline (TAPS) trade between Valdez, and lower U.S. ports and the Virgin Islands.

The Coast Guard Vessel Traffic Service (VTS) in Valdez monitors traffic in the Traffic Separation Scheme (TSS) within Prince William Sound. To provide safe maritime routing, to and from Prince William Sound, through the outer continental shelf areas of the Northern Gulf of Alaska, the following fairways are proposed:

The fairway system proposed for tank vessel traffic consists of three segments. Segment (1) is a two-way traffic fairway extending southeast from Cape Hinchinbrook. Segment (2) is a fairway recommended for inbound traffic approaching the two-way traffic fairway and segment (3) is the fairway recommended for outbound traffic departing the two-way traffic fairway.

Segment (1)—Two-way Traffic: An area encompassed by lines joining points at:

Latitude	*Longitude*
59° 59.0′ N.	145° 27.4′ W.
to 60° 15.7′ N.	146° 44.4′ W.
to 60° 11.4′ N.	146° 47.0′ W.
to 59° 55.0′ N.	145° 42.0′ W. to
59° 59.0′ N.	145° 27.4′ W.

Segment (2)—Recommended for inbound Tank Vessel traffic, a safety fairway, 2 nautical miles wide, centered upon rhumb lines joining points at:

Latitude	*Longitude*
59° 15.0′ N.	144° 03.5′ W.
59° 59.3′ N.	145° 29.0′ W.

Segment (3)—Recommended for outbound Tank Vessel traffic a safety fairway, 2 nautical miles wide, centered upon rhumb lines joining points at:

Latitude	*Longitude*
59° 56.0′ N.	145° 40.0′ W.
59° 15.0′ N.	144° 25.0′ W.

This system of fairways provides ample maneuvering room from Cape Hinchinbrook to the terminus of the two-way traffic area. The "buffer zone" between the Inbound and Outbound fairways is 3.5 nautical miles wide at the northern end and expands to 5.5 nautical miles at the southern terminus. This "buffer" area is not a fairway and will not be subject to a restriction on structures. The traffic directions within the fairway will not be mandatory. Recommended directions may be added to nautical charts of the area. A Traffic Separation Scheme, with its additional restrictions on vessel activity within lanes, does not appear warranted by the volume of traffic at this time.

Area 31: Includes Cook Inlet and the Shelikof Strait. From the coast on the northwest to 56° N latitude on the south and to 150° W longitude on the east.

Consideration was given to establishing fairways in Cook Inlet, Shelikof Strait and the Kennedy Entrance, and the local navigation conditions were discussed with the S.W. Alaskan Pilots. The Coast Guard has decided not to designate fairways in these areas at this time.

Wind, current and ice conditions, during the different seasons of the year, require the use of many varied routes across Cook Inlet.

Exploration, to date, has indicated no significant find. Development in these offshore waters is expected to be minimal. The existing oil wells pose no problem to safe navigation, and to designate meaningful fairways would eliminate the major portion of Cook Inlet from further offshore activity.

Development in this area will be closely monitored and, if necessary at a later date, fairways will be established.

Area 32: Remaining Coast of Alaska (N.O.S. Chart 16520). From the coast seaward to the 1,800 meter curve or the limit of Canadian jurisdiction or Union of Soviet Socialist Republics jurisdiction, from the Canadian/United States border to the Bering Straits, excluding any area to the west of 170° W longitude, excluding the regions lying within areas 30 and 31 above.

Unimak Pass is the major route through the Aleutian Islands chain. Many deep draft vessels presently transit this area while navigating the Great Circle route from the western U.S. ports to the Far East. Future plans for Dutch Harbor will result in a considerable increase in vessel activity through Unimak Pass.

A safety fairway, 4 nautical miles wide, centered upon a rhumb line joining points at:

Latitude	*Longitude*
54° 06.0′ N.	162° 20.0′ W.
54° 24.0′ N.	165° 43.0′ W.

and a safety fairway, 4 nautical miles wide, centered upon a rhumb line joining points at:

Latitude	*Longitude*
54° 20.0′ N.	165° 02.0′ W.
54° 43.0′ N.	165° 13.0′ W.

Should future traffic density dictate, a formal traffic separation scheme could be implemented within the parameters of this fairway.

Alaskan Outer Continental Shelf Areas (General)

The Department of the Interior, Bureau of Land Management, Alaskan Outer Continental Shelf Office, expressed agreement to include in its lease sales information the following paragraph:

"Some of the tracts offered for lease may fall within areas that may later be considered for fairways, precautionary zones, or traffic separation schemes. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Ports and Waterways Safety Act, Section 4(c), 33 U.S.C. 1223(c), and 33 U.S.C. 1224."

This puts all prospective lessees on notice that traffic lanes may later be designated, however, it will only be after consultation with the interested parties, and appropriate notices, as required by law.

Implementation

The above study recommendations will be implemented through the rulemaking process. The proposed shipping safety fairways will be published as a Notice of Proposed Rulemaking to allow an opportunity for public comment. It is expected that this process will be initiated early in 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Christopher Young, Office of Navigation (G–NSR–3), Room 1418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–4958 between 7:30 a.m. and 4:30 p.m., Monday through Thursday, except holidays.

Dated: December 1, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief Offioer of Navigation.

[FR Doc. 81–35738 Filed 12–11–81; 8:45 am]
BILLING CODE 4910–14–M

Federal Aviation Administration

[Docket No. 81–ASW–3AC]

Gulfstream American Corp. Model 690D; Aircraft Certification and Availability of Documents

The formal type certification process for the Model 690D has been completed. Certification was requested by Gulfstream American Corporation, Bethany, Oklahoma, under the provisions of Subpart "J" of Federal Aviation Regulation (FAR) 21. Federal Aviation Administration (FAA) Southwest Region personnel participated in the certification process by attending Type Certification Board Meetings, reviewing technical documents and witnessing tests.

The Director of the Southwest Region has conducted a review of the issues involved in the Model 690D type certification program and the findings of the Delegation Option Authorization (DOA) and FAA certification teams. He has also reviewed and discussed with his staff a document entitled "Decision Basis for Type Certification of the Gulfstream American Model 690D airplane."

Based on this review, the Director approved the amendment of Aircraft Type Certificate 2A4 to include the Model 690D. This amendment was dated April 30, 1981.

A copy of the "Decision Basis for Type Certification of the Gulfstream American Model 690D Airplane" is on file in the FAA Rules Dockets. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein Gulfstream American was required to demonstrate compliance with the applicable Federal Aviation Regulations and Special Conditions. It provides a brief overview of type inspection test results and a compliance checklist showing the means of compliance with each paragraph of the certification basis. Other appendices and attachments pertaining to the Model

690D type certification program are also included in the document.

The "Decision Basis" document is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report and appendices may be obtained from the Office of the Director, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, at a cost of $3.05 for the "Decision Basis" Report and $30.45 for the appendices.

Issued in Fort Worth, Texas, on December 2, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-35527 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

Revisions to the Voluntary Tanker Agreement and Notice of Meeting

AGENCY: Maritime Administration, DOT.

ACTION: Notice of revisions to Voluntary Tanker Agreement text and public meeting for consultation.

SUMMARY: The Maritime Administrator announces the availability of a draft revision to the Voluntary Tanker Agreement as authorized under section 708 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2158). A public meeting has been scheduled in Washington, D.C. for consultation and discussion of the revisions to the Voluntary Tanker Agreement. Copies of the draft text of the Agreement to be discussed are available. The meeting will be convened at 10:00 a.m., Wednesday, January 20, 1982, in the Auditorium, U.S. Department of Commerce, Washington, D.C.

SUPPLEMENTARY INFORMATION: The Maritime Administration, since 1952, has administered a program whereby tanker owners and charterers have signed standby agreements to make available tankers and tanker space when needed for the national defense.

The 1978 amendments to the Defense Production Act of 1950 imposed new procedures which must be followed by agencies developing standby agreements for industrial mobilization in times of national emergency.

The 1978 amendments necessitated adoption of regulations prescribing new procedures for standby voluntary agreements. (See 44 CFR Part 332, 46 FR 2349, January 9, 1981, and 49 CFR Subtitle A, 46 FR 2339, January 9, 1981). The authority of the Federal Emergency Management Agency was enhanced, and the Attorney General and the Chairman, Federal Trade Commission were given roles which assured that no undue intrusion into the antitrust area occurred. The Maritime Administration proceeded to revise the text of the standby Voluntary Tanker Agreement which would be substituted for the original agreements in force, and which would be offered to new applicants for participation in the program.

In accordance with the requirements of Section 708 of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2158, the public is hereby advised that at 10:00 a.m., Wednesday, January 20, 1982, a public meeting will be convened in the Auditorium of the U.S. Department of Commerce, Washington, D.C. The meeting will be public and no portion of it will be closed; stenographic or electronic reproduction of the proceedings will be taken; a transcription of the meeting will be produced and made available subsequent to the meeting; and, representatives of the Federal Emergency Management Agency, the Attorney General, and the Chairman, Federal Trade Commission will attend.

The primary purpose of this meeting is to explain the changes in the law, to examine revisions to the text of the Voluntary Tanker Agreement, to explain the manner in which the Maritime Administration intends to operate the standby voluntary agreement program in the future, and to consult with the interested public. Any interested person may submit written data and views concerning the proposed changes to Mr. Frank B. Case (see address below) before the meeting, and oral comments also may be presented at the meeting.

The agenda of the meeting is as follows:

1. Comments on the recent amendment to the Defense Production Act.
2. Regulations governing standby voluntary agreements: FEMA and Maritime Administration.
3. Statement of Maritime Administration policy regarding standby Voluntary Tanker Agreements.
4. Presentation of and comments regarding the tentative draft text.
5. Open discussion of any aspects of the foregoing items.

Based upon the discussion in the meeting, the Maritime Administration plans to take prompt action to adopt revisions to the standard Voluntary Tanker Agreement and to offer it to all U.S.-owned companies which own, operate, or charter tankers.

The draft text of the Voluntary Tanker Agreement is available to the public upon request. For a copy, contact Frank B. Case, Chief, Division of National Security Plans, Office of Policy and Plans, Room 1098B, Maritime Administration, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230, (202) 377-1900. In addition, copies are being sent to U.S. companies which own, operate, or charter tankers. By order of the Maritime Administrator.

Dated: December 8, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-35528 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-81-M

Notice of Request for Removal, Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to Pub. L. 89346 and 46 CFR 221.21—221.30, that Crocker National Bank, with offices at 111 Sutter Street, San Francisco, California, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Crocker National Bank certified that it is no longer acting or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Pub. L. 89-346 and 46 CFR 221.21—221.30.

Dated: December 3, 1981.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-35501 Filed 12-11-81; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

INTERSTATE COMMERCE COMMISSION

[FHWA Docket No. 80-26; Notice 3]

Interstate Motor Carrier Study: Extension of Comment Period

December 10, 1981.

AGENCIES: Federal Highway Administration (FHWA), DOT; Interstate Commerce Commission (ICC).

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the working paper entitled "Options for Uniform State Regulations, Working Paper I" as well as other aspects of the Interstate Motor Carrier Study being conducted by the Department of Transportation and the Interstate Commerce Commission in accordance with section 19 of the Motor Carrier Act of 1980. By notice published November 16, 1981 (46 FR 56294), comments were to be submitted by December 15, 1981. The comment period is being extended until December 28,

1981, in order to provide interested parties additional time to respond to matters presented in working paper I as well as other working papers covering topics including economic regulation, fuel taxes and vehicle registration drafted during the interstate motor carrier study.

DATE: Comments will be received until December 28, 1981.

ADDRESS: Submit written coments, preferably in triplicate, to FHWA Docket No. 80–26, Notice 3, Room 4205, HCC–10, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and the working papers will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: FHWA: Mr. James R. Link, Chief, Operations Analysis Branch, 202/426–0570; or Mrs. Kathleen S. Markman, Trial Attorney, Office of the Chief Counsel, 202/426–0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are Monday through Friday 7:45 a.m. to 4:15 p.m., ET. ICC: Mr. Roy Wilkins, Transportation Specialist Motor Carrier Policy, 202/275–6860, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423. Office hours are Monday through Friday, 9:00 a.m. to 5:30 p.m., ET.

Issued on December 10, 1981.

Martin D. Zell,

Department Director, State/Community Affairs, Interstate Commerce Commission.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 81–35817 Filed 12–11–81; 8:45 am]

BILLING CODE 4910–22–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 239
Monday, December 14, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-339, Amdt. 4]

Addition and Closure of Item to the December 9, 1981 Meeting

TIME AND DATE: 10 a.m., December 9, 1981 (after open meeting).

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 27. Dockets 39896, 39911, 40038, 40111, and 40159; Applications of Aeronaves del Peru, Air France, Japan Air Lines, LAN Chile, and Aer Lingus, respectively, for exemptions to operate intermodal cargo services. (Memo 964, BIA, OGC)

STATUS:

1-13 (Open)
14-27 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1867-81 Filed 12-10-81; 4:06 pm]

BILLING CODE 6320-01-M

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CIVIL AERONAUTICS BOARD

[M-339, Amdt. 3]

Deletion of Item From the December 9, 1981 Meeting

TIME AND DATE: 10 a.m., December 9, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 21. Docket 39650—Application of Fast Air Carrier LTDA. For amendment of its foreign air carrier permit to engage in scheduled foreign air transportation between Chile, via intermediate points, and Miami/New York. (BIA, OGC, BAL])

STATUS:

1-13 (Open)
14-26 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1865-81 Filed 12-10-81; 4:06 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

[M-339 Amdt. 5]

Deletions, Addition and Closure of Items to the December 9, 1981 Board Meeting

TIME AND DATE: 10 a.m., December 9, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

Deletion: 7. Docket EAS-352; Review of Essential Air Service Determination for Merced, California. (Memo 133-B, BDA, OGC, OCCR)

Deletion: 11. Dockets 30699, 30790, 34579, 36004, 36962 and 34485: *Oakland Service Case, U.S.-Benelux Low-Fare Proceeding Application of Aeroamerica, Inc., for 408 and 409 Approval, Applications of Aeroamerica, Inc. for Certificate Authority, Application of Aeroamerica, Inc. for an Exemption* (Memo 143-A, OGC)

Deletion: 20. Docket 39692, United States-Chile Show Cause Proceeding. (Memo 481-C, BIA, OGC, BAL])

Addition: 28. Board comment on the House Sunset Bill, new issues of significant concern. (OGC).

STATUS:

1-13 (Open)
14-28 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1866-81 Filed 12-10-81; 4:06 pm]

BILLING CODE 6320-01-M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, December 17, 1981.

PLACE: 1700 G Street, NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting.

Negotiable Certificates of Deposits
Payment of Litigation Expenses of FHLB Officers, Directors and Employees
Savings Accounts Activity Charges and Small Accounts

[No. 574, December 10, 1981]

[S-1864-81 Filed 12-10-81; 2:58 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, December 17, 1981.

PLACE: 1700 G Street, NW., board room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance; and Transfer of Stock—Calhoun Federal Savings and Loan Association, Calhoun, Georgia *into* First Federal Savings and Loan Association, Savannah, Georgia
Branch Office Application—Firstsouth Federal Savings and Loan Association, Pine Bluff, Arkansas
Change of Name—First Federal Savings and Loan Association of Alexandria, Alexandria, Virginia
Recommendation for Designation of—David S. Goodson, Jr. as Supervisory Agent—Federal Home Loan Bank of Atlanta
Recommendation for Designation of—John E. Morris as Supervisory Agent—Federal Home Loan Bank of Seattle
Service Corporation Activity—Diamond Savings and Loan Association Company, Findlay, Ohio
Branch Office Application—First Federal Savings and Loan Association of Austin, Austin, Texas
Insurance of Accounts—Skyline Savings Association, Dallas, Texas
Bank Membership and Insurance of Accounts—Tracy Savings and Loan Association, Tracy, California
Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance; and Transfer of Stock—Franklin Federal Savings and Loan Association, Russellville,

Alabama *into* Phenix Federal Savings and Loan Association, Phenix City, Alabama
Designation of—Penny D. Marshall As Supervisory Agent—Federal Home Loan Bank of Seattle
Branch Office Application—Yoakum Federal Savings and Loan Association, Yoakum, Texas

[No. 573, December 10, 1981]

[S-1861-81 Filed 12-10-81; 8:45 am]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10:45 a.m., Wednesday, December 9, 1981. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on Monday, December 7, 1981.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 9, 1981

James McAfee

Assistant Secretary of the Board.

[S-1860-81 Filed 12-9-81; 4:05 pm]

BILLING CODE 6210-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Thursday, December 17, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Proposed delegation of authority regarding charter cancellation.
3. Proposed amendment and Final Rule to Part 711 of the NCUA Rules and Regulations regarding management official interlocks.
4. Proposed amendment to Part 720 of the NCUA Rules and Regulations regarding description of office, disclosure of official records, availability of information and promulgation of regulations.
5. Proposed new phase out schedule for share certificate dividend ceilings.
6. Proposed amendment to the exception to the early withdrawal penalty IRA/Keogh accounts.
7. Reconsideratioan of proposed rule to establish a money market share account.
8. Semi-annual reporting of financial and statistical data.
9. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10:45 a.m.

TIME AND DATE: 11 a.m., Thursday, December 17, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative adjudication. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
2. Proposed charter amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Budget authorization for FY 1982. Closed pursuant to exemptions (2) and (9)(B).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-1862-81 Filed 12-10-81; 1:26 pm]

BILLING CODE 7535-01-M

8

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1280]

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, December 17, 1981.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

ACTION ITEMS:

A—*Project Authorization:*
1. Project Authorization No. 3464.2—Amendment to project authorization for falling curtain process for granulation of urea and other fertilizers.
2. Project Authorization No. 3471.1—Amendment to project authorization to modify boiler startup systems at Paradise Steam Plant, units 1 and 2. (Related to Item B-1.)

B—*Purchase Awards:*
1. Reg. No. 23-192908—Control bypass system for Paradise Fossil Plant, units 1 and 2.
2. Sales Invitation No. 43-4533—Sale by TVA of excess time on the nuclear and fossil simulator located at the Power Operations Training Center near Sequoyah Nuclear Plant.

C—*Power Items:*
1. Cogeneration agreement among Resource Authority in Sumner County, Tennessee, city of Gallatin, Tennessee and TVA, covering the purchase by TVA of up to 550 kW of cognerated power.
2. Agreement covering distributor participation in residential room-unit thermal-storage field test.
3. New power contract for Airco, Inc., Calvert City, Kentucky, plant.
4. Renewal of power contract with Lebanon, Tennessee.

D—*Personnel Items:*
1. Supplement to personal services contract with Institute for Resource Management, Inc., Annapolis, Maryland, for the services of health physics technicians at TVA nuclear plants, requested by the Division of Occupational Health and Safety, Office of Management Services.
2. Supplement to personal services contract with Torrey Pines Technology, San Diego, California, for professional engineering support services required to complete the qualification evaluation of the nuclear steam supply systems for Watts Bar and Bellefonte nuclear plants, requested by the Office of Engineering Design and Construction.
3. New wage schedules for hourly and annual trades and labor employees and other recommendations resulting from negotiations between TVA and Tennessee Valley Trades and Labor Council, 47th Annual Wage Conference.

E—*Real Property Transactions:*
1. Proposed agreement with Clinton Port Authority covering arrangements for future sale for industrial purposes of approximately 77 acres of Melton Hill Reservoir land in Anderson County, Tennessee, located adjacent to the Eagle Bend Industrial Park—Tract No. XMHR-45.
2. Grant of permanent easement for road rights of way to State of Mississippi within the Yellow Creek Port Project Area, affecting approximately 10 acres of Pickwick Reservoir land in Tishomingo County, Mississippi—Tract No. KTYECR-1H.
3. Abandonment of certain easement rights affecting approximately 5.1 acres of Watts Bar Reservoir land owned by the city of Loudon, Tennessee—Tract No. WBR-1638F.
4. Filing of condemnation suit.

CONTRACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: December 10, 1981.

[S-1863-81 Filed 12-10-81; 2:52 am]

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federal register

Monday,
December 14, 1981

Part II

Department of Education

Training Program for Special Programs Staff and Leadership Personnel, Talent Search Program, Educational Opportunity Centers Program, Upward Bound Program, and Special Services for Disadvantaged Students Program; Past Performance of Applicants

V 46 D E 1 4 8 1 UMI

DEPARTMENT OF EDUCATION

34 CFR Parts 642, 643, 644, 645, 646

Training Program for Special Programs Staff and Leadership Personnel, Talent Search Program, Educational Opportunity Centers Program, Upward Bound Program, and Special Services for Disadvantaged Students Program; Past Performance of Applicants

AGENCY: Department of Education.

ACTION: Proposed rulemaking.

SUMMARY: The Secretary proposes regulations for the evaluation of past performance of applicants applying for new awards under the Special Programs for Students from Disadvantaged Backgrounds (Upward Bound, Talent Search, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Training) if the applicant previously received a grant under the same program for which it is currently applying. The regulations are necessary to implement a provision added to the Special Programs legislation by the Education Amendments of 1980.

DATE: Comments must be received on or before January 28, 1982. No public meeting will be held on these proposed regulations.

ADDRESS: Comments should be addressed to Mary Kathleen Smith (Room 3514, ROB–3), Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202–3314.

FOR FURTHER INFORMATION CONTACT: Mary Kathleen Smith, Telephone (202) 245–2511.

SUPPLEMENTARY INFORMATION: The Education Amendments of 1980 changed the Special Programs for Students from Disadvantaged Backgrounds in many respects. Proposed regulations that reflected most of these changes were published as notices of proposed rulemaking in the **Federal Register** on December 31, 1980 (Upward Bound—45 FR 86914–86920; Talent Search—45 FR 86909–86912; Special Services—45 FR 86900–86905; Educational Opportunity Centers—45 FR 86894–86898; and Training Program—45 FR 86922–86926).

One of the changes requires the Secretary to consider the past performance of an applicant for a grant under the Special Programs if the applicant is applying for a new grant under the same program. For example, if an applicant for a new Upward Bound grant has previously been awarded a grant to carry out an Upward Bound project, the Secretary must take into account, when evaluating the applicant for a new grant, the applicant's performance under the grant.

The Senate in passing the provision requiring the Secretary to consider past performance urged that this criterion be at least 30 percent of the points given in evaluating applications.

In the proposed regulations published in December, the Secretary decided to carry out this requirement by establishing performance standards and measuring an applicant who previously had a grant against those standards. However proposed standards were not developed at that time and the public was invited to suggest performance standards.

Numerous comments were received in response to this request and these comments and suggestions were considered in developing these proposed regulations.

As a result of the comments received, the Secretary has decided not to adopt performance standards in the regulations for each of the Special Programs but, instead, to use weighted criteria only. Thus the sections titled "*Performance standards*" in the proposed regulations will be deleted from the final regulations for each of the Special Programs. The sections titled "*Past performance*" in this notice are proposed as selection criteria to evaluate the experience of applicants in service delivery under the particular program for which they are applying.

The proposed regulations published on December 31, 1980 also included, in the section titled "*How the Secretary evaluates an application,*" a sentence stating that the Secretary may award up to 30 additional points for prior experience. That sentence will be deleted from the final regulations for each of the Special Programs. This notice proposes to permit the Secretary to award up to 20 additional points for positive past performance and to deduct up to 10 points for poor past performance. This approach permits the Secretary to evaluate experience on a 30-point scale. However, by permitting the Secretary to deduct points from those applicants with poor performance, the application of the experience criterion should be more equitable for all applicants.

Summary of Comments and Responses

The following is a summary of the substantive comments received on the subject of experience and performance standards and the Secretary's responses to those comments.

Comment. Several commenters expressed concern that to judge a project on unpublished performance standards would be an *ex post facto* judgment. The commenters recommended that the Secretary automatically award 30 points for experience to all currently funded projects.

Another commenter urged that performance standards not be applied during the year they are developed since projects should be given a fair opportunity to adapt to the criteria.

Response. A change has been made. The Secretary has decided not to publish performance standards. Instead, criteria for evaluating experience are proposed in these regulations. Since these criteria relate to the legislated goals of the programs, to project management, and to the previous grant award, they can be applied the year they are effective. These regulations do not propose to evaluate applicants with experience on factors that are new; all requirements are provisions that funded projects are required to meet as conditions of their grant awards. In addition, for the Secretary to award 30 points for experience automatically to all currently funded projects regardless of how they administered the projects would not be an appropriate evaluation practice.

Comment. One commenter stated that more important than experience of a given institution or agency is the need for the directors and staff of the program to have real experience. The commenter recommended that the regulations be liberalized to read: "The director and a significant number of his/her staff must have had direct experience in a Special Programs project."

Response. No change has been made. Although the Secretary agrees that experienced directors and staff can be an asset to a project, the legislation requires the Secretary to consider the experience of service delivery of each *applicant.* However, the qualifications of the director and staff are evaluated in each program under the selection criterion concerning quality of key personnel.

Comment. One commenter recommended that experience be based on an immediately contiguous program period. This would make the institution and concerned staff responsible for their actions without penalizing them unnecessarily for an unsuccessful program at a much earlier date.

Response. No change has been made. While the experience does not necessarily have to be contiguous, these regulations propose that the period of time be limited—as in the proposed regulations published on December 31, 1980—to the three fiscal years prior to the fiscal year for which the applicant is

applying. In this way, poor performance in the conduct of a project will not penalize an applicant indefinitely. Also, this approach will not preclude those applicants that might not have been funded the previous year from receiving consideration for good past performance.

Comment. One commenter suggested that 40 points rather than 30 points would bring a better balance to the general score.

Other commenters expressed concern over the fact that, while consideration of experience was valid, awarding up to 30 extra points was excessive and would tend to limit competition. These commenters stated that those projects previously funded would have an unfair advantage since they could receive up to 30 additional points. These commenters suggested that the number of points be reduced.

One commenter suggested that poor past performance should receive a negative rating in order for the criterion for experience to be applied equitably.

Response. A change has been made. In deciding on the weight to give this criterion, the Secretary was guided by the Senate report accompanying the Education Amendments of 1980 (Senate Report 96–733). This report urged the Secretary to provide at least a 30 percent weighting for experience. These proposed regulations permit the Secretary to deduct points, on the basis of the criteria proposed in these regulations, for poor performance. Therefore, the Secretary has proposed to change the maximum number of points that may be added, from 30 to 20 points and the number of points that may be deducted to 10 points. This permits a 30-point range.

Comment. Several commenters urged that past performance not be limited to experience in Special Programs projects. They noted that other programs offer services and activities similar to the Special Programs but are funded through other sources.

Response. No change has been made. Although the Secretary agrees that experience can be gained through conducting projects similar to the Special Programs, the legislation specifically limits experience to previous Special Programs project experience.

Section 417A(b)(2) of the Higher Education Act of 1965, as amended by the Education Amendment of 1980, reads: "* * * the Secretary shall consider the prior experience of service delivery under the particular program for which funds are sought by each applicant."

Furthermore, the Department of Education may have no way to verify the quality of experience gained in conducting projects not funded under these programs.

Comment. Several commenters recommended that successful programs automatically be awarded the extra 30 points for experience and then have points deducted from these extra 30 points, as appropriate. They stated that this would be fairer than the add-on approach.

Response. A change has been made. In developing these proposed regulations consideration was given to both alternatives. To avoid confusion regarding the awarding of points, the Secretary has spelled out the basis for the assignment of points with the newly proposed range of −10 points to +20 points. Paragraph (b) of the past performance section of each of the regulations details under what circumstances scores are assigned.

Comment. Several commenters suggested that site visit reports should not be considered in a review of experience because not all projects have been visited. Another commenter expressed concern over using site visit reports as a means of evaluation for awarding the additional points. The commenter stated that site visits are the best learning tools available to projects and should not be used as a way to penalize projects.

Response. No change has been made. The Secretary views the site visit as an important method for monitoring funded projects. It is not the only means the Secretary proposes to use, however. The intent of these regulations is to suggest that all documentation with respect to the performance of grantees will be made available to those evaluating applications.

Comment. Several commenters suggested that the Secretary consider the experience of the applicant based on the degree of success of the applicant in meeting previously approved project objectives. They suggested that the section titled "Performance standards" be deleted from the regulations.

Response. A change has been made. The Secretary has deleted from each of the program regulations the section originally proposed to include performance standards. In addition, the section titled "Prior experience" has been retitled "Past performance" and has been revised to include as an evaluation criterion the degree of success that the applicant has had in meeting previously approved project objectives.

Comment. Several commenters expressed concern over the development and use of performance standards. They commented that standards can stifle creativity and innovative approaches. In addition, due to the vast differences in geographic areas and populations that the Special Programs serve, they noted it would be impossible to develop uniform performance standards that would be fair and valid for all projects.

Other commenters noted that the application of any performance standards could dramatically refocus most project activities toward the particular standards since there would be such a direct tie to funding. Also, the commenters feared that national performance standards would initiate a competitive race among projects for the "numbers game" at the expense of quality services.

Other commenters questioned the authority for the Department to set performance standards since neither the law nor the House and Senate reports indicated that the legislative intent was to impose performance standards. These commenters suggested that the past performance of projects should be judged on the degree of accomplishment of previously approved applications.

Response. A change has been made. The Secretary has decided not to publish performance standards. The section on past performance has been revised to include several evaluation criteria that measure the degree of an applicant's accomplishment of its previously approved application.

Comment. Several commenters suggested that the experience section should be more specific and should include a checklist of things that would be measured. In addition, the commenters requested that the assessment procedure also be outlined and that it include a site visit report, an evaluation system of the reports sent in by the projects and the effectiveness of the project as documented via letters from target schools, placement of seniors in colleges, and related factors.

Response. A change has been made. The proposed new sections list factors the Secretary looks for in evaluating past performance. In addition, the Secretary believes that an applicant should have some flexibility using its internal evaluation system. It is not the intention of the Secretary to regulate on the precise means by which all applicants must measure the achievement of their project objectives.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before the 45th day after publication of this document will be considered in the development of the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3514, ROB–3, 7th and D Streets, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Department particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The regulations govern the evaluation of past performance and are necessary to implement the Education Amendments of 1980.

Dated: December 9, 1981.

(Catalog of Federal Domestic Assistance Numbers: 84.103, Training Program for Special Programs Staff and Leadership Personnel; 84.044, Talent Search Program; 84.066, Educational Opportunity Centers Program; 84.047, Upward Bound Program; 84.042, Special Services for Disadvantaged Students Program)

T. H. Bell,

Secretary of Education.

PART 642—TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

The Secretary proposes to revise § 642.32 of the proposed regulations for the Training Program for Special Programs Staff and Leadership Personnel, 34 CFR Part 642, which were published in the **Federal Register** on December 31, 1980 (45 FR 86922, 86925), to read as follows:

§ 642.32 Past performance.

(a) For each applicant that has conducted a Training Program project under Title IV–A–4 of the Higher Education Act within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary evaluates the performance of the applicant in carrying out the grant using the criteria in paragraph (c) of this section.

(b) The Secretary assigns points for past performance as follows:

(1) The Secretary gives no points or deducts from 1 to 10 points from the point score obtained in the basis of the selection criteria in § 642.31, based on the extent to which the applicant has failed to meet the administrative requirements and the programmatic objectives of paragraph (c) of this section.

(2) The Secretary adds from 1 to 10 points to the point score obtained on the basis of the selection criteria in § 642.31, based on the extent to which the applicant has met all of the administrative requirements and has met all of the programmatic objectives of paragraph (c) of this section.

(3) The Secretary adds from 11 to 20 points to the point score obtained on the basis of the selection criteria in § 642.31, based on the extent to which the applicant has met all of the administrative requirements and has met all and exceeded some of the programmatic objectives of paragraph (c) of this section.

(c) The Secretary—based on information contained in one or more of the following: performance reports, audit reports, training site visit reports, evaluations by participants, the previously funded application, and the application under consideration—looks for information that shows—

(1) The extent to which the project has served the number and kinds of training participants it was funded to serve;

(2) The extent to which participants benefited from training in areas such as—

(i) Increased qualifications and skills in meeting the needs of disadvantaged students; and

(ii) Increased knowledge and understanding of the Special Programs;

(3) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application; and

(4) The extent to which the applicant has met all administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d–1d; Senate Report 96–733, 96 Cong. 1st Sess. p.28)

PART 643—TALENT SEARCH PROGRAM

The Secretary proposes to revise § 643.32 of the proposed regulations for the Talent Search Program, 34 CFR Part 643, which were published in the **Federal Register** on December 31, 1980 (45 FR 86908, 86912), to read as follows:

§ 643.32 Past Performance.

(a) For each applicant that has conducted a Talent Search project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary evaluates the performance of the applicant in carrying out the grant using the criteria in paragraph (c) of this section.

(b) The Secretary assigns points for past performance as follows:

(1) The Secretary gives no points or deducts from 1 to 10 points from the point score obtained on the basis of the selection criteria in § 643.31, based on the extent to which the applicant has failed to meet the administrative requirements and the programmatic objectives of paragraph (c) of this section.

(2) The Secretary adds from 1 to 10 points to the point score obtained on the basis of the selection criteria in § 643.31, based on the extent to which the applicant has met all of the administrative requirements and has met all of the programmatic objectives of paragraph (c) of this section.

(3) The Secretary adds from 11 to 20 points to the point score obtained on the basis of the selection criteria in § 643.31, based on the extent to which the applicant has met all of the administrative requirements and has met all and exceeded some of the programmatic objectives of paragraph (c) of this section.

(c) The Secretary—based on information contained in one or more of the following: Performance reports, audit reports, site visit reports, the previously funded application, and the application under consideration—looks for information that shows—

(1) The extent to which the project has served the number of participants it was funded to serve;

(2) The extent to which the high school graduation rate of the project participants is higher than the graduation rates in the target schools before the Talent Search project began;

(3) The extent to which postsecondary placement of project participants is higher than the placement rates of the target schools before the Talent Search project began;

(4) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application; and

(5) The extent to which the applicant has met all administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d–1; Senate Report 96–733, 96 Cong. 1st Sess. p. 28)

PART 644—EDUCATIONAL OPPORTUNITY CENTERS

The Secretary proposes to revise § 644.32 of the proposed regulations for the Educational Opportunity Centers Program, 34 CFR Part 644, which were published in the **Federal Register** on December 31, 1980 (45 FR 86894, 86898), to read as follows:

§ 644.32 Past performance.

(a) For each applicant that has conducted an Educational Opportunity Centers project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary evaluates the performance of the applicant in carrying out the grant using the criteria in paragraph (c) of this section.

(b) The Secretary assigns points for past performance as follows:

(1) The Secretary gives no points or deducts from 1 to 10 points from the point score obtained on the basis of the selection criteria in § 644.31, based on the extent to which the applicant has failed to meet the administrative requirements and the programmatic objectives of paragraph (c) of this section.

(2) The Secretary adds from 1 to 10 points to the point score obtained on the basis of the selection criteria in § 644.31, based on the extent to which the applicant has met all of the administrative requirements and has met all of the programmatic objectives of paragraph (c) of this section.

(3) The Secretary adds from 11 to 20 points to the point score obtained on the basis of the selection criteria in § 644.31, based on the extent to which the applicant has met all of the administrative requirements and has met all and exceeded some of the programmatic objectives of paragraph (c) of this section.

(c) The Secretary, based on information contained in one or more of the following: performance reports, audit reports, site visit reports, the previously funded application, and the application under consideration—looks for information that shows—

(1) The extent to which the project has served the number of participants it was funded to serve;

(2) The extent to which the center has disseminated, in accordance with its approved program plan, information concerning financial and academic assistance available for individuals desiring to pursue a program of postsecondary education;

(3) The extent to which the center has specifically assisted participants in applying for admission to postsecondary educational programs, including assisting participants in preparing necessary applications for use by admissions and financial aid officers;

(4) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application; and

(5) The extent to which the applicant has met all administrative requirements—including recordkeeping, reporting, matching funds, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070, 1070d–1c; Senate Report 96–733, 96 Cong. 1st Sess. p. 28)

PART 645—UPWARD BOUND PROGRAM

The Secretary proposes to revise § 645.32 of the proposed regulations for the Upward Bound Program, 34 CFR Part 645, which were published in the **Federal Register** on December 31, 1980 (45 FR 86914, 86919), to read as follows:

§ 645.32 Past performance.

(a) For each applicant that has conducted an Upward Bound project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary evaluates the performance of the applicant in carrying out the grant using the criteria in paragraph (c) of this section.

(b) The Secretary assigns points for past performance as follows:

(1) The Secretary gives no points or deducts from 1 to 10 points from the point score obtained on the basis of the selection criteria in § 645.31, based on the extent to which the applicant has failed to meet the administrative requirements and the programmatic objectives of paragraph (c) of this section.

(2) The Secretary adds from 1 to 10 points to the point score obtained on the basis of the selection criteria in § 645.31, based on the extent to which the applicant has met all of the administrative requirements and has met all of the programmatic objectives of paragraph (c) of this section.

(3) The Secretary adds from 11 to 20 points to the point score obtained on the basis of the selection criteria in § 645.31, based on the extent to which the applicant has met all of the administrative requirements and has met all and exceeded some of the programmatic objectives of paragraph (c) of this section.

(c) The Secretary—based on information contained in one or more of the following: performance reports, audit reports, site visit reports, the previously funded application, and the application under consideration—looks for information that shows—

(1) The extent to which the project has served the number of participants it was funded to serve;

(2)(i) In the case of a regular Upward Bound project, the extent to which the high school graduation rate of the participants is greater than the high school graduation rates of the target schools; or

(ii) In the case of a Veterans Upward Bound project, the extent to which the project has provided services—including intensive basic skills development, short-term remedial-refresher courses, and preparation for a certificate of high school equivalency—to prepare participants for admission to postsecondary educational programs;

(3)(i) In the case of a regular Upward Bound project, the extent to which the postsecondary enrollment rate of project participants is greater than the postsecondary enrollment rates of the target schools; or

(ii) In the case of a Veterans Upward Bound project, the extent to which the project has assisted participants enroll in a postsecondary educational program;

(4) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application; and

(5) The extent to which the applicant has met all administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d–1a; Senate Report 96–733, 96 Cong. 1st Sess. p. 28)

PART 646—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

The Secretary proposes to revise § 646.32 of the proposed regulations for the Special Services Program, 34 CFR Part 646, which were published in the **Federal Register** on December 31, 1980 (45 FR 86900, 86904), to read as follows:

§ 646.32 Past performance.

(a) For each applicant that has conducted a Special Services project within the three fiscal years prior to the fiscal year for which the applicant is applying, the Secretary evaluates the performance of the applicant in carrying out the grant using the criteria in paragraph (c) of this section.

(b) The Secretary assigns points for past performance as follows:

(1) The Secretary gives no points or deducts from 1 to 10 points from the point score obtained on the basis of the selection criteria in § 646.31, based on the extent to which the applicant has failed to meet the administrative requirements and the programmatic objectives of paragraph (c) of this section.

(2) The Secretary adds from 1 to 10 points to the point score obtained on the basis of the selection criteria in § 646.31, based on the extent to which the applicant has met all of the administrative requirements and has met all of the programmatic objectives of paragraph (c) of this section.

(3) The Secretary adds from 11 to 20 points to the point score obtained on the basis of the selection criteria in § 646.31, based on the extent to which the applicant has met all of the administrative requirements and has met all and exceeded some of the programmatic objectives of paragraph (c) of this section.

(c) The Secretary —based on information contained in one or more of the following: performance reports, audit reports, site visit reports, the previously funded application, and the application under consideration—looks for information that shows—

(1) The extent to which the project has served the number of participants it was funded to serve;

(2) The extent to which project participants received sufficient financial assistance;

(3) The extent to which the retention rate of project participants meets the rate proposed in the previously funded application;

(4) The extent to which the graduation rate of project participants meets the rate proposed in the previously funded application;

(5) The extent to which the applicant has achieved other goals and objectives as stated in the previously funded application;

(6) The extent to which the applicant has met all administrative requirements—including recordkeeping, reporting, and financial accountability—under the terms of the previously funded award.

(20 U.S.C. 1070d, 1070d–1b; Senate Report 96–733, 96 Cong. 1st Sess. p. 28)

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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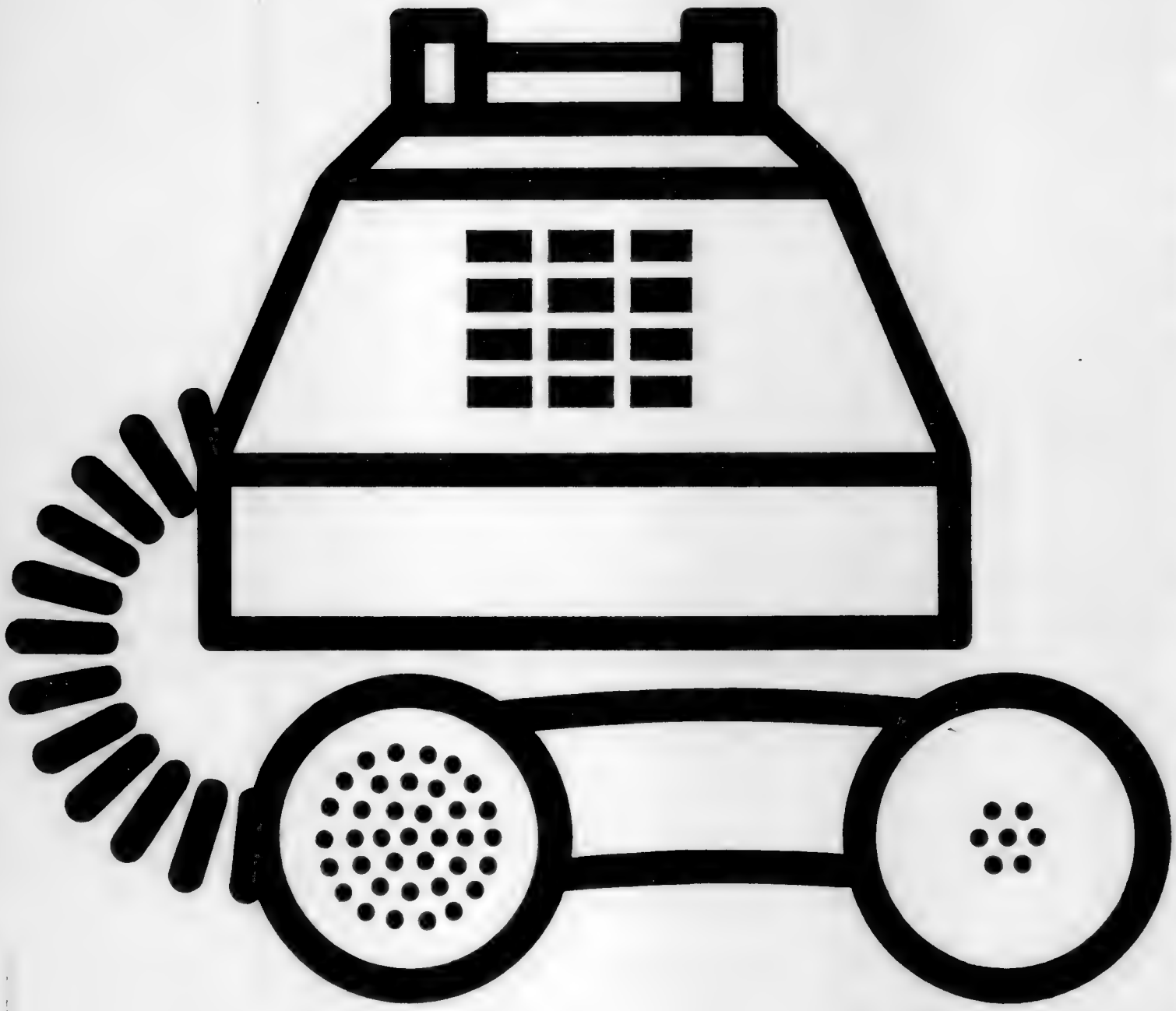

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61146 **Crime Insurance** FEMA proposes revisions to Federal Crime Insurance Program.

61236 **Handicapped Veterans** VA publishes standards for electrically powered wheelchairs. (Part III of this issue)

61074 **Employee Benefit Plans** Labor/P&WBP revises financial reporting requirements for plans participating in master trusts.

61084 PBCG issues interest rates and factors for valuation of benefits in non-multiemployer plans.

61066 **Government Employees—Health Insurance** OPM announces limited open season for eligible unenrolled employees.

61132 OPM withdraws proposal to transfer Uniform Plan enrollees to Indemnity Benefit Plan.

61065 **Government Employees** OPM permits noncompetitive temporary or term appointments without regard to existence of registers for certain former employees.

61222 **Natural Gas—Information** ANGTS provides for information gathering, treatment of sensitive and proprietary documents, and processing requests for public access. (Part II of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

61134 **Nuclear Power Plants and Reactors** NRC proposes clarification of full-scale emergency preparedness exercise requirements.

61132 NRC proposes rules on emergency planning and preparedness for low power nuclear licensees.

61186 NRC requests comments on draft regulatory guide, "Emergency Action Levels for Light Water Reactors."

61140 **Commodity Futures** CFTC proposes exception to rules on application and closing out of offsetting long and short positions.

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61142 **Boat Safety** Treasury/Customs and DOT/CG propose revised safety standards for foreign-made boats and associated equipment.

61160 **Antidumping** Commerce/ITA extends period for determination on motorcycle batteries from Taiwan.

61160 **Countervailing Duties** Commerce/ITA postpones determination on ceramic tile from Mexico.

61193 **Imports** Trade Representative requests comments on determination on certain airless paint spray pumps.

61162 CITA adjusts restraint level for certain man-made fiber textile products from the Republic of the Philippines.

61127 **Government Procurement** GSA revises cost principles for contracts with commercial organizations and State, local, and federally recognized Indian tribal governments.

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Rules and Regulations

Federal Register
Vol. 46, No. 240
Tuesday, December 15, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 316

Temporary and Term Employment

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment permits agencies to give temporary or term appointments without regard to the existence of registers to former employees of the legislative or judicial branch who are eligible for noncompetitive career appointments. Such temporary or term appointments will not confer competitive status or extend the employees' eligibility for noncompetitive career appointment.

EFFECTIVE DATE: January 14, 1982.

FOR FURTHER INFORMATION CONTACT: William Bohling, (202) 632–6000.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 1981, OPM published a proposed regulation in the **Federal Register** (46 FR 35108) which would permit agencies to give noncompetitive temporary or term appointments to persons eligible for career appointment under section 3304(c) of title 5, United States Code. That section provides for noncompetitive career appointment of former legislative or judicial branch employees who: (1) have 3 years of service in positions paid by the Secretary of the Senate or Clerk of the House of Representatives, or have 4 years of service as a secretary or law clerk to a justice or judge of the United States; (2) are separated from such employment involuntarily and without personal cause; (3) are appointed within 1 year following involuntary separation from qualifying service; and (4) meet competitive qualification standards for the position to which appointed. Because the law speaks of eligible employees' acquiring a competitive status, which is conferred only with permanent appointment, and because the intent of the law was to afford entry into the career service, the regulations had not previously provided eligibility for noncompetitive temporary or term appointment to Ramspeck Act eligibles.

The proposed regulations provided such eligibility, under the same conditions applied to time-limited appointments of persons eligible under other special appointing authorities. The time-limited appointments would be made under authority of the regulations, rather than under the statutory authority in 5 U.S.C. 3304(c), and would not confer competitive status or eligibility for conversion to competitive status. Neither would these appointments extend eligibility for permanent appointment under 5 U.S.C. 3304(c).

Discussion of Comments

Two written comments were received, both from Federal agencies. Both agencies supported the proposed regulations, but suggested the regulations state more clearly that temporary or term appointment would not extend eligibility for non-competitive career appointment.

Explanation of Final Regulation

In response to the agencies' comments, the suggested clarification has been added to the authorities for both temporary and term appointment. All other provisions of the final regulations are the same as those originally proposed.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

PART 316—TEMPORARY AND TERM EMPLOYMENT

Accordingly, 5 CFR 316.302(c)(6) and 5 CFR 316.402(b)(6) are added, to read as follows:

§ 316.302 Selection of term employees.

* * * * *

(c) An agency may give a term appointment without regard to the existence of an appropriate register to:

* * * * *

(6) A person eligible for acquisition of competitive status for career appointment under section 3304(c) of title 5, United States Code. However, a term employee does not acquire a competitive status on the basis of this term appointment; nor does this term appointment extend or terminate the employee's eligibility under 5 U.S.C. 3304(c).

§ 316.402 Authorities for temporary appointments.

* * * * *

(b) *Noncompetitive temporary limited appointments.* An agency may give a temporary limited appointment without regard to the existence of an appropriate register to:

* * * * *

(6) A person eligible for acquisition of competitive status for career appointment under section 3304(c) of title 5, United States Code. However, a temporary employee does not acquire a competitive status on the basis of this temporary appointment; nor does this temporary appointment extend or terminate the employee's eligibility under 5 U.S.C. 3304(c).

(5 U.S.C. 3301, 3302, 3304(c))

[FR Doc. 81–35823 Filed 12–14–81; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 890

Federal Employees Health Benefits Program; Limited Open Season

AGENCY: Office of Personnel Management.

ACTION: Notice of limited open season.

SUMMARY: This revises the notice published on December 4, 1981 (46 CFR 59227) which announced commencement of the 1981 open season for the Federal Employees Health Benefits (FEHB) Program. Pursuant to the order of the United States Court of Appeals for the District of Columbia Circuit, entered on December 4, 1981, in *National Federation of Federal Employees* v. *Donald J. Devine, et al.*, No. 81–2224; and to the authority contained in section 8913 of Chapter 89, title 5 of the United States Code, and section 301(d) of 5 CFR Part 890, the Office of Personnel Management (OPM) announces that a limited open season will be conducted for certain Federal employees. This limited open season, to be held from December 7, 1981 through December 31, 1981, is for those Federal employees eligible to participate in the FEHB Program who were not enrolled in a plan under the FEHB Program on December 4, 1981, the date of the Court order. During the limited open season, only those eligible unenrolled employees who were not enrolled on December 4, 1981, will have an opportunity to enroll in an approved health benefits plan. The general open season heretofore scheduled to commence on December 7, 1981, is hereby postponed until further notice.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Lauretta Hall, Issuances and Instructions Staff, (202) 632–4684.

SUPPLEMENTARY INFORMATION: On December 4, 1981, a notice was published in the **Federal Register** (46 FR 59227) to the effect that a health benefits open season would be held from December 7, 1981 through December 31, 1981. However, the United States Court of Appeals for the District of Columbia Circuit, in *National Federation of Federal Employees* v. *Donald J. Devine, et al.*, No. 81–2224, and related cases, on December 4, 1981, stayed a prior order of the United States District Court for the District of Columbia which had directed the United States Government to hold a general open season for a minimum of two weeks commencing on December 7, 1981. The order of the Court of Appeals of December 4, 1981, further directed the United States Government to hold an open season limited to persons not presently enrolled under the FEHB Program. Therefore, OPM's December 4, 1981, notice is hereby modified to conform with the action of the Court of Appeals.

The Court of Appeals in its December 4, 1981, orders required only a limited open season because it found that a full-scale open season at this time could cause irreparable harm to participants who change their enrollments without full information, and amid confusion and rumors as to the status, benefits, and premium levels of some plans in 1982. The open season, previously announced for all employees for the period December 7–31, 1981, will not be held. Instead, a limited open season will be held from December 7 through December 31, 1981, inclusive, during which only elections made by employees who were not enrolled in the Federal Employees Health Benefits Program on December 4, 1981 (the date of the order of the Court of Appeals) shall be accepted.

Enrollments during the limited open season will take effect on the first day of the first pay period which begins on or after January 1, 1982, and which follows a pay period in any part of which the employee was in pay status. Employees who enroll in the FEHB Program during this limited open season, and who remain eligible for participation in the Program, will be eligible to participate in the general open season, if any, for the 1982 Program year, to be held at a later date.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 81–35822 Filed 12–14–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule which amended the list of regulated areas (regulated areas are divided into suppressive areas and generally infested areas) under the pink bollworm quarantine and regulations by adding Clark County, Dallas County, Ouachita County, and a portion of Jefferson County in Arkansas to the list of suppressive areas, and by deleting Yell County in Arkansas from the list of suppressive areas. The quarantine and regulations restrict the interstate movement of regulated articles from suppressive areas and generally infested areas. The final rule was published in the **Federal Register** on April 9, 1981. The amendments were necessary in order to prevent the artificial spread of pink bollworm, and to eliminate the imposition of unnecessary restrictions on the movement of certain articles.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The final rule has been determined to be not a "major rule" in conformance with Executive Order 12291. Based on information compiled by the Department, it has been determined that the rule will have an annual effect on the economy of approximately $1,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Alternatives

Alternatives were considered in connection with the final rule. Consideration was given whether to (1) delete restrictions on the interstate movement of regulated articles from Yell County, Arkansas, where it has been determined that pink bollworm no longer exists, or to continue restrictions from Yell County, Arkansas; and (2) whether or not to impose restrictions on articles coming from Clark County, Dallas County, Ouachita County, and a portion of Jefferson County, Arkansas, where it has been established that pink bollworm exists or is likely to spread. Deletions were made in Yell County, Arkansas, because it would be an unnecessary restriction on the interstate movement of articles from this county if it is treated as a suppressive area. Clark County, Dallas County, Ouachita County, and a portion of Jefferson

County, Arkansas, were added to the list of suppressive areas, however, because it appears that otherwise there would be a significant threat of spread of pink bollworm throughout the United States from these counties. Under these circumstances, it appears that the final rule is necessary in order to prevent such spread, and as such, maximizes the net benefits to society at the lowest net cost.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from Clark County, Dallas County, Ouachita County, Yell County, and a portion of Jefferson County in Arkansas. Based on information compiled by the Department, it has been determined that there are approximately seventy-five small entities that move such articles interstate from Arkansas and many hundreds of small entities that move such articles interstate from other States, and that fewer than five entities move such articles interstate from the specified areas in Arkansas.

Background

A document published in the **Federal Register** on April 9, 1981 (46 FR 21148–21149) amended § 301.52–2a of the Pink Bollworm Quarantine and Regulations (7 CFR 301.52–2a) by adding Clark County, Dallas County, Ouachita County, and a portion of Jefferson County in Arkansas to the list of suppressive areas, and by deleting Yell County in Arkansas from the list of suppressive areas.

The document provided that the amendment was necessary as an emergency measure in order to prevent the artificial spread of the pink bollworm and to delete unnecessary restrictions on the movement of certain articles. The document also stated that the amendment became effective on April 9, 1981.

Comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment. The factual situations which were set forth in the document of April 9, 1981, still provide a basis for the amendment. Accordingly, it has been determined that the final rule should remain effective as published in the **Federal Register** on April 9, 1981.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 7th day of December 1981.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–35786 Filed 12–14–81; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; TIL–1]

Truth in Lending; Official Staff Commentary

Correction

In FR Doc. 81–29374 appearing on page 50288 in the issue of Friday, October 9, 1981, make the following corrections:

(1) On page 50293, third column, under "4. *Counting transactions.*", in the 25th line of the paragraph, "If the extends" should have read "If it extends".

(2) On page 50311, first column, under "1. *Payment requirements.*", in the sixth line, "number of the payment stub" should have read "number or the payment stub".

(3) On page 50317, first column, under "References" after the line reading *"Statute:* Sections 161 and 162" insert *"Other sections:* §§ 226.6 through 226.8."

(4) On page 50318, first column, under "3. *Charges not based on periodic rates",* in the 12th line, "(30% ¼₀×12) should have read "30% (¼₀×12)".

(5) On page 50343, first column, the Leading for Appendix F should have read "**Appendix F–Annual Percentage Rate Computations for Certain Open-End Credit Plans**".

(6) Also on page 50343, in the third column, five lines from the top of the page, "contains of final" should have read "contains a final".

(7) On page 50344, first column, in the 8th and 9th lines from the bottom of the page, "See Samples H–12 through H–14" should have read "See Samples H–12 and H–14".

(8) Also in that column, in the 6th and 7th lines from the bottom, "See Samples H–11 and H–15" should have read "See Samples H–11 through H–15".

(9) On page 50345, first column, in the 6th line from the top of the page, complete the last sentence as follows: "The odd days' interest ($26.67) is collected with the first payment. The remaining 23 monthly payments are equal."

BILLING CODE 1505–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Interest on Deposits; Stock Savings Banks as Mutual Savings Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The State of Washington recently enacted legislation authorizing stock savings banks. The State of Maine already has similar legislation. Since these banks would function essentially as mutual savings banks, but for the form of ownership, FDIC is amending its regulations to define stock savings banks chartered in the States of Washington and Maine as mutual savings banks. The purpose of the amendment is to allow stock savings banks in Washington and Maine to avail themselves of the one-quarter of one-percent interest rate differential allowed mutual savings banks.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel, (202) 389–4324, or Fredric H. Karr, Attorney, (202) 389–4237, Federal Deposit Insurance Corporation.

SUPPLEMENTARY INFORMATION: The legislature of the State of Washington has enacted substitute Senate Bill #3220 effective July 26, 1981 which authorizes stock savings banks in the State of Washington. Essentially these entities have all of the attributes of mutual savings banks except for the stock form of ownership. A similar statute has been in existence for some time in the State of Maine (Section 111 *et seq.* and Section 511 *et seq.* of Title 9–B, Maine Rev. St. Ann.).

Sections 329.0 and 329.7(a) of FDIC's regulations define the term "mutual savings bank" to include: (1) Any mutual savings bank, (2) any guaranty savings bank which operates in the State of New Hampshire subject to certain limitations and (3) any corporation operating in the Commonwealth of Massachusetts as a banking company pursuant to the provisions of Chapter 172A of the General Laws of the Commonwealth of Massachusetts. Mutual savings banks are generally allowed by applicable regulations of FDIC and DIDC to pay one-quarter percent more interest on deposits than commercial banks. However, under the present state of the regulations defining mutual savings banks, a stock savings bank formed under the provisions of the new Washington statute and the existing

Maine statute would not be entitled to pay the extra one-quarter of one percent because of the stock, as opposed to, mutual form of ownership.

FDIC's Board of Directors ("Board") is therefore amending § 329.0 and 329.7(a) to expand the definition of "mutual savings bank" to include stock savings banks in both Washington and Maine. This amendment may be viewed as technical and conforming in nature, since guaranty savings banks in the State of New Hampshire are included within the definition of "mutual savings bank" under § 329.7(a) of FDIC's regulations (12 CFR 329.7(a)), provided that such banks do not engage in a commercial banking business. Since guaranty savings banks in New Hampshire which are generally similar to stock savings banks authorized under the Washington and Maine statutes may pay the differential, the Board sees no reason why Washington and Maine stock savings banks should not be accorded similar treatment.

Because this amendment is largely conforming in nature and expands existing rights, it was deemed impracticable and unnecessary to follow the provisions of Section 553 of Title 5 of the United States Code (5 U.S.C. 553) respecting notice, public participation and deferred effective date. Therefore, a regulatory flexibility analysis pursuant to Section 601 *et seq.* of Title 5 of the United States Code (5 U.S.C. 601 *et seq.*) is unnecessary. The impact on small entities will probably be minimal, although it is expected that to the extent that stock savings banks are organized under the new law, they will provide a greater degree of competition for conventional mutual savings banks. However, since stock savings banks under the laws of both Washington and Maine have essentially no greater powers than mutual savings banks, which in turn are significantly restricted in their powers *vis a vis* commercial banks, the competitive issue appears academic.

The regulation will require no significant additional paperwork or recordkeeping.

No alternative courses of action were considered because specific regulatory action is required to allow the payment of the differential.

PART 329—INTEREST ON DEPOSITS

12 CFR Part 329 is amended as follows:

1. The authority citation for Part 329 reads as follows:

Authority: Sec. 9, Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819); Sec. 18, Pub. L. 797, 64 Stat. 893 (12 U.S.C. 1828); Sec. 303, Pub. L. 96-221, 94 Stat. 146 (12 U.S.C. 1832).

2. The third sentence of § 329.0 of Part 329 is revised to read as follows:

§ 329.0 Scope.

* * * Except for §§ 329.7, 329.8 and 329.10, and except as may be specifically stated otherwise in this Part 329, the provisions of this Part 329 do not apply to (a) mutual savings banks; (b) guaranty savings banks operating in the State of New Hampshire or stock savings banks in the States of Washington and Maine so long as such banks operate substantially under, and pursuant to the laws of their respective States pertaining to mutual savings banks and do not engage in commercial banking. * * *

2. Section 329.7(a) of Part 329 is revised as follows:

§ 329.7 Maximum rates of interest payable on deposits of insured nonmember mutual savings banks.

(a) Definitions. For the purpose of this section, the term "mutual savings bank" includes (1) any mutual savings bank, (2) any guaranty savings bank or stock savings bank which operates substantially under and pursuant to the laws of the States of New Hampshire, Washington, and Maine so long as such savings bank does not engage in commercial banking, and (3) any corporation operating in the Commonwealth of Massachusetts as a banking company pursuant to the provisions of Chapter 172A of the General Laws of the Commonwealth of Massachusetts.

* * * * *

By order of the Board of Directors, December 7, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-35755 Filed 12-14-81; 8:45 am]

BILLING CODE 6714-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[Economic Regulations Amdt. No. 18; ER-1266]

Oversales; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on November 11, 1981, the Office of Management and Budget (OMB) approved the reporting requirements contained in Part 250 concerning air carrier explanations of their policies regarding denied boarding compensation and boarding priorities. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: December 9, 1981. Effective: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue NW, Washington, D.C. 20428, (202) 673-6042.

Accordingly, the Civil Aeronautics Board amends Part 250 of its Economic Regulations (14 CFR 250) by revising the note at the end of Part 250 to read:

PART 250—OVERSALES

* * * * *

Note.—The reporting requirements contained in §§ 250.3 and 250.9 have been approved by the Office of Management and Budget under number 3024-0003.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR Sec. 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-35824 Filed 12-14-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 455

[Docket No. 81N-0320]

Antibiotic Drugs; Moxalactam Disodium for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the certification of a new antibiotic drug, moxalactam disodium for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective December 15, 1981; comments, notice of participation, and request for hearing by January 14, 1982; data, information, and analyses to justify a hearing by February 16, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm.

4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, moxalactam disodium for injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 455 (21 CFR Parts 430, 436, and 455) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 430, 436, and 455 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.4 by adding paragraph (a)(48), to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(48) *Moxalactam.* 5-oxa-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, 7-[[carboxy(4-hydroxyphenyl)acetyl]-amino]-7-methoxy-3-[[(1-methyl-1*H*-Tetrazol-5-yl)thio]-methyl]-8-oxo-, disodium salt.

b. In § 430.5 by adding paragraphs (a)(73) and (b)(73), to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(73) *Moxalactam.* The term "moxalactam master standard" means a specific lot of moxalactam that is designated by the Commissioner as the standard of comparison in determining the potency of the moxalactam working standard.

(b) * * *

(73) *Moxalactam.* The term "moxalactam working standard" means a specific lot of homogeneous preparation of moxalactam.

c. In § 430.6 by adding paragraph (b)(75), to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(75) *Moxalactam.* The term "microgram" applied to moxalactam means the moxalactam activity (potency) contained in 1.1173 micrograms of the moxalactam master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item in the table as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
Moxalactam disodium	3	40 mg	.5	Intravenous.

* * * * *

b. By adding new § 436.332, to read as follows:

§ 436.332 High-pressure liquid chromatographic assay for moxalactam.

(a) *Equipment.* A suitable high-pressure liquid chromatograph equipped with:

(1) A low dead volume cell 8 to 20 microliters;

(2) A light path length of 1 centimeter;

(3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;

(4) A 30-centimeter column having an inside diameter of 4.0 millimeters and packed with octadecyl silane chemically bonded to porous silica or ceramic microparticles, 5 to 10 micrometers in diameter, U.S.P. XX;

(5) A suitable recorder of at least 25.4 centimeter deflection;

(6) A suitable integrator.

(b) *Mobile phase.* Mix 0.01*M* ammonium acetate:methanol (19:1). Filter the mobile phase through a suitable glass fiber filter or equivalent that is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph pumping system.

(c) *Operating conditions.* Perform the assay at ambient temperature with a typical flow rate of 0.5 milliliter per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale.

(d) *Preparation of working standard solution.* Transfer the contents of an ampoule of working standard to a tared weighing bottle. Place the unstoppered weighing bottle in a desiccator containing a saturated aqueous solution of potassium carbonate to provide an atmosphere of 42 percent relative humidity. Allow the moisture content of the working standard to equilibrate for 16 hours. Determine the moisture content as described in § 436.201 of this chapter. Equilibrated standard material must be kept in a closed weighing bottle and used within 36 hours of equilibration. Dissolve approximately 50 milligrams of the working standard, accurately weighed and corrected for moisture, with sufficient distilled water to obtain a solution containing 0.5 milligram of moxalactam per milliliter. Use the prepared solution immediately.

(e) *Preparation of sample solution.* Mix contents of vial thoroughly. Dissolve an accurately weighed portion of approximately 50 milligrams of sample with distilled water to obtain a concentration of 0.5 milligram per

milliliter (estimated); also, reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of this solution with distilled water to obtain a concentration of 0.5 milligram per milliliter (estimated). Use the prepared solution immediately.

(f) *Procedure.* Using the equipment, reagents, and operating conditions as listed in paragraphs (a), (b), and (c) of this section, inject 5 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the working standard solution has been completed, inject 5 microliters of the sample solution into the chromatograph and repeat the procedure described for the working standard solution.

(g) *Calculations.* (1) Calculate the moxalactam content in micrograms per milligram as follows:

$$\text{Micrograms of moxalactam per milligram of sample} = \frac{R_u \times W_s \times P}{R_s \times W_u}$$

where:

R_u = Sum of the areas of the moxalactam sample R-isomer and the S-isomer peaks;
R_s = Sum of the areas of the moxalactam working standard R-isomer and the S-isomer peaks;
W_u = Weight of the sample in milligrams;
W_s = Weight of the moxalactam working standard in milligrams;
P = Potency of the moxalactam working standard in micrograms per milligram, corrected for moisture.

(2) Calculate the moxalactam content of the vial as follows:

$$\text{Milligrams of moxalactam per vial} = \frac{R_u \times W_s \times P \times d}{R_s \times 100{,}000}$$

where:

R_u = Sum of the areas of the moxalactam R-isomer and the S-isomer peaks;
R_s = Sum of the areas of the moxalactam working standard R-isomer and the S-isomer peaks;
W_s = Weight of the moxalactam working standard in milligrams;
P = Potency of the moxalactam working standard in micrograms per milligram, corrected for moisture;
d = Dilution factor.

(3) Calculate the ratio of R-isomer to S-isomer as follows:

$$\text{Ratio of R-isomer to S-isomer} = \frac{\text{Area of the R-isomer peak}}{\text{Area of the S-isomer peak}}$$

c. By adding new § 436.333, to read as follows:

§ 436.333 Thin layer chromatographic identity test for moxalactam.

(a) *Equipment.*—(1) *Chromatography tank.* A rectangular tank, approximately 23 centimeters long, 23 centimeters high, and 9 centimeters wide, equipped with a glass solvent trough in the bottom and a tight-fitting cover for the top. Line the inside walls of the tank with Whatman #3MM chromatographic paper or equivalent.

(2) *Plates.* Use a 20×20 centimeter thin layer chromotagraphy plate coated with silca gel G or equivalent to a thickness of 250 micrometers.

(b) *Developing solvent.* Mix ethyl acetate, glacial acetic acid, acetonitrile, and water in volumetric proportions of 42:14:14:18, respectively.

(c) *Preparation of spotting solutions.* Prepare solutions of the sample and working standard, each containing 10 milligrams per milliliter of moxalactam in distilled water.

(d) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the silica gel plate, and at intervals of 2 centimeters, spot 10 microliters each of the standard solution and the sample solution. After all spots are thoroughly dry, place the silica gel plate directly into the glass trough. Cover and seal the tank. Allow the solvent front to travel about 15 centimeters from the starting line. Remove the plate from the tank and air dry. Expose the plate to iodine vapors for 40 minutes. Immediately circumscribe all spots using a suitable marker.

(e) *Evaluation.* Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the R_f value by dividing the latter by the former. The sample and standard should have spots of corresponding R_f values and intensity.

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

3. Part 455 is amended by adding new § 455.230, to read as follows:

§ 455.230 Moxalactam disodium for injection.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Moxalactam disodium for injection is a dry mixture of moxalactam disodium and mannitol. Its moxalactam content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of moxalactam that it is represented to contain. The moxalactam content of the dry mixture is not less than 722 micrograms of moxalactam per milligram. The ratio of R-isomer to S-isomer is not less than 0.8 and not more than 1.4. It is steril. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 3.0 percent. Its pH is not less than 4.5 and not more than 7.0. It passes the identity test for moxalactam.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for moxalactam content, isomer ratio, sterility, pyrogens, safety, moisture, pH, and identity.

(ii) Samples required on the batch:

(*a*) For all tests except sterility: A minimum of 10 immediate containers.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Moxalactam content; isomer ratio.* Proceed as directed in § 436.332 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of moxalactam.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(7) *Identity.* Proceed as directed in § 436.333 of this chapter.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and

delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective upon the date of publication in the **Federal Register**. However, interested persons may, on or before January 14, 1982, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before January 14, 1982, a written notice of participation and request for hearing, and (2) on or before February 16, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegiations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective December 15, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: November 19, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-35758 Filed 12-14-81; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 430, 431, 436, 440, 444, 448, and 452

[Docket No. 81N-0066]

Antibiotics for Human Use; Revocation of Certain Monographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic regulations by removing provisions providing for the certification of certain antibiotic drugs for human use that are no longer marketed. This action will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective January 14, 1982; comments, notice of participation, and request for hearing by January 14, 1982; data, information, and analyses to justify a hearing by February 16, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 8, 1981 (46 FR 25651), corrected on June 5, 1981 (46 FR 30115), FDA proposed to amend the antibiotic drug regulations by revoking certain antibiotic monographs.

As discussed in the proposal, the agency had not received requests for certification of certain antibiotic drugs for the past several years. Because these drugs are no longer marketed, the agency proposed that the monographs (regulations) providing for these drugs be removed to maintain current regulations.

Interested persons were given until July 7, 1981, to submit written comments. No comments were received. FDA concludes that the amendment should be adopted as proposed.

Consistent with this regulation, the agency is removing the fee for the determination of undecylenic acid content in § 431.53 (21 CFR 431.53). This test fee is no longer necessary because the subject test is performed only for an antibiotic monograph that is removed by this regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 430, 431, 436, 440, 444, 448, and 452 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

§§ 430.4, 430.5 and 430.6 [Amended]

a. In § 430.4 *Definitions of antibiotic substances,* by removing and reserving paragraph (a)(27).

b. In § 430.5 *Definitions of master and working standards,* by removing and reserving paragraphs (a)(1) (iv) and (v), (a)(28), (b)(1)(iv) and (b)(29).

c. In § 430.6 *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances,* by removing and reserving paragraphs (a)(1)(iv) and (b)(28).

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

2. Part 431 amended:

§ 431.53 [Amended]

In § 431.53 *Fees,* by removing the item "Undecylenic acid content" from the table in paragraph (b)(1).

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

3. Part 436 is amended:

§ 436.33 [Amended]

a. In § 436.33 *Safety test,* by amending the table in paragraph (b) by removing the items "Penicillin V hydrabamine [3]," "Phenethicillin potassium," and "Viomycin sulfate."

§ 436.35 [Amended]

b. In § 436.35 *Depressor substances test,* by amending the table in paragraph (c) by removing the item "Viomycin sulfate."

§ 436.105 [Amended]

c. In § 436.105 *Microbiological agar diffusion assay,* by amending the table in paragraph (a) by removing the items "Phenethicillin" and "Viomycin" and by amending the table in paragraph (b) by

removing the items "L-phenethicillin" and "Viomycin."

§ 436.106 [Amended]

d. In § 436.106 *Microbiological turbidimetric assay,* in paragraphs (a) and (b), by amending the tables by removing the item "Viomycin."

§ 436.204 [Amended]

e. In § 436.204 *Iodometric assay,* by amending the table in paragraph (b)(1) by removing the item "L-phenethicillin" and by amending the table in paragraph (b)(2) by removing the items "Penicillin V hydrabamine" and "Phenethicillin potassium."

§ 436.205 [Amended]

f. In § 436.205 *Hydroxylamine colorimetric assay,* by amending the table in paragraph (b) by removing the item "Phenethicillin" and by amending the table in paragraph (c) by removing the item "Phenethicillin potassium."

PART 440—PENICILLIN ANTIBIOTIC DRUGS

4. Part 440 is amended:

§ 440.69 [Removed]

a. By removing §440.69 *Penicillin V hydrabamine.*

§ 440.82 [Removed]

b. By removing §440.82 *Phenethicillin potassium.*

§ 440.169 [Removed]

c. By removing §440.169 *Penicillin V hydrabamine oral dosage forms.*

§ 440.169a [Removed]

d. By removing §440.169a *Penicillin V hydrabamine chewable tablets.*

§ 440.169b [Removed]

e. By removing §440.169b *Penicillin V hydrabamine oral suspension.*

§ 440.182 [Removed]

f. By removing § 440.182 *Phenethicillin potassium oral dosage forms.*

§ 440.182a [Removed]

g. By removing § 440.182a *Phenethicillin potassium tablets.*

§ 440.182b [Removed]

h. By removing § 440.182b *Phenethicillin potassium for oral solution.*

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

§ 444.44 [Removed]

5. Part 444 is amended by removing § 444.44 *Neomycin undecylenate.*

PART 448—PEPTIDE ANTIBIOTIC DRUGS

6. Part 448 is amended:

§ 448.80a [Removed]

a. By removing § 448.80a *Sterile viomycin sulfate.*

§ 448.280 [Removed]

b. By removing § 448.280 *Sterile viomycin sulfate.*

PART 452—MACROLIDE ANTIBIOTIC DRUGS

§ 452.40 [Removed]

7. Part 452 is amended by removing § 452.40 *Erythromycin sulfate.*

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before January 14, 1982, a written notice of participation and request for hearing, and (2) on or before February 16, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) and request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (address above).

The procedures and requirements governing this order, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This amendment shall become effective January 14, 1982.

(Secs. 507, 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g)))

Dated: November 19, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81–35524 Filed 12–14–81; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytocin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Lemmon Co. providing for safe and effective use of oxytocin injection for treatment of horses, cattle, swine, sheep, dogs, and cats.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Lemmon Co., Sellersville, PA 18960, filed an NADA (49–183) providing for use of oxytocin injection (containing 20 USP units of oxytocin per milliliter) in horses, cattle, swine, sheep, dogs, and cats as a uterine contractor and in cattle and swine as a milk-releasing agent.

The product covered by this NADA (49–183) is identical to the two oxytocin products that are subjects of the National Academy of Sciences/National Research Council (NAS/NRC) notice published in the **Federal Register** of February 13, 1969 (34 FR 2146). In that publication, FDA concurred with the NAS/NRC conclusion that the products are effective provided certain labeling revisions were made. Section 522.1680 (21 CFR 522.1680) reflects the revised labeling and specifies those conditions of use for which approval of identical products may require submission of bioequivalency data in lieu of certain types of effectiveness data.

The firm has submitted data demonstrating bioequivalency between its product and the USP standard. The labeling for Lemmon's product complies with § 522.1680. Therefore, the NADA is approved on the basis of generic equivalence. The regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm, 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1680 by revising paragraph (b) to read as follows:

§ 522.1680 Oxytocin injection.

* * * * *

(b) *Sponsors.* See Nos. 000010, 000381, 000693, 000845, 000856, 010271, 012481, 015562, and 032420 in § 510.600(c) of this chapter.

* * * * *

Effective date. December 15, 1981.

(Sec. 512(i) 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 7, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81–35525 Filed 12–14–81; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bacitracin Zinc

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by A. L. Laboratories, Inc., providing for use of a bacitracin premix to manufacture complete swine feeds containing 10 to 50 grams of bacitracin per ton for increased rate of weight gain and improved feed efficiency in growing-finishing swine.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., a subsidiary of A/S Apothekernes Laboratorium for Specialpraeparaten, 452 Hudson Terrace, Englewood Cliffs, NJ 07632, filed a supplemental NADA (98–452) providing for use of a premix containing 50 grams of bacitracin (as bacitracin zinc) per pound to manufacture a complete feed containing 10 to 50 grams of bacitracin per ton for growing and finishing swine for increased rate of weight gain and improved feed efficiency.

Bacitracin zinc at 10 to 50 grams per ton was in use for swine before October 10, 1962. The product was the subject of the National Academy of Sciences/National Research Council (NAS/NRC) notices published in the **Federal Register** of July 17, 1970 (DESI 0061NV, 35 FR 11531) and October 2, 1979 (DESI 0061 NV, 35 FR 15408). The NAS/NRC notices concluded, and FDA concurred, that more information is needed for swine growth claims, and that these products are probably not effective for swine therapeutic claims.

The firm submitted a supplemental NADA in response to the NAS/NRC notice providing revised claims and restricted use levels. The supplement is supported by several studies for effectiveness and safety. The supplemental NADA is approved and the regulations are amended to reflect the approval.

In the **Federal Register** of September 16, 1980 (45 FR 61289), the regulations for use of bacitracin zinc for swine feeds were inadvertently amended in § 558.78(e)(1) in the table to add a new item (iii)3. This item was subsequently redesignated (iv)3 in the **Federal Register** of April 10, 1981 (46 FR 21363). The amendment as redesignated was in error and was removed by the **Federal Register** of December 11, 1981. This supplement provides for the removed use. The supplement is approved and the regulations are amended to reestablish the revised language for the growth claims accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.78 is amended in paragraph (e)(1) in the table by adding new item (iv)3 to read as follows:

§ 558.78 Bacitracin zinc.

* * * * * * *

(e) * * *

(1) * * *

Bacitracin zinc in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(iv) 10 to 50				

Bacitracin zinc in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
•	• •	•	• •	•
	3. Swine: increased rate of weight gain and improved feed efficiency.	Growing and finishing swine	046573	
•	• •	•	• •	•

Effective date. December 15, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 3, 1981.

Robert A Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-35427 Filed 12-14-81; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Revision of Annual Return/Reports and Regulations Regarding Plans Which Participate in a Master Trust

AGENCY: Office of Pension and Welfare Benefit Program, Labor.

ACTION: Final rules and adoption of revision of annual return/report forms.

SUMMARY: This document contains revisions of certain forms of the 5500 series (annual return/report for employee benefit plans) filed under the Employee Retirement Income Security Act of 1974 (ERISA), and of the instructions to these forms, and a revision of related employee benefit plan annual reporting regulations. The revisions affect the reporting of financial information by plans which participate in a master trust. The following forms are revised: Form 5500 (annual return/report form), Form 5500–C (return/report form for plans with fewer than 100 participants), and Form 5500–K (return/report form for plans with fewer than 100 participants and at least one owner-employee).

EFFECTIVE DATE: [30 days after adoption.]

FOR FURTHER INFORMATION CONTACT: John Christensen, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–8684 or Stevan Durovic, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Washington, D.C. 20210, (202) 523–7924.

SUPPLEMENTARY INFORMATION: On December 30, 1980, notice was published in the **Federal Register** (45 FR 85793) that the Department had under consideration proposed revisions to 29 CFR 2520.103–1, relating to the contents of the annual report, Form 5500 (annual return/report for employee benefit plans) and instructions thereto. The revisions relate to the treatment of plans participating in master trusts for annual reporting purposes. Generally, a master trust is a trust maintained by a bank or similar financial institution to hold the assets of several plans that are all sponsored by a single employer or by several employers which are under common control. As noted in the December 30, 1980, proposal, the master trust revisions were developed by the Department at the suggestion of representatives of banks and the banking industry, largely utilizing concepts suggested by them.

The Department's annual reporting requirements are set forth at 29 CFR 2520.103–1 *et seq.* In accordance with these regulations, plans generally file annual reports on forms of the 5500 Series (Forms 5500, 5500–C, and 5500–K). The annual report contains financial statements, which include a statement of assets and liabilities (Item 13 of Form 5500 and Item 15 of Form 5500–C) and a statement of income, expenses and changes in net assets (Item 14 of Form 5500 and Item 16 of Form 5500–C).[1] Plan assets, liabilities, income and expenses are grouped in categories and sub-categories ("line items"). In general, the instructions to the forms prior to the revisions have required that if the assets of two or more plans are maintained in one trust (as in the case of a master trust), the statement of assets and liabilities and the statement of income, expenses, and changes in net assets should be completed by entering the allocable portion of each line item for the plan in question.[2]

Under the revisions, a plan which participates in a master trust is required to report the value of the plan's interest in the master trust as a single asset in the plan's statement of assets and liabilities. The plan's share of earnings and realized and unrealized gains and losses of the master trust is reported in the plan's statement of income, expenses, and changes in net assets as a single figure representing the increase (or decrease) in the value of the plan's interest in the master trust. More detailed financial information about the assets held in the master trust is provided in separate schedules and statements, but, in general, that information is not broken down on a plan-by-plan basis. Schedules of assets held for investment, loans or leases in default or classified as uncollectible, party-in-interest transactions and reportable transactions required in item 22(a) are also filed with respect to assets held in the master trust.

Upon consideration of public comments on the proposal, the Department has determined to adopt the proposed revisions to Form 5500 and instructions thereto, and the regulations, with certain modifications discussed below. In addition to revising Form 5500 and the instructions to it, the Department has also decided to revise Forms 5500–C and 5500–K and their instructions, instead of requiring plans that would otherwise be entitled to file the 5500–C and 5500–K to file Form 5500, as was proposed. In this connection, the proposed amendment to 29 CFR 2520.103–1(c), which would have required plans participating in master trusts to file only Form 5500, rather than Form 5500–C or 5500–K, where appropriate, has been eliminated. The following is an explanation of the revised method of reporting for plans participating in master trusts, and a discussion of the public comments received concerning the proposal and decisions made by the Department in light of the comments.

Revised Master Trust Reporting

Under the revisions a master trust is treated as consisting of one or more "investment accounts." Each of the following is to be treated as a separate investment account: (1) Each pool of assets such that each plan has the same fractional interest in each asset in the pool and each plan may not dispose of its interest in any asset in the pool without disposing of its interest in the pool, and (2) each asset held in the master trust which is not part of such a pool of assets. Thus, every asset held in the master trust is considered to be held in an investment account.

Under this definition, investment accounts are generally identical with investment funds in which assets of

[1] These items appear as a substantially abbreviated Item 13 on Form 5500–K.

[2] This rule does not apply with respect to common or collective trusts. See 29 CFR 2520.103–3.

participating plans are pooled for investment purposes, such as equity funds, real estate funds, bond funds, and money market funds. Where a master trust also permits separate assets to be held in the master trust outside of any pooled investment fund, for the benefit of a single participating plan, each such asset is treated as a separate investment fund.

A principal feature of the revisions to Forms 5500 and 5500–C is that financial information is to be provided with respect to each investment account maintained within the master trust. By contrast with prior requirements, it is not necessary to determine a plan's allocable share of each line item of Form 5500 or 5500–C for assets held in the master trust. On Form 5500–K, the financial information provided in item 13 is not broken down into categories. Consequently, no additional line items relating specifically to a plan's participation in a master trust are necessary.

On Forms 5500 and 5500–C, the current value of a plan's interest in a master trust at the beginning and end of the plan year is to be reported in the plan's statement of assets and liabilities (item 13(c)(x) of Form 5500; item 15(c)(v) of revised Form 5500–C). The value of the plan's interest in a master trust is the sum of the net values of the plan's interest in each master trust investment account. Detailed information on assets held in the master trust is to be provided with respect to each master trust investment account in a statement in the format of item 13 of Form 5500, or item 15 of Form 5500–C, as appropriate, showing the assets and liabilities of the investment account at the beginning and end of the most recent fiscal year of the investment account.

On Forms 5500 and 5500–C, the net investment gain (or loss) allocated to the plan from all master trust investment accounts for the plan year is to be reported in the plan's statement of income, expenses, and changes in net assets (item 14(n)(ii) of revised Form 5500 and item 16(m)(ii) of the revised Form 5500–C). This figure is determined by adding together all net investment gains allocated to the plan for the plan year and by subtracting from that sum any net investment losses allocated to the plan for the plan year.[3] A separate schedule must list each master trust investment account in which the plan has an interest and show the net investment gain (or loss) allocated to the plan from each such master trust investment account for the plan year. A statement prepared for each investment account reports, in the format of item 14 of Form 5500 (item 16 of Form 5500–C), the income, expenses, change in net assets, and net increase (decrease) in net assets of the investment account during the most recent fiscal year of the investment account.

Any expenses which are incurred by the plan in connection with the master trust but which are not subtracted from the gross income of one of the master trust investment accounts in determining the net increase (decrease) in net assets of such investment accounts are to be reported in item 14 (j) or (k) of the plan's Form 5500 (item 16 (i) or (j) of Form 5500–C).

Item 12 of Form 5500 must include the plan's share of amounts of compensation paid during the plan year to the trustee of the master trust and to persons providing services to the master trust, if such compensation is not substracted from the gross income of any investment account in determining the investment account's net increase (decrease) in net assets.[4] Any amounts of compensation paid to persons providing services to an investment account and taken into account in determining the net increase (decrease) in net assets of the investment account are to be reported in a statement prepared on a separate schedule for the investment account in the same format as item 12 of Form 5500.

Separate schedules of the information specified in item 22(a) of Form 5500 (*i.e.*, party in interest transactions, assets held for investment, loans or leases in default or classified as uncollectible, and reportable transactions) must be completed for each investment account.

Discussion of the Comments

(1) *Filing Responsibility.* The proposal would have required the bank maintaining the master trust to complete the master trust filing, consisting of the separate schedules and statements which contain financial information relating to the assets held in master trust investment accounts, and to file it directly with the Department. Certain comments objected to this requirement, arguing that under sections 103(a)(2) and 104 of the Act, it is the plan administrator of each plan participating in a master trust who has the duty to file the plan's annual report with the Department, including information pertaining to plan assets held in the master trust. The comments also questioned the Department's authority to shift the filing obligation to the bank serving as master trustee. In addition, the comments suggested that in some instances it might be advantageous for the master trust filing to be made by one of the plan administrators of the plans participating in the master trust. The Department has modified the proposed revisions to make it clear that the master trust filing may be made by the plan administrator or by his designee. Thus, each plan administrator retains the responsibility for ensuring that the master trust filing is made, yet the administrators of plans participating in the master trust and the master trustee can work out among themselves the most practical arrangement for the master trust filing. The master trust filing constitutes a part of the annual return/report of each plan participating in the master trust for purposes of satisfying the plan's disclosure obligations to participants and beneficiaries.[5]

(2) *Use of Forms 5500–C and 5500–K.* Under current requirements, a simplified method of reporting is in effect for plans with fewer than 100 participants. These plans are required to file a full return/report once every three years on Form 5500–C or 5500–K (Form 5500–K is for so-called "Keogh" or "H.R. 10" plans, *i.e.*, plans for sole proprietorships or partnerships that cover at least one owner-employee; Form 5500–C is for other plans with fewer than the 100 participants). The financial information that is required on Form 5500–C is less detailed than that required on Form 5500, while the financial information required in Form 5500–K is less detailed than that required on Form 5500–C. In two out of every three years, plans with fewer than 100 participants are only required to file a Form 5500–R, a registration statement that does not include financial information.

[3] The net investment gain (or loss) allocated to the plan from each investment account for the plan year is to be determined by subtracting the value of the plan's interest in the investment account at the beginning of the plan year from the value of the plan's interest at the end of the plan year and by adjusting that difference to eliminate the effect of any transfers of assets into or out of the investment account by the plan (*i.e.*, by subtracting any such transfers into the investment account and by adding transfers out of the investment account).

[4] No such information is required to be provided on Forms 5500–C and 5500–K.

[5] Section 104(b)(2) of the Act gives any plan participant or beneficiary the right to examine the plan's latest annual report at the plan administrator's principal office and such other places as may be necessary to make available all pertinent information to all participants. Further, section 104(b)(4) gives any plan participant or beneficiary the right to receive, upon his or her written request, a complete copy of the plan's latest annual report. The plan administrator may make a reasonable charge to cover the costs of furnishing such copy. (See also 29 CFR 2520.104–1 and 2520.104b–30).

The proposal would have required plans otherwise entitled to use Forms 5500–C or 5500–K to use instead the full Form 5500 if they participated in a master trust. This was proposed in order to provide a uniform method of financial reporting for all plans participating in master trusts. However, the Department received comments asking that it continue to permit use of the 5500–C and 5500–K for plans that participate in a master trust if they have fewer than 100 participants. According to these comments, requiring these plans to file a Form 5500 would lead to a substantial increase in the cost of annual reporting for them.

In light of these comments, the Department has decided to permit use of Forms 5500–C and 5500–K for plan participating in master trusts that otherwise meet the requirements for those forms. In addition, Forms 5500–C and 5500–K and the instructions thereto have been revised to reflect master trust reporting, as explained below.

The master trust revisions for plans with fewer than 100 participants provide for reporting of financial information along the same lines as for larger plans, *i.e.*, in general, reporting of net figures reflecting the plan's participation in the master trust in the plan's annual return/report, with more detailed information provided on master trust investment accounts in a single master trust filing. The revisions are generally designed to match the level of detail required in the master trust filing with the highest level of detail required in the annual return/report of any plan participating in the master trust. Thus, if all of the plans participating in a master trust file Form 5500–K, the master trust filing is not required to include detailed statements of assets and liabilities and income, expenses, and changes in net assets for each master trust investment fund, since detailed information about these items would not be required for any of the participating plans. Similarly, the categories in which the assets, liabilities, income and expenses of investment accounts must be reported for a master trust consisting solely of assets of plans filing Form 5500–C (or assets of plans filing Form 5500–C and plans filing Form 5500–K) are less detailed than the categories in which these items must be reported for a master trust that includes assets of plans filing Form 5500.

On the other hand, the filing requirements for a plan with fewer than 100 participants can be satisfied with a master trust filing that satisfies the requirements for a plan for which a higher level of detail is required: a master trust filing for plans filing Form 5500–C satisfies the requirements for plans filing Form 5500–K, while a master trust filing for plans filing Form 5500 satisfies the requirements both for plans filing Form 5500–C and Form 5500–K. Thus, in no case is more than one master trust filing necessary for any fiscal year of the master trust.

Several of the items of information that must be provided on Forms 5500–C and 5500–K consist of questions relating to a specified percentage of assets of the plan (items 17, 19(c), 20, and 21(b) of Form 5500–C; items 14(c) and 17(b) of Form 5500–K). With the exception of sub-item 21(b) of Form 5500–C and sub-item 17(b) of Form 5500–K, an answer must be provided on the plan's Form 5500–C or 5500–K with respect to plan assets not held in the master trust, using the total value of those assets as the asset base from which the applicable percentage is determined.[6]

These rules avoid the necessity of aggregating assets, or transactions involving assets, held in the master trust with assets, or transactions involving assets, held outside it. The exceptions to this treatment are questions involving qualifying employer securities and qualifying employer real property, where the questions will not provide meaningful information unless assets held in the master trust are aggregated with those held outside it, since the questions are designed to determine whether the plan is in compliance with the 10 percent limitation in section 407 of ERISA, a limitation that is based on total plan assets. The information necessary to answer these questions, however, should be readily available to plan fiduciaries, since it is necessary to have this information available in order to avoid contravention of section 407 and related provisions.

(3) *"Dedicated" Assets.* The proposal would have required a so-called "dedicated" asset, that is, an asset held in a master trust exclusively for the benefit of a single plan apart from any pool of investments, to be treated as a separate investment account. Certain comments suggested that a dedicated asset should be treated like an asset not held in the master trust. In the Department's view, however, if such an asset is held in the master trust and is characterized as part of the master trust, it should, for purposes of consistency, be reported in the same manner as other master trust assets are reported, that is, as a separate investment account. Therefore, the treatment of dedicated assets remains unchanged from the proposal. However, this would not prevent a dedicated asset held in a master trust from being separated from the master trust.

(4) *Reporting of 3% Transactions.* Several comments dealt with the asset base to be used for reporting 3% transactions involving assets held outside the master trust, as required in sub-item 22(a)(v) of Form 5500. Under the proposal, the asset base to be used in determining the 3% figure for plan assets held outside the master trust was the value of only those assets held outside the master trust. Comments on the proposal suggested that the asset base to be used for this purpose should be all plan assets, including those held in the master trust. The comments pointed out that use of the smaller base would result in reporting a number of small transactions which would not ordinarily reach the 3% threshold were all plan assets included in the base.

The 3% transactions that are reportable under section 103(b)(3)(H) of ERISA and 29 CFR 2520.103–6 include certain series of transactions, and certain transactions that are part of a series of transactions, that amount to 3% of plan assets when all the transactions in the series are aggregated. Under the master trust proposal, it would not be necessary in computing the 3% figure to aggregate transactions involving assets of a plan which are held in a master trust with transactions involving assets held outside the master trust. Instead, transactions involving the assets held outside the master trust would only be required to be aggregated with other transactions involving assets held outside the master trust. In the Department's view it would be inconsistent not to require transactions outside the master trust to be aggregated with transactions in it, while permitting plan assets which are held outside the master trust to be aggregated with plan assets held in it for purposes of establishing the base for determining the 3% figure. Therefore, the Department has decided to leave unchanged the rule requiring the asset base for determining 3% transactions involving plan assets held outside the master trust to include only those assets.

(5) *Filing Date for Master Trust Information.* Under the proposal, the master trust information would be required to be filed with the Department "no later than the earliest date on which Form 5500 must be filed for any plan participating in the master trust." This requirement was based on the fact that the master trust filing is a part of a participating plan's annual return/

[6] As explained below, these items are treated in the same manner as sub-item 22(a)(v) of Form 5500 (relating to three percent transactions).

report, which would not be complete without the master trust information. Some of the comments on the proposal criticized this requirement, apparently reading it in conjunction with language in the proposed instructions specifying that the information on each master trust investment account reflect "the most recent fiscal year of the investment account." These commenters seem to have assumed that the most recent fiscal year of the master trust investment accounts would be the most recent fiscal year ending before the filing date on which the plan's annual return/report is due. Their comments suggested that such a filing date for the master trust information would not allow sufficient time for an audit of the master trust in situations where the master trust fiscal year ends a short time before the filing date for the annual return/report for one or more of the plans participating in the master trust, or that the filing date for the master trust information might even be earlier than the end of the master trust fiscal year to which that information pertains. One of the comments cited an example in which a master trust fiscal year ends on September 30, while one of the participating plans has a calendar year plan year. The plan's annual return/report would be due on July 31, *i.e.*, seven months after the close of the plan year. The commenter apparently thought that the master trust information for the master trust fiscal year beginning in the same calendar year as the plan year in question would be due on the date on which the plan's annual return/report would be due, *i.e.*, July 31, or two months before the close of the master trust fiscal year.

The Department did not intend the filing date requirement in the proposal to operate in the manner suggested by the example. The requirements regarding the investment account information to be filed have been changed to make it clear that the master trust information that must be on file as part of a plan's annual return/report is information for the fiscal year of the master trust ending with or within the plan year. Thus, it is not necessary to file information pertaining to a particular master trust fiscal year until, at the earliest, the date on which the annual return/report is due for a plan whose plan year ends on or after that master trust fiscal year, *i.e.*, at the earliest, seven months after the close of the master trust fiscal year, if the plan year and the master trust fiscal year end on the same date. In the example cited above, the information to be on file with the Department by July 31 would be information pertaining to the master trust fiscal year ending on the previous, not the following, September 30. In effect, therefore, the filing date requirements both permit the master trust information to be filed no earlier than seven months after the close of the master trust fiscal year, as the comments suggested, and ensure that they are filed not later than the earliest date on which the annual return/report is due for any participating plan, as the Department intended to provide in the proposal.

In addition, a change has been made in the language of the filing date requirement for the master trust information. Instead of requiring the master trust information to be filed "no later than the earliest date on which Form 5500 must be filed for any plan participating in the master trust," the instructions require the information to be filed "no later than the date on which the plan's annual return/report is due." This change reflects the change discussed above in the person responsible for filing the master trust information, from the bank serving as master trustee to the plan administrator of each participating plan. [7]

(6) *Plan's Interest In Master Trust.* Another change in the instructions from that which was proposed relates to the calculations of the plan's interest in the master trust at the beginning and end of the plan year, which are entered in the plan's statement of assets and liabilities (item 13 of Form 5500; item 15 of Form 5500–C). As under the proposal, the final instructions provide that the value of the plan's interest in the master trust is the sum of the net values of its interests in master trust investment accounts. The proposal however, delineated this requirement by providing that the net value of the plan's interest in a master trust investment account was to be determined by multiplying the plan's percentage interest in the investment account by the net assets of the investment account reported in the applicable column of the "net assets" line item of the statement of assets and liabilities filed for the investment account. The difficulty with this approach is that the figures reported in the investment account's statement of assets and liabilities are figures as of the beginning and end of the fiscal year of the master trust (in the proposal, the fiscal year of the investment account) ending with or within the plan year. Thus, the values obtained from the investment account's statement of assets and liabilities will not be values as of the beginning and end of the plan year unless the plan year begins on the same date as the master trust fiscal year. The instructions have accordingly been changed to make it clear that the value of the plan's interest in the master trust at the beginning and end of the plan year are required to be determined with reference to the value of the plan's interest in each master trust investment account at the beginning and end of the plan year, not the beginning and end of the master trust fiscal year, and that plans with fiscal years that differ from the master trust's fiscal year must make appropriate adjustments to show values on the Form 5500 as of the beginning and the end of the plan year.

(7) *1980 Plan Year Reporting.* Another suggestion made in the comments was that the new method of master trust reporting be made available for master trusts for 1980 plan year filings. Since much 1980 plan year filing work will have been completed by the time this alternative is adopted, and since the new method of reporting would require revised forms and instructions which would not be available for the 1980 plan year filings, the new method cannot be made available sooner than for the 1981 plan year.

(8) *Mandatory Character of Master Trust Requirements.* Several comments suggested that the master trust reporting method set forth in the proposal be optional and that the Department permit plans participating in master trusts to elect to continue providing financial information in the manner in which they have been providing the information until now.

The proposal was issued on the basis of the Department's assessment that the proposed method of reporting for plans participating in master trusts would provide information in a more accurate form than previously provided. In particular, the Department understands that in some instances, persons responsible for preparing annual reports for plans participating in master trusts have interpreted the previous instructions to the forms to permit a plan's allocable portion of each line item to be determined by multiplying the plan's percentage interest in the master trust by each item of master trust assets, liabilities, income and expenses. This

[7] The instructions regarding information to be provided on master trust investment accounts have also been changed to specify the fiscal year of the master trust, rather than that of the master trust investment account, as the fiscal year to which the master trust investment account information must relate. It is assumed that the master trust investment accounts will have the same fiscal year as the master trust, but specifying the fiscal year of the master trust is more consistent with a single filing of information relating to a particular master trust fiscal year.

procedure produces misleading results in many instances. A plan's percentage interest in the master trust—that is, the percentage obtained by dividing the sum of the plan's interests in the master trust investment accounts by the value of net assets of the master trust—is not necessarily equal to the percentage representing the plan's allocable portion of each item of master trust assets, liabilities, income and expenses, because the plan's percentage interest in the master trust is not necessarily equal to its percentage interest in each of the master trust investment accounts. Accordingly, the Department does not believe that it should permit the plan's allocable share of each line item to be determined by multiplying the plan's percentage interest in the master trust by each item of master trust assets, liabilities, income and expenses.

The only accurate alternative to the revisions would be to: (1) Require the plan's allocable portion of each item of master trust assets and liabilities to be determined by multiplying the plan's percentage interest in each master trust investment account by the value of the assets and liabilities in the investment account corresponding to the line item in question, and by adding together the products obtained in this manner; and (2) require the plan's allocable portion of master trust income and expenses to be determined by multiplying each item of income received by, and expense paid from, each master trust investment account by each plan's percentage interest in the investment account as of the date when the item of income is received or the expense paid, and by aggregating by categories each plan's allocable portions of these items of income and expenses. From the perspective of plan administrators, such a procedure would be more burdensome than the method of reporting that has now been adopted because it would make it necessary to perform many more arithmetic operations. From the perspective of the Department, moreover, allowing two alternative methods of reporting financial information would pose difficulties in administering and monitoring reporting. Accordingly, the Department has decided to make the method of reporting adopted here mandatory for plans participating in master trusts.

However, a number of the comments suggesting that the proposed method of reporting be made optional appear to have been based on misunderstandings about the scope of the proposal. In particular, the comments in question seem to have been written under the impression that the proposed revisions would apply to arrangements under which assets of plans of unrelated employers are pooled for investment purposes. In fact, the master trust revisions apply only to a trust in which assets of plans sponsored by a single employer or by a group of employers under common control are held, among other requirements. Other types of multiple plan arrangements continue to be subject to the same annual reporting requirements as previously. In this connection, it is important to distinguish master *trusts* from master *plans*, which are generally arrangements in which plans sponsored by unrelated employers take part.

(9) *"Master Trust" Definition.* The definition of the term "master trust" that appeared in the proposed regulation and Form 5500 instructions has been modified in two significant respects. First, the phrase "maintained by a bank, trust company or similar institution" has been replaced by the phrase "for which a regulated financial institution (defined to include a bank, trust company, or similar financial institution) serves as trustee or custodian (regardless of whether such institution exercises discretionary authority or control with respect to the management of assets held in the trust)." This change was made in light of one of the comments which suggested that the words "maintained by a bank" might be interpreted to exclude situations where the financial institution's functions with respect to the master trust are purely custodial and do not involve the exercise of investment management discretion over the assets in the trust. The comment asserted that a controversy exists under statutes other than ERISA as to whether under those circumstances a master trust can be considered to be maintained by a bank. The Department does not want to draw any distinction for annual reporting purposes between master trusts with respect to which banks perform discretionary investment management functions and those with respect to which banks do not, and expresses no opinion regarding the interpretation of the words "maintained by a bank" under any other statute. The regulation has also been changed to make it clear that the "master trust" definition is limited in its scope to annual reporting under ERISA.

The second significant modification in the "master trust" definition has been the elimination of sections 414 (b) and (c) of the Internal Revenue Code of 1954 as the test for common control in determining whether all the employers sponsoring plans participating in a master trust are under common control, a key element in the master trust definition. This modification was not based on any public comment, but the Department believes that a common control test based on sections 414 (b) and (c) of the Code would be too restrictive, since those sections incorporate the 80% ownership tests of section 1563 of the Code. Under the regulation and forms, as adopted, common control is to be determined on the basis of all relevant facts and circumstances, not on the basis of any numerical ownership test.

In addition to the foregoing modifications, the "master trust" definition has been changed in several respects to enhance readability.

(10) *Arrangements other than Master Trusts.* In the proposal, the Department solicited comments regarding appropriate reporting methods for multiple plan arrangements other than master trusts and arrangements already subject to special reporting rules.

One comment suggested that a certain pooled investment trust that holds assets of many small individual account plans of unrelated employers in the same industry, if not brought within the scope of the master trusts reporting rules, should be subject to alternative reporting methods along the lines of 29 CFR 2520.103–3 and 103–4. The pooled investment trust in question would not be subject to master trust reporting because it holds assets of plans sponsored by unrelated employers and because it is not trusted by a regulated financial institution. The special reporting rules available in connection with bank-managed common and collective trust funds (29 CFR 2520.103–3) would also not be available. Since the Department has not received any comments indicating a widespread need for special reporting rules for similar trusts, the Department has decided to deal with this comment on an individual basis, instead of dealing with it in the context of the generally applicable annual return/report instructions.

Another comment on the proposal requested that the "master trust" definition be modified to include a "group trust," in which assets of more than one trust are held. The comment does not specify whether the assets in the "group trust" are assets of a single plan or of more than one plan. If they are assets of more than one plan sponsored by a single employer or by a group of employers under common control, and the trustee is a regulated bank, trust company, of similar financial institution, it appears that the group trust would meet the "master trust"

definition, as adopted, without further changes. If, on the other hand, the group trust consists of assets of a single plan, it does not appear that it would be appropriate to apply the revised method of reporting for master trusts to a situation that does not involve a fund in which assets of more than one plan are pooled for investment purposes.

(11) *Schedule A.* One comment on the proposal suggested that where insurance of annuity contracts are held in a master trust and are owned jointly by several plans participating in the master trust, the Department should permit a single Schedule A (consisting of insurance information) to be filed for each contract as a part of the master trust filing, instead of requiring each plan owning an interest in the contract to file a Schedule A. The comment stated that permitting a single Schedule A to be filed for each such contract would reduce administrative and paperwork burdens. In light of this comment, the Department has decided to permit a single Schedule A to be included in the master trust filing for each insurance or annuity contract held in a master trust. To the extent that an insurance or annuity contract held in a master trust involves unallocated funds (including a separate account), however, the unallocated funds or separate account would be required to be treated as a master trust investment account, or included in a master trust investment account, and the value of the unallocated funds (including the master trust's interest in the separate account, as the case may be) must be allocated among participating plans in preparing their annual return/reports.

Adopted Regulation

The revisions to Form 5500, 5500–C, and 5500–K are accompanied by a regulation adopted in this document (29 CFR 2520.103–1(e)) which requires the plan administrator of a plan participating in a master trust to follow the instructions to Form 5500, 5500–C, or 5500–K, as appropriate, regarding master trusts.

The regulation is issued pursuant to the Secretary's authority under section 110 of ERISA to prescribe alternative methods of compliance with respect to pension plans and pursuant to his authority under section 104(a)(3) of ERISA to exempt any welfare plan from all or part of the reporting and disclosure requirements of Title I of ERISA or to provide for simplified reporting and disclosure. With respect to pension plans participating in master trusts, the Department has determined that the use of the master trust reporting method prescribed in this notice is consistent with the purposes of Title I of ERISA and provides adequate disclosure to participants and beneficiaries in such plans, and adequate reporting to the Secretary; that application of the requirements of Part 1 of Title I unmodified by the master trust reporting method would increase the costs to such plans; and that application of such unmodified requirements would be adverse to the interests of participants in such plans. With respect to welfare plans participating in master trusts, the Department finds that the reporting and disclosure requirements of Title I of ERISA unmodified by the master trust reporting method prescribed in this notice would not be appropriate as applied to such plans.

Executive Order 12291 Statement

The Department has determined that the rule adopted herein is not a "major rule" within the meaning of section 1(b) of the Executive Order because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule will make annual reporting requirements easier to comply with for plans participating in master trusts, and will provide greater certainty for persons responsible for complying with those requirements.

Regulatory Flexibility Act

In view of the December 30, 1980, date of publication of the proposal of the rule adopted herein, the Regulatory Flexibility Act, 5 U.S.C. 604, *et seq.*, (Pub. L. 96–354, 94 Stat. 1164) does not apply to it since section 4 of that Act provides that it only applies to rules for which a notice of proposed rulemaking is issued on or after January 1, 1981.

Authority

Sections 101, 103, 104, 110 and 505 of the Employee Retirement Income Security Act of 1974; Pub. L. 93–406, 88 Stat. 840, 841, 847, 851 and 894 (29 U.S.C. 1021, 1023, 1024, 1030, and 1135).

Paperwork Reduction Act Information

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #1210–0016.

1. Revisions of Annual Reporting Regulation

In consideration of the matters discussed above, § 2520.103–1 of Title 29 of the Code of Federal Regulations is hereby amended by adding a new paragraph (e) to read as set forth below.

§ 2520.103–1 Contents of the annual report.

* * * * *

(e) *Plans which participate in a master trust.* The plan administrator of a plan which participates in a master trust shall file an annual report on Form 5500, 5500–C, 5500–K, or 5500–R, as appropriate, in accordance with the specific instructions relating to master trusts on those forms and instructions thereto. For purposes of annual reporting, a master trust is a trust for which a regulated financial institution serves as trustee or custodian (regardless of whether such institution exercises discretionary authority or control respecting the management of assets held in the trust) and in which assets of more than one plan sponsored by a single employer or by a group of employers under common control are held. For purpose of this paragraph, a regulated financial institution is a bank, trust company, or similar financial institution regulated, supervised, and subject to periodic examination by a State or Federal agency. Common control is determined on the basis of all relevant facts and circumstances (whether or not such employers are incorporated).

2. Revisions of Return/Reports

The annual return/report Form 5500 and return/report Forms 5500–C and 5500–K and instructions thereto are hereby amended in the manner described below.

I. Revisions to Form 5500

Add new sub-item 6(c)(v) "Master Trust (see instructions)."

Add new sub-item 13(c)(x) "Value of Interest in Master Trust" and renumber current 13(c)(x) and 13(c)(xi) as 13(c)(xi) and 13(c)(xii) respectively.

Add new sub-item 14(n)(ii) "Net investment gain (or loss) from all master trust investment accounts." Renumber current sub-item 14(n)(ii) ("Other changes") as 14(n)(iii).

II. Revisions to Instructions for Form 5500

[Insert at the end of "A. Who Must File—3. Kinds of Filers."]

(g) Master Trusts—For plans participating in a Master Trust, see page—for filing instructions.

[Insert after Specific Instructions for Form 5500 (ending on page 7)]

Filing Instructions for Plans Participating in Master Trust(s)

A. *General.* The annual return/report of a plan participating in a master trust must include statements and schedules providing information about assets held in the master trust, as specified in Part C, below, in addition to a Form 5500 completed as specified in Part B, below. The master trust information must be filed by the plan administrator or its designee *with the Department of Labor,* while the plan's Form 5500 and, if applicable, Schedules A and B must be filed *with the Internal Revenue Service.*

For reporting purposes, a master trust is a trust for which a regulated financial institution (as defined below) serves as trustee or custodian (regardless of whether such institution exercises discretionary authority or control with respect to the management of assests held in the trust) and in which assets of more than one plan sponsored by a single employer or by a group of employers under common control are held. "Regulated financial institution" means a bank, trust company, or similar financial institution which is regulated, supervised, and subject to periodic examination by a State or Federal agency. Common control is determined on the basis of all relevant facts and circumstances (whether or not such employers are incorporated).

For reporting purposes, the assets of a master trust are considered to be held in one or more "investment accounts." A master trust investment account may consist of a pool of assets or a single asset. Each pool of assets held in a master trust must be treated as a separate master trust investment account if each plan which has an interest in the pool has the same fractional interest in each asset in the pool as its fractional interest in the entire pool, and if each such plan may not dispose of its interest in any asset in the pool without disposing of its interest in the pool. A master trust may also contain assets which are not held in such a pool. Each such asset must be treated as a separate master trust investment account.

Financial information must generally be provided with respect to each master trust investment account as specified in Part C, "Reporting Information Relating to Master Trusts and Master Trust Investment Accounts," below.

B. Reporting Information Relating to the Individual Plan. 1. In item 6(c)(v), if assets are held in a master trust of a single employer or controlled group, check the box and enter the name of the trust and bank or financial institution. Also enter the city and state where the trust is maintained.

2. In item 12, include the plan's share of amounts of compensation for services paid during the plan year to the master trustee and to persons providing services to the master trust if such compensation is not subtracted from the gross income of any master trust investment account in determining the net investment gain (or loss) from the investment account (see ¶ B6, below). Amounts of compensation subtracted from investment account gross income in determining the net investment gain (or loss) from the investment account must be reported on separate schedules (see ¶ C3, below).

3. Enter the current value of the plan's interest in the master trust at the beginning of the plan year and at the end of the plan year on line 13(c)(x). The value of the plan's interest in a master trust is the sum of the net values of the plan's interests in master trust investment accounts. The net values of such interests are obtained by multiplying the plan's percentage interest in each master trust investment account by the net assets of the investment account (total assets minus total liabilities) at the beginning and end of the plan year. If some plan funds are held in a master trust and other plan funds are held in other funding media, complete all applicable sub-items of item 13 with regard to assets held in other funding media.

4. In sub-items 14 (d), (e), (f), (i), (j), (k), and (n)(i), do not report earnings, expenses, gains or losses, and unrealized appreciation or depreciation which were included in computing the net investment gain (or loss) from any master trust investment account. (See ¶ B6, below, for explanation of net investment gain (or loss) from master trust investment account.) If some plan funds are held in a master trust and other plan funds are held in other funding media, complete all applicable sub-items of item 14 to report plan earnings, expenses, gains or losses, and unrealized appreciation or depreciation relating to the other funding media.

5. In sub-item 14(j), report all administrative expenses (by specified category) paid by or charged to the plan which were not subtracted from the gross income of a master trust investment account in determining the net investment gain (or loss) from the investment account (see ¶ B6, below).

6. Attach a list of each master trust investment account in which the plan has an interest, indicating the plan's name, EIN, and PN and the name of the master trust used in the master trust information filed with the Department of Labor (see Part C, below). In tabular format show the net value of the plan's interest in each investment account (see ¶ B3, above) at the beginning of the plan year and at the end of the plan year; the total amount of transfers to the investment account, and the total amount of transfers from the investment account, by the plan during the plan year; and the net investment gain (or loss) allocated to the plan for the plan year from the investment account. The net investment gain (or loss) allocated to the plan for the plan year from the investment account is equal to:

The current value of the plan's interest in the investment account at the end of the plan year,

Minus the current value of the plan's interest in the investment account at the beginning of the plan year,

Plus any amounts transferred out of the investment account by the plan during the plan year,

Minus any amounts transferred into the investment account by the plan during the plan year.

7. Enter in sub-item 14(n)(ii) the net investment gain (or loss) allocated to the plan for the plan year from all master trust investment accounts. The net investment gain (or loss) allocated to the plan for the plan year from all master trust investment accounts is obtained by subtracting any net investment losses allocated to the plan from master trust investment accounts from the sum of net investment gains allocated to the plan from master trust investment accounts. The net investment gain (or loss) allocated from each master trust investment account is reported on a separate schedule (see ¶ B6, above).

8. Do not complete sub-item 22(a) if all plan funds are held in master trusts. If some plan funds are held in master trusts and other plan funds are held in other funding media, complete sub-item 22(a) to report information relating to the other funding media. In such cases, complete item 22(a)(v) only with respect to transactions involving assets of the plan which are not held in a master trust. In determining the 3% figure, do not include the value of plan assets held in the master trust in the current value of the plan's assets at the beginning of the plan year. Do not report acquisitions or dispositions of interests in a master trust in sub-item 22(a)(v).

(See ¶ C6, below, with respect to information that must be included concerning each master trust investment account)

C. Reporting Information Relating to Master Trusts and Master Trust Investment Accounts. The information described below must be filed with the Department of Labor no later than the date on which the plan's annual return/report is due. The required information may be filed by the plan administrator or by a person designated by the plan administrator, such as the administrator of another plan participating in the master trust or the financial institution serving as trustee of the master trust. However, it is the obligation of the plan administrator to ensure that the required information is filed prior to or concurrent with the filing by the plan of Form 5500. While only one copy of the required information should be filed for all plans participating in the master trust, the information is an integral part of the annual return/report of each participating plan and a participating plan's annual return/report will not be deemed complete unless all the information is filed within the prescribed time.

Each of the required statements and schedules must indicate the name of the plan, the sponsor's employer identification number, and the three digit plan number. The required information shall be filed with the Department of Labor by mailing it to: Master Trust, Office of Reports and Disclosure, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216.

1. The name and fiscal year of the master trust and the name and address of the master trustee.

2. A list of all plans participating in the master trust, showing each plan's name and its percentage interest in each master trust investment account as of the beginning and end of the fiscal year of the master trust ending with or within the plan year.

3. A statement, in the same format as item 12 of Form 5500, for each master trust investment account showing amounts of compensation paid during the fiscal year of the master trust ending with or within the plan year to persons providing services with respect to the investment account and subtracted from the gross income of the investment account in determining the net increase (decrease) in net assets of the investment account (see ¶ C5, below), and the other information specified in item 12 of Form 5500.

4. A statement for each master trust investment account showing the assets and liabilities of the investment account at the beginning and end of the fiscal year of the master trust ending with or within the plan year, grouped in the same categories as those specified in item 13 of Form 5500.

5. A statement for each master trust investment account showing the income, expenses, changes in net assets, and net increase (decrease) in net assets of each such investment account during the fiscal year of the master trust ending with or within the plan year, in the categories specified in item 14 of Form 5500. In place of sub-items (a), (b), and (c) of item 14, show all transfers of assets into the investment account by participating plans. In place of sub-item (h) of item 14, show all transfers of assets out of the investment account by participating plans. Do not complete sub-item 14(n)(iii).

6. Schedules, in the format set forth in the instructions to item 22 of Form 5500, of the following items with respect to each master trust investment account for the fiscal year of the master trust ending with or within the plan year: Assets held for investment, nonexempt party-in-interest transactions, defaulted or uncollectible loans and leases, and 3% transactions involving assets in the investment account. The 3% figure shall be determined by comparing the current value of the transaction at transaction date with the current value of the investment account assets at the beginning of the applicable fiscal year of the master trust.

III. Revisions to Form 5500–C

Add new sub-item 6(c)(v) "Master Trust (see instructions)."

Add new sub-item 15(c)(iv) "Value of Interest in Master Trust" and renumber current 15(c)(iv) and 15(c)(v) as 15(c)(v) and 15(c)(vi) respectively.

Add new sub-item 16(m)(ii) "Net investment gain (or loss) from all master trust investment accounts." Renumber current sub-item 16(m)(ii) ("Other changes") as 16(m)(iii).

IV. Revisions to Instructions for Form 5500–C

[Insert at the end of "A. Who Must File—3. Kinds of Filers."]

(f) Master Trusts—For plans participating in a Master Trust, see page — for filing instructions.

[Insert after Specific Instructions for Form 5500–C (ending on page 7)]

Filing Instructions for Plans Participating in Master Trust(s)

A. General. The return/report of a plan participating in a master trust must include statements and schedules providing information about assets held in the master trust, as specified in Part C, below, in addition to a Form 5500–C completed as specified in Part B, below. The master trust information must be filed by the plan administrator or its designee *with the Department of Labor*, while the plan's Form 5500–C and, if applicable, Schedules A and B must be filed *with the Internal Revenue Service.*

For reporting purposes, a master trust is a trust for which a regulated financial institution (as defined below) serves as trustee or custodian (regardless of whether such institution exercises discretionary authority or control with respect to the management of assets held in the trust) and in which assets of more than one plan sponsored by a single employer or by a group of employers under common control are held. "Regulated financial institution" means a bank, trust company, or similar financial institution which is regulated, supervised, and subject to periodic examination by a State or Federal agency. Common control is determined on the basis of all relevant facts and circumstances (whether or not such employers are incorporated).

For reporting purposes, the assets of a master trust are considered to be held in one or more "investment accounts." A master trust investment account may consist of a pool of assets of a single asset. Each pool of assets held in a master trust must be treated as a separate master trust investment account if each plan which has an interest in the pool has the same fractional interest in each asset in the pool as it fractional interest in the entire pool, and if each such plan may not dispose of its interest in any asset in the pool without disposing of its interest in the pool. A master trust may also contain assets which are not held in such a pool. Each such asset must be treated as a separate master trust investment account.

B. Reporting Information Relating to the Individual Plan. 1. In item 6(c)(v), if assets are held in a master trust of a single employer or controlled group, check the box and enter the name of the trust and bank or financial institution. Also enter the city and state where the trust is maintained.

2. Enter the current value of the plan's interest in the master trust at the beginning of the plan year and at the end of the plan year on line 15(c)(iv). The value of the plan's interest in a master trust is the sum of the net values of the plan's interest in master trust investment accounts. The net values of such interests are obtained by multiplying the plan's percentage interest in each master trust investment account by the net assets of the investment account. If some plan funds are held in a master trust and other plan funds are held in other funding media, complete all applicable sub-items of item 15 with regard to assets held in other funding media.

3. In sub-items 16 (c), (d), (e), (h), (i), (j), and (m) (i), do not report earnings, expenses, gains or losses, and unrealized appreciation or depreciation which were included in determining the net investment gain (or loss) from any master trust investment account. (See definition net investment gain (or loss), below.) If some plan funds are held in a master trust and other plan funds are held in other funding media, complete all applicable sub-items of item 16 to report plan earnings, expenses, gains or losses, and unrealized appreciation or depreciation relating to the other funding media.

4. In sub-item 16(i), report all administrative expenses paid by or charged to the plan which were not subtracted from the gross income of a master trust investment account in determining the net investment gain (or loss) from the investment account. (See definition of net investment gain (or loss), below.)

5. Attach a list of each master trust investment account in which the plan has an interest, indicating the plan's name, EIN, and PN and the name of the master trust used in the master trust information filed with the Department of Labor (see Part C, below). In tabular format show the net value of the plan's interest in each investment account (see ¶B2, above) at the beginning of the plan year and at the end of the plan year; the total amount of transfers to the investment account, and the total amount of transfers from the investment account, by the plan during the plan year; and the net investment gain (or loss) allocated to the plan for the plan year from the investment account. The net investment gain (or loss) allocated to the plan for the plan year from the investment account is equal to:

The current value of the plan's interest in the investment account at the end of the plan year,

Minus the current value of the plan's interest in the investment account at the beginning of the plan year,

Plus any amounts transferred out of the investment account by the plan during the plan year,

Minus any amounts transferred into the investment account by the plan during the plan year.

6. Enter in sub-item 16(m)(ii) the net investment gain (or loss) allocated to the plan for the plan year from all master trust investment accounts. The net investment gain (or loss) allocated to the plan for the plan year from all master trust investment accounts is obtained by subtracting any net investment losses allocated to the plan from master trust investment accounts from the sum of net investment gains allocated to the plan from master trust investment accounts. The net investment gain (or loss) allocated to the plan for the year from each investment account is reported on a separate schedule (see ¶B5, above).

7. In item 17, answer the questions only with respect to plan assets which are not held in a master trust investment account. Use the total value of plan assets not held in such an investment account as the asset base in determining the percentage.

8. In item 18(c), do not include administrative expenses which have been subtracted from the gross income of a master trust investment account in determining the

net investment gain (or loss) from the investment account.

9. In item 19, answer the questions only with regard to plan assets which are not held in a master trust investment account. In sub-item 19(c), use the value of plan assets not held in a master trust investment account as the base for determining the 10 percent figure.

10. In item 20, answer the questions only with regard to plan assets which are not held in a master trust investment account. Use the value of plan assets not held in a master trust investment account as the base for determining the 15 percent figure.

11. In item 21, answer sub-item 21(a) taking into account *any* consideration received by an officer or employee of the plan sponsor, *including* any consideration paid out of the master trust or a master trust investment account. Answer sub-item 21(b) as specified below in ¶B12. Answer sub-item 21(c) taking into account *all* parties providing services to the plan, *including* parties providing services with respect to assets held in master trust investment accounts in which the plan has an interest, and taking into account *all* plan fiduciaries, *including* persons who are fiduciaries by reason of their relationship to a master trust investment account in which the plan has an interest or to the assets in such an investment account. Answer sub-items 21(e) and (f) only with respect to assets not held in a master trust investment account.

12. Answer sub-item 21(b) taking into account *all* qualifying employer securities and *all* qualifying employer real property, *including* the plan's share of qualifying employer securities and real property acquired by a master trust investment account. The plan's share in such qualifying employer securities or real property is determined by multiplying the plan's percentage interest in the investment account as of the acquisition date by the fair market value of the qualifying employer securities or real property as of the acquistion date. The asset base used in determining the 10 percent figure is the total value of plan assets as of the acquisition date, including the current value of the plan's interest in the master trust *as of the acquisition date*, determined as specified in ¶B2, above.

C. *Reporting Information Relating to Master Trusts and Master Trust Investment Accounts.* The following instructions are to be followed *only* if every plan participating in the master trust has fewer than 100 participants. Otherwise, information relating to master trusts and master trust investment accounts must be reported pursuant to the instructions to Form 5500.

The information specified below must be filed with the Department of Labor no later than the date on which the plan's return/report is due. The required information may be filed by the plan administrator or by a person designated by the plan administrator, such as the administrator of another plan participating in the master trust or the financial institution serving as trustee of the master trust. However, it is the obligation of the plan administrator to ensure that the required information is filed prior to or concurrent with the filing by the plan of Form 5500–C. While only one copy of the required information should be filed for all plans participating in the master trust, the information is an integral part of the return/report of each participating plan and a participating plan's return/report will not be deemed complete unless all the information is filed within the prescribed time.

Each of the required statements and schedules must indicate the name of the plan, the sponsor's employer identification number, and the three digit plan number. The required information must be filed with the Department of Labor by mailing it to: Master Trust, Office of Reports and Disclosure, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216.

1. The name and fiscal year of the master trust and the name and address of the master trustee. If the information relating to the master trust is not filed in connection with any annual return/report filed on Form 5500, the name of the master trust must be followed by "(5500–C)."

2. A list of all plans participating in the master trust, showing each plan's name and its percentage interest in each master trust investment account as of the beginning and end of the most recent fiscal year of the master trust.

3. A statement for each master trust investment account showing the assets and liabilities of the investment account at the beginning and end of the fiscal year of the master trust ending with or within the plan year. This statement must be in the same format as item 13 of Form 5500, except that if every plan participating in the master trust has fewer than 100 participants at the beginning of the plan year with which or within which the fiscal year of the master trust ends, the format of item 15 of Form 5500–C may be used.

4. A statement for each master trust investment account showing the income, expenses, changes in net assets, and net increase (decrease) in net assets of each such investment account during the fiscal year of the master trust ending with or within the plan year. The statement must be in the same format as item 14 of Form 5500, except that if every plan participating in the master trust has fewer than 100 participants at the beginning of the plan year with which or within which the fiscal year of the master trust ends, the format of item 16 of Form 5500–C may be used. In place of sub-items (a), (b), and (c) of item 14, Form 5500 (or sub-items (a) and (b) of item 16, Form 5500–C, as appropriate), show the total of all transfers of assets into the investment account by participating plans. In place of sub-item 14(h), Form 5500 (or sub-item 16(g), Form 5500–C, as appropriate), show the total of all transfers of assets out of the investment account by participating plans. Do not complete sub-item 14(n)(iii), Form 5500 (or sub-item 16(m)(iii), Form 5500–C).

5. Schedules, in the format set forth in the instructions to item 17 of Form 5500–C, of the following information with respect to each master trust investment account:

(a) Percentage of assets in the investment account loaned to a person who is a party in interest with respect to any of the plans which have an interest in the investment account,

(b) Percentage of assets in the investment account which are invested in securities issued by a person who is a party in interest with respect to any of the plans which have an interest in the investment account, and

(c) Percentage of assets in the investment account which are invested in real estate leased by a person who is a party in interest with respect to any of the plans which have an interest in the investment account.

6. A statement of the administrative expenses of each master trust investment account for the fiscal years of the master trust ending with or within the preceding plan year and the second preceding plan year, if these figures have not already been reported to the Department in a statement of income, expenses, and changes in net assets filed for the master trust investment account.

7. A schedule, in the format set forth in the instructions to item 19 of Form 5500–C, for each master trust investment account showing party-in-interest transactions involving assets held in the investment account for the fiscal year of the master trust ending with or within the plan year.

8. For each master trust investment account, statements as to whether, since the end of the last fiscal year of the master trust for which financial information has been provided in connection with an annual return/report Form 5500 or return/report Form 5500–C or 5500–K filed for the plan or any other plan, (a) an extension has been granted on any loan of assets held in the investment account for which, prior to the granting of the extension, all principal and interest payments due under the terms of the loan have not been received; and

(b) An extension of time or renewal has been granted for the payment of any obligation held in the investment account which amounts to 10 percent of the assets in the investment account.

9. For each master trust investment account, statements as to whether, since the end of the last fiscal year of the master trust for which financial information has been provided in connection with an annual return/report Form 5500 or return/report Form 5500–C or 5500–K filed for the plan or any other plan, (a) the master trust investment account had any investments of the type reportable under item 15(c) (iv) or (v) of Form 5500–C which in the aggregate exceeded 15 percent of assets in the master trust investment account in either category; and (b) the master trust investment account had any loans outstanding or investments in a single enterprise (other than the United States Government) which exceeded 15 percent of the assets in the investment account.

10. Statements for each master trust investment account as to whether (a) any loans of assets held in the investment account or fixed income obligations held therein were in default as of the close of the fiscal year of the master trust ending with or within the plan year, or were classified as uncollectible during that fiscal year; and (b) any leases of property held in the investment account were in default or classified as uncollectible during the fiscal year of the

master trust ending with or within the plan year.

V. Revisions to Form 5500–K

Add new sub-item 11(d) "Master Trust (see instructions)" and renumber current sub-items 11(d) and 11(e) as 11(e) and 11(f).

VI. Revisions to Instructions for Form 5500–K

[Insert at the end of "B. Kinds of Filers."]

6. Master Trusts—For plans participating in a Master Trust, see page 6 for filing instructions.

[Insert after the Specific Instructions for Form 5500–K (ending on page 6)]

Filing Instructions for Plans Participating in Master Trust(s)

A. *General.* The return/report of a plan participating in a master trust must include statements and schedules providing information about assets held in the master trust, as specified in Part C, below, in addition to a Form 5500–K completed as specified in Part B, below. The statements and schedules must be filed *with the Department of Labor,* while the plan's Form 5500–K and, if applicable, Schedules A and B must be filed *with the Internal Revenue Service.*

For reporting purposes, a master trust is a trust for which a regulated financial institution (as defined below) serves as trustee or custodian (regardless of whether such institution exercises discretionary authority or control with respect to the management of assets held in the trust) and in which assets of more than one plan sponsored by a single employer or by a group of employers under common control are held. "Regulated financial institution" means a bank, trust company, or similar financial institution which is regulated, supervised, and subject to periodic examination by a State or Federal agency. Common control is determined on the basis of all relevant facts and circumstances (whether or not such employers are incorporated).

For reporting purposes, the assets of a master trust are considered to be held in one or more "investment accounts." A master trust investment account may consist of a pool of assets or a single asset. Each pool of assets held in a master trust must be treated as a separate master trust investment account if each plan which has an interest in the pool has the same fractional interest in each asset in the pool as its fractional interest in the entire pool, and if each such plan may not dispose of its interest in any asset in the pool without disposing of its interest in the pool. A master trust may contain assets which are not held in such a pool. Each such asset must be treated as a separate master trust investment account.

B. *Reporting Information Relating to the Individual Plan.* 1. In item 11(d), if assets are held in a master trust of a single employer or controlled group, check the box and enter the name of the trust and bank or financial institution. Also enter the city and state where the trust is maintained.

2. In sub-item 13(a), in determining the net assets, include the current value of the plan's interest in the master trust. The value of the plan's interest in the master trust is the sum of the net values of the plan's interest in master trust investment accounts. The net values of such interests are obtained by multiplying the plan's percentage interest in each master trust investment account by the net assets of the investment account.

3. In sub-item 13(c), do not include any gain or appreciation of assets allocated to the plan from a master trust investment account if such gain or appreciation of assets is reflected in the figure for other changes in net assets entered in sub-item 13(f) (see ¶B5, below).

4. In sub-item 13(d), do not include expenses which were subtracted from the gross income of master trust investment accounts in determining the net investment gain (or loss) from the investment accounts for purposes of item 13(f) (see ¶B5, below).

5. In sub-item 13(f), include the net investment gain (or loss) allocated to the plan for the plan year from all master trust investment accounts. The net investment gain (or loss) allocated to the plan for the plan year from all master trust investment accounts is obtained by subtracting any net investment losses allocated to the plan from the master trust investment accounts from the sum of net investment gains allocated to the plan from master trust investment accounts. The net investment gain (or loss) allocated to the plan for the plan year from an investment account is equal to:

The current value of the plan's interest in the investment account at the end of the plan year,

Minus the current value of the plan's interest in the investment account at the beginning of the plan year,

Plus any amounts transferred out of the investment account by the plan during the plan year,

Minus any amounts transferred into the investment account by the plan during the plan year.

6. In item 14, answer the questions only with regard to plan assets which are not held in a master trust investment account. In sub-item 14(c), use the value of plan assets not held in a master trust investment account as the base for determining the 10 percent figure.

7. In sub-item 15(c), do not include the plan's share of administrative expenses which have been subtracted from the gross income of the master trust investment account in determining the net investment gain (or loss) from the investment account.

8. In Item 17, answer sub-item 17(a) taking into account *any* consideration received by an officer or employee of the plan sponsor, *including* any consideration paid out of the master trust or a master trust investment account. Answer sub-item 17(b) as specified below in ¶ B9. Answer sub-item 17(d) taking into account *all* parties providing services to the plan, *including* parties providing services with respect to assets held in master trust investment accounts in which the plan has an interest, and taking into account *all* plan fiduciaries, *including* persons who are fiduciaries by reason of their relationship to a master trust investment account in which the plan has an interest or to the assets in such an investment account. Answer sub-items 17 (f) and (g) only with respect to assets not held in a master trust investment account.

9. Answer sub-item 17(b) taking into account *all* qualifying employer securities and *all* qualifying employer real property, *including* the plan's share of qualifying employer securities and real property acquired by a master trust investment account. The plan's share in such qualifying employer securities or real property is determined by multiplying the plan's percentage interest in the investment account as of the acquisition date by the fair market value of the qualifying employer securities or real property as of the acquisition date. The asset base used in determining the 10 percent figure is the total value of plan assets as of the acquisition date, including the current value of the plan's interest in the master trust *as of the acquisition date,* determined as specified in ¶ B2, above.

C. *Reporting Information Relating to Master Trusts and Master Trust Investment Accounts.* The following instructions are to be followed only if every plan participating in the master trust has fewer than 100 participants and at least one owner-employee. Otherwise, information relating to master trusts and master trust investment accounts must be reported pursuant to the instructions to Form 5500 or 5500–C, as appropriate.

The information specified below must be filed with the Department of Labor no later than the date on which the plan's return/report is due. The required information may be filed by the plan administrator or by a person designated by the plan administrator, such as the administrator of another plan participating in the master trust or the financial institution serving as trustee of the master trust. However, it is the obligation of the plan administrator to ensure that the required information is filed prior to or concurrent with the filing by the plan of Form 5500–K. While only one copy of the required information should be filed for all plans participating in the master trust, the information is an integral part of the return/report of each participating plan and a participating plan's return/report will not be deemed complete unless all the information is filed within the prescribed time.

Each of the required statements and schedules must indicate the name of the plan, the sponsor's employer identification number, and the three digit plan number. The required information must be filed with the Department of Labor by mailing it to: Master Trust, Office of Reports and Disclosure, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216.

1. The name and fiscal year of the master trust and the name and address of the master trustee. If the information relating to the master trust is not filed in connection with any annual return/report filed on Form 5500 or Form 5500–C, the name of the master trust must be followed by "(5500–K)."

2. A list of all plans participating in the master trust, showing each plan's name and its percentage interest in each master trust

investment account as of the beginning and end of the fiscal year of the master trust ending with or within the plan year.

3. A list of all master trust investment accounts as of the beginning and end of the most recent fiscal year of the master trust ending with or within the plan year.

4. A statement of the administrative expenses of each master trust investment account for the fiscal years of the master trust ending with or within the current plan year, the preceding plan year, and the second preceding plan year, in the format of sub-item 15(c) of Form 5500–K.

5. A schedule, in the format set forth in the instructions to sub-item 14(a) of Form 5500–K, for each master trust investment account showing party-in-interest transactions involving assets held in the investment account for the fiscal year of the master trust ending with or within the plan year.

6. For each master trust investment account, statements as to whether, since the end of the last fiscal year of the master trust for which financial information has been provided in connection with an annual return/report Form 5500 or return/report Form 5500–C or 5500–K filed for the plan or any other plan, (a) an extension has been granted on any loan of assets held in the investment account for which, prior to the granting of the extension, all principal and interest payments due under the terms of the loan have not been received; and

(b) an extension of time or renewal has been granted for the payment of any obligation held in the investment account which amounts to 10 percent of the assets in the investment account.

7. For each master trust investment account, a statement as to whether, as of the end of the fiscal year of the master trust for which financial information has been provided in connection with an annual return/report Form 5500 or return/report Form 5500–C or 5500–K filed for the plan or any other plan, the master trust investment account had any loans outstanding or investments in a single enterprise (other than the United States Government) which exceeded 15 percent of the assets in the investment account.

8. Statements for each master trust investment account as to whether (a) any loans of assets held in the investment account or fixed income obligations held therein were in default as of the close of the fiscal year of the master trust ending with or within the plan year, or were classified as uncollectible during that fiscal year; and (b) any leases of property held in the investment account were in default or classified as uncollectible during the fiscal year of the master trust ending with or within the plan year.

VII. Additional Instructions to Schedule A for Master Trust Filing

[Insert in the third paragraph of the General Instructions of the Schedule A]

Plans Participating in Master Trust(s).—For each insurance or annuity contract that is held in a master trust and owned jointly by two or more plans participating in the master trust, one Schedule A must be included in the information relating to the master trust which is filed with DOL. The individual plans need not file the Schedule A, but must treat unallocated funds or any interest in a separate account held in a master trust as part of an investment account for purposes of their return/reports. (See master trust filing instructions.)

Signed at Washington this 9th day of December 1981.

Jeffery N. Clayton,

Acting Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–35781 Filed 12–10–81; 3:06 pm]

BILLING CODE 4510–29–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning January 1, 1982. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after January 1, 1982, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before December 1, 1981. (29 CFR Part 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172, 46 FR 3510, 46 FR 16685, 46 FR 18312, 46 FR 26765, 46 FR 31257, 46 FR 36693, 46 FR 45761, 46 FR 50788).

On November 13, 1981, the PBGC last published rates for plans that terminate on or after December 1, 1981 (46 FR 55958). At this time, changes in the financial and annuity markets have necessitated a decrease in the rates used by the PBGC to value benefits. Although the PBGC has only changed its rates by ¼ percent per month in the past, unusually rapid changes in the financial markets have indicated that a decrease of ½ percent is warranted at this time. When the PBGC first adopted its procedure of issuing prospective interest rates, (45 FR 75209), the PBGC stated that it would normally change its interest rates only in ¼ percent increments. However, because of the exceptional circumstances occurring in the financial markets, PBGC has determined that a change of ½ percent

is necessary. Accordingly, this amendment changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after January 1, 1982. These rates and factors will remain in effect until such time as PBGC publishes another amendment which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish an amendment in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no amendment will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after January 1, 1982, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Rate Set 30 and adding Rate Set 31 of Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used To Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date—		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
30	12-1-81	1-1-82	11.00	1.1025	1.0900	1.0400	7	8
31	1-1-82		10.50	1.0975	1.0850	1.0400	7	8

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(l), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362))

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-35214 Filed 12-14-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Approval of the Commonwealth of Virginia Reclamation Plan Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: On September 22, 1980, the Commonwealth of Virginia submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R, FR 49932-49952, October 25, 1978). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Virginia Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Virginia Plan. Final promulgation of this rule was delayed because Virginia did not have an approved State regulatory program under Title V of SMCRA and was enjoined from submitting its program. Under Section 405(c) of the SMCRA, the Department cannot approve a State abandoned mine reclamation program unless that State has an approved State regulatory program pursuant to Section 503(c) of the SMCRA. The Commonwealth of Virginia received such approval on December 10, 1981.

EFFECTIVE DATE: The rule is effective upon date of publication. The good cause for making this rule effective upon date of publication is: (1) the Office of Surface Mining wants to minimize the time between the approval of Title V regulatory programs and Title IV State reclamation program plans; and (2) grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to States to initiate needed reclamation work as required by the Act.

ADDRESSES: Copies of the full text of the Virginia Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301

Department of Conservation and Economic Development, Powell and River Streets, Big Stone Gap, Virginia 23219

The Office of Surface Mining Reclamation and Enforcement, Room 153, 1951 Constitution Avenue, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Don Willen, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20240, Telephone (202) 343–7951.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purpose of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Secretary a State reclamation plan demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Secretary may approve the plan once the State has an approved regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 43 FR 49932–49947, October 25, 1978). Under those regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Office on an annual basis an application for funds to be expended in that State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of parts 900 through 950. Provisions relating to Virginia are found in 30 CFR Part 946.

Background on the Virginia Reclamation Plan Submission

On April 26, 1979, a cooperative agreement between the Virginia Department of Conservation and Economic Development and the Office of Surface Mining was approved. The purpose of this agreement was to assure that information required for the preparation of the Virginia Reclamation Plan would be assembled.

On June 16, 1980, public meetings were held in Richmond and Big Stone Gap, Virginia on Virginia's proposed Plan. On September 22, 1980, the Commonwealth of Virginia submitted its proposed Plan to OSM.

On October 8, 15 and 28, 1980, representatives of the Virginia Department of Conservation and Economic Development and OSM met to discuss amendments and modifications to the original Plan. On October 28, and November 7 and 17, 1980, the Virginia Department of Conservation and Economic Development submitted revised pages to the Virginia Reclamation Plan. These pages contained several amendments and modifications to the original Plan. The Department has determined that these additions and revisions were insignificant in nature and, accordingly, required no further public comment.

The necessary changes have been incorporated into the Plan. All of the documents mentioned above are available for public inspection at the offices of OSM and at the Office of the Department of Conservation and Economic Development listed above under "Addresses."

Notice of receipt of the submission initiating the Plan review was published November 5, 1980 (45 FR 73512–73514). The announcement requested public comments and scheduled a public hearing for October 29, 1980. The public hearing was not held because of lack of public interest. OSM has concluded that the Commonwealth of Virginia has provided adequate notice and opportunity for public participation in development of the Plan and no unresolved controversies exist.

The Regional Director, on October 18, 1981, and the Assistant Director for Program Operations and Inspection, on November 9, 1981, recommended to the Director that the Assistant Secretary approve the Virginia Reclamation Plan.

The administrative record on the Virginia Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301.

Assistant Secretary's Findings

1. In accordance with section 405 of SMCRA the Assistant Secretary finds that Virginia has submitted a Plan for reclamation of abandoned mine lands and has the ability and necessary State legislation to implement the provisions of Title IV of SMCRA.

2. The Assistant Secretary has determined, pursuant to 30 CFR 884.14, that:

(a) the Department of Conservation and Economic Development has the legal authority, policies and administrative structure necessary to carry out the Plan;

(b) the Plan meets all the requirements of 30 CFR Chapter VII, Subchapter R;

(c) the State has an approved regulatory program; and

(d) the Plan is in compliance with all applicable State and Federal laws and regulations.

3. The Assistant Secretary has solicited and considered the views of other Federal agencies having an interest in the plan as required by 30 CFR 884.14(a)(2). These agencies include the U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (FWS), and the Bureau of Mines (BOM).

Disposition of Comments

The following comments received on the Virginia Abandoned Mine Land Reclamation Plan during the public comment period were considered in the Assistant Secretary's evaluation of the Virginia plan as indicated.

1. The USFS commented that since the single dominant land use of the coal region in the State is forest land, the Virginia Division of Forestry should be a member of the RAMP State Reclamation Committee and the Abandoned Mine Land Advisory Committee. OSM's response is that Section 406 of SMCRA provides for the Secretary of Agriculture through the Soil Conservation Service

(SCS) to manage the RAMP program. The Commonwealth of Virginia has no objections to the Division of Forestry being included on the RAMP Committee. Therefore, OSM will make that recommendation to SCS. The Virginia Division of Forestry is a sister agency of the Division of Mined Land Reclamation in the Department of Conservation and Economic Development. The Plan on page 69 provides for technical assistance by other agencies under the Secretary of Commerce and Resources, and the A–95 review process will provide opportunity for the Division of Forestry to review and comment on proposed projects. The OSM is satisfied that adequate opportunity for participation by the Virginia Division of Forestry will be provided under the Plan.

2. The USFS had several editorial comments relating to forest acreage and provided recent information on the Mount Rogers National Recreation Area Management Plan and its Final Environmental Impact Statement. These comments were brought to the attention of the Regulatory Authority and the Reclamation Plan was corrected.

3. The FWS commented that Figure 11, page 99, the "Environmental Problems Matrix", should include "impacts to fish and wildlife" and that such impacts should be considered in determining reclamation priorities. OSM's response is that the Virginia Plan provides for the consideration of fish and wildlife values in the ranking and selection procedures, page 33, Figure 2, Site Evaluation Matrix, under the heading "Biota." The environmental problems matrix is not intended to identify problems such as fish and wildlife but rather generic mining problems. OSM is satisfied that impacts on fish and wildlife will receive adequate consideration through the A–95 process, the memorandum of understanding with the Commission of Game and Inland Fisheries, and the ranking and selection process in the Plan.

4. The FWS commented: "What is the basis for assuming that complete abatement of mine drainage will occur with reclamation of surface mines and refuse piles?" OSM's response is that the Virginia Department of Conservation and Economic Development has agreed to delete the sentence from page 120 of the Plan.

5. The FWS commented that the information regarding endangered or threatened species was out of date and incomplete. OSM brought this matter to the attention of the Virginia Department of Conservation and Economic Development and this section of the Plan was amended and the information furnished by FWS included in the Plan.

6. The BOM commented that more detail needs to be given to data collection and interpretation with regard to base line studies in such areas as surface and subsurface hydrology and acid mine drainage and abatement methods in the southwest coalfield. OSM's response is that, as stated in the Abandoned Mine Land Reclamation Program Final Rules, "Responses to Comments, Part 884", (43 FR 49938 October 25, 1978), ". . . existing and readily available information would be gathered, analyzed and summarized" for the State Plans. It is recognized that additional information may have to be obtained in the future to update or fill information gaps. The OSM is satisfied that information needs will be identified in the ranking, selection and review process provided for in the Plan prior to the funding of specific projects.

7. The BOM commented that there are certain differences between requirements of 30 CFR Parts 874, 879 and 882 of the Secretary's implementing regulations, Titles I, II, III, IV and V of SMCRA, and the provisions contained in the Virginia Reclamation Plan and supporting documents. OSM's response is that the sections of 30 CFR not included in the Virginia supporting documents are not applicable for a Virginia State Plan. Moreover, Titie I, II, III and V of the SMCRA are not addressed in the State Reclamation Plan as these titles are not applicable to the Plan.

8. The BOM also commented that: "It should be indicated that the No. 1 priority problem in the Virginia Reclamation Plan is the landslide hazard due to abandoned surface mines and refuse piles." OSM's response is that this is specifically stated and outlined on page 140 of the Plan which discusses planned priority reclamation efforts.

9. The Appalachian Regional Commission (ARC) commented that the Plan states that Virginia has the necessary laws to comply with OSM regulations but has not elaborated on this existing legislation. OSM's response is that 30 CFR 884.13(b) requires an opinion of the State's chief legal officer that the designated agency has the authority under State law to conduct the program in accordance with the requirements of Title IV of the Act, the regulations of this subchapter (i.e. subchapter R) and the State reclamation plan. The Virginia Plan furnishes such an opinion and the OSM has examined the Commonwealth of Virginia statute and concludes that the statute complies with the SMCRA and no further elaboration is necessary.

10. The ARC commented that the Virginia Plan indicates that the State has a regulatory agency that can run a State program and receive primacy from OSM. However, the Plan does not elaborate on what the agency consists of or how it will regulate under the Federal law. OSM disagrees, because pp. 69–83 of the Virginia Plan describes in sufficient detail the administrative structure and policies of the Division of Mined Land Reclamation which will be responsible for the Virginia abandoned mine reclamation program.

Additional Findings

The Office of Surface Mining has examined this rulemaking under section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Virginia Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the Commonwealth's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.3(A)(1), the Assistant Secretary's decision on the Virginia Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or

environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

Dated: December 10, 1981.

J. R. Harris,

Director, Office of Surface Mining.

Dated: December 10, 1981.

W. L. Dare,

Assistant Secretary—Energy and Minerals.

Therefore, Part 946 is amended by adding Section 20 to read as follows:

PART 946—VIRGINIA

§ 946.20 Approval of Virginia abandoned mine plan.

The Virginia Abandoned Mine Plan, as submitted on September 22, 1980, is approved. Copies of the approved program are available at:

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris St., Charleston, West Virginia 25301

Department of Conservation and Economic Development, Powell and River Streets, Big Stone Gap, Virginia

The Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240

[FR Doc. 81-35821 Filed 12-14-81; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 946

Approval of Permanent Regulatory Program Submission; Commonwealth of Virginia

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; conditional approval of Virginia's proposed permanent regulatory program.

SUMMARY: On August 13, 1981, the Commonwealth of Virginia resubmitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This follows an initial approval in part and disapproval in part of the proposed program which was published in the **Federal Register** on October 22, 1980, 45 FR 69977–70000. The purpose of the resubmission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII. Only those portions of the Commonwealth's original submission which were not initially approved or which were changed are considered in this decision. A new Part 946 is being added to 30 CFR Chapter VII to implement this decision. This rule grants conditional approval of the Virginia permanent regulatory program.

EFFECTIVE DATE: This conditional approval is effective December 15, 1981. This conditional approval will terminate as specified in 30 CFR 946.11 unless the deficiencies identified below have been corrected in accordance with the dates specified in 30 CFR 946.11, adopted below.

ADDRESS: Copies of the Virginia program and the administrative record on the Virginia program are available for public inspection and copying during regular business hours at:

Office of Surface Mining, Room 153, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Phone: (202) 343–4728

Office of Surface Mining, Region I, 603 Morris Street, Charleston, West Virginia 25301, Phone: (304) 342–8125

Virginia Division of Mined Land Reclamation, P.O. Drawer U, 620 Powell Avenue, Big Stone Gap, Virginia 24219, Phone: (703) 523–2925

For locations where copies of the full text of the program are available for inspection, see "SUPPLEMENTARY INFORMATION."

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Program Operations and Inspection, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Phone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: A. Copies of the full text of the program are available for inspection during regular business hours at the following locations:

Office of Surface Mining, Lebanon District Office, Flannagan and Carroll Streets, Lebanon, VA 24266, Phone: (703) 889–4032

Dept. of Conservation and Economic Development, 1100 State Office Bldg., Richmond, VA 23219, Phone: (804) 786–2121

Buchanan County Public Library, Grundy, VA 24614, Phone: (703) 546–1141

Lee County Public Library, 406 Joslyn Avenue, Pennington Gap, VA 24277, Phone: (703) 546–1141

Scott County Public Library, Gate City, VA 24251, Phone: (703) 386–3302

Tazewell County Public Library, Main Street, Tazewell, VA 24651, Phone: (703) 988–2541

Office of Surface Mining, Richlands Field Office, Gateway Shopping Center, Highway 460, Richlands, VA 24641, Phone: (703) 964–4022

The Virginia State Library, 12th and Capital Streets, Richmond, VA 23219, Phone: (804) 786–8929

Dickenson County Public Library, Clintwood, VA 24228, Phone: (703) 926–6617

Russell County Public Library, Library Courthouse, Lebanon, VA 24266, Phone: (703) 889–2881

Wise County Public Library, Ridgefield Acres, Wise, VA 24293, Phone: (703) 328–8061

Background

The general background on the permanent program, the program approval process, and the Virginia program submission were discussed in the **Federal Register** notice of October 22, 1980 (45 FR 69978–69981). Amendments to the Federal regulations were published January 23, 1981 (46 FR 7894, FR 7906); July 17, 1981 (46 FR 37232); August 17, 1981 (46 FR 41702); September 29, 1981 (46 FR 47720), October 8, 1981 (46 FR 50018); October 28, 1981 (46 FR 53376); and November 2, 1981 (46 FR 54495). An interpretive rule was published November 7, 1980 (45 FR 73945). Additional regulations were suspended pending further rulemaking August 19, 1981 (46 FR 42063).

Also, in the October 22, 1980 **Federal Register** notice, the Secretary announced his partial approval and partial disapproval of the Virginia program. The rules and legislative provisions in the Commonwealth's initial submission were approved with the exceptions noted under the heading "SECRETARY'S DECISION", October 22, 1980 (45 FR 69996–70000).

A. Background on the Virginia Resubmission

In accordance with the procedures set forth in 30 CFR 732.13(f), the Commonwealth of Virginia originally had 60 days from the date of publication of the Secretary's partial approval decision on October 22, 1980, to resubmit a revised program for consideration. On December 3, 1980, the Virginia Circuit Court for Dickenson County enjoined the Virginia Department of Conservation and Economic Development from submitting or resubmitting to the Office of Surface Mining (OSM) the Virginia Permanent

State Program. The Court also enjoined Virginia from implementing or enforcing the Virginia Permanent State Program. On July 22, 1981, acting upon a motion by Virginia, the Court modified its order to permit the submission to OSM of the revised program. The State submitted its revised program for consideration on August 13, 1981. Announcement of Virginia's resubmission was made in newspapers of general circulation within the Commonwealth of Virginia and published in the **Federal Register** on August 17, 1981 (46 FR 41525–41527). That **Federal Register** notice also announced a public comment period extending to September 4, 1981, and a public hearing which was held on September 3, 1981, in Wise, Virginia. In response to environmental public interest groups, the public comment period was extended until September 8, 1981. This extension was announced in the **Federal Register** on August 31, 1981. An additional 15 day public comment period was announced in the **Federal Register** on November 2, 1981 (46 FR 54385), in order to allow public comment on additional information submitted by Virginia and to consider the Virginia program in light of the new definition of "consistent with", which sets a new standard for comparison of the State programs with the Federal regulations, 30 CFR 732.15 (46 FR 53376–53384 October 28, 1981). The second public comment period ended on November 17, 1981. Public disclosure of comments by Federal agencies was made on December 9, 1981 (46 FR 60216).

On December 8, 1981, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the Virginia program.

The Regional Director completed his program review on December 1, 1981, and forwarded the public hearing transcripts, written presentations, and copies of all comments to the Director together with a recommendation that the program be conditionally approved.

On December 8, 1981, the Director recommended to the Secretary that the Virginia program be conditionally approved.

The basis and purpose statement for the Secretary's decision to conditionally approve Virginia's program consists of this notice and the October 22, 1980 **Federal Register** notice, announcing the Secretary's initial decision. The Virginia program consists of the formal submission of March 3, 1980 (Administrative Record No. VA 1), as amended on April 10, 1980, May 5, 1980, June 13, 1980, June 16, 1980, August 13, 1981, September 21 and 22, 1981, and October 19, 1981 (Administrative Record Nos. VA 44, 65, 93, 94, 268, 314, 329).

Throughout the remainder of this notice, "Virginia program" or "Virginia submission" is used to mean the documents cited above together with those parts of the initial submission partially approved on October 22, 1980. The term "resubmission" only refers to those portions of the Virginia program resubmitted on August 13, 1981 (Administrative Record No. VA 268). The term "September 21 and 22, 1981, meeting" refers to a meeting held between OSM and the Virginia Department of Conservation and Economic Development (Administrative Record No. VA 314), the purpose of which was to discuss apparent deficiencies which had been found in the Virginia program submission. The term "October 15, 1981, letter" refers to a letter from Virginia to OSM responding to the minutes of the September 21 and 22, 1981, meeting (Administrative Record No. VA 329).

The Secretary's Findings below are organized to follow the order set forth in Section 503 of SMCRA and 30 CFR 732.15. These sections specify the findings which the Secretary must make before he may approve a regulatory program. When the Secretary announced his initial decision on the Virginia program, he included with the analysis his findings on the program provisions. In each instance, except as noted under the heading "SECRETARY'S FINDINGS" below, Virginia has amended its program through its resubmission and its October 15, 1981, letter to correct the deficiencies cited in the notice announcing the Secretary's initial decision. Where appropriate, the reader is referred to specific findings in the October 22, 1980, **Federal Register** notice for a complete discussion of the issues.

B. Secretary's Findings

1. The Secretary finds, in accordance with Section 503(a) of SMCRA and 30 CFR 732.15, that Virginia has the capability to carry out the provisions of SMCRA and to meet its purposes in the following ways.

(a) The Virginia Coal Surface Mining Control and Reclamation Act of 1979, House Bill 1514 (Virginia CSMCRA), and the regulations adopted thereunder provide, except as noted in the findings below, for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands in Virginia in accordance with SMCRA. This finding is based on the requirements of Section 503(a)(1) of SMCRA [30 U.S.C. 1253(a)(1)]. The issues underlying this finding are analyzed in Findings 4b, 4c, 4j, 4k, 4l, 4q and 4s, below.

(b) The Virginia CSMCRA provides, except as noted in the finding below, sanctions for violations of Virginia laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the Virginia Department of Conservation and Economic Development or its inspectors.

This finding is based on the requirements of Section 503(a)(2) of SMCRA [30 U.S.C. 1253(a)(2)]. The issues underlying this finding are analyzed in Finding 4j, below.

(c) The Virginia Department of Conservation and Economic Development has sufficient administrative and technical personnel and sufficient funds to enable Virginia to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA. This finding is based on the requirements of Section 503(a)(3) of SMCRA [30 U.S.C. 1253(A)(3)].

(d) Virginia SMCRA provides for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within Virginia.

This finding is based on the requirements of Section 503(a)(4) of SMCRA [30 U.S.C. 1253(a)(4)].

(e) Virginia has established, except as noted in the findings below, a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA, 30 U.S.C. 1272.

This finding is based on the requirements of Section 503(a)(5) of SMCRA [30 U.S.C. 1253(a)(5)]. The issues underlying the finding are analyzed in Finding 4k, below.

(f) Virginia has established, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other Federal and State permit processes applicable to the proposed operations.

This finding is based on the requirements of Section 503(a)(6) of SMCRA [30 U.S.C. 1253(a)(6)].

(g) Virginia has, except as noted in the findings below, fully enacted regulations

consistent with regulations issued pursuant to SMCRA.

This finding is based on the requirements of Section 503(a)(7) of SMCRA [30 U.S.C. 1253(a)(7)]. The issues underlying this finding are analyzed in Findings 4b, 4c, 4d, 4j, 4k, 4l, and 4q, below.

2. As required by Section 503(b)(1)-(3) of SMCRA, 30 U.S.C. 1253(b)(1)-(3), and 30 CFR 732.11–732.13, the Secretary has, through OSM:

(a) Solicited and publicly disclosed on December 9, 1981, (46 FR 60216), the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed Virginia program;

(b) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Virginia program being approved today which relate to air or water quality standards promulgated under the authority of the Clean Water Act, as amended, 33 U.S.C. 1151–1175, and The Clean Air Act, as amended, 42 U.S.C. 1857 *et seq.;* and

(c) Held a public review meeting in Big Stone Gap, Virginia on April 10, 1980, to discuss the completeness of the Virginia program submission, held a public hearing in Wise, Virginia on July 17, 1980, on the adequacy of the Virginia program submission, and held a public hearing on the resubmission of the Virginia program on September 3, 1981, in Wise, Virginia.

3. The Secretary finds that the Commonwealth of Virginia has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

This finding is based on the requirements of Section 503(b)(4) of SMCRA [30 U.S.C. 1253(b)(4)].

4. In accordance with 30 CFR 732.15, the Secretary finds, on the basis of information in the Virginia program submission, including the section-by-section comparison of the Virginia law and the regulations with SMCRA and 30 CFR Chapter VII, public comments, testimony and written presentations at the public hearings, and other relevant information, that:

4a. The Virginia program provides, except as noted in the findings below, for Virginia to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII. The issues underlying this finding are analyzed in the findings discussed throughout this **Federal Register** notice.

4b. As discussed in Finding 4(b) of the October 22, 1980 **Federal Register** notice, Virginia submitted eight "state window" alternative approaches to the requirements of 30 CFR Chapter VII under the provisions of 30 CFR 731.13 (44 FR 15324). The Federal standards for reviewing State alternatives were amended in the final rules published in the **Federal Register** on October 28, 1981 (46 FR 533376–533389). That notice further stated that the Secretary would evaluate the Virginia program under the new criterion established in the new rule. As a result, the Virginia alternative proposals were reviewed under the new criterion which provides that a State may adopt any provisions which are as effective as the Federal regulations. In addition, the new rule eliminated the requirement that a State demonstrate that the proposed alternative is necessary because of local requirements or conditions.

The Virginia alternatives were discussed at Findings 4(b)(i) through 4(b)(viii) in the October 22, 1980 **Federal Register**. In view of the subsequent change in the Federal rule concerning evaluation of alternatives, they are no longer considered as a group. Discussion of the original alternatives is arranged in this **Federal Register** notice as follows:

Existing Structures as discussed in Finding 4(b)(i) of the October 22, 1980 **Federal Register** notice, is now discussed in Finding 4(d)(iii).

Designating Areas Unsuitable for Surface Coal Mining Operations as discussed in Finding 4(b)(ii) of the October 22, 1980 **Federal Register** notice, is now discussed in Finding 4(k)(iii).

Backfilling and Grading Previously Mined Areas as discussed in Finding 4(b)(iii) of the October 22, 1980 **Federal Register**, is now discussed in Finding 4(c)(iii).

Topsoil Removal as discussed in Finding 4(b)(iv) of the October 22, 1980 **Federal Register**, is now discussed in Finding 4(c)(iv).

Sediment Ponds as discussed in Finding 4(b)(v) of the October 22, 1980 **Federal Register**, is now discussed in Finding 4(c)(v).

Disposal of Excess Spoil as discussed in Finding 4(b)(vi) of the October 22, 1980 **Federal Register**, is now discussed in Finding 4(c)(vi).

Steep Slope Mining as discussed in Finding 4(b)(vii) of the October 22, 1980 **Federal Register**, is now discussed in Finding 4(c)(vii).

Haul roads as discussed in Finding 4(b)(viii) of the October 22, 1980 **Federal Register**, is now discussed in Finding 4(c)(viii).

4c. The Secretary finds that the Virginia Department of Economic Development has authority under Virginia laws to implement, administer, and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K, and the Virginia program includes provisions, except as noted below, adequate to do so. Special provisions comparable to 30 CFR Parts 820, 822 and 825 for anthracite mines and operations in alluvial valley floors are not applicable to or included in the Virginia law or regulations. This finding is made under the requirements of 30 CFR 732.15(b)(1).

Virginia incorporates provisions corresponding to Sections 515 and 516 of SMCRA in Chapter 19, Virginia CSMCRA Sections 45.1–242 and 45.1–243 and in the Virginia Regulations Subchapter VK.

Discussion of significant issues raised during the review of the Virginia environmental performance standards follows.

(i) As discussed in Finding 4(c)(i) of the October 22, 1980 **Federal Register** notice, Virginia Regulation V817.48 omitted the phrase "underground development waste and". Virginia has corrected Virginia Regulation V817.48 by incorporating these words. Therefore, the Secretary finds that the State provision is consistent with the Federal requirements.

(ii) As discussed in Finding 4(c)(ii) of the October 22, 1980 **Federal Register** notice, Virginia Regulation V817.59 (Coal Recovery) had modified the term "best technology currently available" to read "best appropriate technology currently available." As requested by the Secretary (45 FR 69985), Virginia deleted the word "appropriate." However, in the resubmission the word "reasonably" was used instead of "currently" in this phrase.

The Secretary has reconsidered the requirements of 30 CFR 817.59 and has concluded that Virginia's regulations would be consistent with the Secretary's regulations, for purposes of Virginia Regulation 817.59, through use of either the term "appropriate" or "reasonably available" technology. The intent of the section was to ensure that coal operators would conduct mining operations so as to maximize resource recovery while at the same time preserving the environmental balances after mining has ended. This same standard was met in the Secretary's regulations for surface mining activities in 30 CFR 816.59 through the stipulation that the "best appropriate technology currently available" be used to maintain environmental integrity. The preamble to the Federal permanent program regulations does not explain why 30

CFR 816.59 and 817.59 use different terminology. This finding is not intended to indicate that the "best technology currently available," the "best appropriate technology currently available" or the "best technology reasonably available" are equivalent in every usage. Rather, it is a recognition that the purpose of 30 CFR 817.59, which is to ensure that maximization of coal recovery not supersede the requirement of other standards, can be satisfied by any of the above terms (44 FR 15178–9, March 13, 1979). For this reason, the Secretary finds that the State's provision in V817.59 is consistent with the Federal requirements.

For purposes of the Virginia regulations, except Virginia Regulation V817.59, the Secretary finds that the use of the term "best technology reasonably available" is not consistent with the definition of "best technology currently available" in 30 CFR 701.5 and its use in SMCRA. For example, in Virginia Regulation V786.21(c)(4)(i)(A), regarding existing structures, the use of the term "best technology reasonably available" as defined in Virginia Regulation V701.5 would mean that a sediment control measure would be required to "minimize, to the extent feasible, additional contributions of suspended solids to streamflow or runoff outside the permit area." However, if the term "best technology currently available" is used, the Virginia regulation would require sediment control measures "to prevent to the extent possible additional contributions of suspended solids to streamflow or runoff outside the permit area." The fact that Virginia requires coal mines to *minimize* sediment contributions using the "best technology reasonably available," indicates that the Virginia requirement is not as stringent as that contained in SMCRA.

Approval of the Virginia program is conditioned upon the State adopting the term "best technology currently available" defining the term consistent with SMCRA and the Federal regulations, and incorporating the term into all Virginia regulations where "best technology reasonably available" is now used with the exception of Virginia Regulation V817.59, as discussed above.

(iii) As discussed in Finding 4(b)(iii) of the October 22, 1980 **Federal Register** notice, Virginia proposed alternative provisions in Virginia Regulations V816.107 and V817.107, which addressed backfilling and grading of previously mined areas. The Secretary disapproved these provisions in the original submission. The Secretary listed six important considerations which he believed Virginia should address in its rationale supporting the proposal (45 FR 69983). In Volume I, pages 11–25, of its resubmission, Virginia addressed these considerations with the exception of whether material will be placed in fills or otherwise disposed of off the premined bench. At the September 21 and 22, 1981, meeting, Virginia assured OSM that its program addressed this consideration though Virginia Regulations V826.13 and V826.15(f), which limit spoil placement and require that all overburden resulting from mining on previously mined benches be kept on the bench and not placed in fills except in limited and acceptable situations as set forth in Virginia Regulation V826.15(f). After considering Virginia's supporting rationale for the proposal and the discussion of the September 21 and 22 meeting, the Secretary finds that so long as it is Virginia's intention to interpret its regulations as requiring a variance from AOC under Virginia Regulation V826.15(f) before an operator may rely on the provisions contained in Virginia Regulations V816.107, V817.107 and V826.13 for previously mined areas, the Secretary's previous considerations have been addressed. Virginia may, if it wishes, make this clear by incorporating the language of Virginia Regulation V826.15(f) in the other sections. The Secretary finds that the Virginia program addresses unique environmental circumstances, attendant to the remining of previously mined areas, which are not specifically addressed in SMCRA. Further, OSM has not yet promulgated regulations on this issue which Virginia could utilize in drafting its proposal. Therefore, the Secretary approves Virginia Regulations V816.107 and V817.107 for backfilling and grading of previously mined areas. Virginia may have to amend these regulations if necessary to be consistent with any rules subsequently promulgated by OSM on this subject.

(iv) As discussed in Finding 4(b)(iv) of the October 22, 1980 **Federal Register** notice, the Virginia alternative to 30 CFR 816.22 and 817.22 proposed that selected overburden materials may be substituted for or used as a supplement to topsoil if the slope of the land containing the topsoil is greater than 60 percent and the selected overburden materials satisfy certain criteria. In those situations, Virginia would not require additional comparisons of the existing topsoil and the proposed substitute. In the October 22, 1980 **Federal Register** notice, the Secretary asked Virginia for assurances that the proposed alternative would be implemented consistent with the interpretive rules relating to topsoil substitutes and supplements (45 FR 39447; June 10, 1980). In Volume I, pages 25–27, of the Virginia resubmission, this assurance was provided to the Secretary. In implementing the alternative on areas having a slope greater than 60 percent Virginia will require the operator to demonstrate that the substitute or supplemental material meets the minimum criteria. Since the Division of Mined Land Reclamation (DMLR) already has information to satisfy the interpretive rule regarding insufficient existing topsoil, the operator will not be required to submit the documentation for areas having a slope greater than 60 percent. Based on these assurances, the Secretary finds that Virginia's proposal is consistent with 30 CFR 816.22(e) and 817.22(e) and the interpretive rules relating to topsoil substitutes and supplements.

(v) As discussed in Finding 4(b)(v) of the October 22, 1980 **Federal Register** notice, the Secretary found that Virginia's provision for allowing the use of non-toxic and non-acid forming coal waste in the construction of sediment structures under certain conditions would be acceptable if Virginia would require compliance with the provisions of 30 CFR 816.91 through 816.93 and 817.91 through 817.93. Virginia Regulations V816.91 through V816.93 and V817.91 through V817.93 incorporate provisions identical to the Federal requirements. Furthermore, in Volume I, pages 32–34, of its resubmission, Virginia states that compliance with the Virginia regulations cited above is required in all instances, including sediment ponds, where coal processing waste is used in dams and embankments. Therefore, the Secretary finds the Virginia proposal to be consistent with the Federal requirements.

(vi) As discussed in Finding 4(b)(vi) of the October 22, 1980 **Federal Register** notice, Virginia proposed an alternative for disposal of excess spoil in Virginia Regulations V816.75 and V817.75 which provided an additional method for the disposal of excess spoil in areas other than the actual mined area. In his initial decision, the Secretary found the proposed alternative to be less stringent than the requirements of the Federal regulations and SMCRA (45 FR 69984). A number of findings were included in the Secretary's decision which addressed logistical problems in construction and design and the omission of certain statutory requirements. These included: 1. Drainage over the outslope; 2. failure to remove vegetation and topsoil: 3. end-dumping; 4. failure to require

underdrains under the non-structural zone; 5. lack of specified lift thicknesses; 6. lack of a filter system to protect the underdrains; and 7. lack of controlled transportation of spoil. The resubmitted program made no changes to the original regulations. However, in Volume I, pages 35–42 of the Virginia resubmission, Virginia provided justification in support of the proposal which is discussed below.

a.1. *Drainage over the Out-slope.* Virginia provision provides that water may be discharged over the out-slope of fills. The State's justification is that SMCRA does not expressly prohibit this provision since Section 515(b)(22)(c) of SMCRA simply requires "appropriate" systems to control surface and subsurface drainage. Virginia maintains that as long as the drainage system is properly designed, its proposal is no less effective than the requirements of SMCRA. Although the Secretary recognizes that it may be feasible to locate ditches on fill material, the Virginia regulation, standing alone, does not indicate how Virginia intends to control design and construction of such ditches to minimize the risk of infiltration from the ditch adversely impacting the integrity and stability of the fill.

2. *Failure to Remove Vegetation and Topsoil.* Virginia contends that since the language of 30 CFR 730.5 requires only that State submissions contain requirements corresponding to "applicable provisions" of SMCRA, it may omit those requirements in Section 515(b)(22) of SMCRA, such as removal of organic material and construction of underdrains in portions of the fill in which such requirements are not necessary to the "zoned" concept of constructing fills proposed by Virginia. The Secretary finds that all provisions of Section 515(b)(22) of SMCRA are applicable to disposal of excess spoil in Virginia. The only instance in which the Secretary believes that the selected provisions of 515(b)(22) would not be "applicable" would be where, due to conditions in the area of mining, such as terrain, climate, biologic, chemical or other physical conditions, the particular requirement is not applicable. The Secretary does not believe that the SMCRA allows the State to select "applicable" requirements solely based upon the method of mine design selected.

3. *End-Dumping.* Virginia maintains that spoil in the structural zone would be placed in near horizontal lifts and compacted to densities and strengths required to assure proper stability. Further, spoil in the non-structural zone would be placed to assure mass stability and prevent mass movement. Based on these assurances, the Secretary finds that the Virginia provisions for controlled placement are consistent with 30 CFR 816.71(f) and 817.71(f).

4. *Failure to Require Underdrains Under the Non-Structural Zone.* Virginia contends that the construction of underdrains in the non-structural zone is not necessary in all situations and therefore is not an "applicable provision" as addressed by 30 CFR 730.5. See the previous discussion concerning this issue in "2" above.

5. *Lack of Specified Lift Thicknesses.* See discussion of this issue in "3" above.

6. *Lack of Filter System to Protect Underdrains.* Virginia disagrees with the Secretary's finding that filter systems must be required to protect the underdrain system. While Virginia's provision requires filters "unless otherwise approved" by the regulatory authority, Virginia's resubmission Volume I, page 40–41, states that "a filter system may not be required for a given design" but fails to illustrate situations where the absence of a filter system is acceptable. Filters are state-of-the-art for protection of underdrain permeability and prevention of piping, and thus intrinsic to "appropriate . . . internal drainage systems . . . to prevent spoil erosion and movement", as required by 515(b)(22)(c) of SMCRA. Therefore, the Secretary's concern remains and Virginia's argument is rejected.

7. *Controlled Transportation of Spoil.* The Secretary objected to the lack of provisions for controlled transportation of spoil. In Virginia's resubmission, the State contends that its regulations required controlled transportation. Virginia Regulations V816.71(g) and V817.71(g) require that a spoil be transported and placed in a controlled manner. Based on discussion of those requirements in the program resubmission and the requirements of Virginia's regulations, the Secretary finds Virginia's provisions for controlled transportation are consistent with the Secretary's regulations.

Virginia fails to address certain other concerns raised in the October 22, 1980, decision related to Virginia Regulations V816.75 and V817.75, which govern disposal of spoil. These issues will not be discussed again at this juncture, but may be found in Administrative Record No. VA 122.

Because most of the Secretary's concerns regarding Virginia Regulations V816.75 and V817.75 remain unresolved, the Secretary cannot accept these regulations and conditions approval of the Virginia program on deletion of these provisions.

b. Although Virginia failed to correct the deficiencies in its regulations, it did submit proposed regulations which would modify Virginia Regulations V816.75 and V817.75. The State believes that the proposed regulations would address all of the concerns of the Secretary as expressed in the initial decision.

The modified version of V816.75 contained in Volume I, Appendix D, of the resubmission, is proposed as an alternative to resolve the issues raised by the previously discussed rules. Subject to public comment when Virginia submits these provisions as a program amendment, they appear to resolve all of the issues with the exception of the following.

In Volume I, page 35–42, of its resubmission, Virginia states that Virginia Regulation V816.75(d) was modified to require removal of organic material in the non-structural zone. The Secretary cannot determine that this change has been made. This deficiency may be corrected by changing the proposed V816.75(d) and V817.75(d) to read ". . . topsoil in the structural zone of the embankment *and the non-structural zone of the fill* shall be removed . . ." Virginia officials agreed to make this correction at the September 21 and 22, 1981, meeting.

With the above change, the proposed modified version of V816.75 and V817.75 would appear, subject to public comment, to be acceptable as regulations which are consistent with the Federal regulations and in accordance with Section 515(b)(22) of SMCRA. Once this change is made and the regulation formally promulgated, Virginia may resubmit it as an amendment to the program being conditionally approved by this notice.

(vii) As discussed in Finding 4(b)(vii) of the October 22, 1980 **Federal Register** notice, Virginia proposed an alternative in Virginia Regulations V826.12(b) and (g) regarding stability of backfilled areas and incorporation of drainage channels, terraces, and roads into the backfilled area. The Secretary disapproved these provisions in Virginia's original submission.

Virginia Regulation V826.12(b) allows the regulatory authority to specify a static safety factor higher or lower than 1.3. 30 CFR 826.12(b) requires a safety factor of 1.3. In Volume I, pages 42–47, of its resubmission, Virginia has provided additional rationale in support of its proposal and cited a publication by Bowles, 1977, entitled *Foundation*

Analysis and Design, which contains an assessment of accuracy in developing design/analysis methods. Virginia also provided a compilation of a family of curves constructed from stability analysis of various fill embankment configurations using an array of strength and hydraulic parameters prepared by D'Appolonia Engineers under contract to Virginia which demonstrated the need to consider special design considerations due to the particular conditions existing in the steep sloped areas of Virginia. Based on this additional information, the Secretary accepts Virginia's position that application of safety factors must be based on their relation to the overall knowledge and uncertainty that exists under site-specific circumstances. The Secretary continues to believe that a factor of safety of 1.3 represents good engineering practices for backfilled areas under most design conditions. However, the Secretary recognizes that the degree of uncertainty in the stability calculation can be reduced through thorough geotechnical testing and analyses. For these reasons, and because Virginia will strictly limit any variances, the Secretary accepts Virginia's regulation based on Virginia's assurance that it will allow a factor of safety of no lower than 1.2. The Secretary feels this lower limitation is justified based upon accepted engineering practice and the necessity to ensure that backfilled areas achieve an adequate long term stability as required by SMCRA. Virginia has indicated that it will limit its proposal to allow a factor of safety of no lower than 1.2. Based on this assurance, the Secretary finds this part of the Virginia program consistent with the Federal requirements.

Virginia Regulation V826.12(g) allows the uppermost portion of the highwall to be incorporated into a road or drainage structure at the top of the backfill area. This provision was disapproved by the Secretary in the October 22, 1980 **Federal Register** notice. In the Virginia resubmission, Virginia did not amend this proposal to include the suggestions of OSM that vertical highwalls be "shaved" to blend into the surrounding terrain and complement the existing drainage patterns and that only short sections of rock or sandstone might be allowed to remain (Administrative Record No. VA 265). In its October 15, 1981 letter, Virginia provided assurance that in the interim period prior to the promulgation of a regulatory change, it will require the shaving or blending of highwalls serving as an integral part of a road or drainage structure to conform to the surrounding terrain. Based on this assurance, the Secretary is conditioning approval upon the State adopting regulations or otherwise amending its program to require that where roads or drainage structures would be left at the top of the backfill area, the highwall must still be eliminated by shaving and blending into the surrounding natural terrain.

(viii) As discussed in Finding 4(b)(viii) of the October 22, 1980 **Federal Register** notice, Virginia allows substrata materials exposed by road cuts to be used in place of topsoil or other suitable materials, if such materials are demonstrated to be topsoil substitutes satisfactory for establishing vegetation, as required by Virginia Regulation V816.22(e)(1)(A).

As discussed in Finding 4(c)(iv) above, Virginia has provided assurances that its provisions will be implemented consistent with the interpretive rule published by OSM in the **Federal Register** on June 10, 1980 (45 FR 39447). Based on this assurance, the Secretary approves this part of the Virginia program.

(ix) In Virginia Regulation V816.33 and the Virginia Coal Surface Mining Technical Handbook, Virginia does not provide for requirements consistent with 30 CFR 816.43(d) (Hydrologic Balance: Diversions), which prohibits locating diversions where they would increase landslide potential or constructing them on existing landslide areas. Furthermore, Virginia has no provision consistent with the requirement in 30 CFR 816.43(f)(4) that excess excavated material from diversion construction be treated as excess spoil. The Virginia program also fails to provide any alternative standards for the disposal of such material.

The Secretary finds Virginia's regulations not as effective as the Federal regulations and not consistent with Section 515(b)(4) of SMCRA, which requires all surface mining and reclamation operations to stabilize and protect all surface areas to control erosion and water pollution. Therefore, approval of the Virginia program is conditioned upon the State amending its program to standards for diversion structures consistent with those in 30 CFR 816.43(d), 816.43(f) (3) and (4).

(x) In Virginia Regulations V816.37(b) and V817.37(b), Virginia authorizes the granting of exemptions from Virginia Regulations V816.37(a) and V817.37(a), which require that discharges meet all applicable Federal and State laws and regulations and applicable effluent limits set forth in the National Pollutant Discharge Elimination System (NPDES). The exemption would be allowed when the operator demonstrates with pre-existing baseline data that the existing water quality does not meet the effluent limitations. The applicable effluent limits are set forth to conform with the NPDES under the Federal Water Pollution Control Act of 1972 (P.L. 92–500, as amended by P.L. 95–217) program. This program is administered by the Environmental Protection Agency under 40 CFR 434. The Secretary finds the Virginia provisions which allow the exemption inconsistent with Sections 515(b)(8)(c) and (10)(B) of SMCRA and 30 CFR 816.42 and 817.42, which require discharges to comply with applicable Federal laws. Therefore, as a condition of approval, Virginia must remove the exemption provided for under Virginia Regulations V816.37(b) and V817.37(b).

(xi) Virginia's blasting regulations differ from the Federal regulations and in certain instances omit requirements of SMCRA. These departures are as follows:

(1) *Blasting Schedule.* Virginia Regulations V816.61(b) and V816.64(a)(1) allow up to fifty (50) pounds of explosives to be detonated without publishing notice in the operator's blasting schedule. The Federal requirements in 30 CFR 816.61(b) and 816.64(a)(1) provide that blasts using more than five pounds of explosive or blasting agent shall be conducted according to the published schedule. Thus, Virginia's provisions are inconsistent with the Federal requirements. As a condition of approval, Virginia must modify its regulations to fully inform the public of all blasts in which more than five pounds of explosive or blasting agent are to be detonated.

(2) *Vibration Limit.* In Virginia Regulations V816.65(i) and V817.65(i), Virginia allows the maximum ground vibrations from an explosive detonation to be 2.0 inch per second. 30 CFR 816.65(i) requires a 1.0 inch per second limit. The U.S. District Court for the District of Columbia did not invalidate or remand 30 CFR 816.65(i) in its May 16, 1980, decision on the permanent program rules (*In re: Permanent Surface Mining Regulation Litigation,* Civil No. 79–1144), although the Court of Appeals had done so with a similar provision in the interim program regulations, 30 CFR 715.19(e)(2)(ii) (*In re: Permanent Surface Mining Regulation Litigation,* appeal from Civil No. 78–0162). Therefore, as a condition of approval, Virginia must amend its regulations to adopt the 1.0 inch per second criterion.

(3) *Distance Factor.* Virginia Regulations V816.65(k) and V817.65(k) allow for a scaled distance factor of 50

to be used in determining the maximum pounds of explosive to be used per delay. 30 CFR 816.65(k) requires a scaled distance of 60. The scaled distance factor is related to the maximum ground vibration. As noted in (2) above, Virginia must amend its regulations to adopt a 1.0 inch per second standard for ground vibration. For the same reasons, Virginia must adopt a factor of 60 in accordance with Federal requirements.

(xii) Virginia Regulations V816.76 and V817.76 allow disposal of excess spoil on areas other than the permit area where environmental benefits will occur. The Virginia regulations provide that excess spoil must be placed on (a) another area under a permit, (b) abandoned mine lands under a contract for reclamation according to OSM's Abandoned Mine Lands Guidelines and approved by DMLR, or (c) any other area upon approval of DMLR.

Section 515(b)(22)(B) of SMCRA requires that the areas for disposal of excess spoil be within the bonded permit area. The Secretary interprets the provision relating to the use of excess spoil on abandoned mine lands to mean that the project is approved and funded through the State Reclamation Plan submitted under Section 405 of SMCRA. The Secretary considers the existence of a contract for such abandoned mine land reclamation to be equivalent to a permit and bond. Based on the above, the Secretary finds Virginia Regulations V816.76 (a) and (b) and V817.76 (a) and (b) consistent with Section 515(b)(22) of SMCRA. However, Virginia Regulations V816.76(c) and V817.76(c) do not appear to provide any assurance of reclamation equivalent to a permit and bond. For this reason, the Secretary finds Virginia Regulations V816.76(c) and V817.76(c) to be inconsistent with the provisions of Section 515(b)(22) of SMCRA, and approval of the Virginia program is conditioned on Virginia deleting this portion of the program.

(xiii) The Virginia Coal Surface Mining Technical Handbook addresses removal of temporary diversions, but does not contain a requirement to remove the structure and regrade and revegetate the affected land similar to those in 30 CFR 816.43(e) and 816.44 (c) and (d). Instead, the Virginia program provides the following various alternative methods of removal: (a) The inlet of the diversion can be blocked and the water returned to its original channel; (b) the diversion can be backfilled and revegetated; (c) the diversion can be upgraded to a permanent diversion as necessary; or (d) other approved methods can be used. Alternative methods (a) and (d) do not appear to require that temporary diversions be removed and disturbed areas reclaimed after mining. For this reason, the Secretary finds (a) and (d) to be inconsistent with the Federal regulations. Alternative method (c) appears acceptable provided that the permanent diversion is approved in accordance with the standards for permanent diversions and the permanent diversion is consistent with the approved postmining land use. The Virginia regulation, however, does not specify what standards the permanent diversion must meet and, therefore, the Secretary finds this provision to be inconsistent with the Federal regulations. Alternative method (b) may be acceptable, provided that the contour is regraded to blend with the original contour, the area is topsoiled in accordance with applicable regulations, and the other requirements of 30 CFR 816.43(e) and 816.44 (c) and (d) are met. Virginia's regulations do not specify what standards must be met for the reclamation of these backfilled areas and, therefore, the Secretary finds this provision to be inconsistent with the Federal regulations. As a condition of approval, Virginia must change its program to require removal of temporary diversions as provided in 30 CFR 816.43(e) and 816.44 (c) and (d).

4d. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws and the Virginia program includes provisions, except as noted below, to implement, administer and enforce a permit system consistent with 30 CFR Chapter VII, Subchapter G. This finding is made under the requirements of 30 CFR 732.15(b)(12).

Virginia incorporates provisions corresponding to Sections 506, 507, 508, 510, 511 and 513 of SMCRA and Subchapter G of 30 CFR Chapter VII in Chapter 19, Virginia CSMCRA Sections 45.1–234, 45.1–235, 45.1–236, 45.1–237, 45.1–238 and 45.1–239 and in the Virginia Regulations Subchapter VG.

Discussion of significant issues raised during the review of the Virginia permitting provisions follows.

(i) As discussed in Finding 4(d)(ii) of the October 22, 1980 **Federal Register** notice, the term "known uses" was used in Virginia Regulation V783.15(a)(3), instead of "the uses" as found in 30 CFR 783.15(a). In that finding, the Secretary pointed out the necessity of interpreting "known uses" to include all potential uses. In Volume I, page 49, of the resubmission, Virginia has assured OSM that its regulations will be interpreted as requiring that a thorough investigation be conducted to identify all uses of groundwater and its function in the hydrologic balance through Virginia Regulations Parts V799 and V783 regarding surface and underground mining permit application requirements for information on environmental resources and Virginia Regulations V780.21 and V784.17, which provide for protection of the hydrologic balance as a part of the reclamation plan. Based on this assurance, the Secretary finds the term "known uses" to be consistent with the Federal provisions.

(ii) As discussed in Finding 4(d)(iii) of the October 22, 1980 **Federal Register** notice, Virginia identified as an editorial error the use of the words "property to be mined" in Virginia Regulation V782.13(a)(2) (3) and (4) instead of the phrase "area to be affected" as in 30 CFR 782.13. Virginia has corrected the error and the Secretary finds the State provision to be consistent with the Federal requirements.

(iii) As discussed in Findings 4(b)(i) and 4(d)(iv) of the October 22, 1980 **Federal Register** notice, Virginia proposed guidelines in Virginia Regulation V786.21(c) for permit review when the permit applicant requests an exemption from design criteria for an existing structure which would meet appropriate performance standards. Virginia identified those standards which would be considered performance standards and those that would be considered design standards. The Secretary approved the Virginia procedures and found 14 of the 22 provisions identified as performance standards acceptable in Virginia's program submittal. In its resubmission, Virginia has corrected the remaining problems by adopting the changes requested by the Secretary in his initial decision of October 22, 1980. All 22 alternative performance standards proposed by Virginia are now consistent with 30 CFR Chapter VII, Subchapter K and Section 515 of SMCRA, and the Secretary finds the Virginia guidelines set forth in Virginia Regulation V786.21(e) to be consistent with 30 CFR 786.21 and 30 CFR 701.11.

(iv) As discussed in Finding 4(d)(v) of the October 22, 1980 **Federal Register** notice, Virginia regulations omitted the requirement of 30 CFR 786.27(b) that there be a permit term allowing citizens to accompany inspectors on the mine site. In its resubmission, Virginia incorporated this provision in Virginia Regulation V786.27. The Secretary finds this provision to be consistent with the Federal requirements.

(v) As discussed in Finding 4(d)(vi) of the October 22, 1980 **Federal Register**

notice, Virginia indicated that Virginia Regulation V784.19(p) contained a typographical error. This error resulted in the omission of the requirement of 30 CFR 784.16(e) that the plan for coal processing waste dams and embankments include a stability analysis of each structure if the structure is 20 feet or higher or impounds more than 20 acre feet. In the Virginia resubmission, Virginia Regulation V784.19(p) was deleted. However, the requirements which were previously omitted have now been incorporated in Virginia Regulation V784.19(f). The Secretary finds that this change renders Virginia's program consistent with the Federal requirements.

4e. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority to regulate or prohibit coal exploration consistent with 30 CFR Parts 776 and 815 (coal exploration), and that the Virginia program includes provisions adequate to do so. This finding is made under the requirements of 30 CFR 732.15(b)(3).

The Virginia program incorporates provisions corresponding to Section 512 of SMCRA and 30 CFR Parts 776 and 815 in Chapter 19, Virginia CSMCRA Section 45.1–233 and in the Virginia Regulations Parts V776 and V815.

4f. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws and regulations to require that persons extracting coal incidental to government-financed construction maintain information on site consistent with 30 CFR Part 707.12. This finding is made under the requirements of 30 CFR 732.15(b)(4).

The Virginia program incorporates provisions corresponding to Section 528 of SMCRA and 30 CFR Part 707 in Chapter 19, Virginia CSMCRA Section 45.1–253 and the Virginia Regulations Part V707.

4g. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian land within Virginia consistent with the requirements of Section 517 of SMCRA (inspections and monitoring) and 30 CFR Chapter VII, Subchapter L (inspections and enforcement), and that the Virginia program includes provisions adequate to do so. This finding is made under the requirements of 30 CFR 732.15(b)(5).

Provisions corresponding to Section 517 of SMCRA and Subchapter L of 30 CFR Chapter VII for inspection and monitoring are found in Chapter 19, Virginia CSMCRA Section 45.1–244 and in the Virginia Regulations Subchapter VL (inspection and enforcement).

4h. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws and regulations and the Virginia program includes provisions for implementation, administration and enforcement of a system of performance bonds and liability insurance, or other equivalent guarantees, consistent with 30 CFR Chapter VII, Subchapter J. This finding is made under the requirements of 30 CFR 732.15(b)(6).

The performance bond and liability insurance provisions of Sections 507(f), 509, 510 and 519 of SMCRA and 30 CFR Chapter VII, Subchapter J are incorporated in Chapter 19, Virginia CSMCRA Sections 45.1–235(G), 45.1–238, 45.1–241, 45.1–247 and in the Virginia Regulations Subchapter VJ.

4i. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia law and provides regulations for civil and criminal sanctions for violations of Virginia law, regulations and conditions of permits and exploration approval, including civil and criminal penalties, in accordance with Section 518 of SMCRA (30 U.S.C. 1268) and consistent with 30 CFR Part 845. This finding is made under the requirements of 30 CFR 732.15(b)(7).

The Virginia program incorporates provisions corresponding to Section 518 of SMCRA and 30 CFR, Part 845 in Chapter 19, Virginia CSMCRA Section 45.1–246 and in the Virginia Regulations Part V845.

4j. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws to issue, modify, terminate and enforce notices of violations, cessation orders and show cause orders in accordance with Section 521 of SMCRA (30 U.S.C. 1271) and 30 CFR Chapter VII, Subchapter L and that the Virginia program includes provisions, except as noted below, adequate to do so. This finding is made under the requirements of 30 CFR 732.15(b)(8).

The authority to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders is contained in Chapter 19, Virginia CSMCRA Section 45.1–245 and in the Virginia Regulations Subchapter VL.

Discussion of significant issues raised during the review of the Virginia enforcement provisions follows.

(i) As discussed in Finding 4(j)(i) of the October 22, 1980 Federal Register notice, Virginia did not provide either a definition of an "authorized representative" or any provision stating that the field inspector would be a representative of the Director who would be authorized to issue notices of violations and cessation orders. The Secretary found this omission to be unacceptable.

In Volume I, Appendix D, of the Virginia resubmission, Virginia provided a designation of authorized representatives for specific enforcement procedures. This designation provides that the field inspector is an authorized representative of the Director. He or she may issue notices of violations and after consulting with his or her supervisor by either telephone or radio, may issue a cessation order for imminent danger or harm. However, Virginia failed to provide that if the supervisor is not available by either telephone or radio, the inspector will issue the cessation order for imminent danger or harm on his or her own authority. While the Secretary acknowledges that there would be very few instances when prompt communication could not be made, he finds that it is imperative that field enforcement personnel be authorized to act in such situations. Accordingly, approval of the Virginia program is conditioned upon revisions to the program which correct this deficiency.

(ii) Virginia Regulations V843.12(c) and (f) specify the circumstances under which an operator may have more than 90 days to abate a violation. The Virginia provisions closely parallel the proposed Federal regulation providing for extensions of the 90 day abatement period (46 FR 22902; April 22, 1981). However, in the Secretary's August 17, 1981 final rule (46 FR 41705), certain revisions were made which resulted in some minor inconsistencies between Virginia's regulations and the final Federal rule.

The changes made to the final Federal rule limited the granting of extensions to situations where, due to climatic conditions, abatement within 90 days would clearly cause more environmental harm than it would prevent or require action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

The Virginia regulations contain all of the final Federal requirements except the above noted changes. Where there

have been changes in the Federal regulations since the permanent program regulations were promulgated on March 13, 1979, the States, for purposes of program approval, have the choice of meeting either the old 1979 rule or the newer rule; however, they must have rules consistent with one or the other. In this instance, Virginia meets neither the August 17, 1981 rule nor the original 30 CFR 843.12, which did not allow extensions of the abatement period beyond 90 days. As a result, the Secretary finds Virginia Regulations V843.12(f)(1) and V843.12(f)(4) to be inconsistent with the Federal provisions. As a condition of approval, Virginia must amend its program to be consistent with the Federal rules.

(iii) For the purpose of terminating a notice of violation, Virginia Regulation V843.12(e) allows the determination that a violation has been abated to be based on information obtained from a government agency or a signed statement from a permittee that the violation has been abated. These methods for determining abatement are not permitted under Section 521(a)(5) of SMCRA or 30 CFR 843.12(e). Accordingly, approval of the Virginia program is conditioned upon revisions to the program to require that an authorized representative of the regulatory authority confirm abatement of all violations.

(iv) Section 521(a)(4) of SMCRA requires that a show cause order be issued when it is determined that a pattern of violations exists which were caused willfully or by unwarranted failure of the permittee to comply with applicable requirements. The Secretary set forth an objective basis in 30 CFR 843.13(a) (3) and (4) to determine what would constitute a pattern of violations sufficient to require issuance of a show cause order. The Federal regulation requires that the Director "shall determine that a pattern of violations exists if he finds that there were violations of the same or related requirements during three or more State inspections . . . within any 12-month period." Virginia has no such provision.

Therefore, the Secretary finds that Virginia Regulation V843.13(b) is inconsistent with 30 CFR 843.13(a) (3) and (4). Approval of the Virginia program is conditioned upon revisions to the program to correct this deficiency.

(v) Unlike 30 CFR 843.13(c), Virginia Regulation V843.13(c) fails to require that, at the same time a show cause order is issued, a notice shall be posted at the State office closest to the area of the surface coal mining and reclamation operations. Likewise, Virginia Regulation V843.13(c) fails to require that the notice of a public hearing concerning a show cause order also be posted at the State office closest to the area of the surface coal mining and reclamation operations.

In the September 21 and 22, 1981 meeting, Virginia assured the Secretary that it intends, as a matter of policy, to post notice of the issuance of a show cause order and of any hearing thereon in accordance with 30 CFR 843.13(c). The notices will be posted at the Big Stone Gap office of the DMLR, the only office of the regulatory authority located in the coalfields. Based on this assurance, the Secretary finds that the Virginia program is consistent with 30 CFR 843.13(c).

4k. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws and regulations to provide for designation of areas as unsuitable for surface coal mining consistent with 30 CFR Chapter VII, Subchapter F, except as noted below. This finding is made under the requirements of 30 CFR 732.15(b)(9).

Virginia incorporates provisions corresponding to 30 CFR Chapter VII, Subchapter F in Chapter 19, Virginia CSMCRA Section 45.1–252, and in the Virginia Regulations Subchapter VF.

Discussion of significant issues raised during the review of the Virginia provisions to designate areas as unsuitable for surface coal mining follows.

(i) As discussed in Finding 4(k)(i) of the October 22, 1980 **Federal Register** notice, 30 CFR 764.15(b)(2) provides that the regulatory authority shall notify the general public of the receipt of a petition by a newspaper advertisement placed in the locale of the area covered by the petition; in the newspaper of largest circulation in the State; and in any official State register of public notices. Virginia Regulation V764.15(b)(2) provides that the newspaper advertisement announcing receipt of a petition shall be placed only in a newspaper of general circulation in the locale of the area.

The newspaper of largest circulation in the State is the *Washington Post.* Virginia maintains in Volume I, pages 52–53, of the program resubmission that there is no broad interest in the Washington metropolitan area in designating lands unsuitable which would justify the expense of newspaper notices in the *Washington Post.* Virginia states that experience has shown that persons who have an interest in Virginia coal lands are either located in the coal fields, have agents or representatives in that region, or rely on newspapers published in that region for local information. Therefore, notices outside of the coal fields are unnecessary.

In view of the above, the Secretary finds the Virginia provision for newspaper notices concerning the receipt of petitions to be as effective as, and therefore consistent with, the Federal rule in meeting the purpose of Section 522(c) of SMCRA to provide adequate public notice of designation hearings.

(ii) As discussed in Findings 4(b)(ii) and 4(k)(iii) of the October 22, 1980 **Federal Register** notice, Virginia Regulation V764.13 directs a petitioner to supply more information than is required by Section 522 of SMCRA and 30 CFR 764.13. In addition, Virginia Regulations V764.15 and V764.17(a) reduce both the time limit for filing a petition in response to a permit application and the time limit for holding a hearing for a petition filed in response to a permit application.

First, with respect to the provision relating to information contained in petitions, Federal requirements concerning the information that a petitioner must provide for designations and terminations are specified at 30 CFR 764.13(b) and 30 CFR 764.13(c), respectively. These information requirements provide a very low threshold for the petitioner to meet in order to have a petition considered. Although Virginia seeks out more information in the filing of petitions than that specified in the Federal rule, Virginia indicated at the meeting of September 21 and 22, 1981, that the additional information only needs to be provided when it is known, and only to the extent known by the petitioner. Virginia is requesting this information to provide assistance to the regulatory authority in considering the petition (Administrative Record Nos. VA 268 and 314). This explanation confirms that petitioners would not be required to research or otherwise collect information not already known to them, and based on this explanation, the Secretary finds Virginia provisions consistent with the Federal requirements.

Secondly, Virginia Regulation V764.15(a)(7) allows the filing of a petition to designate an area for which a permit application has been filed at any time up to the end of the public comment period on that permit application. Virginia does not provide that the public comment period extends to the informal conference, as provided in 30 CFR 764.15(a)(7). However, this is not so significant a difference as to make Virginia's provision less effective than the Federal rule. Under Virginia

Regulation V786.12 (b) and (c), the public has 30 days to comment on a permit application. This period would not be extended to any great extent by allowing petitions to be filed up until the informal conference, because such a conference must be requested within that same 30-day period and must be held "within a reasonable time" as provided by Virginia Regulation V786.14. In view of the minimal information required in a petition, these petitions should not require a great deal of time to prepare, and the difference between Virginia Regulation V764.15(a)(7) and the Federal provision is not significant, since Virginia provides ample time for a petition to be filed.

Thirdly, Virginia Regulation V764.17(a) requires that when the allegations are not complex, the hearing on a petition to designate lands unsuitable for surface coal filed during the public comment period on a permit application must be held within three months. This differs from the provisions of 30 CFR 764.17(a) and Section 522(c) of SMCRA, which provide for a hearing within ten months.

Virginia says it intends to more closely coordinate the petition and permitting processes so as not to cause unnecessary delays in the permitting process. The requirement for conducting a public hearing on a petition within three months is an attempt by Virginia to separate petitions into those containing simple allegations and those containing complex allegations. If the petition allegations are simple, a hearing would be conducted within three months of receiving the petition. If the allegations are complex, the hearing deadline would extend up to the ten-month limit. Virginia's provision is not inconsistent with the Federal provisions, which merely require that hearings be held within ten months, rather than forbiding them to be held sooner even when the issues are simple. The clarification of the hearing procedures provided in Volume I, page 11, of the program resubmission addresses the concerns expressed by the Secretary in his initial decision.

The Secretary finds that each of these provisions is consistent with the Federal requirements.

(iii) Virginia Regulation V762.5 contains a definition of "substantial legal and financial commitments in surface or underground coal mining operation" (SLFC) similar to the Federal definition at 30 CFR 762.5.

However, in Volume II, page 5 of the resubmission Virginia explained that it interprets its definition to result in a finding of SLFC in cases where a person possessed mineral leases on properties prior to January 4, 1977. Virginia maintained that the acquisition of mineral rights leases is a capital-intensive investment and should be protected.

The legislative history of SMCRA clearly indicates that mere ownership or acquisition costs of the coal does not constitute SLFC.

"The phrase *substantial legal and financial commitments* in the designation section and other provisions of SMCRA is intended to apply to situations where, on the basis of a long-term coal contract, investments have been made in power plants, railroads, coal handling and storage facilities and other capital-intensive activities. The Committee does not intend that mere ownership or acquisition cost of the coal itself or the right to mine it should constitute 'substantial' legal and financial commitments" [H.R. 95–218, 95th Cong., 1st Sess. 95 (1977)].

The Secretary's definition of SLFC in 30 CFR 762.5 also states that the cost of acquiring the right to mine coal is not sufficient for SLFC. Program approval is conditioned on Virginia revising its policy on SLFC to conform to the Federal requirements.

4l. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws and the Virginia program contains provisions for public participation in the development, revision and enforcement of the Virginia regulations and program except as noted below. This finding is made under the requirements of 30 CFR 732.15(b)(10).

Virginia provides authority for public participation in the development, revision and enforcement of the Virginia program throughout the Virginia CSMCRA and Coal Surface Mining Regulations.

Discussion of significant issues raised during the review of the Virginia public participation provisions follows.

(i) As discussed in Finding 4(1)(i) of the October 22, 1980 **Federal Register** notice, Virginia Regulation V842.12(b) used the word "citizen" instead of "person" as found in 30 CFR 842.12(b). This change could exclude out-of-state persons, corporations, associations, etc., from the protection of having their identities kept confidential when supplying information to DMLR regarding possible violations or imminent danger or harm. Virginia has corrected Virginia Regulation V842.12(b) by using the word "person", thereby protecting the right of any person to have his/her identity remain confidential. The Secretary finds this provision to be consistent with the Federal requirements.

(ii) As discussed in Finding 4(1)(ii) of the October 22, 1980 **Federal Register** notice, Virginia regulations did not contain provisions allowing a citizen to accompany an inspector during an inspection conducted as a result of information provided to the regulatory authority by the citizen, as provided in 30 CFR 842.12. Virginia Regulation V842.12(c) now provides that citizens shall be allowed to accompany an inspector during a citizen complaint investigation. However, the Virginia regulation adds language stating that,

a citizen accompanying an inspector does so at his/her own risk and neither the Division nor its personnel, nor the operator nor its personnel, shall be liable for any injury or damage sustained by such citizen. The Division may require such citizen to provide in advance a written acknowledgment of the foregoing.

The State provision may operate as a constraint on citizens who choose to exercise their right to go onto a mine site. Further, it is not consistent with 30 CFR 842.12.

In contrast, 30 CFR 842.12(b) provides that the citizen "has a right of entry" into the mine area as long as he or she is under the control of the inspector. The Secretary, in promulgating this regulation, specifically rejected the suggestion that such a waiver be authorized. Ordinary tort law principles can be used to determine whether, if a citizen is injured on the site during an inspection, he may hold the operator liable for such injury. The preamble to 30 CFR 842.12(b) goes on to note that "there is nothing in the Act or the legislative history to require a citizen to sign a release," although he or she must follow Mine Safety and Health Act regulations and be under the control of the inspector (44 FR 15299; March 13, 1979).

The Secretary finds that Virginia Regulation V842.12(c) is inconsistent with the Federal requirements found in 30 CFR 842.12(c). Approval of the Virginia program is conditioned upon revisions to the program which correct this deficiency.

(iii) As discussed in Finding 4(1)(iii) of the October 22, 1980 **Federal Register** notice, the Virginia regulations omitted provisions requiring notice of citizen suits, as provided in 30 CFR 700.13. Virginia has provided for such notice in Virginia Regulation V790. The Secretary finds the Virginia provision to be consistent with Section 520(d) of SMCRA and the Federal regulations.

4m. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia law, and the Virginia program includes provisions to monitor, review and enforce the

prohibition against indirect or direct financial interests in coal mining operations by employees of the Virginia Department of Conservation and Economic Development consistent with 30 CFR Part 705, except as noted below. This finding is made under the requirements of 30 CFR 732.15(b)(11).

Virginia incorporates provisions which prohibit financial interests in coal mining operations in Chapter 19, Virginia CSMCRA Sections 45.1–231 and 45.2–232, in the Virginia Regulations Part V705, and in Section 8.12 of the Virginia program narrative.

Discussion of significant issues raised during the review of the Virginia prohibition against indirect or direct financial interests in coal mining operations by employees of the regulatory authority follows.

(i) As discussed in Finding 4(m)(i) of the October 22, 1980 **Federal Register** notice, Virginia does not subject the Board of Conservation and Economic Development to the conflict of interest provisions of 30 CFR Part 705. In that finding, the Secretary requested Virginia to clearly demonstrate that the Board is multi-interest, a characteristic which would exempt the Board as provided by 30 CFR Part 705. In Volume I, pages 56–59, of the Virginia resubmission, Virginia notes that only one member of the Board currently represents coal mining interests. The basic statute [Section 10–3, Code of Virginia (1950)] establishing the Board directs the Governor in making appointments to select persons suitably qualified to consider and act upon the various special interests and problems of importance which may come before the Board. According to the Virginia resubmission, Sections 45.1–231 and 45.1–232 of the Virginia CSMCRA do not change the basic tenet of Section 10–3, which is to create a multi-interest Board. Virginia maintains that Section 45.1–232 limits the number of Board members who represent the coal mining industry to not more than three and that this limitation was established to avoid the objection that all or a majority of the Board could consist of coal mining members. Thus, in effect, Section 45.1–232 insures that special interests other than coal mining will be represented on the Board.

The Secretary finds that Virginia has adequately demonstrated that the Board is multi-interest and, therefore, not subject to the conflict of interest provisions of 30 CFR Part 705.

4n. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under the Virginia CSMCRA Section 45.1–256 to require the examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. This finding is made under the requirements of 30 CFR 732.15(b)(12).

Under 30 CFR 732.15(b)(12), the State is not required to implement regulations governing such training, examination and certification until six months after Federal regulations for these provisions have been promulgated. Federal regulations have not been promulgated at this time. However, when the Secretary issues final rules on this subject, Virginia will be required to amend its program to have consistent regulations (30 CFR 732.17).

4o. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia law and regulations to provide for a small operator assistance program consistent with Section 507(c) of SMCRA and 30 CFR Part 795. This finding is made under the requirements of 30 CFR 732.15(b)(13).

The Virginia program incorporates provisions corresponding to Section 507(c) of SMCRA and 30 CFR Part 795 in Chapter 19, Virginia CSMCRA Section 45.1–235 and in the Virginia Regulations Part V795.

4p. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws and regulations to provide for protection of its employees in accordance with the protection afforded Federal employees under Section 704 of SMCRA. This finding is made under the requirements of 30 CFR 732.15(b)(14).

The Virginia program incorporates provisions corresponding to Section 704 of SMCRA in Chapter 19, Virginia CSMCRA Section 45.1–257.

4q. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia law and the Virginia regulations provide for administrative and judicial review of State program actions in accordance with Sections 525 and 526 of SMCRA and 30 CFR Chapter VII except as discussed below. This finding is made under the requirements of 30 CFR 732.15(b)(15).

The Virginia program incorporates provisions corresponding to Sections 525 and 526 of SMCRA and 30 CFR Chapter VII Subchapter L in Chapter 19, Virginia CSMCRA Sections 45.1–249, 45.1–250, and 45.1–251; the Virginia Administrative Process Act, *Va. Ann. Code* 9–6:14:12 *et seq.* and in the Virginia Regulations Subchapter VL.

Discussion of significant issues raised during review of the Virginia provision for administrative and judicial review of State program activities follows.

(i) As discussed in Finding 4(q)(i) of the October 22, 1980 **Federal Register** notice, the Virginia provision for jury trial *de novo* did not meet the Secretary's *de novo* review requirements. Rather than amend the Virginia code to conform to these procedures, Virginia relied upon Virginia CSMCRA Section 45.1–251A, which provides that if the Secretary should disapprove the provision for jury trial *de novo*, the provision shall be severable and of no effect unless otherwise ordered by a court of competent jurisdiction. In Volume I, page 59, of the resubmission, Virginia includes an opinion of the Virginia Attorney General's Office that the Secretary's October 22, 1980, disapproval of the *de novo* provision severed the provision from the Virginia statute. The Secretary therefore, finds the State program to be consistent with the Federal requirements.

(ii) As discussed in Finding 4(q)(ii) of the October 22, 1980 **Federal Register** notice, the Virginia Administrative Process Act empowers the presiding hearing officer to oversee an accurate verbatim recording of the evidence. However, it does not require that all hearings be of record, as required by Section 518(b) of SMCRA. Virginia has corrected this deficiency by incorporating this provision into Virginia Regulation V787(b)(3)(ii). The Secretary finds this provision to be consistent with the Federal requirement.

(iii) As discussed in Finding 4(q)(iii) of the October 22, 1980 **Federal Register** notice, the Secretary found that Virginia CSMCRA Sections 45.1–249E and 45.1–251C were not consistent with Section 525(e) of SMCRA, 30 CFR 732.15(b)(10) and 840.15. While the State provisions allow the assessment of costs and attorney's fees against any party, the State is specifically exempted from such an assessment. Although this language was not amended in the Virginia CSMCRA, the State submitted a copy of Article 6, Section 9–6–14:21 of the Code of Virginia in Volume I, page 61, of the resubmission which provides that,

> "in any civil case * * * in which any person contests any agency action, as defined in Section 9–6–14:4, such person shall be entitled to recover from that agency, * * * reasonable costs and attorney fees if such person substantially prevails on the merits of the case and the agency is found to have acted unreasonably, unless special circumstances would make an award unjust."

This amendment to the Virginia Administrative Process Act (APA) was passed in the 1981 session of the

General Assembly. Therefore, this amendment became law after the Virginia CSMCRA. However, in the September 21 and 22, 1981 meetings, the Commonwealth was unable to assure the Secretary that this amendment to the APA would supersede the prohibition against the assessment of costs and attorneys' fees against the State in Virginia CSMCRA Section 45.1–294E. Also, as Virginia notes in its narrative explanation, the amendment to the Virginia APA authorizes the award of costs and fees against the State only where civil litigation has been filed, and not in administrative proceedings.

The preamble to the Federal permanent regulations makes clear that the availability of costs and expenses is an integral part of the public participation in administrative and judicial review required to be in State programs [44 FR 14965–15297 (March 13, 1977)]. The Secretary finds that the Virginia program is deficient insofar as it limits the awarding of costs, expenses, and attorneys' fees resulting from administrative and judicial proceedings against the State. Therefore, approval of the Virginia program is conditioned upon:

1. A statutory amendment or other program change which would allow the award of costs and attorneys' fees against the State resulting from matters in administrative litigation.

2. A statutory amendment or other program change which would authorize the award of costs, expenses, and attorneys' fees against the State in judicial proceedings.

(iv) As discussed in Finding 4(q)(iv) of the October 22, 1980 **Federal Register** notice, the Secretary found that Virginia had not submitted procedural regulations which were the same or similar to the intervention and discovery rules in 43 CFR Part 4 and that the omission was inconsistent with 30 CFR 840.15 and 43 CFR Part 4.

In Volume I, pages 61–62, of its resubmission, Virginia states that Section 9–6.14:12C of the Virginia APA empowers the hearing officer to dispose of procedural requests and to regulate the course of the hearing. Virginia notes that these powers in conjunction with Virginia Regulation V 789.2 (Intervention) would encompass questions concerning intervention. This regulation provides for mandatory intervention under the same circumstances as under 30 CFR 4.110.

With regard to discovery, under Section 9–6.14:13 of the Virginia APA the State agency or its designated representatives may, at the request of any party, issue subpoenas requiring testimony or production of books, papers, or other evidence. Requests for admission are also allowed. Although Virginia does not provide for depositions or written interrogatories, as do the Federal rules, 43 CFR 4.1130, the Secretary's experience in processing over two thousand administrative cases in Virginia over the past several years has demonstrated that depositions and written interrogatories are rarely used. This will be even more true under the permanent program because much of the information needed in an administrative case will be readily available, as a result of the extensive permit application information required under the permanent program. Thus, the Secretary finds that Virginia's discovery provisions are as effective as and therefore consistent with the Federal rules.

4r. The Secretary finds that the Virginia Department of Conservation and Economic Development has the authority under Virginia laws, and the Virginia program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. This finding is made under the requirements of 30 CFR 732.15(b)(16).

This authority is provided throughout the Virginia CSMCRA and the Virginia regulations.

4s. The Secretary finds that the Virginia CSMCRA and regulations adopted thereunder and other laws and regulations of Virginia do not contain provisions that would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII, except as noted below. This finding is made under the requirements of 30 CFR 732.15(c).

(i) As discussed in Finding 4(s) of the October 22, 1980 **Federal Register** notice, the Virginia legislature and several counties have passed statutes and ordinances allowing coal companies to deed their coal haul roads to counties as "public roads." The Secretary finds that Va. Code 33.1–246.1, and those ordinances and has determined that they would allow the haul road requirements of SMCRA to be circumvented and are inconsistent with SMCRA.

Specifically, Section 701(28)(B) of SMCRA specifies that "all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such [mining] activities and for haulage * * *." must be considered part of the surface coal mining operation.

In the Secretary's October 22, 1980 decision, the Secretary found that the State law and policy which allowed the coal haul road requirements of SMCRA to be circumvented were unacceptable. In that finding the Secretary stated that "haulroads which otherwise would be required to be a part of the permitted area of the surface coal mining operation arguably elude the requirements of SMCRA and 30 CFR Chapter VII because as 'county owned' roads the State might not require they be included as a part of the permitted area."

The failure to include haul roads which are constructed, reconstructed or used to facilitate surface coal mining operations as a part of the affected area is of particular significance in Virginia because of the large number of coal mining operations that would thereby qualify for the two-acre exemption under Section 528 of SMCRA.

In its resubmission, Volume I, Appendix J, Virginia included a "Policy for Interpretation" with respect to the coal haul roads which provides as follows:

> "Haul roads will not be included in acreage calculations under this section if the following four criteria are met.
>
> A. The road has been duly established as a public road according to the laws of the jurisdiction in which it is located.
>
> B. The road is open continuously to the public.
>
> C. Public funds are provided for maintenance.
>
> D. The County or State within which the road is located has construction standards at least as stringent as the applicable minimum standards as stated in the VDMLR Reclamation Manual, Coal Surface Mining Regulations for Haulage Ways, Section 7."

The Secretary agrees that under certain circumstances, based on the roads function and actual usage, a public road need not be considered a part of an operation's affected area and need not be included within an operator's permit area, even though the public road is used for coal haulage. However, the Virginia policy, with respect to coal access and haul roads contained in the August 13, 1981 resubmission, is inadequate because it does not distinguish between roads which are used primarily as haul or access roads and roads which are primarily used by the general public.

There is no requirement in this Virginia policy that roads deeded by coal operators to the county actually be used by the public. In many cases, roads deeded to the county have no function except to provide access to, and for coal haulage from, a surface coal mining operation. Therefore, the State's requirement that the road be continuously open to the public is insufficient alone to exclude the road

from regulation. In order to avoid responsibility for the haul road maintenance requirements of SMCRA and regulations, and possibly escape environmental regulation altogether, an operator could simply take down the gate to his mine access road and convey his legal interest in the road to the county. This could occur despite the fact that the road really has no purpose other than access or coal haulage and that no member of the public would ever be likely to use the road.

The deficiencies in Virginia's proposal for allowing operators to escape regulation by deeding access and haul roads to the counties is not overcome by the requirement that public funds be provided for maintenance.

Lack of funds would almost certainly be an adequate excuse for the failure of the county to maintain such a road in accordance with the requirements of the permanent program, and the Secretary is aware of no way a citizen could take legal action to force a county to repair or otherwise maintain a haul road that had been conveyed to the county. Thus, the requirement that public funds be provided for maintenance does not legally bind the county to actually perform routine and preventative maintenance, and certainly does not insure that the road will be maintained in accordance with the performance standards of the State program.

These deficiencies in the Commonwealth's haul road policy were discussed with Virginia officials at the September 21 and 22, 1981 meeting. In the October 15, 1981 letter, the State submitted an amendment to its program which revised its haul road policy.

That change consists of the addition of the following paragraph to its "Policy for Interpretation".

All roads must be included in the permit area which are used, constructed or significantly improved for coal haulage or minesite access, except those for which there is substantial (more than incidental) public use and which are actually maintained with public funds in a manner similar to other public roads in the vicinity.

After careful review, the Secretary has determined that Virginia's policy statement, Attachment 5 of the October 15, 1981 letter, continues to pose a minor ambiguity concerning the State's treatment of haul roads. This occurred because the State added language to its policy statement which conflicts with its earlier policy language, which remains in the August 13, 1981 resubmission. That is, while Virginia's new policy statement indicates that there must be "substantial (more than incidental) public use, it fails to delete the statement suggesting that merely having the road "open continuously to the public" is sufficient. Further, while the new policy statment indicates that the road "must *actually be maintained* with public funds" in a manner similar to other public roads in the vicinity, it fails to delete the statement suggesting that merely providing public funds for its maintenance is sufficient.

Although the Secretary believes it was Virginia's intent in revising the policy to provide clear guidance on the haul road question, he has determined that, in view of the importance of this issue, it must be further revised to eliminate any ambiguity or inconsistency. Therefore, to ensure consistency with SMCRA and the Federal regulations, the Secretary requires Virginia, as a condition of approval, to revise its policy statement on coal haul roads to delete items (B) and (C) of its original submission and include the policy from Attachment 5 of the October 15, 1981 letter. The revised policy statement should read as follows:

"DMLR Coal Haulroad Policy

"All roads must be included in the permit area which are used, constructed or significantly improved for coal haulage or minesite access, except those for which there is substantial (more than incidental) public use and which are actually maintained with public funds in a manner similar to other public roads in the vicinity.

"Coal haul and access roads as defined in permanent program regulation Section V701.5 will be considered part of the affected area of an operation and included in acreage calculations thereof unless all of the following conditions are met:

"1. The road has been duly established as a public road according to the laws of the jurisdiction in which it is located.

"2. There is substantial (more than incidental) public use of the road.

"3. The road is actually maintained with public funds in a manner similar to other public roads in the vicinity.

"4. The County within which the road is located has construction standards at least as stringent as the applicable minimum standards as stated in the VDMLR Reclamation Manual, Coal Surface Mining Regulation for Haulageways, Section 7.

"The foregoing criteria will apply in repermitting of operations previously permitted under the interim program regardless of whether or not a particular road was previously permitted."

The Secretary has determined that early oversight of the Virginia regulatory program must concentrate on Virginia's implementation of this haul road policy, as well as the related application of the two-acre exemption provisions. To facilitate OSM oversight of these matters, the Secretary requires the Commonwealth to submit, not later than April 1, 1982, an interim report and, not later than June 30, 1982, a final report on Virginia's implementation of the haul road and two-acre exemption policies being approved and mandated by the Secretary. At a minimum, that report shall contain a narrative description of the State's activities in these areas and a comprehensive inventory of all surface mining operations in Virginia which are not being regulated and the reason for that non-regulated status. OSM will provide resources as available to assist Virginia in meeting this requirement.

(ii) Virginia Regulation V700.11(b) provides that the two-acre exemption as provided under Section 528(2) of SMCRA shall not be applicable to operations which are "related". This is consistent with 30 CFR 700.11(b), which provides in pertinent part, that the Act is applicable to any person "who affects or intends to affect more than two acres at physically related sites."

In addition to its permanent program for regulating operations which affect more than two acres, Virginia has submitted draft legislation (Chapter 21 of Title 45.1 of the Code of Virginia) which the State intends to submit to the General Assembly for enactment which would regulate operations disturbing two surface acres or less. That proposed legislation, contained in Volume I, Appendix J, of the Virginia resubmission, states at Section 45.1–273(a)(2) that:

Two or more coal mining operations which are not contiguous but which are owned or operated by the same operator, are in close proximity to each other, have a total combined area exceeding two acres, and the cumulative impact of which, as determined by the division, have the same or greater [effects] of single coal mining operation in excess of two acres shall be deemed a single operation affecting more than two surface acres and subject to the applicable provisions of Chapter 19. The cumulative environmental impacts will be evaluated on the basis of the proposed plans for the multiple two acre or less operations as compared with the impacts of a single operation under the performance standards established pursuant to Chapter 19."

In Volume I, pages 166 and 167, of its program resubmission, Virginia provides a "Policy for Interpretation" which further amplifies how this proposed legislation would be interpreted. In essence, under this policy the Commonwealth would consider non-contiguous operations to be unrelated and, therefore, not subject to the full permitting, bonding, and permanent program requirements of its program unless the non-contiguous sites have a combined environmental impact comparable to that of a single operation exceeding two acres.

The relationship between Virginia's proposal for regulating operations

affecting two acres or less and their permanent program submission which pertains to operations in excess of two acres was discussed at the September 21 and 22, 1981 meeting. OSM officials noted that the language in Virginia Regulation V700.11(b) which says that the two-acre exemption is not applicable where sites are "related" was not materially different from the term "physically related" appearing at 30 CFR 700.11(b) because the concept of "related sites" would seem to include "physically related sites".

There would be considerable practical difficulty in applying the concept of cumulative impacts. Also, to the extent that the draft legislation or policy would preclude the regulatory authority from applying other criteria to determine if two non-contiguous operations, each two acres or less, are related sites, the Virginia proposal is too restrictive. The concept of relatedness, while necessarily applied on a case-by-case basis, under existing regulations and administrative case law, must encompass other criteria, such as the relative location and economic interrelationship of sites (e.g. sharing of equipment, labor, facilities) that would tend to establish a physical connection.

The Secretary believes that, even if it were possible to make objective determinations as to the possible or probable environmental effects of a particular operation and, in turn, compare that to some hypothetical or theoretical reference site, focusing on this criterion to the exclusion of other relationships tying the sites together is inconsistent with the narrow exemption intended by Section 528(2) of SMCRA and 30 CFR 700.11(b).

In the October 15, 1981 letter, Virginia addressed this concern by submitting a revised policy statement, which added the following additional paragraph:

> Throughout this policy statement, the use of the term "cumulative environmental impacts" will be consistently applied by Virginia as synonymous with the Office of Surface Mining's term "physically related."

The original concern raised with Virginia officials at the September 21 and 22, 1981 meeting was that certain language in the policy for interpretation indicated Virginia might not interpret "related sites" in the same manner as OSM. The State resolved this concern when, in the October 15, 1981 letter, it committed to apply its policy "as synonymous with the Office of Surface Mining's term 'physically related'." This assurance satisfies the Secretary's concern about the way Virginia Regulation V700.11(b) will be interpreted. The Commonwealth's proposal to establish environmental controls over these small mining operations is commendable and, if enacted, will certainly result in a comprehensive scheme for insuring environmental protection for the coal producing areas of southwestern Virginia.

In order for the Virginia proposal to be acceptable, it could not conflict with the conditionally approved permanent regulatory program by appearing to exempt mining operations which should be subject to the full standards of the permanent program. With respect to proposed legislation which has not been submitted to the General Assembly, the Secretary is not approving or disapproving the proposal at this time. The State may enact legislation to regulate mining operations that are presently exempt under Section 528(2) of SMCRA and the comparable Virginia exemption; however, the Secretary notes that such legislation would have to be consistent with the discussion in this finding. The Secretary notes that additional Federal rules relating to the two-acrea exemption question, including clarification on the "physically related" issue will be proposed soon. The Secretary is reluctant to take a position on Virginia's draft law and policy in view of these pending Federal changes. Any policy statement implementing such legislation would also have to meet these concerns as well as other changes being made by Virginia to obtain Secretarial approval, such as the revised policy on haul roads.

(iii) The original definition of "affected area" in 30 CFR 701.5 of the Federal permanent program rules states in pertinent part that affected areas include, "land or water which is located above underground mine workings." On August 10, 1981, the rule proposed on January 23, 1981 (46 FR 7904) was withdrawn and the Secretary stated in part that, "OSM is taking this action in part because it believes that the January 23, 1981, rule may unnecessarily restrict the availability of the [two acre] exemption to underground mines by including all land above underground mine workings in determining the size of a mine" (46 FR 40650).

Although the Secretary withdrew this rule and indicated an intention to reconsider whether all land above underground mine workings should be considered in determining the size of the mining operation, the original definition of "affected area" at 30 CFR 701.5 was not withdrawn and is the standard by which Virginia's program must be judged.

In its program submission, Virginia has defined "affected area" as "land or water area actually affected by subsidence or which may be affected by planned subsidence, which is located above underground mine workings." Virginia Regulation V701.5. The Virginia regulation is not consistent with the existing Federal requirement because Virginia would regulate only that surface area which is actually affected by subsidence, or which may be affected by planned subsidence. Subsidence, however, frequently does not occur until years after mining has been completed. Therefore, under the Virginia proposal it is possible that, except in situations involving longwall mining operations or similar techniques where subsidence is a planned part of the mining operation, the State may not include as part of the affected area underground mining operations where subsidence may occur.

Accordingly, the Secretary is unable to approve the Virginia definition of "affected area." As a condition of approval, Virginia must change its definition of "affected area" to include all land and water overlying underground mine workings until such time as the Secretary changes his regulations as indicated in the August 10, 1981 **Federal Register** notice.

4t. The Secretary finds that the Virginia Department of Conservation and Economic Development and other agencies having a role in the program have sufficient legal, technical, and administrative personnel and funds to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(d) and other applicable State and Federal laws. This finding is made under the requirements of 30 CFR 732.15(d).

(i) In finding 4(t)(i) of the October 22, 1980 **Federal Register** notice, the Secretary requested that Virginia provide additional information in order that he might evalute adquately the State's inspection staffing plan. In Volume I, pages 64–66, of the Virginia resubmission, additional discussion pertaining to the field inspection staff of DMLR was presented. In this discussion, Virginia assured the Secretary that the field inspection staff will be adequate to meet the requirements of the permanent regulatory program. This assurance is based on the ability of the field inspection staff to presently inspect and/or observe all permitted areas, all proposed permit areas, and all areas subject to the two-acre exemption on a monthly basis. Based on these assurances by Virginia, the Secretary approves Virginia's field inspection staffing plan.

C. Disposition of Agency and Public Comments

In three instances public comments were submitted by a collective of organizations as a group. The organizations represented all or most of the following in each instance: the Environmental Policy Institute (EPI), the Council of Southern Mountains, Inc., the Virginia Citizens for Better Reclamation, the Environmental Defense Fund, the Conservation Council of Virginia Foundation, the Rural Virginia, Inc., and the Citizen Mining Project. In addressing the comments made by these groups, the Secretary has identified the commenter as "EPI *et al.*"

I. General

1. One commenter stated that Virginia allows bonds to be *reduced* without complying with the bond *release* procedures which provide for citizen participation, and that Virginia has proposed to eliminate the informal conference from the bond release procedures. The commenter did not identify a specific Virginia regulation. Virginia Regulation V807.11(e) provides that any person with a valid legal interest which may be adversely affected by release of the bond shall have the right to file written objections to the proposed bond release with the regulatory authority within thirty days after the last publication of the notice and to request a hearing. Virginia also provides in V807.11(f) that the Division may establish an informal conference to resolve such written objections without prejudice to the rights of the objectors, the applicant, or the responsibilities of the Division. The Secretary found in his initial decision on October 22, 1980, that the Virginia bonding regulations consistent with the Federal requirements. Therefore, the Secretary will not require a change in the Virginia regulations.

2. The Environmental Protection Agency (EPA) pointed out that the reference to the Federal Water Pollution Control Act on page 240 of the Virginia Coal Surface Mining Technical Handbook is incorrectly cited as 33 USC Section 125. The correct cite is 33 USC Section 1251. This is obviously a typographical error and does not affect the substantive program because all other references to the Federal Water Pollution Control Act are correct. The Secretary presumes this will be corrected.

3. EPI *et al.* felt that Virginia had failed to prove that it has an adequate number of inspectors to meet minimum inspection requirements. In the commenters' second set of comments (November 17, 1981), they included a discussion on the effect of the number of two-acre exemptions and included an Appendix listing approximately 750 mines which they felt were not accounted for by the State in determining the adequacy of the inspection staff. In the resubmission, Virginia provided assurance that the staffing plan took into account all areas including those subject to the two-acre exemption. Based on these assurances, the Secretary finds that the inspection staffing level planned for the Virginia program operation is adequate. [See Finding 4(t)(i), above.]

4. EPI *et al.* commented that the revised DMLR Coal Haul Road Policy submitted as Attachment Five to Virginia's October 15, 1981 letter did not clearly include the concept of substantial public use. The Secretary agrees with this comment and has conditioned approval of the program on the clarification of this issue. [See Finding 4(s)(i), above.]

5. Virginia Citizens for Better Reclamation (VCBR) said that the Virginia program should be rejected because Virginia law allows haul roads to be deeded to county governments and because of Virginia's alleged failure to show that it has the legal authority to enforce environmental standards on all haul roads subject to SMCRA. The commenter considers this a major deficiency in the Virginia program.

The Secretary shares this commenter's concern. However, in the October 15, 1981 letter, Virginia included a revised policy statement regarding haul roads which requires roads conveyed to the county to be included in the permit area unless there is substantial (more than incidental) public use and the roads are actually maintained with public funds in a manner similar to other public roads in the vicinity. Because of remaining ambiguities in Virginia's position on this issue, the Secretary is requiring certain changes in Virginia policy as a condition of approval [See Finding 4(s)(i), above]. Although the revised policy statement needs to be clarified, the Secretary believes that it is strong enough to keep the deficiency from being major, in view of Virginia's evident intention to comply with the Federal requirements.

6. One commenter stated that Virginia does not offer any concrete means, either through a statute, regulations or even a policy statement to end the abuse of the two-acre exemption by excluding certain roads used as haul roads from the permitting area of the operator. The Secretary disagrees for the reasons set forth at Finding 4(s)(i), above.

7. The Virginia Surface Mining and Reclamation Association, Inc. (VMRA) requested that OSM's policies on "two-acre exemption—physically related sites" be abandoned and that the "reasonable and workable" standards proposed by Virginia be adopted. The Secretary did not object to the application of a "cumulative impacts test" but found it is not consistent with the two-acre rule because it does not encompass criteria such as the physical and economic relationships between proximate but non-contiguous sites. [See Finding 4(s)(ii), above.]

8. EPI *et al.* disagreed with Virginia's proposed policy on two-acre exemptions as it deals with physically related sites and the surface area over underground mines. They specifically objected to the "cumulative environmental impacts" test contained in the related sites portion of the policy.

The Secretary agrees that the "cumulative environmental impacts" test is difficult to apply and does not address the problem of actual physical relatedness.

The Secretary notes that the language in Virginia's regulation on this point is not objectionable. It states clearly that "related operations" will be treated as a single entity for the purpose of determining whether or not the two-acre exemption applies. At the Secretary's request, Virginia provided assurances that the term "cumulative environmental impacts" would be applied by the Commonwealth synonymously with OSM's term "physically related." Thus all related operations which physically disturb more than two acres will be regulated regardless of the amount of environmental impact of the related operations. [See Finding 4(s)(ii), above.]

9. Jewel Ridge Coal Corporation fully supported and recommended approval of Virginia's proposed law, regulations and policy for surface coal mining operations affecting two acres or less which Virginia included in its resubmission. Since under Section 528(2) of SMCRA, operations disturbing two acres or less are exempt from Federal regulation the Secretary reviewed the proposed law, regulations and policy only to the extent that they might affect the State's permanent program as it applies to operations affecting more than two acres. The concerns relating to the two-acre exemption policy are discussed in greater detail in Finding 4(s)(ii), above.

10. VMRA stated that there is apparent disagreement between OSM and Virginia officials as to how much of

the Virginia Coal Surface Mining Technical Handbook has actually been promulgated as State regulations, and stated this point places industry in the position of agreeing to a "blank check" of technical requirements. The EPA also expressed concern that the Technical Handbook may be merely guidance and not actually a regulation. Because the Virginia resubmission did not clearly demonstrate that the Virginia Technical Handbook had the legal effect of regulations and, thus would be subject to rulemaking procedures if changed, OSM requested clarification from Virginia. In the October 15, 1981, letter Virginia stated that the Technical Handbook has been duly and lawfully promulgated and its contents are enforceable as regulations. There is no question of a "blank check;" all requirements are set forth in the handbook and any changes would have to go through Virginia's rulemaking procedures as well as the program amendment procedures of 30 CFR 732.17. Thus, the industry, environmental groups and the general public would have an opportunity to comment on any proposed revisions.

11. EPI *et al.* commented that the Attorney General's opinion supplied in the October 15, 1981 letter did not address the specific legal problems raised by the differences between Virginia's program and the Federal law. The lack of a detailed Attorney General's opinion does not inhibit review of the program. The original side-by-side comparison supplied by the State, along with the issue by issue discussion of changes contained in the program resubmission, enabled reviewers to review the program thoroughly to determine compliance with Federal requirements. In addition, the public was provided access to, and granted the opportunity to comment on, the results of the Department's review during the final comment period which ended on November 17, 1981. In this case, the Secretary believes the Attorney General's Opinion, which primarily serves to certify the legal enforceability of the program changes, is sufficient. The Secretary has required the State to provide a legal opinion that new policy statements which will be furnished pursuant to conditions imposed at 30 CFR 946.11(15) and (18) are enforceable.

12. EPA stated it could not concur with the program if Virginia meant to satisfy the National Pollutant Discharge Elimination System (NPDES) requirements with the requirements of the coal regulatory program. EPA has delegated the authority for NPDES to the State Water Control Board (SWCB) and recognizes it as the only State agency in Virginia authorized to administer the NPDES program until that authority is formally transferred. The Secretary has noted the status of the NPDES program in Virginia and the fact that the SWCB has the NPDES authority in the State. Any delegation of NPDES authority to DMLR for surface coal mining operations must be processed as an action separate from the decision on the coal regulatory program under SMCRA, and it must be done through the EPA in accordance with the requirements of the Federal Water Pollution Control Act.

13. Jewel Ridge and Lambert Coal Companies recommended that the Secretary delay his decision on the Virginia proposed program because OSM is currently revising many of its regulations. They also recommended that Virginia delete from its program resubmission those regulations identical to OSM regulations which are currently being reviewed under OSM's regulatory reform effort. Upon resubmission of a State program, the Secretary, in accordance with 503(c) of SMCRA, is required to begin the process leading to his decision. The Secretary does not believe that OSM's current regulatory revision activities constitute legal grounds upon which to ignore the Congressional directive, especially when regulatory reform is an ongoing process that may well extend over a long period of time. In addition, the Secretary cannot require deletion of any requirements contained in the Virginia program unless they are determined to be inconsistent with Federal requirements. This would include provisions which correspond to Federal regulations which are in the process of being amended. Virginia will have an opportunity to amend its program to take into account any changes in the Federal law and regulations pursuant to the program amendment provisions of 30 CFR 732.17.

14. A commenter stated that the use of the standard for approval of State programs proposed on July 1, 1981 (46 FR 34340), as Virginia has suggested in its resubmission, would be illegal. The commenter further stated that his objection would not be ameliorated even if the new standard for approval is promulgated before the Secretary's final approval/disapproval decision, as the commenter believed that if this were to occur it would be necessary to return the submitted program to Virginia and allow it to resubmit. The regulation to which the commenter referred is the new definition of "consistent with", the principal standard used by the Secretary in reviewing state programs, which was promulgated during the review period for the Virginia program (46 FR 53376–53384; October 28, 1981).

Rather than require Virginia to resubmit its program, the Secretary provided a second 15-day public comment period after that rule became final to allow full public comment on the Virginia program in light of this new standard for state program review and approval (46 FR 54385; November 2, 1981). The Secretary believes that the public has been provided sufficient opportunity to comment on the Virginia program under the new State program approval standard, especially since the public has been aware of the proposed rule change on the standard of review since July 1, 1981.

15. A commenter objected to the participation of J. Steven Griles, Deputy Director of OSM, and Dean Hunt, Assistant Director for Technical Services and Research, in the consideration of the Virginia program. The commenter alleged that in their positions prior to joining OSM these officials played a prominent role in developing the Virginia program, in advocating its acceptance by OSM during the initial submittal period, and in preparing the resubmission. The Secretary has determined that Mr. Griles and Mr. Hunt have retained open minds on all issues in this matter, fully considered the comments of all interested parties, vigorously challenged many views advanced by interested parties (including many of those advanced by the Commonwealth), demonstrated no bias for or against any interested party, and thus that they should not be precluded from advising the Secretary on this matter. In any event, the recommendation to conditionally approve the Virginia program was made by James R. Harris, Director of OSM, and the decision on Virginia's resubmission ultimately is a personal decision which has been made by the Secretary.

16. Jewel Ridge and Pittston Coal Companies pointed out that Virginia's resubmission includes regulatory provisions parallel to sections of OSM's regulations which have been suspended. They further stated that the U.S. District Court of the District of Columbia ordered the Secretary, on May 16, 1980, to disapprove any regulation submitted as part of a state program which was comparable to an OSM regulation that had been suspended by the Secretary or set aside by the Court [*In re: Permanent Surface Mining Regulation Litigation*, Civil No. 79–1144]. The commenters referred specifically to Virginia

Regulation V783.20, fish and wildlife resources and information.

The Court's order was stayed on August 15, 1980. The stay has the effect of allowing the Secretary to approve state program provisions equivalent to remanded or suspended Federal provisions. As a result of this order, the Secretary need not affirmatively disapprove state provisions similar to those Federal regulations which have been suspended or remanded by the District Court where the State has adopted such provisions in a rulemaking or legislative proceeding which occurred after the date of the Round II District Court decision, since such state regulations clearly are not based solely upon the suspended or remanded Federal regulations. 45 FR 69979 (October 22, 1980). Since Virginia's regulations were adopted after the date of the Round II District Court decision, they are not subject to the Court's May 16, 1980, Order.

17. EPI *et al.* stated that Section 503(c) of SMCRA prohibits Virginia from submitting changes to any portion of the program which was approved in the first submittal. The commenter stated that to alter that part of the program which already has been approved, Virginia must first receive approval of the disapproved portion and then submit a proposal to amend its program. Section 503(c) of SMCRA contains no provision prohibiting a state from proposing amendments to the approved portion of its program as part of its resubmission. Rather, that section states in pertinent part, "The State shall have sixty days in which to resubmit a revised state program or portion thereof." The changes made by Virginia to portions of the program previously approved were submitted pursuant to 30 CFR 732.17, and a full public comment period on all such changes was provided. To accept this commenter's interpretation of Section 503(c) of SMCRA would result in a meaningless and counter-productive exercise.

18. One commenter stated that if the Virginia program was conditionally approved the State should be required to satisfy the conditions as quickly as possible. The Secretary agrees with this comment. After discussion with Virginia officials (Administrative Record No. VA 354), the Secretary has determined that the time periods for meeting the conditions set forth in Part 946 of this **Federal Register** notice constitute the shortest periods reasonably practicable for making the required changes.

II. Designating Lands Unsuitable

1. VCBR, EPI *et al.* and another commenter said that Virginia Regulation V764.13 is little more than a thinly disguised attempt to burden citizen petitioners with unnecessary requirements so that petitions can be found incomplete and thus rejected. They further stated that the Virginia regulation was objectionable because it allegedly sets forth a higher threshold for filing a petition than SMCRA either requires or intends. The Secretary finds the Virginia proposal acceptable in light of Virginia's confirmation that petitioners would not be required to research or otherwise collect information not already known to them. This issue is more fully discussed in Finding 4(k)(ii), above.

2. EPI *et al.* stated that Virginia Regulation V764.15(a)(7) will restrict and hamper public participation because it will not allow the filing of a petition for designating lands unsuitable for mining on a permit application up to the close of any informal conference held pursuant to 30 CFR 786.14. The commenters pointed out that 30 CFR 764.15(a)(7) allows approximately 60 days after the last public notice of a permit application to file a petition, while Virginia's program would allow only 30 days for the filing of a petition. The Secretary finds Virginia Regulation V764.15(a)(7) to be consistent with the Federal requirements as discussed in Finding 4(k)(ii), above.

3. The Secretary received comments supporting and comments expressing concern about, Virginia's definition of substantial legal and financial commitments (SLFC). VMRA and others stated that the definition of significant legal and financial commitments in the Virginia program is in harmony with SMCRA and should be approved by the Secretary. For the reasons set forth in Finding 4(k(iii), the Secretary disagrees with this comment. It is important to note that the fact an operator cannot demonstrate SLFC does not mean he is precluded from mining his holdings. It means only that the area in question can be the subject of a petition to designate the area as unsuitable for all or certain types of mining. VCBR and EPI *et al.* stated that the major difference between the Virginia and the Federal definitions of substantial financial and legal commitment is Virginia's inclusion of mineral leases as a "substantial financial and legal commitment." The Secretary agrees with this comment and is requiring a change in the program prohibiting Virginia from making a determination of SLFC solely on the basis of mineral leases. [See Finding 4(k)(iii), above]

4. VCBR and EPI *et al.* commented that Virginia Regulation V764.17 should be rejected because it allows for cross-examination of witnesses in hearings pertaining to designation of lands unsuitable for mining, allegedly contrary to the Federal regulations and the intent of SMCRA. The commenters went on to say that a regulatory agency's hearing officer will not have the judicial training and would hence not have the training necessary to prevent abuse of the process or harassment of witnesses. The Secretary addressed the concern regarding cross-examination in his initial decision of October 22, 1980 [45 FR 69988] and found it acceptable. This comment is outside the scope of this rulemaking.

III. Permitting

1. VMRA objected to the OSM requirement that Virginia change its definition of "affected area" to include the entire area overlying deep mine workings. The Secretary cannot accept the definition of "affected area" presented by Virginia because it is not consistent with the Federal requirements. The Virginia definition would result in the regulation of only that surface area which is actually affected by subsidence or which may be affected by planned subsidence. [See Finding 4(s)(iii), above]

2. EPI *et al.* noted that Virginia Regulation V778.13(d) requires that an applicant for a permit list all permits held subsequent to 1975 while 30 CFR 778.13(d) requires the applicant to list all permits held subsequent to 1970.

The preamble to the Federal regulations (44 FR 15022) points out that the 1970 cutoff date was established in response to comments which contended that information regarding permits prior to 1970 will have little present relevance. Section 507(b)(3) of SMCRA does not establish a specific cutoff date. The Secretary believes that the 1975 limit provided by Virginia is adequate, as this cutoff date will result in securing almost eight years of historical permit information.

3. EPI *et al.* commented on the failure of the Virginia program to require listing "Special Orders" as part of a permit application. They stated that citizens were required to pay to have records provided by the State and that it would be difficult to obtain all records since citizens would not be aware of other names under which an operator may have obtained a permit. This issue was discussed at the September 21 and 22, 1981 meeting. Virginia officials stated that all records are maintained by permit numbers and that they had quick access to all permit numbers previously held by an operator. Since the application contains a list of names the

applicant used previously it would be a simple matter to check all relevant enforcement records. In addition, the State has agreed not to charge for providing citizens other permit numbers or listings of "Special Orders" under those permits (Administrative Record No. VA 345).

4. EPI *et al.* stated that Virginia Regulation V779.14(b)(1) appears to impermissibly limit the extent of the area from which test borings or core samples should be taken to be analyzed. The Secretary has found the Virginia regulation consistent with 30 CFR 779.14(b)(1). Virginia has included provisions to allow the use of outcrop or highwall exposures for study and analysis as a part of the study required for the geology description and this is acceptable as a means of acquiring geological information.

5. EPI *et al.* stated that Virginia Regulation V779.14(b)(2) appears to impermissibly limit the area in which the Division could require test borings or core samples because the Virginia Regulation provides that the Division may require test borings or core samples to greater depth within the permit area or adjacent areas while 30 CFR 779.14(b)(2) provides that these borings or samples may be required within the proposed permit area or areas outside the proposed permit area. Virginia Regulation V779.14(b)(2) is consistent with 30 CFR 779.14(b)(2) as the definition of adjacent area in 30 CFR 701.5 places that area outside of the permit area.

6. EPI *et al.* stated that a pattern of limitation with respect to ground water makes the Virginia program unacceptable because it does not meet the requirement of Section 503(a)(7) of SMCRA that state regulations be consistent with the Federal regulations. The variations noted by this commenter are: the use of adjectives such as "known" uses and "useable" groundwater in Virginia Regulation V783.15(a); changing "and" to "or" in Virginia Regulation V780.21(b)(2); deleting the reference to "groundwater" in Virginia Regulation V780.21(b)(1); and substitution of "minimization of adverse effects" for "adverse effects" in Virginia Regulations V780.21(a) (1) and (3). After a thorough review of the Virginia regulations, including the Virginia Coal Surface Mining Technical Handbook, regarding protection of the hydrologic balance, the Secretary finds that the Virginia regulations in regard to groundwater are consistent with the Federal regulations as required by Section 503(a)(7) of SMCRA.

7. EPI *et al.* objected to Virginia's alternative provisions in Virginia Regulation V786.21 for pre-existing structures, and stated that it would, in effect, exempt certain existing structures from certain performance standards. In Virginia Regulation V786.21(c) the performance standards required for existing structures have been enumerated by Virginia to clarify the requirements of 30 CFR 701.11 regarding the applicability of the Federal regulations to existing structures. In Findings 4(b)(i) (45 FR 69982) and 4(d)(iv) (45 FR 69986) of the initial decision regarding the Virginia program, the Secretary found that fourteen of the twenty-two performance standards proposed by Virginia met Federal requirements. In its resubmission of August 13, 1981, Virginia has satisfied the concerns of the Secretary regarding the eight remaining performance standards. Therefore, the Secretary finds Virginia Regulation V786.21(c) acceptable. [See Finding 4(d)(iii), above]

8. The EPA commented that Virginia regulations requiring permitting to comply with all Federal and State statutes and regulations should specifically reference the applicable statutes or regulations which apply. The EPA went on to identify the provisions of the Virginia regulations and the Virginia Coal Surface Mining Technical Handbook which it believed should contain specific references. While the Secretary agrees that cross-referencing can be helpful in many situations, there is no authority which allows the Secretary to demand specific references of this type, provided a state program requires compliance with all substantive provisions of Federal law.

9. The EPA commented that Virginia Regulation V786.21(c)(12)(iv) should contain a specific reference for requiring a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act for cases where the State approves construction of part of a road in the channel of an intermittent or perennial stream. A specific reference is not needed in Virginia Regulation V786.21(c)(12)(iv), since Virginia Regulation V786.17(c) requires the permittee to demonstrate that he or she is in compliance with all applicable State and Federal laws and regulations before a permit is issued.

10. A commenter said that Virginia Regulations V786.27(b) (1) and (2) improperly omit the provision in 30 CFR 786.27(b) (1) and (2) which requires permits to contain a stipulation allowing the regulatory authority to enter a mine site. The Secretary found that Virginia Regulations V786.27(b) (1) and (2) require such a stipulation as part of the permit terms.

11. EPI *et al.* noted that under Virginia's administrative review process the Director of the Department of Conservation and Development reviews both permit decisions and hearing officer decisions on show cause orders pursuant to Virginia Regulation V787.11(c), with the authority to independently modify such decisions. The commenter stated that minimal Administrative Process Act procedures (i.e., no ex parte contact, equal opportunity to present arguments, etc.) must be applied. The Secretary approved this provision of the Virginia program in his initial decision [45 FR 69977–70000; October 22, 1980] so this comment is outside the scope of this decision. In addition, the requirements of Virginia's Administrative Process Act would apply to any ageny action in a contested case.

12. EPI *et al.* stated that Virginia Regulations V788.14, V788.16 and V788.18 do not establish procedures or standards for public participation in the revision or renewals of permits and the transfer, sale, or assignment of rights. The Virginia regulations are consistent with 30 CFR 788.14, 788.16 and 788.18 and require no changes.

IV. Performance Standards

1. EPA commented that the term "best technology reasonably available" and the definition for that term in Virginia Regulation V701.5 conflict with the SMCRA term "best technology currently available" and may interfere with the attainment of the Clean Water Act Section 303 water quality objectives. The Secretary agrees with this comment and is requiring Virginia to change this term and definition to make them consistent with the requirements of SMCRA with regard to "best technology currently available." [See Finding 4(c)(ii), above]

2. EPA commented that Virginia Regulations V816.21(c)(3), V816.38 and V817.38 providing for in-stream impoundments would have to be revised if EPA promulgates regulations it is presently considering. These EPA regulations, if promulgated, would designate in-stream impoundments as waters of the United States, would require an NPDES permit prior to point source discharge into the impoundment and would prohibit in-stream impoundments *per se* as sedimentation ponds. The Secretary must base his decision to approve or disapprove the Virginia program on existing Federal standards. If the standards upon which the Secretary's decision is made are later changed, the Secretary can require

the State to amend its program accordingly pursuant to 30 CFR 732.17.

3. EPI *et al.* argued that the Secretary should reject Virginia Regulations V816.22(e)(3) and V817.22(e)(3), which allow an alternative for topsoil removal. These provisions would allow overburden materials to be used in place of topsoil without a comparison between topsoil and selected overburden when the natural slopes are in excess of 60 percent. The commenter asserted that under this alternative the operator need not show that selected overburden is equal to or better than the native topsoil and also questioned the method to be employed for determining acidity. The Secretary has found that Virginia Regulations V816.22(e)(3) and V817.22(e)(3) are consistent with OSM requirements. [See Finding 4(c)(iv), above]

4. The Virginia Cooperative Extension Service expressed concerns relating to the plant growth medium properties. The commenter suggested that in order to prevent revegetation from being severely hampered, heavy compaction of minesoil material during placement should be avoided, that soil testing of the surface soil and application of recommended plant nutrients be required, and that the 10–12" surface layer of solid be free of boulders and rocks larger than 3–4" in diameter. Virginia Regulations V816.24(a)(2) and V817.24(a)(2) provide that topsoil and other materials shall be redistributed in a manner that prevents excessive compaction of the topsoil and Virginia Regulations V816.25 and V817.25 require soil testing and the application of any required amendments. There is no specific provision in 30 CFR Chapter VII or SMCRA which addresses the maximum size of rock allowed in the topsoil materials. However, both the Federal regulations and Virginia regulations require the removal and subsequent replacement of the topsoil or approved substitutes in a manner consistent with the approved postmining land uses. Therefore, the Secretary believes no changes are needed.

5. EPI *et al.* stated that Virginia Regulations V816.31, V817.31, and V816.32 permit the use of methods and designs other than sediment ponds as sediment control structures. They contend that this is inconsistent with Federal requirements and the position taken in other state programs. The Secretary disagrees with this comment. Generally, Virginia Regulation at V816.32(a) and V817.32(a) do require sediment ponds. The limited exemptions from this requirement for small areas granted at Virginia Regulations V816.32(b) and V817.32(b) is consistent with that provided by 30 CFR 816.42(a)(3) and 817.42(a)(3). Therefore, the Secretary believes no changes are needed.

6. The EPA, EPI *et al.* and others commented that Virginia Regulations V816.37(b) and V817.37(b) allow the State, under certain conditions, to grant exemptions from effluent limitations. They pointed out that the District of Columbia Circuit Court has interpreted Section 702 of SMCRA as prohibiting the Department of the Interior from alllowing less stringent effluent limitations than those required by EPA. [In re: *Surface Mining Regulation Litigation*, 627 F. 2d 1346, 1366 (D.C. Cir. 1980)] The Secretary has found that Virginia Regulations V816.37(b) and V817.37(b) are not acceptable and will require Virginia to change or delete them. [See Finding 4(c)(x), above]

7. VMRA stated that the effluent standards require an operator to improve natural and/or existing water quality where such quality does not meet minimum standards. The commenter felt that operators should not be charged with correcting situation which they did not create. The Secretary disagrees with this comment because Sections 515(b)(8) and 515(b)(10) of SMCRA contain provisions requiring operators to meet effluent limits during surface coal mining and reclamation operations. [See Finding 4(c)(x), above]

EPI *et al.* stated that Virginia's proposal to use coal processing waste in sediment pond construction is inconsistent with 30 CFR 816.40(o) and noted that the Secretary rejected Virginia's approach as submitted in its initial proposal (45 FR 69984, October 22, 1980). The commenter also stated that Virginia has deleted both performance and design standards from the state regulations and placed them in the Virginia Coal Surface Mining Technical Handbook without specifying whether or not the standards are enforceable as regulations. The commenter pointed out that even if the standards are enforceable they could be changed without notice or public comment or formal amendment of the State program, a clear contradiction of SMCRA. Virginia has addressed the Secretary's concerns as stated in the previous rejection of the Virginia proposal for use of coal processing waste in sediment pond construction. [See Finding 4(c)(v), and response to comment I, 10, above]

9. EPI *et al.* stated that by substituting the term "best *appropriate* technology available" in Virginia Regulation V817.59 for the term "best technology currently available" found in 30 CFR 817.59, Virginia has weakened the intent of this provision. In its resubmission, Virginia now uses the term "best technology reasonably available." The Secretary has, with the exception of Virginia Regulation V817.59, found that the term used by Virginia throughout its regulations and the definition for the term is inconsistent with the Federal requirements. [See Finding 4(c)(ii), above]

10. EPI *et al.* stated that the Virginia regulations fail to require a preblast survey consistent with federal requirements. Specifically, they argued that the Virginia requirements fail to address the quality and quantity of well water and that the Virginia regulations simply require monitoring of the effects of operations rather than a survey prior to blasting. One Secretary disagrees with this comment. The purpose of the survey is to ascertain the quality of well water in an area prior to the initiation of mining operations in order to determine if the mining negatively affects the water supply. This provision protects both the operator and individuals in the area. Virginia requires a preblast survey and Virginia Regulation V816.62(b) makes the condition of well water a part of that survey. The State will obtain the necessary information concerning ground water via the information submitted by the operator in his permit application. In addition, Virginia Regulation V816.52 requires monitoring of ground water to keep track of the effect of operations on "the quantity and quality of water in the ground water systems in the permit and adjacent areas."

11. EPI stated that Virginia Regulation V816.65(b) is a vague standard and appears to provide a large loophole in the requirement that the operator follow the blasting schedule. The Secretary disagrees with this comment. 30 CFR 816.65(b) allows the regulatory authority to determine what hazardous situations would be grounds for changes in the blasting schedule and Virginia regulation merely identifies those hazardous situations which could result in changes to the scheduled detonation of explosives.

12. EPI stated that although Virginia Regulation V816.65(e) provides that the Division may require air blast measurement, the Division should require air blast measurement of all blasts. The Secretary disagrees. 30 CFR 816.65(e)(4) provides that the regulatory authority may require an air blast measurement of any or all blasts and may specify the location of such measurements and the Secretary is not empowered to require States to exceed

the requirements in the Federal regulation.

13. One commenter stated that the peak particle velocity of one inch per second is not justified and that allowable peak particle velocity should be determined on a case-by-case basis. The Secretary must base his decision to approve or disapprove the Virginia regulation on the existing Federal regulation at 30 CFR 816.65(i) which limits the peak particle velocity to one inch per second. If the standards upon which the Secretary's decision is made are later changed, the Secretary can require the State to amend its program accordingly pursuant to 30 CFR 732.17.

14. EPI commented that OSM cannot approve Virginia Regulations V816.71(o) and V817.71(o) pertaining to gravity transport of spoil since these sections have not been formally adopted by Virginia. The Secretary agrees.

Virginia Regulations V816.71(o) and V817.71(o) were submitted as regulations to be adopted pursuant to OSM's final rule on gravity transport of spoil, published on July 17, 1981 [46 FR 37232–37235]. The Secretary has reviewed the proposed regulations submitted along with the Virginia resubmission however, and subject to public comment, when they are submitted as a program amendment, they appear to be consistent with the Federal regulation.

15. The Bureau of Mines commented that Virginia's proposal regarding the lack of spoil for regrading on previously mined land was worthy of consideration and suggested that perhaps the excess spoil from other sites could be used to alleviate spoil deficiency problems in previously mined areas if these problems coexist in adjacent areas. Virginia Regulations V816.76 and V817.76 provide that the regulatory authority may approve the placement of spoil not needed to restore the approximate original contour and reclaim land within the permit area on other specific areas where environmental benefits will occur. Although the Secretary could not approve all parts of the proposal, the portion allowing spoil to be placed on another area under a permit issued pursuant to the Act and on abandoned mine lands under an Abandoned Mine Lands contract were approved. [See Finding 4(c)(xii), above]

16. EPI *et al.* stated Virginia's zone fill provision for disposal of excess spoil should be disapproved. The commenter went on to identify the Federal Standards and requirements which it believed were not met and the standards and requirements which should be included before the provision could be accepted.

The Secretary agrees; he originally rejected Virginia's proposal for disposal of excess spoil (45 FR 69984, October 22, 1980). The resubmitted regulations were not changed and are still not consistent with the Federal standards. Virginia also submitted proposed regulations V816.75 and V817.75 which are separate from its enacted regulation. If submitted as finalized regulations, the proposed regulations, subject to public comment, appear to meet the standards of Section 515(b)(22) of SMCRA and appear to be acceptable with one minor change. [See Finding 4(c)(vi), above]

17. EPI *et al.* stated that Virginia Regulations V816.76(a), (b) and (c) and V817.76(a), (b) and (c) allowing disposal of spoil off the permitted area are contrary to the provisions of the Federal Act and regulations and could cause massive environmental harm. The Secretary agrees in part with this comment and has required that Virginia delete the provision in Virginia Regulations V816.76(c) and V817.76(c) which allows the disposal of excess spoil on any area with the approval of the regulatory authority. However, the Secretary has found that Virginia Regulations V816.76(a) and (b) and V817.76(a) and (b) are consistent with Section 515(b)(22) of SMCRA. [See Finding 4(c)(xii), above]

18. VMRA stated that they felt the Secretary should approve Virginia Regulations V816.76 and V817.76, which would allow the disposal of excess spoil on unpermitted areas such as lawns, fields or commercial development sites at the request and with the approval of the landowner. The Secretary cannot approve this Virginia regulation and is requiring Virginia to delete this regulation in order to make the Virginia program consistent with the requirements of Section 515(b)(22)(B) of SMCRA. [See Finding 4(c)(xii), above]

19. EPA pointed out that Virginia has omitted requirements comparable to those in 30 CFR 816.95(b)(5) and (7) and 817.95(b)(5) and (7) pertaining to the control of fugitive dust by limiting the speed of vehicles and restricting travel of unauthorized vehicles. On May 16, 1980, the District Court of the District of Columbia remanded all of OSM's fugitive dust control measures except those dealing with the prevention of wind erosion. [*In re: Permanent Surface Mining Regulation Litigation*, Civil No. 79–1144] Therefore, the Secretary cannot require that these provisions be included.

20. The EPA commented that the air monitoring equipment and monitoring should be dictated by an air monitoring plan rather than by the Department of Conservation and Economic Development as stated in Virginia Regulations V816.95(d) and V817.95(d). EPA recommended that the regulations be revised to correspond with 30 CFR 816.95(d). The Virginia regulations merely employ the discretion allowed in 30 CFR 780.15(b)(1), which states that an air quality monitoring program shall be provided if required by the regulatory authority. In addition, on May 16, 1980, the District Court of the District of Columbia remanded 30 CFR 817.95. [*In re: Permanent Surface Mining Regulation Litigation*, Civil No. 79–1144] Therefore, the Secretary cannot require Virginia to include that regulation in its program.

21. VCBR expressed several concerns with Virginia Regulations V826.13 and V816.107 which would allow less than total highwall elimination where sufficient spoil is not available to eliminate the highwall completely because of previous mining. The commenter asserted that because insufficient spoil on previously mined lands is a problem common throughout all of Appalachia, it does not constitute a problem based on local conditions in accordance with the "state window" provision of 30 CFR 731.13. Second, the commenter believed that the State's alternative would lead to abuse. An example was cited where a Virginia operator was given a mine permit variance which allowed highwalls to be eliminated only to "whatever extent possible" because insufficient spoil remained as a result of previous mining; however, the same permit also allowed the operator to dispose of spoil in fills. Third, the commenter stated that the Virginia provision differs substantially from a draft proposed regulation developed by OSM.

In his initial decision of October 22, 1981, the Secretary disapproved Virginia's alternative to 30 CFR 816.101 and 817.101, listing six important considerations (45 FR 69982–69983). Since this decision, OSM has promulgated a final rule establishing the standards to be used in the review and approval of a state program, 30 CFR 732.15(a). As part of this rule change, 30 CFR 731.13, which required an alternative to be justified on the basis of local conditions was deleted (46 FR 53384). Under the new rule, State provisions which are as effective as the Federal regulations in meeting the purposes of SMCRA are consistent with the Federal regulations. An additional public comment period was provided by OSM on the Virginia program in order to

accomodate review under this new standard.

In addition, Virginia, in its resubmission, has revised the alternative to meet the six concerns expressed by the Secretary. The revised Virginia rules on this topic would not allow the situation identified by this commenter to occur, because the disposal of spoil in fills is prohibited unless the spoil is unnecessary to achieve approximate original contour. Based on the revisions and subsequent information provided by Virginia at the September 21 and 22, 1981 meeting, the Secretary has found the Virginia provisions acceptable. With regard to Virginia's deviation from OSM's draft proposed regulation on restoration of previously mined lands, this proposed regulation cannot be considered in the Secretary's decision because it is not final and effective. If the Virginia provisions are not consistent with the final Federal regulations, the State will be required to amend its program pursuant to 30 CFR 742.17. [See Finding 4(c)(iii), above and comment 22, below]

22. EPI *et al.* stated that Virginia Regulations V816.107 and V817.107 should be rejected because they are allegedly inconsistent with Sections 515(b)(3) and 515(d)(2) of SMCRA which require that mined land be returned to its approximate original contour and that the highwalls be eliminated. The commenter went on to suggest safeguards which should be imposed if it is determined that highwalls can be left on previously mined areas.

As was discussed in the October 22, 1980 **Federal Register** notice (45 FR 69982), many areas mined before SMCRA was enacted were left in an unreclaimed state and no effort was made to restore them to AOC. It has become economically and technologically feasible to re-mine some of these sites, but frequently it is imposible to obtain sufficient overburden and spoil to return the site to the original contour of the land or to eliminate completely the newly created highwall. In most cases remining these sites will lead to noticeable improvements in overall environmental quality, since the areas will be regraded, stabilized, revegetated and subjected to much improved drainage and erosion control. In every case there should be much less highwall left than was the case before the remining began.

At Section 101(h) of SMCRA, Congress found that:

> there are a substantial number of acres of land throughout major regions of the United States disturbed by surface and underground coal [mining] on which little or no reclamation was conducted, and the impacts from these unreclaimed lands impose social and economic costs on residents in nearby and adjoining areas as well as continuing to impair environmental quality.

Congress stated at Section 102(h) of SMCRA that one purpose of the Act is to:

> promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.

The Secretary believes that remining these abandoned areas will do much to accomplish Congress' intent even if complete highwall elimination is not always possible. This is especially true in view of the safeguards Virginia has instituted to protect against misuse of this exception to highwall elimination.

Section 515(b)(3) of SMCRA requires that operators restore the "approximate original contour" and that highwalls be eliminated. Section 515(d)(2) requires that "the highwall be eliminated and AOC restored."

There is no indication in these Sections whether or not Congress intended it to encompass previously mined areas. The Secretary believes that SMCRA must be considered as a whole and that, where possible, individual requirements read together to achieve the multiple purposes of SMCRA. Accordingly, the Secretary construes the term "original" or "approximate original contour" to mean the contour existing at the site when present-day operators apply for permits, not that which naturally existed prior to any mining. He also construes the requirement that "the highwall" be eliminated to refer to the highwall by the present-day operator, not that which may have been left by earlier mining. This interpretation is supported by the legislative history, as well as by Congress' desire as expressed in Sections 101(h) and 102(h) that abandoned lands be reclaimed. Congress did not intend that operators be required to disturb other areas in order to obtain sufficient spoil to eliminate highwalls. [H. Rep. No. 95–218, 95th Cong., 1st Sess. 96–1.]

23. EPI *et al.* commented that it was not satisfied with Virginia's response to the concern raised by OSM that Virginia Regulations V816.107 and V817.107 do not assure that all available spoil will be kept on the bench and not placed in fills when mining previously mined areas. The commenter states that Virginia Regulations V816.107 and V817.107 might require highwalls to be left because they require that remaining slope not exceed 1v:2h (50%). However, these regulations relate to backfilling on nonsteep slope, previously mined areas. Virginia Regulation V826.13, which relates to backfilling on *steep slope*, previously mined areas contains no such limitation and provides that the backfill must achieve a 1.3 factor of safety. [See Finding 4(c)(iii), above.]

24. EPI *et al.* asserted that Virginia's regulations on haul roads were inconsistent with the Federal requirements and should, therefore, be disapproved. The commenter pointed out that the haul road regulations included in Virginia's initial proposal were rejected [45 FR 69985; October 22, 1980] and urged that Virginia Regulations V816.150–158 and V817.150–158 of the resubmission be similarly rejected. The commenter further stated that Virginia's regulations are inadequate to protect the environment in the way Congress intended.

The haul road regulations in Virginia's initial submission were disapproved by the Secretary as required by the U.S. District Court for the District of Columbia for the reasons discussed in comment 16 in the *GENERAL* section above. However, the haul road regulations contained in the resubmission were adopted after the date of the Round II District Court decision. The Secretary reviewed them and found that they do not conflict with the requirements of SMCRA. Once OSM has promulgated its regulations on haul roads, Virginia's regulations will be reviewed to determine their consistency with the new regulations. If deficiencies are found, Virginia will be required to amend its program pursuant to 30 CFR 732.17(d).

25. EPI *et al.* questioned Virginia Regulations V816.157 and V817.157, which waive reconstruction requirements for existing roads where it can be demonstrated that reconstruction would result in greater environmental harm. They stated that they disagreed with OSM's acceptance of Virginia's statement that the provision does not provide an exemption to the performance standards for haul roads and argued that the program should not be approved until the provision is deleted. The Secretary's concern with these haul road regulations was that they might be read to exempt operators from meeting environmental performance standards, particularly normal maintenance requirements, with respect to roads that existed prior to the mining operation. Virginia's interpretation that such roads were not exempted does not leave the regulations without effect. The Secretary assumes that under Virginia's interpretation of its

regulations, the operator may not be required to reconstruct roads to meet design standards provided that such roads are maintained in accordance with all other roads and can meet all applicable performance standards.

26. EPI *et al.* stated Virginia Regulations V826.12 (b) and (g) relating to steep slope mining do not provide the same environmental and safety protection as 30 CFR 826.12(b) because they allow the lowering of the static safety factor below 1.3 and allow some highwall to remain if a road or ditch is left at the top of the backfill. The commenter felt that this is contrary to Sections 515 (d)(2) and (e) of SMCRA and that it might create problems of slope failure in the backfill area. The Secretary agrees that Virginia's program is inconsistent with the Federal provisions and has required Virginia to revise its program to correct the deficiency with repect to allowing highwalls to remain. This concern is discussed in greater detail in Finding 4(c)(vii), above. With regard to the lower static safety factor, the Secretary has thoroughly evaluated the additional rationale provided by Virginia in its resubmission and interprets Virginia's provision as requiring a minimum static safety factor of 1.2. Further, the Secretary believes that the environmental safeguards intended by the Federal requirements will be maintained as Virginia requires substantial investigation and planning prior to allowing this lower static factor of safety to be used. Based on the technical justification submitted by the State, the Secretary finds the provision acceptable and will not require a change to the program. [See Finding 4(c)(vii), above.]

27. VMRA stated that for steep slope mining it was unnecessary and unreasonable to require the vertical portion of the highwall to be shaved and blended into the surrounding terrain when roads or drainage structures are located at the top of the backfilled area. The commenter further stated that this practice creates safety hazards for workers, exposes additional area to erosion, and is inconsistent because vertical slopes are allowed on other areas. The Secretary disagrees with this comment because Section 515(b)(3) of SMCRA requires that the mined areas by returned to their approximate original contour at the completion of mining. The Secretary interprets this to mean that all highwalls must be eliminated except in the very narrow circumstances pertaining to previously mined areas as discussed at Finding 4(c)(iii), above.

28. The EPA commented that the effluent limitations contained in the Virginia Coal Surface Mining Technical Handbook pages 244–248 should be identified by units. Virginia Regulation V816.37 states that the effluents shall be governed by the standards set forth in the NPDES program under the Federal Water Pollution Control Act (FWPCA) and the rules and regulations promulgated thereunder, and the units are thereby incorporated by reference.

29. The EPA commented that the requirement for monitoring surface water discharge once per week specified in Virginia Coal Surface Mining Technical Handbook, Surface Water Monitoring Program (p. 250) was inadequate. They felt that in order to properly characterize an effluent, samples would have to be taken more frequently. Virginia Regulation V816.52(b)(1) requires that monitoring be adequate to measure the discharges from the permit area as does 30 CFR 816.52(b)(1). Under 30 CFR 816.52(b)(1), the regulatory authority has discretion to determine the frequency of collection, and the Secrefary is not empowered to require States to go beyond the requirements in his regulations. The frequency of monitoring established in the Technical Handbook is intended to meet EPA reguirements for NPDES permits. [See page 243, Volume II of the Virginia resubmission.]

V. Enforcement

1. EPI *et al.* stated that the Virginia CSMCRA, Section 45.1–251(a) still allows trial *de novo* and should be rejected. Section 45.1–251(a) provides that in the event the jury trial *de novo* provision contained in that section is disapproved by the Secretary, the provision shall be severed from the Virginia act and shall be of no effect. The Virginia resubmission included an opinion of the Virginia Attorney General that the Secretary's disapproval of this provision on October 22, 1980 (45 FR 69998–69999), severed the provision from the Virginia statute. Therefore, the Secretary will not require a change in the Virginia law. [See Finding 4(q)(i), above]

2. EPI *et al.* stated that the narrative portion of Virginia's submission is deficient because it does not provide procedures for processing administrative request, procedures for show cause hearings or procedures in accordance with Section 554 of the Federal Administrative Procedures Act (APA). The Secretary approved this portion of the Virginia program in his initial decision [45 FR 69990–69991]. Thus, this comment is outside the scope of the present decision. Show cause and other administrative review proceedings are handled pursuant to the Virginia Administrative Process Act and specific provisions in the Virginia program which provide procedures similar to those required under SMCRA. The Secretary cannot require the States to duplicate the procedures and provisions of Section 554 of the Federal APA.

3. EPI *et al.* stated that in its resubmission, Virginia failed to designate its inspectors as "Authorized Representatives of the Director" for the purpose of issuing cessation orders as required under the Virginia CSMCRA Sections 45.1–245 (A) and (B). VMRA, on the other hand, stated that it was unacceptable to allow Virginia to authorize its inspectors to issue cessation orders without approval from their supervisors. VMRA contended, based on past experience, that Virginia inspectors are often young, inexperienced, and unqualified to judge complex situations, and felt such a provision would be acceptable only if OSM agreed to accept liability for damages incurred because of improperly issued cessation orders.

In its resubmission, Virginia identifies the authorized representatives of the Director in Volume I, Appendix G. The Secretary found Virginia's designation acceptable except with regard to the issuance of cessation orders for imminent harm or danger. The Secretary has required a change in the Virginia program to allow the inspector to issue such cessation orders even if he or she is unable to contact a supervisor. [See Finding 4(j)(i), above] Virginia has assured the Secretary in its program that it will have adequate qualified staff available to implement the permanent program.

4. EPI *et al.* argued that Virginia Regulation V840 11(d)(1) regarding carrying out of inspections on an irregular basis is deficient because it omits the phrase "so as to monitor compliance at all operations, including those which operate nights, weekends or holidays" as contained in 30 CFR 840.11(d)(1). Further, they stated that the phrase "irregular times" as used in the record of the September 21 and 22, 1981 meeting was not contained in the State's regulations, thereby negating the contention of the State that such inspections are authorized.

The use of the phrase "irregular times" in the record of the September 21 and 22, 1981 meeting was inappropriate since the discussions at the meeting involved the term "irregular basis" as contained in the State regulations. Regardless of this misstatement, the Secretary believes that the assurance by

Virginia officials that their regulation encompasses night, weekend and holiday inspections is adequate and it is a binding part of the conditionally approved program. Based on this policy statement by Virginia, the Secretary accepts the Virginia provision as consistent with the Federal rule.

5. VCBR and EPI *et al.* objected to Virginia Regulation V840.11(e) because it provides for inspection of inactive permits and abandoned sites as deemed necessary, but not less than semi-annually, whereas 30 CFR 840.11 (a) and (b) requires monthly inspections. In addition, no definition of "inactive" site was provided. The commenter further contended that a site should be considered active until the bond is released. EPI also stated that the State requirements were not even consistent with the new rules OSM is about to propose. However, the State need not meet rules which are merely in draft or proposed form. In the September 21 and 22, 1981 meeting, Virginia officials stated that "inactive sites" refers only to those operations which have obtained grading release, have been seeded, and are dormant pending the establishment of vegetation and, thereafter, final bond release. The Secretary finds that this is as effective as the Federal rule in ensuring adequate inspections. Reclaimed sites do not present the same environmental problems as active sites because they are static. There will be minimal activity on reclaimed sites, whereas active operations must be monitored frequently to insure that the full panoply of reclamation requirements are being complied with.

6. EPI *et al.* stated that Virginia Regulation V840.11 improperly omits the requirement of 30 CFR 840.11(d)(3) that inspectors promptly file inspection report, and the requirements of 30 CFR 840.11(c) that the periodic inspections shall include collection of evidence with respect to every violation. Virginia included these provisions in its initial submission and the Secretary found them acceptable (45 FR 69987–69988). In the September 21 and 22, 1981 meeting, Virginia stated that the deletion of the provisions from the resubmission was made on the basis that such requirements are a matter of DMLR policy and procedures and, therefore, need not be reiterated in regulations. Virginia further pointed to the Virginia Procedural Handbook, in particular, Memo I and II, which was contained in the original submission and not deleted from the resubmission, as clearly requiring these procedures. On the basis of Virginia's interpretation of the Procedural Handbook requirements, which is a binding part of the State program, the Secretary finds this acceptable.

7. EPI *et al.* stated that Virginia Regulation V842.11(a) impermissibly limits inspections otherwise required by 30 CFR 842.11 by adding the Phrase "except for good cause shown," which is allegedly not consistent with Section 503(a)(7) of SMCRA. This provision of the Virginia program was approved in the initial decision (45 FR 69977–70000) regarding the Virginia program; thus, this comment is outside the scope of this decision.

8. EPI *et al.* Objected to Virginia Regulation V842.12(c), which provides that a citizen accompanying an inspector does so at his/her own risk and may be required to sign a written acknowledgment that neither the Division nor the operator would be liable for any injury or damage sustained by the citizen. The commenter asserted that such provisions are discriminatory. Secondly, the commenter objected to Virginia's requirement that citizens provide all necessary safety equipment.

The Secretary agrees that the requirement that citizens waive liability is unacceptable and is requiring Virginia to revise its program accordingly. [See Finding 4(l)(ii), above] In regard to the commenter's second concern, neither SMCRA nor the provisions of 30 CFR Chapter VII provide the Secretary the authority to require the regulatory authority, or any third party, to provide citizens accompanying an inspector on the mine site with all safety equipment necessary to comply with safety regulations.

9. EPI *et al.* objected to Virginia Regulation V842.14, which allows the Director of DCED up to thirty days instead of the fifteen days provided in 30 CFR 842.12(d) to render a decision on a citizen's complaint regarding the failure of the regulatory authority to make an adequate inspection. While the time period allowed by Virginia is not identical to the Federal requirement, it is as effective as the Federal regulation. The Secretary notes that the effect of this time difference in enforcement is insignificant because of the Secretary's oversight responsibility mandated under Section 521(a)(1) of SMCRA. If more than 10 days passed without a State inspection, the Secretary would be obligated to act.

10. EPI *et al.* stated that Virginia Regulation V842.12(b) qualifies the confidentiality for citizen complaints at 30 CFR 842.12(b) with the phrase "as a matter relating to criminal investigation" and, argued that this is inconsistent with the Federal requirements. This provision in the Virginia program was approved by the Secretary in his initial decision on October 22, 1980 (45 FR 69977–70000). thus, this comment is outside the scope of this rulemaking. The Secretary notes, however, that even under Federal law, confidentiality is subject to the Federal Freedom of Information Act. Since citizen complaints are given the same protection in Virginia as matters under criminal investigation it would appear confidentiality may be even better protected under the Virginia scheme.

11. One commenter objected to the Virginia Regulation V842.12(b) regarding confidentiality of complaints, alleging that it encourages the filing of irresponsible complaints and that characterizing these complaints as criminal matters would stigmatize the operator. The Secretary disagrees. Confidentiality is required by the Federal program. The fact that Virginia extends the same measure of confidentiality as in a criminal investigation merely establishes the level of protection given to a person requesting confidentiality, not the nature of the violation. It is highly unlikely this would cause anyone to confuse these routine administrative complaints with criminal matters.

12. VMRA argued that confidentiality of citizen complaints would encourage the filing of irresponsible and harrassing complaints against operators. Virginia Regulation V842.12(b) does not enable a citizen to keep his identity from the regulatory authority when supplying information. It merely allows the citizen to request that his name not be disclosed to the public and requires Virginia to honor that request. The citizen supplying information is merely the person who brings the alleged violation to the attention of the regulatory authority. If a violation is observed by an inspector following a complaint by a citizen, it is the inspector who would be confronting the operator and providing the basis for obtaining a penalty against the permittee. Therefore, there is no need for the operator to know the complainant. If the complaint is groundless, no violation will be issued and the operator will not be harrassed. The Secretary disagrees with the commenter's objections and has determined that confidentiality is based upon the belief that many citizens will be reluctant to come forward if they are concerned about harrassment, black-listing, or physical abuse even if such concern is groundless.

13. EPI *et al.* stated that Virginia Regulation V843.12 is not consistent with the Federal regulations and could

easily lead to abuse because of vague and hard to enforce standards such as "lack of diligence" and "intentional delay" being used to determine when an extension of the abatement period is available. These standards are found in Virginia Regulation V843.12(c) The Secretary finds Virginia's provisions to be consistent with the Federal rules because 30 CFR 843.12(c) as amended on August 17, 1981 (46 FR 41705) uses these same standards to determine whether or not to allow an extended abatement period.

14. VCBR and EPI *et al.* commented that the Virginia regulation which allows termination of a Notice of Violation without an on-site inspection should be deleted and that Virginia should be required to submit a written statement that it will conduct on-site inspections to determine abatement. The commenters felt that Virginia's provision is in direct violation of Sections 521, 503(a)(1) and 503(a)(7) of SMCRA. The Secretary agrees that the Virginia provision must be deleted and has conditioned approval of the program on this issue. [See Finding 4(j)(iii), above] In addition, at the September 21 and 22, 1981 meeting the State agreed not to exercise its authority to terminate Notice of Violations without an on-site inspection. The Secretary considers this a binding statement by the State and incorporates it as part of the conditional approval.

15. EPI *et al.* objected to the omission of a requirement for mandatory issuance of a show cause order upon a finding of a pattern of violations as required by 30 CFR 843.13(a)(3). The Secretary agrees with this comment and has required changes in Virginia's program to correct the deficiency. [See Finding 4(j)(iv), above.]

16. EPI *et al.* noted that Virginia Regulation V843.15(g) omits the requirement of 30 CFR 843.15(g) that at a formal review proceeding no evidence as to statements made or evidence produced at an informal public hearing shall be introduced as evidence to impeach a witness. The Federal provision relates to an informal hearing which an operator can request if he has received a cessation order. The hearing is for the operator's benefit, and the rule is designed to encourage operators to speak freely at such hearings (44 FR 15304; March 13, 1979). States are not required to adopt provisions which are solely for the benefit of operators, rather than the public or the environment, as the omission of such a requirement does not render the State program inconsistent with the Federal requirements. *See* Section 505 of SMCRA.

17. EPI *et al.* stated that Virginia should be required to submit a written statement confirming that a notice of any public hearing on a show cause order will be posted at the DMLR office in Big Stone Gap. They further stated that the notice should be posted at the time of issuance of the order. At the September 21 and 22, 1981 meeting, Virginia officials stated that notices would be posted at the time of issuance of show cause orders. They also stated that notices of any hearings would be posted. The Secretary views these statements as binding on the State and incorporates them as part of the conditional approval of the Virginia program.

18. One commenter stated that the Virginia proposal does not clearly authorize access by Virginia inspectors to wildcat operations. Virginia's provisions governing such access have not changed since its original submission. Thus, this comment is outside the scope of this decision. In Finding 4(g) of the initial decision regarding the Virginia program (45 FR 699987), the Secretary found that Virginia inspectors have the authority to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal lands within Virginia consistent with the Federal requirements.

VI. Public Participation

1. EPI *et al.* objected to the Virginia CSMCRA Section 45.1–232 which allows persons with financial interests in underground and surface coal mining operations to sit on the Board of Conservation and Economic Development. The commenter argued that such a provision violates citizens' rights to a fair and impartial hearing and would increase the likelihood of biased rulemaking. The Secretary has determined that Virginia has adequately demonstrated that the Board is multi-interest and, therefore, not subject to the conflict of interest provisions of 30 CFR 705. Thus, it is consistent with the Federal requirements. [See Finding 4(m)(i), above]

2. EPI *et al.* stated that Virginia's program does not provide for discovery rights or contain provisions for the intervention by citizens in administrative proceedings consistent with the Federal provisions. The Secretary disagrees for the reasons set forth in Finding 4(q)(iv), above.

3. EPI *et al.* stated that Virginia law does not properly allow assessment of costs and expenses (including attorney fees) against the State, which is a required element for approval of a state program. They also stated that Virginia Regulation V789.1 provided for award of costs only in "administrative proceedings reviewing enforcement actions," rather than in "any administrative proceeding under the Act * * *" as required by Section 525(e) of SMCRA.

The Secretary agrees that Virginia law does not provide for award of costs against the Commonwealth and has required Virginia to correct this deficiency in its program. [See Finding 4(g)(iii), above] However, the Secretary believes the commenter has misread the Virginia regulation, because it provides at subsection (a) that any person may petition for costs and expenses if they participate in *any* administrative proceeding under the Act. The reference to proceedings reviewing *enforcement* actions is found at subsection (e), which refers to payment of costs and expenses to any person from the permittee. This is consistent with Section 525(e) of SMCRA, which allows for recovery of costs and expenses in enforcement actions.

D. Background on Conditional Approval

The Secretary is fully committed to two key aims which underlie SMCRA. SMCRA calls for comprehensive regulation of the effects of surface coal mining on the environment and public health and safety and for the Secretary to assist the States in becoming the primary regulators under SMCRA. To enable the States to achieve that primacy, the Secretary has undertaken many activities, of which several are particularly noteworthy.

The Secretary has worked closely with several State organizations, such as the Interstate Mining Compact Commission, the Council of State Governments, the National Governors Association and the Western Interstate Energy Board. Through these groups, OSM has frequently met with State regulatory authority personnel to discuss informally how SMCRA should be administered, with particular reference to unique circumstances in individual States. Often these meetings have been a way for OSM and the States to test new ideas and for OSM to explain portions of the Federal requirements and how the States might meet them.

The Secretary has dispensed over $8.5 million in program development grants and over $37.6 million in initial program grants to help the States to develop their programs, to administer their initial programs, to train their personnel in the

new requirements, and to purchase new equipment. In several instances, OSM detailed its personnel to States to assist in the preparation of their permanent program submissions. OSM has also met with individual states to determine how best to meet SMCRA's environmental protection standards.

Equally important, the Secretary structured the State program approval process to assist the States in achieving primacy. He voluntarily provided his preliminary views on the adequacy of each State program to identify needed changes and to allow them to be made without penalty to the State. The Secretary adopted a special policy to insure that communication between him and the states remained open and uninhibited at all times (44 FR 54444; September 19, 1979). This policy was critical to avoiding a period of enforced silence between OSM and a State after the close of the public comment period on its program and has been a vital part of the program review process.

The Secretary has also developed in his regulations the critical ability to conditionally approve a State program. Under 30 CFR 732.13 of the Secretary's regulations, conditional approval gives full primacy to a State even though there are minor deficiencies in a program. This power is not expressly authorized by SMCRA; it was adopted through the Secretary's rulemaking authority under 30 U.S.C. 201(c), 501(b), and 503(a)(7).

SMCRA expressly gives the Secretary only two options—to approve or disapprove a State program. Read literally, the Secretary would have no flexibility; he would have to approve those programs that are letter-perfect and disapprove all others. To avoid that result, and in recognition of the difficulty of developing an acceptable program, the Secretary adopted the regulation providing the authority to conditionally approve a program.

Conditional approval has a vital effect for programs approved in the Secretary's initial decision. It results in the implementation of the permanent program in a State months earlier than might otherwise be anticipated. It also avoids the costly and cumbersome problem of implementing Federal programs where the State submittal was deficient in only minor respects. While this may not be significant in States that already have comprehensive surface mining regulatory programs, in many States earlier implementation will initiate a much higher degree of environmental protection. It also implements the rights SMCRA provides to citizens to participate in the regulation of surface coal mining through soliciting their views at hearings and meetings and enabling them to file requests to designate lands as unsuitable for mining if they are fragile, historic, critical to agriculture, or simply cannot be reclaimed to their prior productive capability.

The Secretary considers three factors in deciding whether a program qualifies for conditional approval. First is the State's willingness to make good faith efforts to effect the necessary changes. Without the State's commitment, the option of conditional approval may not be used.

Second, no part of the program can be incomplete. As the preamble to the regulations states, the program, even with deficiencies, must "provide for implementation and administration for all processes, procedures, and systems required by SMCRA and these regulations" [44 FR 14961; March 13, 1979]. That is, a State must be able to operate the basic components of the permanent program: the designation process; the permit and coal exploration systems; the bond and insurance requirements; the performance standards; and the inspection and enforcement systems. In addition, there must be a functional regulatory authority to implement the other parts of the program. If some fundamental component is missing, conditional approval may not be granted.

Third, the deficiencies must be minor. For each deficiency or group of deficiencies, the Secretary considers the significance of the deficiency in light of the particular State in question. Examples of deficiencies that would be minor in virtually all circumstances are correction of clerical errors and resolution of ambiguities.

Other deficiencies require individual consideration. An example of a deficiency that would most likely be major would be a failure to allow meaningful public participation in the permitting process. Although this would not render the permit system incomplete, because permits could still be issued, the lack of any public participation could be such a departure from a fundamental purpose of SMCRA that the deficiency would probably be major.

The granting of conditional approval is not and cannot be a substitute for the adoption of an adequate program. The Federal regulations (30 CFR 732.13(i)), give the Secretary little discretion in terminating programs where the State, in the Secretary's view, fails to fulfill the conditions. The purpose of the conditional approval authority is to assist States in achieving compliance with SMCRA, not to excuse them from compliance.

E. The Secretary's Decision

As indicated above under "Secretary's Findings," there are minor deficiencies in the Virginia program which the Secretary requires be corrected. In all other respects, the Virginia program meets the criteria for approval. The deficiencies identified in prior findings are summarized below and an explanation is given to show why each deficiency is minor, as required by 30 CFR 732.13(i).

(1) As discussed in Finding 4(c)(ii), Virginia utilized the term "best technology reasonably available" which was not consistent with the phrase "best technology currently available" (BTCA). The deficiency is minor because situations where Virginia could require a particular kind of technology under BCTA, but not under its present standard will be few, if any, during the time allowed to make the changes.

(2) As discussed in Finding 4(c)(vi). Virginia submitted an alternative regulation regarding the zone-fill concept which was determined to be inconsistent with Federal requirements. This deficiency is minor since the State is being required not to use the alternative regulations pending formal deletion of the regulations from the program.

(3) As discussed in Finding 4(c)(vii), Virginia submitted a regulation which would allow roads or drainage structures to be left at the top of the backfill area without requiring that any remaining highwall be shaved or blended into the surrounding terrain. This deficiency is minor because in the October 15, 1981 letter, Virginia submitted a policy statement affirming that in the period prior to the promulgation of the required regulatory change, it will require the shaving and blending of highwalls into the natural terrain.

(4) As discussed in Finding 4(c)(x), Virginia regulations and the Virginia Coal Surface Mining Technical Handbook omit the Federal prohibition against locating diversions on areas with landslide potential. This deficiency is minor because Virginia indicated in the September 21 and 22, 1981, meeting with OSM that it is the State's policy to not allow diversion structures to be placed on areas with landslide potential.

(5) As discussed in Finding 4(c)(xi), Virginia regulations allow the regulatory authority to grant exemptions from the requirement that all discharges of water meet all applicable Federal and State laws and regulations. This deficiency is minor because Virginia has agreed not to use its authority to grant this

exemption pending the completion of the required regulatory change.

(6) As discussed in Finding 4(c)(xii), Virginia regulations allow for a scaled distance factor of 50 as opposed to the 60 required in the Federal regulations. This deficiency is minor because Virginia has agreed to use the authority provided in Virginia Regulations V816.65(i) and V817.65(i) to limit ground vibrations from an explosive detonation to 1.0 inch per second pending completion of regulatory change. Since this equates to a scale distance factor of 60 explosive detonations, Virginia would be in compliance with the Federal requirements pending completion of the regulatory change.

(7) As discussed in Finding 4(c)(xii), Virginia regulations allow up to 50 pounds of explosives to be detonated without publishing notice of the operator's blasting schedule. This deficiency is minor because few blasts of between five and 50 pounds of explosives are detonated on surface mining operations. Also, during the interim period, until Virginia can amend this regulation, most operations will be operating under permits issued during the interim regulatory program which require a blasting schedule and do not allow the permittee to detonate more than five pounds of explosives at times other than those in the blasting schedule.

(8) As discussed in Finding 4(c)(xii), Virginia regulations allow the maximum ground vibrations from an explosive detonation to be 2.0 inches per second. This deficiency is minor because Virginia Regulations V816.65(i) and V817.65(i) provide DMLR with authority to reduce the maximum peak particle velocity allowed. Virginia has agreed to use this authority to limit maximum ground vibrations to 1.0 inch per second pending completion of the regulatory change.

(9) As discussed in Finding 4(c)(xiii), Virginia regulations allow for disposal of excess spoil on certain areas other than the permit area at the request of the landowner. This deficiency is minor because Virginia agreed in the October 15, 1981 letter not to exercise its authority to allow such disposal during the time needed to make the necessary change to its regulations.

(10) As discussed in finding 4(c)(xiv), Virginia's Coal Surface Mining Technical Handbook allows for methods of abandoning temporary diversions inconsistent with those provided in the Federal regulations. This issue is minor because surface coal mining operations typically progress toward completion of the operation over an extended period of time. Few, if any, permits would be issued under the permanent program regulations to operations which would reach a stage in the mining process allowing abandonment of a temporary diversion prior to the completion of the required regulatory change.

(11) As discussed in finding 4(j)(i), Virginia stated that its current policy would not allow a field inspector to issue a cessation order for imminent danger or harm if he/she were unable to contact his supervisor or the enforcement manager either by radio or telephone. The deficiency is minor because of the limited number of cessation orders for imminent danger or harm which have been issued in Virginia, and the short time allowed for the State to revise its policy. During calendar year 1981, the OSM issued no such order in Virginia. In calendar year 1980 only two cessation orders were issued. Therefore, the impact of this deficiency is very limited.

(12) As discussed in Finding 4(j)(ii), there are some deficiencies in Virginia's regulations criteria for extending the 90-day abatement period. These deficiencies are minor because Virginia Regulations V843.12 (f)(1) and (f)(6), among other provisions, require that extensions can be granted only when abatement within 90 days would (1) clearly cause more environmental harm than it would prevent; or (2) create an imminent danger or be expected to cause imminent environmental harm. The Secretary knows of no situation where more environmental harm would be created by abatement except when abatement would be affected by climatic conditions. In addition, the Virginia regulations would require compliance with all Mine Safety and Health Act standards. Furthermore, extensions are not mandatory and the State has agreed not to grant extensions in any instances that would be inconsistent with Federal law.

(13) As discussed in finding 4(j)(iii), Virginia's regulations allow the termination of a notice of violation by methods other than the authorized representative of the Director conducting an investigation to confirm the abatement. This deficiency is minor since the State indicated in the September 21 and 22, 1981 meeting that as a matter of policy, it would not terminate notices of violation by means other than an authorized representative's investigation to confirm that all violations have been abated.

(14) As discussed in Finding 4(j)(iv), Virginia regulations provide the regulatory authority with more discretion to determine when a show cause order should be issued than does the corresponding Federal regulation. This deficiency is minor because it is unlikely that any operator will develop a pattern of violations before the deficiency is corrected. Further, the State still has the same authority as OSM to issue discretionary show cause orders.

(15) As discussed in Finding 4(k)(iii), the Virginia definition of significant legal and financial commitments (SLFC) is similar to the Federal regulation except that Virginia provides that the mere ownership of mineral rights prior to August 3, 1977, establishes SLFC. This deficiency is minor since no petition to designate lands unsuitable for mining could be processed prior to the time allowed by the Secretary for correcting this deficiency.

(16) As discussed in Finding 4(l)(ii), Virginia's regulations require a citizen accompanying an inspector to do so at his/her own risk, and also provide that neither the regulatory authority nor its personnel, nor the operator, nor its personnel, shall be liable for any injury or damage. This deficiency is minor since citizen visits are not frequent, and it is unlikely that anyone accompanying an inspector onto a minesite will be injured during the period in which the State has to amend this provision. The Secretary is aware of no instance in which a citizen accompanying an inspector onto a minesite has been injured. Accordingly, few, if any, citizens are likely to be deterred from exercising their statutory right to go onto a minesite pending resolution of this deficiency.

(17) As discussed in Finding 4(q)(iii), the Virginia Coal Surface Mining and Reclamation Act prohibits the awarding of costs and attorneys' fees against the State in judicial and administrative proceedings. This deficiency is minor since the exclusion applies only to awards against the State. Awards against other persons are available. Furthermore, due to the length of time it takes to process administrative and judicial proceedings, the deficiency should be cured before most cases are resolved.

(18) As discussed in Finding 4(s)(i), the Virginia policy on haul roads is ambiguous with respect to the requirement of substantial public use and actual public maintenance. This deficiency is minor since no permanent program permits will be issued during the very short time period provided for the State to revise its policy.

(19) As discussed in Finding 4(s)(iii), Virginia's definition of "affected area" includes only the area which is located above underground mine workings actually affected by subsidence, or

which may be affected by planned subsidence. This deficiency is minor because on October 15, 1981, Virginia submitted material demonstrating that subsidence is an uncommon environmental problem in Virginia and, therefore, the practical difference between the two definitions is minor.

Given the nature of the deficiencies set forth in the Secretary's findings and their magnitude in relation to all the other provisions of the Virginia program, the Secretary of the Interior has concluded that they are minor deficiencies. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(i) because:

1. The deficiencies are of such a size and nature as to render no part of the Virginia program incomplete;

2. All other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII;

3. These deficiencies, which will be promptly corrected, will not directly affect environmental performance at coal mines;

4. Virginia has initiated and is actively proceeding with steps to correct the deficiencies; and

5. Virginia has agreed, by letter dated December 8, 1981, to correct the regulation deficiencies by October 15, 1982, and the statutory deficiencies by July 15, 1983. Other deficiencies, which relate to policy interpretations of the DMLR only, will be corrected by February 15, 1982.

Accordingly, the Secretary is conditionally approving the Virginia program. If regulations correcting the deficiencies are not enacted by October 15, 1982, if State legislation correcting the statutory deficiencies is not enacted by July 15, 1983; and policy interpretations are not corrected by February 15, 1982, the Secretary will take appropriate steps under 30 CFR Part 733 to terminate the State program. This conditional approval is effective on December 15, 1981. Beginning on that date, the Virginia Department of Conservation and Economic Development shall be deemed the regulatory authority in Virginia and all Virginia surface coal mining and reclamation operations on non-Federal and non-Indian lands and all coal exploration on non-Federal and non-Indian lands in Virginia shall be subject to the permanent regulatory program.

On non-Federal and non-Indian lands in Virginia, the permanent regulatory program consists of the State program approved by the Secretary. Following this approval, in accordance with Section 523(c) of SMCRA, Virginia may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State. The Virginia Regulations V740 through V744 for Federal lands which were submitted as part of the program resubmission have not been considered and are not a part of the Secretary's conditional approval. These regulations may be included in the State's request for a cooperative agreement and will be considered at that time.

The Secretary's approval of the Virginia program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV under SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, Virginia may submit a State reclamation plan now that its permanent program has been approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be reviewed by officials of the Department of the Interior.

Dated: December 10, 1981.

James G. Watt,

Secretary of the Interior.

Accordingly, Part 946 is added to 30 CFR Chapter VII as follows:

PART 946—VIRGINIA

Sec.

946.1 Scope.

946.10 Conditions of State regulatory approval.

946.11 Conditions of State regulatory program approval.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

§ 946.1 Scope.

This Part contains all rules applicable only within Virginia that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 946.10 Conditions of State regulatory program approval.

The Virginia State program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to Director Harris of October 15, 1981, is conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation shall be deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the Virginia permanent regulatory program. Copies of the approved program, together with copies of the letter of the Department of Conservation and Economic Development agreeing to the conditions of 30 CFR 946.11, are available at:

Virginia Division of Mined Land Reclamation, Drawer U, 630 Powell Avenue, Big Stone Gap, Virginia 24219

Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219

Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301

Office of Surface Mining, South Interior Building, 1951 Constitution Avenue, Washington, D.C. 20240

§ 946.11 Conditions of State regulatory program approval.

The approval of the Virginia State program is subject to the State revising its program to correct the deficiencies listed in this Section. The program revisions may be made, as appropriate, to the statute, the regulations, the program narrative, or the Attorney General's opinion. This Section indicates, for the general guidance of the State, the component of the program to which the Secretary recommends the change be made.

(a) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to revise the term "best technology reasonably available" to read "best technology currently available" and to make the definition of "best technology currently available" consistent with Section 515(d)(10)(B)(i) of SMCRA and 30 CFR 701.5.

(b) The approval found in Section 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to delete the regulations concerning the zone-fill concept. Furthermore, pending completion of the above, Virginia may not use its authority to approve such fills.

(c) The approval found in Section 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to require that where roads or

ditches are left at the top of the backfill area, the highwall will be shaved and blended into the surrounding natural terrain.

(d) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to prohibit the construction of diversion ditches on areas with landslide potential as required in 30 CFR 816.43(d) and 30 CFR 817.43(d).

(e) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to clarify that discharges in excess of standards allowed under EPA regulations for coal mining point source will not be allowed. Furthermore, pending completion of the above, Virginia may not use its authority to grant exemptions from effluent limitations, or the approval will terminate.

(f) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to provide for a scale distance factor of 60 as it relates to the maximum pounds of explosives to be used per delay, as required in 30 CFR 817.65(k).

(g) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to allow only five pounds or less of explosive to be detonated without publishing notice of the operator's blasting schedule as required in 30 CFR 816.64(a)(1).

(h) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to require maximum ground vibrations from an explosive detonation to be 1.0 inch per second as required in 30 CFR 816.65(i).

(i) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or other program amendments deleting provisions allowing for disposal of excess spoil on unpermitted areas such as lawns, fields or commercial development sites at the request and approval of the landowner.

(j) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to delete the language in its Coal Surface Mining Technical Handbook, Standards and Specifications for Diversion Ditches, Abandonment Procedures Items 1 and 4 regarding the elimination of temporary diversions to make the State program consistent with 30 CFR 816.43(e), 30 CFR 816.44 (c) and (d), 30 CFR 817.43(e) and 30 CFR 817.44 (c) and (d).

(k) The approval found in § 946.10 will terminate on February 15, 1982, unless Virginia submits to the Secretary by that date a revised policy statement clearly granting field inspectors the authority to issue immediate cessation orders for imminent danger or harm if he/she is unable to contact the supervisor or enforcement manager.

(l) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to provide acceptable criteria for extending the abatement period of violations beyond 90 days in accordance with 30 CFR 843.12(f).

(m) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to require an authorized representative of the Director to conduct an investigation prior to terminating a violation consistent with Section 521(a)(5) of SMCRA and 30 CFR 843:12(e).

(n) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to provide for those situations where the Director shall determine that a pattern of violations exists in a manner consistent with 30 CFR 843.13(a)(3) and (4).

(o) The approval found in § 946.10 will terminate on February 15, 1982, unless Virginia submits to the Secretary by that date provisions which amend its program by deleting the program narrative rationale of "significant legal and financial commitments" (SLFC) which provides that mere ownership of mineral rights or the right to mine constitutes a significant legal and financial commitment and provide affirmative assurance that SLFC will be interpreted in accordance with Federal law. If this is accomplished by a policy statement, it must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations.

(p) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends it program to delete the language requiring a citizen accompanying an inspector sign a waiver providing that the citizen does so at his or her own risk, and providing that neither the regulatory authority, nor its personnel, nor the operator, nor its personnel shall be liable for any injury or damage sustained by a citizen.

(q) The approval found in § 946.10 will terminate on July 15, 1983, unless Virginia submits to the Secretary by that date copies of enacted law or otherwise amends its program, to provide for the awarding of costs and attorneys' fees against the State in judicial and administrative proceedings consistent with Section 525(e) of SMCRA.

(r) The approval found in § 946.10 will terminate on February 15, 1982, unless Virginia submits to the Secretary by that date copies of a revised policy statement or otherwise amends its program to make its coal haul roads policy consistent with the Federal requirements. This policy must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations.

(s) The approval found in § 946.10 will terminate on October 15, 1982, unless Virginia submits to the Secretary by that date copies of enacted regulations or otherwise amends its program to define the term "affected area" consistent with 30 CFR 701.5.

[FR Doc. 81-35855 Filed 12-14-81; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records; Exemptions

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This notice amends § 505.9(b) of Title 32 of the Code of Federal Regulations (CFR) by removing the exemptions for the U.S. Army system of records A1015.06DAAG, entitled School Employee File.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Records Management Division, HQDA(DAAG-AMR-S), Hoffman Building 1, 2561 Eisenhower Ave., Alexandria, VA 22331, Telephone 703/325-6163.

SUPPLEMENTARY INFORMATION: System of records A1015.06DAAG, School

Employee File, no longer requires any exemptions from the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. Law 93–579; 88 Stat. 1896 *et seq.*).

PART 505—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

§ 505.9 [Amended]

Accordingly, § 505.9(b) of 32 CFR is amended by deleting all of the exemptions for record system A1015.06DAAG.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 9, 1981.

[FR Doc. 81–35842 Filed 12–14–81; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

32 CFR Parts 1287 and 1289

DLA Consumer Representation Program; Standards of Conduct

AGENCY: Defense Logistics Agency, Department of Defense.

ACTION: Removal of regulations.

SUMMARY: Part 1287 of this title was issued to ensure DLA consumer representation techniques reflecting the needs of the consumer. This part no longer affects the public and is of no interest. Part 1289 of this title was issued concerning the personal conduct of DLA employees, both on and off the job, and making final decisions affecting non-Federal interests. This part is not of interest to the public.

EFFECTIVE DATE: December 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Allen V. Macdonald, Plans and Projects Analyst, Cameron Station, Alexandria, Virginia 22314, Telephone (202) 274–6176; Ms. Essie A. Schloss, Associate Counsel for Administration and Personnel, Cameron Station, Alexandria, Virginia 22314, Telephone (202) 274–6851

Accordingly, 32 CFR Chapter XII is amended by removing Parts 1287 and 1289.

PART 1287—DLA CONSUMER REPRESENTATION PROGRAM [REMOVED]

(5 U.S.C. 301; 10 U.S.C. 125, 133; DoD Directive 5105.22, January 5, 1977)

PART 1289—STANDARDS OF CONDUCT [REMOVED]

(Executive Order 11222, May 8, 1965, as amended by Executive Order 12107, December 28, 1978: DoD Directive 5500.7, January 15, 1977)

Dated: December 4, 1981.

R. F. McCormack,

Colonel, USA, Staff Director, Administration.

[FR Doc. 81–35611 Filed 12–14–81; 8:45 am]

BILLING CODE 3620–01–M

Department of the Army; Corps of Engineers

33 CFR Part 207

Navigable Waters, Portsmouth Naval Shipyard; Correction

AGENCY: Army Corps of Engineers/ Department of the Army; Defense.

ACTION: Final rule; correction.

SUMMARY: The regulations which establish a restricted area in the waters around the Portsmouth Naval Shipyard, Kittery, Maine, were amended on August 26, 1981 (46 FR 43044–45). That amendment contained an error in a coordinate which defines Area No. 1. Latitude 43°4'47"N should read 43°04'49"N. For clarity the corrected paragraph is reprinted below in its entirety.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, DAEN–CWO–N, HQDA, Washington, DC 20314, or call (202) 272–0200.

John O. Roach II,

Liaison Officer with the Federal Register.

PART 207—NAVIGATION REGULATIONS

Accordingly, the Corps of Enginers is correcting the description of Area No. 1 in 33 CFR 207.6(a) to read as follows:

§ 207.6 Piscatuqua River at Portsmouth Naval Shipyard, Kittery, Maine; restricted area: (a) The areas.

Area No. 1: The area bounded by a line at a point on the easterly side of Seavey Island at latitude 43°04'37"N, longitude 70°43'44"W, thence to latitude 43°04'36"N; longitude 70°43'40"N, thence to the pier on the westerly side of Clark Island at latitude 43°04'36.5"N, longitude 70°43'34"W; thence along the northerly side of Clark Island to a point on the easterly side at latitude 43°04'37"N, longitude 70°43'25"W, thence northeasterly to the easterly side of Jamaica Island at latitude 43°04'49"N, longitude 70°43'24"W, thence along the southerly and westerly sides of Jamaica Island and thence generally along the easterly side of Seavey Island to the point of beginning.

* * * * *

[FR Doc. 81–35807 Filed 12–14–81; 8:45 am]

BILLING CODE 3710–92–M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces certain amendments intended to simplify the procedure for recognizing a successor in interest to a Postal Service contract. Also, audit review of cost or pricing data for negotiated procurement actions would not be required if the procurement action is for $250,000 or less. The existing threshhold is $100,000. Finally, a number of minor changes are made to section 19 (Mail Transportation Contracts), and three new, revised, or replacement forms are added.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245–4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular 81–7, dated December 4, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104).

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation:

—Section 1–404 adds a simplified novation procedure for contracts of $75,000 or less or, in the case of contracts for the performance of services, an annual rate of $75,000 or less. The requirement for a novation agreement in order to recognize a successor in interest to a Postal Service contract is deleted for contracts of $20,000 or less or, in the case of contracts for the performance of services, an annual rate of $20,000 or

less. This new provision supersedes section XI of MI PO–210–79–30, "Recognition of a Successor in Interest" with respect to contract units.

—3–809, which requires audit review of cost or pricing data for negotiated procurement actions exceeding $100,000 in amount, is revised to change the $100,000 threshold to $250,000. This increase in the threshold is not intended to discourage the use of audit services on contracts of lesser size when appropriate. See 3–809(b)(1)(ii).

—19–103.1(b) corrects the reference.

—19–103.2 (a) and (b) correct references.

—19–105.2 revises the definition of an advertised contract.

—19–105.9 revises the definition of a negotiated contract.

—19–310.1, 19–410.1, and 19–1010.1 clarify the terms on which highway, rail, and terminal handling contracts may be renewed.

—Use the following new, revised, or replacement forms immediately when applicable:

Form 7298, *Contract Unit Performance Bond,* September 1981.

Form 7322, *Solicitation, Offer and Award (Construction Contract,* August 1981.

Form 7463, *Cost Statement—Highway Transportation Contracts,* June 1981.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel Office of General Law and Administration.

[FR Doc. 81–35825 Filed 12–14–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–7–FRL–1990–3]

Approval and Promulgation of State Implementation Plans: State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D of the Clean Air Act (CAA) as amended in 1977 requires that states revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of Kansas submitted SIP revisions for attaining the carbon monoxide (CO) NAAQS to EPA on April 16, 1981, in order to satisfy the requirements of Part D for the South Central Kansas Air Quality Control Region, Sedgwick County, Wichita central city nonattainment area. The SIP revision was announced as available for public inspection and comment in the May 22, 1981, **Federal Register** (46 FR 27972). EPA's proposed action on the submittal was published in the August 31, 1981, **Federal Register** (46 FR 43701).

EPA is taking final action to approve all elements of the Kansas plan except one element which EPA conditionally approved in a previous action. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble on July 2, 1979 (44 FR 38583) and November 23, 1979 (44 FR 67182).

DATE: This approval is effective December 15, 1981.

ADDRESSES: Copies of the state submission, all public comments received, and the EPA prepared evaluation report are available during normal business hours at those locations listed in the May 22, 1981 (46 FR 27972) and August 31, 1981 (46 FR 43701), **Federal Registers.**

A copy of the state submission and this notice is available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael T. Marshall, (816) 374–3791, FTS 758–3891.

SUPPLEMENTARY INFORMATION:

A. General Discussion

Part D of the CAA requires states to revise their SIPs for all areas that have not attained the NAAQS. The April 16, 1981, Kansas SIP submission demonstrated the attainment and maintenance of the CO NAAQS by December 31, 1982, for the Wichita nonattainment area. The SIP submittal documents that over 98 percent of the CO emissions in the Wichita area come from transportation sources. There is only one major stationary CO source in the area, and it is controlled to the reasonably available control technology (RACT) level. The federal motor vehicle control program by itself will cause enough CO emissions to be reduced that attainment of the NAAQS will occur by October 1983. An additional CO reduction of 639 tons per year is needed for attainment by December 1982. The SIP submittal commits to the implementation of nine transportation control measures (TCMs) for a CO reduction of 723 tons per year and attainment in 1982. The TCMs being implemented are improved mass transit, expanded carpool/vanpool programs, improved traffic flow projects, and a voluntary inspection and maintenance (I/M) program. The reader should refer to the August 31, 1981, **Federal Register** for a more detailed description of the SIP revision, the criteria for plan approval, and EPA's evaluation and proposed action on the approvability of the Kansas SIP submittal.

B. Conclusion

For the reasons stated in the proposed rulemaking, EPA approves the Kansas SIP revisions for the South Central Kansas Interstate Air Quality Control Region, Wichita nonattainment area, as meeting the requirements of Part D of the CAA, except for the condition in the Kansas Part D SIP promulgated in the April 3, 1981, **Federal Register** (46 FR 20164). The April 3, 1981, condition requires the state to pass legislation and amend its new source permit regulations to establish permanent regulations meeting the requirements of Section 173(3) of the CAA. This condition remains in effect and is not changed by this rulemaking. The reader should refer to the April 3, 1981 and August 31, 1981, **Federal Registers** for more detailed information on the Kansas Part D SIP conditional approval.

EPA's policy on the transition from the pre-1977 CAA requirements and those resulting from the 1977 CAA amendments is described in detail at 46 FR 20169, Column 3, April 3, 1981, relating to the approval of other portions of the Kansas SIP.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

EPA finds that good cause exists for making these amendments effective immediately for the following reasons:

1. The approvals and conditional approval granted today lift the construction restriction which went into effect on July 1, 1979; and

2. The immediate effectiveness enables sources to proceed with certainty in conducting their affairs and persons seeking judicial review of the amendments may do so without delay.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions and imposes no additional substantive requirements.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of Sections 110 and 301 of the Clean Air Act, as amended.

Dated: December 8, 1981

Note.—Incorporation by reference of the State Implementation Plan for the State of Kansas was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 52.870 is amended by adding the following paragraph (c)(11):

§ 52.870 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(11) Kansas submitted SIP revisions to attain and maintain the National Ambient Air Quality Standards for carbon monoxide on April 16, 1981, for the South Central Kansas Interstate Air Quality Control Region, Wichita nonattainment area. The plan included commitments to complete transportation control measures for the reduction of carbon monoxide from transportation related sources for the attainment of the national standards by December 31, 1982.

2. Section 52.873 is amended by adding "carbon monoxide" to the second sentence specifying the pollutants for which there are Part D Kansas SIP approvals. The sentence is revised to read as follows:

§ 52.873 Approval status.

* * * Continued satisfaction of the requirements of Part D for the ozone, carbon monoxide, and TSP portions of the Kansas SIP depends on the adoption of the regulatory element of the plan as permanent amendments to the Kansas air quality regulations, the adoption of a regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system, the adoption and submission of additional reasonably available control technology (RACT) requirements for any source covered by Control Technology Guidelines issued by EPA in the future, the revision of the new source review permit regulation to comply with Section 173(3) of the CAA, and the submission of the results from additional study of the state's determination that all major sources are controlled to a degree representing RACT and of a compliance schedule for recommended actions to bring these sources to RACT, as needed. No action was taken on the non-Part D requirements of the Act.

3. Section 52.879 is amended by revising the attainment date, "c" (presently below standards), for carbon monoxide in the South Central Kansas Interstate air quality control region to "e" (December 31, 1982). The Table is amended to read as follows:

§ 52.879 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
South Central Kansas Interstate	a	a	c	c	c	e	a

[FR Doc. 81-35775 Filed 12-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL 1987-1]

Approval and Promulgation of Implementation Plans; Sulfur-in Fuel Revision for Eastman Gelatine Corp.; Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; State: Massachusetts.

SUMMARY: EPA is approving a revision to the Massachusetts State Implementation Plan (SIP) which was submitted on September 24, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering. The revision being approved today revises the sulfur-in-fuel limitation for the Eastman Gelatine Corporation, Peabody, Massachusetts from 0.55 pounds to 1.21 pounds of sulfur per million BTU heat release potential. The effect of this revision is to allow Eastman Gelatine to burn less expensive higher sulfur content oil.

DATE: This action will be effective on February 16, 1982, unless notice is received on or before January 14, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Harley Laing, Chief, Air Branch, EPA Region I (see address below). Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C., and Department of Environmental Quality Engineering, Air and Hazardous Materials Division, 1 Winter Street, Boston, Massachusetts 02108.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts, 02203, (617) 223-4448.

SUPPLEMENTARY INFORMATION: On September 24, 1981 the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a request for approval of a revision to Regulation 7.05(1)(d) "Sulfur Content of Fuel and Control Thereof for the Metropolitan Boston Air Pollution

Control District" (the Met-Boston District) to allow the Eastman Gelatine Corporation to burn higher sulfur content fuel oil. Eastman Gelatine, located in Peabody, Massachusetts, has been limited to the burning of fuel oil having a sulfur content not greater than 0.55 pounds per million British thermal units (Btu) heat release potential (approximately equivalent to 1.0% sulfur content fuel oil by weight). The revision to Regulation 7.05(1)(d) being approved today allows Eastman Gelatine to burn fuel oil having a sulfur content not greater than 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil by weight) in three of the five boilers at Eastman Gelatine.

Technical support for this SIP revision includes an evaluation of compliance with National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) using mathematical modeling and monitoring data. NAAQS are maximum ambient pollutant concentrations which are set to protect public health and welfare. The NAAQS for SO_2 are 80 micrograms per cubic meter ($\mu g/m^3$) (annual average); 365 $\mu g/m^3$ (24 hr. average); and 1,300 $\mu g/m^3$ (3 hr. average).

The EPA-approved Industrial Source Complex (ISC) dispersion model was used to predict maximum SO_2 impact on air quality caused by the burning of higher sulfur content fuel oil. The ISC model is the appropriate model to use because of the low height of the the three stacks at the Eastman Gelatine facility. Seven additional major sources (greater than 100 tons per year SO_2 emissions) in the vicinity of Eastman Gelatine were included in the modeling analysis.

Existing background levels of SO_2 were estimated from ambient air monitoring data collected at the nearest representative monitoring sites. These estimated background concentrations were added to SO_2 impacts predicted by the dispersion model.

The predicted ambient SO_2 concentrations, including estimated background concentrations, do not exceed either the primary or secondary NAAQS for SO_2.

Eastman Gelatine Corp. is required to meet Prevention of Significant Deterioration (PSD) increments for SO_2 under EPA's PDS regulations promulgated on August 7, 1980 (45 FR 52676). The PSD increments are allowable incremental increases in ambient pollutant concentrations which are set to limit air quality degradation over baseline levels. Increases in sulfur dioxide emissions resulting from relaxations of sulfur-in-fuel limits must show compliance with PSD increments if the increases occur in or impact on an area in which a baseline date has been established. A baseline date is the date after August 7, 1977 on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD Regulations as amended on August 7, 1980. The baseline date is set in the area designated attainment under Section 107 of the Clean Air Act in which the source subject to the PSD regulations is located and in all Section 107 designated attainment areas on which the source has an annual impact of 1 $\mu g/m^3$ SO_2. A baseline date has been set in Boston, which is a Section 107 designated attainment area. The emissions from Eastman Gelatine impact on this baseline area but do not consume more than the available increment.

Although the burning of 2.2% sulfur content fuel oil will cause an increase in particulate emissions, the current particulate emission limitation (0.12 pounds per million Btu heat input) will not be violated. Eastman Gelatine is required to conduct stack testing to determine compliance with the particulate emission limitation within 60 days from the date on which the use of the higher sulfur oil was commenced.

Since this SiP revision affects only one source and the increase in SO_2 emissions is small and will not cause or contribute to any violation of the NAAQS or a PSD increment, this rulemaking is considered noncontroversial. Based on past experience with similar SIP revisions in Region I, no adverse or critical comments are expected. Therefore, this SIP revision is being published as a final rulemaking without going through proposed rulemaking. EPA believes that publishing a proposed rulemaking is unnecessary.

However, if notice is received on or before January 14, 1982, notice that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective February 16, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP revision approval under the January 27, certification. This action approves only state actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major since it applies to only one source.

Under Section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought to enforce these requirements.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

(Sec. 110(a) and sec. 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) as amended by adding subparagraph (43) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(43) A revision to Regulation 7.05(1)(d) "Sulfur Content of Fuels and Control Thereof for the Metropolitan Boston Air Pollution Control District" allowing the burning of higher sulfur content fuel oil at Eastman Gelatine Corporation, Peabody, submitted on September 24, 1981 by the Commissioner of the

Massachusetts Department of Environmental Quality Engineering.

[FR Doc. 81-35780 Filed 12-14-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL-1938-7]

Approval and Promulgation of Implementation Plans; Tennessee: Revised SO_2 Limits

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 25, 1977 (42 FR 10994), the Administrator approved revised sulfur dioxide emission limits for the Tennessee implementation plan. The revised plan established a new county classification system with corresponding allowable emission limits for each of the six county classes. On March 13, 1980 (45 FR 27757), EPA proposed to approve and requested comments on a State submittal which added a new Class VII county to the county classification system and the emission limits for the sources in the Class VII county. EPA announces today that it is approving the State of Tennessee's revision of the sulfur dioxide county classification system and the emission limits for the sources in the new Class VII county.

DATES: This action is effective January 14, 1982.

ADDRESSES: Copies of the materials submitted by Tennessee and the public comments received may be examined during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308

Tennessee Air Pollution Control Division, 256 Capitol Hill Building, Nashville, Tennessee 37219

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, EPA Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On February 25, 1977, EPA approved revisions to the sulfur dioxide emission limits in the Tennessee implementation plan. A county classification system was established which divided the State into six classes of counties with emission limits for sources in each class county. On July 1, 1979, the State of Tennessee submitted a SIP revision which would add a Class VII to the classification system. Sources in the Class VII area would be subject to emission limits of 2.8 lbs. per MBTU heat input for sources greater than 1,000 MBTU per hour, and 5.0 lbs. per MBTU heat input for sources 1,000 MBTU or less. At the present, only Roane County has been identified in the new Class VII. This revision represents a relaxation from 1.2 to 2.8 lbs. per MBTU for large sources. The emission limit for smaller sources was not changed. EPA proposed approval of this revision on March 13, 1980.

The major source of sulfur dioxide emissions in Roane County is the Tennessee Valley Authority (TVA) Kingston Power Plant. This plant has been out of compliance with the State emission limits for a period of time and, until the recent tie-in of tall stacks, has caused violations of the sulfur dioxide ambient standards in the area. EPA and TVA developed a compliance schedule leading to the compliance of all TVA power plants including the Kingston plant. The air quality modeling demonstration gave credit for only so much of the stack height as represented good engineering practice (GEP). The emission limit submitted by Tennessee to revise the allowable emissions from 1.2 lb to 2.8 lb per MMBTU for large fuel burners is consistent with the results of EPA's and TVA's analysis.

Several comments were received in response to EPA's proposal. The Tennessee Electric Cooperative Association ("Tennessee Distributors"), commented and objected to the approval of the 2.8 lbs per million BTU emission limitation at the TVA's Kingston Steam Plant on the grounds that the so-called "Baker Amendment" inserted in Section 123(a) of the Clean Air Act, 42 U.S.C. 7423(a), mandates that the Kingston emission limitation be set on the basis of the *actual* stack height which, it contends, would yield a more relaxed 4.0 lbs per MBTU limit.

Since the Baker Amendment gives the State of Tennessee and EPA the right to give less than full credit to the Kingston stack and because this agency, under the United States Supreme Court case of *Union Electric v. EPA*, 427 U.S. 246 (1976), has no right to disapprove an emission limitation more stringent than necessary to attain and maintain ambient air quality standards, the 2.8 lb limit for Kingston will be approved as submitted.

The TVA and the Natural Resources Defense Council, Inc., submitted comments supporting approval of the revision.

After the closing of the comment period, the State of New York filed comments on this SIP revision. The comments alleged that (the State of Tennessee as well as) EPA did not adequately consider the interstate transport problem even though there are long range air quality models available. New York also discussed the transport of sulfates and their contribution to primary and secondary TSP NAAQS violations in the State of New York. Finally, New York requested that EPA consider the cumulative impact on New York's air quality of several pending and final sulfur dioxide SIP revisions for sources in Ohio, Indiana, West Virginia, and Tennessee.

EPA's review and approval of the SIP revision is consistent with Sections 110(a)(2)(E) and 126. TVA modeled the revision for its impact on SO_2 concentrations. The modeling indicated that the three hour concentrations would be the highest and therefore controlling in setting emission limitations for the plants. The three hour highest concentrations of 1163 mg/m^3 occurred at 1.5 km from the plant. The nearest state boundary, that of Georgia is 130 km. The nearest point in New York, that of the far southwest corner, is 926 km.

TVA modeled the Kingston plant using EPA approved reference models. These models are only valid out to 50 km from a source. Other reference techniques have not yet been established for accurately evaluating impacts beyong 50 km. Therefore EPA was unable to model for any possible air quality impacts in border states, or in New York.

New York indicated that it also intended its comments to be considered as a Section 126 Petition. EPA has decided not to respond to New York's comments in the context of this rulemaking as the comments primarily concern the aggregate air quality impact of several sources, rather than the impact of this individual SIP revision. EPA will, however, consider New York's concerns as part of its determination of the Section 126 Petition. EPA held a Section 126 hearing on New York's petition on June 18, and 19, 1981.

All of the comments are available for review at EPA Region IV office, Air Programs Branch.

Action: Accordingly, the Administrator approves Tennessee's revised sulfur dioxide emission limits for the new Class VII county added to the county classification system of Chapter 1200-3-14 (Control of Sulfur Dioxide

Emissions). This action is effective January 14, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of Tennessee's SO_2 revision is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of Tennessee was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

In § 52.2220, paragraph (c) is amended by adding subparagraph (35) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(35) Regulation 1200–3–14–.01, –.02, –.03 for control of sulfur dioxide emissions, adopted on July 1, 1979, with a State effective date of November 16, 1979, and submitted on June 29, 1979, by the Tennessee Department of Public Health.

[FR Doc. 81–35779 Filed 12–14–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[A–4–FRL–1987–3]

Alabama: Approval of Alternative VOC Compliance Schedules Florida: Approval of Gasoline Bulk Plant Rule Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: After public hearings, the Alabama Air Pollution Control Commission adopted alternative schedules of compliance under Parts 6.14 and 6.15 of the Commission's Rules and Regulations on June 23, 1981, for ten sources. The revision was formally submitted to EPA on June 25, 1981. After review of these schedules for achieving compliance with emission limits for volatile organic compounds (VOC), EPA today is approving the revision. On October 15, 1980, Flordia submitted a revision which includes: (1) the adoption of an amendment to section 17–2.16(6)(i), FAC, Nonattainment Areas Emission Limits for Ozone, exempting bulk plants from controls other than submerged fillings of tanks and trucks; (2) the adoption of an addition to section 17–2.16(3), Exemptions to the Nonattainment Areas Emission Limits for Ozone, partially exempting from controls gasoline trucks or trailers with capacities of 4,500 gallons or less. EPA is approving this revision also. These actions will be effective 60 days from this date unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: February 16, 1982.

ADDRESSES: The Alabama and Florida submittals may be examined during normal business hours at the following offices:

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Waymond A. Blackmon, EPA, Region IV, Air Programs Branch, 345 Courtland Street NE, Atlanta, Georgia 30365, 404–881–2864 or FTS: 257–2864.

SUPPLEMENTARY INFORMATION: After public hearing, the Alabama Air Pollution Control Commission adopted regulations on June 23, 1981, which set forth alternative compliance schedules for ten VOC sources.

The original compliance date for nine of the sources was March 26, 1981. The final compliance date for the tenth source, Revere Brass and Copper, Inc., was January 28, 1981. The ten sources and the revised dates for final compliance are listed below:

- Jefferson County facilities:
  - —Crown Central Petroleum, June 15, 1981
  - —U.S. Steel Corporation (coil coating operation), July 26, 1981
  - —Southeast terminals (Union Oil Company), September 30, 1981
  - —Chevron U.S.A., June 1, 1981
  - —National Can Corporation, May 19, 1982
- Chevron Oil Company (Montgomery and Oxford terminals), July 26, 1981
- La Gloria Oil and Gas Company, October 1, 1981
- Union Oil Company, Southeast Terminals, September 30, 1981
- Revere Brass and Copper, Inc., December 31, 1985

The final compliance dates for all but two of the ten sources have already occurred. The revised dates for the remaining two sources, National Can Corporation and Revere Brass and Copper, Inc., will not interfere with reasonable further progress (RFP) in attaining National Ambient Air Quality Standards.

With regard to the Florida revision, it should be noted that EPA guidance provides that sources with potential emissions under 100 tons/year can be exempted from Reasonably Available Control Technology (RACT) if they are located in nonattainment areas which are projected to become attainment by 1982. The bulk plants to be exempted range in potential emissions from 7–51 tons. Thus, they are well within EPA's recommended cutoff for requiring RACT control. Also, trucks with capacities of 4500 gallons or less are exempted from control under certain circumstances because most truck trailers of this size deliver gasoline to exempted small accounts with monthly through-puts under 20,000 gallons. Even with these

exemptions the Florida RFP curve still shows an adequate cushion for VOC growth in the seven nonattainment counties.

ACTION: Based on the previous information, EPA is today approving the Alabama alternative compliance schedules for VOC emitting sources and the revisions to Florida's gasoline bulk plant rule. The public should be advised that this action will be effective February 16, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of these revisions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before February 16, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies requirements already in effect under State law, and has no significant economic impact.

Incorporation by reference of the State Implementation Plan for the States of Alabama and Florida was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110 and 172 of the Clean Air Act as Amended (42 U.S.C. 7410 and 7502))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. In § 52.50, paragraph (c) is amended by adding subparagraph (31) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(31) Alternative compliance schedules for VOC sources, submitted on June 25, 1981, by the Alabama Air Pollution Control Commission.

2. In § 52.520, paragraph (c) is amended by adding subparagraph (35) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(35) Revision of gasoline bulk plant rule, submitted on October 15, 1980, by the Florida Department of Environmental Regulation.

[FR Doc. 81-35798 Filed 12-14-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 52

[A-7-FRL-1993-1]

Revision to State Implementation Plan for Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: On February 18, 1981, the Missouri Air Conservation Commission granted a variance to Amoco Oil Company for its Sugar Creek refinery. The variance was submitted as a revision to the Missouri State Implementation Plan (SIP) on June 11, 1981. The variance allows continued operation of the facility while the company installs the control equipment necessary to comply with the applicable state regulation. It is believed that the variance will not jeopardize the attainment demonstration set forth by the SIP, nor interfere with the reasonable further progress curve as required by Part D of the 1977 Amendments to the Clean Air Act. The source is to come into final compliance with the state's regulation by June 1, 1982.

A proposal to approve the state's submission was published in the **Federal Register** on September 10, 1981, 46 FR 45158–45159. No comments were received in response to the proposal. The purpose of today's notice is to take final action to approve the submission as a revision to the Missouri SIP.

EFFECTIVE DATE: This action will become effective January 14, 1982.

ADDRESSES: Copies of the state submission are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW, Washington, D.C. 20460

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106

Missouri Department of Natural Resources, Division of Environmental Quality, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: On August 13, 1980, the Missouri Air Conservation Commission approved an amendment to regulation 10 CSR 10–2.260. This amendment called for the installation of secondary seals on all floating roof tanks of greater than 40,000 gallons capacity used for the storage of petroleum liquid having a true vapor pressure of greater than 1.5 pounds per square inch. The effective date of the amendment was September 12, 1980, with final compliance to be achieved by not later than October 1, 1981. EPA approved this regulation April 3, 1981, at 46 FR 20172. The American Oil Company (Amoco) refinery in Sugar Creek, Missouri, is the only facility believed to be affected by this amendment.

An inspection by Amoco revealed that out of 16 floating roof tanks requiring the installation of secondary seals, five would require an additional eight months in order to achieve compliance.

On February 18, 1981, after notice and public hearing, the Missouri Air Conservation Commission granted a variance to the Amoco Sugar Creek refinery, allowing continued operation while installing the necessary secondary seals on tank numbers 86, 90, 95, 126, and 176. The variance, effective during the period October 1, 1981, through June 1, 1982, requires that the seals be installed in accordance with the schedule as prescribed in the order.

For reasons more fully discussed in the proposed rulemaking, EPA determined that the variance would not jeopardize the attainment demonstration set forth by the SIP, nor interfere with the reasonable further progress curve as required by Part D of the 1977 Amendments. The proposed EPA approval was published on September 10, 1981. EPA received no comments in response to the proposed rulemaking

and is now taking final action to approve the variance.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it only approves a state regulation and affects only one source.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves state actions and imposes no additional substantive requirements which are not currently applicable under state law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding a new paragraph (c)(35) to read as follows:

§ 52.1320 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified:

* * *

(35) A variance from Missouri Rule 10 CSR 10–2.260, Control of Petroleum Liquid Storage, Loading and Transfer for the Kansas City Metropolitan Area, was submitted by the Missouri Department of Natural Resources on June 11, 1981.

2. Section 52.1335 is amended by adding the following compliance schedule to the end of the existing list in § 1335(a) as follows:

§ 52.1335 Compliance schedules.

(a) * * *

MISSOURI

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
American Oil Co. (AMOCO)	Sugar Creek, Mo.	10 CSR 10-2.260	Feb. 18, 1981	Oct. 1, 1981	June 1, 1982

[FR Doc. 81-35778 Filed 12-14-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL-1993-3]

Revision; Haverhill Paperboard Corp., Haverhill, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Massachusetts State Implementation Plan (SIP) which was submitted on July 14, 1981. This revision amends Regulation 7.05(1)(c) "Sulfur Content of Fuels and Control Thereof for the Merrimack Valley Air Pollution Control District" to allow Haverhill Paperboard Corporation, Haverhill, Massachusetts to increase its sulfur-in-fuel content from 1.4% to 2.2% upon completion of a stack extension consistent with EPA's current stack height policy. The effect of this revision is to allow Haverhill Paperboard to burn less expensive fuel.

DATES: This action is effective February 16, 1982.

ADDRESSES: Written comments should be addressed to Harley Laing, Chief, Air Branch, EPA Region 1 (see address below). Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region 1, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency 401 M St., SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. and Department of Environmental Quality Engineering, Division of Air and Hazardous Materials, 1 Winter Street, Boston, Massachusetts 02108.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region 1, Room 1903, JFK Federal Building, Boston, Massachusetts. 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: On July 14, 1981 the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a request for EPA approval of a revision to Regulation 7.05(1) "Sulfur Content of Fuels and Control Thereof" which would allow the Haverhill Paperboard Corporation to burn higher sulfur content fuel oil upon completion of a stack extension. Haverhill Paperboard Corporation, rated at 242 million per hour input capacity, is located in the Merrimack Valley Air Pollution Control District (Merrimack Valley). Regulation 7.05(1)(c) allows approved sources in Merrimack Valley rated at 100 million Btu per hour heat input capacity or greater to burn fuel with a maximum sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil by weight).

EPA approved a SIP revision on May 21, 1979 (44 FR 29453) which allowed Haverhill Paperboard to increase its sulfur-in-fuel content from 1.0% to 1.4% (0.55 and 0.75 lbs sulfur per million Btu, respectively). The technical analysis done in support of this decision indicated that the use of fuel oil having a sulfur content greater than 1.4% would jeopardize air quality standards.

Technical support for the present revision includes an evaluation of compliance with National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) based on an increased stack height, using mathematical modeling and monitoring data. NAAQS are maximum ambient pollutant concentrations which are set to protect public health and welfare. The NAAQS for SO_2 are 80 $\mu g/m^3$ (annual average); 365 $\mu g/m^3$ (24-hr. average); and 1300 $\mu g/m^3$ (3-hr. average). Estimated background concentrations were based on monitoring data from the nearest representative monitoring site. The EPA approved CRSTER and ISC mathematical air dispersion models

were used to predict the impact that emissions from Haverhill Paperboard will have on air quality. The modeling analyses considered the effects of stack downwash and the emissions from other major sources near Haverhill Paperboard.

This technical analysis demonstrates that the burning of fuel oil having a sulfur content of 1.21 lbs per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil by weight) at the Haverhill Paperboard Corporation will not cause or contribute to violations of air quality standards provided the existing 100 ft stack is raised to a total height of 160 ft. The predicted ambient SO_2 concentrations, including estimated background concentrations, are as follows: 47 $\mu g/m^3$ (annual average); 329 $\mu g/m^3$ (24-hr. average); and 708 $\mu g/m^3$ (3-hr. average).

The new stack height of 160 feet will not exceed Good Engineering Practice stack height. Therefore, consistent with current EPA stack height policy, Haverhill Paperboard is allowed to use the new stack height of 160 feet in its mathematical modeling analysis.

Haverhill Paperboard Corp. is required to meet Prevention of Significant Deterioration (PSD) increments under EPA's PSD regulations promulgated on August 7, 1980 (45 FR 52676). The PSD increments are allowable incremental increases in ambient pollutant concentrations which are set to limit air quality degradation over baseline levels The PSD increments for SO_2 are 20 $\mu g/m^3$ (annual average); 91 $\mu g/m^3$ (24-hr. average); and 512 $\mu g/m^3$ (3-hr. average). Increases in sulfur dioxide emissions resulting from relaxations of sulfur-in-fuel limits must show compliance with PSD increments if the increases occur in or impact on an area in which a baseline date has been established. A baseline date is the date after August 7, 1977 on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980. The baseline date is set in the area designated attainment under Section 107 of the Clean Air Act in which the source subject to the PSD regulations is located and all Section 107 designated attainment areas on which the source has an annual impact of 1 $\mu g/m^3$ SO_2. A baseline data has been set in Lawrence, Massachusetts which is a Section 107 designated attainment area. The emissions from Haverhill Paperboard impact on the city of Lawrence but do not consume more than the available increment. The total increment consumption in the city of Lawrence, based on conservative mathematical modeling, is as follows: 7 $\mu g/m^3$ (annual average); 32 $\mu g/m^3$ (24-hr. average); 102 $\mu g/m^3$ (3-hr. average).

Although 2.2% fuel oil burning will cause an increase in particulate emissions, the current particulate emission limitation (0.12 pounds per million Btu) will not be violated.

Since this SIP revision affects only one source and the increase in SO_2 emissions is small and will not cause or contribute to any violation of the NAAQS or a PSD increment, this rulemaking is considered noncontroversial. Based on past experience with similar SIP revisions in Region I, no adverse or critical comments are expected. Therefore, this SIP revision is being published as a final rulemaking. EPA believes that publishing a notice of proposed rulemaking will be unnecessary.

However, if notice is received January 14, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective February 16, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP revision approval under the January 27, certification. This action approves only state actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major since it applies to only one source.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

(Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (41) as follows:

§ 52.1120 Identification of Plan.

* * * * *

(c) * * *

* * * * * *

(41) A revision to Regulation 7.05(1)(c) "Sulfur Content of Fuels Control Thereof for the Merrimack Valley Air Pollution Control District" allowing the burning of higher sulfur content fuel oil at Haverhill Paperboard Corporation, Haverhill.

[FR Doc. 81-35795 Filed 12-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-6-FRL 1990-2]

Approval of Implementation Plans Texas: Administrative Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve an administrative revision to the Texas State Implementation Plan (SIP). The Texas Air Control Board (TACB) in accordance with 40 CFR 51.6(c) submitted an administrative revision to Section V (Legal Authority) on July 23, 1981. The revision describes the TACB's legal authority to carry out and enforce the Texas Clean Air Act and the Federal Clean Air Act. It is an update which identifies the rules, regulations, and statutes under which TACB operates. This action will be effective on February 16, 1982 unless notice is received within 30 days that

someone wishes to submit adverse or critical comments.

DATE: This action is effective February 16, 1982.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NE., Washington, D.C. Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library Rm. 2404, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Implementation, Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On July 23, 1981, the TACB in accordance with 40 CFR 51.6(c) submitted an administrative revision for Section V (Legal Authority) which deletes and supercedes the existing approved Section V in the Texas SIP. EPA has reviewed the State's submittal and developed an evaluation report,[1] which is based on the legal requirements established in 40 CFR 51.11 legal authority and SIP requirements established in the Clean Air Acts (CAA) of 1977, as amended. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 Office and the other addresses listed above.

The revision of Section V (Legal Authority) is an update to the Texas SIP and includes a list of laws and regulations providing TACB with legal authority; a description of the principal areas of legal authority provided to the Texas Air Control Board; and a description of the extension of TACB's authority to carry out additional SIP requirements of the 1977 amendments to the Federal Clean Air Act. Approval of this package does not affect any of the December 18, 1979 (44 FR 74830) and March 25, 1980 (45 FR 19231) Part D Approvals or Conditional Approvals.

Since the revision included in this approval notice is considered administrative in nature and minor in substance, EPA is today approving this revision without prior proposal. The public should be advised that this action will be effective February 16, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached proposal will not have a significant economic impact on a substantial number of small entities since it imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by February 16, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order No. 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory requirements.

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

In § 52.2270, (c) is amended by adding subparagraph (29) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(29) An administrative revision to Section V, Legal Authority, was submitted by the TACB on July 23, 1981. (Nonregulatory).

[FR Doc. 81–35782 Filed 12–14–81; 8:45 am]

BILLING CODE 6560–38–M

[1] EPA Review of Texas' State Implementation Plan Revision for Section V (Legal Authority).

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40 CFR Part 60

[A–4–FRL 1977–8]

Standards of Performance for New Stationary Sources; Alternative Test Requirements for Anaconda Aluminum Company's Sebree Plant, Henderson, Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today establishes alternative performance testing frequency requirements for Anaconda Aluminum Company's Sebree plant in Henderson, Kentucky, as provided in 40 CFR 60.195(b). Rather than conduct monthly performance tests, this source will be allowed to test once a year. This action was proposed in the **Federal Register** of August 25, 1981 (46 FR 42878); no comments were received.

DATE: This action is effective January 14, 1982.

ADDRESSES: Background information is available for public inspection during normal business hours at the Air Facilities Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Joe Riley, Air Facilities Branch, EPA Region IV, Atlanta, GA at 404/881–2786 (FTS 257–2786).

On January 26, 1976 (41 FR 3828), EPA promulgated Standards of Performance for New Primary Aluminum Reduction Plants as Subpart S of 40 CFR Part 60, pursuant to the provisions of Section 111 of the Clean Air Act. Under the original standards, the affected source was required to conduct a performance test on startup and on any other occasion the Agency might require a test under Section 114 of the Clean Air Act. On June 30, 1980 (45 FR 44202), EPA revised 40 CFR 60.195 to require performance testing at least once a month for the life of a new primary aluminum plant. At the same time, however, the Agency provided that alternative test requirements could be established for the primary control system or an anode bake plant if the source could demonstrate that emissions have low variability during day-to-day operations.

On April 12, 1977, EPA delegated to the Commonwealth of Kentucky authority to administer Subpart S of 40 CFR Part 60. Under the terms of the delegation, performance tests were to be scheduled and performed in accordance with the procedures set forth in 40 CFR Part 60 "unless alternate methods or procedures are approved by the EPA

Administrator." Accordingly, the Kentucky Department for Natural Resources and Environmental Protection transmitted to EPA for its approval a petition for alternative test requirements submitted by Anaconda Aluminum Company of Henderson, Kentucky.

Anaconda Aluminum requested that it be allowed to (1) use the historic mean for primary emissions to calculate total monthly pot-room group emissions instead of emissions from the most recent test, (2) change the frequency of testing the anode bake plant from once a month to once a year, and (3) change the frequency of testing the primary control system from once a month to once a year.

On the basis of the supporting information submitted, EPA is granting the latter two requests since they meet the requirements of 40 CFR 60.195(b). Actual emissions from the primary control system are far below allowable emissions; month-to-month variations in anode bake plant emissions, which are well below the allowable, are not great enough to likely result in emissions in excess of the standards for fluorides.

The Agency does not find, however, that the first request can be justified under 40 CFR 60.8(b), and it is herewith denied. To use the average of all past performance tests of the primary system to calculate emissions would defeat the purpose of periodic testing, which is to detect any deterioration in the control system.

The alternative test requirements established today will apply only to the Sebree production plant of Anaconda Aluminum in Henderson, Kentucky. They do not preclude the Agency or the Commonwealth of Kentucky from requiring performance testing at any time. Finally, they can be withdrawn at any time the Administrator finds that they are not adequate to assure compliance with the emission standards applicable to this source.

Under section 307(b)(1) of the Clean Air Act, judicial review of today's action by EPA is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before [60 days from date of publication]. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. The reason for this finding is that this action only affects one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely relieves one source of part of the burden of demonstrating compliance.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 111 of the Clean Air Act, as amended (42 U.S.C. 7411))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 60.195 paragraph (b)(1) is added as follows:

§ 60.195 Test methods and procedures.

* * * * *

(b) * * *

(1) Alternative testing requirements are established for Anaconda Aluminum Company's Sebree plant in Henderson, Kentucky: the anode bake plant and primary control system are to be tested once a year rather than once a month.

[FR Doc. 81-35794 Filed 12-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1992-2]

Designation of Areas for Air Quality Planning Purposes: Wisconsin

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: On June 4, 1981, the State of Wisconsin, pursuant to section 107(d)(5) of the Clean Air Act, requested the U.S. Environmental Protection Agency (EPA) to reduce the size of the area in Milwaukee County that is designated nonattainment for carbon monoxide (CO). EPA has reviewed the redesignation request and the data submitted by the State to support the request and approves reduction of the size of the Milwaukee County nonattainment area.

The purpose of this notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, and to announce final rulemaking action today on the redesignation request.

DATES: This action is effective February 16, 1982 unless notice is received by January 14, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: On October 5, 1978, pursuant to section 107 of the Clean Air Act (Act), EPA designated the following area in Milwaukee County, Wisconsin as nonattainment for the CO National Ambient Air Quality Standards (NAAQS).

Milwaukee County: Sub-city area defined as follows

North: From 124th St. and Silver Spring Road to Sunny Point Road, north on Sunny Point Road and North River Road to Good Hope Road, east on Good Hope Road to Lombardy Road.

East: From Lombardy and Good Hope Roads south on Lombardy to Yates Road, South on Yates and Monica Blvd. to the Milwaukee River, south from the river on Humboldt Blvd. to the Lake Michigan waterfront, south from the waterfront on Clement Avenue to Layton Avenue.

South: From Layton and Clement Avenue west to Layton to 13th Street, south on 135th to Rawson Avenue, west on Rawson to 20th Street, north on 20th to Layton Avenue, west on Layton to 108th Street.

West: From Layton Avenue and 108th to Watertown Plank Road, west on Watertown Plank to 124th St., north on 124th St. to Silver Spring Road. (40 CFR 81.351)

Under section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exists to warrant a redesignation. A change in an area's designation from primary

nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of the most recent quality assured, representative ambient air quality data which show no violation of the NAAQS.

On June 4, 1981, the State of Wisconsin requested EPA to reduce the size of the nonattainment area in Milwaukee County to the following: North 75th Street and West Beckett Street on the east, West Perkins Avenue on the south, North 77th Street on the west, and West Hope Avenue and Marion Street on the north.

To support this redesignation request the State submitted all available CO ambient monitoring data collected between 1977 and 1980 for all State monitors located within the present nonattainment area.

Site #419044 located at 7528 West Appleton had 12 exceedances of the eight-hour average CO standard in 1979, and 1 exceedance in 1980. This was the only monitor which showed violations of the NAAQS and the State of Wisconsin considers this monitor to be representative of the air quality in the area for which the nonattainment designation will be retained.

The remaining monitors in the area (Site 419040, located at the Harbor Commission; Site 419042, located at Alverno College; Site 419045, located at 3716 West Wisconsin; and site 419080, located at the Civic Center) all have 9 quarters of valid data which show attainment, with no exceedances. This is more than adequate to meet the criterion that eight quarters of valid data show no exceedances.

As a result of the data collected at the five monitors the State of Wisconsin has determined that the present CO nonattainment area should be reduced and that the boundaries described above should define the remaining nonattainment area.

After reviewing the monitoring data submitted for the area and the proposed boundary modification, EPA has determined that the monitoring data is valid and that redesignation is appropriate. Therefore, EPA approves reduction of the size of the CO nonattainment area to the area described above.

This final rulemaking action is being done without a notice of proposed rulemaking because EPA believes this action is noncontroversial and of limited impact and no comments are anticipated. The public should be advised that this action will be effective February 16, 1982.

However, if EPA is notified within 30 days, that someone wishes to submit adverse or critical comments, this action will be withdrawn as final rulemaking and a proposed rulemaking notice will be published before the effective date establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify on that revisions of attainment status designations under section 107(d) of the Act will not have a significant economic impact on a substantial number of small entities. Today's rulemaking revises an attainment designation under section 107(d) and will remove some regulatory requirements mandated by the CAA.

Under Executive Order 12291 (Order), EPA must also judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes air quality designations and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice.

This Notice of Final Rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Section 81.351 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table of "Wisconsin—CO," the entry of Milwaukee County should be revised to read as follows:

§ 81.351 Wisconsin.

* * * * *

WISCONSIN—CO

	Does not meet primary standards	Cannot be classified or better than national standards
Wisconsin Counties:		
Milwaukee:		
North 75th Street and West Beckett Street on the east, West Perkins Avenue on the south, North 77th Street on the west, and West Hope Avenue and Marion Street on the north.	X	
The north boundary is West Wisconsin Avenue from 16th Street to 6th Street, the east boundary is 6th Street from Wisconsin Avenue to the Menomonee River, the south boundary is the Menomonee River, and the west boundary is 16th Street from the Menomonee River to West Wisconsin Avenue.		X
The remainder of Milwaukee County		X

[FR Doc. 81-35792 Filed 12-14-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-3 and 1-15

[FPR Amdt. 217]

Revisions to Contract Cost Principles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment makes changes to the cost principles for contracts with commercial organizations and contracts with State, local, and federally recognized Indian tribal governments. It is based upon revisions recently made in the Defense Acquisition Regulation and Office of Management and Budget (OMB) Circular A-87, dated January 15, 1981. The intended effect is to provide uniform contract cost principles for Government-wide use.

EFFECTIVE DATE: January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: Significant changes introduced in this amendment are as follows:

1. The cost principles set forth in Subpart 1-15.7 are made applicable to federally recognized Indian tribal governments as well as State and local governments.

2. Although the language of the regulation addresses both grants and contracts, the applicability provisions of the Federal Procurement Regulations are revised to apply the provisions of Subpart 1-15.7 to cost-reimbursement type contracts and subcontracts and to the pricing of negotiated contracts and contract modifications when cost analysis is required.

3. The insurance and idemnification cost principle in Subpart 1–15.2 is revised with respect to (a) self-insurance costs, (b) applicability of Cost Accounting Standard 416, and (c) insurance provided by captive insurers and fronting insurance companies.

4. The cost principle pertaining to termination costs in Subpart 1–15.2 is revised to require the establishment of separate cost accounts to accumulate and identify significant settlement expenses.

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.7—Negotiated Overhead Rates

Section 1–3.703 is amended to revise paragraph (c) to read as follows:

§ 1–3.703 Applicability.

* * * * *

(c) Predetermined overhead rates may be used in cost-reimbursement type research and development contracts with educational institutions (Pub. L. 87–638; 10 U.S.C. 2306 note), cost-reimbursement type contracts with nonprofit organizations subject to OMB Circular A–122, and cost-reimbursement type contracts with State, local, and federally recognized Indian tribal governments subject to OMB Circular A–87. The use of such rates is permissive and not mandatory. In determining whether or not predetermined overhead rates should be used in one or more contracts with an institution, consideration should be given to the degree of stability shown in overhead rates and their bases over a period of years. All anticipated changes in the contractor's volume and overhead shall be taken into consideration. In addition the following procedures shall be employed:

* * * * *

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

The table of contents for Part 1–15 is amended to revise the title, redesignate eight entries, and add two entries under Subpart 1–15.7 as follows:

Subpart 1–15.7—Contracts with State, local and federally recognized Indian tribal governments

1–15.702–6 Federally recognized Indian tribal government.
1–15.702–7 Grant.
1–15.702–8 Grant program.
1–15.702–9 Grantee.
1–15.702–10 Local unit.
1–15.702–11 Other State or local agencies.
1–15.702–12 Services.
1–15.702–13 Supporting services.
1–15.709–6 Negotiation and approval of indirect cost proposals for federally recognized Indian tribal governments.
1–15.709–7 Resolution of problems.

Subpart 1–15.1—Applicability

Section 1–15.108 is revised and the heading is changed to read as follows:

§ 1–15.108 Contracts with State, local, and federally recognized Indian tribal governments.

Subpart 1–15.7 of this part provides principles and standards for determining costs applicable to contracts with State and local governments and federally recognized Indian tribal governments. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between these governments and the Federal Government. The principles shall be used for the pricing of negotiated contracts and contract modifications whenever cost analysis is to be performed pursuant to § 1–3.807–2 and for the determination of costs incurred under cost-reimbursement type contracts (including subcontracts) except those with:

(a) Publicly financed educational institutions subject to Subpart 1–15.3 of this Part; and

(b) Publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Federal agencies.

Subpart 1–15.2—Contracts With Commercial Organizations

1. Section 1–15.205–16 is revised to read as follows:

§ 1–15.205–16 Insurance and indemnification.

(a) Insurance by purchase or by self-insuring includes coverage which the contractor is required to carry, or which is approved, under the terms of the contract; and any other coverage which the contractor maintains in connection with the general conduct of its business. Any contractor desiring to establish a program of self-insurance applicable to contracts not subject to Cost Accounting Standard (CAS) 416 must comply with the self-insurance provisions of the Standard (see 4 CFR 416.50 (a)(2) , (a)(3), (a)(4), and (b)). Approval of a contractor's self-insurance program in accordance with § 1–10.503 does not constitute a determination as to the allowability of the program's cost. The amount of insurance costs which may be allowed is subject to the cost limitations and exclusions set forth in the following paragraphs.

(1) Costs of insurance required or approved, and maintained, pursuant to the contract, are allowable.

(2) Costs of other insurance maintained by the contractor in connection with the general conduct of its business are allowable subject to the following limitations:

(i) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(ii) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(iii) The cost of property insurance premiums for insurance coverage in excess of acquisition cost of the insured assets is allowable; *Provided,* the contractor has a formal written policy ensuring that in the event the insured property is involuntarily converted, the new asset shall be valued at the book value of the replaced asset plus or minus adjustments for differences between insurance proceeds and actual replacement cost. If the contractor does not have such a formal written policy, the cost of premiums for insurance coverage in excess of the acquisition cost of the insured asset is unallowable.

(iv) Costs of insurance for the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage, and such insurance does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the contractor's business, (B) all or substantially all of the contractor's operations at any one plant or separate location in which the contract is being performed, or (C) a separate and complete industrial operation in connection with the performance of the contract; and

(v) Cost of insurance on the lives of officers, partners, or proprietors are allowable only to the extent that the insurance represents additional compensation. (See § 1–15.205–6.)

(3) Actual losses are unallowable unless expressly provided for in the contract, except:

(i) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable; and

(ii) Losses incurred under the nominal deductible provisions of purchased insurance, in keeping with sound

business practices, are allowable for contracts not subject to CAS 416 when the contractor elected not to establish a self-insurance program. Such contracts are not subject to the self-insurance provisions of CAS 416. Also, for contracts subject to CAS 416, and those made subject to the self-insurance provisions of the Standard as a result of the contractor's having established a self-insurance program (see paragraph a of this section), actual losses may be used as a basis for charges under a self-insurance program when the actual losses will not differ significantly from the projected average losses for the accounting period. (See 4 CFR 416.50(a)(2)(ii).)

(4) Contractors operating under a program of self-insurance must obtain approval of the program when required by § 1–10.503.

(b) If purchased insurance is available, the charge for any self-insurance coverage plus insurance administration expenses shall not exceed the cost of comparable purchased insurance plus associated insurance administration expenses.

(c) Insurance provided by captive insurers (insurers owned by or under the control of the contractor) is considered self-insurance and charges therefor must comply with the self-insurance provisions of CAS 416. However, if the captive insurer also sells insurance to the general public in substantial quantities and it can be demonstrated that the charge to the contractor is based on competitive market forces, the insurance will be considered purchased insurance.

(d) The allowability of premiums for insurance purchased from fronting insurance companies (insurance companies not related to the contractor, but who reinsure with a captive insurer of the contractor) shall not exceed the amount (plus reasonable fronting company charges for services rendered) which the contractor would have been allowed had it insured directly with the captive insurer.

(e) Self-insurance charges for risks of catastrophic losses are not allowable.

(f) Late premium payment charges related to employee deferred compensation plan insurance, incurred under sections 4007 or 4023 of the Employee Retirement Income Security Act of 1974, are unallowable.

(g) Indemnification includes securing the contractor against liabilities to third persons and any other loss or damage not compensated by insurance or otherwise. The Government is obligated to indemnify the contractor only to the extent authorized by law, which authorization is implemented in a provision of the contract, except as provided in paragraphs (a)(3) (i) and (ii) of this section.

2. Section 1–15.205–42 is amended to revise paragraph (f) to read as follows:

§ 1–15.205–42 Termination costs.

* * * * *

(f) *Settlement expenses.* (1) Settlement expenses, including the following, are generally allowable:

(i) Accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract, and for the termination and settlement of subcontracts, unless the termination is for the default of the contractor (see § 1–8.604(b)(1) of this chapter);

(ii) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract; and

(iii) Indirect costs related to salary and wages incurred as settlement expenses in paragraphs (f)(1) (i) and (ii) of this section; normally, such indirect costs shall be limited to payroll taxes, fringe benefits, occupancy costs, and immediate supervision.

(2) When settlement expenses of a termination are significant, a separate cost account(s) or work order(s) shall be established to accumulate and identify these expenses separately.

* * * * *

The caption for Subpart 1–15.7 is revised to read as follows:

Subpart 1–15.7—Contracts With State, Local, and Federally Recognized Indian Tribal Governments

1. Section 1–15.701–1 is revised to read as follows:

§ 1–15.701–1 Objectives.

This subpart sets forth principles for determining the allowable costs of programs administered by State, local, and federally recognized Indian tribal governments under contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular contract. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

2. Section 1–15.701–2 is revised to read as follows:

§ 1–15.701–2 Policy guides.

The application of these principles is based on the fundamental premises that:

(a) State, local, and federally recognized Indian tribal governments are responsible for the efficient and effective administration of contract programs through the application of sound management practices.

(b) The contractor assumes the responsibility for ensuring that federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

(c) Each contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques that may be necessary to ensure proper and efficient administration.

3. Section 1–15.701–3 is revised to read as follows:

§ 1–15.701–3 Application.

These principles will be applied as provided in § 1–15.108. Although the subsequent language of this Subpart 1–15.7 addresses both grants and contracts, the Federal Procurement Regulations (FPR) apply the provisions only to contracts. Language addressing grants became a part of this Subpart 1–15.7 because it was adopted from OMB Circular A–87, dated January 15, 1981 (and its predecessor, Financial Management Circular 74–4), which apply to grants, contracts, and other agreements, but were written in a style primarily addressing grants. Thus, where grants or grantees are specifically addressed, for purposes of this regulation, the direction should be interpreted as pertaining to contracts and contractors. The language addressing grants was retained to maintain uniformity with OMB Circular A–87, and the structure of Subparts 1–15.3 and 1–15.6, and to assist those agencies which deal with both contracts and grants.

4. Section 1–15.702–5 is revised to read as follows:

§ 1–15.702–5 Federal agency.

"Federal agency" means any department, agency, commission, or instrumentality in the executive branch of the Federal Government which makes grants to or contracts with State, local, or federally recognized Indian tribal governments.

5. Section 1–5.702–6 is revised, and the heading is changed to read as follows:

§ 1–15.702–6 Federally recognized Indian tribal government.

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any native village as defined in section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by the Secretary through the Bureau of Indian Affairs.

6. Section 1–15.702–7 is revised, and the heading is changed to read as follows:

§ 1–15.702–7 Grant.

"Grant" means an agreement between the Federal Government and a State, local, or federally recognized Indian tribal government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this Subpart 1–15.7 as applicable to grants in general also apply to any federally sponsored cost-reimbursement type of agreement performed by a State, local, or federally recognized Indian tribal government.

7. Section 1–15.702–8 is revised and the heading is changed to read as follows:

§ 1–15.702–8 Grant program.

"Grant program" means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. New Section 1–15.702–9 is added as follows:

§ 1–15.702–9 Grantee.

"Grantee" means the department or agency of State, local, or federally recognized Indian tribal government which is responsible for administration of the grant.

9. Old Sections 1–15.702–9 through 12 are redesignated as new §§ 1–15.702–10 through 13 as follows:

§ 1–15.702–10 Local unit.

"Local unit" means any political subdivision of government below the State level.

§ 1–15.702–11 Other State or local agencies.

"Other State or local agencies" means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.

§ 1–15.702–12 Services.

"Services" as used herein means goods and facilities, as well as services.

§ 1–15.702–13 Supporting services.

"Supporting services" means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

10. Section 1–15.703–1 is amended to revise paragraph (a) to read as follows:

§ 1–15.703–1 Factors affecting allowability of costs.

* * * * *

(a) Be necessary and reasonable for proper and efficient administration of the grant programs, be allocable thereto under these principles, and except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State, local, or federally recognized Indian tribal governments;

* * * * *

11. Section 1–15.709–3 is revised to read as follows:

§ 1–15.709–3 Instructions for preparation of cost allocation plans.

The Department of Health and Human Services, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by grantees in preparation of cost allocation plans. This responsibility applies to both central support services at the State, local, and Indian tribal level and indirect cost proposals of individual grantee departments.

12. Section 1–15.709–4 is amended by revising paragraph (b) to read as follows:

§ 1–15.709–4 Negotiation and approval of indirect cost proposals for States.

* * * * *

(b) At the grantee department level in a State, a single cognizant Federal agency will have responsibility similar to that set forth in paragraph (a) of this section for the negotiation, approval, and audit of the indirect cost proposal. A current list of agency assignments is maintained by the Office of Management and Budget.

* * * * *

13. Section 1–15.709–5 is amended by revising paragraph (b) to read as follows:

§ 1–15.709–5 Negotiation and approval of indirect cost proposals for local governments.

* * * * *

(b) A list of cognizant Federal agencies assigned responsibility for negotiation, approval, and audit of central support service cost allocation plans at the local government level is maintained by the Office of Management and Budget.

* * * * *

14. Section 1–15.709–6 is revised and the heading is changed to read as follows:

§ 1–15.709–6 Negotiation and approval of indirect cost proposals for federally recognized Indian tribal governments.

The Federal agency with the predominant interest in the work of the grantee department will be responsible for necessary negotiation, approval, and audit of the indirect cost proposal.

15. Section 1–15.709–7 is added to read as follows:

§ 1–15.709–7 Resolution of problems.

To the extent that problems are encountered among the Federal agencies in connection with §§ 1–15.709–4 and 1–15.709–5, the Office of Management and Budget will lend assistance as required.

16. Section 1–15.711–1 is revised to read as follows:

§ 1–15.711–1 Accounting.

The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes costs incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or Indian tribal government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

17. Section 1–15.711–10 is revised to read as follows:

§ 1–15.711–10 Compensation for personal services.

(a) *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and

supplementary compensation and benefits (See § 1–15.711–13). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) Is reasonable for the services rendered; (2) follows an appointment made in accordance with State, local, or Indian tribal government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in paragraph (b) of this section. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State, local, or Indian tribal government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State, local, or Indian tribal government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

(b) *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State, local, or Indian tribal government. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

18. Section 1–15.711–14 is revised to read as follows:

§ 1–15.711–14 Employee morale, health, and welfare costs.

The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State, local, or Indian tribal policy are allowable. Income generated from any of these activities will be offset against expenses.

19. Section 1–15.711–16 is revised to read as follows:

§ 1–15.711–16 Legal expenses.

The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State, local, or Indian tribal government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

20. Section 1–15.713–6 is revised to read as follows:

§ 1–15.713–6 Governor's expenses.

The salaries and expenses of the Office of the Governor of a State, or the chief executive of a political subdivision, are considered a cost of general State or local government and are unallowable. However, for a federally recognized Indian tribal government, only that portion of the salaries and expenses of the office of the chief executive that is a cost of general government is unallowable. The portion of salaries and expenses directly attributable to managing and operating programs by the chief executive and his staff is allowable. The allowable portion shall be determined by the federal cognizant agency and the Indian government representatives on a reasonable basis.

(Sec. 205(c), 63 Stat. 390; U.S.C. 486(c))

Dated: December 5, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–36767 Filed 12–14–81; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 46, No. 240
Tuesday, December 15, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 890 and 891

Transfer of Enrollment From Uniform Plan to Indemnity Benefit Plan

AGENCY: Office of Personnel Management.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Office of Personnel Management is withdrawing its proposal of April 24, 1981, 46 FR 23262–23263, that would have transferred all enrollees of the Uniform Plan, except those who exercise their right to elect to continue coverage under the Uniform Plan, to the low option of the Indemnity Benefits Plan, a participating Federal Employees Health Benefits plan. The Office has determined, for a variety of reasons, that the transfer would not be appropriate at this time.

FOR FURTHER INFORMATION CONTACT: Gus Ghessie, Issuances and Instructions Branch, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, Washington, D.C. 20415, telephone no. (202) 632–4684.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 24, 1981, 46 FR 23262–23263, the Office proposed a transfer of all enrollees of the Uniform Plan (a health benefit plan established for retired former Federal employees, or their survivors, who were ineligible to participate in the regular Federal Employees Health Benefit Program) to the low option of the Indemnity Benefit Plan, a participating Federal plan. This action was taken because, at the time, it was clearly in the retirees' best interest; i.e., the Indemnity Plan provided much better overall coverage at nearly the same cost. However, current and continuing congressional interest in legislation to make the FEHB program assume certain Medicare costs for FEHB enrollees, thus making the FEHB program more costly for these enrollees, makes it unclear whether the proposed transfer of Uniform Plan enrollees to the FEHB program would be in their best interest. Additionally, the Government may avoid a cost of $3–4 million annually in increased contributions to the FEHB Program by not implementing the proposed regulation.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 81-35758 Filed 12-4-81; 8:45 am]

BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to provide that, for issuance of operating licensees authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal Emergency Management Agency review, findings, and determinations concerning the state of or adequacy of offsite emergency preparedness shall be necessary. The NRC review of the onsite plan will include an assessment of those offsite elements which are necessary to evaluate the applicant's response mechanism.

DATES: Comment period expires January 29, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301–443–5942).

SUPPLEMENTARY INFORMATION:

The Proposed Rule

On August 19, 1980, the Nuclear Regulatory Commission published a revised emergency planning regulation which became effective on November 3, 1980 (45 FR 55402). In § 50.47, the rule requires that:

(a)(1) No operating license for a nuclear power reactor will be issued unless a finding is made by NRC that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

(2) The NRC will base its finding on a review of the Federal Emergency Management Agency (FEMA) findings and determinations as to whether State and local emergency plans are adequate and capable of being implemented, and on the NRC assessment as to whether the applicant's onsite emergency plans are adequate and capable of being implemented.

When the regulation was originally drafted and finally promulgated, the question of emergency planning and preparedness licensing requirements for an operating license authorizing only fuel loading and low power operation (up to 5% of rated power), hereafter referred to as "low power license," was not fully evaluated. It is apparent to the Commission that the emergency preparedness requirements for a low power license need not be as extensive as those requirements for a full power operating license. This has been the Commission's position, as reflected in the informal staff practice used in low power licensing reviews. On the basis of the experience gained in emergency preparedness reviews over the last year, the Commission now concludes that evaluations of the adequacy of offsite emergency preparedness and the capability of offsite response mechanisms, as measured by the full requirements of 10 CFR 50.47 (a) and (b) and Part 50, Appendix E, are not necessary prior to issuing a low power license. The Commission's position is that several factors contribute to a substantial reduction in risk and potential accident consequences for low power testing as compared to the higher risks in continuous full power operation. First, the fission product inventory

generated during low power testing is much less than during full power operation due to the lower level of reactor activity and short period of operation. Second, at low power, there is a reduction in the required capacity of systems designated to mitigate the consequences of an abnormal occurrence under full power operation. Third, the time scale for taking actions to identify accident causes and mitigate accident consequences is much longer than at full power. This means the operators should have sufficient time to prevent a release from occurring. In the worst case, the additional time available (at least 10 hours) even for a postulated low likelihood sequence, which eventually results in release of the fission products accumulated at low power into the containment, would allow adequate precautionary actions to be taken to protect the public near the site. Consequently, the Commission has determined that the degree of emergency preparedness that is necessary to provide adequate protection of the public health and safety is significantly less than that required for full operation.

The proposed rule change provides that, in order to grant a low power license, only a finding as to the adequacy of onsite emergency planning and preparedness is required. While the proposed rule would eliminate the need to have any NRC or FEMA review, findings, or determinations on the adequacy of offsite agencies' emergency planning and preparedness, the NRC review of the licensees' onsite response mechanism will necessarily include aspects of some offsite elements:[1] Communications; notification; assistance agreements with local law enforcement, fire protection, and medical organizations; and the like. Some examples, but not an exclusive list, where review of an applicant's emergency plan would involve aspects of some offsite elements may be found in pertinent portions of 10 CFR 50.47(b)(3), (5), (6), (9), and (12). The proposed rule only provides that neither FEMA nor NRC must evaluate the adequacy and capability of offsite preparedness organizations and plans prior to issuance of a low power license. Since this eliminates the need to obtain findings from FEMA for low power licenses, the Commission has consulted with FEMA. FEMA concurs in this approach and in the proposed rule as a result of reviewing the level of general planning and preparedness activities that are taking place in the State and local jurisdictions where nuclear power plants are expected to be licensed.

It should be noted that the staff proposes to evaluate any deficiencies which may exist in the onsite emergency plans against the standards in § 50.47(b) and Appendix E to determine their significance to low power operation. *See* 10 CFR 50.47(c). This is consistent with past staff practice where the onsite appraisal is completed and any significant deficiencies are remedied prior to issuance of a full power license.

Separate Views of Commissioner Gilinsky

I do not agree that no off-site protection whatsoever is needed under a low power license. I agree that it may be very limited, but some measures are needed and the staff should include them in this proposed amendment.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C., § 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule changes concern a clarification of the elements and findings necessary for the issuance of an operating license authorizing only fuel loading and low power operations (up to 5% of rated power) for nuclear power plants licensed pursuant to Section 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas, and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there is no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a preliminary determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. In § 50.47, introductory text is added to paragraph (a), the introductory text to paragraph (b) is revised, paragraph (c)(1) is revised, and a new paragraph (d) is added to read as follows:

§ 50.47 Emergency plans.

(a) Except as provided in paragraph (d) below: * * *

(b) The onsite and, except as provided in paragraph (d) below, offsite emergency response plans for nuclear reactors must meet the following standards:

* * * * *

(c)(1) Failure to meet the applicable standards set forth in paragraph (b) of this section may result in the Commission declining to issue an Operating License; however, the applicant will have an opportunity to demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that adequate interm compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit plant operation.

* * * * *

(d) Notwithstanding the requirements of paragraphs (a) and (b) above, no NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness or the adequacy of and capability to implement State and local offsite emergency plans are required prior to issuance of an operating license authorizing only fuel loading and/or low power operations (up to 5% of the rated power). Insofar as emergency planning and preparedness requirements are concerned, a license authorizing fuel loading and/or low power operation

[1] The specific aspects of these elements are elaborated on in NUREG–0654/FEMA–REP–1, Rev. 1, (November 1980). The NRC will review only those elements under each of the planning criteria that are essential for determining the licensee's (not State and local agencies') preparedness.

may be issued after a finding is made by the NRC that the state of onsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC will base this finding on its assessment of the applicant's emergency plans against the pertinent standards in paragraph (b) above and Appendix E of this Part.

2. § 50.54(q) is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(q) A licensee authorized to possess and/or operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the *applicable* standards in § 50.47(b) and the *applicable* requirements in Appendix E to this part. A licensee authorized to possess and/or operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans which meet the requirements in Appendix E to this part. The nuclear power reactor licensee may make changes to these plans without Commission approval only if such changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the *applicable* standards of § 50.47(b) and the *applicable* requirements of Appendix E to this part. The research reactor licensee and/or the fuel facility licensee may make changes to these plans without Commission approval only if such changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the requirements of Appendix E to this part. Proposed changes that decrease the effectiveness of the approved emergency plans shall not be implemented without application to an approval by the Commission. The licensee shall furnish 3 copies of each proposed change for approval; and/or if a change is made without prior approval, 3 copies shall be submitted within 30 days after the change is made or proposed to the Director of the appropriate NRC regional office specified in Appendix D, 10 CFR Part 20, with 10 copies to the Director of Nuclear Reactor Regulation, or, if appropriate, the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

Appendix E [Amended]

3. Section I of Appendix E to 10 CFR Part 50 is revised to read as follows [footnotes unchanged]:

I. Introduction

Each applicant for a construction permit is required by § 50.34(a) to include in the preliminary safety analysis report a discussion of preliminary plans for coping with emergencies. Each applicant for an operating license is required by § 50.34(b) to include in the final safety analysis report plans for coping with emergencies.

This appendix establishes minimum requirements for emergency plans for use in attaining an acceptable state of emergency preparedness. These plans shall be described generally in the preliminary safety analysis report and submitted as part of the final safety analysis report.

The potential radiological hazards to the public associated with the operation of research and test reactors and fuel facilities licensed under 10 CFR Parts 50 and 70 involve considerations different than those associated with nuclear power reactors. Consequently, the size of Emergency Planning Zones[2] (EPZs) for facilities other than power reactors and the degree to which compliance with the requirements of this section and sections II, III, IV, and V as necessary will be determined on a case-by-case basis.[3]

Notwithstanding the above paragraphs, in the case of an operating license authorizing only fuel loading and/or low power operations up to 5% of rated power, no NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness or the adequacy of and capability to implement State and local offsite emergency plans, as defined in this Appendix, are required prior to the issuance of such a license.

* * * * *

Dated at Washington, DC this 10th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-35890 Filed 12-14-81; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 50

Emergency Planning and Preparedness: Exercises

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed-rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its emergency planning regulations. The proposed change clarifies that full-scale emergency preparedness excercises are part of the operational inspection process and are required prior to operation above 5% of rated power but not for a Licensing Board, Appeal Board or Commission licensing decision.

DATE: Comment period expires January 14, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Intersted persons are invited to submit written comments and suggestions on the proposed rule change and/or the supporting Value/Impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of the Value/Impact analysis and of the comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-443-5942).

SUPPLEMENTARY INFORMATION: On November 3, 1980 the NRC's new regulations on emergency planning became effective (45 FR 55402, August 19, 1980). The new rules included requirements for the conduct of both full-scale and small-scale emergency planning exercises. 10 CFR 50.47(b)(14); 10 CFR Part 50, App. E, section F. However, the rules, as promulgated, were unclear regarding the role which the actual conduct of exercises or the actual state of emergency preparedness would play in initial licensing decisions. On the one hand, the actual conduct of one or more exercises could reasonably be viewed as analogous to the many other preoperational, startup, or operational tests required by NRC regulations or license conditions. Viewed in this light, the completion of an exercise would not be a prerequisite to issuance of any operating license. Rather, the completion of an exercise would be treated as a source of information that could form a basis for NRC enforcement action or increased interaction between the Federal Emergency Management Agency (FEMA) and State or local emergency planning agencies. The findings on emergency planning required prior to issuance of a license would, insofar as satisfactory implementation of emergency response plans or actual state of preparedness are concerned, be essentially predictive in nature.

On the other hand, one could also conceivably view the completion of an exercise as a prerequisite to license issuance. Viewed in this light, the findings required prior to license issuance would not be predictive but would rather reflect the actual state of

implementation or preparedness at the moment just prior to license issuance.

The NRC is proposing to clarify its rule to indicate that the former view of the role of emergency planning exercises and state of emergency preparedness is the preferred one. There are two reasons for this approach. First, making the conduct of a full-scale exercise, which includes participation by several Federal, State, and local agencies as well as the applicant, a prerequisite to license issuance would require that, as a practical matter, the exercises be conducted some months before license issuance so that the exercise results can be factored into the informal prelicensing review process and any pending adjudicatory hearings which are considering relevant emergency planning issues. Recent experience indicates that this could result in premature exercises that do not accurately reflect the abilities of the affected agencies. If the exercises are segregated from the prelicensing review, then they can be conducted at a later time during the early phase of operation when equipment and procedures are fully in place and the exercise will more accurately reflect emergency planning capabilities.

Second, the actual state of implementation of emergency plans or state of emergency preparedness is something that can vary throughout the term of the license. The nature of NRC's regulatory oversight should be more or less constant throughout the license term, and there should be no special significance attached to the actual state of implementation or preparedness at the time just prior to license issuance. The important point is that exercises should take place early in the plant's lifetime and continue periodically during plant operation. Of course, there should be reasonable assurance prior to license issuance that there are no barriers to emergency planning implementation or to a satisfactory state of emergency preparedness that cannot feasibly be removed. This consideration can be adequately accounted for by predictive findings regarding emergency planning implementation or preparedness prior to license issuance. Thus the rule, as proposed to be amended, would clarify that the actual conduct of exercises is not a prerequisite to license issuance, but that prior to license issuance a finding must still be made that "there is reasonable assurance that the plans can be implemented."

Accordingly, it is proposed that 10 CFR 50.47(a)(1) be modified to clarify that the findings on emergency planning required prior to license issuance are predictive in nature and do not need to reflect the actual state of preparedness at the time the finding is made. 10 CFR 50.47(a)(2) will be amended also to emphasize the predictive nature of the review and to provide that licensing decisions need not include the results of an exercise. "Preparedness", which connotes the actual state of implementation, is important during the life of the plant and will be treated as an operational inspection matter. The rules will require that a full scale exercise be conducted before operation above 5% of rated power and periodically thereafter.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns the frequency and extent of conducting full-scale exercises of emergency plans for nuclear power plants licensed pursuant to Sections 103 and 194b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632 or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there would be no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a determination that this proposed rule would not impose new recordkeeping, information collection, or reporting requirements.

Proposed Rule Change

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat 939 (42 U.S.C. 2152). Section 50 78–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50–10550.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. § 50.47(a) (1) and (2) are revised to read as follows:

§ 50.47 Emergency plans.

(a)(1) No operating license for a nuclear power reactor will be issued unless a finding is made by NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

(2) The NRC will base its finding on a review of the Federal Emergency Management Agency (FEMA) findings and determinations as to whether State and local emergency plans are adequate and whether there is reasonable assurance that they can be implemented, and on the NRC assessment as to whether the applicant's onsite emergency plans are adequate and whether there is reasonable assurance that they can be implemented. A FEMA finding will primarily be based on a review of the plans. Any other information already available to FEMA may be considered in assessing whether there is reasonable assurance that the plans can be implemented. In any NRC licensing proceeding, a FEMA finding will constitute a rebuttable presumption on a question of adequacy and implementation capability. Emergency preparedness exercises (required by paragraph (b)(14) of this section and Appendix E, Section F of this part) are part of the operational inspection process and are not required for any initial licensing decision.

* * * * *

Appendix E [Amended]

2. 10 CFR Part 50, Appendix E, Section F, item (b) is revised to read as follows:

F. Training

* * * * *

b. For each site at which a power reactor is located for which the first operating license for that site is issued after the effective date of this amendment, within one year before issuance of the first operating license for full power, and prior to operation above 5% of rated power of the first reactor, which will

enable each State and local government within the plume exposure pathway EPZ and each State within the ingestion pathway EPZ to participate.

* * * * *

Dated at Washington, D.C. this 10th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-35828 Filed 12-14-81; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Parts 50, 70, and 73

Safeguards Requirements for Nonpower Reactor Facilities Authorized To Possess Formula Quantities of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period regarding physical protection regulations for nonpower reactor facilities authorized to possess formula quantities of strategic special nuclear material. Notice of this rulemaking was published in the Federal Register on September 18, 1981 (46 FR 46333) with a comment period closing date of November 17, 1981. The comment period is being extended in response to requests.

DATES: Comments must be received before February 15, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received before this date.

ADDRESSES: Comments on the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street, NW., Washington, DC, between 8:15 a.m. and 5:15 p.m. Copies of comments received may be examined and copied at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regular Commission, Washington, D.C. 20555, (301) 427-4181.

Dated at Bethesda, Maryland this 3d day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-35829 Filed 12-14-81; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semi-Annual Agenda of Regulations

AGENCY: National Credit Union Administration.

ACTION: Publication of Semi-Annual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act and agency policy, NCUA is publishing a list of regulations under review by NCUA as of October 16, 1981.

DATE: Effective October 16, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: (a) On the Regulatory Flexibility Act or the Agenda, Robert Monheit, Senior Attorney/Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration at the above address. Telephone: (202) 357-1030. (b) On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On January 1, 1981, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) became effective. This law requires, among other things, that each agency publish a regulatory flexibility agenda each April and October listing regulations that the agency expects to propose that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). NCUA has defined "small entities" to include credit unions with less than $1 million in assets. NCUA believes, at this time, that none of the regulations listed in the agenda set forth below will have a significant economic impact on a substantial number of these small credit unions.

On June 1, 1981, NCUA published a statement of policy (IRPS 81-4, 46 FR 29248) setting forth the procedures for the development of new regulations and the review of existing regulations. NCUA has decided to continue to publish its agenda as it has been published in the past. This method results in a publication that is broader than that required by the Regulatory Flexibility Act. NCUA believes that the agenda is a useful tool to enable the credit union community and the public to track regulatory development and to effectively participate in that process.

Agenda: Regulation Under Review

1.a. *Section 701.21-1, Lending Policies;* § 701.21-2, Amortization and Payment of Loans to Members; § 701.21-3, Lines of Credit to Members.

b. *Need:* Review of existing regulations deregulates credit union lending and permits variable rate consumer loans to be made by Federal credit unions.

Legal Basis: 12 U.S.C. 1757, 1761b, 1761c, and 1766(a).

c. *Status:* Final rule issued July 29, 1981 (46 FR 38672), effective July 22, 1981. Final regulation effectively permits Federal credit unions wide latitude in formulating lending programs with a minimum of paperwork requirements.

d. *For Further Information Contact:* Barbara A. Burrows, Staff Attorney, Office of General Counsel, telephone: (202) 357-1030.

2.a. *Section 701.21-1A, Loan Interest Rate Ceiling*—extending the 21 percent ceiling for the duration of the 18 month period authorized by Pub. L. 96-221.

b. *Need:* Permits Federal credit unions to set loan interest rates in a manner that reflects current economic conditions.

Legal Basis: 12 U.S.C. 1757(5)(A)(vi)(I), 1757(5)(A)(ix).

c. *Status:* Final rule issued July 6, 1981 (46 FR 34794), effective June 29, 1981, the 21 percent ceiling is now in force until September 2, 1982

d. *For Further Information Contact:* Randall Miller, Acting Director, Office of Policy Analysis, telephone: (202) 357-1090; or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

3.a. *Section 701.21-5, Insured and Guaranteed Loans.*

b. *Need:* Review eliminates existing regulation which duplicates provisions of the Federal Credit Union Act, Federal Credit Union Bylaws, and other NCUA regulations.

Legal Basis: 12 U.S.C. 1757(5)(A)(iii), 1766a.

c. *Status:* Final rule deleting existing § 701.21-5 issued June 1, 1981 (46 FR 29247), effective May 29, 1981.

d. *For Further Information Contact:* Thomas A. Straslicka, Office of Examination and Insurance, telephone: (202) 357-1065.

4.a. Section 701.21-6, Fixed Rate Mortgage Loans.

b. *Need:* Existing limitation on the percentage of assets held in fixed rate mortgage loans made by Federal credit unions is revised to exclude adjustable

rate mortgages, and State laws purporting to address "due on sale" clauses in mortgage loans made by Federal credit unions are preempted.

Legal Basis: 12 U.S.C. 1757, 1766(a), 1789(a)(11).

c. *Status:* Final rule issued July 1981 (46 FR 38678), effective July 22, 1981. Ability of Federal credit unions to offer fixed rate mortgages enhanced by mandatory "due on sale" clauses and the ability to exclude adjustable rate mortgages from asset limitation.

d. *For Further Information Contact:* John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

5.a. *Section 701.21–6B, Adjustable Rate Mortgages*—allowing credit unions to grant real estate loans with interest rates that will change during the life of the loan.

b. *Need:* To minimize the effects of volatile financial conditions on both home buyers and Federal credit unions, adjustable rate mortgage loans are authorized.

Legal Basis: 12 U.S.C. 1757(5)(A)(i) and (ix).

c. *Status:* Final rule issued July 29, 1981 (46 FR 38669), effective July 22, 1981. Ability of Federal credit unions to offer adjustable rate mortgages enhanced by minimal requirements and paperwork.

d. *For Further Information Contact:* Thomas Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065; or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

6.a. *Section 701.21–7, Loan Participation;* § 1701.21–8, Purchase, Sale, and Pledge of Eligible Obligations.

b. *Need:* Existing regulations are deregulated to permit participation with other lenders in lines of credit, use of repurchase provisions, and to eliminate required provisions in participation agreements.

Legal Basis: 12 U.S.C. 1757, 1766(a), 1789(a)(11).

c. *Status:* Final rule issued July 29, 1981 (46 FR 38678), effective July 22, 1981. Ability of Federal credit unions to participate with other lenders enhanced through elimination of mandatory provisions and minimal paperwork.

d. *For Further Information Contact:* John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

7.a. *Part 721, Group Purchasing and Insurance Activities*—Permitting Federal credit unions to inform their members of, or to endorse, group purchasing and insurance plans.

b. *Need:* Current regulations are revised to increase the flexibility of operations of Federal credit unions.

c. *Status:* Final rule issued September 28, 1981 (46 FR 47435), effective November 17, 1981; effective date delayed until April 1, 1982 (46 FR 55922). Permits Federal credit unions to offer group purchasing and insurance plans to membership either for information purposes or with endorsement after proper investigation.

d. *For Further Information Contact:* Linda M. Cohen, Director, of Consumer Affairs, telephone: (202) 357–1080.

8.a. *Section 701.35(a)(3), Additions to share Certification Accounts*—permitting additions without resetting the maturity of the entire account.

b. *Need:* To increase management flexibility and to attract additional savings, Federal credit unions are authorized to permit additions without resetting the maturity of the entire account.

c. *Status:* Final rule issued May 12, 1981 (46 FR 26275), effective May 6, 1981.

d. *For Further Information Contact:* Daniel Gordon, Senior Financial Economist, Office of Policy Analysis telephone: (202) 357–1090.

9.a. *Section 701.35, Deregulation of Deposit Rate Ceilings*—removing the maximum 12 percent dividend rate ceiling on share certificates and establishing a schedule for deregulating rate ceilings on share certificates starting with longer maturities.

b. *Need:* To permit savers to receive a market rate of return as soon as it is economically feasible for credit unions to pay such rates and to encourage savings and to enhance competition, the 12 percent ceiling is removed and a schedule for further deregulation is adopted.

Legal Basis: 12 U.S.C. 3105 et seq.; 12 U.S.C. 1757(6), 1766(a).

c. *Status:* Final rule issued July 16, 1981 (46 FR 36833), effective August 1, 1981 (except for the removal of the 12 percent cap, effective June 29, 1981).

d. *For Further Information Contact:* Dan Gordon, Senior Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090; or Robert M. Fenner, Deputy General Counsel, Office of General Counsel, telephone: (202) 357–1030.

10.a. *Section 701.35(h)(5), All Savers Certificates*—to enable Federal credit unions to issue tax exempt "All Savers Certificates".

b. *Need:* Ensures that "All Savers Certificates" issued by Federal credit unions meet the requirements of the Economic Recovery Tax Act of 1981 and thereby qualify for the tax exemption provided by that law.

Legal Basis: 12 U.S.C. 1757(6), 1766(a).

c. *Status:* Final rule issued September 4, 1981 (46 FR 44422), effective October 1, 1981.

d. *For Further Information Contact:* Randall Miller, Acting Director, Office of Policy Analysis, telephone: (202) 357–1090; or Steven Bisker, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

11.a. *Section 701.35(h), Dividend Rates*—increasing the dividend ceiling on share draft and regular share accounts to 12 percent; increasing the dividend floor on share certificates to 12 percent; permitting Federal credit unions to offer share certificates paying the greater of 25 basis points above the current auction rate on the 26-week Treasury bills or 25 basis points above an average of the rate on 26 week Treasury bills for the previous four weeks.

b. *Need:* To permit Federal credit unions to induce interest sensitive funds from higher cost certificates into regular share accounts and to gradually deregulate dividend rate ceilings, the deregulation of the ceilings listed above is adopted.

Legal Basis: 12 U.S.C. 1757(6), 1766(a).

c. *Status:* Final rule issued October 6, 1981 (46 FR 49107), effective October 1, 1981 (for the increase in the dividend ceiling for regular share accounts and the dividend floor for share certificates) and November 1, 1981 (for the new ceiling on money market certificates).

d. *For Further Information Contact:* Dan Gordon, Senior Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090; or Robert M. Fenner, Deputy General Counsel, Office of General Counsel, telephone: (202) 357–1030.

12.a. *Section 701.35(h)(6) Retirement Accounts*—removing all dividend ceilings and the 14 day minimum maturity requirements for IRA and Keogh accounts.

b. *Need:* To encourage qualified individuals to use share certificate IRA and Keogh accounts for their own retirement plans, these accounts are deregulated.

Legal Basis: 12 U.S.C. 1757 and 1766.

c. *Status:* Final rule issued October 6, 1981 (46 FR 49107), effective November 1, 1981.

d. *For Further Information Contact:* Daniel Gordon, Senior Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

13.a. *Section 701.35(h), Schedule for Phase Out of Dividend Ceilings on Share Certificate Accounts*—revision of schedule to correspond with the

Depository Institution Deregulation Committee schedule.

b. *Need:* To ensure that Federal credit unions may effectively compete with other financial institutions, the adopted schedule would be revised to parallel the schedule for other financial institutions.

Legal Basis: 12 U.S.C. 1757(6), 1766(a).

c. *Status:* Proposed rule issued October 9, 1981 (46 FR 50084), comment period closes November 9, 1981.

d. *For Further Information Contact:* Daniel Gordon, Senior Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

14.a. *Part 760, Flood Insurance*—governing FCU lending secured by improved realty, or a mobile home when either is located in a flood plain.

b. *Need:* Would provide a plain English version of present NCUA flood insurance regulations.

Legal Basis: 12 U.S.C. 1757, 1789, 42 U.S.C. 4102a, 4106.

c. *Status:* Proposed rule issued October 15, 1980 (45 FR 68398), comment period closed December 15, 1980. Under review by staff. Intended to require only what is required under Federal law concerning flood insurance.

d. *For Further Information Contact:* John L. Culhane Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030; or Ben R. Henson, Director, Division of Enforcement, Office of Consumer Affairs, telephone: (202) 357–1080.

15.a. *Section 701.20, Surety Bond Coverage for Federal Credit Unions*—setting forth minimum standards.

b. *Need:* Would update and simplify standards, deregulate unnecessary provisions, and reduce minimum requirements where possible.

Legal Basis: 12 U.S.C. 1761a, 1761b, 1766.

c. *Status:* Proposed rule issued June 2, 1981 (46 U.S.C. 29482), comment period closed July 31, 1981. Final rule to be presented to the NCUA Board during November, 1981.

d. *For Further Information Contact:* Thomas Straslicka, Chief, Supervision Branch, Office of Examination and Insurance, telephone: (202) 357–1065.

16.a. *Part 748, Minimum Security Device and Procedures.*

b. *Need:* Would simplify and update existing regulations, and deregulate unnecessary provisions.

Legal Basis: 12 U.S.C. 1785.

c. *Status:* Proposed rule issued July 28, 1981 (46 FR 38527), comment period closed September 25, 1981. Final rule to be presented to NCUA Board during January, 1982.

d. *For Further Information Contact:* Thomas A. Straslicka, Chief, Supervision Branch, Office of Examination and Insurance, telephone: (202) 357–1065.

17.a. *Part 720, Disclosure of Official Records*—prohibiting the release of confidential documents except under certain conditions.

b. *Need:* Would clarify existing agency policy on the implementing of the Freedom of Information Act.

Legal Basis: 5 U.S.C. 552, 12 U.S.C. 1766, 1789.

c. *Status:* Proposed rule issued September 11, 1981 (46 FR 45365), comment period closed October 12, 1981. Final rule will be presented to the NCUA Board during December, 1981.

d. *For Further Information Contact:* Anne K. Scully, Staff Attorney, Office of General Counsel, telephone: (202) 357–1030.

18.a. *Part 747, Subpart I, Equal Access to Justice Act*—rules and procedures applicable to recovery of attorneys fees and other expenses in agency adjudications.

b. *Need:* Implements the Equal Access to Justice Act.

Legal Basis: 5 U.S.C. 504, 12 U.S.C. 1766, 1789.

c. *Status:* Interim rule issued October 1, 1981 (46 FR 48120) effective October 1, 1981, with comment period closing November 30, 1981.

d. *For Further Information Contact:* Anne K. Scully, Staff Attorney, Office of General Counsel, telephone: (202) 357–1030.

19.a. *Sections 701.2 and 701.14 Incorporation by Reference of the "Accounting Manual for Federal Credit Unions"*—deregulation to status of guideline for safe and sound practices and for full and fair disclosure.

b. *Need:* In light of the increasing divergence in the operation of Federal credit unions, would permit the use of accounting methods and procedures that are not the same as those, or not included, in the manual. Proposed rule would give greater flexibility to Federal credit unions.

Legal Basis: 5 U.S.C. 552(a)(1), 12 U.S.C. 1766, 1789.

c. *Status:* Proposed rule issued October 5, 1981 (46 FR 48940), comment period closes November 27, 1981.

d. *For Further Information Contact:* Harry E. Moore, Accounting Officer, or Joseph Visconti, Surveillance Officer, Office of Examination and Insurance, telephone: (202) 357–1065.

20.a. *Sections 701.26, 701.27–1, 701.28, Joint Operations and Services, Including Credit Union Service Center, Purchase and Sale of Accounting Services.*

b. *Need:* To review and consolidate redundant provisions and to update and revise if necessary.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Preliminary review memorandum submitted to NCUA Board in October, 1980; proposed regulation to be presented to the NCUA Board during November, 1981.

d. *For Further Information Contact:* Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357–1065.

21.a. *Section 701.21–4, Loans to Officials*—to require board of director approval of loans to officials under certain conditions.

b. *Need:* To review existing regulation to simplify, update, and revise.

Legal Basis: 12 U.S.C. 1757(5)(A)(iv).

c. *Status:* Regulatory review to be presented to the NCUA Board during December, 1981.

d. *For Further Information Contact:* Robert F. Schafer, Director, Division of Supervisory Policy and Evaluation, Office of Examination and Insurance, telephone: (202) 357–1065

Regulations To Be Reviewed

The following is a list of regulations to be reviewed in the future. The purpose of the review will be to update, clarify, and simplify existing regulations and to eliminate redundant and unnecessary provisions. Each regulation listed contains either a status report on the review or a target date for the preliminary review by the staff of NCUA. The list has been updated by including target dates for the review of regulations issued in 1979.

1.a. *Part 703, Investments and Deposits*—review to update necessary requirements and to relieve unnecessary restrictions.

b. *Status:* Preliminary review to be completed during November, 1981.

c. *For Further Information Contact:* Robert Schafer, Director, Division of Supervisory Policy and Evaluation, Office of Examination and Insurance, telephone: (202) 357–1065

2.a. *Part 735, Employee Responsibility and Conduct*—review to update.

b. *Status:* A memorandum concerning the need to revise this regulation has been submitted to the NCUA Board.

c. *For Further Information Contact:* James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

3.a. *Section 701.32, Payment on Shares by Public Units*—review to update and revise, and to determine whether subject may be covered in a manual rather than by regulation.

b. *Status:* Preliminary review to be completed during November, 1981.

c. *For Further Information Contact:* Thomas C. Buckman, Office of

Examination and Insurance, Telephone: (202) 357–1065.

4.a. *Section 701.36, Federal Credit Union Ownership of Fixed Assets*—review to update and revise if necessary.

b. *Status:* Preliminary review to be completed during November, 1981.

c. *For Further Information Contact:* Edward Gayles, Office of Examination and Insurance, telephone: (202) 357–1065.

5.a. *Parts 706 and 707, Conversion From Federal to State Credit Union, and Conversion from State to Federal Credit Union*—review to determine whether the regulations on this subject are necessary or whether the subject may be covered in a manual.

b. *Status:* Preliminary review targeted for completion during January, 1982.

c. *For Further Information Contact:* Thomas Diehl, Office of Examination and Insurance, telephone: (202) 357–1060.

6.a. *Parts 708 and 709, Mergers of Credit Unions, Division of Assets, Liabilities, and Capital*—review to determine whether regulations in these subjects are necessary or whether they may be covered in a manual.

b. *Status:* Review of regulation delayed while agency is seeking significant legislative changes.

c. *For Further Information Contact:* Jon Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357–1060.

7.a. *Part 741, Requirements for Insurance*—review to update, revise, and simplify.

b. *Status:* Proposed rule to be presented to the NCUA Board during February, 1982.

c. *For Further Information Contact:* Thomas Diehl, or Thomas Budd, Office of Examination and Insurance, telephone: (202) 357–1060.

8.a. *Part 740, Advertisement of Insured Status*, review to update, simplify and revise if necessary.

b. *Status:* Preliminary review targeted for completion during March of 1982.

c. *For Further Information Contact:* Thomas Diehl, Office of Examination and Insurance, telephone: (202) 357–1060.

9.a. *Section 700.1 Definitions*—review to update and clarify.

b. *Status:* Proposed rule to be presented to the NCUA Board during November, 1981.

c. *For Further Information Contact:* Thomas C. Buckman, Office of Examination and Insurance, telephone: (202) 357–1065.

10.a. *Section 702.3, Full and Fair Disclosure*—review to update, revise, and simplify.

b. *Status:* Proposed rule to be presented to the NCUA Board during November, 1981.

c. *For Further Information Contact:* Thomas A. Straslicka, Chief, Supervision Branch, Office of Examination and Insurance, telephone: (202) 357–1065.

11.a. *Sections 702.1 and 702.2, Reserves*—review to update, simplify, and revise if necessary.

b. *Status:* Preliminary review to be completed during January, 1982.

c. *For Further Information Contact:* John Wolken, Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

12.a. *Section 701.12, Supervisory Committee Audit*—review to determine whether the regulation on this subject is necessary or whether the subject might better be covered in a manual.

b. *Target Date:* December 1, 1982.

c. *For Further Information Contact:* Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357–1065.

13.a. *Section 701.19, Retirement Benefits for Employees of Federal Credit Unions*—review to update, revise and simplify if necessary.

b. *Target Date:* January 30, 1982.

c. *For Further Information Contact:* Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065.

14.a. *Section 701.33, Compensation of Officials*—review to update, revise and simplify if necessary.

b. *Target Date:* March 1, 1982.

c. *For Further Information Contact:* Ross P. Kendall, Staff Attorney, telephone: (202) 357–1030.

15.a. *Part 745, Clarification and Definition of Account Insurance Coverage*—review to update, simplify and revise if necessary.

b. *Target Date:* January 30, 1982.

c. *For Further Information Contact:* James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

16.a. *Part 750*—Tort Claims Against the Government—review to update, simplify and revise if necessary.

b. *Target Date:* December 31, 1982.

c. *For Further Information Contact:* Jay C. Keithley, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

17.a. *Section 701.37–1, Treasury Tax and Loan Accounts*—review to simplify and revise.

b. *Target Date:* April 30, 1982.

c. *For Further Information Contact:* Thomas C. Buckman, Office of Examination and Insurance, telephone: (202) 357–1065.

18.a. *Section 701.38 Borrowed Funds From Natural Persons*—review to update, revise and simplify.

b. *Target Date:* June 30, 1982.

c. *For Further Information Contact:* Thomas A. Straslicka, Chief, Supervision Branch, Office of Examination and Insurance, telephone: (202) 357–1065; or Steven R. Bisker, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

19.a. *Section 701.31, Nondiscrimination Requirements*—review to simplify and revise.

b. *Target Date:* August 31, 1982.

c. *For Further Information Contact:* Harry J. Blaisdell, Deputy Director, Office of Consumer Affairs, telephone: (202) 357–1080; or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

20.a. *Part 704, Corporate Central Federal Credit Unions*—Review to update, simplify, and revise.

b. *Target Date:* June 30, 1982.

c. *For Further Information Contact:* Nicholas Veghts, Office of Examination and Insurance, telephone: (202) 357–1065.

21.a. *Part 711, Management Interlocks*—Review to simplify and revise.

b. *Target Date:* September 30, 1982.

c. *For Further Information Contact:* Thomas C. Buckman, Office of Examination and Insurance, telephone: (202) 357–1065; or Ross P. Kendall, Staff Attorney, Office of General Counsel, telephone: (202) 357–1030.

22.a. *Part 725, Central Liquidity Facility*—Review to update and simplify.

b. *Target Date:* September 30, 1982.

c. *For Further Information Contact:* Mark Medvin, Central Liquidity Facility, telephone: (202) 357–1130.

23.a. *Part 742, Liquidity Reserves*—Review to update, revise and simplify.

b. *Target Date:* October 31, 1982.

c. *For Further Information Contact:* Thomas A. Straslicka, Chief, Supervision Branch, Office of Examination and Insurance, telephone: (202) 357–1065; or John Wolken, Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

24.a. *Part 747, Rules of Practice and Procedure*—Review to simplify and revise.

b. *Target Date:* November 30, 1982.

c. *For Further Information Contact:* Robert S. Monheit, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

25.a. *Section 701.6 Fees Paid by Federal Credit Unions*—Review to revise and simplify if necessary.

b. *Target Date:* May 31, 1982.

c. *For Further Information Contact:* John R. Sandar, Planning and Budget Office, Office of the Board, telephone: (202) 357–1100.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

December 9, 1981.

[FR Doc. 81–35776 Filed 12–14–81; 8:45 am]

BILLING CODE 7535–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Application and Closing Out of Offsetting Long and Short Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Petiton for rulemaking.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has received a petition for rulemaking requesting that the Commission amend § 1.46 of its regulations (17 CFR 1.46 (1980)) to provide an additional exception to the general rule pertaining to the application, and closing out, by a futures commission merchant ("FCM") of offsetting long and short commodity futures or commodity option positions in a customer account or an option customer account. The additional exception requested by the petitioner would apply to purchases or sales of commodity futures or commodity option contracts made for the account of the same commodity pool provided that, among other things, the trading for the pool is directed by different commodity trading advisors acting independently of each other. The Commission has decided to request comment on the rule amendment suggested by the petitioner, with certain modifications.

DATE: Comments must be submitted on or before February 16, 1982.

ADDRESS: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Esq., Special Counsel, Division of Trading and Markets, at the address listed above. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION: Section 1.46(a) of the Commission's regulations generally requires that an FCM close out a customer's or option customer's previously-held short or long commodity futures or commodity option position if an offsetting purchase or sale in made for such customer's or option customer's account, and that an FCM furnish promptly to such customer or option customer a purchase and sale statement showing the financial result of the transactions involved. Section 1.46(b) generally provides that if the short or long position in the account of such customer or option customer immediately prior to the offsetting purchase or sale is greater that the quantity purchased or sold, the FCM must apply the offsetting purchase or sale to the oldest portion of the previously-held short or long position, unless the customer or option customer specifically instructs otherwise. There are currently three exceptions to § 1.46,[1] and the Commission has recently adopted another exception in connection with its pilot program regulations for domestic exchange-traded commodity options.[2]

The petitioner is requesting that the Commission establish an additional exception to the requirements of paragraphs (a) and (b) of § 1.46 for purchases or sales of commodity futures or commodity option contracts made for an account of a commodity pool,[3] provided that, among other things, the trading for the pool is directed by two or more commodity trading advisers ("CTAs") [4] acting independently of each other. The petitioner states that an exception to the mandatory offset requirement is necessary for commodity pools using the services of independent trading advisors to facilitate the use of diversified investment strategies by, and competition among, the advisors to the pool, which the petitioner believes is in the best interests of the pool participants.[5]

Excerpts from the petition are set forth below:

Commodity Futures Trading Commission

Petition for Amendment of a Rule

In the Matter of CFTC regulation § 1.46.

Petition hereby is made to the Commodity Futures Trading Commission ("Commission") on good cause shown, to amend CFTC Regulation § 1.46, 17 CFR 1.46 (1978), so that a commodity pool that is advised by more than one registered independent commodity trading advisor ("CTA") is permitted to maintain, without offset, simultaneous long and short positions in the same future, of the same commodity, on the same contract market, provided that each of such long and short positions has resulted from trading instructions of a different independent CTA without consultation with any other CTA having authority to direct the commodity pool's trading. . . .

Structure of a Commodity Pool Utilizing Multiple Commodity Trading Advisors

Commodity pools usually take the form of limited partnerships in which the investors are limited partners and the general partner (which also is the commodity pool operator) is a corporation. In the case of a commodity pool which utilizes the services of multiple independent CTAs, usually each CTA manages a fixed percentage of the pool's assets. For example, in a pool of $5,000,000 with two CTA's, each CTA initially would manage $2,500,000, subject to subsequent adjustment at the discretion of the pool's general partner. The CTAs are totally independent of one another, the sponsoring FCM through which trades are placed and the commodity pool operator (the general partner). In the example given above, each CTA manages its portion of the pool's assets under its own separate trading system without consultation or coordination with the other advisor to the pool; and each CTA has sole discretion in, and responsibility for, the selection of the pool's commodity transactions with respect to that portion, and only that portion, of the assets of the pool which it manages. Any trading orders that an advisor places for the pool as a general rule can be countermanded only by the general partner, and then only if the general partner believes that one of the pool's established trading policies is being violated.[1]

---

[1] Purchases or sales closed out during the same day (commonly known as "in-and-out-trades" or "day trades") are exempt from the requirements of § 1.46(b) concerning application of an offsetting purchase or sale to the oldest portion of the previously-held short or long position (*see* § 1.46(c)). Two types of transactions are exempt from the requirements of paragraphs (a) and (b) of § 1.46: (1) purchases or sales constituting "bona fide hedging transactions" as defined in § 1.3(z) of the Commission's regulations (17 CFR 1.3(z) (1980)) (*see* § 1.46(d)(2)); and (2) sales during the delivery period of a futures contract for the purpose of making delivery on the contract during such delivery period, if such sales are accompanied by appropriate documentation (*see* § 1.46(d)(3)).

[2] The Commission has adopted a new § 1.46(d)(1) which would create an exception to the requirements of paragraphs (a) and (b) of § 1.46 for purchases or sales of futures contracts made for the purpose of covering the granting of options on a contract market, if such purchases or sales are accompanied by instructions and other evidence that such futures contracts are cover for granted options.

[3] A commodity pool is any investment trust, syndicate or similar form of enterprise operated for the purpose of trading commodity interests. 17 CFR 4.10(d) (1980), as amended, 46 FR 26004, 26014 (May 8, 1981).

[4] A commodity trading advisor, with certain exceptions not relevant here, is any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities. Section 2(a)(1) of the Commodity Exchange Act, as amended ("Act") (7 U.S.C. 2 (1976)).

[5] A pool participant is any person that has any direct financial interest in a pool. 17 CFR 4.10(c) (1980).

[1] The general partner may also override an order for a trade put on by an independent CTA if it believes that it has a fiduciary obligation to the Partnership to do so.

Furthermore, compensation paid to each advisor in the form of management and incentive fees is not dependent on the compensation paid to any other advisor. Thus, in the above example, if one advisor generates profits on pool assets under its specific management, while the other advisor incurs losses or simply breaks even, the advisor generating a profit will still be paid an incentive fee based on its trading performance.

In effect, a commodity pool with multiple independent CTAs consists of separate sub-pools, each with its own trading advisor and trading system. This arrangement offers significant advantages to investors: diverse investment strategies, risk management and competition among the advisors. Again, using the above example, if one advisor experiences trading losses, the pool's overall loss can be minimized because that advisor manages only a portion of the pool's total assets. In fact, such loss may be offset entirely by profitable positions (conceivably, positions opposite to that of the losing trades put on by the other advisor) resulting from trades directed by the pool's other advisor using its own independent trading system.

Effect of CFTC Regulation § 1.46

With limited exceptions not here relevant, CFTC Regulation § 1.46 provides than an FCM may not allow a "customer" to maintain simultaneous long and short positions in the same future, of the same commodity, on the same contract market; all such positions must be offset against one another.

If applied literally to a commodity pool with multiple independent CTAs, the advisors would be precluded from taking positions opposite one another, even if the separate system of each CTA dictated the taking of such positions as part of their overall trading strategies, and even if each advisor had no knowledge of the trades directed by any other advisor to the pool. If CFTC Regulation § 1.46 treats the pool, rather than the sub-pools, as the "customer" for whose benefit each such trade is placed, the result is the mandatory offsetting of the positions. . . .

When there are multiple CTAs advising a pool, and it is clear that each advisor is independent, there is no reason to offset one advisor's trades against those of any other advisor. As we understand it, one purpose of requiring FCMs to offset positions under Regulation § 1.46 is to eliminate artificially created positions which distort the actual open interest in a particular commodity future. However, when beneficial ownership is separate from trading control, and positions are acquired at the direction of persons with independent authority over specific portions of the total assets used for a customer's trading, the artificiality of the resulting positions is eliminated. This is particularly true when each advisor's compensation is related directly to its own trading determinations and there is no incentive for the advisors to consult one another.

If two independent CTAs are of different opinions and direct the execution of trades on opposite sides of the same contract, to require offset of those positions has the effect of negating each advisor's market judgment and eliminates, to a degree, each advisor's ability to earn an incentive fee. Instead of encouraging diversity, mandatory offset in this situation encourages compatibility and uniformity between advisors' strategies. Commodity pools which employ multiple advisors seek the opposite; and it is submitted that the multiple advisor approach to commodity pool trading is in the best interest of pool participants. . . .

[End of excerpts from petition]

The Commission believes that there may be some merit to the petition. The Commission further believes that interested persons should have an opportunity to comment upon the amendment § 1.46 of the Commission;s regulations suggested by the petitioner, with certain modifications proposed by the Commission and discussed below.

The Commission does not believe that the suggested amendment would adversely affect customer protection, since one of the principal purposes of § 1.46, to require that an FCM promptly furnish a customer or an option customer with a purchase and sale statement showing the financial result of offsetting transactions made for the customer's or option customer's account, is inapplicable to an account of a commodity pool. In such a case, the purchase and sale statement required by § 1.46 must be furnished to the CTA who directed the trades and to the pool's commodity pool operator ("CPO"), but not to the pool participants individually.[6] A CPO must, however, periodically distribute to a pool participant accurate information as to the status of the pool's accounts. Each CPO which is registered or required to be registered under the Act must distribute to a pool participant an Account Statement that shows clearly, *inter alia*, unrealized net gain or loss on open positions [7] so that, nothwithstanding the fact that offsetting positions remain open in the several pool accounts, a pool participant will be informed regarding the overall net equity or net deficit of the pool. Each CPO which is not registered under the Act, pursuant to an exemption contained in the Commission's regulations, must promptly furnish to each pool participant a copy of the monthly statement for the pool that such a CPO receives from an FCM under § 1.33 of the Commission's regulations. [8]

Another purpose of § 1.46, to ensure accurate reporting of open interest, is, however, relevant to the Commission's decision to publish the proposed amendment with certain proposed modifications. The Commission expressed its concern regarding the accuracy of published open interest figures in the context of its recent rulemaking regarding reporting of open positions, wherein consideration was given to extension of the provisions of § 1.46 to house accounts and to positions held in accounts with different FCMs.[9] Although the Commission decided not to adopt any extension of § 1.46 at that time, it remains concerned that problems might arise in the future that would warrant such an extension.[10] The Commission is, therefore, proposing an addition to the petitioner's suggested amendment, the purpose of which is to make certain that trades entered by separate CTAs acting independently for an account of a commodity pool are offset in an open and competitive manner on or subject to the rules of a contract market, and not by means of a "transfer trade," *i.e.*, by means of an entry on the books of an FCM for the purpose of transferring existing trades from one account to another carried by the FCM where no change in ownership is involved. The Commission believes that allowing such transfer trades would cast doubt upon the "independence" of the CTAs involved.

The Commission is also proposing slight modifications to subparagraphs (i)–(iii) as presented by the petitioner, so that it is clear that the exception to § 1.46 discussed herein will apply only with respect to offsetting trades in separate accounts of a pool which result from the trading decisions of different CTAs directing trading for the pool. The FCM would still be required to apply the general provisions of § 1.46 regarding application and close out of offsetting positions held for or on behalf of any one pool account, so that one or more CTAs acting together to direct trading for any one pool account could not maintain in the that particular account both a long and short position in the same future of the same commodity on

[6] Section 1.33(d)(3) of the Commission's regulations (46 FR 54500, 54521 (November 3, 1981)).

[7] Section 4.22(a)(1)(ii) of the Commission's regulations (46 FR 28004, 28019 (May 8, 1981)). The Account Statement must be distributed at least monthly in the case of pools with net assets or more than $500,000 at the beginning of the pool's fiscal year, and otherwise at least quarterly. Section 4.22(b) of the Commission's regulations (17 CFR 4.22(b) (1981)).

[8] Section 4.13(b)(2)(i)(A) of the Commission's regulations (46 FR 28004, 28014 (May 8, 1981). The Commission believes that, from its own knowledge of non-registered CPOs and from the information presented in the petition, such CPOs are unlikely to employ the services of multiple CTAs for purposes of making trading decisions for their pools.

[9] 45 FR 57141, 57146 (August 27, 1980).

[10] 46 FR 18528, 18529 (March 25, 1981).

the same market, or in the same option contract.[11]

Certification Under the Regulatory Flexibility Act

The Commission does not believe that the proposed rule amendment would have significant economic impact on small entities. Although the proposed rule amendment would directly affect the obligations of FCMs, the Commission has recently published its proposed determination that an FCM not be considered a "small entity" within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1165, 1166 (5 U.S.C. 601(3) and (6)).[12] Commodity pools may also be affected by the proposed rule amendment, and although the Commission has not proposed a definition of a small commodity pool, it has proposed a definition of a small commodity pool operator.[13] The Commission believes that, from its own knowledge of such commodity pool operators and from the information presented in the petition, such commodity pool operators are unlikely to employ the services of multiple CTAs for purposes of making trading decisions for their pools. Further, the Commission is proposing, in response to a petition for rulemaking, a relief provision which would provide an exemption to existing regulatory requirements in the defined circumstances. Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the rule amendment proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comment from any small firms which believe that promulgation of this rule amendment might have a significant economic impact upon their activities.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 4g, 5 and 8a of the Act, 7 U.S.C. 6g, 7 and 12a (1976 & Supp. III 1979), hereby proposes to amend 17 CFR Part 1 by adding a new § 1.46(d)(4) to read as follows:

[11] Although the example given by the petitioner is that of a commodity pool in the form of a limited partnership, with the pool participants being limited partners and the general partner, which is also the commodity pool operator, being a corporation, the rationale for amending § 1.46 does not depend on the structure or organization of the pool.

[12] 46 FR 23940, 23941 (April 29, 1981).

[13] *Id.*

§ 1.46 Application and closing out of offsetting long and short positions.

* * * * *

(d) *Exceptions.* The provisions of this section shall not apply to:

* * * * *

(4) Purchases or sales made in separate accounts of a commodity pool, *provided that*

(i) The trading for such pool is directed by two or more commodity trading advisors acting independently, each of which is directing the trading of a separate account;

(ii) The commodity pool operator maintains only such minimum control over the trading for such pool as is necessary to fulfill its duty to supervise diligently the trading for such pool;

(iii) Each trading decision made by a commodity trading advisor for such pool is determined independently of all trading decisions made by any other commodity trading advisor for such pool;

(iv) The purchases and sales for such pool directed by different commodity trading advisors acting independently are executed by open and competitive means on or subject to the rules of a contract market; and

(v) No position held for or on behalf of separate pool accounts traded in accordance with paragraphs (d)(4)(i), (d)(4)(ii), (d)(4)(iii) and (d)(4)(iv) of this section may be closed out by transferring such an open position from one of the separate accounts to another account of the pool.

Issued in Washington, D.C. on December 9, 1981, by the Commission.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-35784 Filed 12-14-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

General Provisions; Safety Standards for Boats and Associated Equipment

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: By this notice, the Customs Service and the Coast Guard propose to amend their joint regulations relating to safety standards for foreign-made boats and associated equipment. These changes, which are designed to clarify certain filing requirements, eliminate bond requirements in some instances, and implement a more reasonable time limit for the completion of repairs or alterations, are proposed to correct problems encountered under the existing regulations.

DATES: Written comments must be received on or before February 16, 1982.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Ens. Paul Newman, Office of Boating, Public, and Consumer Affairs (G-BBT-3/42), Room 4213, U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-1065) or H.C. Feese, Duty Assessment Division, Room 4118, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8651).

SUPPLEMENTARY INFORMATION:

Background

Section 11 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1460) provides that the Secretaries of Transportation and the Treasury may, by joint regulations, authorize the importation of boats or associated equipment which do not conform with applicable Federal safety regulations and standards upon terms and conditions which will assure that the boats or associated equipment will be brought into conformity before being used on waters subject to the jurisdiction of the United States.

Under this authority, Customs and the Coast Guard published T.D. 76-166 in the **Federal Register** on June 10, 1976 (41 FR 23398), setting forth a new section 12.85, Customs Regulations (19 CFR 12.85), relating to safety standards for boats and associated equipment.

Section 12.85 provides that boats and associated equipment will be denied entry into the customs territory of the United States unless accompanied by evidence of compliance with the standards or regulations. Evidence of compliance may consist of either a compliance certification label affixed to the product or a hull identification number affixed by the importer or the original manufacturer.

Certain products may be permitted entry and release without a compliance certification label or hull identification number if they fall within one of the following categories and if the conditions for entry and release specified in section 12.85 for each category of product are met.

1. Products manufactured before an applicable standard or regulation was in effect.

2. Products exempted from standards or regulations by a Coast Guard Grant of Exemption.

3. Products not in conformity at the time of entry but which will be brought into conformity.

4. Products belonging to nonresidents which are not in conformity and are entering the United States for repair or alteration.

5. Products owned by certain foreign government or international organization personnel.

6. Products entered for tests or experimentation.

Following the issuance of section 12.85, the Coast Guard began an Imported Boats Compliance Program. Project managers for the Coast Guard and the Customs reevaluated the program and found it to be deficient in several areas. Accordingly, after numerous meetings between Customs and the Coast Guard, it has been determined advisable to modify the program and revise the regulations. A discussion of modifications and proposed regulations amendments follows:

1. Section 12.85(c)(1) provides that certain products manufactured before the standards or regulations became effective, may be entered into the United States if a declaration is filed in accordance with § 12.85(d). The declaration, signed by the importer or consignee, must state that the product was manufactured before the applicable standard or regulation was in effect and must include the name and U.S. address of the importer or consignee, the entry number and date, the make, model, and hull identification number (if affixed), date of manufacture (if hull identification number not affixed), a description of any equipment or component; and the city or state in which the product will be principally located (if known).

For products entering from Canada or Mexico otherwise than by sea, a small percentage of the total, a verbal declaration is acceptable at the option of the district director.

The Coast Guard has determined that because: (1) district directors rarely exercise the option to accept these verbal declarations; and, (2) written declarations from all importers would allow the Coast Guard and Customs to assess the import activity of noncomplying products more accurately and enable the Coast Guard to keep importers informed of current regulations and subsequent changes are made, it has been determined that § 12.85(c)(1) and (c)(4) should be amended to delete the provision for a verbal declaration.

2. Section 12.85(c)(4) provides that noncomplying products temporarily entered by nonresidents for repairs or alterations may remain in the country for only 60 days from the date of entry. However, in many instances, 60 days does not provide adequate time for making extensive repairs and alterations. Consequently, it is proposed to amend § 12.85(c)(4) to extend the limit to 1 year.

3. At present, § 12.85(e) states that importers of noncomplying boats entering the United States must give a bond and may not use or sell the boats until they are brought into conformance. As a result, noncomplying racing boats may not compete in domestic races. Also, a bond must be given for noncomplying boats imported for use in exhibits. In order to facilitate the importation of nonconforming boats for use in races, exhibits, tests, and experiments, it is proposed to amend § 12.85(c)(6) and the heading thereto, to allow boats to be imported for these purposes without bond, provided a declaration is filed in accordance with § 12.85(d).

4. Currently, certain products which are not in compliance with § 12.85 are permitted entry and release without a compliance certification label or hull identification number affixed, as is required by Coast Guard regulations contained in 33 CFR Part 181, subparts B and C, if they are accompanied by a declaration filed in accordance with § 12.85(d). Although the Customs Regulations do not specify which form this declaration is to be filed upon, Coast Guard Form CG 5096 now is being accepted by both the Coast Guard and Customs as the appropriate document for this purpose. It is proposed to amend § 12.85(d) to specify that the required declaration must be filed on this form.

5. In accordance with § 12.85(e) (1) and (2), products that do not conform to the provisions of § 12.85 at the time of entry, but which will later be brought into compliance, may be brought into the United States after giving a 90-day bond, which may be extended for any additional period by the district director of Customs for good cause shown. If not brought into compliance within the alloted time, the products must be redelivered to the district director for disposition in accordance with the Customs laws and regulations. However, because extensive modification is frequently required, 90 days is often not sufficient to bring a product into compliance. In order to provide a more reasonable time to bring these products into compliance and to eliminate the additional paperwork generated by requests for extensions, it is proposed to amend § 12.85(e)(2) to provide 180 days, with no extension, to bring nonconforming products into compliance. Based upon past experience, although 90 days was too short a time span and extensions had to be granted, the need to extend beyond 180 days was not evidenced. Giving an automatic 180-day period relieves both the public and the Federal Government of the burden of processing requests for extensions of 90 days.

Proposed Amendments

It is proposed to amend § 12.85, Customs Regulations (19 CFR 12.85), in the following manner:

§ 12.85 Coast Guard boat and associated equipment safety standards.

1. Section 12.85(c)(1) would be amended by deleting the last sentence.

2. Section 12.85(c)(4) would be amended by substituting the phrase "one year" for the phrase "60 days" wherever it appears.

3. Section 12.85(c)(4) would be further amended by deleting the last sentence.

4. Section 12.85(c)(6) would be amended to read as follows:

(c) * * *

(6) *Certain products entered for tests, experiments, exhibits, or races.* An importer or consignee seeking to enter a product for a period not to exceed 1 year, for tests, experiments, exhibits, or races, but not for sale in the United States, shall file a declaration in accordance with paragraph (d) of this section. The declaration shall state that the importer or consignee is importing the product solely for the stated purpose and that it will not be sold or operated in the United States, unless the operation is an integral part of the stated use for which the product was inported. The importer or consignee shall attach to the declaration a description of the use for which the product is being imported, the time period estimated for completion, and the disposition to be made of the product after completion. Entry under this paragraph may be authorized for a period not to exceed 1 year.

5. Section 12.85(d) would be amended to read as follows:

* * * * *

(d) *Declaration requirements.* All declarations submitted must:

(1) Be filed at the time of entry, in duplicate on Form CG–5096.

(2) Be signed by the importer or consignee.

(3) State the name and U.S. address of the importer or consignee.

(4) State the entry number and date.

(5) Provide the make, model, and hull identification number, if affixed, or date of manufacture if hull identification number not affixed, of any boat, and a description of any equipment or component.

(6) Identify, if known, the city or state in which the product will be principally located.

(7) Be sent by the district director, to the Commandant (G–BBT–3/42), U.S. Coast Guard, Washington D.C. 20593.

6. Section 12.85(e)(2) would be amended to read as follows:

* * * * *

(e) *Release under bond.*

(1) * * *

(2) *Time limitation to produce statement for which bond is obligated.* Within 180 days after entry, the importer or consignee shall deliver to both the district director and the Commandant, U.S. Coast Guard, a copy of the statement for production of which the bond was obligated. If the statement is not delivered to the district director for the port of entry of the product within 180 days after the date of entry, the importer or consignee shall deliver or cause to be delivered to the district director the product that was released in accordance with this paragraph.

* * * * *

Authority

These changes are proposed under the authority of R.S. 251, as amended; sections 623, 624, 46 Stat. 759, as amended; sections 5, 6, 7, 11, 15, 85 Stat. 215, 216, 217, 219 (5 U.S.C. 301; 19 U.S.C. 66, 1623, 1624; 46 U.S.C. 1454, 1455, 1456, 1460, 1464); 49 CFR 1.46(n)(1).

Regulation Determined To Be Nonsignificant

This proposal has been reviewed and is not considered significant under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A draft evaluation has been prepared and has been included in the public docket. It also has been determined that the proposal does not meet the criteria for major regulations set forth in Executive Order 12291, entitled "Federal Regulation."

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed changes are designed to clarify certain filing requirements, eliminate bond requirements in some instances, and implement a more reasonable time limit for the completion of repairs or alterations. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the Secretary of the Treasury has certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal authors of this document were Lawrence P. Dunham, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service and Mary Ann McCabe, Office of the Chief Counsel, U.S. Coast Guard. However, personnel from other Customs and Coast Guard offices participated in its development.

William T. Archey,

Acting Commissioner of Customs.

Approved: March 30, 1981

John P. Simpson,

Acting Assistant Secretary of the Treasury.

J. B. Hayes,

Admiral USCG, Commandant, U.S. Coast Guard

[FR Doc. 81–35826 Filed 12–14–81; 8:45 am]

BILLING CODE 4810–22–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

Information From Persons Receiving Payments From Gambling Winnings; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to withholding on certain payments of gambling winnings and to statements furnished by recipients of gambling winnings.

DATES: The public hearing will be held on January 20, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by January 6, 1982.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–188–80) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the hearing is proposed regulations under section 6011 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, September 23, 1981 (46 FR 46966).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to

present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by January 6, 1982. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-35791 Filed 12-14-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Cancellation of Public Hearing on Modified Portions of the Maryland Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of program modifications submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Maryland permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977.

This notice cancels the public hearing but does not alter the time and location at which the Maryland program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: The public hearing on the proposed modifications to the Maryland program, December 16, 1981, at 7:00 p.m.

ADDRESS: Written comments should be mailed or hand-delivered to: Office of Surface Mining—Region I, Maryland Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Assistant Regional Director, State and Federal Programs, Office of Surface Mining—Region I, 603 Morris Street, Charleston, West Virginia 25301; Telephone: (304) 342-8125.

SUPPLEMENTARY INFORMATION: On November 25, 1981, notice of opportunity for public hearing on the proposed modifications to the Maryland program was published in the **Federal Register** (46 FR 57697-57698). The proposed modifications are regulatory and statutory changes required by the Secretary of the Interior in his conditional approval of the Maryland program.

The notice stated that any person interested in making an oral or written persentation at the hearing should contact Ms. Struminski by December 9, 1981, and that if no person contacted Ms. Struminski to express an interest in participating in the hearing by the above date the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by December 9, 1981, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m. on December 28, 1981, to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions imposed on the approval of the program.

Written comments should be mailed or hand-delivered to: Ms. Christine Struminski, Assistant Regional Director Office of Surface Mining—Region I, 603 Morris Street, Charleston, West Virginia 25301.

Dated: December 10, 1981.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-35820 Filed 12-14-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 264, and 267

[SW-FRL-2009-7]

Hazardous Waste Management System; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting to present the basic conceptual framework that EPA is developing for the hazardous waste land disposal regulations. This notice also describes the agenda for this meeting and procedures for submitting written comments.

DATE: Monday, December 21, 1981, 9:00 a.m. to 2:00 p.m.

ADDRESS: Room 1103, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen Claussen, Director, Office of Management, Information, and Analysis, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202/755-9180).

SUPPLEMENTARY INFORMATION: The purpose of the December 21, 1981 meeting will be to present to the regulated community and to the interested public the basic conceptual framework the Agency is developing for its hazardous waste land disposal regulations. EPA is holding this meeting with short notice due to the tight time frame the Agency is working under to comply with the November 13, 1981, Federal District Court for the District of Columbia order to promulgate the land disposal regulations by February 1, 1982 (Civil Action No. 78-1689, 78-1715, 78-1734, 78-1899). The Agency would like to obtain reactions from the public to the basic conceptual approach it is now pursuing.

At the meeting, EPA will provide a flip chart presentation of the concept, and will have hard copies of the presentation available to those who attend the public meeting. Hard copies will also be available in the Office of Solid Waste Docket Room, Room 2636, and the EPA Library, Room 2404, 401 M Street SW., Washington, D.C. 20460, and in regional EPA libraries.

Written comments will be reviewed by the Office of Solid Waste if they are

submitted no later than January 4, 1982. Written comments should be mailed to the OSW Docket, at the above listed address.

Dated: December 11, 1981.

Christopher J. Capper,

Assistant Administrator for the Office of Solid Waste and Emergency Response.

[FR Doc. 81-35929 Filed 12-14-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 80, 81, 82, 83, 84

[Docket No. FEMA-FIA-80]

Federal Crime Insurance Program; Proposed Revisions

AGENCY: Office of Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: These revisions to the Federal Crime Insurance Program are proposed to achieve the following purposes: Raise the premiums and deductibles charged for both residential and commercial business. The use of geographical territories for determining insurance premiums is eliminated and residential and commercial premium rates are made uniform for policyholders regardless of location, resulting in an additional increase in premiums for policyholders. The list of commercial classifications of businesses is revised to distinguish nonprofit organizations, such as churches, libraries, and public properties from commercial enterprises and to provide for a lower premium for the nonprofit organizations and higher rates for commercial businesses with greater than average exposure to crime losses. The protective device requirements are amended for some commercial businesses by requiring alarm systems and additional protective devices for all commercial businesses (except nonprofit), regardless of the amount of gross receipts. These regulations also provide more detailed and helpful instructions for calculating premiums and identifying the classification of businesses.

The definitions of "named insureds" and insured premises under the residential policy are simplified and the term "conveyance of property" away from the premises as used in the commercial policy is defined. Other revisions provide greater clarity to existing provisions and reflect program experience which has indicated the desirability of more precise terminology.

DATE: All comments received on or before February 16, 1982 will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Robert J. DeHenzel, Federal Emergency Management Agency, Federal Insurance Administration, Donohoe Building, 500 C Street, Room 433, Washington, D.C. 20472, Telephone Number (202) 287-0800.

SUPPLEMENTARY INFORMATION: These proposed amendments are the result of the experience gained in the ten years the Federal Crime Insurance Program has been in operation.

The use of territorial differentials in premiums has had an inequitable and unjustifiable impact upon crime insurance policyholders whose exposure to crime is a result of factors beyond their individual control. The use of a uniform premium reflects the existence of a crime threat to all citizens wherever they may reside. However, the refining of the classifications for nonresidential properties takes into account certain differences in exposure which results from the differences in the merchandise or services offered. In general, the premiums resulting from these revisions will produce a higher level to offset the losses which have consistently exceeded the premiums collected. Certain terminology in the residential and commercial policies have lacked adequate definitions and these proposed regulations bring clarity to the policy provisions. These proposed regulations enable insureds to determine whether they are conveying property which can be covered under the insuring agreement of robbery "away from the premises" by defining when conveyance ceases.

The definition of "premises" in the residential policy has lacked clarity and these proposed regulations make it clear that damage to the exterior of buildings such as houses or garages is required to establish burglary. The term "insured" in the current residential policy has enabled non-related persons to obtain greater amounts of insurance at one residential household than was available to related persons. These regulations provide uniform limits of insurance for each household.

The definition of "premises" in the commercial policy has needed clarification, especially in the case of businesses which have buildings adjacent to each other on the same lot, all of which relate to the operation of a single business. These proposed regulations enable coverage to be provided under a single policy. The classifications and rating of warehouses have proven difficult for insurance agents and these proposed regulations provide workable procedures for determining the correct premium.

The significance of the annual gross receipts figure in the rating of commercial policies is emphasized in these proposed regulations and the consequences for material misstatements are clearly spelled out in terms of denial of claims and the voiding of policies.

FEMA has determined that an environmental impact statement is not needed for this proposed rule. A copy of the finding of no significant impact and an environmental assessment is available at the above address.

Accordingly, 44 CFR (Parts 80, 81, 82, 83 and 84 are proposed to be amended as follows):

Part 80 heading is revised as follows:

PART 80—DESCRIPTION OF PROGRAM AND OFFER TO STATE LICENSED PROPERTY INSURANCE AGENTS AND BROKERS ACTING ON BEHALF OF PURCHASERS OF FEDERAL CRIME INSURANCE

§ 80.4 [Amended]

1. Section 80.4 entitled "Offer to Pay Commission to State Licensed Property Insurance Agents and Brokers for Submitting Applications on Behalf of Purchasers of Federal Crime Insurance" is amended by revising paragraph (c) to read as follows:

* * * * *

(c) Subject to a minimum annual commission of $15 on each commercial policy and $5 on each residential policy, the specified commission percentage of the policyholder premium for both residential and commercial insurance coverages shall be the following: Initial policies 14% and for all renewal policies 12%. The renewal commission rate shall apply to any property that has previously been insured under the Program unless the lapse of time since the termination of the previous policy is in excess of 6 months. The commission for any renewal policy shall be deemed payable only to the property insurance agent or broker, of record, if any. A change of agent or broker made at any time other than on a policy anniversary date must be accomplished by the submission of a new application with the applicable premium and a request

for the cancellation of the previous policy.

* * * * *

2. Section 80.6 entitled "Name and Address of Servicing Company" is revised to read as follows:

§ 80.6 Name and address of servicing company.

The following company has been designated to act as servicing company for the Federal Crime Insurance Program, National Con-Serv Inc., t/a Safety Management Institute. Written communications with the servicing company should be addressed to Federal Crime Insurance, P.O. Box 41033, Washington, D.C. 20014. The toll free telephone number for the servicing company is 800–638–8780 and this number serves the continental United States, Puerto Rico and the Virgin Islands, except for Maryland and the Washington Metropolitan Area. In the Washington Metropolitan Area call 652–2637. In Maryland, outside the Washington Metropolitan Area, call collect 301–652–2637.

PART 81—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

§ 81.2 [Amended]

3. Section 81.2 entitled "Eligibility Requirements Applicable to Property Owners" is amended by revising paragraph (c) to read as follows:

* * * * *

(c) Any material misstatement of fact in the application or in any form submitted at the time of any subsequent renewal may result in the voiding of the policy and the denial of any claim. Intentionally false or misleading statements, either in the application, at the time of subsequent renewals, or in connection with any claim submitted under this program may also result in prosecution.

4. Section 81.4 entitled "Terms and conditions of policy to govern" is amended by adding the following sentence to paragraph (c) thereof:

§ 81.4 Terms and conditions of policy to govern.

* * * * *

(c) * * * Any increase in premium and or reduction in terms of coverage shall be applicable as of the effective date of such revision to all policies cancelled and rewritten within 90 days prior to the effective date of such revision unless such cancellation was made to accomplish an increase in the amount of insurance coverage or as a result of the removal of the insured to another premises.

4a. Paragraph (d) of § 81.4 is removed.

5. Section 81.7 entitled "Cancellations, modifications and renewals of coverage" is amended by adding at the end of paragraph (c) the following sentence:

§ 81.7 Cancellations, modifications and renewals of coverage.

* * * * *

(c) * * * The insurer may, at the request of the insured, permit a retroactive cancellation of a poicy, but in no event shall such cancellation be effective earlier than thirty days before receipt by the insurer of such request in writing, and such cancellation shall apply only to the policy in force at the time of the receipt of such request.

* * * * *

5a. Section 81.7 is further amended by revising paragraph (d)(5) to read as follows:

* * * * *

(d) * * * (5) any other substantial failure to comply with the provisions of this subchapter or of the insurance policy as determined by the insurer and stated in its notice of cancellation. Cancellations on any of the grounds in paragraph (d) (2), (3), or (4) of this section may, at the discrtion of the insurer, be made retroactive to the date of application or renewal which immediately precedes the first known wrongful act. Refunds of unearned premiums, if any, shall be subject to offsets for the insurer's administrative expenses (including the payment of agents' commissions, if any) in connection with the issuance of the policy, any inspections of the insured's premises and the expense of claims adjustment, if any. Cancellations by the insurer on the basis of paragraph (d)(5) of this section or as provided by paragraph (e) of this section shall be upon 30 days written notice, and the insured shall be entitled to a short rate refund of premium, if any.

* * * * *

5b. Section 81.7 is further amended by amending paragraph (f) by removing the last sentence, thereof.

Section 81.7a entitled "Cancellations in order to renew" is amended by adding the following sentence to the end of paragraph (a) to read as follows:

§ 81.7a Cancellations in order to renew.

* * * "Cancellation and rewrite of coverage to take advantage of an impending rate increase shall not be permitted."

* * * * *

PART 82—PROTECTIVE DEVICE REQUIREMENTS

6. Section 82.1 entitled "Definitions" is amended by adding a paragraph (j) which reads as follows:

§ 82.1 Definitions.

* * * * *

(j) "Safe" is a non-portable money storage compartment which is reinforced with a minimum of ¼ inch solid steel plate throughout, with the exception of the door, which must be at least one inch thick solid steel plate and equipped with a lock, which is an integral part of the door.

7. Section 82.5 entitled "Inspection of commercial premises" is amended by revising paragraphs (c) and (d) and by revising the last sentence of paragraph (e) as follows:

§ 82.5 Inspection of commercial premises.

* * * * *

(c) An insured whose commercial premises is not one which is required by § 82.31 to be protected by any type of alarm system but who elects to utilize an alarm system may select particular accessible openings and exterior doors to be protected only by the alarm systems and may protect other accessible and exterior doors with the physical barriers specified in paragraphs (c) and (e) of § 82.31.

(d) Because the statement of annual gross receipts is a significant factor in the determination of the applicable protective device requirements as well as in the determination of the correct premium, the annual gross receipts figure reported on the application or at the time of renewal shall be verified at the time of the adjustment of any loss. The applicant or insured shall at the time make available any necessary documentation to substantiate the annual gross receipts figure reported.

(e) * * * The Administrator may also in his discretion determine that the frequency and/or severity of occurrences of loss experience under any policy issued under the provisions of paragraphs (b) and (c) of this section, requires that as a condition of continuation of coverage or renewal of such policy the premises insured thereunder be protected by one or more of the protective devices described in paragraphs (a), (b), (c), (d), (e), (f) (1), (2), and (3) of § 82.31.

* * * * *

7. Section 82.5 is further amended by adding a paragraph (i) as follows:

* * * * *

(i) If an applicant occupies a premises jointly with other businesses, and there

exists no physical barrier separating the business of the applicant from the other businesses, the applicant may still obtain insurance coverage provided that the exterior boundaries of the premises that enclose the business of the applicant and the other businesses are protected in accordance with the protective device requirements applicable to the classification governing the applicant's business. In such a case the applicant, as an insured, will be responsible for the continued existence and maintenance and functioning of the required protective devices. For purposes of the burglary insurance coverage, the premises to which there must be forcible signs of entry is the overall premises confining the business of the applicant and the other businesses. As noted in § 83.22, the maximum limit of coverage which consists of $15,000 may not be increased by insuring several departments of a single business or institution at one premises as separate premises and this paragraph does not supersede § 83.22.

§ 82.31 [Amended]

8. § 82.31 entitled "Minimum Standards for industrial and commercial properties", paragraph (f) is revised as follows:

* * * * *

(f) The following types of establishments whose inventories pose a particularly serious risk shall, as a minimum, in addition to the requirements of paragraphs (a), (b) and (d) of this section be protected by the type of alarm system indicated. If the system specified in (f)(1) of this section is not available in the community in which the premises are located, the type of system specified in paragraph (f)(2) of this section shall be permitted.

(1) Central Station, supervised service alarm systems shall be required for the following businesses:

(i) Auto Parts—No Service.
(ii) Beer/Wine with Food Retail.
(iii) Beer/Wine Wholesale.
(iv) Cameras/Photo Supplies—Wholesale/Retail.
(v) Clothing/Men's—Wholesale/Retail.
(vi) Clothing/Women's—Wholesale/Retail.
(vii) Drug Stores and Druggists' Sundries.
(viii) Drugs/Wholesale.
(ix) Electrical Applicances—Sales/Service.
(x) Food Stuffs/Wholesale.
(xi) Furriers—Retail/Wholesale/Manufacturing/Storage.
(xii) Gasoline Service Station.
(xiii) Guns/Ammunition—Wholesale/Retail.
(xiv) Jewelry—Retail/Wholesale/Manufacturing/Storage.
(xv) Liquor Sales—Retail.
(xvi) Liquor—Wholesale.
(xvii) Pawn Brokers.
(xviii) Precious Metals—Storage.
(xix) Precious Metals—Manufacturing/Wholesale/Retail.
(xx) Radio/TV/Stereo/Electronic Equipment—Wholesale/Retail.
(xxi) Record Shop.
(xxii) Tobacco Dealers—Retail.
(xxiii) Variety Stores.

(2) Silent alarm systems shall be required for the following businesses:

(i) All Risks Not Otherwise Classified.
(ii) Amusement Enterprises.
(iii) Billard/Pool Parlors.
(iv) Coin and Stamp Shops.
(v) Dry Cleaners.
(vi) Garages/Auto Repair/Body Shop.
(vii) Golf and Others Sports Professionals.
(viii) Grocery Stores/Delicatessens/Health Food Stores.
(ix) Industrial Tool Supply.
(x) Laundries.
(xi) Meat/Poultry/Fish Dealers.
(xii) Offices/Business Machines/Equipment.
(xiii) Photographers Studios.
(xiv) Specialized Clothing (Sportswear, Lingerie, Accessories, etc.)—Other than usual outwear.
(xv) Tavern/Bar/Lounge.
(xvi) Wig Shops.

(3) Local alarm systems shall be required for the following business:

(i) Antique Store.
(ii) Art Gallery.
(iii) Auto Sales/Service.
(iv) Clothing Manufacturer.
(v) Clubs.
(vi) Discos/Dance Halls/Pavillions.
(vii) Health Clubs/Spas/Massage Parlors.
(viii) Motorbikes/Bicycles/Mopeds.
(ix) Radio/TV/Stereo/Electronic Equipment—Service Only.
(x) Restaurants.
(xi) Sports Goods—General.
(xii) Vending Machines—Sales/Rentals.

* * * * *

PART 83—COVERAGES, RATES AND PRESCRIBED POLICY FORM

9. Section 83.1 entitled "Description of residential coverage" is amended by adding at the end of paragraph (c) the following additional sentences, which read:

§ 83.1 Description of residential coverage.

* * * * *

(c) * * *

A mobile home used as a residence may be insured on a residential application form provided the mobil home has been rendered immobile on a permanent foundation and anchored to resist flotation or lateral movement. A residential premises own or leased by a business, corporate or otherwise, may not be insured under a residential policy. A model home held for eventual sale may not be insured under a residential policy. A storeroom used for temporary storage of personal property not pertaining to a business may be insured under a residential policy, provided that the storage area is surrounded by physical barriers which separate it from other storage areas available to other persons and that the storage area utilized by the insured complies with the protective device requirements applicable to residential premises.

10. Section 83.2 entitled "Limits of residential coverage" is revised to read as follows:

§ 83.2 Limits of residential coverage.

The residential policy may be written in amounts not less than $1000 and not in excess of $10,000 for each insurable premises. An insurable premises is defined as a physically separate area occupied for residential purposes by one or more persons who are permanent members of a single household. The $10,000 limit of coverage for each insurable premises may not be increased by subdividing the premises shared by members of a common household. Any amount of insurance or fraction thereof, above a specified limit shall be charged the applicable rate for the next higher limit of coverage. Specified limits of coverage are set forth in § 83.4.

10a. The first sentence of § 83.3 entitled "Amount of residential policy deductible" is amended by changing "* * * $50 for each loss occurrence, or 5 percent of the gross amount of the loss, whichever is greater, * * *" to read "$250 or 5% of the gross amount of the loss, whichever is greater."

11. Section 83.4 entitled "Residential crime insurance rates" is revised to read as follows:

§ 83.4 Residential crime insurance rates.

The specified limits of coverage and applicable annual premiums for residential crime insurance coverage are as follows:

Policy limit	Annual premium
$1,000	$60
3,000	70
5,000	90
7,000	110
10,000	120

§ 83.5 [Amended]

12. Section 83.5 entitled "Required residential policy form" is amended by revising the Insuring Agreement II, Damage, to read as follows:

* * * * *

II. *Damage.* To pay for damage to the premises and to the insured property by burglary and larceny incident thereto, or robbery, including observed theft, or attempt threat, and for damage to the interior of that portion of any building occupied by the named insured's household at the premises and to the insured property therein or away from the premises by vandalism or malicious mischief which occurs during a burglary or robbery, provided that with respect to damage to the building an insured is the owner thereof or is liable for repairing such damage.

With respect to loss occurring at any part of the premises not occupied exclusively by the named insured's household, this Insuring Agreement applies only to property owned or used by an insured.

12a. Insuring Agreement IV is removed and Insuring Agreements V and VI are renumbered as Insuring Agreements IV and V.

12b. The Residential Crime Insurance Policy is further amended by revising Insuring Agreement V as renumbered to read as follows:

V. *Policy period, territory.* This policy applies only to losses which occur during the policy period within a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States and the Trust Territory of the Pacific Islands.

12c. The Residential Crime Insurance Policy is further amended by revising subparagraphs (a) entitled "Named Insured" and (b) "Premises" of Paragraph 1 entitled "Definitions" of the section entitled "Conditions" to read as follows:

1. *Definitions*—(a) Named Insured. "Named Insured" means the insured named in the application. "Insured" means the named insured and any person while a permanent member of the insured's household, other than a residence employees.

(b) "Premises" means the premises designated in the application and includes garages and other outbuildings accidental thereto.

* * * * *

12d. The Residential Crime Insurance Policy is further amended by revising Paragraph 11 entitled "Cancellation" of the section entitled "Conditions" to include two additional sentences to be inserted after the first three sentences of that paragraph which read as follows:

11. *Cancellation.* * * * The mailing of a bill by the insurer, notifying an insured that his failure to pay an installment or renewal premium in sufficient time for it to be received by the insurer, or postmarked by the United States Postal Service, on or before the due date stated in the bill will cause the policy to terminate on said due date, shall constitute the mailing of a notice of cancellation when payment is not received or postmarked as specified above. The mailing of such a notice of cancellation to the mailing address shown on the policy and/or application, either separately or as a part of a bill for installment or renewal premium, shall be sufficient and conclusive proof of notice to the insured. * * *

* * * * *

13. Section 83.22 entitled "Limits of commerical coverage" is revised to read as follows:

§ 83.22 Limits of coverage and number of applications required.

The Commercial Crime Insurance Policy may be written in amounts not less than $1,000 and not in excess of $15,000 for each insured premises. The maximum limit may not be increased (1) by insuring several departments of a single business or institution at one insurable premises as separate premises, or (2) by establishing separate businesses for different portions of business operations having a common majority ownership which are located at one insurable premises. Each $1,000 of insurance or fraction thereof shall be charged the applicable rate for the full $1,000 of insurance coverage. Insurable premises is defined as one premises or portion thereof utilized for the purpose of conducting the business of the insured. Two or more buildings which are adjoining and have a common connecting door or passageway are considered one building and should be included in one application. Multiple rooms or floors within one building are considered one premises and should be specifically enumerated on one application. Physically separate buildings or portions thereof must be covered on separate applications using the appropriate IRS number, with a different suffix on each application, in order to identify multiple premises of one business. The commercial policy form must be used for residential properties owned or leased by a business, incorporated or otherwise and for model homes. Such risks must meet commercial protective device requirements. If an insured shares a premises with one or more other businesses but there is no physical barrier meeting protective device requirements to separate the business, the insured is entitled to coverage with limitations as described in §§ 82.5(i) and 83.22.

14. Section 83.23 entitled "Amount of commercial policy deductible" is revised to read as follows:

§ 83.23 Amount of commercial policy deductible.

(a) The Commercial Crime Insurance Policy for industrial and commercial risks shall be subject to a deductible in the following amounts for each loss occurrence or 5 percent of the gross amount of the loss, whichever is greater, in accordance with the following categories of annual gross receipts (or operating budget, if applicable):

Less than $299,999	$250
Less than $300,000 to $499,999	350
Less than $500,00 and above	500

(b) The Commercial Crime Insurance Policy for non-profit or public property risks shall be subject to a deductible in the amount of $250 for each loss occurrence of 5 percent of the amount of loss, whichever is greater.

15. Section 83.24 entitled "Classification of commercial risks" is revised to read as follows:

§ 83.24 Classification of commercial risks.

(a) The governing factor in determining the risk classification applicable to a particular premises is the kind of business being conducted by the insured at that location. If there is no specific kind of business applicable to the risk, then the kind of merchandise inventoried and held for sale governs. Such risks take the classification of the merchandise or inventory which generates the majority (51% or more) of the annual gross receipts of the business. For example, a candy store carrying an incidental line of tobacco is still classified as a candy store. The exception to this rule is that any store in the Continental United States that carries any liquor (other than wine and beer) shall be classified as a liquor store regardless of the amount of liquor carried. If 51% or more of the gross receipts of a restaurant are generated by the sale of alcoholic beverages, excluding wine and beer, it shall be rated as a tavern. Any change in classification must be reported to the insurer through the servicing company.

(b) Individual concessionaires operating within a premises are classified according to the business or merchandise of the concessionaire.

(c) Warehouses and/or other storage areas shall take the classification of the merchandise or inventory comprising the majority value of the contents.

(d) The following business

classifications shall be applicable to the Commercial Crime Insurance Policy:

CLASSIFICATIONS.—CLASSES UNDER THE COMMERCIAL CRIME INSURANCE POLICY ARE CLASSIFIED AS FOLLOWS

Classification code	Premium class	Class
J1	1	Chruches, charities, nonprofit organizations and public properties.
A1	2	All risks not otherwise classified.
B1	2	Antique store.
03	2	Auto parts—no service.
D1	2	Auto sales/services
05	2	Bowling lanes/centers.
K1	2	Coins/stamp shop.
C5	2	Donut/pastry/coffee shop—seated service.
E1	2	Fast food/bakery/donut carryout only
N1	2	Fruit/vegetable stand.
21	2	Meat poultry/fish dealers.
Q1	2	Motorbikes/bicycles/mopeds.
C3	2	Office/business machines/equipment.
R1	2	Photographers studios.
C4	2	Radio/TV/stereo/electronic equipment-service only.
X1	2	Vending machines—sales/rentals.
02	3	Amusement enterprise.
C1	3	Art gallery.
C6	3	Beer/wine with food retail.
F1	3	Beer/wine wholesale.
04	3	Billard/pool parlors.
06	3	Camera—photo supplies—wholesale/retail.
G1	3	Check cashing agency.
I1	3	Clothing manufacturer.
22	3	Clothing/men's (age 12 and over)—wholesale/retail.
30	3	Clothing/women's (age 12 and over)—wholesale/retail.
07	3	Clubs.
08	3	Discos/dance halls/pavillions.
09	3	Drug stores and druggist's sundries
L1	3	Drugs—wholesale.
I0	3	Dry cleaners
11	3	Electrical appliances—sales/service.
M1	3	Food stuffs wholesale.
12	3	Furriers—retail/wholesale/manufacturers/storage.
13	3	Garages/auto repair/body shop.
14	3	Gasoline service station.
15	3	Golf and other sport professionals.
16	3	Grocery stores/delicatessens/health food stores.
17	3	Guns/ammunition—wholesale/retail.
C2	3	Health clubs spas/massage parlors.
01	3	Industrial tool supply.
18	3	Jewelry—retail/wholesale/manufacturers/storage.
19	3	Laundries.
20	3	Liquor sales—retail.
P1	3	Liquor—wholesale.
23	3	Pawnbrokers.
S1	3	Precious metals—storage.
C8	3	Precious metals—manufacturing, wholesale, retail.
24	3	Radio/TV/stereo/electronic equipment—wholesale/retail.
25	3	Restaurant.
T1	3	Records shops.
26	3	Savings, Loans, Banks, and other financial institutions.
U1	3	Sports goods—general.
H1	3	Specialized clothing (sportswear, lingerie, accessories, etc.)—other than usual outerwear.
27	3	Tavern/bar/lounge.
28	3	Theatre.
29	3	Tobacco dealers—retail.
C9	3	Tobacco—wholesale.
V1	3	Taxi—robbery only.
W1	3	Variety stores.
Y1	3	Wig shops.

16. A new section to be designated § 83.24a entitled "Gross Receipts" is added:

§ 83.24a Gross receipts.

The annual gross receipts figure of a business is used as a significant factor in calculating the annual premium, in determining the applicable protective device requirements for commercial burglary coverage and for determining the deductible applicable to any loss. It is therefore material to the issuance of a policy and must be correctly stated. Misstatement of gross receipts at the time of application or any subsequent renewal will cause the policy to be voided and any claim denied. Gross receipts must be verified at the time of adjustment of any loss. Renewal payment of a Commercial Crime Insurance Policy will not be accepted and the policy remewed unless the current gross receipts figure is submitted with the premium payment. Failure to submit the gross receipts figure may result in a lapse of coverage. The following guidelines are applicable in determining the correct annual gross receipts figure to be reported.

(a) The annual gross receipts figure should be taken from the most recent annual Federal Income Tax Return (or comparable tax return in Puerto Rico and Virgin Islands) filed prior to the date of the application or renewal date. The figure is applicable to the policy for a period of one year and the policy will not be changed in term to reduce or increase the premium because of a reduction or increase in gross receipts.

(b) A new business that has not as yet filed an annual Federal Income Tax return (or comparable tax return in Puerto Rico and Virgin Islands) shall insert the words "under $100,000." However, an applicant is not considered to be a "new business" if any of the owners or officers of the business have been owners or officers of any similar business previously operated at the same address. In such a case the annual gross receipts figure as listed in the most recently filed income tax return of the former business should be used, if available. If such figure is not available, an estimate by the insured's accountant of the annual gross receipts reasonably anticipated during the first year of operation will be accepted.

(c) A non-profit or public entity that has no gross receipts or whose annual operating budget exceeds the gross receipts shall report its operating budget rather than gross receipts.

(d) The gross receipts figure for a bank or other financial institution shall be the total income line of the tax return as derived from dividends, interest, investment income, capital gains and other income. If several branches of one business are covered, the total income shall be divided equally among the branches insured.

(e) The gross receipts figure for a real estate, property management or similar type of business shall be the "Total Income" line of the tax return as derived from interest, rents, capital gains, other, etc.

(f) A warehouse shall report the total gross receipts of the store it supplies. If a warehouse supplies more than one store, it shall report the sum of the gross receipts figures for all the stores it supplies. If more than one warehouse supplies one store, the gross receipts figure applicable to the store shall be apportioned among the warehouses according to the percentage the value of merchandise supplied by each warehouse bears to the total value of merchandise supplied.

(g) If an insured has multiple premises as defined in § 83.22, the gross receipts of the total business shall be divided among the various locations in accordance with the percentage of the total gross receipts generated by each location.

(h) If an insured premises is regularly utilized as a collection center for performing accounting or bookkeeping functions with respect to the receipts delivered from two or more other insured premises, resulting in the accumulation of the combined receipts from such other premises at one location, the gross receipts for such location shall be determined by using the sum of the gross receipts amounts of all the other insured premises from which receipts are received. Further, if such insured premises is regularly utilized as a collection center from which there is accumulated money or property for distribution to one or more other insured premises, the gross receipts for such location shall be determined by using the sum of the gross receipt amounts of all the other insured premises to which distribution is made.

(i) Any questions regarding gross receipts should be referred to the servicing company listed in § 80.6 of this chapter.

17. Section 83.25 entitled "Commercial crime insurance rates" is revised in its entirety and reads as follows:

§ 83.25 Commercial crime insurance rates.

(a) All commercial premises with annual gross receipts under $300,000 and meeting the protective device requirements of the program shall receive a premium credit as follows:

(1) Central or Silent Alarm 30%

(2) Local Alarm 15%

(b) Premium rates for Commercial Crime Insurance Policies for risks having annual gross receipts of less than $5,000,000 shall be determined by reference to the rate charts contained in paragraph (f) of this section. The annual gross receipts shall be determined in accordance with § 83.24(a).

(c) *Option. 1.* An applicant may apply for insurance coverage under all of the Insuring Agreements I, II, III, IV, V, VI, VII and VIII of the Commercial Crime Insurance Policy. Agreements I and II deal with Robbery and Observed Theft Inside and Outside the Premises. Agreements V and VI deal with Burglary and Robbery of A Watchman and Safe Burglary. Agreements III and VII deal with Damage and Agreements IV and VIII limit coverage to losses occurring within the several states, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions and the Trust Territory of the Pacific Islands. This package provides a uniform limit of coverage for all Agreements and is referred to as Option 1.

(d) *Option 2.* An applicant may apply for insurance coverage under only Insuring Agreements I, II, III and IV of the Commercial Policy dealing with Robbery and Observed Theft Inside and Outside the Premises and Damage Resulting From Losses under Insuring Agreements I and II only. Such coverage shall be referred to as Option 2.

(e) *Option 3.* An applicant may apply for insurance coverage under only Insuring Agreements V, VI, VII and VIII of the Commercial Policy dealing with Burglary or Robbery of a Watchman and Safe Burglary and Damage Resulting from Losses under Insuring Agreements V and VII only. Such coverage shall be referred to as Option 3.

(f) *Option 4.* An applicant may apply for varying limits of insurance coverage under both Option 2 and Option 3 but only in the same policy. Both Options 2 and 3 must be applied for at the same time. If one of these options has already been selected the other option may be added upon a renewal or upon rewriting the original policy to add the new option.

(g) The following rate tables shall be used to determine rates for risks having annual gross receipts of less than $5 million annually:

SCHEDULE 1

PART IV.—COMMERCIAL CRIME INSURANCE RATES

Annual premium for class 1	Amount of coverage											
	$1,000 options			$2 000 options			$3,000 options			$4,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts												
Less than $25,000	120	72	60	228	137	115	324	194	163	408	245	204
$25,000 to $49,999	120	72	[illegible]	228	137	115	324	194	163	[illegible]	245	204
$50,000 to $99,999	120	72	60	228	137	115	324	194	163	408	245	204
$100,000 to $299,999	180	108	91	343	206	173	487	293	245	612	367	307
$300,000 to $499,999	240	144	120	456	274	228	648	389	324	816	490	408
$500,000 to $999,999	300	180	151	571	343	286	811	487	406	1 020	612	511
$1,000,000 to $1,499,999	480	288	240	912	547	456	1,296	778	648	1,632	979	816
$1,500,000 to $1,999,999	540	324	271	1 027	617	514	1,459	876	730	1,836	1,102	919
$2,000,000 to $2,499,999	600	360	300	1,140	684	571	1 620	972	811	2,040	1,224	1 020
$2,500,000 to $2,999,999	660	396	331	1,255	746	629	1,783	1,070	893	2,244	1 346	1,123
$3 000 000 to $3,499,999	840	504	420	1,596	956	799	2,268	1,361	1,135	2,850	1,714	1 428
$3,500,000 to $3,999,999	900	540	451	1,711	1,027	857	2,431	1,459	1,217	3,060	1 836	1 531
$4,000,000 to $4,999,999	1,080	648	540	2,052	1,231	1,027	2,916	1,750	1,459	3,672	2,203	1 836

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual premium for class 1	Amount of coverage											
	$5,000 options			$6,000 options			$7,000 options			$8,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross Receipts:												
Less than $25,000	480	288	240	540	324	271	588	353	295	624	374	312
$25,000 to $49,999	480	288	240	540	324	271	588	353	295	624	374	312
$50,000 to $99,999	480	[illegible]	240	540	324	271	588	353	295	624	374	312
$100,000 to $299,999	720	432	[illegible]	811	487	406	883	530	442	436	562	468
$300,000 to $499,999	960	576	[illegible]	1,080	648	540	1,176	706	[illegible]	1,248	749	624
$500,000 to $999,999	1,200	720	600	1,351	811	677	1,470	883	737	1,560	936	780
$1,000,000 to $1,499,999	1,920	1,152	960	2,160	1,296	1,080	2,352	1,411	1,176	2,496	1,498	1,248
$1,500,000 to $1,999,999	2,160	1,296	1,080	2,431	1,459	1,217	2,647	1,589	1,325	2,808	1,685	1,404
$2,00,000 to $2,499,999	2,400	1,440	1,200	2,700	1,620	1,351	2,940	1,764	1,471	3,129	1,872	1 560
$2,500,000 to $2,999,999	2,640	1,584	1,320	2,971	1,783	1,486	3,235	1,942	1,618	3,432	2,059	1,716
$3,000,000 to $3,499,999	3,360	2,016	1,680	3,780	2,268	1,891	4,116	2 470	2,059	4,368	2,621	2 184
$3,500,000 to $3,999,999	3,600	2,160	1,800	4,051	2 431	2,026	4,411	2,647	2,206	4,680	2,808	2,340
$4,000,000 to $4,999,999	4,320	2,592	2,160	4,860	2,916	2,431	5,292	3,175	2,647	5,616	3 370	2,808

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual Premium for class 1	Amount of Coverage											
	$9,000 Options			$10,000 Options			$11,000 Options			$12,000 Options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross Receipts:												
Less than $25,000	648	[illegible]	324	660	96	331	667	401	334	672	[illegible]	336
$25,000 to $49,999	[illegible]	[illegible]	324	660	396	331	667	401	[illegible]	672	[illegible]	336
50,000 to 99,999	[illegible]	[illegible]	[illegible]	660	396	331	667	401	334	672	403	336
100,000 to 299,999	972	[illegible]	[illegible]	991	595	497	1,001	600	502	1,008	[illegible]	504
300,000 to 499,999	1,296	778	[illegible]	1,320	792	660	1,332	799	667	1,344	[illegible]	672
500,000 to 999,999	1,620	972	811	1,651	991	826	1,666	1,001	[illegible]	1,680	1,008	[illegible]

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued—Continued

Annual Premium for class 1	Amount of Coverage											
	$9,000 Options			$10,000 Options			$11,000 Options			$12,000 Options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
1,000,000 to 1,499,999	2,592	1,555	1,296	2,640	1,584	1,320	2,664	1,598	1,332	2,688	1,613	1,344
1,500,000 to 1,999,999	2,916	1,750	1,459	2,971	1,783	1,486	2,998	1,800	1,500	3,024	1,814	1,512
2,000,000 to 2,499,999	3,240	1,944	1,620	3,300	1,980	1,651	3,331	1,999	1,666	3,360	2,016	1,680
2,500,000 to 2,999,999	3,564	2,138	1,783	3,631	2,179	1,817	3,665	2,198	1,834	3,696	2,218	1,848
3,000,000 to 3,499,999	4,536	2,722	2,268	4,620	2,772	2,311	4,663	2,786	2,333	4,704	2,622	2,352
3,500,000 to 3,499,999	4,860	2,916	2,431	4,951	2,971	2,477	4,997	2,998	2,498	5,040	3,024	2,520
4,000,000 to 4,999,999	5,832	3,499	2,916	5,940	3,564	2,971	5,995	3,598	2,998	6,048	3,629	3,024

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual premium for class 1	Amount of coverage											
	$13,000 options			$14,000 options			$15,000 options			Options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	679	[illegible]	341	[illegible]	410	343	691	415	346			
$25,000 to $49,999	679	[illegible]	341	[illegible]	410	343	691	415	346			
$50,000 to $99,999	679	[illegible]	341	[illegible]	410	343	[illegible]	415	346			
$100,000 to $299,999	1,018	612	[illegible]	1,027	617	514	1,037	622	518			
$300,000 to $499,999	1,356	814	679	1,368	821	684	1,380	828	691			
$500,000 to $999,999	1,697	1,018	[illegible]	1,711	1,027	857	1,726	1,037	[illegible]			
$1,000,000 to $1,499,999	2,712	1,627	1,356	2,736	1,642	1,368	2,760	1,656	1,380			
$1,500,000 to $1,999,999	3,053	1,831	1,526	3,079	1,848	1,541	3,106	1,865	1,553			
$2,000,000 to $2,499,999	3,391	2,035	1,697	3,420	2,052	1,711	3,451	2,071	1,726			
$2,500,000 to $2,999,999	3,730	2,239	1,865	3,763	2,258	1,882	3,797	2,278	1,898			
$3,000,000 to $3,499,999	4,747	2,849	2,374	4,788	2,873	2,395	4,831	2,899	2,417			
$3,500,000 to $3,999,999	5,086	2,933	2,543	5,131	3,074	2,566	5,177	3,106	2,590			
$4,000,000 to $4,999,999	6,103	3,662	3,053	6,156	3,694	3,079	6,211	3,727	3,106			

Option (1) Burglary and robbery coverage in uniform amount.
Option (2) Robbery only coverage.
Option (3) Burglary only coverage.
The rate for option (4) consists of the sum of the rates for the selected amount of coverage under options (2) and (3).
NOTE: Consult servicing company for rate information if gross receipts are in excess of $5 million.

SCHEDULE 2

PART IV.—COMMERCIAL CRIME INSURANCE RATES

Annual premium for class 2	Amount of coverage											
	$1,000 options			$2,000 options			$3,000 options			$4,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	144	[illegible]	72	274	168	137	389	233	194	490	295	245
$25,000 to $49,999	144	86	72	274	166	137	389	233	194	490	295	245
$50,000 to $99,999	144	[illegible]	72	274	166	137	389	233	194	490	295	245
$100,000 to $299,999	216	130	[illegible]	410	247	206	583	350	293	734	442	367
$300,000 to $499,999	288	173	144	547	329	274	718	468	389	979	[illegible]	490
$500,000 to $999,999	360	216	180	684	410	343	972	583	487	1,224	734	612
$1,000,000 to $1,499,999	576	346	[illegible]	1,094	658	547	1,555	934	778	1,958	1,176	979
$1,500,000 to $1,999,999	[illegible]	[illegible]	324	1,231	739	617	1,750	1,051	876	2,203	1,322	1,102
$2,000,000 to $2,499,999	720	432	360	1,368	621	410	1,944	1,166	972	2,448	1,469	1,224
$2,500,000 to $2,999,999	792	475	396	1,505	[illegible]	754	2,138	1,284	1,070	2,693	1,637	1,346
$3,000,000 to $3,499,999	1,008	[illegible]	504	1,915	1,150	958	2,722	1,634	1,361	3,427	2,057	1,714
$3,500,000 to $3,999,999	1,080	[illegible]	540	2,052	1,231	1,027	2,916	1,750	1,459	3,672	2,203	1,836
$4,000,000 to $4,499,999	1,296	778	[illegible]	2,462	1,478	1,231	3,499	2,100	1,750	4,406	2,645	2,203

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual premium for class 2	Amount of coverage											
	$5,000 options			$6,000 options			$7,000 options			$8,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	576	[illegible]	[illegible]	[illegible]	389	324	706	425	353	749	449	374
$25,000 to $49,999	576	[illegible]	[illegible]	[illegible]	[illegible]	324	706	425	353	749	449	374
$50,000 to $99,999	576	346	[illegible]	[illegible]	389	324	706	425	353	749	449	374
$100,000 to $299,999	[illegible]	518	432	972	[illegible]	487	1,058	636	530	1,123	674	562
$300,000 to $499,999	1,152	[illegible]	[illegible]	1,296	778	648	1,411	847	706	1,498	[illegible]	749
$500,000 to $999,999	1,440	[illegible]	[illegible]	1,620	972	811	1,764	1,058	883	1,872	1,123	936
$1,000,000 to $1,499,999	2,304	1,382	1,152	2,592	1,555	1,296	2,822	1,694	1,411	2,995	1,798	1,498
$1,500,000 to $1,999,999	2,592	1,555	1,296	2,916	1,750	1,459	3,175	1,906	1,589	3,370	2,025	1,685
$2,000,000 to $2,499,999	2,880	1,728	1,440	3,240	1,944	1,620	3,528	2,117	1,764	3,744	2,246	1,872
$2,500,000 to $2,999,999	3,168	1,901	1,584	3,564	2,138	1,783	3,881	2,328	1,942	4,118	2,472	2,059
$3,000,000 to $3,499,999	4,032	2,419	2,016	4,536	2,722	2,268	4,939	2,964	2,470	5,242	3,146	2,621
$3,500,000 to $3,999,999	4,320	2,592	2,160	4,860	2,916	2,431	5,292	3,175	2,647	5,616	3,370	2,808
$4,000,000 to $4,999,999	5,184	3,110	2,592	5,832	3,499	2,916	6,350	3,811	3,175	6,739	4,044	3,370

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual premium for class 2	Amount of coverage											
	$9,000 options			$10,000 options			$11,000 options			$12,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	778	[illegible]	389	792	475	396	799	480	401	[illegible]	485	403
$25,000 to $49,999	778	466	389	792	475	396	799	480	401	[illegible]	485	403
$50,000 to $99,999	778	468	389	792	475	396	799	480	401	[illegible]	485	403
$100,000 to $299,999	1,166	701	583	1,188	713	595	1,200	720	600	1,210	727	605
$300,000 to $499,999	1,555	934	778	1,584	950	792	1,598	960	799	1,613	967	806
$500,000 to $999,999	1,944	1,166	972	1,980	1,188	991	1,999	1,200	1,001	2,016	1,210	1,008
$1,000,000 to $1,499,999	3,110	1,867	1,555	3,168	1,901	1,584	3,197	1,918	1,598	3,226	1,937	1,613
$1,500,000 to $1,999,999	3,499	2,100	1,750	3,564	2,138	1,783	3,598	2,158	1,800	3,629	2,177	1,814
$2,000,000 to $2,499,999	3,888	2,333	1,944	3,960	2,376	1,980	3,996	2,398	1,999	4,032	2,419	2,016
$2,500,000 to $2,999,999	4,277	2,566	2,138	4,356	2,614	2,179	4,397	2,638	2,198	4,435	3,262	2,216
$3,000,000 to $3,499,999	5,443	3,266	2,722	5,544	3,326	2,772	5,594	3,358	2,798	5,645	3,386	2,822
$3,500,000 to $3,999,999	5,832	3,499	2,916	5,940	3,564	2,971	5,995	3,598	2,998	6,048	3,629	3,024
$4,000,000 to $4,999,999	6,998	4,200	3,499	7,128	4,277	3,564	7,193	4,315	3,598	7,258	4,356	3,629

PART IV.—COMMERICAL CRIME INSURANCE RATES—Continued

Annual premium for class 2	Amount of coverage											
	$13,000 options			$14,000 options			$15,000 options			Options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross Receipts:												
Less than $25,000	814	440	408	821	492	410	828	497	415			
$25,000 to $49,999	814	490	408	821	492	410	828	497	415			
$50,000 to $99,999	814	490	408	821	492	410	828	497	415			
$100,000 to $299,999	1,222	732	612	1,231	739	617	1,243	746	622			
$300,000 to $499,999	1,627	977	814	1,642	986	821	1,656	994	828			
$500,000 to $999,999	2,035	1,222	1,018	2,052	1,231	1,027	2,070	1,242	1,037			
$1,000,000 to $1,499,999	3,254	1,954	1,627	3,283	1,970	1,642	3,312	1,987	1,656			
$1,500,000 to $1,999,999	3,662	2,198	1,831	3,694	2,218	1,848	3,727	2,237	1,865			
$2,000,000 to $2,499,999	4,068	2,441	2,035	4,104	2,462	2,052	4,140	2,484	2,071			
$2,500,000 to $2,999,999	4,475	2,686	2,239	4,514	2,710	2,256	4,555	2,734	2,278			
$3,000,000 to $3,499,999	5,707	3,418	2,854	5,746	3,446	2,873	5,796	3,478	2,899			
$3,500,000 to $3,999,999	6,103	3,662	3,053	6,156	3,694	3,079	6,211	3,727	3,106			
$4,000,000 to $4,999,999	7,322	4,394	3,662	7,387	4,433	3,694	7,452	4,471	3,727			

Option (1) Burglary and robbery coverage in uniform amount.
Option (2) Robbery only coverage
Option (3) Burglary only coverage
The rate for option (4) consists of the sum of the rates for the selected amount of coverage under options (2) and (3)
NOTE: Consult serving company for rate information if gross receipts are in excess of $5 million

SCHEDULE 3

PART IV.—COMMERCIAL CRIME INSURANCE RATES

Annual Premium for class 3	Amount of coverage											
	$1,000 options			$2,000 options			$3,000 options			$4,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	168	101	84	319	192	161	454	274	228	571	343	286
$25,000 to $49,999	168	101	84	319	192	161	454	274	228	571	343	286
$50,000 to $99,999	168	101	84	319	192	161	454	274	228	571	343	286
$100,000 to $299,999	252	151	127	480	288	240	682	410	341	857	516	430
$300,000 to $499,999	336	202	168	638	384	319	907	545	454	1,142	686	571
$500,000 to $999,999	420	252	211	799	480	401	1,135	[illegible]	569	1,428	857	715
$1,000,000 to $1,499,999	672	403	336	1,277	768	638	1,814	1,090	907	2,285	1,373	1,142
$1,500,000 to $1,999,999	756	454	379	1,438	864	720	2,042	1,226	1,022	2,570	1,543	1,286
$2,000,000 to $2,499,999	840	504	420	1,596	958	799	2,268	1,361	1,135	2,856	1,714	1,428
$2,500,000 to $2,999,999	924	554	463	1,757	1,054	878	2,496	1,498	1,248	3,142	1,886	1,572
$3,000,000 to $3,499,999	1,176	706	[illegible]	2,234	1,342	1,118	3,175	1,906	1,589	3,998	2,400	1,999
$3,500,000 to $3,999,999	1,260	756	631	2,395	1,438	1,198	3,403	2,042	1,702	4,284	2,570	2,143
$4,000,000 to $4,999,999	1,512	907	744	2,873	1,723	1,438	4,082	2,450	2,042	5,141	3,084	2,570

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual Premium for class 3	Amount of coverage											
	$5,000 options			$6,000 options			$7,000 options			$8,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross Receipts:												
Less than $25,000	672	403	336	756	454	379	[illegible]	[illegible]	413	874	526	437
$25,000 to $49,999	672	403	336	756	454	379	[illegible]	[illegible]	413	874	526	437
$50,000 to $99,999	672	403	336	756	454	379	[illegible]	494	413	874	[illegible]	437
$100,000 to $299,999	1,008	[illegible]	[illegible]	1,135	682	[illegible]	1,236	742	619	1,310	787	655
$300,000 to $499,999	1,344	806	672	1,512	907	756	1,646	989	[illegible]	1,747	1,049	[illegible]
$500,000 to $999,999	1,680	1,008	[illegible]	1,891	1,135	[illegible]	2,059	1,236	1,030	2,164	1,310	1,092
$1,000,000 to $1,499,999	2,688	1,613	1,344	3,024	1,814	1,512	3,293	1,978	1,645	3,494	2,098	1,747

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued—Continued

Annual Premium for class 3	Amount of coverage											
	$5,000 options			$6,000 options			$7,000 options			$8,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
$1,500,000 to $1,999,999	3,024	1,814	1,512	3,403	2,042	1,702	3,706	2,225	1,853	3,931	2,359	1,966
$2,000,000 to $2,499,999	3,360	2,016	1,680	3,780	2,268	1,891	4,116	2,470	2,059	4,368	2,621	2,184
$2,500,000 to $2,999,999	3,696	2,218	1,848	4,159	2,496	2,081	4,529	2,717	2,266	4,805	2,882	2,402
$3,000,000 to $3,499,999	4,704	2,822	2,352	5,292	3,175	2,647	5,762	3,458	2,882	6,115	3,670	3,058
$3,500,000 to $3,999,999	5,040	3,024	2,520	5,671	3,403	2,837	6,175	3,706	3,089	6,552	3,931	3,276
$4,000,000 to $4,999,999	[illegible]	3,629	[illegible]	6,804	4,082	3,403	7,409	4,445	3,706	7,862	4,718	3,931

PART IV.—COMMERCIAL CRIME INSURANCE RATES—Continued

Annual premium for class 3	Amount of coverage											
	$9,000 options			$10,000 options			$11,000 options			$12,000 options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	907	545	454	924	554	463	934	562	468	941	[illegible]	470
$25,000 to $49,999	907	545	454	[illegible]	554	[illegible]	[illegible]	562	[illegible]	941	566	470
$50,000 to $99,999	907	545	454	924	554	463	[illegible]	562	468	941	566	470
$100,000 to $299,999	1,361	[illegible]	682	1,387	[illegible]	694	1,402	842	701	1,411	847	[illegible]
$300,000 to $499,999	1,814	1,090	907	1,848	1,109	924	1,867	1,121	934	1,882	1,130	941
$500,000 to $999,999	2,268	1,361	1,135	2,311	1,387	1,157	2,335	1,402	1,169	2,352	1,411	1,176
$1,000,000 to $1,499,999	3,629	2,179	1,814	3,696	2,218	1,848	3,734	2,242	1,867	3,763	2,258	1,882
$1,500,000 to $1,999,999	4,082	2,450	2,042	4,159	2,496	2,081	4,202	2,522	2,102	4,234	2,542	2,117
$2,000,000 to $2,499,999	2,536	2,722	2,268	4,620	2,772	2,311	4,663	2,798	2,333	4,704	2,622	2,352
$2,500,000 to $2,999,999	4,990	2,995	2,496	5,083	3,050	2,542	5,129	3,077	2,566	5,174	3,106	2,587
$3,000,000 to $3,499,999	6,350	3,811	3,175	[illegible]	3,881	3,235	6,528	3,917	3,264	6,576	3,953	3,288
$3,500,000 to $3,999,999	6,804	4,082	3,403	6,931	4,159	3,466	6,994	4,196	3,497	7,056	4,234	3,528
$4,000,000 to $4,499,999	8,165	4,898	4,082	8,316	4,990	4,159	8,393	5,035	4,198	8,467	5,081	4,234

PART IV—COMMERCIAL CRIME INSURANCE RATES—CONTINUED

Annual Premium for class 3	Amount of coverage											
	$13,000 options			$14,000 options			$15,000 options			Options		
	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Gross receipts:												
Less than $25,000	950	571	475	958	576	480	967	581	485			
$25,000 to $49,999	[illegible]	571	475	958	576	[illegible]	967	581	485			
$50,000 to $99,999	950	571	475	958	576	[illegible]	967	581	485			
$100,000 to $299,999	1,426	857	713	1,438	[illegible]	720	1,452	871	727			
$300,000 to $499,999	1,901	1,142	950	1,915	1,147	958	1,934	1,162	967			
$500,000 to $999,999	2,376	1,426	1,188	2,395	1,438	1,198	2,419	1,452	1,210			
$1,000,000 to $1,499,999	3,802	2,282	1,901	3,830	2,299	1,915	3,869	2,323	1,934			
$1,500,000 to $1,999,999	4,277	2,568	2,138	4,310	2,587	2,155	4,354	2,614	2,177			
$2,000,000 to $2,499,999	4,747	2,849	2,374	4,788	2,873	2,395	4,831	2,899	2,417			
$2,500,000 to $2,999,999	5,222	3,132	2,611	5,268	3,161	2,635	5,314	3,190	2,657			
$3,000,000 to $3,499,999	[illegible]	3,986	3,324	6,703	4,022	3,353	6,763	4,058	3,382			
$3,500,000 to $3,999,999	7,121	4,272	3,562	7,183	4,310	3,593	7,246	4,349	3,624			
$4,000,000 to $4,999,999	8,544	5,126	4,272	8,618	5,172	4,310	8,695	5,218	4,349			

Option (1) Burglary and robbery coverage in uniform amount
Option (2) Robbery only coverage.
Option (3) Burglary only coverage
The rate for option (4) consists of the sum of the rates for the selected amount of coverage under options (2) and (3)
NOTE: Consult servicing company for rate information if gross receipts are in excess of $5 million.

(h) The following procedure shall be used to determine the annual premium rates for commerical risks having annual gross receipts in excess of $5 million.

(1) The base rate for the first $1,000 of combined burglary and robbery coverage (Option 1) shall be .0001 of such annual gross receipts or operating budget, if applicable, multiplied by 5.00. Section 83.24(a) should be referred to for determinates of gross receipts or operating budget.

(2) Rates for limits of coverage higher than $1,000 shall be determined by applying to the premium base derived in accordance with paragraph (h)(1) of this section the appropriate higher limits factor from the following table for the applicable amount of coverage.

Rate for applicable amount of coverage	Higher limits factor
$1,000	1.00
2,000	1.90
3,000	2.70
4,000	3.40
5,000	4.00
6,000	4.50
7,000	4.90
8,000	5.20
9,000	5.40
10,000	5.50
11,000	5.55
12,000	5.60
13,000	5.65
14,000	5.70
15,000	5.75

(3) The annual premium for combined coverage under Option 1 shall be 100 percent of the premium rate computed under paragraphs (h)(1) and (2) of this section rounded to the next higher whole dollar that is evenly divisible by 2.

(4) The annual premium for coverage under Option 2 shall be 60 percent of the premium rate computed under paragraphs (h)(1) and (2) of this section rounded to the next higher whole dollar that is evenly divisible by 2.

(5) The annual premium for coverage under Option 3 shall be 50 percent of the premium rate computed under paragraphs (h)(1) and (2) of this section rounded to the next higher whole dollar that is evenly divisible by 2.

(6) The annual premium for coverage under Option 4 shall be the sum of the applicable premiums for the individual

coverage under Option 2 and the coverage under Option 3, computed under paragraphs (h)(4) and (5) of this section.

§ 8326 [Amended]

18. Section 83.26, paragraph (b) entitled "Commercial Crime Insurance Policy Form" is amended in the following respects.

18a. The paragraph entitled "Insuring Agreements" is revised to read as follows:

Option 1 includes insurance coverage under all of the individually numbered Insuring Agreements listed under the headings Option 2 and Option 3, thus constituting a combination of equal amounts of robbery and burglary insurance coverage.

Option 2 includes insurance coverage only under the individually numbered Insuring Agreements I, II, III and IV listed below.

I. *Robbery, Including Observed Theft Inside the Premises named in the application.* To pay for loss by robbery or observed theft of money, securities, merchandise, furniture, fixtures, and equipment within the named premises.

II. Robbery, Including Observed Theft, Outside of the Premises named in the application during the course of conveyance by a messenger of insured property. To pay for loss by robbery or observed theft of money, securities, and merchandise, including the wallet or bag containing such property while such property is in conveyance by the insured or his messenger outside the named premises, but no payment shall be made for any loss in excess of $5,000 except when the insured or his messenger is accompanied by a guard armed with a firearm. The person carrying the insured property and the armed guard cannot be the same person.

This Insuring Agreement includes theft from a night depository but only if a deposit of money has been made at a night depository of a banking institution by a bonded armored car messenger service.

III. *Damage.* To pay for damage to the named premises and to money, securities, merchandise, furniture, fixtures and equipment within the named premises, by robbery, or attempt thereat, provided the insured is the owner thereof or is liable for such damage.

IV. To pay for losses under Insuring Agreements I, II and III only when occurring during the policy period within a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and such other territories or possessions of the United States including the Trust Territory of the Pacific Islands.

Option 3 includes insurance coverage only under the individually numbered Insuring Agreements V, VI, VII and VIII listed below.

V. *Burglary, Robbery of a Watchman.* To pay for loss by burglary and larceny incident thereto or by robbery of a watchman, while the named premises are not open for business, of merchandise, furniture, fixtures and equipment within the named premises provided that this Insuring Agreement does not extend to the loss of money or securities or to cash value in excess of $50 for any item of jewelry unless such property is forcibly extracted from a locked safe as provided under Insuring Agreement VI entitled "Safe Burglary" which follows:

VI. *Safe Burglary.* To pay for loss by safe burglary and larceny incident thereto of money, securities and merchandise within the named premises while the premises are not open for business, but no payment shall be made for a loss in excess of $5,000 except with respect to loss by safe burglary of a safe rated for burglary resistance as Class E or better weighing at least seven hundred and fifty pounds or securely anchored to the floor.

VII. To pay damage to the named premises and to money, securities, merchandise, furniture , fixtures and equipment within the named premises by burgulary, robbery of a watchman, safe burglary or attempt thereat provided the insured is the owner thereof or is liable for such damage.

VIII. To pay for losses under Insuring Agreements V, VI, and VII only when occurring during the policy period within a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and such other territories or possessions of the United States, including the Trust Territory of the Pacific Islands.

Option 4 shall include insurance coverage under all of the individually numbered Insuring Agreements listed under the headings Option 2 and 3 but constituting a combination of unequal amounts of robbery and burglary insurance coverages.

18b. The paragraph entitled "Exclusions" is amended so that paragraph (a) reads as follows:

* * * * *

This policy does not apply:

(a) to loss due to embezzlement or to any fraudulent, dishonest or criminal act by any insured, a partner therein, or an officer, employee, director, trustee or authorized representative thereof while working or otherwise and whether acting alone or in collusion with others; provided that this exclusion does not apply to robbery or safe burglary by other than an insured, an officer or a partner thereof.

* * * * *

18c. The paragraph entitled "Exclusions" is amended to add the following paragraphs (g), (h), (i), (j), and (k).

* * * * *

(g) To loss of personal property of (1) the insured, an officer or partner thereof, (2) a permanent member of the household of an insured, (3) an employee of an insured; provided that this exclusion does not apply if such personal property is used in furtherance of the conduct of the insured's business.

(h) To loss of any vehicle having four or more wheels designed to be operated on any highway and for which a motor vehicle registration is required for such use.

(i) To loss from burglary or safe burglary at any embassy or consulate of any government other than that of the United States.

(j) To loss from burglary or safe burglary at any named premises which is vacant for a period of more than 60 days.

(k) To loss of property of a business (other than the insured's business) that jointly occupies the named premises with the insured but whose business area is not separated from the insured's business area by a physical barrier. In such an instance the insured shall not be deemed liable to any persons for the property of the other business or businesses despite the location of such property in the same premises named by insured in his or its location.

* * * * *

18d. Paragraph 1 of the Commercial Insurance Policy under the heading "Conditions" and entitled "Definitions" is amended to revise paragraph (e) entitled "Messenger" to read as follows:

* * * * *

(e) *Messenger.* "Messenger" means the insured, a partner therein, an officer thereof, or any employee thereof who is in the regular service of and duly authorized by the insured to have the care and custody of the insured property outside the premises. In addition "messenger" includes a bonded professional guard and an employee of a bonded armored car service.

18e. Paragraph 1 of the Commercial Insurance Policy under the heading "Conditions" and entitled "Definitions" is further amended to add a new paragraph (f) in place of the current paragraph (f) which is relettered as paragraph (g) and the current paragraphs (f), (g), (h), (i), (j), (k), and (l) are thus relettered as paragraphs (g), (h), (i), (j), (k), (l), and (m). The new paragraph (f) reads as follows:

* * * * *

(f) *In Conveyance.* Money, securities or merchandise is in conveyance while being transported by the insured or his messenger. If the transportation is interrupted for any purpose which is not incidental to or in furtherance of the transportation of the money or property to its destination, the conveyance ceases. Any merchandise offered for sale by the insured or messenger at a location other than the premises named in the policy is not in conveyance. However, the sale of an item of merchandise or the performance of a service, other than check cashing, related to the insured's business outside the premises which causes the insured or messenger to collect money from a customer is deemed incidental to and in furtherance of the transportation of money to its destination and the money thus collected and any other money is and remains in conveyance.

Conveyance is interrupted and coverage ceases when (1) the money, securities or merchandise is delivered into and possession relinquished at any premises other than the premises named in the policy, or (2) the money is deposited in a bank, or (3) when an insured or a messenger collecting money,

securities or merchandise previously accumulated for his pickup, from more than one location remains with such property in any location for any time longer than reasonably necessary for him to take custody of such property, or (4) when an insured or a messenger transporting money, securities or merchandise willfully and knowingly undertakes any activity that increases the likelihood of his being exposed to robbery or reduces his ability to carry out his responsibility for the custody of the money or property.

* * * * *

18f. The new paragraph (m) as relettered is revised to read as follows:

* * * * *

(m) *Safe.* A safe is a non-portable money storage compartment not on wheels, which is reinforced with a minimum of ¼ inch solid steel plate throughout, with the exception of the door which must be at least one inch thick, solid steel plate and equipped with a lock which is an integral part of the door.

A Class E Safe means a steel safe having walls at least 1 inch thick and doors at least 1 and ½ inches thick, or a vault of steel at least ½ inch thick or of reinforced concrete or stone at least 9 inches thick or of non-reinforced concrete or stone at least 9 inches thick or of non-reinforced concrete or stone at least 12 inches thick, with steel doors at least 1 and ½ inches thick.

* * * * *

17g. A new paragraph (n) is added and reads as follows:

* * * * *

(n) Merchandise includes customer's property held for repair or other such work.

* * * * *

18h. Paragraph 2 of the Commercial Insurance Policy entitled "Ownership of Property; Interests Covered" is amended to remove the words "whether or not the insured is liable for the loss thereof" and is revised to read as follows:

* * * * *

2. *Ownership of property; interests covered.* The insured property may be owned by the insured or held by him in any capacity, provided, that the insurance applies only to the interests of the insured in such property, including the insured's liability to others, and does not apply to the interest of any other person or organization in any of said property unless included in the insured's Proof of Loss.

* * * * *

18i. Paragraph 6 of the Commercial Insurance Policy entitled "Insured's duties when loss occurs" is revised to read as follows:

* * * * *

6. *Insured's duties when loss occurs.* Upon knowledge or discovery of loss or of an occurrence which may give rise to a claim for loss, the insured shall: (a) Give notice thereof as soon as practicable to law enforcement authorities, (b) file notice of loss with the insurer directly or through the insured's agent or broker within thirty (30) days after discovery of loss, and (c) file a detailed signed Proof of Loss and all documentation necessary to substantiate the loss with the insurer's authorized adjuster within sixty (60) days of commencement of the adjustment process. Such documentation shall meet all requirements specified in Condition 4.

Upon the insurer's request, the insured and every claimant hereunder shall submit to examination by the insurer, subscribe the same under penalty of 18 U.S.C. 10001 pertaining to fraud and false representation, and produce all pertinent records, all at such reasonable times and places as the insurer shall designate, and shall cooperate with the insurer in all matters pertaining to loss or claims with respect thereto.

* * * * *

18j. Paragraph 14 of the Commercial Insurance Policy entitled "Assignment" is revised to read as follows:

* * * * *

14. *Assignment.* Assignment of interest in claim payments to a financial institution or other person may be made, but only upon advance approval by the insurer which will be given upon receipt of a written request signed by the insured. The insurer's consent will be confirmed by a written endorsement. If the insured dies while this policy is in force, the benefits of this policy and all coverage thereunder shall apply with respect to the insured's legal representation; unless the insurer shall have been notified in writing of the death of the insured any notice of cancellation addressed to the insured named in the application and mailed to the address shown in this policy shall be sufficient to effect cancellation of this policy.

* * * * *

PART 84—CLASSIFICATION OF TERRITORIES [REMOVED]

19. Part 84 is removed in its entirely.

(Title XII of the Housing and Urban Development Act of 1969 (Pub. L. 90-488, 88 Stat. 476); Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and Delegation of Authority to Federal Insurance Administrator (44 FR 20963))

Issue date: November 2, 1981.

James M. Rose, Jr.,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-35199 Filed 12-14-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 240
Tuesday, December 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Tobacco Marketing Quotas for Marketing Years for Fire-Cured (Type 21), Fire-Cured (Types 22–23), Dark Air-Cured (Types 35–36), Virginia Sun-Cured (Type 37), Cigar-Binder (Types 51–52), and Cigar-Filler and Cigar-Binder (Types 42–44; 53–55)

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of proposed determinations.

SUMMARY: The Secretary of Agriculture is required by the Agricultural Adjustment Act of 1938, as amended, to determine and announce by February 1, 1982, the amounts of the national marketing quotas for fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and cigar-binder kinds of tobacco for the 1982–83 marketing year. The public is invited to submit written comments, views and recommendations concerning the determination of the national marketing quotas for such kinds of tobacco, the referendums to be held, and other related matters.

DATES: Comments must be received on or before January 15, 1982 in order to be assured of consideration.

ADDRESSES: Send comments to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Analysis Division, ASCS, Room 3736 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. The Preliminary Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformity with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." It has been determined that the implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs for consumers, individuals, industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign-based enterprises in domestic or export markets..

I have determined that an emergency exists which warrants less than a 60-day comment period on this proposed action because producers need to know as soon as possible the amount of the 1982–83 national marketing quota for these kinds of tobacco so that they can make plans for next year's crop which begins in the spring. For this reason, comments must be received by January 15, 1982, to ensure consideration.

The title and number of the Federal Assistance Program that this notice applies to is: Title—Commodity Loan and Purchases; Number–10.051, as set forth in the Catalog of Federal Domestic Assistance. This action will not have significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to the notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The Agricultural Adjustment Act of 1938, as amended, (hereinafter referred to as the "Act), requires that the Secretary proclaim by February 1, 1982 national marketing quotas for the 1982–83, 1983–84, and 1984–85 marketing years with respect to fire-cured (type 21), fire-cured (types 22–23) and dark air-cured (types 35–36) tobaccos. In addition, the Secretary is required to conduct, within 30 days after proclamation of such national marketing quotas, referendums of farmers engaged in the 1981 production of such respective kinds of tobacco to determine whether they favor or oppose marketing quotas for such years. The 1981–82 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect for these kinds of tobaccos. The Secretary is also required: (1) To determine and announce the amounts of the national marketing quotas with respect to fire-cured (type 21), fire-cured (types 22–23), dark air-cured, Virginia sun-cured, cigar-binder (types 51–52), and cigar-filler and cigar-binder (types 42–44; 53–55) tobaccos, for the 1982–83 marketing year; (2) to convert such marketing quotas into national acreage allotments and announce the allotments; (3) to apportion such allotments, less reserves of not to exceed 1 per centum of each respectively, through local county ASC committees among old farms; and (4) to apportion the reserves for use in (a) establishing acreage allotments for new farms and (b) making corrections and adjusting inequities in old farm allotments. The six kinds of tobacco discussed here average less than 6 percent of total U.S. tobacco production.

Quotas were previously proclaimed, referendums conducted, and quotas approved by growers as follows: fire-cured and dark air-cured tobacco for the 1979–80, 1980–81, and 1981–82 marketing years (44 FR 7109); Virginia sun-cured tobacco for the 1980–81, 1981–82, and 1982–83 marketing years (45 FR 9578) and cigar-binder tobacco (types 51–52) and cigar-filler and cigar-binder tobacco (types 42–44; 53–55) for the 1981–82, 1982–83, an 1983–84 marketing years (46 FR 51945). Producers of such kinds of tobacco will be entitled to participate in the tobacco price support program.

Section 301(b)(15) of the Act (7 U.S.C 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Number 118 (Part 30 of

this title) of the former Bureau of Agricultural Economics of the Department.

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) of the Act also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has issued a determination (15 FR 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price support. Also pursuant to such authority, the Secretary has issued a determination (22 FR 367) that beginning with the 1957–58 marketing year, cigar-binder (types 51–52) shall be treated as a separate kind of tobacco for purposes of marketing quotas and price support. Type 45 tobacco is no longer grown. No further action under this section is contemplated at this time.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1982 with respect to kinds of tobacco other than flue-cured tobacco, the amount of the national marketing quota which will be in effect for the 1982–83 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) of the Act provides further that the amount of the 1982–83 national marketing quota so announced may, not later than March 1, 1982, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The term "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the yearly average quantity of such tobaccos that was produced and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined (1981–82), adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the yearly average quantity produced in and exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined (1981–82), adjusted for current trends in such exports.

The aggregate reserve supply level for the 1981–82 marketing year for the 6 kinds of tobacco in question was determined to be 238 million pounds. This was based on a normal year's domestic consumption of 65.3 million pounds and a normal year's exports of 28.5 million pounds (46 FR 11229). The proposed reserve supply level for the 1982–83 marketing year will range between 225 million and 250 million pounds.

Section 301(b)(16)(B) of the Act defines "total supply" as the carryover at the beginning of the marketing year (October 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The aggregate total supply for the 1981–82 marketing year is 263 million pounds based on carryover of 172 million and production of 91 million pounds.

Section 312(c) of the Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under section 312(a) of the Act for a kind of tobacco, the Secretary shall conduct a referendum of farmers engaged in the production of the crop of such kinds of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect, but such results shall in no way affect or limit the subsequent proclamation and submission to a referendum, as otherwise provided in Section 312, of a national marketing quota.

Section 313(g) of the Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment by dividing the national marketing quota by the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed and to apportion through local committees the national acreage allotment to tobacco producing farms (less a reserve not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments).

Proposed Determinations

Accordingly, the Secretary proposes to make the following determinations for the kinds of tobacco listed for the 1982–83 marketing year:

1. With respect to fire-cured (type 21), fire-cured (types 22–23), dark air-cured, Virginia sun-cured, cigar-binder (types 51–52) and cigar-filler and cigar-binder (types 42–44; 53–55) tobaccos.

a. The amount of the reserve supply level, within the aggregate range of between 225 and 250 million pounds;

b. The amount of the national marketing quota for each of such kinds of tobacco for the 1982–83 marketing year, within the aggregate range of between 100 and 150 million pounds; and

c. The amounts of the national acreage allotments to be reserved for new farms and for making corrections and adjusting inequities in old farm allotments, within the aggregate range of between 10 and 300 acres.

2. With respect to the 1982–83, 1983–84, and 1984–85 marketing years for fire-cured (type 21), fire-cured (types 22–23) and dark air-cured (types 35–36) tobaccos:

a. The date(s) or period(s) of the referendum for determining whether quotas will be in effect for such types of tobacco; and

b. Whether the referendum should be conducted at polling places rather than by mail ballot (See 7 CFR Part 717).

Signed at Washington, D.C. on December 9, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-35823 Filed 12-14-81; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc., Waco, Texas; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $152,000,000 to Brazos Electric Power Cooperative, Inc., (Brazos) of Waco, Texas. This loan guarantee will provide supplemental funds needed to complete the financing of Brazos' 3.8 percent undivided ownership interest in the Comanche Peak Nuclear Steam Electric Station, and to finance (1) the construction of 25 miles of 345 kV, 124 miles of 138 kV, and 10 miles of 69 kV transmission lines and related facilities; (2) transmission system improvements; (3) cost deficiencies for previously approved transmission projects; and (4) additional headquarters facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Richard E. McCaskill, Executive Vice President and General Manager, Brazos Electric Power Cooperative, Inc., P.O. Box 6296, Waco, Texas 76706.

In order to be considered, proposals must be submitted (within 30 days from the date of the **Federal Register** publication of this notice) to Mr. McCaskill. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Brazos and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 9th day of December 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-35804 Filed 12-14-81; 8:45 am]

BILLING CODE 3410-15-M

Soyland Power Cooperative, Inc., Decatur, Illinois; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $118,530,000 to Soyland Power Cooperative, Inc., (Soyland) of Decatur, Illinois, for supplemental financing to complete Soyland's 10.5 percent share of Clinton, Nuclear Unit No. 1 and for financing a demand meter gathering system.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances from Mr. Royal B. Newman, Manager, Soyland Power Cooperative, Inc., P.O. Box A1606, Decatur, Illinois 62525.

In order to be considered, proposals must be submitted on or before January 14, 1982 to Mr. Newman. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Soyland Power Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 9th day of December 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-35806 Filed 12-14-81; 8:45 am]

BILLING CODE 3410-15-M

Western Illinois Power Cooperative, Inc., Jacksonville, Illinois; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a grarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $106,300,000 to Western Illinois Power Cooperative, Inc., (WIPCO) of Jacksonville, Illinois, for supplemental financing to complete WIPCO's 9.5 percent share of Clinton Nuclear Unit No. 1.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain inforamtion on the proposed project, including the engineering and economic feasiblilty studies and the proposed schedule for the advances from Mr. Donald B. Bringman, Manager, Western Ilinois Power Cooperative, Inc., P.O. Box 609, Jacksonvile, Illinois 62651.

In order to be considered, proposals must be submitted (within 30 days from the date of the Federal Register publication of this notice) to Mr. Bringman. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as WIPCO and REA deem appropriate. Prospective lenders are advised that graranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as

10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 9th day of December 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-35805 Filed 12-14-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Order 81-12-51; Docket 40294]

United States-Latin America All Cargo Show Cause Proceeding; Order

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: *United States-Latin America All-Cargo Show Cause Proceeding*, Order 81-12-51, Docket 40294.

SUMMARY: The Board has received applications for scheduled all-cargo authority between the United States and several Latin American countries from Action Air Cargo (Docket 39935), Arrow Airways (Docket 39799), Challenge Air Transport (Docket 40035), Rich International Airways (Docket 39888), Global International Airways (Dockets 39949, 38721), Southern Air Transport (Docket 39886), and The Flying Tiger Line (Docket 39942). The Board is proposing to grant these applications to the extent authority is sought between the United States and Colombia, Peru, Haiti, and the Dominican Republic and to deny the requests for authority to serve Argentina, Brazil, and Venezuela. The complete text of Order 81-12-51 is available as noted below.

DATES: All interested persons having objections to the Board's tentative findings and conclusions in Order 81-12-51 shall file by January 6, 1982, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Such filings shall be served upon all persons listed below.

ADDRESSES: Objections to the tentative findings and conclusions in Order 81-12-51 should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 40294, *The United States-Latin America All-Cargo Show Cause Proceeding.*

In addition copies of such filings should be served on: Action Air Cargo, Arrow, Rich, Flying Tiger, Southern, Global, Challenge, Pan American World Airways, American Airlines, Airlift International, the Airline Pilots Association, the Ambassadors of Argentina, Brazil, Colombia, the Dominican Republic, Peru, Haiti, and Venezuela in Washington, D.C., the Departments of State and Transportation, and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-12-51 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-12-51 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 9, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-35799 Filed 12-14-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Ceramic Tile From Mexico; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration; Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary determination on ceramic tile from Mexico is being postponed, and we intend to issue it not later than February 15, 1982.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-3534.

SUPPLEMENTARY INFORMATION: On October 5, 1981, we announced our initiation of a countervailing duty investigation to determine whether the government of Mexico is giving its producers and exporters of ceramic tile certain benefits that are bounties or grants (46 FR 53738). The notice stated that we would issue a preliminary determination by December 29, 1981.

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges three subsidy programs that the government of Mexico provides to producers and exporters of ceramic tile. The alleged subsidy programs are complex and raise novel issues. Moreover, more than one hundred firms are being investigated, and it is difficult to determine the extent of utilization of the programs by the various firms. We have determined that the Mexican government and the other parties concerned are cooperating and that additional time is necessary to make the preliminary determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue a preliminary determination not later than February 15, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

December 9, 1981.

[FR Doc. 81-35798 Filed 12-14-81; 8:45 am]

BILLING CODE 3510-25-M

Motorcycle Batteries From Taiwan; Antidumping—Extension of Period for Final Determination

AGENCY: International Trade Administration; Commerce.

ACTION: Extension of period for final determination.

SUMMARY: The Department of Commerce hereby extends the period for determination with respect to its antidumping investigation of motorcycle batteries from Taiwan. The final determination will be made no later than February 26, 1982.

EFFECTIVE DATE: December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-2613.

SUPPLEMENTARY INFORMATION: On October 14, 1981, the Department of Commerce determined preliminarily that motorcycle batteries from Taiwan were being, or were likely to be, sold at less than fair value within the meaning of section 731, of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act").

On October 19, 1981, counsel for the respondents, who account for a significant portion of exports, requested that the Department extend the period for determination until 135 days after the date of the Preliminary Determination in accordance with section 735(a)(2) of the Act.

We have determined that the additional time is needed in order that a proper analysis may be completed with regard to this investigation. Accordingly, the period for determination in this case is hereby extended. A final determination will be made not later than February 26, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-35811 Filed 12-14-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Proposed Change Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60-1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10098-10101). The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register.**

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register.**

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged.

In a notice published in the **Federal Register** on March 6, 1981 (46 FR 15528), NBS proposed additions to the exclusion list. As a result of comments received relative to that **Federal Register** announcement, one of the ADP systems that was proposed as an addition to the exclusion list, the Burroughs B5930, was not included in the list of changes that was published in the **Federal Register** on July 20, 1981 (46 FR 37304). Following the publication of the July 20 notice, additional information has been provided by the Burroughs Corporation in support of its claim that the maximum normal configuration employed by the Government satisfies the requirements for placement on the exclusion list. On the basis of that additional information which again appears to justify the consideration of the Burroughs B5930 as a candidate for the exclusion list, NBS is therefore again proposing the addition of that ADP system to the exclusion list.

Interested parties will be allowed until January 29, 1982 to submit written comments regarding the proposed change. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed change and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: December 9, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-35818 Filed 12-14-81; 8:45 am]

BILLING CODE 3510-CN-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Radian Corporation, having a place of business at Austin, Texas 78766, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Echometry Device and Method," U.S. Patent Application No. 6-261,465 (dated May 7, 1981). The availability of this invention for licensing was announced in the **Federal Register** (46 FR 56001, November 13, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-41.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: December 9, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 81-35815 Filed 12-14-81; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Charges for Certain Cotton Apparel Products From the Republic of the Philippines

December 11, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Reducing by 8,118 dozen, imports charged to the level of restraint established for cotton dresses in Category 336pt. (all T.S.U.S.A. number in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323), produced or manufactured in the Republic of the Philippines and exported during the twelve-month period beginning on January 1, 1981; and

(2) Charging 207 dozen to the level of restraint for Category 336pt. to account for imports during the period which began on October 1, 1981 and extended to October 7, 1981, the date of effect of the import control for the category during 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the two governments have consulted and have agreed to transfer import charges amounting to 8,118 dozen from the level of restraint established for cotton textile products in Category 336pt. (all T.S.U.S.A. numbers except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323) during the agreement year which began on January 1, 1981 to the level established during the same period for Category 336pt. (only T.S.U.S.A. numbers 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323).

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

A further letter was published in the **Federal Register** on October 6, 1981 (46 FR 49170), from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established a level of restraint for cotton textile products in Category 336pt. (all T.S.U.S.A. numbers in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323). In the letter published below the imports charged to that level are reduced by 8,118 dozen and charges amounting to 207 dozen are applied to the level.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 11, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Republic of the Philippines, it would be appreciated if you would reduce by 8,118 dozen the charges to the level of restraint established for Category 336pt.[1] in the directive of September 30, 1981. Import charges in the amount of 207 dozen should be applied to the level of restraint for Category 336pt.[1] These latter charges are for the period which began on October 1, 1981 and extended through October 6, 1981.

This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-35944 Filed 12-14-81; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 336, all T.S.U.S.A. numbers in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323.

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products From the Republic of the Philippines

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Applying special carryforward amounting to 300,000 pounds to the level of restraint established for Other Man-Made Fiber Yarn, Wholly of Non-Continuous Filament, in Category 604, produced or manufactured in the Philippines, increasing it to 2,394,110 pounds during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: Pursuant to the term of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, it has been agreed to apply special carryforward to the level of restraint established during the agreement year which began on January 1, 1981 for Category 604.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Testiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, woll and man-made fiber textile products, including Category 604, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the Chairman of the

Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to increase the level of restraint previously established for Category 604 to 2,394,110 pounds.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products produced or manufacatured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive order 11951 of January 6, 1977, you are directed to prohibit, effective on December 16, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 entry into the United States for consumption and withdrawal from warehouse for consumption of man-made textile products in Category 604, produced or manufactured in the Philippines, in excess of 2,394,110 pounds.[1]

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessaray for the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This lettere will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36631 Filed 12-14-81; 12:05 pm]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted for any imports after December 31, 1980.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Cancellation of Intent To Prepare a Draft Environmental Impact Statement for a Permit Application for a Proposed Dredge and Fill Operation by U.S. Marine, Inc., for a Commercial Shipbuilding and Ship Repair Facility for Construction and Repair of Commercial Watercraft, Bayou La Batre, AL

AGENCY: Army Corps of Engineers, DoD.

ACTION: Cancellation of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: The U.S. Army corps of Engineers, Mobile District, has cancelled its intent to prepare a draft environmental impact statement for a permit application for a proposed dredge and fill operation by U.S. Marine, Inc., for a commercial shipbuilding and ship repair facility for construction and repair of commercial watercraft in Bayou La Batre, Mobile County, Alabama. The applicant withdrew the application for the permit and has reapplied for another permit involving a similar action, but one of reduced scope. Initial evaluation of this new proposed action indicates that an environmental impact statement is not warranted and that an environmental assessment is sufficient for NEPA compliance. This cancellation is for the Notice of Intent to prepare a DEIS for the proposed action which was published on April 10, 1979, 44 FR 21320.

Dated: November 24, 1981.

Ronald A. Krizman, LTC,

Deputy District Engineer.

[FR Doc. 81-35761 Filed 12-14-81; 8:45 am]

BILLING CODE 3710-CR-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board ASB).

Dates of meeting: 7 January 1982; 8 January 1982.

Times: 0830-1700 hours, 7 January 1982 (Closed); 0830-1500 hours, 8 January 1982 (Closed).

Place: The Pentagon, Washington, D.C..

Proposed agenda: The Army Science Board Ad Hoc Sub-Group conducting a Follow-On of the 1981 Summer Study on Equipping the Army 1990-2000 will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Staff may be contacted for further information.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 81-35819 Filed 12-14-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Microbiology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. January 12, 1 p.m., Conference Rm. L, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and panel section leader. This meeting will take the form of a conference telephone call. A speaker phone will be provided in the conference room to allow public participation in open sessions of the meeting. Open public hearing, 1 p.m. to 1:30 p.m.; open committee discussion, 1:30 p.m. to 4 p.m.; Thomas M. Tsakeris, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee reviews and evaluates

available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally on in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before December 28, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for GC SCREEN® (P810010), sponsored by Stafford Laboratories.

Arthritis Advisory Committee

Date, time, and place. January 21 and 22, 9 a.m. Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open committee discussion, January 21, 9 a.m. to 11 a.m.; open public hearing, January 21, 11 a.m. to 12 m.; open committee discussion, January 21, 1 p.m. to 5 p.m., January 22, 9 a.m. to 5 p.m.; Robert A. Jerussi, Bureau of Drugs (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4250.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss Oraflex (benoxaprofen); Ridaura (auranofin); liver toxicity of nonsteroidal anti-inflammatories; the subcommittee report on disease modifying anti-rheumatic drugs; update on investigational new drug applications and new drug applications under review in the arthritis group; and the epidemiology of nonsteroidal anti-inflammatory adverse reactions.

Dermatology Advisory Committee

Date, time, and place. January 22, 9 a.m., Conference Rm. M. Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; D.C. Bostwick, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6798.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in the treatment of dermatological disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss labeling for PUVA Therapy (NDA 9–048, Paul B. Elder Company) for use in psoriasis and vitiligo; and the data on 13-cis retinoic acid (NDA 18–662, Hoffmann-La Roche, Inc.) for use in cystic acne and disorders of keratinization.

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. January 28 and 29, 8 a.m., Bldg. B, Auditorium, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD.

Type of meeting and contact person. Open public hearing, January 28, 8:30 a.m. to 9:30 a.m.; open committee discussion, January 28, 9:30 a.m. to 3 p.m., January 29, 8 a.m. to 12 m.; Conrad J. Ledet, Bureau of Drugs (HFD–160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3500. If any special arrangements or accommodations are needed, contact Mr. Ledet by January 15, 1982.

General function of the committee. The committee reviews and evaluates available data on the safety and efficacy of marketed and investigational prescription drugs for use in the treatment of pulmonary diseases and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or veiws, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss bronchodilator testing guidelines; concomitant use of theophylline and $Beta_2$ agonists; use of asthmatics with coexisting, unrelated, nonrespiratory disease in bronchodilator clinical trials; oral cromolyn sodium and the clinical relevance of increased absorption in newborn animals; cromolyn sodium 4 percent nasal solution.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contract person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Managment Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation in certain FDA proceedings including

advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80–1854 (4th Cir. November 27, 1981). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: December 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–35757 Filed 12–14–81; 8:45 am]

BILLING CODE 4160–01–M

Health Services Administration

National Advisory Council on the National Health Service Corps; Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on the National Health Service Corps.

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Mr. Billy Sandlin, Executive Secretary, National Advisory Council on the National Health Service Corps, Room 3–21, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436–5660.

Dated: December 7, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81–35782 Filed 12–14–81; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Fort Mohave Land Sale to the State of Nevada; Notice of Decision

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of decision.

SUMMARY: The Secretary of the Interior was authorized and directed by the Act of April 22, 1960, to convey to the State of Nevada about 15,000 acres of public land located along the Colorado River on the northern and western boundaries of the Fort Mohave Indian Reservation. Since approximately 6,000 acres of these lands have already been purchased by the State, the Secretary has determined that the 9,000 acres, more or less, remaining should be conveyed to the State of Nevada under the terms of the Act of April 22, 1960.

EFFECTIVE DATE: December 8, 1981.

ADDRESS: Office of the Solicitor, 18th & C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John McHale, (202) 343–3444.

SUPPLEMENTAL INFORMATION: The Act of April 22, 1960 (74 Stat. 74) authorized and directed the Secretary of the Interior to convey to the State of Nevada approximately 15,000 acres of public land located along the Colorado River on the northern and western boundaries of the Fort Mohave Indian Reservation. Executive Order 11988 directed the Secretary to issue a notice in the **Federal Register** explaining any decision to convey Federal lands in a floodplain and to set forth the terms and conditions for floodplain management to be imposed in the comveyance. About 6,000 acres of these lands have been purchased by the State. The Secretary has determined that the 9,000 acres, more or less, remaining should be conveyed to the State of Nevada under the terms of the Act of April 22, 1960, subject, among other things, to the following:

Purchaser shall cause a certified hydrological engineer to prepare a flood protection plan for the area, based on a projected 100-year flood, and shall implement all features of the plan. The plan shall include provisions to protect structures to be used for residential, commercial, educational, hospital or similar purposes, power supply, and storage of valuable data or instruments and hazardous products from significant damage by a 100-year flood. The plan may utilize either drainage and diversion facilities or special design features of the structures such as elevation and waterproofing.

James G. Watt,

Secretary of the Interior.

December 8, 1981.

[FR Doc. 81–35798 Filed 12–14–81; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Land Management

Oil and Gas Leasing, National Petroleum Reserve—Alaska; Postponement of Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of postponement of first oil and gas lease sale in National Petroleum Reserve—Alaska.

SUMMARY: The purpose of this notice is to announce the postponement of the first oil and gas lease sale in the National Petroleum Reserve—Alaska, previously scheduled for December 16, 1981, by notice published at 46 FR 55426 (November 9, 1981). Due to uncertainty about certain previously published requirements for the filing of information required by the Department of Justice for antitrust review of successful bidders, the lease sale is hereby postponed until further notice.

A new sale notice and date for the lease sale will be published as soon as possible.

FOR FURTHER INFORMATION CONTACT: Robert Lawton, Bureau of Land Management, (202) 343–4437.

Dated: December 11, 1981.

Robert F. Burford,

Director.

[FR Doc. 81–35804 Filed 12–11–81; 1:38 pm]

BILLING CODE 4310–84–M

[OR 8969]

Oregon; Termination of Exchange Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on June 8, 1972, (37 FR 11492), the following described public land was classified for disposal through exchange pursuant to Section 8 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315g):

Willamette Meridian

T. 15 S., R. 16 E.,
Sec. 18, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 8, W½NW¼.
T. 16 S., R. 15 E.,
Sec. 3, E½SW¼ and SW¼SE¼.
T. 16 S., R. 19 E.,
Sec. 14, N½N½ and E½SE¼;
Sec. 22, S½.
T. 16 S., R. 20 E.,
Sec. 22, N½NW¼.
T. 16 S., R. 25 E.,
Sec. 15, E½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NW¼.

The areas described aggregate 1,080.00 acres in Crook County, Oregon.

2. The above-described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2470.1, the classification is terminated upon publication of this notice in the **Federal Register.**

3. At 10 a.m., on January 11, 1982, the land described above will be open to operation of the public land laws generally, subject to valid exisiting rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 11, 1982, shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m., on January 11, 1982, the land described above will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquires concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 4, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35760 Filed 12-14-81. 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Delaware Water Gap National Recreation Area

AGENCY: National Park Service, Mid-Atlantic Regional Office.

ACTION: Notice of Intent to Prepare Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the National Park Service intends to prepare an environmental impact statement for management of that portion of U.S. Highway 209 within the authorized boundary of Delaware Water Gap National Recreation Area. The environmental impact statement will discuss the significant environmental impacts that may be anticipated from the National Park Service proposed management strategy and the reasonable alternative which would avoid or minimize adverse impacts or enhance the quality of the human environment.

FOR FURTHER INFORMATION CONTACT: Joseph W. Karban, Chief, Environmental Quality Division, National Park Service, Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania 19106. Telephone (215) 597-2785, FTS 597-2785.

SUPPLEMENTARY INFORMATION: The affected section of Highway 209 extends approximately 35 miles from Stroudsbourg northeast to Milford. This section of Route 209 is a two lane roadway with fairly flat grades and numerous sharp curves. It provides a direct connection between I-84 and I-80 in Monroe and Pike Counties and carries a large volume of commercial trucks which dominate traffic along Highway 209 and affect the recreational values along the 23 miles of the highway within Delaware Water Gap National Recreation Area. Inasmuch as Highway 209 provides access to several recreational developments, and natural and cultural areas, the extensive truck traffic has considerable safety, socioeconomic and environmental impacts.

In 1978, the National Park Service completed a draft general management plan (DGMP) for Delaware Water Gap National Recreation Area. The draft plan reflected the relocation of Highway 209 to an alignment roughly parallel to the Pennsylvania boundary as proposed by the Corps of Engineers, a proposal still under consideration at that time. This relocation is no longer being considered.

Present use of the national recreation area ranges from quiet pursuits of sightseeing, picnicking, hiking, swimming and canoeing, fishing and hunting to the more mechanized activities of water-skiing and snowmobiling. Through special use permits, several school districts and colleges conduct environmental education programs at facilities made available by the National Park Service. Future development and use will support broadened opportunities for public outdoor recreation, while scenic, scientific and historic features are preserved. Route 209 provides the only feasible access to several facilities in the recreation area and will be important in planning for proposed developments along the Delaware River. The 1978 Draft General Management Plan includes development of sites at Bushkill, Dingmans Falls, Loch Lomond, Dry Brook, Zimmerman Farm, Indian Point, Lapawansa (Visitor Contact Point), and others, only after safe visitor access from and onto Highway 209 could be assured. Several individuals and organizations have attempted to reduce or totally restrict interstate truck traffic along Highway 209 from Stroudsbourg to Milford. In this regard, they have expressed their desires to have the section of road within the authorized boundary of the national recreation area transferred to the National Park Service, with the goal of eliminating truck usage. The National Park Service had not sought the transfer, although it agreed to accept the Highway if money and positions are available for its management.

In 1980, the legistlation was introduced in the Pennsylvania legislature providing for the transfer of the 23 mile section of road to the Delaware Water Gap National Recreation Area. It was passed unanimously by both houses of the legislature and was signed by Governor Richard Thornburgh with the condition that the National Park Service provide an alternate route for interstate truck traffic before the Pennsylvania Department of Transportation would transfer the road to Federal jurisdiction. In May 1981, the Governor withdrew his objections, and the legal procedures to transfer the highway to Federal ownership began. The authorization and deed for that portion of U.S. Highway 209 within the Delaware Water Gap National Recreation Area are available to the National Park Service. Funding to administer the highway is a line item in the proposed National Park Service budget for Fiscal Year 82.

The function of the environmental impact statement will be to document environmental impacts of alternative courses of action for reducing conflicts between park visitors/values and truck traffic. The environmental impact statement including public and agency comments on the document will form the basis for the Regional Director's decision on how to manage the road. Several feasible alternatives will be presented. No alternatives will be considered that involve any development outside the national recreaton area. The alternatives include: (1) Not accepting the transfer and allowing interstate trucking to continue; the Commonwalth would continue to maintain the roads within its resources, possibly with some modification in approaches of access roads for improved safety standards; (2) accept transfer of the highway and allow interstate trucking to continue but the highway would be upgraded to improved safety standards and to allow National Park Service law enforcement specialists to enforce speed limits; this would require additional personnel, facilities and equipment for enforcement; (3) limit interstate truck traffic to those periods of the day recreation visitor traffic is lowest; (4) limit interstate truck traffic to those periods of the year when outdoor

recreation demands in the national recreation area are lowest, and; (5) totally prohibit interstate trucking traffic through Delaware Water Gap National Recreation Area year around.

Several public meetings and consultations have identified the various publics and their interests including the comments concerning the Draft General Management Plan and Draft Environmental Statement at a public meeting in November 1980. In March 1981, consultations were held with representatives of county planning departments, state departments of transportation, Federal Highway Agency, state wildlife management agencies and the U.S. Fish and Wildlife Service, Soil Conservation Service, Environmental Protection Agency, and staffs of state historical preservation offices. In June and July 1981, meetings were again held with officials at Pennsylvania Department of Transportation, the county planning departments, Forest Service officials at Gifford Pinchot Institute, and several individuals concerned about management of the national recreation area. We encourage any additional comments from others that may have an interest also.

The environmental impact statement will be prepared using comments received from public meetings and consultations. A distribution of the document followed by public and agency review period will be used to obtain additional comments.

A public meeting will be held in the vicinity of the national recreation area as part of the review period and to offer assistance in understanding the environmental impact statement. Also a public information period will be provided upon completion of the final environmental statement following **Federal Register** notice of intent to effectuate new regulations.

Dated: December 4, 1981.

Don H. Castleberry,

Regional Director, Mid-Atlantic Region.

[FR Doc. 81-35783 Filed 12-14-81; 8:45 am]

BILLING CODE 4310-70-M

Gateway National Recreation Area, Floyd Bennett Field, Environmental Assessment/Development Concept Plan; Availability and of Public Meeting

Pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969, the National Park Service has prepared an Environmental Assessment/Development Concept Plan for Floyd Bennett Field, Gateway National Recreation Area. The Environmental Assessment/Development Concept Plan considers alternatives to guide Park development and management. This Environmental Assessment/Development Concept Plan follows the approved General Management Plan and Final Environmental Impact Statement for all of Gateway completed in 1979. The Development Concept Plan is derived from the alternatives developed in the Environmental Asessment. A public meeting will be held to review the presented information and to respond to the Environmental Assessment.

The meeting is scheduled for Monday, January 11, 1982, at 6:30 p.m., at City University of New York, Room B-08, 33 West 42nd Street, New York, New York. This facility is considered physically disabled accessible. If interpretive services are requested to this agency within five working days before the meeting, it will be provided.

The meeting will be open to the public, however, facilities and space are limited, and persons will be accommodated on a first-come, first-served basis.

Following the public meeting, the public will have 30 days to submit written comments.

A limited number of copies of the Environmental Assessment/Development Concept Plan are available for pick up on a first-come, first-served basis from: Information Desk, Federal Hall National Historic Site, 26 Wall Street, New York, New York, and Superintendent, Gateway National Recreation Area, Building 69, Floyd Bennett Field, Brooklyn, New York.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact John Guthrie, Acting Superintendent, Gateway National Recreation Area, Headquarters, Building No. 69, Floyd Bennett Field, Brooklyn, New York 11234, (212) 630-0393. Written comments should be submitted to John Guthrie by February 11, 1982.

Charles P. Clapper, Jr.,

Acting Regional Director, North Atlantic Region.

[FR Doc. 81-35789 Filed 12-14-81; 8:45 am]

BILLING CODE 4310-70-M

Padre Island National Seashore, Kleberg, Willacy and Kenedy Counties, Tex.; Availability and Public Meetings, Environmental Assessment for Draft General Management Plan/ Development Concept Plan

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, Part 516 of the Departmental Manual, and Chapter 1 of Part 520 of the Department of the Interior Manual for compliance with Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), the National Park Service has prepared an Environmental Assessment for the Draft General Management Plan/ Development Concept Plan for Padre Island National Seashore, Kleberg, Willacy and Kenedy Counties, Texas.

The Environmental Assessment for the Draft General Management Plan/ Development Concept Plan outlines alternative management strategies to insure all reasonable ways of achieving the intent of Congress and the management objectives of Padre Island National Seashore have been considered and that the positive and negative impact of each strategy have been identified and analyzed. The Environmental Assessment for the Draft General Management Plan/ Development Concept Plan is also intended to solicit input and comments from concerned individuals, groups and agencies concerning Floodplain Management and Protection of Wetlands.

Copies of the Environmental Assessment for the Draft General Management Plan/Development Concept are available at the following locations: Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

Public Meetings are scheduled for January 12 and 13, 1982, in the Corpus Christi and Port Isabel areas. The actual times and locations of the Public Meetings are not availble at the time of publication of this notice. Please contact the Superintendent at Padre Island National Seashore at the above address, or telephone 512-937-2621 for further information.

Anyone wishing to provide comments on the Environmental Assessment for the Draft General Management Plan/ Development Concept Plan should provide them to the Superintendent, Padre Island National Seashore, at the address provided above, by January 29, 1982.

Dated: December 3, 1981.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 81-35787 Filed 12-14-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 4, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by December 30, 1981.

Bruce MacDougal

Acting Keeper of the National Register.

CALIFORNIA

Alameda County

San Leandro, *Casa Peralta*, 384 W. Estudillo Ave.

El Dorado County

Placerville, *Confidence Hall*, 487 Main St.

Fresno County

Fresno, *Rehorn House*, 1050 S St.

Merced County

Merced, *Kaehler-Rector House*, 408 W. 25th St.

San Bernardino County

Ontario, *Ontario State Bank Block*, 300 S. Euclid Ave.

CONNECTICUT

Litchfield County

Thomaston, *Hose and Hook and Ladder Truck Building*, Main St.

New Haven County

Derby, *Wood, Harcourt, Memorial Library*, 313 Elizabeth St.

DELWARE

New Castle County

Claymont, *Ivyside Farm*, 1301 Naaman's Rd.

MINNESOTA

Hennepin County

Excelsior, *Excelsior Fruit Growers Association Building*, 450 3rd St.
Minneapolis, *Fire Station No. 19*, 2001 University Ave., SE.

[FR Doc. 81-35766 Filed 12-14-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-No. 68)]

Burlington Northern Railroad Co., Exemption for Contract Tariff ICC-BN-C-0032

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and its contract and contract tariff to be filed may be made effective on one day's notice. This exemption may be revoked if protests are filed on or before December 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Jane Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION:

Burlington Northern Railroad Company filed on November 25, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make Supplement 1 to contract tariff ICC-BN-C-0032 effective on December 10, 1981, which is also the effective date of the original contract. The contract between petitioner and the shipper involves shipments of woodpulp.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. The supplement is necessary to alleviate potential difficulties in the original contract concerning demurrage. Petitioner's contract tariff ICC-BN-C-0032 may become effective on one day's notice no earlier than December 10, 1981.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: December 8, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35770 Filed 12-14-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

December 9, 1981.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

FSA No. 43947—Southwestern Freight Bureau, Agent No. B-143, reduced rates on rubber and rubber compounds, from stations in Texas to Hopedale, MA, in Supplement 93 to its Tariff ICC SWFB 4973-A, effective December 28, 1981. Grounds for relief—Destination rate relationship.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35769 Filed 12-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: December 9, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to received compensation at this level.

This weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.0-percent surcharge for United Parcel Service, the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 6.7-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having juisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. December 11, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

APPENDIX—FUEL SURCHARGE

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

December 7, 1981 ..... 131.0¢

	Transportation performed by—			
	Owners operators [1]	Other	Bus	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.0	3.1	6.7	[1] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[2] 2.0

[1] The percentage surcharged developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[2] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-35771 Filed 12-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 208]

Motor Carrier; Restriction Removals; Decision-Notice

Decided: December 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 35320 (Sub-663)X, filed October 8, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: John T. Coon (same address as applicant). Sub 109, broaden: (1) from general commodities with the usual exceptions to "general commodities, (except Classes A and B explosives)" (2) to authorize service to all intermediate points.

MC 44932 (Sub-20)X, filed November 16, 1981. Applicant: ILLIANA DISTRIBUTION SYSTEM, INC., R.R. 1, Box 147, Crete, IL 60417. Representative: William H. Shawn, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Subs 19 and 21, broaden: (1) to (a) "waste or scrap materials not identified by industry producing" from ferrous and non-ferrous scrap metal, Sub 21 (b) "building materials" from brick, stone, terra-cotta, marble and slate haydite, cement and haydite blocks, glazed tile, and forms used or useful in the manufacture of these products and from brick, stone, terra-cotta, tile, cement, marble, cinders, haydite, plywood, debris, excavating, cement and haydite machinery, and materials used in the erection thereof; Sub 19, (c) "metal products and waste or scrap materials not identified by industry producing" from pig iron and ferrous metals, scrap iron, scrap steel and non-ferrous scrap, and scrap iron and steel, Sub 19, (d) "petroleum or coal products" from coal; Sub 19, (e) "food and related products, waste or scrap materials not identified by industry producing, chemicals and related products, and non-metallic minerals" from meat and bone scraps, tankage, dried blood, and salt; Sub 19, (f) "chemicals and related products, and rubber or plastic products" from dry, synthetic resins; Sub 19, (g) "food and related product and farm products" from animal and poultry feed; Sub 19, (h) "chemicals and related products and non-metallic minerals" from salt; Sub 19, (i) "chemicals and related products" from dry fertilizer; (j) "food and related products" from animal and poultry feed; Sub 19, (k) "metal products and petroleum and coal products" from steel articles and such materials as are used or useful on highway construction projects, Sub 19, and (l) "waste or scrap materials not identified by industry producing" from scrap iron, scrap steel and non-ferrous scrap, Sub 19, (2) by removing all restrictions in the general commodity authority except (Classes A and B explosives), (3) remove restrictions designating types of equipment to be used and designating packaging or absence thereof, in bulk, exceptions to named commodities, in both subs, (4) Sub 19, Chicago, IL to Cook, DuPage and Lake Counties, IL and Lake and Porter Counties, IN; Whiting, IN to Lake County; Hammond, IN to Lake County, IN and Cook County, IL; Milwaukee, WI to Milwaukee, Waukesha, Washington, Ozaukee and Racine Counties; Joliet, IL to Will County; Riverdale, IL to Cook County; Lemont, IL to Cook and Will Counties; Portage, IN to Lake and Porter Counties; Peoria, IL to Peoria, Woodford and Tazewell Counties; Danville, IL to Vermilion County, (5) remove facilities limitation (a) in Sub 19, and replace (b) Burns Harbor, IN with Porter County, Sub 19 and (c) Riverdale, IL with Cook County, Sub 19, and (6) to radial authority, Sub 19.

MC 72465 (Sub-12)X, filed November 16, 1981. Applicant: DANIELS TRANSPORTATION CO., INC. 91 Mechanic Street, Lebanon, NH 03766. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Lead, Subs 7, 8, 9 and Sub E-1. Remove restrictions in general commodity authority, except classes A and B explosives, in lead; broaden: in lead; (1) textile mill supplies, road building materials to "textile mill products and building materials"; sand, gravel, non-liquid road building materials, cement, cinder blocks to "building materials"; groceries, grocery store supplies to "food and related products"; groceries to "food and related products"; (2) Lebanon and Enfield to Grafton County, NH; Northfield and Queche to Washington and Windsor Counties, VT; Hazardville, Norwich, and East Lyne to New London and Hartford Counties, CT; Pawtucket to Providence County, RI; Bridgewater, Springfield and

Hartford to Windsor County, VT in lead; points in VT within 30 miles of Lebanon to Orange and Windsor Counties, VT; points within 15 miles of Lebanon, NH to Grafton and Sullivan Counties, NH and Windsor and Orange Counties, VT; Philadelphia and points within 25 miles thereof to Philadelphia, Bucks, Montgomery, Delaware and Chester Counties, PA, New Castle County, DE and Burlington, Gloucester, Camden and Salem Counties, NJ, in Sub 7; points in NH, VT, MA, RI, CT and NY within 150 miles of Lebanon, NJ to points in VT, NH, Berkshire, Hampden, Worcester, Middlesex, Suffolk, Essex, Norfolk, Bristol, Plymouth, Franklin, and Hampshire, Counties, MA, Providence, Bristol, and Kent Counties, RI, Hartford, Windham, Tolland, Litchfield, New London, New Haven, and Middlesex, Counties, CT, Clinton Franklin, Essex, St. Lawrence, Herkimer, Hamilton, Warren, Washington, Rensseleaer, Columbia, Dutchess, Ulster, Albany, Schenectady, Fulton, Montgomery, Saratoga, Oneida, Ostego, and Chenango Counties, NY in lead and Sub 8, Windsor Locks, Lebanon, facilities to Hartford County, CT, Grafton County, NH in Sub 9; points in NH and VT within 25 miles of Lebanon, NH to Windsor, and Orange Counties, VT and Grafton, Sullivan, and Merrimack Counties, NH, in lead and Sub E-1; remove except in bulk tank vehicles restriction in Sub 9.

MC 82072 (Sub-8)X, filed November 20, 1981. Applicant: KELLER MOVING & STORAGE, INC., 2811 Emaus Ave., Allentown, PA 18103. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091. Lead and Subs 5 and 7, (1) broaden to "furniture, fixtures and parts thereof" from new furniture, lead and all subs; (2) change; East Greenville, to Montgomery, Berks, Lehigh and Bucks Counties, PA; Allentown, to Lehigh, Northhampton, Bucks and Berks Counties, PA; and Souderton, to Montgomery and Bucks Counties, PA; (3) to radial authority, lead and all subs; and (4) remove: restriction to shipments moving to Allentown, PA for in-transit storage, lead; and originating at and destined to facilities restriction, Sub.7.

MC 89021 (Sub-6)X, filed December 3, 1981. Applicant: LEVINE'S EXPRESS & TRUCKING COMPANY, P.O. Box 237, Carteret, NJ 07008. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ. Sub 3F: broaden advertising materials (except printed matter) to "advertising materials."

MC 116923 (Sub-7)X, filed December 2, 1981. Applicant: KRAMER TRUCKING CO., INC., P.O. Box 1916, Wickenburg, AZ 85358. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Subs 3, 4 and 6, (1) broaden: subs 3, 4 and 6, from heavy commodities, knitting plant machinery, uncrated, and knitting plant machinery parts, new knitting machinery and parts, and carbon and water treatment units, incinerators, air pollution units, and carbon regenerators to "commodities because of size or weight require the use of special equipment"; Sub-4, from used knitting machinery and parts, used knitting plant equipment, and stock in trade of knitting plants to "commodities because of size or weight require the use of special equipment, and textile mill products"; and (2) remove commodities in bulk exception, Sub-6.

MC 117765 (Sub-323)X, filed October 5, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: C. L. Phillips, 1411 N. Classen, Oklahoma City, OK 73106. Sub Nos. 1 (in part), 27, 28, 37, 48, 53, 67, 80 (in part) 101 (in part) 105 (in part), 121, 171, 218, 222, 237, 238, 247, 280, 298, 302, 303 and 305, to broaden (1) from (a) dry fertilizer, fertilizer compounds, fertilizer ingredients and urea in Sub 1; dry fertilizer and urea in Sub 27; ammonium nitrate, urea, fertilizer materials and fertilizer ingredients, other than liquid in Sub 28; dry fertilizer, dry fertilizer compounds, dry fertilizer ingredients, and urea in Sub 37; volcanic ash, in containers, in Sub 48; di-calcium phosphate and calcium carbonate in Sub 53; fertilizer and fertilizer materials, dry, in Sub 67; fertilizer, fertilizer ingredients, fertilizer materials, fertilizer compounds and dry urea, and urea in Sub 80; dry fertilizer, fertilizer compounds and ingredients and urea in Sub 105; from dry chemicals, dry chemicals, in bags, when moving in mixed loads with dry chemicals in bulk; dry fertilizer and fertilizer materials, and insecticides, fungicides and herbicides (except liquid, in bulk), dry fertilizer and fertilizer materials, in bags, when moving in mixed loads with dry fertilizer and fertilizer materials, in bulk; dry fertilizer and fertilizer materials, in bulk, when moving in mixed loads with dry fertilizer and fertilizer, in bags, in Sub 121; to "chemicals and related products" (b) from dry lignon pitch, in containers in Sub 101 to "pulp, paper and related products" (c) prepared animal and poultry feed, in containers in Sub 80; flour, in bags, in Sub 171; dry dog food, in bags, or bales, Sub 218; processed grain and soybean products (except commodities in bulk) in Sub 237; flour, corn meal, bird seed, popcorn, feed and feed ingredients (except in bulk); flour in containers (except in bulk,) and pitch lignin, in bags, in Sub 280F; non-alcoholic beverages, in container, in Sub 298F, salt, salt products, and mineral feed mixtures; and materials and supplies in Sub 302F; flour (except in bulk) in Sub No. 303F; non-alcoholic beverages, in containers, in Sub 305, to "food and related products, materials and supplies used in the manufacture, production and distribution of food and related products"; (d) plastic articles (except in bulk) in Sub 222; plastic articles and materials and supplies and equipment used in the manufacture and distribution of plastic articles and materials (except in bulk) in Sub 238F; plastic articles (except commodities in bulk) in Sub 247F, to "rubber and plastic products, (2) remove originating at or destined to, in containers, in bags,mixed loads, ex-rail, in bags or bales restrictions, and exceptions to named commodities in various subs, (3) to radial authority in Subs 1, 27, 28, 37, 48, 53, 67, 80, 101, 105, 121, 171, 218, 222, 237, 280F, 298F and 303 (5) counties for points and/or facility locations: (Sub-No. 1 (in part), Tulsa and Mayes Counties, OK for Tulsa and Pryor; Sub 27, Otoe County, NE for Nebraska City; Sub 28, Marion County, MO for South River (Marion County); Sub 37, Douglas County, KS for Lawrence; Sub 48, Custer County, OK for Custer City; Sub 53, Cass County, NE for Weeping Water; Sub 67, Lee County, IA for Fort Madison; Sub 80, Oklahoma County, OK for Oklahoma City; Sub 101 (in part) Outgamie and Calumet Counties, WI for Appleton; Sub 105, (in part), Kay County, OK for Tonkawa; Sub 121, Cherokee County, KS for Military; Sub 171, McPherson and Reno Counties, KS for Buhler and Inman; Sub 218 and 237, Reno County, KS for Hutchinson; Subs 222 and 247, Pottawatomie County, OK for Shawnee; Sub 238, Morgan and Sangamon Counties, IL for Jacksonville and Springfield; Sub 280F, Pottawatomie County, OK for Shawnee and Madison County, IL for Alton; and Outgamie and Calumet Counties, WI for Appleton; Sub 298, Marshall County, MS for Byhalia.

MC 120761 (Sub-76)X, filed October 8, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Subs 3, 16, 17, 18, 25, 26, 31, 32, 34, 38F, 51F, 60 and 63F, broaden (1)(a) from reinforcing bars and iron and steel articles to "metal products", Sub 3 and 51F; (b) from machinery and equipment used in connection with the stringing or tensing of hi-line wire and composting machines to "machinery", Subs 16 and 18; (c) from roofing materials,

composition board, and insulation board to "building materials", Subs 17, 25, 26 and 32; (d) from air coolers, air conditioners, cooling rooms, heating and air conditioning units to "air conditioning equipment and heating equipment", Sub 38F and to "air conditioning equipment", Sub 31; and (e) from plastic fence posts to "fence and fencing material" in Sub 60F; (2)(a) remove facilities limitations in all Subs except 57, (b) originating at or destined to restriction, Sub 18, (c) size and weight restriction, Sub 31 and (d) in bags, Sub 34, (3) citywide to countywide (a) White Deer, TX to Carson County, Sub 18, (b) Cleburne, TX to Johnson County, Sub 34, (c) Stephens and Camden, AR to Ouachita County, Subs 25 and 26, (d) Stuggart, AR to Arkansas County, Sub 38, (e) Ft. Smith, AR to Sebastian County, Sub 63, (f) Natchez, MS to Adams County, Sub 22 and (4) to radial authority in all subs.

MC 126537 (Sub-40)X, filed November 17, 1981. Applicant: KENT I. TURNER, KENNENTH E. TURNER, AND ERVIN L. TURNER d.b.a. TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, KY 40221. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. Sub-33: (1) authorize service at all intermediate points between (a) Laurel County, KY and Brigham City, UT; (b) Danville, KY and Louisville, KY; (c) junction Interstate Hwy 75 and US Hwy 150 and Danville, KY; and (d) Lousiville, KY and junction Interstate Hwy 25 and Interstate Hwy 80; (2) eliminate the facilities limitation; (3) remove the restrictions against (a) service originating at or destined to the facilities of American Greetings Corporation; and (b) joinder only.

MC 126824 (Sub-4)X, filed November 27, 1981. Applicant: JOHN TINNEY, d.b.a. JOHN TINNEY DELIVERY SERVICE, 802 Connell Ave., Yeadon, PA 19050. Representative: Raymond A. Thistle, Jr, Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Sub 2F certificate: (1) Remove "except commodities in bulk" restriction from the general commodities description, and (2) Broaden to radial authority.

MC 138904 (Sub-4)X, filed November 17, 1981. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., P.O. Box 1172, Pueblo, CO 81002. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Lead and Subs 1, 2F (acquired in MC-F-14149F), and 3. Broaden (1) to "general commodities (except Classes A and B explosives)" from general commodities (exceptions), lead and Subs 1 and 2; (2) authorize service at all intermediate points on regular route, lead and Sub 1; (3) change: points within 15 miles of Fowler to Pueblo, Otero, and Crowley Counties, CO, irregular route portion of lead; St. Joseph, MO to Buchanan County, MO and Doniphan County, KS, and Kansas City, MO to Jackson, Cass, Platte and Clay Counties, MO and Johnson, Wyandotte, and Leavenworth Counties, KS, Sub 3; and (4) remove the restriction against serving Pueblo Ordinance Depot, CO, Sub 1.

MC 143648 (Sub-9)X, filed October 9, 1981. Applicant: CORALVILLE TRANSPORT, INC., R.R. #1, Lamont, IA 50650. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Subs 1, 2, 5F and 7F(1) remove the facilities restrictions in Subs 1, 2, 5F, and 7F; (2) authorize radial authority in Subs 1, 2, 5F, and 7F; (3) broaden from fertilizers and fertilizer materials (Sub-Nos. 1, 2, and 7F) to "chemicals and related Products" and from liquefied petroleum gas (Sub-No. 5F) to "petroleum and coal products; (4) remove the "in bulk" and "in tank vehicles" restrictions in Subs 1, 5F, and 7F; and (5) broaden to Whiteside County, IL, for Albany, IL, in Sub 1; Dubuque county, IA, Jo Daviess County, IL, and Grant County, WI, for East Dubuque, IL in Sub 2; Chickasaw County, IA, for New Hampton, IA in Sub 5F; and Cerro Gordo County, IA, for Mason City, IA in Sub 7F.

MC 144011 (Sub-8)X, filed October 5, 1981 Applicant: HALL SYSTEMS, INC., 214 South 10th Street, Birmingham, AL 35233. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Lead and Subs 1, 2, 3, and 4 to (1) remove all exceptions from general commodities authority (except Classes A and B explosives), lead and Subs 3 and 4, (2) allow service at all intermediate points lead and Sub 4, (3) remove ex-water restriction, and in bulk restrictions, (4) to "metal products" from iron and steel articles and aluminum articles having an immediate prior or subsequent movment by water; "rubber, plastic and fiberglass products" from pipe and pipe fittings, hydrants, valves and accessories" Sub 1, (5) to "food and related products from foodstuffs, Sub 2, and (6) to radial authority, Sub 2.

MC 144843 (Sub-6)X, filed October 21, 1981, previously noticed in the Federal Register of November 4, 1981, republished as follows: Applicant: GRACE DISTRIBUTION SERVICES, INC., P.O. Box 308, Duncan, SC 29334. Representative: Paul M. Daniell, 235 Peachtree St., NE., Atlanta, GA 30303. Sub-No. 1F permit: broaden (1) polyester resins, chemicals, glass filter, brushes, sprayers, glycol, styrene, vinyl toluene, phthalic anhydride, maleic anhydride, materials, equipment, and supplies used in the manufacture, sale, and distribution thereof, to " such commodities as are used by or dealt in by manufacturers of chemicals." The purpose of republication is to correct the proposed commodity description.

MC 152205 (Sub-4)X, filed November 16, 1981. Applicant: CATARACT TRUCK & CAR RENTAL CORP., 2445 Allen Ave., Niagara Falls, NY 14303. Representative: August A. Iacovitti (same as applicant). Sub 1F, broaden (1) by removing exceptions to commodities in bulk and household goods from general commodity authority and (2) remove in containers restriction.

[FR Doc. 81-35772 Filed 12-14-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operation and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV,

United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operation right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–319

Decided: December 7, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 159340, filed November 18, 1981. Applicant: DONALD L. PUTNAM, 605 N. Ritchie, Hamilton, MO 64644. Representative: Donald L. Putnam (Same address as applicant), (816) 583–4939. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159430, filed November 24, 1981. Applicant: JAMES L. DAUM, 2596 Greencastle Road, Mooresville, IN 46158. Representative: James L. Daum, (same address as applicant) (317) 539–6557. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–2–238

Decided: December 3, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 135403 (Sub-2), filed November 19, 1981. Applicant: MILLER TRANSFER & STORAGE, 31259 E. Highway 66, Barstow, CA 92311. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036, 202–785–0024. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardsous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159273, filed November 13, 1981. Applicant: APPEL TRANSPORTATION SERVICE, P.O. Box 55191, Seattle, WA 98155–0191. Representative: James R. Appel, 13558 23rd N.E., Seattle, WA 98125. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159293, filed November 16, 1981. Applicant: DOUGLAS E. CHRISTEN & PAMELA J. CHRISTEN d.b.a. DOUG CHRISTEN, 405 North 40th St., Yakima, WA 98901. Representative: Douglas E. Christen and Pamela J. Christen (same address as applicant) 509–453–3209. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159302, filed November 25, 1981. Applicant: BARRY LESMEISTER, 521 West Indiana, Unit A, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502 (701) 223–5300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159393, filed November 20, 1981. Applicant: OTTO TWIDWELL d.b.a. L.O.S.T. DOODLEBUG, P.O. Box 610, Blanco, TX 78606. Representative: Otto Twidwell (same address as applicant) 512–833–4938. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

Volume No. OPY–4–469

Decided: December 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 118036 (Sub-2), filed November 27, 1981. Applicant: BILL DRAKE d.b.a. DRAKE TRUCKING, 202 Chestnut St., Terre Haute, IN 47807. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636–2321. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 147216 (Sub-5), filed November 27, 1981. Applicant: CARL KLEMM, INC. d.b.a. KLEMM TANK LINES, 1126 Terry Lane, P.O. Box W197, DePere, WI 54115. Representative: James A. Speigel, Olde Town Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273–1003. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147536 (Sub-38), filed November 27, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 NW Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting, for or on behalf of the United States Government, General commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159486, filed November 24, 1981. Applicant: CUSTOM DELIVERY LIMITED, 1205 Carr Lane, St. Louis, MO 63104. Representative; Lawrence A. Reichert (same address as applicant) (314) 772–1272. Transporting *shipments weighing 100 pounds or less* if

transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159436, filed November 24, 1981. Applicant: ALICE D. LISJAK, d.b.a. ASTA TRAFFIC SERVICES, 8226 No. Main St., Eden, NY 14057. Representative: Alice D. Lisjak (same address as applicant) (716) 992–9566. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–471

Decided: December 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 150867 (Sub-1), filed November 25, 1981. Applicant: WILLIAM N. NICOLSON d.b.a. PRESS EXPRESS, 2205 E Lincoln Hwy, Chicago Heights, IL 60411. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036 (202) 296–2900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159467, filed November 27, 1981. Applicant: JOOR TRUCKING, INC, 52 Second St., New Rochelle, NY 10801. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666 (201) 826–1144. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159477, filed November 30, 1981. Applicant: TRAILER EXPRESS, INC., Suite 500, 200 W. Thomas St., Seattle, WA 98119. Representative: Edward H. Tolan (same address as applicant) (206) 284–7050. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–220

Decided: December 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 142079 (Sub-4), filed November 20, 1981. Applicant: MICHIANA TRANSPORT, INC., P.O. Box 1463, South Bend, IN 46624. Representative: F. Terry Glassman (same address as applicant) (219) 234–7773. As *borker of general commodities* (except household goods), between points in the U.S.

MC 147629 (Sub-7), filed November 24, 1981. Applicant: SONIC DELIVERY, INC., West Virginia Rte. 31 at Airport Rd., Williamstown, WV 26187. Representative: E. H. van Deusen, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 159429, filed November 24, 1981. Applicant: JOHANSON TRANSPORTATION SERVICE, 3032 E. Central Avenue, P.O. Box 2645, Fresno, CA 93745. Representative: J. Patrick Boyle, 7210 Central Avenue, Takoma Park, MD 20912 (301) 270–8144. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159449, filed November 24, 1981. Applicant: JAMES R. MEHLHAFF, RR 1 Box 24A, Tripp, SD 57376. Representative: James R. Mehlhaff (same address as applicant) (605) 583–4329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159489 filed November 24, 1981. Applicant: TRANSPORTATION SYSTEMS, INC., 215 E. 37th St., Boise, ID 83704. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343–3071. To operate as a *broker* arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35773 Filed 12–14–81: 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, ths decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–318

Decided: December 7, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 19311(Sub–74), filed November 25, 1981. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ford Motor, Inc., of Dearborn MI.

MC 126320 (Sub-18), filed November 25, 1981. Applicant: DETTINBURN TRUCKING, INC., Route 3, Box 24, Petersburg, WV 26847. Representative: Daniel B. Johnson, 4304 East West Highway, Bethesda, MD 20814, (301) 654–2240. Transporting (1) *cement*, between points in WV, Butler, Washington, and Allegheny Counties, PA, and those in MD in and west of Frederick County, MD, on the one hand, and, on the other, points in WV and those in MD in and west of Frederick County, and (2) *petroleum and petroleum products*, between Pittsburgh, Harrisburg, and Philadelphia, PA, and points in WV, VA, MD, and DE.

MC 136511 (Sub-111), filed November 24, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517, (804) 369–5661. Transporting *groceries*, between points in Smith County, TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, AND TX.

MC 147341 (Sub-1), filed November 24, 1981. Applicant: MID–ATLANTIC TRANSPORTATION, INC., 918 French Avenue, PO Box 1005, Sanford, FL 32771. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *such commodities* as are dealt in by manufacturers, distributors, wholesalers and retailers of food and related products, between points in FL, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, RI and VT.

MC 148650 (Sub-2), filed November 24, 1981. Applicant: NORTHEAST TRANSPORT CO., INC., 630 New County Road, Secaucus, NJ 07094. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036, (202) 223–5900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Alling and Cory, Inc., of Long Island City, NY.

MC 149221 (Sub-1), filed November 24, 1981. Applicant: EUGENE WORLEY, d.b.a. WORLEY TRUCKING, 2248 Shakesville Road, Bristol, VA 24201. Representative: Eugene D. Anderson, 1001 Connecticut Ave., N.W., Suite 638, Washington, DC 20036. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Kane-Miller Corporation, Tarrytown, NY.

MC 154481 (Sub-1), filed November 20, 1981. Applicant: N. W. HAYMAN TRUCKING, INC., Route 1, Box 19, Ridgley, MD 21660. Representative: Gerald I. Street, 304 S. State St., P.O. Box 1299, Dover, DE 19901. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Saulsbury Brothers, Inc., of Ridgely, MD.

MC 156290, filed November 24, 1981. Applicant: PARRISH TRUCKING CO. INC., Route 1 Box 54, Kenbridge, VA 23944. Representative: Wayne J. Parrish (same address as applicant), (804) 676–8478. Transporting (1) *charcoal and charcoal briquettes*, between points in the U.S., under continuing contract(s) with Imperial Briquet Corporation, of Kenbridge, VA, and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Barnes Manufacturing Company, of Kenbridge, VA.

MC 157480, filed November 24, 1981. Applicant: GOLDEN ISLES COACHES, INC., 4140 Norwich Street Extension, Brunswick, GA 31520. Representative: James Perry Fields, PO Box 797, Brunswick, GA 31521. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Glynn and Camden Counties, GA, Duval and Nassau Counties, FL, and extending to points in GA, FL, SC, NC, VA, AL, TN, LA, MS, and DC.

MC 157490, filed November 19, 1981. Applicant: COSMOPOLITAN BUS CORPORATION, 45 Keegans Lane, Staten Island, NY 10308. Representative: Aaron B. Z. Silver, 305 East Fifth Street, Brooklyn, NY 11218. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in New York, NY, and extending to points in the U.S., (including AK but excluding HI).

MC 157541, filed November 20, 1981. Applicant: WILLIAM WALKER d.b.a. WALKER TRUCK LINE, 5807 South Wabash Ave., Chicago, IL 60637. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60637, (312) 236–0548. Transporting *paper and paper products, packaging materials, chemicals and machinery*, between the facilities of Nashua Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 158361, filed November 19, 1981. Applicant: G.F.C. TRUCKING CORP., West 100 Century Road, Paramus, NJ 07652. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374–4565, 212–275–1000. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Packaging Corporation of America, of Evanston, IL.

MC 159440, filed November 24, 1981. Applicant: DATELINE TRAVEL, 359 17th St., Oakland, CA 94612. Representative: Rebecca A. Atienza (same address as applicant), (415) 835–9840. As a *broker*, at Oakland, CA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in San Francisco and Alameda Counties, CA, and extending to points in the U.S.

Volume No. OPY–2–239

Decided: December 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 5603 (Sub-5), filed November 24, 1981. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne-Yardley Rd., Langhorne, PA 19047. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046, (215) 576–0130. Transporting (1) *plastic, plastic articles, and materials, equipment, and supplies* used in the recycling of plastic, under continuing contract(s) with (a) recycling Research, Inc., of Morton, PA, and (b) plastics Recycling Unlimited Corporation, of Langhorne, PA, and (2) *food and related products*, under continuing contract(s) with Ag Foods, Inc., of Columbus, OH, between points in the U.S.

MC 52793 (Sub-87), filed November 20, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60102. Representative: David A. Gallagher (same address as applicant), (312) 547–2184. Transporting *household goods*, between points in the U.S. under continuing contract(s) with Burlington Northern, Inc., of Seattle, WA.

MC 104852 (Sub-5), filed November 12, 1981. Applicant: NESTER TRANSFER,

INC., 2531 Alabama Ave., Norfolk, VA 23513. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Washington, DC 20036, 202–785–0024. Transporting *household goods,* (1) between points in ME, MA, CT, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, and DC, and (2) between points in ME, MA, CT, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, and DC, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, ME, VA, WV, NC, SC, GA, AL, FL, OH, MI, IN, KY, TN, WI, IL, IA, NE, CO, KS, MO, AR, OK, NM, TX, LA, and DC.

MC 111432 (Sub-21), filed November 13, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth, Springfield, IL 62703, (217) 753–3925. Transporting *commodities in bulk* between points in the U.S., under continuing contract(s) with Oasis Petroleum Corporation, of Culver City, CA.

MC 123233 (Sub-97), filed November 25, 1981. Applicant: PROVOST CARTAGE, INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Representative: William H. Shawn, 1730 M St. NW, Suite 501, Washington, DC 20036, 202–296–2900. Transporting *iron and steel articles,* between ports of entry on the international boundary line between the U.S., and Canada, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, RI, and VT.

MC 136212 (Sub-40), filed November 24, 1981. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68501, (402) 476–8062. Transporting *food and related products,* (1) between points in Sandusky County, OH, Ottawa County, MI, and Muscatine and Johnson Counties, IA, on the one hand, and, on the other, points in OK and TX, and (2) between points in Sandusky and Lucas Counties, OH and Ottawa County, MI, on the one hand, and, on the other, points in IA.

MC 140033 (Sub-105), filed November 24, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, P.O. Box 20235, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of floor coverings, between the facilities of L.D. Brinkman Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141512 (Sub-4), filed November 20, 1981. Applicant: HOMER'S, INC., 10554 W. Donges Court, Milwaukee, WI 53224. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of beverages, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 145382, filed November 16, 1981. Applicant: SOUTHERN HAULERS, INC., Box 152, Calera, AL 35020. Representative: John W. Cooper, P.O. Box 56, Mentone, Al 35984, 205–634–4885. Transporting *commodities in bulk,* between points in LA, MS, AR, TN, GA, AL, and that portion of FL on and west of the Apalachicola River.

MC 146222 (Sub-8), filed November 24, 1981. Applicant: ILCO TRUCKING, INC., P.O. Box 528, Leeds, AL 35094. Representative: H. G. Jackson, Jr. (same address as applicant), (205) 699–2452. Transporting *metal articles,* between points in the U.S., under continuing contract(s) with O'Neal Steel, Inc., of Birmingham, AL.

MC 146723 (Sub-8), filed November 19, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main, Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, (801) 292–6243. Transporting (1) *paper and paper products,* (2) *photo-copying machinery, equipment, and parts, and photo-copying materials and supplies,* (3) *advertising materials and supplies, key holders, wallets, card cases, desk-top accessories, and clocks,* and (4) *film and film products,* between points in the U.S., under continuing contract(s) with Saxon Industries, Inc., of New York, NY.

MC 151382 (Sub-4), filed November 27, 1981. Applicant: LAND TRUCKING COMPANY, 1560 Jessie St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, 904–353–9707. Transporting *general commodities* (except classes A and B explosives), between points in FL, on the one hand, and, on the other, points in GA.

MC 152073 (Sub-1), filed October 26, 1981. Applicant: DENVER NETTLES TRUCKING, INC., 1148 Denver Dr., Carpentersville, IL 60110. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, 312–236–8225. Transporting *waste oil and petroleum products,* between points in IL, IN, WI, MI, IA, MN, OH, KY, SC, NJ, TX and MO.

MC 159262, filed November 13, 1981. Applicant: MARINE PROPERTIES, INC., 304 East Reserve St., Vancouver, WA 98661. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *lumber and wood products, and glass products and metal products* between points in CA, WA, OR, and TX, on the one hand, and, on the other, points in WA, OR, ID, CA, AZ, UT, CO and TX.

MC 159342, filed November 18, 1981. Applicant: C-PAC TRUCKING, INC., 1133 Gibbard Ave., Columbus, OH 43219. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives), between Columbus, OH, on the one hand, and, on the other, points in IN, KY, MI, OH, and PA.

MC 159343, filed November 18, 1981. Applicant: TERRY'S WELDING SERVICE, INC., P.O. Box 142, Kamay, TX 76369. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, 512–472–8800. Transporting *Mercer Commodities,* between points in TX and OK.

MC 159392, filed November 20, 1981. Applicant: RICHARD S. HUNT, 3308 Dale Rd., Cornwells Heights, PA 19124. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, 215–561–1030. Transporting *general commodities* (except classes A and B Explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Pennsylvania Engineering Company, of Philadelphia, PA and United Hospital Supply Corporation, of Burlington, NJ.

MC 159422, filed November 24, 1981. Applicant: EDWARD J. MEYERS, CO., INC., 7665 Lawndale Ave., Summit, IL 60501. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, 312–298–1094. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Chem Central Corporation, of Chicago, IL, Exxon Company, U.S.A., of Houston, TX, Georgia Pacific Corporation, of Plaquemine, LA, PPG Industries, Inc., of Pittsburgh, PA, and Union Carbide Corporation, of New York, NY.

Volume No. OPY–4–473

Decided: December 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 119787 (Sub-12), filed November 24, 1981. Applicant: F. W. GROVES TRUCKING COMPANY, Route 4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 371–3818. Transporting *metal products,* between points in

Davidson County, TN, and points in NC, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MD, MS, NC, OH, SC, TN, TX, VA, WV, and DC.

MC 123687 (Sub-14), filed November 20, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 428, Hurricane, WV 25526, (304) 562–3460. Transporting *food and related products*, between points in KY, OH, and WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, NE, KS, OK, and TX.

MC 125057 (Sub-2), filed November 24, 1981. Applicant: ANTELOPE VALLEY BUS, INC., 44706 Yucca Ave., Lancaster, CA 93534. Representative: James A. Carter (same address as applicant), (805) 948–8421. Transporting *passengers and their baggage*, in charter or special operations, between points in Los Angeles, Orange, Kern, Ventura and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, WY, OR, UT, WA, and WY.

MC 134387 (Sub-96), filed November 25, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043, (602) 278–7676. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, OR, WA, AZ, CO, NV, NM, MT, WY, UT, ID, TX, OK, ND, SD, NE, and KS.

MC 136077 (Sub-34), filed November 24, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102, (215) 854–8444. Transporting *building materials, piping products and fiber glass products*, between the facilities of CertainTeed Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138837 (Sub-2), filed November 24, 1981. Applicant: MINATTA TRANSPORTATION COMPANY, 6270 Gravenstein Hwy., P.O. Box 247, Cotati, CA 94928. Representative: Marvin J. Colangelo, 114 Sansome St., San Francisco, CA 94104, (415) 986–1520. Transporting *lumber and forest products, and steel and machinery*, between points in CA, WA, OR, TX, AZ, NM, CO, WY, ID, UT, and NV.

MC 142377 (Sub-1), filed November 24, 1981. Applicant: ROBERT C. SWARTHOUT and SPENCER D. FERRIS d.b.a. SWARTHOUT & FERRIS BUS SERVICE, 115 Graham Rd., Ithaca, NY 14850. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. To engage in operations, in interstate or foreign commerce as a *broker*, at Ithaca, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S. (except AK and HI).

MC 147547 (Sub-22), filed November 24, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, Fifth Fl, 501 Union, Nashville, TN 37219, (615) 255–0540. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI).

MC 152187 (Sub-5), filed November 24, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy. E., Tacoma, WA 98424. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting (1) *such commodities* as are dealt in or used by sporting good, hardware, auto supply, department and clothing stores, between points in AZ, CA, CO, NT, NV, OR, UT, and WA, on the one hand, and, on the other, points in ID, OR and WA, and (2) *such commodities* as are dealt in or used by grocery stores, between points in CA, CO, ID, NT, NV, OR, UT, and WA, on the one hand, and, on the other, points in OR, WA, and CA.

MC 158407 (Sub-1), filed November 25, 1981. Applicant: COURTESY TRANSPORTATION, INC., Route 16, P.O. Box 281, Mendon, MA 01756. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *plastic and plastic products, chemicals and related products*, and *cylinders* between points in the U.S. (except AK and HI), under continuing contract(s) with Ugine Kuhlmann of America, of Charlotte, NC.

MC 159437, filed November 24, 1981. Applicant: JOSEPH S. CHOW LTD., 6111 Oak St., Vancouver, B.C. Canada V6M 2W3. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *shakes and shingles*, between points in the U.S., (except AK and HI), under continuing contract(s) with Teal Cedar Products (1977) Ltd., of Surrey, B.C. Canada, and Whonnock Shake & Shingle, of Whonnock, B.C., Canada.

MC 159447, filed November 25, 1981. Applicant: GALAXY TRUCKING CORP., 40 Huyler St., S. Hackensack, NJ 07606. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives), between points in Bergen County, NJ, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, RI, NY, NJ, PA, DE, MD, VA, and DC.

MC 159457, filed November 24, 1981. Applicant: BRISK TRANSPORTATION, INC., Red Oak Plaza, Red Oak Lane, Harrison, NY 10625. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Kerr Pacific Milling, Co., of Pendleton, OR, Church & Dwight Co., of Piscataway, NJ, Charter Oak Cooperative Shippers Association, Inc., of Darien, CT, Southern Tea Company, of Marietta, GA, and General Foods Corporation, of White Plains, NY and its subsidiaries, Burger Chef Systems, Inc., Claussen Pickle Company, Inc., Oscar Mayer & Co., Inc., and Valley Turkeys, Inc.

Volume No. OPY–4–474

Decided: December 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF 317 (Sub-2), filed December 1, 1981. Applicant: AMERICAN VANPAC CARRIERS, INC., 2114 MacDonald Ave., Richmond, CA 94801. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. As a freight forwarder, in connection with the transportation of *general commodities* (except used household goods, unaccompanied baggage, used automobiles and classes A and B explosives), between points in the U.S.

MC 111936 (Sub-31), filed December 2, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001, (202) 628–9243. Transporting *furniture and fixtures*, between Chicago, IL, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, SC, TN, VA, and WV.

MC 141736 (Sub-2), filed December 2, 1981. Applicant: JANA TRUCKING, INC., 4809 Woodman Ave., Ashtabula, OH 44004. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in PA, KY, IN, OH, MI, NY and WV.

MC 144927 (Sub-38), filed December 1, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261–3461. Transporting *abrasive grains*, between points in Erie County, NY, on the one hand, and, on the other, Minneapolis, MN, Houston, TX, Greenwood, SC, Chicago and points in Marion County, IL, Los Angeles and Alameda Counties, CA, New Haven County, CT, Gordon County, GA, Lake County, IN, Washtenaw and Shiawassee Counties, MI.

MC 147577 (Sub-2), filed December 1, 1981. Applicant: THRIFT TRANSFER, INC., 4650 Eisenhower Ave., Alexandria, VA 22304. Representative: Richard A. Ward, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 751-0900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (1) electronic equipment, parts and accessories, (2) controller parts, (3) metal cabinets, and (4) appliances, between Baltimore, MD, and New York, NY, and Philadelphia, PA, on the one hand, and, on the other, Charlottesville, and Salem, VA.

MC 154227 (Sub-1), filed November 24, 1981. Applicant: LARRY GEORGE d.b.a. INVECON COMPANY, 550 W. 1st S. St., Salt Lake City, UT 84101. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, (3) *metal products*, and (4) *machinery*, between points in the U.S., (except AK and HI), under continuing contract(s) with Hobart Brothers Company, of Troy, OH.

MC 155377 (Sub-1), filed November 30, 1981. Applicant: PGT TRUCKING, INC., P.O. Box 197, Industry, PA 15052. Representative: Jon F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004, (202) 628–4600. Transporting *lumber and wood products*, between points in AL, IL, IN, KY, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and WI.

MC 159497, filed November 30, 1981. Applicant: J. R. TRUCKING, 908 Kohlman Rd., Fond du Lac, WI 54935. Representative: John Ryan (same address as applicant), (414) 923–0745. Transporting *prefabricated home sections*, between points in the U.S. (except AK and HI), under continuing contract(s) with Wilderness Log Homes, Inc., of Plymouth, WI.

MC 159526, filed December 2, 1981. Applicant: COMPAK TRANSPORT, P.O. Box 926, El Sobrante, CA 94803. Representative: W. S. Hostetter (same address as applicant), (415) 632–4774. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, NV, and OR.

MC 159527, filed December 2, 1981. Applicant: AIROCAR, INC., 1800 N.W., 23rd Ave., Fort Lauderdale, FL 33311. Representative: John E. Gillick, Suite 303, 600 Maryland Ave., S.W., Washington, D.C. 20024, (202) 484–2030. Transporting *passengers and their baggage* in the same vehicle with passengers, in roundtrip and one-way charter and special operations, beginning and ending at points in FL, and extending to points in the U.S. (except AK and HI).

Volume No. OPY–5–218

Decided: December 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 40978 (Sub–87), filed November 24, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *such commodities* as are dealt in or used by a manufacturer or distributor of furniture and fixtures, between points in the U.S., under continuing contract(s) with Douglas Furniture Corporation, of Chicago, IL.

MC 44639 Sub–96, filed November 30, 1981. Applicant: L & M EXPRESS CO., INC., 220 Ridge Rd., Lyndhurst, NJ 07071. Representative: Robert B. Russell (same address as applicant), 201–438–5315. Transporting *wearing apparel* and materials and supplies used in the manufacture of wearing apparel, between points in FL and NC.

Note.—Applicant intends to tack this authority to its present irregular route authority in MC–44639 Sub 96.

MC 81908 (Sub-20), filed November 24, 1981. Applicant: GARNER TRUCKING, INC., Rt. #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *fertilizer and fertilizer ingredients*, between points in IL, IN, KY, MI, OH, PA, and WV.

MC 87128 (Sub-2), filed November 24, 1981. Applicant: WHERLEY MOVING AND STORAGE INC., 2793 Miller Trunk Hwy, Duluth, MN 55811. Representative: Donald Bodenner (same address as applicant), (218) 727–8811. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Little Brownie Bakers, of Louisville, KY.

MC 96949 (Sub-4), filed November 20, 1981. Applicant: POST ROAD STAGES, INC., 1105 Strong Rd., South Windsor, CT 06074. Representative: Robert J. Brooks, Suite 1111, 1828 L St., NW., Washington, DC 20036, (202) 466–3892. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in MA, RI, and CT, and extending to points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 105269 (Sub-105), filed July 28, 1981, previously noticed in Federal Register issue of August 19, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *paper and paper products*, between points in the U.S. (except AK and HI). Condition: Subject to coincidental cancellation at applicant's written request of the certificate issued in this proceeding October 20, 1981.

Note.—This republication changes the territorial and commodity description.

MC 105269 (Sub-108), filed November 24, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *paper and paper products*, between points in Jackson County, IN and Sumter County, AL on the one hand, and, on the other, points in the U.S. in and east of CO, NE, ND, OK, SD, and TX.

MC 108119 (Sub-286), filed November 24, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s), with Chandler Corporation, of Boise, ID.

MC 119788 (Sub-1), filed November 24, 1981. Applicant: SINGER INTERSTATE CARRIERS, INC., 17 Passaic Ave.,

Hawthorne, NJ 07506. Representative: James Aldi, Jr. (same address as applicant), 201–278–8210. Transporting (1) *textile mill products*, and (2) *plastic and plastic products*, between points in NJ, CT, MA, RI, NY, PA, DE, MD, VA, NC, SC, GA and DC.

MC 120978 (Sub-36), filed November 24, 1981. Applicant: MAYER TRUCK LINE, INC., 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *metal products*, between Minneapolis, MN, on the one hand, and, on the other, points in IL, IN, MI, and OH.

MC 123329 (Sub-57), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary Alberta, Canada TP 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452–6415. Transporting *nonmetalic minerals*, between ports of entry on the U.S.-Canada international boundary line, on the one hand, and, on the other, points in WA.

MC 135399 (Sub-23), filed November 13, 1981. Applicant: HASKINS TRUCKING, INC., 1208 F.M. 1845, P.O. Drawer 7729, Longview, TX 75602. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, 817–332–4415. Transporting *charcoal, charcoal briquetts, vermiculite, activated carbon, hickory chips, lighter fluid, charcoal grills, and accessories, materials and supplies used in the manufacture and distribution thereof*, between points in Marion County, FL; Winn Parish, LA; Stark County, ND; Isanti County, MN; Butler, Osage and Tanney Counties, MO; Clarke County, MS; Delaware County, NY; Jackson County, OR and Waupaca County, WI, on the one hand, and, on the other, points in the U.S.

MC 143658 (Sub-2), filed November 24, 1981. Applicant: SIERRA TRUCKING, INC., 1490 E. Second, Reno, NV 89502. Representative: Mike Soumbeniotis, Box 646, Carson City, NV 89702, 702–882–0202. Transporting *chemicals and related products*, between points in AZ, CA, ID, NV, OR and UT.

MC 146728 (Sub-6), filed November 25, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure St., Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603, 312–236–0548. Transporting *iron and steel articles*, between points in the U.S. under continuing contract(s) with All Metals Services and Warehousing, Inc. of Marietta, GA.

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Decided: December 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce; and Dowell.

MC 145108 (Sub-60), filed November 24, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren 5600 First Avenue, Brooklyn, NY 11220, (212) 492–7332. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Alpha Chemical and Plastic Corp., of Newark, NJ.

MC 147499 (Sub-7), filed November 24, 1981. Applicant: D. H. TRANSFER, INC., 671 M–73, Iron River, MI 49935. Representative: Donald Hooper (same address as applicant), 906–265–9329. Transporting (1) *lumber and wood products*, and *millwork*, (2) *such commodities* as are dealt in or used in the manufacture, distribution or installation of flooring systems, between points in Forest County, WI on the one hand, and, on the other, points in the U.S.

MC 147978 (Sub-9), filed November 24, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of household and electrical appliances, between Summit County, OH, on the one hand, and, on the other, points in WA, OR, ID, MT, WY, UT, NM, AZ, NV, CA, and CO.

MC 149199 (Sub-11), filed November 20, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of air handling equipment and supplies, between points in Kaufman County, TX, and Kay County, OK, on the one hand, and, on the other, points in the U.S.

MC 153608, filed November 16, 1981. Applicant: DOVER TRUCKING COMPANY, P.O. Box 575, Dover, DE 19901. Representative: Chester A. Zyblut, 3865 Executive Bldg., Washington, D.C. 20005, 202–296–3555. Transporting (1) *telephone equipment* and (2) *materials and supplies used in construction and maintenance* of telephone equipment, between Dover, DE, on the one hand, and, on the other, points in Kent and Sussex Counties, DE, and (3) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Dover, DE, on the one hand, and, on the other, points in DE, located south of the Chesapeake and Delaware Canal.

MC 155658 (Sub-5), filed November 24, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Highway, Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Marcal Paper Mills, Inc., of Elmwood Park, NJ. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 158959, filed November 20, 1981. Applicant: RINEHART'S MEAT PROCESSING, INC., SR 2, Branson, MO 65616. Representative: Charles J. Fain, 333 Madison St., Jefferson City, MO 65101, (314) 635–4115. Transporting *meat, meat products, and meat byproducts*, and *articles distributed by meat-packing houses*, between points in the U.S., under continuing contract(s) with Consumers Market, Inc., and Ozark Food Sales, Inc., both of Springfield, MO.

MC 159158, filed November 24, 1981. Applicant: B & R HAULING, INC., Rt. 1, Box 187, Hague, VA 22469. Representative: James T. Royall (same address as applicant), (804) 472–3821. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Walker Land & Lumber Company of Millers Tavern, VA.

MC 159359, filed November 19, 1981. Applicant: MAINE CHARTER SERVICE, INC., 195 St. John St., Portland, ME. 04103. Representative: Anthony E. Quatrano, Jr., 36 Penwood Dr., Portland, ME 04102, 207–775–1954. Transporting, *passengers and their baggage* in the same vehicle with passengers, in special operations, limited to the transportation of 14 passengers (excluding the driver) in the vehicle, beginning and ending at points in Cumberland County, ME and extending to Logan International Airport at Boston, MA.

MC 159378, filed November 20, 1981. Applicant: LON-TEX CORP., 15025 Hamlin St., Van Nuys, CA 91411. Representative: John Townrow, (same address as applicant), (213) 989–0589. Transporting *plastic products* between points in the U.S., under continuing contract(s) with GTR Plastic Film Company of Newcomerstown, OH.

MC 159398, filed November 20, 1981. Applicant: TALOREM, LTD., d.b.a. FLEET LINE EXPRESS, 155 Sansome St., San Francisco, CA 94104. Representative: William E. Gore, (same address as applicant), (415) 421–4737. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 159399, filed November 20, 1981. Applicant: JAMES D. OLSON, d.b.a. TREE LINE TRANSPORTATION, 8061 Jordan S.E., Salem, OR 97301. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055, (503) 668–4742. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Publishers Paper Company of Lake Oswego, OR, and Sonoco Products Company of Vancouver, WA.

MC 159419, filed November 24, 1981. Applicant: ARIZONA REFRIGERATED FREIGHT, 2401 S. 19th Ave., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting (1) *meat and meat byproducts*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, NV, CO, and TX, and (2) *such commodities* as are dealt in or used by retail or wholesale grocery, department, hardware, and discount stores, between points in AZ and CA.

MC 159448, filed November 25, 1981. Applicant: CARLYLE MANUFACTURING CO., INC., Piermont Rd., Rockleigh, NJ 07647. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Carlee Corporation, of Rockleigh, NJ.

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Decided: December 8, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 58189 (Sub-3), filed November 27, 1981. Applicant: ASTRO EXPRESS, INC., 41 Turnpike Rd., Fayville, MA 01745. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108, 617–742–3530. Transporting *general commodities* (except classes A and B explosives), between points in MA. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates of Registration.

MC 135288 (Sub-8), filed November 25, 1981. Applicant: McGILL'S TAXI AND BUS LINES, INC., d.b.a. ASHEBORO COACH CO., P.O. Box 628, Asheboro, NC 27203. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Burke, Cabarrus, Catawba, Davie, and Mecklenburg Counties, NC, and Chesterfield, Dillon, Lancaster, Marlboro, and York Counties, SC, and extending to points in the U.S.

MC 138469 (Sub-276), filed November 27, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S.

MC 141318 (Sub-14), filed November 30, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., Box Ltd., 129 No. Main St., Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *salt and salt products* between points in the U.S., under continuing contract(s) with Hardy Salt Company of St. Louis, MO.

MC 145039 (Sub-3), filed November 19, 1981. Applicant: B & H PIGGYBACK SERVICE, INC., P.O. Box 4096, North Station, Winston-Salem, NC 27105. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2819. Transporting *general commodities* (except classes A and B explosives), between points in NC and VA.

MC 146998 (Sub-3), filed November 19, 1981. Applicant: SERVALL TRANSPORT, LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, Canada M9W 1P3. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives), between the ports of entry on the international boundary line between the United States and Canada at points in MI, on the one hand, and, on the other, Detroit, MI.

MC 149608 (Sub-3), filed November 24, 1981. Applicant: REBEL EXPRESS COMPANY, 6241 North Dixie Highway, Fort Lauderdale, FL 33334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kaiser Aluminum & Chemical Corporation of Oakland, CA.

MC 150189 (Sub-5), filed November 30, 1981. Applicant: R. G. BERRY, P.O. Box 8, Shawneetown, IL 62984. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Rainbow Products, Inc. of Clearwater, FL.

MC 150339 (Sub-41), filed November 30, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting (1) *chemicals and related products*, and (2) *metal products*, between points in the U.S., under continuing contract(s) with Hammond Lead Products, Inc., of Hammond, IN.

MC 155998 (Sub-2), filed November 30, 1981. Applicant: J & M TOURS, 5910 Karjala Rd., Aberdeen, WA 98520. Representative: Cliff Jako (same address as applicant), 206–532–6723. To operate as a *broker* at Aberdeen, WA in arranging the transportation of *passengers and their baggage* in the same vehicle with passengers, beginning and ending at Aberdeen, WA and extending to Reno, NV.

MC 158069, filed November 30, 1981. Applicant: DUPRE TRANSPORT, INC., 166 West Bellvue St., Opelousas, LA 70580. Representative: David J. Halpern, 3636 North Causeway, Suite 100, Metarie, LA 70002, 504–835–6705. Transporting *petroleum products*, between points in Jefferson Davis Parish, LA, on the one hand, and, on the other, points in TX and MS.

MC 158948 (Sub-1), filed November 30, 1981. Applicant: WILLIAM O. COLLIC, SR., d.b.a. M & W ENTERPRISES, 509 Laurel Avenue, Bridgeport, CT 06605. Representative: William O. Collic, Sr. (same address as applicant), (203) 334–8905. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Eastern Foam Systems, Inc., of Bridgeport, CT.

MC 159438, filed November 24, 1981. Applicant: FREIGHT EXPRESS, INC.,

1511 Lakeside Ave., Cleveland, OH 44115. Representative: Walter L. Stiegele, 7022 Edgecliff Dr., Parma, OH 44134, 216–842–3217. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Cuyahoga, Summit, and Loraine Counties, OH on the one hand, and, on the other, points in MI, IN, IL, KY, PA, and NY.

MC 159468, filed November 27, 1981. Applicant: BARBARA B. SMITH, d.b.a. DELAWARE DIVERSIONS, 2908 Mattahoon Road, Wilmington, DE 19808. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. To operate as a *broker* at Wilmington, DE, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in New Castle County, DE, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35774 Filed 12–14–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Senior Executive Service

December 10, 1981.

On or about December 31, 1981 the Agency for International Development will issue performance pay bonuses to career members of its Senior Executive Service.

Jan Barrow,

Executive Secretary, Performance Review Board, Agency for International Development.

[FR Doc. 81–35797 Filed 12–14–81; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action to Enjoin Discharge of Air Pollutants at Chromium Mining and Smelting Corp., in Memphis, Tenn.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, Notice is hereby given that a proposed consent decree in *United States* v. *Chromium Mining and Smelting Corp.* (Chromasco), Civil Action No. 80–2174W has been lodged with the District Court for the Western District of Tennessee.

The proposed consent decree requires Chromasco to achieve compliance with the Tennessee SIP regulations on visible and particulate emissions within 60 days after startup of each of the four involved furnaces at its ferroalloy manufacturing plant in Shelby County, Tenn. Chromasco will also pay a penalty of $40,000. In addition, Chromasco was required to install a bag house collector at the tapping stations for the four involved furnaces. The decree sets forth stipulated penalties for every day that any source emission point fails to achieve and maintain compliance beyond the applicable dates, and for violations of reporting requirements. The decree also contains testing procedures and reporting requirements.

The proposed consent decree may be examined at the Office of the United States Attorney, Western District of Tennessee, 1026 Federal Office Bldg., Memphis, Tennessee 38103; at the Region IV office of the Environmental Protection Agency, Enforcement Division, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, 10th and Pennsylvania Avenue, NW, Washington, D.C. 20530. The Department of Justice will receive written comments relating to the proposed consent decree. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Chromium Mining and Smelting Corp.*, Civil Action No. 80–2174W, D.J. Reference No. 90–5–2–1–269. In requesting a copy, please enclose a check or money order in the amount of $1.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–35759 Filed 12–14–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Steering Subcommittee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: January 5, 1982, 10:00 a.m., N3437 A&B, Frances Perkins, Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information contact:

Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, *Phone:* (202) 523–6565.

December 8, 1981.

Signed at Washington, D.C. this 8th day of December 1981

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 81–35812 Filed 12–14–81; 8:45 am]

BILLING CODE 4510–23–M

Occupational Safety and Health Administration

Maryland State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated March 4, 1981 from Commissioner Harvey A. Epstein, Maryland Division of Labor & Industry to David H. Rhone, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to (1) 29 CFR 1910.423 pertaining to amendments and corrections to Commercial Diving Operations as published in the **Federal Register** (45 FR 41634) dated June 20, 1980 and (2) 29 CFR 1910.20; 29 CFR

1910. 440(b)(2) and (b)(4); 29 CFR 1910.1001(i)(2) and (j)(6)(ii); 29 CFR 1910.1003(g)(2)(ii); 29 CFR 1910.1004(g)(2)(ii); 29 CFR 1910.1006(g)(2)(ii); 29 CFR 1910.1007(g)(2)(ii); 29 CFR 1910.1008(g)(2)(ii); 29 CFR 1910.1009(g)(2)(ii); 29 CFR 1910.1010(g)(2)(ii); 29 CFR 1910.1011(g)(2)(ii); 29 CFR 1910.1012(g)(2)(ii); 29 CFR 1910.1013(g)(2)(ii); 29 CFR 1910.1014(g)(2)(ii); 29 CFR 1910.1015(g)(2)(ii); 29 CFR 1910.1016(g)(2)(ii); 29 CFR 1910.1017(m)(2), (m)(3), (m)(4), (m)(5) and (m)(5); 29 CFR 1910.1018(q)(3)(ii), (q)(3)(iii), (q)(4)(iv), and Appendix A Section VIII; 29 CFR 1910.1025(n)(4)(ii), (n)(4)(iii), and (n)(5)(iv); 29 CFR 1910.1028(l)(3)(ii), (l)(3)(ii), (l)(3)(iv), (l)(4)(iv) and Appendix A Section VII; 29 CFR 1910.1029(m)(3)(ii), (m)(3)(iii), (m)(3)(iv), and (m)(4)(iv); 29 CFR 1910.1043(k)(3)(ii), (k)(3)(iii), (k)(3)(iv), and (k)(4)(iv); 29 CFR 1910.1044(p)(3)(ii), (p)(3)(iii), (p)(3)(iv), and (p)(4)(iv); 29 CFR 1910.1045(q)(4)(ii), (q)(4)(iii), (q)(5)(iv), and Appendix A Section VI, D; 29 CFR 1910.1046(h)(2)(ii) and (h)(3)(iv) pertaining to Access to Employee Exposure and Medical Records as published in the **Federal Register** (45 FR 35281) dated May 23, 1980. These standards, which are contained in COMAR 09.12.31 Maryland Occupational Safety and Health Standards, were promulgated after public hearings on December 26, 1980 pursuant to Article 41, § 25F(E), Annotated Code of Maryland and effective February 20, 1981.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, PA 19104; Office of the Commissioner of Labor and Industry, 203 East Baltimore Street, Baltimore, MD 21202; and the Office of State Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3619, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

(1) The standards are identical to the Federal standards which were promulgated in accordance with Federal Law including meeting requirements for public participation.

(2) The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective December 15, 1981.

[Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, Pennsylvania the 13th day of July 1981.

David H. Rhone,

Regional Administrator.

[FR Doc. 81–35813 Filed 12–14–81: 8:45 am]

BILLING CODE 4510–26–M

Maryland State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated September 23 and 24, 1980 from Commissioner Harvey A. Epstein, Maryland Division of Labor & Industry to David H. Rhone, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to (1) 29 CFR 1910.177 pertaining to servicing Multi-Piece Rim Wheels as published in the **Federal Register** (45 FR 6713–6717) dated January 29, 1980, and (2) 29 CFR 1910. 19(f), 29 CFR 1910.1043, and an amendment to 29 CFR 1910.1000 pertaining to Occupational Exposure to Cotton Dust as published in the **Federal Register** (43 FR 27394) dated June 23, 1978. These standards, which are contained in COMAR 09.12.31 Maryland Occupational Safety and Health Standards, were promulgated after public hearings on June 4, and July 23, 1980 pursuant to Article 41, § 25F(e), Annotated Code of Maryland and effective August 22, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 22100, Philadelphia, PA 19104; Office of the Commissioner of Labor and Industry, 203 East Baltimore Street, Baltimore, MD 21202; and the Office of State Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3619, Third Street and Constitution Avenue, N.W. Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective December 15, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667)

Signed at Philadelphia, PA this 2nd day of March 1981.

David H. Rhone,

Regional Administrator.

[FR Doc. 81-35814 Filed 12-14-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-118; Exemption Application No. D-2591]

Exemption From the Prohibitions for Certain Transactions Involving the Charles O. Bruce, Jr., M.D., P.S.C. Pension Trust Located in Louisville, KY

AGENCY: Department of Labor, P & WBP.

ACTION: Grant of individual exemption.

SUMMARY: This exemption will permit the sale of an improved parcel of property (the Property) by the Charles O. Bruce, Jr., M.D., P.S.C. Pension Trust (the Plan) to Dr. Charles O. Bruce, Jr. (Dr. Bruce), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 20, 1981, notice was published in the **Federal Register** (46 FR 51502) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to all interested persons in compliance with the requirements set forth in the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(f) of the Code

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (B)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the Property by the Plan to Dr. Bruce for $50,000 provided that this amount is not less than the fair market value of the Property on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 9th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35801 Filed 12-14-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2748]

Proposed Exemption for Certain Transactions Involving the Chemical Distributors, Inc. Employee Stock Bonus Plan Located in Phoenix, Arizona

AGENCY: Department of Labor, P&WBP.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of the assets of Chemical Distributors, Inc. (the Employer) to Early California Industries, Inc. (ECI) through the assumption of all of the liabilities of the Employer and additional consideration of $7,420,000. The additional consideration consists of cash and installment obligations and includes an extension of credit by the Chemical Distributors, Inc. Employee

Stock Bonus Plan (the Plan) to ECI, a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Plan, the Employer, ECI, and any other parties participating in the transactions.

EFFECTIVE DATE: If granted, the exemption will be effective April 20, 1981.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 29, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2748. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by ECI, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is an employee stock bonus and savings plan with 117 participants. The Plan's assets consist entirely of 714,812 shares of common stock of the Employer (the Stock) which constitutes, as of March 13, 1981, approximately 46% of the total number of shares outstanding. The Plan is administered by an administrative committee consisting of three shareholders and employees of the Employer, Messrs. Lewis Dillon, Paul Rydin and Terry Brinson. The trustee of the Plan is the Valley National Bank of Arizona (the Bank). The Bank maintains a commercial banking relationship with the Employer.

2. The Employer is an employee-owned corporation engaged in the manufacture and distribution of agricultural chemicals and related products. The Employer was incorporated under Arizona law in 1979 when it acquired with employee funds and a loan, all of the assets of a California corporation also called Chemical Distributors, Inc. All of the outstanding shares of Stock are employee owned or owned by the Plan. None of the shares were registered under the Securities Act of 1933, as amended, or the Arizona Securities Act, but were issued predicated upon an exemption from registration under these Acts. Therefore, none of the shares are freely marketable or transferable. As of December 31, 1980, the net worth of the Employer was $2,524,821 equal to $1.64 per share on the 1,541,662 shares then outstanding. As of March 13, 1981, officers and directors of the Employer collectively owned directly 253,015 shares of Stock and 109,193 shares of Stock through the Plan. This amount constitutes approximately 27 percent of the total shares of Stock outstanding.

3. On March 2, 1981, an Agreement for Purchase of Assets was proposed (the Agreement) whereby all of the assets of the Employer would be purchased by ECI through the assumption of the Employer's liabilities and the payment of $7,420,000. ECI is a publicly held corporation engaged primarily in the food processing business. For its fiscal year ended March 31, 1981, ECI had approximately $2.2 milion net income on sales of $190,495,000. As of March 31, 1981, ECI's net worth was $27,576,000.

4. On April 20, 1981 a meeting of the shareholders of the Employer was held to consider the proposed purchase by ECI. Shareholders of record on March 13, 1981 were entitled to vote. At that meeting 99.87 percent of the total outstanding shares, including all of the shares held by officers, directors and the trustee of the Plan were voted in favor of the proposed purchase. There were no votes cast against the proposed transaction. The Bank had solicited the proxies of Plan participants. The Bank as trustee of the Plan voted all of the shares held by the Plan in favor of the transaction based upon the Bank's receipt of 710,132 favorable votes with no negative votes. The purchase was completed on June 3, 1981 on receipt of a favorable determination as to the fairness of the terms and conditions of the transaction by the California Corporation Commissioner.

5. The Agreement provides that of the payment of $7,420,000, $1,634,173 is payable in cash at closing, $784,403 is payable in four quarterly installments of $196,000 during the year following the sale and $5,001,423 plus interest at the rate of 11.788 percent per annum is payable starting 15 months after the sale in 32 equal quarterly installments of principal and interest. The payment of $7,420,000 amounts to $4.54 for each of the total shares of Stock outstanding as of June 3, 1981. An independent appraiser determined that, as of December 31, 1979, the Stock had a value of $2.70 per share. The Stock was initially issued to the Plan for $1.00 per share in 1979 and subsequent shares were issued to the Plan in 1979 at $2.70.

6. Pursuant to the Agreement the employer has changed its name to the CD Dissolution Corporation (the Corporation). As part of the winding up and liquidation process the corporation will, within 12 months after closing, distribute its remaining assets (the obligations of ECI) to a liquidation trust (the Liquidation Trust). All of the shareholders, including the Plan, will have a beneficial interest in the Liquidation Trust in proportion to their Stock as of June 3, 1981, and will receive from the liquidation trustee the installment payments from ECI as they are paid. After turning over its assets and winding up any other necessary business the corporation will be dissolved. The Plan will retain its status as a qualified plan under section 401(a) of the Code.

7. An exemption is requested for the Plan's acceptance of ECI's offer including the extension of credit by the Plan to ECI in connection with the installment obligations. Because the participants in the Plan will be employees of Chemonics Industries, Inc., a wholly-owned subsidiary of ECI, at the time of distribution of the obligations, ECI may be considered a party in interest as described in section 3(14)(C) of the Act. Accordingly, the Plan's acceptance of ECI's offer and the extension of credit by the Plan to ECI may constitute certain prohibited transactions as described in section 406 of the Act. The applicant represents that

the participants of the Plan may incur a significant tax liability if the Plan is terminated and the installment payments pursuant to the obligations of ECI are distributed directly to the Plan participants. The Employer has amended the Plan to provide for distributions in assest other than the Stock. The applicant represents that Internal Revenue Service approval of such amendment is expected.

8. ECI has appointed the First Interstate Bank of Arizona (First Interstate) to serve as the liquidation trustee. First Interstate does not maintain any business relationship with ECI or the Employer. First Interstate will maintain complete responsibility to enforce the payment of the obligations and to enforce, settle or compromise any claims which may arise between ECI and beneficiaries of the obligations.

9. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act because (a) the trustee of the Plan voted in favor of the Agreement based upon the receipt of proxies from Plan participants; (b) the Plan will receive for its stock the same consideration as all of the other shareholders, including officers and directors of the Employer; (c) the California Corporation Commissioner issued a favorable determination as to the fairness of the terms and conditions of the transactions; and (d) an independent party, first Interstate, will maintain complete responsibility to enforce the payment of the obligations of ECI.

Notice to Interested Persons

On or before December 28, 1981 notice will be provided to all participants of the Plan who are currently employed by the Employer on a bulletin board at the Employer's principal location. Other participants not currently in the employ of the Employer will be provided notice by first class mail. Such notice will include a copy of the notice of pendency as published in the **Federal Register** and contain a statement informing interested persons of their rights to comment on or request a hearing with regard to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan soley in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedures 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale of the assets of the Employer of ECI through the assumption of all of the liabilities of the Employer and the additional consideration of $7,420,000 including the extension of credit by the Plan to ECI provided that the terms of the transaction are at least as favorable to the Plan as those the Plan would have received in a transaction with an unrelated party at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 8th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-35803 Filed 12-14-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-117; Exemption, Application Nos. D-2323 and D-2324]

Exemption From the Prohibitions for Certain Transactions Involving Nathan Shlim, M.D., P.C., Amended and Restated Money Purchase Pension Plan and Nathan Shlim, M.D., P.C., Defined Benefit Pension Plan Located in Portland, Oreg.

AGENCY: Department of Labor, P & WBP.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the proposed sale of an interest in a joint venture by the Nathan Shlim, M.D., P.C. Amended and Restated Money Purchase Pension Plan and Nathan Shlim, M.D., P.C. Defined Benefit Pension Plan (the Plans) to Dr. Nathan Shlim (Dr. Shlim), the administrator and trustee of the Plans and therefore a disqualified person with respect to the Plans.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52458) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed by legal counsel for Nathan Shlim, M.D., P.C. (the Employer). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. Since Dr. Shlim is the only participant in the Plans and the sole stockholder of the Employer, it was determined that there was no need to distribute the notice of pendency to interested persons. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including satutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of the Plans' interest in the joint venture to Dr. Shlim for $99,600, provided in that the terms of sale are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 9th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35902 Filed 12–14–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–119; Exemption Application Nos. D–2610 and D–2611]

Exemption From the Prohibitions for Certain Transactions Involving the PACO, Inc. Profit Sharing Plan and PACO, Inc. Money Purchase Pension Plan Located in Minneapolis, Minnesota

AGENCY: Department of Labor, P & WBP.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit, for a period of five years, (1) the sale or contribution to PACO, Inc. Profit Sharing Plan and PACO, Inc. Money Purchase Plan (the Plans) of ten (10) contracts for deed (the Contracts) by PACO, Inc. (PACO), the sponsor of the Plans; and (2) the assignment to the Plans by PACO of mortgages (the Mortgages) on the real property subject to the Contracts. Because Gerald W. Paschke and his wife Rosemary Paschke are the sole owners of PACO and the only participants in the Plans, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code (the Code).

Temporary Nature of Exemption

This exemption is temporary and will expire five years after the date of grant.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 30, 1981, notice was published in the **Federal Register** (46 FR 53811) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, for a period of five years, to the contribution or sale of the Contracts (including the assigment of the Mortgages) to the Plans by PACO provided that the sales price of each Contract sold to the Plans is not in excess of its fair market value at the time of sale and that each Contract contributed to the Plans is valued at its fair market value on the date contributed.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 9th day of December, 1981

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–35800 Filed 12–14–81; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Provisional Operating License No. DPR–20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications which specify new limits for radial peaking factors and allowable linear heat rates as well as identify excore detectors for use in core power distribution monitoring.

The application for the amendment complies with the standard and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1981 and supplements thereto dated August 6, 1981, October 22, 1981, November 9, 17, 20, 1981 and December 2, 1981, (2) Amendment No. 68 to License No. DPR–20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of December, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–35809 Filed 12–14–81; 8:45 am]

BILLING CODE 7590–01–M

Issuance of Draft NUREG–0818 for Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance of Draft NUREG–0818 for Comment.

SUMMARY: The Comission's emergency planning regulation, which became effective on November 1, 1980, requires NRC licensees to include in their emergency plans standard emergency classification and action level schemes which correspond to the levels of emergencies discussed in Appendix 1 to NUREG–0654, Rev. 1. The NRC is publishing for comment draft NUREG–0818, "Emergency Action Levels for Light Water Reactors" which analyzes proposed emergency action levels (EALs) for a typical PWR and a typical BWR. The NUREG also proposes generic EALs for the more significant initiating conditions that should prove useful in reviewing the EALs developed specifically for each nuclear power reactor. The NUREG also analyzes five recent nuclear incidents to determine what the effect the new emergency plans required by NUREG–0654 would have had on the course of events following the incidents.

DATE: Comment period expires Febuary 12, 1982.

ADDRESS: Written comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Steve L. Ramos, Chief, Emergency Preparedness Development Branch, Division of Emergency Preparedness,

Office of Inspection and Enforcement, (301) 492–9602.

SUPPLEMENTARY INFORMATION: On August 19, 1980, the Commission published its final regulations on emergency planning (45 FR 55402–55413). One of the standards for onsite and offsite emergency plans is "A standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee, and State and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures," the basis for emergency action levels and the establishment of the four classes of EALs are described in Appendix 1 to NUREG–0654, Rev. 1* (this description was originally published by the Commission in NUREG–0610).

The purposes of the proposed NUREG are: (1) to develop generic EALs for more significant initiating conditions for application to the reviews of PWR and BWR EALs; and (2) to determine what effect the new emergency plans would have had on the course of events in five recent nuclear incidents at four reactor sites. The Commission is soliciting comments on the draft NUREG and is particularly interested in comments on the generic EALs and how they can be applied to all PWRs and BWRs.

Dated at Bethesda, Maryland, this 9th day of December, 1981.

Steve L. Ramos,

Chief, Emergency Preparedness Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement.

[FR Doc. 81–35810 Filed 12–14–81; 8:45 am]

BILLING CODE 7590–01–M

*Copies of the NUREG documents cited in this notice are available for a small cost from the NRC/GPO Sales Office, Washington, D.C. 20555 (301) 492–9530.

State of Texas; Staff Assessment of Proposed Amended Agreement

Note.—This document was originally published in the issue of December 8, 1981. It is reprinted at the request of the NRC.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Texas.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing section 274b. agreement between NRC and the State of Texas which became effective March 1, 1963. The request dated November, 6, 1981 from Governor Clements of the State of Texas, if approved, would permit Texas to regulate byproduct material as defined in section 11e(2) of the Atomic Energy Act, as amended, (uranium mill tailings) in conformance with the requirements of section 2740. of the Atomic Energy Act of 1954, as amended.

A staff asessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Texas including a narrative describing the State's proposed program for control over byproduct materials as defined in section 11e.(2) of the Act, appropriate State legislation, and Texas regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW. Washington, DC.

DATE: Comments must be received on or before January 7, 1982.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, DC 20555. Phone: (301) 492–9886.

SUPPLEMENTARY INFORMATION:

Assessment of Proposed Texas Program to Regulate Byproduct Material as Defined in section 11e.(2) of the Act, based on Criteria 29–36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreements," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements of section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor William P. Clements, Jr. of the State of Texas has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings. His request was supported by a description of the State's program for control of uranium mills and mill tailings.

The State has 19 active licensees who process ore primarily for its source material content including two conventional uranium mills, 15 in-situ mining operations, and 2 smaller uranium recovery operations. Texas has also received four applications, one for a conventional mill and three for in-situ mining operations. No in-situ mining and recovery facility licensed by the State is authorized to establish a permanent tailings disposal area.

II. Assessment of Proposed State of Texas Radiation Control Program for Uranium Mills and Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licensed activities.

[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

The Texas Radiation Control Act, as amended by Senate Bills 480 and 735, includes the legislative provisions required by the UMTRCA of 1978 and provide satisfactory statutory authority for the State of Texas to implement the requirements of UMTRCA of 1978.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary, incorporate regulatory language which is equivalent, to the extent practicable, or more stringent than regulations and standards adopted and enforced by the Commission, as required by section 274o. (See 10 CFR Part 40, Appendix A and 10 CFR 150.31(b).)

On September 19, 1981, the Texas Board of Health adopted amendments to Parts 21, 41, and 43 of the *Texas Regulations for Control of Radiation* relating to the licensing and regulation of uranium mill tailings. Part 43 regulations address: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, inspection procedures, surety arrangements, requirements for site ownership, and criteria for decontamination, decommissioning, and reclamation of facilities following license expiration. The rules became effective on October 3, 1981. In the narrative section of the formal proposal, several statements describe how certain rules are to be implemented. It is the staff's opinion that these rules, in conjunction with the statements made in the narrative, are, to the maximum extent practicable, equivalent to the regulations promulgated and enforced by NRC.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

a. Charts should be developed which show the management organization and lines of authority. This chart should define the specific lines of supervision from program management within the radiation control group and any other department within the State responsible for contributing to the regulation of uranium processing and disposal of tailings. When other State agencies or regional offices are utilized, the lines of communication and administrative control between other agencies and/or regions and the Program Director should be clearly drawn.

Organizational charts outlining the Texas Department of Health, the Bureau of Radiation Control (BRC), and divisions within the Bureau of Radiation Control have been included in the proposal. The BRC is organized into three operational divisions: The Division of Licensing, Registration, and Standards (LRS), the Division of Compliance and Inspection (CI), and the Division of Environmental Programs (EP). Each division is subdivided into Branch Offices. Regional office staff are included in the Division of Compliance and Inspection.

All other functions of the uranium mill regulatory program will be conducted by the Bureau's office located in Austin, Texas.

b. Those States that will utilize personnel from other State Departments or Federal agencies in preparing the environmental assessment should designate a lead agency for supervising and coordinating preparation of this environmental assessment. It is normally expected that the radiation control agency in Agreement States will be the lead agency. The basic premise is that the lead agency is required to prepare the environmental assessment.

The Uranium Program within the Industrial Operations Branch, Division of LRS, is responsible for the evaluation of all applications for uranium recovery facility licenses received by the Bureau. Included are the preparation of the in-plant safety analysis reports and licensing documents.

The Standards Branch is responsible for developing and coordinating adoption of rules, regulatory guides, and license application guides related to uranium recovery facilities. This Branch also works with the Legal Division in coordinating all public notices and public hearings.

It is not anticipated that staff from other State agencies will be directly utilized in the preparation of environmental assessments nor in the licensing and inspection of uranium recovery facilities. However, three State agencies do work closely with the Bureau of Radiation Control by providing reference materials, and supplying review and comments on the applicant's environmental report, and the environmental assessment. These are the Texas Air Control Board (emission of non-radioactive pollutants into air), the Texas Department of Water Resources (emission of non-radioactive pollutants into water, aquifers, and wells used for in situ mining), and the Texas Railroad Commission (regulation of open pit mining and uranium exploration).

c. When a lead agency is designated, that agency should coordinate preparation of the statement. The other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant in obtaining assistance from other agencies include the applicable statutory authority, the time sequence in which the agencies become involved, the magnitude of their involvement, and relative expertise with respect to the project's environmental effects.

The Texas Department of Health is the agency which will prepare the environmental assessment. The Environmental Assessment Branch is responsible for the evaluation, analysis, coordination, and preparation of environmental assessments issued by the Bureau of Radiation Control. This Branch has persons with expertise in geology, hydrology, soil mechanics, meteorology, zoology, botany, computer science, chemistry, physics, radiation protection and dose assessment. This Environmental Assessment Branch's effort may be augmented with other Bureau personnel on a case-by-case basis, if needed.

In preparing the environmental assessment, the Division of Environmental Programs will conduct site visits, evaluate computer analyses, perform literature reviews, coordinate laboratory analysis of environmental samples, and perform field evaluations. A draft environmental assesment is prepared.

Similarly, the Division of Compliance and Inspection furnishes the Division of Licensing, Registration, and standards with recommendations concerning potential problem areas within the proposed facility. After the LRS considers all recommendations, an independent safety evaluation report is prepared. Following completion of the draft environmental assessment and the draft in-plant analysis, both documents are reviewed internally by Bureau Staff and the Legal Division taking into account comments, information, and data received from other State agencies. Final documents are then prepared. A flowchart has also been included in the proposal which describes coordination with the Department for processing uranium mill license applications.

d. For those areas in the environmental assessment where the State cannot identify a State agency having sufficient expertise to adequately evaluate the proposal or prepare an assessment, the State should have provisions for obtaining outside consulting services.

Due to the establishment of adequate expertise and resources in the Bureau of Radiation Control, it is not anticipated the Bureau will need consultants. However, monies are available for

consultants if they are needed for evaluating any particular site or project.

Medical consultants recognized for their expertise in emergency medical matters relating to the intake of uranium and its diagnosis thereof associated with uranium mining and milling, should be identified and available to the State for advice and direct assistance.

Physician members of the Radiation Advisory Board serve as medical consultants to provide advice and direct assistance in emergency medical matters relating to radiation exposure including uranium intake.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to met the requirements of UMTRCA, current indications are that 2–2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of 1/2 staff-year. In addition, consideration must be given to such post-licenisng activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

a. We estimate the total professional and technical staff-years effort within the Bureau of Radiation Control directly responsible for regulation of uranium mills and mill tailings to be equivalent to 27 full-time staff members. A breakdown of professional personnel in each of the three Divisions has been provided along with job descriptions and duties for each position (including vacancies). Resumes describing the education, training, and experience of individual staff members were also submitted.

Details of staffing levels in each of the Bureau's three divisions are as follows:

(1) Division of Licensing, Registration and Standards. The organization of the Division of Licensing, Registration, and Standards, and the personnel assigned to each section within the division have been identified. Seven of eight professional positions having full-time or part-time responsibilities for regulation of uranium mills have been filled. These include two in the Industrial Operations Branch, two in the Uranium Program, one authorized but vacant position in the low-level waste program, and three in the Standards Branch.

(2) Division of Compliance and Inspection. The Division of Compliance and Inspection is organized into three Inspection and Enforcement Branches: Radioactive Materials, X-Ray/non-ionizing radiation, and Emergency Response. The Uranium Inspection Program and the Regional Inspection Programs are the two programs within the Radioactive Materials Inspection and Enforcement Branch responsible for conducting inspections at uranium mills. Currently, there are nine professional full-time staff members assigned to perform uranium mill compliance functions. The three members from the Uranium Inspection Program are responsible for performing on-site inspections. Inspectors from the Regional Inspection Program who are assigned to the regions in which certain uranium recovery facilities are located assist the three members during inspections of tailings areas and the environment. Also included in the uranium mill compliance program are three staff members from the Emergency Response Branch, an Administrator, and a Division Director.

(3) Division of Environmental Programs. Two branches in the Division of Environmental Programs are directly responsible for environmental monitoring and sampling at uranium mills. The Facility Surveillance Branch is responsible for implementation of the environmental surveillance program around milling facilities. There are three qualified staff members in this Branch. The basic functions of the Environmental Assessment Branch is to coordinate and prepare the environmental assessment. Personnel in this Branch have expertise in the areas of geology, hydrology, soil mechanics, meterology, computer science, radiation health, and dose assessments. A breakdown by program and associated personnel directly involved in preparation of an environmental assessment are: the Ecological Evaluations Program (3 members), the Hydrological and Geotechnical Program (2 members), and the Engineering Program (3 members). Directly supporting the Bureau and coordinating with the Division of Environmental Programs is the Bureau of Laboratories which provides five full-time environmental chemists (radiochemists) to process environmental samples.

b. Legal, Clerical, and Secretarial Support. Three full-time attorneys and two legal secretaries in the Environmental Law Branch of the Texas Department of Health's Legal Division are assigned to the Bureau of Radiation Control. They are responsible for providing legal assistance and advice on laws and regulations, issuance of public notices, and conducting public hearings.

c. Administrative Support. Senate Bills 480 and 375 established an 18-member Radiation Advisory Board whose members are appointed by the Governor. The Board acts in an oversight capacity to the Bureau to review and evaluate State policy relating to radiation sources. It also provides technical advice on matters related to regulation of sources of radiation. Within the Bureau, each division is staffed by at least one full-time individual who is responsible for administrative functions. In addition, programs in the Office of Information, Education, and Administration also provide administrative support to the Radiation Control Bureau in the following areas: public information, coordination of training for Bureau staff, maintaining license registration files, and procurement of equipment and supplies. Assisting the Bureau in maintaining the budget and in collection of surety arrangements for uranium mills (required by regulation) is the Financial Analysis Program.

5. Functions to be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Evaluation of an application for a uranium milling license is performed against appropriate State statutory and regulatory authority, and licensing guides. A list of NRC and State regulatory guides utilized in evaluating license applications has been furnished. The in-plant safety analysis and review of the applicant's enviromental report are performed concurrently.

In regard to the in-plant safety review, the Compliance and Inspection Division conducts a preliminary evaluation of the applicant's proposed facility, equipment, administrative procedures, radiation safety program, environmental monitoring program, and emergency procedures. Findings are then forwarded to the Division of Licensing, Registration and Standards for consideration in the safety analysis report.

A procedural flow diagram for processing the environmental report

including interdivision coordination has been furnished. If the findings of the preliminary review are adequate, copies of the report are forwarded to outside State agencies for review and comment. At the same time, the Division of Environmental Programs initiates preparation of the environmental assessment pursuant to the requirements of UMTRCA and State regulation utilizing appropriate licensing guides.

Inspections of all byproduct material licensees are conducted by Texas in accordance with general inspection procedures. These procedures, which are common to all routine inspections, have been supplemented by instructions specific to inspections at mills.

Compliance and Inspection Division policy is to perform unannounced inspections. The functions of all State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. For uranium mill compliance functions, inspectors assigned to the uranium inspection program, in cooperation with regional inspectors, are required to review and evaluate all aspects of mill operations and tailings control. During these inspections, personnel utilize standard inspection forms supplemented by NRC inspection guides. Copies of forms and guides have been furnished with the proposal. The frequency for conducting on-site uranium mill inspections is on an annual basis.

An environmental sampling program which includes obtaining samples of groundwater, surface water, vegetation, soil, air, and processing of thermoluminescent dosimeters (TLD) is also conducted by the uranium mill inspectors on a quarter basis. Results of inspection findings are submitted to the supervisory staff for appropriate technical consultation and review.

Section 274o.(3)(c) of the Atomic Energy Act requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections 4 and 11A. of the Texas Radiation Control Act, as amended, indicate that the Texas Radiation Control Agency will act as lead agency to independently prepare the environmental impact statement (EIS). Procedural requirements specific to preparing, coordination, organizing, and completing the EIS and issuance of specific licenses for uranium milling operations are contained either in the Act or recently adopted Part 43 of the Texas regulations.

As a supplement to the reporting requirements required by regulations or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

As previously noted, the Facility Surveillance Branch is responsible for designing and implementing a routine environmental surveillance program around each uranium recovery facility and conducting any special environmental surveillance project that may be needed. This Branch is also responsible for the operation of an environmental TLD monitoring system and verification of the licensee's environmental monitoring data. Dose assessments have been made at both conventional mills through utilization of computer models. The State's confirmation of radiation doses to nearest receptors from the conventional mills are determined to be within the limits of 40 CFR Part 190. Due to the absence of yellowcake dryer circuits, environmental doses may be considered to be negligible from in-situ uranium recovery operations.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Bureau of Radiation Control has utilized a portion of funds authorized under its UMTRCA grant to purcahse field equipment for monitoring and surveillance purposes. The list submitted in the proposal shows radiation detection instruments and environmental sampling capability of equipment available at the Bureau's headquarters and regional offices. A separate list of instruments each inspector uses in the field to conduct radiation surveys for identification of alpha, beta and gamma emitting isotopes, and equipment for sampling environmental media in and around milling facilities has also been included. Essential equipment has been duplicated and ensures full-time availability of appropriate instrumentation and equipment for inspection purposes. Detection capabilities of equipment include identification and analysis of alpha, beta and gamma emitters in the uranium decay chain (including Pb–210, Rn–222, RA–226, Th–230, and U–238) in solids, liquids, and gases. Commonly analyzed sample media includes smear samples, soil, water, vegetation, milk, and filter media.

All radiation instrumentation is calibrated within the Bureau according to written procedures. Standard radiation sources traceable to the U.S. National Bureau of Standards are used for calibration. In addition to internal quality control/quality assurance procedures, the Bureau of Laboratories also participates in the U.N. Environmental Protection Agency's Inter-Laboratory Quality Assurance Program.

Supplementing the radiochemical analyses, the Bureau of Laboratories can also provide standard chemical analysis for trace elements, inorganics, organics, etc. As the primary laboratory for water analysis under contract from the Texas Department of Water Resources, the Bureau of Laboratories conducts analyses of all water samples for the State required under U.S. Environmental Protection Agency regulations.

7. Conclusion

Based upon the foregoing, the NRC staff concludes that the State of Texas has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Texas for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[1] (herinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of January 10, 1963) with the State of Texas under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on March 1, 1963, and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new

[1] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are not carried out by the Nuclear Regulatory Commission as of January 19, 1975.

requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, Therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of January 10, 1963, is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of January 10, 1963, is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of January 10, 1963, is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of January 10, 1963, is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of January 10, 1963, is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation of long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall become effective .

Done at Austin, State of Texas, in triplicate, this day of 198 .

For the State of Texas.

William P. Clements, Jr.,

Governor.

Done at Washington, District of Columbia, in triplicate, this day of 198 .

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 2nd day of December, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-35079 Filed 12-7-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12088; 812-4766]

C.C.B., Inc.; Filing of Application

December 9, 1981.

In the matter of C.C.B., Inc., c/o Central Bank of Denver, 1515 Arapahoe Street, P.O. Box 5548, T.A., Denver, Colorado 80292 (812-4766).

Notice is hereby given that C.C.B., Inc. ("Applicant"), a Colorado corporation, filed an application on November 17, 1980, and amendments thereto on May 1, 1981, and June 26, 1981 for an order of the Commission pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act") declaring that Applicant is not an investment company within the meaning of the Act, or, alternatively, for an order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was formed for the purpose of serving as the sole general partner of Central Colorado Company (a Colorado limited partnership) (the "Partnership"), which, in turn, was organized for the purpose of acquiring 100 percent of the capital stock of Central Bancorporation Inc. ("Central Bancorporation"), a bank holding company which is primarily engaged in the business of operating twelve commercial banks (the "Banks") located in Colorado. Applicant further states that Central Bancorporation also owns all of the stock of several bank real estate companies, an agricultural credit company, and an industrial bank chartered under Colorado law in 1980 ("Bank-Related Companies").

According to the application, the formation of Applicant and the Partnership and the acquisition of Central Bancorporation by the Partnership was carried out pursuant to a divestiture plan ("Plan") of D.H. Baldwin Company ("Baldwin"). Applicant states that the Plan was developed by Baldwin and its corporate parent, Baldwin-United Corporation ("Baldwin-United"), in order to satisfy the requirements of the Bank Holding company Act of 1956, as amended ("Bank Holding Company Act"), and a commitment by Baldwin to the Board of Governors of the Federal Reserve System that it would divest itself of the Banks on or before December 31, 1980. Applicant further states that prior to the divestiture of the Banks, Baldwin-United and Baldwin, its 90 percent owned subsidiary, were bank holding companies subject to the Bank Holding Company Act. According to the application, in order to comply with the 1970 amendments to the Bank Holding Company Act, Baldwin was required to choose between divesting itself of either the Banks or its non-banking subsidiaries.

Applicant states that in order to accomplish the divestiture the Plan provided for the sale by the Applicant of 220,000 shares of its common stock for an aggregate price of $3,300,000 to its directors and proposed directors and to employees of the Banks during December, 1980, pursuant to a public offering made under the Securities Act of 1933. In addition, the Applicant reserved 20,000 shares of its common stock for sale to three individuals who became directors of the Applicant in May, 1981, for an aggregate price of $330,000. According to the application, the Plan also provides for the sale by Baldwin-United to a group of institutional and individual investors ("Investors") of $180,000,000 in Series A, Series B–1 and Series B–2 senior debentures with warrants attached pursuant to a private placement during 1981. $40,000,000 of the debentures remain unsold but will be sold prior to the end of 1981. In addition, the Plan provided for the purchase of 4.8 million units of a Class 1 limited partnership interest of the Partnership by the Investors for an aggregate price of $4,800,000. Applicant states that each Investor purchased a minimum of $1 million in debentures and the Class 1 limited partnership interest. According to the application, the Plan provided for the capitalization of the Partnership through (i) contribution by Applicant of substantially all the proceeds of its common stock offering in exchange for the sole general partnership interest; (ii) the sale of $4.8 million of the Class 1 limited partnership interests to the Investors; and (iii) the contribution by Baldwin of the stock of Central Bancorporation owned by it in exchange for Class 2 limited partnership interest in the Partnership. Applicant states that the value of the Central Bancorporation stock owned by Baldwin was approximately $101,000,000. Applicant further states that the Class1 limited partners under the Uniform Limited Partnership Act of Colorado but that the Class 2 limited partnership interest of Baldwin entitles it to receive only its proportionate share of Partnership income and distributions, to review the Partnership books and records, and to receive its proportionate distribution on dissolution.

As noted above, the Series A and Series B debentures have warrants attached. Applicant states that the Series A warrants grant the holders thereof the right to purchase, on a pro rata basis, the Class 2 limited partnership interest of Baldwin. Applicant further states that the Series B warrants give their holders the right to purchase on a pro rata basis from the Partnership new Class 1 limited partnership interests represented by Partnership units. According to the application, the Class 1 limited partnership interest issuable upon exercise of the Series B warrants may be exchanged for common stock of the Applicant and, thus, represent potential control of the Applicant. Applicant points out, however, that because of the high cost of exercising a Series B warrant it is unlikely a significant number of such warrants will be exercised.

Section 3(a)(1) of the Act defines an investment company to include any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities.

Section 3(a)(3) of the Act provides, in pertinent part, that an issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis" is an investment company.

Applicant states that the general partnership interest acquired by it could be deemed a "security" within the meaning of Section 2(a)(36) of the Act, and accordingly that it could be characterized as owning and holding those securities, and, thus, could come within the definition of an investment company contained in Sections 3(a)(1) and 3(a)(3) of the Act.

Section 3(b)(2) of the Act provides, in pertinent part, that notwithstanding the definition of investment company contained in Section 3(a)(3) of the Act, an issuer is not an investment company if the Commission, upon application by such issuer, finds and by order declares it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

Because Applicant states that the general partnership interest acquired by it may be deemed a security and thus Applicant might be deemed an investment company subject to the Act, Applicant requests an order pursuant to Section 3(b)(2) of the Act declaring that it is not an investment company. Applicant argues that substantially all its assets will be invested in the Partnership which, in turn, must have Central Bancorporation as an 80 percent-owned subsidiary at all times. Therefore, Applicant asserts that it is primarily engaged in the business of banking rather than in the business of investing, reinvesting, owning, holding or trading in securities.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant, alternatively, requests an order pursuant to section 6(c) of the Act exempting it from all provisions of the Act. Applicant asserts that it does not have the structure, functions or objectives of a traditional investment company and that therefore the application of the requirements of the Act to Applicant would be burdensome and unnecessary. Applicant further asserts that many of the potential abuses and conflicts peculiar to investment companies will not be present in its situation. In this regard Applicant states that neither it nor the Partnership will (1) receive an investment management fee; (2) employ or pay an investment adviser; (3) pay brokerage fees as a matter of course; (4)

purchase property or securities from affiliates, other than exchanging Class 1 limited partnership interests for shares of Applicant; or (5) exercise any significant investment discretion over the assets of, and investors' contributions to, Applicant or the Partnership.

Applicant notes that under the Partnership Agreement (i) substantially all of Applicant's assets will have to be invested in the general partnership interest of the Partnership, (ii) that the Partnership, in turn, must invest substantially all of its assets in Central Bancorporation, which must always remain at least an 80% owned subsidiary of the Partnership, and (iii) that Applicant cannot permit Central Bancorporation to sell or exchange the Banks for other assets except in carefully defined situations. Applicant argues that persons who have invested in the Partnership and Applicant have acquired interests in the Banks over time, and that they have received full and adequate information to enable them to evaluate the merits and risks of their investment in the Banks through the entities established under the Plan. Applicant contends that such persons have consciously invested their money in active operating companies and not delivered it to persons who offer to produce attractive returns on invested funds through discretionary management as is the case with traditional investment companies regulated by the Act. Applicant emphasizes that the investors in the Partnership are all sophisticated persons who have been required to invest a minimum of $1,000,000 in a private placement of the debentures, warrants, and Class 1 limited partnership interests. According to Applicant, those investors have received full disclosure concerning the securities in which they have invested and have had the opportunity to have such securities analyzed by their attorneys, accountants, and advisers. Applicant notes that the only other persons who have been permitted to invest in Applicant are its directors and proposed directors and the employees of the Banks, who purchased their shares pursuant to an offering registered under the Securities Act of 1933 and who invested in the business of the Banks in which they and the Partnership are actually involved.

Since the potential abuses, conflicts and misuse of investment discretion, peculiar to investment companies does not exist in Applicant's situation and since persons investing in Applicant, the Partnership, and Central Bancorporation have done so with full knowledge and acquiescence in the inter-relationships between those entities, Applicant argues that such persons do not need the protection of the Act. Applicant further contends that compliance with the provisions of the Act would produce a hardship and burden upon Applicant without producing any benefits to the investing public. Applicant finally submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all of the provisions of the Act for the reasons that (1) Applicant has no substantial investment discretion, (2) Applicant is so restricted in its activities that there will be little or no opportunity for the abuses or conflicts of interests which the Act is designed to curb, (3) the overall nature of an investment in Applicant's stock vis-a-vis the divestiture has been fully disclosed to investors in a registered offering, and (4) investors in Applicant do not need the protection afforded by the Act to investors in traditional investment companies.

Applicant has agreed that any order granted by the Commission on its application may be subject to the following conditions;

(1) Applicant will remain as the general partner of the Partnership.

(2) Applicant will engage in no business other than managing the Partnership, the operating subsidiaries thereof, and any business operation of the Partnership permitted bank holding companies under the Bank Holding Company Act.

(3) The Partnership will continue to have at least 80 percent of its assets invested in a combination of Central Bancorporation equity securities and assets used in businesses directly operated and controlled by the Partnership which are permitted bank holding companies under the Bank Holding Company Act.

(4) Central Bancorporation will continue to have a minimum of 80 percent of its voting securities owned by the Partnership.

(5) Central Bancorporation will continue to be engaged primarily in banking and bank-related businesses through majority-owned subsidiaries.

(6) Applicant will not invest in any securities other than Partnership interests, Government securities and cash.

(7) In the event federal law should ever be changed or amended to permit banks or bank holding companies to engage in the businesses permitted investment companies under the Act, Applicant will file an amendment to its application which shall be for the purpose of enabling the Commission to review Applicant's status under the new law to determine whether Applicant's exemption pursuant to Section 6(c) under the Act should be continued or terminated.

Notice is further given that any interested person may, not late than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, or fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if order) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35816 Filed 12–14–81; 8:45 am]

BILLING CODE 8010–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Investigation No. 337–TA–90; Certain Airless Paint Spray Pumps and Components Thereof

On November 4, 1981, the United States International Trade Commission (the Commission) found a violation of section 337 of the Tariff Act of 1930 in

the importation into the United States of certain airless paint spray pumps, manufactured by Larius DiCastagna and C., S.N.C., Ltd., of Lecco, Italy, which were held to infringe claims of three U.S. Letters Patent thereby causing substantial injury to an efficiently and economically operated domestic industry. An order was issued excluding the articles in question from importation into the United States.

Under section 337(g), the President may disapprove the determination of the Commission for policy reasons within sixty days of the date following receipt of the determination and record. Disapproval by the President would cause the determination and order of the Commission to be without force or effect. The President also may approve the determination expressly making it final on the date the Commission receives notice, or he may take no action, allowing the order to become final following the sixty day period provided for review.

Interested parties are invited to submit comments concerning foreign or domestic policy issues which should be considered by the President in making his decision regarding the case. Parties submitting comments regarding domestic policy issues should refer to the portion of the Commission record in which information or comment concerning that issue was presented. If no presentation of the domestic policy issue being raised was made to the Commission, the interested party should include justification for having failed to make such a presentation. The Trade Representative will be reluctant to review comments concerning domestic policy issues not included in the Commissions proceeding, absent adequate justification for the failure of the interested party to present the issue before the Commission. Because foreign policy issues are considered only during the Presidential review, interested parties need not refer to the Commission record to submit comments based upon foreign policy.

Comments submitted should not be longer than 15 double spaced, letter sized pages, including attachments. The original and 19 copies of the submission should be delivered no later than close of business Thursday, December 24, 1981, to the Secretary, Trade Policy Staff Committee, 600 17th St., NW., Washington, D.C. 20506. Interested parties may obtain copies of the comments submitted and answering comments will be accepted until the close of business Thursday, December 31, 1981. For further information call Alice Zalik 395–3432.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.

[FR Doc. 81-35765 Filed 12-14-81; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-304]

Vessels in Foreign and Domestic Trades; Fee Schedule for Vessel Services

AGENCY: U.S. Customs Service, Treasury.

ACTION: General notice.

SUMMARY: The "Customs Procedural Reform and Simplification Act of 1978" repealed several statutes under which Customs charged and collected fees for specific services provided to vessels by Customs officers. That Act authorized the Secretary of the Treasury to establish a new schedule of fees to return to the Government the approximate costs of the service provided. This document sets forth the revised schedule of fees to be charged and collected for 1982 for the specified services.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Jerry Laderberg, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95–410, the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978 (the "Act"), repealed sections 2654, 4381, 4382, and 4383 of the Revised Statutes of the United States (19 U.S.C. 58; 46 U.S.C. 329, 330, and 333), the statutory authority under which Customs had been charging and collecting fees for specific services provided to vessels by Customs officers.

Because these "Navigation Fees," which are set forth in § 4.98(a), Customs Regulations (19 CFR 4.98(a)), did not cover the costs of providing the services, section 214 of the Act authorized the Secretary of the Treasury to establish a new schedule of fees to be charged and collected for furnishing these services. The fees are to be consistent with section 501 of the Independent Offices Appropriation Act, 1952 (31 U.S.C. 483a), the so-called "User Charges Statute," which provides that the costs of specific services for private interests shall be reimbursed to the Government.

By Treasury Decision 80–25, published in the **Federal Register** on January 18, 1980 (45 FR 3570), Customs established a fee schedule to be used for 1980, and amended section 4.98(a), Customs Regulations, to provide that a revised fee schedule will be published in the **Federal Register** and Customs Bulletin in December of each year setting forth a revised schedule of navigation fees for the specified vessel services to be performed during the following year. The revised fee schedule is to reflect changes in the rate of compensation paid to the Customs officer performing the service. The fees are to be calculated in accordance with §§ 19.5(b) and 24.17(d), Customs Regulations (19 CFR 19.5(b), 24.17(d)), and based upon the amount of time the average service requires of a Customs officer in the fifth step of GS–9.

Because of the Federal pay increase which became effective October 4, 1981, it is necessary for Customs to revise the schedule of fees for 1982 to take into account this increased cost in accordance with § 4.98(a), Customs Regulations. The hourly rate utilized is $14.53, thereby reflecting the change in the rate of compensation paid to a Customs officer in the fifth step of GS–9 performing the service. The fees have been rounded off to the nearest tenth of a dollar.

Action

The following revised schedule of navigation fees shall be effective during 1982:

Fee No. and description of services	Fee
1. Entry of vessel, including American, from foreign port:	
(a) Less than 100 net tons	$7.30
(b) 100 net tons and over	14.50
2. Clearance of vessel, including American to foreign port:	
(a) Less than 100 net tons	7.30
(b) 100 net tons and over	14.50
3. Issuing permit to foreign vessel to proceed from district to district, and receiving manifest	14.50
4. Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade	14.50
5. Receiving post entry	7.30
6. Receiving official bond not otherwise provided for	3.60
7. Certifying payment of tonnage tax for foreign vessel only	3.60
8. Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated	14.50

(R.S. 251, as amended, section 501, 65 Stat. 290, 92 Stat. 888 (19 U.S.C. 66, 31 U.S.C. 483a, Pub. L. 95–410))

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations

Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

George C. Corcoran, Jr.,

Acting Commissioner of Customs.

Approved: December 7, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 81-35808 Filed 12-14-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[Dept. Circular: Public Debt Series No. 39-81]

Treasury Notes of December 31, 1985; Series K-1985

December 10, 1981.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of December 31, 1985, Series K-1985 (CUSIP No. 912827 MS 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated December 31, 1981, and will bear interest from that date, payable on a semiannual basis on June 30, 1982, and each subsequent 6 months on December 31, and June 30 until the principal becomes payable. They will mature December 31, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, December 22, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, December 21, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commerical bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carred to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent

to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section if final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, December 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, December 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, DC 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-35907 Filed 12-14-81; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 38-81]

Treasury Notes of December 31, 1983; Series Y-1983

December 10, 1981.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Notes of December 31, 1983, Series Y-1983 (CUSIP No. 912827 MR 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated December 31, 1981, and will bear interest from that date, payable on a semiannual basis on June 30, 1982, and each subsequent 6 months on December 31 and June 30 until the principal becomes payable. They will mature December 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a

Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, December 16, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 15, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from cmmercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted cmpetitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, December 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, December 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference

between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)."

Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplemenatry Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-35908 Filed 12-14-81; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 240
Tuesday, December 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Home Loan Bank Board	1
Federal Mine Safety and Health Review Commission	2
Federal Reserve System	3,4
International Trade Commission	5
Parole Commission	6
National Transportation Safety Board	7
Uniformed Services University of Health Sciences	8

1

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: At the conclusion of the open meeting being held at 10 a.m., Thursday, December 17, 1981.

PLACE: 1700 G Street, NW, board room, fifth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Petition for amendment of resolution.

No. 575, December 11, 1981.

[S–1869–81 Filed 12–14–81; 10:10 am]

BILLING CODE 6720–01–M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 9, 1981.

TIME AND DATE: 10 a.m., Wednesday, December 16, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Council of the Southern Mountains, Inc. v. Martin County Coal Corp., KENT 80–222–D. (Issues include whether there is a right for miner's representatives to monitor training classes under the 1977 Mine Act.)
2. Consolidation Coal Company, WEVA 80–116–R, etc. (Issues include what action is appropriate in light of the Fourth Circuit's order of remand.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1871–81 Filed 12–11–81; 2:15 pm]

BILLING CODE 6820–12–M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Friday, December 18, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed amendment to the Thrift Plan for employees of the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassigments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–1868–81 Filed 12–11–81; 9:11 am]

BILLING CODE 6210–01–M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, December 21, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.
2. Proposed leasing of computer equipment within the Federal Reserve System.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: December 11, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–1875–81 Filed 12–11–81; 3:18 pm]

BILLING CODE 6210–01–M

5

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2 p.m., Tuesday, December 22, 1981.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Log-splitting axes (Docket No. 779).
5. Investigation 731–TA–51 (Preliminary) (Hot-Rolled Carbon Steel Plate from Romania)—briefing and vote.
6. Investigations 701–TA–83 and –84 (Preliminary) (Hot-Rolled Carbon Steel Plate from Belgium and Brazil)—briefing and vote.
7. Investigation 701–TA–85 (Preliminary) (Hot-Rolled Carbon Steel Sheet from France)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1872–81 Filed 12–11–81; 2:16 pm]

BILLING CODE 7020–02–M

6

PAROLE COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, December 17, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 15 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S–1870–81 Filed 12–11–81; 1:54 pm]

BILLING CODE 4410–01–M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–81–42]

TIME AND DATE: 9 a.m., Thursday, December 17, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW, Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following items be discussed on this date and that no earlier announcement was possible.

1. *Aircraft Accident Report:* Air U.S. Flight 716, Handly Page HP–137, N11360, Cessna TU–206, N4862F, Midair Collision, Fort Collins/Loveland Airport, Colorado, April 17, 1981.

2. *Aircraft Accident Report:* Universal Airways, Inc., Beech 65–A80/Excalibur, N100UV, near Madisonville, Texas, July 2, 1981.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

December 11, 1981.

[S–1874–81 Filed 12–11–81; 2:52 pm]

BILLING CODE 4910–58–M

8

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Change in Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 57978, November 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE: 8 a.m., December 11, 1981.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

CHANGES IN MEETING: Consideration of personnel matters was added as item (f) to the meeting of the Board of Regents and was considered at a closed portion of the meeting.

PERSON TO CONTACT: Frank M. Reynolds, Executive Secretary, Board of Regents, (202) 295–3025.

SUPPLEMENTARY INFORMATION: Consideration of personnel matters was added and considered at a closed portion of the meeting because the discussion would disclose information of a personal nature and disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, all of the members of the Board, except VADM J. William Cox, MD, USN; Francis D. Moore, M.D.; and William R. Roy, M.D., who were absent, voted to close this portion of the meeting, that no earlier announcement of this change was possible, that the University's business required this action, and that the public interest did not require consideration of the matter in an open session.

The following members of the staff were present at the session: Merel P. Glaubiger, Legal Counsel.

General Counsel Certification

I certify that the portion of this meeting for discussion of personnel matters be closed to the public under 5 U.S.C. 552b(c)(6) and 32 CFR 242a.4(f), and that the meeting may be closed to public observation.

Merel P. Glaubiger,

Legal Counsel.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[S–1873–81 Filed 12–11–81; 2:52 pm]

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Tuesday
December 15, 1981

Part II

Office of the Federal Inspector for the Alaska Natural Gas Transportation System

Regulations Governing Information Gathering, Treatment of Sensitive and Proprietary Documents and Processing Requests for Public Access

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1504

Regulations Governing Information Gathering, Treatment of Sensitive and Proprietary Documents and Processing Requests for Public Access

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Final rule.

SUMMARY: These rules institute standards and procedures by which the Office of the Federal Inspector (OFI) will deal with information. Subpart A of the new 10 CFR Part 1504 governs OFI information requests, compulsory subpoena process, and related administrative sanctions and judicial enforcement. Subpart B of the same Part governs how the OFI will handle information (received pursuant to Subpart A) for which special treatment is requested, that is, information within either the "sensitive" or the "business" category. Subpart C of the same Part governs the full range of other issues raised by public disclosure requests made under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

EFFECTIVE DATE: These rules are effective December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Marcia D. Connelly, Office of General Counsel, Office of the Federal Inspector (ANGTS), Room 3407, Post Office Building, 1200 Pennsylvania Ave. NW., Washington, D.C. 20044, (202) 275–1144.

SUPPLEMENTARY INFORMATION:

I. Background

On April 16, 1981, the OFI published for public comment (46 FR 22340) a notice of proposed rulemaking and statement of policy concerning the full range of issues on information, whether in terms of how the OFI requests and receives it, handles it once received, or reacts to requests for its public disclosure. The Department of Justice Office of Information Law and Policy (Office of Information Law and Policy), the three companies sponsoring the Alaska Natural Gas Transportation System (ANGTS), and the company operating the Trans-Alaska Pipeline System (TAPS) submitted comments on the proposed rule; Alaskan Northwest Natural Gas Transportation Company (Alaskan Northwest), Pacific Transmission Company (PGT), Northern Border Pipeline Company (Northern Border), and Alyeska Pipeline Service Company (Alyeska), respectively.

The background of information collection, handling, and disclosure relative to ANGTS, the rationale for the OFI's approach, and a detailed explanation of the standards and procedures all appear in the notice of proposed rulemaking (46 FR 22340). They will not be reiterated, except as discussed in the context of evaluating the specific issues raised by the public comments.

II. Comments

The public comments to the proposed rule are organized and treated below according to which Subpart of the Part 1504 they relate.

Subpart A—Procedures Governing OFI Information Requests, Subpoena Process, Judicial Enforcement, and Administrative Sanctions

(1) Section 1504.102 of the proposed regulations indicates that, in making a written request for information, the OFI will provide an adequate description of the information requested and state a reasonable period of time for submission of the information. Alaskan Northwest asserts that any request must outline in writing what data is requested, the statutory basis for the request, and how the requested information is relevant to the execution of OFI's authority.

Relative to informal requests for information, the proposed regulation is sufficient in light of the overall monitoring and enforcement responsibilities of the Federal Inspector.[1] However, any subpoena issued by the OFI will state the statutory authority for requesting the information and how it is relevant to the execution of OFI's authority. Sections 1504.104(c) and 1504.108(c) will accordingly be amended to reflect the elements of a subpoena, as follows:

(c) *Contents.* Supoenas will bear the OFI name and seal and the name of the issuing officer. Subpoenas will command the production of reasonably described information at a designated place and time, not to exceed 10 calendar days from date of service. The subpoena will contain the statutory basis for the request of the information and how the requested information is relevant to the execution of OFI's authority.

[1] OFI has plenary authority to enforce any federal statute, regulation or authorization relevant in any manner to the preconstruction, construction and initial operation of ANGTS. Moreover, in enforcing an agency subpoena, the courts have defined "relevancy" to mean any information which may reasonably shed some light on the inquiry. *See, Foster v. United States,* 285 F.2d 183 (2d Cir. 1959) *cert. denied.* 360 U.S. 912.

(c) *Contents.* Subpoenas will bear the OFI name and seal, the name and position of the issuing officer, and the title of the proceeding. Subpoenas will command a named person to testify or produce reasonably described evidence or information at a designated time and place. The subpoena will contain the statutory basis for the request of the information and how the requested information is relevant to the execution of OFI's authority.

(2) Alaskan Northwest contends that § 1504.103, allowing OFI to withhold a regulatory approval for failure to submit relevant information, is a denial of due process. It requests that the OFI rescind this provision.

The OFI cannot be expected to act on a regulatory approval without adequate data to make an informed decision. Were the sponsor to fail to submit the necessary information, the withholding of the approval would be inevitable. While it is perhaps self-evident that OFI approvals must await receipt of the underlying information, the statutory mandate for expedition on this project warrants such explicit regulatory language.

(3) Alaskan Northwest asserts that five days is insufficient time to prepare adequately a motion to quash a subpoena, as specified in § 1504.104(e) of the regulations.

In light of the entire information collection process, five days to prepare a motion to quash a subpoena is more than sufficient. Prior to issuing a subpoena, OFI will have sought voluntary submission of the information via a written request which provides a reasonable time for compliance. Then a subpoena would allow another ten days to respond. Again, expedition is required, and the prior information request process should have prepared the sponsor to act within five days.

(4) Sections 1504.104(e) and 1504.108(e) of the proposed regulations provide that the officer who issues a subpoena will also rule on any motion to quash. Alaskan Northwest objects to this arrangement on due process and delegation grounds, urging instead that only the Federal Inspector rule on motions to quash.

Relative to general oversight, a subpoena will be issued only by the Federal Inspector, the OFI General Counsel or his designee. Whether the Federal Inspector himself or the OFI General Counsel issues a subpoena and then rules on a subsequent motion to quash is an internal OFI matter. This provision constitutes proper delegation. Moreover, there is no due process problem. This general oversight context, by definition, eliminates any separation

of function issue. Moreover, a motion to quash is just one of several steps in the process of enforcing a subpoena. It is discretionary in the first instance and is intended primarily to assure against obvious errors before the subpoena process continues. An objecting sponsor also has the compliance order (§ 1504.105) and judicial enforcement (§ 1504.106) stages to be heard.

For formal OFI proceedings it is appropriate that the presiding officer both issue the subpoena and also rule on a motion to quash. Because one or more OFI offices will be advocating a position which might lead to serious sanctions, the presiding officer will be separated in function. Thus, the sponsors' due process in not impinged. Moreover, an objecting sponsor will be heard by the OFI General Counsel and ultimately by the Federal Inspector if the discovery dispute reaches the compliance order (§ 1504.109) or judicial enforcement (§ 1504.110) stage.

(5) Alaskan Northwest seeks clarification of § 1504.106, which refers to the use of remedies available under other applicable laws for enforcing a subpoena.

The OFI has been transferred the enforcement authority of other federal agencies. For example, section 14(d) of the Natural Gas Act, 15 U.S.C. 717m(d), makes a subpoena enforceable by the imposition of criminal penalties or imprisonment for a willful violation. Section 1504.106 merely recognizes this fact.

(6) Alaskan Northwest also asks under what circumstances the OFI may seek a contempt of court citation for failure to comply with a subpoena. Section 1504.106(c) permits the Federal Inspector to seek an order from the district court holding the defendant in contempt of court for failure to comply with a subpoena.

Ordinarily, the power to punish for contempt is not available to administrative agencies; however, recourse may be made by way of a separate judicial proceeding, under 5 U.S.C. 555(d), to enforce the subpoena. If judicial remedy is granted, it is enforceable, as any court order, by the power to punish for contempt, *See, Shasta Mineral & Chemical Co.* v. *Securities & Exchange Comm.*, 328 F. 2d 285 (10 Cir. 1964).

(7) Finally, Alaskan Northwest asserts that compliance with an OFI subpoena (and presumably the corresponding compliance order) should be stayed pending appeal.

This suggestion is inappropriate. If a sponsor were to appeal an OFI compliance order for a subpoena (which would be filed with the U.S. Court of Appeals for the District of Columbia Circuit under section 10 of ANGTA), existing precedent would be used to rule on a motion for stay.[2] The OFI should not supersede this precedent and agree to a stay in all cases. This suggestion would mire the whole process and impair expedition.

Subpart B—Treatment of "Sensitive" and "Business" Information

The OFI has devised a procedure for safeguarding and limiting access to information that is of a "confidential" or "proprietary" nature. Very few agencies have a procedure, to assure and preserve the confidentiality of information. Most of the agencies that do have a procedure will not agree in advance to resist disclosure but only make an administrative determination upon a request for the information.

In contrast, via the promulgation of these regulations, the OFI will agree *in advance* to resist disclosure for the very limited category of "sensitive" information. In addition, OFI will review a petition for treating information as "business" upon a public disclosure request, at which time the submitter will be notified if disclosure is likely. These general observations should be considered when analyzing the following comments on Subpart B of Part 1504.

(1) The Office of Information Law and Policy maintains that any material requested must qualify as "confidential" at the time of the request. Therefore, it will be necessary to review information that is flagged "sensitive" at the time of a request.

To refuse disclosure under FOIA, the agency's requisite finding, that release may cause substantial competitive harm, must apply at the time of decision. Accordingly, the OFI will take into consideration intervening factors, such as time, which may obviate the need for "sensitive" treatment. Of course, with the narrow scope and detailed procedures for the "sensitive" category, the OFI has concluded that qualifying information should necessarily meet that test.

Section 1504.206(a)(1) has been revised as follows:

(1) The designated information will be officially stamped on its face as "sensitive," with the notations that public disclosure is prohibited; that the OFI General Counsel must first approve disclosure within the Government; and that internal distribution and copying is also prohibited unless approved by the OFI Security Officer. The "sensitive" designation will remain unless the General Counsel determines that changed circumstances make it necessary to remove such a designation, in which case the submitter will be so notified immediately.

(2) Section 1504.203(d) of the proposed regulations states that critical procurement information includes primarily tentative bids, disclosure of which before the completion of the process would skew the procurement, leading to delay and/or cost escalation. Under the proposed regulation, critical procurement information would be designated "sensitive" only until the bidding process is completed. But recognizing the significance of this issue, the OFI "urge[d] the ANGTS sponsors in particular to comment on this provision * * * [including a] detailed explanation of pipeline procurement practices * * *" 46 FR 22342.

As expected, all of the sponsors were very concerned about the potential release of procurement-contract information gathered by the OFI as part of its regulatory responsibility. PGT presented the most cogent and persuasive arguments. As part of their comments, PGT included their purchasing and bidding policy statements. In both statements, PGT states that it is not their policy to open bids publicly. Further, prices and technical information will be treated as confidential information and will not be disclosed outside the Company. PGT has pointed out that not only is it their formal purchasing and bidding policy to treat bids on construction projects as confidential subsequent to the award of a contract, but also it is the standard industry practice to do so. Also, PGT, echoed by Alaskan Northwest, asserts that the release of the terms and conditions of a contract after the award of a bid may affect the contractor's negotiating abilities on other contracts that will be awarded on the ANGTS project. PGT recommends that no public disclosure of these materials be made for a period of five years, while Northern Border recommends that the Sponsor be notified in advance when the "sensitive" designation on procurement information is proposed to be removed.

After careful review and analysis of the comments, the OFI concurs in part that the assertions of the sponsors have merit. It is conceivable that much of the

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[2] *Virginia Petroleum Jobbers Association v. FPC*, 259 F. 2d 921, 924 (D.C. Cir. 1958). The factors assessed by the Court in considering motions for stay are: (1) Whether the party seeking the stay made a strong showing that it is likely to prevail on the merits; (2) whether the petitioner has shown that without such relief, it will be irreparably injured; (3) whether a stay will substantially harm the other parties; and (4) where lies the public interest. *WMATA v. Holiday Tours*, 559 F. 2d 841, 843 (D.C. Cir. 1977). When considering a case in which the other three factors favor interim relief, a court may exercise its discretion to grant a stay if the movant has made a substantial case on the merits.

procurement-contract information will be commercial or financial information that falls within the (b)(4) exemption of the FOIA. Critical procurement data will array bids, thus disclosing relative competitive positions, particularly in the context of Canadian procurement. However, in light of the mandate of FOIA to release agency records unless exempt, OFI cannot authorize a blanket five year protection rule for critical procurement information. Instead, any critical procurement data, which is collected as part of OFI regulatory responsibility vis-a-vis the sponsors, will retain the "sensitive" designation subsequent to the award of a contract.

Apart from changing regulatory language, the OFI will focus its information collection more precisely so as to minimize the issue in the first place. The OFI will endeavor to request the information in a format that is not "sensitive." A good example is the proposed Minority Business/Female reporting form, which asks for synthesized procurement statistics, not raw bids. The OFI is not in the business of amassing voluminous amounts of critical procurement information; it will collect only that information necessary to accomplish its statutory responsibilities effectively and efficiently. Whenever possible, the OFI will review, on site, any backup data, *e.g.*, raw procurement figures, related to various regulatory decisions, whether in the context of equal opportunity requirements, rate base audit and approval, or other monitoring and enforcement actions. Therefore, OFI will avoid taking physical possession of raw procurement data to the extent that such an arrangement does not interfere with its ability to perform responsibilities effectively. Further, to the extent permitted by law, the OFI will endeavor to develop decision-making records which will not reveal "sensitive" data. However, OFI maintains the right to request, review, and retain any record necessary to support its regulatory decisions.

Based on this discussion, two provisions are modified.[3] In § 1504.202(a)(3), the phrase "during the bidding process" is deleted. Also, § 1504.203(d) is revised to read:

Critical procurement. Critical procurement information will be protected through the FOIA (b)(4) exemption, and includes primarily tentative bids (price, vendor, and conditions), disclosure of which before completion of the process would skew the procurement, leading to delay and/or cost escalation. Critical procurement information of the ANGTS sponsors will also retain the sensitive designation subsequent to the award of a contract.

(3) Section 1504.202(b) of the proposed regulations defines the "business" category as information developed at a cost and possessing demonstrable market value. Alaskan Northwest and Alyeska assert that the definition of "business" information is too narrow. Alaskan Northwest contends that certain types of information will have no market value but are still proprietary in nature, such as EEO information reflecting salaries, hiring practices, and personal data on employees and applicants. Alyeska complains that, while the regulations define "business" information as "owned" by the ANGTS sponsors, Alaskan Northwest does not "own" Alyeska material. It is merely in Alaskan Northwest's possession and given to the OFI; therefore, technically it may not be covered by the "business" designation. Section 1504.204(a).

Information without market value might constitute commercial or financial information warranting nondisclosure. As such, the proposed regulations were too narrowly drafted, even though the OFI anticipates that most "business" information will have market value. Also, sponsor ownership of the information should not be a condition for "business" designation.

Section 1504.202(b) has been changed to read as follows:

The "business" category entails information either developed at a cost and possessing demonstrable market value or the release of which may substantially impair the competitive position of the person who supplied it, whether an ANGTS sponsor or another. This is basically proprietary information, disclosure of which would reduce or eliminate its value to the submitter. Unlike "sensitive" information, "business" information may, under certain circumstances, be disclosed to the public. The OFI will balance the economic impact of disclosure against the public interest in access.

Section 1504.204(a) has been changed to read as follows:

Proprietary nature. "Business" information is proprietary, commercial or financial information, the release of which may substantially impair the competitive position of the person who supplied it, whether an ANGTS sponsor or another. In the majority of cases, the ANGTS sponsor will incur substantial costs to develop or purchase numerous studies, plans, designs, methods, systems, etc., associated with project completion. While not "sensitive" information, these documents nonetheless possess some value; that is, the sponsors might at some time find a willing buyer for the information.

(4) Sections 1504.202(a)(2) and 1504.203(b) include in the "sensitive" category "true trade secrets." These are defined as "in the nature of patentable processes" and "highly specialized, technical, and secret process or mechanism." *Id.* PGT, Alaskan Northwest, and Alyeska question OFI's use of the word "true" to modify trade secrets. PGT asserts that the word "true" injects undue and unnecessary subjectivity, since either something is a trade secret or it is not. PGT recommends that OFI define trade secret and drop the use of the word "true." Alaskan Northwest asserts that OFI has too narrowly defined trade secrets by limiting it to patentable processes.

Admittedly, this is a difficult issue to resolve. Trade secret is not defined in either the FOIA or the Trade Secrets Act, and there is no legislative history reflecting the congressional intent. Trade secret has been defined in various court cases, but generally outside the context of the FOIA.[4]

None of the FOIA cases have expressly adopted any definition of trade secret, but two different explications of the term have been used in pertinent cases. In one FOIA case, *Washington Research Project Inc. v. HEW*, 504 F.2d 238, 245 n.8 (D.C. Cir. 1974), the court makes reference to a very broad definition of trade secret found in the Restatement of Torts.[5] However, in another FOIA case, *Consumers Union of U.S. Inc. v. Veterans Admin.*, 301 F. Supp. 796 (S.D. N.Y. 1969), a narrower definition of trade secret was used by the court.[6] It is

[3] This portion of the regulations does not apply to government contracts. The "sensitive" designation will not be retained subsequent to the award of a government contract. There is a significant distinction between private contracts and public contracts: Procurement is one of the principal means whereby our Government effectuates national policies * * * and therefore the public has a strong interest in how it is conducted. The public's right to scrutinize the process must be recognized, particularly with regard to the terms and conditions of awarded contracts, which represent Government action * * * Office of Federal Procurement Policy Letter No. 78-3 (March 30, 1978).

[4] In *Mobay Chemical Corp. v. Costle*, 447 F. Supp. 811 (W.D. Mo. 1978), test data was sought pursuant to the Federal Insecticide, Fungicide and Rodenticide Act. The legislative history of the Act, however, reflected the Congressional intent that the definition of trade secret found in the Restatement of Torts should apply. This same definition is used also in a case involving unfair competition and appropriation of trade secrets. *Pressure Science Inc. v. Kramer*, 413 F. Supp. 618 (D. Conn. 1976).

[5] The definition of trade secret in the Restatement of Torts § 757 comment b is:

Any formula, pattern, device or compilation of information which is used in one's business, and which gives him an advantage over competitors who do not know it or use it.

[6] The narrower definition of trade secret is:

* * * an unpatented secret commercially valuable plan, appliance, formula, or process, which

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quite evident that there are no steadfast guidelines for distinguishing a trade secret.

The "sensitive" designation has been defined as a narrow category of information, and the OFI has designed a procedure to *agree in advance* to resist disclosure of such information. It follows that trade secrets must likewise be a restricted category of information. In order to ensure the credibility of the procedures and to withstand any legal challenge, OFI must be very particular as to the kind of information which it will agree in advance to protect as a trade secret. Therefore, trade secret has been limited to specialized, technical and a secret process or mechanism instrumental to the design or construction effort. Nonetheless, other types of information which the submitter may seek to classify as a trade secret may fall into the category of "business" information, *i.e.*, confidential commerical or financial information covered by exemption (b)(4) of the FOIA.

Section 1504.203(b) has been modified to incorporate criteria used in various court cases to determine if information is a trade secret and the word "true" has been deleted. This will provide some guidance, more uniformity, and consistency in evaluating petitions for "sensitive" treatment of information as a trade secret.

Section 1504.202(a)(2) has been changed to read as follows:

Trade secrets, as explained and defined in § 1504.203(b) for this particular context, also come within the "sensitive" category.

Section 1504.203(b) has been changed to read as follows:

Trade Secret. Trade secrets are the core of the "sensitive" category:

(1) The ANGTS sponsors might have to contract for some highly specialized, technical, and secret process or mechanism instrumental to the design or construction effort.

(2) Public disclosure of the process itself—as contrasted to what was produced by use of the process—would cause the contractor severe economic and competitive loss. Disclosure of such trade secrets is not in the public interest, for it could both hamper project expedition and also escalate construction costs.

(3) The OFI will resist any FOIA request for such information, as well as discourage requests from other agencies or Congressional committees, unless adequate protections are provided. FOIA exemption b(4)—while broader than just trade secrets—will be employed. (See § 1504.317(a)(4) of Subpart C of this Part). So too, the Trade Secrets Act prohibition against unauthorized disclosure applies primarily to information like these trade secrets.

(4) While the term "trade secret" has varying connotations depending on the legal context, the OFI will use the following criteria to discern if information is a trade secret, solely for the purpose of bringing it within the "sensitive" category:

i. The cost of developing the information;

ii. The value of the information to the owner and competitior, *i.e.*, the extent of the competitive advantage it provides;

iii. The extent to which the information is not independently known or available to others; and

iv. The extent to which the owner has maintained its confidentiality.

(5) Sections 1504.202(a)(4) and 1504.203(c) include in the "sensitive" category information under *bona fide* secrecy agreements between the originator of the information and the person subsequently submitting it to the OFI. The OFI is to review each agreement for need, enforceability, and intent. Alaskan Northwest challenged the OFI's right to make an independent assessment of the validity of third party secrecy agreements to treat information confidentially. Alyeska, which leased information to Alaskan Northwest pursuant to a secrecy agreement, asserts that their current arrangement may not be covered by the proposed regulation, § 1504.203(c)(2), which requires that the agreement be enforceable against the submitter (as through penalty assessment). The Alyeska-Alaskan Northwest agreement does not have a specific penalty, but Alaskan Northwest may be liable for a breach of contract for a violation of the agreement.

In addition, Alyeska contends that Alaskan Northwest may be in violation of the agreement if, as required by the proposed regulations, § 1504.205(a), Alaskan Northwest submits the information and the OFI does not concur that the information should be "confidential." Thus, Alyeska recommends that there be a pre-submission review of information by the OFI to determine its designation.

Alaskan Northwest's challenge to the independent assessment provision is unpersuasive. The OFI cannot accept the donor's barebone assertion that there is a secrecy agreement without an evaluation of such an arrangement. The OFI must have an opportunity to assess the agreement and to determine if the information is exempt pursuant to FOIA, if disclosure is prohibited by another statute, and if the information in-fact has been held in confidence by all parties.[7] There is no authority to allow the OFI to withhold the information simply because there is a third party agreement, unless the information is exempt from disclosure or release is prohibited.

As for Alyeska's preclearance idea, it is also unacceptable. Of course, by affording early designation of a *bona fide* secrecy agreement as "sensitive," § 1504.205 is a form of preclearance. But to delay submittal of secrecy agreement information until the OFI General Counsel has made the designation is disruptive to the OFI's mandate to expedite. It is also legally impermissible. In the general oversight context, an ANGTS sponsor would have no basis in law to deny a germane, OFI information request due to disagreement over a "sensitive" designation. Moreover, the criteria for secrecy agreements, as modified below, are adequate to assure the sponsors that valid secrecy agreements will be protected by the OFI.

Finally, Alyeska makes a good point about the secrecy agreement criterion of enforceability. While § 1504.203(c)(2), as proposed, refers to "penalty assessment," the intent was broader, including breach of contract actions in general. This provision will be revised to avoid that narrow reading of "enforceability." And to improve this provision further, the OFI on its own is revising § 1504.203(c)(1) so that the need for the secrecy agreement is easier to judge.

The following changes have been made in § 1504.203(c) of the regulations:

Secrecy Agreements. The OFI will scrutinize information under secrecy agreements from a narrow perspective similar to that employed for trade secrets. These secrecy agreements could well be insisted upon by the trade secret owner contracting with the ANGTS sponsor. The OFI will closely review such secrecy agreements to assure that they are:

(1) Necessary, in terms of the sponsor being able to gain possession of the information on reasonable conditions;

(2) Enforceable against the submitter, *i.e.*, through civil damages; and

(3) Not formed to circumvent the OFI's regulations limiting special treatment for "sensitive" information.

(6) Section 1504.205 of the regulations outlines the procedures for a "sensitive" designation. In the proposed rulemaking

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is used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities. * * *

[7] *See, Robles* v. *EPA*, 484 F.2d 843 (4th Cir., 1973) and *Ackerly* v. *Ley*, 420 F.2d 1336 (D. C. Cir., 1969). In *Robles, supra*, the court points out that the FOIA cannot be overridden merely because an agency asserts that it received the file under a pledge of confidentiality to the one who supplied it, although such a promise may be taken into consideration. To determine if the promise was not "unavailing as an excuse," the *Robles* court looked at whether the information had in-fact been held in confidence and whether the information was "confidential."

the OFI made clear that "[a] negative determination by the General Counsel is non-appealable." 46 FR 22342. This is because the sponsor would still have an opportunity to oppose disclosure if and when a FOIA request were made. Northern Border and Alaskan Northwest recommend that they have a right to appeal an adverse determination by the OFI General Counsel to the Federal Inspector. Due process is raised in support of such a rehearing procedure. In the alternative, Alaskan Northwest seeks the opportunity to withdraw the information if its petition is denied.

The procedure outlined in the regulations exceeds any statutory due process requirement. If a petition is inadequate for making a final determination for treatment of information as "sensitive," the petitioner has five calendar days from receipt of the determination in which to cure the petition. Section 1504.205(c)(2)(iii). Moreover, as explained earlier, the whole concept of the "sensitive" designation and treatment is atypical, providing added regulatory certainty beyond any statutory requirement. As such, lack of a rehearing provision—at what must be viewed as an interlocutory step—does no harm to due process. To require rehearing would only increase administrative burden. Finally, a survey of several agencies reveals that most do not have an appeal procedure. The one agency that allows a submitter to appeal a denial for confidential treatment of information does so only when there is a FOIA request for that information, which of course is likewise available in these regulations.

(7) Under § 1504.208(b), the submitter has up to five days to update an original petition for "business" designation when there is a Freedom of Information Request. Northern Border asserts that five days is an insufficient time in which to update a petition, requesting instead fifteen days.

FOIA, 5 U.S.C. 552(a)(6)(i), only allows an agency ten days from the receipt of a request for information to make a determination. It has carved out only three exceptions when the timetable for a response may be extended: (1) A need to search for the records from field facilities or other establishments; (2) a need to examine a voluminous amount of material; or (3) a need to consult with other divisions of the agency or another agency. None of these cover updating a petition for "business" designation. Thus, with only ten days to make a decision regarding a FOIA request, the OFI must limit petition updating to five days. It should be remembered that this updating is for the sponsor's benefit; it minimizes what they must originally file with the OFI when first submitting the allegedly "business" information.

(8) PGT and Alaskan Northwest suggest that the word confidential be used rather than the designations "business" and "sensitive." In the alternative, PGT recommends that the designations "business" and "sensitive" be defined more precisely.

The term "confidential" is limited to information classified pursuant to Executive Order 12065 (1978), which protects national security information. Also, as stated in the preamble to the proposed regulations, the use of the term confidential is avoided due to its lack of clarity. 46 FR 22340.

(9) Alaskan Northwest raised the issue regarding State of Alaska maintaining the confidentiality of information it has obtained from the OFI. In particular, Alaskan Northwest questions the uncertainty posed by the Alaska Senate Bill No. 90, which would not exempt records from disclosure that are exempted by a federal law or regulation, as under the present Alaska statute, AS 09.25.190. Alaska Northwest recommends that issuance of final regulations be postponed until the joint federal/state agreement has been consummated and until there is a resolution of the pending Senate Bill No. 90. Alaskan Northwest asserts that in the interim, OFI must treat all information as "sensitive."

A related issued raised by Alaskan Northwest is how other federal agencies which receive "sensitive" or "business" data from OFI will treat it. Although OFI indicates in § 1504.310 that it will be bound by the decisions regarding public access made by agencies from which it has obtained information, no reciprocal provision was included in the proposed rulemaking.

OFI cannot delay the issuance of final regulations and in the interim treat all information as "sensitive." To do so would be contrary to FOIA, which mandates the release of agency records unless they are exempt. Nevertheless, two sections have been added to the regulations to eliminate any uncertainty as to how the states or any other entity which receives information pursuant to a cooperative agreement or other arrangement with OFI will treat information that is "sensitive" or "business."

Sections 1504.206 (c) and (d) have been added to the regulations:

(c) Any information designated "sensitive," which is released pursuant to either a joint federal/state agreement or any other arrangement, shall not be released to the public by the State or any other entity receiving it.

(d) To the extent that a state agency or any other respective entity does not agree in advance to paragraph 1504.206(c) above, the OFI will not release such information to it.

Sections 1504.208 (d) and (e) have been added to the regulations:

(d) Any information designated "'business' petition pending," which is released pursuant to a joint federal/state agreement or any other arrangement, shall not be released to the public by the State or any other entity receiving it unless the OFI General Counsel has made a determination otherwise.

(e) To the extent that a state agency or any other entity does not agree in advance to paragraph 1504.208(d) above, the OFI will not release such information to it.

(10) As stated in § 1504.201(a), the general policy of the OFI is to agree in advance to resist disclosure of "sensitive" information. Alaskan Northwest seeks clarification of the term "resist" disclosure.

Essentially, "resist" means that the OFI will make every effort to prevent the release of an agency record that falls within the "sensitive" designation. This includes denying the FOIA request, rejecting the appeal to the Federal Inspector, working with the Department of Justice to defend those decisions in subsequent District Court litigation, and doing the same if appeal is necessary. However, the OFI recognizes that it has no statutory authority either to deny disclosure to Members of Congress acting in an official capacity or to fail to comply with a court order to release an agency record.

(11) Section 1504.202(a)(5) of the regulations includes a category of "sensitive" information which is not defined precisely, but it recognizes that there may be other unspecified documents which warrant limited or no distribution. Alaskan Northwest asserts that their internal audits may show a breach or violation of a contract which may provide Alaskan Northwest with a cause of action against others. Therefore since the audit reports may be important for future litigation, Alaskan Northwest recommends that the internal audits, including quality assurance and quality control reports, be designated "sensitive."

Rather than limit "sensitive" treatment to only certain named documents, OFI has created this "catch all" category, which will allow any petition for "sensitive" treatment to be considered. Internal audit information may fall within one of the FOIA exemptions and deserve a designation of "sensitive" or "business." However, not all of the internal audit information

would appear to fall in either category; some of this information may well be used independently in regulatory proceedings, such as the quarterly rate base determination, which by definition would make it public information.

A great deal of the audit information will be acquired via the computer. OFI will employ the same procedure for assessing the type of treatment this kind of information should receive. Petitions for treatment of information as "sensitive" or "business" should likewise be submitted for information transmitted via the computer. To limit the administrative burden of such a process, OFI underscores its intent to restrict the type of information that will be designated "sensitive." OFI will not entertain an undue number of requests for "sensitive" treatment. Any request should be made in good faith with proper justification. OFI will utilize the controls to restrict access internally to computerized information that has been designated "sensitive."

Sections 1504.205(a) and 1504.207(a) have been revised as follows:

(a) Any person, who has been requested by the OFI to provide information, including computerized data, which that person believes to be "sensitive," must so designate the information on its face and also submit, simultaneously with the information, a petition justifying that "sensitive" designation.

(a) Any person, who has been requested by the OFI to provide information, including computerized data, which that person believes to be "business," must so designate the information on its face and also submit, simultaneously with the information, a petition justifying that "business" designation.

(12) Under § 1504.205(c)(2)(ii), the petitioner for a "sensitive" designation may, if the petition is denied, petition for a "business" designation. Alaskan Northwest recommends that if OFI rejects a petition for "sensitive" treatment, the information should automatically be designated "business." Further, Alaskan Northwest seeks to place the onus on the requestor of information to prove that it should be released.

The OFI does not agree. As the regulations suggest, OFI anticipates that much of the information failing the "sensitive" test will nonetheless qualify for "business" designation. But we cannot now say that it all will. Thus, the requested automatic designation is inappropriate. The ultimate test for "business" designation is that the information has to fall within one of the exemptions of FOIA or disclosure must be proscribed by another statute. As for the burden of persuasion, the submitter of the information is in a better position than the requestor in the first instance to assess the proprietary nature of any information submitted.

(13) The preamble of the proposed regulations points out that theoretically there may be instances when the OFI might on its own initiative release information that has been classified as "business." 46 FR 22343. Section 1504.208 of the regulations also recognizes that the OFI might make an independent decision to disclose information. Alaskan Northwest takes umbrage with any suggestion that the OFI may, on its own initiative, release information that is designated "business." It cannot envision any situation when OFI may have a legitimate reason to release such information absent a FOIA request.

To the contrary, there may be circumstances when OFI—in the process of meeting its many statutory duties—may need to release "business" information, for example, to support an enforcement decision or substantiate a rate base determination. But even then, the OFI will first afford the sponsor the procedural protections of § 1504.208. In the process the OFI might conclude that a protective order is appropriate. This is actually more protection than available under other agencies' FOIA regulations.

(14) Section 1504.208(d)(2) states that the OFI will publicly disclose any information at issue within ten calendar days of a determination. Although no objections were voiced by any of the commentators on this provision, OFI has reviewed it and concluded that a slight clarification is necessary.

FOIA requires that an agency make a determination within ten calendar days after the receipt of a request for information, but does not require the disclosure of the record at that time. When there is any disagreement regarding the release of "business" information, OFI believes that ten days is sufficient time for the submitter to institute any court action to enjoin the release of any record. The proposed regulation permits the OFI to release the information at issue any time during the ten day period after a determination. The following modification to the regulation, § 1504.208(d)(2), makes it clear that OFI will not release any information at issue until ten days after the determination.

(2) The fact that the information at issue will be publicly disclosed ten days after the determination.

III. Conclusion

This final rulemaking is not subject to the requirements of 42 U.S.C. 4332(2)(c). Morever, it is not a "major rule" within the meaning of section 1(b) of Executive Order 12291. The regulation is clearly within the authority delegated by law, and is consistent with Congressional intent. As required by section 4(a), the OFI explains this conclusion. The Part 1504 merely explains how the OFI will implement its information gathering authority (15 U.S.C. 719e(a)(5)(D)); how the OFI will handle documents for which confidential treatment is requested; and how the OFI will process public disclosure requests under the Freedom of Information Act. The annual effect on the economy is minor, well below $100 million. Nor will there be a major increase in costs or prices or significant adverse effects on competition, employment, etc. These regulations do not require the three companies sponsoring ANGTS to compile information. Any information requests will be required by the many federal statutes which the OFI will be enforcing relative to ANGTS. As required by the Executive Order, section 4(b), the OFI has given full attention to public comments in general and the comments of persons directly affected by the rule in particular. The OFI complied with section 3(c)(3) of the Executive Order.

This final rulemaking does not establish an "information collection requirement," as defined at 44 U.S.C. 3502(4). Accordingly, the requirements of Pub. L. 96–511 do not apply.

This is a certification, to the Office of Advocacy at the Small Business Administration, rendered pursuant to the Regulatory Flexibility Act [RFA], Pub. L. 96–354, 5 U.S.C. 605(b).

The final rule, 10 CFR Part 1504, is the OFI's regulations for gathering, handling, and disclosing information. This rule should not impose significant economic impact. Any impact that does occur, however, will fall on the three companies sponsoring ANGTS, the largest privately-financed construction project in U.S. history. By definition, they are not small business entities.

Dated: December 8, 1981.

John T. Rhett,

Federal Inspector.

For the reasons set out above, the Office of the Federal Inspector amends Title 10 of the Code of Federal Regulations by adding a new part, Part 1504, to read as follows:

PART 1504—GATHERING, HANDLING, AND DISCLOSING INFORMATION

Subpart A—Procedures Governing OFI Information Requests, Subpoena Process, Judicial Enforcement, and Administrative Sanctions

Sec.

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1504.314 Appeal determination.
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1504.316 Time allowed for issuance of appeal determination.
1504.317 Exemption categories.
1504.318 Fees; payment; waiver.

Authority: 5 U.S.C. section 552; sections 7(a) (5) and 9 of ANGTA, 15 U.S.C. section 719; and sections 102 and 202 of Reorganization Plan No. 1 of 1979.

Subpart A—Procedures Governing OFI Information Requests, Subpoena Process, Judicial Enforcement, and Administrative Sanctions

§ 1504.101 Scope.

(a) The Federal Inspector has expansive authority to collect information which "he deems necessary to carry out his responsibilities." Section 7(a)(5)(D) of the Alaska Natural Gas Transportation Act (ANGTA), 15 U.S.C. 719e(a)(5)(D). Absent voluntary submission, the Office of the Federal Inspector (OFI) may issue an administrative subpoena and, if necessary, pursue judicial enforcement of unsatisfied subpoenas.

(b) This subpart describes the procedures which will be used when voluntary OFI requests for information relevant to the general oversight functions of the OFI are not fulfilled. It also provides the procedures to be used during any formal OFI proceeding for issuing and enforcing administrative subpoenas.

§ 1504.102 General oversight—OFI requests for information.

(a) The OFI will exercise its jurisdiction mainly through general project oversight, not through *ad hoc* adjudication. As a result, most of the OFI's requests for information should occur outside the confines of litigation.

(b) The OFI will make requests for information in writing, except when a written communication would result in an unacceptable delay, in which case any oral request will be confirmed in writing. Requests will provide an adequate description of the information requested and state a reasonable period of time, consistent with the mandate of ANGTA to expedite the regulatory process, within which the information should be submitted.

(c) When the request for information has not been satisfied, the OFI may take further action under either or both §§ 1504.103 and 1504.104.

§ 1504.103 General oversight—informal sanctions.

(a) If the request for needed information is not satisfied, as per § 1504.102(c), the OFI may—as an alternative to or in addition to issuing an administrative subpoena—withhold any regulatory approval or monitoring action to which the needed information relates.

(b) The director of the OFI office responsible for the specific regulatory approval or monitoring action and in need of the information withheld or the Deputy Federal Inspector where appropriate may, after consultation with the General Counsel, withhold such approval or action, as per § 1504.103(a).

(c) Delays associated with the OFI withholding approval or action, as per paragraph (a) of this section, will be attributed to the recalcitrant entity, to which the unsatisfied but valid information request had been made.

§ 1504.104 General oversight—subpoenas.

(a) *Justification.* If the request for needed information is not satisfied, as per § 1504.102(c), the OFI may issue a subpoena compelling production under this Section.

(b) *Issuance.* Subpoenas for the production of information deemed necessary for the OFI to carry out its general oversight and monitoring responsibilities may be issued either by the Federal Inspector or by the OFI General Counsel or designee.

(c) *Contents.* Subpoenas will bear the OFI name and seal and the name and position of the issuing officer. Subpoenas will command the production of reasonably described information at a designated place and time, not to exceed 10 calendar days from date of service. The subpoena will contain the statutory basis for the request of the information and how the requested information is relevant to the execution of OFI's authority.

(d) *Service.*

(1) A subpoena will be served upon the person(s) named in the subpoena by delivering a copy of the subpoena to the person(s) named.

(2) Delivery of the subpoena may be made by:

(i) Any legally-accepted method, or

(ii) Any other method that provides the person with actual notice prior to the return date of the subpoena.

(e) *Motion to quash.* A motion to quash a subpoena may be made no more than 5 calendar days from the date of service. Such motion shall be filed with the issuing officer and shall set forth specific reasons why the information requested is clearly not necessary for the OFI to carry out its duties. The issuing officer may deny or grant the motion in whole or part; stay or extend the time for compliance; or modify the subpoena as appropriate.

§ 1504.105 General oversight—compliance orders.

(a) When a subpoena issued pursuant to § 1504.104 has been neither quashed nor satisfied, the OFI may issue a compliance order, as per section 11(a)(1) of ANGTA, 15 U.S.C. 719i(a)(1). Either

the Federal Inspector or the OFI General Counsel may issue such an order.

(b) Such compliance order will specify: (1) The subpoena violated; and (2) a time of compliance, not to exceed 10 calendar days.

§ 1504.106 General oversight—judicial enforcement.

In addition to pursuing remedies available under other applicable provisions of law, the OFI may, after the issuance and violation of a compliance order:

(a) Seek judicial enforcement of the unsatisfied subpoena;

(b) Commence a civil action pursuant to section 11(a)(2) of ANGTA, 15 U.S.C. 719i(a)(2), in the district court of the United States having venue for appropriate relief, including an injunction against or civil penalties (not to exceed $25,000 per day) for, violating the compliance order; and/or

(c) Where appropriate, seek an order from the district court holding the defendant in contempt of court.

§ 1504.107 Formal OFI proceedings—discovery.

(a) To the extent that it undertakes an enforcement or other regulatory action which requires an agency hearing on the record or which otherwise could result in the imposition of serious sanctions against the responding person, the OFI will gather the necessary information through interrogatories, document production, depositions, and other forms of discovery.

(b) The rules governing such discovery will appear as part of the OFI's rules of practice and procedure, 10 CFR Part 1508.

(c) Unjustified refusal to comply with discovery requests may result in the OFI issuing a subpoena compelling compliance, as per § 1504.108.

§ 1504.108 Formal OFI proceedings—subpoenas.

(a) *Justification.* If the discovery request for information is refused, as per § 1504.107(c), if a requested witness refuses to appear, or if a party refuses to produce evidence, the OFI may issue a subpoena compelling discovery, attendance, or production under this section.

(b) *Issuance.* Subpoenas justified under § 1504.108(a) may be issued by the OFI presiding officer on his or her own motion or on a motion filed with the presiding officer by any party to the OFI proceeding. Subpoenas will be issued if the presiding officer finds that the information requested is necessary to the duties of the OFI and should not otherwise be withheld.

(c) *Contents.* Subpoenas will bear the OFI name and seal, the name and position of the issuing officer, and the title of the proceeding. Subpoenas will command a named person to testify or produce reasonably described evidence or information at a designated time and place. The subpoena will contain the statutory basis for the request of the information and how the requested information is relevant to the execution of OFI's authority.

(d) *Service.* Service will be accomplished in accordance with § 1504.104(d).

(e) *Motion to quash.* A motion to quash a subpoena may be made no more than 5 calendar days from the date of service. Such motion shall be filed with the OFI presiding officer who issued the subpoena (and where appropriate served on the party applying for the subpoena) and shall set forth specific reasons why the information requested is clearly not necessary for the OFI to carry out its duties, or should otherwise be withheld. The OFI presiding officer may deny or grant the motion in whole or part; stay or extend the time for compliance; or modify the subpoena as appropriate.

§ 1504.109 Formal OFI proceedings—compliance orders.

When a subpoena issued pursuant to § 1504.108 has been neither quashed nor satisfied, the OFI may issue a compliance order in accordance with the procedures set forth in § 1504.105.

§ 1504.110 Formal OFI proceedings—judicial enforcement.

Judicial enforcement of a compliance order, issued under § 1504.109, may be sought in accordance with § 1504.106.

Subpart B—Treatment of "Sensitive" and "Business" Information

§ 1504.201 General policy.

(a) The OFI agrees in advance to resist disclosure of "sensitive" information, a narrow category including national security, trade secret, critical procurement, and secrecy agreement information.

(b) For "business" information, however, the OFI only agrees to the following: (1) To give to the submitter notice and opportunity to object; and (2) to balance the competing interests as to disclosure.

§ 1504.202 Document categories.

(a) The "sensitive" category is very narrow, only including documents which, except under court order, should in no case be distributed outside the government (and in most cases retained just within the OFI). The following types of information are "sensitive":

(1) Documents classified for national security reasons are "sensitive", the only contemplated examples of which relate to the reciprocal procurement review with the Northern Pipeline Agency in Canada.

(2) Trade secrets, as explained and defined in § 1504.203(b) for this particular context, also come within the "sensitive" category.

(3) Critical procurement information, particularly tentative bids, price and vendor conditions, come within the "sensitive" designation.

(4) The "sensitive" category also includes information originally received by the submitter under a *bona fide* secrecy agreement from the third party originator of the information.

(5) There could possibly be other documents received under circumstances warranting limited or no distribution. Privileged information developed during non-ANGTS litigation, for example, might warrant an OFI agreement to resist disclosure. Privacy considerations might also be relevant here. Because "sensitive" designation of this type of information is presently only hypothetical, it will receive no elaboration in § 1504.203.

(b) The "business" category entails information either developed at a cost and possessing demonstrable market value or the release of which may substantially impair the competitive position of the person who supplied it, whether an ANGTS sponsor or another. This is basically proprietary information, disclosure of which would reduce or eliminate its value to the submitter. Unlike "sensitive" information, "business" information may, under certain circumstances, be disclosed to the public. The OFI will balance the economic impact of disclosure against the public interest in access.

§ 1504.203 Factors governing designation of information as "sensitive".

(a) *National Security.* While relatively rare, the first type of "sensitive" information to be protected by the OFI is "classified" information. Through a formal U.S.-Canadian exchange of diplomatic notes establishing reciprocal procedures to administer procurement oversight, the OFI is required to maintain the "confidentiality" of certain information disclosed by the Northern Pipeline Agency. Such information would constitute "foreign government information" and as such would be classified as "confidential" under Executive Order 12065. During the

limited period of the procurement process, while this information continues to be "confidential," the OFI will deny public access under FOIA exemption (b)(1), that is, information properly classified under Executive Order as "in the interest of national defense or foreign policy." (See § 1504.317(a)(1) of Subpart C of this part).

(b) *Trade Secrets.* Trade secrets are the core of the "sensitive" category:

(1) The ANGTS sponsors might have to contract for some highly specialized, technical, and secret process or mechanism instrumental to the design or construction effort.

(2) Public disclosure of the process itself—as contrasted to what was produced by use of the process—would cause the contractor severe economic and competitive loss. Disclosure of such trade secrets is not in the public interest, for it could both hamper project expedition and also escalate construction costs.

(3) The OFI will resist any FOIA request for such information, as well as discourage requests from other agencies or Congressional committees, unless adequate protections are provided. FOIA exemption b(4)—while broader than just trade secrets—will be employed. (See § 1504.317(a)(4) of Subpart C of this part). So too, the Trade Secrets Act prohibition against unauthorized disclosure applies primarily to information like these trade secrets.

(4) While the term "trade secret" has varying connotations depending on the legal context, the OFI will use the following criteria to discern if information is a trade secret, solely for the purpose of bringing it within the "sensitive" category:

(i) The cost of developing the information;

(ii) The value of the information to the owner and competitor, *i.e.*, the extent of the competitive advantage it provides;

(iii) The extent to which the information is not independently known or available to others; and

(iv) The extent to which the owner has maintained its confidentiality.

(c) *Secrecy Agreements.* The OFI will scrutinize information under secrecy agreements from a narrow perspective similar to that employed for trade secrets. These secrecy agreements could well be insisted upon by the trade secret owner contracting with the ANGTS sponsor. The OFI will closely review such secrecy agreements to assure that they are:

(1) Necessary, in terms of the sponsor being able to gain possession of the information on reasonable conditions;

(2) Enforceable against the submitter, *i.e.*, through civil damages; and

(3) Not formed to circumvent the OFI's regulations limiting special treatment for "sensitive" information.

(d) *Critical Procurement.* Critical procurement information will be protected through the FOIA (b)(4) exemption, and includes primarily tentative bids (price vendor, and conditions), disclosure of which before completion of the process could skew the procurement, leading to delay and/or cost escalation. Critical procurement information of the ANGTS sponsors will also retain the "sensitive" designation subsequent to the award of a contract.

§ 1504.204 Factors governing designation of information as "business".

(a) *Proprietary Nature.* "Business" information is proprietary, commercial or financial information, the release of which may substantially impair the competitive position of the person who supplied it, whether an ANGTS sponsor or another. In the majority of cases, the ANGTS sponsor will incur substantial costs to develop or purchase numerous studies, plans, designs, methods, systems, etc., associated with project completion. While not "sensitive" information, these documents nonetheless possess some value; that is, the sponsors might at some time find a willing buyer for the information.

(b) *Treatment.* "Business" information generally comes within FOIA exemption b(4), but the OFI is not committed necessarily to resisting its public disclosure. Instead, the OFI will balance the economic harm of disclosure against the public interest supporting the access request. In so doing, the OFI will first notify the submitter of "business" information that a request for access has been made or that the OFI on its own initiative intends to disclose it, as detailed in Section 1504.208. The submitter will then have the burden of proving to the OFI that the requested information is truly valuable and that disclosure will reduce or eliminate that value.

(c) *Factors Against Disclosure.* While OFI disclosure of such information would not, strictly speaking, impair competitive position, it might reduce or eliminate the potential for revenues from a future sale. Beside this general economic impact, the OFI will consider the following ANGTS-specific factors militating against disclosure:

(1) For "business" information merely held by an ANGTS sponsor but owned by a third party, such as procurement-related information of a prospective vendor or contractor, public disclosure might be shown to impair the sponsor's ability to procure future goods and services at a reasonable price.

(2) To the extent that "business" information is utilized by the sponsors for ANGTS construction, the associated costs will be capitalized for rate base inclusion. As such, the consumers of Alaskan gas will pay for such "business" information. The revenues from any subsequent sale of this "business" information should used as a credit to rate base, thereby benefitting the gas consumer, who has been paying for such information. Therefore, when ruling on requests for public disclosure of the sponsors' "business" information, the OFI will consider, on the one hand, the likelihood and magnitude of future gas consumer rate reduction if access is denied and, on the other hand, the purpose to be served if access is granted.

(3) While the OFI's authority to gather information is expansive (see Subpart A of this Part), public disclosure of certain types of "business" information might increase submitter resistance and thereby increase the OFI's need to use compulsory rather than voluntary process for subsequent information gathering. This eventuality could impair the OFI's ability to expedite ANGTS construction, something which the OFI would try to avoid.

(d) *Factors Favoring Disclosure.*

(1) Disclosure is the statutory preference under FOIA.

(2) For "business" information related to its overall role of administering the equal opportunity program for ANGTS preconstuction and construction (see 43 CFR Part 34 and 10 CFR Part 1534), the OFI will accord the maximum public access permitted within relevant legal parameters, as described in this subpart.

§ 1504.205 Procedures to designate information as "sensitive".

(a) Any person, who has been requested by the OFI to provide information, including computerized data, which that person believes to be "sensitive," must so designate the information on its face and also submit, simultaneously with the information, a petition justifying that "sensitive" designation.

(b) A petition for "sensitive" designation must contain the following:

(1) A thorough statement (including documentary support and sworn affidavits if appropriate) explaining why the information is "sensitive," pursuant to the criteria set forth in §§ 1504.202 and 1504.203;

(2) When appropriate, the length of time and the circumstances under which

the information should remain designated "sensitive"; and

(3) The name and address by which the petitioner can promptly be reached by the OFI (through letter or telegram) concerning the petitioned-for designation.

(c) Upon receipt of the petition, the OFI General Counsel or designee will determine whether the information will be designated as "sensitive."

(1) The General Counsel or designee will make this determination as soon after receipt of the petition as is practicable, but in the interim the petitioner may not assume that the petition has been approved.

(2) The General Counsel or designee will notify the petitioner of one of the three following determinations:

(i) The information is designated as "sensitive" and thus will be protected from public disclosure under all circumstances, as per § 1504.206;

(ii) The information is not designated as "sensitive," in which case the petitioner may, where appropriate, consider petitioning the OFI for a "business" designation, as per § 1504.207; or

(iii) The petition is inadequate for making a final determination, in which case the petitioner will have five calendar days from receipt of the determination in which to cure the petition.

§ 1504.206 Treatment of "sensitive" information.

(a) For information designated by the OFI as "sensitive," under § 1504.205(c)(2)(A), the OFI will take the following internal steps:

(1) The designated information will be officially stamped on its face as "sensitive," with the notations that public disclosure is prohibited; that the OFI General Counsel must first approve disclosure within the Government; and that internal distribution and copying is also prohibited unless approved by the OFI Security Officer. The "sensitive" designation will remain unless the General Counsel determines that changed circumstances make it necessary to remove such a designation, in which case the submitter will be so notified immediately.

(2) The OFI will impose stringent internal control procedures for the designated information, including special locked storage facilities, an assigned custodian, and a system of written logs to assure limitation on distribution and copying.

(b) When a request for public disclosure of the designated information is received, the OFI Freedom of Information Officer will so notify the original submitter of the "sensitive" information.

(c) Any information designated "sensitive," which is released pursuant to either a joint federal/state agreement or any other arrangement, shall not be released to the public by the State or any other entity receiving it.

(d) To the extent that a state agency or any other respective entity does not agree in advance to § 1504.206(c), the OFI will not release such information to it.

(e) If the OFI subsequently encounters difficulties in resisting public disclosure of "sensitive" information, the OFI General Counsel or designee will so notify the original submitter, affording an opportunity for the submitter to take whatever supplemental legal action it deems appropriate to assist the OFI in resisting disclosure.

§ 1504.207 Procedures to designate information as "business".

(a) Any person, who has been requested by the OFI to provide information, including computerized data, which that person believes to be "business," must so designate the information on its face and also submit, simultaneously with the information, a petition justifying that "business" designation.

(b) A petition for "business" designation must contain the following:

(1) A concise statement explaining why the information is "business," pursuant to the criteria set forth in § 1504.204 of this Part, including particular analysis of the factors for and against disclosure;

(2) When appropriate, the length of time and the circumstances under which the information should remain designated "business"; and

(3) The name and address of a responsible person, who can speak for the petitioner and who can promptly be reached by the OFI (through letter or telegram) concerning the petitioned-for designation.

(c) Upon receipt of the petition, the OFI General Counsel will briefly review the matter and reject petitions which are patently inadequate. This brief review, however, does not constitute final action on the petition. Until the petition is formally considered (see § 1504.208 of this part) by the OFI, the petitioner may not assume that the petition has been approved.

§ 1504.208 Treatment of "business" information.

(a) For information petitioned to be designated as "business," for which the petition has not been rejected as patently inadequate under § 1504.207(c), the OFI will stamp "'business' petition pending," with the notation that public disclosure is not allowed without prior official OFI approval pursuant to this section, whether in the case of FOIA requests or disclosure at the OFI employee's own initiative. Otherwise, the OFI will impose no special procedures for internal control.

(b) When a request for public disclosure of the information stamped "business" is received or when the OFI on its own initiative intends to make pubic disclosure, the OFI Freedom of Information Officer will so notify the original submitter of the information, giving the submitter up to five days to supplement the original petition for "business" designation, first filed pursuant to § 1504.207(a). This supplementation may be accompanied by a sworn affidavit if appropriate and should include the following:

(1) Statement of any change in facts since the petition was first filed (including whether the petition has become unnecessary);

(2) Detailed explanation of the market value of the information at issue and why disclosure would reduce or eliminate that value; and

(3) Suggested ways to minimize economic harm from disclosure while still affording public access, such as isolating the specific portions of documents warranting special treatment.

(c) As part of the OFI initial determination on any FOIA request for stamped information (under §§ 1504.309 and 1504.312 of Subpart C) or as part of an independent OFI decision to disclose that stamped information to the public, the OFI General Counsel or designee will make one of the following decisions on the pending petition for "business" designation:

(1) The information is not "business" within the meaning of § 1504.204(a), and the petition is therefore denied. If there is no other reason to withhold public disclosure, the OFI Freedom of Information Office will then grant the FOIA request.

(2) The information is "business" within the meaning of § 1504.204(a). The petition is therefore granted and the information is designated as "business." However, when balancing the competing factors as to disclosure under § 1504.204(b)–(d), the public interest favors disclosure. Thus, the OFI Freedom of Information Office will then grant the FOIA request.

(3) The information is "business" within the meaning of § 1504.204(a). The petition is therefore granted, and the information is designated as "business."

When balancing the competing factors as to disclosure under § 1504.204(b)–(d) the public interest is against disclosure. Thus, the OFI Freedom of Information Officer will then deny the FOIA request as per § 1504.312 of Subpart C, subject to the petitioner's ongoing assistance to the OFI in defense of any proceeding that might thereafter be brought to compel the OFI to disclose the "business" information.

(d) Any information designated "'business' petition pending," which is released pursuant to a joint federal/state agreement or any other arrangement, shall not be released to the public by the State or any other entity receiving it unless the OFI General Counsel has made a determination otherwise.

(e) To the extent that a state agency or any other entity does not agree in advance to § 1504.208(d), the OFI will not release such information to it.

(f) The OFI Freedom of Information Officer will immediately advise the petitioner (submitter of the information at issue) of:

(1) The determinations made pursuant to either § 1504.208(c)(1) or 1504.208(c)(2); and

(2) The fact that the information at issue will be publicly disclosed ten calendar days after the determination.

Subpart C—Public Requests for Information

§ 1504.301 Purpose and scope.

(a) This subpart describes the procedures by which records may be obtained from the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (OFI), in accord with the Freedom of Information Act, 5 U.S.C. 552. That provision of law requires that this agency, "upon any request (other than that made by another Federal agency) for records which (1) reasonably describes such records, and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person."

(b) The procedures in this subpart do not apply to requests for records published in the **Federal Register**, for materials which are legally owned by OFI employees in their personal capacity, and for materials which are readily available to the public, such as books, journals, perodicals and other copyrighted materials available through reference libraries, even if such materials are in OFI's possession.

§ 1504.302 Policy on disclosure of OFI records.

(a) The OFI will make records available to the public, to the greatest extent possible in keeping with:

(1) The spirit of the Freedom of Information Act;

(2) The rights of individuals to privacy;

(3) The designation of any document as "sensitive" and "business" information which the OFI will give special treatment (pursuant to Subpart B of this part); and

(4) The need to promote frank internal policy deliberations and to pursue official activities without undue disruption.

(b) All OFI records shall be available to the public upon request, unless disclosure is prohibited by court order, Executive Order, statute, provision of this subsection, or an exemption under the Freedom of Information Act.

§ 1504.303 Partial disclosure of records.

If a requested record contains both exempt and nonexempt material, the nonexempt material shall be disclosed after the exempt material has been deleted.

§ 1504.304 Existing records.

(a) The Freedom of Information Act does not require the creation of new records in response to a request, nor does it require the OFI to place a requestor's name on a distribution list for automatic receipt of certain kinds of records as they come into existence. Instead, it establishes requirements for disclosure of existing records.

(b) All existing OFI records are subject to routine destruction according to standard record retention schedules.

§ 1504.305 Where and to whom requests for OFI records should be sent.

(a) Although OFI records may be located in one or more of the OFI's branch offices, all requests for OFI records should be sent to OFI Headquarters, addressed to: Office of the Federal Inspector, Alaska Natural Gas Transportation System Freedom of Information Officer Room 3413, Post Office Building 12th and Pennsylvania Avenue, N.W. Washington, D.C. 20044

(b) To the extent that a request is received by a branch office of the OFI, the request will not be deemed received by the OFI until received at OFI headquarters, following transmission by the branch office.

§ 1504.306 Form of request.

A request shall be made in writing and shall reasonably describe the records sought in a way that will permit their identification and location. If such information is available, the request should identify the subject matter of the records, the date when it was made, the person(s) or the office which made the records, the present custodian of the records, and any other information which will assist in the location of the requested records.

§ 1504.307 Requests which do not reasonably describe records sought.

(a) If the description of the records sought in the request is not sufficient to allow the OFI to identify and locate the requested records, the OFI will notify the requestor that the request cannot be processed further until additional information is furnished.

(b) The OFI will make reasonable effort to assist in the identification and description of records sought and to assist the requestor in formulating his request.

(c) If a request is described in general terms (e.g., all records having to do with a certain area), the OFI may communicate with the requestor with a view towards reducing the administrative burden of processing a broad request and minimizing the fees payable by the requestor.

§ 1504.308 Responsibilities of Freedom of Information Officer.

(a) Upon receipt of a written request, the Freedom of Information Officer shall mark the request with the date of receipt, indicate the date by which a response is due, and note any other pertinent administrative information. The Freedom of Information Officer shall monitor the handling of the initial request and any appeals to ensure a timely response.

(b) The Freedom of Information Officer shall maintain a file concerning each initial request and any appeals received. This file shall contain a copy of the request, initial and appeal determinations, and other pertinent correspondence and records.

(c) The Freedom of Information Officer shall collect and maintain the information necessary to compile the reports required by 5 U.S.C. 552(d).

§ 1504.309 Time allowed for issuance of initial determination.

(a) Except as otherwise provided in this Section, the Freedom of Information Officer shall not later than the tenth working day after the date of receipt of a request for records, issue a written determination to the requestor, stating:

(1) Which of the requested records will, and which will not, be released; and

(2) The reason for any denial of a request.

(b) The period of 10 working days shall be measured from the date the request is first received, pursuant to § 1504.305 of this part.

(c) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date when a requestor is notified by the OFI that his request does not reasonably identify the records sought and the date when the requestor furnishes a reasonable identification.

(d) There shall also be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date when a requestor is notified by the OFI that prepayment of fees is required and the date when the requestor pays, or makes suitable arrangements to pay such charges. See § 1504.318(c).

(e) The OFI may extend the basic 10-day period established under § 1504.309(a) by a period not to exceed 10 additional working days by furnishing written notice to the requestor, within the basic 10-day period, stating the reasons for such extension and the date by which the OFI expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following circumstances require the extension:

(1) There is a need to search for and collect the requested records from field facilities;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request (or among two or more components of the OFI).

(f) Failure of the OFI to issue a determination within the 10-day period (together with any authorized extensions) shall constitute final agency action, which authorizes the requestor to commence an action in an appropriate Federal District Court to obtain the records.

§ 1504.310 Records of other Federal agencies.

(a) If the release of a record would be of concern to both the OFI and another Federal agency, the record will be made available by the OFI only if the interest of OFI is the primary interest. The OFI has the primary interest in a record if it was developed pursuant to OFI regulations, directives, or request, even though the record originated outside the OFI.

(b) If the OFI does not have primary interest in the records, the request shall be referred in writing to the agency having the primary interest and the requestor will be so notified.

§ 1504.311 Records obtained from the public; notice to the donor.

(a) If a requested record was obtained by the OFI from a person or entity outside the Government, the OFI official responsible for processing the request shall, before making a decision on the request and when it is administratively feasible to do so, seek the views of that person or entity in writing on whether the record should be released.

(b) For "sensitive" or "business" information, notice to the entity providing the information is required and governed by Subpart B of this part.

§ 1504.312 Initial denial of a request.

(a) An initial denial of a request may be issued only for one or more of the following reasons:

(1) The record requested is not known to exist;

(2) The record is not in the OFI's possession;

(3) A statutory provision, a provision of this Part, a court order, or an Executive Order requires that the information not be disclosed;

(4) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b), and the OFI has decided that the public interest would not be served by disclosure; or

(5) The record is believed to exist in OFI's possession but has not yet been located (see § 1504.312(e)).

(b) Each initial determination to deny a request shall be written, signed, and dated, and it shall state the basis for denial of a record or any part of a record.

(c) The written denial of a request shall include the name and title of the person(s) participating in a decision to deny that request.

(d) The denial shall state the administrative procedure for appealing a determination against releasing any record or part of a record.

(e) When a request must be denied because the record has not yet been located (although it is believed to exist in OFI's possession), the OFI office responsible for maintaining the record shall both continue to search diligently (until it is located or it appears that the record does not exist or is not in OFI's possession), and also periodically inform the requestor of the office's progress.

§ 1504.313 Appeal from an initial denial.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the address shown in § 1504.305.

(b) An appeal should be mailed no later than 30 calendar days after the date the requestor received the initial determination denying the request. An untimely appeal may be treated either as a timely appeal or as a new request, at the option of the Freedom of Information Officer.

(c) The appeal letter shall contain the date of the initial determination, and the name and address of the person who issued the initial denial. The appeal letter shall also indicate which of the records, to which access was denied, are the subject of the appeal.

§ 1504.314 Appeal determination.

(a) The Federal Inspector will make one of the following legal determinations in connection with every appeal from the initial denial of a request for an existing, located record:

(1) The record must be disclosed;

(2) The record must not be disclosed, because a statute or a provision of this Part so requires; or

(3) The record is exempt from mandatory disclosure but legally may be disclosed as a matter of OFI discretion.

(b) The Federal Inspector may decide to delegate his authority over the appeal process.

§ 1504.315 Contents of determination denying appeal.

A determination denying an appeal from an initial denial shall contain the following:

(a) It shall be in writing;

(b) It shall state which of the exemptions in 5 U.S.C. 552(b) apply to each requested existing record;

(c) It shall state the reason(s) for denial of the appeal;

(d) It shall also state the name and position of the OFI officer or employee who made the decision that the appeal be denied; and

(e) It shall further state that the person whose request was denied may obtain judicial review of the denial by complaint filed with the District Court of the United States in the District in which the complainant resides, in which the OFI records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 1504.316 Time allowed for issuance of appeal determination.

(a) Except as otherwise provided in this Section, the Federal Inspector shall—no later than the twentieth working day after the date of receipt by the Freedon of Information Officer at OFI Headquarters of an appeal from an initial denial of a request for records—issue a written determination stating which of the requested records (as to which an appeal was made) shall be disclosed and which shall not be disclosed.

(b) The period of 20 working days shall be measured from the date when an appeal is first received by the Freedom of Information Officer at OFI Headquarters.

(c) The Federal Inspector may extend the basic 20-day period established under § 1504.316(a) by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 20-day period, stating the reasons for such extension and the date by which the Federal Inspector expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following circumstances require the extension:

(1) There is a need to search for and collect the records from field facilities or other establishments that are separate from the office processing the appeal;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the OFI.

§ 1504.317 Exemption categories.

(a) 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located record in the OFI's possession shall be denied by any OFI office or employee, unless the record contains (or its disclosure would reveal) matters which are:

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order (See Subpart B or this part);

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute, other than 5 U.S.C. 552(b): *Provided,* that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential (See Subpart B of this part);

(5) Interagency or intra-agency memoranda or letters which would not be available by law to a party, other than an agency, in litigation with the agency;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The fact that the applicability of an exemption permits the withholding of a requested record (or portion thereof) does not necessarily mean that the record must or should be withheld.

§ 1504.318 Fees; payment; waiver.

(a) *Fee schedule.* Fees will be charged requestors for searching for and reproducing requested records, in accordance with the following schedule: Record search time (OFI employees), $5.00 per half hour; computer programming time (OFI employees), $16.00 per half hour; reproduction of documents (paper copy of original), $0.20 per page; and other costs of searching for or duplicating records (including such items as: computer system time; contractor computer programming time; reproduction of photographs, microforms, or magnetic tape; computer printouts; and transportation of records), actual direct cost to the OFI.

(b) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "U.S. Treasury" and shall be addressed to: Office of the Federal Inspector, Alaska Natural Gas Transportation System, Division of Financial Management, Room 1409, Post Office Building, 12th & Pennsylvania Ave. NW., Washington, D.C. 20044.

(c) *Prepayment or assurance of payment.* If the OFI determines or estimates that the unpaid fees attributable to one or more requests by the same requestor exceed or will exceed $25.00, OFI need not search for, duplicate, or disclose records in response to any request by that requestor until the requestor pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this section. (See § 1504.309(d)). In such a case, the OFI office shall promptly inform the requestor (by telephone, if practicable) of the need to make payment or arrangements to pay.

(d) *Reduction or waiver of fee.* The fee chargeable under this section may be reduced or waived by the OFI, if the public interest would be served. A request for reduction or waiver of fees should be addressed to the OFI Freedom of Information Officer.

(e) The OFI Freedom of Information Officer shall maintain a record of all fees charged requestors for searching for and reproducing requested records under this section. If, after the end of 60 calendar days from the date on which request for payment was made, the requestor has not submitted payment to the OFI Freedom of Information Officer, the Freedom of Information Officer shall place the requestor's name on a delinquent list. If a requestor whose name appears on the delinquent list makes another request under this part, the OFI Freedom of Information Officer shall inform the requestor that the OFI will not process the request until the requestor submits payment of the overdue fee from the earlier request and prepayment of the fee for the current request may be required.

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Part III

Veterans Administration

Standards for Electrically Powered Wheelchairs

VETERANS ADMINISTRATION

Standards for Electrically Powered Wheelchairs

AGENCY: Veterans Administration.

ACTION: Notice of Publication of Standards and Request for Comments.

SUMMARY: Notice is hereby given of the proposed publication of the Veterans Administration Standards for Electrically Powered Wheelchairs in the Bulletin of Prosthetics Research. These standards are to provide an evaluation base for electrically powered wheelchairs and to ensure a functional wheelchair which is safe, comfortable and durable. These Veterans Administration Standards for Electrically Powered Wheelchairs establish minimum standards for the classification, selection, and purchase of electric wheelchairs, by the Veterans Administration, for use by veteran beneficiaries. The Bulletin of Prosthetics Research is published by the Rehabilitation Engineering Research and Development Service, Department of Medicine and Surgery, Veterans Administration. The Bulletin is published semi-annually and is available through the Government Printing Office. These Standards are scheduled for publication in the Spring, 1982 edition.

DATES: Comments must be received by December 31, 1981. It is proposed that all electrically powered wheelchairs submitted for qualification under these Standards meet the requirements contained therein by February 25, 1982.

ADDRESSES: Interested persons are invited to submit written comments regarding these Standards to the address below. Testing equipment and techniques may also be viewed at the same site.

Director, VA Rehabilitation Engineering Center, 252 Seventh Avenue, New York, NY 10001.

Dated: December 7, 1981.

Robert P. Nimmo,

Administrator.

Veterans Administration Standards for Electrically Powered Wheelchairs

December 1980

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1.0. *Scope, Classification, Limitations, Definitions.*

1.1. *Scope.* This Standard applies to electrically powered wheelchairs for use by entitled veteran beneficiaries. Intended for VA use, this document sets minimum standards for the classification, selection, and purchase of electric wheelchairs suited to veteran needs. While other persons and agencies may use this document for reference, it is to be understood that this document is not intended for eventual use as an American National Standard. Thus, the VA disclaims any responsibility arising from use of the following material by any person not affiliated with the VA.

1.2. *Classification and Qualification.* Powered wheelchairs shall be classified according to performance capability. There shall be three classes:

Class I wheelchairs carrying a 200-lb. (90.7 kg) person shall attain a maximum speed of between 2.5 and 4.0 mi/h (4.0 and 6.4 km/h) on level ground, be capable of climbing a slope of not less than 6 deg., travel a distance of at least 6 mi. (9.7 km) between battery charges, and be able to clear a 1-inch high obstacle from a moving start.

Class II wheelchairs carrying a 200-lb. (90.7 kg) person shall attain a maximum speed of between 4.0 and 6.0 mi/h (6.4 and 9.7 km/h) on level ground, climb a slope of not less than 9 deg., travel a minimum distance of 10 mi. between battery charges, and clear a 2-in. (5.1 cm) high obstacle from a moving start.

Class III wheelchairs shall be capable of all the functions performed by Class II wheelchairs while carrying a 250-lb. (113 kg) person.

Wheeelchairs covered by this Standard shall be classified and qualified for use by veteran beneficiaries by means of laboratory and field tests. Compliance with certain Standards shall be determined by observation, measurement, and inspection. Wheelchairs deviating from the Standard in some minor fashion that are found to be satisfactory as a result of clinical testing shall be deemed acceptable.

1.2.1. *Requirements.* Electrically powered wheelchairs covered by this Standard shall meet the same mechanical requirements as the self-propelled folding wheelchairs covered under Veterans Administration Standard (**Federal Register**, Vol. 42, No. 239, Tuesday, December 13, 1977) with respect to strength, durability, safety, adjustability, stability, casters, brakes, locks, and maneuverability. Curb-drop tests and weight requirments are excluded. They shall also meet additional Standards, listed below, concerning electrical and mechanical performance and safety. A manual describing control and performance characteristics, together with maintenance guides including wiring diagrams, shall be furnished with each wheelchair as given in Para. 8.1. (Documentation), below.

Rationale. It is assumed that electrically powered wheelchairs covered by this Standard will be used in the same environments where manually propelled (non-powered) wheelchairs are used. Requirements for Structural integrity and stability of powered wheelchairs, therefore, should be similar to those specified for manually propelled wheelchairs, notwithstanding the additional weight of the motors and batteries.

1.2.2. *Laboratory Tests.* Laboratory tests shall be performed with motors, controls, and batteries mounted in their normal positions. Batteries may be filled with water instead of acid electrolyte during mechanical tests for the convenience and safety of laboratory personnel. Performance tests shall be conducted with fully charged,

mechanically and electrically sound batteries.

1.2.3. *Field Tests.* Wheelchairs qualified under this Standard will be tested under field conditions in actual use. Observations and data collected during these field tests shall provide the basis for evaluating safety, utility, and performance characteristics. These tests will be conducted in hospital, home, and outdoor environments. Wheelchairs which do not meet the safety requirements during laboratory testing will not be field tested. Wheelchairs, covered by this Standard, which are essentially similar to previously qualified models may be qualified without field testing.

1.3. *Limitations.* These Standards do not cover conveyances designed exclusively for outdoor use.

1.4. *Definitions.*

1.4.1. *Acceleration.* The rate of change of velocity with respect to time expressed in terms of the acceleration (i.e., G) due to gravity. For example, 0.4G denotes an acceleration equal to 40 percent of that due to gravity.

1.4.2. *Add-On Power Packs.* Assemblies of motors, power trains, controllers, mounting brackets, and batteries intended for attachment to manually propelled wheelchairs in order to convert them to electrically powered wheelchairs.

1.4.3. *Anthropomorphic Dummy.* A dummy of the dimensions, proportions, and weight distribution of a typical male body.

1.4.4. *Brake.* A mechanical or electromechanical system for applying friction to the wheels or drive system of a wheelchair to retard its motion. Brakes are different from wheelchair locks which prevent a stationary wheelchair from moving.

1.4.5. *Disengagement.* The release of a power train from connection to the drive wheels to permit free wheeling.

1.4.6. *Regenerative Braking.* Regenerative braking uses the electromagnetic characteristics of the motors to brake a wheelchair. The inertial energy of the wheelchair is converted to electrical energy and, in the process, the motion of the wheelchair is retarded.

1.4.7. *Flutter.* To move in quick oscillating motion; vibrate. As used in this Standard, flutter generally refers to the oscillating movement of caster wheels about a vertical axis.

1.4.8. *Jerk.* The rate of change of acceleration with respect to time, or the third derivative of distance with respect to time. This quantity, a useful measure of the disturbing impetus given the user when operating the controls, is given in G per second. For example, a jerk of 5G/sec. means that the rate of change of acceleration is equal to five times the acceleration due to gravity in one second.

1.4.9. *Latching (Holding).* A control method in which a momentary signal turns a function on until another momentary signal turns the same function off.

1.4.10. *May.* Discretionary.

1.4.11. *Momentary.* A control method which actuates a function for the duration of an input signal.

1.4.12. *Power Train.* A system or component to transmit power from a motor to a drive wheel, i.e., gears, belts, chains, etc.

1.4.13. *Quiescent-Energy Drain.* The battery-energy discharge through the control circuit when the wheelchair is not in motion; the main power switch is turned on, and the controller does not transmit power to the drive system. This is the normal energy-drain characteristic of proportional electronic controls.

1.4.14. *Shall.* Mandatory.

1.4.15. *Short Circuit.* A condition of low resistance between two points in a circuit resulting in excess current.

1.4.16. *Should.* Desirable.

1.4.17. *Stability.* A condition in which a vertical projection of the center of gravity of a system falls within its base support. As used in this Standard, it refers to resistance to toppling or other, unwanted, rotational motion.

1.4.18. *Steady State.* An operational condition which does not change significantly with time. The term as used in this Standard refers to uniform rates of energy consumption or uniform velocity.

1.4.19. *Surge.* A large sudden change of current or voltage.

1.4.20. *Volt-Ampere (Watt).* An electrical unit equal to the product of one volt and one ampere. DC operation is assumed.

1.4.21. *Wheelie.* A maneuver in which a wheelchair is momentarily balanced on its rear drive wheels. Given sufficient amplitude of front wheel lift-off, a condition of catastrophic instability may result wherein the wheelchair may tilt backward, and the occupant become injured.

2.0. *Performance.*

2.1. *Speed.*

2.1.1. *Standard.* Powered wheelchairs shall attain a certain minimum speed but shall not exceed a maximum. Speed values shall reflect class designation.

2.1.2. *Specification.* On smooth level terrain, Class I wheelchairs shall attain a maximum speed of not less than 2.5 mi/h (4.0 km/h), but not more than 4.0 mi/h (6.4 km/h), while carrying a test load of 200 lbs. (90.7 kg). On similar terrain, Class II wheelchairs shall attain a maximum speed greater than 4.0 mi/h (6.4 km/h), but not greater than 6.0 mi/h (9.7 km/h), while carrying a 200-lb. (90.7 kg) test load. A Class III wheelchair shall perform as a Class II wheelchair while carrying a 250-lb. (113 kg) load.

Rationale. Normal walking speed is approximately 3.0 mi/h (4.8 km/h). The maximum speed of a Class I wheelchair should be similar to, or slightly greater than, ordinary walking speed. Properly trained wheelchairs users can safely manage speeds of 6.0 mi/h (9.7 km/h) provided by Class II and Class III wheelchairs.

2.1.3. *Speed Tests.* Speed measurements shall be conducted in a straight line on hard, flat, horizontal surfaces. Test loads shall consist of an anthropomorphic dummy or a test subject with a sufficient, additional, inanimate load to meet the weight requirements of Para. 2.1.2. Maximum speed shall be measured over a 50-ft. (15.2 m) distance entered at full speed. An automatic timing procedure, i.e., optical or load-sensor triggering, is recommended. If stopwatch time measurements are to be used, the average elapsed time taken from two independent observations will be obtained. If a wheelchair is equipped with pneumatic tires, then proper pressure shall be assured for each tire during the tests.

2.2. *Inclined Surfaces.*

2.2.1. *Standard.* Powered wheelchairs shall be capable of ascending inclined surfaces.

2.2.2. *Specification.* Class I wheelchairs shall climb inclined surfaces of at least 6 deg. (10.5% slope) with a standard test load (Para. 2.1.2.). Starting from a dead stop, Class I wheelchairs shall achieve a final velocity of at least 1.5 mi/h (2.4 km/h). Class II and Class III wheelchairs shall climb inclined surfaces of at least 9 deg. (15.8% slope) with a final speed of at least 2.0 mi/h (3.2 km/h).

Rationale. Most hospital entrance slopes do not exceed 6 deg. (10.5% slope), and the inclined surface requirements will probably be adequate to meet most barrier-free environments. (ANSI A 117.1–1951 (R 1971)). The UMPTA Standard for bus ramps is 9.0 deg. (15.8% slope); Class II and Class III wheelchairs should be capable of climbing such ramps.

2.2.3. *Inclined-Surface Test.* The inclined surface shall be hard, flat, and of the non-skid type. Length shall be sufficient to permit the wheelchair to be driven 30.0 ft. (9.1 m) in a straight line. The wheelchair, plus standard load, shall accelerate from a standing start at the bottom of the ramp with the

controller set at maximum speed. The time to traverse the central 10-ft. (3.05 m) span will be used to gauge velocity. The means of measuring velocity shall be those given in Para. 2.1.3.

2.3. *Range.*

2.3.1. *Standard.* Powered-wheelchair range (distance traversed on a single battery charge) shall be suitably large and shall reflect the classification of the wheelchair.

2.3.2. *Specification.* Class I wheelchairs shall travel a minimum of 6.0 mi. (9.6 km) on hard, flat, horizontal surfaces on a single battery charge. Class II and Class III wheelchairs shall travel a minimum distance of 10.0 mi. (16.1 km) on a single charge. All wheelchairs shall achieve the indicated ranges for 20 complete cycles. Each cycle shall start with the same batteries in a fully charged state. Weightload conditions shall be as given in Para. 2.1.2. Manufacturers shall recommend appropriate battery types, sources of supply, and case sizes to meet range requirements, or the manufacturer shall provide appropriate batteries with wheelchairs.

Rationale. Typical, daily, indoor use should not require an electrically powered wheelchair to travel more than 6.0 mi. (9.6 km) since this distance is comparable to values covered daily by normal walkers. Thus, a 6.0-mi. (9.6 km) range for Class I wheelchairs is sufficient. Class II and Class III wheelchairs offer greater performance by definition; the 10-mi. (16.1 km) range requirement reflects the additional performance requirement.

The Range Test, given below, is designed to be conducted in conjunction with the Electrical-Energy Conductance Test (Para. 3.5.2.).

2.3.3. Range Test. The wheelchair is to be equipped with a standard test load (Para. 2.1.2.) and driven over a relatively high-friction, horizontal, flat, hard course at an average speed equal to, or exceeding, two-thirds maximum speed. Long stops acting to promote battery recovery and component temperature drop are not desirable; should the stopped time exceed one minute in the course of a given range test, the result shall be unacceptable. Course layout shall employ a tape measure or calibrated odometer. Should the course be small in comparison to the range, lap counting is an acceptable measure of distance. The test will terminate when either the desired range is achieved or the batteries are incapable of propelling the wheelchair, plus test load, at two-thirds maximum speed.

2.4. *Dynamic Characteristics.* Dynamic characteristics refer to wheelchair performance and stability of the occupant and wheelchair when the motion of the wheelchair changes in magnitude and/or direction.

2.4.1. *Standard.* Wheelchair dynamic characteristics shall not cause discomfort or loss of stability to the user.

2.4.2. *Specification.* The horizontal acceleration of a powered wheelchair shall be essentially uniform and not cause any disturbance which may adversely affect the occupant's control over his motion and stability and of the wheelchair. Maximum, horizontal, wheelchair acceleration shall not exceed 0.6G. Horizontal jerk shall not exceed 10.0G/sec.

Rationale. Sudden changes in motion (acceleration or deceleration) by a marginally stable wheelchair with an occupant, especially on inclines, may create a dangerous condition; this may be exacerbated by users with atypical, anatomical, weight distribution such as amputees.

2.4.3. *Dynamic-Characteristic Test.* The acceleration value to be measured is the maximum value developed from a standing start by the wheelchair while carrying a standard test load consisting of a male driver, plus sufficient dead load, to bring the total to specified standards (Para. 2.1.2.). A commercial servoaccelerometer is to be fastened firmly to the frame of the wheelchair. The control stick is to be moved forward as rapidly as possible by the wheelchair occupant. Accelerometer results are to be recorded as a function of time using an appropriate high-frequency response oscillograph or an oscilloscope. Should the base line shift in the course of the run, the implication is that the accelerometer attitude has changed; the test is unacceptable. An average of five successful readings is required to establish the desired acceleration value. Jerk is to be determined by graphically differentiating the acceleration versus time record, described above, in the conventional manner.

2.5. *Level Braking.*

2.5.1. *Standard.* The powered wheelchair shall be capable of decelerating in a safe comfortable manner from maximum velocity.

2.5.2. *Specification.* Class I wheelchairs shall not roll less than 1 ft. (.30 m), or more than 3 ft. (.91 m), on a smooth, hard, horizontal surface after release of the speed control while undergoing maximum velocity under rated load conditions (Para. 1.2.).

Class II wheelchairs shall not roll less than 3 ft. (.91 m), or more than 6 ft. (1.83 m), on a horizontal surface after release of the speed control while undergoing maximum velocity under rated load conditions (Para. 1.2.).

Class III wheelchairs shall not roll less than 4 ft. (1.22 m), or more than 8 ft. (3.05 m), on a horizontal surface after release of the speed contrtol while undergoing maximum velocity under rated load conditions (Para. 1.2.).

Maximum deceleration in each class test shall not exceed 0.6G.

Rationale. With power suddenly removed, whether or not intended (e.g., zero-command input), wheelchairs in motion may stop abruptly or tend to coast excessively. Such potentially undesirable motions should be controlled to assure the safety and comfort of the occupant. Regenerative braking or other types of braking involving the mechanical resistance of gear trains and the sliding contact of high-friction surfaces are all acceptable means of decelerating the wheelchair.

2.5.3. *Level-Braking Test.* The wheelchair, plus proper test load, shall be driven at maximum velocity on a hard, flat, horizontal surface. When a marker is reached, the driver is to release the control. The distance traversed in coasting to a full stop, obtained through use of a tape measure, is the required, level-braking, test measurement.

2.6. *Ramp Braking.*

2.6.1. *Standard.* Power failure on a ramp shall not produce dangerous forward rolling or backward motion.

2.6.2. *Specification.* Powered wheelchairs carrying proper test loads (Para. 1.2.), when released from a standing start, shall not roll down a 6.0-deg. incline faster than 0.5 mi/h (0.8 km/h).

2.6.3. *Ramp-Braking Test.* The ramp shall be hard, flat, and of a non-skid surface type. Length shall be sufficient to permit the wheelchair to coast 15.0 ft. (4.58 m) in a straight line from the point of release. The time required to traverse the last half of the ramp will be used to gauge velocity. The means of measuring velocity shall be those given in Para. 2.1.2. The starting velocity, at the top of the ramp, shall be zero. Runs are to be conducted with the control system in the "on" position and in the "off" position so as to seek that condition producing the largest ramp-descent velocity. If there is a difference, the largest value measured is to be employed as the final value. The user is not to activate the joystick or other speed regulating means in the course of this test.

3.0. *Electrical Characteristics and Requirements.*

3.1. *Level Ground.*

3.1.1. *Standard.* Electrical consumption rates, expressed in watts, shall reflect reasonable efficiency.

Extraordinary power demands are undesirable.

3.1.2. *Specification.* Level ground electrical-energy drain of all powered wheelchairs shall not exceed 600 watts during steady-state operating conditions or 1500 watts during surges.

Rationale. Surge conditions follow immediately upon the application of power to the drive motors; steady-state conditions exist when the wheelchair achieves uniform motion. Permissible electrical-power values, given above, reflect measurements obtained with the most common powered-drive systems.

It is appreciated that the test, given immediately below (Para. 3.1.3.), may not be precise at low-energy consumption levels. However, it is believed that the testing error is negligible at the maximum-energy levels sought.

3.1.3. *Level Ground Electrical-Consumption Test.* Measurements shall be made with fully charged batteries. The test drive surface shall be hard, flat, and horizontal. The wheelchair shall carry an appropriate test load (Para. 2.1.2.). Voltage and current readings shall be made with meters offering a sufficiently fast response time. Both steady-state and surge-power readings are to be obtained under conditions of full power application to the wheelchair. Surge readings shall be obtained with the wheelchair initially at rest.

3.2. *Ramp Ascent.*

3.2.1. *Standard.* Ramp ascent shall be conducted in an efficient manner.

3.2.2. *Specification.* Ramp-ascent electrical-energy consumption shall not exceed 1000 watts during steady-state conditions or 1500 watts during surges.

3.2.3. *Ramp-Ascent Electrical-Consumption Test.* The test procedure shall be as given in Para. 3.1.3., with the substitution of an appropriate ramp for the prior level surface. Proper ramp angles shall be chosen for each wheelchair class from that description given in Para. 1.2.

3.3. *Quiescent-Energy Drain.*

3.3.1. *Standard.* Quiescent-energy drain shall be minimal.

3.3.2. *Specification.* Quiescent-energy drain shall not exceed 5.0 watts. Indicator lamps, if used, shall not consume more than 0.5 watts each. No current drain shall exist when the main power switch is turned off.

Rationale. Excessive quiescent-energy drain leading to prematurely depleted batteries is clearly undesirable.

3.3.3. *Quiescent-Energy Drain Test.* Conventional voltage and current meters shall be arranged to monitor battery output.

With the main power switch on and all other controls inactive, readings are those of quiescent-energy loss.

3.4. *Short Circuit Protection.*

3.4.1. *Standard.* Wheelchair controllers shall incorporate reasonably accessible, short circuit, protection elements, such as manually resettable circuit breakers or fuses, to prevent inordinately large or potentially dangerous battery discharge currents.

3.4.2. *Specification.* Manually resettable circuit breakers are permitted. Automatic resetting circuit breakers shall not be acceptable. Fuses are also permissible but shall be clearly labeled with respect to pertinent electrical rating for proper replacement. It is recommended that if fuses are employed, their proper replacements should be housed in the controller.

Short circuit protective components shall be located adjacent to the wheelchair battery.

To permit adequate time for compliance with these Standards, the effective date shall be one year from the date of their publication in the Federal Register.

Rationale. Short circuit protection components are clearly desirable since they offer protection against excessive, undesirable, electrical loads as well as short circuits. The resetting feature of automatic resetting circuit breakers is unacceptable since a possible danger may exist for the wheelchair user if inordinately high electrical current, caused by a malfunction, is maintained.

3.4.3. *Short Circuit Protection Test.* The adequacy of short circuit protection shall be determined by inspection of the submitted wheelchair, plus circuit diagrams.

3.5. *Electrical-Energy Conductance.*

3.5.1. *Standard.* All electrical components shall transmit current safely without developing excessive local temperatures.

3.5.2. *Specification.* The wheelchair shall be capable of operating at maximum slope-ascent, current-drain conditions for 10 minutes and at maximum speed on level terrain for one-quarter hour with complete safety and without excessive heat generation. User accessible surfaces will not exceed 50 deg. C. Temperature tests shall be conducted in such a manner so as to preclude undesirable ambient-temperature effects, e.g., indoors or outdoors on cloudy or cool days. The wheelchair chassis shall not be employed to conduct electrical current. All electrical components and assemblies shall be rated for that condition corresponding to maximum slope-ascent current.

3.5.3. *Electrical-Energy Conductance Test.* At the conclusion of the Range Test (para. 2.3.), user accessible portions of the wheelchair shall be examined with a thermometer to measure surface temperature; temperatures greater than 122 deg. F. (50 deg. C) are unacceptable. Circuit boards, insulation, etc., shall be inspected for signs of excessive temperature such as discoloration. Electrical current between the battery and wheelchair frame shall not be permissible. Inspection of connector contacts is required to assure no loss of electrical effectiveness as a result of the Range Test.

3.6 *Rain Operation.*

3.6.1. *Standard.* Powered wheelchairs intended for outdoor usage shall be capable of operating in heavy rain without mechanical or electrical difficulties.

3.6.2. *Specification.* Rain shall not impair the function of Class III electric wheelchairs aside from reduction of traction resulting from wet surfaces.

3.6.3. *Rain Operation Test.* A Class III wheelchair, under test, shall be sprayed by a shower or equivalent spray device. Cold fresh water shall be used in amounts simulating heavy rain intensity, 3/16 in. (4.75 mm), during a 10-minute period, after which the wheelchair is to be driven immediately. Observations of function during the subsequent period shall focus on possible power loss and control difficulties. Any significant reduction in performance, control, or safety caused by the simulated rain is unacceptable, with the singled exception of that natural reduction in available traction resulting from wet tires.

Class I and Class II wheelchairs are exempted from this test.

4.0. *Power Drives.*

4.1. *Disengagement.*

4.1.1. *Standard.* All electrically powered wheelchairs shall roll when a moderate force is applied to the push handles by an attendant.

4.1.2. *Specification.* Wheelchairs shall be acceptable if the maximum push force, to maintain motion, does not exceed 20 lbs. (89 N) when pushing the wheelchair by the push handles in a straight line on a horizontal, hard, flat surface at a negligible speed. This may be accomplished by the use of an easily accessible disengagement mechanism for attendants to release the drive wheels from the power-drive system. Removal or addition of components or subassemblies to achieve this requirement shall not be acceptable.

Rationale. It is imperative that an attendant be able to readily push a disabled wheelchair. The 20-lb. (89 N) force is four times that required to

initiate movement in a manually propelled wheelchair according to Veterans Administration Standard **Federal Register,** Vol. 42, No. 239, Tuesday, December 13, 1977), Para. 3.2.5.4.2.

4.1.3. *Power-Drive Disengagement Test.* The powered wheelchair, plus standard test load (Para.. 1.2.), shall be placed in a simulated power-failure condition upon a flat, horizontal, hard surface. The drive disengagement device, if any, shall be employed. (Active disassembly of the wheelchair, or any portion thereof, shall not be acceptable as a form of disengagement device.) The force required to propel the chair at a negligible speed shall be measured with a suitable force gauge such as a dial push-pull gauge. The measured force magnitude must not exceed 20 lbs (89 N)

4.2. *Types and Appropriate Safeguards.* Although different power-drive systems may be used, each shall provide maximum safety for the user.

4.2.1. *Belts.* Belts are used to transfer power from motors or speed reducers to drive wheels. The wheelchair shall incorporate guards, covers, side panels, and any other suitable safeguards that preclude pinching, jamming, and catching the occupant's anatomy and clothing.

4.2.2. *Chains.* Suitable guards shall be incorporated to preclude contact between the chain drive and the occupant's anatomy and clothing. Dripping of lubricants from the wheelchair is unacceptable.

4.2.3. *Friction Gear and Other Exposed Drives.* Suitable guards or side panels shall be employed with friction drives to preclude contact between the drive components and any part of the occupant's anatomy or clothing. Only automatically adjusting mechanisms which engage the friction drives with the tires shall be acceptble.

Rationale. Friction drives are subject to inordinate tire wear and gouging for several reasons including low tire pressure, chassis flexion, and wheel concentricity. Spring-loaded mechanisms, for instance, ameliorate these problems.

4.2.4. *Tires.* All requirements of Veterans Administration Standards **Federal Register**, Vol. 42, No. 239, Tuesday, December 13, 1977) shall be met.

4.2.5. *Powered Wheels.* These drive mechanisms are housed within drive wheels or hubs. Safety considerations shall match those for conventional wheelchairs. (Veterans Administration Standard, **Federal Register**, Vol. 42, No. 239, Tuesday, December 13, 1977.)

Rationale. Protective arrangements, such as guards or shields, are required to assure safety of the wheelchair occupant from all types of drive configurations. Exceptions are powered wheels since their configurations are not unlike conventional wheelchairs. However, these chairs should incorporate side panels and any other protective features similar to conventional wheelchairs.

4.2.6. *Add-On Power Packages.* The manufacturer shall be required to list all manually propelled wheelchairs that are claimed as suitable and compatible with the add-on power pack. Listed data shall include the manufacturer, style, model name, and model number of the wheelchair.

4.2.7. *Power-Drive Safeguard Test.* The adequacy of power-drive safeguards shall be determined through inspection of the submitted wheelchair by qualified professional personnel. Any design configuration leading to contact between the user and wheelchair segments capable of causing soft tissue or other trauma shall be rejected. Similarly, any design configuration leading to contact between the user and wheelchair segments capable of tearing or soiling the clothing of the user shall be rejected, except in the case of accidental loose or trailing clothing.

5.0. *Stability.*

5.1. *Occupant Stability.* Class II and Class III wheelchairs shall be equipped with body restraints such as seat belts or torso harnesses.

Rationale. The higher speeds and accelerations of Class II and Class III wheelchairs require the use of body restraints to offer adequate user stability. Those occupants lacking natural stability are in particular need of such restraints.

5.1.2. *Occupant Stability Test.* The adequacy of occupant stability shall be determined by inspection of the body restraint incorporated into the configurations of Class II and Class III wheelchairs.

5.2. *Wheelies.*

5.2.1. *Standard.* Maximun wheelchair acceleration shall not cause uncontrolled or unrestricted lifting of wheels during normal use.

5.2.2. *Specification.* This requirement shall apply on level surfaces, as well as on inclines, reflecting the ascending capability of the wheelchair with an actual or simulated wheelchair occupant. Wheelies shall be limited by any reasonable means, e.g., acceleration limiters or antitipping devices mounted on the rear of the wheelchair. Antitipping devices or any other mechanical methods that are used to limit wheelies action shall not prevent the wheelchair from traversing such common obstacles as door saddles, curb cuts, or short inclined surfaces.

5.2.3. *Wheelies Test.* The wheelchair shall be accelerated to the greatest extent possible in reverse and forward directions so as to seek that combination of consecutive accelerations producing the greatest fromt wheel lift-off. Regenerative brakes or automatic brakes are to be employed in this procedure; wheel locks or manual brakes are not to be applied. The maximum lift-off observed shall not exceed 3.0 in. (7.6 cm) between the ground and the bottoms of the caster wheels if no means to limit wheelies is evident. Maximum lift-off may be greater if some effective means to limit wheelies is evident. Under no circumstances shall the wheelchair topple in any direction. This test shall be conducted on a flat, horizontal, non-slip surface at standard load (Para. 1.2.) and half-standard load weight conditions. This test shall also be conducted on an inclined surface at an angle corresponding to the class capabilities given in Para. 2.2.2.

5.3. *Turning on a Ramp.*

5.3.1. *Standard.* Electrically powered wheelchairs shall be capable of turning on an incline while providing adequate stability to the occupant.

5.3.2. *Specification.* Electrically powered wheelchairs with a 200-lb. (90.7 kg) test load shall be capable of 180-deg. turns on a ramp.

Rationale. A powered wheelchair with its occupant must be able to change direction safely or accelerate on a ramp. The wheelchair may exhibit an increased tendency toward instability at maximum inclination, especially with occupants who have unusual body-weight distributions. Narraow wheelchairs with small bases may exhibit an undesirable tendency to tip over sideways at maximum inclination even at low speeds.

5.3.3. *Turning on a Ramp Test.* The wheelchair, carrying a standard load (Para. 1.2.), shall execute half-turns (180 deg.) or broken U-turns upon a ramp of standard slope (Para. 1.2.). Turns shall be performed in both uphill and downhill directions. Velocity during the turn shall be reasonably small to preclude significant inertial effects. Lift-off of any wheel exceeding 0.4 in. (1 cm) shall not be acceptable.

5.4. *Caster-Wheel Flutter.*

5.4.1. *Standard.* Caster-wheel flutter shall not be acceptable.

5.4.2. *Specification.* Caster-wheel flutter which cannot be removed with relatively minor action shall not be acceptable.

Rationale. The effect of flutter, especially at higher speeds, is to induce wheelchair vibration to decrease the stability of the wheelchair and to diminish the control which may be exercised by the user. Additional drag may also result.

5.4.3. *Caster-Wheel Flutter Test.* The caster wheels shall be observed over the full range of velocities and loading conditions; the test driver shall accelerate the wheelchair so as to seek that combination of velocity, load, and acceleration, if any, capable of causing flutter. Loading is to be varied in the range from half to full test load by employing drivers of different weights and/or suitable inanimate loads. All tests shall be conducted on smooth level terrain. Observations of flutter shall be conducted by the wheelchair driver or an observer from a short distance.

If flutter is evident but subsequent minor adjustments to the caster-wheel assembly eliminate such flutter, then the wheelchair under test shall be considered free of flutter.

5.5. *Tracking.*

5.5.1 *Standard.* Sudden removal of power from the drive motors shall not result in excessive veering of the wheelchair.

5.5.2. *Specification.* Powered wheelchairs shall not deviate from a straight line path by more than 10 deg. following the shutdown of power.

5.5.3. *Tracking Test.* A sheet of paper, roughly 4 ft. (122 cm) by 8 ft. (244 cm), which serves as test record, is taped to a flat horizontal floor. The wheelchair, while carrying a full test load, is driven on a straight path at a maximum speed over the paper in the direction of the long dimension. After the paper is initially traversed, the controls are released, and the wheelchair comes to a stop. Tire tracks (dirt) on the paper permit construction of the wheel path. Veering is shown by an angular difference between, before and after braking portions of the tracks and is measured by a protractor. The angle to be measured is that between the ideal straight line path, if veering did not occur, and the line drawn between the wheelchair location when power was removed and the final wheelchair location.

Should the wheelchair be equipped with a braking means, other than regenerative, capable of reducing velocity upon manual or other actuation, such brakes will also be tested in the manner given above. Application of such brakes will be made initially traversing the paper. Veering will be measured as given above.

Parking and other locking type brakes shall not be employed during this test.

5.6. *Obstacles and Ground Clearance.*

5.6.1. *Standard.* The wheelchair and occupant shall remain stable while surmounting and traversing obstacles. Ground clearance shall be adequate to traverse curb cuts and uneven terrain.

5.6.2. *Specification.* Class I wheelchairs shall traverse obstacles 1.0 in. (2.5 cm) high and 4.0 in. (10.2 cm) wide with rounded corners (i.e., 0.25 in. or 6.0 mm radius). The wheelchair must negotiate these obstacles in either the forward or reverse direction from a maximum running start of 2.0 ft. (0.6 m). Class II and Class III wheelchairs shall traverse obstacles that are 2.0 in. (5.1 cm) high with rounded corners as given above.

Rationale. It is expected that powered wheelchairs will be required to traverse small obstacles, such as door saddles, during a normal day's activity. The requirement to traverse a rounded edge is intended to preclude tire damage. Class II and Class III wheelchairs are expected to negotiate curb cuts and poor driveway alignments.

5.6.3. *Obstacle and Ground Clearance Test.* Suitable wooden obstacles are to be prepared from the cross-sectional dimensions given in Para. 5.6.2. The obstacle length should equal, or exceed, the width of known wheelchairs. Fastening of obstacles to a smooth horizontal floor shall be accomplished with rigid fasteners such as screws or bolts. The wheelchair should be positioned at right angles to the obstacle with the appropriate wheel center (either caster wheel or drive wheel), 2.0 ft. (0.61 m), in a horizontal sense from the obstacle leading edge. Tests are to be conducted with the wheelchair operating in either forward or reverse directions. Carrying a standard test load (Para. 1.2.), the wheelchair is to accelerate towards and surmount the obstacle from a standing start without damage to any portion of the wheelchair. Contact with any part of the wheelchair, exclusive of the wheels or antitipping devices, shall be viewed as evidence of inadequate ground clearance.

6.0. *Structural Requirements.* The structural requirements of a powered wheelchair shall be commensurate with its overall performance and intended purpose. The higher performance wheelchairs, Class II and Class III, intended for use outdoors or on mildly uneven terrain, shall be sufficiently strong to withstand the stresses of higher performance.

6.1. *Class I Wheelchairs.* This class of wheelchairs shall meet the requirements of the structural tests for non-powered wheelchairs, excluding drop tests. These tests shall be performed with batteries, motors, and controllers installed. Where applicable, maximum velocities shall be used. Such tests are detailed in the Veterans Administration Standard Federal Register, Vol. 42, No. 239, December 13, 1977).

6.2. *Class II Wheelchairs.* These higher performance wheelchairs shall undergo structural tests similar to those for Class I wheelchairs.

Rationale. Higher performance, Class II, powered wheelchairs, compared to Class I types, will encounter greater stress due to greater speeds and increased drive torques to traverse uneven terrain and to climb steeper inclines.

6.3. *Class III Wheelchairs.* This class of wheelchairs shall be subjected to the same test requirements as Class I and Class II. However, the load, i.e., person or anthropomorphic dummy, requirements shall be increased by 25 percent.

Rationale. Twenty-five percent additional occupant load is estimated to represent the stresses imposed by operating on the uneven terrain for which these chairs are intended.

6.4. *Foldability and Portability.* It shall not be mandatory that powered wheelchairs of all classes be foldable. Wheelchairs which require assembly shall be readily assembled without need for special tools or fixtures.

Rationale. Powered wheelchairs typically weigh 150 lbs. when fully assembled. Such bulk is not readily portable and, therefore, need not be foldable. From extensive clinical evaluation, it is determined that most powered wheelchairs are rarely transported from one place to another. Exceptions are wheelchair users who have access to vans with power lifts.

6.5. *Battery Security and Accessibility.* Battery trays and batteries shall be secure on the wheelchair frame. While the batteries may be enclosed, reasonable access for routine maintenance is to be provided. Special tools shall not be required to assure security or to provide maintenance.

7.0. *Battery Chargers.* Battery chargers are considered to be part of the powered-wheelchair system and subject to the following requirements.

7.1. *General Characteristics.* Battery chargers shall be separate and distinct units that are not physically, electrically, or in any manner permanently connected to the wheelchair chassis. Only low magnitude DC voltages shall be transmitted to the wheelchair battery. The powered wheelchair shall not be operational when the charger is connected to the chair.

Exceptions to the concept of entirely separate charger and wheelchair devices (as compared to built-in or bolted-on) shall be permitted only for those combined chargers and wheelchairs able to achieve Underwriter Laboratory listing under appropriate mobile-use hospital and home test categories.

Rationale. Because of potential shock hazard, battery chargers comprising a portion of the wheelchair chassis or permanently connected to the chassis are not encouraged. Typical battery chargers are neither designed nor intended for mobile use.

7.1.1. *Cables and Connectors.* The DC-voltage pair shall be of such design and configuration that electrical connection shall be permitted directly to the wheelchair battery only from the output (low-voltage) side of the charger. The high-voltage line shall permit electrical connection only to standard, wall-mounted, grounded, power receptacles on the input (high-voltage) side of the charger. All connector contacts shall be appropriately designed to avoid potential short circuits.

Rationale. These precautions should be taken in order to avoid possible electrical shocks to wheelchair users or attendants.

7.1.2. *Voltage and Current.* Maximum charging rates and charging procedures shall be clearly shown on the front panel of the battery charger. The charger shall provide only one output voltage. Leakage current tests shall be performed and shall not exceed 0.5 ma.

7.2. *Battery-Charger Tests.* Only automatic battery chargers shall be recognized. These chargers shall incorporate ammeters that clearly show charging current; the face of the ammeter shall be labeled with charging current in amperes or qualitative words such as low, medium, and high.

Rationale. Battery chargers that do not automaticaly reduce the charging rate to near zero as the battery becomes fully charged, reduce the useful life of a battery because of evaporation of electrolyte. Automatic timers do not necessarily correct this problem.

7.2.1. *Charging Rates.* The automatic battery charger shall reduce the charging rate to less than one-half amp when a normal, physically and electrically sound battery attains a full charge. Following the initial surge current, maximum battery-charge rate shall be approximately c/10 (energy storage capacity divided by 10 hours). If two batteries are charged in parallel, then charge sharing features shall be incorporated into the system to preclude one battery from discharging into the other. Sequential charging is unacceptable if two or more batteries are used on one chair.

Rationale. Charging current limitations are based upon battery life and safety considerations.

7.2.2. *Overload Protectors.* A circuit breaker or fuse shall be incorporated into the charger. The circuit breaker shall be a manual-reset type.

8.0. *Control Systems and Components.*

8.1. *Documentation.* Powered-wheelchair shipments shall include schematics, operational and maintenance manuals, and complete parts lists providing sources of components, if other than the wheelchair manufacturer. Each and every part is to be listed. Model and serial numbers shall be permanently affixed and clearly visible on the wheelchair.

8.2. *General.*

8.2.1. *Control Interfaces.* The control interface (e.g., joystick, pneumatic tube, microswitch), if attached to or suspended from any part of the wheelchair occupant's anatomy, shall not cause skin abrasion or irritation when used according to design. The position of the control interface shall remain essentially constant.

8.2.2. *On-Off Switch.* The wheelchair shall have a reasonably accessible and easily operable, main power control available for its user.

8.3. *Speed Controls.* Electrically powered wheelchairs are normally equipped with proportional, variable, or adjustable speed controls. All powered wheelchairs submitted for evaluation must offer the occupant at least two distinct speeds. Wheelchairs that provide only one constant speed shall not be acceptable. All controls and switches shall be clearly labeled.

8.3.1. *Proportional.* A proportional speed control permits a wheelchair occupant to select speeds between zero and maximum in infinitesimal steps that depend on joystick excursion or force. This method is most desirable.

Rationale. A proportional control is preferred since it is easiest to operate. A proportional control also provides smoother wheelchair response and promotes optimal wheelchair speed usage.

8.3.2. *Variable.* A variable speed control permits the occupant to dial a single speed between zero and maximum in infinitesimal steps; the selected speed is maintained by the wheelchair until the occupant selects a new setting.

8.3.3. *Adjustable.* An adjustable speed control permits a wheelchair user to select one of two or more available fixed speeds. Under no circumstances shall this method be acceptable for a wheelchair with maximum speed over 3.0 mi/h (4.8 km/h). Power may be switched on and off with common switching components such as relays, microswitches, or toggle switches.

Rationale. Adjustable speed controls are generally acceptable for low speeds since jostling of the wheelchair occupant is generally minimal. However, at speeds in excess of approximately 3.0 mi/h (4.8 km/h), acceleration may be large; patients with flaccid muscles or tremors ususally find such controls extremely difficult to operate under such circumstances.

8.3.4. *Speed Selection.* Manually manipulated joystick assemblies with microswitches shall provide a minimum of two speeds for the occupant. The speed selections shall provide maximum speed and approximately half maximum speed. If three speed selections are available, then maximum speed and approximately two-thirds and one-third maximum speed shall be provided. The speed selection switch shall be readily accessible and easily operable by the user.

8.4. *Joystick Control.* Joystick controls may be operated by hand or finger manipulation, chin excursion, or any other convenient anatomical motion by the occupant. All controls shall provide readily accessible, main-power switches for wheelchair occupant use. Joystick controls shall be readily adaptable for left- or right-handed operation and readily adjustable. Joysticks shall provide the user with easy, convenient, and safe control of wheelchair movement. Their use shall not require excessive force, extremely fine motions, or extensively occupy the user's attention. Observation by experienced clinicians will be used to determine compliance with this Standard.

Rationale. In general, most quadriplegics experience some difficulty manipulating joystick accemblies incorporating microswitches.

8.4.1. *Manual Types.* Manually manipulated joysticks may be used to operate microswitch assemblies or proportional controls. Proportional controls are optional for use on Class I wheelchairs, suitable for indoor use, but shall be required for Class II and Class III wheelchairs. Joystick assemblies with microswitches are optional for Class I wheelchairs, suitable for indoor use, but shall be precluded from use on other types.

Rationale. Class II and Class III whellchairs provide ample evidence that proportional controls are necessary to effectively modulate vehicular speed and enhance control; proportional controls also permit smoother

acceleration than their microswitch counterparts.

8.4.2. *Chin Types.* Chin-manipulated joysticks shall be readily mounted on suitable adjustable brackets in close proximity to the wheelchair occupant's chin. Additional requirements, previously set forth, also apply.

8.4.3. *Oral Types.* Orally manipulated joystick controls, utilizing lips, tongue, or teeth, shall be avoided if possible. When absolutely necessary, oral controls shall be used only on Class I wheelchairs, suitable for indoor use. Orally manipulated controls shall be sufficiently flexible to preclude injury to any portion of the occupant's anatomy. Elements introduced into the mouth shall be readily cleaned or easily replaced. Requirements covered in preceding control sections shall apply.

Rationale. Occasionally, mouthstick-manipulated joysticks are prescribed for patient use. When these patients are fitted with conventional chin-control models, acceptance levels are higher due to increased comfort and cosmesis. Clinical experiences demonstrate that mouthstick and tongue switches are usually rejected by patients when more suitable alternatives controls are available. To this extent, pneumatic controls may be subject to the same reception, but the flexibility of a pneumatic actuator tube is a decided improvement over hand levels or joysticks. Pneumatic controls also require less head motion and are especially useful for the more severely disabled.

8.5. *Pneumatic (Breath) Controls.* Two types of pneumatic controls, momentary and latching, are recognized. The former requires continuous positive or negative air pressure to achieve and maintain wheelchair motion. Latching controls require momentary or intermittent, positive or negative air pressure to achieve, change, or cease wheelchair motion. A combination of momentary and latching actuators are acceptable in a single control system. Actuating pressures shall not require the active use of the diaphragm. Maximum actuating pressure shall not exceed 0.5 psi. An adjustable support bracket for the pneumatic tube(s) shall maintain its position under ordinary operating conditions.

8.5.1. *Momentary.* Momentary pneumatic controls may be used on all types of Class I wheelchairs. A choice of at least two speeds or an infinitesimally variable speed, adjustable from zero to maximum, shall be readily accessible to the wheelchair occupant. If two speeds are provided, then the lower speed shall be approximately half that of maximum.

Rationale. Momentary controls are inherently safe since cessation of pneumatically induced signals or commands cut off power to the drive motors.

8.5.2. *Latching (Holding).* A Class I wheelchair with a maximum speed of up to 3.0 mi/h (4.8 km/h) shall provide either a variable speed mechanism or a selection of at least two fixed speeds, as described above. If maximum speed exceeds 3.0 mi/h (4.8 km/h), then the speed control shall incorporate a variable speed mechanism or a selection of at least three fixed speeds, each of which incorporates acceleration limitation. Pneumatic latching controls shall incorporate a convenient and easily operable actuator for selection of power on-off and any automatic reset modes. This may be achieved with a pneumatic switch, microswitch, or any other actuator or auxiliary switch for power selection readily accessible to the wheelchair occupant.

Rationale. Latching controls are not as physically demanding (fatiguing) as momentary controls but require increased attention. For instance, cessation of pneumatic pressure in a momentary control immediately turns off power to the drive system of the wheelchair; a latching control requires some additional action on the part of the wheelchair user to effect the same action. Another consideration is that uneven surfaces or small obstacles may cause a wheelchair occupant to lose access to the pneumatic controller and create a potentially dangerous situation. Since this would not occur with a momentary controller, it is recommended that higher speed wheelchairs, which incorporate latching mechanisms, should be confined to essentially hard flat surfaces (not exceed 0.5 psi, Para. 8.5.).

Field tests will supply supplementary data concerning the interfacing of controls with users. In particular, the possibility of control limitations or restrictions arising from the various forms of handicap will be explored.

In the event of conflict between laboratory and field test results, field test work will be assigned the decisive role. Thus, control systems found inadequate for sufficient reason, by users, will be deemed unacceptable regardless of the outcome of laboratory tests.

8.6. *Other Types of Controls.*

8.6.1 *Standard.* Miscellaneous controls, i.e., those not specifically referenced in these Standards, shall be acceptable only upon demonstration of safety and utility.

8.6.2. *Specification.* By definition, specifications cannot be prepared for a novel control system; only lengthy clinical experience permits the construction of useful specifications.

Rationale. Experience has shown that sequential selection of wheelchair modes (e.g., forward, reverse, right turn, left turn, stop, etc.) has not been successful. Similarly, controls that rely on eyeball motion, such as ocular controls or automatic sequencing systems, have been found undesirable because of awkard operation and increased reaction time. Thus, unconventional controls, no matter how ingenious, require searching field tests to establish merit.

8.6.3. *Miscellaneous Control Tests.* Miscellaneous control systems are required to prove utility and safety characteristics through extensive field and laboratory tests. Test protocols are to be prepared to reflect the precise characteristics of a given system. Exemptions from the general tests for ruggedness and sturdiness, contained within these Standards, may be sought for those control systems clearly intended for limited use. For example, devices limited to apartment use only may be exempted from certain structural tests.

8.7. *Support Brackets.*

8.7.1. *Standard.* All wheelchair controls shall be mounted on suitable support brackets.

8.7.2. *Specification.* Brackets shall be sufficiently adjustable to fit all standard wheelchair configurations, inlcuding straight-back and semi-reclining, but retain sufficient rigidity to hold a preselected orientation throughout the course of typical day's use. The support bracket shall not prohibit patient entry or egress. No special tools shall be required to achieve desirable position and orientation of support brackets.

Rationale. Chin-control brackets must be sufficiently rigid to maintain the joystick assembly in close proximity to the occupant's chin and to resist forces generated by the occupant's chin during the course of daily activities. Early chin-control brackets did not offer this feature, and it was not uncommon for patients to be marooned after approximately three-quarters of an hour of use. Certain control elements, such as pneumatic tubes, are not subject to significant forces and must simply maintain the control element in close proximity to the occupant's mount. In this situation, goosenecks or flexible metal rods, if sufficiently rigid, shall be acceptable. All control devices, including manually manipulated joysticks, should be suspended on readily adjustable brackets and not

require attendants to use special adjustment tools.

8.7.3. *Support-Bracket Tests.* The safety, utility, and performance of support brackets will be determined from field test results (Para. 1.2.3.) in which handicapped users will employ test units on a trial basis. Any displacement, as distinguished from deflection, of the bracket shall be unacceptable. Should unusual tools be required to position the bracket, the bracket shall be deemed unacceptable.

[FR Doc. 81-35751 Filed 12-14-81; 8:45 am]

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Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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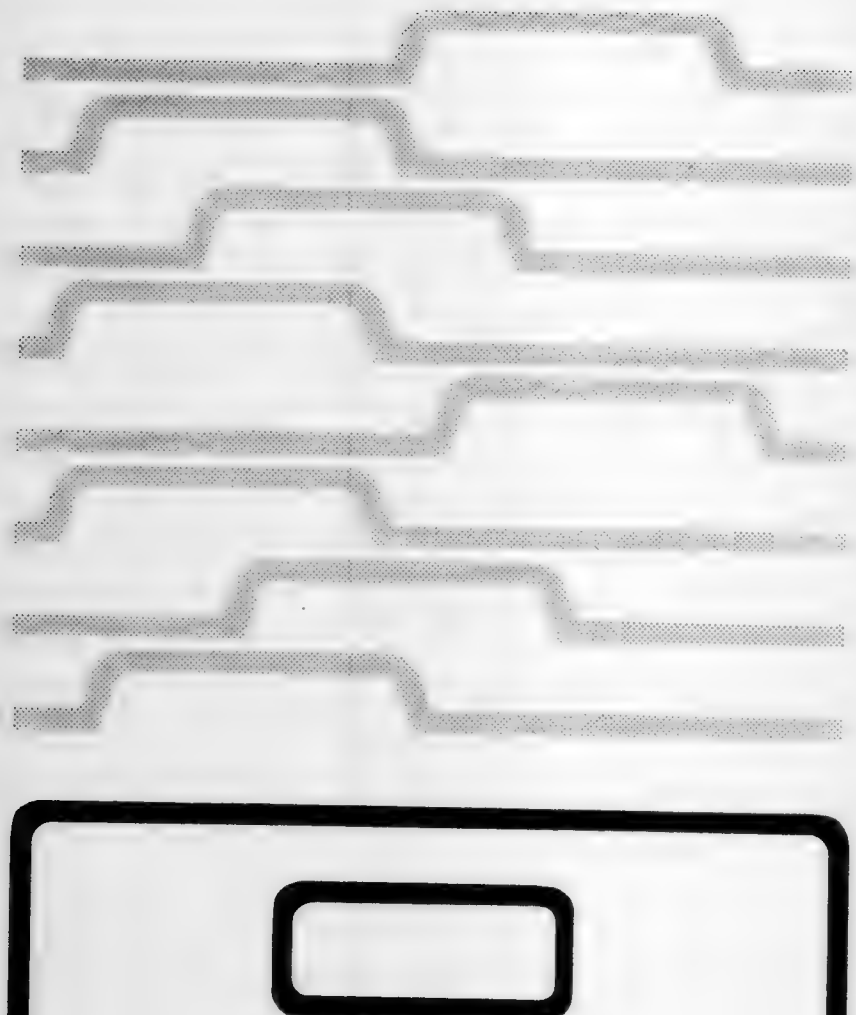

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61245 **Wright Brothers Day** Presidential proclamation

61249 **Banking** FRS amends regulations on extension of credit to adjust discount rates.

61390 **Coal** Interior/BLM proposes to amend coal management program regulations. (Part II of this issue)

61424 Interior/GS proposes regulations on Federal coal exploration and mining operations. (Part III of this issue)

61291 **Loan and Grant Programs—Housing** USDA/FHA revises regulations on home repair loans and grants for very low-income rural homeowners.

61272 **Hazardous Wastes** EPA temporarily excludes solid wastes generated at certain facilities from list of hazardous wastes.

61287 **Health Services** HHS/PHS changes policy on withholding of reimbursement for capital expenditure when timely application has not been made.

61334 **Grant Programs—Child Welfare** HHS/Child Support Enforcement Office cancels funding for FY '82 project, "Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services."

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

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61249 **Federal Home Loan Banks** FHLBB amends grandfather provisions for management official interlocks between depository organizations.

61299 **Flood Assistance** FEMA proposes to revise procedures on administrative hearings to resolve appeals of base flood elevation determinations.

61298 **Visas** State/Consular Affairs Bureau proposes increase in fees for processing of immigrant visas.

61251 **Railroad Employees** RRB issues regulations on retirement annuity beginning and ending dates.

61250 **Reporting Requirements** CFTC issues regulations on data in machine readable form.

61383 **Government Contracts** Treasury/FS announces percentage rate to be used in Federal billing, collection, and disbursement operations.

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The President

Proclamation 4886 of December 14, 1981

Wright Brothers Day, 1981

By the President of the United States of America

A Proclamation

Since the dawn of civilization, men have dreamed of conquering the air. History is filled with tales of those who tried to emulate the flight of birds, but not until the early days of this century did that dream become a reality.

On December 17, 1903, near Kitty Hawk, North Carolina, the age of aviation began when Orville and Wilbur Wright launched man's first successful flight in a mechanically propelled aircraft. Orville Wright remained aloft in a flying machine for just 12 seconds, covering a distance of only 120 feet, but the inventiveness and daring of these two brothers changed our lives for all time.

Today, aviation is vital to the American way of life and to our economy and national defense. The air transportation network enables us to travel for business or pleasure with unequalled speed and convenience while providing for the rapid and efficient transfer of our nation's commercial goods.

The pioneering spirit exhibited by the Wright brothers and fostered by our system of free enterprise has kept America in the forefront of innovative aeronautics—a spirit dramatically demonstrated again this year with the two successful missions of the United States Space Shuttle COLUMBIA. As it glided to perfect landings in the California desert, COLUMBIA gave us pause to reflect on another triumph in American aviation and on the creative genius of the American people.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue a proclamation annually inviting Americans to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby call upon the people of this nation and their local and national governmental officials to observe Wright Brothers Day, December 17, 1981, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of Dec., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-36096
Filed 12-14-81; 5:04 pm]
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Vol. 46, No. 241
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

1980-Crop Farm-Stored Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.295 through 1421.298 (1980-Crop Farm-Stored Peanut Loan and Purchase Program). Adjustments in farm-stored loan and purchase rates for differences in type, quality, location, and other factors and loan availability, purchase and maturity dates are published each year in the **Federal Register** and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations each time a change is made in the loan and purchase rates, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with 1981-crop peanuts but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce D. Starnes, (202) 447-7301.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1521-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation 1980 Crop Farm-Stored Peanut Loan and Purchase Program or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by the Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, and loan and purchase rates were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. However, since these provisions are only applicable to a single corp year, they are virtually obsolete by the time they are actually codified in the Code of Federal Regulations. Accordingly, effective with the 1981 crop of peanuts, loan and purchase rates and location adjustments for farm-stored peanuts will be published as a notice in the **Federal Register**. Also, certain provisions relating to loan availability and loan maturity dates will be codified in a separate document in the general provisions governing the Peanut Farm-Stored Loan and Purchase Program.

Since this rule makes no substantive change but merely deletes certain obsolete provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.295-1421.298 shall remain in effect with respect to those crop years to which they are applicable.

Final rule

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§§ 1421.295-1421.298 [Removed]

Accordingly, the regulations at 7 CFR 1421.295 to 1421.298 are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 106, 401, 403, and 405, 63 Stat. 1051, as amended (7 U.S.C 1441, 1445, 1421))

Signed at Washington, D.C. on December 12, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-35854 Filed 12-15-81; 8:45 am]
BILLING CODE 3410-05-M

7 CFR Part 1421

Tung Oil Warehouse-Stored Loan Program; Removal of Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.430-1421.435 (1970 and Subsequent Crops Tung Oil Warehouse-Stored Loan Program). The Tung Oil Warehouse-Stored Loan Program has not been an active program since the 1976 crop of tung nuts and, therefore, it has been determined that the regulations governing the program should be deleted from the Code of Federal Regulations.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas W. Fink, (202) 382-9879.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major". This final rule has been classified as "not major" since it will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this rule.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The Tung Oil Warehouse-Stored Loan Program, as provided for in 7 CFR 1421.430 through 1421.435, has been inoperative for more than five years and continuation of the program regulations is unnecessary. Since this action makes no substantive change but merely deletes obsolete regulations, it has been determined that no further public rulemaking is required.

Final Rule

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Tung Oil Warehouse-Stored Loan Program [Removed]

§§ 1421.430 through 1421.435 [Removed]

Accordingly, the *Subpart—1970 and Subsequent Crops Tung Oil Warehouse-Stored Loan Program* and the regulations appearing at 7 CFR 1421.430 through 1421.435 (1970 and Subsequent Crops Tung Oil Warehouse-Stored Loan Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 201, 401, 63 Stat. 1051, as amended (7 U.S.C. 1446, 1421))

Signed at Washington, D.C. on December 9, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc 81-35953 Filed 12-15-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1443

Castor Oil Purchase Program; Removal of Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1443.100–1443.110 (Castor Oil Purchase Program Regulations). The Castor Oil Purchase Program has not been an active program since the 1968 crop of castor beans and, therefore, it has been determined that the regulations governing the program should be deleted from the Code of Federal Regulations.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas W. Fink, (202) 382–9879.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as "not major" since it will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation (CCC) is not required by U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The Castor Oil Purchase Program, as provided for in 7 CFR 1443.100 through 1443.110, has been inoperative since the 1971 crop year and continuation of the program regulations is unnecessary. Since this final rule makes no substantive change buy merely deletes obsolete regulations, it has been determined that no further public rulemaking is required.

Final Rule

PART 1443—OILSEEDS

Subpart—Castor Oil Purchase Program Regulation (1968) [Removed]

§§ 1443.100 through 1443.110 [Removed]

Accordingly, the *Subpart—Castor Oil Purchase Program Regulations (1968)* and the regulations appearing at 7 CFR 1443.100 through 1443.110 (Castor Oil Purchase Program Regulations) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 301, 401, 63 Stat. 1051, as amended (7 U.S.C. 1447, 1421))

Signed at Washington, D.C. on December 9, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-35954 Filed 12-15-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1443

Cottonseed Oil and Meal Purchase Program Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1443.58–1443.71 (Cottonseed Oil and Meal Purchase Program Regulations). The Cottonseed Oil and Meal Purchase Program has not been an active program since the 1970 crop year and, therefore, it has been determined that the regulations governing the program should be deleted from the Code of Federal Regulations.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas W. Fink, (202) 382–9879.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as "not major." This final rule has been classified as "not major" since it will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The Cottonseed Oil and Meal Purchase Program, as provided for in 7 CFR 1443.58 through 1443.71, has been inoperative since the 1970 crop year and continuation of the program regulations is unnecessary. Since this final rule makes no substantive change but merely deletes obsolete regulations, it has been determined that no further public rulemaking is required.

Final Rule

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1970) [Removed]

§§ 1443.58 through 1443.71 [Removed]

Accordingly, the Subpart-Cottonseed Oil and Meal Purchase Program Regulations (1970) and the regulations appearing at 7 CFR 1443.58 through 1443.71 (Cottonseed Oil and Meal Purchase Program Regulations) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 301, 401, 63 Stat. 1051, as amended (7 U.S.C. 1447, 1421))

Signed at Washington, D.C. on December 9, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc 81-35955 Filed 12-15-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country. The action was taken to bring the discount rate into better alignment with short-term rates that have been prevailing recently in the market.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3259).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations required that these amendments must be adopted immediately.

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357, Part 201) is amended as set forth below:

1. Section 201.51 is revised to read as follows:

§ 201.51 Short term adjustment credit for depository institutions.

The rates for short term adjustments credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	12	Dec. 4, 1981.
New York	12	Dec. 4, 1981.
Philadelphia	12	Dec. 4, 1981.
Cleveland	12	Dec. 4, 1981.
Richmond	12	Dec. 4, 1981.
Atlanta	12	Dec. 4, 1981.
Chicago	12	Dec. 4, 1981.
St. Louis	12	Dec. 4, 1981.
Minneapolis	12	Dec. 4, 1981.
Kansas City	12	Dec. 4, 1981.
Dallas	12	Dec. 4, 1981.
San Francisco	12	Dec. 4, 1981

2. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit to depository institutions.

(a) The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	12	Dec. 4, 1981.
New York	12	Dec. 4, 1981.
Philadelphia	12	Dec. 4, 1981.
Cleveland	12	Dec. 4, 1981.
Richmond	12	Dec. 4, 1981.
Atlanta	12	Dec. 4, 1981.
Chicago	12	Dec. 4, 1981.
St. Louis	12	Dec. 4, 1981
Minneapolis	12	Dec. 4, 1981.
Kansas City	12	Dec. 4, 1981
Dallas	12	Dec. 4, 1981.
San Francisco	12	Dec. 4, 1981.

(b) The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or prectices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	12	Dec. 4, 1981.
New York	12	Dec. 4, 1981.
Philadelphia	12	Dec. 4, 1981
Cleveland	12	Dec. 4, 1981
Richmond	12	Dec. 4, 1981
Atlanta	12	Dec. 4, 1981
Chicago	12	Dec. 4, 1981
St. Louis	12	Dec. 4, 1981
Minneapolis	12	Dec. 4, 1981
Kansas City	12	Dec. 4, 1981
Dallas	12	Dec. 4, 1981
San Francisco	12	Dec. 4, 1981.

Note.—These rates apply for the first 60 days of borrowing. A 1 percent surcharge applies for borrowing during the next 90 days, and a 2 percent surcharge applies for borrowing thereafter.

(12 U.S.C. 248(i), Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, December 9, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35884 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

[No. 81-743]

Management Official Interlocks

December 4, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has amended its regulations governing management official interlocks between depository organizations to clarify the manner in which it has interpreted the provisions requiring termination of grandfathered interlocks due to acquisitions, mergers or consolidations. These amendments will eliminate confusion that resulted from the previous wording of those provisions.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers (202) 377-6961 or Kenneth F. Hall (202) 377-6466, Federal Home Bank Board; Bronwen Mason (202) 452-3564 or Melanie Fein (202) 452-3594, Board of Governors of the Federal Reserve System; Howard Finkelstein, Jerome Edelstein, or Frank Bonaventure (202) 447-1880, Office of the Comptroller of the Currency; Pamela E. F. LeCren (202) 389-4433 or Barbara I. Gersten (202) 389-4422, Federal Deposit Insurance Corporation; Ross Kendall (202) 357-1030, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act ("Interlocks Act") was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630, 12 U.S.C. 3201 *et seq.*). The general purpose of the Interlocks Act, and the regulations issued thereunder, is to foster competition among depository institutions, depository holding companies, and their affiliates. Regulations implementing the Act were published on July 19, 1979 (44 FR 42152 (1979)), and were subsequently amended

effective May 9, 1980 (45 FR 24384 (1980)).

Under the Interlocks Act, certain interlocks between depository organizations that existed on November 10, 1978, are "grandfathered," thus permitting interlocks that would otherwise be prohibited to continue until November 10, 1988. The occurrence of specified changes in circumstances, however, will terminate such grandfather privileges. The regulations implementing the Act define such changes to include certain mergers, acquisitions, and consolidations. The regulations provide that a grandfathered interlock will become prohibited if one of the depository organizations involved in an interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which prior to the transaction the person could not have served as a management official under the general prohibitions of the regulations.

The attached amendments make two changes to the provision defining certain mergers, acquisitions, and consolidations to be changes in circumstances. First, as previously written, subparagraph (a)(1)(i) of the changes-in-circumstances provision could have been read to require the termination of grandfathered interlocks in circumstances not originally intended by the agencies. For example, the previous provision could have been interpreted to require termination of a grandfathered interlock between a savings and loan association with assets over $1 billion located solely in State X and a bank holding company with assets over $500 million whose office and subsidiaries were located solely in State Y when the bank holding company acquired an additional bank subsidiary with assets of less than $500 million located in the same community as one of the bank holding company's subsidiary banks.

As revised, the regulation requires termination of the grandfathered interlock only if the newly acquired bank subsidiary is a bank for which the management offical in question could not have served prior to the transaction due to the fact that he or she was serving as a management official of the savings and loan in State X. That is, the official's service with the bank holding company is *not* considered in determining whether the newly acquired bank subsidiary was an institution for which the official could have served prior to the acquisition. Thus, in this example, the acquisition will be a change in circumstances requiring termination of the grandfathered interlock only if the newly acquired bank has assets of $500 million or more or if the savings and loan association in State X has a depository institution affiliate that is located in the same community or SMSA as the newly acquired bank.

The second amendment to the changes-in-circumstances provision involving mergers, acquisitions, and consolidations deletes the reference to the general prohibitions paragraph of the regulation and substitutes a reference to the entire regulation. It is the intent of the Board by doing so to make clear that the changes-in-circumstances provision is to be read in conjunction with the exceptions to the regulations and the grandfather provision. For example, assume that Bank A, Savings and Loan Association B, and Bank C all are located in the same SMSA and each has assets exceeding $20 million. X's interlocking service with Bank A and Savings and Loan Association B is grandfathered. Bank C faces conditions endangering its safety or soundness and subsequently merges with Bank A. X's interlock need not be terminated due to the merger if the primary Federal supervisory agency of Bank C determines that conditions warranting the granting of a safety or soundness exception under the regulation existed prior to the merger.

The Board also takes this opportunity to clarify in the changes-in-circumstances provision that grandfathered interlocks do become prohibited by the occurrence of changes in circumstances and must be terminated.

These amendments are promulgated in conjunction with identical amendments being undertaken by the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration. The Board finds that notice and public procedure with respect to the amendments pursuant to 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary because the amendments merely clarify the manner in which the Board interprets the provisions governing changes in circumstances. The Board also finds that the 30-day delay of the effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reason.

Accordingly, the Board hereby amends Part 563f, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563F—MANAGEMENT OFFICIAL INTERLOCKS

1. Revise paragraph (a)(1), introductory text and paragraph (a)(1)(i) of § 563f.6, to read as follows:

§ 563f.6 Changes in circumstances.

(a)(1) *Grandfathered interlocks.* If a person's service as a management official is grandfathered under § 563f.5 of this part, such service will cease to be grandfathered and the person must terminate such service if any of the following changes in circumstances occurs:

(i) *Acquisitions, mergers, and consolidations.* One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which, immediately prior to the transaction, the person could not have served as a management official under this Part due to the person's service with a depository organization not a party to the transaction.

* * * * *

(Pub. L. No. 95-630 (12 U.S.C. 3201 *et seq.*); Reorg. Plan No. 3 of 1947; 3 CFR, 1943-1948 comp., p 1071)

Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-35887 Filed 12-15-81; 8:45 am]

BILLING CODE 6720-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 16

Contract Markets; Reporting Requirements of Certain Data in Machine Readable Form

AGENCY: Commodity Futures Trading Commission.

ACTION: Implementation of regulations and delegation of authority.

SUMMARY: Effective December 3, 1981, Commission Rules 16.00, 16.01, 16.02 and 16.04 require contract markets to routinely provide the Commission with certain futures and options data on compatible data processing media, using a format and coding structure approved in writing by the Commission or its designee, 46 FR 54526 (November 3, 1981). Several contract markets have notified the Commission that they are in

the process of software development and will not be able to comply with the regulations concerning futures data by December 3, 1981.

The Commission is delegating to the Executive Director authority to make certain relevant determinations concerning format for submission of this data, and is giving notice that representatives from the Office of the Executive Director will in the near future contact each contract market to notify it of the format and coding structure which will be required and to determine an appropriate date by which a contract market can begin submitting the data in the prescribed manner.

The foregoing action is intended to allow the Commission and contract markets sufficient time to jointly develop format and coding structure so that the required data may be efficiently processed by the Commission.

EFFECTIVE DATE: December 16, 1981.

FOR FURTHER INFORMATION CONTACT: Curtis S. Lackey, Director of ADP Services, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: On November 3, 1981, the Commission published in the **Federal Register** final rules which require contract markets to provide certain information concerning options and futures trading in machine readable form. 46 FR 54526.[1] The rules specify that such information must be provided in a format and coding structure approved in writing by the Commission or its designee.[2] Further, the rules require that unless otherwise instructed by the Commission or its designee, contract markets shall submit the data by the business day following that to which the information pertains at the Regional Office of the Commission having local jurisdiction with respect to such market.[3] The effective data of these rules is December 3, 1981. 46 FR 54500.

Initial contacts with contract markets indicate that computer software necessary to comply with Part 16 is being developed jointly for options and futures. Two exchanges have notified the Commission in writing that they are still in the process of software development and will not be ready to comply with the regulations concerning futures data by December 3, 1981.

The Commission is mindful of the time required to develop new computer systems and the advantages inherent in developing software jointly for futures and options. Moreover, the Commission recognizes that additional time may be necessary in order to contact each exchange to inform it of the format and coding structures in which it must provide information both for the hard copy and machine readable form. In view of this, the Commission will be determining, on a case by case basis, dates on which each exchange will be required to submit data in machine readable form.[4] Until such time, it will require each exchange to continue to submit data in the form in which it is currently being provided.

At this time, the Commission also is delegating to the Executive Director or her designee the authority contained in Rules 16.00(b), 1601(d), 16.02(b), and 16.04 (b) to approve the specific format and coding structure to be used by the exchanges and to determine the appropriate time to commence filing reports required by Rules 16.00, 1601, 16.02 and 16.04. Commission staff are to insure that all formats and coding structures used by contract markets are compatible with systems employed by the Commission. The Commission, however, reserves its authority contained in the above rules to determines if exchanges can submit data by means other than data processing media.

Issued in Washington, D.C. on December 8, 1981.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-35482 Filed 12-15-81; 8:45 am]

BILLING CODE 6351-01-M

[1] Rule 16.00 requires that contract markets provide information concerning option and futures positions and transactions of clearing members. Rule 16.01 requires that contract markets submit data concerning futures prices and options volume, open interest and premiums. Rules 16.02 and 16.04 require contract markets to submit data concerning open contracts held by option traders.

[2] See Rules 16.00(b), 16.01(d), 16.02(b) and 16.04(b), 46 FR 54526 (November 3, 1981).

[3] However, monthend reports required under Rule 16.04 are to be submitted not later than the fifth business day following that to which the information pertains.

[4] In the November 3, 1981, FR the Commission noted that it would consider each exchange on a case by case basis in applying the requirement that data be provided in machine readable form. 46 FR 54514.

RAILROAD RETIREMENT BOARD

20 CFR Parts 214, 218, 232, and 237

Annuity Beginning and Ending Dates

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board amends several parts of its regulations to create a new Part 218, Annuity Beginning and Ending Dates, under the Railroad Retirement Act. Amendment of the regulations is a part of an ongoing project of the Railroad Retirement Board to review, revise and reorganize its regulations.

EFFECTIVE DATE: December 16, 1981.

ADDRESS: Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Marilyn Berg or Eloise Sandle, Bureau of Retirement Claims, Railroad Retirement Board, Room 943, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4818 (FTS 387-4818).

SUPPLEMENTARY INFORMATION: The Board has determined that this is not a major rule and has been handled in conformance with E.O. 12291.

Proposed rulemaking was published on pages 43998-44000 of the **Federal Register** of September 2, 1981, and invited comments for 30 days ending October 2, 1981. No comments were received. The following substantially restates the Supplementary Information contained in the September 2, 1981 document.

Effective January 1, 1975, the Railroad Retirement Act of 1974 replaced the Railroad Retirement Act of 1937. Many of the Board's regulations, including the parts amended by this document, were promulgated under the Railroad Retirement Act of 1937 and are in need of revision to update them to the Railroad Retirement Act of 1974. In connection with this change in law and the emphasis placed on the revision of regulations to make them more readily understandable, the Board undertook a project to review and revise all of its regulations. The magnitude of such a massive revision has proved to be greater than was anticipated at the outset of the project. These amended regulations are among the first portions of the revised regulations to be developed.

New Part 218 consolidates portions of Parts 214, 232, and 237 of the current regulations which concern the beginning and ending dates of annuities. For the most part the Railroad Retirement Act of 1974 did not make substantive changes in the beginning and ending dates of annuities or in the factors that might affect the beginning or ending date of an annuity. However, the Railroad Retirement Act of 1974, unlike the Railroad Retirement Act of 1937, does provide for the addition of a windfall benefit component to certain annuities, and the proposed Part 218 sets out in Subpart E the provisions for the beginning and ending of windfall benefits. Subpart E is being revised in accord with the recently enacted

Omnibus Budget Reconciliation Act and is not currently being published. The Railroad Retirement Act of 1974 provides that a disability benefit ceases at age 65 with the individual becoming eligible for a retirement annuity. Under the 1937 Act, entitlement to a disability annuity would continue after age 65. This change is reflected in section 218.26.

Under the Railroad Retirement Act of 1974 an employee, spouse or survivor annuity may begin on the first day of the month all eligibility requirements are met. Under the 1937 Act such annuities did not begin until the actual date the eligibility requirement was met. This change is reflected in section 218.5.

New Part 218 reflects, more closely, the language of the Railroad Retirement Act of 1974, and reorganizes the regulations in a manner which makes them much easier to understand and to use. Sections 218.28 through 218.30 and 218.35 through 218.40 have been reserved because of recent legislative changes but will be dealt with in a subsequent rulemaking. Finally, new Part 218 has been written in plain English to make it more understandable.

Title 20, Chapter II, is amended as follows:

PART 214—ANNUITY BEGINNING DATE [REMOVED]

1. Part 214 is removed. Regulations on annuity beginning dates are incorporated into a new Part 218.

2. Part 218 is added to read as follows:

PART 218—ANNUITY BEGINNING AND ENDING DATES

Subpart A—General

Sec.

218.1 Introduction.
218.2 Definitions.

Subpart B—When an Annuity Begins

218.5 General rules.
218.6 When a supplemental annuity begins.
218.7 How to choose an annuity beginning date.
218.8 When chosen annuity beginning date is more than three months after filing date.
218.9 When an applicant can change the annuity beginning date.

Subpart C—How Work and Special Payments Affect an Employee or Spouse Annuity Beginning Date

218.15 Introduction.
218.16 Work started after annuity beginning date.
218.17 Vacation pay.
218.18 Sick pay.
218.19 Pay for time lost.
218.20 Separation, displacement, or termination pay.

Subpart D—When Annuity Ends

218.25 Employee age annuity.
218.26 Employee disability annuity.
218.27 Supplemental annuity.
218.28 Spouse annuity. [Reserved]
218.29 Surviving spouse annuity. [Reserved]
218.30 Child's annuity. [Reserved]
218.31 Parent's annuity.

Subpart E—When Windfall Benefit Begins and Ends

218.35 When an employee windfall benefit begins. [Reserved]
218.36 When an employee windfall benefit ends. [Reserved]
218.37 When a spouse windfall benefit begins. [Reserved]
218.38 When a spouse windfall benefit ends. [Reserved]
218.39 When a surviving spouse windfall benefit begins. [Reserved]
218.40 When a surviving spouse windfall benefit ends. [Reserved]

Authority: Sec. 5, Pub. L. 93–445, 88 Stat. 1332–1334 (45 U.S.C. 231d). sec. 7, Pub. L. 93–445, 88 Stat. 1339 (45 U.S.C. 231f).

Subpart A—General

§ 218.1 Introduction.

This part tells when a person's entitlement to a monthly railroad retirement annuity begins and ends. The beginning and ending dates of the dual benefit windfall are also shown. Ordinarily, an annuity begins at the earliest date permitted under the Act. This part also tells when and how a person can select a later beginning date. Included is an explanation of how work and certain types of special payments affect the beginning date of an employee or spouse annuity.

§ 218.2 Definitions.

As used in this part—

"Applicant" means a person who signs an application for an annuity for himself, herself or for some other person.

"Application" means a form described in § 217.6 of this chapter.

"Award" means to process a form to make a payment. An annuity is awarded on the date the payment form is processed. This date is shown on an award letter.

"Claimant" means a person who files for an annuity for himself or herself or the person for whom an application is filed.

"Filing date" means the date on which an application or written statement is filed with the Board.

Subpart B—When An Annuity Begins

§ 218.5 General rules.

(a) An employee, spouse or survivor annuity begins on the first day of the month in which the claimant becomes eligible for that annuity, as explained in Part 216 of this chapter, but not earlier than:

(1) The first day of the twelfth month before the month in which the application is filed;

(2) The date the applicant requests that the annuity begin;

(3) The day after the claimant for an employee or spouse annuity stops working for a railroad employer or his or her last non-railroad employer; or

(4) The date the employee annuity begins if the claimant is a spouse.

(b) An annuity may not begin on the thirty-first day of a month, unless the claimant would lose benefits if the annuity begins on the first of the following month. No annuity is payable for the thirty-first day of any month.

§ 218.6 When a supplemental annuity begins.

A supplemental annuity begins on the first day of the month in which the employee becomes entitled, as shown in Subpart C of Part 216 of this chapter, but not earlier than the date the employee annuity begins. If the employee is entitled to a disability annuity and is eligible for a supplemental annuity before he or she becomes age 65, as shown in § 216.12(e) of this chapter, the supplemental annuity cannot begin more than 12 months before the month in which the employee gives up the right to return to work.

§ 218.7 How to choose an annuity beginning date.

(a) *When application is filed.* The applicant may choose an annuity beginning date by:

(1) Naming a specific date in an application accepted by the Board; or

(2) Including with the application a signed statement which tells when the annuity should begin.

(b) *After application is filed.* After an application has been filed, the applicant may choose an annuity beginning date by preparing a signed statement which tells when the annuity should begin.

§ 218.8 When chosen annuity beginning date is more than three months after filing date.

If the applicant for any type of annuity wants the annuity to begin in a month which is more than three months after the date the application is filed, the Board will deny the application (see § 217.30 of this chapter). The applicant must file a new application no earlier than three months before the month he or she wants the annuity to begin.

§ 218.9 When an applicant can change the annuity beginning date.

(a) *Before annuity is awarded.* An applicant may change the annuity beginning date to a date that agrees with the rules in other sections of these regulations if:

(1) The applicant requests the change in a signed statement; and

(2) The statement is received on or before the date of the claimant's death.

(b) *After annuity is awarded.* If the annuity has been paid, a change in the annuity beginning date is usually allowed under the rules on reopening final decisions. However, an employee receiving an age or disability annuity with a beginning date before July 1, 1974 may not change the annuity beginning date to July 1, 1974 or later to make the employee eligible for an employee annuity, as described in § 216.5(a)(2) of this chapter, or the spouse eligible for a spouse annuity, as described in § 216.20(c)(1) of this chapter. An award can be reopened to change the annuity beginning date to a later date if:

(1) The annuitant requests the change in a signed statement;

(2) The statement is received on or before the date of the annuitant's death;

(3) The annuitant shows that it is to his or her advantage to have a later annuity beginning date; and

(4) All payments made for the period before the later annuity beginning date are recovered by cash refund or setoff.

Subpart C—How Work and Special Payments Affect An Employee or Spouse Annuity Beginning Date

§ 218.15 Introduction.

The rules in this subpart apply only to an employee, spouse, and supplemental annuity. They do not apply to any type of survivor annuity.

§ 218.16 Work started after annuity beginning date.

(a) *General.* An annuity can begin only after an employee or spouse stops any work for a railroad or last non-railroad employer. However, if the employee or spouse starts work after an "intent to retire" is established, that work will have no effect on the annuity beginning date. An annuity cannot be paid for any month the employee or spouse returns to work for a railroad or for the last non-railroad employer for whom he or she worked before the "intent to retire" was established.

(b) *Intent to retire.*—(1) *Disability annuity.* An "intent to retire" is established to pay a disability annuity when:

(i) The applicant files for a disability annuity; or

(ii) The employee gives up all rights to return to work for a railroad and any last non-railroad employer before starting any new work.

(2) *Age annuity.* An "intent to retire" is established to pay an employee age or spouse annuity when—

(i) The employee or spouse gives up all rights to return to work for a railroad or last non-railroad employer before starting any new work; or

(ii) The employee or spouse does not continue working through the chosen annuity beginning date or begin any new work for at least 6 months after that date.

§ 218.17 Vacation pay.

(a) *From railroad employer.* Vacation pay may be credited to the vacation period due the employee or to the last day of actual work for the railroad employer. If the vacation pay is credited to the vacation period, the annuity can begin no earlier than the day after the vacation period ends.

(b) *From non-railroad employer.* Vacation pay will not usually affect the annuity beginning date. The annuity can begin as early as the day after the employee or spouse last works for a non-railroad employer. However, if an employee or spouse is carried on the payroll during a vacation period, the annuity can begin no earlier than the day after the vacation period ends.

§ 218.18 Sick pay.

(a) *From railroad employer.* If the employee is carried on the payroll, the annuity can begin no earlier than the day after the last day of sick pay. However, sick pay received under an approved wage continuation plan established through company policy or a labor agreement is not considered compensation and does not affect the annuity beginning date.

(b) *From non-railroad employer.* An employee or spouse who receives sick pay under a formal plan or system maintained by the employer is not considered to be working for that employer after the last day of actual work. The annuity can begin as early as the day after the employee or spouse last works for the employer. However, if the employer does not have a formal sick pay plan and carries the employee or spouse on the payroll, the annuity can begin no earlier than the day after the last day of sick pay.

§ 218.19 Pay for time lost.

Pay for time lost because of personal injury must be credited to an actual period of time lost. The annuity can begin no earlier than the day after that period ends. If a period of time lost is reported that extends beyond the date on which the annuity can otherwise begin, the employee may request the employer to credit the payment to an earlier period.

§ 218.20 Separation, displacement, or termination pay.

When an employee receives separation, displacement, termination, or similar pay from a railroad employer, the annuity beginning date depends on whether the payments are a separation allowance or monthly compensation payments, as follows:

(a) *Separation allowance.* When an employee accepts a separation allowance, the employee gives up his or her job rights. A separation allowance may be credited by the employer and the Board to the last day of actual work or to the day the employee gives up job rights. The annuity can begin as early as the day after the day the separation allowance is credited.

(b) *Monthly compensation payments.* An employee who receives monthly compensation payments keeps his or her job rights while the payments are being made. The annuity cannot begin until after the end of the period for which payments are made.

Subpart D—When Annuity Ends

§ 218.25 Employee age annuity.

An employee annuity based on age ends with the month before the month in which the employee dies.

§ 218.26 Employee disability annuity.

(a) *Ending date.* An employee annuity based on disability ends with the earliest of:

(1) The month before the month in which the employee dies;

(2) The month before the month in which the employee becomes age 65 (the disability annuity is changed to an age annuity); or

(3) The second month following the month in which the disability ends.

(b) *Effect of ended disability annuity on eligibility for a later annuity.* The ending of a disability annuity will not affect an employee's rights to receive any annuity to which he or she later becomes entitled. When a disability annuity ends before an employee becomes 65 years old, any additional

railroad service the employee has after the disability annuity ends can be credited as if no annuity had previously been paid.

§ 218.27 Supplemental annuity.

A supplemental annuity ends with the earlier of:

(a) The month the employee age or disability annuity ends; or

(b) The month before the month in which the employee returns to work for a railroad employer after the supplemental annuity closing date (see § 216.13, of this chapter).

§ 218.28 Spouse annuity. [Reserved]

§ 218.29 Surviving spouse annuity. [Reserved]

§ 218.30 Child's annuity. [Reserved]

§ 218.31 Parent's annuity.

A parent's annuity ends with the earliest of:

(a) The month before the month the parent dies;

(b) The month before the month the parent remarries after the employee's death; or

(c) The month before the month the parent becomes entitled to a larger survivor annuity under Part 216 of this chapter, unless he or she elects to be paid the smaller annuity (see § 216.92 of this chapter).

Subpart E—When Windfall Benefit Begins and Ends

§ 218.35 When an employee windfall benefit begins. [Reserved]

§ 218.36 When an employee windfall benefit ends. [Reserved]

§ 218.37 When a spouse windfall benefit begins. [Reserved]

§ 218.38 When a spouse windfall benefit ends. [Reserved]

§ 218.39 When a surviving spouse windfall benefit begins. [Reserved]

§ 218.40 When a surviving spouse windfall benefit ends. [Reserved]

PART 232—SPOUSES' ANNUITIES

§ 232.205 [Removed]

§ 232.403 [Removed]

3. Part 232 is amended by correcting the spelling of the title, Spouse's to Spouses', and by removing § 232.205 of Subpart B and § 232.403 of Subpart D.

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

§ 237.411 [Removed]

4. Part 237 is amended by removing § 237.411 of Subpart D.

Dated: November 25, 1981.

By authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 81-35840 Filed 12-15-81; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 288

[DoD Instruction 7230.7]

User Charges; Collection Alternatives

AGENCY: DOD.

ACTION: Amendment to final rule.

SUMMARY: This amendment will permit the use of accounts receivable collection procedures when multiple requests for services are received on a continuing basis from a reliable requester.

EFFECTIVE DATE: December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Mares, Office of the Deputy Assistant Secretary of Defense (Management System), OASD(C), The Pentagon, Washington, D.C. 20301, telephone 202-697-0536.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-27629, appearing in the **Federal Register** on September 10, 1980 (45 FR 59566) the Office of the Secretary of Defense published this Part and is now revising § 288.6 to add collection alternatives.

PART 288—USER CHARGES

Accordingly, 32 CFR Part 288 is amended by revising § 288.6(a) to read as follows:

§ 288.6 Collections.

(a) Collections of charges and fees shall be made in advance of rendering the service, if practicable. The use of accounts receivable collection procedures may be practical when multiple requests for services are received on a continuing basis from a reliable requester.

* * * * *

(31 U.S.C. 483a)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 11, 1981.

[FR Doc. 81-35886 Filed 12-15-81; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1969-3]

Approval of the Revision of the District of Columbia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to approve the State Implementation Plan (SIP) revision submitted by the District of Columbia on December 26, 1978. The air quality control regulations which were submitted in draft format in the December 26, 1978 submittal were officially adopted by the District of Columbia on February 26, 1981 and were submitted to EPA on June 23, 1981. The December 26, 1978 implementation plan revision was originally submitted to address those areas in the District of Columbia which were designated as not attaining the National Ambient Air Quality Standards for total suspended particulates (TSP), ozone, and carbon monoxide. On June 26, 1979, EPA published a proposed rule with respect to the District's submittal under Part D of Title I of the Clean Air Act (the Act). However, on April 1, 1980, the Mayor of the District of Columbia submitted a request, pursuant to Section 107(d)(5) of the Clean Air Act, proposing that the District of Columbia be redesignated as attaining the National Ambient Air Quality Standards for TSP. EPA proposed approval of the District's April 1, 1980 request supporting a redesignation of the primary National Ambient Air Quality (TSP) Standard on April 30, 1981 (46 FR 24214). On April 1, 1981, the District submitted documentation supporting their request for redesignation to attainment of the secondary TSP standard. EPA is taking action on the redesignation of both the primary and secondary TSP standards in a separate **Federal Register** notice published October 5, 1981 (46 FR 48927).

This plan addresses attainment of the standards for TSP, ozone, and carbon monoxide and includes revisions which correct deficiencies cited in the June 26, 1979 notice of proposed rulemaking and which are necessary to meet the requirements of Part D of Title I of the Act.

EFFECTIVE DATE: Effective December 16, 1981.

ADDRESSES: Copies of the revision and accompanying support material are available for public inspection during

normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch (3AH10), Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Ave., SW., Washington, D.C. 20032. Attn: V. Ramadass

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW.—Room 8401, Washington, D.C. 20408

For the Transportation Control portions of the plan:

Public Information Center, Metropolitan Washington Council of Governments, 1875 Eye Street, NW., Suite 200, Washington, D.C. 20006

FOR FURTHER INFORMATION CONTACT:

Joanne T. McKernan (3AH12), Air Media & Energy Branch, U.S. Environmental Protection Agency, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106; telephone: (215) 597–8182, (Attn: AH300DC).

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, (43 FR 8962), and on September 12, 1978 (43 FR 40502), the Administrator of the EPA, in accordance with the requirements of Section 107 of the Clean Air Act, designated the District of Columbia (D.C. or District portion of the National Capital Interstate Air Quality Control Region (AQCR) as a nonattainment area for ozone and carbon monoxide. He also designated the central area of the District as not meeting the primary standard and the remainder of the District (except for a section in the Southeast) as not meeting the secondary standard for TSP.

The District of Columbia held public hearings on the nonattainment plan revision on May 23, 1978 and on October 27, 1978, respectively. The District's nonattainment plan revision was submitted to EPA on December 26, 1978 in response to the requirements of Part D of Title I of the Clean Air Act (the Act).

On June 26, 1979, EPA published a proposed rule, 44 FR 37236, describing the nature of the District's nonattainment plan submittal, identifying and discussing deficiencies with respect to requirements of Section 110 and Part D of Title I of the Clean Air Act, and soliciting public comments on the draft SIP revision and on EPA's findings. At that time, EPA determined that the appropriate procedures in providing notice were followed and that public hearings were held in accordance with the requirements of 40 CFR Part 51, Subpart A, § 51.4.

Key actions required of the District were its adoption of the draft regulations and proposal of an amendment to its Motor Vehicle Inspection and Maintenance (I/M) legislation which would afford the District full legal authority to implement I/M as required under the Act.

The District undertook an effort to incorporate some of EPA's suggested changes and to review and refine the proposed draft regulations (originally contained in the December 26, 1978 nonattainment SIP) and on June 15, 1979, the District submitted a revised draft dated May 29, 1979. As previously stated, EPA proposed action on that SIP revision in the **Federal Register** on June 26, 1979, and requested public comments on the SIP revision, amendments to the D.C. regulations contained therein, and Act 2–280 (D.C. Law 2–133).

The District of Columbia has since adopted legislation giving the District full legal authority for the implementation of an I/M program and has adopted air quality control regulations which satisfy the deficiencies raised in the June 26, 1979 proposed rulemaking. A discussion of the deficiencies and their resolution is contained in the "Deficiencies and Remedies" section of this rule.

As stated in EPA's June 26 proposed rulemaking, EPA intends to take final action on the regulations as adopted by the District on February 26, 1981, without further proposed action, since an analysis of the adopted regulations indicates that revisions to the draft regulations were made either to satisfy EPA's cited deficiencies in the June 26 proposed rule, or to clarify or refine portions of the regulations which do not affect the basic SIP requirements. No opposition to EPA's course of action in approving the adopted regulations was received when comments were requested in the June 26, 1979 proposed rulemaking. The following paragraphs summarize the air quality problems and the SIP revision submitted for each nonattainment area in the District of Columbia.

Total Suspended Particulates (TSP)

At the time of plan submittal, the primary ambient air quality standard for TSP had been attained in most of the District of Columbia. A slightly smaller area had also attained the secondary TSP standard. Only the most heavily urbanized portion of the city, roughly comprising the central business district, had been designated as nonattainment for both standards. EPA is processing an approval action (46 FR 48927, October 5, 1981) with respect to the District's April 1, 1980 and April 1, 1981 requests for reclassification to attainment status for the primary and secondary TSP standards. Upon formal approval of such redesignation, there will be no further need to meet the Part D requirements contained in this plan revision as they relate to TSP.

The District of Columbia submitted a plan which predicted attainment of both the primary and the secondary TSP standards by December 31, 1982 for that area designated as nonattainment. Included in the plan submitted on December 26, 1978, were an emission inventory, a diffusion modeling demonstration, a set of proposed air quality control regulations, a commitment to an annual incremental reduction as well as commitments and a proposal for further study to result in the adoption of fugitive particulate regulations. In the event the formal redesignation to attainment status for TSP is not made, the measures contained in this plan would be concluded in time for the attainment of the TSP standard by the December 31, 1982 deadline.

Existing District of Columbia regulations for the control of TSP emissions from stationary sources have been determined to be comprehensive and stringent. One additional stationary source control measure included in the December 26, 1978 SIP revision is a ban on the use of rotary cup burners in oil-fired boilers.

Regulations proposed for the control of fugitive emissions are designed to:

(a) Control fugitive dust from roads and lots;

(b) Control the hauling of dirt, earth, demolition debris, and other dusty materials;

(c) Require the washing of vehicles leaving construction sites;

(d) Control material handling operations;

(e) Prohibit industrial fugitive dust emissions; and

(f) Control or prohibit various other minor fugitive dust sources.

Ozone and Carbon Monoxide

EPA designated the entire District of Columbia as a nonattainment area for ozone and carbon monoxide. For the control of stationary sources, the SIP revision submitted on December 26, 1978 contains regulations providing for

control of volatile organic compound (VOC) emissions from stationary sources. For ozone nonattainment areas, EPA requires the adoption of Reasonably Available Control Technology (RACT) for eleven (11) Group I VOC source categories. In its SIP, the District regulates six (6) of these categories which exist in the District; solvent metal cleaning, tank truck gasoline loading terminals, cutback asphalt, bulk gasoline plants, gasoline service stations (Stage I vapor controls), and storage of petroleum liquids in fixed roof tanks. The District has no sources within the five (5) remaining categories and therefore is not required at this time to have regulations for them. The District, however, has committed to develop required regulations for all future VOC categories. In addition, the District has also committed to develop regulations for any additional sources which may locate in the District and for which EPA has already issued Control Techniques Guideline (CTG) documents.

The mobile source portion of the SIP for the District includes transportation control measures and an inspection and maintenance program. The Metropolitan Washington Council of Governments (COG), with extensive involvement of public and elected officials, prepared a document entitled "Washington Metropolitan Air Quality Plan for Control of Photochemical Oxidants and Carbon Monoxide" dated November 28, 1978. Portions of this plan have been incorporated by the District into its Implementation Plan revision. Furthermore, the District of Columbia has concurred on a final work program for the COG plan now being carried out under an Urban Air Quality Planning Grant for the 1982 SIP.

The success of the transportation control portion of the District's Implementation Plan is contingent on the implementation of five basic strategies. These include:

(1) The continued construction of the Metrorail transportation system in the Metropolitan Washington region.

(2) A continued reduction of emissions as a result of the Federal Motor Vehicle Control Program.

(3) A program for inspection and maintenance of motor vehicles in the District of Columbia.

(4) Enforcement of existing and new regulations for the control of volatile organic substances from stationary sources.

(5) The expansion of transportation control measures to reduce pollution from the overall regional transportation system.

Because of the extent of the needed emission reductions, the District does not anticipate attaining the ozone or the carbon monoxide standards by December 31, 1982, and therefore, has requested an extension of the attainment date for the ozone and the carbon monoxide standards to the end of 1987. This requires a commitment and schedule to implement an Inspection and Maintenance (I/M) program, as well as further analysis and subsequent adoption of necessary transportation control plan measures.

The District of Columbia's Implementation Plan includes provisions for an annual I/M program which covers cars and light trucks. Inspections would be carried out by the District of Columbia using the idle mode inspection test. The enabling legislation and the revised section 4.206 of Part B, Chapter IV of the Motor Vehicle Regulations prohibits the operation of non-complying vehicles.

Historical vehicles (25 years old or 15 years old for discontinued models) which are restricted to limited operations, will be excluded. A vehicle which is unable to meet the required levels of emission may be issued a conditional approval for one year if it is determined "that all reasonable repairs have been made and due to vehicle design characteristics, further repairs are neither mechanically nor economically feasible." EPA believes that the District's experience with a similar provision in the safety regulations indicates that this waiver provision will have minimal effect on the I/M program effectiveness.

In a letter dated August 26, 1980, the District agreed to establish exhaust emission standards that will provide a failure rate no less than 15% in 1983 and 1984, and no less than 17% but no greater than 20% in 1985 through 1987. Based on computer analysis of the anticipated emission reductions resulting from the District's phased failure rate commitment, EPA has determined that the District's schedule equals or exceeds the effectiveness of the required RACT emission reduction of 25% (as determined by Mobile I), and hence meets the criteria for I/M effectiveness, as long as lenient exemptions or waiver policies are not adopted. The District of Columbia plan revision, as amplified by subsequent submittals, includes an acceptable I/M schedule and adequate provisions for mechanics' training and public awareness programs.

Margin for Growth and Preconstruction Review

The District of Columbia stated (in its letter of May 3, 1979) that it intends to accommodate major point source growth on a case-by-case basis. The District included factors for growth of area sources for TSP and ozone in its modeling efforts used in the attainment demonstrations.

Case-by-case growth is to be accounted for by the preconstruction review regulations in the District's plan. These regulations are required to meet the provisions of section 173 of the Clean Air Act. EPA's proposed rulemaking of June 26, 1979 noted several deficiencies in the District's proposed regulation. These deficiencies and the manner in which the final adopted regulation resolved these deficiencies are discussed later in this notice.

EPA Review Criteria and Procedures

EPA issued guidance on February 24, 1978 on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking, published on April 4, 1979, 44 FR 20372. The basic requirements for an approvable nonattainment SIP were described in that notice and in the following supplements:

July 2, 1979, 44 FR 38583
August 28, 1979, 44 FR 50371
September 17, 1979, 44 FR 53761
November 23, 1979, 44 FR 67182

The following list summarizes the basic requirements for nonattainment plans.

1. Evidence that the proposed SIP revision was adopted by the District after reasonable notice and public hearing.

2. A provision for expeditious attainment of the standards.

3. A determination of the level of control needed to attain the standards by 1982 and the criteria necessary for approval of any extension beyond that date.

4. An accurate inventory of existing emissions.

5. Provisions for reasonable further progress (RFP).

6. An identification of emissions growth.

7. A permit program for major new or modified sources, consistent with Section 173 of the Act.

8. Use of Reasonably Available Control Technology (RACT) control measures as expeditiously as practicable.

9. Inspection and Maintenance (I/M), if necessary, as expeditiously as practicable.

10. Necessary transportation control measures, as expeditiously as practicable.

11. Enforceable regulations.

12. An identification of and commitment to the resources necessary to carry out the plan.

13. State commitments to comply with schedules.

14. Evidence of public, local government, and State involvement and consultation.

Deficiencies and Remedies

This section contains a discussion of those deficiencies cited by EPA in the June 26, 1979 notice of proposed rulemaking. It also discusses the resolution of these deficiencies by the District's adoption of the Air Quality Control Regulations and I/M legislation.

I. Total Suspended Particulates (TSP)

1. *Adoption After Reasonable Notice and Hearing*—The regulations in the Implementation Plan revision had not been formally adopted by the District of Columbia as of the date of the proposed rulemaking and therefore EPA cited this as a major deficiency in the District's submittal. However, on June 23, 1981, the District submitted adopted regulations which meet the requirements of Part D, Title I of the Act.

2. *Pre-Construction Review*—The June 26, 1979 notice of proposed rulemaking identified portions of Section 8–2:720 of the District of Columbia's proposed regulations as deficient. On April 30, 1980, EPA provided a written statement at the District's Council hearing held by the Transportation and Environmental Affairs Committee on Bill 3–209, the Air Quality Control Regulations. The statement commented that the October 22, 1979 draft regulations still contained the deficiencies but noted that the District was considering making the required changes before Council's action adopting the Bill into law. These changes were submitted for review and, by letters of May 18, 1980 and June 30, 1980, EPA advised the District that what they were proposing was acceptable. The noted deficiencies, the District's response, and EPA's findings are as follows:

a. The proposed rulemaking stated that section 8–2:720 of the District's proposed regulations was not equivalent with section 173(1) (A) and (B) of the Act which, respectively, require a determination by the permitting agency prior to a new source permit issuance that either (1) total allowable emissions from all sources at the time of new source start-up will be sufficiently less than total allowable emissions from all sources at the time of permit application so as to represent reasonable further progress (RFP), or (2) the new source emissions have been included in the growth increment of the SIP attainment demonstration.

Since the District of Columbia had not proposed allowances for growth per section 172(b)(5), the requirement to include section 173(1)(B) was not necessary, but the District's regulation was still deficient in meeting the requirements of section 173(1)(A) of the Act.

In EPA's April 29, 1980 written statement for the District Council's hearings on the regulations, EPA reiterated the requirement that the regulation must contain "language which satisfies section 173(1)(A)." The proposed regulation only required that the proposed source would cause to have suppressed sufficient emissions from existing sources such that the new source emissions in conjunction with the suppressed emission levels from existing sources would not result in *increased* emissions. This was not equivalent to Section 173(1)(A) of the Act, which requires that emissions be sufficiently less so as to represent RFP. The District's Department of Environmental Services made the required modifications to the adopted regulations which will insure that sufficient emissions will be reduced so that there will exist a *decrease* in emissions for which the area is designated nonattainment and that reasonable further progress will be met. Therefore, EPA has determined that the revised paragraph (e)(6)(B) of Section 8–2:720 of the adopted regulation satisfies the requirements of section 173(1)(A) of the Clean Air Act and this portion of the SIP is approved.

b. The proposed rulemaking stated that the language in section 8–2:720(e)(6)(E) of the District's proposed regulation did not encompass Section 173(4) of the Act which requires that a new source permit be issued only if the applicable implementation plan is being carried out for the nonattainment area. The District subsequently adopted a revised version of section 8–2:720(e)(6)(E) which now reads "The issuance of a permit will result in satisfaction of the requirements for a permit program specified in Section 173 of the Clean Air Act." EPA interprets this to mean that the District is committed to carrying out the provisions of Section 173 of the Clean Air Act, which include insuring that offsets provided for under its regulation are Federally enforceable and are consistent with the RFP requirements. Therefore, EPA approves section 8–2:720(e)(6)(E) as a revision to the SIP.

c. The proposed rulemaking stated that the District's proposed section 8–2:720(e)(6)(F) did not contain the provision that any emission reduction required as a precondition of permit issuance be legally binding. In a May 21, 1980 letter from the Office of Corporation Counsel, Government of the District of Columbia, language was offered to accommodate EPA's objections. On June 3, 1980 EPA advised that it would accept this regulation with the inclusion of the recommended language, on the condition that the procedure that the District of Columbia government follows to make all offsets legally binding "would be identical to that used for all SIP revisions." On May 4, 1981, the District's Department of Environmental Services advised that even though it is the District's belief that "any legal instrument executed by the District in compliance with section 8–2:720(e)(6)(F) is enforceable by EPA", the District has agreed to submit all offsetting emission reductions which are not included in a permit issued under section 8–2:720(a), entitled "Permit to Construct New Source or Modify Existing Source," to EPA as a revision to the District's implementation plan. EPA is satisfied that this meets the requirements of section 173 of the Clean Air Act and therefore approves section 8–2:720(e)(6)(F) of the regulation as a revision to the SIP.

Since the publication of the June 26, 1979 proposed rulemaking, and in response to the decision of the U.S. Court of Appeals for the D.C. Circuit in *Alabama Power Company* v. *Costle* 13 ERC 1993, EPA amended its regulations. These deal with new source review in nonattainment areas, including restrictions on major new source growth (40 CFR 52.24) and reflect guidance under EPA's Emission Offset Interpretative Ruling (40 CFR Part 51, Appendix S) and section 173 of the Clean Air Act (40 CFR 51.18(j)). The amendments were published on July 2, 1979 at 44 FR 38473, as amended at 45 FR 31307 (May 13, 1980); on August 7, 1980 at 45 FR 52676; and on September 11, 1980 at 45 FR 59874. These amended regulations impose new requirements on the District of Columbia which, with the exception of two changes to section 8–2:702 (definitions), are not addressed in the SIP revision being approved today.

Since the initial December 26, 1978 draft submittal, the District modified two definitions to its new source regulation in order to bring the regulation into partial compliance with the August 7, 1980 rulemaking. The definition of "potential to emit" was added and the definition of "major

stationary source" was revised. "Potential to emit" is defined as the capability of a source, at maximum design capacity, to emit a pollutant after the application of air pollution control equipment. The definition of "Major Stationary Source" now takes into account the "potential to emit" definition. For example, a source is now considered a major stationary source if it emits, or has the potential to emit (after the application of air pollution control equipment) 100 tons per year or more of any air pollutant. The District also made a distinction between new source construction permits/modified source permits and operating permits, and made changes which satisfy the deficiencies cited in the June 26, 1979 proposed rulemaking.

Since these changes are consistent with the August 7, 1980 rulemaking and since the District is currently working on revisions of its SIP to bring it into full compliance with the August 7, 1980 rulemaking, EPA is approving sections 8–2:702 and 8–2:720 of the District's air quality control regulations (relating to the District's new source review program).

3. *Reasonably Available Control Technology (RACT) as Expeditiously as Practicable*—EPA has evaluated the District of Columbia's nonattainment plan submittal and its July 25, 1979 response to the proposed rulemaking notice and has made a determination that the requirement for RACT has been satisfied. The District's existing regulations for control of TSP are sufficiently stringent, and the District has adopted the proposed regulations in the plan. Therefore, EPA approves this portion of the plan. Final approval by EPA of the District's request for redesignation under Section 107 of the Clean Air Act will negate the need for implementation of measures in this plan relating to requirements for TSP nonattainment areas.

4. *Emission Inventory*—In the notice of proposed rulemaking, EPA stated that the emission inventory submitted with the District's plan was considered adequate as a basis for the control strategy demonstration. EPA therefore approves this portion of the plan.

5. *Enforceability*—The notice of proposed rulemaking proposed approval of the District's TSP regulations and discussed several aspects relating to the requirements of Section 8–2:712 (relating to control of fugitive dust) and D.C. Pub. L. 2–133 (including changes to visible emission standards). With regard to section 8–2:712, EPA made several recommendations to the District of Columbia which EPA felt would enhance the enforceability of the regulations. The District agreed to consider these recommendations, and subsequently incorporated some changes in its revised regulations. In a letter dated July 25, 1979, the District of Columbia stated that it believed the regulations, as proposed, were enforceable. Section 8–2:712 of the District's regulations was finally adopted on February 26, 1981.

EPA has evaluated the District's response and the adopted Section 8–2:712, and hereby approves this portion of the District's submittal.

In response to a request from the District of Columbia's Office of Corporation Counsel, EPA approved Pub. L. 2–133, relating to Visible Emissions, in a separate notice of final rulemaking on March 3, 1980 at 45 F. R. 13729.

II. Ozone

1. *Adoption After Reasonable Notice and Hearing.* The regulations in the nonattainment plan revision had not been formally adopted by the District of Columbia as of the date of proposed rulemaking and therefore EPA cited this as a major deficiency in the District's submittal. However, on June 23, 1981, the District submitted adopted regulations which satisfy EPA's cited deficiencies and meet the requirements of Part D, Title I of the Act.

2. *Attainment Date.* In the proposed rulemaking, EPA stated that an extension until December 31, 1987 for attaining the ozone standard may be approved provided the District demonstrates that attainment by 1982 is not possible, despite the implementation of RACT for stationary source categories of volatile organic compounds (VOC's), and the implementation of transportation control measures, including inspection and maintenance (I/M). The District's demonstration was based upon the standard of 0.08 ppm which was revised on February 8, 1979. EPA has made an evaluation of whether attainment of the current 0.12 ppm standard is possible by 1982 considering the implementation of all of D.C.'s control measures. It is EPA's determination that the 0.12 ppm standard cannot be met until the end of 1987. In addition, the District, by letter of July 25, 1979, commits to meeting the 0.12 ppm standard by December 31, 1987. Therefore, EPA approves D.C.'s request for an extension.

3. *Control Strategy and Demonstration of Attainment.* The District of Columbia also, in its letter of July 25, 1979, committed itself to implement measures to attain the current National Ambient Air Quality Standard (NAAQS) for ozone by the end of 1987. This portion of the SIP is approved.

4. *Emission Inventory.* In the proposed rulemaking, it was stated that the District's submittal did not include source-specific information for the sources covered by the regulations in the SIP. Also, the District had not submitted the calculations and methods of estimation used in developing the inventory.

The Metropolitan Washington Council of Governments (COG) advised EPA that of the VOC categories required to be evaluated for the January 1, 1979 SIP submittal, the only category of sources in the District in which there is a major source is the gasoline terminal category and the District submitted a source-specific inventory for that category. The inventory for the remaining sources has been evaluated and is acceptable. COG also explained, to EPA's satisfaction, the calculations and methods of estimation used in developing the inventory. Therefore, EPA approves the District's emission inventory for VOC emissions.

5. *Reasonable Further Progress (RFP).* The District of Columbia submitted new RFP graphs to EPA on May 3, 1979. The new RFP is a linear graph based upon 24-hour data. This submittal has been evaluated by EPA and is approved.

6. *Margin for Growth.* EPA stated in the proposed rulemaking that a tracking system for emissions growth was not addressed in the SIP. By letter of July 25, 1979, the District addresses this issue. An annual reporting system combined with the District's preconstruction review process and the Metropolitan Washington Council of Governments' (COG) transportation planning work will adequately track growth in the District of Columbia. EPA approves this portion of the ozone SIP.

7. *Reasonably Available Control Technology as Expeditiously as Practicable.* The District's final Section 8–2:707(k) of the regulations, adopted on February 26, 1981, prohibits, with exceptions, the use of cutback asphalt during the months of April through September. Allowing the use of cutback asphalt during the season from October through March is acceptable provided no violations of the ozone standard have been recorded during this period. In its letters of July 25 and 27, 1979, the District supplied EPA with confirming documentation of no ozone violations.

In its proposed regulations, the definition of "emulsified asphalt" did not state the amount of solvent, if any, allowed in this asphalt material. EPA's notice of proposed rulemaking of June 26, 1979 cited this as a deficiency. In the District's final regulation the definition

of "emulsified asphalt" has been deleted. The effect of this revision is to include emulsified asphalts containing solvents under the District's definition of "cutback asphalt." Therefore, the use of emulsified asphalts containing solvents would also be prohibited from April through September.

As previously stated, the District's adopted regulations prohibit cutback asphalt use from April through September, but exemptions are now allowed. The Mayor can exercise his discretionary authority in granting these exemptions; however, the guidelines for allowing exemptions are not specified in the regulation. EPA considers this to be a potential weakness in the District's regulation. The District, in a May 12, 1981 letter from the D.C. Department of Environmental Services, has described the process the Mayor follows in granting exemptions and has agreed to submit to EPA documentation of any exemption specifically granted under the provisions of section 8–2:707(k).

While it is not expected that excessive use of the waiver provision will occur, and while this issue is not considered of significant importance to warrant SIP disapproval, EPA still has concern about the use of this provision. Therefore, EPA intends to closely monitor the issuance of any waivers issued under section 8–2:707(k) of the District's regulations. Also, EPA reserves the right to act under Section 113(a)(2) of the Clean Air Act, 42 U.S.C. 7413(a)(2) if the District fails "to enforce the SIP effectively."

In EPA's judgement, the procedure committed to by the District, coupled with EPA's surveillance efforts, represents RACT. Therefore, EPA is approving section 8–2:707(k) of the District's regulations.

8. *Inspection and Maintenance (I/M).* The District of Columbia's I/M plan, as originally submitted, was deficient since the District conditioned its commitment to implement I/M on the following:

a. Final cost estimates

b. District Council budget approval

c. Changes in automobile technology that would make I/M obselete

d. Equivalent legislation being enacted in Maryland and Virginia.

The notice of proposed rulemaking stated that these qualifications rendered the District's commitment to I/M, and therefore its compliance with the requirements of the Clean Air Act, as unacceptable. EPA's letter of May 2, 1979 requested the D.C. Mayor to submit legislation to the District Council which would amend Law 1–132 (formerly Bill 3–237) to provide for full legal authority to implement I/M. In a letter to EPA dated September 7, 1979, Mayor Barry revised the SIP by deleting the unacceptable contingencies. The Mayor further indicated that draft legislation was being prepared to require implementation of a mandatory I/M program no later than December 31, 1982.

Three additional deficiencies were listed in the proposed rulemaking. Missing from the District's SIP was a statement that the District had the authority to prohibit operation of non-complying vehicles or authority to use some equivalent mechanism. Also required was the development and submission of a specific schedule to implement the I/M program and a statement of commitment to the development of I/M emission standards designed to result in a 25% reduction in hydrocarbon and carbon monoxide emissions by 1987.

Following a number of discussions and communications between the District and EPA, the District of Columbia enacted Law 3–152 (which is a rewrite of D.C. Law 1–132) effective March 5, 1981. This Law amends the Motor Vehicle Regulations relating to exhaust emission standards and equipment requirements for motor vehicles operated in the District of Columbia. Enactment of the law resolves the deficiency relating to formal adoption of the I/M amendments. The revised legislation also removes the previously cited deficiency regarding equivalent legislation enactment by Maryland and Virginia. The amendments included changes to section 4.206(a) of D.C. Title 32, which deals with rejected vehicles, but did not change section 4.205(a) which governs approved vehicles. EPA considers this a flaw in the District's legal authority since there is a possibility under the present regulations that a vehicle might currently qualify for both an approval sticker under section 4.205(a) because it meets all the safety requirements and a rejection sticker under section 4.206(a) because it does not meet the emission standards. EPA is therefore requesting, by separate letter, a clarification of the procedures which the District will utilize in the issuance of approval and rejection stickers. EPA is also requesting the District to consider modifying section 4.205(a) to fully clarify its legal authority in this area. Despite this defect, EPA believes that the District of Columbia Council, through its adoption of these amendments, intended to authorize the enforcement of the I/M program through the existing safety inspection sticker system and that it is possible to effectively enforce the I/M program under the existing legal authority. However, should the legal authority in fact prove to be deficient, the SIP would no longer satisfy the requirements of section 172(b)(7) and (10) of the Clean Air Act and hence would be disapprovable.

In a July 24, 1980 letter from the District of Columbia's City Administrator, the District provided clarification of issues relating to adequate allocation of funding and resources to implement the I/M program. The District also advised of its intent to submit an official I/M schedule. The District resolved the allocation of resources problem to EPA's satisfaction through its Section 105 grant negotiations and submitted an approvable implementation schedule on May 6, 1981.

Relating to the deficiency concerning a commitment to achieve a 25% reduction in hydrocarbon and carbon monoxide emissions by 1987, the District and EPA officials met on July 15, 1980 and EPA agreed to consider the District's commitment to the establishment of exhaust emission standards that will produce specified phased failure rates through 1987. EPA's analysis concluded that acceptance of the District's program will result in the required 25% reduction in 1987 motor vehicle emissions. In a letter dated May 6, 1981 from the Mayor of the District of Columbia, the District stated its commitment to the development of the required I/M emission standards which would produce specified failure rates committed to in the District's Department of Transportation's August 26, 1980 letter. EPA approved these rates in an October 27, 1980 letter as being satisfactory to achieve the required RACT reduction in HC and CO emissions. EPA will continue to monitor the implementation of the District's I/M program to insure that the legislative and policy requirements governing the District's inspection and maintenance programs are being carried out. The resolution of this deficiency removes the final obstacle to approval of the District's I/M portion of the nonattainment plan. Therefore, EPA approves this portion of the plan.

9. *Enforceability.* Five enforceability deficiencies were listed in the proposed rulemaking: a) no compliance schedules, b) absence of a test method for Section 8–2:707(j)(1)(F)(ii), c) absence of a performance level for section 8–2:707(j)(1)(E)(iii), (d) absence of a definition of "emulsion cleaner" and e) the regulations did not specify who is to perform the leak test and issue the certificate in Section 8–2:707(c)(1)(C). These deficiencies have been adequately addressed and/or reviewed

by the District in its July 25, 1979 letter to EPA and/or in the adopted air quality control regulations. EPA approves these sections of the regulations.

III. Transportation Control Measures (for Ozone and Carbon Monoxide)

Recommended Measures

In the June 26, 1979 Notice of Proposed Rulemaking, it was noted that COG recommended 28 transportation measures as appropriate for consideration in the 1979 SIP submittal. These measures were selected from an initial list of 70 measures identified as having potential for reducing transportation-related emissions. COG is continuing its alternatives analysis (funded under Section 175 of the Act) which, when completed, will have reviewed all 70 of the measures to be considered for possible inclusion into the 1982 implementation plan to be submitted by the District of Columbia.

As discussed in the Notice of Proposed Rulemaking, 44 Fed. Reg. 37236 (June 26, 1979), the District of Columbia Department of Transportation has made commitments to study and/or implement 14 of the 28 COG measures. They are:

1. Continued Construction of Metrorail—The District has fulfilled its commitment to financially support the construction of a regional Metrorail system by completing the allocation of funds for the District's local share towards construction of the first 60 miles.

2. Institute Fair Market Commerical Parking Rates for Government Employees—To date, legislation has been drafted to institute parking rates for government employees and this legislation has been introduced during July 1981 and referred to the D.C. Committee on Transportation and Environmental Affairs.

3. Eliminate All Day On Street Non-Resident Parking Where Appropriate—The District of Columbia has continued to implement its Residential Parking Program as outlined in the SIP. Since the submittal of the SIP (December, 1978) and through July 1980, the number of blocks which now have residential permit parking has increased by 5%, and as of the end of May, 1980, an additional 193 blocks have been established and 83 more blocks are pending.

4. Build/Designate Exclusive Lanes or Areas for High Occupancy Vehicles—The District has made some progress in the implementation of this program and is continuing to evaluate and study other routes listed in the SIP for further implementation.

5. Build Additional Bikeways and Bicycle Paths—Since August 1977 30 miles of the 75 miles proposed in the District's Bicycle Plan have been completed.

6. Implement Fixed Route Minibus or Semi-demand Responsive Transit System—Work began in June 1980 on a joint Washington Metropolitan Area Transit Authority/D.C. DOT Neighborhood Bus Study. A draft report was completed by October 1981. Currently, the District is holding a number of community meetings to allow citizen input into the final recommendations. The District has provided implementation funding commitments for the study in FY 82 and FY 83.

7. Install Additional Bicycle Storage Facilities—The District is proceeding to install additional bicycle storage facilities. Bicycle spaces have been designated and funds have been allocated for the continuation of this program.

8. Develop a Program for Instituting a Regional Tax to Support Transit Operations—The National Capital Transportation Amendments of 1979, passed January 3, 1980, will require that each State separately address its tax contribution for the completion of Metrorail and this revises the concept of a "regional tax." The District has established a Mayoral Task Force to study alternative means of raising revenue for this purpose.

9. Develop a Coordinated Private and Public Sector Parking Management Policy—A proposal has been completed for a downtown parking study and draft zoning amendments have been prepared to support the results of the study. The District considers this a high priority for feasibility analysis in its 1982 SIP planning efforts. There are legal issues, however, relating to the revision of the parking code which still must be resolved.

10. Provide for Additional Pedestrian Facilities and Eliminate Barriers to Pedestrian Flow—The District has continued to implement its policy of building sidewalks and curb ramps where necessary with each construction project and through a sidewalk replacement program.

11. Add Signal Preemption Devices for Transit Vehicles Where Appropriate—The Northern Virginia Transportation Commission (NVTC) had originally intended to promote direct bus service from the District and Northern Virginia to Dulles under an Urban Mass Transportation Administration grant by installing signal preemption devices at various locations. The D.C. DOT agreed to install such a device at the bus origin point in the District and to paint appropriate pavement markings and place signs.

This concept has been under reconsideration by the NVTC and a greater emphasis for a demonstration project will now concentrate on marketing activities for bus, limo, and taxi services to the airport. The signal preemption device installation now is unrelated to the new concerns and has been officially removed from the UMTA grant application. Consequently, the District's SIP commitment of assistance to NVTC in studying the use of preemption devices has been completed.

12. Improve (Traffic) Signalization in the Region—The District has selected a consultant for this $150,000 study. The study has been completed. The recommended replacement system is expected to cost approximately 24 million dollars and the District intends to pursue its implementation by seeking federal funding for the design and implementation of this system over the next five years. Annual air quality benefits expected from the implementation are the elimination of 261 tons of hydrocarbon, 152 tons of NO_x, and 3,000 tons of carbon monoxide.

13. Develop a Regional Program for the Withdrawal of Interstate Highway Funds with Funds to be used for transit construction as the District of Columbia deems possible. The District has continued to transfer Interstate Highway funds to be used for the Metrorail construction. Satisfactory progress is being made on this transportation measure.

14. Encourage Additional Corridor Studies for Implementation of Transportation System Management Incentives.

The "Fort Lincoln Crosstown Transit Feasibility Study," including consultant assistance, is funded as part of the Urban Mass Transportation Administration Technical Studies Program. The study was completed in fiscal year 1981. The draft final report is currently in the final process of completion and a public meeting has been scheduled during November 1981.

EPA hereby approves the above-mentioned fourteen transportation commitments as part of the District's Implementation Plan.

Also, as stated in the June 26, 1979 Notice of Proposed Rulemaking, the District unilaterally proposed a Public Education Program, a Ride-sharing Strategy, and a Clean Vehicle Program. Details of these transportation measures appear in Appendix A of the District of Columbia's plan.

In the June 26, 1979 Notice of Proposed Rulemaking, EPA requested more

clarification and justification for the process of selecting or rejecting transportation control measures. EPA stated that it would concur in the rejection of any measure only after sufficient evidence is provided justifying such action. In its July 25, 1979 response, the District stated that the absence of any specific transportation control measure should not be taken to imply its rejection and that a full spectrum of potential transportation control measures will be a part of the output of the continuing transportation planning process. In addition, the COG Work Plan contains a provision for the development of criteria for assessment of transportation control measures. Since those measures not approved in today's notice will be evaluated for future implementation and either selected or rejected (in accordance with the criteria for assessment) with appropriate justification, EPA is not requiring the District to respond at this time.

As a minimum, and in order to meet the requirements for approval of the 1982 SIP submittal, the District is required to include commitments to consider, or provide detailed descriptions of the rationale for not considering, all of the measures not included in this notice.

Also required for the 1982 SIP submittal is a schedule for implementation of all 70 recommended transportation controls, with specific compliance dates for completing any studies, obtaining necessary legal authority, drafting regulations, obtaining funding, commencing implementation of each measure (unless the District can demonstrate that any particular measure is not reasonable for the Washington area) and providing specific increments of progress for reducing emissions.

Other Commitments

The District has made a commitment to EPA to consider all 70 of the control measures recommended by COG for possible inclusion in the 1982 implementation plan submittal. This commitment, the Work Plan requirements, and the commitment to study and/or implement the fourteen transportation measures approved in today's notice is acceptable to EPA as meeting the criteria for approval of the transportation control portion of the 1979 SIP. A schedule for COG's alternatives analysis was endorsed by the COG Transportation Planning Board on December 20, 1978 and submitted to EPA and the Urban Mass Transportation Administration for initial funding under Section 175 of the Clean Air Act. Initial Section 175 funding was granted on March 30, 1979 for the development of a detailed work program for alternatives analysis as well as the commencement of its initial tasks. On September 12, 1979 COG submitted a detailed work program for Phase I of a three-phase Urban Air Quality Planning Grant to be funded under Section 175 of the Act. In November, 1979 the Urban Mass Transportation Administration authorized a grant for $469,350 covering the first phase of the work. Thus, the outline for alternatives analysis has been submitted and a more detailed analysis is currently underway. Through its membership in COG, the District has endorsed this effort. On October 17, 1979, the District completed a Memorandum of Understanding with Virginia, Maryland and COG reaffirming joint and individual SIP responsibilities. This has been done to coordinate the region's efforts for the 1982 submittal of SIPs. Work on the air quality planning grant has continued, with additional funds of $930,472 granted in September, 1980 for Phases II and III of the work. Efforts for developing a package of transportation measures to be included in the SIP is on schedule and progressing in a satisfactory manner.

The process for consultation involving the public interest groups and elected officials during the preparation of the transportation plan, as documented in the COG *AIR QUALITY PLAN*, is adequate. That plan defined transportation/air quality issues, established the planning process, and outlined the development of a program for alternatives analysis.

This process for consultation has continued in the effort covered by the Region's Urban Air Quality Planning Grant. In addition, the District has prepared for submittal to EPA after public hearing, a revision to its SIP dealing with the consultation requirements of Section 121 of the Clean Air Act as described in the June 18, 1979 **Federal Register** notice, 44 FR 35176.

Public Comments on Proposal

Two commenters submitted extensive comments which they requested be considered as part of the record for each State plan. Each of the points raised by the commenters and EPA's responses appear in the Notice of Final Rulemaking for the State of Delaware, 45 FR 14551, March 6, 1980. Although some of the issues raised are not relevant to provisions in the District's submittal, EPA is notifying the public of its response to these comments at this time.

Another commenter expressed concern about the availability of emulsified asphalts with low solvent content for all applications in all regions of the country. These comments were addressed in the Notice of Final Rulemaking for the State of Maryland, 45 FR 53472, August 12, 1980.

Numerous other comments were received from D.C.'s Environmental Health Administration, Bureau of Air and Water Quality, and from two environmental groups.

The District's comments basically addressed the unresolved issues at the time of the proposed rulemaking and provided additional information and clarification in several areas.

The environmental groups generally supported the findings of deficiencies of the Environmental Protection Agency in its proposed rulemaking, and generally recommended that EPA conditionally approve the District's plan contingent on D.C.'s satisfying the cited plan deficiencies. The deficiencies especially noted were those relating to adoption of the regulations, transportation and I/M, reasonable further progress, new source review and permit fees.

Due to the voluminous nature of the comments and EPA's responses, they are not addressed in detail in this notice but are included in detail in the Rationale Document for this final rulemaking which can be inspected at the locations identified under the ADDRESSES section of this notice. However, the major thrust of the comments concerned the lack of progress on the part of the District in identifying, adopting, and implementing measures to attain the standards as expeditiously as practicable.

Both environmental groups objected to the fact that the District had not formally adopted the air quality regulations and measures in the plan and that the District had few commitments to carry out transportation control measures and had rejected others without adequate explanation. The District has since responded to these comments by adopting the air quality control regulations in the plan and by explaining (in a July 25, 1979 letter from the Chief, Bureau of Air and Water Quality) that they had not rejected the transportation control measures that were not included but were committing to review a full spectrum of potential transportation control measures as part of the continuing planning process. In today's notice, EPA specified that the minimum acceptable requirements for approval of the 1982 SIP submittal would include a commitment from the District to consider (or provide rationale for not considering) all of the measures not included in the 1979 plan revision.

One commenter stated that EPA should conditionally approve the plan unless the District secures an unqualified commitment to I/M, adopts legislation reflecting this commitment, and submits an approvable implementation schedule. The District has since satisfied these deficiencies relating to their I/M program; therefore, EPA is approving their plan.

Comments were received relative to the lack of a demonstration of reasonable further progress (RFP) in the plan. EPA requested, and the District submitted, a revised RFP submittal on May 3, 1979. This RFP shows 1987 attainment of the NAAQS for ozone based on 24-hour emissions. A linear RFP projection is acceptable to EPA provided attainment of the NAAQS is achieved by 1987. The District's new RFP submitted on May 3, 1979 shows attainment of the standard by 1987 and is therefore acceptable. The District of Columbia can revise this schedule provided EPA approves of such a revision.

Extensive comments were received regarding the fact that the District's new source review program was deficient and did not meet the requirements of section 173 of the Clean Air Act. As explained in the "Deficiencies and Remedies" section of this notice, all outstanding issues relating to Section 173 of the Act have been resolved.

One commenter stated that the use of rollback modeling in the District of Columbia was inappropriate and the District should be required to use a more sophisticated modeling technique. Although more sophisticated models can provide a more accurate estimation of the degree of control required to attain air quality standards, the required data for calibration of these models in the D.C. area was not available at the time of SIP submittal. The proportional rollback method satisfies the requirement of 40 CFR Part 51 for the 1979 SIP revision. EPA is, however, requiring more sophisticated techniques such as city-specific Empirical Kinetic Modeling Approach (EKMA) for the plan revision due in 1982.

As noted above, a more detailed analysis of public comments can be found in the Rationale Document to this Rulemaking action.

EPA Actions

EPA is taking final action to approve the District of Columbia's plan revisions for attainment of the National Ambient Air Quality Standards for TSP, ozone and carbon monoxide as submitted on December 26, 1978 and amended through the date of this notice. The portions of this plan relating to attainment of the National Ambient Air Quality Standards for TSP will no longer be required upon formal redesignation of the District's attainment status under Section 107 of the Clean Air Act which EPA will publish under separate rulemaking.

In the June 28, 1979 Notice of Proposed Rulemaking, EPA requested public comment on the revoking or revising of the below-listed sections of Title 40, Part 52 of the Code of Federal Regulations in order to make them meaningful and consistent with the plan upon which EPA is taking final action today. The District's July 25, 1979 comments to EPA on the Notice of Proposed Rulemaking reflected two editorial changes regarding the revised and revoked §§ 52.483(a) and 52.483(b). EPA has noted these two editorial changes in today's final action on the following provisions:

Approval Status (Heavy Duty Vehicles), § 52.472(c), (revoke).

Legal Authority, § 52.474, (revoke).

Control Strategy, § 52.483(a), (revise).

Compliance Schedules, § 52.476(c), (revoke).

Identification of Plan, § 52.470, (revise). (Revision made at 46 FR 9948, January 30, 1981).

Parking Surcharge Measures, § 52.476(d), (revoke).

Elimination of Free On-Street Commuter Parking, § 52.476(e), (revoke).

Exclusive Bus Lanes, § 52.476(h), (revise).

Review of New Sources and Modifications, § 52.478 (revoke).

Management of Parking Supply, § 52.493, (revoke).

Source Surveillance, § 52.479, (revise).

Attainment Dates for National Standards, § 52.481, (revise).

Control Strategy: Carbon Monoxide and Photochemical Oxidants (Hydrocarbons), § 52.483(b), (revoke).

Inspection and Maintenance Program, § 52.490, (revoke).

Bicycle Lanes and Storage Facilities, § 52.491, (revoke).

Medium Duty Air/Fuel Control Retrofit, § 52.492, (revoke).

Heavy Duty Air/Fuel Control Retrofit, § 52.494, (revoke).

Oxidizing Catalyst Retrofit, § 52.495, (revoke).

Vacuum Spark Advance Disconnect Retrofit, § 52.496, (revoke).

In view of this evaluation, the Administrator approves the plan revision submitted by the District of Columbia on December 26, 1978.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 4701–642)

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the District of Columbia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Chapter I, Title 40 of Part 52 of the Code of Federal Regulations is amended as follows:

Subpart J—District of Columbia

1. Section 52.470 is renumbered as follows:

a. Move paragraph (d) (Plan revisions were submitted on January 29, 1973 by the Department of Environmental Services.) under paragraph (c)(3) and renumber it paragraph (c)(4).

b. Renumber paragraphs (c)(4) through (c)(8) as paragraphs (c)(5) through (c)(9). (Paragraph (c)(9) was previously reserved.)

c. Paragraph (c)(10) remains reserved. Paragraphs (c)(11), (c)(12) and (c)(13) remain as is.

2. Add paragraphs (c)(19), (c)(20), and (c)(21) as follows:

§ 52.470 Identification of Plan.

* * * * *

(c) * * *

(19) The Plan revision entitled "Revisions to the Implementation Plan for the District of Columbia for Attainment of the National Ambient Air Quality Standards for Particulates, Oxidants and Carbon Monoxide" for all areas designated nonattainment as of March 3, 1978 and September 12, 1978 submitted on December 26, 1979 by the Mayor. Included was a request for

revocation and/or revision of sections of Subpart J which have been mooted by court decision (*District of Columbia* v. *Costle*, 567 F. 2d 1091 (D.C. Cir. 1977)), Congressional action, or rescission by EPA.

(c)(20) Inspection and Maintenance Program Amendments to the transportation control portion of the nonattainment plan were submitted by the Mayor on September 7, 1979 and May 6, 1981.

(c)(21) Amendments to the District's Air Quality Control Regulations for control of particulate matter, carbon monoxide and ozone were submitted by the Mayor on June 23, 1981.

§ 52.471 [Amended]

3. Section 52.471 is amended by changing the heading "photochemical oxidants (hydrocarbons)" to "ozone."

4. Section 52.472 is amended by revising paragraph (c) as follows:

§ 52.472 Approval status.

* * * * *

(c) With the exceptions set forth in this subpart, the Administrator approves the District of Columbia's plan for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1. of the Clean Air Act as amended in 1977.

5. Section 52.473 is added as follows:

§ 52.473 Extensions.

The Administrator hereby extends the date for attainment of the ozone and carbon monoxide National Ambient Air Quality Standards in the District of Columbia portion of the National Capital Interstate Air Quality Control Region to allow for attainment of the NAAQS as expeditiously as possible but no later than December 31, 1987.

§ 52.474 [Amended]

6. Section 52.474, *Legal Authority*, is amended by removing paragraph (a).

§ 52.476 [Amended]

7. Section 52.476, *Compliance Schedules*, is amended by removing and reserving paragraphs (a) through (d).

8. Section 52.479 (Source surveillance) is amended by removing and reserving paragraph (a), removing paragraph (c), and revising paragraph (b) as follows:

§ 52.479 Source surveillance.

(a) [Reserved]

(b) The requirements of § 51.19(d) are not met with respect to the strategies for carpool locator service. The remaining transportation measures in the previously Federally-promulgated implementation plan have been mooted by court decision (*District of Columbia* v. *Costle*, 567 F. 2d 1091 (D.C. Cir 1977)) or rescinded by EPA.

9. Section 52.481 (Attainment dates for national standards) is amended by revising the table as follows:

§ 52.481 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone[1]
	Primary	Secondary	Primary	Secondary			
National Capital Interstate	a[2]	a[2]	b[4]	b[2]	b[4]	c[5]	c[5]

a December 31, 1982.
b Air quality levels presently below secondary standards
c As expeditiously as practicable but not later than December 31, 1987
[1] Previously "Photochemical Oxidants (hydrocarbons)."
[2] Previously 13 years from plan approval or promulgation.
[3] Previous footnote: Transportation and/or land use control strategy to be submitted no later than April 15, 1973
[4] Previous footnote: Air quality levels presently below secondary standard
[5] Previous footnote: May 31, 1977 [3]

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are provided as numeric footnotes in this chart

10. The following sections are removed:

§ 52.478 [Removed]

Section 52.478 (Review of new sources and modifications) is removed.

§ 52.483 [Removed]

Section 52.483 (Control Strategy: Carbon Monoxide and Photochemical Oxidants (hydrocarbons)) is removed.

§ 52.490 [Removed]

Section 52.490 (Inspection and maintenance program) is removed.

§ 52.491 [Removed]

Section 52.491 (Bicycle lane and storage facilities) is removed.

§ 52.492 [Removed]

Section 52.492 (Medium duty air/fuel control retrofit) is removed.

§ 52.493 [Removed]

Section 52.493 (Management of parking supply) is removed.

§ 52.494 [Removed]

Section 52.494 (Heavy duty air/fuel control retrofit) is removed.

§ 52.495 [Removed]

Section 52.495 (Oxidizing catalyst retrofit) is removed.

§ 52.496 [Removed]

Section 52.496 (Vacuum spark advance disconnect retrofit) is removed.

[FR Doc 81-35700 Filed 12-15-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL-1989-1]

Approval and Promulgation of Implementation Plans; Approval of Revisions of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of revisions to the Maryland State Implementation Plan (SIP) providing variances from the State's no visible emission regulations for the American Cyanamid Company at Havre de Grace, Maryland and the Potomac Electric Power Company at Dickerson, Maryland. The variance for American Cyanamid would allow visible emissions not exceeding 30% opacity while the variance for Potomac Electric Power Company would allow visible emissions not exceeding 20% opacity. The State of Maryland has adequately justified that neither of the variances will cause violations of air quality standards for particulates.

DATE: These actions will be effective on February 16, 1982, unless notice is received on or before January 15, 1982, that someone wishes to submit adverse or critical comments on either or both variance requests.

ADDRESSES: Comments should be sent to Henry J. Sokolowski, P.E., Chief, Maryland, Delaware, D.C. Metro Section, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th

and Walnut Streets, Philadelphia, PA 19106. Attn.: AH035/36MD.

Copies of these revisions of the Maryland SIP and accompanying support documentation are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: Patricia Sheridan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, Attn.: Mr. George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Mr. Henry J. Sokolowski, P.E., Chief, MD–DE–DC Metro Section, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106 (telephone 215/597–8991) Attn.: AH035/036MD.

SUPPLEMENTARY INFORMATION:

Variance for the American Cyanamid Company (AH036MD)

On July 17, 1981, the State of Maryland submitted to EPA a Secretarial Order consisting of a variance for the American Cyanamid Company, Havre de Grace, Maryland from the Code of Maryland Air Regulation (COMAR 10.18.06.02B) which generally prohibits visible emissions from sources located in the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR). The variance would allow visible emissions not exceeding 30% opacity to be emitted from ovens 1, 2, and 3. According to the terms of the Order, the variance will expire on July 8, 1986.

The State concludes that the Company will still meet the applicable mass emission limitation for total suspended particulates (TSP) and that the variance will not result in violations of National Ambient Air Quality Standards for Particulate (TSP).

The State has included in the Order a condition that the Company will continue to review technology related to the curing oven process and evaluate substitute adhesive components which would not cause visible emissions. The Company also must continue to comply fully with all other applicable air pollution control requirements.

The State also provided proof that a public hearing on this variance request was held on September 25, 1980 in Havre de Grace, Maryland in accordance with the provisions of 40 CFR 51.4.

Variance for the Pepco-Dickerson Power Generating Station (AH035MD)

On June 23, 1981 the State of Maryland submitted to EPA a Secretarial Order consisting of a variance for the Potomac Electric Power Company at Dickerson, Maryland from the State regulations which prohibit visible emissions (COMAR 10.18.09.05A(2)). The variance would allow visible emissions not exceeding 20% opacity. Accordingly to the terms of the Order, the variance will expire five years after approval by EPA. Also during this five-year period, the Company (Potomac Electric Power) will continue to investigate new technologies to reduce or eliminate visible emissions, and submit annual reports of their findings to Maryland.

The Company has submitted test data which demonstrates that its particulate emissions meet all applicable air quality regulations and those emissions will not increase as a result of this revision. The State of Maryland submitted proof that a public hearing with respect to this revision was held in Poolesville, Maryland on May 18, 1980 in accordance with the requirements of 40 CFR 51.4.

Additional Information Submitted by Maryland

On September 10, 1981, the State of Maryland submitted supplemental information concerning its procedures to enforce the visible emission limitations provided by the above-discussed Secretarial Orders. The State informed EPA that stack test procedures of COMAR 10.18.01.04C ("Test Methods for Stationary Sources," TM 73–116) will be followed. The State also informed EPA that the generic exceptions provided for in the State's visible emissions regulations will continue to apply to both the American Cyanamid and PEPCO-Dickerson plant's variance requests.

EPA Actions

EPA's review of these variance requests concurs with the State's conclusion that neither variance will result in violations of the NAAQS for TSP. Therefore, the Administrator approves the above-described revisions to the Maryland State Implementation Plan without prior proposal. Accordingly, 40 CFR 52.1070 (identification of Plan) of Subpart V (Maryland) is revised to reflect the Administrator's approval actions.

The public is advised that these actions will be effective February 16, 1982. However, if notice is received on or before January 15, 1982 that someone wishes to submit adverse or critical comments on either or both variance requests, the appropriate action or actions will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Exective Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the administrator has certified that SIP approvals under sections 107 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under Sections 107 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before February 16, 1982.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the **Federal Register** on July 1, 1981.

(42 U.S.C. 7401–642))

Dated: December 8 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In § 52.1070, paragraphs (c)(56) and (c)(57) are added to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) The Plan Revision listed below was submitted on the date specified***

(56) A Secretarial Order submitted by the State of Maryland on June 23, 1981 consisting of a variance issued to the Potomac Electric Power Company at Dickerson, Maryland exempting the company from the "no visible emissions" requirements of COMAR

10.18.09.05A(2) until five years from the date of approval by EPA.

(57) A Secretarial Order submitted by the State of Maryland on July 17, 1981 consisting of a various issued to the American Cyanamid Company, Havre de Grace, Maryland from the "no visible emissions" requirement of COMAR 10.18.06.02B until July 8, 1986.

[FR Doc. 81-35937 Filed 12-15-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-2-FRL 1935-3]

Approval and Promulgation of Implementation Plans; Identification of State Regulatory Provisions, New Jersey and the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice promulgates two new sections in that part of the Code of Federal Regulations dealing with the State Implementation Plans for New Jersey and the Virgin Islands. These sections are intended to identify state regulatory provisions which have been approved by the Environmental Protection Agency as part of the State Implementation Plans for these two areas. A similar action was also proposed with regard to the implementation plan for Puerto Rico. No action is being taken on this aspect of the proposal.

EFFECTIVE DATE: December 16, 1981.

ADDRESSES: Copies of the SIP revisions are available for public inspection during business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, Room 1108, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas 00801

The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278; (212) 264-2517.

SUPPLEMENTARY INFORMATION: On May 15, 1981 (46 FR 26793), the Environmental Protection Agency (EPA) proposed adding three new sections to Title 40, Code of Federal Regulations, Part 52 (40 CFR Part 52) in order to provide identification of the state regulatory provisions which have been approved by EPA as part of the State Implementation Plans (SIPs) for New Jersey, Puerto Rico and the Virgin Islands.

Since 1972, when the original SIPs were first submitted to EPA, the plans have undergone numerous revisions. Although the CFR does provide, in the "Identification of plan" section, a chronological listing of SIPs and SIP revisions submitted to EPA, it does not now indicate the current EPA-approved state regulatory requirements which are part of the SIP. Because this situation has led to some uncertainty and confusion on the part of the regulated community and even the states, EPA is today promulgating new §§ 52.1605 and 52.2773 to 40 CFR Part 52, Subparts FF and CCC for New Jersey and the Virgin Islands, respectively. These sections will be updated as necessary to provide a timely, accurate and complete listing of the specific EPA-approved state regulations or parts thereof, which are a part of the SIP.

The aforementioned new sections are being promulgated as proposed on May 15, 1981 (46 FR 26793), in the regulatory section at the end of this notice. They will identify the State regulation, the State adoption or submission date, the EPA approval date and **Federal Register** citation, and comments when necessary. In its May 15 notice EPA advised the public that comments on its proposed action could be submitted.

Comments were received in letters from the New Jersey Department of Environmental Protection, Covington and Burling on behalf of the Puerto Rico Manufacturers Association, and the Puerto Rico Environmental Quality Board (PREQB). In light of the comments from Covington and Burling and the PREQB, EPA has decided to withhold at this time promulgation of the proposed revision to Subpart BBB concerning Puerto Rico.

The letters from the last two commentators indicate a significant misconception of the nature and intent of EPA's proposal. The proposed action on May 15 was meant to provide an up-to-date listing of the Commonwealth-adopted, EPA-approved regulatory provisions of the Commonwealth's implementation plan. It was not meant to take new action on these provisions or change previous actions. It was solely an effort to clarify for the public and interested and affected parties, the regulatory content of the currently approved implementation plan. The letters from Covington and Burling and the PREQB request substantive and "housekeeping" revisions beyond the scope of EPA's proposed action. Such actions as revoking certain CFR sections or provisions of a regulation require a separate proposed rulemaking action. EPA will proceed with such an action in the future.

EPA received comments on two regulations from the New Jersey Department of Environmental Protection (NJDEP). The State points out that since section 16.3 of the December 17, 1979 version of Subchapter 16, Control and Prohibition of Air Pollution by Volatile Organic Substances, is equivalent to the federally promulgated regulations at 40 CFR 52.1595 and 52.1599 (relating to gasoline transfer in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions), and the regulation's State-effective date of June 1, 1981 has already passed, the federal rules should be revoked. This request also falls outside the scope of EPA's proposed action to identify presently applicable SIP provisions. EPA agrees with NJDEP and has proposed to take this and other related actions in a separate **Federal Register** notice of proposed rulemaking (August 4, 1981; 46 FR 39611). However, because this action cannot be reflected until the August 4 proposal is finalized, no change is being made at this time to the proposed entry regarding section 16.3.

The second comment from NJDEP concerns the Subchapter 10, Sulfur in Coal, entry in the table. The comments indicate that notice of a coal conversion is only required for "large zone 3" sources, as clearly identified in 40 CFR 52.1601(b). EPA agrees with this clarification and has so modified the table entry being promulgated.

Today's action is being made effective immediately because it imposes no burdens on the regulated community or the states and sets no new requirements. Its sole purpose is to clearly identify regulatory provisions of the applicable SIP's.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section

307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). Today's action is within the terms of the January 27 certification. This action imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely serves to identify clearly state regulations which have been approved by EPA as part of the SIPs for New Jersey and the Virgin Islands. This action by EPA does not entail any change to the approval status of any SIP provision nor a promulgation of any substantive SIP provision. The listing is merely a compilation, in a more clearly identifiable and easily referenced form, of state regulatory provisions which are part of the applicable SIPs as a result of prior EPA rulemaking action. This listing should assist the public, the regulated community, the states, and EPA in identifying applicable plan requirements. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations, is amended as follows:

1. A new § 52.1605 is added to Subpart FF to read as follows:

Subpart FF—New Jersey

* * * * *

§ 52.1605 EPA-approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
Subchapter 1, "General Provisions"	May 1, 1956	May 31, 1972, 37 FR 10880	
Subchapter 2, "Control and Prohibition of Open Burning"	June 8, 1981	Sept. 30, 1981, 46 FR 47779	
Subchapter 3, "Control and Prohibition of Smoke From Combustion of Fuel".	Jan. 16, 1972	May 31, 1972, 37 FR 10880	
Subchapter 4, "Control and Prohibition of Solid Particles From Combustion of Fuel".	Mar. 27, 1972	do	
Subchapter 5, "Prohibition of Air Pollution"	Jan. 1, 1961	do	
Subchapter 6, "Control and Prohibition of Particles From Manufacturing Processes" (except Section 6.5).	May 23, 1977	Jan. 26, 1979, 44 FR 5427	Section 6.5, "Variances," is not approved (40 CFR 52.1570(c)(20) and 52.1604(a)). Any State-issued variances must be formally incorporated as SIP revisions if EPA is to be bound to their provisions (40 CFR 52.1604(a)).
Subchapter 7, "Sulfur"	Mar. 1, 1967	May 31, 1972, 37 FR 10880	
Subchapter 8, "Permits and Certificates"	June 1, 1976	Nov. 18, 1976, 41 FR 50823	
Subchapter 9, "Sulfur in Fuels"	June 4, 1979	June 4, 1979, 44 FR 31979	
Subchapter 10, "Sulfur in Solid Fuels"	July 14, 1981	Nov. 3, 1981, 46 FR 54542	Notification of "large zone 3 coal conversions" must be provided to EPA (40 CFR 52.1601(b)).
Subchapter 11, "Incinerators"	Aug. 15, 1968	May 31, 1972, 37 FR 10880	
Subchapter 12, "Prevention and Control of Air Pollution Emergencies".	Mar. 27, 1972	do	
Subchapter 13, "Ambient Air Quality Standards"	Mar. 5, 1973	June 15, 1973, 38 FR 15723	
Subchapter 14, "Control and Prohibition of Smoke From Diesel-Powered Motor Vehicles"	Jan. 18, 1971	May 31, 1972, 37 FR 10880	
Subchapter 15, "Control and Prohibition of Air Pollution From Light-Duty Gasoline-Fueled Motor Vehicles".	July 5, 1972	do	
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances" (with provisions as noted).	Dec. 17, 1979	Apr. 6, 1981, 46 FR 20556	Emission limitations adopted by the State under and complying with §§ 16.6(c)(4) and 16.6(c)(5) become applicable if transmitted to EPA. Variances adopted by the State pursuant to §§ 16.9 and 16.10 become applicable only if approved by EPA as SIP revisions (40 CFR 52.1582(d), published at 46 FR 20551 on April 6, 1981).
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances"/Section 16.3 (except as noted).	Mar. 1, 1976	July 7, 1976, 41 FR 27833	Section 16.3 is disapproved insofar as it relates to gasoline transfer in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions (40 CFR 52.1582(c)). Provisions of federally promulgated regulations (40 CFR 52.1595 and 52.1599) are applicable to these areas, while provisions of the Mar. 1, 1976 version of § 16.3 are applicable to the other areas (Northeast Pennsylvania-Upper Delaware Valley and New Jersey Intrastate Air Quality Control Regions). These provisions remain applicable as interim requirements insofar as they are not inconsistent with provisions of the Dec. 17, 1979 version of Subchapter 16.
Subchapter 18, "Control and Prohibition of Air Pollution From New or Altered Sources Affecting Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)" (except as noted regarding §§18.1 and 18.2(e)(1)).	Sept. 8, 1980	Apr. 15, 1981, 46 FR 21996	The definitions of "significant emission increase," in § 18.1, and § 18.2(e)(1)are disapproved. Federally promulgated regulations (40 CFR 52.1578(c), published at 46 FR 21996 on April 15, 1981) are applicable.

2. A new § 52.2773 is added to Subpart CCC to read as follows:

Subpart CCC—Virgin Islands

* * * * * * *

§ 52.2773 EPA-approved Virgin Islands regulations.

Territory regulation	Submission date	EPA approved date	Comments
Section 204-20, "Definition of Terms"	Jan. 31, 1972	May 31, 1972, 37 FR 10905	
Section 204-21, "Regulation to Control Open Burning"	....do	....do	
Section 204-22, "Regulations to Control Emissions of Visible Air Contaminants".	....do	....do	
Section 204-23, "Regulations Governing Emissions of Particulate Matter"	....do	do	
Section 204-24, "Storage of Petroleum or Other Volatile Products"	....do	do	
Section 204-25, "Preventing Particulate Matter from Becoming Air-Borne".	....do	..do	
Section 204-26, "Sulfur Compounds Emissions Control" (expect as noted for St. Croix regarding Subsection (a)(2))	June 3, 1976	July 12, 1976, 41 FR 28493	Subsection 204-26(a)(2) is not approved as it applies to sources on St. Croix; with the exception of the Virgin Islands Water and Power Authority's Christansted Power Plant. Applicable sulfur content limitations for sources on St. Croix, except the Christansted Power Plant, are set out in the version of Subsection 204-26(a)(2) submitted to EPA on January 31, 1972 (See below) (40 CFR 52.2780(b))
Section 204-26, "Sulfur Compounds Emissions Control"/ Subsection (a)(2)".	Jan. 31, 1972	May 31, 1972, 37 FR 10905	Applicable to sources on St. Croix, with the exception of the Virgin Islands Water and Power Authority's Christansted Power Plant.
Section 204-27, "Air Pollution Nuisances Prohibited"	do	...do	
Section 204-28, "Internal Combustion Engine Limits"	..do	....do	
Section 204-29, "Upset, Breakdown or Scheduled Maintenance".	.do	.do	
Section 204-30, "Circumvention"	..do	.do	
Section 204-31, "Duty to Report Discontinuance or Dismantlement".	do	...do	
Section 204-32, "Variance Clauses"	..do	.....do	
Section 206-20, "Permits Required"	..do	....do	
Section 206-21, "Transfer"	..do	....do	
Section 206-22, "Applications"	..do	....do	
Section 206-23, "Cancellation of Applications"	..do	....do	
Section 206-24, "Provisions of Sampling and Testing Facilities".	....do	..do	
Section 206-25, "Standards for Granting Applications"	.....do	.....do	
Section 206-26, "Conditional Approval"	Aug. 17, 1972	Oct. 26, 1972, 37 FR 23092	
Section 206-27, "Denial of Applications"	Jan. 31, 1972	May 31, 1972, 37 FR 10905	
Section 206-28, "Further Information"	.....do	.....do	
Section 206-29, "Appeals"	..... do	.....do	
Section 206-30, "Review of New Sources and Modifications" (excluding Subsection 206-30(f)(6))	Feb. 12, 1974	Aug. 10, 1975, 40 FR 42013	Subsection 206-30(f)(6) is disapproved since sources of minor significance are not identified in Section 206-30. A federally promulgated regulation (40 CFR 52.2775(g)), correcting this deficiency and a public participation deficiency, is applicable.
Section 204-31, "Review of New or Modified Indirect Sources"	do	...do	

[FR Doc. 81-35777 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-1991-2]

Approval and Promulgation of Implementation Plan; Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On August 7, 1981 (46 FR 40218), EPA proposed approval of a revision to the Pennsylvania State Implementation Plan (SIP) which modifies the sulfur dioxide (SO_2) regulations for the Beaver Valley Air Basin. This air basin will be divided into an upper and a lower section, and the regulations for the upper section will be changed. EPA has determined this modification will not cause or contribute to violations of the SO_2 National Ambient Air Quality Standards (NAAQS). Today, EPA is announcing final approval of this revision to the Pennsylvania SIP.

EFFECTIVE DATE: January 15, 1982.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Pennsylvania and comments received on these materials may be examined during normal business hours at:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA. 19106, Attn.: Ed Shoener

Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120, Attn.: Gary L. Triplett

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Waterside Mall, Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Ed Shoener (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone: 215/597-8179.

SUPPLEMENTARY INFORMATION: On August 7, 1981 (46 FR 40218), EPA proposed approval of a revision to the Pennsylvania SIP. The revision will divide the Beaver Valley Air Basin into an Upper Beaver Valley Air Basin (the Lawrence County portion) and a Lower Beaver Valley Air Basin (the Beaver

County portion). The regulations for the Lower Beaver Valley Air Basin will remain the same as in the past. The regulations for the Upper Beaver Valley Air Basin are being relaxed slightly. EPA reviewed the regulatory changes and the supporting documentation and air quality analysis and found that the changes will not cause or contribute to violations of the SO_2 NAAQS. A detailed description of the changes and EPA's review of the changes can be found in the August 7, 1981 proposed rulemaking (46 FR 40218).

EPA received two comments on the proposed revision. The Pennsylvania Department of Environmental Resources noted a printing error in the proposed notice. Under "Description of Changes", subparagraph (1), regarding general provisions for the Upper Beaver Valley Air Basin, an emission rate of 1.0 lbs. SO_2/million Btu input was printed rather than the correct limit of 3.0 lbs SO_2/million Btu input. EPA does not consider this error significant enough to necessitate a reproposal since EPA's review was based on the correct rate and the general provision will not affect any major source and will not have a significant effect on air quality. The Pennsylvania Power Company commented in favor of the proposal.

Based on the foregoing, it is the decision of the Administrator to approve these regulatory changes as satisfying the requirements for a revision of the Pennsylvania SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the Provisions of 5 U.S.C. 605(b) I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the **Federal Register** on July 1, 1981.

(42 U.S.C. 7401–642)

Dated: December 8, 1981

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

1. In § 52.2020 paragraph (c)(40) is added to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified

* * * * *

(40) A revision submitted by the Commonwealth of Pennsylvania on November 10, 1980 dividing the Beaver Valley Air Basin into an Upper Beaver Valley Air Basin and Lower Beaver Valley Air Basin and revising chapters 121 and 123.

2. In the table in § 52.2034 line C under Southwest Pennsylvania Intrastate and line C under Northwest Pennsylvania Interstate is revised as follows:

§ 52.2034 Attainment dates for national standards.

Southwest Pennsylvania Intrastate:							
c. Lower Beaver Valley Air Basin	[1]	[3]		[1]	[3]	[5]	[5] [7]
Northwest Pennsylvania Interstate:							
c. Upper Beaver Valley Air Basin	[1]	[3]		[1]	[3]	[5]	[5] [7]

[FR Doc. 81-35941 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1981-3]

Approval and Promulgation of Implementation Plans; South Carolina and Florida: Removal of Conditions on Part D Approvals

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today announcing full approval of the State Implementation Plan (SIP) revisions which the South Carolina Department of Health and Environmental Control (SCDHEC) and the Florida Department of Environmental Regulation (FDER) submitted pursuant to requirements of Part D, Title I of the Clean Air Act (CAA), as amended in 1977, with regard to nonattainment areas. Final conditional approval of the South Carolina SIP revision was announced on January 29, 1980 (45 FR 6572) and the SCDHEC submitted material to correct the deficencies in its SIP regarding nonattainment areas. On June 17, 1981 (46 FR 31675) EPA proposed removal of the conditions of approval for Charleston and Georgetown, total suspended particulate (TSP) plans (except for the Pittsburg-Meeting Street area), the ozone related volatile organic compound (VOC) regulations and the offset provisions. No comments were received on any portion of the plan revisions. On April 29, 1981, SCDHEC submitted a special operating permit for Macalloy Corporation (formerly Airco Corporation) which corrects the plan deficiency for the Pittsburg-Meeting Street area. Therefore, EPA is today announcing full and final approval of the South Carolina SIP revisions pertaining to nonattainment areas. Approval action on the Macalloy Corporation permit will be effective February 16, 1982 unless notice is received on or before January 15, 1982 that someone wishes to submit adverse or critical comments.

Conditional approval of the Florida plan was published in the **Federal Register** of March 18, 1980 (45 FR 17140). The deficiencies relating to the ozone (O_3) nonattainment areas were corrected, and EPA published a final rule removing the related conditions of approval on May 14, 1981 (46 FR 26640). Today's action removes the conditions related to approval of the revisions for the sulfur dioxide (SO_2) nonattainment area in Pinellas County. This action will be effective February 16, 1982 unless notice is received on or before January 15, 1982 that someone wishes to submit adverse or critical comments.

DATE: These actions are effective February 16, 1982.

ADDRESSES: Written comments should be addressed to Denise W. Pack of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies

of the materials submitted by South Carolina and Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365
Library, Office of Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

Copies of the materials submitted by South Carolina may also be examined at: Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

Copies of the materials submitted by Florida may also be examined at the: Bureau of Air Quality Management, Division of Environmental Programs, Twin Towers Office Building 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT:

Denise W. Pack, Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:

Implementation plan revisions required under Part D, Title I of the Clean Air Act were submitted by the States of South Carolina and Florida on December 22, 1978, and April 30, 1979, respectively. EPA proposed conditional approval of the South Carolina revisions on July 13, 1979 (44 FR 40901). This notice listed in detail the deficiencies contained in the South Carolina plan. That detail will not be repeated here. The final rule conditionally approving South Carolina's *Implementation* plan was published in the **Federal Register** of January 29, 1980 (45 FR 6572).

On June 17, 1981 (46 FR 31675) EPA proposed full approval of the plan's total suspended particulate (TSP) control strategy for Charleston (except for the Pittsburg-Meeting Street area) and Georgetown, the ozone related volatile organic compound (VOC) regulations and the offset provisions, having found that all of the deficiencies except the one related to the Pittsburg-Meeting Street in Charleston (TSP) nonattainment area had been adequately corrected by the amendments submitted by South Carolina.

EPA is today announcing full approval of the South Carolina revisions including the portion relating to the Pittsburg-Meeting Street in Charleston (TSP) nonattainment area. Microinventory studies conducted in Charleston indicate that the Macalloy Corporation's facility is the major contributor to the high levels of particulates in the Pittsburg-Meeting Street nonattainment area. On April 29, 1981 the SCDHEC submitted a special operating permit for the Macalloy Corporation facility which EPA has determined meets the Reasonably Available Control Technology (RACT) requirements for nonattainment areas as contained in 40 CFR Part 51. The permit was adopted by the State Board of Health and Environmental Control as a SIP revision after a public hearing conducted on April 1, 1981. EPA feels that the special operating permit submitted by the SCDHEC for Macalloy Corporation fulfills the requirements of the conditional approval of January 29, 1980.

On July 16, 1979, (44 FR 41254), EPA proposed conditional approval of Florida's SIP revisions for nonattainment areas. That notice gave details on the sulfur dioxide (SO_2) nonattainment plan for the northwest portion of Pinellas County and listed the items necessary to correct the deficiencies in this part of the plan. Final conditional approval of the Florida plan was published in the **Federal Register** of March 18, 1980 (45 FR 17140). Both notices addressed the conditional approval given to the Florida ozone (O_3) nonattainment area. Final approval of that portion of the nonattainment plan was published on May 14, 1981 (46 FR 26640). Today's notice removes the condition on the approval of the SO_2 portion of Florida's nonattainment plan.

On August 4, 1980, the Florida DER submitted as an addendum to the SIP for nonattainment areas a permit for the Stauffer Chemical Company. The permit contains provisions which require Stauffer Chemical Company to: (1) annually update the emission inventory for the SO_2 nonattainment area; (2) test the kiln stack emissions in accordance with EPA Reference Methods; and, (3) limit the SO_2 emissions from the kiln to a specified limit of no more than 413 pounds per three hour period. EPA reviewed this permit and determined that it meets the conditions set in the notices of July 16, 1979 and March 18, 1980.

Actions: (1) EPA today approves the materials submitted by South Carolina to satisfy conditions on the approval of the State's 1979 revisions for nonattainment areas. This action means that the revisions are not fully approved.

(2) EPA is today approving the revision in the Florida plan consisting of a special operating permit for Stauffer Chemical Company located in Pinellas County, Florida. This means that Florida's 1979 revisions for nonattainment areas are now fully approved.

The approval actions on the permits for the Macalloy Corporation and the Stauffer Chemical Company are being taken without prior proposal because these revisions are noncontroversial and of limited impact, and no comments are anticipated. The public should be advised that this action will be effective February 16, 1982. However, if notice is received on or before January 15, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies States actions and imposes no new burden on sources.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the States of Florida and South Carolina was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 1107 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7520))

Dated: December 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

1. Section 52.520 is amended by removing from paragraph (c)(18) the final sentence, dealing with conditional approval, and by adding paragraph (c)(30) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(30) Operating permit for Stauffer Chemical Company, submitted on August 4, 1980, by the Florida Department of Environmental Regulation, to satisfy a condition of the approval of the 1979 revisions for the Pinellas County SO_2 nonattainment area.

§ 52.528 [Amended]

2. In § 52.528, Control strategy; Sulfur oxides, paragraph (b), dealing with Part D conditional approval, is removed.

Subpart PP—South Carolina

3. In § 52.2120, is amended by adding paragraph (c)(13) as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(13) Changes in and supplements to 1979 implementation plan revisions for nonattainment areas, submitted on April 4, June 13, July 6, August 14, August 22, 1979, and on April 29, 1981, by the South Carolina Department of Health and Environmental Control. Included are a special operating permit for Macalloy Corporation and the following regulation changes:

R. 62.5, Standard No. 5, Section II, revised definition of VOC (formerly located in R. 62.5, Standard No. 5, Section I, Part A);
R. 62.5, Standard No. 5, Section II, revised VOC regulation-Petroleum liquid storage tanks (formerly R. 62.5, Standard 5, Section II, Part B);
R. 62.1, Section I, revised definition of "fugitive dust";
R. 62.5, Standard No. 5, Section I, Part E—VOC—Case-by-Case Exceptions;
R. 62.5, Standard No. 1, Section I, Part C—VE—Special Provisions.

§ 52.2126 [Removed]

4. Section 52.2126 is removed.

[FR Doc. 81-35940 Filed 12-15-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL 1993-2]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Definition of Volatile Organic Compound

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves a State Implementation Plan (SIP) revision which the Tennessee Air Pollution Control Division submitted to satisfy a condition of EPA's August 13, 1980 (45 FR 53809) approval of the State's Part D revisions for the Nashville ozone plan. The revision consists of a regulation defining volatile organic compound (VOC) as a compound having a vapor pressure of 0.1 millimeter of mercury at standard conditions. This action will be effective February 16, 1982 unless notice is received on or before January 15, 1982, that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: February 16, 1982.

ADDRESSES: The Tennessee submittal may be examined during normal business hours at the following offices:

State of Tennessee, Department of Public Health, Cordell Hull Building, Nashville, Tennessee 37219
Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005
Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Library Environmental Protection Agency, Region IV, 345 Courtland Street N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Waymond A. Blackmon, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 404/881-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION: After public hearing in conformity with 40 CFR 51.4, the Metropolitan Board of Health of Nashville-Davidson County, Tennessee on May 14, 1980, adopted a regulation which defines VOC as a compound having a vapor pressure at 0.1 millimeter of mercury at standard conditions. This action was necessitated by EPA's conditional approval of the carbon monoxide and ozone control plan for Nashville on August 13, 1980 (45 FR 53809). In the original Part D submittal, VOC was defined as a compound having a vapor pressure of 1.5 psia. Two conditions were required to be met which related to the definition of VOC and enforcement of a vehicle inspection and maintenance (I/M) program. Today's action will remove the condition that dealt with the definition of VOC. The condition on I/M, requiring the submittal of an enforcement mechanism, remains.

The Control Techniques Guidelines (CTG's) published by EPA define a VOC as one having a vapor pressure of 0.1 millimeter of mercury at standard conditions. Two options were available to the State to remove the conditional approval for the VOC definition: (1) demonstrate that what they had adopted represented reasonably available control technology (RACT), or (2) adopt the definition as stipulated in the CTG's. They chose the latter. This will not interfere with reasonable further progress in attaining the National Ambient Air Quality Standards for ozone in the Nashville area.

Action: Accordingly, EPA is today approving the definition of VOC as a compound having a vapor pressure greater than 0.1 mm of mercury at standard conditions, submitted as an implementation plan revision by the State of Tennessee. The public should be advised that this action will be effective February 16, 1982. However, if notice is received on or before January 15, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of these revisions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before February 16, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies requirements already in effect under State law, and has no significant economic impact.

Note.—Incorporation by reference of the State Implementation Plan for the State of Tennessee was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Clean Air Act as Amended (42 U.S.C. 7410 and 7502))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. Section 52.2220, is amended by adding paragraph (c)(43) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(43) Revision to the Volatile Organic Compound (VOC) definition, submitted on August 27, 1980, by the Tennessee Department of Public Health.

§ 52.2225 [Amended]

2. In § 52.2225, paragraph (c), dealing with conditional approval of the Part D ozone control strategy, is removed.

[FR Doc. 81-35939 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A5-FRL-1991-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking revises the sulfur dioxide (SO_2) designation for portions of Marion County, Ohio from nonattainment to attainment, thus making all of Marion County attainment for SO_2.

This action will be effective February 16, 1982 unless notice is received on or before January 16, 1982 that someone wishes to submit adverse or critical comments.

DATE: This action is effective February 16, 1982.

ADDRESSES: Copies of the redesignation request and the supporting air quality are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216.

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio at the EPA Region V address above or call (312) 886-6088.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists with any necessary Modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On October 5, 1978 (43 FR 46013), EPA designated the City of Marion and Marion Township as nonattainment for the primary SO_2 NAAQS. At that time, the remainder of Marion County was designated as attainment for SO_2. The nonattainment designation was based on a violation predicated in the RAM-Rural modeling analysis which was used to establish the SO_2 limits for this county. The modeling indicated that the predicted violation was due to the Huber Corporation which is located in Marion County.

On February 11, 1981, Ohio EPA requested EPA to redesignate Marion County to attainment for SO_2. On June 3, 1981, Ohio EPA submitted supplemental information for the redesignation. To support the redesignation request, Ohio EPA submitted all available SO_2 monitored data as well as revised updated stack parameters for the Huber Corporation. Additionally, Ohio EPA submitted a reference screening analysis for the nonattainment portion of Marion County using the corrected inventory. The results of the screening analyses indicate that EPA's basis for the original nonattaiment designation is no longer valid and that the area is attainment for SO_2. Further discussion of this analysis is contained in the technical support document which is available at Region V.

As additional support for the redesignation, Ohio EPA submitted all available SO_2 monitoring data collected in the nonattainment area. Although no violations of the primary and secondary standard have been measured, eight consecutive quarters of quality assured data are not available, consequently, the redesignation is based solely on the remodeling analysis.

Therefore, EPA today is revising the SO_2 designation for portions of Marion County, Ohio from nonattaiment to attainment, thus making all of Marion County attainment for SO_2. In order to facilitate rulemaking, this action will be effective February 16, 1982. However, if EPA is notified on or before January 15, 1982 that some one wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no additional regulatory requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the designation of one area, and imposes no regulatory requirement on anyone.

Under section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40 of the Code of Federal Regulations, Chapter 1, Part 81 is amended as follows:

§ 81.336 [Amended]

1. Section 81.336 is amended by removing all reference to Marion County in the Ohio-sulfur dioxide table.

[FR Doc. 81-35784 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP 1F2482/R372; PH-FRL 2005-7]

Sodium Salt of Acifluorfen; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide, the sodium salt of acifluorfen and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of the sodium salt of acifluorfen and its metabolites in or on certain raw agricultural commodities was requested by the Rohm and Haas Company.

EFFECTIVE DATE: Effective on December 16, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of May 5, 1981 (46 FR 25137) which announced that the Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105, submitted a pesticide petition (PP 1F2482) proposing that 40 CFR 180.383 be amended by the establishment of tolerances for the combined residues of the herbicide, the sodium salt of acifluorfen (sodium salt of 5-[2-chloro-4-(trifluoromethyl) phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues in or on the raw agricultural commodities peanuts and peanut hulls at 0.1 part per million (ppm).

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The data included plant residue, lactating cow, laying hen, and rat metabolism feeding studies; a rat acute oral LD_{50} study with an LD_{50} of 1.30 grams (g)/kilogram (kg) of body weight (bw); a 2-year rat feeding/oncogenicity study negative for oncogenic effects at doses from 2.5 ppm to 1,080 ppm at varying time intervals, and acceptable as a chronic feeding study (with NOEL=90 ppm); a rat reproduction/teratology study with a no-observable-effect level (NOEL) of 540 ppm; a rabbit teratology study with a NOEL of 60 milligram/kilogram/day (mg/kg/day); a mouse oncogenicity study negative for oncogenic effects at 270 ppm; and a 2-year dog feeding study with a NOEL of 50 ppm.

Based on the 2-year dog feeding study with a NOEL of 50 ppm and a safety factor of 100, the acceptable daily intake (ADI) is 0.0125 mg/kg/day and the maximum permissible daily intake (MPI) is 0.75 mg/day for a 60-kg person. Previously established and pending tolerances utilize 2.06 percent of the ADI. Tolerances in or on the raw agricultural commodities soybeans at 0.1 ppm, and eggs, milk and meat products of animals at 0.02 ppm have been established.

There are no regulatory actions pending against the registration of this chemical. The metabolism of the sodium salt of acifluorfen in plants and animals is adequately understood and an analytical method (gas-liquid chromatography using an electron capture detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances for the sodium salt of acifluorfen residues in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: December 16, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: December 2, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.383 is amended by adding and alphabetically inserting the commodities peanuts and peanut hulls to read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

* * * * *

Commodity	Part(s) per million (ppm)
* * * * *	
Peanuts	0.1
Peanut, hulls	0.1
* * * * *	

[FR Doc. 81-35615 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 261

[SW-FRL-1995-3]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Grant of temporary exclusions and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is today temporarily excluding solid wastes generated at several particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provisions of Parts 260 through 267 and

122 through 124 of the Resource Conservation and Recovery Act of 1976 and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "site-specific basis" from the hazardous waste list. The effect of this action is to exclude certain wastes generated at particular facilities from listing as hazardous wastes under 40 CFR Part 261.

DATE: Effective Date: December 16, 1981.

EPA will accept public comments on these temporary exclusions until February 16, 1982. Any person may request a hearing on these temporary exclusions by filing a request with John P. Lehman, whose address appears below, by January 6, 1982. The request must contain the information prescribed in 40 CFR 260.20(d) of this chapter.

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "section 3001/ Delisting Petitions."

Requests for hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The public docket for these temporary exclusions is located in Room 2711, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460 and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information contact Messrs. Myles Morse or William Sproat, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C., (202) 755-9187.

SUPPLEMENTARY INFORMATION: On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and from specific sources. See 40 CFR 261.31 and 261.32. These wastes were listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (ignitability, corrosivity, reactivity and EP toxicity) or meet the criteria for listing contained in 40 CFR 261.11(a)(2) or 261.11(a)(3).

The Agency, however, recognizes that individual waste streams may vary depending on raw materials, industrial processes and other factors. Thus, while a type of waste described in these regulations generally is hazardous, a specific waste meeting the listing description from an individual facility may not be. For this reason, 40 CFR 260.20 and 260.22 provides an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. To be excluded, petitioners must show that the waste generated at their facilities does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(a) and Background Documents for listed wastes.) Wastes which are "delisted" (i.e., excluded) may, however, still be hazardous if they exhibit any of the characteristics of a hazardous waste, and generators remain obligated to make this determination.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3(c) and (d)(2)). Again, the substantive standard for "delisting" is that the waste not meet any of the criteria for which it was listed originally. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constitutent listed waste, or the waste mixture as a whole. (See 40 CFR 260.22(b).) Like other excluded wastes, these excluded treatment, storage or disposal residues remain subject to Subpart C of Part 261, and so may be hazardous if they exhibit any of the characteristics of hazardous waste.

EPA recognizes as well that there will be circumstances where immediate action on petitions is appropriate. Therefore, upon Agency review of a submitted petition, the Administrator may under 40 CFR 260.22(m) grant a temporary exclusion if there is substantial likelihood that a final exclusion ultimately will be granted.

It should be noted that the Agency has not run spot checks on the test data submitted to date in exclusion petitions. The Agency believes that the sworn affidavits submitted with each petition sufficiently bind the petitioner to ensure presentation of truthful and accurate test results. The Agency may, however, spot sample and analyze wastes or groundwater before a final decision is made whether to exclude any particular waste from the hazardous waste regulations.

Limited Effect of Federal Temporary Exclusion

The temporary exclusions granted today apply only to the Federal hazardous waste management system established under RCRA. States remain free to take any action they deem appropriate under their independent authority with regard to these wastes.

Some States have established their own provisions for delisting or excluding wastes from State control under their hazardous waste programs. Petitioners should consult with the State agencies to inquire about such provisions. EPA's action today of granting temporary exclusions is *not* an action on behalf of the States and does *not* affect control of the wastes by State programs.

The temporary exclusions granted today apply only in those situations where the waste is under Federal jurisdiction. EPA has granted some States interim authorization to operate their hazardous waste management programs in lieu of the Federal program. In the list of petitioners below, those States with interim authorization are indicated by an asterisk (*). In the case of an authorized State, Federal temporary exclusions have applicability only where the waste is transported to a non-authorized State, or is transported in interstate commerce; this includes intrastate transport by an interstate commerce carrier. In such situations where compliance with the Federal hazardous waste program is required, these wastes would be considered temporarily excluded from Federal regulatory control. However State and local control of the wastes remain unaffected by the Federal temporary exclusion.

The authorized programs in some States include delisting provisions which, as indicated in the State's Memorandum of Agreement (MOA), require EPA review and concurrence as a part of the State's delisting decisions. The Agency has reviewed the petitions from facilities in States within this category, and has indicated its concurrence by publishing today's temporary exclusions. In the list of petitioners below, the States within this category are indicated by a cross (†).

Petitioners

The temporary exclusions published today involve the following petitioners:

Penn-Dixie Steel Corporation, Kokomo, Indiana; John Deere Dubuque Works, Dubuque, Iowa*; Radford Army Ammunition Plant, Radford, Virginia*; Amoco Oil Company, Wood River.

Illinois; Pratt and Whitney Aircraft Group, West Palm Beach, Florida; American Nickeloid Company, Peru, Illinois; General Cable Company, Muncie, Indiana; Lehigh-Lancaster Incorporated, Lancaster, South Carolina†; Chamberlain Manufacturing Corporation, Albia, Iowa*; Gulf Oil Chemicals Company, Brooksville, Florida, Casper, Wyoming, Parish, Alabama†; Hollowell (Columbus), Kansas*, McLeansville, North Carolina† and Biwabik Minnesota; Bekaert Steel Wire Corporation, Van Buren, Arkansas*; Plastene Supply Company, Portageville, Missouri; Kaiser Aluminum and Chemical Corporation, Spokane, Washington; Cooperweld Steel Company, Warren, Ohio; Tennessee Electroplating, Incorporated, Ripley, Tennessee†; Liqwacon Corporation, York, Pennsylvania*, Canton, Ohio, Thomaston, Connecticut, and Harvey, Illinois; Legett and Platt Incorporated, Carthage, Missouri; Vulcan Materials Company, Port Edwards, Wisconsin; Sargent-Fletcher Company, El Monte, California*; General Motors Corporation/Fisher Body Division, Columbus, Ohio; Eli Lilly and Company, Carolina, Puerto Rico and Eli Lilly Industries, Incorporated, Mayaguez, Puerto; Rico Olin Corporation, Charleston, Tennessee†; Allied Chemical Corporation/Specialty Chemicals Division, Moundsville, West Virginia; and Western Electric, Kearny, New Jersey.

I. Penn-Dixie Steel Corporation

A. Petition for Exclusion

The Penn-Dixie Steel Corporation, involved in the manufacture of wire and wire products, has petitioned the Agency to exclude its sludge, formerly listed as EPA Hazardous Waste No. K063, (sludge from lime treatment of spent pickle liquor from steel finishing operations).[1] Penn-Dixie has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

Penn-Dixie utilizes the processes of cold drawing and sulfuric acid pickling, sodium hydroxide degreasing and etching, flash hydrochloric acid contact and immersion in a solution of sulfuric acid, copper sulfate and water. The waste treatment process for the spent pickle liquor involves lime neutralization to a pH range of 8–9 controlled by an automatic Taylor pH controller. The neutralized waste then flows into a clarifier/thickener for liquid/solids separation; the sludge flow is then routed for dewatering in either drying beds or a drum filter press. Penn-Dixie claims its sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the spent pickle liquor (K062) is listed.

Penn-Dixie submitted a detailed description of its sludge treatment system, total constituent analyses for total chromium, hexavalent chromium and lead and EP toxicity test results for all of the toxic constituents specified in § 261.24 of the regulations. The samples were taken over approximately a four week period which the petitioner claims represents any variability of constituent concentrations in the waste. Total constituent analyses of the sludge revealed maximum total chromium, hexavalent chromium, and lead concentrations of 4.0, 1.0, and 2.6 ppm, respectively. EP toxicity test results involving total chromium and lead produced maximum leachate levels of .02 and .01 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for this waste are hexavalent chromium and lead. EP extracts from the sludge samples analyzed by Penn-Dixie indicate lead and total chromium concentrations are consistently below the National Interim Primary Drinking Water Standards.[2] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 8–9 indicates that Penn-Dixie's waste treatment process effectively neutralizes its spent pickle liquor wastes. The Agency therefore, has granted a temporary exclusion to the Penn-Dixie facility in Kokomo, Indiana for its treated spent pickle liquor, as described in its petition.

II. John Deere Dubuque Works

A. Petition for Exclusion

The John Deere Dubuque Works, (John Deere), a company manufacturing construction, utility, and forestry machinery, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. John Deere has petitioned to exclude its sludge because it does not meet the criteria for which it was originally listed.

John Deere utilizes the processes of derusting and zinc and chromium electroplating in the production of construction, utility, and forestry machinery. John Deere claims that its waste treatment process is successful in generating a non-hazardous sludge with cadmium and chromium present at non-hazardous levels in the leachate; in addition, John Deere states that nickel and cyanides are not used in its electroplating processes.

John Deere has submitted a detailed description of its electroplating and wastewater treatment processes, total constituent analyses of their sludge for cadmium, total chromium, nickel and cyanide and EP toxicity test results for cadmium, total chromium, and nickel. Samples were obtained over a two-month period which the petitioner claims represents the uniformity of constituent concentrations in the waste.

John Deere's wastewater treatment system utilizes neutralization, chromium reduction, polymer flocculation, clarification, and dewatering. Constituent analyses of the final treatment sludge revealed maximum cadmium, total chromium, nickel and cyanide concentrations of 2.6, 116, 8.0 and <0.1 ppm, respectively. EP toxicity tests involving cadmium, total chromium, and nickel produced maximum leachate levels of 0.3, 0.35, and 0.75 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel and cyanide. In their petition, John Deere has demonstrated that its waste treatment system produces a non-hazardous sludge. John Deere claims that its production process does not use nickel or cyanide. Although low concentrations of nickel and cyanide are present in the waste, their occurrence probably results from unknown minor sources of contamination and background levels rather than from

[1] On November 12, 1980 (45 FR 74884), EPA removed waste K063 from the hazardous waste list (40 CFR 261.32). However, since these lime treatment sludges are generated from the treatment of a listed hazardous waste (K062), they still are considered to be a hazardous waste (40 CFR 261.3(c)(2)). Further, they remain hazardous wastes until they no longer meet any of the characteristics of hazardous wastes and are delisted (40 CFR 261.3(d)(2)).

[2] Hexavalent chromium is listed as the constituent of concern for this waste; however, since the concentration of total chromium is low the concentration of hexavalent chromium would also be low, so that analysis for hexavalent chromium is unnecessary.

direct use in the plating process. In addition, the EP extract concentration for nickel is not considered to be of regulatory concern.

With respect to the constituents cadmium and total chromium, the petitioner has submitted sufficient evidence to indicate that the concentration of cadmium, and total chromium [3] in the EP extracts of the sludge were consistently well below the EP maximum level.[4] These low leachate levels indicate that the constituents of concern are present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to John Deere's Dubuque Works located in Dubuque, Iowa, for the waste generated by its electroplating process as described in its petition.

III. Radford Army Ammunition Plant

A. Petition for Exclusion

The Radford Army Ammunition Plant (RAAP), involved in the manufacture of trinitrotoluene (TNT), has petitioned the Agency to exclude its generated wastewater, presently listed as EPA Hazardous Waste No. K047 (Pink/red water from TNT operations). RAAP has petitioned to exclude its wastewater (red water) because it does not meet the criteria for which it was originally listed.

RAAP utilizes the processes of continuous nitration in the production of crude TNT. Purification of the crude TNT is carried out in a series of counter-current hot water and sodium sulfite (sellite) washes. From these selliting operations, red water is generated. RAAP claims that the red water generated by their continuous TNT process does not meet the characteristic of reactivity, the basis for listing this waste as hazardous.

The Radford Army Ammunition Plant has submitted a detailed analysis of its wastewater for the characteristic of reactivity. Samples were obtained over a three month period which the petitioner claims to be representative of any variation of the waste. From this analysis, the petitioner claims that the red water generated at RAAP is a stable chemical mixture that does not undergo violent change. Further, it does not react violently, form potentially explosive mixtures, or generate toxic gases, vapors or fumes, when mixed with water. Red water from RAAP also contains no cyanides or sulfide-bearing constituents. In addition, it is not capable of detonation or explosive reaction when subjected to a strong initiating source or when heated under confinement. Finally, it is not capable of detonation or explosive decomposition or reaction at standard temperature and pressure, and it is not a forbidden explosive as defined in 49 CFR 173.51; a Class A explosive as defined in 49 CFR 173.53; or a Class B explosive as defined in 49 CFR 173.88. Therefore, RAAP claims that its pink/red water from TNT operations is non-hazardous.

The Radford Army Ammunition Plant was engaged in the continuous manufacture of TNT until the facility was damaged by a fire and explosion on May 31, 1974. Restoration of the facility is scheduled to be completed by April 1982 at which time the manufacture of TNT will resume. From January 1970 through May 1974, RAAP managed their red water by selling it to the Champion Paper Company of Canton, North Carolina. Red water is of economic value to the Champion Paper Company because of its high sodium sulfate content.

B. Agency Analysis and Action

EPA Hazardous Waste No. K047 is listed due to the reactivity of the pink/red water generated in the manufacture of TNT. The Radford Army Ammunition Plant has submitted evidence to indicate that the red water generated at their facility characterized by a percent solids of between 30 to 38 percent and a maximum nitroaromatics content of 12 percent, does not meet the characteristic of reactivity. The red water contains no cyanides or sulfides and therefore is not expected to generate toxic gases. Individual samples of red water failed to demonstrate an explosive reaction or detonation when subjected to initiation from No. 8 blasting caps. RAAP has stated that all red water generated will be transported off-site to the Champion Paper Company and will not be stored on-site or allowed to increase in solids or nitroaromatics content. EPA has therefore conditioned RAAP's temporary exclusion to apply only to red water generated from Radford which is maintained and transported as a wet material characterized by a percent solids of between 30 to 38 percent and a maximum nitroaromatics content of 12 percent. The Agency therefore, has granted a conditional temporary exclusion to the Radford Army Ammunition Plant in Radford, Virginia for the disposal of pink/red water as described in its petition.

C. Additional Data to be Submitted

The conditional temporary exclusion granted today is based on data supplied by RAAP from the manufacturing of TNT prior to May 31, 1974. Therefore, RAAP has been informed that when the manufacture of TNT resumes in April of 1982, additional test data must be submitted which characterizes the reactivity of the red water generated by the new facility.

IV. Amoco Oil Company/Wood River Refinery

A. Petition for Exclusion

The Amoco Oil Company (Amoco) involved in the refining of crude oil, has petitioned the Agency to exclude its dissolved air flotation sludge which has accumulated in lagoons 1 and 2 at its Wood River facility, which is presently listed as EPA Hazardous Waste No. K048—Dissolved air flotation (DAF) float from the petroleum refining industry. Amoco has petitioned to exclude this waste because it does not meet the criteria for which is was listed.[6]

Amoco's production processes involved desalting, primary distillation, catalytic cracking, alkylation, polymerization, reforming, blending of higher octane additives, selected products sulfur removal, and the production of lube additives. Treatment included initial oils separation, dissolved air flotation, cationic and anionic precipitation, aeration, aerobic digestion, clarification and belt filtration.

Amoco has submitted descriptions of their production and treatment processes, total constituent and EP leachate analyses of the wastes presently accumulated in sludge lagoons 1 and 2 for chromium and lead, a proposed disposal scenario involving incineration of the lagooned waste at the Metropolitan St. Louis Sewer District's (MSD) Lemay and Bissell Point treatment plants, and off-gas and ash analyses from preliminary trial burns at these facilities. Amoco claims that hexavalent chromium was not used as a corrosion inhibitor in its cooling towers, and thus would not be expected to appear in the waste. In addition, the petitioner claims that any lead present in the lagooned sludge is primarily lead sulfide, characterized by very low mobility causing it to remain in the ash after incineration.

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[3] See footnote 2.

[4] Although the maximum EP leachate concentration for cadmium approaches a level of some concern to the Agency, four additional samples were analyzed by the petitioner which indicate a low concentration of cadmium in the leachate (these samples ranged from 0.005 to 0.15 ppm).

[6] Amoco has indicated that the refinery is no longer operational and that the petition applies to a fixed volume of waste presently lagooned at the facility (approximately 18 million gallons).

Composited sludge samples were evaluated over a one month period by obtaining profile samples from the bottom, mid-depth and surface of the lagoons. Thirty samples were analyzed and are said to be representative of any variable concentration gradients of constituents present in the sludge. Constituent analyses of the sludge revealed maximum lead and total chromium concentrations of 620 and 10 ppm, respectively. EP toxicity test results involving lead and total chromium produced maximum leachate levels of <0.5 and <0.5 ppm, respectively.

Pilot runs combining 10 percent of Amoco's sludge with MSD's sewage sludge produced slack emissions for lead of 1.5 mg/m^3 and a total particulate level of 0.077 $grains/ft^3$.[7] EP leachate analyses of the ash identified maximum lead and total chromium levels of <0.1 and <0.5 ppm, respectively.

B. Agency Action and Analysis

As is indicated by the data, the EP extracts of the sludge samples for both total chromium [8] and lead, the constituents of concern for this waste, are consistently below the National Interim Primary Drinking Water Standards and, therefore, this waste would not appear to be of regulatory concern. However, since the petitioner is planning to incinerate the waste, the leachate data is not that relevant; rather the total constitutent analysis of the waste is more germane in evaluating this petition. In evaluating this data, the Agency agrees that chromium does not appear to be used in the process; the low levels of this contaminant in the waste is probably a result of minor sources of contamination and background levels rather than from direct use. Therefore, the chromium levels in the waste do not appear to present a substantial hazard to human health and the environment when this waste is incinerated.

Lead, on the other hand, is used in the process and is in the waste in significant concentrations. This waste, therefore, if improperly incinerated may pose a substantial hazard to human health and the environment since lead will be released to the atmosphere through stack emissions. Thus, the Agency did not believe this waste should be delisted when incinerated. However, it appears that the Agency's concern regarding the emissions of lead from the incinerator are eliminated since Missouri, the State in which the incinerator is located, has regulated this air pollutant through its State Implementation Plan (SIP). Under this plan, the State requires and actively monitors populated and industrial areas for compliance with the ambient air standard for lead. Consequently, the Agency believes that upon re-evaluation, this delisting petition can be granted when this waste is burned at the Lemay treatment plant since this facility provides the necessary assurance that the lead emissions from the incinerator will remain below levels of regulatory concern.[9]

The Agency is concerned that the delisting process not become a substitute for the statutory permitting procedures, and believes that Amoco's petition presents a close case. We are granting a temporary exclusion because Amoco has shown that the waste is not hazardous under realistically-occurring management options (as shown by EP results and trial burns), and, more importantly, because Missouri's SIP for lead, and the County's excellent monitoring coverage surrounding the Lemay incinerator provide independent regulatory assurance that the waste will not be incinerated improperly. EPA would not grant the petition if the incinerator were located in a State without a SIP for lead; if the vicinity of the incinerator was not sufficiently monitored; or if the waste contained significant concentrations of other RCRA constituents of concern not addressed by a SIP.

The Agency is however conditioning the exclusion to include no more than 10 percent of Amoco's sludge to be mixed with the MSD sludge. The Agency finds this limitation necessary since all test data submitted in Amoco's petition characterized only a 10 percent sludge mix.

The Agency is also encouraged and in part is basing its decision to delist the waste on the results from the test burn studies conducted on the incineration of this waste when mixed with MSD's sewage sludge. As indicated earlier, these results demonstrate that the Lemay incinerator is capable of using this waste as a supplemental fuel, and of burning it without exceeding any of the existing air standards. In addition, based on preliminary data, the wastewater effluent quality, scrubber and sluice water quality do not appear to be affected by the burning of this waste; EP leachate concentrations of the incinerator ash also are well below the National Interim Primary Drinking Water Standards for both lead and hexavalent chromium. The Agency, therefore, has granted a temporary exclusion to the Amoco Oil Company's facility at Wood River, Illinois for its DAF sludge from lagoons 1 and 2, to be incinerated only at MSD's Lemay incinerator as described in this petition.

V. Pratt and Whitney and Aircraft Group

A. Petition for Exclusion

The Pratt and Whitney Aircraft Group, involved in the design, assembly, testing and overhauling of jet engines and their components for government aircraft has petitioned the Agency for the delisting of Hazardous Wastes:[10]

F007—Spent cyanide plating bath solutions (except for precious metals electroplating spent cyanide plating bath solutions).
F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).
F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).
P029—Copper cyanide.
P030—Cyanide.
P098—Potassium cyanide.
P099—Potassium silver cyanide.
P106—Sodium cyanide.

Pratt and Whitney has petitioned to exclude their waste because it does not meet the criteria for which it was originally listed

Pratt and Whitney utilizes the processes of anodizing of aluminum and titanium alloys; hard chromium electroplating; acid nickel plating; copper, cadmium, silver and gold electroplating, and base metal cleaning, etching, chemical milling and stripping using acid, alkaline and selected cyanide solutions in the assembly and maintenance of jet engines. They claim that the cyanides present in the wastewater are effectively destroyed in

[7] Dispersion modelling indicates that even under worst case scenarios the ambient air standard for lead, 1.5 mg/m^3, will not be exceeded. In addition, the particulate level is below 0.2 $grains/ft^3$, the source performance standard for particulate emissions from sludge incinerators.

[8] See footnote 2.

[9] Amoco has also requested that they be able to burn this waste at the Bissell Point treatment plant Although this facility is subject to Missouri's SIP for lead, the Agency believes that there is insufficient monitoring in the vicinity of the facility to assure compliance with Missouri's lead standard and, therefore, is not including the burning of this waste at the Bissell Point facility in the exclusion.

[10] In their petition, Pratt and Whitney requested that the Agency delist the treated effluent decanted from the electroplating treatment process and included this as Hazardous Waste No. F006. Upon evaluation, however, the Agency has determined that this waste stream is not a listed waste, since the listing applies to the sludge generated from the treatment of the raw wastewater, not to the wastewater itself. It should be noted that the petitioner considers their electroplating sludge hazardous and is presently managing it as a hazardous waste.

their wastewater treatment system rendering these waste streams non-hazardous.

Pratt and Whitney has submitted a detailed description of its waste treatment system and total cyanide analyses of the process wastewater. Pratt and Whitney utilizes a process of chlorine injection for the destruction of cyanides in their waste. Samples were collected over a two year period to sufficiently represent the uniformity of the constituent concentration in the waste. The maximum total concentration of cyanide in the wastewater is 0.02 mg/l.

B. Agency Analysis and Action

The hazardous waste constituent for which EPA Hazardous waste Nos. F007, F008, F009, P029, P030, P098, P099, and P106 are listed is cyanide. Pratt and Whitney has sufficiently demonstrated that its wastewater treatment system effectively destroys cyanides in the liquid waste and has shown that the waste does not exhibit the characteristic of reactivity i.e., the waste contains such small levels of cyanide that it would not generate toxic hydrogen cyanide in quantities sufficient to present harm to human health or the environment if improperly managed. The Agency, therefore, has granted a temporary exclusion to the Pratt and Whitney Aircraft Group, West Palm Beach, Florida for its treated electroplating wastewater as described in its petition.

VI. American Nickeloid Company

A. Petition for Exclusion

The American Nickeloid Company (ANC) involved in the manufacture of pre-plated metal sheet, coil and pre-finished vinyl-to-metal laminates has petitioned the Agency to exclude its wastewater treatment sludge presently listed for the following EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum;

K063—Sludge from the lime treatment of spent pickle liquor from steel finishing operations.[11]

ANC has petitioned to exclude its waste treatment residue because it does not meet the criteria for which the component wastes were initially listed.

ANC utilizes the processes of cleaning, pickling, brass and copper plating, polishing, and vinyl film lamination of metal sheets and coils. ANC has submitted a description of its production and wastewater treatment processes; total constituent analyses and EP toxicity test results of its generated sludge for cadmium, total chromium, nickel, cyanide and lead. The samples were taken from a twelve point sampling grid of the drying lagoon on June 23, 1981, containing sludge generated over a six-month period, which the petitioner claims to be representative of any variation of constituent concentration in the waste.

ANC's waste is generated as a result of (1) a cyanide destruction facility which oxidizes and precipitates copper, (2) zinc neutralization of pickling acid which precipitates iron oxides, (3) the reduction of hexavalent chromium to trivalent chromium and the subsequent precipitation of trivalent chromium oxide, (4) the precipitation of nickel oxide, and (5) the precipitation of suspended solids resulting from cleaners, cleaner rinses, and iron phosphating pretreatment. The cleaner precipitates contain soaps, emulsified oils and greases, and insoluble carbonates.

Total constituent analyses of the sludge produced maximum cadmium, total chromium, nickel, and lead levels of 20, 290, 1800, 200 ppm, respectively. A total cyanide analysis was also run with no discernible trace of cyanide detected. Extraction analyses produced maximum cadmium, total chromium, nickel, cyanide and lead concentrations of 0.20, 0.17, 5.65, 0.005 and 1.13 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous Waste Nos. F006 and K062 are listed are cadmium, hexavalent chromium, nickel, lead and cyanide. ANC has sufficiently demonstrated that its wastewater treatment sludge is non-hazardous. EP extracts show cadmium, total chromium,[12] and lead concentrations consistently well below the EP maximum level. The nickel leachate levels are well below 20 ppm, a level established by the Agency as an acceptable concentration of nickel in the EP extract (see 46 FR 40158, August 6, 1981) and, therefore, not of regulatory concern. These low leachate levels indicate that these constituents are present in essentially an immobile form. The low total cyanide concentration in the waste is also not of regulatory concern, and indicates that the cyanide destruction system operates efficiently. A final pH of 9.5 indicates that ANC's waste treatment system effectively neutralizes its acid wastes. The Agency, therefore, has granted a temporary exclusion to the American Nickeloid Company's facility in Peru, Illinois for its wastewater treatment sludge as described in its petition.

VII. General Cable Company, Indiana Steel and Wire Division

A. Petition for Exclusion

The General Cable Company, Indiana Steel and Wire Division (General Cable) of Muncie, Indiana is involved in steel finishing operations. General Cable has petitioned the Agency to exclude its treatment sludge presently listed for the following EPA Hazardous Wastes:

K063—Sludge from lime treatment of spent pickle liquor from steel finishing operations [13]

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

General Cable has petitioned the Agency to exclude its waste because it does not meet the criteria for which it was originally listed.

The production processes at General Cable which generate the listed wastes are sulfuric acid pickling, muriatic acid pickling, lead fluoboric acid plating, and ammoniacal zinc chloride plating of steel wire. General Cable claims that cadmium, cyanides, nickel and chromium are not used in its electroplating process. Additionally, General Cable claims that its sludge is environmentally stable and non-hazardous and, therefore, does not contain hazardous levels of cadmium, hexavalent chromium, lead, nickel and cyanide, the constituents of concern for which the spent pickle liquor (K062) and wastewater treatment sludges from electroplating operations (F006) were listed.

General Cable has submitted a detailed description of its wastewater treatment system; total constituent analyses for cyanide, total chromium, lead, cadmium and nickel; and EP toxicity test results for total chromium, lead, cadmium and nickel. Samples were taken over a period of two weeks which General Cable claims represents the

[11] See footnote 1.

[12] See footnote 2.

[13] See footnote 1.

uniformity of its manufacturing process and any variability of constituent concentrations in the waste.

General Cable's waste treatment process for its combined pickling and plating wastes involves lime neutralization, polymer flocculation, clarification and centrifuge dewatering. Total constituent analyses revealed maximum total chromium, lead, cadmium and nickel levels of 20, 2000, <10 and 20 ppm, respectively. EP toxicity test results of the dewatered sludge indicate maximum cadmium, total chromium, lead, and nickel concentrations of 0.2, 0.1, 0.12, and 0.2 ppm, respectively. Cyanides were not detected in the sludge.

B. Agency Analysis and Action

General Cable has demonstrated that its waste treatment system produces a non-hazardous sludge. General Cable first claims that its production process does not use cadmium, cyanide, chromium and nickle. This claim was substantiated in that although cadmium, total chromium, and nickel are found in the waste, the low concentrations present probably result from unknown minor sources of contamination and background levels, rather than from the direct use of these constituents in the process. In addition, cyanide was not detected in the waste confirming the petitioner's point.

The lead, cadmium and total chromium[14] extract concentrations are also consistently well below the maximum EP toxicity levels. The EP extract levels for nickel are also below the level of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 9.0 indicates that General Cable's treatment process effectively neutralizes its spent pickle liquor wastes. The Agency therefore, has granted a temporary exclusion to General Cable Company, Indiana Steel and Wire Division of Muncie, Indiana for its treated wastes generated by its pickling and electroplating processes, as described in its petition.

VIII. Lehigh-Lancaster, Incorporated

A. Petition for Exclusion

Lehigh-Lancaster, Incorporated (Lehigh) located in Lancaster, South Carolina, involved in the manufacture of transmission towers and substation structures for the electrical utility industry, has petitioned the Agency to exclude its wastewater treatment sludge formerly listed as EPA Hazardous Waste No. K062—sludge from line treatment of spent pickle liquor from steel finishing operations.[15] Lehigh has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

The production process at Lehigh which generates the listed waste is the cleaning of steel towers and substation structures prior to galvanizing. Lehigh's waste treatment process for spent pickle liquor involves lime neutralization, flocculation, sedimentation and filter press dewatering. Lehigh claims that its sludge is environmentally stable and non-hazardous and specifically that the sludge does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which spent pickle liquor (K062) was listed.

Lehigh submitted a detailed description of its waste treatment system, and EP toxicity test results for lead and total chromium. Samples were taken over a period of four months which Lehigh claims represents the uniformity of its manufacturing production process and any variability of constituent concentrations in the waste. EP toxicity test results taken from the dewatered sludge revealed maximum lead and total chromium levels of 0.42 and 0.11 ppm, respectively.

B. Agency Analysis and Action

The constituents of conern for this waste are hexavalent chromium and lead. EP extracts from sludge samples analyzed by Lehigh show lead and total chromium [16] levels well below the maximum EP toxicity levels. These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 11.0 indicates that Lehigh's waste treatment process effectively neutralizes its spent pickle liquor wastes. The Agency, therefore, has granted a temporary exclusion to Lehigh-Lancaster, Inc., of Lancaster, South Carolina, as described in its petition.

As noted earlier, the publication of this temporary exclusion indicates the Agency's decision and concurrence with the State that this waste should be excluded from RCRA control.

IX. Chamberlain Manufacturing Corporation

A. Petition for Exclusion

Chamberlain manufacturing Corporation (Chamberlain) located in Albia, Iowa, a company involved in the manufacture of aluminum storm doors and windows has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. F019—Wastewater treatment sludge from the chemical conversion coating of aluminum. Chamberlain has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

The production process which generates the listed hazardous waste is the chemical cleaning and coating of aluminum extrusions. The hazardous constituents of concern in this waste are hexavalent chromium and cyanide. Chamberlain has indicated that hexavalent chromium is used in the aluminum conversion coating process. However, they utilize sodium bisulfite to chemically reduce hexavalent chromium to its trivalent form. Chamberlain also claims that cyanides are not used in the process. Chamberlain, therefore, claims that the waste generated at this facility does not contain hazardous levels of hexavalent chromium and cyanide.

Chamberlain has submitted a detailed description of its wastewater treatment system, EP toxicity test results for both total and hexavalent chromium, and total constituent analyses for both complexed cyanide and free cyanide. Chamberlain's treatment system involves lime neutralization, clarification, and pressure filtration. EP toxicity test results of sludge samples indicate maximum total chromium and hexavalent chromium concentrations of 10 and <0.01 ppm, respectively. Total constituent analyses for total cyanide and free cyanide revealed concentrations of 10.0 and .007 ppm, respectively. Samples were taken over an eight week period which the petitioner claims to be representative of any variation of constituent concentrations in the waste.

B. Agency Analysis and Action

The chromium reduction treatment system used at the facility appears to efficiently reduce hexavalent chromium to trivalent chromium as indicated by the levels of hexavalent chromium in the leachate samples. Hexavalent chromium levels in the leachate were consistently well below the proposed maximum EP toxicity levels.[17] These low leachate

[14] See footnote 2.

[15] See footnote 1

[16] See footnote 2.

[17] On October 30, 1980, the Agency proposed to amend the characteristic of EP toxicity to measure for hexavalent chromium rather than total chromium. The Agency expects to finalize this proposal in the near future. In the meantime, the Agency is analyzing delisting petitions for which chromium is the consituent of concern by both assessing the concentration of total and hexavalent chromium in the waste extract. If the concentration of hexavalent chromium is relatively low, the Agency has decided to consider the concentration

Continued

levels indicate that hexavalent chromium is present in essentially an immobile form. In addition, the level of total and free cyanide found in the sludge is not considered of regulatory concern. Therefore, the Agency has granted a temporary exclusion to the Chamberlain Manufacturing Company of Albia, Iowa for its treated wastes from the chemical conversion coating of aluminum, as described in its petition.

X. Gulf Oil Chemicals Company

A. Petition for Exclusion

Gulf Oil Chemicals Company, (Gulf), involved in the manufacture of ammonium nitrate/fuel oil (ANFO) mixtures and water-gel explosives, has petitioned the Agency to delist its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. K044—wastewater treatment sludges from the manufacturing and processing of explosives. Gulf has petitioned to delist the sludge generated at six manufacturing facilities because it does not meet the criteria for which it was listed.

Gulf utilizes the processes of mixing ammonium nitrate prills with fuel oil for the production of ANFO mixtures and mixing aluminum, nitric acid, hexamine and other proprietary materials for the production of water-gel explosives. Wastewater is generated from the water used in wash-down operations of the manufacturing equipment. The wastewater treatment system utilized at these facilities includes evaporation ponds and tanks. Rinse water is routed to these ponds and allowed to evaporate, creating a sludge. Gulf claims that the sludges generated from their wastewater treatment processes do not meet the characteristic of reactivity, the basis for listing this waste as hazardous.

Gulf has submitted a description of its wastewater treatment system at each facility, and further submitted detailed analyses of the wastewater and sludge for the characteristic of reactivity. Samples were collected at each facility over a one month period which the petitioner claims to be representative of any variation in constituent concentration of the waste. From this analysis, Gulf claims that the sludge generated at the six facilities has been shown to be a stable chemical mixture that does not undergo violent changes. Further, it does not react violently, form potentially explosive mixtures, or generate toxic gases, vapors, or fumes when mixed with water. Sludge from these plants contain no cyanides or sulfide-bearing constituents, and so cannot release toxic hydrogen cyanide or hydrogen sulfide gases. In addition, the sludge is said to be incapable of detonation or explosive reaction when subjected to strong initiating sources or when heated under confinement. The sludge also is incapable of detonation or explosive decomposition or reaction at standard temperature and pressures, and is not a forbidden explosive as defined in 49 CFR 173.51; a Class A explosive as defined in 49 CFR 173.53; or a class B explosive as defined in 49 CFR 173.88.

B. Agency Analysis and Action

EPA Hazardous Waste No. K044 is listed due to the reactivity of the wastewater treatment sludges generated in the manufacture of explosives. Gulf has submitted evidence from reactivity tests which indicate that the sludges generated at their six facilities for these manufacturing processes do not meet the characteristic of reactivity. For example, results from explosive temperature tests (43 FR 58962) indicate that this waste is a stable material. The Agency, therefore, has granted a temporary exlusion to Gulf Oil Chemicals Company facilities in Brooksville, Florida; Casper (Mills), Wyoming; Parish, Alabama; Hollowell (Columbus), Kansas; McLeansville, North Carolina and Biwabik, Minnesota for its wastewater treatment sludges, as described in its petition.

As noted earlier, the publication of this temporary exclusion indicates the Agency's decision and concurrence with the States of North Carolina and Alabama that these wastes should be excluded from RCRA control.

XI. Bekaert Steel Wire Corporation

A. Petition for Exclusion

The Bekaert Steel Wire Corporation (Bekaert) involved in the manufacture of steel wire has petitioned the Agency to exclude its sludge formerly listed as K063—sludge from lime treatment of spent pickle liquor from steel finishing operations generated at its facility in Van Buren, Arkansas.[18] Bekaert has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

Bekaert's manufacturing processes include hydrochloric acid pickling, lead annealing, and hot dip galvanizing. Its waste treatment process for spent pickle liquor includes lime neutralization, clarification, and pressure filtration. Bekaert claims their sludge is environmentally stable and non-hazardous, and specifically that the sludge does not contain hazaradous levels of hexavalent chromium and lead. the consituents of concern for which the spent pickle liquor (K062) is listed.

Bekaert has submitted a description of their sludge treatment system, and total constituent and EP leachate analyses for total chromium and lead. The waste samples were taken over approximately a three week period which the petitioner claims to be representative of any variation of constituent concentration in the waste. Total constituent analyses revealed maximum total chromium and lead concentrations of 290 and 22,000 ppm, respectively. EP toxicity test results reveal maximum total chromium and lead levels in the waste extract of <0.06 and <0.10 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for this waste are hexavalent chromium and lead. EP extracts from sludge samples analyzed by Bekaert show lead and total chromium consistently well below the EP toxicity limits.[19] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH range of 8–9 indicates that Bekaert has successfully neutralized its acidic wastes. The Agency, therefore, has granted a temporary exclusion to the Bekaert Steel Wire Corporation in Van Buren, Arkansas for its sludge as described in its petition.

XII. Plastene Supply Company

A. Petition for Exclusion

The Plastene Supply Company (Plastene), located in Portageville, Missouri engages in electroplating of plastic parts. Plastene has petitioned the Agency to exclude its treatment sludge from EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Plastene has petitioned to delist its waste because it does not meet the criteria for which this waste was originally listed.

The production processes which generate the listed waste at Plastene include copper, nickel and chromium electroplating on plastic parts. The hazardous waste constitutents of concern in this waste are cadmium,

of hexavalent chromium rather than total chromium in making a decision.

[18] See footnote 1.

[19] See footnote 2.

hexavalent chromium, nickel and cyanide. Plastene claims that it does not use cadmium or cyanide in its production process. Plastene also claims that its treated wastewater sludge is non-hazardous due to the effectiveness of its waste treatment system.

Plastene has submitted a detailed description of its waste treatment system; total constituent analyses for total chromium, nickel, cadmium and cyanide; and EP toxicity test results for hexavalent chromium, cadmium and nickel. Samples were obtained over a five month period which the petitioner claims represents the uniformity of its production process and constituent concentrations in the waste.

The treatment process involves pretreatment of the waste with sulfur dioxide and sulfuric acid to reduce hexavalent chromium to the trivalent state, lime and sodium hydroxide neutralization, polymer flocculation, clarification, and rotary vacuum, filtration. Total constituent analyses revealed maximum total chromium, nickel, and cadmium concentrations of 95,000; 60,000; and 0.005 ppm, respectively. EP toxicity test results for nickel, hexavalent chromium and cadmium produced maximum leachate values of 17.18, 0.31, and <0.005 ppm, respectively. Total constituent analysis for cyanide showed no detectable cyanide.

B. Agency Analysis and Action

Plastene has demonstrated that its waste treatment system produces a non-hazardous sludge. Plastene claims that its production process does not use cadmium or cyanide; this claim was substantiated in that both cadmium and cyanide were not detected in the sludge. With respect to hexavalent chromium, although hexavalent chromium is used in the production process, it is present in the EP extracts at values well below the proposed maximum EP toxicity limits for this metal (see 45 FR 72031, October 30, 1980). Finally, the reported nickel leachate concentration is not considered to be of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency therefore, has granted a temporary exclusion to the Plastene Supply Company of Portageville, Missouri for its treated electroplating sludge as described in its petition.

XIII. Kaiser Aluminum and Chemical Corporation

A. Petition for Exclusion

Kaiser Aluminum and Chemical Corporation (Kaiser) located in Spokane, Washington, involved in the production of aluminum coil, sheet and plate has petitioned the Agency to exclude its treatment sludge listed as EPA Hazardous Waste No. F019—Wastewater treatment sludge from the chemical conversion coating of aluminum. Kaiser has petitioned to exclude its waste because it does not meet the criteria for which the waste was originally listed.

The production process at Kaiser which generates the listed waste is the conversion coating of aluminum with chromic acid, hydrofluoric acid and phosphoric acid. Kaiser claims that since its aluminum chemical conversion coating process does not use cyanide, and that since the hexavalent chromium used in the process is reduced to its trivalent state in the waste treatment system, the wastes from this facility do not contain hazardous levels of cyanide or hexavalent chromium.

Kaiser has submitted a detailed description of its waste treatment process, total constituent analysis for cyanide and EP toxicity test results for hexavalent chromium. Samples were collected over a two month period which the petitioner claims to be representative of any variation of constituent concentrations in the waste.

The treatment process involves chromium reduction with sulfur dioxide and sulfuric acid, lime neutralization, clarification, and vacuum filtration. EP toxicity tests results indicate a maximum hexavalent chromium concentration of 0.06 ppm. Constituent analyses of the sludge for total cyanide revealed a maximum concentration of <0.8 ppm.

B. Agency Analysis and Action

Kaiser has demonstrated that its waste treatment system produces a non-hazardous sludge. Kaiser claims that its production process does not use cyanide. This claim was substantiated in that cyanide was found in the sludge at very low levels; its occurrence probably results from unknown minor sources of contamination and background levels, rather than from the direct use of cyanide in the plating process. With respect to hexavalent chromium, the chromium reduction treatment system used at the facility appears to efficiently reduce hexavalent chromium to trivalent chromium as indicated by the levels of hexavalent chromium in the leachate samples. Hexavalent chromium levels in the leachate were consistently below the proposed maximum EP toxicity limit (see 45 FR 72031, October 30, 1980). Therefore, the Agency has granted a temporary exclusion to Kaiser Aluminum and Chemical Corporations facility in Spokane, Washington for its treated waste generated by its aluminum conversion coating process, as described in its petition.

XIV. Copperweld Steel Company

A. Petition for Exclusion

The Copperweld Steel Company (Copperweld) involved in the production of alloy steel bars, has petitioned the Agency to exclude its wastewater treatment sludge generated at its Warren, Ohio facility formerly listed as EPA Hazardous Waste No. K063—sludge from lime treatment of spent pickle liquor from steel finishing operations.[20] Copperweld has petitioned the Agency to exclude its waste because the waste does not meet the criteria for which it was originally listed.

Copperweld's production process includes sulfuric and hydrochloric acid pickling of steel. Copperweld claims that its sludge is environmentally stable and non-hazardous, and specifically that the waste does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which spent pickle liquor (K062) is listed.

Copperweld has submitted a description of its waste treatment process; total constituent analyses for total chromium and lead and EP toxicity test results for total chromium, hexavalent chromium and lead. Samples were taken over a period of seven months which the petitioner claims to be representative of any variation of the constituent concentrations in the waste.

Copperweld's treatment process involves lime neutralization (to a pH of 9.0) and settling. Total constituent analyses for total chromium and lead show concentrations of 704 and 53 ppm, respectively. EP toxicity test results revealed maximum total chromium, hexavalent chromium and lead concentrations of 0.07, 0.05 and 0.29, respectively.

B. Agency Analysis and Action

The constituents of concern for this waste are hexavalent chromium and lead. EP toxicity test results from sludge samples analyzed by Copperweld show lead and hexavalent chromium well below the maximum and proposed maximum EP toxicity limits (see 45 FR 72031, October 30, 1980). These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH of 9.0 indicates that Copperweld's waste treatment process effectively neutralizes its spent pickle liquor wastes. The

[20] See footnote 1.

Agency, therefore, has granted a temporary exclusion to Copperweld Steel Company's Warren, Ohio facility for its treated spent pickle liquor, as described in its petition.

XV. Tennessee Electroplating, Inc.

A. Petition for Exclusion

Tennessee Electroplating Incorporated (Tennessee Electroplating) located in Ripley, Tennessee has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel; (3) zinc-plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Tennessee Electroplating has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Tennessee Electroplating utilizes the processes of chromium, copper, nickel, and zinc electroplating of ceiling fans, hood ornaments and pay telephones. It claims that its wastewater treatment system produces a sludge which is environmentally stable and non-hazardous.

Tennessee Electroplating has submitted a description of its wastewater treatment process; total constituent analyses for total cyanide and total chromium, cadmium, and nickel; and EP toxicity test results for total chromium, cadmium, and nickel. The samples were taken over an eight month period which the petitioner claims is representative of any variation of constituent concentrations in the waste.

Tennessee Electroplating's wastewater treatment process involves the addition of sulfur dioxide and sulfuric acid for chromium reduction and the use of sodium hydroxide and chlorine gas for cyanide oxidation. Final treatment of all wastes involves neutralization (sodium hydroxide), precipitation, flocculation, clarification, and sludge filtration. Total constituent analyses of the sludge produced maximum total chromium, nickel, cadmium, and cyanide levels of 5000, 1000, <0.005 and <0.02 ppm. EP toxicity test results for total chromium, cadmium, and nickel showed maximum concentrations of 0.96, <0.005, and 17.4 ppm, respectively.

B. Agency Analysis and Action

The constituents of concern for which EPA Hazardous Waste No. F006 is listed are cadmium, hexavalent chromium, nickel and cyanide. EP toxicity test results show total chromium concentrations consistently below the EP toxicity maximum levels.[21] Cadmium was undetectable while nickel levels are also not of regulatory concern. These low leachate levels indicate that these constituents are present in essentially an immobile form. Total constituent analyses also show no detectable levels of cyanide. Thus, the Agency has granted a temporary exclusion to Tennessee Electroplating, Inc. of Ripley, Tennessee for its treated wastewater, as described in its petition.

As noted earlier, the publication of this temporary exlusion indicates the Agency's decision and concurrence with the State that this waste should be excluded from RCRA control.

XVI. Liqwacon Corporation

A. Petition for Exclusion

The Liqwacon Corporation (Liqwacon) operates several hazardous waste treatment facilities in the U.S. which utilize lime neutralization, sulfide precipitation, chromium reduction and cyanide destruction. Liqwacon has petitioned the Agency to exclude the treatment residue produced at its treatment facilities in York, Pennsylvania; Canton, Ohio; Thomaston, Connecticut; and Harvey, Illinois for the following EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007—Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).

F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).

F009—Spent stripping and cleaning bath solutions from the process (except for precious metals electroplating spent stripping and cleaning bath solutions).

F011—Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations (except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning).

F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).

F015—Spent cyanide bath solutions from mineral metals recovery operations.[22]

K062—Spent pickle liquor from steel finishing operations Liqwacon claims that the treatment residue produced at each facility from the treatment of these listed wastes is non-hazardous and environmentally stable since the hazardous constituents of concern are present in an immobile and nontoxic form. Liqwacon, therefore, claims that its treated wastes no longer meet the criteria for which they were originally listed.

Liqwacon has submitted a detailed description of its waste treatment systems, total constituent analyses and EP toxicity test results for nickel and the toxic metal constituents listed in 40 CFR 261.24 of the regulations, and test results on the reactivity of the treatment residue with respect to cyanide.

Liqwacon's "Envirite" process involves chromium reduction and cyanide destruction pretreatment operations. Hexavalent chromium is reduced to its trivalent state either by the addition of sulfur dioxide gas or a ferrous waste in acid solution. Cyanides are oxidized with sodium hypochlorite. Final treatment of the wastes involves lime neutralization, sulfide precipitation and vacuum filtration. The final pH of the sludge ranges from a pH of 8.1–8.9. Liqwacon's laboratories analyze all incoming wastes to assure that the wastes can be rendered non-hazardous by the treatment process.

EP toxicity test results for Liqwacon's facility in York, Pennsylvania have been submitted. Hexavalent chromium, nickel, cadmium and lead (the toxic metals constituents of concern), produced maximum leachate levels of <0.010, 1.08, 0.011 and 0.040 ppm, respectively. Samples were taken over a one month period which the petitioner claims to be representative of any variation in constituent concentrations in the waste. EP toxicity test results from the Thomaston, Connecticut facility revealed maximum hexavalent chromium, nickel, cadmium, and lead concentrations of 0.04, 3.0, 0.15, and <0.24 ppm respectively. Samples were collected over a one week period which the petitioner claims is representative of any variation in constituent concentrations in the waste. Maximum

[21] See footnote 2.

[22] The Agency has deleted this waste from the hazardous waste list due to the exclusion of solid waste from the extraction, beneficiation and processing of ores and minerals. (see 46 FR 76619. November 19, 1980).

total cyanide concentrations in the treatment residue from the Pennsylvania and Connecticut plants were 3.11 and 26.1 ppm, respectively. Maximum leachable cyanide concentrations were reported as 0.05 and 1.8 ppm from the York and Thomaston facilities, respectively.

Liqwacon claims that the treatment system at its facilities in Canton, Ohio, and Harvey, Illinois although not presently on-line will be the same as those at its York, Pennsylvania and Thomaston facilities. Liqwacon further claims that the wastes to be accepted at the Canton and Harvey facilities are the same types of wastes that are presently accepted at York and Thomaston, and therefore the extraction data and cyanide analyses are representative of the treatment residue which would be generated at the Canton and Harvey facilities.

In addition, Liqwacon has proposed a contingency plan which would assure that the constituents in the treatment residue are consistently within an acceptable range. Liqwacon has proposed to implement a program of batch monitoring of the treatment residue for each of the EP toxic metals. If concentrations of any of these constituents in the extract exceed 30 percent of the maximum EP toxicity limits, Liqwacon will manage the waste as a hazardous waste in accordance with 40 CFR Parts 262 through 267.

B. Agency Analysis and Action

The Agency's function under RCRA includes the establishment of a national program to improve solid waste management and to promote environmentally sound hazardous waste treatment and disposal practices. Properly managed waste treatment plants could assume an important role in this process, particularly in view of the scarcity of hazardous waste disposal sites.

The Agency has reviewed the residue analyses and EP toxicity data submitted from Liqwacon's Connecticut and Pennsylvania facilities. Liqwacon's Illinois and Ohio facilities were not in operation when the petition to delist was submitted to the Agency. Liqwacon, however, claims that its "Envirite" waste treatment process will also be utilized at these facilities, that data presented in its petition is representative of all four facilities and that the contigency plan presented will be used.

EP toxicity levels submitted by Liqwacon for cadmium, hexavalent chromium, and lead are well below the maximum EP toxicity levels indicating that these constituents are present in a relatively immobile form in the treatment residue. The nickel and leachable cyanide levels are also not of regulatory concern. Free cyanide concentrations on the other hand, were not determined in the treatment residue. The Agency considered denying the petitioners request due to the absence of free cyanide data. However, as indicated below, the Agency has set-up precautions to ensure that if high levels of free cyanide are present in the waste than the waste will not be delisted.

The Agency has accepted Liqwacon's contingency plan with the following modifications: (1) Liqwacon must submit total constituent analyses and EP toxicity test results for representative samples from its Illinois and Ohio plants once the facilities commence operations to ensure that the data submitted for the York and Thomaston plants are representative of the two new facilities. (2) The contigency plan will be implemented if the extract values for $Cr+^{6}$ exceed 30 percent of the proposed maximum EP limit for hexavalent chromium (see 45 FR 72090–72031 (October 30, 1980) explaining the Agency's current policy regarding regulation of chromium containing wastes); (3) the contingency plan will be implemented if the extract values for nickel exceed 20 ppm (see 46 FR 40158 August 6, 1981); (4) the contingency plan will be implemented if the concentration of free cyanide exceeds 10 ppm in the treatment residue and if the leachate concentrations for cyanide exceed 2 ppm; [23] (5) The waste will be covered as a daily practice if the total cyanide concentration in the waste exceeds 10 ppm; [24] (6) The waste will be tested and analyzed for the parameters identified above, prior to disposal; and (7) any wastes triggering the implementation of the contingency plan will be handled as hazardous wastes subject to all appropriate regulations under 40 CFR Parts 262–267.

[23] The free cyanide level is based in part on the NIOSH air standard for cyanide while the extract level is based in part on the Public Health Services suggested drinking water standard.

[24] Due to the variable nature of total complexed cyanide in Liqwacon's treatment residue, the Agency is concerned about the possible photodecomposition of higher levels of total cyanide present in the waste. The Agency has data indicating that complexed if exposed to sunlight may photodecompose to free cyanide. This is easily addressed by assuring that the waste is covered as a daily practice. At this time, the Agency has not been able to set a level at which complexed cyanide, if present in the waste, is considered non-hazardous. Therefore, as an interim measure, the Agency will require Liqwacon to dispose of its treatment residue at a state permitted or registered landfill where the waste is covered as a daily practice, when total cyanide levels exceed 10 ppm.

The limitations indicated above are the result of negotiations between Liqwacon and the Agency based substantially on Liqwacon's original voluntary proposal and do not necessarily have precedential significance. The Agency believes it necessary to specify limitations on this process due to the variable nature of the incoming wastes. In addition, a safeguard is necessary in light of the high volume of toxic constituents in the incoming wastes and in the treatment residue and high volumes of sludge generated annually by Liqwacon.

Thus, based on the EP toxicity data for the hazardous constituents of concern, the prescreening process and the contingency plan, the Agency is granting a conditional temporary exclusion to Liqwacon's York, Pennsylvania; Thomaston, Connecticut; Harvey, Illinois; and Canton, Ohio facilities for the treatment residue generated from the treatment process as described in its petition.

XVII. Leggett & Platt, Inc.

A. Petition for Exclusion

Leggett & Platt, Inc. located in Carthage, Missouri, involved in the production of high and low carbon steel wire, has petitioned the Agency to exclude its residues generated from the treatment of EPA Hazardous Waste No. K062 (spent pickle liquor from steel finishing operations). Leggett & Platt has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Leggett & Platt utilizes the process of sulfuric acid pickling to clean high and low carbon steel rods to be drawn into wires. The waste treatment process of the spent pickle liquor involves anhydrous ammonia neutralization to a pH of 2.5. They claim that the treated spent pickle liquor is non-hazardous due to the effectiveness of their treatment system and specifically that the treated pickle liquor does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the spent pickle liquor (K062) is listed.

Leggett & Platt has submitted a detailed description of their waste treatment system and EP toxicity test results for hexavalent chromium and lead. Samples were obtained over a two month period which the petitioner claims represents the uniformity of constituent concentrations in the waste. EP toxicity test results revealed maximum hexavalent chromium and lead levels in the waste extracts of 0.098 and 0.018 ppm, respectively.

B. Agency Analysis and Action

The constitutents of concern for this waste are hexavalent chromium and lead. EP extracts from waste samples analyzed by Leggett & Platt show lead and hexavalent chromium levels consistently well below the maximum EP toxicity limits. These low leachate levels indicate that the constituents are present in essentially an immobile form. In addition, a final pH of 2.5 indicates that Leggett & Platt's waste management process treats its spent pickle liquor waste so that it no longer meets the corrosivity characteristic. The Agency, therefore, has granted a temporary exclusion to Leggett & Platt's facility in Carthage, Missouri, for its treated spent pickle liquor, as described in its petition.

XVIII. Vulcan Materials Company

A. Petition for Exclusion

The Vulcan Materials Company, a company which produces chlorine and alkali, has petitioned the Agency to exclude its brine purification muds generated at its Port Edwards, Wisconsin facility, presently listed as EPA Hazardous Waste No. K071—brine purification muds from the mercury cell process in chlorine production, where separate prepurified brine is not used. Vulcan has petitioned to exclude this waste because it does not meet the criteria for which it was listed.

Vulcan's chlorine production process involves the processing of rocksalt to make purified brine which is then electrolyzed in the cell system to form chlorine, caustic and hydrogen. Since the brine comes in contact with mercury in the cell system and is recirculated to the brine system for saturation and purification, some of the mercury exists from the brine system with the solid impurities. Vulcan claims however, that its treatment of these solid wastes renders them non-hazardous with respect to leachable mercury.

Vulcan has submitted a description of its production and treatment processes, total constituent and EP toxicity analyses of the waste for mercury, the constituent of concern for this waste, and a contingency plan which implements continuous testing of its wastes prior to disposal.

Vulcan's treatment process involves the addition of soda ash (Na_2CO_3) and sodium hydroxide to precipitate carbonates and hydroxides; clarification and filtration which separates this solid fraction is then sent to a purge pit. Calcium chloride is used to precipitate sulfides in a separate clarification step. All solids from the clarification, filter backwash, and sulfate control steps are collected in the purge pit. The waste is then pumped to a surge tank for treatment with sulfuric acid (which converts $CaCO_3$ to $CaSO_4$). Sodium hypochlorite is then added to solubilize the mercury present in the waste. Rotary vacuum filtration removes solubilized mercury with the separated liquids. A water spray removes additional soluble mercury from the filter cake.

Total constituent analyses revealed maximum mercury concentrations of 4.3 ppm. EP leachate analyses after adaption of the cake wash system revealed maximum mercury concentrations of 0.094 ppm with an average value of 0.028 ppm. Samples were taken over a two month period which the petitioner claims is representative of any variations in constituent concentrations in the waste. Vulcan claims that its filter cake wash system reduces the leachable concentrations of mercury in its filter cake and saturator solids to non-hazardous levels. However, Vulcan has proposed to test each batch of the brine purification muds generated at its facility due to the variable nature of this waste. Vulcan will treat this waste solids filter cake as hazardous or re-treat this waste if the leachate analyses reveal mercury concentrations in excess of 0.05 ppm.

B. Agency Action and Analyses

The constituent of concern in EPA Hazardous Waste No. K071 is mercury. Due to the severe neurotoxic effects associated with exposure to low concentrations, the Agency is concerned about the possible variable nature of the mercury concentrations in the sludge and the high volumes of wastes being generated in Vulcan's process. The Agency believes that Vulcan has submitted data which indicates that the concentration of leachable mercury can be controlled by its treatment system. However, to assure that the leachable level of mercury is maintained at an acceptable level, the Agency has negotiated a contingency plan with Vulcan which will incorporate testing of each batch of filter cake and saturator solids prior to disposal. If EP analyses indicate that the leachate levels are in excess of 0.05 ppm then the waste will be treated as a hazardous waste and will be subject to the regulatory requirements of 40 CFR Parts 262–267.

Pursuant to this condition, the Agency therefore has granted a conditional temporary exclusion to the Vulcan Materials Company's facility in Port Edwards, Wisconsin for its brine purification muds, as described in its petition.

XIX. Sargent-Fletcher Company

A. Petition for Exclusion

The Sargent-Fletcher Company, involved in the manufacture of airplane fuel tanks, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.[25] Sargent-Fletcher has petitioned to exclude its waste because it does not meet the criteria for which its was originally listed.

The production process which will generate the waste at Sargent-Fletcher involves the chemical conversion coating of various aluminum parts. Sargent-Fletcher claims that the treated wastewater sludge that is generated is non-hazardous due to the effectiveness of its treatment system.

Sargent-Fletcher has submitted a description of its treatment process, EP toxicity test results for each of the constituents specified in 40 CFR 261.24 of the regulations, and total constituent analyses for total and free cyanide. Samples were taken over a two week period which the petitioner claims to be representative of any variation of the constituent concentrations in the waste.

The waste treatment system utilizes the processes of electrochemical reduction, co-precipitation, clarification and pressure filtration. EP toxicity test results of the final treatment sludge revealed a maximum hexavalent chromium concentration of less than 0.05 ppm. Analysis for total cyanide and free cyanide produced maximum concentrations of 0.032 and 0.001 ppm. respectively.[26]

B. Agency Analysis and Action

The hazardous waste constituents for which EPA Hazardous Waste No. F019 is listed are hexavalent chromium and cyanide (complexed). EP toxicity test results for hexavalent chromium are well below the proposed EP maximum toxicity level which indicates that hexavalent chromium is present in essentially an immobile form. In addition, the levels of total and free cyanide found in the sludge are not of regulatory concern.

Sargent-Fletcher has included data from their pilot plant waste treatment operation and has demonstrated that

[25] This petition is for a waste which is not now generated at the Sargent-Fletcher Co. but is expected to be generated in the near future.

[26] Analyses are based on four 55 gallon waste samples generated by Sargent-Fletcher and treated in a pilot scale plant at a rate of 7 gallons per minute.

this sludge is indeed non-hazardous. Sargent-Fletcher has claimed that the sludge to be generated at their El Monte, California facility, utilizing identical wastewater treatment processes, would also be non-hazardous. The Agency, therefore, has informed Sargent-Fletcher that once the wastewater treatment system becomes operational at their El Monte facility, they will be required to submit additional EP toxicity data to demonstrate that the generated sludge has similar leachability characteristics to that of the pilot plant analyses presented in its petition. The Agency has therefore granted a conditional temporary exclusion to Sargent-Fletcher's El Monte Facility for the treated wastes, as described in its petition.

XX. The General Motors Corporation

A. Petition for Exclusion

The General Motors Corporation, Fisher Body Division, involved in the manufacture of automobile body components, has petitioned the Agency to delist its wastewafer treatment sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. General Motors has petitioned to exclude its sludge because it does not meet the criteria for which its was originally listed.

General Motors utilizes the processes of zinc and chromium electroplating in the production of automobile components. General Motors claims that cyanide is not used in its electroplating operations. In addition, they claim that their wastewater treatment process is successful in generating a non-hazardous sludge.

General Motors has submitted a detailed description of its waste treatment system, and total constituent analyses and EP toxicity test results for cadmium, chromium, (both total and hexavalent), nickel, and total cyanide. Samples were collected over a four week period which the petitioner claims to be representative of any variation of constituent concentrations in the waste.

General Motors utilizes the processes of neutralization, clarification and filtration in its waste treatment system. Total constituent analyses revealed maximum cadmium, total chromium, hexavalent chromium, nickel and cyanide concentrations of 16.3, 2270, 22.2, 3160, and 1.7 ppm, respectively. EP toxicity test results for cadmium, hexavalent chromium, nickel and total cyanide produced maximum leachate concentrations of 0.13, 0.05, 0.32 and 0.4 ppm, respectively.

B. Agency Analysis and Action

The constituents for which EPA Hazardous Waste No. F006 are listed are cadmium, hexavalent chromium, nickel and cyanide. Although cyanide is present in General Motors' sludge, its occurrence probably results from unknown minor sources of contamination and background levels rather than from direct use in the production process and is not of regulatory concern. EP extracts from sludge samples analyzed by General Motors show that cadmium and hexavalent chromium levels are well below the maximum and proposed maximum EP toxicity levels (see 45 FR 72031, October 30, 1980). Nickel levels are also not of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to the General Motors Corporation, Fisher Body Division of Columbus, Ohio, for its treated wastes, as described in its petition.

XXI. Eli Lilly and Company/Eli Lilly Industries, Inc.

A. Petition for Exclusion

Eli Lilly and Company (ELC) involved in the production of pharmaceutical chemicals has petitioned the Agency to exclude its biological treatment residue generated at its Mayaguez, and Carolina, Puerto Rico facilities. These residues derive from the treatment of the following EPA Hazardous Wastes:

F003—The following spent non-halogenated solvents: acetone, ethyl acetate, ethyl ether (Mayaguez facility), n-butyl alcohol, and methanol (Carolina facility) and the still bottoms from the recovery of these solvents;

F005—The following spent non-halogenated solvents: toluene (Mayaguez facility) and the still bottoms from toluene recovery.

ELC has petitioned to exclude these wastes because they do not meet the criteria for which they were listed.

ELC's Carolina facility has submitted a description of its wastewater treatment process, total constituent analyses for methanol and n-butyl alcohol and ignitability test results for its biological treatment residue. ELC's Mayaguez facility has submitted a description of its wastewater treatment process, total constituent analyses for acetone, ethyl ether, ethyl acetate and toluene, and ignitability test results for its biological treatment residue.

At both facilities the distillation bottoms from solvent recovery are fed into the wastewater treatment system which involves neutralization, equalization, aerobic digestion, clarification, thickening, and vacuum filtration. Constituent analyses of samples from the aerobic digestion from the Carolina facility, using the headspace extraction methodology, revealed maximum total methanol and n-butyl alcohol concentrations of 1.2 and 0.6 ppm, respectively. Samples were taken over a three week period which the petitioner claims is representative of any variation of constituent concentrations in the waste. Ignitability tests using an open cup flash point tester on the Carolina facility samples, produced no flame or flash when heated over 90° C. ELC therefore claims that its treatment residue does not exhibit the characteristic of ignitability (40 CFR 261.21), the criteria for which EPA Hazardous Waste No. F003 is listed.

Constituent analyses of the filter cake from the Mayaguez facility, using the headspace extraction methodology, revealed maximum total acetone, ethyl ether, toluene and ethyl acetate concentrations of 0.45, 0.04, 0.04, and 0.10 ppm, respectively. Samples were obtained over a three week period which the petitioner claims to be representative of any variation of constituent concentrations in the waste. The petitioner claims that the filter cake is not capable of igniting as stated in the definition of the ignitability characteristic. ELC also claims that its treatment residue is non-toxic due to the presence of only negligible levels of toluene.

B. Agency Analysis and Action

EPA Hazardous Waste No. F003 is listed due to the ignitability of the spent non-halogenated solvents, of which methanol and n-butyl alcohol are used at ELC's Carolina facility and acetone, ethyl ether, and ethyl acetate are used at ELC's Mayaguez facility. Analyses for these constituents indicate that they are present in the treatment residue in only very low concentration (<1 ppm). Ignitability tests performed on both the Mayaguez and Carolina treatment residue also indicates the non-ignitable nature of the waste.

EPA Hazardous Waste No. F005 is listed due to ignitability and toxicity of the spent non-halogenated solvents. One

of these solvents, toluene, is used in ELC's Mayaguez facility. Analyses indicate only very low concentrations of toluene is present in the filter cake (0.04 ppm). This concentration is well below all known toxicity levels for the compounds. This filter cake is also non-ignitable as indicated above. The Agency therefore has granted temporary exclusions to Eli Lilly and Company and Eli Lilly Industries Inc. for their facilities in Carolina and Mayaguez, Puerto Rico for their biological treatment residue, as described in their petitions.

XXII. Olin Corporation

A. Petition for Exclusion

The Olin Corporation involved in chlor-alkali production, has petitioned the Agency to exclude its brine purification sludge generated at its Charleston, Tennessee facility, presently listed as EPA Hazardous Waste No. K071—brine purification muds from the mercury cell process in chlorine production where separate prepurified brine is not used. Olin has petitioned to exclude this waste because it does not meet the criteria for which it was originally listed.

Olin's chlor-alkali production process involves the preparation of a strong brine from rock salt, which then circulates through mercury cells where part of the dissolved sodium chloride is separated by electrolysis into chlorine and sodium. The chlorine is collected and processed into liquid chlorine; the sodium amalgamates with the mercury of the cell and is separated and decomposed to form sodium hydroxide. The weak brine leaves the cells, is dechlorinated and resaturated and purified. The purification (settling and filtration) of the resaturated brine produces brine muds which contain low levels of mercury carried over from the cells. Olin claims, however, that these mercury levels can be maintained at low levels through its brine drainage management system and therefore claims that the muds are non-hazardous.

Olin has submitted a description of its production and treatment processes, total constituent and EP toxicity analyses of the muds for mercury, the constituent of concern for this waste, and a contingency plan which implements continuous testing of the generated waste prior to disposal. Olin's muds are currently treated by removal of the muds from a collection pit, which are then deposited on a curbed apron for gravity dewatering. The liquid brine and dissolved mercury drains back into the pit which is then returned to the brine system.

Total constituent analyses of the brine muds revealed a maximum mercury concentration of 52.8 ppm, with an average concentration of 24.9 ppm. EP leachate analyses revealed a maximum mercury concentration of 0.09 ppm with an average concentration of 0.02 ppm. Samples were taken over a 7 month period which the petitioner claims is representative of any variation in constituent concentrations in the waste.

Olin has proposed to expand the dewatering and handling area to allow the muds to be deposited in numerous small uniformly sized piles in order to improve and standardize the dewatering function which, in turn, will produce muds of uniformly lower leaching potential. To aid in establishing this standardization and to assure a uniform and acceptable leachable mercury concentration from the muds, Olin has proposed to test samples from each batch prior to disposal using the EP toxicity test. Olin will treat these brine muds as hazardous or retreat the waste if the leachate analyses reveal a mercury concentration in excess of 0.05 ppm.

B. Agency Analysis and Action

The constituent of concern in EPA Hazardous Waste No. K071 is mercury. Due to the severe cumulative neurotoxic effects associated with exposure to low concentrations of mercury, the Agency is concerned about the variable nature of the mercury concentrations in the muds generated by Olin, and by the high volumes of waste being generated in Olin's process. The Agency believes that Olin has submitted data which indicates that the concentration of mercury can be controlled by its waste management system. However, to assure that the leachable level of mercury is maintained at an acceptable level, the Agency has negotiated a contingency plan with Olin which will incorporate composite testing of the dewatered waste prior to disposal. If the EP analyses indicate leachate levels in excess of 0.05 ppm then the waste will be handled as a hazardous waste and will be subject to the regulatory requirements of 40 CFR Parts 262–267. In light of this agreement, the Agency has granted a conditional temporary exclusion to Olin Corporation's facility in Charleston, Tennessee for its brine purification muds, as described in its petition.

As noted earlier, the publication of this temporary exclusion indicates the Agency's decision and concurrence with the State that this waste should be excluded from RCRA control.

XXIII. Allied Chemical Corporation/ Specialty Chemicals Division

A. Petition for Exclusion

The Allied Chemical Corporation (Allied), involved in the production of organic chemicals, has petitioned the Agency to exclude its toluene diisocyanate residues generated at its Moundsville, West Virginia facility, presently listed as EPA Hazardous Waste No. K027—centrifuge and distillation residues from toluene diisocyanate (TDI) production. Allied has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Allied claims that its TDI residue is non-reactive since it is stored in piles in the open, where no exothermic reaction has occurred even when the piles are exposed to rainfall. Allied further claims that toluene 2,4-diamine (TDA) is present in the residue in only negligible amounts due to the consumptive nature of its TDI production process; and that TDI concentrations in the residue decrease rapidly due to the conversion of TDI to ureas. This conversion is described as a loss of carbon dioxide yielding an amine which reacts with the starting isocyanate, producing a polyurea derivative. In addition, it is claimed that TDI readily hydrolyses in water, having a half-life of 0.5 seconds to 3 days. Allied therefore claims that the residue is non-hazardous due to its non-reactive nature and is non-toxic due to its low concentrations of TDA and TDI.

Allied currently transfers the TDI residue to an adjacent plant (LPC chemical) where it is used as a fuel in combination with coal. [27] The residue is burned to produce steam at LPC's facility which is then bought back by Allied. A mixture of 15% TDI residue and 85% coal is usually burned.

Allied has submitted analyses of the residue which was aged in the laboratory; analyses of waste pile samples (as generated), analyses of waste pile samples which were aged for 60 days (in the pile); emission analyses from the burning of coal and mixtures of coal and TDI residue; and a proposed waste management plan.

At the facility the TDI residue is dropped from the distillation stripper into a bin from which it is removed and placed on the storage pile within a few hours. The TDI content of the residue at that point is approximately 20–25% by weight as it leaves the distillation stripper. Laboratory analyses of the TDI

[27] Allied claims that the TDI residue has a demonstrated heat value of between 10,000–12,000 BTU's/lb.

residue indicates the TDI content is less than 10 ppm after aging in the laboratory for 67 days at a relative humidity of 80%. Additional tests on samples taken from the actual residue pile which were stored for 60 days were performed using a monochlorobenzene/gas chromatographic analytical methodology. Each sample analyzed revealed TDI concentrations less than 10 ppm. Older samples (stored 4 months to 1 year) revealed TDI concentrations of less than 1 ppm. Toluene 2,4-diamine concentrations from waste pile samples aged at least 60 days were less than 1 ppm. Analyses of the boiler exhaust gas from the stack revealed no differences in TDI or other priority pollutant concentration when 100% coal or mixtures of coal and TDI residue were burned.

As can be seen, the concentrations of TDI is not of regulatory concern only after some period of time where this compound undergoes a chemical reaction. Therefore, to assure that the concentration of TDI in the pile has degraded to an acceptable level, Allied has provided the Agency with a waste management plan which would involve separate open storage piles of the TDI residue which would be aged for a minimum of 60 days.

B. Agency Analysis and Action

EPA Hazardous Waste No. K027—centrifuge/distillation residues from TDI production, is listed due to its reactivity and due to the presence of the toxic contaminants toluene diisocyanate and toluene 2,4-diamine. Allied has demonstrated that because of the current method of storage of its TDI residues (i.e., storage in open piles) the problems of pressure generation and violent reactivity with water associated with drummed TDI wastes do not exist. Furthermore, Allied has shown that after being stored in waste piles for greater than 60 days, the concentration of TDI is very low (<10 ppm) and therefore is not of regulatory concern; the low levels of TDI present indicate that these compounds degrade while in the storage pile. The low TDA concentrations (<1 ppm) in the waste pile support Allied's claim that the TDA is consumed in the distillation process. In addition, TDI and TDA are not present in the waste in impactive concentrations, since test burns conducted by Allied indicate that concentrations of TDI and TDA in off-gases remain the same when coal and TDI residue mixtures are burned and when coal is burned alone.

The Agency remains concerned about the unknown rates of degradation of TDI in the residue and therefore has conditioned the delisting to those wastes which have been stored in piles for greater than 60 days. The hazardous constituents clearly are not present in significant concentrations after this length of time. The waste can, moreover be burned safely at the end of this period. The Agency, therefore, has granted a conditional temporary exclusion to Allied Corporation's Moundsville, West Virginia facility for its TDI residues, as described in its petition.

XXIV. Western Electric

A. Petition for Exclusion

The Western Electric Company located in Kearny, New Jersey involved in the manufacture of metal printed wiring boards, has petitioned the Agency to exclude its sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Western Electric has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

The production processes which generate this waste at Western Electric include copper, zinc, nickel, chrome, solder, gold and silver parts plating, and alkali and acid cleaning. The constituents of concern in EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, cyanide and nickel. Although each of these constituents except cadmium are used in the production process, Western Electric claims that its treated wastewater sludge is non-hazardous due to the effectiveness of its treatment system.

Western Electric has submitted a description of its treatment process, total constituent analysis and EP toxicity test results for cadmium, total chromium, nickel, and cyanide. The samples were taken over a two month period which the petitioner claims to be representative of any variation in constituent concentrations in the waste.

Western Electric's waste treatment process includes sodium hydroxide neutralization, cyanide destruction via alkaline chlorination, chromium reduction via sulfur dioxide addition, flocculation using iron sulfate and an organic polymer, clarification and vacuum filtration. Total constituent analyses revealed maximum total chromium, nickel and free cyanide concentrations of 30,000, 16,000 and <10 ppm, respectively. EP leachate test results indicate maximum cadmium, total chromium, nickel and cyanide concentrations of 0.02, 0.07, 26.5, and 0.14 ppm, respectively

B. Agency Analysis and Action

The constituents of concern in EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel and cyanide. EP toxicity test results for cadmium are well below the EP maximum concentrations and therefore are not of regulatory concern.[28] EP extract levels for total chromium [29] are also consistently well below the EP maximum concentrations. These low leachate levels indicate that these constituents are present in essentially an immobile form. The low levels of free cyanide in the waste and low leachable cyanide levels are also not of regulatory concern, and indicate that the cyanide destruction system operates efficiently.

EP extracts, however, show nickel concentrations to be variable, periodically exceeding 20 ppm, a level established by the Agency as an acceptable concentration of nickel in the EP extract (see 46 FR 40158, August 6, 1981). The Agency is therefore requiring Western Electric to test each batch of their filter cake for leachable nickel concentrations using the EP toxicity test prior to disposal. The Agency has indicated to Western Electric that each batch of waste exceeding this acceptable leachate value (20 ppm nickel) is considered to be a hazardous waste and will remain subject to all the appropriate regulations under 40 CFR Parts 262–267. This contingency plan will remain in effect until such time that the data indicate, due to adjustments in the production or treatment process, that nickel leachate levels fall consistently below the 20 ppm value. In addition, since total cyanide concentrations in the waste have not yet been submitted, the Agency will require Western Electric to test each load of waste prior to disposal, for total cyanide. If the total cyanide content of the waste exceeds 10 ppm then the waste must be covered as a daily practice at a state approved or registered sanitary landfill.[30] The

[28] The petitioner claims that cadmium was not used in the process, but provided no analytical data to support their case (i.e., analysis of sludge for cadmium). However, since the concentration of cadmium in the EP extract is not considered to be of regulatory concern, the Agency has not asked the petitioner to provide any additional data.

[29] See footnote 2.

[30] Due to the possible variable nature of total complexed cyanide concentrations in Western

Continued

Agency has therefore granted a conditional temporary exclusion to Western Electric's Kearny, New Jersey, facility for its wastewater treatment sludge, as described in its petition.

XXV. Amendment to Temporary Exclusion Granted to Cerro Wire Company

On March 18, 1981, the Agency granted a temporary exclusion to the Cerro Wire Company of Syosset, New York, for its electroplating wastewater treatment sludge from EPA Hazardous Waste No. F006. The Agency has obtained additional test data, however, which indicates the possible occurrence of photodegradation of complexed cyanides in the treated sludge. To verify the additional test data which indicates high levels of free cyanide in Cerro Wire's waste which has been disposed since March 18, 1981, the Agency has requested Cerro Wire to test additional samples of the sludge for total and free cyanide. The sludge samples are to be taken from areas exposed at the surface of the disposal site and from lower depths which are not exposed to sunlight. In addition, the Agency has supplied Cerro Wire with a laboratory photogdegradation test methodology which will be used to analyze representative samples of freshly generated sludge. This test will be used as an indicator to determine whether sunlight is the actual source of the increased levels of free cyanide in the waste.

In the interim, there is a relatively simple management method which can be adopted to assure that photodegradation of complexed cyanides does not occur, namely assuring that the waste is covered daily. EPA has therefore amended Cerro Wire's temporary exclusion to require disposal of the waste at a state approved or registered landfill where the waste is covered as a daily practice. In addition, depending upon confirmatory test data, the Agency may require the waste disposed by Cerro Wire since March 18, 1981 to be removed from its present disposal site and either be retreated or disposed of as a hazardous waste. Further, since the additional data obtained by the Agency indicates a much greater variability in the free cyanide content of Cerro Wire's waste than that which was initially reported in Cerro's petition, the Agency has incorporated a contingency plan into Cerro Wire's temporary exclusion. The contingency plan requires the testing and analysis of each batch of waste prior to disposal, for free cyanide. If the free cyanide levels in the waste are found to exceed 10 ppm, then the waste will be handled as a hazardous waste. This free cyanide testing requirement will be eliminated when the Agency has sufficient data to characterize Cerro Wire's waste as a non-variable low free cyanide containing waste.

Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This grant of temporary exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's listed hazardous wastes, thereby enabling the facility to treat its waste as non-hazardous eliminating the need for compliance with the hazardous waste regulations.

This amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: December 9, 1981.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 81-35943 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-30-M

Electrics treatment residue, the Agency is concerned about the possible photodecomposition of high levels of total cyanide which may be present in the waste. The Agency has data indicating that complexed cyanides if exposed to sunlight may photodecompose to free cyanides. This is easily addressed by assuring that the waste is covered as a daily practice. At this time, the Agency has not been able to set a level at which complexed cyanide, if present in the waste, is considered non-hazardous. Therefore, as an interim measure the Agency will require Western Electric to dispose of its treated waste at a state permitted or registered landfill where the waste is covered as a daily practice, when total cyanide levels exceed 10 ppm. Western Electric will be relieved of this contingency when sufficient data has been submitted to the Agency which indicates that only non-variable low levels of total cyanide are present in the waste.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 100

Limitation on Federal Participation for Capital Expenditures; Policy on Lack of Timely Notice

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This notice revises the Policy on Lack of Timely Notice under section 1122 of the Social Security Act, published in the **Federal Register** on January 26, 1977 (42 CFR Part 4847).

DATES: This revision to the Policy on Lack of Timely Notice is effective December 16, 1981, and will apply to each determination made by the Secretary under section 1122(d)(1) after that date.

FOR FURTHER INFORMATION CONTACT: Libby Merrill, Director, Policy Coordination Staff, Bureau of Health Planning, 3700 East-West Highway, Room 6-22, Hyattsville, Maryland 20782, Telephone Number (301) 436-6870.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in a policy under section 1122 of the Social Security Act (42 U.S.C. 1320a-1) pursuant to which the Regional Health Administrators, under the authority of section 1122(d)(1) (previously delegated to them by the Secretary), will limit the period of withholding of reimbursement for a capital expenditure when it has been determined under section 1122(d)(1)(A) that timely notice of a proposed capital expenditure subject to review under section 1122 has not been provided as required.

This policy had been developed in response to reports of an increasing number of cases in which capital expenditures subject to review under section 1122 have not been submitted for review to the designated planning agency in the timely manner required by the statute and regulations. The circumstances surrounding the history of these cases are varied, and, while some cases apparently merit the withholding of all reimbursement, others do not.

The law and regulations provide two procedures for limiting the requirement to withhold all reimbursement related to the capital expenditure in cases where timely notice was not provided. One is to use the mechanism provided by section 1122(d)(2) whereby the Regional Health Administrators (to whom that authority is presently delegated) could decide not to withhold reimbursement on the grounds cited in the law and regulations, after submitting the matter to the appropriate national advisory council. This mechanism, however, offers serious disadvantages (among them, complexity, lack of flexibility, and lack of timeliness), and therefore has been rejected as the general procedure to be used in these cases.

The second alternative is that provided by the language of section 1122(d)(1):

* * * if the Secretary determines that—(A) neither the planning agency designated in the agreement described in subsection (b) nor an agency described in clause (ii) of subparagraph (B) of this paragraph had been given notice of any proposed capital expenditure (in accordance with such procedure or in such detail as may be required by such agency) at least 60 days prior to obligation for such expenditure; * * * then *for such period as he finds necessary in any case to effectuate the purpose of this section,* he shall, in determining the Federal payments to be made under titles XVIII and XIX with respect to services furnished in the health care facility for which such capital expenditure is made, not include any amount which is attributable to depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditure (Italics added).

This language requires the Regional Health Administrator to determine the appropriate period of withholding in each case. Under the Policy on Lack of Timely Notice, as published in the **Federal Register** on January 26, 1977 (42 FR 4847), there are two circumstances in which the Secretary will not withhold reimbursement in spite of a finding by the Secretary that a facility failed to submit a timely application to the designated planning agency. First, paragraph one of the Policy on Lack of Timely Notice provides that reimbursement will not be excluded when the Secretary determines that a reasonable effort had been made to determine from the designated planning agency whether the expenditure was reviewable and that the designated planning agency had not informed the facility within a reasonable time that the proposed expenditure was subject to review. Paragraph three identifies the other circumstance in which the Secretary will not exclude reimbursement. To meet the requirements of this paragraph, the facility must show that (1) the filing of a timely application would have placed in jeopardy the health or the safety of the patients of the facility, (2) the facility submitted a complete application to the designated planning agency within a specified period of time, and (3) the designated planning agency submitted a finding to the Secretary that the expenditure is consistent with applicable plans, criteria, and standards.

The Secretary has concluded that it is more appropriate for the designated planning agency to determine the circumstances under which reimbursement will not be withheld when a facility failed to submit a timely application, but whose application the agency has concluded is consistent with the applicable plans, criteria, and standards.

For this reason, the Secretary is revising paragraph three of the Policy on Lack of Timely Notice to provide that the Secretary will not withhold reimbursement under section 1122 with regard to a capital expenditure when the designated planning agency (1) makes a finding that the expenditure is consistent with the applicable plans, criteria, and standards and (2) recommends that no reimbursement be withheld from the facility. The Secretary expects that included in the instances in which a designated planning agency will recommend reimbursement are those emergencies covered under the former paragraph three.

The Secretary will apply this revised policy to initial and reconsidered determinations made after December 16, 1981. The revised policy follows:

Note.—Where the Secretary makes the determination described in 42 CFR 100.108(a)(1), he will follow the following policy in establishing the time period during which reimbursement will be withheld:

(1) Where the health care facility by or on behalf of which the expenditure was made demonstrates to the satisfaction of the Secretary that a reasonable effort had been made to determine from the designated planning agency whether the expenditure was subject to review, and the designated planning agency had not informed the facility within a reasonable period of time that the proposed expenditure was subject to review, the Secretary will not withhold reimbursement related to the capital expenditure.

(2) Where the designated planning agency has, in accordance with the requirements of section 1122 of the Act and its regulations (42 CFR Part 100), submitted to the Secretary its finding that such expenditure is not consistent with the standards, criteria, or plans described in § 100.104(a)(2) of the regulations, and where subparagraph (1) above is not applicable, the Secretary will withhold all reimbursement related to the capital expenditure: *Provided,* That where the designated planning agency, in accordance with § 100.109(c), submits to the Secretary a revised finding in accordance with paragraph (c)(2) of that section, the Secretary will apply the provisions of subparagraph (3) or subparagraph (4) below, whichever is applicable.

(3) Where the designated planning agency makes a finding that the capital expenditure is consistent with the standards, criteria, and plans and recommends to the Secretary that no withholding of reimbursement occur, the Secretary will not withhold reimbursement related to the capital expenditure.

(4) Where the designated planning agency submits to the Secretary its finding that the capital expenditure is consistent with the standards, criteria, and plans described in § 100.104(a)(2) which apply at the time of the review by the designated planning agency, but the provisions of neither subparagraph (1) nor subparagraph (3) above apply, the Secretary will withhold reimbursement related to the capital expenditure for a period of one year.

Dated: December 7, 1981.

Robert Graham,

Acting Administrator, Health Resources Administration.

[FR Doc. 81-35976 Filed 12-15-81; 8:45 am]

BILLING CODE 4160-15-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-175; RM-3760]

TV Broadcast Station in Arcata and Eureka, California; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF TV Channel 23 to Arcata, California, in response to a petition filed by Pentreed, Ltd. The assignment could provide Arcata with a first local television service.

DATE: Effective February 5, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: December 2, 1981.

Released: December 9, 1981.

In the Matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Arcata and Eureka, California) BC Docket No. 81-175 RM-3760.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making,* 46 F. R. 19267, published March 30, 1981, proposing the assignment of UHF television Channel 23 to either Arcata or Eureka, California, in the alternative, in response to a petition filed by Pentreed, Ltd. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were filed.

2. Arcata (population 12,338),[1] in Humboldt County (population 108,024),

[1] Population figures are extracted from the 1980 U.S. Census, Advance Reports.

coast, approximately 12 kilometers (7.3 miles) north of Eureka, California (population 24,153). It has no local television service.

3. In the *Notice*, we questioned which city the proposed channel would actually serve, given the proximity of the two communities, and requested petitioner to address this point in supporting comments. We also noted that should the channel ultimately be assigned to Eureka, the larger of the two communities, it could be applied for at Arcata under the provisions of § 73.607(b), the "15-mile" rule.

4. Petitioner asserts that Arcata, the second largest city in Humboldt County, has demonstrated a pattern of steady growth over the past decade, noting its current population represents an increase of 50% during that period. According to petitioner, Arcata also has its own separate identity from Eureka, and enjoys a wide diversity of economic interests. Further, it adds that Arcata is capable of supporting its own television station without depending on the Eureka market as a source of revenue. It reports that Arcata's taxable retail sales in 1976 were 40,878,000, which, it states, represents an increase of 100% from the 1970 total of $17,515,000.

5. Petitioner concludes that even if the channel is assigned to Eureka, it will apply for authority to construct and operate a station at Arcata, pursuant to § 73.607(b).

6. Generally, the Commission's policy has been to assign a television channel to the larger community, and allow interested parties to apply for it at the suburban community under the 15-mile rule. *See, Oklahoma City, Oklahoma*, 44 FR 67664, published November 27, 1979. However, after a careful review of the record, we have determined that in consideration of the steadily increasing population of Arcata, and the showing of its economic independence, the public interest would be served by making the requested assignment to Arcata. Such an assignment would provide the community with its first local television outlet to serve its district needs, interests and issues. Unlike other cases in which we have assigned a requested channel to the larger community rather than to a suburb, the difference in the population of Arcata and Eureka (a ratio of 2:1) is not as great as the other cases. *See, Oklahoma City, Oklahoma, supra*, and *Sanger, Clovis and Fresno California*, 46 FR 23748, published April 28, 1981. Additionally, no interest or showing of need for additional service to Eureka was demonstrated.

7. The assignment can be made to Arcata consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

8. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective February 5, 1982, the Television Table of Assignments, § 73.606(b) of the Rules, IS AMENDED, as follows:

City	Channel No.
Arcata, California	23

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81–35847 Filed 12–15–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–283; RM–3713]

TV Broadcast Station in Roanoke, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 38 to Roanoke, Virginia, in response to a petition filed by Vine and Branch, Inc. The assignment could provide Roanoke with its fourth commercial television service.

DATE: Effective February 5, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: November 24, 1981.

Released: December 9, 1981.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. Roanoke, Virginia, BC Docket No. 81–283 RM–3713.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 25487, published May 7, 1981, proposing the assignment of UHF television Channel 38 to Roanoke, Virginia, as its fourth commercial television assignment. The *Notice* was issued in response to a petition filed by Vine and Branch, Inc. ("petitioner"). Supporting comments were filed by the petitioner. No oppositions to the proposal were received.

2. Roanoke (population 92,115) [1] is located in the western portion of Virginia, approximately 217 kilometers (135 miles) west of Richmond, Virginia. It currently has the following television assignments: Channel 7 (WDBJ–TV), Channel 10 (WSLS–TV), Channel *15 (WBRA–TV), and Channel 27 (two applications pending).

3. In its comments, petitioner again urged the Commission to adopt the proposal to assign Channel 38 to Roanoke, Virginia, and reiterated its intent to apply for the channel, if assigned.

4. After careful consideration of the proposal and comments, we believe that the public interest would be served by assigning Channel 38 to Roanoke. Petitioner has shown that there is an apparent need for a fourth television service to that community. The transmitter site is restricted to 10 kilometers (6.3 miles) northwest of the city in order to meet the spacing requirements.

5. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective February 5, 1982, the Television Table of Assignments (Section 73.606(b) of the Commission's Rules) is amended

[1] Population figures are taken from the 1980 U.S. Census.

with respect to the community listed below:

City	Channel No.
Roanoke, Virginia	7−, 10, *15+, 27+, 38−

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended. 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-35848 Filed 12-15-81: 8:45 am]

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Section 5
Grants

AGENCY: F
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ACTION: Pr

SUMMARY:
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Proposed Rules

Federal Register
Vol. 46, No. 241
Wednesday, December 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1904 and 1944

[FmHA Instruction 1944-J]

Section 504 Rural Housing Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise and renumber its regulations regarding making loans and grants to very low-income rural homeowners for home repairs. The current regulation is being revised because it is a supplement to an existing FmHA Instruction, and as such is inadequate to address the needs of making and servicing Section 504 loans and grants. The intended effect of this revision is to establish uniform standards of eligibility, especially with regard to income, to permit the Section 504 program to be administered independently of the Agency's Section 502 housing program, and to prevent program abuse by providing more specific guidelines for processing and servicing Section 504 loans and grants.

DATE: Comments must be received on or before February 16, 1982.

ADDRESS: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Nancy S. Monesson, Loan Specialist, Single Family Housing, Farmers Home Administration, Room 5341, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone: (202) 382-1481.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been designated as a "non-major rule."

There is no impact on proposed budget levels and funding allocation will not be affected because of this action. We have determined that this regulation maximizes the benefit to society at the lowest net cost. The changes made will provide accountability of use of funds and assure the recipients of value received for monies spent, thereby preventing abuse of the program which has proved costly to the Government.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

The Catalog of Federal Domestic Assistance program affected is: 10.417, Very Low-Income Housing Repair Loans and Grants.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

This action is needed to facilitate and improve the services provided by the Section 504 program. The only alternative action considered was to make no change in the existing regulation, which is inadequate to administer the program effectively.

The proposed revision will provide specific criteria for determining eligibility by establishing a maximum adjusted income limit of 50 percent of that amount set forth as low income in Exhibit C, Subpart A, Part 1822 of this Chapter. It also will provide specific requirements for processing and servicing Section 504 loans and grants, including a requirement that bids from builders or contractors provide complete dollar breakdown of costs of materials and labor for each item for development, and instruction on handling unused funds and improper loans and grants. The proposed revision will result in a regulation for Section 504 loans and grants that is independent of rather than a supplement to the Agency's regulation for Section 502 Rural Housing Loan Policies, Procedures and Authorizations.

As proposed, Subpart G, consisting of §§ 1904.301 through 1904.313, of Part 1904, Chapter XVIII, Title 7, Code of Federal Regulations, is revised and redesignated as Subpart J of Part 1944 and reads as follows:

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

§ 1904.301 through 1904.313 [Revised and redesignated as Subpart J of Part 1944]

PART 1944—HOUSING

* * * * *

Subpart J—Section 504 Rural Housing Loans and Grants

Sec.

1944.451 General.
1944.452 Nondiscrimination.
1944.453 Definitions.
1944.454–1944.455 [Reserved]
1944.456 Loan and grant purposes.
1944.457 Loan and grant restrictions.
1944.458 Eligibility requirements.
1944.459–1944.460 [Reserved]
1944.461 Security.
1944.462 Rates and terms.
1944.463 Technical services.
1944.464 Insurance requirements.
1944.465–1944.466 [Reserved]
1944.467 Processing applications.
1944.468 Loan or grant approval.
1944.469 Loan and/or grant closing.
1944.470–1944.471 [Reserved]
1944.472 Subsequent Section 504 loans and/or grants.
1944.473 Improper loans and/or grants.
1944.474–1944.500 [Reserved]
Exhibit A—Agreement—Section 504 Grant
Exhibit B—Solicitation of Bids.

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart J—Section 504 Rural Housing Loans and Grants

§ 1944.451 General.

This Subpart sets forth the policies and procedures and delegates authority for making initial and subsequent Rural Housing (RH) loans and/or grants to individuals under Section 504(a) of Title V of the Housing Act of 1949, as amended. The objective of the Farmers Home Administration (FmHA) in making Section 504 loans and grants is to assist very low income owner-occupants in rural areas, who do not qualify for Section 502 loans, to repair or

improve their dwellings. Those repairs will result in the removal of health or safety hazards, thereby making the dwellings safe and sanitary for the occupants, their families, and the community.

§ 1944.452 Nondiscrimination.

It is FmHA policy that assistance and services will not be denied to any person based on race, sex, national origin, color, religion, marital status, age, handicap (provided the applicant possesses the capacity to enter into a legally binding contract), receipt of income from public assistance, or because an applicant has, in good faith, exercised any right under the Consumer Credit Protection Act. This policy complies with Regulation B issued under the Equal Credit Opportunity Act (ECOA).

§ 1944.453 Definitions.

(a) *Adjusted annual income.* Annual income as defined in paragraph (b) of this section, less 5 percent, and less an additional $300 for each dependent minor child (excluding the applicant, co-applicant, and foster children) who is a member of the household.

(b) *Annual income.* Planned income to be received during the next 12 months by the applicant, co-applicant, and all other adults who are living or propose to live in the dwelling to be repaired.

(c) *Co-signer.* A party who joins in the execution of the Promissory Note to guarantee repayment by the borrower. The co-signer becomes jointly and severally liable to comply with the terms of the note in the event of the borrower's default.

(d) *County Supervisor.* Includes Assistant County Supervisor for all duties and responsibilities which are included in the employee's job description and for authorizations which have been delegated in writing in accordance with FmHA Instruction 2006–F (available in the National Office and any FmHA State or County Office). For the areas of Alaska and the Western Pacific Territories, it also includes the Area Supervisor.

(e) *Elderly.* For the purposes of this Subpart, the term "elderly" refers to a person 62 years of age or older.

(f) *Owner.* For the purposes of this Subpart, an owner is one who can present acceptable evidence of ownership in accordance with § 1944.458(a)(1).

(g) *Rural area.* A determination of rural area will be in accordance with § 1822.3 of this chapter (paragraph III of FmHA Instruction 444.1).

(h) *Sub-standard dwelling.* A dwelling which does not meet Minimum Property Standards (MPS) or FmHA thermal standards as required by Subpart A of Part 1924 of this Chapter.

(i) *Very low income.* An adjusted annual income that does not exceed 50 percent of the amount established as low income in Exhibit C, Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1) for each designated area.

§§ 1944.454–1944.455 [Reserved]

§ 1944.456 Loan and grant purposes.

Section 504 loan and grant funds may be used only to pay costs for repairs and improvements which will result in removal of identified safety and/or health hazards. Dwellings repaired with section 504 loan or grant funds need not be brought to MPS or FmHA thermal standards, nor must *all* of the existing hazards be removed provided the dwelling does not continue to have major health or safety hazards after the planned repairs are made. Section 504 funds may also be used to remove health and safety hazards from homes which, after removal of the hazard will meet MPS provided the house as improved does not exceed FmHA's definition of modest, and provided Section 502 funds cannot be used to make the necessary repairs. Authorized loan and grant purposes include but are not limited to the following:

(a) Installation and/or repair of sanitary water and waste disposal systems, together with related plumbing and fixtures, which will meet local health department requirements.

(b) Payment of reasonable connection fees for utilities (i.e., water, sewer, electric or gas) which are required to be paid by the applicant and which cannot be paid from other funds.

(c) Energy conservation measures such as:

(1) Insulation; and

(2) Combination screen-storm windows and doors.

(d) Repair or replacement of the heating system including installing alternative systems such as wood burning stoves or space heaters, when appropriate.

(e) Electrical wiring.

(f) Repair of or provision for structural supports.

(g) Repair or replacement of the roof.

(h) Replacement of severely deteriorated siding when the deterioration is causing a health or safety hazard.

(i) Payment of incidental expenses such as fees for credit reports, surveys, title clearance, loan closing, and architectural or other technical services.

(j) Necessary repairs to mobile homes provided the repairs made will not cause the mobile home to exceed the Federal Mobile Home Construction and Safety Standards as prescribed by the Department of Housing and Urban Development (HUD), and

(1) The applicant owns and occupies the mobile home and the site on which the mobile home is situated before application to FmHA.

(2) The mobile home is on a permanent foundation or will be put on a permanent foundation with 504 funds. A permanent foundation will be either:

(i) A full below-grade foundation, or

(ii) Removing wheels and placing mobile home on blocks, piers, or some similar type foundation, with skirting.

(3) The mobile home is in need of repairs to remove health or safety hazards.

(k) Additions to a dwelling (either to a conventional-type dwelling or to a mobile home) only when it is clearly necessary to remove health hazards to the occupants.

§ 1944.457 Loan and grant restrictions.

(a) *Maximum loan and/or grant.*

(1) Lifetime assistance to any individual or household for initial and/or subsequent Section 504 loans or combination loans and grants may not exceed a *total* of $7,500, the grant portion of which may not exceed $5,000.

(2) Lifetime assistance to any individual or household for initial and/or subsequent Section 504 grants may not exceed a *total* of $5,000.

(3) Transferees assuming Section 504 loans are limited in the same manner to subsequent loans in amounts not to exceed the difference between the unpaid principal balance of the debt assumed and $7,500.

(b) *Limitation on use of funds.* Section 504 loan or grant funds may not be used to:

(1) Assist in the construction of a new dwelling.

(2) Make changes to the dwelling for cosmetic or convenience purposes, unless the work is directly related to the removal of hazards. Cosmetic and convenience changes might include, but are not limited to:

(i) Painting;

(ii) Paneling;

(iii) Carpeting;

(iv) Improving clothes closets or shelving;

(v) Improving kitchen cabinets;

(vi) Air conditioning; or

(vii) Landscape plantings.

(3) Make repairs to a dwelling of such poor condition that when the repairs are completed, the dwelling will continue to

be a major hazard to the safety and health of the occupants.

(4) Install water and septic facilities on a mobile home site when the applicant has recently bought a mobile home and simply needs water and sewer facilities to "complete" the dwelling.

(5) Move a mobile home from one site to another.

(6) Pay fees, charges or commissions for packaging the application, or placement fees for the referrals of prospective applicants to FmHA.

(7) Pay for any off-site improvements.

§ 1944.458 Eligibility requirements.

(a) *Section 504 loan.* Section 504 loan applicants must meet the following requirements:

(1) *Owner/occupancy.* The applicant must be the owner-occupant, at the time of application, of a dwelling that is located in a rural area and is in need of repairs. Each applicant is required to submit evidence of ownership for retention in the loan docket. This evidence may be the original or a certified or photostatic copy of the instrument evidencing ownership. County Supervisors may require additional information from the applicant, or may seek advice of the Regional Attorney when necessary to determine the validity or adequacy of the evidence of ownership. Proof of ownership need not meet the requirements of Part 1807 of this chapter (FmHA Instruction 427.1).

(i) Evidence of the following will indicate ownership:

(A) Full marketable title.

(B) A land purchase contract.

(C) An undivided interest in the property to be repaired. Loans and/or grants may be made to persons having an undivided ownership interest in a property when:

(*1*) The applicant has been living in the house for at least 10 years prior to the date of application.

(*2*) The County Supervisor has no reason to believe the applicant's position of owner/occupant will be jeopardized as a result of the improvements to be made with loan/grant funds.

(*3*) In the case of a loan to be secured by a mortgage, any co-owner living or planning to live in the household will sign the mortgage.

(D) A leasehold interest in the property to be repaired. When the applicant's "ownership" interest in the property is based on a leasehold interest, the lease must be in writing and a copy must be included in the file. The unexpired portion of the lease must not be less than 1½ times the term of the Promissory Note, or in the case of a grant, a period of not less than 10 years.

(E) A life estate, with the right of present possession, control, and beneficial use of the property.

(F) Grazing permits. Grazing permits may be accepted as evidence of ownership only for nonsecured loans or grants made to Indians living on a reservation, when historically the permits have been used by the Tribe and have had the comparable effect of a life estate.

(ii) The following items may be accepted as evidence of ownership:

(A) Any instrument whether or not recorded, which is commonly considered evidence of ownership.

(B) Evidence that the applicant is listed as the owner of the property by the local taxing authority and that real estate taxes for the property are paid by the applicant.

(C) Affidavits by others in community that the applicant has occupied the property as the apparent owner for a period of not less than 10 years, and is generally believed to be the owner.

(2) *Legal capacity.* The applicant must possess legal capacity to incur the loan obligation, and have reached the age of legal majority in the State or have had the disability of minority removed by court action.

(3) *Income.* The applicant must have an adjusted income not exceeding 50 percent of the amount set forth as low income in Exhibit C, Subpart A of Part 1822 (FmHA Instruction 444.1). Exceptions to this requirement may be authorized by the State Director or the National Office if there is evidence to clearly indicate that Section 502 loans with interest credit at one (1) percent are not being made in the area to persons having similar incomes. However, no Section 504 assistance will be provided to persons having incomes exceeding that amount as set forth as low income in Exhibit C, Subpart A of Part 1822 (FmHA Instruction 444.1).

(4) *Income excluded.* The following income will not be included in determining annual adjusted income although it will be included for documenting and determining repayment ability:

(i) Income received by a full-time student (*who is not* the applicant or co-applicant) from employment, from GI Bill benefits, fellowships, scholarships, or assistantships for schooling.

(ii) Cash value of food stamps, real estate tax exemptions, or similar types of assistance.

(iii) Payments received for the care of foster children or foster adults.

(iv) Payments received for services rendered as a volunteer on a project sponsored by any of the following programs:

(A) Retired Senior Volunteer Program.

(B) Foster Grandparent and Older American Community Service Programs (as either a foster grandparent, senior health aide or senior companion).

(C) National Volunteer Programs to Assist Small Business and Promote Volunteer Service by Person with Business Experience.

(D) Peace Corps, VISTA, or any other volunteer program sponsored by ACTION.

(v) Allowances, such as training and travel expenses, paid by the Department of Labor to CETA participants. (Wages paid by the employers of CETA workers will be included.)

(vi) Any payments received by "live in" aides for members of a senior citizen applicant's household, paid by State or federal programs which specifically exclude the cost of shelter from the amount received.

(5) *Deductions.* The following deductions are allowed in determining the applicant's annual income:

(i) A deduction may be made in the same manner as outlined 1n Internal Revenue Service (IRS) regulations for the exhaustion, wear and tear, and obsolescence of depreciable property used in the applicant's trade, business, or farming operation. The applicant must provide an itemized schedule showing the depreciation claimed. The schedule should be consistent with the amount of depreciation actually claimed for these items for Federal income tax purposes.

(ii) A deduction may be made in the same manner as outlined in IRS regulations for necessary work-related expenses actually paid by the employee in excess of the amount reimbursed by the employer. The deduction must be reasonable and, in the judgment of the approving official, should be deducted from an employee's income to reflect annual income on an equal basis with other employed persons. Deductions, however, are not permitted for the following:

(A) Transportation to and from work.

(B) Cost of meals incurred on one day business trips.

(C) Educational expenses except those incurred to meet the minimum requirements for the employee's present position.

(D) Fines and penalties for violation of laws.

(iii) A maximum aggregate deduction of $400 per month may be made for child care or disabled dependent care which is necessary to enable the applicant to be gainfully employed. The deduction

will be based only on monies actually paid for care services. Payments for these services may not be made to persons whom the applicant is entitled to claim as dependents for income tax purposes. Full justification for the deduction must be recorded in detail in the applicant's loan docket.

(iv) A maximum aggregate deduction of $400 per month may be made for full-time nursing home or institutional type care which cannot be provided in the home for a member of the household. This care must be expected to be required for a period of six months or more. The deduction will be limited to expenditures actually paid for these services.

(6) *Repayment ability.* The applicant must have sufficient income to repay the Section 504 loan. An applicant whose income is not sufficient to fully meet the loan payments may obtain as a co-signer(s) a person(s) with dependably available income which will be sufficient to repay the loan. The co-signer must be an individual but may not be a member of the applicant's household.

Form FmHA 431–3, "Family Budget," will be prepared before approval of a grant. The budget will be used to determine repayment ability and as a basis for determining whether any part of the assistance will be a grant. The budget must evidence the applicant's inability to repay that part of the assistance to be received as a grant. Family Budgets will be prepared for Section 504 loan applicants to the extent necessary to determine repayment ability, and where it appears the applicant needs credit counseling in accordance with § 1944.467(b).

(7) *Other resources.* The applicant must be unable to obtain the needed credit from other sources including a Section 502 rural housing loan.

(8) *Personal resources.* The applicant must be unable to remove the safety or health hazard by utilizing personal resources such as:

(i) Cash and other assets such as stocks, bonds, certificates of deposit, etc. Small cash reserves not to exceed $2,500 will be permitted as a buffer for emergency situations.

(ii) Real estate assets, other than dwelling and dwelling site. Exceptions may be granted by the State Director when those assets provide a major source of income essential to pay basic living expenses.

(9) *Net worth.* There is no net worth limitation when making Section 504 loans and grants except when the net worth reflects the availability of sufficient resources to make the repairs without Section 504 assistance.

(10) *Citizenship.* The applicant must be a citizen of the United States, a legally admitted permanent resident, or parolee, as set forth in § 1822.4(c) of this chapter (paragraph IV C of FmHA Instruction 444.1).

(11) *Credit history/creditworthiness.* The applicant must have a credit history which indicates a reasonable ability and willingness to meet obligations as they become due. When making Section 504 loans, creditworthiness will be established in accordance with § 1910.5(c) of this chapter, except general credit requirements for Section 504 assistance will be less stringent than those for Section 502 loans. Very low-income applicants often have higher short-term debtloads in relation to income than persons with higher incomes. A court judgment against the applicant in and of itself, will not be a deterrent to making a loan but will be considered the same as any other debt. If, in the opinion of the County Supervisor, a court judgment is likely to be executed upon soon after the Section 504 repairs are made, the applicant may be refused assistance based on credit record. Credit reports will not be ordered in connection with the processing of Section 504 grant applications.

(b) *Combination Section 504 loan and grant.* In addition to the requirements of § 1944.458(a), in order to be eligible for a combination Section 504 loan and grant, the applicant or co-applicant must meet the following requirements:

(1) Be 62 years of age or older.

(2) Have an annual income so low that only part of the total cost of the needed repairs or improvements can be repaid as a Section 504 loan amortized over the maximum number of years.

(c) *Section 504 grant.* In addition to the requirements of § 1944.458 (a) and (b) of this subpart, a grant applicant must:

(1) Be 62 years of age or older, and

(2) Have an annual income so low that no part of the total assistance needed can be repaid as a loan.

§§ 1944.459–1944.460 [Reserved]

§ 1944.461 Security.

(a) *Real estate mortgage.* (1) A Section 504 loan which totals $2,500 or more will be secured by a mortgage on the borrower's property being improved with the loan. The total of all debts secured by the property may not exceed the value of the security property.

(2) When making a loan of more than $2,500 on a mobile home, the County Supervisor will seek the assistance of the Regional Attorney to determine how to obtain adequate security.

(3) Normally a loan of less than $2,500 will be a note only loan although a loan of less than $2,500 may be secured by real estate, if the County Supervisor determines security is essential to assure repayment of the loan.

(b) *Grant agreement.* (1) Each person receiving a grant will be required to sign a grant agreement (see Exhibit A of this Subpart) which states that the grantee will not sell the property, which has been repaired or improved with FmHA grant funds, for a period of 3 years. The agreement will provide that, if the property is sold before the end of the 3-year period, the full amount of the grant will be repaid to the Government.

(2) Each County Supervisor will take steps, to the extent possible and practical, to protect the Government's interest and promote FmHA's recovery of grant funds in the event of sale by the owner.

§ 1944.462 Rates and terms.

(a) The interest rate for all Section 504 loans is one (1) percent per annum.

(b) A Section 504 loan will be scheduled for repayment in accordance with the applicant's ability to pay, not to exceed a 20-year amortization period. When making a combination loan and grant, the loan portion of the assistance will be amortized over 20 years.

§ 1944.463 Technical services.

(a) *Planning and performing development work.* Bids will be obtained based on the list of essential repairs prepared by the County Supervisor at the time of the initial visit. Exhibit B of this Subpart may be used as a guide for the solicitation of bids. Each docket should contain detailed information about planned repairs. Bids should include written cost estimates, specifications of materials, and either Form FmHA 424–6, "Construction Contract," and Form FmHA 424–2, "Description of Materials," or a complete dollar breakdown of materials and labor for each item of development, as in Exhibit B of this Subpart. Specifications of materials should include details such as quantity, quality, sizes, grades, styles, model numbers, etc., as appropriate. Each item must be specific enough to clearly identify the work and material to be furnished. No Section 504 loan or grant will be approved until this requirement is satisfied.

(b) *Inspections.* Notwithstanding the provisions of § 1924.9 of this Chapter, only a final inspection made by the County Supervisor, of work in place is mandatory for all Section 504 loans and grants. Form FmHA 424–12, "Inspection

Report," will be used for this purpose. Additional inspections should be made by the County Supervisor, as needed, to assure that the work is performed in accordance with plans and specifications.

(c) *Appraisal.* An appraisal of the real estate or leasehold interest is not required unless the County Supervisor or loan approval official in uncertain of the adequancy of the security for the loan. If not formal appraisal is made, the County Supervisor will document in the case file, the estimated market value of the property.

(d) *Title requirements.* Loans made under this Instruction secured with a real estate mortgage need not meet the title requirements for Part 1807 of this Chapter (FmHA Instruction 427.1). This is so Section 504 applicants will not be burdened with expensive lien search and other loan closing costs. However, the County Supervisor will use all practical means to verify that title and lien information furnished by the applicant is complete and accurate.

§ 1944.464 Insurance requirements.

(a) *National flood insurance.* All actions under this Subpart are considered nonsubstantial improvements under the National Flood Insurance Program, and therefore flood insurance is not required.

(b) *Real property insurance.* Each Section 504 applicant will be counseled and encouraged to have adequate hazard insurance, and flood insurance if available, even though insurance coverage is not a requirement for an unsecured loan.

§§ 1944.465–1944.466 [Reserved]

§ 1944.467 Processing applications.

(a) *Application form.* Applications for Section 504 loans and grants will be made on Form FmHA 410–4, "Application for Rural Housing Loans (Non-Farm Tract)."

(b) *Family budget form.* (1) Form FmHA 431–3, "Family Budget," will be prepared for each grant recipient. A Family Budget will also be prepared for each loan applicant when:

(i) Form FmHA 410–4 does not provide sufficient information to determine the applicant's repayment ability.

(ii) The applicant needs credit counseling.

(2) The budget will consider and account for items such as:

(i) Non-cash benefits (food stamps, scholarships, free clothing, meals on wheels, free transportation, etc.) which help reduce the applicant's budgeted expenses. Receipt of benefits will be properly documented, and the appropriate budget expenses will be reduced to reflect these benefits.

(ii) Income from sources not used to determine adjusted income such as earnings from employment of minors or from a fulltime student, who in neither the applicant nor spouse, foster care payments, or any similar income. These sources of income will be considered to the extent that they are used to offset budgeted expenses evern though not included in "annual income."

(c) *Verification of income.* Income from employment will be verified by use of Form FmHA 410–5, "Request for Verification of Employment." Income from Social Security (SS), Supplemental Security Income (SSI), welfare, pension and other similar sources will be verified by the most convenient method for reasonable accuracy.

(d) *Cost estimates.* Written cost estimates will be required as outlined in § 1944.463 for all work to be performed. If, in the judgment of the County Supervisor, the cost estimate is not reasonable, additional cost estimates will be obtained.

(e) *Use of packagers.* Non-profit groups, churches, civic organizations, Community Action Program (CAP) or other special interest organizations may be interested in packaging Section 504 loan and grant application. Each County Supervisor should actively seek the assistance of these organizations and provide adequate orientation, including information on the provisions of the Equal Credit Opportunity Act regarding receipt of applications, so that their personnel will be able to submit an accurate and complete package, and be able to carry out the objectives and intent of the Section 504 program.

(f) *County Supervisor's responsibility.* For all applications, even those packaged by approved organizations, the County Supervisor must:

(1) Visit the applicant's home before loan approval to identify the existing hazards and determine what repair are essential to remove health or safety hazards. The date of this initial site visit will be documented in the running case record together with the identification of the hazards and a list of the essential repairs.

(2) Make the final inspection of the work in place.

(3) Assure that *all* monies are disbursed in accordance with Subpart A of Part 1902 of this chapter and § 1944.469 (d).

(g) *Determination of eligibility.* The County Supervisor will determine eligibility for all Section 504 loan and grant applicants based on the criteria outlined in § 1944.458.

(h) *Notification.* Notification of eligibility will be given all applicants in accordance with § 1910.6 of this chapter.

(1) Applicants denied the requested assistance will be provided the right to appeal in accordance with Subpart B of Part 1900 of this Chapter.

(2) The statement required by the Equal Credit Opportunity Act (see § 1910.6(b) of this chapter) will be included in all notifications of adverse actions.

§ 1944.468 Loan or grant approval.

(a) A Section 504 loan or grant may be approved in accordance with the authorization of Subpart A of Part 1901 of this Chapter.

(b) The loan/grant approving official is responsible for reviewing the docket to determine that the proposed loan or grant complies with established policies and all pertinent regulations and that funds are available.

(c) When a loan is approved, the approval official will forward the following forms to the Finance Office:

(1) Form FmHA 1940–1, "Request for Obligation of Funds."

(2) Form FmHA 444–2, "Single Family Housing Fund Analysis."

(d) When a grant is approved only Form FmHA 1940–1 will be forwarded to the Finance Office.

§ 1944.469 Loan and/or grant closing.

Each Section 504 loan and grant will be closed by the County Supervisor or other FmHA employee delegated to be a closing official.

(a) *Promissory note.* Form FmHA 440–16, "Promissory Note," will be used for each loan made under this Instruction. The note will be prepared and signed in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1) and § 1944.458(a)(6) concerning co-signers. Each Promissory Note will be prepared for monthly payment.

(b) *Grant agreement.* A grant agreement will be executed for each grant made under this Instruction. The agreement will be prepared in accordance with Exhibit A of this Subpart, and signed by the grantee(s) and a representative of FmHA. The original signed document will be retained in position 2 of the County Office case file and a copy provided to the grantee.

(c) *Mortgage.* Form FmHA 427–1, "Real Estate Mortgage for *(State),"* will be used for each loan to be secured by a real estate mortgage. Each change made in the text by deletion, substitution or addition (excluding filling in the blanks) will be initialed in the margin by each person signing the mortgage and by the

FmHA official making the change. Language used for loans secured by a mortgage on a leasehold will be as stated in § 1822.15(b) of this chapter (Paragraph XV B of FmHA Instruction 444.1).

(d) *Supervised bank accounts.* A supervised bank account will be used for each Section 504 loan and/or grant unless the entire proceeds will be disbursed to a supplier or contractor at closing. The use of funds from other sources, which are deposited in a supervised bank account, will be accounted for by using columns 5 through 14 of Form FmHA 402–2, "Statement of Deposits and Withdrawals."

(e) *Disbursement of funds.* Funds deposited in supervised bank accounts will be disbursed in the following order of priority:

(1) Applicant contribution;

(2) Funds from sources other than FmHA;

(3) FmHA Section 504 loan funds; and

(4) FmHA Section 504 grant funds.

(f) *Unused funds.* Unused Section 504 funds will be handled as follows:

(1) *Development work completed.* When all planned development has been satisfactorily completed, unused funds may be:

(i) Used to remove additional health and/or safety hazards if:

(A) The hazard is properly identified and documented by the County Supervisor, and

(B) The Development Plan is revised and updated to reflect the additional item(s) of development, and costs of labor and materials.

(ii) Returned to FmHA as unused grant funds;

(iii) Returned to the Finance Office and applied to the borrower's loan account, as a refund;

(iv) Used to pay the contractor in cases when the borrower or grantee dies before money is disbursed, if:

(A) There is substantial evidence that the borrower/grantee had verbally or otherwise accepted the work as complete and satisfactory, and

(B) The work was inspected and determined complete and satisfactory by the County Supervisor.

(2) *Development work not completed.* Funds will be returned to the Finance Office when:

(i) It appears unlikely that the contractor is able or willing to complete the planned work and the County Supervisor has been unsuccessful in efforts to obtain other contractors, or

(ii) The purpose of the loan or grant cannot be accomplished due to the death of the borrower or grantee or because the borrower or grantee no longer resides in the dwelling to be repaired.

§§ 1944.470–1944.471 [Reserved]

§ 1944.472 Subsequent Section 504 loans and/or grants.

Subsequent Section 504 loans or grants may be made for the same purposes and under the same conditions and limitations as initial Section 504 loans and grants including requirements that:

(a) The total amount of loan or combination loan and grant assistance (initial and subsequent) to any applicant may not exceed $7,500.

(b) The total amount of grant (initial and subsequent) to any applicant may not exceed $5,000.

(c) Transferees assuming a Section 504 loan are limited to subsequent loans in an amount not to exceed the difference between the unpaid principal balance of the debt assumed and $7,500.

(d) the subsequent loan will be secured by a mortgage provided the total assistance to the applicant is $2,500 or more. When a real estate mortgage is required, each outstanding promissory note will be described in the mortgage.

§ 1944.473 Improper loans and/or grants.

(a) Servicing action will be taken as soon as knowledge is obtained that incorrect information has been provided by a borrower or grantee or by any other person, or that an error has been made by a County Supervisor or any other FmHA employee. A Section 504 loan or grant will be considered improper when:

(1) A person has received more than the statutory maximum loan and/or grant.

(2) Monies were disbursed for unauthorized purposes.

(3) A loan or grant was made to an ineligible applicant.

(b) Improper advanced loan or grant funds may be recovered by:

(1) Lump sum payment.

(2) Execution of Form FmHA 451–37, "Additional Partial Payment Agreement."

(c) When § 1944.473 (b)(1) and (2) are impractical because of lack of repayment ability, the County Supervisor will seek the advice of the Regional Attorney as to how to recover the improperly disbursed funds. Consideration should be given to:

(1) Securing the debt with the best mortgage obtainable from the borrower.

(2) Obtaining a mortgage without personal liability of the grantee (in cases where grant only is involved). The mortgage would be due:

(i) Upon sale of the property by grantee,

(ii) Upon foreclosure by other creditors, or

(iii) When the property would be otherwise vacated by the grantee.

(iv) Upon death of the grantee.

(3) Obtaining a judgment of record. If the borrower or grantee refuses to sign a mortgage, the Regional Attorney may be requested to cause a lawsuit to be commenced against the borrower or grantee to recover the improperly disbursed funds. Any judgment entered in such a lawsuit would be reviewed periodically to comply with State statutes. If the borrower or grantee did not obtain the loan or grant fraudulently, the judgment will be executed only:

(i) Upon the sale of the property by the owner,

(ii) Upon foreclosure by other creditors,

(iii) Upon property settlement in the event of the owner's death, or

(iv) Upon abandonment of the property by the borrower or grantee.

§ 1944.474–1944.500 [Reserved]

Exhibit A—Agreement—Section 504 Grant

I (we) the undersigned, hereby agree not to sell the property located at _____ being repaired with grant funds provided by the Farmers Home Administration for a period of three years from the date of this agreement. Should I (we) sell the above-described property within three years, I (we) agree to repay to the Farmer's Home Administration, at the time of the sale, the full amount of the grant, which is $_____.

(Grantee) _____

(Date) _____

(Grantee) _____

_____

(Representative, Farmers Home Administration)

(Date) _____

Exhibit B—Solicitation of Bids

(Home Owner) _____

(Address) _____

(Bidder) _____

(Address) _____

Development	Material Specification		
Material		Labor	
$		$	
Subtotals	$_____	_____	
Totals	$_____		

(Date) _____

(Contractor Signature) _____

Dated: October 7, 1981.

Ruth A. Reister,

Acting Under Secretary for Small Community and Rural Development.

[FR Doc. 81–35952 Filed 12–15–81; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0376]

Bank Holding Companies and Change in Bank Control; Application To Engage in the Activity of Arranging Equity Financing, and of Possible Rulemaking With Respect Thereto

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of application and of possible rulemaking.

SUMMARY: BankAmerica Corporation, San Francisco, California, has applied under section 4(c)(8) of the Bank Holding Company Act to engage, through its subsidiary, BA Mortgage and International Reality Company, San Francisco, California, in the activity of "arranging equity financing for income-producing properties with institutional lenders." Under section 4(c)(8), the Board must determine whether the proposed activity is closely related to banking, or managing and controlling banks and whether performance of the proposed activity by the applicant could reasonably be expected to produce public benefits that outweigh possible adverse effects. In conjunction with its consideration of this application, the Board also may consider amending its Regulation Y (12 CFR Part 225) to permit bank holding companies to engage in this activity.

DATE: Comments must be received by February 1, 1982.

ADDRESS: Comments, which should refer to Docket No. R-0376, may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-11222, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Counsel (202-452-3564), or Mary Ann Gadziala, Attorney (202-452-3786), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION:

(1) Notice of application BankAmerica Corporation, San Francisco, California ("BankAmerica"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act ("BHC Act") (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) to engage, through its subsidiary, BA Mortgage and International Realty Company, San Francisco, California ("BAMIRC"), in the activity of "arranging equity financing for income-producing properties with institutional lenders." BAMIRC currently engages in permissible mortgage banking activities under § 225.4(a)(1) and (3) of Regulation Y (12 CFR 225.4(a)(1) and (3)). In a letter dated January 16, 1981, BankAmerica was advised that BAMIRC may place equity interests in real estate, as an incident to its permissible mortgage banking activities, where such equities are placed in connection with lending transactions in which BAMIRC is a participant, or as part of a package where a permanent mortgage loan is being made in connection with the placement of the equity. In its application BankAmerica seeks Board approval for BAMIRC to arrange for the placement of an equity interest in real estate (so-called equity financing) where no extension of credit is made or arranged by BAMIRC in connection with the project. This activity has not previously been determined by the Board to be closely related to banking. In fact, this activity appears to bear numerous similarities to real estate brokerage, an activity the Board has previously determined is not closely related to banking. (12 CFR 225.126(c)).

In distinguishing the proposed activity from real estate brokerage, BankAmerica proposes to limit the activity in the following manner:

1. Equity financing would be arranged only for income-producing properties;
2. Each equity financing arrangement would generally exceed $500,000;
3. Investors with whom equity financings would be arranged would be institutional investors (including "substantial and sophisticated individual investors, primarily foreigners"); and
4. The activity would be conducted only by a company generally engaged in the mortgage banking business.

BankAmerica contends that the proposed equity financing activity serves as an economic substitute for traditional financing in the form of long-term mortgages previously arranged with institutional investors. It points out that as a result of persistent high inflation and the volatility in interest rates, institutional investors have become very reluctant to provide long-term debt financing in the form of traditional mortgage loans. BankAmerica further states that since funds previously channeled into such investments are currently applied toward the acquisition of equity interests in income-producing real estate projects, it is necessary for mortgage banking subsidiaries of bank holding companies to engage in equity financing in order for them to continue to function as intermediaries between investors and developers and owners of income-producing properties. Finally, BankAmerica contends that making funds available for development and financing of real property is a traditional banking activity and is, in fact, conducted directly by national banks through lending, brokering real estate loans, and syndicating such loans. Thus, the proposed form of substitute financing, made necessary by current economic conditions, should be considered an activity closely related to banking for purposes of section 4(c)(8) of the BHC Act.

Under general guidelines provided in a federal circuit court opinion, a nonbanking activity may be regarded as closely related to banking if it meets one of the following criteria: (1) banks generally have in fact provided the proposed service; (2) banks generally provide services that are operationally or functionally so similar to the proposed service as to equip them particularly well to provide the proposed service; or (3) banks generally provide services that are so integrally related to the proposed service as to require their provision in a specialized form. *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). The Board has found such guidelines useful in considering whether or not a proposed nonbanking activity is closely related to banking. In addition, the Board may consider other factors in deciding what activities are closely related to banking. *Alabama Association of Insurance Agents* v. *Board of Governors*, 533 F.2d 224, 241 (5th Cir. 1976). Moreover, a recent decision of the Supreme Court states that the Board's decisions in this regard are entitled to the "greatest deference." *Board of Governors* v. *Investment Company Institute*, 101 S. Ct. 973, 981 (1981).

(2) *Possible Rulemaking.* In connection with its consideration of BankAmerica's application, the Board also may consider whether § 225.4(a) of Regulation Y (12 CFR 225.4(a)) should be amended to add the activity proposed by BankAmerica to those permissible under section 4(c)(8) of the BHC Act. The primary effect of amending Regulation Y to add the proposed activity rather than approving this application by order, would be to permit any bank holding company to engage *de*

novo in the activity upon giving 45 days' notice to the appropriate Reserve Bank.

(3) *Submission of Comments.* To aid the Board in its consideration of BankAmerica's application and possible rulemaking, interested persons are invited to comment on whether the proposed equity financing activity is "closely related to banking or managing or controlling banks" and whether consummation of BankAmerica's proposal to engage in the activity can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." In addition, the Board requests comment concerning how the proposed activity differs from the activity of real estate brokerage and real estate syndication, activities that the Board has determined are not closely related to banking. Finally, comment is also being sought regarding the four limitations proposed by BankAmerica on its equity financing activities, and any additional limitations or conditions that should be imposed to ensure that the activity is closely related to banking and a proper incident thereto. Any request for hearing on this matter must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. This action is taken pursuant to section 4(c)(8) of the BHC Act (12 U.S.C. 1843(c)(8)), and § 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)).

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354); 5 U.S.C. 601 *et seq.)*, the Board of Governors of the Federal Reserve System certifies that any amendment that might be adopted as a result of action on this matter, will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation. The proposed amendment would liberalize the existing regulations and would not have any particular effect on small entities that would be subject thereto.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Board of Governors of the Federal Reserve System, December 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35885 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 22

[Docket No. SD-174]

Change in Fees for Consular Services

AGENCY: State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes an increase in the fees charged for the processing and issuance of immigrant visas. The changes are being made in accordance with a Department study of policies, costs and fees for consular services, and with the user charge principle, as prescribed by the Congress and applied by the Department in keeping with guidelines of the Office of Management and Budget.

DATES: Comments must be submitted on or before February 1, 1982. The proposed effective date is February 8, 1982.

ADDRESS: Send comments to Mr. Ronald K. Somerville, Executive Director, Bureau of Consular Affairs, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Philip B. Taylor (202) 632-3118.

SUPPLEMENTARY INFORMATION: This revision increases the fee for furnishing and verification of application for an immigrant visa, including duplicate copy, and the fee for issuance of each immigrant visa. The changes are being made in accordance with a Department study of policies, costs and fees for consular services, and with the user charge principle, as prescribed by the Congress and applied by the Department in keeping with guidelines of the Office of Management and Budget.

Accordingly, Part 22 of Title 22 of the Code of Federal Regulations would be amended as set forth below.

Dated: December 1, 1981.

Richard T. Kennedy,

Under Secretary for Management.

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

The authority citation for 22 CFR Part 22 reads as follows:

Authority: Secs. 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 483a; 22 U.S.C. 1201); E.O. 10718, 22 FR 4632; 3 CFR, 1954-1958 Comp. page 382.

In § 22.1, Item numbers 20 and 21 are revised to read as follows:

§ 22.1 Schedule of fees

* * * * *

Item No.	Visa services for aliens	Fee
20.	Furnishing and verification of application for immigrant visa, including duplicate copy [112-IVAPPL].	$25.00
21.	Issuance of each immigrant visa [113-IV ISSUANCE]. [114-R IV ISS] [115-21[1] WAIV/ISS]	$75.00

[FR Doc. 81-35931 Filed 12-15-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Geological Survey, Interior.

ACTION: Extension of comment period on proposed rulemaking.

SUMMARY: In response to requests for an extension of time to comment on the proposed rulemaking on Oil and Gas Operating Regulations (30 CFR Part 221) published in the **Federal Register** November 17, 1981 (46 FR 56564), a 30-day extension is hereby granted. This extension will give the public more time to study and comment on the proposed rulemaking.

DATE: Comments on this proposed rulemaking must be received by January 18, 1982.

ADDRESS: Comments may be mailed to: Mr. Eddie R. Wyatt, Acting Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860-7535, (FTS) 928-7535, or Mr. Spector, (703) 860-6259, (FTS) 928-6259.

Dated: December 11, 1981.

Daniel N. Miller,

Assistant Secretary of the Interior.

[FR Doc. 81-35841 Filed 12-14-81; 8:45 am]

BILLING CODE 4130-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: DOD, Office of the Secretary.

ACTION: Withdrawal of proposed rule.

SUMMARY: This withdraws the proposed amendment to the CHAMPUS Regulation which would have eliminated Residential Treatment Centers (RTCs) as authorized providers under CHAMPUS. Analysis of public comments received as a result of the notice of proposed rulemaking has led to a decision to retain RTC care as a benefit and to deal with the problems experienced in the past by strengthening monitoring and review practices.

ADDRESS: Office of the Civilian Health and Medical Program of the Uniformed Services, Aurora, Colorado 80045.

FOR FURTHER INFORMATION CONTACT: Charles M. Gallegos, Chief, Policy Branch, telephone (303) 361-8608.

SUPPLEMENTARY INFORMATION: On July 31, 1981, the Office of the Secretary of Defense published a proposed amendment to Part 199 of this title to eliminate Residential Treatment Centers (RTCs) as authorized providers under CHAMPUS (46 FR 39167). Comments were to be submitted by August 31, 1981, later extended to October 31, 1981 (46 FR 46597).

Under the proposed amendment, CHAMPUS benefits would have terminated for new admissions to RTCs on January 1, 1982. Benefits would have terminated for all RTC care on September 30, 1982.

During the comment period, a series of meetings were held with Congressional offices, major professional organizations and public agencies. At the conclusion of the comment period, an analysis was conducted of the approximately 600 comments received from parents of current and former RTC patients, RTCs and RTC employees, other providers of mental health services, professional organizations, State and Federal agencies, Congressional offices and other interested parties.

The commenters overwhelmingly urged the Department of Defense not to implement the proposed amendment. Although the basis for the proposal was not a concern for the costs of the RTC benefit, but rather our difficulty in assuring that the government's funds were being expended for services of high quality and in accordance with law and regulation. Most commenters assumed that the amendment was being proposed as a cost-saving measure and pointed out that meeting the mental health needs of the children affected in acute care psychiatric hospitals would, in most cases, increase the government's costs.

Some commenters, in responding to the amendment's provision regarding acute psychiatric hospital benefits for the former RTC patients, pointed out that psychiatric hospitalization is not necessarily the treatment of choice for children and adolescents.

The numerous professional providers of mental health services and the professional organizations who commented were unanimous in their contention that the care provided by RTCs is effective, non-duplicative of other types of care and an essential treatment point along the continuum of mental health care for children and adolescents.

While conceding that there are problems with some RTCs, most of the professional organizations that commented suggested that we strengthen controls and increase peer review activities rather than eliminate the benefit entirely.

The comments received, as well as our own re-evaluation of the benefit itself, have persuaded us that RTC care should continue as a part of the CHAMPUS benefit package. Therefore, we are withdrawing the proposed amendment. RTCs will continue to be considered authorized providers under CHAMPUS. Over the next several months, we plan to review facility approval standards to determine if they can be improved, develop and execute RTC participation agreements, consider alternative payment mechanisms which might benefit both the RTC and the program, and to design and institute comprehensive claims and on-site review procedures necessary to insure the RTC benefit is appropriately available to children and adolescents in need of the RTC level of care.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 11, 1981.

[FR Doc. 81-35883 Filed 12-15-81; 8:45 am]

BILLING CODE 3810-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 68

[Docket No. FEMA-68A]

Base Flood Elevation Determinations; Administrative Hearing Procedures

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) proposes to revise its procedures for holding administrative hearings for resolution of appeals of its base flood elevation determinations. The purpose of this proposed revision is to provide a more efficient hearing process. This proposed revision establishes a three hearing board which includes two members qualified in the field of technical base flood elevation determinations to replace the current requirement of a single administrative law judge or hearing officer as presiding official. The board's decision will be a recommendation to the Agency Director who will make the final base flood elevation determination. Other minor changes consistent with these revisions have been proposed to improve the administrative hearing procedures.

DATE: Comments received on or before February 16, 1982, will be considered before publication of a final rule.

ADDRESS: Comments should be mailed or delivered in duplicate to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Gregg Chappell, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230

SUPPLEMENTARY INFORMATION: Section 1363 of the National Flood Insurance Act of 1968, *as amended*, provides that a community may appeal flood elevation determinations proposed by FEMA. Section 1363(e) provides in part: "The (Director) shall resolve such appeal by consultation with officials of the local government involved, by administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice." The administrative hearing procedures for base flood elevation appeals are set forth in 44 CFR

Part 68 of the National Flood Insurance Program regulations.

These procedures currently provide for an administrative law judge to preside over such hearings (§ 68.4). With the complexity of technical involvement in determining flood elevations, FEMA proposes that a better way to secure informed technical review at these hearings is to have them conducted by a hearing board with members who are technically qualified to review flood elevation data. Specifically, this proposed revision (§ 68.4) establishes a three member hearing board to replace the current requirement of a single administrative law judge or hearing officer as presiding official.

In addition, these procedures (specifically §§ 68.2, 68.3 and 68.4) are being revised to ensure a fair and impractical precedure and to reflect the internal reorganization of FEMA and recent delegations of authority made pursuant to the reorganization. The Associate Director for State and Local Programs and Support will have responsibility for determining whether an administrative hearing will be held. The Agency Director will appoint an administrative law judge based upon a recommendation by the Office of Personnel Management. The administrative law judge will chair the board. The two remaining members, who must be qualified in the technical field of flood elevation determinations, will be selected by the appointed administrative law judge. The judge shall consult with anyone he deems appropriate to determine the technical qualifications of individuals being considered for appointment to the board. The board members shall not be FEMA employees.

Section 68.3 is being revised to reflect clearly the statutory discretion allowed the Associate Director in determining whether to hold a hearing. It is proposed that the Associate Director shall hold an administrative hearing after determining that the appeal cannot be resolved by community consultation or by the advice of an independent scientific body or an appropriate Federal agency. The purpose of this section is to conserve administrative resources.

Section 68.8 has been made more specific to limit the scope of review of the administrative hearing to only that information which would be pertinent to scientific or technically correct base flood elevations. Section 68.9 has also been made more specific and limited for the same reason by deleting § 68.9(b) and (e).

Section 68.11 has been revised to reflect the change from an administrative law judge/hearing officer as the presiding official to the three member hearing board as provided in the new § 68.4. The board shall have 45 days after the conclusion of the hearing to render a written decision and the entire record will be sent to the Director for review and final determination.

Under the current § 68.13, any modification to the base flood elevations granted by the administrative law judge was binding on the Director. Under this proposed rule change (§ 68.11), the hearing board's determination will be in the form of a recommendation to the Director. The Director will be the final decision-maker and shall approve or disapprove, in whole or in part, the recommendation of the board. Any appellant aggrieved by the Director's decision will have the right of appeal to the United States district court for the district within which the community is located as provided by Section 1363(f) of the National Flood Insurance Act of 1968, *as amended.*

An environmental assessment is not necessary because this rule change is procedural and has no effect on the quality of the human environment. This rule change is not a "major rule" within the context of Executive Order 12291. This rule does not have a significant economic impact on a substantial number of small entities because it calls for improving the appeals process for base flood elevation determinations.

Accordingly, it is proposed to revise 44 CFR Part 68 to read as follows:

PART 68—ADMINISTRATIVE HEARING PROCEDURES

Sec.
68.1 Purpose of part.
68.2 Definitions.
68.3 Right to administrative hearings.
68.4 Hearing board.
68.5 Establishment of docket.
68.6 Time and place of hearing.
68.7 Conduct of hearings.
68.8 Scope of review.
68.9 Admissible evidence.
68.10 Burden of proof.
68.11 Determination.
68.12 Relief.

Authority: Sec. 1304(a), 1363 of the National Flood Insurance Act of 1968, *as amended,* 82 stat. 574 (42 U.S.C. 4011–4104); Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and delegation of authority to Associate Director, State and Local Programs and Support.

§ 68.1 Purpose of part.

The purpose of this part is to establish procedures for appeals of the Associate Director's base flood elevation determination, whether proposed pursuant to Section 1363(e) of the Act (42 U.S.C. 4104) or modified because of changed conditions or newly acquired scientific and technical information.

§ 68.2 Definitions.

The definitions set forth in Part 59 of this subchapter are applicable to this part. For the purposes of this part, "Director" shall mean the Director of the Federal Emergency Management agency and "Associate Director" shall mean Associate Director for State and Local Programs and Support.

§ 68.3 Right to Administrative Hearings.

If a community appeals the Associate Director's flood elevation determination established pursuant to § 67.8 of this subchapter, and the Associate Director has determined that such appeal cannot be resolved by consultation with officials of the community or by submitting the conflicting data to an independent scientific body or appropriate Federal agency for advice, the Associate Director shall hold an administrative hearing to resolve the appeal.

§ 68.4 Hearing board.

(a) Each hearing shall be conducted by a three member hearing board (hereinafter "board"). The board shall consist of an administrative law judge (hereinafter "Judge") appointed by the Director based upon a recommendation by the Office of Personnel Management and two members selected by the Judge who are qualified in the technical field of flood elevation determinations. The Judge shall consult with anyone he deems appropriate to determine the technical qualifications of individuals being considered for appointment to the board. The board members shall not be FEMA employees.

(b) The Judge shall be responsible for conducting the hearing, and shall make all procedural rulings during the course of the hearing. Any formal orders and the final decision on the merits of the hearing shall be made by a majority of the board. A dissenting member may submit a separate opinion for the record.

(c) A technically qualified alternate will be appointed by the Judge as a member of the board when a technically qualified appointed member becomes unavailable. The Director will appoint an alternate Judge if the appointed Judge becomes unavailable.

§ 68.5 Establishment of docket.

The General Counsel shall establish a docket for appeals referred to him/her by the Associate director for administrative hearings. This docket shall include, for each appeal, copies of all materials contained in the flood elevation determination docket (FEDD) file on the matter, copies of all correspondence in connection with the

appeal, all motions, orders, statements, and other legal documents, a transcript of the hearing, and the board's final determination.

§ 68.6 Time and place of hearing.

(a) The time and place of each hearing shall be designated by the Judge for that hearing. The Associate Director and the General Counsel shall be promptly advised of such designations.

(b) The board's notice of the time and place of hearing shall be sent by the Flood Insurance Docket Clerk by registered or certified mail, return receipt requested, to all appellants. Such notice shall include a statement indicating the nature of the proceedings and their purpose and all appellants' entitlement to counsel. Notice of the hearing shall be sent no later than 30 days before the date of hearing unless such period is waived by all appellants.

§ 68.7 Conduct of hearings.

(a) The Judge shall be responsible for the fair and expeditious conduct of proceedings.

(b) The Associate Director shall be represented by the General Counsel or his/her designee.

(c) One administrative hearing shall be held for any one community unless the Associate Director for good cause shown grants a separate hearing or hearings.

(d) The Chief Executive Officer (CEO) of the community or designee shall represent all appellants from that community; *Provided,* That any appellant may petition the board to allow such appellant to make an appearance on his/her own behalf. Such a petition shall be granted only upon a showing of good cause.

(e) Hearings shall be open to the public.

(f) A verbatim transcript will be made of the hearing.

An appellant may order copies of the transcribed verbatim record directly from the reporter and will be responsible for payments.

§ 68.8 Scope of review.

Review at administrative hearings shall be limited to: An examination of any information presented by each appellant within the 90 day appeal period indicating that elevations proposed by the Associate Director are scientifically or technically incorrect; the FIRM; the flood insurance study; its backup data and the references used in development of the flood insurance study; and responses by FEMA to the issues raised by the appellant(s).

§ 68.9 Admissible evidence.

(a) Legal rules of evidence shall not be in effect at administrative hearings. However, *only* evidence relevant to issues within the scope of review under § 68.8 shall be admissible.

(b) Documentary and oral evidence shall be admissible.

(c) Admissibility of non-expert testimony shall be within the discretion of the board.

(d) All testimony shall be under oath.

§ 68.10 Burden of proof.

The burden shall be on appellants to prove that the flood elevation determination is not scientifically or technically correct.

§ 68.11 Determination.

The board shall render its written decision within 45 days after the conclusion of the hearing. The entire record of the hearing including the board's decision will be sent to the Director for review and approval. The Director shall make the final base flood elevation determination by accepting in whole or in part or by rejecting the board's decision.

§ 68.12 Relief.

The final determination may be appealed by the appellant to the United States district court as provided in Section 1363(f) of the Act (42 U.S.C. 4104).

(Catalog of Federal Domestic Assistance Number 83.100 National Flood Insurance Program)

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36018 Filed 12-15-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-840; RM-3929]

TV Broadcast Station in Wadena, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of UHF television Channel 42 to Wadena, Minnesota, in response to a petition filed by WCCO, Television, Inc. The proposed assignment would provide for a first commercial television service to Wadena.

DATES: Comments must be filed on or before January 25, 1982, and reply comment on or before February 10, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

Proposed Rule Making

Adopted: December 1, 1981.
Released: December 9, 1981.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Wadena, Minnesota), BC Docket No. 81-840 RM-3929.

1. The Commission herein considers a petition for rule making[1] filed by WCCO, Television, Inc. ("petitioner"),[2] proposing the assignment of UHF television Channel 42 to Wadena, Minnesota, as its first commercial television assignment. Petitioner states that it will apply for the channel, if assigned. Opposing comments were filed by Central Minnesota Television Company ("Central"),[3] to which the petitioner responded.

2. Wadena (population 4,640,[4] seat of Wadena County (population 12,412) is located in central Minnesota, approximately 210 kilometers (130 miles) northwest of Minneapolis. It currently has one television assignment (noncommercial educational Channel 20).

3. Petitioner states that Wadena's economy is diversified. The proposed station could provide an opportunity for a new television service, with CBS network affiliation. Petitioner submitted sufficient information to demonstrate the need for a first commercial television assignment to Wadena.

4. Central, in opposing comments, argues that Channel 42 should be assigned to Alexandria, Minnesota, and if assigned, it would apply for its use as a satellite of WCCO-TV. It contends that the assignment of Channel 42 to Wadena would remove Wadena County from Alexandria's Area of Dominant influence (ADI), thereby weakening the economic conditions of the market and KCMT's (Central) ability to serve the public interest. This removal would not directly affect Central's financial condition, rather it involves the

[1] *Public Notice* of the petition was given on July 8, 1981, Report No. 1296

[2] WCCO Television, Inc., is the licensee of Station WCCO-TV, Minneapolis, Minnesota

[3] Central is the licensee of television Stations KCMT, Alexandria, and KNMT, Walker, Minnesota.

[4] Population figures are taken from the 1970 U.S. Census.

methodology used by Arbitron for assigning a county to a particular television market. Central further claims that assigning Channel 42 to Alexandria would provide WCCO–TV the same coverage area it currently anticipates, and provide an additional signal to the public, while preserving, if not enhancing, the viability of Alexandria's market.

5. Petitioner in reply comments, argues that its proposal would provide a first primary television service to a 1,100 square kilometer area (409 square miles) for 10,934 persons, and a second primary television service to a 16,000 square kilometer area (5,936 square miles) for 114,692 persons. The opposition, for solely economic reasons, would deprive Wadena of a possible first local television service in favor of a second service to Alexandria. Its reliance on the Alexandria ADI as the determinant of the public interest is misplaced, since the ADI concept was designed by Arbitron (a private for-profit organization) as a marketing tool for advertisers and their agencies. Petitioner contends that Central's allegation that its economic viability and thus the local service to Alexandria would be threatened by the proposed assignment is speculative and should not influence the Commission's decision in the proceeding. Petitioner urges the Commission to disregard the opposition's proposal and assign Channel 42 to Wadena.

6. The opposition's focus on the economic viability of the Alexandria ADI (through the loss of Wadena County by the proposed assignment) is not a matter that can be addressed by the rule making proceeding. Arbitron's use of market services is not subject to Commission control. Their inclusion of a service and rating of a market can change without taking into account any specific assignments made by the Commission. Our impression of the relevancy of this matter is more a private one, *i.e.*, potential economic benefits to stations included in the market, than a public interest consideration. As an allocations issue, the assignment of Channel 42 to Wadena is clearly preferable under the information provided thus far. First, the channel could be used to bring a first local service to Wadena while Alexandria already has local TV service. Secondly, substantial first and second primary TV services could be provided. Therefore, we shall propose to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to Wadena, Minnesota, as follows:

City	Channel No.	
	Present	Proposed
Wadena, Minnesota	*20–	*20–, 42+

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 25, 1982, and reply comments on or before February 10, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–840 RM–3929]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–35851 Filed 12–15–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81-839; RM-3912]

TV Broadcast Station in Shawnee, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 30 to Shawnee, Oklahoma, as its first television assignment in response to a petition filed by Canadian Valley Television, Inc.

DATES: Comments must be filed on or before January 25, 1982, and reply comments on or before February 10, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Proposed Rule Making

Adopted: December 1, 1981.

Released: December 9, 1981.

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Shawnee, Oklahoma), BC Docket No. 81-839 RM-3912.

1. The Commission herein considers a petition for rule making [1] filed by Canadian Valley Television, Inc. ("petitioner"), which seeks the assignment of UHF television Channel 30 to Shawnee, Oklahoma. Petitioner expressed an interest in applying for the channel, if assigned. No oppositions to the proposal were received.

2. Shawnee (pop. 25,075),[2] seat of Pottawatomie County (pop. 43,134), is located approximately 50 kilometers (33 miles) east of Oklahoma City. It has no local television broadcast service.

3. According to the petitioner, Shawnee's economy, based on city government, professional offices, banks, businesses and cultural activities, would support a first television assignment. There is a growing need for a local television facility, with programming directed toward the needs of the community and coverage of local events. While service is received from Oklahoma City stations, its programming gives little attention to Shawnee.

4. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules), with regard to the city of Shawnee, Oklahoma, as follows:

City	Channel No.	
	Present	Pro-
Shawnee, Oklahoma		

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before January 25, 1982 and reply comments on or before February 10, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 81-839 RM-3912]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

[1] Public Notice of the petition was given on June 19, 1981, Report 1293.

[2] Population figures are taken from the 1980 U.S. Census.

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-35649 Filed 12-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-841; RM-3879 & 3945]

FM Broadcast Station in Giddings and Nelsonville, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to either Giddings or Nelsonville, Texas, in response to petitions filed by Michael G. Wallace and by J. Lee and Dinah L. Dittert, dba Radio Ten-Ninety, respectively. The proposals would provide a first local broadcast service to either community.

DATES: Comments must be filed on or before January 25, 1982 and reply comments on or before February 10, 1982.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Proposed Rule Making

Adopted: December 1, 1981.

Released: December 9, 1981.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Giddings and Nelsonville, Texas), BC Docket No. 81-841 RM-3879 RM-3945.

1. The Commission herein considers two separate petitions for rule making. The first was filed by Michael G. Wallace ("petitioner"), proposing the assignment of Channel 269A to Giddings, Texas, as its first FM assignment.[1] The second was filed by J. Lee and Dinah L. Ditter, d/b/a Radio Ten-Ninety,[2] which proposes the assignment of Channel 269A to Nelsonville, Texas.[3] Since the distance between Giddings and Nelsonville is approximately 56 kilometers (35 miles) and the required separation for co-channel Class A assignments is 104 kilometers (65 miles), these proposals are mutually exclusive. No other channels are available for assignment to either community. Comments in support of the "Wallace" proposal were filed by Commerce Broadcasting, Inc. and by Orion Communications, both stating their intent to apply for the channel, if assigned.

2. Giddings (pop. 3,950),[4] seat of Lee County (pop. 10,952), is located approximately 80 kilometers (50 miles) east of Austin, Texas. Nelsonville (pop. not listed) in Austin County (pop. 17,726) is located approximately 102 kilometers (64 miles) west of Houston. Both communities are without local aural broadcast service.

3. Wallace asserts that the economy of Giddings is based on oil and gas production, agriculture, and varied manufacturing activities, and that the population has shown a substantial growth in recent years due mainly to the petroleum exploration and production. According to Radio Ten-Ninety the proposed Channel 269A assignment to Nelsonville would render a first primary nighttime service to Austin County. We are also told that the county is undergoing substantial growth, due to the related explosive growth at Houston. Nelsonville's population (less than 1,000) is comprised of retired citizens. Both petitioners stated their intent to apply for the channel, if assigned. Orion Communications and Commerce Broadcasting each provided additional information in support of the Giddings request and indicated their desire to apply for a Giddings station.

4. Since Giddings is the larger of the two communities our tentative conclusion would be to propose the channel to Giddings. However inasmuch as there are no other channels available to either community, we shall provide the Nelsonville proponent an opportunity to further demonstrate, in comments to this proposal, why Nelsonville should receive the assignment. The assignment of Channel 269A to Nelsonville would require a site restriction of approximately 5 miles west of the city.

5. In view of the foreging the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Giddings, Texas		269A
Nelsonville, Texas		269A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 25, 1982, and reply comments on or before February 10, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rule Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-841 RM-3912]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the

[1] Public Notice of the petition was given on April 17, 1981, Report No. 1281. Petitioner had requested the assignment of Channel 224A to Giddings, which was short-spaced to Channel 223 at Pasadena, Texas. A site restriction of 7.9 miles northwest of the city would not have been adequate to provide a 70 dBu signal over Giddings. Therefore we substituted Channel 269A for consideration herein.

[2] Licensee of AM Station KACO, Bellville, Texas.

[3] Public Notice of the petition was given on July 28, 1981, Report No. 1300.

[4] Population figures are taken from the 1980 U.S. Census.

Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-35850 Filed 12-15-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-742]

Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming from the Comparative Hearing Process; Extension of Comment/Reply Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: This action, by the General Counsel pursuant to delegated authority, grants request by National Association of Broadcasters to extend the time for filing of comments and reply comments in response to the Commission's *Notice of Inquiry in BC Docket No. 81-742, Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming from the Comparative Hearing Process.*

DATES: The deadline for filing comments has been extended from December 28, 1981 to January 15, 1982, and for reply comments from January 18, 1982 to February 5, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sheldon Guttmann, Office of General Counsel, (202) 632-6990.

SUPPLEMENTARY INFORMATION:

Order

Adopted: December 8, 1981.

Released: December 8, 1981.

In the Matter of formulation of policies relating to the broadcast renewal applicant stemming from the comparative hearing process. BC Docket No: 81-742.

1. The Commission has before it a request for extension of time in which to file comments and reply comments in response to the Commission's *Notice of Inquiry in BC Docket No. 81-742, Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming From the Comparative Hearing Process,* FCC 81-499, 46 FR 55279 (Nov. 9, 1981). The extension request was filed by the National Association of Broadcasters (NAB) on December 3, 1981, and asks that the Commission extend the time for filing initial comments from December 28, 1981 to January 15, 1982, and for reply comments from January 18, 1982 to February 5, 1982. NAB asserts that the additional time is needed in order to fully address the difficult substantive and procedural questions presented in the Commission's *Notice of Inquiry.*

2. Good cause having been shown, the request for extension of time will be granted pursuant to authority delegated to the General Counsel. *See* 47 CFR 0.251(b) (1980).

3. Accordingly it is hereby ordered That the Request for Extension of Time filed by the National Association of Broadcasters is hereby granted; that the time for filing comments in the above-captioned proceeding is extended to and including January 15, 1982, and that the time for filing reply comments is extended to and including February 5, 1982.

Stephen A. Sharp,

General Counsel.

[FR Doc. 81-35845 Filed 12-15-81; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 241
Wednesday, December 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Prestressed Concrete Steel Wire Strand From Spain: Correction

AGENCY: International Trade Administration, Commerce.

ACTION: Correction.

The incorrect Tariff classification was inadvertently cited in the **Federal Register** on December 2, 1981, entitled "Initiation of Countervailing Duty Investigation; Prestressed Concrete Steel Wire Strand from Spain" (46 FR 58543–44). The first paragraph under the heading "Scope of the Investigation" (page 58544) should read as follows:

Scope of the Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand. It is used to compress concrete in order to provide active resistence to loads in such items as girders, beams, pilings, and other building products. PC strand is currently classified under 642.1120 in the Tariff Schedule of the United States Annotated.

Dated: December 11, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-35961 Filed 12-15-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit To Take Marine Mammals; Southwest Fisheries Center

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217 through 222).

1. Applicant:

a. Name: Southwest Fisheries Center (P77X).

b. Address: P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Hawaiian Monk Seal *(Monachus schauinslandi)*, 41.

4. Type of Take: Six pups to be captured, maintained, tagged, and released, up to 10 to be captured, measured, tagged, and released, and 25 bleach marked while asleep.

5. Location of Activity: Kure Atoll, Hawiian Islands.

6. Period of Activity: March 1982.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Services, U.S. Department of Commerce, Washington, D.C. 20235, by January 15, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 10, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-35832 Filed 12-15-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Defense Communications Agency

Privacy Act of 1974; Amendment of a Systems of Records Notice

AGENCY: Defense Communications Agency, DOD.

ACTION: Notice of amendment to a systems of records notice.

SUMMARY: The Defense Communications Agency proposes to amend a notice for a systems of records subject to the Privacy Act of 1974. The specific changes to the notice being amended are set forth below.

DATES: This systems notice shall be amended as proposed without further notice on January 15, 1982, unless comments are received which would result in a contrary determination.

ADDRESSES: Any public comments, including written data, views or arguments concerning the amendments should be addressed to the System Manager identified in the particular record system notice concerned.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Whealen, General Counsel, Defense Communications Agency, Washington, D.C. 20305. Telephone 202/692–2009.

SUPPLEMENTARY INFORMATION: The Defense Communications Agency inventory of systems of records notices subject to the Privacy Act of 1974, Title 5, United States Code 552a (Pub. L. 93–479; 44 Stat. 1896, *et seq.*) has been published to date in the **Federal Register** at:

FR Doc. 79–37052 (44 FR 74443) December 19, 1979

FR Doc. 81–897 (46 FR 6696) January 21, 1981

This change does not require an altered system report as prescribed by 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 11, 1981.

Amendment

K240.01

SYSTEM NAME:

Personnel Security Investigative Dossier File (PSIDF)

SYSTEM LOCATION:

Delete entire present entry and insert: "Office of the Chief, Security and Intelligence Division, Code 330, Headquarters, Defense Communications Agency (DCA). Decentralized Segment—Security Branch, Defense Communications Engineering Center. Director, Intelligence Security, Headquarters, Defense Nuclear Agency."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Delete entire present entry and insert:

STORAGE:

Automated records and stored on magnetic tapes, disks, microfiche, computer printouts, and/or punched cards. Manual records are stored in paper file folders, card files, and paper rosters.

RETRIEVABILITY:

Automated records are retrieved by individual's last name, social security number, conference title, and by type of badge issued. Manual records are retrieved by individual's last name.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorized persons with an official need-to-know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL:

Computer records on individuals are erased within one year from the date of termination of an individual's affiliation with the DCA. Personnel security files are generally destroyed upon termination of an individual's employment, assignment, or affiliation with DCA. Files which contain substantial security suitability information may be retained up to ten years. Manual records of conference attendees, visitors, and visit certifications to other agencies are maintained for two years and destroyed. Security incident files are retained for two years unless they concern compromise of classified information, in which case they may be retained permanently.

SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Security and Intelligence Division, Code 330, Headquarters, Defense Communications Agency, Washington, D.C. 20305. Decentralized Segment—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

K240.01

SYSTEM NAME:

Personnel Security Investigative Dossier File (PSIDF)

SYSTEM LOCATION:

Office of the Chief, Security and Intelligence Division, Code 330, Headquarters, Defense Communications Agency (DCA). Decentralized Segment—Security Branch, Defense Communications Engineering Center. Director, Intelligence Security, Headquarters, Defense Nuclear Agency.

* * * * *

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

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Automated records are stored on magnetic tapes, disks, microfiche, computer printouts, and/or punched cards. Manual records are stored in paper file folders, card files, and paper rosters.

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Automated records are retrieved by individual's last name, social security number, conference title, and by type of badge issued. Manual records are retrieved by individual's last name.

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The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorized persons with an official need-to-know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL:

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SYSTEM MANAGER(S) AND ADDRESSES:

Chief, Security and Intelligence Division, Code 330, Headquarters, Defense Communications Agency, Washington, D.C. 20305. Decentralized Segment—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

* * * * *

[FR Doc. 81-35985 Filed 12-15-81; 8:45 am]

BILLING CODE 3810-05-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, ED.

ACTION: Notice of meeting.

SUMMARY: This notice set forth the schedule and proposed agenda of a forthcoming meeting of the Annual Report Committee of the National Advisory Council on Indian Education. This also describes the functions of the Council. Notice of meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Annual Report Committee Meeting: January 6, 1982, 9:00 a.m to 5:00 p.m.; and, January 7, 1982, 9:00 a.m. to 5:00 p.m.

ADDRESS: Radisson Plaza Nashville, 2 Commerce Place, Nashville, Tennessee, 37239 (615) 244–8200.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street NW., Suite 326, Washington, D.C. 20004 (202) 376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV

of Pub. L. 92–318, (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Director, Indian Education Programs;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) Submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The Annual Report Committee Meeting will be open to the public. This meeting will be held at the Radisson Plaza Nashville, 2 Commerce Place, Nashville, Tennessee 37239 (615) 244–8200.

The proposed agenda includes discussion on the 1981 and 1982 Annual Report.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Dated: December 11, 1981. Signed at Washington, D.C.

Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81–35970 Filed 12–15–81; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, ED.

ACTION: Notice of meeting.

SUMMARY: This notice set forth the schedule and proposed agenda of a forthcoming meeting of the full Council of the National Advisory Council on Indian Education and Reauthorization Hearing of the Legislative, Rules and Regulations Committee of the Council. This also describes the functions of the Council. Notice of meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council Meeting: January 8, 1982, 9:00 a.m. to 5:00 p.m.; January 9, 1982, 9:00 a.m. to 5:00 p.m.; and, January 10, 1982, 9:00 a.m. to 5:00 p.m. Reauthorization Hearing: January 11, 1982, 9:00 a.m. to 5:00 p.m.

ADDRESS: Radisson Plaza Nashville, 2 Commerce Place, Nashville, Tennessee, 37239 (615) 244–8200.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202) 376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Director, Indian Education Programs;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) Submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian

children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, or any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The full Council meeting will be open to the public. This meeting will be held at the Radisson Plaza Nashville, 2 Commerce Place, Nashville, Tennesee 37239 (615) 244–8200.

The proposed agenda includes:

(1) Executive Director's report
(2) Action on previous meeting minutes
(3) Committee discussions and reports
(4) Review of NACIE FY 1982 budget
(5) Plans for future NACIE activities
(6) Regular Council business
(7) Public testimony.

The Reauthorization Hearing will be open to the public. This hearing will be held at the Radisson Plaza Nashville, 2 Commerce Place, Nashville, Tennessee 37239 (615) 244–8200.

The proposed agenda includes:

Preliminary public hearing on the reauthorization of the Indian Education Act, Pub. L. 92–318.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: December 11, 1981. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81–35989 Filed 12–15–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of the Secretary

Boeing Engineering and Construction Company Proposed Contract Award

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulations, Title 41, Subpart 9–1.5409, published in the **Federal Register** on January 11, 1979 (44 FR 2556), DOE gives public notice that a contract is being awarded, recognizing the existence of potential organizational conflicts of interest, because this is determined to be in the best interest of the United States.

FOR FURTHER INFORMATION CONTACT: Owen Gormley, Office of Nuclear Fuel Cycle, Room B207/Germantown, Washington, DC 20545, Telephone (301) 353–4078.

Findings, Mitigation and Determination

Upon the basis of the following findings and determinations, the proposed contract described below is being awarded recognizing the existence of potential organizational conflicts of interest pursuant to the authority of 41 CFR 9–15409(a)(3).

Findings:

1. The Department of Energy has a continuing need for spent fuel and fuel cycle studies in support of U.S. Department of State initiatives in the furtherance of the Nation's international objectives. This includes participation by the Department in joint or multiple party endeavors with foreign countries either directly or under the aegis of international agencies such as the International Atomic Energy Agency. In order to respond to schedules established in international agreements and set by international bodies, the Department requires a contractor well versed in the Department's objectives, the Department's arrangements with other nations, and the Department's past activities in this area. It also requires a contractor with the flexibility to mount a significant effort with trained people on short notice to match the efforts by other nations.

2. Boeing and its team of subcontractors have been recognized as possessing the required combination of depth in engineering and breadth in the international arena for engineering studies and evaluation of institutional issues associated with licensing, financing, safeguards, and contracting arrangements necessary for an international spent fuel storage facility.

3. In accordance with 41 CFR 9–1.5405, Boeing and its subcontractors, International Energy Associates Limited, Doub and Muntzing, and E. R. Johnson Associated provided statements disclosing relevant information concerning their interests related to the work performed by the agency and bearing on whether they have possible conflicts of interest (a) with respect to being able to render impartial, technically sound, and objective assistance or advice or (b) which may give them an unfair competitive advantage.

4. Based on an evaluation of the facts contained in the disclosure, that is the clientele and interests of Boeing and its subcontract team, it has been found that there could be potential or perceived conflicts of interest with regard to the work required by the Office of Nuclear Fuel Cycle in accordance with 41 CFR 9–1.5409(a). The work involved consists of the preparation of conceptual designs and cost estimates for fuel cycle and spent fuel management facilities in a variety of noncontinental U.S. locations including islands. In addition, the institutional arrangements for operating the facilities, including financial, licensing, contracting, and liability for multinational or international arrangements will be examined and included in reports on the whole endeavor. These reports are used by the Department of Energy and the Department of State and to support U.S. positions or to refute foreign positions in the international arena. To the extent that such designs and proposed institutional arrangements provided by the contractor could influence the cost of compliance by the nuclear industry with any international agreement, and to the extent that the work is performed by firms that are a part of the nuclear industry, or which obtain a significant portion of their revenues from nuclear industry clients, there exists a potential for real or apparent conflict of interest.

5. It is neither feasible nor appropriate to disqualify Boeing and its subcontractors from contract award in accordance with 41 CFR 9–1.5409(a)(1) because any firm which is involved in the nuclear industry would have the potential for an apparent conflict of interest. In addition since the studies deal with the international aspects of spent fuel management and ancillary fuel cycle issues, the potential impact on clients of the firms is limited. This is because the scope of work covers areas which are somewhat unique in terms of DOE interest, and there has been no private interest directly related to the scope. Consequently there are no firms or Government laboratories which have developed the required expertise under Government contract. Therefore, any

firm with the required expertise in any phase of the program would have developed it in the private sector and thus would have the same potential or perceived conflict of interest.

In addition, since Government interest in this area has been so limited no firm would agree to accept this task if it meant a reduction in its private sector business. Neither is it cost effective to allow development of the required expertise under Government sponsorship.

Furthermore, it is not possible to totally avoid the potential or perceived organizational conflicts of interest by inclusion of appropriate conditions in the resulting contract pursuant to 41 CFR 9–1.5409(a)(2).

Mitigation: Mitigation to the extent feasible under 41 CFR 9–1.5409(a)(3) will be obtained by independent staff review by DOE officials both in the program office and in International Affairs. In addition, there will be reviews by the Department of State and representatives of nations involved in the studies. The major activity in the contract is a U.S. and Japanese study which has an extensive and rigid management and review structure. Also, Boeing and its subcontractors will not participate in policymaking on management aspects in the areas of work being undertaken. In addition, the organizational conflicts of interest special clause entitled "Organizational Conflicts of Interest DOE PR 9–1.5406–2(b)" shall be included in the contract.

Determination: In light of the above Findings and Mitigations and in accordance with 41 CFR 9–1.5409(a)(3), the proposed contract award is in the best interest of the United States.

Dated: December 1, 1981.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 81–35844 Filed 12–15–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 81–02–NG]

Transcontinental Gas Pipe Line Corp., Algonquin Gas Transmission Co., and Texas Eastern Transmission Corp.; Amended Joint Application for Orders Authorizing the Importation of the Natural Gas From Canada.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice amended application to inport natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on October 28, 1981, of an amendment to the joint application previously filed by Transcontinental Gas Pipe Line Corporation (Transco) and Algonquin Gas Transmission Company (Algonquin) for authorization to import up to 305,882 Mcf of natural gas per day from Canada for a period of approximately 20 years. The instant amendment adds Texas Eastern Transmission Corporation (Texas Eastern) as a third joint applicant and allocates the volume for which import authorizations are requested into equal one-third shares.

The amended application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., December 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Gary, Division of Natual Gas, Economic Regulatory Administration, 2000 M Street, N.W., Room 6304, RG–13, Washington, D.C. 20461, (202) 653–3415

Patricia J. Neel, Office of General Counsel, Natural Gas and Mineral Leasing, 1000 Independence Avenue, S.W., Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: On December 16, 1980, Transco and Algonquin filed with ERA an application requesting authorization to import up to 305,882 Mcf of natural gas per day from Canada, with deliveries to commence on November 1, 1983, and to be shared equally by the two applicants, as more fully described in the Notice of Receipt of Application issued by ERA on January 12, 1981 (46 FR 5048, January 19, 1981). The purpose of the instant amended joint application is to reflect the addition of Texas Eastern as an applicant and to allocate the total import quantities in equal one-third shares to the three applicants.

The amended application, according to the applicants, also constitutes the initial filing before the Federal Energy Regulatory Commission (FERC), pursuant to Section 3 of the Natural Gas Act, seeking authority to import the subject natural gas at a specific point on the U.S.-Canada border near St. Stephen, New Brunswick and Calais, Maine. The proposed transporter of the natural gas is the New England States Pipelines Company (NESP), which on October 9, 1981, filed with the FERC an application under Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities and provide transportation services necessary to implement the proposed import. NESP, according to the applicants, is a Massachusetts General Partnership jointly owned by affiliates of Algonquin, Transco, and Texas Eastern. The applicants further state that the NESP partnership is in the process of being expanded to include, through a subsidiary, an Albertan corporation, NOVA. The NESP system would extend approximately 360 miles from the U.S.-Canada border to Burrillville, Rhode Island, where it would connect with the existing Algonquin pipeline system.

The joint applicants assert that there is a demonstrated need for the proposed importation of Canadian natural gas on each of their respective pipeline systems. The amended joint application states that, due to a decline in committed sources of suppy, the proposed new volumes are necessary to provide the applicants greater assurance of meeting their customer's requirements and avoiding delivery curtailments.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a peition ot intervene, unless such a petition already has been filed in this docket in connection with the original application. Any person may filed a protest with respect to this amended application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the amended application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 6304, RG–13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., December 31, 1981). An official service list will not be available until after the intervention period is closed.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons who petitions to intervene are pending.

A copy of the amended application noticed herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 6304, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on December 7, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81-35843 Filed 12-15-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA82-1-1-000]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

December 10, 1981

Take notice that on December 1, 1981, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Thirty-Sixth Revised Sheet No. 3-A
Third Revised Sheet No. 3-B

These tariff sheets are proposed to become effective January 1, 1982.

Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the proposed changes in the rates of its suppliers, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Sun Gas Company. Alabama-Tennessee states that the changes have been made in conformity with the PGA and related provisions of its tariff.

The tariff sheets provide for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	[illegible]
Commodity	[1] 310.96
SG-1:	
Commodity	[1] 351.51
I-1	
Commodity	[1] 329.19

[1] Cents.

First Revised Sheet No. 3-B shows the incremental pricing surcharges which Alabama-Tennessee anticipates charging its customers for the six months commencing January 1, 1982.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35856 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI66-635-000, etc.]

ARCO Oil & Gas Co., Division of Atlantic Richfield Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To amend Certificates[1]

December 11, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unneccessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
CI66-635-000, D, Nov. 23, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75211.	Lone Star Gas Company, Nellie District North, Stephens County, Oklahoma.	(1)	
CI82-65-000, A, Nov. 25, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Transcontinental Gas Pipe Line Corporation, Block A-156, Galveston Area, Offshore Texas.	(2)	14.73
CI82-66-000 (CI76-84), B, Nov. 27, 1981.	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Texas Gas Transmission Corporation, Bayou Pigeon Field, Iberia Parish, Louisiana.	(3)	
CI82-67-000 (CI78-51), B, Nov. 30, 1981.	Northwest Exploration Company, P.O. Box 1526, Salt Lake City, Utah 84110.	Northwest Pipeline Corporation, Airport Prospect, Sweetwater County, Wyoming.	(4)	
CI82-69-000, A, Nov. 30, 1981	Mobil Producing Texas & New Mexico, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, High Island Block A-471 Field, South Addition, Federal Offshore Texas.	(5)	14.73
CI82-70-000, A, Nov. 30, 1981	....do	Southern Natural Gas Company, Mustang Island Area, Block 758, Federal Offshore Texas	(5)	14.73
CI82-71-000 (CI65-1249), B, Dec. 1, 1981.	Husky Oil Company, 600 South Cherry Street, Denver, Colorado 80222.	Cody Gas Company, Ralston Field, Park County, Wyoming.	(6)	
CI82-72-000, E, Dec. 2, 1981 [49]	TXO Production Corp. (Succ. to Texas Oil & Gas Corp.), 2700 Fidelity Union Tower, Dallas, Texas 75201.	Transwestern Pipeline Company, Lipscomb County, Texas.	(7)	14.65
CI82-73-000, E, Dec. 2, 1981 [49]	....do	Panhandle Eastern Pipe Line Company, Baca County, Colorado.	(8)	14.65
CI82-74-000, E, Dec. 2, 1981 [49]	....do	Panhandle Eastern Pipe Line Company, Baca County, Colorado.	(9)	14.65
CI82-75-000, E, Dec. 2, 1981 [49]	....do	El Paso Natural Gas Company, Crockett County, Texas	(10)	14.65
CI82-76-000, E, Dec. 2, 1981 [49]	....do	Panhandle Eastern Pipe Line Company, Ellis County, Oklahoma.	(11)	14.65
CI82-77-000, E, Dec. 2, 1981 [49]	....do	Arkansas Louisiana Gas Company, Sooner Trend Area, Garfield County, Oklahoma.	(12)	14.65
CI82-78-000, E, Dec. 2, 1981 [49]	....do	Colorado Interstate Gas Company, Carbon and Sweetwater Counties, Wyoming.	(13)	14.65
CI82-79-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Yates Formation, Gaines County, Texas.	(14)	14.65
CI82-80-000, E, Dec. 2, 1981 [49]	....do	Florida Gas Transmission Company, McGill Ranch Field Area, Kenedy County, Texas.	(15)	14.65
CI82-81-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Reagan County, Texas	(16)	14.73
CI82-82-000, E, Dec. 2, 1981 [49]	....do	Florida Gas Transmission Company, McGill Ranch Field Area, Kenedy County, Texas.	(17)	14.65
CI82-83-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Morrow Formation, Beaver County, Oklahoma	(18)	14.65
CI82-84-000, E, Dec. 2, 1981 [49]	....do	Arkansas Louisiana Gas Company, Arkoma Area, Le-Flore County, Oklahoma.	(18)	14.65
CI82-85-000, E, Dec. 2, 1981 [49]	....do	Michigan Wisconsin Pipe Line Company, Major County, Oklahoma.	(20)	14.65
CI82-86-000, E, Dec. 2, 1981 [49]	....do	Florida Gas Transmission Company, McGill Ranch Field Area, Kenedy County, Texas.	(21)	14.65
CI82-87-000, E, Dec. 2, 1981 [49]	....do	Panhandle Eastern Pipe Line Company, Woods County, Oklahoma.	(22)	14.65
CI82-88-000, E, Dec. 2, 1981 [49]	....do	Arkansas Oklahoma Gas Corporation, Sebastian County, Arkansas.	(23)	14.65
CI82-89-000, E, Dec. 2, 1981 [49]	....do	Columbia Gas Transmission Corporation, Wharton County, Texas.	(24)	14.65
CI82-90-000, E, Dec. 2, 1981 [49]	....do	Panhandle Eastern Pipe Line Company, Morrow Formation, Beaver County, Oklahoma.	(25)	14.65
CI82-91-000, E, Dec. 2, 1981 [49]	....do	Natural Gas Pipeline Company of America, Cemetery Morrow Field, Eddy County, New Mexico.	(26)	14.65
CI82-92-000, E, Dec. 2, 1981 [49]	....do	Transwestern Pipeline Company, Lipscomb County, Texas	(27)	14.65
CI82-93-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Lipscomb County, Texas.	(28)	14.65
CI82-94-000, E, Dec. 2, 1981 [49]	....do	Transcontinental Gas Pipe Line Corporation, Dunn Field, Live Oak County, Texas.	(29)	14.65
CI82-95-000, E, Dec. 2, 1981 [49]	....do	Michigan Wisconsin Pipe Line Company, Harper County, Oklahoma.	(30)	14.65
CI82-96-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Beaver County, Oklahoma.	(31)	14.65
CI82-97-000, E, Dec. 2, 1981 [49]	....do	Michigan Wisconsin Pipe Line Company, Harper County, Oklahoma.	(32)	14.65
CI82-98-000, E, Dec. 2, 1981 [49]	....do	Texas Eastern Transmission Corporation, Southwest Speaks Field, Lavaca County, Texas.	(33)	14.65
CI82-99-000, E, Dec. 2, 1981 [49]	....do	El Paso Natural Gas Company, Cisco Formation, Eddy County, New Mexico.	(34)	14.73
CI82-100-000, E, Dec. 2, 1981 [49]	....do	Texas Eastern Transmission Corporation, Yeary Field, Kleberg County, Texas.	(35)	14.65
CI82-101-000, E, Dec. 2, 1981 [49]	....do	Arkansas Louisiana Gas Company, Arkoma Area, Le-Flore County, Oklahoma.	(19)	14.65
CI82-102-000, E, Dec. 2, 1981 [49]	....do	Colorado Interstate Gas Company, Greenwood Field, Baca County, Colorado.	(36)	14.65
CI82-103-000, E, Dec. 2, 1981 [49]	....do	Transcontinental Gas Pipe Line Corporation, East Yoward Field, Bee County, Texas.	(14)	14.65
CI82-104-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Morrow Formation, Woodward County, Oklahoma.	(29)	14.65
CI82-105-000, E, Dec. 2, 1981 [49]	....do	Columbia Gas Transmission Corporation, Irion County, Texas.	(24)	14.65
CI82-106-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Ellis County, Oklahoma	(37)	14.65
CI82-107-000, E, Dec. 2, 1981 [49]	....do	Transwestern Pipeline Company, Eddy County, New Mexico.	(28)	14.65
CI82-108-000, E, Dec. 2, 1981 [49]	....do	Arkansas Louisiana Gas Company, Arkoma Area, Le-Flore County, Oklahoma.	(38)	14.65
CI82-109-000, E, Dec. 2, 1981 [49]	....do	Arkansas Louisiana Gas Company, Arkoma Area, Sequoyah County, Oklahoma.	(39)	14.65
CI82-110-000, E, Dec. 2, 1981 [49]	....do	Michigan Wisconsin Pipe Line Company, Laverne Field, Harper County, Oklahoma.	(40)	14.65
CI82-111-000, E, Dec. 2, 1981 [49]	....do	Northern Natural Gas Company, Mississippian Chester Formation, Woods County, Oklahoma.	(41)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI82-112-000, E, Dec. 2, 1981[40]	do	Transcontinental Gas Pipe Line Corporation, West Papalote Field, San Patricio County, Texas.	([41])	14.65
CI82-113-000, E, Dec. 2, 1981[40]	do	Panhandle Eastern Pipe Line Company, Chester Formation, Woods County, Oklahoma.	([42])	14.65
CI82-114-000, E, Dec. 2, 1981[40]	do	Columbia Gas Transmission Corporation, Eddy County, New Mexico.	([43])	14.73
CI82-115-000, E, Dec. 2, 1981[40]	do	Arkansas Louisiana Gas Company, West Cedars Field, LeFlore County, Oklahoma.	([44])	14.65
CI82-116-000, E, Dec. 2, 1981[40]	do	Panhandle Eastern Pipe Line Company, Red Fork and Mississippian Formations, Woods County, Oklahoma.	([45])	14.65
CI82-117-000, E, Dec. 2, 1981[40]	do	Cities Service Gas Company, Barber County, Kansas	([46])	14.65
CI82-118-000, E, Dec. 2, 1981[40]	do	Northern Natural Gas Company, Loving County, Texas	([47])	14.65
CI82-119-000, E, Dec. 2, 1981[40]	do	Texas Eastern Transmission Corporation, Waskon Field Area, Harrison County, Texas.	([48])	14.65

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession

[1] Leases sold and assigned to C & Y Casing Pulling Co. effective October 1, 1972.

[2] Applicant is willing to accept the applicable price and the escalations thereto and is concurrently filing herewith an initial billing statement (Schedule 0507) to cover collection of the price provided by Section 102 of the NGPA.

[3] The leases in which Gulf acquired an interest, as successor to the Cenard Oil and Gas Company, expired and were released to landowner prior to the date of cancellation of the contract.

[4] The Black Butte No. 1 well which was the only source of gas from the acreage dedicated to the Gas Purchase Contract of September 16, 1977 was plugged and abandoned on November 12, 1978.

[5] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d)

[6] Substantially depleted state of casinghead gas production, removal of corroded gathering line.

[7] Applicant is filing under Gas Purchase Contract dated October 3, 1978.

[8] Applicant is filing under Gas Purchase Contract dated August 31, 1977.

[9] Applicant is filing under Gas Purchase Contract dated September 1, 1977

[10] Applicant is filing under Gas Purchase Contract dated March 4, 1981

[11] Applicant is filing under Gas Purchase Contract dated June 6, 1978.

[12] Applicant is filing under Gas Purchase Contract dated June 15, 1978.

[13] Applicant is filing under Gas Purchase Contract dated September 15, 1977

[14] Applicant is filing under Gas Purchase Contract dated September 29, 1978

[15] Applicant is filing under Gas Purchase Contract dated September 26, 1978

[16] Applicant is filing under Gas Purchase Contract dated July 5, 1978

[17] Applicant is filing under Gas Purchase Contract dated June 5, 1978.

[18] Applicant is filing under Gas Purchase Contract dated August 13, 1978.

[19] Applicant is filing under Gas Purchase Contract dated October 13, 1977

[20] Applicant is filing under Gas Purchase Contract dated August 28, 1978

[21] Applicant is filing under Gas Purchase Contract dated April 7, 1978.

[22] Applicant is filing under Gas Purchase Contract dated January 25, 1978

[23] Applicant is filing under Gas Purchase Contract dated November 1, 1978

[24] Applicant is filing under Gas Purchase Contract dated July 17, 1978

[25] Applicant is filing under Gas Purchase Contract dated June 2, 1978

[26] Applicant is filing under Gas Purchase Contract dated July 1, 1978.

[27] Applicant is filing under Gas Purchase Contract dated October 2, 1978

[28] Applicant is filing under Gas Purchase Contract dated July 31, 1978.

[29] Applicant is filing under Gas Purchase Contract dated September 12, 1978

[30] Applicant is filing under Gas Purchase Contract dated March 13, 1978.

[31] Applicant is filing under Gas Purchase Contract dated January 10, 1978

[32] Applicant is filing under Gas Purchase Contract dated July 7, 1978.

[33] Applicant is filing under Gas Purchase Contract dated July 25, 1978

[34] Applicant is filing under Gas Purchase Contract dated June 10, 1978

[35] Applicant is filing under Gas Purchase Contract dated August 14, 1978.

[36] Applicant is filing under Gas Purchase Contract dated September 29, 1977

[37] Applicant is filing under Gas Purchase Contract dated October 7, 1977.

[38] Applicant is filing under Gas Purchase Contract dated November 7, 1977

[39] Applicant is filing under Gas Purchase Contract dated November 21, 1977

[40] Applicant is filing under Gas Purchase Contract dated January 5, 1978.

[41] Applicant is filing under Gas Purchase Contract dated August 16, 1978

[42] Applicant is filing under Gas Purchase Contract dated September 21, 1978

[43] Applicant is filing under Gas Purchase Contract dated July 19, 1978

[44] Applicant is filing under Gas Purchase Contract dated July 10, 1978

[45] Applicant is filing under Gas Purchase Contract dated December 8, 1977

[46] Applicant is filing under Gas Purchase Contract dated June 6, 1977

[47] Applicant is filing under Gas Purchase Contract dated September 5, 1978

[48] Applicant is filing under Gas Purchase Contract dated May 8, 1978

[49] As of September 1, 1981 TXO Production Corp., a wholly owned subsidiary of Texas Oil & Gas Corp., succeeded to all rights and obligations of Texas Oil & Gas Corp., under said contract

[FR Doc 81-35857 Filed 12-15-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA82-1-12-000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

December 10, 1981.

Take notice that Distrigas Corporation (Distrigas) on November 30, 1981 tendered for filing Eighth Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC) on the above date tendered for filing Eighth Revised Sheet No. 3A.

Eighth Revised Sheet No. 1 and Eighth Revised Sheet No. 3A are being filed pursuant to Distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The Distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (decrease) of the price paid for the purchase of LNG from its supplier SONATRACH in accordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas together with demurrage and amortization over the six-month period, January 1, 1982 through June 30, 1982, of the balance of the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, January 1, 1982 through June 30, 1982, of the balance in DOMAC's unrecovered purchased LNG cost account and the GRI Surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective January 1, 1982 to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 35858 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5644-000]

Energenics Systems, Inc.; Application for Preliminary Permit

December 11, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on November 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5644 to be known as the Horsetooth Project located on Horsetooth Reservoir and the Charles Hansen Canal near Ft. Collins, Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas Clark, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would utilize the existing Horsetooth Dam and Reservoir and the Charles Hansen Canal, both owned and operated by the U.S. Department of the Interior, Bureau of Reclamation. Applicant would utilize the existing outlet conduit at the dam and construct a powerhouse containing two turbine-generator units with a total rated capacity of 3 MW and a 3-mile long transmission line. The project would generate up to 14,000,000 kWh annually. Energy produced at the project would be sold to Platt River Power Authority or the Western Area Power Authority.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35859 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-6-000]

Farmer's Union Central Exchange), Inc. (CENEX); Filing of Petition for Review Under 42 U.S.C.D 7194

December 11, 1981.

Take notice that Farmer's Union Central Exchange, Inc. (CENEX) on November 25, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before December 28, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before December 28, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room

1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35860 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5549-000]

Hydro Resource Co.; Application for Preliminary Permit

December 11, 1981.

Take notice that Hydro Resource Company (Applicant) filed on October 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5549 to be known as the Lena Creek Project located on Lena Creek in Mason/Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Agent, P.O. Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 5,500-foot long, 36-inch diameter diversion conduit; (3) a 1,500-foot long, 36-inch diameter penstock; (4) a powerhouse with a total rated capacity of 4,000 kW; and (5) a 12,000-foot long, 55-kV transmission line from the powerhouse to an existing transmission line. The applicant estimates that the average annual energy output would be 28 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies and also prepare a FERC license application. New roads would be needed to conduct these studies. The applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 15, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35861 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5590-000]

Mid-Atlantic Energy Corp., Application for Preliminary Permit

December 11, 1981.

Take notice that Mid-Atlantic Energy Corporation, Inc. (Applicant) filed on November 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5590 to be known as the Culor Hydropower Project located on the Rapidan River near the town of Rapidan in the Counties of Orange and Culpeper in the State of Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Barbara Youngblood, Project Director, Mid-Atlantic Energy Corporation, Inc., 10607 Beach Mill Road, Great Falls, Virginia 22066.

Project Description—The proposed project would consist of: (1) an existing concrete dam 175 feet long and 25 feet high; (2) the proposed construction of an intake, a 32-foot long penstock, and a 70-foot long tailrace; (3) the proposed construction of a powerhouse with the installation of a 1.0 MW turbine and generator unit; (4) an existing reservoir with a gross storage capacity of approximately 325 acre feet and a negligible surface area; (5) a proposed 100-foot long distribution line interconnecting with a Virginia Electric Power Company line near the proposed project; and (6) appurtenant facilities. The Applicant estimates the annual energy generation to be 4.0 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Competing Applications—Anyone desiring to file a competing application

for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the (Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35862 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5601-000]

Oroville-Wyandotte Irrigation District; Application for Preliminary Permit

December 11, 1981.

Take notice that Oroville-Wyandotte Irrigation District (Applicant) filed on November 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5601 to be known as the French Creek Power Project located on French Creek and the Little North Fork Creek and partially on United States lands within the Plumas National Forest, in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Steven C. Onken, Power Superintendent, Oroville-Wyandotte Irrigation District, P.O. Box 117, Forbestown, California 95941.

Project Description—The proposed project would consist of: (1) a 20-foot high diversion dam across Little North Fork Creek, at a point approximately 15,000 feet upstream of the Little North Fork Creek and Middle Fork Feather River confluence diverting water into; (2) a 8,000-foot long tunnel, leading to Peavine Creek, a tributary of French Creek; (3) a 105-foot high, 1,500-foot long dam across French Creek, forming; (4) a reservoir with a gross storage capacity of 32,000 acre-feet; (5) a 6,000-foot long tunnel/penstock leading to; (6) a powerhouse containing generating units with a total rated capacity of 10,000 kW; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 104 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) No new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 16, 1982, the competing application itself or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 15, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to invervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all

capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35883 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

Project Nos. 5533-000, 5625-000]

T. Owen, F. Castagna, R. Bean, and Modesto Irrigation District; Application for Preliminary Permit

December 8, 1981.

Take notice that T. Owen, F. Castagna, R. Bean and Modesto Irrigation District (Applicants) filed on October 20, 1981, and November 9, 1981, applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects Nos. 5533 (intial application) and 5629 (competing application) to be known as the Sand and Brown's Power Project located on Sand Creek and Brown's Creek in Madera County, California. The projects lie within the Sierra National Forest. The applications are on file with the Commission and are available for public inspection. Correspondence with either Applicant should be directed to: Teddy Owen, Fred Castagna, Richard Bean, 1646 East Street, Redding, California 96001, and/or Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed Project No. 5533 would consist of: (1) two 5-foot high diversion structures with negligible storage; (2) diversion conduits or channels 5,610 and 1,080 feet long; (3) penstocks 5,740 and 3,290 feet long; (4) a powerhouse containing one or a combination of turbine generators with 3,651 kW capacity and 9.14 GWh annual energy production; (5) transmission line; and (6) appurtenant facilities. The proposed Project No. 5625 would consist of: (1) two 5-foot high, 185-foot long diversion structures; (2) diversion conduits, 48-inch diameter, 5,610-foot long, 24-inch diameter, 1,080-foot long; (3) penstocks 48 and 24 inch diameter, 3,290 feet long; (4) a powerhouse containing one or more generating units with a capacity of 3,660 kW and 9.14 million kWh annual energy production; and (5) a transmission line. Generated energy will be distributed through an intertie with Pacific Gas and Electric System.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicants seek issuance of a preliminary permit for a period of 36 and 24 months, respectively, during which time the firms plan engineering, economic and environmental studies, to ascertain project feasibility and to support their application for a license to construct and operate the project. The estimated cost of these actions is $102,000 for Project No. 5533 and $75,000 for Project No. 5625.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before Februaty 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 12, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anvone mav submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35884 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP76-136-019, et al.]

Transcontinental Gas Pipe Line Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

December 11, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may

submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 24, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Filing Date	Company	Docket No.	Type Filing
Nov. 18, 1981	Transcontinental Gas Pipe Line Corporation	RP76-136-019	Report.
Nov. 23, 1981	Southern Natural Gas Company	RP81-105-008	LFUT Report.
Nov. 25, 1981	Florida Gas Transmission Company	RP79-16-005	Report.
Nov. 30, 1981	Eastern Shore Natural Gas Company	RP76-136	Petition.
Nov. 30, 1981	Great Lakes Gas Transmission Company	RP80-134	Report.
Nov. 30, 1981	South Georgia Natural Gas Company	RP77-32	Report.
Dec. 1, 1981	Eastern Shore Natural Gas Company	RP82-11-001	Report.
Dec. 1, 1981	Eastern Shore Natural Gas Company	RP82-11-002	Report.
Dec. 3, 1981	Consolidated Gas Supply Corporation	RP72-157-049	Report.
Dec. 3, 1981	Southern Natural Gas Company	RP81-105-009	LFUT Report.
Dec. 3, 1981	Texas Gas Transmission Corporation	RP81-12-002	LFUT Report.

[FR Doc 81-35865 Filed 12-15-81: 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5666-000]

Town of Greenfield; Application For Preliminary Permit

December 11, 1981.

Take notice that the Town of Greenfield (Applicant) filed on November 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5666 to be known as the Greenfield Project located on the Green River in the Town of Greenfield, Franklin County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael Pill, New England Energy Development Systems, Inc., 109 Main Street, Amherst, Massachusetts 01002.

Project Description—The proposed project would consist of two developments described as follows:

(A) The Green One Development would consist of: (1) an existing dam comprised of a 147.5 foot long earth dike and a 100-foot long, 17-foot high concrete-ogee-type spillway dam; (2) a reservoir with negligible usable storage capacity; (3) a new 90-foot long penstock of undetermined composition and diameter; (4) a new powerhouse containing two turbine-generators with a total rated capacity of 71 kW; and (5) appurtenant facilities. Green One would generate up to 336,000 kWh annually.

(B) The Green Two Development would consist of: (1) an existing 135-foot long, 12-foot high, concrete-ogee-type spillway dam; (2) a reservoir with negligible usable storage capacity; (3) a new 50-foot long penstock of undetermined composition and diameter; (4) a new powerhouse containing three turbine-generators with a total rated capacity of 106 kW; and (5) appurtenant facilities. Green Two would generate up to 564,000 kWh annually.

Both dams are owned by the Applicant. Energy produced at the project would be sold to Northeast Utilities Service Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for exemption or license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $15,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 16, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Foom 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35800 Filed 12-15-81; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-251; PH-FRL-2002-2]

E M Industries, Inc.; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice annouces the filing of pesticide petitions by E M Industries Inc. proposing exemptions from the requirement of tolerances for residues of the inert solvents *N*-methylpyrrolidone and dimethylformamide in or on almonds and apples.

ADDRESS: Written comments to: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-251]" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8 a.m to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby (703-557-1900).

SUPPLEMENTARY INFORMATION: E M Industries Inc. Plant Protection Division. 5 Skyline Drive, Hawthorne, NY 10532, has submitted petitions (PP 2F2591) and (PP 2F2592) to EPA. The petiions propose that 40 CFR Part 180 be amended by establishing exemptions from the requirement of tolerances for residues of the inert solvents *N*-methylpyrrolidone (PP 2F2591) and dimethylformamide (PP 2F2592) for blossom use on almonds and apples.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35839 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 0G2291/T338; PH-FRL-2002-3]

Oryzalin; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the temporary tolerance for residues of the herbicide oryzalin, (3,5-dinitro-N^4-, N^4-dipropylsulfanilamide), in or on the raw agricultural commodity white potatoes at 0.1 part per million (ppm).

DATE: This tolerance expires October 5, 1982.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the Federal Register of October 10, 1980 (45 FR 67452) announcing the establishment of a temporary tolerance for residues of the herbicide oryzalin, (3,5-dinitro-N^4-, N^4-dipropylsulfanilamide), in or on the raw agricultural commodity white potatoes at 0.1 ppm. This tolerance has been extended in response to a pesticide petition (PP 0G2291), submitted by Elanco Products Co., PO Box 1750, Indianapolis, IN 46206.

This temporary tolerance is to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permits (1471-EUP-70) and (1471-EUP-71) which are being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires October 5, 1982. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary tolerance. This tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted temporary tolerances from the OMB review requirements of executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35338 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 1G2441/T337; PH-FRL-2002-4]

Tralomethrin; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has establishd a temporary tolerance for residues of the insecticide tralomethrin, [1R[1(S*)3(RS*)]]-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylic acid-alpha-cyano (3-phenoxyphenyl)methyl ester, in or on the raw agricultural commodity

cottonseed at 0.02 part per million (ppm).

DATE: This temporary tolerance expires July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2690).

SUPPLEMENTARY INFORMATION: American Hoechst Corporation, Route 202–206 North, Somerville, NJ 08876, has requested the establishment of a temporary tolerance for residues of the insecticide tralomethrin, [1R[1(S*)3(RS*)]]-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylic acid-alpha-cyano (3-phenoxyphenyl)methyl ester, in or on cottonseed at 0.02 ppm.

This temporary tolerance will permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 8340–EUP–6 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. American Hoechst Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires July 1, 1982. Residues not in excess of 0.02 ppm remaining in or on cottonseed after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: December 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35937 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[PP 5G1590/T335; PH–FRL–2002–5]

Tricyclazole on Rice; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for the combined residues of the fungicide tricyclazole 5-methyl-1,2,4-triazolo (3,4-*b*)-bensothiazole and its metabolite 1,2,4-triazolo (3,4-*b*)-benzothiazole-5-methanol, in or on the raw agriculture commodities rough rice (rice grain with hulls) at 8.0 parts per million (ppm); liver and kidney of cattle, swine, horses, goats, poultry and sheep at 0.3 ppm; and milk and eggs at 0.03 ppm.

DATE: These tolerances expire December 31, 1983.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of August 25, 1980 (45 FR 56432) announcing the establishment of temporary tolerances for the combined residues of the fungicide tricyclazole 5-methyl-1,2,4-triazolo (3,4-*b*)-benzothiazole and its metabolite 1,2,4-triazolo (3,4-*b*)-benzothiazole-5-methanol, in or on the raw agricultural commodities rough rice (rice grain with hulls) at 8.0 ppm; liver and kidney of cattle, swine, horses, goats, poultry and sheep at 0.3 ppm; and milk and eggs at 0.03 ppm. These tolerances have been extended in response to a pesticide petition (PP 5G1590), submitted by Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206.

These temporary tolerances are to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit (1471–EUP–60) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the fungicide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expires December 31, 1983. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the fungicide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this fungicide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that these temporary tolerances are not a "Major"

rule and therefore do not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted these temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexbility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc 81-36336 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-66086; PH-FRL 20054]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: January 15, 1982.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Evnironmental Protection Agency, Rm. 516, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7121.

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntary cancel registration of their pesticide products.

Registration No	Product name	Registrant	Date registered
100-555	Maloran 50 WP Herbicide	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409	Mar. 20, 1969
100-563	Maloran Technical	do	May 28, 1974
148-814	De-Peeter Dibrom-Kelthane-Folpet 4-4-7.5	Thompson-Hayward Chemcial Company, P O Box 2383, Kansas City, KS 66110.	Apr. 23, 1968
148-879	Ethion-Thiodan-43	do	Apr. 4, 1969
148-1103	Ethion 4 Niacible Miticide Insecticide	do	Apr. 21, 1972
239-1318	Ortho Ethion 25 Wettable	Chevron Chemical Company, 940 Hensley Street, Richmond, CA 94801	Apr. 22, 1959
239-1350	Ortho Ethion 4 Dust	do	May 20, 1959
239-1359	Ortho Ethion 4 Emulsive	do	May 25, 1969
239-1417	Dibrom Sulfur 4-30 Dust	do	Sept. 18, 1959
239-1432	Ortho Ethion Dormant Oil Combination	do	Nov. 23, 1959.
239-1444	Volok Supreme Ethion Combination	do	Jan. 14, 1960
239-1585	Volok 70 Supreme Ethion Combination	do	Mar. 22, 1961
239-2144	Orthocide Dibrom Sevin Sulfur 5-3-7.5-25 Dust	do	Oct. 26, 1965
239-1624	Dibrom Sevin 2-5 Dust	do	Apr. 22, 1959
239-1780	Dibrom Thiodan Sulfur 2-3 Dust	do	Nov. 16, 1962
239-1835	Dibron Toxaphene 3-10 Dust	do	June 13, 1963
239-1987	Dibrom Thiodan 3-3 Dust	do	Sept. 4, 1964
239-2051	Dibrom Thiodan 4-4 Dust	do	Dec. 2, 1964
239-2054	Dibrom Thiodan Sulfur 4-4-30 Dust	do	Dec. 11, 1964
239-2145	Dibrom Sulfur 4-10	do	Oct. 26, 1965
239-2148	Dibrom Zinc Coposil 4-35 Dust	do	Oct. 26, 1965
239-2151	Dibrom Phosphamidon 3-1.5 Dust	do	Oct. 26, 1965
239-1995	Ortho Cotton Special Dust	do	Sept. 11, 1964
239-2283	Ortho Ethion Sevin 4-5 Dust	do	NOv. 4, 1968
279-1958	Aqua Delnav 8	FMC Corporation, 2000 Market Street, Philadelphia, PA 19103	July 18, 1962
279-2351	Botran 8 Kolodust 25 Dibrom 4 Dust	do	Nov. 29, 1965
1202-287	PureGro Ethion-Dibrom Sulfur 4-4-25	Pure Gro Company, 1052 West Sixth Street, Los Angeles, CA 90017	Feb. 13, 1975.
1386-208	Unico Malathion Grain Spary Premium Grade	Universal Cooperative, Inc., 3001 Metro Drive, Suite 500, Minneapolis, MN [illegible]	Feb 5, 1959
1553-94	MOMAR Ben-Gone	Momar, Inc., 1630 Ellsworth Industrial Dr., NW., Atlanta, GA 30318	Mar. 19, 1973
1574-26	Stanley Insect Repellent	Stanley Home Products, Inc., 333 Western Avenue, Westfield, MA 10005	Feb. 18, 1971
2342-814	5% Captan 3% Trithion Dust	Kerr-McGee Chemical Corporation, Kerr-McGee Building, Oklahoma City, OK 73120.	Nov. 29, 1966
2342-858	10% Captan 6% Trithion Dust	do	Aug. 24, 1973
2749-84	Dichlone 50 WP Fungicide	Aceto Agricultural Chemicals Corp., 126-02 Northern Blvd., Flushing, NY 11368	June 3, 1971
2935-337	RED-TOP EPN 4 Mosquitocide	Wilbur-Ellis Co., 191 West Shaw Avenue, Suite 107, Fresno, CA 93704	June 27, 1968
5905-303	Helena Trithion Sulfur 2-80 Dust	Helena Chemical Co., 5100 Poplar Avenue, Suite 2900, Memphis, TN 38137	Jan. 21, 1974.
5905-343	Delnav 4-E Emulsifiable Concentrate	do	Jan. 21, 1974
7364-3	Aigi-Cure	Great Lakes Biochemical Company, Inc., 6120 West Douglas Ave., Milwaukee, WI 53218.	June 24, 1963
7364-8	Action Aigi-Cure	do	June 17, 1965
9852-12	Rite-Off Triple Mix Repellent	Rite-Off, Inc., 1545 Fifth Industrial Court, Bay Shore, NY 11706	Dec. 5, 1972.
10816-7	Ear Clean	W. T. Rawleigh Co., 223 East Main Street, Freeport, IL 61032	Nov 20, 1972

The Agency has agreed that such cancellation shall be effective January 15, 1982 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective

date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP–66086]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E–107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: November 27, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 81–35612 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50559; PH–FRL 2005–5]

American Cyanamid Co.; Issuance of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit to American Cyanamid Co. This permit is in accordance with, and subject to, the provisions of 40 CFR Part 172 which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in the experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permit: 241–EUP–98, American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 2,400 pounds of the herbicide pendimethalin on sweet corn to evaluate the control of weeds. A total of 600 acres are involved. The program is authorized only in the States of Minnesota and Wisconsin. The experimental use permit is effective from April 1, 1982 to April 1, 1983. Temporary tolerances for residues of the active ingredient in or on sweet corn grain, fodder and forage have been established. (Robert Taylor, PM 25, Rm. 251, CM#2, (703–557–1800).)

Persons wishing to review this experimental use permit are referred to the designated product manager. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: November 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35613 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50561; PH–FRL 2005–6]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

352–EUP–109. E.I. duPont de Nemours & Co., Wilmington, DE 19898. This experimental use permit allows the use of 300 pounds of the herbicide 2-chloro-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) aminocarbonyl]benzenesulfonamide on noncropland to evaluate the control of weeds. A total of 1,600 acres are involved. The program is authorized only in the States of California, Idaho, Oregon, and Washington. The experimental use permit is effective from November 1, 1981 to November 1, 1982. (Robert Taylor, PM 25, Rm. 251 GM#2, (703–557–1800).)

524–EUP–57. Monsanto Company, 1101 17th St., NW., Washington, DC 20036. This experimental use permit allows the use 2,360 pounds of the herbicide S-(2,3,3-Trichloroallyl) diisopropyl-thiocarbamate on barley, field dried peas, green peas, lentils, spring and durum wheat, and winter wheat to evaluate the control of weeds. A total of 2,360 acres are involved. The program is authorized only in the States of California, Colorado, Idaho, Kansas, Minnesota, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, and Washington. The experimental use permit is effective from October 26, 1981 to October 26, 1983. Permanent tolerances for residues of the active ingredient in or on barley, lentils, peas, and wheat have been established (40 CFR 180.314). (Robert Taylor, PM 25, Rm. 251, CM#2, (703–557–1800).)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: November 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35614 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50557; PH–FRL 2005–8]

Elanco Products Co.; Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to Elanco Products Company. These permits are in accordance with, and subject to, the provisions of 40 CFR 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921

Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

1471–EUP–58. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 300 pounds of the herbidice oryzalin on winter wheat to evaluate control of weeds. A total of 300 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from August 6, 1981 to August 6, 1982. A temporary tolerance for residues of the active ingredient in or on wheat has been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800).)

1471–EUP–69. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 32,420 pounds of the herbicide oryzalin on winter wheat to evaluate control of weeds. A total of 32,420 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from August 6, 1981 to August 6, 1982. A temporary tolerance for residues of the active ingredient in or on wheat has been established. The permits will use the same active ingredient but different formulations. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800).)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: November 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35616 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-66087; PH-FRL 2006-1]

Certain Pesticide Products; Intent to Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: January 15, 1982.

ADDRESS: Written comments to: Documents Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Evnironmental Protection Agency, Rm. 516, CM#2 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7121.

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntary cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
148–995	Propanil 3	Thompson Hayward Chemical Co., P.O. Box 2700, Kansas City, KS 66110.	Oct. 20, 1972.
148–996	Propanil 4	....do	Aug. 30, 1972.
148–1219	Propanil Technical	....do	Oct. 14, 1975
148–1220	Propanil MO	....do	Nov. 12, 1975.
239–1779	Dibrom Cryolite 3–40 Dust	Chevron Chemical Co., 940 Hensley St., Richmond, CA 94801	Nov. 16, 1962.
[illegible]	E–Z Flo Granular Noraben	Grower Service Corporation, P.O. Box 16037, Lansing, MI 48901	Mar. 26, 1970.
802–447	Miller's Ethion 4 EC Agricultural Insecticide.	The Chas. H. Lilly Company, 7737 N.E. Killingsworth St., Portland, OR 97218.	July 2, 1970.
[illegible]	Miller's Ethion 25W	....do	Feb. 24, 1971.
[illegible]	Herban Wettable Powder	BFC Chemicals Inc. P.O. Box 2867, Wilmington, DE 19805	May 11, 1981.
[illegible]	Herban 21A Wettable Powder.	....do	May 11, 1981.
45639–27	Herban–MSMA Surfactant Cotton Herbicide.	....do	May 11, 1981
[illegible]	Herban 21P Wettable Powder.	....do	May 11, 1981
45639–33	Noraben Herban-Amiben Liquid Slurry Mixture for Pre-emergence Weed Control in Soybeans.	.... do	May 11, 1981
45639–34	Noraben Granules	....do	May 11, 1981

The Agency has agreed that such cancellation shall be effective January 15, 1982 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document contro number "[OPP–66087]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E–107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: November 16, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 81-35617 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50564; PH-FRL-2006-2]

Renewal of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in the experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

7452-EUP-6. The Freers Company, 2502 Lucas St., P.O. Box 103, Muscatine, IA 52761. This experimental use permit allows the use of 64 pounds of the fungicide 2-(4-thiazolyl)benzimidazole on oak trees to evaluate the control of oak wilt. A total of 225 trees per state are involved. The program is authorized only in the States of Illinois, Iowa, Minnesota, and Wisconsin. The program was previously effective from May 7, 1979 to May 7, 1981. It is now effective from October 20, 1981 to October 20, 1982. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703-557-1900).)

38586-EUP-1. Washington State University, College of Agriculture, Pullman, WA 99164. This experimental use permit allows the use of 2,800 pounds of the insecticide/nematocide aldicarb on hops to evaluate the control of hops aphids and two-spotted spider mites. A total of approximately 200 acres are involved. The program is authorized only in the State of Washington. The permit was previously effective from June 20, 1978 to June 20, 1979. It is now effective from June 5, 1981 to June 5, 1982. Temporary tolerances for residues of the active ingredient in or on hops and dried hops have been established. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386).)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35618 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50563; PH-FRL 2006-3]

Elanco Products Co.; Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to Elanco Products Company. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in the experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

1471-EUP-60. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 22,500 pounds of the fungicide tricyclazole on rice (preharvest) to evaluate control of rice blast and seedhead diseases of rice. A total of 45,000 acres are involved. The experimental use permit is authorized only in the States of Arkansas, Florida, Louisiana, Mississippi, and Texas. The experimental use permit is effective from October 2, 1981 to December 31, 1983. Temporary tolerances for residues of the active ingredient and its metabolite in or on rough rice (rice grains with hulls) has been established. A feed additive regulation for residues of the active ingredient in or on rice bran, hulls and polishings has been established. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703-557-1900).)

1471-EUP-70. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 217 pounds of the herbicide oryzalin on white potatoes to evaluate the control of weeds.

1471-EUP-71. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 210 pounds of the herbicide oryzalin on white potatoes to evaluate the control of weeds. This program and the one above are authorized only in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Michigan, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia, and Wisconsin. Both experimental use permits are effective from October 5, 1981 to October 5, 1982. A temporary tolerance for residues of the active ingredient in or on potatoes has been established. The permits will use the same active ingredient but different formulations. (Robert Taylor, PM 25, Rm. 251, CM#2, (703-557-1800).)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35619 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50560; PH-FRL 2006-4]

Elanco Products Co.; Renewal of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to Elanco Products Company. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which

defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

1471–EUP–50. Elanco Products Company, P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 210 pounds of the fungicide alpha-(2-chlorophenyl)-alpha-(4-chloropheny1)-5-pyrimidinemethanol on turf grasses to evaluate control of dollar spot, Fusarium blight, large brown patch, and pink or gray snow mold. A total of 17.5 acres are involved. The program is authorized only in the States of Arizona, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, and Texas. The permit was previously effective from March 31, 1976 to March 31, 1977. It is now effective from March 18, 1981 to March 18, 1982. (Henry Jacoby, PM 21, Rm. 227, CM#2. (703–557–1900).)

1471–EUP–51. Elanco Products Company, P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 18.75 pounds of the fungicide alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol on commercially grown roses to evaluate the control of powdery mildew. A total of 32 acres are involved. The program is authorized only in the States of Arizona, California, Colorado, Indiana, New York, Oregon, Pennsylvania, and Texas. The permit was previously effective from March 31, 1976 to March 31, 1977. It is now effective from March 18, 1981 to March 18, 1982. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900).)

1471–EUP–52. Elanco Products Company, P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 6,125 pounds of the fungicide alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol on turf grasses to evaluate control of dollar spot, Fusarium blight, large brown patch, pink or gray snow mold, and striped smut. A total of 3 acres are involved. The program is authorized only in the States of California, Connecticut, Florida, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The permit was previously effective from March 31, 1976 to March 31, 1977. It is now effective from March 18, 1981 to March 18, 1982. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–577–1900).)

1471–EUP–54. Elanco Products Company, P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 25 pounds of the fungicide alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol on apples to evaluate the control of apple scab and powdery mildew. A total of 46 acres are involved. The program is authorized only in the States of Maryland, New York, North Carolina, Pennsylvania, Virginia, and Washington. The permit was previously effective from April 8, 1976 to March 8, 1977. It is now effective from March 18, 1981 to March 18, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–577–1900).)

1471–EUP–55. Elanco Products Company, P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 15 pounds of the fungicide alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol on grapes to evaluate the control of powdery mildew. A total of 30 acres are involved. The program is authorized only in the State of California. The permit was previously effective from April 16, 1976 to April 16, 1977. It is now effective from March 18, 1981 to March 18, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–577–1900).)

Persons wishing to review these experimental use permits are referred to the designated product manager. Inquiries concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: November 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35620 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50553A; PH–FRL–2006–5]

Mobay Chemical Corp.; Amendment of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 3125–EUP–175, issued to Mobay Chemical Corporation for use of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone on wheat to evaluate control of powdery mildew and rust diseases (leaf, stem, and stripe). The amendment adds five States, Arizona, California, Montana, North Carolina, and South Carolina to the program.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of October 15, 1981 (46 FR 50843) pertaining to the issuance of an experimental use permit, No. 3125–EUP–175, to Mobay Chemical Corporation. This experimental use permit allows the use of 1,675 pounds of the fungicide 1-(4-chlorophenoxy)-3,3-dimethly-1-(1H-1,2,4-triazol-1-yl)-2-butanone on wheat to evaluate control of powdery mildew and rust diseases (leaf, stem, and stripe). A total of 3,350 acres are involved. At the request of the company the permit has been amended. The program is now authorized only in the States of Arizona, Arkansas, California, Georgia, Idaho, Illinois, Indiana, Michigan, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, and Washington. All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: November 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35621 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP-30161A; PH-FRL-2008-5]

American Cyanamid Co.; Approval of Application To Register a Pesticide Product Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by American Cyanamid Co. to register the pesticide product NEM–A–TAK 2L Nematocide containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C, Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 227, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of February 28, 1979 (44 FR 11269) that American Cyanamid Co., Agricultural Research Div., Princeton, NJ 08540, had submitted an application to register the pesticide product NEM–A–TAK 2L Nematocide containing 21.7 percent of the active ingredient cyclic methylene (diethoxyphosphinyl) dithioiminocarbonate an active ingredient not included in any previously registered product.

The application was approved on September 28, 1981 for restricted use in pesticide formulation. The product was assigned EPA registration No. 241–255.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: November 16, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 81–35898 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[PF–249; PH–FRL–2008–8]

Dow Chemical Co.; Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Dow Chemical Co. has filed petitions proposing food and feed additive regulations and the establishment of tolerances for the insecticide chlorpyrifos in or on certain agricultural commodities.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–249]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703–557–2386).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food and feed additive and pesticide petitions have been submitted to the agency requesting establishment of food and feed additive regulations and tolerances for the insecticide chlorpyrifos in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

FAP 1H5323. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. Proposes amending 21 CFR 561.98 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O-O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol] in or on the commodity corn soapstock at 1.0 part per million (ppm).

FAP 1H5323. Dow Chemical Co. Proposes amending 21 CFR 193.85 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O-O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol] in or on the commodity corn oil at 3.0 ppm.

PP 1F2575. Dow Chemical Co. Proposes amending 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos [*O-O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol] in or on the raw agricultural commodity citrus fruits at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography with a hydrogen flame ionization detector.

FAP 1H5322. Dow Chemical Co. Proposes amending 21 CFR 561.98 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O-O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol] in or on the commodity dried citrus pulp at 5.0 ppm.

FAP 1H5322. Dow Chemical Co. Proposes amending 21 CFR 193.85 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O-O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol] in or on the commodity citrus oil at 25.0 ppm.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: November 17, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35899 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

[PF–230B; PH–FRL–2007–6]

E. I. Du Pont de Nemours & Co.; Amendment to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours & Co. has amended a pesticide petition proposing the establishment of a tolerance for the combined residues of the herbicide hexazinone and its metabolites in or on raw agricultural commodity forage grasses.

ADDRESS: Written comments to: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 19, 1981 (46 FR 32071), announcing that E. I. du Pont de Nemours & Co., Wilmington, DE 19898, had submitted a pesticide petition (PP 1F2513) proposing that 40 CFR Part 180.396 be amended by establishing tolerances for the combined residues of the herbicide hexazinone [3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on range grasses at 10 parts per million (ppm).

E. I. du Pont de Nemours and Co. has submitted an amendment to change the commodity from "range grasses" to "forage grasses" at 10 ppm. The proposed analytical method for determining residues is by nitrogen-selective chromatography.

(Sec.408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35902 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30205A; PH-FRL-2008-6]

E. I. du Pont de Nemours & Co.; Withdrawal of Application to Register a Pesticide Product Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours & Co. has withdrawn its application to register the pesticide product Du Pont Glean Weed Killer containing an active ingredient not included in any previously registered pesticide product as provided for in section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM# 2 Rm. 245, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 13, 1981 (46 FR 50412), the EPA announced an application by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, to register the pesticide product Du Pont Glean Weed Killer, file symbol 352-UNG. The product containing 75 percent of the active ingredient 2-chloro-*N*-[(methoxy-6-methyl-1,3,5-triazin-2-yl) aminocarbonyl] benzenesulfonamide, and active ingredient not included in any previously registered product, was intended for general use to control weeds on noncropland areas.

On October 8, 1981, E. I. du Pont withdrew the application without prejudice to further filing of an application for the product.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35893 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-248; PH-FRL-2008-3]

Elanco Products Co.; Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Elanco Products Co. has filed a pesticide petition proposing the establishment of a tolerance for the herbicide and plant growth regulator trifluralin in or on the raw agricultural commodity flax.

ADDRESS: Written comments to: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF-248]" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA gives notice that Elanco Products Co., Division of Eli Lilly and Co., 740 South Alabama St., Indianapolis, IN 46285, has submitted a pesticide petition to EPA pursuant to the Federal Food, Drug, and Cosmetic Act. The petition (PP 1F2579) proposes amending 40 CFR 180.207 by the establishment of a tolerance for residues of the herbicide and plant growth regulator trifluralin (alpha, alpha, alpha-trifluro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity flax at 0.05 part per million (ppm). The proposed analytical method for determining residues is gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: November 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35895 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C30207; PH-FRL-2008-4]

NOR-AM, Inc.; Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comment by January 15, 1982.

ADDRESS: Written comments, identified by the document control number [OPP-C30207] and the file symbol, should be submitted to: Henry Jacoby (PM-21), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA received an application as follows to conditionally register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Application Received

File Symbol: 2139-REU.

Applicant: NOR-AM Agricultural Products, Inc., 350 West Shuman Blvd. Naperville, IL 60566.

Product name: Prevex.

Active ingredient: Propamocarb hydrochloride, propyl [3-(dimethylamino)propyl] carbamate monohydrochloride 66.5%.

Proposed classification: General use for control of pythium and phytophthora in ornamentals.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of

FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: November 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35697 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-252; PH-FRL-2007-5]

Pennwalt Corp.; Food and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pennwalt Corp. filed a petition proposing to amend a food and a feed additive regulations on residues of *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate.

ADDRESS: Written comments to: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-252]" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: George LaRocca (703-557-2400).

SUPPLEMENTARY INFORMATION: Pennwalt Corp., Agchem Division, Three Parkway, Philadelphia, PA 19102, has submitted a petition (FAP 1H5324) proposing to amend 21 CFR as follows:

21 CFR 193.142. Proposes to include the following sentence to paragraph (a)(1): "Ther spray concentration limit of 1 percent shall include, but not be limited to, encapsulated formulations of the additive utilizing the enscapsulating polymer formed from the reaction of sebacoyl chloride, polymethylene polyphenylisocyanate, ethylenediamine and/or diethylenetriamine".

21 CFR 561.415. Proposes to include the following sentence to paragraph (a)(1): "The spray concentration limit of 1 percent shall include, but not be limited to, encapsulted formulations of the additive utilizing the encapsulating polymer formed from the reaction of sebacoyl chloride, polymethylene polyphenylisocyanate, ethylenediamine and/or diethylenetriamine".

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: November 25, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35801 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-225A; PH-FRL-2008-7]

Rohm and Haas Co.; Amendment to Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Rohm and Haas Co. has amended a feed additive petition proposing the establishment of a regulation permitting the combined residues of the herbicide oxyfluorfen and its metabolites in or on cottonseed oil and mint oil (peppermint and spearment) oil.

ADDRESS: Written comments to: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 10, 1981 (46 FR 30692), announcing that Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, had submitted a petition (FAP 1H5296) proposing that 21 CFR 193.325 be amended by establishing regulations permitting the combined residues of the herbicide oxyfluorfen (2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene and its metabolites, containing the diphenyl ether linkage in or on the food items cottonseed oil at 0.2 part per million (ppm), and mint oil (peppermint and spearmint) at 0.25 ppm and 21 CFR 561.415 for the feed items pistachio hulls at 0.1 ppm and walnut hulls at 0.1 ppm.

Rohm and Haas Co. has submifted an amendment proposing that the tolerance limitation on cottonseed oil be increased from 0.2 ppm to 0.25 ppm and deleting the proposed tolerances for pistachio hulls and walnut hulls.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35892 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-246; PH-FRL-2008-1]

Shell Oil Co.; Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Shell Oil Co. has filed a pesticide petition proposing the establishment of tolerances for the insecticide cyano [(3-phenoxyphenyl) methyl-4-chloro-alpha (1-methylethyl) benzeneacetate] in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Franklin Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF-246]" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA gives notice that Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036, has submitted a pesticide petition to EPA pursuant to the Federal Food, Drug, and Cosmetic Act. The petition (PP 1F2568) proposes amending 40 CFR 180.379 by the establishment of tolerances for residues of the insecticide cyano [(3-

phenoxyphenyl) methyl-4-chloro-alpha (1-methylethyl) benzeneacetate] in or on the raw agricultural commodities sugarcane at 2.0 parts per million (ppm) and sunflower seeds at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: November 2, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35894 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-245; PH-FRL-2008-2]

Tuco Products Co.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by Tuco Products Co., to establish an exemption from the requirement of a tolerance for residues of *Colletotrichum gloeosporioides* f. sp. *aeschynomene* in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF-245]" and the petition number (PP 1F2574). Written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort (703-557-1830).

SUPPLEMENTARY INFORMATION: Tuco Product Co., Division of Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001, has submitted a pesticide petition (PP 1F2574) to EPA. The petition proposes that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the biological herbicide *Colletotrichum gloeosporioides* f. sp. *aeschynomene* in or on the raw agricultural commodities rice (grain, hay, straw); soybeans (dry or succulent) (forage, hay, hulls, straw, vines); meat; fat; meat byproducts of cattle, goats, horses, hogs, sheep, and poultry; eggs; and milk.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: November 4, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35896 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50562; PH-FRL-2007-3]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product managers cited in the experimental use permits at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

2224-EUP-18. Mobile Chemical Company, P.O. Box 26683, Richmond, VA 23261. This experimental use permit allows the use of 2,600 pound of the herbicide sodium salt of aciflurofen on soybeans to evaluate the control of weeds. A total of 5,200 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Texas, and Virginia. The experimental use permit is effective from May 19, 1981 to July 31, 1982. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.383). (Richard F. Mountfort, PM 23, Rm. 237, CM#2, 557-1830).)

1258-EUP-13. Olin Corporation, 120 Long Ridge Road, Stamford, CT 06905. This experimental use permit allows the use of 9,700 pounds of the fungicide 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole on filed corn and wheat to evaluate the control of nitrification inhibition. A total of 19,400 acres are involved. The program is authorized only in the States of Alabama, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Texas, Washington, and Wisconsin. The experimental use permit is effective from August 11, 1981 to January 1, 1983. Temporary tolerances for residues of the active ingredient in or on the raw agricultural commodities corn grain (field); corn forage and fodder; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; milk; and wheat (grain, forage, and straw) have been established. (Henry M. Jacoby, PM 21, Rm. 227, CM#2 (703-557-1900).)

1258-EUP-14. Olin Corporation, 120 Long Ridge Road, Stamford, CT 06905. This experimental use permit allows the use of 6,400 pounds of the fungicide 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole on field corn and wheat to evaluate to evaluate the control of nitrification inhibition. A total of 12,700 acres are involved. The program is authorized only in the States of Alabama, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Texas, Washington, and Wisconsin. The experiemental use permit is effective from August 11, 1981 to January 1, 1983. Temporary tolerances for residues of the active ingredient in or on the raw agricultural commodities corn grain (field); corn forage and fodder; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; milk; and wheat (grain, forage, and straw) have been established. The permits will use the same active ingredient but different formulations. (Henry M. Jacoby, PM 21, Rm. 227, CM#2 (703-557-1900).)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visting the EPA Headquarters Office, so that the appropriate file may be made availble for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: November 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-35903 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51366; TSH-FRL-2007-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-622—February 1, 1982. PMN 81-623 and 81-624—February 5, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51366]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-622

Close of Review Period. March 3, 1982.

Manufacturer's Identity. Ashland Chemical Company, P.O. Box 2219, Columbus, OH 43216.

Specific Chemical Identity. Fumaric acid, maleic anhydride, isophthalic acid polymer of propylene glycol and ethylene glycol.

Use. The manufacturer states that the PMN substance will be used in press molding applications.

PRODUCTION ESTIMATES

	Pounds	
	Minimum	Maximum
1st year	100,000	200,000
2d year	200,000	300,000
3d year	250,000	400,000

Physical/Chemical Properties

Appearance—Solid at ambient temperatures.
Viscosity @ 67% NV in styrene—1,000-2,000.
Solubility: water—Insoluble.
Acid value—25-35.
Vapor pressure—Negligible.
Molecular weight (est.)—2,000-2,200.
Toxicity Data. No data were submitted.
Exposure. The manufacturer states that during processing 1 worker may experience exposure for 2 to 3 minutes, approximately once each hour during sampling and drumming.
Environmental Release/Disposal. Disposal is by incineration and landfill.

PMN 81-623

Close of Review Period. March 7, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500,000,000.
Manufacturing site—East North Central region.
Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Copolymer of alkyl acrylates and methacrylates.

Use. The manufacturer states that the PMN substance will be used as a site-limited coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid number—25-30.
Weight/gallon—9.1-9.5.
Hydroxyl number—65-80.
Molecular weight (determined by GPC)—5,300.
Toxicity Data. No data were submitted.
Exposure. No data were submitted.
Environmental Release/Disposal. The manufacturer states that there will be no release to the environment.

PMN 81-624

Close of Review Period. March 7, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Manufacturing Site—Middle Atlantic region.
Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polyester from alkanedioic acid, substituted alkane triol and a carbomonocyclic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	15,000	[illegible]
2d year	22,500	[illegible]
3d year	30,000	60,000

Physical/Chemical Properties

Flash point—106°F.
Viscosity—X-Y.
Color—1.
% Total solids—60.0.
Toxicity Data. No data were submitted.
Exposure. The manufacturer states that during manufacture and processing a total of 107 workers may experience dermal and occular exposure up to 6 hrs/day, up to 30 days/yr during extraction, analysis, cleaning, and filling.
Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10-1,000 kg/yr to land. Disposal is by incineration.

Dated: December 8, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-35905 Filed 12-15-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-250; PH-FRL-2007-8]

Certain Companies; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: This notice announces that certain companies have filed petitions proposing feed additive regulations and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office

of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–250]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following feed additive and pesticide petitions have been submitted to the agency requesting establishment of feed additive regulations and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

FAP 2H5325. Union Carbide Corp., Agricultural Products Co., Inc., PO Box 12014, T.W. Alexander Dr., Research Triangle Park, NC 27709. Proposes amending 21 CFR 561 by establishing a regulation permitting residues of the insecticide thiodicarb, [dimethyl *N,N'*-[thiobis[(methylimino)carbonyloxy]] bis [ethanimidothioate]], and its metabolite methomyl, *N*-[methylcarbamoyl)oxy]-thioacetimidate) in or on the commodities cottonseed hulls at 0.8 part per million (ppm) and soybean hulls at 0.4 ppm. (PM–12, Jay S. Ellenberger, 703–557–2387.)

PP 2F2588. Dow Chemical Co., PO Box 1706, Midland, MI 48640. Proposes amending 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol] in or on the raw agricultural commodity sunflower seeds at 0.2 ppm. The proposed analytical method for determining residues is by gas chromatography using a hydrogen flame ionization detector. (PM–12, Jay Ellenberger, 703–557–2386.)

FAP 2H5326. Dow Chemical Co. Proposes amending 21 CFR 561.98 by establishing a regulation permitting residues of the insecticide chlorpyrifos in or on the commodity sunflower seed hulls at 0.5 ppm. (PM–12, Jay S. Ellenberger, 703–557–2386.)

PP 2F2590. EM Industries, Inc. Plant Protection Division, 5 Skyline Drive, Hawthorne, NY 10532. Proposes amending 40 CFR 180 by establishing tolerances for residues of the fungicide triforine [*N,N''*-[1-4-piperazinediyl-bis(2,2,2,-trichloroethylidene)]-bis-[foramamide]] in or on the raw agricultural commodities almonds at 0.01 ppm and almond hulls at 0.1 ppm. The proposed analytical method for determining residues is gas chromatographic technique. (PM–21, Henry Jacoby, 703–557–1900.)

PP 2F2586. Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036. Proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodities cucumbers and summer squash at 0.5 ppm. The proposed analytical method for determining residues is by gas liquid chromatography. (PM–17, Franklin Gee, 703–557–2690.)

PP 2F2587. Shell Oil Co. Proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano in or on the raw agricultural commodities peaches at 4.0 ppm, broccoli at 2.0 ppm, and cauliflower at 0.5 ppm. The proposed analytical method for determining residues is by gas liquid chromatography. (PM–17, Franklin Gee, 703–557–2690.)

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136) 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: December 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–35900 Filed 12–15–81; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicated how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than January 7, 1982.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

Citizens Fidelity Corporation, Louisville, Kentucky (leasing activities; Florida, Alabama, Georgia and South Carolina): To engage, through its subsidiary, Citizens Fidelity Leasing Corporation, in the leasing of personal property and equipment and acting as agent, broker or advisor, in the leasing of such property, in a manner such that the leasing would serve as a functional equivalent to an extension of credit and subject to the limitations and restrictions specified in 12 CFR 225.4(a)6. These activities would be conducted from an office in Orlando, Florida, serving the states of Florida, Alabama, Georgia and South Carolina.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Bancorp Hawaii,* Honolulu, Hawaii (insurance agency activities; Hawaii and Guam): To engage through its direct subsidiary, Bancorp Insurance Agency of Hawaii, Inc., a Hawaii corporation, in the activities of an insurance agent for the sale of all credit life and credit accident and health insurance sold by Bank of Hawaii, a wholly-owned subsidiary of Bancorp Hawaii, in conjunction with its various lending activities. These activities will be conducted from an office in Honolulu, Hawaii, and serving the entire state of Hawaii, and Guam.

2. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; office relocation; New Jersey and southeast Pennsylvania): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a New Jersey corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in either the state of New Jersey or the southeast region of Pennsylvania. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an office in Quakerbridge Plaza, Hamilton, New Jersey, serving the entire state of New Jersey and the southeast region of Pennsylvania. This application is for approval to relocate an office presently located in Cookstown, New Jersey.

3. *BankAmerica Corporation*, San Francisco, California (financing servicing, and insurance activities; New York): To continue to engage, through its indirect subsidiary, BA FinanceAmerica Corporation, a New York corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in the state of New York. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by BA FinanceAmerica Corporation.

These activities will be conducted from an existing office located in Valley Steam, New York, serving the entire state of New York. This application is for an expansion of the geographic area served by the subsidiary.

C. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35873 Filed 12-15-81; 8:00 am]

BILLING CODE 6210-01-M

Cedar Bancorp; Formation of Bank Holding Company

Cedar Bancorp, Hartington, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.2 percent or more of the voting shares of Bank of Hartington, Hartington, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 8, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35874 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

DeKalb Bancshares, Inc.; Formation of Bank Holding Company

DeKalb Bancshares, Inc., Crossville, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The DeKalb Bank, Crossville, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35875 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

Delta Bancshares, Inc.; Formation of Bank Holding Company

Delta Bancshares, Inc., Eudora, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Eudora Bank, Eudora, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35876 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

Ellettsville Bancshares, Inc.; Formation of Bank Holding Company

Ellettsville Bancshares, Inc., Ellettsville, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80

percent or more of the voting shares of The Peoples State Bank, Ellettsville, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 8, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35877 Filed 12-15-81: 8:45 am]

BILLING CODE 6210-01-M

Emmons Agency, Inc.; Formation of Bank Holding Company

Emmons Agency, Inc., Emmons, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 60.5 percent or more of the voting shares of The First State Bank of Emmons, Emmons, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Emmons Agency, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of Emmons Agency, Inc., Emmons, Minnesota.

Applicant states that the proposed subsidiary would engage in the activity of operating a general insurance agency in a town of less than 5,000 population. These activities would be performed from offices of Applicant's subsidiary in Emmons, Minnesota, and the geographic area to be served is Emmons, Minnesota and the surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than January 8, 1982.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35878 Filed 12-15-81: 8:45 am]

BILLING CODE 6210-01-M

Great American Bancorp; Formation of Bank Holding Company

Great American Bancorp, Los Angeles, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Great American Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 5, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc 81-35879 Filed 12-15-81: 8:45 am]

BILLING CODE 6210-01-M

Greenview Banc Shares, Inc.; Formation of Bank Holding Company

Greenview Banc Shares, Inc., Greenview, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Greenview Community Bank, Greenview, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 8, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc 81-35880 Filed 12-15-81: 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Commercial National Bank of Longview, Longview, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 8, 1982.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc 81-35881 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

United Missouri Bancshares, Inc.; Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of City Bancshares, Inc., Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 6, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc 81-35882 Filed 12-15-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR H-37]

Regional Consolidation of Personal Property Programs; Utilization and Disposal

December 7, 1981.

1. *Purpose.* This bulletin is issued to notify agencies of the consolidation of personal property programs in the GSA regional offices, and to redirect agency inquiries and program documentation accordingly. The personal property programs provide for the utilization of excess property among Federal agencies, donation of surplus property, the sale of surplus and exchange/sale property, and the maintenance and repair of personal property through service contracts.

2. *Expiration date.* This bulletin will remain in effect until the required amendment to the FPMR is published in the **Federal Register.**

3. *Background.* In order to conduct the personal property programs efficiently with the current and projected resources available, FPRS is consolidating the Personal Property Divisions from 10 regions into 4 regional offices.

4. *General.* On or before February 26, 1982, the Personal Property Divisions in Regions 1, 2, 5, 6, 8, and 10 will be disestablished and the personal property functions transferred to the Consolidated Personal Property Regions listed below.

Consolidated personal property regions	Standard GSA regions involved
NCR—Washington, DC	Regions 1, 2, 3, and NCR.
Region 4—Atlanta, GA	Regions 4 and 5.
Region 7—Fort Worth, TX	Regions 6 and 7.
Region 9—San Francisco, CA.	Regions 8, 9, and 10.

5. *Agency action.* Effective December 14, 1981, Standard Form 120, Report of Excess Personal Property, and Standard Form 126, Report of Personal Property for Sale, should be submitted to the appropriate consolidated regional Personal Property Division listed above. Standard Form 122, Transfer Order Excess Personal Property, may continue to be submitted to the regional Personal Property Division in which the property is located until February 12, 1982, for items reported prior to December 14, 1981. After February 12, 1982, all transfers of reportable property will be approved by the Consolidated Personal Property Regions. Inquiries regarding property reported to a Personal Property Division scheduled to be deactivated should be directed to those regional offices until they are closed out on February 26, 1982. After that date, any remaining workload will be reassigned to the consolidated regional offices listed above. Inquiries regarding contract administration should continue to be made to the region of origin.

6. *GSA assistance.*

a. A field office with personal property program representatives reporting to the Consolidated Personal Property Division office will be maintained in the regions where a Personal Property Division is disestablished to maintain customer liaison, contract administration, and related work of a local nature.

b. Additional information needed in connection with this bulletin may be obtained by writing to the Commissioner, Federal Property Resources Service (D), General Services Administration, Washington, DC 20406, or by calling the Office of Personal Property (DP), telephone (703) 557-3852.

Roy Markon,

Commissioner, Federal Property Resources Service.

[FR Doc. 81-35870 Filed 12-15-81; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Effect of Fluoride on Carcinogenicity of Mineral Fibers; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Effect of Fluoride on Carcinogenicity of Mineral Fibers

Date: January 12, 1982
Time: 1 p.m. to 4 p.m.
Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-36, Cincinnati, OH 45226
Purpose: To review the research project proposal on the "Effect of Fluoride on Carcinogenicity of Mineral Fibers."

Additional information may be obtained from: David H. Groth, M.D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Mail Stop C-26, Cincinnati, OH 45226, Telephone: (513) 684-8361

Dated: December 9, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-35928 Filed 12-15-81; 8:45 am]

BILLING CODE 4160-19-M

Office of Child Support Enforcement

Child Support Enforcement Research; Demonstration Grants; Cancellation of Anticipated Fiscal Year 1982 Project

AGENCY: Office of Child Support Enforcement, HHS.

ACTION: Cancellation of anticipated fiscal year 1982 project.

SUMMARY: On June 19, 1981, we announced in the **Federal Register** (46

FR 32220) the availability of FY '81 funds for child support enforcement research and demonstration grants. In that notice we described a project which we anticipated being a research priority for FY '82 subject to funds being appropriated. This is to announce that, effective December 16, 1981, the FY '82 project as announced in the June 19, 1981 issue of the **Federal Register** is cancelled.

SUPPLEMENTARY INFORMATION: We anticipated funding a FY '82 project (OCSE–82–1 (Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services)) which would have involved the study of a stratified sample of closed, new, and continuing non-AFDC Child Support Enforcement program clients involving the demographic, economic, and sociological characteristics of the population. One aspect of the study was to indicate the extent to which program coverage of that population avoids welfare eligibility. The date for submitting grant applications for that project would have been December 1, 1981. However, we plan to review other topics as possible research projects and have decided to cancel this project until we complete that review. If that review identifies research topics for which funds may be appropriated, we will publish a **Federal Register** notice announcing the availability of funds and the types of projects to be funded.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence H. Pullen, Chief, Grants Management Branch, Social Security Administration, Division of Contracts and Grants Management, Room L2102, West Low Rise Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594–0284.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payments—Research)

Dated: December 9, 1981.

John A. Svahn,

Director, Office of Child Support Enforcement.

[FR Doc 81–35588 Filed 12–15–81; 8:45 am]

BILLING CODE 4110–07–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Utah; Invitation To Participate in Coal Exploration Program; Royal Land Co.

Royal Land Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on Stevens Creek near Ferron, Utah. The lands are located in Emery and Sanpete Counties, Utah, and are described as follows:

Township 19 South—Range 6 East, SLM,
Sec. 19, Lots 1, 2, 3, 4, E½W½;
Sec. 30, Lots 1, 2, 3, 4, E½W½;
Sec. 31, All;
Sec. 32, All.
Township 20 South—Range 6 East, SLM,
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All.
Township 19 South—Range 5 East, SLM,
Sec. 23, All;
Sec. 25, S½N½, S½;
Sec. 26, All;
Sec. 35, All;
Sec. 36, All.
Township 19½ South—Range 5 East, SLM,
Sec. 35, All;
Sec. 36, All.
Township 20 South—Range 5 East, SLM,
Sec. 1, All;
Sec. 2, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, N½.

Containing 14,452.37 Acres, more or less.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. James D. Copen, Staff Geologist, Royal Land Company, 925 South Niagara, Suite 600, Denver, Colorado 80224. Such written notice must be received by January 15, 1982.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Royal Land Company, is available for public review during normal business hours, in the following office, under Serial No. U–50070: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

[FR Doc. 81–35839 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–84–M

Flat Squaw Park Management Framework Plan; Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Planning amendment—Big Flat Squaw Park Management Framework Plan—to consider surface mining of carbonaceous shale (humate).

SUMMARY: This notice amends the original **Federal Register** Notice published on page 58602, December 2, 1981. The Notice is amended to say that public comment will be accepted for 30 days, until January 4, 1982.

For further information concerning the planning amendment contact Colin P. Christensen, Grand Resource Area Manager, Sand Flats Road, Moab, Utah 84532, or call (801) 259–6111. A copy of the draft EA is also available from the Moab District Public Information Officer, P.O. Box 970, Moab, Utah 84532.

Gene Nodine,

District Manager.

[FR Doc. 81–35926 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–84–M

[Nev–049758, Nev–049763, Nev–049823, Nev–049850, Nev–049858, Nev–049891, Nev–064436]

Nevada; Classifications Vacated

December 8, 1981.

Pursuant to the authority designated by Bureau Order 701 and amendments thereto, small tract classifications Nev–049758, Nev–049763, Nev–049823, Nev–049850, Nev–049858, Nev–049891 and Nev–064436 are hereby vacated in their entireties. The following townships are affected:

Mount Diablo Meridian

T. 12 S., R. 47 E.
T. 15 S., R. 50 E.
T. 17 S., R. 50 E.
T. 27 S., R. 59 E.

The land affected comprises approximaely 1,719.81 acres in Nevada (60 acres in Clark County and 1,659.81 acres in Nye County).

The Small Tract Act was repealed by Section 702 of the Federal Land Policy and Management Act of 1976. Accordingly, the classification is no longer applicable and is hereby terminated. The segregative effect of the classification order is removed upon publication of this notice in the Federal Register.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81–35825 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 6057]

Oregon; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land Management,

dated April 23, 1970, the following described public lands were classified for disposal through exchange and/or public sale pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18 and 1421–27):

Willamette Meridian, Oregon

T. 3N., R. 27 E.,
Sec. 2, SE¼SE¼;
Sec. 12, S½SE¼;
Sec. 24, SW¼
T. 5 N., R. 28 E.,
Sec. 22, E½SW¼SW¼, W½SE¼SW¼;
Sec. 26, W½NW¼SW¼, SW¼SW¼;
Sec. 34, S½SW¼NW¼.
T. 5 N., R. 30 E.,
Sec. 10, S½;
Sec. 11, E½W½;
Sec. 13, SE¼.

The areas described aggregate 1,040.00 acres in Umatilla County, Oregon.

2. The above-described public lands are not included in any disposal actions; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register.**

3. At 10 a.m., on January 12, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 12, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 10 a.m., on January 12, 1982, the lands described above will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 7, 1981.

William G. Leavell

State Director.

[FR Doc. 81–35927 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct specific activities with Endangered Species.

Applicant: Zoological Society of Cincinnati, Cincinnati, Ohio—PRT 2–8681.

The applicant requests a permit to import one Chinese giant salamander (*Andrias davidianus dividianus*) from the Metropolitan Toronto Zoo, Ontario, Canada, for enhancement of propagation.

Applicant: Zoological Society of Cincinnati, Cincinnati, Ohio—PRT 2–8682.

The applicant requessts s permit to export two (2) captive-bred, female jaguars (*Panthera onca*) to Para Safari, Quebec, Canada, for enhancement of propagation.

Applicant: Mr. Sean Niland, Westminster, Colorado—PRT 2–8691.

The applicant requests a permit to import one male captive-bred Jamaican boa (*Epicrates subflavus*) from the Reptile Breeding Foundation, Ontario, Canada, for enhancement of propagation.

Applicant: Dallas Zoo, Dallas, Texas—PRT 2–8692.

The applicant requests a permit to export six (6) captive-bred Coahuilan box turtles (*Terrapene coahuila*) to the Jersey Wildlife Preservation Trust, Jersey, Channel Islands, United Kingdom, for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, California—PRT 2–8690.

The applicant requests a permit to import four (4) Oriental white storks (*Ciconia ciconia boyciana*) and four (4) Elliot's pheasants (*Syrmaticus ellioti*) from the Kwang Chow Zoo and Tai Yuan Zoo, the People's Republic of China, for enhancement of propagation.

Applicant: Milwaukee County Zoo, Milwaukee, Wiscónsin—PRT 2–8402.

The applicant requests an amendment to its permit, which allows the import of five captive-bred Mandrills (*Papio sphinx*), to import an additional female mandrill, born 8 December 1981, to female A465.

Humane care and treatment during transport, if applicable, has been indicatd by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO P.O. Box 3654, Arlington, Virginia 22203.

Interested persons may comment on these applications on or before January 15, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: December 11, 1981.

Robert Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–35934 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permits Issued for Month of November

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235–1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

TX Parks & Wildlife	X1866	Nov. 10, 1981.
Field; Mus. of Nat His.	X2190	Nov. 19, 1981.
McCland, Riley B. Dr.	X2552	Nov. 5, 1981.
Tata, Barbara	X4341	Nov. 17, 1981.
OM Dept of Ntrl Res.	X4400	Nov. 5, 1981.
B.P. Bishop Museum	X4496	Nov. 13, 1981.
National Zoo Park	X6400	Nov. 18, 1981.
Everglades Nat. Park	X7585	Nov. 30, 1981.
Fla State Museum	X8260	Nov. 18, 1981.
Berwin, Bernard	X8308	Nov. 5, 1981.
Beak Consultants	X8360	Nov. 19, 1981.
The Univ of Conn.	X8411	Nov. 19, 1981.
Schrope, James E.	X8415	Nov. 13, 1981.
Allen, Harold B.	X8444	Nov. 3, 1981.
Winskye, Albert	X8460	Nov. 13, 1981.
Chicago Zool Park	X8485	Nov. 3, 1981.
Univ. of Colo Museum.	X8500	Nov. 19, 1981
Cleveland Metroparks	X8554	Nov. 18, 1981.

Dated: December 8, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office

[FR Doc. 81–35933 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species and Marine Mammal Permit; Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take West Indian manatees as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C.

1374[c]), and the regulations governing the taking and importing of marine mammals (50 CFR Part 18), and the Endangered Species Act of 1973 (16 U.S.C. 1539[a]), and the regulations governing the taking of endangered species (50 CFR Part 17).

1. Applicant:

a. Name: Dr. John R. Fletemeyer.

b. Address: Oceanographic Center, Nova University, Dania, Florida 33004.

2. Type of permit: Take for possible harassment.

3. Name and number of animals:

West Indian manatees, unlimited *(Trichechus manatus).*

4. Type of Activity: To observe manatees at close range and to photograph manatees as part of a behavior and movement study, and to document identification of individual specimens.

5. Location of Activity: Broward County, Florida.

6. Period of Activity: 2 years.

The purpose of this application is to conduct a behaviorial and population distribution study of manatees in Broward County, Florida. Photographs will be taken in an attempt to establish an identification record of animals in the study area.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2–8663. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, USFWS, Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203, on or before January 15, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: December 11, 1981.

Robert Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–35832 Filed 12–15–81; 8:45 am]

BILLING CODE 4310–55–M

Office of the Secretary

[516 DM 6, Appendix 9]

National Environmental Policy Act Revised Implementing Instructions for Bureau of Reclamation

AGENCY: Interior.

ACTION: Notice of proposed revised instructions for the Bureau of Reclamation.

SUMMARY: This notice proposes revisions and additions to the actions categorically excluded from the NEPA process for the Bureau of Reclamation. The current categorical exclusions were published in the **Federal Register** on July 17, 1980. [45 FR 47944].

DATE: Comments due by February 1, 1982.

ADDRESS: Comments to J. Robinson West, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director of Environmental Project Review, Office of the Secretary, Departament of the Interior, Washington, DC 20240; Telephone (202) 343–3891. For Bureau of Reclamation contact Al Jonez; Telephone (202) 343–4991.

SUPPLEMENTARY INFORMATION: This is a proposed revision of section 9.4 of Appendix 9 to Chapter 6 Part 516 of the Departmental Manual (516 DM 6, App. 9.4). It revises and adds to the categorical exclusions previously published in the **Federal Register** on July 17, 1980 [45 FR 47944]. The categorical exclusions must be taken in conjunction with the Department's NEPA procedures (especially 516 DM 2) which were published in the **Federal Register** on April 23, 1980 [45 FR 47941].

These proposed revised and added categorical exclusions are based on continued experience with the NEPA process. They will result in a reduction in unnecessary paperwork for actions which have not in the past and will not in the future cause significant environmental impacts. Reviewers are reminded that the Departmental exceptions listed in 516 DM 2.a(3) apply to these revisions and additions.

Comments on this proposal are invited. To be considered in the preparation of the final revision, comments must be received by February 1, 1982

Dated: December 11, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

The following revisions and additions are proposed:

9.4B Planning Activities

* * * * *

(3) [New] Data collection studies that involve test excavations for cultural resource investigations, or test pitting, drilling, or seismic investigation for geologic exploration purposes where the impacts are expected to be minor and localized.

9.4C Project Implementation Activities

(2) [Revised] Minor acquisition of land and rights-of-way or easements.

(3) [Revised] Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.

(4) [New] Approval of land management plans where implementation will only result in minor construction activities and resultant increased operation and maintenance activities.

9.4D Operation and Maintenance Activities

(1) [Revised] Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, but no material change in location or operation.

(2) [Revised] Transfer of the operation and maintenance activities of Federal facilities to water districts, recreation agencies, fish and wildlife agencies, or other entities where the anticipated operation and maintenance activities are agreed to in a contract, or memorandum of agreement, follow approved Reclamation policy, and no major change in operations and maintenance is anticipated.

* * * * *

(4) [Revised] Approval, execution, and implementation of water service contracts for minor amounts of long-term water use, or temporary or interim water use, where the action does not lead to long-term changes.

* * * * *

(13) [New] Follow-on actions such as access agreements, contractual arrangements, and operational procedures, for hydropower facilities permitted or licensed by the Federal Energy Regulatory Commission (FERC) which are on or appurtenant to Bureau facilities or lands, when FERC has demonstrated compliance with NEPA and when the Bureau's environmental concerns have been accommodated in accordance with the BR/FERC Memorandum of Understanding of June 22, 1981.

(14) [New] Approval renewal, transfer, and execution of an original, amendatory, or supplemental water service or repayment contract where the only result will be to implement an administrative or financial practice or change.

(15) [New] Approval and execution of contracts requiring the repayment of funds furnished or expended on behalf of an entity pursuant to the Emergency Fund Act of June 26, 1948 (62 Stat 1052).

(16) [New] Minor safety of dams construction activities where the work is confined to the dam or appurtenant features and where no major change in reservoir or downstream operation is anticipated as a result of the construction activities.

(17) [New] Approval of second party water sales agreements for small amounts of water usually less than 10 acre-feet where the Bureau has an existing water sales contract in effect.

9.4E Grant and Loan Activities

(1) [New] Rehabilitation and Betterment Act loans and contracts which involve repair, replacement, or modification of equipment in existing structures or minor repairs to existing dams, canals, laterals, drains, pipelines, and similar facilities.

(2) [New] Small Reclamation Projects Act grants and loans where the work to be done is confined to areas already impacted by farming or development activities and the work is considered minor.

(3) [New] Distribution System Loans Act loans where the work to be done is confined to areas already impacted by farming or development activities and the work is considered minor.

[FR Doc. 81-35971 Filed 12-15-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-31646 appearing at page 54419, in the issue of Monday, November 2, 1981, make the following correction:

On page 54422, third column, under "MC 149042 (Sub-2)" JBT Services, Inc., second to last line "MI, MN, IA, IL, OH" should be changed to read "MI, MN, IA, IL, IN, OH".

BILLING CODE 1505-01-M

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

December 11, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Southern States Cooperative, Inc. (Complete Legal Name of Cooperative Association or Federation of Cooperative Associations).

6606 W. Broad St., P.O. Box 26234, Richmond, VA 23260 (Principal Mailing Address (Street No., City, State, and Zip Code).

6606 W. Broad St., P.O. Box 26234, Richmond, VA 23260 (Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code)).

Mack T. Ruffin, III, P.O. Box 26234, Richmond, VA 23260 (Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address)).

2. Tennessee Farmers Cooperative (Complete Legal Name of Cooperative Association or Federation of Cooperative Associations).

P.O. Box 157, LaVergne, TN 37086. (Principal Mailing Address (Street No., City, State, and Zip Code)).

P.O. Box 157, LaVergne, TN 37086 (Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code)).

Joe L. Wright, P.O. Box 157, LaVergne, TN 37086 (Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address)).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-35888 Filed 12-15-81; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–79468. By decision of November 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R., Part 1132, Review Board Number 3, approved the transfer to AG TRUCKING, INC., of Goshen, IN, of Certificate No. MC–145764 (Sub-No. 2F), issued to C & E TRANSPORT, INC., of Bremen, IN, authorizing the transportation of: *salt,* from the facilities of Domtar Industries, Inc., Sifto Salt Division, at (a) Chicago, IL; (b) St. Joseph, MI; (c) Toledo, OH; (d) Burns Harbor, IN: and (e) St. Joseph County, IN, to points in IN, and MI. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597.

Note.—TA leases sought. Transferee is a carrier holding authority issued in Docket No. MC–13367.

MC–FC–79484. By decision of November 25, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R., Part 1132, Review Board Number 3, approved the transfer to CRAZY DAISY CORPORATION, of Elkhart, IN, of Certificate Nos. MC–149404; MC–149404 (Sub-No. 1); MC–143320 (Sub-No. 3); and Permit No. MC–143320 (Sub-No. 2), issued to POTAWATOMI TRAILS, INC., authorizing the transportation of (a) *such commodities* as are dealt in or used by the manufacturers and distributors of mobile homes, buildings in sections and recreational vehicles (except commodities in bulk, in tank vehicles), between points in Elkhart County, IN, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) with certain restrictions; (b) *storage tanks and pressure vessels,* between points in Hamilton County, OH and Grayson County, KY, on the one hand, and, on the other, points in the United States; (c) *such commodities* as are used in the manufacture and distribution of mobile homes, building in sections, and recreational vehicles (except commodities in bulk) between points in the United States (except Alaska and Hawaii) with certain restrictions; and (d) *tools and hardware,* between the facilities utilized by G.M. Distributors, Inc., or G.M. Industrial Corp., at or near Elkhart, IN., Woodland and Anaheim, CA, Denver, CO, Newton, KS, Boise, ID, Salem, OR, Ft. Worth, TX, Marshfield, WI, and Redwood Falls, MN, under a continuing contract(s) with G.M. Distributors, Inc., and G.M. Industrial Corp., of Elkhart, IN, respectively. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516, (219) 293–3597. No TA leases sought. Transferee is not a carrier.

MC–FC–79488. By decision of December 3, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to M.D. ASSOCIATES of Jacksonville, FL, of Certificate No. MC–145716 (Sub-No. 2F), issued to INTERNATIONAL TRANSPORTATION SERVICE, INC., of Atlanta, GA, authorizing the transportation of (1) *malt beverages* (except in bulk), from the facilities of Miller Brewing Company, at or near Albany, GA, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, from points in the United States in and east of TX, OK, KS, NE, IA, and MN, to facilities of or used by Miller Brewing Company at points in GA. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202.

Notes.—TA has not been filed. Transferee does not hold any authority from this Commission.

MC–FC–79498. By decision of December 3, 1981 Review Board Number 3 approved the transfer to NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, of Roanoke, VA, of Certificate No. MC–150011 (Sub-No. 1F), issued to SOUTHWEST QUALITY FOODS, INC., of Wytheville, VA authorizing: *foodstuffs, paper and plastic articles, cleaning and washing compounds and other named commodities,* from and to named points in MD, IL, VA, NC, KY, and IN. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. TA lease is not sought. Transferee is not a carrier, but has authority pending.

MC–FC–79500. By decision of December 3, 1981, Review Board 3 approved the transfer to ORVILLE H. ANDERSON, d.b.a. ELLIOTT TRANSFER COMPANY, of Fergus Falls, MN, of Certificate No. MC–87178 issued to PERRY L. NETTBROOK, d.b.a. ELLIOTT TRANSFER COMPANY (Katherine I. Nettbrook, Administratrix), of Fergus Falls, MN, authorizing: *household goods,* between Fergus Falls, MN, on the one hand, and, on the other, points in ND and SD. Condition: Katherine Nettbrook must submit appropriate legal documentation that she is administratrix of the estate of Perry L. Nettbrook. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58101. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–35887 Filed 12–15–81, 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payent to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifiying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdicational questions) we find, preliminarily, that each applicant has deomonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The

unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7328.

Volume No. OPY–2–236

Decided: December 7, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 64932 (Sub-621), filed November 16, 1981. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Marc J. Blumenthal, 29 South LaSalle St., Suite 905, Chicago, IL 60603, (312) 425–1642. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Exxon Chemical Americas, of Houston TX.

MC 69833 (Sub-165), filed November 17, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW., 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same as applicant), (616) 456–2868. Transporting*general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 106603 (Sub-222), filed November 16, 1981. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW., P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *construction materials* between points in Erie County, OH, on the one hand, and, on the other, points in CT, MA, ME, NH, RI and VT.

MC 121083 (Sub-12), filed November 24, 1981. Applicant: JACKSON EXPRESS, INC., P.O. Box 3310, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101, (502) 781–4446. Transporting *general commodities* (except classes A and B explosives), between points in Madison County, TN, and Lee, and Alcorn Counties, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MN, NC, SC, VA, WV, and those in KY on and east of U.S. Hwy 31–W.

MC 125522 (Sub-12), filed September 22, 1981. Applicant: SUNBURY TRANSPORT, LIMITED, P.O. Box 3217, Station B, Fredericton, New Brunswick, Canada E3A 5G9.. Representative: Fritz R. Kahn, Suite 1100, 1660 L St., N.W., Washington, DC 20036, 202–452–7400. Transporting *general commodities* (except classes A and B explosives), between points in ME, VT, NH, MA, RI, NY, CT, NJ, PA, MD, DE, WV, VA, NC, SC, GA, FL, AL, MS, TN, KY, OH, IN, IL, WI, MN, IA, MO, MI and DC.

MC 140442 (Sub-2), filed November 27, 1981. Applicant: HASLERIG TRUCKING CO., INC., Rte. 1, Box 47, Rock Spring, GA 30739. Representative: Ronald W. Haslerig (same address as applicant), 404–931–2799.. Transporting *fertilizer and fertilizer materials*, between points in the U.S., under continuing contract(s) with Southern States Cooperative, Inc., of Richmond, VA.

MC 146402 (Sub-41), filed November 24, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant), 901–423–2408. Transporting *paper and paper products*, between Palatka, FL, on the one hand, and, on the other, points in the U.S.

MC 147832 (Sub-10), filed November 17, 1981. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE CO., 3395 Wright St., Wheatridge, CO 80033. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* (except commodities in bulk), between points in AL, AZ, CA, CO, FL, GA, IA, IL, KS, LA, MS, NE, OR, TN, TX and WA.

MC 149333 (Sub-5), filed November 24, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, 816–842–8600. Transporting (1) *acid-proof brick, face brick, brick pavers, and clay floor tile,* between points in Columbia and Stark Counties, OH, Livingston County, MO, and Jefferson County, NE, on the one hand, and, on the other, points in the U.S., and (2) *lumber, wood, and forest products,* between points in NV and CA, on the one hand, and, on the other, points in ND, SD, NE, MN, LA, MO, AR, WI, IL, MI, IN, KY, TN, MS, AL, FL, OH, NY, PA, WV, VA, NC, SC, ME, NH, VT, MA, CT, RI, NJ, DE, IA, and MD.

MC 153652, filed November 13, 1981. Applicant: RAINIER PACIFIC SUPPLY, INC., 1105 Tracy Dr., SE., Lacey, WA 98503. Representative: Richard Joseph Noel, 3904 18th Ave., NE., Olympia, WA 98506, (206) 491–8060. Transporting *sheetrock, sheetrock and mud supplies, lumber, shakes, roofing materials, insulation, glass, nails, and metal beads,* between points in WA, on the one hand, and, on the other, points in CA.

MC 158933, filed October 22, 1981, published in the **Federal Register** issue of November 12, 1981, and republished, as corrected, this issue. Applicant: J. THOMAS, INC., 416 Gra-Roy Dr., Goshen, IN 46526. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 S. Second St., Elkhart, Inc. 46516, 219–293–3597. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Mastercraft Vans, Inc., of New Paris, IN, New Paris Enterprises, Inc., of New Paris, IN and Tech-Trans, Inc., of Bristol, IN. The purpose of this republication is to include household goods as an exception.

MC159112, filed November 5, 1981. Applicant: BEVERAGE TRANSPORT & WAREHOUSING, INC., 3550 NW 110th St., Miami, FL 33168. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Beverage Canners, Inc., of miami, FL.

MC159413, filed November 24, 1981. Applicant: TOWN & COUNTRY TRANSPORTATION AND LEASING CORP., 290 Market St., Waren, RI 02885. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742.3530. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and character operations, between points in MA and RI, on one hand, and, on the other, points in the U.S.

MC159512, filed December 1, 1981. Applicant: HENDERSON BUS SERVICE 3735 Jay St., NE., Washington, D.C. 20019 Representative: Milton R. Henderson, Sr., (same address as applicant), (202) 399–5280. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points

in the Washington, D.C. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the U.S.

Vol. No. OPY–2–237

Decided: November 25, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Forties.

MC95813 (Sub-21), filed November 16, 1981. Applicant: SHUMAKER TRUCKING COMPANY 601 U.S. Rte. 15 North, Dillsburg, PA 17019. Representative: David Shumaker (same address as applicant), 717–432–9617. Transporting *building materials and construction materials* (1) between points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. and (2) between the facilities of CertainTeed Corporation at points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC128662 (Sub-7), filed November 13, 1981. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301–797–6060. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Bowman Apple Products Company, Inc., of Mt. Jackson, VA, and Shenandoah Apple Cooperative and National Fruit Product Company, Inc., both of Winchester, VA.

MC 129712 (Sub-64), filed November 16, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, 404–237–6472. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Armstrong World Industries, Inc., of Lancaster, PA.

MC 148183 (Sub-46), filed November 17, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004–1879, 202–737–2188. Transporting *paint and related products*, between points in Fulton and Hall Counties, GA, Reading, PA, and Huron and Wickliffe, OH, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, MO, MS, NC, OH, PA, SC, TN, VA, and WV.

MC 159143, filed November 4, 1981. Applicant: HUSKER EXPRESS, INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Butler, Cass, Colfax, Gage, Lancaster, Otoe, Platte, Polk, Saline, Saunders, Seward, and York Counties, NE., on the one hand, and, on the other, points in NE.

MC 159253, filed November 12, 1981. Applicant: GLH TOURS, INC., 215 West Pomona Blvd., Monterey Park, GA 91754. Representative: Vernon H. Hunter (same address as applicant), 213–725–0552. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, between points in CA, on the one hand, and, on the other, points in the U.S.

MC 159322, filed November 17, 1981. Applicant: DAVID JONES, d.b.a. JONES GOSPEL SINGERS BUS, P.O. Box 1461, Hilton Head Island, SC 29938. Representative: David Jones (same address as applicant), 803–785–3961. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in Beaufort County, SC, and Chatham County, GA.

MC 159363, filed November 19, 1981. Applicant: RON BARNHART, d.b.a. BARNHART TRUCKING, 8838 Quail Trail, Terre Haute, IN 47805. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting (1) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Vigo County, IN, on the one hand, and, on the other, points in IL, OH, MI, KY, PA, MO, IA, WI, TN, KS, CO, TX, VA, and SC, and (2) *paper and related products*, between Chicago, IL, on the one hand, and, on the other, points in Vermillion County, IN.

Volume No. OPY–3–224

Decided: December 10, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 105984 (Sub-35), filed November 30, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, a corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *Mercer Commodities*, between points in the U.S. (including AK but excluding HI).

MC 108185 (Sub-57), filed November 30, 1981. Applicant: JACK COLE DIXIE HIGHWAY COMPANY, 215 S. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *metal products*, between points in Cobb County, GA, on the one hand, and, on the other, points in Dade, Volusia, and Manatee Counties, FL.

MC 120364 (Sub-41), filed November 30, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Chemetron Railway Products, Inc., Orgotherm, Inc. and Allegheny International all of Chicago, IL.

MC 133314 (Sub-12), filed November 30, 1981. Applicant: SILVAN TRUCKING COMPANY, INC., R.R. 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 1111 East 54th St., Indianapolis, IN 46220, (317) 257–4066. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 134183 (Sub-1), filed November 30, 1981. Applicant: GAMBRINUS TRUCKING CO., INC., Sandri Drive, Plymouth, MA 02360. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, (617) 749–6500 Transporting *general commodities* (except classes A and B explosives household goods, and commodities in bulk), between points in the U.S (except AK and HI), under continuing contracts with (1) L. Knife & Sons, Inc., of Plymouth, MA, and (2) Seaboard Products Inc., of Danvers, MA.

MC 138634 (Sub-4), filed November 30, 1981. Applicant: MARSHALL MOTOR COACH, INC., 1409 E. Anson, Marshalltown, IA 50158. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *food and related products*, between points in Marshall County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143204 (Sub-3), filed November 24, 1981. Applicant: CITY TRANSFER COMPANY, INC., 1634 W. First St., Owensboro, KY 42301. Representative: William L. Willis, Suite 701, McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *alcoholic beverages*, between points in Daviess County, KY, on the one hand, and, on the other, Redstone Arsenal, AL, Miami, FL, Atlanta, GA, Rochester, NY, Dallas, TX, and points in Orange County, FL, Kane and Madison Counties, IL, Randolph,

Grant and Allen Counties, IN, Hall County, NE, Allegheny County, PA, Davidson County, TN, Bexar County, TX and Wood County, WV.

MC 143214 (Sub-8), filed December 1, 1981. Applicant: MATUSZKO TRUCKING, INC., 19 Ball Lane, North Amherst, MA 01059. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with All Freight Distributors, Inc., of Sunderland, MA.

MC 144225 (Sub-4), filed November 27, 1981. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Rd., Tamarac, FL 33321. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424–2420. Transporting *lumber and wood products,* between points in Hampden County, MA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, ME, MS, NH, NC, OH, RI, SC, TN, VT, and WV.

MC 144645 (Sub-12), filed December 2, 1981. Applicant: ROBERT HANSEN TRUCKING, INC., Route 2, Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Andes Candies, Inc., of Delavan, WI, (2) *paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with School Stationers Corporation, and Glennco Paper Mfg., Inc., d/b/a Glennco, Inc., both of Oshkosh, WI, and *plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Penda Corporation, of Portage, WI.

MC 145964 (Sub-7), filed November 27, 1981. Applicant: MELBA S. POWELL, d.b.a., C.B.M. TRANSPORT, 922 S. 2300 East, Salt Lake City, UT 84108. Representative: Blaine Powell, 2759 Venar Circle, Salt Lake City, UT 84109, (801) 484–5316. Transporting *chemicals and related products,* between points in Sweetwater County, WY, on the one hand, and, on the other, points in CA.

MC 146124 (Sub-1), filed November 24, 1981. Applicant: ROBINSON TERMINAL WAREHOUSE CORPORATION, 2 Duke Street, Alexandria, VA 22313. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006, (202) 223–8270. Transporting *pulp, paper and related products* and *printed matter,* between Alexandria, VA, and points in Fairfax County, VA, on the one hand, and, on the other, points in MD, PA, VA, and DC.

MC 148195 (Sub-3), filed November 30, 1981. Applicant: LEON FUCHS, Templeton, IA 51463. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *iron and steel articles,* between Sterling, Hennepin, and Chicago, IL, St. Louis and Kansas City, MO, Kansas City, KS, and Norfolk, NE, on the one hand, and, on the other, points in Denver, Colorado Springs, and Greeley, CO.

MC 153484, filed November 27, 1981. Applicant: JACK C. GRANT, d.b.a., VEHICLE DELIVERY SERVICE, 1752 Brown Trail, Hurst, TX 76053. Representative: Jack C. Grant, (same address as applicant), (817) 268–0793. Transporting *wrecked, disabled and repossessed motor vehicles,* in drive-away or tow-away service, between points in AR, TX, LA, OK and NM, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156384, filed November 30, 1981. Applicant: TRANSPO, INCORPORATED, 9 Mill Plain Rd., Danbury, CT 06810. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Fairfield County, CT, and Dutchess, Putnam, and Westchester Counties, NY, and extending to points in the U.S. (except AK and HI).

MC 156615 (Sub-1), filed December 2, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Dr., Fayetteville, GA 30314. Representative: Bill R. Davis, Emerson Center, Suite 101, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting *food and related products,* between points in GA, on the one hand, and, on the other, points in FL, IL, IA, KS, NY, MI, OH, PA, NC, SC, TX, NJ, WI, NE, MO, CA, CT, IN, LA, CO, and VA.

MC 156744 (Sub-2), filed December 1, 1981. Applicant: H.S.D. TRUCKING, INC., Rt. 5, Box 5, Edgerton, WI 53534. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *fertilizer and fertilizer ingredients,* in bulk, between points in the U.S. (except AK and HI), under continuing contract(s) with Terra Chemicals International, Inc. and Terra Eastern Corporation of Sun Prairie, WI.

MC 159304, filed November 30, 1981. Applicant: INTERMOUNTAIN TRANSIT HOMES, INC., R.R. #1, Box 104–C, Inkom, ID 83245. Representative: Eldon E. Bresee, 2881 East 3400 South, Salt Lake City, UT 84109, (801) 485–5154. Transporting (1) *mobile homes, buildings, building sections,* and *modules,* and (2) *parts and accessories,* for mobile homes, buildings, building sections, and modules, in initial and secondary movements, between points in CO, ID, NV, and WY.

MC 159335, filed November 30, 1981. Applicant: INTERMODAL CARRIERS, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *such commodities* as are dealt in or used by department stores, between Dallas, Waco, Killeen, Temple, Austin and San Antonio, TX.

MC 159395 (Sub-1), filed November 30, 1981. Applicant: GILMAR CRANE SERVICE ALBERTA, LTD., 3208–3rd Ave., S., P.O.B. 871, Lethbridge, AB, Canada T1J3Z8. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. In foreign commerce only, transporting *machinery and metal products,* between ports of entry on the international boundary line between the U.S. and Canada at WA, ID, MT and ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159454, filed November 27, 1981. Applicant: KANEN TOURS, 10350 So. DeAnza Bldv., Cupertino, CA 95014. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. As a *broker* at Cupertino, CA, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in special or charter operations, beginning and ending at points in CA in and north of San Luis Obispo, Kern and Inyo Counties, CA, and extending to points in the U.S. (excluding AK and HI).

MC 159464, filed November 27, 1981. Applicant: HOWARD & GLADYS ERDLEY, d.b.a. CARAVEL TRAVEL, 8600 Sepulveda Blvd., Suite 3, Sepulveda, CA 91343. Representative: Gladys Erdley (same address as applicant), (213) 892–7129. As a *broker,* at Sepulveda, CA, in arranging for the transportation of *passengers and their baggage,* by motor vehicle, beginning and ending at points in CA, and extending to points in NV, UT, and AZ.

MC 159474, filed November 30, 1981. Applicant: U.S. EXPRESS, INC., P.O. Box 9652, Little Rock, AR 72219. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives, household goods, and

commodites in bulk), between the facilities of Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S. (excluding AK and HI).

MC 159475, filed November 30, 1981. Applicant: HOLIDAY TRAVEL, INC., 5418 Pernod, St. Louis, MO 63139. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. As a *broker,* at St. Louis, MO, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, beginning and ending at point in MO, and extending to points in the U.S.

MC 59494, filed November 30, 1981. Applicant: JO-ANN TRUCKING, LTD., 428 Second St., W., Brooks Professional Bldg., Brooks, Alberta, Canada TOJ OJO. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209. (303) 320–6100. Transporting *Mercer commodities* and *metal products* between points in MT, ID, WY, UT, CO, NM, TX, LA, KS, NE, SD, ND, and OK.

MC 159505, filed November 30, 1981. Applicant: KRT ENTERPRISES, INC., 4611 St. Johns Ave., Jacksonville, FL 32210. Representative: Kenneth R. Thomas, 3742 Ponce de Leon Ave., Jacksonville, FL 32217, (904) 731–2684. Transporting *bakery products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pantry Pride Enterprises, Inc., of Jacksonville, FL.

Vol. No. OPY–4–475

Decided: December 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating).

MC 143776 (Sub-37), filed December 1, 1981. Applicant: C.D.B. INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Wilder Industries, Incorporated, of Philadelphia, PA.

MC 149536 (Sub-4), filed December 1, 1981. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, ME, MD, MA, NH, NY, NJ, PA, RI, VT, and DC.

MC 155186 (Sub-1), filed December 1, 1981. Applicant: FREITAG ASSOCIATES, INC., 6917 Harford Rd., Baltimore, MD 21234. Representative: Robert K. Goren, Suite 1025, 1875 I St., NW., Washington, D.C. 20006, (202) 463–6400. Transporting (1) *dairy products,* between Baltimore, MD, and points in Franklin County, PA, on the one hand, and, on the other, points in Dade County, FL, Orleans County, LA, Clark County, NV, Denver County, CO, King County, WA, Maricopa County, AZ, Salt Lake County, UT, and points in TX; and (2) *fabricated metal products,* between points in Harford and Carroll Counties, MD, on the one hand, and, on the other, Detroit, MI, Minneapolis, MN, Chicago, IL, St. Louis, MO, Portland, OR, Washington, D.C., and points in Lenawee County, MI, St. Louis, County, MN, San Diego County, CA, Cuyahoga and Hamilton Counties, OH, Marion County, IN, King and Spokane Counties, WA, Orange County, FL, and York and Dauphin Counties, PA.

MC 159496, filed November 30, 1981. Applicant: LLOYD S. BANDLE, d.b.a. L & S TRUCKING, 5742 Crater Lake Ave., Central Point, OR 97502. Representative: Lloyd S. Bandle (same address as applicant), (503) 826–5508. Transporting (1)(a) *lumber and wood products,* (b) *building and construction materials,* and (c) *foundry materials,* between points in AZ, CA, ID, MT, NV, OR, UT, and WA; and (2) *clay and glazing materials,* between points in CA and OR.

MC 159506, filed November 30, 1981. Applicant: H. L. BOWERS CO., INC., 4001 Yancey Rd., P.O. Box 31234, Charlotte, NC 28231. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Synthetic Fibers, Inc., of Charlotte, NC.

Volume No. OPY–4–476

Decided: December 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 99567 (Sub-8), filed November 30, 1981. Applicant: KANE FREIGHT LINES, INC., P.O. Box 931, Scranton, PA 18501. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexander, VA 22312, (703) 750–1112. Transporting *electric storage batteries and parts therefor* between points in Lackawanna County, PA, on the one hand, and, on the other, points in CT, ME, MA, NH, RI, VT and VA.

MC 129827 (Sub-6), filed November 30, 1981. Applicant: BLAIR MOTOR SERVICE, INC., 1531 E. 14th St., St. Louis, MO 63106. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *boots and shoes* (1) between St. Louis, MO, on the one hand, and on the other, points in Cape Girardeau and Scott Counties, MO and (2) between points in Gibson County, TN on the one hand, and, on the other, points in Madison County, TN.

MC 136087 (Sub-10), filed November 30, 1981. Applicant: J.C. TRUCKING, INC., 5085 Harlan St., Denver, CO 80212. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861–4028. Transporting *general commodities,* (except classes A and B explosives household goods and commodities in bulk), between points in CO and UT, on the one hand, and, on the other, points in the U.S. in and west of WI, IL, MO, AR, and LA (except AK and HI).

MC 144017 (Sub-3), filed December 1, 1981. Applicant: GEO. W. NOFFS MOVING & STORAGE, INC., 1735 E. Davis Street, Arlington Height, IL 60005. Representative: William Westwood, Jr., (same address as applicant), (312) 870–3200. Transporting *furniture and fixtures* between Chicago, IL and points in Boone, McHenry, Lake, Winnebago, Ogle, Lee, Dekalb, Kane, Dupage, Kendall, Will, Grundy, Lasalle, Bureau, Putnam, Marshall, Woodford, Livingson, McLean, Ford, Iroquois, Kankakee, Vermilion, and Champaign, Counties, IL, Kenosha, Racine, Walworth, Milwaukee, Waukesha, Jefferson, and Rock Counties, WI, Cass, Van Buren, and Berrien Counties, MI, Warren, Benton, Newton, Jasper, Lake, Porter, LaPorte, Starke, Pulaski, White, Carroll, Tippecanoe, Cass, Fulton, Marshall, St. Joseph, Elkhart, and Kosciusko Counties, IN, on the one hand, and, on the other, points in the U.S. (Except AK and HI).

MC 144057 (Sub-3), filed November 24, 1981. Applicant: WHITEHALL TRANSPORT, INC., P.O. Box 387, Whitehall, WI 54773. Representative: Eugene D. Anderson, Suite 428, 910 17th St., NW., Washington, D.C. 20006, (202) 296–2550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with All American Meat Company, of Whitehall, WI.

MC 149606 (Sub-1), filed November 25, 1981. Applicant: WESTERN COLD EXPRESS, INC., P.O. Box 506, O'Neill, NE 68763. Representative: Marvin J.

Colangelo, 114 Sansome St., San Francisco, CA 94104, (415) 254–2902. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packing houses* (except hides and commodities in bulk), between points in IA, IL, MN, and NE, on the one hand, and, on the other, Oakland and San Francisco, CA.

MC 156766, filed October 26, 1981, previously noticed in the **Federal Register** issue of November 12, 1981, and republished this issue. Applicant: G.A.L. & S. TRUCKING, INC., 25218 463rd Ave. SE., Enumclaw, WA 98022. Representative: Jim Pitzer, 15 S. Grady Way, Ste. 321, Renton, WA 98055, (206) 235–1111. Transporting *aircraft and aircraft parts*, and *airline terminal equipment*, between points in the U.S., under continuing contract(s) with Transamerica Airlines, of Oakland, CA.

Note.—The purpose of this republication is to correct the commodity description.

MC 159507, filed December 1, 1981. Applicant: PARRAN & SONS BUS RENTAL, INC., d.b.a. PARRAN BUS LINES, 5–F Greenburry Court, Baltimore, MD 21207. Representative: B. Baer, 2018 East Monument St., Baltimore, MD 21205, (301) 327–2120. Transporting *passengers and their baggage*, in round-trip-charter operations, between points in the U.S. (except AK and HI).

MC 159516, filed November 19, 1981. Applicant: LAKEWAY TRANSPORTATION CO., INC., 523 N. Cumberland St., Morristown, TN 37814. Representative: R. Cameron Rollins, 124 Commerce St., Kingsport, TN 37660, (615) 247–7136. Transporting *transportation equipment* between points in TN, on the one hand, and, on the the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35891 Filed 12–15–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes exept as otherwise noted.

Notice No. F–173

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 146820 (Sub–II–13 TA), filed December 1, 1981. Applicant: B & G TRUCKING, INC., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. *Contract: Irregular, windshield solvent and antifreeze*, between Chicago, IL, on the one hand, and, on the other, Detroit, Lansing and Grand Rapids, MI, Milwaukee, WI and Indianapolis, IN, for 270 days. Supporting shipper: Midwest Polychem, Ltd., 1920 S. Kilbourne Ave., Chicago, IL 60623.

MC 2110 (Sub–II–2), filed November 30, 1981. Applicant: BOWLUS TRUCKING CO., INC., 200 County Rd., Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Food and Related Products* between the facilities of the Fremont Company, its divisions and subsidiaries at Fremont, Rockford and Ohio City, OH, Bluffton, IN, Franksville, WI, and Milford, IL, for 270 days. Supporting shipper: The Fremont Company, Fremont, OH.

MC 15624 (Sub–II–ITA), filed December 7, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O.B. 1806, Brockton, MA 02403. *Metal products*, from Baltimore City and Baltimore County, MD to points in NJ, NY and PA and to ports of entry on the U.S.-Canada border at points in NY and VT, for 270 days. Supporting shipper(s): Whitney Warehouses, Inc., Baltimore, MD; Mercer's Building Materials Inc., Blue Bell, PA.; Combined Transportation Services, Inc., Baltimore, MD; Giamo Metals, Conshohocken, PA.

MC 150080 (Sub-II–10TA), filed December 2, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Chemicals, materials, supplies and equipment used in the manufacture thereof* between facilities of Emery Industries, Inc., located at or near Mauldin, SC, Lockhaven, PA, Linden, NJ, Santa Fe Springs, CA, Chicago, IL, Elizabeth, NJ, and Worcester, MA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Emery Industries, Inc., P.O. Box 628, Mauldin, SC 29662.

MC 159368 (Sub-II–1TA), filed December 4, 1981. Applicant: DISTRIBUTION EXPRESS, INC., 6836 Prior Pl., Reynoldsburg, OH 43068. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *General commodities (except Classes A & B explosives)* between Chicago, IL and Indianapolis, IN, on the one hand, and, on the other, points in IN and KY. Applicant intends to interline at Richmond, IN. An underlying ETA seeks 120 days authority. Supporting shipper(s): There is thirteen supporting shippers' statements attached to this application which may be examined at the Phila. Regional office.

MC 159529 (Sub-II–1TA), filed December 2, 1981. Applicant: FOREST GROVE BUS CORP., P.O. Box 364, Forest Grove, PA. Representative: Charles Haigler (same as applicant). *Passengers and their baggage, newspapers, mail and parcels*, in special and charter operations, between Forest Grove, PA, on the one hand, and, on the other, points in the U.S. (except AK & HI) for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 28 supporting shippers. Their statements may be examined in the Philadelphia ICC Office.

MC 153810 (Sub-II–2TA), filed November 24, 1981. Applicant: FOUST TRUCKING, INC., 8466 Crestway, Clayton, OH 45315. Representative: Charles K. Boxwell, First Federal Plaza,

711 Adams St., Toledo, OH 43624. (1) *Metal articles* between points in PA, OH, MI, KY, IN and IL; and (2) *food and related products* between points in OH, on the one hand, and, on the other, points in MI, IN and KY. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are twelve supporting shippers' statements attached to this application that may be examined at the Philadelphia regional office.

MC 107012 (Sub-II–270TA), filed November 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). *Contract*, irregular: *General commodities (except classes A & B explosives)* between points in the U.S., under continuing contract(s) with Electrovert, Inc., Elmsford, NY for 270 days. Supporting shipper: Electrovert, Inc., 399 Executive Blvd., Elmsford, NY 10523.

MC 14702 (Sub-II–3TA), filed December 1, 1981. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Machinery used for the manufacture of iron and steel articles*, from Mahoning County, OH to Jackson, TN and Plymouth, UT, for 270 days. Supporting shipper(s): Riise Engineering Co., Inc., 11950 South Ave., P.O.B. 126, North Lima, OH 44452.

MC 109448 (Sub-II–17TA), filed December 4, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of heating and air conditioning units (except commodities in bulk)* between points in Hillsdale County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Addison Products Co., 215 North Talbot St., Addison, MI 49220.

MC 159547 (Sub-II–1TA), filed December 3, 1981. Applicant: PONTINO TRUCKING, 3rd and Merion Sts., P.O. Box 208, Bridgeport, PA 19405. Representative: Jerold S. Berschler, 522 Swede St., Norristown, PA 19401. Contract, irregular: *food preserve, used in the manufacture of food products* from Philadelphia, PA to Hialeah, FL, under continuing contract(s) with Theresa Freidman & Sons, Inc. of Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Theresa Friedman & Sons, Inc., Tomlinson Rd. and Jameson Ave., Phila., PA 19116.

MC 147577 (Sub-II–1TA), filed December 2, 1981. Applicant: THRIFT TRANSFER, INC., 4560 Eisenhower Ave., Alexandria, VA 22304. Representative: Richard A. Ward, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. *Such commodities as are dealt in or used by manufacturers and distributors of (1) electronic equipment, parts and accessories, (2) controller parts, (3) metal cabinets, and (4) appliances*, between Baltimore, MD; New York, NY; and Philadelphia, PA, on the one hand, and, on the other, Charlottesville and Salem, VA, for 270 days. Supporting shipper(s): General Electric Co., P.O. Box 8106, Charlottesville, VA 22906.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159350 (Sub-3–1 TA), filed December 7, 1981. Applicant: LANMAN CORPORATION, 1096 Riverbend Drive, N.W., Atlanta, GA 30339. Representative: Steven A. Lauer, Suite 800, 1019 19th Street, N.W., Washington, D.C. 20036. *Contract* carrier: Irregular: *Meat and meat products* between points in the U.S. under a continuing contract with Action Commodities Corporation of Stone Mountain, GA. Supporting shipper: Action Commodities Corporation, P.O. Box 1043, Stone Mountain, GA 30086.

MC 146447 (Sub-3–13 TA), filed December 7, 1981. Applicant: TANBAC, INC., 2941 S.W. 1st. Terrace, Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Building, 8390 N.W. 53rd. St., Miami, FL 33166. *Contract Carrier*, irregular route: *metal products* between Meriden, CT and Martin, TN, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with The Miller Co., Meriden, CT. Supporting shipper: The Miller Co., 99 Center Street, Meriden, CT 06450.

MC 157802 (Sub-3–3 TA), filed December 3, 1981. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 420, Dalton, GA 30721. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. *Contract* carrier: irregular *Such commodities as are used, sold or dealt in by wholesale, retail and variety stores*, between all points in the U.S. under continuing contracts with Esjay Distributors, Inc., Commerical Warehousing, Inc./Columbine Consolidators, Inc., and Tumlin Trucking and Warehouse, Inc. Supporting Shippers: Esjay Distributors, Inc., P.O. Box 1103, Wilkes Barre, PA 18703; Commercial Warehousing, Inc./ Columbine Consolidators, Inc., 316 Bear Creek Road, Dalton, GA 30720; and Tumlin Trucking and Warehouse, Inc., P.O. Box 412, Cartersville, GA 30121.

MC 116014 (Sub-3–3 TA), filed December 7, 1981. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, KY 40391. Representative: Harry Ross, 58 S. Main St. Winchester, KY 40391. *Glass rods, tubing and related articles* from points in Woodford County, KY to points in NJ and points in Essex County, MA and Hillsborough County, NH. Supporting Shipper: GTE Products Corporation, 1000 Tyrone Pike, Versailles, KY 40383.

MC 146343 (Sub-3–6 TA), filed December 8, 1981. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Boulevard, Pompano Beach, FL 33062. Representative: Southern Enterprises Incorporated, 2 Sawyer Drive, Coventry, RI 02816. *Contract* Carrier: irregular: *General commodities (except class A and B explosives, and household goods as defined by the Commission)*, between points in the U.S. under continuing contract or contracts with Essex Chemical Corporation and subsidiaries, Divisions, Associated or Affiliated Corporations. Supporting shipper: Essex Chemical Corporation, 1401 Borad Street, Clifton, NJ 07015.

MC 159610 (Sub-3–1TA), filed December 8, 1981. Applicant: C. W. BOONE d.b.a. T. Wolf Co., Route 3, Dallas, Ga 30132. Representative: J.L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier*: irregular: *General Commodities (except Class A and B explosives)*, between points in the U.S., under continuing contract with Southern Tea Company. Supporting shipper: Southern Tea Company, P.O. Box 7538, Marietta, GA 30066.

MC 37896 (Sub-3–8TA), filed December 9, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918–16 Street, N.W., Washington, D.C. 20006. *Contract Carrier*; irregular; *Drugs, medicines and toilet preparations*, and *materials, eqipment and supplies* used in the manufacture and distribution of drugs, medicines and toilet preparations, between Hammonton, NJ and Elkhart, IN, on the one hand, and, on the other, Forest Park, GA and Dallas, TX under continuing contract(s) with Whitehall Laboratories, Division of American Home Products Corporation, of New

York, NY. Supporting shipper: Whitehall Laboratories, Division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017.

MC 147915 (Sub-3–2TA), filed December 9, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, Kentucky 40204. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract*, irregular: *Automobile parts*, from Coldwater, MI to Toledo, OH and South Bend, IN under continuing contracts with Quality Spring Products, Division of Kuhlman Corporation. Supporting shipper: Quality Spring Products, Division of Kuhlman Corporation, 355 Jay Street, Coldwater, Michigan 49036.

MC 154103 (Sub-3–23TA), filed December 9, 1981. Applicant: MID–SOUTH MILLING CO., INC., 1229 Kansas, Memphis, TN 38109. Representative: James N. Clay, III, P.O. Box 9508, Memphis, TN 38109. *Gluten feed, gluten meal, wheat midds and soybean meal*, in bulk, from points in AL and TN to Union City, GA. Supporting shipper: Ralston Purina Co., P.O. Box 508, Union City, GA 30291.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 159037 (Sub-6–1TA), filed November 30, 1981. Applicant: ROBERT & DELLA BUERGEL d.b.a. B & D MACHINERY SERVICES, LTD, Box 116 Elrose, Rosetown, Saskatchewan, CD SOLOZO. Representive: Colin Spencer, 119 First Ave. E. Rosetown. Saskatchewan, CD SOL 2VO. *Used farm machinery parts and related attachments* from points in MT and ND to Part of Entry on the International Boundary Line in MT and SD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Plains Auctioneers Ltd., Box 130, White City, Saskatchewan, CD SOG 5BO.

MC 159502 (Sub-6–1TA), filed November 30, 1981. Applicant: BRAY TRUCKING, INC., P.O. B. 562, Big Piney, WY. Representive: Frank Bray (same as applicant). *Contract Carrier*, Irregular routes: *Machinery, equipment, materials and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products and (2) the dismantling, moving and setting-up of rigs, from Big Piney, WY. to points in CO, ID, KS, MT, NE, NV, NM, ND, OK, SD, TX, and UT, for the account of Energetics, Inc., Hageman Anchor & Testing Ser. For Woods Petr. corp., Republic Drilling & Service, J.B. Roden Drilling Co., Northwest Pipeline, Mobil Oil Corp., and Chevron U.S.A. Inc., for 270 days. Supporting shipper: There are seven supporting shippers. Their statements may be reviewed at the Regional Office.

MC 149138 (Sub-6–6TA), filed November 27, 1981. Applicant: COLORADO-KANSAS-MISSOURI EXPRESS CO. d.b.a. CKM EXPRESS CO., INC., 4250 Oneida St, Suite 130, Denver, CO 80239. Representive: William J. Lippman, Steele Park, Suite 588, 50 S Steele St, Denver, CO 80209. *Malt beverages and related advertising materials* from points in Jefferson County, CO to points in AZ, CA, ID, IA, KS, LA, MS, NE, NV, NM, OK, TN, TX, UT, WA and WY for 270 days. Supporting shipper: Adolph Coors Company, Golden, CO. 80401.

MC 144855 (Sub-6–1TA), filed December 7, 1981. Applicant: CALIFORNIA EASTERN XPRESS, INC., 1543 Calada Street, Los Angeles, CA 90023. Representive: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Meat and meat products*, from Guymon, OK; Glenwood, Sioux City, Marshalltown, and Des Moines, IA; to points in IN, MI, AZ, AR, MS, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Swift Independent Packing Company, 115 West Jackson Blvd., Chicago, IL 60604.

MC 146041 (Sub-6–6TA), filed December 3, 1981. Applicant: CAL-TEX, INC., P.O. B. 1678, Costa Mesa, CA 92626. Representive: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005. *Chemicals (excluding hazardous waste materials) and related products, starches and clay*, between Charlotte NC, and points in its commercial zone, on the one hand and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Shipper(s): Harper/Love Adhesives Corporation, P.O. B. 11772, 319 Crompton St., Charlotte, NC 282201411.

MC 159458 (Sub-6–1TA), filed November 25, 1981. Applicant: COAST FREIGHT SYSTEM, INC., 3200 Occidental Ave So., Seattle, WA 98134. Representative: Robert G. Gleason, 1127–10th East, Seattle, WA 98102. *General commodities*, between points in WA, OR and ID having had prior or subsequent movement in interstate commerce, for 270 days. Supporting shipper(s): There are ten supporting shippers. Their statements may be examined at the Regional office listed

MC 159591 (Sub-6–1TA), filed December 4, 1981. Applicant: CORNELL CARTAGE COMPANY, P.O.B. 4331, Denver, CO 80204. Representative: Charles J. Kimball, #665, 1600 Sherman St., Denver, CO 80203. *Commodities dealt in and used by department, auto service, and lawn and garden stores*, between Denver, CO and points in its commercial zone, on the one hand, and, on the other, points in WY, UT, and CO, and points in NE and KS on and west of US Hwy 183, for 270 days. Supporting shipper: Sears, Roebuck and Co., Denver, CO.

MC 159389 (Sub-6–1TA), filed November 30, 1981. Applicant: BRAD DeSPAIN, d.b.a. DeSPAIN CATTLE CO., 16501 W. Manville Rd., Marana, AZ 85238. Representative: Brad DeSpain (same as applicant). *Wheat Middlings*, from Ogden, UT to points in AZ for the account of Ralston Purina Co., and Arizona Feeds for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis MO 63188 and Arizona Feeds. Box 5526, Tucson, AZ 85703.

MC 151374 (Sub-6–2TA), filed November 27, 1981. Applicant: CAL-CLEVE, LIMITED, d.b.a. DOT-LINE TRANSPORTATION, 8023 E. Slauson Blvd., Montebello, CA 90640. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Such commodities as are dealt in, or used by, retail stores or wholesale distributors*, (1) Between points in CA, OR, NV, UT, and AZ, on the one hand, and, on the other, points in IL, MI, IN, OH, KY and PA, and, (2) From points in CA to points in OR, for 270 days. Supporting shippers: Prudential-Feldco, Inc., 911 Bixby Dr., City of Industry, CA 91745; Distribution Services, 2242 E. 49th St., Los Angeles, CA 90012; White King, 617 E. 1st St., Los Angeles, CA 90012.

MC 159103 (Sub-2TA), filed December 3, 1981. Applicant: KEN GEBERT, d.b.a. KEN GEBERT TRUCKING, Mill Creek Rd., Frenchtown, MT 59834. Representative: (Ken Gebert same as applicant), *Contract Carrier*, Irregular routes: *General commodities*, including but not limited to new and used metal products and machinery, excluding explosives and hazardous materials, from and to points between CA, OR and WA, extending east to MI and OH, specifically including CA, OR, WA, ID, NV, MT, WY, UT, ND, SD, NE, MN, IA, WI, IL, MI, IN, and OH; for the account of Missoula Surplus & Equipment Company for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Missoula Surplus &

Equipment Co., 3758 N. Reserve St., Missoula, MT 59801.

MC 147590, (Sub–6–1TA), filed November 30, 1981. Applicant: GOLD STREAK FREIGHT LINES INC., 1855 3rd Ave., Anchorage, AK 99501. Representative: Dalton B. Coor (same address as applicant). *General Commodities,* (except Class A and B explosives and household goods as defined by the commission), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Environmental Support Services Co., 601 W. 41st St., Suite 103, Anchorage AK 99503; Peninsula Shippers Assoc. Inc., 1907 Post Rd., Anchorage AK 99501; Busby Alaska, 6927 Old Seward Hwy., Anchorage AK 99502.

MC 120853, (Sub–6–1TA), filed November 25, 1981. Applicant: DAVIES TRANSPORTATION, CO., d.b.a. HARBOR TERMINAL SERVICES, 2400 Dominguez St., Long Beach, CA 90801. Representative: Arnold Pantus (same addressa as applicant). *General Commodities excluding: Commodities in bulk, in tank vehicles, Class A and B Explosives and Used household goods* between points and places in CA for 270 days. There are (10) ten supporting shippers. Their statements may be reviewed at the Regional Office.

MC 156436, (Sub–6–2TA), filed December 7, 1981. Applicant: I. W. TRANSPORT, INC., 353 S. Santa Fe Ave., Los Angeles, CA 90013. Representative: Frederick J. Coffman, P.O.B. 1455, Upland, CA 91786. *Contract Carrier,* irregular route: *General commodities* (except classes A and B explosives, hazardous waste materials and used household goods), between points in the US (except AK and HI) to Los Angeles, CA; and from Los Angeles, CA to points in the US in and west of MT, WY, CO and NM under continuing contract with Ben Franklin Distribution Center, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ben Franklin Distribution Center, 3030 S. Atlantic Blvd., Los Angeles, CA 90022.

MC 48958, (Sub–6–11TA), filed November 30, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., P. O. B. 16404, Denver, CO 80216. Representative: Bill Austin (same address as applicant). *Contract Carrier;* Irregular route: *Telephone and lighting equipment and commodities used in the manufacture thereof,* between points in CA, UT, CO, NM, AZ, NV, and TX for 270 days. Supporting shipper: GTE, Lenkurt, Inc., 1105 Old Country Rd., San Carlos, CA 94070.

MC 157177, (Sub–6–1TA), filed December 2, 1981. Applicant: INSTANTWHIP-DENVER, INC., 7301 No. Federal Blvd./ Suite 15, Westminister, CO 80030. Representative: Winston A. Holland, P.O. B. 1169, Arvada, CO 80001–1169. *Malt-beverages (beer) and related advertising items* from Denver County and Jefferson County, CO to points in CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 150892 (Sub–6–2TA), filed November 27, 1981. Applicant: JOHN T. SHARP, d.b.a. J–S RANCH, 125 E. First N., Wellsville, UT 84339. Representative: John T. Sharp (same as above). *Equipment and machinery* used in manufacture and production of foodstuffs between the facilities of Del Monte Corp. at or near Smithfield, UT and Rochelle, IL on the one hand, and on the other, Smithfield, UT and Burley, ID for 270 days. Supporting shipper: Del Monte Corporation, P.O.B. 9260, Ogden, UT.

MC 159401 (Sub–6–1TA), filed November 20, 1981. Applicant: JOHNSON DISTRIBUTORSHIP INC., Route 1, Box 920 AA, Flagstaff, AZ 86001. Representative: Russ Johnson (same as applicant). *General commodities,* (excluding A & B explosives, hazardous waste materials, household goods, commodities in bulk and commodities in tank vehicles) from Phoenix and Flagstaff, Arizona to points in Northern Arizona for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Peobody Coal Co., 1300 S. Yale, Flagstaff, AZ; Babbitts Wholesale, 1400 E. Butler Ave., Flagstaff, AZ; Bank of Northern Arizona, P.O.B. 280, Flagstaff, AZ.

MC 159098 (Sub–6–1TA), filed December 2, 1981. Applicant: PAUL C. MANNING, d.b.a. MANNING CO. TRUCKING, 875 E. Center, P.O.B. 3425, Logan, UT 84321. Representative: Paul C. Manning (same as applicant). *Food Stuffs, wheat middlings, dog food* from points in UT and MN to points in AZ, CO, CA, ID, MN, NE, OR, WA, UT, NV, SD, ND, WY, IA, for 270 days. An underlying Emergency Temporary Authority seeks 120 days authority. Supporting shipper: Pillsbury Company, P.O.B. 9277, Ogden, UT 84409; Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 139483 (Sub–6–2TA), filed December 4, 1981. Applicant: ALLEN MITCHEK, P.O.B. 512, Sterling, CO 80751. Representative: Jack B. Wolfe, #665, Capital Life Center, 1600 Sherman St., Denver, CO 80203. *Soybeans and soybean byproducts* from Sergeant Bluff and Sioux City, IA and Lincoln, NE and their commercial zones to the facilities of Ralston Purina Company at Denver, CO for 270 days. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 152361 (Sub–6–1TA), filed November 27, 1981. Applicant: SHANNON MOTOR LINES, INC., 7517 Pivot St., Downey, CA 90421. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* irregular routes: *General commodities,* (except classes A and B explosives) between points in the U.S., for the accounts of ABC-Trans National Transport, Inc./Acme Fast Freight, Inc., for 270 days. Supporting shipper: ABC-Trans National Transport, Inc./Acme Fast Freight, Inc., 2110 Alhambra Ave., Los Angeles, CA 90031.

MC 159590 (Sub–6–1TA), filed December 2, 1981. Applicant: SPECIALIZED TRANSPORTATION SYSTEMS, 5080 Amelia Earhart Dr., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. B. 2465, Salt Lake City, UT 84110. *General Commodities,* (except household goods, commodities in bulk and Classes A and B explosives), between points in Salt Lake, Utah and Davis Counties, UT, on the one hand, and points in Uintah County, WY, on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 9 shippers. Their statements may be examined at the Regional Office listed above.

MC 147012 (Sub–6–7TA), filed November 25, 1981. Applicant: T.B.T., INC., P.O. B. 8472, Stockton, CA 95208. Representative: Mark J. Hannon, 1684 W. Willow St., Stockton, CA 95203. *Contract Carrier:* Irregular routes: (1) *Fiberglass products; i.e., bath tubs, stalls, pools, spas, and related plumber fittings,* from Stockton, CA to various points in AZ, ID, NV, OR, UT, and WA, for the account of Dura Glass Products, Inc.; for 270 days. Supporting shipper: Dura Glass Products, Inc., 950 Industrial Dr., Stockton, CA 95206.

MC 151749 (Sub–6–2TA), filed November 30, 1981. Applicant: TRAYLOR TRUCKING, INC., 8108 Coach Dr., Oakland, CA 94605. Representative: Michael Leiden, 3391 Arden Rd., Hayward, CA 94545. *Such commodities as are dealt in by wholesale or retail grocery or food business houses, and equipment materials and supplies used in conduct of such business and structural steel* between all points in CA restricted to traffic having prior or subsequent movement by rail or water for 270 days. Supporting shippers: Safeway Stores, Inc., 5725 E. 14th St., Oakland CA 94660 ;

Herrick Iron Works, 25450 Clawiter Rd., P.O. B. 3003, Hayward CA 94544.

MC 159565 (Sub-6–1TA), filed December 4, 1981. Applicant: BECCY BRINK, DAVID BRINK, FORREST CHARLESWORTH and RAY SNYDER, d.b.a. UNIVERSAL HOT SHOT SERVICE, P.O.B. 852, Brighton, CO 80601. Representative: Ray Snyder (same as applicant). *Mercer Commodities* between points in Adams, Weld, Denver and Jefferson counties CO on the one hand, and, on the other, points in WY, NE, NM and TX for 270 days. Supporting shippers: There are five (5) supporting shippers and their statements may be reviewed in the Regional Office listed above.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–35889 Filed 12–15–81; 8:45 am]

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[Volume No. 209]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 11, 1981.

The following restriction removal applications filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 19714 (Sub-4)X, filed December 3, 1981. Applicant: EDRA HAULAGE, 51–23 34th Street, L.I. City, NY 11101. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead and Sub 2: (1) broaden commodity description: groceries and such merchandise as is dealt in by wholesale and retail grocery and food business houses in the lead to "such merchandise as is dealt in or used by grocery and food business houses", and groceries in Sub 2 to "food and related products"; and (2) broaden territorial description: (a) between points in the U.S. under contract(s) with a named class of shippers and with unnamed shippers in the lead, and (b) between points in the US, under contract(s) with a named shipper in Sub 2.

MC 29462 (Sub-1)X, filed November 2, 1981. Applicant: TIDWELL'S EXPRESS, INC., 121 Breman, St. Louis, MO 63147. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300. St. Louis, MO 63102. Lead, broaden (1) by removing exceptions to general commodities authority (except Class A and B explosives) (2) off route points to county wide authority; from Reynolds, Bunker, Centerville, Lesterville, Ellington, Chloride, Middle Brook, Pilot Knob, Graniteville, Belgrade, Mineral Point, Tiff, Bliss, Blackwell, Morse Mill, Cadet, and Vineland, MO to St. Francois, Jefferson, Reynolds, Iron and Washington Counties, (3) to service at all intermediate points on regular routes, and (4) to radial authority.

MC 95376 (Sub-23)X, filed December 7, 1981. Applicant: McVEY TRUCKING, R.R. #1, Box 116, Oakwood, IL 61858. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Subs 10 and 17: (1) broaden (a) concrete coping, Sub 10, and tile and clay products (part 3) and building brick (part 6), Sub 17, to "clay, concrete, glass or stone products; (b) sand and gravel to "commodities in bulk," Sub 17 (parts 1 and 2); and (c) coal to "coal and coal products," Sub 17 (part 4); (2) change one-way to radial authority, Subs 10 and 17; and (3) change cities to counties: Urbana, IL (Champaign County), Sub 10; and Cayuga, Montezuma and Brazil, IN Vermillion, Parke, and Clay Counties), Sub 17.

MC 109725 (Sub-17)X, filed November 30, 1981. Applicant: K.F. CROCKER TRANSPORTATION COMPANY, INC., Jewell Hill Road, Ashby, MA 01431. Representative: James M. Burns, 1383 Main Street, Suite 413 Springfield, MA 01103. Lead and Subs 11F and 13F to broaden: (1) to "commodities in bulk" from milk, cream and liquid products thereof in bulk in tank vehicles; molasses and liquid feed supplements in bulk in tank vehicles; molasses, for feeding purposes, and liquid feed ingredients in bulk in tank vehicles, lead; molasses and liquid feed supplements in bulk in tank vehicles, Sub 11F; and from wood chips in bulk to "pulp, and paper and related products", Sub 13F, (2) to radial authority, lead, Subs 11F and 13F, (3) city to county-wide authority: from Boston and Everett, MA to Suffolk and Middlesex Counties, lead; Albany, NY to Albany County, Sub 11F; and Ticondoroga, NY to Essex County, in Sub 13F.

MC 115554 (Sub-42)X, filed October 21, 1981, previously noticed in the **Federal Register** of November 10, 1981, republished as corrected this issue. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Lead and Subs 3, 5, 6, 7, 8, 10, 11, 13G, 14, 15F, 16F, 19F, 23F, 24F, 25F, 27F, 28F, 29F, 30F, 31F, 32F, 35F, and 36F. Broaden to two-way authority, in lead certificate and Sub 5 (regular routes); and to radial authority, in lead and Subs 3, 5, 7, 11, 13G, 16F, 19F, 23F, 24F, 25F, 27F, 28F, 30F, 31F, 35F, and 36F. The purpose of this republication is to include the above, which was inadvertently omitted in the FR publication on November 10, 1981.

MC 123640 (Sub-40)X, filed December 1, 1981. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Ft. Wayne, IN 46803. Representative: Irving Klein, 371 Seventh Avenue, New York, NY 10001. Sub-No. 34F permit: broaden territory to all points in the U.S. under continuing contract(s) with a named shipper.

MC 135208 (Sub-6)X, filed November 24, 1981. Applicant: GEORGE L. BIGELOW TRUCKING, INC., P.O. Box 421, Delavan, WA 53115. Representative: Richard A. Westley, P.O. Box 5086, Madison, WI 53705–0086. Sub 2 broaden (1) from laminated wood products to "lumber and wood products"; (2) from Fort Atkinson, WI to Jefferson County, (3) to radial authority; and (4) remove in bulk restriction.

MC 135678 (Sub-35)X, filed November 20, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Subs 6F, 9F,

13F, 14F, 15F, 16F, 19F, 21F and 24F: (1) broaden commodity description: canned good and candies, and wine, in containers, and paint, except in bulk, to "food and related products, and paint" in Sub 21F; (2) eliminate the facilities limitations in Subs 6F, 9F, 13F, 15F, and 16F; (3) broaden territorial description: in Sub 6F, Crawford and Sebastian Counties, AR, for Ft. Smith, AR; Sub 9F, Custer County, OK for Clinton, OK; Alameda County, CA, for Fremont, CA; Santa Clara County, CA, for Milpitas, CA; and Los Angeles County, CA, for Pico Rivera, CA; Sub 13F, Pulaski County, AR, for Little Rock, AR; Sub 14F, Los Angeles County, CA, for Los Angeles, CA; and Oklahoma County, OK, for Oklahoma City, OK; Sub 15F, Los Angeles and Orange Counties, CA, for Azusa, Anaheim and Hawthorne, CA; Deschutes County, OR, for Bend, OR; and Oklahoma County, OK, for Oklahoma City, OK; Sub 16F, Pulaski County, AR, for Little Rock, AR; Sub 19F, Los Angeles and Orange Counties, CA, for Gardena, Downey, Hawthorne, Azusa and Anaheim, CA; Deschutes County, OR, for Bend, OR, and Oklahoma County, OK, for Oklahoma City, OK; and Sub 24F, Oklahoma County, OK, for Oklahoma City, OK; and (4) replace one-way with radial authority.

MC 145966 (Sub-9)X, filed December 4, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Lead and Subs 2F and 3F certificates, and MC-113382 Subs 15, 19, 24 and 25F permits (1) broaden to "textile mill products" from carpet and carpet samples, lead; to "food and related products (except in bulk)" from non-alcoholic beverages (except in bulk), Subs 2F and 3F; to "rubber and plastic products" from tires and tubes, to "electrical equipment" from batteries, and to "transportation equipment" from wheels, Sub 19; to "food and related products (except in bulk)" from pet food (except in bulk) and to "metal products" from containers Sub 25F; (2) remove plantsite restrictions, lead and Subs 2F and 3F; (3) replace Lincoln with Lancaster County, NE, lead; (4) remove "originating at and destined to" restrictions, lead and Sub 15; (5) to radial authority, lead and Subs 2F and 3F; and (6) to between points in the US under contract(s) with named shippers in Subs 15, 19, 24 and 25F.

MC 147451 (Sub-6)X, filed December 1, 1981. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001.

Subs 2F and 4F. Remove commodities in bulk/tank vehicles restriction; broaden Des Plaines facilities to Cook, DuPage and Lake Counties, IL in Sub 2F, and Ashton and Forreston facilities to Lee and Ogle Counties, IL, in Sub 4F.

MC 148404 (Sub-6)X, filed December 1, 1981. Applicant: UNITED CHEMICAL CARRIERS, INC., 4820 S. Durfee Ave., Pico Rivera, CA 90660. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Subs 3F, 4F, and 5F: broaden (1) aluminum plates, aluminum sheets, and aluminum blanks to "metal products," Sub 3F; (2) insecticides and pet supplies (except in bulk) to "chemicals and related products and food and related products," Sub 4F; and (3) advertising matter, magazines, periodicals to "printed matter, signs or advertising displays," Sub 5F.

MC 148966 (Sub-9)X, filed December 2, 1981. Applicant: DROTZMANN, INC., P.O. Box 10176, Yakima, WA 98909. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Sub 4F, broaden: (1) general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) Columbus to Franklin County, OH, and Eugene to Lane County, OR; (3) remove the restriction limiting service to transportation for a named shippers association; and (4) to radial authority

MC 151170 (Sub-1)X, filed November 20, 1981. Applicant: LONG ISLAND GRAIN CO., INC., P.O. Box 97, Long Island, KS 67647. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Lead, remove facilities restriction and broaden to radial authority.

MC 152626 (Sub-1)X, filed November 6, 1981, previously noticed in the FR of November 25, 1981, republished as follows: Applicant: M & D TRUCK LINES, RD #1, Box 346B, Covington, PA 16917. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391. Lead certificate: Broaden to "food and related products" from malt beverages.

[FR Doc. 81-35890 Filed 12-15-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-104; Order No. 101]

Certain Card Data Imprinters and Components Thereof; Cancellation of Hearing and Setting Preliminary Conference

Notice is hereby given that the hearing in the above-styled investigation, scheduled to commence on December 14, 1981, is cancelled.

As a result of the Commission Action and Order of December 8, 1981, designating this case "more complicated," a preliminary conference will be held before Administrative Law Judge Donald K. Duvall at 10:30 a.m., on Monday, December 14, 1981, in Suite 201, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007. The purpose of this conference is to establish a schedule for the permanent exclusion order hearing consistent with the circumstances of this proceeding, to review the status of this investigation, and to resolve any other matters necessary to the conduct of this case.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: December 9, 1981.

Donald K. Duvall,

Presiding Officer.

[FR Doc. 81-35857 Filed 12-15-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-104]

Certain Card Data Imprinters and Components Thereof; Designation of Investigation as More Complicated

AGENCY: International Trade Commission.

ACTION: Designation of this investigation as more complicated within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15.

AUTHORITY: The authority for Commission designation is contained in section 337(b)(1) of the Tariff Act of 1930, 19 U.S.C. 1337(b)(1), and in § 210.15 of the Commission's Rules of Practice and Procedure, 19 CFR 210.15.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by AM International, Inc., and Bartizan Corporation, the U.S. International Trade Commission voted on June 4,

1981, to institute an investigation to determine whether there is a violation of section 337(a) of the Tariff Act of 1930, 19 U.S.C. 1337(a), in the importation into the United States of card data imprinters and components thereof, or in their sale, by reason of the alleged infringement of claim 7 of U.S. Letters Patent 3,272,120 and claim 12 of U.S. Letters Patent 3,340,800, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice of institution of the Commission's investigation was published in the **Federal Register** of June 12, 1981 (46 FR 31094).

On October 28, 1981, the respondents filed a motion (Motion 104–91) to designate the investigation "more complicated," within the meaning of section 337(b)(1) of the Tariff Act of 1930, 19 U.S.C. 1337(b)(1), and § 210.15 of the Commission's Rules of Practice and Procedure, 19 CFR 210.15. The motion was supported by the Commission investigative attorney and was unopposed by the complainant. On November 20, 1981, the presiding officer certified to the Commission his recommendation that investigation No. 337–TA–104 be designated more complicated.

In determining whether an investigation is more complicated, the Commission must find that it "is of an involved nature owing to the subject matter, difficulty in obtaining information, or large number of parties involved." 19 CFR 210.15. In the present investigation, substantial allegations have been raised regarding possible anticompetitive actions and antitrust violations by certain parties. These allegations require an investigation that is beyond the scope of the claims of patent infringement made in the complaint and will likely necessitate extensive additional discovery. In addition, the motion to declare the investigation more complicated is supported by the Commission investigation attorney and is not opposed by the complainants. In the absence of compelling reasons of the public interest for pursuing a swift completion of this investigation, the lack of opposition by any party to the motion provides additional grounds for its being granted.

For these reasons, the Commission concludes that this investigation should be designated more complicated. The practical effect of this determination is that the deadline for making a final determination in this investigation will be extended from June 12, 1982, to December 12, 1982.

Copies of the Commission's Action and Order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1626.

Issued: December 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–35959 Filed 12–15–81, 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–99]

Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation; Hearing on Presiding Officer's Recommendation and on Relief, Bonding, and Public Interest and Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337–TA–99, Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation.

Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and sale of certain molded-in sandwich panel inserts that are the subject of the Commission's investigation. Accordingly the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

Commission Hearing

The Commission will hold a public hearing on January 20, 1982, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

Oral Arguments

Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral Presentations on Relief, Bonding, and the Public Interest

Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject article from entry into the United States and/or (2) an order which could result in one or more respondents being required

to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

Time Limit For Oral Argument and Oral Presentation

Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making only oral presentations on remedy, bonding and the public interest will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt to a timely request to do so.

Written Submissions

In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or proposed cease and desist orders for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, bonding, and the public interest. Written submissions on the question of violation must be filed not later than the close of business on December 31, 1981; written submissions on the questions of remedy, bonding, and public interest must be filed not later than the close of business on January 7, 1982. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of Appearance

Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by January 13, 1982.

Additional Information

The original and 11 true copies of all briefs on violation must be filed with the Office of the Secretary not later than December 31, 1981; the original copy and 11 true copies of all briefs on remedy, bonding, and public interest must be filed with the Office of the Secretary not later than January 7, 1982. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents of arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of April 29, 1981, 45 FR 24035.

FOR FURTHER INFORMATION CONTRACT:
Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0148.

Issued: December 7, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–35960 Filed 12–15–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–98]

Certain Screw Jacks and Components Thereof Including Gold-Worked Pinion Gears; Termination of Investigation on Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of the investigation on the basis of a settlement agreement.

SUPPLEMENTARY INFORMATION:
Complainant Auto Specialities Manufacturing Co., respondents Seeburn Metal Products Ltd. and General Motors Corporation, and the Commission investigative attorney moved in a joint motion for termination of this investigation based on a settlement agreement. On September 29, 1981, the presiding officer recommended that the joint motion be granted.

On October 21, 1981, a nonconfidential version of the settlement agreement was published in the **Federal Register** (46 FR 51676). At the end of the 30-day comment period no comments adverse to the agreement had been received.

On December 4, 1981, the Commission terminated this investigation on the basis of the settlement agreement.

Notice of the institution of the investigation was published in the **Federal Register** of February 11, 1981 (46 FR 11924).

Copies of the Commission's Action and Order and all nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:
Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: December 7, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–35963 Filed 12–15–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and components Thereof; Denial of Motion For Leave to Submit Supplemental Post-Hearing Brief

AGENCY: International Trade Commission.

ACTION: Denial of motion for leave to submit a supplemental post-hearing brief

supplementary information: Pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, the Commission is currently conducting an investigation of alleged unfair acts and alleged practice of unfair methods of competition in connection with the importation or sale of certain steel rod treating apparatus and compoments thereof.

Notice of the institution of this investigation was published in the **Federal Register** of January 28, 1981 (46 FR 9263).

On November 18, 1981, respondents Ashlow Ltd., Korf Industries, Inc., Ashlow Corp., and Georgetown Steel Corp. moved (Motion No. 97–62c) for leave to submit a supplemental brief based on allegedly newly discovered evidence.

The Commission has denied the motion.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 523–0375.

Issued: December 9, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–35958 Filed 12–15–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain steel rod treating apparatus and components thereof. Notice of the institution of the investigation was published in the **Federal Register** of January 28, 1981 (46 FR 9282).

On December 1, 1981, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation or sale of certain steel rod treating apparatus and components thereof which infringe U.S. Letters Patent 3,390,871. The Commission further determined that the appropriate remedy is an exclusion order pursuant to section 337(d) excluding from entry into the United States certain steel rod treating apparatus which are manufactured by or on behalf of Korf Industrie und Handel, GmbH, Korf Engineering, GmbH, Korf Industries, Inc., Ashlow Ltd., Ashlow Corp., Mr. Willy Korf, and/or Mr. Johann Heinrich Rohde, or any successor, assignee, parent company, affiliated person, subsidiary, or related business entity of the above-named parties respondent, or which are sought to be imported by Georgetown Steel Corporation.

Copies of the Commission's Action and Order, the Commission's opinion, and all other public documents on the record of the investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

Issued: December 10, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–35961 Filed 12–15–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701-TA-80 (Final)]

Lamb Meat From New Zealand; Institution of Final Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen P. Miller, Office of Investigations (202–523–0305).

SUPPLEMENTARY INFORMATION:

Background

On April 23, 1981, a petition was filed with the Department of Commerce by counsel for the National Wool Growers Association, Inc., Salt Lake City, Utah, alleging that imports of lamb meat from New Zealand are being subsidized within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303). The National Lamb Feeders Association, Inc., Menard, Texas, became a copetitioner on May 12, 1981. As New Zealand was not at that time a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671(b)), there was no requirement that the Commission conduct a preliminary material injury investigation pursuant to section 703(a).

On September 17, 1981, however, the United States Trade Representative announced that New Zealand had become a "country under the Agreement" (46 FR 46263). Accordingly, Commerce terminated its investigation under section 303, initiated an investigation under section 702, and notified the Commission of its action.

On November 18, 1981 (46 FR 56676) the Commission determined by a 4–2 vote, on the basis of the information developed during the course of investigation No. 701–TA–80 (Preliminary), that there is reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from New Zealand of lamb meat, provided for in item 106.30 of the Tariff Schedules of the United States (TSUS), which allegedly are being subsidized by the government of New Zealand.

On November 24, 1981, the Department of Commerce made a preliminary determination under section 703(b) of the Tariff Act of 1930 that there is a reasonable basis to believe or suspect that the Government of New Zealand grants to manufacturers, producers, or exporters of lamb meat benefits which constitute a subsidy within the meaning of the countervailing duty law. Commerce estimates these subsidies to be 6.19 percent of the f.o.b. value of lamb meat exports to the United States. Accordingly effective November 30, 1981, the Commission instituted Investigation No. 701–TA–80 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of such merchandise. This investigation will be conducted according to provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457). The final determination by the Department of Commerce of whether subsidies are being provided by the Government of New Zealand will be

made not later than February 4, 1982, unless the investigation is extended.

Staff Report

A staff report containing preliminary findings of fact will be available to all parties on January 19, 1982.

Written Submissions

Any person may submit to the Commission on or before February 18, 1982, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such a statement must be filed at the office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR § 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Public Hearing

The Commission will hold a public hearing in connection with this investigation on February 11, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) February 5, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10:00 a.m., e.s.t., January 21, 1982, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before February 5, 1982. For futher information concerning the conduct of the investigation, hearing procedures, and rules of general applications, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

(Section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458))

Issued: December 7, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-35962 Filed 12-15-81; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-44 (Final)]

Sorbitol From France; Institution of Final Antidumping Investigation and Scheduling of Hearing

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping duty investigation.

SUMMARY: On November 30, 1981, the United States Department of Commerce issued a preliminary determination that there is reason to believe or suspect that sorbitol from France is being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673b). Accordingly, the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigation No. 731-TA-44 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise provided for in item 493.68 of the Tariff Schedules of the United States (TSUS). This investigation will be conducted according to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207), Subpart C, effective January 1, 1981.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Timberlake, Office of Investigations, U.S. International Trade Commission, Room 349, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0368.

SUPPLEMENTARY INFORMATION: On July 23, 1981, the Commission determined on the basis of the information developed during the course of investigation No. 731-TA-44 (Preliminary), that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports of sorbitol from France, provided for in TSUS item 493.68 which is allegedly sold or likely to be sold at less than fair value. As a result of the Commission's determination, the Department of Commerce continued its investigation into the question of less-than-fair-value sales. The final determination by the Department of Commerce of whether sorbitol from France is being, or is likely to be, sold in the United States at less than fair value will be made within 75 days after the date of its preliminary determination, or, in this case, by February 5, 1982.

Written submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before February 17, 1982. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of busines information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Busines Information". Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on February 2, 1982.

Public hearing

The Commission will hold a public hearing in connection with this investigation on February 24, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.), February 1, 1982. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 10:00 a.m., e.s.t., on February 3, 1982, in Room 117 of the U.S. International Trade Commission Building and must file prehearing statements on or before February 17, 1982. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure Part 207, Subpart C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR 201).

The Commission has waived Commission rules § 201.12(d), "submission of prepared statements," in connection with this investigation. This

rule states that "Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with §§ 201.6 and 201.8 of this subpart". It is nevertheless the Commission's request that parties submit copies of witnesses' prepared testimony as early as practicable before the hearing in order to permit Commission review.

(Section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20))

Issued: December 10, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-35956 Filed 12-15-81: 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 19, 1981, Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II.
Hydrocodone (9193)	II.
Oxymorphone (9652)	II.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than January 11, 1982.

Dated: December 9, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-35967 Filed 12-15-81: 8:45 am]

BILLING CODE 4410-09-M

National Institute of Corrections

Grant and Contract Review Process; Procedures

Notice is hereby given that the National Institute of Corrections (NIC) has amended its procedures—which were published in the **Federal Register** Vol. 41, No. 216—Monday, November 8, 1976 at pp. 49200–49201, amended in the **Federal Register**, Vol. 43, No. 251—Friday, December 29, 1978 at pp. 61033–61035 and amended in the **Federal Register**, Vol. 46, No. 41—Tuesday, March 3, 1981 at pp. 15001–15002—for the internal processing of concept papers, grant applications and/or contracts. These procedures cover concept papers, grant applications and/or contracts submitted by appropriate individuals, organizations or agencies with NIC's enabling legislation, (18 U.S.C. 4351–4353 (1974)) as amended follow.

Allen F. Breed,

Director, National Institute of Corrections.

National Institute of Corrections

Grant and Contract Review Process

1. *Purpose:* To formalize the responsibilities of the Advisory Board, Executive Committee of the Advisory Board, Standing Committees of the Advisory Board, and the Director of the National Institute of Corrections with regard to grant and contract review and award. To detail the steps involved in the review and award process.

2. *Directives Affected:* Supersedes procedures contained in June 23–24, 1975, National Institute of Corrections Advisory Board Minutes. Supplements all official Government regulations.

3. *Definition of Terms:*

A. For purposes of this statement, the term *"Director"* means the Director of the National Institute of Corrections; the term *"Advisory Board"* means the Advisory Board of the National Institute of Corrections; and the term *"Executive Committee"* means the Executive Committee (Chairman and three (3) vice-chairmen) of the Advisory Board, and the Standing Committees refer to the program areas of the Institute: (1) Prisons, (2) Jails, (3) Community Corrections.

B. An *"application"* is a duly executed Standard Form 424—Federal Assistance, properly completed in compliance with application instructions and submitted from eligible parties in accordance with Federal Management Circular FMC 74–7 and FMC 73–7.

C. A *"concept paper"* is any submission of materials other than the Standard Form 424 which outlines in brief the submitter's programmatic and budgetary proposal.

(Concept papers and applications for grants originate from three primary sources: (1) in response to announced initiative efforts; (2) solicited by National Institute of Corrections staff; and (3) forwarded to the National Institute of Corrections unsolicited.)

D. *"Employee"* means an officer or employee of the Department of Justice and includes a special Government employee (as defined in paragraph E of this section).

E. *"Special Government Employee"* means an individual who is retained, designated, appointed, or employed by the Department of Justice to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. For purposes of this policy statement, members of the National Institute of Corrections Advisory Board shall be considered "Special Government Employees."

F. *"Conflict of Interest"*—The Department of Justice Standards of Conduct, 28 CFR Part 45.735–4, defining "Conflicts of Interest," apply to "employees" and "special government employees" as defined in this section.

(1) A conflict of interest exists whenever the performance of the duties of an employee has or appears to have a direct and predictable effect upon a financial interest of such employee or of his spouse, minor child, partner, or person or organization with which he is associated or is negotiating for future employment.

(2) A conflict of interest exists even though there is no reason to suppose that the employee will, in fact, perform the duties to his/her own personal advantage rather than to the advantage of the Government.

(3) An employee shall not have a direct or indirect financial interest that conflicts, or appears to conflict, with his Government duties and responsibilities.

(4) This section does not preclude an employee from having a financial interest or engaging in a financial transaction to the same extent as private citizen not employed by the Government so long as it is not prohibited by statute.

(a) No employee shall have or make investments (a) in enterprises which it is

reasonable to believe will be involved in decisions to be made by him, (b) on the basis of information which comes to him by reason of his status as a Department of Justice employee and which has not become part of the body of public information, or (c) which are reasonably likely to create any conflict in the proper discharge of his official duties.

G. The term *"Contract"* means establishment of a binding legal relationship obligating the seller to furnish personal property or nonpersonal services (i.e., unsupervised delivery of services or a product) and the buyer to pay therefore. It includes all types of commitments which obligate the Government to an expenditure of funds. In addition to a two-signature document, it includes all transactions resulting from acceptance of offers by awards or notices of awards; agreements and job orders or task letters issued thereunder; letter contracts; letters of intent; and order, such as purchase orders, under which the contract becomes effective by written acceptance or performance. It also includes contract modifications.

H. *"Field readers"* are those individuals who review NIC-selected concept papers and application statements from their professional perspectives for the purpose of assessing the relative merits and feasibility of proposed actions or activities of the submitter. These individuals appear on the Advisory Board's approved list of readers.

I. The term *"Grant"* means an agreement between the Federal Government and another party whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities.

4. *Annual Program Plan:*

Each year the Director of the National Institute of Corrections shall prepare for the approval of the Advisory Board an Annual Program Plan. This Plan shall outline the program priorities or thrust areas of the Institute, the types of grants and contracts to be undertaken in the next fiscal year, and their estimated funding levels. The Annual Program Plan, once approved, may be modified at any duly authorized meeting of the Advisory Board.

The Annual Ppogram Plan shall serve as the framework and guidelines by which grants or applications will be reviewed.

5. *Action:*

A. If any NIC Advisory Board member or staff member (for one year after their separation from the Institute) shall have a substantial personal involvement (review of draft, personal financial gain from the project if approved, etc.) in the preparation and/or submission of a proposal to NIC, then he or she shall declare the nature of that involvement to the Director and shall not participate in the review of the proposal in any manner.

B. Each concept paper and application will receive a fiscal and programmatic review by the National Institute of Corrections staff. When submissions are deemed nonfundable by staff, a rejection letter briefly stating the reason for rejection will be forwarded to the organization or person submitting the concept paper or application.

C. Where the concept paper or application is deemed potentially fundable and there is no known conflict of interest, the following will apply:

(1) If the proposed project is (a) within the approved National Institute of Corrections thrust areas and the funding level is $100,000 or less; or (b) for the performance of any internal administrative functions of the National Institute of Corrections; or (c) an interagency agreement where another federal agency is the recipient, the Director will review staff recommendations and make the award decision.

(2) If the proposed project is within the approved National Institute of Corrections thrust areas but requested funding is greater than $100,000, the Director will obtain at least three field reviews from the Board-approved list of field readers, as to the concept paper or application's suitability, feasibility, and contribution to the field of corrections.

The Director will then review staff recommendations and field reviews and make an award decision.

(3) If the proposed project is within the approved National Institute of Corrections thrust areas but requested funding is $300,000 or more, the process will proceed as in C(2) above with the exception that the Director will seek the advice of the appropriate standing committee (Prisons, Jails and Community Corrections) as to the appropriateness of the project to the Annual Program Plan.

D. Where the application is deemed potentially fundable but the declaration referred to in 5(a) above or other data indicates *in the judgement of the Director or his designee* that there may be a substantial personal conflict of interest, the procedures outlined in Section C above will apply, but in addition:

(1) There will be fiscal and programmatic review by staff and review by three field readers from the Board-approved list of reviewers, as to the application's suitability, feasibility, and contribution to the field or corrections.

(2) Where such reviews are positive, the Director will then seek the advice of the standing committee responsible for the program area regarding the appropriateness of an award and then make an award decision.

E. Each organization or person submitting an application will have the right to appeal nonfavorable decisions:

(1) Where applications meet guidelines presented in C(1) or C(2) or C(3) above, the Executive Committee will serve as the appeallate review board and make recommendations to the Director for appropriate action.

(2) The Executive Committee sitting as an appellate review board will not include members of the standing committee that reviewed the application.

F. *Continuation grants.* Any grant for which a renewal or continuation is requested will be reviewed by NIC program staff. This review will include consideration of any evaluations and reports completed during the term of the grant, NIC's Annual Program Plan, as well as the need for a continued effort in the particular area covered by that particular grant. The reviewing staff will submit a recommendation to the Director. The Director will then make a decision on the continuation of the grant in question.

Appeals to decisions on continuation grants may be made in accordance with the specifications outlined by Section E above.

6. *Reporting:*

The appropriate Standing Committees and Board members on request, will receive a listing of NIC grant awards quarterly. In addition, the appropriate Standing Committees will be advised quarterly of programmatic contracts entered into by NIC.

[FR Doc. 81-35942 Filed 12-15-81; 8:45 am]

BILLING CODE 4410-05-M

Advisory Board of the National Institute of Corrections; Bylaws

Notice is hereby given that the National Institute of Corrections (NIC) has amended the Bylaws which govern its affairs and operations as authorized under 18 U.S.C. 4351–4353 (1974). The Bylaws (which were published in the **Federal Register** Vol. 41, No. 174—Tuesday, September 7, 1976 at pp. 37612–37614 and amended in the **Federal Register** Vol. 43, No. 251—Friday.

December 29, 1978 at pp. 61032–61033) as amended follow.

Allen F. Breed,

Director, National Institute of Corrections.

National Institute of Corrections—Bylaws

Article I—Title and objects

The name of this organization shall be the Advisory Board of the National Institute of Corrections (NIC) hereinafter referred to as the Board of NIC or the Board.

Under the authority of 18 U.S.C. 4351–4353 (1974) as provided for by Pub. L. 93–415, Title V, Part B hereinafter referred to as 18 U.S.C. Sections 4351–4353 (1974), NIC's overall goal is to aid in the development of more effective and humane federal, state and local correctional systems which will contribute to the safety of offenders, staff and the community by:

1. Providing the stimulus for cooperative and consolidated action by all groups impacting on corrections.

2. Establishing close working relationships with national, state and local correctional agencies.

3. Developing at all levels in corrections, a larger sense of professionalism.

4. Drawing other professional groups into a closer relationship with correctional planning and practice.

In order to implement these objectives, 18 U.S.C. 4351–4353 (1974) outlines five primary assistance areas that form the core of NIC's activities: training, research and evaluation, policy formulation and implementation, clearinghouse and publication, and technical assistance.

18 U.S.C. 4351–4353 (1974) expressly charges the Board of NIC with both the authority and responsibility to develop and supervise the overall policy of NIC. The primary responsibility of the Board in this regard shall be to review and approve the Annual Program Plan presented by the Director of NIC.

Article II—Organization

Section 1. *Membership and terms of office*—as required under 18 U.S.C. 4351–4353 (1974), the Board of NIC shall consist of sixteen members:

Six individuals or their respective designees shall serve as ex officio members, these include: The Director of the Federal Bureau of Prisons, the Administrator of the Law Enforcement Assistance Administration, Chairman of the U.S. Parole Commission, the Director of the Federal Judicial Center, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Assistant Secretary for Development of the Department of Health and Human Services. Any ex officio member of the Board who selects a designee to serve in his position shall notify the Board's chairman in writing of such action. This written notification must include the name and position of the designee. Any change in a respective designee must follow the same notification procedure.

Five members of the Board of NIC must qualify as practitioners at the federal, state or local level in the area of corrections. These individuals shall be appointed by the Attorney General for staggered three year terms.

The five remaining members of the Board of NIC shall be selected from the private sector such as business, labor and education and shall have demonstrated an active interest in corrections. These five members shall be appointed by the Attorney General for staggered three year terms.

Upon completion of the term of each of the ten members not serving ex officio, the Attorney General shall appoint successors who will each serve for a term of three years. Terms of appointment of each of the ten members not serving ex officio shall bear the effective date of January 1.

Section 2. *General Duties.* The Committee as a whole shall:

A. Review all proposed amendments to these bylaws,

B. Review all legislation impacting upon NIC,

C. Participate with the Director of NIC in the development of a long-range fiscal plan for Prisons, Jails, and Community Corrections,

D. Participate with the Director of NIC in the development of annual program plans for NIC,

E. Review all documents and guidelines dealing with grant and contract funding for NIC,

Section 3. *Officers of the Board*—The Board annually shall elect a chairman and three vice-chairmen. These officers shall be elected by a simple majority vote of the Board. The term of the office for the chairman and vice-chairman shall be one year commencing upon completion of the Board's fall/winter meeting. No chairman or vice-chairman shall serve more than two consecutive one year terms.

No ex officio member of the Board may serve as chairman of the Board. No designee may serve as an officer of the Board.

The Chairman shall:

1. Preside over all meetings of the Board.

2. Consult with Board members and the Director of NIC and develop an agenda for each meeting. The agenda shall include but not be limited to: a report from each standing and when appropriate from each ad hoc committee or task force, a report from the Director of NIC, and any proposed amendment to these bylaws.

3. Appoint as many ad hoc committees or task forces as are necessary to assist NIC in the accomplishment of its objectives.

4. Appoint each vice-chairman elected by the Board to chair one of three specific standing committees established under these bylaws and appoint members of those committees.

5. Perform such other functions and duties as the Board may authorize or request within the parameters of NIC's legislation (18 U.S.C. 4351–4353 (1974)).

The Chairman of the Board is a member of all committees and task forces of the Board and shall be entitled to vote on any committee or task force of the Board. The Chairman of the Board shall be counted in the quorum of any committee or task force.

In event of his absence the chairman shall designate in writing one of the three standing committee vice-chairmen who will serve in his place. In event of the long term incapacitation or demise of the chairman the following rule of succession shall be applied. If eligible, succession shall occur in descending order:

1. Chairman, Prisons Committee
2. Chairman, Jail Committee
3. Chairman, Community Corrections Committee

B. Each vice-chairman shall:

1. Serve as a chairman of one of the three standing committees established under these bylaws. In the event of his absence the chairman of any standing committee of the Board must designate a replacement for the interim.

Section 4. *Committee Structure*

A. *The Executive Committee* shall consist of the chairman of the Advisory Board and the three (3) chairmen for each of the three standing committees and shall serve as an appellate review board making recommendations to the Director of NIC in cases in appeal by applicants for grants and contracts:

The Executive Committee shall have the authority to:

1. Take appropriate action for the Board as a whole when not in session.

2. Act as an appellate review Board for hearing the appeals from actions of the three standing committees.

B. *Standing Committees*—there shall be three standing Committees as follows: (1) Prisons, (2) Jails, (3) Community Corrections. Each of the standing committees will be composed of no more than five and not less than three members of the Board. Each

standing committee shall be balanced as equally as possible with members from each of the three categories of Board members, i.e., ex officio, practitioners and private sector representatives. At no time shall more than two members from any one category serve on any one standing committee. No individual Board member shall serve on more than two standing committees at any one time. No designee may serve as chairman of a standing committee.

Each of the three standing committees through its chairman, shall make its recommendations known to the Board at its regular meetings.

Standing committee responsibilities include:

1. Reviewing concept papers and proposals appropriate to their committees' specialty area (Prisons, Jails, Community Corrections) that are in excess of $300,000 and making recommendations to the Director regarding funding,

2. Working with assigned staff in developing annual program plan particularly as it relates to a standing committee subject area like prisons, jails, and community corrections,

3. Reviewing the fiscal allocations within the preceding year's Annual Program Plan and making recommendations regarding funding adequacy and future funding for the Division with whom the committee works,

4. Helping to developing policy for the Division with whom they work.

5. Review, on a quarterly basis, grant award summaries covering grants made in their respective subject areas (Prisons, Jails, and Community Corrections).

C. *Ad Hoc Committees and Task Forces*—the chairman is empowered to appoint as many ad hoc committees and task forces from the Board's membership as deemed appropriate to conduct the business of the Board. As with standing committees, representation on ad hoc committees should reflect, if possible, all three categories of Board membership as outlined in Article II, Section I of these bylaws.

Upon the recommendation of the Director, or the Chairman of the *ad hoc* committee or task force, or upon the recommendation of the Board, the Chairman is enpowered to appoint, because of their expertise, non-members of the Board to special subcommittees of *ad hoc* committees or task forces.

There shall be a nominating committee which will be appointed annually by the chairman. The committee shall nominate a slate of candidates to replace each elected officer. Upon submission to the Board of its recommendations the committee shall be discharged.

Article III—Director of NIC

As provided for by 18 U.S.C. 4351 (h)(1974), the Director of NIC shall be appointed by the Attorney General after consultation with the Board of NIC.

Under 18 U.S.C. 4351 (h)(1974), the Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of NIC and may employ such staff, faculty and administrative personnel, subject to the Civil Service and classification laws, as are necessary to the functioning of NIC. The Director shall have the power to acquire and hold real and personal property for NIC and may receive gifts, donations, and trusts on its behalf. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board.

In accordance with the policies of the Board of NIC and applicable law, the Board of NIC delegates to the Director the authority to issue procedures, regulations, and guidelines to implement these policies.

It shall be the primary duty of the Director of NIC to present NIC's Annual Program Plan to the Board, and to execute the Annual Program Plan upon Board approval.

The Director of NIC shall also have the following duties as applicable to the Advisory Board: (1) To provide appropriate staff support to the Board and its committees as may be necessary for the fulfillment of their duties, (2) to present a report to the Board of NIC at each meeting of the activities of NIC to date, (3) to maintain an up-to-date file of any written authorization which ex officio members of the Board of NIC must file when designating an individual to serve in their place as provided for under 18 U.S.C. 4351–4353 (1974), (4) to provide for the keeping and recording of the minutes of any meeting of the Board of NIC and upon request for any of the Board's committees, (5) to provide all Board members with notice of the upcoming meetings, the agenda for the meeting, the minutes of the last meeting and any other appropriate materials, (6) to provide the Board through such means as it may direct a quarterly report of grant and contract awards.

Article IV—Standard Operating Procedure

The Director of NIC shall promulgate Standard Operating Procedures for the management and control of Institute business and activities. Where such procedures have direct impact on Advisory Board responsibilities they will be submitted to the Board for review before becoming operational. Any Standard Operating Procedure falling into this category will be attached to and become a part of these bylaws after being published in the **Federal Register.**

Article V—Meetings

The Board shall meet three times annually. However, when deemed necessary, extra meetings may be called by the chairman or by at least-two thirds of the Board.

Written notice of each meeting of the Board of NIC stating the place, date and hour of the meeting, shall be given to each member at least three weeks prior to the date of the meeting.

Notice of any special or extra meeting of the Board of NIC called by the chairman or two-thirds of the Board shall indicate that it is being issued by or at the direction of the persons calling the meeting and shall state the purpose or purposes for which the meeting is being called. Special or extra meetings may be called at any time with consent of two-thirds of the Board. Notice of a special or extra meeting may be given by telephone and/or by mail and ratified by two-thirds of the Board at the special or extra meeting.

Notice of all meetings of the Board shall be given to the public. Such notice shall be published in the **Federal Register** at least 15 days prior to the meeting, provided that in emergencies, such requirements may be waived. This notice shall contain a statement of the purpose of the meeting, a summary of the agenda, and the time, place, and location of such meeting.

Except for executive sessions, meetings of the Board shall be open to the public for observation. The chairman may invite more active participation from the public when such action is appropriate and does not interfere with the orderly transaction of the Board's business.

Executive sessions may be called by a majority vote of a quorum of the Board in public. No final action shall be taken at such meetings except upon votes in open session. These sessions shall not be used to obstruct the fullest possible public accessibility to meetings.

Article VI—Voting

All members of the Board of NIC shall each be entitled to a vote on any issue before the Board. Proxy voting will be allowed at any meeting of the Board of NIC or at any meeting of its committees or task forces. The proxy must be

written and filed with the chairman prior to the voting on the issue in question. Proxies may not be used to form a quorum

In the event there is a need for the Board to vote on any issue between regularly scheduled meetings, the Chairman, with the consent of the Executive Committee, may conduct a mail ballot. Advisory Board members will be given a minimum of fifteen days within which to respond to a mail ballot.

Under 18 U.S.C. 4351, a member serving ex officio may designate an individual to serve and vote in his position at any meeting of the Board or its committees and task forces. Selection of a designee does not preclude an ex officio member from attending and voting at any meeting of the Board, its committees or task forces in place of his respective designee.

No action of the Board of NIC shall be valid and binding without a vote by a quorum of its members. A quorum of the Board shall consist of one-half or more of its members or designees.

Article VII—Compensation of Board Members

Under 18 U.S.C. 4351–4353 (1974), the members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Board who are full-time officers or employees of the United States shall serve without additional compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to 18 U.S.C. 4351–4353 (1974), be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently. Compensation and reimbursement as provided for by this Article shall be made only upon written request.

Article VIII—Parliamentary Authority

Meetings of the Board and its committees shall be conducted in accordance with the rules contained in "Robert's Rules of Order Revised." These rules shall govern the Board in all cases where applicable and in which they are not inconsistent with these bylaws. Special rules of order preempting those contained in "Robert's Rules of Order Revised' may be adopted by the Board. Any special rules of order are to be incorporated in these bylaws as a separate section under this Article.

Article IX—Amendment of the Bylaws

These bylaws may be amended at any meeting of the Board by a majority vote of a quorum of the Board. Amendments to the bylaws may be proposed by the Executive Committee or by any five members of the Board of NIC. Any proposed amendments must be written, signed and sent to Board members at least 15 days in advance of the meeting at which they will be discussed.

Article X—Notice of the Bylaws

Notice of these bylaws shall be published in the **Federal Register.**

[FR Doc. 81-35945 Filed 12-15-81; 8:45 am]

BILLING CODE 4410-05-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247 SP; 50-286 SP]

Consolidated Edison Company of New York, Inc., (Indian Point, Unit No. 2) and Power Authority of the State of New York, Inc., (Indian Point, Unit No. 3); Scheduling Hearings for Limited Appearances

December 10, 1981.

Notice is hereby given that hearings for limited appearances pursuant to 10 CFR 2.715a(a) will be conducted in Westchester County, New York, and Rockland County, New York, during the period January 14–16, 1982. The purpose of these hearing is to provide an opportunity for persons who are not parties to this proceeding to express their views before this Board with respect to the issues in this case. The schedule for the hearings is:

Thursday, January 14, 1982, 2:00 p.m. to 5:00 p.m. and 7:00 p.m. to 10:00 p.m. at Civic Center, Westbrook Drive, Town of Cortlandt, Peekskill, New York;

Friday, January 15, 1982, 2:00 p.m. to 5:00 p.m. and Saturday, January 16, 1982, 9:00 a.m. to 12:00 M. at Clarkstown Town Hall, Main Auditorium, 10 Maple Avenue, New City, New York.

Each person who wishes to speak will be allowed up to five minutes for his or her presentation. A person who has already made an oral statement at one of the sessions may not make a second statement at one of the other sessions. The Board will also accept written statements, of any length, at the hearings; written statements can also be mailed to the Board at any time during the proceeding, in care of the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Additional opportunities for oral limited apearances will be provided later in this proceeding.

All parties to this proceeding are directed to attend the limited appearance hearings. The Board may request the NRC Staff and/or the Licensees to address, either during the hearing or at some later time, any of the matters raised in the limited appearance statements. In addition, any of the parties to the proceeding may address any matter raised in the limited appearance statements, either at the hearing or at a later time as may be deemed appropriate by the Board.

It is this 10th day of December, 1981,

Ordered

That hearings for limited appearances will be held in Westchester and Rockland Counties, New York, as set forth above. All parties to this proceeding shall attend said hearings; the NRC Staff and Licensees shall be prepared to respond to the limited appearance statements as the Board may request, and any party may respond to the statements as the Board may allow.

Atomic Safety and Licensing Board.

Louis J. Carter,

Chairman, Administrative Judge.

Oscar H. Paris,

Administrative Judge.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 81-35936 Filed 12-15-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Doc. No. 301-26]

California Cling Peach Advisory Board, et al.; Initiation of Investigation and Announcement of Hearing

On October 28, 1981, the Chairman of the Section 301 Committee received a petition from the California Cling Peach Advisory Board and other trade organizations alleging *inter alia* that EC production subsidies on canned peaches, canned pears and raisins are granted in a manner inconsistent with the General Agreement on Tariffs and Trade and constitute an unreasonable and unjustifiable burden on U.S. commerce. The petition was filed pursuant to Section 301 of the Trade Act

of 1974, as amended (19 U.S.C. 2411 *et seq.)*. On December 10, the United States Trade Representative decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

Pursuant to 19 U.S.C. 2412(b), a hearing has been scheduled for January 6, 1982 at 9:30 a.m. to allow interested parties to submit their views on the issues raised by the petition. Requests to testify orally should be received no later than December 29, 1981 and shall conform to the requirements of § 2006.9 of Title 15 of the Code of Federal Regulations. The brief accompanying such oral testimony should be submitted no later than December 31, 1982 and should conform to the requirements of 15 CFR 2006.8(b).

Those interested parties who do not wish to testify orally but who do wish to submit written briefs must do so no later than January 6, 1982. Those briefs must meet the requirements of 15 CFR 2006.8(b).

Rebuttal briefs must conform to the requirements of 15 CFR 2006.8(c) and must be submitted no later than January 20, 1982.

All requests and written briefs should be sent to the attention of the Chairman, Section 301 Committee, Office of the United States Trade Representative, Room 222, 600 17th Street, NW., Washington, D.C. 20506. The text of the petition is as follows:

Heron, Haggart, Ford, Burchette & Ruckert, Suite 705, 1101 17th Street NW., Washington, D.C. 20036

October 23, 1981.

Mrs. Jeanne Archibald,
Chairman, Section 301 Committee, Office of the United States Trade Representative, 600 17th Street NW., Washington, D.C.

Dear Mrs. Archibald: The parties identified hereinafter petition the President by filing this petition with the United States Trade Representative and your Section 301 Committee and request the President to take all appropriate and feasible action within his power to obtain the elimination of the acts, policies and practices of the European Economic Community (EEC) described hereinafter. 19 U.S.C 2411 and 2412; 15 CFR 2006.

The petitioners further request that, in light of the growing losses being sustained by the action of the European Economic Community, this petition be treated on an expedited and emergency basis. If necessary, this would include the President acting on his own motion as set forth at 19 U.S.C. 2411(c)(1).

The petitioners request too that the President, the United States Trade Representative and this Committee avail themselves of the material presently available and compiled for use by the United States in efforts to persuade the European Economic Community to discontinue its practices which are injuring petitioners' exports. This is particularly true with respect to exports of raisins from the United States which have been totally disrupted as a result of the European Economic Community's acts, policies and practices begun this past summer.

This Committee is specifically directed to the interagency paper and supporting documents from individual agencies that were considered by the United States in reaching its decision to seek consultations with the European Economic Community in support of the complaint of the government of Australia which is set forth at GATT Document L/5167. The government of Australia requested Article XXIII:1 consultations with the European Economic Community which are scheduled for November 6, 1981. The European Economic Community has refused to honor the request of the United States to participate in these discussions. The President, the United States Trade Representative and this Committee are thus urged to request immediately Article XXIII:1 consulations with the European Economic Community on the products that are the subject of this petition.

This Committee's attention is further directed to the cable traffic of the Department of State and the office of the U.S. Trade Representative concerning earlier representations to the European Economic Community over the damage to United States canned peach, canned pear and raisin exports. The petitioners further request that consideration be given to the economic data available within the Department of State, the Department of Commerce and the Department of Agriculture concerning U.S. exports of the petitioner's commodities. Each of these agencies have representatives on this Committee so that access to this material is readily available. Much of this material has already been considered in connection with previous decisions made on the issues raised by the petitioners.

It is believed that all of the documents outlined herein provide the President, the U.S. Trade Representative, and this Committee with the information necessary for the United States to proceed directly under Article XXIII:1. This action will assure both the European Economic Community and U.S. producers of peaches, pears and raisins of the seriousness of the effort undertaken by the United States to protect their export interests.

The need to proceed on an expedited basis is further emphasized by the recent public statements of Ambassador Brock and Secretary Block concerning agricultural trade between the United States and the European Economic Community. They have noted that the European Economic community appears to be moving from the Common Agricultural Policy to the Common Export Policy, a movement which has major ramifications for all agricultural trade. The enlargement of the European Economic Community to include Greece and the pending assession of Spain and Portugal compound this trade disruption. If the present Administration intends for economic improvement to take place within the United States through a productive private sector, then foreign practices which damage U.S. exports must be removed.

The information to be included in this petition as set forth at 15 CFR 2006.1 is as follows:

(a) The petitioners and a brief description of their interest being adversely affected by the European Economic Community are as follows:

1. The California Cling Peach Advisory Board, P.O. Box 7111, San Francisco, CA 94120.

This petitioner is organized pursuant to California statute and represents all peach producers and marketers in the state of California. Its interest is in the export of canned peaches and fruit cocktail.

2. Sun Diamond Growers of California, P.O. Box 1721, Stockton, CA 95201.

This peititioner is a federated cooperative composed of Sun-Maid Growers of California, Sunsweet Growers, Inc. and California farmers of raisins, prunes and walnuts. Its interest is in the export of raisins.

3. Northwest Horticultural Council, P.O. Box 570, Yakima, WA 98907.

This peititioner represents, through its member associations, all growers and shippers of decidious tree fruits in the states of Oregon and Washington. Its interest is in the export of canned peaches, canned pears and fruit cocktail.

4. California Canning Pear Association, 100 Bush Avenue, San Francisco, CA 94101.

This petitioner is a cooperative representing approximately 65% of the growers of canning pears in California, Its interest is in the export of canned pears and fruit cocktail.

5. California Canning Peach Association, P.O. Box 7001, Lafayette, CA 94549.

This petitioner is a cooperative bargaining association representing cling peach farmers who produce 60% of the cling peach tonnage in the state of California. Its interest is in the export of canned peaches and fruit cocktail.

6. Processing Pear Program Committee, P.O. Box 255383. Sacramento, CA 95865.

This petitioner is organized pursuant to California statute and represents all farmers producing pears for processing in the state of California. Its interest is in the export of canned pears and fruit cocktail.

7. California League of Food Processors, 1007 L Street, Sacramento, CA 95814.

This petitioner is a trade association whose membership produces canned peaches, canned pears and fruit cocktail. Its interest is in the export of canned peaches, canned pears and fruit cocktail.

8. California Raisin Advisory Board, P.O. Box 5335, Fresno, CA 93755.

This petitioner is organized pursuant to California stature and represents all farmers producing raisins in California. Its interest is in the export of raisins.

The export of all of the petitioners' products from the United States to the European Economic Community are being adversely damaged as a direct result of the European Economic Community's production subsidies for canned peaches, canned pears and raisins. This Committee's attention is also directed to exports of canned fruit cocktail, a product which has been

adversely affected because of the peaches and pears contained therein. This Committee, the U.S. Trade Representative and the President may wish to move on its own motion with respect to fruit cocktail to demonstrate its concern for agricultural exports. Fruit cocktail, in addition to canned peaches and pears, contains items such as cherries, grapes, pineapple, apricots and similar fruits.

(b) The act, policy and practice which is the subject of this petition is the European Economic Community's production subsidies for canned peaches, canned pears and raisins produced within the ten Member States. These acts, policies and practices fall directly within 19 U.S.C. 2411(a)(2) (A) and (B). Additionally, the acts, policies and practices violate Article XVI of the General Agreement on Tariffs and Trade. The President, the United States Trade Representative and this Committee may consider the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade.

(c) The EEC regulations which are the subject of this petition are contained in *The Official Journal of the European Communities*. The establishment of the production subsidies for canned peaches is contained in Council Regulation (EEC) No. 1152/78, issued May 30, 1978 (OJ No. L 144, 31.5. 1978, p. 1). Bartlett pears were added for the 1979–1980 marketing year. The establishment of production subsidies for raisins is contained in Council Regulation (EEC) No. 2194/81, issued July 27, 1981 (OJ No. L 214, 1.8 1981, p. 1). Copies of these regulations are attached.

Council Regulation No. 1152/78 was the focus of bilateral discussions between the United States and the European Economic Community following publication of that regulation. These bilateral discussions were an effort to preclude the damage occurring to the United States as a result of the implementation of that regulation. This Committee is referred to the papers prepared for and the cable traffic reporting on those discussions.

(d) The European Economic Community and its ten Member States are the foreign governments whose acts, policies and practices are the subject of this petition.

(e) The products raised by this petition and subject to the acts, policies and practices of the European Economic Community are as follows:

1. Canned Peaches—TSUS Nos. 148.77 and 148.78—BTN 20.06B.

2. Canned Pears—TSUS No. 148.86—BTN 20.06B.

3. Raisins—TSUS Nos. 147.66, 147.68 and 147.70—BTN 08.04.

The United States may also wish to concern itself with fruit cocktail. Peaches and pears are the principal ingredients in fruit cocktail. Fruit cocktail also includes grapes, apricots, cherries, pineapple and similar ingredients.

(f) The acts, policies and practices of the European Economic Community in granting processing subsidies for canned peaches, canned pears and raisins is unjustifiable, unreasonable, discriminatory and burdens and restricts United States commerce in these products. These acts, policies and practices are causing serious prejudice to the interests of the United States by reducing exports of these commodities to the European Economic Community in direct violation of Article XVI of the General Agreement on Tariffs and Trade. As indicated earlier, the President, the United States Trade Representative and this Committee may consider the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade to be applicable.

Detailed information on the extent of the damage and the precise manner in which it occurs will be provided by witnesses who will appear at the hearing requested in this petition. This would be further documented by the information contained in petitioner's brief filed in connection with that hearing. A brief summary of the information outlining the case, much of which is already in the possession of this Committee and has been considered by the United States Trade Representative previously, will be set forth here.

The damaging subsidy system, which is the subject of this complaint, was initiated in 1978 through Commission Regulation No. 1152/78. Of the five products covered by that Regulation, the petitioners are concerned only with peaches. The Committee may wish to concern itself with dried prunes, tomato concentrate, peeled tomatoes and tomato juice. Subsequently, Bartlett pears were added to the system during the 1979–1980 marketing year. As soon as Greece became a member of the European Economic Community, dried grapes, otherwise referred to as raisins, were added to the EEC's scheme to subsidize these products in order to become self-sufficient.

The following table provides a brief history of the EEC's efforts to displace imports of canned peaches, canned pears and raisins by subsidizing its own inefficient and noncompetitive production so as to reach self-sufficiency and then be able to export its products into the world market, displacing U.S. and other products. The EEC's program, progression and determination to disrupt trade in canned peaches, canned pears and raisins is following the identifiable pattern found with other agricultural commodities. The EEC's determination to disrupt trade is seen most clearly with raisins. There is a transition period in connection with canned peaches and canned pears tied to Greece's recent entry into the subsidy scheme. In the case of raisins, the subsidy became effective immediately and had the desired result, from the EEC's point of view, of disrupting U.S. trade in raisins.

HISTORY OF EEC SUBSIDY SCHEME FOR CANNED PEACHES, CANNED PEARS, AND DRIED GRAPES

	ECU's [1] per metric ton			
	1978–79	1979–[illegible]	1980–81	1981–82
Peaches				
Min. Grower Price	[illegible]	[illegible]	315.80	334.75
Processor Subsidy	218.20	276.90	260.60	211.20
William (Bartlett) Pears				
Min. Grower Price		[illegible]	[illegible]	324.28
Processor Subsidy		264.10	[illegible]	210.40
Subsidy Limits (MT)		(57,000)	(74,000)	(74,100)
Dried grapes (Sultanas, Quality No. 4) [2]				
Min. Grower Price				1,171.80
Processor Subsidy				115.90
Storage Aid				[3] 3.20

[1] European Currency Units.
[2] Sultana No. 4 is the basis on which other prices (coefficients) for other grades of sultanas and currants are established
[3] Per week.

Since the subsidies on canned peaches, canned pears and raisins have been in place for only a short period of time, there is not a great deal of statistical information that is relevant. As this Committee knows, the subsidy on raisins began this summer. While the trade disruption was immediate, the statistics will not be available for some time, considering the lapse between the occurrence of imports and exports and the EEC's official reporting of those events. For that reason, this case becomes even more important, as it provides the opportunity to demonstrate to the agricultural community that the United States will be aggressive in defending its export interests before the damage becomes irreversible.

The subsidies being paid, as outlined in the history above, operate directly and indirectly to reduce imports of those products into the EEC causing serious prejudice to the legitimate export interests of the United States. This export subsidy also threatens U.S. exports in third country markets

because the resulting artificial stimulation increases the EEC's production of peaches, pears and raisins.

The magnitude of the EEC's minimum grower prices and processing subsidies for peaches and pears evidences the EEC's aggressive effort to stimulate production and its disregard of U.S. exports to the EEC.

	Peaches	Pears
EEC Minimum Grower Price ($/MT)	446.55	416.65
California Season Average Price [1] ($/MT)	208.30	231.50
EEC Minimum vs. California Average (percent)	214	180
EEC Processor Subsidy ($/case [2])	8.70	7.72
California f.o.b. Plant Quotations [3] ($/case [2])	13.80	16.15
EEC Subsidy vs. California f.o.b. (percent)	63	[illegible]

[1] Equivalent processing plant door returns.
[2] Standard cases of 24/2 ½'s.
[3] Private label list prices for choice halves, heavy syrup (September 1980).

The history of Greek support prices as Greece prepared for EEC membership provides similar evidence of aggressive practices without consideration to U.S. exports.

	Greek support prices for Sultana No. 4						
	1975	1976	1977	1978	1979	1980	1981
Drachmas/kilogram	22.00	25.00	27.50	25.00	48.00	[illegible]	79.94
Index	100.0	113.6	125.0	259.1	218.2	309.1	[illegible]
U.S. cents/pound	30.9	31.1	33.9	43.2	58.8	72.4	[illegible]
Index	100.0	100.6	109.7	139.8	190.3	234.3	211.7
General wholesale price index	100.0	114.0	129.6	143.0	173.1	222.2	[1] 264.0
Drachmas/U.S. dollars (annual average)	32.287	26.518	36.838	36.745	37.038	42.617	[2] 55.48
Drachmas/U.S. dollars (3rd quarter)	33.676	36.900	36.690	36.808	36.765	43.175	[3] 59.636
U.S. cents/pound	29.6	30.7	34.0	43.1	59.2	71.4	60.8
U.S. dollars/short ton	592.00	614.00	680.00	862.00	1,184.00	1,426.00	1,216.00
Season average. price to U.S. producers (dollars/short ton)	665.00	706.00	840.00	1,067.00	1,151.00	1,198.00	[4] 1,275.00
Greek Sultana production (metric tons)	87,000	[5] 1,050	61,500	[3] 1,742	78,700	68,500	[5] 92,000
U.S. raisin production (short tons) (deliveries to handlers)	283,595	141,924	248,942	99,433	303,147	313,645	[4] 215,000

[1] First quarter.
[2] January–June
[3] July.
[4] Field price
[5] Forecast.

The additional information requested by 15 CFR 2006.1(f) is as follows:

(1) Volume of trade in goods and services involved is as follows:

U.S. exports of canned peaches to the EEC–9 are as follows:

Year	Quantity (1,000 pounds)
1976/77	24,333
1977/78	58,228
1978/79	31,174
1979/80	30,100
1980/81	24,417

U.S. exports of canned pears to the EEC–9 are as follows:

Year	Quantity (1,000 pounds)
1976/77	699
1977/78	2,701
1978/79	1,189
1979/80	826
1980/81	399

U.S. exports of raisins to the EEC–9 are as follows:

Year	Quantity (metric tons)
1976	9,612
1977	12,231
1978	5,381
1979	23,899
1980	17,230

(2) It is believed that the trade in canned peaches and pears will decrease subtantially as a result of the excess subsidies being paid by the EEC. Over a period of time, these subsidies may eliminate all such exports into the EEC from the U.S. and other countries. When this occurs, the United States will face stiffer competition in third country markets from other competing suppliers.

Available data regarding EEC imports of canned peaches already show a movement towards such consequences:

EEC IMPORTS OF CANNED PEACHES (2006.45)

Year	Country of origin	Quantity (M.T.)	Market share (percent)	Value (1,000 ECU)	Unit value (ECU/M.T.)
1977	Germ. Fed	227	1.0	222	978
	Italy	4,094	18.8	1,958	478
	Greece	3,468	15.9	1,428	412
	S. Africa	12,599	57.6	5,397	428
	U.S.	347	1.6	203	585
	Australia	730	3.4	382	523
	Other	327	1.5	274	838
	Total	21,792		9,864	453
1978	Italy	4,036	19.7	2,006	497
	Greece	4,668	22.7	1,791	384
	S. Africa	8,939	43.6	3,736	418
	U.S.	1,790	8.7	762	426
	Australia	425	2.1	225	529
	Other	667	3.2	469	703
	Total	20,525		8,989	438
1979	France	253	1.3	136	538
	Italy	7,110	35.3	3,353	472
	Greece	5,126	25.5	2,091	408
	S. Africa	6,347	31.6	2,841	448
	U.S.	447	2.4	220	461
	Australia	430	2.1	229	533
	Other	376	1.8	254	676
	Total	20,119		9,124	454

EEC IMPORTS OF CANNED PEACHES (2006.45)—Continued

Year	Country of origin	Quantity (M.T.)	Market share (percent)	Value (1,000 ECU)	Unit value (ECU/M.T.)
1980	Italy	5,615	33.5	2,481	442
	Greece	4,993	29.8	2,039	408
	S. Africa	5,236	31.2	2,703	516
	U.S.	228	1.4	137	601
	Australia	391	2.3	218	558
	Other	303	1.8	260	858
	Total	16,766		7,858	469

EEC IMPORTS OF CANNED PEARS (2006.41)

Country of origin	Quantity (M.T.)	Market share (percent)
1978		
Italy	4,963	47.5
Spain	424	4.1
S. Africa	3,596	34.4
U.S.	615	5.9
Australia	573	5.5
Other	271	2.6
Total	10,442	
1979		
Italy	5,929	56.5
Spain	323	3.1
S. Africa	3,174	30.2
Australia	863	8.2
Other	205	2.0
Total	10,494	
1980		
Italy	8,191	74.4
Spain	213	2.0
S. Africa	1,875	17.0
Australia	464	4.2
Other	265	2.4
Total	11,008	

As the data above indicates, member countries of the EEC have experienced large market share increases since the institution of the subsidy system, while nonmember countries have suffered equally large trade losses. Because the volume of South African imports are higher than those from the other nonmember countries, its trade reduction is the most pronounced. U.S. trade losses, however, are proportionally significant and should not be permitted at a time of high U.S. trade deficits. As the U.S., South Africa and other nonmember countries experience trade reductions with the EEC, competition in third country markets, such as Canada, Japan and the United States will inevitably intensify.

A similar trade pattern is materializing for canned pears (2006.41). Italy's market share of EEC imports of this commodity has soared from 47.5% in 1978 to 74.4% in 1980. At the same time, South Africa's market share has dropped from 34.4% in 1978 to 17.0% in 1980. The United States market share, too, decreased from 5.9% in 1978 to a level so low in 1980 that it was no longer separately broken out in EEC statistics. As with canned peaches, the result of such trade displacement can only be increased competition in third country markets.

The subsidies on raisins are such that principle brokers for U.S. raisins in both West Germany and the United Kingdom have advised United States exporters that they will not be able to import raisins during the coming season. As of the date of this petition, traditional importers within the EEC of U.S. raisins are not making commitments for U.S. raisins. A survey of the industry indicates that there is no business taking place. European importers are basing their inability to sell U.S. raisins is a result of European subsidies being granted to Greek raisins.

Additionally, testimony at the hearing will conclusively establish the uncertainty and confusion caused in the trade, which is equally as damaging. It is important for this Committee to understand that trade confidence on the part of the individuals actually conducting foreign trade is of more importance than historical statistics. This information is most readily established by oral testimony. The only basis for not accepting such evidence would be the view that private sector testimony is not reliable. Knowing that the United States relies heavily on advice from the private sector, it is believed this Committee will concur that the best source of this information is from oral testimony.

(3) The subsidy complained of is inconsistent with Article XVI of the General Agreements on Tariffs and Trade. That Article provides in pertinent part:

"* * * 1. If any Contracting Party grants or maintains any subsidy, including any form of income or price support, which operates directly or indirectly * * * to reduce imports of any products into its territory, it shall notify the Contracting Parties in writing of the extent and nature of the subsidization, of the estimated effect of the subsidization on the quantity of the affected product or products imported into * * * its territory and of the circumstances making the subsidization necessary. In any case in which it is determined that serious prejudice to the interests of any other Contracting Party is caused or threatened by any such subsidization, the Contracting Party granting the subsidy shall, upon request, discuss with the other Contracting Party or Parties concerned, or with the Contracting Parties, . the possibility of limiting the subsidization."

The subsidy act, policy and practice complained of by the petitioners directly and indirectly reduces imports of the petitioners products into the EEC, resulting in serious prejudice to the interests of the United States.

None of the petitioners have filed or presently intend to file for other forms of relief under the Trade Act of 1974 or any other provision of the law. This is due to the fact that petitioners have confidence that their government can resolve this matter if it wishes to do so.

This Committee's attention is further directed to Report No. GR 1046 of the Agricultural Counselor in Athens, Greece, consisting of 11 pages with a code number 10A, which describes in further detail the situation with respect to Greek raisin production. The Committee's attention is further directed to the Department of Agriculture's Foreign Agricultural Circulars on canned deciduous fruits and dried fruits, which provide a full set of historical statistics on the trade in canned peaches, canned pears and raisins. It is certain that the Committee would agree that it is unduly burdensome to require the petitioners to incur the expense of reproducing the government documents that are readily available to this Committee through the representative of the Department of Agriculture.

The petitioners request, pursuant to 15 CFR 2006.7, that a public hearing be held within 30 days after the date of an affirmative determination upon this petition. The petitioner's again retiterate their request for expedited handling of this petition and the hearing because of the serious damage being incurred both by the petitioners and by the United States economy through the loss of foreign exchange generated by petitioners' esxports. The petitioners ask that this petition be acted upon well in advance of the 45 day statutory period due to the fact that the United States has previously requested consultations with the European Economic Community. The first such consultations took place in 1978 on canned peaches and canned pears. The United States is currently preparing for consultations on canned peaches, canned pears and raisins in connection with its request to consult with the European Economic Community on these matters on November 6, 1981 in conjunction with the Australian case previously filed.

Based on the foregoing, the petitioners urge the President, the United States Trade Representative and this Committee to proceed directly to Article XXIII:1 without waiting for a determination with respect to this petition or for the hearing to be held in connection with this case. This is a matter of utmost importance to the pettioners. The petitioners further urge that this case be accepted and scheduled for hearing at the earliest opportunity.

Sincerely yours,

Julian B. Heron, Jr.

JBH/hbb

cc: The President
The Honorable William E. Brock

In addition to the petition, the petitioner has submitted supplementary trade data and copies of pertinent foreign regulations, which are available for review in the Office of the United States Trade Representative, Room 222, 600 17th Street, N.W., Washington, D.C. 20506. For further information, contact Jane Bradley, Assistant General Counsel, Office of the United States Trade Representative: (202) 395–3432.

Jeanne S. Archibald,

Chairman, 301 Committee.

December 10, 1981.

[FR Doc. 81-36015 Filed 12-15-81; 8:45 am]
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POSTAL RATE COMMISSION

[Order No. 412; Docket No. MC82-1]

Mail Classification Schedule, 1981 Express Mail Flexible Acceptance Times; Order Granting Petitions for Intervention, Allowing Participation and Fixing Date for Settlement and Technical Conferences

Issued: December 10, 1981.

The United States Postal Service, on November 10, 1981, filed with the Postal Rate Commission a request for a recommended decision on proposed changes in the acceptance time for Regular Express Mail. The Commission issued a notice to that effect on November 16, 1981. The notice was published in the **Federal Register** on November 23, 1981 (46 FR 57403). The notice announced the docketing of the Postal Service's request as MC82–1 and directed persons who wished to participate in Docket No. MC82–1 to file, on or before December 1, 1981, petitions for leave to intervene or requests for leave to be heard as a limited participator. The notice also invited persons who wished to express their views, but did not wish to become a party or a limited participator, to file comments (*see* 39 CFR 3001.19–.20). Additionally, the notice pointed out that the Postal Service requested waiver of certain filing requirements of the Commission's rules of practice.[1] The notice directed that persons who wished to address this request file their answers by October 1, 1981. To date, two responses to the Postal Service's motion have been filed. The Commission is considering the Postal Service's request and will issue an order subsequently. On December 8, 1981, the Postal Service filed a motion requesting that a

[1] The Postal Service requested waiver of rule 64(e); rule 64(h) except for rule 64(h)(2)(i) insofar as it requests the statement required by 54(q) and 54(r); and rule 64(d) insofar as it incorporates 54(h), 54(f), and 54(j).

settlement and/or technical conference be held in this case, in lieu of hearings.

I. Intervention

Two persons have petitioned to intervene in Docket No. MC82–1 and two persons have requested to be heard as limited participators. These persons are listed in Attachment A. In order to advise these persons of their status at the earliest possible date and to establish an initial service list for this docket, we have decided to rule on the petitions at this time, subject to reconsideration on the basis of any answers which may be filed.

The persons listed in Attachment A either are users of the mails or have otherwise demonstrated an interest in Docket No. MC82–1. Accordingly, the requests for participation will be granted, subject to reconsideration as noted above.

Pursuant to section 65 of the rules of practice (39 CFR 3001.65) the Service will be required to serve copies of its Request and its prepared direct evidence upon the persons identified in Attachment A and upon the Officer of the Commission. Where service upon more than one representative has been requested in the petition to intervene or request to be heard as a limtied participator, the Service will be required to serve only the first two named representatives in the petition. *See* sections 12 (c) and (d) of the rules of practice [39 CFR 3001.12 (c)–(d)].

II. Officer of the Commission

The Commission's notice dated November 16, 1981, designated Mark T. Stephens, Esquire, as Officer of the Commission (OOC) in this docket. The Officer of the Commission is designated to represent the general public. [*See* 39 U.S.C. 3624(a)]. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in or advise as to any Commission decision in the case. *See* 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice [39 CFR 3001.10(c)].

III. Date of the Settlement and Technical Conference

On December 8, 1981, the Postal Service filed a motion requesting that a settlement conference and/or technical conference be held on December 15, 1981.[2] In support of its request, the Postal Service states its belief that the issues in this proceeding are not complex and can be resolved or reduced through settlement.[3] In support of a technical conference being held, the Postal Service claims that a technical conference held in conjunction with the settlement conference or at another time would enable parties to gain a better understanding of the proposal and the testimony of witness Knowles.[4] The Postal Service also states that it has the assent of all the parties, except Purolator, who takes no position at this time, to the conferences being held on December 15, 1981.[5]

In light of the agreement between the Postal Service and most of the parties to this proceeding, and because it appears that this case, or portions of it, may be amenable to a settlement we believe that a settlement conference would be useful in this case as well as help expedite matters.[6] In accordance with past practice, we are directing the OOC to coordinate this conference. We have also made provisions for reports on the results of this conference.

In regard to the Postal Service's request that the parties provide witness Knowles with written questions two days prior to the conference, we perceive that the short length of time between the filing of this request and the date of the conference, and the intervening weekend may present obstacles to parties' compliance with such a directive. Instead, we direct the parties to submit their questions as soon as possible but, in any event, no later than Monday, December 14, 1981, before noon.

In accordance with the Postal Service's motion and our view of this case, we have not scheduled a prehearing conference in this case at this time. We believe it would be better to wait until after the settlement and technical conferences have been held before considering further the utlity of a prehearing conference. It may be that a prehearing conference would serve no useful purpose in this case.

We are also not ruling on the Postal Service motion, filed November 10, 1981, for a waiver of certain filing requirements contained in Rule 64(h),[7] However, parties may discuss their data needs with respect to the Postal Service's motion for waiver at the settlement conference.

The Commission orders:

(A) Each of the petitioners identified in Attachment A to this Order is hereby permitted to intervene or to become a limited participator in this proceeding, subject to the provisions of paragraph (B), below.

(B) The participation of the intervenors and limited participators permitted by paragraph (A), above, is subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators, and *Provided, further,* That the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Postal Service shall serve copies of its Request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(D) The Postal Service also shall serve copies of its Request and its prepared direct evidence on the OOC. Service of documents on the Commission does not constitute service on the OOC, who shall be served separately three copies of all documents.

(E) The Postal Service's motion of December 8, 1981, for settlement and technical conference, in lieu of hearings is granted, subject to reconsideration.

By the Commission.

David F. Harris,

Secretary.

Persons filing petitions to intervene:

J.C. Penney Company, Inc.
Mail Order Association of America

Persons filing requests to become limited participators:

American Retail Federation
Purolator Courier Corporation

[FR Doc. 81–35872 Filed 12–15–81, 8:45 am]

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[2] Motion of the United States Postal Service for a Settlement Conference and/or Technical Conference, December 8, 1981.

[3] *Id.* at 1.

[4] *Id.* at 2.

[5] *Id.* at 3.

[6] Under these circumstances the Commission is granting this motion, subject to reconsideration if any response is filed without waiting for the time for filing responses to expire.

[7] Except for Rule 64(h)(2)(i) insofar as it incorporates Rules 54(q) and (f).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12094; 811-1591]

Chase Frontier Capital Fund of Boston, Inc.; Filing of Application

December 9, 1981.

Notice is hereby given that Chase Frontier Capital Fund of Boston, Inc., 535 Boylston St., Boston, MA 02116, ("Applicant"), a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 24, 1981, for an order of the Commission, pursuant to section 8(f) of the Act, delaring the Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Plan of Reorganization, on February 27, 1981 Applicant transferred substantially all of its assets to another registered investment company, Phoenix-Chase Series Fund ("Fund"), a Massachusetts business trust, in exchange for shares of beneficial interest in the Phoenix-Chase Stock Fund Series ("Stock Series") and the assumption by the Fund of all liabilities of Applicant.

Applicant states that Plan of Reorganization was approved by the directors of Applicant on December 18, 1979. It is also stated that, at a special meeting of the shareholders of Applicant held on December 17, 1980 and adjourned to February 12, 1981, the Plan was approved by a two-thirds vote of the outstanding shares of Applicant entitled to vote at the meeting, as required by Massachusetts law. Applicant represents that, pursuant to the Plan, in exchange for Applicant's assets, Stock Series shares were distributed pro rata to the former shareholders of Applicant in complete cancellation and retirement of all of the issued and outstanding shares of Applicant. This transfer was accomplished, through the Fund's transfer agent, by registering in the name of each former shareholder of Applicant the number of shares of the Stock Series to which each shareholder has become entitled. Applicant states that the number of shares of Stock Series received by Applicant was determined by dividing the aggregate value of net assets transferred by Applicant by the net asset value per share of the Stock Series of as the close of business on February 26, 1981. Applicant asserts that, under this Plan, its assets were exchanged for an aggregate of 1,750,846.486 shares of beneficial interest of Stock Series, having a total value of $14,417,896.65, which were distributed to the shareholders of record of Applicant on February 27, 1981. It is stated that each former shareholder received one share of Stock Series for each share of Applicant.

The application states that Applicant's Articles of Dissolution were filed with the Secretary of State of the Commonwealth of Massachusetts on May 14, 1981, whereupon Applicant was dissolved. Finally, it is asserted that Applicant does not intend to engage in any further business activities other than those necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35918 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12093; 811-1822]

Chase Special Fund of Boston, Inc.; Filing of Application

Notice is hereby given that Chase Special Fund of Boston, Inc., 535 Boylston St., Boston, MA 02116, ("Applicant"), a Massachusetts corporation registerd under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 24, 1981, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Plan of Reorganization, on February 27, 1981 Applicant transferred substantially all of its assets to another registered investment company, Phoenix-Chase Series Fund ("Fund"), a Massachusetts business trust, in exchange for shares of beneficial interest in the Phoenix-Chase Stock Fund Series ("Stock Series") and the assumption by the Fund of all liabilities of Applicant.

The application states that on December 18, 1979, the directors of Applicant approved the Plan of Reorganization. It is further stated that, at a special meeting of the shareholders of Applicant held on December 17, 1980 and adjourned to February 12, 1981, the Plan was approved by the affirmative vote of two-thirds of the outstanding shares of Applicant entitled to vote at the meeting, as required by Massachusetts law. Applicant asserts that pursuant to the Plan, on February 27, 1981, Applicant transferred its assets to the Fund and in return, Stock Series shares were distributed pro rata to the former shareholders of Applicant in complete retirement and cancellation of all of the issued and outstanding shares of Applicant. The application states that this distribution was accomplished, through the Fund's transfer agent, by registering in the name of each former

shareholder of Applicant the number of shares of the Stock Series to which each had become entitled. Applicant represents that the number of shares of Stock Series that it received was determined by dividing the aggregate value of the net assets transferred by Applicant, by the net asset value per share of the Stock Series as of the close of business on February 26, 1981. Applicant states that its assets were exchanged for an aggregate of 1,549,207.266 shares of Stock Series, having a total value of $12,749,711.44, which were distributed to Applicant's shareholders of record on February 27, 1981. It is asserted that each former shareholder of Applicant received 1.4273 shares of Stock Series for each share of Applicant.

The application states that, on May 14, 1981, Applicant filed Articles of Dissolution with the Secretary of State of the Commonwealth of Massachusetts, whereupon Applicant was dissolved. Finally, Applicant states that it does not intend to engage in any further business activities other than those necessary to wind up its business affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35917 Filed 12–15–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12100; 812–4934]

Connecticut Mutal Life Insurance Co. and Panorama Separate Account; Filing of Application

December 10, 1981.

Notice is hereby given that Connecticut Mutual Life Insurance Company ("Connecticut Mutual") and Panorama Separate Account ("the Accout"), 140 Garden Street, Hartford, Connecticut 06115, a separate account of Connecticut Mutual registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (referred to collectively herein as "Applicants"), filed an application on August 4, 1981, for an order of the Commission, pursuant to section 6(c) of the Act, exempting certain transactions from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2) and 27(d) of the Act, and Rule 22c–1 promulgated thereunder, and for Commission approval of certain offers of exchange pursuant to sections 11(a) and 11(c) Act to the extent necessary to permit Applicants to offer the variable annuity contracts described in the application. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Connecticut Mutual is the depositor and sponsor of the Account which was established on May 27, 1981, in accordance with authorization by the board of directors of Connecticut Mutal. It is the separate account in which Connecticut Mutual sets aside and invests the assets attributable to the contracts described below. Purchase payments, net of charges applicable at the time of purchase, will be allocated according to instructions from the contractowner to one of more sub-accounts of the Account. Each subaccount will invest solely in shares of Connecticut Mutual Financial Service Series Fund I ("Fund"), an open-end diversified investment company registered under the Act. The Fund will consist of four investment divisions, each of which will issue a series of stock. Each series of stock will represent the interest in a separate portfolio of the Fund. The portfolios that will be established are: (1) The stock portfolio, (2) the long-term bond portfolio, (3) the intermediate-term bond portfolio, and (4) the money market portfolio. Shares of the portfolios will be sold to the Account at net asset value. A contractowner will be able to transfer the values of his or her sub-account from one or more sub-accounts to another. There will be no limit on the number of transfers that may be made before the life annuity commencement date but thereafter only one transfer request per calendar year will be allowed.

Connecticut Mutual Financial Services, Inc., ("Financial Services"), a subsidiary of Connecticut Mutual, will act as the principal underwriter and investment adviser to the Fund, and perform all the sales and administrative functions including keeping all records not maintained by the custodian. State Street Bank and Trust, Boston, Massachusetts (the "Custodian") will serve as Custodian of the assets of the Account.

The Account proposes to offer two forms of variable annuity contracts: (1) A single-premium annuity with payments beginning immediately ("single-premium immediate contract") and (2) a periodic payment or single-premium annuity with annuity payments beginning at a future date ("deferred contract"). These contracts are designed and will be offered for use in connection with (i) plans qualified under sections 401(a) or 403(a) of the Internal Revenue Code, including plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended, (ii) annuity purchase plans adopted by public school systems and certain tax-exempt organizations according to section 403(b) of the Internal Revenue Code, (iii) annuity purchase plans adopted according to section 408 of the Internal Revenue Code including Individual Retirement Annuities, (iv) governmental plans as defined in section 414(d) of the Internal Revenue Code including employee pension plans established for employees by a state, a political subdivision of a state, or an agency or instrumentality of either a state or a political subdivision of the state, and (v) certain eligible deferred compensation plans as defined in section 457 of the Internal Revene Code.

Such plans' participation are placed in the tax-qualified sub-accounts. These contracts may also be used in conjunction with retirement plans that are not qualified under these sections

and to fund nongovernmental deferred compensation plans. Participations of such plans are placed in the non tax-qualified sub-accounts.

For a single-premium immediate contract, there will be deducted from the purchase payment a policy fee of seventy dollars ($70.00) plus a sales charge computed as a percentage of the amount remaining after the policy fee and any premium tax, as follows: Three percent (3%) of the first $10,000, two percent (2%) of the next $90,000 and one percent (1%) of any amount in excess of $100,000. The purchase payments under a deferred contract will not be subject to a deduction for sales charges. Further, each calendar year a deferred contractowner will be allowed to redeem up to ten percent (10%) of the accumulated value (as of the beginning of the applicable calendar year) without incurring a sales charge. During the first fifteen (15) years of a deferred contract's existence, however, any redemption in excess of ten percent (10%) of the accumulated value will be subject to a deferred sales charge: Five percent (5%) of the amount withdrawn during the first five (5) years, four percent (4%) during the next five (5) years, and three percent (3%) during the final five (5) years. The percentages will be applied to the redemption proceeds, after deduction for any transaction or maintenance charge. Amounts paid under a non-life variable annuity option are treated as redemptions for this purpose. Should a deferred contractowner, during the first three (3) years of a deferred contract's existence prior to the contract maturity date, choose to purchase a variable life annuity option, a sales charge will be withheld: during the first year, three percent (3%) of the amount applied to provide a variable payout (after deduction of any transaction charge); during the second contract year, two percent (2%); during the third contract year, one percent (1%). The deferred sales charges are intended to reimburse Connecticut Mutual for expenses that are related to contract sales. Applicants agree that the aggregate contingent deferred sales load shall not exceed nine percent (9%) of the total purchase payments under the contract.

The annuity tables contained in the contracts will be guaranteed for the life of the contract, event though the longevity of annuitants may exceed that assumed by Connecticut Mutual. Similarly, the amount of the transaction and maintenance charges may not be increased to more than twice their current level even though Connecticut Mutual's expenses may increase over time by more than that amount. Finally, the account fee on single-premium immediate annuity contracts may or may not cover all expenses associated with that contract over time. For assuming these mortality and expense risks attendant to the contracts, Connecticut Mutual will make a daily charge against the net asset value of the Account in an amount equal to .002% (0.73% annually). The level of this charge will be guaranteed: should the actual cost of mortality and expense risk exceed the charges, the loss will be absorbed by Connecticut Mutual. If, on the other hand, the charges are more than sufficient, any excess will be added to the surplus of Connecticut Mutual (subject to any possible dividend declared with respect to the contracts, which are issued on a participating basis).

In the case of deferred contracts, each partial redemption and each transfer request before the annuity commencement date will be subject to a ten dollar ($10.00) charge for each sub-account from which funds are withdrawn ("Transaction Charges"). This charge may be increased to an amount not in excess of twice the current amount, i.e., up to twenty dollars ($20.00). Finally, in the case of deferred contracts prior to the contract maturity date, there will be an annual maintenance charge to offset the administrative costs attributable to these contracts. The amount of the charge, thirty dollars ($30.00), will be deducted from the accumulated value of each sub-account on December 31 of each calendar year or at such earlier time as a full redemption is made. This charge may be increased to an amount not in excess of twice the current amount, i.e., up to sixty dollars ($60.00).

Sales Load

Section 2(a)(35) of the Act, as here pertinent, defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer (or in the case of a unit investment trust, by the depositor or trustee), less any portion of such difference deducted for trustee's or custodian's fees, insurance premium, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants assert that deferring the charge, and conditioning it upon the occurrence of an event which might not occur, does not change the basic nature of the charge, which is in every other respect a sales charge. Nonetheless, because the nature of the charge raises a question whether it meets the technical definition of section 2(a)(35), Applicants request an exemption from section 2(a)(35) to the extent necessary or appropriate to permit the offer of the deferred contracts with the described contingent deferred sales charge arrangement.

Section 22(c) of the Act and Rule 22c–1 promulgated thereunder provide, in pertinent part, that no registered investment company selling any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security that is next computed after receipt of a tender of such security for redemption. Applicants believe that the redemption value of the deferred contracts will be determined in a manner consistent with the requirements of Rule 22c–1. In order to avoid any doubt about the possibility of an adverse interpretation of section 22(c) or Rule 22c–1, Applicants have requested an exemption from those provisions to the extend necessary to permit the offer of the deferred contracts with the described contingent deferred sales charge arrangements.

Section 2(a)(32) of the Act, in pertinent part, defines a "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless such certificate is a "redeemable security." Accordingly, Applicants request an exemption from the provisions of sections 2(a)(32) and 27(c)(1) to the extent necessary to permit the offer of the deferred contracts with the described contingent deferred sales charge arrangement.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances and receive the value of this account and an amount equal to that part of the excess paid for sales loading which is over 15 percent (15%) of the gross payments made by the certificate holder. Accordingly, Applicants seeks an exemption from the provisions of section 27(d) to the extent necessary to permit the offer of the deferred contracts with the described contingent deferred sales charge arrangement.

Section 26(a)(2)(C) of the Act provides, in relevant part, that no payment to the depositor of or a principal underwriter for a registered unit investment trust shall be allowed the trustee or custodian as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping or other administrative services normally performed by the trustee or custodian. Section 27(c)(2) of the Act makes it unlawful for any registered investment company issuing periodic plan certificates or for any depositor or underwriter for such company to sell any such certificate unless the proceeds of all payments on such certificates (except such amounts as are deducted for sales load) are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1), and are held by such trustee or custodian under an indenture or agreement containing, in substance, the provisions required in sections 26(a) (2) and (3). In order to avoid any possibility that questions might be raised as to the potential applicability of sections 26(a)(2)(C) and 27(c)(2), Applicants request an exemption from the operation of the provisions of sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the offer of the deferred contracts with the described contingent deferred sales load.

Administrative Fees

Sections 26(a)(2)(C) and 27(c)(2) are described above. Applicants request an exemption from the provisions of sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the payment to Financial Services of the annual maintenance charge and the transaction charges, as set forth above. Applicants consent that the requested exemptions from sections 26(a)(2)(C) and 27(c)(2) may be made subject to the following conditions: (1) That the continuing effectiveness of any order issued by the Commission in response to this application will be conditional on Applicants' obtaining Commission approval before increasing the transaction charge imposed with regard to partial redemptions; (2) that the deductions under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purposes; and (3) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Texas Optional Retirement Program

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to their faculty members an Optional Retirement Program, codified as Subchapter G of Chapter 51 of the Texas Education Code, as an alternative to the existing Teachers Retirement System. The statute provides as the funding media for the Optional Retirement Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. A faculty member who elects to participate in the Optional Retirement Program and the institution of higher education that employs him normally enter into an agreement under which the faculty member's salary is reduced by the amount of his contribution and the institution contributes an equal amount to provide for the purchase of the annuity contract selected by the faculty member.

In 1973, the Texas legislature passed two amendments to the Optional Retirement Program statute, effective June 14, 1973. First, the legislature amended the statutory definition of the Optional Retirement Program in paragraph (6) of § 51.352 of Subchapter G to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participating faculty member. The second amendment added a new § 51.358 to Subchapter G with a similar provision that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in reponse to the System's letter. The Attorney General interprets Section 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Optional Retirement Program on or after June 14, 1973, that make available the redemption value of the contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Thus, with respect to deferred contracts sold to participants in the Optional Retirement Program, Applicants would be required, by some method, to restrict the right of the contractowner to redeem the contract in accordance with the Attorney General's opinion. Applicants state that the opinion does not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another and that the granting of the relief requested would not affect such right.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven (7) days after the tender of such security to the company or its agent designated for that purpose for redemption, except in certain prescribed circumstances. Sections 27(c)(1) and 27(d) of the Act are described above. Applicants request an order, pursuant to section 6(c) of the Act, exempting them from the provisions of sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with § 51.358 of the Texas Education Code so that redemption values under deferred contracts issued to participants in the Optional Retirement Program may be made available, in accordance with the opinion of the Texas Attorney General cited above, only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participating faculty member.

If the requested order is granted, Applicants state that they will ensure that the appropriate disclosure is made to Applicants who are participants in the Optional Retirement Program informing them of the restriction on the availability of redemption values under deferred contracts to be issued to them. Specifically, Applicants will make appropriate reference in each prospectus used in the Texas Optional Retirement Program market to the restriction on redemption and will require each participant, as a part of the determination that the sale of these

contracts is suitable for that Applicant, to sign a statement acknowledging such restriction. Connecticut Mutual will ensure that the substance of the above disclosures is included in any sales literature used in the Optional Retirement Program market. All sales literature that is to be used in connection with the sale of contracts in the Texas Optional Retirement Program market will be reviewed for the existence of material representations inconsistent with the restrictions described in the application to be placed on such contracts, and the sales people involved in soliciting in this market will be instructed to bring these restrictions to the attention of potential purchasers.

Annual Maintenance Charge

The provisions of the Act relating to the right of redemption, which are discussed in the above under the heading "Sales Load," may be equally applicable to the annual maintenance charge applied to deferred contracts at such time as a full redemption is made. Accordingly, Applicants request exemptions from the provisions of sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act, and Rule 22c–1 promulgated thereunder, to the extent necessary to permit deduction of the annual maintenance charge as described.

Open Account Arrangement

Section 26(a)(2)(D) of the Act, as here pertinent, provides that the trustee or custodian shall have possession of all securities and other property in which the funds of the trust are invested. Applicants request an exemption from section 26(a)(2)(D) of the Act to the extent necessary to permit shares of the Fund, the only assets in which the Account invests, to be held under an open account arrangement without the use of stock certificates or the physical possession of the shares by the Custodian. Because the purchase, redemption, and ownership of Fund shares will, pursuant to the proposed open account arrangement be shown only on the books and records of the Account and the Fund and will not be represented by delivery of stock certificates, Applicants assert that there is no need for the Custodian to have physical possession of the Fund shares.

Offers of Exchange

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his or her security for a security in the same or another such company on any basis other than the relative net asset value of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose that the contract purchasers be permitted to transfer all or part of their investment in one sub-account of the Account to another sub-account, subject to certain limitations on the frequency and amount of transfers. Such transfers will, subject to a ten dollar ($10.00) transaction charge, give the contractowner an equivalent dollar value in the sub-account to which the transfer is made. Applicants request approval pursuant to section 11(a) and 11(c) of the Act to permit this transfer privilege under the Contracts, where permitted under applicable law and by the retirement plan under which such Contracts may be issued.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or any rule or regulation under the Act if, and to the extent, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 31, 1981, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 31, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35915 Filed 12–15–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12098; 812–4953]

The Floating Rate Insured Trust, Pennsylvania Series 1 (and Subsequent Series) and E. F. Hutton & Co., Inc.; Filing of Application for Exemption Order

December 10, 1981.

Notice is hereby given that The Floating Rate Insured Trust, Pennsylvania Series 1 (And Subsequent Series) ("Trust"), One Battery Park Plaza, New York, New York 10004, a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), and its sponsor, E. F. Hutton & Company, Inc. ("Sponsor," and referred to herein with the Trust as "Applicants"), One Battery Park Plaza, New York, New York 10004, filed an application on August 19, 1981, pursuant to sections 6(c) and 23(c)(3) of the Act for an order exempting the Trust from the provisions of section 19(b) of the Act and Rule 19b–1 thereunder to the extent necessary to permit the Trust to distribute long-term capital gains more than once per year, and from the notice provisions of section 23(c) of the Act and Rule 23c–2 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that the Sponsor has established the Trust under the laws of the State of New York by a Trust Declaration and Indenture, dated as of August 17, 1981. It is asserted that the investment objective of the Trust is insured income exempt from federal income taxation and from state and local income taxation in the Commonwealth of Pennsylvania through

investment in a portfolio of insured, tax-exempt, floating rate industrial development revenue bonds (individually, "Security;" collectively, "Securities"), issued by state or municipal agencies or industrial development authorities of Pennsylvania ("Issuers"). Revenues to make payments of principal and interest on the Securities will be derived from lease or loan obligations relating to specific projects financed from the sale of the Securities for use by private entities ("Obligors"). Applicants state that each of the Securities will be secured by a lease purchase, installment sale or loan agreement with the Obligors, an indenture of trust with the Issuer and in many instances a mortgage from the Issuer or the Obligor.

The application states that Securities will be selected for inclusion in the Trust by the Sponsor, based on conformity of the Securities to the investment criteria established in the Declaration of Indenture. These criteria include:

1. An Insurance Policy to the Trust, guarantying the complete and timely payment of principal and interest on the Securities, issued by the American Municipal Bond Assurance Corporation;
2. An appropriate debt obligation rating by Standard & Poor's Corporation;
3. Principal payment due by Issuer each December 1, commencing December 1, 1983;
4. Principal prepayment on any interest or principal payment date subsequent to December 1, 1983, generally without prepayment premium or penalty;
5. Floating interest rate based on the Sponsor's floating rate formula, payable semiannually on each June 1 and December 1;
6. Scheduled to mature not later than December 1, 1996; and
7. Subject to mandatory redemption within 15 business days after notice of an official determination by the Internal Revenue Service that interest payments on a Security are taxable.

The application states that the interest on the pass-through bond certificates issued by the Trust ("Bond Certificates") will be based upon the floating interest rate formula established for the Securities. The trust indentures pursuant to which each of the Securities will be issued will contain a uniform floating rate formula. Interest on the Securities will be payable semiannually on December 1 and June 1. The interest payable on each December 1 and June 1 will be the semiannual payment due based on (i) a per annum interest rate ("Average Interest Rate") which is the arithmetic average of all weekly interest indices in effect from the beginning of the interest payment period until seven business days before such December 1 or June 1, plus (ii) .20% per annum on the Securities held in Trust.

The interest index determined each week will be the higher of the Short-Term Interest Factor (a percentage of the interest rate applicable to 13-week U.S. Treasury bills), or the Long-Term Interest Factor (a percentage of the interest rate applicable to U.S. Treasury securities adjusted to a constant maturity of 30 years), determined by Pittsburgh National Bank, Pittsburgh, Pennsylvania. Each weekly interest index will be limited to a minimum and maximum rate range. Applicants further state that, because the annual expenses of the Fund are generally expected to equal .20% per annum of the outstanding principal amount of the Securities, the amount of interest passed through to investors is expected to be the Average Interest Rate on the Securities.

It is asserted in the application that no more than 15% of the aggregate principal amount of the Securities acquired for the Trust's portfolio will be composed of (i) one issue of Securities (ii) secured by payments from one Obligor, (iii) issued by one Issuer, or (iv) secured by Obligors engaged in any one industry. Once selected for inclusion in the Trust, the Trust's portfolio of Securities will be fixed.

Applicants state that the Bond Certificates which the Trust proposes to issue will represent a fractional undivided participating interest in the Securities. The Bond Certificates will not represent debt obligations of the Trust. Bond Certificates will be issued only in registered form in denominatons of $5,000 and multiples thereof. Three persons will be elected annually by the Certificateholders to serve as Trustees of the Trust ("Trustees").

Section 19(b) of the Act provides, in pertinent part, that it shall be unlawful in contravention of such rules, regulations or orders as the Commission may prescribe for any registered investment company to distribute long-term capital gains more frequently than once a year. Rule 19b–1(a) under the Act provides, as herein relevant, that no registered investment company which is a "regulated investment company" as defined by Section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Applicants state that, as presently strucured, it is anticipated that the Trust will make distributions of three types to Certificateholders:

(1) *Interest Payments*—Interest payments received on the Securities will be passed through to Certificateholders, payable twice yearly, at the rate determined under the floating interest rate formula.

(2) *Principal Payments*—Each Bond Certificate represents an undivided interest in Securities which mature in various amounts commencing on December 1, 1983 and each December 1 thereafter, to December 1, 1996. The principal amount of such maturing Securities will be passed through the Certificateholders on December 10 of each year, by calling Bond Certificates for redemption.

(3) *Early Redemption*—All of the Securities, under certian circumstances, are subject, in whole or in part, to early redemption. In the event any Security is prepaid in whole or in part by its Issuer, or purchased from the Trust pursuant to its related Insurance Policy, such amounts will be passed through to the Certificateholders by calling Bond Certificates for redemption.

The application further states that Bond Certificates called for redemption will be chosen at random, by a computerized lottery conducted by the depository bank which will hoid the Securities, and redeemed in increments of $5,000 principal amount.

Applicants represent that, while it is anticipated that most Securities will not contain prepayment penalties, it is possible that some of the securities might contain such provisions and that it is possible, therefore, that the Trust may realize capital gains if an Issuer calls or redeems an issue held in the Trust, which call or redemption triggers receipt by the Trust of prepayment premiums or penalties. Applicants propose that such funds will not be distributed to Certificateholders but that such payment premiums or penalties will be transferred to a Reserve Account to meet the administrative fees and expenses of the Trust.

In the event that the Trust's payment mechanisms are modified to permit the distribution of any capital gains to Certificateholders rather than as presently contemplated, Applicants submit that an exemption for section 19(b) of the Act and Rule 19b–1 thereunder would nevertheless be appropriate and in the public interest. Applicants represent that, in the event that capital gains are ever distributed to Certificateholders, their source will be clearly identified by the Trust and the possibility of investor confusion, the ham allegedly sought to be eliminated by section 19(b) of the Act and Rule 19b–1 thereunder, would not exist. Additionally, the Applicants contend that the Trustees of the Trust will not be in a position to control the creation of capital gains in these situations and that

no useful purpose would be served by forcing the Trust to accumulate payments representing capital gains on portfolio securities until the end of the year.

Section 23(c) of the Act prohibits closed-end investment companies from repurchasing their shares except under certain conditions specified in that section, not here pertinent to the Trust, or under such other circumstances as the Commission may permit by rules or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Rule 23c–2 under the Act provides that a closed-end investment company may call or redeem its securities pursuant to the terms of the securities or the charter, indenture or other instrument pursuant to which such securities were issued, provided that, if less than all the outstanding securities of a class or series are to be called or redeemed, the call or redemption shall be made by lot, on a pro rata basis, or in such other manner so as not to discriminate unfairly against any holder of securities of such class or series. The rule also provides for at least 30 days prior notice to the Commission of a company's intention to call or redeem securities, unless notice of redemption is to be published in a newspaper, in which case 10 days prior notice is required. Applicants assert that, but for the Trust's inability to comply with the advance notice requirements of Rule 23c–2, it appears that the substantive provisions of the proposed plan of redemption contemplated by the Trust are permissible under the Rule and will not result in the abuses sought to be prevented by section 23(c).

The application states that, in the Trust's usual course of operation, notice of redemption will be given by letter to the registered Certificateholder at least 15 business days prior to the date scheduled for redemption (or, if not scheduled, the date established for early redemption). To minimize the period during which taxable interest would accrue to Certificateholders, notice of redemption of Bond Certificates due to a determination of the taxability of the interest payable on a Security will be mailed 10 days prior to the date scheduled for redemption. Applicants assert that the Trust seeks to avoid the delay and the costs which would be incurred if the Trust is required to hold and/or reinvest the funds for the benefit of Certificateholders, during the required notice period pending their distribution. Applicants submit that compliance with the 30 day advance notice requirement of Rule 23c–2(b) would result in an unnecessary delay in the redemption process and thus reduce the benefits of an investment in the Trust without any concomitant protection for its Certificateholders. It is further asserted that the redemption provisions of the Trust avoid the possibility of discrimination against or in favor of any Bond Certificateholder and prevent the Trust from controlling any benefit that might otherwise accrue to it in the event the Trust could delay notice of or payment on redemption. The Trust therefore requests exemption from the notice provisions of Rule 23c–2(b) under the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act or any rule or regulation thereunder, if and to the extent that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35916 Filed 12–15–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–7517]

Flow General Inc., Common Stock, $.10 Par Value; Application to Withdraw From Listing and Registration

December 10, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the applications for withdrawing this security from listing and registration include the following:

1. The common stock of Flow General Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on August 28, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 4, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the commission for the protection of investors. The Commision, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35910 Filed 12-15-81: 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7030]

Integrated Resources, Inc., Common Stock, $.10 Par Value; Application to Withdraw From Listing and Registration

December 10, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Integrated Resources, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on September 2, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 4, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35909 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12095; 811-2026]

Phoenix Fund, Inc.; Filing of Application for Order

December 9, 1981.

Notice is hereby given that Phoenix Fund, Inc. ("Applicant"), One American Row, Hartford, CT 06155, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company, filed an application on June 24, 1981, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Plan of Reorganization, on January 30, 1981 Applicant transferred substantially all its assets to another registered investment company, Phoenix-Chase Series Fund ("Fund"), a Massachusetts business trust, in exchange for shares of beneficial interest in the Phoenix-Chase Balanced Fund Series ("Balanced Series") and the assumption by the Fund of all the liabilities of Applicant.

Applicant states that on December 18, 1979, the directors of Applicant approved the Plan. It is asserted that, at a special meeting of the shareholders of Applicant held on November 24, 1980 and adjourned to February 28, 1981, the Plan was approved by the affirmative vote of 74.8% of the outstanding shares of Applicant entitled to vote at the meeting. Applicant represents that Maryland law requires the affirmative vote of two-thirds of the outstanding shares unless the charter permits a lower percentage.

The application states that, pursuant to the Plan, Balanced Series shares have been distributed pro rata to the former shareholders of Applicant, in complete cancellation and retirement of all of the issued and outstanding shares of Applicant. It is asserted that the transfer has been accomplished, through the Fund's transfer agent, by registering in the name of each former shareholder of Applicant the number of shares of Balanced Series to which each such shareholder became entitled as a result of the exchange. Applicant states that the number of Balanced Series shares received by Applicant was determined by dividing the aggregate value of the net assets transferred by Applicant by the net asset value per share of the Balanced Series as of the close of business on January 29, 1981. The application states that the assets of Applicant were exchanged for an aggregate of 2,236,322.978 Balanced Series shares, having a total value of $19,210,477.33, which were distributed to shareholders of record of Applicant on January 30, 1981. It is asserted that each former shareholder of Applicant received approximately 1.0489 shares of Balanced Series for each share of Applicant.

Applicant represents that its Articles of Dissolution were accepted for record by the Maryland Department Assessments and Taxation on April 1, 1981, whereupon Applicant was dissolved. Finally, Applicant states that it does not intend to engage in any further business activities other than those necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so delcare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Wahington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is

ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35919 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12097; 811-1826]

Professional Investors Fund, Inc.; Proposal To Terminate Registration

December 9, 1981.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Professional Investors Fund, Inc. ("Fund"), 4250 Broadway, New York, New York 10006, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of New York in 1969, and that it registered under the Act by filing Form N-8A on March 10, 1969. The Fund did not file the Form N-8B-1 registration statement under the Act nor did it file a registration statement pursuant to the Securities Exchange Act of 1933 in order to make a public offering of its shares. It never filed any of the periodic reports required to be filed under the Act and it never reported that it had any assets. The files indicate that the Fund never engaged in business, and that its organizers abandoned the Fund shortly after it registered under the Act. It thus appears that the Fund is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interesterd person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the proposal accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35920 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-0988]

Coleman Company, Inc.; Application To Withdraw From Listing and Registration

December 11, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock ($1 par value) of The Coleman Company, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on October 15, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 5, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35950 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6112]

Nortek, Inc.; Application To Withdraw From Listing and Registration

December 11, 1981.

In the matter of Nortek, Inc., Common Stock, $1 Par Value, 12½% Subordinated Sinking Fund Debentures (Due 1999).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

1. The common stock and the debentures of Nortek, Inc. ("Company") are listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 8, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock and the debentures on the Amex and the NYSE.

2. This application related solely to withdrawal of the common stock and the debentures from listing and registration on the Amex and shall have no effect upon the continued listing of the stocks on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 5, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35949 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12090; (812-4910)]

In the matter of Manlex Corporation, Lexington Growth Fund, Inc., Lexington Research Fund, Inc, Lexington Tax Free Daily Income Fund, Inc., Lexington GNMA Income Fund, Inc. and Lexington Money Market Trust, 580 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.

Manlex Corp.; et al.; Filing of an Application

December 9, 1981.

Notice is hereby given that Manlex Corporation ("Sponsor"), a New York corporation and the sponsor of Corporate Leaders Trust Certificates, Series B (the "Trust"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and Lexington Growth Fund, Inc. ("Growth"), Lexington Research Fund, Inc. ("Research"), Lexington Tax Free Daily Income Fund, Inc. ("Tax Free"), Lexington GNMA Income Fund, Inc. ("Income") and Lexington Money Market Trust ("Money Market"), open-end investment companies registered under the Act (the "Funds", hereinafter collectively referred to with the Sponsor and the Trust as the "Applicants"), filed an application on June 29, 1981, and an amendment thereto on October 29, 1981, pursuant to Section 11 of the Act, for an order approving certain offers of exchange involving the Trust and the Funds. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that the Trust was organized under the laws of the state of New York pursuant to a Trust Agreement dated November 18, 1935, as amended, between corporate predecessors of the Bank of New York (the "Trustee") and Piedmont Capital Corporation, a Delaware corporation ("Piedmont"). The Applicants further state that Piedmont succeeded Corporate Leaders of America, Inc., as the Trust's sponsor on December 29, 1971, and acted as its principal underwriter from November 1973 until September 30, 1975, when the offering of Trust participations was discontinued. The Applicants further represent that on March 25, 1981, Piedmont designated Manlex Corporation as the present sponsor of the Trust. The Sponsor has designated its sole shareholder Lexington Management Corporation ("Lexington"), a registered broker-dealer and investment adviser, as the principal distributor for the Trust. Lexington also serves as investment adviser and distributor of the Funds.

According to the application, Trust participations had been offered in either the form of monthly payments over a 16¾ year period or single payment certificates issuable in face amounts of $500 or more in multiples of $100. In November 1973, the Trust amended its registration statement under the Securities Act of 1933, to provide only for the offering of Trust participations in the form of single payment certificates, as the Trust Agreement provisions relating to monthly payment certificates were determined to be inconsistent with the provisions of the Act as amended in 1970. The Applicants further represent that pursuant to an earlier order of the Commission dated November 13, 1973 (Investment Company Act Release No. 8079) the Trust participated in an exchange program with Growth, Research and Income, which terminated on September 30, 1975. In addition, the Applicants state that at November 30, 1980, the market value of the Trust's portfolio was approximately $52,463,550 and the cost thereof was approximately $38,324,210. On May 31, 1981 there were outstanding 964 single payment certificates and 4,347 periodic payment certificates. With respect to the uncompleted monthly payment certificates, on May 31, 1981 there was an aggregate amount payable of approximately $14,580,000.

Applicants state that the provisions of the Trust Agreement require the Trustee to accumulate funds received for investment, after deduction of a 3% sales creation charge to the Sponsor, until sufficient funds are available for the purchase of ten Stock Units, each such Stock Unit consisting of one share of each of the 26 corporations constituting the Trust's fixed portfolio. The Applicants further state that Trust participations are purchased at the net asset value at the close of business on the day payment is received by the Trustee, plus a sales service charge of 5% of such net asset value and plus a stock unit charge computed monthly, payable to the Trust, approximating the brokerage commissions and odd-lot premiums currently applicable to Stock Unit purchases. Applicants state that income on portfolios securities and proceeds on the sale of additional securities received as stock dividends, stock splits or other recapitalizations are accumulated and distributed to holders of Trust participations semi-annually.

Applicants respresent that the Trust pays no investment advisory or other management fee. The Trustee is compensated for its services by annual account fees imposed at the rate of $3 per year for each monthly payment certificate and 2/10 of 1% of the face amount (with a minimum of $3.60) per year with respect to each single payment certificate. In addition, the Trustee receives transaction fees of $1 for each conversion, liquidation, withdrawal or assignment of certificates, a transaction fee of 40 cents for each authentication of an original certificate issued, and a service charge of 1% of the amount of each payment made under monthly payment certificates. The Applicants further represent that the Sponsor does not receive any sales commissions, but rather, has assigned to Lexington the sales service and sales creation charges it would otherwise be entitled to receive under the Trust Agreement. The Applicants state that these sales charges range from 8.48% to 7.17% of the net amount invested under monthly payment certificates, and from 8.23% to 8.17% of the net amount invested under single certificates. There are no sales charges or service fees of any kind to the investor for purchases of shares of Growth, Research, Tax Free, Income or Money Market.

Section 11(c) of the Act provides, in pertinent part, that any offers of exchange involving the securities of a registered unit investment trust and registered open-end investment companies require approval of the Commission under section 11(a) of the

Act irrespective of the basis of exchange. Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company of any principal underwriter for such a company to make, or cause to be made, an offer to the holder of a security of such company for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Due to the Trust's status as a unit investment trust, the Applicants request the Commission's approval under section 11(a) of the Act of the proposed exchange offers involving the Trust and the Funds as described below.

The Applicants state that exchanges of Trust participations for shares of the Funds will be on the basis of the relative net asset value per share at the time of exchange. Upon receipt by Lexington of the Trust certificate with the exchange form and necessary supporting documents, which would be forwarded by the Sponsor to the Trustee, the exchange would be effected by redemption of the Trust participations and issuance of the Growth, Research, Tax Free, Income or Money Market shares to the exchanging shareholder. The Applicants further state that the proposed exchange offer would be available only in such states where shares of the Funds are registered for sale and the privilege of exchange is revocable by the Funds and is only available when described in a current prospectus of each of these Funds. Each exchange must involve the minimum initial purchase for the Fund into which the exchange is being made; currently, $1,000 for Tax Free, Income and Money Market and $250 for Research and Growth. An offer of exchange by holder of an uncompleted monthly payment certificate of Trust would be effected as described above with respect to Trust participations paid for as the date of exchange. The Applicants further represent that no sales charges or service charges would be imposed in connection with any exchange other than from any applicable withdrawal charge of the Trustee.

The Applicants state that exchanges of shares of the Funds for Trust participations will be on the basis of the relative net asset value per share at the time of exhange. Upon receipt by Lexington of a properly executed exchange form, respective investment company stock certificates, if issued, and necessary supporting documents, the exchange would be effected by redemption of the Research, Growth, Tax Free, Income or Money Market shares and issuance of a Trust single payment certificate to the exchanging shareholder. An initial exchange must involve a minimum of $500. The offer of exchange would be available only in such states where the Trust is registered for sale and the privilege of exchange is revocable by the Trust and is only available when described in the current Trust prospectus. The Applicants further state that shareholders of the Funds exchanging their shares for Trust certificates will pay the same charges and fees to which all other investors in the Trust are subject.

In support of the relief requested, the Applicants state that the proposed exchange offers are designed to afford flexibility in the selection of investment media by the respective shareholders of the Trust and the Funds. The Applicants further represent that the proposed exchanges will be effected at the applicable net asset values of the Fund or Trust from which and to which an exchange is being made (after payment of the various charges and fees set forth if the exchange is into the Trust), and is thus consistent with the policy underlying Section 11 of the Act.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A Copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 81–35911 Filed 12–15–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12092; (811–2184)]

Phoenix Capital Fund, Inc.; Filing of Application

December 9, 1981.

Notice is hereby given that Phoenix Capital Fund, Inc. ("Applicant"), One American Row, Hartford, CT 06155, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 24, 1981, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that on December 12, 1980, pursuant to an Agreement and Plan of Reorganization, Applicant transferred substantially all its assets to another registered investment company, Phoenix-Chase Series Fund ("Fund"), a Massachusetts business trust, in exchange for shares of beneficial interest in the Phoenix-Chase Growth Fund Series ("Growth Series") and the assumption by the Fund of all the liabilities of Applicant.

Applicant states that on December 18, 1979, the directors of Applicant approved the Plan. It is asserted that, at a special meeting of the shareholders of Applicant held on November 26, 1980 and adjourned to December 11, 1980, the Plan was approved by the affirmative vote of 68% of the outstanding shares of Applicant entitled to vote at the meeting. Applicant represents that Maryland law requires the affirmative vote of two-thirds of the outstanding shares unless the charter permits a lower percentage.

It is stated in the application that, pursuant to the Plan, Growth Series shares have been distributed pro rata to the former shareholders of Applicant in complete cancellation and retirement of all of the issued and outstanding shares of Applicant by registering in the name of each former shareholder of Applicant, through the Fund's transfer agent, the number of Growth Series shares to which each such shareholder became

entitled as a result of the exchange. Applicant states that the number of Growth Series shares received by Applicant was determined by dividing the aggregate value of the net assets transferred by Applicant by the net asset value per share of the Growth Series as of the close of business on December 11, 1980. It is asserted that this process was completed, upon the liquidation of a reserve held to complete the payment of a final dividend, on December 15, 1980. Applicant represents that its assets were exchanged for an aggregate of 1,457,373.66 shares of beneficial interest of Growth Series, having a total value of $12,853,798.43, which were distributed to the 1,773 shareholders of record of Applicant on December 12, 1980. Applicant states that each former shareholder of Applicant received approximately 1.0905 shares of Growth Series for each share of Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Applicant represents that its Articles of Dissolution were accepted for record by the Maryland Department of Assessments and Taxation on April 1, 1981, whereupon Applicant was dissolved. Finally, Applicant states that it does not intend to engage in any further business activities other than those necessary to wind up its affairs.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–35913 Filed 12–15–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12091; (811–539)]

Shareholders' Trust of Boston; Filing of Application

December 9, 1981.

Notice is hereby given that Shareholders' Trust of Boston ("Applicant"), 535 Boylston St., Boston, MA 02116, a Massachusetts business trust registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 24, 1981, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Plan of Reorganization, on January 30, 1981 Applicant transferred substantially all its assets to another registered investment company, Phoenix-Chase Series Fund ("Fund"), a Massachusetts business trust, in exchange for shares of beneficial interest in the Phoenix-Chase Balanced Fund Series ("Balanced Series") and the assumption by the Fund of all the liabilities of Applicant.

Applicant states that on December 18, 1979, the directors of Applicant approved the Plan. It is asserted that, at a special meeting of the shareholders of Applicant held on November 24, 1980 and adjourned to January 28, 1981, the Plan was approved by the affirmative vote of 51% of the outstanding shares of Applicant entitled to vote at the meeting, as required by Applicant's trust instrument.

The application states that, pursuant to the Plan, Balanced Series shares have been distributed to pro rata to the former shareholders of Applicant in complete cancellation and retirement of all of the issued and outstanding shares of Applicant, registering in the name of each former shareholder of Applicant, through the Fund's transfer agent, the number of Balanced Series shares to which each such shareholder became entitled as a result of the exchange. Applicant represents that the number of Balanced Series shares received by Applicant was determined by dividing the aggregate value of the net assets transferred by Applicant by the net asset value per share of the Balanced Series as of the close of business on January 29, 1981. The application states that the assets of Applicant were exchanged for an aggregate of 4,096,122 shares of beneficial interest of Balanced Series, having a total value of $35,183,415, which were distributed to shareholders of record of Applicant on January 30, 1981. It is asserted that each former shareholder of Applicant received one share of Balanced Series for each share of Applicant.

Applicant states that it is in the process of winding up its affairs and will be terminated pursuant to the terms of its governing trust instrument. Finally, Applicant asserts that it does not intend to engage in any further business activities other than those necessary to wind up its business affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission

thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35912 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12099; (812-4977)]

Webster Cash Reserve Fund, Inc.; Filing of Application

December 10, 1981.

Notice is hereby given that Webster Cash Reserve Fund, Inc. ("Applicant"), 10 Hanover Square, New York, New York 10005, a no-load, open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 25, 1981, for an order of the Commission, pursuant to Section 6(c) of the Act, that would amend an order, previously issued by the Commission pursuant to Section 6(c) of the Act, on August 16, 1979 (Investment Company Act Release No. 10845), which permitted Applicant, subject to certain conditions, to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of $1.00. In its current application Applicant seeks an amendment which would permit it to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, using the amortized cost method of valuation. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with Investment Company Act Release No. 9786 (May 31, 1977). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicant represents that its portfolio may be invested in money market instruments consisting of securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities; time deposits maturing in seven days or less and certificates of deposit, including those issued by domestic banks, foreign branches of domestic banks and savings and loan and similar associations; bankers' acceptances; repurchase agreements; and high-grade commercial paper. It is asserted that all of the investments by Applicant consist of obligations maturing within one year from the date of acquisition, and that the average maturity of all its investments (on a dollar-weighted basis) is 120 days or less.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of this request, Applicant states that, as a result of the experience of its sub-investment adviser and adminstrator in advising Applicant and other funds, it has become apparent that two qualities are helpful in order to attract investment, namely (1) stability of principal and (2) steady flow of investment income. It is asserted that management of Applicant has determined that an average portfolio maturity of 120 days combined with a stable price may accomplish both of these investor aims—that is, it somewhat obviates the possibility of a change in the price per share, while at the same time providing a yield on portfolio instruments related to yields available in the general debt market which is otherwise not available with a portfolio having an average maturity of shorter duration.

Applicant asserts its belief that, given the nature of its policies and operations, there will normally be a relatively negligible discrepancy between market value and amortized cost value of such securities. Applicant believes the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling Applicant to maintain more effectively a stable price per share, while providing its shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby dividends would be adjusted by all realized and unrealized gains and losses on its portfolio securities. Finally, it is asserted that Applicant's Board of Directors has determined in good faith that in light of the characteristics of Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities.

Section 6(c) of the Act provides, in part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the

purposes fairly intended by the policy and provisions of the Act.

As a condition to the granting of the exemption requested, Applicant has agreed that the following may be made conditions of the amendment to the prior order:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purposes of effecting sales, redemptions and repurchases, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review. Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions selected by its Board of Directors in the exercise of its discretion to be appropriate indicators of vaule, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments furnished by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes that the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements if any, to those United States dollar-denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35914 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18326; File No. SR-BSE-81-12]

Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange, Inc. Relating to an Extension of Temporary 15% Increase in Exchange Billings to Members

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 7, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 5, 1981, approval was granted by the Securities and Exchange Commission to allow the Exchange to impose a temporary 15% increase on all Exchange billings to members effective

for the period May 1, 1981 through September 30, 1981. Approval was subsequently granted to extend the increase through December 31, 1981. It is now proposed to continue the temporary 15% increase through March 31, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) The 15% increase on all Exchange billings to members was previously approved for the period May 1 through September 30, 1981 and subsequently extended through December 31, 1981. This increase was necessitated by increased costs in communications, data processing, leasehold and personnel expenses. The Committee appointed to complete a detailed study of all income and expenses of the Exchange has not completed its recommendations. The Board of Governors voted to extend the 15% increase through March 31, 1982.

(b) The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 6, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 10, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35946 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18328; File No. SR-DTC-81-5]

Self-Regulatory Organizations; Proposed Rule Change By Depository Trust Co. Relating to Surcharges for Services in Securities Issues With Transfer Agents Fees

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 8, 1981, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves surcharges for services in securities issues which carry transfer agent fees:

Transfer agent fee	Deposit surcharge	Withdrawal-by-transfer (WT) surcharge	Urgent certificate-on-demand (COD) surcharge
$3 50 or less per certificate	[$1.25] *$2 15*	[$4.25] *$4 90*	[$5.10] *$7 55*
More than $3.50 per certificate	[$3.10] *$4.30*	[$8.60] *$9.25*	[$11.20] *$14.15*

The surcharges for services in securities issues which carry transfer agent fees were originally filed on Form 19b-4A, File No. SR-DTC-78-15 and were revised on Form 19b-4A, File No. SR-DTC-79-4 and Form 19b-4A, File No. SR-DTC-80-4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to pass along to Participants with activity in securities issues which carry transfer agent fees the costs incurred by The Depository Trust Company (DTC) because of such fees. The transfer agent fees are not imposed by DTC for services rendered to Participants and therefore such fees are not contained in the Fee Schedule for Major Services.

The proposed rule change relates to DTC's carrying out the purposes of

Section 17A of the Securities Exchange Act of 1934 (the Act) by equitably allocating charges other than dues or fees among DTC participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no burden on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not to be solicited from Participants. All Participants have been notified of Proposed surcharges by a DTC Important Notice (Exhibit 2 to DTC's filing on Form 19b–4A, SR–DTC–81–5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 6, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 11, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35947 Filed 12-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18327; File No. SR-NSCC-81-16]

Self-Regulatory Organizations; Proposed Rule Change by National Securities Clearing Corp.; Relating to a Revision to National Securities Clearing Corporation's (NSCC) Rate Structure

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S C. 78s(b)(1), notice is hereby given that on December 7, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Attachment A, is NSCC's revised fee structure.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to revise NSCC's rate structure to insure that NSCC's fees for each product group continue to bear a close relationship to the underlying processing costs for each product group. This revision is necessitated due to volume and processing procedural changes that have occurred since NSCC's Consolidated Rate Structure became effective in 1978. The proposed rule change also complies with the Commission's Order (see Release No. 34–17562, February 20, 1981) directing NSCC to submit a new fee schedule.

The revised rate structure will result in the following changes to the fee schedule:

1. New fees and increases to existing fees will be instituted relating primarily to physical handling and preparation items performed by NSCC for certain participants.

2. The Branch Surcharge on Listed Processing will be eliminated.

3. A minimum and maximum transaction charge will be instituted for Stock Trade Comparison and Recording activities.

4. Additional Trade Correction fees will be introduced to encourage early and accurate submissions.

5. A fee will be imposed on State Transfer Tax Processing.

6. The differences in prices between National Transfer Service In-Town and Out-Of-Town Transfers will be eliminated.

7. The discount will no longer be applied equally to all services but will be applied on multiple levels.

The proposed changes to NSCC's rate structure are consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to the self-regulatory organization in that they allow for the equitable allocation of fees and other charges among NSCC's Participants.

Inasmuch as the proposed rule change relates only to NSCC's rate structure, it does not affect the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were solicited from Participants pursuant to an Important Notice dated August 4, 1981, which Notice is attached as Exhibit 2. Out of more than 350 Participants, three chose to comment in writing. Additionally, SIAC, NSCC's facilities manager, also chose to comment in writing.

Two of the three Participants were basically concerned with the impact upon their firms of the revised fees. Comparative rate analyses were provided to both firms. In one case, the analysis indicated that the revised fees would have no significant impact and in the other case it indicated that the revised fees would have resulted in a decrease in fees. The third Participant was also concerned with the impact upon his firm but focused specifically on the options fee. He suggested that this fee be based upon volume rather than usage. NSCC explained that regardless of volume, options processing is labor intensive and that a usage fee would be more appropriate to recover costs than a fee based upon volume.

SIAC suggested that NSCC bill advisory and QT fees only to Participants with error rates in excess of an acceptable level and that NSCC should substantially increase these fees in order that Participants have an incentive to reduce their uncompared rates. NSCC advised that the trade correction fees were being raised by approximately 440% and that one of the reasons for such increase was to encourage prompt and correct trade submission. However, NSCC also advised that the rate structure is premised on cost justification thus, each Participant must be billed for the cost of each transaction processed by NSCC and a further fee increase is not warranted at this time.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 6, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 11, 1981.

George A. Fitzsimmons,

Secretary.

Attachment A.—National Securities Clearing Corporation Fee Structure

I. *Trade Comparison and Recording Service Fees*—represents the fees to enter and correct original trade data.

A. Trade Comparison:

1. Each side of each stock, warrant or right trade submitted—$.033 per 100 shares, with a minimum fee of $.066 and a maximum fee of $1.65 being applicable.

2. Each side of each bond trade submitted—$.30 per side.

B. Trade Correction Fees: [1]

1. Stamped Advisory submitted on:

a. T+2—$.20 per stamped advisory.

b. T+3—$.35 per stamped advisory.

2. Trades Deleted—$.20 both sides.

3. Add by Seller—$.20 both sides.

4. QT (Questioned Trade) and DK (Don't Know) input by non-originating party:

a. T+3—$.35 per QT/DK.

b. T+N—$.50 per QT/DK.

5. All other input after T+1 (CHC, As Of, Demand As Of, Withhold, Demand Withhold):

a. T+2—$.20 per side.

b. T+3—$.35 per side.

c. T+N—$.50 per side.

6. Demand Advisories:

a. DKed (Don't Know) or Rejected:

(1) Response on the first day the Demand Advisory appears on the contract sheets (Day 1)—no charge.

(2) Response on the day after the Demand Advisory appears on the contract sheets (Day 2)—$.35 to the responder.

(3) Response on the second day after the Demand Advisory appears on the contract sheets (Day 3)—$.75 to the responder.

b. Accepted (Stamped):

(1) Response on Day 1—$.20 to the responder.

(2) Response on Day 2—$.35 to the responder.

(3) Response on Day 3—$.75 to the responder.

c. Automatic Acceptance (No Response by Day 3)—$4.00 to the participant that failed to respond.

C. Trade recording fees will be charged as follows on those items originally compared by other parties, but cleared through NSCC:

1. Each side of each stock, warrant or right item entered for settlement, but not compared by NSCC—$.02 per 100 shares, with a minimum fee of $.04 and a maximum fee of $1.00 being applicable.

2. Each side of each bond item entered for settlement, but not compared by NSCC—$.18 per side.

D. Paper Input:

1. Each item submitted in paper form where alternate machine readable input systems do not exist (includes trade input after T+1)—$.12 per item.

2. Each item submitted in paper form where alternate machine readable input systems exist (includes T+1 trade input)—$.25 per item.

II. *Trade Clearance Fees*—represents fees for netting, issuance of instructions to receive or deliver and effecting book-entry deliveries.

A. Receipts from CNS to satisfy a long valued position [2]—$.45 per issue received.

B. Deliveries to CNS in the night processing cycle to cover a short valued position—$.45 per delivery.

C. Deliveries to CNS in the day processing cycle to cover a short valued position—$1.20 per delivery.

D. Designated valued deliveries [3] (transaction processing) entered to the clearance system through special representative procedures—$.15 per side.

E. Security orders generated [4]—$.25 per item.

F. Buy-Ins submitted—$5.00 per item.

G. Clearing Interface Exemption or Inclusion Instruction to NSCC—$.75 per item.

H. Paper Input:

1. Each item submitted in paper form where alternate machine readable input systems do not exist (includes buy-ins, interface exemptions and interface inclusions)—$.12 per item.

2. Each item submitted in paper form where alternate machine readable input systems exist (includes CNS exemptions and priorities)—$.25 per item.

III. *Delivery Service Fees:*

A. Envelope Settlement System:

1. Intra-City Deliveries (ESS):[5] Night Zone Up to 9:15 a.m.—$.35 per envelope.

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[1] Trade Correction Fees will be applied in addition to the fees charged in I.A. above.

[2] Multiple receipts made in a depository during a daily period due to partial delivery procedures as a result of timing differences will be considered as a single receipt and counted on a per-issue basis.

[3] A designated valued delivery is an instruction from a Special Representative to CNS to transfer a valued position from one NSCC participant to another participant or to a non-participant through a clearing interface.

[4] A security order, or non-CNS settling item, is an instruction to deliver or receive securities outside of the CNS system. These instructions will be generated when cleared securities are not eligible for CNS or when both parties to a transaction wish to settle in this manner. Security orders may be issued on a item-by-item basis or netted through "balance order" procedures.

[5] At the present, New York City only.

Early a.m. Zone 9:16 a.m. to 11:00 a.m.—$.50 per envelope.

Late a.m. Zone 11:01 a.m. to 11:30 a.m.—$1.00 per envelope.

Reclamations 11:31 a.m. to 2:00 p.m.—$.35 per envelope.

2. Inter-City Deliveries (IESS—$1.75 per envelope.

3. Receives—$.35 per envelope.

B. National Transfer Service (NTS)—$.55 per envelope.

C. Dividend Settlement Service (DSS)—$.15 per item.

D. New York State Transfer Taxes—$.20 per item.

E. Each item submitted in paper form where alternate machine readable input systems do not exist (includes New York State Transfer Taxes and dividend settlement input)—$.12 per item.

IV. *Other Service Fees:*

A. Correspondent Delivery and Collection Service (CDCS)[6]—$9.00 per envelope plus pass-through cost to reach locations outside of immediate local delivery areas.

B. Receive—Physical:[7]

1. Without collection (at other than primary receive location)—$.90 per item.

2. Against payment—$4.90 per item

C. Order-Outs from Clearing:[8]

1. Delivery to participant at primary receive location—$5.40 per item.

2. Delivery to participant at location other than primary receive location—$6.30 per item.

3. Collection at other than primary receive location—$9.00 per item plus cost of delivery service (ESS, IESS or CDCS).

D. Deposits to Clearing [8]—$4.50 per item.

E. Underwriting Pick-Up—$22.50 per pick up.

F. Customer Transfer in which the participant instructs NSCC to physically act on their behalf:[9]

1. Regular—$2.70 per item.

2. Legal—$5.40 per item.

3. Rush—$5.40 per item plus pass-through of any direct charges,

G. Remote Trade Comparison Handling in which the participant instructs NSCC to perform the local P&S function on behalf of the participant[10]—$.50 per reported side.

H. Options Processing Fees in which the participant instructs NSCC to act on their behalf:[11]

1. Remote trade comparison handling (P&S)—$.60 per reported side.

2. Exercise processed for the participant—$6.75 per item.

3. Exercise by exception processed for the participant—$2.25 per item.

4. Assignment processed for the participant—$2.25 per item.

I. Depository Handling Fees in which the NSCC participant instructs NSCC to act on their behalf:

1. Each physical item withdrawn from a participant's account in a depository by NSCC at the participant's request:

a. Withdrawn by order-out for pick-up at primary receive location—$.90 per item.

b. Withdrawn by order-out for pick-up at other branch location—$1.80 per item.

c. Withdrawn by order-out for delivery through a delivery service—$4.50 per item plus cost of delivery service (ESS, IESS or CDCS).

d. Withdrawn by transfer for pick-up at primary receive location—$.65 per item.

e. Withdrawn by transfer (abbreviated service, i.e., not including verification of registration and resubmission of erroneous items)—$.45 per item.

f. Withdrawn by transfer for pick-up at other than primary receive location—$1.55 per item.

2. Each physical item deposited by NSCC to a participant's account in a depository for credit to the participant in the depository's day cycle processing for the next business day—$.45 per item.

3. Each manual instruction submitted to a depository by NSCC for a participant:

a. Pledge, release—$.90 per item.

b. Book-entry movement, etc.—$.45 per item.

J. Preparation Fees:

1. Preparing DTC forms for deposits, CODs, DOs—$1.80 per item.

2. Preparing securities for delivery through a delivery service (ESS, IESS, CDCS)—$3.60 per item plus cost of delivery service (ESS, IESS or CDCS).[12]

3. Preparing securities for physical transfer, physical collateral loan or drafting—$3.60 per item.

K. Reorganizations—$10.00 per item.

L. Security Master File—$45.00 per tape as requested by participant.

M. Each item submitted in paper form where alternate machine readible input systems do not exist (includes P&S trade input and cage movements)—$.12 per item.

V. *Pass-Through and Other Fees:*

A. Participant Fees—represents the monthly fee for participation in one or more of the specified services provided by NSCC. The five services and their related base fees are:

1. Trade Processing System—$1.00 per side for the first 100 sides compared per month.[13]

2. Envelope Settlement System (ESS and IESS)—$50.00 per month.

3. Correspondent Delivery and Collection Service (CDCS)—$50.00 per month.

4. National Transfer Service (NTS)—$50.00 per month.

5. Dividend Settlement Service (DSS)—$50.00 per month.

The maximum cumulative charge for items 1 through 5—$150.00 per month.

B. Special Service Fees:

1. Commission Billing:

a. Debit—$.15 per item.

b. Credit—$.10 per item.

2. Options cage processing (daily settlement)—$300.00 per month.

3. DTC Sponsored Accounts—available to each NSCC/CNS participant who is not also a participant of DTC:

For each item delivered or received through DTC—$.75 per item plus the pass-through of all normal DTC billings assessed the sponsored account, with the exception of the monthly DTC participant fee.

Maximum charge for delivered or received items—$350.00 per month.

4. For each broker/dealer on whose behalf participants have indicated they will act as provided in NSCC Rule 3, Section 4—$5.00 per month.

5. Machine readable output fees:

a. Tape Output—$100.00 per month per tape plus $20.00 per month for each additional firm on a tape after the first.

b. Card Output—3¢ per card with a maximum of $200.00 per month for each type of output selected by a participant.

c. Service Bureau Tapes—Cost prorated.

d. Magnetic Tapes not returned—$10.00 per reel after 30 days.

6. Microfiche Reports—$3.00 per fiche.

7. Communications Services—ADP Terminal—$.05 per line keypunched.

8. Special Research—$11.00 per hour.

9. Processing cash or stock dividend claims made against the Corporation's NCC & Co. nominee by NSCC participants and others—$10.00 per record date claim.

10. Depository Handling Fees in which the participant requests NSCC to receive and submit transactions to DTC on a Bag-In and Bag-Out basis—$25.00 per month for each type of DTC transaction handled.

C. Pass-Through Expenses:

1. Transportation and Insurance:

a. Physical handling and envelope delivery service outside of New York City—Fees imposed (if any) by Bank receiving agent on valued deliveries and cost of transporting securities.

b. Identifiable insurance costs, if any, incurred in shipping securities between NSCC branch offices—Cost.

2. Communications Services:

a. Telephone—Cost + Overhead.

b. Mohawk—Cost.

3. Forms—Cost + Handling.

4. Certificate Fees incurred by NSCC to process transfers—Cost.

5. Postage costs incurred by NSCC—Cost.

VI. *Regulatory Charges:*

For those members of NYSE, ASE or NASD, their pro-rata share, on a monthly basis, of regulatory fees assessed by NYSE, ASE or NASD. Proration will be based on the value of deliveries or receipts made through CNS and the value of security orders produced. Positions cleared through special representative or interface procedures will be

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[6] Includes all physical deliveries, redeliveries and reclamations made outside of the envelope settlement system.

[7] Under instructions, NSCC will receive securities from third parties, at NSCC offices.

[8] Participants will be able to deposit or order-out securities directly to or from their account in CNS. Activities handled in this manner wil not be recorded in the participant's account on depository records and thus depository fees will not be assessed. Generally, however, these movements will be against valued positions and if so, clearance fees (II.A. or B.) will be applied.

[9] For transfers handled outside of the depository system (see IV.I.(d), (e) and (f) for depository transfers).

[10] NYSE odd-lots are excluded from this charge

[11] See also V.B.2. Options Cage Processing Fee.

[12] The stated prices for IV.C.3 and IV.I.1.c. include security preparation fees.

[13] The first 100 sides per month is based on total sides *compared* by NSCC, sides compared by other parties and forwarded to NSCC for settlement, and sides entered by special representatives through transaction processing procedures (see II.D above). It includes both stock and bond transactions and is applicable to sides settled through CNS, security order or interface processing.

considered as delivered or received. Deliveries and receipts, or portions thereof, that are the result of trading in other markets (including exercises and assignments of options) will be excluded. A minimum level of regulatory charges will be assessed at $.04 per side.

Application of Fees

With the exception of certain registered clearing agencies, all fees will be charged uniformly to all participants and collected through the settlement system if possible. Charges will not be made to registered clearing agencies for inter-clearing corporation OTC trade comparison if the agency provides its own intra-clearing corporation OTC trade comparison, or for interface processing. Fees for other standard services provided to registered clearing agencies will be the same as those charged to other participants. Special services performed for other registered clearing agencies such as intra-clearing corporation OTC trade comparison, sharing of branches, CDCS handling, etc., will be contracted on an individual basis.

[FR Doc. 81-35948 Filed 12-15-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2019]

Massachusetts; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the City of Lynn in Essex County, Massachusetts, constitutes a disaster loan area because of damage resulting from a fire beginning on November 28, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 1, 1982, and for economic injury until September 3, 1982, at: Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 16%.
Homeowners without credit available elsewhere, 8%.
Businesses with credit available elsewhere, 15¾%.
Businesses without credit available elsewhere, 8%.
Businesses (EIDL) without credit available elsewhere, 8%.

Information on recent regulatory changes (P.L. 97-35, approved August 13, 1981) is available at the above-mentioned offices.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

December 8, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-35923 Filed 12-15-81; 8:45 am]
BILLING CODE 8025-01-M-M

[Declaration of Disaster Loan Area #2018]

Texas; Declaration of Disaster Loan Area

Somervell County in the State of Texas constitutes a disaster area as a result of damage caused by flooding which occurred on October 12-17, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 8, 1982, and for economic injury until September 9, 1982, at the address below:

SBAS District Office, 1100 Commerce Street, Room 3036, Dallas, Texas 75242
SBA Branch Office, 501 West 10th Street, Room 527, Ft. Worth, Texas 76102

or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 16%.
Homeowners without credit available elsewhere, 8%.
Businesses with credit available elsewhere, 18½%.
Businesses without credit available elsewhere, 8%.
Businesses (EIDL) without credit available elsewhere, 8%.

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Public Law 96-302.

Information on recent regulatory changes (P.L. 97-35, approved August 13, 1981) is available at the above-mentioned offices.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 9, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-35922 Filed 12-15-81; 8:45 am]
BILLING CODE 8025-01-M

[SBLC No. 01/B-0026]

Creative Credit Services, Inc.; Filing Eligibility Determination as Small Business Lending Company

An application for Eligibility Determination as a Small Business Lending Company has been filed by Creative Credit Services, Inc. (Applicant), 260 Long Ridge Road, Stamford, Connecticut 06902, with the Small Business Administration pursuant to Section (1981)), promulgated under the Small Business Act.

As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns in participation with SBA, and in accordance with applicable SBA Regulations. It will be subject to supervision and examination by the SBA.

The applicant is incorporated under the laws of the State of Delaware and will commence operation with a minimum capitalization of $5,005,000.

General Electric Credit Corporation, 570 Lexington Avenue, New York, New York 10022, the parent and sole owner of Applicant's outstanding common stock, is in turn wholly owned by General Electric Company, 3135 Easton Turnpike, Fairfield, Connecticut 06431.

The Applicant intends to conduct its operations on a nationwide basis through seven (7) regional offices and to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers and Directors of the Applicant are:

Name, title and address
Bernard P. Long, Director, Chairman of Board, 7 Nearwater Lane, Riverside, Conn.
David D. Ekedahl, Director, President, 68 Hannah's Road, Stamford, Conn.
Robert I. Reich, Director, 15 Brookwood Lane, Stamford, Conn.
Richard P. Palmieri, Director, Vice President-Marketing, 273 Martling Ave., Tarrytown, N.Y.
James C. Warren, Director, Vice President-Operations, 703 Hope St., Stamford, Conn.
John R. Meehan, Vice President-Financial Analysis & Planning, 20 Mapletree Ct. Stamford, Conn.
Allen G. Thompson, Vice President, 1391 Deborah Dr., Santa Ana, Calif.
David P. Francis, Vice President, 18 Surrey Glen, Wilton, Conn.
James R. Bunt, Vice President, Comptroller, 57 Hickok Road, New Canaan, Conn.
Leo A. Halloran, Vice President-Finance, 477 Thayer Pd Rd., Wilton, Conn.
Raymond W. Martin, Vice President-Taxes, 26 Slawson Ct., Wilton, Conn.
John A. Mottalini, Secretary, 8 Harding Drive, Ridgefield, Conn.
David B. Greenwood, Treasurer, Troy Lane, Bedford, N.Y.
Barry S. Goodkin, Assistant

Treasurer-State Taxes, 5 Wedgewood Road, Trumbull, Conn.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than January 15, 1982, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, Office of Lender Relations & Certification, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Stamford, Connecticut, as well as in the four (4) regional editions of *The Wall Street Journal*, serving the area of operations of the Applicant.

(Catalogue of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: December 9, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-35921 Filed 12-15-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0405]

Unicorn Ventures, Ltd.; Issuance of a Small Business Investment Company License

On July 8, 1981, a notice was published in the **Federal Register** (46 FR 35402) stating that an application has been filed by Unicorn Ventures, Ltd., 14 Commerce Drive, Cranford, New Jersey 07016, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)) for a license as a small business investment company.

Interested parties were given until close of business July 23, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0405 to Unicorn Ventures, Ltd. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 9, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-35924 Filed 12-15-81; 8:45 am]

BILLING CODE 8025-01-M

White River Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

[Application No. 05/05-0165]

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 1981)), under the name of White River Capital Corporation, 500 Washington Street, Columbus, Indiana 47201, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Percent ownership
John H. Cragoe, 500 Washington Street, Columbus, Indiana 47201.	President, Director	[redacted]
George H. Groves, 500 Washington Street, Columbus, Indiana 47201.	Executive Vice President, Secretary/Treasurer, Director.	0
John Nash, 500 Washington Street, Columbus, Indiana 47201.	Director	[redacted]
J. Irwin Miller, 500 Washington Street, Columbus, Indiana 47201.	Director	0
Clementine Tangeman, 500 Washington Street, Columbus, Indiana 47201.	Director	0
Irwin Union Corporation, 500 Washington Street, Columbus, Indiana 47201.	Parent Company	100

Irwin Union Corporation is a one-bank holding company that has consolidated assets of approximately $248 million. Irwin Union Corporation has four other subsidiaries that deal in bank related matters.

The Applicant will conduct its operations in the State of Indiana.

The Applicant will begin operations with $850,000 of private capital derived from the sale of 500 shares to Irwin Union Corporation.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, on or before December 31, 1981 submit written comments on the proposed company to the Acting Associate Administration for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Columbus, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 10, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-35988 Filed 12-15-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Notice of rate for use in Federal cash management operations.

SUMMARY: This notice provides the percentage rate based on the current value of funds to the Treasury. This rate is required by the Treasury Fiscal Requirements Manual (I TFRM 6-8000) to be used in Federal billing, collection, and disbursement operations and is provided here as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 14.39%.

DATES: The rate will be in effect for the period beginning on January 1, 1982 and ending on March 31, 1982.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, D.C. 20226 (Telephone: 202/566-8251).

SUPPLEMENTARY INFORMATION: Revisions to I TFRM 6-8000 in June 1980, provided that the current value of funds rate would be used in assessing charges

for late payments to the Government (except where prohibited by law or where a different rule is prescribed by statute), and in determining whether it is cost-effective for the Government to avail itself of prompt payment discounts. This rate reflects the short-term value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. It should be noted that the Federal Claims Collection Standards (4 CFR 102.11) also require that interest be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6–8000.

Dated: December 11, 1981.

Irwin Faunce,

Acting Commissioner.

[FR Doc. 81–35935 Filed 12–15–81; 8:45 am]

BILLING CODE 4810–35–M

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This section contains not under the "G Act" (Pub. L 552b(e)(3).

Contents

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1

COMMODITY
Agency Mee

Pursuant "Governme U S.C. 552b) the Commo Board of Di closed exec certain mar policies:

11:55 a.m., W 4:30 p.m., Fric 4:55 p.m., We

The Gene each meetin public pursu forth in 5 U. 1409.4(a)(9).

Edward D Commodity 3088, South Agriculture, telephone (2

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COMMODITY

TIME AND DA 1981.

PLACE: Roo Building, U.S Agriculture,

STATUS: Op

MATTERS TO

1. Minutes 25, 1981; Dece 1981.

Sunshine Act Meetings

Federal Register
Vol. 46, No. 241
Wednesday, December 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C 552b(e)(3).

Contents

	Items
Commodity Credit Corporation	1, 2
Federal Deposit Insurance Corporation	3, 4
Federal Energy Regulatory Commission	5, 6
Nuclear Regulatory Commission	7

1

COMMODITY CREDIT CORPORATION

Agency Meetings

Pursuant to provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Commodity Credit Corporation Board of Directors met in the following closed executive sessions to consider certain market sensitive commodity policies:

11:55 a.m., Wednesday, November 25, 1981
4:30 p.m., Friday, December 1, 1981
4:55 p.m., Wednesday, December 9, 1981

The General Counsel certified that each meeting could be closed to the public pursuant to the exemptions set forth in 5 U.S.C. 522b(c)(9) and 7 CFR 1409.4(a)(9).

Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3088, South Building, Department of Agriculture, Washington, DC 20013; telephone (202) 447-7583.

[S-1877-81 Filed 12-14-81; 12:33 pm]

BILLING CODE 3410-05-M

2

COMMODITY CREDIT CORPORATION

TIME AND DATE: 3 p.m., December 21, 1981.

PLACE: Room 104, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Minutes of November 16, 1981; November 25, 1981; December 1, 1981; and December 9, 1981.

2. Docket WCX-213 re: Food Security Wheat Reserve.

3. Memorandum re: CCC Financial Update.

CONTACT PERSON FOR MORE INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3088, South Building, Department of Agriculture, Washington, D.C. 20013; telephone (202) 447-7583.

[S-1879-81 Filed 12-14-81; 2:23 pm]

BILLING CODE 3410-05-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 21, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Applications for Federal deposit insurance:

Summit Bank, a proposed new bank, to be located at 2969 Broadway, Oakland, California.

Dedham Institution for Savings, Dedham, Massachusetts, an operating noninsured bank.

Golden West Bank, a proposed new bank, to be located at 1609 North State Street, Orem, Utah.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,986-L—International City Bank and Trust Company, New Orleans, Louisiana

Case No. 45,008-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room of the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1881-81 Filed 12-14-81; 4:07 pm]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 21, 1981, to consider the followiong matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single-vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Bank of Powell, a proposed new bank, to be located at 104 East Main Street, Powell, Alabama.

Republic Bank & Trust Company, an inactive noninsured bank, to be located at 2897 Bardstown Road, Louisville, Kentucky.

Bristol County Savings Bank, Taunton, Massachusetts an operating noninsured mutual savings bank.

Application for Federal deposit insurance and for consent to exercise full trust powers:

The Washington Trust Company of Westerly, Westerly, Rhode Island, an operating noninsured bank.

Application for consent to establish a branch:

The Peoples Bank, Carrollton, Georgia, for consent to establish a branch at 1090 North Park Street, Carrollton, Georgia.

Application for consent to move a branch:

The Bowery Savings Bank, New York (Manhattan), New York, for consent to move a branch office from 1011 Third Avenue to 1010 Third Avenue, both addresses within New York (Manhattan), New York.

Application for consent to acquire assets and assume liabilities and to establish one branch:

The State Bank, Fort Dodge, Iowa, for consent to acquire the assets of and assume the liability to pay deposits made in Iowa State Bank and Trust Company, Dayton, Iowa, and to establish the sole office of Iowa State Bank and Trust Company as a branch of The State Bank.

Request for exemption pursuant to section 348.4(b)(3) of the Corporation's rules and regulations entitled "Management Official Interlocks":

First Security Bank of Glendale Heights, Glendale Heights, Illinois, and First Security bank of Glen Ellyn, Glen Ellyn, Illinois.

Memorandum and Resolution re: Final amendments to Part 308 of the Corporation's rules and regulations, entitled "Rules of Practice Procedures," which would (1) implement the Equal Access to Justice Act, (2) enhance agency responsiveness and capability in the conduct of administrative proceedings by delegating certain responsibilities to the Corporation's Executive Secretary and by correcting certain procedural impediments to efficient operation, and (3) establish procedures and set standards for petitions for reconsideration of denials of requests submitted pursuant to section 19 of the Federal Deposit Insurance Act.

Appeal from an initial denial of a request for records pursuant to the Freedon of Information Act.

Memorandum re: Budget of Administrative Expenses for Budget Year 1982.

Memorandum re: Budget of Liquidation Expenses for Budget Year 1982.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and Resolution re: Recommended Definition of Bank Capital to be Used in Determining Capital Adequacy.

Memorandum and Resolution re: Mandatory Accrual Accounting Guidelines for Commercial Banks and Mutual Savings Banks.

Memorandum re: Renewal of lease for office space in the building located at 1709–11 New York Avenue, N.W., Washington, D.C.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1882–81 Filed 12–14–81; 4:07 pm]

BILLING CODE 6714–01–M

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FEDERAL ENERGY REGULATION COMMISSION

December 11, 1981.

TIME AND DATE: 2 p.m., December 15, 1981.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: *PERC* v. *Grace Petroleum Corp., et al.*, D.C. Civil Action No. 81–0133 and Docket No. IN79–7.

CONTRACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

The following members of the Commission voted that agency business requires the holding of a closed meeting on less than the seven days's notice required by the Government in the Sunshine Act:

Kenneth F. Plumb,

Secretary.

[S–1876–81 Filed 12–14–81; 12:33 pm]

BILLING CODE 6717–01–M

6

FEDERAL ENERGY REGULATORY COMMISSION

December 11,1981.

TIME AND DATE: 10 a.m., December 18, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E. Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) *Florida Power & Light Co.* v. *FERC*, 5th Cir. No. 80–5259 and Florida Power & Light Co., Docket No. ER77–175.

(2) *The Process Gas consumers Group, et al.* v. *U.S. Department of Agriculture, et al.* D.C. Cir. No. 79–1336, *et al.*

(3) Inexco Oil Co., Docket No. CI81–14.

(4) Texas Sea Rim Pipleline Co., Inc., *et al.* Docket No. IN80–10.

(5) Northern Natural Gas Co., Docket No. CP81–236–001.

(6) Transwestern Coal Gasification Co., *et al.*, Docket No. CP73–212.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

Kenneth F. Plumb,

Secretary.

[S–1878–81 Filed 12–14–81; 12:33 pm]

BILLING CODE 6717–01–M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 14, 1981 (revised) and week of December 21, 1981.

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Tuesday, December 15

1:30 p.m.: Briefing by Executive Branch (approximately 1 hour) (closed meeting)

2:30 p.m.: Discussion of Export Licensing Policy (closed meeting) (as announced; time changed)

Wednesday, December 16

10:30 a.m.: Oral Presentations and Possible Vote on Clinch River Breeder Reactor (public meeting) (postponed from December 11)

2:00 p.m.: Discussing of Policy and Planning Guidance (public meeting) (tentative) (as announced)

Thursday, December 17

3:00 p.m.: Affirmation/Discussion Session (public meeting). Items to be affirmed and/or discussed:

a. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance (postponed from December 10)

b. Proposed Amendment to 10 CFR Part 50, Appendix E, Frequency of Emergency Preparedness Exercises (tentative)

c. Final Amendments: (A) to 10 CFR Part 50, Appendix E, Delaying Implementation Date for Prompt Notification Systems, (B) to 10 CFR 50.54(s)(2), Clarifying Four-Month Extension

d. Issuance of Notice of Hearing in Civil Penalty Action

Monday, December 21

9:30 a.m.: Discussion of Information Flow During TMI Accident (approximately 1 hour) (public meeting)

10:30 a.m.: Staff Briefing on TMI-1 Restart (approximately 1 hour) (public meeting)

11:30 a.m.: Briefing on Contested Matters in TMI-1 Restart Proceeding (closed meeting)

2:00 p.m.: Discussion of Operational Data Evaluation (public meeting)

Tuesday, December 22

10:00 a.m.: Briefing on Status and Plan for Severe Accident Rulemaking (public meeting)

3:00 p.m.: Affirmation/Discussion Session (public meeting). Items to be affirmed and/or discussed:

a. Revised General Statement of Policy and Procedure for Enforcement Actions

b. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants"

c. Final Rule for Pending CP/ML Applications

d. Export and Import of Nuclear Equipment and Material: Proposed Amendments to NRC's Regulations

e. Proposed Rule Change on Technical Specifications

f. Review of Order Concerning Sua Sponte Issues (in the Matter of Texas Utilities Generating Company, et al.)

ADDITIONAL INFORMATION: Discussion of Congressional Testimony, scheduled for December 10, was cancelled. Affirmation of Review of Director's Decision on 2.206 Petition (Florida Power and Light Company), scheduled for December 10, was cancelled. Discussion of FY 83 Budget, also scheduled for December 10, was cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

December 10, 1981.

Walter Magee,

Office of the Secretary.

[S-1680-81 Filed 12-14-81; 8:45 am]

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federal register

Wednesday
December 16, 1981

Part II

Department of the Interior

Bureau of Land Management

Proposed Amendments to Coal Management Program Regulations

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3400, 3410, 3420, 3430, 3440, 3450, 3460 and 3470

Coal Management; Federally Owned Coal; Amendments to Coal Management Program Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would eliminate burdensome, outdated and unneeded provisions of the existing coal management regulations. The proposed specific amendments to the existing regulations resulted from public comments requested by the Secretary of the Interior and from an extensive review of the coal management program by the Bureau of Land Management and Department of the Interior personnel.

DATE: Comments by February 16, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m. to 4:15 p.m.) on regular business days.

FOR FURTHER INFORMATION CONTACT:

Monte Jordan, (202) 343–4636, or Robert C. Bruce, (202) 343–8735.

SUPPLEMENTARY INFORMATION: In February 1981, as part of the effort to streamline the Department of the Interior regulations and reduce the burden imposed on the public by unneeded regulations, the Secretary of the Interior asked the public and agencies of the Department of the Interior to identify those regulations that were burdensome or counterproductive so they could be reviewed for revision or elimination. Many of the comments from the public identified areas of the coal management regulations in 43 CFR Group 3400 that were published in the **Federal Register** on July 19, 1979 (44 FR 42609), as needing revision or elimination. Additional recommendations were identified in the ongoing Department of the Interior review of the coal management program. This proposed rulemaking and the changes it would make in the coal management program reflect the public comments and the Department's review of the coal program, and indicate revised policies for some components of the program. The public comments submitted in response to the request by the Secretary of the Interior are available for review as are the comments on the proposed rulemaking at the address set out above.

This proposed rulemaking has been coordinated with the proposed changes in Title 30 Code of Federal Regulations, Part 211, Coal Exploration and Mining Operations published elsewhere in this **Federal Register**. These two sets of proposed rules have been crossreferenced as part of a comprehensive revision of the Federal coal program.

Subpart 3400—Introduction—General

The proposed rulemaking would delete § 3400.0–4, Responsibilities, in its entirety. The section, which contains guidance for the various bureaus that participate in the management of Federal coal, is considered repetitive and unnecessary in that it repeats instructions and guidance furnished in other parts of the coal management program regulations and the regulations of the U.S. Geological Survey, Office of Surface Mining and Fish and Wildlife Service. This guidance is also set out in several memorandums of understanding among the agencies, including the Memorandum of Understanding, Bureau of Land Management—Geological Survey—Office of Surface Mining, Mangement of Federal Coal.

In § 3400.0–5, Definitions, several terms would be deleted, clarified or revised. One change would be a revision of the definition of the term "bypass coal" in paragraph (d). The amended definition would more appropriately related to an existing mining operation rather than to the administrative term "logicial mining unit."

Another change would delete the word "nontransferable" from the definition of the term "certificate of bidding rights" in paragraph (f). The transferability or nontransferability of a certificate, along with the applicable standards, would be contained in the certificate itself as part of the its terms and conditions. This change would allow a more effective market allocation of resources when, for instance, a certificate of bidding rights is granted in exchange for a coal lease for lands which the Secretary of the Interior determines are inappropriate for mining.

The term "coal resource economic value" in paragraph (h) would be deleted because the Department of the Interior's revised policy no longer requires determination of a coal resource economic value in the determination of fair market value and minimum acceptable bids for coal leases.

Paragraph (i) "commercial quantities," paragraph (j) "continued operation," and paragraph (m) "diligent development" would be deleted from the existing regulations in 43 CFR Part 3400. The proposed revision of 30 CFR Part 211, Coal Exploration and Mining Operations rules cross-reference the Department of Energy rules proposed for diligence to be promulgated at 10 CFR Part 378. The authority to promulgate rules on diligence was transferred to the Department of Energy by the Organization Act of 1977 (42 U.S.C. 701 et seq.). The deletion of these provisions from these 43 CFR Part 3400 rules will not become effective until final rulemaking has been promulgated by the Department of Energy.

The definition of the term "contiguous" contained in paragraph (k) would be deleted in its entirety and addressed in 30 CFR 211.2.

The term "exploration" in paragraph (p), renumbered paragraph (k), would be amended to be identical to the proposed 30 CFR 211.2 rules, and would clarify that data are necessary concerning the strata below the coal deposits as well as the overburden and strata above the coal deposits.

The definition of the term "Federal lands" in paragraph (t), renumbered paragraph (o), would be amended to remove any doubt that the term includes Federally-owned surface estate as well as mineral or coal estate, regardless of what Federal agency manages the lands. In some instances, such as some lands under the administration of the U.S. Forest Service, the coal estate under Federally-owned surface is privately-owned.

The definition of the term "interest" in paragraph (v), renumbered paragraph (q), would be amended by the addition of language that would make it clear that interests held by stock ownership or stock control are excluded from this definition. However, attribution of acreage to stock ownership interets in leases is cross-referenced to § 3472.1–3(b) of these regulations.

Paragraph (w) that defines the term "intertract bidding competition" would be deleted. While the intertract bidding system has not been used, it is possible that an intertract sale procedure would be applied experimentally in a future regional coal lease sale. In any case, the Department of the Interior believes that the concept has been mischaracterized as a bidding system and is rather a sale procedure which can be used at the discretion of the authorized officer.

The definition of the term "known recoverable coal resource area" (KRCRA) in paragraph (x) would be deleted. Known recoverable coal resource areas had been established to

identify Federal lands with economically or potentially economically recoverable coal. It has been determined that land use planning and coal activity planning should not be restricted to these areas because potentially economic coal may exist beyond the boundaries of known recoverable coal areas. The delineation of an area as a known recoverable coal resource area is no longer needed in order to consider Federal coal lands for leasing through the Federal coal program.

The definition of the term "lease" in paragraph (y), renumbered paragraph (r), would be shortened and simplified by the deletion of unnecessary language.

The proposed rulemaking would amend the definition of the term "lease bond" in paragraph (z), renumbered paragraph (s), to clarify the extent of the coverage of a lease bond.

The definition of the term "logical mining unit" (LMU) in paragraph (cc), renumbered paragraph (v), would be revised to exclude the word "coal" from the phrase "area of coal land." This would eliminate the implication that all lands within a logical mining unit must be underlain by coal. The new language of the revised definition would make it clear that a logical mining unit is an area of lands that can be developed and mined for coal in an efficient, economical and orderly manner and may include some lands not underlain either by any coal, or by recoverable coal, as long as the entire area is part of an efficient mining unit. Additionally, the deletion of the language relating to whether the LMU was approved before or after August 4, 1976, as well as clarification of the 40-year time frame for reserve exhaustion after production of coal commences would conform these regulations to the Federal Coal Leasing Amendments Act. These changes would allow the operator more flexibility in mining operations.

The definition of the term "Logical Mining Unit reserves" in paragraph (dd), renumbered paragraph (w), would be revised and cross-referenced to the appropriate provisions of the proposed 30 CFR Part 211 regulations.

The term "maximum economic recovery" or "MER" defined in paragraph (ee), renumbered paragraph (x), would be revised to conform to the definition and provisions in the proposed 30 CFR Part 211 regulations.

The definition of the term "mining method evaluation" contained in paragraph (ff) would be deleted since this process is part of the maximum economic recovery determination.

The definition of the term "mining plan" in paragraph (hh), renumbered paragraph (z), would be revised to refer to the proposed definition in 30 CFR 211.10(b). The revised definition in 30 CFR 211.10(b) would provide for a resource recovery and protection plan to be the 3-year submittal required by section 7(c) of the Mineral Leasing Act of 1920, as amended. A mining operation cannot commence without an approved resource recovery and protection plan as part of the mine permit application package which would also contain the reclamation plan required by the Surface Mining Control and Reclamation Act. The lease as well as the approved resource recovery and protection plan and reclamation plan would require compliance with all applicable laws and regulations.

The term "Mining Supervisor" in paragraph (ii), renumbered paragraph (aa), would be changed to reflect new Geological Survey organization.

The term "operator" in paragraph (kk), renumbered paragraph (cc), would be clarified to identify the licensee as a person authorized to act under an exploration license and not under a license to mine coal.

The term "participant" in paragraph (ll), would be deleted since use of the term in the regulations is clear without its having to be specifically defined.

The language in paragraph (mm), renumbered paragraph (dd), would be clarified to make the definition of "permit" more understandable.

The definition of the term "qualified surface owner" contained in paragraph (pp), renumbered paragraph (gg), would be amended to clarify that the person or persons owning majority stock in a corporation must meet all the other requirements of the definition to be considered a qualified surface owner.

Excess wording would be deleted from the definition of the term "Secretary" in paragraph (rr), renumbered paragraph (ii). The deleted words are not needed because the Secretary of the Interior's authority to delegate covers the situation.

The definition for "surface management agency" in paragraph (ww), renumbered paragraph (nn), would be amended to clarify Federal management jurisdiction of split estate coal lands.

The definition of the term "Surface Mining Officer" in paragraph (xx), renumbered paragraph (oo), would be revised to cross-reference the appropriate regulatory authority specified in 30 CFR Chapter VII.

Section 3400.1, regarding multiple development, would be amended to add a new paragraph (b) stating that the presence of other minerals or the issuance of other mineral leases would not preclude the exploration, leasing or development of coal deposits in those same lands. This change would mean that the prospecting for, development of or production of other minerals would not preclude the granting of a coal exploration license, license to mine or lease, and that coal exploration and development would not preclude other mineral activities. For example, coal leasing and development can be compatible with oil and gas development in the same areas if there are suitable stipulations for simultaneous operations.

Section 3400.4, which concerns Federal-state governmental cooperation, would be reorganized, condensed and clarified to focus on the establishment and responsibilities of the Federal-state regional coal teams. The changes would not significantly alter the role of the regional coal teams. The teams would continue to perform their functions of guiding leasing efforts and serving as an overall forum for regional coal program issues. The language deleted from paragraphs (b) and (c) of § 3400.4 would be moved to Subpart 3420, Competitive Leasing, to be incorporated in the appropriate sequential stages of the regional coal activity planning process.

The first sentence of paragraph (e), renumbered paragraph (d), which states that public participation in the regional coal team proceedings is not limited to the designated representatives, is deleted. This sentence is unnecessary because the meetings of the regional coal teams are open to the public in accordance with the Federal Advisory Committee Act, and other representatives of Federal and State agencies may also participate as appropriate. Paragraph (e), renumbered paragraph (d), would also be amended to allow rather than require participation to be solicited from Federal and State agencies with special expertise. This change would provide flexibility in the extent of participation by agencies with special expertise, particularly from agencies outside the Department of the Interior, and would serve to reduce the number of regional coal team advisors and thereby increase team effectiveness.

Paragraph (f) would be renumbered paragraph (e), and a new paragraph (f) would be added to § 3400.4 that makes it clear that the regional coal teams function under the Bureau of Land Management's cooperative relations advisory committee provisions provided in 43 CFR Subpart 1784.

The proposed rulemaking would add a new § 3400.5 which authorizes the Bureau of Land Management to

establish coal production regions for the purpose of setting coal leasing levels and for other coal management purposes. This new section contains language from § 3420.3 of the existing regulations which has been substantially revised in this proposed rulemaking. The new section places the coal production region provisions in a more appropriate location in the regulations and makes the description of the leasing process more orderly and easier to understand.

Subpart 3410—Exploration Licenses

Subpart 3410, Exploration Licenses, would be amended to reduce the administrative burden involved in processing an application, including unnecessary consultation requirements and ground-water studies.

The deletion of § 3410.0–4, Responsibilities, from the existing regulations would be consistent with the earlier removal of § 3400.0–4. This section is repetitive and contains guidance that is more properly a part of the manuals of the participating bureaus.

The deletion of the phrase "for other than commercial purposes" in § 3410.1–2(b) would eliminate redundant language since "casual use" is clearly defined in § 3400.0–5(e) of this title.

The provisions of § 3410.2–1(b) that specify persons qualified to hold an exploration license would be eliminated. This provision is not required by law. While admitting there is little incentive to explore for Federal coal if one cannot hold a lease, qualifications of an individual or a company should not be of concern to the Federal government at the exploration license stage.

Language would be added to § 3410.2–1(d)(1), renumbered § 3410.2–1 (c)(1), to require and clarify in the "Notice of Invitation" the locations where copies of exploration licenses are available for inspection by interested parties or potential participants.

The requirement in § 3410.2–2 for environmental impact statements, where needed, would be eliminated since it is redundant. It is extremely unlikely that an environmental impact statement would be needed, given the Congressional mandate that no substantial disturbance occur during exploration. Should the environmental assessment result in a determination that an environmental impact statement is required, the statement would be prepared under existing Department of the Interior procedures, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

The language of § 3410.2–6 would be placed in § 3410.2–2(a) of the proposed rulemaking. No substantial disturbance to the natural land surface and improvements can be allowed during exploration under the Mineral Leasing Act (30 U.S.C. 201(b)). Similarly, the requirements of § 3410.2–3 concerning cultural resources and § 3410.2–4 concerning threatened or endangered species and their critical habitats would be moved to the revised § 3410.2–2(a).

In § 3410.3–1(e) the word "revoked" would be changed to the word "cancelled" which is the proper term for action against the exploration licensee. Section 3410.3–1(f) would be shortened by eliminating repetitive requirements contained in the subsequent paragraph (g). The proposed deletions would not affect consultation with any Federal agencies which manage the surface or the licensee's right of refusal of the modified terms and conditions of the plan.

The clause immediately following subparagraph (2) in § 3410.3–1(g) would be amended to allow the Geological Survey to authorize the operator to drill deeper than planned without a full round of consultation. Consultation would no longer be required by paragraphs (g)(1) and (2) and would occur only where a change in plans would lead to altered surface impacts that would necessitate consultation with the Bureau of Land Management or another surface management agency. Required consultation, such as with the Fish and Wildlife Service in accordance with 50 CFR Part 402, would occur in accordance with other existing regulations.

The language of § 3410.3–4(a) would be moved to § 3410.2–2 as a new paragraph (b), and the existing language of § 3410.3–4(b) would be placed where it more appropriately belongs, as a part of § 3410.2–2(a), to address environmental analysis requirements.

Section 3410.3–4(c) would be deleted, and § 3410.3–5(c), renumbered § 3410.3–4(c), would be revised to eliminate references to consultation with surface owners with respect to bonding. These revisions would delete the requirement that each surface owner concur in the amount of the reclamation bond and that reclamation has been satisfactorily completed before the authorized officer can release the bond on an exploration license for split estate coal. The existing rule has, in effect, "delegated" to the surface owner the Federal responsibility to determine the bond amount as well as whether the terms of the license have been met and whether the bond should be terminated. This "delegation" is not required by law. Consultation with surface owners is unnecessary as a formal step. Consultation may occur informally during field work on the license application, but is not essential in all cases.

The chief responsibility for dealing with private surface owners rests with the exploration license applicants. Additionally, the proposed rulemaking would provide for the Geological Survey's concurrence in release of the bond to make the rule consistent with the Bureau of Land Management-Geological Survey-Office of Surface Mining Memorandum of Understanding that was executed after the July 1979 rules were issued.

The requirements in § 3410.3–5(b) and (c), renumbered § 3410.3–4(b) and (c), for a full round of consultation with the surface management agency would be removed. Where significant changes in a plan would affect any other agency, consultation would occur with that agency as required under existing Department of the Interior procedures.

Language also would be added near the end of § 3410.3–5(b), renumbered § 3410.3–4(b), to protect surface owners, in the absence of an agreement between a surface owner and a licensee, by requiring bonding to assure proper compensation for damages which might occur to the surface improvements of private surface owners because of exploration activity.

The provision in § 3410.4(a) for the authorized officer to require the applicant to collect ground and surface water data would be deleted. The language of the existing regulations exceeds the requirements of the Federal Coal Leasing Amendments Act of 1976. Although this change does not preclude the authorized officer from requesting this information, its collection will be voluntary under the proposed amendment. Failure of the applicant to comply with the request would not be grounds for rejecting the license application. The change proposed in § 3410.4(b), renumbered section 3410.4, would allow more flexibility in the manner in which data obtained from the exploration activity would be provided by the licensee to the Mining Supervisor.

Section 3410.5(a) would be deleted because limitations on the use of the surface are included as a provision in all exploration licenses issued by the Bureau of Land Management. Inclusion of this provision in the regulations is therefore unnecessary. The specific citation of regulations in § 3410.5(c), renumbered § 3410.5(b), would be deleted since this is covered by the requirements in the exploration license for compliance with all applicable local laws and regulations.

Subpart 3420—Competitive Leasing

This subpart of the existing regulations would be revised to consolidate or modify features of the program that have added to its complexity without adding to its effectiveness.

New language in § 3420.0–2 would express more clearly the objectives of the competitive leasing program. Section 3420.0–6, *Policy,* would be eliminated because it repeats statements of policy found elsewhere in these regulations.

Section 3420.1–1 that sets out general competitive leasing procedures would be deleted because the procedures are dealt with in more detail elsewhere in Subpart 3420.

A new § 3420.1–2 would be added to provide for a formal call by the Bureau of Land Management for coal resource information for indication of interest and areas of development potential prior to the initiation or update of a land use plan. This reflects a new Department of the Interior policy to obtain indications of coal interest and information from industry, State and local governments and the general public early in the planning process consistent with the general policy of obtaining information for all resources. The formal call may be combined with the notice of intent to conduct land use planning required by 43 CFR 1601.3(g) or with the land use planning issue identification process provided for at 43 CFR 1601.5–1.

Inclusion of this new provision would respond to a concern often raised by critics of the coal program that industry input is requested too late in the process. Since the existing rules were published on July 19, 1979, the Department has been made aware of instances where companies have identified potential coal lands after land use planning was already either well under way or completed. These company-identified lands might have been considered for coal leasing had information been available early in the land use planning process. In some cases, companies were interested in recovery techniques not normally considered by the Bureau of Land Management or the Geological Survey, such as *in situ* gasification. Companies interested in having the Bureau of Land Management consider particular properties during the land use planning process may also identify these interests throughout the standard public participation phases of the land use planning process. However, a formal request for submission of coal resource information rather than an optional submission will help ensure that all available information is considered before land use planning decisions are made. There will continue to be a formal call for expressions of leasing interest upon completion of land use planning prior to tract delineation during the coal activity planning as set forth in subpart 3420. Information received in response to the early call for coal resource information may be used together with data received in response to the later call for expressions of interest to estimate market demand for coal reserves and to better approximate desired regional leasing levels.

The existing § 3420.1–3 which requires that leasing occur only within known recoverable coal resource areas would be removed from the regulations. This requirement is no longer necessary as discussed previously in regard to the deletion of the definition in § 3400.0–5(x).

Section 3420.1–4(b)(1)(ii), renumbered § 3420.1–3(b)(1)(ii), would be revised to state that a public body has 60 days to submit the information specified in § 3472.2–5(a)(3) and (4) showing a definite plan to produce energy from the prospective lease and evidence that the plan has been authorized by its governing body. This would change the existing requirement for submittal of this specific qualification information at the same time as the submission of an expression of leasing interest or a lease bid where no expression of interest was made.

Sections 3420.1–5, 3420.2, 3420.2–1, 3420.2–2 and 3420.2–3 all would be condensed and revised in renumbered § 3410. 1–4 to state more clearly the requirements for land use planning in Federal coal land areas. Portions of each of these sections are repetitive of the detailed land use planning requirements set forth in 43 CFR Part 1600, Planning, Programming, Budgeting, Subpart 1601—Planning. They are unnecessary here and would be deleted.

Section 3420.1–5(e) which states the requirements for land use planning for Federal coal lands would be deleted. The land use planning regulations in 43 CFR Part 1600 provide the specific requirements for the initiation and preparation of land use plans for all lands administered by the Bureau of Land Management. The Department of the Interior does not believe that specific separate regulations are needed here for coal lands.

The lanaguage in § 3420.1–5(f), renumbered § 3420.1–4(c), would be modified to clarify the procedures under which the public may request preparation of a land use analysis for coal related uses in an area of Federal lands not covered by a completed or scheduled land use plan.

Section 3420.2–1, Preparation of a land use plan, is repetitive of the requirements of § 3420.1–5(b)(1), and would be deleted.

Section 3420.2–2, renumbered § 3420.1–4(d), would be amended to state that the land use plan or land use analysis must contain an "estimate" of the amount of recoverable coal reserves rather than an "assessment". The term "assessment" as used in the existing regulation has a broader meaning than intended.

Section 3420.2–3(a), renumbered § 3420.1–4(d)(1), would be amended to eliminate the requirement for a stringent, sequential application of the land use planning screening procedures. This would give the Bureau of Land Management field offices more flexibility in the use of their limited budget and personnel resources.

New language in § 3420.1–4(d)(2) would be added to replace § 3420.2–3(b). This new section would eliminate reference to the Geological Survey's coal resource-occurrence and coal development potential (CRO/CDP) maps. This map series has been discontinued by the Geological Survey. In the future, the Geological Survey will be supplying coal information, including information concerning development potential, to the Bureau of Land Management in the best form available at the time it is needed. This would include a synthesis of the information supplied by coal companies, State governments and the general public to the Geological Survey. This new approach would also involve the use of less formal maps than are now prepared specifically for the Bureau of Land Management offices for use during land use planning. The new section would also eliminate the approach currently used to identify "high and moderate" development potential coal. It is clear from comments received from companies and individuals that the Geological Survey CRO/CDP maps and the Bureau of Land Management inventory maps have not necessarily included all the information on coal with the potential for development in the planning areas. By this amendment, industry, State and local governments and the general public would be afforded an opportunity to bring areas with coal development potential to the attention of the planners to ensure that coal lands of economic interest to industry would be considered during the land use planning process. Industry information would be submitted to the Bureau of Land Management field office

actually doing the planning, usually a district or area office.

Section 3420.2–3(d), renumbered § 3520.1–4(f), would be amended to make multiple land use planning trade-offs in coal land areas discretionary rather than mandatory by changing "shall" to "may." While protection of other resource values which are of a locally important or unique nature not covered by the unsuitability criteria may, in some instances, warrant elimination of coal lands from further consideration, there would be no absolute requirement to eliminate these additional areas.

Section 3420.2–3(e)(3)(i), renumbered § 3420.1–4(g)(3)(i), would be revised to clarify that areas that have been eliminated from consideration for leasing because a significant number of qualified surface owners have expressed a preference against surface mining may be reconsidered for leasing as a result of a change in the qualified surface owner status at the time a land use plan is amended.

Section 3420.2–3(f), relating to thresholds, would be deleted. There has been continuing confusion over how the thresholds should be applied. The concept was designed to prevent land use planners from arbitrarily eliminating specific areas of coal lands when they were actually concerned with ensuring that a specified acreage, whose location was unimportant, from within a larger area, be reserved for a particular purpose as part of land use planning decisions. While this may be a conceptually useful tool, it has not proven practical for land use managers. Since actual practice to date has shown no real need for the use of the threshold concept, it would be eliminated to avoid further confusion.

Section 3420.2–3(g) would be eliminated since the concept of preferred areas for coal development has not been found useful by the Bureau of Land Management field offices. In no instance has a field office needed to specify any smaller acreage of lands for priority consideration from any total area that was found acceptable for further consideration for coal leasing.

Parargraph (a) of § 3420.2–4, renumbered § 3420.1–5, concerning hearing requirements, would be amended to require public notice, and paragraphs (b) and (c) would be deleted since the hearings must be conducted in conformance with the planning regulations in 43 CFR Part 1600 to fulfill this requirement.

Section 3420.2–6, renumbered § 3420.1–7, would be amended by deleting unnecessary and redundant language regarding the purpose of consultation with the tribal governments.

The procedures governing the establishment and use of regional production goal and leasing targets contained in § 3420.3, renumbered § 3420.2, would be extensively amended by this proposed rulemaking. Actual experience in six coal regions has shown that the system for setting production goals and leasing targets is too long and complex. The process outlined in the existing regulations contains duplication of effort and unnecessary steps. The revision would reduce the complexity of the regulatory process, while retaining the essential elements of reliance upon Governors of affected States for advice concerning appropriate generally stated leasing levels which consider socio-economic and environmental impacts, and of the demand for coal reserves. The term "leasing target" would be replaced by "leasing levels" because the term "target" implies a precision not possible in actual practice. The proposed change also would explicitly allow leasing levels to be expressed as a range of values. The proposed rulemaking reflects the intent that the leasing levels would set a tonnage range as a basis for the proposed action in the regional coal lease sale environmental impact statement.

The section concerning establishment of the coal production regions would be moved to § 3400.5, because the coal regions apply to concerns other than leasing levels.

Experience has shown that the techniques of estimating demand and production and subsequent leasing levels require both market knowledge and forecasting tools. When the provision was originally considered, it was expected that the production goal modeling done by the Department of Energy could be used in all of the coal regions to accurately estimate coal demand as a basis for setting leasing targets. Since that time, the Department of Energy has strongly cautioned the Department of the Interior that the production goals should not be used in this manner. The Department of Energy has emphasized that production goals should only be one guide in establishing leasing levels.

Previous Department of the Interior policy sought to tie leasing targets closely to demand and supply estimates. That policy is felt is to be anticompetitive and inflationary. The Department has established a new policy that leasing levels should be approximated, using estimates of the demand for *reserves* rather than *production*. By moving toward a more market-oriented approach to approximating leasing levels, anticompetitive and inflationary effects should be minimized. The leasing levels set by the Department of the Interior would assure that adequate Federal coal would be offered for leasing to satisfy demand for coal reserves with the least costly available coal, including environmental cost, and that adequate competition among coal producers would be encouraged so as to have no adverse effect on coal prices. The exact process that would be used at any given time to estimate leasing levels for any one region would be based on the available data and the current situation in the specified coal region.

The Secretary of the Interior would continue to consult with the Secretary of Energy with regard to the requirements of the Department of Energy Organization Act concerning production goals. The requirement for holding hearings on the Department of Energy production goals has proven to be duplicative, since that Department holds public comment periods on the preliminary goals. The regional coal team hearings on the goals have been an inefficient use of time and effort. The Secretary of the Interior would also continue to consult with the Attorney General to ensure that leasing levels are sufficient to promote competitive coal markets. The details of interagency consultation are more appropriate for inclusion in interagency agreements, rather than Department of the Interior regulations.

The Secretary of the Interior would continue to consult with the Governors of affected states regarding leasing levels and projected social and environmental impacts. The requirement for consultation with the Indian tribes regarding regional leasing levels would also be retained in recognition of the interrelationships of Federal and Indian coal leasing in certain coal production regions.

The regional coal teams would continue to provide general information to the Department of the Interior on the ranges of coal tonnage that could be provided through the coal activity planning process, based on information from land use planning and from the industry expressions of leasing interest and the tract delineation phases of the coal activity planning process. The proposed rulemaking would provide for broadly defined ranges of initial regional leasing levels prepared under the direction of the regional coal teams. The teams would be the forum through which initial leasing level

recommendations are transmitted to the Secretary.

The distinction between preliminary and final leasing targets has been confusing, since many people have incorrectly interpreted the final target as the final decision made by the Secretary of the Interior for the regional lease sale schedule. The proposed rules provide that the range of leasing levels would be used to guide coal activity planning and would be the basis for the proposed action for analysis in the regional coal lease sale environmental impact statement. The requirement for an exact equivalence between the target and the proposed action would be eliminated since the specific tracts that would be available could almost never be arranged to exactly equal the tonnage of a final target. The essential concept of using the leasing level chosen by the Secretary of the Interior as the key to arranging the alternatives in the environmental impact statement would be unchanged.

Finally, the proposed rulemaking would clarify that the Secretary of the Interior's lease sale schedule decision would not be bound by the leasing level set earlier in the coal activity planning process. At the time of a sale decision, the Secretary would have the complete results of the activity planning, including the final environmental impact statement, as well as the results of the consultations with the affected state Governors and, where applicable, other surface management agencies and Indian tribes. These final results, which would not be available at the time the leasing level is established, would provide to the Secretary any new information pertinent to the final decision on a regional lease sale schedule.

The overall revision of § 3420.3, renumber § 3420.2, would delete § 3420.3–4 that calls for updates, in the form of environmental assessments, to the Federal coal program environmental impact statement in certain circumstances. The Department of the Interior has determined that this section needlessly restricts its flexibility in meeting the mandate of the National Environmental Policy Act (42 U.S.C. 4331 *et seq.*).

The language in § 3420.4, renumbered § 3420.3, concerning coal activity planning would be extensively reorganized and revised to set forth each step of the process in its most logical order.

Section 3420.4–1, renumbered § 3420.3–1, would be modified by adding a new paragraph (c) that contains the provision now contained in § 3400.4(b) and discusses the coal activity planning responsibilies of each regional coal team. The last sentence of § 3400.4(b) would not be included in the new paragraph since it is already understood in the description of the regional coal team functions that each team member, if desired, may suggest a specific regional lease sale alternative for analysis in the environmental impact statement composed of delineated tracts of preference based on the tract ranking and selection results. This provision would become part of the tract ranking process provided in § 3420.4–4, renumbered § 3420.3–4.

Section 3420.4–2(a), renumbered § 3420.3–2(a), would be modified to eliminate the reference to the regional production goals and leasing targets. This change would be consistent with the revision to § 3420.3 concerning the regional leasing levels.

The last sentence of § 3420.4–2(b) and all of § 3420.4–2(c) would be deleted. These provisions relating to the call for expressions of leasing interest are not necessary as part of the regulatory requirements and would be maintained in Bureau of Land Management instruction memoranda and manuals.

The language in § 3420.4–2(d) relating to special leasing opportunities is repetitive of the provisions set forth in § 3420.1–4 and would be eliminated. Additionally, the level of information requested as part of the call for expressions of leasing interest in § 3420.4–2(e) is contained in the call itself and would be deleted. The information requirements would instead be provided by Bureau of Land Management instruction memoranda and manuals.

The revision of § 3420.4–3, renumbered, § 3420.3–3, would eliminate unnecessary detail relating to technical factors for actual tract delineation. These factors would continue to be maintained in the form of internal instruction memorandums and manuals. Sections 3420.4–3(a), (b) and (c) would be replaced by a new § 3420.3–3(a). The substitute language would make it clear that preliminary tracts could be delineated in areas acceptable for further consideration for leasing regardless of whether any expressions of leasing interest have been received in such areas. This approach is an important concept that provides greater flexibility in the coal management program and assures that future Federal coal needs can be anticipated.

Section 3420.4–4, renumbered § 3420.3–4, concerning tract ranking, selection and scheduling, would be reorganized to consolidate appropriate provisions from §§ 3400.4, 3420.4–5 and 3420.4–6. This consolidation would provide a more coherent description of the coal activity planning and environmental impact statement steps. The new § 3420.3–4 caption would be revised to include "environmental analysis" as well as regional tract ranking, selection and scheduling. Section 3420.4–5 would be deleted in its entirety.

Section 3420.4–4(a), renumbered § 3420.3–4(a), would be amended to remove the requirement for establishing a final leasing target prior to beginning tract ranking. The experience gained under the existing coal program regulations has shown that tract ranking can proceed without the establishment of a leasing target or a leasing level. This revised section would also incorporate the provisions of § 3420.4–4(b)(1), in renumbered § 3420.3–4(a)(1), to state that a regional coal team ranks the tracts in classes of high, medium and low desirability for leasing. The tract selection requirements would be consolidated in the revised § 3420.3–4(b), separate from the tract ranking requirements.

The last sentence of § 3420.4–4(b)(1) would be eliminated, since the regional coal team may defer ranking any delineated tract if it believes the available data for all factors of concern are not sufficient. This type of procedural guidance would be maintained through internal Bureau of Land Management instruction memoranda and manuals.

Section 3420.4–4(b)(3), renumbered § 3420.3–4(a)(3), would be rewritten to state more clearly the regional coal team's reliance on the expertise of appropriate Federal and state agencies. Section 3420.4–4(b)(4), renumbered as § 3420.3–4(a)(4), would be amended to make clear that recommendations are to be requested from the Bureau of Indian Affairs, as well as the affected Indian tribes concerning any likely impacts of Federal leasing on Indian lands.

Section 3420.4–4(c)(1), renumbered § 3420.3–4(b)(1), would incorporate the provisions contained in § 3420.4–4(c)(3) that the regional coal team shall select tract combinations to approximate the regional leasing level. The revised language would require the team to select at least once combination of tracts to approximate the regional leasing level, consistent with the revised Department of the Interior policy. The team could also select tract combinations representing alternative leasing levels. This change would delete the requirement for the exact matching of the tonnage of one combination of tracts to meet a target, and would allow

more flexibility in approximating the regional leasing level.

"Emergency leasing" would be substituted for "bypass" situations in § 3420.4–4(c)(2), renumbered § 3420.3–4(b)(2), to broaden the considerations used by the regional coal team for tract ranking and selection. This revision would allow for production maintenance needs as defined in § 3425.1–4(a)(2) of this title, an inadvertent limitation in the existing rules.

Section 3420.4–4(c)(4), concerning compliance of tract selections with the land use planning provisions, repeats the requirements previously stated in § 3420.1–5 and would be deleted.

The procedural requirements concerning a notice of intent to rank tracts stated in § 3420.4–4(d) would be deleted and made part of Bureau of Land Management internal instruction memorandums and manuals. Such a notice of intent would be combined with the public notice of the regional coal team meeting where tract ranking would take place.

Section 3420.4–5(a) and (b), concerning environmental analysis requirements, would be revised and moved to follow § 3420.4–4(c)(3), now incorporated with § 3420.3–4(b)(1). This revised section, renumbered § 3420.3–4(c), would place the environmental impact statement provisions in a more logical sequence directly following the provisions for the tract ranking and selection process.

Section 3420.4–4(e), renumbered § 3420.3–4(d), would be amended to clarify how the tract ranking and selection process, including the criteria used for ranking, are to be published in the regional lease sale environmental impact statement.

Section 3420.4–6, which requires public meetings, would be deleted. However, a similar provision for public hearings would be incorporated in the last part of § 3420.4–4(e), renumbered § 3420.3–4(e). Since public hearings are held on these same matters as part of the draft environmental impact statement, the two separate sections are repetitive, and have been confusing to the public. This consolidation would reduce duplicative steps in the coal activity planning process.

Section 3420.4–4(f), renumbered § 3420.3–4(f), would be revised to eliminate the current inconsistency with §§ 3400.4(c) and 3420.4(c)(1). The recommendations of the regional coal team for specific tracts for lease sale and a lease sale schedule are forwarded to the Director of the Bureau of Land Management upon completion of the final environmental impact statement, not upon the close of the comment period on the draft environmental statement as implied in § 3420.4–4(f).

A new paragraph would be added following § 3420.4–4(f), moving the language of existing § 3400.4(c) concerning the recommendations of the regional coal team to this more logical location in the activity planning process. This new section, numbered § 3420.3–4(g), would allow a clearer understanding of the regional coal team's final recommendation responsibilities in relation to the Secretary of the Interior's decision-making process.

Section 3420.4–4(g), renumbered § 3420.3–4(h), would be reworded to remove the reference to regional leasing targets, and would state instead that demand for coal is a more appropriate measure to consider as part of the need to schedule regional coal lease sales. This revision would reflect the Department of the Interior's revised policy concerning leasing to meet the demand for coal reserves.

As stated above, the section on environmental analysis, § 3420.4–5, would be moved. Paragraphs (a) and (b) would be consolidated into renumbered § 3420.3–4(c). Paragraph (c) would be deleted, as it contains superfluous language. Similarly, § 3420.4–6 would be combined with § 3420.4–4(e), renumbered § 3420.3–4(e).

Section 3420.5–3(a), renumbered § 3420.4–3(a), would be amended to provide a 30-day comment period for the Governor of each affected state prior to either the adoption of a regional lease sale schedule or prior to the publication of a notice of sale in response to a lease application in a state. Similarly, § 3420.5–5, renumbered § 3420.4–5, concerning the consultation with the Attorney General, would be amended to provide a 30–day comment period.

Section 3420.6 regarding qualified surface owner consent considerations prior to the decision by the Secretary of the Interior on a regional lease sale schedule would be deleted. All the split estate leasing requirements are fully covered in Subpart 3427 of this title. Removal of § 3420.6 would provide clarity and eliminate confusion regarding the timing of receipt of written evidence of consent from qualified surface owners for tracts contained in regional lease sale schedules.

Section 3427.2 requires that consents be filed prior to the publication of the lease sale notice for the lands to which the consent applies. This filing deadline is after a decision by the Secretary on a regional lease sale schedule. Interested parties have expressed confusion and concern that tracts could be unnecessarily eliminated just because the acceptable written consent documents have not been submitted early. The deadline for submission of consent documents as required by § 3427.2 is more clearly known subsequent to a decision on the regional lease sale schedule including a decision on the sale date time frames. Announcement of the adoption of a regional lease sale schedule as required by § 3420.7–1, renumbered § 3420.5–1, would continue to provide more specific information regarding the deadline for anyone to submit written consent documents in accordance with Subpart 3427.

Subpart 3422—Lease Sales

Subpart 3422 would be changed to reflect the current Department of the Interior policy and procedures for fair market value determination and to clarify and simplify the wording of the notice and procedures for conducting lease sales.

Section 3422.1–1, renumbered § 3422.1, concerning mineral evaluation, fair market value determination, and maximum economic recovery would be revised to remove the term "mineral evaluation" from the section title as well as the elimination of the obsolete term "coal resource economic value" (CREV). This section would also be revised to delete the requirement for the Geological Survey to prepare a pre-sale maximum economic recovery (MER) determination. As is presently the practice, the statuory requirement for achievement of maximum economic recovery of Federal coal would be met through final maximum economic recovery determination prior to approval of a resource recovery and protection plan. A preliminary maximum economic recovery determination that is subject to change would be eliminated as an unnecessary step in the coal leasing process. Public comments on factors that may affect maximum economic recovery will continue to be solicited prior to lease sale. Any comments received would continue to be used along with other information obtained before and after the lease sale to make a final maximum economy recovery determination.

Section 3422.1–2(a), renumbered § 3422.1(b), would be revised to allow for the final determination of fair market value to take place after the lease sale so that competitive interest and other factors that would not be available prior to lease sale could be used to help determine whether the high bid represents fair market value. The change permits a greater reliance upon the

marketplace to provide an indication of fair market value.

The amendments to these sections do not reflect a change in the Department of the Interior requirements to achieve maximum economic recovery or to obtain fair market value. The proposed changes are consistent with the requirements of the Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976.

Section 3422.1–2(b) would be deleted. A separate reference is not needed for public body lease set-aside sales (or small business set-aside sales) since the fair market value of all competitive lease sale tracts would be determined in the same manner.

The caption for § 3422.2, "Notice of sale," would be revised to add "and detailed statement." The notice of sale requirements in this section would be amended to delete reference to a preliminary maximum economic recovery.

The provisions for the detailed statement contents in § 3422.2(c) would be amended to delete unnecessary language and information that would be supplied in the detailed statement. However, new language would be added to indicate that the detailed statement would include any other information deemed appropriate by the authorized officer. Sections 3422.2(c) (2), (3), (6) and (9) would be deleted. These sections are adequately covered in § 3422.2(c)(1) which states that an explanation of the manner in which bids may be submitted would be provided in the detailed statement. This information is always provided as part of the bidding instructions concerning a competitive lease sale.

Section 3422.2(d) would be amended to clarify that each successful bidder would be required to reimburse the Government for a proportionate share of the sale notice publication cost.

A new section on bidding systems would be added as § 3422.3–1 to allow use of any bidding systems authorized by the Department of Energy, which is the agency responsible for establishment of bidding systems under the Department of Energy Organization Act.

Section 3422.3–2 would be deleted to maintain consistency with the Department of the Interior's view that the concept of intertract competition is more accurately described as a sale procedure.

Section 3422.3–4 concerning consultation with the Attorney General after a competitive lease sale would be shortened and simplified to eliminate unnecessary detail. New language would be substituted to indicate that a description of the information currently required by the Attorney General may be obtained from the authorized officer. The language in § 3422.3–4(d), renumbered § 3422.3–4(c), regarding the post-lease sale anti-trust review would be amended to indicate that the Attorney General would notify the Director rather than the authorized officer if the successful bidder's statement of coal holdings is incomplete or inadequate, in order to stop the 30-day review period. This change would facilitate the Department of Justice administrative procedures.

The proposed changes in § 3422.4 would simplify and clarify the requirements regarding award of a lease. A new provision § 3422.4(e), would clarify that the deposit submitted with a bid would be refunded if a lease cannot be awarded for reasons beyond the control of the successful bidder.

Subpart 3425—Leasing on Application

Subpart 3425 would be rewritten to eliminate several constraints under which the emergency leasing system in § 3425.1–4 has been operating. The intent of the emergency leasing provisions remains unchanged. Emergency leasing should be used only in situations where the need for coal reserves cannot be timely accommodated by the regional leasing process under 43 CFR Part 3420.

The policy § 3425.0–6 would be deleted because it is duplicative of the regulations which follow in §§ 3425.1 through 3425.4.

Section 3425.1–4(a)(1) would be modified to delete the requirement that an applicant must have been producing coal from an existing mining operation for at least 2 years prior to the filing of an application for an emergency lease. It has been determined that the 2-year requirement is not needed and is potentially counterproductive and unnecessarily restrictive. Requiring the existence of a mine for which coal reserves would be required at the time of application should be sufficient to prevent abuse of the emergency lease application process. There has been at least one instance where an applicant failed to meet the 2-year operation requirement at the time the application was filed. The application was denied and Federal coal was bypassed. The potential loss of coal resources in scattered Federal sections necessitates this proposed regulation change. It remains the responsibility of the Department of the Interior, where factors are within its administrative control, to assure that new leases generated through the coal activity planning process in Subpart 3420 provide sufficient reserves for efficient, economic mining development. However, it is not always possible to foresee bypass situations.

All three paragraphs of § 3425.1–4(c) would be eliminated because they are unnecessarily restrictive. The purpose of emergency leasing is to supply coal reserves in a timely fashion when the regional leasing structure in Subpart 3420 is unable to make coal reserves available timely. When originally promulgated, there was considerable concern that lease applicants would attempt to abuse this section of the regulations. The restrictions in § 3425.1–4(c) were aimed at the potential abuse. Experience under the existing regulations has shown this control is not needed. It has, in fact, turned out to be counterproductive, particularly in the case of underground mining where mining operations and land requirements often change as new geologic factors arise. The restrictions in paragraph (c) of the existing regulations have made the Bureau Land Management's response to these changing needs difficult, if not impossible. Section 3425.1–8 would be strengthened by substituting language that issuance of a lease under Subpart 3425 of this title does not compromise the regional leasing process under Subpart 3420 of this title. This would ensure that the elimination of § 3425.1–4(c) would not result in abuse of the regional leasing process. Further, the Department of the Interior intends to retain in § 3425.1–4(b) the 8-years-of-production limit on the reserves that may be leased under this subpart.

Section 3425.3 concerning the environmental analysis requirements would be simplified by referring directly to the regulations of the Council on Environmental Quality (40 CFR Part 1500) which implement the provisions of the National Environmental Policy Act of 1969. The procedures deleted would be retained in Bureau of Land Management instruction memoranda and manuals.

Section 3425.4(a)(1) would be amended to clarify and simplify the language concerning public comment. Section 3425.4(a)(3) would be deleted. The timing of the required surface owner consent is already covered in § 3427.2(a)(1) and does not need to be repeated here.

Section 3425.4(b)(2) would be eliminated. This section of the existing regulations requires all successful bidders for an emergency lease to have an emergency need and effectively limits most sales to one qualified bidder. By removing this requirement, the

Department of the Interior expects an increased potential for competition for Federal coal leased, especially with respect to small businesses.

Section 3425.5, regarding lease terms, would be deleted because it is redundant of other sections of these regulations.

Subpart 3427—Split Estate Leasing

Subpart 3427 has been revised to clarify and simplify split estate leasing and surface owner consent requirements.

Section 3427.1 would be clarified to state that any written consent, or evidnce thereof, must indicate that the qualified surface owner would allow entry and commencement of surface mining operations.

Section 3427.2 would be amended to delete the requirement that a written consent, or evidence thereof, must be filed at least 30 working days prior to the publication of the lease sale notice of the lands to which it applies. This extra length of time has been found to be unnecessary and administratively cumbersome. The section would be amended to require the filing of consent documents prior to the deadline for the posting of the lease sale notice. The information regarding specific sale dates and sale notice posting dates is known more definitively after a decision either on a regional lease sale schedule or on a coal lease application. This information is available from the authorized officer. The final regional lease sale schedule decision published in accordance with § 3420.7, renumbered § 3420.5, will state the general time frames for regional lease sales and the posting of the sales notices. The last sentence of this section is therefore unnecessary and would be deleted. Guidance on the contents of the Federal Register and newspaper notices regarding the adoption of regional lease sale schedules would be handled through internal Bureau of Land Management instruction memoranda and manuals.

Section 3427.2(d) concerning priority consideration of split estate lands covered by written consents already filed over split estate lands where no written consent has been filed, would be deleted. As stated earlier regarding § 3420.6, removal of this section would also eliminate confusion regarding the timing of receipt of written consents from qualified surface owners and would eliminate concern that some interested parties have expressed that tracts could be unnecessarily and prematurely eliminated during the coal activity planning process just because the written consent documents have not been submitted early. By eliminating this section, qualified surface owners would be provided greater flexibility to see the results of the activity planning process before making any decision whether to grant written consent or not.

Section 3427.2(e), renumbered § 3427.2(d), would be amended to delete the 15-day time frame for verification of the written consents, or evidence thereof, that have been filed. This requirement has been unnecessarily burdensome and is a function of internal manpower and budget constraints as well as the terms presented in the consent documents. Additionally, this section would be amended to clarify the requirements for the transferability of a surface owner consent from a qualified surface owner. The successful bidder must be able to assume all rights and obligations of the holder of the consent, and neither the holder nor the grantor of the consent can prevent the successful bidder from assuming all the rights and obligations of the holder of the consent by imposing additional costs or conditions.

Section 3427.2(j) would be renumbered § 3427.2(i) and a new § 3427.2(j) would be added to state that if a surface owner fails to provide evidence of qualification in response to surface owner consultation (during land use planning), or requests for such evidence, the surface owner would be presumed not to meet the definition as specified in section 714 of the Surface Mining Control and Reclamation Act. This is intended to require the surface owner to assume the responsibility of demonstrating qualification under the Act.

A new § 3427.5 would be added to clarify the rights and protections afforded surface owners who are not qualified surface owners under section 714 of the Surface Mining Control and Reclamation Act. These rights are defined by the statute under which the surface was patented and the coal was reserved to the United States (for example, section 9 of the Stock-Raising Homestead Act of 1916).

Subpart 3430—Preference Right Leases

Section 3430.0–7 would be revised to make the scope of this subpart more understandable. The proposed changes to § 3430.2–1(a) would eliminate the requirement that demonstrated reserves be made by coal bed, and thus would restore the May 7, 1976, regulatory provisions whose validity was upheld by the decision in *NRDC v. Burklund*, 609 F.2d 553 (1979).

Sections 3430.2–1(c) (4), (5) and (6) would be deleted to remove unneeded detail from the section. This deletion would not affect the types and levels of information required for an initial showing. A new section 3420.2–1(d) would be substituted to allow the authorized officer to request, or the applicant to submit, any other information which the Department of the Interior does not already have but needs for the initial showing.

Section 3430.2–2 of the existing regulations requires preference right lease applicants to file certified abstracts stating the absence of mining claims and correlative information. Section 2(b) of the Mineral Leasing Act limited the issuance of coal prospecting permits to "unclaimed, undeveloped" lands. The meaning of this phrase has been the subject of a series of opinions from the Department of the Interior's Office of the Solicitor (Solicitor's Opinion M–36893 of August 2, 1977, 84 I.D. 44 (1977), "The Effect of Mining Claims on Secretarial Authority to Issue Prospecting Permits for Coal and Phosphate;" Solicitor's Opinion M–36893 (Supp.), 86 I.D. 627 (1979), "Effect and Implementation of Solicitor's Opinion M–36893 on 'Unclaimed, Undeveloped';" Solicitor's Opinion M–36893 (Supp. II) of January 8, 1981, "The Effect of Mining Claims on Secretarial Authority to Issue Prospecting Permits and Preference Right Leases for Coal and Phosphate (Modifying Solicitor's Opinion M–36893 of August 2, 1977, and its Supplement of November 19, 1979, on the same subject). In these opinions, the Solicitor concluded that the "unclaimed, undeveloped" restriction limits issuance of a coal or phosphate prospecting permit to lands upon which no valid, vested rights existed at the time the prospecting permit was issued.

The most recent opinion concluded that no mining claim located after the effective date of the Multiple Mineral Development Act of 1954 (30 U.S.C. 521 *et seq.*) is adverse to any subsequently issued coal or phosphate prospecting permit and any such claim would not render the land embraced in such a post-1954 claim subject to the "unclaimed, undeveloped" restriction.

The Solicitor also concluded that where the public land records showed no adverse interest at the time of the issuance of a prospecting permit, the permit was to be considered as issued properly, subject only to the rights of a pre-existing adverse claimant. Since the prospecting permit is considered to have been issued properly, there is no legal requirement demanding that the permittee prove to the Bureau of Land Management that the lands in the permit area are "unclaimed, undeveloped." The requirement for an abstract and additional information found in

§ 3430.2–2 was based on the Solicitor's Opinion of August 2, 1977. Since that opinion was modified in this respect by the Solicitor's Opinion of January 8, 1981, there is no legal requirement, other than the existing regulation, that abstracts be filed. The Department of the Interior has consequently decided to eliminate the regulation and rely on the assumption that individuals claiming pre-existing adverse rights will assert those rights as they see fit.

The specific procedures regarding the environmental analysis provisions set forth in § 3430.3–2 (b), (c), (d) and (e) would be deleted. New language would be substituted as § 3430.3–2(b). This revision would eliminate the repetitive wording for steps already required by the Council on Environmental Quality 42 CFR Part 1500 regulations. It would also allow more flexibility to complete the required environmental analysis as part of the coal activity planning process, and would result in better use of the limited budget and personnel resources of the Bureau of Land Management field offices. The provisions proposed for deletion, including an evaluation of all reasonable alternatives, would continue to be carried out in Bureau of Land Management instruction memoranda and manuals.

Section 3430.4–1(b) would be amended to state that the proposed lease form and the environmental analysis document may be transmitted by the authorized officer separately or with the request for a final showing.

Sections 3430.4–1(c)(3) and 3430.4–1(d) would be modified to clarify the language. The final showing requirement in § 3430.4–1(c)(3) would be changed to restore in significant part the corresponding language in the Department of the Interior's May 7, 1976, final rulemaking covering the processing of preference right lease applications (see § 3521.1(c)(4) of the May 7, 1976, rules). This amendment is intended to remove ambiguities created by the present wording of the regulation without making any substantive change in the requirements placed upon preference right lease applicants.

Section 3430.5–1(a) would be expanded by adding new language concerning the timely declassification of data that would be needed to assist in the proceeding of an application within the specified additional time limits provided in § 3430.2–3(b), renumbered § 3430.2–2(b). Failure to timely submit the requested data would be cause for rejection of the application.

The provisions of § 3430.5–3(b) concerning the initiation of a lease exchange would be moved to § 3430.5–4 where it is more appropriately placed.

The protion of § 3430.5–4 which is repetitious of § 3435.1 would be deleted. The new language in § 3430.5–4 would clarify the criteria for initiation of a lease exchange.

To eliminate repetition, the "lease area" language in § 3430.6–3 would be deleted. Section 3430.6–4, renumbered § 3430.6–3, would be changed to provide consistency and cross-referencing to the commercial quantities definition in the proposed Department of Energy rules at 10 CFR Part 378.

Subpart 3435—Lease Exchange

Section 3435.0–3 would be updated to include additional authorities for lease exchange enacted by Congress.

The language in § 3435.1(c) would be clarified to cross-reference the regulatory provision that states the minerals for which an exchange lease may be granted. Section 3435.1(e) would be deleted because it is repetitive and contains an unclear policy statement. Section 3435.2(b) would be amended to include the additional authorizations enacted by Congress for exchanges enumerated in the revised § 3435.0–3.

Section 3435.3–1(c) would be deleted and replaced by two new sections, § 3435.3–1(c) and (d), that would clarify the requirements for an exchange notice. The 60-day time limitation for a lesee or preference right lease applicant to respond to a proposed coal lease exchange would be deleted. The detail and scope of a proposed exchange may in some cases require additional time to fully and adequately prepare an evaluation for consideration and reply to the Department of the Interior. This restrictive requirement would be eliminated by this proposed rulemaking.

The repetitious language in § 3435.3–3(a) would be eliminated and replaced with a cross-reference to § 3435.1 which states the requirements for an exchange.

Section 3435.3–5 would be reworded to clarify the provision and eliminate superfluous language. A public hearing could be held as part of the comment process on the draft environmental impact statement. The Federal Register notice of availability of the environmental impact statement would suffice for the requirement in paragraph (a) of this section.

Changes in § 3435.3–6 would clarify that the Governor of the State in which the exchange lands are located would be provided a 45-day comment period after notification of a proposed exchange prior to the Secretary of the Interior consummating the exchange.

Section 3435.4 concerning the consummation of an exchange would be rewritten for clarity with no change in the substance of the requirements.

Subpart 3436—Lease Exchange—Alluvial Valley Floors, and

Subpart 3437—Coal Land Exchange—Alluvial Valley Floors

As part of the Federal coal management program, Subparts 3436 and 3437 of the existing regulations established a program by which persons holding leases for Federal coal deposits or owning fee title to coal deposits which cannot be mined by surface mining operations, because of section 510(b)(5) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(b)(5)), could seek to acquire by exchange other Federal coal leases or fee title to Federal coal deposits, as authorized by that Act. The existing regulations established the criteria for coal lease and coal land exchanges and provided a general procedural framework for the consummation of such exchanges. The preamble to that regulation stated that more detailed standards and procedures for this complex process would be provided in the internal Department of the Interior instruction memoranda or manuals.

The Department of the Interior, in response to a district court decision, has determined that it should clarify and supplement certain of the regulatory provisions and provide more detailed statements on certain procedural aspects of the process, and would do so through this proposed rulemaking. This proposed rulemaking would consolidate in Subpart 3436 the coal lease and fee coal exchange programs currently found in Subparts 3436 and 3437.

The qualification standards would be restated and clarified and procedural requirements would be stated in more detail, in the revised Subpart 3436. A person seeking a coal lease exchange must meet the requirements set out in section 510(b)(5) of the Surface Mining Control and Reclamation Act in order to be qualified for an exchange under this statute. A person must be the holder of a lease for Federal coal deposits located west of the 100th Meridian, west longitude, and surface coal mining operations on that lease must be prohibited by section 510(b)(5) of the act because such operation would interrupt, discontinue or preclude farming on alluvial valley floors, or because such operations would materially damage the quantity or quality of water supplying the alluvial valley floor. Surface coal mining operations are not prohibited by section 510(b)(5) of the Act if they would have a negligible impact on a farm's agricultural production, or if the lands affected are undeveloped range lands which are not significant to farming on

the alluvial valley floor. The person seeking a coal lease exchange must also have made substantial financial and legal commitments prior to January 1, 1977, in connection with the lease and may not be entitled to continue any existing operation under the grandfather clause. A preference right lease applicant may qualify for an exchange under this program if he meets the statutory requirements including the requirement for substantial financial and legal commitments.

The term "substantial financial and legal commitments" is relative, and its meaning must be gauged by the circumstances of a particular case. In determining whether such commitments have been made, the Secretary of the Interior will identify the level of expenditures made prior to January 1, 1977, that are exclusively related to development of the coal resource which is under lease or is the subject of the preference right lease application. This would be taken together with the damages for which the person would be liable as a result of any legal commitments made prior to January 1, 1977, solely in connection with development of the coal resource. The Secretary would then compare that level of total expenditure to the estimated total cost of developing the coal resource to the point for establishing a producing surface coal mining operation. A determination would then be made on a case-by-case basis as to whether the commitments were "substantial" so as to qualify the person for an exchange.

The Secretary of the Interior would exercise the authority to consummate coal lease exchanges when the Department finds that a particular exchange would serve the public interest. In determining whether a particular exchange will serve the public interest, the Secretary will consider a wide range of factors and will take cognizance of the Congressional policy expressed in section 510(b)(5) of the Act in favor of providing relief for those who have made substantial financial and legal commitments toward development of coal resources. This Congressional policy creates a presumption that an exchange with a qualified applicant would serve the public interest. The Secretary retains discretion to determine that disposition of a particular Federal coal lease by means of exchange would not serve the public interest.

The lands that would be leased by the Secretary of the Interior in exchange must be processed through the land use planning procedures described in §§ 3420.1–5 and 3420.2 of this title, renumbered § 3520.1–4 in these proposed regulations. The land use planning would result in the identification of Federal lands that are acceptable for coal leasing. The exchange applicant may seek a lease for lands that have been or may be so identified.

The exchange process may be initiated by a person believed to be qualified for an exchange under this program. The Secretary of the Interior will receive and evaluate the exchange request to determine whether the proponent is qualified. If the exchange proponent is qualified, the Secretary and the proponent will engage in negotiations and the exchange application will be processed in accordance with the general rules stated in Subpart 3435 of this title.

Coal lease exchanges would be made on an equal value basis as provided in § 3535.3–4. In determining the value of the leases to be relinquished, the Secretary of the Interior will estimate the value as if coal mining operations would proceed on the lease. Estimating the fair market value of the lease to be relinquished in a manner that assumes that surface coal mining operations cannot occur would result in an estimated fair market value near zero and would frustrate the Congressional intent of section 510(b)(5) of the act to provide relief to those who have made substantial financial and legal commitments in conjunction with development of the coal lease.

Applicants for fee coal exchanges must also meet the requirements of section 510(b)(5) of the Surface Mining Control and Reclamation Act. A person seeking a fee coal exchange must be the owner of a coal deposit located west of the 100th Meridian, west longitude, and surface coal mining operations must be prohibited by section 510(b)(5) of the Act because such operations would interrupt, discontinue or preclude farming on alluvial valley floors, or would materially damage the quantity or quality of water supplying an alluvial valley floor. Section 510(b)(5) of the Act also requires that the fee coal owner not be entitled to continue any existing operation under the grandfather clause. Sections 3437.1–2(c) and 3437.2(a) of the existing regulations state that the Secretary of the Interior will evaluate each exchange request to determine whether an exchange is in the public interest, and that an exchange will not be consummated if the prohibition against mining the coal underlying or near an alluvial valley floor does not substantially decrease the value of or prevent the successful mining of other coal that would have been developed in conjunction with coal underlying or near the alluvial valley floor. The existing regulations also require that a fee coal exchange applicant have made substantial financial and legal commitments, either directly or indirectly through a lessee, in order to be qualified for an exchange. These provisions would be deleted by the proposed rulemaking.

In *Texaco Inc. v. Andrus*, Civil No. 79–2448 (D.D.C. August 15, 1980), the court ruled that section 510(b)(5) of the Surface Mining Control and Reclamation Act made fee coal exchanges mandatory on the part of the Secretary. Therefore, the court held that the Secretary could not decline to consummate an exchange because the surface coal mining prohibition of section 510(b)(5) of the Act would only have a minimal impact on a larger operation or because the exchange would not serve the public interest, and 43 CFR 3437.1–2(c) and 3437.2(a) were remanded to the Secretary of the Interior for revision.

The absence of discretion with respect to these exchanges also renders meaningless the substantial financial and legal commitment requirements that trigger the presumption that exchanges would serve the public interest (43 CFR 3437.11(b)). However, the court also ruled that the Secretary of the Interior has discretion to determine the particular Federal coal deposits that would be disposed of through exchange and that the tracts to be exchanged must be of equal value and in the same state as required by section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

The Department of the Interior would delete from the existing fee coal exchange regulations: (1) The indication that the Secretary of the Interior will decline to exchange if the surface mining prohibition only has minimal impact; (2) the requirement that the Secretary evaluate whether an exchange would serve the public interest; and (3) the substantial financial and legal commitments requirement. These changes are reflected in the new language of Subpart 3436.

Section 510(b)(5) of the Surface Mining Control and Reclamation Act provides that fee coal exchanges are to be consummated pursuant to section 206 of the Federal Land Policy and Management Act. After the Secretary of the Interior has received and evaluated an exchange proposal and has determined that the proponent is qualified, the exchange would be processed in accordance with the regulations implementing section 206 of

the Federal Land Policy and Management Act, except as provided in these proposed rules. Cash equalization of value is allowed, but it may not exceed 25 percent of the value of the Federal property to be exchanged. As in the case of coal leases, the value of the coal deposits to be taken by the Secretary of the Interior through the exchange will be determined in a manner that assumes coal mining is not prohibited. Of course, the discretionary aspect of exchanges in section 206 of the Federal Land Policy and Management Act does not apply to fee coal exchanges.

Subpart 3440—Licenses to Mine

The land sentence in § 3440.1–4(c)(3) and all of § 3440.1–5 would be deleted because they are unnecessary. These requirements are stated in the license.

A new section at the end of the subpart, numbered § 3440.1–6, would be added to include the cancellation or forfeiture provisions currently found in § 3471.3–1. Inclusion of these requirements in Subpart 3440 would be more logical.

Subpart 3451—Continuation of Leases—Readjustment of Terms

Section 3451.1(a)(3) would be deleted to provide consistency with the Department of the Interior's revised policy of application of unsuitability criteria to existing leases. This policy change is outlined in the discussion of Subpart 3461 below. The deletion of this section, however, would not diminish the Department of the Interior's responsibility to comply with the mandatory criteria set forth in section 522(e) of the Surface Mining Control and Reclamation Act. The review of existing leases for the identification of resource values protected under section 522(e) of the Act would occur when determining whether to issue a mining permit. This would eliminate an unneeded layer of analysis and would defer consideration of resource factors of concern to the appropriate decision point prior to the time of mine development. Until the time of an application for a mine permit, no effect on the leased lands is contemplated. Department of the Interior guidance through instruction memoranda and manuals would set out the internal procedures to assure compliance with the applicable statutory provisions.

Section 3451.1(b) would be deleted because the June 1, 1980, date is no longer applicable. However, this would not eliminate notification to the coal lessee of a proposed readjustment. The procedures for notifications would be provided for in internal Bureau of Land Management instruction memoranda and manuals.

The last sentence in § 3451.1(c) would be deleted. Provisions covering diligent development and continued operation are specifically set out in the proposed Department of Energy 10 CFR Part 378 Diligence Requirements rules.

Section 3451.2(b), stating the notification procedures for readjusted lease terms, would be deleted because it is redundant of the provisions in § 3451.2(c).

Subpart 3452—Relinquishment, Cancellation and Termination

The preamble to the current coal program regulations (44 FR 42603) states that § 3452.1–2 as it was proposed was changed in the final rulemaking to reflect the Department of the Interior's practice of allowing the date of a lease relinquishment, upon approval, to relate back to the date it is filed with the appropriate Bureau of Land Management field office. The announced change never appeared in the final version of § 3452.1–2. The current §§ 3452.1–2 and 3452.1–3 are identical to their proposed versions. Section 3452.1–3 presently provides that a coal lease relinquishment shall be effective on the date on which the authorized officer determines that the lessee has discharged all obligations under the lease and regulations. Therefore, it is proposed to amend § 3452.1–3 to make the change originally contemplated by the July 19, 1979, regulations.

Section 3452.3, concerning lease terminations, would be expanded to state that leases issued or readjusted after August 4, 1976, shall be relinquished, cancelled or terminated if the lessee does not meet the diligent development requirements. This is in compliance with the statutory requirements of the Federal Coal Leasing Amendments Act of 1976.

Subpart 3453—Transfers by Assignment, Sublease or Otherwise

Sections 3453.1–1(b) through 3453.1–5 are proposed for deletion from this subpart because the information contained in these sections already appears in Subpart 3472. Revised § 34453.1 would cross-reference Subpart 3472.

Several points of clarification are proposed in §§ 3453.2–2 and 3453.2–3. New language would be added to § 3453.2–2(a) to state that a transfer of record title shall be accompanied by a request for approval from the transferee. Section 3453.2–3 would be revised to substitute the words "instruments of transfer or requests for approval" for the words "an application for approval of a transfer" in the first sentence and "instrument of transfer" for "application" in the second sentence. This would clarify this section.

Section 3453.2–4, which addresses bonding requirements in relation to lease transfers, would be amended to cover any bed of coal deposits as well as legal subdivisions involved in a partial lease transfer.

Section 3453.2–5 is proposed for deletion because § 3453.2–2 requires that the serial numbers of the leases or portions thereof proposed to be transfered be given. The lease form contains the necessary description of the lands of each lease. The last sentence of § 3453.2–5 would be deleted to be consistent with the proposed change in the logical mining unit requirements in 30 CFR 211.80.

Section 3453.2–6, renumbered § 3443.2–5, would be revised to clarify the meaning of partial assignments.

A new § 3453.3–1(h) would be added to clarify that violation of section 3 of the Federal Coal Leasing Amendments Act of 1976, 30 U.S.C. 201(a)(2), may be used as grounds for disapproval of a transfer.

Section 3453.3–2(b) would be shortened to eliminate the repetition of the antitrust review requirements in § 3422.3–4.

Section 3453.3–3 would be changed to state that a transferee must make a request in writing if the transferree wishes the transfer to be effective the first day of the month of the approval.

Subpart 3461—Federal Lands Review—Unsuitability for Mining

Revisions to the unsuitability criteria provisions of Subpart 3461 are proposed: (1) in response to litigation challenging the validity of certain of the criteria; (2) to reflect policy changes; and (3) to clarify and simplify the regulations.

Several changes would be made in subpart 3461 as a result of a legal challenge to their validity in *Texaco, Inc. v. Andrus*, Civil No. 79–2448 (D.D.C. August 15, 1980). During the course of the litigation the Department of the Interior agreed to delete the reference to agricultural crop production in Criterion 2 in § 3461.1(b)(1) and to include an additional exception in Criterion 3 in § 3461.1(c)(2) relating to buffer zones around the rights-of-way of public roads. As a result of the decision of the district court, the Department would include an exemption in Criteria 9, 11, 12, 13 and 14 in § 3461.1(i), (k), (l), (m) and (n) in favor of those who have made substantial financial and legal commitments toward developing a surface coal mine.

The Bureau of Land Management has issued an instruction memorandum to its field offices so that no action inconsistent with the district court's decision will be taken.

Criterion 1 (National Park lands and other Federal lands systems) would be amended by deleting the last sentence. This amendment would reflect the district court decision in *Texaco, Inc. v. Andrus* That consideration of lands under study for inclusion in a Federal lands system as unsuitable for coal leasing exceeds the authority granted by the Surface Mining Control and Reclamation Act. The court ruled this portion of the criterion in § 3461.1(a) to be invalid because the Act only authorizes an unsuitability determination when the lands are actually included in the Federal lands system. The court further ruled that the Secretary of the Interior's general discretion to decline to lease lands for coal development purposes is modified by the Surface Mining Control and Reclamation Act so that the Secretary is precluded from refusing to issue leases for lands under study for inclusion in a Federal lands system as an exercise of his general discretionary leasing authority under the Mineral Leasing Act, as amended.

Criterion 17 (municipal watersheds) in § 3461.1(q)(2) would be reworded for clarity. This criterion would be expanded to require consultation with the incorporated entity or the responsible governmental unit rather than the concurrence of that entity with a determination that surface coal mining can occur. This change was generated by the litigation and court decision in *Texaco, Inc. v. Andrus*. The criterion is limited to Federal lands which are a part of municipal watershed.

The Department of the Interior policy changes that are reflected in this proposed rulemaking concern the applicability of the unsuitability criteria to leased lands and preference right lease applications during land use planning.

Section 3461.4, concerning the applicability of the unsuitability criteria to leased lands, would be revised to remove such requirements. This Department policy change would exempt all existing leases from the unsuitability criteria screening process identified in Subpart 3461. However, it does *not* exempt Federal coal lease development from the statutory environmental protection requirements which are determined by the Office of Surface Mining or the states at the time of the mine permit application review. Nor does it remove from consideration by the regulatory authority any recommendations made by the surface management agency concerning unique or unusual resource values identified during land use planning or mine permit application review that may need protection from the effects of mining.

The mandatory criteria found in section 522(e) of the Surface Mining Control and Reclamation Act of 1977, as well as the alluvial valley floor criterion in section 510(b)(5) of the Act would still be applied to lands covered by existing leases by the regulatory authority when determing whether to issue a mining permit. The resource values that may be protected under the discretionary criteria based on section 522(a)(3) of the Act would be considered at that time also, and could be adequately protected through the regulatory authority's stipulation in the mine permit to afford protection of unique and unusual resource values.

Application of the unsuitability criteria to unleased lands during land use planning would continue because it has proven to be an effective mechanism to provide information for use in determining whether a coal lease should be issued for the Federal lands under study. However, for the reasons discussed above, the Department of the Interior believes that the public interest is not being served by formally applying the unsuitability criteria to lands covered by existing leases. The Department is examining different methods of conducting the Federal lands review required by section 522(d) of the Surface Mining Control and Reclamation Act with the intent of establishing unified policies and procedures that meet the requirements of the Act but avoid costly, time-consuming and duplicative procedures. The Department is soliciting public comment, not only on the existing and proposed methods, especially as they pertain to lands covered by preference right lease applications and existing leases, but also on any other methods any member of the public may wish to propose on how the Federal lands review requirement for all classes of Federal coal lands (leased, under preference right lease application or under consideration for competitive leasing) could most efficiently be satisfied.

The remaining changes in Subpart 3461 are editorial. The language that would be deleted in § 3461.0–7, Scope, is repetitive and unnecessary.

The assessment and land use planning procedures discussed in § 3461.3–1 would be clarified. This revision would state more explicitly the process for application of the criteria, exceptions and exemptions. The intent of the process is to first evaluate a coal area for unsuitability based on *all* the criteria. After the results of the application of all the criteria are known, the surface management agency's authorized officer has the discretion to reevaluate any area found unsuitable in light of the exceptions and exemptions. If, during this reevaluation, it is determined that an unsuitability determination cannot be reversed by any single exception or exemption, then the reevaluation process stops and that area is dropped from further consideration. If, during the reevaluation process, an exception is found to be applicable under specific conditions to an area and the unsuitability determination would be reversed, then any subsequent lease for that area must contain the specific conditions in the form of lease stipulations.

The elimination of the last sentences of § 3461.3–2(b) and (c) concerning consultation on unsuitability assessments would remove unnecessary regulatory language that would be placed in Bureau of Land Management instruction memoranda and manuals.

Section 3461.3–3 concerning preparation of a statement of findings on the effects of Federal lands assessed as unsuitable would be deleted. This provision more appropriately applies to the requirements specified in section 522(d) of the Surface Mining Control and Reclamation Act which requires the Office of Surface Mining or regulatory authority to prepare this statement prior to the Secretary of the Interior designating specific lands as unsuitable for surface coal mining operations in response to a petition submitted in accordance with section 522(c) of the Act. The preparation of the statement earlier during land use planning or environmental analysis, at the time Federal lands may only be assessed as unsuitable, is therefore untimely.

Section 3461.5 concerning petitions to designate lands unsuitable would be deleted because it is repetitive of the Office of Surface Mining's unsuitability petition regulations in 30 CFR Part 769.

Subpart 3465—Surface Management and Protection

Section 3465.0–2, *Objectives*, would be deleted because it is unnecessary.

Section 3465.2 concerning compliance would also be deleted because it is redundant of 30 CFR Part 741.

Section 3465.3–3, renumbered § 3465.2–3, would be amended to add that grounds for suspension of a permit or license to mine may be caused by failure of the lessee or holder of a license to comply with a written notice of noncompliance issued by the Mining

Supervisor in accordance with 30 CFR Part 211 as well as the Surface Mining Officer. This change would clarify the responsibilities of the Department of the Interior to ensure coal resource recovery and protection in compliance with the requirements of the Mineral Leasing Act of 1920, as amended.

Section 3465.4 would be eliminated because alternative postmining land use is covered in 30 CFR Part 816. Section 3465.4(b) is a requirement of the National Environmental Policy Act of 1969, and is an Office of Surface Mining responsibility which does not need to be repeated here.

Section 3465.5, concerning bonding, would be deleted because it is repetitious of Subpart 3474 of this title as well as of 30 CFR Part 742. Similarly, § 3465.6, addressing conduct, completion and abandonment of operations is repetitive of rules provided elsewhere as stated.

Subpart 3471—Coal Management Provisions and Limitations

Section 3471.3–1, which applies to licenses to mine, would be moved to a more appropriate place in Subpart 3440. Section 3471.3–1, as it applies to leases, is repetitive of Subpart 3452 of this title and would be deleted.

The last sentence of § 3471.3–2(b), renumbered § 3471.3–1(b), would be deleted since the procedures for hearings regarding the protection of a bona fide purchaser of a lease do not need to be included in these regulations.

Subpart 3472—Lease Qualification Requirements

The acreage limitations and corporate qualifications statement regulations in Subpart 3472 would be changed to facilitate more fully the enforcement of subsections 27(a)(1) and (e)(1), of the Mineral Leasing Act of 1920 (30 U.S.C 184(a)(1) and (e)(1)), in those cases where the Federal lessee is a corporation. In order to charge acreage properly under these provisions it is necessary to request more extensive statements of qualifications from corporate applicants than are presently required.

Subsection 27(e)(1) of the Mineral Leasing Act sets out the rules for charging acreage to stockholders of corporate lessees. Stockholders are chargeable with their *pro rata* share of the acreage attributed to a corporate lessee, unless they are *not* the "beneficial holders" of more than 10 percent of the stock or other instruments of ownership or control of such lessee.

Under the Department of the Interior's interpretation of subsection 27(e)(1), a parent corporation is chargeable with its share of a subsidiary's Federal leaseholdings. Subsection 27(e)(1), subject to the 10 percent limitation, also makes a person, corporation or other entity owning stock in a parent corporation chargeable with its *pro rata* share of the acreage under leases held or controlled by that parent's subsidiary.

In order to calculate the chargeable acreage of one entity under the subsection 27(e)(1) provision, it is necessary to add: (1) The acreage embraced in an entity's direct holding or control of a lease; (2) the entity's indirect interest as a stockholder in a corporation holding a lease; and (3) the entity's other indirect interests as a stockholder in other corporations holding, owning or controlling Federal coal leases. (Solicitor's Opinion, M–36843 (Nov. 12, 1971). Also see "Limitations Respecting the Leasing of Oil Shale Deposits," 48 L.D. 635, 637 (1922)). Elements (2) and (3) are not chargeable if the stockholder's indirect beneficial interest in a lease amounts to 10 percent or less. Therefore, in a corporate chain of control, acreage may be attributed to those who, in effect, control more than 10 percent of a lease. The Department's interpretation of subsection 27(e)(1) of the Mineral Leasing Act is derived from the statutory language "or any interest which he may have * * * as a stockholder in other corporations holding, owning or controlling such leases."

Section 11(a) of the Federal Coal Leasing Amendments Act of 1976 is also relevant to acreage attribution in those cases where the corporate lessee is related to other corporations or entities. The Department interprets the changes which section 11(a) of the act made in subsection 27(a)(1) of the Mineral Leasing Act to mean that 100 percent of the acreage of a given lease must be credited to a subsidiary or affiliate of a corporation that holds or controls a lease if such subsidiary or affiliate is controlled or in common control with the corporate leaseholder (or corporate lease controller).

It is apparent from the legislative history that the phrase "controlled by or under common control with such person, association or corporation" modifies the words "subsidiary" and "affiliate" as well as "persons." 94th Cong., 1st Session 17 (1975). House Report No. 94–681, 94th Congress, 1st Session 17 (1975) does not reveal a Congressional intent to credit acreage automatically under section 11(a) of the Federal Coal Leasing Amendments Act to all corporations which are related to corporate leaseholders or lease controllers. The chargeability of an affiliate or subsidiary of a corporate leaseholder or corporate lease controller depends on the "nature and extent of control" it exercises over a lessee or lease controller.

Enforcement of the acreage limitations in section 11(a) of the Federal Coal Leasing Amendments Act also may, in some cases, require the piercing of the corporate veil; that is, in some circumstances, the Department of the Interior must look beyond or behind the corporate entity. The logical consequence of piercing the corporate veil of a corporation which controls or is in common control with a corporate leaseholder or lease controller is to attribute 100 percent of the acreage holdings of the corporate leaseholder or lease controller to such corporation. In order to carry out the purpose of section 11(a) of the Act, the inquiry should not be limited to whether one corporation has assumed overall control of the affairs of another. It is also necessary to determine whether a corporation exercises actual control over a leaseholding corporation in the single area of acquisition and development of Fedral coal leases.

To summarize, when a chain of corporate ownership is involved, the Department of the Interior's duties are twofold under subsections 27(a)(1) and 27(e)(1) of the Mineral Leasing Act. When examining a chain of corporate ownership, the first question is whether a given corporation is "controlled by or under common control" with the leaseholder or lease controlling corporation. If there is enough control of one corporation by another to justify piercing the corporate veil, related corporations in the corporate chain will be charged with acreage to the same extent which the leaseholder or lease controller is charged. If there is not enough control to justify piercing the corporate veil, then corporations in the chain of ownership should be charged in accordance with the rules that subsection 27(e)(1) sets forth for calculating indirect (stockholder's) interests.

Section 3472.1–2(b)(1), renumbered § 3472.1–3(b)(1), would be amended to clarify the Department of the Interior's responsibilities for acreage attribution in accordance with the above principles. Section 3472.2–2(c) would also be changed to require lease applicants to file qualification statements for corporations having a major stock interest (10 percent or more) in corporations owning or controlling 10 percent or more of the applicant's stock. The Department of the Interior emphasizes, however, that it has the

responsibility to charge acreage throughout corporate chains of ownership. Supplementary information may be required if, on the basis of the information an applicant supplies in its qualifications statement or for other reasons, the Department believes that there may be other entities to whom acreage must be attributed, or that attribution should occur under subsection 27(a)(1), not just subsection 27(e)(1), of the Mineral Leasing Act. This supplementary information requirement is contained in the new proposed § 3472.2–2(f).

Even though no change is being made in the alien ownership reporting requirements of § 3472.2–2(c)(5), the public is requested to comment on how the Department of the Interior can satisfy its responsibilities regarding the alien ownership provisions of the Mineral Leasing Act of 1920 without imposing unreasonable burdens on lessees and the Department.

New language in § 3472.2–2(g) would reestablish that not only corporate, but also association, partnership, guardian and individual applicants and bidders can refer to previously filed qualification statements in filing qualification papers. The revision would require a new submission of qualifications, however, if the prior reference file does not contain complete, current and accurate information.

Subpart 3473—Fees, Rental, and Royalties

Section § 3473.1–2 would be revised for clarification. This revision is designed to make the 1979 rule prospective only and to assure that the Department of the Interior and the lessee do not have to undergo the administrative cost and inconvenience of shifting accounting and payments from the Geological Survey to the Bureau of Land Management on the many nonproducing coal leases issued prior to the Federal Coal Leasing Amendments Act of 1976 which were in "producing status," that is, which were beyond the sixth lease year in which payments were, according to the lease terms, to be made to the Geological Survey. No readjustment in payments and accounting for those leases was intended; this revision would make that clear.

A revision in the fee § 3473.2–2(a)(3) would conform that section to the editorial revisions in Subpart 3453 on transfers.

A new § 3473.3–1(d) would be added to eliminate problems arising from lease readjustment procedures on leases issued prior to the effective date of the Federal Coal Leasing Amendments Act of 1976 and on those leases issued afterward. Rentals paid on pre-Federal Coal Leasing Amendments Act leases may be credited against royalties, and rental paid on new and readjusted leases may not be credited against royalties. These procedures create confusion as to what extent the rentals for the lease year which straddles the readjustment date may be credited against royalties, and result in a deficiency in the advance rental paid by the lessee. The proposed solution is the new § 3473.3–1(d).

Sections § 3473.3–2(b)(2) through (4) are proposed for deletion from these regulations because they will be contained in the Department of Energy proposed 10 CFR Part 378 rules. Cross-reference is provided in the renumbered § 3473.3–2(b).

Section § 3473.3–2(c) would be amended to state that net profit shares or other interests shall not be considered overriding royalty interests unless the net profit shares or other interests are calculated directly on the basis of the amount of production. The public is requested to comment on this net profit shares amendment as well as the need to restrict overriding royalties.

Section § 3473.3–2(d)(1) would be amended to reflect the Department of the Interior's intention to promote coal production by fully retaining the Secretary's authority under section 39 of the Mineral Leasing Act to reduce effective royalty rates below the statutory and regulatory minimums. The relationship between this authority and the provisions for setting the lease royalty rate at lease issuance or readjustment is discussed in detail in Solicitor's Opinion M–36920, 87 I.D. 69 (December 11, 1979), "Reduction of Production Royalties Below Statutory Minimum Rates." This revision would be accomplished by deleting the phrase "except that in no case shall the royalty be reduced below 5 percent for underground coal."

Section § 3473.3–2(d)(2) would be eliminated because the requirements for royalty rate reductions are contained in 30 CFR 211.63, as cross-referenced in the last sentence of the proposed revision in § 3473.3–2(d)(1), renumbered § 3473.3–2(d).

The proposed revisions to § 3473.4 would clarify the suspension of operations requirements by referring to the appropriate section of the Geological Survey 30 CFR 211 rules.

Subpart 3474—bonds

Section § 3474.1(a)(2) and 3474.1(c) would be amended to clarify that a single logical mining unit (LMU) bond covering the Federal leases within the same logical mining unit could be used.

The proposed first sentence of § 3474.2(a) and amendments to § 3474.3(b) would assure that the Federal lease bond will cover reclamation within a permit area only in those uncommon cases where the regulatory authority exercises interim program authority that does not provide bonding authority apart from the Federal lease bond. When permanent programs are in place for Federal lands (by virtue of the approval of a state program and a cooperative agreement governing Federal lands in the state, the adoption of a Federal program for that state, or the adoption of a Federal lands program for a state with an approved state program but no cooperative agreement) this use of lease bond authority to secure reclamation obligations will no longer be necessary.

A new § 3474.2(c) would be added as a technical bonding provision to further clarify that a single logical mining unit bond covering the Federal leases in a logical mining unit could be used.

Subpart 3475—Lease Terms

A new § 3475.1 would be added making provision for the lease form used for Federal coal leases. A revised lease form will be developed after these regulations are final. This revised form will reflect the changes in the regulations as well as the numerous comments received to date on the December 16, 1980, **Federal Register** (45 FR 83333) request for comments on the proposed lease form. The Department of the Interior reserves the option, based on the effect that the final coal regulations may have on the lease form, to request further public comments prior to implementation of a final lease form.

The diligent development and continued operation provisions set forth in § 3475.4, renumbered § 3475.5, would be deleted in their entirety and cross-referenced to 10 CFR Part 378. In accordance with the Department of Energy Organization Act of 1977, the Department of Energy is the authority responsible for diligence rules. The deletion from the 43 CFR Part 3400 rules would not be effective until the Department of Energy rules are final.

The criteria and specifications for a logical mining unit, as set forth in § 3475.5, renumbered § 3475.6, would be eliminated and cross-referenced instead to the 30 CFR Part 211 rules. Section 3475.5(c), renumbered § 3475.6(c), would be changed to state that the holder of a lease issued or readjusted between May 7, 1976, and the effective date of these regulations as final rulemaking whose

lease is considered to be a logical mining unit may file a request to the authorized officer for removal of this provision from the lease.

The primary authors of this proposed rulemaking are Patrick H. Geehan and Walter Rewinski, Division of Coal, Tar Sands and Oil Shale, Bureau of Land Management, assisted by Larry McBride, Division of Energy and Resources, Office of the Solicitor, Department of the Interior, and other Bureau of Land Management and Department of the Interior staff.

It is hereby determined that these rules do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. An environmental assessment has been prepared and a finding of no significant impact has been determined for these proposed amendments to the 43 CFR Part 3400 and 30 CFR Part 211 regulations for the Federal coal program. The environmental assessment is available upon request from the Division of Coal, Tar Sands and Oil Shale, Bureau of Land Management, Washington, D.C. 20240.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96–354).

The information collection requirements contained in 43 CFR Part 3400 have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands as amended (30 U.S.C. 351–359 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Surface Mining Control and Reclamation Act (30 U.S.C. 1201 et seq.) and the Multiple Mineral Development Act (30 U.S.C. 521–531 et seq.), it is proposed to amend Group 3400, Subchapter, C, Chapter II, Title 43 of the Code of Federal Regulations as set out below:

PART 3400—COAL MANAGEMENT—GENERAL

§ 3400.0–4 [Removed]

1. Section 3400.0–4 is removed in its entirety.

§ 3400.0–5 [Amended]

2. Section 3400.0–5 is amended by:

(a) Amending paragraph (d) by removing the phrase "logical mining unit" and replacing it with the phrase "mining operation";

(b) Amending paragraph (f) by removing the word "nontransferable";

(c) Removing paragraphs (h), (i), (j) and (k) in their entirety;

(d) Renumbering paragraph (l) as paragraph (h);

(e) Removing paragraph (m) in its entirety;

(f) Renumbering paragraphs (n) and (o) as paragraphs (i) and (j);

(g) Renumbering paragraph (p) as paragraph (k) and amending it by inserting after the phrase "characteristic of" the word "Federal" and by removing the phrase "above and below the deposits, or" and replacing it with the phrase "below the deposits, overburden and strata above the deposits and" and removing the last word "deposit" and replacing it with the word "deposits";

(h) Renumbering paragraph (q) as paragraph (l);

(i) Renumbering paragraph (r) as paragraph (m) and revising it as follows:

* * * * *

(m) "Exploration plan" means, in relation to an exploration license, a detailed plan to conduct exploration: it shows the location and type of exploration to be conducted, environmental protection procedures, present and proposed roads and reclamation and abandonment procedures to be followed upon completion of operations.

* * * * *

(j) Renumbering paragraph (s) as paragraph (n);

(k) Renumbering paragraph (t) as paragraph (o) and amending it by removing the phrase "mineral estates or coal estates underlying private surface," and replacing it with the phrase "surface estate, mineral estate and coal estate,".

(l) Renumbering paragraph (u) as paragraph (p);

(m) Renumbering paragraph (v) as paragraph (q) and amending it by adding at the end "Stock ownership or stock control does not constitute an interest in a lease within the meaning of this definition. Attribution of acreage to stock ownership interests in leases is covered by § 3472.1–3(b) of this title.";

(n) Removing paragraphs (w) and (x) in their entirety;

(o) Renumbering paragraph (y) as paragraph (r) and revising it as follows:

* * * * *

(r) "Lease" means a Federal lease, issued under the coal leasing provisions of the mineral leasing laws, which grants the exclusive right to explore for and extract coal. In provisions of this group that also refer to Federal leases for minerals other than coal, the term "Federal coal lease" may apply.

* * * * *

(p) Renumbering paragraph (z) as paragraph (s) and amending it by inserting after the phrase "reclamation operations" the phrase "under a permit";

(q) Renumbering paragraphs (aa) and (bb) as paragraphs (t) and (u);

(r) Renumbering paragraph (cc) as paragraph (v) and revising it as follows:

* * * * *

(v) "Logical Mining Unit" or "(LMU)" means an area of land that can be developed and mined for coal in an efficient, economical and orderly manner with due regard for the conservation of coal reserves and other resources. An LMU may consist of 1 or more leases and may include intervening or adjacent non-Federal lands, but all lands in an LMU shall be contiguous, under the effective control of a single operator or lessee, and capable of being developed and operated as a unified operation with complete extraction of the LMU reserves within 40 years after production of coal commences. No LMU shall exceed 25,000 acres, including both Federal and non-Federal lands.

* * * * *

(s) Renumbering paragraph (dd) as paragraph (w) and revising it as follows:

* * * * *

(w) "Logical Mining Unit reserves" means the sum of estimated Federal and non-Federal recoverable coal reserves in the LMU. The LMU reserves are those estimated as of the effective date of the LMU approval, except that the amount of LMU reserves may be adjusted by the Mining Supervisor as provided in 30 CFR 211.80.

* * * * *

(t) Renumbering paragraph (ee) as paragraph (x) and revising it as follows:

* * * * *

(x) "Maximum economic recovery" or "MER" means that, after safety factors are taken into account, all portions of the coal deposit within a Federal coal lease shall be mined that have a private incremental cost of recovery (including

reclamation costs) less than or equal to the market value of the coal.

* * * * *

(u) Removing paragraph (ff) in its entirety;

(v) Renumbering paragraph (gg) as paragraph (y);

(w) Renumbering paragraph (hh) as paragraph (z) and revising it as follows:

* * * * *

(z) "Mining plan" means a resource recovery and protection plan as described in 30 CFR 211.10(b).

* * * * *

(x) Renumbering paragraph (ii) as paragraph (aa) and revising it as follows:

* * * * *

(aa) "Mining Supervisor" means the District Mining Supervisor, Conservation Division, U.S. Geological Survey.

* * * * *

(y) Renumbering paragraph (jj) as paragraph (bb);

(z) Renumbering paragraph (kk) as paragraph (cc) and amending it by inserting before the word "licensee" in the two places it appears, the word "exploration";

(aa) Removing paragraph (ll) in its entirety;

(bb) Renumbering paragraph (mm) as paragraph (dd) and revising it as follows:

* * * * *

(dd) "Permit" means the document that authorizes surface coal mining and reclamation operations on Federal lands, after approval of a mining plan and a reclamation plan. A permit may be issued either by the Director of the Office of Surface Mining Reclamation and Enforcement in accordance with 30 CFR Chapter VII or, where a cooperative agreement pursuant to section 523 of the Surface Mining and Reclamation Act of 1977 (30 U.S.C. 1273) has been executed, by the state regulatory authority (30 CFR Part 741).

* * * * *

(cc) Renumbering paragraphs (nn) and (oo) as paragraphs (ee) and (ff);

(dd) Renumbering paragraph (pp) as paragraph (gg) and amending it by inserting between the word "persons" and the closing of the parenthesis the words "otherwise meeting the requirements of this section";

(ee) Renumbering paragraph (qq) as paragraph (hh) and amending it by inserting after the word "means" the word "the";

(ff) Renumbering paragraph (rr) as paragraph (ii) and amending it by removing the phrase "or his authorized representative";

(gg) Renumbering paragraphs (ss), (tt), (uu) and (vv) as paragraphs (jj), (kk), (ll) and (mm);

(hh) Renumbering paragraph (ww) as paragraph (nn) and amending it by removing the period at the end and adding the phrase ", and, in the case of private surface over Federal coal, the Bureau of Land Management, except in areas designated as National Grasslands, where it means the Forest Service.";

(ii) Renumbering paragraph (xx) as paragraph (oo) and revising it as follows:

* * * * *

(oo) "Surface Mining Officer" means the regulatory authority as defined in 30 CFR Chapter VII.

* * * * *

(jj) Renumbering paragraphs (yy) and (zz) as paragraphs (pp) and (qq).

§ 3400.1 [Amended]

3. Section 3400.1 is amended by:

(a) Inserting the figure "(a)" before the existing text of the section and removing the word "prospecting" and replacing it with the word "exploration"; and

(b) Adding a new paragraph (b) as follows:

* * * * *

(b) The presence of deposits of other minerals of the issuance of prospecting permits or mineral leases for prospecting, development or production of deposits of other minerals shall not preclude the granting of an exploration license, a license to mine or a lease for the exploration, development or production of coal deposits on the same lands with suitable stipulations for simultaneous operations.

§ 3400.3–4 [Amended]

4. Section 3400.3–4 is amended by removing the figure "(t)" where it appears and replacing it with the figure "(o)".

§ 3400.4 [Amended]

5. Section 3400.4 is amended by:

(a) Amending paragraph (a) by removing the figure "§ 3420.3–1(a)" where it appears in the first sentence and replacing it with the figure "§ 3400.5", by inserting in the first sentence after the phrase "the Governor of each State" the phrase "included in the region ", by removing in the third sentence the word "chairman" and replacing it with the word "chairperson", and by removing in the fourth sentence the phrase "on more than" and replacing them with the phrase "of only";

(b) Revising paragraph (b) as follows:

* * * * *

(b) Each regional coal team shall guide all phases of the coal activity planning process described in §§ 3420.3 through 3420.3–4 of this title which relate to competitive leasing in the region.

* * * * *

(c) Removing paragraph (c) in its entirety:

(d) Renumbering paragraph (d) as paragraph (c) and removing the word "concerning" and replacing it with the word "including";

(e) Renumbering paragraph (e) as paragraph (d) and revising it as follows:

* * * * *

(d) Additional representatives of state and Federal agencies may participate directly in team meetings or indirectly in the preparation of material to assist the team at any time at the request of the team chairperson. Participation may be solicited from state and Federal agencies with special expertise in topics considered by the team or with direct surface managment responsibilities in areas potentially affected by coal management decisions. However, at every point in the deliberations, the official team spokespersons for the Bureau of Land Management and for the Governors shall be those designated under paragraph (a) of this section.

* * * * *

(f) Renumbering paragraph (f) as paragraph (e); and

(g) Adding a new paragraph (f) as follows:

* * * * *

(f) The regional coal shall function under the general provisions of the cooperative procedures of subpart 1784 of this title.

6. A new § 3400.5 is added as follows:

§ 3400.5 Coal production regions.

The Bureau of Land Management shall establish by publication in the **Federal Register** coal production regions. A coal production region may be changed or its boundaries altered by publication of a notice of change in the **Federal Register**. Coal production regions shall be used for establishing regional leasing levels under § 3420.2 of this title and for other purposes of the coal management program.

PART 3410—EXPLORATION LICENSES

§ 3410.0–4 [Removed]

7. Section 3410.0–4 is removed in its entirety.

§ 3410.1–2 [Amended]

8. Section 3410.1–2(b) is amended by removing the words "for other than

commercial purposes" where they appear.

§ 3410.2-1 [Amended]

9. Section 3410.2–1 is amended by:

(a) Removing paragraph (b) in its entirety;

(b) Renumbering paragraph (c) as paragraph (b);

(c) Renumbering paragraph (d) as paragraph (c) and amending subparagraph (1) of that paragraph by removing the period at the end of the second sentence and adding the phrase "and shall contain the location of the Geological Survey and Bureau of Land Management offices in which the application shall be available for inspection."; and

(d) Renumbering paragraph (e) as paragraph (d).

10. Section 3410.2–2 is revised as follows:

§ 3410.2–2 Environmental analysis.

(a) Before an exploration license may be issued, the authorized officer, in coordination with the Geological Survey, shall prepare an environmental assessment of the potential effects of the proposed exploration on the natural and socio-economic environment of the affected area. No exploration license shall be issued if the exploration would: (1) result in disturbance that would cause significant and lasting degradation to the lands or injury to improvements, or in any disturbance other than that necessary to determine the nature of the overlying strata and the depth, thickness, shape, grade, quantity, quality or hydrologic conditions of the coal deposits; or (2) jeopardize the continued existence of a threatened or endangered species of fauna or lora or destroy or cause adverse modification to its critical habitat. No exploration license shall be issued until after compliance with sections 105 and 106 of the National Historic Preservation Act (16 U.S.C. 470(f)) with respect to any cultural resources which might be affected by any activity under the exploration license.

(b) The authorized officer shall include in each exploration license requirements and stipulations to protect the enviroment and associated natural resources and to ensure reclamation of the lands disturbed by the exploration.

§§ 3410.2-3 and 3410.2-4 [Removed]

11. Sections 3410.2–3 and 3410.2–4 are removed in their entirety.

§ 3410.2–5 Redesignated as § 3410.2–3

12. Section 3410.2–5 is renumbered § 3410.2–3.

§ 3410.2–6 [Removed]

13. Section 3410.2–6 is removed in its entirety.

§ 3410.3–1 [Amended]

14. Section 3410.3–1 is amended by:

(a) Amending paragraph (e) by removing the work "revoked" and replacing it with the word "cancelled";

(b) Amending paragraph (f) by removing in the first sentence the phrase ", with the concurrence of the authorized officer, and, where appropriate, the surface management agency," and removing the second and third sentences of the paragraph;

(c) Amending paragraph (g) by revising subparagraphs (1) and (2) as follows:

* * * * *

(g) * * *

(1) The authorized officer may adjust the terms and conditions of the exploration license, or

(2) The Mining Supervisor may direct adjustment in or approve modification of the exploration plan. If the licensee does not concur in the adjustment of the terms and conditions of the exploration license and exploration plan, he/she may, under 43 CFR Part 4, appeal the decision modifying the license, or he/she may relinquish the exploration license.

* * * * *

(d) Amending paragraph (h) by deleting the figure "§ 3410.3–1" and replacing it with the phrase "this section".

§ 3410.3–2 [Amended]

15. Section 3410.3–2 is amended by removing the fugure "(a)".

§ 3410.3–4 [Removed]

16. Section 3410.3–4 is removed in its entirety.

§ 3410.3–5 Redesignated as § 3410.3–4 and Amended

17. Section 3410.3–5 is renumbered 3410.3–4 and is amended by:

(a) Amending paragraph (b) by removing the phrase "and, where appropriate, the surface management agency and the surface owner," by removing the work "insure" and replacing it with the word "ensure", by removing the words "or bonds", by inserting after the word "sufficient" the phrase "; (1)", by removing the phrase "exploration plan and regulations" and replacing it with the phrase "and exploration plan" and by deleting the period at the end of the first sentence and adding the words "; and (2) in the absence of an agreement between the exploration licensee and the surface owner so providing, to assure compensation for damages to surface improvements made by surface owners where an exploration license embraces such lands."; and

(b) Revising Paragraph (c) as follows:

* * * * *

(c) Upon completion of explration and reclamatin activities that are in compliance with the terms and conditions of the exploration license, the exploration plan and the regulations, or upon discontinuance of exploration operations and completion of needed reclamation to the satisfaction of the authorized officer, and where appropriate, the surface management agency, the authorized officer shall, with the concurrence of the Mining Supervisor, terminate the period of liability of the bond.

* * * * *

18. Section 3410.4 is revised as follows:

§ 3410.4 Collection and submission of data.

The licensee shall furnish the Mining Supervisor copies of all data (including, but not limited to, geological, geophysical and core drilling analyses) obtained during exploration in a form requested by the Mining Supervisor. All data shall be considered confidential and not made public until the areas involved have been leased or until the Mining Supervisor determines that public access to the data would not damage the competitive position of the licensee, whichever comes first. (30 CFR 211.6, 43 CFR 2.20)

§ 3410.5 [Amended],

19. Section 3410.5 is amended by:

(a) Removing paragraph (a) in its entirety;

(b) Renumbering paragraph (b) as paragraph (a); and

(c) Renumbering paragraph (c) as paragraph (b) and removing all after the word "regulations".

PART 3420—COMPETITIVE LEASING

20. Section 3420.0–2 is revised as follows:

§ 3420.0–2 Objectives.

The objectives of these regulations are to establish policies and procedures for considering development of coal deposits through a leasing system involving land use planning and environmental analysis processes; to promote the timely and orderly development of publicly owned coal resources; to ensure that coal deposits are leased at their fair market value; and to ensure that coal deposits are developed in consultation, cooperation

and coordination with the public, state and local governments, Indian tribes and involved Federal agencies.

§ 3420.0–6 [Removed]

21. Section 3420.0–6 is removed in its entirety.

§ 3420.1–1 [Removed]

22. Section 3420.1–1 is removed in its entirety.

§ 3420.1–2 Redesignated as § 3420.1–1

23. Section 3420.1–2 is renumbered § 3420.1–1.

§ 3420.1–3 Redesignated as § 3420.1–2

24. Section 3420.1–3 is renumbered section 3420.1–2 and is revised as follows:

§ 3420.1–2 Call for coal resource information.

(a) Prior to initiation or update of a land use plan or land use analysis, the authorized officer shall formally solicit, through a Call for Coal Resource Information, indications of interest and information on coal resource development potential for lands in the planning unit. Industry, State and local governments and the general public may submit information on lands that should be considered for coal leasing, including statements describing why the lands should be considered for leasing.

(b) Proprietary data marked as confidential may be submitted in response to the Call for Coal Resource Information. Data marked as confidential shall be treated in accordance with the laws and regulations governing the confidentiality of such information.

(c) The Call for Coal Resource Information may be combined with the notice of intent to conduct land use planning published in accordance with § 1601.3(g) of this title or with the issue identification process in accordance with § 1601.5–1 of this title.

§ 3420.1–4 Redesignated as § 3420.1–3 and Amended

25. Section 3420.1–4 is renumbered section 3420.1–3 and is amended by:

(a) Amending paragraph (a) by removing the figure "§ 3420.4" and replacing it with the figure "§ 3420.3";

(b) Amending paragraph (b)(1)(ii) by removing the phrase "evidence of qualification (43 CFR 3472.2–5(a))" and replacing it with the phrase "the information specified in §§ 3472.2–5(a) (1) and (2) of this title" and by removing the period at the end and adding the sentence "The information specified in § 3472.2–5(a) (3) and (4) of this title shall be submitted within 60 days after submission of an expression of leasing interest or lease bid if no expression of leasing interest is made."; and

(c) Amending paragraph (b)(1)(iii) by removing the figure "§ 3420.4–2" and replacing it with the figure "§ 3420.3–2".

§ 3420.1–5 Redesignated as § 3420.1–4 and Amended

26. Section 3420.1–5 is renumbered § 3420.1–4 and is amended by:

(a) Revising paragraphs (b) (1), (2) and (3) as follows:

* * * * *

(b)(1) The Bureau of Land Management shall prepare comprehensive land use plans and land use analyses for lands it administers in conformance with 43 CFR Part 1600.

(2) The Department of Agriculture or any other Federal agency with surface management authority over lands subject to leasing shall prepare comprehensive land use plans or land use analyses for lands it administers.

(3) The Secretary may lease in any area where it is found either that there is no Federal interest in the surface or that the coal deposits in an area are insufficient to justify the costs of a Federal land use plan upon completion of a land use analysis in accordance with 43 CFR Part 1600.

* * * * *

(b) Removing paragraphs (c), (d) and (e) in their entirety;

(c) Renumbering paragraph (f) as paragraph (c) and amending it by removing the word "petition" and replacing it with the word "request" and by removing the phrase "Office for" and replacing it with the phrase "Office to prepare"; and

(d) Adding new paragraphs (d) through (g) as follows:

* * * * *

(d) A comprehensive land use plan or land use analysis shall contain an estimate of the amount of coal recoverable by either surface or underground mining operations or both.

(1) The major land use planning decision concerning the coal resource shall be the identification of areas acceptable for further consideration for leasing.

(2) Those areas that have development potential shall be subject to evaluation for leasing in land use planning (§ 3420.1–2). The Geological Survey shall estimate coal development potential for the surface management agency. Coal companies, State and local governments and the general public are encouraged to submit information to the Geological Survey at any time in connection with such development potential determinations. Coal companies, State and local governments and members of the general public may also submit nonconfidential coal geology and economic data during the inventory phase of planning to the Bureau of Land Management office conducting the land use planning. Where such information is determined to indicate development potential for an area, the area shall be included in the land use planning for evaluation for coal leasing.

(e) The authorized officer shall, using the unsuitability criteria and procedures set out in Subpart 3461 of this title, review Federal lands to assess where there are areas unsuitable for all or certain stipulated methods of mining. The unsuitability assessment shall be consistent with any decision of the Office of Surface Mining Reclamation and Enforcement to designate lands unsuitable or to terminate a designation in response to a petition.

(f) Multiple land use decisions may be made which may eliminate additional coal deposits from further consideration for leasing to protect other resource values of a locally important or unique nature not included in the unsuitability criteria discussed in paragraph (e) of this section.

(g)(1) While preparing a comprehensive land use plan or land use analysis, the Bureau of Land Management shall consult with all surface owners who meet the criteria in paragraphs (gg) (1) and (2) of § 3400.0–5 of this title, and whose lands overlie coal deposits, to determine preference for or against mining by other than underground mining techniques.

(2) For the purposes of this paragraph, any surface owner who has previously granted written consent to any party to mine by other than underground mining techniques shall be deemed to have expressed a preference in favor of mining. Where a significant number of surface owners in an area have expressed a preference against mining those deposits by other than underground mining techniques, that area shall be considered acceptable for further consideration only for development by underground mining techniques. In addition, the area may be considered acceptable for further consideration for leasing for development by other than underground techniques if there are no acceptable alternative areas available to meet the regional leasing level.

(3) An area eliminated from further consideration by this subsection may be considered acceptable for further consideration for leasing for mining by other than underground mining techniques if:

(i) The number of surface owners who have expressed their preference against mining by other than underground techniques is reduced below a significant number because such surface owners have given written consent for such mining or have transferred ownership to unqualified surface owners; and

(ii) The land use plan is amended accordingly.

§§ 3420.2, 3420.2–1, 3420.2–2, and 3420.2–3 [Removed]

27. Sections 3420.2, 3420.2–1, 3420.2–2 and 3420.2–3 are removed in their entirety.

§ 3420.2–4 Redesignated as § 3420.1–5

28. Section 3420.2–4 is renumbered 3420.1–5 and is revised as follows:

§ 3420.1–5 Hearing requirements.

After public notice, the Bureau of Land Management shall conduct a public hearing on the proposed comprehensive land use plan or land use analysis if it involves the potential for coal leasing before it is adopted if such a hearing is requested by any person who is or may be adversely affected by the adoption of the plan. A hearing conducted under Group 1600 of this chapter shall fulfill this requirement.

§ 3420.2–5 Redesignated as § 3420.1–6

29. Section 3420.2–5 is renumbered 3420.1–6.

§ 3420.2–6 Redesignated as § 3420.1–7 and Amended

30. Section 3420.2–6 is renumbered 3420.1–7 and is amended by removing in the first sentence the phrase "any formal" and replacing it with the word "an" and by removing from the second sentence the phrase "to obtain its recommendations concerning the unsuitability assessment."

§ 3420.2–7 Redesignated as § 3420.1–8 and Amended

31. Section 3420.2–7 is renumbered 3420.1–8 and is amended by removing the figure "§ 3420.4" and replacing it with the figure "§ 3420.3".

32. A new § 3420.2 is added to read:

§ 3420.2 Regional leasing levels.

This section sets out the process to be followed in establishing regional leasing levels. Regional leasing levels shall be established by the Secretary. The Secretary shall particularly rely upon the advice and assistance of affected State Governors in ensuring that leasing levels have properly considered social, environmental and economic impacts and constraints.

(a) The regional coal teams shall be the forum through which initial leasing level recommendations are transmitted to the Secretary. Initial leasing level recommendations shall be developed as follows:

(1) The appropriate Bureau of Land Management State Director on the regional coal team, as designated by the regional coal team chairperson, shall prepare a broadly stated range of initial leasing levels for the region. This range of initial leasing levels shall be based on information available to the State Director, including land use planning data, the results of the call for coal resource information held under § 3420.1–2 of this title, the results of the call for expressions of leasing interest held under § 3420.3–2 of this title and other pertinent factors;

(2) This initial range of leasing levels shall be made available to the other members of the regional coal team for review and comment. This review shall be designed to ensure full consideration of all relevant social, environmental and economic factors of which the Secretary should be aware in setting leasing levels;

(3) Governors of affected States shall be requested by the regional coal team chairperson to provide comments and recommendations concerning the leasing levels through the Governor's representatives on the regional coal team. Governors may use any methodologies, systems or procedures available to determine their recommendations;

(4) The regional coal team chairperson shall call upon the team members to present their findings and recommendations on the initial leasing levels. The chairperson shall refer the members' recommendations to an appropriate Bureau State Director serving on the team. The State Director shall: (i) Ensure the recommendations are in an appropriate format; (ii) add any additional information from the Bureau of Land Management and the Geological Survey data sources which may be available and pertinent to leasing level decision-making; (iii) address any questions and clarify any issues raised by the members' recommendations; and (iv) outline any additional alternative leasing levels. The regional coal team shall consider the State Director's review and shall transmit to the Secretary alternative leasing levels presented in ranges of tons to be offered for lease. All Governor's comments and recommendations shall also be transmitted to the Secretary, without change, as appendices to the team transmittal; and

(5) The regional coal team transmittal to the Secretary shall be made through the Director, who may provide additional data and recommendations, but only as separate documentation.

(b) The Secretary, upon receipt of the regional coal team transmittal, shall initiate consultations, in writing, with the Secretary of Energy, the Attorney General and affected Indian tribes. The Secretary shall establish leasing levels by region for the purposes of approximating the amount of coal to be offered through proposed lease sale schedules after consideration of potential policy conflicts or problems concerning, but not limited to:

(1) The Department's responsibility for the management, regulation and conservation of natural resources; and

(2) The capabilities of Federal lands and Federal coal resources to meet the proposed leasing levels, and the contributions State and privately owned coal lands can make.

(c) Leasing levels may be based on the following factors:

(1) Advice from Governors of affected States as expressed through the regional coal team;

(2) The potential economic, social and environmental effects of coal leasing on the region, including recommendations from affected Indian tribes;

(3) Expressed industry interest in coal development in the region and indications of the demand for coal reserves;

(4) Expressed interests for special opportunity sales;

(5) Expected production from existing Federal coal leases and non-Federal coal holdings;

(6) The level of competition within the region and recommendations from the Department of Justice;

(7) Department of Energy production goals and projections of future demand for Federal coal;

(8) Consideration of national energy needs; and

(9) Other pertinent factors.

(d) Prior to determing a final leasing level, the Secretary shall consult with the Governors of affected States to obtain final comments and recommendations. The Secretary shall then establish a final leasing level for the proposed coal lease sale.

(e) The levels shall be established for each coal production region where activity planning is conducted under the provisions of § 3420.3 of this title. The levels shall be developed separately for each region, but levels for 2 or more regions may be developed at the same time as the Secretary deems

appropriate. Leasing levels may be stated in terms of a range of values.

(f) The leasing levels established for any given region shall become the basis for the proposed action for study in the regional coal lease sale environmental impact statement prepared pursuant to § 3420.3–4 of this title. The Secretary's final decision on which coal lease tracts, if any, within a region to offer for sale, and the schedule for the offering of such tracts shall not be constrained by the established leasing levels; but rather shall be based on all information at the Secretary's disposal at the time of the decision.

§§ 3420.3, 3420.3–1, 3420.3–2, 3420.3–3, and 3420.3–4 [Removed]

33. Sections 3420.3, 3420.3–1, 3420.3–2, 3420.3–3 and 3420.3–4 are removed in their entirety.

§ 3420.4 Redesignated as § 3420.3

34. Section 3420.4 is renumbered § 3420.3.

§ 3420.4–1 Redesignated as § 3420.3–1 and Amended

35. Section 3420.4–1 is renumbered § 3420.3–1 and is amended by:

(a) Amending paragraph (a) by inserting after the word "ranking," in the first sentence the word "analyzing," and by removing the figure "§ 3420.1–5" in the second sentence and replacing it with the figure "§ 3420.1–4";

(b) Amending paragraph (b) by removing the words "shall, upon verification" and replacing them with the words "shall, upon verification"; and

(c) Adding a new paragraph (c) as follows:

* * * * *

(c) Each regional coal team established under § 3400.4 of this title shall:

(1) Guide tract delineation and preparation of site specific analyses of delineated tracts;

(2) Rank delineated tracts, select tracts that meet the leasing level established by the Secretary, and identify all alternative tract combinations to be analyzed in the regional lease sale environmental impact statement;

(3) Guide the preparation of the regional lease sale environmental impact statement; and

(4) Recommend a regional coal lease sale schedule to the Director.

§ 3420.4–2 Redesignated as § 3420.3–2 and Amended

36. Section 3420.4–2 is renumbered § 3420.3–2 and is amended by:

(a) Amending paragraph (a) by removing in the first sentence the figure "§ 3420.1–5" and replacing it with the figure "§ 3420.1–4" and by removing the last sentence of the paragraph in its entirety;

(b) Amending paragraph (b) by removing the second sentence of the paragraph in its entirety;

(c) Removing paragraphs (c), (d) and (e) in their entirety; and

(d) Renumbering paragraph (f) as paragraph (c) and amending it by adding at the end of the paragraph a new sentence "Data which are considered proprietary shall not be submitted as part of an expression of leasing interest."

§ 3420.4–3 Redesignated as § 3420.3–3 and Amended

37. Section 3420.4–3 is renumbered § 3420.3–3 and is amended by:

(a) Revising paragraph (a) as follows:

* * * * *

(a) Tracts may be delineated in any areas acceptable for further consideration for leasing whether or not expressions of leasing interest have been received for those areas.

* * * * *

(b) Removing paragraphs (b) and (c) in their entirety;

(c) Renumbering paragraph (d) as paragraph (b) and amending it by removing the figure "§ 3420.1–4" and replacing it with the figure "§ 3420.1–3";

(d) Renumbering paragraph (e) as paragraph (c) and amending it by removing the figure "§ 3420.1–4" and replacing it with the figure "§ 3420.1–3";

(e) Renumbering paragraph (f) as paragraph (d) and amending it by removing the phrase "3435, 3436 and 3437" where it appears in the parenthesis and replacing it with the phrase "3435 and 3436";

(f) Renumbering paragraph (g) as paragraph (e) and amending it by removing from the first sentence the word "preliminary"; and

(g) Removing paragraph (h) in its entirety.

§ 3420.4–4 Redesignated as § 3420.3–4.

38. Section 3420.4–4 is renumbered 3420.3–4 and is revised to read:

§ 3420.3–4 Regional tract ranking, selection, environmental analysis and scheduling.

(a)(1) Upon completion of tract delineation and preparation of the tract profiles, the regional coal team shall rank the tracts in classes of high, medium or low desirability for coal leasing. Three major categories of consideration shall be used in tract ranking: coal economics; impacts on the natural environment; and socioeconomic impacts. The subfactors to be considered under each category shall be those determined by the regional coal team as appropriate for that region, and shall be published in the regional lease sale environmental impact statement required by this section. Tracts may also be ranked for other coal management purposes, such as emergency leasing under subpart 3425 of this title or exchanges under Subparts 3435 and 3436 of this title.

(2) The regional coal team may modify tract boundaries being ranked, if appropriate, to reflect additional information.

(3) In ranking tracts, the regional coal team shall solicit the recommendations of the Federal and State agencies having appropriate expertise, including the Geological Survey, the Fish and Wildlife Service and the Federal surface management agency, if other than the Bureau of Land Management.

(4) Where Federal leasing decisions are likely to have impacts on lands held in trust for an Indian tribe, the regional coal team shall solicit the recommendations of the tribe and the Bureau of Indian Affairs.

(b)(1) Upon completion of tract ranking, the regional coal team shall select at least 1 combination of tracts that approximates the regional leasing level. The team may also select tract combinations representing alternative leasing levels.

(2) The regional coal team may adjust the tract ranking and select tracts to reflect considerations including: (i) the compatibility of coal quality, coal type and market needs; (ii) environmental and socioeconomic impacts; (iii) the compatibility of reserve size and demand distribution for tracts; (iv) public opinion; (v) avoidance of future emergency lease situations; and (iv) special leasing opportunity requirements.

(c) After tract ranking and selection, a regional lease sale environmental impact statement on all alternative tract combinations shall be prepared in accordance with the provisions of the National Environmental Policy Act. The statement shall consider both:

(1) The site-specific potential environmental impacts of each tract being considered for lease sale; and

(2) The intraregional cumulative environmental impacts of the proposed leasing action and alternatives, and other coal and noncoal development activities.

(d) The results of the ranking and selection process, including the tract rankings, the tract selected and the list of ranking criteria used shall be published in the regional lease sale environmental impact statement

required by paragraph (c) of this section. Detailed information on each of the tracts shall be available for inspection in the Bureau of Land Management State offices that have jurisdiction over lands within the coal production region (See 43 CFR Subpart 1821).

(e) Public hearings shall be held in the region following the release of the draft regional lease sale environmental impact statement to announce and discuss the results of the ranking and selection process and the potential impacts, including proposed mitigation measures.

(f) Upon the close of the comment period on the draft environmental impact statement, the regional coal team shall analyze the comments and make any appropriate revisions in the tract ranking and selection. The final regional lease sale environmental impact statement shall reflect such revisions.

(g) Upon completion and release of the final regional lease sale environmental impact statement, the regional coal team shall recommend specific tracts for lease sale and a lease sale schedule. The chairperson shall submit the recommendations to the Director. Any disagreement as to the recommendation among the team shall be documented and submitted by the chairperson along with the team recommendation. The Director shall submit the final regional environmental impact statement to the Secretary for his/her decision, together with the recommendation of the team and any recommendations the Director may wish to make.

(h) The tract ranking, selection and scheduling process shall normally be repeated every 4 years with a revision performed every 2 years, if needed. The Secretary may, in consultation with the Governor(s) of the affected State(s) and surface management agencies, initiate or postpone the process to respond to considerations such as major land use planning updates, new preliminary tract delineations and increases in the demand for coal reserves.

§§ 3420.4–5 and 3420.4–6 [Removed]

39. Sections 3420.4–5 and 3420.4–6 are removed in their entirety.

§ 3420.5 Redesignated as § 3420.4

40. Section 3420.5 is renumbered § 3420.4.

§ 3420.5–1 Redesignated as § 3420.4–1 and Amended

41. Section 3420.5–1 is renumberd § 3420.4–1 and is amended by removing the phrase "§§ 3420.5–2 through 3420.5–5" and replacing it with the phrase "§§ 3420.4–2 through 3420.4–5".

§ 3420.5–2 Redesignated as § 3420.4–2

42. Section 3420.5–2 is renumbered § 3420.4–2.

§ 3420.5–3 Redesignated as § 3420.4–3 and Amended

43. Section 3420.5–3 is renumbered § 3420.4–3 and is amended by revising the second sentence of paragraph (a) to read "The Secretary shall give the Governor 30 days to comment before adopting a regional lease sale schedule or, for lease applications, before publishing a notice of sale for any tract within the State."

§ 3420.5–4 Redesignated as § 3420.4–4 and Amended

44. Section 3420.5–4 is renumbered 3420.4–4 and is amended by revising the second sentence to read "The Secretary shall give the tribe 30 days in which to comment prior to adopting a lease sale schedule."

§ 3420.5–5 Redesignated as § 3420.4–5 and Amended

45. Section 3420.5–5 is § 3420.4–5 and is amended by revising the second sentence to read "The Secretary shall provide 30 days in which the Attorney General may advise the Secretary prior to adopting a lease schedule."

§§ 3420.6, 3420.6–1 and 3420.6–2 [Removed]

46. Sections 3420.6, 3420.6–1 and 3420.6–2 are removed in their entirety.

§ 3420.7 Redesignated as § 3420.5

47. Section 3420.7 is renumbered § 3420.5.

§ 3420.7–1 Redesignated as § 3420.5–1 and Amended

48. Section 3420.7–1 is renumbered § 3420.5–1 and is amended by revising the first sentence to read "Following completion of the requirements of §§ 3420.3 and 3420.4 of this title, the Secretary shall announce the adoption of a final regional lease sale schedule."

§ 3420.7–2 Redesignated as § 3420.5–2 and Amended

49. Section 3420.7–2 is renumbered § 3420.5–2 and is amended by:

(a) Amending the first sentence of paragraph (a) by removing the figure "3420.5" and replacing it with the figure "§ 3420.4" and by removing all after the word "title" were it appears; and

(b) Amending paragraph (b) by removing the figure "§ 3420.4–4" and replacing it with the figure "§ 3420.3–4".

50. Section 3422.1 is revised as follows:

§ 3422.1 Fair market value and maximum economic recovery.

(a) Not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on factors that may affect the fair market value (FMV) appraisal and the maximum economic recovery (MER) of the tract or tracts proposed to be offered. Proprietary data marked as confidential may be submitted to the Geological Survey in response to the solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information.

(b)(1) The authorized officer shall not accept any bid that is less than the fair market value as determined by the Department.

(2) Minimum bonus bids shall not be less than $25 per acre.

§ 3422.1–2 [Removed]

51. Section 3422.1–2 is removed in its entirety.

§ 3422.2 [Amended]

52. Section 3422.2 is amended by:

(a) Revising its title as follows: "§ 3422.2 *Notice of sale and detailed statement.*";

(b) Amending paragraph (b)(1) by inserting after the phrase "being offered and" the phrase "may include";

(c) Revising paragraph (b)(2) as follows:

* * * * *

(b) * * *

(2) Contain a description of the coal resources to be offered; and

* * * * *

(d) Revising paragraph (c) to read:

* * * * *

(c) The detailed statement of the terms and conditions of the lease(s) offered and bidding instructions for sale shall:

(1) Contain an explanation of the manner in which the bids may be submitted;

(2) Contain a warning to all bidders concerning 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders;

(3) Specify that the Secretary reserves the right to reject any and all bids and the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the lease for any reason;

(4) Contain a notice that each bid shall be accompanied by the bidder's qualifications (See 43 CFR 3472.2–2);

(5) Contain a notice to bidders that the winning bidders shall have to submit the information required by the Attorney

General for post-sale review (See 43 CFR 3422.3–4);

(6) If appropriate, contain a copy of any written consent given by a qualified surface owner and its terms, including payments which the high bidder, if not the holder of the consent, shall have to make;

(7) If appropriate, contain a notice that bidders shall file a statement that all information they hold relevant to written consents affecting any area offered in the sale in which the bid is submitted has been filed with the proper Bureau of Land Management State office (43 CFR Subpart 1821) in accordance with the provisions of Subpart 3427 of this title;

(8) Contain a copy of the proposed lease, including all terms and special stipulations; and

(9) Contain any other information deemed appropriate by the authorized officer.

* * * * *

(e) Revising paragraph (d) to read:

* * * * *

(d) Each successful bidder, if any, shall reimburse the United States for a proportionate share of the cost of publishing the notice of sale as a condition of lease issuance.

53. A new § 3422.3–1 is added to read:

§ 3422.3–1 Bidding systems.

The Department may conduct lease sales using any bidding system authorized by the Department of Energy in 10 CFR Part 378.

§ 3422.3–1 Redesignated as § 3422.3–2 and Amended.

54. Section 3422.3–1 is renumbered § 3422.3–2 and is amended by:

(a) Amending paragraph (a)(2) by inserting after the word "submitting" in the second sentence the word "qualified"; and

(b) Amending paragraph (b)(2) by removing the phrase "fair market value" and replacing it with the figure "FMV".

§ 3422.3–2 [Removed]

55. Section 3422.3–2 is removed in its entirety.

§ 3422.3–4 [Amended]

56. Section 3422.3–4 is amended by:

(a) Removing paragraph (a) in its entirety;

(b) Renumbering paragraph (b) as paragraph (a) and revising it as follows:

* * * * *

(a) Subsequent to a lease sale, but prior to issuing a lease, the authorized officer shall require the successful bidder to submit on a form or in a format approved by the Attorney General the information set out in this section relating to the bidder's coal holdings to the authorized officer for transmittal to the Attorney General. Upon receipt of the information, the authorized officer shall notify the Attorney General of the proposed lease issuance, the name of the successful bidder and terms of the proposed lease sale and shall transmit the bidder's statement on coal holdings. A description of the information required by the Attorney General and the form or format for submission of the information may be obtained from the authorized officer.

* * * * *

(c) Renumbering paragraph (c) as paragraph (b) and amending it by removing the phrase "a statement of coal holdings in the above form" and replacing it with the phrase "the currently required information";

(d) Renumbering paragraph (d) as paragraph (c) and amending it by removing from the second sentence the phrase "authorized officer" and replacing it with the word "Director";

(e) Renumbering paragraph (e) as paragraph (d) and amending it by removing the phrase "notifies the authorized officer that" and replacing it with the phrase "notifies the Director that" and by removing the figure "(f)" and replacing it with "(e)";

(f) Renumbering paragraph (f) as paragraph (e) and amending it by removing the phrase "notifies the authorized officer that" and replacing it with the phrase "notifies the Director that" and removing in subparagraph (1) the figure "(b)" and replacing it with the figure "(a)";

(g) Renumbering paragraph (g) as paragraph (f) and amending it by removing the figure "(b)" and replacing it with the figure "(a)"; and

(h) Renumbering paragraph (h) as paragraph (g) and revising it as follows:

* * * * *

(g) Information submitted to the authorized officer to comply with this section shall be treated as confidential and proprietary data if marked "confidential" by the reporting company. Confidential information shall be submitted to the authorized officer in a sealed envelope and shall be transmitted in that form to the Attorney General.

57. Section 3422.4 is revised as follows:

§ 3422.4 Award of lease.

(a) After the authorized officer has accepted a high qualified bid, and the Attorney General has not objected to lease issuance or the procedures in § 3422.3–4(e)(2) of this title have been completed, the authorized officer shall send 4 copies of the lease form to the successful bidder. The successful bidder shall complete, sign and return these forms and shall: pay the balance of the bonus bid, if required; pay the first year's rental; pay the proportionate share of the cost of publishing the notice of sale; and file a lease bond. Upon receipt of the above, the authorized officer shall execute the lease.

(b) If the successful bidder dies before the lease is issued, the provisions of § 3472.2–4 of this title shall apply.

(c) At least half of the acreage offered for competitive lease in any 1 year shall be offered on a deferred bonus payment basis. In a deferred bonus payment, the lessee shall pay the bonus in 5 equal installments; the first installment shall be submitted with the bid. The balance shall be paid in equal annual installments due and payable on the next 4 anniversary dates of the lease. If a lease is relinquished or otherwise cancelled or terminated, the unpaid remainder of the bid shall be immediately payable to the United States.

(d) If the successful bidder fails to comply with the requirements of paragraph (a) of this section, the deposit on the successful bid shall be forfeited to the United States.

(e) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the deposit submitted with the bid shall be refunded.

§ 3425.0–2 [Amended]

58. Section 3425.0–2 is amended by removing the phrase "§§ 3420.4 through 3420.7 of this title" and replacing it with the phrase "§§ 3420.3 through 3420.5–2 of this title."

§ 3425.0–6 [Removed]

59. Section 3425.0–6 is removed in its entirety.

§ 3425.1–4 [Amended]

60. Section 3425.1–4 is amended by:

(a) Revising paragraphs (a)(1) and (2) as follows:

(a) * * *

(1) That the coal reserves applied for shall be mined as part of a mining operation that is producing coal on the date of the application, and either:

(i) The Federal coal is needed within 3 years (A) to maintain an existing mining operation at its current average annual level of production on the date of application or (B) to supply coal for contracts signed prior to July 19, 1979, as substantiated by a complete copy of the supply or delivery contract, or both; or

(ii) If the coal deposits are not leased, they would be bypassed in the reasonably foreseeable future, and if leased, some portion of the tract applied for would be used within 3 years; and

(2) That the need for the coal deposits shall have resulted from circumstances that were either beyond the control of the applicant or could not have been reasonably foreseen and planned for in time to allow for consideration of leasing the tract under the provisions of § 3420.3 of this title.

* * * * *

(b) Revising paragraph (b) to read:

* * * * *

(b) The extent of any lease issued under this section shall not exceed 8 years of recoverable reserves at the applicant's average annual level of production or contracted level of production on the date of application or contracted level of production as of July 19, 1979."; and

(c) Removing paragraph (c) in its entirety.

§ 3425.1-5 [Amended]

61. Section 3425.1–5 is amended by removing the figure "§ 3420.3–1 (a)(1)" where it appears in paragraphs (a) and (b) and replacing it with the figure "§ 3400.5".

§ 3425.1-7 [Amended]

62. Section 3425.1–7 is amended by:

(a) Amending paragraph (b)(1) by removing the phrase ", (which may be available from state or Federal sources)"; and

(b) Amending paragraph (d) by removing the phrase "(See 43 CFR Subpart 3427)" and replacing it with the phrase "in accordance with Subpart 3427 of this title."

§ 3425.1-8 [Amended]

63. Section 3425.1–8 is amended by:

(a) Amending paragraph (a) by removing the word "when" and replacing it with the word "if"; and

(b) Amending paragraph (a)(2) by removing the phrase "violate the integrity of the normal leasing process" and replacing it with the phrase "compromise the regional leasing process described in § 3420.3 of this title".

§ 3425.2 [Amended]

64. Section 3425.2 is amended by removing the figure "§ 3420.1–5" and replacing it with the figure "§ 3420.1–4".

§ 3425.3 [Amended]

65. Section 3425.3 is amended by:

(a) Revising paragraph (a) as follows:

(a) Before a lease sale may be held under this subpart, the authorized officer shall conduct an environmental analysis of the proposed lease area in accordance with 40 CFR 1500 through 1508.

* * * * *

(b) Removing paragraphs (a)(1), (a)(2), (a)(3) and (a)(4) in their entirety.

66. Section 3425.4 is revised as follows:

§ 3425.4 Consultation and sale procedures.

(a)(1) Prior to holding any lease sale in response to any application under this subpart, a public hearing shall be held on the environmental assessment or environmental impact statement, the proposed sale and the fair market value and maximum economic recovery on the proposed lease tract.

(2) Prior to holding any lease sale under this subpart, the Secretary shall consult with the entitites and individuals listed in §§ 3420.4–2 through 3420.4–5 of this title.

(b) Subpart 3422 of this title applies in full to any sale to be held in response to an application filed under this subpart.

67. Section 3427.0–7 is revised as follows:

§ 3427.0–7 Purpose.

The purpose of this subpart is to set out the requirements for submission of evidence of written surface owner consent from qualified surface owners of split estate lands.

68. Section 3427.1 is revised as follows:

§ 3427.1 Deposits subject to consent.

On split estate lands (43 CFR 3400.0–5(kk)) where the surface is owned by a qualified surface owner, coal deposits that will be mined by other than undergound mining techniques shall not be included in a lease sale without evidence of written consent from the qualified surface owner (43 CFR 3400.0–5(gg)) allowing entry and commencement of surface mining operations.

§ 3427.2 [Amended]

69. Section 3427.2 is amended by:

(a) Revising paragraph (a)(1) to read:

(a)(1) Each written consent or evidence of written consent shall be filed with the appropriate Bureau of Land Management State office (43 CFR Subpart 1821) prior to the posting of the lease sale notice (See § 3422.2(a)) for the lands to which the consent applies. It shall be the responsibility of parties intending to file consents to be aware of pending coal lease sale notice dates.

* * * * *

(b) Removing paragraph (d) in its entirety;

(c) Renumbering paragraph (e) as paragraph (d) and revising it to read:

* * * * *

(d) The authorized officer shall verify that the written consent or evidence of such consent meets all of the following requirements, and that the statement of refusal to consent meets the requirements of paragraphs (d) (2) and (3) of this section:

(1) The right to enter and commence mining is transferable to whoever makes the successful bid in a lease sale for a tract which includes the lands to which the consent applies. A written consent shall be considered transferable only if it provides that after the lease sale for the tract to which the consent applies:

(i) The successful bidder may assume all rights and obligations of the holder of the consent, including the obligation to make all payments to the grantor of the consent and to reimburse the holder of the consent for all money previously paid to the grantor under the consent contract; and

(ii) Neither the holder nor the grantor of the consent has any right under the consent contract to prevent the successful bidder from assuming the rights and obligations of the holder of the consent by imposing additional costs or conditions or otherwise;

(2) The named surface owner is a qualified surface owner as defined in § 3400.0–5(gg) of this title; and

(3) The title for all split estate lands described in the filing is held by the named qualified surface owners.

* * * * *

(d) Renumbering paragraphs (f) and (g) as paragraphs (e) and (f);

(e) Renumbering paragraph (h) as paragraph (g) and amending it by removing the phrase "State Director" and replacing it with the phrase "authorized officer";

(f) Renumbering paragraphs (i) and (j) as paragraphs (h) and (i); and

(g) Adding a new paragraph (j) to read:

* * * * *

(j) If the surface owner fails to provide evidence of qualifications in response to surface owner consultation or to requests for such evidence, the authorized officer shall presume that the surface owner is unqualified.

70. A new § 3427.5 is added to read:

§ 3427.5 Unqualified surface owners.

(a) Lease tracts involving surface owners who are not qualified (see § 3400.0–5(gg) shall be leased subject to the protections afforded the surface owner by the statute(s) under which the surface was patented and the coal

reserved to the United States. No consent from an unqualified surface owner is required under this subpart before the authorized officer may issue a lease for such a tract (see section 9 of the Stock-Raising Homestead Act (43 U.S.C. 249); the Act of March 3, 1909 (30 U.S.C. 81); section 3 of the Act of June 22, 1910 (30 U.S.C. 85); and section 5 of the Act of June 21, 1949 (30 U.S.C. 54)).

(b) The provisions of §§ 3427.1 through 3427.4 of this title are inapplicable to any lease tract on which a consent has been given by an unqualified surface owner. The high bidder at the sale of such a tract is not required to submit any evidence of written consent before the authorized officer may issue the lease unless the statute establishing the relative rights of the United States (and its lessees) and the surface owner so requires.

PART 3430—NONCOMPETITIVE LEASES

§ 3430.0–3 [Amended]

71. Section 3430.0–3 is amended by removing paragraph (c) in its entirety.

72. Section 3430.0–7 is revised as follows:

§ 3430.0–7 Scope.

Section 4 of the Federal Coal Leasing Amendments Act of 1976, amending 30 U.S.C. 201(b), repealed the Secretary's authority to issue or extend a coal prospecting permit on Federal lands. Therefore, these regulations apply only to preference right lease applications based on prospecting permits issued prior to August 4, 1976. The surface owner consent provisions of section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304) do not apply to preference right lease applications.

73. Section 3430.2–1 is amended by:

(a) Revising the first paragraph and paragraph (a) of the section as follows:

§ 3430.2–1 Initial showing.

All preference right coal lease applications shall have contained or shall have been supplemented by the timely submission of:

(a) Information on the quantity and quality of the coal resources discovered within the boundaries of the prospecting permit area, including an average proximate analysis, sulfur content and BTU content of the coal, and all supporting geological and geophysical data used to develop the required information.

* * * * *

(b) Amending paragraph (c)(2) by adding the word "and" after the semicolon at the end;

(c) Amending paragraph (c)(3) by removing the semicolon and replacing it with a period;

(d) Removing paragraphs (c)(4), (c)(5) and (c)(6) in their entirety; and;

(e) Adding a new paragraph (d) as follows:

* * * * *

(d) The authorized officer may request from the applicant, or the applicant may submit, any other information necessary to conduct an environmental analysis of the proposed mining operation, formulate mitigating measures and lease terms and determine commerical quantities.

§ 3430.2–2 [Removed]

74. Section 3430.2–2 is removed in its entirety.

§ 3430.2–3 Redesignated as § 3430.2–2 and Amended

75. Section 3430.2–3 is renumbered § 3430.2–2 and is amended by removing the phrase "§§ 3430.2–1 and 3430.2–2" and replacing it with the figure "§ 3430.2–1".

3430.3–1 [Amended]

76. Section 3430.3–1 is amended by adding at the end of the first sentence in paragraph (c)(1) the phrase "in a land use analysis" and by removing the last sentence of paragraph (c)(3).

3430.3–2 [Amended]

77. Section 3430.3–2 is amended by:

(a) Revising paragraph (b) as follows:

* * * * *

(b) The environmental analysis may be conducted in conjunction with and included as part of the environmental analysis required for coal activity planning under § 3420.3–4 of this title.

* * * * *

(b) Removing paragraphs (c), (d) and (e) in their entirety.

§ 3430.4–1 [Amended]

78. Section 3430.4–1 is amended by:

(a) Amending paragraph (a) by removing the word "promptly" and replacing it with the phrase ", if not previously submitted,";

(b) Amending paragraph (b) by removing the phrase "applicant with the request" and replacing it with the phrase "applicant, separately or with a request";

(c) Amending paragraph (c) by revising subparagraph (3) to read:

* * * * *

(c) * * *

(3) If the applicant intends to mine the deposit in the lands covered by a preference right lease application as part of a logical mining unit, the applicant shall include the estimated costs and revenue of the combined mining venture.

* * * * *

(d) Revising paragraph (d) to read:

* * * * *

(d) The applicant may withdraw any lands from the application and delete them from the final showing if the applicant is no longer interested in leasing such lands or if such lands would be subject to special conditions or protective stipulations and the cost of mining the lands subject to these conditions or protective stipulations would adversely affect the commercial quantities determination.

* * * * *

§ 3430.5–1 [Amended]

79. Section 3430.5–1(a) is amended by:

(a) Revising paragraph (a)(3) to read:

(a) * * *

(3) The applicant otherwise failed to meet statutory or regulatory requirements; or

* * * * *

(b) Adding a new paragraph (a)(4) to read:

(a) * * *

(4) The applicant does not permit declassification of proprietary information within the time period specified in § 3430.2–2(b) of this title.

* * * * *

80. Section 3430.5–3 is revised to read:

§ 3430.5–3 Determination to lease.

A preference right lease shall be issued if, upon review of the application, any available land use plan and the environmental analysis, the authorized officer determines that:

(a) Coal has been discovered in commercial quantities on the lands applied for;

(b) The applicant has used reasonable economic assumptions and data to support the showing that coal has been found on the proposed lease in commercial quantities; and

(c) The conditions or protective lease stipulations assure that environmental damage can be avoided or acceptably mitigated.

81. Section 3430.5–4 is revised to read:

§ 3430.5–4 Lease exchange.

Upon the recommendation of the authorized officer, or the request of the applicant, the Secretary may initiate lease exchange procedures under Subpart 3435 of this title if:

(a) The lands under application have been shown to contain commercial quantities of coal;

(b) All or a portion of the proposed lease has been assessed as lands which

should be unavailable for coal development because of land use or resource conflicts or as lands which are unsuitable for coal mining under the provisions of Subpart 3461 of this title; and

(c) The lands are exempted from the application of any relevant unsuitability criteria or the Secretary lacks the authority to prevent damage to or loss of the land use or resource values threatened by lease operations.

82. Section 3430.6–1 is revised to read:

§ 3430.6–1 Lease terms.

Each preference right lease shall be subject to the terms provided for Federal coal leases established in Part 3470 of this title.

§ 3430.6–3 [Removed]

83. Section 3430.6–3 is removed in its entirety.

§ 3430.6–4 Redesignated as 3430.6–3 and Amended.

84. Section 3430.6–4 is renumbered § 3430.6–3 and is amended by removing the phrase "subpart 3400.0–5 of this title" and replacing it with the phrase "30 CFR 211.2".

§ 3431.2 [Amended]

85. Section 3431.2(c) is amended by removing the word "surface" where it first appears and replacing it with the word "Surface" and by adding immediately after the phrase "authorized officer" the phrase "of the surface management agency".

§ 3435.0–3 [Amended]

86. Section 3435.0–3(b) is amended by:

(a) Removing the word "and" at the end of paragraph (b)(2);

(b) Removing the period at the end of paragraph (b)(3) and replacing it with a semicolon; and

(c) Adding new paragraphs (b) (4) and (5) to read:

* * * * *

(b) * * *

(4) Section 1 of the Act of October 19, 1980 (94 Stat. 2269); and

(5) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (94 Stat. 2272).

§ 3435.1 [Amended]

87. Section 3435.1 is amended by:

(a) Revising paragraph (c) to read:

* * * * *

(c) A lease for a mineral listed in subpart 3526 of this title by mutual agreement between the applicant and the Secretary; and

* * * * *

(b) Removing the sentence following paragraph (e).

§ 3435.2 [Amended]

88. Section 3435.2 is amended by:

(a) Revising paragraph (b) to read:

* * * * *

(b) Except for leases qualified under Subpart 3436 of this title, the Secretary may issue a new coal lease in exchange for the relinquishment of outstanding leases or lease applications only in those cases where the Congress has specifically authorized such exchanges.

* * * * *

(b) Amending paragraph (c) by removing the word "appropriate" and replacing it with the phrase "in the public interest."; and

(c) Amending paragraph (d) by removing the phrase "and 3432.2(b) of this title" and replacing it with the phrase ", § 3432.2(b) and § 3432.3(a) of this title."

§ 3435.3–1 [Amended]

89. Section 3435.3–1 is amended by:

(a) Amending paragraph (b) by removing the phrase "include a statement of" and replacing it with the word "state";

(b) Revising paragraph (c) to read:

* * * * *

(c) The exchange notice shall contain a description of the leased lands or lands under preference right lease application being considered for exchange. These lands may include all or part of an existing lease or preference right lease application.

* * * * *

(d) Inserting a new paragraph (d) to read:

* * * * *

(d) The exchange notice may contain a description of the lands for which the Secretary would grant an exchange lease or lease interest. If a coal lease modification would be granted by exchange, the lands shall be selected from those lands found acceptable for further consideration for coal leasing under § 3420.1 of this title; and

(d) Renumbering paragraph (d) as paragraph (e).

§ 3435.3–2 [Amended]

90. Section 3435.3–2(a) is revised to read:

(a) The lessee or preference right lease applicant wishing to negotiate an exchange shall so reply in writing. The reply may include a description of the lands on which the lessee or lease applicant would accept an exchange lease or coal lease modification.

* * * * *

§ 3435.3–1 [Amended]

91. Section 3435.3–3 is amended by:

(a) Amending paragraph (a) by removing the colon and adding the phrase "negotiate an exchange consistent with § 3435.1 of this title." and removing subparagraphs (1) through (4) in their entirety; and

(b) Amending paragraph (b) by removing the figure "§ 3420.2–3" and replacing it with the figure "§3420.1".

92. Section 3435.3–5 is revised to read:

§ 3435.3–5 Notice of public hearing.

After the lessee or lease applicant and the Secretary agree on an exchange proposal, notice of the exchange proposal shall be published in the **Federal Register** and in at lest 1 newspaper of general circulation in each county or equivalent political subdivision where both the offered and selected lands are located. The notice shall announce that, upon request, at least 1 public hearing shall be held in a city or cities located near each tract involved. The notice shall also contain the Secretary's preliminary findings why the proposed exchange is in the public interest. Any notice of the availability of a draft environmental assessment or environmental impact statement on the exchange may be used to comply with this section.

§ 3435.3–6 [Amended]

93. Section 3435.3–6(a) is amended by removing the phrase "at least 45 days after this notification" and replacing it with the phrase "45 days".

94. Section 3435.4 is revised to read:

§ 3435.4 Issuance of lease, lease modification or bidding rights.

(a) If, after any public hearing(s), the Secretary by written decision concludes that an exchange is in the public interest, the Secretary shall transmit to the lessee or preference right lease applicant:

(1) A statement of the Secretary's findings that lease issuance is in the public interest;

(2) Either (i) copies of the coal or other mineral exchange lease or coal lease modification containing the terms, conditions and special stipulations under which the lease or coal lease modification is to be granted, or (ii) a statement describing the terms and conditions of the coal lease bidding rights to be granted in exchange; and

(3) A statement for execution by the lessee or preference right lease applicant relinquishing all right or interest in the lease or preference right lese application, or portion thereof, to be exchanged.

(b) The exchange lease, lease modification or coal lease bidding rights

shall be issued upon relinquishment of the lease, preference right lease application, or portion thereof.

(c) The exchange lease or lease modification shall be subject to all relevant provisions of group 3400 or 3500 of this title, 30 CFR Chapter VII, Subpchapter D and 30 CFR Part 211, as appropriate.

95. Subpart 3436 of Part 3430 is revised to read:

* * * * *

Subpart 3436—Coal Lease and Coal Exchanges—Alluvial Valley Floors

Sec.

3436.0–1 Purpose.
3436.0–2 Objective.
3436.0–3 Authority.
3436.0–5 Definitions.
3436.1 Coal lease exchanges.
3436.1–1 Qualified lease proponents.
3436.1–2 Federal coal deposits subject to lease by exchange.
3436.1–3 Exchange procedures.
3436.2 Fee coal exchanges.
3436.2–1 Qualified exchange proponents.
3436.2–2 Federal coal deposits subject to disposal through exchange.
3436.2–3 Exchange procedures.

Subpart 3436—Coal Lease and Coal Land Exchanges—Alluvial Valley Floors

§ 3436.0–1 Purpose.

The purpose of this subpart is to establish criteria and procedures for the exchange of coal leases and for the exchange of fee held coal for unleased Federally-owned coal in cases where surface coal mining operations on the lands that are covered by an existing coal lease or that are fee held would interrupt, discontinue or preclude farming on alluvial valley floors west of the 100th Meridian, west longitude, or materially damage the quantity or quality of water in surface or underground systems that supply those alluvial valley floors.

§ 3436.0–2 Objective.

(a) The objective of this subpart is to provide relief to persons holding leases for Federal coal deposits or fee title to coal deposits which underlie or are near alluvial valley floors and which cannot be mined through surface mining operations under section 510(b)(5) of the Surface Mining Control and Reclamation Act, through the exchange of lands, or interests therein, pursuant to the authority granted by the statutory provision.

(b) The Secretary shall exercise the authority to dispose of Federal coal deposits by lease to meet this objective when he/she determines that the exchange would serve the public interest. In determining whether such an exchange will serve the public interest, the Secretary will consider a wide variety of factors, including better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals and fish and wildlife. Unless consideration of the above factors would show otherwise, it will be assumed that an exchange will serve the public interest if substantial financial and legal commitments have been made toward development of the offered coal resource.

§ 3436.0–3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0–3 of this title.

(b) These regulations primarily implement section 510(b)(5) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(b)(5)).

§ 3436.0–5 Definitions.

As used in this subpart, the term "substantial financial and legal commitments" is a relative one, and the determination whether such commitments have been made, so as to qualify a person for an exchange under this subpart, will be made on a case-by-case basis. In making this determination, the Secretary will consider the level of expenditures made prior to January 1, 1977, that are exclusively related to development of the coal resource which is offered in exchange, taken together with the damages for which the person would be liable as a result of any legal commitments made prior to January 1, 1977, solely in connection with development of said coal resource, and the Secretary will compare that level of expenditure to the estimated total cost of developing the coal resource to the point of establishing a producing surface coal mining operation.

§ 3436.1 Coal lease exchanges.

§ 3436.1–1 Qualified lease proponents.

(a) Coal lease exchanges under this program shall be available only to persons who:

(1) Hold a Federal coal lease or preference right lease application covering lands that include or are near an alluvial valley floor located west of the 100th Meridian, west longitude, where surface coal mining operations are prohibited by section 510(b)(5) of the Surface Mining Control and Reclamation Act because such operations would interrupt farming or materially damage the quantity and quality of the water in surface or underground water systems that would supply the alluvial valley floor;

(2) Have made substantial financial and legal commitments prior to January 1, 1977, in connection with the lease or preference right lease application; and

(3) Are not entitled to continue any existing surface coal mining operations pursuant to the first proviso of section 510(b)(5) of the Surface Mining Control and Reclamation Act.

(b) Persons seeking an exchange bear the burden of establishing that they are qualified pursuant to paragraph (a) of this section. The Secretary shall accept a determination made pursuant to 30 CFR 785.19(c) as conclusive evidence of the existence of an alluvial valley floor.

§ 3436.1–2 Federal coal deposits subject to lease by exchange.

The lease offered by the Secretary in exchange for existing coal leases shall be for Federal coal deposits determined to be acceptable for further consideration for coal leasing pursuant to § 3420.1–5 or § 3420.2–3 of this title.

(a) Any person meeting the requirements of § 3436.1–1(a) of this title may apply for a lease exchange. No special form of application is required.

(b) The Secretary shall evaluate each exchange request to determine whether the proponent is qualified and whether the exchange serves the public interest. The exchange shall be processed in accordance with the procedures in subpart 3435 of this title for other lease and lease interest exchanges.

(c) After the Secretary and the exchange proponent have agreed to terms pursuant to § 3435.3–3 of this title, the Secretary may elect to consider the exchange proposal in conjunction with the activity planning process for the coal production region in which the lands proposed to be leased are located pursuant to § 3420.3 of this title. If the Secretary elects to process the exchange proposal in this manner, the tracts identified for use in the lease exchange shall be:

(1) Delineated for analysis pursuant to § 3420.3–3 of this title;

(2) Ranked as having high desirability pursuant to § 3420.3–4(a) of this title; and

(3) Selected for inclusion for analysis purposes in alternative proposed lease sale schedules pursuant to § 3420.3–4(c) of this title. Such tracts shall then be the subject of environmental analysis, public comment and consultation pursuant to §§ 3420.3 and 3420.4 of this title.

(d) If the Secretary elects to process the exchange proposal independently of the activity planning process, the

Secretary shall consider the environmental and resource information acquired during the land use planning process and found in the most recent regional environmental impact statement completed under the Federal coal management program. An environmental assessment or environmental impact statement shall be prepared on the proposed exchange prior to the public hearings and consultation required by §§ 3435.3–5 through 3435.3–7 of this title.

(e) In determining under § 3435.3–4 of this title the estimated value of the lease or preference right lease application to be relinquished, the Secretary shall proceed as though there were no prohibitions on surface mining operations on the lands covered by the lease or preference right lease application.

(f) The exchange proponent shall bear all administrative costs of the exchange, including the cost of establishing the value of each lease involved in the exchange.

§ 3436.2 Fee coal exchanges.

§ 3436.2–1 Qualified exchange proponents.

(a) Fee coal exchanges under this program shall only be available to persons who:

(1) Own coal west ot the 100th Meridan, west longitude, underlying or near an alluvial valley floor where surface coal mining operations are prohibited by section 510(b)(5) of the Surface Mining Control and Reclamation Act because such operations would interrupt farming or materially damage the quantity and quality of the water in surface or underground water systems that would supply the alluvial valley floor; and

(2) Are not entitled to continue any existing surface coal mining operation pursuant to the first proviso to section 510(b)(5) of the Surface Mining Control and Reclamation Act.

(b) Exchange proponents bear the burden of establishing their qualifications pursuant to paragraph (a) of this section. The Secretary shall accept a determination made pursuant to 30 CFR 785.19(c) as conclusive evidence of the existence of an alluvial valley floor.

§ 3436.2–2 Federal coal deposits subject to disposal by exchange.

The coal deposits offered in exchange by the Secretary shall be determined to be acceptable for further consideration for coal leasing pursuant to § 3420.1 of this title and shall be in the same State as the coal deposit offered in exchange by the proponent.

§ 3436.2–3 Exchange procedures.

(a) Any person meeting the requirements of § 3436.2–1(a) of this title may apply for an exchange. No special form of application is required. Any exchange proposal should be directed to the District Manager for the Bureau of Land Management district in which the Federal coal deposits are located.

(b) The Secretary shall evaluate each exchange request to determine whether the proponent is qualified.

(c) After the authorized officer and the owner of the coal deposit underlying an alluvial valley floor identify Federal coal deposits that are suitable for consideration for disposition through exchange, the exchange shall be processed in accordance with Part 2200 of this title, except as provided in this section.

(d) The Secretary may consolidate the environmental analysis for the proposed exchange with the regional environmental impact statement prepared on alternative leasing schedules for the coal production region in which the Federal coal deposits are located pursuant to § 3420.3–4 of this title. If the environmental analysis is not so consolidated, the Secretary shall consider environmental and other resource information obtained during the land use planning process or at other stages of the coal management program in preparing an appropriate environmental analysis or environmental impact statement on the proposed exchange.

(e) Exchanges shall be made on an equal value basis, provided that values of the lands exchanged may be equilized by the payment of money to the grantor or the Secretary so long as the payment does not exceed 25 percent of the total value of the lands or interests transferred out of Federal ownership. In determining the value of the coal deposit underlying or near an alluvial valley floor, the Secretary shall proceed as through there were no prohibition on surface coal mining operations on the property.

(f) The owner of the coal deposits underlying or near an alluvial valley floor shall bear all administrative costs of the exchange, including the cost of establishing the value of each deposit involved in the exchange.

§§ 3437.0–1 through 3437.2 (Subpart 3437) [Removed]

96. Subpart 3437 of Part 3430 is removed in its entirety.

PART 3440—LICENSES TO MINE

§ 3440.1–4 [Amended]

97. Section 3440.1–4 is amended by amending paragraph (c)(3) by removing the third and fourth sentences.

§ 3440.1–5 [Removed]

98. Section 3440.1–5 is removed in its entirety.

§ 3440.1–6 Redesignated § 3440.1–5 and Amended

99. Section 3440.1–6 is renumbered § 3440.1–5 and is amended by removing the pharse "regulatory authority" and replacing it with the phrase "Surface Mining Officer".

100. A new § 3440.1–6 is added to read:

§ 3440.1–6 Cancellation or forfeiture.

Any license to mine may be canceled or forfeited for violation of the Act under which the license to mine was issued, applicable Federal laws and regulations, or the terms and conditions of the license to mine.

PART 3450—MANAGEMENT OF EXISTING LEASES

§ 3451.1 [Amended]

101. Section 3451.1 is amended by:

(a) Amending paragraph (a) by removing subparagraph (3) in its entirety;

(b) Removing paragraph (b) in its entirety;

(c) Renumbering paragraph (c) as paragraph (b) and amending it by removing all after the figure "1976"; and

(d) Renumbering paragraphs (d) and (e) as paragraphs (c) and (d).

§ 3451.2 [Amended]

102. Section 3451.2 is amended by removing paragraph (b) in its entirety and renumbering paragraphs (c), (d) and (e) as paragraphs (b), (c) and (d).

103. Section 3452.1–1 is revised to read:

§ 3452.1–1 General.

The lease may surrender the entire lease, a legal subdivision thereof, an aliquot part thereof (not less than 10 acres) or any bed of the coal deposit therein. A partial relinquishment shall describe clearly the surrendered parcel or coal deposits and give the exact acreage relinquished. If the authorized officer accepts the relinquishment of any coal deposits in a lease, the lease reserves shall be adjusted in accordance with 30 CFR Part 211.

104. Section 3452.1–3 is revised to read:

§ 3452.1–3 Acceptance.

The effective date of the lease relinquishment shall, upon approval by an authorized officer, be the date on which the lessee filed the lease relinquishment. No relinquishment shall be approved until the authorized officer determines that the relinquishment will not impair the public interest, that the accrued rentals and royalties have been paid and that all the obligations of the lessee under the regulations and terms of the lease have been met.

§ 3452.2–1 [Amended]

105. Section 3452.2–1 is amended by:

(a) Revising paragraph (a)(2) to read:

(a) * * *

(2) fails to comply with any applicable general regulations; or

* * * * *

(b) Removing paragraph (b) in its entirety; and

(c) Renumbering paragraph (c) as paragraph (b).

§ 3452.3 [Amended]

106. Section 3452.3 is amended by:

(a) Amending paragraph (a) by inserting after the word "issued" the phrase "or readjusted"; and

(b) Amending paragraph (b) by inserting before the word "cancelled" the word "relinquished,".

107. Section 3431.1 is revised to read:

§ 3451.1 Qualifications.

Leases may be transferred in whole or in part to any person, association or corporation qualified under Subpart 3472 of this title to hold such leases, except as provided by §§ 3420.1–4(b)(1)(iv) and 3420.1–4(b)(2)(ii) of this title.

§§ 3453.1–1, 3453.1–2, 3453.1–3, 3453.1–4 and 3453.1–5 [Removed]

108. Sections 3453.1–1, 3453.1–2, 3453.1–3, 3453.1–4 and 3453.1–5 are removed in their entirety.

§ 3453.2–2 [Amended]

109. Section 3453.2–2 is amended by:

(a) Revising paragraphs (a) and (b) to read:

(a) Transfers of any record title interest shall be filed in triplicate and shall be accompanied by a request for approval from the transferee.

(b) No specific form need be used for requests for approval of transfers. The request for approval shall contain evidence of the transferee's qualifications, including a statement of Federal coal lease acreage holdings. This evidence shall consist of the same showing of qualifications required of a lease applicant by Subpart 3472 of this title. A single signed copy of the qualifications statement is sufficient.

* * * * *

(b) Amending paragraph (g) by removing the phrase "so treated, consistent with the Freedom of Information Act." and replacing it with the phrase "treated in accordance with the laws and regulations governing the confidentiality of such information."

110. Section 3453.2–3 is revised to read:

§ 3453.2–3 Filing location and fee.

Instruments of transfer and requests for approval shall be filed in the Bureau of Land Management office having jurisdiction over the leased lands proposed for transfer (see 43 CFR Subpart 1821). Each instrument of transfer shall be accompanied by a nonrefundable filing fee (see 43 CFR 3473.2).

§ 3453.2–4 [Amended]

111. Section 3453.2–4 is amended by revising the third sentence of paragraph (a) to read:

(a) * * * If the transfer is for only part of the leased lands, it shall be for a legal subdivision or any bed of coal deposits therein, and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the lessee shall be submitted, and (2) a new bond with the transferee as principal covering the portion transferred shall be submitted.

* * * * *

§ 3453.2–5 [Removed]

112. Section 3453.2–5 is removed in its entirely.

§ 3453.2–6 Redesignated as § 3453.2–5

113. Section 3453.2–6 is renumbered 3453.2–5 and is revised to read:

§ 3453.2–5 Effect of partial assignment.

A transfer of full record-title to only part of the lands, or any bed of the coal deposits therein, shall segregate the transferred and retained portions into separate and distinct leases, with the retained portion keeping the original serial number. The newly segregated lease shall be assigned a new serial number and shall contain the same terms and conditions as the original lease.

§ 3453.3–1 [Amended]

114. Section 3453.3–1 is amended by:

(a) Amending paragraph (e) by removing the figure "§ 3473.3" and replacing it with the figure "§ 3473.2"; and

(b) Amending paragraph (f) by removing the word "or" at the end thereof;

(c) Amending paragraph (g) by adding the word "; or" at the end thereof; and

(d) Adding a new paragraph (h) to read:

* * * * *

(h) The transfer would violate section 3 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)(2)).

§ 3453.3–2 [Amended]

115. Section 3453.3–2 is amended by:

(a) Amending paragraph (a) by removing the phrase "an application for"; and

(b) Revising paragraph (b) to read:

* * * * *

(b) The authorized officer shall not approve a transfer until 30 days after the requirements of §3422.3–4 of this title have been met.

§ 3453.3–3 [Amended]

116. Section 3453.3–3 is amended by inserting after the word "requests" the phrase "in writing,".

PART 3460—ENVIRONMENT

§ 3461.0–7 [Amended]

117. Section 3461.0–7 is amended by removing the figure "§ 3400.0–5(vv)" and replacing it with the figure "§ 3400.0–5(mm)" and removing the last sentence of the section in its entirety.

§ 3461.1 [Amended]

118. Section 3461.1 is amended by:

(a) Amending paragraph (a)(1) by removing the last sentence;

(b) Amending paragraph (b)(1) by removing the phrase ", or for agricultural crop production";

(c) Amending paragraph (c)(1) by inserting a new subparagraph (iii) to read:

* * * * *

(c) * * *

(1) * * *

(iii) If, after public notice and opportunity for public hearing in the locality, a written finding is made by the authorized officer that the interests of the public and the landowners affected by mining within 100 feet of a public road will be protected.

* * * * *

(d) Further amending paragraph (c)(1) by renumbering the existing subparagraph (iii) as subparagraph (iv) and removing from that subparagraph the word "buildings" and replacing it with the word "dwellings";

(e) Amending paragraph (i) by adding a new subparagraph (3) to read:

* * * * *

(i) * * *

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

* * * * *

(f) Amending paragraph (k) by adding a new subparagraph (3) to read:

* * * * *

(k) * * *

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

* * * * *

(g) Amending paragraph (l) by adding a new subparagraph (3) to read:

* * * * *

(l) * * *

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

* * * * *

(h) Amending paragraph (m) by adding a new subparagraph (3) to read:

* * * * *

(m) * * *

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

* * * * *

(i) Amending paragraph (n) by adding a new subparagraph (3) to read:

* * * * *

(n) * * *

(3) *Exemption.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

* * * * *

(j) Amending paragraph (p) by revising subparagraph (1) to read:

* * * * *

(p)(1) *Criterion Number 16.* Federal lands in riverine, coastal and special floodplains (100-year recurrence interval) on which the surface management agency determines that mining could not be undertaken without substantial threat of loss of life or property shall be considered unsuitable for all or certain stipulated methods of coal mining."; and

* * * * *

(k) Amending paragraph (q) by revising subparagraph (2) to read:

* * * * *

(q) * * *

(2) *Exception.* A lease may be issued where the surface management agency in consultation with the municipality (incorporated entity) or the responsible governmental unit determines, as a result of studies, that all or certain stipulated methods of coal mining will not adversely affect the watershed to any significant degree.

§ 3461.2 [Amended]

119. Section 3461.2(b) is amended by removing the last sentence of the paragraph.

120. Section 3461.3–1 is revised to read:

§ 3461.3–1 Assessment and land use planning.

(a)(1) Each of the unsuitability criteria shall be applied to all coal lands with development potential identified in the comprehensive land use plan or land use analysis. For areas where 1 or more unsuitability conditions are found and for which the authorized officer of the surface management agency could otherwise regard coal mining as a likely use, the exceptions and exemptions for each criterion may be applied.

(2) The authorized officer of the surface management agency shall describe in the comprehensive land use plan or land use analysis the results of the application of each unsuitability criterion, exception and exemption. The authorized officer of the surface management agency shall state in the plan or analysis those areas which could be leased only subject to conditions or stipulations to conform to the application of the criteria or exceptions. such areas may ultimately be leased provided that these conditions or stipulations are contained in the lease.

§ 3461.3–2 [Amended]

121. Section 3461.3–2 is amended by:

(a) Amending paragraph (a) by removing the figure "§ 3420.2–6" and replacing it with the phrase "§§ 3420.1–6 and 3420.1–7";

(b) Amending paragraph (b) by removing the last sentence of that paragraph; and

(c) Amending paragraph (c) by removing the last sentence of that paragraph.

§ 3461.3–3 [Removed]

122. Section 3461.3–3 is removed in its entirety.

123. Section 3461.4–1 is revised to read:

§ 3461.4–1 Application of criteria on unleased lands.

(a) The unsuitability criteria shall only be applied, prior to lease issuance, to all lands leased after July 19, 1979.

(b) The unsuitability criteria shall be initially applied either:

(1) During land use planning or the environmental assessment conducted for a specific lease application; or

(2) During land use planning under the provisions of § 3420.1–4 of this title.

124. Section 3461.4–2 is revised to read:

§ 3461.4–2 Application of criteria on leased lands.

The unsuitability criteria shall not be applied to leased lands.

§ 3461.5 [Removed]

125. Section 3461.5 is removed in its entirety.

§ 3461.6 Redesignated as § 3461.5 and Amended

126. Section 3461.6 is renumbered § 3461.5 and is amended by inserting after the word "mining", where it first appears in paragraph (a), the word "operations" and by adding at the end of paragraph (a) the phrase "and under 30 CFR 211.2(a)."

§ 3465.0–2 [Removed]

127. Section 3465.0–2 is removed in its entirety.

§ 3465.1 [Amended]

128. Section 3465.1(a) is amended by removing the phrase "permit (30 CFR Part 741)" and replacing it with the phrase "mining plan and mining permit (30 CFR Parts 211 and 741)".

§ 3465.2 [Removed]

129. Section 3465.2 is removed in its entirety.

§ 3465.3 Redesignated as § 3465.2

130. Section 3465.3 is renumbered § 3465.2

§ 3465.3–1 Redesignated as § 3465.2–1 and Amended

131. Section 3465.3–1 is renumbered § 3465.2–1 and is amended by removing the phrase "inspectors from the Surface Mining Officer" and replacing it with the

phrase "their authorized representatives".

§ 3465.3-2 Redesignated as § 3465.2-2

132. Section 3465.3–2 is renumbered § 3465.2–2.

§ 3465.3-3 Redesignated as § 3465.2-3 and Amended

133. Section 3465.3–3 is renumbered § 3465.2–3 and is amended by removing the phrase "30 CFR Part 211 or 30 CFR Chapter VII, Subchapter D" and replacing it with the phrase "30 CFR Chapter VII, Subchapter D, or by the Mining Supervisor in accordance with 30 CFR Part 211,".

§§ 3465.4, 3465.5, and 3465.6 [Removed]

134. Sections 3465.4, 3465.5 and 3465.6 are removed in their entirety.

PART 3470—COAL MANAGEMENT PROVISIONS AND LIMITATIONS

§ 3471.2-1 [Amended]

135. Section 3471.2–1 is amended by:

(a) Revising paragraph (b) to read:

* * * * *

(b) Any sale or conveyance of acquired lands by the agency having jurisdiction shall be subject to any lease or license to mine previously issued under the Mineral Leasing Act for Acquired Lands.

* * * * *

(b) Amending paragraph (c) by removing the phrase "act subject in each case to such appropriate conditions as may be prescribed" and replacing it with the word "Act."; and

(c) Amending paragraph (d) removing the phrase "(43 CFR 3426.6)" at the end of the paragraph.

§ 3471.2-2 [Amended]

136. Section 3471.2–2(b) is amended by removing the first sentence of that paragraph.

§ 3471.3-1 [Removed]

137. Section 3471.3–1 is removed in its entirety.

§ 3471.3-2 Redesignated as § 3471.3-1 and Amended

138. Section 3471.3–2 is renumbered § 3471.3–1 and is amended by:

(a) Revising paragraph (b) to read:

* * * * *

(b) Any party to any proceedings with respect to a violation of any provision of the mineral leasing laws may be dismissed promptly as a party by showing the he/she holds and acquired his/her interest as a bona fide purchaser without having violated any provisions of the mineral leasing laws.

* * * * *

(b) Amending paragraph (c) by removing the phrase ", during any such proceeding,".

§ 3471.3-3 Redesignated as § 3471.2-3

139. Section 3471.3–3 is renumbered § 3471.2–3.

§ 3471.4 [Amended]

140. Section 3471.4 is amended by removing the phrase "(See 43 CFR 3472.1–1(g))" and replacing it with the phrase "(See 43 CFR 3472.1–2(g))".

§ 3472.1-2 [Amended]

141. Section 3472.1–2 is amended by:

(a) Amending paragraph (a) by removing the figure "§ 3472.1–2" and replacing it with the figure "§ 3472.1–3"; and

(b) Revising paragraph (e) to read:

* * * * *

(e) After August 4, 1986, no lease shall be issued to any applicant or bidder and no existing lease shall be assigned to any party that holds and has held for 10 years any lease from which coal is not being produced, except as authorized under 30 CFR Part 211, in commercial quantities as that term is defined in 30 CFR Part 211.

* * * * *

§ 3472.1-3 [Amended]

142. Section 3472.1–3 is amended by revising paragraph (b)(1) to read:

* * * * *

(b)(1) In computing acreage held, owned or controlled, the accountable acreage of a party holding, owning or controlling an undivided interest in a lease shall be the party's proportionate part of the total lease acreage. Any subsidiary, affiliate or person controlled by or under common control with any corporation, person or association holding, owning or controlling a Federal coal lease shall be charged with lease acreage to the same extent as such corporation, person or association. The accountable acreage of a party holding, owning or controlling an interest in a corporation or association shall be that party's proportionate part of the acreage held, owned or controlled by such corporation or association. However, no party shall be charged with its pro rata share of any acreage held, owned or controlled by any corporation or association unless that party is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such corporation or association.

* * * * *

§ 3472.2-2 [Amended]

143. Section 3472.2–2 is amended by:

(a) Revising paragraph (c) to read:

* * * * *

(c) If the applicant or bidder for a lease or license to mine is a corporation, it shall submit statements showing:

(1) The state of incorporation;

(2) That the corporation is authorized to hold leases or licenses to mine;

(3) The names of the officers authorized to act on behalf of the corporation;

(4) The percentage of the corporation's voting stock and all of the stock owned by aliens or those having addresses outside of the United States; and

(5) The name, address, citizenship and acreage holdings of any stockholder owning or controlling 10 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or on behalf of aliens, or persons who have addresses outside of the United States, the corporation shall provide their names and addresses, the amount of stock held by each such person, and to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. Applications on behalf of a corporation executed by other than an officer named under paragraph (c)(3) of this section shall be accompanied by proof of the signatory's authority to execute the instrument. The applicant shall submit the same information as is required in the preceding paragraph for any of its corporate stockholders holding, owning or controlling 10 percent or more of its stock of any class.

* * * * *

(b) Adding new paragraphs (f) and (g) to read:

* * * * *

(f) The Department reserves the right to request any supplementary information that is needed to accredit acreage under § 3472.1–3 of this title.

(g) Any applicant or bidder who has previously filed a qualification statement may, if it certifies that the prior statement remains complete, current and accurate, submit a serial number reference to the record and office where the prior statement is filed.

§ 3472.2-5 [Amended]

144. Section 3472.2–5(a) is amended by removing the figure "§ 3420.1–4" and replacing it with the figure "§ 3420.1–3" in the two places where it appears.

§ 3473.1-2 [Amended]

145. Section 3473.1–2(b) is amended by removing the phrase "Payments of all rentals" and replacing it with the word "Rentals" and by adding at the end of

the paragraph the phrase ", unless terms of the lease provide otherwise."

§ 3473.2–1 [Amended]

146. Section 3473.2–1(a) is amended by revising subparagraph (3) to read:

(a) * * *

(3) A filing of fee of $50 per lease shall accompany each instrument of transfer of a lease or an interest therein.

* * * * * *

§ 3473.3–1 is amended by:

(a) Amending paragraph (b) by removing the phrase "production or advance"; and

(b) Adding a new paragraph (d) to read:

* * * * * *

(d) Rentals paid for any lease year commencing prior to the effective date of the first lease readjustment occurring after August 4, 1976, shall be credited against royalties for that year. Rentals due and payable for any lease year commencing on or after the effective date of the readjustment shall not be credited against royalties.

* * * * * *

§ 3473.3–2 [Amended]

148. Section 3473.3–2 is amended by:

(a) Revising paragraph (a)(3) to read:

(a) * * *

(3) A lease shall require payment of a royalty of not less than 8 percent of the value of the coal removed from an underground mine, except that the Geological Survey may determine a lesser amount, but in no case less than 5 percent if conditions warrant.

* * * * * *

(b) Revising paragraph (b) to read:

* * * * * *

(b) The Mining Supervisor shall have the discretion, upon the request of the lessee, to authorize the payment of an advance royalty in lieu of continued operation for any particular year in accordance with 30 CFR Part 211.

* * * * * *

(c) Revising paragraph (c) to read:

* * * * * *

(c)(1) An overriding royalty interest or production payment shall not be created by a lease transfer, surface owner consent, or otherwise that: (i) exceeds 50 percent of the rate of royalty first payable to the United States under the lease; or (ii) when added to any other overriding royalty interest, exceeds that percentage. When a lease or operating agreement is transferred, the transferor may retain an overriding royalty interest in excess of the above cited limitation if he/she shows to the satisfaction of the authorized officer that he/she has made substantial investments for improvements on the lands covered by the transfer that would justify a higher payment.

(2) For the purpose of this section, only net profit share or other interest which is calculated directly on the basis of amount of production shall be considered an overiding royalty interest or production payment.

* * * * * *

(d) Revising paragraph (d) to read:

* * * * * *

(d) The Secretary, whenever he/she determines it necessary to promote development or finds that the lease cannot be successfully operated under its terms, may waive, suspend or reduce the rental, or reduce the royalty but not advance royalty, on an entire leasehold, or on any deposit, tract or portion thereof. An application for any of these benefits shall be filed with the Mining Supervisor in accordance with 30 CFR 211.63.

§ 3473.4 [Amended]

149. Section 3473.4 is amended by:

(a) Amending paragraph (a) by adding at the end of the first sentence of the paragraph the phrase "in accordance with 30 CFR 211.63" and by removing the second sentence of the paragraph in its entirety; and

(b) Removing paragraphs (c), (d) and (e) in their entirety.

§ 3474.1 [Amended]

150. Section 3474.1 is amended by:

(a) Revising paragraph (a)(2) to read:

(a) * * *

(2) Cash bond; or

* * * * * *

(b) Revising paragraph (c) to read:

* * * * * *

(c) The bonding obligation for a new lease may be met by an adjustment to an existing LMU bond covering the other leases within the same LMU.

§ 3474.2 [Amended]

151. Section 3474.2 is amended by:

(a) Revising paragraph (a) to read:

(a) A lease bond for each lease, conditioned upon compliance with all terms and conditions of the lease, shall be furnished in the amount determined by the authorized officer. Except as provided in § 3474.3(b) of this title, that bond shall not cover reclamation within a permit area.

* * * * * *

(b) Amend paragraph (b) by removing the figure "§ 3410.3–5" and replacing it with the figure "3410.3–4"; and

(c) Adding a new paragraph (c) to read:

* * * * * *

(c) Upon approval of an LMU including more than 1 Federal lease, the lessee may, in lieu of individual lease bonds, furnish and maintain an LMU bond covering all of the terms and conditions of every Federal lease within the LMU, except for reclamation within the mining permit area unless the condition in § 3474.3(b) of this title applies. All LMU bonds shall be furnished in the amount recommended by the Mining Supervisor.

§ 3474.3 [Amended]

152. Section 3474.3 is amended by:

(a) Revising paragraph (b) to read:

* * * * * *

(b)(1) In setting or adjusting individual lease bond amounts, the authorized officer shall assure that the lease bond covers reclamation within a permit area where the Surface Mining Officer, because of the absence of an interim program authority governing Federal lands within that state, notifies the authorized officer that the lease bond should cover that reclamation.

(2) After consultation with the Surface Mining Officer, the authorized officer may release the amount of any outstanding bond which related to, and is not necessary to secure, the performance of reclamation within a permit area.

(c) Removing paragraph (c) in its entirety.

153. Subpart 3475 is amended by inserting a new § 3475.1 to read:

§ 3475.1 Lease form.

Leases shall be issued on a standard form approved by the Director. The authorized officer may modify those provisions of the standard form which are not required by statute or regulations and may add such additional stipulations and conditions as he/she deems appropriate.

§§ 3475.1, 3475.2 and 3474.3 Redesignated as §§ 3475.2, 3475.3 and 3475.4

154. Sections 3475.1, 3475.2, and 3474.3 are renumbered sections 3475.2, 3475.3, and 3475.4 respectively.

§ 3475.4 Redesignated as § 3475.5

155. Section 3475.4 is renumbered § 3475.5 and is revised to read:

§ 3475.5 Diligent development and continued operation.

In accordance with 30 CFR Part 211, each lease shall require:

(a) Diligent development; and

(b) Either (1) continued operation except when operations under the lease are interrupted by strikes, the elements or casualties not attributable to the lessee, or (2) in lieu thereof, when the

Secretary determines that the public interest will be served, payment of an advanced royalty."

§ 3475.5 Redesignated as § 3475.6

156. Section 3475.5 is renumbered § 3475.6 and is revised to read:

§ 3475.6 Logical mining unit.

(a) Criteria for approving or directing establishment of an LMU shall be developed and applied by the Geological Survey in accordance with 30 CFR 211.80

(b) When a lease is included in an LMU with other Federal leases or with interests in non-Federal coal deposits, the terms and conditions of the Federal lease or leases shall be amended so that they are consistent with or are superseded by the requirements imposed on the LMU of which it has become a part.

(c) The holder of any lease issued or readjusted between May 7, 1976, and the effective date of this regulation, whose lease provides by its own terms that it is considered to be an LMU, may request removal of this provision from any such lease. Such request shall be submitted to the authorized officer.

James G. Watt,

Secretary of the Interior.

November 19, 1981.

[FR Doc. 81-35938 Filed 12-15-81, 8:45 am]

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Wednesday
December 16, 1981

Part III

Department of the Interior

Geological Survey

Coal Exploration and Mining Operations

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 211

Coal Exploration and Mining Operations

AGENCY: Geological Survey, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The proposed rules in this Part delineate the functions and responsibilities of the U.S. Geological Survey (USGS) for regulating exploration for Federal coal and mining operations on Federal coal lands regarding production, development, resource recovery and protection, royalties, diligent development, continued operation, and maximum economic recovery (MER) under the Mineral Leasing Act of 1920, as amended (MLA). The proposed rules streamline and consolidate in this Part regulations previously promulgated by the Bureau of Land Management (BLM) and the Office of Surface Mining Reclamation and Enforcement (OSM) regarding USGS responsibilities under MLA for management of operations on Federal coal lands.

DATE: Interested persons may submit written comments on or before February 16, 1982.

ADDRESS: Comments should be addressed to Chief, Conservation Division, Attention: Chief, Branch of Coal Management (MS 653), U.S. Geological Survey, U.S. Department of the Interior, 12201 Sunrise Valley Drive, Reston, Virginia 22092. Comments will be available for public review at room 6A222 of the above address from 9 am to 3:30 pm on regular working days.

FOR FURTHER INFORMATION CONTACT: Mr. Robert O. Schrott, Acting Chief, Branch of Coal Management, Conservation Division, U.S. Geological Survey, Reston, Virginia 22092 (703) 860–7136; FTS: 928–7136.

SUPPLEMENTARY INFORMATION: On May 17, 1976, the Department of the Interior (DOI) published the 30 CFR Part 211 regulations (41 FR 20252) that govern operations for discovery, testing, development, mining, preparation, reclamation, and handling of coal under Federal leases, licenses, and permits issued for federally owned coal. On August 22, 1978, DOI modified those regulations in the **Federal Register** (43 FR 37181) to implement the initial regulatory program under Pub. L. No. 95–87, the Surface Mining Control and Reclamation Act of 1977 (SMCRA), on Federal lands. On March 13, 1979, OSM published its final permanent regulatory program 30 CFR Chapter VII regulations (44 FR 14902); these include provisions for a permanent Federal Lands Program (30 CFR Chapter VII, Subchapter D), that fully implements SMCRA on Federal lands. On December 31, 1979, these regulations were amended to postpone the implementation schedule for the permanent phase of the Federal Lands Program.

On May 19, 1980, DOI proposed revisions to the 30 CFR Part 211 regulations (rules) in the **Federal Register** (45 FR 32715). A public hearing on the proposed rules was held in Washington, D.C., on September 22, 1980. The comment period for the rules extended from May 19, 1980, to July 24, 1980, and was reopened from September 15 to September 29, 1980. The DOI received 26 sets of comments from private mining companies, Federal Agencies, law firms, public interest groups, and trade organizations. The USGS has revised the proposed rules, as appropriate, to reflect the substantive concerns expressed in the comments.

In response to the direction of the Secretary of the Interior, USGS is reviewing and identifying those regulations which are excessive, burdensome, and counterproductive. Accordingly, these proposed rules contain changes in the existing policies and regulations regarding logical mining units (LMU's), MER, and royalties. The proposed rules also incorporate, as appropriate, the comments received in response to the Secretary of the Interior's January 1981 request for public comments. Through these revisions, USGS seeks to achieve the goal of making DOI's coal management rules responsive to the overall needs for coal while providing for balanced management of the Nation's resources.

All written comments received between September 29, 1980, and the close of the comment period on this second proposed rulemaking will be considered to be part of the second proposed rulemaking record and will be available for public review at the place and times set forth in the "ADDRESS" section above.

This proposed revision of 30 CFR Part 211: (1) Separates responsibilities under SMCRA for mining on Federal lands (30 CFR Chapter VII, Subchapter D) from the requirements and responsibilities of USGS under MLA; (2) retains and clarifies USGS responsibilities under requirements of MLA and the 30 CFR Part 211 regulations of May 17, 1976, and August 22, 1978, for exploration, production, development, resource recovery and protection, and royalties; (3) revises and clarifies the existing regulations and requirements of the Federal Coal Leasing Amendments Act of 1976 (FCLAA) for MER, resource recovery and protection plans, and LMU's; and (4) deletes the regulations in 30 CFR Part 211 relating to the initial Federal Lands Program under SMCRA.

Note.—Until final rulemaking is promulgated by OSM regarding the initial Federal Lands Program, the existing 1980 30 CFR Part 211 rules regarding OSM's initial Federal Lands Program shall remain in effect.

Responsibilities Under the Mineral Leasing Act

The MLA has been amended numerous times, but most recently by FCLAA (Pub. L. No. 94–377) and by Pub. L. No. 95–554. For the purposes of this preamble, we refer to MLA and its amendments as MLA. The DOI is responsible for management of mining operations on Federal coal pursuant to the requirements of MLA. The USGS exercises the Secretary of the Interior's authority to enforce the regulations related to coal mining operations for MLA requirements concerning production, development, resource recovery and protection, MER, diligent development, continued operation, and rentals and royalties on producing leases. The proposed rules delineate those responsibilities and requirements and clarify certain sections of the existing regulations.

Transfer of Certain Responsibilities to Department of Energy

The Department of Energy (DOE) Organization Act transferred from DOI to DOE the responsibilities for establishing rules for diligence requirements for Federal coal leases. The DOE has the authority to promulgate diligence rules for Federal coal leases. Those rules will be codified at 10 CFR Part 378. The USGS has the authority to enforce the diligence rules.

Relation to OSM's Federal Lands Program

These proposed rules no longer contain the regulations in the 1980 30 CFR Part 211 rules relating to the initial Federal Lands Program under section 523 of SMCRA. Those rules will be published, as appropriate, by OSM at 30 CFR Chapter VII.

These proposed rule changes are intended to eliminate any duplication of effort by USGS, OSM, and the States regarding managment of exploration and mining operations that involve Federal coal.

Resource Recovery and Protection Plans

These proposed rules define a resource recovery and protection plan to

be the plan required by section 7(c) of MLA. If the operator/lessee is prepared to submit the SMCRA permit application package that includes both the "reclamation plan" (section 508(a) of SMCRA) and the resource recovery and protection plan (30 CFR 211.10(b)) within the 3-year period, the permit application package is submitted to the regulatory authority. If a resource recovery and protection plan is solely to meet the 3-year submittal deadline under MLA, the resource recovery and protection plan is submitted to the District Mining Supervisor and addresses the requirements of 30 CFR 211.10(b). Upon receipt of a resource recovery and protection plan, the District Mining Supervisor will review such plan for completeness and for compliance with MLA. The resource recovery and protection plan will become a part of the permit application package which will also contain the reclamation plan pursuant to SMCRA. The permit will be issued by the regulatory authority when all parts of the permit application package have been approved by the Secretary of the Interior.

The DOI will ensure that the two elements of the permit application package—the reclamation plan under SMCRA and the resource recovery and protection plan under MLA—will not be duplicative. At the time of approval of the permit application package, both the resource recovery and protection plan and the reclamation plan will address the same proposal of the operator/lessee. The permit application package including the reclamation plan requirements will be contained in the rules of the regulatory authority under SMCRA. The relationship between the reclamation plan and the resource recovery and protection plan also will be further defined in forthcoming revisions of OSM rules.

Streamling and Consolidation

The proposed rules streamline and consolidate in this Part the regulations of BLM and OSM regarding USGS responsibilities for Federal coal.

Sections or paragraphs of BLM regulations which are consolidated in these proposed rules include:

1. 43 CFR 3400.0–5 *Definitions.* The definitions of contiguous, exploration plan, LMU, LMU coal reserves, MER, and coal reserves have been revised and consolidated in this Part.

a. These proposed rules revise the definition of MER by eliminating the term "opportunity costs."

In order to analyze opportunity costs in an MER determination, considerable economic data would be required in a resource recovery and protection plan submittal. A company would have to submit alternative income-producing or expense-reducing possibilities in order for DOI to assess the opportunity costs. The DOI considers the requirement that all operators/lessees submit such additional data to be unduly burdensome to both the mining industry and DOI. To analyze opportunity costs, DOI would have to develop, on a case-by-case basis, the alternatives available to a company and compare them with the alternatives presented by a company. Such analysis would be extremely complex and time-consuming. The DOI's analysis of a company's opportunity costs may differ greatly from the company's own analysis of its opportunity costs due to the volatile nature of national economic conditions, and legitimate differences in investment practices and philosophies. Consequently, DOI considers opportunity-costs analysis to be unduly difficult and potentially inequitable, and has removed the term from the definition of MER. In addition, the phrase "or equal to" has been deleted. The DOI doe not intend to use MER to force any operator/lessee to produce coal at the exact break-even point.

In choosing the methodology for determining MER, DOI considered approaches based on economic data and standard industry practices. The DOI has decided to determine MER primarily on the basis of standard industry practices, supplemented by economic data as necessary. This approach is less burdensome to the mining industry and more administratively efficient, and provides a satisfactory basis from which the District Mining Supervisor can ensure that the resource recovery and protection plan will achieve MER.

Under this approach, USGS primarily will make the MER determination based on the mine design submitted in the resource recovery and protection plan. The DOI believes that this approach will work equally well for captive and noncaptive operations. Where a resource recovery and protection plan shows total extraction mining of all coal beds, the plan itself shows MER will be achieved and no additional data for MER will be required. Where a resource recovery and protection plan does not show total extraction mining of all coal beds or portions thereof, the resource recovery and protection plan will be analyzed by USGS for its conformance with standard industry practices, many of which are dependent on economic conditions for similar operations. The USGS will consider mining and geologic factors. For example, some of the factors considered for a surface mine would be stripping ratio; highwall limit; interburden thickness; recovery rate; and coal thickness, quality and value. For an underground mine, some of the factors considered would be recovery rate; mining height; overburden and interburden; coal thickness, quality and value; and engineering or safety factors that govern recovery of specific coal beds. Where the analysis indicates that the operator/lessee's mine design does not conform to standard industry practices in the region, USGS may require the operator/lessee to submit additional data to justify specific parts of the mine design. Such requests, as warranted, would be on a case-specific basis.

The USGS does not intend to require every operator/lessee to submit additional data to justify MER. Additional data for MER will be requested only where some condition appears to be out of the ordinary in the resource recovery and protection plan or where wasting of coal is evident. Standard industry practices will be used as the primary basis for determining MER; but, it must be stressed that conformity with standard industry practices is not dispositive of MER and variances from the practices may be required where case-specific conditions warrant such a variance. The DOI does not intend to use MER to force a company to mine Federal coal reserves at a loss or to mine Federal coal that cannot be sold under existing market conditions. The burden of establishing MER is on the operator/lessee.

Additionally, USGS is considering, and thus is specifically requesting comments on, the following alternative definition for MER:

Maximum economic recovery (MER) at the times of its determinations means that, after considering existing technology; commercially available equipment; quality, quantity, and marketability of the coal; and mine safety considerations, each coal bed that is profitable, using standard industry operating practices, must be mined. The requirement of MER in no way restricts the authority of the District Mining Supervisor to ensure conservation of the coal reserves and other resources and prevention of wasting of coal.

b. The definition of LMU has been revised to eliminate the implication that all lands within an LMU must be underlain by coal. The revised definition states that an LMU is an area of land that can be developed and mined for coal in an efficient, economical, and orderly manner with due regard for conservation of coal reserves and other resources.

c. The definition of contiguous also has been revised to eliminate the

implication that all land within an LMU must be underlain by coal. The revised definition is based on legal subdivisions and provides that physical or legal divisions such as burn lines or rights-of-way do not destroy the concept of contiguity. The DOI currently is examining whether legal subdivisions control the definition of contiguous.

2. 43 CFR Part 3473 *Fees, Rentals and Royalties.* The royalty provisions of this section have been revised and consolidated in this part. The USGS solicits comments on the following proposals that are being considered:

a. The USGS considered the exclusion of all Federal royalties and Federal fees from the calculation of gross value of the coal for royalty purposes. This proposed rulemaking does not incorporate this exclusion. The gross value is defined to be the unit sale or contract price times the number of units sold, essentially the same definition as currently implemented. The USGS solicits comment on this provision.

b. The value of coal for the purpose of advance royalty payment will be calculated in the manner provided in 30 CFR 211.63, whether or not the preceding production was from a Federal lease in the LMU.

c. The DOI views the requirement for a limit on the amount of any overriding royalty as an essential feature of MLA responsibilities for conservation of coal reserves and other resources. The existing overriding royalty provision has been expanded to reflect recent legal opinions and interpretations. The expansion includes production payments, except those created in order to finance a mine, direct or indirect net profit shares or other interests. The USGS especially solicits comments on this requirement and expansion.

d. Revision of the royalty reduction provisions.

3. 43 CFR 3475.4 *Diligent development and continued operation.* The authority to promulgate diligent development and continued operation requirements for Federal coal leases was transferred to DOE by the DOE Organization Act. At the time or readjustment, the lessor can revise the lease terms and obligations consistent with MLA, the rules then in effect, and procedural due process. For the purposes of determining that a lease has met diligent development, and therefore is subject to continued operation, all lease coal reserves shall be included in the coal reserves estimates.

4. 43 CFR 3475.5 *Logical mining units.* The proposed rules significantly change the concept of and procedures for LMU's. The changes include:

a. Abolishing the requirement that each lease is automatically considered to be an LMU on June 1, 1976, or upon the effective date of the lease (43 CFR 3475.5(a)). Therefore, the 40-year LMU coal reserves exhaustion requirement no longer applies to leases. For leases containing this lease term, at the request of the operator/lessee to the authorized officer, DOI will modify the lease to remove the 40-year LMU coal reserves exhaustion requirement.

b. An LMU will be created only upon the request of an operator/lessee or at the specific direction of the District Mining Supervisor under section 2(d) of MLA (30 U.S.C. 202a(6)).

c. The lease terms of individual Federal leases consolidated in an LMU will be revised in order to ensure that mining under the individual leases will be consistent with the requirements for the approval of the LMU. Rental and royalty rates for the individual leases will not be altered prior to lease readjustment under section 7 of MLA (30 U.S.C. 207(a)).

d. The 40-year LMU coal reserves exhaustion requirement will begin the date that coal is produced from the LMU, as determined during the first royalty reporting period following such date.

Exploration on Federal Lands

The USGS will administer all exploration activities for Federal coal. Existing exploration responsibilities for Federal coal under 30 CFR Chapter VII have been transferred to USGS. The regulatory authority retains the responsibility for exploration for non-Federal coal contained in an approved permit area. Applications for exploration for leased Federal coal will be submitted to the District Mining Supervisor who shall make any necessary consultations. For Federal coal which has not been leased, USGS will administer exploration activities after an exploration license has been issued pursuant to 43 CFR Part 3410. No exploration may commence for Federal coal unless the District Mining Supervisor approves an exploration plan as provided for in these proposed rules.

The roles of the State regulatory authority and the USGS as they relate to exploration activities on Federal lands continue to be an extremely complicated regulatory subject. The issues which have been raised are legally, administratively, and technically complex. Some of these issues include checkerboard ownership patterns, funding and administering drilling programs, handling propietary data, and potentially duplicative permitting and reclamation enforcement responsibilities. While DOI feels that the method presented in these rules is workable and legally defensible it is not the ony possible option. The DOI specifically solicits comments on the State and USGS roles as they relate to exploration on Federal lands.

Additionally, the USGS is evaluating procedures which would allow selected State agencies limited access to proprietary data held by USGS. Completion of the usual secondary office of control documents would be required of anyone gaining access, as would the standard penalties for any subsequent unauthorized disclosure of proprietary data. The USGS solicits comment on this procedure.

Other Information

The requirements of General Mining Order No. 1 will be considered for revision upon promulgation of these proposed rules as final rulemaking. Pursuant to the Regulatory Flexibility Act (Pub. L. No. 96-354), functions, responsibilites, and requirements for coal mining operations on Federal lands are referred to as "rules" rather than "regulations." References to the term "regulations" in this supplementary information apply to the historical use of that term in the previous versions of 30 CFR Part 211.

It is hereby determined that these rules do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The environmental assessment that substantiates this conclusion is available for public review at the place and times set forth in the "ADDRESS" section above.

The information collection requirement contained at 30 CFR 211.62(c)(1) has been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned OMB approval number 1028-0001 which expires December 31, 1982. The information collection requirements contained in all the remaining sections of 30 CFR Part 211 (except 30 CFR 211.62(c)(1) as noted above) have been submitted to OMB for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by OMB. Additionally, USGS specifically solicits comments on the contents and requirements for exploration plans (30 CFR 211.10(a)], resource recovery and protection plans (§ 211.10(b)], and mining operations maps (30 CFR 211.12).

The DOI has determined that this document is not a major rule under Executive Order 12291 and will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96–354). The Determination of Effects of Rules that substantiates this conclusion is available for public review at the place and times set forth in the "ADDRESS" section above.

reparation of these proposed rules is under the responsibility of Robert O. Schrott, Acting Chief, Branch of Coal Management, Conservation Division, U.S. Geological Survey, Reston, Virginia 22092.

Primary Authors

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Part 211, Chapter II, Title 30 of the Code of Federal Regulations is revised as set forth below.

PART 211—COAL EXPLORATION AND MINING OPERATIONS RULES

General

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Logical Mining Units

211.80 Logical mining units.

Authority: The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359); and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

General

§ 211.1 Scope, purpose, and responsibilities.

(a) *Scope.* The rules of this part shall govern operations for the exploration, development, mining, preparation, and handling of coal under Federal leases, licenses, and permits, regardless of surface ownership, pursuant to the Mineral Leasing Act of 1920, as amended (MLA), and in conjunction with the regulations in 43 CFR Group 3400 and 30 CFR Chapter VII. Except as otherwise provided in 25 CFR Chapter I or Indian lands leases, these rules do not apply to operations on Indian lands. The provisions in these rules relating to advance royalty, diligent development, continued operation, maximum economic recovery (MER), and logical mining units (LMU's) shall not apply to Indian lands leases and permits. The rules governing exploration for unleased Federal coal are codified at 43 CFR Part 3410 (Exploration Licenses). Until final rulemaking is promulgated by the Office of Surface Mining Reclamation and Enforcement (OSM) regarding the initial Federal Lands Program, the existing 1980 30 CFR Part 211 rules regarding OSM's initial Federal Lands Program shall remain in effect.

(b) *Purpose.* The purposes of the rules of this part are to ensure orderly and efficient development, mining, preparation, and handling operations; ensure production practices that prevent wasting or loss of coal or other resources; avoid unnecessary damage to coal-bearing or mineral-bearing formations; ensure MER of coal reserves; ensure that operations meet requirements for diligent development and continued operation; ensure resource recovery and protection plans are submitted and approved in compliance with MLA; ensure effective and reasonable regulation of surface and underground coal mining operations; require an accurate record and accounting of all coal produced; ensure efficient, environmentally sound exploration and mining operations; and eliminate duplication of efforts by the U.S. Geological Survey (USGS), OSM, and the States in the Federal coal program.

(c) *Responsibilities of Other Federal Agencies.*—(1) *Office of Surface Mining Reclamation and Enforcement.* The responsibility for administration of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201 et seq.) is vested in OSM.

(2) *Mine Safety and Health Administration.* The responsibility for enforcement of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 742), and the coal mine health and safety rules contained in Chapter I of this Title are vested in the Mine Safety and Health Administration (MSHA), Department of Labor.

(3) *Bureau of Land Management.* The responsibility for the issuance of exploration licenses for unleased Federal coal, the issuance of licenses to mine, and the issuance, readjustment, modification, termination, cancellation, and/or approval of transfers of Federal coal leases pursuant to MLA and the Mineral Leasing Act for Acquired Lands of 1947, as amended, is vested in the Bureau of Land Management.

(4) *Department of Energy.* The responsibility for promulgating rules for diligence was transferred to the Department of Energy (DOE) by the DOE Organization Act (42 U.S.C. 7152 and 7153). The Department of the Interior has the authority to enforce such rules established by DOE.

(d) *Effective Date.* These rules, when finalized, will be effective 30 days after publication as final rulemaking.

§ 211.2 Definitions.

(a) As used in the rules of this part, the following terms shall have the following meanings:

(1) *Advanced royalty* means a payment under a lease in advance of actual production authorized by the District Mining Supervisor to be made in lieu of continued operation.

(2) *Assistant Secretary for Energy and Minerals* means Assistant Secretary for Energy and Minerals, or designee, Department of the Interior.

(3) *Coal reserve base* means the tons of coal in place contained in beds of (i) metallurgical or metallurgical-blend coal 12 inches or more thick; anthracite, semianthracite, bituminous, and subbituminous coal 28 inches or more thick; and lignite 60 inches or more thick to a depth of 500 feet below the lowest surface elevation on the lease; (ii) metallurgical and metallurgical-blend coal 24 inches or more thick; anthracite, semianthracite, bituminous and subbituminous coal 48 inches or more thick; and lignite 84 inches or more thick occurring from 500 to 3,000 feet below the lowest surface elevation on the lease; (iii) any thinner bed of metallurgical, anthracite, semianthracite, bituminous, and subbituminous coal and lignite at any horizon above 3,000 feet below the lowest surface elevation on the lease,

which is currently being mined or for which there is evidence that such coal bed could be mined commercially at this time; and (iv) coal at a depth greater than 3,000 feet where mining actually is to occur. Coal reserve base includes measured, indicated, and inferred reserve categories.

(4) *Coal reserves* means the tons of coal that can be mined commercially under existing technology and economics. It does not include coal that will be left in pillars, fenders, property barriers, or other areas where mining is not permissible. In these rules, the terms "coal reserves" and "recoverable coal reserves" are used interchangeably. Recoverable coal reserves include the measured, indicated, and inferred reserve categories. (See also the definition of logical mining unit (LMU) coal reserves.)

(5) *Conservation Manager* means Conservation Manager, or designee, Conservation Division, U.S. Geological Survey (USGS), Department of the Interior.

(6) *Contiguous* means having at least one point in common, including cornering tracts. Intervening physical separations such as burn lines and intervening legal separations such as rights-of-way do not destroy contiguity as long as legal subdivisions have at least one point in common.

(7) *Continued operation year* means the 12-month period beginning the first royalty reporting period following the date that diligent development is achieved, and each 12-month period thereafter.

(8) *Deputy Conservation Manager—Mining* means Deputy Conservation Manager—Mining, or designee, Conservation Division, USGS, Department of the Interior.

(9) *Development* means activities conducted by an operator/lessee after approval of a permit application package to prepare a mine for commercial production.

(10) *Director* means Director, or designee, USGS, Department of the Interior.

(11) *District Mining Supervisor* means District Mining Supervisor, or designee, Conservation Division, USGS, Department of the Interior.

(12) *Division Chief* means Chief, or designee, Conservation Division, USGS, Department of the Interior.

(13) *Exploration* means drilling, excavating, and geological, geophysical or geochemical surveying operations designed to obtain detailed data on the physical and chemical characteristics of Federal coal deposits and their environment including the strata below the Federal coal deposits, overburden and strata above the Federal coal deposits, and the hydrologic conditions associated with the Federal coal deposits.

(14) *Exploration plan* means a detailed plan to conduct exploration; it shows the location and type of exploration to be conducted, environmental protection procedures, present and proposed roads, and reclamation and abandonment procedures to be followed upon completion of operations.

(15) *General Mining Order* means any formal numbered order, issued by the District Mining Supervisor, which is published in the **Federal Register** after opportunity for public comment. These orders implement the rules of this part and apply to coal mining and related operations.

(16) *Gross value,* for the purpose of royalty calculations, means the unit sale or contract price times the number of units sold, subject to the procedures in 30 CFR 211.63(g) under which gross value is determined.

(17) *License* means a license to mine coal pursuant to the provisions of 43 CFR Part 3440, or an exploration license issued pursuant to the provisions of 43 CFR Part 3410.

(18) *Logical mining unit (LMU)* means an area of land in which the coal resources can be developed in an efficient, economical, and orderly manner as a unit with due regard to conservation of coal reserves and other resources. An LMU may consist of one or more Federal leases and may include intervening or adjacent lands in which the United States does not own the coal resources, but all lands in an LMU shall be under the effective control of a single operator, be able to be developed and operated as a single operation and be contiguous. An LMU must provide for the complete extraction of the LMU coal reserves within 40 years after production of coal commences. No LMU shall exceed 25,000 acres, including both Federal and non-Federal lands. A single operation may include a series of excavations.

(19) *Logical mining unit (LMU) coal reserves* means the sum of estimated Federal and non-Federal recoverable coal reserves in the LMU. The LMU coal reserves are those estimated as of the effective date of LMU approval, except that the amount of LMU coal reserves may be adjusted by the District Mining Supervisor as provided in 30 CFR 211.80. These LMU coal reserves estimates may be adjusted as new information becomes available.

(20) *Maximum economic recovery (MER)* means that, after safety factors are taken into account, all portions of the coal deposit within a Federal lease shall be mined that have a private incremental cost of recovery (including reclamation costs) less than the market value of the coal. The requirement of MER in no way restricts the authority of the District Mining Supervisor to ensure conservation of coal reserves and other resources and prevention of wasting of coal.

(21) *Methods of operation* means the methods and manner, described in an exploration or resource recovery and protection plan, by which exploration or development activities are performed by the operator/lessee.

(22) *Mine* means an underground or surface excavation or series of excavations and the surface or underground support facilities that contribute directly or indirectly to mining, production, preparation, and handling of coal.

(23) *Minable reserve base* means the tons of coal, contained in the leased lands or lands included in an LMU, of a thickness which is commercially minable with no deductions for coal to be left in pillars, fenders, property barriers, or other areas where mining is not permissible.

(24) *MLA* means the Act of February 25, 1920, as amended, commonly referred to as the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(25) *Notice of availability* means formal notification, by the District Mining Supervisor to appropriate Federal, State, and local government agencies; to the surface and mineral owners; and to the public through posting a notice in the appropriate county clerk's office, of the availability for inspection, at the appropriate office, of an application for the establishment of an LMU. The notice will define adequately the proposed action, establish a specific time limit for public review and comment, and provide that a public hearing will be held at the request of anyone adversely affected by the proposed action.

(26) *Operator/lessee* means lessee, licensee, and/or one conducting operations on a lease or license under a written contract or written agreement with the lessee or licensee.

(27) *Permanent abandonment of exploration operations* means the completion of all activities conducted under an approved exploration plan, including plugging of all drill holes, submittal of required records, and reclamation of all disturbed surfaces.

(28) *Permanent abandonment of mining operations* means the completion of all development, production, and resource recovery and protection

requirements conducted under an approved resource recovery and protection plan.

(29) *Preparation* means physical or chemical treatment to prepare coal for market or to remove noncoal waste and other impurities in order to enhance the quality and therefore the value of the coal. Treatment includes crushing, sizing, drying, cleaning, mixing, or other processing.

(30) *Production* means extraction of coal and/or commercial byproducts from a mine using surface, underground, auger, or *in situ* methods.

(31) *Resource recovery and protection* includes practices to recover efficiently the coal reserves subject to these rules; avoid wasting or loss of coal or other resources; prevent damage to or degradation of coal-bearing or mineral-bearing formations; ensure MER of the coal reserves; and ensure that other resources are protected upon abandonment.

(32) *Resource recovery and protection plan* means a plan showing that the proposed operation meets the requirements of MLA for development, production, resource recovery and protection, diligent development, continued operation, MER, and the rules of this part for the life of the mine.

(33) *Secretary* means Secretary, or designee, Department of the Interior (DOI).

(34) *Subsidence* means a lowering of surface elevations over an underground mine caused by loss of support and subsequent settling or caving of strata lying above the mine.

(b) The following shall have the meanings as defined at 43 CFR 3400.0–5:

Authorized officer
Lease

(c) The following shall have the meanings as defined at 30 CFR Chapter VII:

Alluvial valley floors
Federal lands
Federal Lands Program
Ground water
Office
Overburden
Permit
Permit application package
Permit area
Reclamation plan
Regional Director
Regulatory authority
Roads
Spoil

(d) The following shall have the meanings as defined at 10 CFR Part 378:

Commercial quantities
Continued operation
Diligent development
Diligent development period

§ 211.3 General responsibilities.

(a) The USGS has the general responsibility to administer MLA with respect to coal mining, production, and resource recovery and protection operations on Federal leases and licenses, to supervise coal exploration operations.

(b) Subject to the supervisory authority of the Secretary, the rules of this part and 10 CFR Part 378 shall be administered by the Director, through the Division Chief, Conservation Manager, Deputy Conservation Manager—Mining, and District Mining Supervisor

(c) The Conservation Manager, Deputy Conservation Manager—Mining, and/or District Mining Supervisor are empowered to oversee exploration, development, production, resource recovery and protection, diligent development, continued operation, preparation, handling, production rental and royalty collection, and abandonment operations subject to the rules of this Part, and shall be responsible for the following:

(1) *Exploration plans.* Approve, disapprove, approve upon condition, or require modification to exploration plans.

(2) *Resource recovery and protection plans.* Recommend to the Assistant Secretary for Energy and Minerals the approval, disapproval, or approval upon condition of resource recovery and protection plans regarding development, production, resource recovery and protection, diligent development, continued operation, royalty, and the rules of this part and 10 CFR Part 378.

(3) *LMU applications.* Approve, disapprove, or approve upon condition LMU applications or modifications thereto; direct the establishment of LMU's in the interest of conservation of coal reserves and other resources; conduct public hearings as appropriate; recommend amendments to lease terms when determined necessary to ensure consistency with LMU stipulations; monitor and ensure compliance with LMU stipulations, the rules of this part and 10 CFR Part 378; and require reports and information for the establishment of an LMU.

(4) *Inspection of operations.* Examine as frequently as necessary, but at least quarterly, leased or licensed lands where operations for exploration, development, production, preparation, and handling of coal, resource recovery and protection, diligent development, continued operation, and collection of rentals and royalties on producing leases are conducted or are to be conducted; inspect such operations for the purpose of determining whether wasting or degradation of other resources or damage to formations and deposits or nonmineral resources affected by the operations is being avoided or minimized; and determine whether there is compliance with all provisions of applicable laws, rules, and orders, all terms and conditions of leases and licenses, and all requirements of approved exploration or resource recovery and protection plans.

(5) *Compliance.* Require operators/lessees to conduct operations subject to the rules of this part and 10 CFR Part 378 in compliance with all provisions of applicable laws, rules, and orders, all terms and conditions of leases and licenses under MLA requirements, and approved exploration or resource recovery and protection plans for requirements of production, development, resource recovery and protection, MER, diligent development, continued operation, and collection of rentals and royalties on producing leases upon commencement of production.

(6) *Records of rentals and royalties on producing leases.* Obtain copies of and audit coal production and sales records; determine rental and royalty liability of operators/lessees, including establishment of the gross value of the coal in absence of arms-length transactions; collect and deposit rental and royalty payments; and maintain rental and royalty accounts.

(7) *Waiver, suspension, or reduction of rentals on producing leases, or reduction of royalties on producing leases.* Receive and act on applications for waiver, suspension, or reduction of rentals, and receive and act on applications for reduction of royalties, but not advance royalty, filed pursuant to the rules of this part.

(8) *Suspension of operations and production.* Receive and act on applications for suspension of operations and/or production filed pursuant to the rules of this part and 10 CFR Part 378 and, when appropriate, terminate suspensions which have been granted, provided that approval of a suspension of operations and production shall not preclude the regulatory authority from requiring the operator/lessee to continue to comply with the reclamation requirements of 30 CFR Chapter VII, Subchapter K, an approved State program, and the rules of this part.

(9) *Cessation and abandonment.* Upon receipt of notice of proposed abandonment or upon relinquishment of a lease or license, conduct an inspection to determine whether all rentals and royalties on producing leases due the lessor have been paid and the

applicable development, production, resource recovery and protection, abandonment, and royalty requirements of the lease or license have been met.

(10) *Wells or prospect holes.* Prescribe or approve the methods for protecting coal-bearing formations from damage or contamination that might occur as a result of any wells or prospect holes drilled to, or through, the coal-bearing formations for any purpose under an approved exploration plan.

(11) *Trespass.* Report to the authorized officer, with a copy to the regulatory authority, any trespass on Federal lands that involves exploration activities or removal of unleased Federal coal, determine the quantity of coal removed, and determine the amount of trespass damages.

(12) *Extensions of diligent development.* Receive and act on applications by the operator/lessee for extension of the date for achieving diligent development and for suspension of continued operation, and coordinate review of submission of applications with the authorized officer.

(13) *Water and air quality.* Inspect exploration operations to determine compliance with air and surface and ground water pollution control measures required by the terms and conditions of applicable leases, licenses or approved exploration plans, and promptly notify appropriate representatives of the regulatory authority and Federal Agencies in the event of any noncompliance.

(14) *Implementation of regulations.* Issue General Mining Orders and other orders for enforcement, make determinations, and grant consents and approvals as necessary to implement or ensure compliance with the rules of this part and 10 CFR Part 378. Any oral orders, approvals, or consents shall be promptly confirmed in writing.

(15) *Lease bonds.* (i) Determine whether the total amount of lease bond with respect to operations under the rules of this part is adequate at all times to satisfy the reclamation requirements of the exploration plan.

(ii) Determine whether the total amount of any bond furnished with respect to operations subject to the rules of this part and 10 CFR Part 378 is at all times adequate to satisfy the requirements of the lease or license relating to development, production, resource recovery and protection, and payments of rentals and royalties on producing leases.

(iii) Notify the authorized officer of determinations under paragraph (c)(15)(i) and (ii) of this section.

§ 211.4 General obligations of the operator/lessee.

(a) The operator/lessee shall conduct exploration activities, reclamation, and abandonment of exploration operations for Federal coal pursuant to the performance standards of the rules of this part, 30 CFR 815.15 (OSM Permanent Program Performance Standards—Coal Exploration) or any applicable requirements of an approved State program, the terms and conditions of the lease or exploration license, the requirements of the approved exploration plans, and orders issued by the District Mining Supervisor.

(b) The operator/lessee shall conduct surface and underground coal mining operations involving development, production, resource recovery and protection, and preparation and handling of coal in accordance with the rules of this part, terms and conditions of the leases or licenses, the approved resource recovery and protection plan, any orders issued by the District Mining Supervisor, and 10 CFR Part 378.

(c) The operator/lessee shall prevent wasting of coal and other resources during exploration, development, and production and shall adequately protect the coal reserves and other resources upon abandonment.

(d) The operator/lessee shall immediately report to the District Mining Supervisor any conditions or accidents causing severe injury or loss of life related to the resource recovery and protection plan or threatening significant loss of coal reserves or damage to the mine, the lands, or other resources, including, but not limited to, fires, bumps, squeezes, highwall caving, landslides, inundation of mine with water, and gas outbursts, along with corrective action initiated. Within 30 days after such accident, the operator/lessee shall submit a detailed report of damage caused by such accident and of the corrective action taken.

(e) The principal point of contact for the operator/lessee with respect to any requirement of the rules of this part and 10 CFR Part 378 shall be the District Mining Supervisor. All reports, plans, or other information required by the rules of this part and 10 CFR Part 378 shall be submitted to the District Mining Supervisor.

(f) The operator/lessee shall provide the District Mining Supervisor free access to the Federal premises, even if access exists only through privately owned surface or coal.

§ 211.5 Procedures and public participation.

(a) *Written findings.* All major decisions and determinations of the Conservation Manager, Deputy Conservation Manager—Mining, and/or District Mining Supervisor shall be in writing; shall set forth with reasonable detail the facts and rationale upon which such decisions or determinations are based; and shall be available for public inspection, pursuant to 30 CFR 211.6, during normal business hours at the appropriate office.

(b) *Logical mining units (LMU's).*—(1) *Availability of LMU proposals.* Applications for the approval of an LMU or modification thereto submitted under 30 CFR 211.80, or a proposal by the District Mining Supervisor to establish an LMU, shall be available for public inspection, pursuant to 30 CFR 211.6, in the office of the District Mining Supervisor. A notice of the availability of any proposed LMU or modification thereto shall be prepared immediately by the District Mining Supervisor, promptly posted at his office, and mailed to the surface and coal owners, if other than the United States; appropriate State and Federal Agencies; and the clerk or other appropriate officer of the county in which the proposed LMU is located. The notice will be posted or published in accordance with the procedures of such offices. The notice shall be submitted by the District Mining Supervisor to a local newspaper of general circulation in the locality of the proposed LMU for publication at least once a week for 2 weeks consecutively.

(2) *Notice of proposed decision.* Prior to the final approval or establishment of any LMU, the District Mining Supervisor shall have the proposed decision published in a local newspaper of general circulation in the locality of the proposed LMU at least once a week for 2 weeks consecutively and shall not approve the application for at least 30 days after the first publication of the proposed decision. Such notice may be published concurrently with the notice of availability.

(3) *Public participation.* A public hearing shall be conducted upon the receipt by the District Mining Supervisor of a written request from any person having a direct interest which is or may be affected adversely by approval of the proposed LMU, provided that the written request is received within 30 days after the first publication of the notice of proposed decision in a newspaper of general circulation in the locality of the proposed decision. A complete transcript of any such public hearing, including any written comments submitted for the record, shall be kept and made available to the public during normal business hours at the office of

the District Mining Supervisor that held the hearing, and shall be furnished at cost to any interested party. In making any decision or taking any action subsequent to such public hearing, the District Mining Supervisor shall take into account all testimony presented at the public hearing.

§ 211.6 Confidentiality.

(a) Information on file with USGS obtained pursuant to the rules of this part and 10 CFR Part 378 shall be open for public inspection and copying during regular office hours upon a written request, pursuant to rules at 43 CFR Part 2, except that:

(1) Information such as geologic and geophysical data and maps pertaining to Federal coal reserves obtained from exploration licensees under the rules of this part or 43 CFR Part 3410 shall not be disclosed except as provided in 43 CFR 2.20(c).

(2) Information obtained from an operator/lessee under the rules of this part that constitutes trade secrets and commercial or financial information which is privileged or confidential or other information that may be withheld under the Freedom of Information Act (5 U.S.C. 552(b)), such as geologic and geophysical data and maps, shall not be available for public inspection or made public or disclosed without the consent of the operator/lessee.

(3) Upon termination of a lease, whether by expiration of its terms or otherwise, such geologic and geophysical data and maps shall be made available to the public.

(4) Upon issuance or readjustment of a lease, the estimated lease coal reserves figure shall be made available to the public if such a release has been included as a lease term.

(b) Information requested to be kept confidential under this section shall be clearly identified by the licensee or operator/lessee by marking each page of documents submitted with the words "CONFIDENTIAL INFORMATION" at the top of the page. All pages so marked shall be physically separated from other portions of the submitted materials. All information not marked "CONFIDENTIAL INFORMATION" will be available for public inspection, except as stated in 30 CFR 211.6(a) for data submitted prior to the effective date of these rules.

§ 211.10 Exploration and resource recovery and protection plans.

(a) *Exploration plans.* For background and application procedures for exploration for unleased Federal coal, see 43 CFR Part 3410. For any exploration for Federal coal, the following rules apply:

(1) Except for casual use, before conducting any exploration operations on leased or licensed lands, the operator/lessee shall submit an exploration plan to and obtain approval from the District Mining Supervisor. Casual use, as used in this paragraph, means activities which do not cause significant surface disturbance or damage to lands or other resources and improvements, such as activities which do not include use of heavy equipment or explosives or vehicular movement off established roads and trails. The operator/lessee shall submit five copies of exploration plans to the District Mining Supervisor. Exploration plans shall be consistent with and responsive to the requirements of the lease or license for the protection of coal reserves and other resources and for the reclamation of the surface of the lands affected by the operations. The exploration plan shall show that reclamation is an integral art of the proposed operations and that reclamation will progress as contemporaneously as practicable with such operations.

(2) Exploration plans shall contain all of the following:

(i) The name, address, and telephone number of the applicant.

(ii) The name, address, and telephone number of the representative of the applicant who will be present during and be responsible for conducting the exploration.

(iii) A narrative description of the proposed exploration area, cross-referenced to the map required under 30 CFR 211.10(a)(2)(viii), including applicable lease or license serial numbers; surface topography; geologic, surface water, and other physical features; vegetative cover; critical habitats of endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); districts, sites, buildings, structures, or objects listed on, or eligible for listing on, the National Register of Historic Places; and known cultural or aracheological resources located within the proposed exploration area.

(iv) A narrative description of the methods to be used to conduct coal exploration, reclamation, and abandonment of operations including, but not limited to—

(A) The types and uses of equipment, drilling, and blasting, and road or other access route construction;

(B) Excavated earth-or debris-disposal activities;

(C) The proposed method for plugging drill holes;

(D) Estimated size and depth of drill holes, trenches, and test pits; and,

(E) Plans for transfer and modification of exploration wells for use as surveillance or monitoring wells.

(v) An estimated timetable for conducting and completing each phase of the exploration, drilling, and reclamation.

(vi) The estimated amounts of coal to be removed during exploration, a description of the methods to be used to determine those amounts, and the proposed use of the coal removed.

(vii) A description of the measures to be used during exploration for Federal coal to comply with the performance standards for exploration (30 CFR 211.40(a)) and the applicable requirements of 30 CFR 815.15 or an approved State program.

(viii) A map at a scale of 1:24,000 or larger showing the areas of land to be affected by the proposed exploration and reclamation. The map shall show existing roads, occupied dwellings, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; applicable lease boundaries; the location of land excavations to be conducted; water or coal exploratory holes and wells to be drilled or altered; earth- or debris-disposal areas; existing bodies of surface water; topographic and drainage features; and critical habitats of endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(ix) The name and address of the owner and/or operator/lessee of record of the surface land and any Federal or non-Federal subsurface coal and mineral estate of the area under exploration. If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to that land for the purpose of conducting exploration and reclamation.

(x) Such other data as may be required by the District Mining Supervisor.

(b) *Resource recovery and protection plans.* Before conducting any coal mining operations on Federal leases or licenses, the operator/lessee shall submit and obtain approval of a resource recovery and protection plan, unless a current resource recovery and protection plan has been approved prior to the effective date of these rules. Upon receipt of a resource recovery and protection plan, the District Mining Supervisor will review such plan for completeness and for compliance with

MLA. The resource recovery and protection plan will become a part of the permit application package which will also contain the reclamation plan pursuant to SMCRA. Prior to commencement of any coal mining operations on a Federal lease, a permit application package consisting of a resource recovery and protection plan and a reclamation plan shall be submitted to the regulatory authority. The permit will be issued by the regulatory authority when all parts of the permit application package have been approved. On any lease issued after August 4, 1976, MLA requires that a resource recovery and protection plan shall be submitted no later than 3 years after the effective date of the lease. On any lease issued prior to August 4, 1976, MLA requires that a resource recovery and protection plan shall be submitted no later than 3 years after the effective date of the first lease readjustment after August 4, 1976, unless a current resource recovery and protection plan has been approved previously for the readjusted lease. Any resource recovery and protection plan submitted but not approved as of the effective date of these rules shall be revised to comply with these rules. For the purpose of meeting the 3-year resource recovery and protection plan (30 CFR 211.10(b)) submittal requirement of MLA, the operator/lessee shall submit to the District Mining Supervisor, prior to the deadline for that lease, that information required by the rules of this part and 10 CFR Part 378. A resource recovery and protection plan for an LMU shall be submitted to the District Mining Supervisor as provided in 30 CFR 211.80(e)(1). A resource recovery and protection plan for any LMU must provide for the mining of the LMU coal reserves in a period not to exceed 40 years. The 40-year LMU coal reserves exhaustion period shall begin on the date that coal is produced from that LMU. No resource recovery and protection plan or major modification shall be approved which is not found to achieve MER of the Federal coal reserves. The resource recovery and protection plan shall cover operations to be conducted on leases and/or any lands within an LMU under the rules of this part and 10 CFR Part 378. The resource recovery and protection plan under the rules of this Part shall comply with the requirements of MLA. The District Mining Supervisor may contact directly operator/lessees regarding MLA requirements. The resource recovery and protection plan shall contain all the requirements pursuant to MLA for the life of the mine and, unless previously submitted in an LMU application, or as directed by the District Mining Supervisor, shall include all of the following:

(1) Names, addresses, and telephone numbers of persons responsible for operations under the plan to whom notices and orders are to be delivered; names and addresses of operators/lessees; lease serial numbers; license serial numbers, if appropriate; and names and addresses of surface and subsurface coal or other mineral owners of record, if other than the United States.

(2) A general description of geologic conditions and mineral resources, with appropriate maps, within the area where mining is to be conducted.

(3) A description of the proposed mining operation, including:

(i) Sufficient coal analyses to determine the quality of the coal deposits in terms of Btu content on an as-received basis, ash, moisture, sulphur, volatile matter, and fixed carbon content.

(ii) The methods of mining and/or variation of methods, basic mining equipment and mining factors including, but not limited to, mining sequence, production rate, estimated recovery factors, stripping ratios, highwall limits, and number of acres to be affected.

(iii) A map and an estimate of the coal reserve base, minable reserve base, and recoverable coal reserves for each Federal lease included in the resource recovery and protection plan and the recoverable coal reserves to be mined under the plan. If the resource recovery and protection plan covers an LMU, recoverable coal reserves will also be reported for the non-Federal lands included in the resource recovery and protection plan.

(iv) The method of abandonment of operations proposed to protect the unmined coal reserves and other resources.

(4) Maps and cross sections, as follows:

(i) A plan map of the area to be mined showing the following—

(A) Lease boundaries and numbers;

(B) LMU boundaries, if applicable;

(C) Surface improvements, and surface ownerships and boundaries;

(D) Coal outcrop showing dips and strikes; and,

(E) Locations of existing and abandoned surface and underground mines.

(ii) Isopach maps of each coal bed to be mined and the overburden and interburden.

(iii) Typical structure cross sections showing all technically minable coal beds.

(iv) General layout of proposed surface or strip mine showing—

(A) Planned sequence of mining by year for the first 5 years, thereafter in 5-year increments for the remainder of mine life;

(B) Location and width of coal fenders; and,

(C) Cross sections of typical pits showing highwall and spoil configuration, fenders, if any, and coal beds.

(v) General layout of proposed underground mine showing—

(A) Planned sequence of mining by year for the first 5 years, thereafter by number in 5-year increments for the remainder of mine life;

(B) Location of shafts, slopes, main development entries and barrier pillars, panel development, bleeders, and permanent barrier pillars;

(C) Location of areas where pillars will be left and an explanation why these pillars will not be extracted;

(D) A sketch of a typical entry system for main development and panel development entries showing centerline distances between entries and crosscuts;

(E) A sketch of typical panel recovery (e.g., room and pillar, longwell, or other mining method) showing, by numbering such mining, the sequence of development and retreat; and,

(vi) For auger mining, a plan map showing—

(A) Area to be auger mined and location of pillars to be left to allow access to deeper coal;

(B) A sketch showing details of operations including coal bed thickness, auger hole spacing, diameter of holes and depth or length of auger holes.

(5) A general reclamation schedule for the life of the mine. This should not be construed as meaning duplication of a reclamation plan in a permit application package under SMCRA. The resource recovery and protection plan may cross-reference the reclamation plan requirements under SMCRA to fulfill this requirement.

(6) Any required data which are clearly duplicated in other submittals to the regulatory authority or MSHA may be used to fulfill the requirements of the above paragraphs provided that the cross-reference is clearly stated; a copy of the relevant portion of such submittals must be included in the resource recovery and protection plan.

(7) Explanation of how MER of the Federal coal reserves will be achieved for the Federal coal leases included in

the resource recovery and protection plan. If a coal bed, or portion thereof, is to be rendered unminable by the operation, the operator/lessee shall submit appropriate justification.

(c) *Action on plans.*—(1) *Exploration plans.* The District Mining Supervisor after evaluating a proposed exploration plan and all comments received thereon, and after consultation with the authorized officer, and with the regulatory authority when exploration is to be conducted within an approved permit area, shall promptly approve or disapprove in writing an exploration plan. In approving an exploration plan, the District Mining Supervisor shall determine that the exploration plan complies with the rules of this part, applicable requirements of 30 CFR 815.15 or an approved State program, and any lease or license terms and/or conditions. Reclamation must be accomplished as set forth in the exploration plan. The District Mining Supervisor may impose additional conditions to conform to the rules of this part. In disapproving an exploration plan, the District Mining Supervisor shall state what modifications, if any, are necessary to achieve such conformity. No exploration plan shall be approved unless the bond, executed pursuant to the provisions of 43 CFR Subpart 3474 or 43 CFR Part 3410, has been determined to be adequate. When the land involved in the exploration plan is under the surface management jurisdiction of an agency other than DOI, that other agency must concur with the approval terms of the exploration plan.

(2) *Resource recovery and protection plans.* No resource recovery and protection plan or modification thereto shall be approved which is not found to achieve MER of the Federal coal reserves within an LMU or lease issued or readjusted after August 4, 1976. The determination of MER shall be made by the District Mining Supervisor based on review of the resource recovery and protection plan. No resource recovery and protection plan shall be approved prior to the filing of a complete permit application package and unless the lease bond, executed pursuant to the provisions of 43 CFR Subpart 3474 has been determined to be adequate or adjusted in order to be adequate to ensure compliance with the provisions of the resource recovery and protection plan.

(d) *Changes in plans by District Mining Supervisor.* (1) Approved exploration plans may be required to be revised or supplemented at any time by the District Mining Supervisor, after consultation with the operator/lessee and the authorized officer as necessary, to adjust to changed conditions, to correct oversights, or to reflect changes in legal requirements.

(2) The District Mining Supervisor, pursuant to MLA, may require approved resource recovery and protection plans to be revised or supplemented reasonably for modifications, after consultation with the operator/lessee and the regulatory authority as necessary, to adjust to changed conditions, to correct oversights, or to reflect changes in legal requirements. Such revisions shall be made in writing, as appropriate, and copies submitted to the regulatory authority.

(e) *Changes by the operator/lessee.* (1) The operator/lessee may propose modifications to an approved exploration plan and shall submit a written statement of the proposed change and its justification to the District Mining Supervisor. The District Mining Supervisor shall promptly approve or disapprove in writing any such modifications, after consultation with the authorized officer and the regulatory authority as necessary, or specify conditions under which they would be acceptable.

(2) The operator/lessee may propose modifications to an approved resource recovery and protection plan for any requirements under MLA, and shall submit a written statement of the proposed change and its justification to the District Mining Supervisor. The District Mining Supervisor shall promptly approve or disapprove in writing any such modifications, after consultation with the regulatory authority as necessary, or specify conditions under which they would be acceptable.

§ 211.12 Mining operations maps.

(a) *General requirements.* The operator/lessee shall maintain accurate and up-to-date maps of the mine, drawn to scales acceptable to the District Mining Supervisor. Before a mine or section of a mine is abandoned, closed, or made inaccessible, a survey of the mine or section shall be made by the operator/lessee and recorded on such maps. All excavations in each separate coal bed shall be shown in such a manner that the production of coal for any royalty reporting period can be accurately ascertained. Additionally, the maps shall show the name of the mine; name of the operator/lessee; lease or license serial number(s); permit number; lease and permit boundary lines; surface buildings; dip of the coal bed(s); true north; map scale; map explanation; location, surface elevation, depth, and thickness of the coal; total depth of each drill hole; location, diameter, and depth of auger holes; improvements; topography, including subsidence resulting from mining; geologic conditions as determined from outcrops, drill holes, exploration, or mining; any unusual geologic or other occurrences such as dikes, faults, unusual splits, unusual water occurrences, or other conditions that may influence MER; and such other information as the District Mining Supervisor may request.

Copies of such maps shall be properly posted to date and furnished, in duplicate, to the District Mining Supervisor annually, or at such other times as the District Mining Supervisor requests. Any maps, submitted to the regulatory authority, MSHA or other State or Federal Agencies, that show all of the specific data required by this paragraph or 30 CFR 211.12 (b), (c), and (d) shall be acceptable in fulfilling these requirements.

(b) *Underground mine maps.* Underground mine maps, in addition to the general requirements of 30 CFR 211.12(a), shall show all mine workings; the date of extension of the mine workings; an illustrative coal section at the face of each working unit; location of all surface mine fans; position of all fire walls, dams, main pumps, fire pipelines, permanent ventilation stoppings, doors, overcasts, undercasts, permanent seals, and regulators; direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas; known bodies of standing water in other mine workings, either in or above or below the active workings of the mine; areas affected by squeezes; elevations of surface and underground levels of all shafts, slopes, or drifts, and elevation of the floor, bottom of the mine workings, or mine survey stations in roof at regular intervals in main entries, panels, or sections; and sump areas. Any maps submitted to the regulatory authority that show subsidence shall also be submitted to the District Mining Supervisor.

(c) *Surface mine maps.* Surface mine maps, in addition to the general requirements of 30 CFR 211.12 (a), shall include the date of extension of the mine workings and a detailed stratigraphic section at intervals specified in the approved resource recovery and protection plan. Such maps shall show areas from which coal has been removed; the highwall; uncovered, but unmined, coal beds; and elevation of the top of the coal beds.

(d) *Vertical projections and cross sections of mine workings.* When

required by the District Mining Supervisor, vertical projections and cross sections shall accompany plan views.

(e) *Accuracy of maps.* The accuracy of maps furnished shall meet standards acceptable to the District Mining Supervisor and shall be certified by a professional engineer, professional land surveyor, or other such professionally qualified person.

(f) *Liability of operator/lessee for expense of survey.* If the operator/lessee fails to furnish a required or requested map within a reasonable time, the District Mining Supervisor, if necessary, shall employ a professionally qualified person to make the required survey and map, the cost of which shall be charged to, and promptly paid by, the operator/lessee.

(g) *Incorrect maps.* If any map submitted by an operator/lessee is believed to be incorrect, and the operator/lessee cannot verify the map or supply a corrected map, the District Mining Supervisor may employ a professionally qualified person to make a survey and any necessary maps.

If the survey shows the maps submitted by the operator/lessee to be incorrect substantially, in whole or in part, the cost of making the survey and preparing the maps shall be charged to, and promptly paid by, the operator/lessee.

Performance Standards

§ 211.40 Exploration, surface mining, and underground mining standards.

The following performance standards shall apply to exploration, development, production, resource recovery and protection, MER, and preparation and handling of coal under Federal leases and licenses, and LMU's.

(a) *Performance standards for exploration.* (1) The operator/lessee shall comply with the standards of the rules of this part and with all applicable requirements of 30 CFR Part 815 or an approved State program.

(2) The operator/lessee, as required by the District Mining Supervisor, shall set and cement casing in the hole and install suitable blowout prevention equipment when drilling on lands valuable or prospectively valuable for oil and gas or geothermal resources.

(3) Exploration drill holes will be conditioned as follows: All exploration drill holes must be plugged and capped with at least 5 feet of cement or other permanent plugging material that is unaffected by water and hydrocarbon gases and will prevent the migration of gases and water in the drill hole under normal hole pressures or, exploration drill holes shall be managed to prevent water pollutions and mixing of ground and suface waters and ensure the safety of people, livestock, and wildlife. For exploration holes drilled deeper than stripping limits, the operator/lessee, using cement or other suitable plugging material approved by the District Mining Supervisor, shall plug the hole through the thickness of the coal bed(s) or mineral deposit(s) and through aquifers for a distance of at least 50 feet above and below the coal bed(s) or mineral deposit(s) and above and below aquifers or to the bottom of the drill hole, unless a lesser plug is justified by the operator/lessee in the approved exploration plan or otherwise specified in writing by the District Mining Supervisor.

(4) The operator/lessee shall retain for 1 year, unless a shorter time period is authorized by the District Mining Supervisor, all drill and geophysical logs and representative samples of all drill cores, and shall make such drill and geophysical logs and cores available for inspection or analysis by the District Mining Supervisor, if requested. Confidentiality of such information will be accorded pursuant to the provisions of 30 CFR 211.6.

(5) The operator/lessee may utilized exploration drill holes as surveillance wells for the purpose of monitoring the effects of subsequent operations on the quantity, quality, or pressure of ground water or mine gases only with the written approval of the District Mining Supervisor, in consultation with the regulatory authority. The operator/lessee may utilize exploration drill holes as water wells only after approval of the operator/lessee's written request by the District Mining Supervisor and the surface owner or authorized officer, in consultation with the regulatory authority. All such approvals shall be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging. Nothing in this paragraph shall supersede or affect the applicability of any state law requirements for such a transfer, conversion, or utilization as a supply for domestic consumption.

(b) *General performance standards for surface and underground mining.*— (1) *Maximum economic recovery (MER).* Upon approval of a resource recovery and protection plan for an LMU or lease issued or readjusted after August 4, 1976, the operator/lessee shall conduct operations to achieve MER of the Federal coal reserves. To determine that MER of the Federal coal reserves will be achieved, the District Mining Supervisor shall consider the information submitted by the operator/lessee under 30 CFR 211.10(b) and/or 211.80(c). The District Mining Supervisor may request additional information from the operator/lessee to aid in the MER determination. The operator/lessee shall consider coal preparation operations to avoid the wasting of coal and to encourage the achievement of MER. Leases issued prior to August 4, 1976, that have not yet been readjusted after August 4, 1976, shall comply with MLA regarding resource recovery and protection and conservation of the coal reserves and other resources.

(2) *Diligent development and continued operation.* Each lease is subject to the conditions of diligent development and continued operation. The operator/lessee is required to meet the diligent development, continued operation and advance royalty requirements of 10 CFR Part 378. Diligent development and continued operation requirements for LMU's are also found at 10 CFR Part 378.

(3) *Extensions of diligent development.* Extensions of diligent development are provided for in 10 CFR Part 378. Applications for such an extension shall be filed with the District Mining Supervisor.

(4) *Continued operation and advance royalty.* After meeting diligent development, operators/lessees must comply with the continued operation and advance royalty provisions of 10 CFR Part 378.

(i) If an operator/lessee fails to meet continued operation or fails to make the approved advance royalty payments in any continued operation year, the District Mining Supervisor shall inform the operator/lessee in writing that the operator/lessee is in violation of the continued operation requirement.

(ii) For advance royalty purposes, the value of the coal will be calculated in accordance with 30 CFR 211.63 and 10 CFR Part 378.

(iii) The District Mining Supervisor may, upon notifying the operator/lessee 6 months in advance, cease to accept advance royalty in lieu of continued operation for the next continued operation year.

(iv) Continued operation and advance royalty requirements for LMU's are found at 30 CFR 211.80(h).

(5) *Recoverable coal waste.* The operator/lessee shall store waste, containing coal in such quantity that it may be separated later by washing or other means, in a manner approved by the District Mining Supervisor.

(6) *Unexpected wells.* The operator/lessee shall notify the District Mining Supervisor promptly if operations reveal unexpected wells or drill holes which could adversely affect the recovery of

coal during mining operations, and shall take no further action that would disturb such wells or drill holes without the approval of the District Mining Supervisor.

(7) *Resource recovery and protection.* The operator/lessee shall conduct efficient operations to recover the coal reserves; prevent wasting and conserve the coal reserves and other resources; prevent damage or degradation to coal-bearing or mineral-bearing formations; and ensure that other resources are protected upon abandonment.

(8) *Release of lease bond.* Subsequent to permanent abandonment of mining operations, the District Mining Supervisor will determine if the operator/lessee has met obligations required under the lease bond for resource recovery and protection, and rentals and royalties on producing leases. The District Mining Supervisor will make appropriate recommendations to the authorized officer for reduction or termination of the lease bond.

(9) *Preparation plants.* The operator/lessee shall consider coal preparation operations to avoid wasting coal and to encourage achieving of MER.

(c) *Performance standards for underground mines.*—(1) *Underground resource recovery.* Underground mining operations shall be conducted so as to prevent wasting of coal and to conserve coal reserves consistent with the protection and use of other resources. No entry, room, or panel workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned or rendered inaccessible, except with the prior written approval of the District Mining Supervisor.

(2) *Subsidence.* The operator/lessee shall adopt mining methods which ensure proper recovery of coal reserves under MLA, as determined by the District Mining Supervisor. Each operator/lessee of an underground coal mine shall adopt measures consistent with known technology in order to prevent or, where the mining method used requires planned subsidence in a predictable and controlled manner, control subsidence, maximize mine stability, and maintain the value and use of surface lands consistent with 30 CFR 817.121, 817.122, 817.124, 817.126, or applicable requirements of an approved State program. Where pillars are not removed and controlled subsidence is not part of the resource recovery and protection plan, pillars of adequate dimensions shall be left for surface stability, giving due consideration to the thickness and strength of the coal beds and the strata above and immediately below the coal beds.

(3) *Top coal.* Top coal may be used for primary roof support in underground mines only upon approval by the District Mining Supervisor. The determination of mining height in thick coal beds will take into consideration safety factors, available equipment, overall coal bed thickness, and MER. The bottom coal left, if determined by the District Mining Supervisor to be of a minable thickness, should be maintained at a uniform thickness to allow recovery in the future as new technology is developed and economics allow.

(4) *Multiple coal bed mining.* (i) Sequence of mining. In general, the recoverable coal reserves in the upper coal beds shall be worked out before the lower coal beds are mined; simultaneous workings in each upper coal bed shall be kept in advance of the workings in each lower coal bed. The District Mining Supervisor may authorize mining of any lower coal beds before mining the upper coal bed(s) only after a technical justification, submitted to the District Mining Supervisor by the operator/lessee, shows that recovery of all coal bed(s) will not be adversely affected.

(ii) Protective barrier pillars in multiple coal bed mining. In areas subject to multiple coal bed extraction, the protective barrier pillars for all main and secondary development entries, main haulageways, primary aircourses, bleeder entries, and manways in each coal bed shall be superimposed regardless of vertical separation or rock competency; however, modifications and exceptions to, or variations from, this requirement may be approved in advance by the District Mining Supervisor.

(5) *Barrier pillars left for support.* (i) The operator/lessee shall not, without prior consent of the District Mining Supervisor, mine any coal or drive any underground workings within 50 feet of any of the outside boundary lines of the leased land, or within such greater distance of said boundary lines as the District Mining Supervisor may prescribe with consideration for State or Federal environmental or safety laws. The operator/lessee may be required to pay for unauthorized mining of barrier pillars. The District Mining Supervisor may require that payment shall be up to, and include, the full value of the coal mined from the pillars. The drilling of any lateral holes within 50 feet of any outside boundary shall be done in consultation with the District Mining Supervisor.

(ii) If the coal in adjoining premises has been worked out, an agreement shall be made with the coal owner prior to the extraction of the coal remaining in the Federal barrier pillars which otherwise may be lost. If the water level beyond the pillar is below the operator/lessee's adjacent operations, and all safety factors have been considered, the operator/lessee, on the written order of the District Mining Supervisor, shall mine out and remove all available Federal coal in such barrier, if it can be mined without undue hardship to the operator/lessee, with due consideration for safety, and pursuant to existing surface mining, reclamation, and environmental rules. Either the operator/lessee or the District Mining Supervisor may initiate the proposal to mine out such coal in a barrier pillar.

(6) The abandonment of a mining area due to thinning of coal beds or reduction in the quality of the coal shall require the approval of the District Mining Supervisor.

(d) *Performance standards for surface mines.* (1) Pit widths for each coal bed shall be engineered and designed so as to eliminate or minimize the amount of coal fender to be left as a permanent pillar on the spoil side of the pit.

(2) The amount of bottom or rider coal beds wasted in each pit will be minimized consistent with individual mine economics and the coal quality standards that must be maintained by the operation.

(3) The abandonment of a mining area due to thinning of coal beds or reduction in the quality of the coal shall require the approval of the District Mining Supervisor.

(4) If a coal bed exposed by surface mining or an accumulation of slack coal or combustible waste becomes ignited, the operator/lessee shall immediately take all necessary steps to extinguish the fire and protect the remaining coal.

(5) The District Mining Supervisor shall approve the conditions under which a surface mine will be temporarily abandoned, pursuant to the requirements of development, production, resource recovery and protection, and rentals and royalties on producing leases.

(6) *Barrier or boundary coal.* The operator/lessee shall be encouraged by the District Mining Supervisor, in the interest of conservation of coal reserves and other resources, to mine coal up to the lease boundary line; provided that, the mining does not violate State or Federal laws, the mining is in compliance with existing State and Federal mining, environmental and reclamation laws and rules, the mining does not conflict with existing surface rights, and the mining is carried out without undue hardship to the operator/

lessee and with due consideration for safety.

(e) *Performance standards for auger mines.* (1) If auger mining is proposed, the District Mining Supervisor shall take into account the percentage of recovery, which in general shall exceed 30 percent, and the probable effect on recovering the remaining adjacent coal reserves by underground mining. If underground mining from the highwall or outcrop is contemplated in the foreseeable future, auger mining may not be approved if underground mining would ensure greater recovery of the unmined coal reserves. Where auger mining is authorized, the District Mining Supervisor will require a sufficient number of pillars at regular intervals along the highwall or outcrop to ensure access to the unmined coal reserves. The size of pillars to be left will be determined by the District Mining Supervisor and shall be of sufficient size to accommodate the necessary underground development entries with barrier pillars sufficient to protect the development entries.

(2) A plan for recovery of coal reserves by auger methods shall be designed to achieve MER, where applicable.

(3) Auger mining must comply with the rules of this part, and 30 CFR Chapter VII or applicable requirements of an approved State program.

§ 211.41 Completion of operations and abandonment.

(a) Before permanent abandonment of exploration operations, all openings and excavations shall be closed, backfilled, or otherwise permanently dealt with in accordance with sound engineering practices and according to the approved exploration plan. Drill holes, trenches, and other excavations for exploration shall be abandoned in such a manner as to protect the surface and not endanger any present or future underground operation, or any deposit of coal, oil, gas, mineral resources, or ground water. Areas disturbed by exploration operations will be graded, drained, and revegetated.

(b) Upon permanent abandonment of mining operations, the District Mining Supervisor will require that the unmined coal reserves and other resources be adequately protected. Upon completion of abandonment, the District Mining Supervisor will inform the authorized officer and regulatory authority.

Reports, Royalties, Audits, and Records

§ 211.62 Reports.

(a) *Exploration reports.* The operator/lessee shall file with the District Mining Supervisor the information required in 30 CFR 211.62(b). Such filing shall be within 30 days after the end of each calendar year, and, in addition:

(1) Promptly upon a request by the District Mining Supervisor.

(2) Promptly upon completion or suspension of exploration operations.

(3) As provided in the exploration license or lease.

(b) *Exploration report content.* The exploration report shall contain the following information:

(1) Identity and location of the leased or licensed lands.

(2) Nature of exploration operations.

(3) Number of completed holes drilled and/or other work performed during the year or report period.

(4) Total footage drilled during the year or other period as determined by the District Mining Supervisor.

(5) Map showing all drill holes, other excavation locations and the coal crop lines.

(6) Analyses of coal and other pertinent tests obtained from exploration operations during the year.

(7) Signed copies of records and geologic interpretation of all exploration operations performed on the leased or licensed lands. Any coal reserves and coal reserve base estimates generated from an exploration license shall be submitted to the District Mining Supervisor within 1 year after completion of drilling operations.

(8) Copies of all in-hole mechanical or geophysical stratigraphic surveys or logs, such as electric logs, gamma ray-neutron logs, sonic logs, or any other logs produced during the year. The records shall include a log of all strata penetrated and conditions encountered such as water, quicksand, gas, or any unusual conditions.

(9) Status of reclamation of the disturbed areas.

(10) A statement on availability and location of the representative samples of all drill holes and cores retained by the operator-lessee pursuant to 30 CFR 211.40(a).

(11) Any other information requested by the District Mining Supervisor.

(c) *Production reports and payments.* (1) Operators/lessees shall report on USGS Form 9–373a, within 30 days after expiration of the period covered by the report, all coal mined, the basis for computing royalty and any other form requirements, other and shall make all payments due. Acceptance of the report and payment shall not be construed as an accord and satisfaction on the operator/lessees' royalty obligation.

(2) Licensees shall report all coal mined on a semiannual basis on the report form provided.

(3) LMU production shall be reported in accordance with 30 CFR 211.80(h)(4).

(d) *Penalty.* If an operator/lessee records or reports less than the true weight or value of coal mined, the Distict Mining Supervisor shall impose a penalty equal to either double the amount of royalty due on the shortage or the full value, as determined in 30 CFR 211.63, of the shortage. If, after notice, an operator/lessee or licensee maintains false records or files false reports, the District Mining Supervisor may recommend to the authorized officer that action be initiated to cancel the lease or license, in addition to the imposition of any penalties.

(e) *Confidentiality.* Confidentiality of any information required under this section shall be determined in accordance with 30 CFR 211.6.

§ 211.63 Royalties.

(a) Advance royalty provisions are contained at 30 CFR 211.40(b)(4) and 10 CFR Part 378 for leases and 30 CFR 211.80(h)(7) and 10 CFR Part 378 for LMU's.

(b) An overriding royalty interest, production payment, net profit share or similar interest that exceeds 50 percent of the rate of royalty first payable to the United States under the lease, or when added to any other overriding royalty interest exceeds that percentage, except those created in order to finance a mine, shall not be created by a lease transfer. When an interest in the lease or operating agreement is transferred, the transferor may retain an overriding royalty in excess of the above limitation if he shows to the satisfaction of the authorized officer that he has made substantial investments for improvements on the land covered by the transfer that would justify a higher payment.

(c) (1) In order to encourage the greatest ultimate recovery of coal reserves, and in the interest of conservation of coal reserves and other resources, the District Mining Supervisor, in determining if it is necessary to promote development, finds that the lease cannot be successfully operated under its terms, the District Mining Supervisor may waive, suspend, or reduce the rental on a lease, or reduce the royalty but not advance royalty, on a lease or portion thereof. In no case may the District Mining Supervisor reduce to zero any royalty on a producing lease.

(2) An application for any of the above benefits shall be filed in triplicate in the office of the District Mining Supervisor. The application shall contain the serial number of the lease,

the BLM State Office, the name of the record title holder and any operator/lessee, and the description of the lands in the manner provided by 43 CFR 3471.1.

(i) Each application shall include the name and location of the mine; a map showing the extent of the existing, proposed or adjoining mining operations; a tabulated statement of the coal mined, if any, and subject to Federal royalty for the existing or adjoining operation covering a period of not less than 12 months before the date of filing of the application; and the average production and existing rental and royalty rates on producing leases.

(ii) Each application shall contain a detailed statement of expenses and costs of operating the entire mine, the income from the sale of coal, and all facts indicating whether the mine, can be successfully operated under the rental and royalty on producing leases fixed in the lease or why the reduction is necessary to promote development. Where the application is for a reduction in royalty, full information shall be furnished as to whether royalties or payments out of production are paid to parties other than the United States, the amounts so paid, and efforts made to reduce them, if any. If the lease included in the application is not part of nor adjoining an operating mine, this detailed financial data may be obtained from another operating mine which is both in close proximity and has similiar operating characteristics.

(iii) The applicant shall also file a copy of agreements between the operator/lessee and the holders of any royalty interests to a reduction of all other royalties from the lease so that the total royalties owed the holders of royalty interest will not be in excess of one-half of the Government royalties, should the royalty reduction be granted.

(3) If the applicant does not meet the criteria of the rules of this Part, the District Mining Supervisor shall reject such application or request more data from the operator/lessee.

(4) If the applicant meets the criteria of the rules of this Part, the District Mining Supervisor shall act on the application.

(d) Operators/lessees shall submit, unless otherwise provided for in the lease, royalty payments on a monthly basis. The payment shall be made within 30 days after the end of the calendar month for which the royalty accrued.

(e) Where royalty is calculated on a per ton basis, it shall be based on the actual weight of coal and shall accrue on the sale or use of coal. In addition, where coal placed in inventory exceeds that which the District Mining Supervisor determines to be required for normal mining and processing operations the royalty shall also be paid on that estimated tonnage in inventory.

(f) Where royalty is calculated on a percentage basis, the value of coal for royalty purposes shall be presumed to be the gross value at the point of sale, normally the mine. For captive operations or other than arms-length transactions, the District Mining Supervisor will determine gross value and the point for gross value determination.

(g) The gross value shall be the unit sale or contract price times the number of units sold, unless the District Mining Supervisor determines that:

(1) A contract of sale or other business arrangement between the operator/lessee and a purchaser of some or all of the coal produced from the lease is not a bona fide transaction between independent parties because it is based in whole or in part upon considerations other than the value of the coal; or,

(2) No consideration is received from some or all of such coal because the operator/lessee is consuming such coal or adding it to inventories, and for which royalty is due and payable.

In either case, the District Mining Supervisor shall determine the gross value of such coal taking into account:

(i) Any consideration received or paid by the operator/lessee in other related transactions.

(ii) The average price paid for coal of like quality produced from the same general area during the lease month.

(iii) Contracts or other business arrangements, between coal producers and purchasers for the sale of coal other than coal produced under such lease, which are comparable in terms, volume, time of execution, area of supply, and other circumstances.

(iv) Mining cost plus reasonable profit margin.

(v) Such other relevant factors as the District Mining Supervisor may deem appropriate.

(h) If additional processing of the coal is performed prior to sale, such as washing to remove waste, bone, or other impurities, the processing costs exceeding the cost of primary and secondary crushing, storing, and loading may be deducted from the gross value in determining value for royalty purposes. The District Mining Supervisor will allow such deductions only when, in his judgment and subject to his audit, the operator/lessee provides an accurate account of the costs incurred.

(i) If a Federal coal lease is developed by *in situ* technology, the gross value of production, for the purpose of computing royalty, shall be determined by the Conservation Division, USGS.

(j) If a coal lease that provides for a cents-per-ton royalty is developed by *in situ* technology, Conservation Division, USGS, will establish a procedure for estimating tonnage for royalty purposes.

(k) In the event waste piles or slurry ponds are reworked to recover coal, or if a market becomes available to sell the waste products containing coal, the operator/lessee shall pay royalty at a rate specified in the lease at the time of recovery. The operator/lessee shall make payment based on the Federal share of the coal when the coal is recovered regardless of whether it is stored on Federal lands. Where such waste containing coal from a Federal lease is mixed with similar waste from private lands, the operator/lessee shall maintain adequate records from which Federal ownership of coal in the waste may be determined. However, nothing in this section requires payment of a royalty on coal for which a royalty has already been paid.

(l) Application by an operator/lessee for relief from any operations and production requirements of a lease shall be filed in triplicate in the office of the District Mining Supervisor. The District Mining Supervisor is authorized to act on applications for suspension of operations or production, or both, filed pursuant to this section and to terminate suspensions of this kind which have been or may be granted.

(m) The term of any lease shall be extended by adding thereto any period of suspension of all operations and production during such term, in accordance with any direction or assent of the District Mining Supervisor.

(n) A suspension shall take effect as of the time specified in the direction or assent of the District Mining Supervisor. Rental and minimum royalty payments will be suspended during such period of suspension of all operations and production, beginning with the first day of the lease month on which the suspension of operations and production becomes effective. If the suspension of operations and production becomes effective on any date other than the first day of the lease month, rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit shall be allowed on the next rental or royalty on producing leases due under the lease.

(o) The minimum annual production requirements shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Disitrict Mining Supervisor in the interest of conservation of coal reserves and other resources.

(p) A suspension under this section affects only the operations and production requirements of the lease; it does not suspend the permit and the operator/lessee's reclamation obligations under it.

§ 211.65 Audits.

An audit of the accounts and books of operators/lessees for the purpose of determining compliance with lease terms relating to royalties may be required annually or at other times as directed by the District Mining Supervisor. The audit shall be performed by a qualified independent certified public accountant or by an independent public accountant licensed by a State, territory, or insular possession of the United States or the District of Columbia, and at the expense of the operator/lessee. The operator/lessee shall furnish, free of charge, duplicate copies of audit reports that express opinions on such compliance to the District Mining Supervisor within 30 days after the completion of each audit. Where such audits are required, the District Mining Supervisor will specify the purpose and scope of the audit and the information which is to be verified or obtained.

§ 211.66 Maintenance of and access to records.

(a) Operators/lessees shall maintain current and accurate records for the lease or LMU showing:

(1) The type and quality or grade and weight of all coal mined, sold, used on the premises, or otherwise disposed of, and all coal in storage (remaining in inventory).

(2) The prices received for all coal sold and to whom and when sold.

(b) The District Mining Supervisor shall have access to all records of the operator/lessee pertaining to compliance with lease terms relating to royalties, including, but not limited to:

(1) Quantities mined, processed, sold, delivered, or used by the operator/lessee.

(2) Prices received for mined or processed products, prices paid for like or similar products, and internal transfer prices.

(3) Costs of mining, processing, handling, and transportation.

(c) Licensees must maintain a current record of all coal mined and/or removed.

(d) Operators/lessees will retain these records for a period of time as determined by the District Mining Supervisor in accordance with current USGS rules and procedures.

§ 211.67 Late payment or underpayment charges.

The failure to make timely or proper payment of any monies due pursuant to leases and contracts subject to these rules will result in the collection of the amount due and in the assessment and collection of a late payment charge. The late payment charges assessed will be computed on the basis of the amount past due for each 30-day period or portion thereof that the payment or underpayment is late. In the absence of a specific lease or contract provision prescribing a different rate, the percentage assessment rate to be applied in these instances will be the rate calculated by the U.S. Department of the Treasury as the current value of funds to the Treasury based on a recent 3-month period. This rate will be prescribed in the Treasury Fiscal Requirements Manual Bulletins that are published prior to the first day of each calendar quarter for application to overdue or underpayments which occur during the succeeding calendar quarter. Underpayments and payments which are received after the due date will be applied to the appropriate current charges for rentals; production or advance royalty; assessments for liquidated damages; or to such other payments, fees, or assessments that an operator/lessee is required to submit by a specified date. The failure to remit past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings.

Inspection, Issuance of Orders, Enforcement, and Appeals

§ 211.70 Inspections.

(a) The operator/lessee shall provide access, at all reasonable times, to the District Mining Supervisor for inspection or investigation of operations in order to determine whether they are in compliance with all applicable laws, rules, and orders; the terms and conditions of the lease or license; and requirements of any approved exploration plan for:

(1) Abandonment.

(2) Environmental protection and reclamation practices. (b) The operator/lessee shall provide access, at all reasonable times, to the District Mining Supervisor for inspection or investigation of operations in order to determine whether they are in compliance with all applicable laws, rules, and orders; the terms and conditions of the lease or license; and requirements of any approved resource recovery and protection plan for:

(1) Production practices.

(2) Development.

(3) Resource recovery and protection.

(4) Diligent development and continued operation.

(5) Audits of rental and royalty payments on producing leases.

(6) Abandonment.

(7) MER determinations.

§ 211.71 Notices and orders.

(a) *Address of responsible party.* Before beginning operations, the operator/lessee shall inform the District Mining Supervisor in writing of the operator/lessee's temporary and permanent post office address and the name and post office address of the superintendent or designated agent who will be in charge of the operations and who will act as the local representative of the operator/lessee. Thereafter, the District Mining Supervisor shall be informed of any change of address.

(b) *Receipt of notices and orders.* The operator/lessee shall be construed to have received all notices and orders that are mailed to the mine office or handed to the superintendent, mine foreman, mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator/lessee or his local representative.

§ 211.72 Enforcement.

(a) If the District Mining Supervisor determines that an operator/lessee has failed to comply with the rules of this part or 10 CFR Part 378, the terms and conditions of the lease or license, the requirements of approved exploration or resource recovery and protection plans, or orders of the District Mining Supervisor, and such noncompliance does not threaten immediate and serious damage to the mine, the deposit being mined, valuable ore-bearing mineral deposits or other resources, or compromise the royalty provisions of the rules of this part, the District Mining Supervisor shall serve a notice of noncompliance upon the operator/lessee by delivery in person to him or his agent, or by certified or registered mail addressed to the operator/lessee at his last known address. Failure of the operator/lessee to take action in accordance with the notice of noncompliance within the time limits specified by the District Mining Supervisor shall be grounds for

cessation of operations upon notice by the District Mining Supervisor. The District Mining Supervisor may also recommend to the authorized officer the initiation of action for cancellation of the lease or license and forfeiture of any lease bonds.

(b) The notice of noncompliance shall specify in what respect(s) the operator/lessee has failed to comply with the rules of this part or 10 CFR Part 378, the terms and conditions of the lease or license, the requirements of approved exploration or resource recovery and protection plans, or orders of the District Mining Supervisor, and shall specify the action that must be taken to correct such noncompliance and the time limits within which such action must be taken. A written report shall be submitted by the operator/lessee to the District Mining Supevisor when such noncompliance has been corrected.

(c) If, in the judgment of the District Mining Supervisor, an operator/lessee is conducting activities which fail to comply with the rules of this part or 10 CFR Part 378, the terms and conditions of the lease or license, the requirements of approved exploration or resource recovery and protection plans, or orders of the District Mining Supervisor, and/or which threaten immediate and serious damage to the mine, the deposit being mined or valuable ore-bearing mineral deposits, or, regarding exploration, serious environmental or reclamation damage, the District Mining Supervisor shall order the immediate cessation of such activities without prior notice of noncompliance.

(d) The District Mining Supervisor shall enforce requirements of SMCRA only if he finds a violation, condition, or practice regarding emergency situations for which an authorized representative of the Secretary is required to act pursuant to 30 CFR 843.11 and 843.12.

(e) The District Mining Supervisor is responsible for enforcing the 10 CFR Part 378 rules promulgated by DOE under the DOE Organization Act (42 U.S.C. 7152 and 7153).

§ 211.73 Appeals.

Decisions or orders issued by the District Mining Supervisor under 30 CFR Part 211 may be appealed pursuant to 30 CFR Part 290, except that decisions or orders issued by the District Mining Supervisor under 30 CFR 211.72(d) may be appealed pursuant to 43 CFR Part 4.

Logical Mining Units

§ 211.80 Logical mining units.

(a) *General.* An LMU shall become effective only upon approval by the District Mining Supervisor. An LMU may be enlarged by the addition of other Federal coal leases or with interests in non-Federal coal deposits, or both. Any LMU may be diminished by creation of other separate leases or LMU's.

(b) An LMU which contains no Federal coal leases issued before August 4, 1976, may be established at the initiative of the operator/lessee or by order of the District Mining Supervisor. The District Mining Supervisor may direct the establishment of an LMU containing Federal coal leases issued before August 4, 1976, provided that the operators/lessees consent to making all such leases within the LMU subject to the uniform requirements for submittal of resource recovery and protection plans, LMU coal reserves exhaustion, diligent development, continued operation, MER, advance royalty, and royalty periods (but not royalty rates) made applicable by the LMU stipulations and the rules of this part and 10 CFR Part 378. Any lease included in an LMU shall have its terms amended as necessary so that its terms and conditions are consistent with the stipulations required for the approval of the LMU pursuant to 30 CFR 211.80(e).

(c) *Contents of an LMU application.* An operator/lessee must submit five copies of an LMU application to the District Mining Supervisor if the operator/lessee is applying on his own initiative to combine lands into an LMU, or if directed to establish an LMU by the District Mining Supervisor, in accordance with 30 CFR 211.80(b). Such application shall include the following unless previously submitted in a current, approved resource recovery and protection plan.

(1) Name and address of the designated operator/lessee of the proposed LMU.

(2) Lease serial numbers and description of the land and all coal beds considered to be of minable thickness within the boundary of the proposed LMU. Identification of those coal beds proposed to be excluded from any Federal lease which would be a part of the proposed LMU.

(3) Evidence of ownership or effective control of all the surface and all coal to be mined in the proposed LMU.

(4) Elements required under 30 CFR 211.10(b) for both Federal and private lands to be included in an LMU.

(5) Explanation of how MER of the Federal coal reserves will be achieved by establishment of the proposed LMU. If a coal bed, or portion thereof, is proposed to be render unminable by the operation, the operator/lessee shall submit appropriate justification.

(6) Any other information required by the District Mining Supervisor.

(7) If any confidential information is included in the submittal and is identified as such by the operator/lessee, it shall be treated in accordance with 30 CFR 211.6.

(d) *Consultation.* (1) Prior to approval, the District Mining Supervisor shall consult with the applicant about any Federal coal reserves within the proposed LMU that the applicant does not intend to mine and any Federal coal reserves that the applicant intends to relinquish. The District Mining Supervisor shall also consult with the applicant about proposed lease revisions to make the time periods for resource recovery and protection plan submittals, the 40-year LMU coal reserves exhaustion requirement, and diligent development, continued operation, advance royalty and rental and royalty collection requirements applicable to each producing lease consistent with the proposed LMU stipulations.

(2) The public participation procedures of 30 CFR 211.5 shall be completed prior to approval of an LMU.

(e) *Stipulations.* Prior to the approval of a proposed LMU, the District Mining Supervisor shall notify the applicant and authorized officer of stipulations required for the approval of the proposed LMU. The proposed LMU stipulations shall provide:

(1) A schedule for the submittal of a resource recovery and protection plan for the entire proposed LMU, derived from the resource recovery and protection plan submittal requirements for each lease in the proposed LMU.

(2) A schedule for the achievement of diligent development and continued operation for the proposed LMU. The schedule shall reflect the date for achieving diligent development and maintaining continued operation of the individual leases included in the proposed LMU, consistent with 10 CFR Part 378.

(3) Uniform Federal reporting periods for rental and royalty on producing leases.

(4) The revision, if necessary, of terms and conditions of the individual Federal leases included in the proposed LMU. The terms and conditions of the Federal leases, except for royalty rates, shall be amended so that they are consistent with the stipulations of the approved LMU.

(5) An estimate of the LMU coal reserves, including Federal lease coal reserves and non-Federal coal reserves, using data acquired by generally acceptable exploration methods.

(6) A stipulation that the 40-year LMU coal reserves exhaustion requirement

will begin the date that coal is first produced from the approved LMU, as determined during the first royalty reporting period following such date.

(7) The advance royalty rate shall be as established by 10 CFR Part 378.

(8) Any other condition that the District Mining Supervisor determines to be necessary for the efficient and orderly operation of the proposed LMU.

(f) *Criteria for approving the establishment of an LMU.* The District Mining Supervisor shall, except for good cause stated in a decision disapproving the application, approve a proposed LMU if it meets the following criteria:

(1) The proposed LMU fully meets the LMU definition.

(2) Mining operations on the proposed LMU will achieve MER of Federal coal reserves within the proposed LMU.

(3) All single leases that are included in more than one proposed LMU shall be segregated into two or more leases. If only a portion of a lease is included in a proposed LMU, the remaining land shall be segregated into another lease. The District Mining Supervisor will consult with the authorized officer about the segregation of such leases. The operator/lessee may apply to relinquish any such portion of a lease under 43 CFR 3452.1.

(4) The applicant has agreed to the proposed LMU stipulations required by the District Mining Supervisor for approval of the proposed LMU.

(g) *Modification of an approved LMU.* If an approved LMU is enlarged or diminished in accordance with 30 CFR 211.80(a), the estimate of LMU coal reserves will be adjusted accordingly. In considering an application for enlargement of an existing LMU, the District Mining Supervisor shall consider modifying the existing LMU stipulations.

(h) *Administration of LMU operations.* An LMU shall be administered in accordance with the following criteria:

(1) The 40-year LMU coal reserves exhaustion requirement will begin the date that coal is first produced from the approved LMU, as determined during the first royalty reporting period following such date. Any resource recovery and protection plan submitted after approval of the LMU will cover all Federal and non-Federal lands within the LMU and contain the information required by 30 CFR 211.10(b).

(2) Where production from non-Federal lands is the basis, in whole or in part, for satisfaction of the requirements that the operator/lessee achieve diligent development or maintain continued operation, the operator/lessee shall provide a certified report of such production, as determined by the District Mining Supervisor. The certified report shall include a map showing the area mined and the amount of coal mined.

(3) *Extensions of diligent development for LMU's.* Extensions of diligent development are provided for in 10 CFR Part 378. Applications for such an extension shall be filed with the District Mining Supervisor.

(4) *Continued operation and advance royalty.* After meeting diligent development, operators/lessees must comply with continued operation requirements of 10 CFR Part 378.

(i) If an operator/lessee fails to meet continued operation or fails to make the approved advance royalty payments in any continued operation year, the District Mining Supervisor shall inform the operator/lessee in writing that the operator/lessee is in violation of the continued operation requirement.

(ii) For advance royalty purposes, the value of the coal will be calculated in accordance with 30 CFR 211.63.

(iii) The boundaries of an LMU may be modified later either upon application by the operator/lessee and approval of the District Mining Supervisor after consultation with the authorized officer, or by direction of the District Mining Supervisor after consultation with the authorized officer. The District Mining Supervisor may adjust only the estimate of LMU coal reserves in accordance with departmental actions or orders that modify the LMU boundaries or upon application by the operator/lessee under 43 CFR 3452.1 (see also 30 CFR 211.80(g)).

Dated: November 19, 1981.

James G. Watt,

Secretary of the Interior.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of December 20 through December 26, 1981

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

57098 11–20–81 / Taking of small numbers of non-depleted marine mammals; comments by 12–21–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

57696 11–25–81 / Inclusion of construction work in progress for public utilities; extension of time for reply comments; comments by 12–23–81

ENVIRONMENTAL PROTECTION AGENCY

57284 11–23–81 / Hazardous waste; treatment, storage, and disposal facilities, standards for owners and operators; seismic location standard compliance, political jurisdictions list; interim rule; comments by 12–23–81

57498 11–24–81 / 2-(M-Chlorophenoxy) propionic acid; Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; comments by 12–24–81

57061 11–20–81 / Minnesota; approval and promulgation of implementation plans; comments by 12–21–81

57572 11–24–81 / North Carolina: PSD and NSR regulations; Approval and promulgation of implementation plans; comments by 12–24–81

55994 11–13–81 / Texas Hazardous Waste Management Program; application for interim authorization, phase II, Components A and B; comments by 12–21–81

FEDERAL COMMUNICATIONS COMMISSION

54787 11–4–81 / Amendment to eliminate the requirement that licensees retain letters received from the public; reply comments by 12–22–81

50570 10–14–81 / FM broadcast station; proposed changes in table of assignments: Lufkin, Tex.; reply comments by 12–24–81

50569 10–14–81 / FM broadcast station; proposed changes in table of assignments: Wishek, N.D.; reply comments by 12–24–81

53469 10–29–81 / FM broadcast stations in Belleville, Kansas, Hastings and Holdrege, Nebraska; proposed changes in table of assignments; reply comments by 12–21–81

53471 10–29–81 / FM broadcast stations in Montevideo, Olivia, and Ortonville, Minn.; proposed changes in table of assignments; comments by 12–21–81

57078 11–20–81 / Subscription television service; comments by 12–21–81

50571 10–14–81 / TV broadcast station; proposed changes in table of assignments: Bozeman, Mont.; reply comments by 12–24–81

FEDERAL LABOR RELATIONS AUTHORITY

57056 11–20–81 / Processing of cases; comments by 12–21–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

57475 11–24–81 / *Alpha*-hydro-*omega*-hydroxy-poly (oxyethylene)/poly (oxypropylene) (Minimum 15 moles)/ poly (oxyethylene) block Copolymer, food additive; objections by 12–24–81

57474 11–24–81 / Canned pineapple; amendment of standards of identify and quality; objections by 12–24–81

51923 10–23–81 / Canned tropical fruit salad; possible establishment of a standard; comments by 12–22–81

[Corrected at 46 FR 55994, 11–13–81]

57034 11–20–81 / Indirect food additives, adjuvants, production aids, and sanitizers, antioxidants and/or stabilizers for polymers; comments by 12–21–81

57033 11–20–81 / Indirect food additives, polymers bis(isocyanatomethyl) benzene and bis(isocyanatomethyl) cyclohexane; comments by 12–21–81

57476 11–24–81 / Methylated poly(*N*-1,2-Dihydroxyethylene-1,3-Imidazolidin-2-one), indirect food additives; objections by 12–24–81

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51926 10–23–81 / Quick frozen blueberries; possible establishment of a standard; comments by 12–22–81
[Corrected at 46 FR 55994; 11–13–81]

51402 10–20–81 / Quick frozen leeks; possible establishment of a standard; comments by 12–21–81

57032 11–20–81 / Secondary direct food additives permitted in food for human consumption, epichlorohydrin–ammonia crosslinked copolymer, quaternized with methyl chloride; comments by 12–21–81

Office of the Secretary—

51410 10–20–81 / Indian preference in employment, training, and subcontracting opportunities; comments by 12–21–81

Social Security Administration—

51778 10–22–81 / Supplemental Security Income; disposing of resources at less than fair market value; comments by 12–21–81

INTERIOR DEPARTMENT

National Park Service—

51558 10–20–81 / World Heritage Convention; comments by 12–21–81

Surface Mining Reclamation and Enforcement Office—

57327 11–23–81 / Abandoned mine land reclamation program; comments by 12–23–81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

51603 10–21–81 / Excluded nonnarcotic substances; comments by 12–21–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

57060 11–20–81 / Supplement to California State Plan; comments by 12–21–81

PANAMA CANAL COMMISSION

57915 11–27–81 / Shipping and navigation ruled for the Panama Canal; comments by 12–20–81

SECURITIES AND EXCHANGE COMMISSION

52378 10–27–81 / Automatic Effectiveness of Registration Statements Filed Under the Securities Act of 1933 by Certain Unit Investment Trusts; comments by 12–21–81

56426 11–17–81 / Inspection of newly registered brokers and dealers by self-regulatory organizations; comments by 12–21–81

TRANSPORTATION DEPARTMENT

Coast Guard—

55278 11–9–81 / Removal of regulations for load line survey fees; comments by 12–24–81

Federal Aviation Administration—

51856 10–22–81 / Air traffic operating and flight rules; nontransponder operations in certain controlled airspace; reduction in required advance notice; comments by 12–21–81

TREASURY DEPARTMENT

Internal Revenue Service—

51588 10–20–81 / Exclusion of interest on certain savings certificates; comments by 12–21–81

VETERANS ADMINISTRATION

57571 11–24–81 / Veterans benefits; former prisoners of war; comments by 12–23–81

Deadlines for Comments on Proposed Rules for the Week of December 27, 1981 through January 2, 1982

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

54919 11–5–81 / Increase in fees for Federal livestock grading and certification services; comments by 12–31–81

50509 10–14–81 / Increase in fees for Federal meat grading and certification services; comments by 12–31–81

Food and Nutrition Service—

35629 7–10–81 / National School Lunch Program and State Administrative Expense Fund; Assessment, Improvement and Monitoring System (AIMS); comments by 12–31–81

50592 12–11–81 / Summer Food Service Program; limitation of sponsor and geographic area eligibility; comments by 12–31–81

Soil Conservation Service—

52119 10–26–81 / Support activities; compliance with NEPA; comments by 12–28–81

CIVIL AERONAUTICS BOARD

52585 10–27–81 / Aircraft accident liability insurance; Canadian Charter Air Taxi Operators; classification and exemption of air taxi operators; comments by 12–28–81

53195 10–28–81 / Removal of "comments air carrier" classification form cargo and mail carriers; comments by 12–28–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

55732 11–12–81 / Foreign Fishing; reports and record keeping; comments by 12–28–81

EDUCATION DEPARTMENT

53716 10–30–81 / Post employment conflicts of interest; comments by 12–29–81

ENERGY DEPARTMENT

Economic Regulatory Administration—

58052 11–27–81 / Powerplant and industrial fuel use; comments by 12–28–81

ENVIRONMENTAL PROTECTION AGENCY

56464 11–17–81 / Connecticut application for interim authorization, Phase 1, Hazardous Waste Management Program; comments by 12–30–81

53704 10–30–81 / Fluoroalkenes; response to Interagency Testing Committee; comments by 12–29–81

FEDERAL COMMUNICATIONS COMMISSION

50022 12–8–81 / Amendment to allow the selection from among mutually exclusive competing applications using random selection or lotteries instead of comparative hearings; reply comments by 12–30–81

[*See also* 46 FR 58110, 11–30–81]

56473 11–17–81 / Calculation of necessary bandwidth for frequency modulation microwave radio relay systems; comments by 12–29–81

50222 12–9–81 / Experimental, auxiliary, and special broadcast and other program distributional services; current policy and procedures; comments by 1–2–82

50990 10–16–81 / FM broadcast station in Pittsburg, Kansas; changes in table of assignments; reply comments by 12–28–81

50989 10–16–81 / FM broadcast station in Williams, Ariz.; changes in table of assignments; reply comments by 12–28–81

55279 11–9–81 / Formulation of policies relating to broadcast renewal applicant; comments by 12–28–81

60031 12–18–81 / Specialized mobile radio system; revision of contour measurement; comments by 12–30–81

50986 10–16–81 / TV broadcast station in Cape Coral, Fla., changes in table of assignments; reply comments by 12–28–81

56831 11–19–81 / TV broadcast station; changes in table of assignments; Greenwood, S.C.; comments by 12–31–81

FEDERAL RESERVE SYSTEM

54565 11–3–81 / Bank holding companies (Regulation Y): Nonbanking activities; application by Bank America Corp. to provide management consulting services to nonbank depository institutions; comments by 12–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

58297 12–1–81 / Food additives permitted for direct addition to food for human consumption; zinc methionine sulfate tablets; objections by 12–31–81

Health Care Financing Administration—

48524 10–1–81 / Medicaid program; freedom of choice: waivers of and exceptions to State plan requirements; comments by 12–30–81

48532 10–1–81 / Medicaid program; home and community-based services; comments by 12–30–81

48556 10–1–81 / Medicaid program; miscellaneous medicaid provisions—increased State flexibility; comments by 12–30–81

48550 10–1–81 / Medicare and Medicaid program; less than effective drugs and inpatient hospital tests; comments by 12–30–81

Public Health Service—

52566 10–27–81 / Qualifications of Health Maintenance Organizations; comments by 12–28–81

Social Security Administration—

53720 10–30–81 / Proration of shelter, utilities, and similar need items for AFDC children living with ineligible relatives; comments by 12–29–81

53449 10–29–81 / Supplemental security income benefits; eligibility, amount of benefits, reports required, income, resources, and State supplementation provisions, agreements, and payments; comments by 12–28–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

57838 11–25–81 / Schedule A—Fair market rents for new construction and substantial rehabilitation; all market areas; comments by 12–28–81

INTERIOR DEPARTMENT

Land Management Bureau—

58264 11–30–81 / Outer Continental Shelf minerals and rights-of-way management, general; amendment to streamline and clarify existing provisions; comments by 12–28–81

Reclamation Bureau—

37528 7–21–81 / Acreage limitation; reclamation rules and regulations; comments by 12–31–81

37529 7–21–81 / Acreage limitation; resumption of comment period on draft environmental impact statement; comments by 12–31–81

Surface Mining Reclamation and Enforcement Office—

57697 11–25–81 / Modified portions of the permanent regulatory program; Maryland; comments by 12–28–81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

53405 10–29–81 / Exempt chemical preparations; comments by 12–28–81

PANAMA CANAL COMMISSION

60216 12–9–81 / Access to information concerning individuals; proposed exemption from access of system of records under the Privacy Act; comments by 12–29–81

POSTAL SERVICE

58097 11–30–81 / National Environmental Policy Act (NEPA); amendment of categorical exclusions; comments by 12–30–81

SECURITIES AND EXCHANGE COMMISSION

53579 10–30–81 / Regulatory flexibility agenda; comments by 12–31–81

TRANSPORTATION DEPARTMENT

Coast Guard—

45631 9–14–81 / Maneuvering performance standards for U.S. flag vessels; comments by 1–12–82

Federal Aviation Administration—

8316 1–26–81 / Development and submission of airport operator's noise compatibility planning programs and the FAA's administrative process for evaluating and determining the effects of those programs; comments by 12–31–81

TREASURY DEPARTMENT

Internal Revenue Service—

52391 10–27–81 / Income tax withholding; increase; comments by 12–28–81

VETERANS ADMINISTRATION

58095 11–30–81 / Privacy Act of 1974; access to records; comments by 12–28–81

Next Week's Meetings

DEFENSE DEPARTMENT

Office of the Secretary—

51798 10–22–81 / Wage Committee, Washington, D.C. (closed), 12–22–81

EDUCATION DEPARTMENT

58144 11–30–81 / Education Statistics Advisory Council, Washington, D.C. (open), 12–21 and 12–22–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Environment and Energy Office—

57950 11–27–81 / Millender Center Project, Environmental Impact Statement, Detroit, Mich. (open), 12–21–81

VETERANS ADMINISTRATION

46463 9–18–81 / Wage Committee, Wash., D.C. (closed), 12–22–81

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

60043 12–8–81 / Visit USA fare/export inland contract rate investigation, Washington, D.C., 12–23–81

ENVIRONMENTAL PROTECTION AGENCY

55997 11–13–81 / Texas application for interim authorization, Phase II, Components A and B, hazardous waste management program, Austin, Tex., 12–21–81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

Applications Deadlines

59572 12–7–81 / ED—Comprehensive Program Final Year Dissemination Competition; apply by 1–12–82

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59573 12–7–81 / ED—Field Initiated Research Program; apply by 4–1–82

60504 12–10–81 / HHS/HDSO—Multidisciplinary Centers of Gerontology Program; Long term care gerontology centers; availability of financial assistance; apply by 2–26–82

OTHER ITEMS OF INTEREST

59570 12–7–81 / Education Appeal Board; list of applications for review

60645 12–11–81 / FMCS—Labor–management cooperation program; request for comments on draft program announcement

60009 12–8–81 / IDCA/AID—Registration of agencies for voluntary foreign aid

60537 12–10–81 / NSF—Statement of organization; information for guidance of the public

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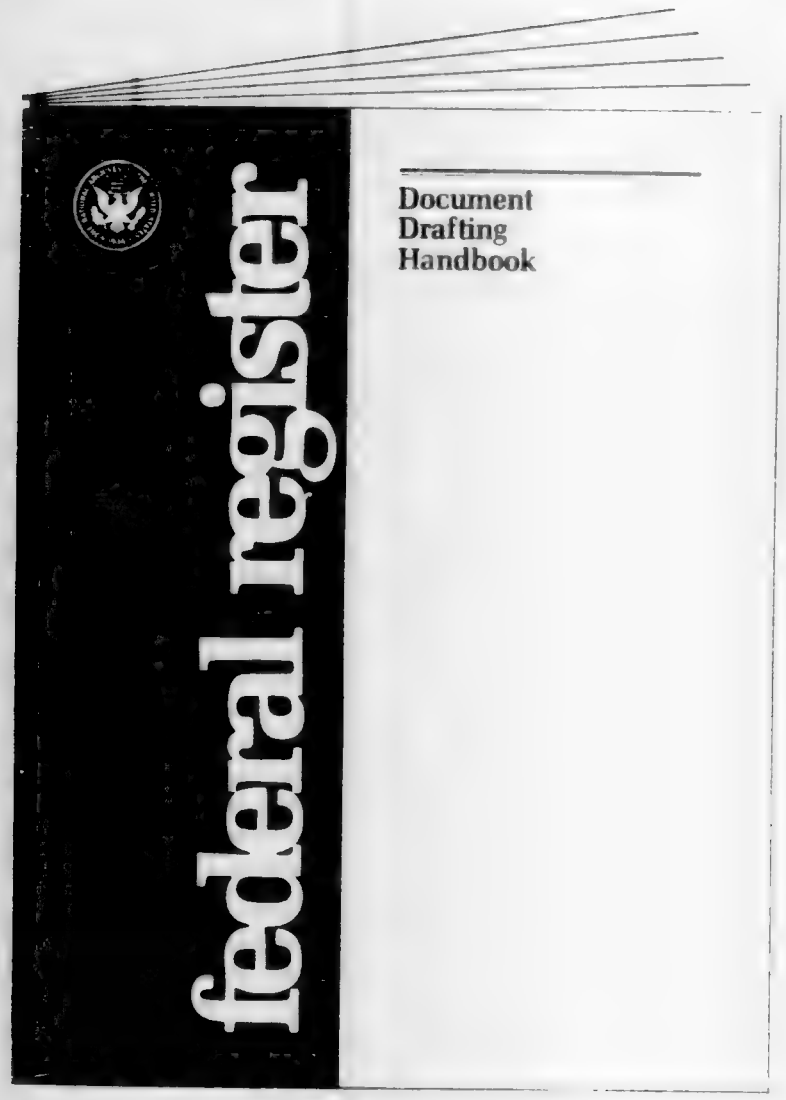

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Highlights

61442, 61485 **Agriculture—Credit** USDA/CCC imposes interest on delinquent debts. FCA proposes to amend Farm Credit System loan policies.

61560 **Air Transportation** DOT/FAA establishes Microwave Landing System requirements for non-Federal navigational facilities. (Part II of this issue)

61486, 61489 DOT/FAA withdraws proposed rules on helicopter noise and flight attendant reduction. (2 documents)

61484 **Nuclear Power Plants** NRC requests comments on petition to extend term of operating licenses.

61531 **Mass Transportation** DOT/FHWA announces availability of report on Federal role in Urban transportation planning.

61450 **Air Safety** DOT/FAA amends emergency aircraft evacuation demonstration requirements.

61612, 61613 **Air Pollution Control** EPA stays requirement and proposes to amend rules on construction of new stationary sources and modifications to existing sources. (2 documents) (Part IV of this issue)

61460 **Postal Service** PS amends procedures for refusing or terminating post office box or caller service.

61454 **Securities** SEC adopts rule on recordkeeping by brokers and dealers.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

61502 **Pesticides** EPA provides peer review procedures for scientific studies.

61462 **Procurement** Interior amends Procurement Regulations System, and defers effective date of previously published rule. (2 documents)

61473 **Motor Vehicle Safety** DOT/NHTSA issues rule on new pneumatic tires for passenger cars.

61495 **Imports** CITA announces import restraint levels for certain cotton, wool and man-made fiber textile products from People's Republic of China.

61496 CITA announces increase in import restraint levels for certain cotton textile products from Pakistan.

61497 CITA announces import levels for certain cotton, wool and man-made fiber textile products from Taiwan.

61455, 61522 **Privacy Act Documents** Justice. (2 documents)

61533 **Sunshine Act Meetings**

Separate Parts of This Issue

61560 **Part II, DOT/FAA**
61594 **Part III, DOT/FRA**
61612 **Part IV, EPA**
61620 **Part V, OMB**

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DEPARTM

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7 CFR Pa

**Oranges,
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AGENCY: A
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ACTION: A

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Rules and Regulations

Federal Register
Vol. 46, No. 242
Thursday, December 17, 1981.

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for fresh Florida oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t. December 23, 1981, and ending 12:01 a.m., e.s.t., December 29, 1981. The regulation is needed to assist in preventing the accumulation of excessive market supplies of the specified fruits during the Christmas Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE TIME: 6:00 p.m., e.s.t. December 23, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This rule is issued under the marketing agreement, as amended, and marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, hereinafter referred to collectively as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Citrus Administrative Committee established under the order and other available information. It is found that this action will tend to effectuate the declared policy of the act.

This amendment reflects the Department's appraisal of the marketing situation during the period immediately prior to the week in which Christmas Day occurs and for the period immediately following. It is anticipated that shipments of fresh oranges, grapefruit, tangerines, and tangelos prior to Christmas Day will result in market supplies in excess of market needs. An accumulation of excessive quantities of any variety of citrus fruit in the markets during the period immediately prior to and following Christmas contributes to unstable marketing conditions. It is reported that, absent the shipping holiday, excessive shipments of the specified fruits would occur, causing an accumulation of these varieties of fruit in the market prior to and during the post-holiday period, a period in which there is a drop in consumer demand. Hence the curtailment of orange, grapefruit, tangerine and tangelo shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. A reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this amendment effective at the time specified. Determination as to the need for, and extent of, regulation under § 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits. The recommendation and supporting information for such regulation were promptly submitted to the Department after an open meeting of the committee, after notice to growers, shippers, and interested persons had been given, and all present were afforded an opportunity to submit information and views. Information regarding specifications of the regulation has been provided to shippers, and the regulation is identical with the recommendations of the committee. Compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, in § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6; December 8, 1981, 46 FR 60170) paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

* * * * *

(d) Notwithstanding the provisions of Table 1 in paragraph (a) of this section during the period beginning at 6:00 p.m. e.s.t., December 23, 1981, and ending at 12:01 a.m. e.s.t., December 29, 1981, no handler shall ship between the production area and any point outside thereof in the continental U.S., Canada, or Mexico, any oranges, grapefruit, tangerines, or tangelos, of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 11, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–36074 Filed 12–16–81; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 907

[Navel Orange Reg. 532]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 18–24, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 15, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

1. Section 907.832 is added as follows:

§ 907.832 Navel Orange Regulation 532.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 18, 1981, through December 24, 1981, are established as follows:

(1) District 1: 623,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: 77,000 cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: December 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–36246 Filed 12–16–81; 11:28 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1403

Interest on Delinquent Debts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Commodity Credit Corporation (CCC) is announcing that interest will be charged on delinquent debts. The imposition of interest with respect to delinquent debts will encourage producers to repay their debts and thus reduce the cost to CCC for additional borrowings from the United States Treasury.

DATE: Effective date: December 17, 1981.

COMMENTS BY: February 16, 1982.

ADDRESS: Interested persons may send comments to the Director, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Sally Nunn, Claims Specialist, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6613.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed in conformance with Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been classified as "not major." It has been determined that the provisions of this interim rule will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will not have a major impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. § 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

The Attorney General and Comptroller General have jointly promulgated the Federal Claims Collection Standards (FCCS) in 4 CFR Parts 101–105 as mandated by the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 951–953). CCC is generally exempt from the provisions of the FCCS, since CCC has the authority under Section 4(k) of the CCC Charter Act (15 U.S.C. 714b(k)) to make final and conclusive settlement and adjustment of all its claims. However, the Board of Directors, CCC, has administratively determined that the FCCS shall be applicable to all claims by CCC regardless of the amount (CCC Claims Policy Docket CZ 161a, Revision 4). The FCCS requires that interest be charged on delinquent debts. Accordingly, CCC will establish an interest rate which shall be charged on delinquent debts and publish such rate as a notice in the **Federal Register.**

Since it is imperative for effective money management and claims

collection to impose a rate of interest to be charged by CCC with respect to delinquent debts in order to encourage the repayment of such debts, it has been determined that this interim rule shall be effective upon date of publication in the **Federal Register** without opportunity for prior public comment.

However, the public is invited to submit written comments with respect to this interim rule to the Director, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Comments must be received not later than February 16, 1982 in order to be assured of consideration. This interim rule will be evaluated in view of the comments received and a final rule will be published in the **Federal Register** discussing the comments received and any further amendments to these regulations which may be deemed necessary.

Accordingly, the regulations at Chapter XIV, Subchapter A of Title 7 of the Code of Federal Regulations are amended by adding a new Part 1403 to read as follows:

PART 1403—INTEREST ON DELINQUENT DEBTS

Sec.
1403.1 Purpose.
1403.2 Definitions.
1403.3 Late payment charge.
1403.4 Partial payments.
1403.5 Amount of late payment charge.
1403.6 Applicability.

Authority: Sec. 4, PL 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b), 4 CFR Parts 101–105.

§ 1403.1 Purpose.

It is the policy of Commodity Credit Corporation (hereafter referred to as "CCC") to apply a late payment charge to the full amount of delinquent debts. This part sets forth the terms and conditions under which such late payment charge will be calculated and assessed.

§ 1403.2 Definitions.

(a) The term "late payment charge" means the amount of interest charged on delinquent debts.

(b) The term "demand for payment" means a written request for payment made by CCC to the debtor when it is determined that any monies which are due and owing by the debtor to CCC are delinquent.

(c) The term "full amount of the delinquent debt" means the sum of the principal, accrued interest, and any other charges which are otherwise due and owing to CCC with respect to the delinquent debt at the time the late payment charge is applied.

(d) The term "delinquent debt(s)" means: (1) A payment that is overdue in accordance with the terms of an arrangement for payment as provided for in the contract, agreement or notification of indebtedness, and (2) Any overdue amount owed to CCC by a debtor which is the subject of an arrangement whereby the debtor agrees to pay any such overdue amount in installments.

§ 1403.3 Late payment charge.

(a) A late payment charge is assessed on the full amount of any delinquent debt.

(b) The method for assessing a late payment charge is as follows:

(1) When a debt results from a contract or agreement containing a provision for a late payment charge, a late payment charge will be assessed by CCC on the amount of the delinquent debt from the day the debt became delinquent unless otherwise provided for by such contract or agreement.

(2) When the debt did not result from a contract or agreement containing a provision for a late payment charge, a late payment charge will be assessed by CCC on the amount of any delinquent debt 30 days after CCC issued a demand letter to the debtor notifying the debtor of such delinquency.

(c) The late payment charge will be applied to the delinquent debt for each 30-day period. In addition, the full amount of the late payment charge will also be applicable to periods of less than 30 days.

§ 1403.4 Partial payments.

When a partial payment of a delinquent debt is made to CCC by a debtor, the partial payment will first be applied against the amount of any late payment charge which has been assessed by CCC against the amount of the delinquent debt. Any sum remaining of such partial payment will then be applied against the full amount of the delinquent debt.

§ 1403.5 Amount of late payment charge.

The late payment charge shall be expressed as a rate of interest which CCC charges on a delinquent debt. CCC will publish such rate of interest as a notice in the **Federal Register**.

§ 1403.6 Applicability.

This part shall only be applicable to: (a) Any debt incurred after the effective date of this part and which subsequently becomes a delinquent debt; (b) Delinquent debts originally incurred before the effective date of this part, the repayment of which is rescheduled by agreement of CCC and the debtor after the effective date of this part; and (c) Any other debt or delinquent debt to which the debtor and CCC agree that this part will be applicable.

Signed at Washington, D.C., on December 1, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–35981 Filed 12–16–81; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–NW–27–AD; Amdt. 39–4282]

Airworthiness Directive; McDonnell Douglas Model DC–9 and C–9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires eddy current or dye-penetrant inspection for cracks in the upper fuselage skin in the area of the aft pressure bulkhead tee on McDonnell Douglas Models DC–9 and C–9 series airplanes. This AD is needed to determine the existence of skin cracks and to prevent crack propagation which, if left unattended, could result in structural failure of the fuselage shell and rapid decompression of the aircraft.

DATE: Effective date January 21, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Blvd., Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2826.

FOR FURTHER INFORMATION CONTACT: Harry Irwin, Aerospace Engineer, Airframe Branch, ANM–120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2826.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring eddy current or dye-penetrant inspection for cracks in the upper fuselage skin in the area of the aft pressure bulkhead tee on McDonnell Douglas Models DC–9 and C–9 series airplanes was published in the **Federal Register** on June 15, 1981 (46 FR 31268). This proposal was prompted by the following:

Operators have reported instances of cracks in the upper skin and improperly seated attachments on the upper skin splice area at the fuselage aft pressure bulkhead tees between longerons 14 left and 14 right. Alert Service Bulletin No. A53–147 which was issued by Douglas Aircraft Company on September 2, 1980, requesting fleetwide inspection of these areas, resulted in 128 aircraft being inspected, with 7 found to have cracks in the inspected area. All 7 of these aircraft had accumulated over 43,500 landings. Analysis of the skin panel sections revealed no evidence of overload. Thus it was concluded that the failures were caused by fatigue due to flexing of the lightweight fuselage shell adjacent to the relatively rigid tee frame at the bulkhead. If not repaired, these cracks could propagate and result in a possible loss of pressurization with attendant structural damage. Inspection of high cycle aircraft and accomplishment of the required repairs will ensure structural integrity of the pressure vessel.

Interested parties have been afforded an opportunity to participate in the making of this amendment.

Three comments were submitted by the Air Transport Association on behalf of U.S. air carriers. They are discussed below.

1. Repetitive Inspection Interval of 2,000 Landings for Airplanes With 40,000 Landings and Above

ATA objected to the shortening of the inspection interval for aircraft with 40,000 landings and over, from the 4,000 landings of the McDonnell Douglas Alert Service Bulletin A53–147, to 2,000 landings in the NPRM, as being arbitrary and unjustified. FAA does not agree with ATA for the following reason:

Skin cracking along circumferential rivet rows in the region of the aft pressure bulkhead tees has occurred between longerons 14 left and 14 right. These cracks occurred at multiple sites simultaneously due to similarity of stress level over a wide area. Normally, propagation of a single crack is not influenced by secondary effects which are functions of aircraft life. However, in this case the crack propagation rate can be influenced by crack tip stress intensity factor interaction. This interaction is caused by multiple site cracking occurring at each fastener in a row of fasteners. The length of each of these multiple cracks, each of which may not be of detectable length, is a function of aircraft life. Thus, crack tip stress intensity factor interaction between multiple site cracks can cause the cracks to suddenly join together to form a single long crack of critical proportions. Since the point at which this joining occurs is influenced by aircraft life, the repetitive interval should be on a sliding scale which diminishes as the aircraft age increases. Consequently, FAA considers a reduction in the inspection interval necessary on aircraft with the higher accumulation of landings but, in order to simplify the procedure, has chosen only two different repetitions—4,000 and 2,000 landings.

2. Acceptability of Interim Repairs

ATA pointed out that the proposed interim repairs would have to be replaced at the time of initial inspection by a permanent or preventive repair. This was not intended by the NPRM. An interim repair by reason of the added .090" band (Douglas Service Rework Drawing J060143) has transferred the flexing line of the skin approximately 2 inches forward to virtually undamaged skin with a considerable life extension. This repair differs from the permanent and preventive repairs primarily in not having the .025" finger doublers (Douglas Service Rework Drawing J060143–7) which relieves the sharp edge effect on the skin at the point of flexure.

In response to this comment, the rule, as adopted, requires the conversion of the interim to the terminating repair within the 4,000 landings time span of the repetitive inspection.

3. Terminating Action

ATA commented that the AD should clearly indicate which modifications constitute terminating action. The AD has been changed to state: Preventive repairs covering the periphery of the fuselage from longeron 14L to longeron 14R constitute terminating action.

Permanent repairs which cover only a section of the periphery 14L to 14R, constitute terminating action for that section of the periphery only. Interim repairs are not determined to be terminating action.

After careful review of available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes previously noted.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to all Model DC–9 Series and C–9 Series aircraft, certificated in all categories, with 30,000 or more landings accumulated on and after the effective date of this AD. Compliance required as indicated, unless already accomplished. To prevent crack propagation which could result in structural failure of the fuselage shall, accomplish the following:

A. *Inspection Requirements.* Inspect the upper skin splice area for cracks at the tee cap in the aft fuselage pressure bulkhead between longerons 14 left and 14 right. Use either eddy current inspection procedures in accordance with paragraph 5 or use dye-penetrant inspection procedures in accordance with paragraph 6, both listed in the Accomplishment Instructions of McDonnell Douglas Service Sketch No. 3145 as provided in DC–9 Alert Service Bulletin A53–147 Revision 1 dated February 3, 1981 (hereinafter referred to as ASB 53–147). The inspections shall be performed in accordance with the compliance schedule shown in the following tabulation:

Accumulated landings (on effective date of this AD)	Initial inspection landings (from effective date of AD)
30,000 to 39,999	4,000
40,000 to 49,999	1,200
50,000 and over	400

Note.—For airplanes with less than 30,000 landings on the effective date of this AD, inspect before the accumulation of 34,000 landings.

Accumulated landings on date of last inspection	Repetitive inspection (landings)
39,999 or less	4,000
40,000 and over	2,000

B. *Modification Requirements.*

1. Condition 1. If no cracks are found: Accomplish preventive modifications per paragraph 2A of Service Bulletin 53–147, dated March 31, 1981 (hereinafter referred to as SB 53–147), as applicable to Service Rework Drawing No. J060138. This will constitute terminating action, or

Continue repetitive inspections as called for in paragraph A above.

2. Condition 2. If skin cracks were previously repaired by interim repairs specified in ASB 53–147 per Service Rework Drawing J060143:

(a) Remove existing interim repair(s) and accomplish preventive modifications per

paragraph 2A of SB 53–147, as applicable to Service Rework Drawing J060138. This will constitute terminating action; or

(b) Remove existing interim repair(s) and accomplish permanent repairs of all cracked areas per Table I or II of Service Bulletin 53–147, as applicable to Service Rework Drawing J060138. For the segments repaired, this will constitute terminating action. Continue repetitive inspections of areas which did not have cracks, in accordance with ASB 53–147, at the intervals listed above until further preventive modification is accomplished per paragraph 2A of Service Bulletin 53–147.

3. Condition 3. If skin cracks have not been repaired:

(a) Accomplish preventive modifications per paragraph 2A of Service Bulletin 53–147, as applicable to Service Rework. This will constitute terminating action; or

(b) Accomplish permanent repair(s) of all cracked areas per Table I or II of Service Bulletin 53–147. For the segments repaired, this will constitute terminating action. Continue repetitive inspection of areas which did not have cracks, in accordance with ASB 53–147, at the intervals listed above until further permanent repairs cover the region 14L to 14R, or the preventive repair has been accomplished per Service Bulletin 53–147.

C. For the purpose of complying with this AD, with approval of the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's total hours time-in-service by the operator's model fleet average time from takeoff to landing.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base in order to comply with the requirements of this AD.

E. Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on December 7, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81–35754 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NM–86–AD; Amdt. 39–4281]

Airworthiness Directive; McDonnell Douglas Model DC–9–80 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive applicable to McDonnell Douglas Model DC–9–81 airplanes, which requires disengagement of the autothrottles prior to reaching 50 feet AGL during approach. This action was necessary to prevent unscheduled reverser deployment. This amendment provides operators with an optional modification which, if they choose to accomplish it, terminates the operating restrictions imposed by the original AD. This amendment also expands the applicability of the original AD to include the Model DC–9–82, but imposes no burden on these aircraft since the AD has been incorporated in all Model DC–9–82 aircraft during production.

DATE: Effective date December 28, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Duane A. Naff, Supervisory Aerospace Engineer, Propulsion Branch, ANM–140L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach California 90808, telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION: AD 81–04–51, Amendment 39–4107 (46 FR 24933, April 30, 1981), requires disengagement of the autothrottle during approach prior to reaching 50 feet AGL to prevent unscheduled deployment of the thrust reversers prior to touchdown on DC–9–81 Series airplanes. The AD requires placarding of each aircraft and revision of the FAA approved Airplane Flight Manual Limitations Section.

After issuing Amendment 39–4107, the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, evaluated substantiating data and additional service instructions submitted by the manufacturer. It was determined that the procedures and modifications specified in McDonnell Doulgas DC–9 Super 80 Service Bulletin 78–47 dated August 4, 1981, to: (1) Adjust the clearance between the throttle interlock cam and the throttle interlock crank to prevent thrust reverser lever movement until throttles are fully against the pedestal idle stop, (2) verify and/or increase the gap between the pushrod assembly and lever assembly to ensure overcenter condition of thrust reverser levers when stowed, and (3) replace the one-piece cam assembly to provide adjustment of the reverse thrust switches independent of the low-limit switches, provides an acceptable alternate means of compliance and, thus, terminating action for the original AD. The adjustment allows proper separation between the reverse thrust switch actuation point (which disconnects the autothrottles) and the point at which the thrust reversers are deployed.

The requirements of Amendment 39–4107 have been incorporated in production by McDonnell Douglas in all Model DC–9–82 airplanes. This amendment also makes AD 81–04–51 applicable to the Model DC–9–82 by amending applicability to McDonnell Douglas DC–9–80 Series airplanes. This action will make the terminating action

provided herein applicable to all DC–9–80 Series airplanes.

Since this amendment provides an alternate means of compliance and requires no additional action by any operator, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 81–04–51, Amendment 39–4107 (46 FR 24933, April 30, 1981) by amending the applicability and by adding a new paragraph D, as follows:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–80 series airplanes, fuselage numbers 924 through 1017 inclusive, certificated in all categories. Compliance required as noted in the body of this AD, unless already accomplished. To prevent unscheduled deployment of the thrust reversers during approach prior to touchdown, accomplish the following:

D. Incorporation of the modifications in accordance with Part 2, Accomplishment Instructions, of McDonnell Douglas DC–9 Super 80 Service Bulletin 78–47 dated August 4, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, constitutes terminating action. Following such modification, both the placard and the Airplane Flight Manual limitation required by A. and B. above may be removed.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60).

This document also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108; or the Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective December 28, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. It therefore is: (1) Not a major rule under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on December 7, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81–35753 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 81–ASW–28; Amdt. 39–4280]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350 and AS355 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Aerospatiale Models AS350 and AS355 series helicopters. The amendment is needed to remove the daily inspection and to include a recently approved increased life for an improved design tail rotor blade pitch horn.

DATE: Effective December 18, 1981. Compliance schedule as required by the AD.

ADDRESSES: A copy of the service information may be examined at Office of Regional Counsel, FAA, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas. A copy of the service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, or James H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 502.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–4175 (46 FR 38902), AD 81–13–09 which requires daily inspections of the tail rotor pitch horns and requires removal of pitch horns on or before attaining 450 hours' total time in service for Aerospatiale Models AS350 and AS355 series helicopters. After issuing amendment 39–4175, the improved design tail rotor pitch horn assembly, P/N 350A–12–1368–02 was substantiated and approved for 1,250 hours' retirement time without any mandatory daily inspection. Approved Service Bulletin No. 01.07 Revision 2 for Model AS350 series and Service Bulletin No. 01.01 Revision 1 for Model AS355 series were issued with this information. The daily inspections and 450 hours' retirement time requirements for pitch horn assemblies, P/N 350A–12–1368–01, were not changed by the revised bulletins. Therefore, the FAA is amending Amendment 39–4175 by removing the daily inspection requirement and increasing the retirement time for pitch horn asembly, P/N 350A–12–1368–02, from 450 to 1,250 hours' total time in service.

Since this amendment provides a relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending amendment 39–4175, July 30, 1981, (46 FR 38902) AD 81–13–09, by:

1. Revising, as follows, paragraph (d) to apply to pitch horns, P/N 350A–12–1368–01 thereby retaining the requirements of subparagraphs (d)(1), (2), and (3) without change for the original design pitch horn:

"(d) For pitch horns, P/N 350A–12–1368–01, after initial compliance with paragraphs (a) and (c) of this AD and prior to the first flight of each day, conduct the following:"

2. Revising paragraphs (g)(1) and (2) to apply to only pitch horns, P/N 350A–12–1368–01, as follows:

"(g) For pitch horns, P/N 350A–12–1368–01, accomplish the following:

(1) Horns with 400 hours' or more total time in service on July 31, 1981, remove from service within the next 50 hours' time in service.

(2) Horns with less than 400 hours' total time in service on July 31, 1981, remove from service before attaining 450 hours' total time in service."

3. Adding new paragraph (h) to apply to pitch horns, P/N 350A–12–1368–02, as follows:

"(h) For pitch horns, P/N 350A–12–1368–02, remove from service on or before attaining 1,250 hours' total time in service."

4. Adding new paragraph (i) to allow compliance with recent service bulletins in place of TELEX Service No. 01.07A, as follows:

"(i) AS350 Service Bulletin No. 01.07 Revision 2 and AS355 Service Bulletin No. 01.01 Revision 1 may be used instead of TELEX Service No. 01.07A."

This amendment becomes effective December 18, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation that is not considered to be major under Section 8 of Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 4, 1981.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 81–35836 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 81–ASW–57; Amdt. 39–4278]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Models SA360C and SA365C Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires reinforcement or strengthening of the tail boom at the stabilizer spar tube mount within 200 hours' time in service and requires initial and repetitive inspections of the stabilizer spar/spar tube junction for certain Aerospatiale SA360C and SA365C series helicopters. The AD is needed to preclude cracking and weakening of the tail boom and to detect possible cracks in the spar tube and thereby preclude failure of this stabilizer tube. Failure of the tail boom or stabilizer spar tube may result in possible loss of helicopter control.

DATES: Effective December 21, 1981. Compliance required as indicated in the AD. Comments must be received on or before January 21, 1982.

ADDRESSES: Send comments on the rule in triplicate to Office of Regional Counsel, Airworthiness Docket No. 81–ASW–57, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

A copy of the service information may be examined at Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas. A copy of the service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, or James H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 502.

SUPPLEMENTARY INFORMATION: Reports of cracked tail booms were received by Aerospatiale. Service Bulletin No. 05.01 was issued to require an initial and repetitive inspections for cracks in the tail boom structure in the area of the stabilizer spar tube at 20-hour intervals for certain Aerospatiale Model SA360C and SA365C helicopters.

Installation of the tail boom modification, AMS365A.07.1310 contained in Service Bulletin No. 53.01 eliminates the need for repetitive inspections of this area of the tail boom for Model SA360C series helicopters up to S/N 1035 and Model SA365C S/N 5003 helicopter. Model SA360C series helicopters S/N 1035 and subsequent, and Model SA365C series helicopters S/N 5004 and subsequent were equipped with modified tail booms prior to delivery from the factory.

In addition, three recent cases of cracked stabilizer spar tubes have been reported at 440, 880, and 1030 hours' total time in service. Separation of the stabilizer from the helicopter did not occur and only the right side of each stabilizer was affected. Telex Service 05–06 Dauphin was issued by Aerospatiale to require an initial and 50-hour interval repetitive inspections for cracks in the spar tube.

Since cracks are likely to occur in the tail boom structure at the stabilizer spar tube mount for certain Model SA360C and SA365C series helicopters and since cracks are likely to occur in the stabilizer spar tube on Model SA360C and SA365C series helicopters an airworthiness directive is being adopted to require, within 200 hours' time in service, modification of the tail boom for certain helicopters as specified in Aerospatiale Service Bulletin No. 53–01 dated July 17, 1978, rather than requiring repetitive inspections of the tail boom at 20-hour intervals. The AD additionally requires an initial and repetitive inspection at 50-hour intervals for cracks in the stabilizer spar for all Aerospatiale Model SA360C and SA365C series helicopters.

Cracks in unmodified tail booms may occur at the stabilizer attachments and significantly weaken the tail boom structure. Cracks in the stabilizer spar may result in separation of the stabilizer from the helicopter. Loss of the stabilizer may cause possible loss of helicopter control. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists, for making the amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the AD, will be filed in the docket.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13. of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Models SA360C and SA365C series helicopters certificated in all categories.

Compliance is required as indicated.

To improve fatigue resistance and prevent possible cracks in the tail boom stabilizer spar attachment structure and to detect possible cracks in the stabilizer spar, accomplish the following:

(a) For Model SA360C series helicopters S/N up to and including 1034 and SA365C helicopter S/N 5003 only, comply with the following within 200 hours' time in service after the effective date of this AD unless already accomplished.

Modify the tail boom at the stabilizer tube mount in accordance with Aerospatiale Service Bulletin No. 53.01 dated July 17, 1978, by installing modification AMS 365A.07.1310 or by installing an equivalent modification approved by Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office.

(b) For all Model SA360C series and SA365C series helicopters equipped with spar tubes, P/N 360A13.0012.01, comply with the following within 10 hours' time in service after the effective date of this AD unless already accomplished and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(1) Remove the stabilizer spar tube, from the helicopter and inspect the spar tube for cracks at the location of the weld beads for spacers and spar tube junction using a dye penetrant or equivalent inspection method.

(2) If the spar tube is cracked discard the tube and install a serviceable tube before further flight and conduct repetitive inspections as specified in subparagraph (b).

(c) Equivalent means of compliance with the AD may be approved by the Chief Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Offices.

(Aerospatiale SA360 Dauphin Service Bulletin No. 05.01 pertains to tail boom inspections. Telex Service 05–06 Dauphin pertains to the stabilizer spar tube inspections. Modification No. AMS07–3255 may improve the spar tube to spacer weld joint.)

This amendment becomes effective December 21, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 4, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-35837 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-46]

Alteration of Transition Area: Austin, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Austin, TX. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Lakeway Airpark, Austin, TX. This amendment is necessary to provide controlled airspace for aircraft using the Austin VORTAC and RNAV procedures. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW–536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 15, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 50806) stating that the Federal Aviation Administration proposed to alter the Austin, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. One comment was received from the Air Transport Association of America (ATA). They interposed no objection provided the instrument approach procedures to the Lakeway Airpark do not affect operations at the Robert Mueller Airport. This comment was given due consideration, and it has been determined that VFR and IFR operations at Lakeway Airpark will not have any effect on VFR or IFR procedures at Robert Mueller Airport. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR § 71–181) as republished (46 FR Part 540) is amended, effective 0901 GMT, March 18, 1982, by adding the following:

Austin, TX

* * * and within a 6.5-mile radius of the Lakeway Airpark (latitude 30°21'30" N., longitude 97°59'46" W.), and within 2.5 miles each side of the 349° bearing from the Lakeway Airpark extending from the 6.5-mile radius area to 8.5 miles north, and within 3 miles each side of the 284° bearing from the Lakeway Airpark extending to 13 miles west of the Lakeway Airpark.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 7, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-35835 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWP-28]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Control Zones

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the control zones at Flagstaff, Arizona, (Pulliam Airport), and San Diego, California (Brown Field). This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing Pulliam and Brown Field Municipal Airports.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 536–6181.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke the designated airspace associated with Pulliam Field and Brown Field Municipal Airports. This amendment is necessary since the airport traffic control towers have been temporarily closed because of the necessity of the FAA to redeploy all available resources and the discontinuance of weather reporting. The basic requirements for establishing or retaining a control zone are that there must be communication capability to the surface of the primary airport, and weather observations, both hourly and special, be taken and reported to the air traffic control facility having jurisdiction of the controlled airspace.

The Rule

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes the Flagstaff, Arizona (Pulliam Field), and San Diego, California (Brown Field), control zones. Because this action reduces a burden on the public by reducing controlled airspace, I find notice and public procedure and publication 30 days before the effective date are unnecessary. Part 71 of the Federal Aviation Administration Regulations (14 CFR Part 71) was republished in the **Federal Register** on January 2, 1981 (46 FR 455).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR Part 455) is amended, effective 0901 GMT, December 15, 1981, to read:

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10845 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Flagstaff, Arizona (Pulliam Airport)

San Diego, California (Brown Field)

Revoked.

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Precedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California, on December 7, 1981.

H. C. McClure,

Director, Western Pacific Region.

[FR Doc. 81-35838 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-NE-07]

Alteration of the Brunswick, Maine Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The description of the Brunswick, Maine, Control Zone serving Brunswick Naval Air Station is amended by adding protected airspace for aircraft executing a new VOR/DME or TACAN Runway 19L Standard Instrument Approach Procedure (SIAP).

DATES: Effective December 21, 1981. Comments on the Rule must be received on or before February 21, 1982.

FOR FURTHER INFORMATION CONTACT: Richard Carlson, Operations Procedures and Airspace Branch, ANE–535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7285.

SUPPLEMENTAL INFORMATION: As a result of the addition of a new approach procedure serving the Brunswick Naval Air Station, it is necessary to change the present description of the Brunswick, Maine, Control Zone, by adding protected airspace for aircraft executing a new VOR/DME or TACAN Runway 19L Standard Instrument Approach Procedure (SIAP).

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary.

Request for Comments on the Rule

Although this action is in the form of a Final Rule, which was not preceded by notice and public procedure, comments are invited on the Rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the Rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the Rule that might suggest the need to modify the Rule.

The Rule

The FAA is amending subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Brunswick, Maine, Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR of Part 71) as follows:

1. Section 71.171 of Part 71 of the Federal Aviation Regulations is amended by changing the Brunswick, Maine, Control Zone to read as follows:

Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N, longitude 69°56'20" W) within 2 miles each side of the NAS Brunswick VORTAC 166° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC within 2 miles each side of the NAS Brunswick VORTAC 015° radial, extending from the 5-mile radius zone to 10 miles northeast of the VORTAC.

(Secs. 307(a) and 313(c), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and 1354(c); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of

small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on December 4, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-36036 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 121

[Docket No. 21269; Amdt. No. 121-176]

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft; Emergency Evacuation Demonstration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment allows a Part 121 certificate holder to use the results of a successful emergency evacuation demonstration conducted either by a manufacturer under Part 25 of the Federal Aviation Regulations (FAR), or by another Part 121 certificate holder, and to conduct a partial demonstration of emergency evacuation procedures, if certain conditions are met. This amendment reduces the number of demonstrations, reduces the exposure to injury of participants required in those demonstrations, and still maintains the highest level of safety in air transportation. In addition, it reduces burdens on air carrier certificate holders and, therefore, is consistent with Executive Order 12291 and the Regulatory Flexibility Act.

EFFECTIVE DATE: January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Marvin J. Walker, Regulatory Review Branch, AVS-22, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:

Background

In the early 1960's National Transportation Safety Board (NTSB) accident reports showed that many deaths and injuries to passengers resulted from post-accident asphyxiation because passengers were unable to evacuate the airplane quickly. The problem of airplane emergency evacuation was further highlighted during an FAA public hearing on June 23, 1964, which led to the issuance of Amendment No. 121-2 (30 FR 3200; March 9, 1965), requiring emergency evacuation demonstrations. Although the amendment achieved the desired result of showing that the airplane could be successfully evacuated within an acceptable time, the demonstrations often resulted in injuries to participants, raising questions about the need for repeated demonstrations. Since the amendment took effect, the FAA has issued over one hundred exemptions from the requirement for emergency evacuation demonstrations. These exemptions proved to be effective in reducing injuries resulting from emergency evacuation demonstrations without compromising passenger safety. Although there is no injury reporting requirement associated with an air carrier's or manufacturer's demonstration of an emergency evacuation, FAA records reveal 169 injuries to participants in a sampling of eight emergency evacuation demonstrations conducted during the past 9 years.

An examination of aircraft evacuations in actual emergency situations provides useful insight into the nature and severity of evacuation-related injuries. Based on data obtained from the FAA and the NTSB, the FAA Civil Aeromedical Institute (CAMI) accident and incident data bank lists 112 evacuations involving 8,888 persons, with 57 of these evacuations producing 157 serious and 465 minor evacuation-related injuries during the 5-year period of 1970-1974. These evacuations were prompted by bomb threats, tire failures, smoke in the cabin, and other abnormal operating situations. Injuries to passengers ranged from simple abrasions to slide burns, lacerations, and fractures.

Based on the number of evacuation-related injuries sustained during repeated evacuation demonstrations conducted under Parts 25 and 121, the FAA issued Notice of Proposed Rulemaking No. 81-1 which was published in the **Federal Register** on January 19, 1981 (46 FR 5484). Proposal number 11-3 would allow a Part 121 certificate holder to use the results of a successful demonstration conducted either by a manufacturer under Part 25, or by another Part 121 certificate holder, rather than to conduct a demonstration of emergency evacuation procedures, if certain conditions are met. The certificate holder instead would conduct a partial demonstration by: (1) opening 50 percent of the floor-level exits; (2) opening 50 percent of the non-floor-level exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397; and (3) deploying 50 percent of the exit slides all within 15 seconds. The flight attendants would be selected by the FAA at random and they would not be coached on the procedures just before the demonstration. However, if a demonstration had not been previously conducted, the rule would continue to require a demonstration upon: (1) the initial introduction of a type and model of airplane into passenger-carrying operations; (2) upon increasing the passenger seating capacity by more than 5 percent; and (3) following any alteration that significantly changes the passenger cabin seating configuration or emergency exits.

Proposal number 11-3 also recognized the regulatory action taken in Airworthiness Review Amendment No. 7 (43 FR 50578; October 30, 1978), in which the emergency evacuation demonstration requirements of § 25.803 were upgraded to those required by Part 121 so that one demonstration would suffice for the issuance of, or changes to, an aircraft type certificate, and also for compliance with the operational requirement in § 121.291.

Proposal number 11-3 also would clarify the requirements concerning successfully demonstrating ditching procedures for those certificate holders who are operating a type and model of airplane for which a successful ditching demonstration had been previously conducted by another Part 121 operator. Finally, proposal 11-3 would provide for the inflation of only one life raft since such a demonstration provides a sufficient test of safety procedures. The FAA is processing proposal 11-3 separately from the others contained in Notice No. 81-1 due to the public interest it has generated.

Discussion

This amendment is the result of a number of significant items raised in the comments on proposal number 11-3 and a recently completed FAA study of the emergency evacuation demonstrations conducted over the past 10 years. The comments and study show the need for a change in the presentation of the final rule, but not its overall effect. Specifics concerning the comments and the study will be discussed separately. In general, the study has shown that there are three problems in ensuring that an aircraft can be safety evacuated: (1) having an aircraft which has the capability of being evacuated within the established time limit; (2) providing training to enable the crewmembers to perform emergency evacuation duties which will ensure that the evacuation is conducted as efficiently and effectively as possible; and (3) having a proper maintenance program to ensure that the aircraft equipment will function properly. Under

proposal 11–3 and this amendment, problem (1) is resolved by a demonstration conducted by the manufacturer during aircraft certification or by a Part 121 operator. Problems (2) and (3) are resolved by a partial demonstration. This demonstration shows that crewmembers who have been trained by the carrier and randomly selected for the demonstration can prepare the aircraft within a 15-second time limit. This time limit has been shown to be more conservative than the average time needed to prepare the aricraft in past evacuation demonstrations. The partial demonstration also provides a test to ensure that all aircraft equipment functions within its standards.

Under paragraphs (a)(1) thru (a)(3) of proposal 11–3, a Part 121 demonstration would be required if there was an increase in passenger seating capacity by more than 5 percent, or following the rebuilding or alteration of an aircraft, or the introduction of a new aircraft. Basing the need for a full demonstration upon these occurrences is unnecessary, since a demonstration would have already been required under § 25.803 if any of these conditions occur. For example, if an operator desired to change the seating configuration of its aircraft, it would be required as part of obtaining FAA approval of the change, to show the emergency evacuation capabilities under the provisions of § 25.803. To require an emergency evacuation demonstration under Part 121 would be redundant and inconsistent with the provisions of Executive Order 12291. Similar provisions in proposed paragraphs (b) and (c) have been revised to ensure the purpose of the partial demonstration is achieved. That purpose is to show that the carrier's procedures, training program, and maintenance programs are capable of preparing the aircraft and deploying the emergency equipment within 15 seconds.

With the revisions just described, clarification has been provided as to when a partial demonstration needs to be repeated by a carrier. The partial demonstration must be conducted upon initial introduction of an aircraft and any time there is a change in the number, location, or emergency evacuation duties or procedures of flight attendants who are required by § 121.391; or a change in the number, location, type of emergency exits, or type of opening mechanism on emergency exits available for evacuation. However, it is not intended that this rule would be applied in the case of a minor change in the flight attendant emergency evacuation duties or procedures which would not affect the outcome of the demonstration. Through this clarification, the carrier has the flexibility to make modifications to its operation while maintaining safety by ensuring that a partial demonstration has shown that the operation will result in preparing the aircraft within the 15-second safety tolerance.

Comments

Six persons submitted written views on proposal number 11–3. Three of these persons represented flight attendant unions. One person represented an aviation consumer group. These individuals representing their respective interest groups state that the proposal, if adopted, would reduce the level of safety afforded the public. These organizations did not submit specific information of data to substantiate their positions. Two commenters generally favor the proposal but offer suggested changes discussed later.

One commenter opposes the proposal, claiming it will bring an end to the assurance that an airline crew can evacuate an airplane in the very short time after crash before escape becomes difficult, if not impossible. The commenter contends that crew training in emergency evacuation can vary from airline to airline, arguing that because one airline can evacuate an airplane in the required time does not mean that another can do the same. This commenter asserts that this may especially be the case when one airline has no experience in wide-body airplanes, or when a new carrier has no history of crew training or evacuation experience. This amendment meets those concerns. Each Part 121 certificate holder must conduct a partial demonstration of emergency evacuation procedures: (1) upon the initial introduction of a type and model of airplane into passenger carrying operations; (2) upon changing the number, location, or emergency evacuation duties or procedures of flight attendants required by § 121.391; or (3) upon changing the number, location, type of emergency exits, or type of opening mechanism on emergency exits available for evacuation. Thus, the rule assures the FAA and the traveling public that the crew training and procedures of each operator for each type of airplane are tested and that the crew is adequately trained to prepare each airplane, whether narrow- or wide-bodied, for an emergency evacuation.

Another commenter objects to the need to conduct partial demonstrations without passengers under any circumstances when an evacuation has been satisfactorily demonstrated by either the manufacturer or a Part 121 certificate holder on the specific type and model of airplane having no more passenger seats than the number demonstrated. The commenter contends that the FAA inspector who oversees the carrier can assure that its training program and procedures meet the level of proficiency required for safety without heeding to conduct a partial demonstration. On the contrary, demonstration of emergency evacuation procedures is the final dress rehearsal for an emergency evacuation. The demonstration assures the FAA and the traveling public that a Part 121 certificate holder's flight attendant training program provides a successful evacuation if an emergency occurs. The adequacy of the certificate holder's training program is reflected in the crew's performance during the demonstration.

Another commenter states that flight attendant training varies from airline to airline and that some operators are better able than others to meet the present full-scale emergency evacuation requirements. The commenter claims that a requirement for only one demonstration conducted by either the manufacturer or a Part 121 certificate holder is totally inadequate. This is not so. While some variation exists in flight attendant training programs among the airlines, all training programs must ensure the level of safety as required by the regulations. There is no evidence (and the commenter submits none) to show that requiring a single emergency evacuation demonstration is inadequate. No substantive data or information exist to indicate that repetitive emergency evacuation demonstrations offer a greater level of safety to the air traveler.

Two commenters suggest changing proposal number 11–3 to authorize the use of analysis to show that an airplane can be successfully evacuated within 90 seconds. This is not necessary because the manufacturer or a Part 121 certificate holder will already have shown that the airplane is capable of being evacuated within 90 seconds. Under this amendment, however, the operator must show that the airplane maintenance and crew training programs result in the airplane being ready for evacuation within 15 seconds.

One commenter supports proposals number 11–3, but suggests that the reference to aisle width and seat pitch be deleted because seating capacity changes are accomplished by varying these and other parameters. This comment has merit. Cabin configuration, including seat pitch and aisle width, are

varied to reduce or increase the passenger seating capacity. The operator cannot increase the seating capacity beyond the maximum passenger seating capacity certificated for the type and model. In addition, Parts 25 and 121 require a minimum aisle width as well as accessibility to the emergency exists. Thus, the references to passenger cabin seating configuration, seat pitch, and aisle width are not necessary and are deleted from § 121.291, as adopted. The commenter also suggests that the acceptable time limit for the exits and slides to be ready should be 15 seconds. The commenter claims that it is inappropriate to refer to a shorter period which may have been achieved during a demonstration conducted under Part 25. This comment has merit, since a time limit of 15 seconds is adequate to ready the exists and slides, as discussed later under "FAA Study." The reference to a lesser period is deleted from § 121.291 as adopted.

In addition to the changes mentioned above, other changes are adopted in this amendment. Section 121.291(a) is changed to incorporate the current § 121.291(c). This editorial change recognizes the amendment to § 25.803 made in 1978 which made the demonstration required of a manufacturer and the demonstration required of a Part 121 certificate holder essentially equivalent. Thus, a demonstration conducted under § 25.803 by a manufacturer after November 30, 1978, or a demonstration conducted by a Part 121 certificate holder under § 121.291 after October 23, 1967, (the date at which the rule was amended to provide for a 90-second time limit as opposed to a 120-second time limit) is acceptable under § 121.291(a) as adopted. In addition, any change in the type design of an airplane must be accomplished under Part 25. Thus, the emergency evacuation requirements of § 25.803 must be met if the type design change affects the emergency evacuation procedures.

Section 121.291, as adopted, also allows a Part 121 certificate holder to increase the seating capacity of an airplane up to the maximum number of passengers certificated for the airplane under Part 25. The limitation to no more than a 5 percent increase in seating capacity (proposed in §§ 121.291(a)(1) and 121.291(b)(1)) is unnecessary and, therefore, deleted. Repeating a demonstration due to increased seating capacity alone is not required, unless the increase is more than the maximum number approved in the type certificate for the airplane. This is because the ability to evacuate the entire aircraft at its maximum capacity has already been demonstrated. However, after an airplane type and model is introduced into passenger-carrying operations, the certificate holder must conduct a partial demonstration upon either changing the number, location, or emergency evacuation duties or procedures of flight attendants required by § 121.391; or upon changing the number, location, type of emergency exits, or the type of opening mechanism on emergency exits available for evacuation. Section 121.391(a) requires an additional flight attendant for each unit (or part of a unit) of 50 passenger seats. Thus, any seating capacity change from one unit of 50 to the next unit would mean an increase in the number of flight attendants which, in turn, would require another partial demonstration. For example, an operator who conducted a partial demonstration of an airplane with 130 passengers could, without repeating the demonstration, either reduce the number of passengers or increase the number of passengers up to 150 without changing the number of flight attendants. Of course, the conditions stipulated in § 121.291(b) (2) and (3) must be met and the airplane must be certificated for 150 passengers. If the airplane was certificated for more than 150 passengers, the operator may wish to increase the passenger seating capacity from 130 to more than 150 passengers. Then, § 121.391 requires an additional flight attendant and this, in turn, would require another partial demonstration. This is because of the addition of one required flight attendant, and because of probable changes in the duties and location of the three flight attendants already required on the airplane.

The use of a practical examination is authorized under § 121.291(c)(3) as adopted. A practical examination, given to flight attendants before they conduct a partial demonstration, will produce results equivalent to those achieved in a written examination on airplane emergency equipment and procedures. Current § 121.291(b), which contains simulated ditching requirements, is redesignated § 121.291(d). No comments were received on proposed § 121.291(e) which simplified the simulated ditching requirements for Part 121 certificate holders seeking to operate airplanes on which one or more successful ditching demonstrations had been previously conducted. An editorial change is made to § 121.291(e), as adopted, to differentiate between airplanes with stowed life rafts and those equipped with the combination slide/life raft. Section 121.391(b) refers to the use of additional flight attendants in an emergency evacuation demonstration. That section is revised editorially to add a refernece to § 121.291(b) for consistency, whether the demonstration is conducted under either § 121.291(a) or § 121.291(b).

FAA Study

The FAA conducted a study to ensure that the safety standards in this amendment are equivalent to those provided by the current regulation. The FAA examined over 10 years of data on emergency evacuation demonstrations. The data consisted of 251 evacuation demonstrations conducted before 1967 when § 121.291 required total evacuation within 120 seconds; 259 evacuation demonstrations conducted under the current rule which requires total evacuation within 90 seconds; and 90 partial demonstrated conducted under exemption where flight attendants demonstrated their ability to ready the exits and slides within 15 seconds with no passengers involved.

Data on evacuation demonstrations conducted under the current rule (total evacuation within 90 seconds), was analyzed and compared to demonstrations conducted under exemptions (exits and slides ready within 15 seconds). In 136 evacuation demonstrations conducted under the current rule, the average time taken to ready the exits and slides for the first passenger to evacuate was 19.5 seconds. By comparison, in 60 partial evacuations conducted under exemptions, the average time to ready the exits and slides was 13.4 seconds. This is 6.1 seconds less than the average time to ready the exits and slides during a demonstration conducted under the current rule.

The reduced time to ready the exits and slides in a partial evacuation may be explained in part by the lack of passenger interference. However, 134 total evacuation demonstrations under the current rule were examined to determine the average time to evacuate the last person when the exits and slides were ready in 15 seconds or less and when they were ready in more than 15 seconds. In the 53 evacuation demonstrations where the exits and slides were ready in 15 seconds or less, the average time to evacuate the last person was 75.9 seconds. In the 81 remaining evacuations where the exits and slides were ready in more than 15 seconds, the average time to evacuate the last person was 78.6 seconds.

Thus, when the exits and slides were ready in 15 seconds or less, a savings of 2.7 seconds was achieved in the average

time to evacuate the airplane as compared to those tests in which it took more than 15 seconds to ready the exits and slides. Thus, the partial demonstration under the exemptions required the air carrier to exhibit faster execution of a vital phase of the evacuation process than is exhibited under the current rule. Concentration and compression of the crucial exit/slide preparation phase allows more time for the passenger evacuation phase and, therefore, establishes a more stringent safety standard than the current rule.

Research tests and evacuation demonstrations show that passengers tend to form continuous lines at available exits when evacuating an airplane. The time to ready the exits and slides allows passengers to gather at the exits, resulting in a continuous flow rate for each type of exit until the last person has evacuated. An examination of 89 evacuation demonstrations revealed an average continuous flow rate of 52.2 persons each minute through Type I floor-level door exits (24x48 inches); 85.8 persons each minute through Type A floor-level door exits (42x72 inches); 39.2 persons each minute through Type III window exits (20x36 inches); and 36 persons each minute through Type IV window exits (19x26 inches). The rate of passenger egress from the same type exit on different make and model airplanes reveals consistent flow rates. Thus, the study concludes that with rare exception, the rates of passenger egress are not significantly different within each type of exit and that changes in the passenger cabin configuration, seat pitch, and aisle width have no significant bearing on the egress rates if the aircraft certification requirements for minimum aisle width and exit accessibility are met.

Furthermore, summary statistics from 20 model evacuation runs computed by the FAA Civil Aeromedical Institute in Oklahoma City revealed predictable patterns of exit utilization and average overall escape times for each exit. Calculations for overall escape times for each exit can be performed by using the total time from test start to the last passenger leaving that exit. This recently gained knowledge on flow patterns and exit utilization, with Part 25 and Part 121 requirements for minimum aisle width and accessibility to emergency exits, lends support to adopting this rule.

Conclusion

Interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all comments presented. This rule requires the carrier to exhibit a faster execution of a vital phase of the evacuation process than has been required until now. This rule, with concentration and compression of the crucial exit/slide preparation phase, allows more time for the passenger evacuation phase. Also, this rule provides an immediate test "failure" when any of the designated airplane exits fail to open properly or when any of the slides fail to extend fully. The rules now allow utilization of the remaining exits for evacuation. In this regard, the rule adopted here is more stringent than a test conducted under today's rule, which provides that the demonstration is unsatisfactory only if the 90-second time limit is not met.

The partial demonstrations required by this rule demonstrate the effectiveness of the flight crewmember and flight attendant training programs, the evacuation procedures, and the airplane equipment serviceability. Partial evacuation demonstrations show how the airplane is prepared for evacuation by the flight crewmember and flight attendants, while the capability to evacuate a particular airplane is shown by the previously demonstrated evacuation.

This rule eliminates the risk of injury to passengers which occurs in emergency evacuation demonstrations. The risk of injury during repetitive emergency evacuations is very real and significant. For instance, two jumbo jet evacuations, each involving 345 passengers, resulted in 35 injuries in one demonstration and 46 injuries in the other. These injuries included friction burns, abrasions, fractures, and sprains. The rule, as adopted, is a reasonable standard which provides the highest level of passenger safety in air transportation.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective January 18, 1982.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.291 to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must conduct an actual demonstration of emergency evacuation procedures in accordance with paragraph (a) of Appendix D to this part to show that each type and model of airplane with a seating capacity of more than 44 passengers to be used in its passenger-carrying operations allows the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less, if that airplane type and model has not been shown to be in compliance with:

(1) Section 25.803 of this chapter in effect on December 1, 1978, during type certification; or

(2) Section 121.291(a) of this chapter in effect on October 24, 1967.

(b) Each certificate holder must conduct a partial demonstration of emergency evacuation procedures in accordance with paragraph (c) of this section upon:

(1) Initial introduction of a type and model of airplane into passenger/carrying operation, if the certificate holder has not conducted an actual demonstration under paragraph (a) of this section;

(2) Changing the number, location, or emergency evacuation duties or procedures of flight attendants who are required by § 121.391; or

(3) Changing the number, location, type of emergency exits, or type of opening mechanism on emergency exits available for evacuation.

(c) In conducting a partial demonstration each certificate holder must:

(1) Demonstrate the effectiveness of its crewmember emergency training and evacuation procedures by conducting a demonstration, not requiring passengers and observed by the Administrator, in which the flight attendants for that type and model of airplane, using that operator's line operating procedures, open 50 percent of the required floor-level emergency exits and 50 percent of the required non-floor-level emergency exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397, and deploy 50 percent of the exit slides. The exits and slides will be selected by the administrator and must be ready for use within 15 seconds;

(2) Apply for and obtain approval from the Flight Standards District Office maintaining surveillance of its operations before conducting the demonstration;

(3) Use flight attendants in this demonstration who have been selected at random by the Administrator, have completed the certificate holder's FAA-approved training program for the type and model of airplane, and have passed a written or practical examination on

the emergency equipment and procedures; and

(4) Apply for and obtain approval from the FAA certificate-holding office having jurisdiction over its operations before commencing operations with this type and model airplane.

(d) Each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must show, by simulated ditching conducted in accordance with paragraph (b) of Appendix D to this part, that it has the ability to efficiently carry out its ditching procedures.

(e) For a type and model airplane for which the simulated ditching specified in paragraph (d) has been conducted by a Part 121 certificate holder, the requirements of paragraphs (b)(2), (b)(4), and (b)(5) of Appendix D to this part are complied with if each life raft is removed from stowage, one life raft is launched and inflated (or one slide life raft is inflated) and crewmembers assigned to the inflated life raft display and describe the use of each item of required emergency equipment. The life raft or slide life raft to be inflated will be selected by the Administrator.

2. By revising the introductory text of § 121.391(b) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(b) If, in conducting the emergency evacuation demonstration required under § 121.291 (a) or (b), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

* * * * *

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—Since this amendment is relaxatory in nature, it has been determined that this document: (1) involves a regulation which is not a major rule under Executive Order 12291; (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) under the criteria of the Regulatory Flexibility Act, I certify that the rule will not have a significant economic impact on a substantial number of small entities since this rule reduces the number of full-scale emergency evacuation demonstrations that need to be conducted, without compromising safety. This in turn reduces the exposure to injury caused by the evacuation demonstrations. A copy of the final regulatory evaluation for this action is contained in the public docket. A copy of that evaluation may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Washington, D.C., on November 10, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-36040 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18321; File No. S7-904]

Recordkeeping by Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a rule under the Securities Exchange Act of 1934 (the "Exchange Act") which requires brokers and dealers to file reports and make and preserve records pursuant to the Currency and Foreign Transactions Reporting Act of 1970 (the "Currency Act") and the regulations of the Department of the Treasury promulgated thereunder.

EFFECTIVE DATE: January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. York, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2376.

SUPPLEMENTARY INFORMATION: The Commission solicited comments to proposed rule 17a-8 in Securities Exchange Act Release No. 34-18073 (August 31, 1981).[1] No comments were received by the Commission in response to the rule proposal. This action adopts the rule as previously proposed.

Background

The Currency and Foreign Transactions Reporting Act of 1970 (the "Currency Act")[2] and the Department of the Treasury regulations (the "Treasury regulations") promulgated thereunder[3] require that certain financial institutions, including securities brokers and dealers, make reports and maintain records on, among other things, domestic currency transactions of more than $10,000 and the import and export of currency and monetary instruments of $5,000 or more.

According to the Currency Act, the Treasury is responsible for implementing and administering the reporting and recordkeeping requirements of the Currency Act. With respect to securities brokers and dealers, the Treasury has delegated to the Commission the responsibility for assuring compliance with the Currency Act and Treasury regulations.[4]

The most effective means of enforcing compliance with the reporting and recordkeeping requirements is through on-site examinations of broker-dealer firms conducted by the Commission and the self-regulatory organizations (the "SROs"). In order to assure compliance and effective oversight by the SROs, the Commission is adopting Rule 17a-8 under the Exchange Act. This rule requires brokers and dealers to file reports and make and retain the records specified in the Treasury regulations. Moreover, brokers and dealers are required to make and retain their records in a manner which identifies the receipt and disbursement of currency in connection with securities transactions.[5]

The Currency Act and Treasury Regulations

The Currency Act requires brokers and dealers to file three types of reports. First, domestic financial institutions are required to report the payment, receipt, or transfer of United States currency or other monetary instruments.[6] Second, any person who exports or imports monetary instruments in an amount exceeding $5,000 is required to file with the Treasury.[7] Finally, any resident or citizen of the United States or person doing business therein who engages in any transaction or maintains any relationship with a foreign financial agency is required to file with the Treasury regarding such relationship.[8]

The Treasury regulations were adopted in 1972, in order to implement the above provisions of the Currency Act. Currently, the Treasury regulations require brokers and dealers to file three different reports. First, they must file a report with the Internal Revenue Service (the "IRS")[9] of any transaction in currency exceeding $10,000.[10] Second, a report must be filed with the Commissioner of Customs[11] when a person exports or imports currency or monetary instruments in an amount

[1] 46 FR 44775 (September 8, 1981).

[2] Pub. L. 91-508, 84 Stat. 1114, 12 U.S.C. 1730d, 1829b, 1951-1959, 31 U.S.C. 1051-1122.

[3] 31 CFR 103.11-103.51, 37 FR 6912 (April 5, 1972).

[4] 31 CFR 103.46(a)(6).

[5] 17 CFR 240.17a-3(a)(1).

[6] 31 U.S.C. 1081.

[7] 31 U.S.C. 1101.

[8] 31 U.S.C. 1121.

[9] 31CFR 103.25(a).

[10] 31 CFR 103.22.

[11] 31 CFR 103.25 (b) and (c).

exceeding $5,000.[12] A final reporting provision requires all persons subject to the jurisdiction of the United States to file a report with the Treasury regarding any financial interest or authority over a bank, securities or other financial account in a foreign country.[13]

In addition to the above reporting requirements, the Treasury regulations require financial institutions to make and preserve certain records. For example, a record of extensions of credit in excess of $5,000, a record of transactions involving the transfer of funds of more than $10,000 to outside the United States and a record of financial interests in foreign financial accounts must be made and retained for five years.[14]

The Treasury regulations also require certain additional records to be made and retained by brokers and dealers. Specifically, a broker or dealer must maintain for a period of five years: (1) a record of its customer's taxpayer identification number; (2) a copy of each document granting authority over a customer's account; (3) each record described in rule 17a–3(a)(1)–(9); and (4) a record of any transaction exceeding $10,000 to or from a person, account or place outside the United States.[15]

Rule 17a–8

Rule 17a–8 requires brokers and dealers to make the records and reports required by the Treasury regulations as outlined above. The rule does not specify the required reports and records so as to allow for any revisions the Treasury may adopt in the future.

Rule 17a–8 requires brokers and dealers to retain the records required by the Currency Act for the time specified in the Treasury regulations. Currently, that time period is 5 years. However, where an Exchange Act rule and Treasury regulation require the retention of identical records for varying periods of time, brokers and dealers are required to retain the records for the longer period of time so as to satisfy the requirements of both the Exchange Act and the Currency Act.

The Commission believes that the rule is consistent with the purposes of the Exchange Act and the Commission's obligation to enforce broker-dealer recordkeeping requirements. Adoption of this rule by the Commission will clarify the authority of the SROs to assure compliance by brokers and dealers with the recordkeeping and retention requirements of the Currency Act.

Statutory Basis and Competitive Considerations

All brokers and dealers affected by this rule are already subject to identical Treasury regulations. Therefore, it appears to the Commission that no burden on competition will be imposed by this rule.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly sections 3, 10, 15, 17 and 23 thereof, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.17a–8 to read as follows:

§ 240.17a–8 Financial recordkeeping and reporting of currency and foreign transactions.

Every registered broker or dealer who is subject to the requirements of the Currency and Foreign Transactions Reporting Act of 1970 shall comply with the reporting, recordkeeping and record retention requirements of Part 103 of Title 31 of the Code of Federal Regulations. Where Part 103 of Title 31 of the Code of Federal Regulations and § 240.17a–4 of this chapter require the same records or reports to be preserved for different periods of time, such records or reports shall be preserved for the longer period of time.

Regulatory Flexibility Act Considerations

Pursuant to 5 U.S.C. 601 et seq., notice was published on September 8, 1981, that the Chairman of the Commission had certified that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. No comments were received concerning the certification. Therefore, the Commission does not believe that the rule adopted herein will have a significant impact on small, or any other, broker-dealers.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 10, 1981.

[FR Doc. 81–36105 Filed 12–16–81; 8:45 am]

BILLING CODE 8010–01–M

[12] 31 CFR 103.23.

[13] 31 CFR 103.24.

[14] See, 31 CFR 103.31, 103.32, 103.33 and 103.36.

[15] 31 CFR 103.35.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

[Docket No. R–81–936]

Financial Assistance—Nonimmigrant Student-Aliens; Correction

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Correction of interim rule.

SUMMARY: This document corrects an error in § 235.325 contained in the Interim Rule published on November 17, 1981, 46 FR 56421, Docket No. R–81–936.

FOR FURTHER INFORMATION CONTACT: John Coonts, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755–6720.

Correction of Publication

The following correction is made to the Interim Rule in FR Docket No. R–81–936 appearing at 46 FR 56421 in the issue of November 17, 1981.

§ 235.325 [Corrected]

On page 56422, § 235.325 *Qualified cooperative members,* paragraph (e) is corrected to read paragraph (c).

Issued at Washington, D.C., December 11, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81–36062 Filed 12–16–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 79–81]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Federal Bureau of Investigation is amending its Privacy Act regulations by removing the exemption for the FBI Alcoholism Program (JUSTICE/FBI–014) system.

DATE: This rule will be effective December 17, 1981.

ADDRESS: All comments should be addressed to the Administrative

Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202–633–3452).

SUPPLEMENTARY INFORMATION: This rule amends 28 CFR 16.96 by removing the exemption of this system from subsection (d) of the Privacy Act.

Since removal of this exemption would be in the public interest, it has been determined that it is impracticable and unnecessary to provide opportunity for public comment and that it is contrary to the public interest to delay the effective date of this rule. This determination is made in accordance with 5 U.S.C. 553(b)(B). Further, this rule is exempt from the application of Executive Order 12291 pursuant to section 1(a)(3) thereof.

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR 16.96 is hereby amended as described below.

Dated: December 1, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

§ 16.96 [Amended]

Section 16.96 of Title 28 of the Code of Federal Regulations is amended by removing paragraphs (j) and (k).

(5 U.S.C. 553(b)(B))

[FR Doc. 81–36018 Filed 12–16–81; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 82

[CGD 81–087]

Disestablishing of COLREGS Demarcation Lines for Puget Sound and Adjacent Waters of Northwest Washington

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is amending those regulations which establish a Line of Demarcation in the Strait of Juan de Fuca, Haro Strait, and the Strait of Georgia in western Washington. This Line of Demarcation separates the waters on which the International Rules for the Prevention of Collisions at Sea, 1972 (COLREGS) apply and those waters where the Inland Navigational Rules apply. At present, vessels navigating from the high seas and Canadian waters into the waters of western Washington must comply with COLREGS until they reach the vicinity of Dungeness Spit, and then must comply with the Inland Rules as they continue into Puget Sound and adjacent waters. Elimination of the Line of Demarcation will simplify the transit of all vessels between the high seas, Canadian waters and Puget Sound. This will result in the application of identical or very similar navigation rules in all waters in the area and should enhance the safety of all vessels.

EFFECTIVE DATES: This regulation becomes effective on December 24, 1981.

ADDRESS: Comments should be mailed to Commander Roger Pike, Chief, Port Safety Branch, Thirteenth Coast Guard District, 915 Second Ave., Seattle, Washington, 98174, (206) 442–5537. The comments will be available for inspection and copying at this location. Normal office hours are between 8:00 am and 4:00 pm, Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Commander Roger Pike, Port Safety Branch, Thirteenth Coast Guard District, 915 Second Ave., Seattle, Washington, 98174, (206) 442–5537.

SUPPLEMENTARY INFORMATION: An Advance Notice of Proposed Rulemaking was published on April 16, 1981 (46 FR 22207) under Docket 80–119. This notice announced that the Coast Guard was considering amending the regulations governing vessel operation on the waters of northwestern Washington, including the Puget Sound Vessel Traffic Service Area (VTS). This arose from the increase in vessel traffic in these waters and the increasing number of conflicts between the various users. A public hearing was held in Seattle, Washington, on July 3, 1981, to discuss the means of alleviating the problem. Nearly all of the commenters at the public hearing recommended that an open conference be held to enable the public to fully participate in finding solutions that would have broad support. The Coast Guard adopted this approach and on October 13–14, 1981, conducted an open conference. Working groups were formed from among the conferees to study specific areas. The conference, in plenary session, adopted a number of recommendations, including that the Line of Demarcation between international and inland waters be abolished. The working group for the Rules of the Road, with broad support of the conferees, stated that it would be desirable for the area described as Puget Sound and adjacent waters to be governed by the COLREGS.

Without this rulemaking the existing navigation rules would be replaced on December 24, 1981, by a new set of rules which are modeled on the COLREGS. While quite similar there are several significant differences between the new Inland Navigational Rules and the COLREGS. Among these are different navigational lighting requirements and differing signals between approaching vessels. With the implementation of the new Inland Rules the Puget Sound area would be under the new rules while the adjoining Canadian waters and the approaches to the Sound would remain under the COLREGS. Since many of the vessels using the Sound also navigate in waters where COLREGS apply, the use of two different sets of navigation rules is a possible source of confusion and is an unnecessary burden.

The Coast Guard has determined that the use of the COLREGS throughout Puget Sound will provide a reasonable solution to the problem. Unless implemented promptly, persons navigating in Puget Sound would be operating under three different sets of navigational rules within a short period of time. The current statutory navigation rules would be replaced by the new Inland Navigation Rules on December 24. The subsequent adoption of the COLREGS in Puget Sound would then create the need to learn a third set of rules. Some of the confusion which naturally arises from a change in rules could be reduced by implementing the COLREGS in the waters of western Washington on December 24, instead of the new Inland Navigation Rules.

Although this document is issued as an interim final rule comments are solicited from the public and will be considered by the Coast Guard. Comment is specifically solicited as to any problems which may arise in complying with the technical lighting requirements of the COLREGS. Comments should be directed as indicated under "Address."

DRAFTING INFORMATION: The principal persons involved in this rulemaking are CDR Roger Pike, Thirteenth Coast Guard District, Seattle, Washington, and LT Michael Tagg, Office of the Chief Counsel, U.S. Coast Guard, Washington, D.C.

REGULATORY ANALYSIS: This interim final rule has been reviewed under the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of May

22, 1980) and found to be non-significant. The implementation of the COLREGS in Puget Sound will affect the same businesses, individuals, and government bodies as would be affected by the new Inland Rules. Most commercial vessels and many of the pleasure vessels operating on Puget Sound also operate on waters that are subject to the COLREGS, and are already equipped to comply with those rules. The greatest impact of the rulemaking will be on the owners of vessels, primarily small pleasure boats, whose operation is limited to Puget Sound and those adjacent waters presently covered by the Inland Rules. Complying with the COLREGS will impose a slightly greater expense on this group than would be imposed by the new Inland Rules, due to the different navigation lights requirements and the lack of a grandfather clause for existing vessels.

The new Inland Rules will require power driven vessels to have a masthead light, sidelights and a sternlight. Those less than 12M (39'4") may exhibit an all-around white light and sidelights as an optional configuration. Except for power driven vessels under 7M (23') whose maximum speed does not exceed 7 knots, COLREGS requires all power driven vessels less than 50M (164') to have a masthead light, sidelights and a sternlight. Under both COLREGS and the new Inland Rules sailboats under 7M need only have a white light available. Sailboats over 7M must have sidelights and a sternlight. On sailboats less than 20M (65'7") combination lights are permitted. A sailboat under power or a combination of sail and power must display the lights required of power driven vessels.

Some power driven vessels under 12M that are not presently equipped to meet COLREGS will be required to replace an all-around white light with a masthead light and install a sternlight. Motor boats from 26' through 65' that carried an all-around white light, masthead light and sidelights, as permitted by the Motorboat Act of 1940, will be required to modify the all-around light and/or replace it with a sternlight. The cost of these modifications will vary depending on the size of the vessel and the quality of the equipment installed. On those vessels most likely to be affected, it is anticipated that the maximum cost should be no more than $100 per vessel. This expense will be somewhat offset by the ability of COLREGS equipped vessels to operate in both Inland and COLREGS waters. The Inland Navigational Rules Act considers COLREGS equipped vessels to be in compliance with the Act, whereas vessels equipped under the Motorboat Act of 1940 are not permitted to operate to COLREGS waters.

Because of the time constraints involved in the implementation of the Inland Navigational Act on December 24, 1981, the Coast Guard, for good cause, finds that notice and public procedure thereon are impracticable, and that the effective date of the rulemaking must be in less than 30 days.

The regulation is also non-major under Executive Order 12291. The Order defines a major rule as one which has an annual effect on the economy of $100 million, a major increase in costs, or a significant adverse effect on the economy. As noted above, this regulation will have no such impact.

The Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) requires a review of a proposed regulation for its effect on small businesses, organizations and governmental bodies. Although, in this case, a notice of proposed rulemaking is not being issued, it is not anticipated that these regulations will have a significant economic impact on any such entities in the Puget Sound area. The COLREGS requirements are quite similar to those which would be imposed under the Inland Rules. The major difference, as noted, lies in the navigation lights. The cost imposed by the change is minor compared to the overall cost of a vessel.

It is therefore certified, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities.

PART 82—72 COLREGS; INTERPRETIVE RULES

In consideration of the foregoing, the COLREGS Demarcation Lines, 33 CFR Part 82, are amended as follows:

1. § 82.1385 is revised to read:

§ 82.1385 Strait of Juan de Fuca.

The 72 COLREGS shall apply on all waters of the Strait of Juan de Fuca.

2. § 82.1390 is revised to read:

§ 82.1390 Haro Strait and Strait of Georgia.

The 72 COLREGS shall apply on all waters of the Haro Strait and the Strait of Georgia.

3. § 82.1395 is added to Part 82 to read as follows:

§ 82.1395 Puget Sound and Adjacent Waters.

The 72 COLREGS shall apply on all waters of Puget Sound and adjacent waters, including Lake Union, Lake Washington, Hood Canal, and all tributaries.

(33 U.S.C. 151)

Dated: December 3, 1981.

J. B. Hayes,

Admiral, Coast Guard Commandant.

[FR Doc. 81-36102 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD05-81-06R]

Elizabeth River, Norfolk, Va.; Anchorage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the anchorage regulations moves the northern boundary of the anchorage ground (Anchorage K–2) located generally east of the Craney Island and Norfolk Harbor Reaches of the Elizabeth River and across the mouth of the Lafayette River. The northern boundary has been moved in a generally southern direction. Additionally, certain other boundaries of the anchorage ground have been amended to conform the anchorage ground to current channel, shoreline, and use conditions. In the process of correcting the anchorage ground boundaries for these purposes, and for clarity, the shoreward extent of the anchorage has been defined as co-located with the shore in various locations around the perimeter of the anchorage ground. By so doing, the United States does not imply that the included waters are safe for the purpose of anchoring. The United States does not guarantee the non-existence of man-made or natural obstructions in the anchorage ground. This amendment was initiated in response to a proposed project to construct mooring and breasting dolphins in the northwesternmost portion of the anchorage ground. This construction would have encroached into Anchorage K–2 as previously described, thereby interfering with its intended purpose to separate anchored and navigating vessels in order to enhance the safety of both classes. Additional minor boundary revisions were also included by the Coast Guard to realign the boundaries to eliminate areas where the anchorage ground extends into a channel or berthing area, or where it had overlapped a shore area.

This revision specifically exempts from the anchorage ground that portion of the marked, dredged channel entering

the Lafayette River which extends into the anchorage ground.

EFFECTIVE DATE: This amendment is effective on January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Captain E. E. Moran, Chief, Port Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398–6389.

SUPPLEMENTARY INFORMATION: On April 10, 1981, the U.S. Army Corps of Engineers, Norfolk District, issued a public notice (NAOOP–P 81–0178–01) concerning an application by the Virginia Port Authority (VPA) for a Department of the Army Permit to construct mooring and breasting dolphins south of Norfolk International Terminal, pier number 1. On May 4, 1981, the U.S. Coast Guard objected to this proposed construction. The basis for this objection was the encroachment of these structures into Anchorage K–2. Pursuant to the Coast Guard's request, the U.S. Army Corps of Engineers has acted to place the permit application in an inactive status until the Coast Guard's objection is resolved. Adoption of this final rule resolves the Coast Guard's objection to this proposed construction.

On May 6, 1981, and subsequent dates, the Virginia Port Authority submitted a petition to the Coast Guard to amend the northern boundary of Anchorage K–2 to accommodate the proposed construction. The Coast Guard acted on this petition, and also upon its own initiative (for corrections to the boundaries of Anchorage K–2 other than the change requested by the Virginia Port Authority), and published a notice of proposed rulemaking in the **Federal Register** on September 8, 1981 (46 FR 44782).

This notice proposed the amendments adopted by this final rule. Interested persons were invited to participate in this rulemaking by submitting written views, data, or arguments.

DISCUSSION OF COMMENTS: No comments were received. While the opportunity for a public hearing was announced, none was held because of the lack of comments.

DISCUSSION OF THE RULE: This amendment adjusts the northwesternmost boundaries of Anchorage K–2 to accommodate the proposed mooring and breasting dolphins. The northwesternmost boundary has been aligned so as to be located approximately 50 yards south of the structures when they are erected. This amendment also eliminates that part of Anchorage K–2 which had extended into the Norfolk Harbor Reach of the Elizabeth River Channel. Also eliminated was that portion of Anchorage K–2 which overlapped the dredged berthing and maneuvering area alongside Norfolk International Terminal's property south of their pier number 1. Boundary adjustments of the anchorage to conform it to the existing shoreline have also been included. In the interest of clarity and safety, that portion of the marked, dredged channel entering the Lafayette River has been exempted from the anchorage ground. An environmental assessment completed on this rulemaking resulted in a finding of no significant impact.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Lieutenant Commander J. G. Kotecki, Port Safety Branch, Fifth Coast Guard District, and Lieutenant D. M. Wrye of the office of the District Legal Officer, Fifth Coast Guard District.

REGULATORY EVALUATION: This regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be non-significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulation (DOT Order 2100.5 of May 22, 1980). The economic impact of this rule on small businesses, non-profit organizations, and government entities is considered to be minimal because the rule results in only (1) small boundary revisions to Anchorage K–2 that eliminate the previous use conflicts, and (2) a minor reduction in the overall size of the anchorage ground, by eliminating a portion of it generally not used by the public. The changes to this anchorage ground are not matters on which there has been substantial public interest or controversy, nor do they involve impacts on competitive business, state or local government, or the regulations of other programs and agencies. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact upon a substantial number or small entities.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended by revising § 110.168(c)(2) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

* * * * *

(c) *East of Norfolk Harbor Channel.*

* * *

(2) *Anchorage K–2.* Except for the waters within the marked, dredged channel which enters the Lafayette River, on the east side of Norfolk Harbor Reach and Craney Island Reach at the mouth of the Lafayette River, and within the boundaries described as follows: Starting at Tanner Point, latitude 36°54′13″ N., longitude 76°19′25″ W.; across the mouth of the Lafayette River to Boushs Bluff, latitude 36°54′14″ N., longitude 76°18′43″ W.; thence southerly along the shore to latitude 36°52′58.8″N., longitude 76°19′24.6″ W.; thence to a point on the east side of the dredged area alongside Craney Island Reach at latitude 36°53′04.5″ N., longitude 76°19′58.5″ W.; thence northerly along the side of the dredged area to latitude 36°53′27″ N., longitude 76°20′02″ W.; thence northerly along the side of the dredged area to latitude 36°53′31″ N., longitude 76°20′06″ W.; thence northerly along the east side of Craney Island Reach and Norfolk Harbor Reach to latitude 36°54′46″ N., longitude 76°20′14.6″ W.; thence southeasterly to latitude 36°54′35″ N., longitude 76°19′46.7″ W.; thence south to latitude 36°54′25″ N., longitude 76°19′46″ W.; thence east to latitude 36°54′25″ N., longitude 76°19′34″ W.; thence along the shore to the point of beginning.

* * * * *

(Sec. 7, 38 Stat. 1053, (33 U.S.C. 471); Sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2) and 1.45(b))

Dated: November 2, 1981.

John D. Costello,

Rear Admiral, Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 81–36103 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 81–061]

Drawbridge Operation Regulations; Amite River, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development, the Coast Guard is changing the regulations governing the State Route 42 swing span bridge across the Amite River, mile 32.0, at Port Vincent, Louisiana. The bridge now is required to open on signal. The change will require the bridge to open on at least 48 hours advance notice. This change in being made because of the limited number of requests for opening the draw. The action will relieve the

bridge owner of the burden of having a person constantly available to open the draw, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130—(504) 589–2965.

SUPPLEMENTARY INFORMATION: On 5 October 1981, the Coast Guard published a proposed rule (46 FR 48954) concerning this amendment. The Eighth Coast Guard District also published this proposal as a Public Notice dated 5 October 1981. Interested persons were given until 4 November 1981 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of Comments

Three comments were received, offering no objections.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above.

In accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraph (i)(25) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(25) Amite River, LA; State Highway 16 bridge, mile 21.4, near French Settlement, and State Highway 42 bridge, mile 32.0, at Port Vincent. At least 48 hours advance notice required.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: November 18, 1981.

W. H. Stewart,

Rear Admiral, Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 81–36085 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 81–055]

Drawbridge Operation Regulations; St. Joseph River, Michigan

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Michigan Department of Transportation, the Coast Guard is revising the regulations governing the operation of the Blossomland (US–33) and Bicentennial (I–94BL) bridges across the St. Joseph River between the Cities of St. Joseph and Benton Harbor, Michigan, by permitting the draws of these bridges to remain closed for extended periods of time during the navigation season. Also, both bridges will require at least twelve hours notice to effect an opening during the winter months. This change is being made in an effort to relieve vehicular traffic tie-ups caused by random bridge openings during periods of time when commuting between the Cities of St. Joseph and Benton Harbor is heaviest. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522–3993.

SUPPLEMENTARY INFORMATION: On August 31, 1981, the Coast Guard published a proposed rule (46 FR 43699) concerning this amendment. The Commander, Ninth Coast Guard District also published these proposals as a Public Notice dated October 1, 1981. Interested parties were given until September 28, 1981, and October 30, 1981, respectively to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this Final Rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Lt M. E. Reeves, Project Attorney, Ninth Coast Guard District, Legal Office.

DISCUSSION OF COMMENTS: Three commentors had no objections and supported this change. No other comments were received from the **Federal Register** or public notice.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since its impact is expected to be minimal because these regulations only regulate vessel traffic through the draws of the Blossomland and Bicentennial bridges during periods of time when vehicle traffic between the Cities of St. Joseph and Benton Harbor, Michigan, is heaviest. Also, they relieve the bridge owner of the burden of having a bridgetender on duty during the winter months when navigation on the river is negligible.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

§ 117.641 [Amended]

1. Removing § 117.641(f)(2–a).

2. Adding a new § 117.681 immediately after § 117.680 to read as follows:

§ 117.681 St. Joseph River, Michigan; Blossomland (US–33) and Bicentennial (BL–94) Bridges between St. Joseph and Benton Harbor, Michigan.

(a) The draws shall open on signal from March 1 through May 14 and October 1 through December 15, and from 8 p.m. to 7 a.m. from May 15 through September 30.

(b) From 7 a.m. to 8 p.m. from May 15 through September 30:

(1) The draws of the Blossomland bridge need open only from 3 minutes before to 3 minutes after the hour and half-hour.

(2) The draws of the Bicentennial bridge need open only from 3 minutes before to 3 minutes after the quarter and three-quarter hour.

(c) From December 16 through the last day of February both draws shall open on signal if at least 12 hours notice is given.

(d) Public vessels of the United States, state and local government vessels used for public safety, commercial vessels, and vessels in distress, shall be passed through either draw as soon as possible even though closed periods are in effect.

(e) The owner of or agency controlling these bridges shall keep a copy of these regulations conspicuously posted both upstream and downstream, either on the bridges or elsewhere in such a manner that it can be easily read from an approaching vessel at all times, with instructions stating exactly how notice is to be given to the authorized representative of the bridge owner.

[33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–(g)(3)]

Dated: December 10, 1981.

Henry H. Bell,

Rear Admiral, Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 81-36104 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Amendment of Procedures for Determining Whether Post Office Box or Caller Service Should Be Refused or Terminated

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends regulations prescribing the procedures for refusing or terminating box or caller service. Under the former procedures, cases in which termination of service was sought had to be channeled to a single processing office. This caused considerable delay in processing these cases. Moreover, the former procedures required notice to applicants of the grounds for refusing service only when specifically requested by the unsuccessful applicants. The final rule is designed to simplify and expedite the entire determinative process by increasing the authority of local postmasters, requiring notification of every unsuccessful applicant, providing alternative methods of notification, and establishing practical time limits for required action.

EFFECTIVE DATE: January 17, 1982.

FOR FURTHER INFORMATION CONTACT: John F. Ventresco, (202) 245–4385.

SUPPLEMENTARY INFORMATION: On October 26, 1981, the Postal Service published for comment in the **Federal Register**, 46 FR 52136, proposed changes to 951.35, 951.8 and 952.4 of the Domestic Mail Manual to carry out the purposes described in the Summary. We received one letter of comment from a boxholder who believes that postmasters will abuse their new authority, thereby depriving boxholders of their rights without due process, and embroiling the Postal Service in costly disputes.

The Postal Service believes that application of the new regulations is well within the competence of postmasters. If they are in doubt about the propriety of refusing or terminating service in particular cases, postmasters can obtain advice from their Regional Counsel or the General Counsel. The provisions for notifying customers of adverse determinations, and of the availability of complete review by the Judicial Officer Department insure that due process requirements will be observed in each case.

The Postal Service does not anticipate a substantial increase in costs even if the number of petitions for review by aggrieved customers begins to increase substantially. Under the applicable rules of practice (39 CFR Part 958), summary judgment on the pleadings is available to effect prompt correction of any clearly erroneous actions by postmasters. Moreover, the benefit to customers from eliminating delays in determining whether to refuse or terminate service should far outweigh any concomitant increase in costs.

In view of the above considerations, the Postal Service hereby adopts, without change, the following amendments to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register.** 39 CFR 111.1.

Part 951—Post Office Lockbox Service

1. Revise 951.35 to read as follows:

.35 A box may be rented to another customer 15 days after it has been closed by a final decision of the Postal Service (see 951.8) or surrendered pursuant to 951.32b. A box may be rented to another customer immediately following its surrender pursuant to 951.32a or 951.32c.

2. Revise 951.8 to read as follows:

951.8 Refusal to Provide Service; Termination of Service; Surrender of Service.

.81 *Refusal to Provide Service.* A postmaster may refuse to rent a post office box under any of the following circumstances:

a. The applicant has submitted a falsified application for box service.

b. Within the two years immediately preceding submission of the application, the applicant physically abused a box or violated a regulation or contractual provision relating to the care or use of a box.

c. There is substantial reason to believe that the box will be used for purposes which will violate 951.153.

.82 *Termination of Service.* A postmaster may close a post office box when the boxholder has:

a. Falsified the application for the box;

b. Physically abused the box; or

c. Violated any regulation or contractual term or condition relating to the care or use of the box.

.83 *Postmaster's Determination.*

.831 *Basis for Issuance.* When a postmaster is satisfied that an application for commencement of service should be denied pursuant to 951.81, or that service to a boxholder should be terminated pursuant to 951.82, he will issue a written Determination.

.832 *Content.* The Determination shall state the reasons for its issuance, and also shall contain the following statement:

"You may file a Petition opposing this Determination within twenty days (Sundays and holidays included) after the date you receive it. Your Petition must be in writing and include a statement of your reasons for opposing the Determination.

Your Petition, signed by you or your attorney, must be filed in triplicate at the Post Office address given above. This filing may be accomplished by certified mail, or by delivering the Petition to the above address. Obtain and keep a written receipt to show that your Petition was timely filed. Your Petition will be forwarded to the Recorder, Judicial Officer Department, U.S. Postal Service, Washington, D.C. 20260 for appropriate action as set forth in 39 CFR Part 958.

If you do not file a timely Petition, this Determination will become the final decision of the U.S. Postal Service in this matter."

.833 *Delivery.* The postmaster's Determination shall be delivered to the applicant or boxholder via certified mail, or by any other method provided a signed receipt is obtained from the addressee. If such delivery cannot be effected within fifteen days after issuance of the Determination, it shall be delivered as ordinary mail and the postmaster shall make a written record of the date of such delivery and the prior attempts made to deliver it.

.84 *Petition by Applicant or Boxholder.*

.841 *Procedure.*

a. The applicant or boxholder may file a Petition opposing the postmaster's Determination within twenty days (Sundays and holidays included) after delivery, in accordance with the instructions in the postmaster's Determination and with 39 CFR Part 958.

b. The filing of a Petition will prevent the postmaster's Determination from taking effect and will transfer the case to the Judicial Officer Department, U.S. Postal Service. Thereafter, if a final decision on the merits is rendered by the Judicial Officer Department pursuant to 39 CFR Part 958, it will constitute the final decision of the U.S. Postal Service.

.842 *Effect.*

a. After delivery of the Determination, the postmaster will take no action to implement it for the twenty-day period allowed for filing a Petition, and an additional seven days. If he has not received a Petition by the twenty-seventh day, his Determination will take effect, becoming the final decision of the Postal Service. The postmaster should retain documentation establishing the date and method of delivery of the Determination for at least one year.

b. On receipt of any Petition, even if considered to be late or nonconforming, the postmaster will immediately forward two copies to the Recorder, Judicial Officer Department, U.S. Postal Service, Washington, D.C. 20260. He will also forward to the Assistant General Counsel, Consumer Protection Division, Law Department, U.S. Postal Service, Washington, D.C. 20260, a report which will include the evidence upon which the postmaster's Determination was based and the proof of delivery of the Determination to the customer.

.85 *Surrender of Service.* A post office box will be deemed to have been surrendered when the boxholder:

a. Submits a permanent change of address order;

b. Fails or refuses to pay the pertinent rent due; or

c. Submits a written notice to discontinue the service.

.86 *Mail Addressed to a Closed Box.* When a post office box is closed by a final decision of the Postal Service, the postmaster shall give written notice to the boxholder that mail addressed to him at the box number will thereafter be forwarded pursuant to a valid change of address order, if one has been submitted, or transferred to General Delivery where it will be held the current time limit for forwarding. At the end of the applicable period, all mail so addressed will be handled as undeliverable. However, this procedure will not preclude compliance with the sender's request for a specific retention period in accordance with 122.32.

Part 952—Caller Service

3. Revise 952.4 to read as follows:

952.4 Refusal to Provide Service; Termination of Service; Surrender of Service.

.41 *Refusal to Provide Service.* A postmaster may deny an application for caller service under any of the following circumstances:

a. The applicant has submitted a falsified application for the service.

b. Within the two years immediately preceding submission of the application, the applicant violated a regulation or contractual provision relating to use of the service.

c. There is substantial reason to believe that the service will be used for purposes which will violate 952.191.

.42 *Termination of Service.* A postmaster may terminate caller service when the caller has:

a. Falsified the application for the service; or

b. Violated any regulation or contractual term or condition relating to use of the service.

.43 *Postmaster's Determination.*

.431 *Basis for Issuance.* When a postmaster is satisfied that an application for commencement of caller service should be denied pursuant to 952.41, or that service to a caller should be terminated pursuant to 952.42, he will issue a written Determination.

.432 *Content.* The Determination shall state the reasons for its issuance, and also shall contain the following statement:

"You may file a Petition opposing this Determination within twenty days (Sundays and holidays included) after the date you receive it. Your Petition must be in writing and include a statement of your reasons for opposing the Determination. Your Petition, signed by you or your attorney, must be filed in triplicate at the Post Office address given above. This filing may be accomplished by certified mail, or by delivering the Petition to the above address. Obtain and keep a written receipt to show that your Petition was timely filed. Your Petition will be forwarded to the Recorder, Judicial Officer Department, U.S. Postal Service, Washington, D.C. 20260 for appropriate action as set forth in 39 CFR Part 958.

"If you do not file a timely Petition, this Determination will become the final decision of the U.S. Postal Service in this matter."

.433 *Delivery.* The postmaster's Determination shall be delivered to the applicant or caller via certified mail, or by any other method provided a signed receipt is obtained from the addressee. If such delivery cannot be effected within fifteen days after issuance of the Determination, it shall be delivered as ordinary mail and the postmaster shall make a written record of the date of such delivery and the prior attempts made to deliver it.

.44 *Petition by Applicant or Caller.*

.441 *Procedure.*

a. The applicant or caller may file a Petition opposing the postmaster's Determination within twenty days (Sundays and holidays included) after delivery, in accordance with the instructions in the postmaster's Determination and with 39 CFR Part 958.

b. The filing of a Petition will prevent the postmaster's Determination from taking effect and will transfer the case to the Judicial Officer Department, U.S. Postal Service. Thereafter, if a final decision on the merits is rendered by the Judicial Officer Department pursuant to 39 CFR Part 958, it will constitute the final decision of the U.S. Postal Service.

.442 *Effect.*

a. After delivery of the Determination, the postmaster will take no action to implement it for the twenty-day period allowed for filing a Petition, and an additional seven days. If he has not received a Petition by the twenty-seventh day, his Determination will take effect, becoming the final decision of the Postal Service. The postmaster should retain documentation establishing the date and method of delivery of the Determination for at least one year.

b. On receipt of any Petition, even if considered to be late or nonconforming, the postmaster will immediately forward two copies to the Recorder, Judicial Officer Department, U.S. Postal Service, Washington, D.C. 20260. He will also forward to the Assistant General Counsel, Consumer Protection Division, Law Department, U.S. Postal Service, Washington, D.C. 20260, a report which will include the evidence upon which the postmaster's Determination was based and the proof of delivery of the Determination to the customer.

.45 *Surrender of Service.* Caller service will be deemed to have been surrendered when the caller:

a. Submits a permanent change of address order;

b. Fails or refuses to pay the pertinent fee due; or

c. Submits a written notice to discontinue the service.

.46 *Disposition of Mail.* When caller service is terminated by a final decision of the Postal Service, the postmaster shall give written notice to the caller that mail addressed to him at the caller number will thereafter be forwarded pursuant to a valid change of address order, if one has been submitted, or

transferred to General Delivery where it will be held the current time limit for forwarding. At the end of the applicable period, all mail so addressed will be handled as undeliverable. However, this procedure will not preclude compliance with the sender's request for a specific retention period in accordance with 122.32.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-36101 Filed 12-16-81; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Ch. 14

Procurement Regulations

AGENCY: Department of the Interior.

ACTION: Final rule and deferral of effective date.

SUMMARY: This rule adopts miscellaneous changes to the Interior Procurement Regulations (IPR) System which are of interest to business concerns and other interested persons. The changes are in response to a request from Secretary Watts for identification of excessive, burdensome or counter-productive rules. These miscellaneous changes are expected to reduce, or simplify existing procurement regulations.

This rule also defers the effective date of a previously published rulemaking action which was to become effective December 15, 1981. The deferred rules established new procedures for issuance and maintenance of agency procurement regulations, updated provisions regarding procurement authority, mistakes in bids, bid protest, and small business related programs, and removed provisions pertaining to internal agency procedures which are not of interest to business concerns and the general public. These rules are expected to significantly reduce the number of procurement regulations published by the Department since these regulations will be limited to only those deemed necessary for business concerns and the general public to understand basic and significant policies and procedures.

The effective date of the October 8, 1981 rulemaking is being deferred in order to have it coincide with the effective date of the miscellaneous changes discussed above.

EFFECTIVE DATE: January 29, 1982.

FOR FURTHER INFORMATION CONTACT: William Opdyke, (202) 343-6431.

SUPPLEMENTARY INFORMATION:

Final Rule

A proposed rule was published in the **Federal Register** on November 4, 1981 (46 FR 54777-54787), and invited comments by December 4, 1981. This rule was the second of two rulemaking actions which made revisions to eliminate, reduce and simplify the Department's procurement regulations. No comments were received so the proposed rule is adopted as a final rule.

The proposed rule omitted a change to § 14-7.650-7, Examination of records. This change is included in the final rule. In addition, the final rule also makes minor editorial changes including a change to § 14-3.808-6(d) in order to clarify the nature of the programs being described.

Deferral of Effective Date

A final rule was published in the **Federal Register** on October 8, 1981. This rule was the first rulemaking action necessary to establish new procedures for issuance and maintenance of the Department's procurement regulations and to remove internal procedures not of interest to business concerns. These internal procedures have been reviewed and eliminated or revised and will be issued as Interior Procurement Regulation Directives. Copies of the directives are available from the Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240, after January 29, 1982.

The rule was to be effective on December 15, 1981. However, it is necessary to defer its effective date until January 29, 1982, in order to have it coincide with the effective date of the rulemaking action discussed above.

Primary Author

The primary author of this rule is William Opdyke, Office of Acquisition and Property Management, telephone (202) 343-6431.

Impact

The Director, Office of Management and Budget has exempted agency procurement regulations from the requirements of Executive Order 12291. The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 406(1) and 5 U.S.C. 301)

Accordingly, the amendments to 41 CFR Chapter 14 are adopted as set forth below.

Dated: December 11, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

PART 14-1—GENERAL

1. The Table of Contents for Part 14-1 is amended to remove § 14-1.318-1, add a new § 14-1.318-4, and change the caption of §§ 14-1.318 and 14-1.351 as follows:

Subpart 14-1.3—General Policies

1. The caption for § 14-1.318 is revised to read as follows:

Sec.

* * * * *

14-1.318 Disputes.
14-1.318-1 [Removed]
14-1.318-4 Contracting officer's decision.

* * * * *

14-1.351 Paperwork Reduction Act of 1980.

* * * * *

Subpart 14-1.3—General Policies

§ 14-1.318 Disputes.

2. Section 14-1.318-1 is removed and a new § 14-1.318-4 is added to read as follows:

§ 14-1.318 Disputes.

§ 14-1.318-1 [Removed]

§ 14-1.318-4 Contracting officer's decision.

A final decision issued by a contracting officer shall include the paragraph under FPR § 1-1.318-4(b)(1), except the second sentence shall be modified to read as follows: "This decision may be appealed to the Department of the Interior, Office of Hearings and Appeals, Interior Board of Contract Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203."

3. Section 14-1.327-5 is amended by removing paragraphs (a) and (b) and the designation for paragraph (c) to read as follows:

§ 14-1.327 Protection of the privacy of individuals.

§ 14-1.327-5 Procedures.

The Privacy Act clause under FPR § 1.327-5(c) shall be supplemented by adding a paragraph (d) as follows:

Privacy Act

* * * * *

(d) The regulations of the Department of the Interior implementing the Privacy Act of 1974 are set forth in 43 CFR Subtitle A, Part 2, Subpart D. A copy of the regulations may be obtained by submitting a written request to the Departmental Privacy Act Officer, Office of the Assistant Secretary—Policy, Budget, and Administration, Department of the Interior, 18th and E Streets, N.W., Washington, D.C. 20240.

4. Section 14–1.350 is amended to remove paragraph (a); redesignate paragraphs (b), (c) and (d) as paragraphs (a), (b) and (c), respectively; revise paragraph (a), and revise the "Release of Claims" clause in paragraph (b). As revised, § 14–1.350 reads as follows:

§ 14–1.350 Obtaining a release of claims.

(a) A release of claims shall be required in all construction contracts and all cost-reimbursement contracts which exceed $10,000. Depending upon the circumstances present, a release of claims may be required in service (including architect-engineer) and supply contracts and fixed-price research and development contracts.

(b) Contracts requiring a release of claims shall include a clause substantially as follows:

Release of Claims

After completion of work, and prior to final payment, the Contractor shall furnish to the Contracting Officer, a release of claims against the United States relating to the contract, other than claims specifically excepted from the operation of the release.

(c) Form DI–137 (see IPR § 14–16.850) shall be used for all contracts requiring a release of claims.

5. Section 14–1.351 is amended by changing its caption and revising paragraphs (a), (b), and (c). As revised, § 14–1.351 reads as follows:

§ 14–1.351 Paperwork Reduction Act of 1980.

(a) *General.* The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires that no federal agency shall conduct or sponsor the collection of information, upon identical items, from ten or more public respondents unless prior approval is obtained from the Office of Management and Budget.

(b) *Procedures.* For contracts which require the collection of information subject to the Paperwork Reduction Act, data requirements shall be defined and clearance obtained prior to issuance of the solicitation, when practical, in accordance with the requirements of Part 305, Chapter 2 of the Department Manual (305 DM 2).

(c) *Clause.* The following clause shall be included in solicitations, and resulting contracts, when performance of the work requires, or may require, collection of information subject to the Paperwork Reduction Act of 1980:

Paperwork Reduction Act

If performance of this contract requires collection of information from ten or more public respondents, no funds shall be expended or any action taken in the solicitation or collection of such information until the contractor has received from the contracting officer written notification that approval has been obtained from the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980. The contractor shall provide the contracting officer with all information necessary to obtain approval from OMB.

PART 14–3—PROCUREMENT BY NEGOTIATION

1. The Table of Contents for Part 14–3 is amended to add new §§ 14–3.808 thru 14–3.808–7 as follows:

Subpart 14–3.8—Price Negotiation Policies and Techniques

Sec.
14–3.808 Profit or fee.
14–3.808–1 Policy.
14–3.808–2 Structured approach.
14–3.808–3 Profit objective.
14–3.808–4 Profit factors.
14–3.808–5 Contractor effort.
14–3.808–6 Other factors.
14–3.808–7 Facilities capital cost of money.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), 5 U.S.C. 301.

2. New §§ 14–3.808 thru 14–3.808–7 are added to read as follows:

Subpart 14–3.8—Price Negotiation Policies and Techniques

§ 14–3.808 Profit or fee.

§ 14–3.808–1 Policy.

(a) *General.* Profit generally is the basic motive of business enterprise and it is the policy of the Department to utilize profit to stimulate efficient contract performance. The Government and its contractors should be concerned with harnessing this motive to work for more effective and economical contract performance. Negotiation of very low profits, the use of historical averages or the automatic application of a predetermined percentage to the total estimated cost of a product, does not provide the motivation to accomplish such performance. Negotiations aimed merely at reducing profits, with no realization of the function of profit are not in the Government's best interest. For each contract in which profit is negotiated as a separate element of the contract price, the aim of negotiation should be to employ the profit motive so as to impel effective contract performance by which overall costs are economically controlled. To this end, the profit objective must be fitted to the circumstances of the particular procurement, giving due weight to contractor effort, risk assumed, investment required, complexity of the work to be performed, and other factors appropriate to the circumstances. However, nothing in this Regulation requires or suggests the use of a profit objective which is higher than that proposed by the contractor.

(b) *Contracts Priced on the Basis of Cost Analysis.* When cost analysis is performed pursuant to FPR § 1–3.807–2, profit consideration shall be in accordance with the objectives set forth below.

The Government should establish a profit objective for contract negotiations which will:

(1) Motivate contractors to undertake more difficult work requiring higher skills and reward those who do so;

(2) allow the contractor an opportunity to earn profits commensurate with the extent of the cost risk it is willing to assume; and

(3) encourage contractors to provide their own facilities and financing and establish their competence through development work undertaken at their own risk and reward those who do so.

The structured approach set forth below for establishing profit objectives is designed to provide guidance in applying these principles. This approach, properly applied, will tailor profits to the circumstances of each contract and provide a spread of profits which is commensurate with varying circumstances. The structured approach shall be used in all contracts where cost analysis is performed except as set forth in § 14–3.808–2(b) below.

(c) *Contracts Priced Without Cost Analysis.* On many contracts and subcontracts, good pricing does not require an examination into costs and profits. Where adequate price competition exists and in other situations where cost analysis is not required (see FPR § 1–3.807), fixed-price type contracts will be awarded to the lowest responsible offerors without regard to the amount of their profits. Under these circumstances, the profit which is anticipated, or in fact earned, should not be of concern to the Government. In such cases, if a low offeror earns a large profit, it should be considered the normal reward of efficiency in a competitive system and efforts should not be made to reduce such profits.

(d) *The Cost of Money for Facilities Capital.* When profit analysis is required, the cost of money for facilities capital (FPR § 1–15.205–51) shall not be included when measuring the

contractor's effort. Contract effort for this purpose shall be restricted to normal, booked costs. Further, a reduction in the profit objective shall be made in an amount equal to the amount of facilities capital cost of money allowed in accordance with FPR § 1–15.205–51. This policy shall apply to any tier subcontract or modifications thereto.

§ 14–3.808–2 Structured approach.

(a) *General.* (1) The structured approach provides contracting officers with a technique that will insure consideration of the relative value of the appropriate profit factors described in § 14–3.808–4 in the establishment of a profit objective for the conduct of negotiations. The contracting officer's analysis of these profit factors is based on information available to him prior to negotiations. Such information is furnished in proposals, audit data, performance reports, pre-award surveys and the like. The structured approach also provides a basis for documentation of this objective, including an explanation of any significant departure from this objective in reaching a final agreement. The extent of documentation should be directly related to the dollar value importance, and complexity of the proposed procurement.

(2) The contractor's proposal will include cost information for evaluation and a total proposed profit. Contractors shall not be required to submit the details of their profit objectives but they shall not be prohibited from doing so if they desire. Elaborate and voluminous presentations are neither required nor desired.

(3) The negotiation process does not contemplate or require agreement on either estimated cost elements or profit elements. The profit objective is a part of an overall negotiation objective which, as a going-in objective, bears a distinct relationship to the target cost objective and any proposed sharing arrangement. Since the profit is merely one of several interrelated variables, the Government negotiator shall not complete the profit negotiation without prior agreement on the other variables. Specific agreement on the exact weights or values of the individual factors is not required and should not be attempted.

(b) *Exceptions.* (1) Under the following listed circumstances, other methods for establishing profit objectives may be used. Generally, it is expected that such methods will be supported in a manner similar to that used in the structured approach (profit factor breakdown and documentation of profit objective); however, factors within the structured approach considered inapplicable to the procurement will be excluded from the profit objective.

(i) All procurements where cost analysis is not required;

(ii) architect-engineer contracts;

(iii) management contracts for operation and/or maintenance of Government facilities;

(iv) construction contracts;

(v) contracts primarily requiring delivery of material supplied by subcontractors;

(vi) termination settlements; and

(vii) cost-plus-award-fee contracts (however, contracting officers may find it advantageous to perform a structured profit analysis as an aid in arriving at an appropriate fee arrangement).

(2) Other exceptions may be made in the negotiation of contracts having unusual pricing situations. Such exceptions shall be justified in writing and authorized by the head of the procuring activity or designee in situations where the structured approach is determined to be unsuitable.

(c) *Limitation.* In the event this or any other method would result in establishing a fee objective in violation of limitations established by Statute or this Regulation, the maximum fee objective shall be the percentage allowed pursuant to such limitations (see FPR § 1–3.405–5).

§ 14–3.808–3 Profit objective.

(a) A profit objective is that part of the estimated contract price objective or value which, in the judgment of the contracting officer, is appropriate for the procurement being considered. This objective should realistically reflect the total overall task to be performed and the requirements placed on the contractor. Prior to the negotiation of a contract, change order, or contract modification, where cost analysis is undertaken, the negotiator shall develop a profit objective. The structured approach, if applicable, shall be used for developing this profit objective. If a change or modification is of a relatively small dollar amount and is basically the same type of work as required in the basic contract, the application of the structured approach will generally result in a profit objective similar to the profit objective in the basic contract, and therefore, this basic rate may be applied to the contract change or modification. However, in cases where the change or modification calls for substantially different work, or if the dollar amount of the change or contract modification is significant, a detailed analysis should be made.

(b) Development of a profit objective should not begin until after (1) a thorough review of proposed contract work; (2) review of all available knowledge regarding the contractor, pursuant to FPR Subpart 1–1.12 including capability reports, audit data, pre-award survey reports and financial statements, as appropriate; and (3) analysis of the contractor's cost estimate and comparison with the Government's estimate or projection of cost.

§ 14–3.808–4 Profit factors.

(a) The following factors shall be considered in all cases in which profit is to be specifically negotiated. The weight ranges listed after each factor shall be used in all instances where the structured approach is used.

Profit factors	Weight range (percent)
1. Contractor effort:	
Material Acquisition	1 to 4.
Direct Labor	4 to 12.
Overhead	3 to 8
Other Costs	1 to 3.
General Management	4 to 8.
2. Other factors:	
Cost Risk	0 to 7.
Investment	−2 to +2
Performance	−1 to +1
Socio-Economic Programs	5 to +5
Special Situations	

(b) Under the structured approach the contracting officer shall first measure the "Contractor Effort" by the assignment of a profit percentage within the designated weight ranges to each element of contract cost recognized by the contracting officer. Not to be included for the computation of profit as part of the cost base is the amount calculated for the cost of money for facilities capital.

(c) The suggested categories under the Contractor Effort are for reference purposes only. Often individual proposals will be in a different format; but since these categories are broad and basic, they provide sufficient guidance to evaluate all other items of cost.

(d) After computing a total dollar profit for the Contractor Effort, the contracting officer shall then calculate the specific profit dollars assigned for cost risk, investment, performance, business development programs, and special situations. This is accomplished by multiplying the total Government Cost Objective, exclusive of any cost of money for facilities capital, by the specific weight assigned to the elements within the Other Factors category.

(e) In making a judgment of the value of each factor, the contracting officer should be governed by the definition, description, and purpose of the factors together with considerations for

evaluating them as set forth in §§ 14–3.808–5 and 14–3.808–6.

(f) The structured approach was designed for arriving at profit or fee objectives for other than nonprofit organizations. However, if appropriate adjustments are made to reflect differences between profit and nonprofit organizations, the structured approach can be used as a basis for arriving at fee objectives for nonprofit organizations. Therefore, the structured approach, as modified in (f)(2) of this section shall be used to establish fee objectives for nonprofit organizations. The modifications should not be applied as deductions against historical fee levels, but rather, to the fee objective for such a contract as calculated under the structured approach.

(1) For purposes of this subparagraph, nonprofit organizations are defined as those business entities organized and operated exclusively for charitable, scientific, or educational purposes, no part of the net earnings of which accrue to the benefit of any private shareholder or individual, and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

(2) For contracts with nonprofit organizations where fees are involved, an adjustment of up to 3% will be subtracted from the total profit/fee objective. In developing this adjustment, it will be necessary to consider the following factors:

(i) Tax position benefits;

(ii) granting of financing through letters of credit;

(iii) facility requirements of the nonprofit organization; and

(iv) other pertinent factors which may work to either the advantage or disadvantage of the contractor in its position as a nonprofit organization.

§ 14–3.808–5 Contractor effort.

(a) *General.* This factor is a measure of how much the contractor is expected to contribute to the overall effort necessary to meet the contract performance requirements in an efficient manner. This factor, which is apart from the contractor's responsibility for contract performance, takes into account what resources are necessary and what the contractor must do to accomplish a conversion of ideas and materials into the final product called for in the contract. This is a recognition that within a given performance output, or within a given sales dollar figure, necessary efforts on the part of individual contractors can vary widely in both value and quantity, and that the profit objective should reflect the extent and nature of the contractor's contribution to total performance. A major consideration, particularly in connection with experimental, developmental, or research work, is the difficulty or complexity of the work to be performed, and the unusual demands of the contract, such as whether the project involves a new approach unrelated to existing equipment or only refinements on existing equipment. The evaluation of this factor requires an analysis of the cost content of the proposed contract as follows.

(b) *Material Acquisition (Subcontracted Items, Purchased Parts, and Other Material).* Analysis of these cost items shall include an evaluation of the managerial and technical effort necessary to obtain the required purchased parts, subcontracted items, and other materials, including special tooling. This evaluation shall include consideration of the number of orders and suppliers, and whether established sources are available or new sources must be developed. The contracting officer shall also determine whether the contractor will, for example, obtain the material and tooling by routine orders from readily available supplies (particularly those of substantial value in relation to the total contract cost), or by detailed subcontracts for which the prime contractor will be required to develop complex specifications involving creative design or close tolerance manufacturing requirements. Consideration should be given to the managerial and technical efforts necessary for the prime contractor to administer subcontracts, and select subcontractors, including efforts to break out subcontracts from sole sources, through the introduction of competition. These determinations should be made for purchases of raw materials or basic commodities, purchases of processed material including all types of components of standard or near standard characteristics, and purchases of pieces, assemblies, subassemblies, special tooling, and other products special to the end-item. In the application of this criterion, it should be recognized that the contractor's purchasing program might make a substantial contribution to the performance of the contract. This might be applicable in the management of subcontracting programs involving many sources, involving new complex components and instrumentation, incomplete specifications, and close surveillance by the prime contractor's representative. Recognized costs proposed as direct material costs such as scrap charges shall be treated as material for profit evaluation. If intracompany transfers are accepted at price, in accordance with FPR § 1–15.205–22(e), they shall be evaluated as material. Other intracompany transfers shall be evaluated by individual components of cost, i.e., material, labor, and overhead.

(c) *Direct Labor (Engineering, Service, Manufacturing, and Other Labor).* Analysis of the various labor items of the cost content of the contract should include evaluation of the comparative quality and level of the engineering talents, service contract labor, manufacturing, skills, and experience to be employed. In evaluating engineering labor for the purpose of assigning profit dollars, consideration should be given to the amount of notable scientific talent or unusual or scarce engineering talent needed in contrast to journeyman engineering effort or supporting personnel. The diversity, or lack thereof, of scientific and engineering specialties required for contract performance and the corresponding need for engineering supervision and coordination should be evaluated. Such circumstances as whether the caliber or class of engineer involved is that of an "idea-man," or whether the contractor is required by the contract to assign to the work, because of its nature, unusually skilled talent should be considered as part of the evaluation. Service contract labor should be evaluated in a like manner by assigning higher weights to engineering or professional type skills and lower weights to semi-professional or other type skills required for contract performance. Similarly, the variety of manufacturing and other categories of labor skills required and the contractor's manpower resources for meeting these requirements should be considered. For purposes of evaluation, categories of labor (i.e., quality control, receiving and inspecting, etc.) which do not fall within the definition for engineering, service or manufacturing labor may be categorized as appropriate. However, the same evaluation considerations as outlined above will be applied.

(d) *Overhead and General Management (G&A).* (1) Analysis of these overhead items of cost includes the evaluation of the make-up of these expenses and how much they contribute to contract performance. To the extent practicable, analysis should include a determination of the amount of labor within these overhead pools and how this labor would be treated if it were considered as direct labor under the contract. The allocable labor elements should be given the same profit consideration that they would receive if they were treated as direct labor. The other elements of these overhead pools

should be evaluated to determine whether they are routine expenses such as utilities and maintenance, and hence given lesser profit consideration, or whether they are significant contributing elements. The composite of the individual determinations in relation to the elements of the overhead pools will be the profit consideration given the pools as a whole.

(2) It is not necessary that the contractor's accounting system break down overhead expenses within the classification of engineering overhead, manufacturing overhead, other overhead pools, and general and administrative expenses, unless dictated otherwise by Cost Accounting Standards (CAS). The contractor whose accounting system only reflects one overhead rate on all direct labor need not change its system (if CAS exempt) to correspond with the above classifications. The contracting officer, in an evaluation of such a contractor's overhead rate, could break out the applicable sections of the composite rate which could be classified as engineering overhead, manufacturing overhead, other overhead pools, and general and administrative expenses, and follow the appropriate evaluation technique.

(3) Management problems surface in various degrees and the management expertise exercised to solve them should be considered as an element of profit. For example, a new program for an item which is on the cutting edge of the state of the art will cause more problems, require more managerial time, and abilities of a higher order, than one which is a follow-on contract. If new contracts create more problems and require a higher profit weight, follow-ons should be adjusted downward as many of the problems should have been solved. In any event, an evaluation should be made of the underlying mangerial effort involved on a case-by-case basis.

(4) It may not be necessary for the contracting officer to make a separate profit evaluation of overhead expenses in connection with each procurement action for substantially the same product with the same contractor. Where an analysis of the profit weight to be assigned to the overhead pool has been made, that weight assigned may be used for future procurements with the same contractor until there is a change in the cost composition of the overhead pool or the contract circumstances, or the factors discussed in (d)(3) of this section are involved.

(e) *Other Costs.* Include all other direct costs associated with contractor performance under this item (e.g., travel and relocation, direct support, and consultants). Analysis of these items of cost should include (i) the significance of the cost to contract performance, (ii) nature of the cost, and (iii) how much they contribute to contract performance.

§ 14–3.808–6 Other factors.

(a) *Contract Cost Risk.* The degree of risk assumed by the contractor should influence the amount of profit or fee a contractor is entitled to anticipate. For example, where a portion of the risk has been shifted to the government through cost-reimbursement or price redetermination provisions, unusual contingency provisions, or other risk-reducing measures, the amount of profit or fee should be less than where the contractor assumes all the risk. In developing the pre-negotiation profit objective, the contracting officer will need to consider the type of contract anticipated to be negotiated and the contractor risk associated therewith when selecting the position in the weight range for profit that is appropriate for the risk to be borne by the contractor. This factor should be one of the most important in arriving at pre-negotiation profit objectives.

(1) Evaluation of this risk requires a determination of (i) the degree of cost responsibility the contractor assumes, (ii) the reliability of the cost estimates in relation to the task assumed, and (iii) the complexity of the task assumed by the contractor. This factor is specifically limited to the risk of contract costs. Thus, such risks on the part of the contractor as reputation, losing a commercial market, risk of losing potential profits in other fields, or any risk on the part of the procurement office, are not within the scope of this factor.

(2) The first and basic determination of the degree of cost responsibility assumed by the contractor is related to the sharing of total risk by contract cost by the Government and the contractor through the selection of contract type. The extremes are a cost-plus-a-fixed-fee contract requiring the contractor to use his best efforts to perform a task, and a firm fixed-price contract for a complex item. A cost-plus-a-fixed-fee contract would reflect a minimum assumption of cost responsibility, whereas a firm fixed-price contract would reflect a complete assumption of cost responsibility. Where proper contract type selection has been made, the regard for risk by contract type would usually fall into the following percentage ranges:

	Percent
Cost Reimbursement Type Contracts	0 to 3
Fixed Price Type Contracts	3 to 7

(3) The second determination is that of the reliability of the cost estimates. Sound price negotiation requires well-defined contract objectives and reliable cost estimates. Prior experience assists the contractor in preparing reliable cost estimates on new procurements for similar equipment. An excessive cost estimate reduces the possibility that the cost of performance will exceed the contract price, thereby reducing the contractor's assumption of contract cost risk.

(4) The third determination is that of the difficulty of the contractor's task. The contractor's task can be difficult or easy, regardless of the type of contract.

(i) Within the above ranges, a cost-plus-a-fixed-fee contract normally would not justify a reward for risk in excess of 0%, unless the contract contains cost risk features such as ceilings on overheads, etc. In such cases, up to ½% may be justified. Cost-plus-incentive-fee contracts fill the remaining portion of the above cost range with weightings directly related to such factors as confidence in target cost, share ratio of fee(s), etc. The range for fixed-price contracts is wide enough to accommodate the many types of fixed-price arrangements. These include fixed-price-incentive, firm fixed-price with economic price adjustment, fixed price with prospective or retroactive price redetermination, and firm fixed-price contracts. Weighting should be indicative of the price risk assumed and the end item required, with only firm fixed-price contracts with requirements for prototypes or hardware reaching the top end of the range.

(ii) The contractor's subcontracting program may have a significant impact on the contractor's acceptance of risk under a contract form. It could cause risk to increase or decrease in terms of both cost and performance. This consideration should be a part of the contracting officer's overall evaluation in selecting a factor to apply for cost risk. It may be determined, for instance, that the prime contractor has effectively transferred real cost risk to a subcontractor and the contract cost risk evaluation may, as a result, be below the range which would otherwise apply for the contract type being proposed. The contract cost risk evaluation should not be lowered, however, merely on the basis that a substantial portion of the contract costs represents subcontracts

without any substantial transfer of contractor's risk.

(iii) In making a contract cost risk evaluation in a procurement action that involves definitization of a letter contract, unpriced change orders, and unpriced orders, under BOA's; consideration should be given to the effect on total contract cost risk as a result of having partial performance before definitization. Under some circumstances it may be reasoned that the total amount of cost risk has been effectively reduced. Under other circumstances it may be apparent that the contractor's cost risk remained substantially unchanged. To be equitable the determination of a profit weight for application to the total of all recognized costs, both those incurred and those yet to be expended, must be made with consideration to all attendant circumstances; not just be the portion of costs incurred, or percentage of work completed, prior to definitization.

(iv) Time and material and labor hour contracts will be considered to be cost-plus-a-fixed-fee contracts for the purpose of establishing profit weights, unless otherwise exempt under § 14–3.808–2(b) in the evaluation of the contractor's assumption of contract cost risk.

(b) *Investment.* The Department encourages its contractors to perform their contracts with the minimum of financial, facilities, or other assistance from the Government. As such, it is the purpose of this factor to encourage the contractor to acquire and use its own resources to the maximum extent possible. The evaluation of this factor should include an analysis of the following:

(1) *Facilities.* To evaluate how this factor contributes to the profit objective requires knowledge of the level of facilities utilization needed for contract performance, the source and financing of the required facilities and the overall cost effectiveness of the facilities offered. Contractors who furnish their own facilities which significantly contribute to lower total contract costs should be provided with additional profit. On the other hand, contractors who rely on the Government to provide or finance needed facilities should receive a corresponding reduction in profit. Cases between the above examples should be evaluated on their merits with either a positive or negative adjustment, as appropriate, in profit being made. However, where a highly facilitized contractor is to perform a contract which does not benefit from this facilitization or where a contractor's use of its facilities has a minimum cost impact on the contract, profit need not be adjusted.

(2) *Payments.* In analyzing this factor, consideration should be given to the frequency of payments by the Government to the contractor. The key to this weighting is to give proper consideration to the impact the contract will have on the contractor's cash flow. Generally, negative consideration should be given for payments more frequent than monthly with maximum reduction being given as the contractor's working capital approaches zero. Positive consideration should be given for payments less frequent than monthly with additional consideration given for a capital turnover rate on the contract which is less than the contractor's or the industry's normal capital turnover rate.

(c) *Contractor's Performance.* The contractor's past and present performance should be evaluated in such areas as quality of product, meeting performance schedules, efficiency in cost control (including need for and reasonableness of cost incurred), accuracy and reliability of previous cost estimates, degree of cooperation by the contractor (both business and technical), timely processing of changes and compliance with other contractual provisions, and management of subcontract programs. Where a contractor has consistently achieved excellent results in the foregoing areas in comparison with other contractors in similar circumstances, such performance merits a proportionately greater opportunity for profit or fee. Conversely, a poor record in this regard should be reflected in determining what constitutes a fair and reasonable profit or fee.

(d) *Federal Business Development Programs.* This factor, which may apply to special circumstances or particular acquisitions, relates to the extent of contractor successful participation in the Government sponsored programs such as small business, small disadvantaged business, labor surplus programs, women-owned business and energy conservation efforts. The contractor's policies and procedures which energetically support Government business development programs and achieves successful results should be given positive consideration. Conversely, failure or unwillingness on the part of the contractor to support Government business development programs should be viewed as evidence of poor performance for the purpose of establishing a profit objective.

(e) *Special Situations.*—(1) *Inventive and Developmental Contributions.* The extent and nature of contractor-initiated and financed independent development should be considered in developing the profit objective. The importance of the development in furthering the missions of the Department, the demonstrable initiative in determining the need and application of the development, the extent of the contractor's cost risk, and whether the development cost was recovered directly or indirectly from Government sources should be weighed.

(2) *Unusual Pricing Agreements.* Occasionally, unusual contract pricing arrangements are made with the contractor wherein it agrees to participate in the sharing of contract cost or agrees to accept a lower profit or fee for changes or modifications within a prescribed dollar value. In such circumstances, the contractor should receive favorable consideration in developing the profit objective.

(3) This factor need not be limited to situations which only increase profit/fee levels. A negative consideration may be appropriate when the contractor is expected to obtain spin-off benefits as a direct result of the contract (e.g., products with commercial application).

§ 14–3.808–7 Facilities capital cost of money.

When facilities capital cost of money (cost of capital committed to facilities) is included as an item of cost in the contractor's proposal, a reduction in the profit objective shall be made in an amount equal to the amount of facilities capital of cost of money allowed in accordance with FPR § 1–15.205–51. If the contractor does not propose this cost, a provision must be inserted in the contract that facilities capital cost is not an allowable cost.

3. Section 14–3.809 is revised to read as follows:

§ 14–3.809 Contract audit as a pricing aid.

The Assistant Inspector General for Auditing, Office of Inspector General, is responsible for providing audit reports on contract price proposals and other audit services required by FPR § 1–3.809 in accordance with Part 360, Chapter 3.7 of the Departmental Manual (360 DM 3.7).

PART 14–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The Table of Contents for Part 14–4 is amended by adding new § 14–4.1006–2, and removing "Subpart 14–4.51—Research and Development," (§§ 14–4.5101 through 14–4.5101–3), and § 14–4.5207 as follows:

Subpart 14–4.10—Architect-Engineer Services

Sec.

* * * * *

14–4.1006–2 Procedure.

* * * * *

Subpart 14–4.51 [Removed]

Subpart 14–4.52 Appraisal Services (Real Property)

* * * * *

14–4.5207 [Removed]

Subpart 14–4.10—Architect-Engineer Services

2. Section 14–4.1004–3 is revised to read as follows:

§ 14–4.1004–3 Evaluation criteria.

In addition to the criteria listed under FPR § 1–4.1004–3 for use in evaluating architect-engineer firms, the following additional criteria shall be applied when applicable to a particular procurement:

(a) Computer capability and expertise (where computer use is required.)

(b) Adequacy of facilities for performance of the work including those necessary to provide specialized services that may be required.

(c) Volume and nature of present workload.

(d) Experience and qualifications of proposed key personnel including specialized technical skills, project coordination and management skills, and experience in working together as a team.

(e) Availability of additional contractor personnel or consultants to support expansion or acceleration of the project.

(f) Other specific criterion as may be required.

3. Section 14–4.1006–1 is revised and new § 14–4.1006–2 is added to read as follows:

§ 14–4.1006 Limitation on contracting with architect-engineer firms for construction work.

§ 14–4.1006–1 Policy.

As required by FPR §§ 1–4.1006–1 and 1–18.112, no contract may be awarded for construction of a project to the firm, parent firm, subsidiaries or affiliates that provided architect-engineer services for the project without the written approval of the Assistant Secretary—Policy, Budget, and Administration.

§ 14–4.1006–2 Procedure.

Architect-engineer firms selected for negotiation of a contract for architect-engineer services shall be informed of the policy set forth in IPR § 14–4.1006–1 in accordance with the procedure under FPR § 1–4.1006–2. This policy shall be incorporated into the terms and conditions of the contract.

4. Section 14–4.1050 is revised to read as follows:

§ 14–4.1050 Use of designated personnel.

The contract for architect-engineer services shall include a "Key Personnel" cause in accordance with IPR § 14–16.703.

Subpart 14–4.51 [Removed]

5. Subpart 14–4.51 (§§ 14–4.5101 through 14–4.5101–3) is removed in its entirety.

Subpart 14–4.52—Appraisal Services (Real Property)

6. Section 14–4.5207 is removed and §§ 14–4.5206 and 14–4.5208 are revised to read as follows:

§ 14–4.5206 Qualifications requirements for appraisers.

If it is anticipated that a real property appraisal made under a contract may be subject to court action, a prospective contractor must be recognized as a qualified appraiser in the file maintained by the Land and Natural Resources Division, U.S. Department of Justice. This requirement shall be treated as a special standard of prospective contractor responsibility in accordance with FPR § 1–1.1203–3.

§ 14–4.5207 [Removed]

§ 14–4.5208 Appraisal standards.

All real property appraisals made under a contract shall conform to the requirements of the Interagency Land Acquisition Conference publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions," published by the Government Printing Office. This standard shall be made a part of all solicitations and resulting contracts for real property appraisal services.

PART 14–6—[Removed]

1. The Table of Contents for Part 14–6 is removed.

2. Part 14–6 is removed in its entirety.

PART 14–7—CONTRACT CLAUSES

1. The Table of Contents for Part 14–7 is amended to remove §§ 14–7.150–2, 14–7.150–4, 14–7.150–5, 14–7.203, 14–7.203–15, 14–7.403, 14–7.403–25, 14–7.650–1, 14–7.650–2, 14–7.650–3, 14–7.650–8, and 14–7.650–9; add new §§ 14–7.150–6, 14–7.250, 14–7.250–1, Subpart 14–7.3, §§ 14–7.350, 14–7.350–1, 14–7.450, 14–7.450–1, 14–7.650–10, and 14–7.650–11, and change the caption for § 14–7.5001 as follows:

Subpart 14–7.1—Fixed Price Supply Contracts

Sec.

* * * * *

14–7.150–2 [Removed]

* * * * *

14–7.150–4 [Removed]

14–7.150–5 [Removed]

14–7.150–6 Release of claims.

Subpart 14–7.2—Cost Reimbursement Type Supply Contracts

14–7.203 [Removed]

14–7.203–15 [Removed]

* * * * *

14–7.250 Additional Interior contract clauses.

14–7.250–1 Release of claims.

Subpart 14–7.3—Fixed Price Research and Development Contracts

14–7.350 Additional Interior contract clauses.

14–7.350–1 Release of claims.

Subpart 14–7.4—Cost Reimbursement Type Research and Development Contracts

14–7.403 [Removed]

14–7.403–25 [Removed]

* * * * *

14–7.450 Additional Interior contract clauses.

14–7.450–1 Release of claims.

Subpart 14–7.6—Fixed Price Construction Contracts

14–7.650–1 [Removed]

14–7.650–2 [Removed]

14–7.650–3 [Removed]

* * * * *

14–7.650–8 [Removed]

14–7.650–9 [Removed]

* * * * *

14–7.650–10 Prohibition against use of lead-based paint.

14–7.650–11 Release of claims.

Subpart 14–7.50—Special Contract Clauses

14–7.5001 Paperwork Reduction Act of 1980.

* * * * *

Subpart 14–7.1—Fixed Price Supply Contracts

§§ 14–7.150–2, 14–7.150–4, and 14–7.150–5 [Removed]

1. Sections 14–7.150–2, 14–7.150–4 and 14–7.150–5 are removed.

2. Section 14–7.150–3 is revised and new § 14–7.150–6 is added to read as follows:

§ 14–7.150 Additional Interior contract clauses.

* * * * *

§ 14–7.150–3 Examination of records.

Insert the clause set forth in IPR § 14–63.104 as prescribed in IPR § 14–63.103(b).

§ 14-7.150-6 Release of claims.

The clause set forth in IPR § 14-1.350 shall be used as prescribed therein.

Subpart 14-7.2—Cost-Reimbursement Type Supply Contracts

§§ 14-7.203 and 14-7.203-15 [Removed]

3. Sections 14-7.203 and 14-7.203-15 are removed.

4. Section 14-7.204-5 is revised to read as follows:

§ 14-7.204 Additional clauses.

§ 14-7.204-5 Insurance-liability to third parties.

Except for those contracts listed in IPR § 14-17.150, subparagraph (c)(2) of the clause set forth in FPR § 1-7.204-5 shall be changed to read "subject to the 'Limitation of Cost' or 'Limitation of Funds' clause * * *"

5. New §§ 14-7.250 and 14-7.250-1 are added to read as follows:

§ 14-7.250 Additional interior contract clauses.

§ 14-7.250-1 Release of claims.

The clause set forth in IPR § 14-1.350 shall be used as prescribed therein.

Subpart 14-7.3—Fixed-Price Research and Development Contracts

6. A new Subpart 14-7.3 and §§ 14-7.350 and 14-7.350-1 are added as follows:

Subpart 14-7.3—Fixed-Price Research and Development Contracts

§ 14-7.350 Additional interior contract clauses.

§ 14-7.350-1 Release of claims.

The clause set forth in IPR § 14-1.350 shall be used as prescribed therein.

Subpart 14-7.4—Cost Reimbursement Type Research and Development Contracts

§§ 14-7.403 and 14-7.403-25 [Removed]

7. Sections 14-7.403 and 14-7.403-25 are removed.

8. Section 14-7.404-9 is revised to read as follows:

§ 14-7.404 Additional clauses.

§ 14-7.404-9 Insurance-liability to third parties.

Insert the modified clause set forth under IPR § 14-7.204-5 under the conditions prescribed therein.

9. New §§ 14-7.450 and 14-7.450-1 are added to read as follows:

§ 14-7.450 Additional interior contract clauses.

§ 14-7.450-1 Release of claims.

The clause set forth in IPR § 14-1.350 shall be used as prescribed therein.

Subpart 14-7.6—Fixed Price Construction Contracts

§§ 14-7.650-1, 14-7.650-2, 14-7.650-3, 14-7.650-8, and 14-7.650-9 [Removed]

10. Sections 14-7.650-1, 14-7.650-2, 14-7.650-3, 14-7.650-8 and 14-7.650-9 are removed.

11. Section 14-7.650-5 is amended by removing paragraphs (c), (d) and (e) to read as follows:

§ 14-7.650 Additional interior contract clauses.

* * * * *

§ 14-7.650-5 Local taxes.

* * * * *

(c) [Removed]
(d) [Removed]
(e) [Removed]

* * * * *

12. Section 14-7.650-7 is revised to read as follows:

§ 14-7.650-7 Examination of records.

The clause set forth in IPR § 14-63.104 shall be used under the conditions prescribed in IPR§ 14-63.103(b).

13. New § 14-7.650-10 is added as follows:

§ 14-7.650-10 Prohibition against use of lead-based paint.

Insert the clause set forth in IPR § 14-18.150 under the conditions prescribed therein.

14. New § 14-7.650-11 is added to read as follows:

§ 14-7.650-11 Release of claims.

The clause set forth in IPR § 14-1.350 shall be used as prescribed therein.

Subpart 14-7.50—Special Contract Clauses

15. The caption and contents of § 14-7.5001 are revised to read as follows:

§ 14-7.5001 Paperwork Reduction Act of 1980.

Insert the clause set forth in IPR § 14-1.351 under the conditions prescribed therein.

PART 14-9—PATENTS, DATA, AND COPYRIGHTS

1. A Table of Contents is established for new Part 14-9, and §§ 14-9.107 and 14-9.107-3 as follows:

Subpart 14-9.1—Patents

Sec.
14-9.107 Patent rights under contracts for research and development.
14-9.107-3 Policy.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), 5 U.S.C. 301.

2. New Part 14-9, Subpart 14-9.1 and §§ 14-9.107 and 14-9.107-3 are added to read as follows:

Subpart 14-9.1—Patents

§ 14-9.107 Patent rights under contracts for research and development.

§ 14-9.107-3 Policy.

It is the policy of the Department of the Interior to adopt, without modification, the provisions of OMB Bulletin No. 81-22 dated June 30, 1981, and any further implementation of Pub. L. 96-517 under FPR Subpart 1-9.1.

PART 14-10—BONDS AND INSURANCE

1. The Table of Contents for Part 14-10 is amended by removing "Subpart 14-10.1—Bonds", §§ 14-10.109 and 14-10.109-50; redesignating § 14-10.450 as § 14-10.401 and changing its caption, and redesignating § 14-10.451 as § 14-10.401-50 and changing its caption to read as follows:

Subpart 14-10.1 [Removed]

Sec.
14-10.109 [Removed]
14-10.109-50 [Removed]

Subpart 14-10.4—Insurance Under Fixed-Price Contracts

14-10.401 Policy.
14-10.401-50 Insurance requirements for aircraft services contracts.
14-10.450 [Removed]
14-10.451 [Removed]

Subpart 14-10.1 [Removed]

2. Subpart 14-10.1 (§§14-10.109 and 14-10.109-50) is removed in its entirety.

Subpart 14-10.4—Insurance Under Fixed-Priced Contracts

3. Section 14-10.450 is redesignated as § 14-10.401, recaptioned, and paragraph (a) is revised to read as follows:

Subpart 14-10.4—Insurance Under Fixed-Price Contracts

§ 14-10.401 Policy.

(a) It is the policy of the Department to insure its own risks only when such

action is in the best interest of the Government. Circumstances where insurance may be required are listed under FPR §§ 1–10.301 and 1–10.401. In these situations, the clause set forth in paragraph (b) of this section shall be used.

* * * * *

4. Section 14–10.451 is redesignated as § 14–10.401–50, recaptioned, and revised to read as follows:

§ 14–10.401–50 Insurance requirements for aircraft services contracts.

(a) *Policy.* It is the policy of the Department to establish minimum insurance requirements for certain types of aircraft services contracts in order to protect the Government and its contractors. These requirements are contained in the clauses set forth under (c) below and are in accordance with FPR § 1–10.301.

(b) *Applicability.* The clauses prescribed by this section are applicable to all contracts involving use of aircraft with contractor or Government-furnished pilot except for one-time charters when the Government exposure is minimal and time limitations are present.

(c) *Clauses.* (1) The following clause shall be inserted in all contracts for operation of aircraft with contractor-furnished pilot:

Risk and Indemnities

The Contractor hereby agrees to indemnify and hold harmless the Government, its officers and employees from and against all claims, demands, damages, liabilities, losses, suits and judgments (including all costs and expenses incident thereto) which may be suffered by, accrue against, be charged to or recoverable from the Government, its officers and employees by reason of injury to or death of any person other than officers, agents, or employees of the Government or by reason of damage to property of others of whatsoever kind (other than the property of the Government, its officers, agents or employees) arising out of the operation of the aircraft. In the event the Contractor holds or obtains insurance in support of this covenant, a Certificate of Insurance shall be delivered to the Contracting Officer.

[End of Clause]

(2) For contracts involving the use of aircraft with Government-furnished pilot where the Government does not have a property interest, insert the following clause:

Liability for Loss or Damage

(a) The Contractor shall indemnify and hold the Government harmless from any and all loss or damage to the aircraft furnished under this contract except as provided in paragraph (d) below. For the purpose of fulfilling its obligation under this clause, the Contractor shall procure and maintain during the term of this contract, and any extension thereof, hull insurance acceptable to the Contracting Officer. The Contractor's insurance coverage shall apply to pilots furnished by the Government who operate the aircraft. The contractor may request a list of Government pilots by name and qualification who are potential pilots.

(b) Prior to the commencement of work hereunder, the Contractor shall furnish to the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

(c) Each policy or certificate evidencing the insurance shall contain an endorsement which provides that the insurance company will notify the Contracting Officer 30 days prior to the effective date of any cancellation or termination of any policy or certificate or any modification of a policy or certificate which adversely affects the interests of the Government in such insurance. The notice shall be sent by registered mail and shall identify this contract, the name and address of the contracting office, the policy, and the insured.

(d) If the aircraft is damaged or destroyed while in the custody and control of the Government, the Government will reimburse the Contractor for the deductible stipulated in the insurance coverage (if any) as follows:

(1) In-Motion Accidents—Up to 5% of the current insured value of the aircraft stated in the policy, or $10,000.00, whichever is less.

(2) Not In-Motion Accidents—Up to $250.00 per accident. Such reimbursement shall not be made, however, for loss or damage to the aircraft resulting from (1) normal wear and tear, (2) negligence or fault in maintenance of the aircraft by the Contractor, or (3) a defect in construction of the aircraft or component thereof.

(e) If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract. The Government may, at its option, make necessary repairs or return the aircraft to the Contractor for repair. In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter.

(f) Any failure to agree as to the responsiblity of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract.

[End of Clause]

(3) For contracts involving the use of aircraft with Government-furnished pilot where the Government has a property interest (e.g., lease with purchase option) insert the following clause:

Liability for Loss or Damage (Property Interest)

(a) The Government assumes all risk and liability for damage to or loss of the aircraft for the term of this contract, while the aircraft is in the Government's possession, except for (1) normal wear and tear to the aircraft, or (2) loss which occurs as a result of negligence or fault in maintenance of the aircraft by the contractor, or (3) loss resulting from a latent defect in the construction of the aircraft or a component thereof.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities, or by contract, or pay the Contractor the reasonable cost of repair of the aircraft. If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract.

(c) In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter, but the Government will pay to the Contractor a sum equal to the fair market value of the aircraft just prior to such loss, destruction, or extensive damage, less the salvage value of the aircraft.

(d) The Contractor certifies that the contract price does not include any cost attributable to insurance or to any reserved fund it has established to protect its interests in or use of the aircraft, regardless of whether or not the insurance coverage applies for the period during which the Government has possession of the aircraft. If, in the event of loss or damage to the aircraft, the Contractor receives compensation for such loss or damage, in any form, from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received solely as an advance of insurance pending determination of Government liability, or for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss or damage, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation or other rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Office, be considered a dispute within the meaning of the "Disputes" clause of this contract.

[End of Clause]

PART 14–16—PROCUREMENT FORMS

1. The Table of Contents for Part 14–16 is amended by adding a new Subpart 14–16.7 and § 14–16.703 as follows:

Subpart 14-16.7—Forms for Negotiated Architect-Engineer Contracts

Sec.
14-16.703 Terms, conditions, and provisions

Authority. Sec. 205(c), 63 Stat. 390; 40 U.S C. 486(c), 5 U.S.C. 301.

2. Subpart 14-16.7 and § 14-16.703 are added to read as follows:

Subpart 14-16.7—Forms for Negotiated Architect-Engineer Contracts

Subpart 14-16.703 Terms, conditions and provisions

All contracts for architect-engineer services shall contain the "Key Personnel" clause prescribed under FPR § 1-7.304-6.

PART 14-17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

1. A Table of Contents is established for new Part 14-17, Subpart 14-17.1 and §§ 14-17.101 and 14-17.150 to read as follows:

Subpart 14-17.1—General

Sec.
14-17.101 Authority.
14-17.150 Policy.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), 5 U.S.C. 301.

2. Part 14-17 and Subpart 14-17.1 and §§ 14-17.101 and 14-17.150 are added as follows:

Subpart 14-17.1—General

§ 14-17.101 Authority.

The Assistant Secretary—Policy, Budget and Administration must approve in advance any actions taken pursuant to FPR § 1-17.103. The Secretary must approve any provision for the Government to indemnify a Contractor beyond the amount of the contract for liability to third persons as provided under Executive Order 10789, as amended. Approval of such an indemnification provision must be obtained prior to issuance of the solicitation.

§ 14-17.150 Policy.

It is the policy of the Department of the Interior to include the indemnification provision set forth in FPR § 1-7.204-5 only in contracts which facilitate the national defense and are for products-or services which entail risks that are unusually hazardous or nuclear in nature. For all other contracts requiring insurance, the clause set forth under FPR § 1-7.204-5 must be modified as prescribed in IPR § 14-7.204-5.

PART 14-18—PROCUREMENT OF CONSTRUCTION

Subpart 14-18.6—Buy American Act

Section 14-18.604 is revised to read as follows:

§ 14-18.604 Invitation provision.

The provision set forth under FPR § 1-18.604 shall be used in all solicitations for affected construction work (except for contracts executed on Standard Form 19) with the following modifications:

(a) At the end of paragraph (a) of the provision, list the excepted articles, materials, and supplies set forth under IPR § 14-6.105.

(b) At the end of paragraph (b)(2)(i) of the provision, add the following:

ADDITIONAL NONDOMESTIC CONSTRUCTION MATERIALS COST COMPARISON

Identification of material	Quantity	Cost (dollars) [1]
Item 1:		
Nondomestic materials		
Comparable domestic material		
Item 2:		
Nondomestic material		
Comparable domestic material		
Totals		

[1] Delivered to construction site.

(c) Add the following statement to the end of paragraph (b)(3): "However, unless the bidder/offeror specifically states that alternate bid or proposal prices are being submitted for specific items of the bid schedule (based on prices listed for comparable domestic materials), the bid or proposal will be evaluated only on the basis of nondomestic construction materials."

PART 14-19—TRANSPORTATION

Subpart 14-19.1—General

Section 14-19.108-50 is amended by revising paragraph (a), removing its paragraph designation, and removing paragraphs (b) and (c) to read as follows:

§ 14-19.108 Ocean transportation.

§ 14-19.108-50 Contractor compliance.

Concurrent with the award of any contract involving shipment by ocean vessel from or to a foreign country, the contracting officer shall formally notify the contractor of the specific requirements of the "Use of U.S. Flag Commercial Vessels" clause set forth under FPR § 1-19.108-2. The notification shall include a statement that failure to comply with the provisions of this clause may result in a determination of nonresponsibility on future Government procurement requirements.

PART 14-26—CONTRACT MODIFICATIONS

Subpart 14-26.4—Novation and Change of Name Agreements

Section 14-26.402 is amended by removing its paragraph designation and revising the introductory paragraph to read as follows:

§ 14-26.402 Agreement to recognize a successor in interest.

For protection of Government rights in accrual of inventions, patents and data, the novation agreement form set forth under FPR § 1-26.402(e) shall be amended by adding the following item 10 to the "Now THEREFORE" section of the agreement:

* * * * *

PART 14-30—CONTRACT FINANCING

Subpart 14-30.4—Advance Payments

Sections 14-30.414 and 14-30.414-2 (a) and (b) are revised to read as follows:

§ 14-30.414 Agreement for special bank account and contract provisions.

§ 14-30.414-2 Contract provisions for advance payments.

(a) For contracts and modifications where a special bank account agreement is not required for advance payments (see FPR § 1-30.413), the contract provision under FPR § 1-30.414-2 shall be used as modified by (c) below.

(b) For contracts and modifications using the letter of credit method of financing (see FPR § 1-30.408-1), the contract provision under FPR § 1-30.414-2 shall be used as modified by (c) below.

* * * * *

PART 14-63—AUDIT

Subpart 14-63.1—Audit of Contractor's Records

1. The Table of Contents for Part 14-63 is amended by changing the caption for § 14-63.104 and removing §§ 14-63.104-1, 14-63.104-2, and 14-63.104-3 to read as follows:

Subpart 14-63.1—Audit of Contractor's Records

Sec.
* * * * *
14-63.104 Clause.
14-63.104-1 [Removed]
14-63.104-2 [Removed]
14-63.104-3 [Removed]
* * * * *

2. Section 14–63.101 is revised to read as follows:

§ 14–63.101 Audit responsibility

The Office of Inspector General conducts or arranges for audits (i.e., examinations) of contractor's records to the extent that such audits are required or allowed by law, regulation or sound business judgement. Such audits include the conduct of periodic or requested audits of contractors as determined necessary or advisable by the Inspector General and may be influenced by such factors as the financial condition, intergrity, and reliability of the contractor; prior audit experience; adequacy of the accounting system; and the amount of unaudited claims. The audits may also include reviews of cost or price data for contractor's proposal for negotiated contracts (see FPR § 1–3.809).

3. Section 14–63.103 is revised to read as follows:

§ 14–63.103 Requirements.

(a) A preaward audit of proposals shall be made as required by FPR § 1–3.809.

(1) The preaward audit shall not be waived without proper written justification (See FPR § 1–3.809(b)(1)(i)).

(2) Requests for preaward audit along with pertinent documents shall be submitted to the Office of Inspector General. Except under unusual circumstances, at least 30 days should be allowed for the review and evaluation of contractor's proposals.

(b) All awards of noncompetitive contacts which exceed $25,000 shall include the "Examination of Records" clause set forth in IPR § 14–63.104.

(c) In some contracts it may be appropriate to emphasize the scope or extent of an audit, such as (1) the use or dispostion of Government-furnished property or (2) variable or other special features of a contract (e.g., price escalation and compliance with the price warranty or price reduction clauses). In such cases, the contract clause in IPR § 14–63.104 may be appropriately modified with the written concurrence of the Office of Inspector General.

(d) Use of the clause set forth in IPR § 14–63.104 (whether or not modified) does not negate the required use of the "Examination of Records" clause prescribed in FPR § 1–3.814–2(c) or the "Audit" clause prescribed in FPR § 1–3.814–2(a).

4. Section 14–63.104 is revised to read as follows:

§ 14–63.104 Clause.

Insert the following clause under the conditions prescribed in IPR § 14–63.103(b):

Examination of Records

Any Contractor receiving Federal funds agrees that the Secretary of the Interior, the Inspector General, or any of their duly authorized representatives shall, until the expiration of three years after final payment under this contract or the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to, and the right to examine, any books, documents, papers and records of the Contractor involving transactions related to this contract or compliance with any clauses thereunder. The Contractor further agrees to include this provision in all contractual agreements with subcontractors.

[End of Clause]

§§ 14–63.104–1, 14–63.104–2 and 14–63.104–3 [Removed]

5. Sections 14–63.104–1, 14–63.104–2 and 14–63.104–3 are removed.

[FR Doc. 81–38053 Filed 12–16–81; 8:45 am]
BILLING CODE 4310–10–M

Bureau of Land Management

43 CFR Public Land Order 6098

Modification of Public Land Order Nos. 5173, 5180, and 5184; Classification and Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order modifies several public land orders to permit, if the lands described are otherwise available, the filing of settlement claims for purposes of trade and manufacturing sites, headquarters sites, or homesites on certain specified lands; operation of the mineral leasing laws on certain specified lands; and the opening of other lands to operation of the general mining laws. These lands are currently unsurveyed.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: Beaumont C. McClure, Washington, D.C., (202) 343–6511, or Julienne Gibbons, Alaska State Office, (907) 271–5069, for settlement claims, or Valliere Cacy, Alaska State Office, (907) 271–5060, for minerals.

By virtue of the authority vested in the Secretary of the Interior (hereinafter, Secretary) by subsection 204(a) of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1714(a), and by subsection 17(d)(1) of the Alaska Native Claims Settlement Act (hereinafter, ANCSA) of December 18, 1971, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Public Land Order Nos. 5173, dated March 9, 1972; 5180, dated March 9, 1972; and 5184, dated March 9, 1972, all as amended, modified, or corrected, which withdrew the lands described herein, among others, pursuant to the authority vested in the President and delegated to the Secretary in Executive Order No. 10355 of May 26, 1952, 17 FR 4831, and the authority vested in the Secretary pursuant to subsection 17(d)(1) of the ANCSA, are hereby modified and amended to permit appropriation of lands under the public land laws, if otherwise available, to the following extent:

a. Subject to valid existing rights, the following described lands will be opened to settlement for trade and manufacturing sites, headquarters sites, and homesites, 43 U.S.C. 687a, as specified herein:

(1) The following described lands will be opened to the foregoing types of settlement at 10:00 a.m., Alaska Standard Time, on February 19, 1982:

Fairbanks Meridian

T. 9 S., R. 20 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 21 to 23, inclusive;
Secs. 26 and 27;
Secs. 34 to 36, inclusive.

The area described contains approximately 10,880 acres.

(2) The following described lands will be opened to the foregoing types of settlement on December 31, 1982:

Fairbanks Meridian

T. 7 S., R. 20 W.,
Secs. 12 and 13;
Secs. 23 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 8 S., R. 20 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 12, inclusive.

The areas described aggregate approximately 9,600 acres.

(3) The following described lands will be opened to the foregoing types of settlement on December 31, 1983:

Fairbanks Meridian

T. 8 S., R. 20 W.,
Secs. 13 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 32 to 36, inclusive.

The area described contains approximately 9,600 acres.

b. Subject to valid existing rights, the following described lands will be opened to operation of the mineral leasing laws, including, but not limited to, the Mineral Leasing Act of February

25, 1920, as amended and supplemented, 30 U.S.C. 181 et seq., at 10:00 a.m., Alaska Standard Time, on February 19, 1982:

Kateel River Meridian

Tps. 18 S., Rs. 23, 24, and 25 E.
Tps. 19 S., Rs. 24, 25, and 28 E.
Tps. 20, 21, and 22 S., R. 22 E.

Fairbanks Meridian

Tps. 7 S., Rs. 21, 22, and 23 W.

The areas described aggregate approximately 276,480 acres.

c. Subject to valid existing rights, the following described lands will be opened to operation of the general mining laws at 10:00 a.m., Alaska Standard Time, on February 19, 1982:

Kateel River Meridian

T. 17 S., R. 22 E.,
Secs. 34 to 36, inclusive.
T. 17 S., R. 23 E.,
Sec. 13;
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 17 S., R. 24 E.,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
Tps. 17 S., Rs. 25 to 29 E., inclusive.
T. 17 S., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 18 S., R. 22 E., that portion lying outside the Nowitna National Wildlife Refuge.
Tps. 18 S., Rs. 23, 24, 25, and 28 E.
T. 18 S., R. 29 E.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
Tps. 19 S., Rs. 22, 23, 24, 25, 26, and 28 E.
Tps. 20 S., Rs. 22 and 25 E.
T. 20 S., R. 26 E.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 20 S., R. 27 E.,
Secs. 1 to 18, inclusive.
T. 21 S., R. 22 E.
T. 21 S., R. 24 E.,
Secs. 1 to 19, inclusive;
Secs. 21 to 32, inclusive;
Secs. 34 to 36, inclusive.
T. 22 S., R. 22 E.

Fairbanks Meridian

T. 6 S., R. 20 W.,
Secs. 19 to 36, inclusive.
T. 6 S., R. 21 W.,
Secs. 19 to 36, inclusive.
T. 6 S., R. 22 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 36, inclusive.
T. 6 S., R. 23 W.
Tps. 7 S., Rs. 20, 21, 22, 23, and 24 W.
Tps. 8 S., Rs. 20, 21, 22, 23, 24, and 25 W.
Tps. 9 S., Rs. 20, 25, and 26 W.
T. 10 S., R. 20 W., those portions of the following sections lying outside the Denali National Park and Preserve,
Secs. 1 to 12, inclusive.
T. 10 S., R. 22 W., those portions of the following sections lying outside the Denali National Park and Preserve,
Secs. 1 to 11, inclusive;
Secs. 15 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 23 W., those portions lying outside the Denali National Park and Preserve.
Tps. 10 S., Rs. 24, 25, 26, and 27 W.
T. 10 S., R. 28 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

The areas described aggregate approximately 950,000 acres.

2. Pursuant to the authority vested in the Secretary by subsection 17(d)(1) of the ANCSA, subject to valid existing rights and subject to the limitations set forth in paragraph 3 of this order, the lands listed in paragraph 1 of this order, and which are otherwise available, are hereby classified as suitable for appropriation under the public land laws as specified therein and are hereby opened to such appropriation on the dates specified therein. The opening time and date set forth in subparagraphs 1(a)(1), 1(b), and 1(c) of this order reflect the expiration of the 90-day preference right of selection for those lands afforded the State of Alaska as required by subsection 6(g) of the Alaska Statehood Act, 48 U.S.C. Ch. 2, Sec. 6(g), as set forth in Public Land Order No. 6092, dated November 16, 1981, 46 FR 57048–57049. The lands opened to appropriation by this order continue to be subject to the authority of the Secretary to make contracts, and to grant leases, permits, rights-of-way, or easements.

3. The purpose of this public land order is to make certain lands available for settlement under the Trade and Manufacturing Site, the Headquarters Site, and the Homesite laws (subparagraphs 1(a)(1), 1(a)(2), and 1(a)(3)), to operation of the mineral leasing laws (subparagraph 1(b)), and to operation of the general mining laws (subparagraph 1(c)). No lands are opened by this order which (1) lie within the Nowitna National Wildlife Refuge, or (2) lie within the Denali National Park and Preserve, or (3) are the subject of prior withdrawals or appropriation still in effect.

4. All oil and gas offers to lease filed for lands described in subparagraph 1(b) of this order must either be filed in person in the Alaska State Office at 701 C Street, Anchorage, Alaska, or mailed to the Alaska State Office, Post Office Box 70, Anchorage, Alaska 99513. Notwithstanding the provisions of 43 CFR 3112.1–1, all lands listed in subparagraph 1(b) of this order will be subject to the filing of regular offers under 43 CFR Subpart 3111, and to the provisions of 43 CFR 1821.2–3(a). Any offers to lease received during the 15-day period, from 10:00 a.m., Alaska Standard Time, February 19, 1982, to 4:15 p.m., March 5, 1982, will be considered as filed at the same time, 4:15 p.m., Alaska Standard Time on Friday, March 5, 1982. Noncompetitive offers to lease which are filed after that time and date will be processed and governed by the specific time and date they are received.

The filing fee and advance rental required for any filings pursuant to the mineral leasing laws must be remitted at the time of filing in accordance with regulations found in Title 43 CFR Subchapter C which are in effect on March 5, 1982.

The Secretary is currently considering changing the amount of filing fees. The general public is hereby notified that the amount of filing fees required to be remitted may change subsequent to the issuance of this order and prior to March 5, 1982. The announcement of any such change will be published in the **Federal Register**, a copy of which will be posted in the Public Room, Alaska State Office, 701 C Street, Anchorage, Alaska.

Garrey E. Carruthers,

Assistant Secretary for Land and Water Resources.

December 14, 1981.

[FR Doc. 81-36089 Filed 12-16-81; 8:45 am]
BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80-14; Notice 3]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule deletes Table I from Appendix A of Federal Motor Vehicle Safety Standard 109. That table required that, before introducing and selling a new tire size, a manufacturer had to submit load and dimensional information to this agency and await the inclusion of the tire size in Table I. The agency has determined that this procedure was an unnecessary burden on the tire manufacturers for several reasons. First, submission to the agency of the load and dimensional data, which is needed for conducting compliance tests, was unnecessary since the data

could be obtained simply from a tire standardization organization. Second, the agency did not attempt to validate independently the submitted data. Instead, NHTSA simply checked the submitted data against that published for the tire size in one of the standardization organization yearbooks. Under the new procedure published today, a manufacturer may introduce new tire sizes as soon as the load and dimensional information for the new size has been either submitted to this agency and to that manufacturer's dealers or published as a part of one of the standardization organization's yearbooks.

DATE: Effective date: This amendment becomes effective June 15, 1982.

Petitions for reconsideration may be submitted on or before January 18, 1982.

ADDRESS: Submit petitions for reconsideration to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Arturo Casanova, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202–426–1714).

SUPPLEMENTARY INFORMATION: Standard No. 109, *New Pneumatic Tires—Passenger Cars*, 49 CFR 571.109, specifies the requirements for all tires manufactured for use on passenger cars manufactured after 1948. This standard, which was issued under the National Traffic and Motor Vehicle Safety Act (Safety Act), requires that the tires meet specified strength, resistance to bead unseating, endurance, and high speed requirements, and be labeled with certain safety information. Closely related to this standard is Standard 110, *Tire Selection and Rims—Passenger Cars*, 49 CFR 571.110, which requires that each passenger car be equipped with tires that comply with Standard 109, that tires on all cars be capable of carrying the load of that vehicle, that the rims on the car be appropriate for use with the tires, and that certain data about the car and tires appear on a placard in the passenger car.

For purposes of testing tires and vehicles to determine their compliance with these standards, several variable factors such as the tire's inflation pressure, the load on the tire, and the rim on which the tire is mounted, must be specified. Under the procedures previously followed, when a tire manufacturer intended to introduce a new tire size, it had to submit these variable factors to the agency for inclusion via a rulemaking proceeding in Table I of Appendix A of Standard 109. Until these factors were published in Table I, the new tire size could not be imported into or sold in this country.

Michelin Tire Corporation (Michelin) filed a petition with the National Highway Traffic Safety Administration (NHTSA) requesting that the agency eliminate Table I from Standard 109. Michelin argued that Standard 119, which applies to all motor vehicle tires other than those for passenger cars, has been successfully implemented without any tire tables, and that the provision of Standard 109 requiring tire sizes to appear in Table I needlessly delays the introduction of innovative tire technology.

During its consideration of this petition, NHTSA reexamined its role and that of the various tire standardization organizations in connection with the approval of new tire sizes. These standardization organizations are voluntary associations composed of representatives of each of the member tire companies. The purpose of these standardization organizations is to establish and promulgate engineering standards for tires, rims, and their allied parts. Generally, when a tire manufacturer wanted to introduce a new tire size, it first presented the load and dimensional data on the new size to a standardization organization. The standardization organization checked the data against that derived from its established formulae for computing these data, and if they were accurate, published the data as part of its yearbook. Concurrently, the tire manufacturers associations or individual tire company submitted a petition with the appropriate data to NHTSA, requesting the inclusion of the new size in Table I. This agency then duplicated the work of the standardization organizations, checking to see that the load carrying data were calculated according to the proper formula. If they were, the agency included the tire size in the next routine amendment to Table I. No independent testing of the load carrying capabilities of new tire sizes was ever undertaken by the agency before adding those tires to the table.

NHTSA also considered the effect that deleting Table I would have on the substantive requirements of Standard 109 and on the introduction of new tires. There would be no change in the substantive requirements. Any tire to be sold in the United States would still be required to pass all the performance requirements set forth in the standard. However, there would be a change in the ease with which new tires could be introduced. There would no longer be any situations where a tire which fully complied with all of the requirements of Standard 109 would have its introduction delayed because of the necessity of first listing that size in the Standard. With the elimination of the tire table, manufacturers would be able to sell tires in the United States as soon as the manufacturer certified that those tires comply with all of the substantive requirements of Standard 109. Thus, Michelin's petition presented the agency with an opportunity to facilitate the introduction of new technology without relaxing any safety requirements.

The petition also presented the agency with an opportunity to explore the possibility of relying on private standards groups as an alternative to mandatory regulation by a Federal agency. This situation seemed like a particularly excellent opportunity to pursue that alternative since NHTSA was already relying on those organizations' determinations of the validity of their calculations.

Accordingly, because deletion of Table I would enable the agency to remove a requirement that imposed time-consuming administrative burdens and delayed the introduction of new tire technology without providing commensurate safety benefits, the agency decided to issue a proposal deleting that table. The notice of proposed rulemaking (NPRM) was published at 45 FR 57466 on August 28, 1980.

The agency received 11 comments on the NPRM. Comments supporting the proposal to eliminate Table I were submitted by Chrysler, Ford, Michelin, Volkswagen of America, and JATMA (the Japanese standardization organization). Comments opposing the proposal were submitted by General Motors, the Rubber Manufacturers Association (RMA, the trade association representing U.S. tire manufacturers), and the Tire & Rim Association (T&RA, the American standardization organization).

Several commenters stated that, without the tire tables, the intermix controversy could have produced serious safety hazards for persons mounting tires. This controversy involved the only safety issue which has ever arisen in the 14 year history of Table I in connection with a petition to add new tire sizes to that Table. This issue was the possible "intermix" of English unit tires and rims with the more recently introduced metric unit tires designed for use on metric unit rims. Since the sizes of these tires and rims may be a close, but not exact match, it would be possible to mismatch an

English unit tire on a metric rim or vice versa. That mismatching could cause the bead of the tire to explode during inflation, or the tire to suddenly lose air while in use.

There were several other comments related to the mismatch controversy. One commenter, a member of the Illinois Vehicle Equipment Safety Commission, stated that before the tire tables could safely be deleted, some amendment would have to be made to Standard 109 to make it impossible to mount tires on rims not compatible with those tires. Similarly, other commenters stated that the agency assumed in the NPRM that the standardization organizations would undertake new duties which historically they have not undertaken, and which they may be unwilling to undertake.

The agency is not aware of explosions due to mismatch ever actually happening. However, the possibility of such explosions was raised as a possibility when NHTSA proposed to add new metric tire sizes to Table I in 1978 and again in 1980 and 1981. Some provision to eliminate the possibility of such intermix would eliminate any potential safety problems which might arise from "mismatches."

Half of this potential problem has already been removed by the routine incorporation of a "blow-by" feature in the new millimetric tires designed for use on millimetric rims. The "blow-by" feature consists of flutes or grooves in the bead area of the tire which prevent the tire from forming a seal with the rim and holding air when the tire is improperly mounted on an English-unit rim. The agency believes that the manufacturers are very unlikely to stop incorporating this feature on these tires because its use is so simple and inexpensive. Also discontinuance would expose the tire manufacturer to a product liability suit if the tire failed as a result of being intermixed. Accordingly, the agency believes it is reasonable to assume that the problem of intermix of English-unit rims with the millimetric tires will not be a problem in the future.

The agency recognizes that there is apparently no similarly simple design change currently used to prevent an intermix of an English-unit tire with the millimetric rims designed for use with millimetric tires. The agency is considering several options to deal with this situation. One option is the adoption of minimum and maximum well depths for these rims. These requirements prevent an English-unit tire from "buttonholing" on the millimetric rim. "Buttonholing" refers to the process of stretching the beads of a tire over the flange of the rim and derives its name from its similarity to the process of manipulating a button hole so that it fits over a button. T&RA already has a practice of adopting well depth requirements for these rims. Also, the European Tyre Rim and Technological Organisation (ETRTO) has recently established well depth requirements for some millimetric rims. If these requirements were adopted by all of the standardization organizations, they would effectively eliminate the possibility of any intermixing English-unit tires with these rims.

Another option would be for NHTSA to propose requiring that the rim size be labeled on passenger car rims. Such a requirement would parallel the existing requirement in Standard 120 that the rim size be labeled on rims other than passenger car rims. Compliance with that requirement has apparently been accomplished in a fairly simple and inexpensive manner. If the rim size were labeled on car rims, any person mounting a tire could compare the rim size with the tire size required to be labeled on the tire and thereby ensure that the tire and rim sizes were compatible.

Both of these options would effectively minimize the chances of a dangerous intermix actually occurring. In view of the substantial role already played by the standardization organizations in establishing tire load and dimensional specifications, the agency believes that it is appropriate to allow those organizations to solve the potential problem by adopting minimum and maximum well depth requirements for millimetric rims. If these organizations do not undertake to establish these requirements as a routine matter, the agency will examine further the desirability of proposing to require that the rim size be labeled on passenger car rims.

Some commenters stated that deletion of Table I would remove the only single source for determining proper loads and dimensions for all tires used in the United States. The loss of that single source was asserted to be significant, because the foreign standardizing bodies do not list all the information shown in the table. It was suggested that persons desiring to obtain that information would encounter greater difficulty in locating it.

NHTSA agrees that there will not be any single source for this information when Table I is abolished. However, NHTSA does not believe and the commenters do not allege that the loss of that single source would create any significant problems for current users of this table. The three possible users are: (1) a car manufacturer deciding on the most appropriate tires for use on a new or redesigned model; (2) a tire dealer replacing tires on a consumer's car; or (3) this agency when it is testing the tires for compliance with Standard 109. The sources of expertise and information available to car manufacturers and their experience in regularly purchasing large quantities of tires for their new cars make it possible for those manufacturers to maintain full knowledge of all possible tire sizes which could be used on their cars without having to resort to consulting Table I. The tire dealer has limited need for information about the wide variety of tires in Table I since most tire replacements are believed to involve simply using the same tire size already on the car. With respect to those instances in which a different tire size is used, the agency believes that it is most likely that the tire dealer simply consults the booklets published by the individual tire manufacturers or one of the yearbooks published by the standardization organizations to determine an appropriate tire size. It seems improbable that a tire dealer consults a copy of Title 49, Code of Federal Regulations before installing replacement tires on a consumer's car. In the case of this agency, NHTSA can obtain information from the appropriate yearbooks or from the individual tire manufacturers before testing the tires. The data from these sources, together with the information labeled on the sidewall of the tire, will provide all the information that this agency needs to test the tires. Thus, it does not appear that any of the parties which might potentially derive some benefit from the convenience of a single source of specifications for all tire sizes will have any difficulty obtaining the information they need without this single source.

The agency's belief that a single source is not indispensable is borne out by the experience with truck tires under Standard 119. Unlike Standard 109, Standard 119 does not contain a single listing of all tire sizes. Yet, in the eight years since Standard 119 became effective, there have not been any reported safety problems or difficulties that were attributed to any limitation on the availability of specifications for the various sizes. Truck manufacturers have not had any reported problems in deciding on appropriate tires nor have tire dealers had problems selecting appropriate replacement sizes. Further, there have not been any problems for the agency in determining the appropriate tire specifications for compliance testing purposes.

While not indicating why it believed that the absence of Table I might create problems for car manufacturers and tire dealers, one commenter argued that the experience with Standard 119 is not relevant as a guide for what would result under Standard 109 without tire tables because of the differences in marketing car and truck tires. The agency agrees that buyers of truck tires are generally far more knowledgeable about their purchase. It agrees also that there is not as great a variety of truck tire sizes as there is for car tire sizes. However, the significance of these differences is substantially diminished by the reliance of car tire purchasers on the knowledge of tire dealers about the specifications of the new car tires. Since tire dealers typically sell tires made by only a few tire manufacturers, the dealers need to know the capabilities of only those manufacturers' tires. They gain this knowledge from the information booklets distributed by the individual manufacturers and from the standardization organization yearbooks. Since deletion of Table I will have no affect on the continued availability of these sources, dealers will still be able to rely on them in the future.

A commenter argued that deletion of the tire table would allow a single manufacturer to introduce tires and rims incompatible with existing ones, giving rise to safety problems. Absent Table I, this commenter argued that there would be no opportunity for advance notice and scrutiny of these potential conflicts. NHTSA does not agree with this comment. The degree of care induced by the possibility of product liability suits and unfavorable publicity make it unlikely that a manufacturer would knowingly introduce tire and rim sizes which might actually cause safety problems. It is possible that, in spite of reasonable care on the part of the manufacturer, tire or rim sizing could inadvertently give rise to some other safety problems, such as those that theoretically might have occurred as a result of the potential for intermix. Since the only potential problem identified to date is intermix and that problem is likely to be foreclosed as suggested above, it is difficult to foresee what that other safety problem might be. However, if a specific new type of safety problem actually does arise, NHTSA can use its authority under the Safety Act to take appropriate action in response to that concrete situation.

Some commenters stated that the deletion of Table I would lead to proliferation of tire sizes. Commenters stated also that because the formula used by the foreign tire manufacturers to calculate the load-carrying capability of their tires differs from that used by the U.S. manufacturers, the deletion of Table I could result in a proliferation of load schedules for the same size tires. These commenters argued that this proliferation would make it possible for a consumer to buy a replacement tire with the proper size, but insufficient load-carrying capacity for his or her car.

The agency does not believe that deletion of Table I would lead to a proliferation of either tire sizes or load schedules or create a safety problem. The mere existence of the table does not exclude the possibility of multiple load schedules. In the case of several tire sizes, there are already varying load schedules listed for each of those tire sizes. (See, for instance, the values shown for the 225/70 R15 size in Tables I–T and I–JJ. The domestic version of this tire size is preceded by the letter "P", but the dimensions of the tires are identical.)

Like the problem of intermix, the proliferation of tire sizes and load schedules has occurred notwithstanding the existence of Table I. This is because Table I was never intended to serve as a barrier to any manufacturer either introducing any new tire size it wanted, provided that appropriate data for that tire size were listed in the table, or determining the load schedule appropriate for its tires. Table I was designed to be nothing more than it is, i.e., a simple listing of tire sizes. It is not a mechanism for regulating or controlling the number or variety of those sizes or load schedules. The appropriate mechanisms for considering any safety problems regarding tires are proceedings to determine whether new performance requirements should be established or whether a finding of safety-related defect should be made.

These variations in sizes and load schedules have occurred since the load schedules in Table I are freely drawn from the yearbooks of the standardization organizations and since these organizations permit different load schedules to be established for the same tire size. Since the table has had no influence on the incidence of load schedule proliferation, it is not reasonable to suppose that deletion of the table will have any influence on the extent of proliferation either.

NHTSA does not believe that the existence of different load schedules for the same tire size will create any safety problems. The agency has not received reports of any safety problems or of any incidents in which consumers have had tires with insufficient load-carrying capacity installed on on their cars. There are several other factors which underlie the agency's belief. An amendment adopted by this rule requires that the load rating for a tire be equal to or greater than a load rating published for that tire size in the yearbook of one of the standardization organizations. This phraseology differs slightly from that proposed in the NPRM. This nonsubstantive change was made in response to a request by JATMA that the provision be worded so that it would exactly parallel the language of Standard 119. This allows a manufacturer or standardization organization to specify that its tire can carry a greater load than has been published for that size, and be subjected to a more strenuous test by this agency.

More important, the agency believes that deletion of Table I will not reduce the incentive tire dealers have to make certain that the maximum load capability of the tires they sell to consumers is not less than that of the consumers' old tires. Notwithstanding the deletion of the table, the dealers will continue to exercise great care in order to avoid tort liability for selling tires with insufficient maximum load capability. The maximum load of each tire is required to be labeled on the tire by Standard 109. Thus, it does not matter what load schedules are published for that size. To ensure that the replacement tire is appropriate for the vehicle, the dealer can compare the load-carrying capability with the weight of the vehicle on each axle. That information is required to be labeled on the vehicle by Part 567.

The agency disagrees with the suggestion by some commenters that, absent the process of adding new tires sizes to Table I, there would not be any forum for addressing any international concerns about safety problems that might arise regarding new tire sizes. Under section 124 of the Safety Act, domestic and foreign parties could petition the agency to commence rulemaking or defect proceedings to address such problems. Rulemaking and defect proceedings are initiated in response to a petition when the agency finds that the petitioner sufficiently demonstrates the likely existence of a significant safety problem. If proceedings were commenced regarding any tire safety problems, those parties would also have the opportunity to participate in those proceedings.

Further, the membership of the standardization organizations is international. Since all of the tire companies are members of at least one of the tire standardization organizations, they are fully informed about the tire

sizes that the standardization organizations are considering be added to their yearbooks. For instance, Firestone, Goodyear, Uniroyal, Goodrich, and Mohawk are all members of the ETRTO and the STRO (the Scandanavian standardization organization), as well as the T&RA. Thus, there is ample opportunity for these companies to present their views on tire and rim sizing to these organizations, and have these groups address the merits of those views. In the same way, the foreign tire manufacturers are affiliated members of T&RA. They can present any objections they might have regarding tire and rim sizing to that organization. NHTSA believes that these organizations will give any objections a full consideration. If a tire manufacturer is dissatisfied with the response to its objections, it can submit an appropriate petition to NHTSA.

Chrysler, Ford, and General Motors all urged that if the standard were to be revised by deleting Table I, the procedures for conducting the high speed performance test should be revised so that they do not require testing a tire at only 85 percent of its maximum load as proposed in the NPRM. These commenters explained that the 85 percent figure would require them to use larger tires on some of their models even though there isn't any evidence that the tire sizes currently being used by the vehicle manufacturers are causing any safety problems.

In proposing use of the 85 percent figure, NHTSA was unaware of this possibility. It did not intend that deleting Table I would have the indirect effect of necessitating the use of larger tires by the vehicle manufacturers.

The car manufacturers suggested two possible revisions in the high speed test requirement that would avoid having to increase the size of any tires. General Motors suggested that NHTSA use the same reference to the intermediate load formerly shown in Standard 109, but that instead of referring to the intermediate load column in Table I, refer to the intermediate load column in the yearbooks of the various standardization organizations. NHTSA notes that there would be a problem with this suggestion. Only the American standardization organization publishes the intermediate loads which would be needed for the high speed test. Thus, if the agency adopted this approach, all foreign standardization organizations would be forced to publish intermediate loads. This step is unnecessary since the agency has accepted an alternative suggestion by other commenters.

Chrysler and Ford both suggested that the load on the tires during the high speed test be increased from the proposed 85 percent of the load at the maximum permissible inflation pressure to 88 percent of that load. This change, according to both companies, would eliminate any need for using larger tires. The agency agrees. Accordingly, this suggestion is adopted in this final rule.

Two commenters urged that the dimensional requirements be deleted from Standard 109. JATMA argued that these requirements are unnecessary because manufacturers will, as part of their quality control program, produce tires whose dimensions conform with those on the tires' labels. JATMA stated that there have not been any safety problems with improperly-sized truck tires even though Standard 119 has no dimensional requirements. It stated also that there have not been any problems with improperly-sized rims even though neither Standard 110 nor Standard 120 have any dimensional requirements. NHTSA believes that these arguments are accurate, but is unable to adopt the commenters' suggestions in this final rule. A substantive change to a standard cannot be adopted without giving the public an opportunity to comment on the proposed change. Since the NPRM did not indicate that the agency was considering such a step, it cannot be adopted in this final rule. The agency will consider initiating rulemaking to eliminate these requirements from Standard 109 in the future based on the reasons given by JATMA.

Michelin also argued that the dimensional requirements should be deleted because the language in the NPRM referring to these requirements would have effectively prohibited an individual manufacturer from introducing new tire sizes without the approval of some standardization organization. Standard 109 currently allows tire manufacturers desiring to introduce a new tire size either to use the data listed in one of the standardization organization yearbooks for the tire size or to develop their own data for the tire and submit it to NHTSA without first coordinating with any standardization organization. Regardless of their source, these data were submitted to NHTSA for inclusion in Table I. When the tire size and its data were included, the tires of that size were tested in accordance with the included data.

The NPRM proposed two changes in the current procedure. First, the agency proposed to eliminate Table I so that data for new tire sizes would not have to be included in that table prior to the importation or sale of new tires of those sizes. Second, the agency proposed that all new tire sizes would have to be accepted by some standardization organization prior to importation or sale.

Michelin objected to the second proposal. The agency agrees that its goal of facilitating the introduction of new tire technology would be best served if the standardization organizations were not indirectly given ultimate authority over the tire manufacturers in the area of tire sizing. Accordingly, the agency has not adopted that second proposal. Instead, the agency has specified in the amendments made by this notice that, as under the current standard, tire manufacturers may either use the dimensional data published by one of the standardization organizations or furnish the data directly to NHTSA, each of its dealers, and, if requested, to members of the public.

As another reason for retaining Table I, several commenters observed that the NPRM would have required the size factor of tires to be at least as large as that published by one of the standardization organizations even though the foreign standardization organizations do not publish the size factor dimension. This observation is correct, but in a technical sense only. While the yearbooks do not contain the size factor, they do contain equivalent information. Every yearbook specifies a tire's overall diameter and section width. Added together, these dimensions equal the size factor.

The deletion of Table I from Standard 109 becomes effective June 15, 1982. The 180-day period will give the tire manufacturers and the various standardization organizations an opportunity to examine the yearbooks to ensure that all of the sizes currently listed in Table I of Standard 109 are shown in one of the yearbooks.

JATMA requested that the agency state in this preamble that tire sizes which are currently listed in Table I may be produced after the table is deleted. That organization did not explain what problem, if any, prompted this comment. Most tire sizes in Table I are already in at least one of the yearbooks of the standardization organizations. It is only the very old or very new tire sizes that might not be in one of the yearbooks. Addition of the data for those sizes to a yearbook should be a fairly simple process since the data for those sizes already exist in Table I. The leadtime of 180 days provided by this notice should provide ample time for the manufacturers and standardization organizations to add that data. JATMA and the other standardization

organizations should check the tire sizes to be listed in their 1982 yearbooks to be sure that all of the sizes that their members plan to sell in the United States are among those listed sizes.

NHTSA has analyzed the impacts of this action and determined that this action is not "major" within the meaning of Executive Order 12291 or "significant" within the meaning of the Department of Transportation regulatory policies and procedures. The principal impacts of adopting this rule will be to reduce unnecessary paperwork burdens for the manufacturers and to facilitate the introduction of new technology in tires. As a result, there will be some cost savings for the manufacturers. Also, both innovative tire manufacturers and consumers will benefit from the earlier introduction of new tire technology. A regulatory evaluation regarding these impacts has been prepared and placed in the docket for this action. Copies of the evaluation may be obtained by writing the Docket Section or calling it at (202) 426–2768.

The agency has considered the environmental implications of this rule in accordance with the Environmental Policy Act of 1969 and determined that this rule will not significantly affect the human environment.

The Regulatory Flexibility Act is not applicable to this rule since that Act applies only to rulemaking proceedings in which the NPRM was issued on or after January 1, 1981. The NPRM in this rulemaking action was issued in August 1980. If that Act were applicable, NHTSA would have determined that this rule will not "have a significant economic impact on a substantial number of small entities" and that a Regulatory Flexibility Analysis was therefore not required. The reduced costs resulting from this rule does not have a significant effect on the tire manufacturers. Further, the agency believes that few of the tire manufacturers would qualify as small businesses. Any tire manufacturers that do qualify as small businesses will enjoy the same reduction of paperwork and opportunity to avoid delays in the introduction of new tire sizes as the larger manufacturers. Small governmental units and small organizations are generally affected by amendments to the Federal Motor Vehicle Safety Standards as purchasers of new motor vehicle and new motor vehicle equipment. Since this rule will not significantly affect the price of tires, small governmental units and small organizations will not be affected.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

§ 571.109 [Amended]

Section 571.109, *Standard No. 109; New pneumatic tires,* is amended as follows:

1. Section S4.2.1(c) is revised as follows:

* * * * *

S4.2 *Performance Requirements.*

S4.2.1 *General.* Each tire shall conform to each of the following:

* * * * *

(c) Its load rating shall be that specified in one of the publications described in S4.4.1(b) for its size designation, type, and each appropriate inflation pressure. If the maximum load rating for a particular tire size is shown in more than one of the publications described in S4.4.1(b), each tire of that size designation shall have a maximum load rating that is not less than the published maximum load rating, or if there are differing published ratings for the same tire size designation, not less than the lowest published maximum load.

* * * * *

2. In section S4.2.2.2 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

S4.2.2 *Test Requirements.*

S4.2.2.2 *Physical Dimensions.* Each tire, when measured in accordance with S5.1, shall conform to each of the following:

(a) Its actual section width and overall width shall not exceed the section width specified in a submission made by an individual manufacturer, pursuant to S4.4.1(a) or in one of the publications described in S4.4.1(b) for its size designation and type by more than:

* * * * *

(b) Its size factor shall be at least as large as that specified in a submission made by an individual manufacturer, pursuant to S4.4.1(a), or in one of the publications described in S4.4.1(b) for its size designation and type.

3. In section S4.2.2.3.1, the introductory text and paragraph (c) are revised to read as follows:

S4.2.2.3 *Tubeless tire resistance to bead unseating.*

S4.2.2.3.1 When a tubeless tire that has a maximum inflation pressure other than 60 psi is tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall be not less than:

* * * * *

(c) 2,500 pounds for tires with a designated section width of eight (8) inches or more, using the section width specified in a submission made by an individual manufacturer, pursuant to S4.4.1(a), or in one of the publications described in S4.4.1(b) for the applicable tire size designation and type.

4. In section S4.2.2.3.2, the introductory text and paragraph (c) are amended to read as follows:

S4.2.2.3.2 When a tire that has a maximum inflation pressure of 60 psi is tested in accordance with S5.2, the applied force required to unseat the bead at the point of contact shall be not less than:

* * * * *

(c) 2,500 pounds for tires with a maximum load rating of 1,400 pounds or more, using the maximum load ratings specified in a submission made by an individual manufacturer, pursuant to S4.4.1(a), or in one of the publications described in S4.4.1(b) for the applicable tire size designation and type.

5. Section S4.2.2.4 is revised to read as follows:

S4.2.2.4 *Tire Strength.* Each tire shall meet the requirements for minimum breaking energy specified in Table 1 when tested in accordance with S5.3.

6. Section S4.4.1(a) is revised to read as follows:

S4.4 *Tire and rim matching information.*

S4.4.1 * * *

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590; or

* * * * *

7. Section S5.1(a) is revised to read as follows:

S5 *Test Procedures.*

S5.1 *Physical Dimensions.* * * *

(a) Mount the tire on a test rim having the test rim width specified in a submission made by an individual manufacturer, pursuant to S4.4.1(a), or in one of the publications described in S4.4.1(b) for that tire size designation and inflate it to the applicable pressure specified in Table II.

* * * * *

8. Section S5.2.1.2 is revised to read as follows:

S5.2.1 *Preparation of tire-wheel assembly.*

* * * * *

S5.2.1.2 Inflate it to the applicable pressure specified in Table II at ambient room temperature.

* * * * *

9. Section S5.3.1.1 is revised to read as follows:

S5.3 *Tire Strength.*

S5.3.1 *Preparation of tire.*

S5.3.1.1 Mount the tire on a test rim and inflate it to the applicable pressure specified in Table II.

* * * * *

10. Section S5.4.1.1 is revised to read as follows:

S5.4 *Tire endurance.*

S5.4.1 *Preparation of tire.*

S5.4.1.1 Mount a new tire on a test rim and inflate it to the applicable pressure specified in Table II.

* * * * *

11. Section S5.4.2.3 is revised to read as follows:

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without pressure adjustment or other interruptions:

The loads for the following periods are the specified percentage of the maximum load rating marked on the tire sidewall:

	Percent
4 hours	85
6 hours	[illegible]
24 hours	100

12. Sections S5.5.1 and S5.5.3 are revised to read as follows:

S5.5 *High speed performance.*

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with a load of 88 percent of the tire's maximum load rating as marked on the tire sidewall.

* * * * *

S5.5.3 Allow to cool to 100±5° F and readjust the inflation pressure to the applicable pressure specified in Table II.

* * * * *

13. Section S6 is revised to read as follows:

S6. *Nonconforming tires.* No tire that is designed for use on passenger cars and manufactured on or after October 1, 1972, but does not conform to all the requirements of this standard, shall be sold, offered for sale, introduced or delivered for introduction into interstate commerce, or imported into the United States, for any purpose.

14. Appendix A to § 571.109 is amended by removing Table I and redesignating Tables II and III as Tables I and II, respectively.

§ 571.110 [Amended]

Section 571.110, *Standard No. 110: Tire Selection and Rims*, is amended as follows:

15. Section S4.2.1 is revised to read as follows:

* * * * *

S4.2 *Tire load limits.*

S4.2.1 The vehicle maximum load on the tire shall not be greater than the applicable maximum load rating specified in one of the publications described in S4.4.1(b) of Motor Vehicle Safety Standard No. 109 for the tire's size designation and type.

TABLE I.—OCCUPANT LOADING AND DISTRIBUTION FOR VEHICLE NORMAL LOAD FOR VARIOUS DESIGNATED SEATING CAPACITIES

Designated seating capacity, number of occupants	Vehicle normal load, number of occupants	Occupant distribution in a normally loaded vehicle
2 through 4	2	2 in front.
5 through 10	3	2 in front, 1 in second seat

* * * * *

16. In Section S4.3.1, paragraph (c) is revised to read as follows:

S4.3.1 * * *

(c) The tire rating specified in one of the publications described in S4.4.1(b) of Motor Vehicle Safety Standard No. 109 for the tire size at that inflation pressure is not less than the vehicle load on the tire for that vehicle loading condition.

The program official and attorney principally responsible for the development of this final rule are Arturo Casanova and Stephen Kratzke, respectively.

(Secs. 102, 119, and 202, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407 and 1442); delegation of authority at 49 CFR 1.50)

Issued on December 8, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81–35727 Filed 12–16–81; 8:45 am]

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Proposed Rules

Federal Register
Vol. 46, No. 242
Thursday, December 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1135

[Docket No. AO-380-A1]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides certain changes in the Southwestern Idaho-Eastern Oregon order based on industry proposals considered at a public hearing held July 15, 1981. The changes would modify the basis for pooling a distributing plant and would permit more milk when not needed for fluid (bottling) use to move directly from farms to nonpool manufacturing plants and still be priced under the order. The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the area. Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued June 22, 1981, published June 25, 1981 (46 FR 32873).

Order Suspending certain provisions: Issued August 28, 1981; published September 3, 1981 (46 FR 44147).

Recommended Decision: Issued October 27, 1981; published November 2, 1981 (46 FR 54374).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Boise, Idaho on July 15, 1981, pursuant to notice thereof issued June 22, 1981 (56 FR 32873).

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Program Operations, on October 27, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses. Also, at the hearing, the presiding Administrative Law Judge, in his opening remarks, called particular attention to all prospective hearing participants to that portion of the hearing notice related to the Regulatory Flexibility Act. However, no participants at the hearing testified about any potentially adverse impacts of the proposals on small businesses.

Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that the amendments adopted herein, which are based on the hearing record, would not have a significant economic impact on a substantial number of small entities. The amendments will lessen the regulatory impact of the order on certain milk handlers and will tend to ensure that Grade A dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under issue 1 "Pool plant qualification standards for a distributing plant," paragraph 14 is revised.

2. Under issue 2 "Diversion of producer milk," paragraph 15 is revised.

The material issues on the record relate to:

1. Pool plant qualification standards for a distributing plant.

2. Diversion of producer milk.

3. Need for emergency action.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualification standards for a distributing plant.* The provisions of the order that relate to the basis for pooling a distributing plant should be revised.

Presently, the order provides that a distributing plant shall qualify as a pool plant if during the month it disposes of as Class I milk at least 40 percent of its total Grade A receipts on routes and at least 10 percent of such receipts on routes in the marketing area. If a handler operates more than one distributing plant, each plant must qualify separately as a pool plant.

The order should be changed to permit a handler who operates two or more distributing plants to consider them as a unit for purposes of meeting the 40 percent total route disposition requirement. However, the order should continue to require that the in-area distribution requirement be met by each plant separately.

Dairymen's Creamery Association (DCA) and Mountain Empire Dairymen's Association (MEDA), who represent more than 90 percent of the market's producers, proposed that the order provide for unit pooling for distributing plants, if so requested by the operator of the plants. Under their proposal, the receipts and disposition of each plant in a unit would be combined and treated as a single plant for the purpose of determining whether the unit meets the total route disposition requirement for a pool distributing plant.

DCA is a 50 percent owner of Associated Dairies, Inc., which operates two distributing plants in the market at Boise and Twin Falls, Idaho. This is the only multi-distributing plant operation in the market. In conjunction with its fluid operation at Twin Falls, the handler

maintains a substantial Class II operation at the plant. The principal by-products made at this plant include cottage cheese, ice cream mix and various cream products. Most of these products are transferred to the Boise plant for distribution. The Boise plant processes essentially Class I products.

Proponents stated that the adoption of their proposal would eliminate the need for the two proponent cooperatives, in pooling their member-producers' milk, to make uneconomic and costly movements of milk from the Twin Falls plant to the Boise plant merely to qualify the former plant as a pool plant. In this connection, proponents' spokesman stated that at the hearing held to consider a new order for the area, it was anticipated that each plant would qualify separately as a pool plant and thus provide the means of pooling on an efficient basis the DCA and MEDA member milk available for the market. He pointed out that since the close of the promulgation hearing in February 1980 there have been changes in marketing conditions that necessitate the proposed modification in the order's distributing plant performance requirements.

The changed conditions referred to by proponents' witness include a change in the operations of Associated Dairies' plants. He pointed out that in 1980 the handler transferred its ice cream mix production from a Boise plant to the Twin Falls plant. He testified that as a result of this change, the Twin Falls plant did not qualify as a pool distributing plant in June 1981 when the new order first became partially effective since the plant's total route disposition was only 37 percent of total receipts. The witness stated that by combining the receipts and distribution of the Boise plant with the Twin Falls plant the total route disposition percentage figure for both plants was over 75 percent in June 1981, well over the minimum 40 percent requirement.

Proponents stated that the problem in maintaining pooling status for the Twin Falls plant and the member-producer supplies associated with the plant is further complicated by the buildup in member-producer supplies available for pooling in the market. The witness for proponents stated that this change occurred since the completion of the promulgation hearing in February 1980. He contended that the buildup in producer milk supplies, coupled with the changes in the operation of Associated Dairies' plants, will impair the ability of DCA and MEDA to maintain pooling status for their member-producer supplies. He indicated that such pooling would require shipping to the Boise plant milk supplies that would normally be pooled at the Associated Dairies' Twin Falls plant. This was described as a costly and inefficient means of marketing milk.

The proposed change in the pool distributing plant definition should be adopted. The record clearly establishes that conditions in the market have changed as described by proponents, with the result that there is a problem under the order's present provisions in achieving pooling status for Associated Dairies' Twin Falls plant and its attendant producer milk supplies in an orderly and efficient manner. In fact, because of the magnitude of the pooling problem resulting from the current marketing situation, the Department suspended a portion of the pooling standards for distributing plants beginning July 1, 1981, when the new order became fully effective. This action temporarily mitigated the pooling problem of the involved handler and cooperative associations. However, the record evidence establishes that the pooling problem in question is not of a short duration. Accordingly, the proposed unit pooling provision applicable to distributing plants is reasonable and appropriate under current marketing conditions and the order should be so amended.

As proponents indicated, the shifting of producer deliveries between Associated Dairies' two plants solely for the purpose of qualifying each plant individually accommodates the pooling of their producer milk associated with the market. However, this practice unnecessarily adds to the cost of handling and transporting the milk to be pooled. Providing for unit pooling will remove the need to make uneconomic movements of milk solely for pooling purposes and will allow the assignment of producers to the plant where it is most practicable for them to deliver milk.

Order provisions should not impede the ability of a multi-plant handler to achieve operational efficiencies by specializing in the processing of fluid milk products in one plant and by-products in another. With unit pooling, as herein adopted, it will be possible for a multi-plant handler to confine certain specialized operations to one plant in order to achieve an economy of scale comparable to that which would be realized by maintaining his total operation in one plant.

As indicated previously, to qualify for unit pooling, each distributing plant in the unit would still have to dispose of at least 10 percent of its receipts as route disposition in the marketing area. At the hearing, proponents requested that the 10 percent in-area route disposition requirement apply to the entire unit. Except for making the request, proponents did not present any testimony in support of the request. In fact, there was no evidence indicating that either of the distributing plants operated by Associated Dairies would have a problem meeting the 10 percent in-area route disposition requirement on an individual plant basis.

As a condition to qualify for unit pooling, a handler would be required to notify the market administrator in writing prior to the first month in which plants are to be considered as a unit for pooling purposes. Unit pooling would be continued in each following month without further notification. However, if other plants of the handler are added to or dropped from the unit, the handler would need to notify the market administrator prior to the month in which such change is to be effective.

A proprietary handler who did not testify at the hearing, in his post-hearing brief and exceptions to the recommended decision, opposed the unit pooling proposal on the basis that proponents' pooling problem is temporary and that they could resolve it under existing order provisions. The handler also expressed concern that a unit pooling provision would enhance proponents' ability to pool additional producer milk supplies with the consequences of reducing producer returns.

As indicated, the unit pooling provision adopted herein is needed to reflect current marketing conditions and to insure orderly marketing in the area. It is not apparent that unit pooling could provide a means of pooling any significant quantities of additional milk. Although unit pooling would provide proponents more flexibilty in directing the movement of milk from member-producers' farms to the multi-plant handler's two distributing plants, proponent cooperatives' potential for associating milk supplies with the market actually would be no greater whether the plants are qualified individually or on a combined basis.

A proposal that would reduce the total Class I route disposition requirement for a pool distributing plant from 40 percent to 30 percent of its receipts of milk during the month was included in the notice of hearing. At the hearing, proponents (DCA and MEDA) abandoned the proposal. No other party supported the proposal. Accordingly, no action is taken on the proposal.

2. *Diversion of producer milk.* The order should be amended to increase by 10 percentage points the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants.

The present order provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70 percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months.

DCA and MEDA proposed that the limits on allowable diversions by a cooperative association from pool plants to nonpool plants be increased 10 percentage points. The proposal would apply only to cooperative associations. As proposed, a cooperative association would be allowed to divert to nonpool plants up to 70 percent of its member milk received at all pool plants or diverted therefrom in the months of September through February and 80 percent in other months.

Proponents' witness testified that less restrictive diversion provisions are needed to reflect a change in marketing conditions that has occurred since the new order's present diversion limitations were developed. The changed market situation cited by the witness focused on the recent buildup in milk supplies for the market. He noted that the amount of milk available to the market by the two cooperatives in June 1981 was nearly 41 million pounds compared with a June 1978 projection of 18 million pounds. According to the witness, the substantial increase in the cooperatives' milk supplies for the market is due to an increase in the number of producers associated with the market and a significant increase in milk production by member-producers in the major supply area for the market.

Proponents' witnesses maintained that in view of this change in supply conditions, the current limits on diversions to nonpool plants are unduly restrictive and should be relaxed. According to the spokesman, the proposed change is designed to enable the proponent cooperatives to pool their available milk supplies without the need to move milk back and forth between plants for the purpose of maintaining pool status for their available milk supplies. He added that "one way or another this milk would get pooled."

Further, proponents' spokesman claimed that the cooperatives are the only handlers on the market that need an increase in diversion limitation percentages. According to the witness, this is because the proponent cooperatives alone provide the balancing function for the market since all of the market's proprietary handlers rely on the cooperatives to balance their milk supplies. Therefore, he concluded, proponents' proposal to relax diversion limitations should apply only to cooperative associations.

The record evidence establishes that current marketing conditions in the market are substantially different than existed at the time the present diversion limitations were adopted. The current provisions were adopted on the basis of evidence presented at a hearing held December 5–8, 1978, and February 5–8, 1980. Data placed in the record show a significant increase in the amount of milk available for pooling under the order since the diversion limitations in question were initially developed.

As indicated by proponents, their available milk supplies for pooling under the new order have increased from a June 1978 projection of 18 million pounds to nearly 41 million for June 1981. In contrast, it was estimated in the final decision for the new order (46 FR 21944) that producer receipts for the market would average about 27 million pounds monthly, with a 40–45 percent Class I utilization.[1]

The record shows that this substantially greater volume of milk on the market than was projected initially is largely because of two factors. First, proponent cooperatives have chosen to associate more producers with the market than was previously contemplated. For example, in June 1978 the cooperatives anticipated associating with the new order approximately 158 producers. Data for June 1981 show that they projected associating with the market a total of 279 producers.

The second factor contributing to the upsurge in milk supplies for the market is the substantial increase in milk production by producers for the market. Production in the State of Idaho, for example, was 12 percent higher in 1980 than in 1979. Milk production for the first 5 months of 1981 was up over 9 percent compared to the same months in 1980. This follows nearly a 15 percent increase in milk production during the first 5 months of 1980 from the comparable period in 1979.

[1] Official notice is taken of the Assistant Secretary's decision, Docket No. AO–380, issued April 6, 1981 (46 FR 21944).

The record also established that DCA and MEDA provide the basic function of balancing the market's supplies with the fluid needs of distributing plants. Currently, milk from the proponent cooperatives' members accounts for nearly 90 percent of the total producer milk on the market. With the relatively few distributing plants operating in the market, proponents are limited in adjusting supplies among the plants where it is not needed for fluid use to other plants where it is needed.

In view of the urgency of the changed market situation concerning the market's current supply situation, the diversion limitations were suspended beginning July 1, when the new order became effective (46 FR 37237). As noted previously, the total route distribution requirement for distributing plants was also suspended at the same time. The initial suspension was applicable for July and August 1981 and it was further extended based on the current record through December 1981 (46 FR 44147).[2] As a result of this action, about 48 million pounds of milk were pooled under the order in July 1981 (the first month that the order was fully effective) and about 49 million pounds, in August 1981.[3] The Class I utilization for July and August 1981 was 18 percent and 17 percent, respectively, for the two months.

From these data and based on the evidence developed at the hearing, it is apparent that proponent cooperatives will not be able to meet the order's present diversion limits. Accordingly, relaxing the limits by 10 percentage points, as herein provided, appears to be both appropriate and necessary to allow the proponent cooperatives to keep their available milk supplies pooled in an orderly and efficient manner.

As noted elsewhere, proponents indicated that their proposal to relax diversion limits should apply only to cooperative associations. In view of the nature of the supply situation in the market, it would appear that proprietary plant operators may have a similar need for less restrictive diversion provisions. Accordingly, the proposed action to increase the limit on the amount of producer milk that may be diverted to nonpool plants should apply also to proprietary handlers who receive nonmember milk.

A limited number of nonmember producers testified in opposition to

[2] Official notice is taken of the issuance of these two suspension orders by the Department on July 15, 1981, and August 28, 1981, respectively.

[3] Official notice is taken of the July and August 1981 "Market Administrator's Report" for Federal Orders 124, 125, and 133.

proponent's proposals. Much of their testimony was directed against the marketwide pooling feature of the order and the need for an order rather than on the specific proposed amendments. However, they did express some concern that the proposals, if adopted, would "dilute" the pool to their disadvantage. Further, in its post-hearing brief and exceptions to the recommended decision, the same proprietary handler who opposed the unit pooling proposal essentially reiterated the same reasons for opposing an increase in diversion limits.

The opposing arguments are not overriding in this matter. As indicated, the market's current supply situation is significantly different than when the order's present diversion limits were established. Relaxing diversion limits as proposed will provide greater flexibility in the handling of the increase in the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

Also, it is not likely that blend prices under the order would be materially enhanced if the order's present diversion limits were continued. As indicated, the record shows proponent cooperatives would take the necessary steps to assure the pooling of their available milk supplies to the market. Presumably, they would do this in the absence of any change in diversion limits, even though hauling inefficiencies would be involved. Moreover, much of the buildup in reserve milk supplies on the market are a result of increased milk production of all producers in the general supply area.

3. *Need for emergency action.* The notice of hearing provided for taking evidence to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on the proposal to revise the basis for pooling a distributing plant and the proposal to relax the limit on the amount of producer milk that a cooperative association may divert from pool plants to non pool plants.

At the hearing, proponents urged prompt action of both proposals. The request for emergency action by proponents was based on the view that the Department would not have sufficient time after the hearing to issue both a recommended decision and final decision and make any resulting action effective by September 1, 1981. In his post-hearing briefs, a proprietary handler opposed omission of a recommended decision.

As previously cited, the suspension action taken on August 28, 1981, with respect to the proposals in question removed the need for omission of a recommended decision. Accordingly, the proposal to omit the issuance of a recommended decision is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons stated in this decision.

General Findings

The following findings and determinations supplement those that were made when the order was first issued. The previous findings and determinations are hereby ratified and affirmed, except where they conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the market area. The minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon Marketing Area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order; as hereby proposed to be amended, regulating the handling of milk in the Southwestern Idaho-Eastern Oregon Marketing Area is approved or favored by producers, as defined under the terms of the order (as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 11, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order [1] Amending the Order, Regulating the Handling of Milk in the Southwestern Idaho-Eastern Oregon Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon Marketing Area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Southwestern Idaho-Eastern Oregon Marketing Area shall be in conformity to and in compliance with the terms and conditions of the order as hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on October 27, 1981 and published in the **Federal Register** on November 2, 1981 (46 FR 54374) shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

1. In § 1135.7 paragraph (a)(2) is revised to read as follows:

§ 1135.7 Pool plant.

* * * * *

(a) * * *

(2) Total route disposition (except filled milk) during the month equal to not less than 40 percent of such receipts. A unit consisting of two or more distributing plants operated by a handler shall be considered as one distributing plant for the purpose of meeting this requirement if the handler notifies the market administrator in writing before the first day of the month that the plants should be considered as a unit. The unit shall continue from month to month thereafter without further notification. If, however, there is any change in the composition of the unit, the handler shall notify the market administrator in writing on or before the first day of the month such change is to be made.

* * * * *

2. In § 1135.13 paragraphs (f)(3), (4) and (5) are revised to read as follows:

§ 1135.13 Producer milk.

* * * * *

(f) * * *

(3) The total quantity of milk diverted by a cooperative association during the month may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator;

(4) The total quantity of milk diverted during the month by a proprietary bulk tank handler described in § 1135.9(d) may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk that the handler causes to be delivered to or diverted from pool plants during the month;

(5) The operator of a pool plant may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to paragraph (f)(3) and (4) of this section. The total quantity so diverted during the month may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator; and

* * * * *

[FR Doc. 81-36068 Filed 12-16-81; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-30]

Council on Energy Independence; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking from the Council on Energy Independence.

SUMMARY: The Commission is publishing for public comment this notice of receipt of a petition for rulemaking filed before the Commission on September 14, 1981, by the Council on Energy Independence. The petition, which has been assigned Docket No. PRM-50-30, requests that the Commission amend its regulations in 10 CFR Part 50 to extend the operating life of nuclear power plants.

DATE: Comment period expires February 16, 1982.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docket and Service Branch.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7211.

SUPPLEMENTARY INFORMATION: The petitioner states that—

. . . The Commission has issued Operating Licenses (OL) for nuclear power plants for a term of 40 years from the date of Construction Permit (CP) issuance. Thus, in the 1960's and early 1970's the actual length of permitted operation for such a plant was around 35 years. This was due to the fact that it only took about 5 years to construct the plant and obtain an operating license. Obviously, this is no longer the case.

It now takes much longer to construct a plant and obtain an OL. Thus, the number of years the plant may be operating is shrinking. Accordingly, the useful and economic life of the plant is also diminished.

The petitioner requests that—

. . . The Commission propose a change to Section 50.51 which would restore the originally intended operating life of the plant. Two alternatives are obvious: (1) tie the expiration date of the OL to the date of issuance of the operating license . . . [or] . . . (2) lengthen the duration [of the license], e.g., the license will expire 50 years from date of issuance of the CP.

Finally, the petitioner states that—

It was obviously the Commission's original intent to allow a licensed plant to operate for a period of around 35 years. Due to the growing length of time between CP and OL this allowed operating time is shrinking and in many cases will result in an opeating life of less than 30 years. While § 50.51 does allow for renewal of licenses this is not a given . . . and a licensee should not have to resort to such a request in order to be permitted to operate his facility for a time period originally intended by the Commission.

The Commission specifically requests public comment on the petitioner's first alternative ((1) Provide that the OL expire 40 years from the date of issuance). Comments on the petitioner's second alternative ((2) The license will expire 50 years from date of issuance of the CP) will not be helpful since the Commission is permitted by statute (42 U.S.C. 2133) to issue operating licenses for nuclear power plants for a period not to exceed 40 years. It is thus not within the power of the Commission to adopt, through rulemaking, a regulation which provides for a license term exceeding 40 years.

Dated at Washington, DC, this 14th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-36100 Filed 12-16-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS-RM-80-118]

Energy Conservation Program for Consumer Products; Proposed Rulemaking Regarding Amendments to Test Procedures for Refrigerators, Refrigerator-Freezers and Freezers; Correction

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Proposed rule; corrections.

SUMMARY: This document corrects errors made in the proposed amendments to test procedures for refrigerators, refrigerator-freezers, and freezers in FR Doc. 81-29661 appearing at and following page 50544 of the October 14, 1981 **Federal Register.**

FOR FURTHER INFORMATION CONTACT: James A. Smith, Department of Energy, Forrestal Building, Room GH-065, CE-113.1, 1000 Independence Ave., S.W., Washington, D.C. 20585 (202) 252-9127.

SUPPLEMENTARY INFORMATION: Upon careful review of the **Federal Register** publication of proposed amendments to the test procedures for refrigerators, refrigerator-freezers, and freezers, a number of typographical and other errors were found in five amendment items. Consequently, the proposed amendment to test procedures for refrigerators, refrigerator-freezers, and freezers is corrected as set forth below.

Issued in Washington, D.C., December 4, 1981.

Howard S. Coleman,

Acting Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Accordingly, § 430.22(b)(4)(i) of the October 14, 1981 proposed amendments is corrected to read as follows:

§ 430.22 [Amended]

* * * * *

(b) * * *

(4) The energy factor for freezers, expressed in cubic feet per kilowatt-hour per cycle, shall be—

(i) For freezers not having an anti-sweat heater switch, the quotient of (a) the adjusted net refrigerated volume in cubic feet, determined according to 4.2 of Appendix B or 6.1 of Appendix B1 of this subpart, divided by (B) the average per-cycle energy consumption for the standard cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix B or 6.2 of Appendix B.1 of this subpart, the resulting quotient then being rounded off to the second decimal place, and

* * * * *

Appendix A1 [Amended]

Section 2.2 of Appendix A1 is corrected by removing the words "of the air surrounding the unit being tested" from the first sentence.

Section 5.1 of Appendix A1 is corrected by revising the first sentence to read as follows:

"Compartment temperatures shall be measured at the locations prescribed in Figures 7.1 and 7.2 of HRF-1-1979 and shall be accurate to within ± 0.5°F (0.3°C) of true value. * * * "

Appendix B1 [Amended]

Section 5.2.1.3 of Appendix B1 is corrected by revising the first equation to read as follows:

$$ET = (1440 \times EP1/T1) + (EP2 - (EP1 \times T2/T1)) \times K \times 12/CT$$

Section 6.2.1 of Appendix B1 is corrected by removing "(0.1)" from the first sentence.

[FR Doc. 81-35978 Filed 12-16-81; 8:45 am]

BILLING CODE 6450-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment a proposed amendment to its regulation concerning the banks for cooperatives of the Farm Credit System. The proposed amendment, which would implement new authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592), would authorize banks for cooperatives to finance both financial and leverage leases involving noncooperative lessors where the lessee is a stockholder of the bank and the equipment and facilities are to be utilized by the stockholder in its operations in the United States.

DATE: Written comments must be received on or before February 17, 1982.

ADDRESSES: Comments or suggestions should be submitted in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications

received will be available for inspection by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

PART 614—LOAN POLICIES AND OPERATIONS

Part 614 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown below.

Section 614.4120 is amended by designating the existing paragraph as (a) and adding paragraph (b) to read as follows:

Subpart C—Lending Authorities

§ 614.4120 Banks for cooperatives.

(a) The banks are authorized to make loans and commitments to eligible cooperatives and to extend to them other financial assistance, including, but not limited to, discounting notes and other obligations, guarantees, collateral custody, or participation with ohter banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives. The banks are authorized to make or participate in loans, commitments, and extend other technical and financial assistance to a domestic or foreign party with respect to its transactions with an eligible cooperative, and to a domestic or foreign party in which an eligible cooperative has at least a minimum ownership interest for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales, or exchanges. The eligible cooperative must substantially benefit as a result of such a loan, commitment, or assistance for the purpose of facilitating the eligible cooperative's export or import operations. This type of activity shall be made under policies determined by the board of directors and approved by the Farm Credit Administration.

(b) The banks may make or participate in loans and commitments to finance and extend technical and financial assistance to domestic non-cooperative lessors for the purpose of providing leased assets to eligible cooperative borrowers. The terms of the contract between the lessor and lessee shall establish that the leased assets are effectively under the control of the lessee and that such control shall continue in effect for essentially all of the term of the lease. The term of such a loan shall not be longer than the total period of the lease. The lessee must be a stockholder of the bank for cooperatives and the leased equipment and facilities may only be for use in its operations in the United States.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–828, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

Donald E. Wilkinson,

Governor.

[FR Doc. 81–35979 Filed 12–16–81; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 36

[Docket No. 13410; Notice Nos. 79–13, –13A, –13B]

Civil Helicopter Noise Type Certification, Airworthiness Certification, and Acoustical Change Approvals; Proposed Noise Standards for Helicopters in the Normal, Transport, and Restricted Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Notice 79–13 published in the **Federal Register**, July 19, 1979 (44 FR 42410). That notice proposed noise standards for helicopters certificated in the normal, transport, and restricted categories. It also proposed to prohibit certain changes in type designs of helicopters that might increase their noise levels beyond prescribed limits. The notice is being withdrawn to avoid adoption of a rule that has not been clearly justified at this time. This withdrawal is consistent with the spirit of Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE–110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. 20591; telephone (202) 755–9027.

SUPPLEMENTARY INFORMATION:

Background

Notice No. 79–13 (44 FR 42410; July 19, 1979) proposed noise standards for helicopters certificated in the normal, transport, and restricted categories. For purposes of the proposal, "helicopters" included other aircraft for which lift is furnished, in whole or in part, by an engine-driven rotor during takeoff, hover, or landing. The proposal covered noise levels and test procedures for the issuance of new type certificates and of original standard airworthiness certificates and restricted category airworthiness certificates for newly produced helicopters of older design types. It also proposed to prohibit certain changes in type designs of helicopters that might increase their noise levels beyond prescribed limits. The original comment period for Notice No. 79–13 closed on November 19, 1979. Subsequently, the FAA was requested to extend the comment period 60 days until January 19, 1980. Notice 79–13A (44 FR 61376; October 25, 1979) did that. Later, the FAA was requested to reopen the docket to receive additional comment. In response to that request, the FAA issued Notice 79–13B (46 FR 931; January 5, 1981) reopening the comment period until March 5, 1981.

Reasons for the Decision

The FAA has considered the proposed rules in Notice 79–13 in relation to a broad spectrum of public input. Review of all available information indicates that the relatively small noise benefits that might result from the imposition of such regulations would be far outweighted by the potential costs. Therefore, the FAA has determined that the rulemaking proposed in Notice 79–13 is not justified.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements guide the Federal Aviation Administration rulemaking activity. The proposals in Notice 79–13 have not been shown to satisfy these criteria.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice 79–13 (44 FR 42410; July 19, 1979) is withdrawn. This action neither precludes the FAA from considering similar proposals in the future nor commits it to any further or future course of action on this subject matter.

(Secs. 313(a), 601(a), 603, and 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1423, and 1431(b)); sec. 6(c), Department of transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal is not a major action

under Executive Order 12291, since withdrawal of the rule proposal will impose no burden on the affected industry. Further this notice is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal.

Issued in Washington, D.C., on November 25, 1981.

Dated: November 25, 1981.

Donald R. Segner,

Associate Administrator for Policy and International Aviation.

[FR Doc. 81-36037 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWP-27]

Establishment of Transition Area, Ramona, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a 700 foot transition area for Ramona Airport, Ramona, California, in order to provide controlled airspace for aircraft executing an instrument approach procedure to the Ramona Airport.

DATES: Comments must be received on or before January 18, 1982.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons, may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 18, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any peson may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700 foot transition area at Ramona, California. This action will provide controlled airspace for aircraft utilizing IFR procedure to and from Ramona Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, 71.181 (46 FR 540) of Part 71 of the Federal Aviation Administration (14 CFR Part 71) by adding the following transition area:

§ 71.181 Ramona, California.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Romona Airport (latitude 33°02'15" N., longitude 116°54'30" W.) and within 3 miles each side of the Julian, California, VORTAC (latitude 33°08'26" N., longitude 116°35'06" W.) 249° T (234° M), radials extending from the 5-mile radius area to the Julian VORTAC.

(Secs 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major call" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a Regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, Calif., on December 7, 1981.

H. C. McClure,

Director, Western Pacific Region.

[FR Doc. 81-35834 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWP-26]

Establishment of Transition Area, Half Moon Bay, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposed to designate a 700-foot transition area for Half Moon Bay Airport, Half Moon Bay, California, in order to provide controlled airspace for aircraft executing an instrument approach procedure to the Half Moon Bay Airport.

DATE: Comments must be received on or before January 14, 1982.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 14, 1982, will be

considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWP-500, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700-foot transition area at Half Moon Bay, California. This action will provide controlled airspace for aircraft utilizing IFR procedures to and from Half Moon Bay Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, 71.181 (46 FR Part 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following transition area.

§ 71.181 Half Moon Bay, California.

That airspace extending upward from 700 feet above the surface, bounded on the north by latitude 37°35'00" N., on the east by longitude 122°25'00" W., on the south by latitude 37°24'00" N., and on the west by longitude 122°35'00" W.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal; and (4) will not have a significant impact on a substantial number of small entities under the criteria of the Regional Flexibility Act.

Issued in Los Angeles, Calif., on December 7, 1981.

H. C. McClure,

Director, Western Pacific Region.

[FR Doc. 81-35839 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASO-63]

Proposed Designation of Transition Area, Aurora, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking

SUMMARY: This proposed rule will designate the Aurora, North Carolina, Transition Area. A special instrument approach procedure has been developed for the Lee Creek Airport. Controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATE: Comments must be received on or before: February 1, 1982.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320;

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before February 1, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Aurora, North Carolina, 700-foot Transition Area. This action will provide controlled airspace protection for Texasgulf aircraft executing the NDB Runway 9 special instrument approach procedure at the Lee Creek Airport. The Aurora NDB (nonfederal, nondirectional radio beacon), which will support the approach procedure, is proposed for establishment in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Aurora, North Carolina

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lee Creek Airport (Lat. 35°23'22" N., Long. 76°47'06" W.); within 3 miles each side of the 263° bearing from the Aurora RBN (Lat. 35°23'15" N., Long. 76°48'12" W.), extending from the 8.5-mile radius area to 8.5 miles west of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on December 7, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-36034 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASO-60]

Proposed Designation of Transition Area, Erwin, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Erwin, North Carolina, Transition Area. A standard instrument approach procedure has been developed for the Harnett County Airport. Controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATE: Comments must be received on or before: February 1, 1982.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320;

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communciations received on or before February 1, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Erwin, North Carolina, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB Runway 23 standard instrument approach procedure at the Harnett County Airport. The Harnett NDB (nonfederal, nondirectional radio beacon) which will support the approach procedure is proposed for establishment in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Erwin, North Carolina

That airspace extending upward from 700-feet above the surface within a 7.5-mile radius of Harnett County Airport (Lat. 35°22'43" N., Long. 78°44'04" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on December 4, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-36035 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 121

[Docket No. 21269; Ref. Notice No. 81-1]

Flight Attendants

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws proposal number 11-14 contained in Notice No. 81-1 published in the Federal Register January 19, 1981 (46 FR 5484). That proposal would have amended § 121.391(c) of the Federal Aviation Regulations to allow the number of flight attendants required on a particular flight to be reduced by blocking a number of passenger seats. This proposal is withdrawn because there is a lack of substantial evidence in the record that the present level of passenger safety would be maintained. This is consistent with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: E. Wendell Owens, Regulatory Review Branch, AVS-22, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, SW.,

Washington, D.C. 20591; telephone (202) 775–8714.

SUPPLEMENTAL INFORMATION:

Background

Notice No. 81–1 (46 FR 5484) was issued on January 19, 1981 as part of the Operations Review Program. In that notice, the FAA proposed to amend § 121.391(c) to allow the number of required flight attendants on specific flights to be reduced under specific conditions by blocking passenger seats. The number of flight attendants required on passenger carrying aircraft is based on the seating capacity of the aircraft, basically in the ratio of one flight attendant for each 50 seats, or less. The actual number of passengers on a particular flight does not affect this requirement. The existing rule allows the number of flight attendants to be reduced if a sufficient number of passenger seats are physically removed from the passenger cabin.

This proposal resulted from industry and FAA discussions during the Operations Review Conference. Interested persons have been afforded the opportunity to comment on the safety and economic impact resulting from the proposal. The FAA is processing this proposal separately from the others contained in Notice No. 81–1 due to the public interest it has generated.

Reasons for the Decision

An acceptable level of safety has been established and verified under the current aircraft certification and operation rules. As stated above, the number of required flight attendants now is based on the number of installed passenger seats. The data used to develop this proposal and the comments submitted in response to the notice of proposed rulemaking do not support the proposed change to the current standards and do not establish that the level of passenger safety would be maintained. Therefore, until data is developed which fully supports and justifies the societal benefits that would result from the proposed change, rulemaking on this subject should not proceed.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposal contained in the notice of proposed rulemaking now pending. Therefore, proposal number 11–14 contained in Notice No. 81–1 published in the **Federal Register** January 19, 1981 (46 FR 5484) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—Since this notice withdraws a proposal for rulemaking action and imposes no new standards, it does not impact or change the present regulations. It has been determined that this action, therefore: (1) is not a "major rule" under executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because there is no anticipated impact; and (4) I certify that this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on November 10, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81–36041 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL–1996–8]

Approval and Promulgation of Implementation Plans; Florida: Repeal of Complex Source Rules

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Florida has revised its air pollution control rules by revoking the provisions for the preconstruction review of complex sources—highways, airports, parking facilities. These are known as "indirect" sources since they may indirectly increase emissions by causing increased motor vehicle traffic where they are built. EPA proposes to approve this revision. The public is invited to comment on the proposed approval action.

DATES: To be considered, written comments must be received on or before January 18, 1982.

ADDRESSES: The material submitted by the State of Florida may be examined during normal business hours at the following location:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

Air Programs Branch, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365;

Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

Written comments should be directed to the EPA, Region IV Air Programs Branch at the address given.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Lee, EPA, Region IV Air Programs Branch at 404/881–3286 (FTS 257–3286).

SUPPLEMENTARY INFORMATION: In 1973, EPA promulgated regulations in 40 CFR 51.18 requiring the states to revise their SIPs to include indirect source regulations. The 1977 Clean Air Act Amendments severely limited EPA's authority to require states to review indirect sources. Section 110(a)(5)(iii) provides that a state may revise its SIP to suspend or revoke any existing indirect source review program, provided that the SIP "meets the requirements of this section." The United States Court of Appeals for the Second Circuit interpreted Section 110(a)(5)(A)(iii) as prohibiting EPA from approving a State Implementation Plan (SIP) revision which revokes a state adopted indirect source regulation unless the SIP is fully adequate to assure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) without the indirect source regulation. *Manchester Environmental Coalition* v. *EPA*, 612 F. 2d 45 (2d Cir. 1979).

EPA today proposes to approve Florida's repeal of its complex source rule. EPA issued final approval of the Florida ozone Part D SIP on May 14, 1981 (46 FR 26640). This Part D SIP demonstrates attainment and maintenance of the ozone NAAQS without relying on the complex source rule.

In addition to ozone, complex sources are a source of carbon monoxide. Through use of the Federal Motor Vehicle Control Program, the existing Florida CO SIP demonstrates maintenance of the CO standard without relying on the complex source regulation. There are no carborn monoxide nonattainment areas in Florida requiring a CO Part D SIP revision.

Moreover, the state has informed EPA that other Florida State agencies have adopted similar rules, which require air quality analyses be conducted in consultation with the Department of Environmental Regulation to assure compliance with the Florida SIP.

The public is invited to participate in this rulemaking by submitting written comments on the proposed approval.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but merely ratifies state actions.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only proposes to approve state actions and not to impose any new requirements.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: October 23, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-36069 Filed 12-16-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-6-FRL-2003-7]

Approval and Promulgation of Implementation Plans; New Mexico Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes approval of revisions to the State Implementation Plan (SIP) for both the primary and secondary sulfur dioxide (SO_2) standards for Grant County, New Mexico. These revisions include changes to Regulation 652 which primarily affect emission limitations from the Chino Mines Company primary copper smelter at Hurley, New Mexico. Stack emissions under the revised plan are limited by the following: An annual average emission rate; a median annual emission level; and a series of 3-hour average emission levels, each with a fixed number of allowable cumulative occurrences. The allowable frequency and emission rate levels of these occurrence limits are based upon a statistical analysis of smelter emissions data and air quality data in the Hurley area of Grant County.

DATE: Interested persons are invited to submit comments on this proposed action on or before February 1, 1982.

ADDRESSES: Written comments should be submitted to the U.S. Environmental Protection Agency, Region VI, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270. The docket for the revision (NM-1-81) is available for inspection during normal business hours at the above address and at the following location: Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Randy Brown, Implementation Plan Section, Environmental Protection Agency, Region VI, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2730.

SUPPLEMENTARY INFORMATION: The sulfur dioxide (SO_2) nonattainment area in Grant County consists of a 3.5-mile radius circle around the Kennecott (now Chino Mines Company) Copper Smelter. Emissions from the smelter are the only known source of SO_2 in the county. In accordance with the requirements of the 1977 Clean Air Act Amendments, New Mexico submitted its plan for attainment of the national ambient air quality standards (NAAQS) for sulfur dioxide to EPA in January 1979.

Control of the smelter emissions through New Mexico Regulation 652 (Non-Ferrous Smelters-Sulfur) was the basis for the State's control strategy. On April 10, 1980 (45 FR 24460), EPA approved Regulation 652 and approved the control strategy for the primary SO_2 standards, but disapproved the control strategy for the secondary SO_2 standard. On May 7, 1981, the State approved a primary non-ferrous smelter order (NSO) for the Chino Mines Company, New Mexico, smelter. Pursuant to Section 119 of the Clean Air Act, EPA proposed conditional approval of the NSO on August 19, 1981 at 46 FR 42084. The NSO suspends the current State Implementation Plan (SIP) emission limitations until January 1, 1983.

On June 22, 1981, the Governor of New Mexico submitted a new Regulation 652. On May 12, 1981 and August 13, 1981, the New Mexico Environmental Improvement Division submitted a revised control strategy demonstration for attainment of the primary and secondary SO_2 standards in Grant County with revised Regulation 652.

Requirements Under Revised Regulation 652

The revised regulation for sulfur dioxide contains the following key provisions: (1) Stack emission limits for sulfur dioxide requiring compliance with an annual average emission limit of 7,000 lbs/hour, a median 3-hour running average of 5,309 lbs/hr, and cumulative occurrence limits at specified frequencies and 3-hour running average emission rates; (2) to account for startup and malfunctions, separate occurrence limits are specified for normal versus abnormal smelter operating conditions; (3) fugitive emissions control requirements and an evaluation of the effectiveness of these controls; (4) requirements for continuous SO_2 monitoring of stacks to determine compliance with the aforementioned emission limits; and (5) continued operation of ambient air quality monitors around the Hurley smelter to assess the adequacy of the emission limits in protecting the NAAQS. The revised Regulation 652 emission limits take into account a proposed change in configuration and increased capacity at the smelter that is included in a State construction permit issued June 13, 1981. Under this permit, Chino Mines is to replace the existing reverberatory furnace (for which SO_2 emissions are now uncontrolled) with a flash furnace. Emissions from the new flash furnace will be collected and treated by upgrading the existing sulfuric acid plant. Secondary converter hoods will collect fugitives for release from the converter stack. Average annual emissions from the existing smelter stacks will be reduced from 14,470 pounds per hour to 7,000 pounds per hour after smelter modification and implementation of revised Regulation 652. Overall SO_2 control of the modified smelter under the revised regulation will be increased from about 60 percent to about 92 percent.

Control Strategy Demonstration

The form of the emission limits in the New Mexico SIP was derived from a general approach known as Multipoint Rollback (MPR). Designed to accommodate the highly variable sulfur dioxide emissions produced by smelters, MPR produces a cumulative frequency distribution of allowed emission rates. Under MPR, observed emissions and air quality data over an extended period of time—usually a year or more—are treated as cumulative distributions of values. In its simplified application, a reduction factor is calculated based on the difference between observed air quality and the NAAQS for sulfur dioxide, and the existing distribution curve for emissions is reduced proportionally, or "rolled back," by the reduction factor to produce an allowable distribution of emission rates.

The New Mexico approach departs from this procedure to accommodate the changes expected in the smelter's emission pattern when the smelter is modified. Because the currently observed distribution of emission rates does not accurately represent expected emissions from the modified smelter, a

different distribution of emission rates was projected. The details of the New Mexico approach are described in the SIP submittal and the EPA technical evaluation report[1] (both available for review at the addresses noted above). The approach may be summarized briefly as follows.

The distribution of air quality values is assumed to be the product of the distribution of emission rates and an independent distribution of values representing dispersion conditions. The emission and dispersion distributions (both assumed to be "gamma" probability distributions) are defined by two parameters, an average value and a "shape factor" that measures variability; the air quality distribution (a "gamma product" distribution) has three parameters, an average value and two shape factors, one each for emission and dispersion. Using the observed air quality and emission distributions, New Mexico calculated the cumulative distribution of dispersion values, and used this distribution as a constant representation of the dispersive capacity of the air in the region surrounding the smelter. Given this "fixed" dispersion distribution, proposed distributions of emission rates were to be evaluated by computing a projected air quality distribution for each emission distribution and comparing the result with the NAAQS for sulfur dioxide.

Because a "gamma" distribution is defined by two parameters, it is possible to project a distribution if either the average emission rate or the shape factor is known. New Mexico selected an assumed average emission rate based on engineering projections for the new smelter and computed the shape factor to produce an allowable distribution of emission rates. Sulfur dioxide emissions at or below the rates established by this distribution are projected to provide for attainment of the NAAQS with an acceptably low probability of violation. Thus, although there is no direct "roll back", the New Mexico approach produces a cumulative frequency distribution of allowed emission rates, or a "multipoint" emission limit.

The New Mexico approach is based on cumulative distributions of emissions and air quality data aggregated over a long period of time. Thus, in setting emission limits to protect the short-term NAAQS, it only attempts to account for the worst foreseeable combinations of emission and dispersion conditions by considering the likelihood of their simultaneous occurrence and attempts to assure that this probability is acceptably low. A proposed emission limitation is stringent enough only if it can be shown to predict attainment of the NAAQS with an acceptably high probability. While New Mexico has provided estimates of the probability that the new emission limits will protect against violations of the 24-hour and three-hour NAAQS at existing ambient monitoring sites, EPA has not yet developed standardized methods for determining such probabilities, and is continuing to study both the New Mexico estimates and the general question of how such estimates should be made. Interested persons are encouraged to submit comments on these matters, and are further encouraged to inspect the docket periodically for further information.

Based on the information currently available to EPA, the control strategy and emission limitations for the Chino Mines Division smelter appear reasonably likely to attain and maintain the NAAQS for sulfur dioxide in Grant County. The 52 percent reduction from 1979 annual emissions required by this strategy is more stringent than the reduction factor calculated using measured ambient air quality data.[2] Moreover, the SIP includes a requirement for continued operation of the existent ambient monitoring network after the new emission limits take effect, providing future opportunity to assess the adequacy of this strategy and make any necessary improvements. In view of these factors, EPA proposes to accept the New Mexico statistical demonstration and control strategy.

In reviewing and evaluating the subject SIP revision, the Agency developed general technical criteria that evolved from its review of a September 1979 Arizona SIP revision for copper smelters. These general criteria are listed below:

1. Ambient air quality monitoring data and emission data must meet accpetable quality assurance criteria. Data records must be of sufficient length to reasonably describe atmospheric dispersion conditions and their frequencies. To the extent possible, ambient data must also reflect locations of maximum expected air quality impact. Running average concentrations shall be used to determine both the location of the limiting case site and the limiting case averaging period (i.e., 3-hour or 24-hour).

2. Neither ambient data nor emission data can be influenced by dispersion techniques, i.e., supplementary control system or stack heights greater than good engineering practice (GEP).

3. Ambient data concentration distributions shall be developed for all possible discrete average periods (e.g., for 3-hour at 12 a.m., 3 a.m., 6 a.m.; 1 a.m., 4 a.m., 7 a.m.; 2 a.m., 5 a.m., 8 a.m.). The rollback factor shall be based upon the highest once-per-year maximum concentration provided by these distributions.

4. Baseline emission profiles should be based upon continuous emission measurement (CEM) data. Where it is not initially possible to do so, then profiles must be based upon conservative assumptions. Allowable emission profiles must ultimately be verified by CEM data.

5. To respresent a fully acceptable demonstration of attainment, measures adequate to ensure that fugitive emissions wil not violate the NAAQS must be incorporated directly into the control strategy.

6. Regulations should require that continuous emission monitors (CEMs) measure at least 95 percent of the hours in which emissions occur. CEM downtime should be minimized by providing an incentive to sources to strive for 100 percent data capture. This may be accomplished by reducing cumulative occurrence limits by the percent missing data or other comparable approaches.

7. Regulations shall not exempt malfunctions from either the emission profile determination of the ultimate emission limitations.

8. If the data base permits that the control strategy be developed in a probabilistic manner, then the control strategy must consider the probability that the source causes a violation anywhere rather than simply at the worst site. Concurrently, the probability for a violation of the NAAQS must be shown to be consistent with Agency policy in effect at that time.

A discussion of how the plan adheres to each of the recommended criteria is contained in the EPA evaluation report. Two major technical concerns, however, were identified. The first involves the use of production curtailments (supplementary control system of SCS) during the period of record. The second pertains to the selection of the design value in the attainment demonstration.

With regard to the first point, the use of SCS during the period of record violates a basic principle inherent in the derivation of the MPR approach, i.e., that emissions and dispersion are

[1] EPA Review of New Mexico State Implementation Plan Revision of June 22, 1981 (Non Ferrous Smelters), August 1981.

[2] Source of data is Table I–SO_2 concentrations at CMD Ambient Monitors in 1979 in SIP documentation. The reduction factor is calculated using the formula in § 51.13(e)(2)(i).

independent. However, no acceptable alternate data are available. Accordingly, the approach utilized in the New Mexico attainment demonstration attempts to correct for the SCS influence on the ambient measurements. In short, the correction hopes to project ambient concentrations that were not measured due to SCS. EPA has reviewed and evaluated this correction approach and finds there is not enough data available to quantify the impact of SCS on ambient data. On the basis that the correction approach represents a reasonable attempt to adjust for ambient concentration bias, EPA proposes to accept this portion of the New Mexico demonstration.

The second technical concern involves the selection of the design value. Whereas, the Arizona design value was a maximum discrete 3-hour ambient concentration predicted to occur at an annual frequency of 1/2920, the New Mexico design value is based upon the third highest running 3-hour concentration, i.e., predicted to occur at an annual frequency of 3/8760. Although 1/2920 and 3/8760 reduce to equivalent numerical values, if the running average includes non-overlapping hours, then the statistical probabilities differ. The State has provided technical information to show that, in this case, their design value approach yields results comparable to the value determined using the approach required by criterion number three above.

EPA has reviewed this support and determined that the Arizona and New Mexico approaches yield equivalent design values. Therefore, EPA proposes to accept the New Mexico design value included in the demonstration.

Regulation Deficiencies

The first deficiency concerns the amount of continuous emission monitoring (CEM) downtime allowed by the regulations. The revised Regulation 652 specifies that CEMs must operate a minimum of 90 percent of the time; the cumulative occurrence limits were reduced to account for missing data. However, the Arizona regulations and the general MPR criteria require a minimum of 95 percent CEM operation. Chino Mines Company has indicated that they could meet the minimum 95 percent requirement. Since complete emissions data from CEMs are essential in determining compliance with multipoint emission limits, sources should strive for 100 percent data capture. Reducing cumulative occurrence limits, or regulatory provisions requiring backup or redundant monitoring equipment are considered reasonable approaches toward this goal. Therefore, both the 95 percent minimum data capture level and measures adequate to secure even better data capture should be included in the regulation.

In addition, there were several areas in the regulation where clarification is necessary in order for EPA to enforce the regulation. These clarifications are discussed in the evaluation report and were identified to the State in a letter dated August 28, 1981.

Proposed Action

Based upon its evaluation of revised Regulation 652 and the MPR analysis, EPA is proposing to approve the revised plan for attainment of the primary and secondary SO_2 standards in Grant County with the understanding that the State will correct the regulation deficiencies described above. The State and the affected source have expressed a willingness and commitment to correct these deficiencies. The State has agreed to complete the following actions by May 15, 1982: (1) The State will revise Regulation 652 to require a minimum of 95 percent CEM data capture and measures adequate to provide even greater reliability in data capture and (2) the State will provide clarifications to the regulation either by changing Regulation 652 or providing written interpretations of those sections of the regulation needing clarification as identified by EPA's August 28, 1981 letter.

Under Executive Order 12291, EPA must judge whether a rule is major and therefore subject to requirements of a regulatory impact analysis. This proposed action is not a major rule because it imposes no new requirements but only approves a State action.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified (46 FR 8709) that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only proposes approval of State action. It imposes no new requirements. In addition, this action only applies to one facility.

This notice of proposed rulemaking is issued under the authority of Sections 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: September 17, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-36070 Filed 12-17-81; 8:45 am]

BILLING CODE [illegible]

Notices

Federal Register
Vol. 46, No. 242
Thursday, December 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan; Caribou National Forest; Bannock, Bear Lake, Bonneville, Caribou, Franklin, Power, and Oneida Counties, Idaho; Box Elder and Cache Counties, Utah; and Lincoln County, Wyoming; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an Environmental Impact Statement for the Caribou National Forest Land and Resource Management Plan was published in the **Federal Register**, Volume 45, No. 9, p. 2672, January 14, 1980.

The estimated dates for filing the Draft and Final Environmental Impact Statements with the Environmental Protection Agency and release to the public have been postponed. The Draft Environmental Impact Statement is now expected in September 1982, and the Final Environmental Impact Statement is proposed for release in April 1983.

All other conditions of the original Notice of Intent remain the same.

Dated: December 9, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81-36073 Filed 12-16-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Los Olmos Creek Watershed, Texas; Availability of Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of record of decision.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76503, telephone: 817/774-1214.

Notice: George C. Marks, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Texas, is hereby providing notification that a record of decision to proceed with the installation of the Los Olmos Creek Watershed project is available. Single copies of this record of decision may be obtained from George C. Marks at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Floor Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 7, 1981.

George C. Marks,

State Conservationist.

[FR Doc. 81-36011 Filed 12-16-81; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 9:00 a.m., and will end at 6:00 p.m., on January 9, 1982, at the Little Rock Hilton, 925 South University, Little Rock, Arkansas, 72204. The purpose of this meeting is to conduct orientation for the new members of the Committee, and discuss program plans for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marcia McIvor, 1229 Lakeridge, Fayettsville, Arkansas, 72701, (501) 521-1568 or contact the Southwestern Regional Office, Heritage Plaza, 418 South Plaza, San Antonio, Texas, 78204, (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-36079 Filed 12-16-81; 8:45 am]

BILLING CODE 6335-01-M

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on January 14, 1982, at the Lord Cromwell Inn, Exit 21, off I-95, Cromwell, Connecticut 06416. The purpose of this meeting is to discuss draft report on governmental response to racially and religiously motivated violence.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, John Rose, Jr., Post Office Box 3216, Hartford, Connecticut 06103, (203) 525-4700 or contact the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-36077 Filed 12-16-81; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 9:00 p.m., on January 7, 1982, at the University of Southern Maine, Room 310, Luther Bonney Building, Portland Maine, 04103. The purpose of this meeting is to discuss followup on domestic violence project; review draft of "Civil Rights Developments in Maine, 1982", and to discuss program plans for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Madeleine Giguere, 35 Orange Extension, Lewiston, Maine, 04240, (207) 784–9946 or contact the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–38075 Filed 12–16–81; 8:45 am]

BILLING CODE 6335–01–M

Maryland Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee to the Commission will convene at 6:00 p.m., and will end at 10:00 p.m., on January 19, 1982, at the Maryland National Capital Parks and Planning Commission, Auditorium, 8787 Georgia Avenue, Silver Spring, Maryland, 20907. The purpose of this meeting is to discuss the Eastern Shore migrant workers project; Baltimore police report; education block grant monitoring; Northeast Corridor improvement project, forum on Ku Klux Klan rallies in Frederick County; and a forum concerning the Montgomery County school closings affects on school desegregation.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Martha E. Church, President's House, Hood College, Frederick, Maryland, 21701, (301) 663–4744 or contact the Mid-Atlantic Regional Office, 2120 L Street, N.W., Room 510, Washington, D.C. 20037, (202) 254–6670.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–38078 Filed 12–16–81; 8:45 am]

BILLING CODE 6335–01–M

Wyoming Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee to the Commission will convene at 11:00 a.m., and will end at 2:00 p.m., on January 30, 1982, at the Casper Library, in the Cooper Room, 307 Second Street, Casper, Wyoming, 82601. The purpose of this meeting is to review the follow-up report on *Workplace Conditions in Wyoming*; discuss plans for a press conference to release the report, and discuss program plans for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Jamie C. Ring, 520 Parkview Drive, Casper, Wyoming, 82601, (307) 237–9604 or contact the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–38076 Filed 12–16–81; 8:45 am]

BILLING CODE 6335–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products from the People's Republic of China, Effective January 1, 1982

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products produced or manufactured in the People's Republic of China and exported to the United States during the twelve-month period beginning on January 1, 1982.

(A detailed description of the textile categories in terms of TSUSA numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China establishes specific levels of restraint for Categories 331 (Cotton Gloves and Mittens), 334 (Men's and Boys' Other Cotton Coats), 335 (Women's, Girls' and Infants' Cotton Coats), 338 (Men's and Boys' Cotton Knit Shirts), 339 (Women's, Girls' and Infants' Cotton Knit Shirts and Blouses), 340 (Men's and Boys' Woven Cotton Shirts), 341 (Women's, Girls' and Infants' Woven Cotton Blouses), 347/348 (Cotton Trousers), 445/446 (Wool Sweaters) and 645/646 (Man-Made Fiber Sweaters) during the agreement year which begins on January 1, 1982 and extends through December 31, 1982. The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year upon agreement between the two governments. In the letter published below, the Chairman of the Committee for the Impalementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in Categories 331, 334, 335, 338, 339, 340, 341, 347/348, 445/446 and 645/646, produced or manufactured in the People's Republic of China and exported during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, in excess of the designated levels of restraint. The levels of restraint for Categories 331 and 335 have been reduced to account for respective amounts of 231,701 dozen pairs and 14,583 dozen which represent carryforward used during the 1981 agreement year.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, (202)/377–4212).

Arthur Garel,

Acting Chariman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Bilateral Cotton, Wool and Man-Made

Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in Categories 331, 334, 335, 338, 339, 340, 341, 347/348, 445/446 and 645/646 in excess of the following levels of restraint:

Category	12-Month level of restraint
331	3,177,607 dozen pairs
334	192,600 dozen.
335	250,417 dozen
338	742,000 dozen of which not more than 530,000 dozen shall be in TSUSA numbers 379.0240 and 379.4050
339	865,280 dozen
340	584,064 dozen.
341	443,456 dozen.
347/348	1,730,560 dozen
445/446	252,500 dozen
645/646	583,495 dozen

In carrying out this directive entries of textile products in the foregoing categories which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 17, 1980 between the Governments of the United States and the People's Republic of China, which provide, in part, that: (1) specific limits may be exceeded by designated percentages in any agreement year; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36068 Filed 12-16-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing an Increase in the Import Restraint Levels for Certain Cotton Textile Products From Pakistan

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing to 29,412 dozen the consultation level for cotton dressing gowns in Category 350, produced or manufactured in Pakistan, and controlling imports at that level during the eighteen-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: Under the terms of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, agreement has been reached to increase the consultation level for cotton textile products in Category 350 during the agreement period which began on January 1, 1981 and extends through June 30, 1982. The United States has decided to control imports at the increased level during that agreement period in the same manner as other categories are currently being controlled.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the Federal Register (45 FR 85140) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period which began on January 1, 1981 and extends through June 30, 1982. In accordance with the terms of the bilateral agreement, the United States Government has agreed to increase the consultation level for cotton textile products in Category 350. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to the designated amount. The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Imports in this Category during the January–October 1981 period have amounted to 4,686 dozen and will be charged. As the data become available, further charges will be made to account for the period beginning on November 1, 1981 and extending to the effective date of this action.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued on you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufacturerd in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 21, 1981, and for the eighteen-month period beginning on January 1, 1981 and extending through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 350, produced or manufactured in Pakistan in excess of 29,412 dozen.[1]

[1] The level of restraint has not been adjusted to account for any imports after December 31, 1980. Imports during the January–October 1981 period have amounted to 4,686 dozen.

Textile products in Category 350 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 350 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36067 Filed 12-16-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Taiwan, Effective on January 1, 1982

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton, wool and man-made fiber textile products from Taiwan, effective on January 1, 1982.

SUMMARY: The Bilateral Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan establishes specific ceilings for cotton, wool and man-made fiber textile products in Categories 331, 333/334/335, 338/339, 340, 341, 347/348, 445/446, 633/634/635, 638, 639, 640, 641, 648 and 659pt., produced or manufactured in Taiwan and exported during the agreement year which begins on January 1, 1982 and extends through December 31, 1982.

In the latter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Taiwan and exported during the twelve-month period which begins on January 1, 1982 and extends through December 31, 1982, in excess of the designated levels.

(A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 FR 131172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Taiwan, in excess of the indicated levels of restraint:

Category	12-Month Level of Restraint
331	482,360 dozen pairs.
333/334/335	113,051 dozen of which not more than 59,206 dozen shall be in Cat. 333/334 and not more than 70,802 dozen shall be in Cat. 335.
338/339	551,144 dozen
340	657,295 dozen
341	380,752 dozen
347/348	935,359 dozen of which not more than 459,384 dozen shall be in Cat. 347 and not more than 709,814 dozen shall be in Cat. 348.
445/446	126,284 dozen
633/634/635	1,490,308 dozen of which not more than 982,883 dozen shall be in Cat. 633/634 and not more than 730,971 dozen shall be in Cat. 635
638	1,707,129 dozen.
639	5,033,179 dozen
640	3,285,788 dozen
641	738,545 dozen.
648	3,120,164 dozen
659 pt.[1]	3,245,519 pounds

[1] In Category 659, only TSUSA numbers 703.0500 and 703.1000.

In carrying out this directive entries of textile products in the foregoing categories, which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of June 8, 1978, as amended, which provide in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the authorities in Taiwan and with respect to imports of cotton, wool, and man-made fiber textile products from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36065 Filed 12-16-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange's Proposed Amendment to Cotton No. 2 Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendment.

SUMMARY: The New York Cotton Exchange ("NYCE" or "Exchange") has submitted an amendment to its Bylaw section 6.03(u) (formerly 9.03(24)) increasing the differential for one and one thirty-second of an inch staple length cotton deliverable on the Cotton No. 2 contract. The Commission has determined that the amendment is of major economic significance and that, accordingly, publication of the proposed amendment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 18, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYCE Bylaw Section 6.03(u)—Staple Differences.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–703; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955.

SUPPLEMENTARY INFORMATION: The text of NYCE's proposed amendment is as follows:

Section 6.03(u)

An addition shall also be made for each bale having a staple of one and three thirty-seconds of an inch or longer, which shall be equal to the full average premium for like staple over one and one-sixteenth of an inch staple quoted on the sixth business day prior to the day of delivery in such of the spot markets above referred to as do quote staple differences. A deduction shall also be made for each bale having a staple of one and one thirty-second of an inch, which shall be equal to [125%] *200%* of the full average discount for like staple under one and one-sixteenth of an inch quoted as aforesaid.

Other materials submitted by NYCE in support of its proposed rule amendment may be available upon request pursuant to the Freedom of Information Act (5U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed rule amendment submitted by NYCE should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by January 18, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on December 14, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–36095 Filed 12–16–81; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Meeting Change

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting change.

SUMMARY: This notice announces the cancellation of a two-day meeting previously announced in 46 FR 61163, December 15, 1981 for January 7–8, 1982. Instead, a one-day meeting will be held on January 8, 1982.

DATE: January 8, 1982 (closed), 8:30 a.m. to 3:00 p.m.

ADDRESS: The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Helen M. Bowen, Administrative Officer, ASB, Washington, DC 20310, (202) 697–9703.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81–36121 Filed 12–16–81; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: 4 January 1982; 5 January 1982

Times: 0800–1700 hours, 4 January 1982 (Closed); 0800–1600 hours, 5 January 1982 (Closed)

Place: The Pentagon, Washington, D.C.

Proposed agenda: The Army Science Board Ad Hoc Sub-Group conducting a study on Improving the Acquisition Process will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697–9703 or 695–3039.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 81–36042 Filed 12–16–81; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Defense Science Board Task Force on AUTODIN II; Advisory Committee Meeting

The Defense Science Board Task Force on AUTODIN II will meet in closed session on January 21–22, 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on January 21–22, 1982 the Task Force will hold an organizational session, and be briefed by members of the Defense Communications Agency AUTODIN II Evaluation Group and concerned members of the Defense Department.

In accordance with 5 U.S.C. App. 1 section 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 14, 1981.

[FR Doc. 81–36059 Filed 12–16–81; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Rapid Deployment Forces (RDF); Advisory Committee Meeting

The Defense Science Board Task Force on Rapid Deployment Forces will meet in closed session on January 13–14, 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on January 13–14, 1982, the Task Force will hold an organizational session, and be briefed on the following issues: RDF policy, present and future posture, results of a literature search and summary conducted by the Institute for Defense Analyses, and RDF limitations and deficiencies as presented by the Services.

In accordance with 5 U.S.C. App. 1 section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 14, 1981.

[FR Doc. 81-36080 Filed 12-16-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Very High Speed Intergrated Circuits (VHSIC)

The Defense Science Board Task Force on Very High Speed Intergrated Circuits (VHSIC) will meet in closed session on January 7 and 8, 1982 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on January 7 and 8, 1982, the Task Force will review, using the guidelines established in its Terms of Reference, industry and university relationships to DoD VLSI programs, with particular emphasis on VHSIC. Additionally, the Task Force's ongoing review of the structure and progress of the DoD VHSIC Program will be initiated.

In accordance with 5 U.S.C. App. 1 section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 14, 1981.

[FR Doc. 81-36061 Filed 12-16-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Peaceful Uses of Atomic Energy; Agreement Between the U.S. and the European Atomic Energy Community (EURATOM); Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 0.01 grams of natural uranium, and 0.01 grams of thorium, to the Centre des Faibles Radioactivities, France, for use as standard reference materials. Contract Number S–EU–704 has been assigned to this transaction.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than January 4, 1982.

For the Department of Energy.

Dated: December 11, 1981.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 81-36093 Filed 12-16-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

D. H. Hunt; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: December 17, 1981

FOR FURTHER INFORMATION CONTACT: Rod McKim, 12th and Pennsylvania Avenue, NW., Room 6443, Washington, D.C. 20461, telephone 202–633–9641.

SUPPLEMENTARY INFORMATION: On November 2, 1981, 46 FR 54398 (1981), the Office of Enforcement of the ERA published notification that it had executed a proposed Consent Order with D. H. Hunt on October 20, 1981 which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Although interested persons were invited to submit comments regarding the proposed Consent Order, no comments were received. The proposed Consent Order, therefore, was finalized and made effective on the date of publication of this Notice.

Issued in Washington, D.C. on the 11th day of December, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement.

DOE Issues $996,540 Agreement With D. H. Hunt

On December 17, 1981 the Department of Energy issued in final form a Consent Order with D. H. Hunt which had been signed on October 20, 1981. D. H. Hunt is a producer, with its home office located in Dallas, Texas.

The Department's Office of Enforcement alleged that during the period June 1, 1979 through January 27, 1981 D. H. Hunt improperly calculated its selling prices for crude oil at prices in excess of those allowed by Federal regulations.

D. H. Hunt, without admitting any violation or non-compliance with DOE regulations, has agreed to pay $996,540 into a special escrow fund for ultimate

disposition by DOE. The Department provided a thirty day period for public comment on the proposed Consent Order. The Department did not receive any comments. The proposed Consent Order became effective on [date of publication].

Further information concerning the Consent Order can be obtained by contacting Rod McKim, 12th and Pennsylvania Avenue, NW., Room 6443, Washington, D.C. 20461, telephone number 202–633–9641.

[FR Doc. 81–36090 Filed 12–16–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Proposed Decision and Order; Week of November 16 Through November 20,1981

During the week of November 16 through November 20, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings [10 CFR Part 205, Subpart D], any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

December 9, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Milder Oil Company, Omaha, Nebraska, BEE–1326, Petroleum products

Milder Oil Company filed an Application for Exception from a consent order which was executed between the firm and DOE. The exception request, if granted, would relieve Milder of its obligation to make certain refunds pursuant to the Consent Order. On November 19, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81–36092 Filed 12–16–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of November 16 Through November 20, 1981

During the week of November 16 through November 20, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Collier, Shannon, Rill & Scott, 11/16/81, BFA–0748

Collier, Shannon, Rill & Scott filed an Appeal from a denial by the DOE Region VII Authorizing and Denying Official of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the documents were properly withheld under exemptions 4 and 5 and should not be released to the public. Important issues that were considered in the Decision and Order were (i) adequacy of the Authorizing Official's descriptions of the documents, (ii) adequacy of the Authorizing Official's justification for withholding the documents and (iii) the applicability of exemption 4 to commercial information which is seven years old.

Shepherd Oil Company, Inc., 11/17/81, HFA–0005

Shepherd Oil Company, Inc. filed an Appeal from a denial by the Southwest District Manager of the ERA of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that portions of the document in question were erroneously withheld by the Southwest District Manager under 5 U.S.C. 552(b)(4). However, an independent review of the document revealed that the withheld portions constitute investigatory records exempt from disclosure under 5 U.S.C. 552(b)(7)(A).

Remedial Orders

A. Tarricone, Inc., 11/20/81, DRO–0182

A. Tarricone, Inc. objected to a Proposed Remedial Order which the Economic Regulatory Administration's Office of Enforcement issued to the firm on February 16, 1979. In the Proposed Remedial Order, the ERA found that in January 1975 Tarricone improperly obtained 23,157 entitlements that it should not have received as an eligible importer of residual fuel oil under the provisions of 10 CFR 211.67(a)(3) which were in effect from November 29, 1974 through March 31, 1975. The DOE concluded that the Proposed Remedial Order should be issued as a final Order.

Memphis Aero Corporation, 11/20/81, DRO–0244

Memphis Aero Corporation objected to a Supplemental Proposed Remedial Order which Region IV Office of Enforcement issued to the firm on August 21, 1979. In the Supplemental Proposed Remedial Order, Region IV proposed that Memphis Aero Corporation fulfill certain refund obligations which result from a previously issued Remedial Order by making direct refunds to the United States Treasury. The OHA determined that the refund provisions in the Supplemental Proposed Remedial Order were appropriate, and therefore concluded that the Supplemental Proposed Remedial Order should be issued as a final Order.

In the following case involving a Proposed Remedial Order no Statement of Objections was filed. The DOE therefore issued the order in final form.

Company Name and Case No.

Garland Alston, d.b.a. Garland Exxon, BRW–0090

Request for Exception

Wallace Barnes d.b.a. North Eastham Exxon, 11/17/81, BEE–1652

Wallace Barnes d/b/a North Eastham Exxon (Barnes) filed an Application for Exception from the provisions of 10 CFR 212.93. In the application, Barnes requested retroactive relief which would excuse him from the obligation to refund overcharges which he made during the period August 1, 1979 through June 27, 1980 from selling motor gasoline at prices in excess of those permitted under 10 CFR 212.93. The Office of Hearings and Appeals had previously issued a Remedial Order to Barnes requiring him to repay these overcharges plus interest to the United States Treasury. *Wallace Barnes*, 7 DOE ¶ 83,018 (1981). In considering Barnes's exception request, the DOE found that adherence to the provisions of the Remedial Order would likely force him into bankruptcy. The DOE therefore concluded that Barnes would experience a severe and irreparable injury unless he was relieved of the obligation to refund the overcharges specified in the Remedial Order, and that compelling circumstances existed which warranted the approval of a retroactive exception. Accordingly, exception relief was granted.

Motion for Discovery

Office of Special Counsel for Compliance, 11/19/81, BRD–0126

The Office of Special Counsel for Compliance (OSC) filed a Motion for Discovery directed toward the Atlantic Richfield Company (ARCO) in connection with Arco's objections to a Proposed Remedial Order (PRO) issued to the firm on May 1, 1979 by the OSC. In the motion, OSC sought discovery concerning Arco's "corporate state of mind" in applying the DOE Mandatory Petroleum Price Regulations and antecedent regulations governing the first sale price of crude oil. In considering the OSC motion, the DOE stated that discovery of corporate state of mind is appropriate when a firm has put that matter into issue through its affirmative defenses. The DOE then determined that notwithstanding the fact that it had not yet filed a Statement of Legal Objections, Arco had already put its corporate state of mind into issue in the proceeding by arguing that three interpretive rulings on which OSC relied in the PRO could not be applied retroactively and by seeking to invoke the beneficial aspects of these rulings despite its claim that the rulings were invalid. Additionally the DOE determined that the OSC discovery motion was not barred by a March 1979 Agreement between Arco and the OSC. Accordingly, the OSC Motion for Discovery was granted.

Special Refund Procedures

Office of Enforcement, 11/20/81, BEF–0036, BEF–0008, BEF–0014, BEF–0021

The Office of Enforcement filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into with Coline Gasoline Corporation, National Helium Corporation, Palo Pinto Oil & Gas, Belridge Oil Company, and Aluminum Company of America. The DOE issued a final Decision and Order setting forth procedures to be used in adjudicating claims to the settlement funds involved in those cases. The decision established a two-stage procedure. In the first stage, those firms that purchased natural gas liquids from the firms involved and who believed they were entitled to a portion of the consent order funds could file Applications for Refund. In the second stage, it was tentatively determined that refunds could be channelled through first purchasers. The determination set forth in detail the information that should be included in a firm's Application for Refund. Since the amount of money that would be left over after all Applications for Refund is unable to be determined at this time, no final determination was reached on the proposed second stage. Further comments on the proposed second stage were solicited.

Dismissals

The following submission was dismissed without prejudice:

Company Name and Case No.

Belcher Oil Company, DRO–0192

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management; Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 9, 1981.

[FR Doc. 81–36094 Filed 12–16–81; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Week of November 16 Through November 20, 1981

During the week of November 16 through November 20, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before January 6, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 9, 1981.

Exxon Company, Washington, D.C., HRO–0013, crude oil

On November 20, 1981, Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001 filed a Notice of Objection to (a Proposed Remedial Order) which the DOE Office of Special Counsel issued to the firm on October 13, 1981.

In the (PRO or IROIC) the Office of Special Counsel found that during March 1975 to December 1977, Exxon failed to apply the equal application requirements of the banking rules to its sales of motor gasoline by refinery-operated service stations pursuant to the retail price equalization adjustment.

According to the (PRO) the Exxon violation resulted in the overstatement of the company's bank of unrecouped costs by $39,745,460.

Lampton-Love Incorporated, Washington, D.C., HRO–0015, Propane

On November 20, 1981, Lampson-Love, Inc., 1055 Thomas Jefferson Street, N.W., Washington, D.C. filed a Notice of Objection to (a Proposed Remedial Order) which the DOE Southeast District Office of Enforcement issued to the firm on September 22, 1981.

In the (PRO) the Southeast District found that during November 1, 1973 to May 1, 1974, Lampton-Love sold propane gas to its customers at prices in excess of its maximum lawful selling prices.

According to the (PRO) the Lampton-Love violation resulted in $284,984.46 of overcharges.

Mobil Oil Corporation, Fairfax, Virginia, HRO–0014, Propane

On November 20, 1981, Mobil Oil Corporation, 3225 Gallows Road, Fairfax, Virginia 22037 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Refiner District, Office of Spacial Counsel issued to the firm on September 18, 1981.

In the PRO the Southwest District found that during the period August 1973 to December 1976, Mobil incorrectly determined its marine and comportation cost component of the imported crude oil costs for refiner pricing purposes.

According to the PRO the Mobil violation resulted in a $393,443 overstatement of the firm's marine and comportation and related costs.

Mobil Oil Corporation, Fairfax, Virginia, HRO–0016, Crude oil

On November 20, 1981, Mobil Oil Corporation, 3225 Gallows Road, Fairfax, Virginia 22037 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on September 11, 1981.

In the PRO the Southwest District found that during October 1976 to March 1978, Mobil received over $2.65 million in refunds to supplemental fees which it had previously paid and included in the costs of its imported crude oil. The audit further revealed that Mobil failed to reduce its crude oil costs during the same period by the amount of refunds received.

Texaco, Incorporated, Wilmington, Delaware, HRO–0012, Crude oil

On November 19, 1981, Texaco, Inc., 1105 N. Market Street, P.O. Box 1347, Wilmington, Delaware 19899 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Special Counsel for Compliance issued to the firm on September 4, 1981.

In the (PRO) the Southwest District found that during December 1, 1973 to February 1, 1977, Texaco failed to properly charge prices and compute cost recoveries on its sales of gasoline and reported erroneous levels of unrecovered costs to DOE.

According to the (PRO) the Texaco violation resulted in $142,783,783.00 of overcharges.

[FR Doc. 81–36091 Filed 12–16–81; 8:45 am]

BILLING CODE 6450–01–M

V 4 6 D E 1 7 8 1 UMI

ENVIRONMENTAL PROTECTION AGENCY

[OPP-250032; PH-FRL-2007-7]

Peer Review Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1980, requires that EPA publish in the Federal Register procedures for peer review of scientific studies. Those procedures are detailed in this notice.

EFFECTIVE DATE: This policy is effective December 17, 1981.

FOR FURTHER INFORMATION CONTACT: Amy S. Rispin, Hazard Evaluation Division (TS–769C), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room 821 CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202, (703–557–7490).

SUPPLEMENTARY INFORMATION: .

I. Introduction

A. Legislative Authority and History

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA has the responsibility for ensuring that pesticides marketed in the United States do not cause unreasonable adverse effects to man or the environment. This responsibility is carried out through decisions on whether to register (license) pesticide products, and whether to suspend or cancel existing regulations. The "reasonableness" of the risk is determined by weighing the potential risks a pesticide may pose to humans, other nontarget life, and the environment against its economic and social benefits. Risks are usually assessed by examining data gathered in scientific studies, most of which are conducted by pesticide producers, universities, or government agencies including the Environmental Protection Agency.

In December 1980, section 25 of FIFRA was amended to require EPA to establish written procedures for peer review of major scientific studies performed or sponsored by EPA (the Wampler Amendment). The amendment pertains to studies performed by an institution or individual under grant, contract or cooperative agreement from or with the EPA. The Wampler Amendment further states that the Administrator shall also provide for peer review of any such studies relied upon for actions relating to change in classification, suspension or cancellation of a pesticide. Peer review of studies is to be performed by the Scientific Advisory Panel (SAP) or peer review subpanels constituted from the SAP membership and augmented by scientists selected by the SAP.[1] The amendment directed EPA to publish procedures for implementing the amendment by December 17, 1981.

B. Applicability and Purpose of the Peer Review Procedures

These peer review procedures apply to all major scientific studies performed or sponsored by the Office of Pesticide Programs (OPP), henceforth referred to as major scientific studies. The procedures establish a mechanism by which all major scientific studies performed or sponsored by the OPP are subjected to a complete, rigorous, and objective review by scientific peers before the Agency uses the results of these studies to make regulatory decisions.

Even if studies are not considered major scientific studies, the OPP may at it discretion, submit other studies for peer review. The Agency will use peer review when appropriate to examine studies critical to registration denials, cancellations, suspensions or significant changes in the use classification of a pesticide.

In addition, the OPP may submit for peer review, at its discretion, any studies which are especially controversial or which present unusual difficulties in interpretation, even if they are not by themselves the primary basis for denial or other adverse regulatory action.

C. Interpretation of the Wampler Amendment

The intent of the Wampler amendment is to ensure that significant scientific studies sponsored or undertaken by EPA are properly peer reviewed—both prior to their conduct and after completion—in order to enhance the scientific basis for regulatory action. EPA believes, then, that the statutory requirements of the amendment apply to major studies sponsored or conducted by the Agency which will provide information upon which significant regulatory action can be based. There are many studies, either conducted by other parties or which do not fall under the statutory requirement for peer review, which EPA may nevertheless wish to have peer reviewed as a matter of good sense and good science.

D. Definition of Types of Studies

1. *Major scientific studies.* Major scientific studies are those studies which the OPP undertakes or sponsors that are anticipated to provide information that will be critical to an EPA decision to cancel or restrict users of a pesticide(s). These studies will be peer reviewed.

2. *Pivotal regulatory studies.* Pivotal regulatory studies are those studies, usually not originated or sponsored by OPP, which the Agency relies upon for actions relating to a significant change in classification, suspension or cancellation of a pesticide, or a denial of registration. Pivotal studies may be submitted by industry or other sources. Pivotal studies will be peer reviewed at the discretion of the Agency.

3. *Supporting studies.* Supporting studies are studies which do not impel major regulatory decisions or policies, or which do not lead to significant changes in classification, suspension, or cancellation of a pesticide. Examples are studies designed to test a monitoring scheme or analytical method. These studies will generally not be peer reviewed.

4. *Other special studies.* Occasionally there will be other special studies which the Agency chooses to submit for peer review because they are especially controversial or they present unusual difficulties in interpretation.

The following Figure 1 is a schematic diagram showing how to determine whether or not studies are subject to these peer review procedures.

BILLING CODE 6560-32-M

[1] The SAP is a body of seven independent scientists created by law in 1975 to review all EPA regulations and proposals to cancel pesticides under authority of the FIFRA. It is a quality control checkpoint on the scientific bases for EPA regulatory decisions under FIFRA.

Figure 1 -- SCHEMATIC DIAGRAM SHOWING LOGIC TO CLASSIFY STUDIES TO DETERMINE IF SAP PEER REVIEW IS NECESSARY

Major Scientific —— These studies will be submitted to SAP for peer review at

Figure 1 -- SCHEMATIC DIAGRAM SHOWING LOGIC TO CLASSIFY STUDIES TO DETERMINE IF SAP PEER REVIEW IS NECESSARY

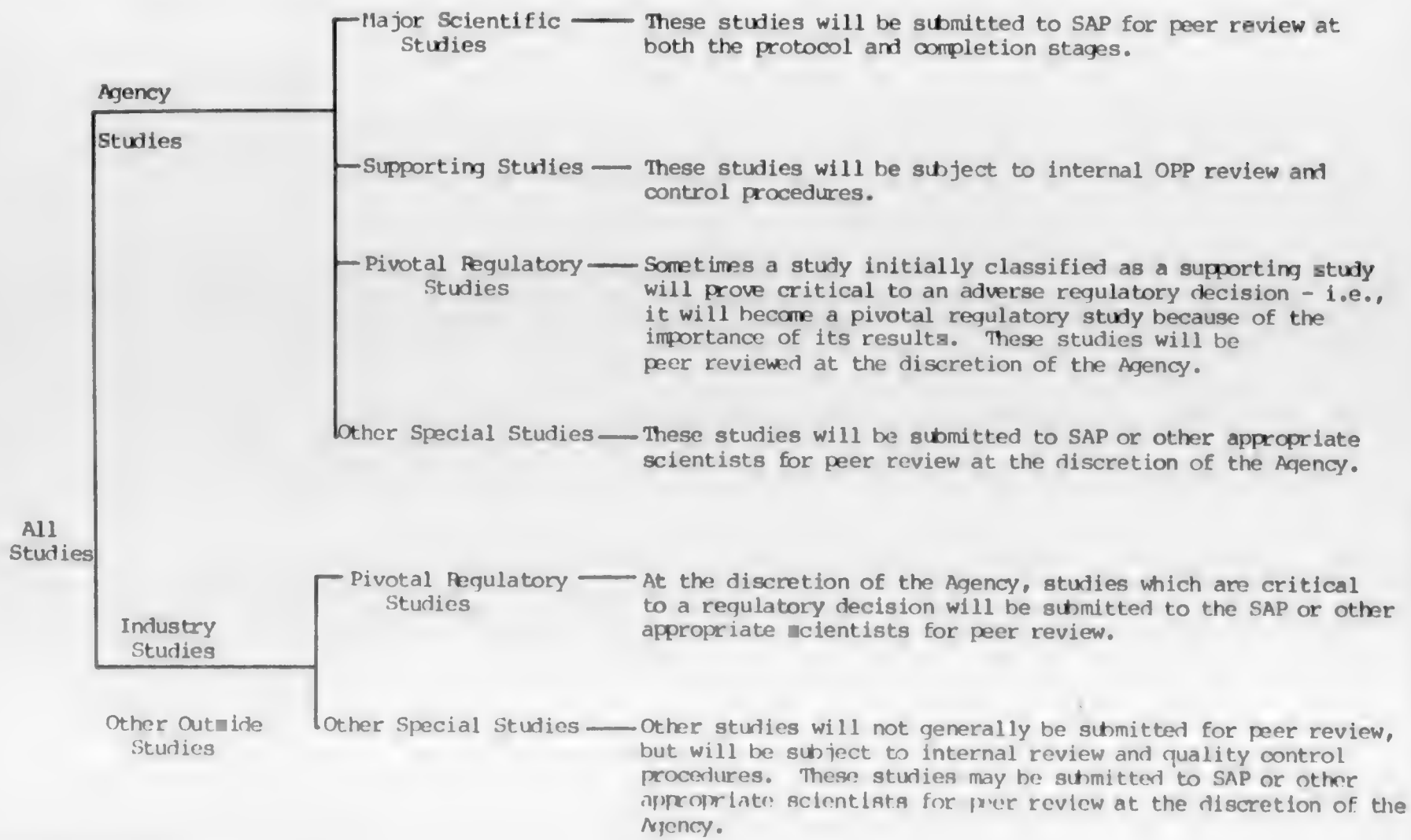

BILLING CODE 6560-32-C

II. General OPP/SAP Administrative Procedures

Peer review of each major scientific study will be conducted at two times: after study protocol development but before initiation of the work and after completion of the study but before use or release of the findings. The only exception to this rule will be in an emergency situation, at which time the completed report rather than the protocol will be submitted for peer review. Studies not funded by the Agency will normally be reviewed only after completion. Studies underway prior to the establishment of these procedures will be peer reviewed after completion, in accordance with their classification under Figure 1.

In requesting peer review of the SAP, the Agency will provide to the Executive Secretary the full study or protocol, a covering description of the study that includes the regulatory context, issues, focus and implications; any prior reviews of the study that have been performed by scientists within or without the Agency; and a list of nominees by discipline which the SAP may or may not use to augment its list of reviewers, and a suggestion as to the appropriate number of reviewers.

The Wampler amendment provides that EPA will provide for peer review using the SAP "or appropriate experts appointed by the Administrator from a current list of nominees" maintained by the SAP. The SAP will draw the list of nominees from SAP members, a standing list of scientists maintained by the SAP, and such other specialists as considered essential to the purposes of the review. The Executive Secretary will form an ad hoc sub-panel (for studies which require more than one researcher) consisting of a member of the SAP, as chair, and the reviewers that are designated from the list of nominees. The sub-panel chair will be appointed from SAP membership by the Panel Chairman in consultation with the SAP Executive Secretary. The Executive Secretary will distribute to the chair and members of the sub-panel copies of the study or protocol, the covering description, other available reviews, the names and addresses of the sub-panel members and the instructions of the sub-panel chair. The Executive Secretary will be responsible for all administrative work necessary to appoint sub-panel members. All sub-panel members will be cleared to review Confidential Business Information under FIFRA.

The chair of the sub-panel will compile the written reviews of the sub-panel members, resolving conflicts that may arise and obtaining additional reviews as deemed necessary, and prepare a summary report to the Agency. The report will address in particular the quality of the study or protocol in relation to the questions raised by the Agency, and suggest alternatives to the study in the event it does not meet the Agency's concerns.

Peer reviews will be completed within 60 days of submission to the SAP. In the event of emergency actions by the Agency, the same procedures will be followed, except that the process will be completed within 30 days, or less if needed, after submission to the SAP. There could also be an occasion in which the Agency finds an emergency situation that requires immediate regulatory action. In these cases, in accordance with the 1980 amendment, if EPA takes an emergency suspension action, the basis for that action will be referred to the SAP for review promptly after issuance of the suspension order.

III. OPP Division Administrative Procedures

All studies which require SAP peer review, as defined under I and II of this document, will be subject to the following procedures and requirements for preparation of the study for transmittal to the SAP:

A. Agency Studies

When the OPP identifies a study which is needed to provide essential regulatory data, and which will be funded directly by OPP, the study proposal will be submitted for internal OPP review within the annual budget planning process. The study proposal will classify the study, for peer review purposes, as a major scientific study, a supporting study or as a study which requires peer review because of special circumstances. Division management will make the decision on classification of the study, with an information notification to higher management, who may recommend a change in classification.

For major scientific studies the proposal and protocol will be submitted to SAP for peer review, and peer review will be completed, if possible before funds are obligated. Because of the occasional need to fund extramural projects according to a funding cycle, such as for cooperative agreements, it may be necessary to commit or obligate funds in advance of completing peer review of the protocol. Nevertheless, work will generally not begin for major scientific studies until the protocol has completed peer review.

For those Agency studies which require peer review at the planning stage (major scientific studies and other special studies as deemed appropriate) a peer review plan will be prepared and the plan, plus the protocol, will be sent to SAP for peer review. The peer review plan will identify the regulatory context of the study, discuss any special issues and will suggest appropriate peer reviewers. The plan will also include copies of any prior internal OPP review.

EPA will then send the completed study to the SAP, along with copies of the previously peer reviewed protocol. EPA will provide a summary of the study and its regulatory context, as well as suggestions for the number and identity of potential peer reviewers (most likely the same individual(s) who reviewed the protocol). The Agency generally will not make the completed study publicly available until after peer review is complete and revisions made as appropriate.

Supporting studies normally will receive only internal OPP peer review and will not be peer reviewed by the SAP prior to initiation. Occasionally, however, studies which are considered supporting studies will reveal important regulatory conclusions when they are completed, and consequently these studies will impact significantly on chemical registration status or use patterns. These studies thus become pivotal regulatory studies and will be submitted for peer review of final results at the discretion of the Agency.

B. Industry Studies, Other Outside Studies

As shown in Figure 1, these studies are classified in only two categories—those studies which are pivotal regulatory studies because they lead to some significant adverse regulatory action and those which are not. Generally speaking, these studies will not be submitted to the SAP or other outside scientists, but will be reviewed by EPA scientists. Those studies which are pivotal regulatory studies may be submitted for peer review at the discretion of EPA. Most of these will be studies rather than protocols; there could be exceptions, such as the review of new protocol designs in lieu of current guideline recommendations. Those studies, whether performed by industry or not, which present unusual difficulties in interpretation, may be submitted for peer review at the

discretion of EPA. This specifically means that there will be many important studies done by industry and by the public sector which the Agency will not submit for peer review because these studies do not have a significant adverse impact on registration status or use patterns. Studies submitted for peer review will contain a peer review plan as described in III A.

(Sec. 25 as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: December 9, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 81-36052 Filed 12-16-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51367; TSH-FRL-2009-2]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of five PMNs and provides a summary of each.

DATE: Written comments by: PMN 81-625, 81-626, 81-627, 81-628, and 81-629—February 6, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51367]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-625

Close of Review Period. March 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $100,000,000 and $499,999,999.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Blocked isocyanate.

Use. The manufacturer states that the PMN substance will be used as a water carried adhesive component.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	20,000
2d year	20,000	40,000
3d year	30,000	70,000

Physical/Chemical Properties

Melting point—135° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture up to 10 workers may experience dermal and inhalation exposure during reactor charging, filtering, drying and quality control.

Environmental Release/Disposal. Disposal is by a Resource Conservation and Recovery Act (RCRA) licensed waste handler.

PMN 81-626

Close of Review Period. March 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Ethylene glycol acrylate trimelliate.

Use. The Manufacturer states that the PMN substance will be used as a site-limited surface coatings intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	2,000	4,000
2 year	6,000	10,000

PRODUCTION ESTIMATES—Continued

	Kilograms per year	
	Minimum	Maximum
3 year	10,000	13,500

Physical/Chemical Properties

Specific gravity—1.13.

Viscosity (Brookfield) @ 22° C—52 cps.

Weight/gallon (1b)—9.4.

Toxicity Data

Acute oral toxicity LD_{50}—3,400 mg/kg.

Acute dermal toxicity LD_{50}—>2,000 mg/kg.

Eye irritation—Severe.

Ames salmonella—Negative.

Exposure. The manufacturer states that during manufacture 3 workers may experience dermal exposure 0.5 hr/day, 40 days/yr.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Disposal is by incineration.

PMN 81-627

Close of Review Period. March 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Polymer of ethylene glycol acrylate mellitate and bisphenol-A epichlorohydrin.

Use. The manufacturer states that the PMN substance will be used as a site-limited surface coatings intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	12,000	24,000
2 year	36,000	60,000
3 year	60,000	[illegible]

Physical/Chemical Properties

Specific gravity—1.19.

Viscosity (Brookfield) @ 22° C—400,000 cps.

Weight/gallon (1b)—9.9.

Toxicity Data

Acute oral toxicity LD_{50}—>5,000 mg/kg.

Acute dermal toxicity LD_{50}—>2,000 mg/kg.

Eye irritation—Moderate.

Ames salmonella—Negative.

Exposure. The manufacturer states that during manufacture 3 workers may experience dermal exposure 2.5 hr/day, 40 days/yr.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Disposal is by incineration.

PMN 81-628

Close of Review Period. March 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Adduct of toulene diisocyanate with 2-hydroxyethyl acrylate and caprolatum.

Use. The Manufacturer states that the PMN substance will be used as a site-limited intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	2,000	3,000
2 year	4,000	7,000
3 year	7,000	9,000

Physical/Chemical Properties

Specific gravity—1.30.

Viscosity (Brookfield) @ 22° C—226,000 cps.

Toxicity Data

Acute oral toxicity LD_{50}—>5,000 mg/kg.

Acute dermal toxicity LD_{50}—>2,000 mg/kg.

Eye irritation—Moderate.

Ames salmonella—Negative.

Exposure. The manufacturer states that during manufacture 3 workers may experience dermal exposure 3 hrs/day, 3 days/yr.

Environmental Release/Disposal. The manufacturer states that there will be no release to the envoronment. Disposal is by incineration.

PMN 81-629

Close of Review Period. March 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Polymer of linseed oil, polymer with maleic anhydride and pentaerythritol, formaldehyde polymer with 4-(1,1-dimethylethyl)phenol, methyl phenol, and 4-nonyl phenol.

Use. The manufacturer states that the PMN substance will be used as a surface coating.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	8,600	17,000
2d year	17,000	25,000
3d year	21,000	43,000

Physical/Chemical Properties

Specific gravity—0.911.

Viscosity (Brookfield) @ 22° C—190-250 cps.

Weight/gallon (lb)—7.6.

Non-volatile material—45%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 3 workers may experience dermal exposure 4 hrs/day, 6 days/yr.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Disposal is by incineration.

Dated: December 9, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-36050 Filed 12-16-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

The Hellenic Mediterranean Lines Co. Ltd. and Touristik Union International GmbH KG. c/o The Hellenic Mediterranean Lines Co. Ltd.; Order of Revocation

The Hellenic Mediterranean Lines Co., Ltd. and Touristik Union International GmbH KG. have ceased to operate the passenger vessel AQUARIUS to and from United States ports; and

Certificate (Performance) No. P-197, issued to the Hellenic Mediterranean Lines Co. Ltd. and Touristik Union International GmbH KG., has been returned for revocation.

Therefore, it is ordered, that Certificate (Performance) No. P-197, covering the AQUARIUS, be and is hereby revoked effective December 3, 1981.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-35864 Filed 12-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Brighton Bancshares, Inc.; Formation of Bank Holding Company

Brighton Bancshares, Inc., Branson, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the National Bank of Brighton, Brighton, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve Board System, December 11, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36054 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Commerce Bancshares, Inc.; Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Commerce Bank of Lee's Summit, N.A., Lee's Summit, Missouri, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 9, 1982.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36019 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Montrose County Bank Shares, Inc.; Formation of Bank Holding Company

Montrose County Bank Shares, Inc., Crawford, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Montrose County Bank, Naturita, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 11, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36055 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

NBF Corp.; Formation of Bank Holding Company

NBF Corporation, Fitzgerald, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The National Bank of Fitzgerald, Fitzgerald, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 11, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36056 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

North American Bancorporation, Inc.; Formation of Bank Holding Company

North American Bancorporation, Inc., Wolcott, Connecticut, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The North American Bank & Trust Company, Stratford, Connecticut. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36020 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Ramsey Bancshares, Inc.; Formation of Bank Holding Company

Ramsey Bancshares, Inc., Devils Lake, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.2 per cent of the voting shares of Ramsey National Bank & Trust Company of Devils Lake, Devils Lake, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36021 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Riverside Bancshares Corp.; Formation of Bank Holding Company

Riverside Bancshares Corporation, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Riverside Community State Bank of Minneapolis, Minneapolis, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 6, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36022 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

St. James Bancorp, Inc.; Formation of Bank Holding Company

St. James Bancorp, Inc., St. James, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.3 percent or more of the voting shares of Citizens State Bank of St. James, St. James, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36023 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of North Austin State Bank, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36024 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Charter National Bank, Plano, Texas. The factors that are considered in acting on the application are set forth in section 3(a) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36025 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

The Peoples Bankcorp; Formation of Bank Holding Company

The Peoples Bankcorp, Cleveland, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Peoples Bank, Cleveland, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36026 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Tonica Bancorp, Inc.; Formation of Bank Holding Company

Tonica Bancorp, Inc., Tonica, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Tonica State Bank, Tonica, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 10, 1982. Any comment on an application that requests a hearing must include a statement of why written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 11, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36057 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

Whitehall Bancorp; Formation of Bank Holding Company

Whitehall Bancorp, Whitehall, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding

company by acquiring 80 percent or more of the voting shares of Whitehall State Bank, Whitehall, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 6, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 11, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36058 Filed 12-16-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-34]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving electric rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Energy Regulatory Commission involving the petition of the Department of the Air Force for recognition of Plattsburgh Air Force Base as a preference customer for purchase of Niagara Power Project electricity.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: December 5, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-35982 Filed 12-16-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee, Surveillance Subcommittee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Surveillance Subcommittee of the Mine Health Research Advisory Committee
Date, time: January 6, 1982, 8:30 a.m. to 4:30 p.m.
Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Type of meeting: Open
Contact person: Dennis Groce, Industrial Hygienist, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health Centers for Disease Control, 944 Chestnut Ridge Road, Room 117, Morgantown, WV 26505, Telephone: (304) 599-7421
Purpose: To discuss options for conducting environmental and medical surveillance in the mining industry.

The Mine Health Research Advisory Committee (MHRAC) was established by the Federal Mine Safety and Health Act of 1977. This legislation also provides the mandate for determining if materials or physical agents are potentially toxic at the concentrations that are found in a mine. Such determinations are to be made on a continuing basis, and the results are to be submitted to the Secretary of Labor.

Interested parties wishing to participate in the meeting are requested to contact Mr. Dennis Groce at the address above in order to be assured appropriate time for presentation. Four copies of the text of the presentation must be provided to the subcommittee chairperson, Dr. L. Christine Oliver, 135 Freeman Street, #1A, Brookline, Massachusetts 02146, prior to or at the subcommittee meeting.

The subcommittee will present its report on this subject to the MHRAC at their next meeting currently scheduled for February 1-2, 1982. The final subcommittee report, as approved by the MHRAC, will be available subsequent to the February meeting.

Dated: December 11, 1981.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 81-36072 Filed 12-17-81; 8:45 am]

BILLING CODE 4160-19-M

Public Health Service

Preventive Health and Health Services Block Grant; Delegation of Authority

Notice is hereby given that in furtherance of the delegations by the Secretary of Health and Human Services to the Assistant Secretary for Health on November 23, 1981 of authority under Title XIX of the Public Health Service Act and on November 24, 1981 of authority under Title XVII of the Omnibus Budget Reconciliation Act of 1981, the Assistant Secretary for Health has delegated to the Director, Centers for Disease Control, (1) all the authority delegated to the Assistant Secretary for Health under Part A, Title XIX, of the Public Health Service Act (42 U.S.C. 300w *et seq.*), as amended, with authority to redelegate only to officials who report directly to the Director, Centers for Disease Control, concerning the Preventive Health and Health Services Block Grant program, and (2) the authority delegated to the Assistant Secretary for Health under Subtitle C, Chapter 2, Block Grant funds, of Title XVII of the Omnibus Budget Reconciliation Act of 1981 (31 U.S.C. 1243 note), as amended, with authority to redelegate to officials who report directly to the Director, Centers for Disease Control; to officials within the Office of the Director, Centers for Disease Control; and through normal channels to the Regional Health Administrators; insofar as it pertains to Part A, Title XIX of the Public Health Service Act, Preventive Health and Health Services Block Grant.

The delegation to the Director, Centers for Disease Control, became effective on December 2, 1981.

Dated: December 2, 1981

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-36030 Filed 12-16-81; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-89]

Intended Environmental Impact Statement; Historic District, Decatur, Ill.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Assisted Housing in the Decatur Historic District, Decatur, Illinois. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., December 8, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on Assisted Housing in Decatur Historic District, Decatur, Illinois

The Department of Housing and Urban Development (HUD) Chicago, Illinois Area Office intends to prepare an EIS on the project described below. The Department hereby solicits comments and information for consideration in the EIS.

Description: The Historic District is irregularly shaped, its rough boundaries include Eldorado, Hayworth/Crea, Lincoln Park Place/Edward, and Union/Church. The primary site being considered for assisted housing is bounded by North, Pine, William and Monroe Streets.

No project is under current review for the area. However, because of the recognized need and the area's desirability for elderly or family housing, HUD anticipates submission of applications for assistance in the future. In the past the primary site (identified above), was submitted for 202 funding.

Need: An EIS is being prepared as any new housing construction within the district may be viewed as an adverse impact by State Historic Preservation Officer (SHPO) or Advisory Council on Historic Preservation (ACHP) as was the previous application, and the EIS would constitute the most appropriate level of clearance.

Alternatives: The EIS will consider arrangement of site and design alternatives for assisted housing within the district, including size, number of units and type of housing.

Scoping: Responses to this notice will help determine potentially significant environmental issues and consequently will assist in identifying policy areas that the EIS should address. Presently potential issue areas include impact on the Historic District, parking congestion, and sewer capacity.

Comments: Comments should be sent on or before January 7, 1982 to: Eugene Goldfarb, Environmental Officer, Department of Housing and Urban Development, Chicago Area Office, One North Dearborn Street, Chicago, Illinois 60602.

[FR Doc. 81-36083 Filed 12-16-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that McMoRan Offshore Exploration Co., designated Subunit Operator (Tenneco Oil Exploration and Production Company is the Unit Operator), of the Vermilion Block 218 Federal Unit Agreement No. 14-08-0001-8816, submitted on October 30, 1981, a proposed supplemental plan of development describing the activities it proposes to conduct on the Vermilion Block 218 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open Weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 11, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-35985 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Canon City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Canon City District Grazing Advisory Board will be held at 10:00 a.m., Friday, January 22, 1982, at the Chaffee County Bank, 146 G Street, Salida, Colorado.

The purpose of the meeting will be to review allotment management plan implementation, discuss the Rangeland Program Summary Update for the Royal Gorge Resource Area, and to initiate, conduct and settle business pertaining to expenditure of Range Betterment and Improvement Funds.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are

limited and persons will be accommodated on a first come, first served basis. Any person may file with the Board a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting may contact Melvin. D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado, at (303) 275–0631.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: December 11, 1981.

Melvin D. Clausen,

District Manager.

[FR Doc. 81–35986 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 16756]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of September 20, 1979, FR Doc. 79–29121, Page 54553, an allowance of 39 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 334 acres of land for the Wheeler Creek Research Natural Area within the Siskyou National Forest in Curry County. An additional 51 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–35987 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 10970]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of May 26, 1977, FR Doc. 77–15024, Page 27668, an allowance of 32 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 2,330 acres of land for the Spark-Devils Lake Recreation Area within the Deschutes National Forest in Deschutes County. An additional 58 days from the date of this publication (until February 15, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–35988 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 16757]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of September 20, 1979, FR Doc. 79–29220, Page 54556, an allowance of 39 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 1,318 acres of land for the Metolius Research Natural Area within the Deschutes National Forest in Jefferson County. An additional 51 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–35989 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 12177]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of January 24, 1980, FR Doc. 80–2244, Page 5842, an allowance of 36 days was made for comments concerning the proposal by the Bureau of Land Management to withdraw 12,477.49 acres of land for the Abert Rim Scenic Corridor in Lake County. An additional 52 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–35990 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

[U–011437]

Utah; Proposed Continuation of Withdrawal and Opportunity for Public Hearing

1. In accordance with the provisions of section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management is proposing continuation of an existing experimental range withdrawal, created by Public Land Order 1728 dated September 5, 1958, affecting the following described lands:

Salt Lake Meridian, Utah

T. 24 S., R. 17 W.,
Secs. 1 to 4, inclusive, and 9 to 36, inclusive.
T. 24 S., R. 18 W.,
Secs. 25 and 36.
T. 25 S., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 25 S., R. 18 W.,
Secs. 1, 2, and 11 to 14, inclusive, and 22 to 28, inclusive, and 33 to 36, inclusive.

2. The area described aggregates 55,680 acres in Millard County, Utah.

3. The purpose for the withdrawal is for use by the Forest Service, Department of Agriculture, as the Desert Experimental Range. The lands are closed to all forms of appropriation under the public lands laws, including the mining, but not the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

4. Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 17, 1982. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before April 1, 1982.

5. The authorized officer of the BLM will undertake such investigation as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

6. All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

Dated: December 10, 1981.

[FR Doc. 81-35984 Filed 12-16-81: 8:45 am]

BILLING CODE 4310-84-M

Colorado; Final Intensive Wilderness Inventory

Decision by the Interior Board of Land Appeals to Affirm the Colorado State Director's Final Intensive Wilderness Inventory Decision Regarding Castle Peak (CO-070-433) and Pisgah Mountain (CO-070-421).

Notice is hereby given on the decision of the Interior Board of Land Appeals (IBLA) to affirm the Colorado State Director's Wilderness Inventory decision designating the Castle Peak unit as a wilderness study area (WSA) and declaring the Pisgah Mountain unit unsuitable as a wilderness study area.

The State Director's Final Intensive Wilderness Inventory decision under the authority of section 603 of the Federal Land Policy and Management Act of 1976 (FLMA), 43 U.S.C. 1782 (1976), was published on November 14, 1980 (45 FR 75584). At that time Castle Peak was identified as a WSA and Pisgah Mountain was listed as no longer subject to wilderness review. This portion of the decision was protested. Attempts to resolve the protest were not successful and an appeal was filed with IBLA on February 26, 1981. A notice of this, as well as all other appeals relating to the Final Intensive Wilderness Inventory decision, was published in 46 FR 48774 (October 2, 1981).

In their decision on November 17, 1981, IBLA affirmed the original decision by the Colorado State Director with respect to both units. Accordingly, as of November 17, 1981, Pisgah Mountain (CO-070-421) is released from further wilderness review. Castle Peak (CO-070-433) is reaffirmed as a wilderness study area, and will continue to be subject to the Bureau's interim management policy for WSAs.

Copies of the IBLA's decision (60 IBLA 54) can be obtained from BLM by contacting: Colorado State Office, 1037 20th Street, Denver, Colorado 80202; Attention: Barry A. Tollefson, State Wilderness Coordinator; Telephone (303) 837-3393.

Dated: December 3, 1981.

George C. Francis,

State Director, Colorado, Bureau of Land Management, Denver, Colorado.

[FR Doc. 81-36006 Filed 12-16-81: 8:45 am]

BILLING CODE 4310-84-M

[OR 10138]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of September 27, 1979, FR Doc. 79-29932, Pages 55664-5, an allowance of 40 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 1,120 acres of land for the Mt. Ashland Winter Sports Area within the Rogue River and Klamath National Forests in Jackson County. An additional 50 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35591 Filed 12-16-81: 8:45 am]

BILLING CODE 4310-84-M

[OR 11159]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of September 27, 1979, FR Doc. 79-29994, Page 55669, an allowance of 40 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 7,148.31 acres of land for a highway road zone and recreation areas within the Deschutes National Forest in Deschutes and Klamath Counties. An additional 50 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35992 Filed 12-16-81: 8:45 am]

BILLING CODE 4310-84-M

[OR 16124]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of March 3, 1977 FR Doc. 77-6310, Pages 12265-6, an allowance of 32 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 3,275 acres of land for streamside zones within the Umpqua National Forest in Lane and Douglas Counties. An additional 58 days from the date of this publication (until February 16, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35993 Filed 12-16-81: 8:45 am]

BILLING CODE 4310-84-M

[OR 11517]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of February 28, 1980, FR Doc. 80-6121, Page 13203, an allowance of 39 days was made for comments concerning the proposal by the U.S. Fish and Wildlife Service to withdraw 108 acres of land as an addition to the Oregon Islands National Wildlife Refuge. An additional 51 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35994 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 25306]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of November 26, 1980, FR Doc. 80-36783, Page 78812, an allowance of 40 days was made for comments concerning the proposal by the U.S. Fish and Wildlife Service to withdraw 100 acres of land as an addition to the Oregon Islands National Wildlife Refuge. An additional 50 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35995 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 9651]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of April 11, 1979, FR Doc. 79-11155, Pages 21714-5, an allowance of 34 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw, 1,853.66 acres of land for the Ashland Research Natural Area, Jackson Campground Extension, and Kanaka Campground within the Rogue River National Forest in Jackson County. An additional 56 days from the date of this publication (until February 12, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35996 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 10139]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of February 8, 1980, FR Doc. 80-4117, Page 8731, an allowance of 38 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 545 acres of land for the Bagby Research National Area within the Mount Hood National Forest in Clackamas County. An additional 52 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35997 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20183]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of February 7, 1979, FR Doc. 79-4202, Page 7819, an allowance of 28 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 4,578.60 acres of land for the Obsidian Flows and Dacite Domes Area within the Deschutes and Willamette National Forest in Deschutes and Lane Counties. An additional 62 days from the date of this publication (until February 18, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35998 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 10887]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of March 3, 1977, FR Doc. 77-6421, Page 12265, an allowance of 28 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 540 acres of land for the Squaw Lakes Recreation Area within the Rogue River National Forest in Jackson County. An additional 62 days from the date of this publication (until February 18, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35999 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 10898]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of September 27, 1979, FR Doc. 79-29980, Pages 55668-9, an allowance of 40 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 2,760.94 acres of land for the Abbot Creek Research Natural Area within the Rogue River National Forest in Jackson County. An additional 50 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35600 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 9345]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the Federal Register of February 28, 1977, FR Doc.

77–5922, Page 11285, an allowance of 25 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 960 acres of land for the Thunder-Egg Lake Agate Beds within the Fremont National Forest in Lake County. An additional 65 days from the date of this publication (until February 22, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36001 Filed 12–16–81: 8:45 am]

BILLING CODE 4310–84–M

[OR 7964 (Wash)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of March 7, 1977, FR Doc. 77–6629, Page 12931, an allowance of 26 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 150 acres of land for the Wolf Creek Research Natural Area within the Okanogan National Forest in Okanogan County. An additional 64 days from the date of this publication (until February 22, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36002 Filed 12–16–81: 8:45 am]

BILLING CODE 4310–84–M

[OR 8761 (Wash)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of September 26, 1980, FR Doc. 80–29765, Page 63941, an allowance of 40 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 1,120 acres of land for the White Pass Recreation Area Extension within the Snoqualmie and Gifford Pinchot National Forest in Yakima and Lewis Counties. An additional 50 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36003 Filed 12–16–81: 8:45 am]

BILLING CODE 4310–84–M

[OR 1294 (Wash)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of September 27, 1979, FR Doc. 79–29936, Pages 55666–7, an allowance of 40 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 102 acres of land for the Billy Goat Recreation Area within the Okanogan National Forest in Okanogan County. An additional 50 days from the date of this publication (until February 8, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36004 Filed 12–16–81: 8:45 am]

BILLING CODE 4310–84–M

[OR 12170 (Wash)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of January 18, 1980, FR Doc. 80–1604, Page 3673, an allowance of 33 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 4,795 acres of land for recreation areas within the Gifford Pinchot National Forest in Skamania County. An additional 57 days from the date of this publication (until February 16, 1982) is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 11, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36005 Filed 12–16–81: 8:45 am]

BILLING CODE 4310–84–M

Wilderness Decision

The Bureau of Land Management (BLM) has completed the wilderness inventory of public lands in the Stateline area (where Idaho joins with Oregon, Nevada, and Utah).

The Stateline inventory was not completed with the Statewide inventories for each state, due to appeals received in Idaho on all of the Idaho Stateline inventory units that were proposed for intensive inventory.

Twenty five responses were received during the 90-day public comment period on the intensive inventory proposed decision (April 8, 1981 to July 7, 1981). The information provided on the wilderness characteristics of the Stateline areas, especially the presence or absence of naturalness and outstanding opportunities for solitude or primitive and unconfined recreation, was utilized in formulating the final decision.

Publication of this notice marks the beginning of a 30-day protest period from December 18, 1981, to January 18, 1982. The decisions will become final on January 18 unless timely protests are received by the Idaho, Oregon, Nevada, or Utah State Directors of the BLM.

Persons wishing to protest any of these decisions must file a written protest with BLM State Directors (addresses below) by the close of business January 18, 1982. Only those protests received by the State Directors by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest as well as data to support the reasons stated.

A written decision will be issued on any protest which is filed according to the above requirements, with publication in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the decision on a written protest may appeal such decision under the provisions of 43 Code of Federal Regulations (CFR) Part 4.

Idaho BLM State Director, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724

Nevada BLM State Director, P.O. Box 12000, Reno, Nevada 98520
Oregon BLM State Director, P.O. Box 2965, Portland, Oregon 97208
Utah BLM State Director, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111

STATELINE INTENSIVE INVENTORY FINAL DECISION

Unit		Acres		
Name	Number	Proposed as WSA	Not proposed as WSA	Total
Juniper Basin [1]	ID-16-59		15,248	15,248
Little Owyhee River [1]	ID-16-48c	24,677	2,140	26,817
Lookout Butte	OR-3-194A		65,640	65,640
	ID-16-48a		39,200	39,200
Unit total			104,840	104,840
Owyhee River Canyon	OR-3-195	195,400	21,280	216,680
	ID-16-48b	33,700		33,700
Unit total		229,100	21,280	250,380
Oregon Butte	OR-3-159		32,440	32,440
	NV-020-811		10,680	10,680
	ID-16-70e		3,400	3,400
Unit total			46,520	46,520
Cottonwood-Salmon Falls	NV-010-179		10,276	10,276
	ID-17-26		5,977	5,977
Unit total			16,253	16,253
Upper Little Owyhee River	NV-010-102		53,384	53,384
	ID-16-56a		4,309	4,309
Unit total			57,693	57,693
Jarbidge Addition [1]	ID-17-21		5,881	5,881
Upper Bruneau River [1]	ID-17-19		21,711	21,711
South Fork Owyhee River	ID-16-53	42,510	5,550	[illegible]
	NV-010-103A	7,842	3,500	11,342
	NV-010-103		9,319	9,319
Unit total		50,352	18,369	68,721
Little Goose Creek	NV-010-164		8,276	8,276
	ID-22-1		2,325	2,325
	UT-020-001		1,330	1,330
Unit total			11,931	11,931
Totals		304,129	321,866	625,995

[1] This unit is administered entirely by Idaho BLM.

STATE-BY-STATE SUMMARY

	Total units	WSA	Acres		
			WSA	Not WSA	Total
Oregon	[illegible]	1	195,400	119,360	314,760
Idaho	11	3	100,887	105,741	206,628
Nevada	5	1	7,842	95,435	103,277
Utah	1			1,330	1,330
Total	[1] 11	[1] 3	304,129	321,866	625,995

[1] Since most units are partially in two or three of the states, this figure is not a sum of the above

Dated: December 11, 1981.

Guy E. Baier,

Acting State Director, BLM, Idaho.

[FR Doc. 81-36071 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[Bureau Order No. 701]

Lands and Resources; Redelegations of Authorities

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to Bureau Order No. 701.

SUMMARY: This gives notice of an amendment to Bureau Order No. 701, Part 1, Section 1.6(a) Oil and Gas Leases, to give the Director, Alaska State Office, Bureau of Land Management, authority to issue oil and gas leases in the National Petroleum Reserve—Alaska.

EFFECTIVE DATE: December 17, 1981.

[Bureau Order No. 701, Amendment No. 35]

Lands and Resources—Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

Section 1.6(a) is amended by removing the period at the end of the first sentence and adding the phrase ", the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504), and the Department of the Interior Appropriations Act, Fiscal Year 1981 (94 Stat. 2957)."

December 11, 1981.

Robert F. Burford,

Director.

[FR Doc. 81-36088 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

[AR-031029]

Arizona; Proposed Withdrawal and Reservation of Lands; Correction

December 10, 1981.

In FR Doc. 81-34190, published at pages 58186 and 58187, on Monday, November 30, 1981, make the following correction: On Page 58187, first column, fourth line should read: "On or before February 26, 1982, all * * *"

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-36014 Filed 12-16-81; 8:45 am]

BILLING CODE 4310-84-M

Availability of Final Environmental Impact Statement on the Rocky Mountain Pipeline Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of final environmental impact statement on the Rocky Mountain pipeline project.

SUMMARY: Pursuant to Section 102(2)(c) of the Environmental Policy Act of 1969, the Department of the Interior's Bureau of Land Management (BLM) and the Department of Energy's Federal Energy Regulatory Commission (FERC) has prepared and is making available this statement covering a proposal by the Rocky Mountain Pipeline Company to construct and operate a 610-mile long, 36-inch diameter, natural gas pipeline from Lincoln County, Wyoming into San Bernardino County, California. The proposed system would cross approximately 343 miles of Federal land.

The Forest Service (FS), the Bureau of Indian Affairs (BIA), the Fish and Wildlife Service (FWS) and several state and county government departments have assisted in the preparation of this EIS.

In addition to the proposed route, six alternative routes and seven route variations have been assessed and analyzed in the document.

DATE: Federal decisions will be made following a waiting period of 30 days from the date that the Environmental Protection Agency's Notice of Availability for the FEIS is published in the **Federal Register**. This waiting period

is expected to end on or about January 17, 1982.

ADDRESS: Notice is hereby given that written comments on the content of the final EIS may be submitted during the 30-day waiting period as noted above. Comments should be directed to:

State Director, Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah, 84111
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426

FOR FURTHER INFORMATION CONTACT: Dell T. Waddoups, Project Manager, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111; Telephone: (801) 524–5645 FTS 588–5645.

Limited copies of FEIS's are available upon request from: Rocky Mountain Pipeline Project Leader, Bureau of Land Management, EIS Offices, Third Floor East, 555 Zang Street, Denver, Colorado 82008, and the Federal Energy Regulatory Commission, Division of Public Information, at the above listed address. Copies of the FEIS are available for review at public libraries and at the following BLM locations:

Office of Public Affairs, Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240
Federal Building, Room 398, 550 West Fort Street, Box 042, Boise, Idaho 83724
Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825
Federal Building, Room 3008, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520
University Club Building, 136 East South Temple, Salt Lake City, Utah 84111
2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001

Dated: December 8, 1981.

Roland G. Robison, Jr.,

Utah State Director.

[FR Doc. 81–36007 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–17737]

Idaho; Conveyance of Public Lands, Jefferson County

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public land has been sold by direct sale to Reese Sanders, Hamer, Idaho 83425.

Boise Meridian, Idaho

T. 7 N., R. 36 E.,
Sec. 14, SE¼NW¼.
Comprising 40.00 acres.

The lands were conveyed on December 10, 1981, to resolve a complicated situation that was created in 1942 by an agreement for an exchange of land between the family of Mr. Reese and the Taylor Grazing Service. The exchange was never consummated but the conditions of the agreement were such that Mr Reese was under the impression that his family obtained possession of the land in 1942 and it has been fenced, used and considered as part of his private holdings for many years. The public interest was well served through completion of the sale.

The fair market value of the public land was appraised at $4,725 and payment in this amount was received by the United States.

Louis B. Bellesi,

Chief, Division of Technical Services.

[FR Doc. 81–36008 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

Intent To Prepare Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: Notice is hereby given in accordance with 40 CFR 1501.7 that the Coeur d'Alene District Office is starting the preparation of an EIS. Completion of the EIS will be an important step in the District's Management Framework Plan process. The amendments will cover five Wilderness Study Areas (WSAs) in northern Idaho. The purpose of the EIS is to assess land use allocation alternatives for these WSAs and to develop recommendations on the suitability of these lands for inclusion in the National Wilderness Preservation System. These lands total 38,468 acres and are identified as:

Unit	Name	Acres
61–1	Selkirk Crest	720
61–10	Crystal Lake	9,027
61–15a and 15b	Grandmother Mountain	17,129
62–1	Snowhole Rapids	1,068
62–10	Marshall Mountain	6,524
Total		38,468

Scoping for this EIS began on February 5, 1981 when a Notice of Management Framework Plan Amendment Preparation was published in the **Federal Register**. Requests for public input concerning issues to be considered in the plan amendment and EIS were made in March and July, 1981. The following major issues have been identified to date:

1. How would wilderness designation affect other resource activities; what resource opportunities/values would be foregone?
2. How would wilderness designation affect the potential for energy and mineral resource development?
3. Would livestock grazing be affected by wilderness designation?
4. How would wilderness designation affect the management of adjacent lands?
5. What wilderness values do the WSAs contain?
6. Are the WSAs manageable as wilderness areas?
7. Is there a need for additional wilderness areas?
8. How would wilderness characteristics be protected in each WSA?
9. What are the social and economic values of wilderness; how would wilderness designation affect current socio-economic conditions of local communities?

A full spectrum of alternatives will be described and analyzed in the EIS. These alternatives will include, but are not limited to:

1. All Wilderness.
2. No Wilderness—to include a range of sub-alternatives ranging from considering resource production to resource protection.
3. Partial Wilderness.
4. No Action.

An interdisciplinary team will develop the EIS. The following disciplines will be represented: forestry, range management, wildlife, hydrology, wilderness, soils, recreation, archaeology, geology, land use planning, sociology and economics.

The draft EIS is currently scheduled for publication in June, 1982. A notice of availability will be published in the **Federal Register** and publicized through the media. A public hearing will be held following the publication of the draft EIS. Details concerning this hearing will be published in the **Federal Register** and announced through the media.

Documents associated with this EIS will be available for public review at the Coeur d'Alene District Office in Coeur d'Alene, Idaho.

FOR FURTHER INFORMATION CONTACT: Ted Graf, EIS Team Leader, Bureau of Land Management, 1808 North 3rd St., Coeur d'Alene, Idaho 83814. Telephone (208) 667–2561, extension 356.

Dated: December 10, 1981.

Wayne W Zinne,

Coeur d'Alene District Manager.

[FR Doc. 81–36013 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

Federal Coal in Rosebud, Big Horn, and Powder River Counties, Mont.; Public Comment Period on Application of Unsuitability Criteria

December 10, 1981.

AGENCY: Bureau of Land Management, Miles City District, Montana.

ACTION: Notice of public comment period.

SUMMARY: Notice is hereby provided to announce a public comment period on the application of unsuitability criteria on 97,226 acres of federal coal in Rosebud, Big Horn, and Powder River Counties, Montana. This notice is in accordance with 43 CFR 3461.3–1(a)(2), Coal Management, Federally Owned Coal.

DATES: The comment period is open until February 28, 1982, and will include public meetings in Colstrip, Montana, and Sheridan, Wyoming, at times and dates to be announced in local media.

ADDRESS: Written comments may be addressed to the District Manager, Miles City District, West of Miles City, P.O. Box 940, Miles City, Montana.

SUPPLEMENTARY INFORMATION: A draft amendment to plans covering the management of public land in the Powder River Resource Area has been released by the Miles City District to make six federal coal areas available for further lease consideration. The draft amendment includes the application of unsuitability and small scale maps displaying those areas:

a. To which no criteria would apply;

b. To which a criterion would apply;

c. To which a criterion would apply where the authorized officer does not intend to consider an exception; and

d. To which a criterion and an exception thereto have been applied.

Large-scale maps and overlays depicting the same information in more detail are available for public inspection at the Miles City District Office and will be available in Colstrip and Sheridan during the public meetings. Copies of the draft amendment are also available at the Miles City District Office. The draft amendment also contains multiple use analysis, and surface owner consultation sections and the overall document is open to public comment through the period.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 81–36012 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

Outer Continental Shelf Advisory Board, South Atlantic Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463).

Name: South Atlantic Technical Working Group.
Date: January 12, 1982.
Place: The World Trade Institute, Rooms 3 and 4 One World Trade Center, 55th Floor New York, New York
Time: 9:00 a.m. to 4:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states of Virginia through Florida, the petroleum industry, and other private interests.

Agenda: Overview of proposed changes to the OCS oil and gas leasing program; discussion of scenarios, alternatives and significant issues to be considered for the Sale No. 78 DEIS (scoping); discussion of future roles of the Regional Technical Working Group.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Richard Barnett of the New York OCS Office (212–264–1061) by January 5, 1982. Written statements should be submitted by January 19, to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by March 9, 1982 at the above address.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 81–36010 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–84–M

Office of Surface Mining Reclamation and Enforcement

Move of Administrative Record Room

AGENCY: U.S. Department of the Interior, Office of Surface Mining.

ACTION: Notice of move of the administrative record room.

SUMMARY: The Office of Surface Mining (OSM) is moving the Administrative Record Room from 1951 Constitution Avenue to 1100 L Street N.W. The Administrative Record Room will be open to the public at 1100 L Street on December 24, 1981. Due to this move the Administrative Record Room will be closed on December 22–23, 1981.

FOR FURTHER INFORMATION CONTACT: Joel Anderson, Office of Surface Mining, 1951 Constitution Avenue, Washington, D.C. 20240, (202) 343–5447.

SUPPLEMENTARY INFORMATION: On December 24, 1981 the Administrative Record Room will be open to the public at Room 5315, 1100 L Street, N.W., Washington, D.C. Because of this move the Administrative Record Room will be closed on December 22–23, 1981.

The Administrative Record Room maintains all technical literature which is cited in OSM regulations. It also maintains all comments on rulemaking and State Programs.

OSM usually requests that comments on rulemaking be addressed to the Administrative Record Room. Therefore commenters sending comments in after December 23, 1981 should use the following address: Administrative Record Room, U.S. Department of the Interior, Office of Surface Mining, Room 5315 L Street, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

OSM maintains the Constitution Avenue address as its only mailing address. The mail is then shuttled to 1100 L Street. In addition to hand delivery at Room 5315, 1100 L Street, N.W., OSM will accept hand carried mail at Room 241 in the South Interior Building, 1951 Constitution Avenue. This will enable commenters to have their comments date stamped and delivered to 1100 L Street for filing and logging in the Administrative Record.

Street parking is adjacent to the 1100 L Street building. Commercial parking lots are located on 11th Street and New York Avenue and 10th Street above Massachusetts Avenue.

Carson W. Culp,

Assistant Director, Office of Surface Mining, Management and Budget.

[FR Doc. 81–36043 Filed 12–16–81; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be comsummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice sball have no further effect.

It Is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79467. By decision of 12/1/81 Review Board 3 approved the transfer to DON ESTRIN, of San Pedro, CA, of control of License No. MC–12429 issued to RADS TRANSFER & STORAGE COMPANY, of San Pedro, CA, formerly jointly controlled by Estrin, John Tillotson, and Eldon R. Clawson, authorizing a brokerage service at Medford, Eugene, Klamath Falls, and Portland, OR, Vancouver and Seattle, WA, and Los Angeles, CA, of household goods between points in the United States. Representative: Don Estrin, 350 W. 5th St., San Pedro, CA 90731.

MC–FC–79479. By decision of 12/3/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to R-LIL TRUCK COMPANY, INC., of Camano Island, WA, of Permit No. MC–142332 (Sub-1) issued October 18, 1977, MC–142332 (Sub-No. 3) issued October 26, 1978, MC–142332 (Sub-No. 5) issued April 21, 1980, and MC–142332 (Sub-No. 6) issued July 20, 1981, to MEAT HANDLERS' EXPRESS, INC., of Camano Island, WA, authorizing the movement of named commodities, from and between various points in the United States under continuing contract(s) with (1) Florence Packing Co. of Stanwood, WA; (2) Pacific Grinding Wheel, Incorporated, of Marysville, WA; and (3) The Boeing Company of Seattle, WA ; and authority in MC–142332 (Sub-No. 1) from Stanwood and Chehalis, WA, to the port of entry on the US-Canada Boundary line located at or near Detroit, MI, is restricted to the transportation of traffic destined to Montreal, Quebec, and Toronto, Ontario, Canada. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104, (206) 622–3220. TA lease is not sought. Transferee is not a carrier.

MC–FC–79491. By decision of 12/1/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to R. C. MASON MOVERS, INC. of certificate No. MC–21854 issued to EARL E. WARMAN, INC. authorizing the transportation of *household goods* as defined by the Commission, between points in Essex County, MA, on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NY, DE, NJ, and PA. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. TA lease is not sought. Transferee is a carrier.

MC–FC–79495. By decision of 12/3/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to PAUL GERARD HOFFMANN, d.b.a. BUD HOFFMANN MOVERS, of Yonkers, NY, of Cerfificate No. MC–91484 issued to FRANCIS L. HOFFMANN d.b.a. BUD HOFFMANN MOVERS, of Yonkers, NY, authorizing the transportation of *household goods* as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in NY, NJ, and CT. Representative: Paul Gerard Hoffmann, 93 Vernon Avenue, Yonkers, NY 10704.

Note.—Transferee is a non-carrier; TA is not sought.

MC–FC–79501. By decision of December 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GOLDEN ISLES COACHES, INC., of Brunswick, GA, of Certificate No. MC–136102 (Sub 1), issued to SANDHILL STAGE LINES, INC., of Jacksonville, FL, authorizing the transportation of *passengers and their baggage,* in charter operations, beginning and ending at Hilton Head Island, SC, and extending to points in FL, GA, NC, SC, and TN. Representative: James Perry Fields, 1612 Union Street, P.O. Box 797, Brunswick, GA 31521.

Notes.—TA has not been filed. Transferee is not a carrier, but is affiliated with Coastal Trucking Co., Inc., which holds common carrier authority under MC–151141.

MC–FC–79503. By decision of 12/1/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JONATHAN SPINOSI, d.b.a. JONATHAN'S TRAVEL of License No. MC–12698 issued to CLARENCE E. WIDELL d.b.a. VIKING TRAVEL AGENCY authorizing the transportation of *passengers and their baggage,* in Charter and special operations, in round-trip tours, beginning and ending at points in Camden, Gloucester, and Burlington (except Fort Dix and McGuire Air Base) Counties, NJ, and extending to points in the United States including AK and HI. Applicant is authorized to engage in the above-specified operations as a broker at Camden and Haddonfield, NJ. Representative: Paul Gerard Hoffmann, 93 Vernon Avenue, Yonkers, NY 10704.

Note.—Transferee is a non-carrier.

MC–FC–79505. By decision of 12/3/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CHEVALLEY TRANSPORTATION COMPANY, INC., of Dewey, OK, of Certificate No. MC–74077 issued June 5, 1973, to STONE TRANSFER & STORAGE CO., of Dewey, OK, authorizing: *household goods,* between Oklahoma City, OK, and points within 150 miles of Oklahoma City, on the one hand, and on the other, points in AR, KS, MO, NE, NM, and TX; and *uncrated new household furniture,* between Oklahoma City, OK, on the one hand, and, on the other, points in KS, MO, TX, and NM. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718.

Note.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79506. By decision of 12/3/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to DENNY BUS LINES LTD., of Acton, Ontario, Canada, of Certificate No. MC–119228 issued August 4, 1960, and MC–119228 (Sub–1) issued April 22, 1966, to MASON MOTOR COACHES, LTD., of Acton, Ontario, Canada, authorizing *passengers and their baggage,* in round

trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary line in that part of Michigan and New York which border the Province of Ontario, Canada, and extending to points in NY, IL, IN, MI, OH, NJ, and PA; and *passengers and their baggage*, in round-trip charter operations, beginning and ending at the ports of entry on the United States-Canada Boundary line and extending to points in the United States, except those in HI, IL, IN, MI, NJ, NY, OH, and PA. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202, (716) 853–0200.

Note.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79514. By decision of December 10, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GLOBAL FORWARDING, INC., A TEXAS CORPORATION, of Permit No. FF–350 (Sub-No. 1), issued September 15, 1977, to GLOBAL FORWARDING, INC., A CALIFORNIA CORPORATION, authorizing the transporation of (a) *used household goods and unaccompanied baggage* and (b) *automobiles*, between points in the United States (including HI and AK), restricted in (b) above to the transportation of export-import traffic. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006.

Notes.—TA has not been filed. Transferee is not a carrier, but is affiliated with transferor. Transferor is a subsidiary of Gloval Van Lines, Inc., a motor carrier under MC–41098.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36048 Filed 12–16–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: December 14, 1981.

By the Commission, Review Board Number 3, Members, Krock, Joyce, and Dowell.

MC–F–14745, filed November 30, 1981. Applicant: ROSS NEELY EXPRESS, INC., P.O. Drawer B, Pratt City Sta., Birmingham, AL 35214. Representative: JOHN P. CARLTON, CARLTON, BOLES, VANN & STICHWEH, 727 Frank Nelson Building, Birmingham, AL 35203. Ross Neely Express, Inc. (RNX) seeks approval to continue in control of Neely Transport, Inc., (Neely) upon the institution of operations by the latter as a common carrier in interstate commerce. The application is related to MC–150706 (Sub-1) in which Neely has been granted authority to transport general commodities (except classes A and B explosives) over regular routes between points in AL and GA, serving all intermediate points and all other points in AL and GA as off-route points. Ross Neely, Jr., who controls RNX, seeks authority to continue in control of Neely through the transaction. (Hearing: Birmingham, AL, Washington, D.C.)

MC–F–14743, filed November 20, 1981. HENRY ANDERSEN, INC. (P.O. Box 75, King George, VA 22485)—Merger—HENRY ANDERSEN OF TEXAS, INC. (P.O. Box 1129, Stratford, TX 79084). Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, D.C. 20005. Henry Andersen, Inc., seeks authority to merge the interstate operating rights and property of Henry Andersen of Texas, Inc., its wholly-owned subsidiary, into Henry Andersen, Inc., for ownership, management, and operation. W. Henry Andersen, the sole stockholder of Henry Andersen, Inc., also seeks authority to control the merged rights through the merger. The operating rights to be merged are contained in Permit No. MC–139091, and Certificate No. MC–148245, and sub numbers thereunder, authorizing the transportation of vacuum bottles and fillers lunch and picnic boxes, plastic articles and meat and meat products and frozen foods, from and to specified points in the states of TX, KS, NE, IA, IL, LA, MI, TN, OH, and CT. All operating authority of Henry Andersen of Texas, Inc., is to be merged. This does not purport to be a complete description of said operating rights. Henry Andersen, Inc., is authorized pursuant to Permit No. MC–135553 and Certificate No. Mc–145252 and subs thereunder to transport meat and meat

products, chimney assemblies, doors, chemicals, and related products, plastic film, to, from and between various specified points or areas in the United States. Henry Andersen, Inc., was authorized to control Henry Andersen of Texas, Inc., formerly Logan Motor Lines, Inc., in No. MC–F–13697F. Application for TA has not been filed. Condition: Athough W. Henry Andersen has signed the application as Chairman of the Board of each of the involved carriers, he has not signed in his own right as the party who will control the merged rights after consummation of the transaction. Thus, our approval is conditioned upon W. Henry Andersen seeking joinder in the application as such party who will control the merged rights.

MC–F–14742, filed November 20, 1981. ROBERT D. BOWHAY (Bowhay) (P.O. Box 150, Summerfield, KS 66541)—Purchase (Portion)—SULLIVAN TRANSFER & STORAGE CO. (Sullivan) (301 North 8th Street, Lincoln, NE 68508). Representatives: Donald L. Stern, Ste. 610, 7171 Mercy Road, Omaha, NE 68106, and Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Bowhay seeks authority to purchase certain operating rights of Sullivan, generally for the transportation by irregular routes of (1) *metal products*, between Peoria, IL and Kansas City, MO, on the one hand, and on the other, points in Lancaster County, NE; (2) *textile mill products and machinery*, between Chicago, IL and points in Fulton County, IL, on the one hand, and, on the other, points in Lancaster County, NE; (3) *petroleum, natural gas and their products*, between Tulsa, OK, on the one hand, and, on the other, points in Lancaster County, NE; and (4) *metal products*, between points in Pueblo County, CO and Lancaster County, NE.

Note.—Bowhay has filed an application for temporary authority concurrently with the purchase application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36047 Filed 12–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–1 (Sub-No. 134)]

Rail Carriers; Chicago & North Western Transportation Co.—Abandonment—in Webster County, IA; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Chicago and North Western Transportation Company to abandon its rail line between milepost 1.7 near Gypsum to railroad milepost 6.9 near Evanston, a distance of 5.2 miles in Webster County, IA, subject to certain conditions. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36045 Filed 12–16–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-No. 76)]

Rail Carriers; Illinois Central Gulf Railroad Co.—Abandonment—at Middleton, near Bemis, in Chester, Madison and Hardeman Counties, TN; Notice of Findings

The Commission has found that the public convenience and necessity permit the Illinois Central Gulf Railroad Company to abandon its 35.8-mile rail line between Middleton, TN (milepost 368.6) and Bemis, TN (milepost 404.4) (excluding Middleton and Bemis) in Chester, Madison and Hardemann Counties, TN. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) It is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to the Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36044 Filed 12–16–81; 8:45 am]

BILLING CODE 7035–01–M

[F.D. No. 30,000 and Related Dockets]

Rail Carriers; Union Pacific Corp. and Union Pacific Railroad Co.—Control—Missouri Pacific Corp. and Missouri Pacific Railroad Co.

AGENCY: Office of Policy and Analysis, Energy and Environment Branch, ICC.

ACTION: Notice of availability of addendum to environmental assessment previously prepared for above-entitled proceeding.

SUMMARY: On or about September 2, 1981 the ICC's Energy and Environment Branch served on all parties of record to the above-entitled proceeding a copy of an environmental assessment which analyzed the environmental impacts of the applicants' proposals for consolidation of the Union Pacific Railroad Company, the Missouri Pacific Railroad Company, and the Western Pacific Railroad Company. Comments on the environmental assessment were invited and a number of these were in fact received.

The Energy and Environment Branch has now prepared an addendum to the environmental assessment. This document responds to issues raised in comments. A copy of the addendum will be served on all parties who filed comments on the environmental assessment. Other interested members of the public may obtain a copy of the addendum upon request made to John O'Connell, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275–7872.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36046 Filed 12–16–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. MC-43]

Motor Carriers; Lease and Interchange of Vehicles by Motor Carriers

Decided: December 3, 1981.

Kenosha Auto Transport Corporation (MC-30837) and Dallas & Mavis Forwarding Co., Inc. (MC-29886) have filed a petition for waiver of Subpart B (§§ 1057.11 and 1057.12) of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), with respect to equipment augmented between them.

Findings: 1. Petitioners are commonly controlled and administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the waiver were granted in part.

It is ordered: 1. The petition of Kenosha Auto Transport Corporation and Dallas & Mavis Forwarding Co., Inc., for waiver of Subpart B (Sections 1057.11 and 1057.12), is granted, except for paragraph (b) of § 1057.11, with respect to equipment augmented between them, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under paragraph (b) of § 1057.11 is given to the lessor until possession of the equipment is returned to the lessor and the receipt required under paragraph (b) of § 1057.11 is received by the lessee or possession of the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

2. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36049 Filed 12-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-33022, appearing at page 56513 in the issue of Tuesday, November 17, 1981, the motor carrier number reading, "MC 133134 (Sub-5)" in the seventeenth line of column two of page 56516 should have read, "MC 153134 (Sub 5)" instead.

BILLING CODE 1505-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for the Promotion Thereof; Request for Comments Regarding Proposed Termination

AGENCY: U.S. International Trade Commission.

ACTION: A request for public comment on the proposed termination of two respondents based on settlement agreements and the proposed termination of two respondents based on consent order agreements.

SUMMARY: The settlement agreements in question would result in the termination of the investigation as to respondents Jones and Henry Tool Co. and Cactus State Machinery Company. The consent order agreements would result in the termination of the investigation as to respondents Equipment Importers, Inc. dba Jet Equipment and Tool and Kabaco Tools, Inc. dbe KBC Machinery. This notice requests public comments on the proposed terminations of the aforementioned respondents on the basis of the agreements in question.

DATE: Comments will be considered if received on or before January 6, 1982. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Manufacturing Company and respondents Jones and Henry Tool Co. and Cactus State Machinery Company moved in separate joint motions for termination of this investigation as to those respondents on the basis of settlement agreements. The Commission investigative attorney supports the motions. The presiding officer recommended that the separate joint motions be granted. Complainant, respondents Equipment Importers, Inc. dba Jet Equipment and Tool and Kabaco Tools, Inc. dba KBC Machinery, and the Commission investigative attorney have also moved in separate joint motions to terminate Equipment Importers and Kabaco Tools from this investigation on the basis of consent order agreements.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreements

The settlement agreements provide in pertinent part as follows:

Respondent shall refrain from importing, buying, selling, leasing or transferring reproductions, copies, imitations or simulations of surface grinding machines from Taiwan or other countries into the United States identified under the designations "510", "612", "824", "1024", "1030", "1244" and "1236" or which are of the type heretofore offered for sale by Lian Feng Machine Co.

Respondent shall refrain from copying, reprinting, using, selling, or distributing any unauthorized copies of printed material prepared or owned by B & S [Brown & Sharpe] and bearing a B & S copyright notice.

Respondent shall refrain from printing, distributing, or authorizing the printing of promotional material referring to B & S or its trademarks, except in connection with the sale or servicing of B & S equipment.

Respondent shall refrain from using any B & S printed material, whether or not protected by copyright, in connection with the maintenance, repair, or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying, selling, or otherwise transferring surface grinding machines made in foreign countries which simulate the trade dress of B & S high precision surface grinding machines.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisements and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold, or distributed by Respondent.

Respondent shall deliver to B & S prior to May 1, 1981 in affidavit form a statement relating to Respondent's purchase and sale of surface grinding machines made or sold by Lian Feng Machine Co., including (a) the total number purchased; (b) the dates of purchase; (c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to May 1, 1981, all copies of catalogs, manuals, and advertisements in its possession that were prepared by or for Lian Feng Machine Co. that

contain reference to surface grinding machines that are reproductions of B & S high precision surface grinding machines that have been sold under the designations "510", "612", "824", "1024", "1030", "1244" and/or "1236".

B & S and the Respondent agree to file a joint motion before the Commission to terminate the investigation with respect to Respondent without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed with the Commission.

B & S releases the Respondent from any and all claims arising from issues raised in the B & S complaint filed in the investigation, including but not limited to copyright and trademark infringement and unfair competition.

Consent Order Agreements

The consent order agreements provide in pertinent part as follows:

Respondent will refrain from importing surface grinding machines directly or indirectly from Taiwan or other countries of the type and style which are reproductions, copies, imitations or simulations in whole or significant part of B & S surface grinding machines including those that have been sold under the designations "510", "612", "818", "824", "1024", "1030", "1224", and "1236" or are of the type or style offered heretofore by Lian Feng Machine Co. of Taiwan, China, under the designations, "612", and "618", "718", and "818" and/or those identified by the complainant. Respondent will refrain from selling, leasing or otherwise transferring all surface grinding machines identified in the proceeding sentence that were imported into the United States after July 15, 1981 or after the effective date of this order, whichever occurs first.

Respondent shall (a) refrain from copying, reprinting, using, selling or distributing unauthorized copies of manuals, catalogs, brochures or other printed material prepared or owned by B & S and bearing a B & S copyright notice (b) refrain from using or distributing for use any B & S manual catalog, or other printed material, or copies thereof in whole or in part, whether or not protected by copyright, in connection with the maintenance, repair or sale of surface grinding machines and components thereof, other than B & S surface grinding machines and components thereof; (c) refrain from using photographs of B & S surface grinding machines in any manner to market surface grinding machines except those of B & S; (d) refrain from using B & S Micromaster, B & S or other rigistered trademarks of B & S or colorable imitations thereof except in connection with the sale of B & S products; (e) refrain from any act which suggests or creates an impression that Respondent is selling surface grinding machines made by B & S, except to the extent that such is true.

Respondent shall file a report under oath with the Commission within thirty (30) days of the anniversary date of the effective date of this order and annually for two (2) years thereafter.

Respondent shall notify the Commission at least 20 days prior to any proposed material change in the Respondent's organization during the two (2) year period commencing on the anniversary date of the effective date of this order.

In determining whether there has been compliance with the requirements and prohibitions of this Consent Order the Commission may consider evidence of any activity engaged in by the Respondent which is brought to its attention or of which it becomes aware.

Respondent shall retain all records relating to the importation, sale or distribution of surface grinding machines made or received in the conduct of its business for two (2) years from the close of the fiscal year to which they pertain.

For the purpose of determining or securing compliance with this Consent Order the Commission shall, upon written notice to the Respondent, be permitted to inspect and copy records and documents in the possession of or under the control of the Respondent relating to matters contained in this Consent Order and to interview officers, directors, agents, partners, or employees of the Respondent regarding matters contained in this Consent Order.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Jones and Henry Tool Co., Cactus State Machinery Company, Kabaco Tools, Inc, dba KBC Machinery, and Equipment Importers, Inc. dba Jet Equipment and Tool on the Basis of the agreements in question on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than January 6, 1982. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0148.

By order of the Commission.

December 14, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–36118 Filed 12–16–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 78–81]

Privacy Act of 1974; Notice of Modified System of Records

Pursuant to subsection (e)(4) of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Justice, Federal Bureau of Investigation, is republishing the following system of records, which most recently was published in the **Federal Register** on July 8, 1981.

FBI Alcoholism Program (JUSTICE/FBI–014)

This system has been reprinted below to reflect that its examination from the access provisions of the Privacy Act (5 U.S.C. 552a(d)) has been removed. In addition, a separate order on rulemaking is being published in today's **Federal Register** to accomplish this removal from Title 28 of the Code of Federal Regulations.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, the system notice is hereby revised to show that the system

is not exempt from any Privacy Act provisions.

Dated: December 1, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/FBO–014

SYSTEM NAME:

FBI Alcoholism Program

SYSTEM LOCATION:

FBI Headquarters, Administrative Services Division, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535; and FBI Field Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on current and former FBI employees who have been counseled or otherwise treated regarding alcohol abuse or referred to the Alcoholism Program Coordinator or Counselor.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and records regarding employees and/or their families who have been referred to the Alcoholism Program Coordinator or Counselor, the results of any counseling which may have occurred, recommended treatment and results of treatment, in addition to interview appraisals and other notes or records of discussions held with employees relative to this program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Pub. L. 91–616 and Pub. L. 92–255, as amended by Pub. L. 93–282, Section 122, and the implementing regulations, 42 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSE OF SUCH USES:

All disclosures of information pertaining to an individual are made in compliance with Public Law No. 91–616, Section 333, and the Confidentiality of Alcoholism and Drug Abuse Patient Records Regulations, 42 CFR Part 2.2, as amended, for the sole purpose of administering the program.

These records are used to document the nature of an individual's alcohol abuse problem and progress made, and to record an individual's participation in and the results of community or private sector treatment or rehabilitation programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Files are maintained in locked file cabinets, or safes under the immediate control of the Alcoholism Program Coordinator or other authorized individuals. Access is strictly limited to the Coordinator and other authorized personnel.

RETENTION AND DISPOSAL:

Pursuant to the preliminary injunction with modifications issued by Judge Harold H. Greene, FBI destruction programs have been suspended. *American Friends Service Committee* v. *Webster* (D.D.C.), Civil Action No. 79–1655.

SYSTEM MANAGER(S) AND ADDRESS:

Director, FBI J. Edgar Hoover Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20635.

NOTIFICATION PROCEDURES:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Requests made by employees should be made in writing to the Director, FBI, Washington, D.C. 20535. Requests must contain employee's full name, date and place of birth, and current office of assignment and/or home address where records are to be sent. If the individual making the request is a former employee, he/she must submit a duly notarized signature in order to establish identity. In addition, the requester must specify the location of the system of records sought, i.e., those maintained at FBI headquarters or those maintained in a particular field division.

CONTESTING RECORD PROCEDURES:

Requests for correction/amendment of records in this system should be made in writing to the Director, FBI, Washington, D.C. 20535, specifying the information to be amended, and the reasons and justifications for requesting such amendment.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–36017 Filed 12–16–81; 8:45 am]

BILLING CODE 4410–02–M

Proposed Consent Decree in Action to Enjoin Discharge of Air Pollutants

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 1, 1981, a proposed consent decree in *United States of America* v. *United Cement Co., a division of Texas Industries, Inc.*, Civil # EC–80–279–LS–P, was lodged with the United States District Court for the Northern District of Mississippi. The proposed decree would require that the defendant operate a clinker cooler at its Artesia, Mississippi, Portland cement plant in compliance with Clean Air Act emission limit regulations.

The Department will receive for a period of thirty (30) days from the date of this notice (January 18, 1982) written comments relating to the proposed decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530, and should refer to *United States of America* v. *United Cement Co.*, D.J. Ref. No. 90–5–2–1–353.

A copy of the proposed consent decree may be examined at: (1) the Office of United States Attorney, Northern District of Mississippi (Attn.: Patricia Rodgers), Room 255, Federal Building, 91 West Jackson Avenue, Oxford, Mississippi 38655; (2) the Office of the Regional Counsel, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365; and (3) the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, Room 1254, Tenth Street and Pennsylvania Ave., N.W., Washington, D.C. 20530. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or money order in the amount of $1.20 (10 cents per

page) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-36009 Filed 12-16-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

• **Special Investigation Report.** *Air Traffic Control System (NTSB-SIR-81-7).* Related recommendations A-154 through -156 to Federal Aviation Administration, Dec. 10, re use of NASA's Aviation Safety Reporting System by controllers, use of student evaluations prepared by training personnel as controller replacement tool, and monitoring of standardization of ATC practices/proficiency of controllers using staff specialist and first-line supervisors.

• **Special Study.** *Cabin Safety in Large Transport Aircraft (NTSB-AAS-81-2).* Related recommendations A-139 through -143 to Federal Aviation Administration, Oct. 6: consolidate crashworthiness requirements for transport category aircraft; revise 14 CFR 25.561 to eliminate "minor crash landing" and to include descriptive crash model; establish interim standards for design of seat and restraint systems and cabin furnishings; establish interim standards for static and dynamic testing of seat/restraint systems; establish procedures for periodic review of crashworthiness state of the art.

• **Highway Accident Report.** *ARA Services, Inc., Tour Bus, Denali National Park and Preserve, Alaska, June 15, 1981 (NTSB-HAR-81-7).* Related recommendations H-81-82 through -87 to National Park Service: Clarify minimum and maximum road width standards; require tour busdriver training, require convex mirrors on both sides of buses; require installation and use of occupant restraints on tour buses; determine if other national parks have similar road/bus conditions and correct where necessary; establish roadway/bridge improvement program.

• **Safety Effectiveness Evaluation.** *Federal Highway Administration (FHWA) Non-Interstate Resurfacing, Restoration, and Rehabilitation Program (NTSB-SEE-81-4).*—Related recommendations H-81-88 through -92 to the Secretary, DOT, to direct FHWA to (1) review and document current State practices in RRR projects, (2) develop analysis to describe design criteria for RRR projects, (3) prepare analysis showing best combination of construction/reconstruction and RRR projects, (4) develop/publish a plan to monitor/evaluate impact of RRR projects on Federal-aid Highway System, and (5) administer RRR program under existing new construction standards.

• **Recommendation Responses from.** *Federal Aviation Administration: Dec. 1, A-73-2 and -5:* will amend 25.787(b) to require service wear/deterioration consideration in design; has amended 25.783, all lavatory doors must be designed so that no one can be trapped inside. *Dec. 1, A-74-98:* finds no need for auto-discharge fire extinguishers in transport aircraft lavatory waste containers. *Dec. 1, A-81-74-102 and -103:* has amended 25.772 to require means of cabin entry other than through cockpit door; has withdrawn change to 121.313, not cost-beneficial. *Dec. 1, A-81-97 and -98:* Boeing 727 Operations Manual being revised. *Dec. 1, A-81-119 and 120:* Issued AD 39-3236, inspections of elevator torque tube fasteners; incidence of elevator buffet is not a Convair fleet-wide problem. *Dec. 1, A-81-124 through -127:* plans no action on DC-10 galley personnel lift circuitry pending review; will not issue AD to DC-10 operators re Douglas SB 25-266; will review galley personnel/food cart lift door interlock system design; has issued GENOT to regions re galley door and regions will review training programs.

Note.—Single copies of reports, recommendations, and responses are free on written request, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are obtainable from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.)

B. Sharon Flemming,

Director, Executive Secretariat.

December 11, 1981.

[FR Doc. 81-35906 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revised Technical specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment was effective on October 12, 1981.

The amendment modifies the Technical Specifications to allow one-time temporary relief from diesel generator operability and surveillance frequency requirements for three days during repairs to diesel generator 1-2A. The amendment was authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but require by Technical Specifications unless amended.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated October 12, 1981, (2) the Commission's letter to the licensee dated October 13, 1981, (3) Amendment No. 11 to License No. NPF-8 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of December 1981.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief Operating Reactors Branch No. 1, Division of Licensing.
[FR Doc. 81-36081 Filed 12-16-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to account for the effects that degraded grid voltage may have on plant operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 27, 1981, (2) Amendment No. 74 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of December 1981.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch No. 1, Division of Licensing.
[FR Doc. 81-36082 Filed 12-16-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Provisional Operating License No. DPR-21, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective within 30 days of its date of issuance.

The amendment establishes a new scale for a vessel level setpoint that is consistent with the installation of a common reference level required by TMI Action Item II.K.3.27 in NUREG-0737.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 9, 1981, (2) Amendment No. 80 to License No. DPR-21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of December 1981.

For the Nuclear Regulatory Commission.
Thomas V. Wambach,
Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.
[FR Doc. 81-36083 Filed 12-16-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 52 and 46 to Facility Operating License Nos. DPR-42 and DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the common Technical Specifications for the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 to limit conditions for operation and establish surveillance requirements of the reactor coolant system and secondary coolant activities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 12, 1981, (2) Amendment Nos. 52 and 46 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2)

and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of December, 1981.

For the Nuclear Regulatory Commission.

R. A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-36084 Filed 12-16-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, MS 901-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Identification of Values for Inclusion in Inservice Testing Programs" and is intended for Division 1, "Power Reactors." It is being developed to provide guidance on the NRC staff's practice in identifying valves for inclusion in the licensee's inservice testing program and the information needed by the staff for its review of the program.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by February 23, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated in Rockville, Maryland this 10th day of December 1981.

For the Nuclear Regulatory Commission.

G. A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81-36080 Filed 12-16-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18334; File No. SR-MSE-81-11]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.

In the matter of market maker quotations in cabinet issues; comments requested on or before January 7, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on November 23, 1981, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed fule change establishes a program which provides for the voluntary dissemination of continuous two-sided quotations by market makers in those issues lacking a registered specialist (Cabinet Issues). Any floor member who is willing to abide by the dictates of the program may request to be assigned as the market maker for a subject issue. Once a market maker is assigned to such an issue, it will no longer be classified as a Cabinet Issue. Under the program, a market maker who agrees to provide the quotes for a Cabinet System issue will be considered the "Post" for the issue, and will handle limit orders under the same guidelines which apply to specialists except for application of the Best requirement which will be limited to 100 shares.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to increase the number of quoted MSE issues by establishing a program in which floor members can volunteer to act as market makers providing continuous two-sided quotations in issues currently relegated to trading in the exchange's Cabinet System.

The basis under the Act for the proposed rule change is Section 6(b)(5) since it is believed that the assignment of Cabinet Issues to Market Makers who will disseminate a continuous two-sided quote for such issues will work towards a more competitive national market system in the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any

burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 7, 1982.

For the Commission By the Division of Market Regulation pursuant to delegated authority.

Dated: December 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36107 Filed 12–16–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18333; File No. SR–NYSE–81–26]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.

In the matter of rate increases affecting the floor brokerage component of the transaction charge; comments requested on or before January 7, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 9, 1981 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.

The Exchange is instituting rate increases affecting the Floor Brokerage component of the Transaction Charge.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), of the most significant aspects of such statements.

(A) The purpose of this change is to offset in part the increased costs of supplying services provided by the Exchange. These costs include manpower, systems, and utilities. Projected usage of these services before the price increase is insufficient to cover these related costs. The Basis under the Act for the proposed rule change is Section 6(b)(4) permitting the rules of an Exchange to provide for equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The fee changes are not expected to create a burden on competition.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others.* The Exchange has not received any comments on this proposed change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19 (b)(3) of the Securities Exchange Act of 1934 and subparagraph (c) of Securities Exchange Act Rule 19 b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies os such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 7, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36108 Filed 12–16–81; 8:45 am]

BILLING CODE 8010–01–M

Federal Aviation Administration

Legal Opinion as to the Recordability of Artisans' Liens and Identification of Those States From Which Such Liens Will Be Accepted

The Federal Aviation Administration Aircraft Registration Branch (Registry) has received many inquiries from the public as to the acceptance and the procedural requirements for artisans' liens submitted for recording against specific aircraft on which work has been provided, fuel and equipment added, or storage provided. A recent study indicates that the procedural requirements vary among the States, and since the Federal Aviation administration is required by Section 506 of the Federal Aviation Act of 1958 (49 U.S.C. 1406) to recognize the validity of instruments submitted for recordation in accordance with State law, those procedural aspects critical to the submission for recordation must be given effect.

Because of the substantial interest to the aviation community and the modification to the Registry procedures, the Federal Aviation Administration has concluded that the information contained in a legal opinion given to one of those inquiring should receive broad dissemination.

Accordingly, the Federal Aviation Administration publishes its response to Attorney James N. Davis, of Daytona Beach, Florida, concerning the recordability of an aircraft artisan's lien submitted for recordation to the Registry.

FOR FURTHER INFORMATION CONTACT: Mr. R. Bruce Carter, Office of the Aeronautical Center Counsel, Mike Monroney Aeronautical Center, P O. Box 25082, Oklahoma City, Oklahoma 73125, Telephone (405) 686–2296.

Issued in Oklahoma City, Oklahoma on December 8, 1981.

Joseph T. Brennan,

Aeronautical Center Counsel.

November 2, 1981.

Mr. James N. Davis,

Attorney at Law, 428 North Peninsula Drive, Daytona Beach, Florida

Re: N5595L; Claim of Lien

Dear Mr. Davis: We appreciate very much the dialogue we have had with you on mechanic's liens (or more properly, artisan's liens), and welcome the information you have provided on such laws and cases in Florida. We recognize that historically attorneys in Florida, and elsewhere, have asserted, and recorded, both locally and with the FAA Registry, liens in favor of artisans, hangarkeepers, and fuelers for work, services, and supplies on aircraft, and we have no quarrel with the existence of such liens, and the manner of foreclosing them, each aspect determined by applicable State law.

However, we are of the opinion that the right to assert such claims of lien by recording them with the Registry must be governed by State legislation in order to assure uniformity and nondiscriminatory standards. We also recognize that this involves a change in the Registry procedures. The Registry has previously accepted such liens, but has experienced some difficulty with liens which have not been released, claimants who can no longer be found, and some liens which are alleged to be spurious, but have nevertheless found their way into the recorded documents against certain aircraft. At the present time, the Registry is named a party in two suits to clear the title to aircraft encumbered by mechanics' liens, asking for either a purge of the records, or clear title in the record owner of the aircraft. Of course, we will abide by the judgment of the court in each case.

Our survey of the statutes of the laws of States, and three other jurisdictions for which the Registry provides aircraft recording and registration services under the Federal Aviation Act, shows 16 States or territories which have recording, or notice provisions for personal property liens:

Alaska	Nebraska
Arkansas	Oklahoma
Georgia	Oregon
Illinois	South Carolina
Indiana	South Dakota
Kansas	Virgin Islands
Kentucky	Washington
Maine	Wyoming

The common elements of the notice statute is the presence or absence of the following requirements:

—The time within which the claim must be recorded;

—Whether the claim must be signed by the claimant, or may be signed by his agent or attorney;

—Whether the claim must be verified;

—Where the claim is to be filed (Of course, for aircraft, there is Federal preemption of place of filing: The FAA Aircraft Registry at Oklahoma City).

These elements are not available by statute in Florida. We recognize that by precedent and case law these liens have been recorded in various offices in Florida, and accorded judicial recognition, but not because required to be noticed by any Florida statute.

Therefore, in the interest of consistency, and because the recordability of such documents must be governed by State law (Federal Aviation Act of 1958, Section 506 (49 U.S.C. 1406)), we have advised the FAA Registry effective immediately to accept for recordation only mechanic's (artisan's) liens from those States listed above. We recognize that the State statutes may change in this regard, and we have already been contacted for the purpose of suggesting appropriate State legislation, which we do by reference to those State statutes that have the notice provisions. Where States do change their notice statutes to provide for recordation of personal property liens, specifically aircraft, we will modify our list to accommodate those States. Specifically, we have had inquiries to date from Florida, California, Texas, and Nevada.

We will continue to record judgments against aircraft owners for liens on their aircraft, where the aircraft is specifically identified in the judgment by make, model, serial number, and registration (N#). Additionally, where the State statute provides for lien foreclosure by selling the aircraft at public or private auction (the claimant being in possession), we will recognize the sale in support of an application for registration when the applicant sends us a copy of the applicable law, his affidavit of compliance with that law, and copies of the public notice and notice sent to the registered owner.

We appreciate very much the material you have sent, and the opportunity to explain our advice to the Registry.

Sincerely,

Joseph T. Brennan,

Aeronautical Center Counsel.

[FR Doc. 81-35831 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-32]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number

involved and must be received on or before: January 4, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), and (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on December 11, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22454	Empire Airlines, Inc	14 CFR 135.261(b)	To permit petitioner to reduce the crew rest requirement from 10 hours of consecutive rest to 8 hours of consecutive rest during the 24 hours preceding the planned completion of the assignment.
18864	Continental Helicopters, Inc	14 CFR 135.261(b)	Extension of Exemption No. 2701 which permits petitioner to assign a flight crewmember, and to permit a flight crewmember to accept an assignment, without compliance with the 10-consecutive hours rest period required during the 24-hour period preceding the planned completion of the assignment.
22452	Provincetown-Boston Airline, Inc	14 CFR 121.311	To permit petitioner to operate its DC-3 and Martin 404 aircraft beyond the March 6, 1982, compliance date without installation of seat belt/shoulder harness at each flight deck station.
20243	Summit Airlines, Inc	14 CFR 121.623(a)	Extension of Exemption No. 3149 which permits petitioner to operate its CV-580 aircraft without listing at least one alternate airport for each destination airport in the flight release.
16787	Petroleum Helicopters, Inc	14 CFR 133.1(b) and 133.45(a)(3)	Extension of Exemption No. 2534 which permits the use of petitioner's Bell 212 and Puma SA-330 helicopters to lower and hoist harbor pilots, on an external hoist, to and from ships at sea.
22358	Zantop International Airlines, Inc	14 CFR 121.311	To permit petitioner to operate its DC-6, CV-340/440, and L-188 aircraft after the March 6, 1982, compliance date without installation of the required combined safety belt and shoulder harness.
21444	The Flying Tiger Line, Inc	14 CFR 121.391(a)	Reconsideration of a Denial of Exemption to allow petitioner to transport up to nine passengers without the presence of a flight attendant on the upper deck of B-747-245F and 249F series cargo-only aircraft when the aircraft are in a 12 to 20-seat configuration.
22458	Western Airlines, Inc	14 CFR 121.411(a)(6)	To permit petitioner to use check airmen in its B-727 simulator training program who do not hold Class III medical certificates.
22456	Arabian American Oil Company	14 CFR 91.200	To permit petitioner to operate its F-27 aircraft after the March 6, 1982, compliance date without installation of the combined safety belt and should harness at each required flight attendant seat in the passenger compartment and at each flight deck station.
22348	Steven S. Fern	14 CFR 61.65(e)(1)	To permit petitioner to apply for an instrument-helicopter rating even though he does not have the required 50 hours of cross-country flight experience in helicopters.
21776	Louis McCollum	14 CFR 61.58(c)(1) and 91.4	Reconsideration of a Denial of Exemption to permit petitioner to serve as pilot in command of certain large aircraft without completing the proficiency or flight checks required in each particular type of aircraft.
22115	Piedmont Aviation, Inc	14 CFR 121.391(a)	Reconsideration of a Denial of Exemption to permit petitioner to block off 12 seats and to operate its B-737 aircraft with two flight attendants when a third flight attendant cannot be made available without undue delay or flight cancellation.
22328	The Flying Tiger Line, Inc	14 CFR 121.578	To permit petitioner to operate their B747-132 aircraft until August 20, 1982 without compliance with the provisions of the cabin ozone concentration regulations.
22468	Eastern Air Lines, Inc	14 CFR 121.311(f)	To permit petitioner to operate its DC-9 and B-727 aircraft after March 6, 1982, compliance date without installation of combined safety belt and shoulder harness on flight attendant seats in the passenger compartment.
22463	Cochise Airlines	14 CFR 121.311	To permit petitioner to operate its Convair 440 aircraft after March 6, 1982, compliance date without installation of combined safety belt and should harness at each flight deck station and on each flight attendant seat in the passenger compartment.
22467	USAir	14 CFR 121.311(f)	To permit petitioner to operate its DC-9-31 and BAC 1-11 aircraft after March 6, 1982, compliance date without installation of combined safety belt and should harness on flight attendant seats in the passenger compartment.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22053	Zantop Int'l Airlines, Inc	14 CFR 91.305 (b)(2)(1)	To allow petitioner to operate DC-8 aircraft in the U.S. until January 1985 without meeting the January 1, 1983 59 percent phased fleet noise compliance requirement. *DENIED 11/25/81.*
22351	World Airways, Inc	14 CFR 121.318(b)(2)	To permit petitioner to operate its DC-8 and DC-10 aircraft after November 30, 1981 without having a public address system at each floor-level exit in a passenger compartment which is readily accessible to a flight attendant seated in a seat adjacent to that exit. *PARTIAL GRANT 11/30/81.*
22433	Eastern Airlines, Inc	14 CFR 121/318(b)(2)	To permit petitioner to operate its B-727 aircraft after December 1, 1981 without having a public address system at each floor-level exit in a passenger compartment which is readily accessible to a flight attendant seated in a seat adjacent to that exit. *GRANTED 11/30/81.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No	Petitioner	Regulations affected	Description of relief sought disposition
22198	Pilgram Airlines	14 CFR 121.503(e)	To permit petitioner's flight crewmembers to fly more than 1,000 hours annually. *DENIED 12/1/81.*
19634	Douglas Aircraft Co.	14 CFR 121.310(d)(4)	Extension of Exemption 3055 which permits the operation of DC-8 aircraft with an emergency light system without a cockpit control device that has an "on," "off," "armed" position. *GRANTED 12/1/81.*
21977	Bradley G. Clark	14 CFR 65.91(c)(1)	To enable petitioner to become eligible for an inspection authorization without meeting the requirement to have held an A&P license for 3 years. *DENIED 12/1/81.*
22413	Braniff Airways	14 CFR 121.318(b)(2)	To permit petitioner to operate its B-747 aircraft after December 1, 1981 without having a public address system at each floor-level exit in a passenger compartment which is readily accessible to a flight attendant seated in a seat adjacent to that exit. *GRANTED 12/3/81.*
21717	Dade Helicopter Service, Inc.	14 CFR 145.47(a) 145.49(a)	To permit petitioner to qualify for a repair station certificate without meeting the equipment and material requirements of the FAR. *DENIED 11/16/81.*
22352	Air Florida, Inc	14 CFR 121.318(b)(2)	To permit petitioner to operate B-737 aircraft after December 1, 1981, without having a public address system at each floor-level exit in a passenger compartment which is readily accessible to a flight attendant seated in a seat adjacent to that exit. *GRANTED 12/1/81.*
21989	Sundance International Airlines	14 CFR 121.291(a)(1)	To permit petitioner to introduce its B-727-100 series aircraft configured with 129 passenger seats into passenger-carrying service without first conducting a full-seating capacity emergency evacuation demonstration. *CONSIDERED WITHDRAWN 12/2/81.*
21792	Aeronaves de Mexico, S.A.	Portions of 14 CFR Parts 21 & 91	To permit petitioner to operate two leased, U.S.-registered, DC-10-15 aircraft, N10038 and N1003N, and two DC-9-30 aircraft, N1003P and N1003U, using FAA-approved master minimum equipment lists (MMEL) and to maintain the aircraft under continuous airworthiness maintenance programs. *GRANTED 12/8/81.*
22059	Pacific Alaska Airlines	14 CFR 45.13(e)	To permit the installation of an aircraft identification plate on an aircraft other than that from which removed. *withdrawn 12/8/81.*

[FR Doc. 81-35974 Filed 12-16-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on January 14-15, 1982 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Eleventh Meeting Held on September 24-25, 1981; (3) Review Comments on Final Report on Installation of Emergency Locator Transmitters Within Aircraft; (4) Review First Draft of Minimum Performance Standards for Emergency Locator Transmitters; (5) Discussion of Transition Plan for Implementing Committee Recommendations; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on December 8, 1981.

Karl F. Bierach,
Designated Officer.

[FR Doc. 81-36039 Filed 12-16-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems to be held on January 26-28, 1982 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Eighth Meeting Held on October 27-29, 1981; (3) Review of Comments Received on Minimum Operational Performance Standards for VOR/DME Based Airborne Area Navigation Systems; (4) Review of Working Group Report on Non-VOR/DME Airborne Area Navigation Equipment; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on December 8, 1981.

Karl F. Bierach,
Designated Officer.

[FR Doc. 81-36038 Filed 12-16-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Williams, Mountrail and Ward County, North Dakota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Williams, Mountrail & Ward County, North Dakota.

FOR FURTHER INFORMATION CONTACT: Marvin Espeland, Division Administrator, Federal Highway Administration, P.O. Box 1755,

Bismarck, ND 58502. Telephone Number is (701) 225–4011. (FTS 783–4204).

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Dakota State Highway Department will prepare an Environmental Impact Statement (EIS) on a highway improvement porject in North Dakota.

The proposed project would involve the construction of two-lane roadway parallel to the existing roadway on US Highway #2 from the Junction US Highway 85 to the Junction of US Highway 52 West of Minot. The purpose of the project is to provide a four-lane divided highway.

Alternates under consideration from Junction US Highway 52 to Berthold consist of which side of the existing facility to construct the additonal roadway. At Ray, North Dakota, an alternate bypass the city and two alternates through the city are proposed. Throughout the ramainder of the project, the added roadway will be constructed on the south side of the existing roadway. The "No Action Alternate" is also proposed.

Letters soliciting views and comments on the proposed project were sent to various federal, state and local agencies. The Draft EIS will be available for public and agency review and comment. A public hearing will be held to discuss alternates and impacts of the proposed action. Public notice will be given for the time and place of the public hearing. No formal scoping meeting will be held.

Issued on December 9, 1981.

Marvin I. Espeland,

Division Administrator.

[FR Doc. 81–35983 Filed 12–16–81: 8:45 am]

BILLING CODE 4910–22–M

Urban Mass Transportation Administration

[FHWA Docket No. 81–10]

Urban Transportation Planning Comprehensive Review; Request for Public Comment

AGENCIES: Federal Highway Administration (FHWA), Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice and request for comment.

SUMMARY: As part of FHWA and UMTA's continuing efforts to evaluate their programs, and in light of the shift in Federal priorities for capital programs and the President's efforts to eliminate the intrusion of the Federal Government into essentially State and local issues, a comprehensive review of the urban transportation planning process is being undertaken. As part of this effort, a document entitled, "Solicitation of Public Comment on the Appropriate Federal Role in Urban Transportation Planning—Issues and Options," was prepared. The purpose of this notice is to announce the availability of this document and request comments on it from the general public.

DATE: Written comments are due on or before January 29, 1982.

ADDRESS: Copies of the document may be obtained from: FHWA, Urban Planning Division, HHP–21, 400 Seventh Street, SW., Washington, D.C. 20590. Submit written comments to FHWA Docket No. 81–10, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: FHWA: Thomas P. Kozlowski, Urban Planning Division (202) 426–2961; or Jerry Bonne, Office of the Chief Counsel, (202) 426–0791; or UMTA: Robert Kirkland, Office of Planning Assistance (202) 426–4991; or Anthony Anderson, Office of the Chief Counsel (202) 426–1906. All located at 400 Seventh Street, SW., Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET., UMTA office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice requests comments on the document, "The Appropriate Federal Role in Urban Transportation Planning—Issues and Options." It was prepared as part of FHWA and UMTA's efforts to evaluate their role in urban transportation planning and its purpose is to solicit ideas, reactions, and recommendations from the general pulbic as to what the Federal role should be.

The paper addresses overall evaluative policy questions on the need for the process, its benefits, costs and its relationships to other programs. It also focuses on action-oriented issues and proposes questions and options to be considered.

The comments received along with FHWA and UMTA's experience in administering the urban transportation planning process and possible legislative action will be used to define FHWA and UMTA's future role. Recommendations as to legislative, regulatory and administrative changes will be made. If it is decided to revise any regulations a notice of proposed rulemaking will be published in the **Federal Register.**

(Catalog of Federal domestic Assistance Program Number 20.205, Highway Research, Planning and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: December 10, 1981.

Arthur E. Teele, Jr,

UMTA Administrator.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–35869 Filed 12–16–81: 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Waiver Petition Docket HS–81–22]

Maryland and Pennsylvania Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the Maryland and Pennsylvania Railroad (Ma & Pa) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the Ma & Pa be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The Ma & Pa seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments.

FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–22, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.
Communications received before January 29, 1982, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on December 4, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–35752 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–06–M

[FRA Waiver Petition Docket HS–81–21]

Sierra Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the Sierra Railroad (Sierra) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the Sierra be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The Sierra seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–21, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.
Communications received before January 29, 1982, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5, Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on December 4, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–35950 Filed 12–16–81; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Customs Service

[TMK–2–CO:R:E:E]

Application for Recordation of Trade Name; SON-EXPORT, S.A. de C.V.

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name SON-EXPORT, S.A. de C.V., used by Son-Export, S.A. de C.V., a company governed by the laws of The Republic of Mexico, located at Plutarco Elias Calles y Rosales #124, Desp. 3003, Hermosillo, Sonora, Mexico.

The application states that the trade name is associated with fresh frozen shellfish (shrimp). Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, U.S. Customs Service, Washington, D.C. 20229, in time to be received not later than February 18, 1982.

Notice of the action taken on the application for recordation of the trade name will be published in the **Federal Register.**

Anthony L. Piazza,

Acting Director, Entry, Procedures and Penalties Division.

[FR Doc. 81–36064 Filed 12–16–81; 8:45 am]

BILLING CODE 4820–02–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 242
Thursday, December 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, December 22, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Regulation 1.56, Prohibition of Guarantees by FCM's.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1888-81 Filed 12-15-81; 12:27 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, December 22, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

CPO/CTA Employee Registration
Gross Margining of Omnibus Accounts

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1883-81 Filed 12-15-81; 9:27 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Thursday, December 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

[S-1884-81 Filed 12-15-81; 9:28 am]

BILLING CODE 6351-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, December 17, 1981, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Joint Petition for approval of a settlement agreement in the Stamford, Connecticut, comparative AM and FM renewal proceedings (Docket Nos. 19872-73, and BC Docket Nos. 80-650-80). Exceptions to the Initial Decision in Docket Nos. 19872-73 and related pleadings.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 10, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1891-81 Filed 12-15-81; 1:54 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, December 17, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Fourth Notice of Inquiry Relating to Preparation for an International Telecommunication Union (ITU) 1983 World Administrative Radio Conference (WARC) for Mobile Telecommunications. *Summary:* The Commission seeks to inform the public and to obtain comments of interested persons on the U.S. Draft Proposals for the 1983 World Administrative Radio Conference for Mobile Telecommunications.

General—2—Renewal of Radio Broadcasting Advisory Committee. The Advisory Committee on Radio Broadcasting has assisted the Commission in preparing for the Region 2 Administrative Radio Conference, now being held in Rio. The committee's charter expires 31 December 1981. To enable the Commission to utilize its expertise in this area while considering the results of the Conference, it is proposed to renew the committee for one year.

Private Radio—1—*Title:* Memorandum Opinion and Order concerning application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action denying its request for rule waivers and dismissing its applications for authority to use a VHF band Forestry Conservation Radio Service frequency in the Business Radio Service. *Summary:* The FCC will consider whether to grant or deny the application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action which denied Fabick's request for waivers of Sections 90.25(b) and 90.75(b) of the rules to permit its use of a VHF band frequency allocated to the Forestry Conservation Radio Service for a wide area land mobile radio system in portions of Illinois and Missouri in the Business Radio Service.

Private Radio—2—*Title:* Report and Order concerning the general exemption from the radiotelegraph requirements for cargo vessels of 1600 gross tons and upward engaged on coastwide voyages. *Summary:* The Commission will consider granting a general exemption from the radiotelegraph requirements of the Communications Act cargo ships of 1600 gross tons and upward when navigated on domestic voyages along the coasts of the contiguous 48 states. The ships will be required to have specific radiotelephone equipment for both terrestrial and satellite communications and also meet additional operational requirements.

Common Carrier—1—*Title:* Petition for Reconsideration of the Commission's action deferring the proceeding in Docket No. 20694, 59 FCC 2d 240 (1976). *Summary:* The Commission will consider whether to continue deferral of the proceeding in Docket No. 20694 concerning the joint application for authority for additional expenditures for the Hawaii-3/Transpac-2 Cable System (File No. 8241-M *et al.*)

Common Carrier—2—*Title:* Petition for declaratory ruling by ARINC that surcharges for access to telephone exchanges by interstate private line users must be tariffed at the FCC rather than at state level. *Summary:* ARINC (Aeronautical Radio, Inc.) has filed a petition asking the FCC to issue a ruling that telephone companies which impose "access" surcharges for initiating or completing calls carried over private lines which terminate in their exchange areas must first comply with all the FCC's usual

tariff filing requirements. An access "surcharge" is a charge imposed on the private line users in addition to a charge equivalent to the exchange carrier's rate for local exchange service.

The prevalent form of private line access charge is the "open end" charge levied on users of "FX" ("foreign exchange" service The FCC has not required telephone exchange carriers to submit tariff filings before revising their open end FX rates, as long as the rates to interstate users were kept equal to their rates for local exchange service.

According to ARINC, Rochester Telephone Company (RTC), New York Telephone Company, and Pacific Telephone and Telegraph (PTT) impose, or plan to impose, surcharges on FX users in addition to the usual open end charge. ARINC states that PTT and RTC also impose access surcharges on users of private lines terminating in their exchange areas in customer-controlled switching arrangements through which access to the local exchange networks can be established.

ARINC contends that by imposing these surcharges the carriers intend to unfairly shift revenue burdens from intrastate ratepayers to interstate private line users and that the FCC should therefore force the carriers to demonstrate in tariff filings that their surcharges are justified on the basis of costs.

Common Carrier—3—*Title:* American Telephone and Telegraph Company Tariff F.C.C. No. 260, Offering of Trunk-Side Switching Terminations to Customers of Switched Private Line Services. *Summary:* The Commission will consider whether to initiate on its own motion a rule making proceeding to determine the lawfulness of tariff provisions in AT&T's private line tariff which limit the ability of customers of switched private line services to connect their own equipment to the trunk side of Bell switches.

Common Carrier—4—*Title:* Procedures for Implementing the Deregulation of Customer Premises Equipment and Enhanced Services. (Second Computer Inquiry) *Summary:* Commission will consider whether to adopt staff's proposed notice of inquiry relating to implementation of Second Computer Inquiry.

Common Carrier—5—*Title:* In the Matter of Communications Satellite Corporation, File Nos. I–P–C–7387–8 237–CSG–P/L–80. Application for authority to construct and operate a communications satellite earth station at Cayey, Puerto Rico. *Summary:* The Commission will consider the applications of Comsat to construct and operate a satellite earth station on Puerto Rico to secure direct access to the INTELSAT network.

Common Carrier—6—*Title:* IRC applications to provide wholly domestic non-voice services. *Summary:* Commission will consider whether it is in the public interest to permit the five largest international record carriers to provide wholly domestic non-voice services between and among their various gateways and points of operation.

Common Carrier—7—*Title:* Cellular Communications Systems. *Summary:* Before the Commission is a *Memorandum Opinion and Order* which considers and resolves various petitions for reconsideration of the Commission's Report and Order in Docket 79–318, *Cellular Communications Systems*, 86 FCC 2d 469 (1981).

Common Carrier—8—*Subject:* CC Docket 78–196, Revision of USOA—Establishment of Advisory Committee Membership. *Summary:* The Commission will consider the appointment of the membership of the Telecommunications Industry Advisory Group.

Common Carrier—9—*Title:* Prescription of Revised Depreciation Rates (AT&T). *Summary:* The Commission will consider revised whole-life and remaining-life depreciation rates for all or portions of the plant for long lines department and the operating companies of the American Telephone & Telegraph Co.

Common Carrier—*Title:* Prescription of Revised Depreciation Rates (GTE). *Summary:* The Commission will consider revised remaining-life depreciation rates for all or portions of the plant of the companies of the GTE Service Corporation for which the Commission prescribes depreciation rates.

Common Carrier—*Title:* Prescription of Revised Depreciation Rates. (Continental Telephone Co. of Virginia) *Summary:* The Commission will consider revised remaining-life depreciation rates for all of the plant of the Continental Telephone Co. of Virginia.

Television—1—*Title:* Petition for Reconsideration filed by Scripps-Howard Broadcasting Company, licensee of Television Station KJRH, Tulsa, Oklahoma. *Summary:* The Commission will consider the assignment of the call letters KBJH to a new television station in Tulsa, Oklahoma.

Broadcast—1—*Title:* Application for Review filed by Northern Sun Corporation. *Summary:* The Commission will consider the competing requests of Northern Sun Corporation and First Media of Washington, Inc. for the relinquished KLFM call sign.

Broadcast—2—*Title:* Amendment of Part 73, Subpart E of the Commission's Rules concerning the operation of television broadcast stations by remote control. *Summary:* The FCC will consider whether to adopt the rules proposed in BC Docket No. 81–239. The *Notice* proposed to delete specific vertical interval test signals for remote control stations along with the accompanying mandatory transmission requirement.

Broadcast—3—*Title:* With reference to subsidiary use of FM and AM broadcast spectrum for utility load management purposes: *Report and Order*, Docket No. 81–352, concerning FM subsidiary communications authorization use; and *Notice of Proposed Rule Making*, concerning AM carrier use. *Summary:* On May 21, 1981, the Commission adopted a *Notice of Proposed Rule Making*, BC Docket No. 81–352, proposing to amend its FM subsidiary communications rule to permit commercial FM broadcast stations to transmit coded signals to manage energy loads by utility companies. This *Report and Order* will consider the action proposed in the *Notice*. In response to that *Notice*, a number of commenters requested that load management use also be permitted on the AM broadcast carrier. The Commission, in a *Notice of Proposed Rule Making*, will consider a proposal to amend its rules and allow such use.

Broadcast—4—*Title:* Amendment of Section 73.3597 of the Commission's Rules. (Applications for Voluntary Assignments or Transfers of Control) *Summary:* The Commission will consider whether to issue a *Notice of Proposed Rule Making* regarding changes in the three year holding period for broadcast stations.

Broadcast—5—*Title: Third Further Notice of Proposed Rule Making* in Docket No. 21474. (Broadcast Equal Employment Opportunity Rules) *Summary:* The Commission will consider whether to issue a *Third Further Notice of Proposed Rule Making* in its ongoing equal employment opportunity ("EEO") proceeding. The proposals under consideration would modify various data filing requirements.

Broadcast—6—*Title:* Reconsideration of the Broadcast Bureau's action assigning Channel 234 to Lockhart, Texas. *Summary:* The Commission will consider whether to affirm the assignment of Channel 234 to Lockhart, Texas, in view of a conflicting application for transmitter site relocation by Houston, Texas, FM Station KLEF.

Broadcast—7—*Title:* Changes in the rules relating to noncommercial, educational FM stations. *Summary:* The Commission will consider a *Third Report and Order* in Docket No. 20735 which would implement new protection criteria for Channel 6 TV reception.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: December 10, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1898–81 Filed 12–15–81; 1:54 pm]

BILLING CODE 6712–01–M

6

FEDERAL COMMUNICATIONS COMMISSION

Deletion of agenda item from December 17th open meeting

The following item has been deleted at the request of the Common Carrier Bureau from the list of agenda items scheduled for consideration at the December 17, 1981, Open Commission Meeting and previously listed in the

Commission's Notice of December 10, 1981.

Agenda, Item No., and Subject

Commom Carrier—5—*Title:* In the Matter of Communications Satellite Corporation, File Nos. I–P–C–7387–8 237–CSG–P/L–80. Application for authority to construct and operate a communications satellite earth station at Cayey, Puerto Rico. *Summary:* The Commission will consider the applications of Comsat to construct and operate a satellite earth station on Puerto Rico to secure direct access to the INTELSAT network.

Issued: December 15, 1981.

William J. Tricarico,

Secretary, Federal Communciations Commission.

[S–1869–817 Filed 12–15–81: 1:53 pm]

BILLING CODE 6712–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, December 14, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum and Resolution re: Recommended Definition of Bank Capital to be Used in Determining Capital Adequacy.

Memorandum and Resolution re: Mandatory Accrual Accounting Guidelines for Commercial Banks and Mutual Savings Banks.

Memorandum re: Renewal of lease for office space in the building located at 1709–11 New York Avenue, N.W., Washington, D.C.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: December 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1887–81 Filed 12–15–81: 11:37 am]

BILLING CODE 6714–01–M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, December 14, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding the liquidation of assets acquired by the Corporation from The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee (Committee Case No. 45,008–L).

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Request by Metropolitan Savings Bank, New York (Brooklyn), New York, for relief from a previously imposed condition of an order issued pursuant to section 18(c) of the Federal Deposit Insurance Act.

Request by Peoples Westchester Savings Bank, Tarrytown, New York, for relief from a previously imposed condition of an order issued pursuant to section 18(c) to the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: December 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1886–81 Filed 12–15–81: 11:37 am]

BILLING CODE 6714–01–M

9

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Tuesday, December 22, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Bank Membership and Insurance of Accounts—Royal Oak Savings and Loan Association, Manteca, California

Request for Modification of Condition—Sentinel Savings and Loan Association, Sonora, California

Request for a Commitment to Insure Accounts—Silver State Savings and Loan Association, Las Vegas, Nevada

Bank Membership and Insurance of Accounts—Brookside Savings and Loan Association, Pasadena, California

Application for a Commitment to Insure Accounts—Charter Savings and Loan Association, Delray Beach, Florida

Request for a Commitment to Insure Accounts—Deposit Trust Savings and Loan Association, Monroe, Louisiana

No. 576, December 15, 1981.

[S–1885–81 Filed 12–15–81: 10:04 am]

BILLING CODE 6720–01–M

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federal register

Thursday,
December 17, 1981

Part II

Department of Transportation

Federal Aviation Administration

Microwave Landing System Requirements for Non-Federal Navigational Facilities

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 171

[Docket No. 20669; Amdt. 171-11]

Microwave Landing System Requirements for Non-Federal Navigational Facilities

AGENCY: Federal Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes minimum standards and procedures for the approval, installation, operation, and maintenance of a Microwave Landing System (MLS) facility that is not operated and maintained by the FAA or other Federal agency. MLS is a system designed to take the place of the Instrument Landing System (ILS) used at commercial airports in the United States and around the world since 1945. MLS is projected to meet both civil and military requirements for the foreseeable future and to provide more flexibility in terminal area operations, abate noise, and be cost effective. MLS has been selected for standardization by the International Civil Aviation Organization (ICAO) for eventual installation at terminal areas of member States. The aviation community recognized the need for a new system to fulfill future requirements. MLS has been chosen to satisfy this need. Since these facilities may be operated and maintained by persons other than the FAA, the requisite standards and procedures to operate these facilities in the National Airspace System (NAS) must be provided in the form of a regulation to govern those activities. This amendment is consistent with the requirements of Executive Order 12291.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Sotires P. Mantis, Airway Facilities Service, (AAF-720), Airway Systems Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3008.

SUPPLEMENTARY INFORMATION:

I. Background

This rule is based on Notice of Proposed Rule Making (NPRM), Notice Number 80-15, Non-Federal Navigation Facilities; Proposed Microwave Landing System Requirements (45 FR 59256) published in the **Federal Register** September 8, 1980. All interested persons have been given an opportunity to participate in the making of this rule and due consideration has been given to all information submitted.

The search for an adequate successor to the present ILS has been underway for several decades. ILS was adopted for national service in 1941 and has been installed at approximately 700 locations in the United States. ILS is also the international standard and as such is installed in many other locations worldwide. Although significant improvements in system design have been made since it entered service, ILS is basically the creation of an older technology which limits its utility in some applications and falls short of meeting the full range of operational requirements as now defined nationally and internationally.

In 1967, the Radio Technical Commission for Aeronautics (RTCA) formed a special committee (SC-117) to collect user requirements and synthesize a set of operational requirements which would meet the needs of a wide range of civil and military users for precision approach and landing guidance well into the future. The RTCA operational requirements emerged in 1969 with a recommendation that microwave systems using a Doppler or scanning beam signal format should be investigated for implementation.

In the early 1970s ICAO adopted similar operational requirements and invited member states to propose candidate systems as a successor to the standard ILS. In July 1971, a U.S. National Plan for the joint development of an MLS was published by the Department of Transportation (DOT), Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA). The time referenced scanning beam (TRSB) MLS which emerged from this development program became the U.S. candidate system proposed for international adoption. In April 1978 ICAO selected the TRSB MLS for international standardization.

It should be noted that an interim standard microwave landing system (ISMLS) was adopted in 1975 for use at locations where a VHF/UHF ILS would not perform in an effective manner, or where the need for a low approach service would be better served by the use of the ISMLS. This system was intended as an adjunct to the ILS system and was considered necessary to fulfill some immediate aviation growth needs during a transition period. That transition period was the time necessary to develop an MLS which meets international standards.

II. Need for the Regulation

This regulation makes provision for approval of an instrument approach procedure using an MLS not provided by the Federal Government, which will satisfy the needs of various operators. Among these are operators who desire an instrument approach procedure but do not qualify for Federally provided equipment; operators who qualify for Federally provided equipment but prefer an MLS to an ILS; operators with locations on which the ILS cannot be properly sited; and operators who desire immediate installation of an MLS system without having to wait for the installation of a Federal system.

In the next one to three years the FAA expects no more than ten facilities to be installed and five to ten per year thereafter. These numbers, however, are estimates since there is no way of identifying the requirements for privately funded facilities. The numbers will vary depending upon manufacturer prices and consumer needs.

There are no current FAA MLS facilities; however, FAA is preparing Federal specifications to proceed with a procurement of approximately 95 systems beginning in 1983. The FAA has programmed for the installation of over one thousand systems by the year 2000.

The MLS system proposed herein provides for a $\pm 10°$ approach sector and a continuum of glideslopes consistent with a minimum vertical proportional guidance sector of 0.9° to 7.5°. This minimal system does not preclude the use of additional units to produce a system with a wider approach sector, steeper glidepaths, a back azimuth capability, precision DME, or the use of redundant units to maximize system availability. While the MLS specified in this proposal is the minimum system which would be approved for use in an IFR procedure, the provisions of this proposed subpart are not intended to prevent the selection of an MLS system which has increased performance characteristics, as long as the system selected performs in accordance with the standards now in process of publication by ICAO. A finding of no significant environmental impact can be found in the public docket for this rulemaking action.

III. Relationship to International Standards

Subsequent to the ICAO selection of an MLS in 1978, the process of creating and adopting international Standards and Recommended Practices (SARPS) has proceeded. The basic SARPS, which will assure interoperability between

ground and airborne equipment, was approved for inclusion in Annex 10 to the Convention of International Civil Aviation at the divisional meeting in April 1981 at Montreal.

All ground systems must be interoperable with regard to channeling, signal format, timing, and performance accuracy. This includes non-Federal, Federal, and International systems. The United States, as a member of ICAO comprising 148 member states, has contributed to the standardization of precision landing systems to insure interoperability worldwide. Both the FAR and FAA procurement specifications will be identical with respect to interoperability and performance requirements, both of which conform to the ICAO SARPS.

IV. General

This amendment adds a new subpart to Part 171 of the Federal Aviation Regulations to provide requirements for a non-Federal MLS facility. This rule sets forth minimum requirements that must be met before the FAA authorizes instrument flight rule approaches to the airport and air traffic control procedures incorporating that facility. Such a facility is designed to interface with existing and planned Federal facilities and systems.

The performance requirements of this rule are derived from the SARPS on MLS developed by ICAO. The SARPS as adopted by ICAO in Montreal in April 1981 are a culmination of the efforts of the member states. The United States, as a member, contributed and assisted in the recommendation process for inclusion of SARPS for MLS in the amendment of Annex 10. The FAA has and will continue to fully participate in the international standardization process.

In addition, persons affected by this rule should determine the applicability of FCC regulations to the installation and operation of the MLS. The regulations of the FCC applicable to radio frequency allocations and use are found in Parts 2 and 87 of Title 47 of the Code of Federal Regulations.

As part of the requirements, the FAA also incorporates by reference several technical documents in accordance with 5 U.S.C. 552. The following documents are available for inspection in accordance with § 171.71, and also at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, D.C. 20408, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161: FAA Handbook 8260.3, through change 3 dated June 3, 1980, United States Standard for Terminal Instrument Procedures (TERPS), and FAA Handbook AOP 8200.1, through change 35, dated May 15, 1981, United States Standard Flight Inspection Manual.

In addition, the following publication of ICAO is available from ICAO, Aviation Building, 1080 University Street, Montreal 101, Quebec, Canada, Attention: Distribution Officer: International Standards and Recommended Practices, Aeronautical Telecommunications, Volume 1 of Annex 10 to ICAO, through amendment 61 dated April 10, 1980. This incorporated material is not subject to frequent change. Readers, however, should contact the FAA to assure that they are consulting the current edition. This incorporation by reference was approved by the Director of Federal Register on October 20, 1981.

V. Discussion of Comments

Forty-five comments were received in response to Notice 80–15. These represent views from a broad cross section of user groups including airport operators, state and county aviation authorities, pilot and airline associations, communter airlines, manufacturers and others. The majority of the comments received supported the rule as proposed.

One commenter states that the implementation of non-Federal MLS at this time is "premature" and recommends that the rule be deferred until after implementation of the national MLS program. The FAA concludes an immediate requirement exists for a non-Federal MLS program. At the MLS public hearings in January 1981, there was an overwhelming positive response to rapid transition to MLS in both the Federal and non-Federal areas. This view is supported by a positive response to the proposed rule from the many segments of the aviation community.

One commenter states that the proposed rule, as written, would not encourage rapid and widespread implementation of non-Federal MLS. This was based on the assessment that the specified system accuracy and volumetric coverage requirements were excessive and, in their view, favored larger airports. The FAA does not agree. The rule specifies requirements for a minimum capability, single accuracy system as defined by ICAO and should prove beneficial at all airports, large or small.

Several commenters state that the requirements of specification FAA–G–2100, incorporated by reference in various sections of the rule, which provides general equipment requirements, and governs quality control, type testing, reliability and maintainability, establishes environmental requirements, and identifies component selection parts lists, are excessive. They contend that the specification levies reliability and maintainability requirements which are inappropriate for non-Federal application and the inclusion of FAA–G–2100 would have a negative cost impact on the program. After further analysis, the FAA concurs that the inclusion of FAA–G–2100 would increase the initial cost of a non-Federal MLS; therefore, all reference to FAA–G–2100 is deleted from the rule, however, the requirement to design for high reliability and maintainability remains in § 171.323. These requirements provide for system integrity.

One commenter concludes MLS is not ready for implementation since no FAA (Federal) MLS system exists. The FAA recognizes the need for implementation of Federal MLS where needs and justifications are provided; however, this rule provides the public a means to establish an MLS without Federal justification. Since the public is soliciting for MLS at this time, the FAA is providing for a non-Federal MLS standards consistent with ICAO recommendations. Further, the FAA is currently preparing Federal specifications in conformance with ICAO, resulting in a compatible interface between Federal and non-Federal MLS.

Several commenters suggested relaxing, tightening, deleting or adding to the MLS functions, signal formats, tolerances, specifications, performance, and definitions. As already noted, the FAA concurs with the ICAO SARPS and the rule reflects these standards.

The majority of the comments to the proposed rule involved specific technical issues concerning the MLS. These comments are addressed in the sections that follow:

Section 171.303 Definitions.

The rule describes twenty four definitions in an initial section that apply throughout the subpart.

One commenter objected to the stated definition of "mean time between failures" and submitted a revised definition. The revised definition submitted defines "mean time between outages." After analysis, the FAA concludes that the use of the phrase "mean time between failures" is correct but that a definition is needed for the word "failure" to avoid

misinterpretation of the meaning of that word.

Another commenter states that the definition of "minimum glidepath" is ambiguous and it is not clear whether the word consistent as used in the definition means the highest angle or the lowest angle. The FAA concludes that the definition conforms to the definition given in the SARPS and is not ambiguous. (The term "SARPS" is used herein to describe the provisions agreed upon by ICAO at the April 1981 meeting in Montreal, concurred in by the FAA.)

Additionally, the FAA adds to the rule a definition for "beamwidth," and revises the definitions of "MLS approach reference datum," "MLS back azimuth reference datum," "data rate," and "path following error" to make these definitions consistent with ICAO standards. The definition for "clearance guidance sector" is revised to be consistent with the use of the terms "fly-left/fly-right clearance" as used in § 171.311(i)(2)(iv) and Figure 8.

Section 171.305 Requests for IFR procedure.

That section lists the requirements for each person who requests an IFR procedure based on an MLS facility which that person owns. The required information includes a description of the facility and shows that the equipment meets specified performance requirements; a proposed procedure for operating the facility; a proposed maintenance organization and manual; a statement of intent to meet the requirements of the subpart, and a demonstration that the MLS facility has an acceptable level of operational reliability and maintainability. A provision also specifies the procedures to be followed after the FAA inspects and evaluates the facility. No comments were received on these requirements and the rule is adopted without change.

Section 171.307 Minimum requirements for approval.

That section prescribes the minimum requirements that must be met before the FAA approves an IFR procedure for an MLS facility. Those requirements relate to performance, installation, operation, maintenance, operational records, inspection, withdrawal from service, and costs.

One commenter suggests that the FAA should bear all costs of FAA-required normal flight and ground inspections. This suggestion is not accepted since the requirement as written in the rule reflects existing FAA policy; furthermore, the systems proposed by this order are systems installed and maintained by the owner for his benefit at his own expense. As stated in the rule, the owner must bear all costs of installation and flight inspection prior to commissioning. The rule is adopted as proposed.

Section 171.309 General requirements.

That section describes the MLS as a precision approach and landing guidance system which provides position information and various ground to air data. It also states that the position information is provided in a wide coverage section and is determined by an azimuth angle measurement, an elevation angle measurement and a range (distance) measurement.

An MLS constructed to meet the requirements of this subpart must include: approach azimuth equipment, associated monitor, remote control and indicator equipment; approach elevation equipment, associated monitor, remote control and indicator equipment; a means for the transmission of basic data words, associated monitor, remote control and indicator equipment; and distance measuring equipment (DME), associated monitor, remote control and indicator equipment. In addition, MLS may include as an option, back azimuth equipment, associated monitor, remote control and indicator equipment; a wider proportional guidance; precision DME, associated monitor, remote control and indicator equipment; and VHF marker beacons (75 MHz), associated monitor, remote control and indicator equipment. That section also prescribes environmental ambient conditions covering temperature, humidity, wind, hail, rain, and ice loading that the electronic equipment must meet when installed in shelters and outdoors. The MLS and its components must meet specified standards prescribed under this subpart.

One commenter suggests specifying the MLS performance requirements as those contained in ICAO SARPS, thus eliminating the need for §§ 171.311 through 171.319. This commenter points out that other Subparts of FAR 171 incorporate by reference performance requirements contained in ICAO SARPS. The FAA concludes that due to the present unavailability of an ICAO MLS SARPS publication, the specifications must be fully presented in this rule.

Another commenter requests that an option be granted allowing the requirement of § 171.309(b)(3) which provides a means for the transmission of data, to be included with § 171.309(b)(1) which includes the azimuth equipment. The FAA disagrees. The order of the paragraphs as proposed does not inhibit the combining of functions where appropriate but provides clarity and this change is not accepted.

Another commenter asks whether or not DME monitor, remote control, and indicator equipment could be integrated with the MLS. After analysis of this comment, the FAA agrees that the equipment can be integrated. Therefore, the rule is changed in §§ 171.309 (b) and (c) by including a note stating that this equipment may be integrated.

Another commenter requests a clearer definition of the capabilities of remote control and indicator equipment. Accordingly, a note is added to § 171.309(b)(4) setting the minimum requirements for the remote control and indicator equipment.

One commenter points out that § 171.309(c)(2), which provides for a wider proportional guidance sector, does not include the wider proportional guidance sector cited in § 171.317, Elevation performance requirements. An addition is made to § 171.309(c)(2) citing § 171.317.

Another commenter recommends that 15 degrees of proportional guidance be specified on the elevation equipment instead of 7.5 degrees. Since the SARPS specifies the minimum elevation proportional guidance as 7.5 degrees, proportional guidance above 7.5 degrees is optional, and the rule is adopted as proposed.

Several commenters object to the service and environmental conditions requirements as specified in § 171.309(d). One commenter states that the requirements are too restrictive and appear to be written for FAA procurement. Another commenter suggests specifying optional environmental requirements for different climatic conditions. Another commenter states that a reduced ambient temperature requirement would reduce costs and satisfy the requirements of most of the purchasers of the equipment. After considering these comments, the FAA concludes that a change in the service and environmental condition requirements would be inconsistent with standardized design concepts. Electronic equipment installed outdoors must conform to environmental standards regardless of geographical placement. A geographic boundary for climatic variations would be difficult to describe. For example, even though Florida would seem an inappropriate locale for the use of de-icers, there are occasions when de-icers would be necessary. The rule is adopted as proposed.

Several commenters object to the applicability of specification FAA–G–2100 as it relates to DME and markers. Clarification is made to § 171.309 which

now describes DME and marker requirements separately in two paragraphs (e) and (f), respectively. It is made clear that when DME, or markers are components of MLS, they must conform to the requirements of FAR 171, Subpart G and H, respectively. All reference to Specification FAA–G–2100 is removed from this rule.

Additionally, in accordance with the requirements of SARPS, a change is made in § 171.309(b)(4). This change deletes the mandatory requirement for a marker beacon and a note is added which permits the use of a VHF marker beacon (75 MHz) in lieu of a DME at locations where the VHF marker beacon (75 MHz) is already located. Also §§ 171.309(c) (3) and (4) are added allowing as an option the use of a precision DME and marker beacon respectively. The rain requirements in § 171.309(d)(4) are restated for clarification since the proposed wording was confusing.

Section 171.311 Signal format requirements.

That section provides for signals radiated by the MLS which must conform to the signal format which describes specific minimum requirements such as frequency assignment, tranmission rates and sequences, digital codes, and data modulation.

One commenter interprets § 171.311(a) Frequency Assignment to mean that all ground equipments must operate on more than one channel. This is not the intent. The ground components must operate on a single frequency assignment; however, the design of the ground equipment must allow for the capability to incorporate any one of the 200 listed channels with minimum adjustment. Accordingly the rule is changed to clarify this fact.

One commenter suggests deleting the requirement for short-term frequency stability. No changes are made since the above requirements are consistent with the SARPS, and the rule is adopted as proposed.

A recommendation is made to delete the requirement for OCI signals and another commenter recommends that OCI be made mandatory on all installations. The FAA does not agree. The OCI pulse requirements are needed to accommodate those sites where OCI signal is necessary to suppress false courses. The need for OCI signal is highly site dependent and not considered essential at all minimum capability system installations. OCI signal remains an option to be provided as needed.

Another commenter states that the preamble of the signal format should indicate carrier transmission termination time. The FAA concurs and a note is added to Tables 2, 4a, 4b, 5, and 7, in § 171.311 explaining that when the "event time slot begins, the previous event time slot ends."

Another commenter recommends that the test pulses of the system test pulse requirements in § 171.311 should be artificially beam shaped. After reevaluation the system test pulse requirements are eliminated as the characteristics of the pulses have not been standardized; however, the time slot is retained.

One commenter suggests deleting the high rate approach azimuth function in § 171.311(f). The FAA concludes that this function has applicable system benefits. The rule is adopted as proposed.

Another commenter requests more information on the meaning of the phrase "undesirable flag action" in § 171.311(i)(2)(ii). After further evaluation the FAA concludes that this phrase is inappropriate and it is deleted. One commenter suggests clarification of the phrase "positive clockwise angles" in § 171.311(i)(2)(iii)(B) as it is ambiguous. The FAA concludes that this phrase is in common use and is widely understood. The rule is adopted as proposed.

One commenter suggests deleting the clearance function in § 171.311(i)(2)(iv) based on the premise that insufficient testing has been performed on this function. This commenter makes this same point again regarding § 171.313. The FAA concludes that the clearance function must be retained as a design option to be required at minimum capability installations where proportional guidance is provided to less than ±40 degrees in accordance with ICAO SARPS. A commenter also suggests that the width of the clearance pulse be equivalent to the scanning beam pulse (150 μs) for a 3° beamwidth. This change is not acceptable since tests of the clearance signal resulted in the optimization of the clearance pulse width as stated. Another commenter states that it is inconsistent to use the phrase "right clearance pulse/left clearance pulse" in the text of § 171.311(i)(2)(iv) and to use the phrase "fly-right clearance pulse/fly-left clearance pulse" in Figure 8 of § 171.311. The FAA concurs and the phrase "fly-right clearance pulse/fly-left clearance pulse" is inserted accordingly. Another commenter recommends deletion of the clearance function in § 171.311(i)(2)(iv) and replacing it with full proportional scan to that angle necessary to overcome erroneous signals which are generated at a particular site by causes such as multipath. The FAA concludes that deletion of the clearance function can optionally be permitted if the required approach guidance sector is provided by proportional guidance and adds a phrase so stating to that section.

Another commenter states that the data element in § 171.311(j)(3) requires ground equipments to do something which is not yet defined. This data element is undefined; however, a space in the timing sequence for the data element remains. In the future, the data transmission of the operational status of the equipment in use will be standardized and defined. A standard format for this Basic Data Word requirement has not been formalized; however, this data word space must be available in the data timing for future use and definition.

One commenter states that the allowable range of the back azimuth distance in Basic Data Word Seven is not balanced against the allowable range of the approach azimuth to threshold distance in Basic Data Word One in § 171.311, Table 8. After further analysis, the FAA concludes that the 3,100 meter (10,000 feet) maximum permitted in Basic Data Word One is sufficient for this application.

Another commenter suggests the need for additional Basic Data regarding DME distance information. The FAA concurs and includes this information in Tables 3 and 8 of § 171.311 and §§ 171.311(j) (17), (18), and (19), as recommended by ICAO.

Additionally, § 171.311(c)(1) and Figure 1 of this section are changed so that the phase transition is made without amplitude modulation and the phase rate of change is consistent with the requirements of paragraph (d) of this section. This change makes the DPSK compatible with the receiver decoding circuit chosen by the Radio Technical Committee on Aeronautics, Special Committee—139 (RTCA SC–139) for MLS receiver standards and as agreed upon by ICAO at the meeting in Montreal in April 1981.

Section 171.313 Azimuth performance requirements.

The performance requirements for the azimuth equipment components of the MLS are listed. Included are requirements concerning approach and back azimuth coverage, siting, accuracy, and antenna coordinates and characteristics.

Some commenters recommend relaxing the accuracy and coverage requirements. Another suggests

establishing various levels or categories of MLS service. The provisions of the SARPS, which were approved for adoption by ICAO in April 1981, served as the technical base for the requirements of the rule. Comments which suggest changes to the accuracy, coverage, signal format, or timing cannot be implemented since this would make the rule inconsistent with SARPS.

One commenter states that there is no means to indicate to the airborne receiver whether the azimuth antenna coordinates are, as permitted in § 171.313(d), conical or planar. The small displacements between conical and planar beams in this sector are operationally acceptable and need not be identified. Further, highest capability users can obtain this information from auxiliary data transmissions, where provided. The rule is adopted as proposed.

One commenter states that a "fundamental problem" exists with including airborne error and ground system error with the specification of accuracy on a system basis in regard to Table 10 in § 171.313. Another commenter, with regard to Table 10, states that the CMN error accuracy requirement should be annotated "for information only" since it was only "a recommendation" in the SARPS. Beam stepping noise is controlled by the CMN value for the ground subsystem. The values stated in Table 10 limit the beam stepping noise of the ground equipment; therefore, it is a requirement rather than a recommendation. The system accuracy numbers give the equipment designer the information he needs on allowances for propagation errors. The rule is adopted as proposed.

One commenter suggests inclusion of the degradation allowance to the approach azimuth accuracy requirement. The FAA concurs and § 171.313(e) is modified to include the degradation allowance to make the rule consistent with the SARPS.

One commenter states that in § 171.313(a)(1) a reduction in the specified ±40 degree coverage sector when intervening obstacles prevent full coverage should be allowed. After further analysis, the FAA concurs. A reduction in the specified ±40 degree coverage sector must be permitted when full coverage is prevented by intervening obstacles. Therefore, a sentence is added to the end of § 171.313(a)(1) to so provide.

One commenter states that in § 171.313(a)(3) the proportional guidance requirements in the runway region do not allow for offset installations for a minimum system. The FAA concludes that this requirement should not apply to azimuth offset installations and, therefore, the statement, "This requirement does not apply to azimuth offset installations," is added to the rule.

One commenter states that in § 171.313(f)(1) the drift requirement for the approach azimuth antenna characteristics should be reduced and furthermore met without internal environmental control equipment. The FAA concludes that the given tolerances are adequate for system performance; however, the FAA agrees that the service conditions should be met without internal environmental control equipment to provide for maximum system availability and integrity and the rule is changed in § 171.313(f)(1) to so require.

One commenter suggests that in § 171.313(f)(2) the beam pointing error be defined, and another commenter states that drift and beam pointing error be deleted due to the inability to separate the two in actual field installations. After further evaluation, the FAA concludes that beam pointing error is defined in § 171.313(f) (1) and (2) as is the requirement that the measurement be made in a multipath free environment. Another commenter suggests that beam pointing error be deleted as it is overly restrictive. Beam pointing error cannot be deleted because it is needed to assure linearity of the azimuth guidance in the centerline region and acceptable PFE when flying orthogonal to the centerline; however, the required coverage within which the beam pointing error applies is reduced from full coverage to ±0.5 degree of the zero degree azimuth.

Several commenters request that § 171.313(f)(3) on boresighting be expanded to include means other than only mechanical or optical for accomplishing the boresight procedure. The FAA concludes that electrical boresighting procedures can be utilized and the option for electrical boresighting is added to the rule. Another commenter requests that the antenna alignment tolerance in this section be relaxed. The FAA does not agree and the antenna alignment tolerance is adopted as proposed to insure system accuracies.

One commenter states that § 171.313(f)(4) refers to "sidelobe levels shown in Figure 10"; however, Figure 10 does not mention sidelobes and therefore reference to sidelobe levels in Figure 10 is deleted. The commenter further states that no minimum beamwidth is specified and that there is no limit to the amount of beam broadening that may occur off boresight of the scanning antenna. The FAA concurs. This section is changed to permit the beamwidth to broaden from the value at boresight by a factor of 1/cos D, where D is the angle off boresight. The scanning beam pulse width is now specified as 0.5 degrees minimum and 5.0 degrees maximum anywhere in proportional coverage. Another commenter suggests expanding this section to include effective sidelobe levels. The FAA concurs and adds a new § 171.313(f)(4)(ii) on effective sidelobe levels. One commenter states that the sidelobe levels specified are three decibels stronger than those shown in specification FAA–ER–700–08C. The change in the rule to specify effective sidelobe levels removes this ambiguity.

One commenter states that in § 171.313(g)(1) the minimum proportional guidance for back azimuth is omitted from the proposed rule. Also, that certain provisions are missing for siting the back azimuth. The FAA concurs and adds a provision for the minimum proportional guidance for back azimuth and provisions for siting the back azimuth in § 171.313(h) (1) through (6).

With reference to § 171.313(g)(4), one commenter states that the back azimuth power density levels are excessive, based on the reduced back azimuth range requirement. After further analysis, the FAA concludes that the minimum power densities required for back azimuth are consistent with the levels required in ICAO SARPS and are not excessive. Another commenter states that back azimuth coverage could be misinterpreted to mean that back azimuth must be provided at all facilities. The requirements for back azimuth in § 171.309 are clearly stated and should not be misinterpreted to mean that back azimuth must be provided at all facilities. The rule is adopted as proposed.

In addition a new § 171.313(f)(6) is added describing the radiation pattern of the data antenna. Also § 171.313(j) is expanded by adding back azimuth accuracy degradation allowances. These requirements were inadvertently omitted from the proposed rule and are now included to be consistent with ICAO SARPS.

Section 171.315 Azimuth monitor system requirements.

This section prescribes monitor systems that must provide an "Executive Alert" to the designated control points if any one of several conditions persist, such as an abnormal reduction in radiated power.

One commenter submits extensive revision to § 171.315 on azimuth monitor requirements. This proposal is not adopted as it is not necessary that the

rule specify the arrangement of the monitor system. Another commenter describes the timing accuracy tolerance (reference Table 11) as unrealistic due to a 10 μsec switching time. He further states that this requirement may also be difficult if not impossible to check during routine maintenance monitor checks. Table 11 specifies the timing tolerances for events internal to the transmitting equipment and is easily measured. The 10 microseconds referenced concern a rise time which occurs subsequent to the event time; therefore, the stated timing accuracy is a realistic requirement. This commenter also advises including degradation allowance in § 171.315(a)(1). The FAA concurs and degradation allowance is included in this section.

One commenter states that when referring to internal timing accuracies in Table 11 of § 171.315 that a specification should be included to indicate that the scan must be symmetrical about the mid scan point. The FAA concurs and adds Note 1 to Table 11 indicating that the tolerances shown therein apply to the timing of the specific events as shown in Tables 2, 4a, 4b, 5 and 7 of § 171.311.

Section 171.317 Approach elevation performance requirements.

The performance requirements for the elevation equipment components of the MLS included are requirements as to elevation coverage, siting, accuracy, and antenna coordinates and characteristics.

This section generated a number of comments. Many of the comments to § 171.313 were either repeated or are similar to the comments in this section. Accordingly, the explanations given earlier are equally valid here and are not repeated.

One commenter states that the threshold crossing height (TCH) requirement of this section does not provide for STOL aircraft. After further analysis, the FAA concludes that elevation siting requirements for STOL operations should be included. Section 171.317(b)(2)(i) is added to the rule to include TCH requirements for STOL aircraft operations.

Several commenters suggest that elevation accuracy degradations of § 171.317(d)(1) be allowed to be consistent with ICAO SARPS. The FAA concurs. This section is changed so that degradation limits are included in the rule to conform to SARPS.

Information relative to the glidepath planar angle was inadvertently omitted in the proposed rule and is now included in § 171.317(b)(2) to be consistent with ICAO SARPS.

Section 171.319 Approach elevation monitor system requirements.

That section prescribes monitor systems that must provide an "Executive Alert" to the designated control points if any one of several conditions persist, such as an abnormal reduction in radiated power.

One commenter states that § 171.319(a)(1) should include a reference to § 171.317(d). The FAA concurs and the reference is added to the rule.

One commenter states that § 171.319(a) should include requirements that when multiple sensor inputs are used to monitor a single parameter, at least two sensors must agree. The FAA disagrees. A monitor must insure integrity; however, it is left to the designer to incorporate specific design parameters. The rule is adopted as proposed.

One commenter suggests deletion in § 171.319(a)(1) of the phrase "consistent with published approach procedures and obstacle clearance criteria." The FAA concurs that the deletion removes an undesirable restriction on monitoring and deletes the phrase.

Section 171.321 DME and marker performance requirements.

DME equipment must meet the performance requirements prescribed in Subpart G of this part and marker beacon equipment must meet the performance requirements prescribed in Subpart H of this part. Both subparts impose requirements that performance features must comply with International Standards and Recommended Practices, Aeronautical Telecommunications, Part I, to ICAO Annex 10.

One commenter suggests including the DME location and the zero range point in this section. After further consideration the FAA concurs and includes in this section the location of the DME and zero range point.

One commenter suggests that a reference to compass locators should be added to § 171.321. The FAA concludes that a compass locator is not part of an MLS and no changes are made in this section.

Section 171.323 Fabrication and installation requirements.

The MLS facility must be permanent in nature, located, and installed in accordance with best commercial engineering practices, and with applicable safety codes and Federal Communications Commission (FCC) licensing requirements. Suitable primary and secondary power sources must be provided. The facility must also have, or be supplemented by ground, air or landline communications services with the location of antenna phase centers and the runway centerline at threshold determined by a survey within certain limits of accuracy.

One commenter states that § 171.323 (a) and (b) appear to be beyond the scope of the minimum requirements, further stating that the requirements of § 171.323 (b), (d), and (e) should be a "market place" item rather than Federal regulations. These requirements are provided to ensure maintainability and integrity of the MLS which is part of the NAS. These are the minimum requirements. No change is made since the requirements as stated are in the best interest of the owner and the NAS and the rule is adopted as proposed.

Two commenters suggest that in § 171.323(b) of the proposed rule traveling wave tube amplifiers (TWTA) should not be excluded from use. The FAA concurs and a phrase is added to § 171.323(b) that in addition to allowing the use of solid state amplifiers the rule permits the use of TWTA.

One commenter states inconsistencies in referencing Tables 10 and 13 for maintenance alerts in § 171.323(c). The FAA concurs and the references to Tables 10 and 13 are deleted from § 171.323(c). Several commenters further state that the requirements for interfacing with FAA remote monitoring are unclear. The FAA concurs and states in § 171.323(d) that this requirement may be complied with by the addition of optional software and/or hardware in space provided in the original equipment. Furthermore, this interface requirement exists only in the event the sponsor requests the FAA to assume ownership of the MLS.

One commenter requests a reduction of the requirement to operate on the battery backup power in § 171.323(h) and also a clarification of the intent that battery power is not required for the environmental subsystem or de-icing. After further analysis, the FAA concurs. The requirement for battery operations was reduced from 3 hours to 2 hours. This reduction will reduce costs and not significantly impact operation. The text further clarifies that radome de-icers and the environmental systems need not operate from the battery during periods when prime power is not available.

One commenter states that in § 171.323(l) the marking and accuracy of the location of the phase centers of the antenna enclosures is beyond the minimum requirements of this regulation. The antenna phase centers must be marked, since this is considered essential in satisfying siting and installation requirements. Furthermore, the accuracy of the established phase centers is considered essential to flight inspection. Experience has shown that

many operational problems have been the result of poor location surveys. Meaningful flight inspection is not possible without precise location of the origin of the signal. Therefore, the FAA concludes that the marking and the accuracy of the location of the phase centers of the antenna enclosures must be a requirement; however, this section is clarified by specifying the two separate accuracy requirements necessary to locate both the MLS datum point and the lateral and vertical offsets from the MLS datum point. The survey accuracy requirement for latitude, longitude and mean sea level elevation of the MLS datum point is ±3 meters (±10 feet) laterally and ±0.3 meter (±1.0 foot) vertically, while the accuracy for lateral and vertical offsets from the MLS datum point for the other elements referenced to it is ±0.3 meter (±1.0 foot) laterally and ±0.03 meter (±0.1 foot) vertically. Another commenter requests clarification on who is to conduct the survey. The responsibility for conducting the antenna phase center survey is clarified in this Section and clearly states that the owner must bear all costs of the survey.

Section 171.325 Maintenance and operations requirements.

The owner of the facility must establish an adequate maintenance system and provide qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. The owner must have an approved operations and maintenance manual that sets forth the mandatory procedures for operations and periodic and emergency maintenance.

One commenter questions the requirement in § 171.325(a) for written approval of the qualification of maintenance personnel. This requirement is deleted since the criteria for its application are not finalized. One commenter states that procedures in § 171.325(c)(17) for conducting ground checks of the DME and marker beacon are not described. The requirement to ground check DME and marker beacons is deleted as no formal procedure exists for ground checking these components.

One commenter states that § 171.325(e) on equipment modifications is ambiguous in that it is not clear whether or not manufacturers' suggested modifications are mandatory. The FAA concurs. The statement was ambiguous and the paragraph is revised so that all FAA approved modifications must be accomplished.

One commenter states that § 171.325(g) could permit various FAA regions to establish changes and maintenance procedures without public process and concludes that this provision should be deleted. After further analysis, the FAA concurs. FAA regions should not be permitted to establish changes and maintenance procedures, therefore, § 171.325(g) is deleted from the rule. One commenter states that requirements for FAA approved test equipment in § 171.325(i) is outside the scope of the MLS proposal. The FAA concludes that the test equipment used on the NAS facilities must be approved by the FAA to insure system integrity and is within the scope of the proposal. The rule is adopted as proposed.

One commenter suggests that the inservice test evaluation of the system in § 171.325(k) should be made more specific to avoid multiple interpretations in the field. The FAA concurs and adds information to this section specifying the frequency of checking the monitor and the length of the burn-in time. Another commenter suggests adding the DME to the list of equipment being checked in § 171.325(k). The FAA concurs and the DME is added.

Section 171.327 Operational Records.

The owner of the facility, or his maintenance representative, must submit the following data at the indicated time to the appropriate FAA regional office: (1) Facility Equipment Performance and Adjustment Data (FAA Form 198); (2) Facility Maintenance Log (FAA Form 6030-1); and (3) Technical Performance Records (FAA Form 6830).

One commenter questions whether or not the forms referenced in this section contained reasonable data requirements as the specific forms were not included in the proposed rule for examination. The FAA concludes that these forms are necessary and they are required in all other non-Federal facilities. These forms constitute a record establishing a description and the operational performance requirements for each components of the MLS. The rule is adopted as proposed.

VI. The Amendment

Accordingly, Part 171 of the Federal Aviation Regulations (14 CFR Part 171) is amended, effective December 17, 1981, by adding a new Subpart J to read as follows:

PART 171—NON-FEDERAL NAVIGATION FACILITIES

* * * * *

Subpart J—Microwave Landing System (MLS)

Sec.
171.301 Scope.
171.303 Definitions.
171.305 Requests for IFR procedure.
171.307 Minimum requirements for approval.
171.309 General requirements.
171.311 Signal format requirements.
171.313 Azimuth performance requirements.
171.315 Azimuth monitor system requirements.
171.317 Approach elevation performance requirements.
171.319 Approach elevation monitor system requirements.
171.321 DME and marker beacon performance requirements.
171.323 Fabrication and installation requirements.
171.325 Maintenance and operations requirements.
171.327 Operational records.

Authority: Secs. 305, 307, 313(a), 601, and 606, Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1348, 1354(a), 1421, 1426); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Subpart J—Microwave Landing System (MLS)

§ 171.301 Scope.

This subpart sets forth minimum requirements for the approval, installation, operation and maintenance of non-Federal Microwave Landing System (MLS) facilities that provide the basis for instrument flight rules (IFR) and air traffic control procedures.

§ 171.303 Definitions.

As used in this subpart:

"Back azimuth reference datum" means a point located 15 meters (50 feet) above the runway centerline at the runway midpoint.

"Basic data" means data transmitted by the ground equipment that are associated directly with the operation of the landing guidance system.

"Beamwidth" means the width of the scanning beam main lobe measured at the −3 dB points and defined in angular units on the boresight, in the horizontal plane for the azimuth function and in the vertical plane for the elevation function.

"Clearance guidance sector" means the volume of airspace, inside the coverage sector, within which the azimuth guidance information provided is not proportional to the angular displacement of the aircraft, but is a constant fly-left or fly-right indication of the direction relative to the approach course the aircraft should proceed in order to enter the proportional guidance sector.

"Control Motion Noise (CMN)" means those fluctuations in the guidance which

affect aircraft attitude, control surface motion, column motion, and wheel motion. Control motion noise is evaluated by filtering the flight error record with a band-pass filter which has corner frequencies at 0.3 radian/sec and 10 radians/sec for azimuth data and 0.5 radian/sec and 10 radians/sec for elevation data.

"Data rate" means the average number of times per second that transmissions occur for a given function.

"Differential Phase Shift Keying (DPSK)" means differential phase modulation of the radio frequency carrier with relative phase states of 0 degree or 180 degrees.

"Failure" means the inability of an item to perform within previously specified limits.

"Guard time" means an unused period of time provided in the transmitted signal format to allow for equipment tolerances.

"Integrity" means that quality which relates to the trust which can be placed in the correctness of the information supplied by the facility.

"Mean corrective time" means the average time required to correct an equipment failure over a given period, after a service technician reaches the facility.

"Mean course error" means the mean value of the azimuth error along a specified radial of the azimuth function.

"Mean glide path error" means the mean value of the elevation error along the glidepath of the elevation function.

"Mean time between failures (MTBF)" means the average time between equipment failures over a given period.

"Microwave Landing System (MLS)" means the MLS selected by ICAO for international standardization.

"Minimum glidepath" means the lowest angle of descent along the zero degree azimuth that is consistent with published approach procedures and obstacle clearance criteria.

"MLS approach reference datum" means a point 15 meters (50 feet) above the runway threshold on the minimum glidepath.

"MLS back azimuth reference datum" means a point 15 meters (50 feet) above the runway centerline at the runway midpoint.

"MLS datum point" means a point defined by the intersection of the runway centerline with a vertical plane perpendicular to the centerline and passing through the elevation antenna phase center.

"Out of Coverage Indication (OCI)" means a signal radiated into areas outside the intended coverage sector where required to specifically prevent invalid removal of an airborne warning indication in the presence of misleading guidance information.

"Path Following Error (PFE)" means the guidance perturbations which could cause aircraft displacement from the desired course or glidepath. It is composed of a path following noise and of the mean course error in the case of azimuth functions, or the mean glidepath error in the case of elevation functions. Path following errors are evaluated by filtering the flight error record with a second order low pass filter which has a corner frequency at 0.5 radian/sec for azimuth data or 1.5 radians/sec for elevation data.

"Path Following Noise (PFN)" means that portion of the guidance signal error which could cause aircraft displacement from the actual mean course line or mean glidepath as appropriate.

"Split-site ground station" means the type of ground station in which the azimuth portion of the ground station is located on the centerline beyond the stop end of the runway, and the elevation portion is located alongside the runway near the approach end.

"Time Division Multiplex (TDM)" means that each function is transmitted on the same frequency in time sequence, with a distinct preamble preceding each function transmission.

§ 171.305 Requests for IFR procedure.

(a) Each person who requests an IFR procedure based on an MLS facility which that person owns must submit the following information with that request:

(1) A description of the facility and evidence that the equipment meets the performance requirements of §§ 171.309, 171.311, 171.313, 171.315, 171.317, 171.319, and 171.321 and is fabricated and installed in accordance with § 171.323.

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and a maintenance manual that meets the requirements of § 171.325.

(4) A statement of intent to meet the requirements of this subpart.

(5) A showing that the facility has an acceptable level of operational reliability and an acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

(b) FAA inspects and evaluates the MLS facility; it advises the owner of the results, and of any required changes in the MLS facility or in the maintenance manual or maintenance organization. The owner must then correct the deficiencies, if any, and operate the MLS facility for an in-service evaluation by the FAA.

§ 171.307 Minimum requirements for approval.

(a) The following are the minimum requirements that must be met before the FAA approves an IFR procedure for a non-Federal MLS facility:

(1) The performance of the MLS facility, as determined by flight and ground inspection conducted by the FAA, must meet the requirements of §§ 171.309, 171.311, 171.313, 171.315, 171.317, 171.319, and 171.321.

(2) The fabrication and installation of the equipment must meet the requirements of § 171.323.

(3) The owner must agree to operate and maintain the MLS facility in accordance with § 171.325.

(4) The owner must agree to furnish operational records as set forth in § 171.327 and agree to allow the FAA to inspect the facility and its operation whenever necessary.

(5) The owner must assure the FAA that he will not withdraw the MLS facility from service without the permission of the FAA.

(6) The owner must bear all costs of meeting the requirements of this section and of any flight or ground inspection in accordance with the FAA Flight Inspection Manual made before the MLS facility is commissioned, except that the FAA may bear certain costs subject to budgetary limitations and policy established by the Administrator. Incorporated by reference is Flight Inspection Manual, FAA Handbook 8200.1 through change 35, dated May 15, 1981, which prescribed standardized procedures for flight inspection of air navigation facilities. It is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 and also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, D.C., 20408.

(b) [Reserved]

§ 171.309 General requirements.

The MLS is a precision approach and landing guidance system which provides position information and various ground-to-air data. The position information is provided in a wide coverage sector and is determined by an azimuth angle measurement, an elevation angle measurement and a range (distance) measurement.

(a) An MLS constructed to meet the requirements of this subpart must include:

(1) Approach azimuth equipment, associated monitor, remote control and indicator equipment.

(2) Approach elevation equipment, associated monitor, remote control and indicator equipment.

(3) A means for the transmission of basic data words, associated monitor, remote control and indicator equipment.

(4) Distance measuring equipment (DME), associated monitor, remote control and indicator equipment.

(5) Remote controls for paragraph (a) (1), (2), (3), and (4) of this section must include as a minimum on/off and reset capabilities and may be integrated in the same equipment.

(6) At locations where a VHF marker beacon (75 MHz) is already installed, it may be used in lieu of the DME equipment.

(b) In addition to the equipment required in paragraph (a) of this section the MLS may include:

(1) Back azimuth equipment, associated monitor, remote control and indicator equipment.

(2) A wider proportional guidance sector which exceeds the minimum specified in §§ 171.313 and 171.317.

(3) Precision DME, associated monitor, remote control and indicator equipment.

(4) VHF marker beacon (75 MHz), associated monitor, remote control and indicator equipment.

(5) The MLS signal format will accomodate additional functions (e.g., flare elevation) which may be included as desired. Remote controls for paragraphs (b) (1), (2) and (3) of this section must include as a minimum on/off and reset capabilities, and may be integrated in the same equipment.

(c) MLS ground equipment must be designed to operate on a nominal 120/240 volt, 60 Hz, 3-wire single phase AC power source and must meet the following service conditions:

(1) AC line parameters, DC voltage, elevation and duty:

120 VAC nominal value—102 V to 138 V (±1 V)*
240 VAC nominal value—204 V to 276 V (±2 V)*
60 Hz AC line frequency—57 Hz to 63 Hz (±0.2 Hz)*
24 VDC nominal value—20 V to 30 V (±0.25 V)*

*Note.—Where discrete values of the above frequency or voltages are specified for testing purposes, the tolerances given in parentheses indicated by an asterisk apply to the test instruments used to measure these parameters.

Elevation—0 to 3,000 meters (10,000 feet) above sea level
Duty—Continuous, unattended

(2) Ambient conditions within the shelter for electronic equipment installed in shelters are:

Temperature, −10°C to +50°C
Relative humidity, 5% to 90%

(3) Ambient conditions for electronic equipment and all other equipment installed outdoors (for example, antenna, field detectors, and shelters):

Temperature, −50°C to +70°C
Relative humidity, 5% to 100%

(4) All equipment installed outdoors must operate satisfactorily under the following conditions:

Wind Velocity: The ground equipment shall remain within monitor limits with wind velocities of up to 70 knots from such directions that the velocity component perpendicular to runway centerline does not exceed 35 knots. The ground equipment shall withstand winds up to 100 knots from any direction without damage.
Hail Stones: 1.25 centimeters (½ inch) diameter.
Rain: Provide required coverage with rain falling at a rate of 50 millimeters (2 inches) per hour, through a distance of 9 kilometers (5 nautical miles) and with rain falling at the rate of 25 millimeters (1 inch) per hour for the additional 28 kilometers (15 nautical miles).
Ice Loading: Encased in 1.25 centimeters (½ inch) radial thickness of clear ice.
Antenna Radome De-Icing: Down to −6°C (20°F) and wind up to 35 knots.

(d) The transmitter frequencies of an MLS must be in accordance with the frequency plan approved by the FAA.

(e) The DME component listed in paragraph (a)(4) of this section must comply with the minimum standard performance requirements specified in Subpart G of this part.

(f) The marker beacon components listed in paragraph (b)(4) of this section must comply with the minimum standard performance requirements specified in Subpart H of this part.

§ 171.311 Signal format requirements.

The signals radiated by the MLS must conform to the signal format in which angle guidance functions and data functions are transmitted sequentially on the same C-band frequency. Each function is identified by a unique digital code which initializes the airborne receiver for proper processing. The signal format must meet the following minimum requirements:

(a) *Frequency Assignment.* The ground components (except DME/Marker Beacon) must operate on a single frequency assignment or channel, using time division multiplexing. These components must be capable of operating on any one of the 200 channels spaced 300 KHz apart with center frequencies from 5031.0 MHz to 5090.7 MHz and with channel numbering as shown in Table 1. The operating radio frequencies of all ground components must not vary by more than ±10 KHz from the assigned frequency. Any one transmitter frequency must not vary more than ±50 Hz in any one second period.

TABLE 1.—FREQUENCY CHANNEL PLAN

Channel No.	Frequency (MHz)
500	5031.0
501	5031.3
502	5031.6
503	5031.9
504	5032.2
505	5032.5
506	5032.8
507	5033.1
508	5033.4
509	5033.7
510	5034.0
511	5034.3
598	5060.4
599	5060.7
600	5061.0
601	5061.3
698	5090.4
699	5090.7

(b) *Polarization.* (1) The radio frequency emissions from all ground equipment must be nominally vertically polarized. Any horizontally polarized radio frequency emission component from the ground equipment must not have incorrectly coded angle information such that the limits specified in paragraphs (b)(2) and (3), of this section are exceeded.

(2) Rotation of the receiving antenna thirty degrees from the vertically polarized position must not cause the guidance information to change by more than 40% of the allowable path following error applicable at that location.

(3) All system accuracy limits must be met with the receiving antenna up to thirty degrees from the vertically polarized position.

(c) *Modulation Requirements.* Each function transmitter must be capable of DPSK and continuous wave (CW) modulations of the RF carrier which have the following characteristics:

(1) *DPSK.* The DPSK signal must have the following characteristics:

bit rate	15.625KHz
bit length	64 usec.
logic "0"	no phase transition
logic "1"	phase transition
phase transition	less than 10μsec.
phase tolerance	± 10 degrees

It is intended that the phase transition be made without amplitude modulation. Figure 1 illustrates the phase characteristics of two logic "1" bits in sequence. Control must be such that the time interval for phase transition does not exceed 10μsec and the phase rate of change is consistent with the requirements of paragraph (d) of this section. The phase characteristic inside

section. The phase characteristic inside the transition region must be as linear as possible and in no case deviate more than ± 90 degrees from a linear transition.

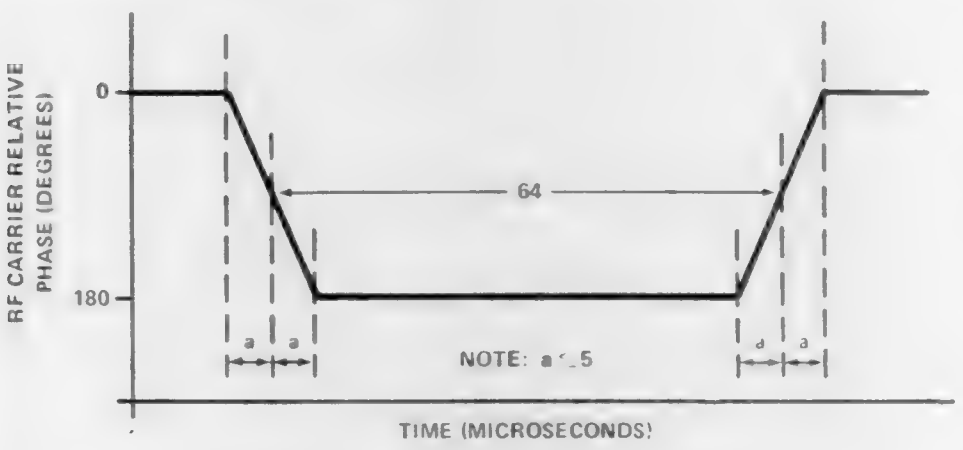

FIGURE 1. DPSK PHASE CHARACTERISTICS

(2) *CW.* The CW pulse transmissions and the CW angle transmissions as may be required in the signal format of any function must have characteristics such that the requirements of paragraph (d) of this section are met.

(d) *Radio Frequency Signal Spectrum.* The transmitted signal must be such that during the transmission time, the mean power density above a height of 600 meters (2000 feet) does not exceed −100.5 dBW/m² for angle guidance and −95.5 dBW/m² for data, as measured in 150 KHz bandwidth centered at a frequency of 840 KHz or more from the assigned frequency.

(e) *Synchronization.* Synchronization between the azimuth and elevation components is required and, in split-site configurations, would normally be accomplished by landline interconnections. Synchronization monitoring must be provided to preclude function overlap.

(f) *Transmission Rates.* Angle guidance and data signals must be transmitted at the following average repetition rates:

Function	Average data rate (Hertz per second)
Approach Azimuth	13 ± 0.5
High Rate Approach Azimuth	[1] 39 ± 1.5
Approach Elevation	39 ± 1.5
Back Azimuth	6.5 ± 0.25
Basic Data	[2]

[1] The higher rate is recommended for azimuth scanning antennas with beamwidths greater than two degrees. It should be noted that the time available in the signal format for additional functions is limited when the higher rate is used.

[2] Refer to Basic Data Functions Timing, Table 7

(g) *Transmission Sequences.* Sequences of angle transmissions which will generate the required repetition rates are shown in Figures 2 and 3.

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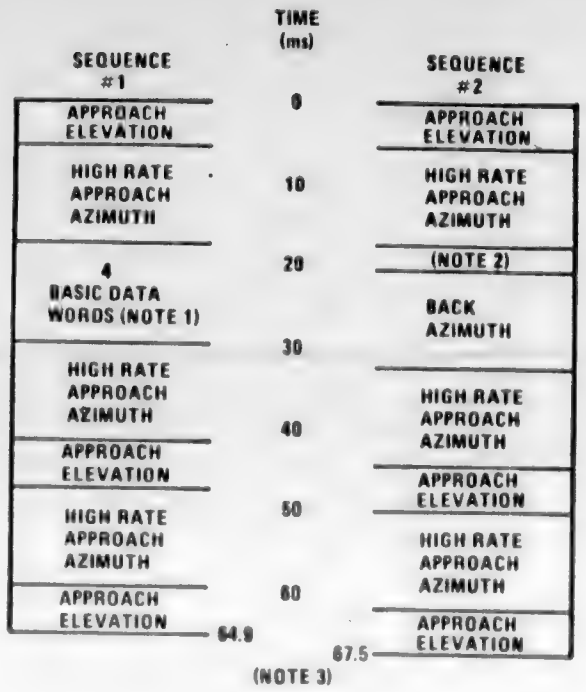

NOTES:

1. BASIC DATA WORDS MAY BE TRANSMITTED IN ANY OPEN TIME PERIODS.
2. WHEN BACK AZIMUTH IS PROVIDED, BASIC DATA WORD #2 MUST BE TRANSMITTED ONLY IN THIS POSITION.
3. THE TOTAL TIME DURATION OF SEQUENCE #1 PLUS SEQUENCE #2 MUST NOT EXCEED 134 ms.

FIGURE 3. TRANSMISSION SEQUENCE PAIR WHICH PROVIDES FOR THE MLS HIGH RATE APPROACH AZIMUTH ANGLE GUIDANCE FUNCTION

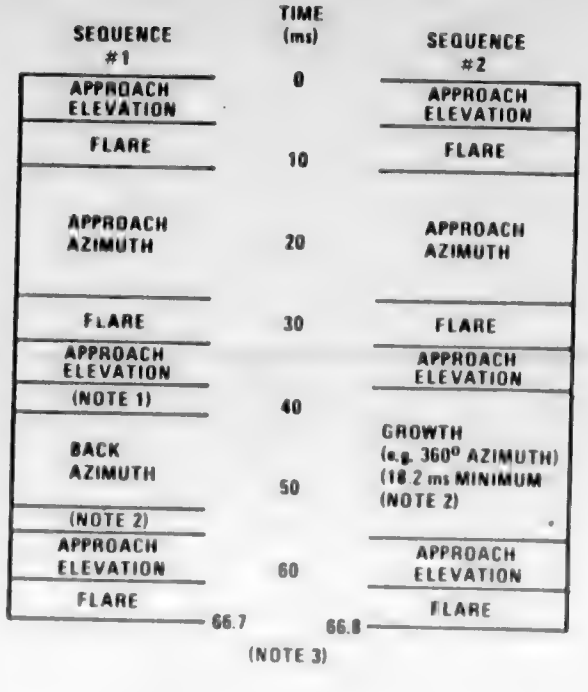

NOTES:

1. WHEN BACK AZIMUTH IS PROVIDED, BASIC DATA WORD #2 MUST BE TRANSMITTED ONLY IN THIS POSITION.
2. BASIC DATA WORDS MAY BE TRANSMITTED IN ANY OPEN TIME PERIODS.
3. THE TOTAL TIME DURATION OF SEQUENCE #1 PLUS SEQUENCE #2 MUST NOT EXCEED 134 ms.

FIGURE 2. TRANSMISSION SEQUENCE PAIR WHICH PROVIDES FOR ALL MLS ANGLE GUIDANCE FUNCTIONS

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(h) *TDM Cycle.* The time periods between angle transmission sequences must be varied so that exact repetitions do not occur within periods of less than 0.5 second in order to protect against synchronous interference. One such combination of sequences is shown in Figure 4 which forms a full multiplex cycle. Basic data may be transmitted during suitable open times within or between the sequences.

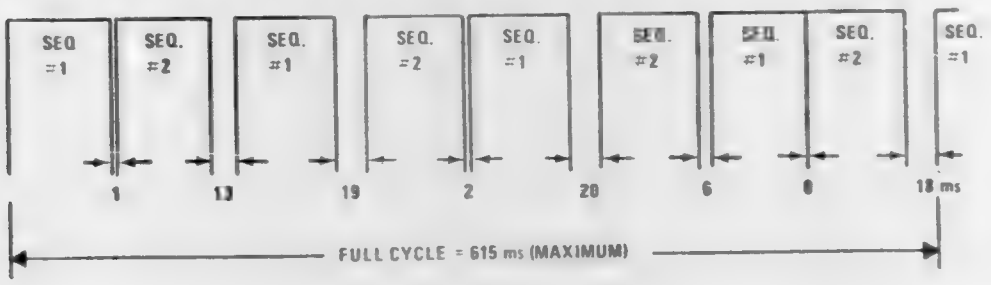

NOTE: Angle sequences are those from Figure 2 or 3. Do not mix sequences.

FIGURE 4. A COMPLETE FUNCTION MUTIPLEX CYCLE

(i) *Function Formats (General).* Each angle function must contain the following elements: A preamble; sector signals; and a TO and FRO angle scan organized as shown in Figure 5a. Each data function must contain a preamble and a data transmission period organized as shown in Figure 5b.

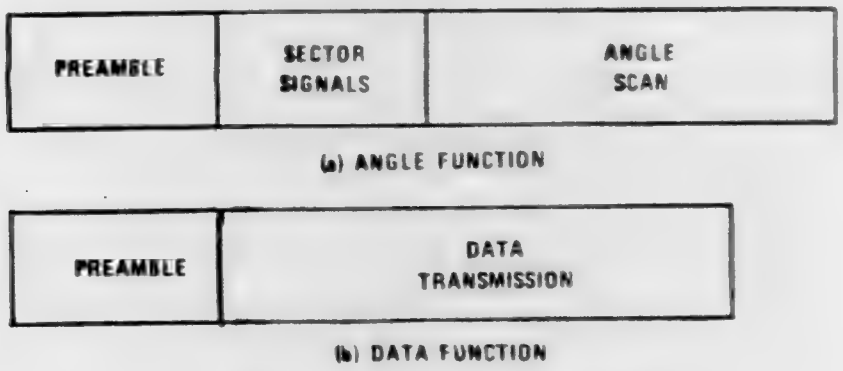

FIGURE 5. FUNCTION FORMAT

(1) *Preamble Format.* The transmitted angle and data functions must use the preamble format shown in Figure 6. This format consists of a carrier acquisition period of unmodulated CW transmission followed by a receiver synchronization code and a function identification code. The preamble timing must be in accordance with Table 2.

FIGURE 6.—PREAMBLE ORGANIZATION

	Carrier acquisition	Synchronization code	Function identification code
Clock pulse 0	13	18	25

(i) *Digital Codes.* The coding used in the preamble for receiver synchronization is a Barker code logic 11101. Receiver timing is established on the transition to the last bit (I_5) of the code (see Table 2). The function identification codes must be as shown in Table 3. The last two bits (I_{11} and I_{12}) of the code are parity bits obeying the equations:

$I_6+I_7+I_8+I_9+I_{10}+I_{11}=\text{Even}$
$I_8+I_9+I_{10}+I_{12}=\text{Even}$

(ii) *Data Modulation.* The digital code portions of the preamble must be DPSK modulated in accordance with § 171.311(c)(1) and must be transmitted throughout the function coverage volume.

TABLE 2.—PREAMBLE TIMING [1]

Event	Event time slot begins at [2]	
	15.625 kHz clock pulse (number)	Time (milliseconds)
Carrier acquisition (CW transmission)	0	0
Receiver reference time code		
$I_1=1$	13	0.832
$I_2=1$	14	0.896
$I_3=1$	15	0.960
$I_4=0$	16	1.024
$I_5=1$	17	[3] 1.088
Function identification code		
I_6	18	1.152
I_7	19	1.216
I_8	20	1.280
I_9 (see Table 3)	21	1.344
I_{10}	22	1.408
I_{11}	23	1.472
I_{12}	24	1.536
End preamble	25	1.600

[1] Applies to all functions transmitted.
[2] The previous event time slot ends at this time.
[3] Reference time for receiver synchronization for all function timing.

TABLE 3.—FUNCTION IDENTIFICATION CODES

Function	Code						
	I_6	I_7	I_8	I_9	I_{10}	I_{11}	I_{12}
Approach azimuth	0	0	1	1	[illegible]	[illegible]	1
High rate approach azimuth	[illegible]	[illegible]	1	0	1	0	0
Approach elevation	1	1	[illegible]	0	0	0	1
Back azimuth	1	[illegible]	[illegible]	1	0	0	1
Basic data 1	0	1	0	1	0	0	0
Basic data 2	0	1	1	1	1	0	[illegible]
Basic data 3	1	[illegible]	1	0	0	1	[illegible]
Basic data 4	1	[illegible]	[illegible]	0	1	1	0
Basic data 5	1	1	[illegible]	1	1	0	0
Basic data 6	0	[illegible]	0	1	1	0	1
Basic data 7	1	1	1	0	0	1	0
Basic data 8	1	[illegible]	1	0	1	1	1

(2) *Angle Function Formats.* The timing of the angle transmissions must be in accordance with Tables 4a, 4b, and 5. The actual timing of the TO and FRO scans must be as required to meet the accuracy requirements of §§ 171.313 amd 171.317.

(i) *Preamble.* Must be in accordance with requirements of § 171.311(i)(1).

(ii) *Sector Signals.* In all azimuth formats, sector signals must be transmitted to provide Morse Code identification, airborne antenna selection, and system test signals. These signals are not required in the elevation

formats. In addition, if the signal from an installed ground component results in a valid indication in an area where no valid guidance exists, OCI signals must be radiated as provided for in the signal format (see Tables 4a, 4b, and 5). The sector signals are defined as follows:

(A) *Morse Code.* DPSK transmissions that will permit Morse Code facility identification in the aircraft by a four letter code starting with the letter "M" must be included in all azimuth functions. They must be transmitted and repeated at approximately equal intervals, not less than six times per minute, during which time the ground subsystem is available for operational use. When the transmissions of the ground subsystem are not available, the identification signal must be suppressed. The audible tone in the aircraft is started by setting the Morse Code bit to logic "1" and stopped by a logic "0" (see Tables 4a and 4b). The identification code characteristics must conform to the following: The dot must be between 0.13 and 0.16 second in duration, and the dash between 0.39 and 0.48 second. The duration between dots and/or dashes must be one dot plus or minus 10%. The duration between characters (letters) must not be less then three dots.

(B) *Airborne Antenna Selection.* A signal for airborne antenna selection shall be transmitted as a "zero" DPSK signal lasting for a six-bit period (See Tables 4a and 4b).

TABLE 4a.—APPROACH AZIMUTH FUNCTION TIMING

Event	Event time slot begins at: [1] 15.625 kHz clock pulse (number)	Time (milliseconds)
Preamble	0	0
Morse code	25	1.600
Antenna select	26	1.664
Rear OCI	32	2.048
Left OCI	34	2.176
Right OCI	36	2.304
TO test	38	2.432
TO scan [2]	40	2.560
Pause		8.760
Mid scan point		9.060
FRO scan [2]		9.360
FRO test		15.560
End function (airborne)		15.688
End guard time; end function (ground)		15.900

[1] The previous event time slot ends at this time.
[2] The actual commencement and completion of the TO and FRO scan transmissions are dependent on the amount of proportional guidance provided. The time slots provided will accommodate a maximum scan of ±62 degrees. Scan timing must be compatible with accuracy requirements.

TABLE 4b.—HIGH RATE APPROACH AZIMUTH AND BACK AZIMUTH FUNCTION TIMING

Event	Event time slot begins at: [1] 15.625 kHz clock pulse (number)	Time (milliseconds)
Preamble	0	0
Morse code	25	1.600
Antenna select	26	1.664
Rear OCI	32	2.048
Left OCI	34	2.176
Right OCI	36	2.304
TO test	38	2.432
TO scan [2]	40	2.560
Pause		6.760
Mid scan point		7.060
FRO scan [2]		7.360
FRO test		11.560
End function (airborne)		11.688
End guard time; end function (ground)		11.900

[1] The previous event time slot ends at this time.
[2] The actual commencement and completion of the TO and FRO scan transmissions are dependent upon the amount of proportional guidance provided. The time slots provided will accommodate a maximum scan of ±42 degrees. Scan timing must be compatible with accuracy requirements.

TABLE 5.—APPROACH ELEVATION FUNCTION TIMING

Event	Event time slot begins at: [1] 15.625 kHz clock pulse (number)	Time (milliseconds)
Preamble	0	0
Processor pause	25	1.600
OCI	27	1.728
TO scan [2]	29	1.856
Pause		3.406
Mid scan point		3.606
FRO scan [2]		3.806
End function (airborne)		5.356
End guard time; end function (ground)		5.600

[1] The previous event time slot ends at this time.
[2] The actual commencement and completion of the TO and FRO scan transmissions are dependent upon the amount of proportional guidance provided. The time slots provided will accommodate a maximum scan of −1.5 degrees to +29.5 degrees. Scan timing must be compatible with accuracy requirements.

(C) *OCI.* Where OCI pulses are used, they must be: (*1*) Greater than any guidance signal in the OCI sector; (*2*) at least 5dB less than the level of the scanning beam within the proportional guidance sector; and (*3*) for azimuth functions with clearance signals, at least 5dB less than the level of the left (right) clearance pulses within the left (right) clearance sector. The duration of each pulse measured at the half amplitude points must be 100 (±10) microseconds and the rise and fall times must be less than 10 microseconds.

Note.—If desired, two pulses may be sequentially transmitted in each OCI time slot. Where pulse pairs are used, the duration of each pulse must be 45 (±5) microseconds and the rise and fall times must be less than 10 microseconds.

(D) *System Test.* Time slots are provided in Tables 4a and 4b to allow radiation of TO and FRO test pulses. Radiation of these pulses is not required, however, since the characteristics of these pulses have not yet been standardized.

(iii) *Angle encoding.* The encoding must be as follows:

(A) *General.* Azimuth and elevation angles are encoded by scanning a narrow beam between the limits of the proportional coverage sector first in one direction (the "TO" scan) and then in the opposite direction (the "FRO" scan). Angular information must be encoded by the amount of time separation between the beam centers of the TO and FRO scanning beam pulses. The TO and FRO transmissions must be symmetrically disposed about the midscan point listed in Table 4a, 4b, 5, and 7. The midscan point and the center of the time interval between the TO and FRO scan transmissions must coincide with a tolerance of ±10 μsec. Angular coding must be linear with angle and properly decoded using the formula:

$$\theta = \frac{V}{2}(T_o - t)$$ where:

θ = Receiver angle in degrees
V = Scan velocity in degrees per microsecond
T_o = Time separation in microseconds between TO and FRO beam centers corresponding to zero degrees.
t = Time separation in microseconds between TO and FRO beam centers

The timing requirements are listed in Table 6 and illustrated in Figure 7.

TABLE 6.—ANGLE SCAN TIMING CONSTANTS

Function	Max value of t_1 (μsec)	T_o (μsec)	V(deg/μsec)	T_m (μsec)	Pause time (μsec)	T_1 (μsec)
Approach azimuth	13,000	6,800	0.02	7,972	600	13,128
High rate approach azimuth	9,000	4,800	02	5,972	[illegible]	9,128
Approach elevation	3,500	3,350	.02	2,518	400	NA
Back azimuth	9,000	4,800	.02	5,972	600	9,128

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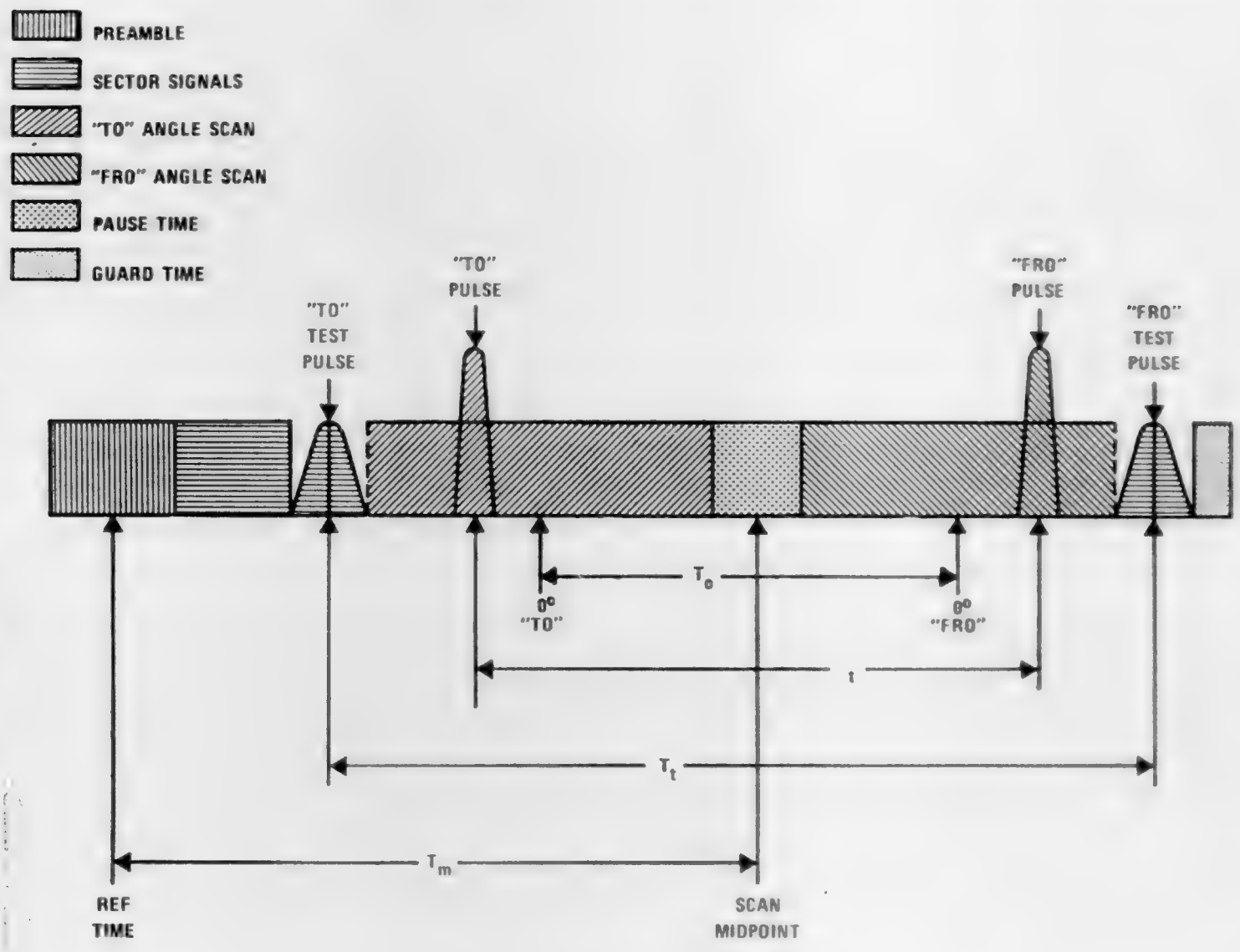

FIGURE 7. AZIMUTH ANGLE SCAN TIMING (NOT TO SCALE)

BILLING CODE 4910-13-C

(B) *Azimuth Angle Encoding.* The radiation from azimuth equipment must produce a beam that scans from negative to positive azimuth angles and then scans back through the proportional coverage sector. The antenna has a narrow beam in the plane of the scan direction and a broad beam in the orthogonal plane which fills the vertical coverage. Increasing positive angles must be seen as a clockwise rotation when viewed from above. Zero angle must be defined along the midpoint of the proportional sector.

(C) *Elevation Angle Encoding.* The radiation from elevation equipment must produce a beam which scans from the horizon up to the highest elevation angle and then scans back down to the horizon. The antenna has a narrow beam in the plane of the scan direction and a broad beam in the orthogonal plane which fills the horizontal coverage. Elevation angles are defined from the horizonal plane containing the antenna phase center; positive angles are above the horizontal and zero angle is along the horizontal.

(iv) *Clearance Guidance.* The timing of the clearance pulses must be in accordance with figure 8. For azimuth elements with proportional coverage of less than ±40 degrees, clearance guidance information must be provided by transmitting pulses in a TO and FRO format adjacent to the stop/start times of the scanning beam signal. The fly right clearance pulses must represent positive angles and the fly left clearance pulses must represent negative angles. The duration of each clearance pulse must be 50 microseconds with a tolerance of ±5 microseconds. The transmitter switching time between the clearance pulses and the scanning beam transmissions must not exceed 10 microseconds. The rise time at the edge of each clearance pulse must be less than 10 microseconds. In the right clearance guidance sector, the transmitted fly right clearance pulses must exceed the transmitted fly left clearance pulses by more than 15 dB and must exceed the sidelobes of the scanning beam signal by at least 5 dB. The fly right clearance pulses must be at least 5 dB below the scanning beam leval at the scanning beam positive angle scan limit. The converse applies to the fly left clearance guidance sector. Clearance guidance pulses must be at least 5 dB greater than any other signal in the appropriate clearance sector. Optionally, clearance guidance may be provided by scanning throughout the approach guidance sector. For angles outside the approach azimuth proportional coverage limits as set in Basic Data Word One, proper decode and display of clearance guidance must occur to the limits of the guidance region.

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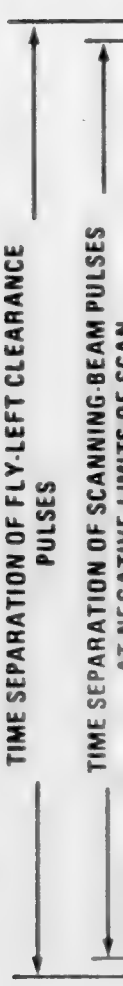

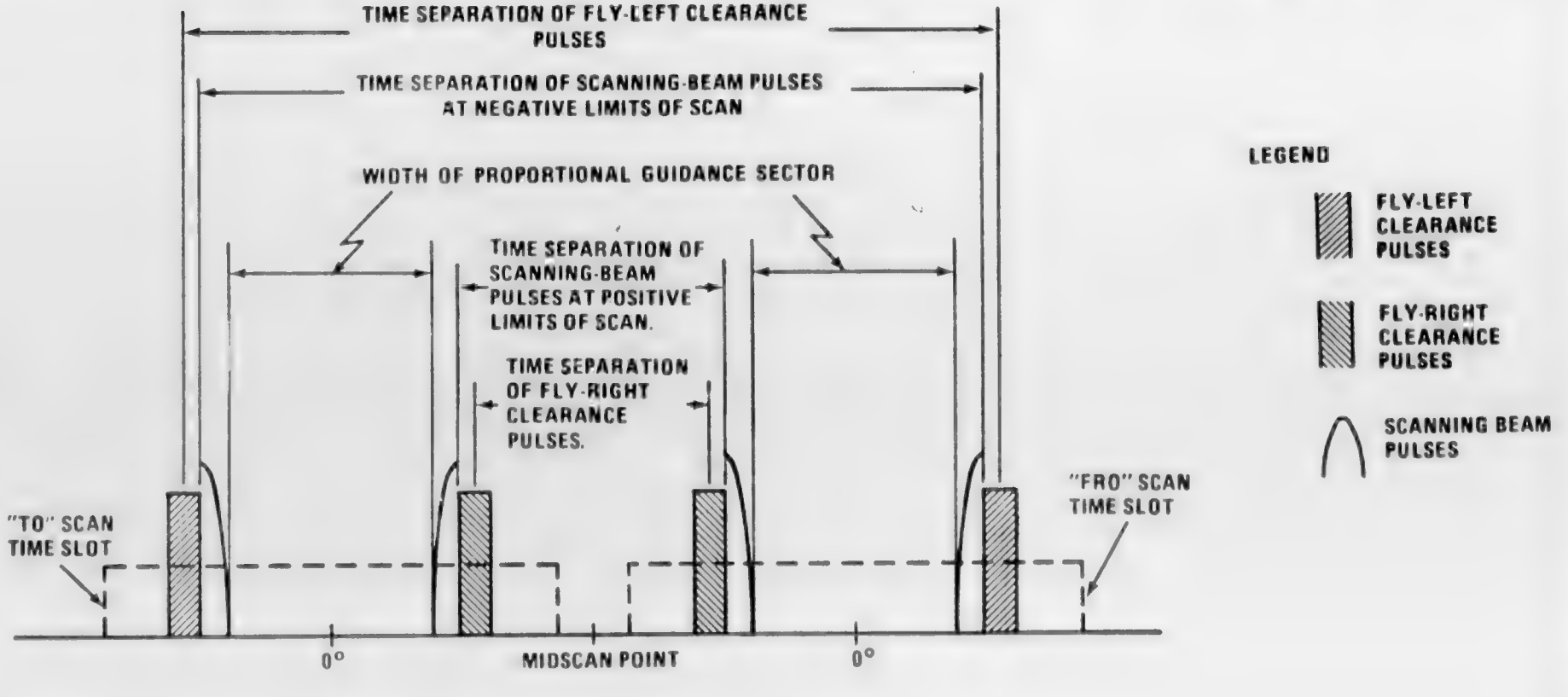

FIGURE 8. CLEARANCE PULSE TIMING FOR AZIMUTH FUNCTIONS

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(3) *Data Function Format.* Basic data words provide equipment characteristics and certain siting information. Basic data words must be transmitted from an antenna located at the approach azimuth or back azimuth site which provides coverage throughout the appropriate sector. Data function timing must be in accordance with Table 7 as follows:

TABLE 7.—BASIC DATA FUNCTION TIMING

Event	Event time slot begins at:[1]	
	15.625 kHz clock pulse (number)	Time (milliseconds)
Preamble	0	■
Data transmission (bits I_{12}–I_{32})	25	1.600
Parity Transmission (bits I_{33}–I_{43})	43	2.752
End function (airborne)	45	2.880
End guard time; end function (ground)		3.100

[1] The previous event time slot ends at this time.

(i) *Preamble.* Must be in accordance with requirements of § 171.311(i)(l).

(ii) *Data Transmissions.* Basic data must be transmitted using DPSK modulation. The content and repetition rate of each basic data word must be in accordance with Table 8. For data containing digital information, binary number 1 must represent the lower range limit with increments in binary steps to the upper range limit shown in Table 8.

(j) *Basic Data Word Requirement.* Specific basic data word requirements are as follows:

(1) Approach azimuth to threshold distance must represent the distance measured parallel to the runway centerline from the approach azimuth antenna to runway landing threshold.

(2) Approach azimuth proportional coverage limit must represent the limit of the sector in which proportional approach azimuth guidance is provided.

(3) Ground equipment performance level must represent the operational status of the equipment in use. The exact use of this basic data item is not yet defined.

(4) Approach elevation antenna height must represent the height of the elevation antenna phase center relative to the height of the MLS datum point.

(5) Approach elevation antenna offset must represent the minimum distance between the elevation antenna phase center and a vertical plane containing the runway centerline.

(6) Back azimuth next function must indicate that the next function to be transmitted will be back azimuth.

(7) Minimum glidepath must represent the minimum glidepath as defined.

(8) Beamwidth must represent, for a particular function, the antenna beamwidth as defined to the nearest least significant bit provided for in the data word.

(9) Approach azimuth guidance alert must represent the elevation angle in the specified azimuth sector below which guidance is unreliable or unsafe. A binary code "0" on this message element must indicate that all approach azimuth angles in a particular sector are usable.

(10) DME distance must represent the distance measured parallel to the runway centerline from the DME antenna phase center to the MLS datum point.

(11) DME offset must represent the minimum distance between the DME antenna phase center and a vertical plane containing runway centerline.

(12) DME channel must represent the DME channel associated with the selected MLS channel.

(13) Approach azimuth antenna offset must represent the minimum distance between the approach azimuth antenna phase center and a vertical plane containing runway centerline.

(14) MLS ground equipment identification must represent the last 3 characters of the system identification specified in § 171.311(i)(2). The characters must be encoded in accordance with the 5-unit code of the International Telegraph Alphabet No. 2. Even character parity must also be provided.

Note.—Restriction of data content to alpha characters eliminates the need for transmission of signal numbers 29 and 30 designating letters and figures.

(15) Back azimuth antenna distance must represent the horizontal distance measured parellel to the runway centerline from the back azimuth antenna phase center to the back azimuth reference datum.

(16) Back azimuth proportional coverage limit must represent the limit of the sector in which proportional back azimuth guidance is provided.

(17) DME status must represent the operational status of the equipment in use.

(18) DME or DME/P must represent whether the equipment in use is conventional or precision DME.

(19) MLS datum point to threshold distance must represent the distance measured along the runway centerline from the MLS datum point to the runway threshold.

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TABLE 8. BASIC DATA (Continued)

TABLE 8. BASIC DATA

TABLE 8. BASIC DATA

WORD	DATA CONTENT	MAX. TIME BETWEEN TRANSMISSIONS (SECONDS)	BITS USED	RANGE OF VALUES	LEAST SIGNIFICANT BIT	BIT NUMBER
1	PREAMBLE	0.4	12			$I_1 - I_{12}$
	Approach Azimuth to Threshold Distance		6	0M to 6300M	100M	$I_{13} - I_{18}$
	Approach Azimuth Proportional Coverage Limit		5	-10° to -60°	2°	$I_{19} - I_{23}$
	Approach Azimuth Proportional Coverage Limit		5	+10° to +60°	2°	$I_{24} - I_{28}$
	SPARE		2			$I_{29} - I_{30}$
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$
2	PREAMBLE	0.16	12			$I_1 - I_{12}$
	Ground Equipment Performance Level		2	SEE NOTE 2		$I_{13} - I_{14}$
	Minimum Glide-path		6	0° to 6.2°	0.1°	$I_{15} - I_{20}$
	Back Azimuth Next Function		1	SEE NOTE 3		I_{21}
	SPARE		7	SEE NOTE 4		$I_{22} - I_{28}$
	DME Status		1	SEE NOTE 2		$I_{29} - I_{30}$
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$
3	PREAMBLE	10	12			$I_1 - I_{12}$
	Approach Azimuth Beamwidth		3	0.5° to 4°	0.5°	$I_{13} - I_{15}$
	Approach Elevation Beamwidth		4	0.5° to 2.5°	0.5°	$I_{16} - I_{19}$
	Flare Elevation Beamwidth		2	0.5° to 1°	0.25°	$I_{20} - I_{21}$

TABLE 8. BASIC DATA (Continued)

WORD	DATA CONTENT	MAX. TIME BETWEEN TRANSMISSIONS (SECONDS)	BITS USED	RANGE OF VALUES	LEAST SIGNIFICANT BIT	BIT NUMBER
	Approach Azimuth Sector guidance Alert					
	-60° to -20°		3	1° to 8°	1°	$I_{21} - I_{23}$
	-20° to -5°		4	1° to 4°	1°	$I_{24} - I_{25}$
	+10° to +5°		2	1° to 4°	1°	$I_{26} - I_{27}$
	+60° to +20°		3	1° to 8°	1°	$I_{28} - I_{30}$
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$
4	PREAMBLE	10	12			$I_1 - I_{12}$
	DME Distance		11	0M to 8000 M	4M	$I_{13} - I_{23}$
	DME Offset		6	-155M to +155M SEE NOTE 7	5M	$I_{24} - I_{29}$
	SPARE		1			I_{30}
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$
5	PREAMBLE	10	12			$I_1 - I_{12}$
	Approach Azimuth Antenna Offset		7	-126M to +126M SEE NOTE 7	2M	$I_{13} - I_{19}$
	DME or DME/P		1	DME = 0 DME/P = 1		I_{20}
	DME Channel		9	SEE NOTE 8		$I_{21} - I_{29}$
	SPARE		1			I_{30}
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$

TABLE 8. BASIC DATA (Continued)

WORD	DATA CONTENT	MAX. TIME BETWEEN TRANSMISSIONS (SECONDS)	BITS USED	RANGE OF VALUES	LEAST SIGNIFICANT BIT	BIT NUMBER
6	PREAMBLE	10	12			$I_1 - I_{12}$
	MLS Ground Subsystem Identification (SEE NOTE 4)			LETTERS A to Z		
	Character 2		6			$I_{13} - I_{18}$
	Character 3		6			$I_{19} - I_{24}$
	Character 4		6			$I_{25} - I_{30}$
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$
7	PREAMBLE	1	12	SEE NOTE 5		$I_1 - I_{12}$
	Ground Equipment Performance Level		2	SEE NOTE 2		$I_{13} - I_{14}$
	Back Azimuth Antenna Distance		5	0M to 310M	10M	$I_{15} - I_{19}$
	Back Azimuth Proportional Coverage Limit		4	-10° to -40°	2°	$I_{20} - I_{23}$
	Back Azimuth Proportional Coverage Limit		4	$+10^\circ$ to $+40^\circ$	2°	$I_{24} - I_{27}$
	Back Azimuth Beamwidth		2	1° to 4°	1°	$I_{28} - I_{29}$
	SPARE		1			I_{30}
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$
8	PREAMBLE	10	12			$I_1 - I_{12}$
	Elevation Antenna Height		6	-1M +5.2M SEE NOTE 7	0.2M	$I_{13} - I_{18}$
	Elevation Antenna Offset		5	-150M to +150M SEE NOTE 7	10M	$I_{19} - I_{23}$
	MLS Datum Point to threshold distance		7	0M to 630M	5M	$I_{24} - I_{30}$
	PARITY		2	SEE NOTE 1		$I_{31} - I_{32}$

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TABLE 8. BASIC DATA (Continued)

NOTES

NOTE 1 Parity checks that there is an even number of ones in Bits I_{13} to I_{30} and obeys the equations:

$$I_{13} + I_{14} \cdots + I_{29} + I_{30} + I_{31} = \text{EVEN}$$

$$I_{14} + I_{16} + I_{18} \cdots + I_{28} + I_{30} + I_{32} = \text{EVEN}$$

NOTE 2 Coding not yet defined.

NOTE 3 Code for I_{21} is:

0 = No Back Azimuth Transmission
1 = Back Azimuth Transmission to follow

NOTE 4 Data word 6 is transmitted for both approach azimuth and back azimuth coverages alternately and at the 10-second maximum time between transmissions for each coverage sector, if back azimuth guidance is provided.

NOTE 5 Data word 7 is transmitted from the back azimuth equipment.

NOTE 6 These bits are reserved for future applications requiring high transmission rates.

NOTE 7 The convention for the coding of negative numbers is as follows:

MSB is the sign bit: 0 = +
1 = -

-Other bits represent the absolute value.

The convention for the antenna location is as follows: as viewed from the MLS approach reference datum looking toward the MLS datum point, a positive number shall represent a location to the right of the runway centre line (lateral offset) or above the runway (vertical offset).

NOTE 8 Coding not yet defined. 9 bits provide the capability to encode frequency and mode separately.

§ 171.313 Ground equipment performance requirements.

This section prescribes performance requirements for azimuth equipment as follows:

(a) *Approach azimuth equipment. Requirements.* The approach azimuth equipment must provide the information throughout the volume of coverage—

(1) Horizontally, to plus or minus 40° from the runway centerline (measured at the ILS and extended ILS reference datum) and extending to a distance of 18.5 km (10 NM) from the runway threshold along lines at proportionally increasing angles to plus or minus 40° at the runway centerline extended 10 NM. The volume of coverage must be that required to provide the required guidance signals in the presence of obstacles that penetrate the proportional plus or minus 40° guidance surface. The minimum coverage required is that sufficient to provide

§ 171.313 Azimuth performance requirements.

This section prescribes the performance requirements for the azimuth equipment of the MLS as follows:

(a) *Approach Azimuth Coverage Requirements.* The approach azimuth equipment must provide guidance information in at least the following volume of space (see Figure 9).

(1) Horizontally within a sector plus or minus 40 degrees about the runway centerline originating at the datum point and extending in the direction of the approach to 20 nautical miles from the runway threshold. The minimum proportional guidance sector must be plus or minus 10 degrees about the runway centerline. Clearance signals must be used to provide the balance of the required coverage, where the proportional sector is less than plus or minus 40 degrees. When intervening obstacles prevent full coverage, the ±40° guidance sector can be reduced as required.

(2) Vertically between:

(i) A conical surface originating 2.5 meters (8 feet) above the runway centerline at threshold inclined at 0.9 degree above the horizontal, and

(ii) A conical surface originating at the azimuth ground equipment antenna inclined at 15 degrees above the horizontal to a height of 6,000 meters (20,000 feet).

(iii) Where intervening obstacles penetrate the lower surface, coverage need be provided only to the minimum line of sight.

(3) Runway region.

(i) Proportional guidance horizontally within a sector 45 meters (150 feet) each side of the runway centerline beginning at the stop end and extending parallel with the runway centerline in the direction of the approach to join the approach region. This requirement does not apply to azimuth offset installations.

(ii) Vertically between a horizontal surface which is 2.5 meters (8 feet) above the farthest point of runway centerline which is in line of sight of the azimuth antenna, and, a conical surface originating at the azimuth ground equipment antenna inclined at 20 degrees above the horizontal up to a height of 600 meters (2,000 feet). This requirement does not apply to azimuth offset installations.

(4) Within the approach azimuth coverage sector defined in paragraph (a) (1), (2) and (3) of this section, the power densities must not be less than those shown in Table 9 but the equipment design must also allow for:

(i) Transmitter power degradation from normal by −1.5 dB;

(ii) Rain loss of −2.2 dB at the longitudinal coverage extremes.

(b) *Siting Requirements.* The approach azimuth antenna system must, except as allowed in paragraph (c) of this section:

(1) Be located on the extension of the centerline of the runway beyond the stop end;

(2) Be adjusted so that the zero degree azimuth plane will be a vertical plane which contains the centerline of the runway served;

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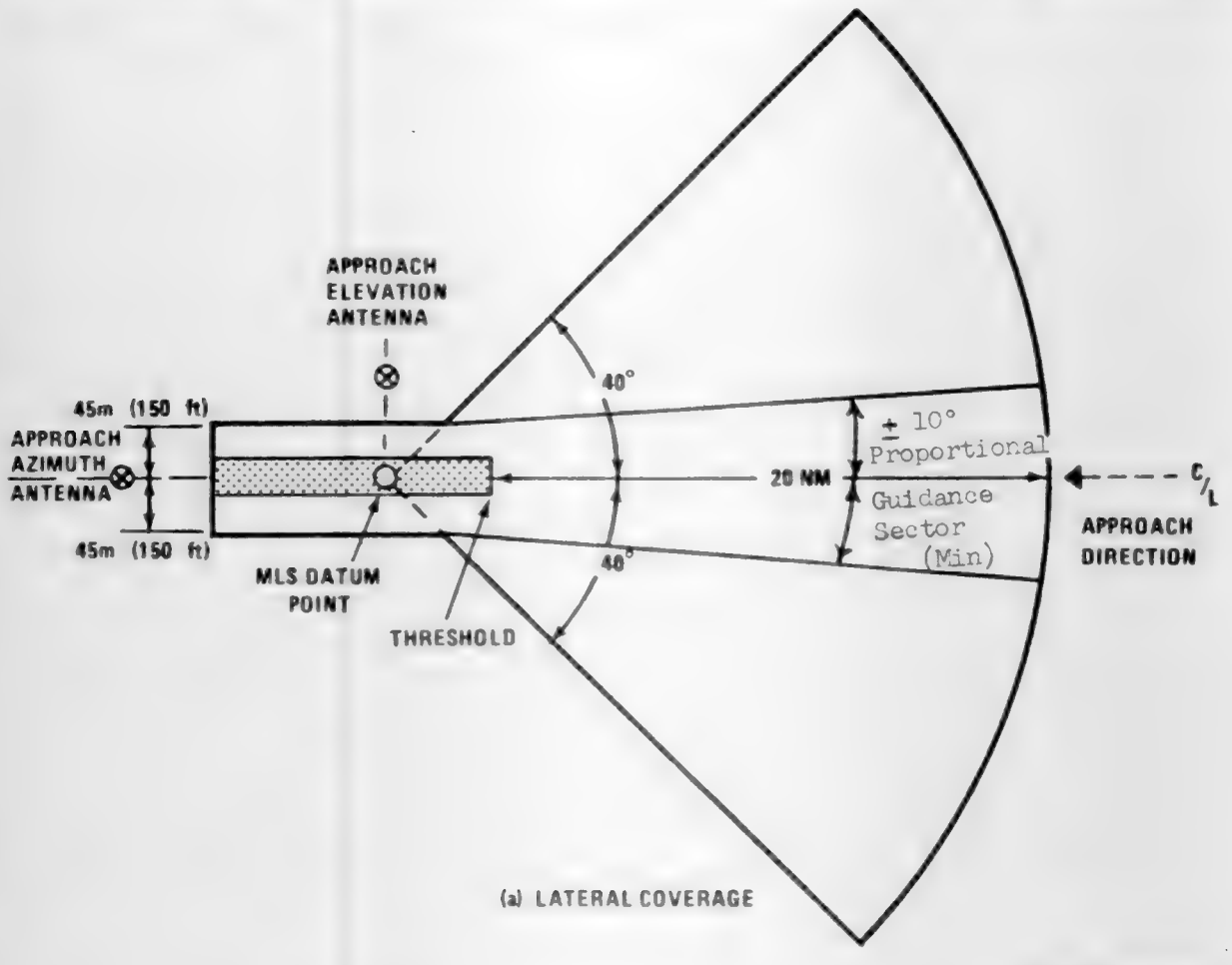

FIGURE 9. APPROACH AZIMUTH COVERAGE

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TABLE 9.—AZIMUTH POWER DENSITY REQUIREMENTS (dBW/m²)

Function	DPSK	Clearance	Antenna beamwidth (3dB) 1°	2°	3°
Approach azimuth	89.5	88	−88	85.5	−82
High rate approach azimuth	89.5	88	−88	−88	86.8
Back azimuth	−81	−88	−79.5	−77	−73.5

(3) Have the minimum height necessary to comply with the coverage requirements prescribed in paragraph (a) of this section;

(4) Be located at a distance from the stop end of the runway that is consistent with safe obstruction clearance practices;

(5) Not obscure any light of an approach lighting system; and

(6) Be installed on frangible mounts or beyond the 300 meter (1,000 feet) light bar.

(c) On runways where limited terrain prevents the azimuth antenna from being positioned on the runway centerline extended, and the cost of the land fill or a tall tower antenna support is prohibitive, the azimuth antenna may be offset. In an offset azimuth antenna is used, the criteria in Subpart C of Part 97 (TERPS) of this chapter is applicable. Incorporated by reference is United States Standard for Terminal Instrument Procedures (TERPS), FAA Handbook AOP 8260.3 through change 3, dated June 3, 1980, which prescribes standardized methods for use in designing instrument flight procedures. It is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 and also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, N.W., Washington, D.C. 20408.

(d) Antenna coordinates. The scanning beams transmitted by the approach azimuth equipment within ±40° of the centerline may be either conical or planar.

(e) Approach azimuth accuracy.

(1) The system and subsystem accuracies shown in Table 10 and the associated notes are required at the approach reference datum. From this point accuracy degradations must not exceed the following limits:

(i) *With distance.* The system PFE limit and PFN limit, expressed in angular terms at 20 nautical miles from the runway threshold along the extended runway centerline at the lower coverage limit is the lesser of either 2 times the value specified at the approach reference datum or 0.3 degrees. The CMN limits expressed in angular terms at 10 nautical miles from the reference datum along the extended runway centerline is 1.3 times the value specified at the approach reference datum or 0.1 degree, whichever is less.

(ii) *With azimuth angle.* The system PFE limit and PFN limit, expressed in angular terms at plus or minus 40 degrees azimuth angle is 1.5 times the value on the extended runway centerline at the same distance from the approach reference datum. The CMN limit, expressed in angular terms at plus or minus 40 degrees azimuth angle is 1.3 times the value on the extended runway centerline at the same distance from the approach reference datum.

(iii) *With elevation angle.* The system PFE and PFN limit, do not degrade from the lower coverage limit up to an elevation angle of 9 degrees. The system PFE limit or PFN limit expressed in angular terms at an elevation angle of 15 degrees from the approach azimuth antenna phase center is 2 times the value permitted below 9 degrees at the same distance from the approach reference datum and the same azimuth angle. The CMN limit does not degrade with elevation angle.

(2) The system and ground subsystem accuracies shown in Table 10 are to be demonstrated at commissioning as maximum error limits. Subsequent to commissioning, the accuracies are considered to be the 95% probability limits.

TABLE 10.—APPROACH AZIMUTH ACCURACIES AT THE APPROACH REFERENCE DATUM

Error type	System	Angular error (degrees) Ground subsystem	Airborne[5] subsystem
PFE	±20 ft[1,2] (6.1m)	·10 ft[3]	±0.017
CMN	±10.5 ft (3.2m)[1,4]	·0.030	±0.015

NOTES
[1] Includes errors due to ground and airborne equipment and propagation effects
[2] The system PFN component must not exceed ±3.5 meters (11.5 feet)
[3] The equivalent angular error must not exceed 0.12
[4] The system control motion noise must not exceed 0.1
[5] The airborne subsystem angular errors are provided for information only

(f) Approach azimuth antenna characteristics are as follows:

(1) *Drift.* Any azimuth angle as encoded by the scanning beam at any point within the proportional coverage sector must not vary more than ±0.07 degree over the range of service conditions specified in § 171.309(d) without the use of internal environmental controls. Multipath effects are excluded from this requirement.

(2) *Beam pointing errors.* The azimuth angle as encoded by the scanning beam at any point within ±0.5 degree of the zero degree azimuth must not deviate from the true azimuth angle at that point by more than ±0.05 degree. Multipath and drift effects are excluded from this requirement.

(3) *Antenna alignment.* The antenna must be equipped with suitable optical, electrical or mechanical means or any combination of the three, to bring the zero degree azimuth radial into coincidence with the approach reference datum with a maximum error of 0.02 degree. Additionally, the azimuth antenna bias adjustment must be electronically steerable at least to the monitor limits in steps not greater than 0.01 degree.

(4) *Antenna far field patterns in the plane of scan.* On boresight, the azimuth antenna mainlobe pattern must conform to Figure 10, and the beamwidth must be such that, in the installed environment, no significant lateral reflections of the mainlobe exist along the approach course. In any case the beamwidth must not exceed three degrees. Anywhere within coverage the −3 dB width of the antenna mainlobe, while scanning normally, must not be less than 25 microseconds (0.5 degree) or greater than 250 microseconds (5 degrees). The antenna mainlobe may be allowed to broaden from the value at boresight by a factor of $1/\cos\phi$, where ϕ is the angle off boresight. The sidelobe levels must be as follows:

(i) *Dynamic sidelobe levels.* With the antenna scanning normally, the dynamic sidelobe level that is detected by a receiver at any point within the proportional coverage sector must be down at least 10dB from the peak of the main beam. Outside the coverage sector, the radiation from the scanning beam antenna must be of such a nature that receiver warnings will not be removed or suitable OCI signals must be provided.

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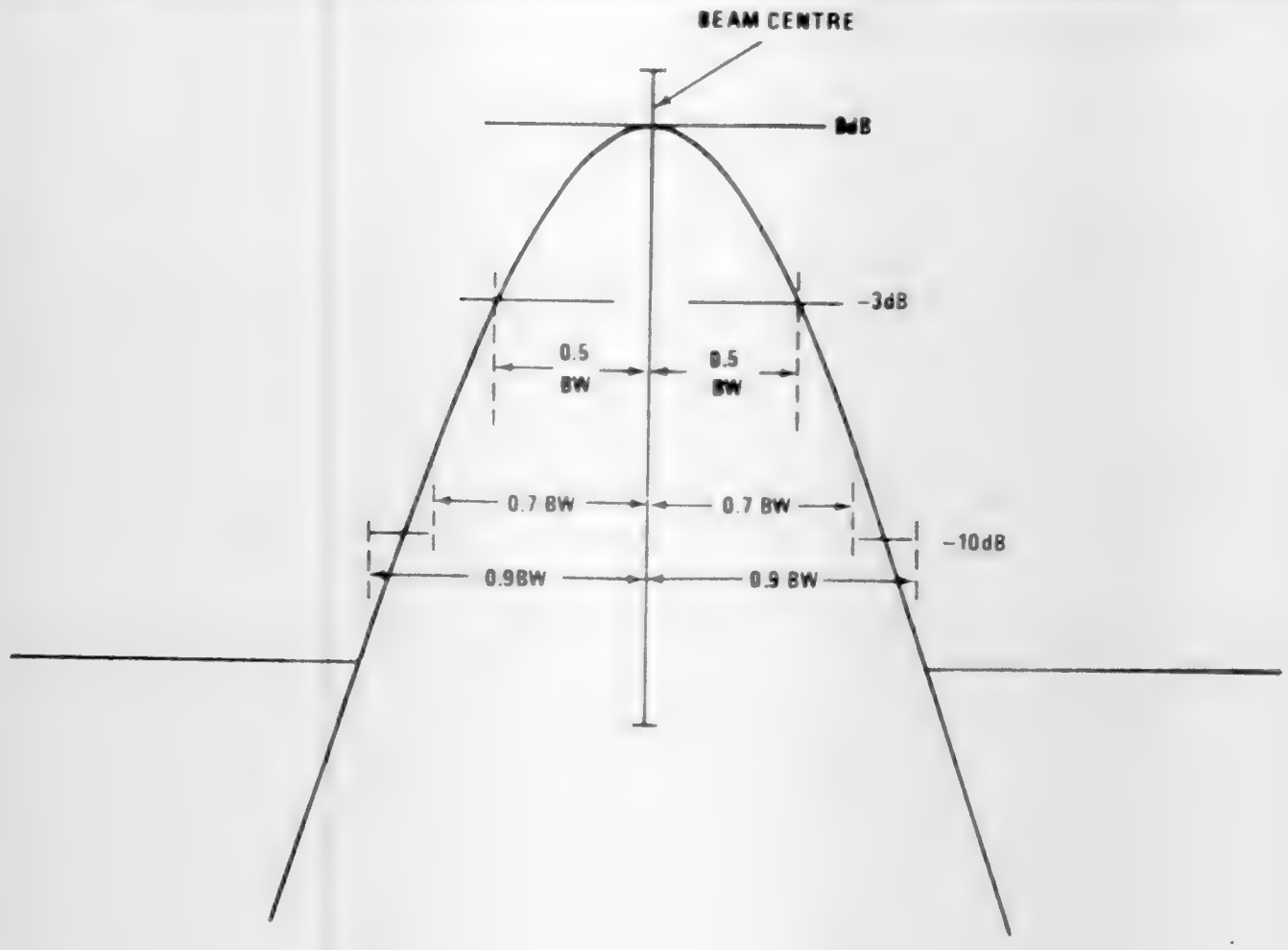

NOTES: THE BEAM ENVELOPE IS SMOOTHED BY A 26 kHz VIDEO FILTER BEFORE MEASUREMENT
BW=BEAMWIDTH.

FIGURE 10. FAR FIELD DYNAMIC SIGNAL IN SPACE

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(ii) *Effective sidelobe levels.* With the antenna scanning normally, the sidelobe levels in the plane of scan must be such that, in the installed environment, errors contributed by sidelobe reflections will not exceed the angular equivalent of 9 feet at the approach reference datum over the required range of aircraft approach speeds.

(5) *Antenna far field pattern in the vertical plane.* The azimuth antenna free space radiation pattern below the horizon must have a slope of at least −8dB/degree at the horizon and all sidelobes below the horizon must be at least 13 dB below the pattern peak. The antenna radiation pattern above the horizon must satisfy both the system coverage requirements and the spurious radiation requirement.

(6) *Data antenna.* The data antenna must have horizontal and vertical patterns as required for its function.

(g) *Back azimuth coverage requirements.* The back azimuth equipment where used must provide guidance information in at least the following volume of space (see Figure 11):

(1) Horizontally within a sector plus or minus 20 degrees about the runway centerline originating at the back azimuth ground equipment antenna and extending in the direction of the missed approach at least to 5 nautical miles from the runway stop end. The minimum proportional guidance sector must be ±10 degrees about the runway centerline. Clearance signals must be used to provide the balance of the required coverage where the proportional sector is less than ±20 degrees.

(2) Vertically in the runway region between:

(i) A horizontal surface 2.5 meters (8 feet) above the farthest point of runway centerline which is in line of sight of the azimuth antenna, and,

(ii) A conical surface originating at the azimuth ground equipment antenna inclined at 20 degrees above the horizontal up to a height of 600 meters (2000 feet).

(3) Vertically in the back azimuth region between:

(i) A conical surface originating 2.5 meters (8 feet) above the runway stop end, inclined at 0.9 degree above the horizontal, and,

(ii) A conical surface originating at the missed approach azimuth ground equipment antenna, inclined at 15 degrees above the horizontal up to a height of 1500 meters (5000 feet).

(iii) Where obstacles penetrate the lower coverage limits, coverage need be provided only to minimum line of sight.

(4) Within the back azimuth coverage sector defined in paragraph (g) (1), (2), and (3) of this section, the power densities must not be less than those shown in table 9, but the equipment design must also allow for:

(i) Transmitter power degradation from normal by −1.5 dB.

(ii) Rain loss of −2.2 dB at the longitudinal coverage extremes.

(h) *Back azimuth siting.* The back azimuth equipment antenna must:

(1) Normally be located on the extension of the runway centerline at the threshold end;

(2) Be adjusted so that the vertical plane containing the zero degree course line contains the back azimuth reference datum;

(3) Have minimum height necessary to comply with the course requirements prescribed in paragraph (g) of this section;

(4) Be located at a distance from the threshold end that is consistent with safe obstruction clearance practices;

(5) Not obstruct any light of an approach lighting system; and

(6) Be installed on frangible mounts or beyond the 300 meter (1,000 feet) light bar.

(i) *Back azimuth antenna coordinates.* The scanning beams transmitted by the back azimuth equipment may be either conical or planar.

(j) *Back azimuth accuracy.* The requirements specified in § 171.313(e) apply except for the degradation allowance which must not exceed the following:

(1) *With distance.* The system PFE limit and PFN limit, expressed in angular terms at the maximum range and lower limit of coverage along the extended runway centerline is the lesser of either 2 times the value specified at the back azimuth reference datum or 0.6 degree. The CMN limit, expressed in angular terms at 7.5 nautical miles from the runway stop end along the extended runway centerline is 1.3 times the value specified at the back azimuth reference datum.

(2) *With azimuth angle.* The system PFE limit and PFN limit, expressed in angular terms at plus or minus 20 degree azimuth angle is 1.5 times the value on the extended runway centerline at the same distance from the back azimuth reference datum. The CMN limit, expressed in angular terms at plus or minus 20 degrees azimuth angle is 1.3 times the value on the extended runway centerline at the same distance from the back azimuth reference datum.

(3) *With elevation angle.* The system PFE limit and PFN limit do not degrade from the lower coverage limit up to an elevation angle of 9 degrees. The system PFE limit or PFN limit expressed in angular terms at an elevation angle of 15 degrees from the back azimuth antenna phase center is 2 times the value permitted below 9 degrees at the same distance from the back azimuth reference datum and the same azimuth angle. The CMN limit does not degrade with elevation angle.

(k) Back azimuth antenna characteristics. The requirements specified in § 171.313(f) apply.

(l) *Scanning conventions.* Figure 12 shows the approach azimuth and back azimuth scanning conventions.

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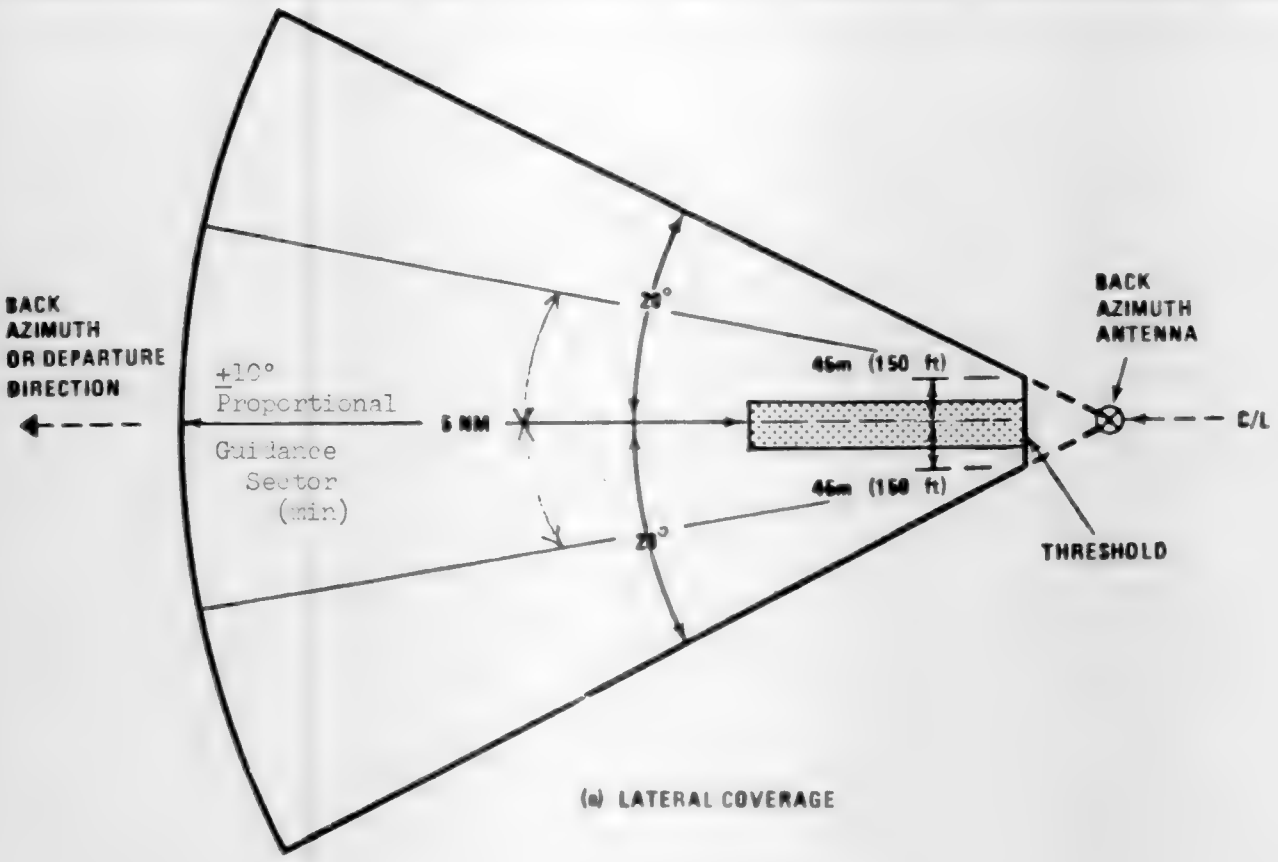

(a) LATERAL COVERAGE

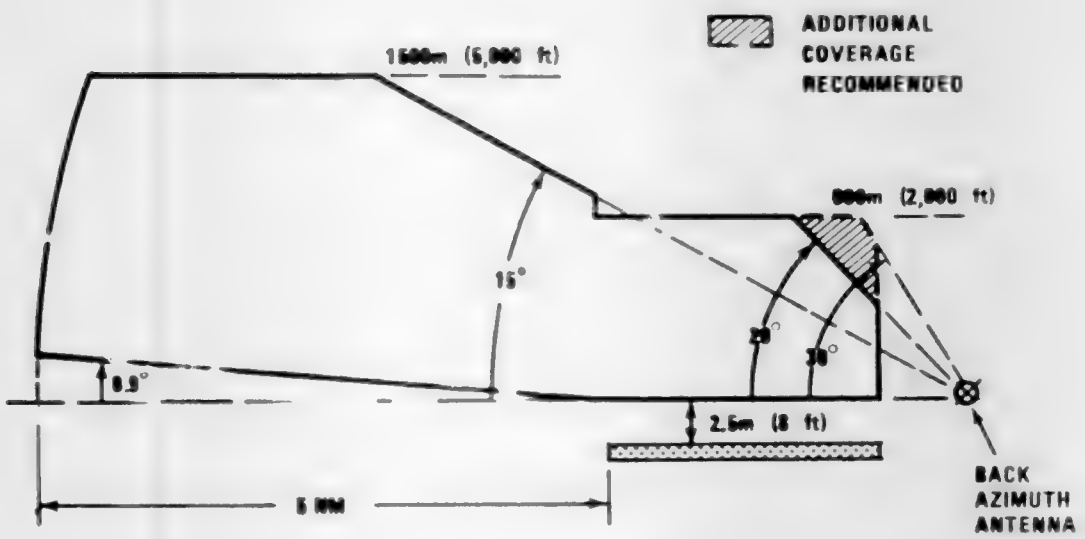

(b) VERTICAL COVERAGE

FIGURE 11. BACK AZIMUTH COVERAGE

V 46 DE 17 81 1 UMI

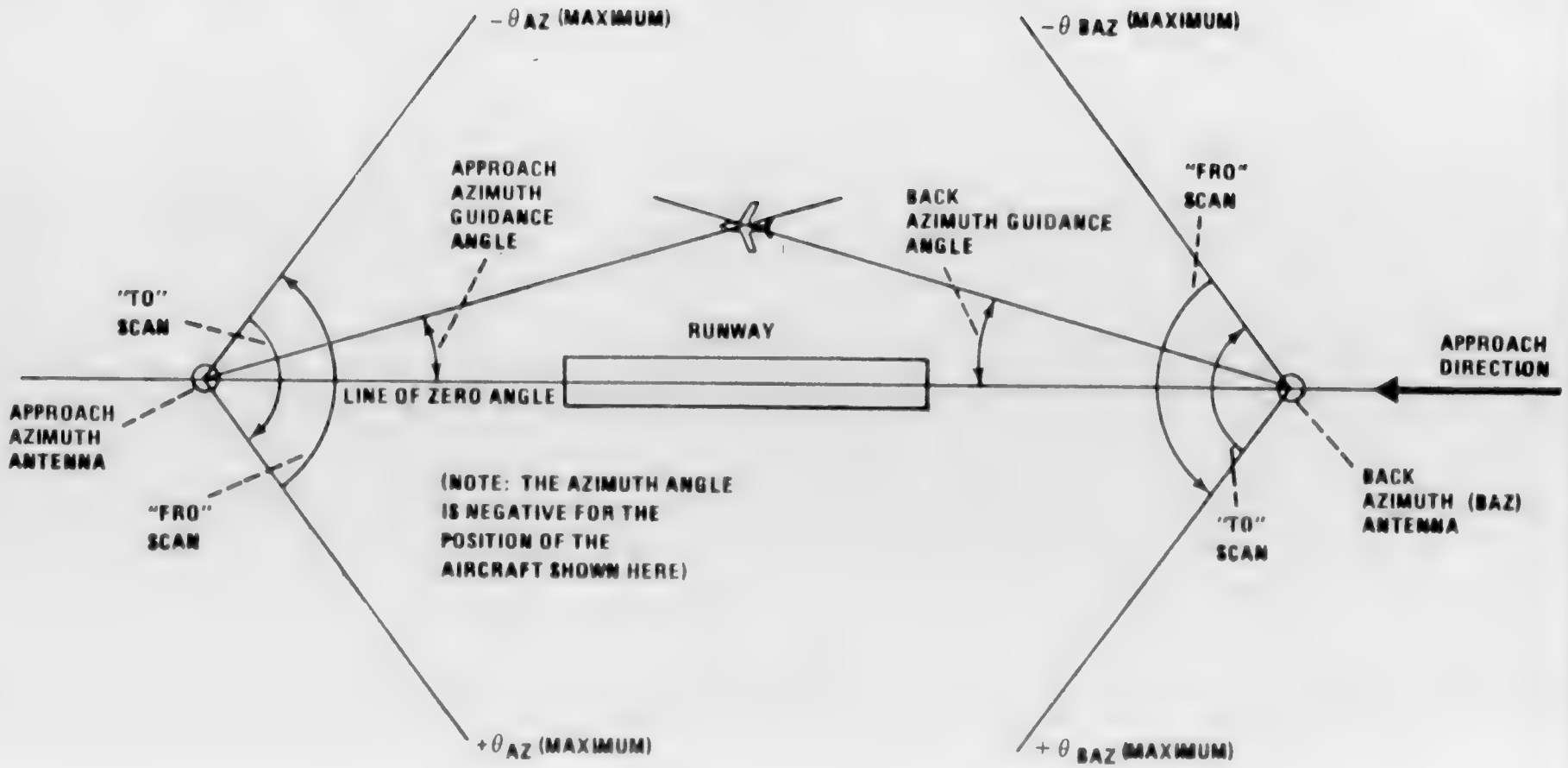

FIGURE 12. AZIMUTH GUIDANCE FUNCTIONS SCANNING CONVENTIONS

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§ 171.315 Azimuth monitor system requirements.

(a) The approach azimuth or back azimuth monitor system must cause the radiation to cease and a warning must be provided at the designated control point if any of the following conditions persist for longer than the periods specified:

(1) There is a change in the ground equipment contribution to the mean course error component such that the path following error at the reference datum or in the direction of any azimuth radial, exceeds the limits specified in § 171.313(e)(l) or § 171.313(j) for a period of more than one second.

(2) There is a reduction in the radiated power to a level not less than that specified in § 171.313(a)(4) or § 171.313(g)(4) for a period of more than one second.

(3) There is an error in the preamble DPSK transmissions which occurs more than once in any one second period.

(4) The timing standards specified in Table 11 are exceeded for a period of more than one second.

(5) There is an error in the time division multiplex synchronization of a particular azimuth function such that the requirement specified in § 171.311(e) is not satisfied and if this condition persists for more than one second.

(6) A failure of the monitor is detected.

TABLE 11.—SIGNAL FORMAT TIMING TOLERANCES

Signal format item	Timing tolerance
Clearance and OCI signals	As specified ±2 μsec.
DPSK phase transitions	As specified ±2 μsec.

TABLE 11.—SIGNAL FORMAT TIMING TOLERANCES—Continued

Signal format item	Timing tolerance
TO–FRO scan timing (internal to scan).	As required to meet accuracy specs.

NOTE 1.—The tolerances shown apply to the timing of the specific events as shown in Tables 2, 4a, 4b, 5 and 7.
NOTE 2.—The timing jitter relative to the specified value plus the tolerance above, must be less than 1 μsec rms.

(b) The period during which erroneous guidance information is radiated must not exceed the periods specified in § 171.315(a). If the fault is not cleared within the time allowed, the ground equipment must be shutdown. After shutdown, no attempt must be made to restore service until a period of 20 seconds has elapsed.

§ 171.317 Approach elevation performance requirements.

This section prescribes the performance requirements for the elevation equipment components of the MLS as follows:

(a) *Elevation coverage requirements.* The approach elevation facility must provide proportional guidance information in at least the following volume of space (see Figure 13):

(1) Laterally within a sector originating at the datum point which is at least equal to the proportional guidance sector provided by the approach azimuth ground equipment.

(2) Longitudinally from 75 meters (250 feet) from the datum point to 20 nautical miles from threshold in the direction of the approach.

(3) Vertically within the sector bounded by:

(i) A surface which is the locus of points 2.5 meters (8 feet) above the runway surface;

(ii) A conical surface originating at the datum point and inclined 0.9 degree above the horizontal and,

(iii) A conical surface originating at the datum point and inclined at 7.5 degrees above the horizontal up to a height of 6000 meters (20,000 feet).

Where the physical characteristics of the approach region prevent the achievement of the standards under paragraph (a) (1), (2), and (3) of this section, guidance need not be provided below a conical surface originating at the elevation antenna and inclined 0.9 degree above the line of sight.

(4) Within the elevation coverage sector defined in paragraph (a) (1), (2), and (3) of this section, the power densities must not be less than those shown in Table 12, but the equipment design must also allow for:

(i) Transmitter power degradation from normal by −1.5 dB.

(ii) Rain loss of −2.2 dB at the coverage extremes.

(b) *Elevation siting requirements.* The elevation antenna system must:

(1) Be located within 150 meters (500 feet) of runway centerline.

(2) Be located near runway threshold such that the minimum glidepath planar angle with respect to the antenna phase center and the horizontal plane crosses runway threshold at a height between 15 and 18 meters (50 and 60 feet).

(i) For STOL operations using minimum glidepaths of greater than 4°, this height may be as low as 12 meters (35 feet).

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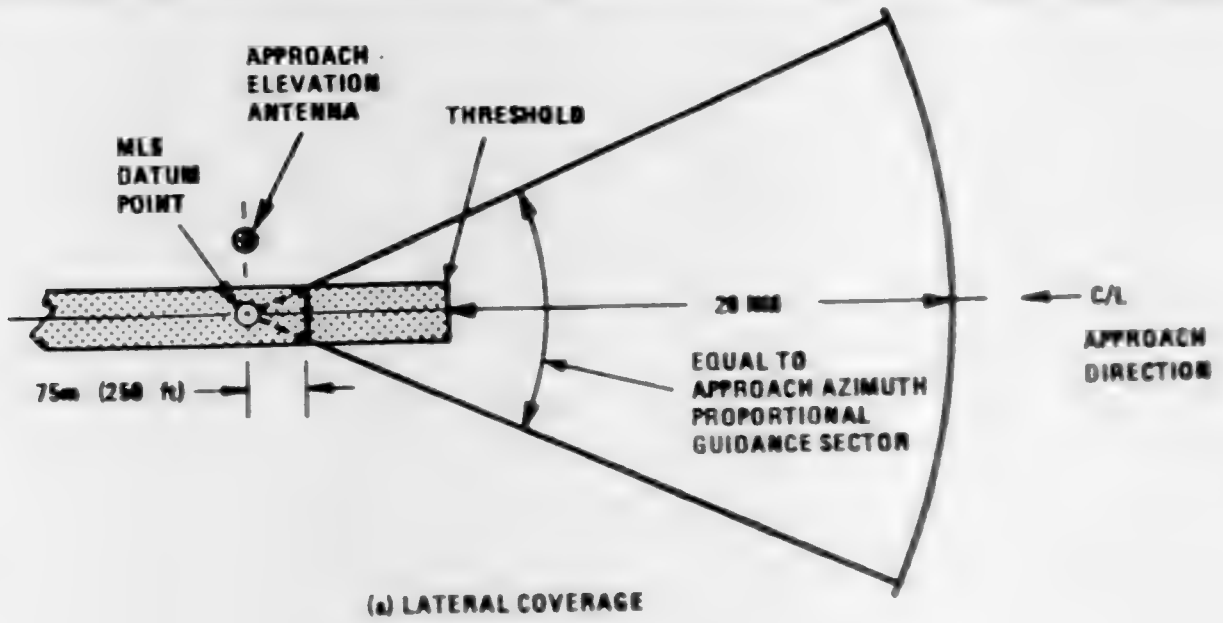

(a) LATERAL COVERAGE

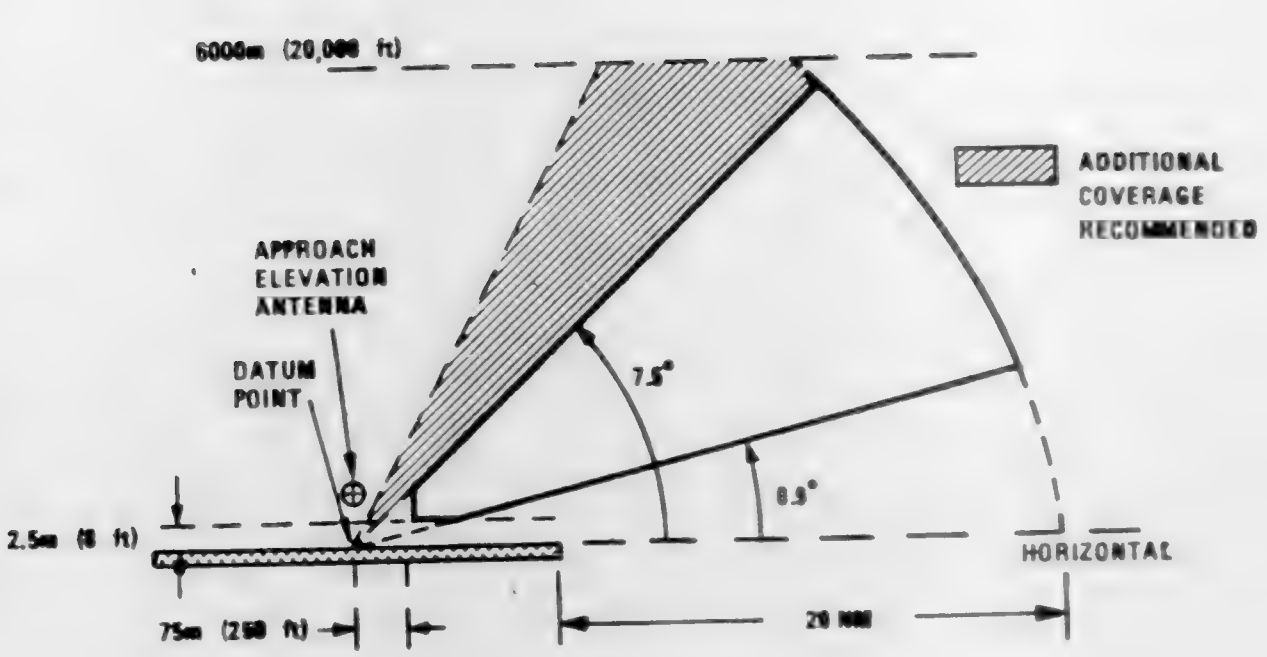

(b) VERTICAL COVERAGE

FIGURE 13. APPROACH ELEVATION COVERAGE

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(3) Satisfy obstacle clearance criteria specified in Subpart C of Part 97 of this chapter.

(c) *Antenna coordinates.* The scanning beams transmitted by the elevation subsystem must be conical.

TABLE 12.—ELEVATION POWER DENSITY REQUIREMENTS (dBW/m ²)

DPSK	Antenna beamwidth (3dB)	
	1°	2°
−89.5	−88.0	−88.0

TABLE 13.—ELEVATION ACCURACIES AT THE APPROACH REFERENCE DATUM

Error type	System	Angular error (degrees)	
		Ground subsystem	Airborne [4] subsystem
PFE	±2.0 ft.[1] (0.6m) [2]	[3] 0.093	0.017
CMN	±.75 ft. (0.3m) [1]	0.020	0.010

[1] Angular error calculations assume the following: 262 meters (861 feet) antenna to reference datum. Distance calculation assumed 16 meters (50 feet) threshold crossing on 3° glidepath, 3 meters (10 feet) antenna phase center height and a 122 meters (400) feet antenna offset from runway centerline. Elevation equipment sited to provide a minimum glidepath higher than 3° must provide angular accuracies no less than those specified for equipment sited for a 3° minimum glidepath.

[2] The system PFN component must not exceed ±0.4 meter (1 3 feet).

[3] The mean glidepath error component contributed by the ground equipment must not exceed ±0.3 meters (1 foot).

[4] The airborne subsystem angular errors are provided for information only.

(d) *Elevation accuracy.* (1) The accuracies shown in Table 13 ae required at the approach reference datum. From this point, the degradation limits must not exceed the following:

(i) With distance—The system PFE limit and PFN limit, expressed in angular terms at 20 nautical miles from the runway threshold on the minimum glidepath is 0.2 degree. The CMN limit, expressed in angular terms at 10 nautical miles from the reference datum on the minimum glidepath is 1.3 times the value specified at the approach reference datum.

(ii) With azimuth angle—The system PFE limit and PFN limit expressed in angular terms at plus or minus 40 degrees azimuth angle is 1.3 times the value on the extended runway centerline at the same distance from the approach reference datum. The CMN limit, expressed in angular terms at plus or minus 40 degrees azimuth angle is 1.3 times the value on the extended runway centerline at the same distance from the approach reference datum.

(iii) With elevation angle—For elevation angles above the minimum glidepath or 3 degrees, whichever is less and up to the maximum of the proportional guidance coverage and at the locus of points directly above the approach reference datum the system PFE limit, PFN limit and CMN limit expressed in angular terms is allowed to degrade linearly such that at an elevation angle of 15 degrees the limit is 2 times the value specified at the reference datum. In no case will the CMN directly above the reference datum exceed plus or minus 0.07 degree. For other regions of coverage within the angular sector from an elevation angle equivalent to the minimum glidepath up to the maximum angle of proportional coverage the degradations with distance and azimuth angle specified in paragraph (d)(1) (i) and (ii) of this section apply.

(iv) For elevation angles below 60 percent of the minimum glidepath and down to the limit of coverage and at the locus of points directly below the approach reference datum the system PFE limit, the PFN limit and the CMN limit expressed in angular terms, is allowed to increase linearly to 6 times the value at the approach reference datum. For other regions of coverage within the angular sector from an elevation angle equivalent to 60 percent of the minimum glidepath value, and down to the limit of coverage, the degradations with distance and azimuth angle specified in paragraph (d)(1) (i) and (ii) of this section apply. In no case will the PFE be allowed to exceed 0.8 degree, or the CMN be allowed to exceed 0.4 degree.

(2) The system and ground subsystem accuracies shown in Table 13 are to be demonstrated at commissioning as maximum error limits. Subsequent to commissioning, the accuracies are to be considered at 95% probability limits.

(e) Elevation antenna chacteristics are as follows:

(1) *Drift.* Any elevation angle as encoded by the scanning beam at any point within the coverage sector must not vary more than 0.04 degree over the range of service conditions specified in § 171.309(d) without the use of internal environmental controls. Multipath effects are excluded from this requirements.

(2) *Beam pointing errors.* The elevation angle as encoded by the scanning beam at any point within the coverage sector must not deviate from the true elevation angle at that point by more than ±0.04 degree for elevation angles from 2.5° to 3.5°. Above 3.5°, these errors may linearly increase to ±0.1 degree at 7.5°. Multipath and drift effects are excluded from this requirements.

(3) *Antenna alignment.* The antenna must be equipped with suitable optical, electrical, or mechanical means or any combination of the three, to align the lowest operationally required glidepath to the true glidepath angle with a maximum error of 0.01 degree. Additionally, the elevation antenna bias adjustment must be electronically steerable at least to the monitor limits in steps not greater than 0.005 degree.

(4) *Antenna far field patterns in the plane of scan.* On the lowest operationally required glidepath, the antenna mainlobe pattern must conform to Figure 10, and the beamwidth must be such that in the installed environment, no significant ground reflections of the mainlobe exist. In any case, the beamwidth must not exceed 2 degrees. The antenna mainlobe may be allowed to broaden from the value at boresight by a factor of $1/\cos\phi$, where ϕ is the angle off boresight. Anywhere within coverage, the 3 dB width of the antenna mainlobe, while scanning normally, must not be less than 25 microseconds (0.5 degree) or greater than 250 microseconds (5 degrees). The sidelobe levels must be as follows;

(i) *Dynamic sidelobe levels.* With the antenna scanning normally, the dynamic sidelobe levels that is detected by a receiver at any point within the proportional coverage sector must be down at least 10 dB from the peak of the mainlobe. Outside the proportional coverage sector, the radiation from the scanning beam antenna must be of such a nature that receiver warnings will not be removed or a suitable OCI signal must be provided.

(ii) *Effective sidelobe levels.* With the antenna scanning normally, the sidelobe levels in the plane of scan must be such that, when reflected from the ground, the resultant angular errors along any glidepath do not exceed 0.09 degree.

(5) *Antenna far field pattern in the horizontal plane.* The horizontal pattern of the antenna must gradually deemphasize the signal away from antenna boresight. Typically, the horizontal pattern should be reduced by at least 3 dB at 20 degrees off boresight and by at least 6 dB at 40 degrees off boresight. Depending on the actual multipath conditions, the horizontal radiation patterns may require more or less deemphasis.

(6) *Data antenna.* The data antenna must have horizontal and vertical patterns as required for its function.

§ 171.319 Approach elevation monitor system requirements.

(a) The monitor system must act to ensure that any of the following conditions do not persist for longer than the periods specified when:

(1) There is a change in the ground component contribution to the mean

glidepath error component such that the path following error on any glidepath exceeds the limits specified in § 171.317 (d) for a period of more than one second.

(2) There is a reduction in the radiated power to a level not less than that specified in § 171.317(a)(4) for a period of more than one second.

(3) There is an error in the preamble DPSK transmissions which occurs more than once in any one second period.

(4) The timing standards specified in Table 11 are exceeded for a period of more than one second.

(5) There is an error in the time division multiplex synchronization of a particular elevation function such that the requirement specified in § 171.311(e) is not satisfied and this condition persists for more than one second.

(6) A failure of the monitor is detected.

(b) The period during which erroneous guidance information is radiated must not exceed the periods specified in §171.319(a). If the fault is not cleared within the time allowed, radiation shall cease. After shutdown, no attempt must be made to restore service until a period of 20 seconds has elapsed.

§ 171.321 DME and marker beacon performance requirements.

(a) The DME equipment must meet the performance requirements prescribed in Subpart G of this part. This subpart imposes requirements that performance features must comply with International Standards and Recommended Practices, Aeronautical Telecommunications, Vol. I of Annex 10 to ICAO. In addition, this equipment must be sited near the azimuth antenna site and adjusted such that zero range is at the DME antenna. Incorporated by reference is International Standards and Recommended Practices, Aeronautical Telecommunications, Volume I of Annex 10 to ICAO through Amendment 61 dated April 10, 1980 which prescribes applicability of standards and recommended practice for certain forms of equipment for air navigation aids and procedures for air navigation service. It is available from ICAO, Aviation Building, 1080 University Street, Montreal 101, Quebec, Canada, Attention: Distribution Officer and also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, D.C. 20408.

(b) MLS marker beacon equipment must meet the performance requirements prescribed in Subpart H of this part. This subpart imposes requirements that performance features must comply with International Standards and Recommended Practices, Aeronautical Telecommunications, Vol. I of Annex 10 to ICAO.

§ 171.323 Fabrication and installation requirements.

(a) The MLS facility must be permanent and must be located, constructed, and installed in accordance with best commercial engineering practices, using applicable electric and safety codes and Federal Communications Commission (FCC) licensing requirements and siting requirements of §§ 171.313 (b) and 171.317(b).

(b) The MLS facility components must utilize solid state technology except that traveling wave tube amplifiers (TWTA) may be used. A maximum level of common modularity must be provided along with diagnostics to facilitate maintenance and troubleshooting.

(c) An approved monitoring capability must be provided which indicates the status of the equipment at the site and at a remotely located maintenance area, with monitor capability that provides prealarm of impending system failures. This monitoring feature must be capable of transmitting the status and prealarm over standard phone lines to a remote location. In the event the sponsor requests the FAA to assume ownership of the facility, the monitoring feature must also be capable of interfacing with FAA remote monitoring requirements. This requirement may be complied with by the addition of optional software and/or hardware in space provided in the original equipment.

(d) The mean corrective maintenance time of the MLS equipment must be equal to or less than 0.5 hours with a maximum corrective maintenance time not to exceed 1.5 hours. This measure applies to correction of unscheduled failures of the monitor, transmitter and associated antenna assemblies, limited to unscheduled outage and out of tolerance conditions.

(e) The mean time between failures of the MLS angle system must not be less than 1,500 hours. This measure applies to unscheduled outrage, out-of-tolerance conditions, and failures of the monitor, transmitter, and associated antenna assemblies.

(f) The MLS facility must have a reliable source of suitable primary power, either from a power distribution system or locally generated. Adequate power capacity must be provided for the operation of the MLS as well as the test and working equipment of the MLS.

(g) The MLS facility must have a continuously engaged or floating battery power source for the continued normal operation of the ground station operation if the primary power fails. A trickle charge must be supplied to recharge the batteries during the period of available primary power. Upon loss and subsequent restoration of power, the battery must be restored to full charge within 24 hours. When primary power is applied, the state of the battery charge must not affect the operation of the MLS ground station. The battery must allow continuation of normal operation of the MLS facility for at least 2 hours without the use of additional sources of power. When the system is operating from the battery supply without prime power, the radome de-icers and the environmental system need not operate. The equipment must meet all specification requirements with or without batteries installed.

(h) There must be a means for determining, from the ground, the performance of the system including antenna, both initially and periodically.

(i) The facility must have, or be supplemented by ground, air or landline communications services. At facilities within or immediately adjacent to air traffic control areas, that are intended for use as instrument approach aids for an airport, there must be ground air communications or reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communication facility. Compliance with this paragraph need not be shown at airports where an adjacent FAA facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to air traffic control zones or areas, and where extensive delays are not a factor, the requirements of this paragraph may be reduced to reliable communications from the airport to the nearest FAA air traffic control or communications facility. If the adjacent FAA facility can communicate with aircraft during the proposed instrument approach procedure down to the airport surface or at least down to the minimum approach altitude, this would require at least a landline telephone.

(j) The location of the phase centers for all antennas must be clearly marked on the antenna enclosures.

(k) The latitude, longitude and mean sea level elevation of the MLS datum point must be determined by survey with an accuracy of ±3 meters (±10 feet) laterally and ±0.3 meter (±1.0 foot) vertically. The lateral and vertical offsets from the MLS datum point of all antenna phase centers, the back azimuth reference datum (if applicable), and the intersection of runway threshold with

runway centerline must be determined with an accuracy of ±0.3 meter (±1.0 foot) laterally and ±0.03 meter (±0.1 foot) vertically. The owner must bear all costs of the survey. The results of this survey must be included in the "operations and maintenance" manual required by § 171.325 of this subpart and will be noted on FAA Form 198 required by § 171.327.

§ 171.325 Maintenance and operations requirements.

(a) The owner of the facility must establish an adequate maintenance system and provide MLS qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. Each person who maintains a facility must meet at least the FCC licensing requirements and demonstrate that he has the special knowledge and skills needed to maintain an MLS facility, including proficiency in maintenance procedures and the use of specialized test equipment.

(b) In the event of out of tolerance conditions or malfunctions, as evidenced by receiving two successive pilot reports, the owner must close the facility by ceasing radiation, and issue a "Notice to Airmen" (NOTAM) that the facility is out of service.

(c) The owner must prepare, and obtain approval of, an operations and maintenance manual that sets forth mandatory procedures for operations, periodic maintenance, and emergency maintenance, including instructions on each of the following:

(1) Physical security of the facility.

(2) Maintenance and operations by authorized persons.

(3) FCC licensing requirements for operations and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relations between the facility and FAA air traffic control facilities, with a description of the boundaries of controlled airspace over or near the facility, instructions for relaying air traffic control instructions and information, if applicable, and instructions for the operation of an air traffic advisory service if the facility is located outside of controlled airspace.

(6) Notice to the Administrator of any suspension of service.

(7) Detailed and specific maintenance procedures and servicing guides stating the frequency of servicing.

(8) Air-ground communications, if provided, expressly written or incorporating appropriate sections of FAA manuals by reference.

(9) Keeping the station logs and other technical reports, and the submission of reports required by § 171.327.

(10) Monitoring of the MLS facility.

(11) Inspections by United States personnel.

(12) Names, addresses, and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for periodic maintenance and issuing of NOTAM for routine or emergency shutdowns.

(14) Commissioning of the MLS facility.

(15) An acceptable procedure for amending or revising the manual.

(16) An explanation of the kinds of activities (such as construction or grading) in the vicinity of the MLS facility that may require shutdown or recertification of the MLS facility by FAA flight check.

(17) Procedures for conducting a ground check of the azimuth and elevation alignment.

(18) The following information concerning the MLS facility:

(i) Facility component locations with respect to airport layout, instrument runways, and similar areas.

(ii) The type, make and model of the basic radio equipment that provides the service including required test equipment.

(iii) The station power emission, channel, and frequency of the azimuth, elevation, DME, marker beacon, and associated compass locators, if any.

(iv) The hours of operation.

(v) Station identification call letters and method of station identification and the time spacing of the identification.

(vi) A description of the critical parts that may not be changed, adjusted, or repaired without an FAA flight check to confirm published operations.

(d) The owner or his maintenance representative must make a ground check of the MLS facility periodically in accordance with procedures approved by the FAA at the time of commissioning, and must report the results of the checks as provided in § 171.327.

(e) The only modifications permitted are those that are submitted to FAA for approval by the MLS equipment manufacturer. The owner or sponsor of the facility must incorporate these modifications in the MLS equipment. Associated changes must also be made to the operations and maintenance manual required in paragraph (c) of this section. These and all other corrections and additions to this operations and maintenance manual must also be submitted to FAA for approval.

(f) The owner or the owner's maintenance representative must participate in inspections made by the FAA.

(g) The owner must ensure the availability of a sufficient stock of spare parts, including solid state components, or modules to make possible the prompt replacement of components or modules that fail or deteriorate in service.

(h) FAA approved test instruments must be used for maintenance of the MLS facility.

(i) Inspection consists of an examination of the MLS equipment to ensure that unsafe operating conditions do not exist.

(j) Monitoring of the MLS radiated signal must ensure a high degree of integrity and minimize the requirements for ground and flight inspection. The monitor must be checked daily during the in-service test evaluation period (96 hour burn in) for calibration and stability. These tests and ground checks of azimuth, elevation, DME, and marker beacon radiation characteristics must be conducted in accordance with the maintenance requirements of this section.

§ 171.327 Operational records.

The owner of the MLS facility or his maintenance representative must submit the following operational records at the indicated time to the appropriate FAA regional office where the facility is located.

(a) *Facility Equipment Performance and Adjustment Data (FAA Form 198).* The FAA Form 198 shall be filled out by the owner or his maintenance representative with the equipment adjustments and meter readings as of the time of facility commissioning. One copy must be kept in the permanent records of the facility and two copies must be sent to the appropriate FAA regional office. The owner or his maintenance representative must revise the FAA Form 198 data after any major repair, modernization, or retuning to reflect an accurate record of facility operation and adjustment.

(b) *Facility Maintenance Log (FAA Form 6030–1).* FAA Form 6030–1 is permanent record of all the activities required to maintain the MLS facility. The entries must include all malfunctions met in maintaining the facility including information on the kind of work and adjustments made, equipment failures, causes (if determined) and corrective action taken. In addition, the entries must include completion of periodic maintenance required to maintain the facility. The owner or his maintenance representative must keep the original of each form at the facility and send a copy to the appropriate FAA regional office at the end of each month in which it is

prepared. However, where an FAA approved remote monitoring system is installed which precludes the need for periodic maintenance visits to the facility, monthly reports from the remote monitoring system control point must be forwarded to the appropriate FAA regional office, and a hard copy retained at the control point.

(c) *Technical Performance Record (FAA Form 6830 (formerly FAA Form 418)).* This form contains a record of system parameters as specified in the manufacturers equipment manual. This data will be recorded on each scheduled visit to the facility. The owner or his maintenance representative shall keep the original of each record at the facility and send a copy of the form to the appropriate FAA regional office.

(Secs. 305, 307, 313(a), 601, 606, Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1348, 1354(a), 1421, 1426); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The MLS is a newly developed alternative landing system which can be used in place of a conventional ILS. While this regulation describes the technical aspects of an MLS the installation of any non-Federal facility is not mandatory and this subpart provides an additional choice from which to choose when instrumenting an airport. Usually less than 10–20 non-Federal systems of all types, not just MLS, are installed per year with the voluntary installation of a landing aid at only a small number of airports by small entities. Cost of compliance with this MLS standard will be minimal. As a result, the FAA has determined that this document involves a regulation which:

(1) Is not considered to be major under the procedures and criteria prescribed by Executive Order 12291; and

(2) Is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and

(3) Will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the evaluation prepared for this regulation has been placed in the regulatory docket and a copy of it may be obtained by contacting the person identified under the caption, "FOR FURTHER INFORMATION CONTACT".

The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget and forms cleared under OMB #2120–0014.

Issued in Washington, D.C., on November 3, 1981.

J. Lynn Helms,

Administrator, Federal Aviation Administration.

[FR Doc. 81–35514 Filed 12–16–81; 8:45 am]

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December 17, 1981

Part III

Department of Transportation

Federal Railroad Administration

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals; Administrative Determination and Notice of Petition

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Nos. RFA-305-81-1 and RFA-305-81-2; Notice No. 4]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals; Administrative Determination and Notice of Petition

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Administrative determination regarding the transfer of Consolidated Rail Corporation (Conrail) lines in Connecticut and Rhode Island and notice of intent to file a petition for a transfer order with the Special Court.

SUMMARY: FRA announces its plan to transfer Conrail's lines in Connecticut and Rhode Island and to continue service over those lines for a period of at least four years. The plan is required by recently enacted legislation. FRA's plan transfers all Conrail lines in Rhode Island and that portion of the Shore Main Line from Old Saybrook, Connecticut, to the Rhode Island border to the Providence & Worcester Railroad Company (P&W), requires that no surcharge be imposed for at least 18 months on the Torrington line and that daily service be provided on that line if required, and otherwise follows the plan set forth in the coordinated proposals of Conrail and the Boston & Maine Railroad (B&M). FRA will petition the Special Court, Regional Rail Reorganization Act of 1973 (Special Court), to enter an order implementing this plan.

DATES: The determinations expressed in this notice will be incorporated in a petition that will be filed with the Special Court not later than December 11, 1981. Under Rule 18 of the Special Court, parties with legal standing that wish to intervene may be required to do so within 7 days of the date this notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA, (202) 472-7180.

SUPPLEMENTARY INFORMATION: The bankruptcy of a number of railroad companies serving the Northeast, notably the Penn Central Transportation Company, during the early 1970's caused the Congress to enact the Regional Rail Reorganization Act of 1973 (3R Act), which provided a mechanism for the reorganization of the properties of the bankrupt railroads into one or more new railroad under the auspcies of the United States Railway Association (USRA). USRA prepared the Final System Plan, which created Conrail as a single successor to the bankrupt railroads. The Final System Plan was implemented under amendments to the 3R Act made by Title VI of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act).

Section 610 of the 4R Act added a new section 305 of the 3R Act, which provides for the further reorganization of the Northeast rail system through the development of Supplemental Transactions. Supplemental Transactions may be developed by the Secretary of Transportation (the Secretary) or USRA, and either the Secretary or USRA may petition the Special Court for an order directing Conrail to carry out the transaction. The Special Court is required to issue such an order if it determines that a Supplemental Transaction is in the public interest, consistent with the goals of the 3R Act and Final System Plan, and fair and equitable.

One Supplemental Transaction has been developed under the provisions of section 305. In April, 1979, the Secretary, in response to a petition from the State of Connecticut, developed a Supplemental Transaction proposal to convey to the P&W Conrail's 27-mile Norwich Branch between Plainfield and Groton, Connecticut, and Conrail's 3-mile Groton Old Main Line at Groton. In February, 1980, the Secretary petitioned the Special Court for an order directing Conrail to carry out the transaction, and on May 28, 1980, the Special Court issued the order and set the purchase price at $2,750,000. The P&W commenced operations on the Norwich Branch and Groton Old Main Line on June 1, 1980.

Title VI of the Staggers Rail Act of 1980 added a new subsection (f) to section 305 of the 3R Act. Subsection (f) provided for development of an Expedited Supplemental Transaction proposal to transfer all of Conrail's remaining properties in the States of Connecticut and Rhode Island to another railroad in the region. Subsection (f) required the Secretary to determine by May 27, 1981 whether to develop such a proposal. The Secretary was required to develop an Expedited Supplemental Transaction proposal if he could make three statutory findings regarding the prospective purchaser, but he was not required to petition the Special Court for an order directing Conrail to implement the proposal. On December 29, 1980, the Federal Railroad Administrator (Administrator), as delegate of the Secretary, solicited Expedited Supplemental Transaction proposals from prospective purchasers and public comments (45 FR 85542). Only the P&W submitted a proposal by the February 27, 1981 deadline. On April 16, 1981, the Administrator published a preliminary determination that he could not make the three affirmative statutory determinations that were a condition precedent to initiating an Expedited Supplemental Transaction proposal under section 305(f), and solicited public comment (46 FR 22300). On June 4, 1981, the Administrator published a final determination that he could not make two of the three statutory determinations required by section 305(f) (46 FR 30019).

While considering the Northeast Rail Service Act of 1981 (NERSA) the Congress once again devoted considerable attention to rail service in southern New England. Legislation passed by the House of Representatives would have required the Secretary to petition the Special Court within 60 days for an order directing Conrail to transfer its remaining properties in Connecticut and Rhode Island to "another railroad in the region." Conrail would not have been eligible to retain any of its properties in either state (127 Cong. Rec. H3690, June 26, 1981).

Legislation passed in the Senate, on the other hand, would have conferred discretionary authority on the Secretary to transfer Conrail's properties in Connecticut and Rhode Island (127 Cong. Rec. S7060, 7062, 7064, 7094; June 25, 1981). On August 13, 1981, the President signed into law the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, which included NERSA. Section 1155 of NERSA amended section 305(f) of the 3R Act to require the Secretary to petition the Special Court within 120 days (by December 11, 1981) to transfer "some or all" of Conrail's remaining properties in Connecticut and Rhode Island to one or more railroads in the region under a plan providing for continuation of service for at least four years on all properties operated by Conrail as of the effective date of NERSA. Conrail is permitted to be included as a transferee railroad if it agrees to maintain service over any lines it retains for at least four years.

Section 305(f), as amended, requires the transfer of some or all of Conrail's lines in Connecticut and Rhode Island to one or more railroads that have:

(1) Submitted to the Secretary a plan to assume all of Conrail's freight operations and freight service obligations in Connecticut and Rhode Island for a period of at least four years;

(2) Concluded an agreement with Conrail to assume all of Conrail's freight operations and freight service obligations in Connecticut and Rhode

Island for a period of at least four years; or

(3) Submitted to the Secretary, prior to May 1, 1981, a proposal to assume all of Conrail's freight operations and freight service obligations in Connecticut and Rhode Island.

Section 305(f), as amended, requires the Secretary to promote the transfer of non-mainline Conrail properties in States adjacent to Connecticut and Rhode Island that connect with lines in Connecticut and Rhode Island if such a transfer is required to permit efficient and effective rail operations consistent with the public interest. It requires the Special Court to determine a fair and equitable price for the properties to be transferred, establish fair and equitable divisions of joint rates over through routes if the parties cannot agree on such divisions, and establish a method to ensure that such divisions are promptly paid.

Section 1155 of NERSA also added a new subsection (g) to section 305, which mandates a separate Expedited Supplemental Transaction for the transfer of five lines located primarily in the Commonwealth of Massachusetts. That process, which was assigned Docket No. RFA–305–81–2, has been administered in conjunction with the Connecticut/Rhode Island proceeding because of the many issues common to both. FRA's determinations with respect to the five Massachusetts lines, however, are treated in Notice No. 5, which is published separately in this issue of the **Federal Register.**

Chronology of Notices and Public Meetings

On August 21, 1981, the Administrator, as delegate of the Secretary, published Notice No. 1 to announce that informal conferences would be held to assist in structuring the discussions required by section 305(f), as amended, and to solicit the participation of prospective purchasers ("prospective purchasers" includes Conrail except as the context otherwise requires) and other interested parties (46 FR 42565). Conferences were held on August 31, 1981 at New Haven, Connecticut, and on September 1, 1981 at Springfield, Massachusetts. On September 11, 1981, seven railroad companies filed preliminary declarations of interest in acquiring some or all of Conrail's lines in Connecticut and Rhode Island. On September 17, 1981, the Administrator published Notice No. 2, announcing that an additional informal conference would be held to brief interested parties on the status of the Supplemental Transaction process and to solicit public comments, with particular emphasis on the comments of rail shippers (46 FR 46271). This informal conference was held September 28, 1981 at Providence, Rhode Island.

On September 24, 1981, the Administrator published Notice No. 3, which established deadlines, information requirements and guidelines for the Supplemental Transaction process (46 FR 47165). Notice No. 3 established October 23, 1981 as the deadline for the receipt of purchase proposals and November 6, 1981, as the deadline for comments on the purchase proposals. The Administrator subsequently notified the parties that he would hold the docket open as long as practical to receive additional public comments. All comments received through December 7, 1981, were considered in developing this notice and the Administrator's petition to the Special Court.

Proposals

On October 23, 1981, the Administrator received three Supplemental Transaction proposals pursuant to section 305(f), as amended. A summary of these proposals follows.

P&W

The P&W proposed to acquire all Conrail's freight operations and freight service obligations in Connecticut and Rhode Island. In New York State, it proposed to acquire Conrail's freight service obligation on portions of the Shore Main Line, a portion of the Maybrook Branch, and the Beacon Secondary. It also proposed to acquire a portion of the Hartford Main Line in Massachusetts. The P&W sought run-through train service with Conrail from Selkirk Yard, near Albany, New York, to Connecticut. The P&W guaranteed to provide daily service if required on all lines it acquired in Connecticut and Rhode Island, and to upgrade most of the lines to permit 25 m.p.h. operation. It pledged not to impose surcharges on shippers located on lines it acquired.

The P&W assumed in preparing its proposal that it would pay $0 for the Conrail properties it would acquire, as well as 50 road switcher locomotives and 400 freight cars.

The P&W proposed that it receive the so-called "New Haven" divisions, which are the divisions of joint rates over through routes agreed to by the former New York, New Haven & Hartford Railroad (New Haven) and its connections, with a minimum of $400 per car. The divisions vary depending upon the point at which traffic interchanged.

Conrail/B&M

Conrail and the B&M submitted coordinated proposals which, taken together, would continue all Conrail freight operations and freight service obligations in Connecticut and Rhode Island for a period of at least four years. The B&M offered to assume Conrail's freight operations and freight service obligations in Rhode Island and on the Berlin, New Britain, Terryville, Avon, Canal, Waterbury, Torrington, Griffins and Wethersfield lines in Connecticut. Its offer contemplated a grant of trackage rights to the B&M between Springfield, Massachusetts, and New Haven; reciprocal switching rights for certain traffic at New Haven, North Haven, Wallingford, Newington, Hartford, East Hartford, Windsor, Windsor Locks, and Suffield, Connecticut; and the right to move contract cars over Conrail lines to the Long Island Railroad at Fresh Pond, New York. Under the offer, Conrail retained all other freight operations and freight service obligations in Connecticut.

Conrail and the B&M both stated that the purpose of their coordinated proposals was to increase shipper options for single line freight service to Connecticut and Rhode Island by dividing operations in the two states so as to retain Conrail's present east-west service and to introduce single line B&M service for north-south traffic to upper New England and Canada that is now interchanged between the B&M and Conrail at Springfield.

Conrail proposed to continue current service levels, subject to a number of adjustments in its operations stemming from a systemwide program to improve efficiency. It initially reserved the right to impose surcharges under the provisions of the Staggers Rail Act of 1980 on lines and traffic it would retain, but later agreed not to impose branchline surcharges. It proposed to maintain the lines it retained at approximately current levels. The B&M proposed service levels approximately equal to current service levels. The B&M initially offered to reduce the current Conrail surcharge on the Torrington line to $250 per car, and to impose surcharges on Rhode Island traffic only under limited circumstances. It later agreed not to impose a surcharge on the Torrington line for 18 months and not to institute a surcharge thereafter if traffic on the line returns to the 1979 level.

The Conrail/B&M proposal incorporated a divisions agreement, and the B&M offered $1.1 million for the properties and rights it would acquire.

Conrail accepted the offer for the purpose of filing the coordinated proposals, but reserved the right to reopen the purchase price issue with the Secretary and before the Special Court.

S.M. Pinsly Company

The S.M. Pinsly Company (Pinsly) initially offered to acquire Conrail's Willimantic Secondary, between Hartford and Manchester, Connecticut, and its New Milford Secondary, between Danbury and New Milford, Connecticut. On November 20, 1981, it modified its proposal by withdrawing its offer to acquire the New Milford Secondary and offering to acquire Conrail's East Windsor Secondary and South Manchester Industrial Track, both of which connect with the Willimantic Secondary. Its modified proposal is not coordinated with that of any other railroad. Pinsly offered to operate the lines without subsidy for a period of at least four years. It did not provide information with respect to rehabilitation of the lines or proposed divisions with Conrail, although Pinsly later agreed to Conrail's specification of division arrangements. Pinsly offered Conrail $1 million for the Willimantic, East Windsor and South Manchester lines.

Summary of Public Comments

The Administrator received and considered comments through December 7, 1981. In all, approximately 200 comments were received. In general, Rhode Island shippers and elected officials supported the P&W proposal. In Connecticut, most major shippers favored the Conrail/B&M proposal while small shippers especially those located on the Torrington line, supported the P&W proposal. The Connecticut Rail Shippers Association, which represented that its members account for 80 percent of Conrail's shipments in Connecticut, supported the Conrail/B&M proposal. In common with individual shippers that supported the Conrail/B&M proposal, it cited the benefits of single line service from origin to destination offered by Conrail and the B&M and the comparative financial stability of the two railroads as reasons for their support. Among the largest shippers supporting the Conrail/B&M proposal were the Central Connecticut Cooperative Farmers Association, Kimberly-Clark, Tilcon Tomasso Quarries, and Shepherd's Warehouse. The Connecticut Business and Industry Association, which represents more than 4,000 Conecticut businesses, supported the P&W proposal. In common with other shippers supporting the P&W proposal, it cited the P&W's promise to provide daily service, to upgrade the lines it would acquire to permit 25 m.p.h. operation, and to forego imposing surcharges as reasons for its support.

The Rhode Island Department of Transportation supported the P&W proposal based on P&W's service in Rhode Island and its popularity among shippers there. It emphasized that the P&W upgraded the track and increased the frequency of service on lines it acquired in the past. The Connecticut Department of Transportation raised questions regarding specific elements of the P&W and Conrail/B&M proposals, but took no position with regard to either of them. The Department expressed concern that Pinsly's proposal addresses only a few lines and that the primary shipper on one these lines expressed a strong preference for another carrier. The Maine Department of Transportation supported the Conrail/B&M proposal because it would provide single-line service and rate stability for shipments from Maine to Connecticut. The Vermont Department of Transportation supported the Conrail/B&M proposal based on the B&M's operating efficiency and its belief that the addition of operations in Conneticut would enhance the B&M. The New York Department of Transportation opposed that portion of the P&W proposal related to service in New York.

Organized labor divided its support between the Conrail/B&M and P&W proposals. Those railroads that commented supported the Conrail/B&M proposal. Anong elected officials, the Rhode Island Congressional delegation and the Governor of Rhode Island endorsed the P&W proposal. The Connecticut Congressional delegation was divided.

Final Discussions and Negotiations

After the submission of purchase proposals on October 23, 1981, and review of comments on the proposals, the Administrator convened a series of meetings of the prospective purchasers in an attempt to achieve a reconciliation of the competing proposals in a manner that would respond to expressed support among users of rail service, conform to the existing capabilities of the participants, and promote efficient and effective railroad operations in Connecticut and Rhode Island. While the parties responded with new positions which provided potential bases for resolving some areas of disagreement, overall agreement was not reached and the parties, except for Pinsly, chose to rely upon their October 23, 1981, proposals. Pinsly chose to rely upon its modified proposal of November 20, 1981. On December 4, 1981, the Administrator sent a letter to the P&W, Conrail, and the B&M outlining a settlement proposed by FRA, and asking the three railroads to consider it and meet with the Administrator on December 7, 1981 for a final conversation to perfect a plan. The Administrator's proposal for settlement cited six objectives:

(1) Responding to expressions of support from actual users of rail services, without whose confidence no plan can work.

(2) Fashioning a new configuration of rail operations in the states that fits sensibly with existing operations and traffic flows of the railroads already providing service in that area.

(3) Maximizing the benefits that can be realized from consistent implementation of the single line haul policy embodied in the Staggers Rail Act of 1980.

(4) Recognizing the need of any carrier serving Rhode Island to obtain compensatory revenues based on sustainable levels of new investment for acquisition and rehabilitation of facilities.

(5) Providing enhanced levels of service in those areas now claimed to be inadequately served.

(6) Minimizing the levels of new investment necessitated solely by the need to acquire existing assets, thereby avoiding inevitable rate increases either by a new operator or by Conrail in response to lost contribution occasioned by a new divisional arrangement.

The P&W, Conrail and B&M met with the Administrator December 7, 1981, and reached an acommodation of their differences sufficient to permit an agreement in principle on a compromise plan based on the objectives and proposal set forth by the Administrator on December 4, 1981. The basic components of the plan are as follows:

(1) The P&W accepts transfer of Conrail's freight operations and freight service obligations in Rhode Island and on the Shore Main Line from the Rhode Island/Connecticut border to and including Old Saybrook, Connecticut. Conrail retains trackage rights from Old Saybrook to Millstone, Connecticut solely for the movement of stone traffic originating at East Wallingford, Connecticut.

(2) In consideration for the properties it receives, the P&W agrees to pay Conrail $75,000.

(3) The P&W and Conrail agree to enter into a divisions arrangement substantially similar to that proposed by

the Administrator to the parties on December 4, 1981.

(4) The balance of Conrail's properties in Connecticut will be allocated and operated in accordance with the Conrail/B&M proposal.

(5) The B&M agrees to forego any surcharge on the Torrington line for 18 months after transfer, and thereafter if traffic is restored to the 1979 level. In addition, the B&M agres to provide daily service if such service is requested by customers on the line.

(6) Conrail agrees to grant the P&W the exclusive right to succeed to its freight operations and freight service obligations on the Shore Main Line between Old Saybrook and New Haven and within the New Haven station if it withdraws from the market and the Secretary or his delegate finds, on application of the P&W, that the P&W is continuing to operate as a self-sustaining railroad capable of undertaking additional common carrier responsibilities without Federal financial assistance, P&W agrees that, in the event it succeeds to Conrail's operations and obligations, it will guarantee the B&M continued access to property it may acquire within the New Haven station; access through the New Haven station to the Shore Line; and removal of the territorial restriction on the reciprocal switching rights within the New Haven station granted by Conrail to the B&M under the Administrator's proposal. The P&W further agrees that its exclusive right to succeed to Conrail's operations and obligations between Old Saybrook and New Haven and within the New Haven station does not prejudice the rights of any other carrier to succeed to other Conrail operations and obligations within Connecticut.

Further meetings were held by the Administrator with Conrail, P&W and B&M on December 9, 10 and 11 to resolve disputes among the parties which emerged in the process of drafting a proposed order to be presented the Special Court to implement the Administrator's plan. One aspect of the proposed order remained unsatisfactory to Conrail and in the time available the matter could not be resolved.

The FRA wishes to make quite clear that the price and divisions terms for these transactions are supportable only upon the totality of the pertinent circumstances. Those terms are reasonably compensatory to Conrail only when other benefits are taken into account, particularly the ability of Conrail to divest itself of a statutory transfer process. The Department of Transportation does not view those terms as creating any precedent whatsoever for any further disposition of Conrail properties.

Analysis of Proposals

Section 305(f)(2) of the 3R Act requires the Administrator to develop a plan for continuation of rail service now provided by Conrail in Connecticut and Rhode Island. In determining the statutory sufficiency of the proposal made by each prospective purchaser, the Administrator must determine that the proposal (1) accounts for all service operated by Conrail in Connecticut and Rhode Island on the effective date of NERSA, and (2) reasonably assures service for a period of at least four years. While it is not clear that the Congress intended that the Administrator apply in this context the finding requirements set forth in section 305(f)(1), the principles addressed in section 305(f)(1) are wholly consistent with the principles applicable to administration of section 305(f)(2) and (3). Accordingly, the Administrator's determinations herein are made in light of, and consistent with, paragraph 305(f)(1). In that regard, the Administrator has specifically considered the impact on employment of the proposals before the FRA.

The specific considerations applicable to this review and decision are set forth in Notice No. 3, 46 FR 47268 (September 24, 1981). That notice discussed the considerations that would be used in determining the statutory sufficiency of each proposal. It also discussed in general terms considerations that might be taken into account in choosing between statutorily sufficient proposals. The analysis of the Administrator's proposal, as accepted in principle by the P&W, Conrail and the B&M, and the proposal made by Pinsly in terms of the considerations set forth in Notice No. 3 is presented below.

Coverage of All Conrail Services in Connecticut and Rhode Island

Section 305(f)(2) requires that the Administrator submit a plan to the Special Court to continue all service operated by Conrail in Connecticut and Rhode Island on the effective date of NERSA. In Notice No. 3, the Administrator offered the following examples of types of proposals that would satisfy this test:

(1) A proposal to purchase all Conrail properties in Connecticut and Rhode Island and guarantee service for four years.

(2) A proposal to purchase selected Conrail properties in Connecticut and Rhode Island, if contemplated by other proposals such as a submission by a consortium which, considered with the proposal in question, request the transfer of all properties and guarantee service for four years.

(3) A proposal to purchase selected Conrail properties in Connecticut and Rhode Island, if complemented by the undertaking of Conrail to maintain all service on the remaining properties for four years.

The Administrator's proposal, accepted in principle by P&W, Conrail, and B&M, follows the form of example (3), and thus satisfies the service coverage test.

The Pinsly proposal does not offer to purchase all Conrail properties in Connecticut and Rhode Island, nor is it complemented by another proposal or an undertaking by Conrail that would result in maintenance of service on all Conrail lines in Connecticut and Rhode Island for four years.

FRA continues to believe that the procedure set forth in Notice No. 3, requiring purchasers either to agree to assume all Conrail services in Connecticut and Rhode Island or to effect appropriate coordination of their proposals by October 23, 1981, is reasonable in light of the commands of the statute and the time period available to the agency. Although Pinsly did not comply with the procedure set forth in Notice No. 3 by the October 23, 1981 deadline, FRA nevertheless did not foreclose Pinsly from continuing to negotiate with the other prospective purchasers. Indeed, FRA hosted meetings between Pinsly and other prospective purchasers, and endeavored to assist Pinsly in advancing its negotiations. FRA continued to make clear, however, that the responsibility for coordinating its proposal with that of another prospective purchaser or purchasers resided with Pinsly. Pinsly disagreed, and urged that FRA should essentially compel Conrail to include the Pinsly proposal in the Conrail/B&M proposal. FRA pointed out that Conrail could not be compelled by FRA to modify its proposal against its will.

There is also a second, independent, basis for declining to include Pinsly in a final order for transfer. The revised Pinsly proposal covers only three lines. The majority of the carloads on the three lines, the economic foundation of those properties, is grain traffic now handled by Conrail in single line service under agreements highly satisfactory to the shipper. While the Pinsly proposal may indeed offer more active development of other traffic on the line, particularly low volume movements and movements destined to or from the Manchester Industrial Track, through marketing efforts and more frequent

service, it is the judgment of the Administrator that the strong opposition of the principal shipper to transfer of the lines in a manner that would deprive it of continued single line service, and the benefits to be derived from continuing such single line service for existing traffic, outweigh the speculative benefits that might accrue as a result of acquisition of the lines by Pinsly.

Four Year Service Guarantee

To comply with the statute, a proposal must offer a credible guarantee that each prospective purchaser will continue service on the lines it acquires for at least four years. In Notice No. 3, the Administrator indicated that in judging the credibility of the guarantee offered by each prospective purchaser he would evaluate its financial ability to continue the service, consistent with the payment of a fair and equitable purchase price and fair and equitable divisions, and its operational ability to assume the service.

Each of the railroads that has accepted the Administrator's proposal in principle guarantees to continue the freight operations and freight service obligations it will acquire or retain pursuant to that proposal for a period of at least four years. While none of the three carriers involved is, by reason of its current financial status, especially well suited to offer such an unconditional service guarantee, the Administrator has reviewed the particular undertakings agreed upon by each of the railroads involved in his proposal and has concluded that each offers a credible guarantee that it can fulfill the obligations it will undertake. This is in large measure due to the fact that the proposal is designed to minimize the capital outlay required of each party to acquire property and equipment and to maximize the extent to which each can operate the services it will acquire within its existing resources.

Other Considerations

In Notice No. 3, the Administrator discussed a number of considerations to which he would look in preparing a Supplemental Transaction for Conrail's lines in Connecticut and Rhode Island to present to the Special Court. A discussion of the Administrator's proposal, as accepted by the P&W, Conrail, and the B&M, in terms of these considerations is presented below.

Service Quality: The Administrator's proposal will significantly improve the quality of service offered to shippers in Connecticut and Rhode Island. The P&W offers to increase service frequency on the lines it will acquire in Rhode Island, where the public comments received indicated that such service frequency is highly valued by shippers. On the other hand, the comments received from major shippers in Connecticut indicated that they highly value single line service, and the Administrator's proposal will offer increased availability of single line service to Connecticut shippers. Single line service avoids the delay and expense involved in interchanging traffic between carriers, and it enhances the railroad's ability to respond quickly to competitive conditions in the marketplace. In the Staggers Act, the Congress clearly found that single line rail service enhances the ability of the railroads to compete among themselves and with other transportation modes and offers significant benefits to the national transportation system and the shipping community. Comments received from a number of shippers, including the largest rail shippers in Connecticut, and from the Maine and Vermont Departments of Transportation, indicated that single line service is important to many rail shippers and that the Conrail/B&M proposal would enhance such service in Connecticut.

Shippers on the Torrington line indicated through their comments that they place a high value on more frequent service and on service without branchline surcharges. For this reason, these shippers supported the proposal initially offered by the P&W. Due to operating considerations and the preferences of shippers on other Connecticut lines that would have had to accept P&W service for operations of that railroad in western Connecticut to be economically viable, the Administrator's plan does not include P&W service to the Torrington line. However, the B&M, which will acquire the line, has agreed not to impose a branchline surcharge on the Torrington line for at least 18 months, and not to impose a branchline surcharge thereafter if traffic is restored to the 1979 level. In addition, it has offered to provide shippers with daily service, if requested.

Rehabilitation: The Administrator's plan will result in substantial investments by the P&W and the B&M to rehabilitate the lines they will acquire. The lines to be acquired by the P&W will for the most part be upgraded to permit operation at 25 m.p.h. The B&M has obtained a $2.3 million line of credit to guarantee completion of its rehabilitation program. The funds invested by each of the participants will provide a long term benefit to the shippers of Connecticut and Rhode Island.

Employment: The initial P&W and Conrail/B&M proposals would have resulted in continued employment for essentially all Conrail employees currently working in Connecticut and Rhode Island. Under the Administrator's proposal, as accepted in principle by the P&W, Conrail and the B&M, most current Conrail employees in Connecticut will continue to be employed. The P&W is reassessing its requirement for employees in light of the properties it will now acquire in Rhode Island and eastern Connecticut. It should be noted that additional jobs will be generated as the railroads undertake the rehabilitation program to which they have agreed under the proposal.

Labor protection in connection with transactions included in the plan is Federally funded protection provided for by section 701 of the 3R Act, enacted by section 1143 of NERSA. The protection provided in section 701 is that specified in a schedule of benefits to be issued by the Secretary of Labor not later than December 11, 1981. Only Conrail employees who were protected by the compensatory provisions of Title V of the 3R Act immediately prior to the enactment of NERSA are eligible for benefits, and benefit payments to or on behalf of any individual may not exceed a total of $20,000

Benefits will be available to any eligible employees who are deprived of employment as a result of the transfer plan in this notice. It should be noted that an employee who accepts employment with any transferee and who is thereafter deprived of employment as a result of factors growing out of the transaction will remain eligible for benefits. On the other hand, an employee who refuses a final offer of employment with a Class I or Class II transferee will not remain eligible for benefits so long as the final offer is made under a procedure approved by the Administrator.

Rates: The P&W, Conrail and the B&M have all agreed under the Administrator's proposal to forgo branchline surcharges on all lines in Connecticut and Rhode Island. The P&W and Conrail offers are absolute. The B&M reserves the right to impose a $250 per car surcharge on the Torrington Secondary Track if, after an 18-month waiting period, traffic on the line is not restored to the 1979 level. The P&W, Conrail and B&M have agreed under the Administrator's proposal to divisions arrangements among themselves that are, in the Administrator's judgment, fair and equitable, and which should offer reasonable rate stability to shippers in the two states.

Shipper preferences: In each of the public meetings, and at other times throughout the Supplemental Transaction process, the Administrator stressed that he would be strongly influenced by the preferences of the shippers actually using rail service in Connecticut and Rhode Island. The Administrator carefully considered the views shippers expressed to him in meetings and the shipper comments submitted for the Docket. As discussed earlier, the comments indicated that Rhode Island shippers strongly favored service by the P&W, while most Connecticut shippers except those located on the Torrington line strongly desired service by Conrail or the B&M. The Administrator's proposal accommodates most shipper preferences. In the case of the Torrington line shippers, whose preferences could not be accommodated, the B&M has offered to provide service under essentially the same terms offered initially by the P&W, and the B&M offers the additional benefit of offering single line service on some of the shipments destined to the Torrington line.

Administrative Determination: The Administrator has determined that his plan, accepted in principle by the P&W, Conrail and B&M, meets the requirements of section 305(f)(2) and (3) and, to the extent required by law, 305(f)(1). The Administrator has further determined that the proposed order he will submit to the Special Court fairly embodies the agreement of the parties, with the exception of one term not agreed to by Conrail, and that its entry by the Court would be fully consistent with the statutory requirements. Accordingly, he will petition the Special Court no later than December 11, 1981 to enter his proposed order implementing the plan. The Administrator believes the plan will continue and improve railroad service over all Conrail lines in Connecticut and Rhode Island that were in operation as of the effective date of NERSA, and he will strongly recommend that the Special Court find that the plan meets the requirements of section 305(f) and that it is in accord with the public interest.

Issued in Washington, D.C. on December 10, 1981.

Robert W. Blanchette,

Administrator.

Appendix A

Rail Properties and freight service obligations of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island which are proposed for transfer pursuant to section 305(f) of the Regional Rail Reorganization Act of 1973, as amended.

Line name	Between [1]	M.P. to M.P. [1]	CR Code	Owner	Transferee	Transferee interest [2]
State of Connecticut—Conrail New England Division						
Main Line (Shore Line)	New Haven and Old Saybrook	73.0 to 106.0	41–4209	Amtrak	Conrail	Exclusive Trackage Rights.
Main Shore (Shore Line)	Old Saybrook and Millstone	106.0 to 118.0	41–4209	Amtrak	P&W	Trackage Rights.
					Conrail	Limited Trackage Rights.
Main Line (Shore Line)	Old Millstone and New London	118.0 to 122.8	41–4209	Amtrak	P&W	Exclusive Trackage Rights.
Main Line (Shore Line)	New London and State Line (R.I.)	122.8 to 141.1	41–4215	Amtrak	P&W	Exclusive Trackage Rights.
Avon Secondary	Plainville and Avon	0.0 to 9.7	41–4248	Conrail	B&M	Ownership.
Belle Dock Industrial Track	Belle Dock and Cedar Hill	0.0 to 1.6	41–4275	Conrail	Conrail	Ownership.
Berlin Secondary	Berlin and New Britain	0.0 to 2.6	41–4261	Conrail	B&M	Ownership.
Canal Secondary	New Haven (Fair St.) and Plainville	[3] 0.0 to 1.1	41–4247	Conrail	B&M	Ownership.
		1.1 to 27.8				
Dublin Street Industrial Track	Waterbury and Silver Street	[3] 17.29 to 17.45				
		17.45 to 20.05	41–4276	Conrail	B&W	Ownership.
East Windsor Secondary	East Windsor and East Hartford	18.0 to 29.1	41–4255	Conrail	Conrail	Ownership.
Griffins Industrial Track	Hartford	0.0 to 2.0	41–4259	Conrail	B&W	Ownership.
Hartford Line	New Haven and State Line (MA)	0.0 to 55.8	41–4217	Amtrak	Conrail	Trackage Rights.
					B&M	Limited Trackage Rights.
Laurel Secondary	Middletown and Laurel	0.0 to 5.5	41–4253	Conrail	Conrail	Ownership.
Manchester Industrial	Manchester and South Manchester	0.0 to 1.9	41–4256	Conrail	Conrail	Ownership.
Maybrook Branch	State Line (NY) and Derby Jct.	71.2 to 104.8	41–4223	Conrail	Conrail	Ownership.
Middletown Industrial Track	Cromwell and Middletown	13.7 to 16.2	41–4263	Conrail	Conrail	Ownership.
Middletown Secondary	Airline Jct. and Middletown	0.0 to 22.3	41–4251	Conrail	Conrail	Ownership.
New Britain Secondary	Plainville and New Britain	0.0 to 4.5	41–4244	Conrail	B&W	Ownership.
New Britain Secondary	New Britain and Hartford	4.5 to 12.9	41–4244	Conrail	Conrail	Ownership.
New Milford Secondary	Berkshire Jct. and New Milford	0.0 to 13.2	41–4220	Conrail	Conrail	Ownership.
Portland Industrial Track	Middletown and Portland	0.0 to 1.0	41–4254	Conrail	Conrail	Ownership.
Suffield Industrial Track	Windsor Locks and Suffield	0.0 to 4.2	41–4260	Conrail	Conrail	Ownership.
Terryville Secondary	Waterbury and Plainville	0.0 to 17.2	41–4222	Conrail	B&W	Ownership.
Torrington Secondary	Highland Junction and Torrington	0.0 to 20.7	41–4243	Conrail	B&W	Ownership.
Watertown Secondary	Highland Junction and Watertown	0.0 to 1.6	41–4258	Conrail	B&W	Ownership.
Waterbury Industrial Track	Bank Street and Highland Avenue	0.0 to 1.9	41–4204	Conrail	B&W	Ownership.
Wethersfield Secondary	Hartford and Airport Road	0.0 to 3.0	41–4263	Conrail	Conrail	Ownership.
					B&W	Overhead Trackage Rights.
Wethersfield Secondary	Airport Road and Spring Brook	3.0 to 7.0	41–4263	Conrail	B&W	Ownership.
Willimantic Secondary	Hartford ("Hart") and Manchester	0.0 to 9.6	41–4262	Conrail	Conrail	Ownership.
Limited Reciprocal Switching:	Hartford and					B&M Traffic Reciprocally Switched by Conrail
	Suffield					
	Windsor Locks					
	East Hartford					
	Newington					
	Local					
	New Haven and:					
	Wallingford					
	North Haven					
	Local					
State of Connecticut—Conrail Metropitan Region						
New Haven Line	State Line (NY) and New Haven	28.1 to 73.0	91–9108	Penn Central [4]	Conrail	Exclusive Trackage Rights.
Danbury Branch	South Norwalk and Danbury	41.3 to 64.9	91–9119	Penn Central [4]	Conrail	Exclusive Trackage Rights.
Waterbury Branch	Devon and Derby Junction	0.0 to 8.8	91–9121	Penn Central [4]	Conrail	Exclusive Trackage Rights.
Waterbury Branch	Derby Junction and Waterbury	8.8 to 26.9	91–9121	Penn Central [4]	B&M	Exclusive Trackage Rights.

Line name	Between [1]	M.P. to M.P. [1]	CR Code	Owner	Transferee	Transferee interest [2]
State of Rhode Island—Conrail New England Division						
Main Line (Shore Line)	State Line (CT) and Cranston	141.1 to 178.9	41–4215	Amtrak	P&W	Exclusive Trackage Rights.
Main Line (Shore Line)	Cranston and State Line (MA)	178.9 to 190.8	41–4116	Amtrak	P&W	Exclusive Trackage Rights.
Bristol Secondary	Providence and Red Bridge	1.6 to 1.9	41–4165	Conrail	P&W	Trackage Rights.
East Junction Secondary	State Line (MA) and Red Bridge	3.7 to 6.9	41–4164	Conrail	P&W	Ownership.
Harbor Junction Industrial Track.	Cranston and So. Providence	0.0 to 3.4	41–6168	Conrail	P&W	Ownership.
Newport Secondary	State Line (MA) and Portsmouth	14.2 to 21.5	41–4192	Conrail	P&W	Ownership.
Slatersville Secondary	Woonsocket and Slatersville	0.0 to 3.4	41–4170	Conrail	P&W	Ownership.
Valley Falls Industrial Track	Valley Falls and Cumberland Mills	0.0 to 0.8	41.4128	Conrail	P&W	Ownership.
Washington Secondary	Providence and Washington	0.0 to 2.4	41–4166	Amtrak	P&W	Exclusive Trackage Rights.
		2.4 to 16.9		Conrail	P&W	Ownership.

[1] Approximate stations and mileposts defining property and trackage rights transferred.
[2] *Transferee Interest:*
Ownership—same title Conrail has currently.
Exclusive Trackage Rights—includes local service.
Overhead Trackage Rights—does not include local service.
Limited Trackage Rights—permits local service on certain traffic.
Trackage Rights—shared with another railroad which has limited trackage rights.
[3] Out of service
[4] Connecticut DOT leases these lines from the Penn Central Company.
Conrail and/or B&M will provide freight service as indicated through trackage rights agreement.

[Editorial Note.—No Appendix B is included in this document.]

Appendix C

Rail Properties of the Consolidated Rail Corporation (Conrail) in the State of Massachusetts over which trackage rights are transferred in conjunction with the transfers of Appendix A Rail Properties in Connecticut and Rhode Island pursuant to section 305(f) of the Regional Rail Reorganization Act of 1973, as amended.

Line name	Between [1]	M.P. to M.P. [1]	CR Code	Owner	Transferee	Transferee interest [2]
State of Massachusetts—Conrail New England Division						
Hartford Line	State Line (CT) and Springfield	55.8 to 62.0	41–4217	Amtrak	Conrail	Trackage Right.
					B&W	Limited Trackage Rights.
Main Line (Shore Line)	State Line (RI) and Attleboro	190.8 to 197.0	41–4116	Amtrak	P&W	Exclusive Trackage Rights.
Attleboro Secondary	Attleboro and Whit	0.0 to 9.4	41–4188	Conrail	P&W	Overhead Trackage Rights.
New Bedford Branch	Whit and Cotley	9.4 to 13.3	41–4189	Conrail	P&W	Overhead Trackage Rights.
New Bedford Secondary	Cotley and Myricks	13.3 to 16.8	41–4189	Conrail	P&W	Overhead Trackage Rights.
Newport Secondary	Myricks and State Line (RI)	0.0 to 14.2	41–4192	Conrail	P&W	Overhead Trackage Rights.

[1] Approximate stations and mileposts defining property and trackage rights transferred.
[2] *Transferee Interest:*
Exclusive Trackage Rights—includes local service.
Overhead Trackage Rights—excludes local service.
Limited Trackage Rights—permits local service on certain traffic.
Trackage Rights—shared with another railroad which has limited trackage rights.

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Transfer Proposal for Massachusetts Lines

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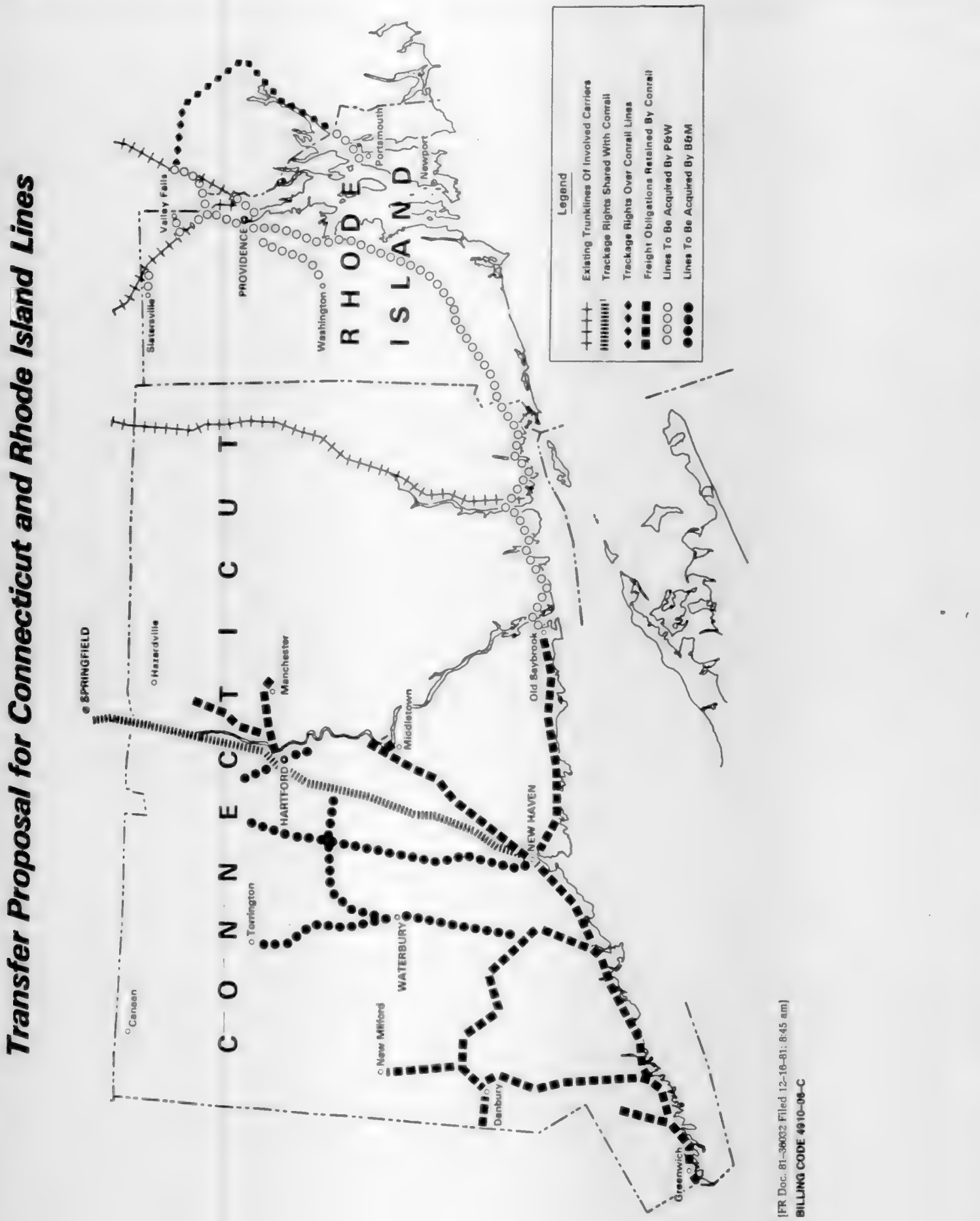

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[Docket Nos. RFA 305–81–1 and RFA 305–81–2; Notice No. 5]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals; Administrative Determination Concerning Five Massachusetts Lines

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Administrative determination regarding the transfer of five Consolidated Rail Corporation (Conrail) lines in Massachusetts.

SUMMARY: FRA announces its decision regarding transfer of five Conrail lines in Massachusetts to qualified purchasers that have guaranteed to continue service on the lines for a period of at least four years. The transfer is required by recently enacted legislation. FRA's decision is to transfer the Canaan, North Adams, and East Longmeadow Secondaries and trackage rights at Springfield and between Pittsfield and North Adams Junction to the Boston and Maine Corporation (B&M); and to transfer the Holyoke and Florence Secondaries to the New England Southern Railroad (NES) contingent upon the NES obtaining by March 1, 1981 a railroad charter in the Commonwealth of Massachusetts and financing sufficient to cover the purchase price and start-up costs and to reasonably assure continuous rail service. The transfer order provides that the purchase price for the properties transferred to the B&M be $550,000, and that the purchase price for the properties transferred to NES be $230,000. The transfer also provides for fair and equitable divisions of joint rates over through routes between Conrail and NES.

DATE: The determinations set forth in this Notice are administratively final, effective on December 11, 1981, the date of decision and issuance.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA, (202) 472–7180.

SUPPLEMENTARY INFORMATION: Notice No. 4, published separately in this issue of the **Federal Register**, includes a discussion of the Northeast rail restructuring process prior to August 13, 1981, when the President signed into law the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, which included the Northeast Rail Service Act of 1981 (NERSA).

Section 1155 of NERSA amended section 305(f) of the Regional Rail Reorganization Act of 1973 (3R Act) to require the Secretary to petition the Special Court within 120 days (by December 11, 1981) to transfer all of Conrail's properties in the States of Connecticut and Rhode Island to one or more railroads in the region under a plan that provides for continuation of service for at least four years on all properties operated by Conrail as of the effective date of NERSA. That process, which was assigned Docket No. RFA 305–81–1, has been administered in conjunction with the Massachusetts proceeding described in this Notice because of the many issues common to both. FRA's determinations concerning the Connecticut/Rhode Island proceeding are described in Notice No. 4, which appears elsewhere in this issue of the **Federal Register**.

Section 1155 of NERSA also added a new subsection (g) to section 305, which requires the Secretary to initiate discussions and negotiations for the expedited transfer of the following five Conrail lines located primarily in the Commonwealth of Massachusetts: Canaan, Connecticut to Pittsfield, Massachusetts (Canaan Secondary); North Adams Junction, Massachusetts to North Adams, Massachusetts (North Adams Secondary); Hazardville, Connecticut to Springfield, Massachusetts (East Longmeadow Secondary); Westfield, Massachusetts to Easthampton, Massachusetts (Florence Secondary); and Westfield, Massachusetts to Holyoke, Massachusetts (Holyoke Secondary). Further, Section 305(g) requires the Secretary by December 11, 1981 to:

(1) Transfer, provided a qualified purchaser offers to purchase, Conrail's properties and rail service obligations for the five Massachusetts lines to another railroad or railroads in the region. A qualified purchaser is defined as a financially self-sustaining railroad which guarantees continuous service on the properties it acquires for at least four years.

(2) Determine a fair and equitable price for the rail properties to be transferred.

(3) Establish fair and equitable divisions of joint rates over those through routes that include the transferred properties, unless the purchaser and Conrail have agreed on such divisions.

(4) Determine fair and equitable terms for the provision of trackage rights, not to exceed 5 miles per line transferred, necessary to operate the transferred lines efficiently.

Chronology of Notices and Public Meetings

On August 21, 1981, the Administrator, as delegate of the Secretary, published Notice No. 1 to announce that informal conferences would be held to assist in structuring the discussions required by section 305(f) and section 305(g), as amended, and to solicit the participation of prospective purchasers and other interested parties (46 FR 42565). Conferences were held on August 31, 1981 at New Haven, Connecticut and on September 1, 1981 at Springfield, Massachusetts. On September 11, 1981, seven railroad companies filed preliminary declarations of interest in acquiring some or all of the Conrail lines to be transferred in Massachusetts. On September 17, 1981, the Administrator published Notice No. 2, which announced that an additional informal conference would be held to brief interested parties on the status of the Supplemental Transaction process and to solicit public comments, with particular emphasis on the comments of rail shippers (46 FR 46271). This informal conference was held September 28, 1981 at Providence, Rhode Island.

On September 24, 1981, the Administrator published Notice No. 3, which established deadlines, information requirements and guidelines for the Supplemental Transaction process (46 FR 47165). Notice No. 3, established October 23, 1981, as the deadline for the receipt of purchase proposals from potential purchasers and November 6, 1981, as the deadline for comments on the purchase proposals. The Administrator subsequently notified the parties that he would hold the docket open as long as pracatical to receive additional public comments. All comments received through December 7, 1981 were condsidered in making the determinations set forth in this Notice.

Proposals

On October 23, 1981, the Administrator received four Supplemental Transaction Proposals pursuant to section 305(g), as amended. A summary of the initial proposals, as revised, follows:

Providence and Worcester

The Providence and Worcester Railroad (P&W) proposed to acquire all Conrail's freight operations and freight service obligations on the Canaan, North Adams and East Longmeadow Secondaries and trackage rights at Springfield and between Pittsfield and North Adams, Massachusetts. Since portions of the Canaan and East Longmeadow Secondaries extend into Connecticut, transfer was requested under section 305(f); however, the P&W indicated that if the Secretary elected to transfer the Massachusetts lines under

section 305(g) it would seek trackage rights over the East Longmeadow Secondary under section 305(f).

The P&W proposed to operate the Canaan and North Adams Secondaries and the trackage rights connecting these lines as a self-contained shortline railroad providing frequency of service similar to that being provided by Conrail. The P&W proposed to serve the East Longmeadow Secondary 6 days per week.

The P&W assumed in preparing its proposal that it would pay $0 for Conrail's properties in Connecticut, Rhode Island and Massachusetts, 50 locomotives and 400 frieght cars. No separate price or valuation was offered for the Massachusetts lines. The P&W pledged not to impose surcharges on lines it acquired.

The P&W proposed that it receive the same divisions of joint rates over through routes agreed to by the former New York, New Haven and Hartford Railroad (New Haven) and its connections, with an average minimum of $400 per car. The divisions vary depending upon the point at which traffic is interchanged.

Boston and Maine

The Boston and Maine proposed to acquire, under section 305(g), all Contrail's freight operations and freight service obligations on the Canaan, North Adams and East Longmeadow Secondaries, and trackage rights at Springfield and between North Adams Junction and Pittsfield. It proposed to serve the Canaan and East Longmeadow Secondaries three days per week and the North Adams Secondary five times weekly. No surcharges were proposed on the lines. The B&M proposed to rehabilitate the North Adams and East Longmeadow lines to permit 10 m.p.h. operation, and the Canaan Secondary to permit 25 m.p.h. operation. The B&M proposed to pay $550,000 for the purchase of the three lines, and reached a divisions agreement with Conrail. The B&M proposed to spend approximately $1.65 million to rehabilitate the lines through 1985.

Massachusetts Central

The Massachusetts Central Railroad (MC) proposed to acquire all Conrail's freight operations and freight service obligations on the Holyoke, Florence and East Longmeadow Secondaries, and trackage rights from Westfield to Springfield. The MC proposed to serve the Holyoke Secondary, and Westfield shippers on the Florence Secondary, 5 days per week and the East Longmeadow Secondary and the Florence Secondary outside of Westfield 3 days per week. The MC proposed to interchange traffic with both Conrail and the B&M. It generally proposed no surcharges on the lines.

The MC proposes to rehabilitate the Holyoke Secondary to permit 25 m.p.h. operation and the Florence and East Longmeadow Secondaries to permit 10 m.p.h. operation. The MC proposed to pay $650,000 for the purchase of the three lines, including $409,500 to purchase the Holyoke and Florence Secondaries. It proposed to spend $386,350 for rehabilitation, and $249,000 for equipment acquisitions.

New England Southern

The New England Southern Railroad (NES) proposed to acquire all Conrail's freight operations and freight service obligations on the Florence and Holyoke Secondaries. It proposed to serve Westfield and the Holyoke Secondary 5 days per week and the Florence Secondary outside of Westfield 3 days per week. It proposed to interchange with Conrail at Westfield and with B&M at Holyoke. It proposed surcharges of $100 per car at Easthampton, $50 per car at Southhampton, and $25 per car at Holyoke.

The NES proposed to pay $287,500 to acquire the lines and $300,000 to rehabilitate them.

Summary of Public Comments

Comments were received from three shippers on the Massachusetts lines. The Milton Bradley Company, which has a facility located on the east Longmeadow Secondary, recommended approval of the B&M proposal because it seemed more interested than the P&W in the line and more able than the MC to fulfill its commitment to upgrade service. The W. R. Grace Company, with a facility located on the Florence Secondary, supported either the MC or NES, but indicated its preference for the MC. The Mobil Oil Corporation, which has a facility located on the Holyoke line, expressed no preference between the MC and NES. The Massachusetts Executive Office of Transportation and Construction supported the B&M proposal to acquire the Canaan, North Adams, and East Longmeadow lines. It expressed no preference between the MC and NES proposals.

The Lodge of the Brotherhood of Railway, Airline and Steamship Clerks representing P&W clerks supported the P&W proposal, and the general chairmen of the Brotherhood of Locomotive Engineers and the United Transportation Union for the B&M supported the B&M proposal.

Seven letters were received from city Chambers of Commerce in Massachusetts. Three chambers in Western Massachusetts supported the B&M. The Greater Springfield Chamber of Commerce, on behalf of the East Longmeadow Rail User Association, supported B&M acquisition of the East Longmeadow Secondary. The Greater Westfield Chamber of Commerce, located on the Florence Secondary, indicated that service by either the MC or NES would be satisfactory. Both the Easthampton Chamber of Commerce, located on the Florence Secondary, and the Greater Holyoke Chamber of Commerce supported either the NES or MC proposals but favored the MC application because it proposed no surcharges and is currently an operating railroad.

Final Discussions and Negotiations

After submission of purchase proposals on October 23, 1981, submission of a completed MC proposal dated October 31, 1981, and review of public comments on the proposals, meetings were held between FRA staff and representatives of the MC and NES. Discussions at these meetings focused on additional materials provided to clarify the two proposals, the extent to which each railroad could quality as a purchaser under section 305(g), and the progress of their negotiations with Conrail concerning purchase price and revenue divisions. Meetings were also held with P&W and B&M, as discussed in **Federal Register** Notice No. 4, in the context of their proposals to acquire Conrail properties in Connecticut and Rhode Island as well as Massachusetts.

In response to those meetings and other events that occurred in the interim, both the MC and NES submitted further modifications to their proposals. The NES revised its proposal, reducing surcharges and the amount that would be spent for rehabilitation to $237,500. The MC revised its financing plan by deciding to seek long-term financing from a commercial bank and from the Small Business Administration.

While the MC did not formally modify its proposal to seek transfer of only the Holyoke and Florence Secondaries, it held informal discussions with FRA staff and provided materials regarding its projected financial performance if it were to acquire the Florence and Holyoke lines.

The MC assumed in preparing subsequent financial projections that it would spend $315,000 to purchase the Holyoke and Florence Secondaries, $263,750 to rehabilitate them and $100,000 for equipment.

Analysis of Proposals

Section 305(g) of the 3R Act requires the Administrator to transfer Conrail's properties and freight service obligations for the five Massachusetts lines discussed herein to another railroad or railroads in the region found to be qualified. In assessing the qualifications of the prospective purchasers, and their respective capabilities to meet the legislative requirement to provide service for 4 years on a self-sustaining basis, it was necessary in the analysis of the MC and NES proposals to consider certain financial and operating contingencies implicit in the proposals.

The specific requirements of section 305(g), together with other considerations set forth in Notice No. 3 46 FR 47268 (September 24, 1981), were considered in reviewing the proposals and making this determination.

Providence and Worcester

The P&W initially submitted a proposal under section 305(f) to acquire all of Conrail's freight operations and freight service obligations in Rhode Island and Connecticut and the Canaan, North Adams, and East Longmeadow Secondaries in Massachusetts. It indicated that should the Secretary elect to direct that the Massachusetts lines be transferred under section 305(g) the P&W would seek trackage rights over the East Longmeadow Secondary under section 305(f). In his December 4, 1981 letter to the P&W, Conrail and the B&M proposing elements of an FRA plan in settlement of the issues in dispute under sectin 305(f), which is further discussed in Notice No. 4, the Administrator indicated that the Canaan, North Adams and East Longmeadow Secondaries would be transferred to the B&W under section 305(g). The P&W did not object.

Boston and Maine

The B&W propcsed to acquire the Canaan, North Adams, and East Longmeadow Secondaries, independent of its proposed purchase of Conrail lines in Connecticut. Therefore, the B&M proposal for these lines was considered solely within the requirements of section 305(g). The B&M proposed to devote one locomotive and crew to each of the three lines and to provide service levels greater than existing Conrail service. It proposed to spend $295,550 per year for normalized maintenance of the Cannan and North Adams Secondaries and $64,400 to maintain the East Longmeadow Secondary. All lines would be maintained for not less than 10 m.p.h. operation.

B&M's traffic projections for the North Adams, Canaan, and East Longmeadow Secondaries represent a 10-percent decline in traffic from Conrail's 1980 levels, or 3,396 carloads per year. B&M used the reduced traffic level as a conservative test to its ability to generate a positive cash flow from the operations.

The B&M estimated it would realize revenue of $535 per car for total annual revenues from the lines of $1.818 million. It projected operating costs of $1.564 million annually.

The North Adams Secondary connects with the B&M east-west mainline, and B&M expects to achieve longer hauls on traffic originating or terminating on its system from the Massachusetts lines.

FRA staff analysis concluded that B&M's traffic, revenue and cost projections were very reasonable and would support a determination that service could be maintained on a self-sustaining basis for four years.

Trackage Rights

The B&M requested trackage rights between Pittsfield and North Adams Junction to operate the Canaan and North Adams Secondaries and at Springfield to obtain access to the East Longmeadow line.

New England Southern

Legal Qualifications

Under the laws of the Commonwealth of Massachusetts, the NES must be authorized to operate as a railroad by special act of the legislature before it is permitted to initiate service. A bill that would satisfy this requirement has been introduced in the Massachusetts legislature. NES expects the bill to be enacted in the near future. Pending enactment of that bill, NES would seek interim authorization to operate from the Interstate Commerce Commission and would request the concurrence of the Massachusetts Executive Office of Transportation and Construction with that action.

Financial Qualifications

The NES financial proposal included a written commitment from a commercial bank for an eight-year loan of $150,000 conditioned upon, (1) other investors providing $100,000, and (2) shippers providing funding of $150,000. The NES has secured stock subscription commitments of $90,000, and has deposited $22,510 in an escrow savings account. The NES has made substantial progress in obtaining commitments from shippers to advance $150,000 at low interest terms, with repayment based upon the volume of traffic shipped. The NES stated that it is confident it can achieve a capitalization of not less than $400,000 prior to the commencement of operations. The projected level of capitalization would permit the NES to purchase the properties for cash and to operate with sufficient working capital to cover any anticipated losses from early operations. The level and the balance of debt and equity in the capitalization plan results in a reasonable debt structure with the debt satisfied at the end of eight years.

Operations

The NES proposed five day per week service on the Holyoke Secondary and to customers located at Westfield on the Florence Secondary, and three day per week service on the remainder of the Florence Secondary. It proposed two crew assignments and 70 to 75 crew hours a week to meet the service plan. The NES proposed to spend $93,400 for track maintenance in 1982. In addition, NES proposed to spend $237,500 during the next four years for necessary rehabilitation of the two lines which would be obtained through special tariffs.

While the NES is not currently an operating railroad, it has the services of an experienced short line railroad manager. It has a lease commitment at a reasonable cost for a 1,000 horsepower locomotive, which is sufficient for the proposed operating plan, and has access to a second locomotive on a short term lease basis.

Traffic, Revenues, and Costs

The NES projected it would carry 3,000 cars in 1982, and that traffic will increase to 3,380 cars in 1985. Conrail carried approximately 2,000 cars on the two lines in 1980. The NES traffic projection assumes that the railroad will regain former Conrail traffic through its ability to provide service oriented to shippers' needs, and that it will obtain approximately 500 cars now carried by the B&M by leasing necessary B&M lines adjacent to those NES would assume under this transfer. The NES cited information obtained through extensive interviews with shippers on the lines to support its traffic projections.

The NES projects revenues of $580,000 in 1982, exclusive of revenue from special tariffs received to fund rehabilitation, and operating expenses less description of approximately $527,000. After including the cost of rehabilitation and repayment of shipper advances, the revenue from the special rehabilitation tariff, and $30,000 debt service on its bank loan, the NES projected a positive cash flow before

taxes of approximately $40,000 in 1982. It also projected that it would continue in a positive cash position.

FRA has concluded that there is a reasonable likelihood that NES will obtain its corporate charter and financing in a timely manner. Detailed review by FRA staff indicates that while it is not possible to fully predict traffic and revenue levels, the NES projection falls within an achievable range. In addition, NES expense projections appear conservative. In summary, it appears likely that NES will be able to provide self-sufficient rail service on a continuing basis.

Massachusetts Central

Financial Qualifications

In order to purchase and initiate service on the Florence, Holyoke and E. Longmeadow Secondaries the MC proposed to rely largely on borrowed funds from conventional and government loan sources. The MC's financing proposal included the procurement of a conventional first mortgage loan for approximately $450,000, a Small Business Administration (SBA) guaranteed second mortgage loan of $360,000, and common stock of $110,000. The MC has obtained $110,000 in common stock purchase commitments. Some $50,000 of those commitments would be satisfied by refinancing of a locomotive that secures currently outstanding loans from the investors to the MC and reinvesting the proceeds of the refinancing in common stock. The equity investors have placed $18,000 of the $110,000 in an escrow account, and have assigned a $50,000 demand note from the bank to the account.

A commercial bank provided the MC a letter indicating an SBA guarantee appeared to be a viable method for providng funding and indicating the bank would look forward to pursuing the MC's request for first mortgage financing further with the intention of providing the funding. No commitment has been made to provide the loan. An SBA-certified development corporation has agreed to accept the second mortgage if the SBA approves a loan guarantee. Financial support has been offered to the MC, as well as the NES, by one shipper.

Based on the proposed acquisition of only the Florence and Hoyoke Secondaries, the MC financing proposal was modified to reduce the conventional financing to $383,500 and the SBA guaranteed loan to $307,000.

The MC estimated it would take six to eight months to conclude the financing process, and it proposed to enter into a lease-purchase agreement with Conrail in order to begin interim operations. While it is conceivable that operations could commence in early 1982, FRA's staff analysis indicates that continued operations could not be sustained unless the loans were obtained. The analysis also indicated that if all financing were obtained the level and the balance between debt and equity of the capitalization plan would result in a burdensome debt structure.

Operations

The MC proposed to operate the two lines generally separate from its existing operation of the Ware River Secondary. The Ware River Secondary is leased by the Commonwealth of Massachusetts and the MC is the contract operator. Subsidy is provided on a month to month basis by the Massachusetts Executive Office of Transportation and Construction. In 1980, subsidy payments were approximately $145,000. The MC proposed to continue operation of the Ware River Line. The MC proposed five day per week service on the Holyoke Secondary and to customers located at Westfield on the Florence Secondary, and three day per week service on the remainder of the Florence Secondary. It proposed one crew assignment and 45 to 50 hours per week to meet the service plan. It proposed to spend $68,600 for normalized maintenance in 1982. In addition, the MC proposed to spend $263,750 during the next four years for necessary rehabilitation of the two lines. Funding for the rehabilitation would be obtained through the conventional bank and SBA loans.

FRA staff analysis of the operating plan concluded that the projected schedule of service was optimistic and the actual operating times could be substantially greater.

Traffic, Revenue and Costs

The MC projected it would carry 2,944 cars in 1982. Conrail carried 2,000 cars on the lines in 1980. In common with the NES proposal, the MC proposal included an assumption that it would obtain approximately 500 cars now carried by the B&M by leasing necessary B&M lines adjacent to those MC would acquire under this transfer and that it would regain former Conrail traffic through its ability to provide service oriented to shippers' needs. In addition, the MC projected that it will carry 941 cars on the Ware River Secondary in 1982, compared with the 491 cars it carried on the line in 1980. The MC stated that the projections are based on information obtained in interviews with shippers and MC experience and judgment.

The MC projected revenues of $726,000 in 1982, including revenues from traffic on the Hoyoke and Florence Secondaries of $560,000 and $166,000 in revenues from traffic on the presently subsidized Ware River Secondary. Like those of the NES, it is not possible to fully assess MC's traffic and revenue projections for Holyoke and Florence. No analysis was made of Ware River traffic growth, but we would question the feasibility of a doubling of carloads in one year.

The MC projected expenses, excluding depreciation, of approximately $535,000 to operate the Holyoke, Florence, and Ware River Secondaries in 1982, including $409,000 to operate the Holyoke and Florence Secondaries.

After including the $127,000 debt service on its conventional bank and SBA loans, the MC projected a positive cash flow before taxes on the Holyoke and Florence Secondaries of approximately $25,000.

The FRA considers the MC's operating expense estimates to be based on optimistic assumptions regarding service schedules and car turnaround time. More realistic service schedules and car hire expenses would increase annual operating expense on the Florence and Holyoke Secondaries by approximately $30,000 to $40,000.

FRA staff concludes that the MC would not be able to achieve its financial requirements within a reasonable time and further believes it imprudent to begin interim operations without key elements of the financing package in place. The large annual debt service contemplated in the MC financial plan would place a severe burden on its chances for long term financial viability. In addition, MC's projected expenses are considered optimistic for the level of service proposed.

ADMINISTRATIVE DETERMINATION:

Canaan, North Adams and East Longmeadow Secondaries

Transfer of properties. The Canaan, North Adams and East Longmeadow Secondaries shall be transferred to the B&M. The B&M's proposal provides for more single line service to shippers on the lines and the properties are directly connected to its present system or within a reasonable distance.

Price. The properties shall be transferred for a price of $550,000, the price proposed by the B&M, on the terms with respect to recapture of proceeds of sale agreed to between Conrail and B&M.

Divisions. The division of joint rates over through routes shall be in accordance with the agreement between Conrail and the B&M.

Trackage rights. The B&M shall be granted the trackage rights requested in its proposal between Pittsfield and North Adams and at Springfield. Cars carried over those trackage rights by the B&M shall be assessed the charge agreed to between Conrail and the B&M.

Holyoke and Florence Secondaries

Transfer of Properties. The Administrator cannot find at this time that either the NES or MC is a qualified purchaser fot the Holyoke and Florence Secondaries within the meaning of section 305(g)(2) of the 3R Act. Given a reasonable amount of additional time, however, it appears that the NES is more likely than MC to be able to secure the legal authorizations and financing arrangements necessary to be found fully qualified to undertake service responsibilities on a timely basis and continue those services on a self-sustaining basis. Accordingly, transfer of these properties to the NES is expressly conditioned upon certain terms and conditions to ensure that, at the time of transfer, NES will be financially self-sustaining and able to provide a reasonable assurance of continued service on the acquired lines for at least four years. The Holyoke and Florence Secondaries and Westfield Yard, including the yard office structure at Westfield Yard, shall be transferred to the NES subject to the following conditions:

(1) The transfer shall be consummated no later than March 1, 1982.

(2) As of the conveyance date:

(a) The NES shall have been incorporated in the Commonwealth of Massachusetts;

(b) The NES shall have received all governmental authorizations necessary to provide rail operations over the transferred lines;

(c) The NES shall have obtained financing in the following amounts on terms substantially similar to those stated in the NES proposal under section 305(g):

(i) A loan from a bank or other financial institution of at least $150,000;

(ii) A low-interest loan from one or more shippers on the transferred lines in the principal amount of at least $150,000;

(iii) No less than $100,000 from the sale of common stock of the NES; and

(d) The NES shall have obtained an unconditional written commitment from one or more financially responsible persons to purchase additional NES common stock in the amount of at least $20,000 by no later than July 1, 1982.

(3) Without the prior written consent of the Administrator, during the first four years following consummation of the purchase:

(a) The NES will not declare or pay any dividend or make any other distributions of capital to the holders of any class of its capital stock;

(b) The NES will not purchase or redeem any of its securities;

(c) The NES will not at any time appropriate assets related to or derived from railroad operations to nonrailroad enterprises; and

(d) The NES will not commence rail service over any line other than the transferred lines, nor will it engage in a line of business other than that in which it is engaged at the time the transfer is consummated.

Price: The properties shall be transferred for a price of $230,000, which is fair and equitable considering the purchase price established for the other Massachusetts properties and the division of revenues established for traffic on these properties. The terms of the sale regarding asset conveyance and sales shall be similar to those agreed to by Conrail and the B&M. Under these terms, proceeds from asset sales, should they occur, are to be shared by Conrail and the NES during the initial eight-year period following consummation of the purchase. Additionally, nonoperating assets are excluded from conveyance.

Divisions: The division of joint rates over through routes shall be those established by the Administrator as being fair and equitable.

Trackage rights: no trackage rights have been requested by the NES.

In the event the NES fails to comply with any of the conditions set forth above by March 1, 1982, the transfer process shall be reopened.

In consideration of the foregoing, IT IS ORDERED that Conrail shall transfer its properties and freight service obligations identified in section 305(b)(1) of the 3R Act to the parties designated in this Notice as of the date(s) specified in this Notice or as directed by further Order of the Administrator.

It is further ordered that:

1. Each party that accepts a transfer of properties and freight service obligations pursuant to this Order shall be deemed (i) to guarantee, and shall guarantee, and (ii) to agree to provide, and shall provide, continuous service over such properties substantially in accordance with the acquisition proposal submitted to the FRA by that party for at least four years immediately following consummation of the transfer.

2. Each party that accepts a transfer of properties and freight service obligations pursuant to this Order shall be deemed to agree, and shall agree, that any dispute not otherwise resolved concerning the precise properties to be transferred, conveyance date, operating rights, divisions, payment of the purchase price and any other matter relating to or arising under the transfers directed pursuant to this Order shall be submitted to the Administrator for decision. The Administrator shall decide any such dispute based upon the best available evidence.

3. Each party that accepts a transfer of properties and freight service obligations pursuant to this order shall be deemed to consent, and shall consent, to the in personam jurisdiction of the Special Court created pursuant to section 209 of the 3R Act with respect to any proceeding before that Court seeking enforcement of this Order.

Issued in Washington, D.C., on December 11, 1981.

Robert W. Blanchette,

Administrator.

[Editorial Note:—No Appendix A is included in this document.]

Appendix B

Rail Properties of the Consolidated Rail Corporation (Conrail) in the State of Massachusetts with extension into Connecticut and/or trackage rights in the State of Massachusetts which are transferred pursuant to section 305(g) of the Regional Rail Reorganization Act of 1973, as amended.

Line name	Between [1]	M.P. to M.P. [1]	CR code	Owner	Transferee	Transferee interest [2]
State of Massachusetts—Conrail New England Division						
Canaan Secondary	State Line (CT) and Pittsfield	50.0 to 85.9	41-4220	Conrail	B&M	Ownership
North Adams Secondary	North Adams Jct. and North Adams	0.0 to 2.5 [3]				
		2.5 to 18.5	41-4141	Conrail	([3])	
					B&M	Ownership
Boston and Albany Main Line	Pittsfield and North Adams Jct.	148.2 to 150.8		Conrail	B&M	Overhead trackage rights
East Longmeadow Secondary	Springfield and State Line (CT)	0.0 to 8.8	41-4255	Conrail	B&M	Ownership

Line name	Between [1]	M.P. to M.P. [1]	CR code	Owner	Transferee	Transferee interest [2]
West Springfield to Springfield	West Springfield and Springfield	98.1 to 98.6		Conrail	B&M	Overhead trackage rights
Florence Secondary	Westfield and East Hampton	0.0 to 11.9	41-4249	Conrail	NES [4]	Ownership.
Holyoke Secondary [5]	Westfield and Holyoke	31.7 to 43.5	41-4248	Conrail	NES [4]	Ownership.
State of Connecticut—Conrail New England Division						
Canaan Secondary	Canaan and State Line (MA)	47.2 to 50.0	41-4220	Conrail	B&M	Ownership
East Longmeadow Secondary	State Line (MA) and Hazardville	8.8 to 12.5	41-4255	Conrail	B&M	Ownership.

[1] Approximate stations and mileposts defining property and trackage rights transferred.
[2] Transferee Interest: Ownership—same title Conrail has currently. Overhead Trackage Rights—excludes local service.
[3] Pittsfield Yard will remain with Conrail. Ownership of remainder of line to milepost 2.5 will be as agreed by Conrail and B&M or resolved as provided in paragraph 2 of Administrator's Order.
[4] Conditional transfer
[5] Includes Westfield Yard. Conrail will continue to use part of the yard as agreed by Conrail and NES or as resolved as provided in paragraph 2 of Administrator's Order

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Transfer Proposal for Connecticut and Rhode Island Lines

Transfer Proposal for Connecticut and Rhode Island Lines

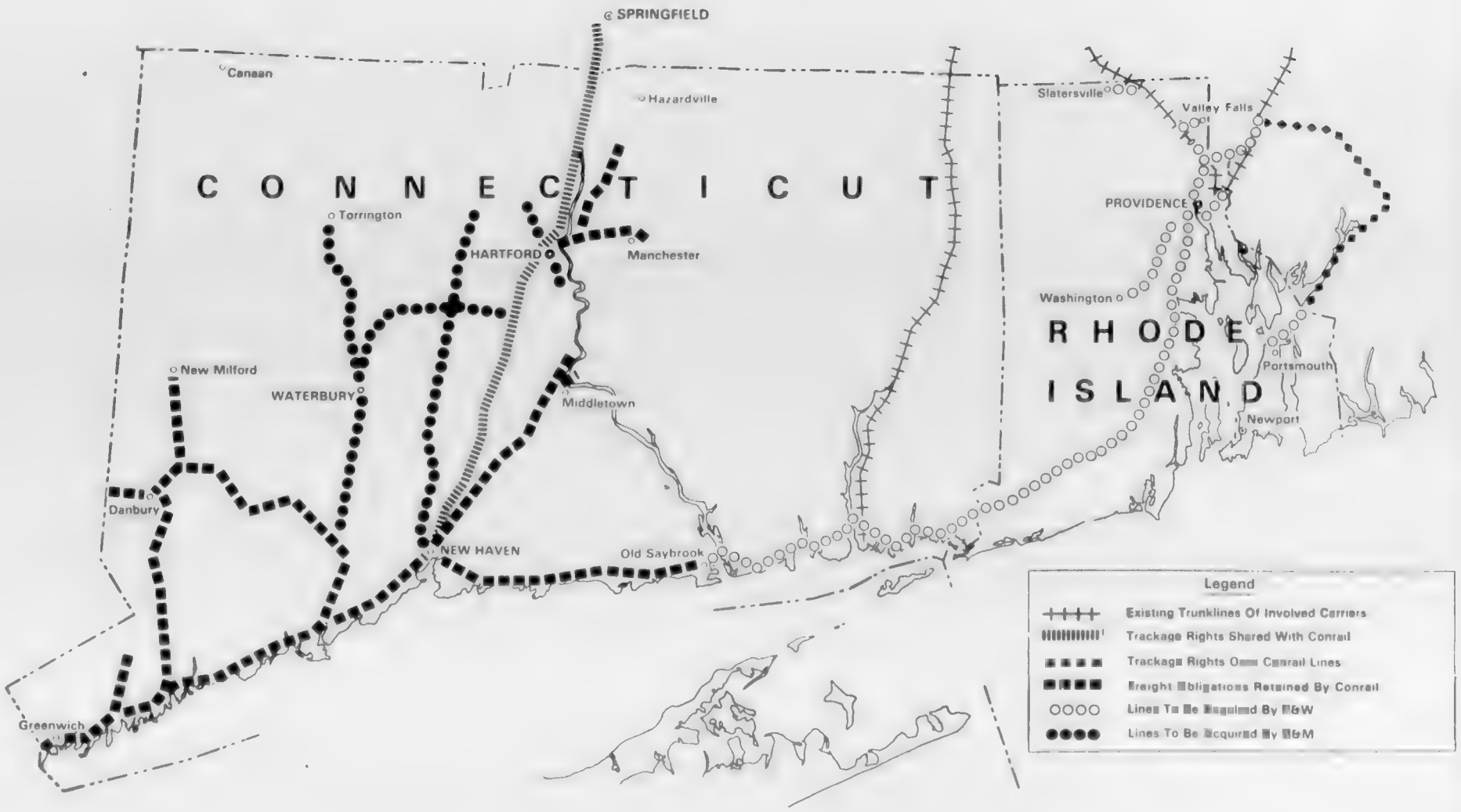

Transfer Proposal for Massachusetts Lines

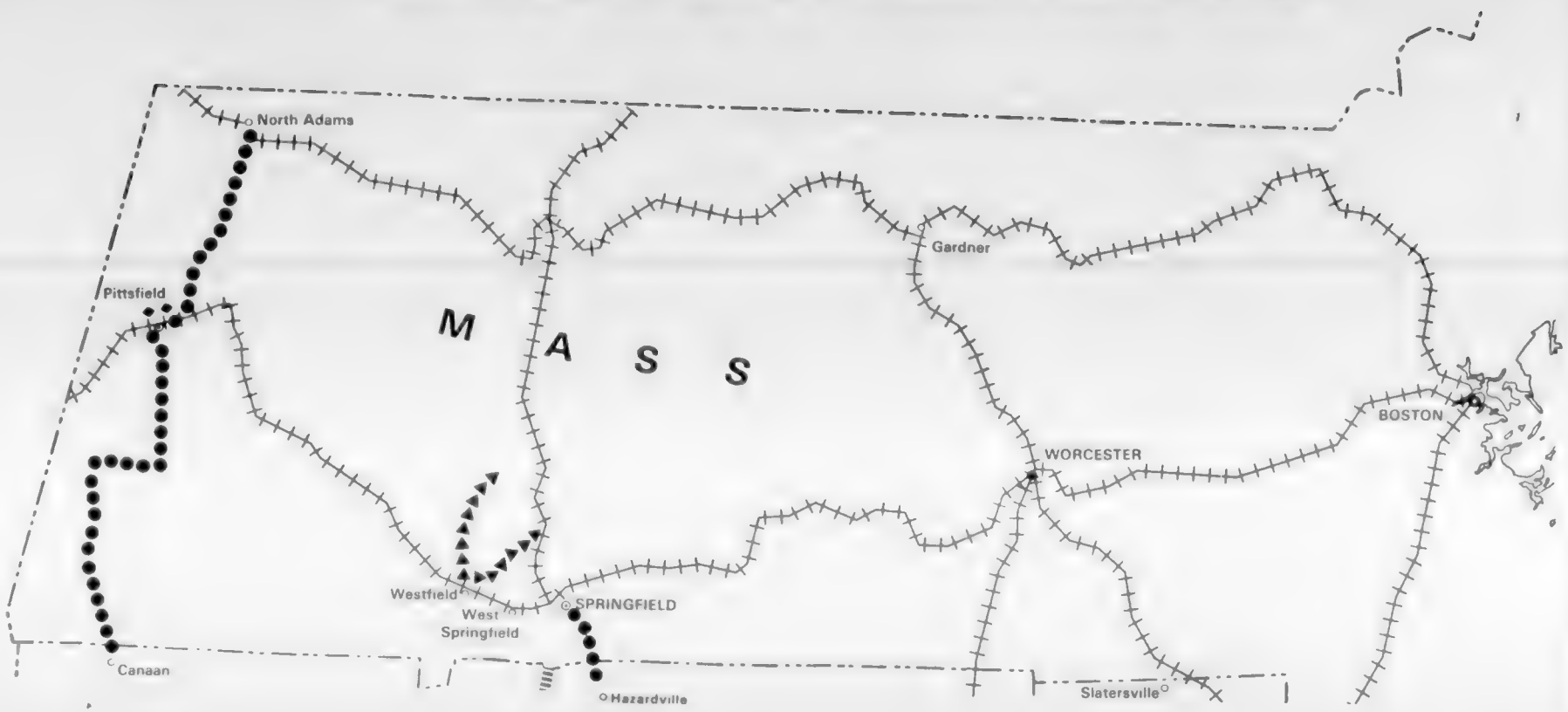

Legend

- Existing Trunklines Of Involved Carriers
- Trackage Rights Shared With Conrail
- Trackage Rights Over Conrail Lines
- Freight Obligations Retained By Conrail
- Lines To Be Acquired By P&W
- Lines To Be Acquired By B&M
- Lines To Be Acquired By NES (Conditional Transfer)

[FR Doc. 81-36033 Filed 12-16-81; 8:45 am]
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federal register

Thursday
December 17, 1981

Part IV

Environmental Protection Agency

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[FRL 1983-1A]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial Stay of Regulations.

SUMMARY: EPA is staying a requirement of those regulations relating to the construction of new stationary sources of air pollution and modifications to existing sources which appear at 40 CFR 51.24, 52.21, Appendix S to Part 51, §§ 51.18(j), and 52.24. The requirement is that certain emissions from marine vessels are to be included in determinations of whether a proposed source or modification would emit a particular pollutant in "major" or "significant" amounts. In the Proposed Rules section of this part of today's **Federal Register**, EPA is proposing to delete that requirement and to amend certain other provisions that relate to vessel emissions.

DATE: The stay takes effect on December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Trutna, New Source Review Section, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711; 919-541-5591; FTS-629-5591.

SUPPLEMENTARY INFORMATION: EPA's regulations relating to the construction of new sources and modifications contain the requirement that certain vessel emissions are to be included in determinations of whether a proposed source or modification would emit a particular pollutant in "major" or "significant" amounts. In July 1981, EPA (1) announced that it had decided to reconsider that requirement, (2) issued a temporary stay of the requirement, and (3) proposed to extend the stay. See 46 FR 36695 (July 15, 1981). In the Proposed Rules section of this part of today's **Federal Register**, EPA is proposing to delete the requirement, as well as certain other provisions relating to vessel emissions. EPA here is announcing that it is staying the requirement until it reaches a final decision on those proposals. A full description of the background to this stay, a response to the comments on the July 1981 proposal to extend the temporary stay, and other pertinent information appears in the notice in the Proposed Rules section of this part of today's **Federal Register** which announces the proposals to amend the regulations as to vessel emissions. EPA hereby incorporates that material, especially the response to comments, in this notice.

Authority for the stay lies in the following statutory provisions: Sections 101(b)(1), 110, 160-169, 171-178, and 301(a) of the Clean Air Act, as amended (42 U.S.C 7401(b)(1), 7410, 7470-79, 7501-08 and 7601(a)); section 129(a) of the Clean Air Act Amendments of 1977 (Pub. L. No. 95-95, 91 Stat. 685 (August 7, 1977)).

The text of the stay order appears below:

Order Staying Certain Regulatory Provisions Relating to Vessel Emissions

I hereby stay the following definitions of "stationary source," "building," "structure," "facility," and "installation" to the extent that they encompass the activities of vessels:

1. 40 CFR 51.24(b)(5)-(6), originally published at 45 FR 52731 (August 7, 1980);

2. 40 CFR 52.21(b)(5)-(6), originally published at 45 FR 52736;

3. 40 CFR Part 51, Appendix S, § II(A)(1)-(2), originally published at 45 FR 52741-42 and amended at 46 FR 50771 (October 14, 1981);

4. 40 CFR 51.18(j)(2)(i)-(ii), originally published at 45 FR 52743-44 and amended at 46 FR 50771; and

5. 40 CFR 52.24(f)(1)-(2), originally published at 45 FR 52746 and amended at 46 FR 50771.

The purpose of this partial stay of the definitions listed above is to suspend the requirement in 40 CFR 51.24, 52.21, Part 51 (Appendix S), 51.18 and 52.24 that certain vessel emissions are to be included in determining whether a source or modification would emit (or emits) a particular pollutant in "major" or "significant" amounts, until I reach a final decision on the proposal I am making today to delete that requirement.

In issuing this partial stay, I do not intend to change the status of any state-adopted program for new source review which EPA has approved under section 110 of the Clean Air Act. I do intend, however, to affect 40 CFR 52.21, even where EPA under subsection (u) of those regulations has delegated authority to a state to administer them. In such a case, the state may require no more than EPA could under the regulations as stayed.

This partial stay takes effect immediately, and expires when I reach a final decision on the proposal mentioned above.

Dated: December 7, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-35972 Filed 12-16-81; 8:45 am]

BILLING CODE 6560-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[FRL 1983-1]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of Amendments to Regulations.

SUMMARY: EPA here is proposing to amend its regulations relating to the construction of new stationary sources of air pollution and modifications to existing sources which appear at 40 CFR 51.24, 52.21, Appendix S to Part 51, 51.18(j), and 52.24. In particular, EPA is proposing amendments to those regulations which would (1) delete the current requirement that certain emissions from marine vessels are to be incuded in determinations of whether a proposed stationary source or modification would emit a particular pollutant in "major" or "significant" amounts and (2) expressly bar EPA from including vessel emissions in any such determination and from requiring a state to include them. In the Rules section of this part of today's **Federal Register** EPA is also staying the current requirement until it makes a final decision on those proposed amendments, thereby in effect extending the temporary stay at 46 FR 36695 (July 15, 1981). Finally, EPA here is proposing an amendment that would bar it (1) from including vessel emissions and certain emissions from other mobile sources in any preconstruction assessment of the air quality impact of a proposed source or modification and (2) from requiring a state to include those emissions in any such assessment.

DATE: The period for comment on the proposed amendments closes on January 18, 1982.

ADDRESS: *Comments.* Comments should be submitted (in triplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Attention: Docket No. A-81-39.

Docket. EPA has established a docket for the proposals announced here. It bears Docket No. A-81-39. The docket is an organized and complete file of all significant information submitted to or otherwise considered by EPA during this proceeding. The contents of the docket will serve as the record in the case of judicial review under section 307(b) of the Clean Air Act, 42 U.S.C. 7607(b). The docket is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Michael Trutna, New Source Review Section, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711; 919-541-5591; FTS-629-5591.

SUPPLEMENTARY INFORMATION:

I. Introduction

In August 1980, EPA extensively revised its regulations concerning the construction of new stationary sources and modifications in response to *Alabama Power Company* v. *Costle*, 636 F. 2d 323 (1979). See 45 FR 52676 (August 7, 1980). Five sets of regulations resulted from those revisions. One set, 40 CFR 51.24, specifies the elements of an approvable state program for preconstruction review for prevention of significant deterioration of air quality (the "Part 51 PSD regulations"). Another set, 40 CFR 52.21 (the "Part 52 PSD regulations"), delineates the federal program for PSD preconstruction review, which currently applies in most states. Another set, 40 CFR 51.18(j), specifies the elements of an approvable state program for preconstruction review for nonattainment purposes. It elaborates on Section 173 of the Act. The fourth set, 40 CFR Part 51, Appendix S, embodies EPA's "Emissions Offset Interpretative Ruling." The fifth set, 40 CFR 52.24, embodies the construction moratorium for certain nonattainment areas.

In the fall of 1980, numerous industry and environmental groups petitioned the Court of Appeals for the D.C. Circuit to review, and EPA to reconsider, various provisions of those PSD and nonattainment regulations. *Chemical Manufacturers Association* v. *EPA*, No. 79-1112 and consolidated cases. Among the provisions the industry petitioners challenged were the requirements that (1) certain vessel emissions are to be included in determinations of whether a proposed source or modification would emit a particular pollutant in "major" or "significant" amounts and (2) a physical or operational limitation on emissions capacity must be federally enforceable to be taken into account in any such applicability determination.

Subsequently, in July 1981, EPA announced that it had decided to reconsider those requirements. It also issued a temporary stay of the requirements, which was set to expire ninety days from issuance (*i.e.*, on October 5, 1981). Finally, the Agency solicited comment on whether and under what terms it should extend the stay. See 46 FR 36695 (July 15, 1981).

EPA is here announcing further action on the vessel emissions requirement.[1] As explained in more detail below, EPA has concluded that the Clean Air Act bars it from requiring the inclusion of vessel emissions in *any* determination in the preconstruction review of new sources and modifications. Primarily for that reason, EPA is proposing amendments to the PSD and nonattainment regulations which would (1) delete the current requirements for the inclusion of certain vessel emissions in applicability determinations and (2) expressly bar EPA from requiring the inclusion of any vessel emissions in such determinations. In the Rules section of this part of today's **Federal Register**, EPA is also staying that requirement until it reaches a final decision on the proposal. Finally, EPA here is proposing amendments to the regulations which would also delete the current requirement that certain vessel emissions must be included as "secondary emissions" in assessing the air quality impact of a proposed source or modification.

The balance of this notice first discusses the proposal to delete the requirement for the inclusion of vessel emissions in applicability determinations, including the pivotal legal interpretation and certain other bases for the proposal. It then turns to the stay, in particular, summarizing and responding to the material comments on whether to extend the temporary stay. Finally, it describes the proposal to delete the requirement for the inclusion of vessel emissions in assessments of the air quality impact or proposed projects.

II. Proposal to Delete the Requirement for the Inclusion of Vessels Emissions in Applicability Determinations

A. Background

Whether the five sets for PSD and nonattainment regulations apply to a particular source, especially a marine terminal,[2] and then to a particular

[1] EPA does not plan to extend the temporary stay of the federal enforceability requirement at this time and will announce further action on that requirement in a future **Federal Register** notice.

[2] Typically, a marine terminal consists of docks and storage structures. Vessels move to and from, and stay at, the terminal. Air pollutants emanate mainly from the storage structures and the vessels. For example, storage tanks containing liquid petroleum products emit substantial amounts of volatile organic compounds. Similarly, vessels carrying such products also emit those pollutants.

Continued

pollutant from the source depends greatly on the scope of the term "stationary source." In general, the five sets of regulations aim their substantive requirements only at "major stationary sources" and "major modifications."[3] Furthermore, four of the five sets[4] aim their substantive requirements only at those pollutants regulated under the Act which the new "major stationary source" or "major modification" would emit in "major" or "significant" amounts, depending on the regulations in question.[5] Finally, all five sets define "major stationary source," "major modification" and "significant" in terms of rates of emissions from the "stationary source" in question. The Part 52 PSD regulations, for instance, define "major stationary source" as any "stationary source" with the potential to emit 100 tons or more per year of any pollutant regulated under the Act, or 250 tons or more per year, depending on source type. 45 FR 52735 (§ 52.21(b)(1)).

In revising the PSD and nonattainment regulations in August 1980, EPA defined "stationary source" as "any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Act." *See, e.g.*, 45 FR 52736 (§ 52.21(b)(5)). The Agency then defined "building, structure, facility, or installation" for PSD purposes, and "building, structure, or facility" for nonattainment purposes,[6] as:

> all of the pollutant-emitting *activities* which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (*i.e.*, which have the same first two-digit code) as described in the *Standard Industrial Classification Manual*. 1972 * * * (*See, e.g.*, 45 FR 52736 (§ 52.21(b)(6)) (emphasis added).)

EPA applied those new definitions to marine terminals and vessel emissions in the preamble to the revisions. The Agency stated that it intended "stationary source":

> To encompass the activities of a marine terminal and those dockside activities *that would serve the purposes of the terminal directly and would be under the control of its owner or operator*. The term "dockside activities" means those activities in which the ships would engage while docked at the terminal. (45 FR 52696 (1st column) (emphasis added).)

EPA added that a determination of whether a particular dockside activity would directly serve the purposes of a terminal and would be under the control of its owner or operator would depend on the circumstances of the specific case. *Id.* EPA indicated, however, that it would presume that the activity of loading or unloading a vessel would in every case directly serve the purposes of a terminal and that such an activity would be under the control of the owner or operator of the terminal "to a substantial extent", since no loading or unloading could occur without the consent of the owner or operator. *Id.*

In response to general comments on the problem of how vessel emissions are to be taken into account for new source review, EPA took the position that vessels are not "mobile sources" within the meaning of Section 110(a)(5) of the Act, 42 U.S.C. 7410(a)(5). See 45 FR 52696 (2nd column). Section 110(a)(5), in general,[7] prohibits EPA from requiring a state to include a program of indirect source review in the state implementation plan ("SIP") and from itself inserting such a program into a SIP. The term "indirect source review program" means "the facility-by-facility review of indirect sources of pollution * * *" Section 110(a)(5)(D), 42 U.S.C. 7410(a)(5)(D). An "indirect source" is "a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, *mobile sources* of pollution." Section 110(a)(5)(C), 42 U.S.C. 7410(a)(5)(C) (emphasis added).

GATX Terminals Corporation petitioned the D.C. Circuit for review of the definition of "stationary source" in the five sets of PSD and nonattainment regulations to the extent that the definition, as interpreted by EPA, required vessel emissions to be included in quantifying the emissions of a marine terminal for applicability purposes. GATX also petitioned EPA to reconsider and stay the definition to that extent.

In its challenge to the definition, GATX contended that EPA exceeded its statutory authority in requiring the inclusion of vessel emissions for applicability purposes. One argument GATX made was that vessels are "mobile sources" within the meaning of section 110(a)(5), that marine terminals are therefore "indirect sources" with respect to vessel emissions and, hence, that EPA may neither require a SIP to contain a preconstruction review program which applies in anyway to a marine terminal by virtue of vessel emissions, nor insert such a program into a SIP. *See* Brief of GATX Terminals Corporation on Vessel Emissions Issue, at 17–20 (February 1981); Petition for Reconsideration by GATX Terminals Corporation, at 13–14 (October 1980).

GATX also contended that EPA acted arbitrarily and capriciously. One argument it made was that EPA incorrectly presumed that a terminal owner or operator who does not own or operate the vessels that call at the terminal controls the loading or unloading of the vessels to a substantial extent. In fact, GATX says, such "independent" terminal owners and operators have very little control over those activities. Another argument was that the regulations, which would impose on an independent terminal owner or operator liability for the failure of a vessel to observe the control requirements in a permit, are unfair and irrational in that respect, because the terminal owner or operator would have such little control over the behavior of the vessels.

Finally, GATX contends that EPA violated the procedural requirements of the Clean Air Act by failing to give adequate notice at the proposal stage that it might require the inclusion of vessel emissions for applicability purposes.

B. Legal Interpretation

After considering the arguments of GATX with respect to section 110(a)(5), EPA has decided to reverse its earlier position. EPA agrees that vessels are "mobile sources" within the meaning of that section. First, the term "mobile sources" in its ordinary usage is clearly broad enough to encompass marine vessels. Second, Congress nowhere expressly provided in the Act that the

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particularly when loading or unloading. The vessels, however, also emit sulfur dioxide. The sulfur dioxide comes from the combustion of fuel in the internal power plants of the vessels. Power is needed, not only for movement, but also for such dockside activities as loading and unloading.

[3] For example, the Part 52 PSD regulations require only new "major stationary sources" and "major modifications" that would be located in "clean air" areas to have PSD permit before construction begins. 45 FR 52738 (§ 52.21(i)).

[4] The construction moratorium, 40 CFR 52.24, simply restricts the construction of a project; it does not require that application of control technology and assessments of air quality impact for the various emissions from the project.

[5] For example, the Part 52 PSD regulations require an applicant for a PSD permit for a "major stationary source" to show that the "stationary source" would have "best available control technology" (BACT) for just those pollutants regulated under the Act that the "stationary source" would emit in "significant" amounts. 45 FR 52740 (§ 52.21(j)).

[6] EPA defined "installation" for nonattainment purposes as "an identifiable piece of process equipment." *See e.g.*, 45 FR 52744 (§ 51.18(j)(1)(iii)). EPA very recently deleted that definition. 46 FR 50766 (October 14, 1981).

[7] The exception lies in section 110(a)(5)(B), which provides that EPA may "promulgate, implement and enforce regulations under section 110(c) respecting indirect source review programs which apply only to federally assisted highways, airports, and other major federally assisted indirect sources and federally owned or operated indirect sources."

term was to have a scope so narrow as to exclude vessels. Third, Congress throughout the Act, and even in section 110, used other terms to refer to subspecies of sources with mobility, for example, "motor vehicles". *See, e.g.,* sections 101(a)(2), 42 U.S.C. 7401(a)(2); section 110(a)(2)(G), 42 U.S.C. 7410(a)(2)(G); section 110(c)(2)(D)(i), 42 U.S.C. 7410(c)(2)(D)(i); section 110(e)(1)(A), 42 U.S.C. 7410(e)(1)(A); section 177, 42 U.S.C. 7507; sections 201–16, 42 U.S.C. 7521–51 *(passim).* Plainly, if Congress has intended "mobile sources" to exclude vessels, it would have said so. Fourth, the House and Senate conferees, in fashioning section 110(a)(5), eliminated a definition of "mobile source-related air pollutant", a term which appeared in the seminal provisions of the House bill and now appears in section 110(a)(5). That definition would have limited the term to just the pollutants regulated under Title II. It is unlikely that the conferees would have jettioned that definition, if they had intended "mobile sources" to exclude vessels. *Compare* H.R. Rep. No. 95–294, 95th Cong., 1st Sess. 437 (1977), *with* H.R. Rep. No. 95–564, 95th Cong., 1st Sess. 93 (1977). Finally, the relevant House report reinforces the conclusion that Congress intended "mobile sources" to include vessels. It reflects a strong antipathy toward the case-by-case preconstruction review of shopping centers and other facilities that attract motor vehicles with respect to emissions from the those vehicles. That antipathy extends logically to case-by-case review of marine terminals with respect to vessel emissions, since the circumstances of marine terminals closely parallel those of shopping centers and the like. See H.R. Rep. No. 95–294, 95th Cong., 1st Sess. 221 (1977).

EPA further agrees that, because vessels are "mobile sources" within the meaning of section 110(a)(5), EPA has no authority to require the inclusion of vessel emissions in applicability determinations. Section 110(a)(5), in general, prohbibits EPA from requiring a SIP to contain a preconstruction review program which applies *in any way* to a project by virtue of emissions from "mobile sources" and from inserting such a program into a SIP. The effect of the current definition of "stationary source," however, is to require each SIP to contain certain preconstruction review programs that would apply to some projects solely because of vessel emissions associated with them. The effect of the definition is also to insert into each SIP certain preconstruction programs which would also apply to some projects solely because of vessel emissions.

EPA, however, would not agree that it has no authority at all to require a SIP to contain a program for the direct control of vessel emissions or to insert such a program into a SIP. The Act requires each states to have an implementation plan which assures attainment and maintenance of each national ambient air quality standard ("NAAQS") and PSD increment. If attainment and maintenance of a NAAQS cannot be assuered without a program for the direct control of vessel emissions, then the SIP must contain such a program. *See* section 110(a)(2)(B), 42 U.S.C. 7410(a)(2)(B); *State of Texas* v. *EPA*, 479 F.2d 289, 316.17 (5th Cir. 1974).

C. Other Bases for the Proposal

EPA also agrees with GATX that the Agency failed to give adequate notice at the proposal stage that it might require the inclusion of vessel emissions for applicability purposes. As GATX pointed out, EPA had informed the D.C. Circuit shortly before EPA proposed its revisions to the PSD and nonattainment regulations in September 1979 that the regulations did not require the inclusion of vessel emissions for those purposes; the definition of "stationary source" which EPA proposed in September did not vary materially from the definition of that term in the regulations; and EPA gave no signal at any time during the rulemaking that it was thinking of requiring the inclusion of vessel emissions.

This failure to provide adequate notice, moreover, was "so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed" if the error had not occurred. Section 307(d)(8), 42 U.S.C. 7607(d)(8). In August 1980, when EPA promulgated the new definition of "Stationary source," it did not have before it the petition for reconsideration from GATX, the GATX brief to the D.C. Circuit, and the comments (summarized below) which were submitted in this proceeding on whether to extend the temporary stay. Those materials contain a wealth of data on the relationships between terminal owners and operators and vessel owners and operators. They also expose strong and differing opinions on whether and in what ways the emissions of vessels should be taken into account for applicability purposes. That information and that controversy strongly indicate that the vessel emissions issue deserved much more ventilation than it had.

D. Proposed Amendments

The primary purpose of the amendments proposed here is to conform the PSD and nonattainment regulations to the legal conclusions the Agency has reached. Another purpose is to remedy the error in procedure described above. The amendments would delete the requirement for the inclusion of vessels emissions in applicability determinations and bar EPA from requiring their inclusion. Specifically, EPA proposes to insert into the PSD definition of "building, structure, facility and installation" and the nonattainment definition of "building, structure and facility" a clause which expressly excludes vessel activities from those terms.[8]

EPA solicits comments on the proposed amendments.

III. Stay of Requirement for Inclusion of Vessel Emissions in Applicability Determinations

A. Decision on Extension of Temporary Stay

EPA has also decided to stay those definitions of "building," "structure," "facility," and "installation," insofar as they require the inclusion of vessel emissions in applicability determinations. Notice of the stay appears separately in the Rules section of this part of today's **Federal Register**. In view of EPA's determinations on statutory authority and procedural deficiencies, it is highly likely that the Agency will delete that requirement, either by putting the proposed amendments into effect or changing the regulations in some other way. In addition, the requirement, absent a stay, would impose significant regulatory burdens on companies attempting to obtain permits for the construction or modification of marine terminals. Finally, the possibility that the exclusion of vessel emissions from applicability determinations pending a final decision on the proposals will frustrate substantially the long-term, national goals of the PSD and nonattainment regulations is small, primarily because of the short period of time involved, and certainly not large enough to outweigh the other two considerations (likelihood of deletion and regulatory burden).

B. Comments

The comments which EPA received on whether to extend the temporary stay

[8] The numbering of the nonattainment definitions in the proposed regualtory language at the end of this notice reflects the amendments to the definitions of "installation" and "reconstruction" to which footnote 6 above refers.

and its response to those comments are set forth below.

A number of commenters argued that the stay was procedurally defective because the Agency failed to comply with the notice and comment requirements of section 4 of the Administrative Procedure Act ("APA"), 5-U.S.C. 553, and Section 307(d)(3) of the Clean Air Act, 42 U.S.C. 7607(d)(3), and failed to make sufficient showing of good cause to qualify for the exceptions to those requirements pursuant to section 4(b)(3)(B) of the APA, 5 U.S.C. 553(b)(3)(B). They noted that, where rules are issued in violations of these provisions, the opportunity to submit comments after promulgation does not cure the original error.

With respect to the temporary stay, the Agency does not agree that its "good cause" findings were inadequate. In any event, these objections are clearly irrelevant to the long-term stay pending completion of the reconsideration process promulgated by means of this notice. This stay has been promulgated in full compliance with the APA, after publication of a proposal soliciting comment and a 30-day comment period. The Agency has omitted only the 30-day waiting period between the date of promulgation of a rule and its effective date normally required by section 553(d), since this rule results from a change in the interpretation of the act, and relieves a restriction, 5 U.S.C. 553(d)(1), (2).

Several commenters suggested that the only provision authorizing stays in the Clean Air Act is section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), and since a long-term stay during completion of the reconsideration process would not meet all of the conditions laid out in that provision, such a stay would be invalid. Section 307(d)(7)(B), however, is applicable only to certain stays issued without advance notice and public comment.[9] The long-term stay at issue here is a different kind of stay, issued pursuant to section 301 of the Clean Air Act, after notice and comment.

Many commenters, including the California Air Resources Board, as well as several municipalities and environmental groups, criticized both the proposed stay and the suggestion that vessel emissions be excluded from the emissions of a source in determining the applicability of new source review, on the grounds that such a change would result in significant deterioration of air quality in some areas. These commenters submitted data to show that vessel emissions of sulfur dioxide, particulates and volatile organic compounds in certain areas were substantial, were likely to increase, and in some cases were greatest during activities which occurred in close proximity to on-shore facilities. One commenter referenced calculations that potential emissions just from ships anticipated to call at a particular facility were sufficient to violate the PSD increment and the state ambient air quality standard in that area. The California Air Resources Board stated that, to the extent that vessel emissions were excluded from new source review, the California SIP and local rules would no longer be adequate to ensure that federal standards were maintained or that reasonable further progress was made toward attainment.

Commenters on both sides agreed that the emissions from ships were often the most voluminous emissions associated with a marine terminal and that, if these emissions were excluded, many terminals would drop below the statutory thresholds for new source review. The California Air Resources Board, among others, noted that if this were to happen, on-shore facilities, including small businesses, would be required to make up the difference, that is, to the extent that added vessel emissions degraded the air, on-shore facilities would be required to take measures to reduce their own emissions beyond what would otherwise be necessary.

Some commenters noted that even though a terminal owner or operator might not know exactly what vessels might call on the terminal in a given year, there were reliable means of making reasonable estimates of the emissions associated with those vessels; indeed, the commenters cited a number of instances in which such calculations had actually been done. Commenters argued that there were control measures available now, for both shipboard and dockside activities, which were practical and cost-effective, and they cited several instances in which such control measures (limiting the sulfur content of the fuel burned by ships at the terminal, for example) had been successfully implemented.

The San Francisco Bay Area Air Quality Management District observed that requirements it imposed under the present provision had not resulted in the denial of a permit to any project. In fact, it added, the availability of ship emissions for offsets permitted greater industrial growth than would otherwise have been allowed.

Finally, one commenter noted that even if States remained free to require terminals to obtain permits, despite the removal of the federal requirement, competitive pressures between States would make such provisions difficult to maintain.

None of these arguments went undisputed, however. There were also many commenters who supported both an extension of the temporary stay and the suggested revision to the regulations. They argued that the inclusion of vessel emissions in new source review determinations imposed an unreasonable burden on marine terminal owners and operators. For example, some commenters noted that a terminal could rarely obtain adequate data to perform required modelling, and that not enough is known about emission control techniques for vessels—retrofitting vessels would be onerous, and other suggested approaches raised questions of safety. Commenters explained that sulfur content is not a specification for the bunker fuel burned by ships, so ship captains may not even know what they are burning; moreover, fuel of the sulfur content likely to be required is not available in many ports. One commenter representing marine terminal owners indicated that terminals often did not have contractual relations with the vessels which called on them, could not impose emission control requirements on these vessels, and should not be penalized if ship captains violated the law; indeed, this commenter observed that terminals do not enforce domestic and international maritime safety provisions concerning the operations of vessels. Another commenter observed that because marine terminals themselves typically emit only small amounts of pollutants such as sulfur dioxide, they have few internal sources of offsets to use to "net out" of review, or to meet emission limitations in a more cost-effective way. Many commenters alluded to the substantial cost and delay which results from the present rule on vessel emissions.

Finally, ship owners expressed concern that the present rule permits piecemeal regulation of vessel design and operation, allowing different ports to issue inconsistent regulations and thus burden interstate and international commerce. Terminal owners were likewise concerned that the variations in requirements between ports would affect competition between terminals

[9] Among the comments was the assertion that EPA, in issuing the temporary stay, had taken the position that section 307(d)(7)(B) does not give the Agency the authority to issue such a stay. EPA disagrees. It did not state that section 307(d)(7)(B) does not provide that authority. In fact, the Agency believes that the section does provide the necessary authority.

and possibly disadvantage some of the newer ones.

The answer to all of these comments is the same: as indicated, whatever the actual effect of control of vessel emissions through new source review of terminals, in section 110(a)(5) Congress, in general, prohibited EPA from requiring the states to include such a provision in their SIPs, and from adopting it in SIP programs it administers directly. Pursuant to section 116, however, the States remain free to adopt or retain this approach to new source review if they find it useful. Moreover, under the authority of sections 116 and 110, they may also impose controls on vessels directly.

A number of commenters noted that provisions of the Clean Air Act must be construed in light of the purpose of that legislation, namely, to improve the air quality of the nation, even where improvement occasions some cost or inconvenience. The commenter went on to argue that excluding ship emissions at the dock from new source review frustrates the purposes of the programs created by the Act, and that EPA therefore lacks the authority to define "major stationary source" this way. Obviously, EPA accepts the general principle of statutory construction asserted, and applies it in all areas in which it has discretion. However, the exclusion of vessel emissions at issue here results not from the exercise of Agency discretion but from the direct command of Congress, which has the power to specify with particularity the ways in which its goal is to be achieved.

Similarly, other commenters argued that the use of the term "source," rather than "stationary source," in several of the key provisions of the Act, as well as the statutory commands to take account of the emissions "resulting from" a source, 42 U.S.C. 7503, 7502(b)(5), or "caused" by it, 42 U.S.C. 7475(a), indicate a Congressional intention to define "source" and the emissions attributable to a "source" to include vessel emissions when determining the rate of emissions of a marine terminal. Interpretations based on such general language, however, cannot overcome the specific prohibition of section 110(a)(5).

Finally, one commenter noted that it would be inconsistent for EPA to exclude vessel emissions from the emissions of a terminal when determining the applicability of new source review, while including them as secondary emissions when assessing the air quality impact of terminals that exceeded the statutory threshold independently. EPA agrees and is proposing to eliminate this inconsistency.

C. Effect of the Stay

EPA, under subsection (u) of the Part 52 PSD regulations, has delegated the authority to administer those Part 52 regulations to some states. Each delegate state must now administer the Part 52 PSD regulations as now stayed. By contrast, in staying the requirements for inclusion of vessel emissions, EPA does not intend to change the status of any state-adopted program for new source review which it has already approved under section 110 of the Clean Air Act. However, while the stay remains in effect, EPA will not disapprove any state-submitted program for new source review, or any revision to such a program, on the grounds that it fails to embody the now stayed requirements.

D. Miscellaneous

EPA regards the issuance of the stay as "nationally applicable" "final action" within the meaning of section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1). Any petition for review of the stay must be filed, therefore, with the U.S. Court of Appeals for the D.C. Circuit on or before February 16, 1982.

EPA is putting the stay into effect immediately, because it results from a change in legal interpretation, and "relieves a restriction" within the meaning of section 4(d) of the APA, 5 U.S.C. 553(d). In addition, EPA finds that it has "good cause" within the meaning to section 4(d) to do so, because EPA will most likely delete the stayed requirement at the end of the rulemaking.

Under Executive Order 12291, EPA must judge whether an action it takes is a "major rule" and therefore subject to the requirement of a Regulatory Impact Analysis. This partial stay is not a "major rule," because it is not permanent and lifts current regulatory burdens.

The partial stay has been submitted to the Office of Management and Budget for review under Executive Order 12291. Any comments from OMB to EPA and any EPA responses are available in the docket for the proceeding.

Pursuant to the provisions of 5 U.S.C. 605(b), EPA hereby certifies that the partial stay will not have a significant adverse impact on small entitites.

IV. Proposal To Delete the Requirement for the Inclusion of Vessel Emissions in Air Quality Impact Assessments

A. Background

At the heart of the PSD and nonattainment regulations is the requirement that an applicant for a permit must provide an assessment of the air quality impact of the proposed project. *See, e.g.*, 45 FR 52740 (§ 52.21(k)). The relevant provisions add that any such assessment must include the "secondary emissions" of the project and define that term as:

> Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself * * *.[10] Secondary emissions may include, but are not limited to:
>
> (i) *Emissions from ships or trains coming to or from the new or modified stationary source;* and
>
> (ii) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions * * *. [*E.g.*, 45 FR 52737 (emphasis added).]

Industry petitioners have also petitioned the D.C. Circuit to review, and EPA to reconsider, the requirement for the inclusion of "secondary emissions" in air quality impact assessments. In response to those challenges and in light of its interpretation of "mobile sources" in section 110(a)(5), EPA has concluded that it has no authority to treat emissions from ships and trains as "secondary emissions" and, hence, to require their inclusion in air quality impact assessments. EPA, therefore, proposes to conform the regulations to that conclusion by deleting the clause underlined above and adding the following sentence to the definition: "Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a marine vessel."

EPA solicits comments on this proposed amendment.[11]

V. Miscellaneous

Under Executive Order 12291, EPA must judge whether an action it proposes to take would be a "major rule" and therefore subject to the requirement of a Regulatory Impact Analysis. The amendments EPA is proposing here would not constitute a "major rule," primarily because they would relieve current regulatory burdens.

The requirement for performing an economic impact assessment in section 317 of the Act, 42 U.S.C. 7617, does not

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[10] The definition adds here that an applicant need include only those "secondary emissions" which are quantifiable and would impact the same general area as the proposed project.

[11] EPA and industry petitioners are currently negotiating a settlement of the challenges to the secondary emissions requirement. EPA may agree to propose to delete the requirement entirely. If EPA does propose to do so, that proposal will subsume this one.

apply to the amendments EPA is proposing here. Section 317 applies only to "revisions which the Administrator determines to be substantial revisions." The proposed amendments are not substantial revisions, because they relieve current regulatory burdens and the Act requires them.

The proposed amendments have been submitted to the Office of Management and Budget for review under Executive Order 12291. Any comments from that office on the amendments will be placed in the docket for this proceeding.

Pursuant to the provisions of 5 U.S.C. 605(b), EPA hereby certifies that the proposed amendments will not have a significant adverse impact on small entities.

(Sec. 101(b)(1), 110, 160–169, 171–178, and 301(a), Clean Air Act as amended (42 U.S.C. 7401(b)(1), 7410, 7470–79, 7501–08 and 7601(a)); sec. 129(a), Clean Air Act Amendments of 1977 (Pub. L. No. 95–95, 91 Stat. 685 (August 7, 1977)))

Dated: December 7, 1981.

Anne M. Gorsuch,

Administrator.

Proposal To Delete Certain Regulatory Requirements Relating to the Emissions of Mobile Sources

Requirements for State PSD Plans

§ 51.24 [Amended]

Section 51.24 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

a. By adding the following clause to the first sentence of paragraph (b)(6) immediately before the period at the end of the sentence: "* * *, except the activities of any marine vessel"; and

b. By removing the last sentence of paragraph (b)(18) and substituting the following: "* * * Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a marine vessel."

New Source Review for PSD Purposes

§ 52.21 [Amended]

Section 52.21 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

a. By adding the following clause to the first sentence of paragraph (b)(6) immediately before the period at the end of the sentence: ",* * * except the activities of any marine vessel"; and

b. By removing the last sentence of paragraph (b) (18) and substituting the following: "* * * Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a marine vessel."

Emission Offset Interpretative Ruling

Appendix S [Amended]

3. Section II of Appendix S of Part 51 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

a. By adding the following clause to the first sentence of subsection (A)(2) immediately before the period at the end of the sentence: ", except the activities of any marine vessel"; and

b. By removing the last sentence of subsection (A)(8) and substituting the following: "Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a marine vessel."

State Plans for New Source Review for Nonattainment Purposes

§ 51.18 [Amended]

4. Section 51.18 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

a. By adding the following clause to the first sentence of paragraph (j)(1)(ii) immediately before the period at the end of the sentence: "* * *, except the activities of any marine vessel"; and

b. By removing the last sentence of paragraph (j)(1)(viii) and substituting the following: "* * * Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a marine vessel."

Restrictions on Construction for Nonattainment Areas

§ 52.24 [Amended

Section 52.24 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

a. By adding the following clause to the first sentence of paragraph (f)(2) immediately before the period at the end of the sentence: "* * *, except the activities of any marine vessel"; and

b. By removing the last sentence of paragraph (f)(8) and substituting the following: "* * * Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a marine vessel."

[FR Doc. 81–35973 Filed 12–16–81; 8:45 am]

BILLING CODE 6560–26–M

federal register

Thursday
December 17, 1981

Part V

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

December 1, 1981.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of December 1, 1981 of three rescission proposals and 218 deferrals contained in the first six messages of FY 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totaling $108.7 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of December 1, 1981, while Attachment A shows the history and status of each rescission proposed during FY 1982.

Deferrals (Table B and Attachment B)

As of December 1, 1981, $2,651.7 million in 1982 budget authority was being deferred from obligation and another $1.5 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1982.

Information From Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the Federal Registers of:

Friday, October 16, 1981 (Part VII, Vol. 46, No. 200)
Monday, October 26, 1981 (Part IV, Vol. 46, No. 206)
Friday, October 30, 1981 (Part XI, Vol. 46, No. 210)
Tuesday, November 3, 1981 (Part III, Vol. 46, No. 212)
Thursday, November 12, 1981 (Part V, Vol. 46, No. 218)
Thursday, November 19, 1981 (Part IV, Vol. 46, No. 223)

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1982 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 108.7
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$ 108.7

* *

TABLE B

STATUS OF 1982 DEFERRALS

	Amount* (In millions of dollars)	
Deferrals proposed by the President	$ 2,759.8	
Routine Executive releases (-$106.6 million) and adjustments (-$0.1 million) through December 1, 1981.	-106.7	
Overturned by the Congress	-0-	
Currently before the Congress	$ 2,653.2	a.

* Amounts do not add to total due to rounding.

a. This amount includes $1.5 million in outlays for a Department of the Treasury deferral (D82-23).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 11/25/81 14:17

AS OF DECEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF DEFENSE - MILITARY							
Procurement							
Aircraft procurement, Air Force BA	R82- 1		66,700	10 23 81			
Missile procurement, Air Force BA	R82- 2		22,500	10 23 81			
DEPARTMENT OF DEFENSE - MILITARY TOTAL BA			88,200				
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund BA	R81- 3		20,500	11 6 81			
OTHER INDEPENDENT AGENCIES TOTAL BA			20,500				
TOTAL BA			108,700				

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
EXECUTIVE OFFICE OF THE PRESIDENT								
White House Office								
Salaries and Expenses BA	D82- 27	366		10 20 81				366
Special Assistance to the President								
Salaries and Expenses BA	D82- 28	28		10 20 81				28
Council of Economic Advisors								
Salaries and Expenses BA	D82- 86	32		10 23 81				32
Council on Envir Quality & Office of Envir Qual								
Salaries and Expenses BA	D82- 29	9		10 20 81				9
Office of Policy Development								
Salaries and Expenses BA	D82- 30	45		10 20 81				45
National Security Council								
Salaries and Expenses BA	D82- 31	62		10 20 81				62
Office of Administration								
Salaries and expenses BA	D82- 32	139		10 20 81				139
OMB, Office of Fed. Procurement Policy								
Salaries and expenses BA	D82- 33	24		10 20 81				24
Office of Science and Technology Policy								
Salaries and expenses BA	D82- 34	30		10 20 81				30

ATTACHMENT B STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
Office of the U.S Trade Representative								
Salaries And expenses								
BA	D82- 35	78		10 20 81	-78			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA		813			-78			735
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D82- 1	15,000		10 1 81				15,000
Disaster Relief								
Disaster relief								
BA	D82-158	7,000		10 29 81				7,000
BA	D82-159	138,000		10 29 81				138,000
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		160,000						160,000
DEPARTMENT OF AGRICULTURE								
Office of the Secretary								
Office of the Secretary								
BA	D82-160	29		10 29 81				29
Agricultural Research Service								
Agricultural research service								
BA	D82-161	1,813		10 29 81				1,813
Cooperative State Research Service								
Cooperative state research service								
BA	D82-162	2,790		10 29 81				2,790
Extension Service								
Extension service								
BA	D82-163	1,990		10 29 81				1,990
National Agricultural Library								
National agricultural library								
BA	D82-164	93		10 29 81				93
Statistical Reporting Service								
Statistical reporting service								
BA	D82-165	198		10 29 81				198
Agricultural Cooperative Service								
Agricultural cooperative service								
BA	D82-166	19		10 29 81				19
Office of Internat Cooperation and Development								
Scientific activities overseas								
BA	D82-167	700		10 29 81				700
Rural Electrification Administration								
Rural electr and telephone revolving fund								
BA	D82-169	49,368a		10 29 81				49,368
Foreign Assistance Programs								
Expenses, P L 480								
BA	D82- 36	25,696		10 20 81				25,696
Agricultural Stabilization & Conservation Service								
Dairy And beekeeper indemnity programs								
BA	D82- 88	28		10 23 81				28
Agricultural conservation								
BA	D82- 87	8,600		10 23 81				8,600
Emergency conservation program								
BA	D82-168	1,400		10 29 81				1,400
Farmers Home Administration								
Salaries and expenses								
BA	D82-171	526		10 29 81				526

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
Rural housing for domestic farm labor								
BA	D82-173	1,750		10 29 81				1,750
Mutual and self-help housing								
BA	D82-174	490		10 29 81				490
Rural water and waste disposal								
BA	D82-170	8,680		10 29 81				8,680
Rural community fire protection grants								
BA	D82-172	490		10 29 81				490
Agricultural credit insurance fund								
BA	D82-175	1,316		10 29 81				1,316
Rural development insurance fund								
BA	D82-176	21,000		10 29 81				21,000
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D82- 89	8,926		10 23 81				8,926
Animal and Plant Health Inspection Service								
Animal and plant health inspection service								
BA	D82- 90	4,125		10 23 81				4,125
Buildings and facilities								
BA	D82-177	236		10 29 81				236
Agricultural Marketing Service								
Payments to States and possessions								
BA	D82-178	210		10 29 81				210
Food and Nutrition Service								
Food program administration								
BA	D82-209	487		11 6 81				487
Child nutrition programs								
BA	D82-210	472		11 6 81				472
Special supplemental food programs (WIC)								
BA	D82-211	13,831		11 6 81				13,831
Forest Service								
State and private forestry								
BA	D82- 92	776		10 23 81				776
BA	D82-179	657		10 29 81				657
Agricultural research								
BA	D82- 91	1,348		10 23 81				1,348
National forest system								
BA	D82- 93	12,516		10 23 81				12,516
BA	D82-180	1,059		10 29 81				1,059
Construction and land acquisition								
BA	D82- 94	6,693		10 23 81				6,693
Timber salvage sales								
BA	D82- 2	6,723		10 1 81				6,723
Rangeland improvements								
BA	D82- 96	109		10 23 81				109
Acquisition of lands to complete land exchanges								
BA	D82- 95	6		10 23 81				6
Expenses, brush disposal								
BA	D82- 3	49,349		10 1 81				49,349
DEPARTMENT OF AGRICULTURE TOTAL BA		234,519						234,519
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U.S. expositions								
BA	D82- 4	507		10 1 81				507
Economic and Statistical Analysis								
Salaries and expenses								
BA	D82- 97	420		10 23 81				420
Economic Development Administration								
Economic development assistance programs								
BA	D82- 98	38,855		10 23 81				38,855

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16 43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-? 31
Minority Business Development Agency								
Minority business development								
BA	D82- 99	857		10 23 81				857
United States Travel Service								
Salaries and expenses								
BA	D82-101	287		10 29 81				287
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
BA	D82-100	12,891		10 23 81				12,891
Construction								
BA	D82- 5	2,000		10 1 81				2,000
National Telecom and Information Admin								
Salaries and expenses								
BA	D82-101	277		10 23 81				277
DEPARTMENT OF COMMERCE								
TOTAL BA		56,094						56,094
DEPARTMENT OF DEFENSE-MILITARY								
Military Construction								
Military construction, all services								
BA	D82- 6	38,837		10 1 81	-21,799			17,038
Family Housing, Defense								
Family housing, Defense								
BA	D82- 7	1,992		10 1 81				1,992
DEPARTMENT OF DEFENSE-MILITARY								
TOTAL BA		40,829			-21,799			19,030
DEPARTMENT OF DEFENSE-CIVIL								
Cemeterial Expenses, Army								
Salaries and expenses								
BA	D82- 37	85		10 20 81				85
Corps of Engineers								
General investigations								
BA	D82- 38	2,068		10 20 81				2,068
Construction, general								
BA	D82- 39	14,284		10 20 81				14,284
General expenses								
BA	D82- 40	370		10 20 81				370
Special recreation use fees								
BA	D82- 41	59		10 20 81				59
Soldiers and Airmen s Home								
Operation and maintenance								
BA	D82- 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
BA	D82- 8	597		10 1 81	-8			589
DEPARTMENT OF DEFENSE-CIVIL								
TOTAL BA		17,526			-71			17,455
DEPARTMENT OF ENERGY								
Energy Programs								
Fossil energy R&D								
BA	D82-105	14,769		10 23 81				14,769
Fossil energy construction								
BA	D82- 9	135,000		10 1 81				135,000
Strategic Petroleum Reserve								
BA	D82- 10	8,000		10 1 81				8,000
Gen. science & research-plant & capital								
BA	D82-102	1,682		10 23 81				1,682

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
Energy supply R&D-operating expenses	BA	D82-103	49,393		10 23 81				49,393
Energy supply R&D-plant and capital equip.	BA	D82-104	11,949		10 23 81				11,949
Energy conservation	BA	D82-106	14,007		10 23 81				14,007
Energy information administration	BA	D82-107	2,042		10 23 81				2,042
Economic regulation	BA	D82-108	2,436		10 23 81				2,436
Federal Energy Regulatory Commission	BA	D82-109	[illegible]		10 23 81				490
Geothermal resources development fund	BA	D82-110	[illegible]		10 23 81				18
DEPARTMENT OF ENERGY TOTAL BA			239,786						239,786
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D82- 11	1,508		10 1 81				1,508
Indian health services	BA	D82-212	10,950		11 6 81				10,950
Centers for Disease Control									
Preventive Health Services	BA	D82-213	791		11 6 81				791
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D82- 12	11,500		10 1 81				11,500
Office of Assistant Secretary for Health									
Health services management	BA	D82-214	1,142		11 6 81				1,142
Special foreign currency program	BA	D82- 13	7,000		10 1 81				7,000
Health Care Financing Administration									
Program management	BA	D82-215	420		11 6 81				420
Social Security Administration									
Refugee assistance	BA	D82- 43	10,000		10 20 81	-10,000			
Cuban and Haitian entrants, reception & process	BA	D82- 44	4,900		10 20 81	-2,500			2,400
Cuban and Haitian entrants, domestic asst	BA	D82- 45	37,000		10 20 81				37,000
Human Development Services									
Work incentives	BA	D82-216	10,523		11 6 81				10,523
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			95,734			-12,500			83,234
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Subsidized housing programs	BA	D82-182	79,218		10 29 81				79,218
Payments for operation of low income housing	BA	D82-183	102,452		10 29 81				102,452
Housing for the elderly or handicapped	BA	D82-111	14,294		10 23 81				14,294
Solar Energy and Energy Conserv. Bank									

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
Assist for solar and conserv. improvements								
BA	D82-184	3,500		10 29 81				3,500
Community Planning and Development								
Community development support assistance								
BA	D82-112	61,589		10 23 81				61,589
Urban development action grants								
BA	D82-113	8,412		10 23 81				8,412
Rehabilitation loan fund								
BA	D82-185	26,959		10 29 81				26,959
Neighborhoods, Vol Assoc & Consumer Prot								
Housing counseling assistance								
BA	D82- 46	207		10 20 81				207
Policy Development and Research								
Research and technology								
BA	D82- 47	420		10 20 81				420
Fair Housing and Equal Opportunity								
Fair housing assistance								
BA	D82- 48	96		10 20 81				96
Management and Administration								
Salaries and expenses								
BA	D82-186	3,590		10 29 81				3,590
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		300,737						300,737
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Acquisition, construction and maintenance								
BA	D82- 49	121		10 20 81				121
Range improvements								
BA	D82-114	237		10 23 81				237
Bureau of Reclamation								
Loan program								
BA	D82-115	792		10 23 81				792
Construction program								
BA	D82-116	4,603		10 23 81				4,603
General investigations								
BA	D82-117	944		10 23 81				944
Operations and maintenance								
BA	D82-118	64		10 23 81				64
General administrative expenses								
BA	D82-119	353		10 23 81				353
Office of Water Research & Technology								
Salaries and expenses								
BA	D82-120	600		10 23 81				600
U.S. Fish and Wildlife Service								
Resource management								
BA	D82-121	5,815		10 23 81	-500			5,315
Construction and anadromous fish								
BA	D82- 50	392		10 20 81				392
National Park Service								
Urban park and recreation grants								
BA	D82-125	1,400		10 23 81				1,400
Operation of the National Park Service								
BA	D82-122	5,216		10 23 81				5,216
John F. Kennedy Center for the Performing Arts								
BA	D82-124	40		10 23 81				40
Construction								
BA	D82-123	5,207		10 23 81				5,207
Land and water conservation fund								
BA	D82-126	16,256		10 23 81				16,256
BA	D82- 14	30,000		10 1 81				30,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
Historic preservation fund								
BA	D82-218	108		11 13 81				108
Geological Survey								
Surveys, investigations and research								
BA	D82- 51	9,019		10 20 81				9,019
Exploration of National Petroleum Res in Alaska								
BA	D82- 52	80		10 20 81				80
Payments from proceeds, sale of water								
BA	D82- 15	45		10 1 81				45
Office of Surface Mining Reclam and Enforcement								
Regulation and technology								
BA	D82- 53	1,245		10 20 81				1,245
Bureau of Mines								
Drainage of anthracite mines								
BA	D82- 16	991		10 1 81				991
Mines and minerals								
BA	D82- 54	2,600		10 20 81				2,600
Bureau of Indian Affairs								
Operation of Indian programs								
BA	D82-127	16,607		10 23 81				16,607
Construction								
BA	D82-128	148		10 23 81				148
Road construction								
[redacted]	D82-129	279		10 23 81				279
Office of Territorial Affairs								
Administration of territories								
BA	D82- 55	2,439		10 20 81				2,439
Trust territory of the Pacific Islands								
BA	D82- 56	2,068		10 20 81				2,068
Office of the Solicitor and Office of the Secret.								
Departmental management								
BA	D82-130	414		10 23 81	-40			374
Youth conservation corps								
BA	D82-131	2,494		10 23 81				2,494
DEPARTMENT OF THE INTERIOR								
TOTAL BA		110,577			-540			110,037
DEPARTMENT OF JUSTICE								
General Administration								
Salaries and expenses								
BA	D82-187	250		10 29 81	-250			
BA	D82-188	196		10 29 81				196
United States Parole Commission								
Salaries and expenses								
BA	D82-189	60		10 29 81	-60			
Legal Activities								
Salaries and expenses, Antitrust Division								
BA	D82-191	81		10 29 81	-81			
Salaries and expenses, Foreign Claims Settl								
BA	D82-190	12		10 29 81				12
Federal Prison System								
Buildings and facilities								
BA	D82-192	1,922		10 29 81				1,922
BA	D82- 17	2,700		10 1 81				2,700
Office of Justice Assist., Res., and Statistics								
Law enforcement assistance								
BA	D82-193	10,729		10 29 81				10,729
DEPARTMENT OF JUSTICE								
TOTAL BA		15,950			-391			15,559

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance									
	BA	D82-194	407,670		10 29 81				407,670
	BA	D82- 18	49,881		10 1 81	-49,881			
Occupational Safety and Health Admin									
Salaries and expenses									
	BA	D82-195	8,500		10 29 81				8,500
DEPARTMENT OF LABOR TOTAL	BA		466,051			-49,881			416,170
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Emergencies in dipl and consular service									
	BA	D82- 58	84		10 20 81				84
Acquis., oper and main. of buildings abroad									
	BA	D82- 57	514		10 20 81				514
International Commissions									
Salaries and expenses									
	BA	D82- 59	80		10 20 81				80
Construction									
	BA	D82- 60	20		10 20 81				20
American sections, internat commissions									
	BA	D82- 61	25		10 20 81				25
Other									
Emergency refugee and migration assistance fund									
	BA	D82- 19	35,043		10 1 81				35,043
DEPARTMENT OF STATE TOTAL	BA		35,766						35,766
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination									
	BA	D82- 20	3,446		10 1 81				3,446
Facilities & equip (Airport & airway trust fund)									
	BA	D82- 21	185,783		10 1 81				185,783
Federal Railroad Administration									
Grants to National Railroad Passenger Corp									
	BA	D82-217	93,400		11 6 81	-12,740			80,660
DEPARTMENT OF TRANSPORTATION TOTAL	BA		282,629			-12,740			269,889
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
International affairs									
	BA	D82-196	109		10 29 81				[illegible]
Office of Revenue Sharing									
Salaries and expenses									
	BA	D82-197	26		10 29 81				26
State and local government fiscal assistance fund									
	BA	D82- 22	109,738		10 1 81	-2,001		16	107,753
	O	D82- 23	6,287		10 1 81	-4,812			1,475
Federal Law Enforcement Training Center									
Salaries and expenses									
	BA	D82-198	240		10 29 81				240
	BA	D82- 24	4,200		10 1 81				4,200
Bureau of Government Financial Operations									
New York City loan guarantee program									
	BA	D82-199	16		10 29 81				16
Chrysler Corporation loan guarantee program									

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
	BA	D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms									
Salaries and expenses	BA	D82-201	1,039		10 29 81				1,039
Bureau of the Mint									
Expansion and improvements	BA	D82-132	70b		10 23 81			-70	
Internal Revenue Service									
Payment where energy credit exceeds liab. for tax	BA	D82-202	8		10 29 81				8
DEPARTMENT OF THE TREASURY	TOTAL BA		115,469			-2,024		-54	113,391
	TOTAL O		6,287			-4,812			1,475
ENVIRONMENTAL PROTECTION AGENCY									
Research and development	BA	D82-133	1,889		10 23 81				1,889
Abatement, control and compliance	BA	D82-134	8,062		10 23 81				8,062
Buildings and facilities	BA	D82-135	69		10 23 81				[redacted]
Hazardous substance response trust fund	BA	D82-136	3,360		10 23 81				3,360
ENVIRONMENTAL PROTECTION AGENCY	TOTAL BA		13,380						13,380
NATIONAL AERONAUTICS & SPACE ADMINISTRATION									
Construction of facilities	BA	D82-137	2,800		10 23 81				2,800
NATIONAL AERONAUTICS & SPACE ADMINISTRATION	TOTAL BA		2,800						2,800
VETERANS ADMINISTRATION									
Medical and prosthetic research	BA	D82-138	2,583		10 23 81				2,583
Medical admin and misc. operating expenses	BA	D82-139	921		10 23 81				921
Construction, major projects	BA	D82-140	91,300		10 23 81				91,300
	BA	D82-141	7,877		10 23 81				7,877
Construction, minor projects	BA	D82-142	907		10 23 81				907
VETERANS ADMINISTRATION	TOTAL BA		103,588						103,588
OTHER INDEPENDENT AGENCIES									
ACTION									
Operating expenses, domestic programs	BA	D82- 62	2,896		10 20 81				2,896
Administrative Conference of the U. S.									
Salaries and expenses									

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
	BA	D82-143	16		10 23 81				16
Advisory Committee on Federal Pay									
Salaries and expenses	BA	D82-144	4		10 23 81				4
Arms Control and Disarmament Agency									
Arms control and disarmament agency	BA	D82- 63	282		10 20 81				282
Board for International Broadcasting									
Salaries and expenses	BA	D82- 64	252		10 20 81				252
Comm. for the Purchase From the Blind									
Salaries and expenses	BA	D82- 65	10		10 20 81				10
Equal Employment Opportunity Commission									
Salaries and expenses	BA	D82-145	3,000		10 23 81				3,000
Federal Emergency Management Agency									
State and local assistance	[redacted]	D82-205	1,814		10 29 81				1,814
National flood insurance fund	BA	D82-203	7,140		10 29 81				7,140
	BA	D82-204	358,860		10 29 81				358,860
General Services Administration									
Consumer information center	BA	D82- 68	26		10 20 81				26
Nat Archives & Records Service-operating	BA	D82- 66	140		10 20 81				140
Federal Property Resources Service-operating	BA	D82- 67	748		10 20 81				748
Automated Data & Telecom. Service-operating	BA	D82-206	120		10 29 81				120
Advisory Commission on Intergovt. Relations									
Salaries and expenses	BA	D82- 69	10		10 20 81				10
Delaware River Basin Commission									
Salaries and expenses	BA	D82- 70	2		10 20 81				2
Contribution to the Del. River Basin Comm	BA	D82- 71	4		10 20 81				4
Interstate Commission on the Potomac River Basin									
Contrib to Interst Comm. on Potomac Riv Basin	BA	D82- 72	1		10 20 81				1
Susquehanna River Basin Commission									
Salaries and expenses	BA	D82- 73	1		10 20 81				1
Contrib. to the Susquehanna River Basin Comm	BA	D82- 74	1		10 20 81				1
International Communication Agency									
Salaries & expenses	BA	D82- 75	4,680		10 20 81				4,680
Center for cul and tech. exch. bet east & west	BA	D82- 76	125		10 20 81				125
Interstate Commerce Commission									
Salaries and expenses	BA	D82-146	648		10 23 81				648
Japan-U.S. Friendship Commission									
Japan-U.S. Friendship Commission trust fund	BA	D82- 77	34		10 20 81				34
Marine Mammal Commission									

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 12/08/81 16:43

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 12-1-81
Salaries and expenses								
BA	D82- 78	11		10 20 81				11
National Capital Planning Commission								
Salaries and expenses								
BA	D82-207.	19		10 29 81				19
National Foundation on the Arts & Humanities								
Nat endowment for the arts: sal & expenses								
BA	D82-147	11,208		10 23 81	-1,478			9,730
Nat. endowment for the human.: sal. and expenses								
BA	D82-208	5,892		10 29 81				5,892
Nat endowment for the human.: matching grants								
BA	D82-148	2,628		10 23 81	-252			2,376
National Mediation Board								
Salaries and expenses								
BA	D82- 79	58		10 20 81				58
National Science Foundation								
Research and related activities								
BA	D82- 80	19,924		10 20 81				19,924
Scientific activities overseas								
BA	D82- 81	[redacted]		10 20 81				59
Science and engineering educ. activities								
BA	D82- 82	2,623		10 20 81				2,623
Neighborhood Reinvestment Corporation								
Payment to Neighborhood Reinvest. Corp.								
BA	D82- 83	181		10 20 81				181
Pennsylvania Avenue Development Corporation								
Salaries and expenses								
BA	D82-149	15		10 23 81				15
Public development								
BA	D82-150	239		10 23 81				239
Land acquisition and development								
BA	D82-151	42		10 23 81				42
BA	D82- 25	30,896		10 1 81				30,896
Selective Service System								
Salaries and expenses								
BA	D82- 84	192		10 20 81				192
Small Business Administration								
Salaries and expenses								
BA	D82-152	3,137		10 23 81				3,137
Surety bond guarantees revolving fund								
BA	D82-154	373		10 23 81				373
Lease guarantees revolving fund								
BA	D82-153	67		10 23 81				67
Smithsonian Institution								
Museum programs and related research								
BA	D82-155	231		10 23 81				231
Restoration and renovation of buildings								
BA	D82-156	145		10 23 81				145
Motor Carrier Ratemaking Study Commission								
Salaries and Expenses								
BA	D82- 26	150		10 1 81				150
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D82-157	2,321		10 23 81				2,321
Water Resources Council								
Water resources planning								
[redacted]	D82- 85	42		10 20 81				42
OTHER INDEPENDENT AGENCIES TOTAL BA		461,267			-1,730			459,537

a Off-budget

b. This deferral was reported in error Funds for this budget account were not withheld.

END OF REPORT

[FR Doc. 81-36099 Filed 12-16-81; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/MA	LABOR		DOT/MA	LABOR
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DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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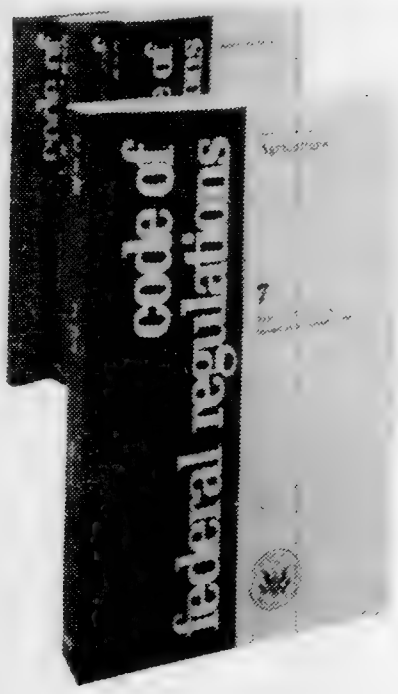

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A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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61633 **National Commission on Social Security Reform** Executive order.

61666 **Medical Research—Prisoners** HHS/FDA proposes to establish conditions for biomedical research on prisoners.

61671 **Occupational Safety and Health** Labor/OSHA proposes to revise standard on employee exposure to ethylene dibromide.

61828 **Cigarettes** FTC publishes report on "tar", nicotine and carbon monoxide content in smoke. (Part IV of this issue)

61642 **Disaster Assistance** SBA permits use of loan funds for repair or replacement of primary residences only.

61696 **National Gas** DOE/EIA publishes alternative fuel ceiling prices and high cost gas incremental pricing threshold.

61695 **Grant Programs—Education** ED invites applicants for Minority Institutions Science Improvement Program for fiscal year 1982.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

61822 **Grant Programs—Agricultural Science** USDA/SEA announces plant biology and human nutrition competitive research grants for fiscal year 1982. (Part III of this issue)

61640 **Loan Programs—Agriculture** USDA/FmHA changes regulations on servicing of delinquent and problem case borrowers.

61637 **Peanuts** USDA/CCC approves conditional transfer of contracts for additional peanuts for crushing and export.

61687 **Imports** CITA exempts certain man-made fiber luggage and related products from quota and export visa requirements.

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61684 **Countervailing Duty** Commerce/ITA issues preliminary results of administrative review on oleoresins of Paprika from Spain.

61643 **Administrative Practice and Procedure—Oceans and Atmosphere** Commerce/NOAA proposes to consolidate procedural rules on civil penalties.

61772 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

61768 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Executive Order 12335 of December 16, 1981

National Commission on Social Security Reform

By the authority vested in me as President by the Constitution of the United States of America, and to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), the National Commission on Social Security Reform, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the National Commission on Social Security Reform. The Commission shall be composed of fifteen members appointed or designated by the President and selected as follows:

(1) Five members selected by the President from among officers or employees of the Executive Branch, private citizens of the United States, or both. Not more than three of the members selected by the President shall be members of the same political party;

(2) Five members selected by the Majority Leader of the Senate from among members of the Senate, private citizens of the United States, or both. Not more than three of the members selected by the Majority Leader shall be members of the same political party;

(3) Five members selected by the Speaker of the House of Representatives from among members of the House, private citizens of the United States, or both. Not more than three of the members selected by the Speaker shall be members of the same political party.

(b) The President shall designate a Chairman from among the members of the Commission.

Sec. 2. *Functions.* (a) The Commission shall review relevant analyses of the current and long-term financial condition of the Social Security trust funds; identify problems that may threaten the long-term solvency of such funds; analyze potential solutions to such problems that will both assure the financial integrity of the Social Security System and the provision of appropriate benefits; and provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress.

(b) The Commission shall make its report to the President by December 31, 1982.

Sec. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(b) Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707), to the extent funds are available therefor.

(c) The Commission shall have a staff headed by an Executive Director. Any expenses of the Commission shall be paid from such funds as may be available to the Secretary of Health and Human Services.

Sec. 4. *General.* (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the Commission, shall be performed by the Secretary of Health and Human Services in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate thirty days after submitting its report.

Ronald Reagan

THE WHITE HOUSE,
December 16, 1981.

Editorial Note: The President's statement on the establishment of and the White House announcement on the membership of the Commission, both of Dec. 16, 1981, are printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 51).

[FR Doc. 81-36287
Filed 12-16-81; 2:22 pm]
Billing code 3195-01-M

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This section contains reg general app of which ar the Code o published u U.S.C. 1510 The Code by the Sup Prices of n first FEDER month.

DEPARTM

Agricultura

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EFFECTIVE

FOR FURTH William J.

SUPPLEMEN

Findings

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 338]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period December 20–26, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: December 20, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 15, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effecutate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.638 is added as follows:

§ 910.638 Lemon regulation 338.

The quantity of lemons grown in California and Arizona which may be handled during the period December 20, 1981, through December 26, 1981, is established at 230,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 16, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–36323 Filed 12–17–81; 10:20 am]
BILLING CODE 3410–02–M

7 CFR Part 993

Dried Prunes Produced in California; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the dried prune marketing agreement and order program to improve its operation and effectiveness. The amendment was favored by the required two-thirds majority of growers voting in a referendum. The most significant change would eliminate the use of the smallest prunes in manufacturing prune products each year. The amendment is based on proposals submitted by the Committee which works with USDA in administering the program. These proposals were considered at a public hearing in December 1980. The referendum was conducted by the Department by mail ballot October 24–November 8, 1981.

EFFECTIVE DATE: All changes except the change in § 993.49(c) effective January 18, 1982; change in § 993.49(c) effective August 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued November 18, 1980, and published November 24, 1980 (45 FR 77448).

Notice of Recommended Decision—Issued May 27, 1981, and published June 1, 1981 (46 FR 29271).

Final Decision—Issued September 22, 1981, and published September 28, 1981 (46 FR 47461).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing

Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 13 handlers.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except for the finding as to the base period for parity computation and insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of dried prunes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dried prunes produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of dried prunes produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* All amendatory changes, except the change in § 993.49(c) pertaining to a continuing undersized regulation, will be effective January 18, 1982. The change in § 993.49(c) should be effective August 1, 1982, the beginning of the next crop year. The harvesting and drying of prunes usually begin in August, and an August 1, 1982, effective date will enable producers to plan their 1982 operations accordingly.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1980, through July 31, 1981, handled not less than 50 percent of the volume of such prunes covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1980, through July 31, 1981 (which has been deemed to be a representative period), have been engaged within California, in the production of dried prunes for market, such producers also having produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of prunes shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. Section 993.21 is revised to read as follows:

§ 993.21 Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

2. The center heading preceding § 993.24 is changed from "PRUNE ADMINISTRATIVE COMMITTEE" to "PRUNE MARKETING COMMITTEE" and § 993.24 is amended by revising the introductory paragraph, and adding a new paragraph (e), to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

* * * * *

(e) The public member and alternate shall have no financial interest in the prune industry.

3. Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, producers in the group, for which selected and if to represent a district also producers in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler members of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers. These eligibility requirements shall not apply to the public member and alternate member.

4. In § 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

* * * * *

(e) The producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection.

5. Section
as follows:

§ 993.28 No

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7. Section
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5. Section 993.28(b) is revised to read as follows:

§ 993.28 Nominees.

* * * * *

(b) Before April 16 of each even-numbered year nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof is to the total tonnage handled by all cooperative marketing associations during the preceding crop year.

* * * * *

6. Section 993.33 is revised to read as follows:

§ 993.33 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided,* That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a mimimum of 5 days notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

* * * * *

7. Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) In no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes 23/32 of an inch, and for non-French prunes 28/32 of an inch: *Provided,* That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

* * * * *

8. Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation in § 933.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

9. Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

All changes except the change in § 993.49[c] effective January 18, 1982; change in § 993.49[c] effective August 1, 1982.

Signed at Washington, D.C. on December 15, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81–36207 Filed 12–17–81; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. 5]

Peanuts; General Regulations Governing 1979 and Subsequent Crops, Peanut Warehouse Storage Loans, and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This rule amends the regulations at 7 CFR 1446.5 (Contracts for additional peanuts for crushing and export), to permit the Deputy Administrator, State and County Operations (DASCO) to approve the transfer of contracts for additional peanuts under specified conditions and with certain contract modifications if it is determined that such modifications will not impair the effective operation of the price support program.

EFFECTIVE DATE: December 18, 1981.

ADDRESS: Send comments to Acting Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service (ASCS), P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: David Kincannon, (202) 447–7301. The Final Regulatory Impact Analysis describing the options considered in developing the final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures and Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "not major." It has been determined that this rule will not: (1) Result in an annual effect on the economy of $100 million or more, or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or a geographical region; or (2) have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

James M. Davis, Director, Tobacco and Peanuts Division, ASCS, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for a public comment period. Without this amendment it will be necessary to disapprove many

transfers of contracts between handlers, forcing affected producers to place contract additional peanuts under price support loan. Accordingly, this interim rule shall be effective upon date of publication in the **Federal Register** without prior opportunity for public comment. However, comments are requested on or before February 16, 1982 and this interim rule will be scheduled for review so that a final document discussing comments received and any amendment of this interim rule which may be required can be published in the **Federal Register** as soon as possible.

The title and number of the Federal assistance program to which this rule applies is: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Section 359(i) of the Agricultural Adjustment Act of 1938 permits handlers, under regulations prescribed by the Secretary of Agriculture, to contract with producers for the purchase of additional peanuts for crushing or export. All such contracts must be completed and submitted to the Secretary prior to June 15 of the year in which the crop is produced. The applicable regulations provide at 7 CFR 1446.5(a) that if a handler is unable to perform under contracts for additional peanuts for export or crushing because of conditions beyond his control including, but not limited to, insolvency, bankruptcy, death, or destruction of warehouse facilities, the handler and the producers may agree to the delivery of the peanuts to other handlers under the terms of the original contract, if specifically authorized by DASCO.

Due to a severe drought, the 1980-crop peanut supply situation was extremely tight. The resulting high prices had prompted some handlers to contract for 1981-crop additional peanuts for crushing and export at high, extremely speculative prices. The 1981 crop of peanuts is a normal crop, and prices have returned to much lower, historical levels. As a result, several handlers are potentially insolvent and, if additional financial backing is not secured, may face bankruptcy in the near future.

In such a situation, there are handlers willing to accept delivery of additional peanuts which were originally contracted for crushing and export by now insolvent handlers, but not at the high speculative prices agreed to in the original contracts. Under current regulations, authorization of such transfers of contracts under modified terms must be denied and, since the insolvent handlers are unable to perform, the producers are then required by law to place their additional peanuts under loan at the $250 per ton additional price support loan rate. The immediate reduction in price to the producer may equal $200 to $300 per ton with little hope of the additional loan pool paying a dividend equal to the producer's loss on the export contract.

It would be in the best interest of those producers having contracts with handlers who are unable to perform under such contracts to be able to receive the best price possible for the contracted additional peanuts rather than to be required to place such peanuts under price support loan at $250 per ton. In addition, CCC budget exposure would be significantly reduced and the peanut program would not incur program damage as a result of the transfer of such contracts between handlers with modified contract prices. Therefore, this interim rule amends the regulations to permit contracts for additional peanuts to be transferred with modified contract terms if specifically approved by DASCO.

Interim Rule

PART 1446—PEANUTS

Accordingly, the regulations at 7 CFR 1446.5 are revised to read as follows:

§ 1446.5 Contracts for additional peanuts for crushing and export.

(a) *Contracts between handlers and producers.* Handlers who have a U.S. address may contract with producers on Form CCC–1005 to buy additional peanuts from producers for crushing or export, or both. The type and quality of each lot of contract additional peanuts delivered under contract shall be determined by an inspector when such peanuts are delivered by a producer. All such contracts shall be completed and submitted to the county office for approval prior to June 15 of the year in which the crop is produced. Such contracts cannot be sold or traded, except under the terms and conditions specified in paragraph (b) of this section.

The county office shall summarize the contracts and send such summary to the Association through the State office. Contracts shall include at least the following provisions:

(1) Name and address of the farm operator, State and county code, and farm serial number of the farm.

(2) Name, address of handler and registration number.

(3) Amount of Segregation 1 peanuts in pounds by type.

(4) Contract price shown as a percentage of quota peanut support rate.

(5) Requirement for disclosure by producer of any liens on peanuts on date of delivery.

(6) A provision that the producer shall not be liable for failure to deliver against such contract an amount of peanuts in excess of the actual production of such type and quality on the farm: *Provided,* That such physical loss of production resulted solely from an external source such as drought, fire, lightning, inherent explosion, windstorm, tornado, flood, or other acts of God.

(7) Signature of farm operator and producer if different from operator.

(8) Signature of handler or authorized agent.

(9) The following agreement by the handler:

I agree that I will either export or crush the peanuts delivered under this contract as provided in Part 1446, Subpart—General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations, as amended, by August 31 following the calendar year in which the crop is grown, except that if the final date is extended by the Commodity Credit Corporation to November 30 of that year, I agree to dispose of such peanuts by November 30 of that year, and that, upon my failure to do so, I shall be subject to a marketing quota penalty, as specified in such regulations, on all such peanuts which have not been so crushed or exported. I further agree that if I contract with another handler to market any such peanuts, I shall include as part of the contract the agreement contained herein, and upon my failure to do so, I shall be subject to a marketing quota penalty as specified in the regulations on all such peanuts.

(b) *Contract transfers and delivery of contracted peanuts to other handlers.* If a handler is unable to perform under contracts with producers for additional peanuts because of conditions beyond his control, including but not limited to insolvency, bankruptcy, death, or destruction of warehouse facilities, the

handler and the producer may agree to the delivery of the peanuts to other handlers under the terms of the original contract or under modified terms. Such transfers shall not be valid unless they are approved in writing by the Deputy Administrator, State and County Operations, ASCS. A transfer shall be approved by the Deputy Administrator only if it is determined by the Deputy Administrator that such transfer will not impair the effective operation of the peanut program.

(c) *Deliveries under optional provisions of the contract.* Contracts may also include provisions under which a specified quantity of Segregation 1 peanuts in excess of the quantity specified in paragraph (a) of this section may be delivered under the contract: Provided, That the quantity of Segregation 1 peanuts specified in paragraph (a) of this section has been delivered and the producer retains the right to market Segregation 1 peanuts as quota peanuts to the extent that the farm poundage quota has not been filled. Contracts may also provide for delivery of Segregations 2 and 3 peanuts without regard to any quantity limits specified in this section.

(d) *Contracts between handlers.* Handlers may contract with other handlers to market contract additional peanuts. Such contracts must contain the agreement specified in paragraph (a)(9) of this section and an agreement that such agreement will be included in all subsequent contracts covering resale of such peanuts.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421); sec. 359, 52 Stat. 31, as amended (7 U.S.C. 1359))

Signed at Washington, D.C. on December 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-36204 Filed 12-17-81; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; Bulletin 345-67, REA Specification for Filled Telephone Cables, PE-39

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A by issuing a revised Bulletin 345-67. This revision to Bulletin 345-67, REA Specification PE-39 for Filled Telephone Cables, allows (1) the use of an optional jacket material, (2) the use of an optional shield design, and (3) the preconnectorization of cables 100 pair and larger. It also tightens, in two steps, the capacitance unbalance to ground requirement. These revisions cause the specification to reflect the best in state of the art cable manufacturing technology.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The Final Regulatory Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby issues revised Bulletin 345-67, REA Specification for Filled Telephone Cables, PE-39. This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and has been classified as not major. A Regulatory Flexibility Analysis is not required, and an OMB Circular A-95 review is not applicable to this action.

Research and development have resulted in improved, more cost-effective designs and materials for use in telecommunications cables. This revision to PE-39 recognizes these changes by permitting the use of the following: (1) Optional jacketing materials, (2) optional shield designs, and (3) preconnectorization of cables 100 pair and larger.

Retention of the specification without change would have denied REA borrowers the use of newer, more cost-effective products, and thus could lead to higher cost telephone service for rural America. Issuing the changes as addenda to the existing specification would have been cumbersome and could have resulted in confusion to users. As a result, a comprehensive revision of the document was determined to be the most effective method of addressing the problem.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 Rural Telephone Loans and Loan Guarantees.

A Notice of Proposed Rule Making was published in the **Federal Register** on April 17, 1981, in Volume 46, No. 47, page 22383. Texas Instruments commented on this proposal. A summary of the areas addressed in their comments and REA's response is as follows:

1. The decision to use coated aluminum/coated steel/polyethylene (CACSP) as an REA approved cable shielding material for filled telephone cables;

2. The criteria and methodology for user selection of cable shielding materials based upon soil corrosivity; and

3. The failure to include in PE-39 a reduced cost corrosion resistant cable shielding alternate material for use in areas known to be corrosive to aluminum based shields.

The answer to these comments is summarized as follows:

1. REA has studied the use of coated aluminum bare steel (CASP) and (CACSP) through the use of field trials, field experiments, historical data and cost/benefit models. In over 500 miles of field trial cable only one fault due to corrosion over the last two years was found and the cable had a CASP sheath. By coating the steel (CACSP) this record can only improve. After careful consideration and study of REA's sponsored field experiments, REA feels CACSP can be utilized by our borrowers if good engineer guidelines are provided through TE&CM 670, "Corrosion Considerations in Outside Plant."

2. The criteria and methodology for user selection of cable shielding will be provided in Telecommunications Engineering and Construction Manual 670, "Corrosion Considerations in Outside Plant." This manual has been prepared utilizing input from all of the known corrosion experts in the telecommunications industry.

3. Alternate corrosion resistant materials are listed in PE-39. All material, regardless of cost, must be field tested for both corrosion and gopher resistance before they are allowed as armors in buried cables.

Persons interested in obtaining copies of the detailed comment and reponse can write to Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: November 19, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-35871 Filed 12-17-81; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Public Information; Appendix A—REA Bulletins Specification for Low-Loss Buried Distribution Wire, PE-44, Bulletin 345-42 and Specification for Plastic-Insulated Line Wire, PE-21, Bulletin 345-17

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A by withdrawing Bulletin 345-42, Specification for Low-Loss Buried Distribution Wire, PE-44, and Bulletin 345-17, Specification for Plastic-Insulated Line Wire, PE-21. A survey of REA borrowers and manufacturers indicated that these products are no longer being produced or used in rural telephony. Withdrawal of these specifications will, therefore, have no impact on the private sector and will enable the government to save printing and handling costs associated with the documents.

EFFECTIVE DATE: December 9, 1981.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827.

The Final Regulatory Impact Analyses describing the options considered in developing this rule and the impact of implementing each option are available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA hereby amends Appendix A by withdrawing Bulletin 345-42, Specification for Low-Loss Buried Distribution Wire, PE-44, and Bulletin 345-17, Specification for Plastic-Insulated Line Wire, PE-21.

This action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." A Regulatory Flexibility Analysis is not required, and an OMB Circular A-95 review is not applicable to this action.

A survey of borrowers and manufacturers indicated that neither of these products was currently being produced by manufacturers or in use on the systems of REA borrowers. As other existing materials are filling the borrower's needs, it was felt that withdrawal of the specifications was best for all concerned.

Maintaining existing specifications was considered, however, as material is not manufactured or used in accordance with these documents so that this would be a useless proliferation of paperwork. Revising the documents to force manufacturers to develop innovative and useful products was also considered. Insofar as borrowers' needs are being met with existing products, and the marketplace will force the evolution of new products, this option was also rejected.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

A Notice of Proposed Rule Making was published in the **Federal Register** on September 4, 1981 (46 FR 44472) However, no public comments were received in response to the notice.

Dated: December 9, 1981.

Jack Van Mark,

Acting Administrator.

PART 1701—PUBLIC INFORMATION

REA hereby amends Appendix A by withdrawing Bulletin 345-42, Specification for Low-Loss Buried Distribution Wire, PE-44, and Bulletin 345-17, Specification for Plastic-Insulated Line Wire, PE-21.

[FR Doc. 81-35975 Filed 12-17-81; 8:45 am]

BILLING CODE 3410-15-M

Farmers Home Administration

7 CFR Part 1960

Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This action amends Farmers Home Administration (FmHA) regulations regarding the servicing of delinquent and problem case borrowers. Delinquencies and problem cases are increasing, creating the need for the proposed servicing tool. The intended effect is to provide a Guide letter, FmHA guide Letter 1960-A-1, to be used as a means of notifying those delinquent and problem case borrowers who have not been able to show substantial progress, of conditions they must meet to continue receiving FmHA assistance, as agreed upon in their current Farm and Home Plan. The Guide Letter will also notify these borrowers of alternative servicing tool available.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. A. Veldon Hall, Loan Officer, Farmer Program Emergency Loan Division, Farmers Home Administration (FmHA) , Room 5344, South Agriculture Building, Washington, DC 20250, telephone: (202) 382-1652, or Mr. Lynn L. Pickinpaugh, Acting Director, Farm Real Estate and Production Loan Division, FmHA, Room 5314, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, telephone: (202) 447-5044.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor because there is not an annual effect on the economy of $100 million or more; or a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or significant adverse effects on competition, employment, investment, producivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action does not directly affect any FmHA programs or projects that are subject to A-95 Clearinghouse review.

CFDA program numbers and titles of programs affected are listed as follows:

10.404 Emergency loans.
10.406 Farm operating loans.
10.407 Farm ownership loans.
10.408 Grazing association loans.
10.409 Irrigation, drainage, and other soil and water conservation loans.
10.416 Soil and water loans.
10.428 Economic emergency loans.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

FmHA published this amendment as a proposed rule in the **Federal Register** on October 8, 1981, (46 FR 49908), and requested comment. No comments were received.

Major Alternative Actions Considered

(1) Continue with present policy in servicing potential problem case and delinquent borrowers.

This alternative allows potential problem case and delinquent borrowers to continue receiving short notice of FmHA intent to discontinue financial assistance when in most cases it is too late for borrowers to make any type of management decisions that could improve their financial position.

(2) Develop a service guide letter. This action was selected because it provides a servicing tool that can be used for better servicing of loan amounts. The projected cost and savings are undetermined.

In this final rule, FmHA made minor changes in the wording of the regulations to more specifically describe the affected delinquent and problem case borrowers and to ensure that the County Supervisor discuss certain financial conditions with the borrower prior to executing FmHA Guide Letter 1960–A–1.

PART 1960—GENERAL

Therefore, the Farmers Home Adminsitration is amending § 1960.12 of Subpart A of Part 1960, Chapter XVIII, Title 7, Code of Federal Regulations by adding in new paragraph (e) to read as follows:

§ 1960.12 Supervision and servicing by the County Supervisor.

* * * * *

(e) During the beginning of the production season the County Supervisor will discuss with those delinquent and problem case borrowers who plan to continue their farming operations, but who have not been able to show substantial progress, of conditions agreed upon in their current Farm and Home Plans which must be met in order for them to continue receiving FmHA assistance. The County Supervisor will clearly document the discussion in the running case record and within a reasonable period of time execute FmHA Guide Letter 1960–A–1 as a follow-up to his or her discussion with the borrower.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: November 18, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81–36206 Filed 12–17–81; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

9 CFR Part 51

[Docket No. 81–099]

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Suspension of effective date of part of a final rule.

SUMMARY: This action suspends the effective date of that part of a final rule published in the **Federal Register** on November 20, 1981, which increased the maximum federal indemnity which could be paid for breeding swine destroyed because of brucellosis. This action is necessary because it now appears that funds may not be available to pay such increased federal indemnity for breeding swine destroyed because of brucellosis.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. G. H. Frye, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 804, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

On Friday, November 20, 1981, there was published in the **Federal Register** (46 FR 57026–57027), a final rule amending the regulations in 9 CFR Part 51 relating to the payment of indemnity for breeding swine destroyed because of brucellosis. Because of an inadvertent typographical error, the effective date of this amendment was published as December 12, 1981. On Friday, December 11, 1981, (46 FR 60565) a document was published in the Federal **Register** correcting the typographical error and changing the effective date of the final rule to December 21, 1981.

This action suspends the effective date of that part of the final rule published on Friday, November 20, 1981, (46 FR 57026–57027) which amended the second sentences of § 51.3(b) (1), (2) and (3) to raise the maximum indemnity which could be paid for registered, inbred and hybrid swine destroyed because of brucellosis from $25 per head to $50 per head, and to raise the maximum indemnity which could be paid for all other breeding swine destroyed because of brucellosis from $10 per head to $25 per head.

In light of recent reductions in funds for the brucellosis eradication program, the Department believes that the brucellosis eradication program must be re-evaluated. The Department believes that it is inappropriate to raise the indemnity authorized to be paid for breeding swine destroyed because of brucellosis until the re-evaluation of the program can be completed and a determination can be made as to whether there are funds available to pay the higher level of indemnity payments for breeding swine. The maximum federal indemnity authorized to be paid for registered, inbred, and hybrid swine destroyed because of brucellosis shall remain at $25 per head, and the maximum federal indemnity authorized to be paid for all other breeding swine destroyed because of brucellosis shall remain at $10 per head pending re-evaluation of the brucellosis eradication program.

Therefore, the effective date of that part of the final rule published in the **Federal Register** November 20, 1981 (46 FR 57026–57027), amending the indemnity authorized to be paid for breeding swine destroyed because of brucellosis in 9 CFR 51.3(b) (1), (2) and (3) is suspended pending re-evaluation of the brucellosis eradication program.

(Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 3, 76 Stat. 130 (21 U.S.C. 111–113, 114, 114a–1, 120, 121, 125, 134b) 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 16th day of December 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81–36327 Filed 12–17–81; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 335 and 338

Securities of Nonmember Insured Banks; Fair Housing

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") amends Parts 335 and 338 of its rules and regulations pertaining to its securities disclosure requirements and its fair housing requirements, respectively. The amendments are being made to give notice to the public that the information collection requirements under the regulations have been cleared in accordance with the Paperwork Reduction Act of 1980 ("Act"). The Act requires an agency to obtain a review and approval of its information

collection requirements from the Office of Management and Budget ("OMB") and to give public notice of such approval.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Patrick J. Moses, Supervising Financial Analyst, Registration and Disclosure Unit, or Jerry L. Langley, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, (202) 389–4651 or 389–4237.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (44 U.S.C. 101 note) seeks, in part, to minimize the Federal paperwork burden and to improve Federal information policies and practices. The Act requires, among other things, that agencies obtain OMB review and clearance of certain recordkeeping and reporting requirements and to give public notice of the clearance number and expiration date.

OMB has reviewed and cleared the recordkeeping and reporting requirements for Parts 335 and 338 of FDIC's regulations. For the Part 335 requirements, the clearance number is 3064–0030 and the clearance expiration date is August 31, 1984. For the Part 338 requirements, the clearance number is 3064–0046 and the clearance expiration date is September 30, 1982. In accordance with OMB instructions, FDIC is amending § 335.101 entitled *"Scope"* to include the clearance information regarding Part 335 and amending § 338.4 entitled *"Recordkeeping requirements"* to include the clearance information on Part 338.

Since the changes are necessitated by statutory requirement and are informational in nature FDIC's Board of Directors has determined that notice of, and public participation in, this rulemaking is unnecessary and that good cause exists for waiver of the 30-day deferral of the effective date for the changes.

Accordingly, 12 CFR Parts 335 and 338 are amended as follows:

PART 335—SECURITIES OF NONMEMBER INSURED BANKS

(1) The authority citation for Part 335 reads as follows:

Authority: Sec. 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 781(i)).

§ 335.101 [Amend]

(2) In Part 335, § 335.101 is amended by adding a new sentence at the end which reads as follows:

* * * The Office of Management and Budget has reviewed and approved the recordkeeping and reporting required by this part (OMB Control No. 3064–0030 which expires August 31, 1984).

PART 338—FAIR HOUSING

(3) The authority citation for Part 338 reads as follows:

Authority: Sec. 2, Pub. L. 86–671, 714 Stat. 547 (12 U.S.C. 1817); Sec. 8, Pub. L. 797, 64 Stat. 879, as amended by Sec. 202, 204, Pub. L. 89–695, 80 Stat. 1046, 1054, and Sec. 110, Pub. L. 93–495, 88 Stat. 1506 (12 U.S.C. 1818); Sec. 9, Pub. L. 797, 64 Stat. 881, as amended by Sec. 205, Pub. L. 89–695, 80 Stat. 1053, (12 U.S.C. 1920(b)); Sec. 805, Pub. L. 90–284, 82 Stat. 83–84, as amended by Sec. 808, Pub. L. 93–383, 88 Stat. 729 (42 U.S.C. 3605, 3608); Sec. 501, Pub. L. 93–495, 88 Stat. 15212 as amended by Sec. 2, Pub. L. 94–239, 90 Stat. 251 (15 U.S.C. 1691, et seq.); 40 FR 49306, (12 CFR Part 202; 37 FR 3429, 24 CFR Part 110).

(4) In part 338, § 338.4 is amended by adding a new paragraph (f) to read as follows:

§ 338.4 Recordkeeping requirements.

* * * * *

(f) *OMB review.* The Office of Management and Budget has reviewed and approved the recordkeeping and reporting required by this § 338.4 (OMB Control No. 3064–0046 which expires September 30, 1982.)

By Order of the Board of Directors, December 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81–36235 Filed 12–17–81; 8:45 am]

BILLING CODE 6714–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Rev. 9, Amt. 18]

Disaster Loans; Changes in Policy

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment revises SBA's present home disaster loan regulations to prohibit the use of disaster loan funds to restore secondary homes and contents thereof and/or to repair or replace personal property used primarily for recreation or relaxation. As a result of this amendment only the primary residence of an applicant may be repaired or replaced with SBA funds.

In consideration of the need to utilize present and future disaster loan funds for only the most productive and effective uses, these rules become effective December 18, 1981, for all disasters occurring on or after that date.

These changes will eliminate the use of funds to restore or repair property not necessary for an applicant's health, safety and welfare.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to: Bernard Kulik, Deputy Associate Administrator for Disaster Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, [202] 653–6879.

SUPPLEMENTARY INFORMATION: The nation's present economic and fiscal condition dictates the most prudent utilization of both presently available disaster loan funds and future appropriations. By revoking eligibility of secondary homes and furniture, household appliances and other contents of such homes and of boats, vehicles and airplanes used primarily for recreation or relaxation, available funds will be applied to the relief of more serious needs.

After this amendment becomes effective SBA will continue to process applications to restore rental homes which constitute business property. Our guidelines for determining what is a rental home which constitutes business property will be based on those adopted by the Internal Revenue Service under § 280A of the Internal Revenue Code (26 U.S.C. 280A) for deduction of rental expenses (including depreciation) as business expenses. Applications to repair/replace recreational vehicles used for rental purposes will be similarly treated.

It is contemplated that the gross amount of disaster loan funds which will be made unavailable to the owners of secondary residences by virtue of this regulation will be made available to other eligible applicants for SBA disaster assistance. Therefore the economic impact of this regulation is insignificant—it merely establishes eligibility criteria for a government assistance program.

SBA avails itself of its authority pursuant to § 123.0(a) of its Disaster Loan regulation, 12 CFR 123.0(a), to change without advance notice certain regulations affecting disaster home loans. The Administrator has determined that the need to employ all presently available funds and future appropriations to assist the serious needs of eligible applicants presents a circumstance contemplated by 13 CFR 101.9 and 123.0(a), thus rendering impractical and contrary to the public interest any delay in the effectuation of these amendments. Therefore, SBA is

publishing the rule as a final rule at this time, and is not providing an opportunity for public comment.

For the purpose of Executive Order 12291, SBA hereby determines that this rule will not constitute a major rule. In addition, it is hereby certified pursuant to section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, that this rule will not have a significant economic impact on a substantial number of small entities. In this regard this rule governs only the applications of homeowners for SBA disaster assistance, and therefore does not impact upon small entities as defined in section 601 of that Act, 5 U.S.C. 601.

PART 123—DISASTER LOANS

Accordingly, and pursuant to the authority of section 5(b)(6) of the Small Business Act, as amended, 15 U.S.C. 634(b)(5), Part 123, Chapter I of Title 13 of the Code of Federal Regulations is amended as follows:

§ 123.3 [Amended]

1. Section 123.3(a)(1) is revised to read as follows:

(a) Physical-loss disaster assistance. (1) The purpose of these loans is to restore a victim's primary residence (including a mobile home used as the primary residence of the applicant) or business property as nearly as possible to predisaster condition. Such business loans shall be made to the extent that the required financial assistance is not otherwise available from private sources, see § 120.2(a)(2) of this Chapter. A loan to an individual may be used to repair or replace damaged or lost furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may not be used to repair or replace vehicles (includes airplanes and boats) utilized primarily for recreation or relaxation by the owners thereof. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property. SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location; and loans to relocate a one to four family residential structure will be subject to the Real Estate Settlement Procedures Act of 1974.

§ 123.5 [Amended]

2. Sections 123.5(c)(3)(iii) is removed in its entirety.

3. Sections 123.5(c)(3)(iv) through (vi) are hereby redesignated as § 123.5(c)(3)(iii) through (v), respectively.

(Catalog of Federal Domestic Assistance Program No. 59.008 (Physical Disaster Loans)

Dated: November 19, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-36205 Filed 12-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 904, 922, 970, and 981

50 CFR Parts 216, 218, 246, 285, and 621

Civil Procedures; Interim Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Interim final regulations.

SUMMARY: NOAA is proposing a consolidation of its procedural regulations for assessing civil penalties under the statutues for which it has enforcement responsibility. The major statutes are the Magnuson Fishery Conservation and Management Act, the Marine Mammal Protection Act, the Endangered Species Act of 1973, and the Deep Seabed Hard Mineral Resources Act. These consolidated regulations replace numerous other sets of regulations.

DATES: These rules are effective December 18, 1981 as interim rules.

Comments must be submitted on or before January 18, 1982.

ADDRESSES: Interested persons are invited to submit written comments to the NOAA Office of General Counsel (GCEL), Room 275, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Amy Svoboda, 202-254-8350 [Address above.]

SUPPLEMENTARY INFORMATION:

Classification

The National Oceanic and Atmospheric Administration (NOAA) has determined that these regulations are not major rules as defined by Executive Order 12291, "Federal Regulations". These regulations will not have a significant impact on a substantial number of small entities and do not require preparation of a Regulatory Flexibility Analysis. These regulations do not affect the environment, and an environmental impact statement is not required under the National Environmental Policy Act of 1969. They also do not require information from 10 or more persons, and therefore the Paperwork Reduction Act does not apply.

Discussion

Subpart B—Civil Penalties

These proposed regulations consolidate existing regulations that provide for assessment of civil penalties under statutes for which NOAA has enforcement responsibility. These statutes include the Magnuson Fishery Conservation and Management Act, the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, the Lacey Act, the Deep Seabed Hard Mineral Resources Act, the Ocean Thermal Energy Conversion Act of 1980, the Marine Protection, Research, and Sanctuaries Act of 1972, the Atlantic Tunas Convention Act of 1975, the Northern Pacific Halibut Act of 1937, the Tuna Conventions Act of 1950, and the North Pacific Fisheries Act.

The major change in the civil penalty process is extension of the Notice of Violation and Assessment (NOVA) system currently used under the Magnuson Fishery and Conservation Management Act to all civil penalty enforcement proceedings for other statutes covered by these regulations. The current system under statutes other than the Magnuson Fishery and Conservation Act requires a lengthy multi-stage process. An initial Notice of Violation, which proposes a penalty, is issued to an alleged violator. The respondent has varying periods of time to respond to the charges contained in the document. At the end of that time, the Agency may issue a Notice of Assessment which assesses a penalty. The respondent may then request a hearing. If no hearing is requested the assessment becomes final. The NOVA system employs a single charging document, which also assesses a penalty, and gives the respondent 30 days to respond. The timely preparation of two complex documents for each case under the present system has proved burdensome for the agency without adding to the due process protections afforded alleged violators. The availability of two response periods, and the demand on the NOAA resources required to react fully to them, have unduly lengthened the assessment process and substantially frustrated the

goal of prompt adjudication of alleged violations, contrary to efficient administration of an enforcement program and the best interests of the parties. A year's experience with NOVA under the Magnuson Fishery Conservation and Management Act has demonstrated its efficiency both from the viewpoint of the Agency and of persons being charged under the system. The Agency expects to obtain the same benefits by using the system for enforcement of other statutes.

Subpart C—Hearing and Appeal Procedures

These regulations replace numerous sets of regulations that provide for essentially similar hearing procedures for the statutes listed above under which NOAA assesses civil penalties. Most of the changes are technical affecting time periods and other minor provisions so as to make all procedures uniform.

The only significant changes are the addition of two provisions explicitly authorizing the Administrative Law Judge (Judge) to make a summary decision at any time during the proceeding disposing of all or part of the issues (Section 224), and enabling the Judge to make an oral decision in simple cases (Section 262(b)). This latter decision is to provide efficient disposition of cases involving few parties, limited issues and short hearings. It may be utilized only when the Judge has advised the parties in advance of the hearing.

Related to these civil procedures is the Equal Access to Justice Act, which provides for the award of attorneys fees and other expenses to parties who prevail over the federal government in certain administrative proceedings. Regulations implementing this Act will soon be published by the Department of Commerce.

Effective Dates

These rules are effective on December 18, 1981 as interim rules. Although we are requesting comment on the regulations and will review them in light of the comments, we are publishing them as final. A notice and comment period are not required for rules of agency procedure or practice. Because these rules simplify and consolidate existing rules, there is good cause for having them effective as soon as possible.

Subpart B of this part shall apply to any civil penalty proceeding initiated by Notice of Violation and Assessment after these become effective. Procedures initiated by a Notice of Violation or a Notice of Violation and Assessment under regulations amended or repealed by these interim rules shall be governed by the former rules except as otherwise stipulated by the parties.

Dated: November 24, 1981.

Mirco P. Snidero,

Deputy Assistant Administrator for Management and Budget.

Title 15—Commerce and Foreign Trade

1. 15 CFR Part 904 is amended by retitling the Part as "Civil Procedures", and redesignating the present Part 904 as Subpart G of the new Part 904, with the present section numbers of §§ 904.1 through 904.5 redesignated as §§ 904.600 through 904.604. The new Part 904 is further amended by adding the following new Subparts B and C to read as follows, and Subparts A, D, E, and F are reserved.

PART 904—CIVIL PROCEDURES

Subpart A—[Reserved]

Subpart B—Civil Penalties

Sec.

904.100 General.
904.101 Notice of Violation and Assessment (NOVA).
904.102 Procedures upon receipt of NOVA.
904.103 Hearing and administrative review.
904.104 Final administrative decision.
904.105 Payment of final assessment.
904.106 Compromise of civil penalty.
904.107 Application of this subpart to permit holders and vessel owners.

Authority: Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801–1882; Endangered Species Act of 1973, 16 U.S.C. 1531–1543; Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407; Lacey Act, 18 U.S.C. 42–44, 3054; 3112; Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401, et seq.; Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. 9101, et seq.; Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434; Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971g; Northern Pacific Halibut Act of 1937, 16 U.S.C. 772–772j; Tuna Conventions Act of 1950, 16 U.S.C. 951–961; North Pacific Fisheries Act of 1954, 16 U.S.C. 1021, et seq.

Subpart C—Hearing and Appeal Procedures

General

Sec.

904.200 Scope and applicability.
904.201 Definitions.
904.202 Use of gender and number.
904.203 Docket number.
904.204 Notice of assignment.
904.205 Appearances.
904.206 Duties and power of Judge.
904.207 Disqualification of Judge.
904.208–904.219 [Reserved]

Prehearing

904.220 Pleadings, motions, and service.
904.221 Amendment of pleadings or records.
904.222 Time computation and extensions.
904.223 Expedition of proceedings.
904.224 Summary decision.
904.225 Failure to appear.
904.226 Dismissal for failure to prosecute or defend.
904.227 Settlements.
904.228 Stipulation.
904.229 Consolidation.
904.230 Prehearing conferences.
904.231—904.239 [Reserved]

Discovery

904.240 Discovery generally.
904.241 Depositions.
904.242 Interrogatories, requests for admission, and production of documents.
904.243 Subpoenas.
904.244—904.249 [Reserved]

Hearings

904.250 Notice of time and place.
904.251 Evidence.
904.252 Witnesses.
904.253 Interlocutory appeals.
904.254 Ex parte communications.
904.255—904.259 [Reserved]

Post-Hearing

904.260 Official transcript.
904.261 Petition for reconsideration.
904.262 Proposed findings and conclusions.
904.263 Documents, copies, and exhibits.
904.264—904.269 [Reserved]

Decision

904.270 Record of decision.
904.271 Decision.
904.272 Administrative review of decision.
904.273—904.299 [Reserved]

Authority: Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971, 89 Stat. 385; Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401, 94 Stat. 553; Endangered Species Act of 1973, 16 U.S.C. 1531, 87 Stat. 884; Lacey Act, 18 U.S.C. 41–44, 62 Stat. 686; Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801, 90 Stat. 331; Marine Mammal Protection Act of 1972, 16 U.S.C. 1361, 86 Stat. 1027; Marine Protection, Research, and Sanctuaries Act of 1972, Title III, 16 U.S.C. 1431, 86 Stat. 1061; Northern Pacific Halibut Act of 1937, 16 U.S.C. 772, 50 Stat. 325; Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. 9101, 94 Stat. 974; Tuna Conventions Act of 1950, 16 U.S.C. 951, 64 Stat. 777; North Pacific Fisheries Act of 1954, 16 U.S.C. 1021 et seq.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Financial Compensation of Participants in Administrative Proceedings

* * * * *

Subpart B—Civil Penalties

§ 904.100 General.

(a) *Purpose and Scope.* (1) The following statutes administered by NOAA authorize the Administrator to assess a civil penalty for each violation

against any person found to have committed an act prohibited by the statute or an implementing regulation (each day of a continuing violation is a separate offense):

(i) Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801–1882;

(ii) Endangered Species Act of 1973, 16 U.S.C. 1531–1543;

(iii) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407;

(iv) Lacey Act, 16 U.S.C. 42–44, 3054, 3112;

(v) Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401, et seq.;

(vi) Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. 9101, *et seq.;*

(vii) Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434;

(viii) Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971g;

(ix) Northern Pacific Halibut Act of 1937, 16 U.S.C. 772–772j;

(x) Tuna Conventions Act of 1950, 16 U.S.C. 951–961;

(xi) North Pacific Fisheries Act, 16 U.S.C. 1021 et seq.

(2) This subpart provides uniform rules and procedures for assessing civil penalties under the statutes listed in paragraph (a)(1) of this section.

(b) *Filing and service of documents.* (1) Whenever this Subpart requires service of a document or other paper, such service may effectively be made on the agent for service of process or on the attorney for the person to be served. Refusal by the person to be served, or his or her agency or attorney, of service of a document or other paper will be considered effective service of the document or other paper as of the date of such refusal.

(2) Whenever this Subpart or an order issued hereunder requires a document or other paper to be filed within a certain period of time, such document will be considered filed as of the date of the postmark (or as otherwise shown for government-franked mail), if mailed, or (if not mailed) as of the date actually delivered to the office where filing is required. Time periods begin to run on the day following the date of the document, paper, or event which begins the time period and, unless otherwise provided by law or these regulations, includes the last day of the period, unless such day is a Saturday, Sunday, or Federal holiday, in which event it includes the next following day which is not a Saturday, Sunday, or Federal holiday. This method of computing time periods also applies to any act, such as paying a civil penalty, required by this Subpart to take place within a specified period of time.

(3) If an oral or written application is made to the Administrator within 10 days after the expiration of a time period established in this Subpart for the required filing of documents or other papers, the Administrator may permit a late filing if the Administrator finds reasonable grounds for an inability or failure to file within the time period. All extensions will be in writing. Except as specifically provided in this Part, or by order of an Administrative Law Judge under this Part, no requests for an extension of time may be granted.

(c) *Definitions.* Unless the context otherwise requires, terms in this Subpart have the meanings prescribed in the applicable statute or in Subpart A. In addition, the following definitions apply:

(1) *Administrator*—means the Administrator of NOAA or a designee.

(2) *Affected permit*—means a permit or license issued by NOAA under an applicable statute that may be subject to sanctions as a result of civil penalty proceedings under this Part.

(3) *Affected vessel*—means any vessel that is liable *in rem* for any civil penalty proceedings under this Part, or whose permit may be subject to sanction as a result of civil penalty proceedings under this Part.

(4) *Applicable statute*—means a statute listed in § 904.100(a), and its implementing regulations, under which a civil penalty is assessed, or proposed to be assessed.

(5) *Final administrative decision*—means an order of the Administrator assessing a civil penalty which is not subject to further agency review under this Part, and which is subject to collection proceedings or judicial review in an appropriate federal district court as authorized by law.

(6) *Permit*—means any license, permit, certificate or other approval issued by NOAA under an applicable statute.

(d) *Exceptions.* Whenever a particular statute under which a penalty is assessed requires procedures different from the procedures in this Subpart, the alternative procedures for that statute are set forth in the last paragraph of the section of this subpart which is affected.

§ 904.101 A Notice of Violation and Assessment (NOVA)

(a) A notice of violation and assessment (NOVA) will be issued by the Administrator and served personally or by registered or certified mail, return receipt requested, upon the person alleged to be subject to a civil penalty (the respondent). A copy of the NOVA will similarly be served upon the holder of an affected permit, or the owner of an affected vessel, if the holder or owner is not the respondent. Although no specific form is prescribed, the NOVA will contain: (1) A concise statement of the facts believed to show a violation; (2) a specific reference to the provisions of the Act, regulation, license, permit, agreement, or order allegedly violated; (3) the findings and conclusions upon which the Administrator bases the proposed assessment; and (4) the amount of the civil penalty proposed to be assessed.

(b) In respect to the amount of civil penalty, the Administrator will take into account information available to the agency concerning any factor to be considered under the applicable statute, and any other matter that justice or the purposes of the statute require.

(c) The NOVA may also contain an initial proposal for compromise or settlement of the case. The Administrator may also attach documents which illuminate the facts believed to show a violation. The NOVA will advise of the respondent's rights at that point in the proceeding, and will be accompanied by a copy of the regulations in this Part governing civil procedures.

§ 904.102 Procedures upon Receipt of NOVA.

(a) The respondent has 30 days from receipt of the NOVA in which to respond. During this time the respondent may:

(1) Accept the proposed penalty or compromise penalty, if any, by taking the actions specified in the NOVA;

(2) Seek to have the NOVA amended or modified under paragraph (b) of this section;

(3) Request a hearing under paragraph (e) of this section;

(4) Request an extension of time to respond to the NOVA under paragraph (c) of this section; or

(5) Take no action, in which case the NOVA becomes final in accordance with § 904.104. Options (2), (3), (4), and (5) may also be exercised by the holder of an affected permit or the owner of an affected vessel.

(b) The respondent, the permit holder, or the vessel owner may seek amendment or modification of the NOVA to conform to the facts or law as that person sees them by notifying the Administrator at the telephone number or address specified in the NOVA. If amendment or modification is sought, the Administrator will either amend the NOVA or decline to amend it, and so notify the respondent, permit holder or vessel owner, as appropriate.

(c) The respondent, permit holder, or vessel owner may, within the 30-day period specified in paragraph (a) of this section, request an extension of time to respond. The Administrator may grant an extension of up to 30 days unless the Administrator determines that the requestor could, exercising reasonable diligence, respond within the 30-day period. If the Administrator does not respond to the request within 48 hours of its receipt by the Administrator, the request is granted automatically for the extension requested, up to a maximum of 30 days. A telephonic response to the request within the 48 hour period is considered effective response, and will be followed by written confirmation.

(d) The Administrator may, for good cause, grant an additional extension beyond the thirty day period specified in paragraph (c) of this section.

(e) If the respondent, the permit holder, or the vessel owner wishes a hearing, the request shall be dated and in writing, and shall be served either in person or by certified or registered mail, return receipt requested, at the address specified in the NOVA. The request shall either attach a copy of the relevant NOVA or refer to the relevant NOAA case number.

(f) Any denial, in whole or in part, of any request under this section which is based upon untimeliness will be in writing.

(g) The Administrator may, in the Administrator's discretion, treat any communication from a respondent, a permit holder, or vessel owner as a request for a hearing under paragraph (e) of this section.

§ 904.103 Hearing and administrative review.

(a) Any hearing request under § 904.102(e) is governed by the hearing and review procedures in Subpart C.

(b) In any hearing held in response to a request under § 904.102(e), the Administrative Law Judge will render an initial decision. Any party to the hearing may seek the Administrator's review of the Judge's initial decision, subject to the provisions of Subpart C.

§ 904.104 Final administrative decision.

(a) If no request for hearing is filed as provided in § 904.102(e), the NOVA becomes effective as the final administrative decision and order of the Administrator on the 30th day after service of the NOVA, or on the last day of any delay period granted.

(b) If a request for hearing is filed in accordance with § 904.102(e), the date of the final administrative decision is as provided in Subpart C.

§ 904.105 Payment of final assessment.

(a) Respondent shall make full payment of the civil penalty assessed within 30 days of the date upon which the assessment becomes effective as the final administrative decision and order of the Administrator under § 904.104 or Subpart C, or, if the respondent initiates judicial review of the assessment in accordance with the applicable statute during the 30 day period, within 10 days after the appropriate court enters final judgment in favor of the Administrator, unless the court's order provides otherwise. Payment shall be made by mailing or delivering to the Administrator at the address specified in the NOVA a check or money order made payable in United States currency in the amount of the assessment to the "Treasurer of the United States."

(b) Upon any failure to pay the civil penalty assessed, the Administrator may request the Attorney General of the United States to recover the amount assessed in any appropriate district court of the United States, or may act under § 904.106.

§ 904.106 Compromise of civil penalty.

(a) The Administrator, in the Administrator's sole discretion, may compromise, modify, remit, or mitigate, with or without conditions, any civil penalty imposed, or which is subject to imposition, except as stated in paragraph (e) of this section.

(b) The compromise authority of the Administrator under this section is in addition to any similar authority provided in any applicable statute or regulation, and may be exercised either upon the initiative of the Administrator or in response to a request of the alleged violator or other interested person.

(c) If the Administrator acts under this section prior to issuing a NOVA or after a final assessment is payable under § 904.105, the Administrator will prepare a document indicating the action taken and citing this paragraph and the applicable statutory provision as authority. Once the case has been assigned for hearing under Subpart C, the Administrator will, except in unusual circumstances, defer any compromise action under this section until the Administrative Law Judge has rendered an initial decision in the matter. Neither the existence of the compromise authority of the Administrator under this section nor the Administrator's exercise thereof at any time changes the date upon which an assessment is final or payable.

(d) If compromise action is requested or otherwise becomes appropriate for the Administrator's consideration during the pendency of a petition for relief from forfeiture filed under Subpart F, the Administrator may consolidate, in a manner consistent with the provisions of any statute or regulation applicable to the forfeiture, consideration of the two matters.

(e) Exception: The Administrator will not compromise, modify, or remit a civil penalty imposed, or subject to imposition, under the Deep Seabed Hard Mineral Resources Act while an action to review or recover the penalty is pending in a court of the United States.

§ 904.107 Application of this subpart to permit holders and vessel owners.

(a) This Subpart applies to holders of the affected permits as defined in § 904.100(c)(2).

(b) This Subpart also applies to owners of affected vessels as defined in § 904.100(c)(3).

Subpart C—Hearing and Appeal Procedures

General

§ 904.200 Scope and applicability.

(a) These Rules establish uniform procedures for the conduct of hearings and the issuance of initial, recommended, and final decisions of the National Oceanic and Atmospheric Administration (NOAA) in cases involving alleged violations of the laws listed above and regulations implementing these Acts, including civil penalty assessments and permit sanctions. By separate regulation, these rules may be applied to proceedings which do not involve alleged violations of law. These rules shall govern proceedings for which no other rules of practice have been promulgated. By delegation from the Secretary of Commerce or the statute itself, the Administrator of NOAA has authority to carry out the provisions of the Acts and is authorized further to delegate these authorities. These rules are an exercise of that authority.

(b) Subject to the administrative direction of the Chief Administrative Law Judge, each Administrative Law Judge (Judge) assigned by the Chief Administrative Law Judge is delegated authority to make the initial, recommended, or final decision of the agency (whichever is made appropriate by regulation outside this subpart) in proceedings subject to the provisions of this subpart and to take actions to promote the efficient and fair conduct of hearings as set out in these Rules, except that no Administrative Law Judge has authority to rule on challenges to the validity of regulations promulgated by the agency.

(c) The Rules in this subpart will not serve as an independent basis for claiming the right to a hearing, but instead prescribe procedures for the conduct of hearings, the right to which is provided by other authority, including other subparts in this Part.

§ 904.201 Definitions.

"Administrator"—means the Administrator of NOAA or a designee.

"Affected licensee"—means the holder of a license or permit issued by the agency which may be subject to sanctions by the agency as a result of proceedings under this subpart.

"Affected vessel"—means a vessel whose agency-issued permit may be subject to sanctions by the agency as a result of proceedings under this subpart, or would be liable *in rem* for a civil penalty assessed under this subpart.

"Initial decision"—means a decision of the Administrative Law Judge which, under applicable statute and regulation, is subject to review by the Administrator, but which becomes the final agency decision in the absence of such review.

"Final decision"—when used in reference to an Administrative Law Judge decision, means a decision of the Administrative Law Judge which, under applicable statute and regulation, is the final agency decision and is not subject to review by the Administrator.

"Recommended decision"—means a decision of the Administrative Law Judge which, under applicable statute and regulation, is a recommendation considered by the Administrator in reaching a final agency decision, but which does not itself become the final agency decision.

"Agency"—means NOAA.

"Decision"—means an initial, recommended, or final decision of the Administrative Law Judge.

§ 904.202 Use of gender and number.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural may include the singular; and words importing the masculine gender include the feminine gender and the feminine the masculine.

§ 904.203 Docket number.

Each request for hearing promptly upon its receipt for filing in the Office of Administrative Law Judges will be assigned a docket number and thereafter the proceeding shall be referred to by such number.

§ 904.204 Notice of assignment.

Written notice of the assignment of hearing to the Judge will promptly be given to the parties and thereafter all pleadings, papers, and other documents in the proceeding shall be filed directly with the Judge with copies served on the opposing party.

§ 904.205 Appearances.

A party may appear in person or by or with counsel or other qualified representative.

§ 904.206 Duties and powers of Judge.

(a) The Judge shall have all powers and responsibilities necessary to preside over the parties and the proceeding, to hold prehearing conferences, to conduct the hearing, and to make the decision in accordance with these regulations and 5 U.S.C. 554 through 557, including, but not limited to, the authority and duty to:

(1) Rule on a request to participate as a party in the proceeding by allowing, denying, or limiting such participation; provided, however, that the respondent, agency counsel, and if they enter an appearance, the owner of an affected vessel and the holder of an affected license, shall be parties, and provided further that the Judge shall prior to ruling ascertain the views of other parties and base the ruling on whether the request is from a person who could be directly and adversely affected by the decision and who may contribute materially to the disposition of the proceedings;

(2) Schedule the time and place and manner of conducting the pre-hearing conference or hearing, continue the hearing from day to day, adjourn the hearing to a later date or a different place, and reopen the hearing at any time before issuance of the decision, all in the Judge's discretion, having due regard for the convenience and necessity of the parties and witnesses;

(3) Schedule and regulate the course of the hearing and the conduct of the participants and the media, including the power to close the hearings in the interests of justice; seal the record from public scrutiny to protect privileged information, trade secrets, and confidential commercial or financial information; and strike testimony of a witness refusing to answer a question ruled to be proper;

(4) Administer oaths and affirmations to witnesses;

(5) Rule on discovery requests, establish discovery schedules, and, whenever the ends of justice would thereby be served, take or cause depositions or interrogatories to be taken and issue protective orders under § 904.240;

(6) Rule on motions, procedural requests, and similar matters;

(7) Receive, exclude, limit, and otherwise rule on offers of proof and evidence;

(8) Examine and cross-examine witnesses and introduce into the record on the Judge's own initiative documentary or other evidence;

(9) Rule on requests for appearance of witnesses or production of documents and take appropriate action upon a failure of a party to effect the appearance or production of a witness or document ruled relevant and necessary to the proceeding; as authorized by law, issue subpoenas for the appearance of witnesses or production of documents;

(10) Require a party or witness at any time during the proceeding to state his or her position concerning any issue or his or her theory in support of such position;

(11) Take official notice of any matter not appearing in evidence which is among traditional matters of judicial notice; or of technical or scientific facts within the general or specialized knowledge of the Department of Commerce as an expert body; or of a non-privileged document required by law or regulation to be filed with or published by a duly constituted government body; or of any reasonably available public document; provided, that the parties will be advised of the matter noticed and given reasonable opportunity to show the contrary;

(12) Prepare and submit a decision or other appropriate disposition document and certify the record;

(13) Award attorney fees and expenses as provided in Subpart D; and

(14) Grant preliminary or interim relief.

§ 904.207 Disqualification of Judge.

(a) The Judge may withdraw voluntarily from a particular case when the Judge deems himself/herself disqualified.

(b) A party may in good faith request the Judge to withdraw on the grounds of personal bias or other disqualification. The party seeking the disqualification shall file with the Judge a timely affidavit or statement setting forth in detail the facts alleged to constitute the grounds for disqualification, and the Judge shall rule on the matter. If the Judge believes himself/herself not disqualified, and so rules, the Judge shall also cause all matters relating to such claims of disqualification affirmatively to appear in the record.

§§ 904.208–904.219 [Reserved]

Prehearing

§ 904.220 Pleadings, motions, and service.

(a) An original and one copy of all pleadings and documents shall be filed with the Office of Administrative Law Judges and a copy shall be served upon each party of record. All pleadings or documents when submitted for filing shall show that service has been made upon all parties. Such service shall be made by delivering one copy to each party in person or by mailing to the last known address by first-class mail properly addressed with postage prepaid.

(b) All papers to be filed under the Rules in this Subpart may be reproduced by printing or any other process, provided the copies are clear and legible, shall be dated, the original signed in ink, and shall show the docket description and title of the proceeding, and the title, if any, and address of the signatory. If typewritten, the impression shall be on only one side of the paper and shall be double spaced, pica type, if possible, except that quotations shall be single spaced and indented.

(c) Any documents filed shall be signed: (1) By the person or persons filing the same, (2) by an officer thereof if a corporation, (3) by an officer or employee if a government instrumentality, or (4) by an attorney or other person having authority to sign.

(d) The date of service of pleadings or documents shall, unless otherwise specified, be the day when the material is deposited in the United States mail, shown by the postmark thereon (or as otherwise shown for government-franked mailings) or is delivered in person, as the case may be.

(e) Motions shall normally be made in writing and shall state clearly and concisely the purpose of and the relief sought by the motion, the statutory or principal authority relied upon, and the facts claimed to constitute the grounds requiring the relief requested.

(f) Unless otherwise provided, the answer to any written motion, pleading, or petition shall be served within 15 days after date of service thereof. If a motion states that opposing counsel has no objection, it may be acted upon as soon as practicable, without awaiting the expiration of the 15-day period. Answers shall be in writing, unless made in response to an oral motion made at a hearing, shall be so drawn as fully and completely to advise the parties and the Judge concerning the nature of the opposition, shall admit or deny specifically and in detail each material allegation of the pleading answered, and shall state clearly and concisely the facts and matters of law relied upon. Any new matter raised in an answer shall be deemed controverted.

(g) A response to an answer will be called a reply. A short reply restricted to new matters may be served within 10 days of service of an answer. The Judge, in his/her discretion, may dispense with the reply. No further responses are permitted.

§ 904.221 Amendment of pleadings or record.

The Judge, upon his/her own initiative or upon application by a party, may order a party to make a more definite statement of any pleading. In his/her discretion, the Judge may permit either party to amend its pleadings upon conditions fair to both parties. Harmless errors may be corrected by deletion or substitution of words or figures and broad discretion shall be exercised by the Judge in permitting such corrections.

§ 904.222 Time computation and extensions.

(a) If appropriate and justified, the Judge may grant an extension of time. Requests for extensions of time shall, except in extraordinary circumstances, be made in writing.

(b) Saturdays, Sundays, and Federal holidays will be included in computing the time allowed for service of any document or paper, except that when such time expires on a Saturday, Sunday, or Federal holiday, such period shall be extended to include the next business day.

(c) Time periods will begin on the day following the date of the document, paper, or event which starts the time period.

§ 904.223 Expedition of proceedings.

(a) In the interests of justice and administrative efficiency, the Judge on his/her own initiative may expedite the proceeding.

(b) Additionally, a motion of a party to expedite the proceeding may, in the discretion of the Judge, be made orally or in writing with concurrent actual notice to all parties. If a motion for an expedited hearing is granted, the hearing on the merits shall not be scheduled within less than three days notice, unless all parties consent to an earlier hearing.

§ 904.224 Summary decision.

(a) At any time after commencement of a proceeding and before the scheduling of a hearing on the merits, or such later time as permitted by the Judge, a party or the Judge on his/her own motion may move for a summary decision disposing of all or part of the issues.

(b) A summary decision may be rendered if the entire record shows as to the issue or issues under consideration: (1) That there is no genuine issue as to any material fact; and (2) that the moving party is entitled to summary decision as a matter of law.

§ 904.225 Failure to appear.

(a) If a party fails to appear after service of notice proper under these rules, the hearing may proceed. A notation of failure to appear will be made in the record, and the hearing may be conducted with the parties then present, or the matter may be terminated if the Judge determines that proceeding with the hearing will not aid the decisional process.

(b) The Judge shall also cause to be placed in the record all the facts concerning the issuance and service of the notice of time and place of hearing.

(c) Failure of a party to appear after proper notice will be deemed a waiver of any right to a hearing and consent to the making of a decision on the record.

§ 904.226 Dismissal for failure to prosecute or defend.

Whenever the record discloses the failure of either party to file documents, respond to orders or notices from the Judge, or otherwise indicates an intention on the part of either party not to participate further in the proceeding, the Judge may issue an order to show cause why the case should not be dismissed or disposed of adversely to that party's interest, or make such order as is necessary for the just and expeditious resolution of the case, including dimissal of the matter from the docket for failure to prosecute or defend. Such dismissal or other order shall be subject to § 904.272.

§ 904.227 Settlements.

If settlement is reached before the Judge has certified the record, the Judge in his/her discretion may require the submission of a copy of the agreement to assure the Judge's consideration of the case is completed and to order the matter dismissed on the basis of the agreement.

§ 904.228 Stipulation.

The parties may, by stipulation, agree upon any facts involved in the proceeding and include them in the record with the consent of the Judge. Written stipulations shall be signed and shall be served upon all parties of record within the time period specified by the Judge.

§ 904.229 Consolidation.

The Judge may order two or more proceedings which involve substantially the same parties or the same issues consolidated and heard together.

§ 904.230 Prehearing conferences.

(a) Prior to any hearing or at other times deemed appropriate, the Judge may, upon his/her own initiative, or upon the application of any party, arrange a telephone conference and where approporiate, record such telephone conference, or direct the parties to appear before him/her for a conference to consider:

(1) Simplication or clarification of the issues or settlement of the case by consent;

(2) The possibility of obtaining stipulations, admissions, agreements, and rulings on admissibility of documents, understandings on matters already of record, or similar agreements that will avoid unnecessary proof;

(3) Agreements and rulings to facilitate the discovery process;

(4) Limitation of the number of expert witnesses or other avoidance of cumulative evidence;

(5) The procedure, course, and conduct of the hearing;

(6) The distribution to the parties and the Judge prior to the hearing of written testimony and exhibits in order to expedite the hearing;

(7) Such other matters as may aid in the disposition of the proceeding.

(b) The Judge in his/her discretion may issue an order showing the matters disposed of by Order or Agreement in such conference.

§§ 904.231–904.239 [Reserved]

Discovery

§ 904.240 Discovery generally.

(a) Parties may obtain discovery of any relevant matter, not privileged, that is admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. In connection with any deposition or other discovery procedure which the parties cannot voluntarily resolve, the Judge may make any order required to compel proper discovery, to protect a party or person from harassment, undue burden or expense, or to preserve confidentiality where requested or in the Judge's discretion.

(b) Any orders concerning discovery may include limitations on the scope, method, time, and place for same, and upon request, or within the Judge's discretion, an appropriate protective order.

(c) If a party fails to comply with a subpoena or order, including, but not limited to, an order for the taking of a deposition, the production of documents, or the answering of interrogatories or requests for admissions, the Judge may, for the purpose of permitting resolution of relevant issues and disposition of the proceeding without unnecessary delay despite such failure, take such action in regard thereto as is just, including but not limited to the following:

(1) Infer that the admission, testimony, documents, or other evidence would have been adverse to the party;

(2) Rule that for the purposes of the proceeding, the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party;

(3) Rule that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, officer, or agent, or the documents or other evidence;

(4) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown;

(5) Rule that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the party, or both.

§ 904.241 Depositions.

(a) Any party desiring to take the deposition of a witness shall serve written notice on the other parties and the witness setting forth the time when, the place where, and the name and mailing address of the person before whom the deposition is to be taken; the name and address of each witness to appear for deposition; and the subject matter concerning which each witness is expected to testify.

(b) Depositions may be taken orally before any officer authorized to administer oaths by the law of the United States or of the place where the examination is to be held or before a person appointed by the Judge.

(c) Notice shall be given not less than five days before the deposition is to be taken if within the United States and not less than 20 days in advance when the deposition is to be taken elsewhere, unless the Judge by order specifies a different time or excuses the witness from appearing for good cause shown.

(d) Each witness testifying upon deposition shall be sworn and any party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, signed by the witness unless waived, and certified by the officer before whom the deposition is taken. All transcription costs associated with the testimony of a deposed witness are to be borne by the party seeking the deposition. Copies of the transcripts shall be made available to any party upon payment of the fee provided in the agreement with the reporter. See also § 904.252(d).

(e) Subject to such objections to the questions and answers as were noted at the time of taking the deposition (or, if reserved, as made at the hearing) which would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by any party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 904.242 Interrogatories, requests for admissions, and production of documents.

Any party may serve written interrogatories or a request for admission of facts upon another party. A party served with written interrogatories or a request for admissions shall answer such interrogatories or requests within 15 days of service, unless the Judge by order specifies a different time or excuses the party from answering for good cause shown. Interrogatories shall be answered under oath.

§ 904.243 Subpoenas.

(a) The attendance and testimony of witnesses and the production of documentary evidence at any designated place of hearing on behalf of any party to the proceeding may be required by subpoena as authorized by the statute under which the proceeding is conducted. Subpoenas shall be issued upon a reasonable showing by the applicant of the grounds and necessity thereof. With respect to subpoenas for the production of documents, the request shall also show their competency, relevancy, and materiality. All requests for subpoenas shall be in writing, unless waived for good cause shown. Except for good cause shown, requests for subpoenas shall be submitted by the applicant at least 10 days prior to the date set for hearing.

(b) Any person served with a subpoena may move within 10 days of service, or at hearing, whichever is sooner, to quash or modify the subpoena. The subpoena will be quashed or modified if it is beyond the scope of discovery; does not describe

with sufficient particularity the evidence required to be produced; or is for any other reason insufficient in law, or the subpoena is found to be invalid or unreasonable. Any ruling quashing or modifying a subpoena will state the grounds for such action.

(c) Upon the failure of any person to comply with an order to testify or a subpoena directed or issued, the party requesting the order or subpoena may apply to the appropriate district court for enforcement of the order or subpoena.

(d) A subpoena for the attendance of an Agency employee or for the production of Agency evidence shall be served upon the Agency counsel. Agency counsel may file a motion to quash the subpoena within 10 days of service of the subpoena and prohibit such attendance or production until such time as the Judge rules on the motion to quash.

§§ 904.244-904.249 [Reserved]

Hearings

§ 904.250 Notice of time and place.

(a) The Judge shall promptly cause to be served on the parties notice of the time and place of hearing, and the hearing will not, except in extraordinary circumstances, be held less than 10 days after service of the notice of hearing.

(b) Unless otherwise required by the statute involved, the hearing will not necessarily be scheduled to take place where the respondent resides; however, if practicable, an attempt will be made to schedule the hearing within a reasonable proximity of where the respondent resides.

(c) The Judge may order that all or part of a proceeding be heard on submissions or affidavits if it appears that substantially all important issues of material fact may be resolved by means of written materials and that efficient disposition of the proceeding can be made without oral hearing.

§ 904.251 Evidence.

(a) At the hearing, every party shall have the right to present oral or documentary evidence in support of his/her case or defense, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. This paragraph shall not be interpreted to diminish the powers and duties of the Judge under this subpart.

(b) All evidence which is relevant, material, reliable, and probative, and not unduly repetitious or cumulative, shall be admissible at the hearing, except that formal rules of evidence shall not necessarily apply to the proceedings; and hearsay evidence shall not be inadmissible as such.

(c) Formal exceptions to the rulings of the Judge are unnecessary. It is sufficient that a party, at the time of the ruling, makes known the action which he/she desires the Judge to take or his/her objection to an action taken, and the grounds therefor. Rulings on each objection shall appear in the record.

§ 904.252 Witnesses.

(a) In any case involving a charged violation of law in which the party charged has admitted an allegation, evidence may be taken to establish matters of aggravation or mitigation.

(b) Any witness not a party may have personal counsel to advise him/her as to his/her rights but such counsel may not otherwise participate in the hearing.

(c) If such procedure is requested by either party, or upon the Judge's own initiative, witnesses who are not parties may be excluded from the hearing room prior to taking of their testimony.

(d) Witnesses subpoenaed under these Rules, including § 904.243, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

(e) If a witness is expected to testify in a language other than the English language, the party sponsoring the witness shall provide for the services of an interpreter and advise opposing counsel 10 days prior to the hearing concerning the extent interpreters are to be used. Provisions shall also be made to have any exhibits in a foreign language translated into English before such exhibits are offered into evidence. Copies of both the untranslated and translated versions of the proposed exhibits shall be served on the opposing party at least 10 days prior to the hearing unless the parties otherwise agree.

§ 904.253 Interlocutory appeals.

(a) At the request of a party or on the Judge's own initiative, the Judge may certify to the Administrator authority for review a ruling which does not finally dispose of the proceeding if the Judge determines that an immediate appeal therefrom may materially advance the ultimate disposition of the matter.

(b) Upon certification by the Judge of the interlocutory ruling for review, the Administrator shall expeditiously decide the matter. The parties shall have 10 days to serve any briefs associated with the certification.

(c) No interlocutory appeal shall lie as to any ruling not certified by the Judge.

§ 904.254 Ex parte communications.

(a) "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports.

(b) Except to the extent required for disposition of ex parte matters as authorized by law, upon assignment of a matter to the Judge and until the final decision of the Agency is effective under these regulations, no ex parte communication relevant to the merits of the proceeding shall be made, or knowingly caused to be made:

(1) By the Judge or by an Agency employee involved in the decisional process of the proceeding to any interested person outside the Department of Commerce; or

(2) By an interested person outside the Department of Commerce to the Judge or to any Agency employee involved in the decisional process of the proceeding.

(c) An Agency employee or Judge who makes or receives a prohibited communication must place in the hearing record the communication and any response thereto, and the Judge, or Administrator as appropriate, may take action in this respect consistent with these Rules, the applicable statute, and 5 U.S.C. 556(d) and 557(d).

(d) Paragraphs (b) and (c) of this section do not apply to communications to or from the Agency counsel; however, the Agency counsel may not participate or advise in the decision of the Judge or the Administrator's review thereof except as witness or counsel in the proceeding in accordance with this subpart. In addition, the Judge may not consult any person or party on a fact in issue unless notice and opportunity for all parties to participate is provided.

(e)(1) Paragraphs (b) and (c) of this section do not apply to communications concerning national defense or foreign policy matters. Such ex parte communications—

(i) On national defense or foreign policy matters to or from an Agency employee or

(ii) From employees of the United States Government involving intergovernmental negotiations

are permitted if the communicator's position with respect to those matters cannot otherwise be fairly presented for reasons of foreign policy or national defense.

(2) Ex parte communication subject to paragraph (e) of this section shall be made a part of the record to the extent that they do not include information classified pursuant to an Executive Order. Classified information shall be included in a classified portion of the record which shall be available for review only in accordance with applicable law.

§§ 904.255–904.259 [Reserved]

Post-Hearing

§ 904.260 Official transcript.

(a) The official transcript of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the Office of Administrative Law Judges. Transcripts of testimony will be available in any proceeding and will be supplied to the parties upon the payment of fees at the rate provided in the agreement with the reporter.

(b) The Judge may determine whether "ordinary copy," "daily copy," or other copy (as those terms are defined by contract) will be necessary and required for the proper conduct of the proceeding.

§ 904.261 Petition for reconsideration.

Unless an order of the judge specifically provides otherwise, any party may file a petition for reconsideration of an order or decision issued by the Judge. Such petitions must state the matter claimed to have been erroneously decided and the alleged errors or relief sought must be specified with particularity. Petitions must be filed within 20 days after the service of final orders. Neither the filing nor the granting of a petition for reconsideration shall operate as a stay of an order or its effectiveness date (including for purposes of § 904.272) unless specifically so ordered by the Judge. Within 10 days after the petition is filed, any party to the proceeding may file an answer in support or in opposition. The Judge may in his/her discretion reopen the hearing to consider matters raised in a petition which could not reasonably have been foreseen prior to issuance of the order or decision.

§§ 904.262 Proposed findings and conclusions.

(a) Unless a different schedule is established in the discretion of the Judge, including the procedure of paragraph (b) of this section, the parties may file proposed findings of fact and conclusions of law, together with supporting briefs, within 30 calendar days after the Judge closes the hearing. Reply briefs may be submitted within 15 days after service of the proposed findings and conclusions to which they respond, unless the Judge sets a different schedule.

(b) In cases involving few parties, limited issues, and short hearings, the Judge may require that any proposed findings and conclusions and reasons in support, be presented orally at the close of the hearing. In such case, the Judge will advise the parties in advance of hearing.

§ 904.263 Documents, copies and exhibits.

(a) When documents have been received in evidence, a true copy thereof, or of such part as may be material or relevant, may be submitted in lieu of the original during the hearing or at its conclusion. After a decision has become final, the Judge may, in his/her discretion, and after notice to other parties, permit the withdrawal of original exhibits or any part thereof by the party entitled thereto for the purpose of substituting copies. The substitution of true copies of exhibits, or any part thereof, may be required by the Judge in his/her discretion as a condition of granting permission for withdrawal of the original.

(b) Photographs may be substituted for physical evidence in the discretion of the Judge, before or after decision.

§ 904.264–904.269 [Reserved]

Decision

§ 904.270 Record of decision.

(a) The official transcript of testimony and proceedings, exhibits, briefs, requests, and other documents filed or officially noticed in the proceeding, together with all rulings of the Judge thereon, shall constitute the exclusive record for decision. The record shall also be accompanied by any rejected exhibits, being specifically so marked, and any record of *ex parte* communications, also specifically so marked.

(b) The Chief Administrative Law Judge shall arrange for appropriate storage of the records of any proceeding, which place of storage need not necessarily be located physically within the Office of Administrative Law Judges.

§ 904.271 Decision.

(a) After expiration of the period provided in § 904.262 for the filing of reply briefs (unless the parties have waived briefs or presented proposed findings orally at the hearing), the Judge shall render a written decision upon the record in the case, setting forth:

(1) Findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record, and the ruling on any findings or conclusions presented by the parties;

(2) A statement of any facts noticed or relied upon in the decision, if the parties have not previously been advised of such notice: and

(3) Such other matters as the Judge considers appropriate.

(b) If the parties have presented oral proposed findings at the hearing or have waived presentation of proposed findings, the Judge may at the termination of the hearing announce the decision, subject to later issuance of a written decision under paragraph (a) of this section. The Judge may in such case direct the prevailing party to prepare proposed findings, conclusions, and an order.

(c) The Judge may, after submission of briefs, direct the prevailing party to prepare proposed findings, conclusions, and an order within a time frame prescribed by the Judge.

(d) The Judge shall transmit the written decision to each of the parties by registered or certified mail, return receipt requested, and shall promptly certify to the Administrator the record, including the original copy of the decision, as complete and accurate, except in such particulars as are specified.

§ 904.272 Administrative review of decision.

(a) Subject to the requirements of this section, any party may petition for review of an initial decision of the Judge within 30 days after the date the decision is served.

(b) Review of an initial decision is not a matter of right, but rests with the sound discretion of the Administrator. Unless a petition for discretionary review is filed or the Administrator issues an order to review upon his/her own initiative, an initial decision will become effective as the final decision of the Administrator 30 days after service, unless otherwise provided by statute or regulations. Such petition shall be accomplished by proof of service upon all parties. If a party files a timely petition for discretionary review within that 30 day period, or action to review is taken by the Administrator upon his/her own initiative, the effectiveness of the decision is stayed until further order of the Administrator.

(c) Petitions for discretionary review shall be filed only upon one or more of the following grounds:

(1) A finding of a material fact is clearly erroneous based upon the evidence in the record;

(2) A necessary legal conclusion is contrary to law or precedent;

(3) A substantial and important question of law, policy, or discretion is involved; or

(4) A prejudicial procedural error has occurred.

(d) Each issue shall be separately numbered and concisely stated. Each issue shall be supported by detailed citations of the record, and by statutes, regulations, or principal authorities relied upon. Matters of fact or law not argued before the Judge may not be raised on review unless they were raised for the first time in the initial decision of the Judge, or could not reasonably have been foreseen and raised by the parties during the hearing.

(e) No oral argument on petitions for discretionary review will be permitted.

(f) Within 21 days after service of a petition for discretionary review, any party may file and serve an answer in support or in opposition. No further replies shall be permitted.

(g) The Administrator's decision declining to exercise discretionary review will specify the date upon which the Judge's decision shall become effective as the final decision of the Administrator. Reasons for the Administrator's decision need not be stated unless he/she wishes to state a different reason than those of the Judge. To the extent the Administrator's decision is silent as to any material issue of fact, law, or discretion presented by the record, the decision is deemed to adopt the findings, conclusions, and reasons in the initial decision. A petition for reconsideration of an Administrator's decision declining review will not be permitted.

(h) The Administrator may review the record and issue a final order without further proceedings on any or all the issues where he/she finds that matters raised do not warrant further proceedings. If the Administrator desires further proceedings, he/she will issue an order for review limiting the issues for review and the procedures to be followed. Such issues may constitute one or more of the issues raised in a petition for discretionary review and/or matters which the Administrator desires to review on his/her own initiative. Only those issues specified in the order shall be argued on brief to the Administrator and considered by the Administrator.

§§ 904.273–904.299 [Reserved]

Subpart D [Reserved]

Subpart E [Reserved]

Subpart F [Reserved]

Subpart G—Financial Compensation of Participants in Administrative Proceedings

* * * * *

PART 922—MARINE SANCTUARIES

2. Part 922 of 15 CFR is amended by removing §§ 922.31, 922.32, and 922.33 of Subpart D.

§§ 922.31, 922.32, and 922.33 [Removed].

PART 970—DEEP SEABED MINING REGULATIONS AFFECTING PRE-ENACTMENT EXPLORERS

3. 15 CFR 970.1101 is revised to read as follows:

§ 970.1101 Assessment procedure.

Subpart B of 15 CFR Part 904 governs the procedures for assessing a civil penalty under the Act, and the rights of any person against whom a civil penalty is assessed.

4. 15 CFR 970.1102 is revised to read as follows:

§ 970.1102 Hearing and appeal procedures.

Subpart C of 15 CFR Part 904 governs the hearing and appeal procedures for civil penalties assessed under the Act.

5. 15 CFR 970.1103(g) is revised to read as follows:

§ 970.1103 License sanctions.

* * * * *

(g) *Hearing and decision.* (1) If a timely request for a hearing under paragraph (f) of this section is received, or if the Administrator orders a hearing under paragraph (f)(3) of this section, the Administrator will promptly begin proceedings under this section by forwarding the request, a copy of the NOS and any response thereto to the NOAA Office of Administrative Law Judges which will docket the matter for hearing. Written notice of the referral will promptly be given to the respondent, the affected licensee, and the owner of an affected vessel (if the licensee or owner is not the respondent), with the name and address of the attorney representing the Administrator in the proceedings (the agency representative). Thereafter, all pleadings and other documents shall be filed directly with the NOAA Office of Administrative Law Judges, and a copy shall be served on the opposing party (respondent or agency representative).

(2) The hearing and appeal procedures in 15 CFR Part 904 Subpart C to any hearing held under this section.

(3) If the proposed sanction is the result of a correctable deficiency, the hearing will proceed concurrently with any attempt to correct the deficiency unless the parties agree otherwise or the Administrative Law Judge orders differently.

PART 981—OCEAN THERMAL ENERGY CONVERSION LICENSING PROGRAM

6. 15 CFR 981.590 is revised to read:

§ 981.590 Assessment procedure.

Subpart B of 15 CFR Part 904 governs the procedures for assessing a civil penalty under the Act, and the rights of any person against whom a civil penalty is assessed.

7. 15 CFR 981.600 is revised to read as follows:

§ 981.600 Hearing and appeal procedures.

Subpart C of 15 CFR Part 904 governs the hearing and appeal procedures for civil penalties assessed under the Act.

Title 50—Wildlife and Fisheries

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

§§ 216.62 through 216.65 [Redesignated as §§ 216.5 through 216.8]

1. In Title 50, §§ 216.62 through 216.65 of Subpart F are redesignated as §§ 216.5 through 216.8 of Subpart A.

Subpart F—[Reserved]

§§ 216.51 through 216.61 [Removed]

2. Sections 216.51 through 216.61 are removed, and Subpart F is reserved.

PART 218—[REMOVED]

3. Part 218 is removed.

PART 246—TRANSPORTATION OF WILDLIFE

§§ 246.6 through 246.16 [Removed]

4. Sections 246.6 through 246.16 are removed.

PART 285—ATLANTIC TUNA FISHERIES

5. In 50 CFR Part 285, § 285.6 is amended by revising paragraph (a) to read as follows:

§ 285.6 Civil procedures.

(a) Subparts B and C of 15 CFR Part 904 shall govern the assessment of civil penalties for violation of the Act and these regulations.

* * * * *

PART 621—CIVIL PROCEDURES

Subpart B—[Reserved]

§§ 621.21 through 621.26 [Removed]

6. Subpart B, consisting of §§ 621.21 through 621.26, is removed and the subpart is reserved.

Subpart C—[Reserved]

§§ 621.31 through 621.42 [Removed]

7. Subpart C, consisting of §§ 621.31 through 621.42, is removed and the subpart is reserved.

[FR Doc. 81-34431 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Med-Tech, Inc., providing for safe and effective use of diethylcarbamazine citrate tablets for prevention of heartworm disease in dogs, control of ascarid infections in dogs, and treatment of ascarid infections in dogs and cats.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, filed an NADA (127-627) providing for use of 50, 100, 200, 300, and 400 milligram (mg) diethylcarbamazine citrate tablets for prevention of heartworm disease in dogs caused by *Dirofilaria immitis*, as an aid in the treatment and control of ascarid infections in dogs caused by *Toxocara canis*, and as an aid in the treatment of ascarid infections in cats caused by *Toxocara canis* and *Toxascaris leonina*.

The product is similar to another tablet that was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Implementation (DESI) notice which was published in the **Federal Register** of January 8, 1969 (34 FR 275). The NAS/NAR notice stated, and the agency concurred, that the drug is effective as an aid in the treatment of ascarid infections in dogs and cats when administered at 25 to 50 mgs per pound of body weight as a single dose with a repeat dose given after 10 to 20 days. Sponsors of NADA's for products which did not reflect the conclusions of the notice were required to update their applications by submitting revised labeling or adequate documentation to support the labeling used. Those sponsors whose NADA's satisfied the requirements of the NAS/NRC notice or were found equivalent to the NAS/NRC-reviewed products are codified in the regulations in 21 CFR 520.620 and 520.622.

A NAS/NRC DESI notice for diethylcarbamazine medicated premix was published in the **Federal Register** of June 16, 1970 (35 FR 9869). The review concluded that the product is probably effective as an aid in the prevention and elimination of large roundworms in dogs when given as directed in feeds. The agency upon review of additional data concluded that the product is effective for use in prevention of ascarid infections.

Med-Tech, Inc., submitted data from a controlled artificial challenge study and reports from published scientific literature to demonstrate that its product is safe and effective for the prevention of heartworm disease caused by *Dirofilaria immitis* in dogs. The agency granted a waiver from the requirements of 21 CFR 514.111(a)(5)(ii) for a second adequate and well-controlled study, based on the literature. The ascarid claims are approved on the basis of the NAS/NRC reviews. The NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.622a is amended by adding new paragraph (a)(6) to read as follows:

§ 520.622a Diethylcarbamazine citrate tablets.

(a) * * *

(6) See No. 013983 in § 510.600(c) of this chapter for use of 50, 100, 200, 300, or 400 milligram tablets for prevention of heartworm disease in dogs, as an aid in the control of ascarid infections in dogs, and as an aid in the treatment of ascarid infections in dogs and cats.

* * * * *

Effective date. This amendment is effective December 18, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 10, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-36027 Filed 12-17-81; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1997-6]

Approval and Promulgation of State Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 15, 1981, the State of Ohio submitted a revision to the ozone (03) portion of its State Implementation Plan (SIP). This revision is in the form of four permits and two variances submitted for six sources located at the

Specialty Materials Division of Fasson-Avery International. The purpose of today's rulemaking is to announce availability and approval of the Fasson-Avery SIP revision. This action will be effective on February 16, 1982, unless notice is received within thirty days (January 18, 1982) that someone wishes to submit adverse or critical comments.

DATE: This action is effective February 16, 1982.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: On June 15, 1981, the Governor of Ohio submitted to EPA a revision in the form of four permits and two variances for six paper coating lines operated by the Specialty Materials Division of Fasson-Avery, International. The Specialty Materials Division of Fasson-Avery is located in Lake County, Ohio. The two variances were issued to Reflective Coating Line R-1 and Paper Coating Line P-5. The four permits to operate were issued to Paper Coating Line P-1, 2, 3, and 4. A public hearing on these permits and variances was conducted by the State in Lake County on May 14, 1981. On June 2, 1981, the Director of Ohio EPA approved these permits and variances. Subsequent to the Director's approval, the Governor of Ohio, on June 15, 1981, submitted the Fasson-Avery revisions to EPA for review and approval as a revision to the Ohio ozone SIP.

The purposes of issuing these permits and variances were to provide four of the coating lines with an alternative emission reduction option (bubble) and to provide an emission offset for an anticipated new source, Durable Film Coating Line DF-1. A bubble allows an owner, under certain prescribed circumstances, to increase emissions from certain sources at a plant in exchange for a greater than or equal reduction in emissions from other sources at the same plant. Section I below discusses the acceptability of the Fasson-Avery bubble. Section II discusses the emissions offset provided for the anticipated new source.

Section I—Acceptability of the Bubble

The bubble developed for the Specialty Materials Division of Fasson-Avery involves Reflective Coating Line R-1 and Paper Coating Lines P-1, 3, and 5. These sources are located in Lake County, Ohio, a designated nonattainment area for ozone. In the ozone plan developed for the area, the State of Ohio committed itself to attain the ozone standard by December 31, 1987. The ozone plan, which was approved by EPA on October 31, 1980, (45 FR 72122), contained Rules 04 and 09 of Chapter 3745-21 of the Ohio Administrative Code (hereinafter referred to as Rules 3745-21-04 and 09). These rules establish emission limitations and compliance dates for stationary sources of volatile organic compounds (VOC). VOC emissions from coating lines R-1, P-1, 3 and 5 are regulated by Rules 3745-21-09(F) and 3745-21-04(C)(5). According to Rule 3745-21-09(F) VOC emissions from each of these four coating lines are not to exceed, individually, 2.9 pounds of VOC per gallon (2.9 lbs/gal) of coating employed, excluding water, as measured as a daily volume-weighted average. According to Rule 3745-21-04(C)(5), these sources are to comply with this emission limitation by April 1, 1982. Ohio EPA has calculated that if each coating line were to comply with this emission limitation, the combined total VOC emissions from these four sources would be equal to 773.2 tons per year (tpy).

The purpose of the bubble is to provide these four sources with an alternate method of achieving the 773.2 tpy VOC emissions cap.

Under a bubble scenerio, VOC emissions from these four sources are treated as if they were from one source with a daily volume-weighted average emission limitation of 2.9 lbs/gal. The variances submitted for coating lines R-1 and P-5 allow VOC emissions from these two sources to exceed, individually, the 2.9 lbs/gal emission limitation of Rule 3745-21-09(F). Any VOC emissions from these two sources above 2.9 lbs/gal must be accompanied by a decrease in emissions from coating lines P-1 and 3 such that the combined daily volume-weighted average of VOC emissions from all four coating lines does not exceed 2.9 lbs/gal. This condition is specified in each of the variances and permits issued to these four coating lines. In addition to this emission limitation the permits issued for coating lines P-1 and 3 require that these two sources, individually, may not exceed the 2.9 emission limitation of Rule 3745-21-09(F). Ohio EPA has calculated that the total VOC emissions which will result from the implementation of this bubble will not exceed the 773.2 tpy emission cap. Thus, the total impact of this bubble on air quality will equal the impact which would have resulted through individual compliance with Rule 3745-21-09(F). Compliance with the emission limitations contained in the permits and variances will be achieved through greater usage of water-based coatings and an improved VOC recovery efficiency for the existing control equipment. To ensure that the emission limitations for this bubble are not exceeded, the permits and variances specify a test method to be used to determine compliance with the emission limitations. Proper use of the test method requires the maintenance of specific production and equipment records. The permits and variances require Fasson-Avery to maintain, for two years, the following records for these four coating lines: the density, VOC, water and nonvolatile content of the coatings employed, the daily and monthly usage of the coating materials, the control equipment employed, the expected capture and control efficiencies of the equipment and the daily and monthly amount of VOC recovered or incinerated by the control equipment.

EPA believes that the permits and variances developed for the Fasson-Avery Bubble satisfy its criteria for approval of a Bubble as published in the December 11, 1979 **Federal Register** (44 FR 71780). In particular, the VOC emissions, traded in this bubble are comparable in their health effects. The permits and variances specify emission limitations which are applicable to all four coating lines and which can be quantified through an acceptable test method. Finally, the implementation of the Bubble will not increase VOC emissions in the area or interfere with the area's ability to attain the ozone standard by December 31, 1987. EPA, therefore, approves the emission limitations, interim and final compliance milestones, applicable control equipment requirement and testing procedures specified in and required by the variances and permits issued to coating lines R-1, P-1, 3 and 5 for use in the Fasson-Avery Bubble.

Section II—Emissions Offset Provisions For Proposed New Source DF–1

Within the Specialty Materials Division, Fasson-Avery anticipates operation of new coating line DF–1 in the near future. To offset any increase in VOC emissions from this new source the State is requiring coating lines R–1, P–1, 2, 3, 4 and 5 to reduce their VOC emissions. This decrease in emissions from coating lines R–1, P–1, 3 and 5 is to be in addition to any decrease which may occur as a result of the bubble approved for these coating lines. This additional reduction in VOC emissions will be achieved by limiting the total discharge from these six coating lines to 2.05 pounds of VOC per gallon (2.05 lbs/gal) of coating employed, as measured on a monthly volume-weighted average. The 2.05 lbs/gal emission limitation is contained within the Bubble permits and variances issued to coating lines R–1, P–1, 3 and 5 and within revised operating permits issued to coating lines P–2 and 4. In addition to the 2.05 lbs/gal emission limitation, the permits submitted for coating lines P–2 and 4 require both of these coating lines to individually comply with the 2.9 lbs/gal daily volume-weighted average emission limitation of Rule 3745–21–09(F). The permit for source P–4 also requires that the discharge of VOC from this source shall not exceed in any one calendar month a volume-weighted average of 2.28 lbs/gal. The permits developed for coating lines P–2 and 4 require the use of the same test method and record keeping requirements as specified in the permits and variances submitted for coating lines R–1, P–1, 3 and 5. The final compliance date is April 1, 1982.

Since the offsets being provided for the expected new coating line are internal offsets (i.e., the decrease in emissions is being provided by sources within the same plant as the source which is to be offset) it is not necessary for EPA to approve the offsets as a SIP revision. The State, however, has requested that EPA approve as part of the SIP these permits and variances. EPA's review of the permits and variances indicates that the emission limitations and other special conditions developed for these sources are acceptable. Therefore, EPA approves as part of the ozone SIP those portions of the permits and variances issued to the coating lines R–1, P–1, 2, 3, 4 and 5 which pertain to the new source offset.

EPA notes that in accordance with its New Source Review (NSR) program, the State must analyze the acceptability of these offsets as applied to the new source, prior to its commencing operation. This analysis is independent of EPA's approval today of the provisions contained in these permits and variances.

The public should be advised that today's action will not be effective until February 16, 1982. If notice, however is received by January 18, 1982, that someone wishes to submit adverse or critical comments, EPA will publish two subsequent **Federal Register** notices. One action will withdraw today's final approval. The other action will propose approval and will provide the public with an additional 30 days to submit substantive comments on the proposed approval. At the end of that 30 days public comment period EPA will evaluate all comments received and proceed with the appropriate final action.

On September 4, 1981 (46 FR 44476), EPA published a general notice explaining this special procedure.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities since it only affects one source and has been estimated to provide that source with an economic savings.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of an Economic Impact Analysis. Today's action does not constitute a major regulation since it merely approves a State action for one source. Furthermore, the implementation of the provisions approved today will provide the source with significant economic savings.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by February 16, 1982 under section 307(b)(2) of the Clean Air Act the requirements which are the subject of today's actions may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by Reference of the Ohio State Implementation Plan was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 of the Act as amended (42 U.S.C. 7416))

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.1870 is amended by adding paragraph (c)(38) as follows:

§ 52.1870 **Identification of plan.**

* * * * *

(c) * * *

(38) The Governor of Ohio on June 15, 1981 submitted a revision to the ozone portion of the Ohio State Implementation Plan. This revision is for six coating lines located at the Speciality Materials Division of Fasson-Avery located in Lake County, Ohio.

[FR Doc. 81–36185 Filed 12–17–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 81

[A–10–FRL 1998–5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this rulemaking is to redefine the attainment status for carbon monoxide in the Puget Sound Air Quality Control Region as promulgated on March 3, 1978 (43 FR 9043). This action will redefine areas to better correspond with the most recent data and information available. Additionally, such action will allow the State and local planning agencies to tailor the programs within their jurisdiction to more effectively address air pollution problems.

EFFECTIVE DATE: December 18, 1981.

ADDRESSES: The information related to this redesignation may be examined during normal business hours at the following locations:

Central Docket Section (10A–81–11), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

State of Washington, Department of Ecology, 4224 Sixth Avenue, S.E., Rowe Six, Building 4, Lacey, Washington 98503

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch (M/S 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442–1352, (FTS) 399–1352.

SUPPLEMENTARY INFORMATION:

A. Background

The Seattle-Tacoma-Everett Federal-Aid Urban Area was designated nonattainment for carbon monoxide (CO) on March 3, 1978 (43 FR 9043). This area was designated as nonattainment because it included areas where CO violations were monitored and because it was a previously established transportation planning study area. Even though the selected area contained portions that had no data showing nonattainment of the CO National Ambient Air Quality Standards (NAAQS), the original area was chosen in order to match the planning boundaries of the local agencies responsible for both transportation planning and development of the Part D Nonattainment Plan.

Prompted in part by the recent decision in *Alabama Power v. Costle*, 636 F.2d 323 (D.C. Cir. 1979) which highlighted the significance of nonattainment area boundaries in siting new stationary sources, the State of Washington submitted a request in July of 1980 containing a proposal to redefine the Puget Sound nonattainment area boundaries. Because of problems in defining attainment area boundaries the State of Washington agreed to re-evaluate their proposed redesignation request. EPA worked with the State, in conjunction with an outside contractor, on a modeling effort designed to provide information on the attainment status of areas where no monitoring data exist. Concurrently, the State of Washington offered explanation and received comments on their proposal at several meetings with the local lead transportation planning agency and two local citizens' advisory groups. As a result of these efforts, the State of Washington submitted a redesignation request on June 19, 1981 containing a proposal to subdivide the original (March 3, 1978) nonattainment area into smaller nonattainment areas, unclassifiable areas and attainment areas. (Detailed maps of these areas are available for public inspection at the locations listed in the "Addresses" section.) The nonattainment boundaries more accurately represent those sites for which there are monitored violations of the CO NAAQS.

The Clean Air Act provides that a State, from time to time, may review and revise its list of attainment status designations and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Clean Air Act). EPA is today approving a redefinition of the attainment status for the Puget Sound Air Quality Control Region.

B. Comments on Proposed Rulemaking

During the comment period following EPA's August 20, 1981 proposed rulemaking six comment letters were received. Most of the comments were supportive of the proposed action. The issues raised by these commenters and discussion of these issues follows.

1. Issue: Impact on Transportation Planning

Commenters expressed their concern that past and current transportation planning effort in support of the State Implementation Plan (SIP) may be invalidated or need to be supplemented because of this redesignation action.

Discussion: As stated in the proposed rulemaking (August 20, 1981), this action will neither add nor subtract requirements for the currently approved CO nonattainment plans or the 1982 SIP that is in preparation. This is because today's action does not in anyway chance historical CO data for the Puget Sound area. In other words, the CO problem areas, design values and control requirements (which are based on actual CO data) will not be affected by today's action. This redesignation merely defines CO nonattainment areas based on monitoring data rather than fiscal planning boundaries.

Because this action does not physically change the CO problem areas or sources, it does not alter programmed solutions. That is, CO emission reduction measures (such as Transit and Inspection and Maintenance (I/M) programs) will not be affected since these measures were implemented because they are cost-effective solutions to actual CO problems.

2. Issue: Unclassifiable Areas

Clarification of what is intended by the "unclassifiable" designation was requested in the comments received.

Discussion: Some areas are designated as unclassifiable in today's action because there is insufficient information to make an attainment or nonattainment designation. On one hand, these unclassifiable area do not have monitoring data indicating violations of the CO NAAQS (therefore suggesting a designation of attainment) yet on the other hand, a conservative modeling technique indicates that there may be a potential for violations of the CO NAAQS (therefore suggesting a designation of nonattainment). These areas are unclassifiable because a designation of attainment or nonattainment cannot be made with a reasonable degree of certainty. The State of Washington intends to monitor CO air quality in these unclassifiable areas in order to establish each area's actual attainment/nonattainment status. The State of Washington does not as yet have a detailed monitoring schedule for this task, but intends to proceed, pursuant to 40 CFR Part 58, as resources allow.

3. Issue: Public involvement

One comment letter expressed concern that the State of Washington request for redesignation was made without an opportunity for input from the public or local transportation planning groups.

Discussion: The public and, in particular, local transportation planning groups had many direct and indirect opportunities to comment on and contribute to the proposal developed by the State of Washington DOE during the summer of 1980. Although State public involvement procedures are not expressly spelled out in section 107 of the Clean Air Act, the DOE chose to work with local interests in order to insure that their concerns were taken into account. After working with groups and individuals representing the Puget Sound Council of Governments, the Washington Lung Association, the Citizens Advisory Committee on Air Quality and Transportation Control Planning, the Environmental Protection Agency, and private industry for nearly one year, the DOE submitted a redesignation proposal that was significantly different from the earlier one. The differences were in part the result of public involvement. Further opportunity for public comment was provided by proposing this action in the **Federal Register**.

4. Issue: Monitoring and Modeling

One commenter expressed concern that the nonattainment areas were limited in extent and number because of the monitoring and modeling approach used to redefine the CO nonattainment areas.

Discussion: As mentioned in the proposed rulemaking published in the **Federal Register** (August 20, 1981) the purpose of this action is to redesignate nonattainment area boundaries to accurately reflect the CO nonattainment areas in the Puget Sound region. The importance of designation area boundaries was recently re-enforced by the U.S. Court of Appeal for the District of Columbia circuit in *Alabama Power* v. *Costle*, 636 F.2d 323 (D.C. Cir. 1979). In keeping with the need to substantiate the basis for nonattainment area designations, today's action is based on monitored violations of the CO NAAQS. These violations were observed at

monitoring sites that use the reference method for CO measurement (Non-Dispersive Infrared technique) and that are located in accordance with *Guidance for Air Quality Monitoring Network Design and Instrument Siting, Supplement A—Carbon Monoxide Siting* (OAQPS #1.2–012R1, Sept. 1975).

Air Quality modeling was used to define areas where CO air quality is uncertain. In keeping with the court opinion that nonattainment area designations correspond to actual air qualities the areas with uncertain CO air quality are designated as unclassifiable. (See discussion following issue #2 above.) While there are other ways of dealing with these areas of uncertain air quality, the State of Washington feels that with the information currently available this approach is appropriate. In accordance with section 107 of the Clean Air Act as amended, EPA is promulgating their submittal through today's action.

Summary of Comments

Most of the comment letters were supportive of the proposed action and raised questions or issues that are discussed above. No comments or corrections were received on the actual area boundaries. While comments received on the background, procedure, and purpose of today's action did offer alternate suggestions, no substantive reasons were mentioned for failing to redefine the Puget Sound CO nonattainment area. Since there are significant and substantive reasons in favor of redesignation, EPA is today making this action final.

Final Action

CO Nonattainment Areas

The following areas in the Puget Sound region are designated as CO nonattainment areas:

1. Seattle-Central Business District (CBD);
2. Seattle-Dearborn Street and Rainier Avenue Corridor;
3. Seattle-University District;
4. Bellevue-CBD; and,
5. Tacoma-CBD.

Detailed boundary descriptions for these nonattainment areas were published in the **Federal Register** on August 20, 1981 (46 FR 42296).

CO Unclassifiable Areas

The following areas in the Puget Sound Region are designated as CO Unclassifiable areas:

1. Everett;
2. Seattle;
3. Bellevue;
4. Tacoma;
5. Puyallup; and,
6. Auburn.

Detailed boundary descriptions for these unclassifiable areas were published in the **Federal Register** on August 20, 1981 (46 FR 42296–42297).

CO Attainment Areas

All portions of the original (March 3, 1978) Puget Sound CO nonattainment area that are not designated as nonattainment or unclassifiable in this rulemaking are designated as CO attainment areas.

Impact Summary

The primary effect of these redesignations is to change the permit requirements for new major stationary sources and major modifications. Such sources proposing to locate in an old CO nonattainment area must install the Lowest Achievable Emission Rate (LAER) levels of controls and obtain at least a one-for-one emission offset so that reasonable further progress (RFP) towards attainment is maintained. Such sources proposing to locate in the areas which are designated as attainment or unclassifiable today will have to apply the Best Available Control Technology (BACT) and ensure that the source's emissions will not cause or contribute to violations of the NAAQS for CO. Since LAER and BACT for CO are essentially the same, the only real impact of this redesignation is to eliminate the automatic requirement of a greater than one-for-one offsetting emission reduction. Rather, offsets will only be required to ensure attainment and maintenance of the CO standards.

An additional effect of these proposed redesignations is that a Part D (nonattainment area) plan is no longer required to bring the unclassifiable areas into attainment with the CO standard. This result, however, will have no impact on the currently approved CO nonattainment plans since all the provisions included in those plans are still necessary in order to attain the NAAQS in the remaining CO nonattainment areas and to maintain those standards throughout the Puget Sound region.

Under section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This rule constitutes an attainment status redesignation under section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore subject to the requirements of a regulatory impact analysis. This regulation is not major because it is merely changing boundaries of a nonattainment area as requested by the State. There will by no additional regulatory burden.

(Sec. 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7501(2), 7601(a)))

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations should be amended as follows:

Subchapter C—Section 107 Attainment Status Designations

In § 81.348, the following status designation table for carbon monoxide is revised to read as follows:

§ 81.348 Washington.

* * * * *

WASHINGTON—CO

Designated area	Does not meet primary standard	Cannot be classified	Better than national standards
Puget Sound Intrastate AQCR:			
Seattle-Central Business District (CBD)	X		
Seattle-Dearborn Street & Rainier Ave. Corridor	X		
Seattle-University District	X		
Bellevue-CBD	X		
Tacoma-CBD	X		
Everett		X	

WASHINGTON—CO—Continued

Designated area	Does not meet primary standard	Cannot be classified	Better than national standards
Seattle		x	
Bellevue		x	
Tacoma		x	
Puyallup		x	
Auburn		x	
Remainder of Puget Sound Intrastate AQCR			x

* * * * *

Note.—Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Federal Register on July 1, 1981.

[FR Doc. 81-36186 Filed 12-17-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-176; RM-3746]

TV Broadcast Station in Orchard, Nebr.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 16 to Orchard, Nebraska, in response to a petition filed by Virgil Pinkerman. The assignment could provide a first commercial television service to Orchard.

DATE: Effective February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Orchard, Nebraska); Report and order (Proceeding Terminated).

Adopted: December 8, 1981.

Released: December 15, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 19269, published March 30, 1981, proposing the assignment of UHF television Channel 16 to Orchard, Nebraska, as its first commercial television assignment. The *Notice* was issued in response to a petition filed by Virgil Pinkerman ("petitioner"). Supporting comments were filed by the petitioner. No oppositions to the proposal were received.

2. Orchard (population 467),[1] in Antelope County (population 9,047), is located approximately 225 kilometers (140 miles) northwest of Omaha, Nebraska. It has no local television broadcast service.

3. In comments to the proposal, the petitioner incorporated by reference the information contained in the *Notice* demonstrating the need for a first television assignment to Orchard. Petitioner also restated his intent to apply for the channel, if assigned.

4. We believe that the petitioner has adequately demonstrated a need for a first UHF television assignment to Orchard, and that the public interest would be served by assigning UHF television Channel 16 to that community. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

5. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective February 16, 1982, the Television Table of Assignments (§ 73.606(b) of the rules) is amended with respect to the community listed below:

City	Channel No
Orchard, Nebr.	16

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-36193 Filed 12-17-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-512; RM-3595]

FM Broadcast Station in Tremonton, Utah; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a Class A FM channel to Tremonton, Utah, in response to a petition and counterproposal filed by Bear River Broadcasting Company, Inc. and Simmons Family, Inc., respectively. The proposed station will provide Tremonton with its first fulltime local aural broadcast service.

DATE: Effective February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Tremonton, Utah); Report and order (proceeding terminated).

Adopted: December 8, 1981.

Released: December 15, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has before it the *Further Notice of Proposed Rule Making*, 46 FR 37925, published July 23, 1981, which proposed the assignment of either FM Channel 264 or Channel 285A to Tremonton, Utah. Comments were filed by Bear River Broadcasting Company, Inc. ("Bear River"), the original proponent in this proceeding. Both comments and a reply pleading were submitted by Simmons Family, Inc. ("Simmons"), licensee of FM Station KSFI, Salt Lake City, Utah.

2. Although noting that it would apply for a Class A channel if one were assigned to Tremonton, Bear River continues to advocate the assignment of a Class C channel to that community. Excellent service will be provided the underserved and unserved areas surrounding Tremonton, contends petitioner, as they are located north and northwest of the community in precisely the same direction as proponent's proposed transmitter site (the same site being used for a new AM station licensed to Bear River). While it is Bear River's intention to establish a facility which will render a reception service to a wide area, it affirms its primary

obligation to serve the community needs of Tremonton. As the county is a vast, sparsely populated area, submits Bear River, a Class C channel is needed to serve all of it. In addition, petitioner contends that a substantial area must be served to develop an adequate demographic base to make the station viable in terms of an adequate listening audience and such service can only be given by a Class C facility. Bear River also submits that the possible service to be rendered by unbuilt stations should not play a part in this proceeding. Although in the *Further Notice of Proposed Rule Making* the Commission said such service was being considered, proponent argues that even if the application to upgrade the facilities of Station KJKJ, Logan, Utah, is granted, as well as a pending application for a new Class C station at Roy, Utah, there is no real assurance that the facilities will be constructed exactly as proposed. In such case the elimination of much of the first and second service which Channel 264 at Tremonton would have provided would not occur.

3. Also submitting comments, as well as a reply, is Simmons, licensee of Station KSFI–FM, Salt Lake City, Utah. Simmons advocates assigning a Class A channel to Tremonton and not a Class C based on the size of the community. Additionally, opponent notes that Bear River fails to indicate that even if the above applications are granted, its proposal will provide significant first and/or second service.

4. As was stated in both the *Notice* and *Further Notice*, high-powered, wide-coverage area Class C channels are normally not assigned to communities as small as Tremonton. Exceptions to this policy are made, however, where a Class C channel could provide a significant amount of first or second FM service to surrounding areas and populations. Consequently, in addition to a Class A proposal, we proposed in the alternative a Class C allocation. Although initially the assignment of a Class C channel to Tremonton would have provided first and second service to approximately 3,000 and 600 persons, respectively, this is not the present situation. First, an application to upgrade the facilities of Station KJKJ, Logan, Utah, was granted by the Commission on August 27, 1981. This modification completely eliminates the area of first service which Channel 264 at Tremonton would have served. Second, there are presently four mutually exclusive applications pending for a new Class C station at Roy, Utah. The granting of any of these four applications would result in a significant decrease in the amount of second service which the channel at Tremonton would have provided. Since granting a Class C channel to a community the size of Tremonton (population 3,464) [1] is unusual, we believe it is appropriate to take into account the grant of increased facilities for Station KJKJ and the likelihood that one of the four Roy applicants will ultimately construct a station. Furthermore, although petitioner notes its transmitter site is in a northwesterly direction of the city in which unserved and underserved areas lie, it failed to indicate any first FM service or any significant second FM service in view of the above facts. Thus, we conclude that a Class C assignment should not be made to such a small community.

5. In view of the needs of Tremonton and Box Elder County (population 33,222), as well as the Commission's FM assignment policy to provide at least one local assignment to every community wherever possible,[2] we are assigning FM Channel 285A to Tremonton. We believe we have the requisite expression of interest from petitioner in the use of a Class A allocation, and we note that Channel 285A is available for use at petitioner's AM station's site. This assignment is in accord with our general policy of assigning Class A channels to smaller communities.[3] See also *Cabool, Missouri*, 52 F.C.C. 2d 246 (1975).

6. In view of the foregoing, it is ordered, that effective February 16, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended to read as follows for the community listed:

City	Channel No.
Tremonton, Utah	285A

7. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632–7792.

[1] Population figures are taken from the 1980 U.S. Census.

[2] *Further Notice of Proposed Rule Making*, 27 FR 7797–98, published August 7, 1962; *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

[3] *Revision of FM Broadcast Rules, Third Report, Memorandum Opinion and Order*, 40 F.C.C. 747, 758 (1963).

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-36192 Filed 12-17-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1016

[Ex Parte No. 55 (Sub-No. 52)]

Special Procedures Governing Recovery of Expenses by Parties to Adjudicatory Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting final rules implementing the Equal Access to Justice Act. The Act requires Federal agencies to award attorney's fees and other expenses to certain parties who prevail over the Federal government in particular administrative proceedings. The rules establish uniform procedures for the submission and consideration of applications for an award.

DATE: Effective date: January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Richard Armstrong, (202) 275–6430.

SUPPLEMENTARY INFORMATION: By a notice published at 46 FR 41825, August 18, 1981, the Commission proposed rules to implement the Equal Access to Justice Act. (Pub. L. 96–481, 94 Stat. 2325.) Generally, the Act requires Federal agencies to award attorney's fees and other expenses to certain small organizations and individuals when they prevail over the Federal government in certain adversarial administrative proceedings conducted under 5 U.S.C. 554, unless (1) the position of the government as a party to the proceeding was substantially justified or (2) special circumstances make an award unjust.

The rules which we proposed and now adopt closely follow the model rules issued by the Chairman of the Administrative Conference of the United States. The model rules were published at 46 FR 32900 on June 25, 1981. Our reliance upon the model rules is due to the requirements of the Act that each agency establish uniform procedures for handling award applications and consult with the Chairman of the Administrative Conference before issuing rules implementing the Act.

In our notice, we sought public comments on the proposed rules. We received written comments only from the Office of the Chairman of the Administrative Conference. In response to these comments, we agree that the term "adjudicatory officer" which appeared in § 1016.104 of our proposed rules should be "adjudicative officer." The latter term is used in the Act and throughout the remaining rules. We also agree that the word "similar" should not appear the second time in § 1016.107(c)(1), and we will delete it. The term was inadvertently included, as we did not intend for our provision to differ from the corresponding model rule. However, we decline to follow the recommendation that we repeat in § 1016.108 the language of the Act concerning the criteria in rulemakings upon which to base an increase in the maximum rate for attorney fees. The possible increase in convenience for interested persons is not sufficient to justify the repetition of the language.

The Office of the Chairman comments further that the clarifying language added to § 1016.105(a) is unnecessary. This language was added to make clear that a party must have stood in an adversarial relationship to the position of agency counsel to be eligible for an award. We remain convinced that this language is appropriate, if not necessary, for § 1016.105, because that section sets forth other eligibility requirements for applicants. However, for the sake of clarity, we will adopt the suggestion of the Office of the Chairman and redraft the first sentence of § 1016.105(a) to read:

> To be eligible * * * the applicant must be a party to the adversary adjudication for which it seeks an award, it must have stood in an adversary relationship to the position taken by agency counsel * * *.

Finally, upon our own reconsideration, we are revising the language in § 1016.103(a) exempting ratemaking proceedings from coverage by the Act. The second sentence of § 1016.103(a) will now read: "Proceedings for the purpose of establishing or fixing a rate are not covered by the Act." This change does not necessarily reduce the number of proceedings covered by the Act. We never intended to alter the coverage mandated by Congress. The change in language removes any doubt since the exemption is now expressed in the same terms used in the Act.

Accordingly, we adopt a new Part 1016 to Title 49 of the Code of Federal Regulations as set forth in the appendix to this decision.

We realize that the award provisions begin to apply to covered adversary adjudications pending as of October 1, 1981. Should there be any applications for an award which are filed before our rules become effective, the applications will be handled on an *ad hoc* basis.

Pursuant to 5 U.S.C. 605(b), we certify that these rules will not have a significant economic impact on a substantial number of small entities. The rules merely implement the Equal Access to Justice Act and do not impose significant economic burdens or benefits.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321, 5 U.S.C. 504(c)(1) and 5 U.S.C. 553)

Decided: December 3, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary

In Title 49 of the Code of Federal Regulations, Part 1016 is added to read as follows:

PART 1016—SPECIAL PROCEDURES GOVERNING THE RECOVERY OF EXPENSES BY PARTIES TO COMMISSION ADJUDICATORY PROCEEDINGS

Subpart A—General Provisions

Sec.
1016.101 Purpose of these rules.
1016.102 When the Act applies.
1016.103 Proceedings covered.
1016.104 Decisionmaking authority.
1016.105 Eligibility of applicants.
1016.106 Standards for awards.
1016.107 Allowable fees and expenses.
1016.108 Rulemaking on maximum rates for attorney fees.
1016.109 Awards against other agencies.

Subpart B—Information Required From Applicants

1016.201 Contents of application.
1016.202 Net worth exhibit.
1016.203 Documentation of fees and expenses.

Subpart C—Procedures for Considering Applications

1016.301 When an application may be filed.
1016.302 Filing and service of documents.
1016.303 Answer to application.
1016.304 Reply.
1016.305 Comments by other parties.
1016.306 Settlement.
1016.307 Further proceedings.
1016.308 Decision.
1016.309 Agency review.
1016.310 Judicial review.
1016.311 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)), 5 U.S.C. 553, and 49 U.S.C. 10321.

Subpart A—General Provisions

§ 1016.101 Purpose of these rules.

The Equal Access to Justice Act (5 U.S.C. 504) (called the "Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Interstate Commerce Commission. An eligible party may receive an award when it prevails over the Commission or another agency of the United States participating in the Commission proceeding, unless the Commission's position in the proceeding, or that of the other agency, was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

§ 1016.102 When the Act applies.

The Act applies to any adversary adjudication pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

§ 1016.103 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Commission under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative (hereinafter "agency counsel") who enters an appearance and participates in the proceeding. Proceedings for the purpose of establishing or fixing a rate are not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." Generally, the types of Commission proceedings covered by the Act include, but are not limited to, investigation proceedings instituted under 49 U.S.C. 11701 and 49 U.S.C. 10925 and disciplinary proceedings conducted pursuant to 49 CFR 1100.11.

(b) The Commission may also designate a proceeding not listed in paragraph (a) of this section as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding, designating the matter for hearing or at any other time during the proceeding. The Commission's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 1016.104 Decisionmaking authority.

Unless otherwise ordered by the Commission in a particular proceeding, each application for an award under this part shall be assigned for an initial decision to the official or decisionmaking body that entered the initial decision in the adversary adjudication. That official or decisionmaking body is referred to in this part as the "adjudicative officer."

§ 1016.105 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award, it must have stood in an adversary relationship to the position taken by agency counsel, and it must have prevailed on one or more of the issues raised by agency counsel. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis. Independent contractors under lease to motor carriers are not employees of the carriers under these rules. Also, agents for motor common carriers of household goods are not employees of their respective principal carriers.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 1016.106 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 1016.107 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses (which is currently $24.09 per hour). However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 1016.108 Rulemaking on maximum rates for attorney fees.

Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees in accordance with our rules appearing at 49 CFR Part 1103.

Notwithstanding the requirements of Part 1103, the petition shall identify the rate the petitioner believes the Commission should establish and the types of proceedings in which the rate shall be used. It should also explain fully the reasons why the higher rate is warranted.

§ 1016.109 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before this agency and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 1016.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Commission or other agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 1016.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 1016.105(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(1)–(9)), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures governing the inspection of records which are set forth in 49 CFR Part 1001.

§ 1016.203 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by another person or entity for the services provided. The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

Subpart C—Procedures for Considering Applications

§ 1016.301 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after an administratively final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, see the Commission's rules governing appellate procedures at 49 CFR 1100.98 to determine when a decision becomes administratively final.

§ 1016.302 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1016.202(b) for confidential financial information.

§ 1016.303 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1016.307.

§ 1016.304 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1016.307.

§ 1016.305 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 1016.306 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 1016.307 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 1016.308 Decision.

The adjudicative officer shall issue an initial decision on the application within 50 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's or other agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 1016.309 Agency review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with its appellate procedures which appear at 49 CFR 1100.98. If neither the applicant nor agency counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the agency 20 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 1016.310 Judicial review.

Judicial review of final Commission decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 1016.311 Payment of award.

An applicant seeking payment of an award shall submit to the appropriate official of the paying agency a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Where the award is granted against the Interstate Commerce Commission the applicant shall make its submission to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. The Commission will pay the amount awarded to the applicant within 60 days of the applicant's submission unless the judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 81-36187 Filed 12-17-81; 8:45 am]

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Proposed Rules

Federal Register
Vol. 46, No. 243
Friday, December 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of onions grown in designated counties in South Texas to be inspected and meet minimum size and quality requirements. The regulation should promote orderly marketing of such onions and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due February 1, 1982.

ADDRESS: Comments should be sent to: Hearing Clerk, room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250, (202) 447–2615. The Draft Impact Analysis relating to this proposed rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) regulate the handling of onions grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

This proposed regulation is based upon recommendations made by the committee at its public meeting in McAllen, Texas, on October 27, 1981. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1982 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 10, 1982.

The proposed grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus, only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday except for export could be shipped from March 10 through May 10 of each season. In order to provide more orderly marketing from all districts, the inspection and container requirements would be extended through June 15 of each season.

The container requirements would prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, they would not preclude the use of containers customarily packed for the retail trade. The prohibition on packaging and loading onions on Sunday is intended principally to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings. Again this season handlers would be permitted, with the approval of the committee, to grade, package and load onions on Sunday for export, provided that they shut down packing and loading operations on the first working day after shipment for the same length of time as they operated on Sunday. This should prevent handlers who ship on Sunday for export from gaining a competitive advantage due to longer packing hours over handlers who do not have export orders.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 110 pounds of onions could be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The requirements with respect to special purpose shipments would allow the shipment of onions for experimental purposes or the use of containers including bulk bins which have been the subject of test shipments during past seasons, and would encourage exports by allowing the use of containers required for such purposes. Onions for canning and freezing are exempt under the legislative authority for this part. Shipments for relief or charity would be exempt since no useful purpose would be served by regulating such shipments. The shipment of small gift packages to individuals would be permitted by an exemption from the container requirements.

These standardization and marketing efficiency types of regulation would have no measurable effect on the quantity of onions shipped from South Texas, nor will there be discernable effect on U.S. retail onion prices. This regulation should enable the South Texas onion industry to better compete with major onion producing areas in California and Arizona by ensuring the use of grades, sizes and containers acceptable to buyers.

It is proposed that requirements contained in this proposed handling regulation, effective March 10, 1982, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through February 1, 1982, with regard to the proposed handling regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. However, virtually the same requirements have been imposed each season since 1962. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations would probably continue to change infrequently from season to

season and it is believed unnecessary to issue them for only a single season. In addition, the proposed change could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 959.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. Interested persons would be able to file comments concerning the committee recommendations with the Hearing Clerk before February 1 each year.

The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of South Texas onions would tend to effectuate the declared policy of the act. Any such changes in the handling regulation would be published in the **Federal Register**.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 959—ONIONS GROWN IN SOUTH TEXAS

§ 959.321 [Removed]

It is proposed that § 959.321 (46 FR 16238, March 12, 1981, and 17755, March 20, 1981) be removed and a new § 959.322 be added as follows:

§ 959.322 Handling regulation.

During the period beginning March 10 and ending on June 15 each season no handler may package or load onions on Sunday or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on May 10 of each season.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker" 1 3/4 to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3 1/2 inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Tolerances for size in the U.S. onion standards shall apply except that for "repacker" and "medium" sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply.

(c) *Container requirements.* Except as provided in paragraph (f), only the following containers may be used:

(1) 25-pound bags, with an average net weight in any lot of not more than 27 1/2 pounds per bag, and with inside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with inside dimensions not larger than 33 inches by 39 1/2 inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies or for export.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e), (f)(1), or (f)(4)(ii) of this section, unless an inspection certificate has been issued by the Texas-Federal Inspection Service covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document is surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Handlers shall pay assessments on all assessable onions according to the provisions of § 959.42

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 110 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 110 pounds of onions.

(f) *Special purpose shipments.* (1) The minimum grade, size, quality, container, and inspection requirements set forth in paragraphs (a) through (d) shall not be applicable to shipments of onions for charity, relief, canning and freeezing if handled in accordance with paragraph (g) of this section.

(2) Onions may be packed in 50-pound cartons or in 2, 3 or 5 pound containers customarily used for the retail trade. Such shipments shall be exempt from paragraph (c) of this section but must meet the provisions of paragraphs (a), (b) and (d) or paragraph (e) and be handled in accordance with paragraph (g) of this section.

(i) Shipments of such containers shall not exceed 10 percent of a handler's total weekly onion shipments.

(ii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iii) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(3) *Gift packages.* The handling to any person of gift packages of onions, not exceeding 25 pounds per package, individually addressed to such person and not for resale, are exempt from the container requirements of paragraph (c) of this section, but shall conform to all assessment requirements of § 959.42 and the grade, size and inspection requirements of paragraphs (a), (b), and (d) of this section.

(4) *Experimental shipments.* (i) Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 63,450 cubic inches, or containers deemed similar by the committee. Each container shall have a new perforated polyethylene liner at least 2 mils in thickness. Also, onions may be shipped in 40-pound cartons, upon approval of the committee. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed ten percent of a handler's total weekly onion shipments and shall be handled in accordance with

safeguard provisions of § 959.54 and paragraph (g) of this section. The receiver shall furnish the committee with a report on the arrival condition of each shipment.

(ii) Upon approval of the committee, onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60, provided they are handled in accordance with safeguard provisions of § 959.54 and paragraph (g) of this section.

(iii) Upon approval of the committee, onions may be shipped for testing in types and sizes of containers other than those specified in paragraph (c), (f)(2) and (3) above, provided that the handling of onions in such experimental containers shall be under the supervision of the committee.

(5) *Export shipments.* (i) Upon approval of the committee, the prohibition against packaging or loading onions on any Sunday may be modified or suspended to permit the handling of onions for export provided such handling complies with the procedures and safeguards specified by the committee.

(ii) Following approval, if the handler grades, packages and ships onions for export on any Sunday, such handler shall on the first weekday following shipment, cease all grading, packaging and shipping operations for the same length of time as the handler operated on Sunday. Upon completion of such shipments, the handler shall report thereon as prescribed by the committee.

(iii) Export shipments shall also be exempt from all container requirements of this section.

(6) *Onions failing to meet requirements:* Onions failing to meet the grade, size and container requirements of this section, and not exempt under paragraph (e) or (f) of this section, may be handled only pursuant to § 959.126. Such onions not handled in accordance with paragraph (g) of this section shall be mechanically mutilated at the packing shed rendering them unsuitable for fresh market.

(g) *Safeguards.* Each handler making shipments of onions for relief, charity, canning, freezing or experimental purposes or onions packed in 50-pound cartons or 2, 3 or 5 pound containers customarily packed for the retail trade shall:

(1) Apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Furnish reports of each shipment made under the applicable Certificate of Privilege;

(3) Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Each handler shall maintain records of such shipments pursuant to § 959.80(c), and the records shall be subject to review and audit by the committee to verify reports thereon.

In addition to the above, each handler making shipments for canning or freezing shall:

(4) Weigh or cause to be weighed each shipment prior to, or upon arrival at the canner or freezer.

(5) Attach a copy of the weight ticket to a completed copy of the Report of Special Purpose Onion Shipment and return both promptly to the committee office.

(6) Make each shipment directly to the applicable processor and attach a copy of the Report of Special Purpose Onion Shipment.

(7) Each canner or freezer who receives cull onions shall weigh the onions upon receipt, complete the Report of Special Purpose Onion Shipment which accompanies each load and mail it immediately to the committee office.

(8) Each canner or freezer who receives cull onions shall make available at its business office at any reasonable time during business hours, copies of all applicable purchase orders, sales contracts, or disposition documents for examination by the Department or by the committee, together with any other information which the committee or the Department may deem necessary to enable it to determine the disposition of the onions.

(h) *Definitions.* "U.S. onion standards" means the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195–2851.3209), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (7 CFR 2851.2830–2851.2854), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(i) *Applicability to imports.* During the approximately mid-March through May period of each year, imported onions shall comply with the minimum grade, size, quality and maturity requirements imposed under this marketing order. The specific beginning and ending dates will be set forth in the summary of onion import regulation to be issued prior to the beginning of each seaon, after the Secretary determines when the imported onions are in most direct competition with regulated onions grown in South Texas. Therefore, under Section 8e of the act and Section 980.117 "Import regulations: onions" (7 CFR 980.117) such imported onions shall have not more than 20 percent defects of U.S. No. 1 grade and be at least 1 inch in diameter for white varieties and at least 1¾ inches in diameter for all other varieties. In percentage grade lots, tolerance for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applicants of tolerances in the U.S. onion standards shall apply to in-grade lots.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-36209 Filed 12-17-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Research Subjects; Reproposal of Regulations

AGENCY: Food and Drug Administration.

ACTION: Reproposal of rule.

SUMMARY: The Food and Drug Administration (FDA) is reproposing its regulations establishing conditions under which biomedical research on prisoners would be accepted in satisfaction of FDA's regulatory requirements. In the **Federal Register** of July 7, 1981 (46 FR 35085), FDA stayed indefinitely the effective date of the original regulations, pending final action on this reproposal. Under the reproposal, FDA would accept, in addition to the categories of research listed in the original regulation, the results of biomedical research on prisoners if the sponsor of the proposed research establishes that the conditions set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research had been met.

DATES: Written comments by February 16, 1982. FDA intends that any final rule it may publish on this matter would

become effective 90 days after the date of its publication in the **Federal Register**.

ADDRESS: Written comments may be submitted to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY–2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 30, 1980 (45 FR 36386), FDA issued final regulations to provide protection for prisoners used as the subjects of biomedical research within the agency's jurisdiction. The regulations were promulgated to implement the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (National Commission). The National Commission was created by Congress under the National Research Act of 1974 (Pub. L. 93–348) to investigate research on human subjects and to make recommendations to the Department of Health and Human Services (Department) on, among other things, the requirements for obtaining voluntary and informed consent, free from coercion. Section 205 of the National Research Act required the Secretary of the Department to respond to the National Commission's recommendations.

In a report on research on prisoners issued in 1977 (see the **Federal Register** of January 14, 1977; 42 FR 3076), the National Commission concluded that the prison environment is inherently coercive, diminishing the capacity of prisoners to give informed consent to participation in biomedical and behavioral research. Based on its investigation of the nature of research on prisoners, the conditions under which it is presently conducted, and the social, ethical, and legal questions raised by prison research, the National Commission recommended limitations on the types of research conducted on prisoners and recommended that the following conditions exist in prisons at which research is conducted to enable prisoners to give voluntary and informed consent:

1. *Standard of living.* Living conditions in the prison in which research will be conducted or from which subjects will be recruited are adequate as evidenced by all of the following standards:

(a) The prison population does not exceed designed capacity, and each prisoner has an adequate amount of living space;

(b) There are single occupancy cells available for those who desire them;

(c) There is segregation of offenders by age, degree of violence, prior criminal record, and physical and mental health requirements;

(d) There are operable cell doors, emergency exits and fire extinguishers, and compliance with state and local fire and safety codes is certified;

(e) There are operable toilets and wash basins in cells;

(f) There is regular access to clean and working showers;

(g) Articles of personal care and clean linen are regularly issued;

(h) There are adequate recreation facilities, and each prisoner is allowed an adequate amount of recreation;

(i) There are good quality medical facilities in the prison, adequately staffed and equipped, and approved by an outside medical accrediting organization such as the Joint Commission on Accreditation of Hospitals or a state medical society;

(j) There are adequate mental health services and professional staff;

(k) There is adequate opportunity for prisoners who so desire to work for remuneration comparable to that received for participation in research;

(l) There is adequate opportunity for prisoners who so desire to receive education and vocational training;

(m) Prisoners are afforded opportunity to communicate privately with their visitors, and are permitted frequent visits;

(n) There is a sufficiently large and well-trained staff to provide assurance of prisoners' safety;

(o) The racial composition of the staff is reasonably concordant with that of the prisoners;

(p) To the extent that it is consistent with the security needs of the prison, there should be an opportunity for inmates to lock their own cells; and

(q) Conditions in the prison satisfy basic institutional environmental health, food service and nutritional standards.

2. *Provisions for effective redress of grievance.* A grievance committee exists composed of elected prisoner representatives, prisoner advocates, and representatives of the community. The committee should enable prisoners to obtain effective redress of their grievances (including grievances concerning the existence of conditions established in (a)(2)). The committee should also facilitate inspections and monitoring by the accrediting agency to assure continuing compliance with requirement (a)(2)(C).

3. *Separation of research participation from parole considerations.* Effective procedures exist to assure that parole boards cannot take into account prisoners' participation in research and that prisoners are clearly informed that there is absolutely no relationship between research participation and determinations by their parole boards.

4. *Public scrutiny.* Prisoners are able to communicate, without censorship, with persons outside the prison, and, on a privileged, confidential basis, with attorneys, legal organizations that assist prisoners, the accrediting agency, the grievance committee referred to in this section, and the institutional review board. Each of these persons or organizations must be able to conduct private interviews with any prisoner who so desires. The accrediting agency, Administration, grievance committee, and institutional review board must be allowed free access to the prison. 42 FR 3080.

In accordance with its findings, the National Commission recommended that the Department support or accept research on prisoners if: (1) The research is intended and is reasonably likely to improve the health and well-being of prisoners individually or as a class (42 FR 3079, 3080), or (2) the research fulfills an important scientific need, and there is a compelling need to use prisoners and a determination by the agency head that the conditions for informed consent identified by the National Commission exist at the prison in question (42 FR 3080).

In the **Federal Register** of January 5, 1978 (43 FR 1050), the Department proposed regulations adopting the National Commission's findings and implementing its recommendations. The Department concluded, however, that the requirements for informed consent established by the National Commission for any research other than that benefitting prisoners individually or as a class (nonbeneficial research) were so stringent that it was doubtful that any existing prison and few research projects could meet them. Moreover, the Department found that it did not have the administrative capability to determine whether a prison or research project met the National Commission's criteria for informed consent (43 FR 1050, 1051). The proposed regulations therefore permitted only research that had the intent and reasonable probability of benefitting prisoners individually or as a class. The Department's final regulations were published in the **Federal Register** of November 16, 1978 (43 FR 53652).

The National Research Act did not impose an express obligation on the Department to respond to the National Commission's recommendations with respect to research regulated by or submitted in satisfaction of FDA's regulatory requirements. The Department concluded, however, that because the legislative history of the National Research Act reveals that Congress was also concerned with FDA-regulated research, FDA should consider whether to apply the National Commission's recommendations to research within FDA's jurisdiction (43 FR 1051).

FDA concluded that it had authority under the Federal Food, Drug, and Cosmetic Act (the act) to promulgate regulations protecting the interests of prisoners used as research subjects in clinical investigations submitted to FDA. Therefore, in the **Federal Register** of May 5, 1978 (43 FR 19417), FDA issued its proposal and in the **Federal Register** of May 30, 1980 issued final rules modeled after those of the Department, establishing criteria for acceptance of the results of research on prisoners.

FDA's regulations, codified in Subpart C of 21 CFR Part 50, permitted research on prisoners only when the research had the intent or reasonable probability of benefitting prisoners individually or as a class. FDA's regulations, like those of the Department, did not provide an exception for other types of research that might meet the National Commission's requirements for research not directly beneficial to prisoners. FDA concluded that in view of the National Commission's finding that prisons are inherently coercive and of the lack of evidence that other groups of potential research subjects could not be found, the need to protect prisoners outweighed any need to use prisoners that had yet been presented to FDA (45 FR 36388, 36389). Thus, it appeared to the agency that sponsors of research could never establish a compelling need to use prisoners. FDA therefore did not provide sponsors of research an opportunity to prove the existence of the conditions under which the National Commission concluded that prisoners could give informed consent to participation in nonbeneficial research.

FDA's regulations also included provisions establishing the composition and duties of institutional review boards where prisoners are involved (§§ 50.46 and 50.48). With the provisions for prison research, FDA also promulgated provisions that set out the scope and definitions used in Part 50, FDA's general regulations on protection of human subjects (§§ 50.1 and 50.3).

FDA's regulations were scheduled to become effective June 1, 1981. Shortly after the final regulations were published, however, a lawsuit was filed challenging the regulations. In the **Federal Register** of March 27, 1981 (46 FR 18951), the effective date of the regulations was deferred until 5 months after resolution of the lawsuit. FDA delayed the effective date in part for the purpose of reviewing the regulations under Executive Order 12291.

In the **Federal Register** of July 7, 1981 (46 FR 35085), FDA announced that it had reconsidered the regulations' utility and costs, and that it intended to repropose Subpart C of Part 50 and invite public comment on the reproposal. The notice stayed the effective date of the regulations until final action is taken on the reproposal. At the time the stay was imposed, the regulations had never been put into effect. (The stay did not affect, however, § 50.1 *Scope* and § 50.3 *Definitions*.) In a separate notice published in the **Federal Register** of July 7, 1981 (46 FR 35084), the agency announced that these sections would go into effect on July 27, 1981, with FDA's general informed consent and institutional review board regulations (46 FR 35084; July 7, 1981).

Reproposal

FDA's regulations, as published on May 30, 1980, were premised on a conclusive presumption that sponsors could not establish that research projects not directly beneficial to prisoners satisfied the conditions recommended by the National Commission for such research. FDA has reconsidered its decision to establish broader prohibitions on prisoner research than were recommended by the National Commission. FDA has not altered its belief that it has both the authority and the obligation to ensure the voluntary consent of prisoners used as the subjects of research within FDA's jurisdiction. It is, however, within the expertise of the National Commission to identify the safeguards needed to protect voluntary and informed consent among prisoners. Given that expertise, FDA should, whenever it is practicable, adopt the National Commission's recommendations.

Practicability

FDA possesses the inspectional resources necessary to permit a determination whether conditions at a particular prison meet the National Commission's requirements. FDA has an existing staff of trained investigators responsible for conducting inspections to ensure compliance with the act. Furthermore, the number of prison research projects within FDA's jurisdiction is very small, and the variety of research is limited. The expenditure of resources necessary for FDA to implement an exception procedure for research that does not directly benefit prisoners would thus be minimal.

Accordingly, FDA is reproposing Subpart C of 21 CFR Part 50. The reproposal amends § 50.44 (21 CFR 50.44) to include an exception procedure for research that does not directly benefit prisoners. The exception closely follows the recommendations of the National Commission. Sponsors of proposed research will be required to establish (1) that the research serves an important social or scientific need and the reasons for using prisoners are compelling, (2) that the involvement of prisoners in this type of research satisfies conditions of equity, and (3) that prison conditions permit voluntary and informed consent. Sponsors of proposed research will have the burden of establishing that the research meets each of these conditions. FDA investigators may, however, be sent to the sites of proposed research to assist the IRB in determining whether the National Commission's requirements have been met.

The IRB will make the determination whether the regulations' requirements have been met, after consulting with the Research Involving Human Subjects Committee, an ethical review committee established by the agency (see FDA Staff Manual Guide, 2111.3), whose members include agency officials and members of the public.

Minor revisions have been made in §§ 50.44(a) (1) and (2) and 50.48. The reproposal eliminates the requirements that the agency consult with appropriate experts and publish a **Federal Register** notice announcing its intention to approve research under § 50.44(a) (1) and (2) because FDA believes these requirements were unnecessary and excessively burdensome. The reproposal also eliminates the requirements in § 50.48(a)(7) that research sponsors provide followup examinations of participants. The National Commission did not recommend followup examinations for prisoners, nor does FDA require followup examinations for nonprisoner research subjects. FDA believes that it is not appropriate in this instance to impose additional requirements on research involving prisoners.

Legal Authority

FDA's legal authority to adopt regulations protecting prisoners used as

the subjects of research submitted to FDA was discussed at length in the preamble to the May 5, 1978 proposal and in the preamble to the May 30, 1980 final rule. FDA receives hundreds of reports of clinical investigations each year by those seeking approval by the agency of research and marketing application. FDA must evaluate these reports to determine, among other things, their scientific validity and ethical acceptability. To use its limited resources efficiently, and to guide persons involved with biomedical research within the jurisdiction of the agency, FDA needs standards to screen out clinical investigations that are not acceptable and thus should not be authorized, or warrant no further evaluation in support of a product application. The promulgation of regulations establishing ethical standards for research on prisoners serves this goal.

Specific authority to establish ethical standards for clinical investigations, including requirements governing informed consent, derives from several sections of the act. Sections 505(i), 507(d), and 520(g) of the act (21 U.S.C. 355(i), 357(d), 360j(g)) require that the agency issue regulations that establish the conditions under which drugs and medical devices will be available for investigational use. Those sections of the act direct the agency to issue regulations to protect the public health in clinical investigations and to provide that informed consent will be obtained from the human subjects of the investigations. The act also requires that these regulations, in the case of drugs, have due regard for the interests of patients (21 U.S.C. 355(j)(1) and 21 U.S.C. 357(g)(1)), or, in the case of medical devices, be consistent with ethical standards (21 U.S.C. 360j(g)(1).

Finally, section 701(a) of the act (21 U.S.C. 371(a)) empowers the agency to issue regulations for the efficient enforcement of the act. The Supreme Court has upheld FDA's authority under section 701(a) of the act to promulgate analogous standards for determining whether clinical investigations of drugs intended for human use, submitted to FDA, were scientifically reliable. See *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973). To assess the validity of regulations issued under section 701(a) of the act, the issue is whether the statutory scheme as a whole justifies promulgation of the regulation. *National Confectioners Ass'n* v. *Califano*, 569 F. 2d 690, 693 (D.C. Cir. 1978). As explained in the preamble to the May 30, 1980 final rule, FDA believes that ensuring informed consent as well as due regard for the interests of prisoners as research subjects and for consistency with ethical standards requires that special protections be adopted for prisoners involved in clinical investigations. Therefore, the agency believes these regulations are essential to enforcement of the agency's responsibilities under sections 505(i), 505(j), 507(d), 507(g), and 520(g) of the act.

Request for Comments

The agency invites comments on this proposal and specifically requests information and views on the following issues: (1) The reproposed regulations do not set forth the National Commission's detailed criteria for assuring that prisons' conditions are such that informed consent is possible. Should the agency incorporate any or all of these criteria in the regulations? Which of the criteria, if any, would be excessively burdensome for sponsors to establish or beyond FDA's capacity to evaluate? (2) The reproposal imposes on research sponsors the burden of establishing that the requirements for informed consent are met and provides an opportunity to respond if a proposed research project is disapproved. The agency recognizes that due process requires the agency to provide procedural protections appropriate under the circumstances. *See Mathews* v. *Eldridge*, 424 U.S. 319 (1976). What procedures would be appropriate in light of the interests at stake and the issues to be resolved in establishing whether proposed research satisfies ethical requirements?

The agency has prepared a threshold assessment of this proposed regulation and has determined that the economic effects of this regulation do not warrant a regulatory flexibility analysis or regulatory impact analysis. If promulgated, the regulation would not have a significant economic impact on a substantial number of small entities as determined by the Regulatory Flexibility Act. The agency has also determined that the rule does not involve major economic consequences as defined by Executive Order 12291. The threshold assessment has been placed on file in the Dockets Management Branch for public review.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 406, 409, 502, 503, 505, 506, 507, 510, 513–516, 518–520, 701(a), 706, 801, 52 Stat. 1049–1054 as amended, 1055, 1058 as amended, 55 Stat. 851 as amended, 59 Stat. 463 as amended, 72 Stat. 1785–1788 as amended, 74 Stat. 399–407 as amended, 76 Stat. 794–795 as amended, 90 Stat. 540–560, 562–574 (21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360, 360c–360f, 360h–360j, 371(a), 376, 381)), and the Public Health Service Act (secs. 215, 351, 354–360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173–1186 as amended (42 U.S.C. 216, 262, 263b–263n)) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 50 by revising Subpart C to read as follows:

PART 50—PROTECTION OF HUMAN SUBJECTS

. . . . . .

Subpart C—Protections Pertaining to Clinical Investigations Involving Prisoners as Subjects

Sec.

50.40 Applicability.
50.42 Purpose.
50.44 Restrictions on clinical investigations involving prisoners.
50.46 Composition of institutional review boards where prisoners are involved.
50.48 Additional duties of the institutional review boards where prisoners are involved.

Subpart C—Protections Pertaining to Clinical Investigations Involving Prisoners as Subjects

§ 50.40 Applicability.

(a) The regulations in this subpart apply to any clinical investigation involving prisoners as subjects that is regulated by the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, as well as any clinical investigation involving prisoners that supports any application for a research or marketing permit as defined by § 50.3(b).

(b) Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein will authorize research involving prisoners as subjects to the extent such research is limited or barred by applicable State or local law.

§ 50.42 Purpose.

Because prisoners may be under constraints because of their incarceration which could affect their ability to make a truly voluntary and uncoerced decision whether or not to

participate as subjects in research, it is the purpose of this subpart to provide additional safeguards for the protection of prisoners involved in research to which this part is applicable.

§ 50.44 Restrictions on clinical investigations involving prisoners.

(a) Any clinical investigation that is regulated by the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, as well as any clinical investigation that supports an application for research or marketing permit as defined by § 50.3(b), may involve prisoners as subjects only if the institution responsible for the conduct of the clinical investigation has certified to the Food and Drug Administration that the institutional review board has approved the clinical investigation under § 50.48; and

(1) The proposed clinical investigation involves solely research on practices that have the intent and reasonable probability of improving the health and well-being of the particular prisoners chosen. Subject to the approval of the institutional review board, prisoners may be assigned to control groups; or

(2) The institutional review board determines, after consultation with the Research Involving Human Subjects Committee, that the proposed clinical investigation involves research on conditions particularly affecting prisoners as a class (for example, vaccine trials and other research on hepatitis, which is much more prevalent in prisons than elsewhere). Subject to the approval of the institutional review board, prisoners may be assigned to control groups; or

(3) If the proposed clinical investigation involves research other than that described in paragraph (a) (1) or (2) of this section, the institutional review board determines, after consultation with the Research Involving Human Subjects Committee, that the following requirements are satisfied:

(i) The type of research fulfills an important social or scientific need, and the reasons for involving prisoners are compelling;

(ii) The involvement of prisoners in the type of research satisfies conditions of equity; and

(iii) A high degree of voluntariness on the part of the prospective participants and of accessibility on the part of the penal institution(s) to be involved characterizes the conduct of the research.

(b) A sponsor that seeks approval of any clinical investigation that is regulated by the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act as well as any clinical investigation that supports a research or marketing permit as defined by § 50.3(b) shall present evidence to the institutional review board establishing that the proposed research meets the requirements of paragraph (a) (1), (2), or (3) of this section.

(c) Authorized representatives of the Food and Drug Administration may inspect at reasonable times and in a reasonable manner, any prison at which a research activity has been proposed or is being conducted, to assist the institutional review board in determining whether the requirements of this section are met.

(d) The institutional review board shall determine whether the requirements of this section have been met, and shall notify the sponsor of the decision to approve or disapprove the proposed research activity. If the institutional review board disapproves a proposed research activity, it shall include in its written notification to the research sponsor and the agency a statement of the reasons for the disapproval. The sponsor shall be given an opportunity to respond.

(e) Except as provided in paragraph (a) (1), (2), or (3) of this section, any clinical investigation regulated by the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, as well as any clinical investigation that supports an application for a research or marketing permit as defined by § 50.3(b), may not involve prisoners as subjects.

§ 50.46 Composition of institutional review boards where prisoners are involved.

In addition to satisfying any other requirements governing institutional review boards set forth in this chapter, an institutional review board, in carrying out responsibilities under this part with respect to research covered by this subpart, shall also meet the following specific requirements:

(a) A majority of the institutional review board (exclusive of prisoner members) may not be associated with the prison(s) involved, apart from their membership on the institutional review board.

(b) At least one member of the institutional review board shall be a prisoner, or a prisoner advocate with appropriate background and experience to serve in that capacity, except that if a particular research project is reviewed by more than one institutional review board only one institutional review board need satisfy this requirement.

§ 50.48 Additional duties of the institutional review boards where prisoners are involved.

(a) In addition to all other responsibilities prescribed for institutional review boards under this chapter, the institutional review board shall review each clinical investigation covered by this subpart and approve such clinical investigation only if it finds that:

(1) The research under review represents one of the categories of research permitted under § 50.44(a) (1), (2), or (3);

(2) Any possible advantages accruing to the prisoner through his or her participation in the clinical investigation, when compared to the general living conditions, medical care, quality of food, amenities, and opportunity for earnings in prison, are not of such a magnitude that his or her ability to weigh the risks of the clinical investigation against the value of such advantages in the limited-choice environment of the prison is impaired;

(3) The risks involved in the clinical investigation are commensurate with risks that would be accepted by nonprisoner volunteers;

(4) Procedures for the selection of subjects within the prison are fair to all prisoners and immune from arbitrary intervention by prison authorities or prisoners; unless the principal investigator provides to the institutional review board justification in writing for following some other procedures, control subjects shall be selected randomly from the group of available prisoners who meet the characteristics needed for that research project;

(5) Any information given to subjects is presented in language which is appropriate for the subject population;

(6) Adequate assurance exists that parole boards will not take into account a prisoner's participation in the clinical investigation in making decisions regarding parole, and each prisoner is clearly informed in advance that participation in the clinical investigation will have no effect on his or her parole; and

(b) The institutional review board shall carry out such other duties as may be assigned by the Food and Drug Administration.

(c) The institution shall certify to the Food and Drug Administration, in such form and manner as the Food and Drug Administration may require, that the duties of the institutional review board under this subpart have been fulfilled.

Interested persons, may, on or before February 16, 1982, submit to the Dockets Management Branch (HFA–305), Food

and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 17, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drug.

Dated: November 25, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–111]

Occupational Exposure to Ethylene Dibromide

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Occupational Safety and Health Administration is considering revising the present occupational health standard regulating employee exposure to ethylene dibromide (EDB), 29 CFR 1910.1000. Table Z–2. Recent scientific studies have reported that EDB caused cancer when administered either orally, by inhalation, or by skin application in 3 strains of rats and 3 strains of mice. In addition, other studies have shown EDB to be a mutagen, teratogen, and testicular toxin in experimental animals. The results of these studies indicate that the present permissible exposure level for EDB of 20 parts per million (ppm) as an 8-hour time weighted average (TWA) exposure does not provide exposed workers adequate protection against cancer and other adverse health effects. This notice summarizes the potential health effects associated with exposure to EDB and invites interested parties to submit comments, suggestions, and information on several important issues.

DATES: Comments in response to this advance notice of proposed rulemaking should be submitted on or before March 1, 1982.

ADDRESS: Comments, in quadruplicate, should be mailed to Docket Officer, Occupational Safety and Health Administration, Docket No. H–111, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C., 20210, telephone 202–523–7894. All material submitted will be available for inspection and copying at this address.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Office of Information and Consumer Affairs, Room N–3637, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523–8151.

SUPPLEMENTARY INFORMATION:

1. Background

a. Chemical Identification

Ethylene dibromide (Chem. Abstr. Services Reg. No.: 106–93–4) is a colorless, non-flammable liquid at room temperature with a distinctive, mildly sweet odor detectable in air at levels ranging from 10 to 25 parts per million (*1*) Synonyms for ethylene dibromide include EDB, 1,2-dibromoethane, ethylene bromide, sym-dibromoethane and glycol bromide. It has a chemical formula of $C_2H_4Br_2$, with a molecular weight of 187.9.

b. Production, Use, and Exposure

Ethylene dibromide is produced commercially by reacting ethylene with liquid bromine. The Environmental Protection Agency estimated that about 340 to 360 million pounds of EDB are produced annually in the United States. (*1*) According to EPA's estimates, the major use of EDB (about 230 million pounds per year) is as an anti-knock compound in gasoline. A second major use of EDB (about 13 to 15 million pounds per year) is as an ingredient in pesticides. In addition, EDB is used as an intermediate in the synthesis of dyes and pharmaceuticals, and as a solvent for resins, gums, and waxes.

It is estimated that 12,500 employees may be exposed to EDB in its manufacture or use in gasoline blending and pesticide formulation. In addition, several hundred thousand workers are potentially exposed to EDB while working with leaded gasoline, but information submitted to OSHA suggests that exposures resulting from the use of EDB in leaded gasoline are relatively low. (*2*)

The limited EDB sampling data available indicates that the potential for the highest worker exposure levels for EDB result from its use as a post-harvest fumigant for grain and citrus. Secondary exposure may occur among an estimated 1,000 packers, warehouse and dock workers, and an undetermined number of truckers who handle fruit fumigated with EDB. An additional 10,000 employees in approximately 400 flour mills may have potential for exposure from spot fumigation of milling machinery. The State of California estimated that more than 12,000 workers state-wide are exposed to EDB as a result of post-harvest fumigation to control the recent infestation by the Mediterranean fruit fly. (*3*)

c. Present Standard

The permissible exposure level for occupational exposure to ethylene dibromide is found in Table Z–2 of 29 CFR 1910.1000. The standard provides that an employee's airborne exposure to ethylene dibromide, in any 8-hour workshift of a 40-hour workweek, shall not exceed an 8-hour time weighted average (TWA) limit of 20 parts per million (ppm). Further, an employee's exposure to ethylene dibromide shall not exceed a ceiling concentration of 30 ppm at any time during an 8-hour shift, except for a very brief time period (maximum duration of 5 minutes), when the "acceptable maximum peak" concentration shall not exceed 50 ppm. The standard provides that administrative or engineering controls must be implemented to reduce exposures to within the PEL whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measure shall be used to keep the exposure of employees to EDB within the limits prescribed.

The current standard for EDB was adopted in 1971 as a national consensus standard, under Section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655). The source of the standard was the American National Standards Institute (ANSI) 1970 recommendation for acceptable concentrations of ethylene dibromide (ANSI Z37.31–1970). The ANSI exposure limits were intended to protect workers from injury to the lungs, liver, and the kidneys which had been observed from excessive, acute, or chronic exposures to EDB in humans and experimental animals. The potential for EDB to cause cancer or reproductive damage was not a basis for the establishment of the current exposure limits for EDB.

d. Actions by Other Groups

On December 14, 1977, EPA issued a notice of Rebuttable Presumption Against Registration and Continued

Registration (RPAR) of pesticide products containing EDB (42 FR 63134), under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*). EPA subsequently proposed immediate cancellation of the EDB registration for stored grain and cancellation of the EDB registration for post-harvest fumigation of citrus, tropical fruits and vegetables as of July 1, 1983 (see 45 FR 81516, 12/10/80). EPA has taken no final action on these proposed cancellations.

In 1977, the National Institute for Occupational Safety and Health (NIOSH) recommended that the acceptable ceiling limit for ethylene dibromide be reduced to 0.13 ppm (or 130 parts per billion (ppb)). (*4*) NIOSH's recommendations for a revised EDB standard included provisions for environmental monitoring, medical surveillance, labeling, personal protective equipment and clothing, employee training, work practices, sanitation practices, and monitoring and recordkeeping requirements. The NIOSH recommendations were based on several scientific reports which indicated that chronic exposure to EDB could lead to cancer, malformations and heritable changes in offspring, sterility, damage to genetic material, and a number of other systemic effects.

After receiving NIOSH's recommendations for a revised standard for EDB, OSHA published a request for comments and information in the **Federal Register** on March 17, 1978 (43 FR 11227). The request asked for comments on several general and specific issues concerning NIOSH's recommendations for a revised standard for occupational exposure to EDB. OSHA received 34 comments from individuals and companies representing a broad range of interests. These submitted comments remain part of the permanent record for EDB and will be considered in any future regulatory decisions.

In addition, EDB has been the subject of three NIOSH Current Intelligence Bulletins. The first, published in 1975, alerted workers, employers, and others of the preliminary results of a National Cancer Institute study indicating that EDB is carcinogenic in laboratory rodents. (*5*) The second, published in 1978, reported that a NIOSH study had found a serious toxic interaction between inhaled ethylene dibromide and ingested disulfiram in laboratory rats and recommended that no worker be exposed to both EDB and disulfiram. (*6*) The third, dated October 26, 1981, provides recent information on EDB's potential carcinogenic risk and reaffirms NIOSH's 1977 recommended workplace exposure limit of 0.13 pp. (*7*)

In 1978, the American Conference of Governmental Industrial Hygienists (ACGIH) added ethylene dibromide to their list of industrial substances suspect of carcinogenic potential for man. The 1981 ACGIH list of threshold limit values assigns no TLV for EDB exposure, but states that "no exposure or contact by any route—respiratory, skin or oral, as detected by the most sensitive methods—shall be permitted."(*8*)

On September 2, 1981, the State of California, Department of Industrial Relations, Division of Occupational Safety and Health, adopted an emergency temporary standard for EDB, which became effective on September 23, 1981.(*9*) The California emergency standard provides that no employee be exposed to EDB in excess of an 8-hour, TWA concentration of 130 ppb (or 0.13 ppm), or in excess of a ceiling concentration of 130 ppb measured over a 15-minute period. The California emergency standard also contains requirements for the reporting of use of EDB and emergencies, exposure monitoring, methods of compliance, personal protective equipment, and training. An administrative interpretation was issued later, effective October 9, 1981, which provides that EDB will not be considered introduced into the workplace if a retail market has less than 2000 pounds of fumigated fruit in storage at any one time. For retail produce markets handling more than 2000 pounds of fumigated produce, an action level of 15 ppb (15 minute sample) has been established. If initial monitoring demonstrates that worker exposures are below the action level, no further monitoring is required and a precautionary sign does not have to be posted.(*10*)

The stated reasons for issuing an emergency standard were the potential widespread use of EDB as an after-harvest fumigant, the large number of workers who could be exposed, and the fact that the present OSHA standard does not take into account recent data concerning the carcinogenicity of EDB. The California emergency temporary standard will remain in effect for 120 days. Public hearings on the permanent standard were held on November 12 and 19, 1981. A permanent standard is expected to be adopted before the expiration date of the emergency temporary standard.

e. Petitions for an Emergency Temporary Standard

On September 2, 1981, the International Brotherhood of Teamsters (IBT) petitioned OSHA for an emergency temporary standard for ethylene dibromide which would reduce the PEL to 15 ppb, as an 8-hour TWA.(*11*) The petition states that IBT members are among a large number of workers in the fruit industry, where ethylene dibromide may be used to control infestation by the Mediterranean fruit fly. The IBT petition later was joined by the Food and Beverage Trades Department, AFL-CIO, in a letter to OSHA dated October 5, 1981,(*12*) and by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in a letter dated October 20, 1981.(*13*) The International Longshoremen's and Warehousemen's Union ILWU also has requested that OSHA issue an emergency temporary standard for EDB. In a letter dated October 16, 1981, the ILWU recommended an exposure limit, both as an 8-hour TWA and a ceiling concentration of 15 ppb.(*14*)

After careful consideration, OSHA denied the petitions because the present situation does not fulfill the statutory criteria necessary for the imposition of an emergency temporary standard. For example, very little information is available about the nature and extent of employee exposure to EDB on a nationwide basis. Therefore, it is unclear whether employees handling EDB fumigated produce are exposed to a grave danger within the meaning of section 6(c) of the OSH Act. Moreover, numerous variables in the work environments of those potentially exposed to EDB make it impossible to support a finding that the provisions requested by the unions are necessary or feasible.

Even though an ETS is not legally supportable on the facts presently known, recent toxicological studies indicate that the present PEL for EDB is not protective for those working with EDB. However, several unanswered questions remain which are critical to the development of a proposed regulation. OSHA presently is conducting a special industrial hygiene survey of several worksites in Texas, Florida, and California where EDB exposure occurs. Through this survey, OSHA hopes to discover the range of potential exposure levels associated with specific jobs, the numbers of workers exposed, and feasible control methods. In addition, OSHA has been working with the U.S. Department of

Agriculture to investigate methods of handling EDB-treated commodities to reduce worker exposure. Comments directed toward the specific nature and levels of EDB exposure in specific operations will assist OSHA in determining the appropriate regulatory action.

2. Potential Health Effects

a. Carcinogenicity

Several scientific studies have been conducted which demonstrated the induction of tumors by ethylene dibromide in experimental animals. The most recently reported study, released in 1981, was conducted by the National Cancer Institute (NCI) and the National Toxicology program. (*15*) In this study, male and female Fisher 344 rats and male and female B6C3F1 mice were exposed by inhalation to airborne concentrations of EDB at either 10 ppm or 40 ppm, 6 hours per day, 5 days per week, for 78 to 103 weeks (depending on survival).

Using nonexposed rats for comparison, it was reported that EDB increased the incidence of tumors of the nasal cavity at 10 ppm and 40 ppm in both male and female rats, and that these increased incidences were statistically significant. In addition, the incidence of tumors of the mammary gland was significantly increased in female rats exposed to both 10 ppm and 40 ppm. Other significant increases in tumor incidences, attributed to EDB, included tumors of the circulatory system and pituitary gland of male and female rats, mesotheliomas in the tunica vaginalis (a membrane covering the testis and epididymis) of male rats, and alveolar/bronchiolar carcinomas or adenomas in female rats.

In mice exposed to EDB at 40 ppm, significant increases were reported for tumors of the respiratory system in male and female animals, and for tumors of the circulatory system, mammary gland, and nasal cavity in female animals. Moreover significantly increased incidences of tumors of the circulatory system and mammary gland were observed in female mice exposed to 10 ppm EDB.

Earlier studies also had reported the induction of tumors by EDB, but in different animal strains and under different experimental conditions. In 1973, Oson and his colleagues reported a high incidence of squamous cell carcinomas of the stomach among Osborne-Mendel rats and (C57BL X C3H)F_1 mice, chronically exposed to ethylene dibromide by oral intubation. (*16*) Tumors were observed as early as 10 weeks after initial exposure.

In 1978, the National Cancer Institute reported that EDB was carcinogenic to Osborne-Mendel rats and B6C3F1 mice after chronic exposure to EDB by oral intubation. (*17*) EDB induced squamous-cell carcinomas of the forestomach in rats of both sexes, hepatocellular carcinomas in female rats, and hemangiosarcomas in male rats. In mice of both sexes, EDB induced squamous-cell carcinomas of the forestomach and alveolar/bronchiolar adenomas.

A study completed by the Midwest Research Institute for NIOSH in 1979 demonstrated that EDB induced tumors in Sprague-Dawley rats exposed to EDB by inhalation at 20 ppm, 7 hours per day, 5 days per week, for 18 months. (*18*) Male rats exposed to EDB had significantly increased tumor incidences in the spleen (including hemangiosarcoma), adrenal glands and subcutaneous tissues, and female rats exposed to EDB showed significantly high tumor incidences in the spleen (hemangiosarcoma), adrenal glands, and mammary glands.

When the rats were treated simultaneously with both EDB and disulfiram (an aldehyde dehydrogenase inhibitor used to treat alcoholism), the carcinogenic and other toxic effects of EDB were greatly enhanced. The incidence of tumors in the liver (including hemangiocarcinoma), spleen, kidneys, thyroids, adrenals and mesentary tissues in both male and female rats, and lung tumors in male rats, was substantially increased as a result of the combined treatment of 20 ppm atmospheric concentration of EDB and 0.05% disulfiram in the diet.

EDB also has been shown to be carcinogenic by skin application. (*19*) In Ha:ICR mice, EDB induced a significant incidence of skin papillomas, skin carcinomas and lung tumors after repeated application of EDB to shaved skin.

Only one epidemiologic study has been published which reports the mortality experience of workers exposed to EDB. Ott and his colleagues followed 161 men exposed to EDB in two production areas of a U.S. chemical plant. (*20*) The authors reported that among 57 individuals employed in production unit two, five had died from cancer compared to an expected number of 2.2 (based on the U.S. white male general population). However, when five additional individuals who had been exposed to both EDB and arsenicals are included in the analysis, the total number of workers in this production area who died from cancer becomes seven, compared to an expected number of approximately 2.8 (P less than 0.01). The additional two workers who died from cancer, both with lung cancer, had been exposed to arsenicals for 1.5 months and 20 months, and to EDB for 102 months and 111 months, respectively. Among the 99 individuals employed in production unit one, two men had died from cancer compared to 3.6 expected. The authors concluded that the findings of the investigation neither rule out nor establish EDB to be a human carcinogen. Although of limited sample size, the observation in unit two raises suspicion of a potential excess cancer risk among workers exposed to EDB.

In response to OSHA's March 1978 request for information on EDB, the Dow Chemical Company submitted unpublished reports from two investigations of workers exposed to EDB. (*21*) Because of severe limitations in design and analysis, neither report can be used to draw inferences concerning the risk of cancer to humans exposed to EDB.

b. Reproductive Effects

Exposure to EDB by inhalation has been shown to affect the reproductive system of male rats, causing testicular degeneration and atrophy after chronic exposure to EDB at 10 ppm and 40 ppm. (*15*) In another study, a high incidence of testicular atrophy was observed among male rats exposed to both disulfiram and 20 ppm EDB. (*18*)

EDB also has been shown to adversely affect other aspects of reproduction. In bulls, oral administration of EDB was shown to affect sperm count and motility. (*22*) In rats, exposure to 89 ppm EDB by inhalation for 7 hours per day, 5 days a week, caused complete failure of reproductive performance. (*23*)

In addition, EDB has been shown to adversely affect the offspring of mice exposed to 20, 38, and 80 ppm. (*24*) Significant dose-related effects were observed, including increased fetal deaths (resorption), low fetal weight, and decreased ossification of the supraoccipital bone in the skull and the incus bone of the ear.

c. Genetic Effects

EDB has been demonstrated to cause mutations and damage of the genetic material in a wide spectrum of non-mammalian test systems and in cultures of mammalian cells. (*25*) In addition, a 1979 study reported that gaseous EDB induced significant numbers of sex-linked recessive lethal mutations in *Drosophila melanogaster* males at concentrations ranging from 0.2 to 2 ppm. (*26*) These findings support the observations of carcinogenicity and

adverse effects on reproduction in animals and suggest that EDB may have the potential to damage the genetic material of exposed workers.

d. Other Health Effects

Ethylene dibromide (EDB) is rapidly absorbed from the lungs when breathed as a vapor, from the gastrointestinal tract when taken by mouth, and through the skin on direct contact or by exposure of the skin to the vapor in the air.

EDB is an irritant to the eyes and respiratory tract. Inhalation exposure in humans has been associated with headache, decreased appetite, inability to sleep, nausea, and dizziness. Dermal contact may result in intense burning pain, swelling, blistering, and repeated contact may cause skin sensitization. Deaths have occurred following the inadvertent ingestion and inhalation of EDB at high doses.

Reports from studies in humans and animals indicate that EDB may cause adverse effects to the liver, kidneys, heart and other internal organs and systems following exposure to high doses. (*4*)

e. Quantitative Assessment of Health Risk

In the development of regulations for occupational health hazards, it is OSHA's policy to consider the significance of risk, and this may involve the quantification of the level of risk at current and proposed exposure levels. However, when data are not available to perform a formal quantitative risk assessment, qualitative evidence, expert testimony and other evidence may be appropriately utilized to base a determination of significance of risk.

Scientists employed by the State of California estimated, on the basis of experimental data, that the lifetime risk of cancer in humans from a working lifetime exposure to EDB at 10 ppm would be 200 excess cancer deaths per 1000 exposed workers. A working lifetime exposure to EDB at 100 ppb was estimated to result in 2 excess cancer deaths per 1000 exposed workers. (*27*)

OSHA is evaluating the scientific evidence concerning the potential carcinogenic and reproductive risks of EDB for the development of a quantitative risk assessment. Comments are requested below on several issues relating to the preparation of a risk assessment for EDB, and on the results of California's risk assessment for EDB. OSHA is particularly interested in estimates of the significance of risk from exposure to EDB under current exposure conditions, and the level of reduction in risk that could be expected if the current OSHA PEL were reduced to 130 ppb or some other level.

3. Regulatory Analysis

In accordance with Executive Order 12291 (46 FR 13193), which requires a study of regulatory analysis for all major regulatory actions, OSHA will initiate a study of regulatory alternatives designed to control exposure to EDB in the workplace. This analysis will examine the potential effects of a revised EDB regulation on economic factors such as prices, employment, productivity, market structure, competition, and balance of trade. As part of this analysis, OSHA will develop a financial and economic profile of the industries producing and using EDB. If the Agency determines that a substantial number of small entities would be affected by a revised regulation for EDB, OSHA also will prepare a Regulatory Flexibility Analysis, as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). OSHA will use the information obtained through these analyses to evaluate the cost-effectiveness of various approaches to reduce worker exposure to EDB. When considering cost-effectiveness, OSHA will not weigh costs of compliance against reductions in health risks. By cost-effectiveness, the Agency is referring to achieving an established health goal by using the least costly method of compliance. In addition, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) requires that OSHA consider the environmental impact of major actions significantly affecting the quality of the human environment. OSHA is requesting interested persons to provide information that may aid in the preparation of these analyses.

4. Request for Comments

Interested parites are requested to submit, in quadruplicate, written comments, suggestions, and additional data related to the information provided in this Advance Notice of Proposed Rulemaking. Submission of written comments, suggestions, and additional information also requested which pertains to the industrial manufacture formulation and use of EDB, the blending and distribution of gasoline containing EDB, and the downstream handling of commodities fumigated with EDB. Information is specifically requested in response to the following issues:

a. Are there any unpublished scientific studies that should be considered by OHSA when assessing the potential health risks of EDB?

b. What are the job categories for each operation or process in the industrial, agricultural, wholesale-retail trades, transportation, longshoring, warehousing, or other commercial sectors where there is exposure or potential for exposure to EDB? For each category, give a brief description of the job operation. What are the standard industrial classification (SIC) codes for these industries or processes?

c. How many workers are exposed or have the potential for exposure to EDB in these jobs? For each job category, what is the frequency and duration of exposure to EDB? For example, are exposures limited to a particular season, or to only a part of the workday/workweek?

d. What levels of EDB exposure, from either personal or area samples, have been measured in these job categories or adjacent work areas?

e. What is the labor turnover in industries or processes with EDB exposures?

f. How has the total annual employment in these categories changed over the last 5 years?

g. NIOSH has recommended a ceiling limit for EDB exposure of 130 ppb and the California ETS for EDB establishes this level as both a ceiling limit and an 8-hour TWA. Comments are requested on the appropriateness and feasibility of an OSHA ceiling limit of 130 ppb for EDB, or other alternative exposure limits.

h. What control strategies, i.e., engineering controls, process changes, administrative controls, work practices, substitutions, or personal protective equipment, have been used or are available for each job category or operation to reduce employee exposure to EDB? If possible, detailed information should be provided concerning the effectiveness, applicability to different work settings, cost, and time necessary for implementation for each method.

i. Are there any unique conditions in certain work environments that would restrict the choice of control strategies?

j. Have there been technological inprovements or changes in the production or use of EDB for the purpose of improving productivity or product quality that also have resulted in reductions in EDB exposures?

k. What measurement and analytical methods are available for use in detecting EDB exposure levels under 20 ppm? What are the sensitivity and costs of these methods?

l. What training do workers currently receive in the potential health risks and safe handling and use of EDB? How

much time is spent on this training? What are the costs of this training?

m. The following information is requested to aid in the preparation of a Regulatory Flexibility Analysis:

(1) How many and what kind of small businesses or organizations would be affected by regulating exposures to EDB?

(2) Are there any federal rules which may duplicate, overlap, or conflict with an OSHA regulation concerning EDB?

(3) Could difficulties be encountered by small entities when attempting to comply with specific provisions of an EDB regulation, covering such areas as exposure monitoring, exposure limits, methods of compliance, medical surveillance, respirators, protective clothing, hygiene facilities, recordkeeping, housekeeping, information and training, and labels and signs? Could modifications to certain provisions be made for small businesses which also would assure equal protection of the health of employees of small businesses?

n. How might a revised regulation for EDB exposure affect the environment? In particular, what are the potential direct or indirect impacts on water and air pollution, energy usage, solid waste disposal, or land use?

o. How should OSHA estimate the significance of risk at the current exposure level for EDB?

(1) What methods are most appropriate to quantify the risk of cancer or other adverse health effects from exposure to EDB.

(2) Which studies of EDB should be used for a quantitative risk assessment?

(3) Which tumor incidences, in which animal species, by which route(s) of administration and at which dose level(s) should be selected for use?

(4) How should dose levels in experimental studies be converted to equivalent doses for occupationally exposed persons, and how should the dose levels be expressed?

(5) Should corrections be made for species-to-species extrapolations?

(6) Which mathematical models should be used for describing the dose-response relationship between EDB exposure and the risk of cancer or some other health effect?

p. The following information is requested to aid OSHA in developing a financial and economic profile of the industries where EDB exposure could occur:

(1) The total annual volumes and dollar values (for the last 5 years or relevant business cycles) of production, shipments, inventories, imports, and exports of EDB. Are these figures expected to increase or decrease in future years?

(2) The total annual investments (for the last 5 years) categorized as replacement, expansion, modernization, and health and safety.

(3) For the last 5 years, the retained earnings, after tax income, total assets, stockholders' equity, net worth, depreciation charges, debt-equity ratios, and rate of return on assets and equity.

(4) For each facility, the date it began operation and how much longer it is expected to remain in operation.

5. References

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S56212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(1) Environmental Protection Agency, Ethylene Dibromide: Position document 2/3 office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, D.C., 1980.

(2) Comment No. 17, OSHA docket H–111, submitted by D.B. Rathbun, American Petroleum Institute, on May 16, 1978.

(3) Division of Occupational Safety and Health, Department of Industrial Relations, State of California, Ethylene Dibromide (EDB): Proposed Emergency Standard, July 28, 1981.

(4) National Institute for Occupational Safety and Health. *Criteria Document: Recommendations for an Occupational Exposure Standard for Ethylene Dibromide.* DHEW (NIOSH) Publication No. 77–221, 1977

(5) National Institute for Occupational Safety and Health. Current Intelligence Bulletin 3: Ethylene Dibromide (EDB), July 7 1975. In: *Current Intelligence Bulletin Reprints 1 thru 18.* DHEW (NIOSH) Publication No. 78–127, 1978, pp. 19–25.

(6) National Institute for Occupational Safety and Health. Current Intelligence Bulletin 23: Ethylene Dibromide and Disulfiram Toxic Interaction, April 11, 1978. In: *Current Intelligence Bulletin Reprints—Bulletins 19 thru 30 for 1978.* DHEW (NIOSH) Publication No. 79–148, 1979, pp. 45–49.

(7) National Institute for Occupational Safety and Health. Current Intelligence Bulletin 37: Ethylene Dibromide (EDB). October 26, 1981. DHHS (NIOSH) Publication No. 82–105, 1981.

(8) American Conference of Governmental Industrial Hygienists. Threshold Limit Values for Chemical Substances and Physcial Agents in the Workroom Environment with Intended Changes for 1981. Cincinnati, Ohio, 1981.

(9) California Occupational Safety and Health, Standards Board. Emergency Temporary Standard for Ethylene Dibromide (EDB). California Administrative Code, Title 8, General Industry Safety Orders, Section 5219, Ethylene Dibromide (EDB). Adopted on September 2, 1981 and effective on September 23, 1981.

(10) Division of Occupational Safety and Health, Department of Industrial Relations State of California. Administrative Interpretation on Monitoring, Posting, Reporting Requirements for Employers Handling Produce Fumigated with EDB. California Administrative Code, Title 8, General Industry Safety Orders, Section 5219. 5219(c)(1), 5219(d), 5219(i)(2)(A) & (B), effective October 9, 1981.

(11) Letter to Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health from R. V. Durham, Director, Safety and Health Department, International Brotherhood of Teamsters, Re: Petition for emergency temporary standard for ethylene dibromide, dated September 2, 1981.

(12) Letter to Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health from Robert F. Harbrant, President, Food and Beverage Trades Department, AFL-CIO, Re: Emergency temporary standard for ethylene dibromide, dated October 5, 1981.

(13) Letter to Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health from George H. R. Taylor, Director, Department of Occupational Safety and Health, AFL-CIO, Re: Emergency temporary standard for ethylene dibromide, dated October 20, 1981.

(14) Letter to Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health from James R. Herman, President, International Longshoremen's and Warehousemen's Union, Re: Emergency temporary standard for ethylene dibromide, dated October 16, 1981.

(15) National Cancer Institute and National Toxicology Program: Bioassay of 1,2-dibromoethane for possible carcinogenicity (inhalation study), Draft, HDHS Publication No. (NIH) 80–1766. U.S. Department of Health and Human Services, Public Health Service, National Institute of Health, Bethesda, Md., 1981.

(16) Olsen, W. A., Habermann, R. T., Weisburger, E. K., Ward, J. M. and Weisburger, J. H.: Brief communication: Induction of stomach cancer in rats and mice by halogenated aliphatic fumigants. *Journal of the National Cancer Institute,* 51:1993–1995, 1973.

(17) National Cancer Institute: Bioassay of 1,2-dibromoethane for possible carcinogenicity , Technical report no. 86. U.S. Department of Health, Education, and Welfare, Public Health Service, National Institute of Health, Bethesda, Md., 1978.

(18) Wong, L. C. K., Winston, J. M., Hong, C B., and Hagnsen, J.: Study of carcinogenicity and toxicity of inhaled 1,2-dibromoethane in rats treated with disulfiram. Midwest Research Institute Final Report, NIOSH Contract No. 210–76–0131, 1979.

(19) Van Duuren, B. L., Goldschmidt, B. M. Loewengart, G., Smith, A. C., Mechlonne, S., Seldman, I. and Roth, D.: Carcinogenicity of halogenated olefinic and aliphatic hydrocarbons in mice. *Journal of the National*

Cancer Institute, 63:1433–1439, 1979.

(*20*) Ott, M. D., Scharnweber, H. C., and Langnr, R. R.: Mortality experience of 161 employees exposed to ethylene dibromide in two production units. *British Journal of Industrial Medicine*, 37:163–168, 1980.

(*21*) Dow Chemical U.S.A.: Two studies: "A mortality survey on employees at an ethylene dibromide plant," and "Dibromoethane—A survey of Amlwich records." Submitted into OSHA docket H–111 on May 15, 1978, appendices III and IV of comment no. 23.

(*22*) Amir, D.: The sites of the spermicidal action of ethylene dibromide on bull semen. *Journal of Reproduction Fertility*, 35:519–525, 1973.

(*23*) Short, R. D., Winston, J. M., Hong, C. B., Minor, J. L., Lee, C. C., and Seifter, J.: Effects of ethylene dibromide on reproduction in male and female rats. *Toxicology and Applied Pharmacology*, 49:97–105, 1979.

(*24*) Short, R. D., Minor, J. L., Winston, J. M., Ferguson, B., Unger, T., and Lee, C. C.: Toxicity studies of selected chemicals, Task IV: The developmental toxicity of ethylene dibromide inhaled by rats and mice during organogenesis, Final Report, Contract No. 63–01–3242. Office of Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C., 1977.

(*25*) Fabricant, J. D., and Chalmers, J. H.: Evidence of the mutagenicity of ethylene dichloride and structurally related compounds. In: Ames, B., Infante, P., and Reitz, R. (eds.), *Banbury Report 5— Ethylene Dichloride: A Potential Health Risk?* Cold Spring Harbor Laboratory, 1980, pp. 309–329.

(*26*) Kale, P. G., and Baum, J. W.: Sensitivity of *Drospholia melanogaster* to low concentrations of gaseous mutagens, II. Chronic exposures. *Mutation Research*, 68:59–68, 1979.

(*27*) Memorandum to Alvin J. Greenberg, Special Assistant to Deputy Chief for Health, Division of Occupational Safety and Health, from Kim Hooper and Dave Kempel, Hazard Evaluation System and Information Service, Department of Health Services, State of California, re: Estimates of the Lifetime Risk of Cancer from Exposure to Ethylene Dibromide, dated August 4, 1981.

6. Statutory Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupation Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C., this 15th day of December 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–36210 Filed 12–17–81; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 840, 842, 843, and 845

State Regulatory Authority Inspection and Enforcement, Federal Inspection and Enforcement, and Civil Penalty Assessments; Permanent Regulatory Program Modifications; Postponement of Public Hearings

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Postponement of public hearings.

SUMMARY: The Office of Surface Mining is announcing the postponement of public hearings on proposed modifications to 30 CFR Subchapter L, concerning inspection and enforcement requirements under the Surface Mining Enforcement and Reclamation Act, in response to requests from the public for additional time to submit comments.

DATES: The new date for public hearings in Lexington, Kentucky, Denver, Colorado, and Washington, D.C. is January 13, 1982.

ADDRESS: Times and locations for the public hearings are unchanged. Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 125 South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Attention: Carl S. Pavetto.

FOR FURTHER INFORMATION CONTACT: Carl S. Pavetto, Chief, Branch of Inspection, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C, 20240. Telephone: (202) 343–5384.

SUPPLEMENTARY INFORMATION: On December 1, 1981, 46 FR 58464, the Department of the Interior published proposed modifications to 30 CFR Subchapter L. That **Federal Register** notice provided for public hearings to be held on January 4, 1982 in Lexington, Kentucky, Denver, Colorado, and Washington, D.C. Since the date of publication, OSM has received several requests for postponement of the public hearings in order to provide a better opportunity for public comment. OSM has agreed to grant these requests, and the public hearing dates are thus extended to January 13, 1982. The public comment period, due to expire on February 1, 1982, remains unchanged.

Dated: December 14, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81–36203 Filed 12–17–81; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[AEN–FRL–2010–3]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Proposed Approval of Administrative Order Issued by New Jersey Department of Environmental Protection to General Electric Co., Central Air Conditioning Department

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The New Jersey Department of Environmental Protection ("NJDEP") issued an adminstrative order on September 14, 1981 requiring General Electric Company, Central Air Conditioning Department, to control the emissions from the Detrex Rotating Elevator Degreaser (NJ #20) and Detrex Return Bend Degreaser to bring its plant at Hamilton Township, New Jersey into compliance with N.J.A.C. 7:27–8.1 *et seq.*, and 7:27–16.1 *et seq.*, a part of the federally-approved New Jersey Implementation Plan with which the source is presently unable to comply. The date for final compliance established by the order is October 31, 1982. The purpose of this notice is to invite public comment on whether EPA should approve the order under section 113(d)(2) of the Clean Air Act (42 U.S.C. 7401 *et seq.*), ("the Act"). Notice of this action and opportunity for a public hearing has been provided by the State of New Jersey. If approved by EPA, the order will become effective as a delayed compliance order under section 113(d) of the Act and will constitute an addition to the New Jersey Implementation Plan. While a delayed compliance order places a noncomplying source on a remedial compliance schedule, it does not alter the underlying State Implementation Plan compliance date. Under section 113(d)(10) of the Act, EPA approval of the order would also insulate the source from federal enforcement action under section 113 of the Act and from citizen enforcement action under section 304 of the Act for violations of the regulation covered by the order during the period the order is

in effect and the source is complying with its terms.

DATE: Written comments must be received on or before January 18, 1982.

ADDRESS: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Judith K. Meritz, Esq., Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–4471.

SUPPLEMENTARY INFORMATION: General Electric Company, Central Air Conditioning Department operates a central air conditioning department at Hamilton Township, New Jersey. The order under consideration addresses emissions from the Detrex Rotating Elevator Degreaser (NJ #20) and Detrex Return Bend Degreaser at the plant, which are subject to N.J.A.C. 7:27–8.1 *et seq.* and 7:27–16.1 *et seq.* These regulations limit the emission of Volatile Organic Substances (compounds) ("VOS(c)") and are part of the federally-approved State Implementation Plan. The order provides for a schedule which is as expeditious as practicable and requires final compliance with the regulations by October 31, 1982. During the period covered by this order, General Electric Company, Central Air Conditioning Department must meet the following increments of progress:

A. Detrex Rotating Elevator Degreaser

1. Complete preliminary engineering study and evaluate the proposals by November 30, 1981;

2. Complete final engineering study, evaluate proposals, select air pollution control equipment and submit Permit to Construct application(s) by December 31, 1981;

3. Purchase the air pollution control equipment, contingent on the approval of the Permit to Construct application(s) by the Bureau of Air Pollution Control by February 28, 1982;

4. Complete the installation of the air pollution control equipment, start-up and debug the entire system, and demonstrate compliance by October 31, 1982.

B. Detrex Return Bend Degreaser

1. Complete preliminary engineering study and evaluate the proposals by September 30, 1981;

2. Complete final engineering study, evaluate proposals, select air pollution control equipment and submit Permit to Construct application(s) by October 30, 1981;

3. Purchase the air pollution control equipment, contingent on the approval of the Permit to Construct application(s) by the Bureau of Air Pollution Control by January 30, 1982;

4. Complete the installation of the air pollution control equipment, start-up and debug the entire system, and demonstrate compliance by April 30, 1982.

In addition, a civil penalty will be paid to the state in connection with this delayed compliance order.

Because this order has been issued to a major source of VOS(c) emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. If the order is approved by EPA, compliance with its terms would preclude federal enforcement action under section 113 of the Act against the source for violation of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. However, source compliance with the order will not preclude assessment of noncompliance penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2) (B) or (C). All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. Final approval or disapproval will also be published in the **Federal Register**.

Dated: November 16, 1981.

Richard T. Dewling,

Acting Regional Administrator, Region II.

[FR Doc. 81-36184 Filed 12-17-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8350

Management Areas; Extension of Comment Period on Proposed Rulemaking

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the time for filing of public comments on the proposed rulemaking on 43 CFR Part 8350, Management Areas, regarding the prohibition of the use of motorized vehicles on all national scenic trails, with certain exceptions as provided by law, from December 18, 1981 to January 18, 1982.

DATE: Comment period is extended to January 18, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday

FOR FURTHER INFORMATION CONTACT: Larry Young, (202) 343–9353.

SUPPLEMENTARY INFORMATION: A proposed rulemaking to amend 43 CFR Part 8350, Management Areas, was published in the **Federal Register** on October 19, 1981 (46 FR 51258), and concerned the prohibition of the use of motorized vehicles on all segments of the national scenic trails trails administered by the Bureau of Land Management, with certain exceptions provided by the National Trails System Act of 1968, as amended, (16 U.S.C. 1248 et seq.). Comments were requested by December 18, 1981, but it has now been determined that the comment period should be extended for an additional 30 days, to January 18, 1982. This notice extends the comment period to January 18, 1982.

Frank A. DuBois,

Deputy Assistant Secretary of the Interior.

December 16, 1981.

[FR Doc. 81-36244 Filed 12-17-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-854; RM-3839]

FM Broadcast Stations in Sebewaing and Tawas City, Mich.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of a Class A FM channel to Sebewaing, Michigan, and the

substitution of one Class A channel for another at Tawas City, Michigan, in response to a petition filed by Gaeth/Hofmeister, Inc. The proposed channel assignment at Sebewaing would provide for a first FM service to that community.

DATES: Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rule Making and Order To Show Cause

Adopted: December 8, 1981.

Released: December 16, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sebewaing and Tawas City, Michigan); BC Docket No. 81–854, RM–3898.

1. A petition for rule making [1] was filed by Gaeth/Hofmeister, Inc. ("petitioner") proposing the assignment of Channel 280A to Sebewaing, Michigan, as its first FM assignment, and the substitution of Channel 257A for Channel 280A at Tawas City, Michigan. Petitioner expressed its intent to apply for Channel 280A, if assigned. No oppositions to the proposal were received.

2. Sebewaing (population 2,053),[2] in Huron County (population 34,083), is located in the northeast portion of Michigan, approximately 150 kilometers (95 miles) north of Detroit. It is without local FM service.

3. According to the petitioner, the economy of Sebewaing is based on beet sugar processing, automobile parts manufacturing, fabricated metal products, grain co-operatives, fishing and tourism. The population of Sebewaing has shown considerable growth, and future growth is anticipated. Petitioner submitted demographic and economic information to demonstrate the need for a first FM assignment to Sebewaing.

4. The study submitted by the petitioner indicates that the proposed assignment will provide a first FM service to 30 square kilometers (11.8 square miles) for 943 persons, and a second FM service to 168 square kilometers (64.8 square miles) for 3,005 persons. No first nighttime aural service will be provided and the second nighttime aural service will be the same as the first FM service.

5. There is a short-spacing between Sebewaing and WOAP-FM, Owosso, Michigan (Channel 280A), of 6.4 kilometers (4 miles). This short-spacing can be avoided by using the petitioner's proposed site for Channel 280A of 8 kilometers (5 miles) northeast of Sebewaing. The proposed station would be short-spaced to Station WKJC, Tawas City, Michigan (Channel 280A), requiring the proposed substitution of Channel 257A for Channel 280A. Additionally, a short-spacing of 24 kilometers (15 miles) to a Canadian allocation on Channel 280A, at Sarnia, Ontario, has been considered. In accordance with the U.S./Canadian FM Agreement, preliminary Canadian concurrence has been obtained. Final Canadian concurrence in the proposed assignment and channel substitution must be obtained.

6. The substitution of Channel 257A for Channel 280A also requires the modification of the license for Station WKJC to specify the new channel. The licensee is therefore requested to respond to the Order to Show Cause herein at paragraph 8. The licensee, Carroll Enterprises, Inc. is entitled to reimbursement for the costs involved in changing the frequency.

7. In view of the foregoing information and the fact that the assignment would provide a first local FM broadcast service to Sebewaing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to the following cities.

City	Channel No.	
	Present	Proposed
Sebewaing, Michigan	.....	280A
Tawas City, Michigan	269A, 280A	257A, 269A

8. It is ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, Carroll Enterprises, Inc., licensee of Station WKJC, Tawas City, Michigan, shall show cause why its license should not be modified to specify operation on Channel 257A in lieu of Channel 280A.

9. Pursuant to § 1.87 of the Commission's Rules, Carroll Enterprises, Inc. many, not later than January 29, 1982, request that a hearing be held on the proposed modification. If the right to request a hearing is waived, Carroll Enterprises, Inc. may, not later than January 29, 1982, file a written statement showing with particularity why its license should not be modified as proposed in the Order to Show Cause. In this case, the Commission may call on Carroll Enterprises, Inc. to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Carroll Enterprises Inc. will be deemed to have consented to the modifications as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings, to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

14. It is ordered, That the Secretary of the Commission shall send, by certified mail, return receipt requested, a copy of this Order to Show Cause to Carroll Enterprises, Inc., 523 Meadow Road, Tawas City, Michigan, 48763.

[1] Public Notice of the petition was given on May 20, 1981, Report No. 1287.

[2] Population figures are taken from the 1980 U.S. Census.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-38197 Filed 12-17-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-853; RM-3962]

FM Broadcast Stations in Amarillo, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 245 to Amarillo, Texas, in response to a petition filed by K. T. Wiggins and R. K. Jack. The assignment would provide Amarillo with a sixth commercial FM allocation.

DATES: Comments must be filed on or before January 29, 1982, and reply comments on or before February 16, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 8, 1981.

Released: December 16, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Amarillo, Texas); Notice of proposed rule making.

1. A petition for rule making[1] was filed by K. T. Wiggins and R. K. Jack ("petitioners"), seeking the assignment of Class C FM Channel 245 to Amarillo, Texas, as that community's sixth commercial FM allocation. Petitioners state that if the requested channel is assigned, they will promptly apply for authority to build and operate a station in Amarillo. No oppositions to the petition have been filed, and the channel can be assigned consistant with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Amarillo (population 149,230)[2] the seat of Potter County (population 98,637), is also a part of adjacent Randall County (population 75,062). It is located in the Texas panhandle, approximately 500 kilometers (310 miles) northwest of Fort Worth. Amarillo is currently served by five commercial FM stations (KQIZ, Channel 226; KBUY, Channel 231; KGNC, Channel 250; KYTX, Channel 254; and KWAS, Channel 270); one noncommercial educational FM station (KACV, Channel 210); four full-time AM stations (KDJW, KGNC, KIXZ and KPUR); and two daytime-only AM stations (KQIZ and KZIP). With the exception of Station KWAS (FM), the remaining commercial FM stations are commonly owned by four of the AM facilities licensed to Amarillo.

3. Petitioners state that Amarillo has its own government unit, municipal services, hostelries, health-care facilities, churches, educational institutions, and social, recreational, and entertainment accommodations. Further, they indicate that the population of Amerillo increased significantly during the past decade (approximately 17.5%). The community's healthy economy and continuing growth is largely attributable to the area's energy-related industries, according to petitioners. Additionally, it is asserted that four other major industries also contribute to Amarillo's economic base by providing employment to a work force in excess of 7,200 positions.

4. Although petitioners provided a preclusion study, it is not an adequate showing, as submitted, for consideration herein. Petitioners merely indicate that assignment of proposed FM Channel 245 to Amarillo will not cause "undue preclusion" to other communities. The purpose of a preclusion study is to put other communities on notice that the

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[1] *Public Notice* of the petition was given August 17, 1981, Report No. 1305.

[2] Population figures are extracted from the 1980 U.S. Census, unless otherwise indicated.

opportunity to receive an FM assignment may be foreclosed. Therefore, petitioners should provide, in supporting comments, a study indicating those communities containing a population in excess of 1,000 persons, and presently without any aural service, that would suffer preclusion as a result of the proposed assignment. Additionally, the availability of alternate channels for assignment to each such affected community should be supplied. Turning to the question of service to an unserved or underserved area, since petitioners did not submit a *Roanoke Rapids*[3] or *Anamosa*[4] study, we assume that no first or second FM or aural services would be provided by this proposal.

5. In view of the fact that the proposed channel assignment does not exceed our population guidelines, and would provide Amarillo with a sixth commerical FM service which could provide an additional broadcast voice in the community, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Amarillo, Texas	226, 231, 250, 254, 270	226, 231, 245, 250, 254, 270

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 29, 1982, and reply comments on or before February 16, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoke or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off-Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the peron(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (see § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-36199 Filed 12-17-81; 8:45 am]

BILLING CODE 6712-01-M

[3] 9 FCC 2d 672 (1967).

[4] 9 FCC 2d 520 (1974).

Notices

Federal Register
Vol. 46, No. 243
Friday, December 18, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Matanuska Electric Association, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Matanuska Electric Association, Inc., (Matanuska) of Palmer, Alaska, for construction of 24.8 km (15.5 mi) of 115 kV transmission line from an existing substation in Palmer to the proposed O'Neill Substation in Sutton. The entire project would be in Matanuska Susitna Borough, Alaska.

REA reviewed the Borrower's Environmental Report (BER) which was prepared by Matanuska to describe the environmental aspects of the project. REA used Matanuska's BER, Two-Year Work Plan, and maps to prepare an Environmental Assessment addressing the impacts of the proposed project. REA determined that the proposed project (1) will have no adverse effect or incompatible development associated with wetlands and (2) will have no effect on important farmlands, floodplains, federally listed threatened or endangered species or known cultural resources. Alternatives considered include no action, energy conservation, use of existing facilities and alternate routes. REA determined that the proposed project is an acceptable alternative because it meets Matanuska's need with minimal adverse impacts.

The FONSI, Environmental Assessment and BER may be reviewed in, or requested from, the Office of the Director, Distribution Systems Division, Room 3304 South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8848, or at the office of Matanuska Electric Association, Inc., (Mr. James F. Palin, General Manager) P.O. Box 1148, Palmer, Alaska 99645, telephone (907) 745–3231.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 11th day of December 1981.

Jack Van Mark,
Acting Administrator.

[FR Doc. 81-36086 Filed 12-17-81; 8:45 am]
BILLING CODE 3410-15-M

Sam Rayburn G&T, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Sam Rayburn G&T, Inc., (SRG&T) of Texas. The proposed financing assistance will be used by SRG&T to obtain a 10 percent ownership interest in the Gulf States Utilities Company's Nelson Station Unit No. 6 (Project). The plant site is located in Westlake, Calcasieu Parish, Louisiana.

The environmental effects of the Project are discussed and evaluated in a Borrower's Environmental Report (BER) dated May 28, 1980, and an Environmental Assessment which was prepared by REA. Threatened and endangered species, important farmland, archaeological and historic sites, wetlands and floodplains and other potential impacts of the Project are adequately considered in the BER and the Environmental Assessment.

Based on REA's Environmental Assessment and a review of the BER and other available information, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21.

Various alternatives were considered by SRG&T and REA. The alternatives include no action, joint participation, construction of generation by SRG&T and energy conservation. After considering these alternatives, REA determined that the proposed action of providing financing assistance to SRG&T for participation in the Project is an acceptable alternative.

Copies of the Finding of No Significant Impact, the Environmental Assessment and the BER may be obtained from or reviewed in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, or may be reviewed at the office of Sam Rayburn Generation and Transmission, Inc., P.O. Box 479, San Augustine, Texas 75972.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 11th day of December 1981.

Jack Van Mark,
Acting Administrator.

[FR Doc. 81-36087 Filed 12-17-81; 8:45 am]
BILLING CODE 3410-15-M

Soil Conservation Service

Los Olmos Creek Watershed, Texas; Availability of Record of Decision

Note.—This document originally appeared in the Federal Register for Thursday, December 17, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Soil Conservation Service, Department of Agriculture.

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of record of decision.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76503, telephone: 817/774–1214.

Notice: George C. Marks, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Texas, is hereby providing notification that a record of decision to proceed with the installation of the Los Olmos Creek Watershed project is available. Single copies of this record of decision may be obtained from George C. Marks at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Floor Prevention. Office of Management and Budget Circular A–95 regarding State and

local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: December 7, 1981.

George C. Marks,

State Conservationist.

[FR Doc. 81-36011 Filed 12-16-81; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Importers and Retailers' and Management-Labor Textile Advisory Committees; Public Meetings

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

Time and place: January 13, 1982, at 10:30 a.m. for the Importers and Retailers' Textile Advisory Committee and 1:30 p.m. for the Management-Labor Textile Advisory Committee. The meetings will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Streets, N.W.)

Agenda:

(1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

Public participation: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: December 9, 1981.

Arthur Garel,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-36155 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Oleoresins of Paprika From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on oleoresins of paprika from Spain. The review is based upon information for January 1, 1979 through June 30, 1980. As a result of this review, the Department has preliminary determined to instruct the Customs Service to collect countervailing duties equal to the calculated value of the net subsidy, 2.05 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Lorenza Olivas, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1775).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 28, 1979, the Department of the Treasury published a notice of "Final Countervailing Duty Determination" on oleoresins of paprika from Spain, T.D. 79-71, in the **Federal Register** (44 FR 11214). The notice stated that Treasury had determined that the Government of Spain had provided bounties or grants on the manufacture, production or exportation of oleoresins of paprika, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act").

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 32455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on oleoresins of paprika from Spain.

Scope of the Review

The merchandise covered by this review is oleoresins of paprika ("oleoresins"), imported directly or indirectly from Spain. These imports are currently classifiable under item number 450.20 of the Tariff Schedules of the United States (TSUS). The review is based upon information for the period January 1, 1979 through June 30, 1980. The Department reviewed two programs: (1) the Desgravacion Fiscal a la Exportacion, which was found countervailable in the final determination, and (2) a working capital loans program which has been found countervailable in another investigation.

Analysis of Program

(1) Desgravacion Fiscal a la Exportacion—Spain employs a cascading tax system, that is, a turnover tax based upon the total value of inputs at each transaction level, rather than upon the value added at each level. Under this system, the indirect taxes paid include both taxes levied at the final stage of production and prior stage taxes incorporated in the input costs of raw materials, energy and services used in the final stage of production. The Spanish government studied the incidence of prior stage taxes on inputs in various sectors of the economy in order to determine more precisely the cumulative indirect tax incidence on the exported product, in this case, oleoresins. Then, under the Desgravacion Fiscal a la Exportacion program, the government rebated upon exportation the total indirect taxes caculated to be borne by the final product.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: 1) taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations) and 2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product

in each case. In this case, the physically incorporated inputs are raw materials previously allowed by the Treasury Department plus oils and preservatives.

The Spanish government and the foreign products alleged that taxes applicable to solvents should also be allowed. The producers stated that solvents accompany the oleoresins throughout the entire production process. In the production process, part of the solvents is recovered, another part is consumed and the rest remains as an impurity in the final product. The producers claimed that the portion consumed, which allegedly is necessary waste, as well as that portion remaining in the final product should not be countervailable. We will allow that portion which is physically present in the final product if the foreign producers submit evidence which will permit us to quantify such portion. We will not allow for necessary waste because this solvent, while necessary to the process, is an impurity in the product rather than a necessary desired constituent element for the final product. Because this is a change in Departmental policy, we invite public comment on this issue during the 30-day comment period.

The rebate of the following additional final stage taxes is allowable when calculating whether or not there is an overrebate of indirect taxes under the Desgravacion Fiscal: the tax on export freight and insurance, the parafiscal tax on export licenses, and the IGTE sales tax applicable to the final stage transaction.

Based upon our review of the Spanish government study of tax incidence and upon our analysis of physically incorporated inputs and certain final stage taxes, we determine that an overrebate upon export of indirect taxes existed in the review period in an amount equal to 1.59 percent of the f.o.b. invoice price of the product.

As of January 1, 1981, the Spanish government increased the IGTE turnover tax on business transactions by 58 percent, while maintaining the previous rate for the export tax rebate. The change in tax incidence has eliminated the overrebate; therefore, we will lower the duty deposit rate for this program to zero for future entries, pending the results of the next annual administrative review.

(2) Working Capital Loans—The Spanish government requires banks to set aside funds to provide short-term (less than one year's duration) operating capital loans. These loans are made at an 8 percent interest rate which is 1.5 percent below the commercially available rate of 9.5 percent in 1979 and 1980. The operating capital loans are applicable to exports of certain goods which are designated by the Spanish government including oleoresins of paprika. the maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card. In the case of oleoresins, maximum eligibiltiy is 30 percent. For the period of review the subsidy conferred under this progrm is equal to 0.46 percent of the f.o.b. invoice price of the merchandise.

Verification

We verified the submission of the Spanish government through access to company books and records. Documents examined included company financial statements, cost structure records, and production and export records.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the benefits conferred during the period of review under the two programs cited above are 1.59 percent and 0.46 percent *ad valorem*, respectively. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 2.05 percent of the f.o.b. invoice price on shipments entered, or withdrawn from warehouse, for consumption from January 1, 1980 through June 30, 1980.

The provisions of T.D. 79–71 and section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entires prior to January 1, 1980. Treasury Decision 79–71 provides that "[t]o the extent that it can be established * * * that inports * * * are benefitting from a bounty or grant smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be assessed and collected." Therefore, the Department also intends to instruct the Customs Services to assess countervailing duties of 2.05 percent of the f.o.b. invoice price on all unliquidated entiries of this merchandise which were exported on or after February 29, 1979 and entered through December 31, 1979.

Due to the change in the Spanish tax law effective January 1, 1981, the only subsidy remaining is that conferred under the operating capital loans program, which we calculate to be 0.46 percent. The Department considers this to be *de minimis*. Therefore, the Department estimates countervailing duties to be zero for calendar year 1981, and intends to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This waiver of deposit shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties, at the 3.37 percent *ad valorem* rate set forth in T.D. 79–71, shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protection order must be made within 5 days from the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 14, 1981.

[FR Doc 81–36177 Filed 12–17–81; 8:45 am]

BILLING CODE 3510–25–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products from India

December 15, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton, wool and man-made fiber textile products imported from India, effective on January 1, 1982.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India establishes, among other things, special ceilings for cotton, wool and man-made fiber textile products in Group II (Categories 330–

369, 431–469, and 630–669, products in Categories 330–359, 431–459 and 630–659, which are certified by the elephant certification, and individual Categories 336, 338/339/340, 341 and 347/348 during the agreement year which begins on January 1, 1982 and extends through December 31, 1982. The agreement also provides consultation levels for categories, such as Categories 335, 342, 351, 359, 447, 636, 640, 641, and 666, which are not subject to specific ceilings and which may be adjusted during the year upon agreement between the two governments. In the letter published below the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manfactured in India and exported during the twelve-month period which begins on January 1, 1982, in excess of the designated levels.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 15, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in India, and accompanied by a visa, in excess of the indicated twelve-month levels of restraint.

Category	12-Month level of restraint
330–369, 431–469 and 630–669	46,406,111 square yards equivalent.
335	16,949 dozen.
342	39,326 dozen.
351	13,462 dozen.
359	152,174 pounds.
447	5,556 dozen.
636	15,453 dozen.
640	29,167 dozen.
641	48,276 dozen
666	256,410 pounds.

Apparel products in Categories 330–359, 431–459 and 630–659 which are certified by the elephant certification shall be permitted entry up to a level of 3 million dozen for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 and shall not be charged to the foregoing levels.

You are further directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 336, 338/339/340, 341 and 347/348, produced or manufactured in India, whether accompanied by a visa or an elephant-shaped certification, in excess of the following levels of restraint:

Category	12-Month Level of Restraint
336	220,463 dozen.
338/339/340	1,034,738 dozen.
341	2,264,655 dozen.
347/348	121,024 dozen.

Cotton textile products in Categories 336, 338/339/340, 341 and 347/348 are also chargeable to the level of restraint established for Categories 330–369, 431–469 and 630–669, as a group, unless accompanied by an elephant certification in which case they shall be chargeable to the level of 3 million dozen established for apparel products in Categories 330–359, 431–459 and 630–659.

Floor coverings in Categories 369 (only T.S.U.S.A. numbers 360.7600 and 361.5420), 465 (only T.S. U.S.A. numbers 360.0600, 360.1015, 360.1515, 361.4200 and 361.4500), and 665 (only T.S.U.S.A. number 360.7800), shall not be subject to this directive.

In carrying out this directive, cotton, wool and man-made fiber textile products in all of the foregoing categories, including products accompanied by the elephant certification, produced or manufactured in India and exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The levels of restraint set forth above are subject to adjustment in the future, as applicable, according to the provisions of the bilateral agreement of December 30, 1977, as amended, between the Governments of the United States and India which provide, in part, that: (1) Within the aggregate, group limits may be exceeded by designated percentages; (2) specific limits may be exceeded by various percentages, subject to various provisions of the agreement; (3) consultation levels may be adjusted upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs

exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36152 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products from Singapore

December 15, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from Singapore, effective on January 1, 1982.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, establishes specific levels of restraint for cotton and man-made fiber textile products in Categories 333/334/335 (Cotton Coats), 340 (Men's and Boys' Woven Cotton Shirts), 347/348 (Cotton Trousers), and 604 (Other Man-Made Fiber Yarn, Wholly of Non-Cellulosic Filament), produced or manufactured in Singapore and exported to the United States during the twelve-month period beginning on January 1, 1982. It also provides consultation levels for certain categories, such as Categories 317 (Cotton Twill and Sateen), 319 (Carded Cotton Duck), 320 (Other Woven Fabrics), 341 (Women's, Girls' and Infants' Woven Cotton Blouses), 445/446 (Wool Sweaters), and 641 (Woven Blouses of Man-Made Fibers), among others.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directs that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in Categories 317, 319, 320, 333/334/335, 340, 341, 347/348, 445/446, 604, and 641 be limited to the designated levels of restraint during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 15, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Singapore, in excess of the indicated twelve-month levels of restraint:

Category	12-mo. level of restraint
317	8,000,000 square yards
319	3,000,000 square yards
320	6,000,000 square yards
333/334/335	182,326 dozen of which not more than 10,484 dozen shall be in Cat. 333; not more than 55,354 dozen shall be in Cat. 334; and not more than 143,837 dozen shall be in Cat. 335
340	425,428 dozen
341	48,276 dozen
347/348	607,754 dozen of which not more than 523,427 shall be in Cat. 347 and not more than 236,264 dozen shall be in Cat. 348
445/446	20,000 dozen.
604	1,155,000 pounds
641	48,276 dozen.

In carry out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in the Republic of Singapore, which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to those provisions of the bilateral agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, provide, in part, that: (1) Within the aggregate and applicable group limits, specific limits and sublimits, may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements for adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton, wool and man-made fiber textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36153 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Exemption of Certain Man-Made Fiber Luggage and Related Products From Quota and Export Visa Requirements During 1982

December 15, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Exempting during 1982 certain luggage, handbags and flat goods of man-made fibers in Category 669 (only T.S.U.S.A. numbers 706.2045, 706.2700, 706.2840 and 706.2850) from the levels of restraint and export visa requirements currently in effect for certain cotton, wool and man-made fiber textile products, regardless of the date of export.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (45 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: Man-made fiber luggage, handbags and flat goods in Category 669 (only T.S.U.S.A. numbers 706.2045, 706.2700, 706.2840 and 706.2850), were not included in the U.S. bilateral textile and apparel agreements when those agreements were negotiated. Effective on January 1, 1982, these products will be in Category 669 and covered under the textile program, but will not be subject to the limits of current bilateral textile and apparel agreements. To prevent denial of entry of these products, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter published below, directs the Commissioner of Customs to exempt from levels of restraint and export visa requirements man-made fiber textile products in Category 669 (only T.S.U.S.A. numbers 706.2045, 706.2700, 706.2840 and 706.2850) during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT:
Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 15, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: To facilitate implementation of the U.S. textile import restraint program, it would be appreciated if, effective on January 1, 1982 and extending through December 31, 1982, you would exempt from the levels of restraint and export visa requirements man-made fiber textile products in Category 669 (only T.S.U.S.A. numbers 706.2045, 706.2700, 706.2840 and 706.2850) from all countries, regardless of the date of export.

This letter will be published in the **Federal Register**.

Sincerely,

Authur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36154 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From the Republic of the Philippines, Effective on January 1, 1982

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton, wool and man-made fiber textile products imported from the Philippines, effective on January 1, 1982.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines establishes specific ceilings for cotton, wool and man-made fiber textile products in Categories 331, 335, 336pt., 337pt., 340, 341, 347, 348, 443, 445/446, 604, 635pt., 641pt., 645/646pt., and 649, among other categories, during the agreement year which begins on January 1, 1982 and extends through December 31, 1982. In the letter published below, the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in the Philippines and exported during the twelve-month period which begins on January 1, 1982, in excess of the designated levels. As agreed between the two governments, the level for Category 645/646 has been reduced by 5,000 dozen to account for overshipments in the category in previous years. The levels for Categories 347 348pt. (all T.S.U.S.A. numbers except 383.0611, 383.0616, 383.2836, 383.4749, 383.4755, 383.4759 and 383.4736), and 604 have been reduced to account for special carryforward in respective amounts of 12,000 dozen, 15,000 dozen and 300,000 pounds applied to the 1981 levels.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories 331, 335, 336pt., 337pt., 340, 341, 347, 348, 443, 445/446, 604, 635pt., 641pt., 645/646pt. and 649, produced or manufactured in the Philippines, in excess of the following levels of restraint:

Category	12-month level of restraint
331	[1] 620,681
335 pt.[2]	[3] 33,455
335 pt.[2]	[3] 34,545
336 pt.[4]	[5] 26,089
337 pt.[4]	[3] 38,687
340	[5] 233,920
341 pt.[6]	[3] 66,702
341 pt.[6]	[3] 85,603
347	[3] 231,482
348 pt.[7]	[3] 194,221
348 pt.[8]	[3] 219,328
443	[3] 2,216
445/446	[3] 17,771
604	[9] 1,856,933

Category	12-month level of restraint
635 pt.[9]	[13] 208,381
641 pt.[10]	[14] 173,291
645/646 pt.[11]	[13] 89,700
649	[12] 3,827,185

[1] In Category 335, all T.S.U.S.A. numbers except 383.3405, 383.3410, 383.3415, 383.3445, 383.3455 and 383.3465.
[2] In Category 335, only T.S.U.S.A. numbers 383.3405 383.3410, 383.3415, 383.3445, 383.3455 and 383.3465.
[3] In Category 336, all T.S.U.S.A. numbers except 383.0306, 383.0815, 383.2920, 383.4816, 383.4820, and 383.4823.
[4] In Category 337, all T.S.U.S.A. numbers except 383.0335, 383.0830, and 383.5036.
[5] In Category 341, only T.S.U.S.A. numbers 383.0506 383.4704, 383.4707 and 383.4711.
[6] In Category 341, all T.S.U.S.A. numbers except those listed in footnote 5.
[7] In Category 348, only T.S.U.S.A. numbers 383.0611 383.0616, 383.2836, 383.4749, 383.4755, 383.4759 and 383.4763.
[8] In Category 348, all T.S.U.S.A. numbers except those listed in footnote 7.
[9] In Category 635, all T.S.U.S.A. numbers except 383.8116.
[10] In Category 641, all T.S.U.S.A. numbers except 383.2215 and 383.9030.
[11] In Category 645/646, all T.S.U.S.A. numbers except 383.1857 and 383.8070.
[12] Dozen pair.
[13] Dozen.
[14] Pounds.

In carrying out this directive, entries of textile products in the foregoing categories, except Category 341 pt.[1], which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 341 pt.[1] exported prior to January 1, 1982, shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36156 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 341, only T.S.U.S.A. numbers 383.0506, 383.4704, 383.4707 and 383.4711.

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Thailand

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from Thailand, effective on January 1, 1982.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand establishes specific levels of restraint for certain cotton, wool and man-made fiber textile products in Categories 334/335, 338/339, 340, 341, 347/348, 445/446, 641, and 645/646, produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning on January 1, 1982. The agreement also provides consultation levels for certain categories, such as Categories 315, 319, 320, 435, 604, and 613, which are not subject to specific ceilings and which may be increased during the year upon agreement between the two governments. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption or withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 315, 319, 320, 334/335, 338/339, 340, 341, 347/348, 435, 445/446, 604, 613, 641, and 645/646 be limited to the designated twelve-month levels of restraint. The level for Category 445/446 has been reduced by 867 dozen to account for carryforward used in 1981 and by 2,579 dozen which represents a reduction agreed between the two governments for 1980 overshipments. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and extending through December 31, 1982 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in the following catgegories exported from Thailand, in excess of the indicated twelve-month levels of restraint:

Category	12-month level of restraint
315	[1] 5,860,000
319	[1] 5,000,000
320	[1] 8,000,000
334/335	[2] 53,955
338/339	[2] 584,396
340	[2] 103,069
341	[2] 108,819
347/348	[2] 184,100
435	[2] 1,852
445/446	[2] 11,240
604	[3] 487,805
613	[1] 9,500,000
641	[2] 162,720
645/646	[2] 74,180

[1] Square yards.
[2] Dozen.
[3] Pounds.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Thailand which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981 shall to the extent of any unfilled balances, be charged against levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand which provide, in part, that: (1) Specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with repect to the Government of Thailand and with respect to imports of cotton, wool and man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36157 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Malaysia

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1982.

SUMMARY: The Governments of the United States and Malaysia exchanged notes dated December 5, 1980 and February 27, 1981 establishing a new Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement for the four-year period beginning on January 1, 1981 and extending through December 31, 1984. The agreement provides, among other things, specific levels of restraint for Categories 331, 333/334/335, 338/339, 340, 347/348, 445/446 and 604 during the agreement year beginning on January 1, 1982. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports for consumption, or withdrawals from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories to the designated amounts. The level for Category 445/446 has been reduced by 2,322 dozen as a result of a negotiated settlement regarding previous overshipments.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184)

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 331, 333/334/335, 338/339, 340, 347/348, 445/446, and 604, produced or manufactured in Malaysia, in excess of the following levels of restraint:

Category	12-month level of restraint
331	[1] 541,233
333/334/335	[2] 70,735
338/339	[3] 413,519
340	[4] 288,266
347/348	[5] 162,945
445/446	[4] 22,491
604	[6] 1,168,902

[1] Dozen pairs
[2] Dozen of which not more than 35,367 dozen shall be in Cat. 333; not more than 35,367 dozen shall be in Cat. 334, and not more than 35,367 dozen shall be in Cat. 335
[3] Dozen of which not more than 165,075 dozen shall be in Cat. 339.
[4] Dozen.
[5] Dozen of which not more than 85,200 dozen shall be in Cat. 348
[6] Pounds

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Malaysia, which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 5, 1980 and February 27, 1981 between the Governments of the United States and Malaysia which provide, in part, that: (1) Specific limits or sublimits may be exceeded by not more than 5 percent, if a corresponding reduction is made in one or more other specific limits in the same group during the same agreement year; (2) specific levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers

was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121, October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36158 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Polish People's Republic

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from Poland, effective on January 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981 between the Governments of the United States and the Polish People's Republic establishes specific ceilings for cotton, wool and man-made fiber textile products in Categories 335,433 and 443/643/644, produced or manufactured in Poland and exported during the twelve-month period which begins on January 1, 1982.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month levels of restraint. The levels of restraint for Category 443/643/644 and its sublimit have been reduced to reflect carryforward used in 1981.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982, and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Poland, in excess of the indicated levels of restraint:

Category	12-month level of restraint
335	[1] 37,905
433	[2] 7,226
443/643, 644	[3] 14,109
	[4] 12,359

[1] Dozen.
[2] Dozen of which not more than
[3] Dozen shall be applied to all T.S.U.S.A. Numbers in these categories except 379.8351, 379.8352, 379.8920 and 379.9560

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, except Category 335, produced or manufactured in Poland, which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period which began on January 1, 1981 and extends through December 31, 1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this notice. Textile products in Category 335 which have been exported before January 1, 1982 shall not be subject to this directive.

Textile products in Category 335 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton, wool and man-made fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-36159 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing the Import Level for Certain Cotton Textile Products From the Socialist Republic of Romania

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing imports levels for certain cotton textile products imported from Romania during the twelve-month period beginning on January 1, 1982.

SUMMARY: The Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, between the Governments of the United States and the Socialist Republic of Romania establishes a specific ceiling for cotton coats in Category 335, produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1982. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in acordance with the terms of the bilateral agreement, to prohibit, during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, entry into the United States for consumption or withdrawal from warehouse for consumption, of cotton textile products in Category 335 in excess of 52,430 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 335, produced or manufactured in Romania, in excess of 52,430 dozen.

In carrying out this directive, entries of cotton textile products in the foregoing category, produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981 shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31,1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The level of restraint set forth above is subject to adjustment according to the provisions of the bilateral agreement of January 6 and 25, 1978, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 81-36160 Filed 12-17-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Control Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From the Republic of Korea

December 14, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import control levels for certain cotton, wool and man-made fiber textile products imported from the Republic of Korea, effective on January 1, 1982.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, estahblishes specific ceilings for cotton, wool and man-made fiber textile products in Group I (Categories 300–320, 330, 360–369, and 600–627, 630, 665–669), and individual Categories 333/334/335, 338/339, 340, 341, 347/348, 433/434, 440, 444, 445/446, 604, 633/634/635, 638/639, 640 "D", 640 "O", 641, 643, 645/646, and 659pt., among others, during the agreement year which begins on January 1, 1982 and extends through December 31, 1982. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in the Republic of Korea and exported during the twelve-month period which begins on January 1, 1982 and extends through December 31, 1982, in excess of the designated limits.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 14, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1982 and for the twelve-month period extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Korea, in excess of the indicated levels of restraint:

Category	12-month level of restraint
Group I (300–320, 330, 360–369 and 600–627, 630, 665–669) [1]	150,647,118 square yards equivalent.
333/334/335	98,486 dozen of which not more than 56,038 dozen shall be in Category 333/334 and not more than 57,221 dozen shall be in Category 335.
338/339	536,866 dozen.
340	173,836 dozen.
341	108,299 dozen.
347/348	259,145 dozen of which not more than 182,994 dozen shall be in Category 347 and not more than 140,938 dozen shall be in Category 348.
433/434	16,858 dozen of which not more than 12,258 dozen shall be in Category 433 and not more than 6,286 dozen shall be in Category 434
440	208,120 dozen.
444	3,945 dozen.
445/446	50,917 dozen.
604	537,805 pounds.
633/634/635	1,400,280 dozen of which not more than 176,878 dozen shall be in Category 633; not more than 814,805 dozen shall be in Category 634; and not more than 618,640 dozen shall be in Category 635
636/639	5,576,973 dozen.
640 pt.[3]	4,139,284 dozen.
640 pt.[3]	1,661,082 dozen.
641	1,033,571 dozen
643	61,201 dozen.
645/646	3,248,346 dozen.
659 pt.[4]	2,263,063 pounds.

[1] In Category 627, all T.S.U.S.A. numbers except 355.8210

[2] In Category 640, only T.S.U.S.A. numbers 379.3130, 379.9535 and 379.9540.

[3] In Category 640, all T.S.U.S.A. numbers except those listed in footnote 2.

[4] In Category 659, only T.S.U.S.A. numbers 703.0500, 703.1000 and 703.1515.

In carrying out this directive, entries of textile products in the foregoing categories, which have been exported to the United States on and after January 1, 1981 and extending through December 31, 1981, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraint may be adjusted by designated percentages; (2) these same limits may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–36161 Filed 12–17–81; 8:45 am]

BILLING CODE 3510–25–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1982 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: December 18, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 2, 1981, July 31, 1981, and August 21, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 48743, 46 FR 39196, and 46 FR 42501) of proposed additions to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity and services are hereby added to Procurement List 1982:

Class 8110

Tube, Mailing and Filing
8110–00–412–4410

SIC 7349

Janitorial Service
Internal Revenue Service
120 Church Street
New York, New York

SIC 7369

Commissary Shelf Stocking and Custodial Service
Edwards Air Force Base, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81-36141 Filed 12-17-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1982 commodities and military resale commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: January 20, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodities, military resale commodities, and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities, military resale commodities, and services to Procurement List 1982, November 12, 1981 (46 FR 55740):

CLASS 7210

Blanket, White, Flame Resistant
7210-00-NIB-0011 (86" x 90"
(Requirements for Veterans Administration only)

CLASS 7930

Cloth, Filter, Cotton, White
7930-00-NSH-0001 (18" x 18")
(Requirements for Naval Supply Center, Bremerton, Washington only)

Military Resale Item Nos. and Names

No. 542 Kitchen Scrubber w/Handle
No. 541 Bathroom Scrubber w/Handle
No. 543 Grill & Garage Scrubber w/Handle
No. 965 Ironing Board Cover, Color Coated

SIC 7349

Janitorial/Custodial Services
Building 85
Denver Federal Center
Denver, Colorado

SIC 7369

Commissary Shelf Stocking and Custodial Services, Nellis Air Force Base, Nevada.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-36143 Filed 12-17-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Command and General Staff College Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Command and General Staff College (CGSC) Advisory Committee
Date: 13-15 January 1982
Place: College Conference Room, Bell Hall, Ft. Leavenworth, KS 66027
Time: 2000-2200, 13 January 1982; 0900-1630, 14 January 1982; 0900-1400, 15 January 1982.

Proposed Agenda:

2000-2200, 13 January 1982; Review of CGSC educational program.
0900-1630, 14 January 1982; Continuation of review.
0900-1000, 15 January 1982; Continuation of review.
1000-1130, 15 January 1982; Executive session.
1300-1430, 15 January 1982; Report to the Commandant.

The purpose of the meeting is for the Advisory Committee to examine the entire range of College operations and, where appropriate, to provide advice and recommendations to the College Commandant and Faculty.

The meeting will be open to the public to the extent that space limitations of the meeting location permit. Because of these limitations, interested parties are requested to reserve space by contacting the Committee's Executive Secretary.

Philip J. Brooks,

Executive Secretary, CGSC Advisory Committee, Bell Hall, Ft. Leavenworth, KS 66027, Phone: 913-684-2741.

[FR Doc. 81-36122 Filed 12-17-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Strategy Sub-Panel Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Strategy Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on January 7-9, 1982, from 9:00 a.m. to 5:00 p.m. each day, at the American Embassy, Tokyo and the Naval Base, Yokosuka. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of the nature of collective security in the Pacific and Indian Oceans, centering around the most sensitive intelligence information available on the military and political situations in the area. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, VA 22311, Telephone (703) 756-1205.

Dated: December 15, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-36234 Filed 12-17-81; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education; Hearing and Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education, ED.

ACTION: Notice of hearing and meeting.

SUMMARY: This notice is to inform the general public of its opportunity to attend and participate in the forthcoming hearing and meeting of the Advisory Panel on Financing Elementary and Secondary Education.

The notice sets forth the schedule and proposed agenda for the hearing and meeting and describes the functions of the Advisory Panel. Notice of the hearing and meeting is required under the Federal Advisory Committee Act, section 10(a)(2).

HEARING AND MEETING SCHEDULE: January 18, 1982, Hearing, 9:00 a.m.–5:00 p.m., J.W. McCormack Post Office and Courthouse, Room 208, Federal and Milk Streets, Boston, Massachusetts.

January 19, 1982, Meeting, 9:00 a.m.–5:00 p.m., J.W. McCormack Post Office and Courthouse, Room 504, Federal and Milk Streets, Boston, Massachusetts

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19125, Washington, D.C. 20036, (202) 653–8278.

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education was established by section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95–561). The Panel provides the Secretary and the Congress with advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The Advisory Panel also provides advice to the Secretary concerning the conduct of studies authorized by section 1203. The Advisory Panel is scheduled to report its findings and recommendations to the President and Congress at the end of 1982.

AGENDA: The proposed agenda includes:

Hearing: Testimony by invited witnesses and other persons from the State, local, academic, and public and non-public school communities, and the general public in the Northeast region on the prospects for adequate State-local financing of schools in the 1980's, on the issue of public support for private schools, and on the Federal role, if any, in school finance. Specifically, the Panel asks witnesses for policy recommendations it can consider for inclusion in its report to Congress.

Meeting: Report by the Chairman and Executive Director, Status of School Finance studies, Development of policy issues and recommendations, Alternative methods for providing public support for private schools, Agenda for the next Panel meeting.

Persons are invited to submit written testimony for the hearing record. Those interested in presenting oral testimony should contact the Executive Director no later than January 8, 1982. The Advisory Panel asks that testimony, either oral or written, be directed to the topic of the hearing. Both the hearing and meeting of the Advisory Panel are open to the public.

Records are kept of all Advisory Panel proceedings and are available for public inspection at the office of the Advisory Panel on Financing Elementary and Secondary Education located at 1200 19th Street, NW., Suite 725, Washington, D.C.

Signed at Washington, D.C., on December 15, 1981.

Will S. Myers,

Executive Director, Advisory Panel on Financing, Elementary and Secondary Education.

[FR Doc. 81–36229 Filed 12–17–81; 8:45 am]

BILLING CODE 4000–01–M

Minority Institutions Science Improvement Program; Application Notice

AGENCY: Department of Education.

ACTION: Application notice for Minority Institutions Science Improvement Program (MISIP).

Applications are invited for new grant awards to be made in fiscal year 1982 under the Minority Institutions Science Improvement Program (MISIP), administered by the Fund for the Improvement of Postsecondary Education under the Office of Postsecondary Education in the Department of Education.

The Secretary makes four types of project grant awards under MISIP. Depending on the type of grant, eligible applicants are public and private nonprofit predominantly minority institutions, nonprofit science-oriented organizations, professional scientific societies, or nonprofit accredited colleges and universities which render a needed service to a group of eligible minority institutions, or which provide in-service training to project directors, scientists, and engineers from eligible institutions.

Authority for this program is contained in section 406A of the General Education Provisions Act, as amended by the Education Amendments of 1980, Pub. L. 96–374.

(20 U.S.C. 1221e–1b)

Closing Dates for Transmittal of Applications

Applications for Institutional, Design, and Cooperative project grants must be mailed or hand-delivered by January 29, 1982. Applications for Special project grants must be mailed or hand-delivered by March 5, 1982.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.120A, Washington, D.C. 20202–3561.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education Application Control Center, Attention: 84.120A, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Secretary will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications for Institutional, Design, or Cooperative project grants that are hand-delivered will not be accepted after 4:30 p.m. on January 29, 1982. Applications for Special project grants that are hand-delivered will not be accepted after 4:30 p.m. on March 5, 1982.

Program Information

The Secretary supports projects that propose to enhance a minority institution's capacity for developing and maintaining a quality science education program for all of its students and to augment the institution's capability for increasing the flow of underrepresented ethnic minorities into the fields of science and engineering.

The Secretary awards grants in the following categories of projects:

(1) Design project grants to assist minority institutions that do not have their own appropriate resources or personnel to plan and develop long-range science improvement;

(2) Institutional project grants to individual minority institutions to

support the implementation of a comprehensive science improvement plan, which may include any combination of activities for improving the preparation of minority students for careers in science and engineering;

(3) Cooperative project grants to assist groups of nonprofit accredited colleges and universities to work together to conduct a science improvement project;

(4) Special project grants for which—

(a) Minority institutions are eligible which support activities that improve quality training in science and engineering or enhance a minority institution's general scientific research capabilities.

(b) All applicants are eligible which support activities that provide a needed service to a group of eligible minority institutions or provide in-service training for project directors, scientists, and engineers from eligible minority institutions.

Available Funds

(a) In September, the President proposed further cuts as a part of his program for economic recovery. Under this proposal, approximately $3.35 million is estimated to be available for Institutional and Cooperative project grant awards in fiscal year 1982. It is estimated that these funds will support approximately 16 awards. The maximum amount of an Institutional or Cooperative project grant is $300,000 for a 36-month period.

(b) Approximately $1.05 million is estimated to be available for Special project and Design project grant awards in fiscal year 1982. It is estimated that these funds will support approximately 17 grant awards for Special and Design projects.

The maximum amount for a Special project grant award is $150,000 for a 24-month project period. The maximum amount for a Design project grant award is $20,000 for a 12-month period.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless the amount is otherwise specified by statute and regulations.

Application Forms

Application forms are included in the program information packages that are expected to be ready for mailing early December 1981. Interested persons may obtain program information packages by writing to the U.S. Department of Education, Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education, Attn: 84.120A, Minority Institutions Science Improvement Program, Room 3100, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202–3328. Telephone: 202–245–8091.

Applicable Regulations

Regulations applicable to this program include the following:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grants Program) (formerly 45 CFR Part 100a) and Part 77 (Definitions) (formerly 45 CFR Part 100c).

(2) The final regulations for the Minority Institutions Science Improvement Program in 34 CFR Part 637 (formerly 34 CFR Part 735), as revised and republished on October 16, 1981 (46 FR 51204).

Further Information

For further information, contact the U.S. Department of Education, Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education, regarding the Minority Institutions Science Improvement Program (84.120A). Telephone: 202/245–8091.

(Catalog of Federal Domestic Assistance No 84.102A, Minority Institutions Science Improvement Program)

Dated: December 14, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-36188 Filed 12-17-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and high cost gas incremental pricing threshold which are to be effective January 1, 1982. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th and Pa. Ave., NW., Rm. 4121, Washington, DC 20461, (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (Btu's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.65
Arizona [1]	3.78
Arkansas [1]	3.41
California	3.75
Colorado [1]	4.01
Connecticut [1]	4.17
Delaware [1]	3.99
Florida	4.02
Georgia [1]	4.08
Idaho [1]	4.01
Illinois	3.90
Indiana [1]	4.02
Iowa [1]	3.89
Kansas	3.67
Kentucky [1]	4.02
Louisiana	3.40
Maine	4.13
Maryland [1]	3.99
Massachusetts	4.14
Michigan [1]	4.02
Minnesota [1]	3.89
Mississippi [2]	4.08
Missouri	3.52
Montana [1]	4.01
Nebraska [1]	3.89
Nevada [1]	3.78
New Hampshire [1]	4.17
New Jersey	3.95
New Mexico	3.19
New York	3.94
North Carolina [1]	4.08
North Dakota [1]	3.89
Ohio [1]	4.02
Oklahoma	3.40
Oregon [1]	3.78
Pennsylvania [1]	3.99
Rhode Island [2]	4.17
South Carolina [1]	4.08
South Dakota [1]	3.89
Tennessee	3.95
Texas	3.39
Utah [1]	4.01
Vermont [1]	4.17
Virginia [1]	4.08
Washington [1]	3.78

State	Dollars per million Btu's
West Virginia	3.94
Wisconsin [1]	4.02
Wyoming	3.56

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.
[2] The computed State price and the region based price are the same.

Section II. Incremental Pricing Threshold for High Costs Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during October 1981 was $40.96 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective January 1, 1982, is $9.18 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued a Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that pirce ceilings should be published for only the 48 contiguous states on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of August 1981, September 1981, and October 1981.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective January 1, 1982, (shown in section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, August 1981, September 1981, October 1981. Reported prices for sales in August 1981 were adjusted by the percent change in the nationwide volume-weighted average price from August 1981 to October 1981. Prices for September 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from September 1981 to October 1981. The volume-weighted 3-month average of the adjusted August 1981 and September 1981, and the reported October 1981 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base of determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending December 11, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of October 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: One for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut	New Hampshire
Maine	Rhode Island
Massachusetts	Vermont

Region B

Delaware	New York
Maryland	Pennsylvania
New Jersey	

Region C

Alabama	North Carolina
Florida	South Carolina
Georgia	Tennessee
Mississippi	Virginia

Region D

Illinois	Ohio
Indiana	West Virginia
Kentucky	Wisconsin
Michigan	

Region E

Iowa	Nebraska
Kansas	North Dakota
Missouri	South Dakota
Minnesota	

Region F

Arkansas	Oklahoma
Louisiana	Texas
New Mexico	

Region G

Colorado	Utah
Idaho	Wyoming
Montana	

Region H

Arizona	Oregon
California	Washington
Nevada	

Issued in Washington, D.C. December 16, 1981.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 81-36329 Filed 12-17-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-435; Docket No. CP78-123, et al.]

Alaskan Northwest Natural Gas Transportation Co., and Northwest Alaskan Pipeline Co.; Amendment to Application and Order Establishing Procedures

Issued: December 9, 1981.

On July 1, 1980, Alaskan Northwest Natural Gas Transportation Company (Alaskan Northwest), project sponsor of the Alaska segment of the Alaska Natural Gas Transportation System (ANGTS), filed in Docket No. CP80-435 a partial application for a final certificate of public convenience and necessity for that segment. The application included a proposed Certification Cost and Schedule Estimate (CCE) and a proposed Center Point for the Incentive Rate of Return (IROR) for the Alaska segment,[1] along with supporting materials. An amendment to the application was filed on November 17, 1980, to reflect changes in the CCE occasioned by routing changes emanating from the Grant of Right-of-Way proposed and subsequently issued by the United States Department of the Interior.

In a Notice and Order issued on August 1, 1980, the Commission instituted a special subproceeding to consider the CCE and Center Point values proposed by Alaskan Northwest and related IROR issues. The order instructed the Commission's Alaskan Delegate, in conjunction with the Director of the Division of Audit and Cost Analysis (Division Director) of the Office of the Federal Inspector (OFI), to convene a series of technical conferences to consider these matters. The Alaskan Delegate and the OFI Division Director presided over those conferences, and submitted their report to the Commission. On August 21, 1981, the Commission issued an order inviting comments on that report. Comments and reply comments have been received in response to that order.

On November 23, 1981, Alaskan Northwest filed a second amendment to its application, styled as a supplement to application. The second amendment provides additional volumes of data relevant to establishing the CCE. The purpose of this order is, first of all, to provide formal notice of Alaskan Northwest's second amendment to its application, and secondly, to establish expedited procedures for considering the data submitted, in order to enable the Commission to proceed with establishing the CCE.

Notice of Amendment to Application

Attached to this order is a formal notice of the amendment to application filed by Alaskan Northwest on November 23, 1981.

Procedures for Considering Amendment to Application

The Commission will utilize the same technical conference and notice and comment format to consider the November 23, 1981 amendment that was used to consider the original application filed on July 1, 1980 and the first amendment thereto filed on November 17, 1980. The technical conferences held in Docket No. CP80-435 will be reconvened. The Commission will designate Barry M. Smoler of the Commission's Office of the General Counsel, and J. Richard Berman, Director of Audit and Cost Analysis of the Office of the Federal Inspector (herinafter referred to as "the presiding officers") to preside over the reconvened technical conferences. The procedures for the reconvened conferences will be the same procedures that were used for the original conferences. Those procedures are set forth in the above referenced order of August 1, 1980, and in the interim report submitted to the Commission by the Alaskan Delegate and OFI Division Director on September 26, 1980.

As soon as practicable after completion of the technical conference deliberations, the presiding officers are instructed to submit to the Commission a report containing their recommendations as to the resolution of the matters raised in the November 23, 1981 amendment to the application.[2] Simultaneous with submission to the Commission, the presiding officers shall serve copies of their report on all parties to Docket Nos. CP78-123, *et al.*, and CP80-435. By this order, the Commission will invite comments on that report. The deadline for filing comments will be 21 days after the date of issuance of the report, and the deadline for filing reply comments will be 35 days after the date of issuance of the report.

The report shall specify the date upon which it was issued, and the dates upon which comments and reply comments are due (calculated as described above). Comments and reply comments will be addressed to the Commission and will be considered with the comments received in response to the above referenced order of August 21, 1981.

The Commission orders:

(A) The technical conferences in Docket No. CP80-435 shall be reconvened to consider the data presented in the second amendment to Alaskan Northwest's application. Barry M. Smoler of the Commission's Office of the General Counsel, and J. Richard Berman, Director of Audit and Cost Analysis of the Office of the Federal Inspector, are designated as the presiding officers at the reconvened technical conferences. At the conclusion of the technical conferences, the presiding officers shall submit a report to the Commission containing their recommendations with respect to the data considered at the conferences. Simultaneously with submission of their report to the Commission, copies of that report shall be served on all parties to Docket No. CP78-123, *et al.*, and No. CP80-435.

(B) Parties of record in Docket No. CP78-123, *et al.*, and No. CP80-435 may submit comments and reply comments

[1] *See* Order No. 31, "Order Setting Values for the Incentive Rate of Return, Establishing Inflation Adjustment and Change in Scope Procedures, and Determining Applicable Tariff Provisions," Docket No. RM78-12 (June 8, 1979); "Order No. 31-B on Rehearing," Docket No. RM78-12 (September 6, 1979).

[2] We note that the report of the Alaskan Delegate and OFI Division Director, attached to the Commission's above referenced order of August 21, 1981, recommended deferring approval of the management plan costs pending preparation by the project sponsors of a detailed management plan. In the event that Alaskan Northwest supplies additional data on that subject at the reconvened technical conferences, such data should be considered by the presiding officers in their report.

on the matters discussed in the report described in ordering paragraph (A) above. Comments may be filed no later than 21 days from the date of issuance of the report, and reply comments may be filed no later than 35 days from the date of issuance of the report. Comments and reply comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. CP80–435. An original and 14 conformed copies should be filed. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, NW., Washington, D.C., during regular business hours. Copies of all comments and reply comments should be served on all parties to Docket No. CP78–123, *et al.*, and No. CP80–435.

(C) The Secretary of the Commission shall cause this notice and order to be published in the **Federal Register**, and shall serve copies of this notice and order on all parties to the proceedings in Docket No. CP78–123, *et al.*, and Docket No. CP80–435.

By the Commission.

Kenneth F. Plumb,

Secretary.

Take notice that on November 23, 1981, Alaskan Northwest Natural Gas Transportation Company (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP80–435–002, pursuant to Section 7(c) of the Natural Gas Act and Section 9 of the Alaska Natural Gas Transportation Act of 1976, an amendment to its application filed July 1, 1980 in the instant docket, as amended November 17, 1980, for a certificate of public convenience and necessity authorizing the construction and operation of the Alaskan pipeline segment of the Alaska Natural Gas Transportation System (ANGTS) so as to provide the Commission with information necessary for it to establish the Certification Cost Estimate (CCE) and Center Point for the Alaska pipeline segment of the ANGTS, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on September 22, 1977, the President issued his *Decision and Report to Congress on the Alaska Natural Gas Transportation System (Decision),* selecting the Alcan Pipeline Company to construct and operate the Alaska pipeline segment of the ANGTS. Condition IV–2 of the *Decision* states that the Commission may use the "final capital cost estimates" for the U.S. segments of the ANGTS as the basis for fixing "a variable rate of return on equity." The variable rate of return would increase the ANGTS sponsors' allowable return on equity for cost underruns and decrease their return for cost overruns. The Commission implemented the *Decision's* variable rate of return concept in the Incentive Rate of Return (IROR) mechanism established by Orders 31 and 31–B.

Applicant states that pursuant to the IROR mechanism, Applicant's rate of return will be determined by a comparison of the target costs for the project with actual costs. Under Orders 31 and 31–B, the target costs for the Alaska pipeline segment are the CCE, which is comprised of a base engineering estimate and a normal contingency, as adjusted for any approved design or scope changes, plus an allowance for abnormal events that could cause the CCE to increase. The allowance for cost impacts from abnormal events is covered by the Center Point.

Applicant further states that in accordance with the requirements of Orders 31 and 31–B, Applicant filed its CCE and Center Point estimates with the Commission on July 1, 1980. Applicant requested therein a CCE of $7.90 billion and a Center Point Ratio of 1.292 for a total target cost estimate of $10.2 billion. Applicant asked the Commission to institute proceedings to review the CCE and Center Point estimates in advance of the other issues which must be resolved prior to final certification of the Alaskan pipeline segment. The Commission, by order issued August 1, 1980, initiated a subproceeding in Docket No. CP80–435 to consider Applicant's CCE and Center Point estimates.

Applicant states that on October 27, 1980, it amended its CCE and Center Point estimates to take into account certain cost increases resulting from the anticipated Right-of-Way Grant over Federal lands in Alaska to be issued by the Department of the Interior. The revisions resulted in a CCE of $8.18 billion and Center Point allowance of $2.30 billion for a total target cost of $10.48 billion, a net increase of $280 million over the July filing.

Applicant further states that on August 21, 1981, the Alaskan Delegate and the OFI Division Director issued their final report. The Commission gave notice of the final report that same day and requested that interested persons file initial comments on or before September 18, 1981, and reply comments on or before October 13, 1981.

Applicant asserts that the report determined that the design which was the basis of the CCE was sufficiently complete for purposes of establishing the CCE and Center Point, and recommended that the CCE be set at $6.73 billion. The report recommended that CCE approval of certain items totalling $887 million be deferred for further Commission proceedings because there was not sufficiently detailed information to set a CCE value for these items. These deferred items included State of Alaska socioeconomic and third party monitoring costs, communications and supervisory systems, project management, and related contingency amounts. Additionally, the report recommended that the Center Point be set at 1.2.

Applicant states that in its Initial Comments on the Final Report, Applicant advised the Commission that its review of the CCE permitted a reduction in the CCE of $203 million, including the $70 million reduction previously agreed to by Applicant in its comments on the draft report, resulting in a total target cost of $10.21 billion (CCE of $7.93 billion plus Center Point allowance of $2.28 billion) (excluding finance charge). The Reply Comments filed by Applicant further advised the Commission that Applicant would shortly be filing adjustments to its CCE estimate reflecting its prior agreement with certain recommended reductions, detailed estimates for deferred items, and certain other adjustments. The amendment filed on November 23, 1981 presents these adjustments.

Applicant states that the July 1, 1980 filing, as amended October 27, 1980, contained a CCE of $8.18 billion. The CCE adjustments contained in this instant filing reflect Applicant's prior agreement with certain recommended reductions in the base estimate, detail the cost estimates for deferred items and items for which cost estimation was not possible at the time of the July 1, 1980 filing, reflect design modifications resulting from coordination of the design of the pipeline and gas conditioning plant, and incorporate certain other revisions. These adjustments result in a net increase to the October 1980 CCE of $373 million, for a CCE of $8.55 billion. The Center Point allowance of $2.28 billion remains unchanged, resulting in a total target cost of $10.83 billion. The Center Point Ratio, however, is reduced to 1.267 from 1.282, because of the upward adjustment to the CCE.

Applicant states that the net upward adjustment of $373 million is the result of 17 adjustments, as follows:

Description	Dollar amount (000's)
Schedule Adjustment to 1986/1987 Heating Season	$106,340
FERC Report Reconciliation Adjustment	(102,108)
Delete Metering Station No. 1	(11,193)
Eliminate Refrigeration System Full Load Tests	(24,949)
Two Compressor Unit Design, Stations 2, 4 and 7	33,054
New Camps Adjustment	183,000
Communications Estimate Adjustment	6,387
Pipeline Alignment Changes	4,015
Affirmative Action Program Adjustment	2,880
Alyeska Data Acquisition	93,230
Third Party Monitoring and Other Related Government Cost Adjustment	(153,918)
Alaska Highway Repair	120,000
Precertification Cost Adjustment	23,829
Tax Adjustment	22,792
Insurance Adjustment	19,463
FERC Filing Fees and Permits Adjustment	10,457
Normal Contingency Adjustment (12%)	40,021
Total CCE Adjustments	373,300

Applicant provides the following brief explanation of each adjustment:

A. *Schedule Change.* The July 1980 CCE filing, as revised in October 1980, was based on a 1985–1986 winter heating season commencement for pipeline operation. The commencement date has been delayed one year to the winter heating season of 1986–1987. This delay requires an extra year of expenses, including staffing, the extension of the duration of the use of certain facilities, and other similar cost increases associated with a project delay. The one-year schedule delay results in an increase of $106 million.

B. *FERC Report Reconciliation Adjustment.* This adjustment, excluding full load testing of refrigeration systems, reflects Applicant's prior agreement with certain recommended reductions in the Compressor and Metering Station, Pipeline, Temporary Facilities and Services, and Project Directorate areas of the base estimate, totalling $102 million.

C. *Delete Metering Station No. 1.* The design upon which the July 1980 CCE was based provided for two meter stations. Since the submission of the CCE for the Alaska pipeline segment, Applicant and the major North Slope producers have been cooperating in the design and engineering of the pipeline and the gas conditioning plant. Coordination of the design of the pipeline and plant indicates that it would be more cost effective and operationally efficient to combine Meter Station No. 1 with metering facilities in the plant. Elimination of Meter Station No. 1 results in a reduction of $11 million.

D. *Eliminate Refrigeration Full Load Testing.* This adjustment reflects Applicant's agreement with the recommendation that full load testing of the refrigeration systems is unnecessary, provided that the refrigeration subsystems are tested to ensure performance according to design specifications. Elimination of full load testing results in a reduction of $25 million.

E. *Two Compressor Design.* The July 1980 filing included one 25,000 BHP compressor at each of the seven compressor stations. Coordination of the design and engineering for an integrated pipeline and gas conditioning plant indicates a need for stand-by compression at the first three compressor stations. Absent the spare compressors, there is an increased danger that the failure of one of these stations would result in a pressure build-up in the plant necessitating shut down of the plant or the flaring of gas. These stand-by compressors would increase the reliability of the pipeline and further ensure the ability of the ANGTS to accept gas conditioning plant output without interruption. The additional compressors result in an increase of $33 million.

F. *New Camps.* The July 1980 filing was premised on the purchase from Alyeska of 21 existing camps (13 to be used at existing sites) and their renovation for use in the construction of the Alaska pipeline segment of the ANGTS. Because negotiations with Alyeska have been unsuccessful, the Temporary Facilities and Services portion of the CCE has been adjusted to account for the cost of constructing new pipeline camps at 10 existing Alyeska locations and three new locations. The new locations are required because the existing sites are owned or leased pursuant to long-term agreements by Alyeska. The change to new camps results in an increase of $183 million.

G. *Communications and Supervisory Systems.* The estimate contained in the July 1980 CCE filing for Communications and Supervisory Systems was $97 million, based on the arithmetic average of four bids—two each for a land-based system and a satellite system. Because the estimate for communications was not based on a specific design, the final report recommended that consideration of a CCE value for the Communications and Supervisory Systems area be deferred. The final report further noted that a cost effective communications design should attempt to utilize existing communications facilities in Alaska as much as practicable, although the report also recognized that litigation concerning the TAPS communication system hampered negotiations at the time of the July 1980 CCE filing.

Alaskan Northwest has now prepared an estimate for communications based on a specific design. This design is a "hybrid" design, with utilizes existing microwave systems, supplemented by new satellite earth stations. The new cost estimate for Communications and Supervisory Systems is $103 million, or $6 million more than the July 1980 estimate.

H. *Pipeline Alignment.* The October 1980 amendment to Applicant's CCE filing was caused by the requirement in the Department of the Interior's Right-of-Way Grant of a 200-foot minimum separation between the Alyeska oil pipeline and the ANGTS. Following Applicant's October 1980 filing with the Commission, the pipeline alignment was reviewed by other state and Federal Government agencies and further modifications were required to accommodate certain environmental, geographic, and geotechnical concerns. The cost of these revisions is included in this adjustment and amounts to an increase of $4 million.

I. *Affirmative Action.* The July 1980 CCE filing included an initial estimate for the management of the affirmative action program required by Section 17 of the Alaska Natural Gas Transportation Act and the implementing regulations (43 CFR Part 34). However, Applicant could not fully estimate the costs of implementing an affirmative action program until the Federal Inspector had approved its affirmative action plan and until issuance of the Federal Right-of-Way Grant, which imposed new requirements relating to Alaskan Natives. The Right-of-Way Grant was issued on December 1, 1980, and the Federal Inspector approved the Applicant's affirmative action plan on August 31, 1981. With these regulatory approvals in place, Applicant was able to prepare a cost estimate for implementing an affirmative action program. Implementing an affirmative action program is now estimated to cost $25 million, or $3 million more than the July 1980 estimate.

J. *Alyeska Data Acquisition.* The final report recognizes that the cost of purchasing design and geotechnical data from Alyeska that were used in preparing the design and engineering estimates for the Alaska gas pipeline segment is appropriate for inclusion in the CCE. This adjustment covers the cost of purchasing such data. Because the Alaskan gas pipeline will be constructed in relatively close proximity to the TAPS line, this data provides immediate access to information required to design a gas system to traverse a similar route. The estimated payment for Alyeska data is an increase of $93 million.

K. *Third Party Monitoring.* The State of Alaska submitted a revised estimate

for its surveillance and socioeconomic costs on February 13, 1981. The CCE is being adjusted to reflect the revised Alaska estimate. However, as previously stated in the July 1980 CCE filing and Applicants's comments on the final report, actual third party monitoring and governmental related costs should be substituted for the estimated cost included in the CCE when the Cost Performance Ratio is calculated. The new State estimate results in a reduction of $153.9 million.

L. *Highway Repair.* The State of Alaska has notified Applicant of its intention to charge the project $300 million in advance for the estimated cost of highway repairs resulting from project activities. The final report advised that if these costs were to be included in the CCE, an estimate should be submitted to the Commission. Although Applicant is prepared to pay the license and permit fees and fuel taxes imposed on all persons using Alaska highways, it does not believe this unprecedented advance payment, which may bear no relation to the project's highway usage, should be assessed against the project, particularly when such a payment would be applied in a highly discriminatory manner solely to Applicant and to no other sponsor of major projects in the State. For the information of the Commission, Applicant has estimated highway repair costs to be $120 million, with the understanding that such amount would only be attributed to the State of Alaska license and permit fees and fuel taxes applied in a nondiscriminatory manner to all highway users.

M. *Qualified Expenditures.* These are the pre-partnership, pre-certification costs incurred by the three project sponsors who joined the Partnership after the July 1980 filing (Columbia Alaskan Gas Transmission Corporation, Tetco Four, Inc., and TransCanada PipeLine Alaska, Ltd.). Applicant agrees with the FERC Trial Staff that the filed amount of $24 million for qualified expenditures should be included in the CCE for IROR purposes, but that the Commission should substitute the actual amounts it approves when it reaches a decision in its pending show cause proceeding in Docket No. CP78–123, *et al.*, on the inclusion of these amounts in rate base.

N. *Taxes.* Taxes have been recomputed on the basis of the revised estimate. In addition, upward and downward adjustments have been made with respect to the State of Alaska *ad valorem* tax, the North Slope Borough sales and use tax, and the North Slope Borough property tax. These adjustments result in an increase of $23 million in estimated taxes.

O. *Estimate.* The estimate for insurance costs increases with the higher estimate for capital costs, and has been recalculated using the same assumptions employed in the July and October 1980 filings. The increase in insurance costs is estimated to be $19 million.

P. *FERC Filing Fees and Permits.* The filing fee under 18 CFR 159.2 has been recomputed because of the cost estimate revisions. This results in an increase of $10 million in the Commission filing fee. As with the treatment of qualified expenditures, Applicant agrees with Staff that the actual fee paid to the Commission should be substituted for the estimated fee when the correct filing fee has finally be determined.

Q. *Contingency.* The 12 percent normal contingency, which the final report found to be reasonable, was applied to the adjusted base engineering estimate of $7.63 billion to produce a contingency of $916 million.

Applicant asserts that the foregoing adjustments are the final cost revisions Applicant would propose for purposes of establishing the CCE and Center Point values under the IROR mechanism subject only to possible schedule revisions.

Any person desiring to be heard or to make any protest with reference to the above described second amendment to the application of Alaskan Northwest Natural Gas Transportation Company filed on November 23, 1981 in Docket No. CP80–435–002, should, on or before January 20, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. (However, persons who are already parties to Docket No. CP78–123, *et al.*, of No. CP80–435 may participate fully in the Commission's proceedings on the above described second amendment to application without filing any further petitions for that purpose.)

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–36162 Filed 12–17–81; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 3706–001]

American Hydro Power Co.; Application for Short-Form License (Minor)

December 15, 1981.

Take notice that American Hydro Power Company (Applicant) filed on September 25, 1981, an application for license [pursuant to the Federal Power Act 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Mussers Dam Project No. 3706. The project would be located on Middle Creek in Snyder County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085.

Project Description—The proposed project would consist of: (1) an existing 31-foot high, 384-foot long earthfill and timber dam located approximately 0.8 miles upstream of the confluence of Middle Creek with Penns Creek; (2) an existing reservoir with negligible storage capacity; (3) a proposed powerhouse to contain units with an installed capacity of 350 kW; and (4) appurtenant works. The Mussers Dam and Reservoir is owned by the Pennsylvania Fish Commission.

The Applicant estimates that the average annual energy output would be 1,248,000 kWh.

The application was filed during the term of the Applicant's preliminary permit for the Mussers Dam Project, issued April 9, 1981.

Purpose of Project—The energy generated by the project would be sold to a local public utility.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for

comments will be made.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 22, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36163 Filed 12-17-81, 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5599-000]

Anthony B. DeCou and Ruth Ann DeCou; Application For Preliminary Permit

December 15, 1981.

Take notice that Anthony B. DeCou and Ruth Ann DeCou (Applicant) filed on November 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5599 to be known as the DeCou Ranch Project located on Rock and Falls Creeks in the Inyo National Forest in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Anthony B. DeCou, Route 4, Box 17A–4, Bishop, California 93514.

Project Description—The proposed project would consist of: (1) an intake structure at elevation 6,270 feet on Falls Creek; (2) a 6-inch diameter pipe to a settling pond at elevation 5,725 feet; (3) an intake structure at elevation 6,290 feet on Rock Creek; (4) an 8-inch diameter pipe to the settling pond; (5) a 10-inch diameter pipe from the settling pond to a 30-kW generating unit at elevation 5,285 feet on Applicant's property. Applicant estimates that the project would have an average annual generation of 440 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. During the term of the permit Applicant would conduct a detailed financial feasibility study of the project and prepare an application for license. Applicant estimates that the feasibility study would cost $300.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see 18 CFR 4.30 et. seq. or section 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 22, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. And additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36164 Filed 12-17-81, 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5564-000]

Bitterroot Conservation District; Application for Preliminary Permit

December 11, 1981.

Take notice that Bitterroot Conservation District (Applicant) filed on October 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5564 to be known as the Painted Rocks Dam Project located on West Fork Bitterroot River in Ravalli County, Montana. The project is located within Bitterroot National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. Richard Ormsbee, Bitterroot Conservation District, 111 Old Corvallis Road, Hamilton, Montana 59840.

Project Description—The proposed project would consist of: (1) the existing 160-foot high earthfilled Painted Rocks Dam; impounding; (2) a reservoir with a capacity of 32,400 acre-feet; (3) the modification of the outlet works; (4) a powerhouse containing two generating units, each rated at 1,000 kW; and (5) a transmission line. The average annual energy generation is estimated to be 9.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to City of Billings' application for Project No. 4635 filed on May 7, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice.

Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before January 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulation to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36165 Filed 12-17-81, 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5395-000]

City of Darrington, Wash.; Application for Preliminary Permit

December 11, 1981.

Take notice that the City of Darrington (Applicant) filed on September 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5395 to be known as the Lime Creek Hydropower Project located on Lime Creek within the Baker National Forest, near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Darrington, P.O. Box 422, Darrington, Washington 98241, Attention: Mayor Geraldine Inman.

Project Description—The proposed project would consist of: (1) an 8-foot high, 80-foot long diversion structure; (2) a 14,000-foot long diversion canal; (3) a 42-inch diameter, 5,900-foot long penstock; (4) a powerhouse containing a single generating unit with a nameplate capacity of 8.1 MW, and (5) a 14-mile long transmission line. Applicant estimates that the average annual energy production would be 45,900,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report, including preliminary designs, geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State, and local agencies, preparation of an FERC license application, conducting final field studies and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 17, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981)].

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 17, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et.seq. or 4.101 et. seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 15, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 17, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", " COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36168 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5621-000]

County of Mono, Calif.; Application for Preliminary Permit

December 15, 1981.

Take notice that the County of Mono, California (Applicant) filed on November 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5621 to be known as the Rock Creek Hydroelectric Project located on Rock Creek near the Town of Bridgeport in Mono County, California. The project would occupy lands of the United States within the Inyo National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil B. Van Winkle, County Counsel, County Courthouse, Bridgeport, California 93517.

Project Description—The proposed project would consist of: (1) an intake structure within the east bank of Rock Creek; (2) a 20,600-foot long channel/pipeline; (3) a 48-inch diameter, 200-foot long penstock; (4) a powerhouse containing generating units with a combined rated capacity of 4,000 kW; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before February 22, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 20, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36167 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5411-000]

Crown Zellerbach Corp.; Application For Exemption of Small Hydroelectric Facility

December 14, 1981.

Take notice that on September 23, 1981, Crown Zellerbach Corporation (Applicant) filed an application, under section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Port Townsend Mill Hydro-Turbine Generator Project (FERC Project No. 5411) would be located on Crown

Zellerbach's Port Townsend Mill existing 20-inch water supply line, Port Townsend City, Jefferson County, Washington. Correspondence with the Applicant should be directed to: Mr. S.B. Weldon, Crown Zellerbach Corporation, One Bush Street, San Francisco, California 94104.

Project Description—The power generated by the proposed project would be sild to the Puget Sound Power and Light Company.

Purpose of Project—The proposed project would consist of: (1) the existing 20-inch diameter pipeline; (2) a new 58-foot long, 20-inch diameter pipeline; (3) a powerhouse with single generator and installed capacity of 400 kW; and (4) a 150-foot long, 12.5–kV transmission line from the powerhouse to an existing Puget Power Company line. The Applicant estimates that the average annual energy production would be 2.7 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington State Department of Fisheries and Department of Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General coments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal EnergyRegulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36168 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5644-000]

Energenics Systems, Inc.; Application For Preliminary Permit

December 14, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on November 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5644 to be known as the Horsetooth project located on Horsetooth Reservoir and the Charles Hansen Canal near Ft. Collins, Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas Clark, Jr, President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would utilize the existing Horsetooth Dam and Reservoir and the Charles Hansen Canal, both owned and operated by the U.S. Department of the Interior, Bureau of Reclamation. Applicant would utilize the existing outlet conduit at the dam and construct a powerhouse containing two turbine-generator units with a total rated capacity of 3 MW and a 3-mile long transmission line. The project would generate up to 14,000,000 kWh annually. Energy produced at the project would be sold to Platt River Power Authority or the Western Area Power Authority.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 18, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must

be received on or before February 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36169 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5654-000]

Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts; Application For Preliminary Permit

December 14, 1981.

Take notice that Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts (Applicant) filed on November 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5654 to be known as the Hubbart Dam Power Project located on Little Bitterroot River in Flathead County, Montana. This project lies on lands under the management of the Department of the Interior. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everitt Foust, President, Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts, P.O. Box 69, Moiese, Montana 59824.

Project Description—The proposed project would consist of: (1) the existing Hubbart Dam and Hubbart Reservoir, spillway and outlet works; (2) a powerhouse containing a single generating unit with a capacity of 250 kW; and (3) an 18-mile long, 12.5–kV transmission line. Applicant estimates that the average annual energy production would be 0.61 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the Department of the Interior and other Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $55,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 18, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 18, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36170 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5653-000]

Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts; Application for Preliminary Permit

December 15, 1981.

Take notice that Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts (Applicant) filed on November 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5653 to be known as the Mission Dam power project located on Mission Creek in Lake County, Montana. The project would lie on lands under the management of the U.S. Bureau of Indian Affairs, U.S. Department of the Interior. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everitt Foust, President, Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts, P.O. Box 69, Moiese, Montana 59824.

Project Description—The proposed project would consist of: (1) the existing Mission Dam, Mission Reservoir, a spillway and outlet works; (2) a powerhouse containing a single generating unit with a capacity of 300 kW; and (3) 1.5 miles of transmission line. Applicant estimates that the

average annual energy production would be 1.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the U.S. Bureau of Indian Affairs, and other Federal, State and local agencies, and preparing a license application is estimated by the Applicant to be $55,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36171 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5655-000]

Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts; Application for Preliminary Permit

December 15, 1981.

Take notice that Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts (Applicant) filed on November 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5655 to be known as the Post Creek Power Project located on Post Creek in Lake County, Montana. Project lands are located within the Flathead Indian Reservation. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everitt Foust, President, Flathead Joint Board of the Flathead, Mission and Jocko Valley Irrigation Districts, P.O. Box 69, Moiese, Montana 59824.

Project Description—The proposed project would consist of: (1) the existing McDonald Dam; McDonald Reservior, spillway and outlet works; (2) a powerplant at the existing McDonald Dam utilizing the existing outlet works tunnel; (3) a powerplant downstream from McDonald Dam along Post Creek which would include a check and intake structure and a 4-foot diameter, 9,000-foot long penstock; and (4) a 7-mile long transmission line. The powerhouse at the McDonald Dam site would contain 2 generating units with a total rated capacity of 400 kW and would have an estimated average annual energy output of 1.34 GWh. The powerhouse at Post Creek would contain 2 generating units with a total rated capacity of 1,500 kW and would have an estimated average annual energy output of 6.95 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with the U.S. Bureau of Indian Affairs, Department of the Interior, and other Federal, State and local agencies, and preparing a license application is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 22, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 22, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application (A copy of the application may be obtained by agencies directly from the (Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to

intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 22, 1982.

Filing and Service of Responsive Documents— Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36172 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2266-005]

Nevada Irrigation District; Application For Amendment of License

December 15, 1981.

Take notice that on October 5, 1981, Nevada Irrigation District (Licensee) filed an application for amendment of its license for the Yuba-Bear Hydroelectric Project No. 2266 to add Jackson Meadows and Bowman Powerplants in Nevada and Sierra Counties near Sierra City, California. Portions of the project are located in Tahoe National Forest administered by the U.S. Forest Service. Correspondence with the Licensee should be directed to: Ms. Carole B. Friedrich, President, Nevada Irrigation District, P.O. Box 1019, Grass Valley, California 95945.

Licensee seeks authorization to construct, operate and maintain:

(A) *Jackson Meadows Powerplant* which would consist of: (1) a wye combining two outlets of the existing 190-foot high Jackson Meadows Dam and Reservoir; (2) a 350-foot long, 5-foot diameter penstocks; and (3) a main power transfer to step up generation voltage from 4.16 kV to 69 kV. The transmission line would be constructed by the utility that purchases the project output. The Licensee estimates the cost of the proposed project to be $2,215,000.

(B) *Bowman Powerplant* which would consist of: (1) a 4.5-foot diameter penstock connecting the outlet works penstock of the existing 140-foot high Bowman Dam and Reservoir with: (2) a powerhouse with a total installed capacity of 3,000 kW; and (3) a main power transfer to step-up generation voltage from 4.16 kV to 69 kV. The transmission line would be constructed by the utility that purchases the project output. The Licensee estimates the cost of the proposed project to be $1,785,000.

Comment, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a part to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36173 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5294-000]

Plumas County Flood Control & Water Conservation District; Application for Preliminary Permit

December 14, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on August 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5294 to be known as the Chambers Creek Water Power Project located on Chambers and Jackass Creeks near Storrie within Plumas and Lassen National Forests in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC&WCD, Rte 1, Box 279, Quincy, California 95971.

Project Description—The proposed project would consist of:

(1) A 5-foot high diversion structure at Chambers Creek;

(2) A 5-foot high diversion structure at Jackass Creek;

(3) A 1,100-foot long, 24-inch diameter low pressure conduit and a 1,000-foot long, 24-inch diameter pressure conduit conveying water diverted from Jackass Creek into an impact basin at Chambers Creek located upstream of the Chambers Creek diversion;

(4) A 3,300-foot long, 36-inch diameter low pressure pipeline or channel conveying water diverted from Chambers Creek;

(5) A transition structure;

(6) A 8,700-foot long, 21-inch diameter penstock;

(7) A powerhouse with a total installed capacity of 4,800-kW, and

(8) A 0.125-mile long, 12.5-KV transmission line interconnecting with an existing Pacific Gas and Electric transmission line.

The Applicant estimates that the average annual energy output would be 13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental, economic, and financial studies; and prepare an FERC license application.

Competing Applications—This application was file a competing application to Joseph A. McKinley's application for Project No. 4704-000 filed on May 20, 1981. Public notice of the filing of the initial application, which

has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36174 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5600-000]

Springfield Utility Board; Application for Preliminary Permit

December 14, 1981.

Take notice that Springfield Utility Board (Applicant) filed on November 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5600 to be known as the Springfield Canal Power Project located on Willamette River and Middle Fork of Willamette River in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Steve L. Loveland, Springfield Utility Board, 250 North "A" Street, P.O. Box 300, Springfield, Oregon 97477.

Project Description—The proposed project would consist of: (1) an existing concrete dam and mill pond on the Springfield Canal; (2) a 480-foot-long penstock; and (3) a powerhouse containing a single generating unit with a nameplate capacity of 300 kW. Applicant estimates that the average annual energy production would be 2.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, conducting final field surveys, and preparing designs is estimated by the Applicant to be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 18, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36175 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5666-000]

Town of Greenfield; Application for Preliminary Permit

December 14, 1981.

Take notice that the Town of Greenfield (Applicant) filed on November 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–

825(r)] for Project No. 5666 to be known as the Greenfield Project located on the Green River in the Town of Greenfield, Franklin County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael Pill, New England Energy Development Systems, Inc., 109 Main Street, Amherst, Massachusetts 01002.

Project Description—The proposed project would consist of two developments described as follows:

(A) The Green One Development would consist of: (1) An existing dam comprised of a 147.5 foot long earth dike and a 100-foot long, 17-foot high concrete-ogee-type spillway dam; (2) a reservoir with negligible usable storage capacity; (3) a new 90-foot long penstock of undetermined composition and diameter; (4) a new powerhouse containing two turbine-generators with a total rated capacity of 71 kW; and (5) appurtenant facilities. Green One would generate up to 336,000 kWh annually.

(B) The Green Two Development would consist of: (1) An existing 135-foot long, 12-foot high, concrete-ogee-type spillway dam; (2) a reservoir with negligible usable storage capacity; (3) a new 50-foot long penstock of undetermined composition and diameter; (4) a new powerhouse containing three turbine-generators with a total rated capacity of 106 kW; and (5) appurtenant facilities. Green Two would generate up to 564,000 kWh annually.

Both dams are owned by the Applicant. Energy produced at the project would be sold to Northeast Utilities Service Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for exemption or license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $15,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 18, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before February 18, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petitions to intervene must be received on or before February 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Foom 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36178 Filed 12-17-81; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of November 20 Through November 27, 1981

During the week of November 20 through November 27, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice (December 18, 1981) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 9, 1981.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

(Week of Nov 20 through Nov. 27, 1981)

Date	Name and location of applicant	Case No	Type of submission
Nov 23, 1981	Commonwealth Oil & Refining Company Washington, D C	HEE-0004	Exception from the Entitlements Program. If granted: Commonwealth Oil & Refining Company would receive an exception from the provisions of 10 CFR 211 67 which would modify its entitlements purchase obligations for the January 1981 Entitlements Notice
Nov 23, 1981	Mallard Resources, Inc . Washington, D C	HRD-0014	Motion for Discovery. If granted: Discovery would be granted to Mallard Resources, Inc. in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No BRO-1466) issued to Glen A. Martin, et al by the Office of Enforcement.
Nov 23, 1981	San Joaquin Refining Company Newport Beach, Calif	HYR-0012	Request for Modification/Rescission. If granted: The September 22, 1981, Decision and Order (Case No BYR-0159) issued to San Joaquin Refining Company by the Office of Hearings and Appeals would be modified regarding the firm's participation in the entitlements program
Nov 23, 1981	Texaco, Inc , White Plains, N Y	HRZ-0005	Interlocutory Order If granted: The Office of Special Counsel for Compliance would be deemed to have admitted certain matters set forth in Texaco Inc 's Statement of Factual Objection's First Submission in Case No DRO-0199
Nov 23, 1981	True Oil Company, Casper, Wyo	HRD-0013	Motion for Discovery If granted: Discovery would be granted to True Oil Company in connection with the Statement of Objections submitted in response to the August 6, 1981 Proposed Remedial Order (Case No BRO-1464) issued to the firm by the Economic Regulatory Administration
Nov 23, 1981	True Oil Company, Casper, Who	HRH-005	Motion for Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened in connection with the Statement of Objections submitted by True Oil Company in response to the August 6, 1981, Proposed Remedial Order (Case No BRO-1464) issued to the firm by the Economic Regulatory Administration
Nov 23, 1981	Watkins, Ludlam, & Stennis, Jackson, Miss	HFA-0017	Appeal of Information Request Denial If granted: The September 8, 1981, Information Request Denial issued by the Chicago Operations Office would be rescinded, and Watkins, Ludlam, & Stennis would receive access to specific contract proposals
Nov 24, 1981	Office of Special Counsel/Atlantic Richfield Company	HRD-0015, HRJ-0001	Motion for Discovery and Protective Order. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No BRO-1452) issued to Atlantic Richfield Company. The Office of Special Counsel would enter into a Protective Order with Atlantic Richfield Company regarding the release of propretary information to the Office of Special Counsel in connection with Atlantic Richfield Company's Objection (Case No BRO-1452)
Nov 24, 1981	Phibro Corporation, Washington D C	HFA-0018	Appeal of Information Request Denial. If granted: The October 28, 1981, Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Phibro Corporation would receive access to certain DOE information
Nov 25, 1981	Office of Enforcement/Hillcrest Automotive Service Pasadena, Calif	HRW-0001, HRR-0013	Proposed Remedial Order Finalization Modification/Rescission. If granted: The Office of Enforcement has requested that a Proposed Remedial Order issued to Hillcrest Automotive Service on October 31, 1980, be issued as a final Remedial Order. The October 31, 1980, Proposed Remedial Order issued to Hillcrest Automotive Service would be modified regarding repayment of overcharges
Nov 25, 1981	Office of Enforcement/Hipps Chevron Service, Orange, Calif	HRW-0002, HRR-0014	Proposed Remedial Order Finalization and Modification/Rescission. If granted The Office of Enforcement has requested that a Proposed Remedial Order issued to Hipps Chevron Service on October 31, 1980, be issued as a final Remedial Order The October 31, 1980, Proposed Remedial Order issued to Hipps Chevron Service would be modified regarding repayment of overcharges
Nov 25, 1981	Office of Enforcement/Johnny Cappo Auto Center, Orange, Calif	HRW-0003, HRR-0015	Proposed Remedial Order Finalization and Modification/Rescission If granted: The Office of Enforcement has requested that a Proposed Remedial Order issued to Johnny Cappo Auto Center on October 31, 1980, be issued as a final Remedial Order. The October 31, 1980, Proposed Remedial Order issued to Johnny Cappo Auto Center would be modified regarding repayment of overcharges
Nov 25, 1981	Standard Oil Company (Indiana), Chicago, Ill	HEG-0009	Petition for Special Redress. If granted The Office of Hearings and Appeals would review all exceptions previously granted by it for entitlements relief based on permanent expansion of a refiner's crude oil inventory

NOTICE OF OBJECTION RECEIVED

[Week of Nov 20 to Nov 27, 1981]

Date	Name and location of applicant	Case No
Nov 20, 1981	Pioneer Refining Inc., Washington, D C	BEE-1634

[FR Doc 81-36096 Filed 12-17-81, 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of November 27 Through December 4, 1981

During the week of November 27 through December 4, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of

service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 14, 1981.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 27, 1981, through Dec. 4, 1981]

Date	Name and location of applicant	Case No.	Type of submission
November 27, 1981	K.R. "Ken" Reanck, d/b/a Clearview Gulf Service Center, Metane, Louisiana.	HRX-0005	Supplemental Order. If granted: The November 5, 1981 Decision and Order issued by the Office of Hearings and Appeals regarding the firm's overcharges on sales of gasoline would be rescinded.
November 30, 1981	Dorian Duffin, Boise, Idaho	HFA-0019	Appeal of Information Request Denial. If granted: The October 15, 1981 Information Request Denial issued by Idaho Operations Office would be rescinded, and Dorian Duffin would receive access to certain DOE information.
November 30, 1981.	OSC/Texaco, Inc., Washington, D.C.	HRD-0018	Motion For Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections to the May 1, 1979 Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc.
November 30, 1981	OSC/Texaco, Inc., Washington, D.C.	HRD-0019	Motion For Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections by The Louisiana Land Exploration Company to the May 1, 1979 Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc.
December 1, 1981.	Riley, Flaurls, Auburn, Washington	HEE-0005	Exception from The Emergency Building Temperature Restrictions. If granted: Flaurs Riley would receive an exception from the provisions of 10 CFR Part 490, the Emergency Building Temperature Restrictions.
December 4, 1981.	BPM, Inc., Washington, D.C.	HFA-0020	Appeal of an Information Request Denial. If granted: The December 1, 1981, Information Request Denial issued by the Office of Special Investigation/General Counsel would be rescinded, and BPM, Inc. would receive access to information regarding the firm's business activities.
December 4, 1981.	Twin Montana, Inc., Washington, D.C.	HCX-0004	Supplemental Order. If granted: The February 20, 1980, Decision and Order (Case No. DRO-0349) issued to Twin Montana, Inc. by Office of hearings and Appeals would be modified as required by the November 20, 1981 Order issued by the Federal Energy Regulatory Commission.

NOTICES OF OBJECTION RECEIVED

[Week of Nov. 27, 1981 to Dec. 12, 1981]

Date	Name and location of applicant	Case No
Dec. 1 1981	Midler Oil Company, Alexandria, VA	BEE-1326

[FR Doc. 81-36114 Filed 12-17-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of November 23 Through November 27, 1981

During the week of November 23 through November 27, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 206.194 on or before January 7, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 14, 1981.

M & M Minerals Corp., Jackson, Mississippi, HRO-0018

On November 24, 1981, M & M Minerals Corp., R. W. Tyson, N. C. Ginther, R. E. Kleen, and G. G. Cornwell, Jackson, Mississippi filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firms on October 2, 1981.

In the PRO the Southeast District found that during the period September 1, 1973 to July 31, 1979, the operators of the L. L. Majors Lease violated the crude oil pricing rules contained in 10 C.F.R., Part 212, Subpart D by treating individual wells as separate properties in violation of 10 C.F.R. § 212.72 and Ruling 1977-2.

According to the PRO the violations by M & M Minerals, et al resulted in $247,206 of overcharges.

Mobile Oil Corp., Fairfax, Virginia, HRO-0022

On November 25, 1981, Mobil Oil Corporation (3225 Gallows Road, Fairfax, Virginia), the State of California, and the State of Michigan filed Notices of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Special Counsel issued to the firm on September 28, 1981.

In the PRO the Southwest District found that during August 1973 to September 1976, Mobil overstated its increased product costs available for Recovery.

According to the PRO the Mobil violation resulted in $15,654,636 of overcharges.

Shell Oil Co., Houston, Texas, HRO-0019

On November 25, 1981, the Controller of the State of California and Shell Oil Company of Houston, Texas filed Notices of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on November 10, 1981.

In the PRO the Office of Special Counsel determined that Shell should recompute its maximum allowable prices for each month

from August 1973 through April 1979 in accordance with the Office's methodology for calculating both domestic and foreign crude oil costs and refund any overcharges resulting from such calculations.

Shell Oil Co., Houston, Texas, HRO–0020

On November 25, 1981, the Attorney General of the State of Michigan and Shell Oil Company of Houston, Texas filed Notices of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on November 10, 1981.

In the PRO the Office of Special Counsel determined that Shell should recompute its maximum allowable prices for each month from August 1973 through April 1979 in accordance with the Office's methodology for calculating both domestic and foreign crude oil costs and refund any overcharges resulting from such calculations.

Shell Oil Co., Houston, Texas, HRO–0021

On November 25, 1981, Shell Oil Co., P.O. Box 2463, Houston, Texas 77001 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on November 10, 1981.

In the PRO the Office of Special Counsel found that Shell be required to recompute its maximum allowable price for each month from January 1977 through February 1980 in accordance with the Office of Special Counsel's methodology for calculating increased non-product costs associated with Shell's OP–5 unit at its Norco complex and be required to refund any overcharges resulting from such calculations.

[FR Doc. 81–36113 Filed 12–17–81; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary; Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Canada and Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following contracts:

Contract Number S–CA–312, for the sale of 606.96 grams of natural uranium to Eldorado Nuclear Ltd., Ontario, Canada.

Contract Number S–JA–301, for the sale of 10.32 grams of natural uranium and 2 grams of thorium to the Siesshin Trading Co., Ltd., Kobe, Japan.

The above materials are to be used as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 11, 1981.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 81–36231 Filed 12–17–81; 8:45

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2010–5]

Availability of Environmental Impact Statements Filed Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, EPA.

INFORMATION CONTACT: Ms. Kathi Wilson (202) 245–3006.

EIS FILED: December 7–11, 1981.

COMMENT DUE DATES: Drafts—February 1, 1982; Finals—January 18, 1982.

Corps of Engineer (COE): Draft—Coosa River Navigation Project, Montogomery to Gadsden, Baldwin County, Alabama (EPS EIS #810990)

COE: Draft—Lower Mobile Bay Natural Gas Production, Permit, Mobile and Baldwin Counties, Alabama (EPA EIS #810999)

COE: Draft—Western Long Island Sound Disposal Site, Connecticut and New York, REDUCED REVIEW 1/18/82 (EPA EIS #811008)

COE: Draft—Hampton Roads, Norfolk and Newport News Harbors Debris Removal, Virginia (EPA EIS #810989)

COE: Final—New Haven Harbor Navigation Improvement, New Haven County, Connecticut (EPA EIS #811003)

COE: Final—Clarks Hill Lake, Operation and Maintenance, Georgia and South Carolina (EPA EIS #811005)

COE: Final—Arthur Kill Fossil Fueled Power Plant, Permit, Richmond County, New York (EPA EIS #810991)

COE: Draft Supplement—West Branch Papillion Creek Flood Control, Douglas and Sarpy Counties, Nebraska (EPA EIS #810995)

COE: Report—Sault Ste. Marie Facilities, Operation and Maintenance, Chippewa County, Michigan (EPA EIS #810992)

DOC: National Oceanic and Atmospheric Administration (NOAA): Draft—Coral and Coral Reefs FMP, Gulf of Mexico and South Atlantic (EPA EIS #810996)

Department of Energy: Final—Jonesboro-Hergett 161 kV Transmission Line, Craighead County, Arkansas (EPA EIS #810971)

DOT: Federal Highway Administration (FHWA): Draft—TN–1 Improvement, TN–1 to TN–145, Rutherford and Cannon Counties, Tennessee (EPA EIS #810997)

DOT: FHWA: Final—Nassau Expressway Construction, Queens and Nassau Counties, New York (EPA EIS #810988)

EPA: Headquarters: Final—North Atlantic Incineration Site Designation, Delaware and New York (EPA EIS #811002)

EPA: Headquarters: Final—Vieques Dredged Material Disposal Site, Puerto Rico (EPA EIS #811001)

Federal Energy Regulatory Commission (FERC): Final—Florida Pipeline System, Natural Gas Curtailment, Florida (EPA EIS #810993)

FERC: Final—Rocky Mountain Pipeline Project, Wyoming, Utah and Nevada (EPA EIS #811004)

Department of Housing and Urban Development (HUD): Draft—Countryside Development, Mortgage Insurance, Loudoun County, Virginia (EPA EIS #811000)

HUD: Draft—Meadowbrooke Park Development, Mortgage Insurance, Laramie County, Wyoming (EPA EIS #810998)

HUD: Final Supplement—Park Forest South New Community, Title VII Termination, Will County, Illinois (EPA EIS #811006)

USDA: Soil Conservation Service: Draft—West Buttrick Creek Watershed Flood Protection, Webster County, Iowa (EPA EIS #810994)

Correction: DOC: NOAA: Draft—Louisiana World Exposition, Jefferson Parish, Louisiana (EPA EIS #811007); should have appeared in FR 12/11/81—review terminates 1–25–82

Dated: December 15, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81–36238 Filed 12–17–81; 8:45 am]

BILLING CODE 6560–37–M

[ER–FRL–2010–5]

Comments on Environmental Impact Statements and Other Actions Impacting the Environment—Availability of Report

AGENCY: Office of Federal Activities (A–104), EPA.

SUMMARY: Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, EPA has reviewed and commented in writing on Federal agency actions impacting the environment. A report which identifies EPA's comments released during November 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Management Information Unit, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: December 15, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81-36240 Filed 12-17-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-2010-5]

Intent To Prepare Environmental Impact Statements

AGENCY: Environmental Protection Agency, EIS Section, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Ronald J. Mikulak (Wetlands Disposal); Dario J. Dal Santo (Tri-State Snyfuels), Telephone: (404) 881-7458 or (FTS) 258-7458.

SUMMARY: Pursuant to EPA regulations for the preparation of EIS's (40 CFR Part 6), EPA announces its intention to prepare two Environmental Impact Statements (EIS). The first Draft EIS will study the disposal of wastewater to freshwater wetlands. This is a generic study which will evaluate existing wetlands disposal practices and problems and develop a strategy or procedure to determine the feasibility and acceptability of using wetlands for wastewater disposal in Region IV's eight southeastern states. EPA has organized Institutional and Technical Review Committees and additionally requests written comments relating to the scope and content considerations for the Draft EIS. Written comments will be accepted for 45 days. The second Draft EIS relates to the issuance of a New Source Dicharge Permit to the Tri-State Synfuels Company (TSSC) for the proposed Henderson County synthetic fuels facility. TSSC proposes to utilize an indirect coal liquefaction process based on Lurgi gasification technology to convert approximately 28,000 tons/day of high sulfur coal to synthetic natural gas and liquid fuels. The proposed facility will be located adjacent to Ohio River mile 809. EPA will hold a meeting to discuss the scope of this Draft EIS on January 27, 1982 in the Henderson County High School auditorium located at 2424 Zion Road in Henderson, Kentucky at 7:30 p.m. Detailed Notices of Intent which describe the two proposals have been distributed and can be obtained by contacting the person specified above.

Dated: December 15, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc 81-36239 Filed 12-17-81; 8:45 am]

BILLING CODE 6560-37-M

[W-4-FRL-2007-2]

Proposed NPDES Program Revision for North Carolina To Acquire Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to approve a revision to the National Pollutant Discharge Elimination System (NPDES) Permit Program for North Carolina to delegate pretreatment authority to the state.

SUMMARY: In order to seek approval of a state pretreatment program, the North Carolina Department of Natural Resources and Community Development has requested a National Pollutant Discharge Elimination System (NPDES) program revision under the Clean Water Act of 1977, pursuant to 40 CFR 123.13 and 40 CFR 403.10(g).

The State has submitted a completed application on implementation of a state pretreatment program. The state program must be designed to sufficiently provide for attainment of the published national objectives in 40 CFR 403.2 as follows: (a) To prevent the introduction of pollutants into publicly owned treatment works (POTW's) which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (b) to prevent the introduction of pollutants into POTW's which will pass through the treatment works or otherwise be incompatible with such works; and (c) to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

DATES: Persons wishing to comment or request a public hearing upon the proposed state pretreatment program submittal are invited to submit them in writing on or before January 18, 1982. A public hearing will be held if there is significant public interest based on the requests received. Public notice of any public hearing will be published at least forty-five (45) days prior to the hearing.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Region IV, 345 Courtland St., N.E., Atlanta, Georgia, 30365, ATTN: Earline Hanson.

The proposed pretreatment program submittal may be reviewed by the public between the hours of 8:15 A.M. and 4:30 P.M. Monday through Friday at the U.S. Environmental Protection Agency, Region IV, Water Management Division, Water Permits Branch, 345 Courtland Street, N.E., Atlanta, Georgia, 30365 or by writing to the same address. The submittal may also be reviewed or copied by contacting Mr. L. Page Benton, Jr., Chief, Water Quality Section, Division of Environmental Management, N.C. Department of Natural Resources & Community Development, P.O. Box 27687, Raleigh, N.C. 27611.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanette Maulding at the EPA, Region IV address above or by calling (404) 881-2328.

Dated: December 8, 1981.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 81-35930 Filed 12-17-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-53032; TSH-FRL-2009-3]

Premanufacture Notices; Monthly Status Report for November 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for November 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic

Substances. Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on othe Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMNs for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMNs received during the month; (b) PMNs received previously and still under review at the end of the month; (c) PMNs for which the notice review period has ended during the month; (d) chemical substances for which EPA has received a notice of commencement to manufacture; and (e) PMNs for which the review period has been suspended. Therefore, EPA is publishing the November 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Management Support Division. Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–53032]" and the specific PMN number. Nonconfidential portions of the PMNs, written comments received on individual PMNs, and other documents in the public record may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: December 10, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, NOVEMBER 1981

PMN No.	Identity/generic name	"Federal Register" Citation	Expiration date
I. 43 Premanufacture notices received during the month			
81–565	Generic name: Isocyanate modified polyester	46 FR 55558, Nov. 10, 1981	Jan. 31, 1982
81–566	Generic name: N,N disubstituted hetero monocyclic derivative	46 FR 55778, Nov. 12, 1981	Feb. 1, 1982
85–567	Benzene diazonium, 4-(phenylamino)-hexafluorophosphate	do	Do
81–568	Generic name: Modified polyester from substituted alkanediols, carbomonocyclic acids and carbomonocyclic anhydndes.	do	Do
81–569	Generic name: Polymer of substituted alkanediol, alkanedioic acid, carbomonocyclic acids and carbomonocyclic anhydnde.	do	Do
81–570	Generic name: Polycyclic sulfonic acid salt	46 FR 56038, Nov. 13, 1981	Feb. 2, 1982
81–571	Benzo(K.1.) thioxanthene 3,4-dicarboxylic anhydnde	46 FR 56039, Nov. 13, 1981	Feb. 3, 1982
81–572	Magnesium alkyl (C_{14}–C_{24}) salicylate	do	Do
81–573	Generic name: Polyacrylate	46 FR 56651, Nov 18, 1981	Feb 4, 1982
81–574	Generic name. Polyurethane thermoplastic resin	do	Do
81–575	5-dodecyl-benzotriazole	46 FR 56652, Nov 18, 1981	Do
81–576	Generic name: 1,2,4 substituted anthraquinone	do	Do
81–577	Generic name: Modified polyester of a carbomonocyclic anhydnde and a substituted alkanediol	do	Do
81–578	Generic name: Modified polyethylene oxide	46 FR 57126, Nov. 20, 1981	Feb 7, 1982
81–579	Generic name: Polyglycol styrene acrylic polymer	do	Do
81–580	Poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(4-nonylphenoxy)	46 FR 57127, Nov 20, 1981	Feb 8, 1982
81–581	Generic name: 2,5-Dimethoxy-4-(p-tolythio) benzene di-azonium salt	do	Do
81–582	Generic name: Polymer of polymer diol, monocarboxylic acid diol, diamine and a diisocyanate	do	Do
81–583	Generic name: Fatty acid esters with a polyol and oleic acid	do	Do
81–584	Generic name: Sulfonated metallized heteropolycycle, salts	46 FR 57128, Nov 20, 1981	Feb 10, 1982
81–585	Generic name: N-(substituted organo functional) methanamine	do	Do
81–586	Generic name: Polyester with both di and tri basic acids and diols	do	Do
81–587	N,N'-Isophthaloyl-bis(trimethylene urea)	46 FR 57344, Nov 23, 1981	Feb 14, 1982
81–588	Generic name: 2-2'-thiodiethyl bis(alkyl succinic acid ester)	46 FR 57632 Nov. 24, 1981	Feb 15, 1982
81–589	1,4-dihydro-9,10-anthracenedione	46 FR 57633, Nov. 24, 1981	Do
81–590	1,4,4a,9a-tetrahydro-9,10-anthracenedione	do	Do
81–591	Generic name: Nitrogen-containing organic sulfide	46 FR 58178, Nov. 30, 1981	Feb 16, 1982
81–592	Sorbitan nonanoate	46 FR 58718, Nov. 30, 1981	Do
81–593	Sorbitan Nonanoate, poly(oxy-1,2-ethanediyl) derivatives	do	Do
81–594	Generic name: Mixed aromatic diazo dye	46 FR 58358, Dec. 1, 1981	Do
81–595	Generic name: Tall oil/soya/safflower-styrene/acrylic copolymer resin	do	Feb. 17, 1982
81–596	Generic name: Phenylenediimino-bis(chlorotria-zinylimino-substituted phenyleneazo-naphthalene trisulfonic acid), hexasodium salt.	46 FR 58359, Dec. 1, 1981	Do
81–597	Butanamide, 2-[(2-methoxyphenyl)azo)-N-(2,3-dihydro-2-oxo-1H-benzimiazol-5-yl)-3-oxo-	46 FR 58595, Dec. 2, 1981	Feb. 18, 1982
81–598	Generic name: A modified polymer of alkyl methacrylates, a substituted alkyl acrylate, a substituted alkane, an alkenoic acid and a vinyl aromatic compound.	do	Do
81–599	Generic name: Substitutedbenzenesulfonic acid salt	46 FR 58734, Dec. 3, 1981	Do
81–600	Generic name: Dichroic tetra-azo ester dye	do	Do
81–601	Generic name: Dichroic tetra-azo-dye	do	Do
81–602	Decanoic acid, decyl ester	46 FR 58735, Dec. 3, 1981	Feb 23, 1982
81–603	Generic name: A modified polymer of substituted and unsubstituted alkyl methacrylates, a substituted alkane, an alkenoic acid and an alkyl acrylate.	do	Do
81–604	2-chlorobenzamide	46 FR 60055, Dec. 8, 1981	Feb. 25, 1982
81–605	Generic name: Substituted benzophenone reacted with methyl silsequioxane	do	Do
81–606	Generic name: Substituted-(2-hydroxy-benzophenone oxy)propane	46 FR 60056, Dec. 8, 1981	Do
81–607	Generic name: Acrylic copolymer	46 FR 60055, Dec. 8, 1981	Feb. 28, 1982
II. Premanufacture notices received previously and still under review at the end of the month			
80–182	Generic name: Alkanedioic acids mixed alkanolamine salt	45 FR 54425, Aug. 15, 1980	Dec. 18, 1981.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, NOVEMBER 1981—Continued

PMN No	Identity/generic name	"Federal Register" Citation	Expiration date
81-489	Generic name: Acrylic modified epoxy-ester resin	46 FR 49945, Oct 8, 1981	Dec 29, 1981
81-490	2,2-dimethyl-1,3-propanediol, polymer with 2-ethyl-2-hydroxymethyl-1,3-propanediol, 1,4-cyclohexane dimethanol, 1,6-hexanedioic acid, 1,3-isobenzofurandrone and tall oil acids.	do.	Do
81-491	Generic name: Amine salt of a phosponic acid	do	Do
81-492	1,3-bis(1-methylethenyl) benzene	do	Do
81-493	Generic name: Co-polymeric organopolysiloxane	46 FR 49946 Oct 8, 1981	Do
81-494	Generic name: (Alkylaminoalkyl)-(substituted) benzotriazole	do	Do
81-495	Bis(3,5-di-*tert*-butyl-4-hydroxybenzyl)malonic acid, diester with 1-acryloi-2,2,6,6-tetra-methyl-4-piperidinol	do	Do
81-496	3-hydroxy-1 propanesulfonic acid	do	Dec 30, 1981
81-497	Generic name: Polymers of alkylamines and aryl epoxides	46 FR 49947, Oct 8, 1981	Do
81-498	Generic name: Disubstitutedpolycarbocycle	46 FR 50149, Oct 9, 1981	Do
81-499	Generic name: Pentasubstitutedbenzopyran	do.	Do
81-500	2-dodecyl-9-H-thioxanthen-9-one	56 FR 50147, Oct 9, 1981	Jan 3, 1982
81-501	Generic name: Polyester of a substituted alkanediol and carbomonocyclic anhydride	do	Do
81-502	Generic name: Polymer of epon resin and alkane-dioic acid	46 FR 50148, Oct 9, 1981	Do
81-503	Generic name: Copolymer of alkylacrylates and methacrylates	do	Do
81-504	Generic name: Copolymer of alkylacrylates and methacrylates	do	Do
81-505	Generic name: Copolymer of alkylacrylates and methacrylates	do	Do
81-506	Generic name: Copolymer of alkylacrylates and methacrylates	do	Do
81-507	Generic name: Isocyanate functional polyester	46 FR 50410, Oct 13, 1981	Jan. 4, 1982
81-508	Generic name: Benzenedicarboxylic acid saturated mixed glycol polyester	do	Do
81-509	Generic name: Lower alkyl ester of an alkyl propionic acid	do	Do
81-510	Generic name: Heteromonocyclic fatty acid ester	46 FR 50411, Oct 13, 1981	Do
81-511	Generic name: Fatty acids, esters with trimethylol propane and a polyol	do	Do
81-512	Generic name: Substitutedheteroplycycle	46 FR 50840, Oct 15, 1981	Do.
81-513	Generic name: N-alkylhalogenatedbenzylamine	do	Jan 5, 1982
81-514	Generic name: Polyester from substituted alkane diols, alkanoic acids, and carbomonocyclic acids	46 FR 50841, Oct 15, 1981	Jan. 7, 1982
81-515	Generic name: Polymer of styrene and acrylic acid with substituted acrylates and methacrylates	do	Do
81-516	Generic name: Polymer of isophthalic acid, diethylene glycol, trimethylol propane, adipic acid, dimethyl ethanolamine, and trimellitic anhydride	do	Do
81-517	Generic name: Alkenyl tetracarbozylate	46 FR 50481, Oct 15, 1981	Do
81-518	Generic name: Oxepanone phthalate polymers	46 FR 50842, Oct. 15, 1981	Do
81-519	Generic name: Acrylic polyester resin	do	Do
81-520	Generic name: Isocyanate functional polyester	46 FR 51643, Oct 21, 1981	Jan 12, 1982
81-521	Generic name: Polymer of linseed oil, pentaerythritol, benzoic acid, and toluene diisocyanate	do	Do
81-522	Generic name: Substituted pyridine	46 FR 52225, Oct 26 1981	Do
81-523	Generic name: Modified polymer of substituted carbomonocycle, carbomonocyclic acid, alkanedioic acid, and a substituted alkanediol	do	Do
81-524	Generic name: Polyester from carbomonocyclic diacids, alkanedioic acid, alkane triol, and substituted alkane diols	do	Do
81-525	Generic name: Polyisobutenylsuccinic acid, metal salt	46 FR 52226, Oct 26, 1981	Do
81-526	Generic name: Hydrogenated dimer fatty acid polyamide resin	do	Do.
81-527	Generic name: Tnsubstitutedheteropolycyclic salt	46 FR 52416, Oct 27, 1981	Jan. 14, 1982
81-528	Generic name: Tnsubstitutedheteropolycyclic salt	do	Do
81-529	Generic name: Polymer of alkyl and polyfluro-alkyl acrylates	do	Jan. 15, 1982
81-530	Generic name: Substitutedthiol salt	do	Do
81-531	Generic name: Dialkylated polyalkylene polyamine	46 FR 52418, Oct. 27, 1981	Jan. 17, 1982
81-532	Generic name: Tetrafunctional secondary aromatic amine	46 FR 53209, Oct. 28, 1981	Jan 18, 1982
81-533	Generic name: Titanium (4) diisopropoxide disbustituted complex	do	Do.
81-534	Generic name: 2,3-epoxycyclohexanone	46 FR 53522 Oct 29, 1981	Jan. 19, 1982
81-535	Generic name: Heteromonocycle modified fumarated rosin ester	do	Do.
81-536	Generic name: Polymer from a carbomonocyclic anhydride, alkanedioic acid and substituted alkane diols.	do.	Do
81-537	1-amino-4-(phenylamino)-9, 10-dihydro-9, 10-dioxo-2-[2'-methoxyethyl)oxo] anthracene	do	Do
81-538	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-anthracene	46 FR 53523, Oct 29, 1981	Do
81-539	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenyl-amino)-9,10-dihydro-9,10-dioxo-2-[(2'-methoxyethyl)oxo] anthracene.	do.	Do
81-540	Poly(oxy-1,2-ethanediyl),α-(l-oxononyl)-w-[(l-oxononyl)oxyl]	46 FR 54403, Nov 2, 1981	Do
81-541	Generic name: Substituted alkenoic acid methyl ester	do	Do
81-542	Generic name: Substituted propiophenone	do	Do.
81-543	3-hydroxy-1-propanesulfonic acid monosodium salt	46 FR 54792, Nov 4, 1981	Jan 24, 1982
81-544	Generic name: Benzenesulfonic acid, 4-[[4-(2hydroxy-1-naphthalenyl)azo]phenyl]azo]-salt	do	Do
81-545	N,N -Isophthaloyl-bis(trimethylene urea)	do	Do
81-546	Generic name: Substituted carbopolycyclic polyazo poly-sulfonic acid, salt	do.	Jan. 23, 1982
81-547	1,4-bis(1-methylethenyl) benzene	46 FR 55001, Nov 5, 1981	Jan 25, 1982
81-548	Generic name: A polymer of acrylic and methacrylic acid derivatives, a vinly aromatic compound and a substituted propene compound	do	Do
81-549	Generic name: Aliphatic polyurethane-acryflc waterborne dispersion	46 FR 55002, Nov 5, 1981	Do
81-550	Generic name: Aliphatic polyurethane-acrylic waterborne dispersion	do	Do
81-551	Generic name: Aliphatic polyurethane-waterborne dispersion	do	Do
81-552	Generic name: Succinimide of poly(alkene) and alkene/alkene copolymer	do	Do
81-553	Generic name: Organic acid salt of the succinimide of poly(alkene) and alkene/alkene copolymer	do	Do
81-554	Generic name: Metal alkyl thiocarbonate	46 FR 55003, Nov 5, 1981	Do
81-555	Generic name: Sulfonylphenysilane	do	Do
81-556	Generic name: Sulfur containing polyamide	46 FR 55004, Nov. 5, 1981	Jan 26, 1982
81-557	Generic name: Substituted alkenyl alkanoate	46 FR 55146, Nov. 6, 1981	Jan. 27, 1982
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt	do	Do
81-559	5-Acetylamino-4-hydroxy-3-(2-hydroxyl-4-(2-hydroxy-sulfonyl) ethylsulfonyl)-5-methyphenylazo)-2,7-naphthalenedisulfonic acid trisodium salt complex	do	Do
81-560	3-carboxy-4-(4-(2-hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-1-(3-sulfophenyl)-5-pyrazolone disodium salt	do	Do
81-561	4-[4-[2-(hydroxysulfonyoxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-l-(3-sulfophenyl)-5-pyrazolone disodium salt.	do	Do
81-562	Mono, di, and triethanolamine salts of benzoic and phthalic acids	46 FR 55147, Nov. 6, 1981	Jan 28, 1982
81-563	Generic name: N,N-disubstituted hetero monocyclic derivative	do	Do
81-564	Generic name: Disubstitutedbenzene	46 FR 55558, Nov 10, 1981	Do

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, NOVEMBER 1981—Continued

PMN No	Identity/generic name	"Federal Register" Citation	Expiration date
III. 57 Premanufacture notices for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical had been added to the inventory)			
81-373	Benzendiazonium, 4,4 -bis(o-chloro)-dichlonde	46 FR 40801, Aug 12, 1981	Nov 1, 1981
81-374	Generic name: Dimethyl benzyl fatty quaternary amine	46 FR 40918, Aug 13, 1981	Do
81-375	Generic name: Alkyl aluminum halide	46 FR 42329, Aug 20, 1981	Nov. 3, 1981
81-376	Generic name: Alkyl aluminum halide	do	Do
81-377	Generic name: Polyamido polymethacrylate copolymer	46 FR 41857, Aug. 18, 1981	Dc
81-378	Generic name: Poly(1,4 butane/neopentyl adipate)	46 FR 40803, Aug 12, 1981	Do
81-379	Generic name: Amine sulfide	46 FR 42329, Aug 20, 1981	Dc
81-380	Generic name: Alkylmethyl silicone glycol copolymer	46 FR 42330, Aug. 20, 1981	Nov 4, 1981
81-381	Generic name: Substituted phenyl butenone	46 FR 42191, Aug 19, 1981	Dc
81-382	Generic name: Polymer of disubstituted benzene, disubstituted benzene and substituted acrylic acid.	46 FR 42330, Aug 20, 1981	Nov 5 1981
81-383	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-[(3'propanesulfonic acid) oxo] anthracene.	do	Nov 9, 1981
81-384	1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-[(3'propanesulfonic acid) oxo] anthracene, sodium salt.	46 FR 42331, Aug 20, 1981	Do
81-385	Generic name: Copper phthalocyaninetnsulfonic acid, salt	46 FR 42751, Aug 24, 1981	Nov 10, 1981
81-386	Generic name: Polyacrylate homopolymer	46 FR 42910, Aug 25, 1981	Do
81-387	Generic name: Polymer of alkyl methacrylates and N-substituted methacrylamide	46 FR 44046, Sept. 2, 1981	Nov 11, 1981
81-388	Generic name: Polyether urethane prepolymer	46 FR 44047, Sept 2, 1981	Nov 10, 1981
81-389	Alkylphenol-modified xylene-formaldehyde resins	46 FR 42751, Aug 24, 1981	Nov 9, 1981
81-390	Phenol-modified xylene-formaldehyde resins	do	Do
81-391	Generic name: Acrylic polymer	46 FR 44047, Sept 2, 1981	Nov 11, 1981
81-392	Generic name: Tnalkoxysilyl alkyl acrylamine	do	Nov 10, 1981
81-393	Generic name. Substituted dithiocarbamic acid salt	46 FR 44048, Sept. 2, 1981	Nov 12, 1981
81-394	Generic name: Capped urethane	46 FR 43300, Aug 27, 1981	Nov 16 1981
81-395	Generic name: Capped urethane	do	Do
81-396	Generic name: Diester of mixed dibasic acids	46 FR 44050, Sept 2, 1981	Nov 15 1981
81-397	Benzenesulfonic acid, 4-(2-((4-sulfooxyethyl) sulfonyl)2,6-dimethoxyphenyl)azo (acetoacetamdo)-2-methyl-5-methoxy-.	do	Dc
81-398	Generic name: Polymer of vinyl acetate and acrylate esters	46 FR 44049, Sept 2, 1981	Nov 18, 1981
81-399	Generic name: Polymer of propenoic acid, alkyl propenoates, and glycol monomethacrylate	do	Do
81-400	Generic name: Substituted carbocycle azo substituted sulfocarbocycle azo substituted carbopolycycle.	do	Dc
81-401	Generic name: C.I. Disperse Red 332 (Impurity of)	46 FR 44286, Sept 3, 1981	Do
81-402	Generic name: C.I. Disperse Yellow 226	do	Dc
81-403	Generic name: C.I. Disperse Red 332	46 FR 44287, Sept 3, 1981	Do
81-404	Generic name: C.I. Disperse Violet 96	do	Do
81-405	Coconut-diethylene glycol-adipicsophthalic resin	46 FR 44496, Sept 4, 1981	Nov 21 1981
81-406	Benzenemethanamne, benzene-ethenyl-N-methano-phosphonic acid/disodium salt, polymer with diethyl benzene.	do	Do
81-407	Generic name: Polyether polyaminoalcohol	do	Nov 22, 1981
81-408	Generic name: Alkenyl pyridine	do	Do
81-409	Polymer of an alkenoic acid, alkyl alkenoate and a substituted alkyl alkenoate	46 FR 44497, Sept 4, 1981	Do
81-410	Generic name: Salt of Bis(substiuted carbomonocyclic) substituted carbopolycycle	do	Nov 23, 1981
81-411	Generic name: Polymer of benzene carboxylic acids and alkanediols	do	Dc
81-412	Generic name: Polymeric alkenoic acid ester of substituted hydroxyalkyl, aryl ether	46 FR 45997 Sept. 16, 1981	Nov 25 1981
81-413	Acylate-methacrylate copolymer	46 FR 45412, Sept. 11, 1981	Nov 24, 1981
81-414	Generic name. Polyalkanediol polyurethane	46 FR 45997, Sept 16, 1981	Nov 29, 1981
81-415	Generic name: Polymer of a propenoic acid derivative and a heteromonocycle	do	Do
81-416	Generic name: Alkyl substituted polyalkylene polyamine	do	Do
81-417	Generic name: Modified poly(urea/urethane)	46 FR 45998, Seept. 16, 1981	Do
81-418	Generic name: Nitropolyhaloalkylbenzenepolyamine	do	Do
81-419	Generic name: Aliphatic ester	do	Nov 30, 1981
81-420	Generic name: Organo phosphorus-containing acid	do	Do
81-421	Bisphenol A-epichlorohydrin resin-mixed acrylic polymer	46 FR 45999, Sept 16, 1981	Do
81-422	Polymer of alkylpropenoate, propenoic acid, substituted propenoic acid, and vinyl benzene	do	Do
81-423	Generic name: Alkenyl succinic acid, monester	do	Do
81-424	Polyurethane thermoplastic	do	Do
81-425	Aromatic aliphatic branched polyester resin	46 FR 45808 Sept. 15, 1981	Do
81-427	Generic name: Epoxidized glycende polyoxy-ethylene ether	do	Do
81-428	Substituted heteromonocyclic derivaterve of a substituted thioxantheno isoquinolin	do	Dc
81-429	Generic name: Silicon substituted organic ester	do	Do
81-461	Benzene-methanamine, ar-ethenyl-N-methanophos-phonic, disodium salt, polymer with diethernyl-benzene	46 FR 47659, Sept 29, 1981	Nov 22, 1981
IV. 21 Chemical substances for which EPA has received notices of commencement to manufacture.			
80-25	Generic name: Bis(substituted-6,6,6-tnacryloyl-oxymethyl-4-oxahenyl)dimethyl-disubstituted heteromonocycle	45 FR 16331, Mar 13, 1981	May 4, 1981
80-321	Generic name: Polymer of an alkyl acrylate, an alkyl methacrylate, and a saturated cyclic methacrylate.	45 FR 82711, Dec. 16, 1981	Oct 26, 1981
81-95	Polymer of D-glucose, succinic acid, propanoic acid, 2-oxo, and galactose, mixed ammonium, calcium, magnesum, postassum, and sodum salt.	46 FR 19316, Mar 30, 1981	Nov 1, 1981
81-277	1,2 ethanediol, 2,5-furanedione, linseed fatty acids, and 1,1'-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis-2-propanol polymer.	46 FR 35345, July 8, 1981	Sept 21, 1981
81-300	Generic name: Alkenylated cyclohexanone	46 FR 37968, July 17, 1981	November 1981
81-301	Generic name: Substituted benzene sulfide sulfonic acid	46 FR 37085, July 17, 1981	Sept. 21, 1981
81-304	Generic name: 4-substituted amino-substituted-phenylazo-benthiazole sulfonic acid salt	46 FR 37967, July 23, 1981	Oct 30, 1981
81-312	Generic name: Alkenylated cyclohexanone	46 FR 37968, July 23, 1981	November 1981
81-319	2,4-dimethyl-4 phenyltetrahydrofuran	46 FR 45996, Sept. 16, 1981	Sept 29, 1981
81-326	Generic name: Alkyl sulfonic acid, organic-inorganic salt	46 FR 38578, July 28, 1981	Oct 14, 1981
81-350	Generic name: Oxalamide derivative	46 FR 39886, Aug. 5, 1981	Oct 26, 1981
81-353	Generic name: Mixed alkali metal and substituted amine salt of substituted sulfocarbocycle azo sulfocarbocycle azo substituted heterocycle sulfonic acid.	46 FR 39887, Aug. 5, 1981	Nov 2, 1981

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, NOVEMBER 1981—Continued

PMN No	Identity/generic name	"Federal Register" Citation	Expiration date
81-354	Generic name: Mixed alkali metal and substituted amine salt of substituted sulfocarbocycle azo sulfocarbocycle azo substituted carbocycle-sulfonic acid.	do	Do
81-355	Generic name: Condensation polymer of aromatic sulfonic acid and urea/triazine	do	Oct. 30, 1981
81-358	Polymer of tetrabromophthalic anhydride, isophthalic acid, neopentyl glycol, dipropylene glycol and maleic anhydride.	46 FR 39888, Aug. 5, 1981	Nov. 10, 1981
81-359	Copper para-toluenesulfonate hydrate	do	Dec. 1, 1981
81-366	Generic name: Sulfo phenyl azo naphthalenol, 2, 2',2''-nitrilotris[ethanol]salt	46 FR 40324, Aug. 7, 1981	Nov. 2, 1981
81-368	Generic name: Metallic beta dikenoate	46 FR 40323, Aug. 7, 1981	Nov. 9, 1981.
81-369	Generic name: Aliphatic polyamide	46 FR 40801, Aug. 12, 1981	Nov. 16, 1981
81-373	Benzendiazonium, 4,4'-bis(o-chloro)-dichloride	do	Nov. 2, 1981.
81-388	Generic name. Polyether urethane prepolymer	46 FR 44047, Sept. 2, 1981	Nov. 19, 1981

V. 7 Premanufacture notices for which the review period has been suspended

81-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243, July 18, 1980	Sept 22, 1980
81-138	Benzeneamine, 4,4'-methylene bis [*N*-1-methybutylidene	do	Do.
81-146	Phosphorodithoic acid *0,0'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153, July 23, 1980	Sept. 17, 1980
81-147	Phosphorodithoic acid *0,0'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	do	Do
81-264	Generic name: Benzeneamine, [*N*-(1-methyl-hexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis].	45 FR 73127, Nov 4, 1980	Dec. 24,1980
81-427	Generic name: Epoxidized glyceride polyoxy-ethylene ether	46 FR 45808, Sept 15, 1981	Nov. 23, 1981
81-534	2,3-epoxycyclohexanone	46 FR 53522, Oct 29, 1981	Nov. 2, 1981.

[FR Doc. 81-36051 Filed 12-17-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee); Meeting

December 9, 1981.

Meeting

January 27, 1982
9:30 a.m.– 1:00 p.m.
Commission Meeting Room (856)
Federal Communications Commission
1919 M Street NW.
Washington, D.C.

Agenda

(1) Approval of Agenda
(2) Opening Remarks from FCC Chairman Fowler
(3) Overview of Advisory Committee Work for 1982
(4) Working Groups
  (A) Introduction of Chairmen
  (B) Presentation of Work Plan by each Working Group Chairman
(5) Other Business
(6) Adjournment (1:00 p.m.)

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-36178 Filed 12-17-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-633; File No. ENF-80-6; FCC 81-476]

ITT, World Communications Inc.; Memorandum Opinion and Order

Adopted: October 7, 1981.
Released: December 10, 1981.

In the matters of ITT World Communications Inc., required rate of return, CC Docket No. 80-633, and ITT World Communications Inc., investigation into rate base and expenses, File No. ENF-80-6.

1. On November 14, 1980, we instituted a hearing into ITT World Communications Inc.'s (ITTWC's) required rate of return and a separate fact-finding investigation into its rate base and expenses. *ITT World Communications Inc.*, 82 FCC 2d 282 (1980) (*Designation Order*). We now consider petitions for reconsideration filed by ITTWC, RCA Global Communications, Inc. (RCAGC), and Western Union International, Inc. (WUI), as well as other motions, responsive pleadings and comments filed by ITTWC, RCAGC, WUI, TRT Telecommunications Corporation, the American Communications Association of the International Brotherhood of Teamsters, The Western Union Telegraph Company, Communications Satellite Corporation, American Telephone and Telegraph Company, the Department of Defense, and a Trial Staff composed of members of the Hearing Division of the Common Carrier Bureau.

2. We affirm our decision to inquire into ITTWC's required rate of return. For reasons of expedition and efficiency, and to maximize the use of available Commission resources, we have decided to terminate the separate fact-finding investigation into ITTWC's allowable rate base and expenses. We also restructure the rate of return proceeding from a full evidentiary hearing to a proceeding based largely upon simultaneous written submissions by all interested parties. After consideration of these submissions, the Commission will issue a decision and prescribe a rate of return. Thereafter, if necessary, ITTWC will file revised tariffs.

Discussion

I. Commision Inquiry Into ITTWC's Required Rate of Return Is Proper

3. Our decision to examine ITTWC's rate of return was based upon our obligation to assure that a carrier's rates for communications services are just and reasonable. 47 U.S.C. 151, 201(b). Given our statutory mandate, to assure service to the public with adequate facilities at no more than reasonable charges, it is the Commission's responsibility to investigate a regulated carrier's rate of return if the reasonableness of that return is questionable [1] "* * * [T]he Commission has an inherent right to enter upon an investigation and hearing concerning any matter over which it has jurisdiction." *Postal Telegraph-Cable Company, et al.*, 5 FCC 524, 527 (1938). *See also Nader* v. *FCC*, 520 F.2d 182, 203–204 (D.C. Cir. 1975).

4. In designating ITTWC's rate of return for hearing, we relied upon the results of the IRC audit in Docket No. 20778 (75 FCC 2d 726 (1980)) and recent financial data for the major IRCs filed

[1] The FCC last determined the lawful return for an IRC in the "bellwether" rate case. The Western Union Telegraph Company, 25 FCC 535 (1958).

with the Commission. This information revealed that ITTWC, of the major IRCs, achieved the highest rate of return overall and for its major services. In particular this data showed that ITTWC was earning at least a 20 percent overall rate of return after taxes. While we made no findings as to the level of return required by ITTWC to support its operations, we stated our belief "that these computed data compel a preliminary observation that ITTWC's earnings may be excessive." *Designation Order* at 284. We have reviewed that analysis, taking into account the relevant comments of the interested parties. Even after some modifications in our analysis based upon RCAGC's comments, ITTWC's rate of return continues to approach or exceed 20 percent, depending upon the method of calculation used. (*See* Appendix A, containing staff recalculations of rates of return for each of the major IRCs.)

5. Evidence of a rate of return in the 20 percent range, even in the face of current high interest rates, is sufficient justification for instituting further inquiry, even assuming that some discrepancies remain in the underlying data. The Commission's most recent rate cases have set rate of return prescriptions substantially below 20%. *See American Telephone and Telegraph Company,* 86 FCC 2d 221 (1981), which established an annual rate of return of 12.75% for AT&T and for the Bell System Operating Companies' interstate and foreign services; and *Communications Satellite Corporation,* 68 FCC 2d 941 (1978), which allowed an overall return of 11.48% with an additional 1% for efficiency pursuant to an earlier order, 56 FCC 2d 1101, 1173 (1975). Although significant departures may ultimately be justified between the rates of return set for AT&T and Comsat and for ITTWC, a rate of return in the 20% range raises a sufficient question to warrant this inquiry.

6. As the comments indicate, there are numerous methods which the Commission may employ to determine a reasonable rate of return for ITTWC. One method would set an industry-wide rate of return based upon the average rate of return of two or more IRCs. Another method would establish a rate of return for each IRC. A bellwether rate approach would focus exclusively upon a single carrier (to be determined in the course of the proceeding). The comments also suggested full evidentiary hearings to be utilized with each method or the opportunity for hearing on any proposed rate reduction.

7. However, the Commission is not required to use any particular method for determining a carrier's rate of return. As we have recently stated, "the Commission is not bound to a single ratemaking approach. Under the statutory [Section 205] standard of 'just and reasonable', it is the result reached and not the method employed that is controlling." *Deregulation of Telecommunications Services,* 84 FCC2d 445, 484 (1981). *Cf. In Re Permian Basin Area Rate Cases,* 390 U.S. 747, 776–777 (1968), noting that ratemaking agencies are not bound to any single regulatory formula unless statutory authority plainly indicates; *FPC v. Hope Natural Gas Co.,* 320 U.S. 591, 602 (1943); *FPC v. Texaco,* 417 U.S. 380, 388–389 (1974). It is within our sound discretion to determine the appropriate manner to conduct our proceedings.

8. Despite many of the commenting parties' characterizations, this proceeding is not a bellwether rate case; this is a proceeding to examine only the lawfulness of ITTWC's rate of return. Indeed we have previously stated that this proceeding is not a bellwether rate case like the 1958 IRC rate case. See *ITT World Communications, Inc.,* 85 FCC2d 561, 566–567 (1981). Because we are here concerned only with ITTWC's required rate of return, we are not determining industry rates, as was done in the 1958 bellwether rate case, *supra.* However, our action here does not preclude us from later inquiring into the required returns for other IRCs, if necessary. No rate adjustments will result from this inquiry unless the filing of revised tariffs is required. In other words, unlike the 1958 bellwether rate case, the outcome of this proceeding will not be *res judicata* as to similar issues so as to impact upon the charges or services of the other IRCs.

9. Given the limited scope of this proceeding, IRC ojbections based upon a right to be heard before their rates are affected are premature. Thus, it is unnecessary to address now IRC claims of potential hardship or allegations of possible impairment of service to the public. If ITTWC is ultimately required to file lower tariffs reflecting a prescribed rate of return, the IRCs and any other interested party may object to those tariffs. If should be emphasized, however, that the IRCs will have a heavy burden. They must demonstrate that any alleged harm is to the public, not just to themselves. *See Hawaiian Telephone Co. V. FCC,* 498 F.2d 771 (D.C. App. 1974). In other words, should the IRCs advocate rates which would lead ITTWC to earn a higher rate of return than that established as just and reasonable in the rate proceeding, the IRCs must demonstrate that the public interest would be served by allowing ITTWC to earn excessively.

10. Several parties advocate an on the record, multi-phase evidentiary hearing or series of hearings, first to select a ratemaking methodology, then to select one or more carriers to be rate regulated, and finally to consider impact on other IRCs. Such lengthy, cumbersome proceedings are unnecessary. In this period of rapid economic, technological and industry changes, information developed in the early stages of such a proceeding or series of proceedings would likely have lost significance by the later stages. For these reasons, we believe it is preferable to continue with a proceeding to determine ITTWC's lawful rate of return than to follow the laborious steps involved in multi-phase evidentiary hearings. The revised procedures we adopt for this proceeding, described below, will help to expedite the process.

II. The Rate of Return Proceeding Will Be Restructured To Achieve Results in the Most Expeditious and Efficient Manner

11. Although we affirm our decision to proceed with ITTWC, we nevertheless believe that restructuring of this proceeding is warranted. In the *Designation Order* we commenced a formal evidentiary hearing into ITTWC's rate of return, with a separated trial staff before an administrative law judge. We also instituted a separate fact-finding investigation into ITTWC's allowable rate base and expenses, to be conducted by non-separated staff members of the Common Carrier Bureau. The rate base and expense investigation was to culminate in a staff report to the Commission, with opportunity for comment. The Commission would then determine whether to take further action regarding rate base and expenses, including designation for hearing, if warranted. *See ITT World Communications,* 82 FCC2d at 289 and 85 FCC2d at 571.

12. The two proceedings as structured do not insure that rate reductions, if ultimately required, would be accomplished in the near term. In fact, continued reliance on these procedures may mean that two or three years would elapse before the public receives whatever reductions in charges may be warranted. We now believe it is premature and perhaps unnecessary to inquire separately into ITTWC's rate base and expenses. By terminating the rate base and expense investigation and

by restructuring the rate of return proceeding in the manner discussed below we will avoid duplication of effort and unnecessary demands upon our personnel and financial resources as well as those of the interested parties. This procedure should also foster a quicker determination of ITTWC's allowable rate of return.

13. The Administrative Procedure Act (APA) and section 205 of the Communications Act afford broad flexibility in the conduct of such proceedings. The APA, 5 U.S.C. 553(c), requires only that the agency give interested persons an opportunity to participate through submission of written data, views or argument with or without opportunity for oral presentation. It further provides that an evidentiary hearing is required only when rules are required by statute to be made on the record. The pertinent statute, section 205(a) of the Act, permits the Commission to determine and prescribe just and reasonable charges and practices "after full opportunity for hearing." 47 U.S.C. 205(a). It does not require an "on the record" evidentiary hearing. Thus trial-type procedures are not required by the APA. *AT&T* v. *FCC*, 572 F.2d 17, 22 (2d Cir. 1978), *cert. denied*, 439 U.S. 875 (1978). Further, the hearing requirement of section 205(a) has been held to be satisfied by notice and comment procedures, *Id.*, p. 23. *See also, RCA Global Communications, Inc.* v. *FCC*, 559 F.2d 881 (2d Cir. 1977), *rehearing in part* 563 F.2d 1 (2d Cir. 1977) and *Bell Telephone Company of Pennsylvania* v. *FCC*, 503 F.2d 1250, 1264 (3rd Cir. 1974), *cert. denied*, 422 U.S. 1028 (1975), *reh. denied*, 423 U.S. 886 (1975).

14. In sum, for reasons of economy and expedition discussed above, we are restructuring this proceeding in the manner which we believe "will best conduce to the proper dispatch of business and to the ends of justice." 47 U.S.C. 154(j). We have therefore decided to terminate the rate base and expense investigation and instead to focus our attention solely upon ITTWC's rate of return. If we conclude that ITTWC's rate of return requires adjustment, we will prescribe a rate of return and require that ITTWC file revised tariffs. At that point we will also consider whether it would be appropriate to investigate ITTWC's rate base and expenses.

III. Procedures Applying to Determination of ITTWC's Lawful Rate of Return

15. The rate of return proceeding will be conducted by written submission of expert witnesses to the Commission, akin to a notice and comment proceeding, rather than by evidentiary hearing as previously designated. We will require that ITTWC, interested parties, and the separated Trial Staff file their projections of ITTWC's rate of return requirements simultaneously. These submissions will be due 60 days from the effective date of this order. Replies by all parties will be filed no later than 60 days following initial submissions. Rebuttals must be filed within 30 days thereafter. All procedural motions or requests made during the pendency of this proceeding shall be directed in the first instance to the Chief, Common Carrier Bureau, for disposition consistent with this order. However, the Chief, Common Carrier Bureau, may, in his discretion, refer any motion or request to the Commission for resolution. Since, as shown below, the relevant data for the rate of return determination is readily available, we do not expect that extensions of time will be routinely granted. If any interested party feels that specific oral proceedings or other mechanisms are necessary to resolve questions of fact, fully supported requests identifying the specific issues for which additional proceedings are required should be made following the completion of the comment period. If a legitimate need for oral testimony or other mechanisms is demonstrated, appropriate action will be taken. *See, Mobil Oil Corporation* v. *Federal Power Commission*, 483 F.2d 1238, 1253–1254, 1258 and 1262–1263 (D.C. Cir. 1973); *Action for Children's Television* v. *FCC*, 564 F.2d 458, 470 (D.C. Cir. 1977).

16. In determining the cost of equity in the rate of return proceeding, estimating ITTWC's investor requirements is complicated by the fact that it is a single subsidiary of the International Telephone and Telegraph Corporation (ITT), a large conglomerate. ITTWC annually accounts for less than two percent of its parent corporation's revenue. Further complexities arise from the fact that all of ITTWC's equity capital is owned by U.S. Telephone and Telegraph Corporation (UST&T), an intermediary corporation wholly owned by ITT, and from the fact that much of ITTWC's debt capital is financed inside the ITT system.

17. For purposes of uniformity and comparability, we direct all filing parties to use the approach to assessing rate of return that was applied in the 1958 rate case. However, we are not designating any issue regarding the definition of ITTWC's rate base or the appropriateness of rate base measurement principles, although we will consider the application of those definitions and principles to ITTWC. As a consequence, in considering the sources of funding which are employed by ITTWC, its parent corporation or any other affiliates authorized by this Commission to provide international communications service, and other matters concerning rate of return, the parties are bound by the rate base principles which we have heretofore set out. *See The Western Union Telegraph Company*, 25 FCC 535, 603–619 (1958), for a definition of rate base, subject to any subsequent amendments. Parties should call to the Commission's attention those items which are not part of the rate base which should properly be considered for purposes of estimating ITTWC's cost of capital and rate of return. In the 1958 IRC rate case, the Commission concluded that the selected IRC's growth and performance was either comparable to AT&T and other regulated utilities, or was better than these companies. This indicated a comparable level of risk. 25 FCC at 588. Essentially, the Commission evaluated all pertinent factors that contributed to the risk of IRC operations. These elements of IRC industry structure and behavior were compared to the behavior and structure of other industries. On the basis of this comparison, the Commission was able to determine an allowable return in relation to returns of other companies. However, in light of the substantial progress made in the field of rate of return analysis since 1958, the parties may also wish to utilize additional methods for determining ITTWC's required rate of return.

18. The types of information used in the comparative earnings methodology are readily available. National Accounts data, such as the GNP and Total Corporate Profits, are available directly from the Bureau of Economic Analysis, Department of Commerce. Data for ITTWC, other IRCs, and AT&T are available from Statistics of Communications Common Carriers published by the Federal Communications Commission. Data for a large sample of utilities and industrials are available from the Compustat data base, a computerized data bank of continually updated financial operating information developed by Standard and Poor's Compustat Services. Thus, there is little, if any, need for discovery or a protracted proceeding.

IV. The Further Objections Raised by the Commenting Parties are Without Merit or are Moot

19. As already noted, this agency may institute a rate proceeding at any time it finds a reasonable basis for action.

Contrary to the contentions of the parties, it is unnecessary for the Commission to postpone a rate proceeding for an indefinite period while waiting to determine the effects of recent efforts to promote competition in the international record market.

20. The data upon which we found that ITTWC's rate of return exceeded 20%, although possibly unreliable as a basis for final decision in a ratemaking proceeding (*Designation Order* at 283), provides an adequate basis for further inquiry. The recalculations made on reconsideration (Appendix A hereto), taking the parties' specific criticisms of the data into account, again show that ITTWC's rate of return approaches or exceeds 20%, a rate which may be excessive in light of the lower rates of return recently prescribed for AT&T and Comsat. *See* paragraph (5) above.

21. We believe the burden of proof was properly assigned to ITTWC (*Designation Order* at 288). Since all participants will now submit rate of return assessments simultaneously, assignment of the burden of proof is no longer at issue and probably the most important aspect of the burden of proof—the burden of going forward—is moot. Should ITTWC choose not to submit sufficient data to justify its own assessment of what its authorized rate of return should be, a determination will be made on the basis of the record developed.

Ordering Clauses

22. Accordingly, it is ordered, That the stay of further proceedings in CC Docket No. 80–633 and ENF–80–6, FCC 81–180, released April 14, 1981, is terminated.

23. It is further ordered, That we affirm our decision initiating a proceeding to determine and prescribe ITTWC's just and reasonable rate of return.

24. It is further ordered, That the following issues are set forth for hearing to determine the appropriate rate of return for ITTWC:

(a) The cost of embedded debt;

(b) The cost of equity capital, common and preferred as appropriate;

(c) The cost of other financing;[2]

(d) The appropriate financial structure to be used for ratemaking purposes and the weights to be accorded the above costs of capital; and

(e) ITTWC's authorized rate of return.

25. It is further ordered, That the investigation into rate base and expenses instituted by our *Designation Order*, 82 FCC2d, 282, is terminated.

26. It is further ordered, That the evidentiary hearing into rate of return instituted by our *Designation Order*, 82 FCC2d 282, is terminated and that written submissions shall be filed in lieu of an evidentiary hearing.

27. It is further ordered, That the petitions filed herein are granted to the extent indicated above and otherwise are denied.

28. It is further ordered, That a separated Trial Staff of the Common Carrier Bureau's Hearing Division will participate in the proceedings before the Commission. .

29. It is further ordered, That all parties shall submit their analyses of ITTWC's required rate of return to the Commission no later than 60 days from the effective date of this order. Replies shall be filed within 60 days thereafter. Rebuttals shall be filed within 30 days thereafter. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, providing that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

30. It is further ordered, That the following procedures will apply:

(a) The record for decision will consist of all matters submitted for the record by respondent, other parties of record and the trial staff and any other material placed in the record by the Commission

(b) All matters submitted for the record must be identified as to sponsoring party, numbered consecutively and identified with the name of a person by whom or under whose supervision the submittal was prepared.

(c) The source of all data must be clearly and specifically identified. Supporting documents and working papers must be presented with the submittals to which they apply. Statistical studies will be submitted and supported in the form prescribed in § 1.363 of the Commission's rules.

(d) An original and five copies of all matters submitted as well as of all supporting documentation and workpapers must be filed with the Commission and a copy shall also be served on all interested parties.

31. It is further ordered, That included within its Final Decision herein, consideration may be given to what action, if any, should be taken by the Commission to effect such rate adjustments as may be warranted on the basis of the record and such order or orders will issue as may be appropriate to this end.

32. It is further ordered, That authority is specifically delegated to the Chief, Common Carrier Bureau, to act upon all procedural motions or requests made during the pendency of this proceeding.

33. It is further ordered, That the foregoing actions are taken pursuant to sections 4(i), 4(j), 201, 202, 205, 218, 219, 220(c) and 403 of the Communications Act of 1934, as amended.

Note.—See attached concurring statement of Commissioner Mimi Weyforth Dawson and Separate statement of Commissioner Henry M. Rivera concurring in part and dissenting in part.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[2] This issue will include consideration, as necessary, of the sources of funds and inter-company relationships described in paragraph 4 of our designation order in the AT&T rate of return proceeding, CC Docket No. 79–63 (73 FCC2d 689 (1979)).

APPENDIX A—RATE OF RETURN RECALCULATED

	Method I (major rate base components)			Method II (all rate base items except plant under construction)			Method III (all rate base components)			Method IV (pretax calculation)		
	ITTWC	RCAG	WUI [2]	ITTWC	RCAG	WUI [2]	ITTWC	RCAG	WUI [2]	ITTWC	RCAG	WUI [2]
1978	20.0	9.1	15.8	18.7	8.8	13.9	16.9	8.1	12.9	33.5	15.7	25.6
1978 (actual) [1]	24.1	15.3	19.6	22.4	13.7	17.3	20.3	13.2	16.0	33.5	15.7	25.6
1979	21.0	11.3	15.1	19.5	10.2	13.0	18.4	10.1	12.3	36.1	19.5	24.1
1979 (actual) [1]	25.9	14.0	19.1	24.0	12.6	16.4	22.5	12.4	15.4	36.1	19.5	24.1
1980	19.2	11.4	14.4	17.6	10.2	12.1	16.0	9.8	11.3	31.5	19.1	22.1
1980 [1]	23.7	13.1	18.2	21.8	11.8	15.3	19.7	12.5	14.2	31.5	19.1	22.1

[1] Based on actual tax payments to its parent (adjusted to remove estimated taxes on non-operating income).
[2] Includes WUI Caribbean, Inc.
Source: 1978, 1979 and 1980 Form R for ITTWC; 1978 and 1979 Form R for RCAG and WUI; 1980 Form 903 for RCAG and WUI

Concurring Statement of Commissioner Mimi Weyforth Dawson Re: ITTWC Rate of Return

With this decision we have revised our rate of return investigation of ITT World Communications and terminated our fact-finding investigation into its rate base and expenses. Our new approach will rely upon contemporaneous written submissions to determine the appropriate rate of return for ITTWC. This clearly, in my opinion, is the correct approach to take. Because the relevant data for the rate of return determination is readily available, the Commission should be able to move forward without the usual delays that attend either rate of return proceedings or rate base investigations. This approach, therefore, has the potential benefit of a relatively quick pay-off for consumers if ITT's rate of return were found unreasonable, while at the same time effectively utilizing the Commission's limited resources. I must emphasize that I believe this approach is fully consistent with our Congressional mandate. However, should the Commission find ITTWC's rate of return to be unreasonable, it may be appropriate at that time to investigate its rate base and expenses.

Nevertheless, taking a careful look at this Commission's priorities over the next few years, I would be shortsighted not to acknowledge the alternatives which would eliminate both the present need of this Commission's scrutiny of ITTWC's rate of return and the potential future need of conducting a full-blown rate of return and rate base investigation of the international record carriers. That is, it seems clear to me that competition, in the form of additional entrants to the market, and among existing carriers, is likely to have the greatest downward pressure on rates and, consequently, rates of return. Therefore, I hope that the Congress will move expeditiously in its efforts to remove the statutory barrier to Western Union's entry into the international market. In the meantime, we should proceed with determining the appropriate rate of return for ITT World Communications in this circumscribed manner.

Consequently, I concur.

Separate Statement of Commissioner Henry M. Rivera Concurring in Part and Dissenting In Part With Respect To:

CC Docket No. 80-633, CCB ENF-80-6. Hearing concerning ITT World Communications Inc.'s required rate of return and investigation into its rate base and expense.

While I concur in the Commission's decision today with respect to the need to determine ITT World Communications Inc.'s (ITTWC) cost of capital, I dissent from the Commission's decision not to pursue the investigations of ITTWC's rate base and expenses at this time.

In order to perform the statutory duty imposed by section 201(b) of the Communications Act, the Commission must determine a carrier's total revenue requirement. The decision adopted today does not require investigations of two elements required to compute ITTWC's total revenue requirement—rate base and expense. Thus, the practical effect of today's decision is to require the Commission to take ITTWC's word for these two elements. That result, it seems to me, is not the soundest approach for meeting our statutory duty.

By today's decision, the Commission will proceed with a determinatioin of the third element necessary for the calculation of a carrier's revenue requirement—cost of capital. I submit that because the Commission is not making any independent determination of the rate base (either after, before, or during the cost of capital proceeding), the Commission cannot help but begin its analysis of ITTWC's cost of capital by taking the carrier's word for the amount of capital the carrier has as well.

Thus, the Commission is effectively in the posture of taking the carrier's word for all three elements which are necessary to determine the carrier's total revenue requirement. I do not see how that comports with the Commission's responsibilities under the Communications Act. Section 201(b), in my view, does not contemplate the Commission's accepting, at face value, a carrier's representation for any element required to determine the carrier's revenue requirements regardless of the form that representation takes (*e.g.*, financial statements). I believe the statute requires the Commission to make an independent determination even if its conclusion is only accurate during the test period under consideration.

I understand that we have limited resources and I appreciate the Common Carrier Bureau's problem in attempting to allocate those limited resources. I do not doubt that the recommendations set forth by the Common Carrier Bureau are well-intentioned. However, if the Commission's basis for less than effective rate regulation is insufficient resources, then it is incumbent upon it to request from Congress the necessary resoures to fulfill the statutory mandate of insuring "just and reasonable" rates.

[FR Doc. 81-36161 Filed 12-17-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1322]

Petitions for Reconsideration of Actions in Rule Making Proceedings

December 8, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before January 4, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 15 of the FCC Rules to provide for remote control and security devices. (Docket No. 20990, RM's 1617, 2152 & 2223)
Filed By: Robert M. Booth, Jr. & Christopher D. Imlay, Attorneys for The American Radio Relay League, Incorporated on 12-2-81.

Subject: Revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies (Parts 31, 33, 42 and 43 of the FCC's Rules) (CC Docket No. 78-196)
Filed By: F. T. Tuttle & J. Manning Lee for Satellite Business Systems on 11-30-81.
Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Martin and Salyersville, Kentucky). (BC Docket No. 81-411, RM-3805)
Filed By: Howard A. Topel, Attorney for Licking Valley Radio Corporation on 11-30-81.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 81-36163 Filed 12-17-81; 8:45 am]
BILLING CODE 6712-01-M

Study Group A of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

December 10, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on December 11, 1981 at 10:00 a.m. in Room A 110, of the Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C. This Study Group will deal with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at the upcoming international CCITT meetings. This meeting of Study Group A will examine the questions and contributions relating to upcoming meetings of CCITT Study Groups I and III.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

This notice is being published less than 15 days prior to the meeting because the scheduling of a joint

meeting of Study Groups A and B on December 10 was considered urgent and this meeting of Study Group A has been scheduled the following day for the convenience of Study Group members who do not reside in the Washington area.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-36182 Filed 12-12-81, 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-74; Agreement No. 9718-8]

California-Japan/Korea Space Charter Agreement; Order of Investigation

Agreement No. 9718-8 (Amendment No. 8) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C.A. 814). Amendment No. 8 amends Agreement No. 9718 [1] (the Agreement) to increase the number of TEU's [2] which the parties may cross-charter under the Agreement.

On January 16, 1981, the Commission conditionally approved Agreement No. 9718 through August 22, 1983. One of the conditions required the parties to agree to limit the total vessel TEU capacity subject to the Agreement to the total vessel TEU capacity operated pursuant to the Agreement as of January 16, 1981.[3] This condition was met on March 5, 1981, and the Agreement was approved by the Commission the following day.

Amendment No. 8, filed June 23, 1981, would permit the replacement of two 13-year old vessels of 836 TEU's and 791 TEU's, respectively, with two newly built vessels of 1450 and 1676 TEU's respectively. The effect of the amendment would be to add the capacity of these new vessels to that of other vessels already being operated under the Agreement and thereby increase the TEU's subject to the Agreement to a level in excess of the ceiling imposed by the Commission.[4]

Notice of Amendment No. 8 was published in the **Federal Register** on July 8, 1981. Protests were subsequently filed by Sea-Land Service, Inc., (Sea-Land), United States Lines, Inc. (USL), American President Lines, Ltd, (APL) and Lykes Bros. Steamship Co., Inc. (Lykes).

Position of the Parties

Proponents' Initial Submissions

Proponents submitted the affidavit of Mitsui's manager of North America Liner operations in support of Amendment No. 8. He argues that the new vessels are an integral part of Y-S and Mitsui's replacement program, that they will reduce costs and increase efficiency, meet the needs of established customers and permit the parties to remain competitive. It is also argued that the new vessels will consume less fuel per TEU than the old vessels and will help to meet the demand for forty foot container and reefer capacity. Mitsui states that the capacity subject to the Agreement has not been increased since 1974 and that approval will curb overtonnaging and lead to improved safety and pollution control. Finally, Mitsui states that neither the scope nor the frequency of the service will be changed by the introduction of the new vessels.

Included within Mitsui's affidavit are several charts which indicate the utilization levels of the vessels to be replaced, the capacity of other vessels recently introduced into the trade by competing carriers, and the growth in both tonnage and cargo over the last six years.

Protests

Sea-Land

Sea-Land claims that the utilization levels of the vessels sought to be replaced do not warrant the introduction of additional tonnage and that those levels may reflect the carriage of cargo which originates in, or is bound for, areas beyond the geographic scope of Agreement No. 9718. Sea-Land also argues that there is no evidence that the demand for 40 foot container or reefer capacity exceeds the supply offered by either the parties to the Agreement or other carriers which serve the trade.

The coordinated activities of Proponents are viewed by Sea-Land as creating a single economic operating entity which has helped Proponents to maintain a large market share and advantage over the other carriers in the trade.[5] Sea-Land urges the Commission to order a hearing which would embrace all of the Japanese agreements, not just Agreement No. 9718-8, and not to approve Amendment No. 8.

USL

USL believes that Amendment No. 8 undermines the limitation previously imposed by the Commission and that it should accordingly be disapproved or set down for a hearing. Approval of the amendment, USL feels, would increase overtonnaging. It is also USL's opinion that the history of the Japanese cross-charter agreements reflects a series of amendments representing continuous increases in capacity justified on the basis of preventing overtonnaging.

APL

APL states that Amendment No. 8 represents an 18% increase in capacity and believes that it is only the first of a series of similar amendments which will be filed with the Commission in the future. APL also alleges that Proponents have not provided the Commission with adequate information concerning the replacement of other vessels involved in space chartering arrangements or the East Asian ports outside of Japan which will be served under the Agreement.

K Line's recently announced three vessel service between Hong Kong, Taiwan and Korea and the U.S. Pacific Coast and its relationship to the Agreement is, according to APL, another issue which warrants attention by the Commission. APL believes the Commission should either disapprove Amendment No. 8 or institute a hearing to develop information relevant to its approvability.

Lykes

Lykes states that approval of Amendment No. 8 would increase by approximately 17 percent the maximum TEU capacity permitted under Agreement No. 9718. Lykes also points out that that agreement is the subject of an appeal pending in the Court of Appeals and that the Commission should not add further capacity until the appeal is resolved. Lykes notes that in the past it has requested the Commission to adopt certain guidelines for approval or disapproval of this type of agreement and submits that the suggested guidelines would be particularly relevant to this amendment.

Finally, Lykes contends that Amendment No. 8 does not meet the *Svenska* standard and that its approval would contribute to overtonnaging.

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[1] Agreement No. 9718 applies to the trade between ports in California and ports in Japan and Korea, and permits the parties to charter space aboard each other's vessels, interchange equipment and jointly schedule sailings. The parties to the Agreement are Japan Line Ltd. (Japan Line); Kawasaki Kisen Kaisha, Ltd. (K Line); Mitsui O.S.K. Lines Ltd. (Mitsui); and Yamashita-Shinnihon Steamship Co., Ltd. (Y-S Line) (Proponents).

[2] Twenty Foot Equivalent Unit.

[3] As of that date, the capacity of the vessels subject to the Agreement was 8512 TEU's.

[4] Proponents would like the ceiling to be raised from 8512 TEU's to 9126 TEU's as of October 21, 1981, and to 10,011 TEU's as of approximately March 30, 1982.

[5] Sea-Land relied upon the Commission's study entitled "U.S. Reciprocal and Third Country Shares of U.S./East Asian Conference and Non-Conference Trade—1979" to support its figures as to Proponents' share of the market. That study has since been withdrawn by the Commission.

Lykes requests the Commission to disapprove the amendment or set it for hearing and investigation.

Response to Protests

In their response to the protests, Proponents argue that the Commission has received enough information from Proponents to reach a decision on the amendment. They submit that approval will curb overtonnaging, that vessel replacement is a natural incident of vessel ownership and that the increase in capacity which the replacement represents is modest. It is Proponents' position that their future plans concerning vessel replacement are not relevant to approval of this amendment. They add that Y–S Line and Mitsui have no immediate further replacement plans and that Japan Line and K Line have only preliminary plans. Proponents do not believe that they must prove the need for additional capacity in the trade before replacing older vesels. Finally, Proponents question the accuracy of the figures provided by Sea-Land as to Proponents' market share and utilization levels.

Further Comments/Reply

Sea-Land, relying upon Bureau of Census statistics, continues to claim that Proponents hold a significant share of the market. Sea-Land also states that its own capacity increase between 1974 and 1981 is not 72% as claimed by Proponents, but rather only 38%. According to Sea-Land, Proponents have also increased their capacity during that time. Sea-Land repeats its request for a hearing on all of the Japanese agreements.

Proponents respond that Sea-Land's figures offered to illustrate the Japanese-flag share continue to be inaccurate and that its figures as to the U.S.-flag share are too low. Proponents also state that despite Sea-Land's claims to the contrary, it has doubled both its vessels and sailings in the trade since 1974. According to Proponents, Y–S has no additional plans for new vessels. Sea-Land's request for a hearing is described by Proponents as no more than a ploy intended to delay the approval of a fully justified vessel replacement program.

Discussion

As a modification to an agreement presently approved by the Commission pursuant to section 15 of the Shipping Act, 1916,[6] the proposed amendment is subject to the same degree of scrutiny as the agreement which it amends.

Consistent with its obligations under section 15, the Commission has examined the submissions offered by Proponents and Protestants. While there is disagreement between Proponents and Protestants on a substantial number of matters, only two raise material issues of disputed fact which go to Amendment No. 8's approvability under the standards of section 15. *See Marine Space Enclosures, Inc.* v. *Federal Maritime Commission*, 420 F. 2d 577 (D.C. Cir. 1969). These concern the effect which approval of Amendment No. 8 would have upon: (1) The amount of tonnage operated in the trade as compared with the amount of tonnage which the trade can support; and (2) Proponents' relative competitive position as reflected in their market share.[7] It is these issues which must be resolved in assessing the anticompetitive impact of Amendment No. 8 and in determining its ultimate approvability under section 15, particularly under the detriment to commerce and public interest standards. However, on the basis of the record as it now exists, they cannot be. Therefore, further hearings are necessary.

It is well settled that the Commission is not required to order a full trial-type proceeding in all section 15 cases. Instead, the Commission enjoys substantial flexibility to structure the hearings it must provide based upon the nature of the case and the issues which require resolution. *U.S. Lines* v. *Federal Maritime Commission*, 584 F. 2d 519, 536–37 (D.C. Cir. 1978). In light of the nature of the factual disputes which must be resolved, the Commission believes that something less burdensome and time consuming than a full trial-type proceeding is appropriate. Therefore this proceeding will be limited to the submission of affidavits and memoranda directly to the Commission.

In reviewing the submissions offered thus far by Proponents and Protestants, the Commission has noted two matters which, though not going to the approvability of Amendment No. 8, should be resolved at the outset. The first involves cargo carried by Proponents which is transshipped to or from areas beyond the geographic scope of the Agreement. The second concerns the nature of the TEU limit imposed by the Commission in its Order of January 16, 1981.

In their protests, Sea-Land and APL question the utilization figures provided by Proponents, claiming that they may reflect the carriage of cargo either originating in or bound for areas outside of the geographic scope of the Agreement. Proponents respond by admitting that their utilizations have always been reported on the basis of the total TEU's carried, including transshipment cargo. There is nothing in either the Agreement or any order of the Commission which prohibits Proponents from carrying cargo which has its origin or destination beyond the geographic scope of the Agreement. The Commission never intended to place such a restriction upon Proponents' operations. Because Proponents are not prohibited from carrying such transshipped cargo, its inclusion in the calculations which determine utilization levels does not, at this time, appear inappropriate.

In its Order of January 16, 1981, the Commission imposed a condition which required Proponents not to increase the TEU's operated under the Agreement beyond the level as of that date. It was the Commission's intention that this condition would minimize or avoid any adverse impact on trade conditions. While the Commission is reaching no decision at this time concerning the merits of Amendment No. 8, it appears necessary to clarify the nature of the capacity limitation which it imposed. The limitation only applies to TEU's, not to vessels, and only to TEU's which are subject to one of the agreements.[8] The Commission has no desire to interfere with management's judgment as how best to provide that capacity. This means that Proponents are free to introduce vessels of any TEU capacity into the trade provided that they do not place more TEU's under the coverage of the Agreement than is permitted.

The substitution of vessels does not, in this instance, require Commission approval or amendment of existing agreements. Proponents may immediately introduce one or both of the new vessels into the trade and operate them pursuant to the Agreement so long as existing capacity limitations are not violated. For example, the *Shin-Kashu Maru* may immediately begin to operate under the Agreement as long as only 836 of its 1450 TEU's are placed within the Agreement's coverage. The remaining 614 TEU's must be operated independently of the Agreement. Proponents could also, of course, choose to place the full 1450 TEU's of the *Shin-Kashu Maru* under the Agreement if 614 TEU's aboard another vessel, or other vessels, were withdrawn from the

[6] 46 U.S.C.A. section 814.

[7] While there is disagreement over whether or not the history of the Japanese cross charter agreements reflects a series of increases in capacity, the Commission does not believe that the resolution of this dispute is necessary or relevant to the approvability of Amendment No. 8.

[8] In its order of January 16, 1981, the Commission imposed a TEU limitation upon several other agreements in addition to Agreement No. 9718.

Agreement. Obviously, there are other combinations of TEU deployment by which Proponents could operate their new vessel under the Agreement without violating its terms.

Therefore, it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C.A. 814 and 821), a proceeding is hereby instituted to determine whether Agreement No. 9718–8 is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and, therefore, whether it should be approved, disapproved, or modified; and

It is further ordered, that the parties, in addressing the approvability of the Agreement under the standards of section 15 specifically address the following issues: (1) The relevant market for purposes of determining the market share of the parties to the Agreement; (2) the market share of the parties to the Agreement; (3) whether the trade to which the Agreement applies is overtonnaged and, if so, to what extent; (4) whether there is adequate forty-foot container and reefer capacity in the trade; and (5) whether there has been or will be enough growth in the overall trade to justify increasing the tonnage in it to the extent proposed by this Agreement; and

It is further ordered, that the carriers listed in the Appendix attached hereto are hereby made Proponents and Protestants as so designated in the Appendix; and

It is further ordered, that in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Commission's Bureau of Hearings and Field Operations (Hearing Counsel) shall be a party to this proceeding; and

It is further ordered, that this proceeding shall be limited to the simultaneous submission to the Commission of affidavits of facts and memoranda of law and replies thereto. Oral argument may also be scheduled if deemed necessary by the Commission. Should any party believe that discovery or a further hearing is required, that party must accompany any such request with a statement setting forth in detail the facts to be developed or proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit.

(1) Opening submissions shall be filed by all parties of record and served on all other parties of record no later than close of business on February 9, 1982.

(2) Reply submissions shall be filed by all parties of record and served upon all other parties of record no later than close of business on March 11, 1982.

(3) Requests for discovery, further hearing or for oral argument shall be filed with the Commission no later than close of business 10 days after reply submissions; and

It is further ordered, that notice of this Order be published in the **Federal Register**, and a copy thereof be served upon Proponents and Protestants as listed in the Appendix hereto and Hearing Counsel; and

It is further ordered, that any person other than Proponents, Protestants and Hearing Counsel having an interest and desiring to participate in this proceeding file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72). In order to expedite the proceeding and facilitate participation, such persons desiring to intervene shall submit their affidavits and/or memoranda simultaneously with their petition to intervene, which will be considered if such petition is granted; and

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be directly mailed to all parties of record; and

It is further ordered, that all documents submitted by any party of record in this proceeding shall be filed in accordance with section 502.118 of the Commission's Rules (46 CFR 502.118) as well as being directly mailed to all parties of record.

By the Commission.[1]

Francis C. Hurney,
Secretary.

Appendix

Proponents and Protestants

Japan Line, Ltd.—Sea-Land Service, Inc.
Kawasaki Kisen Kaisha, Ltd.—United States Lines, Inc.
Mitsui O.S.K. Lines, Ltd.—American President Lines, Ltd.
Yamashita-Shinnihon Steamship Co., Ltd.—Lykes Bros. Steamship Co., Inc.

[FR Doc. 81-36116 Filed 12-16-81; 8:45 am]

BILLING CODE 6730-01-M

[1] Commissioner Daschbach dissents to the above-captioned Order of Investigation. He would approve the subject agreement.

[Docket No. 81-75]

E. A. Juffali & Brothers v. Waterman Steamship Co.; Filing of Complaint and Assignment

Notice is given that a complaint filed by E. A. Juffali & Brothers against Waterman Steamship Company was served December 10, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Paul J. Fitzpatrick. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,
Secretary.

[FR Doc. 81-36117 Filed 12-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Ameribond Securities Associates

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Ameribond Securities Associates is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets and voting securities of Jartran Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade

Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–36215 Filed 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Bucyrus-Erie Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Bucyrus-Erie Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of voting securities of Western Gear Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Bucyrus-Erie Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–36225 Filed 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Cooper Laboratories, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Cooper Laboratories, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Sterndent Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–36218 Filed 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Dow Jones and Company

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Dow Jones and Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Continental Cablevision Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–36220 Filed 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Fleming Companies Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Fleming Companies Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of The McLain Grocery Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for

early termination submitted by Fleming Companies Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36228 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Goldman, Sachs & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Goldman, Sachs & Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of J. Aron & Company, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36216 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Heldor Industries, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Heldor Industries, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Airwick Pool Products, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Heldor Industries, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36213 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; LaFarge Coppee S.A.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: LaFarge Coppee S.A. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of General Portland, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by LaFarge Coppee S.A. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antiturst Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36223 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; S. Pearson & Son

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: S. Pearson & Son is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Compressor Systems Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 20, 1981

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580. (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission

Carol M. Thomas,

Secretary.

[FR Doc. 81–36227 Filed 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Reliance Group Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Reliance Group Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of E. H. Crump Companies. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Reliance Group Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–36224 Filed 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Standard Oil Co. (Indiana)

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Standard Oil Company (Indiana) is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Arjay, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 17, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–36214 Filed December 12–17–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; McLean Securities Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: McLean Securities, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Farrell Lines, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580. (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36217 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Prentis B. Tomlinson, Jr.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Prentis B. Tomlinson, Jr. is granted early termination of the waiting period provided by law and premerger notification rules with respect to the proposed acquisition of certain assets of Martin Exploration Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 16, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvement Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By the direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36219 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Ryder Systems, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Ryder Systems, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Frank B. Hall and Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Ryder Systems, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 30, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36222 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Surburban Propane Gas Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Surburban Propane Gas Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Buzzini Drilling Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36212 Filed 12-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Veba Aktiengesellschaft

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Veba Aktiengesellschaft is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of substantially all assets of Textile Chemical Co., Inc. and Textile Realty Co., Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Veba Aktiengesellschaft. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 28, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating

certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission

Carol M. Thomas,

Secretary.

[FR Doc. 81-36228 Filed 12-17-81, 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Marvin L. Warner

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Marvin L. Warner is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Montgomery County Building & Loan Association. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36221 Filed 12-17-81, 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81C-0376]

Dynapol; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Dynapol has filed a petition proposing that the color additive regulations be amended to provide for the safe use of Colomer Red (ethenesulfonic acid, sodium salt, polymer with *N*-ethenylacetamide, hydrolyzed, reaction products with 6-bromo-4-methyl-1-phenyl-3*H*-dibenz [*f, i j*] isoquinoline-2, 7-dione) in or on foods and orally ingested drugs.

FOR FURTHER INFORMATION CONTACT:

Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition (CAP 1C0156) has been filed by Dynapol, 1454 Page Mill Rd., Palo Alto, CA 94304, proposing that the color additive regulations be amended to provide for the safe use of Colomer Red (ethenesulfonic acid, sodium salt, polymer with *N*-ethenylacetamide, hydrolyzed, reaction products with 6-bromo-4-methyl-1-phenyl-3*H*-dibenz [*f, i j*] isoquinoline-2, 7-dione) in or on foods and orally ingested drugs and which is subject to certification.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: December 8, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-35852 Filed 12-17-81, 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81P-0365]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Brooks Foods, Division of Curtice-Burns, Inc., to market test tomato juice prepared from concentrate and preserved by refrigeration. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than March 18, 1982. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Brooks Foods, Division of Curtice-Burns, Inc., Rte 36, P.O. Box 157, Mt. Summit, IN 47361. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145) in that it is prepared from tomato puree that complies with the requirements of § 155.192(a)(1) (21 CFR 155.192(a)(1)) to which water is added and is preserved by refrigeration. The

test product is equivalent to a single-strenght tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato-soluble solids and a salt content of 0.80 percent to 0.94 percent by weight. The permit provides for the temporary marketing of 500,000 cases of twelve 32-ounce (1 quart) cartons of the product to be distributed in the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

The test product is to be packed at the Bowman Dairy in Madison, WI 53701.

The principal display panel of the label states the product's name as "tomato juice from concentate". Each of the ingredients used is stated on the label as required by the applicable section of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.192(a)(1) is declared as "tomato concentrate". The statement "Keep Refrigerated" and a coded expiration date are printed on the label. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than March 18, 1982. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: December 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 81-35853 Filed 12-17-81; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Notice of Meetings

AGENCY: Food And Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

General Hospital and Personal Use Device Section of the General Medical Devices Panel

Date, time, and place. January 11, 8:30 a.m. Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Closed committee deliberations, 8:30 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10:30 a.m.; open committee discussion, 10:30 a.m. to 4:30 p.m.; Robert Gatling, Bureau of Medical Devices (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before December 28, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness data in premarket approval application P810044 for a hypoglycemia symptom warning device.

Closed committee deliberations. The committee will discuss safety and effectiveness data in premarket approval application P810044 for a hypoglycemia symptom warning device. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Circulatory System Devices Panel

Date, time, and place. January 15, 8:30 a.m., Rms. 703-747A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 4 p.m.; Glenn Rahmoeller, Bureau of Medical Devices (HFK-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda-Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before January 5, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Panel will discuss the petition for reclassification of oxygenators submitted by the Health Industry Manufactures' Association. The Panel will also make its recommendations for the classification of: peripheral transluminal angioplasty catheters; cardiopulmonary resuscitation aids; AC fibrillators; and heparin complex coating. The Panel may also review a premarket approval application for a prosthetic implant.

Closed committee deliberations. The committee may discuss a premarket application and other trade secret information relevant to a premarket notification submission. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. January 21 and 22, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, Janmuary 21, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, January 22, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; George C. Murray, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda--Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before January 6, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses or proposed participants, and an indications of the approximate time required to make their comments.

Open committee discussion. On January 21 the committee will discuss premarket approval applications and statistical/epidemiological questions pertaining to intraocular lenses, and may discuss premarket approval applications for other ophthalmic products. If discussion of all pertinent intraocular lens issues is not completed, discussion will be continued the following day. On January 22 the committee may discuss premarket approval applications or general issues (including guideline and matrix revisions) relating to contact lens products.

Closed committee deliberations. On January 21 and 22 the committee will conduct reviews of premarket approval applications for intraocular lenses and discuss confidential data in investigational device exemption applications. These portions of the

meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance withe the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation in certain FDA proceedings including advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80-1854 (4th Cir. November 27, 1981). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: December 11, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-36029 Filed 12-17-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80P-0369/CP]

Tomato Juice Deviating From Identity Standard; Extenson and Amendment of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the amendment and extension of a temporary permit issued to the T. H. Richards Processing Co. to market test tomato juice from concentrate. This action enables the T. H. Richards Processing Co. to imporve the quality of information to be derived from the market test by expanding the areas of distribution.

DATES: This amended permit is effective on December 18, 1981, and shall terminate either on the effective date of an affirmative order ruling on the FDA proposal to amend the identity standard for tomato juice, which was published in the **Federal Register** of May 9, 1978 (43 FR 19864), or 30 days after a negative order ruling on the proposal, whichever the case may be.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A temporary permit was issued to the T. H. Richards Processing Co., under § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of the issuance of the permit was published in the **Federal Register** of March 17, 1981

(46 FR 17144). The permit covers limited interstate marketing tests of tomato juice from concentrate that deviated from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The finished product contains not less than 5.5 percent by weight of tomato soluble solids, which is equivalent to a single-strength tomato juice normally found in the marketplace. The existing permit provides for the temporary marketing of a total of 200,000 cases of twelve 46-ounce containers and 50,000 cases of forty-eight 5½-ounce containers of the product, produced at its plant in Sacramento, CA, to be distributed in the States of Arizona, California, Colorado, Florida, Idaho, New Mexico, New York, Ohio, Oregon, and Washington. The existing permit is effective for 15 months beginning on the date the new food was introduced or cause to be introduced into interstate commerce, but no later than June 15, 1981. However, the permit might terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). The proposed amendment to the standard of identity would, among other things, (1) permit the use of concentrated tomato juice to prepare a single-strength tomato juice product, (2) require the name "tomato juice from concentrate" when concentrated tomato juice is used in the preparation of the canned juice, (3) establish in the identity standard a minimum tomato soluble solids requirement of 5.5 percent, by weight, for the product made from concentrate, and (4) require label declaration of all optional ingredients.

The T. H. Richards Processing Co. has requested that its existing temporary permit be extended and amended by expanding the areas of distribution. The company has requested that its temporary permit be extended for the duration of the administrative proceedings pertaining to the proposal to amend the standard of identity for tomato juice. The company has also requested that its temporary permit be amended to expand the areas of distribution to all States except Alaska and Hawaii.

FDA concludes that it will be in the interest of consumers to extend the time period of the temporary permit to allow market testing of 200,000 cases of twelve 46-ounce containers and 50,000 cases of forty-eight 5½-ounce containers as provided for by the existing permit, of the product per month, in all the States except Alaska and Hawaii. The product is to be packed at the T. H. Richards Processing Co. plants in Sacramento, CA 95811, and Leipsic, OH 45856.

Under § 130.17, all interested persons may participate in the market test under the conditions that apply to the T. H Richards Processing Co., including the labeling requirements and the amounts to be distributed. The designated areas of distribution do not apply to the interested persons. Any interested person who elects to participate in the extended market test shall notify FDA in writing of that fact, the amount to be distributed, and the area of distribution, and shall submit, along with this notification, the labeling under which the food is to be distributed.

This permit extension, as issued to the T. H. Richards Processing Co., and any others who participate in accordance with § 130.17(i), is effective on December 18, 1981, and expires either on the effective date of an affirmative order ruling on the FDA proposal of May 9, 1978, or 30 days after a negative order ruling on the proposal, whichever the case may be.

Dated: December 10, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-36028 Filed 12-17-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0383]

NARCO Air-Shields; Premarket Approval of Jaundice Meter 101

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Jaundice Meter 101 sponsored by NARCO Air-Shields, Hatboro, PA 19040. After reviewing the recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 18, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On March 5, 1981, NARCO Air-Shields, Hatboro, PA 19040, submitted to FDA an application for premarket approval of the Jaundice Meter 101, a diagnostic device used on infants to identify their degree of jaundice and thus to indicate whether a serum bilirubin test is necessary. The application was reviewed by the General Hospital and Personal Use Device Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 20, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be

used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 18, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 81-36115 Filed 12-17-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0121]

International Drug Scheduling; Convention on Psychotropic Substances and Single Convention on Narcotic Drugs

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting interested persons to submit comments concerning proposals by the World Health Organization that the Commission on Narcotic Drugs (CND) of the United Nations: (1) Impose international manufacturing and distribution restrictions, pursuant to international treaty, on certain benzodiazepine drugs (drugs that produce sedative-hypnotic, anti-anxiety, and anti-convulsant effects) and (2) impose no international controls on certain opioid agonist/antagonist drugs (drugs that are used to alleviate pain). The specific treaty under which the control recommendations were made for the benzodiazepines is the Convention on Psychotropic Substances (Psychotropic Convention). The agonist/antagonist drugs were considered under the Psychotropic Convention and the Single Convention on Narcotic Drugs (Single Convention), and no recommendations for control were made under either convention. The United States is a party to both conventions (treaties).

The comments received in response to this notice will be considered in preparing the United States' position on these proposals for a meeting of the CND scheduled to begin on February 2, 1982. The issuance of this notice requesting comments is required by the Controlled Substances Act.

DATE: Comments by January 4, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: This notice is being published to afford interested persons an opportunity to comment on international drug control measures that have been proposed by the World Health Organization (WHO) under the Psychotropic Convention for certain benzodiazepine drugs, listed below. This notice is also being published to afford interested persons an opportunity to comment on the recommendation by WHO that no international controls be imposed under either the Psychotropic Convention or the Single Convention for certain agonist/antagonist drugs, listed below.

Earlier this year the United States was notified that WHO may make recommendations to the CND on whether any changes would be justified in the present scheduling status: (1) under the Psychotropic Convention of the following benzodiazepine drugs: chlordiazepoxide, clonazepam, clorazepate, diazepam, flurazepam, lorazepam, medazepam, nitrazepam, oxazepam, oxazolam prazepam, and temazepam, and (2) under the Psychotropic Convention or Single Convention of the following agonist/antagonist drugs: pentazocine, buprenorphine, butorphanol, cyclazocine, and nalbuphine. Currently, none of these substances is subject to international control under either treaty. The United States was asked to supply WHO with information and data that would aid WHO in making its recommendations to the CND. The CND, of which the United States is a member, will meet in February 1982, to make international scheduling decisions. Under section 201(d)(2)(A) of the Controlled Substances Act (21 U.S.C. 811(d)(2)(A)), FDA, on behalf of the Department of Health and Human Services (DHHS), issued a notice in the Federal Register of April 10, 1981 (46 FR 21447) requesting interested persons to submit relevant comments and data. Comments and information received from the public and from government agencies were subsequently submitted to WHO, as requested. A WHO expert group then met in September 1981, to evaluate the scheduling status of the agonist/antagonist drugs and in November 1981, to evaluate the scheduling status of the benzodiazepines.

DHHS learned on December 14, 1981, that WHO will recommend that the CND control the following benzodiazepine substances in schedule IV of the Psychotropic Convention: Chlordiazepoxide, clonazepam, clorazepate, diazepam, flurazepam, lorazepam, medazepam, nitrazepam, oxazepam, oxazolam, prazepam, and temazepam. The information DHHS received from the Department of State is on file in the Dockets Management Branch, FDA (address above). This information may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Placing these substances in schedule IV of the Psychotropic Convention would require each of the member countries (including the United States) to impose controls regarding licensing, prescriptions, recordkeeping and reporting, and government inspections. Because of existing domestic controls now in force for nine of these benzodiazepine drugs (nine are currently controlled domestically in CSA schedule IV) under the Controlled Substances Act (21 U.S.C. 801 et seq.), the proposed CND action, if adopted, would not obligate the United States to reschedule any of these nine substances domestically. However, the proposed CND action, if adopted, would require additional manufacturer reporting requirements to be issued by the Drug Enforcement Administration under section 307(e) of the Controlled Substances Act (21 U.S.C. 827(e)), as amended by Pub. L. 95-633 (Psychotropic Substances Act of 1978). Also, it should be noted that medazepam, nitrazepam, and oxazolam are not currently marketed nor controlled in the United States. These three substances, if controlled under the Psychotropic Convention, would have to be placed into a schedule under the CSA. Substances that are not legally marketed in the United States but which are controlled under the CSA are normally placed in CSA schedule I even if they are under investigation to establish their medical usefulness.

DHHS has also learned the WHO will recommend that the CND not take any scheduling actions under either the Psychotropic Convention or the Single Convention with respect to the following five agonist/antagonist drugs: (1) Pentazocine (currently controlled CSA IV); (2) buprenorphine (currently controlled in CSA II); (3) butorphanol (currently uncontrolled domestically); (4) cyclazocine (currently uncontrolled

domestically); and (5) nalbuphine (currently uncontrolled domestically). These recommendations will also be considered by the CND at its February 1982 meeting and, if adopted, would not require any domestic scheduling action by the United States. It should be noted that the CND cannot make any permanent scheduling change in the status of a substance under the Single Convention in the absence of a WHO recommendation to control the substance under the Single Convention. No such provision exists, however, in the Psychotropic Convention.

Therefore, as required by section 201(d)(2)(B) of the Controlled Substances Act (21 U.S.C. 811(d)(2)(B)), the Food and Drug Administration, at the direction of the Assistant Secretary for Health, DHHS, invites interested persons to submit comments about these proposed CND actions. The comments received will be considered by FDA on behalf of DHHS in its evaluation of the WHO recommendations. DHHS will then recommend to the Secretary of State the position which the United States should take when voting on the scheduling proposals at the CND meeting in February 1982.

Finally, it should be noted that the United States will also be called upon to vote at the CND meeting on the status of certain exemptions taken by various nations (Chile, Hungary, and Sweden) under the Psychotropic Convention. A **Federal Register** notice on these exemptions was published earlier this (46 FR 21446; April 10, 1981). FDA also intends to consider any comments received on these exemptions in formulating the DHHS recommendations to the Secretary of State on the United States' position on them for the CND meeting.

Interested persons may, on or before January 4, 1982 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Note.—Because the information about WHO's actions did not reach FDA until December 14, 1981, the period for the submission of comments is limited to 15 days so that the United States has adequate time to consider the comments received in reaching a decision on how to vote on these proposals at the upcoming CND meeting scheduled to begin on February 2, 1982.

Dated: December 15, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–36230 Filed 12–16–81; 10:18 am]

BILLING CODE 4160–01–M

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration

Block Grant to States; Delegation of Authority

Notice is hereby given that in furtherance of the delegations by the Secretary of Health and Human Services to the Assistant Secretary for Health on November 23, 1981, of authority under Title XIX of the Public Health Service Act and on November 24, 1981, of authority under Title XVII of the Omnibus Budget Reconciliation Act of 1981, the Assistant Secretary for Health has delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, (1) all the authority delegated to the Assistant Secretary for Health under Part B, (Sect. 1911–1920) of Title XIX of the Public Health Service Act (42 U.S.C. 300x through 42 U.S.C. 300x–9), as amended, concerning the alcohol, drug abuse, and mental health services block grant, and (2) the authority delegated to the Assistant Secretary for Health under Chapter 2, Block Grant Funds, of Subtitle C of Title XVII of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) (31 U.S.C. 1243 note), as amended, insofar as it pertains to Part B of Title XIX of the Public Health Service Act, Alcohol and Drug Abuse and Mental Health Services Block Grant. The Administrator, Alcohol, Drug Abuse, and Mental Health Administration, may redelegate his authority only to officials who report directly to him, except that he may redelegate his authority under Title XVII of the Omnibus Budget Reconciliation Act of 1981 through normal channels to the Regional Health Administrators.

The delegation to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, became effective on December 2, 1981.

Dated: December 2, 1981.

Edward N. Brandt Jr.,

Assistant Secretary for Health.

[FR Doc. 81–36150 Filed 12–17–81; 8:45 am]

BILLING CODE 4160–20–M

Primary Care Block Grants; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of November 23, 1981, by the Secretary of Health and Human Services to the Assistant Secretary for Health of authority under Title XIX of the Public Health Service Act, the Assistant Secretary for Health has delegated to the Administrator, Health Services Administration, with authority to redelegate only to officials who report directly to the Administrator, Health Services Administration, all of the authorities delegated to the Assistant Secretary for Health under Title XIX, Part C, of the Public Health Service Act (42 U.S.C. 300y *et seq.*), as amended, concerning Primary Care Block Grants.

The delegation to the Administrator, Health Services Administration, became effective on December 2, 1981.

Dated: December 2, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81–36151 Filed 12–17–81; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–77819]

Conveyance of Public Land; Sweetwater County, Wyo.

December 9, 1981.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the City of Rock Springs has purchased by noncompetitive sale public land in Sweetwater County, Wyoming, described as:

Sixth Principal Meridian

T. 19 N., R. 105 W.,
Sec. 28, Lot 30.
Containing 20.77 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to the City of Rock Springs.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–36127 Filed 12–17–81; 8:45 am]

BILLING CODE 4310–84–M

Management Framework Plan (MFP) and Rangeland Management Environmental Impact Statement (EIS); Price River Resource Area; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Bureau of Land Management, Moab District intends to prepare a Management Framework Plan (MFP) and Rangeland Management Environmental Impact Statement (EIS) on the Price River Resource Area in central Utah. The area includes the Price River, Wattis, Range Creek and Summerville Planning Units, and encompasses all of Carbon County and portions of Emery, Utah, Duchesne and Uintah Counties.

Land status is as follows:

Land ownership	Acres	Percent
Public Lands (BLM)	1,071,357	63
State	185,949	11
Private	448,837	26
Other [1]	3,536	
Total	1,709,678	100

[1] Reservoir, wildlife refuge, recreation area

The general types of issues which have been identified at this time are: (1) Competitive forage demand between wildlife and livestock, (2) effects of livestock grazing on wildlife habitat, (3) livestock distribution, (4) wildlife reintroductions, (5) grazing-recreation conflicts and (6) grazing-energy development conflicts.

The disciplines to be represented on the interdisciplinary team are: range conservationist, botanist, wildlife biologist, hydrologist, archaeologist, recreation planner and economist.

A public scoping meeting will be held February 3, 1982 from 7 p.m. to 9 p.m. at the Bureau of Land Management Area Office, 900 North 700 East, Price, Utah. The purpose of this meeting is to identify issues and alternatives that will be discussed in the MFP and EIS.

Other public participation activities related to this planning action will include: A request for written comments on the Draft EIS, a public hearing for oral comments on the Draft EIS, a 30 day comment period on the Final EIS and public notification of decisions on the MFP and Rangeland Management Program. The dates, times and locations of these public participation activities will be announced by **Federal Register** Notice of Availability of Draft and Final EIS, by local media release, and by mailings to interested parties.

Leon Berggren, Price River Resource Area Manager, may be contacted for further information at the Price Area Office, 900 North 700 East, Price, Utah 84501 or (801) 637–4584. Documents relevant to the planning and EIS process can be examined at the Price Area Office from 7:45 a.m. to 4:30 p.m., Monday through Friday.

Gene Nodine,

District Manager.

[FR Doc. 81–36128 Filed 12–17–81, 8:45 am]

BILLING CODE 4310–84–M

Richfield District Multiple-Use Advisory Council; Meeting

December 11, 1981.

Notice is hereby given that a meeting of the Richfield District Advisory Council will be held February 2, 1982.

The council will convene at 10:00 a.m. in the conference room of the Richfield District Office at 150 East, 900 North in Richfield.

The agenda for the meeting includes discussion of the following items:

1. Report on Fiscal Year 1982 Annual Work Plan.
2. Status of Henry Mountain Planning effort and coal study.
3. Wilderness study schedule and strategy.
4. Proposed Desert Land Entries on the West Desert.
5. Changes in hydro-carbon lease program.
6. Status of Paiute reservation proposals.
7. Impacts of IPP to public lands.
8. Update on State of Utah Project BOLD.
9. Effects of BLM right-of-way policy on rural electric cooperatives.

The meeting is open to the public. Interested persons may present oral statements to the council on February 2, 1982 or file a written statement for the council's consideration.

Persons who wish to make oral statements should notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701, or telephone (801) 896–8221. by February 1, 1982.

Summary minutes of the council will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Donald L. Pendleton,

District Manager.

[FR Doc. 81–36125 Filed 12–17–81; 8:45 am]

BILLING CODE 4310–84–M

Vale District Grazing Advisory Board; Meeting

December 7, 1981.

Notice is hereby given in accordance with Pub. L. 92–463 that meetings of the Vale District Grazing Advisory Board will be held January 5 and 6, 1982.

The meetings will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office at 365 "A" Street West, Vale, Oregon 97918.

The order of discussion of agenda items for the January 5 and 6 meetings will be (1) Allotment management plans for the Ironside EIS area, (2) Range maintenance policy, and (3) Livestock shifts.

The meetings are open to the public. Interested persons may make oral statements to the Council or may file written statements for the Council's consideration. Anyone wishing to make oral statements may do so at 1:30 p.m. on either day, but must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by January 5, 1982.

Summary minutes of the Council meetings will be maintained in the District office and be available during regular business hours for public inspection, for the cost of duplication, within 30 days following the meeting.

Fearl M. Parker,

District Manager.

[FR Doc. 81–36124 Filed 12–17–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to coform to the Commission's policy of simplifying grants of operating authority.

Finding:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326

Volume No. OPI–320

Decided: December 9, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (Member Parker participating in part.)

MC 340 (Sub-61), filed November 27, 1981. Applicant: QUERNER TRUCK LINES, INC. 1131–33 Austin Street, San Antonio, TX 78208. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102 (817) 335–2505. Transporting *food and related products*, between points in the U.S.

MC 60430 (Sub-38), filed November 27, 1981. Applicant: FRIEDMAN'S EXPRESS INC., P.O. Box 480, Wilkes-Barre, PA 18773 Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005; (202) 783–7900. Transporting *general commodities* (except used household goods and classes A and B explosives), between points in DE, MD, NJ, NY, PA, CT, MA and RI.

MC 61440 (Sub-217), filed November 25, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116 Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157; (405) 840–7579. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), serving points in Atlantic County, NJ, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 105120 (Sub-24), filed November 30, 1981. Applicant: FREIGHTWAYS EXPRESS, INC., 222 E. Mallory Ave., Memphis, TN 38109. Representative: James N. Clay, III (same address as applicant) (901) 774–9992. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Mississippi, Poinsett, and Woodruff Counties, AR, Neshoba County, MS, Lauderdale, Greene, and Macon Counties, TN, Whitley and Boyle Counties, KY, Cuyahoga County, OH, Rutherford County, NC, and Box Elder and Utah Counties, UT, on the one hand, and, on the other, points in the U.S.

MC 108340 (Sub-40), filed November 30, 1981. Applicant: HANEY TRUCK LINE, a corporation, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210; (503) 226–3755. Over regular routes,transporting *general commodities* (except classes A and B explosives and household goods), between Forest Grove and Timber, OR, (a) from Forest Grove over OR Hwy 8 to junction OR Hwy 6, then over OR Hwy 6 to junction Timber Road, then over Timber Road to Timber, and return over the same route, and (b) from Forest Grove over OR Hwy 47 to junction U.S. Hwy 26, then over U.S. Hwy 26 to junction Timber Road, then over Timber Road to Timber, and return over the same routes, serving all intermediate points in connection with routes (a) and (b) above.

MC 113531 (Sub-3), filed November 20, 1981. Applicant: B & M SERVICE, INC., Box 888, Rangley, CO 81648. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203; (301) 861–4273. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between those points in the U.S. in and west of ND, SD, NE, KS, OK and TX. (Including AK but excluding HI).

MC 121470 (Sub-89), filed November 25, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant) (615) 244–7417. Transporting *metal products*, between points in St. Clair County, AL, on the one hand, and, on the other, points in the U.S., (except AK and HI).

MC 121811 (Sub-8), filed November 30, 1981. Applicant: McCLELLAN'S ENTERPRISES, INC., P.O. Box 1327, Tifton, GA 31794. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237; (404) 477–1525. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of irrigation equipment and water treatment systems, between points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA and WV, and (2) *pipe*, between points in AL, FL, GA, IL, IN, KY, LA, MS, NC, NJ, OH, PA, SC, TN, VA and WV.

MC 141950 (Sub-3), filed November 30, 1981. Applicant: IOWA MINNESOTA EXPRESS LTD., Box 1251, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309; (515) 245–4300. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company of Chicago, IL.

MC 145330 (Sub-2), filed November 30, 1981. Applicant: GILMER ALLISON, d.b.a. ALLISON TRUCKING, Route 3, Box 123 A, Lawndale, NC 28090. Representative: W. G. Reese III, P.O. Box 7000–438, Redondo Beach, CA 90277; (213) 538–3622. Transporting *food and related products*, between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 146041 (Sub-11), filed November 20, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, D.C. 20005; (202) 347–9332. Transporting *plastic articles*, between

points in DE, on the one hand, and, on the other, points in the U.S.

MC 146360 (Sub-30), filed November 30, 1981. Applicant: GREAT WEST TRANSPORTATION, INC., 110 N. Curtis Road, Boise, ID 83706. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701; (208) 336–5955. Transporting *food and related products,* between the facilities utilized by (a) Chef-Pierre, Inc., (b) Ore-Ida Foods, Inc., (c) Albertson's, Inc., and (d) Idaho Frozen Foods Corporation in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148390 (Sub-8), filed November 30, 1981. Applicant: TRIWAYS, INC., 12302 Wardman Ave., Whittier, CA 90602. Representative: William Davidson, 5501 Pacific Blvd., Suite 200, Huntington Park, CA 90255; (213) 589–6073. Transporting *malt liquors,* between points in the U.S., under continuing contract(s) with General Brewing Company, of Vancouver, WA.

MC 150131, filed November 24, 1981. Applicant: RUSSELL VERNON ROWE AND BRUCE EDWARD ROWE, d.b.a. GRASS VALLEY TRANSFER, 123 Bank St., Grass Valley, CA 95945. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701; (702) 882–5649. Transporting *general commodities* (except classes A and B explosives), between points in Sacramento, Nevada, El Dorado, Yuba, Placer, and Sierra Counties, CA.

MC 152001 (Sub-4), filed November 25, 1981. Applicant: HALL'S SPECIALTIES, INC., R.R. No. 1, Laotto, IN 46763. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market St., Indianapolis, IN 46204; (317) 634–8313. Transporting *petroleum, natural gas and their products,* between points in Allen County, IN, on the one hand, and, on the other, points in IL, KY, MI, OH, and PA.

MC 152361, filed November 30, 1981. Applicant: SHANNON MOTOR LINES, INC., 7517 Pivot Street, Downey, CA 90421. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ABC-Trans National Transport, Inc. and Acme Fast Freight, Inc., both of Los Angeles, CA.

MC 153751 (Sub-1), filed November 24, 1981. Applicant: LITTLE SHIRLEY'S TRANSPORTATION, INC., 2821 9th St., N.E., Puyallup, WA 98371. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055; (206) 235–1111. Transporting *clay, concrete, glass or stone products, and metal products,* between points in the U.S., under continuing contract(s) with (1) Lone Star Industries, Inc., of Seattle, WA, and (2) Utility Vault Co., Div. of Concrete Conduit, Inc., of Auburn, WA.

MC 156581 (Sub-1), filed November 27, 1981. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage Street, Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062; (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Abbott Laboratories, of Chicago, IL.

MC 158441, filed November 30, 1981. Applicant: BOBBY FRYAR TRUCKING, 418 S. Seminole Drive, Chattanooga, TN 37411. Representative: Bobby Fryar (same address as applicant) (615) 867–9160. Transporting *sand, gravel and aggregate,* between points in the U.S., under continuing contract(s) with Dixie Sand & Gravel Co., of Chattanooga, TN.

MC 159291, filed November 16, 1981. Applicant: WRIGHT-WAY EXRESS, LTD., 616 3rd St., N.E., Independence, IA 50644. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309; (515) 243–6164. Transporting *cereal products and oat flour,* between points in Linn County, IA, on the one hand, and, on the other, points in the U.S.

MC 159400, filed November 24, 1981. Applicant: AMERICAN PATRIOT LINES, INC., 621 Robert, St. Louis, MO 63135. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102; (314) 421–0845. Transporting *such commodities* as are dealt in by chain grocery stores and food business houses between points in the U.S. under continuing contract(s) with Lever Brothers Company, of New York, NY.

MC 159451, filed November 27, 1981. Applicant: GOLDEN WEST EXPRESS, INC., 4902 South 61st St., Omaha, NE 68117. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901; (608) 742–3579. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 159460, filed November 27, 1981. Applicant: AZAR NUT COMPANY, INC.,6975 Commerce, El Paso, TX 79915. Representative: Alan Mundell (same address as applicant) (915) 779–1212. Transporting (1) *food and related products, (2) textile mill products and wearing apparel, (3) transportation equipment, (4) machinery, and (5) floor coverings,* between points in the U.S., under continuing contrat(s) with Azar Western Pecan Growers, Inc., of El Paso, TX in (1) above; Voila Sportswear, Inc. and Don Shapiro Industries, Inc., Both of El Paso, TX in (2) above; Clarklift of El Paso, Inc., of El Paso, TX in (3) above; Las Cruces Ford Tractor and Equipment, Inc., of Las Cruces, NM in (4) above; and The Carpet Pile, of EL Paso, TX in (5) above.

MC 159471, filed November 25, 1981. Applicant: LEISURE LINES, INC., 6322 Reseda Blvd., Suite 231, Reseda, CA 91335. Representative: Doug Bell (same address as applicant) (213) 708–3191. Transporting *passengers and their baggage,* in the same vehicle, in charter and special operations, beginning and ending at points in Los Angeles County, CA, and extending to points in AZ, NV and CO.

MC 159490, filed November 30, 1981. Applicant: JOHN E. McSPARRIN, d.b.a. JOHN E. McSPARRIN TRUCKING, P.O.Box 33, R.D. #3, New Bethlehem, PA 16242. Representative: Vincent P. Szeligo, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *containers, container closures, container components,glassware, packaging products, and scrap materials,* between points in the U.S., under continuing contract(s) with Owens-Illinois, Inc., Closure Division, of Toledo, OH.

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Decided: December 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1934 (Sub–47), filed December 1, 1981. Applicant: THE ARROW LINE, INC., 105 Cherry St., East Hartford, CT 06108. Representative: David M. Marshall, 101 State St. Springfield, MA 01103; (413) 732–1136. Transporting *passengers and their baggage,* in special operations, between points in Hartford, Tolland, New Haven and Fairfield Counties, CT, on the one hand, and on the other, Atlantic City, NJ.

MC 35354 (Sub–1), filed November 30, 1981. Applicant: A. WALECKA & SON, INC., 231 Hemlock St., New Bedford, MA 02740. Representative: James E. Lyons, 41 Arlington St., Brockton, MA 02401; (617) 588–5924. Transporting *household goods,* between points in MA, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, ME, MD, NH, NJ, NC, NY, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 140484 (Sub–103), filed December 2, 1981. Applicant: LESTER COGGINS

TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant) (813) 334–4517. Transporting *food and related products,* between points in Allegheny County, PA, Lucas and Sandusky Counties, OH, on the one hand; and, on the other, points AL, CA, FL, GA, KY, NC, SC, TN, and TX.

MC 141245 (Sub-19), filed November 24, 1981. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Dr., Burlington, VT 05401. Representative: Brian L. Troiano, 918 16th St., N.W., Washington, D.C. 20006, (202) 785–3700. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in VT, on the one hand, and, on the other, points in CT, ME, MD, MA, NH, NJ, NY, PA and RI, (2) *food and related products,* (a) between points in NY and NJ, on the one hand, and, on the other, points in CT, ME, MA, NH and RI and (b) between points in VT, on the one hand, and, on the other, points in Allen County, RI, Forsyth County, NC, and Shelby County, TN, and points in IL and WI, and (3) *chemicals and related products,* between points in NY, on the one hand, and, on the other, points in NH.

MC 148515 (Sub-4), filed November 25, 1981. Applicant: PORT CITY TRUCKING, INC., 101 Karen St., Greenville, MS 38701. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701; (601) 335–3576. Transporting *general commodities* (except classes A and B explosives and household goods), between the facilities of Uncle Ben's, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152444 (Sub-5), filed November 25, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy 36 and 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *machinery,* between East Moline, Rock Island, and Canton, IL, and Memphis, TN, on the one hand, and, on the other, points in MO and KS.

MC 153194 (Sub-2), filed November 24, 1981. Applicant: BETTER-BRITE TRUCKING, INC., 519 Lande St., De Pere, WI 54115. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956; (414) 722–2848. Transporting (1) *pulp, paper and related products, printed matter,* and *rubber and plastic products,* between Phillips, and Shawano, WI, and points in Brown, Lincoln, Marathon, Marinette, Oneida, Outagamie, Portage, and Winnebago Counties, WI, on the one hand, and on the other, points in the U.S. (except AK and HI), (2) *metal products,* between points in Outagamie County, WI, on the one hand, and, on the other, Atlanta, GA, Houston, TX, and points in Vigo County, IN, and Sumner County, TN, (3) *printed matter* and *metal products,* between points in Brown County, WI, on the one hand, and, on the other, points in the U.S (except AK and HI), and (4) *machinery,* between points in Brown County, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, OH, and PA.

MC 153975 (Sub-2), filed November 25, 1981. Applicant: A E C, LTD., 2001 Conowingo Rd., Bel Air, MD 21014. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; (703) 522–0900. Transporting *passengers and their baggage,* in charter and special operations, between points in MD, VA, DE, PA, NY, NJ and DC, on the one hand, and, on the other, points in LA and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 154514, filed November 30, 1981. Applicant: RENE J. ROGER d.b.a. C.W. MILLER CO., 1 Hodsell St., Cranston, RI 02114. Representative: Charles R. Reilly, 391 Davisville Rd., North Kingstown, RI 02852; (401) 884–0969. Transporting *hazardous waste,* between points in RI and points in Norfolk County, MA.

MC 157114, filed November 27, 1981. Applicant: R. H. A. TRUCKING, INC., R. R. No. 2, Napoleon, OH 43545. Representative: Robert Arps (same address as applicant) (419) 267–5208. Transporting *animal feed* and *feed ingredients,* between points in the U.S. (except AK and HI), under continuing contract(s) with Hudson Mills, of Okolona, OH.

MC 157424, filed November 24, 1981. Applicant: KOPELAND DAVIS, M. L. DAVIS, and ALBERT GREEN, d.b.a. DAVIS BROTHERS CONTRACTORS, Route 1, Box 66, Subuta, MS 39360. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309; (515) 244–2329. Transporting *oil field machinery and equipment,* between points in AL, FL, LA, MS, and TX.

MC 157765, filed December 2, 1981. Applicant: EDWARD C. SMITH, d.b.a. PATHFINDER COACH LINE, 10 Chestnut St., Cooperstown, NY 13326. Representative: Edward C. Smith (same address as applicant) (607) 547–5726. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Otsego, Chenango and Delaware Counties, NY, and extending to points in the U.S. (except AK and HI).

MC 159445, filed December 2, 1981. Applicant: V. W. CRAVEN PRODUCE, INC., P.O. Box 673, Gonzales, TX, 78629 Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768–2207; (512) 476–6391. Transporting *food and related products,* between points in Lavaca County, TX, on the one hand, and, on the other, points in Los Angeles, Orange, Ventura and Riverside Counties, CA.

MC 159524, filed December 2, 1981. Applicant: T. G. SWARB, d.b.a. SWARB TRUCKING COMPANY, 10409 O'Donnell Drive, Houston, TX 77076 Representative: T. G. Swarb (same address as applicant) (713) 695–7483. Transporting (1) *iron and steel articles,* (2) *pipeline valves and flanges,* and (3) *such commodities* as are dealt in or used by manufacturers and distributors of metal building components, between points in the U.S. (except AK and HI).

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Decided: December 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153064 (Sub-1), filed December 2, 1981. Applicant: HAAS CARRIAGE, INC., 625 W. Utica St., Sellersburg, IN 47172. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240; (317) 846–6655. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *pulp, paper and related products,* between points in Washington County, WI, on the one hand, and, on the other, points in MN, IA, MO, IL, IN, OH, MI, WV, PA, TN and KY, (3) *furniture and fixtures,* between points in Clark County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI), (4) *swimming pools and swimming pool equipment,* between points in Albany County, NY, on the one hand, and, on the other, points in VA, WV, OH, KY, IN, TN, IL, SC and NC, and (5) *plastic products,* between points in Barnstable and Plymouth Counties, MA and Fresno County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159514, filed November 30, 1981. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 2897, Morgan City, LA 70381. Representative: C. W. Ferebee,

14614 Falling Creek, Suite 124, Houston, TX 77068; (713) 537–8156. Transporting (1) *Mercer commodities* and (2) *earth-drilling commodities,* between points in AL, GA, LA, MS, OK and TX.

MC 159495, filed November 30, 1981. Applicant: MIKE HAMBLEN & SONS, INC., P.O. Box 643, Kings Park, NY 11754–0643. Representative: Thomas M. Hamblen (same address as applicant); (516) 269–3946. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Andrew Carlson & Sons, Inc., of Kings Park, NY, P.T.L. Air Freight, of Valley Stream, NY, Pendke GM Power of Ronkonkomo, NY, Witham Enterprises, Inc. of Commack, NY and Sid Harvey Supply, Inc. of Garden City, NY.

Volume No. OPY–3–230

Decided: December 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 34564 (Sub-28), filed November 30, 1981. Applicant: A.J.D. TRANSPORT INC., White Oak Rd., Gilmanton Iron Works, NH 03837. Representative: Adolph J. Daroska, 50 Concord Hill, Pittsfield, NH 03263; (603) 435–8002. Transporting *agricultural limestone,* between New Hamburg, NY and Dutchess, Putnam and Westchester Counties, NY and points in ME, NH, VT, MA, CT and RI.

MC 99535 (Sub-5), filed December 4, 1981. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant St., Somerville, MA 02145. Representative: Robert L. Cope, 1730 M St., N.W., Suite 501, Washington, DC 20036; (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Cyanamid Company, and its divisions and subsidiaries, of Wayne, NJ.

MC 111375 (Sub-128), filed December 4, 1981. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603; (312) 263–1600. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY.

MC 127625 (Sub-42), filed December 3, 1981. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601; (703) 662–0927. Transporting *metal and metal products,* between those points in the United States in and east of MN, IA, MO, AR, and LA.

MC 147185, filed December 4, 1981. Applicant: STEVE FARRAR, P.O. Box 31, Waynesboro, MS 39367. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701; (601) 335–3576. Transporting (1) *oil field equipment* and (2) *pipe,* between points in AL, AR, FL, LA, and MS.

MC 150365, (Sub-2), filed December 4, 1981. Applicant: UNITED LIMO, INC., 12495 McKinley Hwy., Mishawaka, IN 46544. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204; (317) 635–2339. Transporting *passengers and their baggage,* between points in St. Joseph County, IN, on the one hand, and, on the other, points in Berrien County, MI.

MC 150815, filed December 7, 1981. Applicant: JACK FREW AND SON TRUCKING, INC., 651 E. Egan Rd., Egan, IL 61026. Representative: John W. Frew Jr. (same address as applicant) (815) 247–8862. Transporting (1) *hydraulic pumps and pump components,* between points in the U.S. (except AK and HI), under continuing contract(s) with Fenner Stone, Inc., of Rockford, IL, and (2) *printed material,* between points in the U.S. (except AK and HI), under continuing contract(s) with Tan Books and Publishers, Inc., of Rockford, IL.

MC 151264, (Sub-1), filed December 3, 1981. Applicant: CHESAPEAKE & NORTHERN TRANSPORTATION CORP., 5604 Capelle Road, Portsmouth, VA 23703. Representative: James C. Riffe (same address as applicant) (804) 483–3672. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in WV, and extending to points in the U.S.

MC 151384, (Sub-3), filed November 30, 1981. Applicant: G & J TRUCKING, INC., P.O. Box 4201, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601; (501) 741–3501. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151634, (Sub-4), filed December 4, 1981. Applicant: GOLDEN COACH, A.C., INC., Boston At Pacific, P.O. Box 1737, Atlantic City, NJ 08404. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022; (212) 838–0600. Over regular routes, transporting *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between Bronx, NY and Atlantic City, NJ: from Bronx, NY over Interstate Hwy 95 via George Washington Bridge to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction New Jersey Turnpike, then over New Jersey Turnpike to junction Garden State Parkway, then over Garden State Parkway to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, NJ, and return over the same route, serving no intermediate points.

MC 152235 (Sub-1), filed December 4, 1981. Applicant: PFI TRANSPORT, INC., 1218 Lime St., Fremont, OH 43420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215; (614) 464–4103. Transporting *general commodities* (except classes A and B explosives and household goods), between Atlanta, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157284, (Sub-1) filed December 4, 1981. Applicant: PACIFIC CARRIERS, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303; (415) 856–0400. Transporting (1) *food and related products,* (2) *chemicals* and (3) *plastics,* between points in the U.S. (except AK and HI), under continuing contract(s) with Borden, Inc. of Columbus, OH.

MC 158394 (Sub-1), filed December 4, 1981. Applicant: SUNRUNNER TRANSPORTATION, INC., 2943 E. Weiding Rd., Tucson, AZ 85706. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180; (703) 442–8330. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, on the one hand, and, on the other, points in CA.

MC 158765, filed December 4, 1981. Applicant: M.A.C. TRUCKING, INC., P.O. Box 275, King George, VA 22485. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235; (804) 745–0446. Transporting *meats, meat products, meat by-products, and articles* dealt in by meat packing houses, between points in the U.S. (except AK and HI), under continuing contract(s) with White Packing Company, Inc., of North Bergen, NJ.

MC 158854, filed December 4, 1981. Applicant: LOREN YODER and LAMONTE YODER, d.b.a. YODER

BROTHERS TRUCKING, R.R. 2, Box 246A, Warsaw, MO 63555. Representative: Loren Yoder (same address as applicant) (816) 438–7412. Transporting (1) *ores and minerals,* between points in Montgomery County, KS, on the one hand, and, on the other, points in AR, MO, and OK and (2) *sand and gravel,* in bulk, in dump vehicles, between points in AR, IL, IA, KS, MO and OK.

MC 159044, filed December 4, 1981. Applicant: MIDLAND EXPRESS, INC., 2428 Coolidge, Wichita, KS 67204. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213; (316) 943–2325. Transporting *aircraft parts,* between the facilities of The Boeing Company and Boeing Military Airplane Company, at Wichita, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159544, filed December 3, 1981. Applicant: LADNER TRANSFER (1980) LTD., 2620 Viscount Way, Richmond, B.C., Canada V6V 1N1. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 89055; (206) 228–3807. In foreign commerce only, transporting *general commodities* (except classes A and B explosives, and household goods), between ports of entry on the international boundary line between the United States and Canada, at WA, and points in San Francisco, CA, WA, and OR.

MC 159554, filed December 3, 1981. Applicant: WALTER J. BEDNAREK d.b.a. W.J.B. TRANSPORT, 203 Inman Ave., Avenel, NJ 07001. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 435–7140. Transporting *petroleum and petroleum products,* between points in NJ, NY, PA, DE, MD, CT, MA, RI, NH and VT.

MC 159564, filed December 4, 1981. Applicant: LEO CONZEMUIS, d.b.a. CONZEMUIS TRUCK LINE, 13335 Lock Blvd., Hastings, MN 55033. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118; (612)457–6889. Transporting *firebrick* and *refractory materials and supplies* used in the installation or repair of boilers and heat treating systems, between points in the U.S. (except AK and HI), under continuing contract(s) with Firebrick Supply Co., and Gagnon Construction Co., both of St. Paul, MN.

MC 159584, filed December 7, 1981. Applicant: UNITED MOVING AND STORAGE, INC. OF DAYTON, 1728 Troy St., Dayton, OH 45404. Representative: Richard D. Mathias, 1100 Connecticut Ave., N.W., Washington, DC 20036; (202) 452–5886. Transporting *household goods,* (a) between points in IN, KY, MI, and OH, and (b) between points in OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IA, KS, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 157705, filed August 14, 1981, previously noticed in the Federal Register on September 3, 1981. Applicant: ELDEN REUTER TRUCKING, INC., Route 3, Box 254, Centralia, IL 62801. Representative: Delmar O. Koebel, 109 West St. Louis St., P.O. Box 70, Lebanon, IL 62254; (618) 537–4468. Transporting (1) *farm equipment and parts,* (2) *tires,* and (3) *household appliances,* between St. Louis, MO, on the one hand, and, on the other, points in Marion, Washington, and Clinton Counties, IL, and Jamesway, WI.

Note.—This republication corrects the territorial description.

Volume No. OPY–5–222

Decided: December 9, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 50069, (Sub-569), filed December 1, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114; (216) 566–5639. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Witco Chemical Corporation, of New York, N.Y.

MC 124069 (Sub-18), filed December 1, 1981. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, NY 14218. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202; (716) 853–0200. Transporting *clay, concrete, glass or stone products,* between points in Monroe and Oneida Counties, NY, on the one hand, and, on the other, points in MI and OH.

MC 124406 (Sub-24), filed December 1, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126; (701) 235–4487. Transporting *chemicals and related products,* between points in ND, SD, MN, IA, and NE.

MC 141898 (Sub-4), filed November 20, 1981. Applicant: ROBERTS EXPRESS, INC., P.O. Box 7162, Akron, OH 44306. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212; (614) 481–8821. Transporting *general commodities* (except classes A and B explosives), moving in express service, between points in OH and MI, on the one hand, and, on the other, points in CT, DE, GA, IN, IL, KY, MD, MA, MI, NJ, NY, NC, OH, OK, PA, SC, TN, VA, WV, and WI.

MC 145748 (Sub-4), filed November 30, 1981. Applicant: MEYERS TRANSPORT, INC., RT. 64, East, Mt. Morris, IL 60154. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603; (312) 236–0548. Transporting *machinery* and *machine parts,* between points in the U.S., under continuing contract(s) with Swenson Spreader, of Lindenwood, IL.

MC 147169 (Sub-5), filed November 30, 1981. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219; (615) 244–8100. Transporting (1) *clay, concrete, glass or stone products,* and (2) *machinery,* between those points in the U.S., in and east of MN, IA, MO, OK, and TX.

MC 148018 (Sub-9), filed December 2, 1981. Applicant: JAMES S. BATT, d.b.a BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 83702; 208–344–7714. Transporting *food and related products,* between points in St. Louis County, MN; Jackson County, OH; and DeKalb County, GA, on the one hand, and, on the other, points in the U.S.

MC 150339 (Sub-42), filed November 30, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant) (301) 673–7151. Transporting (1) *metal products* and (2) *electrical products and supplies,* between points in the U.S., under continuing contract(s) with Revere Copper & Brass, of Rome, NY.

MC 151348 (Sub-4), filed December 1, 1981. Applicant: J. D. TRANSPORTS, INC., P.O. Box 179, Memphis, TN 38103. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38104–0140; (901) 527–2482. Transporting (1) *metal products,* (2) *machinery,* (3) *rubber and plastic products,* and (4) *pulp, paper and related products,* between points in Tipton and Shelby Countries, TN, on the one hand, and, on the other, points in Cook County, IL.

MC 152729 (Sub-1), filed November 30, 1981. Applicant: CATARACT INDUSTRIAL WAREHOUSING, INC., 4626 Royal Avenue, Niagara Falls, NY 14303. Representative: Michael A. Wargula, 128 Sherburn Drive, Hamburg,

NY 14075; (716) 648–4765. Transporting (1) *rubber and plastic product*, between points in the U.S., under continuing contract(s) with Fleet Tire, Inc., and Motor Tire, Inc., both of Buffalo, NY, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Castle Products, Inc., of Williamsville, NY.

MC 153799 filed December 2, 1981. Applicant: EASON & SMITH ENTERPRISES, INC., 1204 Southeast 29th St., P.O. Box 15463, Oklahoma City, OK 73155. Representative: Billy A. Gaines, 2811 South Robinson, P.O. Box 25186, Oklahoma City, OK 73125; 405–232–7952. Transporting *hazardous chemical waste*, between points in the U.S. under continuing contract(s) with OC–ALC, Tinker AFB, OK.

MC 154219 (Sub-1), filed December 2, 1981. Applicant: BARRY KING, P.O. Box 238, Castor, LA 71016. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Forth Worth, TX 76112; 817–457–0804. Transporting *lumber and wood products*, between points in AR, LA, MS, OK and TX.

MC 158429 (Sub-1), filed December 2, 1981. Applicant: ARTHUR, PETER, PHILLIP, and HANSEL MULDER d.b.a. ART MULDER AND SONS, A4406 M–40 South, Holland, MI 49423. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910; 517–394–4222. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Dog-Life Corporation of Hamilton, MI; Bil-Mar Foods, Inc. of Zeeland, MI; and Lloyd J. Harris Pie Company, of Saugatuk, MI.

MC 158458 filed December 2, 1981. Applicant: STANLEY LAVANDER d.b.a. LAVANDER TRUCKING, 211 E. Kirchoff Rd., Palatine, IL 60067. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016; 312–298–1094. Transporting *metal products*, and *machinery*, between point in the U.S. (except AK and HI) under continuing contract(s) with Indeck Power Equipment Company, of Wheeling, IL.

MC 159459 filed November 27, 1981. Applicant: JEFFERSON CHARTERS AND TOURS, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Harrisonville, MO 64701; (816) 884–3238. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S. (including AK but excluding HI), under continuing contract(s) with Jefferson Tours and Travel, a division of MTS Company, of Minneapolis, MN.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36133 Filed 12–17–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–321

Decided: December 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating in part.)

MC 159461, filed November 27, 1981. Applicant: LEE K. CULBERTSON, 43 Coral Key Drive, Ocoee, FL 32761. Representative: Lee K. Culbertson, P.O. Box 10042, Norfolk, VA 23513; (804) 420–9467. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–225

Decided: December 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159364 (Sub-1), filed December 1, 1981. Applicant: BENTON TRANSPORTATION, INC., 905 S. Cuyler, Oak Park, IL 60304. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60603; (312) 263–2397. Transporting (1) for or on behalf of the United States

Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceed 100 pounds, and (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159504, filed November 30, 1981. Applicant: GEORGE DAVID BUHLER, 208 Bank St., Union Beach, NJ 07735. Representative: George David Buhler (same address as applicant) (201) 264–6861. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159515, filed December 1, 1981. Applicant: MATTHEW MOVING COMPANY, INC., 14225 Comus Rd., Clarksburg, MD 20734. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740; (301) 797–6060. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPY–3–227

Decided: December 10, 1981:

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159525, filed December 2, 1981. Applicant: WILLIAM R. LODEWYCK, 337 North Lake Dr., Plainfield, IL 60544. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603; (312) 782–8860. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–231

Decided: December 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 141364 (Sub-7), filed December 7, 1981. Applicant: AFFILIATED VAN LINES, INC., 2121 Washington St., P.O. Box 209, Lawton, OK 73501. Representative: Charles J. Kimball, 665 1600 Sherman St., Denver, CO 80203; (303) 839–5856. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions and (2) transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service, on behalf of the Department of Defense, between points in the U.S.

MC 152544 (Sub-10), filed December 8, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 E. Admas St., Jacksonville, FL 32202. Representative: Sol H. Procter, 1101 Blackstone Bldg., Jacksonville, FL 32202; (904) 632–2300. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152914 (Sub-2), filed December 7, 1981. Applicant: STATEWAY TRUCKING, INC., 2025 S. Morgan St., Chicago, IL 60608. Representative: M. Margolis (same address as applicant) (312) 226–4100. Transporting *general commodities* (except classes A and B explosives and household goods), between Elsinore, Alberhill, Arcilla and Weisel, CA, Pomeroy, WA, Good Roads, Stendell, Dixie, Gilliam, Belcher and Hooston, LA, Horris, Croghan, Waters and Supreme, SC, Oak City, Hassell and Hobgood, NC, Rosedale, Beulah, Lobdell, Benoit, Lake Vista, Scott, Lamont, Winterville, Columbia, Walton Spur, Goss, Hathorn, Oakvale, Arm, Silver Creek, Russum, Lorman, Harriston, McNair, Hamburg, White Apple, Franklin, Knoxville, Rosetta and Fayette, MS, Wayland, Kahoha, Granger, Arbela, Memphis, Downing and Lancaster, MO, Centerville , Toledo, Garwin, Curlew, Ayshire, Langdon, Terril, Badger, Westgate, Sumner, Fredricksburg, Alta Vista, Elma, Riceville and McIntyre, IA, Elkton, Sargeant, Waltham, Hayfield, West Concord, Nerstrand, Dennison and Dundas, MN, Nelson, Nemeha and Shubert, NE, Benton, Hardin, Dexter, Chiles, Oak Ridge, Philpot, Whitesville, Deanefield, Masonville, Thompsonville, and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Gibbs, Terrell, Ralston, Lexington, Luray and Beech Bluff, TN, Glenridge, Fairman, Patoka, Vernon, Shobonier, Vera, Hanson, Oconce, Dunkel, Havoline, Dales, Broughton, Equality and Junction, IL, Merrillville, Hamilton, Ashley, Hudson, Helmer, South Milford, Wolcottville, Topeka, Stony Creek, Benton, and Foraker, IN, Pergo and Edon, OH, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 159604, filed December 7, 1981. Applicant: ADAMS & LARSEN, 1620 West Pacific Coast Highway, Long Beach, CA 90810. Representative: Daniel R. Rhodes, 1616 West Pacific Coast Highway, Long Beach, CA 90810; (213) 432–1358. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–223

Decided: December 9, 1981

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 159488, filed November 30, 1981. Applicant: LDM TRANSPORT, 1847 Nora, Coeur D'Alene, ID 83814. Representative: Larry D. Morris (same address as applicant) (208) 664–8778. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159509, filed November 30, 1981. Applicant: HOWARD H. NUNN, JR. and BETTY JO NUNN, 2511 Estrella Avenue, Loveland, CO 80537. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924; (408) 625–2031 Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36132 Filed 12–17–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b). (1) Parent Corporation and address of principal office: CONTINENTAL COPPER & STEEL INDUSTRIES, INC., 12 Commerce Drive, Cranford, New Jersey 07016. (2) Wholly-owned subsidiaries which will participate in the operation, and State(s) of Incorporation: (i) Hatfield Wire and Cable Division, 12 Commerce Drive, Cranford, New Jersey 07016; (ii) CCS Cable Division, 5706 West Buckeye Road, Phoenix, Arizona 85063; (iii) Hanover Wire Cloth Division, East

Middle Street, Hanover, Pa. 17331; (iv) Braeburn Alloy Steel Division, Lower Burrell, Pa. 15068. All of the above are Divisions and are not incorporated. (1) Parent Corporation and address: DOMTAR INC., 6789 Airport Rd., Malton, Ontario L4V 1N2. (2) Wholly-owned Subsidiaries which will participate in the operations: Brompton Lands Limited, 395 de Maisonneuve Blvd. West, Montreal, Quebec—Canada; Chasco Equipment Limited, 395 de Maisonneuve Blvd. West, Montreal, Quebec—Canada; Domtar Antilles Limited, Duke Corporation, 22–24 Duke Street, Kingston, Jamaica; Domtar Energy Inc.-Société d'Energie Domtar Inc., 1500 Home Oil Tower, Toronto Dominion Square, Calgary, Alberta T2P 2Z2—Canada; Domtar Pacific Pty. Limited, Level 46, MLC Centre,19–29 Martin Place, Sydney, N.S.W., Australia 2000; Domtar Resources Inc.-Ressources Domtar Inc., 1500 Home Oil Tower, Toronto Dominion Square, Calgary, Alberta T2P 2Z2—Canada; Erie Paper Fibres, Inc., 100 West Tenth Street, Wilmington, Delaware 19899, (County of Newcastle) U.S.A.; Pacos Carrier Inc., 80 Broad Street, County of Montserrado, Monrovia, Liberia; Sher-Don Associates, Inc., New York, New York, U.S.A.; Standard Lime Company, Limited, 395 de Maisonneuve Blvd. West, Montreal, Quebec—Canada; Pacific Lime Incorporated, 100 West, 10th. Street, Wilmington, Delaware 19899 U.S.A.; Domtar Industries Inc., 100 West, 10th. Street, Wilmington, Delaware 19899 U.S.A.; Domtar Explorations Inc., 1500 Home Oil Tower, Toronto Dominion Square, Calgary, Alberta T2P 2Z2—Canada; Domtar International B.V., Oostelijke Handelskade 7, Amsterdam–C, Holland; Howard Smith Papers Limited, Grangetown, Sunderland, County Durham, England; Eastern Coated Papers Limited—Les Papiers de L'Est Limitée, 1525 Hymus Blvd., Dorval, Quebec H9P 1J5—Canada; Les Entreprises Domtar Ltée., 395 de Maisonneuve Blvd. West, Montreal, Quebec H3A 1L6—Canada; Maine Timber Holdings Limited, 395 de Maisonneuve Blvd. West, Montreal, Quebec—Canada; San Marcos Carrier Inc., 80 Broad Street, County of Montserrado, Monrovia, Liberia; Société Immobiliére Domtar Ltée.—Domtar Realties Ltd., 395 ouest, boulevard de Maisonneuve, Montréal, Québec H3A 1L6—Canada; Textile & Paper Waste Sales Limited, 116 George Street, Toronto, Ontario, M5A 2M5—Canada; KMHC, Incorporated, 1221 Broadway, 7th. Floor, Oakland, California 94612—U.S.A.; Domtar Energy America, Inc., 100 West, 10th. Street, Wilmington, Delaware (County of New Castle)—U.S.A.; Domtar Finance America, Inc., 1221 Broadway, Oakland, California 94612—U.S.A.; Domtar Gypsum America Inc., 1221 Broadway, Oakland, California 94612—U.S.A.; Delta Brick & Tile Company, Inc., 118 North Congress Street, Jackson, Mississippi 39205—U.S.A.; Delta-Macon Brick & Tile Company, Inc., 118 North Congress Street, Jackson, Mississippi 39205—U.S.A.; Delta-Shuqualak Brick & Tile Company, Inc., 118 North Congress Street, Jackson, Mississippi 39205—U.S.A.; Domtar International N.V., Schottegatweg-Oost 130, Salinja, Curacao, Netherlands Antilles. (1) Parent corporation and address of principal offices: E. I. DU PONT DE NEMOURS AND COMPANY, 1007 Market Street, Wilmington, Delaware 19898. (2) Wholly-owned subsidiaries which will participate in the operations, and states of incorporation: (i) Remington Arms Company, Inc. (Delaware); (ii) Remington Arms of Canada Limited (Canada); (iii) Endo Laboratories, Inc. (Delaware); (iv) Endo Pan American Corporation (New York); (v) Endo Canada, Inc. (Canada); (vi) Endo Inc. (Delaware); (vii) Endo Pharmaceuticals, Inc. (Delaware); (viii) New England Nuclear Corporation (Indiana); (ix) Conoco, Inc. (Delaware); (x) Fairmont Supply Company (West Virginia); (xi) Conoco Coal Development Company (Delaware); (xii) Conoco Communications, Inc. (Delaware); (xiii) Conoco Fuels, Inc. (Delaware); (xiv) Conoco Minerals, Inc. (Delaware); (xv) Consolidation Coal Company (Delaware); (xvi) Continental Pipe Line Company (Delaware); (xvii) Douglas Oil Company of California (California); (xviii) General Facilities, Inc. (Delaware); (xix) Continental Carbon Company (Delaware); (xx) Kayo Oil Company (Delaware); (xxi) Onco Oil Company (Delaware); (xxii) Pitt-Consol Chemical Company (New Jersey); (xxiii) Western Oil and Fuel Company (Minnesota); (1) Parent Corporation and address of principal office: LATHAM RESOURCE CORPORATION, 700 American Towers, Shreveport, Louisiana 71101. (2) Wholly-owned Subsidiaries: (i) Decca Drilling Company, Inc.—Delaware; (ii) Latham Exploration Company, Inc.—Delaware; (iii) Westwind Drilling Company, Inc.—Delaware (iv) Bailey Drilling Company, Inc.—Louisiana; (v) Vista Drilling Company, Inc.—Delaware; (vi) Newport Trucking Company, Inc.—Delaware. (1) Parent corporation and address of principal office: NEW PARMA, INC., 1490 U.S. Highway 22, P.O. Box D, Somerville, New Jersey 08876. (2) Wholly-owned subsidiaries which will participate in the operations and state(s) of incorporation: (i) Mancrete, Inc., 81 County Line Road, P.O. Box D, Somerville, New Jersey 08876; (ii) Par Seal, Inc., 1490 U.S. Highway 22, P.O. Box D, Somerville, New Jersey 08876; (iii) Par Stress, Inc., 81 County Line Road, P.O. Box D, Somerville, New Jersey 08876; (iv) Mancrete Sales, Inc., 1490 U.S. Highway 22, P.O. Box D, Somerville, New Jersey 08876, Delaware.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36134 Filed 12-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 211]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 15, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

MC 2416, (Sub-14)X, filed December 4, 1981. Applicant: HULME TRANSPORTATION CO., P.O. Box 101, Foster, RI 02825. Representative: Richard E. MacNeil, P.O. Box 101, Foster, RI 02825. Subs 6 and 9 permits:

(1) broaden (a) petroleum products, in bulk, and such miscellaneous commodities as are used in conducting or operating retail gasoline service stations, and rejected or damaged shipments of petroleum products, in bulk to "petroleum, natural gas and their products and such miscellaneous commodities used in conducting or operating retail gasoline service stations," Sub 6; and (b) prefabricated non-ferrous structural units for use in the construction industry to "products used in the construction industry," Sub 9; and (2) change the territorial authority to between points in the U.S., under continuing contract(s) with an unnamed shipper in Sub 6 and a named shipper in Sub 9.

MC 6557, (Sub-6)X, filed December 3, 1981. Applicant: PARK MOTOR CARRIER, INC., 232 Dey Street, Jersey City, NJ 07306. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Lead and Subs 2 and 5 broaden (1)(a) by removing all restrictions in general commodity authority, except Classes A and B explosives, lead (b) from window glass to "clay, concrete, glass or stone products," Sub 2 and (c) from musical instruments, books and clothing to "musical instruments or parts, printed matter, and textile mill products," Sub 5, (2) city to county wide authority: (a) points in NJ within 30 miles of Newark, NJ to Bergen, Hudson, Essex, Passaic, Morris, Sussex, Hunterdon, Somerset, Middlesex, Union and Monmouth Counties, NJ, lead; (b) Windsor Locks CT to Hartford County, Sub 1 and (c) a described portion of the NY commercial zone to New York, NY, Subs 1 and 2, (3) remove (a) ex-water restriction in Subs 1 and 2; (b) against transportation of window glass restriction Sub 2 and (c) restriction to transportation of import traffic originating at the named origin; sub 5 and (4) to radial authority.

MC 58561, (Sub-3)X, filed November 30, 1981. Applicant: J.A.R. TRUCKING, INC., 3926 Valley Rd., Cleveland, OH 44109. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Authority acquired in MC–FC 79279F. Broaden iron and steel articles to "metal products" and remove household goods restriction in general commodities authority.

MC 63837 (Sub-8)X, filed December 7, 1981. Applicant: DIGGINS & ROSE, INC., 3 Sagamore Park Road, Hudson, NH 03051. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Lead broaden mill machinery to "machinery," Androscoggin County for Auburn and Lewiston, ME; Suffolk County for Boston, MA; between points in MA within 25 miles of Boston to Suffolk, Middlesex, Norfolk, Plymouth, Essex, and Worcester Counties, MA; points in that part of MA on and east of MA Hwy 12 to Worcester, Middlesex, Essex, Norfolk, Suffolk, Bristol, Plymouth, and Barnstable Counties, MA; ports of entry at designated points in VT to all points of entry located in VT.

MC 95376 (Sub-21)X, filed December 4, 1981. Applicant: McVEY TRUCKING, INC., P.O. Box 116, Oakwood, IL 61858. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Subs 1 and 14: (1) broaden commodity description: sand, gravel haydite, limestone, crushed rock and coal to "commodities in bulk" in Sub 1; dryweed, killing compounds, dry insecticides and fungicides, dry bagged fertilizer, and dry fertilizer ingredients to "chemicals and related products", and dry corn and soybean products to "food and related products" in Sub 14; (2) eliminate facilities limitation in Sub 14; (3) broaden territorial description: Danville to Vermillion County, IL, in Sub 14; (4) change one-way to radial authority; and (5) remove the restrictions against in bulk and/or in tank trailers and originating at in Sub 14.

MC 96769 (Sub-12)X, filed November 30, 1981. Applicant: LIBERTY TEX–PACK EXPRESS, INC., P.O. Box 470308, Dallas, TX 75247. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub 10F broaden to (1) remove maximum weight per shipment restriction, (2) off-route point of Wolf City, TX, to Hunt County and (3) service at all intermediate on all regular routes.

MC 113651 (Sub-350)X, filed December 8, 1981. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 1, Omaha, NE 68154. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Subs 142, 203, 242, 244, 320F, and 336F (1) remove restriction against: hides, Sub 203 and 244; commodities in bulk, Subs 142, 203, 242, 244, 320F, and 336F; vehicles equipped with mechanical refrigeration, Sub 242; originating at and destined to and facility restrictions, Subs 142, 203, 244 and 320F; and ex-water restrictions, Sub 244, (2) to radial authority, Subs 142, 203, 242, 244, and 320F; (3) to "food and related products" from (a) meat, meat products, and meat by-products, and articles distributed by meat packinghouses, Sub-Nos. 142, 203, 244, and 336F; and (b) foodstuffs in Sub-No. 242; (4) facilities to county-wide authority; (a) from Council Bluffs, IA, to Pottawattamie and Mills Counties, Sub 142, and Omaha, NE, to Washington, Douglas, Sarpy, and Cass Counties, NE and Pottawattamie and Mills Counties, IA, Sub 142 and 203.

MC 133255 (Sub-2)X, filed December 4, 1981. Applicant: ACE TRANSPORT, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M. Street, N.W., Washington, DC 20036. Lead permit broaden to between points in the U.S., under contract(s) with unnamed shippers.

MC 134370 (Sub-9)X, filed December 7, 1981. Applicant: OSBORNE TRUCKING CO., INC., Paradise Valley, Route Box 2409, Riverton, WY 82501. Representative: John T. Wirth, 2600 Petro Lewis Tower, 717 Seventeenth Street, Denver, CO 80202. Lead and Subs 4, 7, and 8, and MC–133741 and Subs 1, 3, 5, 6, 9, 11, 15, 20, and 22 permits. Broaden (1) from dry animal and poultry feed, to "food and related products," lead and Sub 4 certificates; ores, feldspar, feldspathic sand, aggregates, quartz, and stone chips, to "ores and minerals, and clay, concrete, glass or stone products", Sub-7; wallboard, gypsum blocks, and gypsum, to "building materials", Sub-8; lumber, lumber products, and wood chips, to "lumber and wood products," lead and Subs-3, 9, 11, 15, 20, and 22 permits; cement in bulk, concrete pipe and precast concrete products, reinforcing steel mesh, etc., to "clay, concrete, glass or stone products, metal products, and building materials," Sub-1; poly-vinyl chloride pipe, to "rubber and plastic products," Sub-5; and machinery, equipment, materials, and supplies used in * * * of concrete products, to "such commodities as are dealt in and used in the manfuacturing and distribution of concrete products," Sub-6; (2) remove: in bulk and/or in sacks restrictions lead certificate and Subs 1 and 20 permits; and in packages restriction, Sub 4; (3) to redial authority, all certificates; and (4) to between points in the U.S. under contracts with named shippers, all permits.

MC 134426 (Sub-8)X, filed December 8, 1981. Applicant: McCORT DRIVE-A-WAY, INC., P.O. Box 5057, Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Subs 1, 5 and 6F: (1) broaden commodity description: stolen and repossessed automobiles, in secondary movements, in driveaway service, stolen and repossessed motor vehicles and farm vehicles, and trucks, tractors, and trailers, in secondary movements to "transportation equipment" in Subs 1 and 6F; boat trailers, in initial movements, in truckaway service to "trailers" in Sub 1; and self-propelled

machinery to "machinery" in Sub 6; (2) remove the following restrictions: except new automobiles in Sub 1; except commercial trailers, mobile homes, travel trailers, and trailers knocked down or unassebled in Sub 5; and except trailers designed to be drawn by passenger automobiles in Sub 6F; (3) change one-way to radial authority; and (4) broaden territorial authority; Jacksonville to Duval County, FL; New Philadelphia to Tuscarawas County, OH; and Winona to Winona County, MN.

MC 135208 (Sub-7)X, filed December 24, 1981. Applicant: GEORGE L. BIGELOW, TRUCKING, INC., 135 Wright St., P.O. Box 421, Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. Permit No. MC–124296 and Subs 1 and 3, (1) broaden from fertilizer, and dry and liquid fertilizer, to "chemicals and related products"; (2) to between points in the U.S. under continuing contract(s) with named shipper, and (3) remove in bulk, in tank vehicles restrictions.

MC 135725, (Sub-24)X, filed November 27, 1981. Applicant: FRY TRUCKING, INC., 507 West 5th Street, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Subs 1, 3, 4, 5, 6, 7, 10, 11, 15, 16, 17, 18, 19 and 20 (1) Sub 1: to "chemicals and related products, food and related products, and materials, equipment and supplies" from feed and feed ingredients, pre-mixes, trace minerals and mixtures, animal health products, insecticides, disinfectants, and mineral feeders, Sub 3: to "chemicals and related products, food and related products" from animal feed, animal feed ingredients, and animal health products and ingredients, Subs 4 and 5: to "chemicals and related products, food and related products and materials, equipment and supplies" from animal and poultry feed, animal and poultry feed ingredients, animal and poultry health and related products, insecticides, pesticides and empty bags, containers, advertising matter and premiums. Sub 5: to "chemicals and related products, metal products and ores and minerals" from iron oxide, ground ore, ground ferro alloys, mineral zinc oxide, copper oxide, and mixtures of those commodities; to "food and related products and chemicals and related products" from feed, feed ingredients, feed specialties, fly spray, livestock minerals and livestock supplements; Subs 5, 6, and 7, "food and related products" from feed and feed ingredients, oyster shells, fish feed ingredients and fish feed, Sub 10: to "food and related products and chemicals and related products" from feed and feed ingredients, pre-mixes, trace minerals, and mixtures, animal health products, insecticides, disinfectants, and mineral feeders and to "food and related products" from prepared dry dog food, Subs 15 and 17; to "chemicals and related products; ores and minerals and materials, equipment and supplies" from minerals, ground ores and pigments and materials, equipment and materials, equipment and supplies, Sub 18: to "metal products and materials, equipment and supplies" from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles, Subs 18, 19 and 20: to "food and related products" from feed and feed ingredients, and soy lecithin, flour and grits; (2) remove facilities at and broaden city to county-wide authority: Subs 1 and 20, Linn County, IA from Cedar Rapids, Sub 3: Iowa County, IA for Williamsburg, Sub 4: Henry County, IL and Cass and Buena Vista Counties, Ia for Geneseo, IL and Atlantic and Storm Lake, IA. Sub 5: Kansas City, MO-Kansas City, KS commercial zone; Madison County, NE; Henry County, IL; Adams County, IL; Carbon County, PA; Dane County, WI and Henry County, IA for Kansas City, MO; Nofolk, NE, Geneseo, IL, Quincy, IL, Bowmanstown, PA, Madison, WI and Winfield, IA. Sub 6: Wright, Linn, Clinton, Polk, Webster and Muscatine Counties, IA for Belmond, Cedar Rapids, Clinton, Des Moines, Fort Dodge and Muscatine, IA. Sub 7: Minneapolis-St. Paul, MN commercial zone and Pulaski County, MO for Minneapolis, MN and Richmond, MO. Sub 10: Marion County, OH: Bedford, Southampton, Culpeper Counties, VA; Warren County, IL and Dodge County, NE for Marion, OH; Bedford, Courtland and Culpeper, VA; Monmouth, IL and Fremont, NE. Subs 11 nd 16: Muscatine County, for Wilton, Sub 15: Sangamon County, IL for Springfield, IL. Sub 17: Hardin County, IL and the St. Louis, MO-E. St. Louis, IL commercial zone for Roisclare, and St. Louis, MO. Sub 18: Cass County, TX;,Midland County, MI; Rock Island, IL-Davenport, IA commercial zone for Atlanta, TX; Midland, MI; Rock Island, IL; (3) remove restrictions against commodities in bulk, against named commodities, originating at and/or destined to; (4) to radial authority in all subs.

MC 145991 (Sub-2)X, filed December 10, 1981. Applicant: HARRISON-NICHOLS CO., LTD., 5265 N. Fourth St., Irwindale, CA 91706. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Lead permit, (1) broaden from selica sand, in bulk to "commodities in bulk," and (2) to between points in the U.S., under continuing contract(s) with a named shipper.

MC 148860 (Sub-4)X , filed November 27, 1981. Applicant: D.M.T. TRUCKING, INC., 2700 Broening Highway, Dundalk Marine Terminal, Baltimore, MD 21222. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Sub 1 broaden from automobiles, trucks, cabs, and chassis, and parts thereof in secondary movements in truckaway service to "transportation equipment."

[FR Doc. 81–36131 Filed 12–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 210]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 14, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 Fr 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applicants may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1486 (Sub-5)X, filed December 7, 1981. Applicant: VAN BRUNT & SON, INC., Box 192, Old Bridge, NJ 08857. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Lead and Subs 3, and 4: (1) broaden (A) Matawan, NJ, and 20 miles thereof, to Ocean, Monmouth, Middlesex, Mercer, Somerset, Union and Essex Counties, NJ in the lead, irregular route portion, (B) points in PA within 100 miles of Matawan, NJ, to Lancaster, Lebanon, Schuylkill, Columbia, Northumberland, Luzerne, Wyoming, Susquehana, and Wayne Counties, PA in the lead; (C) Norristown, Bridgeport, and Conshohocken, PA, and one mile thereof, to Montgomery County, PA in the lead; (D) points in PA within 25 miles of Philadelphia City Hall to Chester, Berks, Montgomery, and Bucks Counties, PA in Sub-No. 4; (2) delete prior or subsequent movement by rail restriction in Sub-No. 3.

MC 35227 (Sub-23)X, filed December 7, 1981. Applicant: EDSON EXPRESS, INC., 1270 Boston Avenue, P.O. Box 925, Longmont, CO 80501. Representative: Dale E. Isley, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Lead and Subs 9, 11F, 13, 14F, 15F, 17F, 18F and 21: (1) broaden from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) authorize service at all intermediate points, lead and Subs 13, 14F, 15F, 17F, 18F, and 21.

MC 88563 (Sub-3)X, filed December 7, 1981. Applicant: PAUL STRASSER, Box 191B, R.R. No. 1, Almena, WI 58405. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Sub-2 certificate, (1) broaden: general commodities (exceptions) to "general commodities (except classes A and B explosives)"; wood to "lumber and wood products"; feed, seed, salt and farm machinery to "farm products, animal food and related products, chemicals and related products, and machinery"; livestock to "farm products"; firewood to "forest products"; household goods, twine and grain to "household goods, textile mill products, and farm products"; farm machinery and feed to "machinery and animal food and related products"; (2) replace: named points in Barron and Polk Counties, WI, with Barron and Polk Counties, WI; South St. Paul with Dakota County, MN; Newport and Stillwater with Washington County, MN; and (3) to radial authority.

MC 95376 (Sub-22)X, filed December 4, 1981. Applicant: McVEY TRUCKING, INC., R.R. No. 1, Box 116, Oakwood, IL 61858. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Sub 19 to broaden (1) from materials, and supplies used in the manufacture and distribution of foundry castings to "metal products," (2) plant site at Tilton, IL to Vermillion County, IL (3) to radial authority and (4) remove destinated to restriction.

MC 111941 (Sub-41)X, filed November 9, 1981, previously noticed in the **Federal Register** of November 25, 1981, republished as follows: Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Broaden to (1)(b) "building materials" from cement, lead; from pre-cast concrete, prefabricated cement slabs and allied products, brick, pre-cast and pre-stressed concrete products, Subs 11, 12, and 34; and (e) "those commodities, which because of their size or weight, require the use of special handling or equipment" from pre-fabricated steel articles, which, because of size or weight, require the use of special handling and materials in Sub-Nos. 18 and 34. The purpose of this republication is to correct the above-noted commodity descriptions.

MC 119968 (Sub-26)X, filed November 12, 1981. Applicant: A. J. WEIGAND, INC., P.O. Box 130, Dover, OH 44622. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Lead and Subs 2, 6, 7, 10, 11, 12, 14, 15, 17, 18, 20 and 21, broaden to (1)(a) "commodities in bulk," from liquid chemicals, in bulk, Sub 6 and 21; chemicals, in bulk, Subs 10, 14, 15 and 20 hydrofluoric acid, in bulk, Sub 11; sodium bicarbonate, Sub 12; liquid commodities, in bulk, Sub 17, (b) "commodities in bulk and materials and supplies used in the production of commodities in bulk" from liquid chemicals and materials and supplies Sub 18; (c) "food and related products" from malt beverages, lead, (d) "chemicals and related products and ores and minerals" from caustic soda, silica pigment, peroxide and calcium hypochlorite, Sub 7 and (e) "metal products" from metal shipping containers, Sub 2 (2) remove facilities limitations, in tank vehicles, originating at and/or or destined to, against named commodities restrictions, (3) cities to county-wide authority (f) Dover, OH to Tuscarawas County lead, Sub 10; Niles, OH to Mahoning and Trumbull Counties, Sub 2; Barberton, OH to Summit County, Sub 7; Uhrichsville, OH to Tuscarawas County, lead; Nitro, WV to Putnam and Kanawah Counties, Sub 11; Old Fort, OH to Seneca County, Sub 12; Meredosa, IL to Morgan, Scott and Brown Counties, Sub 14; Charleston, WV to Kanawha County; Sub 15F; Newark, OH to Licking, OH, Sub 18; and Elwood City and Frisco, PA to Lawrence and Beaver Counties; Sub 20; and (4) to radial authority, lead, Subs 2, 7, 10, 11, 14, 20.

MC 125978 (Sub-10)X, filed December 7, 1981. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 West 42nd Street, New York, NY 10036. Representative: Roy A. Jacobs, Esq., 550 Mamaroneck Ave., Harrison, NY 10528. Subs–4M1F and 5 certificates, (1) broaden from used passenger automobiles, with or without baggage, personal effects, and pets of owners of such vehicles, in driveaway service, to "transportation equipment, with or without baggage, personal effects" both Subs; and (2) remove restrictions against the transportation of vehicles: (a) moving on government bills of lading, (b) ex-rail and (c) moving for, from or on behalf of manufacturers of new automobiles and station wagons (exceptions), both Subs.

MC 126516 (Sub-9)X, filed December 8, 1981. Applicant: SKYLINE MOTORS AIR CARGO, INC., Bridge St., and Riverside Dr., Bridegwater, Beaver, PA 15009. Representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Sub-7: (1) replace airports with cities: Cleveland-Hopkins Airport, Cleveland, OH (Cleveland, OH) and Greater Pittsburgh International Airport, Pittsburgh, PA (Pittsburgh, PA); (2) remove the ex-air restriction.

MC 136713 (Sub-27)X, previously noticed in the **Federal Register** of November 16, 1981, republished as follows: Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road, N.E., Grand Rapids, MI 49503. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036. Lead and Subs 4, 5, 7, 10F, 11F, 12F, 13F, 15F, 17, 18F, 19F, 20, 22F, 23, 24F and 25 certificates: (1) Broaden (a) liquefied petroleum gases and natural gases (lead), liquefied petroleum gases (Subs 4, 10F, 12F, 13F, 18F, 19F, 21F, 22F, 23, and 24F), and propane and butane gas (Sub 5) to "acids and chemicals"; (b) anhydrous ammonia (Subs 7, 11F, and 20F), anhydrous ammonia and fertilizers (Sub 15F), and fertilizers (Sub 25) to "chemicals and related products"; and (c) gypsum and gypsum products (Sub 17) to "building materials"; (2) remove in bulk and/or in tank vehicles, lead and Subs 4, 5, 7, 10F,

11F, 12F, 13F, 15F, 18F, 19F, 20F, 21F, 22F, 23, and 24F; (3) change one-way to radial authority, lead and Subs 4, 5, 7, 10F, 11F, 12F, 13F, 15F, 17, 18F, 19F, 20F, 21F, 22F, 23, 24F, and 25; (4) replace ports of entry on the U.S.-Canada Boundary line in Port Huron, MI, with all ports of entry in MI; (5) eliminate facilities limitations, and originating at and/or destined to Subs 5, 7, 10F, 12F, 13F, and 15F; and (6) replace cities with counties: Lowell, MI (Kent County), Subs 4 and 18F; Alto, MI (Kent County), Subs 4 and 18F; Huntington, IN (Huntington County), Sub 7; Lemont, IL (Cook, DuPage, and Will Counties), Sub 10F; Lima, OH (Allen and Auglaize Counties), Sub 11F; New Hampton, IA (Chickasaw County), Sub 12F; Mankato, MN (Blue Earth and Nicollet Counties), Sub 12F; Benson, MN (Swift County), Sub 12F; Milford, IN (Kosciusko County), Sub 13F; Fort Madison, IA (Lee County), Sub 15F; Grand Rapids, MI (Kent, Ottaea, and Allegan Counties), Sub 17; Woodhaven, MI (Wayne County), Sub 19F; Wyandotte, MI (Wayne County), Sub 19F; Port Huron, MI (St. Clair County), Sub 20; Moberly County, MO (Randolph County), and Jefferson City, MO (Boone, Callaway, Cole and Osage Counties), Sub 21F; Inkster, MI (Wayne County), Sub 22F; Blue Island, IL (Cook County), Sub 24F; and Burns Harbor, IN (Lake and Porter Counties), Sub 25. MC-135012 and Subs 4F and 5F permits: (1) Broaden chemicals (lead and Sub 5F) and ethyl alcohol (Sub 4) to "chemicals and related products"; (2) remove in bulk, in tank vehicles, lead and Subs 4 and 5; and (3) broaden territorial authority to between points in the US, under continuing contracts with named shippers, lead and Sub 4 and 5. The purpose of this republication is to modify the commodity broadening in part (1) above.

MC 144082 (Sub-8)X, filed December 2, 1981. Applicant: DIST/TRANS MULTI SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same as applicant). Sub-No. 10F permit: broaden territory to all points in the U.S. under a continuing contract with a named shipper.

MC 145620 (Sub-4)X, filed December 2, 1981. Applicant: INDUSTRIAL HEAVY TRANSPORT, INC., P.O. Box 207, Wheatridge, CO 80033. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666. Sub-No. 3 certificate, broaden scrap metals and scrap metal alloys, waste products for recycling, forest products, scrap electrical products, ingots, scrap automobile bodies, plastic scrap products and scrap chemical solutions (except commodities in bulk), to "waste or scrap materials not identified by industry producing, and forest and primary metal products."

MC 145802 (Sub-10)X, filed December 2, 1981. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Subs 3F, 5F, 6F, and 7F: (1) broaden (a) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, Sub 3F, (b) frozen bakery products, Subs 5F and 6F, and (c) frozen concentrates and canned fruit juices, Sub 7, to "food and related products"; (2) remove plantsite restrictions, Subs 3F and 6F; (3) broaden cities to counties: Storm Lake, IA (Buena Vista County) and Cherokee, IA (Cherokee County), Sub 3F and Nashville, TN (Davidson County), Subs 5F and 6F; and (4) change one-way to radial authority, Subs 3F, 5F, 6F and 7F.

MC 146110 (Sub-4)X, filed December 2, 1981. Applicant: SMALL SHIPMENTS EXPRESS OF ILLINOIS, INC., 9623 N. Karlov Ave., Skokie, IL 70076. Representative: Allan C. Zuckerman, 29 S. LaSalle St., Chicago, IL 60603. Lead and Sub-2 to broaden (1)(a) Chicago, IL, to Cook, Lake, DuPage, McHenry, Kane and Will Counties, IL, and Lake and Porter County, IN; Milwaukee, WI, to Kenosha, Waukesha, Washington and Milwaukee Counties; and Freeport, IL, facilities to Stephenson County, lead, (b) facilities at Chicago, IL, to Chicago, IL, Sub-2 and (2) to radial authority.

MC 146980 (Sub-1)X, filed November 24, 1981. Applicant: HOOSIER EXPRESS, INC., P.O. Box 705, Westville, IN 46391. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead permit: broaden (1) steel and aluminum articles to "metal products" and (2) to all points in the U.S. under continuing contract(s) with a named shipper.

MC 147088, (Sub-7)X, filed November 27, 1981. Applicant: DERBY CITY EXPRESS, INC., P.O. Box 19097, Louisville, KY 40219. Representative: James W. Kendrick, P.O. Box 19097, Louisville, KY 40219. Sub 5F: (1) broaden foodstuffs to "food and related products"; (2) remove the facility limitation and except in bulk and vehicle restrictions; (3) remove the originating at and destined to restriction; and (4) change one-way to radial authority.

MC 148301, (Sub-3)X, filed December 1, 1981. Applicant: FRANCIS J. BURKE d.b.a. BEE TRUCKING, 2812 South Hillock Avenue, Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Lead certificate, (1) broaden general commodities (exceptions), to "general commodities (except classes A and B explosives)"; and (2) remove ex-rail and water restriction.

MC 150231 (Sub-13)X, filed November 13, 1981. Applicant: MAVERICK TRANSPORTATION, INC., P.O. Box 15428, Little Rock, AR 72231. Representative: Larry Leahy (same address as applicant). Subs 2F, 3F, 4F, and 6F: (1) broaden (a) wire products, Sub 2F, and iron and steel articles, Subs 3F and 6F, to "metal products", and (b) concrete roofing tile, Sub 4F, to "building materials; (2) remove facilities limitations, Subs 2F, 3F, and 4F; (3) remove except in bulk restriction, Subs 2F and 3F; (4) change one-way to radial authority, Subs 2F, 3F, and 4F; and (5) change cities to counties: Madill, OK (Marshall County), Sub 2F; Little Rock, AR (Pulaski County), Dallas, TX (Dallas County), and Houston, TX (Harris County), Sub 3F; and Shawnee, OK (Pottawatomie County), Sub 4F.

[FR Doc. 81-36130 Filed 12-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-88 (Sub-2)]

Rail Carriers; Bessemer and Lake Erie Railroad Co.—Abandonment—in the County of Armstrong, Commonwealth of Pennsylvania; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Bessemer and Lake Erie Railroad Company to abandon its rail line and discontinue service between Valuation Station 2460+98 (M.P. WA 46-48) to Valuation Station 2485+51 (M.P. WA 46.95) a distance of 0.46 miles, located in the County of Armstrong, Commonwealth of PA, subject to certain conditions. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36136 Filed 12-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29684 (Sub-1)]

Rail Carriers; Chicago and North Western Transportation Co.—Purchase—Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee) Between Perry, Herndon and Waukee, IA

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the Chicago and North Western Transportation Company (C&NW) to acquire and operate a line of railroad owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (Milwaukee), which runs between Perry, Herndon and Waukee, IA.

DATES: (1) Verified statements supporting or opposing the application must be received at the Commission by January 6, 1982. (2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due January 18, 1982. (3) Verified replies are due January 28, 1982.

ADDRESS: An original and 10 copies of all statementas should refer to Finance Docket No. 29684 (Sub-No. 1) and be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423; Attention: Milwaukee Acquisition.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly (202) 275-7245.

SUPPLEMENTARY INFORMATION: On December 7, 1981, the C&NW filed an application under Sections 5(b) and 17(b) of the Milwaukee Railroad Restructuring Act, 45 U.S.C. 904 and 915, for authority to acquire approximately 51.2 miles of Milwaukee's line which runs between Perry, Herndon, and Waukee, IA. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4) *Acquisition Procedures for Lines of Railroads*, 360 ICC 623 (1980), and published in subpart B of 49 CFR Part 1111 (1980). In Finance Docket No. 29487, *Chicago and North Western Transportation Company—Petition* (not printed), served November 5, 1980, the Commission determined that this acquisition is a minor transaction.

By order dated August 10, 1981, the Milwaukee's Reorganization Court approved the sale and purchase agreement between the C&NW and Milwaukee.

We have reviewed the applicaation and find that it contains the information required by our regulations.

A copy of all comments should be served upon the Attorney General of the United States, the United States Secretary of Transportation, and upon applicant's representative, Anne E. Keating, 165 North Canal Street, Chicago, IL 60606. By order of the Milwaukee's Reorganization Court, the Commission will issue a final decision on this application by March 5, 1982.

It is ordered:

1. The application in Finance Docket No. 29684 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3.This decision is effective on December 15, 1981.

Dated: December 14, 1981.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36137 Filed 12-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-36)]

Rail Carriers; Louisville and Nashville Railroad Co.—Abandonment— In Tuscaloosa County, AL; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Louisville and Nashville Railroad Company to abandon its rail line between milepost TM 445.2 near Holt Junction, AL, to the end of L&N ownership at milepost TM 447.2 at Tuscaloosa, AL, a distance of 2.0 miles in Tuscaloosa County, AL, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I § 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36135 Filed 12-17-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 77-81]

Privacy Act System Notices; 1981 Annual Publication

Correction

In FR Doc. 81-34767 appearing at page 60289 in the issue for Wednesday, December 9, 1981, the following material was inadvertantly left off and should be added to the end of the document on page 60362:

The United States Trustee Appendix 1—List of Record Retention Addresses, JUSTICE/UST-999, was last published on November 17, 1980 in Federal Register Volume 45, page 75954.

JUSTICE/UST-999

SYSTEM NAME:

U.S. Trustee Appendix 1—List of Record Retention Addresses

Executive Office for U.S. Trustees Room, *4256* Main Justice Bldg., Washington, D.C. 20530

Districts of Maine, Massachusetts, New Hampshire, and Rhode Island: *87 Kilby Street*, Boston, Massachusetts 02109; *66 Pearl Street, Portland, Maine 04101*

Southern District of New York, Federal Building, Room 306, 26 Federal Plaza, New York, New York 10017

Districts of Delaware and New Jersey, 1180 Raymond Boulevard, Room 2549, Newark, New Jersey 07102

Eastern District of Virginia and District of Columbia, *Room 410, 421 King Street, Alexandria, Virginia 22314; 200 Granby Mall & City Hall Avenue, Room 742, Norfolk, Virginia 23510*

Northern District of Alabama:

Suite 316, 500 South 22nd Street, Birmingham, Alabama 35233.

Northern District of Texas:

U.S. Courthouse—Room 9C60, 1100 Commerce Street, Dallas, Texas 75242.

Northern District of Illinois:

Insurance Exchange Building—Room A 1303, 175 West Jackson Street, Chicago, IL 60601.

Districts of Minnesota, North Dakota and South Dakota:

U.S. Courthouse—Room 454, 110 South Fourth Street, Minneapolis, Minnesota 55401.

Central District of California:

U.S. Courthouse—Room 514, 312 N. Spring Street, Los Angeles, California 90012.

Districts of Colorado and Kansas:

Columbine Building—Room 202, 1845 Sherman Street, Denver, Colorado 80203.

U.S. Courthouse—Room 501, 401 North Market, Wichita, Kansas 67202.

Part IV

The Office of the Associate Attorney General propses to delete a notice of a system of records entitled "Financial Disclosure Statements, JUSTICE/AAG–012," most recently published on September 30, 1977 in **Federal Register** Volume 42, page 53360. This notice is unnecessary as these records are reported under a government-wide notice published by the Office of Personnel Management entitled "Confidential Statements of Employment and Financial Interests, OPM/GOVT–8."

The Office of Justice Assistance, Research and Statistics proposes to delete a system of records entitled "Law Enforcement Education System, JUSTICE/OJARS–002," most recently published in November 17, 1980 in **Federal Register** Volume 45, page 75933. These records are now maintained and are under the control of the Department of Education, which is responsible for the administraton of the Law Enforcement Education Program (LEEP). Requests for information under the Privacy Act or the Freedom of Information Act should be addressed to the Office of General Counsel, Department of Education, Room 4091, 400 Maryland Avenue, SW, Washington, D.C. 20202.

BILLING CODE 1505–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M–81–232–C]

Valley Camp Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Valley Camp Coal Company, 2971 E. Dupont Avenue, Shrewsbury, WV 25184 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 9 Tunnel located in Kanawha County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety on a weekly basis.

2. The No. 9 Tunnel is used to transport coal by belt from the petitioner's other mines to the preparation plant.

3. When extraction of coal was taking place from the No. 9 Tunnel, ten panels were mined off the main entries. Those ten panels were all sealed when extraction of coal was completed. Since the erection of the seals, numerous roof falls along the main entries adjacent to the seals have occurred to a point where the seals cannot be located or examined. The seals are now blocked by fallen rock extending from the seals to the main belt entries, a distance of approximately 50 to 100 feet.

4. As an alternative method, petitioner proposes to perform examinations for hazardous conditions at designated evaluation points near the location where the seals are blocked by rock and debris.

5. Petitioner states that this proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 18, 1982. Copies of the petition are available for inspection at that address.

Dated: December 7, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–36201 Filed 12–17–81; 8:45 am]

BILLING CODE 4510–43–M

Pension and Welfare Benefit Programs

[Application Nos. D–2477, 2478, and 2479]

Proposed Exemption for Certain Transactions Involving the Bale Non-Salaried Employees Profit Sharing Plan, the Bale Employees Retirement Plan, and the Bale Finance Company, Inc., Employees Retirement Plan Located in Little Rock, Arkansas

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would permit the Bale Non-Salaried Employees Profit Sharing Plan (Bale Profit Sharing Plan), the Bale Employees Retirement Plan (Bale Retirement Plan) and the Bale Finance Company, Inc. Retirement Plan (Bale Finance Plan; collectively, the Plans) to purchase customer notes from the Bale Finance Company (Bale Finance) which receives such notes in the ordinary course of its business affiliation with Bale Chevrolet Company (Bale Chevrolet). The notes are collateralized by security agreements on the property purchased by Bale Chevrolet customers. The proposed exemption, if granted, would affect Bale Finance, Bale Chevrolet, the participants and beneficiaries of the Plans and certain other persons participating in the transactions.

EFFECTIVE DATE: January 1, 1975 until June 30, 1975 for those transactions covered by section III of the exemption otherwise from the date the exemption grant is published in the **Federal Register.**

DATE: Written comments and requests for a public hearing must be received by

the Department on or before February 1, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2477, 2478 and 2479. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, telephone (202) 523–6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is given of the pendency before the Department of applications for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in applications filed on behalf of the trustees of the Plans (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Preamble

On March 23, 1979, the Department published a class exemption (Prohibited Transaction Exemption 79–9 (PTE 79–9), 44 FR 17819), which permits employee benefit plans to purchase certain notes from employers any of whose employees are covered by the plan where the employers receive such notes from their customers in the ordinary course of their business and the notes are collaterlized by security agreements on the property purchased by the customers.

In PTE 79–9 the Department defined a customer note for purpsoes of the exemption as ". . . a two party instrument executed along with a security agreement for tangible personal property, which is accepted in connection with, and in the normal course of the employer's primary business activity as a seller of such property. . . ." PTE 79–9 did not contain a definition of the term "employer" nor was the scope of that term the subject of any discussion or comment. Subsequent class exemptions have recognized the concept of an "affiliate" of the party dealing with the plan by incorporating the definition found in 29 CFR 2510.3–21(e) or defining the term using similar language.[1]

Based on the fact that PTE 79–9 did not address the issue of "affiliate" and because the definition of a customer note states that such note is accepted by the "employer" in the course of his primary business activity as a seller of such property, the Department is unable to conclude that the arrangement presented by this application request falls within the scope of PTE 79–9. Because the transactions which are the subject of this exemption request appear to parallel those transactions contemplated by PTE 79–9, but for the fact that the seller of the property and the entity holding the customer note are not identical, the Department has determined that relief comparable to that afforded by PTE 79–9 would be appropraiate.

PTE 79–9 was a temporary class exemption; therefore, the Department would similarly propose to make this exemption temporary, extending only to the expiration date of such class exemption. The Department would then make a determination with respect to future relief for the applicant at the same time the transactions covered by the existing class exemption were considered.

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicant.

1. Bale Chevrolet, a privately held corporation incorporated in the State of Arkansas, is engaged in the business of selling automobiles. Bale Finance, also a privately held corporation incorporated in the State of Arkansas, is engaged in the business of financing automobiles for customers of Bale Chevrolet. Bale Chevrolet and Bale Finance are the sole members of a controlled group (as defined in section 1563(a) of the Code).

2. The Bale Retirement Plan is a qualified money purchase plan having 34 participants as of December 31, 1980 and $2,927,642 in total assets. The Bale Profit Sharing Plan had 44 participants as of December 31, 1980 and assets totaling $313,725. Both of the above plans are sponsored by Bale Chevrolet. The Bale Finance Plan had 1 participant, a common law employee, as of December 31, 1980 and held $118,484 in total assets. This plan is sponsored by Bale Finance. The holding of customer notes has been the primary source of investment for the Plans since 1963 and would continue to be to the extent permitted by this exemption.

3. The applicant represents that the subject customer note transactions have met or will meet all of the conditions (except as discussed above) of PTE 79–9, in that:

(a) The customer notes meet the definition contained in PTE 79–9 except as discussed above regarding the multiple, but related, nature of the employer accepting the notes and the employer selling the property;

(b) Information has been furnished and would be furnished in the future to satisfy the recordkeeping and disclosure requirements;

(c) Sales of the customer notes to the Plans would be on terms at least as favorable to the Plans as arm's-length transactions with an unrelated third party would be;

(d) The acquisition of a customer note from Bale Finance shall not cause any of the Plans to hold (i) more than 50 percent of the current value (as the term is defined in section 3(26) of the Act) of assets such plan in customer notes for property purchased from Bale Chevrolet, and (ii) more than 10 percent of plan assets (as defined above) in customer notes of any one customer;

(e) Bale Chevrolet and Bale Finance jointly guarantee in writing the immediate repayment of the outstanding balance of the customer note and accrued interest in the event such note is more than 60 days in arrears, the obligor on such note fails to comply with any term or condition thereof, or the obligator's financial condition reaches a point (as enumerated in PTE 79–9) so as to impair the security underlying the customer note or increase the credit risk outstanding;

[1] Such definition provides that an affiliate of a person includes:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

(ii) Any officer, director, partner, employee or relative (as defined in section 3(15) of the Act) of such person; and

(iii) Any corporation or partnership of which such person is an officer, director or partner.

For purposes of this definition the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(f) The Plans receive adequate security for the customer notes comparable to that enumerated in the PTE 79–9; and

(g) The Plans ensure that insurance against loss or damage to the collateral from fire or other hazards is procured and maintained by the obligor until the note is repaid or repurchased and that the proceeds of such insurance is assigned to whichever of the Plans holds the customer note involved.

4. The majority of the customer notes which are the subject of this exemption involve passenger automobiles and light-duty highway motor vehicles, the repayment terms of which were limited by PTE 79–9 to forty-eight (48) months. However, the applicant has represented that certain of the trucks sold by Bale Chevrolet were subsequently modified to exceed the weight limitation discussed in PTE 79–9. Therefore, the Department has proposed relief which permits the holding of customer notes for certain specifically defined heavy equipment and adopted the maximum allowable repayment term of sixty (60) months contained in PTE 79–9 for such customer notes.

5. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows:

(a) The customer notes involved represent individually 10 percent and collectively 50 percent of plan assets in obligations of third parties unrelated to the Plans;

(b) The customer notes are secured in accordance with Uniform Commercial Code or comparable state statute and insured against loss or damage to the benefit of the Plans;

(c) The customer notes are further protected, as an investment of the Plans, by the guarantee of repurchase by both Bale Chevrolet and Bale Finance;

(d) The terms under which a sale of customer notes would occur will always be at least equal to those terms of an arm's-length transaction with an unrelated third party; and

(e) The Trustees of the Plans represent that the transactions are in the best interests of the Plans and their participants and beneficiaries.

Notice to Interested Persons

Within ten days of publication of the proposed exemption in the **Federal Register** (on or before December 28, 1981) all participants in the Plan will receive by personal delivery or first class mail, certified with return receipt requested, a copy of the notice of pendency and a statement informing them of their right to comment and their right to request that a hearing be held.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the applications, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase of customer notes by the Plans from Bale Finance provided the transactions satisfy the following conditions:

Section I. Definition of Customer Notes

For purposes of this exemption a customer note is a two-party instrument, executed along with a security agreement for tangible personal property, which is accepted in connection with, and in the normal course of Bale Finance's primary business activity—the financing of that property purchased from Bale Chevrolet. A two-party instrument is a promissory instrument used in connection with the extension of credit in which one party (the maker) promises to pay a second party (the payee) a sum of money.

Section II. General Exemption

Effective immediately the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply until July 1, 1984, to the purchase and holding by the Plans of customer notes (as defined in Section I) acquired from Bale Finance and the repurchase of such notes by Bale Chevrolet and/or Bale Finance in accordance with paragraph (E), below provided that the following conditions are met:

A. Within seven months after the close of a plan year during which the Plans engage in a transaction in reliance on this exemption, the Trustees or other appropriate fiduciary of the Plans shall submit the following information to the U.S. Department of Labor, Pension and Welfare Benefit Programs, 200 Constitution Avenue, N.W., Washington, D.C. 20216 (Attention: Customer Notes):

1. Name and address of employer;
2. Employer's identification number;
3. Name and address of plan administrator;
4. Plan administrator's identification number;

5. Plan name and number.

B. Upon request by the Department, the Trustees or other appropriate fiduciary of the Plans which engaged in a transaction in reliance on this exemption shall submit to the Department such additional information regarding transaction subject to this exemption as may be requested. All requests for additional information shall be in writing.

C. Any sale of customer notes to the Plans is on terms at least as favorable to the Plans as an arm's-length transaction with an unrelated third party would be.

D. The acquisition of a customer note from Bale Finance shall not cause any one of the Plans to hold: (i) more than 50 percent of the current value (as the term is defined in section 3(26) of the Act) of plan assets in customer notes of the employer, and (ii) more than 10 percent of plan assets (as defined above) in customer notes of any one customer.

E. Bale Chevrolet and Bale Finance guarantee in writing the immediate repayment of the outstanding balance and accrued interest due on any customer note in the event such note is more than 60 days in arrears, or the obligor on such note fails to comply with any terms or conditions thereof; or in the event the obligor shall become insolvent, commit an act of bankruptcy, make an assignment for the benefit of creditors or a liquidating agent, offer a composition or extention to creditors, make a bulk sale; or in the event any proceeding, suit or action at law, in equity or under any of the provisions of the Bankruptcy Act or of amendments thereto for reorganization, composition, extension, arrangements, receivership, liquidation, or dissolution shall be begun by or against the obligor; or in the event of the appointment under any jurisdiction at law or in equity of any receiver of any property of the obligor; or in the event the condition of affairs of the obligor shall so change as to, in the opinion of the Trustees or other appropriate fiduciaries, impair its security or increase its credit risk; or should the obligor fail to take proper care of the goods or abandon the same.

F. The Plans receive adequate security for the customer note. For purposes of this exemption, the term adequate security means that the customer note is secured by a perfected security interest in the property purchased by the obligor on such note so that if the security is foreclosed upon, or otherwise disposed of, in default of repayment of the loan, the value and liquidity of the security is such that it may reasonably be anticipated that loss of principal or interest will not result. In no event shall adequate security mean an interest in intangible personal property, such as, but not limited to, accounts, contract rights, documents, instruments, chattel paper, and general intangibles.

G. Insurance against loss or damage to the collateral from fire or other hazards will be procured and maintained by the obligor until the customer note is repaid or repurchased by Bale Cheverolet and/or Bale Finance, and the proceeds from such insurance will be assigned to whichever of the Plans holds the customer note involved.

H. Repayment must be provided for in the following manner:

1. Where the customer note is secured by heavy equipment, the term shall in no event exceed 60 months. For purposes of this exemption heavy equipment shall include trucks (cab and chassis only) over 10,000 pounds but shall not include such equipment which has been specifically designed, manufactured or modified to a users specifications and which cannot reasonably be expected to be resold in the ordinary course of the equipment distribution business.

2. Where the customer note is secured by passenger automobiles and light-duty highway motor vehicles, the term of repayment shall in no event exceed 48 months. For purposes of this exemption, passenger automobiles and light-duty highway motor vehicles are defined as vehicles which have a gross weight of 10,000 pounds or less, are propelled by means of their own motor and are a type used for highway transportation.

I. The Plans relying upon this exemption shall maintain or cause to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the Department to determine whether the conditions of this exemption have been met, except that:

1. A prohibited transaction will not be deemed to have occurred if due to circumstances beyond the control of the Trustees or other appropriate fiduciary of the Plans, such records are lost or destroyed prior to the end of such six-year peiods; and

2. Bale Chevrolet and Bale Finance shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if such records are not maintained, or are not available for examination as required by paragraph J below; and

J. Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph I above are unconditionally available at their customary location for examination during normal business hours by:

1. The Internal Revenue Service;

2. The Department of Labor;

3. Participants and beneficiaries of the Plans;

4. Any employer of plan participants;

5. Any employee organization any of whose members are covered by the Plans; or

6. Any duly authorized employee or representative of a person described in subparagraph (1) through (5) of this paragraph.

Section III. Special Exemption

A. The restrictions of sections 406(a) and 406 (b)(1) and (b)(2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase and holding by the Plans of customer notes purchased on or before June 30, 1975, from Bale Finance provided that the following conditions are met:

1. The terms of the purchase of the customer notes by the Plans were at least as favorable to the Plans as an arm's-length transaction with an unrelated third party would have been;

2. The Plans received adequate security as defined in Section (II)(F) above; and

3. Such purchases were ordinarily and customarily made by the Plans prior to January 1, 1975.

B. The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and section 4975(c)(1) (A) through (E) of the Code shall not apply until 180 days after the grant of this exemption to the sale, exchange or other disposition of customer notes which are owned by the Plans on December 18, 1981 to a disqualified person or party in interest if:

1. Such sale is made in order to comply with the conditions of this exemption; and

2. The Plans receive not less than adequate consideration.

Signed at Washington, D.C., this 11th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-36147 Filed 12-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2889]

Proposed Exemption for Certain Transactions Involving the Hanes Corporation Retirement Plan Located in Chicago, Illinois

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of undeveloped real estate by the Hanes Corporation Retirement Plan (the Plan) to Consolidated Foods Corporation (Consolidated), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Consolidated, the Plan and its participants and beneficiaries.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before February 1, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2889. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan's trustee, Wachovia Bank and Trust Company, N.A. (the Trustee), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan. The estimated number of Plan participants is 12,311.

2. The Trustee and Consolidated have entered into an Agreement of Purchase and Sale (the Agreement) pursuant to which the Trustee will sell to Consolidated a parcel of undeveloped real estate owned by the Plan. The Hanes Corporation (Hanes), the sponsor of the Plan, is a division of Consolidated. There are no common directors of the Trustee and Consolidated. All of the Trustee's stock is owned by the Wachovia Corporation (WC), and both Consolidated and WC are traded on the New York Stock Exchange.

3. In March, 1970, Hanes conveyed to the Plan 33.7 acres of land in Winston-Salem, North Carolina. The land abuts on Interstate 40, Silas Creek Parkway, and South Stratford Road, which are major business and commercial roads in Winston-Salem. The contribution of the land was in lieu of a cash contribution and was valued at $1,350,000, or approximately $.92 per gross square foot. This land has been developed by the Trustee into the Stratford Executive Park (the Park). The landowners in the Park currently include insurance firms, physicians, lawyers, retail stores and accountants, among others. The Park is almost fully developed except for the last phase (Phase 4), in which about half the land has been sold.

4. In January, 1980, Consolidated initiated negotiations with the Trustee for the sale of a tract of land in Phase 4 of the Park (the Parcel) on which a narrow street could be constructed. The Parcel joins a road in the Park, Shepherd Street, with property on which Consolidated maintains the Hanes Corporation Research Center (the Center). The only present access to the Center passes through a residential area and Consolidated desired to purchase the Parcel so as to provide access to the Center through a business area.

5. For the next 18 months, the parties negotiated the terms of the sale of the Parcel to Consolidated and on June 8, 1981, the parties executed the Agreement which contained a purchase price for the Parcel of $36,522.09, or $3.75 per square foot. This price per square foot was based on the Trustee's asking price for property in the Park during the time of the negotiations with Consolidated. On August 27, 1981, the Parcel was appraised and valued at $38,000 by Kenneth B. Compton & Associates, Inc., MAI, an independent real estate appraiser. The appraised value of $38,000 is approximately $3.90 per square foot, which is $.15 per square foot higher than the purchase price stated in the Agreement entered into on June 8, 1981. Consequently, Consolidated offered to pay $4.00 per square foot for the parcel, and on September 13, 1981, the parties executed the Amendment to the Agreement of Purchase and Sale, increasing the purchase price from $3.75 to $4.00 per square foot.

6. The Agreement as amended contains the following provisions: (1) the purchase price is $38,956.90, or $4.00 per square foot for the Parcel which contains 9,739.224 square feet. A deposit of $4,000 was paid on June 8, 1981, and the balance of $34,956.90 will be paid at the closing; (2) the sale is conditioned upon obtaining an exemption from the prohibited transaction restrictions of the Act and the Code. If an exemption is denied or not granted by February 28, 1982, the Trustee is obliged to return the $4,000 deposit to Consolidated. If an exemption is obtained, the sale must take place within 30 days of the Trustee's notice to Consolidated that the exemption has been granted; (3) Consolidated must construct a street on the Parcel connecting Shepherd Street to the Center property within one year of the closing. If Consolidated does not complete the street by the end of one year, the Parcel automatically reverts to the Trustee; and (4) the Trustee may retain Consolidated's $4,000 deposit if Consolidated fails for any unathorized reason to comply with the Agreement and fails to close the sale of the Parcel.

7. The Trustee represents that since the Parcel abuts on the Center property, Consolidated is a logical purchaser of the Parcel. The terms of the sale to Consolidated are comparable to the terms of other recent sales transactions for property in the Park, except for the price and the more stringent term requiring Consolidated to construct a street on the Parcel. It is possible that

the Parcel could be sold to an independent person. However, there have been few sales of property in the Park recently because of the currently depressed real estate market. In addition, no other party has expressed any interest in the property to be acquired by Consolidated. The sale of the Parcel will not adversely affect the sales of other property in the Park.

8. Consolidated is paying all the expenses associated with the sale, including the Trustee's attorneys fees for applying for an exemption and the costs of a survey and the appraisal. For sales of other tracts of land in the Park, the Trustee and the purchaser each generally pay whatever costs they incur. Furthermore, the real estate commission of 5% which is typically charged on sales in the Park and paid by the Trustee will not be charged on the proposed sale to Consolidated.

9. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because (1) the sale would be a one-time transaction with the balance of the purchase price to be paid at closing; (2) all expenses incidental to the sale will be borne by Consolidated, and no commission will be charged on the sale; (3) the sales price will be almost $1,000 greater than the fair market value of the Parcel as established by independent appraisal; and (4) the Trustee has determined that the proposed transaction is appropriate for the Plan and in the interests of Plan participants and beneficiaries and protective of their rights.

Notice to Interested Persons

Within 10 days from the date of publication of this notice of proposed exemption in the **Federal Register** (on or before December 28, 1981), the applicant will provide notice to all Plan participants, including retired participants. All active participants and all employee organizations will be notified by posting on official bulletin boards at all work locations, and all retired participants will be notified by mailing. Notification will include a copy of this notice of proposed exemption and will inform all interested persons of their right to comment and request a hearing.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaies of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of the Parcel by the Plan to Conslidated for $38,956.90, provided such amount is not less than the fair market value of the Parcel at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of December 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–36148 Filed 12–17–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2734]

Proposed Exemption for Certain Transactions Involving Internal Medicine Group of Cape Girardeau, Inc.; Profit Sharing Plan; Located in Cape Girardeau, Missouri

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale by the Internal Medicine Group of Cape Girardeau, Inc. Profit Sharing Plan (the Plan) to Internal Medicine Real Estate Company (the Partnership), a partnership composed of shareholders, officers and directors of Internal Medicine of Cape Girardeau, Inc. (the Employer), the Plan sponsor, of certain bonds (the Bonds) issued by Cape Girardeau Doctors Park (Doctors Park). The proposed exemption, if granted would affect the participants and beneficiaries of the Plans, the Partnership and the Employer.

DATE: Written comments and requests for a public hearing must be received by

the Department on or before February 18, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2734. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Partnership, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is engaged in the group practice of internal medicine. The Plan is a profit-sharing plan with 40 participants as of July 15, 1981. Investment decisions for the Plan, including the decision regarding the transaction discussed herein, are made by the firm of Donelan and Phelps, an investment advisor and Guaranty Trust Company of Missouri, which acts as the Plan's trustee (the Trustee). Both Donelan and Phelps and the Trustee are independent of the parties to the proposed transaction.

2. Five of the six shareholders of the Employer are shareholders in Doctors Park, which has a total of approximately 30 shareholders. The Plan currently holds Bonds with a face value of $25,300 which represents 6% of Plan assets. Each of the Bonds was purchased at its face amount and each Bond had an interest rate of 8% per annum. One of the Bond issues reached its maturity date on March 23, 1980 and Doctors Park and the Trustee agreed that the maturity date would be extended to December 31, 1981 and the interest rate would be increased to 13%.

3. Due to the low rate of return on the Bonds, the Plan now proposes to sell the Bonds to the Partnership for a cash purchase price which would be the face amount of each Bond. It is represented that there is no present market for the Bonds and that if they could be sold, they would have to be substantially discounted from face value because of the low interest rate.

4. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act due to the following:

(a) the sale would be a one-time transaction for cash;

(b) There is no market for the Bonds;

(c) the Plan will receive the face amount of the Bonds from the Partnership, which is greater amount than the Plan could otherwise receive; and

(d) the decision to sell the Bonds was made by Donelan and Phelps and the Trustee, who are independent of the parties to the transaction.

Notice to Interested Persons

Notice of the proposed exemption will be given, either by hand or by mail, to all interested persons including all participants and beneficiaries of the Plan, within 30 days of its publication in the **Federal Register**. The notice will contain a copy of the proposed exemption and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedures 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b) (1)

and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of the Bonds by the Plan to the Partnership for a cash purchase price of $25,300, provided that this amount is not less than Bonds' fair market value on the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 11th day of December, 1981.

Alan D. Lebowitz

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc 81-36144 Filed 12-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2785 and D-2786]

Proposed Exemption for Certain Transactions Involving R. M. Bradley Co., Inc., Located in Boston, Massachusetts, and the First City National Bank of Houston Located in Houston, Texas

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption involves certain aspects of the proposed provision of real estate services by the R. M. Bradley Co., Inc. (Bradley) to the First City National Bank of Houston (the Bank) as trustee of certain employee benefit plans. The proposed exemption, if granted, would affect Bradley, the Bank and the participants and beneficiaries of such employee benefit plans.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before January 22, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-2785 and D-2786. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (this is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) and (F) of the Code. The proposed exemption was requested in an application filed on behalf of Bradley and the Bank, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. Bradley is a privately-owned corporation with headquarters in Boston, Massachusetts, which provides real estate evaluation, management and other services for various clients, from initial evaluation of a real estate investment opportunity for a client through the acquisition, asset management and disposition stages of the client's involvement in a property. Bradley has engaged in such activities since its formation in 1887 and has developed a high degree of sophistication and expertise in the field. Its services inlcude conceptual planning, agency development, evaluation of existing properties, physical and financial management, marketing, leasing and disposition. Moreover, Bradley may evaluate, select and supervise on-site personnel; structure and manage rental and leasing programs; and supervise and direct the efforts of architects and builders in the construction phases of developing or redeveloping a property. Bradley, in an agency capacity, maintains the ability to perform such services with respect to properties in many different locations throughout the United States, including shopping centers, office buildings, distribution facilities, motel and hotel properties, land and residential developments.

2. The Bank is a national banking association in Houston, Texas, which is a wholly-owned subsidiary of First City Bancorporation of Texas, Inc., a publicly-owned bank holding company. The Bank, through its Trust Division, has long and broad experience in serving as a fiduciary with respect to employee benefit plans and currently serves as trustee with respect to over $2 billion of employee benefit plan assets.

3. The Bank has received numerous inquiries from many of its employee benefit plan customers regarding the possibilities of investing in real estate. These inquiries have paralleled a general increased interest in investing in real estate by pension funds throughout the country, and the Bank has explored various ways that real estate investment can be accomplished, including collective investment funds and certain direct ownership arrangements in real estate located primarily in the Houston, Texas area. Because the Bank believes that it is important to diversify real estate investments into other areas of the country and that it would inappropriately limit investment opportunities to confine investments to the Houston area, the Bank has sought assistance from real estate experts with national capability. Although the Bank maintains a high degree of sophistication and expertise in the real estate area, it does not believe it has the staffing necessary to search the country for acceptable properties or provide primary management of widely dispersed properties.

4. The Bank and Bradley are requesting an exemption that would allow them to enter into an agreement (the Agreement) pursuant to which Bradley would provide for the Bank certain real estate advisory services and asset management services. In its fiduciary capacity, the Bank has determined that no common or collective investments will be made pursuant to the Agreement and that any particular investment will be made by a single corporate pension account.

Moreover, only those pension funds of at least $100 million in total assets will be considered eligible for such an investment, and no more than 10% of any fund shall be committed to an investment to which the Agreement relates. The diversification and liquidity requirements of the pension fund customers of the Bank will be evaluated by the Bank in making its determination as to which accounts are appropriate for real estate investments under the Agreement.

5. Pursuant to investment guidelines established by the Bank, Bradley will locate and evaluate real estate investment opportunities and recommend appropriate opportunities to the Bank. Bradley will present to the Bank a detailed analysis of the investment and any other pertinent information the Bank requests. The Bank, in its sole discretion, will make the investment decision with respect to approval or rejection of the investment opportunity presented. If the Bank approves the proposed investment, Bradley will proceed to acquire the investment on behalf of the pension fund account designated by the Bank. Similarly, Bradley will locate, evaluate and present to the Bank opportunities for disposition of investments previously acquired under the Agreement. Acceptance or rejection of any opportunity for disposition is made by the Bank in its sole discretion. If the Bank approves the proposed disposition, Bradley will proceed wih the disposition of the investment as approved.

6. Pursuant to the Agreement, Bradley will receive from the Bank (on behalf of the separate pension account) for its real estate services a fee equal to one percent of the purchase price of an investment at the time of acquisition and a fee equal to one percent of the sales price of an investment at the time of disposition. Bradley will not act for compensation as a broker with respect to the acquisition or disposition of an investment. The reasonable expenses of Bradley incurred with respect to an approved acquisition or proposed disposition will be reimbursed by the Bank (on behalf of the separate pension account).

7. During the period in which an investment is held by a separate pension account under the Agreement, Bradley will operate and manage the investment and arrange for on-site management, operation and leasing. Bradley will perform or supervise the performance of all other necessary management duties, including rental collections, leasing, maintenance and repair, marketing, providing insurance and making required payments. Bradley will monitor the investment and make complete reports quarterly to the Bank regarding the operation of the property. Expenses relating to asset management, including travel for periodic on-site inspections, will be paid as an expense of the separate pension account.

8. Pursuant to the Agreement, Bradley will receive from the Bank (on behalf of the separate pension account) for its asset management services an annual fee equal to six-tenths of one percent of the fair market value of the assets managed, based on an annual MAI appraisal. In addition, if Bradley itself performs actual leasing services or actual on-site management (as opposed to contracting for and supervising same), then Bradley will receive reasonable fees for such services as agreed upon by the Bank, but not in excess of compensation that would be considered normal and reasonable for similar services within the same geographical area.

9. The Agreement provides that except as specifically agreed to in writing by the Bank, Bradley will not be entitled to any fee with respect to the acquired properties other than the asset acquisition, disposition and management fees to be paid by the Bank on behalf of the pension funds and that Bradley will not solicit, accept or retain any fee from any person other than the Bank in connection with properties acquired by the pension funds.

10. In the search for appropriate real estate investments pursuant to the Agreement, a particular investment opportunity may be located by Bradley and presented to the Bank in the form of a joint venture with an unrelated third party. In connection with such joint venture investments, it is possible that Bradley might, with the specific consent of the Bank, receive consideration from the third party joint venturer under the following circumstances: (1) Where a particular investment is acquired by a joint venture between the pension funds and a third party, the third party may pay an acquisition fee to Bradley with respect to its interest in the investment. The acquisition fee payable by the Bank under the Agreement would be based on the pension funds' investment only; (2) Bradley may receive an asset management fee from the third party joint venturer, based only on the joint venturer's interest in the venture; (3) Where it is appropriate for Bradley to provide on-site management or leasing services, the third party joint venturer would pay its share of Bradley's fee for such services, based on its interest in the venture; and (4) Where a joint venture investment is to be sold, the joint venturer might pay to Bradley an asset disposition fee based on its interest in the venture.

11. The Agreement is for a term of ten years, subject to additional five-year terms if not sooner terminated, but may be terminated by the Bank in the event of Bradley's violation of the Agreement or bankruptcy or if the Bank determines that the separate accounts have suffered a material loss attributable to investment performance.

12. The applicants are not requesting relief from section 406(a) of the Act. The applicants represent that the proposed transactions are exempted from section 406(a) of the Act by the statutory exemption provided by section 408(b)(2) of the Act. Notwithstanding the above, Bradley represents that it may be deemed to be a fiduciary with respect to the employee benefit plans that will invest in the real estate, and therefore may require relief from section 406(b) of the Act. In any event, pursuant to the Agreement, Bradley will acknowledge its fiduciary status under the Act and Code.

13. The Bank believes that it is in the best interests of the plans and their participants to pursue real estate investments and that the plans and their participants might suffer from an investment program that excluded real estate assets. Moreover, the Bank believes that an appropriate real estate investment program for such plans may only be accomplished with the assistance of a firm providing the expertise and capability that Bradley provides. Furthermore, the Bank believes that it would be much more costly to the plans if the Bank retained one firm to locate, evaluate and acquire and dispose of investment opportunities and another firm to provide management for the properties while held. The information, familiarity and special knowledge acquired in evaluating an investment opportunity will be very valuable in providing subsequent asset management and allows the two services to be provided on a more economic basis.

14. In summary, the applicants represented that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because: (1) the terms of the Agreement and transactions thereunder will be negotiated at arm's-length between unrelated and sophisticated parties; (2) investments will be made only in accordance with investment guidelines specified by the Bank; (3) the Bank will exercise independent fiduciary judgment over each

transaction since the Agreement provides that the Bank, in its sole discretion, determines whether a property presented by Bradley is an appropriate investment for a plan and, likewise, whether a particular investment should be sold; (4) the Bank is subject to the rules and regulations of the Act and the banking rules and regulations of the Comptroller of the Currency, and Bradley is subject to the rules and regulations of the Act; (5) pursuant to the Agreement, Bradley will not present or recommend for acquisition any property in which Bradley or any of its affiliates has an interest; (6) Bradley and its affiliates will not acquire any interest in a property held by a plan and will not have any interest in the purchase side of a transaction in which a plan is the seller; and (7) Bradley agrees that it will not be entitled to any brokerage fee, commission or other fee with respect to properties acquired or sold under the Agreement and that it will not solicit, accept or retain any fee other than from the Bank with respect to properties acquired, managed or sold, other than as specifically agreed to by the Bank.

Notice to Interested Persons

This notice of pendency will constitute the only notice to interested persons because the identity of the interested persons that will be affected by the proposed exemption is not known at this time.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) of the Act and section 4975(c)(1)(A) through (D) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) and (F) of the Code shall not apply to the provision of real estate services as described above and the receipt of fees with respect to such services by Bradley.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of December, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-36145 Filed 12-17-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Postponement and Rescheduling of Meeting

Pursuant to provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of postponement and the rescheduling of the meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date changes from: January 5, 1982 to January 12, 1982.

The time and place remains the same: 10 a.m., N3437 A&B, Frances Perkins, Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210.

Notice of the January 5 meeting was published on Tuesday, December 15, 46FR61180.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523–6565, December 15, 1981.

Signed at Washington, D.C., this 15th day of December 1981.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 81-36200 Filed 12-17-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on Nuclear Safety Research Program will hold a meeting on January 6, 1982, in Room

1046, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the proposed FY 1983 budget for the NRC Safety Research Programs and the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Programs. Notice of this meeting was published November 25.

The entire meeting will be closed to discuss the NRC Safety Research Program budget as required (Sunshine Act Exemptions (2), (6), and (9)b). For the reason just stated, such a discussion would not be possible if held in public session.

The agenda for subject meeting shall be as follows:

Wednesday, January 6, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants regarding the NRC FY 1983 Safety Research Programs and the associated budget. Following this session the Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Programs.

I have determined, in accordance with subsection 10(d) Pub. L. 92–463 that it may be necessary to close sessions of the meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (Exemption (2)), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (Exemption (6)), and to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (Exemption (9)b). The authority for such closure are Exemptions (2), (6), and (9)b to the Sunshine Act (5 U.S.C. 552b(c)(2)(6)(9)b).

Dated: December 15, 1981.

John C. Hoyle,

Advisory Committee.

[FR Doc. 81–36202 Filed 12–17–81; 8:45 am]

BILLING CODE 7590–01–M

Application for License To Export Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed by January 18, 1982. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this 11th day of December 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

FEDERAL REGISTER (EXPORT/IMPORT)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Nov. 30, 1981, Dec. 1, 1981, XSNMO1892	3.35 percent enriched uranium	6,030.100	202.039	Reload fuel for Borssele reactor	Netherlands
Transnuclear, Nov. 30, 1981, Dec. 1, 1981, XSNMO1893	3.35 percent enriched uranium	11,960.500	400.677	Reload fuel for Borssele reactor	Netherlands
Transnuclear, Dec. 3, 1981, Dec. 3, 1981, XSNMO1661(01)	93.3 percent enriched uranium	Add'l 0.030	Add'l 0.016	Increase quantity for FRJ–1 reactor	W. Germany
Transnuclear, Dec. 3, 1981, Dec. 3, 1981, XSNMO1725(03)	93.3 percent enriched uranium	Add'l 0.0100	Add'l 0.0048	Increase quantity for ASTRA reactor	Austria
Transnuclear, Dec. 3, 1981, Dec. 3, 1981, XSNMO1727(02)	45.4 percent enriched uranium	Add'l 0.075	Add'l 0.016	Increase quantity for ASTRA reactor	Austria
Mitsui & Co., Dec. 1, 1981, Dec. 7, 1981, XSNMO1895	3.95 percent enriched uranium	31,837	968	Fuel for Fukushima I, unit 3	Japan
Mitsui & Co., Dec. 1, 1981, Dec. 7, 1981, XSNMO1896	3.95 percent enriched uranium	6,684	202	Fuel for Fukushima I, unit 3	Japan

[FR Doc. 81–36190 Filed 12–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 43 and 66 to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (the licensee) which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility) located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to clarify action requirements and reflect current methodology based on dose factors for radioactive materials in gaseous effluents. The change will assure that releases of radioactive materials in gaseous effluents are as low as reasonably achievable.

The application for the amendment complies with the standards and requirements of Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated November 25, 1981, as supplemented October 30, 1981, (2) Amendment No. 43 to License No. DPR–71 and Amendment No. 66 to DPR–62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of December 1981.

For the Nuclear Regulatory Commission.

Philip J. Polk,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-36169 Filed 12-17-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, January 7, 1982
Thursday, January 14, 1982
Thursday, January 21, 1982
Thursday, January 28, 1982

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Federal Prevailing Rate Advisory Committee.

December 11, 1981.

[FR Doc. 81-36119 Filed 12-17-81; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

[Docket No. C82-1]

Warshawsky & Co.; Filing of Complaint Relating to Third-Class Bulk Mail Rates

Issued: December 11, 1981.

Notice is hereby given that on November 16, 1981 Warshawsky & Company (hereinafter "Warshawsky") of Chicago, Illinois, has filed, pursuant to 39 U.S.C. 3662, a complaint relating to the schedule of rates applicable to third-class bulk regular mail. Warshawsky alleges, *inter alia*, that the United States Postal Service has violated several mandates of the Postal Reorganization Act of 1970 (Title 39, U.S.C.), specifically: (1) That rates of postage are to be fair and equitable, (2) that the effect of rate increases upon business mail users must be considered, and (3) that available alternative means of sending and receiving letters and other mail matter at reasonable costs must also be considered.

Warshawsky also asserts that third-class bulk regular mailers who mail at the per-pound rate established by the Decision of the Board of Governors of the United States Postal Service on September 29, 1981, must pay rates which cover approximately 240 percent of attributable costs while those mailers using the applicable minimum per-piece rate would pay rates which would cover only 172 percent of attributable costs. Warshawsky also points out that the November 1, 1981 rate increase has resulted in a 36 percent increase in its postal rates, that the increase will force it to decrease its third-class mailings during 1982 and, in conjunction with substantial secondary volume effects due to reduced first-class order responses and reduced fourth-class order shipments, will result in a net revenue loss to the Postal Service.

Although Warshawsky cannot specify which other persons would be similarly affected by the rates which are the subject of its complaint, it does state that the alleged inequity would be applicable to any mailer of bulk third-class mail who mails at the pound rate. The relief requested by Warshawsky is for third-class regular rate bulk pieces subject to the pound rate to be charged 33 cents per pound, the temporary rate placed into effect by the Governors on March 22, 1981, rather than the current 45 cents per pound.

On December 4, 1981, the United States Postal Service filed its response to Warshawsky's complaint. The Postal Service therein asserted several grounds upon which it urges the Commission to conclude that institution of a proceeding based upon Warshawsky's complaint would be inappropriate. First, the Service alleges that the subject matter of Warshawsky's complaint is now *sub judice*, establishing, according to the Service, that Warshawsky has not exhausted its administrative remedies. The Postal Service notes that the decision of the Governors, of September 29, 1981, on Docket No. R80-1, is now under review by the United States Court of Appeals for the Second Circuit in *Time, Inc., et al.*, v. *United States Postal Service*, Nos. 81-4183, *et al.*, (2d Cir., filed Sept. 30, 1981). The Service also asserts that the doctrines of *res judicata* and collateral estoppel bar the institution of a proceeding based upon Warshawsky's complaint in that the subject matter of that complaint is identical to the issue of the proper rate for the pound component of third-class bulk regular mail, which was fully litigated in Commission Docket No. R80-1. According to the Postal Service, there is no reason why those doctrines should not apply simply because Warshawsky's complaint has been raised in an administrative rather than judicial form.

Since the Commission's jurisdiction under section 3662 of the Act is discretionary, Postal Service urges that the Commission decline to exercise its jurisdiction and has moved that the

Commission dismiss Warshawsky's complaint.

By order of the Commission

David F. Harris,

Secretary.

[FR Doc. 81-36112 Filed 12-17-81; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Meeting

Pursuant to section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the President's Commission on White House Fellowships will be held on January 15, 1982, from 9:00 a.m. to 5:00 p.m., in the New York room of the Capital Hilton, 16th and K Streets, N.W., Washington, D.C.

This meeting is scheduled to give the Commissioners an opportunity to evaluate and review the Fellowship program. The items to be discussed will include the criteria for White House Fellowship selection, processing of background investigations, a review of Fellows' salary restrictions and other Commission matters.

The meeting will be open to the public. Questions about the agenda can be directed to (202) 395-4522.

James C. Roberts,

Director.

[FR Doc. 81-36138 Filed 12-17-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12102; 812-4955]

Eberstadt International Fund, L.P. and Eberstadt Asset Management, Inc.; Filing of Application

December 11, 1981.

Notice is hereby given that Eberstadt International Fund, L.P. ("Fund"), 61 Broadway, New York, New York 10006, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Eberstadt Asset Management, Inc. ("Adviser"), a general partner of and the investment adviser to the Fund (Fund and Adviser are hereinafter referred to together as ("Applicants"), filed an application on August 20, 1981, and an amendment thereto on November 16, 1981, requesting an order of the Commission exempting the Fund and one of the general partners of the Fund (other than the Adviser) from the provisions of section 2(a)(19) of the Act to the extent that such general partner would otherwise be deemed an "interested person" of the Fund or of the Adviser solely because such general partner is a partner in the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund has been organized as a limited partnership under the Uniform Limited Partnership Act of the State of New York as a vehicle for providing large investors with a means of obtaining long-term capital appreciation through the acquisition of securities, generally common stock, of companies organized outside the United States. It is stated further that the Fund will require a minimum initial investment of $500,000 by each investor-limited partner, and subsequent investments of not less than $100,000.

It is stated that the Fund will have two kinds of partners ("Partners"): general partners ("General Partners") and limited partners ("Limited Partners"). Applicants state further that the entire interest of the Partners will be divided into units ("Shares"), which will all be of a single class, having equal rights including one vote per share, and equal participation in profits and losses of the Fund.

Applicants state that, prior to the public offering of Shares, the Fund will have at least six General Partners, consisting of individual General Partners ("Managing General Partners") and one or more corporate general partners ("Non-Managing General Partners"). It is stated that the Adviser is presently the Fund's only Non-Managing General Partner. It is further stated that the Fund will be managed by the Managing General Partners, who will have complete and exclusive control over the management, conduct and operation of the Fund's business, and that, except in the limited circumstances described below, a Non-Managing General Partner shall have no power to engage in the management, conduct, or operation of the Fund's business. However, Applicants acknowledge that in its capacity as Adviser, the Non-Managing General Partner may have the authority to act on behalf of the Fund to the extent provided in its advisory agreement. It is stated that the Managing General Partners will perform the same functions as do directors of investment companies in the corporate form.

Section 10(d) of the Act sets forth an exception to the requirements of sections 10(a) and 10(b)(2) of the Act regarding the composition of boards of directors of investment companies, by providing that certain investment companies which do not impose a sales charge in connection with the distribution of their securities may have a board of directors all of the members of which, except one, are interested persons of the company's investment adviser or are officers or employers of the company, if certain enumerated conditions are met. Applicants state that the Fund intends to meet the conditions of section 10(d) of the Act and have one of its Managing General Partners assume the role of the non-interested director required by the section. It is further stated that such Managing General Partner (referred to hereinafter as the "Non-Associated General Partner") is also to be deemed the director who is not an interested person of the Fund for purposes of section 15(c) of the Act and of any other provision of the Act which requires action to be taken by a non-interested director of the Fund. Section 15(c) of the Act provides that it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party.

Section 2(a)(19)(A) of the Act provides, in pertinent part, that an "interested person" of another person, when used with respect to an investment company, means (1) any affiliated person of such investment company, and (2) any interested person of any investment adviser or principal underwriter for such company. Section 2(a)(19)(B) of the Act provides, in pertinent part, that an "interested person" of another person, when the other person in an investment adviser or principal underwriter for any investment company, means any affiliated person of such investment adviser or principal underwriter.

Section 2(a)(3)(D) of the Act provides that an "affiliated person" of another person means any officer, director, partner, co-partner, or employee of such othr person.

Applicants state that pursuant to the provisions of sections 2(a)(19) and 2(a)(3) of the Act, the Non-Associated General Partner's relationships with the Fund and with the Adviser would preclude his being a non-interested

person of either the Fund or of the Adviser, since the Non-Associated General Partner would, as an affiliated person of the Fund, within the meaning of section 2(a)(3)(D) of the Act, be an interested person of the Fund pursuant to section 2(a)(19)(A)(i) of the Act, and because, as an affiliated person of the Adviser within the meaning of section 2(a)(3)(D) of the Act, the Non-Associated General Partner would be an interested person of the Adviser pursuant to section 2(a)(19)(B)(i) of the Act, and an interested person of the Fund under the terms of section 2(a)(19)(A)(iii) of the Act. Applicants further state that the Non-Associated General Partner, as an interested person of the Fund and the Adviser, would not be able to assume the role of a non-interested director for purposes of Section 10(d), 15(c), or of any other section of the Act requiring that action be taken by a non-interested director.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants, to ensure compliance with section 10(d) of the Act, and with section 15(c) and any other provision of the Act requiring action to be taken by a non-interested director of an investment company, have requested that the Non-Associated General Partner of the Fund be exempted (a) from the definition of "interested person" of an investment company found in section 2(a)(19)(A)(i) of the Act to the extent that the Non-Associated General Partner would otherwise be deemed an interested person of the Fund solely because he is a General Partner of the Fund; and (b) from the definition of "interested person" of an investment adviser found in section 2(a)(19)(B)(i) of the Act to the extent that the Non-Associated General Partner would otherwise be deemed an interested person of the Adviser solely because the Non-Associated General Partner is a co-partner of the Adviser in the Fund.

In support of the exemption requested from section 2(a)(19)(A)(i) of the Act, Applicants cite the provisions of section 2(a)(19)(A)(vi)(aa) of the Act, declaring that no person shall be deemed to be an interested person of an investment company solely by reason of his being a director or owner of the securities of the investment company. Applicants submit that the relationship of the Non-Associated General Partner to the Fund is essentially that of a director to an incorporated investment company. In this regard, Applicants note that the Managing General Partners, including the Non-Associated General Partner, may only act pursuant to majority vote at duly authorized meetings, and that no single Managing General Partner, including the Non-Associated General Partner, has authority to act on behalf of the Fund or to bind the Fund.

In support of the exemption requested from section 2(a)(19)(B)(i) of the Act, Applicants assert that the Non-Associated General Partner could appropriately assume the role of the non-interested director of the Fund for purposes of section 10(d) of the Act because he would be sufficiently independent of the Adviser to act as a "watchdog" with respect to the relationship between the Fund and the Adviser. It is represented that the Non-Associated General Partner will be affiliated with the Adviser only by reason of his status as a co-partner of the Adviser in the Fund; that the Non-Associated General Partner will not be an officer, director, or employee of the Adviser, not will he engage in business dealings with the Adviser while serving as a General Partner which might affect his judgment with regard to matters on which he is required to vote as a General Partner. Lastly, Applicants state that the fiduciary obligation which the Non-Associated General Partner would owe, under the laws of the State of New York, to the Adviser as a fellow General Partner, the main elements of which are the utmost good faith, fairness and loyalty, would not create circumstances in which the Non-Associated General Partner would be induced to favor the interests of the Adviser in derogation of the fiduciary obligations which he has with respect to other General Partners, as well as with respect to Limited Partners.

Notice is further given that any interested person may, not later than January 5, 1982, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his of her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidivit or, in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36191 Filed 12-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12101; 812-4997]

Midland Bank, Ltd.; Filing of Application

December 11, 1981

Notice is hereby given that Midland Bank, Limited ("Applicant"), c/o Peter Darrow, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10005, filed an application on October 21, 1981, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it provides directly, or through its subsidiaries, a wide range of banking and financial services to individuals and corporations. Applicant further states that it was first established as a banking corporation in 1836 by a deed of settlement under the name "The Birmingham and Midland Bank", and changed its name in 1923. Applicant's principal office is at Poultry, London, EC2P 2BX, England. Applicant states that its domestic banking in England, Wales, Scotland, Northern Ireland and in the Republic of Ireland is conducted through a network of approximately 3,000 branches of

Applicant itself or by subsidiaries. In addition to traditional commercial banking services, Applicant states it is also engaged in merchant banking, equity finance, property finance, consumer finance, credit card operations, equipment leasing, factoring and the world-wide provision of travel services and the sale of travelers checks through The Thomas Cook Group Limited.

Applicant states that as of December 31, 1980, the Midland Bank Group had total assets of approximately $60.4 billion, of which approximately $47 billion consisted of loans and overdrafts and placings with banks. As of December 31, 1980, total liabilities were approximately $57.2 billion, of which $54.6 billion consisted of deposits. According to the application, Applicant had outstanding as of December 31, 1980, 164,307,933 shares of common stock representing an aggregate market value of approximately $1.3 billion. Applicant states that as of December 31, 1980, it was the third largest banking organization in the United Kingdom and the seventeenth largest bank in the world in terms of total assets.

Applicant represents that it is subject to a variety of regulatory measures in the United Kingdom. According to the application, the Bank of England has broad power under the Bank of England act 1946 to request information from and to make recommendations to United Kingdom banks. In addition, Applicant states it is subject to the Banking Act 1979 which supplements the Bank of England's general supervisory powers. Applicant states the Bank Act 1979 regulates the use of banking names and descriptions, incorporates provisions controlling advertisements for deposits, and provides for the establishment of a Deposit Protection Board. Applicant further states that regulation of the United Kingdom banking system is largely based upon informal cooperation between the Bank of England and United Kingdom banks and operates through a number of accepted practices including the filing of periodic reports and periodic statistical returns prescribed by the Bank of England. In addition, the Banking Act 1979 requires the Bank of England to introduce formalized codes relating to the adequacy of capital, liquidity and foreign currency exposure. According to the application, the Bank of England also advises H.M. Treasury in the formulation of the United Kingdom government's monetary policy. Applicant states that on August 20, 1981, the bank of England introduced new methods of monetary control whereby United Kingdom banks must maintain at least a certain proportion of their eligible liabilities in certain defined assets.

Applicant states that on October 15, 1981, it completed the acquisition of approximately a 51% equity interest in Crocker National Corporation, a bank holding company organized under the laws of Delaware whose principal executive offices are located in San Francisco, California. According to the application, Applicant will be required to register as a foreign bank holding company as a result of this acquisition under the Bank Holding Company Act of 1956. Applicant states that under the Bank Holding Company Act of 1956, the Federal Reserve Board regulates the types of activities in which a foreign bank holding company may engage in the United States and requires the filing of annual reports regarding its overall operations. Applicant further states that it has arranged to register as a foreign bank holding company within four months after the end of its current fiscal year.

Applicant proposes to offer, issue and sell short-term commercial paper maturing in nor more than nine months after the date of issue ("Notes"). The Notes will be in bearer form, denominated in United States dollars and issued in minimum denomination of $100,000. They will rank *pari passu* among themselves and equally with all other unsecured indebtedness of Applicant, including deposits and superior to the rights of shareholders of Applicant. According to the application, the Notes will not be payable on demand nor include any provision for extension, renewal on automatic "roll-over" at the option of either the holders thereof or the Applicant.

Applicant states that the Notes will qualify for the exemption from registration under the Securities Act of 1933 ("1933 Act") provided by section 3(a)(3) of the 1933 Act. Applicant will not offer the Notes until it has received an opinion of its legal counsel in the United States to the effect that the proposed offering is entitled to the exemption provided by section 3(a)(3) of the 1933 Act. Applicant does not request review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant represents that the presently proposed issue of Notes, and any future issue of debt securities in the United States will have received, prior to issuance, one of the three highest investment grades from at least one nationally recognized statistical rating organization and that its United States counsel will have certified that such rating has been received.

Applicant states that the Notes will be sold through a United States securities dealer to institutional investors and other entities and individuals who normally purchase commercial paper, and will not be advertised or otherwise offered to the general public. Applicant agrees to secure an undertaking from the dealer in the Notes that it will provide each offeree of the Notes, prior to any sale of Notes to such offeree, with a memorandum that describes the business of Applicant and that contains the most recent publicly available annual financial statements of Applicant which will include a balance sheet, profit and loss account and statement of source and application of funds and which have been audited in such a manner as is customarily done for Applicant by its auditors. In addition, such memorandum will contain Applicant's most recent publicly available unaudited interim financial statement and will be updated periodically to reflect material changes in Applicant's business and financial condition. The memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States. Such memorandum will describe the material differences between the accounting principles applied by Applicant and generally accepted accounting principles applicable to United States commercial banks. Applicant consents to any order granting the relief requested pursuant to section 6(c) of the Act being expressly conditioned upon Applicant's compliance with all undertakings regarding disclosure documents.

The Application states that Applicant will appoint a bank in the United States as its authorized agent to issue the Notes from time to time and will appoint an agent to accept any service of process in any action based on the Notes and instituted in any state or federal court by the holder of any Note. Applicant consents to the jurisdiction of any state or federal court in the Borough of Manhattan in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the Notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. Applicant states that the authorized agent will not be a trustee for the

holders of the Notes or otherwise obliged to act for them. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any future offer of debt securities that it may make in the United States.

Applicant states that it may offer other securities for sale in the United States, including long-term debt securities. Applicant represents that any future offering of its securities in the United States will be made pursuant to a 1933 Act registration statement or an applicable exemption from registration under the 1933 Act. In connection with any such offering, Applicant undertakes to insure that any offeree will be provided with disclosure documents at least as comprehensive in their description of Applicant and its business and financial condition as the dealer's memorandum referred to above. In no event will such disclosure be less comprehensive than is customary for United States offerings of similar debt securities.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, or any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states it is applying to the Commission because of uncertainty whether or not it would be defined as an "investment company" under the Act.

Applicant contends that approval of its application is both necessary and appropriate in the public interest. According to Applicant, if it were required to register as an investment company, it would be precluded from selling securities in the United States and, thus, denied access to the only dollar-denominated commercial paper market in existence. Applicant asserts the public interest would be served by permitting institutional and other sophisticated investors the opportunity to acquire commercial paper issued by it. Applicant further asserts that the requested exemption would be consistent with the protection of investors. Applicant notes that it is subject to regulation by United Kingdom banking authorities and is subject to regulation as a foreign bank holding company under the Bank Holding Company Act of 1956. In addition, Applicant states any offering of its securities in the United States would be subject to the antifraud provisions of the federal securities laws. Finally, Applicant contends that it is different from the type of institution that Congress intended the Act to regulate. Applicant asserts that granting an exemptive order pursuant to section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 5, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36142 Filed 12-17-81; 8:45 am]

BILLING CODE 8010-02-M

[Release No. 22314; 70-6672]

Mississippi Power and Light Co.; Proposal To Enter Into Agreement Relating to Financing of Pollution Control Facilities

December 11, 1981

Mississippi Power and Light Company ("Company"), P.O. Box 1640, Jackson, Mississippi 39205, a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

The Company is participating in the construction of two 815 MW nominally rated coal-fired generating units known as the Independence Steam Electric Generating Station ("Independence Plant") to be located near Newark, in Independence County, Arkansas ("County"). The Company owns a 25% undivided interest in the Independence Plant.

The Company proposes to dispose of, and to contract to reacquire, a portion of its anticipated undivided interest in certain of the pollution control and sewerage and solid waste disposal facilities at the Independence Plant ("Facilities").

The Company proposes to enter into an installment sale agreement ("Agreement") with the County, which will provide for the acquisition, construction and installation of the Facilities on behalf of the County. The Agreement contemplates the issuance by the County under a trust indenture between the County and a trustee ("Indenture") of up to $60,000,000 aggregate principal amount of its Pollution Control Revenue Bonds, Series 1981 ("Bonds"), the net proceeds of which would be used to defray the cost of construction of the Facilities.

The Agreement will provide that the Company will convey to the County such portions of the Facilities as have already been constructed or acquired by the Company, subject to the lien of the Company's Mortgage and Deed of Trust ("Mortgage") dated as of September 1, 1944, as supplemented and amended.

The Agreement will provide for the sale of the Facilities by the County to the Company. The Company will assent to the assignment and pledge to the trustee of the rights of the County in the Facilities (if any) and the County's interest in, and of the money's receivable by the County under the Agreement, expect for certain rights to indemnification and reimbursement of expenses.

'The purchase price of the Facilities payable by the Company will be such amount as shall be sufficient (together with other moneys held by the trustee under the Indenture and available therefor) to pay the principal of the Bonds as they become due and payable. The Company will also agree to pay interest on the unpaid balance of the purchase price of the Facilities equal to the premium, if any, and interest on the Bonds. It will also be obligated to pay (i) the fees and charges of the trustee and any paying agent or agents under the Indenture, (ii) all expenses incurred by the County in connection with its rights and obligations under the Agreement, (iii) all expenses necessarily incurred by the County or the trustee under the Indenture in connection with the transfer or exchange of Bonds and (iv) all other payments which the Company agrees to pay under the Agreement.

The Agreement will provide that the Company may at any time prepay all or any portion of the unpaid balance of the purchase price of the Facilities, together with interest thereon, in whole or in part, such payment to be sufficient (together with other moneys held by the trustee under the Indenture and available therefor) to redeem Bonds as provided in the Indenture.

The Indenture will provide that, upon occurrence of certain events relating to the construction or operation of the Independence Plant or the Facilities, the Bonds will be redeemable by the County, at the direction of the Company. The Bonds may be subject to mandatory redemption in the case of certain events relating to the taxability of the interest on the Bonds. The payments by the Company in such circumstances shall be sufficient (together with other moneys held by the trustee under the Indenture and available therefor) to pay the principal of all Bonds together with interest accrued or to accrue to the redemption date.

The Bonds will be issued as either serial bonds ("Serial Bonds") or term bonds ("Term Bonds"), or a combination thereof. The Term Bonds, if any, will mature not later than 30 years from the first day of the month in which they are initially issued and may be subject to a mandatory cash sinking fund. Serial Bonds, if any, will mature at various times prior to the maturity of the Term Bonds. The Indenture will provide for the application of such of the proceeds of the Bonds which, after completion of the Facilities, may remain unused for the redemption or purchase of the Bonds, at the direction of the Company.

In order to obtain the benefit of a rating for the Bonds equivalent to the rating accorded the first mortgage bonds outstanding under the Mortgage, the Company proposes to obtain the authentication of a series of first mortgage bonds ("Collateral Bonds") under the Mortgage, as proposed to be supplemented by an additional supplemental indenture ("Supplemental Indenture") to be dated as of the first day of the month in which the Collateral Bonds are to be authenticated and delivered. As evidence of its obligations to make purchase price payments, the Company proposes to deliver to the Trustee the Collateral Bonds in principal amount equal to the principal amount of the Bonds. The Collateral Bonds will bear interest at a rate equal to the interest rate per annum to be borne by the Bonds, will mature on the maturity date and each sinking fund date, if any, of such Bonds, and will be non-transferable by the Trustee, except to a successor Trustee. Payment of the principal and interest on the Collateral Bonds will constitute payment of the installments of the purchase price, together with interest, of the Facilities under the Agreement. Interest in respect of the Collateral Bonds will be included in computing the "annual interest requirements" restricting the amount of first mortgage bonds which may be issued and sold under the Mortgage in relation to the Company's adjusted net earnings. The Collateral Bonds will be issued on the basis of the retirement of first mortgage bonds previously outstanding and, to the extent necessary, on the basis of the unfunded net property additions.

The Indenture will provide that, upon deposit with the Trustee of funds sufficent to pay or redeem all or any part of the Bonds, or upon direction to the Trustee by the Company to so apply funds available therefor, or upon delivery of outstanding Bonds to the Trustee by or for the account of the Company, the Trustee will be obligated to deliver to the Company, or for the account of the Company, the related Collateral Bonds then held in an aggregate principal amount equal to the aggregate principal amount of Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

If, due to insufficiency of coverages or for other reasons, the Company is unable or determines not to issue the Collateral Bonds, the Bonds would be issued without the benefit of such security. In that event the Company may convey to the Trustee a subordinated security interest in the Facilities as security for its obligations under the Agreement. In accordance with the laws of the State of Arkansas, the interest rate to be borne by the Bonds will be fixed by the County. The Company will not be party to the underwriting arrangements; however, the Agreement provides that the terms of the Bonds and their sale by the County, shall be satisfactory to the Company. The Company understands that interest payable on the Bonds will be exempt from Federal income taxes. The Company expects the annual interest rate of the Bonds to be 3% to 4% lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

It is contemplated that the Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Kidder, Peabody & Co. Incorporated, Leland Speed, Mounger & Bartlett, Incorporated, T. J. Raney & Sons, Inc., Scharff & Jones, Incorporated and Stephens Inc. The Company requests an exception from the competitive bidding requirements of rule 50(b) pursuant to subparagraph (a)(5) thereof.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 4, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36180 Filed 12-17-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 05/B0021]

ITT Small Business Finance Corp.; Issuance of Small Business Lending Company Participation Certificate

On January 22, 1981, a Notice was published in the **Federal Register** (46 FR 7120) stating that an Application had been filed with the Small Business Administration pursuant to § 120.4(b) of the Regulations governing Small Business Lending Companies (13 CFR 120.4(b) (1981)) by ITT Small Business Finance Corporation, 300 South County Road 18, Minneapolis, Minnesota 55426, to participate with the SBA as a Small Business Lending Company (SBLC).

Interested parties were given until the close of business on February 6, 1981, to submit their comments on the Applicant and/or its management. Only one comment was received and it was favorable.

Notice is hereby given that after review of the Application and all other pertinent information, SBA issued Small Business Lending Company Participation Certificate No. SBLC 05/B–0021 to ITT Small Business Finance Corporation to operate as an SBLC on this date.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loans)

Dated: December 14, 1981.

Michael Cardenas,

Administrator.

[FR Doc 81–36237 Filed 12–17–81; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 2017; Amdt. No. 1]

New York; Declaration of Disaster Loan Area

The above numbered Declaration (see FR 46 58765) is hereby amended to include the adjacent counties of Chenango, Broome and Tioga within the State of New York. All other information remains the same, i.e. the termination date for filing applications for physical damage is the close of business on January 25, 1982, and for economic injury until the close of business on August 25, 1982. Information on regulatory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 30, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–36236 Filed 12–17–81; 8:45 am]

BILLING CODE 8025–01–M

VETERANS ADMINISTRATION

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under 38 U.S.C. 4112, that a meeting of the Special Medical Advisory Group will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC, on January 28 and 29, 1982. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Pryor, Executive Secretary, Special Medical Advisory Group, Veterans Administration Central Office (phone 202/389–2298) prior to January 8, 1982.

Dated: December 10, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81–36139 Filed 12–17–81; 8:45 am]

BILLING CODE 8320–01–M

Veterans Administration Wage Committee; Meetings

Under the provisions of section 10 of Pub. L. 92–463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, January 7, 1982
Thursday, January 21, 1982
Thursday, March 18, 1982

The meetings will convene at 2:30 p.m. and will be held in Room 815A, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, as amended by Pub. L. 94–409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: December 10, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81–36140 Filed 12–17–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 243
Friday, December 18, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published December 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., December 15, 1981.

CHANGE IN THE MEETING: The meeting has been cancelled.

Kenneth F. Plumb,

Secretary.

[S-1894-81 Filed 12-16-81; 10:17 am]

BILLING CODE 6717-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEDMENT: Too early for citation of previous announcement.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, December 22, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting.

Amortization Periods for Premiums, Charges and Credits; Treatment of Gains and Losses on the Sale of Real Estate
Amendments relating to Issuance of Mutual Capital Certificates

[No. 577, December 16, 1981]

[S-1895-81 Filed 12-16-81; 11:04 am]

BILLING CODE 6720-01-M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, December 23, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 15, 1981.

William W. Wiles,

Secretary of the Board.

[S-1892-81 Filed 12-15-81; 4:38 pm]

BILLING CODE 6210-01-M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE-81-40A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 61199, December 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Tuesday, December 22, 1981.

CHANGES IN THE MEETING: Emergency change of time and place of meeting.

In deliberations held Wednesday, December 16, 1981, the United States International Trade Commission, in conformity with 19 CFR 201.37(b), voted to change the time and place for its meeting on Tuesday, December 22, 1981, from 2:00 p.m., in room 117, to 2:30 p.m., in the Hearing Room. There are no other changes to the agenda.

Commissioners Alberger, Stern, and Eckes determined by unanimous consent that Commission business requires the change in time and place and affirmed that no earlier announcement of the change to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

Commissioners Calhoun and Frank were not present for the vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1902-81 Filed 12-16-81; 12:04 pm]

BILLING CODE 7020-02-M

5

METRIC BOARD

Administrative and Budget Committee Meeting

TIME AND DATE: 1-3 p.m., Wednesday, January 6, 1982.

PLACE: The San Diego Hilton, South Pacific Room, 1775 East Mission Bay Drive, San Diego, California 92109.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Appropriations Process Update
Revised FY 1982 Operating Plan
General Reduction in Force Notice and Other Personnel Matters

CONTACT PERSON FOR FURTHER INFORMATION: Jerry Manolatos, 703/235-1696.

Louis F. Polk,

Chairman.

[S-1899-81 Filed 12-16-81; 11:35 am]

BILLING CODE 8260-01-M

6

METRIC BOARD

Bimonthly Board Meeting

TIME AND DATE: 9 a.m., Thursday, January 7, 1982; 9 a.m., Friday, January 8, 1982.

PLACE: The San Diego Hilton Hotel, Acapulco Room, 1775 East Mission Bay Drive, San Diego, California 92109.

STATUS: Thursday, January 7, 1982—Open to the public; Friday, January 8, 1982—9:00-9:40 a.m., Closed to the public.

MATTERS TO BE CONSIDERED: Thursday, January 7, 1982—Open session:

Approval of Agenda—Approval of Agenda for this meeting.
Review/Approval of Minutes of the Board Meeting held on November 5, 1981 in Denver, Colorado (open session).
Committee Reports—Committee Chairmen who wish to report to the Board will be recognized.
Action on Chemicals and Allied Products Sector Conversion Plan—The Chairman of the Planning and Coordination Committee will present findings and recommendations

resulting from review of the American National Metric Council's Chemicals and Allied Products Sector Metric Conversion Plan. The findings are based on analysis of conformity to the Board's Planning Guidelines and analysis of written comments and oral testimony at a public hearing received from interested parties in response to a **Federal Register** announcement, direct mail and telephone solicitation. Based on the findings, appropriate recommendations will be made to the Board.

Action on Instruments Metric Conversion Plan—The Chairman of the Planning and Coordination Committee will present findings and recommendations resulting from review of the American National Metric Council's Instruments Sector Conversion Plan. The findings are based on analysis of conformity to the Board's Planning Guidelines and analysis of written comments and oral comments received at a public hearing from interested parties in response to a **Federal Register** announcement, direct mail and telephone solicitation. Based on the findings, appropriate recommendations will be made to the Board.

Briefing on Industry Panel Presentation—The Board approved a plan to host a series of expert panels selected from commerce and industry sectors to provide the Board input and insight as prescribed in sections 6(1) and 6(2) of Pub. L. 94–168. A report of progress in developing a prototype panel presentation will be made.

Review/Approval of Minutes of the Board Meeting held on November 6, 1981 in Denver, Colorado (closed session).

Revised Operating Plan FY–82.

Friday, January 8, 1982—Open session

USMB Research Program Overview and Implications—a presentation to the Board will consist of the major findings, conclusions and implications of all completed USMB research.

Briefing on Small Business Cost Benefit Study—A follow-up presentation to that of the September meeting. Emphasis will be placed on the large metrication firm-small business supplier interrelationships, overall findings, and the implications for the USMB final report.

Research Committee Recommendations from Distilled Spirits Containers Conversion Policy and Planning Evaluation—The Chairman of the Research Committee will present the Committee's recommendations to the Board.

Agenda Items for March Board Meeting—Discussion of agenda items for the Board Meeting to be held in Washington, D.C. on March 4–5, 1982.

FOR FURTHER INFORMATION CONTACT:
Lu Verne V. Hall, 702/235–3058.

Louis F. Polk,
Chairman, Metric Board.

[S–1896–01 Filed 12–16–81; 11:35 am]

BILLING CODE 8260–01–M

7

METRIC BOARD

Executive Committee Meeting

TIME AND DATE: 3–4 p.m., Wednesday, January 6, 1982.

PLACE: The San Diego Hilton Hotel, South Pacific Room, 1775 East Mission Bay Drive, San Diego, California 92109.

STATUS: Portions of the Meeting will be open to the public and portions of the Meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Action on USMB Summary Report—Open to the public

Discussion of Revised FY–82 Operating Plan—Closed to the public

CONTACT PERSON FOR FURTHER INFORMATION: Theodore S. Farfaglia, 703/235–1738.

Louis F. Polk,
Chairman, Metric Board.

[S–1901–81 Filed 12–16–81; 11:35 am]

BILLING CODE 8260–01–M

METRIC BOARD

Planning and Coordination Committee Meeting

TIME AND DATE: 9:00–12:30 p.m., Wednesday, January 6, 1982.

PLACE: The San Diego Hilton Hotel, Caribbean Room, 1775 East Mission Bay Drive, San Diego, California 92109.

STATUS: Open to the public (9–11 a.m.), closed to the public (11:00 a.m. to 12:30 p.m.)

MATTERS TO BE CONSIDERED:

Approval of Minutes

Briefing on Industry Panel Presentation

Review of Staff Recommendations on Chemicals and Allied Products Sector Conversion Plan

Review of Staff Recommendations on Instrument Plan

New Business

CLOSED TO THE PUBLIC: Review changes to FY–82 Operating Plan.

CONTACT PERSON FOR FURTHER INFORMATION: Charles Danner, 703/235–2583.

Louis F. Polk,
Chairman, Metric Board.

[S–1897–81 Filed 12–16–81; 8:45 am]

BILLING CODE 8260–01–M

9

METRIC BOARD

Public Awareness and Education Committee Meeting

TIME AND DATE: 1–3 p.m., Wednesday, January 6, 1982.

PLACE: The San Diego Hilton Hotel, Caribbean Room, 1775 East Mission Bay Drive, San Diego, California 92109.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Review changes to FY–82 Operating Plan.

CONTACT PERSON FOR FURTHER INFORMATION:
John Donnelly, 703/235–2820.

Louis F. Polk,
Chairman, Metric Board.

[S–1900–81 Filed 12–16–81; 11:35 am]

BILLING CODE 8260–01–M

10

METRIC BOARD

Research Committee Meeting

TIME AND PLACE: 9 a.m.–12 p.m., Wednesday, January 6, 1982.

PLACE: The San Diego Hilton Hotel, Mediterranean Room, 1775 East Mission Bay Drive, San Diego, California 92109.

STATUS: Open to the public (9–10 a.m.), closed to the public (10–12 p.m.)

MATTERS TO BE CONSIDERED: 9–10 a.m. A general status report of all research projects and activities.

CLOSED TO THE PUBLIC: 10–12 p.m. Research activities to be discussed:

Small Business
Distilled Spirits
Research Overview
Operating Plan

FOR FURTHER INFORMATION CONTACT:
G. Edward McEvoy, 703/235–2918.

Louis F. Polk,
Chairman, Metric Board.

[S–1898–81 Filed 12–16–81; 11:35 am]

BILLING CODE 8260–01–M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week or December 21, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, December 22, 1981, at 10:00 a.m. An open meeting will held on Wednesday, December 23, 1981, 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C.

552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 22, 1981, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal order of investigation.
Settlement of administrative proceeding of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Litigation matter.
Regulatory matters bearing enforcement implications.

The subject matter of the open meeting scheduled for Wednesday, December 23, 1981, at 10:00 a.m., will be:

1. Consideration of an application by Northern States Power ("Northern States"), an exempt holding company, under the Public Utility Holding Company Act of 1935 seeking authorization to acquire the outstanding shares of common stock of Lake Superior District Power Company ("Lake Superior"), a Wisconsin corporation, through an offer to shareholders of Lake Superior to exchange .48 shares of Northern States common stock for each share of Lake Superior common stock. Northern States also requests continuation of its exemption pursuant to Section 3(a)(2) of the Act. Hearings on the application have been held. An initial decision was waived by all parties appearing at the hearing pursuant to Rule 17(b) of the Commission's Rules of Practice. For further information, please contact Mary Ann Oliver at (202) 523–5685.

2. Consideration of whether to adopt under the Trust Indenture Act as final Rule 4a–1, which provides that offerings of up to $2,000,000 are exempt from the Act, and Rule 4a–2, which provides that offerings up to $5,000,000 although required to use an indenture, need not use a qualified indenture under that Act. For further information, please contact Mark R. Beatty at (202) 272–2644.

3. Consideration of whether to issue a release reminding registrants utilizing Form S–8 of the requirements of that Form concerning signatures and accountants' consents. For further information, please contact William H. Carter at (202) 272–3229.

4. Consideration of whether to approve proposals by the American Stock Exchange, Chicago Board Options Exchange and New York Stock Exchange to trade options on U.S. Treasury securities (SR–Amex –81–1, SR–NYSE–81–5 and SR–CBOE–81–27). For further information, please contact D. Michael Lefever at (202) 272–3117.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

December 15, 1981.

[S–1893–81 Filed 12–15–81; 5:12 pm]

BILLING CODE 8010–01–M

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Friday
December 18, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL81-1295	Oct. 9, 1981
Idaho: ID 81-5157	Oct. 9, 1981
Iowa:	
IA81-4094	Nov. 27, 1981
IA81-4095	Nov. 27, 1981
IA81-4096	Nov. 27, 1981
Louisiana:	
LA81-4084	Nov. 6, 1981.
LA81-4085	Nov. 6, 1981
LA81-4086	Nov. 6, 1981.
Missouri:	
MO81-4058	July 24, 1981.
MO81-4055	July 10, 1981.
MO81-4059	July 24, 1981.
MO81-4063	July 24, 1981.
MO81-4061	July 24, 1981.
MO81-4062	July 24, 1981
New York: NY81-3034	June 5, 1981.
Oregon: OR81-5127	July 6, 1981
Pennsylvania:	
PA81-3068	Sept. 25, 1981.
PA81-3069	Sept. 25, 1981
PA81-3073	Oct. 2, 1981
Texas:	
TX81-4030	May 8, 1981
TX81-4075	Oct. 2, 1981.
TX81-4074	Oct. 2, 1981
TX81-4076	Oct. 2, 1981.
TX81-4079	Oct. 2, 1981
TX81-4083	Nov. 6, 1981
Utah: UT81-5196	Oct. 2, 1981
Washington: WA81-5163	Dec. 4, 1981

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Ohio	
OH81-2010 (OH81-2068)	Mar. 21, 1980
OH81-2020 (OH81-2066)	May 1, 1981
OH81-2025 (OH81-2067)	May 22, 1981
Pennsylvania: PA80-3060 (PA81-3090)	Oct. 10, 1980
Tennessee: TN81-1170 (TN81-1314)	Jan. 6, 1981
Virginia:	
VA80-3005 (VA81-3095)	Apr. 4, 1980
VA80-3052 (VA81-3093)	Aug. 15, 1980
VA80-3053 (VA81-3094)	Sept. 5, 1980
VA80-3092 (VA81-3092)	Sept. 5, 1980

Signed at Washington, D.C., this 11th day of December 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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Modification Page 1

DECISION AL81-1295 - Modification #1 (46 FR 50222 - October 9, 1981)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Montgomery County, Alabama Building Construction					
ADD:					
ELECTRICIANS	$10.85	.55	3%		5%
DECISION NO. ID81-5157 - Mod. #2 (46 FR 50223 - October 9, 1981) Statewide Idaho					
CHANGE:					
ELECTRICIANS:					
Area 2:					
Electricians	15.05	1.00	3% + 1.00		1%
Cable Splicers	16.44	1.00	3% + 1.00		1%
ROOFERS:					
Area 2:					
Roofers and Kettlemen	13.80	.95	.45		.05
Roofers working with Coal Tar and Pitch Product	15.80	.95	.45		.05
SHEET METAL WORKERS:					
Area 1	18.26	3%+.83	1.70		.20
Area 2	15.61	.83	.96		.16

Modification Page 2

DECISION NO. IA81-4094 - MOD. #2 (46 FR 58019 - November 27, 1981) Polk County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Sheet metal workers	$14.55	1.15	1.20		.14
DECISION NO. IA81-4095 - MOD. #1 (46 FR 58022 - November 27, 1981) Webster County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Sheet metal workers	14.55	1.15	1.20		.14
DECISION NO. IA81-4096 - MOD. #1 (46 FR 58023 - November 27, 1981) Woodbury County, Iowa					
CHANGE:					
Carpenters:					
Carpenters & drywall hangers	13.58	1.00	.90		.04
Millwrights & piledrivermen	14.08	1.00	.90		.04
Lathers	13.58	1.00	.90		.04
Roofers:					
Roofers	10.81	1.14			
Kettlemen	9.43	1.14			

Modification Page 3

DECISION NO. LA81-4084 -	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jefferson Parish, Louisiana Building Construction					
ADD:					
ELECTRICIANS	$11.50	.55	3%		5%

Modification Page 4

DECISION NO. LA81-4086 -	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Orleans Parish, Louisiana Building Construction					
ADD:					
ELECTRICIANS	$11.50	.55	3%		5%

Modification Page 3

DECISION NO. LA81-4084 - MOD. #3 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Carpenters:					
Bossier & Caddo Pars.:					
Carpenters	$12.00	.75	.55		.06
Millwrights	12.75	.75	.55		.06
Piledrivermen	12.25	.75	.55		.06
Laborers:					
Calcasieu Parish:					
Group 1	10.10	.30	.40		.05
Group 2	10.20	.30	.40		.05
Group 3	10.25	.30	.40		.05
Group 4	10.35	.30	.40		.05
Group 5	11.06	.30	.40		.05
Group 6	10.62	.30	.40		.05
Group 7	10.46	.30	.40		.05
Group 8	10.15	.30	.40		.05
Lathers:					
Bossier & Caddo Pars.	12.50	.75	.55		.06
Calcasieu Parish	13.21	.85	.48		.07
Painters:					
Bossier & Caddo Pars.:					
Painters, tape & float, vinyl & paperhangers	11.00	.75	.30		.05
Plasterers:					
Bossier & Caddo Pars.	11.25	.70			
DECISION NO. LA81-4085 - MOD. #2 (46 FR 55206 - November 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St Charles Parishes, Louisiana					
CHANGE:					
Painters - Zone 4	11.00	.75	.30		.05
Plumbers & pipefitters:					
Zone 1	14.60	.75	1.00		.10

Modification Page 4

DECISION NO. LA81-4086 - MOD. #3 (46 FR 55189 - November 6, 1981) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Zone 8:					
Carpenters & soft floor layers	$12.00	.75	.55		.06
Millwrights	12.75	.75	.55		.06
Piledrivermen	12.25	.75	.55		.06
Laborers:					
Zone 2 - Group 1	8.12	.30	.35		.05
Group 2	8.32	.30	.35		.05
Zone 3 - Group 1	10.10	.30	.40		.05
Group 2	10.20	.30	.40		.05
Group 3	10.25	.30	.40		.05
Group 4	11.06	.30	.40		.05
Group 5	10.62	.30	.40		.05
Group 6	10.46	.30	.40		.05
Group 7	10.15	.30	.40		.05
Group 8	10.35	.30	.40		.05
Zone 8 - Group 1	7.51	.30	.35		.05
Group 2	7.71	.30	.35		.05
Group 3	7.76	.30	.35		.05
Group 4	7.81	.30	.35		.05
Group 5	8.16	.30	.35		.05
Lathers - Zone 8	12.50	.75	.50		.06
Painters:					
Zone 6 - Painters, tape & float, vinyl & paperhangers	11.00	.75	.30		.05
Plasterers - Zone 7	11.25	.70			
Plumbers & pipefitters:					
Zone 1	14.60	.75	1.00		.10

Modification Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
DECISION #M081-4058 - Mod. #1 (46 FR 38266 - July 24, 1981) Pettis and Saline Counties, Missouri		H & W	Pensions	Vacation	Education and or Appr. Tr
Change:					
Asbestos workers	$16.49	1.05	1.50		.05
Electricians (Pettis County):					
Contracts not exceeding 2000 man hours	15.18	.69	3%+1.00	7%	.12
Contracts exceeding 2000 man hours	16.18	.69	3%+1.00	7%	.12
Electricians(Saline County):					
Contracts not exceeding 2000 man hours	14.58	.69	3%+1.00	7%	.12
Contracts exceeding 2000 man hours	16.18	.69	3%+1.00	7%	.12
Glaziers	13.53	.90	1.34	17.14%	.05
Ironworkers	14.00	.80	1.50	1.00	.10
Pipefitters	16.24	.87	1.60		.10
Plumbers	16.16	1.20	1.30		.15
Roofers	14.13	.87	1.00		.14
Sheet metal workers	15.42	.75	1.44		.17
Marble & tile setters	15.20	5%	5%		
Terrazzo finishers	12.67				
Terrazzo base machine operator	13.02				
DECISION #M081-4055 - Mod. #1 (46 FR 35484 - July 10, 1981 Pulaski County, Missouri					
Change:					
Asbestos workers	$15.67	.50	1.25		.04
Boilermakers	15.12	1.375	1.15		.05
Electricians:					
Electricians	15.04	.47	3%+1.00	6%	.02
Cable splicers	15.44	.47	3%+1.00	6%	.02
Ironworkers structural, ornamental, reinforcing	14.725	.80	1.05		.06

Modification Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
DECISION #M081-4059 - Mod. #1 (46 FR 38268 - July 24, 1981) Greene County, Missouri		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$15.67	.50	1.25		.04
Electricians:					
Electricians	14.55	.47	3%+1.00	6%	.02
Cable splicers	14.95	.47	3%+1.00	6%	.02
Elevator Constructors:	15.425	1.345	.95	8%+a	.035
Elevator constructors	15.425	1.345	.95	8%+a	.035
Elevator constructors helpers	70%JR	1.345	.95	8%+a	.035
Sheet metal workers	13.27	.75	.96		
Terrazzo workers finishers:					
Terrazzo finishers	12.67				
Base machine operator	13.02				
Omit:					
Glaziers:					
Outside	10.00				
Inside	7.38				
Add:					
Glaziers	14.10			b	
Footnote: b-1 Paid Holiday					
DECISION #M081-4063 - Mod. #1 (46 IR 38269 - July 24, 1981) Cole County, Missouri					
Change:					
Elevator Constructors:					
Elevator constructors	$14.19	1.345	1.085	3%+a	.035
Elevator constructors helpers	70%JR	1.345	1.085	3%+a	.035
Ironworkers	14.725	.80	1.05		.06
Roofers	13.80		.35	.30	
Omit:					
Roofers in coal tar pitch	11.70		.35	.30	

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Modification Page 8

Modification Page 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #MO81-4061 - Mod. #1 (46 FR 38273 - July 24, 1981) Boone, Cooper, and Howard Counties, Missouri					
Change:					
Asbestos workers	$16.49	1.05	1.50		.05
Electricians:					
Cooper County:					
Electricians (contracts exceeding 2000 man hours)	16.18	.69	3%+1.00	7%	.12
Electricians (contracts not exceeding 2000 man hours)	14.58	.69	3%+1.00	7%	.12
Elevator constructors:					
Cooper & Howard Counties					
Elevator constructors	15.425	1.345	.95	3%+a	.035
Elevator constructors helpers	70%	1.345	.95	3%+a	.035
Boone County					
Elevator constructors	14.19	1.345	1.0-5	3%+a	.035
Elevator constructors helper	70%	1.345	1.0-5	3%+a	.035
Glaziers:					
Cooper and Howard Counties	13.53	.90	1.34	17.14%	.05
Ironworkers:					
Cooper & Howard Counties	14.00	.80	1.50	1.00	.10
Boone County	14.725	.80	1.05		.06
Painters:					
Boone & Howard County:					
Brush	12.20		.20		
Spray, structural steel, sandblasting	12.70		.20		
Roofers	13.80		.35	.30	
Omit:					
Roofers in coal tar pitch	11.70		.35	.30	

Modification Page 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO-1-4062 - Mod. #1 (46 FR [illegible] - July 24, 1981) Jasper, McDonald, and Newton Counties, Missouri					
Change:					
Asbestos workers	$15.67	.50	1.25		.04
Bricklayers & stonemasons	13.00	.60	.85		
Carpenters:					
Carpenters & lathers	11.42	.60	.50		
Millwrights & piledrivermen	11.67	.60	.50		
Electricians:					
Electricians	12.26	.65	3%+1.00	5	.01
Cable splicers	12.61	.65	3%+1.00	5%	.01
Elevator constructors:					
Elevator constructors	15.425	1.345	.95	8%+a	.035
Elevator constructor helpers	70% JR	1.345	.95	8%+a	.035
Glaziers	12.94				
Laborers:					
Group 1	9.40	.60	.60		.10
Group 2	9.65	.60	.60		.10
Group 3	9.80	.60	.60		.10
Line Construction:					
Lineman	16.56	.45	3%+.25		1%
Lineman operators	15.37	.45	3%+.25		1%
Groundman	10.59	.45	3%+.25		1%
Groundman, powderman	11.47	.45	3%+.25		1%
Plumbers & pipefitters	12.72	1.05	1.00		.08
Painters:					
Brush, roller, tapers, floor tile & carpet layers and paperhangers	11.77		.50		
Spray	12.27		.50		

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DECISION NO. NY81-3034 - Mod #2
(46 FR 30271 June 5, 1981)
Oneida County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	16.53	1.275	1.653		.04
ELEVATOR CONSTRUCTORS	14.48	1.345	1.085	b+c	.035
ELEVATOR CONSTRUCTORS HELPER	10.14	1.345	1.085	b+c	.035
ELEVATOR CONSTRUCTORS HELPER PROBATIONARY	7.24				
PAINTERS					
Twps. of Florence, Camden, Vienna, Annsville, Verona, Vernon, Augusta, Rome City, Ava, Western, Floyd, Boonville, & Steuben					
Brush & Roll	12.2[illegible]	.8[illegible]	.85		
Steel, Working with picks, Bosun Chair, Window Jacks, Swing Stage, Safety Belts, Steeple Jack, Spray, Sandblasting, Steamcleaning, Epoxy, Bridge & Hydro-blasting	13.11	.[illegible][illegible]	.[illegible]5		
Paperhangers, Vinyl Hanger and Tapers	12.9[illegible]	.[illegible]0	.85		
Metalizing	14.8[illegible]	.[illegible]0	.85		
LABORERS: HEAVY & HIGHWAY CONSTRUCTION					
Remainder of County					
CLASS A	8.74	1.50	1.45	a	
CLASS B	8.94	1.50	1.45	a	
CLASS C	9.14	1.50	1.45	a	
CLASS D	9.34	1.50	1.45	a	

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DECISION NO. OR81-5127 - Mod #6
(46 FR 35019 - July 6, 1981)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$19.58	.82	1.49		.14
BOILERMAKERS	1[illegible].[illegible]1	1.30	.25	1.00	.04
ELECTRICIANS:					
Area 1:					
Electricians	14.55	1.00	3% + 1.0[illegible]		1%
Cable Splicers	15.94	1.00	3 + 1.00		1%
MASON TENDERS: (Including Tenders of Plasterers, Bricklayers, Tile and Marble Setters, Terrazzo Workers, Topping for Cement Finishers and Mortar Mixers)	14.22	1.10	1.40		.10
PAINTERS:					
Area 2:					
Brush	13.73	1.05	1.25	.60	.09
Spray	14.28	1.05	1.25	.60	.09
[illegible]ri[illegible]ges, High Work over 5[illegible]' (Brush)	14.63	1.05	1.2[illegible]	.60	.09
[illegible]ri[illegible]ges, High Work over 50' (Spray)	15.18	1.05	1.25	.60	.09
Drywall Tapers	15.48	1.05	1.00		.06
[illegible]LUMBERS:					
Area 3	19.89	1.09	1.65	1.75	.12
Area 7	19.94	1.25	1.80		.07
ROOFERS:					
Area 4	13.80	.95	.45		.05
SHEET METAL WORKERS:					
Area 1	17.95	3% + 1.08	1.93	1.00	.12
Area 2	15.61	.83	.96		.16
Area 3	18.26	3% + .83	1.70		.20
SOFT FLOOR LAYERS:					
Area 2	12.37	.69	.50		

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Modification Page 12

Modification Page 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3068					
MOD. NO. 2					
(46 FR 47403 - September 25, 1981)					
Lebanon County, Pennsylvania					
CHANGE:					
Cement Masons:					
West of Rte. 501	$12.10	.90	.90		
Electricians:					
That portion of Lebanon County which extends South and East of Interstate Route 81	13.09	.65	3%+.67		½%
Plasterers:					
West of Rte. 501	10.83	.90	.90		.01
Plumbers & Steamfitters:					
East of Route 501	16.08	1.10	1.40		.14
West of Route 501	13.80	1.02	1.00		.11
DECISION NO. PA81-3069					
MOD. NO. 2					
(46 FR 47401 - September 25, 1981)					
Berks County, Pennsylvania					
CHANGE:					
Electricians:					
Herford, Longswamp & Washington Twps., portion of Maxatawney Twp., east of Sacony Creek	14.05	.70	3%+.80		.04
Marion, Tulpehocken and Bethel Twps.	13.09	.65	3%+.67		½%
Plumbers	16.08	1.10	1.40		.14
Sheet Metal Workers	13.51	1.63	1.18		.23
Steamfitters	15.61	.95	2.00		.11
DECISION NO. PA81-3073					
MOD. NO. 1					
(46 FR 48853 - October 2, 1981)					
Northumberland County, Pennsylvania					
CHANGE:					
Asbestos Workers	$13.83	.80	.90		.01
Plumbers	13.80	1.02	1.00		.11
Roofers:					
Composition					
Remainder of County	12.05	1.00	1.10		

Modification Page 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4030 -					
MOD. #6					
(46 FR 25984 - May 8, 1981)					
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE:					
Ironworkers:					
Zone 1	$13.00	.80	1.65		.15
Zone 2	12.425	.55	1.70		.10
DECISION NO. TX81-4075 -					
MOD. #3					
(46 FR 48863 - October 2, 1981)					
Galveston & Harris Cos., Texas					
CHANGE:					
Electricians:					
Galveston County:					
Electricians	16.10	.90	10%+.31		.08
Cable splicers	17.10	.90	10%+.31		.08
Painters:					
East Harris County:					
Group 1	16.23				
Group 2	16.585				
Group 3	16.325				
Group 4	16.48				
Group 5	16.625				
Group 6	16.89				
DECISION NO. TX81-4074 -					
MOD. #4					
(46 FR 48861 - October 2, 1981)					
Travis County, Texas					
CHANGE:					
Electricians & cable splicers	14.30	.80	8%		.8%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO.TX81-4076 - MOD. #3 (46 FR 48857 - October 2, 1981) Brazos County, Texas					
CHANGE:					
Laborers:					
Group 1	$ 6.30	.57	.41		.02
Group 2	6.40	.57	.41		.02
Group 3	6.50	.57	.41		.02
Group 4	6.45	.57	.41		.02
Group 5	6.55	.57	.41		.02
Group 6	6.70	.57	.41		.02
DECISION NO. TX81-4079 - MOD. #2 (46 FR 48867 - October 2, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Electricians:					
Zone 2:					
Electricians & cable splicers	14.30	.80	8%		.8%
DECISION NO. TX81-4083 - MOD. #2 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Laborers:					
Zone 1 - Group 1	9.135	.275	.50		
Group 2	9.385	.275	.50		
Plasterers:					
Zone 1	13.75	.50	1.50		.04
Ironworkers:					
Zone 2	12.425	.55	1.70		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. UT81-5156 - Mod. #3 (46 FR 48870 - October 2, 1981) Statewide, Utah					
Change:					
Sheet Metal Workers	$17.75	$1.1[illegible]	$1.50		.12
Omit:					
Power Equipment Operators:					
Steel Erection					
Group 3: Instrumentma.					
DECISION NO. WA81-5163 - Mod. #1 (46 FR 59457 - December 4, 1981) Statewide Washington					
CHANGE:					
ELECTRICIANS:					
Area 6:					
Electricians	$19.50	.90	3% +2.00	5%	.02
Cable Splicers	21.45	.90	3% +2.00	5%	.02
Area 8:					
Electricians	20.55	.90	3% +1.95		.08
Cable Splicers	22.61	.90	3% +1.95		.08
ROOFERS:					
Area 4:					
Roofers; Waterproofers	16.20	.95	1.37		.10
Slate and Tile Roofers	16.45	.95	1.37		.10
SHEET METAL WORKERS:					
Area 1	18.26	3% +.83	1.70		.20
SOFT FLOOR LAYERS:					
Area 2	14.07	.68	1.10	1.21	
Area 5	16.08	.83	1.50		1%
Area 7	13.91	.83	1.50		1%

SUPERSEDEAS DECISION

STATE: OHIO — COUNTIES: *SEE BELOW
DECISION NO.: OH81-2068 — DATE: Date of Publication
Supersedes Decision No. OH80-2010, dated March 21, 1980 in 45 FR 18653

SUPERSEDEAS DECISION

STATE: OHIO — COUNTIES: *SEE BELOW
DECISION NO.: OH81-2066 — DATE: Date of Publication
Supersedes Decision No. OH81-2020, dated May 1, 1981 in 46 FR 24859

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH81-2068 DATE: Date of Publication
Supersedes Decision No. OH80-2010, dated March 21, 1980 in 45 FR 18653
DESCRIPTION OF WORK: Residential Construction Consisting of Single Family homes and apartments up to and including 4 stories

*ALLEN, AUGLAIZE, HARDIN, MERCER, PAULDING, PUTNAM & VAN WERT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$7.86				
BRICKLAYERS; Blocklayers	8.54				
CARPENTERS	6.77				
CEMENT MASONS	7.03				
DRYWALL HANGERS	7.57				
ELECTRICIANS	6.87				
LABORERS	5.62				
PAINTERS	7.13				
PLUMBERS	7.64				
ROOFERS	7.08				
SHEET METAL WORKERS	6.69				
SOFT FLOOR LAYERS; Carpet Layers	6.55				
TILE SETTERS	6.55				
POWER EQUIPMENT OPERATORS:					
Backhoes	7.73				
Bulldozers	8.22				
Front End Loaders	7.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH81-2066 DATE: Date of Publication
Supersedes Decision No. OH81-2020, dated May 1, 1981 in 46 FR 24859
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes and apartments up to and including 4 stories)

*ADAMS, ALLEN, ASHLAND, AUGLAIZE, BELMONT, BROWN, BUTLER, CARROLL, CHAMPAIGN, CLARK, CLERMONT, CLINTON, COLUMBIANA, COSHOCTON, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FAIRFIELD, FAYETTE, FRANKLIN, FULTON, GALLIA, GEAUGA, GREENE, GUERNSEY, HAMILTON, HANCOCK, HARDIN, HARRISON, HENRY, HIGHLAND, HOCKING, HOLMES, HURON, JACKSON, JEFFERSON, KNOX, LAWRENCE, LICKING, LOGAN, MADISON, MARION, MEDINA, MEIGS, MERCER, MIAMI, MONROE, MONTGOMERY, MORGAN, MORROW, MUSKINGUM, NOBLE, OTTAWA, PAULDING, PERRY, PICKAWAY, PIKE, PREBLE, PUTNAM, RICHLAND, ROSS, SANDUSKY, SCIOTO, SENECA, SHELBY, TUSCARAWAS, UNION, VAN WERT, VINTON, WARREN, WASHINGTON, WAYNE, WILLIAMS, WOOD, & WYANDOT

ASBESTOS WORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, BUTLER (Twps. of Fairfield, Hanover, Liberty, Milford, Morgan, Oxford, Ripley, Ross, St. Clair, Union & Wayne), CLERMONT, HAMILTON, HIGHLAND, & WARREN (Twps. of Deerfield, Hamilton, Harlan, Salem, Union, & Washington) COS.	$15.46	1.15	1.75		.02
ALLEN, DEFIANCE, MERCER, PAULDING, VAN WERT, & WILLIAMS COS.	15.90	.65	1.45		
ASHLAND, COSHOCTON, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	16.10	.70	1.30		.04
AUGLAIZE, BUTLER (Middletown & Vic.), CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) COS.	13.65	.55	1.57		.02
BELMONT, JEFFERSON, & MONROE COS.	15.06	1.00	2.27		
CARROLL, COLUMBIANA, & HARRISON COS.	15.64	.65	1.75		.02
CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GUERNSEY, HARDIN, HOCKING, KNOX, LICKING, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, ROSS, UNION, & VINTON COS.	15.67	.85	.90		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE (E½), GEAUGA, & HURON COS.	$ 16.29	.99	1.45		
ERIE (W½), FULTON, HANCOCK, HENRY, OTTAWA, PUTNAM, SANDUSKY, SENECA, WOOD & WYANDOT COS.	16.85	.70	1.70		.02
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, SCIOTO, & WASHINGTON COS.	15.60	.60	1.10		.03
BOILERMAKERS					
ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GREENE, GUERNSEY, HAMILTON, HIGHLAND, HOCKING, JACKSON, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MORGAN, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, VINTON, & WARREN COS.	12.50	1.275	1.20	2.00	.04
ALLEN, ASHLAND, AUGLAIZE, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FULTON, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, SHELBY, UNION, VAN WERT, WILLIAMS, WOOD, & WYANDOT COS.	17.90	1.275	1.50		.28
BELMONT, MONROE, & WASHINGTON COS.	14.50	1.275	1.20		.04
CARROLL, COSHOCTON, GEAUGA, HARRISON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE COS.	15.755	1.275	1.50		.03
COLUMBIANA & JEFFERSON COS.	14.93	5%	7% +1.12		.02
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS					
ADAMS & SCIOTO COS.	15.07		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.19	.90	.95		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.) & WYANDOT (Except Crawford, Ridge, Richland & Tymochtee Twps.) COS.	$13.63	.□□	1.□□		.□4
BELMONT, JEFFERSON (Warren & Mt. Pleasant Twps. & Village of Dillonvale), & MONROE COS.	13.77	.8□	1.1□		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers & Gratis Twps.) & WARREN COS.	16.445	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Knox, Butler, West, & Hanover), & TUSCARAWAS COS.	14.44	1.05	1.05		.02
CHAMPAIGN, CLARK, & LOGAN COS.	12.94	1.00	1.35		.08
CLINTON & HIGHLAND COS.	12.00				
COLUMBIANA (East Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	13.55	.90	1.0□		
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	14.6□5	1.00	1.2□		.□2
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	13.00	1.30	1.85		.10
DARKE, MIAMI, & SHELBY COS.	13.60	1.00	1.35		.08
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.	15.22	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	15.09	.90	1.50		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	$14.34	.9[illegible]	1.90		.02
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysbury, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids Twps.) COS.	16.135	1.06	1.90		.03
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
GREENE, MONTGOMERY, & PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.) COS.	13.[illegible]	1.[illegible]	1.35		.08
HARRISON, JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & village of Dillonvale) COS.	14.03	.90	.50		.03
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE CO.	13.65		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.	15.97	1.3[illegible]	1.33		.10
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	1[illegible].5[illegible]	[illegible].17	1.[illegible]5		
MEDINA (Litchfield, Chatham, Harrisville, Homer, & Spencer Twps.) CO.	1[illegible].45		.80	[illegible]	.[illegible]1
NOBLE (Brookfield, Noble, Center, Sharon, Olive, Enoch, Stock, Elk & Jackson Twps.) & WASHINGTON COS.	14.[illegible]0	.70	.50		.[illegible]5

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$14.19	.80	1.50		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HANCOCK (City of Fostoria), HURON, OTTAWA, RICHLAND, SANDUSKY, SENECA, & WOOD (City of Fostoria) COS.	15.37	.90	1.25	c	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.83	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	15.80	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	12.63	.70	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.90	1.25	1.65		.07
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	15.76	1.06	.75		
FULTON, HANCOCK (Except city of Fostoria), & WOOD (Except city of Fostoria) COS.	15.90	1.06	1.25		.10
GEAUGA COUNTY	15.67	1.20	1.85		.09
HOCKING, VINTON, & WASHINGTON COS.	13.90	.60	.70		.04
MEDINA COUNTY	15.35	.75	1.50		.04
CEMENT MASONS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	15.86		.60		.05
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, & VAN WERT COS.	12.25	.70	.75		.05
ASHLAND, CRAWFORD, MARION, MORROW, RICHLAND, & WYANDOT (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) COS.	12.60	.80	1.25		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, HARRISON, & JEFFERSON COS.	$ 14.13	.65			.03
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	15.43	1.10	1.15		.30
CARROLL & TUSCARAWAS COS.	14.44	1.05	1.05		.02
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.83	.80	1.00		
COLUMBIANA CO.	14.80	.80	1.00		.05
DEFIANCE, PAULDING, & WILLIAMS COS.	14.40	.80	1.40		
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, KNOX, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, & UNION COS.	12.15	.70	1.25		.05
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	14.34	.90	1.80		.02
FULTON, HANCOCK, HENRY, PUTNAM, & WOOD (Exclu. Perry & Bloom Twps.) COS.	14.50	.70	1.40		.02
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES, & WAYNE (Except Milton & Chippewa Twps.) COS.	14.48		2.00		.04
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	13.65		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	16.45		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps. Twps.) CO.	15.19	.70	1.00		.02
MONROE, NOBLE, & WASHINGTON COS.	12.26	.80	1.25		.03

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, JACKSON (Bloomfield, Franklin, Hamilton, Jefferson, Lick, Madison, & Scioto Twps.), PIKE (Camp Creek, Marion, Newton, Scioto, & Sunfish), & SCIOTO COS.	$15.48	.50	3%+1.00	1.00	.04
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.	13.70	1.10	3%+.43		.04
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt & Antrim Twps.) COS.	16.03	.60	3%+.72		.1%
BELMONT COUNTY	14.66	.50	3%+1.25	1.50	.04
BROWN, CLERMONT, & HAMILTON COS.: Up to & Incl. 18 mi. radius of Hamilton Co. Court House, Cincinnati	16.70	.85	3%+1.00		½%
Over 18 mi. radius up to & Incl. 21 mi. radius of Hamilton Co. Court House, Cincinnati	17.00	.85	3%+1.00		½%
Over 21 mi. radius up to & Incl. 25 mi. radius of Hamilton Co. Court House, Cincinnati	17.10	.85	3%+1.00		½%
Over 25 mi. radius of Hamilton Co. Court House, Cincinnati	17.25	.85	3%+1.00		½%
BUTLER, & WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington Twps.) COS.	16.55	1.00	3%+1.00		½%
CARROLL (N ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.	15.70	1.00	3%+1.00		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S ½ Exclu. Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	$15.50	8%	17%	10%	½%
CHAMPAIGN, CLARK, & MADISON (Pike, Paint, Somerford, Union, & Stokes Twps.) COS.	13.34	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Twps. of Wayne, Clear Creek, & Franklin Twps.) COS.:					
Electrical Communications Installers within 11 mi. radius of 3rd & Main Street, Dayton	15.63	.75	3%+1.00		.5%
Electrical Communications Installers beyond 11 mi. radius of 3rd & Main Street, Dayton	15.86	.75	3%+1.00		.5%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.	13.30	2.00	3%+.53		.09
COLUMBIANA (Butler, Fairfield, Perry, Salem, & Unity Twps.) CO.	16.09	1.00	11%		.5%
COSHOCTON, GUERNSEY, KNOX (Clay, Jackson, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps.), LICKING, MUSKINGUM, PERRY, & TUSCARAWAS (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry & Bucks Twps.) COS.	14.70	.70	3%+1.02		.03
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	17.40	.85	3%+.95		.3%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Canaan, Darby, Deer Creek, Fairfield, Jefferson, Monroe, Oak Run, Pleasant & Range Twps.), PICKAWAY (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Washington, Muhlenberg, Scioto & Walnut Twps.), & UNION COS.	14.00	.50	3%+1.02		.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.	$16.05	.98	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Except Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.	15.80	.70	3%		.06
GALLIA CO.	16.22	.50	3%+1.00	1.00	.04
GEAUGA (Russell, Chester, & Bainbridge Twps.) CO.	16.84	1.10	3%+.59		.06
GEAUGA (Auburn, Middlefield, Parkman & Troy Twps.) CO.	16.62	1.00	9%		.702%
GEAUGA (Rem. of Co.) CO.	16.98	.85	3%+.70		.2%
LAWRENCE CO.	15.72	.50	3%+1.00	1.00	.04
MEDINA (Litchfield, & Liverpool Twps.) CO.	16.75	.85	3%+1.00		.1%
MEDINA (Rem. of Co.) & WAYNE (N½) COS.	16.67	.74	3%+.84		.2%
MEIGS, MONROE, MORGAN, NOBLE, VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.), & WASHINGTON COS.	14.90	.50	3%+1.25	1.75	.04
ELEVATOR CONSTRUCTORS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, DARKE, GREENE, HAMILTON, HIGHLAND, MIAMI, MONTGOMERY, PREBLE, & WARREN COS.:					
Elevator Constructors	15.65	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, MERCER, PAULDING, PUTNAM, VAN WERT, & WILLIAMS COS.:					
Elevator Constructors	$13.535	1.195	.95	d&e	.035
Helpers	70%JR	1.195	.95	d&e	.035
Helpers (Prob.)	50%JR				
ASHLAND, CHAMPAIGN, CLARK, COSHOCTON, CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, RICHLAND, ROSS, SHELBY, TUSCARAWAS, UNION, & VINTON COS.:					
Elevator Constructors	15.77	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
BELMONT, CARROLL, GUERNSEY, HARRISON, JEFFERSON, MONROE, NOBLE, & WASHINGTON COS.:					
Elevator Constructors	13.91	1.345	1.085	d&e	.035
Helpers	70%JR	1.345	1.085	d&e	.035
Helpers (Prob.)	50%JR				
COLUMBIANA COUNTY:					
Elevator Constructors	14.61	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
ERIE, GEAUGA, & HURON COS.:					
Elevator Constructors	16.13	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
FULTON, HANCOCK, HENRY, OTTAWA, SANDUSKY, SENECA, WOOD, & WYANDOT COS.:					
Elevator Constructors	16.57	1.345	1.085	d&e	.035
Helpers	70%JR	1.345	1.085	d&e	.035
Helpers (Prob.)	50%JR				
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Elevator Constructors	15.57	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA & WAYNE COS.:					
Elevator Constructors	15.64	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
GLAZIERS					
ADAMS, BROWN, BUTLER (Hamilton & Vic.), CLERMONT, CLINTON (S½), HAMILTON, HIGHLAND (S. Part), & WARREN (Lebanon & South) COS.	$14.1		.90		.01
ALLEN, AUGLAIZE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY (N. Part), VAN WERT, & WYANDOT (Western Part) COS.	11.00		.90		
ASHLAND, CRAWFORD, HURON (S½), KNOX, MARION, RICHLAND & WYANDOT (E. Part) COS.:					
Outside Replacement	12.08	.50			.01
Outside All Other Work	12.58	.50			.01
BUTLER (Exclu. Hamilton & Vic.), CHAMPAIGN, CLARK, CLINTON (N½), DARKE, FAYETTE (W½), GREENE, HIGHLAND (N. Part), MIAMI, MONTGOMERY, PREBLE, SHELBY (S. Part), WARREN (N. of Lebanon) COS.	13.18		1.00	f	.01
CARROLL, COSHOCTON, HOLMES, MEDINA (S½), TUSCARAWAS, & WAYNE COS.	14.08	1.21	1.17	.20	.01
COLUMBIANA COUNTY	14.36	1.00	1.50		
DEFIANCE, ERIE (NW Tip to Rte. #4), FULTON, HENRY, OTTAWA, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.89	.85	1.10		.01
DELAWARE, FAIRFIELD, FAYETTE (E½), FRANKLIN, HOCKING, JACKSON, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, & VINTON COS.	13.99		.80		.01
ERIE (Exclu. NW Tip to Rte. #4), GEAUGA, HURON (N½), & MEDINA COS.	16.28	.60	1.75		.01

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.:					
Up. to 10 mi. from Union Hall in Ashland, Ky.	$15.96	1.00	1.85		.01
10 to 60 mi. from Union Hall in Ashland, Ky.	16.27	1.00	1.85		.01
Over 60 mi. from Union Hall in Ashland, Ky.	18.08	1.00	1.85		.01
ADAMS (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (Exclu. E. 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), & WARREN (S½) COS.:					
Reinforcing	15.58	1.00	1.85		.02
Ornamental; Structural	15.03	1.00	1.85		.03
ALLEN (S½), AUGLAIZE, BUTLER (N½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (Exclu. S. of a line drawn from Blanchester to Lynchburg), DARKE, GREENE, HIGHLAND (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3), MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.:					
Within 15 mi. mi. radius of Local Union Office #290	14.61	1.00	1.85		.06
Outside 15 mi. radius of Local Union Office #290	14.76	1.00	1.85		.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN (N½), DEFIANCE (Except Portion S. of a line drawn from where Rte. 66 meets the N. line through Independence to the E. Co. border), MERCER (N½), PAULDING, PUTNAM (Except Portion E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), VAN WERT & WILLIAMS (Except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	$14.20	1.00	2.85		.04
ASHLAND, CARROLL, COSHOCTON (Exclu. Portion W. of a line beginning at N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.28	.80	1.20		.05
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a line Beg. at N.W. Co. line going through Walhopding & Tunnel Hill to the S. Co. Line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (Except a line drawn from Roundhead to Maysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N½), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line Starting at Adams Mill going to Adamsville & going from Adamsville thru Blue Rock to the S. Border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte. #30) COS.	15.20	1.00	2.60		.05
CRAWFORD (Area bet. lines drawn from where Hwy #598 & #30 meet thru N. Liberty to the N. Border & from said Hwy junction point due W. to the Border), DEFIANCE (S. of a line drawn from where Rte. #66 meets the N. Line thru Independence to the E. Co. Border), ERIE (W. 1/3), FULTON,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 mi. S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. Border thru Monroeville & Willard), OTTAWA, PUTNAM (E. of a line drawn from the N. Border down thru Miller City to where #696 meets the S. Border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. Border), WOOD, & WYANDOT (Area N. of Rte. #30) COS.	$ 16.58	1.00	1.82		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COS.	15.10	1.00	2.60		.05
COLUMBIANA (Exclu. portion E. of a line from Damascus to Highlamdtown), ERIE (Exclu. W 1/3), GEAUGA (Except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W. of a line drawn from the N. Border through Monroeville & Willard), & MEDINA COS.	16.22	1.05	1.45		.08
COLUMBIANA (E. of a line from Damascus to Highlandtown), & GEAUGA (E. of a line from Austinburg to Middlefield & N.) COS.	15.26	1.00	1.30		.09
FRANKLIN CO.	14.95	1.00	2.60		.05
MEIGS, MORGAN, NOBLE, & WASHINGTON COS.	13.85	1.00	1.85		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (Except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. Border) COS.	13.22	1.05	2.55	8%	.05

LATHERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AUGLAIZE, BUTLER (N½), CHAMPAIGN (W½), CLARK (W½), CLINTON (N½), FAYETTE (W½), LOGAN (W½), MERCER, & WARREN (N½) COS.	$13.39		.40		.01
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.83	1.04	1.00		.05
CHAMPAIGN (E½), CLARK (E½), COSHOCTON (SW½), CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE (E½), FRANKLIN, HARDIN (N½), HIGHLAND (NE Tip), HOCKING, JACKSON, KNOX, LICKING, LOGAN (E½), MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, VINTON, & WYANDOT COS.	12.45		.40		.01
CLERMONT, HAMILTON, HIGHLAND (Except NE Tip), & WARREN (S½) COS.	15.42		1.10		.07
COLUMBIANA, COSHOCTON (NE½), MEDINA, & WAYNE (NW½) COS.	13.56	.80	.90		.01
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.15	1.25	1.65		.07
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	15.76	1.06	.75		
ERIE & HURON COS.	16.30				.01
FULTON, HANCOCK, OTTAWA, SANDUSKY, SENECA, & WOOD COS.	15.51	1.06	1.25		.10
GEAUGA CO.	13.38		1.50		.01
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS					
ADAMS & SCIOTO COS.	15.07		.50		.05
ALLEN, AUGLAIZE, MERCER, & VAN WERT COS.:					
Tile Setters	13.19	.90	.95		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.), & WYANDOT (Except Crawford, Ridge, Richland, & Tymochtee Twps.) COS.	13.63	.90	2.00		.04
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers, & Gratis Twps.), & WARREN COS.:					
Marble Setters	16.285	.60	.45		
Terrazzo Workers; & Tile Setters	16.235	.80	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL & TUSCARAWAS COS.:					
Marble Setters	$13.52	1.05	1.05		
Terrazzo Workers	13.44	1.05	1.05		
Tile Setters	13.35	1.05	1.05		
CHAMPAIGN, CLARK, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.), & SHELBY COS.	12.67	1.00	.50		
CLINTON & HIGHLAND COS.	12.00				
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	16.55				
COLUMBIANA (St. Clair, Madison, Wayne, Franklin, Washington, Yellow Creek, & Liverpool Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	13.55	.00	1.00		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	13.00	1.30	1.85		.10
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside City limits of City of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.:					
Marble Setters	15.22	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	15.45				
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Ridge, Tymochtee, Crawford, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	14.34	.90	1.80		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysburg, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.	$16.135	1.06	1.90		.03
FULTON (Except Fulton, Amboy, & Swan Creek Twps.), & WOOD (Except Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.:					
Terrazzo Workers; & Tile Setters	17.00	1.06	.30		
GALLIA & MEIGS COS.:					
Terrazzo Workers; Tile Setters	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
HARRISON, & JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & the Village of Dillonvale) COS.:					
Tile Setters	13.78	.90	.50		.03
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE CO.	13.65		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.:					
Marble Setters; Terrazzo Workers	15.97	1.31	1.33		.10
Tile Setters	15.905		2.25		
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	14.77	.91	.90		
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	16.45		.00	b	.01
NOBLE (Brookfield, Noble, Creek, Sharon, Olive, Enoch, Stock, Elk, Jackson, & Jefferson Twps.) & WASHINGTON COS.:					
Marble Setters & Tile Setters	14.00	.70	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, FAYETTE, GALLIA, HAMILTON, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, SCIOTO, VINTON, WARREN, & WASHINGTON COS.:					
Finishers & Grinders	$15.35				
Marble Sanders; Polishers; Sawyers; & Waxers	15.515				
Terrazzo Base Grinders (While Operating base grinding machine)	15.77				
ALLEN, DEFIANCE, FULTON, HENRY, PAULDING, PUTNAM, WILLIAMS & WOOD (Exclu. Perry & Bloom Twps.) COS.	14.42	1.06			
ASHLAND, GEAUGA, MEDINA (Exclu. Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & RICHLAND COS.:					
Marble Setters' Finishers	14.51		2.50		
Terrazzo Workers' Finishers	15.07		2.50		
Tile Setters' Finishers	15.04		2.50		
AUGLAIZE, CHAMPAIGN, CLARK, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	10.84				
CARROLL & TUSCARAWAS COS.:					
Terrazzo Workers' Finishers	12.06	1.05	1.05		
Terrazzo Grinders	12.90	1.05	1.05		
Tile Setters' Finishers	11.94	1.05	1.05		
COLUMBIANA, COSHOCTON, HARRISON, HOLMES, JEFFERSON, & WAYNE (Exclu. Milton & Chippewa Twps.) COS.	14.405				
DELAWARE, FAIRFIELD, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	12.65				
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE NORTH OF SANDUSKY	11.47	.90	1.80		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	$14.27	.91	.90		
MILLWRIGHTS					
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT & WYANDOT COS.	14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	15.20	1.20	2.32		.09
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	14.64	.885	8%		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	16.44	.60	1.10		.10
CARROLL, TUSCARAWAS, & WAYNE COS.	13.16	.65	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.36	1.00	1.25		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	14.57	.65	.55		.06
PAINTERS					
ADAMS, HIGHLAND, JACKSON, PIKE, & SCIOTO COS.:					
Brush; Exterior Bldgs. under 25 ft.; Paper or Wall covering; Taping & Washing	13.35		1.00		.03
Floor Sanding; Power Tools; Rollers; & Swing Stage	13.85		1.00		.03
Burning; Sandblasting; Spray & Steamcleaning	14.35		1.00		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUCLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT, & WILLIAMS COS.:					
Brush; Drywall Taping; & Rollers	$12.05	1.06	.50		.03
Wallcovering	12.30	1.06	.50		.03
Sandblasting; Spray; & Steamcleaning	12.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND COS.:					
Brush; Cleaner; Roller; & Washer	12.25		.60		
Drywall; Paperhanger; Pot Tender; Spray & Wall Coverer	13.00		.60		
BROWN, CLERMONT, & HAMILTON COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	15.65		.75		
Steamcleaning	15.80		.75		
Spray	16.15		.75		
Hopper Tender; Sandblasting; & Waterblasting	16.55		.75		
BUTLER & WARREN COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	13.33				
Hopper Tender; Sandblasting & Spray	14.33				
CARROLL, HOLMES, TUSCARAWAS & WAYNE COS.:					
Brush; Rollers	13.26	1.08	1.00		.02
Paperhangers	13.36	1.08	1.00		.02
Drywall	13.66	1.08	1.00		.02
Spray	13.76	1.08	1.00		.02
CHAMPAIGN, CLARK, LOGAN, & MADISON COS.:					
Brush	12.75		1.00		
Drywall Tapers & Finishers	13.10		1.00		
Spray	13.45		1.00		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Brush; Roller	13.31		1.00		.11
Drywall Taping & Spackling; & Wallcovering	13.56		1.00		.11
Structural Steel	13.61		1.00		.11
Cleaning; Sandblast; & Spray	13.71		1.00		.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO.:					
Brush; Hydro-jet Cleaning; Paperhanging; Roller; Steamcleaning; Wallwashing; & Waterproofing	14.45	1.00	1.25		
Drywall Taping	14.60	1.00	1.25		
Open Structural Steel	14.66	1.00	1.25		
Spray	14.95	1.00	1.25		
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, PICKAWAY, ROSS & UNION COS.:					
Drywall Sanders	13.94	.95	1.00		.02
Brush; Paperhangers; Rollers; & Wall Washing	14.19	.95	1.00		.02
Structural Steel	14.49	.95	1.00		.02
Drywall Tapers & Finishers	14.59	.95	1.00		.02
Spray	14.69	.95	1.00		.02
Sandblasting; Steam Cleaning	14.89	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA, & WYANDOT COS.:					
Old Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	12.50	.70	.90		g
Drywall & Paperhangers	12.75	.70	.90		g
Sandblasting; & Spray	13.00	.70	.90		g
New Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	13.80	.70	.90		g
Drywall & Paperhangers	14.05	.70	.90		g
Sandblasting; & Spray	14.30	.70	.90		g
FULTON, HENRY, OTTAWA, & WOOD COS.:					
Brush; Drywall Tapers & Finishers; Paperhangers; Spray & Sandblasting Pot Tenders	14.70	1.06	2.00		
Pressure Cleaning; Sandblasting & Spray	15.25	1.06	2.00		
GALLIA, LAWRENCE, MEIGS & VINTON COS.:					
Brush; Roller	11.05				h
Drywall Tapers & Finishers; Paperhangers; Wall Washers	12.00				h
Open Structural Steel	11.65				h
Spray	12.15				h

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Brush; Paperhangers & Rollers	$15.06	.97	1.60		.05
Spray	15.46	.97	1.60		.05
HOCKING CO.:					
Brush; Roller; Washing; Wall-covering; & Paperhanging	13.50				
Open Structural Steel	14.00				
Taping; Beding; Finishing & Sanding	14.25				
Spray; Sandblasting; Hopper Tender; Swing Stage; & Window Jacks	14.50				
KNOX, HICKING, MUSKINGUM, & PERRY COS.:					
Brush	11.00				
Spray	12.00				
MEDINA CO.:					
Brush; Paperhangers; & Rollers	14.65	1.07	.60		
Structural Steel; Drywall Finishers & Tapers	15.40	1.07	.60		
Spray	15.50	1.07	.60		
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Brush; Rollers	10.84	.60	.40		.02
Sandblasting; Spray; & Pot Tenders	11.61	.60	.40		.02
Paperhanging; Taping	10.84	.60	.40		.02
Steel	11.61	.60	.40		.02
PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	14.19	.80	1.50		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	$14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	15.50	1.20	2.02		.09
BELMONT, HARRISON, & MONROE COS.	14.55	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	15.80	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	13.16	.65	.80		.02
COLUMBIANA & JEFFERSON COS.	14.05	6%	10%		4%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.90	1.25	1.65		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	14.20	.60	.70		.04
PIPEFITTERS; PLUMBERS; & STEAMFITTERS					
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.:					
Within 10 mi. radius of Portsmouth	16.34	.95	1.00		
Over 10 and within 20 mi. radius of Portsmouth	16.59	.95	1.00		
Over 20 and within 35 mi. radius of Portsmouth	16.69	.95	1.00		
Over 35 mi. radius of Portsmouth	16.94	.95	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY, & VAN WERT COS.	15.75	1.10	1.05		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, MORROW, RICHLAND, & WYANDOT COS.	16.75	1.00	1.10		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, & MONROE (N. of Rte #78) COS.	$13.39	.75	9%	10%	.05
BROWN, CLERMONT, HAMILTON, & WARREN (S 1/3 of Co.) COS.: Pipefitters; Steamfitters	16.23	1.095	2.20		.08
Plumbers; Gas Fitters	16.57	1.25	1.50		.07
BUTLER (N½), & WARREN (N. of Rte. #63, exclu. Lebanon & South Lebanon) COS.	17.50	.90	1.00		.05
BUTLER (S½) & WARREN (S. of Rte. #63 to Hamilton Co. line, W. to Indiana State line, E. to Rte. #42, incl. Lebanon, S. Lebanon, & Mason) COS.	17.33	.90	1.20		.02
CARROLL (Ross, Monroe, Union, Lee, Orange Perry, & Loudon Twps.), COSHOCTON, GUERNSEY, HOLMES, MORGAN (S. to State Rte. #78 & from McConnelsville W. on State Rte. #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	17.00	1.00	.70		
CARROLL (Exclu. Ross, Monroe, Lee, Union, Orange, Perry, & Loudon Twps.), & WAYNE COS.	14.67	1.35	.70	1	.10
CHAMPAIGN, CLARK, GREENE (Ross, Cedarville, Jefferson, Ceasar Creek, & New Jasper Twps.), LOGAN, & MADISON (W. of Rte. #38, incl. city of London) COS.	15.65	1.08	1.10		.04
CLINTON, DARKE, FAYETTE, GREENE (Exclu. Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper Twps.), MIAMI, MONTGOMERY, & PREBLE COS.	15.86	1.05	1.20		.03
COLUMBIANA CO. (Exclu. Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427), HARRISON, & JEFFERSON COS.	15.07	1.10	2.50	1.20	.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	$16.90	1.50	1.20		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (E. of Rte. #38 not incl. city of London), MARION, PERRY, PICKAWAY, ROSS, & UNION COS.	16.84	1.15	1.05		.07
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.: Pipefitters; Steamfitters	15.92	1.45	1.35		.10
GEAUGA, & MEDINA (N. of #18 & Smith Rd.) COS.: Plumbers	16.03	1.20	1.40		.02
MEDINA (S. of #18, exclu. City of Medina) CO.	15.24	.91	1.60		.05
MEIGS, MONROE (S. of Rte. #78), MORGAN (S. of Rte. #76), & WASHINGTON COS.	14.76	.78	.75		.06
PLASTERERS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	15.96		.60		.05
ALLEN, AUGLAIZE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MERCER, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, UNION, & VAN WERT COS.	14.84	.70	.30		.02
BELMONT, HARRISON, & JEFFERSON COS.	14.28	.55			
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	16.145		1.25		.02
CARROLL & TUSCARAWAS COS.	14.44	1.05	1.05		.02
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	14.75	.80			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO.	$15.61	.80			.03
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	14.34	.90	1.80		.02
FULTON, HANCOCK, HENRY, PUTNAM & WOOD (Exclu. Perry & Bloom Twps.) COS.	18.02	.70			.01
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES & WAYNE (Except Milton & Chippewa Twps.) COS.	14.48		2.00		.04
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	13.65		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	16.45		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	15.06	.70	1.00		.01
ROOFERS					
ADAMS, GALLIA, GUERNSEY, JACKSON, LAWRENCE, MEIGS, MORGAN, MUSKINGUM, NOBLE, PIKE, SCIOTO, & VINTON COS.	13.50		.65		
ALLEN, AUGLAIZE, CHAMPAIGN, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORROW, PERRY, PICKAWAY, PUTNAM, ROSS, UNION, VAN WERT, & WYANDOT COS.	16.11	.92	.65		.01
ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	14.89	1.47	.95		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BROWN, BUTLER, CLERMONT, HAMILTON, & WARREN COS.	$16.67		1.50		.03
CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.:					
Composition, Damp, & Waterproof	14.00	.80	1.00		
Slate, Tile & Asbestos	14.22	.80	1.00		
DEFIANCE, FULTON, HANCOCK, HENRY, PAULDING, WILLIAMS & WOOD COS.	15.95	1.06	2.00		.03
ERIE, GEAUGA, HURON, OTTAWA, SANDUSKY, & SENECA COS.	17.78	.25	.50		.05
WASHINGTON CO.	15.35		.30		.01
SHEET METAL WORKERS					
ADAMS, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GUERNSEY, HOCKING, JACKSON, KNOX, LAWRENCE, LICKING, MADISON, MARION, MEIGS, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, ROSS, SCIOTO, UNION, & VINTON COS.	15.05	1.04+j	1.32		.16
ALLEN, AUGLAIZE, BUTLER, CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, SHELBY, VAN WERT, WARREN & WYANDOT COS.	14.71	1.10+j	1.25		.19
ASHLAND, CARROLL, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.17	.94+j	1.10		.10
BELMONT, HARRISON, JEFFERSON, & MONROE COS.	13.72	.91+j	1.10		.07
BROWN, CLERMONT, HAMILTON, & HIGHLAND COS.	16.94	1.18	.86		.08
COLUMBIANA CO.	15.14	.75	.83		.01
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SENECA, WILLIAMS, & WOOD COS.	16.145	1.06	2.18		.075
ERIE, HURON, & SANDUSKY COS.	13.91	.85	1.20		.06
GEAUGA CO.	14.69	.90	1.68		.06
WASHINGTON CO.	12.48	.65	.60		.08

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SOFT FLOOR LAYERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$14.19	.80	1.5■		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	1■.9■	.90	1.25		.■4
ASHLAND, CRAWFORD, ERIE, HURON, OTTAWA, RICHLAND, SANDUSKY, & SENECA COS. & the portion of the city of Fostoria located in HANCOCK & WOOD COS.	15.37	.9■	1.■5	c	.0■
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.■3	1.04	1.50		.■5
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	11.72	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	12.51	.65	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COS.	12.30	1.■5	1.35		.07
DEFIANCE, FULTON, HANCOCK (Except city of Fostoria), HENRY, PAULDING, WILLIAMS, & WOOD (Except city of Fostoria) COS.	15.14	1.06	1.25		.05
GEAUGA CO.	15.67	1.20	1.85		.09
HOCKING, VINTON, & WASHINGTON COS.	13.50	.60	.70		.04
MEDINA CO.	14.50	.70	2.00		k
SPRINKLER FITTERS					
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.	15.92	1.45	1.35		.10
REMAINING COS..	16.11	.95	1.40		.08

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $75.00 per year
b. 2 paid holidays: C & D
c. 2 paid holidays: B & D
d. 7 paid Holidays: A through F and Day after Thanksgiving
e. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
f. 3 paid holidays: D, E, & F
g. $50.00 per year
h. 6 paid holidays: A, C, E, F, Decoration Day, & Veterans' Day
i. 1 paid Holiday: D, providing the employee has worked 5 consecutive days before and after the holiday.
j. 3% of gross earnings to SASMI
k. $150.00 per year

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LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Bottom men; Building & Construction Laborers; Carpenters' Tenders; Mason Tenders; Mortar Mixers; Pipelayers; Plasterers' Tenders; Sheeting & Shoring Men	$11.57	.75	1.30		.05
Air & Machine Driven Tool Op.; Asphalt Rakers & Smoothers; Burning & Cutting Torches; Chain saws; Form Setters; Hand Spikers & Powered Concrete Buggies	11.82	.75	1.30		.05
Gunnite Machine Op.; Gunnite Nozzlemen; Powdermen & Blasters	12.09	.75	1.30		.05
ALLEN, AUGLAIZE, MERCER, PAULDING, PUTNAM, SHELBY & VAN WERT COS.:					
Building Laborers; Laser Beam; Power Wheelbarrow or Power Buggy	10.15	.95	1.35		.05
All Machine Driven Tools (Gas, Electric, Air); Asphalt Rakers; Caisson; Cement Finishers' Tenders; Cofferdam; Demolition; Packers; Pot Tenders; Pump Man Under 4" Discharge; Spikers by Hand (Railroad); Tamper; Torch Man; Tunnel & Vibrators	10.30	.95	1.35		.05
Blaster Tender; Cylinder, Shaft; Jackhammer; Manhole Builders; Mason Tenders; Mortar Mixers; Plasterers' Tenders; Sewer Bottom Man; Sewer Pipelayer; Sewer, Water Conduit, Gas, Oil Pipeline, except Mainlines; Wagon Drill Tender; Blaster-Powderman; Gunnite Ops.; Muckers & Miners (Tunnel & Caisson) Free Air; Sandblasters; & Wagon Drill Ops.	10.45	.95	1.35		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CARROLL, COSHOCTON, CRAWFORD, DELAWARE, HANCOCK, HARDIN, HOLMES, KNOX, MARION, MORROW, RICHLAND, SENECA, TUSCARAWAS, WAYNE, & WYANDOT COS.:					
ZONE 1: Carroll, Coshocton, Holmes, Tuscarawas, & Wayne Cos.					
ZONE 2: Delaware, Hancock, Hardin, Marion, & Seneca Cos.					
ZONE 3: Ashland, Crawford, Knox, Morrow, & Richland Cos.					
GROUP 1: Building & Construction Laborers; Carpenters' Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erector; & Tool Cribmen:					
Zone 1	$10.66	.75	1.10		.05
Zone 2	11.86	.95	1.35		.05
Zone 3	11.46	.95	1.35		.05
GROUP 2: Air & Power Driven Tools; Bottom Men; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Setup Men; Mason Tender; Mortar Mixers; Muckers; Pipelayers; Plasterers Tenders; Powder Men; Scaffold Building; Stonemason Tenders; Swinging Scaffold; & Tunnel Laborers:					
Zone 1	10.86	.75	1.10		.05
Zone 2	12.06	.95	1.35		.05
Zone 3	11.66	.95	1.35		.05
GROUP 3: Gunnite Operator:					
Zone 1	11.26	.75	1.10		.05
Zone 2	12.46	.95	1.35		.05
Zone 3	12.06	.95	1.35		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT CO.:					
Unskilled	$11.72	.80	.80		.05
Semi-Skilled	12.02	.80	.80		.05
Skilled	12.37	.80	.80		.05
BROWN, CLERMONT, CLINTON, & HAMILTON COS.:					
GROUP 1	13.95	.95	.90		.05
GROUP 2	14.05	.95	.90		.05
GROUP 3	14.10	.95	.90		.05
GROUP 4	14.15	.95	.90		.05
GROUP 5	14.30	.95	.90		.05
GROUP 6	14.45	.95	.90		.05
GROUP 7	14.70	.95	.90		.05
GROUP 8	13.42	.95	.90		.05
GROUP 9	13.57	.95	.90		.05

GROUP 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
GROUP 2 - Bottom Man; Pipelayer
GROUP 3 - Burning Torch Operator; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man
GROUP 4 - Bottom Jackhammer Man; Mason Tenders; Plasterers' Tenders; Stonemasons' Tenders
GROUP 5 - Plaster Mixer Pump Operator
GROUP 6 - Tunnel Laborer
GROUP 7 - Gunnite Nozzle Operator
GROUP 8 - Demolition Construction - Wrecking Laborers
GROUP 9 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

BUTLER & WARREN COS.:					
Common Laborers	12.59	.95	1.35		.05
Asphalt Rakers; Hand Air Tamper Chisel; Smoothers Hand Air Pump; Tampers; Vibrator Power Tamper Op.	12.69	.95	1.35		.05
Mason Tenders; Mortar Mixers; & Scaffold Builders	12.92	.95	1.35		.05
Concrete Pumps & Hose Men; Gunnite Operators; & Sandblasters	12.94	.95	1.35		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, & LOGAN COS.:					
Carpenters' Tenders; Laborers	$10.05	.95	1.35		.05
Air & Machine Driven Tool Ops.; Asphalt Raker & Tamper; Barko & Chain Saw; Bottom Man; Gunnite Machine Op. & Nozzle Man; Hand Spikers; Jackhammer; Power Concrete & Buggies; Sewer Pipelayers; & Wagon Drill	10.30	.95	1.35		.05
Mason Tenders; Mortar Mixers; & Plasterers' Tenders	10.45	.95	1.35		.05
Miners & Muckers for Tunnel & Caisson; Powdermen & Blasters	10.55	.95	1.35		.05
COLUMBIANA, HARRISON, & JEFFERSON COS.:					
Carpenters' Tenders; General Laborers	11.45	.95	1.35		.05
Brick Handlers; Men Mixing Cement for Cement Finishers; Mortar Mixer Machine Op.; Mortarmen for Masons & Plasterers; Scaffold Builders; Tenders for Brick Masons, Plasterers, Stonemasons, & Tile Setters	11.62	.95	1.35		.05
Acetylene Burners; Air Blow Pipe; Air Pump; Air Spades; Air Tampers; Power Driven Tools; Chipping Hammers; Concrete Saw; Jackhammers; Laborers Operating Concrete Buggies; Panel Cleaning Machine Operators; Pipelayer & Tenders Working in Ditches or Tunnels & Hand Spikers on Railroads, & Laborer Handling Concrete for Test or Working with Tar, Acid, & Creosote; Power Buggy; Power Saw; Sandblaster; Scuba Divers; Vibrators; & Welders	11.65	.95	1.35		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Laborers	$11.14	.95	1.35		.05
All Machine & Power Driven Tools; Chipping Hammers; Power Buggies; Railroad Spikers by Hand; Swinging Scaffold over 15 ft.; & Vibrators	11.29	.95	1.35		.05
Air Drill; Batter Board Setter & Bottom Men; Jackhammer; Man Hole Builders; Sandblasters; & Sewer Pipelayers	11.34	.95	1.35		.05
Caisson Work; Scaffold W/Power Tools	11.39	.95	1.35		.05
Torch Man on Wrecking	11.44	.95	1.35		.05
Caisson Work w/Jackhammer	11.59	.95	1.35		.05
Gunnite Operator; Wagon Drill Operator, and Blaster - Powder Man	11.64	.95	1.35		.05
Tenders for Bricklayers and Masons	11.74	.95	1.35		.05
Tenders for Lathers and Plasterers	11.81	.95	1.35		.05
DEFIANCE, FULTON, HENRY, & WILLIAMS COS.:					
Carpenter Tenders; Cement Finishers' Tenders; Laborers	11.42	.95	1.35		.05
Gunnite Pot Man; Mason Tenders	11.54	.95	1.35		.05
All Power Driven Tools Buggies	11.57	.95	1.35		.05
Burners, Torchmen & Nozzlemen for Concrete Pumps	11.565	.95	1.35		.05
Plasterers' Tenders	11.595	.95	1.35		.05
Bellman; Bottom Man; & Brick Expeditor	11.655	.95	1.35		.05
Nozzle Operator for Gunnite Work	12.07	.95	1.35		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HURON, OTTAWA, AND SANDUSKY COS.:					
Building and Construction Laborers; Carpenter Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erectors; Toml Cribmen; & Utility Construction Laborers	12.61	.95	1.35		.05
Air and Power Driven Tools; Bottom Men; Burner on Demolition Work; Caisson Workers; Cofferdam; Workers; Creosote Workers; Form Setters; Hod Carrier; Laser Beam Set Up Men; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Powder Men & Dynamite Blasters; Scaffold; Swinging Scaffold; & Tunnel Laborers	12.81	.95	1.35		.05
Gunnite Operator	13.21	.95	1.35		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, MADISON, PICKAWAY, & UNION COS.:					
Carpenter Tenders; Cleaning, Debris; Cleaning of all Material; Common Laborers; Conveyor Belt; General Clean Up; Handling & Conveying All Material; Lanscape; Loading and Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Salamander; Sod Layers; Washing of all Windows; & Wire Mesh Handlers or Setters	11.74	.70	.90		.10
Air or Electrical Pneumatic Tool Operator; All Scaffold Builders (Swinging Scaffold); Asphalt and Blacktop Rakers; Bottom Man; Brick Tenders; Caisson Bottom Man; Cement Mason Tender; Concrete Saw Operator, and Brush Feeders on Pulverizers; Forklift Operator; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun, Burners; Mortar Mixers & Operator; Pipe Layers; Plasterers' Tenders; Power Buggy Operator; Power Driven Tools; Power Wheelbarrow Operator; Sand and Vacuum Cleaning; Sandblasting of Concrete; Stone Mason Tender; Vibrator Man; Wagon and Churn Drill Operators; & Wall Wrecker & Bar Man on Demolition	12.04	.70	.90		.10

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Equipment Replacing Wheelbarrow & Concrete Buggy; Laborers	$13.49	1.70	1.85		
Fire Brick Tenders; Power Driven Tools & Vibrators; Sewer & Utilities Laborers	13.64	1.70	1.85		
Acetylene Burner; Jackhammer; & Mucker	13.69	1.70	1.85		
Air Track and Wagon Drill; Mason Tender Handling Carbon Block & Bottom, Block Material; & Swinging Scaffold	13.74	1.70	1.85		
Acid Brick Tenders; Blasters & Shooters; Caisson; Cofferdams; Cylinder; Gunnite Operator; Mine Workers w/o Air; & Well	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
LICKING CO.:					
All Portable Heaters; Carpenter Tender; Cleaning of All Material; Common Laborers; Conveyor Belt; General Clean-up Incl. Vacuum Cleaning; Handling and Conveying All Material; Landscape; Loading & Unloading all Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Sod Layers; Washing of all Windows; Water Pumps up to & Incl. 4" Intake	11.74	.70	.90		.05
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders; Asphalt & Blacktop Rakers; Bottom Man; Brick Tender; Brush Feeders on Pulverizers; Burners; Cement Mason Tender; Concrete Saw Operators; Fork Lift Operators					

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gunnite Nozzleman; Jackhammer Operator; Laser Gun; Mortar Mixer & Operator; Pipelayers; Plasterers' Tender; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemason Tender; Swinging Scaffolds; Vibrator Man; Wagon & Churn Drill Operators; Wall Wrecker & Bar Man on Demolition; Welders on Demolition	$12.04	.70	.90		.05
MEDINA Cm.:					
Carpenter Tenders; Common Laborers; Concrete Bucket Tender; Landscape Laborers; Mason Tender; & Welder Tenders	13.42	.95	1.35		.11
Air Driven boring Machine; Asphalt Raker; Hook-up Man on Demolition Work; Material Mixer; Paving Bed Maker; Power Tools - Air, Gas, or Electric; Scaffold Erector; Structural Precast Erector; Tamper Operator; & Wire Mesh Handler	13.57	.95	1.35		.11
Barco Type Tampers; Bottom Man; Burners; Form Setters; Hod Carriers; Jackhammer; Muckers - Tunnel; Pipelayers; Power Buggy or Power Wheelbarrow; Power Saws; & Rock Drillers	13.57	.95	1.35		.11
Dynamite Men; Gunnite Nozzlemen; Pump Hose Nozzlemen; Tunnel Miners; & Water Line Caulkers	13.42	.95	1.35		.11
MONROE, MORGAN, & WASHINGTON COS:					
Unskilled	11.95	.70	.90		.10
Semi-Skilled	12.30	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY, MUSKINGUM, NOBLE, & PERRY COS.:					
Building & Construction Laborers; Carpenter Tenders; Planters (Landscape); Plumbers Tenders & Tree Trimmers	$11.52	.95	1.35		.05
Air & Machine Driven Tools Operators; Asphalt Plant Aggremeter Operator; Asphalt Plant Mixer Men; Brick Slingers; Car Pushers & Tunnel Laborers; Caulkers; Cement Handlers; Concrete Puddlers (behind mixers); Curb Cutters & Setters; Cutting with Burning Torches; Dumpmen (Batch Trucks); Hand Spikers Operators; Jackhammer Operator; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Proportioning Plant Operator; Pump Men (Under 4"); Road Form Setters; Sewer Bottom Men Sheeting & Shoring Men; Stone Mason Tenders; Vibrator Operator; & Yarners & Wrenchmen	11.62	.95	1.35		.05
Brick Dressers; Lock Tenders; & Powdermen or Blasters	11.87	.95	1.35		.05
ROSS & VINTON COS.:					
All Water Pumps Up to & Incl. 3" Intake; clean-Up Incl. Vacuum Cleaning; Cleaning Debris; Common Laborers; Conveyor Belt; Handling & Conveying All Materials; Landscape; Loading & Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of All Concrete; Sod Layers; & Washing of All Windows	10.92	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders (Swinging Scaffolds); Asphalt & Blacktop Rakers; Bottom Man; Brick Tenders; Brush Feeders on Pulverizers; Burners; Carpenters' Tenders; Cement Masons' Tenders; Concrete Saw Operators; Forklift Operators; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun; Mortar Mixer & Operators; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemasons' Tenders; Vibrator Man; Wagon & Churn Drill Operators; Wall Wreckers & Bar Man on Demolition; Welders on Demolition	$10.72	.70	.90		.10
WOOD CO.:					
Unskilled Laborers	14.03	.95	1.35		.11
Plasterers' Tenders; Mixers	14.05	.95	1.35		.11
Mason tenders	14.18	.95	1.35		.11
All Power Driven Tools & Buggies	14.185	.95	1.35		.11
Gunnite Pot Men	14.23	.95	1.35		.11
Mortar Mixers	14.25	.95	1.35		.11
Pipelayers	14.285	.95	1.35		.11

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, JACKSON (Bloomfield, Franklin, Hamilton, Lick, Jefferson, Scioto, & Madison Twps.), LAWRENCE, MEIGS, PIKE (Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), SCIOTO, & VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.) COS.:					
Cable Splicers	$18.35	.70	3%+.50	1.00	½%
Linemen	16.68	.70	3%+.50	1.00	½%
Operators: All Mechanized Equipment	13.34	.70	3%+.50	1.00	½%
Groundmen	10.84	.70	3%+.50	1.00	½%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.:					
Linemen	15.17	.70	3%		½%
Equipment Operators	13.65	.70	3%		½%
Groundmen; Truck Drivers	9.97	.70	3%		½%
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) COS.:					
Equipment Operators; Linemen	16.03	.60	3%+.72		½%
Line Truck Driver	9.62	.60	3%+.72		½%
Groundmen	10.42	.60	3%+.72		½%
BELMONT CO.:					
Linemen; Technicians	14.66	.50	3%+1.25	1.50	
Cable Splicer	14.91	.50	3%+1.25	1.50	
Groundmen	11.73	.50	3%+1.25	1.50	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Operators	16.70	.85	3%+1.00		½%
Groundmen	12.53	.85	3%+1.00		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	$17.00	.85	3%+1.00		½%
Groundmen	12.75	.85	3%+1.00		½%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.10	.85	3%+1.00		½%
Groundmen	12.825	.85	3%+1.00		½%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.25	.85	3%+1.00		½%
Groundmen	12.94	.85	3%+1.00		½%
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	16.55	1.00	3%+1.00		½%
Cable Splicers	17.05	1.00	3%+1.00		½%
Groundmen	11.59	1.00	3%+1.00		½%
CARROLL (N ½ Incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (N. of Baughman, Chester, Greene & Wayne Twps.) COS.:					
Cable Splicers	14.59	1.00	3%+1.00		.3%
Line Equipment Ops.	13.44	1.00	3%+1.00		.3%
Groundmen; Truck Drivers	9.84	1.00	3%+1.00		.3%
Linemen	15.70	1.00	3%+1.00		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	$15.50	8%	17%	10%	½%
Cable Splicers	16.00	8%	17%	10%	½%
Groundmen	10.08	8%	17%	10%	½%
CHAMPAIGN, CLARK, GEAUGA (Bainbridge, Russell & Chester Twps.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	17.93	.60	3%		½%
Groundmen	11.65	.60	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	14.13	.75	3%+1.00		½%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	14.13	.75	3%+1.00		½%
Line Truck with Winch or Pole & Steel Handling	10.60	.75	3%+1.00		½%
None-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	8.48	.75	3%+1.00		½%
COLUMBIANA CO. (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.):					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		½%
Groundmen & Truck Drivers	11.90	15%	7%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), & GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy) COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	$17.08	.70	8%		4%
Groundmen	13.66	.70	8%		4%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Op.; Linemen	15.68	.50	3%		4%
Groundmen	9.39	.50	3%		4%
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	16.17	.70	8%	a	4%
Technicians	16.25	.70	8%	a	4%
Cable Splicers	19.26	.70	8%	a	4%
Operator Class I	13.40	.70	8%	a	4%
Operator Class II	11.73	.70	8%	a	4%
Groundmen	10.05	.70	8%	a	4%
DELAWARE, MADISON (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.67	.50	3%		4%
Groundmen	9.39	.50	3%		4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. & Linemen	$16.05	.98	3%		4%
Truck Driver (Winch) Groundman	8.83	.98	3%		4%
Groundman	10.43	.98	3%		4%
FAIRFIELD, KNOX (Butler, College, Clay, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant Twps.), & LICKING COS.:					
Cable Splicers; Linemen; Ops.: All Mechanized Equipment	14.85	.70	3%		4%
Groundmen - Truck Driver	11.78	.70	3%		4%
Groundmen	9.08	.70	3%		4%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Exclu. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.:					
Cable Splicers	16.985	.70	3%		4%
Linemen; Equipment Operators	15.80	.70	3%		4%
Truck Drivers	9.49	.70	3%		4%
Groundmen	9.08	.70	3%		4%
FRANKLIN CO.:					
Cable Splicers; Linemen	14.18	.50	3%		4%
Operators	12.48	.50	3%		4%
Groundmen	9.39	.50	3%		4%
GEAUGA (Exclu. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.) CO.:					
Cable Splicers; Equipment Ops. & Linemen	16.88	.85	3%+.70		4%
Truck Drivers (Winch) Groundman; Groundman	11.84	.85	3%+.70		4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Litchfield, & Liverpool Twps.) CO.:					
Cable Splicer; Equipment Op.; & Linemen	$16.75	.75	3%+1.00		½%
Truck Drivers(Winch) Groundman; Groundman	10.89	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), & WAYNE (Northern ½ of Co.) COS.:					
Linemen	16.67	.74	3%+.84		½%
Cable Splicers	17.72	.74	3%+.84		½%
Equipment Operators	12.50	.74	3%+.84		½%
Truck Drivers; Groundman	8.34	.74	3%+.84		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Cable Splicers; Linemen; & Equipment Operators	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE:
a. 10 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
All Counties, except Columbiana:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

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POWER EQUIPMENT OPERATORS COLUMBIANA COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 15.40	1.05	1.15		.16
CLASS II	14.77	1.05	1.15		.16
CLASS III	14.13	1.05	1.15		.16
CLASS IV	13.72	1.05	1.15		.16
CLASS V	13.62	1.05	1.15		.16
CLASS VI	15.73	1.05	1.15		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backfiller W/Drag Attachment; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade Attached; Concrete Spreader Finisher Comb.; Crane; Crane-Stationary or Climbing; Crane- Electric Overhead Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-wheel (not trencher or road widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal and Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front end; Locomotive; Mechanic as Welder; Metro Clip Harvester W/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs-Drilling; Shovels; Spikemaster; Stone-crusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/Attachments; Trench Mach.; Trucks-Boom; Truck-Tire Assigned to Job; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O-Boom; Cleaning Mach.- Pipeline Type; Coating Mach.-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Hoist-Single Drum; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Mach.-Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher Form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 Ton or Over); Steam Jenny; Syphons; Tender Mechanic; Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

POWER EQUIPMENT OPERATORS

	ZONE I Basic Hourly Rates	ZONE II Basic Hourly Rates	ZONE III Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$15.89	$15.61	$16.17	1.26	1.50		.11
GROUP B	15.73	15.45	16.02	1.26	1.50		.11
GROUP C	15.38	15.09	15.67	1.26	1.50		.11
GROUP D	14.57	14.31	14.89	1.26	1.50		.11
GROUP E	14.24	13.98	14.57	1.26	1.50		.11
GROUP F	12.03	11.78	12.39	1.26	1.50		.11

ZONE I: Allen, Ashland, Belmont, Carroll, Coshocton, Defiance, Fulton, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Jefferson, Monroe, Noble, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Tuscarawas, Van Wert, Washington, Wayne, Williams, & Wood Counties

ZONE II: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, & Wyandot Counties

ZONE III: Erie, Geauga, Huron, & Medina Counties

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GROUP A - A-Frames; Boiler or Compressor Operator Mounted on Crane (Piggy-Back Operation); Boom Trucks (All Types); Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes (All Types); Derricks (All Types); Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew: Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Hammerhead Tower Cranes; Helicopter Operator and Helicopter Winch Operator When Hoisting Builders Materials; Hoes (All Types); Hoisting Engines (Two or More Drums); Lift Slab or Panel Jack Operator; Locomotives (All Types); Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple Drum); Mobile Concrete Pumps with Boom; Panelboard (All Types on Site); Pile Driver; Power Shovels; Rotary Drills used on Caisson Work for Foundations and Sub-Structure Work; Side Boom; Slip Form Pavers; Straddle Carriers Building Construction on Site); Trench Machine (Over 24" Wide); Tug Boat

GROUP B - Asphalt Paver; Bulldozer; C.M.I. Type Equipment; End-Loaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat

GROUP C - Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (One Drum); House Elevators; Man Lift; Power Boilers (Over 15 lbs. Pressure); Pump Operators Installing Well Points or other Type of Dewatering System; Pumps (4" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trenchers 24" and under

GROUP D - Compressors on Building Construction; Conveyors (Building Material); Generators; Gunnite Machines; Mixers, (Capacity more than One Bag); Mixers (One Bag Capacity, Side Loader); Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher Rollers; Welder Operator

GROUP E - Backfiller & Tampers; Bar and Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machines; Clefplanes; Concrete Spreading Machine; Crushers; Deck Hands; Drum Fireman (Asphalt); Farm Type Tractors Pulling Attachments; Finishing Machines; Form Trenchers High Pressure Pumps Over ½" Discharge; Hydro Seeders; Self-Propelled Power Spreader; Self Propelled Sub-Grader; Tire Repairman; Tractors Pulling Sheeps Foot Roller or Grader; Vibratory Compactor (With Integral Power)

GROUP F - Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Boilers (Less than 15 lbs. Pressure); Pumps under 4" Discharge Submersible Pumps under 4" Discharge; Tenders

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, HIGHLAND, LAWRENCE (W. of Coal Grove & W. of St. Rte. #75), PIKE, & SCIOTO COS.:					
Bus Drivers (Incl. all Equipment used for Hauling Men & Materials); Dump to & Incl. 2 Tons; Fuel Trucks; Jeeps; Pickups; & Station Wagons	$8.96	21.50a			
Dumps Over 2 Tons; Euclids; Fork Lifts (Incl. Mason Tending Work); Lowboys; Semi-Tractor; & Tandems	9.88	21.50a			
ALLEN, AUGLAIZE, DEFIANCE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY, UNION, & VAN WERT COS.:					
Lowboys	9.60	31.00a	13.00a		
Tenders	8.60	31.00a	13.00a		
BELMONT, JEFFERSON (N. to Short Creek), & MONROE COS.:					
Pickups; Tenders	11.30	32.35a	46.00a		
Mechanic Tenders	11.31	32.35a	46.00a		
Flatbed Material Trucks; Dumps & Semi-Dumps	11.35	32.35a	46.00a		
Tank Truck (Straight & Semi)	11.38	32.35a	46.00a		
Semi-Tractor Trailers	11.40	32.35a	46.00a		
Pole Trailer	11.50	32.35a	46.00a		
Agitator & Mixer Trucks (Up to 5 cu. yds.)	11.58	32.35a	46.00a		
Euclids; Dumpsters; Turnarockers; Ross Carriers; & Athey Wagons	11.63	32.35a	46.00a		
Agitator & Mixer Trucks (Over 5 cu. yds.)	11.66	32.35a	46.00a		
Lowboy Trailer; Winch; Fork & Distributor Trucks (Front & Back End) & Truck Crane	11.93	32.35a	46.00a		
A-Frame	12.00	32.35a	46.00a		
Mechanics	12.03	32.35a	46.00a		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER & WARREN COS.:					
Jeeps; Pickups; & Single Axle Trucks	$10.89	25.00b	46.00a		
Fork Lifts; Tandem Axles; Dumps; Tandem Axles; & Winch Trucks	11.04	25.00b	46.00a		
Semi-Combination & Combination of Hauling Units	11.14	25.00b	46.00a		
Drag & Lowboys	11.30	25.00b	46.00a		
Euclids; Mechanics	11.34	25.00b	46.00a		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Straight Flat & Dumps; Winches	8.40	29.50a	11.00a	c&d	
Ready Mix Dump Crete	8.46	29.50a	11.00a	c&d	
Tandems & Tractor Trailer Combination	8.51	29.50a	11.00a	c&d	
Euclids to 12 Yds.	8.57	29.50a	11.00a	c&d	
Euclids over 12 Yds.	8.93	29.50a	11.00a	c&d	
DELAWARE, FAYETTE, FRANKLIN, MADISON, PICKAWAY & ROSS COS.:					
Dumps & Straight	12.15	43.00a			
Tandem & Semi-Farm Tractor	12.25	43.00a			
Lowboy	12.35	43.00a			
HARRISON & JEFFERSON (S. to Short Creek) COS.:					
Truck Tenders	10.76	39.50a			
Mechanic Tenders	10.77	39.50a			
Flatboy Material Trucks; Dumps & Semi-Dumps	10.81	39.50a			
Tank Trucks (Straight & Semi)	10.84	39.50a			
Semi-Trailers & Tractor Trailers	10.86	39.50a			
Euclids; Dumpsters; Turnarockers; Ross Carrier; Athey Wagons	11.09	39.50a			
Lowboy Trailers; Winches; A-Frames; Forks; Distributors (Front & Back End); & Truck Cranes	11.39	39.50a			
Mechanics	11.49	39.50a			

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DECISION NO. OH81-2066

FOOTNOTES:

SUPERSEDEAS DECISION

STATE: Ohio.

COUNTIES: Ashtabula, Cuyahoga Lake, Lorain, Portage, Stark, and Summit

DECISION NUMBER: OH81-2067

DATE: Date of Publication

DECISION NO. OH81-2066

FOOTNOTES:

a. Per week per employee

b. Per week per employee providing employee has been on payroll at least 30 days

c. 1 year's employment - 1 week's paid vacation; 7 years' employment - 2 weeks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period

d. An employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hours' pay for said holidays.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Ohio. COUNTIES: Ashtabula, Cuyahoga Lake, Lorain, Portage, Stark, and Summit

DECISION NUMBER: OH81-2067 DATE: Date of Publication

Supersedes Decision No.: OH81-2025, dated May 22, 1981 in 46 FR 21824

DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake & Lorain Cos.	$16.29	.99	1.25		
Ashtabula (Rem. of Co.)	15.64	.65	1.75		.02
Remaining Cos.	16.10	.70	1.30		.04
BOILERMAKERS	15.755	1.275	1.50		.03
BRICKLAYERS; Stonemasons:					
Ashtabula Co.	16.42	.95	1.50		
Cuyahoga Co.	15.97	1.31	1.33		.10
Lake Co.	16.72	.90	1.15		75.00 p/y
Lorain Co.	16.45		.80	a	.01
Portage and Summit Cos.:					
Commercial Construction	15.52	1.17	1.05		
Residential Construction	13.92	1.02	.80		
Stark Co.	14.44	1.05	1.05		.02
CARPENTERS; Millwrights; Piledrivermen; Soft Floor Layers:					
Ashtabula, Cuyahoga, & Lake Cos.:					
Carpenters; Soft Floor Layers	15.67	1.20	1.85		.09
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
Portage & Summit Cos.:					
Commercial:					
Carpenters	15.35	.75	1.50		.04
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
Soft Floor Layers	14.50	.70	2.00		b
Residential:					
Carpenters	11.31	.75	.80		.02
Stark Co.:					
Carpenters	12.83	.70	.80		.02
Millwrights; Piledrivermen	13.16	.65	.80		.02
Soft Floor Layers	12.51	.65	.80		.02
Lorain Co.:					
Carpeners; Soft Floor Layers	15.37	.90	1.25	c	.08
Millwrights	15.20	1.20	2.32		.09
Piledrivermen	15.50	1.20	2.02		.09
CEMENT MASONS:					
Ashtabula Co.	16.42	.95	1.50		
Cuyahoga Co.	16.72	.80	.80		.02
Lake Co.	16.72	.90	1.15		75.00 p/y

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (CONT'D)					
Lorain Co.	$16.45		.80	a	.01
Portage, Stark, & Summit Cos.:					
Commercial Construction	15.19	.70	1.00		.02
Residential Construction	14.12	.70	1.00		.02
ELECTRICIANS:					
Cuyahoga & Lorain (Twp. of Columbia) Cos.	16.84	1.10	3%+.59		.06
Lake Co.:					
Commercial Construction	16.98	.85	3%+.70		.2%
Residential Construction	9.15	.85	3%		1%
Lorain (Except Columbia Twp.):					
Commercial Construction	16.75	.85	3%+1.00		.1%
Residential Construction	9.53	.75	3%		.1%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:					
Commercial Construction	16.67	.74	3%+.84		.2%
Residential Construction	10.78	.74	3%+.40		.2%
Stark County:					
Commercial Construction	15.70	1.00	3%+1.00		.3%
Residential Construction	10.94	1.00	3%+.80		.3%
Ashtabula Co. (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor) & Portage (Remainder of Co.) Co.	16.62	1.00	9%		.702%
Ashtabula Co. (Rem. of Co.):					
Commercial Construction	16.50	1.00	3%+1.50		.5%
Residential Construction	8.10	1.00	3%		.002%
ELEVATOR CONSTRUCTORS:					
Ashtabula Co.:					
Mechanic	14.88	1.345	1.085	d&e	.035
Helpers	70%JR	1.345	1.085	d&e	.035
Helpers (Prob.)	50%JR				
Cuyahoga, Lake, & Lorain Cos.:					
Mechanic	16.13	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELEVATOR CONSTRUCTORS (CONT'D)					
Portage, Stark, & Summit Cos.:					
Mechanic	$15.645	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.28	.60	1.75		.01
Portage, Stark & Summit Cos.:					
Commercial	14.08	1.21	1.17	.20	.08
Residential	8.62	1.14	.62	.15	
IRONWORKERS:					
Ashtabula (NE ¼ of Co.) Co.	14.50	1.86	1.51		.15
Ashtabula (S ½), Cuyahoga, Lake, Lorain, Portage (exclu. Ravenna Ordnance Depot), & Summit Cos.	16.22	1.05	1.45		.08
Ashtabula (NW ¼ of Co.) & Portage (Ravenna Ordnance Depot) Cos.	15.26	1.00	1.30		.09
Stark Co.	15.28	.80	1.20		.05
LATHERS:					
Ashtabula, Cuyahoga, Lake, Lorain (Eastern portion), & Summit (No. part of Co.) Cos.	13.38		1.50		.01
Lorain (Rem. of Co.)	16.30				.01
Portage, Stark & Summit (So. part of Co.) Cos.	13.56	.80	.50		.01
LINE CONSTRUCTION:					
Ashtabula Co. (Twps. of Colebrook, Orwell, Wayne, Williamsfield & Windsor), Portage Co. (Twps. of Charleston, Edinburgh,					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
Freedom, Hiram, Nelson, Palmyra, Paris, & Windham):					
Cable Splicer Op.; Linemen; Pole Digging Equipment Op.	$17.08	.70	8%		½%
Groundmen	13.66	.70	8%		½%
Ashtabula Co. (Rem. of Co.):					
Cable Splicer; Equipment Op.; Line Truck Driver; Linemen	13.05	.90	3%+.85		½%
Groundmen	9.80	.90	3%+.85		½%
Cuyahoga & Lorain (Columbia Twp) Cos.:					
Cable Splicers; Equipment Ops; Linemen	17.93	.60	3%		½%
Truck Drivers (winch) Groundmen	11.65	.60	3%		½%
Lorain (Rem of Co.) Co.:					
Cable Splicers; Equipment Ops.; & Linemen	16.75	.75	3%+1.00		½%
Groundmen	10.89	.75	3%+1.00		½%
Lake Co.:					
Cable Splicers, Equipment Operators; Linemen	16.98	.85	3%+.70		½%
Groundmen	11.04	.85	3%+.70		½%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro, & Suffield, & Summit Cos.:					
Linemen	16.67	.74	3%+.84		½%
Cable Splicers	17.72	.74	3%+.84		½%
Groundmen; Truck Drivers	8.34	.74	3%+.84		½%
Equipment Operators	12.50	.74	3%+.84		½%
Stark Co.:					
Cable Splicers	14.59	1.00	3%+1.00		.3%
Linemen	15.70	1.00	3%+1.00		.3%
Truck Drivers; Groundmen	9.84	1.00	3%+1.00		.3%
Line Equipment Ops.	13.44	1.00	3%+1.00		.3%
MARBLE SETTERS; Terrazzo Workers; Tile Setters:					
Ashtabula Co.	16.42	.95	1.5%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS (CONT'D)					
Cuyahoga Co.:					
Marble Setters; Terrazzo Workers	$15.97	1.31	1.33		.10
Tile Setters	15.905		2.25		
Lake Co.	16.72	.90	1.15		75.00p/y
Lorain Co.	16.45		.80	a	.01
Portage & Summit Cos.	14.77	.91	.98		
Stark Co.:					
Marble Setters	13.52	1.05	1.05		
Terrazzo Workers	13.44	1.05	1.05		
Tile Setters	13.35	1.05	1.05		
MARBLE SETTERS' FINISHERS:					
Ashtabula Co.	14.405				
Cuyahoga, Lake & Lorain Cos.	14.51		2.50		
Portage & Summit Cos.	14.27	.91	.90		
PAINTERS:					
Ashtabula, Cuyahoga, Lake, Portage (No. of East West Turnpike), & Summit (No. of East West Turnpike), Lorain (NE part):					
Brush; Rollers; Paperhangers	15.06	.97	1.60		.05
Sandblasting; Spray; Closed Steel below 55 ft	15.46	.97	1.60		.05
Tapers	15.76	.97	1.60		.05
Lorain (Except NE part):					
Commercial Construction:					
Brush	10.20	.85	.10	f	
Roller	10.70	.85	.10	f	
Taping	10.95	.85	.10	f	
Residential Construction:					
Brush	9.85	.85	.10	f	
Taping	10.60	.85	.10	f	
Portage Co. (Ravenna Ordnance Depot):					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro Jet Cleaning; Steam Cleaning	14.45	1.00	1.25		
Spray; Epoxy-mastic (brush or roller)	14.95	1.00	1.25		
Swing; Interior Scaffold Over 30 ft.); Window					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS: (CONT'D)					
Jacks & Safety Belts	14.62	1.00	1.25		
Drywall Taping	14.60	1.00	1.25		
Open Structural Steel	14.66	1.00	1.25		
Dipping (when permitted)	14.80	1.00	1.25		
Epoxy - mastic (spray)	15.45	1.00	1.25		
Paperhangers (furnishing own tools)	14.70	1.00	1.25		
Portage & Summit Cos. (up to & inclu. Ohio Turnpike):					
Brush; Roller; & Paperhanger	14.65	1.07	.60		
Structural Steel; Drywall Finishers & Tapers	15.40	1.07	.60		
Spray	15.50	1.07	.60		
Stark Co. (Commercial):					
Brush; Roller	13.26	1.08	1.00		.02
Paperhangers	13.36	1.08	1.00		.02
Drywall	13.66	1.08	1.00		.02
Spray	13.76	1.08	1.00		.02
Drywall with machines	14.01	1.08	1.00		.02
Stark Co. (Residential)	10.00	1.08	1.00		.02
PIPEFITTERS; Steamfitters:					
Ashtabula, Cuyahoga, Lake, Portage (N of #303), & Summit (N. of #303 exclu. city of Hudson) Cos. and the C.E.I. Power House in Avon Lake	15.92	1.45	1.35		.10
PIPEFITTERS; Plumbers; & Steamfitters:					
Lorain Co.	16.75	1.08	1.10		.10
Portage & Summit Cos. (S. of #303, except corporate limits of Hudson) Cos.:					
Commercial Building	15.24	.91	1.60		.05
Stark Co.	14.67	1.35	.70	g	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PIPEFITTERS; Plumbers (Residential):					
Lorain, Portage, Stark, & Summit (Sy) Cos.	$ 9.20	.60	.35		.03
PLASTERERS:					
Ashtabula Co.	14.62	.95	1.50		
Cuyahoga Co.:					
Commercial Building	18.74				.01
Residential	13.00				.01
Lake Co.	16.72	.90	1.15		75.00p/y
Lorain Co.	16.45		.80	a	.01
Portage, Stark & Summit Cos.	15.06	.70	1.00		.01
PLUMBERS:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of #303) Cos.	16.03	1.20	1.40		.02
ROOFERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	17.78	.25	.50		.05
Portage, Stark, & Summit Cos.	14.89	1.47	.95		.04
SHEET METAL WORKERS:					
Ashtabula, Cuyahoga, & Lake Cos.	14.69	.90	1.68		.06
Lorain Co.	13.91	.85	1.20		.06
Portage, Stark, & Summit Cos.:					
Commercial Building	15.17	.94&h	1.10		.10
Residential	9.55	.94&h	1.10		.10
SPRINKLER FITTERS:					
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), Summit (N. of #303, excl. city of Hudson) Cos. & C.E.I. Power House in Avon Lake	15.92	1.45	1.35		.10
Remaining Counties	16.11	.95	1.40		.08
TERRAZZO WORKERS' FINISHERS					
Ashtabula Co.	14.405				
Cuyahoga, Lake, & Lorain Cos.	15.07		2.50		
Portage & Summit Cos.	14.27	.91	.90		
Stark Co.	12.06	1.05	1.05		
TILE SETTERS' FINISHERS:					
Ashtabula Co.	14.405				
Cuyahoga, Lake, & Lorain Cos.	15.04		2.50		
Portage & Summit Cos.	14.27	.91	.90		
Stark Co.	11.94	1.05	1.05		

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PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day

FOOTNOTES:

a. 8 paid holidays: C & D
b. $150.00 per year
c. 2 paid holidays: C & D
d. 7 paid holidays A through F, & Day after Thanksgiving
e. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
f. 2 paid holidays: C & D
g. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.
h. 3% of gross earnings to SASMI

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Ashtabula County:					
Stonemason Tenders	$14.68				
Sheeting & Shoring Men; Asphalt Rakers & Tampers; Dumpmen (Batch Truck); Concrete Workers; Building Wreckers; Tool Checkers; Carpenters Tenders; Construction Laborers; All work not mentioned in classifications below to be paid at the rate of Construction Laborers	14.95				
Spreader Box Man (Asphalt); Plasterers or Mortar Mixers; Squeegee man	15.10				
Air & Machine Driven Tool Op.; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of Floors	15.15				
Stackmen; Swinging Scaffold men	15.25				
Tunnel Laborers	15.35				
Gunnite Ops.	15.45				
Powder Blasters	15.50				
Cuyahoga County:					
Construction; Tenders	13.49	1.70	1.85		
Sewer & Utility; Power Driven Tools & Vibrators	13.64	1.70	1.85		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (CONT'D)					
Jackhammer; Acetylene Burners; Muckers	$13.69	1.70	1.85		
Swinging Scaffolds	13.74	1.70	1.85		
Gunnite Ops.; Blasters; Shooters; Caisson; Well Cylinders; Mine Workers w/o Air; & Cofferdams	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
Lake County:					
Building & Construction	13.15	.95	1.35		
Gunnite Op.; Blasters & Shooters; Caissons; Wells; Cylinder Cofferdams; Mine Workers w/o Air; Swing Scaffolds; Acetylene Burners; Vibrators; Top Man on Free Standing Radial Stacks; Slip Forms Higher than 30'; Fire Brick Tenders	13.40	.95	1.35		
Lorain County:					
Building & Construction; Tool Crib; Carpenter Tender; Finishers Tender; Concrete Tenders; Concrete Handler; Guard Rail Erector; & Utility Construction	12.58	.95	1.35		.05
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipelayers; Air & Power Driven Tools; Burner on Demolition Work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blasters; Creosote Workers; Mortar Mixers; Form Setter; Mason Tenders; Plasterers' Tenders; Hod Carrier; Laser Beam Set Up Man	12.78	.95	1.35		.05
Gunnite Operator	13.18	.95	1.35		.05

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Portage & Summit Cos.: Residential Construction Common Laborers; Welders' Tenders; Carpenters' Tenders; Landscape Laborers; Mason Tender; Concrete Bucket Tender	$11.[illegible]7	.95	1.35		.11
Air Driven Boring Machine; Tamper Ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up Man On Demolition Work; Scaffold Erector; Structural Precast Erector; Power Tools, Air, Gas, or Electric	13.4[illegible]	.95	1.35		.11
Pipe Layers; Rock Drillers; Muckers-Tunnel; Burners; Form Setters; Power Saws; Jackhammer; Barco Type Tampers; Bottom man; Hod Carrier; Power Buggy or Power Wheelbarrow	13.57	.[illegible]5	1.35		.11
Gunnite Nozzlemen; Tunnel Miners; Water Line Caulkers; Dynamite Men; Pump Hose Nozzlemen	13.57	.95	1.35		.11
Stark Co. Building & Construction; Tool Cribman; Carpenters' Tenders; Finishers Tenders; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	13.42	.95	1.35		.11
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on Demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Workers;	10.66	.75	1.10		.05

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mortar Mixers; Form Setter; Mason Tenders; Hod Carrier: Laser Beam Setup Men	$10.86	.75	1.10		.05
Gunnite Operator	11.26	.75	1.10		.05
POWER EQUIPMENT OPERATORS: Well & Pump Work (Incl. Drilling & Repair of All Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day

b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation.

POWER EQUIPMENT OPERATORS: Ashtabula, Cuyahoga, Lake, & Lorain Cos.:					
GROUP A	16.17	1.26	1.50		.11
GROUP B	16.02	1.26	1.50		.11
GROUP C	15.67	1.26	1.50		.11
GROUP D	14.89	1.26	1.50		.11
GROUP E	14.57	1.26	1.50		.11
GROUP F	12.39	1.26	1.50		.11
Portage, Stark, & Summit Cos.:					
GROUP A	15.89	1.26	1.50		.11
GROUP B	15.73	1.26	1.50		.11
GROUP C	15.38	1.26	1.50		.11
GROUP D	14.57	1.26	1.50		.11
GROUP E	14.24	1.26	1.50		.11
GROUP F	12.03	1.26	1.50		.11

GROUP A- A-Frames; All Rotary Drills used on Caisson Work for

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: PA81-3090
COUNTY: Lycoming
DATE: Date of Publication

GROUP A- A-Frames; All Rotary Drills used on Caisson Work for Foundations & Sub-structure Work; Boiler Op. or Compressor Op. when Compressor or Boiler is mounted on Crane (piggyback operation); Boom Trucks; Cableways; Cherry Pickers; Combination Concrete Mixer & Tower; Concrete Pumps; Cranes; Derricks; Draglines; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Op. (hoisting builders materials); Helicopter Winch Op. (hoisting builders materials); Hoes; Hoisting Engines (two or more drums); Lift Slab or Panel Jack Ops.; Locomotives; Maintenance Engineer (mechanic or welder); Mixer Paving (multiple drum); Mobile Concrete Pumps with Boom; Parelboard (all types on site); Pile Driver; Power Shovels; Side Booms; Slip Form Pavers; Straddle Carriers (building construction site); Tower Derricks; Trench Machines (over 24" wide)

GROUP B- Asphalt Paver; Bulldozer; CMI Type Equipment; Endloaders; Kohlman Type Loaders (dirt loading); Mucking Machines; Power Graders; Power Scoops; Power Scrapers; Push Cats

GROUP C- Air Compressor (pressurizing shafts or tunnels); All Asphalt Rollers; Fork Lifts; Hoist (one drum); House Elevators; Man Lift; Power Boiler (over 15 lbs., pressure); Pump Op. Installing or Operating Well Points or other Types of Dewatering System; Pumps (4" & over discharge); Submersible Pumps (4" & over discharge); Trenchers (24" & under)

GROUP D- Compressors on Building Construction; Conveyors (building material); Gunite Machines; Mixers (cap., more than on bag); Mixers (one bag cap., side loader); Post Driver; Post Hole Digger; Pavement Breaker (hydraulic or cable); Road Widening Trencher; Rollers; Welder Operator

GROUP E- Backfillers and Tampers; Batch Plant; Bar & Joint Installing Machine; Bull Floats; Burlap & Curing Machines; Clefplanes; Concrete Spreading Machines; Crushers; Drum Fireman (asphalt); Farm Type Tractors (pulling attachments); Finishing Machines; Form Trenchers; High Pressure Pumps (over ½" discharge); Hydro Seeders; Self-propelled Power Spreader; Self-propelled Subgrader; Tractors (pulling sheep foot roller or grader); Tire Repairmen; Vibratory Compactors (with Integral power)

GROUP F- Oiler; Light Plant Op.; Power Driven Heaters (oil fired); Power Boilers (less than 15 lbs. pressure); Submersible Pumps (under 4" discharge); Pumps (under 4" discharge); Tenders

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lycoming
DECISION NO.: PA81-3090 DATE: Date of Publication
Supersedeas Decision No. PA80-3060 dated October 10, 1980, in 45 FR 67531.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$13.83	.30	.90		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers & Stonemasons	11.55	1.15	.90		.015
Carpenters	12.72	.70	.90		.05
Cement Masons	11.10				
Electricians	11.50	.65	3%+1.00	1.00	.02
Elevator Constructors	12.84	1.345	1.085	b+c	.035
Elevator Constructors' Helpers	70%JR	1.345	1.085	b+c	.035
Elevator Constructors' Helpers (Prob.)	50%Jr				
Ironworkers	14.265	1.49	1.46		.045
Laborers:					
General Laborers	8.35	.70	.60		
Operator of Jackhammer, paving and other pneumatic electrical and mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operator, cofferdam (below 10'), tunnel free air, handling and using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal of mower buggies	8.50	.70	.60		.05
Mashers	12.72	.70	.90		.01
Lead Burners	10.75	.40	.25	a	
Line Construction:					
Linemen & cable splicers	13.37	.55	3%		3/8%
Winch truck drivers	9.38	.55	3%		3/8%
Groundmen	8.97	.55	3%		3/8%
Millwrights	14.42	.70	.90		.05
Painters:					
Brush	10.85	.75	.60		.10
Tapers	11.51	.75	.60		.10
Hazardous	12.51	.75	.60		.10

UNITED STATES 1981

DECISION NO. PA81-3090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$10.69				
Piledrivermen	12.97	3.13	1.40	d	.13
Plumbers	14.26	.94	.95		.05
Roofers & Kettlemen	12.05	1.00	1.10		
Sheet Metal Workers	13.21	.80	.86		.04
Sprinkler Fitters	15.56	.95	1.40		.08
Soft Floor Layers	10.98	.70	.90		.05
Steamfitters	14.26	.94	.95		.05
Truck Drivers	8.35				
Welder - Rate for craft					

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Paid Holidays; A through F, plus the Friday after Thanksgiving Day.

d. Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans' Day and Thanksgiving Day.

"Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

DECISION NO. PA81-3090

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.82	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt paint engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line gradors, fine grade machines, road finishingmachines concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: TENNESSEE
DECISION NUMBER: TN81-1111

COUNTIES: STATEWIDE
DATE: DATE OF PUBLICATION

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: STATEWIDE
DECISION NUMBER: TN81-1314 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN81-1170, dated January 6, 1981, in 46 FR 1534.
DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR TOOL OPERATOR	$ 5.50				
ASPHALT PAVER OPERATOR	6.85				
ASPHALT RAKER	5.53				
BACKHOE OPERATOR	7.53				
BITUMINOUS DISTRIBUTOR MACHINE OPERATOR	5.92				
BRICKLAYERS	8.47				
BORING MACHINE OPERATOR (HORIZONTAL)	5.72				
BULL DOZER or PUSH DOZER OPERATOR	7.23				
CARPENTER or LEAD PERSON	7.48				
CENTRAL MIXING PLANT OPERATOR	6.57				
CHAIN SAW OPERATOR	5.51				
CONCRETE FINISHER	7.17				
CONCRETE FINISHING MACHINE	7.17				
CONCRETE MIXER OPERATOR - (LESS THAN 1 YARD)	5.43				
CONCRETE PAVER OPERATOR	6.97				
CONCRETE RUBBER	6.20				
CONCRETE SAW OPERATOR	6.13				
CRANE OPERATOR	7.96				
CURB MACHINE OPERATOR (MANUAL)	6.57				
CURB MACHINE OPERATOR (AUTOMATIC)	6.57				
DITCH PAVER MACHINE OPERATOR	5.23				
DOZER or LOADER - STOCK PILE ONLY	6.56				
DRILL OPERATOR (CAISSON)	11.35				
DRILL OPERATOR (PILING)	6.11				
ROCK DRILL OPERATOR	6.11				
END LOADER OPERATOR	7.31				
ELECTRICIANS (Exclude Shelby Co.)	12.67				
FENCE ERECTOR	7.43				
FORM SETTER - STEEL ROAD	6.57				
GUARD RAIL ERECTOR	5.82				
IRONWORKERS - REINFORCING	7.22				
IRONWORKERS - STRUCTURAL	7.57				
LABORER	5.22				
MECHANIC - CLASS I (HEAVY DUTY)	7.80				
MECHANIC - CLASS II (LIGHT DUTY)	7.19				
MECHANIC'S HELPER (TYRE CHANGER AND/OR GREASER)	5.90				

DECISION NUMBER TN81-1314

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MORTAR MIXER	$ 5.45				
MOTOR PATROL OPERATOR - FINISH	7.45				
MOTOR PATROL OPERATOR - ROUGH	7.21				
MULCHER or SEEDER OPERATOR	5.84				
NOZZLEMAN or GUN OPERATOR (GUNITE)	6.53				
OILER	6.21				
PAINTER or SAND BLASTER	7.09				
PILE DRIVER OPERATOR	7.64				
PIPE LAYER	5.89				
POWDER PERSON	6.93				
ROLLER - ASPHALT	6.27				
ROLLER - COMPACTION (SELF-PROPELLED)	6.05				
SCALE OPERATOR	6.71				
SCRAPER OPERATOR	7.06				
SHOVEL OPERATOR	7.11				
SIGN ERECTOR	6.68				
SOIL STABILIZATION MACHINE OPERATOR	6.37				
SPREADER OPERATOR (SELF-PROPELLED)	6.98				
TRACTOR OPERATOR - BOOM & HOIST	6.32				
TRACK DRILL OPERATOR	5.92				
TRACTOR OPERATOR - CRAWLER or UTILITY	7.37				
TRACTOR OPERATOR - FARM	5.43				
TRENCHING MACHINE OPERATOR	7.13				
TRUCK DRIVERS (2 & 3 AXLES)	5.70				
TRUCK DRIVERS (4 or MORE AXLES, or HEAVY DUTY)	5.84				
WELDERS - RATE FOR CRAFT.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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SUPERSEDEAS DECISION

STATE: VIRGINIA
DECISION NO. VA81-3095

COUNTY: ALLEGHANY, AUGUSTA, BATH
CLARKE, FREDERICK, HIGHLAND
PAGE, ROCKBRIDGE, ROCKINGHAM
SHENANDOAH, & WARREN

Supersedes Decision No. VA80-3005, dated April 4,1980, in 45 FR 25282
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER	$3.75				
CARPENTER, STRUCTURE	6.17				
CARPENTER HELPER, STRUCTURE	4.20				
CONCRETE FINISHER	5.25				
CONCRETE FINISHER HELPER	4.20				
GUARDRAIL/FENCE ERECTOR	5.17				
IRONWORKER, REINF.	6.33				
IRONWORKER, STRUCTURAL	6.33				
LABORER, UNSKILLED	3.78				
LANDSCAPE WORKER	4.12				
MECHANIC	6.16				
MECHANIC HELPER	5.50				
PILEDRIVER LEADSMAN	7.00				
PIPE LAYER	5.00				
SIGN ERECTOR	4.50				
ASPHALT DISTRIBUTOR OPER.	4.57				
ASPHALT PAVER OPERATOR	5.00				
BACKHOE OPERATOR	5.91				
BULLDOZER OPERATOR	6.00				
CRANE, DERRICK, DRAGLINE OPR. (1 YD. & UNDER)	5.53				
CRANE, DERRICK, DRAGLINE OPR. (OVER 1 YD.)	6.26				
DRILL OPERATOR	5.52				
FORM GRADER OPERATOR	5.00				
LOADER OPERATOR (2 YDS & UNDER)	5.00				
LOADER OPERATOR (OVER 2 YD)	5.51				
MOTOR GRADER OPERATOR (FINE GRADE)	7.00				
MOTOR GRADER OPERATOR (ROUGH GRADE)	6.00				
OILER GREASER	4.75				
PILE DRIVER OPERATOR	7.00				
POWER TOOL OPERATOR	4.53				
ROLLER OPERATOR (ROUGH)	5.00				
ROLLER OPERATOR (FINISH)	6.00				
SCRAPER PAN OPERATOR	6.50				
STONE SPREADER OPERATOR	5.08				
TRUCK DRIVER, HEAVY DUTY (7 C.Y. & UNDER)	3.88				
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	4.66				
TRUCK DRIVER (MULTI-REAR AXLE)	4.38				

DECISION VA81-3095 CON'T

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER (SINGLE-REAR AXLE)	$4.13				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTIES: THE INDEPENDENT CITIES OF CHESAPEAKE, HAMPTON NEWPORT NEWS, NORFOLK, PORTSMOUTH & VIRGINIA BEACH

VA81-3093 CON'T

SUPERSEDEAS DECISION

STATE: VIRGINIA
DECISION NO. VA81-3093
COUNTIES: THE INDEPENDENT CITIES OF CHESAPEAKE, HAMPTON NEWPORT NEWS, NORFOLK, PORTSMOUTH & VIRGINIA BEACH
DATE: DATE OF PUBLICATION
Supersedes Decision No. VA80-3052 dated August 15,1980 in 45 FR 54636
DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASPHALT RAKER	$4.85				
CARPENTERS, STRUCTURE	7.44				
CARPENTER HELPER, STRUCTURE	5.00				
CONCRETE FINISHER	6.45				
CONCRETE FINISHER HELPER	4.68				
ELECTRICIAN	12.35	.60	8%	a	1%
FIREMAN	7.55				
FORM SETTER	5.92				
GUARDRAIL/FENCE ERECTOR	5.00				
IRON WORKER, REINF.	7.58				
IRON WORKER, REINF. HELPER	5.50				
IRON WORKER, STRUCTURAL	8.99				
LAPORER, UNSKILLED	4.08				
LANDSCAPE WORKER	3.85				
MECHANIC	7.09				
MECHANIC HELPER	6.50				
PAINTER, BRIDGE	7.67				
PILE DRIVER LEADSMAN	8.75				
PIPE LAYER	4.68				
ASPHALT DISTRIBUTOR OPER.	4.75				
ASPHALT PAVER OPERATOR	5.39				
BACKHOE OPERATOR	5.77				
BULLDOZER OPERATOR	5.73				
BULLDOZER OPERATOR (UTILITY	7.32				
CONCRETE FINISH MACHINE OP.	7.03				
CONCRETE PAVING MACHINE OP.	6.05				
CRANE,DERRICK,DRAGLINE OPERATOR (1 YD. & UNDER)	6.00				
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	8.40				
LOADER OPERATOR (2 YDS. & UNDER)	5.07				
LOADER OPERATOR (OVER 2 YDS.)	5.45				
MOTOR GRADER OPERATOR (FIND GRADE)	6.58				
MOTOR GRADER OPERATOR (ROUGH GRADE)	5.83				
OILER GREASER	5.45				
PILE DRIVER OPERATOR	9.30				
POWER TOOL OPERATOR	5.82				
ROLLER OPERATOR (ROUGH)	4.00				
ROLLER OPERATOR (FINISH)	4.78				
SCRAPER PAN OPERATOR	5.75				
STABILIZER OPERATOR	4.60				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRACTOR OPERATOR (UTILITY)	$4.30				
TRUCK DRIVER, HEAVY DUTY (& C.Y. & UNDER)	4.00				
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	4.00				
TRUCK DRIVER (MULTI-REAR AXLE)	4.14				
TRUCK DRIVER (SINGLE-REAR AXLE)	3.57				

FOOTNOTE:
a. Two hours off with pay on State & National Election Days.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

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SUPERSEDEAS DECISION

COUNTIES: BEDFORD, BOTETOURT, CARROLL, CRAIG, FLOYD, FRANKLIN, GILES, HENRY, MONTGOMERY, PATRICK, PULASKI & ROANOKE. THE CITIES OF BEDFORD, GALAX, MARTINSVILLE, RADFORD, ROANOKE, & SALEM

STATE: VIRGINIA
DECISION NO. VA81-3094
DATE: DATE OF PUBLICATION
Supersedes Decision No. VA80-3053 dated September 5, 1980 in FR 59109
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER	$4.46				
CARPENTER, STRUCTURE	5.67				
CARPENTER HELPER, STRUCTURE	4.43				
CONCRETE FINISHER	5.22				
CONCRETE FINISHER HELPER	4.13				
ELECTRICIAN	6.25				
FORM SETTER	4.53				
GUARDRAIL/FENCE ERECTOR	4.48				
IRON WORKER, REINF.	6.43				
IRON WORKER, REINF. HELPER	4.88				
IRON WORKER, STRUCTURAL	7.00				
LABORER, UNSKILLED	3.80				
LANDSCAPE WORKER	4.50				
MECHANIC	5.43				
PIPE LAYER	4.00				
ASPHALT DISTRIBUTOR OPER.	4.25				
ASPHALT PAVER OPER.	4.50				
BACKHOE OPERATOR	5.26				
BULLDOZER OPERATOR	5.50				
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD. & UNDER)	6.28				
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	6.28				
DRILL OPERATOR	5.61				
LOADER OPERATOR (2 YDS. & UNDER)	4.01				
LOADER OPERATOR (OVER 2 YD)	4.97				
MOTOR GRADER OPERATOR (FINE GRADE)	5.46				
MOTOR GRADER OPERATOR (ROUGH GRADE)	5.46				
OILER GREASER	5.05				
POWER TOOL OPERATOR	5.35				
ROLLER OPERATOR (ROUGH)	3.99				
ROLLER OPERATOR (FINISH)	4.22				
SCRAPER PAN OPERATOR	5.61				
SHOVEL OPERATOR (1 YD & UNDER)	6.00				
SHOVEL OPERATOR (OVER 1 YD)	6.00				
STONE SPREADER OPERATOR	4.45				
TRACTOR OPERATOR (UTILITY)	3.75				
TRUCK DRIVER, HEAVY DUTY (7 C.Y.& UNDER)	4.70				

VA81-3094 CON'T

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	$4.70				
TRUCK DRIVER (MULTI-REAR AXLE)	4.00				
TRUCK DRIVER (SINGLE-REAR AXLE)	4.00				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).					

SUPERSEDEAS DECISION

COUNTIES: AMELIA, BRUNSWICK, CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, LUNENBURG, MECKLENBURG, NEW KENT,

VA81-3092 CON'T

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

SUPERSEDEAS DECISION

COUNTIES: AMELIA, BRUNSWICK, CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, LUNENBURG, MECKLENBURG, NEW KENT, NOTTOWAY, POWHATAN, PRINCE GEORGE, and the City of RICHMOND

STATE: VIRGINIA
DECISION NO. VA81-3092
DATE: DATE OF PUBLICATION
Supersedes Decision No. VA80-3092 dated September 5,1980 in 45 FR 59108
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER	$5.08				
CARPENTER, STRUCTURE	5.65				
CARPENTER HELPER, STRUCTURE	4.66				
CONCRETE FINISHER	6.00				
CONCRETE FINISHER HELPER	4.51				
ELECTRICIAN	8.87				
FORM SETTER	5.14				
GUARDRAIL/FENCE ERECTOR	5.33				
IRON WORKER, REINF.	7.05				
LABORER, UNSKILLED	4.02				
LANDSCAPE WORKER	3.80				
MECHANIC	6.24				
MECHANIC HELPER	4.65				
PAINTER	5.75				
PAINTER, BRIDGE	7.50				
PILE DRIVER LEADSMAN	6.67				
PIPE LAYER	5.04				
SIGN ERECTOR	5.00				
ASPHALT DISTRIBUTOR OPER.	4.00				
ASPHALT PAVER OPERATOR	5 34				
BACKHOE OPERATOR	6.11				
BULLDOZER OPERATOR	5.79				
BULLDOZER OPERATOR (UTILITY	5.33				
CONCRETE FINISH MACHINE OP.	4.97				
CONCRETE PAVING MACHINE OP.	6.50				
CONCRETE SPREADER OPERATOR	5.97				
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD. & UNDER)	6.81				
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	6.81				
DRILL OPERATOR	6.75				
LINE MARKER DRIVER	5.00				
LINE MARKER OPERATOR	5.00				
LOADER OPERATOR (2 YDS. & UNDER)	5.37				
LOADER OPERATOR (OVER 2 YDS.)	5.64				
MOTOR GRADER OPERATOR (FINE GRADE)	6.21				
MOTOR GRADER OPERATOR (FINE GRADE)	6.21				
OILER GREASER	4.69				
PILE DRIVER OPERATOR	6.00				
PLANT OPERATOR	5.22				

[FR Doc. 81-35986 Filed 12-17-81 8:45 am]
BILLING CODE 4510-27-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATOR	$5.83				
ROLLER OPERATOR (ROUGH)	4.85				
ROLLER OPERATOR (FINISH)	4.85				
SCRAPER PAN OPERATOR	5.16				
SLIP-FORM PAVER OPERATOR	4.25				
STONE SPREADER OPERATOR	5.03				
TRACTOR OPERATOR (CRAWLER)	5.05				
TRACTOR OPERATOR (UTILITY)	4.60				
TRANSIT MIX TRUCK DRIVER	4.25				
TRUCK DRIVER, HEAVY DUTY (7 C.Y. & UNDER)	4.74				
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	4.74				
TRUCK DRIVER (MULTI-REAR AXLE)	4.22				
TRUCK DRIVER (SINGLE-REAR AXLE)	4.22				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

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federal register

Friday
December 18, 1981

Part III

Department of Agriculture

Science and Education Administration

Plant Biology and Human Nutrition; Solicitation of Applications for Competitive Research Grants Program for Basic Research for Fiscal Year 1982

DEPARTMENT OF AGRICULTURE

Science and Education Administration

Plant Biology and Human Nutrition; Competitive Research Grants Program for Basic Research for Fiscal Year 1982—Solicitation of Applications

Notice is hereby given that under the suthority contained in Section 2(b) of the Act of August 4, 1965, Pub. L. 89–106, as amended by Section 1414 of Pub. L. 95–13 (7 U.S.C. 450i(b)), the Cooperative State Research Service (CSRS), through its Competitive Research Grants Office (CRGO) will award competitive grants for mission-oriented basic research in four areas of plant sciences (biological nitrogen fixation, biological stress on plants, photosynthesis, and genetic mechanisms for crop improvement) and in human nutrition (nutrient requirements). Proposals may be submitted through their parent organizations by scientists associated with State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

The total amounts expecated to be available for such grants during Fiscal Year 1982 are $14 Million for plant sciences research (less administrative expenses) and $3 million for human nutrition research (less administrative expenses). The award of any grants under the provisions of this Notice is subject to the availability of appropriations.

The Guide to Proposal Preparation for these competitive grants consists of three parts:

I. Types of Research to be Supported in FY 1982;
II. Proposal Submission;
III. Proposal Review and Evaluation.

A Grant Application Kit has been developed which provides the forms, instructions, and other relevant information needed to apply for research grants under the programs described herein. To obtain a copy(ies) of the Grant Application Kit, write or call the Grants Administrative Management Office (Address and Telephone number below):

Grants Administrative Management Office, Attention: Proposal Services Unit, Science and Education Management Staff, USDA, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209; Telephone: (703) 235–2638.

Additional instructions relating to proposal preparation are included in Part II of the Guide to Proposal Preparation.

Proposals will be selected for funding after review of all proposals by a scientist serving as a CRGO Program Manager, by *ad hoc* reviewers, and by an assembled panel of scientists who constitute a spectrum of expertise for the program to which each proposal is assigned (See Part III of the Proposal Preparation Guide). Recommendations of the peer panels on proposals to be considered for funding will be reviewed by the Administrator of Cooperative State Research Service prior to awarding any grants.

This notice incorporates suggestions from various agencies of the U.S. Department of Agriculture (USDA), from liaison representatives of other Federal agencies and prospective performing organizations, and from *ad hoc* groups on plant sciences and on human nutrition.

According to the requirements for Federal assistance program announcements under Pub. L. 95–220, The Federal Program Information Act, the following information is provided with respect to the areas of research described in this announcement for which project grants will be awarded:

(1) As outlined by OMB Circular No. A–89, the official program number and title for these grants are: 10.884, Grants for Agricultural Research, Competitive Research Grants.

(2) OMB Circular No. A–95, regarding State and local clearinghouse review of Federal and Federally assisted programs, does not apply.

The grants awarded under this Program will be administered in accordance with the USDA Uniform Federal Assistance Regulations (46 FR 55636, November 10, 1981), applicable OMB Circulars and Form S&E–638, General Provisions for Grants and Cooperative Agreements. A copy of Form S&E–638 is included in the Grant Application Kit.

The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles in effect on the effective date of the Agreement:

Educational Institutions—OMB Circular A–21;
Nonprofit Organizations—OMB Circular A–122;
Commercial Firms—FPR 1–15.2;
State and Local Governments—OMB Circular A–87.

Most of the grants awarded in Fiscal Year 1982 will be for a duration of one to three years. The total amount awarded for each of these grants will be from Fiscal Year 1982 funds. A number of continuation grants will be made for three to five years where longer term studies are required. The continuation grants will be funded in increments covering a one-year period. The initial increment will be funded from Fiscal Year 1982 appropriations.

When an original grant award includes a provision for more than one budget period within the project period, CSRS presumes that continuation grants for the subsequent budget periods will be awarded subject to availability of funds, if the grantee:

(1) Has demonstrated satisfactory performance during all previous budget periods; and

(2) Submits no later than 90 days prior to the end of the budget period a continuation grant application (Form S&E–661) which includes a detailed progress report; a financial statement for the current budget period, including an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the term of the last funding period; a budget (Form S&E–55) for the new budget period; an updated work plan revised to account for actual progress accomplished during the current budget period; and any other reports as may be required by the grant agreement.

Review of continuation applications will be conducted expeditiously. Generally, no extramural review will be required.

Neither the approval of a project nor the award of any grant shall commit or obligate the United States to award any continuation grant or enter into any grant amendment, including grant increases to cover cost overruns, with respect to any approved project or portion thereof.

Section 2(b) of Pub. L. 89–106, as amended by Section 1414 of Pub. L. 95–113, states that these competitive grants shall be awarded without regard to matching funds by the recipient(s) of such grants.

It has been determined that, because of the need to implement this program so that research relating to plant production can be initiated in the Spring of 1982, conpliance with the Notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Further, this action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. Although this Notice establishes the procedures and criteria under which the recipients of competitive grants in fiscal year 1982 will be selected, and the terms and conditions under which such grants will be administered, it does not involve a

substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Done at Washington, D.C., this 4th day of December.

Anson R. Bertrand,

Director of Science and Education.

Guide to Proposal Preparation

I. Types of Research to be Supported in Fiscal Year 1982

The Cooperative State Research Service will award both standard research grants and a small number of continuation grants for periods not to exceed five years, on a competitive basis, to support basic research underlying the mission of the USDA. Basic research grants will be considered in selected areas of plant science and human nutrition, which have been considered by a number of scientific groups to possess exceptional opportunity for fundamental scientific discovery and for contributing, in the long run, to applied research and development vitally needed on important food and nutrition problems. This grants program results from the recognition that new, innovative approaches and enhanced levels of funding are needed as we seek ways to increase food production and improve human nutrition.

Consideration will be given to research proposals which address fundamental questions in the areas noted below and which are consistent wih the long-range missions of USDA. While basic guidelines are provided to assist members of the scientific community in assessing their interest in the program areas and to delineate certain important areas where new information is vitally needed, the guidelines are not meant to provide boundaries or to detract from the creativity of potential investigators. Accordingly, it is hoped that innovative projects in the so-called "high-risk" category as well as those which may have a higher payoff potential will be submitted.

The following guidelines are thus provided as a base from which proposals may be developed:

A. *Plant Science.* 1. Biological Stress on Plants. Plants are exposed to many stresses that may adversely affect their productivity and usefulness to man. This grants program will support research on stresses on plants arising from their interactions with other plants or with other biological agents such as weeds, insects, nematodes, fungi, bacteria, viruses, and mycoplasma-like organisms. The ultimate goal of the research supported in this area is to reduce losses in plant productivity from damage caused by biologically generated stresses. The program area will emphasize studies that enhance our understanding of (a) how stressful interactions are established between plants and other biological agents, (b) how such interactions are influenced by environmental and other factors inherent to the interacting organisms, (c) how the interactions reduce plant productivity and usefulness to man, (d) how plants react to stresses generated by such interactions, and (e) how damage from such interactions may be reduced or eliminated. The interactions may be studied at any number of levels: i.e., population, organismal, cellular and molecular; and by various approaches including genetics, molecular biology, and biochemistry. These may include studies on plants separated from stress-causing organisms or on stress-causing organisms separated from their target plants. However, such studies should provide information that will be relevant to the understanding of the causes, consequences, and avoidance of biologically generated stresses on plants. The research supported in this program area will focus on the identification of new approaches that will be both effective and compatible with social and environmental concerns.

2. Genetic Mechanisms for Crop Improvement. The major aim of this program area is to encourage innovative or unique genetic approaches directed to the development of genetically superior varieties of agricultural crops. The approaches should be aimed at obtaining novel genetic combinations or gene modifications difficult or impossible to achieve using conventional plant breeding techniques. This research area will emphasize the following: (a) Cell culture studies including the regeneration of plants from single cells, cell/protoplast fusion, mutagenesis, and incorporation of foreign DNA, chromosome, or organelle; (b) development of effective cellular and molecular methods for identification of plant characteristics or genes which are significant targets for genetic manipulation; (c) development of methods for producing, selecting, and transferring desired genetic traits including both qualitative and quantitative traits; (d) acquisition of basic information on nuclear and organelle plant gene expression and diversity at the molecular, cellular, or developmental level to facilitate application to plant improvement; and (e) basic genetic studies on maintenance, alteration, and utilization of unadapted and wild germplasm. Proposals to conduct well-defined basic plant genetic studies in support of plant breeding programs and designed to improve understanding of basic genetic mechanisms of the crop are encouraged. These guidelines are not meant to exclude other new or unusual approaches to crop improvement.

3. Biological Nitrogen Fixation. The most common limiting nutrient for plant growth is nitrogen. The presence of soil nitrogen is due to past accretions in nature, biological nitrogen fixation or the application of nitrogenous fertilizer. The latter represents a significant energy input in cropping and ultimately increases food costs. Thus, the enhancement of biological nitrogen fixation capacity in plant-soil microbial associations is of major importance. Research aimed at understanding nitrogen fixing mechanisms and related nitrogen metabolism in both symbiotic and free living organisms as well as the fate of fixed nitrogen is of high priority.

In general, the objectives in this program area include building a foundation of basic information concerning nitrogen fixation as it relates to enhancing the process in currently known systems and in providing a base for developing new nitrogen fixing associations, by genetic transfer or other means, for crop species not now possessing such capability. Moreover, the process of nitrification (the oxidation of ammonia to nitrate), the assimilation and utilization of ammonia and nitrate, and denitrification (the reduction of nitrate to volatile forms of nitrogen which are lost from the soil) all play important roles in plant growth. Soil nitrogen, whether supplied by biological nitrogen fixation or as chemical fertilizer serves to increase food production only when it is present in an available form which is not lost from the plant-soil ecosystem.

Examples of research encompassed in this program area include: (a) Structure and mechanism of action of nitrogenase; the regulation of nitrogenase activity and synthesis; the relationship between nitrogenase and hydrogenase activities in nitrogen fixing organisms; (b) energetics of the nitrogen fixation process including competitive processes within the plant; (c) infection by *Rhizobium* and conditions for effective nodulations; basis of the recognition process between symbiotic organism; factors controlling symbiont specificity; competition in the soil; (d) study of the nitrogen fixing capabilities of Actinomycetes, *Azospirillum* ssp.,

Cyanobacteria and other organisms potentially important to supplying nitrogen needs of plants; (e) relation between the fixation process and the processes of assimilation, nitrification and denitrification; (f) the development of methods for the *in situ* measurement of nitrification and denitrification, and determination of the actual extent of these processes in nature; (g) an analysis of the distribution of denitrifying and nitrifying bacteria and elucidation of control mechanisms operative on nitrogen transformations in the major species; (h) studies of the metabolism of fixed nitrogen including the enzymes involved in the assimilation and dissimilation of fixed nitrogen in bacteria and crop plants and the partitioning of fixed nitrogen into various gene products or plant organs; and (i) the efficiency of nitrogen utilization by crop plants in the production of food proteins.

Emphasis in program priorities will be on innovative approaches which may contribute to a thorough understanding of nitrogen cycling encompassing biochemistry, cellular and developmental biology, genetics and genetic manipulation, and other relevant life science disciplines. An understanding of these processes is essential to the development of strategies which maximize nitrogen fixation, minimize inputs of nitrogenous fertilizers and optimize their utilization in agriculture.

4. Photosynthesis. There are many indications that productivity of crop plants may be enhanced by increasing their photosynthetic efficiency. Basic research which provides greater understanding of limiting processes of photosynthesis and associated carbon metabolism will help guide how increased crop productivity might be achieved.

Research is needed in the following major subareas: (a) Aspects of photosynthetic energy conversion including such areas as early events in photon capture by photosynthetic systems and the mechanisms of charge separation, the structure and function of photosynthetic membranes and membrane constituents, and the associated chemical and physical reactions. (b) Photosynthetic carbon assimilation including CO_2 fixation, biochemistry of photosynthetic pathways, photorespiration, and aspects of cellular metabolism regulating these reactions. (c) Control of photosynthate partitioning and translocation by hormones or other metabolic factors. (d) Factors controlling development and senescence of photosynthetic competence. (e) Genetic and cellular manipulation to improve photosynthetic efficiency in plants including studies of the chloroplast genome, of nuclear genes regulating photosynthesis, and analysis of regulatory steps controlling both nuclear and cytoplasmic genome expression and their interactions. (f) The photosynthetic process in leaves and whole plants including but not limited to involvement of the stomatal aperture, and water and temperature extremes.

Other research designed to generate new information leading to further understanding of photosynthesis and its accompanying processes may also be considered a part of this area.

B. *Human Nutrition.* Proposals are invited in the area of human requirements for nutrients. Support will not be provided for clinical research nor for demonstration and action projects.

Research in this program area is intended to contribute to the improvement of human nutritional status by increasing our understanding of requirements for nutrients. The objective is to support basic, creative research that will help to fill gaps in the knowledge about nutrient requirements, bioavailability, the interrelationships of nutrients, and the nutritional value of foods that are consumed in the U.S. and of the nutritional status of population groups, as all of these relate to human nutrient requirements. Special attention will be given to applications involving innovative approaches designed to improve methods of research and investigation that will increase the reliability and validity of data concerned with the quantitative evaluation of nutrient requirements and nutritional status.

Proposals dealing with processing techniques in food technology should be clearly oriented towards determination of human nutrient requirements. Proposals which concern utilization or production of a food commodity should emphasize the relationship to specific human nutrient requirements. It is especially important that proposals emphasize innovative (creative) fundamental (basic) research.

II. Proposals Submission

A. *Proposal Purpose.* The purpose of a proposal is to persuade the reviewing peer scientists and the CRGO staff that the proposed project is feasible and sufficiently meritorious to warrant support under the criteria enumerated in Part III B. It should be clear, concise, technically correct, and relevant to the competitive grants program. The qualifications for the investigator, the institution facilities, and the level of funding to be devoted to the proposed project should be clearly delineated.

B. *Who May Submit Proposals.* Proposals for support under the competitive research grants program may be submitted by qualified scientists associated with the State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals. Proposals from scientists at non-United States organizations will not be considered for support. Only in special situations, where it can be demonstrated that a proposed project will contribute directly to breakthroughs in the food and agricultural sciences, will proposals from unaffiliated scientists be given favorable consideration.

C. *Where and When to Submit Research Proposals.* Twenty copies of each research proposal must be submitted by the time limits set below to: Grants Administrative Management Office (GAMO), Attention: Competitive Research Grants Program, Science and Education Management Staff, USDA, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209.

Proposals will be reviewed by peer panels (as described in Part III) which will assemble on specific dates. In order to be considered for funding during Fiscal Year 1982, the proposals must be postmarked by the following dates:

February 16: 1982 for Biological Nitrogen Fixation;
February 5: 1982 for Genetic Mechanisms for Crop Improvement;
February 16: 1982 for Photosynthesis;
January 29: 1982 for Biological Stress on Plants;
February 1: 1982 for Human Nutrient Requirements.

D. *What to Submit.* Your submission should include an original and 19 copies of the proposal and Form S&E–661, Grant Application, which is included in the Grant Application Kit. The Form S&E–661 submitted with the original proposal should have original signatures of the Principal Investigator(s) and the Authorized Organizational Representative. S&E must have original signatures on file for each application.

The applicable specific area of inquiry (program area) should be indicated in Block 8 of Form S&E–661 provided in the Grant Application Kit. *Select one program area only.* Indicating more than one program area does not mean the proposal will be considered under more than one. It only delays processing of the proposal in GAMO. The final

determination of the area and change (if any) will be made by the program staff and/or the appropriate panel. The numbers assigned to the programs are seen below and must be cited in Block 8 of Form S&E–661.

No	Program area
1	Biological stress on plants.
2	Genetic mechanisms for crop improvement.
3	Biological nitrogen fixation.
4	Photosynthesis.
5	Human requirements for nutrients.

All copies of the proposal should be mailed in one package, if at all possible. Due to the volume of proposals received, proposals submitted in several packages are very difficult to identify. If copies of the proposal are mailed in more than one package, the number of packages should be marked on the outside of each. It is important that *all packages be mailed at the same time.* The acknowledgement of reciept of the proposal will contain a proposal number and the title. Later inquiries, addenda, etc., should include this information. However, every effort should be made to *assure* that the *proposal contains* all *pertinent information when initially submitted.* Prior to mailing, compare your proposal with the Application Requirements checklist contained in the Grant Application Kit and instructions in Part II E, Format for Research Proposal, which follows.

E. *Format for Research Proposal.* The Grant Application Kit (available from GAMO) includes forms, instructions, and other information to be used in applying for research grants which will be awarded in the areas described in Part I, Types of Research to be Supported in FY 1982.

Additional information and/or instructions relating to the format and content of the research proposal follow:

1. Title of Proposal. The title (80 characters maximum) will be used for the USDA Current Research Information System (CRIS), for information to Congress and for press releases. Therefore, it should not contain highly technical words. Phrases such as "Investigation of" or "Research on" should not be used.

2. Approval Signatures of Appropriate Officials. All proposals from a university, college, or institution must be signed by an authorized official.

3. Research Involving Special Considerations. A number of situations frequently encountered in the conduct of research require special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, the proposal should so indicate. Since some types of research targeted for CSRS support have a high probability of involving either recombinant DNA or human subjects, special instructions follow:

Recombinant DNA. Principal investigators and endorsing performing organization officials must comply with the guidelines of the National Institutes of Health (See NIH "Guidelines for Research Involving Recombinant DNA Molecules" (43 FR 50108–60131) and subsequent revisions).

Human Subjects. Safeguarding the rights and welfare of human subjects used in research supported by CSRS grants is the responsibility of the performing organization. The informed consent of the human subject is a vital element in this process. Guidance is contained in Pub. L. 93–348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR Part 46).

If the project involves human subjects at risk, the granteee must furnish CSRS with a statement that the research plan has been reviewed and approved by the appropriate Institutional Review Board at the grantee organization, and that the grantee is in compliance with Department of Health and Human Services (DHHS) policies, as amended, regarding the use of human subjects. Form S&E–84, Protection of Human Subjects, may be used for this purpose.

4. Project Summary. The Research Proposal should include a one-page Project Summary to focus on: overall objectives and project goals; relevance and significance of the project; and experimental methods and approaches.

The Project Summary is not intended for the general reader so should be couched in language which will be meaningful to others in the field of science.

5. Project Description (15-page maximum). a. Introduction—State overall objective(s) and long-term goals(s) of the proposed research. Review the most significant previous work, including your own, and describe the current status of research in this field. Document with references.

b. Rationale and Significance—Present concisely the rationale behind the proposed research and list specific objectives for the total period of requested support. Show how these objectives relate to potential long-range improvements in food production or human nutrition. What is the potential importance of the proposed research? Discuss any novel ideas or contributions which the projeet offers.

c. Experimental Plan—State clearly your hypotheses or the questions you will ask and give details of the research plan. Include a description of the experiments or other work proposed; the methods and techniques to be employed and their feasibility; the kinds of results expected; and the means by which the data will be analyzed or interpreted. Include, if appropriate, a discussion of pitfalls that might be encountered, and limitations of the procedures proposed. Insofar as possible, describe the principal experiments or observations in the sequence in which it is planned to carry them out, and indicate, if possible, a tentative schedule of the main steps of the investigations within the project period requested.

d. Facilities and Equipment—Describe the facilities available for this project, including laboratories. Point out any procedures, situations, or materials that may be hazardous to personnel and the precautions to be exercised. List major items of instrumentation and those major items of nonexpendable equipment needed to complete the work.

e. Collaborative Arrangements—If the proposed project requires collaboration with other research organizations, describe the collaboration and provide evidence to assure the reviewers that the organizations involved agree. If separate written assurances are to be included, they should be placed after the References to the Project Description. Indicate specifically whether or not such collaborative arrangements might have the potential for any conflict of interest. Projects involving collaboration should indicate which organization is to receive the grant since only one submitting organization can be the recipient of a grant for each proposal. Subcontract arrangements of research work should be indicated under Item I of the Proposed Budget, Form S&E–55.

6. References to Project Description. These references should follow an accepted journal format.

7. Vitae and Publications List(s) of Principal Investigator(s). Vitae of the principal investigator, senior associates, and other professional personnel should be provided to assist reviewers in evaluating the competence and experience of the project staff. This section should include curricula vitae of all key persons who will work on the project, whether or not Federal funds are sought for their support. Provide for each person a chronological list of the most representative publications during the preceding 5 years including those in press. List the authors in the same order as they appear on the paper, the full title, and the complete reference as these usually appear in journals.

8. Additions to Project Descriptions. Each project description is expected by the members of review committees and the staff to be complete in itself. Distribution of additional material, other than for the records, is limited to the principal reviewers. In those instances where additional material is necessary (as for example: photographs which do not reproduce well, and reprints or other especially pertinent material which are not suitable for inclusion in the proposal), 6 copies or sets or this material, identified by title of the research project and name if the Principal Investigator, should accompany the proposal.

III. Proposal Review and Evaluation

A. *Proposal Review.*—Research proposals received by CRGO will be acknowledged and assigned to the appropriate program for scientific evaluation.

All proposals will be carefully reviewed by a scientist serving as a CRGO Program Manager and by additional scientists who are experts in the particular field represented by the proposal. Program Managers will also conduct discussions and obtain comments from assembled peer panels of scientists before recommending proposals for funding.

B. *Criteria for Selection of Projects.*—The following criteria or factors are considered in the evaluation of research proposals:

1. The scientific merit of the proposal, including the suitability and feasibility of the approaches and methodology.

2. The probability that the research will contribute to important discoveries or significant breakthroughs in food production or human nutrition in relation to the mission of this program.

3. The qualifications of the Principal Investigator and other senior personnel, such as training, demonstrated awareness of previous and alternative approaches to the problem, and performance record and/or potential for future accomplishment.

4. The probable adequacy of available or obtainable facilities, equipment, instrumentation, and technical support.

C. *Revisions to Proposals During Review Process.*—Prior to recommending whether or not CSRS should support a particular project, the Program Manager may engage in discussions with the proposing Principal Investigator. Should such discussions result in proposed changes which exceed 10 percent of the proposed grant amount or $10,000, whichever is less, a revised proposal budget, signed by both the proposing Principal Investigator and by the Authorized Organizational Representative, must be submitted on Form S&E–55 in an original and two copies to the cognizant CRGO Program Manager for incorporation into the proposal file.

Should such discussions result in changes in the basic objectives or scope of the project as originally proposed, an appropriate proposal modification, signed and endorsed as above, must be submitted to the CRGO Program Manager.

D. *Grant Award.*—The applicants submitting proposals judged most meritious under the criteria in III B above will be awarded grants for periods not to exceed five years, within the limitations of available funds.

[FR Doc. 81–36129 Filed 12–17–81; 8:45 am]

BILLING CODE 3410–03–M

federal register

Friday
December 18, 1981

Part IV

Federal Trade Commission

"Tar", Nicotine and Carbon Monoxide Content of Domestic Cigarettes

FEDERAL TRADE COMMISSION

"Tar", Nicotine and Carbon Monoxide Content of Domestic Cigarettes

AGENCY: Federal Trade Commission.

ACTION: Publication of "tar", nicotine and carbon monoxide content of the smoke of 200 varieties of cigarettes.

SUMMARY: The Federal Trade Commission publishes the "tar", nicotine and carbon monoxide content of domestic cigarettes.

FOR FURTHER INFORMATION CONTACT: Andrew Sacks, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202–724–1490) or Harold Pillsbury, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202–523–3559).

SUPPLEMENTARY INFORMATION: The Federal Trade Commission's Laboratory has determined the "tar" (dry particulate matter), total alkaloid (reported as nicotine) and carbon monoxide content of 200 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the following specifications as set forth in the Commission's announcement of July 31, 1967:

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.
2. Base results on a test of approximately 100 cigarettes per brand, or type.
3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection".
4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in Tobacco Vol. 162, No. 24, page 32, dated June 17, 1966, to determine the moisture content.
5. Determine and report the "tar" content after subtracting moisture and alkaloids (as nicotine) from particulate matter.
6. Carbon Monoxide is determined by non-dispersal infrared spectrophotometer.

Concerning the 200 varieties tested, 15 were capable of being smoked to 23 mm. The butt length of the other 185 varieties tested ranged from 24.1 mm. to an average of between 46.6 to 50.0 mm. The butt lengths of 159 of the 200 varieties tested exceed 30 mm.

The samples used were obtained by attempting to purchase two packages of each variety of cigarettes as distributed by domestic cigarette manufacturers during March and April 1981 in each of 50 geographic locations throughout the country. All varieties of cigarettes were not available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where respective varieties were available. The sample utilized in the tests were representative of the 200 varieties of cigarettes as available throughout the country at the time of purchase.

A group of cigarette companies has filed a complaint with the Commission alleging that the current cigarette testing methodology does not accurately assess the "tar" and nicotine that Barclay cigarettes deliver relative to the "tar" and nicotine that other cigarette brands deliver. The complainant cigarette companies further allege that Barclay, a 1 mg. cigarette under the current FTC method, delivers more "tar" to the smoker than do other 1 mg. "tar" cigarette brands.

The complainant cigarette companies state that a cigarette manufacturer can reduce the "tar" delivery of a cigarette by a variety of different methods. One way to decrease "tar" delivery involves diluting the cigarette smoke inhaled with air brought into the filter through some form of ventilation. The higher the percentage diluted air inhaled, the lower the "tar" delivery. Methods to increase the amount of ventilation or air dilution vary from brand to brand. Many low "tar" cigarettes have a filter surrounded by porous paper with one or more rows of ventilating holes encircling the filter. When the filter is puffed, air enters the filter through the ventilation holes where it mixes with the smoke.

In the Barclay filter, air entering the ventilation holes travels to the smoker's mouth through four grooves in the filter. The complainant cigarette companies allege that when consumers smoke Barclay cigarettes, the four grooves either collapse or are in some way blocked. When tested in the FTC laboratory using the current cigarette holder, however, the companies allege that the grooves do not collapse and are not blocked. Thus, it is contended that the Commission's current testing methodology does not accurately measure the relative level of "tar" delivered by Barclay to smokers when compared with other 1 mg. "tar" cigarettes. The Commission is currently investigating these allegations, and has not made a final determination on the merits of this complaint. An asterisk is appended to the test scores included in this report that this investigation may affect.

It also should be noted that cigarette brands which recorded "tar" scores below 0.5 mg., nicotine below 0.05 mg. and carbon monoxide below 0.5 mg. per cigarette in this test are recorded in the accompanying tables as <0.5 mg. "tar," <0.05 mg. nicotine and <0.5 mg. carbon monoxide. The tables do not differentiate between these cigarettes because the current, approved testing methodology is not sensitive enough to differentiate between cigarettes at these levels.

By direction of the Commission.

Carol M. Thomas,

Secretary.

BILLING CODE 6750-01-M

Alpine
American
American
Arctic Ligh
Arctic Ligh
Barclay[4]
Barclay[4]
Barclay 10
Belair
Belair 100's
Benson &
Benson &
Benson &
Benson &
Benson &
Benson &
Benson &
Benson &
Benson &
Bull Durha
Cambridge
Cambridge
Cambridge
Camel
Camel
Camel Ligh
Camel Ligh
Camel Ligh
Carlton[3]
Carlton[3]
Carlton[3]
Carlton 100
Carlton 100
Carlton 100
Carlton 120
Carlton 120
Chesterfiel
Chesterfiel
Chesterfiel
Chesterfiel
Decade
Decade
Decade 100
Doral II
Doral II
DuMaurier
English Ova
English Ova
Eve 100's
Eve 100's
Eve Lights
Eve Lights
Galaxy
Golden Ligh
Golden Ligh
Golden Ligh
Golden Ligh
Half & Half

[1] TPM dry (ta
[2] Milligrams t
[3] All scores b
[4] See statem

TAR[1], NICOTINE[2] and CARBON MONOXIDE CONTENT of TWO-HUNDRED (200) VARIETIES of DOMESTIC CIGARETTES

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Alpine	king size, filter, menthol	14	0.9	13
American Lights 120's	120 mm, filter	[illegible]	0.7	9
American Lights 120's	120 mm, filter, menthol	8	0.7	8
Arctic Lights	king size, filter, menthol	8	0.6	9
Arctic Lights 100's	100 mm, filter, menthol	7	0.6	9
Barclay[4]	king size, filter, (hard pack)	1	0.1	1
Barclay[4]	king size, filter	1	0.2	1
Barclay 100's	100 mm, filter	2	0.3	2
Belair	king size, filter, menthol	8	0.7	9
Belair 100's	100 mm, filter, menthol	8	0.6	10
Benson & Hedges[3]	reg. size, filter, (hard pack)	<0.5	0.1	1
Benson & Hedges	king size, filter, (hard pack)	15	1.2	12
Benson & Hedges 100's	100 mm, filter, (hard pack)	16	1.1	16
Benson & Hedges 100's	100 mm, filter, menthol, (hard pack)	16	1.0	15
Benson & Hedges 100's	100 mm, filter	16	1.1	16
Benson & Hedges 100's	100 mm, filter, menthol	16	1.1	17
Benson & Hedges Lights 100's	100 mm, filter, (hard pack)	10	0.7	11
Benson & Hedges Lights 100's	100 mm, filter, menthol, (hard pack)	10	0.7	11
Benson & Hedges Lights 100's	100 mm, filter	10	0.7	13
Benson & Hedges Lights 100's	100 mm, filter, menthol	10	0.7	12
Bull Durham	king size, filter	29	1.9	24
Cambridge[3]	king size, filter, (hard pack)	<0.5	<0.05	<0.5
Cambridge[3]	king size, filter	<0.5	0.1	1
Cambridge 100's	100 mm, filter	3	0.3	5
Camel	reg. size, non-filter	21	1.4	13
Camel	king size, filter	16	1.2	16
Camel Lights	king size, filter, (hard pack)	6	0.6	7
Camel Lights	king size, filter	8	0.7	10
Camel Lights 100's	100 mm, filter	12	0.9	15
Carlton[3]	king size, filter, (hard pack)	<0.5	<0.05	<0.5
Carlton[3]	king size, filter	<0.5	0.1	1
Carlton[3]	king size, filter, menthol	<0.5	0.1	1
Carlton 100's[3]	100 mm, filter, (hard pack)	<0.5	0.1	1
Carlton 100's[3]	100 mm, filter, menthol, (hard pack)	<0.5	0.1	1
Carlton 100's	100 mm, filter	4	0.4	6
Carlton 100's	100 mm, filter, menthol	3	0.3	4
Carlton 120's	120 mm, filter	6	0.6	6
Carlton 120's	120 mm, filter, menthol	5	0.5	5
Chesterfield	reg. size, non-filter	21	1.3	13
Chesterfield	king size, non-filter	25	1.7	16
Chesterfield	king size, filter	15	1.0	15
Chesterfield 101	101 mm, filter	15	1.1	16
Decade	king size, filter	5	0.4	4
Decade	king size, filter, menthol	5	0.4	4
Decade 100's	100 mm, filter	8	0.8	7
Doral II	king size, filter	4	0.4	3
Doral II	king size, filter, menthol	4	0.4	3
DuMaurier	king size, filter, (hard pack)	15	1.0	17
English Ovals	reg. size, non-filter, (hard pack)	23	1.7	12
English Ovals	king size, non-filter, (hard pack)	28	2.1	15
Eve 100's	100 mm, filter	15	1.2	14
Eve 100's	100 mm, filter, menthol	15	1.2	14
Eve Lights 120's	120 mm, filter, (hard pack)	14	1.1	13
Eve Lights 120's	120 mm, filter, menthol, (hard pack)	14	1.1	12
Galaxy	king size, filter	14	1.0	13
Golden Lights	king size, filter	7	0.7	8
Golden Lights	king size, filter, menthol	8	0.7	8
Golden Lights 100's	100 mm, filter	[illegible]	0.8	9
Golden Lights 100's	100 mm, filter, menthol	7	0.7	7
Half & Half	king size, filter	16	1.3	15

[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water

[2] Milligrams total alkaloids reported as nicotine

[3] All scores below 0.5 mg. "tar," 0.05 mg. nicotine and 0.5 mg. carbon monoxide reported as <0.5, <0.05, <0.5, respectively

[4] See statement in text concerning Barclay.

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Herbert Tareyton	king size, non-filter	27	1.7	19
Hi-Lite 100's	100 mm, filter, (hard pack)	12	0.9	13
Iceberg 100's	100 mm, filter, menthol	2	0.3	4
Kent	king size, filter, (hard pack)	12	1.0	12
Kent	king size, filter	13	1.0	13
Kent III	king size, filter	2	0.3	3
Kent 100's	100 mm, filter	14	1.2	13
Kent 100's	100 mm, filter, menthol	15	1.2	14
Kent III 100's	100 mm, filter	4	0.5	7
Kool	reg. size, non-filter, menthol	19	1.1	14
Kool	king size, filter, menthol, (hard pack)	16	1.2	16
Kool	king size, filter, menthol	16	1.1	17
Kool Milds	king size, filter, menthol	11	0.9	12
Kool Super Lights	king size, filter, menthol	6	0.5	7
Kool Super Longs 100's	100 mm, filter, menthol	14	1.0	16
Kool Milds 100's	100 mm, filter, menthol	12	1.0	13
Kool Super Lights 100's	100 mm, filter, menthol	9	0.7	12
L & M	king size, filter, (hard pack)	15	1.0	14
L & M	king size, filter	14	1.0	15
L & M Lights	king size, filter	8	0.7	7
L & M 100's	100 mm, filter	15	1.1	16
L & M Lights 100's	100 mm, filter	7	0.7	6
L & M Lights 100's	100 mm, filter, menthol	7	0.8	6
Lark	king size, filter	14	1.1	14
Lark Lights	king size, filter	7	0.6	7
Lark 100's	100 mm, filter	16	1.2	15
Lark Lights 100's	100 mm, filter	7	0.6	7
Long Johns 120's	120 mm, filter	18	1.4	18
Long Johns 120's	120 mm, filter, menthol	16	1.3	17
Lucky Strike	reg. size, non-filter	24	1.5	17
Lucky Ten	king size, filter	8	0.6	9
Lucky 100's	100 mm, filter	3	0.3	4
Marlboro	king size, filter, (hard pack)	16	1.0	14
Marlboro	king size, filter, menthol, (hard pack)	15	0.9	14
Marlboro	king size, filter	16	1.0	15
Marlboro	king size, filter, menthol	14	0.9	14
Marlboro Lights	king size, filter, (hard pack)	10	0.7	12
Marlboro Lights	king size, filter	11	0.7	12
Marlboro 100's	100 mm, filter, (hard pack)	16	1.1	16
Marlboro 100's	100 mm, filter	16	1.1	16
Marlboro Lights 100's	100 mm, filter	10	0.7	12
Max 120's	120 mm, filter	19	1.6	18
Max 120's	120 mm, filter, menthol	19	1.6	18
Merit	king size, filter	7	0.5	10
Merit	king size, filter, menthol	7	0.5	10
Merit Ultra Lights	king size, filter	3	0.3	4
Merit Ultra Lights	king size, filter, menthol	3	0.3	4
Merit 100's	100 mm, filter	10	0.7	12
Merit 100's	100 mm, filter, menthol	9	0.7	11
Montclair	king size, filter	14	1.0	16
More 120's	120 mm, filter	18	1.4	20
More 120's	120 mm, filter, menthol	18	1.5	20
Multifilter	king size, filter	12	0.8	11
Multifilter	king size, filter, menthol	12	0.8	11
Newport	king size, filter, menthol, (hard pack)	16	1.2	16
Newport	king size, filter, menthol	17	1.3	18
Newport Lights	king size, filter, menthol, (hard pack)	8	0.7	10
Newport Lights	king size, filter, menthol	8	0.8	10
Newport 100's	100 mm, filter, menthol	20	1.6	20
Now[3]	king size, filter, (hard pack)	< 0.5	0.1	< 0.5
Now	king size, filter	2	0.2	3
Now	king size, filter, menthol	2	0.2	3
Now 100's[3]	100 mm, filter, (hard pack)	< 0.5	< 0.05	< 0.5
Now 100's	100 mm, filter	1	0.2	1
Now 100's	100 mm, filter, menthol	1	0.2	1

[3] All scores below 0.5 mg. "tar," 0.05 mg. nicotine and 0.5 mg. carbon monoxide reported as < 0.5, < 0.05, < 0.5 respectively

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Oasis	king size, filter, menthol	15	1.0	15
Old Gold Straights	king size, non-filter	26	1.8	17
Old Gold Filters	king size, filter	17	1.3	19
Old Gold Lights	king size, filter	10	0,9	10
Old Gold Filters	100 mm, filter	20	1.5	20
Pall Mall	king size, non-filter	24	1.5	17
Pall Mall	king size, filter	18	1.2	18
Pall Mall Extra Lights	king size, filter	6	0.5	6
Pall Mall 100's	100 mm, filter	17	1.3	17
Pall Mall Lights 100's	100 mm, filter	9	0.8	9
Pall Mall Lights 100's	100 mm, filter, menthol	12	1.1	12
Parliament Lights	king size, filter, (hard pack)	9	0.6	10
Parliament Lights	king size, filter	9	0.6	10
Parliament Lights 100's	100 mm, filter	12	0.9	11
Philip Morris	reg. size, non-filter	21	1.4	12
Philip Morris Commander	king size, non-filter	27	1.7	15
Philip Morris International 100's	100 mm, filter, (hard pack)	16	1.1	16
Philip Morris International 100's	100 mm, filter, menthol, (hard pack)	16	1.0	15
Picayune	reg. size, non-filter	19	1.4	15
Players	reg. size, non-filter, (hard pack)	24	1.9	14
Raleigh	king size, non-filter	22	1.3	17
Raleigh	king size, filter	15	1.0	17
Raleigh Lights	king size, filter	8	0.7	11
Raleigh 100's	100 mm, filter	16	1.1	17
Raleigh Lights 100's	100 mm, filter	9	0.8	13
St. Moritz 100's	100 mm, filter	14	1.1	13
St. Moritz 100's	100 mm, filter, menthol	14	1.4	14
Salem	king size, filter, menthol	14	1.1	14
Salem Lights	king size, filter, menthol	8	0.6	10
Salem Ultra	king size, filter, menthol	3	0.4	4
Salem 100's	100 mm, filter, menthol	15	1.1	14
Salem Lights 100's	100 mm, filter, menthol	9	0.8	11
Salem Ultra 100's	100 mm, filter, menthol	4	0.4	5
Saratoga 120's	120 mm, filter, (hard pack)	15	1.0	16
Saratoga 120's	120 mm, filter, menthol, (hard pack)	15	1.0	16
Silva Thins 100's	100 mm, filter	11	1.0	9
Silva Thins 100's	100 mm, filter, menthol	11	1.0	9
Spring 100's	100 mm, filter, menthol	19	1.1	18
Tall 120's	120 mm, filter	17	1.4	19
Tall 120's	120 mm, filter, menthol	16	1.4	17
Tareyton	king size, filter	14	1.0	15
Tareyton Lights	king size, filter	5	0.4	5
Tareyton Ultra Low Tar	king size, filter, menthol	1	0.1	1
Tareyton 100's	100 mm, filter	14	1.1	16
Tareyton Long Lights 100's	100 mm, filter	7	0 6	7
Triumph	king size, filter	3	0.4	3
Triumph	king size, filter, menthol	2	0.3	3
Triumph 100's	100 mm, filter	4	0.5	6
Triumph 100's	100 mm, filter, menthol	4	0.5	5
True	king size, filter	4	0.4	5
True	king size, filter, menthol	4	0.4	5
True Ultra One	king size, filter	1	0.2	1
True 100's	100 mm, filter	7	0.6	9
True 100's	100 mm, filter, menthol	8	0.6	9
Vantage	king size, filter	9	0.7	13
Vantage	king size, filter, menthol	10	0.7	14
Vantage Ultra Lights	king size, filter	6	0.5	9
Vantage 100's	100 mm, filter	8	0.7	12
Vantage Ultra Lights 100's	100 mm, filter	5	0.5	[illegible]
Viceroy	king size, filter	15	1.0	16
Viceroy Rich Lights	king size, filter	8	0.7	10
Viceroy Super Longs 100's	100 mm, filter	15	1.1	16
Viceroy Rich Lights 100's	100 mm, filter	9	0.8	12
Virginia Slims 100's	100 mm, filter	15	1.0	15

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Virginia Slims 100's	100 mm, filter, menthol	15	1.0	14
Virginia Slims Lights 100's	100 mm, filter, (hard pack)	7	0.6	E
Virginia Slims Lights 100's	100 mm, filter, menthol, (hard pack)	7	0.6	E
Winston	king size, filter, (hard pack)	16	1.1	15
Winston	king size, filter	15	1.1	16
Winston Lights	king size, filter	11	0.9	11
Winston Ultra	king size, filter	4	0.4	5
Winston 100's	100 mm, filter	14	1.0	14
Winston Lights 100's	100 mm, filter	12	0.9	14
Winston Ultra 100's	100 mm, filter	5	0.5	7
Winston International 100's	100 mm, filter, (hard pack)	18	1.4	16

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing December 8, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 370 / Pub. L. 97–92 Making further continuing appropriations for the fiscal year 1982, and for other purposes (Dec. 15, 1981; 95 Stat. 1183) Price: $2.25.

S.J. Res. 115 / Pub. L. 97–93 To approve the President's recommendation for a waiver of law pursuant to the Alaska Natural Gas Transportation Act of 1976 (Dec. 15, 1981; 95 Stat. 1204) Price: $1.50.

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12-21-81
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Pages 61833-62044

federal register

Monday
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Highlights

61839 **Income Tax** Treasury/IRS issues temporary regulations on incentive stock options.

62038 **Mineral Resources** Interior/BLM and NPS adopt regulations on leasing of all minerals in recreation areas. (Part IV of this issue)

61988 **Rural Housing** USDA/FmHA revises regulations on Section 502 rural housing loan policies, procedures, and authorizations. (Part II of this issue)

61908 **Radioactive Materials** DOT/RSPA proposes to revise regulations on transportation of limited quantities of radioactive materials and devices.

61894 **Nuclear Safety—Reporting Requirements** NRC proposes regulations on immediate notification of certain "significant events" by operating nuclear reactors.

61887 **Motor Vehicle Safety** DOT/NHTSA amends standard for hydraulic brake systems on trucks, buses, and multipurpose passenger vehicles.

61879 **Communications** FCC amends regulations on automated inland waterways communications system.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

62034 **Surface Mining** Interior/SMREO issues technical memorandum on construction of drainage or road structures on backfilled material in steep slope areas. (Part III of this issue)

61845 **Marine Safety** DOT/CG establishes requirements for sound signal appliances on inland water vessels.

61852 **Procurement** GSA updates regulations on cost accounting standards.

61983 **Sunshine Act Meetings**

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61988 **Part II, USDA/FmHA**
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DEPARTM

**Animal an
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7 CFR Par

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Rules and Regulations

Federal Register
Vol. 46, No. 244
Monday, December 21, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule which amended the list of suppressive areas under the witchweed quarantine and regulations by adding areas in 9 counties and extending areas in 1 county in North Carolina and 1 county in South Carolina to the list of suppressive areas; by deleting areas in 12 counties in North Carolina and South Carolina from the list of suppressive areas; and by deleting 2 entire counties in North Carolina from the list of suppressive areas. The final rule was published in the **Federal Register** on June 19, 1981 (46 FR 31999–32006). This is necessary in order to prevent the artificial spread of witchweed, and to eliminate the imposition of unnecessary restrictions on the movement of certain articles.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The final rule has been determined to be not a "major rule" under Executive Order 12291. Based on information compiled by the Department, it has been determined that the rule will have an annual effect on the economy of approximately $300; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Alternatives were considered in connection with the final rule. Consideration was given, with regard to those areas where witchweed no longer occurs, whether to (1) delete restrictions on the interstate movement of regulated articles, and to eliminate eradication measures, or (2) to continue restrictions from these regulated areas on the interstate movement of regulated articles, and to continue eradication measures. Alternative (1) is adopted because it appears that otherwise three would be unnecessary restrictions on the movement of witchweed regulated articles and unnecessary expense in taking eradication measures where witchweed no longer occurs. With regard to those areas where witchweed has spread or is likely to spread, consideration was given whether to (1) impose restrictions on the interstate movement of regulated articles and to take eradication measures, or (2) to continue to permit the interstate movement of regulated articles without restrictions, and to withhold eradication measures. Alternative (1) was adopted because it appears that otherwise there would be a significant threat of spread of witchweed throughout the United States. Under these circumstances, it appears that the final rule is cost effective. Also, it appears that the final rule maximizes the net benefits to society at the lowest net cost.

Background

A document published in the **Federal Register** on June 19, 1981, (46 FR 31999–32006) amended Title 7, Code of Federal Regulations, § 301.80–2a, amending the list of suppressive areas under the witchweed quarantine and regulations, by adding areas in 9 counties and extending areas in 1 county in North Carolina and 1 county in South Carolina to the list of suppressive areas; by deleting areas in 12 counties in North Carolina and South Carolina from the list of suppressive areas; and by deleting 2 entire counties in North Carolina from the list of suppressive areas.

The document provided that the amendment was necessary as an emergency measure in order to prevent the artificial spead of the witchweed and to delete unnecessary restrictions on the movement of certain articles. The document also stated that the amendment became effective June 19, 1981.

Comments were solicited until February 19, 1981. No comments were received in response to the amendment. The factual situations which were set forth in the document of June 19, 1981, still provide a basis for the amendment. Accordingly, it has been determined that the final rule should remain effective as published in the **Federal Register** on June 19, 1981.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 16th day of December 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-36289 Filed 12-18-81; 8:45 am]
BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Parts 904, 912, 913, 928, 966, and 971

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the California Grapefruit Administrative Committee functioning under Marketing Order 904, the Indian River Grapefruit Committee functioning under Marketing Order 912, the Interior Grapefruit Marketing Committee functioning under Marketing Order 913, the Papaya Administrative Committee functioning under Marketing Order 928, and the South Texas Lettuce Committee functioning under Marketing Order 971.

and changes in containers assessed by the Florida Tomato Committee functioning under Marketing Order 966. Funds to administer these programs are derived from assessments on grapefruit, papaya, lettuce, and tomato handlers regulated under the orders.

EFFECTIVE DATES: August 1, 1981—July 31, 1982, for Marketing Orders 912, 913, 966, and 971; September 1, 1981—August 31, 1982, for Marketing Order 904; January 1, 1982—December 31, 1982, for Marketing Order No. 928; §§ 904.201; 912.221; 913.217; 928.211; 966.218; and 971.221.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the committees established under the respective marketing orders, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of asessment for a particular fiscal period shall apply to all assessable grapefruit, papayas, lettuce, and tomatoes handled from the beginning of such period. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions, and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, §§ 904.200 (M. O. 904); 912.220 (M. O. 912); 913.216 (M. O. 913); 928.210 (M. O. 928); and 971.220 (M. O. 971) are removed and new §§ 904.201, (M. O. 904); 912.221 (M. O. 912); 913.217 (M. O. 913); 928.211 (M. O. 928); and 971.221 (M. O. 971) are added, and § 966.218, 46 FR 49101 (M. O. 966) is revised, to read as follows: (The following sections prescribed annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 904—GRAPEFRUIT GROWN IN A DESIGNATED AREA IN CALIFORNIA

§ 904.201 Expenses and assessment rate.

Expenses of $253,137.01 by the California Grapefruit Administrative Committee are authorized, and an assessment rate of $0.04 per 32-pound carton of grapefruit is established for the fiscal year ending August 31, 1982. Unexpended funds may be carried over as a reserve.

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

§ 912.221 Expenses and assessment rate.

Expenses of $22,943 by the Indian River Grapefruit Committee are authorized, and an assessment rate of $0.0005 per carton (⅘ bushel) of grapefruit is established for the fiscal year ending July 31, 1982.

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT OF FLORIDA

§ 913.217 Expenses and assessment rate.

Expenses of $21,100 by the Interior Grapefruit Marketing Committee are authorized, and an assessment rate of $0.002 per carton (⅘ bushel) of grapefruit is established for the fiscal year ending July 31, 1982.

PART 928—PAPAYAS GROWN IN HAWAII

§ 928.211 Expenses and assessment rate.

Expenses of $593,000 by the Papaya Administrative Committee are authorized, and an assessment rate of $0.006 per pound of papayas is established for the fiscal year ending December 31, 1982.

PART 966—TOMATOES GROWN IN FLORIDA

§ 966.218 Expenses and assessment rate.

Expenses of $165,000 by the Florida Tomato Committee are authorized for the fiscal period ending July 31, 1982. During this fiscal period, an assessment rate of $0.0025 per 30-pound container of tomatoes is established through December 31, 1981; thereafter, the assessment rate shall be $0.0025 per 25-pound container. Unexpended funds may be carried over as a reserve.

PART 971—LETTUCE GROWN IN SOUTH TEXAS

§ 971.221 Expenses and assessment rate.

Expenses of $40,000 by the South Texas Lettuce Committee are authorized for the fiscal period ending July 31, 1982. During this fiscal period, an assessment rate of $0.03 per carton of lettuce is established. Unexpended funds may be carried over as a reserve.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: December 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–36324 Filed 12–18–81; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1427

Cotton Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule deletes the regulations codified at 7 CFR §§ 1427.1101 through 1427.1103 (Subpart-Procedures and Factors for Determining Three-Year Average Price for Middling 1-Inch American Upland Cotton in World Markets), 7 CFR §§ 1427.2101 through 1427.2106 (Subpart-Upland Cotton Price Support and Diversion Program Regulations, 1966 and Subsequent Years), and 7 CFR §§ 1427.2250 through 1427.2255 (Subpart-Regulations Governing Redemption of Cotton Payment-in-Kind Certificates Earned Under Food and Agriculture Act of 1965 and Liquidation of Certificate Pools). These regulations have not been applicable to the cotton loan program for a number of years, thus making the regulations obsolete.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT:
Eloise V. Mauck, (202) 447–7936.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with the provisions of Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified "not major." This final rule has been classified as "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Since this final rule makes no substantive changes in regulation but merely deletes obsolete regulations, it has been determined that no further public rulemaking is required.

The material previously appearing at 7 CFR §§ 1427.1101 through 1427.1103, 7 CFR §§ 1427.2101 through 1427.2106, and 7 CFR §§ 1427.2250 through 1427.2255 remains in full force as to the crop years to which it is applicable.

Final Rule

PART 1427—COTTON

Accordingly, the subpart titles and the regulations appearing at 7 CFR (Subpart-Procedures and Factors for Determining Three-Year Average Price for Middling 1-Inch American Cotton in World Markets), 7 CFR §§ 1427.2101 through 1427.2106 (Subpart-Upland Cotton Price Support and Diversion Program Regulations, 1966 and Subsequent Years), and 7 CFR §§ 1427.2250 through 1427.2255 (Subpart-Regulations Governing Redemption of Cotton Payment-in-Kind Certificates Earned Under Food and Agriculture Act of 1965 and Liquidation of Certificate Pools), are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 101, 103, 401, 402, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421))

Signed at Washington, D.C. on December 9, 1981.

Everett Rank,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–36322 Filed 12–18–81, 8:45 am]
BILLING CODE 3410–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21841; Amdt. 39–4285]

Airworthiness Directives; British Aerospace, Aircraft Group, (Formerly British Aircraft Corporation) Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections for cracks, and repair or replacement as necessary, of the passenger and service door inner operating handles and endfittings on certain British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 series airplanes. The AD is needed to prevent cracks and subsequent failure of the door inner handle and endfittings which would prevent opening of the door and result in undue hazard to passengers in the event of an emergency evacuation of the airplane.

EFFECTIVE DATE: January 20, 1982. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:
C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require repetitive inspections for cracks, and repair or replacement as necessary, of the passenger and service door inner operating handles and endfittings on certain British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 series airplanes, was published in the Federal Register at 46 FR 33282.

The proposal was prompted by reports of failure of a passenger door inner operating handle from cracks in the inner door handles and endfittings on certain British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 series airplanes. When the inner handle or endfitting fails, the handle can still be moved but the door remains shut, creating a hazard to passengers if an emergency evacuation of the aircraft is required.

Since this condition is likely to exist or develop on other airplanes of the same type design, the AD would require repetitive inspections, and replacement as necessary, of existing handles and endfittings with serviceable parts of the same part number, or steel parts installed in accordance with British Aerospace Modification PM 5703. Upon incorporation of this modification, the repetitive inspections required by this AD are no longer required.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received requesting that the compliance times be revised to allow credit for work previously accomplished. Since the inspections and modifications have already been accomplished and the operator is already into the 1800 hour repetitive inspection cycle, the FAA agrees with this request and paragraphs (a), (b), and (c) have been revised accordingly.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace, Aircraft Group (formerly British Aircraft Corporation): Applies to Model BAC 1–11 200 and 400 series airplanes, certificated in all categories, which have not incorporated British Modification PM 5703.

Compliance required as indicated.

To detect cracking and prevent possible failures of the passenger and service door inner operating handles and endfittings, accomplish the following:

(a) On airplanes which have not incorporated British Aerospace Modification PM 5176, within the next 600 hours time in service after the effective date of this AD, unless already accomplished, remove the passenger door inner handle and inspect the handle tube and reinforcing liners and handle for cracks in accordance with paragraph 2.1. "Accomplishment Instructions," of British Aerospace Alert Service Bulletin 52–A–PM5703, Issue 1, dated September 3, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.[1]

(b) On airplanes which incorporate British Aerospace Modification PM 5176, prior to the accumulation of 10,000 hours time in service since the incorporation of this modification, or within the next 600 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, remove the passenger door inner handle and inspect the handle tube and reinforcing liners in accordance with paragraph 2.2, "Accomplishment Instructions," of the Service Bulletin, or an FAA-approved equivalent.

(c) On airplanes which have not incorporated British Aerospace Modification PM 5176, prior to the accumulation of 10,000 hours time in service, or within the next 600 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, remove and inspect the endfitting, P/N AB24–4269, for cracks in accordance with paragraph 2.3, "Accomplishment Instructions," of the Service Bulletin, or an FAA-approved equivalent.

(d) If no cracks are found during the inspections required by paragraph (a), (b), or (c) of this AD, repeat these inspections at intervals not to exceed 1800 hours time in service from the last inspection.

(e) If, during the inspection required by paragraph (a) or (b) of this AD, no cracks are found in the handle tube on either side of the reinforcing liner, but cracks are found in the reinforcing liners which are 0.10 inches in length or less, return the handle assembly to service and continue the inspection required by paragraph (a) or (b) of this AD at intervals not to exceed 300 hours time in service from the last inspection.

(f) If, during the inspection required by paragraph (a) or (b) of this AD, cracks are found in the reinforcing liner with any crack exceeding 0.10 inches in length, or any cracks are found in the handle tube on either side of the reinforcing liner, before further flight, either—

(1) Replace the handle and reinforcing liner assembly with a serviceable assembly and continue the inspection required by paragraph (a) or (b) of this AD at intervals not to exceed 1800 hours time in service from the last inspection; or

(2) Perform temporary repairs to the handle and reinforcing liner assembly in accordance with paragraph (i) of this AD and continue the inspections required by paragraph (a) or (b) of this AD at intervals not to exceed 300 hours time in service from the last inspection.

(g) If, during the inspection required by paragraph (c) of this AD, cracks are found in the endfitting running inboard or outboard from the taper pin hole, with the length of each crack 0.30 inches or less, either—

(1) Replace the endfitting with a serviceable part and continue the inspection required by paragraph (c) of this AD at intervals not to exceed 1800 hours time in service from the last inspection; or

(2) The endfitting may remain in service if the cracks are stop-drilled and inspected in accordance with paragraph 2.3.1, "Accomplishment Instructions," of the Service Bulletin, or an FAA-approved equivalent, at intervals not to exceed 300 hours time in service from the last inspection.

(h) If, during the inspection required by paragraph (c) of this AD, cracks are found in the endfitting running outboard or inboard from the taper pin hole, with the length of any crack greater than 0.30 inches, before further flight, either—

(1) Replace the endfitting with a serviceable part and continue the inspection required by paragraph (c) of this AD at intervals not to exceed 1800 hours time in service from the last inspection; or

(2) Perform temporary repairs to the endfitting in accordance with paragraph (i) of this AD and continue the inspections required by paragraph (c) of this AD at intervals not to exceed 300 hours time in service from the last inspection.

(i) If serviceable spares are not available, temporary repairs of inner handles or endfittings may be made in accordance with paragraph 2.1.4., 2.2.3. or 2.3.4., "Accomplishment Instructions," of the Service Bulletin, or an FAA-approved equivalent.

(j) Upon incorporation of British Aerospace Modification PM 5703, compliance with this AD is no longer required.

(k) For the purpose of complying with paragraphs (f) and (h) of this AD, the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspection, repair or replacement can be performed.

(l) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective January 20, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves only a few aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on December 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–36111 Filed 12–18–81; 8:45 am]

BILLING CODE 4910–13–M

[1] Copy filed with original document.

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14 CFR Part 39

[Docket No. 81–NW–91–AD; Amdt. 39–4283]

Airworthiness Directives; Lockheed-California Co. Model L–1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a modification to the electrical system of certain Lockheed Model L–1011 series airplanes. This AD is needed to prevent an unnecessary shut-down of number 2 engine due to false Airborne Vibration Monitor System indications which are caused by electro-magnetic interference.

DATE: Effective date December 31, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Raymond A. Stoer, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification

Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2831.

SUPPLEMENTARY INFORMATION: There have been several recent instances where keying of the Public Address (PA) System microphone caused interference with the Airborne Vibration Monitoring (AVM) System on the number 2 engine indicator. This electro-magnetic interference effect can cause an increase as high as one unit on the AVM indicator, and the false indication will remain as long as the microphone key is depressed. The microphone key can be depressed from either the flight deck or the cabin. As a result of an unrelated engine problem, Telegraphic AD T–81–21–51 was issued October 1, 1981, for Lockheed L–1011 series aircraft requiring an immediate action engine shutdown for a sudden increase of one unit or higher on the Airborne Vibration Monitoring System indicator.

The electro-magnetic interference problem is caused by the close proximity of the Public Address System and number 2 engine Airborne Vibration Monitoring System wiring within one harness disconnet. This condition is to be corrected by relocating the Public Address System wiring to unused pins within the same disconnect, as detailed in Lockheed Service Bulletin 093–23–083.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires minor electrical circuitry changes which will preclude the erroneous indications on the number 2 engine vibration monitoring indicators which require the immediate shutdown of the number 2 engine.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Lockheed-California Company: Applies to Lockheed Model L–1011 series airplanes, Serial Numbers as listed below, certificated in all categories. Compliance required within 30 days after the effective date of this AD, unless previously accomplished:

A. To prevent an unnecessary shutdown of the number 2 engine due to false Airborne Vibration Monitor System indications, incorporate electrical system modifications in accordance with Part 2, Accomplishment Instructions, of Lockheed-California Company L–1011 Service Bulletin 093–23–083 dated October 13, 1981, for the following 42 aircraft:

S/N 1083–1090
S/N 1092–1097
S/N 1099–1103
S/N 1105–1106
S/N 1112–1113
S/N 1117–1119
S/N 1121–1123
S/N 1126–1129
S/N 1132
S/N 1134–1136
S/N 1139
S/N 1141
S/N 1145–1147

B. Alternative means of compliance providing an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1.

These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108; or the Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective December 31, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on December 11, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81–36097 Filed 12–18–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–WE–14–AD; Amdt. 39–4214]

Airworthiness Directive; Rajay Industries, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This document corrects errors appearing in FR Doc. 81–26722, at page 46122, in the issue of Thursday, July 17, 1981, which adopted an Airworthiness Directive for Rajay Industries, Inc.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Guy Dalla Riva, Aerospace Engineer, FAA, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif., 90009 tel: (213) 536–6351.

Correction of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is corrected, by correcting Amendment 39–4214 as follows: In FR Doc. 8–26722 appearing at page 46122, (46 FR 46122) in the issue of Thursday, July 17, 1981, delete from page 46123, (46 FR 46123), first column, 15th line from the bottom "Beech 35, S and V Bonanza" and substitute therefore the following:

. . . . . .

Beech S35, V35, V35A, V35B, 35–C33A, E33A, E33C, F33A, F33C STC SA2556WE

. . . . . .

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, Calif., on December 8, 1981.

DeWitte T. Lawson, Jr.,

Acting Director, FAA Western-Pacific Region

[FR Doc 81-36110 Filed 12-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-47]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area; Corsicana, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Corsicana, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Corsicana Municipal Airport. This amendment is necessary to provide additional controlled airspace for aircraft executing a new instrument approach procedure using a proposed nondirectional radio beacon (NDB) located 2.2 miles northwest of the airport.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 26, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 52123) stating that the Federal Aviation Administration proposed to alter the Corsicana, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.171 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t., March 18, 1982, as follows:

Corsicana, TX

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Corsicana Municipal Airport (latitude 32°01'40" N., longitude 96°23'55" W.) and within 3 miles each side of the 154° bearing of the Corsicana NDB (latitude 32°01'39" N., longitude 96°23'42" W.) extending from the 6.5-mile radius area to 8.5 miles southeast of the NDB; and within 5 miles each side of the 325° bearing of the Powell NDB (latitude 32°03'50" N., longitude 96°25'40" W.) extending from the 6.5-mile radius area to 11.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Tex. on December 10, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc 81-36096 Filed 12-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-65]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zones; Palacios, Tex., Victoria, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zones at Palacios and Victoria, TX. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the foregoing airports. The amendment is necessary due to the future possibility of part-timing of the Palacios, TX, Flight Service Station (FSS). If the facility is reduced to less than a 24-hour status, there will be no weather reporting and/or communications available when the facility is nonoperational. Therefore, the airports will not meet the requirements for a control zone during this period.

DATES: Effective date—March 18, 1982. Comments on the rule must be received before February 26, 1982.

ADDRESS: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-65, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone descriptions at Palacios and Victoria, TX, will necessitate an amendment to this subpart. A statement at the end of each current description must be inserted in order to have the capability of part-timing the control zone by use of a Notice to Airmen (NOTAM) when the FSS is not operational.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Palacios and Victoria, TX, control zones. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t., March 18, 1982, by adding the following to each airport:

Palacios and Victoria, TX

The control zone shall be effective during the specific dates and times established in advance by a NOTAM. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Tex., on December 10, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36109 Filed 12-18-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-81-835]

Revision of Use of Materials Bulletin No. 79—Acrylonitrile—Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Correction to final rule: effective date.

SUMMARY: This notice will correct the effective date of the HUD Use of Materials Bulletin No. 79a (UM 79a) published November 17, 1981 at 46 FR 56413. Section 7(o)(3) of the Department of Housing and Community Development Act, as amended, requires that "no rule or regulation may become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the day on which a rule or regulation is published as final" in the **Federal Register**. Congressional adjournment will now preclude the passage of 30 continuous session days until approximately March 3, 1982. Therefore, the effective date of this rule is being changed from January 28, 1982 to March 3, 1982.

FOR FURTHER INFORMATION CONTACT: Richard H. Kolodin, Materials Acceptance Division, Office of Architecture and Engineering Standards, Room 6178, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone: (202) 755-5929. (This is not a toll-free number.)

Authority: Sec. 7(d). Department of Housing and Urban Development Act of 1965, 79 Stat. 670; 42 U.S.C. 3535(d); sec. 211, 52 Stat. 23; 12 U.S.C. 1715b and 81 Stat. 54; 5 U.S.C. 552(a).

Issued at Washington, D.C. December 15, 1981.

Richard Lasner,

Assistant General Counsel for Regulations.

[FR Doc 81-36290 Filed 12-18-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 14a

[T.D. 7799]

Questions and Answers Relating to Incentive Stock Option Transitional Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to the application of incentive stock option (ISO) treatment to certain previously granted stock options. Changes to the applicable tax law were made by section 251 of the Economic Recovery Tax Act of 1981 (95 Stat. 172) (ERTA), which added new section 422A to the Internal Revenue Code of 1954, entitled "Incentive Stock Options," and provided a set of transitional rules for options granted prior to ERTA's date of enactment. These regulations are intended to provide guidance to all taxpayers who, by application of ERTA § 251, will either affirmatively elect incentive stock option treatment or receive such treatment automatically.

EFFECTIVE DATE: The temporary regulations provided by this document are effective after August 12, 1981.

FOR FURTHER INFORMATION CONTACT: Philip R. Bosco of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Prior to the enactment of section 422A, the tax treatment of employee stock options generally was governed by section 83 of the Code and the regulations thereunder. Under those rules, the value of a stock option constituted ordinary income to the employee when granted only if the option itself had a readily ascertainable fair market value at that time. If the option did not have a readily ascertainable value when granted, it did not constitute ordinary income at that time. Instead, when the option was exercised, the difference between the value of the stock at exercise and the option price constituted ordinary income to the employee. An employer who granted a stock option generally was allowed a business expense deduction equal to the amount includible in the employee's income in its corresponding taxable year.

Section 422A provides for incentive stock options (ISO's), under which there will be no tax consequences when an ISO is either granted or exercised, and the employee will be taxed at capital gains rates when and if the stock received on exercise of the option is sold. Similiarly, no business expense deduction will be allowed to the employer with respect to an ISO.

ERTA § 251(c) provides transitional rules relating to ISO treatment. That section limits the applicability of section 422A to options granted on or after January 1, 1976, and outstanding on or after January 1, 1981. In the case of an option granted during the years 1976 through 1980, section 422A will apply only if the employer elects to have the option treated as an ISO. The aggregate value (determined at time of grant) of stock for which an employee may be granted ISO's prior to 1981 may not exceed $50,000 per calendar year and $200,000 in the aggregate for the five-year period 1976–1980. In the case of an option outstanding on August 13, 1981, paragraph (1) of section 425(h) of the Code shall not apply to either any change in the option terms (or the terms of the plan under which the option was granted) or the obtaining of shareholder approval, to permit such option to qualify as an ISO, provided such change and/or shareholder approval occurs on or before August 13, 1982.

These temporary regulations are intended to provide guidance to taxpayers who seek to secure ISO treatment for their existing stock options. The regulations have been drafted in a question and answer format so as to both facilitate their timely publication and limit their scope to the transitional period issues. Of necessity, certain issues have been addressed that will also affect newly created ISO's. No inferences should be drawn, however, regarding issues not raised which may be suggested by a particular question or answer, or as to why certain questions, and not others, are included. A complete set of regulations under section 422A will be forthcoming and will be issued first as a notice of proposed rulemaking.

The temporary regulations contained in this document will remain in effect until the forthcoming proposed regulations are published in the Federal Register in final Treasury decision form.

Draft Information

The principal author of these regulations is Philip R. Bosco of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Amendments to the Regulations

Accordingly, a new Part 14a, Temporary Income Tax Regulations Relating to Incentive Stock Options, is added to Title 26 of the Code of Federal Regulations and the following Temporary regulations are adopted:

The following section is added in the appropriate place:

PART 14a—TEMPORARY INCOME TAX REGULATIONS RELATING TO INCENTIVE STOCK OPTIONS

§ 14a.422A–1 Questions and answers relating to incentive stock option transitional rules.

The following questions and answers relate to the application of incentive stock option (ISO) treatment to certain previously granted stock options, pursuant to section 422A of the Internal Revenue Code of 1954, as added by section 251 of the Economic Recovery Tax Act of 1981 (95 Stat. 172) (ERTA):

General Description of Section 422A and Its Transitional Rules

Q–1: What is the significance of new section 422A of the Code entitled "Incentive Stock Options?"

A–1: Prior to the enactment of section 422a, the tax treatment of employee stock options generally was governed by section 83 of the Code and the regulations thereunder. Under those rules, the value of a stock option constituted ordinary income to the employee when granted only if the option itself had a readily ascertainable fair market value at that time. If the option did not have a readily ascertainable value when granted, it did not constitute ordinary income at that time. Instead, when the option was exercised, the difference between the value of the stock at exercise and the option price constituted ordinary income to the employee. An employer who granted a stock option generally was allowed a business expense deduction equal to the amount includible in the employee's income in its corresponding taxable year.

Section 422A provides for incentive stock options (ISO's). Under this new provision there will be no tax consequences when an ISO is either granted or exercised, and the employee generally will be taxed at capital gains rates when and if the stock received on exercise of the option is sold. Similarly, no business expense deduction will be allowed to the employer with respect to an ISO.

Q–2: What requirements must be met for ISO treatment under section 422A?

A–2: (a) Section 422A provides that the employee, in order to receive ISO treatment, must not dispose of the stock within two years after the option is granted, and must hold the stock itself for at least one year. If all requirements other than these holding period rules are met, tax is deferred until disposition of the stock, but gain (in an amount equal to the lesser of (1) the fair market value of the stock on the date of exercise minus the option price or (2) the amount realized on disposition minus the option price) is treated as ordinary income and the employer is allowed a deduction at that time.

(b) In addition, for the entire time from the date of granting the option until three months before the date of exercise (expanded to 12 months if employment ceased due to permanent and total disability), the option holder must be an employee either of the company granting the option, a parent or subsidiary of that corporation, or a corporation (or parent or subsidiary of that corporation) which has assumed the option of another corporation as a result of a corporate reorganization, liquidation, etc. This requirement and the holding period requirement are waived in the case of the death of the employee.

(c) For an option to qualify as an ISO, the following conditions must be met:

(1) The option must be granted under a plan specifying the aggregate number of shares of stock which may be issued and the employees or class of employees eligible to receive the options. This plan must be approved by the stockholders of the granting corporation within 12 months before or after the plan is adopted.

(2) The option must be granted within ten years from the date the plan is adopted or the date the plan is approved by the stockholders, whichever is earlier.

(3) The option must by its terms be exercisable only within ten years of the date it is granted.

(4) The option price must equal or exceed the fair market value of the stock at the time the option is granted. This requirement will be deemed satisfied if there has been a good faith attempt to value the stock accurately, even if the option price is less than the stock value.

(5) The option by its terms must be nontransferable other than at death and must be exercisable during the employee's lifetime only by the employee.

(6) The employee must not, at the time the option is granted, own stock representing more than ten percent of the voting power of all classes of stock of the employer corporation or its parent or subsidiary. However, the stock ownership limitation will not apply if the option price is at least 110 percent of the fair market value (at the time the option is granted) of the stock subject to the option and the option by its terms is not exercisable more than five years from the date it is granted.

(7) The option by its terms is not exercisable while there is outstanding any ISO which was granted to the employee at an earlier time. For this purpose, an option which has not been exercised in full is outstanding until the expiration of the period which under its initial terms it could have been exercised. Thus, the cancellation of an earlier option will not enable a subsequent option to be exercised any sooner.

(8) In the case of options granted after 1980 the terms of the plan must limit the amount of aggregate fair market value of the stock (determined at the time of the grant of the option) for which any employee may be granted ISO's in any calendar year to not more than $100,000 plus a carryover amount. The carryover amount for an employee from any year after 1980 is one-half of the amount by which $100,000 exceeds the value at time of grant of the stock for which ISO's were granted in such prior year. Amounts may be carried over three years. Options granted in any year use up the $100,000 current year limitation first and then the carryover from the earliest year.

(d) Section 422A also provides that:

(1) Stock acquired on exercise of an ISO may be paid for with stock of the corporation granting the option.

(2) The difference between the option price and the fair market value of the stock at the exercise of an ISO is not an item of tax preference.

(3) The employee may have the right to receive additional compensation (in cash or property) at the time of exercise of the ISO so long as the additional amount is subject to inclusion in income under the provisions of sections 61 and 83 of the Code.

(4) An ISO will not be disqualified because of the inclusion of any condition not inconsistent with the qualification requirements.

Q–3: What are the transitional rules relating to ISO treatment under section 422A?

A–3: ERTA § 251(c) provides the transitional rules relating to ISO treatment. That section initially limits the applicability of section 422A to options originally granted on or after January 1, 1976.

In the case of an option granted during the years 1976 through 1980, section 422A will apply only if (1) the option was exercised on or after January 1, 1981, or was outstanding on that date, and (2) the employer elects (in such manner as the Treasury Department provides) to have the option treated as an ISO (see A–4). (See A–12 for necessary section 422A qualification requirements.) The aggregate fair market value (determined at time of grant) of stock for which an employee may be granted ISO's prior to 1981 may not exceed $50,000 per calendar year and $200,000 in the aggregate for the five-year period 1976–1980.

In the case of an option granted on or after January 1, 1976, and outstanding on August 13, 1981, paragraph (1) of section 425(h) of the Code shall not apply to either any change in the option terms (or the terms of the plan under which the option was granted) or the obtaining of shareholder approval, to permit such option to qualify as an ISO, provided such change and/or shareholder approval occurs on or before August 13, 1982. (Section 425(h) of the Code requires that if an option is changed, so that it is modified, extended, or renewed, the option shall be treated as newly granted as of the date of such change.)

Election Procedure and Selection of Options

Q–4: What is the procedure for electing ISO treatment for options granted during the years 1976 through 1980 and outstanding on January 1, 1981?

A–4: **Note:** The following procedure preempts the election procedure set forth in Temporary Regulation § 5c.o(d) (TD 7793, 46 FR 54538 (November 3, 1981)). If, prior to December 21, 1981, a corporation has filed an election statement that conforms to the requirements of § 5c.o(d), such an election statement will be considered to have been properly filed. An election statement filed prior to December 21, 1981, that does not meet the requirements of either § 5c.o(d) or this A–4, will not be considered to have been properly filed. In any event, a corporation may re-file the election statement, conforming it to the requirements of this A–4, and such re-filing will then constitute the only election (see A–9, regarding timely rescissions, for a possible reason a corporation may want to re-file).

A corporation may file only one election statement and that statement must include all options that are to receive ISO treatment. Thus a corporation that makes an election with respect to certain options granted before 1981 may not make any subsequent election with respect to other options granted before 1981. An election shall be made by attaching a statement to the employer's income tax return (or amended return) for the first taxable year during which either an option subject to the election or an option qualifying under the rules of section 422A is exercised. An election shall be made no later than the due date (including extensions) of the income tax return for such year, except that if the due date occurs before August 14, 1982, the employer will be permitted to make the election at any time prior to August 14, 1982, on a statement attached to an amended return. In any event, no election will be permitted after the due date (taking extensions into account) of the income tax return for the taxable year including December 31, 1982.

The statement must—

(a) Contain the name, address, and taxpayer identification number of the corporation.

(b) Identify the election as an election under section 251(c)(1)(B) of the Economic Recovery Tax Act of 1981.

(c) Specify, by employee, the options to which the election applies. For each option so elected, the filing must state the option's date of original grant (and, if applicable, date of most recent modification) and total exercise price (*i.e.*, the total number of shares subject to the option multiplied by the price per share).

All options that are subject to the election must meet the section 422A qualification requirements (see A–2(c)) at the time the election statement is filed. The only exception to this rule is the requirement, when necessary, of securing shareholder approval (see A–32 and A–34).

Q–5: In electing ISO treatment for options granted during the years 1976 through 1980 and outstanding on January 1, 1981, may a corporation select only those options that it wants to receive ISO treatment?

A–5: Yes. However the original grant dates—or later grant dates for options with section 425(h) amendments (see A–9)—of the options selected for ISO treatment will determine the new sequencing order for purposes of the ISO sequential exercise restriction (see A–2(c)(7)). For example consider the case of options granted in 1977, 1978, and 1979, and assume that in 1980 the 1978 option was modified to add a term beneficial to the employee (a modification which under 425(h) would be treated as the granting of a new option). If the 1977, 1978 (as modified), and 1979 options are now elected as ISO's, the sequencing order is as follows: the 1977 option must be exercised first, the 1979 option second, and the 1978 option (as modified) third. See also A–9 and A–38.

Q–6: In electing ISO treatment for options granted during the years 1976 through 1980 and outstanding on January 1, 1981, may a corporation select options on an option-by-option basis and/or an employee-by-employee basis?

A–6: Yes. Subject to the $50,000 per year and $200,000 aggregate limits (see A–3), a corporation may select for ISO treatment any or all options granted to any or all employees, subject only to plan requirements as to who must be benefited under a plan, as among different classes of employees.

Q–7: In electing ISO treatment for options granted during the years 1976 through 1980 and outstanding on January 1, 1981, may a corporation select only a portion of the elected option to receive such treatment?

A–7: Yes. Subject to the $50,000 per year and $200,000 aggregate limits (see A–3), a corporation may select for ISO treatment any portion of any option. If the option is not exercised prior to January 21, 1982, the option must be amended so that the ISO portion is clearly identified. When such a "split" option is exercised, separate stock certificates must be issued (or reissued)—one for the ISO stock and one for the non-ISO stock. See also A–15 and A–18.

Eligibility Requirements and Issues Involving Pre-enactment Modifications, Dollar Limitations, and Dual Plans

Q–8: Is an option originally granted prior to January 1, 1976, and amended on or after January 1, 1976, eligible for ISO treatment?

A–8: No. For purposes of ISO eligibility, the controlling date is the date of original grant. A modification, extension, or renewal on or after January 1, 1976, of any option originally granted before that date, will not make such option eligible for ISO treatment, regardless of whether or not the option, as so modified, extended, or renewed,

would be treated as newly granted within the meaning of section 425(h).

Q–9: If an option granted on or after January 1, 1976, was amended between its date of grant and August 13, 1981, will such an amendment affect the option's eligibility for ISO treatment?

A–9: An amendment to an otherwise eligible option (or plan) prior to August 13, 1981, will be subject to the rules of section 425(h). If, pursuant to section 425(h), the amendment is a modification, extension, or renewal of the option, such amendment shall be considered as the granting of a new option. In order for such an option to be eligible for ISO treatment, the option (and plan) must comply with the section 422A qualification requirements (see A–2(c)). The option will be deemed to have been granted on the date it was amended. Thus, the option price cannot be less than the fair market value of the stock on that date. If the corporation wishes to retain the original grant price (and grant date) of the option, the corporation may do so by rescinding the amendment that was either a modification, extension, or renewal pursuant to section 425(h), so long as such rescission occurs prior to the earliest of the exercise of the option, the election of ISO treatment, and August 14, 1982. To be effective, such rescission must apply to the entire option. For example, in the case of a $100,000 option granted in 1978 and amended in 1980, the corporation could not rescind the modification as to only half of the option, and then elect for ISO treatment both $50,000 of the option granted in 1978 and $50,000 of the option as amended in 1980.

Q–10: An option granted during 1978 was amended during 1980 to add the following features: An alternative stock appreciation right, the right to exercise the option with previously-acquired corporate stock, and the right to receive a cash bonus upon the exercise of the option. At the same time, the exercise period of the option was extended from five to ten years and the post-employment exercise period was extended from 3 to 18 months. If the option is to be elected as an ISO, which of the above amendments is either a modification, extension, or renewal within the meaning of section 425(h) so that the option will be treated as newly granted on the date it was amended?

A–10: Any one of the above amendments will cause the option, pursuant to section 425(h), to be treated as newly granted on the date it was amended.

Q–11: An option granted during 1978 was amended during 1980 to add the right to exercise the option with previously acquired corporate stock. During 1981, the corporation properly elected ISO treatment for the amended option and, pursuant to section 425(h), adjusted the option price upward so that it equaled the fair market value of the stock subject to the option as of the date of the 1980 amendment. During 1982, the employee intends to exercise the option and will pay cash. Under these circumstances, is the employee entitled to exercise the option at the 1978 option price?

A–11: No. The option price, as amended in 1980, is the option price. The application of section 425(h) to option amendments in not affected by whether or not the employee actually benefits from such amendments (but see A–9 regarding timely rescissions).

Q–12: Is an option granted on or after January 1, 1976, and exercised on or after January 1, 1981, eligible for ISO treatment, if, at the time of exercise, the option (or plan) did not meet all of the qualification requirements of section 422A and the transitional rules (see A–2(c) and A–3, respectively)?

A–12: No. Except in cases described in A–13 through A–15, and A–34, in order for an option to be eligible for ISO treatment it must, at the time of exercise, conform to all of the qualification requirements of section 422A and the transition rules. It is not possible to amend an exercised option retroactively, in order to correct non-conforming or missing terms, or to rescind an improper exercise.

Q–13: Is an option granted on or after January 1, 1976, and exercised on or after January 1, 1981, eligible for ISO treatment if, at the time of exercise, the terms of the option did not contain the ISO sequential exercise restriction (see A–2(c)(7))?

A–13: If the option was exercised prior to January 21, 1982, without containing the ISO sequential exercise restriction, such option may still be eligible for ISO treatment. The absence of the restriction will not disqualify an option if the employee in fact had no prior outstanding ISO's at the time the option in question was exercised. If the option was exercised on or after January 21, 1982, the absence of the ISO sequential exercise restriction will not disqualify an option if the employee in fact had no prior outstanding ISO's at the time the option in question was granted. In order to identify prior outstanding ISO's, it will be necessary to take into account all options either elected or qualifying for ISO treatment (see A–5, A–9, and A–38).

Q–14: Is an option granted and exercised during 1981 eligible for ISO treatment if, at the time of exercise, the terms of the plan pursuant to which the option was granted did not contain the $100,000 per year limit on ISO grants (see A–2(c)(8))?

A–14: If the option was exercised prior to January 21, 1982, the absence from the plan of the $100,000 per year limit will not disqualify the option. ISO treatment will only be available, however, for exercised amounts that do not exceed the $100,000 limit. Those amounts in excess of the limit will be treated as non-ISO's. If it is necessary to "split" an exercised option because the $100,000 limit has been exceeded, separate stock certificates must be issued (or reissued) no later than January 21, 1982, one for the ISO stock and one for the non-ISO stock. If the option was not exercised prior to January 21, 1982, the rules of A–18 will apply.

Q–15: Is an option granted during the years 1976 through 1980, and exercised during 1981, eligible for ISO treatment if, at the time of exercise, the option, either alone or in conjunction with similarly granted options, exceeded the $50,000 per year limit (or the $200,000 aggregate limit) on ISO grants (see A–3)?

A–15: If the option was exercised prior to January 21, 1982, the fact that the aggregate fair market value of the stock exceeded the $50,000 per year limit (or the $200,000 aggregate limit) will not prevent the election of up to $50,000 of the option as an ISO (subject to the $200,000 aggregate limit). Those amounts in excess of the applicable dollar limits cannot be elected as ISO's. If it is necessary to "split" an exercised option because the applicable dollar limits have been exceeded, separate stock certificates must be issued (or reissued) no later than January 21, 1982, one for the ISO stock and one for the non-ISO stock (see also A–7). If the option was not exercised prior to January 21, 1982, the rules of A–18 will apply.

Q–16: Do the $100,000 per year limit (see A–2(c)(8)), and the $50,000 per year and $200,000 aggregate limits (see A–3) apply to all options granted to an employee or only to elected and qualifying ISO's?

A–16: All three limits apply only to elected and qualifying ISO's.

Q–17: Do the $100,000 per year limit (see A–2(c)(8)), and the $50,000 per year and $200,000 aggregate limits (see A–3) apply to the fair market value of the stock granted, or to the option price of the options granted?

A–17: The dollar limits apply to the fair market value of the stock granted. Thus, an employee who is also a 10 percent shareholder would be permitted

to receive an ISO grant to purchase $100,000 worth of stock at an option price of $110,000 (see A–2(c)(6)).

Q–18: How do the $100,000 per year limit (see A–2(c)(8)), and the $50,000 per year and $200,000 aggregate limits (see A–3) apply to an option granted on or after January 1, 1976, and not exercised prior to January 21, 1982?

A–18: Such an option will not qualify for ISO treatment if, at the time it is exercised, the option amount is in excess of the applicable dollar limit. In order for such an option to qualify for ISO treatment, it must be "split" into an ISO and a non-ISO portion so that the ISO portion of the option does not exceed the applicable dollar limit. This option "split" must be accomplished prior to the exercise of the original option and the ISO portion of the option must be clearly identified. Any "split" option that was required, by its original terms, to be exercised in full, will still be required to be exercised in full after it is "split." Upon the exercise of a "split" option, separate stock certificates must be issued—one for the ISO stock and one for the non-ISO stock. Additionally, if the option was granted on or after January 1, 1981, the terms of the plan pursuant to which the option was granted must be amended to add the $100,000 per year limit—before the option is exercised.

Q–19: How does the $50,000 per year limit (see A–3) apply to the case of an employee who was granted $100,000 of options in 1979, and who proposes to exercise these options $50,000 in 1982 and $50,000 in 1983?

A–19: Only $50,000 (valued as of the date of grant) of the stock for which options were granted in 1979 will be eligible for ISO treatment. The $50,000 per year limit relates only to the year of grant, not to the year of vesting (as in the case of installment options) or exercise. Additionally, no carryover provision applies to the $50,000 per year limit. Thus, even if the employee had not been granted any options in prior years, the result described above would not change.

Q–20: Is it permissible for a corporation to grant ISO's and non-ISO's under the same plan, or must such options be granted pursuant to separate plans?

A–20: Both ISO's and non-ISO's may be granted pursuant to one plan so long as such plan, by its terms, meets all of the ISO qualification requirements (see A–2 (c)). Additionally, each option granted pursuant to such a "dual" plan must be clearly identified as to its status, *i.e.*, ISO or non-ISO.

Q–21: May a single option agreement, issued pursuant to a plan, grant both ISO's and non-ISO's, or must such option agreements grant either only ISO's or only non-ISO's?

A–21: Both ISO's and non-ISO's may be granted pursuant to a single option agreement, so long as each option is clearly identified as to its status, *i.e.*, ISO or non-ISO, and none of the options are subject to a "tandem" exercise arrangement (see A–39).

Q–22: When either amending an existing plan or creating a new plan that is to grant ISO's, is it necessary under the ISO qualification requirements (see A–2(c)) to specify only the aggregate number of total shares issuable under the plan, or must the aggregate numbers of ISO's and non-ISO's be specified?

A–22: Only the aggregate number of total shares issuable under the plan must be specified.

Q–23: Must either an option, or the plan pursuant to which the option is granted, contain a specific provision restricting the exercise of any ISO to within 3 months of termination of the employee's employment (see A–2(b))?

A–23: No. An otherwise eligible option will receive ISO treatment if it is, in fact, exercised within 3 months of termination of the employee's employment (except in cases of disability or death). Moreover, an option term that permits exercise beyond 3 months after termination of employment, will not disqualify an option from receiving ISO treatment.

Q–24: In order for an option to be eligible for ISO treatment, the option price must equal or exceed the fair market value of the stock subject to the option when the option is granted. This requirement will be deemed to have been satisfied if, at the time of grant, there was a good faith attempt to accurately value the stock—even if such valuation should subsequently prove to be in error (see A–2(c)(4)). Do similar good faith rules apply to the $100,000 per year and 50 percent carryover limits (see A–2(c)(8)), and the $50,000 per year and $200,000 aggregate limits (see A–3) relating to the value of ISO options granted per employee?

A–24: Yes.

Required Option and Plan Amendments

Q–25: What types of amendments, under the transitional rule governing changes in the terms of options and plans (see A–3), will not invoke the application of section 425(h)?

A–25: The transitional rule waives the applicability of section 425(h) only with respect to amendments which are necessary in order to permit an option or plan to meet the minimum qualification requirements of section 422A (see A–2(c)). Amendments to add or delete permissible terms (such as the right to use previously acquired corporate stock to exercise the option) do not fall within the waiver of section 425(h).

Q–26: Is an option granted after August 13, 1981, under a plan (or option terms) which fails to meet the qualification requirements of section 422A (see A–2(c)), eligible for ISO treatment?

A–26: No. However, prior to being exercised, such an option (or its plan) may be amended to meet the qualification requirements of section 422A and thus become eligible for ISO treatment. All such amendments, where an option is granted after August 13, 1981, will be subject to the rules of section 425(h) (see A–3). Thus, for example, if an option is granted on September 1, 1981, it may qualify as an ISO only if it is amended, and the option price is at least equal to the fair market value of the stock as of the amendment date.

Q–27: May the terms of an outstanding option that was granted on or after January 1, 1981, and that automatically qualified for ISO treatment, be selectively amended so as to disqualify the option from receiving ISO treatment? May the option be cancelled?

A–27: Yes. However, despite either the cancellation of the option or any disqualifying amendment to the option (or the plan pursuant to which the option was granted), the original option will, for purposes of the ISO sequential exercise restriction, be treated as an outstanding ISO until such option, by its original terms, expires by reason of lapse of time (see A–2(c)(7)).

Q–28: May a non-ISO plan be amended so as to qualify only prospectively granted options for ISO treatment?

A–28: Yes. Amendments to a non-ISO plan, so as to meet the section 422A qualification requirements (see A–2(c)), will only apply to previously granted and outstanding options when such amendments, by their terms, are clearly intended to have retroactive effect.

Q–29: If a corporation grants new ISO's in exchange for the cancellation of outstanding non-ISO's, will such an exchange violate either the 422A qualification requirements (see A–2(c)) or the transition rules (see A–3)?

A–29: No, so long as such an exchange does not constitute a "tandem" exercise arrangement (see A–39).

Shareholder Approval Issues

Q–30: If a plan received shareholder approval within 12 months before or

after the date such plan was originally adopted and it is being amended to conform to the qualification requirements of section 422A (see A–2(c)), will new shareholder approval be required?

A–30: For purposes of the section 422A qualification requirements, new shareholder approval will be required only if the original plan did not specify the aggregate number of issuable shares or identify the eligible employees (or class of employees).

Q–31: Does the amendment of a plan to add the $100,000 per year and 50 percent carryover limits (see A–2(c)(8)), relating to options granted on or after January 1, 1981, require new shareholder approval?

A–31: No.

Q–32: If a plan never received shareholder approval, or did not receive such approval within 12 months before or after the plan was adopted, will such plan conform to the qualification requirements of section 422A (see A–2(c)) if shareholder approval is obtained prior to August 14, 1982?

A–32: Yes, but only if an option granted pursuant to the plan was outstanding on August 13, 1981 (see A–3). If no option granted pursuant to the plan was outstanding on August 13, 1981, such plan must be re-adopted by the granting corporation and, if necessary, amended to meet the section 422A qualification requirements. Shareholder approval must be obtained within 12 months before or after the date the plan is re-adopted. Consequently, any option granted after August 13, 1981, and before the date the plan is re-adopted, will be treated as newly granted on the date of re-adoption of the plan.

Q–33: If an option was granted pursuant to no plan at all and the option was outstanding on August 13, 1981, may a plan now be instituted and shareholder approval obtained, as part of the amendments permitted under the transitional rules (see A–3)?

A–33: Yes.

Q–34: Assuming that shareholder approval is required with respect to certain amendments made to conform an option outstanding on August 13, 1981 (or its plan), to the qualification requirements of section 422A (see A–2(c)), may such option be exercised prior to securing shareholder approval and still be eligible for ISO treatment?

A–34: Yes, so long as shareholder approval is secured within the one-year period specified by the transitional rules (see A–3).

Sequential Exercise Issues

Q–35: Will the existence (or exercise) of prior stock options which are neither elected nor qualified to receive ISO treatment, ever prevent the exercise of an ISO under the 422A sequential exercise restriction (see A–2)?

A–35: No. However, if an option that is either elected or qualified to receive ISO treatment, contains sequencing restrictions that refer to options other than ISO's, the option will continue to be burdened by such restrictions. The deletion of such non-ISO sequencing restrictions from the option is not an amendment necessary in order to qualify an option for ISO treatment as permitted by the transitional rules (see A–3). Consequently, section 425(h) would be applicable to such an amendment.

Q–36: Under the sequencing rules applicable to section 422 qualified stock options, an option was permitted to be exercised out of sequence so long as it was issued at a higher price than prior outstanding options (section 422(c)(6)). Will a similar exception to the sequencing restriction be applicable to ISO's?

A–36: No. Section 422A does not contain such an exception to the sequencing restriction.

Q–37: How does the section 422A sequential exercise restriction (see A–2(c)(7)) apply to an ISO granted in one year that, by its terms, can only be exercised in installments over a period of years?

A–37: Such an installment ISO is the grant of a single option. The section 422A sequential exercise restriction would restrict the exercise of any later-granted ISO until either the exercise or expiration of all installments of this earlier-granted ISO.

Q–38: Assume that an option granted and exercised during January of 1982 automatically qualifies, by its terms, for ISO treatment. During February of 1982, the same employee exercised a second option, one that had been granted during 1978. Prior to the exercise of the 1978 option, it was amended under the transitional rules (see A–3) so that it would conform to the section 422A qualification requirements (see A–2(c)). If the 1978 option is properly elected to receive ISO treatment (see A–4), will such an election adversely affect the 1982 option's status as an ISO?

A–38: Yes. The election of the 1978 option to receive ISO treatment will automatically disqualify the 1982 option. If the 1982 option is to qualify as an ISO, it cannot be exercised prior to the exercise or expiration of all ISO's previously granted and outstanding on the 1982 option's date of grant (see A–2(c)(7)). When the 1982 option was granted during January of 1982, the 1978 option was already granted and outstanding for purposes of the section 422A sequential exercise restriction.

Receipt of Property or Cash Upon Exercise of an ISO

Q–39: Section 422A provides that ISO treatment will be available even though the employee has the right to receive cash or other property at the time of the exercise of the option, so long as such property is subject to inclusion in income under section 83 (see A–2(d)(3)). To what extent does section 422A permit the use of tandem options and stock appreciation rights (SARs) in connection with ISO's?

A–39: A tandem stock option, wherein two options are issued together and the exercise of one affects the right to exercise the other, is not permitted because such a tandem option arrangement may be used to evade the section 422A qualification requirements (see A–2(c)).

A tandem ISO–SAR, wherein an ISO and an SAR are granted together and the exercise of one affects the right to exercise the other, is permitted so long as the SAR, by its terms, meets the following requirements:

(a) The SAR will expire no later than the expiration of the underlying ISO.

(b) The SAR may be for no more than 100% of the spread, *i.e.*, the difference between the exercise price of the underlying option and the market price of the stock subject to the underlying option at the time the SAR is exercised.

(c) The SAR is transferable only when the underlying ISO is transferable, and under the same conditions.

(d) The SAR may be exercised only when the underlying ISO is eligible to be exercised.

(e) The SAR may be exercised only when there is a positive spread, *i.e.*, when the market price of the stock subject to the option exceeds the exercise price of the option.

If all of the above requirements are met, for purposes of the 422A sequential exercise restriction (see A–2(c)(7)), a tandem IOS–SAR will be considered exercised in full when either the underlying ISO or the SAR is exercised. Additionally, SAR's may be paid in either cash or property, or a combination thereof, so long as the section 83 income inclusion rule applies to any property so transferred.

(26 U.S.C. 7805)

There is need for immediate guidance with respect to the provisions contained

in this Treasury decision. For this reason, it would be impractical to first issue a notice of proposed rulemaking under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Joseph T. Davis,

Acting Commissioner of Internal Revenue.

Approved: December 11, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-36433 Filed 12-17-81; 2:10 pm]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 85

[CGD 81-006]

Annex II to the Inland Navigation Rules—Additional Signals for Fishing Vessels Fishing in Close Proximity

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing these final rules which provide trawlers and purse seiners with standardized signals to indicate specific fishing operations. These signals are identical to those found in Annex II of the International Navigation Rules, and are required by the Inland Navigational Rules Act of 1980 (Pub. L. 96-591).

EFFECTIVE DATES: The effective date of these regulations is December 24, 1981, except for the Great Lakes. The effective date for the Great Lakes will be announced in a later notice.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593 (202) 426-4958.

SUPPLEMENTARY INFORMATION: On July 16, 1981, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** for this regulation (46 FR 37007). Interested persons were requested to submit comments and none were received.

Drafting Information

The principal persons involved in drafting this rule are Mr. Chris Llana, Project Manager, Office of Navigation, and LT Michael Tagg, Project Attorney, Office of the Chief counsel.

Discussion of Effective Dates

The effective date for the new Inland Navigation Rules is December 24, 1981, on all inland waters except for the Great Lakes, for which the effective date has not yet been established. The former date was established by the Inland Navigational Rules Act of 1980. The effective date for the Great Lakes, however, will be established in the next several months in coordination with the Canadian government. The new Inland Navigation Rules incorporate the requirements of the first four regulatory annexes by reference. The effective dates for this Annex must coincide with the effective dates for the Inland Navigation Rules. Therefore, good cause exists for making this regulation effective in less than 30 days after publication in the **Federal Register**.

Regulatory Evaluation

A review of the proposed Rulemaking was conducted in the Notice of Proposed rulemaking. It was determined that this rule is nonsignificant under the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" [DOT Order 2100.5 of May 22, 1980], and that it was also non-major under Executive Order 12291. No new information has been received which alters those determinations. The rule has been previously certified under Section 605(b) of the Regulatory Flexibility Act as not having significant impact on a substantial number of small entities.

In consideration of the foregoing, a new Part 85 of Title 33, Code of Federal Regulations, is added to read as follows:

PART 85—ANNEX II, ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

Sec.

85.1 General.
85.3 Signals for trawlers.
85.5 Signals for purse seiners.

Authority: Sec. 3, Pub. L. 96-591; 49 CFR 1.46(n)(14).

§ 85.1 General.

The lights mentioned herein shall, if exhibited in pursuance of Rule 26(d), be placed where they can best be seen. They shall be at least 0.9 meter apart but at a lower level than lights prescribed in Rule 26(b)(i) and (c)(i) contained in the Navigational Rules Act of 1980. The lights shall be visible all around the horizon at a distance of at least 1 mile but at a lesser distance from the lights prescribed by these Rules for fishing vessels.

§ 85.3 Signals for trawlers.

(a) Vessels when engaged in trawling, whether using demersal or pelagio gear, may exhibit:

(1) When shooting their nets: two white lights in a vertical line;

(2) When hauling their nets: one white light over one red light in a vertical line;

(3) When the net has come fast upon an obstruction: two red lights in a vertical line.

(b) Each vessel engaged in pair trawling may exhibit:

(1) By night, a search light directed forward and in the direction of the other vessel of the pair;

(2) When shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in paragraph (a) above.

§ 85.5 Signals for purse seiners.

Vessels engaged in fishing with purse scine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071; 49 CFR 1.46(n)(14))

Dated: November 25, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-36416 Filed 12-21-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 86

[CGD 81-009]

Annex III To Inland Navigation Rules; Technical Details of Sound Signal Appliances

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing regulations which establish the technical details for the vessel sound signal appliances prescribed by the Inland Navigational Rules Act of 1980. These regulations give the details needed by a vessel to comply with this law. The intended effect of the regulation is to ensure that mariners on United States inland waters will be able to hear the sound signals of other vessels at appropriate minimum distances and will be able to judge the approximate size of the other vessel by the tone of its whistle.

EFFECTIVE DATES: The effective date of these regulations is December 24, 1981, except for the Great Lakes. The effective

date for the Great Lakes will be announced in a later notice.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking on this subject was published on July 16, 1981 (46 FR 37008). Interested persons were given until September 14, 1981 to submit comments.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Navigation, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Effective Dates

The effective date for the new Inland Navigation Rules is December 24, 1981, on all inland waters except for the Great Lakes, for which the effective date has not yet been established. The former date was established by the Inland Navigational Rules Act of 1980. The effective date for the Great Lakes, however, will be established in the next several months in coordination with the Canadian government. The new Inland Navigation Rules incorporate the requirements of this regulatory Annex by reference. The effective dates for this Annex must coincide with the effective dates for the Inland Navigation Rules, therefore good cause exists for making this regulation effective in less than 30 days after publication in the **Federal Register**.

Discussion of Comments

One commenter suggested a delay in publication of the final rules for Annexes I, III, and V until after the yet to be constituted Rules of the Road Advisory *Council* could meet and consider the subjects of the Annexes. In the alternative he requested a public hearing, but did not raise any issues on which an oral presentation would benefit the rulemaking. The new Inland Navigation Rules become effective on December 24, 1981, and incorporate by reference Annexes I–IV. New vessels are required to install lights conforming to Annex I and sound signal appliances conforming to Annex III on that date; thus it is essential to issue the final regulations as soon as possible. The commenter was a member of the old Rules of the Road Advisory *Committee* which considered the regulatory annexes and advised the Coast Guard. The commenter submitted thirteen pages of comments to the dockets of Annexes I, III, and V. Because we believe there has been ample opportunity to comment and as doing so would delay publication of final regulations beyond the effective date of the new Inland Rules, we did not grant the commenter's request for a public hearing.

Several commenters approved of Annex III as proposed and several others, while suggesting some changes, noted that the proposal was an improvement over Annex III to the International Navigation Rules. Several commenters were opposed to one or more of the proposed provisions.

There apparently was some confusion on the applicability of Annex III to sound signal appliances used on vessels less than 12 meters in length. As stated in the preamble to the proposed rule, Annex III applies only to vessels 12 meters or more in length. Vessels less than 12 meters in length may carry a sound signal appliance whose fundamental frequency is within the range specified for vessels over 12 meters in length, or which is higher or lower than the specified range. For practical purposes small vessels will probably not carry low pitched whistles. Vessels less than 12 meters in length may carry portable or permanently installed whistles, air-powered or electric or manually powered whistles. Rule 33 of both the new Inland Navigation Rules and the International Rules requires only that vessels less than 12 meters in length carry "some * * * means of making an efficient sound signal". Rule 33 makes Annex III applicable only to vessels 12 or more meters in length.

Section 86.01 Frequencies and range of audibility.

The proposal limits the fundamental frequency of whistles to 525 Hz. One commenter, who represents the recreational boat industry, asked that the upper limit be raised to 1000 Hz for the benefit of the smaller vessels (i.e. vessels from 12 meters to about 20 meters in length) for which Annex III whistles are required. We do not believe whistles whose fundamental frequencies are higher than 525 Hz are suitable for vessels over 12 meters in length, and so the proposed limit has not been raised. There are now on the market small whistles designed for smaller vessels and having fundamental frequencies less than 525 Hz. Tests on a popular hand-held "air horn" place its fundamental frequency in the 500–510 Hz range. Vessels *less* than 12 meters in length *may* use whistles whose fundamental frequency exceeds 525 Hz, and almost all recreational vessels are less than 12 meters in length.

Section 86.03 Limits of fundamental frequencies.

This section specifies different frequency ranges for different sizes of vessels—higher frequencies for smaller vessels, lower frequencies for larger vessels. One commenter suggested the scheme would not work because vessels less than 12 meters in length would be allowed to carry very low pitched whistles. While this may be true in theory, it is unlikely to become a problem because very low pitched whistles tend to be large and heavy power consumers. All whistles marketed for small vessels are relatively high pitched compared to the whistles used on tankers, cargo ships, etc.

Another commenter said mariners are not able to discriminate tones enough to determine vessel size. The assigned frequencies overlap between vessels sizes somewhat, and fine distinctions of vessel size were never envisioned. The Coast Guard believes, however, that gross distinctions are easily made by the ordinary person.

One commenter asked that the frequency limits in this and other provisions be adjusted to correspond to American National Standards Institute and the International Organization for Standardization standard ⅓ octave bands. The proposal adopted frequency limits from Annex III to the International Rules. The frequency limits do not establish standard fundamental frequencies or higher harmonics but instead set boundaries within which the frequencies can vary. Adopting frequency limits corresponding to standard ⅓ octave bands will not facilitate testing because the use of standard filters with fixed central frequencies rather than tunable ⅓ octave filters for sound signal analysis would result in incorrect measurement of the sound if its frequency components did not happen to fall in the center of the filter. Manufacturers of sound signal appliances which will or may be used on waters governed by the International Navigation Rules have been using the International Annex III since 1977. Many whistles from a number of manufactuers have already been tested and approved using the frequency limits in that Annex. We are not adopting the suggestion because doing so would impose on whistle manufacturers and vessel owners the burden of having completely different sets of frequency limits in the two Annex IIIs.

Section 86.05 Sound signal intensity and range of audibility.

In both this section and in § 86.09, the proposed rule adopted International Rules language which essentially required the "maximum intensity" of the whistle to be directed straight ahead, basing the alignment of the whistle on the direction of the maximum pressure level. This assumes that the natural forward axis of a whistle is congruent with its maximum intensity, which is true for a single source/single horn whistle. When a whistle is composed of two or more sources, however, it is not unusual for zones of maximum intensity to fall around the "forward axis", but not on it, even though the sound intensity along the forward axis exceeds the minimum required. Under the proposed rule, such a combined whistle would technically have to be tested and installed with its natural forward axis canted to one side. To remedy this problem, references in §§ 86.05 and 86.09 to the "maximum intensity" of a whistle have been replaced with the "forward axis" of a whistle. The forward axis will be established by the whistle manufacturer.

Several commenters representing the small boat industry advocated the measurement of sound signal intensity using the dB(A) system, which measures the total sound, rather than the 1/3 octave band system, which measures the intensities of the individual frequencies making up the whole sound. The reasons why their suggestion was not adopted are discussed below.

Two of the commenters spoke of the need to measure sound intensity of whistles as installed on vessels under real conditions, and argued that the dB(A) system was more suitable for such measurements. Annex III was not developed with on-board testing in mind. The range of audibility of sound is so variable under "real" conditions that testing of each model whistle under laboratory conditions is the only practical means of obtaining consistency and fairness—hence the note at the end of § 86.05.

The use of overall A-weighted sound pressure levels (dB(A)) is more suitable to those situations where the primary interest is the prevention of hearing impairment, as that system accounts for the total sound energy received by the human ear. Hence, it is appropriate to use the dB(A) system in § 86.09 which is concerned with the intensity of the sound at the listening post of the source vessel. In that case, the measuring instrument is placed *where* the sound will be *heard*.

On the other hand, the measurement of sound pressure levels of whistles in order to determine their range of audibility is done relatively close to the whistle. (Sound pressure levels should not literally be measured at one meter from the source even though the pressure levels are specified "at one meter". Instead, they are measured farther away and the readings are mathematically extrapolated back to the reference "one meter".) For this type of measurement, it is important to know the sound pressure levels for the various frequency components that make up the total sound because different frequencies having the same sound pressure levels at the source do not travel the same distances before becoming inaudible.

Research conducted over the past two decades has shown that the loudness of a horn (dB(A)) at its source is not necessarily indicative of the range of audibility or detectability of a sound signal. Detectability is dependent upon the intensity of the sound within any narrow frequency band compared to the intensity of the background noise within that same frequency band. (The sound pressure levels in Table 86.05 account for the average background noise found on vessels.) Adding similar amounts of energy in other frequency bands does not increase the range of audibility, but it does make the horn louder at the listening post of the source vessel. Recognizing these principles, the Coast Guard now utilizes pure tone fog signals on navigational aids, which maximizes range relative to power consumed.

The International Rules Annex III uses the 1/3 octave band system, and as was mentioned before, a number of manufacturers, both domestic and foreign, have had their whistles tested and approved under that system. Since Annex III applies only to vessels 12 or more meters in length, and these vessels are typically capable of operation in waters governed by the International Rules, consistency between the International Annex III and the Inland Annex III is desirable.

One of the commenters said use of the 1/3 octave system discriminates against electric whistles, and (apparently assuming that only electric whistles are available for small vessels) that therefore the owner of a 12 to 20 meter vessel would find it virtually impossible to purchase a sound signal appliance for his boat. Electric whistles have been approved under Annex III to the International Rules, and tests have indicated that at least one inexpensive model of hand-held air horn meets the requirements of Annex III for vessels 12 to 20 meters in length; therefore the Coast Guard does not believe the commenter's concern is justified.

The proposed Annex III to the Inland Rules raised the upper limit of the frequencies that may be measured to determine range of audibility from the 700 Hz allowed under Annex III to the International Rules, to 1,200 Hz. One commenter said the 1,200 Hz limit was not high enough, saying that high frequency whistles would be penalized. While test data has shown that most small whistles can qualify on the basis of their first or second harmonic sound pressure levels, the sound audibility curves indicate that for the lower audibility ranges frequencies higher than 1,200 Hz can be an important part of the transmitted sound. Therefore, the upper measurement frequency limits for the lower audibility range whistles have been raised. For vessels 12 to 20 meters in length, the new limit will allow the measurement of the third and fourth harmonics of a 525 Hz fundamental frequency whistle. For vessels 20 to 75 meters in length, the new limit will allow the measurement of the third harmonic of a 525 Hz whistle.

The measurement frequency limits for the larger classes of vessels are not being similarly raised because of the physical transmission characteristics of sound. Different frequency sounds to not carry equally well. Higher frequency sounds tend to die out sooner (over shorter distances) than lower frequency sounds. At the specified audibility distances for larger vessels (1½ and 2 miles), the high frequency components of a whistle's sound normally would have become inaudible. The minimum sound pressure levels in Table 86.05 are based on the stated frequency range. If higher frequency components for the larger vessels were included in the allowable measurement range, the minimum required sound pressure levels for those higher frequencies would be significantly higher.

Annex III to the International Rules specifies a single minimum required sound pressure level for each vessel size range. This single pressure level is a compromise/simplification of the curved plot (variable function) of sound frequency/intensity/audibility. In an attempt to make the standard more flexible, the proposed Inland Annex III used a "two-step" function that would more closely approximate the precise scientifically determined curve than the single number used in the International Rules. This change most benefits vessels less than 75 meters in length.

Two commenters requested that for the largest category of vessel size the

International standard be retained because at least one whistle approved under those requirements would not pass under the more precise proposed requirements. The proposal lowered the frequency measurement range from 180 to 140 Hz. Because of this change, the sound pressure levels for the lower frequencies had to be increased to retain roughly the same audibility. The boundary between the two sound pressure levels was chosen to be 200. We are adopting the suggestion in part by retaining the 180 Hz lower limit for the International sound pressure level, but retaining the alternative (and higher) sound pressure level for frequencies from 180 Hz to 140 Hz. The lower frequency limit has also been lowered to 130 Hz so that the lowest permitted fundamental frequency (130 Hz) for vessels 75 to 200 long can be measured to determine audibility. These changes have been made for the two classes of vessels over 75 meters in length.

In addition, because of the expanded frequency range, a three-step sound pressure level has been incorporated in the final rule. This now permits lower minimum sound pressure levels for some frequencies, which should still provide audibility ranges comparable to those achieved with the minimum sound pressure levels specified for other frequencies. This change makes possible a lessening of the potential for lookout hearing impairment on the source vessel.

One of the commenters was apparently confused about the two-step (now three-step) sound pressure level requirement, perhaps because the format of Table 86.05 as it appeared in the **Federal Register** differed somewhat from the format submitted. The three frequency ranges with accompanying sound pressure levels are not separate alternatives. When a whistle is tested (whose fundamental frequency conforms to § 86.03), all of the specified sound pressure levels are used. Which one governs depends on the particular 1/3 octave band frequency being measured. For example, a 300 Hz whistle intended for use on vessels 20 to 75 meters in length would be evaluated as follows. The fundamental frequency (300 Hz) could qualify the whistle if it attained 130 dB. The second harmonic (600 Hz) could qualify the whistle if it attained 125 dB. The third (900 Hz), fourth (1200 Hz), and fifth (1500 Hz) harmonics could qualify the whistle if any attained 121 dB. Table 86.05 has been redesigned to make it clearer.

Section 86.07 Directional properties.

This section specifies the performance of whistles in the horizontal plane other than in the forward direction. One commenter stated that the "horizontal plane" is not relevant for air horns; that the sound would not vary if the horn was rotated about its horizontal axis. Measurements in the horizontal plane are required not because of the horn itself, but because the sound propagated in the horizontal plane is the sound heard by other vessels. The proposed specification has been retained in the final rule.

Section 86.09 Positioning of whistles.

Paragraph (a) of the proposal specified that whistles be installed with the maximum intensity directed straight ahead. Two commenters objected to the language "straight ahead", saying that it would preclude a slight downward angling of horns for drainage and protection from the elements. It was not intended to require that the longitudinal axis of the horn be exactly parallel with the longitudinal axis of the vessel. The "straight ahead" is being changed to "forward" to clarify that.

Paragraph (a) was also interpreted by two commenters to preclude the use of portable whistles. That interpretation was never intended; we are revising the wording accordingly.

Paragraph (b) places upper limits on the whistle's A-weighted sound pressure level at the listening post. One commenter asserted that it would be "most difficult, if not impossible" to comply with this requirement. There were some problems with this requirement in the International Annex III as applied to small vessels. We believe reducing the minimum sound pressure level requirement in § 86.05 from that required under the International Rules is the correct solution to the problem. We believe the lookout's hearing should be protected in order to perform his or her duties properly; that is the purpose of paragraph (b).

Section 86.25 Approval.

One commenter requested that this section should not be finalized until the Rules of the Road Advisory Council could consider the proposal. As indicated in the proposal, this section is merely reserved; a space for possible future regulations is being set aside. In the final rule this section has been placed in a separate subpart and numbered accordingly.

Regulatory Analysis

These regulations were reviewed in accordance with the "Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of May 22, 1980) and determined to be non-significant in the Notice of Proposed Rulemaking (46 FR 37008). A finding of non-major under Executive Order 12291 was also made in the same notice. No information has been received which alters these determinations. The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601) certification of no significant impact was also published in the same Notice of Proposed Rulemaking.

In consideration of the foregoing, a new Part 86 of Title 33 of the Code of Federal Regulations is added to read as follows:

PART 86—ANNEX III: TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

Subpart A—Whistles

Sec.

86.01 Frequencies and range of audibility.
86.03 Limits of fundamental frequencies.
86.05 Sound signal intensity and range of audibility.
86.07 Directional properties.
86.09 Positioning of whistles.
86.11 Fitting of more than one whistle.
86.13 Combined whistle systems.
86.15 Towing vessel whistles.

Subpart B—Bell or Gong

86.21 Intensity of signal.
86.23 Construction.

Subpart C—Approval

86.31 Approval. [Reserved]

Authority: Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14).

Subpart A—Whistles

§ 86.01 Frequencies and range of audibility.

The fundamental frequency of the signal shall lie within the range 70–525 Hz. The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the frequency ranges and provide the sound pressure levels specified in § 86.05.

§ 86.03 Limits of fundamental frequencies.

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

(a) 70–200 Hz, for a vessel 200 meters or more in length;

(b) 130–350 Hz, for a vessel 75 meters but less than 200 meters in length;

(c) 250–525 Hz, for a vessel less than 75 meters in length.

§ 86.05 Sound signal intensity and range of audibility.

A whistle on a vessel shall provide, in the direction of the forward axis of the

whistle and at a distance of 1 meter from it, a sound pressure level in at least one ⅓-octave band of not less than the appropriate figure given in Table 86.05 within the following frequency ranges (±1 percent):

(a) 130–1200 Hz, for a vessel 75 meters of more in length;

(b) 250–1600 Hz, for a vessel 20 meters but less than 75 meters in length;

(c) 250–2100 Hz, for a vessel 12 meters but less than 20 meters in length.

TABLE 86.05

Length of vessel in meters	Fundamental frequency range (Hz)	For measured frequencies (Hz)	⅓-octave band level at 1 meter referred to 2×10^{-5} N/m²	Audibility range in nautical miles
200 or more	70–200	130–180	145	2
		180–250	143	
		250–1200	140	
75 but less than 200	130–350	130–180	140	1.5
		180–250	138	
		250–1200	134	
20 but less than 75	250–525	250–450	130	1.0
		450–800	125	
		800–1600	121	
12 but less than 20	250–525	250–450	120	0.5
		450–800	115	
		800–2100	111	

NOTE.—The range of audibility in the table above is for information and is approximately the range at which a whistle may usually be heard on its forward axis in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centered on 250 Hz and 63 dB in the octave band centered on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

§ 86.07 Directional properties.

The sound pressure level of a directional whistle shall be not more than 4 dB below the sound pressure level specified in § 86.05 in any direction in the horizontal plane within ±45 degrees of the forward axis. The sound pressure level of the whistle in any other direction in the horizontal plane shall not be more than 10 dB less than the sound pressure level specified for the forward axis, so that the range of audibility in any direction will be at least half the range required on the forward axis. The sound pressure level shall be measured in that one-third octave band which determines the audibility range.

§ 86.09 Positioning of whistles.

(a) When a directional whistle is to be used as the only whistle on the vessel and is permanently installed, it shall be installed with its forward axis directed forward.

(b) A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB(A) and so far as practicable should not exceed 100 dB(A).

§ 86.11 Fitting of more than one whistle.

If whistles are fitted at a distance apart of more than 100 meters, they shall not be sounded simultaneously.

§ 86.13 Combined whistle systems.

(a) A combined whistle system is a number of whistles (sound emitting sources) operated together. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle.

(b) The whistles of a combined system shall—

(1) Be located at a distance apart of not more than 100 meters,

(2) Be sounded simultaneously,

(3) Each have a fundamental frequency different from those of the others by at least 10 Hz, and

(4) Have a tonal characteristic appropriate for the length of vessel which shall be evidenced by at least two-thirds of the whistles in the combined system having fundamental frequencies falling within the limits prescribed in § 86.03, or if there are only two whistles in the combined system, by the higher fundamental frequency falling within the limits prescribed in § 86.03.

Note.—If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in § 86.11 is likely to have a zone of greatly reduced signal level, a combined whistle system should be fitted so as to overcome this reduction.

§ 86.15 Towing vessel whistles.

A power-driven vessel normally engaged in pushing ahead or towing alongside may, at all times, use a whistle whose characteristic falls within the limits perscribed by § 86.03 for the longest customary composite length of the vessel and its tow.

Subpart B—Bell or Gong

§ 86.21 Intensity of signal.

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at 1 meter.

§ 86.23 Construction.

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of more than 20 meters in length, and shall be not less than 200 mm for vessels of 12 to 20 meters in length. The mass of the striker shall be not less than 3 percent of the mass of the bell. The striker shall be capable of manual operation. Note: When practicable, a power-driven bell striker is recommended to ensure constant force.

Subpart C—Approval

§ 86.31 Approval. [Reserved]

(Sec. 3, Pub. L. 96–591; 49 CFR 1.46 (n)(14))

Dated: November 25, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-36405 Filed 12-18-81, 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1984-8]

Approval and Promulgation of State Implementation Plans; Utah TSP and Lead Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves, with certain exceptions, Utah's State Implementation Plan (SIP) for total suspended particulates and lead. The notice also revokes several existing EPA regulations for Utah and eliminates the current major stationary source construction moratorium in Davis, Utah and Weber Counties.

The State Implementation Plan for TSP and lead were submitted to EPA for approval under sec. 110 of the Clean Air Act.

DATE: This action is effective December 21, 1981.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

The Office of the Federal Register, 110 L. Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: E. A. Rachal, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295; (303) 837-3711.

SUPPLEMENTAL INFORMATION: On February 19, 1980, (45 FR 10761) EPA disapproved, with certain exceptions, the total suspended particulate (TSP) plan submitted by Utah in January 1979. The 1979 SIP was required by the Clean Air Act as amended in 1977 to implement measures designed to attain and maintain the National Ambient Air Quality Standards (NAAQS) in the nonattainment areas designated in Utah. These nonattainment areas were designated on March 3, 1978 (43 FR 8962) and September 11, 1978 (43 FR 40412) pursuant to the requirments of Section 107 of the Act. The requirements for an approvable nonattainment area SIP were described in a **Federal Register** notice published on April 4, 1979 (45 FR 20372).

In response to EPA's actions, the State developed a revised TSP SIP as well as a SIP for lead. These plans were submitted to EPA on March 11, 1980. The TSP plan addressed all of the nonattainment areas in Utah except for Utah County because the State and EPA were in the process of negotiating a consent decree with U.S. Steel for the Corporation's Geneva Works, located in Utah County. EPA's initial review of the State's submittal identified a number of deficiencies which could not be approved. Following several meetings and communications with EPA, the State submitted supplemental information to the SIP on July 25, 1980, which clarified some of the issues raised by the Agency and committed the State to correct most of the deficiencies through its regulatory process.

On November 13, 1980, the State submitted its revised TSP SIP for Utah County which contained the final consent decree with U.S. Steel. On December 26, 1980, the State submitted additional information on demonstration of reasonable further progress toward attainment of the TSP standards, as well as additional diffusion modeling estimates which were requested by EPA. In addition, on April 8, 1981, the State submitted various SIP changes which had been developed as a result of EPA's review of the March 11, 1980, submittal.

In total, the State's TSP plan includes specific regulations for all major sources (those with actual emissions of 25 tons per year or greater) in the TSP nonattainment areas in Utah (the designated portions of Davis, Salt Lake, Utah and Weber Counties).

The TSP plan contains a demonstration of attainment of the primary NAAQS by 1982 and, in the interim, reasonable further progress toward attainment. It requests an 18-month extension to submit a plan for attainment of the secondary TSP standards. The SIP for lead indicates that the standard will be attained in the only nonattainment area (Salt Lake City) by 1982 through the Federal program to reduce the lead content of gasoline and the prohibition of leaded gasoline in catalyst-equipped vehicles. The plan also includes new nonferrous smelter order regulations, the addition of several general requirements (compliance testing, air quality models, stack heights and dispersion techniques, and fees for major sources), and revisions to the visible emissions regulations and new source review requirments.

Proposed Action

On May 18, 1981 (46 FR 27129), EPA proposed the following actions on the Utah SIP revisions for TSP and lead, and the additions and revisions to the general requirements:

A. Approved Portions:

1. The TSP control strategies for Davis, Utah and Weber Counties and the control strategy for attainment of the primary annual TSP standard in Salt Lake City County.

2. The specific regulations for major TSP sources in the nonattainment areas, except as indicated below.

3. General requirements, except as indicated below.

4. The SIP for lead.

B. Disapproved Portions:

1. The TSP control strategy for attainment of the primary 24-hour standard in Salt Lake County.

2. Mass emission limitation and test methods for the main stack at the Kennecott Copper Corporation smelter and opacity provisions for the main stack, bypass stacks, fugitive emissions, concentrator dryers and roasting circuits, power plant and lime plant.

3. Opacity regulations for the Utah Power and Light Company Gadsby and Hale power plants.

4. Extension request to submit a plan for attainment of the secondary TSP standards.

The proposed rulemaking would have removed the current moratorium on construction of major new or modified stationary sources of TSP (except in Salt Lake County) which is required by section 110(a)(2)(I) of the Act, and which is currently in effect in Davis, Salt Lake, Utah and Weber Counties. In addition, EPA proposed to remove the existing Federally promulgated regulations applicable to particulate matter sources in the Wasatch Front Intrastate Region (40 CFR 52.2330), except for the Kennecott stack regulation, including the corresponding compliance schedule requirements (40 CFR 52.2327). EPA also proposed to remove Federally promulgated new source review procedures (40 CFR 52.2334). A detailed discussion of the proposed actions are contained in EPA's notice of proposed rulemaking and Evaluation Report. The proposed rulemaking also discussed several minor deficiencies in the SIP which need correction but do not warrant disapproval.

Public Comments

Interested parties were invited to comment on EPA's proposed action. Two comments were received. One was related to the proposed disapproval of the Kennecott and UP & L opacity limitations and the other was related to EPA's proposed disapproval of the control strategy demonstration for the 24-hour standard.

Final Action

Since EPA's proposal, the State has been working with Kennecott to correct the deficiencies in the in-stack test method and to resolve the issue of the need for an opacity limitation. Because EPA expects both issues to be resolved in the near future, no action is being taken on the deficiencies in today's notice.

In addition, today's action does not incorporate into the Federally approved SIP the State regulation for nonferrous smelter orders, nor does it approve or disapprove the SIP regarding the following minor deficiencies.

1. Compliance Schedules—the emission limitations in section 3.2.1 do not include compliance schedules for the

regulated sources. Section 3.2.2 requires sources not meeting the specified emission limits to submit compliance schedules within 180 days after the effective date of the regulations.

Since the regulations were adopted in February, 1980, the State should have received all necessary schedules. The State has agreed to submit these schedules, or reasonable summaries thereof, to EPA.

2. Section 3.2.1.b needs to specify whether method 5 full train or front half is to be used for compliance testing, and specify the procedures for evaluating compliance with the opacity limitations of section 3.2.1. The State will consider these corrections in future changes to these regulations.

3. Section 4.6 (Continuous Emission Monitoring) does not contain a provision requiring sources to keep continuous emission monitoring (CEM) data for two years as required by paragraph 4.6, Appendix P, 40 CFR Part 51. In addition, section 4.6.1.a specifies that CEM requirements apply to steam generators rated at 250 million BTU/hr for each boiler without specifying the basis for determining BTU/hr as "heat input" or that applicability is to boilers with capacity "equal to or greater than" 250 million BTU/hr heat input. The State has agreed to make the required corrections in a future SIP revision.

4. Section 3.4 (Emission Testing) should specify that federally approved stack testing methods must be used, either directly or by reference to sections 3.2.3. and 4.1.9. since it is the only section addressing mass testing for new sources. The State has agreed to reference the necessary sections in the future.

5. Visible Emissions Limitations—Although Utah's opacity requirements are generally approvable, EPA has identified several areas which present enforceability problems and should be corrected.

a. Section 4.1 indicated that * * * "opacity limitations in the section 4.1 shall not apply to any sources for which emission limitations are assigned pursuant to section 3.2 or section 4.3 of these regulations." The applicability of this section to both sources not listed in section 3.2.1 but owned by a company with another "source" which is listed in section 3.2.1, and/or installations not addressed with a listed source or which they are a part, is unclear. The State's definition for "source" does not cover an entire operation by a company at a contiguous location, and an "installation" is defined as "a discrete process with identifiable emissions * * *" These definitions allow a number of emitting facilities to be exempt from any opacity requirements. Although the State's intent may be that section 4.1 applies to all emission points (not specifically listed in section 3.2.1) of all sources/installations covered by section 3.2.1, the State has not made the necessary language changes recommended by EPA on several occasions. However, the State has agreed to either modify the regulations or provide EPA with a clear explanation of how these regulations are being interpreted.

b. Section 4.1.9 (Opacity Observation) states that for mobile and intermittent sources, opacity observers shall use procedures similar to EPA method 9, but the requirement for observations to be made at 15-second intervals over a six-minute period shall not apply. The regulation does not state what procedures will apply to such sources. In addition, the phrase "intermittent sources" is not defined. Because of the enforcement problems raised by these deficiencies, the State has initially agreed to provide EPA with a clear description of its enforcement procedures for these sources.

In summary, EPA is taking the following final actions:

A. Approval of the Part D SIP for particulates except for Salt Lake County and removal of the Part D disapproval and construction moratorium for TSP in all nonattainment areas except Salt Lake County.

B. Removal of EPA promulgated particulate regulations and associated compliance schedules for all existing sources in Utah except copper smelters.

C. Removal of EPA's regulation for review of new sources and modifications.

D. Approval of the State plan for lead.

EPA finds good cause exists for making the action taken in this notice immediately effective for the following reasons:

(1) Implementation plan revisions are already in effect under state law or regulation and EPA approval poses no additional regulatory burden;

(2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible;

(3) Approval of the SIP removes the moratorium on stationary source construction currently in effect.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. section 605(b)), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only approves requirements adopted by the State. This action was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 7410).

Dated: December 14, 1981

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Utah was approved by the Director of the Federal Register on July 1, 1981

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

1. In § 52.2320, paragraph (c)(9) is added as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(9) Provisions to meet the requirements of Part D for particulates and to attain the national standard for lead were submitted on March 11, 1980, July 25, 1980, November 13, 1980, December 26, 1980, and April 8, 1981.

§ 52.2327 [Removed]

2. Section 52.2327 is removed.

§ 52.2328 [Removed]

3. Section 52.2328 is removed.

§ 52.2334 [Removed]

4. Section 52.2334 is removed.

5. Section 52.2324 is revised to read as follows:

§ 52.2324 Control strategy: Particulate matter.

(a) *Part D Disapproval:* The requirements of section 172(b) of the Act are not met since the plan does not

provide for implementation of all reasonable available control measures necessary to attain national standards in Salt Lake County.

6. Section 52.2330 is amended by removing paragraphs (a), (b), (c)(1)(i)–(c)(1)(iii), (c)(2)–(c)(4), and (c)(6)–(c)(9), and redesignating the remainder of the section to read as follows:

§ 52.2330 Rules and regulations.

(a)(1) No owner or operator of any copper smelting operation in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from the stack or stacks serving the reactor and converter operations in excess of 1340 pounds per hour, maximum 6-hour average, or allow the escape of any fugitive particulate matter emissions which can be captured and controlled using best available techniques.

(i) The owner or operator of any smelter subject to this paragraph shall comply with the compliance schedule specified below:

(A) December 15, 1975—Submit a final plan to the Administrator for meeting the requirements of paragraph (a)(1) of this section. Such a plan shall be subject to approval by the Administrator.

(B) January 31, 1976—Let contracts or issue purchase orders for emission capture systems.

(C) April 1, 1976—Initiate on-site construction and/or installation of emission capture equipment.

(D) May 31, 1977—Complete on-site construction and/or installation of emission capture system.

(E) July 31, 1977—Achieve final compliance with the requirements of paragraph (a)(1) of this section.

(2) The test methods and procedures used to determine compliance with paragraph (a)(1) of this section are set forth below. The methods referenced are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5, except that compliance shall be determined by modifying method 5 to maintain a gas temperature above the sulfuric acid dew point (320° F minimum) at the exit end of the sampling probe and to utilize 80 percent isopropanol as the reagent in the first two impingers in place of water. Determination of the sulfuric acid mist concentration (including sulfur trioxide) collected by this modified method shall be based on the procedures described in method 8. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 feet ^{3} (1.170m^3) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

[FR Doc. 81-36326 Filed 12-18-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch.1

[FPR Amdt. 218]

Standards and Definitions Prescribed by Cost Accounting Standards Board

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment revises and adds new material to the definitions and standards prescribed by the Cost Accounting Standards Board (CASB) as set forth in subpart 1–3.12. It is based on new definitions and new and revised standards issued by the CASB before its termination on October 1, 1980. The intended effect is to provide an up-to-date reference source of CASB promulgations for the convenience of FPR users.

EFFECTIVE DATE: January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

SUPPLEMENTARY INFORMATION: Other policies and procedures in subpart 1–3.12 pertaining to application of the regulations and standards of the CASB are being updated and revised in a separate amendment.

PART 1–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1–3 is amended to revise two entries and add six entries under subpart 1–3.12 as follows:

1–3.1220 Standards and definitions prescribed by the Cost Accounting Standards Board.
1–3.1220–13 Adjustment and allocation of pension cost.
1–3.1220–15 Accounting for the cost of deferred compensation.
1–3.1220–16 Accounting for insurance costs.
1–3.1220–17 Cost of money as an element of the cost of capital assets under construction.
1–3.1220–18 Allocation of direct and indirect costs.
1–3.1220–19 [Reserved]
1–3.1220–20 Accounting for independent research and development and bid and proposal costs.

SUBPART 1–3.12—COST ACCOUNTING STANDARDS

1. Section 1–3.1220 is revised to read as follows:

§ 1–3.1220 Standards and definitions prescribed by the Cost Accounting Standards Board.

(a) The text of the Cost Accounting Standards Board standards are set forth in the subsections following, using the numbering system of 4 CFR Subchapter G of Chapter III.

Note.—This section of the FPR is included for the convenience of procurement personnel. Users are cautioned that changes to existing standards or new standards may be published from time to time by a successor agency to the CASB. They will become effective for both defense and nondefense contracts following publication in the Federal Register on the date specified by such successor agency, even though a standard has not on that date, been republished in the FPR.

(b) Definitions promulgated by the Cost Accounting Standards Board are set forth herein. Unless the text of a particular standard demands a different definition or the definition is expressly modified for a particular standard, terms defined herein whenever used in any standard shall have the meanings ascribed to them in this paragraph (b). For convenience, the definitions of terms prominent in an individual standard are reprinted in that standard. The selection or nonselection of a particular definition to be reprinted in an individual standard, however, does not affect the applicability of all definitions in this paragraph (b) to that standard.

(1) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as

they accrue; that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(2) *Accumulating costs.* The collecting of cost data in an organized manner, such as through a system of accounts.

(3) *Actual cash value.* The cost of replacing damaged property with other property of like kind and quality in the physical condition of the property immediately prior to the damage.

(4) *Actual cost.* An amount determined on the basis of cost incurred as distinguished from forecasted cost. Includes standard cost properly adjusted for applicable variance.

(5) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, and changes in values of pension fund assets.

(6) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(7) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(8) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions, for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(9) *Actuarial valuation.* The determination, as of a specified date, of the normal cost, actuarial liability, value of the assets of a pension fund, and other relevant values for the pension plan.

(10) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(11) *Asset accountability unit.* A tangible capital asset which is a component of plant and equipment that is capitalized when acquired or whose replacement is capitalized when the unit is removed, transferred, sold, abandoned, demolished, or otherwise disposed of.

(12) *Bid and proposal (B&P) cost.* The cost incurred in preparing, submitting, or supporting any bid or proposal which effort is neither sponsored by a grant, nor required in the performance of a contract.

(13) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(14) *Category of material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(15) *Compensated personal absence.* Any absence from work for reasons such as illness, vacation, holidays, jury duty, military training, or personal activities for which an employer pays compensation directly to an employee in accordance with a plan or custom of the employer.

(16) *Cost input.* The cost, except General and Administrative (G&A) expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(17) *Cost objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(18) *Cost of capital committed to facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(19) *Deferred compensation.* An award made by an employer to compensate an employee in a future cost accounting period or periods for services rendered in one or more cost accounting periods prior to the date of the receipt of compensation by the employee. This definition shall not include the amount of year end accruals for salaries, wages, or bonuses that are to be paid within a reasonable period of time after the end of a cost accounting period.

(20) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contribution are intended to provide the stated benefits.

(21) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

(22) *Direct cost.* Any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

(23) *Directly associated cost.* Any cost which is generated solely as a result of the incurrence of another cost, and which would not have been incurred had the other cost not been incurred.

(24) *Entitlement.* An employee's right, whether conditional or unconditional, to receive a determinable amount of compensated personal absence, or pay in lieu thereof.

(25) *Estimating costs.* The process of forecasting a future result in terms of cost, based upon information available at the time.

(26) *Expressly unallowable cost.* A particular item or type of cost which, under the express provisions of an applicable law, regulation, or contract, is specifically named and stated to be unallowable.

(27) *Facilities capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(28) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system is one of the final accumulation points.

(29) *Fiscal year.* The accounting period for which annual financial statements are regularly prepared, generally a period of 12 months, 52 weeks, or 53 weeks.

(30) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(31) *Funding agency.* An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(32) *General and administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business

unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(33) *Home office.* An office responsible for directing or managing two or more, but not necessarily all, segments of an organization. It typically establishes policy for, and provides guidance to the segments in their operations. It usually performs management, supervisory, or administrative functions, and may also perform service functions in support of the operations of the various segments. An organization which has intermediate levels, such as groups, may have several home offices which report to a common home office. An intermediate organization may be both a segment and a home office.

(34) *Immediate-gain actuarial cost method.* Any of the several actuarial cost methods under which actuarial gains and losses are included as part of the unfunded actuarial liability of the pension plan, rather than as part of the normal cost of the plan.

(35) *Independent research and development (IR&D) cost.* The cost of effort which is neither sponsored by a grant, nor required in the performance of a contract, and which falls within any of the following three areas: (i) Basic and applied research, (ii) Development, and (iii) Systems and other concept formulation studies.

(36) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(37) *Indirect cost pool.* A grouping of incurred costs identified with two or more objectives but not identified specifically with any final cost objective.

(38) *Insurance administration expenses.* The contractor's costs of administering an insurance program; e.g., the costs of operating an insurance or risk-management department, processing claims, actuarial fees, and service fees paid to insurance companies, trustees, or technical consultants.

(39) *Intangible capital assets.* An asset that no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

(40) *Labor cost at standard.* A preestablished measure of the labor element of cost, computed by multiplying labor-rate standard by labor-time standard.

(41) *Labor-rate standard.* A preestablished measure, expressed in monetary terms, of the price of labor.

(42) *Labor-time standard.* A preestablished measure, expressed in temporal terms, of the quantity of labor.

(43) *Material cost at standard.* A preestablished measure of the material elements of cost, computed by multiplying material-price standard by material-quantity standard.

(44) *Material inventory record.* Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(45) *Material-price standard.* A preestablished measure, expressed in monetary terms, of the price of material.

(46) *Material-quantity standard.* A preestablished measure, expressed in physical terms, of the quantity of material.

(47) *Moving average cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

(48) *Multiemployer pension plan.* A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(49) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(50) *Operating revenue.* Amounts accrued or charged to customers, clients, and tenants, for the sale of products manufactured or purchased for resale, for services, and for rentals of property held primarily for leasing to others. It includes both reimbursable costs and fees under cost-type contracts and percentage-of-completion sales accruals except that it includes only the fee for management contracts under which the contractor acts essentially as an agent of the Government in the erection or operation of Government-owned facilities. It excludes incidental interest, dividends, royalty, and rental income, and proceeds from the sale of assets used in the business.

(51) *Original complement of low cost equipment.* A group of items acquired for the initial outfitting of a tangible capital asset or an operational unit, or a new addition to either. The items in the group individually cost less than the minimum amount established by the contractor for capitalization for the classes of assets acquired but in the aggregate they represent a material investment. The group, as a complement, is expected to be held for continued service beyond the current period. Initial outfitting of the unit is completed when the unit is ready and available for normal operations.

(52) *Pay-as-you-go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(53) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, *Provided,* That the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(54) *Pension plan participant.* Any employee or former employee of an employer or any member or former member of an employee organization, who is or may become eligible to receive a benefit from a pension plan which covers employees of such employer or members of such organization who have satisfied the plan's participation requirements, or whose beneficiaries are receiving or may be eligible to receive any such benefit. A participant whose employment status with the employer has not been terminated in an active participant of the employer's pension plan.

(55) *Pricing.* The process of establishing the amount or amounts to be paid in return for goods or services.

(56) *Production unit.* A grouping of activities which either uses homogeneous inputs of direct material and direct labor or yields homogeneous outputs such that costs or statistics related to these homogeneous inputs or outputs are appropriate as bases for allocating variances.

(57) *Projected average loss.* The estimated long-term average loss per period for periods of comparable exposure to risk of loss.

(58) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employee's prospective benefits over a period of years, usually their working careers.

(59) *Proposal.* Any offer or other submission used as a basis for pricing a contract, contract modification, or termination settlement, or for securing payments thereunder.

(60) *Repairs and maintenance.* Maintenance is the regularly recurring activity of keeping assets in normal or expected operating condition. Repair is the activity of putting them back into normal or expected operating condition. The total endeavor to obtain the expected service during the life of tangible capital assets is generally called repairs and maintenance.

(61) *Reporting costs.* Provision of cost information to others. The reporting of costs involves selecting relevant cost data and presenting it in an intelligible manner for use by the recipient.

(62) *Residual value.* The proceeds, less removal and disposal costs, if any, realized upon disposition of a tangible capital assets. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

(63) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(64) *Self-insurance.* The assumption or retention of the risk of loss by the contractor, whether voluntarily or involuntarily. Self-insurance includes the deductible portion of purchased insurance.

(65) *Self-insurance charge.* A cost which represents the projected average loss under a self-insurance plan.

(66) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

(67) *Spread-gain actuarial cost method.* Any of the several projected benefit actuarial cost methods under which actuarial gains and losses are included as part of the current and future normal costs of the pension plan.

(68) *Standard cost.* Any cost computed with the use of preestablished measures.

(69) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(70) *Termination gain or loss.* An actuarial gain or loss resulting from the difference between the assumed and actual rates at which plan participants separate from employment for reasons other than retirement, disability, or death.

(71) *Unallowable cost.* Any cost which, under the provisions of any pertinent law, regulation, or contract, cannot be included in prices, cost reimbursements, or settlements under a Government contract to which it is allocable.

(72) *Variance.* The difference between a preestablished measure and an actual measure.

(73) *Weighted average cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

2. Section 1–3.1220–1 is amended to revise the Part 401 table of contents and § 401.10, and add an appendix to read as follows:

§ 1–3.1220–1 Consistency in estimating, accumulating and reporting costs.

Part 401—Cost Accounting Standard—Consistency in Estimating, Accumulating and Reporting Costs

Sec

401.10 General applicability.
401.20 Purpose.
401.30 Definitions.
401.40 Fundamental requirement.
401.50 Techniques for application.
401.60 Illustrations.
401.70 Exemptions.
401.80 Effective date.
Appendix Interpretation No. 1.

Authority: Sec. 103, 84 Stat. 796; 50 U.S.C App. 2168.

Source: 37 FR 4172, February 29, 1972, unless otherwise noted.

§ 401.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter). (43 FR 24819, June 8, 1978)

* * * * *

Appendix—Interpretation No. 1

Part 401, Cost Accounting Standard, Consistency in Estimating, Accumulating and Reporting Costs, requires in § 401.40 that a contractor's "practices used in estimating costs in pricing a proposal shall be consistent with his cost accounting practices used in accumulating and reporting costs."

In estimating the cost of direct material requirements for a contract, it is a common practice to first estimate the cost of the actual quantities to be incorporated in end items. Provisions are then made for additional direct material costs to cover expected material losses such as those which occur, for example, when items are scrapped, fail to meet specifications, are lost, consumed in the manufacturing process, or destroyed in testing and qualification processes. The cost of some or all of such additional direct material requirements is often estimated by the application of one or more percentage factors to the total cost of basic direct material requirements or to some other base.

Questions have arisen as to whether the accumulation of direct material costs in an undifferentiated account where a contractor estimates a significant part of such costs by means of percentage factors is in compliance with Part 401. The most serious questions pertain to such percentage factors which are not supported by the contractor with accounting, statistical, or other relevant data from past experience, nor by a program to accumulate actual costs for comparison with such percentage estimates. In the opinion of the Board, the accumulation of direct costs in an undifferentiated account in this circumstance is a cost accounting practice which is not consistent with the practice of estimating a significant part of costs by means of percentage factors. This situation is virtually identical with that described in Illustration 401.60(b)(5), which deals with labor.

Part 401 does not, however, prescribe the amount of detail required in accumulating and reporting costs. The Board recognizes that the amount of detail required may vary considerably depending on the percentage factors used, the data presented in justification or lack thereof, and the significance of each situation. Accordingly, the Board is of the view that it is neither appropriate nor practical for the Board to prescribe a single set of accounting practices which would be consistent in all situations with the practices of estimating direct material costs by percentage factors. The Board considers, therefore, that the amount of accounting and statistical detail to be required and maintained in accounting for this portion of direct material costs has been and continues to be a matter to be decided by Government procurement authorities on the basis of the individual facts and circumstances. (41 FR 52427, Nov. 30, 1976)

3. Section 1–3.1220–2 is amended to revise the Part 402 table of contents and

§ 402.10, and add an appendix to read as follows:

§ 1-3.1220-2 Consistency in allocating costs incurred for the same purpose.

Part 402—Cost Accounting Standard—Consistency in Allocating Costs Incurred for the Same Purpose

Sec.
402.10 General applicability.
402.20 Purpose.
402.30 Definitions.
402.40 Fundamental requirement.
402.50 Techniques for application.
402.60 Illustrations.
402.70 Exemptions.
402.80 Effective date.
Appendix Interpretation No. 1.

Authority: Sec. 103, 84 Stat. 796; 50 U.S.C. App. 2168.

Source: 37 FR 4173, February 29, 1972 unless otherwise noted.

§ 402.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 FR 24819, June 8, 1978)

* * * * *

Appendix—Interpretation No. 1

Part 402, Cost Accounting Standard, Consistency in Allocating Costs Incurred for the Same Purpose, provides, in § 402.40, that "* * * no final cost objective shall have allocated to it as a direct cost any cost, if other costs incurred for the same purpose in like circumstances, have been included in any indirect cost pool to be allocated to that or any other final cost objective."

This interpretation deals with the way Part 402 applies to the treatment of costs incurred in preparing, submitting, and supporting proposals. In essence, it is addressed to whether or not, under the Standard, all such costs are incurred for the same purpose, in like circumstances.

Under Part 402, costs incurred in preparing, submitting, and supporting proposals pursuant to a specific requirement of an existing contract are considered to have been incurred in different circumstances from the circumstances under which costs are incurred in preparing proposals which do not result from such specific requirement. The circumstances are different because the costs of preparing proposals specifically required by the provisions of an existing contract relate only to that contract while other proposal costs relate to all work of the contractor.

This interpretation does not preclude the allocation, as indirect costs, of costs incurred in preparing all proposals. The costs accounting practices used by the contractor, however, must be followed consistently and the method used to reallocate such costs, of course, must provide an equitable distribution to all final cost objectives. (41 FR 24691, June 18, 1976)

4. Section 1-3.1220-3 is amended to revise the Part 403 table of contents, § 403.10, § 403.40(b)(5), § 403.70, and § 403.80, remove § 403.50(c)(2), and add § 403.80(b), and an appendix to read as follows:

§ 1-3.1220-3 Allocation of home office costs to segments.

Part 403—Allocation of Home Office Costs to Segments

Sec.
403.10 General applicability.
403.20 Purpose.
403.30 Definitions.
403.40 Fundamental requirement.
403.50 Techniques for application.
403.60 Illustrations.
403.70 Exemptions.
403.80 Effective date.
Appendix Interpretation No. 1.

Authority: Sec. 103, 84 Stat. 796 (50 U.S.C. App. 2168).

Source: 37 FR 26680, December 14, 1972, unless otherwise noted.

§ 403.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contact clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).
(43 FR 24819, June 8, 1978)

* * * * *

§ 403.40 Fundamental requirement.

* * * * *

(b) * * *

(5) *Independent research and development costs and bid and proposal costs.* Independent research and development costs and bid and proposal costs of a home office shall be allocated in accordance with 4 CFR Part 420. (49 FR 55127, Sept. 25, 1979)

* * * * *

§ 403.50 Techniques for application.

* * * * *

(c) * * *

(2) Removed.

* * * * *

§ 403.70 Exemptions.

(a) Any contractor or subcontractor which together with its subsidiaries did not receive net awards of negotiated national defense prime contracts during Federal fiscal year 1971 (July 1, 1970, through June 30, 1971) totaling more than $30 million is exempt from this Standard.

This exemption expires on March 10, 1978. Any contractor, unless otherwise exempt, who receives a negotiated national defense contract after March 10, 1978, shall be required to comply at the start of his first cost accounting period following receipt of that award. (38 FR 30730, Nov. 7 1973; 40 FR 32749, Aug. 4, 1975; 42 FR 45629, Sept. 12, 1977)

(b) This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments). (FPR Note: Federal Management Circular 74-4 has been superseded by OMB Circular A-87, Jan. 15, 1981).

(43 FR 24820, June 8, 1978)

§ 403.80 Effective date.

(a) This standard shall be followed by each contractor as of the beginning of his next fiscal year after September 30, 1973. The effective date of this standard is July 1, 1973.

(38 FR 7447, Mar. 27, 1973, as amended at 41 FR 47239, Oct. 28, 1976)

(b) The effective date of § 403.70(a) as amended is March 10, 1978.

(42 FR 45629, Sept. 12, 1977)

Appendix—Interpretation No. 1

Questions have arisen as to the requirements of Part 403, Cost Accounting Standard, Allocation of Home Office Expenses to Segments, for the purpose of allocating State and local income taxes and franchise taxes based on income (hereinafter collectively referred to as income taxes) from a home office of an organization to its segments.

By means of an illustrative allocation base in Section 403.60, the Standard provides that income taxes are to be allocated by "any base or method which results in an allocation that equals or approximates a segment's proportionate share of the tax imposed by the jurisdiction in which the segment does business, as measured by the same factors used to determine taxable income for that jurisdiction." This provision contains two essential criteria for the allocation of income taxes from a home office to segments. First, the taxes of any particular jurisdiction are to be allocated only to those segments that do business in the taxing jurisdiction. Second, where there is more than one segment in a taxing jurisdiction, the taxes are to be allocated among those segments on the basis of "the same factors used to determine the taxable income for that jurisdiction." The questions that have arisen relate primarily to whether segment book income or loss is a "factor" for this purpose.

Most States tax a fraction of total organization income, rather than the book income of segments that do business within the State. The fraction is calculated pursuant to a formula prescribed by State statute. In these situations, the book income or loss of individual segments is not a factor used to determine taxable income for that jurisdiction. Accordingly, in States that tax a fraction of total organization income, rather than the book income of segments within the State, such book income is irrelevant for tax allocation purposes. Therefore, segment book-income is to be used as a factor in allocating income tax expense from a home office to segments only where this amount is expressly used by the taxing jurisdiction in computing the income tax.

(45 FR 13721, Mar. 3, 1980)

5. Section 1-3.1220-4 is amended to revise §§ 404.10, 404.40(b)(1),

404.60(a)(1), and 404.80 of Part 404 to read as follows:

§ 1-3.1220-4 Capitalization of tangible assets.

* * * * *

§ 404.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 FR 24820, June 8, 1978)

* * * * *

§ 404.40 Fundamental requirement.

* * * * *

(b) * * *

(1) The contractor's policy shall designate a minimum service life criterion which shall not exceed 2 years, but which may be a shorter period. The policy shall also designate a minimum acquisition cost criterion which shall not exceed $1,000, but which may be a smaller amount.

(45 FR 13723, Mar. 3, 1980)

* * * * *

§ 404.60 Illustrations.

(a) *Illustrations of costs which must be capitalized.*

(1) Contractor has an established policy of capitalizing tangible assets which have a service life of more than 1 year and a cost of $2,000. The contractor's policy must be modified to conform to the $1,000 policy limitation on minimum acquisition cost established by the Standard.

(i) Contractor acquires a tangible capital asset with a life of 18 months at a cost of $1,200. The Standard requires that the asset be capitalized in compliance with contractor's policy as to service life.

(ii) Contractor acquires a tangible asset with a life of 18 months at a cost of $900. The asset need not be capitalized unless the contractor's revised policy establishes a minimum cost criterion below $900.

(45 FR 13723, Mar. 3, 1980)

* * * * *

§ 404.80 Effective date.

(a) The effective date of this standard is July 1, 1973. The standard shall be applied to accrued expenditures for acquisition of tangible capital assets during the contractor's next fiscal year beginning on or after October 1, 1973.

(b) Sections 404.40(b)(1), 404.60(a)(1), and 404.60(a)(2), as amended, shall be applied to accrued expenditures for acquisition of tangible capital assets during the contractor's cost accounting periods which begin on or after December 20, 1980.

(38 FR 12319, May 5, 1973; 45 FR 13723, Mar. 3, 1980)

6. Section 1-3.1220-5 is amended to revise § 405.10 of Part 405 to read as follows:

§ 1-3.1220-5 Accounting for unallowable costs.

* * * * *

§ 405.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 FR 24820, June 8, 1978)

7. Section 1-3.1220-6 is amended to revise §§ 406.10, 406.50(f), and 406.60(c) of Part 406 to read as follows:

§ 1-3.1220-6 Cost accounting period.

* * * * *

§ 406.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 FR 24820, June 8, 1978)

* * * * *

§ 406.50 Techniques for application.

* * * * *

(f) When a transitional cost accounting period is required under the provisions of § 406.40(a)(3), the contractor may select any one of the following: (1) The period, less than a year in length, extending from the end of his previous cost accounting period to the beginning of his next regular cost accounting period; (2) a period in excess of a year, but not longer than fifteen months, obtained by combining the period described in subparagraph (1) of this paragraph with the previous cost accounting period; or (3) a period in excess of a year, but not longer than fifteen months, obtained by combining the period described in subparagraph (1) of this paragraph with the next regular cost accounting period. A change in the contractor's cost accounting period is a change in accounting practices for which an adjustment in the contract price may be required in accordance with paragraph (a)(4) (B) or (C) of the contract clause set out at § 331.50 of this chapter.

(42 FR 9781, Mar. 10, 1978)

§ 406.60 Illustrations.

* * * * *

(c) A contractor changes his fiscal year from a calendar year to the 12-month period ending May 31. For financial reporting purposes, he has a five-month transitional "fiscal year." The same five-month period must be used as the transitional cost accounting period; it may not be combined as provided in § 406.50(f), because the transitional period would be longer than fifteen months. The new fiscal year must be adopted thereafter as his regular cost accounting period. The change in his cost accounting period is a change in accounting practices; adjustments of the contract prices may thereafter be required in accordance with paragraph (a)(4) (B) or (C) of the contract clause set out at § 331.50 of this chapter.

(43 FR 9781, Mar. 10, 1978)

* * * * *

8. Section 1-3.1220-7 is amended to revise § 407.10 of Part 407 to read as follows:

§ 1-3.1220-7 Use of standard costs for direct material and direct labor.

* * * * *

§ 407.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 FR 24820, June 8, 1978)

9. Section 1-3.1220-8 is amended to revise §§ 408.10 and 408.70 of Part 408 to read as follows:

§ 1-3.1220-8 Accounting for costs of compensated personal absence.

* * * * *

§ 408.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 24820, June 8, 1978)

* * * * *

§ 408.70 Exemption.

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

(43 FR 24820, June 8, 1978)

10. Section 1-3.1220-9 is amended to revise §§ 409.10, 409.50(1), and 409.60(f) of Part 409 to read as follows:

§ 1-3.1220-9 Depreciation of tangible capital assets.

* * * * *

§ 409.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

(43 FR 24821, June 8, 1978)

* * * * *

§ 409.50 Techniques for application.

* * * * *

(1) Practices for determining depreciation methods, estimated service lives and estimated residual values need not be changed for assets acquired prior to compliance with this Standard if otherwise acceptable under applicable procurement regulations. However, if changes are effected such changes must conform to the criteria established in this Standard and may be effected on a prospective basis to cover the undepreciated balance of cost by agreement between the contracting parties pursuant to negotiation under (a)(4) (B) or (C) of the Contract Clause set out at § 331.50 of the Board's regulations (4 CFR 331.50).

(43 FR 9781, Mar. 10, 1978)

§ 409.60 Illustrations.

* * * * *

(f) A major item of equipment which was acquired prior to the applicability of this Standard was estimated, at acquisition, to have a service life of 12 years and a residual value of no more than 10 percent of acquisition cost. After four years of service, during which time this standard has become applicable, a change in the production situation results in a well-supported determination to shorten the estimated service life to a total of seven years. The revised estimated residual value is 15 percent of acquisition cost. The annual depreciation charges based on this particular asset will be appropriately increased to amortize the remaining cost, less the current estimate of residual value, over the remaining three years of expected usefulness. This change is not a change of cost accounting practice, but a correction of numeric estimates. The requirement of § 409.50(1) for an adjustment pursuant to section (a)(4) (B) or (C) of the CAS clause does not apply.

(43 FR 9781, Mar. 10, 1978)

* * * * *

11. Section 1–3.1220–10 is amended to revise §§ 410.40(d), 410.60(c)(1), 410.60(c)(3)(i), 410.60(h)(2), and 410.70 of Part 410 and paragraph (7) of Appendix A to Part 410 to read as follows:

§ 1–3.1220–10 Allocation of business unit general and administrative expenses to final cost objectives.

* * * * *

§ 410.40 Fundamental requirement.

* * * * *

(d) Any costs which do not satisfy the definition of G&A expense but which have been classified by a business unit as G&A expenses, can remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or causal relationship which is best measured by a base other than a cost input base.

(44 FR 55127, Sept. 25, 1979)

* * * * *

§ 410.60 Illustrations.

* * * * *

(c)(1) Business Unit C has a personnel function which is divided into two parts: (i) A vice president of personnel who establishes personnel policy and overall guidance, and (ii) a personnel department which handles hirings, testing, evaluations, etc. The expense of the vice president is included in the G&A expense pool. The expense of the personnel department is allocated to the other indirect cost pools based on the beneficial or causal relationship between that expense and the indirect cost pools. This procedure is in compliance with the requirements of this Standard.

* * * * *

(3) * * *

(i) C shall allocate IR&D and B&P costs during the transition period (from January 1, 1978, to and including the cost accounting period during which the pre-existing contracts are completed), to the pre-existing contracts as part of its G&A expense pool using a cost of sales base pursuant to 410.50(e) and Appendix A.

* * * * *

(h)(1) * * *

(2) This accounting practice of H does not comply with section 410.50(g)(2). Home office residual expenses should be in the G&A expense pool, and the expenses of the staff management functions relative to manufacturing and engineering should be included in the manufacturing overhead and engineering overhead pools, respectively. The health insurance costs should be allocated in proportion to the beneficial and causal relationship between these costs and H's cost objectives.

§ 410.70 Exemption.

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

(43 FR 24821, June 8, 1978)

* * * * *

Appendix A

* * * * *

(7) In any cost accounting period, after the cost accounting periods described in (5) above, if the ending inventory of contracts subject to the CAS clause is less than the balance of the inventory suspense account, the business unit shall calculate two G&A expense allocation rates, one to allocate G&A expenses to contracts subject to the CAS clause and one applicable to other work.

* * * * *

12. Section 1–3.1220–13 is added to include the Part 413 table of contents and §§ 413.10 through 413.80 to read as follows:

§ 1–3.1220–13 Adjustment and allocation of pension cost.

Part 413—Adjustment and Allocation of Pension Cost

Sec.

413.10 General applicability.
413.20 Purpose.
413.30 Definitions.
413.40 Fundamental requirement.
413.50 Techniques for application.
413.60 Illustrations.
413.70 Exemptions.
413.80 Effective date.

Authority: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 USC App. 2168.

Source: 42 FR 37196, July 20, 1977, unless otherwise noted.

§ 413.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 413.20 Purpose.

A purpose of this Standard is to provide guidance for adjusting pension cost by measuring actuarial gains and losses and assigning such gains and losses to cost accounting periods. The Standard also provides the bases on which pension cost shall be allocated to segments of an organization. The provisions of this Cost Accounting Standard should enhance uniformity and consistency in accounting for pension costs.

§ 413.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(2) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(3) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(4) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over

the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(5) *Actuarial valuation.* The determination, as of a specified date, of the normal cost, actuarial liability, value of the assets of a pension fund, and other relevant values for the pension plan.

(6) *Immediate-gain actuarial cost method.* Any of the several actuarial cost methods under which actuarial gains and losses are included as part of the unfunded actuarial liability of the pension plan, rather than as part of the normal cost of the plan.

(7) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(8) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, provided that the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(9) *Pension plan participant.* Any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit from a pension plan which covers employees of such employer or members of such organization who have satisfied the plan's participation requirements, or whose beneficiaries are receiving or may be eligible to receive any such benefit. A participant whose employment status with the employer has not been terminated is an active participant of the employer's pension plan.

(10) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(11) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(12) *Spread-gain actuarial cost method.* Any of the several projected benefit actuarial cost methods under which actuarial gains and losses are included as part of the current and future normal costs of the pension plan.

(13) *Termination gain or loss.* An actuarial gain or loss resulting from the difference between the assumed and actual rates at which plan participants separate from employment for reasons other than retirement, disability, or death.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 413.40 Fundamental requirement.

(a) *Assignment of actuarial gains and losses.* Actuarial gains and losses shall be calculated annually and shall be assigned to the cost accounting period for which the actuarial valuation is made and subsequent periods.

(b) *Valuation of the assets of a pension fund.* The value of all pension fund assets shall be determined under an asset valuation method which takes into account unrealized appreciation and depreciation of pension fund assets, and shall be used in measuring the components of pension cost.

(c) *Allocation of pension cost to segments.* Contractors shall allocate pension cost to each segment having participants in a pension plan. A separate calculation of pension cost for a segment is required when the conditions set forth in §413.50(c) (2) and (3) are present. When these conditions are not present, allocations may be made by calculating a composite pension cost for two or more segments and allocating this cost to these segments by means of an allocation base.

§ 413.50 Techniques for application.

(a) *Assignment of actuarial gains and losses.* (1) In accordance with the provisions of 4 CFR Part 412, actuarial gains and losses shall be identified separately from unfunded actuarial liabilities being amortized.

(2) Actuarial gains and losses determined under a pension plan whose costs are measured by an immediate-gain actuarial cost method shall be amortized over a 15-year period in equal annual installments, beginning with the date as of which the actuarial valuation is made. The installment for a cost accounting period shall consist of an element for amortization of the gain or loss and an element for interest on the unamortized balance at the beginning of the period. If the actuarial gain or loss determined for a cost accounting period is not material, the entire gain or loss may be included as a component of the current or ensuing year's pension cost.

(3) Actuarial gains and losses applicable to a pension plan whose costs are measured by a spread-gain actuarial cost method shall be included as part of current and future normal cost and spread over the remaining average working lives of the work force.

(b) *Valuation of the assets of a pension fund.* (1) The actuarial value of the assets of a pension fund shall be used (i) in measuring actuarial gains and losses, and (ii) for purposes of measuring other components of pension cost.

(2) The actuarial value of the assets of a pension fund may be determined by the use of any recognized asset valuation method which provides equivalent recognition of appreciation and depreciation of pension fund assets. However, the total asset value produced by the method used shall fall within a corridor from 80 to 120 percent of the market value of the assets, determined as of the valuation date. If the method produces a value that falls outside the corridor, the value of the assets shall be adjusted to equal the nearest boundary of the corridor.

(3) The method selected for valuing pension fund assets shall be consistently applied from year to year within each plan.

(4) The provisions of paragraphs (b) (1) through (3) of this section are not applicable to plans that are funded with insurance companies under contracts where the insurance company guarantees benefit payments.

(c) *Allocation of pension cost to segments.* (1) For contractors who compute a composite pension cost covering plan participants in two or more segments, the base to be used for allocating such costs shall be representative of the factors which the pension benefits are based. For example, a base consisting of salaries and wages shall be used for pension costs that are calculated as a percentage of salaries and wages; a base consisting of the number of employees shall be used for pension costs that are calculated as an amount per employee.

(2) Separate pension cost for a segment shall be calculated whenever any of the following conditions exist for that segment, provided that such condition(s) materially affect the amount of pension cost allocated to the segment: (i) There is a material termination gain or loss attributable to the segment, (ii) The level of benefits, eligibility for benefits, or age distribution is materially different for the segment than for the average of all segments, or (iii) The appropriate assumptions relating to termination, retirement age, or salary scale are, in the aggregate, materially different for the segment than for the average of all segments. Calculations of termination gains or losses shall give consideration to factors such as unexpected early retirements, benefits becoming fully vested, and reinstatements or transfers without loss of benefits. An amount may be estimated for future reemployments.

(3) Pension cost shall also be separately calculated for a segment under circumstances where (i) The pension plan for that segment becomes merged with that of another segment, and (ii) The ratios of assets to actuarial liabilities for each of the merged plans are materially different from one another after applying the benefits in effect after the merger.

(4) Whenever the pension cost of a segment is required to be calculated separately pursuant to paragraphs (c) (2) and (3) of this section, such calculations shall be prospective only; pension costs need not be redetermined for prior years.

(5) For a segment whose pension costs are required to be calculated separately pursuant to paragraph (c)(2) of this section, there shall be an initial allocation of a share in the undivided pension fund assets to that segment, as follows: (i) If the necessary data are readily determinable, the amount of assets to be allocated to the segment shall be the amount of funds contributed by, or on behalf of, the segment, increased by income received on such funds, and decreased by benefits and expenses paid from such funds;

(ii) if the data specified in subdivision (i) of this subparagraph, are not readily determinable, the actuarial value of the pension fund's assets shall be allocated to the segment in a manner consistent with the actuarial cost method or methods used to compute pension cost. For a segment whose pension costs are required to be calculated separately pursuant to paragraph (c)(3) of this section the initial allocation of assets to the segment shall be the market value of the segment's assets as of the date of the merger.

(6) If prior to the time a contractor is required to use this Standard, it has been calculating pension cost separately for individual segments, the amount of assets previously allocated to those segments need not be changed.

(7) After the initial allocation of assets, the contractor shall maintain a record of the portion of subsequent contributions, income, benefit payments, and expenses attributable to the segment and paid from the pension fund; income and expenses shall include a portion of any investment gains and losses attributable to the assets of the pension fund. Fund income and expenses shall be allocated to the segment in the same proportion that the assets allocated to the segment bears to total fund assets as of the beginning of the period for which fund income and expenses are being allocated.

(8) If plan participants transfer among segments, contractors need not transfer assets or liabilities unless a transfer is sufficiently large to distort the segments' ratio of fund assets to actuarial liabilities.

(9) Contractors who separately calculate the pension cost of one or more segments may calculate such cost either for all pension plan participants assignable to the segment(s) or for only the active participants of the segment(s). If costs are calculated only for active participants, a separate segment shall be created for all of the inactive participants of the pension plan and the cost thereof shall be calculated. When a contractor makes such an election, assets shall be allocated to the segment for inactive participants in accordance with paragraphs (c) (5), (6), and (7) of this section. When an employee of a segment becomes inactive, assets shall be transferred from that segment to the segment established to accumulate the assets and actuarial liabilities for the inactive plan participants. The amount of funds transferred shall be,that portion of the actuarial liabilities for these inactive participants that have been funded. If inactive participants become active, funds and liabilities shall similarly be transferred to the segments to which the participants are assigned. Such transfers need be made only as of the last day of a cost accounting period. The total annual pension cost for a segment having active lives shall be the amount calculated for the segment plus an allocated portion of the pension cost calculated for the inactive participants. Such an allocation shall be on the same basis as that set forth in paragraph (c)(1) of this section.

(10) Where pension cost is separately calculated for one or more segments, the actuarial cost method used for a plan shall be the same for all segments, as required by 4 CFR 412.50(b). Unless a separate calculation of pension cost for a segment is made because of a condition set forth in paragraph (c)(2)(iii) of this section, the same actuarial assumptions may be used for all segments covered by a plan.

(11) If a pension plan has participants in the home office of a company, the home office shall be treated as a segment for purposes of allocating the cost of the pension plan. Pension cost allocated to a home office shall be a part of the costs to be allocated in accordance with the appropriate requirements of 4 CFR Part 403.

(12) If a segment is closed, the contractor shall determine the difference between the actuarial liability for the segment and the market value of the assets allocated to the segment, irrespective of whether or not the pension plan is terminated. The determination of the actuarial liability shall give consideration to any requirements imposed by agencies of the United States Government. In computing the market value of assets for the segment, if the contractor has not already allocated assets to the segment, such an allocation shall be made in accordance with the requirements of paragraph (c)(5) (i) and (ii) of this section. The market value of the assets allocated to the segment shall be the segment's proportionate share of the total market value of the assets of the pension fund. The calculation of the difference between the market value of the assets and the actuarial liability shall be made as of the date of the event (e.g., contract termination) that caused the closing of the segment. If such a date cannot be readily determined, or if its use can result in an inequitable calculation, the contracting parties shall agree on an appropriate date. The difference between the market value of the assets and the actuarial liability for the segment represents an adjustment of previously-determined pension costs.

§ 413.60 Illustrations.

(a) *Assignment of actuarial gains and losses.* Contractor A has a defined-benefit pension plan whose costs are measured under an immediate-gain actuarial cost method. The contractor makes actuarial valuations every other year. In the past, at each valuation date, the contractor has calculated the actuarial gains and losses that have occurred since the previous valuation date and has merged such gains and losses with the unfunded actuarial liabilities that are being amortized. Pursuant to § 413.40(a), the contractor must make an actuarial valuation annually. Any actuarial gains or losses measured must be separately amortized over a 15-year period beginning with the period for which the actuarial valuation is made (§ 413.50(a) (1) and (2)).

(b) *Valuation of the assets of a pension fund.* Contractor B has a defined benefit pension plan, the assets of which are invested in equity securities, debt securities, and real property. The contractor, whose cost accounting period is the calendar year, has an annual actuarial valuation of the pension fund in June of each year; the effective date of the valuation is the beginning of that year. The contractor's method for valuing the assets of the pension fund is as follows: debt securities expected to be held to maturity are valued on an amortized basis running from initial cost at purchase to par value at maturity; land and buildings are valued at cost less depreciation taken to date; all equity securities and debt securities not expected to be held to maturity are valued on the basis of a 5-year moving average of market values. In making an actuarial valuation, the contractor must compare the values reached under the asset valuation method used with the market values of all of the assets (§ 413.40(b)). In this case, the assets are valued as of January 1 of that year. The contractor established the following values as of the valuation date.

	Asset valuation method	Market
Cash	$100,000	$100,000
Equity securities	6,000,000	7,800,000
Debt securities expected to be held to maturity	550,000	600,000
Other debt securities	600,000	750,000
Land and buildings, net of depreciation	400,000	750,000
Total	7,650,000	10,000,000

Section 413.50(b)(2) requires that the total value of the assets of the pension fund fall within a corridor from 80 to 120 percent of market. The corridor for the plan's assets as of January 1 is from $12 million to $8 million. Because the asset value reached by the contractor—$7,650,000—falls outside the corridor, the value reached must be adjusted to equal the nearest boundary of the corridor: $8 million. In subsequent years the contractor must continue to use the same method for valuing assets (§ 413.50(b)(3)). If the value produced falls inside the corridor, such value shall be used in measuring pension cost.

(c) *Allocation of pension cost to segments.* (1) Contractor C has a defined-benefit pension plan covering employees at five segments. Pension cost is computed by use of an immediate-gain actuarial cost method. One segment (X) is devoted primarily to performing work for the Government. During the current cost accounting period, Segment X had a large and unforeseeable reduction of employees because of a contract termination at the convenience of the Government and because the contractor did not receive an anticipated follow-on contract to one that was completed during the period. As a result, the plan has a large net termination gain. As a consequence of this gain a separate calculation of the pension cost for Segment X would result in a materially different allocation of costs to that segment than would a composite calculation and allocation by means of a base. Accordingly, pursuant to § 413.50(c)(2), the contractor must calculate a separate pension cost for Segment X. In doing so, the entire termination gain must be assigned to Segment X and amortized over 15 years. If the actuarial assumptions for Segment X continue to be substantially the same as for the other segments, the termination gain may be separately amortized and allocated only to Segment X; all other Segment X computations may be included as part of the composite calculation. After the gain is amortized, the contractor is

no longer required to separately calculate the costs for Segment X unless subsequent events require such separate calculation.

(2) Contractor D has a defined-benefit pension plan covering employees at ten segments, all of which have some contracts subject to Cost Accounting Standards. The contractor uses a spread-gain actuarial cost method and calculates pension cost by developing a pension cost rate and applying that rate to the salaries and wages of the work force. One of the segments (Segment Y) is entirely devoted to Government work. The contractor's policy is to place junior employees in this segment. The age distribution of the employees of the segment is so different from that of the other segments that the pension cost for Segment Y would be materially different if computed separately than if computed as part of a computation which averages the ages of all employees covered by the plan. Pursuant to § 413.50(c)(2), the contractor must compute the pension cost for Segment Y as if it were a separate pension plan. Accordingly, the contractor must allocate a portion of the pension fund's assets to Segment Y. Memorandum records may be used in making the allocation. However, because this portion cannot be readily determined, § 413.50(c)(5)(ii) permits the allocation to be made on the basis of the actuarial cost method or methods used to calculate prior years' pension cost for the plan. Once the assets have been allocated, in future cost accounting periods the contractor shall make separate pension cost calculations for Segment Y based on the actual age distribution for the segment. Because the factors comprising pension cost for the other nine segments are relatively equal, the contractor may compute pension cost for these nine segments by using composite factors and developing a percentage of payroll for the nine segments. The pension cost allocated to each of the nine segments shall be the product of the percentages developed and the payroll of each segment (§ 413.50 (c)(1)).

(3) Contractor E has a defined-benefit pension plan which covers employees at 12 segments. The contractor uses composite actuarial assumptions to develop a pension cost for all segments. Three of these segments primarily perform Government work; the work at the other nine segments is primarily commercial. Employee turnover at the segments performing commercial work is relatively stable. However, employment experience at the Government segments has been very volatile; there have been large fluctuations in employment levels and the contractor assumes that this pattern of employment will continue to occur. It is evident that separate termination assumptions for the Government segments and the commercial segments will result in materially different pension costs for the Government segments. Therefore, the cost for these segments must be separately calculated, using the appropriate termination assumptions for these segments (§ 413.50(c)(2)(iii)).

(4) Contractor F has a defined-benefit pension plan covering employees at 25 segments. Twelve of these segments primarily perform Government work; the remaining segments perform primarily commercial work. The contractor's records show that the termination experience and projections for the 12 segments are so different from that of the average of all of the segments that separate pension cost calculations are required for these segments pursuant to § 413.50(c)(2). However, because the termination experience and projections are about the same for all 12 segments, contractor F may calculate a composite pension cost for the 12 segments and allocate the cost to these segments by use of an appropriate allocation base.

(5) After this Standard becomes applicabale to Contractor G, it acquires Contractor H and makes it Segment H. Prior to the merger, each contractor had its own defined-benefit pension plan. Under the terms of the merger, Contractor H's pension plan and plan assets were merged with those of Contractor G. The actuarial assumptions, current salary scale, and other plan characteristics and about the same for Segment H and Contractor G's other segments. However, based on the same benefits at the time of the merger, the plan of Contractor H had a disproportionately larger unfunded actuarial liability than did Contractor G's plan. Any combining of the assets and actuarial liabilities of both plans would result in materially different pension cost allocation to Contractor G's segments than if pension cost were computed for Segment H on the basis that it had a separate pension plan. Accordingly, pursuant to § 413.50(c)(5), Contractor G must allocate to Segment H a portion of the assets of the combined plan. The amount to be allocated shall be the market value of Segment H's pension plan assets at the date of the merger, adjusted for subsequent receipts and expenditures applicable to the segment (§ 413.50(c)(7)). Contractor G must use these amounts of assets as a basis for calculating the annual pension cost applicable to Segment H.

(6) Contractor I has a defined-benefit pension plan covering employees at seven segments. The contractor has been making a composite pension cost calculation for all of the segments. However, the contractor determines that, pursuant to this Standard, separate pension costs must be calculated for one of the segments. In accordance with § 413.50(c)(9), the contractor elects to allocate fund assets only for the active participants of that segment. The contractor must then create a segment to accumulate the assets and actuarial liabilities for the plan's inactive participants. When active participants of a segment become inactive, the contractor must transfer assets to the segment for inactive participants to cover the actuarial liabilities for the participants that become inactive. However, the amount to be transferred shall be proportionate to the percentage of such liabilities that are funded.

(7) Contractor J has a defined-benefit pension plan covering employees at ten segments. The contractor makes a composite pension cost calculation for all segments. The contractor's records show that the termination experience for one segment—primarily performing Government work—has been significantly different from the average turnover experience of the other segments. Moreover, the contractor assumes that such different experience will continue. Because of this fact, and because the application of a different termination assumption would result in significantly different costs being charged to the Government, the contractor must develop separate pension cost for that segment. In accordance with § 413.50(c)(2), the amount of pension cost must be based on an acceptable termination assumption for that segment; however, as provided in § 413.50(c)(10), all other assumptions for that segment may be the same as those for the remaining segments.

(8) Contractor K has a five-year contract to operate a Government-owned facility. The employees of that facility are covered by the contractor's overall defined-benefit pension plan which covers salaried and hourly employees at other locations. At the conclusion of the five-year period, the Government decides not to renew the contract. Although some employees are hired by the successor contractor, as far as Contractor K is concerned, the facility is closed. Pursuant to § 413.50(c)(12), Contractor K must compute an unfunded actuarial liability for the pension plan for that facility. The contractor first calculates the actuarial liability as of the date the contract expired. Because many of Contractor K's employees are terminated from the pension plan, the Internal Revenue Service considers it to be a partial plan termination, and thus requires that the terminated employees become fully vested in their accrued benefits to the extent such benefits are funded. Taking this factor into consideration, the actuary calculates the actuarial liability as amounting to $12.5 million. The contractor must then determine the market value of the pension fund assets allocable to the facility, pursuant to § 413.50(c)(5), as of the date agreed to by the contracting parties (§ 413.50(c)(12))—the date the contract expired. In making this determination the contractor establishes the ratio of the actuarial value of the assets allocable to the segment to the total actuarial value of the assets of the pension fund. The product of this ratio and the market value of all pension fund assets is the market value of the assets allocated to the segment. In this case, the market value of the segment's assets amounted to $13.8 million. Thus, for this facility the value of pension fund assets exceeded the actuarial liability by $1.3 million. This amount indicates the extent to which the Government over-contributed to the pension plan for the segment and, accordingly, indicates the extent to which prior years' pension costs are subject to adjustment.

§ 413.70 Exemptions.

None for this Standard.

§ 413.80 Effective date.

(a) The effective date of this Standard is March 10, 1978.

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

13. Section 1–3.1220–14 is amended to revise Table VIII of Appendix B of Part 414 to read as follows:

§ 1–3.1220–14 Cost of money as an element of the cost of facilities capital.

* * * * *

Appendix B

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TABLE VIII.—Cost Data for the Contract

Purchased parts	$85,000
Subcontract items	990,000
Technical computer time 280 h at $250/h	70,000
Engineering labor	330,000
Engineering overhead at 80 pct	264,000
Manufacturing labor	1,210,000
Manufacturing overhead at 200 pct	2,420,000
Total cost input (excluding cost of money)	5,369,000
G & A at 8.99 pct	483,000
Total cost input and G. & A. (excluding cost of money)	5,852,000

* * * * *

14. Section 1–3.1220–15 is added to read as follows:

§ 1–3.1220–15 Accounting for the cost of deferred compensation.

PART 415—ACCOUNTING FOR THE COST OF DEFERRED COMPENSATION

Sec.

415.10 General applicability.
415.20 Purpose.
415.30 Definitions.
415.40 Fundamental requirement.
415.50 Techniques for application.
415.60 Illustrations.
415.70 Exemptions
415.80 Effective date.

Authority: Sec. 719 of the Defense Production Act of 1950, as as amended, Pub. L. 91–379, 50 USC App. 2168.

Source: 41 FR 31799, July 30, 1976, unless otherwise noted.

§ 415.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 415.20 Purpose.

(a) The purpose of this Standard is to provide criteria for the measurement of the cost of deferred compensation and the assignment of such cost to cost accounting periods. The application of these criteria should increase the probability that the cost of deferred compensation is allocated to cost objectives in a uniform and consistent manner.

(b) This Standard is applicable to the cost of all deferred compensation except for compensated personal absence and pension plan costs which are covered in other Cost Accounting Standards.

§ 415.30 Definition.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Deferred Compensation.* An award made by an employer to compensate an employee in a future cost accounting period or periods for services rendered in one or more cost accounting periods prior to the date of the receipt of compensation by the employee. This definition shall not include the amount of year end accruals for salaries, wages, or bonuses that are to be paid within a reasonable period of time after the end of a cost accounting period.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 415.40 Fundamental requirement.

(a) The cost of deferred compensation shall be assigned to the cost accounting period in which the contractor incurs an obligation to compensate the employee. In the event no obligation is incurred prior to payment, the cost of deferred compensation shall be the amount paid and shall be assigned to the cost accounting period in which the payment is made.

(b) The measurement of the amount of the cost of deferred compensation shall be the present value of the future benefits to be paid by the contractor.

(c) The cost of each award of deferred compensation shall be considered separately for purposes of measurement and assignment of such costs to cost accounting periods. However, if the cost of deferred compensation for the employees covered by a deferred compensation plan can be measured with reasonable accuracy on a group basis, separate computations for each employee are not required.

§ 415.50 Techniques for application.

(a) The contractor shall be deemed to have incurred an obligation for the cost of deferred compensation when all of the following conditions have been met. However, for awards which require that the employee perform future service in order to receive the benefits, the obligation is deemed to have been incurred as the future service is performed for that part of the award attributable to such future service.

(1) There is a requirement to make the future payment(s) which the contractor cannot unilaterally avoid.

(2) The deferred compensation award is to be satisfied by a future payment of money, other assets, or shares of stock of the contractor.

(3) The amount of the future payment can be measured with reasonable accuracy.

(4) The recipient of the award is known.

(5) If the terms of the award require that certain events must occur before an employee is entitled to receive the benefits, there is a reasonable probability that such events will occur.

(6) For stock options, there must be a reasonable probability that the options ultimately will be exercised.

(b) If any of the conditions in § 415.50(a) is not met, the cost of deferred compensation shall be assignable only to the cost accounting period or periods in which the compensation is paid to the employee.

(c) If the cost of deferred compensation can be estimated with reasonable accuracy on a group basis, including consideration of probable forfeitures, such estimate may be used as the basis for measuring and assigning the present value of future benefits.

(d) The following provisions are applicable for plans that meet the conditions of § 415.50(a) and the compensation is to be paid in money.

(1) If the deferred compensation award provides that the amount to be paid shall include the principal of the award plus interest at a rate fixed at the date of award, such interest shall be included in the computation of the amount of the future benefit. If no interest is included in the award, the amount of the future benefit is the amount of the award.

(2) If the deferred compensation award provides for payment of principal plus interest at a rate not fixed at the time of award but based on a specified index which is determinable in each applicable cost accounting period, e.g., a published corporate bond rate, such interest shall be included in the computation of the amount of future benefit. The interest rate to be used shall be the rate in effect at the close of the period in which the cost of deferred compensation is assignable. Since that interest rate is likely to vary from the actual rates in future periods, adjustments shall be made in any such future period in which the variation in rates materially affects the cost of deferred compensation.

(3) If the deferred compensation award provides for payment of principal plus interest at a rate not based on a specified index or not determinable in each applicable year:

(i) The cost of deferred compensation for the principal of the award shall be measured by the present value of the future benefits of the principal and shall be assigned to the cost accounting period in which the employer incurs an obligation to compensate the employee and

(ii) The interest on such awards shall be assigned to the cost accounting period(s) in which the payment of the deferred compensation is made.

(4) If the terms of the award require that the employee perform future service in order to receive benefits, the cost of the deferred compensation shall be appropriately assigned to the periods of current and future service based on the facts and circumstances of the award. The cost of deferred compensation for each cost accounting period shall be the present value of the future benefits of the deferred compensation calculated as of the end of each such period to which such cost is assigned.

(5) In computing the present value of the future benefits, the discount rate shall be equal to the interest rate as determined by

the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, at the time the cost is assignable.

(6) If the award is made under a plan which requires irrevocable funding for payment to the employee in a future cost accounting period together with all interest earned thereon, the amount assignable to the period of award shall be the amount irrevocably funded.

(7) In computing the assignable cost for a cost accounting period, any forfeitures which reduce the employer's obligation for payment of deferred compensation shall be a reduction of contract costs in the period in which the forfeiture occurred. The amount of the reduction for a forfeiture shall be the amount of the award that was assigned to a prior period, plus interest compounded annually, using the same Treasury rate that was used as the discount rate at the time the cost was assigned. For irrevocably funded plans, pursuant to § 415.50(d)(6), the amount of the reduction for a forfeiture shall be the amount initially funded plus or minus a pro-rata share of the gains and losses of the fund.

(8) If the cost of deferred compensation for group plans measured in accordance with § 415.50(c) is determined to be greater than the amounts initially assigned because the forfeiture was overestimated, the additional cost shall be assignable to the cost accounting period in which such cost is ascertainable.

(e) The following provisions are applicable for plans that meet the conditions of § 415.50(a) and the compensation is received by the employee in other than money. The measurements set forth herein constitute the present value of future benefits for awards made in other than money and, therefore, shall be deemed to be a reasonable measure of the amount of the future payment.

(1) If the award is made in the stock of the contractor, the cost of deferred compensation for such awards shall be based on the market value of the stock on the measurement date, i.e., the first date the number of shares awarded is known. Market value is the current or prevailing price of the security as indicated by market quotations. If such values are unavailable or not appropriate (thin market, volatile price movements, etc.) an acceptable alternative is the fair value of the stock.

(2) If an award is made in the form of options to employees to purchase stock of the contractor, the cost of deferred compensation of such award shall be the amount by which the market value of the stock exceeds the option price multiplied by the number of shares awarded on the measurement date, i.e., the first date on which both the option price and the number of shares is known. If the option price on the measurement date is equal to or greater than the market value of the stock, no cost shall be deemed to have been incurred for contract costing purposes.

(3) If the terms of an award of stock or stock option require that the employee perform future service in order to receive the stock or to exercise the option, the cost of the deferred compensation shall be appropriately assigned to the periods of current and future service based on the facts and circumstances of the award. The cost to be assigned shall be the value of the stock or stock option at the measurement date as prescribed in § 415.50(e)(1) or (e)(2).

(4) If an award is made in the form of an asset other than cash, the cost of deferred compensation for such award shall be based on the market value of the asset at the time the award is made. If a market value is not available, the fair value of the asset shall be used.

(5) If the terms of an award, made in the form of an asset other than cash, require that the employee perform future service in order to receive the asset, the cost of the deferred compensation shall be appropriately assigned to the periods of current and future service based on the facts and circumstances of the award. The cost to be assigned shall be the value of the asset at the time of award as prescribed in § 415.50(e)(4).

(6) In computing the assignable cost for a cost accounting period, any forfeitures which reduce the employer's obligation for payment of deferred compensation shall be a reduction of contract costs in the period in which the forfeiture occurred. The amount of the reduction shall be equal to the amount of the award that was assigned to a prior period, plus interest compounded annually, using the Treasury rate (see § 415.50(d)(5)) that was in effect at the time the cost was assigned. If the recipient of the award of stock options voluntarily fails to exercise such options, such failure shall not constitute a forfeiture under provisions of this Standard.

(7) Stock option awards or any other form of stock purchase plans containing all of the following characteristics shall be considered noncompensatory and not covered by this Standard:

(i) Substantially all full-time employees meeting limited employment qualifications may participate,

(ii) Stock is offered to eligible employees equally or based on a uniform percentage of salary or wages,

(iii) An option or a purchase right must be exercisable within a reasonable period, and

(iv) The discount from the market price of the stock is no greater than would be reasonable in an offer of stock to stockholders or others.

§ 415.60 Illustrations.

(a) Contractor A has a deferred compensation plan in which all cash awards are increased each year by an interest factor equivalent to the long-term borrowing rate of the contractor prevailing during each such year. The interest factor based on a variable long-term borrowing rate meets the criteria of § 415.50(d)(2). Consequently, the cost of deferred compensation for Contractor A shall be measured by the present value of the future benefits and shall be assigned to the cost accounting period in which the contractor initially incurs an obligation to compensate the employee. If the long-term borrowing rate for Contractor A was nine percent at the close of the period to which the cost of deferred compensation was assignable, then that rate should be used to calculate the future benefit. Any adjustment in the cost of deferred compensation which results from a material change in the nine percent rate in future applicable periods shall be made in each such future period or periods (see § 415.50(d)(2)).

(b) Contractor B made a deferred compensation award of $10,000 to an employee on December 31, 1976, for services performed in 1976 to be paid in equal annual payments of $2,000 starting at December 31, 1981. The terms of the award do not provide for an interest factor to be included in the payment; consequently, according to provisions of § 415.50(d)(1), interest may not be included in the computation of the future benefit. The assignable cost for 1976 is computed as follows, assuming that the interest rate determined by the Secretary of the Treasury (pursuant to Public Law 92–41, 85 Stat. 97) at the time of award is eight percent and the conditions set forth in § 415.50(a) are met.

Year	Amount of [illegible] payment	×	Discount rate 8-pct present value factor	=	Present [illegible]
1981	$2,000	×	0.6805	=	$1,361
1982	2,000	×	.6301	=	1,260
1983	2,000	×	.5834	=	1,167
1984	2,000	×	.5402	=	1,080
1985	2,000	×	.5002	=	1,000
Assignable cost for 1976					5,868

(c) Contractor C awarded stock options for 1,000 shares of the contractor to key employees on December 31, 1976, under a deferred compensation plan requiring two years of additional service before the awards can be exercised. The facts and circumstances of the awards indicate that the deferred compensation applies only to the periods of future service. The market price of the stock was $26 per share, the option price was $22, and the interest rate established by the Secretary of the Treasury in effect at the time of award was 8 percent.

(1) In accordance with § 415.50(e)(2), the cost of the stock options is the amount by which the current value of the stock exceeds the option price multiplied by the number of shares awarded on the measurement date. Thus, the total cost of the stock options is 1,000 shares multiplied by the difference of the option price and the market price ($26—$22) or $4,000.

(2) Under provisions of § 415.50(e) (3), the cost for stock options is assigned to each future cost accounting period in which employee service is required and is computed as follows:

	Assignable cost [1]
Year of required service:	
1977	$2,000
1978	2,000
Total amount of award	4,000

[1] Note that this illustration assumes that the facts and circumstances of the award indicate that the award relates equally to each period of future service. Thus, the assignable cost was allocated on a pro-rata basis.

(d) (1) Contractor D has a deferred compensation plan that specifies that an

employee receiving a cash award must remain with the company for three calendar years after the award in order to qualify and receive the award and the facts and circumstances indicate that the deferred compensation applies only to the periods of future service. In accordance with § 415.50(d)(4), the cost of deferred compensation is assignable to the periods of future service. Thus, the amount of cost of deferred compensation to be assigned by Contractor D for each of the three years shall be the present value of the future benefits of the deferred compensation award calculated as of the end of each such period to which such cost is assigned.

(2) Under this plan, Contractor D made an award to an employee of $3,000 to be paid at the end of the third year. The assignable cost for each of the three years is computed as follows:

Year [1]	Amount of future payment	×	Present value factor [2] using prevailing Treasury rate [3]	=	Assignable cost for each year
1	$1,000	×	0.8573 (8 pct for 2 yr)	=	$857.30
2	1,000	×	0.9302 (7.5 pct for 1 yr)	=	930.20
3	1,000	×	1.0000 (8 pct for 0 yr).	=	1,000.00

[1] Note that in accordance with the facts and circumstances of the award no deferred compensation is assignable to the period in which the award is made and that the award relates equally to each period of future service.

[2] Note that since the costs are measured at the end of each year of required service, the present value factors are based on the number of years from the year of assignment to the date of payment.

[3] Note that the prevailing Treasury rate changed from year 1 to year 2.

(e) (1) Contractor E has a deferred compensation plan that specifies that an employee receiving a cash award must remain with the company for two calendar years after the award in order to qualify and receive the award. Contractor E made an award of $6,000 at the end of 1976 to an employee to be paid at the end of 1978. However, the employee voluntarily terminated his employment before the end of 1977. The facts and circumstances of the award indicate that $2,000 of the award represents compensation for services rendered in the period of award (1976). The remaining portion of the award represents compensation for services to be rendered in future periods. The assignable cost for 1976, which was the only period to which costs were assigned before termination, was the present value of $2,000, the amount of the award attributable to the services of that period. Thus, the cost assigned for 1976 was:

Amount of future payment	×	Discount rate present value factor for 2 yr at 8 pct	=	Assignable cost
$2,000	×	0.8573	=	$1,714.60

(2) According to provisions of § 415.50(d)(7), the amount of the forfeiture shall be the amount of the cost that was assigned to a prior period, plus interest compounded annually, from the year the cost was assigned to the year of forfeiture, using the same Treasury rate (see § 415.50(d)(5)) that was used as the discount rate at the time the cost was assigned. The Treasury rate in effect at the date of award was eight percent.

(3) The amount of the forfeiture is computed as follows:

Assignable cost	×	Discount rate future value factor for 1 yr at 8 pct	=	Forfeiture
$1,714.60	×	1.08	=	$1,851.77

§ 415.70 Exemption.

None for this Standard.

§ 415.80 Effective date.

(a) The effective date of this Standard is July 10, 1977.

(b) This Standard shall be followed by each contractor for awards of deferred compensation made on or after the start of his next cost accounting period beginning after the receipt of a contract to which the Cost Accounting Standard is applicable.

(42 FR 18857, April 11, 1977; 43 FR 24821, June 8, 1978)

15. Section 1–3.1220–16 is added to read as follows:

§ 1–3.1220–16 Accounting for insurance costs.

Part 416—Accounting for Insurance Costs

Sec.

416.10 General applicability.
416.20 Purpose.
416.30 Definitions.
416.40 Fundamental requirement.
416.50 Techniques for application.
416.60 Illustrations.
416.70 Exemptions.
416.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production of Act of 1950, as amended, Pub. L. 91–379, 50 USC App. 2168.

SOURCE: 43 FR 42239, September 20, 1978, unless otherwise noted.

§ 416.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 416.20 Purpose.

The purpose of this standard is to provide criteria for the measurement of insurance costs, the assignment of such costs to cost accounting periods, and their allocation to cost objectives. The application of these criteria should increase the probability that insurance costs are allocated to cost objectives in a uniform and consistent manner.

§ 416.30 Definitions.

(a) The following definitions of terms which are prominent in this standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

Actual cash value. The cost of replacing damaged property with other property of like kind and quality in the physical condition of the property immediately prior to the damage.

Insurance administration expenses. The contractor's costs of administering an insurance program, e.g., the costs of operating an insurance or risk-management department, processing claims, actuarial fees, and service fees paid to insurance companies, trustees, or technical consultants.

Projected average loss. The estimated long-term average loss per period for periods of comparable exposure to risk of loss.

Self-insurance. The assumption or retention of the risk of loss by the contractor, whether voluntarily or involuntarily. Self-insurance includes the deductible portion of purchased insurance.

Self-insurance charge. A cost which represents the projected average loss under a self-insurance plan.

(b) The following modifications of definitions set forth in part 400 of this chapter are applicable to this standard: None.

§ 416.40 Fundamental requirement.

(a) The amount of insurance cost to be assigned to a cost accounting period is the projected average loss for that period plus insurance administration expenses in that period.

(b) The allocation of insurance costs to cost objectives shall be based on the beneficial or causal relationship between the insurance costs and the benefiting or causing cost objectives.

§ 416.50 Techniques for application.

(a) Measurement of projected average loss.

(1) For exposure to risk of loss which is covered by the purchase of insurance or by payments to a trusteed fund, the premium or payment, adjusted in accordance with the following criteria, shall represent the projected average loss:

(i) The premium cost applicable to a given policy term shall be assigned pro rata among the cost accounting periods covered by the policy term, except as provided in subparagraphs (ii) through (vi) of this paragraph. A refund, dividend or additional assessment shall become an adjustment to the pro rata premium costs for the earliest cost accounting period in which the refund or dividend is actually or constructively received or in which the additional assessment is payable.

(ii) Where insurance is purchased specifically for, and directly allocated to, a single final cost objective, the premium need not be prorated among cost accounting periods.

(iii) Any part of a premium or payment to an insurer or trustee, or any part of a dividend or premium refund retained by an insurer or trustee which would be includable as a deposit in published financial statements prepared in accordance with generally accepted accounting principles shall be

accounted for as a deposit for the purpose of determining insurance costs.

(iv) Any part of a premium or payment to an insurer or to a trustee, or any part of a dividend or premium refund retained by an insurer, for inclusion in a reserve or fund established and maintained on behalf of the insured or the policyholder or trustor, shall be accounted for as a deposit unless the following conditions are met: (A) The objectives of the reserve or fund are clearly stated in writing;

(B) Measurement of the amount required for the reserve or fund is actuarially determined and is consistent with the objectives of the reserve or fund;

(C) Payments and additions to the reserve or fund are made in a systematic and consistent manner; and

(D) If payments to accomplish the stated objectives of the reserve or fund are made from a source other than the reserve or fund, the payments into the reserve or fund are reduced accordingly.

(v) If an objective of an insurance program is to prefund insurance coverage on retired persons, then, in addition to the requirements imposed by subparagraph (iv) of this paragraph:

(A) Payments must be made to an insurer or trustee to establish and maintain a fund or reserve for that purpose;

(B) The policyholder or trustor must have no right of recapture of the reserve or fund so long as any active or retired participant in the program remains alive unless the interests of such remaining participants are satisfied through adequate reinsurance or otherwise; and

(C) The amount added to the reserve or fund in any cost accounting period must not be greater than an amount which would be required to apportion the cost of the insurance coverage fairly over the working lives of the active employees in the plan. If a contractor establishes a terminal-funded plan for retired persons or converts from a pay-as-you-go plan to a terminal-funded plan, the actuarial present value of benefits applicable to employees already retired shall be amortized over a period of 15 years.

(vi) The contractor may adopt and consistently follow a practice of determining insurance costs based on the estimated premium and assessments net of estimated refunds and dividends. If this practice is adopted, then any difference between an estimated and actual refund, dividend, or assessment shall become an adjustment to the pro rata net premium costs for the earliest cost accounting period in which the refund or dividend is actually or constructively received or in which the additional assessment is payable.

(2) For exposure to risk of loss which is not covered by the purchase of insurance or by payments to a trusteed fund, the contractor shall follow a program of self-insurance accounting according to the following criteria:

(i) Except as provided in paragraph (a)(2)(ii) and (iii) of this section actual losses shall not become a part of insurance costs. Instead, the contractor shall make a self-insurance charge for each period for each type of self-insured risk which shall represent the projected average loss for that period. If insurance could be purchased against the self-insured risk, the cost of such insurance may be used as an estimate of the projected average loss; if this method is used, the self-insurance charge plus insurance administration expenses may be equal to, but shall not exceed, the cost of comparable purchased insurance plus the associated insurance administration expenses. However, the contractor's actual loss experience shall be evaluated regularly, and self-insurance charges for subsequent periods shall reflect such experience in the same manner as would purchased insurance. If insurance could not be purchased against the self-insured risk, the amount of the self-insurance charge for each period shall be based on the contractor's experience, relevant industry experience, and anticipated conditions in accordance with accepted actuarial principles.

(ii) Where it is probable that the actual amount of losses which will occur in a cost accounting period will not differ significantly from the projected average loss for that period, the actual amount of losses in that period may be considered to represent the projected average loss for that period in lieu of a self-insurance charge.

(iii) Under self-insurance programs for retired persons, only actual losses shall be considered to represent the projected average loss unless a reserve or fund is established in accordance with § 416.50(a)(1)(v).

(iv) The self-insurance charge shall be determined in a manner which will give appropriate recognition to any indemnification agreement which exists between the contracting parties.

(3) In measuring actual losses under paragraph (a)(2) of this section:

(i) The amount of a loss shall be measured by (A) The actual cash value of property destroyed; (B) amounts paid or accrued to repair damage; (C) amounts paid or accrued to estates and beneficiaries; and (D) amounts paid or accrued to compensate claimants, including subrogation. Where the amount of a loss which is represented by a liability to a third party is uncertain, the estimate of the loss shall be the amount which would be includable as an accrued liability in financial statements prepared in accordance with generally accepted accounting principles.

(ii) If a loss has been incurred and the amount of the liability to a claimant is fixed or reasonably certain, but actual payment of the liability will not take place for more than 1 year after the loss is incurred, the amount of the loss to be recognized currently shall not exceed the present value of the future payments, determined by using a discount rate equal to that prescribed for settling such claims by the State having jurisdiction over the claim. If no such rate is prescribed by the State, then the rate shall be equal to the interest rate as determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, in effect at the time the loss is recognized. Alternatively, where settlement will consist of a series of payments over an indefinite time period, as in worker's compensation, the contractor may follow a consistent policy of recognizing only the actual amounts paid in the period of payment.

(4) The contractor may elect to recognize immaterial amounts of self-insured losses or insurance administration expenses as part of other expense categories rather than as "insurance costs."

(b) Allocation of insurance costs:

(1) Where actual losses are recognized as an estimate of the projected average loss, in accordance with § 416.50(a)(2), or where actual loss experience is determined for the purpose of developing self-insurance charges by segment, a loss which is incurred in a given segment shall be identified with that segment. However, if the contractor's home office is, in effect, a reinsurer of its segments against catastrophic losses, a portion of such catastrophic losses shall be allocated to, or identified with, the home office.

(2) Insurance costs shall be allocated on the basis of the factors used to determine the premium, assessment, refund, dividend, or self-insurance charge, except that insurance costs incurred by a segment or allocated to a segment from a home office may be combined with costs of other indirect cost pools if the resultant allocation to each final cost objective is substantially the same as it would have been if separately allocated under this provision.

(3) Insurance administration expenses which are material in relation to total insurance costs shall be allocated on the same basis as the related premium costs or self-insurance charge.

(c) *Records.* The contractor shall maintain such records as may be necessary to substantiate the amounts of premiums, refunds, dividends, losses, and self-insurance charges, paid or accrued, and the measurement and allocation of insurance costs. Memorandum records may be used to reflect any material differences between insurance costs as determined in accordance with this standard and as includable in financial statements prepared in accordance with generally accepted accounting principles.

§ 416.60 Illustrations.

(a) Contractor A pays a company-wide property and casualty insurance premium for the policy term July 1, 1980, to July 1, 1983, and includes the entire amount as cost in its cost accounting period which ended December 31, 1980. This is a violation of § 416.50(a)(1)(i) in that only one-sixth of the policy term fell within the cost accounting period which ended December 31, 1980, and therefore only one-sixth of the premium should have been included in cost in that cost accounting period.

(b) Contractor B has a retrospectively rated worker's compensation insurance program. The policy term corresponds with the contractor's cost accounting period. Premium refunds are normally received and applied in the following cost accounting period. The contractor's practice is to include the entire gross premium in insurance cost in the cost accounting period in which it is paid and to credit the refund against insurance cost in the cost accounting period in which it is received. This practice conforms with § 416.50(a)(1)(i). The contractor could also, under the provisions of § 416.50(a)(1)(vi), have followed

a consistent practice of estimating such refunds in advance and including the estimated net premium in insurance cost.

(c) Contractor C establishes a self-insured program of life insurance for active and retired persons. The contractor pays death benefits directly to the beneficiaries of deceased employees and includes such payments in insurance costs at the time of payment. This practice complies with § 416.50(a)(2)(iii) which requires that only the actual losses be recognized unless a trusteed reserve or fund is established in accordance with § 416.50(a)(1)(v).

(d) Instead of paying death benefits directly, contractor D purchases annual group term life insurance on active and retired persons and charges the premiums to insurance costs (with proper recognition for refunds and dividends). Contractor D's retired persons wish to be protected against possible discontinuance of the program. Contractor D, therefore, establishes a trusteed fund. As each employee retires, contractor D deposits in the fund an amount which is equal to the premium on a paid-up policy for that employee, and he advises the trustee that the fund is to be used to continue to pay premiums on retired persons in the event the program is discontinued. The contractor also continues to purchase group term insurance on both active employees and retired persons and charges both the premiums and the deposits to insurance costs. This practice does not comply with § 416.50(a)(1)(iv)(D) which requires that if payments to accomplish the stated objectives of the reserve or funds are made from a source other than the reserve or fund, the payments into the fund shall be reduced accordingly.

Note.—In this instance the contractor could comply with the standard by paying from the fund that portion of the group term premium which represented the retired persons or by reducing the deposits to the fund by an equivalent amount in accordance with § 416.50(a)(1)(iv)(D). This practice would also comply with the requirement of § 416.50(a)(1)(v)(C) that the amount added to the fund not be greater than an amount which would be required to fairly allocate the cost over the working lives of the active employees in the plan.

(e) Contractor E wishes to provide assurance of his life insurance program continuance to both active and retired employees. He establishes a trusteed fund in accordance with § 416.50(a)(1) (iv) and (v) and thereafter pays into the fund each year for each active employee an actuarially determined amount which will accumulate to the equivalent of the premium on a paid-up life insurance policy at retirement. He charges the annual payments to insurance costs. Benefits are paid directly from the fund (or the fund is used to pay the annual premiums on group term life insurance for all employees). This practice also complies with the requirement of § 416.50(a)(1)(v)(C) that the amount added to the fund not be greater than an amount which would be required to fairly allocate the cost over the working lives of the active employees in the plan.

(f) Contractor F has a fire insurance policy which provides that the first $50,000 of any fire loss will be borne by the contractor. Because the risk of loss is dispersed among many physical units of property and the average potential loss per unit is relatively low, the actual losses in any period may be expected not to differ significantly from the projected average loss. Therefore, the contractor intends to let the actual losses represent the projected average loss for this exposure to risk. Property with an actual cash value of $80,000 is destroyed in a fire. The contractor charges the $50,000 of the loss not covered by the policy to insurance costs for contract costing purposes. The practice complies with the requirement of § 416.50(a)(2). However, had the contractor's plan been to make a self-insurance charge for such losses, then any difference between the self-insurance charge and actual losses in that cost accounting period would not have been allocable as an insurance cost.

(g) Contractor G is preparing to enter into a Government contract to produce explosive devices. The contractor is unable to purchase adequate insurance protection and must act as a self-insurer. There is a significant possibility of a major loss, against which the Government will not undertake to idemnify the contractor. The contractor, therefore, intends to make a self-insurance charge for this exposure to risk. The contractor may, in accordance with § 416.50(a)(2)(i), use data obtained from other contractors or any other reasonable method of estimating the projected average loss in order to determine the self-insurance charge.

(h) Contractor H purchases liability insurance for all of its motor vehicles in a single, company-wide policy which contains a $50,000 deductible provision. However, the company's management policy provides that when a loss is incurred in a segment, only the first $5,000 of the loss will be charged to the segment; the balance of the loss will be absorbed at the home-office level and reallocated among all segments. Because the risk of loss is dispersed among many physical units and the maximum potential loss per occurrence is limited, the actual losses in any cost accounting period may be expected not to differ significantly from the projected average loss. Therefore, the contractor intends to let the actual losses represent the projected average loss for this exposure to risk. An analysis of the loss experience shows that many past losses exceeded $5,000. Contractor H's practice of allocating the loss in excess of $5,000 to the home office is a violation of § 416.50(b)(1)(ii). The limit of $5,000 cannot realistically be considered a measure of a "catastrophic" loss when losses frequently exceed this amount, and the use of a limit this low would obscure segment loss experience.

§ 416.70 Exemptions.

None for this standard.

§ 416.80 Effective date.

(a) The effective date of this standard is July 10, 1979.

(b) This standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this cost accounting standard is applicable.

16. Section 1–3.1220–17 is added to read as follows:

§ 1–3.1220–17 Cost of Money as an element of the cost of capital assets under construction.

Part 417—Cost of money as an Element of the Cost of Capital Assets Under Construction

Sec

417.10 General applicability.
417.20 Purpose.
417.30 Definitions.
417.40 Fundamental requirement.
417.50 Techniques for application.
417.60 Illustrations.
417.70 Exemptions.
417.80 Effective date.

Authority: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 U.S.C. App. 2168.

Source: 45 FR 48573, July 21, 1980, unless otherwise noted.

§ 417.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 417.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria for the measurement of the cost of money attributable to capital assets under construction, fabrication or development as an element of the cost of those assets. Consistent application of these criteria will improve cost measurement by providing for recognition of cost of contractor investment in assets under construction, and will provide greater uniformity in accounting for asset acquisition costs.

§ 417.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Intangible Capital Asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

(2) *Tangible Capital Assets.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 417.40 Fundamental requirement.

The cost of money applicable to the investment in tangible and intangible capital assets being constructed, fabricated or developed for a contractor's own use shall be included in the capitalized acquisition cost of such assets.

§ 417.50 Techniques for application.

(a) The cost of money for an asset shall be calculated as follows:

(1) The cost of money rate used shall be based on interest rates determined by the Secretary of the Treasury pursuant to Public Law 92–41 (85 Stat. 97).

(2) A representative investment amount shall be determined each cost accounting period for each capital asset being constructed, fabricated or developed giving appropriate consideration to the rate at which costs of construction are incurred.

(3) Other methods for calculating the cost of money to be capitalized, such as the method used for financial accounting and reporting, may be used, provided the resulting amount does not differ materially from the amount calculated by use of paragraphs (a)(1) and (2), of this section.

(b) If substantially all the activities necessary to get the asset ready for its intended use are discontinued, cost of money shall not be capitalized for the period of discontinuance. However, if such discontinuance arises out of causes beyond the control and without the fault or negligence of the contractor, cessation of cost of money capitalization is not required.

§ 417.60 Illustrations.

(a) A contractor decided to build a major addition to his plant using both his own labor and outside subcontractors. It took 13 months to complete the building. The first 10 months of the construction period were in one cost accounting period. At the end of the cost accounting period the total charges, including cost of money computed in accordance with 4 CFR 414, accumulated in the construction-in-progress account for this project amounted to $750,000. However, most of these construction costs were incurred towards the end of the cost accounting period. In developing a method for determining a representative investment amount appropriate consideration must be given to the rate at which costs have been incurred in accordance with § 417.50(a)(ii). Therefore, the contractor averaged the 10 month-end balances and determined that the average investment in the project was $245,000. Two cost of money rates were in effect during the 10-month period: their time-weighted average was determined to be 8.6%. Application of the 8.6% rate for 1%12 of a year to the representative balance of $245,000 resulted in the determination that $17,448 should be added to the construction-in-progress account in recognition of the cost of money related to this project in its first cost accounting period. The project was completed with the addition of $750,000 of additional costs during the first three months of the subsequent cost accounting period. The contractor considered the three month-end balances (which included the $17,558 capitalized cost of money described in the preceding paragraph) and determined that the representative balance was $1,234,000. The cost of money rate in effect during this three-month period was 7.75%. Applying the rate of 7.75% for ¼ of a year to the balance of $1,234,000 resulted in a determination that $23,909 should be added to the construction-in-progress account in recognition of the cost of money while under construction in the second cost accounting period. The capitalized project was put into service at the recognized cost of acquisition of $1,541,467 which consists of the "regular" costs of $1,500,000 plus $17,558 and $23,909 cost of money. This practice is in accordance with § 417.50(a) and other applicable provisions of the Standard.

Note.—An alternative technique would be to make separate calculations, using an appropriate investment amount and cost of money rate, for each month. The sum of the monthly cost of money amounts could be entered in the construction-in-progress account once each cost accounting period.

(b) A contractor built a major addition with identical basic data to those described in § 417.60(a) except that the costs were incurred at a fairly uniform rate throughout the period. Because of the pattern of cost incurrence the contractor used beginning and ending balances of the cost accounting period to find the representative amounts. For the first cost accounting period the representative investment amount was the average of the beginning and ending balances (zero and $750,000), or $375,000. Application of the average interest rate of 8.6% for 1%12 of a year resulted in the determination that $26,875 should be added to the construction-in-progress account in recognition of the cost of money related to this project in its first cost accounting period. During the subsequent three months the contractor used the representative balance of $1,151,875, derived by averaging the beginning balance of $776,875 ($750,000 "regular" cost plus the $26,875 imputed cost from the prior period) and the balance at the end, $1,526,875. Applying the 7.75% cost of money rate to this balance for a three-month period resulted in a determination that $22,317 should be added to the construction-in-progress account in recognition of the cost of money while under construction in the second cost accounting period. The capitalized project was put into service at the recognized cost of acquisition of $1,549,192 which consists of the "regular" costs of $1,500,000 plus $26,875 and $22,317 imputed cost of money. This practice is in accordance with § 417.50(a) and other applicable provisions of the Standard.

Note.—If this contractor, acting in accordance with established Standards for financial accounting, allocated a portion of its paid interest expense to this construction project and the resultant acquisition cost for financial reporting purposes was not materially different from $1,549,192, the contractor could, in accordance with § 417.50(a)(iii), use the same acquisition cost for contract costing purposes.

§ 417.70 Exemptions.

None for this Standard.

§ 417.80 Effective date.

(a) The effective date of this Cost Accounting Standard is December 15, 1980.

(b) This Cost Accounting Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

17. Section 1–3.1220–18 is added to read as follows:

§ 1–3.1220–18 Allocation of direct and indirect costs.

Part 418—Allocation of Direct and Indirect Costs

Sec.

418.10 General applicability.
418.20 Purpose.
418.30 Definitions.
418.40 Fundamental requirement.
418.50 Techniques for application.
418.60 Illustrations.
418.70 Exemptions.
418.80 Effective date.

Authority: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 U.S.C. App. 2168.

Source: 45 FR 31929, May 15, 1980, unless otherwise noted.

§ 418.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirements to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 418.20 Purpose.

The purpose of this Cost Accounting Standard is (a) to provide for consistent determination of direct and indirect costs, (b) to provide criteria for the accumulation of indirect costs, including service center and overhead costs, in indirect cost pools, and (c) to provide guidance relating to the selection of allocation measures based on the beneficial or causal relationship between an indirect cost pool and cost objectives. Consistent application of these criteria and guidance will improve classification of costs as direct and indirect and the allocation of indirect costs.

§ 418.30 Definitions.

(a) The following are definitions of terms prominent in this Standard.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Direct cost.* Any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the

contractor are direct costs of those cost objectives.

(3) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(4) *Indirect cost pool.* A grouping of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 418.40 Fundamental requirements.

(a) A business unit shall have a written statement of accounting policies and practices for classifying costs as direct or indirect which shall be consistently applied.

(b) Indirect costs shall be accumulated in indirect cost pools which are homogeneous.

(c) Pooled costs shall be allocated to cost objectives in reasonable proportion to the beneficial or causal relationship of the pooled costs to cost objectives as follows: (1) If a material amount of the costs included in a cost pool are costs of management or supervision of activities involving direct labor or direct material costs, resource consumption cannot be specifically identified with cost objectives. In that circumstance, a base shall be used which is representative of the activity being managed or supervised. (2) If the cost pool does not contain a material amount of the costs of management or supervision of activities involving direct labor or direct material costs, resource consumption can be specifically identified with cost objectives. The pooled cost shall be allocated based on the specific identifiability of resource consumption with cost objectives by means of one of the following allocation bases: (i) a resource consumption measure, (ii) an output measure, or (iii) a surrogate that is representative of resources consumed. The base shall be selected in accordance with the criteria set out in § 418.50(e).

(d) To the extent that any cost allocations are required by the provisions of other Cost Accounting Standards, such allocations are not subject to the provisions of this Standard.

(e) This Standard does not cover accounting for the costs of special facilities where such costs are accounted for in separate indirect cost pools.

§ 418.50 Techniques for application.

(a) *Determination of direct cost and indirect cost.* (1) The business unit's written policy classifying costs as direct or indirect shall be in conformity with the requirements of this Standard.

(2) In accounting for direct costs a business unit shall use actual costs, except that:

(i) Standard costs for material and labor may be used as provided in 4 CFR Part 407, or

(ii) An average cost or pre-established rate for labor may be used provided that (A) the functions performed are not materially disparate and employees involved are interchangeable with respect to the functions performed, or (B) the functions performed are materially disparate but the employees involved either all work in a single production unit yielding homogeneous outputs, or perform their respective functions as an integral team.

Whenever average cost or pre-established rates for labor are used, the variances, if material, shall be disposed of at least annually by allocation to cost objectives in proportion to the costs previously allocated to these cost objectives.

(3) Labor or material costs identified specifically with one of the particular cost objectives listed in paragraph (d)(3) of this section shall be accounted for as direct labor or direct material costs.

(b) *Homogeneous indirect cost pools.* (1) An indirect cost pool is homogeneous if each significant activity whose costs are included therein has the same or a similar beneficial or causal relationship to cost objectives as the other activities whose costs are included in the cost pool. It is also homogeneous if the allocation of the costs of the activities included in the cost pool result in an allocation to cost objectives which is not materially different from the allocation that would result if the costs of the activities were allocated separately.

(2) An indirect cost pool is not homogeneous if the costs of all significant activities in the cost pool do not have the same or a similar beneficial or causal relationship to cost objectives and, if the costs were allocated separately, the resulting allocation would be materially different. The determination of materiality shall be made using the criteria provided in 4 CFR 331.71.

(3) A homogeneous indirect cost pool shall include all indirect costs identified with the activity to which the pool relates.

(c) *Change in Allocation Base.* No change in an existing indirect cost pool allocation base is required if the allocation resulting from the existing base does not differ materially from the allocation that results from the use of the base determined to be most appropriate in accordance with the criteria set forth in paragraphs (d) and (e) of this section. The determination of materiality shall be made using the criteria provided in 4 CFR 331.71.

(d) *Allocation measures for an indirect cost pool which includes a material amount of the costs of management or supervision of activities involving direct labor or direct material costs.* (1) The costs of the management or supervision of activities involving direct labor or direct material costs do not have a direct and definitive relationship to the benefiting cost objectives and cannot be allocated on measures of a specific beneficial or causal relationship. In that circumstance, the base selected to measure the allocation of the pooled costs to cost objectives shall be a base representative of the activity being managed or supervised.

(2) The base used to represent the activity being managed or supervised shall be determined by the application of the criteria below. All significant elements of the selected base shall be included.

(i) A direct labor hour base or direct labor cost base shall be used, whichever in the aggregate is more likely to vary in proportion to the costs included in the cost pool being allocated, except that

(ii) A machine-hour base is appropriate if the costs in the cost pool are comprised predominantly of facility-related costs, such as depreciation, maintenance, and utilities, or

(iii) A units-of-production base is appropriate if there is common production of comparable units, or

(iv) A material cost base is appropriate if the activity being managed or supervised is a material-related activity.

(3) Indirect cost pools which include material amounts of the costs of management or supervision of activities involving direct labor or direct material costs shall be allocated to:

(i) Final cost objectives;

(ii) Goods produced for stock or product inventory;

(iii) Independent research and development and bid and proposal projects;

(iv) Cost centers used to accumulate costs identified with a process cost system (i.e., process cost centers);

(v) Goods or services produced or acquired for other segments of the contractor and for other cost objectives of a business unit; and

(vi) Self-construction, fabrication, betterment, improvement, or installation of tangible capital assets.

(e) *Allocation measures for indirect cost pools that do not include material amounts of the costs of management or supervision of activities involving direct labor or direct material costs.* Homogeneous indirect cost pools of this type have a direct and definitive relationship between the activities in the pool and benefiting cost objectives. The pooled costs shall be allocated using an appropriate measure of resource consumption. This determination shall be made in accordance with the following criteria taking into consideration the individual circumstances:

(1) The best representation of the beneficial or causal relationship between an indirect cost pool and the benefiting cost objectives is a measure of resource consumption of the activities of the indirect cost pool.

(2)(i) If consumption measures are unavailable or impractical to ascertain, the next best representation of the beneficial or causal relationship for allocation is a measure of the output of the activities of the indirect cost pool. Thus, the output is substituted for a direct measure of the consumption of resources.

(ii) The use of the basic unit of output will not reflect the proportional consumption of resources in circumstances in which the level of resource consumption varies among the units of output produced. Where a material difference will result, either the output measure shall be modified or more than one output measure shall be used to reflect the resources consumed to perform the activity.

(3) If neither resources consumed nor output of the activities can be measured practically, a surrogate that varies in proportion to the services received shall be used to measure the resources consumed. Generally, such surrogates measure the activity of the cost objectives receiving the service.

(4) Allocation of indirect cost pools which benefit one another may be accomplished by use of (i) the cross-allocation (reciprocal) method, (ii) the sequential method, or (iii) another method the results of which

approximate those achieved by either of the methods in paragraph (e)(4)(i) or paragraph (e)(4)(ii).

(5) Where the activities represented by an indirect cost pool provide services to two or more cost objectives simultaneously, the cost of such services shall be prorated between or among the cost objectives in reasonable proportion to the beneficial or causal relationship between the services and the cost objectives.

(f) *Special allocation.* Where a particular cost objective in relation to other cost objectives receives significantly more or less benefit from an indirect cost pool than would be reflected by the allocation of such costs using a base determined pursuant to paragraphs (d) and (e) of this section, the Government and contractor may agree to a special allocation from that indirect cost pool to the particular cost objective commensurate with the benefits received. The amount of a special allocation to any such cost objective made pursuant to such an agreement shall be excluded from the indirect cost pool and the particular cost objective's allocation base data shall be excluded from the base used to allocate the pool.

(g) *Use of pre-established rates for indirect costs.* (1) Pre-established rates, based on either forecasted actual or standard cost, may be used in allocating an indirect cost pool.

(2) Pre-established rates shall reflect the costs and activities anticipated for the cost accounting period except as provided in paragraph (g)(3) of this section. Such pre-established rates shall be reviewed at least annually, and revised as necessary to reflect the anticipated conditions.

(3) The contracting parties may agree on pre-established rates which are not based on costs and activities anticipated for a cost accounting period. The contractor shall have and consistently apply written policies for the establishment of these rates.

(4) Under paragraph (g)(2) and (g)(3) of this section where variances of a cost accounting period are material, these variances shall be disposed of by allocating them to cost objectives in proportion to the costs previously allocated to these cost objectives by use of the pre-established rates.

(5) If pre-established rates are revised during a cost accounting period and if the variances accumulated to the time of the revision are significant, the costs allocated to that time shall be adjusted to the amounts which would have been allocated using the revised pre-established rates.

§ *418.60 Illustrations.*

(a) Business Unit A has various classifications of engineers whose time is spent in working directly on the production of the goods or services called for by contracts and other final cost objectives. In keeping with its written policy, detailed time records are kept of the hours worked by these engineers, showing the job/account numbers representing various cost objectives. On the basis of these detailed time records, Business Unit A allocates the labor costs of these engineers as direct labor costs of final cost objectives. This practice is in accordance with the requirements of § 418.50(a)(1).

(b) Business Unit B has a fabrication department, employees of which perform various functions on units of the work-in-process of multiple final cost objectives. These employees are grouped by labor skills and are interchangeable within the skill grouping. The average wage rate for each group is multiplied by the hours worked on each cost objective by employees in that group. The contractor classifies these costs as direct labor costs of each final cost objective. This cost accounting treatment is in accordance with the provisions of § 418.50(a)(2)(B)(i).

(c) Business Unit C accumulates the costs relating to building ownership, maintenance, and utility into one indirect cost pool designated "Occupancy Costs" for allocation to cost objectives. Each of these activities has the same or a similar beneficial or causal relationship to the cost objectives occupying a space. Business Unit C's practice is in conformance with the provisions of § 418.50(b)(1).

(d) Business Unit D includes the indirect costs of machining and assembling activities in a single manufacturing overhead pool. The machining activity does not have the same or similar beneficial or causal relationship to cost objectives as the assembling activity. Also, the allocation of the cost of the machining activity to cost objectives would be significantly different if allocated separately from the costs of the assembling activity. Business Unit D's single manufacturing overhead pool is not homogeneous in accordance with the provisions of § 418.50(b), and separate pools must be established in accordance with § 418.40(b).

(e) In accordance with § 418.50(b)(3), Business Unit E includes all the cost of occupancy in an indirect cost pool. In selecting an allocation measure for this indirect cost pool, the contractor establishes that it is impractical to ascertain a measurement of the consumption of resources in relation to the use of facilities by individual cost objectives. An output base, the number of square feet of space provided to users, can be measured practically; however, the cost to provide facilities is significantly different for various types of facilities such as warehouse, factory, and office and each type of facility requires a different level of resource consumption to provide the same number of square feet of usable space. Allocation on a basic unit measure of square feet of space occupied will not adequately reflect the proportional consumption of resources. Business Unit E establishes a weighted square foot measure for allocating occupancy costs, which reflects the different levels of resource consumption required to provide the different types of facilities. This practice is in conformance with provisions of § 418.50(e)(2)(B).

(f) Business Unit F has an indirect cost pool containing a significant amount of material-related costs. The contractor allocates these costs between his machining overhead cost pool and his assembly overhead cost pool. The business unit finds it impractical to use an allocation measure based on either consumption or output. The business unit selects a dollars of material-issued base which varies in proportion to the services rendered. The dollars of material-issued base is a surrogate base which conforms to the provisions of § 418.50(e)(3).

(g) Business Unit G has a machining activity for which it develops a separate overhead rate, using direct labor cost as the allocation base. The machining activity occasionally does significant amounts of work for other activities of the business unit. The labor used in doing the work for other activities is of the same nature as that used for contract work. However, the machining labor for other activities is not included in the base used to allocate the overhead costs of the machining activity. This practice is not in conformance with § 418.50(d)(2). Business Unit G must include the cost of labor doing work for the other activities in the allocation base for the machining activity indirect cost pool.

(h) Business Unit H accounts for the costs of company aircraft in a separate homogeneous indirect cost pool and allocates the cost to benefiting cost objectives using flight hours. Business Unit H prorates the cost of a single flight between benefitting cost objectives whenever simultaneous services have been rendered. Manager of Contract 2 learns of the trip and goes along with Manager of Contract 1. Business Unit H prorates the cost of the trip between Contract 1 and Contract 2. This practice is in conformance with the provision of § 418.50(e)(5).

(i) During a cost accounting period Business Unit I allocates the cost of its flight services indirect cost pool to other indirect cost pools and final cost objectives using a pre-established rate. The pre-established rate is based on an estimate of the actual costs and activity for the cost accounting period. For the cost accounting period Business Unit I establishes a rate of $200 per hour for use of the flight services activity. In March the contractor's operating environment changes significantly; the contractor now expects a significant increase in the cost of this activity during the remainder of the year. Business Unit I estimates the rate for the entire cost accounting period to be $240 an hour. Pursuant to the provisions of § 418.50(g)(4), the Business Unit may revise its rate to the expected $240 an hour. If the accumulated variances are significant, the business unit must also adjust the costs previously allocated to reflect the revised rates.

§ *418.70 Exemptions.*

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ *418.80 Effective dote.*

(a) The effective date of this Gost Accounting Standard is September 20, 1980.

(b) This Cost Accounting Standard shall be followed by each contractor on or after the start of his second fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

18. Section 1–3.1220–19 is added and reserved as follows:

§ 1–3.1220–19 [Reserved]

19. Section 1–3.1220–20 is added to read as follows:

§ 1–3.1220–20 Accounting for independent research and development costs and bid and proposal costs.

Part 420—Accounting for Independent Research and Development Costs and Bid and Proposal Costs

Sec.

420.10 General applicability.
420.20 Purpose.
420.30 Definitions.
420.40 Fundamental requirement.
420.50 Techniques for application.
420.60 Illustrations.
420.70 Exemptions.
420.80 Effective date.

Authority: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 U.S.C. App. 2168.

Source: 44 FR 55128, September 25, 1979, unless otherwise noted.

§ 420.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts. [§ 331.30 of this chapter.]

§ 420.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the accumulation of independent research and development costs and bid and proposal costs and for the allocation of such costs to cost objectives based on the beneficial or causal relationship between such costs and cost objectives. Consistent application of these criteria will improve cost allocation.

§ 420.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Bid and proposal (B&P) cost.* The cost incurred in preparing, submitting, or supporting any bid or proposal which effort is neither sponsored by a grant, nor required in the performance of a contract.

(3) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(4) *General and administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(5) *Home office.* An office responsible for directing or managing two or more, but not necessarily all, segments of an organization. It typically establishes policy for, and provides guidance to the segments in their operations. It usually performs management, supervisory, or administrative functions, and may also perform service functions in support of the operations of the various segments. An organization which has intermediate levels, such as groups, may have several home offices which report to a common home office. An intermediate organization may be both a segment and a home office.

(6) *Independent research and development (IR&D) cost.* The cost of effort which is neither sponsored by a grant, nor required in the performance of a contract, and which falls within any of the following three areas: (i) Basic and applied research, (ii) Development, and (iii) Systems and other concept formulation studies.

(7) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(8) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(b) The following modifications of definitions set forth in Part 400 of this Chapter are applicable to this Standard. None.

§ 420.40 Fundamental requirement.

(a) The basic unit for the identification and accumulation of IR&D and B&P costs shall be the individual IR&D or B&P project.

(b) IR&D and B&P project costs shall consist of all allocable costs, except business unit general and administrative expenses.

(c) IR&D and B&P cost pools consist of all IR&D and B&P project costs and other allocable costs, except business unit general and administrative expenses.

(d) The IR&D and B&P cost pools of a home office shall be allocated to segments on the basis of the beneficial or causal relationship between the IR&D and B&P costs and the segments reporting to that home office.

(e) The IR&D and B&P cost pools of a business unit shall be allocated to the final cost objectives of that business unit on the basis of the beneficial or causal relationship between the IR&D and B&P costs and the final cost objectives.

(f)(1) B&P costs incurred in a cost accounting period shall not be assigned to any other cost accounting period.

(2) IR&D costs incurred in a cost accounting period shall not be assigned to any other cost accounting period, except as may be permitted pursuant to provisions of existing laws, regulations and other controlling factors.

§ 420.50 Techniques for application.

(a) IR&D and B&P project costs shall include: (1) costs, which if incurred in like circumstances for a final cost objective, would be treated as direct costs of that final cost objective, and (2) the overhead costs of productive activities and other indirect costs related to the project based on the contractor's cost accounting practice or applicable Cost Accounting Standards for allocation of indirect costs.

(b) IR&D and B&P cost pools for a segment consist of the project costs plus allocable home office IR&D and B&P costs.

(c) When the costs of individual IR&D or B&P efforts are not material in amount, these costs may be accumulated in one or more project(s) within each of these two types of effort.

(d) The costs of any work performed by one segment for another segment shall not be treated as IR&D costs or B&P costs of the performing segment unless the work is a part of an IR&D or B&P project of the performing segment. If such work is part of a performing segment's IR&D or B&P project, the project will be transferred to the home office to be allocated in accordance with paragraph (e) below.

(e) The costs of IR&D and B&P projects accumulated at a home office shall be allocated to its segments as follows:

(1) Projects which can be identified with a specific segment(s) shall have their costs allocated to such segment(s).

(2) The costs of all other IR&D and B&P projects shall be allocated among all segments by means of the same base used by the company to allocate its residual expenses in accordance with 4 CFR Part 403; provided, however, where a particular segment receives significantly more or less benefit from the IR&D or B&P costs than would be reflected by the allocation of such costs to the segment by that base, the Government and the contractor may agree to a special allocation of the IR&D or B&P costs to such segment commensurate with the benefits received. The amount of a special allocation to any segment made pursuant to such an agreement shall be excluded from the IR&D and B&P cost pools to be allocated to other segments and the base data of any such segment shall be excluded from the base used to allocate these pools.

(f) The costs of IR&D and B&P projects accumulated at a business unit shall be allocated to cost objectives as follows:

(1) Where costs of any IR&D or B&P project benefit more than one segment of the organization, the amounts to be allocated to

each segment shall be determined in accordance with paragraph (e) above.

(2) IR&D and B&P cost pools which are not allocated under subparagraph (1) above shall be allocated to all final cost objectives of the business unit by means of the same base used by the business unit to allocate its general and administrative expenses in accordance with 4 CFR Part 410.50; provided, however, where a particular final cost objective receives significantly more or less benefit from IR&D or B&P costs than would be reflected by the allocation of such costs the Government and the contractor may agree to a special allocation of the IR&D or B&P costs to such final cost objective commensurate with the benefits received. The amount of special allocation to any such final cost objective made pursuant to such an agreement shall be excluded from the IR&D and B&P cost pools to be allocated to other final cost objectives and the particular final cost objective's base data shall be excluded from the base used to allocate these pools.

(g) Notwithstanding the provisions of paragraphs (d), (e) or (f), the costs of IR&D and B&P projects allocable to a home office pursuant to paragraph 420.50(d) may be allocated directly to the receiving segments, provided that such allocation not be substantially different from the allocation that would be made if they were first passed through home office accounts.

§ *420.60 Illustrations.*

(a) Business Unit A's engineering department in accordance with its established accounting practice, charges administrative effort including typing to its overhead cost pool. In submitting a proposal the engineering department assigns several typists to the proposal project on a full time basis and charges the typists' time directly to the proposal project, rather than to its overhead pool. Because the engineering department under its established accounting practice does not charge the cost of typing directly to final cost objectives, the direct charge does not meet with the requirements of § 420.50(a).

(b) Company B has five segments. The company undertakes an IR&D project which is part of the IR&D plans of segments X, Y, and Z, and will be of general benefit to all five segments. The company designates Segment Z as the project leader in performing the project. In accumulating the costs, each segment allocates overhead to its part of the project but does not allocate segment G&A. The IR&D costs are then allocated to the home office by each segment. The costs are combined with other IR&D costs that benefit the company as a whole. The costs are allocated to all five segments by means of the same base by which the company allocates its residual home office expense costs to all segments. This practice meets the requirements of § 420.40(b), .50(e)(2), and .50(f)(1).

(c) Business Unit C normally accounts for its B&P effort by individual project. It accumulates directly allocated costs and departmental overhead costs by project. The business unit also submits large numbers of bids and proposals whose individual costs of preparation are not material in amount. The business unit collects the cost of these efforts under a single project. Since the cost of preparing each individual bid and proposal is not material, the practice of accumulating these costs in a single project meets the requirements of § 420.50(c).

(d) Segment D requests that Segment Y provide support for a Segment D IR&D project. The work being performed by Y is similar in nature to Y's normal product and is not part of its annual IR&D plan. Segment Y allocates to the project all costs it allocates to other final cost objectives, including G&A expense. Segment Y then directly transfers the cost of the project to Segment D in accordance with its normal intersegment transfer procedure. This accounting treatment meets the requirements of § 420.50(d) and 4 CFR Part 410.

(e) Contractor E has six operating segments and a research segment. The research segment performs work under (i) research and development contracts, (ii) projects which are not part of its own IR&D plan but are specifically in support of other segments' IR&D projects, and (iii) IR&D projects for the benefit of the company as a whole.

(1) The research segment directly allocates the cost of the projects in support of another segment's IR&D projects, including an allocation of its general and administrative expenses, to the receiving segment. This practice meets the requirements of § 420.50(d).

(2) The costs of the IR&D projects which benefit the company as a whole exclude any allocation of the research segment's general and administrative expenses and are transferred to the home office. The home office allocates these costs on the same base it uses to allocate its residual expenses to all seven segments. This practice meets the requirements of § 420.50(e)(2) and (f)(1).

(f) Company F accumulates at the home office the costs of IR&D and B&P projects which generally benefit all segments of the company except Segment X. The company and the contracting officer agree the nature of the business activity of Segment X is such that the home office IR&D and B&P effort is neither caused by nor provides any benefit to that segment. For the purpose of allocating its home office residual expenses, the company uses a base as provided in 4 CFR Part 403. For the purpose of allocating the home office IR&D and B&P costs, the company removes the data of Segment X from the base used for the allocation of its residual expenses. This practice meets the requirements of § 420.50(e)(2).

(g) Company G has 10 segments. Segment X performs IR&D projects, the results of which benefit it and 2 other segments but none of the other seven segments. The cost of those projects performed by Segment X are transferred to the home office and allocated to the three segments on the basis of the benefits received by the three segments. This practice meets the requirements of § 420.50(e)(1) and .50(f)(1).

§ *420.70 Exemptions.*

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74–4 (Principles for Determining Cost Applicable to Grants and Contracts with State and Local Governments.)

§ *420.80 Effective Date.*

(a) The effective date of this Cost Accounting Standard is March 15, 1980.

(b) This Cost Accounting Standard shall be followed by each contractor as of the start of his second fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

(Sec. 205(c), 63 Stat. 390; U.S.C. 486(c))

Dated: December 5, 1981.

Ray Kline,

Acting Administrator of General Services.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Illinois, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., National Flood Insurance Program (202) 287–0230. Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 60.4(a)). An opportunity for the community or individuals to appeal this determination to or through the

community for a period of ninety (90) days has been provided, and the Associate Director has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Illinois	Downers Grove, Village DuPage County (Docket No. FEMA-6019)	East Branch	Downstream Corporate Limits	*677
		DuPage River	Upstream Corporate Limits	*677
		Lacey Creek	Confluence with East Branch DuPage River	*677
			Approximately 1,960 feet above confluence with East Branch DuPage River.	*677
Maps available for inspection at the Village Hall, 801 Burlington Street, Downers Grove, Illinois.				
Texas	Town of Refugio, Refugio County (FEMA-6141)	Mission River	Confluence of Tributary A	*39
		Tributary B	Approximately 100 feet downstream of U.S. Highway 77.	*43
			Just upstream of U.S. Highway 77	*47
			Approximately 80 feet downstream of Swift Street (Corporate Limits)	*53
Maps available for inspection at City Secretary's Office, City Hall, 613 Commerce Street, Refugio, Texas 78377.				
Virginia	Arlington County (Docket No. FEMA-6126)	Fourmile Run	Jefferson Davis Highway (upstream side)	*11
			Confluence of Long Branch	*16
			Shirlington Road (upstream side)	*50
			Confluence of Doctors Run	*82
			Columbia Pike (upstream side)	*111
			Abandoned Railroad second crossing (upstream side)	*169
			Wilson Boulevard (upstream side)	*217
			McKinley Road (upstream side)	*248
			Upstream Corporate Limits	*280
			Approximately 2,120 feet upstream of upstream Corporate Limits.	*289
		Doctors Run	Confluence with Fourmile Run	*82
			Washington Drive (upstream side)	*100
			Approximately 630 feet upstream of Sixteenth Street	*109
		Little Pimmit Run	Downstream Corporate Limits	*225
			Old Dominion Drive	*280
			Approximately 1,030 feet upstream of Little Falls Road	*306
		Little Pimmit Run Tributary	Confluence with Little Pimmit Run	*248
			37th Street North (extended)	*255
			Approximately 700 feet upstream 37th Street North (extended).	*271
		Long Branch (Downstream of Doctors Run).	Confluence with Fourmile Run	*16
			23rd Street South (upstream side)	*55
			Private Road (upstream side)	*90
			South Rolfe Street (upstream side)	*125
		Spout Run	Spout Run Parkway first crossing (downstream side)	*20
			24th Street North (downstream side)	*90
			Lee Highway (downstream side)	*176
			North Lincoln Street (upstream side)	*220
			North Quincy Street (upstream side)	*250
			Approximately 410 feet upstream of North Stafford Street.	*264
		Windy Run	Downstream Corporate Limits	*36
			Approximately 1,080 feet upstream of George Washington Memorial Parkway.	*120
			Approximately 2,880 feet upstream of George Washington Memorial Parkway.	*170
		Long Branch (Upstream of Doctors Run).	South Harrison Street extended (upstream side)	*170
			7th Street South extended (downstream side)	*190
		Lubber Run	Confluence with Fourmile Run	*164
			Approximately 1,400 feet upstream of Access Road	*215
			Wilson Boulevard (upstream side)	*250
			13th Street extended (downstream side)	*276
		Gulf Branch	George Washington Memorial Parkway (upstream side)	*80
			Military Road (downstream side)	*164
			North Upland Street (downstream side)	*210
			North Chestabrook Road (extended)	*230
		North Branch Donaldson Run	Confluence with Donaldson Run	*170
			31st Street North (upstream side)	*213
		Donaldon Run	George Washington Memorial Parkway (downstream side).	*30
			North Monroe Street extended (upstream side)	*100

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Military Road (upstream side)	*170
			North Vermont Street (downstream side)	*260
Maps available for inspection at the County Court House, 1400 North Courthouse Road, Arlington, Virginia.				
Washington	Douglas County (Unincorporated Areas) FEMA-6000	Douglas Creek at Palisades	Intersection of Palisades Road with the channel (near Unnamed Canyon 2).	*812
			Confluence with Sutherland Canyon	*873
			Confluence with Whiskey Dick Creek	*958
Maps available for inspection at Planning Department, 110 N.E. 3rd, East Wenatchee, Washington.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to the Associate Director)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 81-36286 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6139]

Letter of Map Amendment for the City of Killeen, Tex.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Killeen, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Killeen, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480031 Panels 0007B and 0008B, published on September 25, 1981, in 46 FR 47226, indicates that Lots 10 and 11, Block 12; Lots 7 and 8, Block 13, Bellaire Heights, 1st Extension, Killeen, Texas, as recorded in Plat Book 2, Page 180, in the Office of Clerk, Bell County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480031 Panels 0007B and 0008B are hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on August 3, 1981. These structures are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36262 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of El Cajon, Calif.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of El Cajon, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical

review of the Flood Insurance Rate Map for the City of El Cajon, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060289 Panel 0001B, published on October 6, 1980, in 45 FR 66117, indicates that Lot 65, Cajon Villas, Unit No. 2, El Cajon, California, recorded as Reception No. 80–057029, in the Office of the Recorder, San Diego County, California, is within the Special Flood Hazard Area.

Map No. H & I 060289 Panel 0001B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1977. This Lot is in Zone B.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36285 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Garland, Tex.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Garland, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Garland, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485471 Panel 0020B, published on October 6, 1980, in 45 FR 66098, indicates that Lots 1 through 9, Block 2, Northlake Estates No. 10, Garland, Texas, as recorded in Volume 78067, Page 1136, in the Office of the Clerk, Dallas County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485471 Panel 0020B is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on November 1, 1979. These structures are in Zone B.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirments or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36287 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Quincy, Mass.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Quincy, Massachusetts. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Quincy, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP): P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 255219A, Panel 03, published on October 6, 1980 in 45 FR 66021 indicates that Lots 8 and 9, as recorded on Plan No. 35537C, being a subdivision on LC 35537B, Lot 5, Quincy, Massachusetts in the Land Court of Massachusetts are within the Special Flood Hazard Area.

Map Number H & I 255219A, Panel 03, is hereby corrected to reflect that those portions of the property which are presently at or above 11 feet Mean Sea Level (MSL) are not within the Special Flood Hazard Area identified on July 30, 1976. Those portions of the lots which are between 11 feet (MSL) and 12 feet (MSL) are located within Zone B. Those portions which are at or above 12 feet (MSL) are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36272 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Milpitas, Calif.; Under National Flood Insurance Program

AGENCY: Federal Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Milpitas, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Milpitas, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060344 Panel 0003D, published on October 6, 1980, in 45 FR 66118, indicates that the Dempsey Road Office Complex, being Parcels 1 through 4 of Parcel Map, Milpitas, California, as recorded in File No. 7030218, Book 482 of Maps, Page 43, in the Office of the Recorder, Santa Clara County, California is within the Special Flood Hazard Area.

Map No. H & I 060344 Panel 0003D is hereby corrected to reflect that the existing structures located on the above mentioned property are not within the Special Flood Hazard Area identified on July 16, 1980. These structures are in Zone B.

Pursuant to provisions of 5 U.S.C. 605(b) the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas

on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36270 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6002]

Letter of Map Amendment for Chelan County, Wash.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Chelan County, Washington. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Chelan County, Washington, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 530015 Panel 0625A, published on October 6, 1981, in 45 FR 49126, indicates that Lot 3, Canyonside, Chelan County, Washington, as recorded in Book 9 of Plats, Pages 1 and 2, in the Office of the Auditor, Chelan County, Washington, is within the Special Flood Hazard Area.

Map No. H & I 530015 Panel 0625A is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on February 4, 1981. This Lot is in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 81-36271 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for East Baton Rouge Parish, LA.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included East Baton Rouge Parish, Louisiana. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for East Baton Rouge Parish, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 220058 Panels 0020A and 0045A, published on October 6, 1980, in 45 FR 66092, indicates that Lots 37 through 45 and 65 through 69, Shadow Oaks Estates, Subdivision, East Baton Rouge Parish, Louisiana, recorded as Original 935, Bundle 9435, in the Office of the Clerk of Court, East Baton Rouge Parish, Louisiana, are within the Special Flood Hazard Area.

Map No. H & I 220058 Panels 0020A and 0045A are hereby corrected to reflect that the above mentioned lots are

not within the Special Flood Hazard Area identified on July 2, 1979. These lots are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 81-36264 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Harris County, Tex.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panel 0175C, published on October 6, 1980, in 45 FR 66098, indicates that Lots 1 through 7 and 15 through 24, Block 1; and all of Blocks 2 through 5, Winchester County, Section One, Harris County, Texas, recorded as Document No. G863544 in Volume 300, Page 118 of Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287 Panel 0175C is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on February 24, 1981. These lots are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 81-36263 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Harris County, Tex.; Under National Flood Insurance Program

AGENCY: Federal Emergency Mangement Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panel 0175C, published on October 6, 1980 in 45 FR 66098 indicates, that Lots 2 through 5, Block 2; and Lots 11 through 20, Block 5, Winchester Country, Section One, Harris County, Texas, recorded as Document No. G863544 in Volume 300, Page 118 of Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287 Panel 0175C is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on February 24, 1981. These lots are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 81-36286 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6048]

Letter of Map Amendment for Lewis and Clark County, Mont.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Lewis and Clark County, Montana. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Lewis and Clark County, Montana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 300038 Panel 1527B, published on May 12, 1981, in 46 FR 26306, indicates that a 1.06 acre lot and two 1.00 acre lots, located in the NE¼ of Section 25, Township 11, North, Range 4 West, P.M.M., Lewis and Clark County, Montana, recorded as Document No. 313105, in Book 303, Pages 901 and 902, in the Office of the Recorder, Lewis and Clark County, Montana, are within the Special Flood Hazard Area.

Map No. H & I 300038 Panel 1527B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on April 1, 1981. These lots are in Zone B.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 81-36288 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for St. Louis County, MO.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Louis County, Missouri. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Louis County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition

of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290327 Panel 0150A, published on October 6, 1980, in 45 FR 66107, indicates that the existing Condominium Units 3 through 11, 58 through 98, and the clubhouse, located on Amended Westport Crossing Plat One, and Westport Crossing, 3rd Amended Final Development Plan, St. Louis County, Missouri, as recorded in Book 188, Page 14, and Book 206, Pages 43 and 44, respectively, in the Office of the Recorder, St. Louis County, Missouri, are within the Special Flood Hazard Area.

Map No. H & I 290327 Panel 0150A is hereby corrected to reflect that the above mentioned condominium units are not within the Special Flood Hazard Area identified on September 15, 1978. These structures are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36269 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 81 and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129; FCC 81-545]

Automated Inland Waterways Communications System, Automated VHF Common Carrier Systems, and VHF Frequency Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule, reconsideration.

SUMMARY: This document revises certain rules which were adopted to provide a frequency allocation (216–220 MHz) and basic operational and technical standards for automated, integrated river-wide maritime communications systems on the Mississippi River and connecting waterways. Additionally, this document denies requests for other rule changes. This action results from requests from parties who had previously commented in the proceeding. We expect that the revised rules will aid the implementation and operation of such future maritime communications systems.

EFFECTIVE DATE: January 11, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert McNamara, Private Radio Bureau, (202) 632–7175, or Robert Eckert, Office of Science and Technology, (202) 653–8116.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: December 4, 1981.

In the matter of amendment of Parts 81 and 83 of the Commission's rules to allocate spectrum for an automated Inland Waterways Communications System (IWCS) along the Mississippi River and connecting waterways and, Maritime Mobile Radio services: improvement in service through provision for automated VHF Common Carrier Systems and, VHF frequency assignments to the Maritime Radio services in the New Orleans and Lower Mississippi Rivers areas and on the coastlines of the contiguous states; memorandum opinion and order.

1. By this action in the above-captioned proceeding, we are granting the Petition for Reconsideration filed by Mid-American Television Company; Granting in part and denying in part the Petition For Clarification filed by Waterway Communications System, Inc., and denying the Petitions For Reconsideration filed by River Communications, Inc. and WJG Telephone Company. In addition, we are denying the Petitions For stay filed by River Communications, Inc. and WJG Telephone Company.

Background

2. In General Docket No. 80–1 the Commission consolidated a number of related requests to provide radio frequencies for an automated interconnected marine communications system on the Mississippi River and connecting waterways. Primarily, these requests for an Inland Waterways Communication System (IWCS) has been from tug, towboat and barge operators who serve the Mississippi River transportation system. Essentially, these tug and barge operators complained that the existing ship-shore communications service on the rivers was not adequate to meet their needs.

3. With the benefit of considerable in-depth public comment on the *Notice* in this proceeding,[1] the Commission, in the subsequent Report and Order,[2] took the actions indicated in the paragraphs below.

4. In light of the record of strong support, the Commission affirmed its earlier tentative conclusion that a need existed for an automated, integrated, interconnected inland waterways communications system(s) on the Mississippi River and connecting waterways.

5. The Commission allocated the 216–220 MHz band for use by maritime communications systems on the Mississippi River System. Certain technical requirements were prescribed to prevent potential interference with reception on television channels 10 and 13. This allocation was viewed to be in the public interest because (1) it is consistent with the U.S. proposal adopted for Region 2 at the 1979 World Administrative Radio Conference (WARC) of the International Telecommunication Union, (2) sufficient

[1] *Notice of Proposed Rule Making Order and Notice of Inquiry*, General Docket No. 80–1, FCC 80–2, 45 FR 3084. Three Errata were issued: mimeo 15497, 45 FR 6967; mimeo 15647, 45 FR 13477; mimeo 15775, 45 FR 17043.

[2] General Docket No. 80–1, released March 11, 1981, FCC 81–24, 46 FR 15690; An Errata was released April 29, 1981, mimeo 29348, 46 FR 28485.

spectrum is provided for such communications for the foreseeable future, (3) the propagation characteristics are favorable and the equipment and technology should be readily adaptable, and (4) of great importance to the maritime community, an Inland Waterways Communications System (IWCS) can likely be implemented without significant delays.

6. In regard to system and equipment standards, the Commission concurred with the view of the majority of the commenters that detailed technical standards, particularly for nonvoice services, should not be adopted at this time. Therefore, the Commission amended the rules to provide a framework under which system development could commence, but which would not unduly hinder innovation and flexibility. The standards adopted are summarized below:

(a) The band 216–220 MHz was channelized using a 25 kHz spacing to provide 80 duplex channels. The lower half of the band (216–218 MHz) was designated for coast station use and the upper half (218–220 MHz) was designated for ship station use. A spacing of 2 MHz between coast and ship frequencies was utilized.

(b) In general, stations will be authorized subject to the condition that no harmful interference be caused to television reception within the grade B contour. In addition, coast station transmitting facilities situated within 105 miles (168 kilometers) of a channel 13 TV station or 80 miles (129 kilometers) of a channel 10 station will be authorized only on the basis of an engineering determination of the potential interference area. Quantitative considerations were presented.

(c) The emission and bandwidth standards generally applicable to the maritime service were made applicable to IWCS stations. A frequency tolerance of 5 parts per million (ppm) and the standard 5 kHz deviation for coast and ship stations were also specified.

(d) Standards were not set for nonvoice transmissions other than that such transmissions must remain within the authorized bandwidth specified for voice transmission in the rules.

(e) In that it was considered too early to compel future system licensees to employ a specific signalling methodology, no signalling format was mandated.

(f) The Commission also required that applicants seeking to operate an IWCS demonstrate that the proposed system would provide continuity of service along a major portion (more than 60%) of one or more navigable waterways encompassing the Mississippi River System. Waterways less than 150 miles long were required to be served in their entirety. A list of waterways encompassing the Mississippi River System, derived from the U.S. Army Corps of Engineers, was included in the rules.

7. Among the issues addressed in the subject *Report and Order* was an application (file No. W–P–C–2279) submitted by Waterway Communications Systems, Inc. (Watercom) pursuant to section 214 of the Communications Act. In essence, Watercom sought a determination that an IWCS was needed and authority to operate such a system utilizing four VHF maritime public correspondence frequencies with additional "Appendix 18" frequencies[3] to be made available in the future. Because Watercom's application had been effectively superseded by this rulemaking proceeding (in which Watercom fully participated) the application was dismissed without prejudice.

8. The *Report and Order* also terminated General Docket No. 80–1. In that the main thrust of this voluminous proceeding involved the frequency allocation question, the Commission believed that having resolved the allocation issue and basic channelization standards, the Docket should be terminated. If new rules relative to IWCS systems are requested by the public or deemed appropriate by the Commission, the better course appeared to be to initiate a new rulemaking proceeding rather than leave General Docket 80–1 open and issue Further NPRM's.

Petitions

9. A number of petitions were filed in response to the *Report and Order*. Waterway Communications System, Inc. (Watercom) filed a Petition For Clarification. Mid-America Television Company (Mid-America) licensee of Television Station KRCG–TV, Channel 13, Jefferson City, Missouri; River Communications, Inc. (Rivercom) an association of existing public coast station licensees; and WJG Telephone Company (WJG) a public coast station licensee submitted Petitions For Reconsideration. In addition, Petitions For Stay were filed by WJG and Rivercom.[3A]

10. Oppositions and statements in support of petitions were submitted by the parties indicated below:

—Watercom filed Oppositions to the Petitions For Stay and Petitions For Reconsideration submitted by Rivercom and WJG.

—The Association of Maximum Service Telecasters, Inc. (AMST) an organization of approximately 260 television broadcast stations filed a Partial Opposition to Watercom's Petition For Clarification.

—RKO General, Inc. (RKO) the licensee of WHBQ–TV, Channel 13 in Memphis, Tennessee filed a statement in suppport of Mid-America's Petition For Reconsideration.

—Gateway Communications, Inc. (Gateway) licensee of WOWK–TV, Channel 13 in Huntington, West Virginia, also submitted a statement in support of Mid-America's petition.

—Rivercom filed comments in support of WJG's Petition For Reconsideration.

—The Maritime Administration (MARAD) submitted comments regarding the Petitions For Reconsideration and Clarification.

11. The following Replies were received in response to the various oppositions:

—Watercom filed a Reply to AMST's Partial Opposition.

—Rivercom filed a Reply to Watercom's Opposition to the Petitions For Reconsideration.

—WJG submitted a Reply to MARAD's comments.

Petitions for Stay

12. WJG argues in support of its Petition For Stay that (1) if licenses were issued and construction commenced, subsequent amendment of the rules might subject parties to irreparable harm, and (2) WJG would likely make different decisions concerning its potential involvement in an IWCS if the rules were amended as suggested in its Petition For Reconsideration.

13. In its petition, Rivercom states that the effective date of the subject rules should be stayed pending reconsideration because (1) prudent

[3] This refers to Appendix 18 of the ITU Radio Regulations which contains the frequency bands in the 150–170 MHz region allocated internationally for maritime mobile use. The specific bands are 156.025–157.425, 160.625–160.975, and 161.475–165.025 MHz. These bands were allocated internationally for maritime use by the 1959 World Administrative Radio Conference (WARC). The 1959 WARC, however, also adopted footnote No. 287 Mar 2 in Article 5 of the ITU Radio Regulations which, in effect, permits the continued use of some of the frequencies in Appendix 18 for other than maritime purposes. For convenience we will refer to all of these frequencies as "Appendix 18" frequencies.

[3A] We note that WJG has also filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia, *WJG Telephone Company, Inc.* v. *FCC*, D.C. Cir. No. 81–1461, raising issues similar to those addressed herein. This Petition for Review remains pending. Rivercom, an intervenor in this case, filed a Motion for Stay on September 9, 1981, which was subsequently denied by the Court on October 19, 1981

system planning is not possible until the Commission acts on its request to establish signalling standards and related channelization requirements, (2) if Rivercom unilaterally refrains from filing an application all available channels may be applied for by others, (3) incompatible parallel systems may otherwise be developed, and (4) the licensee of the first system authorized could exert economic pressure on the Commission to adopt its signalling system as a standard.

14. Watercom filed an Opposition to the Petitions For Stay. In essence, Watercom argues that the petitioners have not made a sufficient showing under the criteria considered by the Commission in determining whether a stay should be issued.[4] Nothing is said concerning the likelihood of the petitioners prevailing on the merits of their respective Petitions For Reconsideration. None of the reasons advanced by the petitioners are seen to demonstrate irreparable injury. Rather, Watercom characterizes the showings of both petitioners as "* * * general allegations of potential harm predicated upon an undefined scenario"[5] Watercom finds no actual showing of harm, of decisions impacted, of a time table for such decisions, of the irrevocable nature of such decisions or substantial burden resulting from changing such decisions, or any like demonstration of irreparable harm.

15. With regard to the signalling methodology issue, Watercom states that the internal signalling system is only one facet of a complex design which could be easily be deferred or modified at a later date, and that the system recommended by Rivercom is available off-the-shelf and thus does not constitute a major design element. Watercom notes that in its comments to the *Notice* an allocation of sixty channels was recommended, while Rivercom requested a fifty channel allocation. Therefore, the eighty channel allocation made by the Commission in this proceeding should be more than adequate to meet present demand. If Rivercom chooses to defer system design pending reconsideration it should not be precluded from subsequently applying for system authorization. As the Commission being subject to economic pressure by a party proceeding with system development prior to reconsideration, Watercom states that it projects a lead time of at least one year before the first shore station can be installed. It expects Commission action on the pending petitions well within this time frame.

16. Further, Watercom argues that the public interest requires that the development of the new communications services for the domestic maritime community progress as expeditiously as possible. Staying the effectiveness of the rules would result in delay of IWCS development, thereby being detrimental to the user public. Watercom also declares that it would suffer economic harm by the issuance of a stay. It estimates planned construction to cost $10 million, and inflation at 12 percent per annum. Thus every month of delay could add $100,000 to its construction costs. Watercom submits that the more prudent less costly approach is to deny the Petitions For Stay and accept applications subject to modification as may be required as a result of reconsideration by the Commission.

Discussion of Petitions For Stay

17. We are denying the Petitions For Stay because neither WJG nor Rivercom sustained its burden under the standards enuniciated in the *Virginia Petroleum Jobbers Association* case and the *Holiday Tours* case (footnote 4, *supra*). As Watercom states in its opposition to the petitions, WJG and Rivercom have simply made general allegations of potential harm. Neither petitioner made any showing regarding its likelihood of prevailing on the merits of its Petition For Reconsideration, nor did they demonstrate that without the requested relief they would suffer irreparable injury. Further, it appears that substantial harm in the form of an adverse economic impact estimated at $100,000 per month would be incurred by Watercom, and that after years of effort by the inland waterways transportation industry the public interest would be best served by allowing the development of IWCS systems to continue without interruption.

18. In any case, since we are acting on the various Petitions For Reconsideration herein, the Petition For Stay are mooted. We further note that in light of the considerable engineering requirements imposed to protect television reception in adjacent broadcast bands, no application has yet been granted.

Mid-America Petition For Reconsideration

19. In its petition Mid-America requests that a notification procedure be adopted by which licensees of television stations operating on channels 10 and 13 are advised of the filing of IWCS applications which propose operations within the parameters set out in new § 81.134(j)(2). Specifically, this section requires that IWCS coast stations located less than 105 miles from a channel 13 television station, or 80 miles from a channel 10 station, or using an antenna height greater than 200 feet, operate in accordance with an engineering plan designed to suitably limit the interference contour.

20. Mid-America asks that the system applicant be required to give notice of the filing of such an IWCS application to the television stations which may be affected. Further, it suggests a statement be included in the application listing the television stations potentially affected and certifying that they have been notified of the filing. Mid-America believes that this procedure would not measurably increase the burden on the applicant. Rather, it would encourage coordination, contribute to efficient resolution of any interference potential, and reduce the likelihood of complaints once the system is in operation.

21. RKO, AMST and Gateway filed statements in support of Mid-America's petition. The parties request that the notification procedures suggested by Mid-America be adopted by the Commission. The rationale proffered by Mid-America is fully concurred in by RKO, AMST and Gateway.

22. Watercom in its opposition to Petitions For Reconsideration poses no objection to Mid-America's requested notification procedures. Watercom notes that it intends to cooperate with television broadcast licensees to assure that no harmful interference is caused to the Broadcast Service and, reciprocally, to assure optimum operation of its proposed maritime communications system.

Discussion of Mid-America Petition

23. We agree that the notification procedure suggested by Mid-America will encourage coordination and reduce potential interference problems while placing little additional burden on system applicants. Accordingly, we are amending § 81.134(j) substantially as requested by Mid-America.

Watercom Petition for Clarification

24. Although Watercom endorses the allocation of the 216–220 MHz band for automated marine communication

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[4] In *Viginia Petroleum Jobbers Association* v. *Federal Power Commission*, 259 F. 2d 921 (D.C. Cir. 1958) and *Washington Metropolitan Area Transit Commission* v. *Holiday Tours, Inc., et al.*, 182 U.S. App. D.C. 220, 559, F. 2d 841 (1977) the court indicated that essentially four factors influence the decision whether to grant a stay.

[5] Opposition To Petition For Stay filed by Watercom April 20, 1981, at p. 6.

systems and commends the Commission's approach to meet present and future requirements, its petition addresses certain points characterized as "housekeeping" in nature. Essentially, Watercom asks that:

a. The Commission's intention to license and regulate inland waterways communications systems on a distinct basis from existing class III public coast stations be more clearly reflected in the rules;[6]

b. The Gulf Intracoastal Waterway (GIWW) be included within the definition of the Mississippi River System; and

c. The authorized ship station transmitter power be increased to a maximum of 50 watts provided the power is automatically reduced to produce an ERP not exceeding 18 watts within the grade B contour of a protected television station.

Gulf Intracoastal Waterway

25. Throughout this proceeding the Commission has referred to the proposed IWCS service as extending to the Mississippi River and connecting waterways. As Watercom points out, both the *Notice* (in footnote 2) and *Report and Order* (in footnote 1) listed certain waterways as illustrative of those waterways connecting to the upper and lower Mississippi River.[7] In new §§ 81.913(a) and 83.1100 these same waterways specifically define the Mississippi River System. Watercom argues that the Gulf Intracoastal Waterway (GIWW) which is not included in the list of waterways defining the Mississippi River System is indeed an integral part of the Mississippi River System. Therefore, Watercom requests that the Mississippi River System be redefined in the rules to include the GIWW.

26. No oppositions were filed in response to Watercom's request to include the GIWW in the definition of the Mississippi River System. However, Fairfield Industries, Inc. and the Manufacturers Radio Frequency Advisory Committee (MRFAC) both filed comments on the *Second Notice of Inquiry* in General Docket No. 80–739 (concerning the implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979) which referenced the GIWW issue raised in Watercom's Petition For Clarification. These comments were also tendered for filing in General Docket No. 80–1 after the date for filing comments had passed. Both Fairfield and MRFAC note that expansion of maritime communications along hundreds of miles of the Gulf Coast could pose potential interference problems for certain telemetry operations. In any event, Fairfield and MRFAC argue that this issue should be the subject of a separate rulemaking proceeding in which all interested parties would be afforded notice and opportunity to comment. Watercom filed a Reply to Fairfield and MRFAC, which also was placed in the record of this proceeding. In essence, Watercom argues that no incompatability has been shown between maritime mobile use of the 216–220 MHz band and existing telemetry operations, that as a secondary service telemetry operations do not have standing to object to maritime mobile use of the band, and that the maritime 216–220 MHz allocation should be implemented on a priority basis.

Ship Station Power

27. Included in the provisions for protection of television reception is the restriction contained in § 83.134(l) which limits IWCS ship stations to a transmitter power which in combination with the antenna system produces an ERP not exceeding 18 watts. This section also limits transmitter output power to 25 watts or less measured at the transmitter output terminals. Watercom submits that outside of the grade B contour of protected television stations the limitation on the ship station output power is unnecessary.

28. Watercom argues that the objectives of § 83.134(l) may be achieved alternatively by allowing the use of vessel transmitters with output power not exceeding 50 watts and which automatically, by program and/or command control from the coast station, reduce power to an ERP not exceeding 18 watts within the grade B contour of a television station to be protected. Inasmuch as Watercom's IWCS concept entails coast station control of ship stations, the system can be designed to require such power reductions. This will permit the use of essentially the same type transmitter by ship and coast stations. Watercom also states that such a feature will optimize system design and performance while maintaining the same degree of protection for television. Therefore, Watercom requests that the rules be revised to allow ship transmitters to employ up to 50 watts output power provided the system is designed to automatically reduce power to an ERP not exceeding 18 watts when the vessel is in the grade B contour of a protected television station.

29. In its Partial Opposition to Watercom's Petition For Clarification AMST states that the request to permit increased power outside of Channel 13 grade B contours should be denied. AMST argues that such an increase in authorized power will create a risk of interference to television broadcast service beyond the grade B contour.

30. The Maritime Administration in its response to the petitions filed supports flexible power levels. In its view the steps for power increases and means for power control should be left to system design.

31. In its Reply to AMST's opposition, Watercom notes AMST's objection to the requested power increase is premised on the grounds that television reception beyond the grade B contour is weak and thus more susceptible to degradation by signals in adjacent frequency bands. Watercom submits that AMST's position would result in the Commission protecting television signals beyond the grade B contour, which would be inconsistent with the rules and policy. Further, it argues that the rules adopted in this proceeding go far beyond the legal and engineering requirements necessary to protect TV reception. Poor TV reception, in its view, is due to the failure of TV receivers to have adequate adjacent channel selectivity.

Discussion of Watercom Petition

Gulf Intracoastal Waterway

32. As Watercom states in its petition, there is a major flow of traffic between the GIWW and the Mississippi River. Only the Ohio River has a higher traffic interchange. Additionally, the GIWW was not specifically excluded from the IWCS service in the *Notice* or *Report and Order* in this proceeding. However, the GIWW was not mentioned at all in

[6] In the Errata in General Docket No. 80–1 released April 29, 1981, mimeo 29348, 46 FR 28485, the Commission specifically excluded stations operating in the 216–220 MHz band from the definition of class III public coast stations, and added a U.S. footnote (which was inadvertently deleted from the *Report and Order*) to the Table of Frequency Allocations to protect the Navy SPASUR system. These corrections substantially satisfy Watercom's request for the clarification of the relationship between IWCS systems and existing Class III public coast stations and its comment regarding protection for the Navy SPASUR system. Therefore, these two issues raised by Watercom are moot.

[7] The waterways listed as connecting to the upper and lower Mississippi River were: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black (Wisc.), Calcasieu, Cumberland, Green/Barren, Hiwassee, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo Rivers. The canal project currently under construction to connect the Tennessee and Tombigbee Rivers will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.)

this lengthy proceeding. Neither the Commission nor any of the numerous commenters including Watercom, specifically suggested that the GIWW was or ought to be included in a discussion of frequency allocation for an automatic "inland" waterways communications system. The entire proceeding focused on the Mississippi River and connecting inland rivers. The Commission did not intend, nor do we believe interested parties considered General Docket No. 80–1 to include some 1100 miles of Gulf Coast in the Mississippi River System.

33. Accordingly, we feel it would be fundamentally unfair to expand the area of IWCS service along the Gulf Coast approximately from Port Isabel, Texas, to the Florida Panhandle without providing interested parties adequate notice and an opportunity to comment. Therefore, we are denying Watercom's request to clarify the rules by including the GIWW within the definition of the Mississippi River System.

34. However, since substantial waterborne traffic flows between the GIWW and the Mississippi River System, we will initiate a separate rulemaking proceeding proposing to expand the IWCS service area to include the GIWW. This will provide the public adequate notice and an opportunity to comment on the merits of such an expansion of the subject maritime communications system.

Ship Station Power.

35. It appears that Watercom's request for an increase in the authorized IWCS ship station power will not reduce the level of protection provided for TV reception in this proceeding. Power would only be increased in areas where it has been demonstrated that it is unlikely that interference will be caused to television reception within a station's grade B contour. Where this has not been shown, power would automatically (as opposed to manually) be reduced to the currently specified levels. At the same time IWCS operators would likely realize cost savings and increased design and operational flexibility.

36. Accordingly, we will amend § 83.134(l) of the rules substantially as requested by Watercom to permit IWCS ship station transmitters to utilize maximum output power of 50 watts provided power is automatically reduced to an ERP not exceeding 18 watts wherever it has not been specifically shown that television reception within the grade B contour is unlikely to be affected.

Rivercom Petition for Reconsideration

37. Rivercom requests that the Commission reconsider the rules adopted in the *Report and Order* in two general areas. First, it asks that a standard signalling format be adopted. Second, Rivercom urges that the Commission require that all shipboard units be capable of operating on all 80 allocated channels and utilize a common signalling channel.

Signalling Standard

38. In the comments to the *Notice* Rivercom proposed a signalling format currently available from some equipment manufacturers (e.g., the Secode system). Watercom, MARAD and the Radio Technical Commission for Marine Services (RTCM) urged that the proposed international digital selective calling protocols (SELCALL) be utilized. In the *Report and Order* the Commission did not mandate a specific signalling methodology for IWCS systems. Although the SELCALL system was seen to have advantages in terms of interoperability and could ultimately reduce unit costs, the Commission believed it was too early to compel future licensees to employ a specific signalling methodology. It was felt that potential licensees would better by able to determine what signalling format is most advantageous for a given system design once the allocated frequency band and basic channelization requirements were specified.

39. In its petition Rivercom argues that the Commission should adopt a signalling standard in order to permit full and effective competition. Although Rivercom applauds the Commission's goal in General Docket No. 80–1, it believes more detailed standards are necessary before reasonable businessmen can make sizable investments to furnish IWCS service. Rivercom again urges that the Commission adopt the signalling standard it proposed in its comments in this proceeding. However, Rivercom states that it believes it is far more important to adopt a standard than to adopt its own proposal. In the Reply to Watercom's opposition, Rivercom again states that while it believes SELCALL is not cost justified or proved technologically, it would prefer the SELCALL system to no standard.

40. Watercom notes in its opposition that a standardized IWCS signalling methodology is acceptable. However, Watercom argues that the internationally compatible SELCALL system which represents the state-of-the-art signalling protocol should be selected if the Commission prescribes a signalling methodology. The ready availability of the relatively low speed Secode system is not considered to outweigh the technical advantages of the international SELCALL system. Watercom further indicates that it has no objection to Rivercom or any other party using the Secode or similar systems, so long as the Commission does not prescribe the use of the system for all licensees.

41. MARAD agrees with Rivercom that a standardized signalling methodology is essential. However, MARAD strongly supports the adoption of the internationally compatible SELCALL system. WJG considers SELCALL too costly and notes that no off-the-shelf equipment is yet available.

All-Channel Operation

42. Rivercom submits that in order to ensure effective competition the Commission should require that a compatible signalling channel be used by all systems* and that all mobile units, i.e., ship stations, be capable of operation on all 80 channels allocated for IWCS use. These requirements are deemed necessary to assure that all ship stations may have access to multiple systems. Rivercom refers to the Public Air-Ground Radiotelephone Service as an example of a service using compatible signalling and all channel capability.

43. Watercom vigorously opposes Rivercom's request that a common signalling channel be mandated. In its analysis Watercom indicates that a signalling channel utilizing the spectrum-efficient SELCALL format can accommodate a twenty channel operation in a busy port area such as New Orleans. Expanding the use of a signalling channel to serve up to as many as 80 channels would exceed the capacity of any signalling channel. Using more than one channel complicates the mobile station equipment, thus increasing unit costs. In regard to the possible use of a tieline to synchronize operations or provide simultaneous signalling of ships, Watercom notes that there is no indication of the allocation of costs or responsibility, or that the possibility exists that the coast stations of competing systems would not substantially overlap service contours. If the stations of competing systems were interspersed between each other it

*As an alternative to one signalling channel Rivercom notes that each licensee could use its own signalling channel with an intersystem tieline to any other system with duplicate coverage. Ships would be signalled on all systems simultaneously

would be necessary to interconnect three stations rather than two stations. A reduction in signalling channel efficiency would result.

44. Watercom further argues that such an arrangement is unworkable from an operational standpoint. If a call is received on one system and via simultaneous signalling "answered" by a subscriber to another system, an unanswered call would result since the call would not be switched to the second system's working channel. Watercom notes that no system operator could reasonably be expected to maintain landline interconnect and routing channels in sufficient quantities to handle calls over competitor systems as well as its own traffic.

45. Watercom also express concern that Rivercom's mutual signalling request raises the potential for unfair practices and methods of competition. In essence, Watercom fears that a smaller, less sophisticated system operator could utilize the internal networking features of a larger more highly developed system to the latter's economic disadvantage. Watercom finds it impractical, costly and of no public interest benefit to so highly structure user employment of optional services.

46. In regard to Rivercom's request that the Commission require all mobile units to be equipped for full 80 channel operation, Watercom argues that whether a vessel is so configured should be a user choice. It estimates that the additional cost of equipping a vessel to operate on 80 channels, in lieu of 20 channel, is approximately $2,000.[9] In its view it is unreasonable to require a user electing to employ such a system to equip for full 80 channel operation.

47. Watercom finds the analogy with the public air-ground service inappropriate. The public air-ground service utilizes a geographic frequency assignment plan for locally operated stations. There is no interstation networking, rather the stations are individually interconnected with the public switched telephone networks. This is similar to the existing maritime mobile service provided on the Appendix 18 frequencies. There is no requirement that a ship station be operated on Appendix 18 public correspondence channels at all, or on any specific complement of public correspondence channels. Thus Watercom considers it inappropriate to require all channel capability in the 216–220 MHz band.

48. In its Reply to the Opposition Rivercom states that Watercom has misunderstood the manner in which common calling procedures would work. It envisions common signalling as permitting a call to be completed and service provided in all cases through an intersystem tie proposal, i.e., one system would perform the "handshake" and assign the call to the other's working channel. Charges for services would be mutually agreed by the licensees or resolved under the Commission's tariff jurisdiction. Further, Rivercom argues that Watercom's estimated price for additional duplexers is inflated. Its research indicates that full 80 channel capability versus 20 channel capability would cost an additional $900 to $1,000 per unit.

49. MARAD in its response indicates that it believes a common signalling channel is not technically or operationally feasible. It feels the simultaneous signalling proposal would be disastrous due to the interference potential to the calling channel which must remain interference free for automation to be reliable. MARAD also states that the requirement for all channel mobile units need not be imposed by regulation. With a standard signalling protocol, a user may choose any available system or all systems and obtain appropriate equipment. Likewise, intersystem interconnection is not viewed as a regulatory requirement.

50. WJG in its response finds it ironic that MARAD supports the SELCALL signalling system but opposes requirements for interconnect and integration. As relevant here, WJG generally supports Rivercom.

Discussion of Rivercom Petition

Signalling Standard

51. Initially, we note that at this time the CCIR has yet to adopt the Draft Recommendation "Automatic VHF/UHF Maritime Mobile Telephone System" which uses the Digital Selective Calling System (SELCALL) as the basis for signalling over the radio path.[10] Further, hardware utilizing the SELCALL methodology is not generally available in the marketplace. Therefore, while we recognize that an international maritime signalling format has advantages in terms of system interoperability and may ultimately reduce unit costs, we affirm our earlier view that it is premature to compel future system operators and users to employ a specific signalling methodology. Prospective applicants are free to exercise their business judgement as to the best signalling methodology for their proposed system. If, as Rivercom suggests, Watercom does become the first to install an IWCS utilizing the SELCALL format, Rivercom is free to employ a compatible SELCALL format or another signalling format deemed more appropriate. It does not appear that such flexibility at this developmental stage will harm Rivercom or any other potential applicant.

52. Accordingly, we will not establish an IWCS signalling standard at this time.

All Channel Operation

53. As indicated by MARAD and Watercom, it appears that designating one IWCS signalling channel would introduce a number of potential technical and operational problems. We emphasize that our intention in this proceeding is to adopt the minimum system and equipment technical standards necessary to provide a framework under which system development can begin but which will not unduly hinder innovation or flexibility. We believe that a prescribed signalling channel at this early juncture[11] would unnecessarily restrict flexibility in system development. We are permitting single or multiple channel systems to be employed for calling purposes at this time. However, when the IWCS service has sufficiently matured we may revisit this matter if the public interest so dictates.

54. Likewise, requiring all mobile units to be equipped for full 80 channel operation would appear to unnecessarily restrict the users' options. Even assuming the Rivercom's lowest estimated cost of $900 per unit (to increase operational capability from 20 channels to 80 channels) is accurate, a significant additional cost could be imposed on potential users such as towboat and barge operators who may not need or desire all-channel capability. We feel that the best course of action is to allow the user to select the channel capability that it considers most advantageous for its specific operations.

55. Therefore, we are denying Rivercom's request that a compatible

[9] Watercom noted that given the narrow spacing between transmit and receive frequencies duplexers will be required. Commonly each duplexer can accommodate 0.5 MHz on both transmit and receive (20 channels). It submits that the cost of three additional duplexers and switching equipment is about $2,000.

[10] CCIR is the International Radio Consultative Committee of the International Telecommunication Union. It is expected that the CCIR Plenipotentiary Meeting will adopt the subject recommendation in 1982.

[11] One application for an IWCS system has been filed. In light of the large undertaking required to serve a specialized and limited market, we do not expect a great number of applications for collocated systems will be received.

signalling channel be used by all IWCS systems and that all mobile units be capable of operating on all 80 allocated channels.

WJG Petition for Reconsideration

56. In its petition WJG requests that the requirement for IWCS systems to serve a major portion (more than 60%) of one or more navigable waterways encompassing the Mississippi River System be deleted. WJG also asks that existing public coast stations be granted grandfather rights to operate an IWCS. Further, WJG opposes terminations of this proceeding and, in essence, seeks to have it made subject to the ultimate resolution of other proceedings.

60 Percent Service Requirement

57. WJG argues that the requirement for IWCS applicants to provide a continuity of service along a major portion (more than 60%) of one or more navigable waterways encompassing the Mississippi River System [12] is arbitrary, discriminatory and not rationally related to any of the stated goals of this proceeding. It states that the 60% figure was not specifically discussed nor proposed in the *Notice*. Noting that a system would be permitted on rivers which through geographical circumstance are less than 150 miles, WJG sees no rational basis to require systems located elsewhere to be greater than 150 miles.

58. Rivercom filed comments in support of WJG, which is indicated to be a founding member of Rivercom. It also asks for the deletion of the service area requirement, which would permit the licensing of individual stations rather than require a system authorization.

59. Watercom submits in its Opposition that the 60% coverage requirement is too low and that a higher figure is warranted to meet the objectives developed in the record of this proceeding. Continuity of coverage optimizes system and spectrum efficiency and user employment. Watercom sees the entire thrust of General Docket No. 80–1 as having been to provide a frequency complement to allow the establishment of a communications system serving the Mississippi and connecting waterways. It is not viewed as concerned with providing additional frequencies for single station operations as exists in the 156–162 MHz band. Watercom notes that the 60% (or greater) navigable channel coverage requirements is simply a form of implementing the systemization requirement intended throughout the proceeding.

60. Watercom states that the *Notice* and the Comments of the various parties, and even the docket caption, clearly evidenced that the proposed allocation was intended for a communications system. It points out that Watercom's rulemaking petition (RM 3101) and its application (File No. W–P–C–2279) which served as the genesis of this proceeding concerned development of a river-wide communications network. Watercom provides a number of quotations from the *Notice* demonstrating the Commission's intent to provide an allocation for river communications systems as distinguished from the individual station operation characteristics of the 156–162 MHz band.[13]

61. Further, Watercom states that all the commenters representing the user community supported the river-wide systemization requirement and that the existing public coast station operators certainly understood the proposed frequency allocation was intended to provide for river-wide systems rather than individual local stations. Watercom illustrates that Rivercom and the existing coast stations indeed recognized and supported the system coverage requirement. Rivercom described its interest in this proceeding in paragraph one of its Comments filed April 7, 1980, as follows:

> Rivercom was incorporated February 20, 1980, as a vehicle for participation by existing Public Coast licensees in an automated public correspondence network as proposed in the instant matter.

In its Petition for Reconsideration WJG states that it desires the option to work with existing public coast stations to operate an IWCS on a network basis. Watercom notes that Rivercom, in which WJG claims membership, is the apparent vehicle to accomplish this objective.

62. Watercom argues that coverage requirement as a condition of licensing is indigenous to the system or network aspect of utilization of the spectrum allocation. Both WJG and Rivercom have indicated that existing public coast station licensees can pool resources to provide service on a network basis. This is perceived as consistent with the Report and Order. However, Watercom believes that to separate the systemization requirement from the licensing process could defeat the purpose of the allocation. If a "network plan" were employed as a ruse to obtain local operating authority in the 216–220 MHz band, Watercom feels the Commission would have no effective means of enforcing the systemization requirement should some stations become non-operational.

63. Contrary to WJG and Rivercom, Watercom asks that the Commission not only retain the minimum river coverage requirement but that it be increased in order to better comport with the objectives set forth in the *Notice*.

Grandfather Rights

64. WJG asks that the Commission grant existing public coast stations "grandfather" rights to permit operation on the IWCS frequency band within their existing service territories (as defined in § 81.303 (a) and (b)). WJG envisions that these stations could then voluntarily enter into interoperating agreements in order to achieve intrasystem compatibility and technical compliance with the applicable rules. The public benefit to be derived is the continued economic viability of the existing public coast stations on the Mississippi River System. In addition, WJG asks that the Commission provide continued economic supervision of IWCS operators to prevent anticompetitive practices.

65. Watercom opposes WJG's request for "grandfather" rights for existing public coast stations. It argues that WJG is not requesting "grandfather" rights in the common sense of the term, but rather a right to a "head-start" in a new communications service. Watercom states that it knows of no precedent for permitting existing service suppliers a head-start in rendering a new service. Additionally, Watercom notes that the WJG approach reiterates the local operation concept rejected by the Commission in this proceeding, without demonstrating error or introducing new factors. In regard to WJG's request for continuing economic supervision, Watercom states it assumes the Commission will carry out its responsibilities as mandated by the Communications Act.

Other Issues

66. WJG also raises a number of other matters in its petition. It suggests that if a limited (i.e., private) IWCS is someday authorized and if it functions as a public (i.e., common carrier) system, such a system should be regulated as a common carrier. Additionally WJG opposes the termination of General Docket No. 80–1. In essence, it argues that now that the IWCS allocation has been made, the docket should remain

[12] See 47 CFR 81.913(b). Rivers less than 150 miles long must be served in their entirety.

[13] See, Opposition to Petitions For Reconsideration, filed May 14, 1981, by Watercom, p. 14–16

open and address issues such as interconnection, terms of access and the division of revenues with the wireline telephone companies. Further, WJG comments on a number of other dockets of potential affect on the Maritime Mobile Service which are pending before the Commission.

67. Watercom states that comments pertaining to landline interconnection and operation of public coast stations operating in the 156–162 MHz band have no relationship to the IWCS allocation and thus are completely outside the scope of this proceeding. Thus, these issues should be addressed in the appropriate proceedings.

Discussion of WJG Petition

60 Percent Service Requirement

68. The purpose of General Docket 80–1 was to provide a frequency allocation to allow the development of inland waterways communications *systems* serving the Mississippi River and connecting waterways. It is clear from their various filings in this proceeding that both WJG and Rivercom fully understood this purpose. Rivercom itself, it a creature of the existing public coast station licensees, including WJG, designed as a vehicle for their potential participation in an IWCS.

69. With the allocation of the 216–220 MHz band for Inland Waterways Communications Systems to provide vessels with automatic, integrated communications along some portion of the Mississippi River System, it obviously becomes necessary to provide a structure by which to license such systems. Rather than require an applicant to demonstrate its proposed system would provide continuity of service over an entire waterway, the Commission felt that such a showing for service along a major portion of a navigable waterway would be sufficient to ensure that an integrated network serving the Mississippi River System were established. The 60% figure was considered the minimum "major portion" of a waterway that would fulfill this enunciated intent. Lesser coverage, or no coverage requirements at all, would likely result in numerous "systems" essentially providing local service along a portion of a river. This type of service is currently available via existing public coast stations operating in the 156–162 MHz band. (Since the frequencies in this maritime band are so heavily utilized, no such frequencies were available to assign for IWCS communications.) A requirement for applicants to provide continuity of service over more than 60% of a major waterway was not considered a potential bar to participation by a consortium of relatively small entities, e.g., Rivercom, which was known from its comments to be incorporated for such a purpose. Waterways of less than 150 miles were considered an exception and were required to be served in their entirety. Since such relatively small rivers could be served by two or three shore stations, no need was seen to provide a lesser standard.

70. We believe that without a specific requirement for an IWCS to provide coverage over a major portion of a waterway no river-wide communications system will develop, and our intent in allocating the 216–220 MHz band in this proceeding will not be fulfilled. It would appear that service must be available over at least 60% of a waterway (with the exception of relatively small rivers) in order to provide the advantages and efficiencies an IWCS can offer the waterborne transportation industry. Although Watercom argues that this minimum coverage figure should be increased, we feel that the 60% coverage requirement represents a reasonable compromise between complete (i.e., 100%) coverage and no coverage requirement (i.e., local area service).

71. Further, the 60% service requirement does not obstruct or prevent WJG from having "* * * the option to work with other public coast station licensees to initiate and operate an IWCS on a network basis with each station serving an identifiable section of the involved river or rivers." [14] In fact, the requirement to provide river-wide coverage would seem to have the opposite effect. Rivercom itself is an example. When the Commission proposed to allocate the 216–220 MHz band for IWCS purposes, a number of the existing public coast station licensees joined together to form Rivercom as a means of potentially participating in developing such a system. This avenue is still open to WJG and other coast station licensees.

72. Accordingly, we are denying WJG's request to delete the requirement contained in new § 81.913(b) for applicants to demonstrate that the proposed system will provide a continuity of service along more than 60% of the navigable waterway to be served.

Grandfather Rights

73. We feel it is not appropriate to grant existing public coast stations the "grandfather" rights requested by WJG. It appears that WJG is actually asking for early entry into the 216–220 MHz band without the obligation to provide the river-wide service for which the frequency allocations was provided. WJG seeks to have the Commission permit existing public coast stations to provide local area service on IWCS frequencies with the option to integrate with each other if desired. In this regard the service supplied on the IWCS frequencies would be similar to that now provided by these stations on other maritime frequencies. As noted above, WJG joined with other interested coast station operators to form Rivercom as a potential vehicle for operating and coordinating an IWCS system. There appears to be no rationale for granting individual stations now operating on the rivers authority to use the newly allocated band in a manner inconsistent with the purpose of the allocation.

74. It is understandable that WJG is concerned about the effect the introduction of a new competitive communications service will have on its markets. As we stated in the Report and Order there is ample evidence that the introduction of IWCS service will in fact increase competition on the inland waterways. Moreover, there is ample evidence in the record of the demand and need for an automated, integrated river-wide communications system. Such a system will allow the towing barge industry as well as other vessels navigating the river system the high quality voice and non-voice communications services they have been seeking for a number of years. It is extremely unlikely though that all tow and barge vessels would participate in an IWCS. Many local or regional companies may not desire or need to affiliate with an automated river-wide communications system. As previously noted in this proceeding many of the VHF maritime channels suffer from congestion, and some coast stations, particularly in the lower Mississippi River, are saturated during peak hours. The demand for communications in this maritime environment is expected to continue to grow. We expect that existing and new coast stations will be capable of competing on price, quality and diversity of service with any future IWCS.

75. Accordingly, we are denying WJG's request for "grandfather" rights for existing public coast stations to provide service in the 216-220 MHz band.

Other Issues

76. If, as WJG fears, an IWCS is eventually authorized to provide limited service (e.g., private operational

[14] WJG Petition for Reconsideration at paragraph 4.

communications) on a shared cost basis and then it violates the terms of its authorization by providing public correspondence service, it would be subject to the same procedures and potential penalties as other private stations operating beyond the terms of their authorization.

77. As we indicated in the Report and Order, the main thrust of this proceeding has involved the frequency allocation question and basic channelization standards. Much of the voluminous record is of interest only by way of background. Thus, rather than leave this docket open and issue Further NPRM's we elected to terminate General Docket No. 80–1 and commence a new rulemaking proceeding if changes regarding the IWCS rules are deemed necessary. Despite WJG's objection, we still consider this the better course. It does not appear that any advantage would be derived by leaving General Docket No. 80–1 open in order that Further NPRM's could be issued from time to time.

Action

78. Regarding questions on matters covered in this document contact Robert McNamara at (202) 632–7175 or Robert Eckert at (202) 653–8116.

79. In view of the above, the following actions are taken regarding the petitions filed in this proceeding:

(a) The Petition For Stay filed April 8, 1981, by WJG Telephone Company is denied.

(b) The Petition For Stay filed April 10, 1981, by River Communications, Inc. is denied.

(c) The Petition For Reconsideration filed April 8, 1981, by Mid-America Television Company is granted to the extent indicated herein.

(d) The Petition For Clarification filed April 9, 1981, by Waterway Communications System, Inc. is granted in part and denied in part as indicated herein.

(e) The Petition for Reconsideration filed April 10, 1981, by River Communications, Inc. is denied.

(f) The Petition For Reconsideration filed April 8, 1981, by WJG Telephone Company is denied.

80. Accordingly, it is ordered, That under the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)), the Commission's rules are amended as set forth in the attached Appendix, effective January 11, 1982.

81. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

A. Section 81.913(b) is revised to read as follows:

§ 81.913 Service authorized.

* * * * *

(b) Applicants may use FCC Form 503 (Application For Land Radio Station in the Maritime Services) when seeking authorization to operate an IWCS system, supplemented with a showing consisting of a detailed plan demonstrating that the proposed system will provide continuity of service along a major portion (more than 60%) of each of one or more navigable waterways encompassing the Mississippi River System to be served by the applicant. Waterways less than 150 miles (240 kilometers) long must be served in their entirety. A separate form is not required for each station in a system however, the applicable technical particulars for each proposed station, including transmitter type and location, frequencies, emissions, power, antenna arrangement and location, must be provided.

(1) Applicants proposing to locate a coast station transmitter within 105 miles (169 kilometers) of a channel 13 television station or within 80 miles (129 kilometers) of a channel 10 station or with an antenna height greater than 200 feet (61 meters) must submit an engineering study clearly showing the means of avoiding interference with television reception within the grade B contour. (See § 81.134(j).)

(2) Additionally, applicants required to submit the above specified engineering study shall give written notice of the filing of such application(s) to the television stations which may be affected. A list of the television stations notified shall be submitted with the subject applications.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

B. Section 83.134(l) is amended by adding new subparagraphs (4), (5) and (6) to read as follows:

§ 83.134 Transmitter power.

* * * * *

(l) * * *

(4) Ship station transmitters are permitted to exceed 25 watts output power under the following conditions:

(i) Increases over 25 watts are made only by radio command from controlling coast stations.

(ii) The application for an equipment authorization must demonstrate that the transmitter output power is 25 watts or less when external radio commands are not present.

(5) When the conditions of paragraph (l)(4) of this section are met, the maximum output power shall be the same 50 watts as permitted for coast station transmitters.

(6) Ship installations with transmitters meeting the conditions of paragraph (l)(4) of this section are exempted from the limitation of 18 watts ERP when operating in specific geographical areas identified in a plan for the use of higher power. This plan must be filed with the Commission and accompanied by an engineering study demonstrating minimum interference potential to TV reception within the grade B contour of existing channel 10 and channel 13 stations.

[FR Doc. 81–36194 Filed 12–18–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 70–27; Notice 23]

Hydraulic Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This notice responds to three petitions for reconsideration concerning the amendment extending Standard No. 105, *Hydraulic Brake Systems*, to trucks, buses, and multipurpose passenger vehicles (MPV's). The amendment also upgraded the standard's requirements for school buses. In response to one of the petitions, the agency has changed the parking brake gradient requirement from 30 percent to 20 percent for trucks, buses (other than school buses) and MPV's with a GVWR of 10,000 pounds or less. This change will substantially reduce the costs of the parking brake requirements with only a minimal impact on benefits. Also, the change may promote international harmonization of safety standards. The

agency will shortly propose a conforming amendment to make the same change for school buses with a GVWR of 10,000 pounds or less.

DATES: This amendment is effective September 1, 1983. That is the same effective date as for the January 1981 final rule extending Standard No. 105 to trucks, buses and MPV's.

ADDRESS: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. George L. Parker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2720).

SUPPLEMENTARY INFORMATION: On January 2, 1981, the NHTSA published in the **Federal Register** (46 FR 55) a final rule amending Standard No. 105, *Hydraulic Brake Systems*. Prior to that time, the standard applied to passenger cars and school buses only. The amendment extended the standard's applicability on a general basis (with some modifications) to trucks, all types of buses, and multipurpose passenger vehicles (MPV's) with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. (These vehicles are collectively referred to as LTM's.) Several requirements were also extended to trucks, buses and MPV's with a GVWR greater than 10,000 pounds. In addition, the standard's requirements for school buses were upgraded.

Petitions for reconsideration were filed with the agency by Chrysler, Ford and the Brake System Parts Manufacturers Council, all of which dealt almost entirely with the requirements applicable to vehicles with a GVWR of 10,000 pounds or less. Of the three petitions, Chrysler's was the only one that raised any technical issues associated with compliance with the amendment. All three petitions challenged the amendment on the bases of safety need and/or costs and benefits. After carefully evaluating those petitions, the agency decided to modify the parking brake requirements in response to Chrysler's petition. To the extent set forth below, Chrysler's petition is granted. Otherwise, Chrysler's petition and the other two petitions are denied.

Parking Brake Requirements

Standard No. 105 includes requirements for both a vehicle's service brake system and its parking brake. These two systems are related in that the parking brake uses major components of the service brake system, including the brake shoes and brake drums. The final rule's parking brake requirements specified that various performance tests be met when a vehicle is parked on a 30 percent grade and a maximum force of 90 pounds is applied to hand-operated parking brake systems and 125 pounds is applied to foot-operated parking brake systems.

Chrysler's petition for reconsideration stated that the parking brake effort limits would cause a major redesign of most of its brake systems. According to that company, such redesign would waste scarce resources and be inflationary in the absence of demonstrated benefits.

The agency contacted Chrysler to obtain clarification of that company's assertions. The agency requested information about the nature of the changes needed to meet the parking brake requirements and the costs of those changes, as well as data substantiating those needs. Chrysler indicated that all of its parking brake systems would require changes in order to meet the parking brake requirements. Many vehicles were said to require a major redesign, including new actuating pedals and supporting structures, low friction cables with new guides, new parking brake lever arms within the rear brake drums, and new shoes and linings.

Chrysler's assertions were substantiated by test data. Chrysler ran a series of parking brake test on a cross-section of its light trucks on both a 32 percent grade and a 20 percent grade. (The 32 percent grade was used because it was the grade closest to 30 percent that Chrysler had available.) On nine vehicles tested on the 32 percent grade, only one passed the parking brake tests. That vehicle passed by a margin generally considered to be insufficient to assure that other vehicles of the same type would pass the tests.

In addition to the information received from Chrysler, the agency received new data from agency-sponsored tests that were conducted for purposes unrelated to this rulemaking. Three Chrysler LTM's were among the vehicles tested. While the tests were limited in number, their results confirmed the information supplied by Chrysler. Both the data submitted by Chrysler and the test results received from the agency-sponsored tests have been placed in the docket.

The agency evaluated Chrysler's assertions in light of the test data received. Based upon that data, the agency has concluded that its Regulatory Evaluation underestimated the costs of the parking brake requirements for Chrysler. Because this conclusion is based on actual test results, it is more reliable than the original conclusions made in the Regulatory Evaluation. Those earlier conclusions were largely based on engineering analysis, which is generally less reliable than actual testing. While they were also based on confidential information received from manufacturers, the agency had received less information from Chrysler than from other companies.

The Regulatory Evaluation estimated that 10 percent of Chrysler's LTM's would require changes in order to meet the parking brake requirements, at an average cost of $10.00 per vehicle needing changes. The agency now estimates that virtually all of Chrysler's LTM's would require changes in order to meet the parking brake requirements as issued. Many of Chrysler's LTM's would require a major redesign with the types of changes indicated by Chrysler and listed above. Other vehicles would require a minor redesign, with such changes as longer actuating pedals, rerouted cables, and new parking brake lever arms within the rear brake drums.

Chrysler did not provide information about the costs of the changes needed to meet the parking brake requirements. The agency estimates that the cost per vehicle requiring a major redesign would be $17.50, while the cost per vehicle requiring a minor redesign would be $6.00. These estimates are based on the types of changes needed for a major redesign and a minor redesign, discussed above. The agency used brake system component costs contained in a report prepared by the IIT Research Institute under contract to the agency, for guidance in preparing its estimates. That report, which was issued in 1979, was included in the docket at the time the notice of proposed rulemaking was issued.

In response to Chrysler's petition for reconsideration, the agency reevaluated Standard No. 105's parking brake requirements in light of the higher costs that it recognizes would result from those requirements. In reevaluating the requirements the agency analyzed two issues: the appropriateness of the parking brake effort limits and the 30 percent gradient. Concerns about both of these issues were raised by several commenters in response to the notice of proposed rulemaking.

While the parking brake effort limit and gradient requirements address different issues from the point of view of motor vehicle safety, in practice the two requirements are closely related. Over a certain range of both force and gradient, a given parking brake will hold a vehicle

on increasingly steep gradients as increasingly greater force is applied to the brake. Thus, a given parking brake design may be able to meet either a more stringent parking brake effort limit (i.e., a limit requiring that less force be used) or a steeper gradient, but not both.

The agency has concluded, in light of the lack of significant safety need for a gradient requirement as stringent as 30 degrees and the increased costs that would result from the parking brake requirements, that the parking brake gradient requirement should be changed from 30 percent down to 20 percent with retention of the parking brake effort limits. As explained below, this change will substantially reduce the costs of the parking brake requirements with only a minimal impact on benefits. Also, the change may promote international harmonization of safety standards. Consideration is currently being given in Europe to changing its standard to incorporate a 20 percent gradient requirement instead of an 18 percent gradient.

The preamble to the final rule explained that two commenters had indicated that they believed the 30 percent gradient to be too stringent. Those commenters requested that an 18 percent gradient be adopted, noting that European and Australian safety standards incorporate that gradient. The agency declined to adopt a less stringent gradient at that time, noting that 30 percent gradients do exist in some parts of the United States and that the requirement provided a margin of safety where parking brake systems have deteriorated over time or are improperly adjusted. Even at that time, the agency recognized that any benefits of that particular requirement would be relatively small. Roads with a gradient as steep as 30 percent exist in only a few parts of the country. Therefore, only a small number of vehicles affected by this standard would ever encounter such roads.

The agency does not believe that the large numbers of vehicles affected by the standard should be required to meet this particular requirement which would only be of any possible benefit for a very small number of vehicles.

The agency declined to change the parking brake effort requirements because they were chosen as the maximum force requirements that are appropriate for small females. Those requirements, a maximum force of 90 pounds for hand-operated parking brake systems and 125 pounds for foot-operated parking brake systems, are the same as those in effect for passenger cars. Chrysler's comment on the notice of proposed rulemaking had asked that they be changed to 125 pounds and 150 pounds, respectively. Those limits represent the parking brake effort requirements that have been in effect for school buses for several years. Research studies indicate, however, that between 20 and 50 percent of the female driving population do not have enough strength to exert the maximum pedal efforts that have been permitted for school buses. It is appropriate to require that parking brake systems be designed with the needs of the driving population in mind. The 90 pound and 125 pound limits will cut the above percentages in half, i.e., only 10 percent to 25 percent of the females may lack sufficient strength.

The new parking brake effort limits apply to all LTM's, including school buses (with a GVWR of 10,000 pounds or less). As noted above, school buses were subject to Standard No. 105 before the January 1981 final rule was issued. The parking brake requirements for school buses with a GVWR over 10,000 pounds, which specify both a 20 percent gradient and the less stringent effort limit, were not changed by either the January 1981 final rule or this amendment. However, the January 1981 final rule did change the standard's parking brake requirements for school buses with a GVWR of 10,000 pounds or less to include the new more stringent effort limit. The agency had not proposed changing the gradient requirement, which remained at 30 percent.

As a conforming amendment, the agency will shortly propose to change the gradient requirement for school buses with a GVWR of 10,000 pounds or less from 30 percent to 20 percent. The purpose of that change would be to make the parking brake requirements for those school buses the same as for other LTM's. The agency believes that change should be made primarily because school buses are constructed on the same chassis, including parking brakes, as other LTM's. Different parking brake requirements for school buses could either limit which chassis could be used for school buses or require that new parking brake systems be specifically designed and installed on some of those chassis used for school buses. In light of the more stringent parking brake effort limits and the relationship between force and the steepness of gradient on which a parking brake will hold a vehicle, the agency does not believe that current school bus parking brakes will be significantly altered as a result of the less strigent gradient requirement.

The agency has determined that significant cost savings will result from changing the gradient requirement for all LTM's. With a 30 percent gradient requirement, Chrysler would be required to complete major redesigns of the braking systems on many of its vehicles and minor redesigns of the rest. With the 20 percent gradient requirement, Chrysler will not have to complete any major redesigns. The agency estimates that Chrysler will have to complete minor redesigns on approximately 48 percent of its vehicles.

A Supplement to the Final Regulatory Evaluation has been prepared to reflect these new conclusions and has been placed in the docket. The figures contained in that document assume that the conforming amendment for school buses, discussed above, will be made. If it is not made, substantially higher costs for school buses could be involved. Because of the larger number or vehicles that are now estimated to be affected, the new projected cost for the parking brake requirements for Chrysler is higher than previously estimated, despite the relaxation of the gradient requirement. The Supplement to the Final Regulatory Evaluation estimates that the parking brake requirements will result in a total cost to Chrysler of $1,271,400. The previous estimate was $442,000. The agency now estimates that the total costs of the parking brake requirements for Chrysler would have been in excess of $3,000,000 if the gradient requirement was left at 30 percent.

While the agency now estimates that the 20 percent grade will result in greater costs for Chrysler (though not for manufacturers as a whole) than originally estimated, the agency believes that those costs are justified. The parking brake of a vehicle performs an important safety function. It is vital that a vehicle's parking brake be able to hold the vehicle on the types of grades on which it is parked. Twenty percent grades are not uncommon in urban and residental areas, both on streets and driveways, where these vehicles are likely to be parked. In light of the relatively modest cost required to meet the 20 percent grade requirement, the agency has determined that vehicles not meeting that requirement pose an unreasonable safety risk. As noted above, Standard No. 105 has required even large school buses, i.e., those with a GVWR greater than 10,000 pounds, to be tested on a 20 percent grade for several years. Also, Standard No. 121, *Air Brake Systems*, uses a 20 percent grade for large air-braked trucks.

The change in gradient will result in cost savings to other manufacturers. The agency's new cost estimates for those manufacturers are set forth in the Supplement to the Final Regulatory

Evaluation. The agency estimates that while the number of vehicles requiring upgrading as a result of the parking brake requirements will not change for those manufacturers, less significant design changes will be needed to meet the new gradient requirement. The costs for those manufacturers will therefore be less than previously estimated.

Service Brake Requirements: Technical Issues

Chrysler's petition discussed several issues in addition to the parking brake requirements and requested withdrawal of the entire amendment pending further studies. That company stated, as it did in its comment on the notice of proposed rulemaking, that the test requirements are overly stringent and unreasonable because the test procedures are abusive to the brake system. According to that commenter, the test procedure is unrepresentative of real world driving conditions and goes beyond the need for motor vehicle safety. Moreover, that commenter suggested that the requirements might cause manufacturers to bias the design of brake systems toward complying with the standard rather than providing brake systems that are balanced under all vehicle loading and driving conditions.

The agency carefully considered and addressed those concerns in the preamble to the January 1981 final rule. Chrysler's petition neither addressed the statements made by the agency in response to those concerns nor indicated any consideration of changes made in the standard's requirements to assure that manufacturers have adequate leeway to produce well-balanced brake systems. The petition also did not cite any new issues or data related to those concerns. Moreover, as explained in the preamble to the final rule, the vast majority of light trucks sold today already meet all of the standard's performance requirements without experiencing any problems relating to the balancing of brake performance.

Standard No. 105's test procedures were developed by the agency to assure that a vehicle's braking system meets minimum performance requirements under the varying types of conditions experienced in actual service. A vehicle's braking system is tested, for example, in new and broken-in conditions, at various speeds, while the vehicle is fully and lightly loaded, under varying conditions of fade, and under partial failure and failed power.

Contrary to the assertions made by Chrylser's petition and as explained in the preamble to the final rule, the tests do represent the types of conditions experienced in actual service. For example, the standard's second fade test, which Chrysler has alleged in the past to be abusive, simulates the type of fade experienced during long mountain descents. The agency has verified that the temperatures produced by the test sequence are the same temperatures as sometimes experienced during long mountain descents.

Chrysler's comment on the proposed rule requested only one change in the standard's requirements based upon the above-stated concerns, an increase of 16 percent in fourth effectiveness (fully loaded) stopping distances. Chrysler stated that change was necessary to provide consumers with better balanced brake systems and to avoid the use of unproven load or deceleration sensing proportioning devices. As the preamble to the final rule explained, the proposed stopping distances were based on vehicle tests conducted by the agency using production vehicles with unaltered brakes and on confidential information provided by General Motors, Ford and Chrysler. These data indicated that recent models of almost all vehicles under 8,000 pounds GVWR passed the proposed requirements. Moreover, the agency determined that all vehicles subject to the standard could meet the proposed requirements without using unproven load or deceleration sensing proportioning devices by instead making modifications to such vehicle components as brake linings, wheel cylinders, master cylinders, and combination valves.

A vehicle's braking system which met the proposed requirements for Standard No. 105 would be adequately balanced in that it would meet performance requirements under the varying conditions described above, most significantly when the vehicle was both loaded and unloaded. Based upon a number of comments received from manufacturers, however, as well as on a further evaluation of available data, the agency determined for the January 1981 final rule that the stopping distances for the fourth effectiveness test for vehicles with a GVWR of 8,000 to 10,000 pounds should be extended by 10 percent. This change gave manufacturers additional leeway in balancing their braking systems, thus making it easier to design systems that are balanced for both fully loaded and lightly loaded conditions.

The preamble to the final rule explained that since the agency had concluded that the requirements could be met as proposed for all vehicles (for both loaded and unloaded tests) without anti-lock or similar devices, the agency declined to adopt Chrysler's suggestion of a 16 percent extension of fourth effectiveness stopping distances. Instead, NHTSA chose the 10 percent extension suggested by a number of other manufacturers. The agency further determined, based on test data, that a 10 percent extension would be sufficient to make it easier for manufacturers to assure that their vehicle's braking systems perform well in both loaded and unloaded conditions.

Neither Chrysler's comment on the notice of proposed rulemaking or its petition for reconsideration explained the derivation of its 16 percent figure. Moreover, Chrysler's petition for reconsideration did not indicate why the 10 percent extension was insufficient to meet the problem identified by Chrysler and did not either renew that company's request for a 16 percent extension, or raise any other issues concerning the matter.

Safety Need, Costs and Benefits

All three petitions for reconsideration challenged the extension of the standard on the bases of safety need and/or costs and benefits. Chrysler stated that the January 1981 final rule would require it and probably other manufacturers to redesign service and parking brake systems of light duty trucks, buses and MPV's. According to that commenter, such changes would waste scarce resources in the absence of any demonstrated safety need. As explained above, the agency changed the parking brake requirements in response to Chrysler's concerns. Ford's petition requested withdrawal of the entire final rule because it believes there has been a complete lack of any valid demonstration by NHTSA that the implementation of the requirements may reasonably be expected to produce the safety benefits that have been projected for it and because it believes that the expenditures required to demonstrate conformity with the standard are excessive and inflationary. Ford's petition also stated that NHTSA has failed, based on data presented, to establish a safety need for the extension of the standard. The Brake System Parts Manufacturers Council stated in its petition that it did not believe that careful analysis has been conducted relating to the costs and benefits of the standard and that it does not believe that regulations should be adopted unless the benefits exceed the costs of the regulation.

The issues of safety need and costs and benefits were discussed at considerable length in the preambles of the notice of proposed rulemaking and the final rule and in the Regulatory Evaluation which was prepared by the

agency and made available to the public. As those documents indicate, the agency did carefully consider those issues.

The safety need for the extension of the standard arises from the vital safety role played by a vehicle's braking system and the fact that many vehicles are produced with braking systems which can be significantly improved at an economical cost. In evaluating safety need, the agency carefully considered studies indicating the number and seriousness of accidents involving these vehicles, the overinvolvement of LTM's in fatal accidents as compared with passenger cars, the reduction in accidents that would result from improved braking systems, and the costs and feasibility of making such improvements.

One of the agency's primary concerns about LTM braking is the differential in stopping distances between passenger cars and LTM's. Since light trucks, buses and MPV's share the same roads and traffic flow with passenger cars, they should ideally stop in the same distances. The preamble to the final rule explained, however, that there are differences between passenger cars and LTM's which make accomplishing that goal more difficult for LTM's. Therefore, taking those differences into account, the agency established stopping distances for light trucks, buses and MPV's which are slightly longer than those in effect for passenger cars. In light of the greater aggressiveness associated with LTM's as a result of their size, weight, and design, the agency determined that there is a safety need for LTM braking to be as optimal as is economically feasible, thereby reducing the differential in stopping distances between passenger cars and LTM's and reducing accidents involving those vehicles.

Based on those considerations, the agency believes there is a safety need to assure that the braking performance of all vehicles subject to the standard is at the optimal level which can economically be achieved. Approximately 25 percent of the vehicles subject to the amendment will require improved braking systems. Moreover, the rulemaking action has had and will continue to have an effect on the other 75 percent of vehicles. As is explained below, manufacturers have already improved the braking systems of many of their vehicles, largely as a result of this rulemaking.

The agency believes there is a safety need to assure that those vehicles' braking performance is not downgraded. Increases in stopping distance are not without precedent. Stopping distances for passenger cars actually lengthened during the 1960's as a result of increased weight. Today, the agency is concerned that manufacturers might be tempted, in the absence of a standard, to reduce the braking performance of their vehicles as part of an effort to reduce weight and thereby improve fuel economy. Since some braking system components are relatively heavy, the braking system is a prime target for weight-reduction. The agency believes braking ability to be such an important safety factor that it should not be compromised by efforts to improve fuel economy.

Contrary to assumptions made by Ford's petition for reconsideration, the agency did not issue the amendment to Standard No. 105 solely because of the overinvolvement of LTM's in fatal accidents, as compared to passenger cars, and the rise in the trend of those accidents. Ford attempted to demonstrate in its petition that the overinvolvement of LTM's in fatal accidents is the result of a greater number of young males driving those vehicles rather than a problem with LTM braking ability. Ford also argued that there is no evidence that improved braking ability for LTM's will reverse the rise in the trend of fatal accidents involving those vehicles.

The agency included in its Regulatory Evaluation an analysis of accident data involving LTM's. The agency stated that the overinvolvement of LTM's in fatal accidents suggests a probability that LTM's are deficient in accident preventative systems and/or that their weight and aggressiveness make them dangerous to pedestrians, bicyclists, and occupants of lower weight cars. The Regulatory Evaluation noted that in either case improvement of the braking systems of LTM's for greater accident prevention would serve to help fulfill the need for safety.

Ford may be correct that the demographic profile of LTM drivers is another factor accounting for the overinvolvement of LTM's in fatal accidents. That would not change the fact that improved braking ability will reduce accidents. Similarly, the fact that the rise in the trend of fatal accidents involving LTM's has occurred during a period when braking performance has either improved or been held constant does not alter the fact that further improvements in braking performance will produce additional safety benefits. There is a safety need for vehicles' braking systems to perform as optimally as is economically feasible. The agency has not claimed that improved braking performance will by itself reverse the rise in the trend of fatal accidents involving LTM's. The agency has determined that improved braking performance as a result of the amendment will reduce accidents that would occur in the absence of the standard and thereby save lives.

The amendment to Standard No. 105 was issued by the agency in light of the total number of accidents involving LTM's and not just the increase in those accidents. As noted above, the agency evaluated the number and seriousness of accidents involving LTM's, the overinvolvement of LTM's in fatal accidents as compared with passenger cars, the reduction in accidents that would result from improved braking systems, and the costs and feasibility of making such improvements. Before issuing the notice of proposed rulemaking, the agency estimated both the costs and the benefits of the requirements and concluded that the costs of the amendment were justified by the benefits. Based upon all of these factors, the agency concluded that improving braking systems is a reasonable way of reducing some of the LTM accident problem.

The rulemaking process for this amendment has been going on for a period of over 10 years. During the early 1970's, a final rule was issued establishing braking requirements for these vehicles. However, that rule was indefinitely delayed in 1975 based upon economic considerations. Since that time, manufacturers have voluntarily made a number of improvements in their braking systems, largely following the requirements and test procedures of the delayed final rule.

Because of the voluntary changes made by manufacturers in many of their vehicles since the previous final rule was delayed, as well as changes made by the agency in the new standard, the costs of the amendment are estimated to be only a small fraction of those of the delayed 1975 final rule. Manufacturers had submitted costs for the 1975 final rule for light to medium duty trucks that ranged from $54 to $775 per unit (depending on model configuration) to attain compliance with the standard. The agency compared those figures with independently gathered detailed cost information and determined that those estimates were accurate.

Those figures have no relevance to the January 1981 final rule. Today, as a result of the voluntary changes made by manufacturers in many of their vehicles and changes made in the standard's requirements by the agency, it is estimated that the average cost of the new final rule will be only $2.53 per domestic LTM, or about $13.74 for each vehicle that needs to be upgraded. The

costs for meeting the requirements for medium and heavy trucks (over 10,000 lbs. GVWR) are estimated to be about $54 per vehicle. The total costs of meeting the standard's requirements for all trucks, buses and MPV's are estimated to be under $18,000,000.

The agency made its estimates of costs on a company-by-company basis. In order to assure that its estimates were correct, the agency enlisted an outside contractor to independently assess the costs that would be involved. As the preamble to the January 1981 final rule explained more fully, the report substantially verified the cost estimates of the agency. Both the contractor's report and the agency's Regulatory Evaluation, which were available to the public in the docket, indicated the models which would require upgrading and the nature of the changes needed.

Comments received from Ford and Chrysler on the notice of proposed rulemaking suggested that a greater number of vehicles would be affected by the standard than estimated by the agency. However, those comments gave only generalized bases for that assertion. While those commenters cited some additional braking system components that might require changes, they did not specify which vehicles would require changes or indicate what the nature or costs of those changes would be. Neither Chrysler's petition for reconsideration or that of Ford provided such information.

The agency contacted Chrysler to obtain clarification of that company's assertions about the costs of the standard. As explained above, Chrysler provided information concerning changes that would be required as a result of the parking brake requirements. That company also provided test data to substantiate that information. Largely on the basis of that information, the agency changed the parking brake requirements and amended its cost estimates concerning those requirements. Chrysler did not provide information concerning the costs of the other requirements of the standard. In the absence of information contradicting the detailed studies on costs made by both the agency and an outside contractor for those other requirements, the agency continues to believe that its cost estimates are correct.

The agency also contacted Ford to obtain clarification of its assertions about costs. Ford's petition stated that the amendment would result in $10,000,000 of certification related costs for that company and cause it to raise the suggested retail prices of its LTM's by an average of $11 per vehicle. By contrast, the agency's estimate of certification costs for Ford is only $130,000. Ford did not discuss the $130,000 figure, which was included in the Regulatory Evaluation, in its comment on the notice of proposed rulemaking.

In response to the agency's request for clarification, Ford indicated that of the $11 increase in costs that it projects, $8 is related to increased quality control by parts suppliers and $3 represents amortization of a $10 million initial investment. Of the $10 million, $7.5 million was said to be for the purchase of nine chassis dynamometers and the upgrading of nine other dynamometers to be used to check brake performance at their nine truck plants. The remaining $2.5 million was attributed to engineering costs associated with compliance certification and quality control.

In setting the requirements for the amendment, the agency specifically took into account production variability. All manufacturers balance their level of quality control with the margin of compliance that they believe is necessary to be confident of 100 percent compliance. By designing braking systems for a level of performance which provides a sufficient margin of compliance to account for production variability, the substantial quality control costs cited by Ford should be made unnecessary. The agency took those factors into account when making its cost estimates and assumed that manufacturers would upgrade their vehicles' braking systems, where necessary, to provide a margin of compliance so as to make substantial quality control costs unnecessary. Further, the test requirements of Standard No. 105 do not specify the use of chassis dynamometers. While such devices may be useful for the purposes of quality control in checking such vehicle components as braking systems, speedometers, and emissions systems, their use is neither necessary nor sufficient to assure compliance with Standard No. 105.

On the issue of benefits, the Brake System Parts Manufacturers Council (BSPMC) cited in its petition a statement made in *The Automobile Calendar* by the United States Regulatory Council that NHTSA cannot predict the precise level of safety improvement resulting from the January 1981 final rule because of the isolated effect of a number of interrelated accident factors, such as driver performance, vehicle responsiveness, and the variable characteristics of the highway and environment. That statement was cited by BSPMC as evidence that the agency does not know the benefits that the final rule will entail.

Both the notice of proposed rulemaking and the preamble to the final rule explained that in carrying out the mandate of the National Traffic and Motor Vehicle Safety Act to issue vehicle safety standards to protect the public against unreasonable risk of vehicle accidents and of death and injury occurring as a result of such accidents, the agency is confronted with inherent problems that limit the degree of precision achievable in estimating the benefits of proposed standards. Engineering and accident analyses can clearly demonstrate that certain vehicle improvements will facilitate the performance of the driver's task and thereby improve safety. In this case, there is also a study showing that reducing stopping distances will reduce accidents. However, it is virtually impossible to isolate individual factors to arrive at precise and certain conclusions about the quantified benefits that will accrue.

The notices explained that given the duty to act under this precautionary statute in the area of accident avoidance notwithstanding an inherent measure of imprecision and uncertainty, the agency has developed and issued accident avoidance standards while attempting within its capabilities to quantify the benefits of the standards and limit the uncertainty. Before issuing the proposal to amend Standard No. 105, the agency carefully evaluated and estimated the benefits that will accrue from the amendment. Those estimates were included in the Regulatory Evaluation prepared by the agency and made available to the public.

Ford's petition challenged the statement in the Regulatory Evaluation that an average four percent reduction in stopping distance capability will produce a five to nine percent reduction in accidents where brakes are used. That statement, which was based on a study by the Institute for Research in Public Safety (IRPS), was used by the agency in projecting a reduction of 1700 to 3500 LTM related accidents in the first year after the requirements become effective. The preamble to the final rule discussed the IRPS study at some length in response to a comment by Ford.

Ford's petition did not discuss the agency's response to its comment regarding the IRPS study. Instead, Ford stated that it is "obvious" that a minor improvement (such as four percent) in the maximum stopping distance capability of a vehicle can be utilized only in a very small proportion of accidents (well under five percent). That

commenter concluded that reductions in LTM accidents would be limited to only the five percent of accidents in which this maximum capability was utilized. According to Ford, that would make the projeced benefits virtually disappear.

Ford's petition gave no basis for its assertion that it is "obvious" that a four percent improvement in the maximum stopping distance capability of a vehicle can be utilized only in a very small proportion of accidents. Nor did Ford cite any source for its five percent figure. As noted above, the agency factored into its estimates of benefits the fact that brakes are used in about 50 percent of accidents. The 50 percent figure is derived from the IRPS study.

Moreover, in addition to the projected reduction of 1700 to 3500 LTM related accidents in the first year after the requirements become effective, the improvement in stopping distance capability will provide benefits in accident situations where brakes are used but the accident is not prevented. Those benefits will result from the fact that the vehicles will be traveling at a slower rate of speed when the accident occurs, thereby reducing the severity of the accident. For example, assuming a vehicle's maximum stopping distance capability is utilized from a speed of 60 mph, at the point where the improved vehicle is going less than 2 mph, the unimproved vehicle would have been going about 13 mph. At the point where the improved vehicle is going 10 mph, the unimproved vehicle would have been going about 16 mph. In the absence of information contradicting the agency's estimates of benefits or the studies on which they are based, the agency continues to believe that its estimates of benefits are correct.

NHTSA has considered the economic and other impacts of the January 1981 final rule and this amendment and has determined that they are not major within the meaning of Executive Order No. 12291. The agency has further determined that they are not significant within the meaning of the Department of Transportation regulatory procedures. Copies of the agency's Supplement to the Final Regulatory Evaluation may be obtained by writing NHTSA's Docket Section at the address given at the beginning of this notice.

Although NHTSA has considered the effects of these amendments on small businesses, the agency has not prepared a regulatory flexibility analysis. Such an analysis is not necessary in this case, since the Regulatory Flexibility Act applies only to rules for which an NPRM was issued on or after January 1, 1981. The NPRM for the extension of Standard No. 105 to trucks, buses and MPV's was published in October 1979.

The agency has also analyzed these amendments for purposes of the National Environmental Policy Act and has determined that they will not have a significant effect on the human environment.

The principal authors of this notice are George L. Parker, Office of Vehicle Safety Standards, and J. Edward Glancy, Office of Chief Counsel.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, § 571.105, Chapter V of Title 49, Code of Federal Regulations, is amended as follows:

Sections S5.2.1 and S5.2.3 are revised to read:

§ 571.105 Standard No. 105; Hydraulic brake systems.

* * * * *

§ 5.2.1. Except as provided in § 5.2.2, the parking brake system on a passenger car and on a school bus with a GVWR of 10,000 pounds or less shall be capable of holding the vehicle stationary (to the limit of traction on the braked wheels) for 5 minutes in both a forward and reverse direction on a 30 percent grade.

* * * * *

§ 5.2.3. The parking brake system on a multipurpose passenger vehicle, truck and bus (other than a school bus) with a GVWR of 10,000 pounds or less and a school bus with a GVWR greater than 10,000 pounds shall be capable of holding the vehicle stationary for 5 minutes, in both forward and reverse directions, on a 20 percent grade.

* * * * *

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued: December 15, 1981.

Raymond A. Peck, Jr.,

Administrator.

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Proposed Rules

Federal Register
Vol. 46, No. 244
Monday, December 21, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Immediate Notification Requirement for Operating Nuclear Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing a change to 10 CFR 50.54 to implement the provisions of section 201 of the NRC's 1980 Fiscal Year Authorization Act in light of the existing requirement that licensees notify the NRC of certain "significant events" specified in the NRC regulations. Under the proposed rule, every operating license for a nuclear power reactor would require as a condition that licensees immediately notify the NRC of any significant event set forth in 10 CFR 50.72. The Commission is also proposing to clarify the list of reportable significant events in 10 CFR 50.72.

DATE: Comments must be submitted in writing on or before February 19, 1982. Comments received after that date will be considered if it is practical to do so, but assurances of consideration cannot be given except as to comments filed on or before the due date specified herein.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal rule change and/or the supporting Value/Impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the Value/Impact analysis and of the comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the Value/Impact analysis may be obtained through written request.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-443-5942).

SUPPLEMENTARY INFORMATION: Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96-295) (hereinafter "Authorization Act") provides:

> (a) Section 103 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new subsection: "f. Each license issued for a utilization facility under this Section or section 104 b. shall require as a condition thereof that in case of any accident which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission, the licensee shall immediately so notify the Commission. Violation of the condition prescribed by this subsection may, in the Commission's discretion, constitute grounds for license revocation. In accordance with section 187 of this Act, the Commission shall promptly amend each license for a utilization facility issued under this section or Section 104 b. which is in effect on the date of enactment of this subsection to include the provisions required under this subsection."

The Conference Report accompanying Pub. L. 96-295 stated that the conferees recognized the need for predictability by licensees in determining those situations which would require immediate notification. The conferees further intended that the Commission establish specific guidelines for the identification of accidents which could result in an unplanned release of radioactivity in excess of allowable limits, and that the immediate notification requirement would take effect when such guidelines were established. H. Conf. Rep. No. 96-1070, 96th Cong., 2d Sess., 30 (June 4, 1980).

Accordingly, the Nuclear Regulatory Commission is proposing to revise two sections of 10 CFR Part 50. The first proposed revision would amend 10 CFR 50.54 by adding an appropriate notification requirement in the list of conditions in the operating license of each nuclear utilization facility licensed under Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b (the "Act"). In particular, licensees having Section 103 or 104b licenses would be required, as a condition of their operating licenses, to notify the NRC immediately of any "significant event" set forth in 10 CFR 50.72. This license condition would be added to § 50.54, thus eliminating the need to amend each license individually. These section 103 and 104b facilities are the commercial nuclear power facilities that produce electricity for public consumption. Research and test reactors are not subject to the proposed license conditions as they are licensed under section 104a or 104c of the Act.

Licensees are not subject to certain notification requirements, both as to the contents of their applications for operating licenses and as to actions authorized by the operating licenses, but none of these present requirements are specifically addressed to section 201 of the FY 1980 NRC Authorization Act. All applications for section 103 or 104b licenses are now required by § 50.34 to include emergency plans that contain the various elements set forth in 10 CFR Part 50, Appendix E. Section IV.D. of Appendix E requires the plans to include procedures for notifying local, state, and Federal officials. Once an operating license under section 103 or 104b is granted, the licensee is required by 10 CFR 50.72 to actuate immediate notification procedures upon the occurrence of any of the specific "significant events" described in § 50.72. In the final rule adding § 50.72 to 10 CFR Part 50, the NRC stated that the § 50.72 notification requirements were established partly "[i]n view of (1) the significance of these twelve types of events with respect to their ability to jeopardize the health and safety of the public * * *" (45 FR 13434, 13435, Feb. 29, 1980).

The NRC considers that incorporation of the immediate notification requirements of § 50.72 into § 50.54 as a condition in every operating license granted under sections 103 and 104b of the Act will implement the Congressional mandate in section 201 of the Authorization Act. Section 201, however, also provides that immediate notification of the NRC be made for "any accident which could result in an unplanned release of quanties of fission products in excess of allowable limits of normal operation established by the NRC." This provision would be implemented by the changes proposed to § 50.72 also contained in this notice.

The NRC has provided, since the enactment of section 201, further guidance for operating licensees as to situations or events which require

notification by the licensee of the NRC and State and local response organizations and other emergency personnel. On August 19, 1980, the NRC published the final rule on Emergency Planning, effective on November 3, 1980 (45 FR 55402–15). This rule established a multifaceted emergency planning and preparedness program and, among other things, required procedures to be established for immediate notification of the NRC and State and local emergency response personnel in certain situations.

These situations were discussed in Revision 1 to NUREG–0654/FEMA–REP–1 [1] entitled "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Plants" (hereinafter "Revision 1"), which was issued in November 1980, shortly after the Emergency Planning rule became effective. Revision 1 specified four classes of Emergency Action Levels involving notification actions—Notification of Unusual Event, Alert, Site Area Emergency, and General Emergency. Revision 1 also set forth examples of initiating conditions for each of these four Emergency Classes: 28 examples for the first level, 29 for the second, 24 for the third, and 15 for the fourth.

As stated on page 1–3 of Revision 1:

> The rationale for the notification and alert classes is to provide early and prompt notification of minor events which could lead to more serious consequences given operator error or equipment failure or which might be indicative of more serious conditions which are not yet fully realized. A gradation is provided to assure fuller response preparations for more serious indicators. The site area emergency class reflects conditions where some significant releases are likely or are occurring but where a core melt situation is not indicated based on current information. In this situation full mobilization of emergency personnel in the near site environs is indicated as well as dispatch of monitoring teams and associated communications. The general emergency class involves actual or imminent substantial core degradation or melting with the potential for loss of containment.

The criteria set forth in Revision 1 and the examples of events triggering the respective Emergency Classes (with attendant notification actions) provide additional guidance for every operating licensee in the preparation, approval, and ultimately, the implementation of their emergency preparedness plans which must be submitted to NRC for evaluation pursuant to 10 CFR 50.47.

Given the above-mentioned NRC materials, sections 103 and 104b operating licensees now have guidelines which provide a sufficient level of predictability concerning situations requiring immediate notification of the NRC. The NRC, therefore, proposes to implement section 201 of the FY 1980 NRC Authorization Act by incorporating existing 10 CFR 50.72 immediate notification requirements (as clarified and revised by this proposed rule) into 10 CFR 50.54, which prescribes the conditions of every operating license for facilities licensed under sections 103 and 104b. The proposed § 50.72 revisions encompass the standard set forth in section 201 of the Authorization Act.

In addition, the NRC has received public comments from thirteen licensees and two other industry sources on § 50.72 and the NRC staff has now had experience with that rule. A significant number of comments stated that the February 29, 1980 final regulation (45 FR 13434) contained many requirements (such as paragraphs § 50.72(a)(7), (a)(8), and (a)(9)) that were vague, too broad in scope, and ambiguous.

The staff's experience has indicated an agreement with many of the concerns of the commenters regarding unnecessary notifications to the NRC. All of the new provisions in the proposed rule reflect these concerns by being more specific as to what significant events should be reported to the NRC. For example, paragraph § 50.72(b) in the 1980 regulation required a licensee to "establish and maintain an open, continuous communication channel." The new proposed regulation would require a licensee to make the initial notification to NRC followed by a second notification when the event terminates or worsens and only maintain a continuous channel when requested. The licensee would need to maintain an open channel only when requested to do so by the NRC.

Likewise, proposed paragraph (b)(6) would modify the 1980 regulation by establishing a reporting threshold of 25% of the applicable Technical Specification limit for instantaneous releases offsite. This threshold was based on engineering judgment and experience as to what percentage level was appropriate to adequately protect the public health and safety.

The 1980 regulation also required in § 50.72(a)(10) that "any serious personnel radioactive contamination . . ." be reported. The staff agrees with comments that this requirement is ambiguous and therefore has included a clarification of what is meant by a personnel contamination that is reportable under the proposed rule.

These proposed modifications to § 50.72 are being made after full consideration of the mandate of section 201 of the Authorization Act. It is expected that these modifications will provide further predictability for licensees in determining situations which would require immediate notification to the NRC.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a preliminary determination that these proposed regulations do not impose new reporting, recordkeeping, or information collection requirements. These proposed regulations will nevertheless be submitted to the Office of Management and Budget for its consideration of any potential or new reporting, recordkeeping, or information collection requirements, pursuant to Pub. L. 96–511.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities. These proposed regulations affect electric utilities that are dominant in their respective service areas and that own and operate nuclear utilization facilities licensed under sections 103 and 104b of the Atomic Energy Act of 1954, as amended. The amendments clarify and modify existing notification requirements and incorporate them as a condition of the respective operating licenses. Accordingly, there is not new, significant economic impact on these licensees nor do these licensees fall within the definition of small businesses set forth in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121.

For the reasons set out in the preamble and pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

[1] Copies of NUREG documents are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies may be purchased from the Government Pringing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273). § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)) §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)), and the Laws referred to in Appendices.

2. A new paragraph (w) is added to § 50.54 to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(w) In the case of every utilization facility licensed pursuant to Section 103 or 104b of the Act, the licensee shall immediately notify the NRC Operations Center of any significant event set forth in § 50.72 of this part.

3. Section 50.72 is revised to read as follow:

§ 50.72 Notification of significant events.

(a) Each licensee of a nuclear power reactor licensed under § 50.21 (b) or § 50.22 of this part shall notify the NRC Operations Center via the Emergency Notification System each time there is an initiation of any of the following four Emergency Classes: Notification of Unusual Event, Alert, Site Area Emergency, of General Emergency.[1] All such notifications to the NRC shall be made immediately after notification to the appropriate State or local agencies and shall identify that the notice is being made under this pargraph. If the Emergency Notification System is inoperative, the licensee shall make the required notifications via commercial telephone service, other dedicated telephone system, or any other method which will ensure a report being made promptly to the NRC Operations Center.

(b) Each licensee of a nuclear power reactor licensed under § 50.21 (b) or § 50.22 shall also notify the NRC Operations Center via the Emergency Notification System as soon as possible and in all cases within one hour of the occurence of any of the following events if not reported under paragraph (a) of this section and shall identify the event as being reported under this paragraph. If the Emergency Notification System is inoperative, the licensee shall make the required notification via commercial telephone service, other dedicated telephone system, or any other method which will ensure a report being made promptly to the NRC Operations Center. The events to be reported are:

(1) Any event that results in the nuclear power plant being in a condition not governed by the plant's operating or emergency procedures.

(2) Any act of nature, event, or personnel act that explicitly threatens the safety of the nuclear power plant or site personnel in the performance of duties necessary for the safe operation of the nuclear plant or the security of special nuclear material, including strikes of operating personnel, and instances of sabotage or attempted sabotage. When reporting events involving sabotage, attempted sabotage or events which threaten the security of special nuclear material, the licensee shall also comply with the requirements in § 73.71 of this chapter.

(3) Any event for which plant Technical Specifications require initiation of immediate shutdown of the nuclear power plant.

(4) Any instance of personnel error, equipment failure, or discovery of design or procedural inadequacies that alone could prevent the fulfillment of the safety function of those structures, systems, or components that are needed to (i) shut down the reactor and maintain it in a safe shutdown condition, (ii) remove residual heat, or (iii) control the release of radioactive material.

(5) Any event resulting in manual or automatic actuation of Engineered Safety Features (ESF), including the Reactor Protection System (RPS) (Actuation of ESF, including the RPS, which results from and is part of the planned sequence during surveillance testing or normal reactor shutdown, need not be reported).

(6)(i) For facilities which have instantaneous release rate technical specification limits derived by considering that such a release, if continued for one year, would reach the annual offsite limits of 10 CFR Part 20; any accidental, unplanned, or uncontrolled release that exceeds 25% of technical specification limits;

(ii) For all other facilities; any accidental, unplanned, or uncontrolled radioactive release offsite that exceeds, on an instantaneous basis, 25% of the applicable concentrations of 10 CFR Part 20, Appendix B, Table II, or

(iii) Any accidental, unplanned, or uncontrolled radioactive release that results in the evacuation of a building.

(7) Any onsite fatality or any injury involving radiation occurring onsite that requires transport to an offsite medical facility for treatment. (As used herein "injury involving radiation" is one in which an injured part of the body is contaminated, the injured person is wearing contaminated clothing at the time of transport, or the injury is related to radiation exposure).

(8) Any personnel radioactive contamination requiring extensive onsite decontamination or outside assistance. (Personnel contamination that can be readily removed using routine decontamination procedures need not be reported).

(c) With respect to the telephone notifications made under paragraphs (a) and (b) of this section, each licensee, in addition to making the required notification, shall during the course of the event:

(1) Promptly report any further degradation in the level of safety of the plant or other worsening plant conditions including those that require, or may require, initiation of any of the four Emergency Classes if such initiation has not been previously declared, or the change from one Emergency Class to another or a termination of the Emergency Class.

(2) Promptly report the results of ensuing evaluations or assessments of plant conditions, the effectiveness of response or protective measures taken, and information related to plant behavior that is not understood.

(3) Maintain an open, continuous communication channel with the NRC Operations Center upon request by the NRC.

Dated at Washington, D.C. this 14th day of December 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-36403 Filed 12-16-81; 8:45 am]

BILLING CODE 7590-01-M

[1] These Emergency Classes are addressed in NUREG–0654/FEMA-REP–1, entitled "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants." Rev. 1, November 1980

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the West Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule: Notice of Receipt of Permanent Program Modifications; Public Comment Period and Opportunity for Public Hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantitve adequacy of program amendments to the West Virginia permanent regulatory program [hereinafter referred to as the West Virginia Program] under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the West Virginia program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments which proposed program amendments and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on January 20, 1982, to be considered in the Director's decision on whether the proposed amendments are acceptable.

A public hearing on the proposed modifications has been scheduled for January 18, 1982, from 6:00 p.m. to 8:00 p.m. at the Capitol Complex Conference Center, Rooms A and B, 1900 Washington Street, East Charleston, West Virginia.

Any persons interested in making an oral or written presentation at the hearing should contact Christine M. Struminski, Assistant Regional Director, at (304) 342–8125 or at the address below.

If no person has contacted Ms. Struminski to express an interest in participating in the hearing by January 4, 1982, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register**.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

Copies of the West Virginia program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125

Office of Surface Mining Reclamation and Enforcement, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343–4728

West Virginia Department of Natural Resources, Room 630, Building 3, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348–6160.

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of West Virginia. On January 21, 1981, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the West Virginia program can be found in the January 21, 1981, **Federal Register** (46 FR 5915–5956).

On April 29, 1981, the State provided a copy of proposed coal refuse disposal regulations to OSM for review (Administrative Record No. WV 400). On June 8, 1981, OSM provided an informal listing of deficiencies found in the proposed regulations (Administrative Record No. 401a) and informed the State that the promulgated regulations must be submitted as formal a program amendment which would be subject to public comment.

The regulations were promulgated on October 1, 1981, and submitted as a program amendment on October 29, 1981. The Director now seeks public comment on the adequacy of these regulations.

Dated: December 11, 1981.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 81–36296 Filed 12–18–81; 8:45 am]

BILLING CODE 4310–05–M

POSTAL SERVICE

39 CFR Part 111

Changes in Handling of Undeliverable-as-Addressed Mail; Extension of Comment Period

AGENCY: Postal Service.

ACTION: Solicitation of comments in advance of proposed rulemaking; extension of time for comment.

SUMMARY: This notice extends the time for filing comments on the Postal Service's solicitation of comments on proposed changes in the handling of undeliverable-as-addressed mail.

DATE: Comments must be received on or before January 18, 1982.

ADDRESS: Written comments should be addressed to the Director, Office of Post Office Services, Delivery Services Department, U.S. Postal Service, Washington, D.C. 20260–7230. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 7347, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260–7230.

FOR FURTHER INFORMATION CONTACT: John Amtmann, Office of Post Office Services, (202) 245–5791.

SUPPLEMENTARY INFORMATION: On October 29, 1981, a document was published in the **Federal Register** (46 FR 53458) soliciting public comments on several changes under consideration by the Postal Service for handling undeliverable-as-addressed mail. The purpose of the notice was to explain the changes under consideration and to solicit suggestions and recommendations. The notice is preparatory to future rulemaking proceedings; in is not a proposed rule at this time.

In response to requests from the Mailers Technical Advisory Group Industry Members, The Kiplinger Washington Editors, Inc., and Reader's Digest, for an additional thirty-day comment period, the Postal Service will accept written comments which are received on or before January 18, 1982.

(39 U.S.C. 401, 403, 404)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 81-36295 Filed 12-18-81; 9:45 am]

BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6216]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arkansas, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in meters (MSL)
Arkansas	Town of Jacksonport, Jackson County	White River	At intersection of State Highway 69 and Washington Street.	*231
Maps available for inspection at City Hall, Jacksonport, Arkansas 72075. Send comments to Mayor William Smart or Ms. Carol Eddington, Town Secretary, Town Hall, Jacksonport, Arkansas 72075				
Delaware	Bowers, Town, Kent County	Delaware Bay	Entire shoreline within community	*12
Maps available for inspection by contacting Mayor James Parker at (302) 335-9884. Send comments to Honorable James Parker, Mayor of Bowers, Bowers Beach, Delaware 19946.				
Delaware	Delaware City, City, New Castle County	Delaware River	Coastline from Upstream Corporate Limits to Downstream Corporate Limits.	*12
Maps available for inspection at the Municipal Offices, 407 Clinton Street, Delaware City, Delaware 19706. Send comments to Honorable Joseph Daniels, Mayor of Delaware City, 407 Clinton Street, Delaware City, Delaware 19706.				
Delaware	Lewes, City, Sussex County	Delaware Bay	entire shoreline within community	*12
Maps available for inspection at the City Hall, East Third Street, Lewes, Delaware. Send comments to Honorable Alfred A. Stango, Mayor of Lewes, P.O. Box 227, Lewes, Delaware 19958.				
Delaware	Slaughter Beach, Town, Sussex County	Delaware Bay	Coastline from upstream corporate limits to downstream corporate limits.	*12
Maps available for inspection by contacting the Town Secretary at (302) 335-4192. Send comments to Honorable Frank Newton, Mayor of Slaughter Beach, R.D. 3, Box 466, Milford, Delaware 19963.				
Maryland	Crisfield, City, Somerset County	Little Annemessex River	Shoreline from approximately 760 feed south of Mammock Point to approximately 520 feed northwest of Lavalette Road (extended).	*8
			Somers Cove Shoreline from approximately 520 feet northwest of Lavalette Road (extended) to Dock Street (extended).	*6
			Shoreline from Dock Street (extended) to 240 feet northwest of Lumber Street (extended).	*8

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in meters (MSL)
			Shoreline from 240 feet northwest of Lumber Street (extended) to approximately 160 feet southwest of Wellington Road, at the corporate limits	*6
			Shoreline from approximately 160 feet northeast of Wellington Road, at the corporate limits to approximately 400 feet southwest of Lorie C. Quinn Sr. Drive at the corporate limits	*5
		Dougherty Creed	Shoreline from approximately 200 feet west of Brick Kiln Road (extended) to approximately 500 feet west of Hall Highway, at the corporate limits	*5
Maps available for inspection at the City Hall, Main Street, Crisfield, Maryland.				
Send comments to Honorable Charles McClenahan, Mayor of Crisfield, City Hall, Main Street, Crisfield, Maryland 21817				
Nebraska	(C) Omaha, Douglas County	Missoun River	At southern county boundary	*978
			About 0.4 mile downstream of Illinois Central Gulf Railroad	*985
			At northern county boundary	*995
		Big Papillion Creek	About 200 feet downstream of Harrison Street	*100
			Just downstream of F Street	*1,015
			Just upstream of Interstate 80	*1,022
			Just downstream of 105th Street	*1,032
			Just downstream of Blondo Street	*1,045
			About 1.1 miles upstream of State Street	*1,082
		Rockbrook Creek	About 1,900 feet downstream of 105th Street	*1,030
			Just downstream of 105th Street	*1,042
			Just upstream of 105th Street	*1,051
			Just downstream of Interstate 680 Ramp	*1,069
		Little Papillion Creek	At mouth	*1,009
			About 175 feet downstream of Union Pacific Railroad	*1,013
			About 300 feet upstream of Union Pacific Railroad	*1,021
			Just upstream of Dodge Street	*1,040
			Just downstream of Fort Street	*1,075
			About 900 feet upstream of State Street	*1,088
		Cole Creek	At mouth	*1,041
			Just downstream of Western Avenue	*1,050
			Just upstream of Western Avenue	*1,055
			Just downstream of Blondo Street	*1,067
			Just upstream of Blondo Street	*1,074
			Just downstream of Maple Street	*1,075
			Just upstream of Maple Street	*1,083
			Just downstream of Military Avenue	*1,093
			Just upstream of Military Avenue	*1,102
			About 1900 feet upstream of Ames Avenue	*1,110
			Just downstream of Redick Avenue	*1,143
		Thomas Creek	At mouth	*1,080
			Just downstream of Interstate 680	*1,098
			Just upstream of Interstate 680	*1,102
			Just upstream of Bennington Road	*1,151
			At northern county boundary	*1,194
		Hell Creek	Just upstream of Harrison Street	*1,055
			Just downstream of Interstate 80	*1,071
			Just upstream of Interstate 80	*1,080
			Just upstream of Q Street	*1,087
			Just downstream of L Street	*1,087
			Just upstream of L Street	*1,098
			Just downstream of West Center Road	*1,128
			Just upstream of West Center Road	*1,137
			Just downstream of Pacific Street	*1,161
		West Papillion Creek	Just upstream of Harrison Street	*1,044
			Just upstream of 156th Street	*1,077
			Just upstream of Pacific Street	*1,095
			About 1.0 mile upstream of 168th Street	*1,120
		Boxelder Creek	At mouth	*1,071
			Just upstream of 168 Street	*1,101
			About 0.5 mile downstream of 180th Street	*1,116
		North Branch West Papillion Creek	At mouth	*1,110
			Just downstream of 168th Street	*1,139
			About 0.34 mile upstream of State Street	*1,184
		Ponca Creek	At mouth	*994
			Just downstream of Pershing Drive	*1,002
			Just upstream of Pershing Drive	*1,007
			Just downstream of 36th Street	*1,022
			Just upstream of 36th Street	*1,032
			Just downstream of Private Drive (near Calhoun Road)	*1,051
			Just upstream of Private Drive (near Calhoun Road)	*1,061
			Just downstream of Calhoun Road	*1,062
Maps available for inspection at the City Planning Department, Omaha/Douglas Civic Center, 1819 Farnam, Omaha, Nebraska				
Send comments to Honorable Michael Boyle, Mayor, City of Omaha, Omaha/Douglas Civic Center, 1819 Farnam, Omaha, Nebraska 68183				
New Jersey	Clark, Township, Union County	Rahway River	Downstream Corporate Limits	*21
			Upstream Valley Road Dam	*29
			Upstream Bloodgood Dam	*40
			Upstream Corporate Limits	*42
		Robinsons Branch	Downstream Corporate Limits at Madison Hill Road	*32
			Upstream Middlesex Reservoir Dam	*48
			Upstream Featherbed Lane	*49

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).**Elevation in meters (MSL)
			Downstream Cellar Avenue (extended)	*52
			Upstream Corporate Limits	*58
		Pumpkin Patch Brook	Confluence with Robinsons Branch	*57
			Upstream Corporate Limits	*61

Maps available for inspection at the Municipal Building, 315 Westfield Avenue, Clark, New Jersey.
Send comments to Honorable Bernard Yarusavage, Mayor of Clark, Municipal Building, 315-Westfield Avenue, Clark, New Jersey 07066.

Commonwealth of Puerto Rico.	Rio Anton Ruiz	Rio Anton Ruiz	30 meters downstream of the confluence of Quebrada Mambiche and Quebrada Collores.	**26.2
		Quebrada Mambiche	18 meters upstream of the intersection of the center of Puerto Rico Highway 924 and Quebrada Mambiche.	**31.4
		Quebrada De Las Mulas	20 Meters upstream of the intersection of the center of Puerto Rico Highway 927 and Quebrada De Las Mulas.	**20.2
		Atlantic Ocean	Intersection of Puerto Rico Highway 3 and Rio Anton Ruiz.	**2.9

Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.
Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico 00902.

Commonwealth of Puerto Rico.	Rio Blanco Basin	Rio Blanco	50 meters upstream of confluence with Quebrada Mazzales.	**5.6
			25 Meters upstream of the intersection of the center of Puerto Rico Highway 927 and Rio Blanco	**7.4
		Rio Santiago	20 meters upstream of the intersection of the center of Puerto Rico Highway 31 and Rio Santiago.	**21.5
		Rio Santiago Lateral Branch	5 meters upstream of the intersection of the center of Puerto Rico Highway 31 and Rio Santiago Lateral Branch.	**18.4
		Atlantic Ocean	At mouth of Rio Blanco	**2.9

Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.
Send Comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico 00902.

Commonwealth of Puerto Rico.	Rio Culebrinas Basin	Rio Culebrinas (Downstream Reach).	5 meters upstream of the intersection of the center of Puerto Rico Highway 2 and Rio Culebnans.	**8.5
			Upstream face of Camino Las Brujas (Puerto Rico Highway 110).	**19.0
		Rio Culebrinas (At San Sebastian)	30 meters upstream of the intersection of the center of Puerto Rico Highway 109 and Rio Culebnnas.	**62.4
		Cano Madre vieja	10 meters upstream of the intersection of the center of Puerto Rico Highway 418 and Cano Madre Vieja.	**8.0
		Atlantic Ocean	At mouth of Rio Culebnnas	**1.6

Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.
Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico 00902.

Washington	Kittitas County (Unnoncorporated Areas)	Manastash Creek	50 feet upstream from the centerline of Brown Road	*1,577
			At intersection of Barnes Road and Manastash Creek	*1,637

Maps available for inspection at Office of the County Commissioner, 5th & Main, Ellensburg, Washington.
Send comments to the Honorable Roy A. Lumaco, P.O. Box 10410, Ellensburg, Washington 98926.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E. O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36278 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6214]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation Determinations for the Town of Erie, Boulder and Weld Counties, Colorado

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed based flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Town Clerk, 645 Holbrook, P.O. Box 100, Erie, Colorado.

Send comments to: The Honorable Harold Stewart, Mayor, Town of Erie, P.O. Box 100, Erie, Colorado 80516.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and

Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the Town of Erie, Colorado, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding	Location	Elevation in feet National Geodetic Vertical Datum	Zone designation
Coal Creek (Main Channel)	At Cheesman Street extended	5015	A4
	At the Union Pacific Railroad	5022	A4.
Coal Creek West Line Overflow	At Evans Street	5013	A2.
	Approximately 100 feet upstream of Cheesman Street	5015	A2
	Approximately 100 feet upstream of Moffat Street	5019	A2
Coal Creek West Line Overflow	Just downstream of Anderson Street	5022	A2.
	Just downstream of Perry Street	5025	A2
	At the Union Pacific Railroad	5027	A2.

In the recently annexed area in the southern portion of the City, the special flood hazard area, identified as Zone A, is being added along Coal Creek. The remaining annexed areas are identified as Zone C. The floodway has been modified along the reach of Coal Creek between the northernmost corporate limits and the Union Pacific Railroad.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81–36276 Filed 12–18–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. PEMA 6219]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designations for the City of Norwich, Connecticut

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations and zone designations are available for review at the City Manager's Office, Norwich, Connecticut.

Send comments to: Mr. Charles C. Whitty, City Manager, City Hall, 100 Broadway, Norwich, Connecticut 06360.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, National Flood Insurance Program, 500 C Street, Donohoe Building, Room 510, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations (100–year flood) for the City of Norwich, Connecticut in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

The proposed base flood elevations and zone designations together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Thames River	Southernmost corporate limit	13 (NGVD)	A10
Thames River	Confluence with Shetucket and Yantic Rivers	14 (NGVD)	A10
Shetucket River	Confluence with Thames River	14 (NGVD)	A10
Shetucket River	8th Street	24 (NGVD)	A11
Shetucket River	Point approximately 700 feet downstream of confluence with Tributary D	32 (NGVD)	A11

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, Office of State and Local Programs and Support.

[FR Doc. 81-36273 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6210]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the City of Wood Dale, DuPage County, Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 404 North Wood Dale Road, Wood Dale, Illinois.

Send comments to: Steven Gutnayer, Administrative Assistant, City of Wood Dale, 404 North Wood Dale Road, Wood Dale, Illinois 60191.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the City of Wood Dale, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A4, Zone B, and Zone C in portions of the recently annexed area adjacent to Salt Creek bounded by Thorndale Avenue, School Street, Wood Dale Road, and the corporate limits.

Zone A4 in portions of the area bounded on the north and west by the corporate limits, on the south by the Chicago, Milwaukee, St. Paul and Pacific Railroad, and on the east by a line perpendicular to the railroad tracks and approximately 2,700 feet from the Railroad's Salt Creek bridge; in portions of the area bounded on the north by the corporate limits, on the south by the Chicago, Milwaukee, St. Paul and Pacific Railroad, and on the east and west by lines which are perpendicular to the railroad tracks and approximately 1,250 and 1,500 feet respectively from the Railroad's Salt Creek bridge; and in portions of the area bounded on the north by a line parallel to and approximately 100 feet north of Irving Park Road, on the south by Irving Park Road, and on the east and west by lines parallel to and approximately zero and 700 feet, respectively, west of Forest View Avenue.

Zone B in portions of the area bounded on the north by a line parallel to and approximately 2,500 feet south of Throndale Avenue, on the south and east by the corporate limits, and on the west by Wood Dale Avenue; in portions of the area bounded by Irving Park Road, a line parallel to and approximately 250 feet south of Irving Park Road, Salt Creek, and Forest View Avenue; and in portions of the area bounded by a line parallel to and approximately 1,400 feet north of Carter Avenue, Carter Avenue, Forest View Avenue, and Harvey Avenue.

Zone C in three newly annexed areas bounded, in the first case, by Potter Street, Gilbert Drive, Addison Road, and a line parallel to and approximately 950 feet west of Addison Road; in the second case, by Mary Jane Lane, the corporate limits, and a line parallel to and approximately 950 feet west of St. Andrews Drive; and in the third case, by the corporate limits, Sherwood Lane, and Central Avenue.

The proposed base flood elevations are as follows:

680 feet MSL in portions of the area bounded on the north by a line parallel to and approximately 100 feet north of Irving Park Road, on the south by Irving Park Road, and on the east and west by lines paralled to and approximately zero and 700 feet, respectively, west of Forest View Avenue.

681 feet MSL along Salt Creek in portions of the area bounded by Thorndale Avenue, School Street, Wood Dale Road, and the corporate limits; in portions of the area bounded on the north and west by the corporate limits, on the south by the Chicago, Milwaukee, St. Paul and Pacific Railroad, and on the east by a line perpendicular to the railroad tracks and approximately 2,700 feet from the Railroad's Salt Creek bridge; and in portions of the area bounded on the north by the corporate limits, on the south by the Chicago, Milwaukee, St. Paul and Pacific Railroad, and on the east and west by lines which are perpendicular to the railroad tracks and approximately 1,250, and 1,500 feet respectively from the Railroad's Salt Creek bridge.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36280 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6211]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for Stephenson County, Unincorporated Areas, Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The Period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 15 North Galena Avenue, Freeport, Illinois.

Send comments to: Don Penticoss, Chairman, Stephenson County Board, 15 North Galena Avenue, Freeport, Illinois 61032.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for Stephenson County, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67).

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurnace premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A6, Zone A, and Zone C along a tributary of the Pecatonica River in portions of the area bounded by Cedarville Road, West Wagner Road, Ayp Road, and North Flansburg Road.

Zone A and Zone C along Waddams Creek in portions of Lake Le-Aqua-Na State Park.

Zone A along a tributary of Rock Run in portions of the area bounded by East Knoup Road, East Cedarville Road, Rock Run, and North Eggert Road; along Richland Creek in portions of the area bounded by West Richland Road, West Beaver Road, Richland Creek, and North Schneider Road; and along Pink Creek and a tributary of Pink Creek in the area bounded by East Brick School Road, East Winneshiek Road, the corporate limits, and North Farwell Bridge Road.

Zone B along the Pecatonica River in portions of the area bounded by the Pecatonica River, U.S. Route 20, Silver Creek, and Yellow Creek; and along the Pecatonica River in portions of Section 27 of Range 9 and Tier 27 North.

Zone C along Cedar Creek in portions of the area bounded by East McConnell Road, East Mill Road, North Dakota Road, and North Afolkey Road; along Rock Run in portions of the area bounded by East Pleasant View Road, North Rock City Road, and Rock Run; along Waddams Creek in portions of the area bounded by Waddams Creek, North Unity Road, and West Range Road; along the Pecatonica River in portions of the area bounded by West Richland Road, West Beaver Road, North Damascus Road, and the Pecatonica River; and along Richland Creek in portions of the area bounded by West Richland Road, West Cedarville Road, North Bellview Road, North Cockrell Road, West Red Oak Road, and the Illinois Central Gulf Railroad.

The proposed base flood elevations are as follows:

772 feet MSL along a tributary of the Pecatonica River (in the area bounded by Cedarville Road, West Wagner Road, Ayp Road, and North Flansburg Road) approximately 1,400 feet upstream of Ayp Road.

745 through 748 feet MSL along the Pecatonica River, Rock Run, and Pink Creek (in the area bounded by East Winneshiek Road, East Sumner Road, the corporate limits, and North Farwell Road) with elevation 745 feet MSL at the eastern corporate limits and elevation 748 feet MSL where Farwell Bridge Road crosses the Pecatonica River.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36284 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6220]

National Flood Insurance Program; Proposed Elevation and Zone Designation for Town of Amesbury, Massachusetts

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone designation described below.

The proposed base flood elevation and zone designation will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevation and zone designation are available for review at the Selectmen's Office, Amesbury, Massachusetts.

Send comments to: Mr. Christopher Cashman, Chairman, Board of Selectmen, Town Hall, Friend Street, Amesbury, Massachusetts 01913.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, National Flood Insurance Program, 500 C Street, Donohoe Building, Room 510, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevation and zone designation (100–year flood) for the Town of Amesbury, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

The proposed base flood elevation and zone designation together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevation and zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood zone designation and base flood elevation for selected locations are:

Source of flooding	Location	Zone	Elevation
Lake Attitash	Areas contiguous to Lakeshore.	A1	98(NGVD)

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, Office of State and Local Programs and Support.

[FR Doc. 81-36285 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6221]

National Flood Insurance Program; Proposed Flood Insurance Zone Designation for Borough of Oakland, New Jersey

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed flood insurance zone designation described below.

The proposed flood insurance zone designation will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed flood insurance zone designation are available for review at the Mayor's Office, Oakland, New Jersey.

Send comments to: The Honorable T. Emmet Bauer, Mayor, Borough of Oakland, Municipal Plaza, Oakland, New Jersey 07436.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, National Flood Insurance Program, 500 C Street, Donohoe Building, Room 510, Washington, D.C. 20472; (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed flood insurance zone designation for the Borough of Oakland, New Jersey in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

The proposed flood insurance zone designation together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community

must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed flood insurance zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed flood insurance zone designation for selected locations are:

Source of flooding	Location	Previous zone	New zone
Unnamed tributary to Ramapo River	Upstream of Ramapo Road	A2	B

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, Office of State and Local Programs and Support.

[FR Doc. 81-36283 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6215]

National Flood Insurance Program; Proposed Floodway, Base Flood Elevations and Zone Designations for the Village of Owego, N.Y.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed floodway, base flood elevations and zone designations described below.

The proposed floodway, base flood elevations and zone designations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed floodway, base flood elevations and zone designations are available for review at the Mayor's Office.

Send comments to: The Honorable John B. Shafer, Mayor, Village of Owego, 90 Temple Street, Owego, New York 13827.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, National Flood Insurance Program, 500 C Street, Donohoe Building, Room 510, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed floodway, base flood elevations and zone designations (100-year flood) for the Village of Owego in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The proposed floodway, base flood elevations and zone designations together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed floodway, base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed floodway, base flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet) (MSL)	Zone
Owego Creek (backwater from Susquehanna River)	Between the corporate limits and Gere Street	816	A9
Owego Creek (backwater from Susquehanna River)	Approximately 100 feet south of Conrail	814	A9
Susquehanna River	Approximately 1,600 feet east of the corporate limits at West Main Street	814	A9
Susquehanna River	Just west of the intersection of McMaster Street and West Main Street	815	A9
Susquehanna River	Just east of the intersection of Ross Street and Front Street	816	A10
Susquehanna River	At the eastern corporate limits	817	A10

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, Office of State and Local Programs and Support.

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44 CFR Part 67

[Docket No. FEMA-6212]

National Flood Insurance Program; Proposed Base Flood Elevation Determinations for the Township of East Penn, Carbon County, Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations described below.

The proposed base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the East Penn Township Building on Township Route 343.

Send comments to: Asher Repsher, Chairman, East Penn Township Board of Supervisors, R.D. 1, Box 42, Lehighton, Pennsylvania 18235.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E. Chief, Engineering Branch Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations for the Township of East Penn, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed base flood elevations are as follows:

Source of flooding	Location	Elevation National Geodetic Vertical Datum
Lehigh River	Downstream corporate limits	387

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36275 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-4851]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Pennsylvania

AGENCY: Federal Emergency Management Agency

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Penn, Snyder County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 44 FR 1172 on January 4, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Penn Township Building, Clifford Road, Selinsgrove, Pennsylvania.

Send comments to: Honorable Edward S. Burgess, chairman of the Penn Board of Supervisors, R. D. 1, Selinsgrove, Pennsylvania 17870.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Penn, Snyder County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entiities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until

the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Pennsylvania	Penn, Township Snyder County	Susquehanna River	Downstream Corporate Limits	*430
			Upstream Corporate Limits	*434
		Penns Creek	Confluence with Susquehanna River	*430
			Upstream of U.S. Routes 11/15 (downstream crossing)	*433
			Upstream of U.S. Routes 11/15 (Market Street)	*435
			Upstream of Gravel Pit Road	*444
			Upstream Corporate Limits	*453
		Middle Creek	Confluence with Penns Creek	*433
			Upstream of dam	*441
			Upstream of State Route 35	*446
			Upstream of Creek Road	*456
			Approximately 2,100' upstream of upstream Corporate Limits	*461
		South Tributary	Confluence with Penns Creek	*433
			Upstream Corporate Limits	*433

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E. O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 7, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36279 Filed 12-18-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6213]

National Flood Insurance Program; Proposed Base Flood Elevation Determinations for the City of Carrollton, Dallas, Denton, and Collin Counties, Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations as described below.

The proposed base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Information regarding the proposed base flood elevations is available for review at the Office of the City Secretary, 1002 South Broadway, Carrollton, Texas.

Send comments to: The Honorable Leddie Taylor, Mayor, City of Carrollton, P.O. Box 535, Carrollton, Texas 75006.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations for the City of Carrollton in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

In the Summertree II Subdivision, the proposed change in base (100-year) flood elevations on Panel 15 of 15 of the City of Carrollton Flood Insurance Rate Map and Flood Boundary and Floodway Map is as follows:

Source of flooding	Location	Elevation in feet National Geodetic Vertical Datum	Zone designation
Stream 6D5	Approximately 1200 feet upstream of Keller Springs Road	510	A1.
	Approximately 1900 feet upstream of Keller Springs Road	515	A1
	Approximately 2800 feet upstream of Keller Springs Road	525	A1.

The proposed 100-year flood through the Summertree II Subdivision is confined to the improved channel and the Carmel Drive right-of-way. The proposed floodway through the above-mentioned reach of Stream 6D5 is confined to the improved channel.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-36274 Filed 12-18-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, and 175

[Docket No. HM-166F; Notice No. 81-8]

Transportation of Limited Quantities of Radioactive Materials and Devices

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Hazardous Materials Regulations applicable to transportation of limited quantities of radioactive materials and radioactive devices, in order to achieve comparable levels of safety in each mode of transportation and in a fashion that is consistent in regulatory controls and requirements.

DATE: Comments must be received by February 19, 1982.

ADDRESS: Comments should be addressed to Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426–3148. Comments should identify the docket number and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Richard R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau (MTB), Department of Transportation, Washington, D.C. 20590, (202) 426–2311.

SUPPLEMENTARY INFORMATION: On December 8, 1980, MTB published an advance notice in the **Federal Register** (45 FR 80843) calling for comments on the need for, or possible elimination of, certain regulatory requirements applicable to the transportation of radioactive materials and radioactive devices in limited quantities. That notice identified the glaring inconsistency which has existed between shipments transported by air versus those transported by any of the surface modes, ever since the Hazardous Materials Regulations (HMR) were consolidated in 1976. Rules proposed in this notice are based upon (1) public comments received in response to the previously cited publication, (2) an assessment of risks inherent in the transportation of these radioactive materials, (3) consideration of risks inherent in each of the modes, (4) an evaluation of hazardous materials incidents reported since 1971, and (5) a comparative analysis of radioactive materials and materials belonging to other hazard classes, with respect to the relaxed requirement for transportation of small quantity packages and the favorable safety records generally achieved by each class. A discussion of pertinent issues and comments received in response to the advance notice follows.

I. Adequacy and Suitability of Current Regulations

A review of comments generally confirms MTB's own assessment that requirements for the most frequently used modes (highway and air) are not consistent, and may be excessive for surface modes and too relaxed for air transportation. In its comments, however, 3M Static Control Systems expressed the opinion that requirements for transportation by air do assure protection of public health and safety. 3M points out further that the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Materials exempt qualifying packages from regulation by all modes in a fashion similar to MTB's exception for air transportation, and it proposes that the HMR be amended to reflect these less restrictive requirements for shipments transported by highway, rail, and water as well. This opinion and recommendation was shared by several other commenters and supported by a claim from Hoffman-La Roche, Inc., that tens of thousands of such packages were safely transported for them in 1980 with only three known incidents occurring. Of these, none involved release of radioactive materials and the internal containers were simply repackaged and returned for disposition.

A. Technical Requirements

Data supplied in comments filed by Miles Laboratories, Inc. and others support MTB's earlier conclusion that activity limits are so low as to present no significant risk to public health. That conclusion holds true not only for the vast majority of packages that contain a small percentage of the maximum permissible activity limit, but for theoretical packages containing one-hundred percent of the authorized activity limit as well, based on generally accepted release fractions and intake rates. Other commenters, like the American College of Radiology, agree that the present regulatory limit of external radiation levels not exceeding 0.5 millirem per hour at the package surface (2.0 millirem per hour for exclusive use shipments) present no radiation danger to persons handling the packages, even if deformed by damage. No commenter to this docket indicated

either a need or desire to revise the activity limits applicable to limited quantities of radioactive material, radioactive devices, or packages containing more than one radioactive device. Also, MTB believes that current limits adequately provide for the public safety, regardless of the mode in which the packages are transported.

1. *Classification with other hazardous materials.* Although not discussed in the advance notice or in comments to the docket, MTB believes that consideration must be given to reordering the precedence of hazards listed in § 173.2 to downgrade limited quantity radioactive materials to a level more appropriate to their actual risk. While actual incidents are not documented, the HMR have been criticized for a "loophole" which some persons contend allows flammable liquids and corrosive liquids containing trace amounts of radioactive material to be transported aboard aircraft as completely unregulated materials. To correct this situation, MTB is proposing that radioactive materials in limited quantities be separated from the major classification and downgraded to a position between "corrosive material (solid)" and "irritating materials."

2. *Packaging.* Only one commenter responding to the advance notice addressed the subject of container integrity. The Lawrence Berkeley Laboratory, while acknowledging the low risks associated with limited quantity radioactive materials, suggests measures be taken to preclude any incidential leakage of dispersible radioactive material (from the inner container) in the form of a liquid or an alpha-emitting solid. To achieve this, they propose that DOT 2N metal cans of the sealed or friction-lid type when used as the inner container should be able to withstand atmospheric pressure differentials and the dropping or crushing incurred in minor accidents. They further propose that items too large or not practical for limited quantity radioactive material packaging be shipped as low specific activity radioactive materials. These suggestions have not been included in the proposed rule, since MTB is satisfied that general requirements for packages in §§ 173.6 and 173.24 and provisions of § 173.91 already provide an adequate level of regulatory control.

B. Administrative Requirements

Although MTB received widespread agreement on its standards for the more critical elements of transportation safety (i.e. packaging, quantity limits, and external radiation levels), the same cannot be said for those requirements which address the communication of hazard warning information (i.e. shipping papers and package markings). As previously indicated, several commenters believe an acceptable level of safety is being achieved in the air mode, and since air is generally considered to be the most critical mode, they imply that requirements for detailed shipping papers, incident reporting and the like for limited quantity radioactive materials transported by surface modes are superfluous.

1. *Shipping papers.* It seems worthy to note that every commenter responding to MTB's inquiry, "In the case of intermodal transfers, do the more restrictive regulations impose an unwarranted economic burden without providing a commensurate increase in safety?," noted that hazardous materials shipping papers are a reason for frustration of shipments or impose a significant economic burden. The frustration of shipments reportedly occurs on occasions when motor carriers interline packages to air carriers. Air carrier personel sometimes become suspicious when they observe hazardous materials shipping papers in the motor vehicle driver's possession and are then asked to accept the packages without similar documentation. The absence of DOT shipping papers, it is explained, often leads to unnecessary delays while pertinent regulations are researched and, as a result, packages of radioactive materials requiring delivery in a timely manner fail to be loaded on scheduled flights.

Conversely, if a shipper seeks to avoid such delays by preparing a hazardous materials shipping paper to accompany packages during air transportation, it may incur additional freight charges attributed to hazardous materials. Miles Laboratories, Inc. cite an example of increased transportation charges amounting to $6.00 per shipment whenever they ship via Federal Express. That surcharge is applied whenever the HMR prevent Federal Express from transporting packages in local pick-up and delivery service which is incidental to its air operations, unless the packages are accompanied by detailed shipping papers. Miles Laboratories, Inc. claims its air transportation costs are increased by at least $27,000.00 per year as an indirect result of MTB's requirement to describe packages of limited quantity radioactive materials in detail on shipping papers, when offered for transportation in the highway mode. Considering that projections for the year 1985 estimate over 800,000 packages of limited quantity radioactive materials and radioactive devices will be transported by air, the aggregate cost imposed through the hazardous materials surcharge is substantial. In fact, it is estimated that savings in excess of $1 million per year may be realized by shippers if carriers follow MTB's lead in the deregulation of these materials.

Although there is an identifiable cost associated with the preparation and distribution of shipping papers, most commenters apparently chose to ignore this incidental and relatively small administrative cost of regulatory compliance, in favor of emphasizing the more direct costs. However, calculated savings of more than 15,000 person-hours per year is possible with elimination of the shipping paper requirements, as proposed herein.

Without exception, every comment filed in response to MTB's query on possible adverse impact to emergency response activities, if detailed shipping paper requirements are waived for surface modes, very boldly proclaim that such activities would not suffer, and some in fact suggest that the impact may be positive. The latter conclusion is based upon several commenters' assessments that the risks presented by limited quantity radioactive materials are so low as to not even warrant notification of traditional emergency response personnel such as firefighters, but instead rely on in-house safety personnel to take appropriate measures which further reduce the already low risk. These commenters reason that calling on emergency service personnel, who are trained and equipped to handle acutely hazardous incidents, is a poor utilization of their resources. However, it was not explained how the absence of detailed shipping papers would alleviate any overreaction of this sort.

While acknowledging that detailed shipping papers for packages of limited quantity radioactive materials and radioactive devices provide benefits which only increase public safety by a slight margin, MTB believes that an indication of the presence of a radioactive material must be communicated in some general fashion if a damaged or a stray package is discovered during transportation. Consequently, the proposed rules contain a new provision for qualifying packages under the limited quantity exception which specifies that the shipper must furnish a written notice on or with the package which reads "Radioactive material, limited quantity, n.o.s., UN 2910" *or* "Radioactive device, n.o.s., UN 2911", as appropriate,

followed by the statement "This package meets all requirements of 49 CFR 173.391 for limited quantity radioactive materials."

2. *Package markings.* Unlike the general agreement reached by most commenters on the need for and value of detailed shipping papers, package markings involve a more diverse range of opinions. Those persons in favor of maintaining the status quo point to the long history of safety in transporation for packages of limited quantity radioactive materials and radioactive devices. They contend that the absence of external markings has not resulted in any mishandling of packages to the extent that there was ever a serious threat to public health or the environment and, therefore, question the justification for a new requirement at this time. In addition, they also worry that markings which include the word "radioactive" may in fact delay the otherwise speedy delivery of these packages by unnecessarily alarming carrier personnel.

In their comments, the Lawrence Berkeley Laboratory supports a requirement for marking packages as "Radioactive material, limited quantity, n.o.s." However, their concern does not seem to be so much with the communication of hazard warning information as it is with expediting delivery. MTB agrees that some small benefits in the form of reduced normal dose may be gained by minimizing the period of time these radioactive materials packages spend in transit. It does not, however, believe that such a package marking would have the effect of shortening transit times.

United Parcel Service indicated support for the elimination of detailed shipping paper requirements but suggested instead inclusion of those presently required entries as package markings. In this way they believe sufficient information would be available to properly handle damaged packages. Obviously this approach goes far beyond all other existing requirements for package markings and its relative merits appear dubious while the burden on shippers would be considerable.

In consideration of the above it is the determination of MTB that current marking requirements prescribed in § 173.391(a)(4) provide an adequate level of safety without unduly burdening shippers and that regulation should, therefore, remain unchanged.

3. *Incident reporting.* One of the principal means available to MTB for assessing the effectiveness of the Hazardous Materials Regulations is the incident reporting system. Information accumulated in that system over the past ten years suggests that limited quantity radioactive materials and radioactive devices are being safely transported. In fact, while it is estimated that several million such packages have been transported during this past decade, MTB has records on only fourteen reported incidents involving these materials. However, since air carriers are presently excepted from reporting requirements when limited quantity radioactive materials are involved in an accident, MTB must acknowledge that it does not have total confidence in its data and resulting conclusions. (Note.—Of the fourteen incident reports discussed above, more than half were submitted by carriers operating in the air mode, even though they are not required to do so.) As no carriers responding to the advance notice chose to address the matter of incident reports, MTB is of the opinion that present requirements applicable to the surface modes are reasonable and necessary and should be extended to include air carriers as well. Appropriate revisions are proposed for §§ 173.391 and 175.10. A conservative estimate of 10 person-hours per year (10 reports at one hour each) is the additional paperwork burden which MTB believes would be imposed if the proposed rule change is adopted. The burden would be shared by approximately 73 of the more than 340 for-hire air carriers now operating in the U.S. MTB solicits specific comments on the accuracy of its estimates for the actual number of additional Hazardous Material Incident Reports which may be required, the time required for their preparation, and the affected population. Carrier estimates of the number of incidents occurring within their system over the past several years and not reported because of the current exception from §§ 171.15 and 171.16 would be most useful.

4. *Shipping descriptions.* In its formulation of these proposed rules, MTB was once again made aware of problems faced by carriers who transport radiopharmaceuticals. They claim that the proper shipping names "Radioactive material, n.o.s." and "Radioactive material, limited quantity, n.o.s." trigger responses by Federal, State, and local enforcement personnel which are quite often inappropriate to any risks associated with these materials. After confirming that the carrier is not transporting particularly objectionable materials, it is generally allowed to proceed but only after a sometimes lengthy delay. These carriers reason that if the DOT proper shipping name more clearly identified the materials by their intended use, such problems would be greatly reduced without compromising safety. As MTB's experience with materials belonging to the hazard classes flammable liquid, corrosive material, poison B, and others reflects no adverse effects in transportation which can be attributed to their use for, and description as, "Medicines, n.o.s.," it is proposing in § 172.101 to introduce a similar proper shipping name, "Radiopharmaceuticals, n.o.s.", for hazard class radioactive material.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 175 would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The Hazardous Materials Table in § 172.101 would be amended as follows:

§ 172.101 Purpose and use of hazardous materials table.

HAZARDOUS MATERIALS TABLE

(1)	(2)	(3)	(3 A)	(4)	(5)		[redacted]		[redacted]		
					Packaging		Maximum net quantity in one package		Water shipments		
·/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					[redacted]	[redacted]	(a)	(b)	(a)	(b)	(c)
	ADDITION										
	Radiopharmaceuticals, n.o.s. (*normal form, nonfissile materials*)	Radioactive material	NA 9181	Radioactive	173.391	173.395			1,2	1,2	
	REVISION[redacted]										
	Radioactive device, n.o.s. See § 173.391 *Radioactive material, limited quantity, n.o.s. See § 173.391*										

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.2 paragraphs (a)(11)–(16) would be redesignated as paragraphs (a)(12)–(17) and a new paragraph (a)(11) would be added to read as follows:

§ 173.2 Classification of a material having more than one hazard as defined in this part.

(a) * * *

(11) Radioactive materials (in limited quantity per § 173.391).

* * * * *

3. In § 173.391 paragraphs (a), (b), and (c) would be amended by adding the words "shipping paper and certification requirements," immediately following "packaging,"; and paragraph (d) would be revised to read as follows:

§ 173.391 Limited quantities of radioactive materials and radioactive devices.

* * * * *

(d) In addition to the requirements specified in paragraphs (a), (b), or (c) of this section, packages offered and accepted for transportation under this section must have an associated notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the consignment. The notice must include the name and address of the consignor or consignee, and the description "Radioactive material, limited quantity, n.o.s., UN 2910" *or* "Radioactive device, n.o.s., UN 2911", as appropriate, followed by the statement "This package meets all requirements of 49 CFR 173.391 for limited quantity radioactive materials". Packages shipped under provisions of this section (except when offered for transportation by air) are not otherwise subject to the requirements of this subchapter, except for §§ 171.15, 171.16, 174.750, 176.710, and 177.861 pertaining to the reporting of incidents and decontamination. Prior to May 3, 1983, packages shipped under provisions of this section and transported by air are not otherwise subject to the requirements of this subchapter, except for §§ 171.15, 171.16, 175.45, and 175.700(b) pertaining to the reporting of incidents and decontamination.

PART 175—CARRIAGE BY AIRCRAFT

§ 175.700 [Amended]

4. In § 175.10 paragraph (a)(6) is removed and reserved.

§ 175.10 [Amended]

5. In § 175.700 paragraph (c) is amended by removing the last sentence.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Based on limited information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a singificant economic impact on a substantial number of small entities. This proposal will not affect not-for-profit enterprises or small governmental jurisdictions. Small businesses potentially affected include air carriers and radioactive materials suppliers. The economic impact on such small entities will be minimal. A regulatory evaluation and environmental assessment are available for review in the Docket.

Issued in Washington, D.C. on December 11, 1981.

Alan I Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-36288 Filed 12-18-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

Atlantic Butterfish Foreign Fishery; Notice

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent.

SUMMARY: This notice announces NOAA's intent to determine whether any portion of the optimum yield (OY) for Atlantic butterfish, in addition to the annual fishing level certified by the Mid-Atlantic Fishery Management Council, will be available for allocation to foreign fishing vessels during the 1981–82 fishing year. The notice solicits factual data relevant to the factors NOAA will consider in making the determination.

DATE: Information may be submitted until January 5, 1982.

ADDRESS: Submit information to Roland A. Finch, Chief, Plan Review Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Roland A. Finch (address above); telephone (202) 634–7449.

SUPPLEMENTARY INFORMATION: The American Fisheries Promotion Act amended the Magnuson Fishery Conservation and Management Act (Magnuson Act) to provide an alternate method of determining the amount of fish available for foreign harvest each year. Under section 201(d) of the Magnuson Act, a Regional Fishery Management Council may certify an annual fishing level (AFL), based on an elaborate formula, for allocation to foreign fishing vessels. This year the Mid-Atlantic Council certified an AFL of 759 metric tons (mt) for Atlantic

butterfish. (The fishery is governed by regulations contained in 50 CFR Parts 611 and 657).

NOAA has accepted the AFL and made the 759 mt of butterfish available for allocation to foreign fishing vessels. Under section 201(d)(4) of the Magnuson Act, the portion of OY (beyond the AFL already made available) that will not be harvested by U.S. vessels must be allocated to foreign vessels unless NOAA makes the findings specified in that paragraph. OY in the butterfish fishery is 11,000 mt; the estimate of domestic annual harvest (DAH) in the fishery management plan is 7,000 mt. Thus the portion of OY in that could be made available for foreign fishing during this fishing year (April 1, 1981–March 31, 1982) is 3,241 mt (11,000 mt − 7,000 mt − 759 mt).[1]

[1] (An additional amount could be made available if the Regional Director transfers some of the DAH to TALFF this year, pursuant to 50 CFR 657.22).

If the findings in paragraph 201(d)(4) are made, some or all of the 3,241 mt may be "deferred" for allocation during the 1982–83 fishing season (April 1, 1982–March 31, 1983). The deferred portion would automatically be made available for allocation to foreign fishing vessels on April 1, 1982, over and above the 1982–83 total allowable level of foreign fishing (TALFF).

The Mid-Atlantic Council has recommended that none of the 3,241 mt be made available during the current fishing year. In making the determination whether to defer or allocate any of the surplus butterfish, NOAA will consider factual information relevant to the following questions:

1. Would allocation of any of the 3,241 mt during the 1981–82 fishing year be detrimental to the development of the U.S. fishing industry? NOAA will consider the impact on all segments of the industry.

2. What part of the 3,241 mt will be available for harvest in the 1982–83 fishing season? NOAA will consider natural mortality and the status of the butterfish stock in determining the degree of survivability.

3. Would deferral of any part of the 3,241 mt constrain the foreign harvest of 1981–82 allocations of species for which butterfish is an incidental catch? The Magnuson Act's standards of achieving OY and coordinating management of interrelated stocks require consideration of the impact of any deferral on the foreign fleet's ability to harvest TALFFs of related species such as *Loligo* and *Illex* squid.

NOAA invites the submission of information concerning these questions by January 5, 1982.

Dated: December 15, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-36232 Filed 12-18-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 244
Monday, December 21, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Interpreters in Courts of the United States; Announcement of Spanish/English Certification Examination; Correction

AGENCY: Administrative Office of the United States Courts.

ACTION: Correction to notice of Spanish/English certification examination for court interpreters.

In FR Doc. 81-35444, published on page 60636, on Friday, December 11, 1981, the following list of testing sites for the written portion of the certification examination was inadvertently omitted. These sites are the only places available to take the written examination:

Testing Sites

Alabama: Mobile
Arizona: Flagstaff, Phoenix, Tucson
California: Fresno, Los Angeles, Monterey, Sacramento, San Diego, San Francisco
Connecticut: Hartford
District of Columbia
Florida: Miami, West Palm Beach
Georgia: Atlanta
Louisiana: New Orleans
Maryland: Baltimore
Massachusetts: Boston
Nevada: Las Vegas, Reno
New Jersey: Newark, Trenton
New Mexico: Albuquerque, Las Cruces, Santa Fe
New York: Manhattan
Puerto Rico: San Juan
Texas: Beaumont, Brownsville, Corpus Christi, Dallas, Fort Worth, Houston, Laredo, San Antonio
Utah: Salt Lake City

[FR Doc. 81-36360 Filed 12-18-81; 8:45 am]
BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

San Juan National Forest Grazing Advisory Board; Meeting

The San Juan National Forest Grazing Advisory Board will meet on Friday, January 15, 1982, at 1:00 p.m. at the Centennial Savings and Loan, Hospitality Room 1011 East 2nd Ave., Durango, Colorado. The Board was established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) Recommendations for the utilization of range betterment funds; (2) recommendations for the development of allotment management plans; (3) problems and conflicts involving the grazing of livestock on the Forest concerning allotment management plans and utilization of range betterment funds; (4) election of officers for the Board.

The meeting will be open to the public. Persons who wish to attend and participate should notify H. E. Bond, San Juan National Forest (303-247-4874) prior to the meeting. The public may participate in discussions during the meeting or may file a written statement following the meeting.

P. C. Sweetland,
Forest Supervisor.
December 11, 1981.

[FR Doc 81-36242 Filed 12-18-81; 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council, Scientific and Statistical Committee and Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

SUMMARY: The North Pacific Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Monday, January 4, 1982, at 9 a.m., in Room 770 of the Federal Building, Juneau, Alaska. Beginning on Tuesday, January 5, the Council will meet at 9 a.m., in the Baranof Hotel, Juneau, in joint session with the Alaska Board of Fisheries to hear technical reports on the status of fishery resources; and at 9 .m., on Wednesday and Thursday, January 6-7, reconvene the joint session to hear public testimony on proposed 1982 amendments to the troll salmon fishery management plan (FMP). The joint session is expected to adjourn at approximately 5 p.m., on January 7. However, the Council will reconvene its meeting on Friday, January 8, at the Federal Building to conclude its business.

The Scientific and Statistical Committee meeting will convene on Monday, January 4, 1982, at approximately 1:30 p.m., in the Capitol Room of the Baranof Hotel and will adjourn on Tuesday, January 5, at approximately 5 p.m. The Advisory Panel will meet on Monday, January 4, from 9 a.m., to approximately 5 p.m., at the Baranof Hotel in the Gastineau Room. The meetings may be lengthened or shortened depending upon progress on the agenda, and are open to the public.

Proposed Agenda

Council—A detailed agenda will be sent to the public around December 21, 1981. The Council will consider the 1982 amendment package for the troll salmon fishery off Alaska, which includes alternatives regarding optimum yield, time and area closures, gear restrictions, reporting requirements, and heads-on requirements. The Council will also select its preferred options for the 1982 amendment package and, time permitting, may consider FMPs and amendments for herring, tanner crab, king crab, Gulf of Alaska groundfish and Bering Sea/Aleutian Islands groundfish, as well as consider applictions from ships of foreign nations to fish in the fishery conservation zone off Alaska and consider various contracts.

SSC and AP—Same as Council.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; Telephone: (907) 274-4563.

Dated: December 15, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-36233 Filed 12-18-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange; Proposed New York Silver Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The MidAmerica Commodity Exchange ("MACE") has applied for designation as a contract market in New York silver. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making the proposed contract available for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before February 19, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the MidAmerica Commodity Exchange New York silver futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street., N.W., Washington, D.C., (202) 254-7303.

SUPPLEMENTARY INFORMATION: The MACE has submitted for Commission approval, pursuant to section 5a(12) of the Commodity Exchange Act (the "Act"), proposed Chapter 20, amending its silver contract. This proposal would allow the Exchange to trade two separate contracts in silver: the currently traded contract for Chicago delivery, and a new contract for New York delivery. The Commission has determined that it shall treat this submission as an application for a new contract market designation in silver, pursuant to Section 5 of the Act and Guideline No. 1, rather than as a rule change for approval under section 5a(12). The new designation would be for silver delivered in New York and would be in addition to the current silver contract market designation for the MACE, under which contracts are traded for delivery in Chicago.

A copy of the terms and conditions of the MACE proposed New York silver futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the MACE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the MACE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by February 19, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on December 14, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc 81-36281 Filed 12-18-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, February 2, 1982; Tuesday, February 9, 1982; Tuesday, Feburary 16, 1982; and Tuesday, February 23, 1982 at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involved "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington. D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 16, 1981.

[FR Doc. 81-36342 Filed 12-18-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-019; ERA Case No. 51518-0672-21-22]

Powerplant and Industrial Fuel Use; City of Kissimmee, Fla.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On July 14, 1981, the City of Kissimmee, Florida (Kissimmee) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent peakload exemption from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). The procedures and criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

Kissimmee requested a permanent peakload powerplant exemption to enable it to use oil or natural gas as a primary energy source in a 29,000 kw oil or natural gas-fired combustion turbine powerplant, referred to as Roy Hansel Unit No. 21, to be located at Kissimmee, Florida. Pursuant to section 212(g) of the Act, and 10 CFR 503.41, and subject to specified terms and conditions stated therein, ERA hereby issues this order granting a permanent peakload exemption to Kissimmee to use oil or natural gas in Roy Hansel Unit No. 21.

DATE: In accordance with section 702(a) of FUA, this order shall become effective on February 19, 1982.

FOR FURTHER INFORMATION CONTACT:
Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Federal Building, Room 7120, Washington, D.C. 20461, Phone (202) 633–8755.

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 6128H, Washington, D.C. 20461, Phone (202) 653–3462.

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-178, Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room 7120, Federal Building, Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION:
Kissimmee plans to install a 29,000 kw natural gas or oil-fired combustion turbine unit to be called Roy Hansel Unit No. 21 at Kissimmee, Florida. Based upon estimates by Kissimmee the proposed unit will have a fuel heat input rate of 11,950 BTU per hour at peak capacity. The unit is scheduled for commercial operation in January 1982. Kissimmee submitted a sworn statement with the petition signed by Mr. Jack Danforth, Utilities Director for Kissimmee as required by 10 CFR 503.41(b)(1). In his statement, Mr. Danforth certified that Roy Hansel Unit No. 21 will be operated solely as a peakload powerplant and to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 29,000 kw and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 43,500,000 Kwh.

In accordance with the procedural requirements of FUA and and ERA regulations, ERA accepted the petition on August 7, 1981 and published a notice of acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on August 21, 1981 (46 FR 42502). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on October 5, 1981, interested parties were also afforded an opportunity to request a public hearing. Comments received from the Environmental Protection Agency's Atlanta Regional Office indicated that construction of the proposed combustion turbine unit would be in full compliance with Federal Clean Air Act requirements. No requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) was prepared which recommended that ERA issue an order granting Kissimmee a permanent peakload powerplant exemption to use oil or natural gas in Roy Hansel Unit No. 21 subject to certain terms and conditions. A notice of availability of the TSA was published in the **Federal Register** on November 17, 1981 (46 FR 56497). The publication of the notice of availability opened a 14-day public comment period which ended December 1, 1981. No comments were received.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Kissimmee has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under this exemption. The Environmental Checklist completed and certified to by Kissimmee pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Kissimmee's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion in this case. Therefore, no additional environmental review is deemed to be required.

Order

On the basis of ERA's review of the entire record of this proceeding, ERA hereby grants to Kissimmee a permanent exemption from the prohibitions of FUA against the use of oil or natural gas in Roy Hansel Unit No. 21 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. Kissimmee Electric shall not produce more than 43,500,000 Kwh during any 12-month period with the proposed unit. Kissimmee shall provide annual estimates of the expected periods (hours during specific months) of operation of Roy Hansel Unit No. 21

for peakload purpose (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.). Estimates of the hours during which Kissimmee expects to operate Roy Hansel Unit No. 21 during the 12-month period shall be furnished within 30 days from the date of this order.

B. Kissimmee shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Kissimmee shall comply with any terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

E. This order shall become effective on February 19, 1982.

Issued in Washington, D.C., on December 14, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc 81-36245 Filed 12-18-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-33-NG]

Natural Gas Imports; Vermont Gas Systems, Inc.; Application To Increase Volume of Natural Gas Being Imported From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to increase the volumes of natural gas being imported from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt, on October 26, 1981, of the application of Vermont Gas Systems, Inc. (Vermont Gas) to increase its importation of natural gas from Canada. Currently, Vermont Gas has authority to import 21,200 Mcf per day. Vermont Gas seeks to amend its current import authorization to increase progressively the maximum daily volumes authorized during the period November 1, 1982, to November 1, 1986. Vermont requests authorization to import a maximum of 25,600 Mcf per day by November 1986 and to continue imports at this level until November 1, 1991.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m., January 18, 1982.

FOR FURTHER INFORMATION CONTACT:

P. J. Fleming, Division of Natural Gas, Economic Regulatory Administration, 2000 M Street, N.W., Room 6304, RG–13, Washington, D.C. 20461, (202) 653–3623

Patricia J. Neel (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue, S.W., Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: In DOE/ERA Opinion and Order No. 34 issued on July 2, 1981, in ERA Docket No. 81–15–NG (1 ERA Para. 70534, *Federal Energy Guidelines*), Vermont Gas was authorized to import from TransCanada PipeLines Limited (TransCanada), under a gas purchase contract dated February 16, 1966, as amended, a total of up to 21,200 Mcf of Canadian natural gas per day beginning November 1, 1981. Although the term of the contract extends through October 31, 1991, the Canadian National Energy Board License, No. GL–19, issued to TransCanada on October 11, 1965, as amended, expires on October 31, 1989. The ERA authorization amended previous import authority granted by the Federal Power Commission (FPC) on January 30, 1976, in FPC Docket No. CP76–100.

Vermont Gas imports its total supply of natural gas from TransCanada, with delivery at the international boundary near Highgate Springs, Vermont. Vermont Gas sells and distributes this gas supply entirely within the State of Vermont.

By an amendment to its gas purchase contract with Vermont, dated September 11, 1981, TransCanada agreed to increase periodically the amount of natural gas sold to Vermont Gas from 21,200 Mcf per day to 25,600 Mcf per day. The amending agreement provides for the sale to Vermont of the following daily volumes:

November 1 through October 31—Mcf/day

1982–83—22,400
1983–84—23,200
1984–85—24,000
1985–86—24,800
1986–91—25,600

The additional import volumes will be delivered through existing facilities. The price of the gas will be U.S. $4.94 per MMBtu, the currently authorized border price for natural gas imported from Canada. Under a contract amendment, dated March 25, 1981, Vermont Gas incurs no take-or-pay obligation until after it has taken 10 Bcf of gas per year. Since the proposed imports will not exceed this amount, the take-or-pay provision will not be invoked.

In its application, Vermont asserts that the additional volumes of gas will be used to meet anticipated increases in demand within its marketing area.

Other information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene.

Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 6304, RG–13, 2000 M Street, NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., on January 18, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the application is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 6013, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on December 14, 1981.

Rayburn Hanzlik,

Economic Regulatory Administration.

[FR Doc. 81-36330 Filed 12-18-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-590070A TSH-FRL-2004-6]

3-Hydroxy-1-Propanesulfonic Acid; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-43) under section 5 of the Toxic Substances Control Act (TSCA) on November 4, 1981. Notice of receipt of the application was published in the **Federal Register** of November 13, 1981 (46 FR 56038). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Ehrensberger, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, D.C. 20460, (202)-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On November 4, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-43. The importer has claimed its identity as confidential business information. The specific identity of the chemical covered by this exemption is 3-hydroxy-1-propanesulfonic acid; its use is as a chemical intermediate. A maximum of 5 kilograms (kg) will be imported for test market purposes during a period not to exceed 1 year. A notice published in the **Federal Register** of November 13, 1981 (46 FR 56038) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-43 will not present any unreasonable risk of injury to health provided that safeguards such as a full facepiece respirator and impervious gloves are used to protect against worker exposure to the TME chemical. The TME chemical contains propane sultone as an impurity in trace amounts. Propane sultone was identified by the International Agency for Research on Cancer to be a positive animal carcinogen. Since no dose response relationship for the chemical has been clearly established, EPA believes that workers should be apprised of the presence of a potential carcinogen in the Material Safety Data Sheet (MSDS) as well as be provided with protective equipment such as a full facepiece respirator and impervious gloves. The submitter has indicated in its test marketing application that 18 workers may experience dermal or inhalation exposure to the TME chemical for a maximum of 16 hours per day for 250 days. However, due to the small production quantity involved (5 kg), the actual duration of exposure and the number of workers exposed to the TME chemical is expected to be much less than the number cited.

EPA believes that the health risk posed by the TME chemical is not unreasonable because the submitter has agreed to identify the presence of the propane sultone impurity in its MSDS, thereby alerting the workers to a potential hazard, as well as provide protective equipment at all points of exposure. In addition, the submitter has pointed out that the workers handling the TME chemical are experienced in handling such materials.

EPA had minimal concern for the environmental effects of the TME chemical because of the expected very low release of the chemical, combined with high water solubility, and lack of predicted significant adverse ecotox effects.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The import volume of the new substance may not exceed the quantity described in the test marketing exemption application.

3. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

4. The number of workers exposed to the new chemical should not exceed that specified in the application. In addition, the workplace controls specified in the revised MSDS should be used to reduce the potential for exposure to the TME chemical.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusions that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-36312 Filed 12-18-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-590070B; TSH FRL 20045]

3-Hydroxy-1-Propanesulfonic Acid, Monosodium Salt; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-44) under section 5 of the Toxic Substances Control Act (TSCA) on November 4, 1981. Notice of receipt of the application was published in the **Federal Register** of November 13, 1981

(46 FR 56038). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Ehrensberger, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–222, 401 M St., SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On November 4, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–44. The manufacturer claims his identify as confidential business information. The specific identify of the chemical covered by this exemption is 3-hydroxy-1-propanesulfonic acid, monosodium salt; its use is as a chemical intermediate. A maximum of 5 kilograms (kg) will be manufactured for test market purposes during a period not to exceed 1 year. A notice published in the **Federal Register** of November 13, 1981 (46 FR 56038) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that test marketing of the substance described in TM–81–44 will not present any unreasonable risk of injury to health provided that safeguards such as a full facepiece respirator and impervious gloves are used to protect against worker exposure to the TME chemical. The TME chemical contains propane sultone as an impurity in trace amounts. Propane sultone was identified by the International Agency for Research on Cancer to be a positive animal carcinogen. Since no dose response relationship for the chemical has been clearly established, EPA believes that workers should be appraised of a potential carcinogen in the Material Safety Data Sheet (MSDS) as well as be provided with protective equipment such as a full facepiece respirator and impervious gloves. The submitter has indicated in its test marketing application that, during manufacturing and processing, a total of 24 workers may experience dermal or inhalation exposure to the TME chemical for a maximum of 16 hours per day for 250 days. However, due to the small production quantity involved (5 kg), the actual duration of exposure and the number of workers exposed to the TME chemical is expected to be much less than the numbers cited.

EPA believes that the health risk posed by the TME chemical is not unreasonable because the submitter has agreed to identify the presence of the propane sultone impurity in its MSDS, thereby alerting the workers to a potential hazard, as well as provide protective equipment at all points of exposure. In addition, the submitter has pointed out that the workers handling the TME chemical are experienced in handling such materials.

EPA had minimal concern for the environmental effects of the TME chemical because of the expected very low release of the chemical combined with high water solubility, and lack of predicted significant adverse ecotox effects.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

3. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

4. The number of workers exposed to the new chemical should not exceed that specified in the application. In addition, the workplace controls specified in the revised MSDS should be used to reduce the potential for exposure to the TME chemical.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–36311 Filed 12–18–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–590071A; TSH–FRL–2004–4]

Modified Polyethlene Oxide; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–45) under section 5 of the Toxic Substances Control Act (TSCA) on November 5, 1981. Notice of receipt of the application was published in the **Federal Register** of November 17, 1981 (46 FR 56500). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing

substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On November 5, 1981, EPA received an application for exemption from the requirements of sections 5(a) and 5(b) of the TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–45. The manufacturer has claimed its identity, the specific chemical identity, the specific use, and the production volume of the chemical as confidential business information. The generic chemical identity is modified polyethylene oxide, and it will be used as an intermediate. During manufacture, a total of two workers may be exposed to the TME substance for 1 hour per day for 30 days. A notice published in the **Federal Register** of November 17, 1981 (46 FR 56500) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–45, under conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health concerns for the TME substance. Minimal worker exposure is expected, and there is no potential for consumer exposure. No significant environmental concerns were identified and environmental release of the substance will be negligible.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer(s) specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 60 days commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–36314 Filed 12–18–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–590071B; TSH–FRL–2004–7]

Polyglycol Styrene Acrylic Polymer; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–46) under section 5 of the Toxic Substances Control Act (TSCA) on November 5, 1981. Notice of receipt of the application was published in the **Federal Register** of November 17, 1981 (46 FR 56500). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On November 5, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–46. The manufacturer has claimed its identity, the specific chemical identity, the specific use of the new substance, and the production volume as confidential business information. The generic name of the new substance is polyglycol styrene acrylic polymer and it will have an open use as a raw material for an industrial, commercial,

and consumer product. During manufacture and processing at either of two sites, dermal exposure may occur to four workers, 1–4 hours per day for 30 days. A notice published in the Federal Register of November 17, 1981 (46 FR 56500) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–46, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. No significant health concerns were identified for the TME substance. The substance will be a minor constituent of a final product. No significant environmental concerns were identified and environmental release of the substance will be low.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) and amounts of manufacture of the new chemical, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 60 days commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 14, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–36313 Filed 12–18–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–650–DR]

Massachusetts; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Massachusetts (FEMA–650–DR), dated December 3, 1981, and related determinations.

DATED: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0491.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of December 3, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Massachusetts resulting from a fire which began on November 28, 1981, is of sufficient severity and magnitude of warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the Commonwealth of Massachusetts.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirements that Federal assistance be supplemental, the Federal funds under Pub. L. 93–288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. David M. Sparks of the Federal Emergency Management Agency to act as the Federal Coodinating Officer for this declared major disaster.

I do hereby determine the following area of the Commonwealth of Massachusetts to have been affected adversely by this declared major disaster.

The City of Lynn for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83–300, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 81–36256 Filed 12–18–81; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 333]

Gallagher and Ascher Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no Independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Gallagher and Ascher Co., 222 West Adams Street, Chicago, IL 60606 was cancelled effective October 24, 1979.

By letter dated September 26, 1979, Gallagher and Ascher Co. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 333 would be automatically revoked unless a valid surety bond was filed with the Commission.

Gallagher and Ascher Co. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder

License No. 333 be and is hereby revoked effective October 24, 1979.

It is ordered, That Independent Ocean Freight Forwarder License No. 333 issued to Gallagher and Ascher Co. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Gallagher and Ascher Co.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36333 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Feight Forwarder License No. 2111]

Gaynar Shipping (Texas) Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Gaynar Shipping (Texas) Inc., 3212 Smith St., Suite 201, Houston, TX 77006 was cancelled effective January 12, 1980.

By letter dated January 3, 1980, Gaynar Shipping (Texas) Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2111 would be automatically revoked unless a valid surety bond was filed with the Commission.

Gaynar Shipping (Texas) Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 2111 be and is hereby revoked effective January 12, 1980.

It is ordered, That Independent Ocean Freight Forwarder License No. 2111 issued to Gaynar Shipping (Texas) Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Gaynar Shipping (Texas) Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36334 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 377]

Gurge & Company; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a license to maintain a valid bond on file.

The bond issued in favor of Gurge & Company, 11 Broadway, New York, NY 10004 was cancelled effective November 16, 1979.

By letter dated October 18, 1979, Gurge & Company was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 377 would be automatically revoked unless a valid surety bond was filed with the Commission.

Gurge & Company has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 377 be and is hereby revoked effective November 16, 1979.

It is ordered, That Independent Ocean Freight Forwarder License No. 377 issued to Gurge & Company be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Gurge & Company.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36335 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants; Faith Freight Forwarding Corp. et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Faith Freight Forwarding Corp., New Orleans Division, Inc., 4440 Earhart Blvd., New Orleans, LA 70125

Officers:
Luis C. Gomez, President
Roberto Faith

Victor A. Cienfuegos, dba Cione Forwarding , 11403 Davenrich Street, Santa Fe Springs, CA 90670

E.D.S. International Shipping Corp., 506 Cozine Avenue, Brooklyn, NY 11208

Officers:
David Kadoch, President
Yigal Aviani, Vice President
Sheila Kadoch, Secretary.

By the Federal Maritime Commission.

Dated: December 16, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-36341 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1791-R]

Jack P. Hyams Associates, Ltd.; Order of Revocation

On February 21, 1980, Jack P. Hyams Associates, Ltd., 153-40 Rockaway Blvd., Jamaica, NY 11434 surrendered its Independent Ocean freight Forwarder License No. 1791-R for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(e) dated November 12, 1981;

It is ordered, That Independent Ocean Freight Forwarder License No. 1791-R issued to Jack P. Hyams Associates, Ltd. be revoked effective February 21, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Jack P. Hyams Associates, Ltd.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-36339 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 49]

Kaufman & Vinson Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime

Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Kaufman & Vinson Co., Inc., One World Trade Center, New York, NY 10048 was cancelled effective December 1, 1979.

By letter dated November 6, 1979, Kaufman & Vinson Co., Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 49 would be automatically revoked unless a valid surety bond was filed with the Commission.

Kaufman & Vinson Co., Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 49 be and is hereby revoked effective December 1, 1979.

It is ordered, That Independent Ocean Freight Forwarder License No. 49 issued to Kaufman & Vinson Co., Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Kaufman & Vinson Co., Inc.

Albert J. Klingel, Jr., Director,

Bureau of Certification & Licensing.

[FR Doc. 81-36340 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 852-R]

Leo Hill, Inc. (Hill-Tampa, d.b.a.); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Leo Hill, Inc. (Hill-Tampa, aba), 704 N. 13th Street, Tampa, FL 33605 was cancelled effective August 2, 1979.

Leo Hill, Inc. (Hill-Tampa, d.b.a.) has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981.

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 852-R be and is hereby revoked effective August 2, 1979.

It is ordered, That Independent Ocean Freight Forwarder License No. 852-R issued to Leo Hill, Inc. (Hill-Tampa, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Leo Hill, Inc. (Hill-Tampa, d.b.a.).

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36336 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 921-R]

Pacific Terminals International, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Pacific Terminals International, Inc., P.O. Box 6279, Bellevue, Washington 98007 was cancelled effective March 12, 1980.

By letter dated February 13, 1980, Pacific Terminals International, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 921-R would be automatically revoked unless a valid surety bond was filed with the Commission.

Pacific Terminals International, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 921-R be and is hereby revoked effective March 12, 1980.

It is ordered, That Independent Ocean Freight Forwarder License No. 921-R issued to Pacific Terminals International, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Pacific Terminals International, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing

[FR Doc. 81-36338 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1558]

Roland Thompson Agency, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of licensee to maintain a valid bond on file.

The bond issued in favor of Roland Thompson Agency, Inc., 1160 N.W., 72nd Avenue, #707, Miami, FL 33126 was cancelled effective November 28, 1979.

By letter dated October 30, 1979, Roland Thompson Agency, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1558 would be automatically revoked unless a valid surety bond was filed with the Commission.

Roland Thompson Agency, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 1558 be and is hereby revoked effective November 28, 1979.

It is ordered, That independent Ocean Freight Forwarder License No. 1558 issued to Roland Thompson Agency, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order by published in the Federal Register and served upon Roland Thompson Agency, Inc.

Albert J. Klingel, Jr., Director,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36337 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 329]

Universal Foreign Service, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean

freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Universal Foreign Service, Inc., World Trade Center, Suite 350, 350 South Figueroa Street, Los Angeles, CA 90071 was cancelled effective September 15, 1979.

By letter dated August 17, 1979, Universal Foreign Service, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 329 would be automatically revoked unless a valid surety bond was filed with the Commission.

Universal Foreign Service, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 329 be and is hereby revoked effective September 15, 1979.

It is ordered, That Independent Ocean Freight Forwarder License No. 329 issued to Universal Foreign Service, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Universal Foreign Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36332 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1837]

World Cargo, Ltd.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of World Cargo, Ltd., 4775 Lima Street, Denver, CO 80239 was cancelled effective January 2, 1980.

By letter dated December 17, 1979, World Cargo, Ltd. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1837 would be automatically revoked unless a valid surety bond was filed with the Commission.

World Cargo, Ltd. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth In Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 1837 be and is hereby revoked effective January 2, 1980.

It is ordered, That Independent Ocean Freight Forwarder License No. 1837 issued to World Cargo, Ltd. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon World Cargo, Ltd.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-36331 Filed 12-18-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

AmSouth Bancorporation; Acquisition of Bank

AmSouth Bancorporation, Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Parker Bank and Trust Company, Cullman, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36301 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Securities, Inc.; Acquisition of Bank

Bank Securities, Inc., Albuquerque, New Mexico, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First National Bank of Socorro, Socorro, New Mexico. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36302 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Colorado National Bankshares, Inc.; Acquisition of Bank

Colorado National Bankshares, Inc., Denver, Colorado, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Colorado National Bank—Boulder, Boulder, Colorado, a *de novo* bank. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36349 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Banco Do Commercio E Industria De Sao Paulo, S.A.; Corporation to Do Business Under the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Comind International Banking Corporation, Houston, Texas. Comind International Ban King Corporation would operate as a subsidiary of Banco do Commercio e Industria de Sao Paulo, S.A., Sao Paulo, Federative Republic of Brazil. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36351 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Girard International Bank; Establishment of U.S. Branch of a Corporation Organized Under the Federal Reserve Act

Girard International Bank, New York, New York, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Miami, Florida, and to change the location of its corporate headquarters from its branch in New York, New York, to the proposed Miami, Florida, branch office. Girard International Bank operates as a subsidiary of Girard Bank, Philadelphia, Pennsylvania.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36347 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Centerville Bancshares, Inc.; Formation of Bank Holding Company

Centerville Bancshares, Inc., Centerville, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Centerville State Bank, Centerville, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36350 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

F&M Shares-Corp.; Formation of Bank Holding Company

F&M Shares-Corp, Eagle Grove, Iowa, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers & Merchants Savings Bank, Manchester, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36303 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

F.T. Bancshares, Inc., Formation of Bank Holding Company

F.T. Bancshares, Inc., Shelbyville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers and Traders Bank, Inc., Shelbyville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36346 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

First National Bankshares of Beloit, Inc., Formation of Bank Holding Company

First National Bankshares of Beloit, Inc., Beloit, Kansas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83.9 percent or more of the voting shares of The First National Bank of Beloit, Beloit, Kansas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36304 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

First Olathe Bancshares, Inc.; Formation of Bank Holding Company

First Olathe Bancshares, Inc., Olathe, Kansas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91 percent or more of the voting shares of The First National Bank of Olathe, Olathe, Kansas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36305 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

First Pacific Bancorp, Inc.; Formation of Bank Holding Company

First Pacific Bancorp, Inc., Los Angeles, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Pacific Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36306 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Georgia State Bankshares, Inc.; Formation of Bank Holding Company

Georgia State Bankshares, Inc., Mableton, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Georgia State Bank, Mableton, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36307 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Heights Bancshares, Inc.; Formation of Bank Holding Company

Heights Bancshares, Inc., Harker Heights, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Heights Bank, Harker Heights, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36308 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Menno Holding Company; Formation of Bank Holding Company

Menno Holding Company, Menno, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 97.5 percent of the voting shares of Menno State Bank, Menno, South Dakota. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36309 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Pinemont Financial Corp.; Formation of Bank Holding Company

Pinemont Financial Corporation, Houston, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Pinemont Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Rank, to be received not later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.

Assistant Secretary of the Board.

[FR Doc. 81-36310 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Telluride Bank Shares, Inc.; Formation of Bank Holding Company

Telluride Bank Shares, Inc., Crawford, Colorado, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Bank of Telluride, Telluride, Colorado. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 10, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36852 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancshares, Inc.; Formation of Bank Holding Company

Valley Bancshares, Inc., McAllen, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of the successor by consolidation to The Valley National Bank, McAllen, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-36300 Filed 12-18-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Suspension of Maximum Allowable Cost Limits on Specific Drug Products

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Suspension Notice for the Maximum Allowable Cost on dicloxacillin sodium, oral capsule, 250 mg.

SUMMARY: The Pharmaceutical Reimbursement Board announces the suspension of the maximum allowable cost (MAC) limit on dicloxacillin sodium, oral capsule, 250 mg., effective November 19, 1981. The limit for this drug product was published on October 24, 1980 (45 FR 70574), and became effective on December 8, 1980.

The suspension of the MAC limit on dicloxacillin sodium, oral capsule, 250 mg., is based upon information from Ayerst Laboratories. At the time the MAC limit was established, Ayerst Laboratories listed a wholesale price of $0.2690 per capsule for the product and supplied eleven percent of the market based on dollar volume.

Because Ayerst Laboratories will no longer supply the market with its brand of dicloxacillin sodium, and the Board's concern that the product may not be widely and consistently available in the marketplace at the established MAC limit, the Board is suspending the MAC limit for this product. The Pharmaceutical Reimbursement Board may reinstitute procedures to establish a new MAC limit on this drug product in the future.

FOR FURTHER INFORMATION CONTACT: Charles Spalding, Executive Secretary, Pharmaceutical Reimbursement Board, 1-D-5 East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Dated: November 20, 1981.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

[FR Doc 81-36343 Filed 12-18-81; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 8517]

Michigan; Termination of Proposed Withdrawal and Reservation of Land

Notice of the Department of Agriculture, Forest Service application ES 8517 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws was published as FR Doc. 79–16556 on page 30769 of the **Federal Register**, published on May 29, 1979. The applicant has canceled the application in its entirety.

Michigan Meridian, Michigan.

T. 44 N., R. 31 W.,
Sec. 23, Lots 8 and 11.
Containing an aggregate of 112.00 acres.
T. 47 N., R. 13 W.,
Sec. 18, Lot 1.
Containing 35.74 acres.

Pursuant to the regulations contained in 43 CFR 2310.2–1(c), these lands shall at 7:30 a.m. on January 20, 1982, be relieved of the segregative effect resulting from the above referenced publication.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 81–36241 Filed 12–18–81; 8:45 am]

BILLING CODE 4310–84–M

[CA 5322]

Los Angeles County, California, Watershed; Proposed Opening of Land to the Mining Laws

December 10, 1981.

The Forest Service, U.S. Department of Agriculture, has filed application CA 5322 to revoke 80 acres of land withdrawn from location or entry under the mining laws by the Act of May 29, 1928 (45 Stat. 958) to conserve the water resources and to encourage reforestation of the watershed of Los Angeles County, California.

This land is located within the Angeles National Forest and is reported to be mineral in character with considerable more value for mineral development than for water resource development. The land subject to this action remains under the jurisdiction of the Forest Service.

On or before January 19, 1982, all persons who wish to submit comments, suggestions, or objections regarding this proposed revocation may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is as follows:

San Bernardino Meridian

Angeles National Forest

T. 2 N., R. 7 W.,
Sec. 31, S½SE¼.

The above described land aggregates 80 acres in San Bernardino County, California.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–36126 Filed 12–18–81; 8:45 am]

BILLING CODE 4310–84–M

Utah; Proposed Withdrawal and Opportunity for Public Hearing

On December 13, 1981, a petition was approved allowing the Bureau of Reclamation to file an application to withdraw the following described national forest lands from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights:

ASHLEY NATIONAL FOREST

Uintah Meridian

Swift Creek Trailhead

T. 2 N., R. 4 W.,
Sec. 4, lots 3 and 4, NW¼SE¼NW¼, NE¼SW¼NW¼.

Center Park Trailhead

T. 3 N., R. 5 W.,
Sec. 34, SW¼SW¼, S½NW¼SW¼.

The area described contains 159.91 acres in Duchesne County.

The purpose of the withdrawal is to permit the construction of recreation facilities in connection with the Upalco Unit of the Central Utah Project.

On or before March 22, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

In accordance with section 204(h) of the Federal Land Policy and Management Act of 1976, notice is given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned at the address shown below. Upon determination by the authorized officer that a public hearing will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from location and entry under the mining laws as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are grazing and non-occupancy oil and gas leasing.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Bureau of Reclamation.

All communications in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

December 13, 1981.

[FR Doc. 81–36291 Filed 12–18–81; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicant listed below wishes to conduct specific activities with Endangered Species.

Applicant: Columbus Zoological Gardens, Powell, Ohio—PRT 2–8709

The applicant requests a permit to import one male captive-bred white Bengal tiger (*Panthera tigris*) from the Delhi Zoological Park, India, for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: December 16, 1981.

R. K. Robinson,

Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 81-36946 Filed 12-18-81; 8:45 am]
BILLING CODE 4310-55-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 11, 1981. Waiver of the 15-day public commenting period following this publication is necessary for the Oregon nominations listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Oregon's Historic Property Tax Law of 1975 (ORS 358.475), which provides that owners of properties entered into the National Register of Historic Places, including those properties which have been designated as contributing features of historic districts, may apply for special assessment status—a freeze of the assessed valuation for a 15-year period. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properties.

Carol D. Shull,

Acting Keeper of the National Register.

OREGON

Jackson County

Ashland, *Pracht, Humboldt, House,* 234 Vista St.

Marion County

Butteville, *Scheurer, William Riley, House,* 23707 1st St., NE.

[FR Doc. 81-36296 Filed 12-18-81; 8:45 am]
BILLING CODE 4310-70-M

United States World Heritage Nominations 1982; Cahokia Mounds State Historic Site, Illinois

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The Department of the Interior, through the National Park Service, announces the nomination of Cahokia Mounds State Historic Site in Illinois to the World Heritage Committee for inscription on the World Heritage List. The nomination is the result of Interior's annual World Heritage nomination process, which was initiated through a January 13, 1981, **Federal Register** notice (46 FR 3073). The Department earlier announced the identification of Cahokia Mounds as a proposed U.S. World Heritage nomination (46 FR 36757). The nomination is being submitted to the Secretariat of the World Heritage Committee for consideration through a process that could lead to Cahokia Mound's inscription on the World Heritage List in Fall 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Ritsch, Acting Associate Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–4462).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 60 other countries as of this date, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world. The Convention complements each participating nation's heritage conservation programs, and provides for:

(a) The establishment of a 21-member World Heritage Committee assisted by UNESCO to further the goals of the Convention and to approve properties for inclusion on the World Heritage List;

(b) The development and maintenance of a World Heritage List to be comprised of natural and cultural properties of outstanding universal value;

(c) The preparation of a List of World Heritage in Danger;

(d) The establishment of a World Heritage Fund, with a primary function to assist participating countries in preserving and protecting endangered World Heritage properties;

(e) The provision of technical assistance to participating countries, upon request; and

(f) The promotion and enhancement of public knowledge and understanding of the vital importance of heritage conservation at the international level.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 112 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of World Heritage properties situated within its borders.

The Federal Interagency Panel for World Heritage makes recommendations on proposed U.S. World Heritage nominations and related matters. The Panel includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; and the Department of State.

In the United States, the Interior Department is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470a–1, a–2). On October 20, 1981, the Interior Department published in the **Federal Register** policies and procedures which it proposes to use to carry out this legislative mandate (46 FR 51557). The proposed rules contain further information on the Convention and its implementation in the United States.

United States World Heritage Nomination: 1982

The Interior Department, in cooperation with the Federal Interagency Panel for World Heritage, has selected the following property as a United States nomination to the World Heritage Committee for inscription on the World Heritage List:

Illinois

Cahokia Mounds State Historic Site. Cahokia Mounds State Historic Site, located in southwestern Illinois eight miles northeast of St. Louis, Missouri, includes roughly 1,300 acres of the central portion of one of the largest population centers known to have existed in prehistoric North America. Cahokia Mounds was the center of Mississippian development between 900 A.D. and 1300 A.D., after which time it was abruptly abandoned. As center of this development, Cahokia exerted

considerable influence on trade, political and social development, and various population groups throughout the southeast, mid-south, and midwest. The evolution of highly organized and complex political systems in prehistoric North America reached its zenith at Cahokia, with Monk's Mound, the largest prehistoric man-made structure north of central Mexico, as its focal point.

Criteria: (ii) It has exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts, or townplanning and landscaping; (iii) it bears a unique or at least exceptional testimony to a civilization which has disappeared; and (iv) it is an outstanding example of a type of structure which illustrates a significant stage in history.

Dated: December 15, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-36292 Filed 12-18-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Compliance With the National Environmental Policy Act; Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement with regard to the submission of a report to the Congress concerning alternative definitions of undeveloped coastal barriers, as required by section 341(d)(2) of the Omnibus Budget Reconciliation Act (OBRA), and for the proposed designation of undeveloped and unprotected coastal barriers along the Atlantic and Gulf Coasts of the United States, as required by section 341(d)(1) of OBRA, for the purpose of restricting the availability of Federal flood insurance.

SUMMARY: The Department of the Interior announces its intent to prepare an environmental impact statement (EIS) to assess the environmental implications of possible revised definitions that may be recommended to Congress, and of a proposed rule to be issued by the Secretary of the Interior on or about August 13, 1982. The recommendations, if any, will concern legislative amendments to the definition of the term "coastal barriers" as defined in OBRA. The proposed rule will delineate those coastal barriers along the Atlantic and Gulf of Mexico Coasts which are proposed to be designated as undeveloped and unprotected coastal barriers under the existing definition.

ADDRESS: Comments may be submitted to: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, Department of the Interior, Washington, D.C. 20240, (202) 343-5347.

FOR FURTHER INFORMATION CONTACT: Mr. Hardy Pearce, National Park Service (780), Department of the Interior, Washington, D.C. 20240, (202) 272-3566.

SUPPLEMENTARY INFORMATION: On or before August 13, 1982, the Secretary of the Interior is required to transmit to the Congress a report of his findings and conclusions arising from a study conducted for the purpose of designating undeveloped coastal barriers and to include any recommendations regarding the definition of the term "coastal barrier," as presently defined. The Secretary of the Interior also intends to issue a proposed rule on or about August 13, 1982, which will delineate those coastal barriers along the Atlantic Coast and the Gulf of Mexico which are proposed to be designated as undeveloped and unprotected as presently defined in OBRA for the purpose of limiting the availability of Federal flood insurance in those areas. The Department of the Interior will prepare an EIS to assess the environmental implications of alternative actions the Secretary of the Interior may take pursuant to these OBRA responsibilities.

This EIS will examine the environmental effects of making the designations and compare them with effects of reasonable alternatives. Alternatives under consideration for analysis in the EIS include, but are not limited to: "no action," whereby no designations would be made; various alternative definitions of "coastal barriers", as presently contained in OBRA; and various alternative methodologies for determining an "undeveloped" status for coastal barriers.

The draft EIS will be issued for a 60-day public review and comment period as soon as feasible. In this regard, a notice was issued in the Federal Register on December 1, 1981 outlining the process the Department intended to follow to meet its OBRA responsibilities. (46 FR 58346.) This notice was amended on December 8, 1981. (46 FR 60022.) As indicated therein, the Department hopes to issue draft definitions and designations on or about January 15, 1982. This draft EIS should be available at that time, or shortly thereafter.

Interested agencies, organizations, and members of the general public are invited to submit comments or suggestions for consideration with regard to the scope and the preparation of this EIS. Upon completion of the draft EIS, its availability will be announced in the Federal Register and comments will again be solicited. All suggestions, comments, and questions should be submitted as quickly as possible in order to be considered in the preparation of the draft EIS.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 81-36299 Filed 12-18-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Petition To Designate Certain Lands in Southeastern Montana Unsuitable for Surface Coal Mining Operations; Availability of Final Evaluation Document, Decision, and Statement of Reasons

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of the final petition evaluation document, the decision, and the statement of reasons for the decision.

SUMMARY: The Office of Surface Mining (OSM) and the Montana Department of State Lands (DSL) with the assistance of several Federal, State, and county agencies have prepared a final evaluation of the petition to designate certain lands in southeastern Montana unsuitable for all or certain types of surface coal mining and reclamation operations.

Copies of the final evaluation document, the decision, and the statement of reasons for the decision are being made available today. OSM and DSL have arranged delivery of these three items to known interested parties.

Additional information on this petition may be found in Federal Register notices of June 5, 1981 (Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations, 46 FR 30202-03), and September 18, 1981 (Petition to Designate Certain Lands in Southeastern Montana Unsuitable for Surface Coal Mining Operations; Public Hearing; Availability of Draft Evaluation Document for the Tongue River Petition; 46 FR 46008-09).

DATE: The final evaluation document, the decision, and the statement of reasons for the decision are being made available on December 21, 1981.

ADDRESSES: Copies of the final document, the decision, and the statement of reasons are available at the following locations: OSM Headquarters, Room 133, Interior South, 1951 Constitution Ave., NW., U.S. Department of the Interior, Washington, DC 20240; OSM Western Technical Service Center, 2d Floor, Brooks Towers, 1020 15th Street, Denver, CO 80202; and Montana Department of State Lands, 1825 Eleventh Ave., Capitol Station, Helena, MT 59620.

FOR FURTHER INFORMATION CONTACT: Sandi Johnson (telephone: 406–449–4560) at the Helena, Mont., office listed under "Addresses" or John Lovell (telephone: 202–343–5981) at the Washington, D.C. office listed under "Addresses."

SUPPLEMENTARY INFORMATION: The analysis in the final petition evaluation document supplements the draft document's analysis of the following allegations made in the petition: (1) That surface coal mining on lands near the Tongue River would irreparably harm the water quality of the Tongue River and ground water and (2) that soil conditions would make reclamation technically and economically infeasible. Together the final and draft documents summarize available information on the petition area (including related NEPA reviews) as well as material from new studies. The documents also contain discussions of the potential coal resources in the area, the demand for coal resources, and the impacts of any designation on the environment, the economy, and the supply of coal, as well as the impact of alternatives available to the decisionmakers.

Public hearings were held on October 21 and 22, 1981, at Ashland, Mont. Responses to the hearings testimony and to written comments ont he draft document have been prepared and are published in the final document.

Date: December 15, 1981.

James R. Harris,

Director.

[FR Doc. 81–36329 Filed 12–18–81; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP2–073]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: December 11, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 153202, filed December 15, 1980, published in the **Federal Register** issue of January 15, 1981, and republished, as corrected, this issue. Applicant: SEA TRANSPORT, INC., 2455 SW 12 St., Miami, FL 33135. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166. Transporting *general commodities* (except classes A and B explosives), between those points in FL in and south of Jefferson, Madison, Hamilton, Columbia, Baker and Nassau Counties, FL, restricted to traffic having an immediately prior or subsequent movement by water. The purpose of this republication is to clarify the commodity and territory description.

[FR Doc 81–36250 Filed 12–18–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and

that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–241

Decided: December 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 103383 (Sub-5), filed November 24, 1981. Applicant: SAFETY TANK LINE, 403 Old Greensboro Highway, Danville, VA 24541. Representative: Charles A. Taylor (same address as applicant), 804–793–1643. Transporting *textile mill products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Barnes Supply Company, Inc., of Collinsville, VA.

MC 124333 (Sub-39), filed November 30, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Lois H. Baker (same address as applicant), 302–652–0508. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Pittston Petroleum Inc., of Montvale, NJ.

MC 129872 (Sub-7), filed November 30, 1981. Applicant: SCHUSTER TRANSPORT, INC., Rte. 6, Menomonie, WI 54751. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Suite 307, Edina, MN 55424, 612–927–8855. Transporting *food and related products*, between points in Barron, Dunn, Eau Claire, and Wood Counties, WI, and Madison County, KY, on the one hand, and, on the other, points in WI, IL, IA, MN, ND, SD, NE, KS, MO, OK, TX, AR, LA, MS, AL, GA, FL, TN, KY, IN, OH, and MI.

MC 129923 (Sub-23), filed November 27, 1981. Applicant: SHIPPERS TRANSPORTS, INC., 5010 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103, 901–526–2000. Transporting *agricultural chemicals, between points in the U.S. (except AK and HI).*

MC 134272 (Sub-7F), filed December 1, 1981. Applicant: DAY & ROSS, LTD., P.O. Box 2099, Station A or Mapleton Rd., Moncton, New Brunswick, CD. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between ports of entry on the international boundary line between the United States and Canada located in ME, MI, NH, NY, and VT, on the one hand, and, on the other, points in the U.S.

MC 134453 (Sub-28), filed November 30, 1981. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55359. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–6889. Transporting *metal products*, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 136733 (Sub-2), filed November 20, 1981. Applicant: WEISS TRANSPORTATION CO., INC., 4250 Wissahickon Ave., Philadelphia, PA 19129. Representative: Raymond A Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046 (215) 576–0131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Associated Warehousing Corp., of Philadelphia, PA.

MC 148443 (Sub-10), filed November 25, 1981. Applicant: SOUTH SHORE EQUIPMENT CORP., 1284 Miller Rd., Avon, OH 44011. Representative: Alan N. Johnson (same address as applicant) 216–934–6538. Transporting *general commodities* (except classes A and B explosives), between points in Pitt County, NC and Roanoke County, VA, on the one hand, and, on the other, points in the U.S.

MC 150163 (Sub-10), filed November 30, 1981. Applicant: HORWITH TRUCKS, INC. R.D. #1, Coplay, PA 18037. Representative: Francis W. Doyle 323 Maple Ave., Southampton, PA 18966. 215–357–7220. Transporting *scrap or waste materials*, between points in CT, NJ, NY and PA.

MC 151173 (Sub-10), filed November 30, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd, Jonesboro, GA 30236. Representative: O.L. Godfrey, Jr. (same address as applicant) 404–478–4115. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Pomona Products Company, Division of Stokely-Van Camp, Inc., of Griffin, GA.

MC 151292, filed November 30, 1981. Applicant: DALE'S ARABIAN HORSE TRANSPORTATION, INC., Route 1, Box 197–A, Cottonwood, CA 96022. Representative: James R. Dale (same address as applicant) 916–347–6326. Transporting *breeding, race and show horses*, between points in the U.S. (except AK and HI).

MC 153563, filed November 3, 1981. Applicant: INLAND POLLUTION CONTROL, INC., P.O. Box 303, 385 Quincy Ave., Braintree, MA 02184. Representative: Joseph V. Polsinello, 26 James Road, Hanover, MA 02339 (617) 826–5505. Transporting *such commodities* as are dealt in or used by the pollution control industry, between points in IL, LA and TX, and those points in the U.S. east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada.

MC 157882, filed November 20, 1981. Applicant: NEWPORT TRUCKING COMPANY, INC., P.O. Box 91227, Lafayette, LA 70509. Representative: C. Kenneth Keller (same as applicant) (318) 233–6130. Transporting *machinery, equipment, material and supplies used*

in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except commodities in bulk), between points in the U.S., (including AK but excepting HI), under continuing contract(s) with Cliff's Drilling Company, of Lafayette, LA, DEL International, of Lafayette, LA, American Well Service, of Lafayette, LA, MGF Drilling Company—Houston, d.b.a. MGF Drilling Company—Lafayette, of Scott, LA, Resource Investment Corporation, of Houston, TX.

MC 158453, filed November 30, 1981. Applicant: EDDIE P. CARTER, d.b.a. CARTER TRUCKING CO., Rt. 3, Box 147–H, Ninety Six, SC 29666. Representative: William B. Patrick, Jr., P.O. Box 1207, Greenwood, SC 29648, 803–229–2511. Transporting *lumber, plywood, sawdust and shavings,* between points in GA, NC, SC and TN.

MC 159372, filed November 27, 1981. Applicant: ROBERT L. FISHER, d.b.a. FISHER TRUCKING, 13555 Agate Rd., Eagle Point, OR 97524. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in Jackson County, OR, on the one hand, and, on the other, Portland, OR.

MC 159423, filed November 24, 1981. Applicant: JOEL CARLSON TRUCKING, INC., Rte. 3, Box 128, North Branch, MN 55056. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting (1) *food and related products* between points in the U.S., (2) *metal and metal products,* between points in ID, IL, IN, IA, LA, MI, MN, MS, MT, NJ, NY, ND, OH, OR, PA, VA, WI and WY, (3) *fiberglass and fiberglass products* between points in IL, IN, MN, NC, NJ, NY, OH, PA, SC, TN, KY, WV and WI, (4) *plastic and plastic products* between points in the U.S., (5) *charcoal briquets and lighter fluid* between points in the U.S., and (6) *building materials* between points in the U.S.

MC 159432, filed November 24, 1981. Applicant: B. Z. ENTERPRISES, INC., 10794 Pine, Bldg. 7, Taylor, MI 48180. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910 (517) 394–4222. Transporting *metal products* between points in the U.S., under continuing contract(s) with Moore Flamecutting, Inc., of Roseville, MI.

MC 159452, filed November 30, 1981. Applicant: GLEN ALDERSON, d.b.a. ALDERSON TRUCKING CO., Box 156, West Bend, IA 50597. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS, 316–265–2634. Transporting *meat and meat products,* between points in Sedgwick County, KS, on the one hand, and, on the other, points in AR, IL, IA, IN, MD, MI, MN, MO, NE, NY, OH, PA, and WI.

MC 159472, filed November 30, 1981. Applicant: LANCE FREIGHT CORP., 423 S.E. 18th St., Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK, and its subsidiaries.

MC 159473, filed November 30, 1981. Applicant: MOON-LITE EXPRESS, INC., 133 Lincoln St., Jersey City, NJ 07307. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Transporting *computer parts* between points in Bergen County, NJ, on the one hand, and, on the other, points in Orange, Rockland, Dutchess, Ulster, Westchester and Suffolk Counties, NY, those in PA on and east of U.S. Hwy 15, and CT, MA and RI.

Volume No. OPY–4–478

Decided: December 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 123476 (Sub-75), filed December 7, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (Same address as applicant) (314) 464–1300. Transporting *ruber and plastic products,* between points in Montgomery County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

MC 124896 (Sub-105), filed December 8, 1981. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne and Ralston Sts., P.O. Box 3485, Wilson, NC 27893. Representative: Norman J. Philion, III, 1920 N St., N.W. Suite 700, Washington, DC 20036 (202) 331–8800. Transporting *textile mill products,* between the facilities of M. Lowenstein Corporation in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 136246 (Sub-51), filed December 7, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha NE 68114 (402) 397–7033. Transporting *metal products, plastic and rubber products and related products,* between points in York County, NE, on the one hand, and, on the other, points in the U.S.

MC 135936 (Sub-36), filed December 7, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting *food and related products,* between Chicago, IL, on the one hand, and, on the other, points in IA, MI, WI, MN, ND, SD, NE, CO, KS, MO, IN, and OH.

MC 144446 (Sub-2), filed December 7, 1981. Applicant: PRODUCER'S SERVICE, INC., 68 E. Church St., Xenia, OH 45385. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Hi-Point Beef Co., of Bellefontaine, OH, and Tennessee Dressed Beef Company, of Nashville, TN.

MC 144446 (Sub-3), filed December 7, 1981. Applicant: PRODUCER'S SERVICE, INC., 68 E. Church St., Xenia, OH 45385. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *plastic products,* between points in Rockcastle County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145966 (Sub-10), filed December 7, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products,* between Omaha, NE, Wyandotte County, KS, Eau Claire County, WI, Jefferson County, TN, and Monmouth County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151996 (Sub-2), filed December 4, 1981. Applicant: M & S TRANSPORTATION, INC., P.O. Box 155, Lonoke, AR 72086. Representative: James M. Duckett, Suite 411, 221 West 2nd, Little Rock, AR 72201, (501) 375–3022. Transporting *food and related products,* between points in Jefferson County, CO, on the one hand, and, on the other, points in TX.

MC 153516 (Sub-2), filed December 4, 1981. Applicant: INTERSTATE EXPRESS, INC., P.O. Box 37144, Millard, NE 68137. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Swift

Independent Packing Company, of Chicago, IL, and its subsidiaries.

MC 154646 (Sub-10), filed December 7, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between the facilities of York Manufacturers Company, Ace Irrigation and Manufacturing Company, and Pole Barns, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 156436 (Sub-2), filed December 4, 1981. Applicant: FRANKELL I. BARAMDYKA, d.b.a. I. W. TRANSPORT, INC., 353 South Santa Fe Ave., Los Angeles, CA 90013. Representative: Frederick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, (714) 981–9981. Transporting *general commodities* (except classes A and B explosives, and households goods), between points in the U.S., under continuing contract(s) with Ben Franklin Distribution Center, of Des Plaines, IL.

MC 156886 (Sub-1), filed December 7, 1981. Applicant: J. O. STRAYHORN'S WRECKER SERVICE, INC., 1701 S. Miami Blvd., Durham, NC 27703. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *used building materials,* and *restaurant fixtures,* between points in AL, AR, FL, GA, IL, IN, KY, MS, MO, NC, OH, SC, TN, TX, VA, and DC.

Volume No. OPY–4–479

Decided: December 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 108676 (Sub-176), filed December 2, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37913. Representative: H. E. Miller, Jr., 501 Union St., Nashville, TN 37219, (615) 255–0540. Transporting *glass and glass products* between points in the U.S.

MC 116886 (Sub-44), filed December 3, 1981. Applicant: HOWELL'S MOTOR FREIGHT, INC., P.O. Box 12308, Roanoke, VA 24024. Representative: Charles A. Webb, Suite 1111, 1828 L Street NW., Washington, DC 20036, (202) 822–8200. Transporting *such commodities as are dealt in by wholesale, retail, chain grocery and food business houses* between points in the States east of LA, AR, MO, IA and MN.

MC 138076 (Sub-24), filed December 2, 1981. Applicant: HEAVY HAULING, INC., 100 West Grand, Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *coal and coal products, clay products* and *minerals,* between points in Bowman County, ND, Big Horn and Weston Counties, WY and Butte County, SD, on the one hand, and, on the other, Fort Smith, AR, points in Red Willow County, NE, and points in KS and OK.

MC 150206 (Sub-3), filed December 4, 1981. Applicant: DANTE GENTILINI TRUCKING, INC., 30 W. 443 Roosevelt Rd., P.O. Box 387, West Chicago, IL 60185. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting (1) *pulp, paper and related products,* (2) *metal products,* and (3) *rubber and plastic products,* between points in IL, IN, IA, KY, MI, MO, OH, and WI.

MC 159566, filed December 4, 1981. Applicant: TOTAL INTERMODAL SERVICE, INC., 401 Bakewell St., Covington, KY 41011. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives) between Cincinnati, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WV.

Volume No. OPY–4–482

Decided: December 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59856 (Sub-93), filed November 10, 1981, previoulsy noticed in the **Federal Register** of November 25, 1981. Applicant: SALT CREEK FREIGHTWAYS, 3333 W. Yellowstone, Casper, WY 82602. Representative: John R. Davidson, Rm. 805, First Bank Bldg., Billings, MT 59 101, (406) 248–9156. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, ID, MN, MT, ND, OR, OK, SD, TX, UT, WA, and WY.

Note.—The purpose of this republication is to show the state of MT, which was inadvertently reflected as MI instead of MT.

MC 148966 (Sub-10), filed December 7, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *general commodities* (except classes A and B explosives), between Boston, MA, North Bergen, NJ, Philadelphia, PA, Cleveland and Columbus, OH, Los Angeles, CA, and Portland, OR, on the one hand, and, on the other, Spokane, WA.

MC 159596, filed December 7, 1981. Applicant: WESTBURY TRUCKING CO., INC., Rt. 1, Box 146, Cross, SC 29436. Representative: Lucas C. Padgett, Jr., 141 E. Bay St., Charleston, SC 29401, (803) 723–7831. Transporting (1) *fertilizer and fertilizer material,* and (2) *sand, gravel, crushed stone, and gypsum rock,* between Augusta and Savannah, GA, Chorlotte and Rockingham, NC, and points in Berkeley County, SC.

MC 159606, filed December 8, 1981. Applicant: RANDALL DIST., INC., 691 N. 1800 E., St. George, UT 84770. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Khyber Foods Incorporated, of Fullerton, CA.

Volume No. OPY–4–483

Decided: December 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1367 (Sub-7), filed December 4, 1981. Applicant: OWL TRANSFER & STORAGE CO., INC., 3623 6th Ave. S., Seattle, WA 98134. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622–3220. Transporting *general commodities* (except classes A and B explosives), between points in WA on and west of U.S. Hwy 97.

MC 5227 (Sub-87), filed December 3, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101, (605) 335–1777. Transporting (1) *machinery,* and *metal products,* between points in Clark County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) *building materials, contractor's equipment, materials, and supplies, metal products,* and *machinery,* between those points in the U.S. in and west of WI, IL, MO, AR, and LA; and (3) *malt beverages,* (a) between Portland, OR, on the one hand, and, on the other, points in CO, AZ, NM, and UT, (b) between Milwaukee, WI, Peoria, IL, and points in Houston County, GA, on the one hand, and, on the other, points in WY, SD, and ND, and (c) between points in Houston County, GA, on the one hand, and, on the other, points in KS, MN, NE, IA, CO, MO, OK, and AR.

MC 50307 (Sub-106), filed December 4, 1981. Applicant: INTERSTATE DRESS CARRIERS, INC., 215 County Ave., Secaucus, NJ 07094. Representative: Gerald W. Eskow (same address as applicant), (201) 330–0700. Transporting *wearing apparel,* between Philadelphia, PA and El Paso, TX.

MC 61977 (Sub-44), filed December 4, 1981. Applicant: ZERKLE TRUCKING CO., Route 6, Box, South Point, OH 45680. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS, on the one hand, and, on the other, points in the U.S.

MC 102567 (Sub-257), filed December 3, 1981. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, D.C. 20001, (202) 628–9243. Transporting *commodities in bulk,* between points in the U.S.

MC 107367 (Sub-4), filed December 4, 1981. Applicant: BOWMAN BUS SERVICE, INC., R.D. 2, Box 75, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, D.C. 20005, (202) 296–3555. Transporting *passengers and their baggage,* in the same vehicle with passengers, in one-way or round-trip charter operations, beginning and ending at points in DE, and those in MD south of the Chesapeake and Delaware Canal, and east of the Chesapeake Bay, and extending to points in the U.S. including AK but excluding HI.

MC 134387 (Sub-97), filed December 2, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neil, 811 S. 59th Ave., Phoenix, AZ 85043, (602) 278–7676. Transporting *general commodities* (except classes A and B explosives) between points in Spokane County, WA, on the one hand, and, on the other, points, CA, OR, UT, and CO.

MC 139177 (Sub-7), filed December 4, 1981. Applicant: MAIERS TRANSPORT AND WAREHOUSING, INC., 515 25th Ave. North, St. Cloud, MN 56301. Representative: Val M. Higgins, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives) between points in Stearns, Benton, Sherburne, Wright, Kandiyohi and Morrison Counties, MN, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, MN, IA, MO, WI, IL, MI, IN, and OH.

MC 146447 (Sub-19), filed December 3, 1981. Applicant: TANBAC, INC., 2941 SW 1st. Terrace, Ft. Lauderdale, FL 3315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *metal products,* between points in the U.S. under continuing contract(s) with The Miller Co., of Meridan, CT.

MC 158357, filed December 2, 1981. Applicant: LEONARD ZERNONE, d.b.a. MEKIMLEN TRUCKING, 1028 S. Walnut, Arlington Heights, IL 60005. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *metal and metal products,* between Chicago, IL, on the one hand, and, on the other, points in IN, WI, IA, OH, MN, MI, NJ, IL, and PA.

MC 159367, filed December 2, 1981. Applicant: MID-AMERICA TRAVEL CENTERS, INC., 508 6th St., Grundy Center, IA 50638 Representative: Martha Martell, 600 Fifth Ave. Plaza, Des Moines, IA 50309, (515) 824–6923. Transporting *passengers and their baggage,* in the same vehicle as passengers, in round-trip charter operations, beginning and ending at points in Grundy and Hardin Counties, IA, and extending to points in the U.S. (including AK, but excluding HI).

MC 159557, filed December 4, 1981. Applicant: B. & M. TRANSPORTATION CO., INC., P.O. Box 17, Route 313 North Federalsburg, MD 21632. Representative: Lee D. McMahan (same address as applicant), (301) 754–8117. Transporting *containers, container ends and closures, and tim plate* between points in NY, OH, IL, MA, RI, PA, MD, DE, VA, WV, NJ, NC, SC, GA, and FL.

MC 159607, filed December 7, 1981. Applicant: VALLEY WAREHOUSE, INC., d.b.a. T. G. V. WAREHOUSE, INC., 2000 S. 71st St., Philadelphia, PA 19142. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561–1030. Transporting (1) *printed matter, and (2) pulp, paper and related products,* between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, PA, VA and DC.

Volume No. OPY–5–224

Decided: December 14, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 109708 (Sub-106), filed December 4, 1981. Applicant: INDIAN RIVER TRANSPORT CO., INC., P.O. Box AG, Dundee, FL 33838. Representative: John J. Harned (same address as applicant), 813–324–2430. Transporting *commodities in bulk,* between points in AL, AR, DE, FL, GA, KY, LA, MS, NC, OH, OK, SC, TN, TX, VA and WV.

MC 117875 (Sub-21), filed November 30, 1981. Applicant: DWIGHT CHEEK TRUCKING CO., INC., 4831 E. 25th St., P.O. Box 31538, Amarillo, TX 79102. Representative: Steven R. Swicegood (same address as applicant), (806) 374–5217. Transporting (1) *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* between Amarillo, TX, on the one hand, and, on the other, points in CO, MS, UT, NV, OR, WA, ID, MT, WY, KS, TX, and OK, and (2) the same *commodities as in (1) above,* and *cheese and cheese products,* between points in WI, NE, KS, IL, MO, OK, TX, CO, AR, KY, TN, LA, MS, AL, GA, NC, SC, and FL.

MC 119928 (Sub-14), filed December 7 1981. Applicant: C & E TRUCKING CORPORATION, 1818 West Sample St., South Bend, IN 46621. Representative: Edward G. Bazelon, 29 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in Cook and DuPage Counties, IL, on the one hand, and, on the other, points in IN, KY, MI, and OH.

MC 121489 (Sub-28), filed December 7, 1981. Applicant: NEBRASKA–IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612–227–7731. Transporting *general commodities* (except classes A and B explosives), between points in Kimball and Scotts Counties, NE and Goshen County, WY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority to its existing regular route authority.

MC 136669 (Sub-19), filed December 3, 1981. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Eugene D. Anderson, Suite 838, 1001 Connecticut Ave., N.W., Washington, D.C. 20036, 202–296–2550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 136818 (Sub-137), filed December 4, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *petroleum and petroleum products* (except in bulk), between points in the U.S. (except AK and HI).

MC 141878 (Sub-14), filed December 7, 1981. Applicant: DIRECT COURIER, INC., 6310 C. Gravel Ave., Fleet Industrial Park, Alexandria, VA 22310. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840–8565. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of International Paper Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142189 (Sub-52), filed December 7, 1981. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, 612–340–0808. Transporting *Fiberglass sucker rods,* between points in Will County, IL, on the one hand, and, on the other, points in the U.S.

MC 144999 (Sub-9), filed December 2, 1981. Applicant: JEM TRUCKING COMPANY, INC., P.O. Box 217, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Tideland Food Sales, Inc., of Hampstead, NC Associated Meats, Inc., of Silver Spring, MD, and Harris Teeter Supermarket, Inc., of Charlotte, NC.

MC 147039 (Sub-7), filed December 3, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, 703–691–0900. Transporting *food and related products,* between points in CA, FL, IL, KY, MD, MA, MI, MN, NY, OH, OR, PA, TN, TX and WA on the one hand, and, on the other, points in the U.S.

MC 147499 (Sub-8), filed December 2, 1981. Applicant: D. H. TRANSFER, INC., 671 M–73, Iron River, MI 49935. Representative: Donald Hooper (same address as applicant), (906) 265–9329. Transporting *hardwood and synthetic flooring systems* between points in Langlade County, WI, and Marquette County, MI, on the one hand, and, on the other, points in the U.S.

MC 151118 (Sub-14), filed December 7, 1981. Applicant: MDR CARTAGE, INC., 516 West Jackson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between the facilities of Uncle Ben's Inc. at points in Norfolk County, MA; Union County, NJ; York County, PA; Seneca, Hancock and Hamilton Counties, OH; Cook County, IL; Clay and St. Louis Counties, MO; Ramsey County, MN; Clayton County, GA; Mecklenburg County, NC; DuVal County, FL; Shelby County, TN; Harris, Dallas and Tarrant Counties, TX; Denver County, CO; Maricopa County, AZ; Salt Lake County, UT; Santa Clara and Los Angeles Counties, CA; King County, WA; and Jefferson Parish, LA on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151819 (Sub-8), filed December 1, 1981. Applicant: CARGO-MASTER, INC., 917 S. Harwood St., Dallas, TX 75201–6192. Representative: Jackson Salasky (same address as applicant), (214) 741–6185. Transporting *pulp, paper and printed matter* between points in the U.S.

MC 154209, filed December 2, 1981. Applicant: CHARLES J. MERLO, INC., R.D. #1, Box 88A, Mineral Point, PA 15942. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *coal and coal products* between points in Cambria, Indiana, and Somerset Counties, PA, on the one hand, and, on the other, points in WV, MD, and those points in OH on and east of a line beginning at Sandusky, OH, and extending over OH Hwy 4 to junction U.S. Hwy 23, and then over U.S. Hwy 23 to the OH–KY State line.

MC 154739 (Sub-2), filed December 3, 1981. Applicant: JEBCO LEASING, INC., 505 Elcamino Rd., Greenwood, IN 46142. Representative: Norman R. Garvin, 1301 Merchant Plaza, East Tower, Indianapolis, IN 46204–3491, 317–638–1301. Transporting *metal products,* and *machinery,* between points in the U.S. under continuing contract(s) with Jenn-Air Corporation of Indianapolis, IN; Carrier Corp., of Syracuse, NY; and United Technology Corporation, of Hartford, CT.

Volume No. OPY–5–225

Decided: December 14, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 154989 (Sub-3), filed December 7, 1981. Applicant: JAMES N. ALLEN, INC., 308 Leasure Way, New Bethlehem, PA 16242. Representative: James N. Allen (same address as applicant), 814–275–4064. Transporting *general commodities* between Bradford, Broughton, Castleton, Dales, Equality, Havaline, Junction, Lombardville, Shawneetown, and Sherwood, IL; Burton, Chardon, Concord, East Clairdon, Middlefield, and West Farmington, OH; Barton, Bergoo, Hylow Mine, and Webster Springs, WV; on the one hand, and, on the other, points in the U.S.

Note.—Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service, including that of the *Burlington Northern, Inc; Baltimore and Ohio Railroad Company; Louisville and Nashville Railroad Co; and Western Maryland Railway Co.* whose abandoment was approved, has actually terminated at all the involved points.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 156088 (Sub-1J), filed December 1, 1981. Applicant: R & S TRUCKING LEASING, INC., 1651 Walker Rd., Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 48428, (616) 457–9290. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Muskegon Paper Box Co., Inc., of Muskegon, MI, and Scientific Games and Dittler Brothers, Inc., both of Sparta, MI.

MC 156589, filed December 4, 1981. Applicant: DRURY BROTHERS, 11950 East Newburg Rd., Durand, MI 48429. Representative: Roger D. Drury (same address as applicant), 517–288–2070. Transporting *acids, chemicals,* and *petroleum products,* between points in the U.S. under continuing contract(s) with General Oil Company of Detroit, MI; Dow Corning Corporation of Midland, MI; Nortru, Inc. of Birmingham, MI; Dearborn Refining of Dearborn, MI; Commercial Industrial Chemicals, Inc. and Oil Chem, Inc. both of Flint, MI.

MC 158708, filed December 30, 1981. Applicant: BEST-WAY TRUCK LINE, INC., P.O. Box 188, Richmond, MO 64085. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *such commodities* as are dealt in or used by manufacturers of electronic equipment, between points in the U.S., under continuing contract(s) with Zenith Radio Corporation, of Glenview, IL.

MC 158979 (republication), filed October 26, 1981. Originally published in the **Federal Register** November 18, 1981. Applicant: ROBERT G. LEADUM, 316 Pleasant Dr., Cherry Hill, NJ 08003. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110–1097, 215–561–1030. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 14 passengers (not including the driver) in the same vehicle,

between points in the Philadelphia, PA Commercial Zone on the one hand, and, on the other, the commercial zones of New York, NY, Washington, DC, and points in DE and NJ, and those points in MD on and east of Interstate Highway 81.

Note.—This application is republished to correct territorial description.

MC 159248, filed November 30, 1981. Applicant: HALTERMAN SERVICES, INC., d.b.a. NET, 500 North 6th Ave., Evansville, IN 47710. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *plastic articles and packaging products*, under continuing contract(s) with Craddock Finishing Corporation, of Evansville, IN, (2) *malt beverages*, under continuing contract(s) with River City Beverages, of Evansville, IN, (3) *plastic and plastic products*, under continuing contract(s) with General Electric Company, of Mt. Vernon, IN, and (4) *such commodities* as are dealt in or used by greenhouse and wholesale floral supply companies, under continuing contract(s) with Zeidler Wholesale Floral Co., of Evansville, IN, between points in the U.S.

MC 159288, filed December 7, 1981. Applicant: SCHULZ TRANSPORTATION SERVICES, INC., Route 3, Box 89, Seward, NE 68434. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. (402) 392–1220. Transporting *meat and packinghouse products* between points in the U.S., under continuing contract(s) with Pork Packers International, Inc., of Downs, KS.

MC 159308, filed December 2, 1981 Applicant: G. RADEN & SONS, INC., 1915 South Corgiat Drive, Seattle, WA 98108. Representative: Henry C. Winters, 12600 S.E. 38th St., Belleview, WA 98006, (206) 644–2100. Transporting *pulp, paper and related products*, between points in CA, on the other, points in WA.

MC 159548, filed December 3, 1981 Applicant: COLCA CORPORATION, 12 Commercial Road, Albany, NY 12205. Representative: Neil D. Breslin, 11 North Pearl St., Albany, NY 12207, (518) 434–1136. Transporting *general commodities* (except classes A and B explosives), between points in AL, CA, CT, FL, GA, IL, IN, KY, ME, MD, MA, MN, MS, NH, NJ, NY, NC, OH, PA, SC, TN, TX, VT, VA, and WV.

MC 159556, filed December 4, 1981. Applicant: EIGHTEEN WHEEL TRANSPORTATION, INC., 355 So. Santa Fe, Los Angeles, CA 90013. Representative: Frederick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, 714–981–9981. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

MC 159568, filed December 4, 1981. Applicant: DC & L TRANSPORT, INC., 16521 Van Dam Road, South Holland, IL 60473. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA, TN, and WI.

MC 159569, filed December 4, 1981. Applicant: GENERAL MOTOR FREIGHT SYSTEMS, INC., 7807 Hall St., St. Louis, MO 63147. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MO, NE, OK, TN, and TX.

MC 159578, filed December 7, 1981. Applicant; STATE WHOLESALERS, INC., 1990 FeFoor Ave., N.W., Atlanta, GA 30318. Representative: Clayton R. Byrd, 2870 Briarglen Dr., Doraville, GA 30340, 404–491–1696. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with State Wholesalers, Inc., of Atlanta, GA; Oxford Chemicals, Inc., of Chamblee, GA, and Southeastern Bonded Warehouses, Inc. of Atlanta, GA.

MC 159598, filed December 8, 1981. Applicant: BILLY CLAYPOOL, LaRue Rd., Route 6, Paris, KY 40361. Representative: Lawrence E. Linderman, 916 Overlook Dr., Alexandria, VA 22305, 703–836–0228. Transporting *machinery*, between points in Bourbon and Nicholas, Counties, KY on the one hand, and, on the other, points in the U.S. and *metal products*, between points in Bourbon County, KY on the one hand, and, on the other, points in the U.S.

MC 159618, filed December 9, 1981. Applicant: RYAN BROS. TRUCKING, INC., P.O. Box 506, Highway 11 N., Trenton, GA 30752. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *metal products* between points in Dade County, GA and Hamilton County, TN, on the one hand, and, on the other, points in KY, AL, MS, GA, FL, SC, NC, VA, TN, LA, TX, and AR.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36251 Filed 12-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–174

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 155912 (Sub-II–2TA), filed December 9, 1981. Applicant: BALTIMORE WAREHOUSING & TRANSPORTATION, INC., 2701 Boston St., Baltimore, MD 21224. Representative: Bruce Burchett (same as applicant). *Household goods in containers, empty household goods containers and uncontainerized automobiles in mixed shipments with household goods*, between pts. in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are five supporting

shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 159642 (Sub-II–1TA), filed December 10, 1981. Applicant: DONNA'S TOWING SERVICE, 1702 Ketcham Ave., Toledo, OH 43608. Representative: Richard L. Sanders, 4024 Lewis Ave., Toledo, OH 43608. *Contract: Irregular: Automobiles, Used or Repossessed, in tow-a-way service* from pts. in OH and IN to Taylor, MI, under a continuing contract with Ford Motor Credit Co., Toledo, OH, for 270 days. Supporting shipper: Ford Motor Credit Co., 5726 Southwyck Blvd., Toledo, OH 43614.

MC 119315 (Sub-II–8–TA), filed December 9, 1981. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, CH 43215. Representative: Paul F. Berry, 275 E. State St., Columbus, OH 43215. *Textile mill products,* between Oneda County, NY; Oconee County, SC; Covington and Russell Counties, AL; Chester County, PA; and Rockingham County, NH, on the one hand, and on the other, Lucas County, OH. An underlying eta seeks 120 days authority. Supporting shipper(s) Textile Leather, Div. of General Tire and Rubber Co., P.O. Box 4875, Toledo, OH 43612.

MC 159522 (Sub-1 TA), filed December 9, 1981. Applicant: F. M. MAIETTA AND DENNIS G. MAIETTA, d.b.a. MAIETTA TRUCKING & CONTRACTING, P.O. Box 205, State Line, PA 17263. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: Contract: *Waste stone,* between Adams County, PA, on the one hand, and, on the other, Hagerstown, MD, including its commercial zone, for 270 days, under a continuing contract or contracts with G & W Natural Resources Group, a division of Gulf & Western Industries, Inc. An underlying ETA seeks 120 days' authority. Supporting shipper: G & W Natural Resources Group, a division of Gulf & Western Industries, Inc., 1 Commerce Place, Nashville, TN 37239.

MC 107012 (Sub-II–208–TA), filed December 10, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *General commodities* (except classes A & B explosives and household goods as defined in 49 U.S.C. 10102(10)), between points in the United States, under continuing contract(s) with Payless Cashways, Inc., Kansas City, MO for 270 days. Supporting shipper(s): Payless Cashways, Inc., One Pershing Square, 2301 Main, Kansas City, MO 64108.

MC 154381 (Sub-II–3TA), filed December 9, 1981. Applicant: PRETLOW BROS. TRUCKING CO., INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same as applicant). *Contract; irregular: Fluids, spirit duplicating, NOI non-frozen and not in bulk,* between Philadelphia, PA and its commercial zones on the one hand, and, on the other, pts. in NC, VA, KY, IN, GA, TN, OH, NY, MA, SC, WV, MD, and DE, under continuing contract(s) with Carroll, LTD, Inc., Philadelphia, PA, for 270 days. Supporting shipper(s): Carroll Ltd., Inc., 2656 Salmon St., Philadelphia, PA 19125.

MC 17605 (Sub-II–1TA), filed December 9, 1981. Applicant: RONALD E. WATSON, P.O. Box 217, Ross, OH 45061. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Sand and gravel* from Hamilton County, OH to pts. in KY and IN for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Watson Gravel, Inc., P.O. Box 217, Ross, OH 45061.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 158947 (Sub-3–1TA), filed December 9, 1981. Applicant: CUBANICA TRANSPORT CORP., 7353 S. Waterway Dr., Miami, FL 33155. Representative: Mario Gonzalez (same as above). *General merchandise;* between the Port of Miami, Riveria Beach, West Palm Beach and Port Everglades, on the one hand, and, on the other, points in FL restricted to shipments having a prior or subsequent movement by water. Supporting shipper: Anacoana and Lonjeff, Inc., 8745 S.W. 131 St., Miami, FL 33176.

MC 143741 (Sub-3–1TA), filed December 10, 1981. Applicant: WILLIAMS BROTHERS TRUCKING, INC., P.O. Box 188, Hazelhurst, GA 31539. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Steel wire and materials and supplies used in the manufacture of steel wire.* between points in Telfair County, GA, on the one hand, and, on the other, points in AR, GA, IA, IL, KY, MS, NC, NY, OH, OK, PA, SC, TN, TX, VA and WI. Supporting shipper: Cook and Company, P.O. Box 458, Lumber City, GA 31549.

MC 159647 (Sub-3–1TA), filed December 10, 1981. Applicant: J TRANSPORT, INC., P.O. Box 1003, Gainesville, GA 30503. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606. *Contract:* Irregular: *Plastic pipe and related articles* between points in the U.S. except AK and HI under continuing contract(s) with Spiral Engineered Systems, a division of Gulf Oil Corporation, 4094 Blue Ridge Industrial Pkwy., Norcross, GA 30071. Spiral Engineered Systems, 4094 Blue Ridge Industrial Pkwy., Norcross, GA 30071.

MC 159618 (Sub-3–1TA), filed December 10, 1981. Applicant: RYAN BROS. TRUCKING, INC., P.O. Box 506, Highway 11 N., Trenton, GA 30752. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Metal products* between points in Dade County, GA, and Hamilton, TN, on the one hand, and points in KY, AL, MS, GA, FL, SC, NC, VA, TN, LA, TX and AR, on the other. Supporting shippers: Alloy Fabricators, Inc., Trenton Hwy., Trenton, GA 30752; Pipe Alloy Fabricators, 1410 Hamil Road, Chattanooga, TN 37407.

MC 150573 (Sub-3–5TA), filed December 11, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *(1) Livestock and poultry feed and feed ingredients, and phosphate, feed phosphate, fish and bone meal (scrap), (2) agricultural chemicals, fertilizer and fertilizer materials, diammonium phosphate, ammonium nitrate, monoammonium, tripple super phosphate, lime, lime materials, lime granulars, landplaster, basic slag, (3) food and related products, cottonseed, soybean meal and hulls, peanut meal and hulls, sunflower meal, cottonseed meal and citrus pulp, (4) gravel, crushed granite, and crushed limestone, in dump vehicles,* between all points in AL, FL, GA, SC, and NC. There are five supporting shipper statements attached to this application which may be reviewed at the ICC Regional Office in Atlanta, GA.

Note.—Applicant intends to tack under existing authority held under MC–150573 and Sub-Nos. 2, 4, and 5.

MC 159681 (Sub-3–1TA), filed December 11, 1981. Applicant: ANCHOR TOURS, INCORPORATED, 3473 Johnson Drive, Lithonia, GA 30058. Representative: Mrs. John F. Stancil (same as above). *Passengers and their baggage, in the same vehicle with passengers in charter operations* between points in DeKalb, Fulton, Cobb Rockdale, Henry, Forsyth, Clarke, Walton, Gwinnett, Barrow, Hall, Cherokee, Habersham, and Banks counties in GA on the one hand, and, on the other, points in the US (except AK and HI) in round-trip special operations

beginning and ending at points in DeKalb, Fulton, Cobb, Rockdale, Henry, Forsyth, Clarke, Walton, Gwinnett, Barrow, Hall, Cherokee, Habersham, and Banks counties in GA. Supporting shippers: There are 25 statements of support which may be examined in the Regional Office of the ICC in Atlanta, GA.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 16903 (Sub-4–6TA), filed December 4, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Building materials and prefabricated buildings,* between Monroe County, IN on the one hand, and, on the other, points in GA, PA, AL, SC, FL, MS, IL, TN, WI, WV, OH, MO, MI, and KY. Supporting Shipper: Mayhill Homes Corporation, Gainesville, GA 30503.

MC 135410 (Sub-4–44TA), filed December 2, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Such commodities as are dealt in or used by retail department stores,* between points in AL, AR, CO, CT, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, MS, NE, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI, restricted to the transportation of traffic originating at or destined to the facilities of Gamble Stores, Division of Wickes Companies, Inc. Supporting Shipper: Gamble Stores, Division of Wickes Companies, Inc., Minneapolis, MN 55440.

MC 143023 (Sub-4–5TA), filed December 4, 1981. Applicant: CHI-WAUKEE TRUCK LINES, INC., 1501 W. Pershing Road, Chicago, IL 60609. Representative: Donald E. Weishaar, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract* irregular: *Palletized, new, empty one-piece beverage cans and related advertising material* from Oak Creek, WI to the facility of Joseph Schlitz Brewing Co. at or near Memphis, TN under continuing contract(s) with Joseph Schlitz Brewing Co. Supporting shipper: Joseph Schlitz Brewing Co., P.O. Box 614, Milwaukee, WI 53201.

MC 152730 (Sub-4–9TA), filed December 3, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 349, Hartford City, IN 47348. Representative: Larry Dee Garrett, P.O. Box 349, (same as above). *Building and building materials and accessories; materials, equipment and supplies utilized in the sale, distribution and manufacture of building and building materials;* between Wells County, IN; Huntington County, IN on the one hand and on the other all points in the U.S. (except AK and HI) Supporting shipper: Affordable Luxury Homes, Inc. P.O. Box 288, Markle, IN 46770.

MC 153683 (Sub-4–2TA), filed December 3, 1981. Applicant: B P D LEASE, INC., P.O. Box 303, Sheridan, MI 48884. Representative: Joseph A. Farhat III, Farhat, Burns, Story & Stafford, P.C., 417 Seymour Ave., Lansing, MI 48933. *Contract* irregular: Transporting *building materials and supplies* between all points in MI on the one hand and between all points in the states of IN and IL on the other under continuing contract with Big L Corporation of Sheridan, MI. Supporting shipper: Big L Corporation, M66, Sheridan, MI 48884.

MC 156908 (Sub-4–3TA), filed December 3, 1981. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular; *Paper,* between points in Brown, Marathon, Milwaukee, Otagamie, and Winnebago Counties, WI, on the one hand, and, on the other, points in the Chicago, IL, Commercial Zone, and Brainerd, MN, under continuing contract(s) with Jim Walters Paper, Inc., Nackie Paper Division, Supporting shipper: Jim Walters Paper, Inc., Nackie Paper Division, 100 North Marshall St., Milwaukee, WI, 53202.

MC 159119 (Sub-4–1TA), filed December 4, 1981. Applicant: RAY COOPER, d.b.a. RAY'S TRUCKING CO., Box 84, Paragon, IN 46166. Representative: Richard E. Aikman, Jr., 300 Merchants Bank Building, Indianapolis, IN 46204. *Transporting lumber and wood products, including wood residuals and forest products,* between points and places in IN, KY, TN, OH, NC, IL, MI and MO. Supporting shippers: Crone Lumber Company, P.O. Box 1171, Martinsville, Indiana 46151; Blue Grass Cooperage, P.O. Box 1602, Martinsville, Indiana 46151; Barnett Lumber Company, Inc., P.O. Box 177, Paragon, Indiana 46166.

MC 159549 (Sub-4–1 TA), filed December 3, 1981. Applicant: DAVID A. MEENGS, 15358 Riley Street, Holland, MI 49423. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49538. *Contract:* Transporting heating and cooling systems and all equipment, materials and parts used in the manufacture and distribution thereof between Holland, MI on the one hand and on the other points in the U.S. under continuing contract with Hart & Cooley Manufacturing Company. Supporting shipper: Hart & Cooley Manufacturing Co., 500 E. 8th, Holland, MI 49423.

MC 159550 (Sub-4–1 TA), filed December 3, 1981. Applicant: ODYSSEY TRAILS, INC., 1367A West Clarke Street, Milwaukee, WI 53206. Representative: Eric Rockmore (same as applicant). *Passengers and their baggage, in special and charter operations,* between points in Milwaukee, Racine, and Kenosha, WI on the one hand, and on the other, to points in IL, IN, MN, OH, MI, KY, TN, TX, MO, GA, DC, MS, AL, LA, CA, NV, VI, IA, NY, PA, MD, NJ, MA, WA, OR, ND, SD, WY, VT, CO, AZ, NM, NE, UT, NH, ME, RI, CT, DE, ID. Supporting shippers: Ms. Arlene Skwierawski, 1011 W. Center St., Milwaukee, WI 53206; Earl S. Adams, 3422 North 10th St., Milwaukee, WI 53206; Sister Margaret Mary Janke, 3434 North 46th St., Milwaukee, WI 53216.

MC 20824 (Sub-4–6 TA), filed December 7, 1981. Applicant: COMMERCIAL MOTOR FREIGHT INC., OF INDIANA, 2141 S. High School Road, Indianapolis, IN 46241. Representative: C. C. Boyd, 2141 S. High School Road, Indianapolis, IN 46241. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in the Southern Peninsula of MI as off-route points in connection with carrier's presently authorized regular-route operations. Supporting shipper: 14.

Note.—Applicant intends to tack with its existing authority in I.C.C. Certificate No. MC–20824, and to interline with other carriers.

MC 88619 (Sub-4–1 TA), filed December 7, 1981. Applicant: MARVIN JAY HUTCHINSON, d.b.a. HUTCHINSON TRANSFER, 309 E. 3rd Street, Thief River Falls, MN 56701. Representative: WillIAm J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. Contract: *Food and related products,* between points in NE, SD, IA, MN, ND, WI, IL, KS and MO, on the one hand, and, on the other, points in ME, VT, MA, CT, NY, NJ, PA, DE, MD, VA, NC, GA, FL, AL, LA, TX, OK, MO, IA, SD, OH, IN, AR, TN, KY, CO, NE, NM, AZ, ID, UT, WY, OR, WA, MT, and CA, for the account of Trans-Consolidated, Inc., St. Paul, MN. Supporting shipper: Trans-Consolidated, Inc., 240 Chester St., St. Paul, MN 55107.

MC 113751 (Sub-4–13 TA), filed December 7, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Transportation equipment, parts and supplies* between the facilities of Oshkosh Truck Corporation at Oshkosh, WI, on the one hand and, on the other hand, points in TX, MO, NE, OK, AR, KS, CO, AL, MN, and IA. An underlying ETA seeks 120 days authority. Supporting shipper: Oshkosh Truck Corporation, P.O. Box 2566, Oshkosh, WI 54903.

MC 120364 (Sub-4–23TA), filed December 9, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Contract: irregular: *Machinery and welding equipment, materials, and supplies* between Savannah, GA; Tama, IA; Rockford, IL; Russell, KY; Laurel, MT; Springfield, MO; Bellevue, OH; Green Spring, WV; Houston; TX; Lakehurst, NJ; and Laramie, WY, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Chemetron-Railway Products, Inc., and Orgotherm, Inc. Supporting shippers: Chemetron-Railway Products, Inc., and Orgotherm, Inc., 111 East Wacker Drive, Chicago, IL 60601.

MC 127187 (Sub-4–10TA), filed December 7, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Glass product,* from Toledo and Lancaster, OH to St. Paul, MN. Supporting shipper: Merrill Charman Company, 115 S. Wabasha, St. Paul, MN 55107.

MC 135598 (Sub-4–6TA), filed December 7, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603. *Wire and Cable* from Monticello, KY to Richmond, IN. Supporting shipper: Belden Corporation, 2000 So. Batavia Ave., Batavia, IL 60134.

MC 138512 (Sub-4–2TA), filed December 8, 1981. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Michael V. Kaney, P.O. Box 1000, Lake Bluff, IL 60044. *General Commodities* (except classes A and B explosives and household goods) between points in the U.S. under continuing contracts with PPG Industries, Inc., Pittsburgh, PA. An underlying ETA seeks 120 days authority. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 148585 (Sub-4–1TA), filed December 8, 1981. Applicant: CARAVAN MOTOR SERVICE, INC., 1800 Mannheim Rd., Westchester, IL 60153. Representative: Joel H. Steiner, 29 South LaSalle St., Chicago, IL 60603. *Metal Product* between Chicago, IL, and points in its Commercial Zone, on the one hand, and, on the other, points in WI. Supporting shipper: Summit Steel, Oak Brook, IL.

MC 152001 (Sub-4–5TA), filed December 7, 1981. Applicant: HALL'S SPECIALTIES, INC., R.R. #1, Laotto, IN 46763. Representative: Constance J. Goodwin, Suite 800, Circle Tower, 5 E. Market St., Indianapolis, IN 46204. *Petroleum and Natural Gas and Petroleum and Natural Gas Products,* between Allen County, IN on the one hand, and, on the other, points in IL, KY, MI, OH and PA. Supporting shipper: Gladieux Refinery, Inc., 4133 New Haven Ave., Fort Wayne, IN 46803.

MC 153064 (Sub-4–1TA), filed December 7, 1981. Applicant: HAAS CARRIAGE, INC., 625 W. Utica St., Sellersburg, IN 47172. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *(1) Wood office furniture,* from Charlestown, IN to points in the U.S.; and *(2) Corrugated packaging materials,* from Louisville, KY to points in OH and IN. Supporting shippers: Independent Container, Inc. of Louisville, KY and Hesco Industries, Inc. of Charlestown, IN.

MC 153664 (Sub-4–3TA), filed December 8, 1981. Applicant: DAVID A. LUNDEEN, d.b.a. FARGO FREIGHT TERMINAL & WAREHOUSE, 1445 5th Avenue North, P.O. Box 1828, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract,* Irregular: *Such commodities as are dealt in or used by agricultural and truck equipment dealers and manufacturers* (except in bulk, in tank vehciles), from St. Paul, MN, to Fargo, ND under contract(s) with International Harvester. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, IL 60611.

MC 157235 (Sub-4–5TA), filed December 4, 1981. Applicant: INDIANA TRUCK LINES, INC., P.O. Box 8056, Ft. Wayne, IN 46898. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract: Irregular: Pumps, related parts and equipment and materials and supplies used in the manufacture of such commodities,* between points in IN, on the one hand, and, on the other, points in TN under a continuing contract or contracts with Tokheim Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Tokheim Corporation, P.O. Box 360, Ft. Wayne, IN 46801.

MC 157909 (Sub-4–2TA), filed December 7, 1981. Applicant: MIDLAND-RAIL-WATER TRANSPORT, INC., 3014 S. Laramie St., Chicago, IL 60650. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. Contract, irregular. *Such merchandise as is dealt in by retail and wholesale grocery stores,* between points in IL, IN, OH, MI, and WI, under contract with Shurfine-Central Corporation. Supporting shipper: Shurfine-Central Corporation, 2100 North Mannheim Road, Northlake, IL 60164.

MC 158888 (Sub-4–1TA), filed December 9, 1981. Applicant: RESOURCE DISTRIBUTION, INC., 240 Chester St., St. Paul, MN 55107. Representative: Richard G. Braman, 1100 National City Bank Building, 510 Marquette Ave., Minneapolis, MN 55402. *General commodities (except those of unusual value and Classes A and B explosives),* between points in MN, WI, IL, IA, SD, ND, and NE. Supporting shippers: Bell Cold Storage, 240 Chester St., St. Paul, MN and Trans-Consolidated, Inc., 240 Chester St., St. Paul, MN.

MC 159431 (Sub-4–1TA), filed December 8, 1981. Applicant: MELVIN L. LYNCH, d.b.a. LYNCH MOVERS, 220 S. Main St., Wauconda, IL 60084 (mailing address: P.O. Box 112, Island Lake, IL 60042). Representative: T. M. Schlechter and D. S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. *Contract;* Irregular: *Organs, and organ parts and accessories,* From points in AL, FL, IN, GA, LA, MA, MI, MN, MO, MS, NC, OH, PA, TN, TX, and WI, to Hoopeston, IL, under continuing contract(s) with Gulbransen Co., Division of CBS Musical Instruments located in Deerfield, IL. Supporting shipper: Gulbransen Co., Division of CBS Musical Instruments, 100 Wilmot Road, Deerfield, IL 60015.

MC 159564 (Sub-4–1TA), filed December 7, 1981. Applicant: LEO CONZEMUIS, d.b.a. CONZEMUIS CARRIERS, 13335 Lock Blvd., Hastings, MN 55033. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract* irregular *Firebrick and related refractory materials and supplies used in the installation or*

repair of boilers and heat treating systems, between points in the U.S. under a continuing contract(s) with Firebrick Supply Co., St. Paul, MN. Supporting shipper: Firebrick Supply Co., 1407 Marshall Ave., St. Paul, MN 55104.

MC 159587 (Sub-4–1TA), filed December 7, 1981. Applicant: BREMER SUGAR & DISTRIBUTION CO., INC., 10034 Gordon St., Zeeland, MI 49464. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Contract;* irregular: *Pet food* between Hamilton, MI, on the one hand, and, on the other, points in IL and OH, under continuing contract(s) with Hi-Life Packing Company. An underlying ETA seeks 120 days authority. Supporting shipper: Hi-Life Packing Company, Rt. #1, M40, Hamilton, MI 49419.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 123476 (Sub-5–13TA), filed December 4, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Rubber and plastic articles (except in bulk) and materials, equipment and supplies used to manufacture such articles* between Dayton, OH on the one hand, and on the other hand, all points in and east of NM, CO, WY and MT. Supporting shipper: Deraspan, Inc., 3131 South Dixie Dr., Dayton, OH 45439.

MC 133471 (Sub-5–1TA), filed December 3, 1981. Applicant: HOWARD TRUCKING CO., INC., P.O. Drawer 1479, New Iberia, LA 70560. Representative: Thomas F. Sedberry, Small, Craig & Werkenthin, P.O. Box 2023, Austin, Texas 78768. *Oilfield commodities,* as defined in T. E. Mercer, Ext.—Oilfield Commodities, 46 M.C.C. 845 between points in Terrebone, Lafourche, St. Charles, Orleans, Iberia, St. Martin, St. Bernard, Lafayette, St. Mary, Plaquemines, Jefferson and Vermilion parishes, LA, and Harris county, TX, on the one hand, and on the other, points in the U.S. in and west of LA, AR, MO, IA and MN. Supporting shippers: 41.

MC 143043 (Sub-5–3TA), filed December 3, 1981. Applicant: WATSON COMPANY, Rte. 2, Box 440, Colfax, LA 71417. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Chemicals and related products,* except commodities in bulk in tank vehicles, between points in the U.S. Supporting shipper: Vertac Chemical Corp., P.O. Box 3, Vicksburg, MS 39180.

MC 144209 (Sub-5–4TA), filed December 4, 1981. Applicant: ERWIN TRUCKING, INC., 4515 North 24th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; irregular. *Food and related products,* between pts in the U.S., under continuing contract(s) with Campbell Soup Co. Supporting shipper: Campbell Soup Co., Campbell Place, Camden, NJ 08101.

MC 144982 (Sub-5–14TA), filed December 4, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Canned goods* from points in AZ, CA, OR and WA to the facilities of Giant Eagle Markets, Inc. in Allegheny and Butler counties, PA. Supporting shippers: Grant Eagle Markets, Pittsburgh, PA.

MC 146800 (Sub-5–2TA), filed December 4, 1981. Applicant: VERMILLION BROTHERS, INC., Main Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Food and Related Products,* between pts in IL and IN, on the one hand, and, on the other, pts in ID, OR, WA, AZ, CO, IA, NV, UT, CA and NM. Supporting Shippers: Rose Packing Company, Inc., R.R. #3, South Barrington Road, Barrington, IL 60010 and Blue Island Foods, Inc., 2747 W. York Street, Blue Island, IL 60406.

MC 151962 (Sub-5–2TA), filed December 4, 1981. Applicant: INTERNATIONAL CHEMICALS TRANSPORTATION, INC., Route 3, Interstate 30 West, Mt. Pleasant, TX 75455. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Contract; Irregular; *Chemicals or allied products and/or materials, equipment and supplies used in the manufacture and distribution of chemicals* (except hazardous waste materials) between Mt. Pleasant, TX and Middle Port, OH on the one hand, and, on the other, points in the U.S. under continuing contract(s) with International Chemicals, Inc., Mt. Pleasant, TX.

MC 153764 (Sub-5–3TA), filed December 2, 1981. Applicant: WILLIE L. TURNER, Route 1, 520 K 45, Blanchard, OK 73034. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083. *Food and related products* between the facilities of George A. Hormel and Co. at Rockville, and Springfield, MO and Oklahoma City, OK on the one hand, and points in LA, MO, and OK on the other hand. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 158821 (Sub-5–1TA), filed December 4, 1981. Applicant: McLEAN TRANSPORTATION, INC., 7119 Northampton, Houston, TX 77055. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Mercer commodities, metal and metal products, plastic and plastic products, rubber and rubber products, paper and paper products, machines and machinery parts, and pipe and related commodities, restricted against commodities in bulk, in tank vehicles,* between the plantsites of Cameron Iron Work, Inc., in Austin and Harris Counties and all points in TX, in interstate and foreign commerce. Supporting shipper: Cameron Iron Works, Inc., Houston, TX.

MC 159044 (Sub-5–1TA), filed December 3, 1981. Applicant: MIDLAND EXPRESS, INC., 2428 Coolidge, Wichita, KS 67204. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. *Aircraft parts and materials used in the manufacture thereof;* Between: the plantsite of The Boeing Company and Boeing Military Airplane Company at Wichita, KS, on the one hand; and all points in the US except AK and HI on the other hand. Supporting shippers: The Boeing Company, 3801 S. Oliver, Wichita, KS 67210; Boeing Military Airplane Company, 3801 S. Oliver, Wichita, KS 67210.

MC 159365 (Sub-5–1TA), filed December 3, 1981. Applicant: A. L. NILES TRUCKING, R.R. 1, Box 100, Palmyra, NE 68418. Representative: Clay B. Statmore, Attorney at Law, 210 Terminal Building, Lincoln, NE 68508. *Fertilizer and irrigation equipment used in farming,* between points in Lincoln, NE, Tulsa, OK, and their commercial zones and points in SD, NE, KS, OK, TX, LA, NM, CO. Supporting shipper: Jim Mabray, 5400 Oak Brook Road, Arlington, TX 76016.

MC 159537 (Sub-5–1TA), filed December 3, 1981. Applicant: TRANSPORT PACKAGING, INC., P.O. Box 3171, Irving, TX 75061. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Cosmetics, Hair and Skin Care Products and Toilet Preparations and/or Materials, Equipment and Supplies used in the manufacture, sale or distribution of the foregoing commodities* between Dallas, TX on the one hand, and, on the other, Kansas City, MO; Memphis, TN; Detroit, MI; New York City, NY; Baltimore, MD; Atlanta, GA; Jacksonville, FL; Orange Park, FL; Tucson, AZ; Los Angeles, CA

and their respective commercial zones. Restricted to shipments originating at or destined to the facilities of Pro-Line of Dallas, TX. Supporting shipper: Pro-Line Corporation, 2121 Panoramic Circle, Dallas, TX.

MC 159538 (Sub-5–1TA), filed December 3, 1981. Applicant: NEWSOM TRUCKING AND CONSTRUCTION CO., INC., Route 1, Box 149, Livingston, LA 70754. Representative: Doyle G. Owens, 3965 Phelan Blvd., Suite 209, Beaumont, TX 77707. Contract, irregular: *Foundry and Steel Mill Supplies, Refractory Articles, Brick; Chemical and Mineral Compounds, in packages,* between Mt. Braddock, PA and La Place, LA, under continuing contract(s) with Foseco, Inc., of Brookpark, OH.

MC 159540 (Sub-5–1TA), filed December 3, 1981. Applicant: WANDA F. SEXTON, d.b.a. ROSE CITY BUS COMPANY, 1632 Woodland Hills, Tyler, TX 75701. Representative: Wanda F. Sexton (same as above). *Passengers and their baggage in charter and special operations* between Tyler, TX, and points within 200 miles on the one hand, and on the other, points in LA, AR, MO, TN, NM, and CO. Supporting shippers: 6.

MC 159541 (Sub-5–1TA), filed December 3, 1981. Applicant: MID TERMINAL LEASEWAY, INC., P.O. Box 149, Clear Lake, IA 50428. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Building Materials* between Hennepin County, MN, on the one hand, and, on the other, points in the U.S. Supporting shippers: (1) Metal Matic, Inc., 629 S.E. 2nd Street, Minneapolis, MN 55414; (2) Tooltech, 3145 Columbia Ave., N.E., Minneapolis, MN 55418; (3) Tonka Equipment Company, 5115 Industrial Street, Maple Plain, MN 55359; (4) Reserve Supply Co., P.O. Box 1372, Minneapolis, MN 55440.

MC 159555 (Sub-5–1TA), filed December 4, 1981. Applicant: LAWRENCE E. BLAIR, d.b.a. L. E. BLAIR TRUCKING, P.O. Box 247, Potosi, MO 63664. Representative: Lawrence E. Blair (same address as applicant). *Ore and ore concentrates, in bulk, in dump vehicles,* from points in Washington County, MO, to points in KS. Supporting shipper: DeSoto Mining Company, Inc., P.O. Box 35, Richwoods, MO 63071.

MC 102223 (Sub-5–1TA), filed December 7, 1981. Applicant: FRETTE-NICHOLSON TRUCK LINES, INC., P.O. Box 206, Ankeny, IA 50021. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa IA 52501. *Meats, fresh, fresh frozen, frozen; packinghouse products; smoked, salted and cured and canned meat products,* (1) Between Crawford and Hardin Counties, IA on the one hand, and, on the other, pts in DE, IN, RI, VT, VA, ME and WV, and (2) between the Omaha, NE-Council Bluffs, IA Commercial Zone and Saline County, NE on the one hand, and, on the other, pts in CT, DE, IL, IN, IA, KY, ME, MD, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 116077 (Sub-5–13TA), filed December 8, 1981. Applicant: DSI TRANSPORTS, INC., 5851 San Felipe, Suite 800, Houston TX 77057. Representative: J. C. Browder, 5851 San Felipe, Suite 800, Houston, TX 77057. *Commodities, in bulk, in tank vehicles,* between Memphis, TN on the one hand and points in the U.S. on the other. Supporting shipper: Ciba-Geigy Corporation, Saw Mill River Road, Ardsley, NY 10502.

MC 138328 (Sub-5–29TA), filed December 8, 1981. Applicant: CLARENCE L WERNER, d.b.a. WERNER ENTERPRISES. P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Insulation, and materials, equipment and supplies used in the manufacture, distribution and installation of insulation,* between Bartlesville, OK; Eugene, OR; Rock Springs, WY; South Bend, IN; and Tampa, FL, and pts in their respective commercial zones, on the one hand, and, on the other, pts in the U.S. restricted to traffic originating at or destined to facilities used by Delron Corporation. Supporting shipper: Delron Corporation, 55851 East Ave., Mishawaka, IN 46544.

MC 145088 (Sub-5–1TA), filed December 7, 1981. Applicant: S & T TRUCKLOAD, INC., P.O. Box 4408, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Furniture, and materials, equipment and supplies* used in the manufacture and distribution of such commodities, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Leather & Oak, Inc., 611 Mockingbird, Dallas, TX 75247.

MC 145557 (Sub-5–6TA), filed December 5, 1981. Applicant: LIBERTY TRANSPORT, INC., 2501 Nicholson Road, Kansas City, MO 64168. Representative: Arthur J. Cerra, 2100 CharterBank Center, Kansas City, MO 64141. *Food and related products,* from Menominee and Vesper, WI, to points in IA, MO, AR, LA, TX, OK, KS and CO. Supporting shipper: Sanna Division, Beatrice Foods Company, P.O. Box 8046, Madison, WI 53708.

MC 147196 (Sub-5–40TA), filed December 8, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract Irregular: *Adhesive noi,* between TX, FL, GA, LA, on the one hand and points in the U.S. on the other. Supporting shipper: H. B. Fuller Co., 3434 Executive Blvd., Mesquite, TX 75149.

MC 147196 (Sub-5–41TA), filed December 8, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract Irregular: *Roofing Materials, asphalt, tar, noi* between Dallas County, TX on the one hand and points in the U.S. on the other. Supporting shipper: Monsey Products, 3802 Miller Park Dr., Garland, TX.

MC 148152 (Sub-5–13TA), filed December 7, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar Street, Dallas, TX 75215. Representative: Edmond E. Payne (same as above). *(1) Auto and Truck Bumpers, (2) Equipment and Supplies used in the manufacture of Auto and Truck Bumpers* between Dallas, TX and Detroit, MI. Restricted to shipments originating at or destined to the facilities of Pal Bumper Co. Supporting shipper: Pal Bumper Co.

MC 149199 (Sub-5–7TA), filed December 7, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *Mining and drilling equipment and supplies;* and *materials, equipment and supplies used in the manufacture and distribution thereof (except bulk)* between the facilities of Smith Gruner, an S.I.I. Mining Equipment Co. at Ponca City, OK, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Smith Gruner, an S.I.I. Mining Equipment Co., P.O. Box 911, Ponca City, OK 74602.

MC 151118 (Sub-5–14TA), filed December 7, 1981. Applicant: M.D.R. CARTAGE INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn P.O. Box 1295, Greenville, MS 38701. *General Commodities (except classes A & B Explosives and household goods)* between the facilities of Uncle Ben's Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Uncle Ben's, Inc., 1098 Broadway Extended, Greenville, MS 38701.

MC 159284 (Sub-5–1TA), filed December 7, 1981. Applicant:

CHEMICAL MARKETING SERVICES, INC., Fourth National Bank Building, Suite 2501, Tulsa, OK 74119. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Sulphur*, between points in TX, on the one hand, and on the other, points in NM. Supporting shipper: Kerr-McGee Corporation Kerr-McGee Center, P.O. Box 25861, Oklahoma City, OK 73125.

MC 159577 (Sub-5–1TA), filed December 7, 1981. Applicant: PAUL K. SCOTT, d.b.a. SCOTT TRUCKING COMPANY, 11201 Old Spanish Trail New Orleans, LA 70128. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021–0217. *Oilfield Equipment, Materials and Supplies*, between points in Jefferson, Orleans and Plaquemines Parishes, LA, on the one hand, and, on the other, points in AL, AR, CA, FL, LA, MS, ND, OK and TX. Supporting shippers: Baker CAC, Inc., P.O. Box 336, Belle Chasses, LA 70037 and McMoRan Offshore Exploration Company, Inc., 3421 North Causeway, Metairie, LA 70002.

MC 159579 (Sub-5–1TA), filed December 7, 1981. Applicant: SIMPSON'S CARRIER, INC., Box 72, Rural Route, Plainview, NE 68769. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Metal buildings, and parts and accessories for metal buildings*, from the Milwaukee, WI, commercial zone, to points in NE, IA, SD and WY. Supporting shipper: Simpson's Inc., P.O. Box 1206, Norfolk, NE 68701.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–36252 Filed 12–18–81; 8:45 am]

BILLING CODE 7035–01–M

[Vol. No. OPY–5–227]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issues(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 152049 (Sub-2) (republication), filed July 17, 1981, published in the **Federal Register** issue of August 4, 1981, and republished this issue. Applicant: AIRO SERVICES, INC., 2103 E. 112th St., Tacoma, WA 98445. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. A decision of the Commission, Review Board 1, decided November 2, 1981, and served November 17, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting *hazardous wastes*, between points in Kings County, CA, and Arapaho County, CO, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Utah, and Wyoming, that applicant is fit, willing, and able properly to perform such service and conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81–36248 Filed 12–18–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification; Decision Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

Volume No. 480

MC 157097 (Republication), filed July 13, 1981; published in the **Federal Register** issue of August 6, 1981; and republished this issue. Applicant: WENCZEL TILE COMPANY OF FLORIDA, INC., 6608 S. Westshore Blvd., Tampa, FL 33616. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. In a decision by the Commission, Review Board No. 2, decided November 18, 1981 and finds that performance by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in Cherokee County, GA, and Florida, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, New Jersey, New York, North Carolina, and South Carolina, will serve a useful public purpose, responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. Conditions: (1) That applicant conducts its for-hire motor carrier activities separately from its other activities; and (2) That applicant maintains separate records for its for-hire motor carrier activities.

Note.—The purpose of this republication is to include service to Cherokee County, GA, and to note imposed conditions.

Volume No. 481

MC 115667 (Sub-19) (Republication), filed August 3, 1981; published in the **Federal Register** issue of August 24, 1981; and republished this issue. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 320 Seymour Blvd, North Vancouver, BC, Canada V7J 2J3. Representative: Clyde H. MacIver, 1415 Fifth Avenue, Seattle, WA 98171, (206) 344–2160. In a decision by the Commission, Review Board Number 1, decided November 25, 1981, and finds that performance by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (A)(1) *lumber and wood products;* (2) *forest products;* (3) *chemicals and related products;* (4) *metal products;* (5) *machinery;* (6) *commodities* which because of their size or weight require the use of special equipment; (7) *building materials;* and (8) *Mercer commodities*, between ports of entry on the international boundary line between the United States and

Canada in Washington, Idaho and Montana, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Louisiana, Illinois, and Iowa; and (B)(1) *metal products and machinery,* between points in California, Oregon, and Washington, on the one hand, and, on the other, points in the 21 states listed in (A) above; (2) *lumber and wood products,* between points in California, Oregon, Washington, Idaho, and Montana, on the one hand, and, on the other, points in the 21 states listed in (A) above; (3) *building materials,* (a) between points in Contra Costa County, CA, on the one hand, and, on the other, points in Washington and Oregon; and (b) between points in Pierce County, WA, on the one hand, and, on the other, points in Idaho; (4) *mining vehicles and parts,* between Portland, OR, on the one hand, and, on the other, points in the 21 states listed in (A) above; and (5) *glass,* between points in Fresno County, CA, on the one hand, and, on the other, points in Colorado, Montana, Idaho, Wyoming, New Mexico, Nevada, Utah, Washington, and Oregon will serve a useful public purpose, responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to provide adequate public notice of authority to transport glass and mining vehicles.

Agatha L. Mergenovich,

Secretary.

[FR Doc.81-36249 Filed 12-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 367 (Sub-70)]

Seaboard Coast Line Railroad Co. Exemption for Contract Tariff ICC-SCL-C-0010

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL) filed a petition on December 9, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to advance the effective date of its contemporaneously-filed contract tariff ICC-SCL-C-0010 (filed December 8, 1981, and now scheduled to become effective on January 8, 1982), so that it can become effective on one day's notice. This contract involves use of surplus SCL boxcars over the next 6 months for storage of pulpboard and woodpulp.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

Customer orders for this shipper's pulpboard and woodpulp products have declined, but the shipper has, apparently, continued to produce at a normal pace. Therefore, because of lack of sales, it is running out of space to store its inventory. All available warehouse space is full and it has arranged with the SCL to use SCL's surplus boxcars as additional storage space. Ten cars were loaded on the date the tariff was filed and demurrage is running against them. The demurrage rate escalates to $60 per day after 6 days. Thus, the instant contract will provide a rate for use of the cars in lieu of demurrage. This will aid the shipper and provide income for the SCL on cars that are sitting empty and not generating revenues. Accordingly, the petition is granted because of the described immediate need on the part of the shipper and because it will also help the carrier. SCL's contract tariff ICC-SCL-C-0010 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 14, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-36148 Filed 12-18-81; 8:45 am]

BILLING CODE 7035-01-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, January 7, 1982, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and Meeting will be held in the Acapulco Room of The San Diego Hilton Hotel, 1775 East Mission Bay Drive, San Diego, California.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral and written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209 (Phone: 703/235-2826).

Louis F. Polk,

Chairman, United States Metric Board.

[FR Doc. 81-36259 Filed 12-18-81; 8:45 am]

BILLING CODE 6290-01-M

NATIONAL SCIENCE FOUNDATION

Task Group No. 20 of the NSF Advisory Council; Meeting

In accordance with the Federal Advisory Council Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group No. 20 of the NSF Advisory Council
Place: National Science Foundation, Rm. 523, 1800 G Street, N.W., Washington, D.C. 20550
Date: Friday, January 8, 1982
Time: 9:00 a.m. to 5:00 p.m.
Type of Meeting: Open
Contact Person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Rm. 518, 1800 G Street NW., Washington, D.C. 20550. Telephone: 202/357–9419.
Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary Minutes: May be obtained from the contact person at above stated address.
Agenda: The Task Group is asked to provide a clear and concise statement of the relationship of Foundation programs to DOD R&D activities, together with recommendations about how NSF can better coordinate its programs with those of the defense research agencies.

M. Rebecca Winkler,
Committee Management Coordinator.
December 16, 1981.
[FR Doc. 81–36247 Filed 12–18–81; 8:45 am]
BILLING CODE 1555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on January 6, 1982, Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the fiscal year 1983 NRC Safety Research Programs pertaining to advanced reactors.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions of this meeting that may be closed to discuss the NRC Safety Research Program as required (Sunshine Act Exemptions (2), (6), and (9)b). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, January 6, 1982—3:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., est.

I have determined, in accordance with subsection 10(d) Pub. L. 92–463 that it may be necessary to close sessions of the meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (Exemption (2)), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (Exemption (6)), and to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (Exemption (9)b). The authority for such closure are Exemptions (2), (6), and (9)b to the Sunshine Act, 5 U.S.C. 552B(c)(2)(6)(9)b.

Dated: December 16, 1981.

John C. Hoyle,
Advisory Committee, Management Officer.
[FR Doc. 38402 Filed 12–18–81; 8:45 am]
BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on January 5, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will continue its review of documents produced by NRC's Division of Human Factors Safety including NUREG–0700, "Guidelines for Control Room Design Review", NUREG–0801, "Evaluation Criteria for Detailed Control Room Design Review", and NUREG–0835, "Human Factors Acceptance Criteria for the Safety Parameter Display System".

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, January 5, 1982
8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information abut topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., est.

Dated: December 16, 1981.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81–36400 Filed 12–18–81; 8:45 am]
BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on the Reliability and Probabilistic Assessment will hold a meeting on January 5, 1982,

Room 1046, at 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the Systems and Reliability Analysis portion of the proposed NRC Safety Research budget for FY 1983. Notice of this meeting was published November 25.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions of this meeting that may be closed to discuss the NRC Safety Research Program as required (Sunshine Act Exemptions (2), (6), and (9)b). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, January 5, 1982—6:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Federal Employee, Mr. J. Michael Griesmeyer (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

I have determined, in accordance with subsection 10(d) Pub. L. 92–463 that it may be necessary to close sessions of the meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (Exemption (2)), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (Exemption (6)), and to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (Exemption (9)b). The authority for such closure are Exemptions (2), (6), and (9)b to the Sunshine Act, 5 U.S.C. 552b(c)(2)(9)b.

Dated: December 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc 81–36401 Filed 12–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR–35 issued to Boston Edison Company (the Licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment was authorized by telephone on November 4, 1981 and was confirmed by letter dated November 5, 1981; therefore, the amendment became effective November 4, 1981.

The amendment grants relief from the requirements of the Technical Specifications (3.7.B.1.c, 3.7.B.1.e, 3.7.B.2.a, and 3.7.B.2.c) regarding the operability requirements for the Standby Gas Treatment System and the Control Room High Efficiency Air Filtration System for the initiation of fuel movement and during fuel handling operations for the period November 4, 1981 through November 24, 1981.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a signficant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 4, 1981, (2) Amendment No. 51 to License No. DPR–35 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of December, 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–36394 Filed 12–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR–72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, city of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

The amendment revises Figure 3.1–7 of the TSs to be consistent with operational Cycle 4 application. The licensee failed to include this figure in their proposed TSs for Cycle 4 and subsequently, our approval of December 4, 1981, of Cycle 4 did not include Figure 3.1–7. This amendment, an

administrative change, corrects that deficiency.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 8, 1981, (2) Amendment No. 47 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 NW First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated At Bethesda, Maryland, this 10th day of December 1981.

For the Nuclear Regulatory Commission.

Morton B. Fairtile,

Acting Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-36397 Filed 12-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-33, Amendment No. 76 to Facility Operating License No. DPR-52 and Amendment No. 49 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3 (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments revise the Environmental Technical Specifications to (1) delete water quality and aquatic monitoring and reporting requirements which duplicate those conditions regulated by the Browns Ferry Nuclear Plants' NPDES Permit No. AL0022080 issued to TVA on June 30, 1977 and (2) change the titles in Section 5.0 (Administrative Controls) for the offices within TVA responsible for environmental activities to reflect recent organizational changes.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 29, 1981, (2) Amendment No. 80 to License No. DPR-33, Amendment No. 76 to License No. DPR-52, and Amendment No. 49 to License No. DPR-68, and (3) the Commission's letter to the licensee dated December 10, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-36395 Filed 12-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. NPF-4 issued to the Virginia Electric & Power Co. (the licensee) which revised the Technical Specifications for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment is effective 7 days from the date of issuance.

The amendment revises the Technical Specifications to specify that the inservice test requirements for pressurizer power operated relief valves are in accordance with the American Society of Mechanical Engineers Section XI for Category B valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated April 16, 1980 (Serial No. 344), (2) Amendment No. 34 to Facility Operating license No. NPF-4; and (3) the Commission's related Safety Evaluation. These items are available for pulic inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthose, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda. Maryland this 9th day of December, 1981.

For the Nuclear Regulatory Commission.

Leon B. Engle,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-36396 Filed 12-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443A and 50-444A]

Public Service Company of New Hampshire, et al.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Note.—Originally published in the issue of Monday, November 30, 1981 on page 58226 and reprinted at the request of the agency.

Public Service Company of New Hampshire, et al.,[1] pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Canal Electric Company (Canal) in the Seabrook Station, Unites 1 and 2. The change involves the transfer of ownership from the Commonwealth Electric Company to Canal.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for two pressurized water reactors. Construction was authorized on July 7, 1976 at the Seabrook site located in Rockingham County, New Hampshire.

The original application was docketed on July 9, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on August 9, 1973 (38 FR 21522). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicants' Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

1 The current applicants for the operating licenses for Seabrook Station are: Bangor Hydro-Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Commonwealth Energy Systems, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, The United Illuminating Company, and Vermont Electric Cooperative, Inc.

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883.

Any person who wishes to have his views on the antitrust matters with respect to the Canal Electric Company presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation, on or before January 29, 1982.

Dated at Bethesda, Maryland, this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc 81-34273 Filed 11-27-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

December 14, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Agency Clearance Officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available).

The office of the agency issuing this form.

The title of the form.

The agency form number, if applicable.

How often the form must be filled out.

Who will be required or asked to report.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

Whether small businesses or organizations are affected.

A description of the Federal Budget functional category that covers the information collection.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

An estimate of the cost to the Federal Government.

An estimate of the cost to the public.

The number of forms in the request for approval.

An indication of whether section 3504(h) of Pub. L. 96-511 applies.

The name and telephone number of the person or office responsible for OMB review, and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and questions

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. The Agency Clearance Officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Farmers Home Administration
Section 504 Rural Housing Loans and Grants—7 CFR 1944–J
On occasion
Individuals or households
Households in rural areas
Mortgage credit and thrift insurance: 46,000 responses; 12,880 hours; $12,800 Federal cost; $38,640 public cost; 1 form; NPRM under 3504(h)
Nell Minow, 202–395–7340

Title V of the Housing Act of 1949, as amended, authorizes FMHA to collect information needed to determine applicant's eligibility for a 504 repair loan and costs of needed repairs.

• Food and Nutrition Service
Application and Agreement: National School Lunch Program, School Breakfast Program and Special Milk Program
FNS–66, 66–1, 67
Annually
Businesses or other institutions
Nonpublic, nonprofit schools & resid. child care instit.
SIC: 821,336
Small businesses or organizations
Public assistance and other income supplements: 1,994 responses; 2,317 hours; $384,204 Federal cost; $23,170 public cost; 3 forms; not applicable under 3504(h)
Nell Minow, 202–395–7340

The FNS–66 and 66–1 are used by applicant organizations for participation in the national school lunch, school breakfast and special milk programs. FNS executes grant agreements with school food authorities of schools approved for participation via the FNS–67.

• Agricultural Marketing Service
Hawaiian Papayas—Marketing Order 928
Monthly, annually
Businesses or other institutions
Hawaiian papaya producers, handlers & processors
SIC: 017, 515, 203
Small businesses or organizations
Agricultural research and services: 965 responses; 539 hours; $532 Federal cost; $3,016 public cost; 3 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Papaya administrative committee forms are used to obtain information from papaya producers, handlers, and processors relating to the papayas disposed of by them, as well as make application for benefits, including obtaining special handling permits to make certain types of shipments exempt from regulation, as provided for in the marketing order.

• Farmers Home Administration
7 CFR 1951–F, Analyzing Credit Needs and Graduation of Borrowers
On occasion
Farms/businesses or other institutions
Farmers, ranchers, & lending institutions
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Farm income stabilization: 142,500 responses; 96,250 hours; $9,600 Federal cost; $577,500 public cost; 1 form; not applicable under 3504(h)
Nell Ninow, 202–395–7340

FMHA needs this information to make loan servicing decisions. Complete and current information is necessary in order to determine appropriate servicing actions and whether proposed action is justified.

• Animal and Plant Health Inspection Service
Report of Violation
PPQ 518
On occasion
Individuals or households/farms/ businesses or other institutions
Consignors, carriers, consignees, caterers, etc.,
SIC: 017, 018, 013, 016, 241, 514, 515, 519, 703, 451
Small businesses or organizations
Agricultural research and services: 900 responses; 153 hours; $21,766 Federal cost; $819 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Information is needed to determine the nature and extend of violation of the laws and regulations enforced by plant protection and quarantine. The information is used to determine whether or not to prosecute, and in any subsequent prosecution.

• Foreign Agricultural Service
Regulations—Financing Commercial Sales of Agricultural Commodities Under Title I, PL 480—Recordkeeping Requirements
On occasion
Businesses or other institutions
Exporters of U.S. agricultural commodities
SIC: 515, 446
Agricultural research and services: 63 responses; 504 hours; $0 Federal cost; $5,040 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Suppliers must keep accurate books, records and accounts on contracts entered into under PL 480, Title I. Records must be retained for 3 years after final payment, for USDA inspection and audit. (Section 17.17 of the regulations)

• Agricultural Marketing Service
Marketing Order 929—Cranberries Grown in States of MA, RI, CT, NJ, WI, MI, MN, OR, WA, and Long Island in the State of New York
On occasion/semiannually/annually
Farms Businesses or other institutions
Cranberry growers and handlers under marketing order 929
SIC: 017, 515, 203
Small businesses or organizations
Agricultural research and services: 2,924 responses; 205 hours; $555 Federal cost; 11 forms; $1,179 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Cranberry marketing committee forms are used to obtain information from cranberry handlers relating to the cranberries handled, acquired, in inventory, sold, and otherwise disposed of by them, and from cranberry growers relating to their cranberry businesses, and their base quantities and allotment transactions.

• Food and Nutrition Service
Evaluation of the Food Stamp Work Registration and Job Search Demonstration
Biennially, other—see SF83
Individuals or households/State or local governments
Food Stamp Work Registrants, Food Stamp Agen. and State, etc.
SIC: 943
Food and nutrition assistance: 23,621 reponses; 12,220 hours; $2,400,000 Federal cost; 6 forms; $59,957 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Data collected will be used to assess the feasibility, operation, effectiveness, and costs of five food stamp work registration and job search procedures. Impacts on food stamp agencies, State Imployment security agencies, and food stamp work registrants will be assessed as well.

• Farmers Home Administration
7 CFR 1944–K, Technical and supervisory assistance grants
On occasion, quarterly
State or local governments/businesses or other institutions
Private non-profit organizations—State local gov't
SIC: 832, 839, 953
Small businesses or organizations
Mortgage credit and thrift insurance: 3,840 responses; 3,185 hours; $80,000 Federal cost; 1 form; $29,302 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Section 525 of the Housing Act of 1949 authorizes grants to low income families for assistance in applying for housing and counseling for housing applicants and delinquent borrowers.

• Farmers Home Administration
7 CFR 1901–0, Jointly funded grant assistance to State and local governments and non-profit organizations
On occasion
State or local governments/businesses or other institutions
Non-profit organizations, State and local governments
SIC: 162, 494
Small businesses or organizations
Area and regional development: 380 responses; 500 hours; $41,600 Federal cost; 1 form; $6,000 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Information is needed to provide guidance for processing applications when an applicant applies for joint funding under more than one Federal program and FMHA.

• Agricultural Marketing Service
Red Tart Cherries—Marketing Order No. 930
Annually Farms/businesses or other institutions
Red tart cherry growers and handlers
SIC: 017, 515, 203
Small businesses or organizations
Agricultural research and services: 3,336 responses; 548 hours; $570 Federal cost; 13 forms; $2,346 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Cherry Administrative Board forms are used to obtain information from red tart cherry growers and handlers relating to the cherries received, processed, packed, placed in a reserve pool, and diverted by them, as well as make application for a permit to divert cherries by leaving them on the trees, as provided for in the marketing order.

• Farmers Home Administration
7 CFR 1822, Rural Housing Site Loan Policies, Procedures, and Authorizations (FMHA Instruction 444.8)
On occasion
Businesses or other institutions
Private and public nonprofit organizations
SIC: 839, 953
Small businesses or organizations
Mortgage credit and thrift insurance: 10 responses; 40 hours; $46,400 Federal cost; 1 form; $320 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Sections 523 and 524 of the Housing Act of 1949 authorize loans for acquiring and developing housing sites for low and moderate income housing. Information is used to determine eligibility, appropriate use of loans and continuing compliance with legislative requirements.

Revisions

• Farmers Home Administration
7 CFR 1901–E, Civil Rights Compliance Requirements
FMHA 400–1, 400–4, 400–7, 400–8
On occasion, monthly
Individuals or households/State or local governments/farms/businesses or other institutions
Recipients of loans and grants insured by FMHA in rural areas
SIC: All
Mortgage credit and thrift insurance: 494,110 responses; 226,580 hours; $927,000 Federal cost; 4 forms; $2,481,200 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

The Civil Rights Act of 1964 authorizes MHA to assure civil rights compliance by recipients of financial assistance through FMHA.

Extensions (burden change)

• Food Safety and Inspection Service
Regulations Governing Poultry Inspection
6800–2, 6800–3, 6800–4, 6800–5, 6800–8, 528, 505, 526, 2, 514–2, 112
On occasion
Businesses or other institutions
Poultry slaughter and processing plants, laboratories
SIC: 201
Consumer and Occupational health and safety: 339,434 responses; 36,685 hours; $110,002 Federal cost; 12 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Poultry Inspection program carries out the requirements of the Federal Poultry inspection act to inspect the commercial slaughter of domestic poultry and the processing of poultry products distributed to consumers are safe, wholesome, of good quality, not adulterated, and honestly and informatively labeled.

• Foreign Agricultural Service
Regulations—Financing Commercial Sales of Agricultural Commodities Under Title I, P.L. 480—Reporting Requirements
On occasion
Businesses or other insititution
Exporters of U.S. Agricultural Commodities
SIC: 515 446
Foreign economic and financial assistance: 770 responses; 395 hours; $7,075 Federal cost; 1 form; $3,950 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Prospective commodity suppliers must provide background information and a financial statement for USDA supplier approval process. Suppliers under P.L. 480, Title I must report to USDA payments to representatives of importing countries. Successful commodity suppliers must report to USDA details of sales for price approval.

• Forest Service
Plan and Equipment Questionnaire for Engineering
FS–6300–26
On occasion
Businesses or other institutions
Construction and service contractors
SIC: 154, 161, 162, 171, 173, 174, 175, 176, 177, 178
Small businesses or organizations
Conservation and land management: 4,118 responses; 6,177 hours; $84,000 Federal cost; $21,620 public cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Form FS–6300–26 is used to determine the responsibility of potential contractors for construction, services and other non-personal service contracts.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 Economic Censuses Report of Organization—Nucleus of the

Standard Statistical Establishment List (SSE)
NC-9901
Nonrecurring
Farms/businesses or other institutions
Multiestablishment companies in all economic areas
SIC: multiple
Other advancement and regulation of commerce: 65,000 responses; 48,750 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

SSEL provides: (1) A standard basis for assigning industrial classification codes of establishments engaged in all areas of economic activity, (2) A single universe for the selection and main tenance of statistical samples of establishments, legal entities, or enterprises, and (3) A benchmark data base from which sample estimates can be developed more accurately and efficiently.

• National Oceanic and Atmospheric Administration
Grants Management Financial Reporting
SF 269, 270, 271, 272
On occasion, quarterly, semiannually
State or local governments/businesses or other institutions
Universities, non-profit organ. and State agencies
SIC: 822, 951
Other advancement and regulation of commerce: 2,400 responses; 1,200 hours; $13,500 Federal cost; $6,000 public cost; 4 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

These reports assist the NOAA grants office in monitoring funds disbursed by recipients. The data collected is used by the finance office to post and record funds disbursed by recipients.

Revisions

• Bureau of the Census
Metalworking Machinery (Shipments and Unfilled Orders)
MQ-35W
Quarterly
Businesses or other institutions
Manufacturers of metalworking machine tools
SIC: 354
Small businesses or organizations
Other advancement and regulation of commerce: 2,460 responses; 1,230 hours; $31,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

This survey was begun in 1942 to measure quantity and value of shipments, value of exports, and unfilled orders for the various types of machine tools. Government agencies use the data for analysis, defense mobilization planning, and forecasting. Businesses use the data for market analysis and long-term planning.

• Bureau of the Census
Converted Flexible Materials for Packaging and Other Uses
MQ-26F
Quarterly, annually
Businesses or other institutions
Manufacturers of converted flexible paper, film, etc.
SIC: 264, 349
Small businesses or oganizations
Other advancement and regulation of commerce: 1,300 responses; 650 hours; $16,117 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

Survey results are used by Government agencies, business firms, and trade associations for market analysis and to analyze and forecast economic trends in the industry.

Extensions (Burden Change)

• International Trade Administration
Domestic Trade Show Contact and Evaluation Forms
ITA-401 P, ITA-4015, ITA-4015P
On occasion
Businesses or other institutions
U.S. exhibitors at domestic trade shows
SIC: all
Small businesses or organizations
Other advancement and regulation of commerce: 3,000 responses; 750 hours; $1,000 Federal costs; 2 forms; not applicable under 3504(h)
William T. Adams, 202-395-4814

ITA 4014P is used to determine which U.S. companies that exhibit in U.S. trade shows participating in the foreign buyer program are interested in meeting with visiting foreign buyers. Information supplied is compiled into an exhibitors list of U.S. firms interested in exporting and given to each foreign buyer who attends a trade event receiving program support. ITA 4015P is a post-show evaluation form used to ascertain amount of intern'l business was conducted.

Extensions (No Change)

• National Oceanic and Atmospheric Administration
Monthly Fish Cold Storage Report
NOAA88-16
Monthly
Businesses or other institutions
Cold storage warehouses and fish companies operating, etc.
SIC: 422, 514
Small businesses or organizations
Other advancement and regulation of commerce: 4,080 responses; 1,700 hours; $17,601 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Cold storage data provide the only reliable source of information on fishery cold storage holdings (stocks). These data are needed by industry for the orderly purchasing and distribution of fishery products and by NMFS for fishery management and development.

• Bureau of the Census
Monthly Retail Inventory Reports
B-175(A), B-175(L), B-207
Monthly
Businesses or other institutions
Retail business firms
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 30,000 responses; 2,500 hours; $215,000 Federal cost; 3 forms; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

The monthly retail inventory survey provides estimated dollar volume end-of-month inventory of retail stores. Changes in the value of inventory levels are used by the Bureau of Economic Analysis in their calculations of gross national product and are not publicly available from nongovernment or other governmental sources.

Reinstatements

• Bureau of the Census
Annual Demographic Survey
CPS-665
On Occasion
Individuals or households
58,500 interviewed households in March 1982 CPS, etc.
Other advancement and regulation of commerce: 61,000 responses; 24,400 hours; $1,000,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

This supplement is the source of data on work experience, personal and family income, poverty levels, population status, family relationships, marital status, and migration. These measurements will be analyzed with respect to each other as well as demographic variables such as education, age, race, and sex.

• Economic Development Administration
Application for Technical Assistance From Non-Government Applicants
ED-357NG
On occasion
Businesses or other institutions
Profit or non-profit organizations located in both EDA, etc.
SIC: Multiple
Small businesses or organizations

Other advancement and regulation of commerce: 100 responses; 1,000 hours; $15,750 Federal cost; $184,000 public cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Application presents basic information from non-government organizations to meet the requirements for the EDA Act (42 U.S.C. 3211(A)), in particular, those of section 301(A) of Pub. L. 89–136, as amended, and of 13 CFR Part 307, sub-part A, especially § 307.5.

• Economic Development Administration
Application for technical assistance from State and local government organizations
ED–357A
On occasion
State or local governments
State and local governmental bodies and related, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 150 responses; 1,650 hours; $23,625 Federal cost; $336,600 public cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Application presents basic information from applicant State and local government organizations, to enable EDA to meet the requirements of the EDA Act (42 U.S.C 3211(A)), in particular, those of section 301(A) of Pub. L. 89–136, as amended, and of 13 CFR Part 307, sub-part A, particularly § 307.5.

• National Oceanic and Atmospheric Administration
Fishing Boat Registration
Annually
Individuals or households/businesses or other institutions
Boat owners
SIC: 091
Small businesses or organizations
Other advancement and regulation of commerce: 500,000 responses; 4,000 hours; $58,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The Gulf of Mexico Fishery Management Council has requested that the Gulf State's Boat Registration System be used to develop a universe of craft, commercial and recreational, fishing in the FCZ.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New.

• Departmental and Others
Report of F.O.B. Origin Deliveries (Alternate Release Procedures)
Other—see SF83
Business or other insitutions
Petroleum refineries and/or storage terminals
SIC: 291, 517
Small businesses or organizations
Department of defense—military: 60 responses; 1,512 hours; $8,361 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Record of petroleum products shipped from a commercial refinery or final terminal on an F.O.B. origin basis where the contract authorizes alternate release procedures.

• Departmental and Others
Marine Corps Advertising Awareness and Attitude Tracking
Study
Semiannually
Individuals or households
17–24 year old males with no prior military service
Department of defense—military: 1,000 responses; 500 hours; $17,645 Federal cost; $184,000 public cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Study is the primary means to evaluate the effectiveness of advertising and assisting in the efficient cost effective planning of future advertising campaigns.

Revisions

• Department of the Air Force
Report of Government Vehicles, Equipment, and Material in the Hands of Contractors
AFTO Form 439, AFIO Form 11, 392, 814, and G009
Monthly
Businesses or other institutions
Maintenance repair contr. and interserv. repair facilities
SIC: multiple
Small Businesses or organizations
Multiple functions: 926,640 responses; 185,328 hours; $6,211 Federal cost; 3 forms; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AFLC forms 11 and 392 and AFTO form 439 are manual systems used to report Air Force inventory and production data. The AFLC forms 814 and 815 are manual systems used to report spare parts inventories. The GFM transaction reporting system replaces the AFLC form 11, 392, 814, and 815 when applied to high value contracts. All of these collections are required for input to Air Force financial management and production of requirements computations systems.

Extensions (burden change)

• Departmental and Others
Supplemental Personal Qualifications Statement Designed for Computer Entry
DD form 2250
Nonrecurring
Individuals or households
Indiv. who voluntarily apply for DOD entry lev. GS–5, etc.
Department of Defense-Military: 25,000 responses; 25,000 hours; $360,200 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Under provisions of the Civil Service Reform Act (CSRA) Office of Personnel Management (OPM) has delegated to DOD examining authority for entry level GS–5 positions in quality assurance occupational series. DD Form 2250 is specifically designed to collect personal qualification information from applicants for computer entry by an optical mark reader (OMR)

• Departmental and Others
Standard Integrated Support Management System (SISMS)
On occasion
Businesses or other institutions
DOD contractors engaged in development or production, etc.
SIC: 366, 371, 372, 376
Multiple functions: 2,000 responses; 77,600 hours; $5,000 Federal cost; 1 form; $1,260,000 public cost; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

SISMS establishes a common approach and documentation among the military services to plan and manage both single and multi-service systems acquisition programs. It is applied selectively by the Army, Navy, Air Force and Marine Corps with requirements tailored to the valid needs of each program.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

• Departmental Management
State Uses of Federal Funds
ED 511
Annually
State or local governments
State education agencies
SIC: 914
Education, training, employment, and social services: 51 responses; 7,650 hour; $100,000 Federal cost; 1 form; $765 public cost; not applicable under 3504(h)

Federal Education Data Acquistion Council, 202–426–5030

The data provide the necessary basis for annual report mandated by Congress.

• Office of Postsecondary Education
Application for New Projects Under Special Programs for Students From Disadvantaged Backgrounds
ED 872
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 821, 822, 824
Small businesses or organizations
Higher education: 350 responses; 9,800 hours; $142,560 Federal cost; 1 form $88,200 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

The form requests programmatic and budgetary information from eligible applicants so that the Department of Education program officers and non-Federal reviewers will have adequate, relevant information with which to make funding decisions. The collected information will also be used to determine compliance with the published funding criteria.

• Office of Educational Research and Improvement
State-Level Personnel Exchange (Postsecondary)
ED (NCES) 2436–1, 1,–3
On occasion annually
State or local governments
State education agencies responsible for postsecondary educ.
SIC: 941
Research and general education aids: 60 responses; 30 hours; $17,300 Federal cost; 3 forms; $450 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

"Assist State and local educational agencies in improving and automating their statistical and data collection activities." As part of its assistance program, NCES has established a State-level personnel exchange to facilitate the interchange of information and expertise among States.

• Departmental Management
Federal and State Program Interactions
ED 871
Nonrecurring
State or local governments
8 Seas, 3 Leas in each State
SIC: 941
Education, training, employment, and social service: 336 responses; 240 hours; $180,980 Federal cost; 1 form; $2,400 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The study will examine the interaction of Federal and State education programs for special needs youth to determine the extent to which programs enhance, conflict or duplicate each other and to make modifications in Federal programs.

• Office of Elementary and Secondary Education
Annual Survey of Children in Institutions Operated or Supported by a State agency for neglected and delinquent children or in adult correctional institutions
4376, –1
Annually
State or local governments
State agencies (Dept. of Social Services, Dept. of Youth, etc.)
SIC: 999
Elementary, secondary, and vocational education: 2,000 responses; 2,000 hours; $1,500 Federal cost; 2 forms; $52,000 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

An annual survey is conducted to collect data on (1) the average daily attendance of children in State-operated or supported institutions for neglected or delinquent children and (2) the October caseload of children in local institutions. These data are used in the statutory formula for computing entitlements.

• Office of Postsecondary Education
LEEP–6, Statement of LEEP Account LEEP–6A Participants Certification Statement Law Enforcement Education Program (LEEP)
LEEP–6A LEEP–6
Monthly
Individuals or Households
Students interested in law career
Higher education: 98,176 responses; 9,818 hours; $392,227 Federal cost; 2 forms; $1,964 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form serves as a bill or a certification of law enforcement employment. When used as the latter, the form serves to collect information on the recipient of funds. This information must be certified by an official of the employing agency. Information is fed into the computer file which automatically credits the recipient's account with the appropriate.

• Office of Elementary and Secondary Education
State Intended use Recordkeeping Requirement
ED 1001
Annually
State or local governments
State agency
SIC: Multiple
Elementary, secondard, and vocational education: 57 responses; 35,000 hours; $0 Federal cost; 1 form; $3,500,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Each eligible jurisdiction must maintain specific information about the intended and actual use of State agency administered funds and make such information available to the public.

• Office of Postsecondary Education
National Direct Student Loan Program Report of Defaulted Loans as of December 30
ED 574
Annually
Businesses or other institutions
Postsecondary educational institutions
SIC: 822, 824
Higher education: 3,200 responses; 8,000 hours; $6,144 Federal cost; 1 form; $80,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This report serves to provide information regarding the capability of an institution to establish and administer effective collection programs according to regulatory requirements. The data collected may be used to establish default trends and compare default ratios of various institutions. Revision to previously approved 574 through Mary 1983 it necessary to conform with ed form 646, fiscal-operations report and application.

• Office of Educational Research and Improvement
State Expenditures for Postsecondary Education for Fiscal Years Ending 1981 and 1982
ED 2440
Biennially
State or local governments
State education agencies
SIC: 822
Research and general education aids: 57 responses; 570 hours; $48,000 Federal cost; 1 form; $5,643 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This survey for 1982–83 academic year will collect data on programs not reflected in institutional accounts. Such data will make possible more accurate

comparisons between States and will enable OMB and the congressional budget office to establish the extent to which States change expenditures patterns in response to changing Federal Priorities.

• Departmental Management
Computer Generated Recipient Report of Expenditures
ED 868–1
Quarterly
State or local governments/businesses or other institutions
State education agencies
SIC: 821, 822, 823, 824, 829, 841, 941
Education, training, employment, and social services: 28,000 responses; 112,000 hours; $23,000 Federal cost; 2 forms; $1,120,000 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

OMB circular A–110 states that when Federal funds are advanced to recipients, the recipient are required to submit to the Federal sponsoring agency a report on expenditures made and Federal funds unexpended for each award and report the status for each award and report the status of Federal cash advanced. The agency will use the report to monitor cash advanced to the recipients and to obtain expenditure data for each agreement with the recipient.

• Office of Educational Research and Improvement
Application Package: Women's Educational Equity Act program
436–1
Annually
Individuals or households/State or local Governments/businesses or other institutions
Local ed agencies, State ed agencies, colleges, etc.
SIC: 821, 822, 823, 824, 841, 892, 941
Elementary, secondary, and vocational education: 800 responses; 16,000 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council; 202–426–5030

In accord with OMB circular A–102 and title IX, part C, Pub. L. 96–561, the WEEA program requires an application for benefits. The WEEA program analyzes applications to insure that Federal funds are distributed fairly and that projects are cost-effective.

• Office of Elementary and secondary Education
Analysis of ESAA Funded Activities
ED 832
Nonrecurring
State or local governments
Local educational agencies
SIC: 999
Research and general education aids: 125 responses; 187 hours; $511,536 Federal cost; 1 form; $1,804 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

The study will fulfill two congressional mandates for an annual evaluation of ESAA under the General Provision Act (Subpart 2, sec. 417) and ESAA (Pub. L. 95–561). It is consistent with OMB Requirements in circular A 102 (revised). A final report to Congress will be submitted in June 1982.

Revisions

• Office of Elementary and secondary Education
Title I, FESA, Section 143, Migrant Education Interstate and Intrastate Programs
ED 362–2
Annually
State or local governments
State educational agencies/local educational agencies
SIC: 941
Elementary, secondary, and vocational education: 51 responses; 2,040 hours; $48.500 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Grants are needed for State education agencies (that may apply individually or cooperatively) to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant activities. Products of these grants will be distributed to all States serving migrant children, the District of Columbia and Puerto Rico.

• Office of Postsecondary Education
Fiscal-Operations Report/Application to Participate in NDSL, SEOG, and CWS programs
ED 646 646–1
Annually
Businesses or other institutions
Institutions of higher education
SIC: 822, 824
Higher education: 4,650 responses; 174,750 hours; $40,000 Federal cost; 1 form; $758,415 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

The application data will be used to compute the amount of funds needed by each institution during the 1983–1984 award period. The fiscal operation's report data will be used to asses program effectiveness and accountabililty of funds expended during the award period 1981–1982.

• Office of Postsecondary Education
Guarantee Agency Quarterly Report
OE 1130 ED 1130
Quarterly
State or local governments
State guarantee agencies
SIC: 821, 822
Higher education: 220 responses; 495 hours; $16,100 Federal cost; 1 form; $1,238 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

(1) To provide summary data on agency finances and operations which are funded primarily with Federal dollars, (2) to provide the secretary with the necessary information to perform oversight functions of the agency—program operations, fraud and abuse, report to the Congress, etc., and (3) to collect certain specific data required to be reported under section 432(C) (1) (A) of the Higher Education Act.

• Office of Postsecondary Education
Upward Bound Financial Status and Performance Report
ED 712
Annually
State or local governments/businesses or other institutions
Postsecondary institutions
SIC: 822, 821, 824
Higher education: 446 responses; 1,784 hours; $8,500 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data collection instrument is needed to comply with Edgar regulations 34 CFR parts 74 and 75. The information will be used to access individual project accomplishments of program goals as is required by Pub. L. 96–374 and past performance requirements of the regulations (S 645–32).

Extensions (Burden Change)

• Office of Educational Research and Improvement
Financial Statistics of Institutions of Highes Education for fiscal Year ending 1982
(HEGIS XVII)
2300–4
Annually
Businesses or other institutions
Colleges and universities
SIC: 822
Research and general education aids: 3,300 responses; 8,250 hours; $190,000 Federal cost; 1 form; $90,750 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

College financial statistics are needed by the Department of Education to

report on the condition of education and to determine eligibility for participation in the title III program. These data are used by the Bureau of Census to report the finances of State and local governments, and by the Bureau of Economic Analysis to develop the gross national product.

- Office of Elementary and Secondary Education

Application for Federal Assistance (Nonconstruction Programs) Mitgrant Education Program
ED 362
Annually
State of local governments
State education agencies/local education agencies
SIC: 941
Elementary, secondary, and vocational education: 1,951 responses; 1,020 hours; $7,000 Federal cost; 1 form; $390,200 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Title I, ESEA migrant education program requires the annual submission of a State migrant education program application for an annual program grant. The Department of Education's migrant education program office conducts a comprehensive application review and approval process prior to awarding a grant to each State related activities.

- Office of Educational Research and Improvement

Degrees and Other Formal Awards Conferred Between July 1, 1981 and June 30, 1982 (HEGIS XVII)
ED 2300–2.1A, 2300–2.1A–1, 2300–2.1B, 2300–2.1B–1
Annually
Businesses or other institutions
Universities, colleges, and community colleges
SIC: 822
Research and general education aids: 3,300 responses; 4,950 hours; $212,000 Federal cost; 2 forms; $247,500 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Degree and other formal awards data are needed by the Dept of Education, States, Planning and Budget Offices and individual colleges for use in economic and financial planning and policy formation. They are used by the Dept. of Labor in formulating their "Occupational Outlook Handbook" and by the National Occupational Information Coordinating Committee in assessing manpower information.

- Office of Educational Research and Improvement

Salaries, Tenure and Fringe Benefits of Full-Time Instructional Faculty in Institutions of Higher Education, 1982–83
ED (NCES) 2300–3
Annually
Businesses or other institutions
Colleges and universities
SIC: 822
Research and general education aids: 3,300 responses; 15,840 hours; $120,000 Federal cost; 1 form; $193,880 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Faculty data are used by institutions to establish salary scales, State agencies to determine budgets for State supported institutions, professional and educational associations and Federal agencies to evaluate the extent to which salaries differ between men and women and to develop financial indicators of higher education.

Extensions (No Change)

- Office of Elementary and Secondary Education

Application for Disaster Assistance (P.L. 81–874 Sec. 7)
ED 423
Nonrecurring
State or local governments
Local education agencies
SIC: 941
Elementary, secondary, and vocational education: 250 responses; 500 hours; $3,000 Federal cost; 1 form; $10,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data is used to assist in determining eligibility of a local education agency for disaster assistance and amount of grant.

- Office of Special Education and Rehabilitative Services

Grant Application
RSA–424
Nonrecurring
State of local governments/businesses or other institutions
Colleges and universities, State agencies, private, etc.
SIC: 821, 944, 892
Social services: 1,170 responses; 46,800 hours; $20,000 Federal cost; 1 form; $374,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by applicants for grants under each of the categorical discretionary grant programs of RSA. It is used to determine grant eligibility, technical acceptability of applications submitted, and amount of grant awards.

Reinstatements

- Office of Postsecondary Education

Physician's Certification of Borrower's Total and Permanent Disability for Student Loan Program
OE–777 Ed 1172
Annually
Individuals or households
Borrower or borrower's representative, certifying physician
Higher education:
2,500 responses; 1,000 hours;
$2,500 Federal cost; 1 form;
$75,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The guaranteed student loan program (GSLP) was established in 1965 under title IV, part B of the Higher Education Act. The GSLP's chief objective is to provide a program of student loan insurance for students attending eligible postsecondary schools. This form is used to request cancellation of loan owed. The law provides that the Federal Government will cancel the loan if the borrower becomes permanently and totally disabled.

- Office of Special Education and Rehabilitative Services

Annual Report on Post-Employment Services and Case Reviews—RSA
RSA–62
Annually
State or local governments
State or agencies
SIC: 944
Social services: 84 responses; 74 hours; $1,400 Federal cost; 1 form; $666 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Information from this form is used to track the extent of post-employment services, provides information on ineligibility determinations, and reports data on "similar benefits" used in State monitoring.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Extensions (No Change)

- Federal Energy Regulatory Commission

Application for Annual Or Basic Valuation
FERC–42
Annually
Businesses or other institutions
Oil pipeline companies
SIC: 461
Other advancement and regulation of commerce: 90 responses; 45 hours; $300 Federal cost; 1 form; not applicable under 3504(h)

Anita T. Ducca, 202–395–7340

The data collected on this application identify the pipeline company requesting a valuation, and provide for calculation and submission of the required valuation fee in accordance with specified regulations.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Preclearance—Evaluation of Three Demonstrations in Nursing Homes Certification Survey and Inspections of Care
Nonrecurring
Individuals or Households/businesses or other institutions
1,100 nursing homes in Wisconsin, Mass., and N.Y., etc.
SIC: 805
Small businesses or organizations
Health: $860,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The demonstrations test different streamlined methods of implementing federally-mandated nursing home certification surveys and inspections of patient care. The evaluation will assess the overall success of these streamlined methods hopefully showing less regulatory burden on industry and residents.

• Health Care Financing Administration
Preclearance: AFDC Home Health Aide Demo/Evaluation
HCFA–82–ORDS–01/BT
Nonrecurring
Individuals or households/businesses or other institutions
Low income elderly population at risk of institution, etc.
SIC: 808, 919
Small businesses or organizations
Health: $600,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

As mandated by Congress, the purpose of this procurement is to establish a demonstration-evaluation design for the AFDC home health aide demonstration. This includes assisting HCFA and the States in developing the demonstration projects, any instrumentation or data collection procedures necessary, and implementing a research design which will insure the evaluability of the projects.

• Centers for Disease Control
Regulation—Mine Safety and Health Administration 30 CFR Part 11 Respiratory Protective Devices
On occasion
Businesses or other institutions
Manufacturers of respirators
SIC: Multiple
Small businesses or organizations
Health: $200,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

30 CFR Part 11 prescribes requirements and procedures which must be met in filing applications for joint approval by MSHA and NIOSH of respirators and modifications to approved respirators. Application contents, quality control plans and quality control records are required (subparts 11.11, 11.41, 11.43).

• Health Care Financing Administration
Contractors Information Collections—"Claims Development [1] Skilled Nursing Facilities"
HCFA 9031
On occasion
Businesses or other institutions
Skilled nursing facilities
SIC: 805
Small businesses or organizations
Health: 100,000 responses; 100,000 hours; $0 Federal cost; 1 form; $16,666 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are sent by fiscal intermediaries to skilled nursing facilities reimbursed by medicare. The forms request medical review information for processing claims.

• Health Care Financing Administration
Contractors Information Collections Claims Processing [1] Data Collected From Hospitals
HCFA–9026
On occasion
Businesses or other institutions
Hospitals participating in the medicare program
SIC: 806
Health: 2,600,000 responses; 433,333 hours; $0 Federal cost; 1 form; $4,333,330 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This information is collected from hospitals by the contractor during claims review. It concerns psychiatric billing, CAT scans, medical information, late claims and duplicate claims.

• Health Care Financing Administration
Contractors' Information Collection—"Machine Readable [1] Claims"
HCFA–9037
On occasion
Businesses or other institutions
Medicare provider and suppliers
SIC: 801, 809, 805, 806
Small businesses or organizations
Health: 27,220 responses; 20,415 hours; $0 Federal cost; 1 form; $204,150 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary/carrier forms survey providers/suppliers on their capability to submit machine-readable data. There are also transmittal forms which accompany the data, and forms requesting hard-copy substantiation.

• Health Care Financing Administration
Contractors Information Collections—"Claims Development [1] Home Heath Agencies"
HCFA–9030
On occasion
Businesses or other institutions
Home health agencies—medicare program
SIC: 808
Small businesses or organizations
Health: 300,000 responses; 50,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The information collected from home health agencies is collected by the contractor during the review of the claim. Information gathered concerns late claims and medical records. This information is required before program payment can be made.

• Health Care Financing Administration
Contractors' Information Collections—Claims Development [1] Mixture of Institutions
HFCA–9027
On occasion
Businesses or other institutions
Hospitals, skilled nursing facilities
SIC: 805, 806, 809
Health: 5,600,000 responses; 933,333 hours; $0 Federal cost; 1 form; $9,333,330 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The information is collected from a mixture of institutions, i.e., hospitals, SNFs, HHAs, during the contractor's review of the claim. Types of requested information include: records from providers regarding date and types of service, certification of therapy services, verification of date of death, explanation of billing delay, etc.

• Food and Drug Administration

[1] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and recipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

Medical Device and Laboratory Product Problem Reporting Program
FD 2519F
On occasion
Individuals or households/businesses or other institutions
Doctors, nurses, lab techs, pharmacists, biomedical, etc.
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 2,400 responses; 567 hours; $190,000 Federal cost; 1 form; $5,670 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Data is submitted voluntarily from various health care professionals and is reviewed by FDA as a source of early warning data concerning hazardous devices and aids in the recall and seizure of adulterated and/or misbranded devices.

• Health Care Financing Administration
Contractors Information Collections—Intermediaries' Collection of Data on Owners Compensation
HCFA–9040
Annually
Businesses or other institutions
Providers participating in medicare
SIC: 805, 806, 808, 809
Small businesses or organizations
Health: 12,230 responses; 1,230 hours; $0 Federal cost; 1 form; $122,300 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms have traditionally been used by intermediaries to collect information from all institutional providers on the compensation paid to owners. They will soon be replaced by a HCFA standard form (HCFA 231) which will gather this data from a sample of providers.

• Health Care Financing Administration
Contractors Information Collections—Sole Community ' Provider Exemption Requests
HCFA–9041
Annually
Businesses or other organizations
Hospitals participating in medicare
SIC: 806
Small businesses or organizations
Health: 80 responses; 80 hours; $0 Federal cost; 1 form: $800 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA's Denver regional office allowed hospitals to request exemption to cost containment limits on the basis that they were the sole provider in the community. These forms documented this situation. The use of these forms will be discontinued.

• Health Care Financing Administration
Contractors Information Collections—End Stage Renal ' Disease Forms
HCFA–9038
On occasion
Businesses or other institutions
Provider-based and free-standing renal dialysis
SIC: 801, 806
businesses or organizations
Health: 756,000 responses; 189,000 hours; $0 Federal cost; 1 form; $1,890,000 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Each time that a bill for renal dialysis is filed, intermediaries gather supplemental information on lab services and charges. Most of the forms in this category are of this type. Other forms gather data on post-transplat tests, home dialysis support services, etc.

• Health Care Financing Administration
Contractors' Information Collection—"State Medicaid ' Agency Verification of Services Received"
HCFA–9033
On occasion
Individuals or households
Medicaid beneficiaries
Health: 810,000 responses; 202,500 hours; $0 Federal cost; 1 form; $2,025,000 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Medicaid State agencies are required by HCFA regulations to verify medical services paid for by the medicaid program. These forms verify medical services received by beneficiaries.

• Health Care Financing Administration
Contractors' Information Collections—Carriers' External' audit of services provided to beneficiaries
HCFA–9039
On occasion
Individuals households
Medicare beneficiaries
Health: 170,000 responses; 28,333 hours; $0 Federal cost; 1 form; $283,330 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Medicare carriers are required to conduct external audits with medicare beneficiaries to confirm services rendered by physicians and other health care suppliers. The beneficiaries are asked to identify discrepancies between services rendered and billed, and the amount charged for coinsurance.

• Health Care Financing Administration
Contractors' Information Collections—"Claims Development ' Physicians and Other Health Care Providers"
HCFA–9023
On occasion
Businesses or other institutions
Physicians, and therapists in medicare program
SIC: 801, 805, 809, 808
Small businesses or organizations
Health: 5,600,000 responses; 933,333 hours; $0 Federal cost; 1 form; $9,333,000 public cost; not applicable under 3504(h)
Richard Eisinger; 202–395–6880

The information in this category is collected by carriers and intermediaries from physicians and other health care providers (therapists). It concerns skilled nursing facility level of care, home health agency and therapy plans of treatment, and medical necessity for durable medical equipment.

• Health Care Financing Administration
Contractors Information Collection—Claims Development' Data Provided by Chiropractors
HCFA–9032
On occasion
Businesses or other institutions
Chriopractors participating in the medicare program
SIC: 804
Small businesses or organizations
Health: 200,000 responses; 33,333 hours; $0 Federal cost; 1 form; $333,330 public cost; not applicable under 3504(h)
Richard Eisinger; 202–395–6880

These carrier forms request clinical records and X-rays from chiropractors.

• Departmental Management
Long-Term Care Survey (Survey of Impaired Individuals in Households)
OS–25–81
Nonrecurring
Individuals or households
Persons age 65 and over
Public assistance and other income supplements: 57,500 responses; 10,383 hours; $2,266,869 Federal cost; 2 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Sample of impaired persons will be interviewed concerning their ability to perform activities of daily living, the formal and informal service they use, and their income and assets.

• Health Care Financing Administration
Freestanding Federally-Funded Health Center Cost Report
HCFA–242
Semiannually, annually
Businesses or other institutions
Freestanding federally-funded health centers
SIC: 808
Small businesses or organizations

Health: 432 responses; 9,504 hours; $122,232 Federal cost; 1 form; $95,040 public cost; not applicable under 3504(h)
Richard Eisinger; 202–395–6880

The cost report allows freestanding federally-funded health centers (FFHC) to report both projected and actual costs. HCFA uses this data to determine the prospective reimbursement rates..

• Health Care Financing Administration
Independent Renal Dialysis Facility Cost Report
HCFA–265
Annually
Businesses or other institutions
Freestanding ESRD facilities in the medicare program
SIC: 808
Health: 405 responses; 79,380 hours; $1,866,500 Federal cost; 1 form; $793,800 public cost; not applicable under 3504(h)
Richard Eisinger; 202–395–6880

This cost report identifies specific items of cost and statistical information pertaining to the freestanding ESRD facility's operations. The information collected will be used for ratesetting purposes for incentive rate reimbursement for these facilities.

• Health Care Financing Administration
Contractors Information Collection—Organ Procurement[1] Agency and Histocompatibility Laboratory Forms
HCFA–9025, 216
Semiannually, annually
Businesses or other institutions
Organ procurment agencies-histocompatibility labs
SIC: 807, 809
Small businesses or organizations
Health: 52 responses; 3,016 hours; $0 Federal cost; 1 form; $30,160 public cost; not applicable under 3504(h)
Richard Eisinger; 202–395–6880

These forms are used by Aetna, the sole intermediary for OPAs and histocompatibility labs. They gather data on facility's background, donor hospitals, costs for interim rates, and administrators compensation.

• Health Care Financing Administration
Delivery of Medical and Social Services to the Homebound Elderly, New York City—Billing Forms
HCFA–245D, HCFA–246D
On occasion
Businesses or other institutions
Hospitals, social service agencies
SIC: 806
Small businesses or organizations
Health: 5,000 responses; 667 hours; $18,650 Federal cost; 2 forms; $6,670 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Billing forms to reimburse participating provider for an array of services being demonstrated under the New York City demonstration.

• Health Care Financing Administration
Uniform billing form for the State of New York, FR. UBF–1, "Medicare"
Other—See SF83
Businesses or other institutions
All acute care hospitals in New York State
SIC: 806
Small businesses or organizations
Health: 1,108,800 responses; 200,000 hours; $2,326,400 Federal cost; 1 form; $2,000,000 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The UBF–1 is part of an overall uniform reporting system, compliance with which is regulated by the State of New York. The "medicare" portion is completed by hospitals and used by the medicare intermediary in New York State to pay claims and keep statistics.

• Health Care Financing Administration
Long-Term Care Project of North San Diego County
Billing form
HCFA–1487D
On occasion
Businesses or other institutions
Hospitals, social service agencies
SIC: 806
Small businesses or organizations
Health: 5,000 responses; 417 hours; $22,546 Federal cost; 1 form; $4,170 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This is a variation of the HCFA–1487 billing form. It has been altered to reimburse participating providers for an array of services being demonstrated under the North San Diego demonstration.

• National Institutes of Health
NHANES I Epidemiologic Followup Survey
Nonrecurring
Individuals or households/businesses or other institutions
Nat'l sample examined in NHANES I (1971–1975), etc.
SIC: 806, 839
Small businesses or organizations
Health: 14,365 responses; 15,105 hours; $3,655,439 Federal cost; 5 forms; $79,015 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The NHANES I epidemiologic followup survey will reinterview adult examinees from the national health and nutrition examination survey conducted 1971–75. Respondents will be asked about their health status, health habits, and health conditions that have developed since the earlier survey. Blood pressure and weight will be measured in the household. Illness outcomes will be verified using hospital records and death certificates.

• Social Security Administration
State Plan for Refugee Resettlement
OS–9–81
On occasion
State or local governments
State refugee resettlement programs
SIC: 944
Public assistance and other income supplements: 50 responses; 2,400 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

As a condition for receipt of funds under the refugee resettlement program, a State must submit a plan which satisfies the requirements in section 4128(a)(6) of the Immigration and Nationality Act.

Revisions

• Health Services Administration
Bureau of Community Health Services Common Reporting Requirements
HSA–350
Semiannually
State or local governments/businesses or other institutions
Federally-supported ambulatory health care centers
SIC: 808, 943
Health care services: 2,200 responses; 52,800 hours; $264,000 Federal cost; 12 forms; $528,400 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This reporting form is used by the Bureau of Community Health Centers to provide performance information on all operating health centers.

• Health Care Financing Administration
Program integrity activity report (Revision of HCFA–52 Formerly Called CPI Postpayment Review Summary-Medicaid)
HCFA–52
Quarterly
State or local governments
State agencies
SIC: 919
Health: 212 responses; 106 hours; 31,607 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The data collected through the program integrity activity report is necessary as a recordkeeping device for both individual case control and overall program statistics. HCFA will use the

data for analysis of patterns and trends of abuse of the medicare and medicaid programs.

• Social Security Administration
Disability Report and Vocational Report
SSA–3368, SSA–3369
On occasion
Individuals or households
Claimants who have filed title II disabil & title XVI, etc.
General retirement and disability insurance: 1,500,000 responses; 705,000 hours; $2,122,583 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

The information requested on form SSA–3368 is needed in order to make a determination for a disability claim. Form SSA–3369 supplements the SSA–3368 regarding additional information about past work experience. The information will be used to further document a claim. These forms are essential to case development and adjudication.

• Health Care Financing Administration
Contractors Information Collections—State Survey Agency [1]
Interim forms to survey intermediate care facility
Residents rights
HCFA–9036, 3070, 3070A–D
Annually
Businesses or other institutions
Intermediate care facilities participating in medicaid
SIC: 805
Small businesses or organizations
Health: 14,156 responses; 130,235 hours; $0 Federal cost; 5 forms; $1,302,350 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are completed annually by intermediate care facilities that participate in medicaid. They are forwarded to the State survey agency. They document compliance with regulations on residents' rights.

• Health Care Financing Administration
Contractors Information Collections—State Survey [1] Agency Hospital Staffing Pattern Forms
HCFA–9035, 1537
Annually
Businesses or other institutions
Hospitals not having accreditation
SIC: 806
Small businesses or organizations
Health: 1,710 responses; 108,330 hours; $0 Federal cost; 2 forms; $1,083,300 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by State survey agencies to gather information on hospitals' departmental staffing patterns. The data supplements the hospital survey form (HCFA–1537). Respondents are hospitals which are not accredited by the joint commission on hospital accreditation.

• Health Care Financing Administration
Contractors Information Collections—State Survey Agency [1] Correction of Deficiency Forms
HCFA–9034, 2567B
Annually
Businesses or other institutions
Institutions participating in medicare/medicaid
SIC: 805, 806, 807, 808
Small businesses or organizations
Health: 17,500 responses; 26,250 hours; $0 Federal cost; $262,500 public cost; 2 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by some State survey agencies to allow facilities participating in medicare/medicaid to report on their progress in correcting deficiencies found during a prior survey. The forms collect information which State survey agencies would have recorded during an on-site follow-up visit on HCFA–2567B and HCFA–2567E forms.

• Social Security Administration
Statement of Death and Burial Expenses by Funeral Director
SSA–2872
On occasion
Businesses or other institutions
Funeral directors having knowledge of death and burial, etc.
SIC: 726
Small businesses or organizations
General retirement and disability insurance: 1,000,000 responses; 66,666 hours; $203,689 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used as supporting evidence regarding entitlement to lump-sum death payments and reimbursement for total burial expenses.

• Health Care Financing Administration
Hospital, Skilled Nursing Facility & Health Care Complex Cost Report
HCFA 2552, 2552,L
Annually
Businesses or other institutions
Hospitals, skilled nursing facilities
SIC: 806, 805, 808, 809
Small businesses or organizations
Health: 10,800 responses; 35,391,600 hours; $43,126,900 Federal cost; $353,916,000 public cost; 9 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Providers participating in the medicare program are required to submit this annual cost report to effect final settlement of costs for providing health care services to medicare beneficiaries. This form will be used by hospitals, skilled nursing facilities & health care complexes.

Extensions (Burden Change)

• Social Security Administration
Vocational Survey Form—Disability Insurance Program
HA–625
On occasion
Businesses or other institutions
Employers in labor mkts related to reconsideration of claims
SIC: All
Small businesses or organizations
General retirement and disability insurance: 260 responses; 520 hours; $5,556 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

In sustaining the denial or cessation of claims for disability insurance benefits based on evidence which indicates that the applicant can engage in substantial gainful activity SSA must be able to show conclusive information about the existence of appropriate jobs, their numbers, and their general locations. This survey is used to give the vocational expert specific factual information to supplement his own personal knowledge.

• Food and Drug Administration
Product License Application for the Manufacture of Blood Grouping Serum
FDA 3066
On occasion
Businesses or other institutions
Respondents of manufacturers of blood grouping serum
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 10 responses; 30 hours; $1,735 Federal cost; $1,735 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Section 351 of the Public Health Service Act and 21 CFR 601.2 requires manufacturers of biological products to submit applications for review and approval to the Bureau of Biologics prior to marketing product. Form FD 3066 is used by all manufacturers of Blood grouping sera when applying for a license for a new product or when updating information (changes in manufacturing procedures, labeling, etc.) on an already licensed product.

• Food and Drug Administration
Problem Reporting Program for Drugs and Radiopharmaceuticals
FD 2519, 2519A, 2822
On occasion

Individuals or households/businesses or other institutions
Pharmacists, physicians, dentists, nurses
SIC: 999
Consumer and occupational health and safety: 6,120 responses; 1,020 hours; $229,003 Federal cost; 3 forms; not applicable under 3504(h)
Gwendolyn, Pla, 202–395–6880

Cosponsored by 47 State pharmaceutical associations, 3 regional associations, and several national pharmaceutical organizations, this program solicits the voluntary participation of health professionals nationwide in improving the quality of drug products distributed in the USA.

Reinstatements

• Human Development Services
Program Performance Report for Title III of the Older Americans Act and Financial Status Report
059–75
Quarterly
State or local governments
State agencies on aging are single purpose agencies, etc.
SIC: 835
Education, training, employment, and social services: 228 responses; 7,140 hours; $112,000 Federal cost; $71,400 public cost; 2 forms; not applicable under 3504(h)
Gwendolyn, Pla, 202–395–6880

Program performance report will facilitate AOA with a data base on programmatic operations of State agencies and the financial status report is in accord with HHS's financial reporting requirements for reporting the status of funds for all nonconstruction grants.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Housing Programs
Negotiated FHA Interest Rate Program
HUD–9722, HUD–9723
Nonrecurring
Businesses or other institutions
Mortgage lenders
SIC: 616, 612, 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance: 100,000 responses; 25,000 hours; $100,000 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To carry out new programs and to compile information in order to respond to congressionally mandated study, prescribed by section 332(2)(d) of the Housing and Community Development Act of 1980, Public Law 96–399.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Office of Surface Mining Reclamation and Enforcement
Quantitative Program Management Information (Soap Program)
OSM–51C
Semiannually, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 90 responses; $1,620 Federal cost; 1 form; 135 hours; not applicable under 3504(h)
Robert Shelton, 202–395–7340

OSM–51C—this form is to be used to report the program. The quantitative data for monitoring and reporting program performance for the small operators assistance program.

• Office of Surface Mining Reclamation and Enforcement
Budget Information—Construction
OSM–48
Nonrecurring, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 715 responses; 11,440 hours; $8,580 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The OSM–48, budget information-construction form is to be used as the standard form for an applicant to submit a construction budget.

• Office of Surface Mining Reclamation and Enforcement
Check List for Grant and Cooperative Agreement Closeout
OSM–61
Annually
State or local governments
25 State agencies and 31 institutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 300 hours; $3,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

Form OSM–61 is to be used by OSM staff as the check list for closing out OSM grants or cooperative agreements.

• Office of Surface Mining Reclamation and Enforcement
Program narrative statement and performance report
OSM–51
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 5,260 responses; 42,080 hours; $253,680 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

Form OSM–51, program narrative statement and performance report will be used as part IV of an application and to report the performance of an OSM grant or cooperative agreement.

• Office of Surface Mining Reclamation and Enforcement
Outlay report and request for reimbursement for construction programs
SF 271
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 4,120 responses; 32,960 hours; $49,440 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

SF–271 is to be used as the standardized format to be used to report the status of funds for OSM construction projects.

• Office of Surface Mining Reclamation and Enforcement
Quantitative program management information
OSM–51A
Semiannually, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 90 responses; 135 hours; $1,620 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

Form OSM–51A is to be prepared by a recipient and report the quantitative data for monitoring and reporting of program performance for the State and Federal programs.

• Office of Surface Mining Reclamation and Enforcement
Quantitative Program Management Information, Part 2
OSM–51B
Semiannually, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 90 responses; 135 hours; $1,620 Federal

cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

Form OSM–51B is to be prepared by a recipient and report the quantitative data for monitoring and reporting of program performance for the State and Federal program.

• Office of Surface Mining Reclamation and Enforcement
Recipient's release
OSM–62
Annually
State or local governments
25 State agencies and 31 institutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 300 hours; $3,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

Form OSM–62 will be used by a recipient of an OSM grant or cooperative agreement to release OSM from liabilities under the agreement.

• Office of Surface Mining Reclamation and Enforcement
Section B project approved information report
OSM–50B
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 145 responses; 73 hours; $870 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340.

Form OSM–50B, section B of the project approved information is to be used as part of an application for Federal assistance for a construction grant or cooperative agreements.

• Office of Surface Mining Reclamation and Enforcement
Section A—project approved information report
OSM–50A
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 300 responses; 150 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–50A, project aproval information—section A is to be part II of an application for Federal assistance for a construction or non-construction grants or cooperative agreements.

• Geological Survey
Notice of Processing of Geophysical and Geological Information—30 CFR 251.11, 251.12
On occasion
Businesses or other institutions
OCS Federal mineral permittees
SIC: 131, 132, 138
Other natural resources: 2,000 responses; 400,000 hours; $13,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

In order to properly evaluate Federal OCS resources, it is necessary to have permittees submit data, processed and analyzed information and interpretations.

• Bureau of Mines
Equipment Use Data Base
PI–16
Other—see SF83
Businesses or other institutions
Mining companies
SIC: 101, 102, 104, 106, 109, 145, 147, 149, 141, 142
Small business or organizations
Other natural resources: 8,527 responses; 4,025 hours; $367,410 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Through acquiring survey data on metal and nonmetal mining machines and associated operators and analyzing the information, essential parameters for the machine and operators will be determined. These parameters will help the Bureau and Mine Safety and Health Administration focus on more specific equipment safety needs.

Revisions

• Office of Surface Mining Reclamation and Enforcement
Financial Status Report
SF–269
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 1,090 responses; 8,720 hours; $13,080 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

SF–269 is to be used to report the financial status of funds awarded to a State agency with an OSM grant or cooperative agreement.

• Office of Surface Mining Reclamation and Enforcement
OSM Budget Information Report
OSM–47
On occasion, annually
State or local governments
25 State agencies
SIC: 951
Conservation and land management: 210 responses; 1,680 hours; $2,520 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This form is designed so that budgets can be made for non-construction funds and establish budgets for functions or activities.

DEPARTMENT OF LABOR

Agency Clearance Office—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Unemployment Compensation for Ex-Service Persons (UCX) Handbook
On occasion, other—see SF83
Individuals or households/State or local governments
Individuals filing claims for UCX benefit entitlement, etc.
SIC: 944
Unemployment compensation: 287,000 responses; 384,580 hours; $4,800 Federal cost; 3 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Federal law (5 U.S.C. 8521 et seq.) provides unemployment insurance protection to former members of the armed forces (ex-service persons) and is referred to in abbreviated form as "UCX." The forms in chapter V through VIII of the UCX handbook are used in connection wih the provision of this benefit assistance.

• Departmental Management
Qualifications Inquiry, DI–166
PERS–6
Nonrecurring
Individuals or Households
Applicants
Other labor service: 11,900 responses; 1,983 hours; $23,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

This form is required under the Department of Labor's negotiated merit staffing plan for positions outside the union bargaining unit's national council of field labor locals, and the National union of compliance officers to solicit information by personnel offices from the applicant's supervisor. The information will be used by raters to evaluate outside applicants against the requirements of the vacancy to be filled

• Mine Safety and Health Administration
Mine Operator Dust Data Card
MSHA–218
Other—See SF83
Businesses or other institutions
All Surface and underground coal mine operators
SIC: 999
Small Businesses or organizations

Consumer and occupational Health and Safety: 300,000 responses; 4,800 hours; $80,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Coal mine operators are required to collect and submit respirable dust samples to the Secretary of Labor for analysis. Pertinent information associated with identifying and analyzing these samples is submitted with the samples. Authority established by Pub. L. 95–164

• Mine Safety and Health Administration
Main Fan Maintenance Records
MSHA–421R
Monthly
Business or other institutions
Underground metal/nonmetal mines
SIC: 999
Small Businesses or organizations
Consumer and occupational Health and Safety: 900 responses; 900 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Requires regular maintenance of the main life support system to the mine. The required record establishes documenttation of maintenance program. This documentation may serve as a warning for possible ventilation problems before they occur.

• Mine Safety and Health Administration
Inspection of Firefighting Equipment
MSHA–419R
On occasion
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small Businesses or organizations
Consumer and occupational Health and Safety: 14,900 responses; 715,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Firefighting equipment inspection needs vary with the type of equipment, use, environmental exposure, and manufacturers recommendations. Inspections are necessary to assure protection intended when the need arises. The equipment involved includes fire fighting trucks, hoses, hydrants, fittings, extinguishers, sprinklers, etc.

• Mine Safety and Health Administration
Hazardous Conditions Complaints
MSHA–707
Other—See SF83
Businesses or other institutions
Representative of miners, or an individual miner
SIC: 999
Small Businesses or organizations
Consumer and occupational Health and Safety: 500 responses; 100 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Complaints about hazardous conditions must be made in writing to the Secretary or an authorized representative. Authority established by Pub.L. 95–164.

• Mine Safety and Health Administration
Annual Status Report and Certification on Impoundments and Refuse Piles
MSHA–211
Annually
Businesses or other institutions
Active coal mines
SIC: 111,121
Small Business or organizations
Consumer and occupational Health and Safety: 105 responses; 210 hours; $1,880 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Requires each operator to submit an annual status report and certification of impoundments and refuse piles. The information is used as an enforcement and administrative tool. Authority established by Pub.L. 95–164.

• Mine Safety and Health Administration
Mine Ventilation System Plan
MSHA–401
Annually
Businesses or other Institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 21,600 hours; $108,000 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

Ventilation plan submission and update assures a continuing understanding of potentially hazardous areas of an underground mine to the district manager of MSHA. The district personnel will, therefore, be able to recommend alterations to the system in recognition of a hazard, and will be better able to respond to an emergency at the mine.

• Mine Safety and Health Administration
Hearing Conservation Plan
MSHA–210
Nonrecurring
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 200 responses; 100 hours; $300 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

The plan describes the mine operators hearing conservation program. It is required to be submitted only if excessive noise exposure has been found. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Applications for Approval of Sanitary Toilet Facilities
30 CFR 75.1712–6
MSHA–209
Noncurring
Businesses or other institutions
Coal mine operators
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 2,601 responses; 1,300 hours; $3,902 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

Sanitary toilet facilities are required underground to insure a healthier environment for the employees. Approval of all facilities is required to insure compliance. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Submission and Approval of Slope/Shaft Sinking Plans
MSHA–208
On occasion
Businesses or other institutions
Nation's active coal mines
SIC: Multiple
Small Businesses or organizations
Consumer and occupational health and safety: 40 responses; 1,600 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

Require that slope and shaft plans be submitted for approval. Information used to ensure that specific safety requirements are included in a slope/shaft sinking plan via MSHA personnel. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Operations Under Water
MSHA–207
On occasion
Businesses or other institutions
Underground coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 30 responses; 480 hours; $7,200 Federal cost; 1 form; not applicable under 3504(h)

LaVerne V. Collins, 202–395–6880

The underground coal mine operators are required to submit information and get a permit to mine under bodies of water in order to protect miners from cave-ins and inundations. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Application for grants
MSHA–100
Quarterly, other–see SF83
State or local governments
State government agencies
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 37 responses; 4,144 hours; $62,160 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

OMB circular A102 states the reporting requirements for MSHA's Federal assistance programs. The SF424 is the grants application for a new grant or for a modification to an existing grant. Authority established by the Federal Mine Safety and Health Act of 1977, Pub. L. 95–164.

• Mine Safety and Health Administration
Monthly Tests of Mine Rescue Apparatus
MSHA–411R
Monthly
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 7,200 responses; 57,600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

Mine rescue apparatus is used as a life support system in deadly atmospheres by trained personnel in the act of rescue work. Failure of the apparatus under rescue conditions could jeopardize the life of the individual wearer and the entire team. The testing and recording procedure will minimize the possibilities of a failure.

• Mine Safety and Health Administration
Fire Door Location Plans for Underground Mines at Level Landings
MSHA–410
On occasion
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 300 responses; 24,000 hours; $36,000 Federal cost; 1 form; not applicable under 3504(h)

LaVerne V. Collins, 202–395–6880

Fire doors at level landings are needed to prevent the spread of smoke and toxic gases in the event of an undergroud mine fire. They afford protection of a safe refuge for the miners while awaiting a shaft conveyance to escape the mine. Ventilation changes which may occur as a mine is developed may necessitate the relocation of some doors.

• Mine Safety and Health Administration
Application For Waiver of Surface Facilities Requirement
MSHA–212
Annually
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 1,800 responses; 900 hours; $2,700 Federal cost; 1 form; not applicable under 3504(h)
LaVerne V. Collins, 202–395–6880

If the operator desires to request a waiver of the Federal regulations requiring surface facilities, the coal mine operator files this application to show the grounds upon which the request is based. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Application for approval for the use of non-permissible
Explosives and shot firing units
MSHA–203
On occasion
Businesses or other institutions
Active coal miners
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 50 responses; 50 hours; $750 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

MSHA requires the mine operator to set forth the safeguards to be employed to protect the health and safety of miners that would be exposed to the use of non-permissible shot firing units.

• Mine Safety and Health Administration
Ground Control Plan
MSHA–202
Nonrecurring
Businesses or other institutions
New surface coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 760 responses; 30,400 hours; $1,140 Federal cost; 1 form; not applicable under 3504(h)

Laverne V. Collins, 202–395–6880

The ground control plan is used as an enforcement tool to insure that surface coal mine operators' methods of controlling highwalls, pits and spoil banks are consistent with prudent engineering design and will insure safe working conditions. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Annual Functional Test and Weekly Inspection of Fire Sensor and Warning Device Systems
MSHA–231R
Weekly
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 244,800 responses; 24,480 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires that a record be kept of annual functional test and weekly inspections of automatic fire sensor and warning devices. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Examination of Hazardous Conditions
MSHA–233R
Other—See SF83
Businesses or other institutions
Surface coal mines, surface facilities, and independent, etc.
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 1,216,380 responses; 608,190 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires reports of daily inspection of hazardous conditions in coal mines. The information is used as an enforcement tool to insure that mine operators are conducting examinations for hazardous conditions. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Hoist and Shaft Inspection Records
MSHA–414R
Quarterly/other—see SF83
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 1,000 responses; 16,000 hours;

$0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Systematic inspections of shafts and hoists are required at varying intervals. Records must be maintained for 3 years.

• Mine Safety and Health Administration
Main Fan Inspection Logs—Gassy Mines
MSHA–415R
Other—see SF 83
Businesses or other institutions
Gassy mines—metal/nonmetal mining industry
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 18 responses; 3,600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Standard applies only to gassy mines. Potentially gassy (explosive) conditions underground are largely controlled by the main fans. Fans must be inspected daily and logs kept.

• Mine Safety and Health Administration
Air Quality Measurements in Gassy Mines
MSHA–416R
Weekly
Businesses or other institutions
Gassy Mines, Metal/Nonmetal Mining Industry.
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 18 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The adequacy of the ventilation system for a gassy mine must be checked weekly to maintain a safe working environment. Quantitative measurements help assure dilution of gasses and preclude the pressure of explosive atmospheres.

• Mine Safety and Health Administration
Daily Inspection of Hoists Record
MSHA–240R
Other—See SF83
Businesses or other institutions
Nation's active coal mines
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 8,800 responses; 4,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires record of preshift plus coshift inspection of hoist equipment. Information is used as an enforcement tool to insure that hoists used in shaft/slope sinking operations are inspected daily. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Preshift and Onshift Inspections
MSHA–241R
Other—See SF83
Businesses or other institutions
Shaft/slope sinking independent contractors
SIC: 111,121
Small businesses or organizations
Consumer and occupational health and safety: 8,800 responses; 4,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Require record of preshift and onshift inspections. Information is used as an enforcement tool to ensure that adequate examinations of the shaft/slope and associated equipment are made. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Results of Examinations of Hoisting Equipment
MSHA–242R
Other—See SF83
Businesses or other institutions
Surface and underground coal mines
SIC: 121, 111
Small businesses or organizations
Consumer and occupational health and safety: 159,280 responses; 27,078 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operator to maintain a record of the daily examination of hoisting equipment. The information is used to insure all man hoists are inspected daily. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Rock Bolt Test Procedures and Rock Bolt Anchorage Capacity Tests
MSHA–418R
On occasion
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 450 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Rock bolting is an acceptable method of ground support in a majority of the strata encountered in underground mines. The anchorage method varies with the strata and individual methods may vary within a single mine. Each anchorage method must be tested to assure the ultimate competence of the ground and to prevent ground fails.

• Mine Safety and Health Administration
Report of Emergency Medical Assistance and Transportation of Injured Persons
MSHA–206
Quarterly
Businesses or other institutions
Nation's active underground and surface coal mines, etc.
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 1,827 responses; 457 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires each operator to report to MSHA their arrangements for emergency medical assistance and transportation for persons injured at the mine. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Noise Data Report Form
MSHA–214
Semiannually
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 350,000 responses; 24,500 hours; $184,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is used to record each noise survey made by coal mine operators. It identifies the survey and the mine environment where the survey was taken. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
First Aid Training Supervisory Employees
30 CFR Section 75.1713–3
MSHA–219
Annually
Businesses or other institutions
Underground and surface coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 5,419 responses; 2,710 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Used in training new employees in the fundamentals of first aid and to practice such in the event of a mine accident to prevent further injury to a miner.

• Mine Safety and Health Administration
Gamma Radiation Exposure Records
MSHA–405R
Annually
Businesses or other institutions
Underground mines where radioactive ores are mined
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 250 responses; 2,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires records to be kept of accumulative individual gamma radiation exposure to insure that annual exposure does not exceed 5 rems per year. It is intended to protect the health of workers.

• Mine Safety and Health Administration
Maintenance of Independent Contractor Register
MSHA–244
On occasion, quarterly, semiannually
Businesses or other institutions
Mine production operators
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 158,000 responses; 39,500 hours; $3,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires mine operators to maintain registration of independent contractors and to make the information available. The information is used as an enforcement and administrative tool. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
A program to prevent smoking in hazardous areas
MSHA–201
On occasion
Businesses or other institutions
Nations active underground mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 540 responses; 270 hours; $8,100 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

No one is permitted to carry smoking materials underground or smoke around hazardous areas. The information collected is used to monitor compliance. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Representative of Miners
MSHA–700
Other-see SF83
Businesses or other institutions
Each miner's representative of every mine
SIC: 999
Consumer and occupational health and safety: 400 responses; 400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires a document evidencing designation as miner's representative and a statement of authority to be filed with MSHA and sent to the mine operator for posting, and when appropriate, a letter terminating the designation. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
30 CFR Part 45—Independent Contractors
MSHA–719R
On occasion
Businesses or other institutions
Any individ or business contracting with a mine oper, etc.
SIC: 999
Consumer and occupational health and safety: 90,000 responses; 22,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires independent contractors to provide information in writing to mine operators and the mine operators to make the information available for inspection to authorized representatives of the Secretary of Labor. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Record of Results of Examination of Self-Rescuers
MSHA–243R
Quarterly
Businesses or other institutions
Nation's active underground coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 10,404 responses; 4,473 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operators to record and make available results of examinations of self-rescuers. The information is used to insure that the self-rescuers are in a safe, usable condition. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Check-In, Check-Out System for Underground Personnel
MSHA–412R
Nonrecurring
Businesses or other institutions
Underground metal/nonmetal mines
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 7,200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The records implied in this standard simply mean an effective, on-going program of check-in, check-out which will inable mine operators and MSHA officials to determine who is underground in event of an emergency. Rescue efforts are enhanced with this knowledge.

• Mine Safety and Health Administration
Detailed Escape and Evacuation Plan
MSHA–400
Semiannually
Businesses or other institutions
Underground metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 900 responses; 21,600 hours; $27,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Detailed escape and evacuation plans containing the requirements of this standard will help assure an orderly, rapid, and possibly life saving exit from the mine.

• Mine Safety and Health Administration
Medical Examinations for Man Hoist Operators
MSHA–409R
Annually
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small Businesses or organizations
Consumer and occupational health and safety: 1,000 responses; 8,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The safety of all miners riding hoist conveyances is at the mercy of the hoist conveyance operators. The standard requires annual medical examinations for hoist operators. Physical certification must be available at the mine.

• Mine Safety and Health Administration
Respirator Program Records

MSHA–404R
Nonrecurring
Businesses or other institutions
Metal/nonmetal mining industry
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 7,000 responses; 14,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires an operator to establish a respirator program consistent with the requirements of ANSI–Z88.2 1969. The program is to consist of written standard operating procedures governing the selection, use, and care of respirators. The standard is intended to provide guidance that will assist respirator users in safeguarding health and life through proper selection and use of respirators.

• Mine Safety and Health Administration
Record of all Certified and Qualified Persons
MSHA–221R
On occasion, quarterly
Businesses or other institutions
Nation's active underground coal mines
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 26,272 responses; 3,153 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires coal mine operators to maintain records of certified and qualified persons designated to perform mandatory safety duties. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Semi-Annual Inspection of Fire Extinguishers
MSHA–229R
Semiannually
Businesses or other institutions
Nation's active coal mines
SIC: 111, 121
Small Businesses or organizations
Consumer and Occupational Health and Safety: 84,540 responses; 8,454 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Fire extinguishers require regular examinations because the extinguishing agent becomes caked, the expellant agent loses pressure and sheels are damaged in the mining environment. Record is to show that required safety equipment is inspected on a regular basis. Authority established by Pub. L. 95–164.

• Mine Safety and Health Administration
Escape and Evacuation Plan
MSHA–232R
On occasion
Businesses or other institutions
Surface coal mines
SIC: 111, 121
Small Businesses or organizations
Consumer and Occupational Health and Safety: 840 responses; 3,360 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Requires the development of escapeway plans. The information is used as an enforcement tool to insure that all surface coal mine operators have established and keep current an escape and evacuation plan. Authority established by Pub. L. 95–164.

• Bureau of Labor Statistics
Hours at Work Survey
BLS 2000, M 2000, P 2000, S 2000 R
Annually
Businesses or other institutions
Nonagricultural establishments—except gov'ts
SIC: Multiple
Small Businesses or organizations
Other labor services: 3,300 responses; 900 hours; $167,000 Federal cost; 4 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313.

Hours at work information are needed in order to correctly measure the labor input for productivity measures. Presently, labor input is measured using hours paid. The information on hours at work will be collected beginning March 1982. This information will be collected annually. Ratios of hours at work to hours paid will be calculated to adjust present measures of labor input.

• Occupational Safety and Health Administration
Report of Injuries to Employees Operating Mechnical Power Presses. 29 CFR Part 1910, 1910.217G
OSHA–180
On occasion
Businesses or other institutions
General industry workplaces
SIC: Multiple
Small Businesses or organizations
Consumer and Occupational Health and Safety: 400 responses; 120 hours; $0 Federal cost; 1 form; $600 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

This report is necessary in order that OSHA may conduct an on-going analysis of mechanical power press injuries. The report is used to record and evaluate the causal factors of such injuries and thus monitor the effectiveness of the standard for continued use or revision when found appropriate.

• Employment Standards Administration
Maintenance of Cancelled Checks Record Keeping Requirement
ESA–200 CM
On occasion
Businesses or other institutions
Coal mine operators, stock/mutual cos. or assocs.
SIC: 121, 111, 633
Small Businesses or organizations
General retirement and disability insurance: 1 response; 0 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Insurance carriers, who insure coal mine operators for the payment of black lung benefits, and self-insured coal mine operators are required to maintain cancelled checks for five years in order to verify payment of black lung benefits.

• Employment Standards Administration
Conformance Record Service Contract Act
ESA–WH–601
On occasion
Businesses or other institutions
Private contractors/subcontractors on Federal contracts
SIC: multiple
Small Businesses or organizations
Other labor services: 9,000 responses; 4,500 hours; $33,683 Federal cost; 1 form; $22,500 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Service Contract Act recordkeeping requirements for contractors to maintain copy of classification/wage rate conformance agreement. Becomes part of wage determination.

• Employment and Training Administration
Unemployment Compensation for Federal Civilian Employees (UCFE) Handbook
ETA 836, 835, 848, 833, 935, 834, 832, 831
On occasion, other—see SF83
Individual or households/State or local governments
Individuals filing claims for UCFE benefit entitlement, etc.
SIC: 944
Unemployment compensation: 241,000 responses; 549,480 hours; $4,800 Federal cost; 8 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

Federal law (5 U.S.C. 8501–8508 et seq.) provides unemployment insurance protection to former (or partially unemployed) Federal civilian employees. It is referred to, in abbreviated form, as "UCFE." The forms

contained throughout the UCFE handbook are used in connection with the provision of this benefit assistance.

• Employment Standards Administration
Service Contract Act Senority List
ESA–WH–000
Annually
Businesses or other institutions
Private contractors/subcontractors on Fed'l contracts
SIC: multiple
Small Business or organizations
Other labor services: 9,000 responses; 9,000 hours; $0 Federal cost; 1 form; $45,000 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880.

SCA contractors to submit copy of seniority list to procurement offices. Use is to inform successor contractor of vacation fringe benefit liabilities regarding wage determinations containing such provisions.

• Employment Standards Administration
29 CFR 40.51, 40.52 and 40.53
This is both recorkeeping and reporting
ESA–WH–500
On occasion, annually
Individuals or households/farms/ businesses or other institutions
Workers for agricultural employment
SIC: Multiple
Small business or organizations
Other labor services: 1,356 responses; 339 hours; $62,115 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Wage and Hour Division recordkeeping requirement to maintain payroll records as prescribed by FLCRA. Deemed to be maintained in any event by a prudent manager. FLCRA requirement for all persons engaged in farm labor contracting activities to register as either a farm labor contractor or a farm labor contractor employee.

• Departmental Management
29 CFR Part 16—Equal Access to Justice Act
On occasion
Individuals or households/farms/ businesses or other institutions
Parties prevailing in adversarial proceedings
SIC: Multiple
Small businesses or organizations
Other labor services: 300 responses; 300 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Provides for the payment of fees and expenses to eligible parties who prevail in an adversarial proceeding against an agency of the Government. These rules constitute the Labor Department's rules for implementing the act.

• Occupational Safety and Health Administration
Hazard Communication
OSHA 239
On occasion
Businesses or other institutions
Chemical manufacturers and all manuf having facilities, etc.
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 328,000 responses; 656,000 hours; $0 Federal cost; 1 form; $14,168,000 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This standard is necessary because many employers and employees are not aware of the presence or hazardous chemicals in their workplaces. Compliance with the standard should serve to alleviate this lack of awareness and provide an impetus for employees and employers to devise better means of protection from these hazards.

Revisions

• Employment and Training Administration
Application Card; Applicant/Job Order Transaction
ETA 511, 511C, ETA 516
On occasion
Individuals of households/State or local governments
Job seekers applying at State ES and WIN offices
SIC: 999
Training and employment: 13,889,200 responses; 3,549,227 hours; $3,000 Federal cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The application card is the basic operating document used in Uses and WIN local offices for new and partial applications for individuals seeking assistance in finding employment or seeking employability development services. The ETA 516 is the automated transmitted form for the ETA–511 record of service section.

• Employment and Training Administration
Job Order Form
ETA 514
On occasion
Businesses or other institutions
Government and private employers seeking to hire employees
SIC: 999
Training and employment: 4,854,000 responses; 463,400 hours; $3,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The job order form is used to record basic job information to provide assistance to employers and job seekers in filling job openings. The information is used to define and describe job requirements for job seekers. Information is used for statistical purposes and for program operation to target labor market penetration efforts.

• Mine Safety and Health Administration
Minimum Roof Control Plan
2000–52
Semiannually
Businesses or other institutions
Underground coal operators
SIC: 111, 121
Small businesses or organizations
Consumer and occupational health and safety: 3,141 responses; 4,209 hours; $565,380 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires underground coal mine operators to submit roof control plans for all underground passageways. The plans are required to improve the roof control systems of each underground coal mine. The plans are used by the underground coal operators, miners and inspectors to see that supports are set.

Extensions (Burden Change)

• Mine Safety and Health Administration
Notification of Legal Identity
2000–7
On occasion
Businesses or other institutions and if and when change
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 10,400 responses; 10,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires each operator of a coal mine to file with the secretary the name and address of such mine and any revisions in such name and address. The information collection is used to monitor compliance.

Reinstatements

• Bureau of Labor Statistics
Information for the Producer Price Index
ELS 473C
Monthly
Businesses or other institutions
Petroleum refiners
SIC: 291
Small businesses or organizations
Other labor services: 336 responses; 111 hours; $75,000 Federal cost; 1 form; not applicable under 3504(h)

Statistical Policy Branch, 202–395–7313

The data are used in the compilation of the producer price index for refined petroleum products.

• Employment Standards Administration
Responses by Contractors and Subcontractors to Compliance Reviews by OFCCP, Excluding Construction
CC–60–2
On occasion
Businesses or other institutions
FED contractors and subcontract whose compliance is, etc.
SIC: All
Small businesses or organizations
Other labor services: 2,695 responses; 512,050 hours; $35,900,000 Federal cost; 1 form; $3,502,400 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

These responses both direct and in writing represent varied forms of cooperation with OFCCP desk audits, on-site reviews, and off-sit analyses. Compliance reviews, the basic enforcement tool, implement Executive Order 11246 and 41 CFR 60–1, section 503 of the Rehabilitation Act of 1973 and 41 CFR 60–741, and section 402 of the Vietnam Era Veterans Readjustment Act of 1974 CFR 60–250. The compliance review procedures following in the implement of these regs are detailed, etc.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Recordkeeping Requirements for LNG Facilities
Other—See SF83
Businesses or other institutions
Liquified natural gas facility operators
SIC: 492
Small businesses or organizations
Other transportation: 48,000 responses; 14,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The liquefied natural gas (LNG) safety regulations (49 CFR Part 193) have been established under the Gas Pipeline Safety Act. They establish comprehensive regulations for LNG facilities.

• Research and Special Programs Administration
Recordkeeping Requirements for Gas Pipeline Operators
Other—See SF83
Businesses or other institutions
Gas pipeline operators
SIC: 492, 493
Small businesses or organizations
Other transportation: 7,400,000 responses; 2,960,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The gas pipeline safety regulations (49 CFR part 192) require gas pipeline operators to maintain a series of tests, inspection and maintenance records so that compliance with part 192 can be ascertained.

• Federal Aviation Administration
Instruction Manual for the Preparation of the 1983 Estimate of the Cost of Completing the Interstate System
Biennially
State or local governments
State highway agencies
SIC: 962
Ground transportation: 50 responses; 317,000 hours; $4,469,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–734[illegible]

The collected information is used, as required, by the title 23, U.S.C., to report to the Congress biennially on the cost to complete the system for the purpose of developing apportionment factors for the distribution of Federal-aid interstate construction funds. The information is also used, per 23 U.S.C. 103(E)(4), to determine substitute fund entitlements.

• Coast Guard
Certification of Completion of First Aid and CPR Training Courses
On occasion
Individuals or households
Applicants for original issue license
Water transportation: 600 responses; 48 hours; $1,971 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 224A., 390B—This letter is used by the Coast Guard in conjunction with officer license examination, to assure that applicants possess a minimum level of qualifications in first aid and cardiopulmonary resuscitation.

• Research and Special Programs Administration
Material of Construction for Portable Tanks
On occasion
Businesses or other institutions
Manufacturers of portable tanks
SIC: 371
Air transportation: 200 responses; 200 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by manufacturers to ascertain to the MTE and purchasers of portable tanks that the material of construction meets the requirements set forth in the regulations.

• Research and Special Programs Administration
Service of Process of Non-Residents of U.S., Requirements
On occasion
Businesses or other institutions
Shippers, carriers and manufacturers of hazardous material
SIC: 401, 421, 541, 281, 283, 374, 443, 471
Other transportation: 2 responses; 5 hours; $125 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7304

To set forth the procedures for non-residents of the United States to designate a United States agent upon whom service of process may be made on behalf of the non-resident.

• Coast Guard
Plan Approval and Records for Marine Engineering Systems
46 CFR subchapter F
CG–2832
On occasion
Businesses or other institutions
Vessel owners and builders
SIC: 441, 442, 373
Small businesses or organizations
Water transportation: 9,520 responses; 2,380 hours; $691,247 Federal cost; 1 form; $476,000 public cost; act applicable under 3504(h)
Wayne Leiss, 202–395–7340

(46 U.S.C. 369) provides specifications, standards and requirements for strength and adequacy of design, construction, installation, inspection, and choice of materials for machinery, boilers, pressure vessels, safety valves, and piping systems upon which safety of life is dependent.

• Coast Guard
Evidence of U.S. Citizenship or Lawful Alien Status for Workers on the Outer Continental Shelf (OCS)
On occasion
Businesses or other institutions
Companies w/crew Fac. and Ves. engaged in oil and gas extraction
SIC: 131, 138
Water transportation: 665 responses; 1,330 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Personnel working on units engaged in oil and gas extraction activities on the OCS are required by 43 U.S.C. 1356 to be citizens or lawfully admitted aliens. Employers would be required to maintain records demonstrating compliance. The information will be used by the Coast Guard for law

enforcement. The effective date will be the effective date of final rule.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
U.S. Treasury IRS
4843/CP 173
On occasion
Farms/ businesses or other institutions
All taxpayers doing business as corporations
SIC: All
Small businesses or organizations
Central fiscal operations: 15,650 responses; 3,913 hours; $13,345 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

As required by 26 U.S.C. 6655 the notice is sent to notify taxpayers when estimated tax payments were untimely, advising of penalty and requesting payment. It also transmits a form 2220 for the corporate taxpayer to fill out if it feels it meets any of the exceptions to the estimated tax penalty.

• Office of the Secretary
Maintain Use Report and Supporting Documentation for Public Inspection
Annually
State or local governments
Indian tribes, Alaskan Nat. Vil.
SIC: Multiple
Central Fiscal Operations: 39,000 responses; 39,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

To aid the Office of Revenue Sharing in ensuring that the public knows the purpose for which revenue sharing funds are used. Information is to be retained for three-year period.

• Internal Revenue Service
Estimated Tax Penalty Notice
5242/CP30
On occasion
Individuals or households
All individual taxpayers who fail to make est. tax payments, etc.
Central fiscal operations: 31,151 responses; 7,788 hours; $66,280 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

26 U.S.C. 6654 authorizes the IRS to assess an estimated tax penalty against taxpayers who do not make estimated tax payments when required to do so by 26 U.S.C. 6015. Form 5242 advises the taxpayers that the penalty has been assessed and the amount of their overpayment reduced, unless they qualify for one of the exceptions.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

New

• Part 314 of Board's Procedural Regulations—Employee Protection Program
Nonrecurring
Individuals or households/businesses or other institutions
Airline employees and Labor representatives
SIC: 999
Air transportation: 50 responses; 50 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Under the employee protection program established by the Airline Deregulation Act, the CAB will identify "Qualifying dislocations" of certificated air carriers, either on its own initiative or upon application by an affected employee. The application form provides basic information that is needed to ensure that CAB proceedings on this subject are undertaken only when there is a reasonable possibility that a qualifying dislocation will actually be found.

Extensions (Burden Change)

• Financial and Operating Report for U.S. and Foreign Indirect Air Carriers of Property
298–R
Annually
Businesses or other institutions
Foreign air freight forwarders
SIC: 471
Small businesses or organizations
Air transportation: 16 responses; 8 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Enables the board to monitor the foreign air freight forwarder under the Airline Deregulation Act.

• Application for Foreign Aircraft Permit
272
On occasion
Businesses or other institutions
Foreign air carriers
SIC: 451
Small businesses or organizations
Air transportation: 120 responses; 240 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

To regulate the admissions to, and navigation in, the United States of foreign civil aircraft other than aircraft operated by holders of foreign aircraft permits.

COMMISSION ON CIVIL RIGHTS

Agency Clearance Officer—Victoria P. Thomas—202–254–6507

New

• Readership Survey of the Report: The Voting Rights Act: Unfilled Promises
Semiannually
Individuals or households/businesses or other insitutions
Individuals and organ interested in civil rights issues
SIC: 881, 913, 823, 938
Federal law enforcement activities: 700 responses; 126 hours; $1,341 Federal cost; 1 form; $1,341 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This information collection will be used to assess the impact of the problems addressed in the publication.

• Readership Survey of the Report: Indian Tribes—A Continuing Quest for Survival
Semiannually
Individuals of households/businesses of other institutions
Individuals and organizations interested in civil rights issues
SIC: 881, 913, 823, 938
Federal law enforcement activities: 700 responses; 126 hours; $1,341 Federal cost; 1 form; $1,341 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030.

This information collection request will assist the commission in reviewing its programs and projects in preparation for budget submissions.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Hazardous Waste Industry Studies
Nonrcurring
Businesses or other institutions
Organic chemical industry
SIC: Multiple
Pollution control and abatement: $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Although phase I and II of the hazardous waste regulations under the Resource Conservation and Recovery Act have been promulgated, they constitute only the first major steps toward a comprehensive hazardous waste prog. Phase III of the reg program will involve further expansion and refinement to the list of haz waste and the implementation of mgmt standards

tailored to the degree and type of hazard posed by specific wastes or industries. The haz waste ind studies will form the. etc.

• New Source Review Permit Notification
Nonrecurring
State or local governments
State air pollution control agencies
SIC: 951
Pollution control and abatement: 55 responses; 2,200 hours; $30,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This program requires States to send EPA notices of all construction permits granted pursuant to the State inplementation plans.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983

Revisions

• Higher Education Staff Information (EEO–6)
EEOC–221
Biennially
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 822, 824, 829
Federal law enforcement activities: 3,000 responses; 12,000 hours; $50,000 Federal cost; 1 form, not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

The information collected will be used by EEOC for investigations, decisions and conciliation in its compliance, litigation and voluntary programs activities. It will be shared with other Federal agencies which have a need for it and pledge to abide by its confidentiality restrictions.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

New

• Amendment of Part 73 of the Commission's Rules Regarding the Subscription TV Service
On occasion
Individuals or households/businesses or other institutions if the proposals are adopted the pub. will be afforded, etc.
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The further notice eventally proposes the deregulation of the subscription television (for more detail see "Further Notice of Proposed Rule Making", FCC 81–449).

• Reply Form
FCC 793–R
On occasion
Individuals or households/State or local governments/businesses or other institutions
Persons, that are in violation of FCC rules
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 2,000 responses; 200 hours; $2,200 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

This form is mailed with monetary forfeiture documents issued pursuant to section 503(b) of the Communications Act. It contains instructions and a tear away reply form.

Revisions

• Annual Financial Report of Networks and Licensees of Broadcast Stations
Form 324
Annually
Businesses or other institutions
Licensees of commercial broadcast stations
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 9,000 responses; 36,000 hours; $53,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The information supplied in FCC form 324 is used in the Commission to develop and overview of the broadcast industry and to supply information pertaining to its economic health and performance, to determine the impact of FCC operational decisions on individual broadcast stations and licensees and to provide input into policy issues and rule making procedures regarding the economic impact of proposed actions.

• Application for Restricted Radiotelephone Operator Permit by an Alien
755
On occasion
Individuals or households
Aliens requesting a restricted radio operator permit
Other advancement and regulation of commerce: 1 response; 134 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Required of non-U.S. citizens to apply for a restricted radiotelephone operators permit. The Communications Act requires FCC to determine the qualifications of radio operators and to license those found qualified. Data is used to make that determination.

• Application for Commercial Radio Operator License (Other Than Restricted Radiotelephone Operator Permit)
FCC form 756
On occasion
Individuals or households
Applicants for a commercial radio operator license
Other advancement and regulation of Commerce: 130,000 responses; 11,667 hours; $700,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Required of license applicant. The Communications Act requires the FCC to determine the qualifications of radio operators and to license those found qualified. This data is used to make the Determination for commercial radio operator applicants.

Extensions (Burden Change)

• Annual Employment Report—Cable Television
FCC Form 395–A
Annually
Businesses or other institutions
Cable employment units
SIC: 489
Small businesses or organizations
Other advancement and regulation of Commerce: 3,500 responses; 1,750 hours; $121,205 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Provides input to automated EEO file which contains statistical data collected annually from each cable employment unit. Statistics reflect the distribution of employees, including females and minority groups, in designated job categories. Used to generate reports required to review and analyze minority employment trends in cable industry.

Extensions (No Change)

• Application of Alien Amateur Radio License for Permit To Operate in the United States
610–A
On occasion
Individuals or households
Aliens
Other advancement and regulation of Commerce: 3,000 responses; 750 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required when an alien amateur radio operator is applying for a

permit to operate in the U.S. The data is used to determine an applicant's eligibility.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

Revisions

- Financial Report for Wholly Owned Service Corporations

FHLBB 1015
Annually
Businesses or other institutions
Wholly-owned service corporations of FSLIC
SIC: 612
Mortgage credit and thrift insurance: 2,600 responses; 10,000 hours; $30,782 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

The information is essential in determining the financial condition and results of operations of wholly owned subsidiaries (service corporations) of insured savings and loan associations and the industry posture of such companies and in determining compliance with and changes to regulations as well as aids to program planning and evaluation. (12 CFR 563.18)

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

Extensions (Burden Change)

- 46 CFR 537—Conference Agreement Provisions Relating to Concerted Activities

G.O. 18
On occasion
Businesses or other institutions
Steamship and terminal conferences in U.S.. foreign commerce
SIC: 441, 442
Water transportation: 2,800 responses; 5,600 hours; $10,500 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The membership of Commission approved rate-fixing agreements having more than two members must file minutes of all meetings within thirty days of the date of the meeting. These minutes are useful in keeping the staff and the Commission informed and aware of the current concerted activities of regulated parties.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

Extensions (Burden Change)

- Report of Condition for Edge and Agreement Corporations

FR 2886B
Quarterly, semiannually, annually
Businesses or other institutions
All Edge Act and agreement corporations
SIC: 605
General government: 802 responses; 4,215 hours; $50,000 Federal cost; 1 form; $64,725 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

This condition report is used to assess the effect Edge Act and agreement corporations have on flow of funds, bank credit and monetary aggregates for monetary policy purposes and as an aid in evaluating the financial soundness, applications and examinations for supervisory purposes.

Extensions (No Change)

- Written Security Program for State Member Banks as Required by Regulations

On occasion
Businesses or other institutions
State member banks
SIC: 602
Small businesses or organizations
General government: 1,013 responses; 1,013 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

All State member banks are required to have on file a written security program. In accordance with the Bank Protection Act of 1968, the program is to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Reinstatements

- Annual Summary of Records Holdings

SF–136
Annually
Businesses or other institutions
Reports should include stat. data pert. to Fed. rec., etc.
SIC: multiple
General property and records management: 2,500 responses; 1,250 hours; $31,992 Federal cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This report provides data for the Administrator's annual report to Congress and OMB on records disposition activities of the Federal Government. It also serves as a management tool to monitor agency records management activities and to determine the effectiveness of the agency's records management program.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

Extensions (Burden Change)

- Application for Motor or Water Carrier Certificate or Permit, Broker License, Freight Forwarder Permit, or Water Carrier Exemption

OP–1
Other—See SF83
Businesses or other institutions
Motor and water carriers, freight forwarders and brokers
SIC: 413, 417, 421, 444
Ground transportation: 20,000 responses; 160,000 hours; $2,075,600 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Form OP–1 provides information used by the ICC to decide whether applicants should be granted entry into surface transportation (motor carriers, brokers, freight forwarders and water carriers) as required by statute (49 U.S.C. 10922–4).

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Ms. D. Lynn Gordon—202–357–1202

Extensions (Burden Change)

- 12 CFR 745—Clarification and Definition of Account Insurance Coverage

12 CFR 745
Nonrecurring
Businesses or other institutions
Credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 56,525 responses; 820 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The regulation declares that insurance coverage will depend on individual account records maintained by a credit union. A question and answer booklet on insurance must be mailed to every member having $5,000 or more in shares.

- 12 CFR 724.1 Trustees and Custodians of Pension Plans

12 CFR 724.1
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small Businesses or Organizations
Mortgage credit and thrift insurance: 629,000 responses; 62,900 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814.

An FCU acting as trustee or custodian of a Keogh plan or individual retirement

account must maintain individual records for each member/participant showing all transactions in detail.

• IRPS 79–7 Liquidity Reserves
IRPS 79–7
On occasion
Businesses or other institutions
Credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance:
4,274 responses; 600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The IRPS requires that notifications by credit unions to NCUA or an appropriate State authority concerning depletions of reserves be in writing. Also, extensions of time to meet required reserves must be requested in writing and be appropriately documented.

• 12 CFR 701.35 Share Draft and Share Certificated Accounts
12 CFR 701.35
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance:
25,156,000 responses; 1,452,588 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires FCU's to maintain in their files: (1) written disapproval criteria for share draft accounts, (2) written share draft account agreements, (3) retention of copies of photoreproductions of paid share drafts. (4) written operational and program specifications for share draft programs, and (5) various disclosure requirements that must be made to members when accounts are established.

• 12 CFR 701.21–3 Lines of Credit to Members
12 U.S.C. 1761C 12 CFR 701.21–3
XII7
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance:
10,399,525 responses; 1,039,784 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires a written agreement between the FCU and the members.

• 12 CFR 701.21–8 Purchase Sale and Pledge of Eligible Obligations
12 CFR 701.218
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance:
4,000 responses; 1,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires a written agreement to be maintained by an FCU on all sales and purchase of eligible obligations. A schedule of the eligible obligations in question must include copies of all original loan documents.

• 12 CFR 70121–1 Lending Policies
12 CFR 701.211
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance:
100,624,000 responses; 55,198,926 hours; $0 Federal cost; 7 forms; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires an FCU to maintain: (1) a loan application for each borrower, and (2) written loan policies. Its purpose is to assure safety and soundness of the institution and assure compliance with statutory mandates.

• 12 CFR 701.31 Nondiscrimination Requirements
12 CFR 701.31
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Mortgage credit and thrift insurance:
11,322 responses; 79 hours; $0 Federal costs; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires an FCU to keep a copy of the property appraisal. This regulation requires that when an FCU uses geographic factors in evaluating real estate loan applications, the FCU must disclose this fact on the appraisal and state its justification. This requirement ensures compliance with the Fair Housing Act antiredlining requirements.

• 12 CFR 701.21–6 Real Estate Lending
12 CFR 701.21–6
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance:
503,200 responses; 1,006,400 hours; $0 Federal cost; 8 forms; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires various documents to be in the FCU files on mortgage loans including loan application, a written appraisal, insurance certificate, a settlement, opinion of title, hazard insurance policy and a note and security agreement.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

Extensions (Burden Change)

• Profile Information Sheet
Nonrecurring
Individuals or households
Scientists who are experts in diff. field of science and eng.
General science and basic research: 500 responses; 125 hours; $4,800 Federal cost; 1 form; $1,250 public cost; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Continued use of the "evaluator profile information sheet" will facilitate NSF program planning and management by maintaining a data base of scientists who can be selected to evaluate diverse products and reports supported by NSF.

Extensions (No Change)

• NSF Small Business Innovation Research Program Evaluatio
Nonrecurring
Businesses or other institutions
High technology small business firms
SIC: multiple
Small businesses or organizations
General science and basic research: 75 responses; 150 hours; $13,000 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

This information is needed to investigate the impact of the SBIR program at the NSF on: (a) the awardees, (b) the firms declined awards, and (c) the economy. The information will be processed internally and an internal report will be issued to help guide this program in the future. Starting date: August 28, 1981. Ending date: March 31, 1982.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

• Equal Access to Justice, 10 CFR 2
On occasion
Individuals or households/businesses or other institutions

NRC adjudicants
SIC: all
Energy information, policy, and regulation: 6 responses; 150 hours; $18,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Equal Access to Justice Act (Pub. L. 96–48) requires NRC to obtain information from prevailing parties in NRC advisory adjudications.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- Securities Act of 1933 Proposed Registration Form F–3

SEC 1983
On occasion
Businesses or other institutions
Foreign issuers selling securities in this country
SIC: all
Small businesses or organizations other advancement and regulation of commerce: 25 responses; 8,075 hours; $14,755 Federal cost; 1 form; $475,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help assure that investors have the necessary information to make security purchases. The Securities Act of 1933 requires the filing of a registration statement on such securities which make publicly available information necessary for informed investing. Proposed form F–3 would be one of several forms prescribed for foreign securities.

- Securities Act of 1933 Proposed Registration Form F–2

SEC 1982
On occasion
Businesses or other institutions
Foreign issuers selling securities in this country
SIC: all
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 9,100 hours; $14,755 Federal cost; 1 form; $450,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help assure that investors have the necessary information to make security purchases. The Securities Act of 1933 requires the filing of a registration statement on such securities which make publicly available information necessary for informed investing. Proposed form F–2 would be one of several forms prescribed for foreign securities.

- Securities Act of 1933 Proposed Registration Form F–1

SEC 1981
On occasion
Businesses or other institutions
Foreign issuers selling their securities in this country
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce: 15 responses; 35,775 hours; $14,755 Federal cost; 1 form; $1,822,500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help assure that investors have the necessary information to make security purchases. The Securities Act of 1933 requires the filing of a registration statement on such securities which make publicly available information necessary for informed investing. Proposed form F–1 would be one of several forms prescribed for foreign securities.

- Notice by Self-Regulatory Organization of Proposed Admission to or Continuance in Membership or Participation

On occasion
Businesses or other institutions
Self-regulatory organizations
SIC: 623
Other advancement and regulation of commerce: 60 responses; 270 hours; $87,230 Federal cost; 1 form; $5,670 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 19H–1(a), (c) through (e) and (g), adopted on July 8, 1977, prescribes the form and content of notice by SROS of proposed admission to or continuance in membership or participation or association with a member of any person subject to a statutory disqualification and applications to the Commission for relief therefrom.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Ms. Elizabeth Zaic—202–653–7738

Reinstatements

- Client and Field Interviewer Questionnaires

Nonrecurring
Businesses or other institutions
Small business clients
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 4,000 responses; 2,000 hours; $8,000 Federal cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Needs to know if small sample taken last year is valid. Also, compliance with IG request for closer evaluation of our programs.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

New

- POW Medical Follow-up

Nonrecurring
Individuals or households
Former prisoners of war, WW II, Korean Conflict, etc.
Hospital and medical care for veterans: 3,300 responses; 1,100 hours; $150,125 Federal cost; 3 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Studies of American former prisoners of war have revealed excess morbidity and mortality during the years following repatriation. This study will investigate for how long and from what causes excess illnesses persist as well as whether chronic diseases are a more serious problem for former POW's.

Revisions

- Certification of Loan Disbursement 26–1876

On occasion
Businesses or other institutions/ individuals or households
Lenders and veterans
SIC: 601, 612, 614, 616, 604
Small businesses or organizations
Veterans housing: 252,000 responses; 126,000 hours; $1,059,052 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Lender's report of home loan closing required by 38 U.S.C. 1802(c). Provides data on terms and closing for loan examination determinations that 38 U.S.C. chapter 37 requirements have been met, terms of loan and conditions affecting the property are in compliance with VA regulations, and are substantially those on which VA based its prior approval.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc 81-36108 Filed 12-18-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12103; 812-4994]

Franklin Life Insurance Co., et al.; Filing of Application for Order for Exemption and Approval of Certain Offers of Exchange

December 14, 1981.

In the matter of the Franklin Life Insurance Co., Franklin Life Money Market Variable Annuity Fund C and Franklin Financial Services Corp., , Franklin Square, Springfield, IL 62713.

Notice is hereby given That The Franklin Life Insurance Company ("The Franklin"), Franklin Life Money Market Variable Annuity Fund C ("Fund C") and Franklin Financial Services Corporation ("Franklin Financial") (together, "Applicants") filed an application on October 19, 1981, and amendments thereto on November 25, 1981, December 3, 1981, and December 14, 1981, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants, to the extent requested, from sections 2(a)(32), 2(a)(35), 17(f)(3), 22(c), 22(d), 22(e), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rules 17f–2 and 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. The Franklin is a legal reserve stock life insurance company organized under the laws of Illinois. Fund C, a segregated separate account of The Franklin, is registered under the Act as an open-end, diversified management investment company. Franklin Financial, a wholly-owned subsidiary of The Franklin, serves as principal underwriter for certain variable annuity contracts to be issued by The Franklin and designated by it as participating in Fund C (the "Contracts"). All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

The Contracts are designed and offered for use in connection with qualified and non-qualified employee pension, profit-sharing and annuity plans and individual retirement annuities. There will be no deductions for sales charges made from payments under the Contracts. Rather, the Contracts will provide for a contingent deferred sales charge to cover sales expenses. Upon a total or partial redemption of a periodic stipulated payment contract, a percentage charge will be applied against the lesser of the cash value of the part of the Contract redeemed or the payments made during the immediately preceding 72 months according to the following table:

Contract year in which redemption made	Percentage charge	
	Total redemption (percent)	Partial redemption (percent)
1	[illegible]	[illegible]
2	[illegible]	[illegible]
3	[illegible]	[illegible]
4	6	6
5	4	4
6	2	4
7 and thereafter	0	4

Upon redemption of a single stipulated payment contract, the charges applied against the lesser of the cash value of the part of the Contract redeemed or the payment will be as follows:

Contract year in which redemption made	Percentage charge	
	Total redemption (percent)	Partial redemption (percent)
1	6	6
2	6	[illegible]
3	4	4
4	2	4
5 and thereafter	0	4

Contingent deferred sales charges are not applied to partial redemptions of amounts in any contract year up to 10% of cash value, to distributions made upon the death of the variable annuitant or to certain transfers. Partial redemptions must be in amounts no less than $500. Applicants represent that in no event will the total amount of contingent deferred sales charges paid under a Contract exceed 9% of total payments made under such Contract in the first twelve contract years (or such fewer contract years over which payments are made).

In certain instances, Contracts may be redeemed prior to the annuity period and the cash value, less any unpaid administrative expense deductions, may be applied to the purchase of other variable annuities, fixed-dollar annuities or life insurance contracts issued by The Franklin. If a Contract is fully redeemed and its full cash value is immediately applied to the purchase of such other contracts, there is no contingent deferred sales charge for redeeming the Fund C Contract. In addition, any administrative expense deductions of the other contracts will be waived as to the transferred amount. However, any sales deductions of such other contracts may apply to the transferred funds (provided, however, that total sales deductions on the transferred amounts will in no instance exceed 9% of all payments made under the Fund C Contract with respect to the amounts so transferred). Any new periodic payments made under the other contract will be subject to the normal sales and administrative deductions applicable to periodic payments under those contracts. Fund C Contracts also may be purchased with the full proceeds of another totally redeemed variable annuity or fixed-dollar annuity issued by The Franklin prior to annuitization thereunder and subject to the minimum investment limitations of Fund C. The contingent deferred sales charge and administrative deductions will be waived in respect to funds so transferred to the Fund C Contract and amounts representing appreciation thereon. New periodic payments under the Fund C Contract may have a contingent deferred sales charge and administrative deduction applied against them. In calculating the contingent deferred sales charge in such instances, transferred funds (with respect to which such charges are waived) will be considered to have been redeemed first.

In addition to the contingent deferred sales charge, Fund C Contracts provide for a deduction from periodic stipulated payments of $20 per contract year (subject to increase at any time by The Franklin to a maximum of $30 per contract year) and a transaction fee of $1.00 per payment ($.50 per payment if made by a preauthorized bank draft submitted by The Franklin to a contractowner's bank) for administrative expenses and for a one-time deduction from a single stipulated payment of $100 for such administrative expenses. Applicants state that the administrative expense deductions are designed to cover the actual expenses of administering the Contracts and Fund C, and The Franklin does not expect to realize a profit by virtue of these deductions. Any applicable state or local premium taxes on payments made under the Contracts are also deducted from the single or periodic payments. Charges for annuity rate and mortality assurances, expense assurances and investment management services will be made daily against the net asset value of Fund C. These charges consist of .900% for The Franklin's assurances of annuity rates and mortality factors, .725% (subject to increase by The Franklin up to a maximum of .850%) for The Franklin's assurances of expense factors, and .375% (subject to increase by The Franklin up to a maximum of .500%) for investment management services by The Franklin.

Contingent Deferred Sales Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any

portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. On the grounds stated in the application, Applicants request an exemption from section 2(a)(35) to permit the imposition of the contingent deferred sales charge.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless it is a redeemable security. On the grounds stated in the application, Applicants request an exemption from sections 2(a)(32) and 27(c)(1), to the extent deemed necessary, to permit the imposition of contingent deferred sales charge.

Rule 22c–1, promulgated under section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. In order to avoid any question regarding complete compliance with the Act, Applicants request an exemption from section 22(c) and Rule 22c–1, to the extent deemed necessary, to permit the deduction of the contingent deferred sales charge from the value of a Contract upon redemption.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor or underwriter for such an issuer are prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants request an exemption from the provisions of sections 26(a) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the contingent deferred sales charge, including the Contract provision for certain redemptions without imposition of the contingent deferred sales charge.

Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate be able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. Applicants request an exemption from section 27(d), to the extent deemed necessary, to permit imposition of the contingent deferred sales charge.

Administrative Expense Deductions

If a Contract is fully redeemed other than on the contract anniversary date, any unpaid administrative expense deductions will be made from the contractowner's redemption proceeds. Thus, the contractowner may be deemed not to have received his proportionate share of the net asset value of Fund C. In order to make such administrative expense deductions, Applicants request an exemption from the provisions of sections 2(a)(32), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder.

Texas Optional Retirement Program

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to their faculty members an Optional Retirement Program, codified as Subchapter G of Chapter 51 of the Texas Education Code (the "Program"). The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texs. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participating faculty members. The other amendment added a new § 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education. Because of uncertainty regarding the effect of these amendments, the University of Texas System (the "System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted § 51.358 to prohibit provisions for making available the redemption value of any variable annuity contract issued in connection with the Program on or after June 14, 1973 prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Applicants state that the opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested would not affect such right.

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated to receive such tender except in certain prescribed circumstances. Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the

certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales load which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of sections 2(a)(32), 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit redemption values under Contracts to be issued to participants in the Program to be paid in accordance with the above-mentioned Attorney General's opinion only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participating faculty member. Applicants represent that if the requested exemptions are granted, Franklin Financial will instruct its sales representatives to inform orally prospective investors in the Program of the redemption restrictions, the prospectus in respect of Fund C filed with the Commission and used to offer and sell the Contracts in connection with the Program will contain appropriate disclosure, by stricker, of the restrictions, and the Contracts which are filed with the Texas insurance authorities will be endorsed with the restrictive language. If any sales literature is prepared for use by sales representatives, Franklin Financial will include, in such literature provided to investors in the Program, appropriate disclosure of these restrictions. (Sales representatives are not permitted to develop or use sales literature of their own.) The Franklin, Fund C and Franklin Financial have consented that a condition be included in any order granting the relief requested that a statement describing the restrictions be placed on the application form signed by a prospective participant at the time he makes application for a Contract and that such statement be in bold face type at least as large as any printing on the form.

Further Exemptions Requested

Section 17(f)(3) and Rule 17f–2

Section 17(f)(3) provides, in pertinent part, that a registered management investment company may maintain its securities and similar investments in its own custody in accordance with the rules, regulations, and orders adopted by the Commission in the interest of investors. Applicants desire that Fund C maintain its securities and similar investments in its own custody pursuant to section 17(f)(3). Rule 17f–2 requires, in part, that, in the event of such self-custodianship, no person shall be authorized or permitted to have access to the securities and similar investments deposited in a bank or otherwise in accordance with paragraph (b) of the rule, except pursuant to a resolution of the board of directors of the investment company. Among the requirements for such resolution is one that it designate no more than five persons who shall be either officers or responsible employees of the investment company and provide that access to such investments shall be had only by two or more such persons jointly at least one of whom shall be an officer.

Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f–2 to the extent necessary to permit not more than five officers or responsible employees of The Franklin, as designated by the board of managers of Fund C, to have access to the securities and similar investments of Fund C (subject to the provisions of Rules 17f–2 and 17g–1 which shall be applicable to such designated officers and responsible employees of The Franklin to the same extent as if they were officers or responsible employees of Fund C designated as having access to the securities and similar investments of Fund C) and to permit duly authorized representatives of the Illinois Department of Insurance and of the zonal examination committee of the National Association of Insurance Commissioners to have access to the securities and similar investments of Fund C in accordance with the otherwise applicable provisions of Rule 17f–2.

Section 22(c) and Rule 22c–1

Section 22(c) provides, in pertinent part, that the Commission may make rules and regulations applicable to principal underwriters of, and dealers in, redeemable securities of registered investment companies for the purpose of eliminating or reducing so far as reasonably practicable any dilution of the value of other outstanding securities of such company. Rule 22c–1 provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such secutiry. Applicants request an exemption from section 22(c) and Rule 22c–1 so as to permit them to treat as received prior to the close of trading of the New York Stock Exchange any purchase payment, request for redemption or notice of death of an annuitant received after 3:00 p.m. Central Time but before the close of business on the same day. Applicants represent that the requested exemption is sought for ease of administration and that in all instances purchase payments, redemption requests and notices of death will be received by mail; delivery of payments, requests for redemption and notices of death by any means other than the mails will not be permitted or accepted.

Section 22(d)

Section 22(d) provides in relevant part that "[n]o registered investment company shall sell any redeemable security issued by it * * * except * * * at a current public offering price described in the prospectus * * *" Applicants believe that the requirement of section 22(d) is primarily intended to apply to variations in the prices of securities offered by registered investment companies which result from differences in, among other things, front-end sales deductions charged different purchasers. Applicants assert that such requirement does not contemplate and is not applicable to the waiver of the imposition of contingent deferred sales charge and administrative expense deductions in connection with transfers between Fund C and other products of The Franklin. However, to remove any question of compliance with the Act, The Franklin, Fund C and Franklin Financial request an exemption from the provisions of section 22(d), to the extent necessary, to permit The Franklin, Fund C and Franklin Financial to sell Fund C Contracts which contain provisions for such waivers.

Sections 26(a) and 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian having the qualifications prescribed in section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the unit investment trust and places certain restrictions on charges which may be made against the

trust income and corpus. Section 26(a)(3) governs the circumstances which the trustee or custodian may resign. Applicants request an exemption from the requirements of sections 26(a) and 27(c)(2) to permit The Franklin to act as custodian for the proceeds of payments or under the Contracts on a temporary basis until such proceeds are invested in securities and similar instruments, whereupon Fund C will become the custodian of such securities pursuant to section 17(f)(3) of the Act. Applicants assert that the supervision to which The Franklin is subject provides ample assurance against misfeasance and affords the essential protections which a trusteeship under section 26(a)(2) would provide. Furthermore, Applicants assert that the Illinois statutory requirements to which The Franklin is subject provide substantial protections against the hazards at which section 26(a)(3) is aimed.

As pertinent here, section 26(a)(2)(C), provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookeeping and other administrative services normally performed by the custodian. Section 27(c)(2) applies the same restrictions to periodic payment plan certificates. Applicants request an exemption from the provisions of sections 26(a) and 27(c)(2), to the extent necessary, to permit the deduction by The Franklin, which will act as custodian of payment proceeds on a temporary basis pursuant to the request for exemptin set forth above, and the payment to the Franklin, of annual administrative expense deductions, as set forth above, and applicable premium taxes paid, a mortality and expense risk charge, and an investment management service charge. Applicants consent to the exemptions requested hereby being made subject to the following conditions: (1) that deductions from purchase payments for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of Fund C shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services; and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Offers of Exchange

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or a principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

As described above, certain transfers to other products of The Franklin may be made by Fund C's contract owners. Fund C Contracts may also be purchased with the full proceeds of another totally redeemed variable annuity or fixed-dollar annuity issued by The Franklin prior to the annuity payment date thereunder and subject to the minimum investment limitations of the Fund C Contract. Without conceding that section 11(a) is applicable to the aforesaid opportunities for transfer with respect to Fund C Contracts, and without conceding that any such transfers are encompassed within the meaning of "exchange" as used in section 11(a), in order to avoid any question of compliance with the Act, Applicants request that the Commission issue an order of approval pursuant to section 11, to the extent deemed necessary to permit the transfers as set forth above.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, sucurities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidivit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following January 6, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 81–38257 Filed 12–18–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12105; 812–4974]

Mellon Financial Co.; Filing of Application To Amend Existing Exemption Order

December 14, 1981.

Notice is hereby given that Mellon Financial Company ("Applicant"), 6400 Steubenville Pike, P.O. Box 15599, Pittsburgh, Pennsylvania 15244, a Pennsylvania corporation, filed an application on September 17, 1981, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") (with supplementary letters thereto dated November 20 and 24, 1981), for an order of the Commission amending an existing order (Investment Company Act Release No. 11311, August 21, 1980) ("1980 Order"), which had exempted Applicant from all provisions of the Act, to permit Applicant to organize one or more foreign or domestic subsidiaries for the purpose of expanding its financing operations on behalf of its parent, Mellon National

Corporation ("Mellon"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Mellon is a one-bank holding company registered under the Bank Holding Company Act of 1956 and incorporated under the laws of Pennsylvania. Applicant further states that as of December 31, 1980, Mellon was the sixteenth largest bank holding company in the United States in terms of assets, the seventeenth largest in terms of deposits, and the thirteenth largest bank holding company in terms of equity capital. It is also stated that Mellon's principal subsidiary, Mellon Bank, N.A. ("Mellon Bank"), a member bank of the Federal Reserve System, was the sixteenth largest commercial bank in the United States at December 31, 1980, measured in terms of total assets and deposits. It is further stated that Mellon Bank, which, with its predecessors has been in business since 1869, engages in domestic and international commercial banking, retail banking and trust services. Applicant also states that Mellon's other subsidiaries engage in mortgage banking, real estate financing, consumer finance and equipment leasing. Applicant represents that Mellon and its subsidiaries, including Mellon Bank and Applicant, are subject to regulation by the Board of Governors of the Federal Reserve System, and that Mellon is required to file with the Federal Reserve Board an annual report and such additional information as the Federal Reserve Board may require. Applicant represents that it and its related companies are and will be strictly supervised by various banking authorities, and that the business of Mellon Bank and that of its affiliates is subject to regulation by various federal and state banking authorities and to examination by the Comptroller of the Currency.

It is further stated that the purpose for which Applicant was organized in 1980 was to consolidate within a single corporate entity Mellon's short-term commercial paper and long-term debt financing activities, with the objective of facilitating the administration, accounting, recordkeeping and tax aspects of such financing activities. It is represented that Applicant's sole purpose is to provide a vehicle through which Mellon can provide financing for its operations and those of its subsidiaries through the issuance of debt securities. Applicant further represents that all such debt securities are issued only upon the unconditional guarantee of Mellon as to payment of interest and repayment of principal, and that such guarantees rank on a parity with other unsecured debt obligations of Mellon's subsidiaries, and that no such guarantees are subordinated in right of payment to other debt issued or guaranteed by Mellon. It is stated that the proceeds of Applicant's debt offerings are applied to the extension of credit to Mellon and its subsidiaries in exchange for notes or other evidences of indebtedness issued by those entities. Applicant states that, as of October 31, 1981, there were $968 million of its commercial paper outstanding, and $25 million outstanding of Applicant's promisory notes issued in private placements.

Applicant states that since the date of the 1980 Order, Mellon has determined that it may be appropriate from time to time to make public offerings and private placements of debt securities to persons who are not residents or nationals of the United States through a foreign corporation directly or indirectly owned by Mellon,[1] in essentially the same manner that Applicant is authorized by the 1980 Order to make debt offerings in the United States. It is further stated that Applicant presently proposes to organize one or more foreign wholly-owned subsidiaries for this purpose. In addition, it is stated that Applicant would hold all of the equity securities of any such foreign financing subsidiary, and that the debt securities of any such subsidiary would be unconditionally guaranteed by Mellon and sold only in offerings made outside the United States to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions, or to any citizen or national of, or person resident or normally resident in, the United States, its territories or possessions. Applicant represents that it does not have any present intention of causing any foreign subsidiary of it to offer securities within the United States. If for any reason in the future any foreign subsidiary of Applicant does offer securities within the United States, Applicant states that such subsidiary will be deemed not to be an investment company under section 3 of the Act, or it will first obtain an exemption by appropriate action of the Commission.

Applicant further represent that with regard to any domestic financing subsidiary which it may organize in accordance with the terms of the exemption sought herein, Applicant would hold all of the equity securities of any such subsidiary, and that the conditions made applicable by the 1980 Order to debt securities offered by Applicant, including those pertaining to the unconditional guarantee of payment of principal and interest by Mellon, the leading of the proceeds of the offering of such securities to Mellon and its subsidiaries, and as to compliance with any applicable provisions of the Securities Act of 1933 and the Trust Indenture Act of 1939, would apply in all material respects to debt securities issued by any such domestic subsidiary.

Applicant asserts that its proposal to establish one or more foreign or domestic financing subsidiaries is consistent with the underlying purpose of the 1980 Order, but states that the provision of the 1980 Order restricting Applicant's assets to cash and evidences of indebtedness of Mellon and its subsidiaries technically does not suggest the holding by Applicant of the equity securities of a wholly-owned subsidiary. Therefore, Applicant requests that the 1980 Order be amended to permit Applicant to hold the equity securities of one or more wholly-owned foreign or domestic financing subsidiaries which may make offerings of debt securities under conditions specified in the 1980 Order as hereby amended.

Section 6(c) of the Act provides, in relevant part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 8, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by

[1] Applicant has expressed its understanding that any amended order issued on its Application will not provide relief for any entity other than Mellon Financial Company.

mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, and order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–36254 Filed 12–18–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22316;/70–6677]

Middle South Utilities, Inc.; Proposed Issuance and Sale of Common Stock In Accordance With Employees' Savings Plan

December 14, 1981.

Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By prior order dated August 25, 1978 (HCAR No. 20685), Middle South was authorized to issue and sell to Hibernia National Bank in New Orleans, as Trustee ("Trustee") for the Middle South System Savings Plan, from time to time through December 31, 1983, up to 1,000,000 shares of Common Stock, $5 par value. Through November 5, 1981, Middle South has issued and sold 827,345 shares of its Common Stock pursuant to the Plan, so that only 172,655 shares remain available for sale, and such stock is expected to be sold by February 1981.

By post-effective amendment, Middle South requests authorization to issue and sell to the Trustee from time to time through December 31, 1984, a maximum of 3,000,000 additional shares of authorized but unissued Common Stock ("Additional Common Stock"), $5 par value. The proceeds will be used to reduce outstanding bank loans and for other corporate purposes.

Any eligible employee ("Participant") of Middle South and any Middle South System Company which has adopted the Plan ("Employer") may contribute from one percent to six percent of his regular earnings to the Plan. Each Employer will contribute to the Plan each month out of its current or accumulated earnings and profits an amount equal to 50% of the contributions made by each of its employee participants for the preceding month. In accordance with the Employee Retirement Income Security Act of 1974, the amount allocated to any Participant's account due to Employer contributions may not exceed the lesser of 25% of his regular earnings or $25,000 (subject to adjustment for cost of living changes) or the maximum amount permitted by Section 415 of the Internal Revenue Code.

Each participant's contribution will be credited to Participant's account and invested by the Trustee, as directed by the participant, in one, or equal portions in any two or all, of the following three funds: (a) A Stock Fund—contributions to which are invested by the Trustee solely in shares of common stock of Middle South; (b) an Equity Fund—contributions to which are invested in common stock or certain other equity securities are held in an investment shall be made in securities issued by Middle South or any System company except to the extent such securities, provided that no investment trust; or (c) the Insured Guaranteed Investment Fund—contributions to which are invested under a contract between the Trustee and the Equitable Life Assurance Society of United States ("Equitable") which guarantees repayment of any amounts paid to Equitable and payment of interest at specified rates. No Participant may direct the Trustee to invest his contributions exclusively in the Middle South Utilities Stock Fund; however, a Participant or former Participant having an interest in any fund may transfer investments from one fund into another at least once each year. The Trustee may purchase Middle South Stock for the Plan in the open market or by private purchase, provided that if a private purchase is made from Middle South no commission shall be paid with respect thereto. The Trustee may purchase Middle South Common Stock directly from Middle South under its Dividend Reinvestment and Stock Purchase Plan or any other similar plan at the purchase price provided in such plan.

A member's contributions, plus earnings thereon, are fully vested at all times. Employer contributions, plus earnings thereon, become vested (a) upon a member's eligibility for retirement from a Middle South System company, disability or death or (b) otherwise in accordance with a schedule which provides for 25% vesting after two full years of service and for increases by 12½% with each year of service thereafter until fully vested. Employer contributions, plus earnings thereon, which are not vested at the time of the termination of employment of a member are forfeited by the member and are used to reduce future contributions to the Plan by his Employer.

A System employee, while employed, may withdraw all or a portion of his contributions subject to certain reinvestment period restrictions. Whether or not employed, a Participant over 59½ years of age who also is 100% vested and who has participated for 5 years may withdraw, subject to approval of the Plan committee, the value of his entire account. Upon termination of employment, the entire vested amount of a member's account is distributed to the member or to the member's designated beneficiaries.

A member may instruct the Trustee as to the voting of shares of Middle South Common Stock held for his account. Any shares of Middle South Common Stock held by the Trustee for which instructions are not received are not voted. The Trustee has the authority to vote all other securities in its discretion.

The Board of Directors of Middle South may amend or terminate the Plan in whole or in part. No amendment may retroactively reduce a member's account or vested portion thereof. Upon termination of the Plan, a member's entire account shall become vested. Any Employer may withdraw from the Plan, whereupon the value of its employee members' entire accounts will be distributed to such members or invested on behalf of such members under insurance contracts or with trustees.

The Plan is administered by a committee consisting of five employees of a Middle South System Company appointed by the Board of Directors of Middle South. The Trustee administers the Trust under a Trust Agreement and is solely responsible for the investment and safekeeping of the Trust. The administrative expenses of the Plan are paid out of forfeitures or, if the forfeitures are insufficient, by the Employers. Direct charges and expenses arising from the purchase or sale of securities for the three funds are paid by the Trustee from the fund or funds involved.

The application-declaration and any amendments thereto are available for public inspection through the

Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 7, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36253 Filed 12-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12104; 812-4957]

Trustfunds Liquid Asset Trust; Application for Exemption Order

December 14, 1981.

Notice is hereby given That TrustFunds Liquid Asset Trust ("Applicant"), 28 State Street, Boston, Massachusetts 02109, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on August 17, 1981 and amendments thereto on October 15, 1981 and October 22, 1981, requesting an order of the Commission pursuant to section 6(c) of the Act declaring that Richard F. Blanchard, a trustee of Applicant, shall not be deemed an "interested person", as defined in section 2(a)(19) of the Act, of the Applicant, its manager, SEI Financial Services Company (the "Manager"), or its investment adviser, Wellington Management Company/ Thorndike, Doran, Paine & Lewis (the "Adviser"), by reason of his position as a director of AEA Investors Inc. ("AEA Investors"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Mr. Blanchard is a director of and consultant to AEA Investors, and that AEA Securities Inc. ("AEA Securities"), a subsidiary of AEA Investors, is a registered broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). In addition, Applicant states that American Express Company ("American Express"), which has three affiliates registered as broker-dealers under the Exchange Act, owns 9% of the voting stock of AEA Investors.

Sections 2(a)(19)(A)(v) and (B)(v) define an "interested person" of an investment company and of an adviser of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in the definition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person, and any person directly or indirectly owning, controlling, or holding, with power to vote 5 percent or more of the outstanding voting securities of such other person.

Applicant states that because of Mr. Blanchard's position as a director of AEA Investors, he might be deemed an affiliated person of AEA Securities, and thus, an "interested person", as defined in section 2(a)(19) of the Act, of the Applicant, the Manager, and the Adviser. Applicant also states that, because of the American Express equity interest in AEA Investors, Mr. Blanchard, by reason of his position as a director of AEA Investors, may be deemed to be an "affiliated person" of American Express, of its subsidiary, Shearson Loeb Rhoades Inc. ("Shearson"), a broker-dealer registered under the Exchange Act that was acquired by American Express on June 29, 1981, and of Shearson's two registered broker-dealer subsidiaries.

Section 10(a) of the Act prohibits a registered investment company from having a board of directors more than 60% of whom are interested persons of such investment company. Applicant seeks an exemptive order to permit Mr. Blanchard to serve as a disinterested trustee of the Applicant and to avoid a possible future violation of section 10(a) of the Act. In addition to Mr. Blanchard, Applicant presently has two trustees who may be deemed to be interested persons of the Applicant and the Manager, and two trustees who are not interested persons of the Applicant, the Manager or the Adviser.

Applicant states that AEA Investors is a privately owned acquisition and investment firm, and that AEA Securities performs limited functions, including the negotiation of the terms of the acquisitions, investments and borrowings made by AEA Investors, and the placement of the securities so acquired with the stockholders of AEA Investors and a limited number of other investors who may be invited to participate. AEA Securities also negotiates the terms of any subsequent disposition of such investments on behalf of AEA Investors' stockholders and the otherparticipating investors. Applicant states that it has been informed that AEA Securities does not engage in any trading or underwriting of securities or provide research services or maintain accounts for any customers. Applicant has been advised that AEA Securities does not perform any services or engage in any activities for or on behalf of anyone other than AEA Investors, stockholders of AEA Investors and a limited number of other investors who may be invited to participate in a particular acquisition or investment made by AEA Investors. Applicant states that AEA Securities is not a member of the National Association of Securities Dealers or of any national securities exchange, and that Mr. Blanchard is not a director or officer of, or a consultant to, AEA Securities. Applicant states that, due to the special nature of the types of investments with which AEA Securities is involved, Applicant would not purchase or sell such investments from or through AEA Securities, and that Applicant does not intend to make any such investments. Further, Applicant represents that it will not transact any business with AEA Securities while Mr. Blanchard is a trustee of Applicant.

Applicant states that, because of American Express's approximate 9% equity interest in AEA Investors, AEA Investors may be deemed to be "under common control" with Shearson and its registered broker-dealer subsidiaries pursuant to section 2(a)(3)(C) of the Act. Therefore, AEA Investors may be deemed an "affiliated person" of Shearson and its broker-dealer subsidiaries. Mr. Blanchard, by reason of his directorship of AEA Investors may be deemed an "affiliated person" of an "affiliated person" of a registered broker-dealer and therefore an "interested person" under sections 2(a)(19)(A)(v) and B(v) of the Act.

Applicant submits that it has been informed that there are 47 other shareholders of AEA Investors, and that three other individuals own approximately 17%, 8%, and 8%, respectively, of the voting equity of AEA Investors, none of whom have any affiliation with American Express. Further, Applicant represents that it has been informed that American Express has only one representative on the thirteen-member board of directors of AEA Investors.

Mr. Blanchard, who was an executive vice president of American Express prior to his retirement on June 1, 1981, represents that he does not own an equity interest in AEA Investors. Applicant submits that Mr. Blanchard is not, by virtue of his directorship of AEA Investors, in control of, or directly or indirectly controlled by, Shearson or American Express. However, to remove any doubt, Applicant is seeking this exemption. Applicant represents that Mr. Blanchard no longer performs any services for, or receives any compensation from, American Express, and that he has had no business dealings with Shearson, which was acquired by American Express after the date of his retirement from American Express. Applicant submits that Mr. Blanchard's position as a director of AEA Investors will not affect either Mr. Blanchard's independence or the Applciant's relationship with Shearson. Applicant believes that Mr. Blanchard will in fact be an independent trustee and that it is in the Applicant's best interest that he be deemed a disinterested trustee.

Applicant represents that the amount of any brokerage commissions paid to Shearson by the Applicant will in all likelihood be *de minimis* in relation to Shearson's gross revenues.

Applicant states that under the Investment Advisory Agreement among the Applicant, the Manager, and the Adviser, the Adviser is delegated the authority to select broker-dealers and to place transactions on behalf of the Applicant, subject to the overall review of the Manager and the board of trustees. Applicant states that Mr. Blanchard will not have any part in the selection of broker-dealers or the placement of transaction orders on behalf of the Applicant, and Mr. Blanchard undertakes that he will not participate in the selection of broker-dealers on behalf of the Applicant.

For the foregoing reasons, Applicant submits that, although Mr. Blanchard may be an "affiliated person" of Shearson or of the registered broker-dealer subsidiaries of Shearson for purposes of section 2(a)(3), he should not be deemed to be an "interested person" of the Applicant.

The Applicant agrees that, as a condition to the order requested, Mr. Blanchard will not vote on, or participate in board discussions of, the allocation of any portfolio brokerage by the Applicant, the selection of broker-dealers with which the Applicant effects portfolio transactions, or on matters involving any relationship between the Applicant and Shearson or any of the broker-dealers subsidiaries of Shearson; provided, however, that for the purpose of determining the number of votes of interested as well as disinterested trustees required to take action on any matters referred to above, Mr. Blanchard will be counted as a trustee in determining the total number of trustees and will be counted as a disinterested trustee in counting the number of disinterested trustees, and *provided, further,* that nothing contained above is intended to limit or prohibit Mr. Blanchard from voting and acting upon any matters relating to the approval or continuation of investment advisory contracts.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 8, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Person who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-36256 Filed 12-18-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-098]

Loran-C Radionavigation System Blink, Procedure Change

AGENCY: Coast Guard, DOT.

ACTION: Request for Comments.

Purpose: The Coast Guard has received several inquiries from rho-rho, Master-independent, and time users of the Loran-C system requesting a change in blink procedures. Because of these inquiries, the Coast Guard is considering changing the blink procedure of the Secondary stations of a Loran-C chain, when the Master station of the same chain is off-air. This procedural change will not degrade the current level of Loran-C system availability or reliabililty. The change will improve Loran-C signal availability for the expanding rho-rho, Master-independent, and time user community.

Scope: Blink is used to notify users of the Loran-C system that navigational information from the system may be absent or inaccurate. Blink procedures require that each secondary station of a Loran-C chain blinks the first two of its eight pulses on and off during abnormal operations. In the past, one requirement for secondary station blink was when the associated Master station was off-air. The proposed procedural change will not require secondary stations to blink the first two pulses during periods of Master station off-air. In accordance with current practice, blink will still be required to be exhibited by secondary stations when any of the following conditions exist:

(1) Time Difference is out of tolerance.

(2) Envelope-to-cycle difference (ECD) is out of tolerance.

(3) Improper phase code or Group Repetition Interval.

(4) Master or Secondary station transmitting at less than one half of specified output power. (Under the proposed change this will not include Master station off-air).

Comments: The Coast Guard desires comments from users and the manufacturers and distributors of Loran-C equipment concerning the change in

blink procedure discussed in this article. Comments on effects of this change to normal receiver operations are especially desired. Comments should be submitted to Commandant (G–NRN), U.S. Coast Guard, Washington, DC 20593. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. Comments are requested by 31 January 1982.

FOR FURTHER INFORMATION CONTACT: LCDR John Weseman, Office of Navigation (G–NRN–3/14), Room 1413, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 472–5857.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

December 14, 1981.

[FR Doc. 81–36353 Filed 12–18–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

Environmental Impact Statement; Honolulu, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Heloshi Kusumoto, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546–5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve a section of Nimitz Highway (FAP 92) in Honolulu, Hawaii. The proposed project begins at the Keehi Interchange and terminates in the vicinity of Pier 18 of Honolulu Harbor. This section of highway is located within an important industrial-zoned area and provided a major coastal route for a variety of trip purposes. Peak hour traffic volumes are frequently operating at capacity levels, and within the next 20 years, it is anticipated that demand volumes will increase by 20 percent. Proposed improvements will increase the capacity of Nimitz Highway and expand its operational safety characteristics.

Due to the complexities of the project, several alternatives have been developed which range from simple, inexpensive proposals to more long-range, costly improvements. The alternatives being considered for this project include: (1) Do nothing; (2) improving selected intersections; (3) widening Nimitz Highway; (4) implementing traffic systems management strategies; (5) grade separating cross streets; and (6) constructing a viaduct.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Also, public meetings and a public hearing will be held. A public notice will be published in the local newspaper indicating the time and place for these meetings and the hearing. In addition, the draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues relating to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on December 9, 1981.

Heloshi Kusumoto,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 81–36123 Filed 12–18–81; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

ORDER

[Number 145–16]

Delegation of Authority

Dated: December 9, 1981.

Subject: Delegation of Authority to the Commissioner, Bureau of Government Financial Operations, to Sign Regulations Governing Treasury Checks

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Fiscal Assistant Secretary by Treasury Department Order No. 101–5, January 7, 1981, there is hereby delegated to the Commissioner, Bureau of Government Financial Operations (hereafter, "the Commissioner"), the authority of the Secretary of the Treasury to sign regulations governing the rights and duties of the United States on checks drawn against the Treasury of the United States, and on checks drawn against depositaries of public money. The Commissioner shall sign any such regulations under this authority in his or her own capacity and under his or her own title and shall be responsible for referring to the Fiscal Assistant Secretary any matter on which action should appropriately be taken by the Fiscal Assistant Secretary.

To the extent necessary, I hereby ratify and confirm any actions taken by the Commissioner in exercise of the authorities delegated herein.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81–36344 Filed 12–18–81; 8:45 am]

BILLING CODE 4810–25–M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Pub. L. 92–463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held in Hall of City Conference Room, Miami Marriott Hotel, 1201 NW Le Jeune Rd. (NW 42nd Avenue), Miami, Florida 33136 on February 1 and 2, 1982. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., on February 1 and 2, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator, Cooperative Studies Evaluation Committee, Veterans Administration Central Office, Washington, DC (202–389–3702), prior to January 8.

The meeting will be closed from 8:30 a.m. to 7:15 p.m. on February 1, and from 8:30 a.m. to 5:15 p.m. on February 2, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92–463, as amended by section 5(c) of Pub. L. 94–409, and subsections (c)(8) and (c)(9)(B)

of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of the Committee's recommendations would likely frustrate implementation of final proposed actions.

Dated: December 11, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-36260 Filed 12-18-81: 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 244
Monday, December 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Energy Regulatory Commission	2
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Securities and Exchange Commission	4
Occupational Safety and Health Review Commission	5, 6, 7

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:35 a.m. on Thursday, December 17, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in open session, by telephone conference call, to consider a policy statement regarding capital adequacy.

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. Todd Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

Dated: December 17, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S 1905-81 Filed 12-17-81; 3:22 pm]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

Meeting

December 16, 1981.

TIME AND DATE: 10 a.m., December 22, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

CAP-1. Project No. 405, Philadelphia Electric Power Co. and Susquenna Power Co.
CAP-2. Project No. 176, Escondido Mutual Water Co.
CAP-3. Project No. 3708-000, Mitchell Energy Co.; Project No. 4720-000, City of Farmington, New Mexico
CAP-4. Project No. 4129-001, Olcese Water Distric; Project No. 3315-000, Fluid Energy System, Inc.; Project No. 4122-000, Kern County Water Agency
CAP-5. Project No. 4732-001, City of Drain, Oregon; Project No. 3379-000, Cascade Water Power Development Corp.; Project No. 4475-000, City of Ashland, Oregon
CAP-6. Project No. 4461, 4463 and 4464, County of Armstrong, Pennsylvania and A. Richard Marcus and Associates
CAP-7. Project No. 5260-000, Cornwall Paper Mills Co.; Project No. 3887-000, American Hydro Power Co.
CAP-8. Project No. 4024-000, Gregory Wilcox; Project No. 4569-000, City of Montrose, Colorado
CAP-9. Docket No. ER82-54-000, Southern Co. Services, Inc.
CAP-10. Docket No. ER82-68-000, Washington Water Power Co.
CAP-11. Docket No. ER81-750-000, Iowa Power & Light Co.
CAP-12. Docket Nos. ER81-448-000, ER81-474-000, ER81-382-000, ER81-386-000 and EL82-1-000, APS-PJM interconnection agreement, et al.
CAP-13. Docket No. ER81-736-000, Central Illinois Public Service Co.
CAP-14. Docket No. ER81-177-000, Southern California Edison Co.
CAP-15. Docket No. ER81-679-000, Pacific Gas & Electric Co.
CAP-16. Docket No. Docket No. ER81-749-000, Montaup Electric Co.
CAP-17. Docket No. ER81-645-001 New England Power Co.
CAP-18. Docket No. ER81-397-000, Commonwealth Edison Co. of Indiana
CAP-19. Docket No. ES82-24, El Paso Electric Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM82- , Monthly Power Plant Report
CAM-2. Docket No. GP81-42-000, State of Ohio, Section 107 NGPA determination.
CAM-3. (a) Docket No. GP81-39, Belco Petroleum Corp.; (b) Docket No. G-19589-004, Belco Petroleum Corp.; (c) Docket No. GP81-38-000, Ashland Exploration, Inc.
CAM-4. Docket No. RA81-52-000 and RA81-53-000, Laketon Asphalt Refining, Inc.
CAM-5. Docket No. RO79-13, Glenn Martin Heller d.b.a. Beacon Hill Gulf
CAM-6. Docket No. RM81-10, Regulations governing applications for license for minor water power projects and major water power projects 5 megawatts or less
CAM-7. Docket No. RM81-15, Revisions to regulations governing applications for preliminary permit and license for water power projects
CAM-8. Docket No. RM80-39, Regulations governing applications for license for major unconstructed projects and major modified projects; applications for license for transmission line only; and applications for amendment to license

Consent Gas Agenda

CAG-1. Docket No. RP82-10-000, Tennessee Gas Pipeline Co.
CAG-2. Docket No. RP82-12-000, Tennessee Gas Pipeline Co.
CAG-3. Omitted
CAG-4. Docket No. RP82-14-000, Mountain Fuel Resources, Inc.
CAG-5. Docket No. RP82-15-000, Grand Bay Co.
CAG-6. Docket No. RP81-52, Northern Natural Gas Co.
CAG-7. Docket No. RM78-23 and RM81-37, Initial Louisiana First use tax Refund Reports; Docket Nos. RP81-101-000, et al., Arkansas Louisiana Gas Co., et al.
CAG-8. Docket No. TA82-1-4 (PGA82-1), Granite State Gas Transmission, Inc.
CAG-9. Docket No. TA82-1-6 (PGA82-1), Sea Robin Pipe Line Co.
CAG-10. Docket No. TA82-1-11 (PGA82-1), United Gas Pipe Line Co.
CAG-11. Docket No. TA82-1-59 (PGA82-1), Northern Natural Gas Co.
CAG-12. Docket No. TA82-1-9 (PGA82-1), Tennessee Gas Pipe Line Co.
CAG-13. Docket No. TA82-1-5 (PGA82-1), Midwestern Gas Transmission Co.
CAG-14. Docket No. TA82-1-2 (PGA82-1), East Tennessee Natural Gas Co.
CAG-15. Docket No. TA82-1-8 (PGA82-1), South Georgia Natural Gas Co.
CAG-16. Docket No. TA82-1-12 (PGA82-1), Distrigas of Massachusetts
CAG-17. Docket No. TA82-1-1 (PGA82-1), Alabama Tennessee Natural Gas Co.
CAG-18. Docket No. TA82-1-10 (PGA82-1), Tennessee Natural Gas Lines Inc.
CAG-19. Docket No. TA82-1-7 (PGA82-1), Southern Natural Gas Co.
CAG-20. Docket No. TA82-1-17, Texas Eastern Transmission Corp.

CAG–21. Docket No. TA82–1–13 (PGA82–1), Gas Gathering Corp.
CAG–22. Docket No. CI81–339, CI81–340, and CI81–346, Southland Royalty Co. (successor to Shenandoah Oil Corp.); Docket No. CI81–499–000, Getty Oil Co.; Docket No. CI81–434–000, Mobil Producing Texas and New Mexico Inc.; Docket No. CI81–483–000, Arco Oil & Gas Co., Division of Atlantic Richfield Co.; Docket No. CI81–490–000, Transco Gas Supply Co.; Docket No. CI75–174–001, Texaco Inc.; Docket Nos. CI67–461–000, CI77–122–002, CI77–517–004, and CI77–47–002, Exxon Corp.; Docket No. CI81–497–000, Arco Oil & Gas Co., Division Atlantic Richfield Co.
CAG–23. Docket No. CI73–639–002 and CI76–586–003, Arco Oil & Gas Co., Division of Atlantic Richfield Co.
CAG–24. Docket No. CI65–584, Amoco Production Co.
CAG–25. Docket No. G–17381–001, Kerr McGee Corp.
CAG–26. Docket Nos. ST80–94–001, ST80–109–001, and ST82–17–000, Big Sandy Gas Corp.
CAG–27. Docket No. TC81–52–000, City of Blounstown, Florida.
CAG–28. Docket No. CP78–124, et al., Alaska Natural Gas Transportation System.
CAG–29. Docket Nos. CP80–93, et al, Border Gas, Inc.
CAG–30. Docket No. CP66–110 (CP66–121), et al., Midwestern Gas Transmission Co.; Docket No. CP66–112 (Docket Nos. CP66–110, et al.); Docket No. CP70–20 (Docket Nos. CP70–19, et al.); Docket Nos. CP71–223 (Docket Nos. CP71–222, et al.); Great Lakes Gas Transmission Co.; Docket No. CP66–110, et al., Great Lakes Gas Transmission Co.; Docket No. CP79–161, Midwestern Gas Transmission Co.; Docket No. CP79–169, Michigan Wisconsin Pipe Line Co.
CAG–31. Docket No. CP81–251–000, Southern Natural Gas Co.
CAG–32. Docket No. CP81–269–000, Transcontinental Gas Pipe Line Corp., United Gas Pipe Line Co., Michigan Wisconsin Pipe Line Co., National Fuel Gas Supply Corp.
CAG–33. Docket No. CP81–342–000, Panhandle Eastern Pipe Line Co.
CAG–34. Docket No. CP81–370–000, El Paso Natural Gas Co.
CAG–35. Docket No. CP81–424–000, Michigan Wisconsin Pipe Line Co. and Great Lakes Gas Transmission.
CAG–36. Docket No. CP81–500–000, Southwest Gas Corp.
CAG–37. Docket Nos. CP69–222, CP70–185, and CP80–65–007, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket No. CP80–260–002, Consolidated Gas Supply Corp.; Docket No. CP80–426, Grantite State Gas Transmission, Inc.
CAG–38. Docket No. CP81–331, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–39. ICC Docket No. 35895 and ICC Docket No. 35895 (Sub. No. 1), Belle Fourche Pipeline Co., et al.

Power Agenda

I. Licensed Project Matters

P–1. Project No. 2409, Calaveras County Water District.

II. Electric Rate Matters

ER–1. (a) Docket No. ER81–853–000, Northern States Power Co. (Wisconsin); (b) Docket No. ER81–651–000, Northern States Power Co. (Minnesota).
ER–2. Docket No. ER77–277, Pennsylvania Power Co., price squeeze (phase II).
ER–3. Docket No. ER76–530, Arizona Public Service Co.
ER–4. Docket Nos. EL79–8 and E–9558, Central Power Co., et al.
ER–5. Docket No. EC81–15–000, CP National Corp. and Sierra Pacific Power Co.

Miscellaneous Agenda

M–1. Docket No. RM82– , Power system statement.
M–2. Reserved.
M–3. Reserved.
M–4. Docket No. RM80–69, Annual report of gas supply for certain natural gas pipelines: Form No. 15.
M–5. Docket No. RM80–38, High–cost natural gas produced from wells drilled in deep water.
M–6. Docket No. RM82– , High-cost natural gas produced from intermediate depths.
M–7. Docket No. RM80–33, Final rules for part 270, Subpart B, sections 270.201, 270.202 and 270.204.
M–8. Docket Nos. RA79–11 and RA80–121, Jack Halbert.

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. TA81–2–9–000 (PGA81–2, et al.), Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
RP–2. Docket No. TA81–2–17–002, Texas Eastern Transmission Corp.

II. Producer Matters

CI–1. Docket No. RI74–188 and RI75–31, Independent Oil & Gas Association of West Virginia.

III. Pipeline Certificate Matters

CP–1. Docket Nos. RP72–99 and TC79–6 (Compensation), Transcontinental Gas Pipe Line Corp.
CP–2. Docket No. CP81–236–001, Northern Natural Gas Co., Division of Internorth, Inc.
CP–3. Docket No. CP81–433–000, and CP81–433–001, Columbia Gas Transmission Corp.
CP–4. (a) Docket No. CP80–520–003, Natural Gas Pipeline Co. of America; (b) Docket No. CP81–381–000, Northern Natural Gas Co., Division of Internorth, Inc.
CP–5. (a) Docket No. CP81–221, Michigan Wisconsin Pipeline Co.; (b) Docket No. CP81–235–000, Northern Natural Gas Co.; Docket No. CP81–367–000, Transcontinental Gas Pipe Line Corp.
CP–6. Omitted.
CP–7. Docket No. CP82–73–000, Northwest Pipeline Corp.

Kenneth F. Plumb,
Secretary.

[S. 1904–81 Filed 12–17–81; 11:05 am]
BILLING CODE 6450–85–M

3

FEDERAL HOME LOAN BANK BOARD
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, no issue number at this time. No page number at this time. Date published, Friday, December 18, 1981.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, December 22, 1981.
PLACE: 1700 G Street, N.W., board room sixth floor, Washington, D.C.
STATUS: Open meeting.
CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).
CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting.

Branch Office Application—First Federal Savings and Loan Association of Ottawa, Ottawa, Illinois
Proposed Acquisition and Merger—Columbia Savings Association, Emporia, Kansas and Western Savings Association, Pratt, Kansas.

No. 578, December 17, 1981.

[S. 1906–81 Filed 12–17–81; 3:40 pm]
BILLING CODE 6720–01–M

4

SECURITIES AND EXCHANGE COMMISSION
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.
STATUS: Closed/open meetings.
PLACE: Room 825, 500 North Capitol Street, Washington, D.C.
DATE PREVIOUSLY ANNOUNCED: Tuesday, December 8, 1981.
CHANGES IN THE MEETING: Additional items; the following additional item will be considered at a closed meeting scheduled for Wednesday, December 16, 1981, at 2:30 p.m.

Settlement of injunctive action.

The following additional item will be considered at an open meeting scheduled for Thursday, December 17, 1981, at 10:00 a.m.

Consideration of whether to submit to Congress a proposed amendment to the Securities Exchange Act to obtain authority to accept payment or reimbursement from non-federal sources for travel by members and employees under certain circumstances. For further information, please contact Myrna Siegel at (202) 272–2430.

The following additional items will be considered at a closed meeting scheduled for Thursday, December 17, 1981, following the 10:00 a.m. open meeting.

Settlement of administrative proceeding of an enforcement nature.
Settlement of injunctive actions.
Freedom of Information Act appeal.
Investigative matter.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Siegelbaum at (202) 272–2468.

December 16, 1981.

[S–1903–81 Filed 12–16–81; 4:34 pm]

BILLING CODE 8010–01–M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on January 7, 1982.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: December 17, 1981.

[S–1907–81 Filed 12–17–81; 4:13 pm]

BILLING CODE 7600–01–M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND PLACE: 10 a.m. on January 14, 1982

:PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: December 17, 1981.

[S. 1908–81 Filed 12–17–81; 4:16 pm]

BILLING CODE 7600–01–M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on January 21, 1982.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: December 17, 1981.

[S–1909–81 Filed 12–17–81; 4:16 pm]

BILLING CODE 7600–01–M

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federal register

Monday
December 21, 1981

Part II

Department of Agriculture

Farmers Home Administration

Revision and Redesignation of Section 502, Rural Housing Loan Policies, Procedures and Authorizations

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Ch. XVIII

Revision and Redesignation of Section 502, Rural Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration redesignates and revises its regulations regarding Section 502, Rural Housing Loan Policies, Procedures, and Authorizations. The action is taken to conform with general administrative restructuring of the Agency's regulations, the Housing and Community Development Amendments of 1979 (Pub. L. 96–153), the Housing and Community Development Act of 1980 (Pub. L. 96–399), and the Omnibus Budget Reconciliation Act of 1981. The action clarifies and updates the regulation, revises income limitations, and will facilitate and improve the administration of services provided by the program.

DATES: Effective date: December 21, 1981. Written comments must be received on or before February 19, 1982.

ADDRESSES: Submit written comments in duplicate to the Chief, Directives Management Branch, Farmers Home Administration, Room 6348, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Daryl L. Grove, Director, Single Family Housing Loan Division, Farmers Home Administration, USDA, Room 5345, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone: 202–382–1479.

A copy of the final regulatory impact analysis is available upon request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue, S.W., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 which implements Executive Order 12291 and has been classified as "major". This regulation has been determined "major" due to the economic impact of the statutorily mandated amendment to the income limits. The consequence of this action is that the percentage of the rural population with incomes below the new area limits will be about the same in different areas of the country. It will cause a shift of the program away from the traditionally low-income areas of the country. A further consequence will be eligibility differences near area boundaries. Another reason for this being determined a major rule is the deletion of the previously proposed Moderate Income Interest Credit Program. There will not be any significant adverse effects on competition, employment, investments, productivity, innovation, or on the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets.

Memorandum of Law

Subject: **Federal Register** document for 7 CFR 1944—Subpart A, Section 502, Rural Housing Loan Policies, Procedures, and Authorizations.

The changes to FmHA regulations proposed by this **Federal Register** document have been reviewed by the Office of the General Counsel and determined to be within the scope of FmHA authority. The provisions in Subpart A of Part 1944 are consistent with FmHA's authority to make and insure loans at 42 U.S.C. 1471 et seq. The Secretary's general rulemaking and delegation authority for Part 1944 is furnished by 42 U.S.C. 1480(j).

A. James Barnes,

General Counsel.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart C, "Environmental Impact Statements." It is the determination of FmHA that it does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Summary of Final Regulatory Impact Analysis

This action is being taken to facilitate the delivery of FmHA services to applicants, borrowers, and other intended beneficiaries by reducing unnecessary administrative and regulatory burdens on those parties and the Agency. These changes will bring the Section 502 regulation into compliance with the most recent amendments to the Housing Act of 1949.

The two topics discussed in the analysis are:

1. Revision of definition of Low Income for Section 502, 504 and approved 515 borrowers.
2. Interest Credit (subsidy) to Moderate-Income Borrowers.

Low Income Definition

A change to the definition is required by Pub. L. 96–153. The program currently serves an income group which is below the 80 percent of median income which is mandated by the amendments. Additionally, it is required that income limits be designated by area. The analysis discusses various consequences of the proposal and examines alternative approaches to meeting the requirements. Based on a cost-benefit analysis and the requirements of the law, the option incorporated in this regulation was selected.

Moderate Income Interest Credit

The January 19, 1981, publication of Part 1944, Subpart A contained a provision for providing interest credit to moderate-income borrowers. The analysis provides a historical overview of housing costs as they affect the ability of moderate-income borrowers to obtain adequate housing. It was decided not to grant interest credit to moderate-income borrowers because the Agency, by redefining moderate income, increases the income level served to a point where sufficient applicants can afford housing without a subsidy.

There is no impact on proposed budget levels, and funding allocations will not be affected because of this action.

On January 19, 1981, the Farmers Home Administration published a final rule at 46 FR 4681 implementing this regulation which was to be effective March 20, 1981. The January 19, 1981, publication discusses in detail comments received in response to the February 14, 1980, notice of proposed rulemaking (45 FR 10240). This action was suspended for study and evaluation under Executive Order 12291 by notice given at 46 FR 11501 dated February 9, 1981. The study and evaluation are now completed.

This Part 1944, Subpart A is identical to the January 19, 1981, publication from a policy viewpoint with the following exceptions:

(1) The application processing priority system provided for in the January 19, 1981, publication has been eliminated and the Agency has retained the existing application processing method with revision to give priority for refinancing and servicing actions. Other editorial and procedural changes are

made which do not significantly affect applicants, borrowers, Government costs, or firms or persons benefiting from FmHA programs. FmHA has decided not to implement this provision because:

(a) The initial estimate of administrative times involved was seriously underestimated. This is due to the fact that much of the information needed to rate the applicant would be collected by an additional interview or personal inspection of the existing housing condition.

(b) The system would have required the constant shuffling of applications based on the number of points assigned.

(c) Time saving techniques such as loan packaging and conditional commitments would be reduced in effectiveness.

(2) Exhibit C. Maximum adjusted income for Rural Housing programs. The following changes are being made to the income limits set out in the January 19, 1981, publication:

The basic income data source used in both the January 19, 1981, rule and this rule was HUD's decile distribution of income. Since HUD data was updated in June of 1981, the changes in median incomes are reflected in this final rule. Two other changes were made to the rule published in January. First, all income limits were rounded to the next high $500. This rounding was done because the change in any particular limit is relatively insignificant; while the elimination of numerous differing limits lessens the administrative burden. Second, the moderate-income level was changed to a constant dollar amount over low income. In the previous rule moderate income was 110 percent of area median, $4,400 over low income or $15,600, whichever was greatest.

The low- and moderate-income limits as set forth in Exhibit C are:

(a) Low income is 80 percent of area median but not less than 60 percent or greater than 80 percent of the non-metro census regional income with some adjustment for housing cost, and

(b) Moderate income is $5,500 over the low-income level.

(3) Granting of Interest Credits to Moderate-Income Borrowers.

The Agency is withdrawing that part of the regulation that would have granted interest credits to moderate-income applicants. This action is taken because the law mandating the granting of interest credits to moderate-income borrowers was changed to a discretionary provision. The Secretary has determined that interest credits are not necessary to enable moderate-income borrowers to afford adequate housing.

Further, the current under-utilization of the moderate-income program is not an indication that subsidy is needed by this income group, but was caused by an Agency definition of moderate income that included mostly low-income families. Therefore, it is determined that sufficient numbers of moderate-income families can qualify for homeownership under the revised income limits without the providing of interest credits.

This regulation does not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review.

CFDA No. 10.410—Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502-Insured).

Since all significant changes to the January 19, 1981, publication either result from an updating of data or a change in statutory language or revert to the existing procedure, FmHA is not again publishing this document as a proposed rule.

FmHA is, however, accepting and will consider for future revisions, any comments regarding income limits, the withdrawal of the priority processing of applications and the withdrawal of the interest credit to moderates proposal.

Office of Management and Budget clearance number 0575–0059.

Therefore, Chapter XVIII is amended as follows:

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502, Rural Housing Loan Policies, Procedures, and Authorizations [Removed]

1. Subpart A of Part 1822 is hereby removed from the Code of Federal Regulations.

Subpart B—Section 502, Rural Housing Weatherization Loans

§ 1822.21 [Amended]

2. In § 1822.21, lines 13, 14, 15, 16, 17, and 18 change the reference from "§ 1822.3 (c), and (d), and § 1822.5 (FmHA Instruction 444.1, paragraphs III C and D and paragraph V). Section 1822.3 (e), (n), (o), and § 1822.4 (FmHA Instruction 444.1, paragraph III E, N, and O, and paragraph IV)" to "§ 1944.2(m), §§ 1944.10 and 1944.26(f) of Part 1944 Subpart A. Sections 1944.8, 1944.9 and 1944.15 of Part 1944, Subpart A".

§ 1822.25 [Amended]

3. In § 1822.25(a), line 10, change the reference from "1822" to "1944". Exhibit A (Amended)

Exhibit A to Subpart B [Amended]

4. In paragraph A.1., line 9, change the reference from "7 CFR 1822.3 (c)" to "7 CFR 1944.10".

5. In paragraph A.2., lines 3 and 4, change the reference from "this part, available in any FmHA office" to "Part 1944."

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

§ 1822.263 [Amended]

6. In § 1822.263(c), line 2, change the reference from "§ 1822.3(c)" to "§ 1944.10 of Part A".

§ 1822.267 [Amended]

7. In § 1822.267(l)(1), lines 1 and 2, change the reference from "Subpart H of Part 1822" to "§ 1944.45 of Part 1944. Subpart A".

Subpart H—Rural Housing Conditional Commitments [Removed]

8. Part 1822 Subpart H is hereby removed from the Code of Federal Regulations.

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

§ 1872.18 [Amended]

9. In § 1872.18(b)(14), line 12, change the reference from "1822 of Subchapter B" to "1944."

§ 1872.23 [Amended]

10. In § 1872.23, line 1, change the reference from "§ 1822.3(e)" to "§ 1944.2(e) of Part 1944 Subpart A".

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Subpart G—Section 504, Rural Housing Loans and Grants

§ 1904.301 [Amended]

11. In § 1904.301, lines 10 and 11, change the reference from "Part 1822 of this Chapter (FmHA Instruction 444.1)" to "Part 1944".

§ 1904.304 [Amended]

12. In § 1904.304(a), lines 6 and 7, change the reference from "Part 1822 of this Chapter, (FmHA Instruction 444.1)" to "Part 1944".

13. In § 1904.304(a)(2), lines 8, 9 and 10, change the reference from "§ 1822.4(d) and § 1822.12(d) of this Chapter (Paragraph IV D and XII D of FmHA Instruction 444.1)" to "§§ 1944.8(a)(2)(ii) and 1944.30(b)(7) of Part 1944 Subpart A".

§ 1904.305 [Amended]

14. In § 1904.305(g), lines 2, 3 and 4, change the reference from "§ 1822.6(a)(14) of this Chapter. (Paragraph VI A 14 of FmHA Instruction 444.1.)" to "§1944.3(b) (9) and (10) of Part 1944 Subpart A".

§ 1904.306 [Amended]

15. In § 1904.306(d) lines 3, 4, and 5 change the reference from "§ 1822.12(d) of this Chapter (Paragraph XII D of FmHA Instruction 444.1)" to "1944.30(b)(7) of Part 1944 Subpart A"

PART 1910—GENERAL

Subpart B—Credit Reports (Individual)

§ 1910.53 [Amended]

16. In § 1910.53, lines 9, 10, 11 and 12, change the reference from "§ 1822.12(d), Subpart A, Part 1822, Subchapter B of this Chapter (Paragraph XII D of FmHA Instruction 444.1)" to "§ 1944.30(b)(7) of Part 1944 Subpart A."

PART 1924—CONSTRUCTION AND REPAIR

Subpart A—Planning and Performing Construction and Other Development

§ 1924.5 [Amended]

17. In § 1924.5(i) lines 5, 6, 7, 8 and 22, 23 and 24 change the reference from "FmHA Instruction 444.2 (available in all FmHA offices) and Subpart H of Part 1822 of this Chapter (FmHA Instruction 444.9)" to "Part 1944 Subpart A" and from "Subparts A and D of Part 1822 of this chapter (FmHA Instructions 444.1 and 444.5)" to "Part 1944, Subparts A and E".

§ 1924.6 [Amended]

18. In § 1924.6(c) lines 6 and 7, change the reference from "Exhibit A of FmHA Instruction 444.1 (available in any FmHA office)" to "Exhibit G of Part 1944 Subpart A".

Exhibit B to Subpart A [Amended]

19. In paragraph VI A. 8., lines 9, 10 and 11, change the reference from "FmHA Instruction 444.1, paragraph VII B 1, which is available in all FmHA offices" to "§ 1944.16 of Part 1944 Subpart A".

PART 1930—GENERAL

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

Exhibit B to Subpart C [Amended]

20. In paragraph II Q., lines 3, 4, and 5, change the reference from "Exhibit C of Subpart A of Part 1822 (FmHA Instruction 444.1)" to "Part 1944 Subpart A".

21. In paragraph II R, lines 3, 4, and 5, change the reference from "Exhibit D of Subpart A of Part 1822 (FmHA Instruction 444.1)" to "Part 1944 Subpart A".

PART 1933—LOAN AND GRANT PROGRAM (GROUP)

Subpart I—Self-Help Technical Assistance Grants

§ 1933.403 [Amended]

22. In § 1933.403(j), lines 2, 3, and 4, change the reference from "§ 1822.3(c) of this chapter (FmHA Instruction 444.1)." to "§ 1944.10 of Part 1944 Subpart A".

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

Subpart A—Insured Farm Ownership Loan Policies, Procedures, and Authorizations

§ 1943.24 [Amended]

23. In § 1943.24(b)(2) lines 9, 10 and 11, change the reference from "Part 1822 of this Chapter (FmHA Instruction 444.1)" to "Part 1944".

PART 1944—HOUSING

Subpart D—Farm Labor Loan Housing and Grant Policies, Procedures and Authorizations

§ 1944.153 [Amended]

24. In § 1944.153(e), lines 4 and 5, change the reference from "Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1)" to "Part 1944 Subpart A".

§ 1944.164 [Amended]

25. In § 1944.164(j)(2)(ii) lines 2, 3, 4 and 5, change the reference from "Subpart A of Part 1822 and Subpart D of Part 1804 of this Chapter (FmHA Instruction 444.1 and 424.5)" to "Part 1804 Subpart D (FmHA Instruction 424.5) and Part 1944 Subpart A".

26. In § 1944.164(n), lines 5, 6, 7 and 8, change reference from "§ 1822.7(j) of Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1, paragraph VII J)" to "§ 1944.18(b)(5) of Part 1944 Subpart A".

§ 1944.168 [Amended]

27. In § 1944.168(c)(1)(ii) lines 3, 4, 5 and 6, change the reference from "Section 1822.10(b)(2) of Subpart A of Part 1822 of this Chapter (paragraph X B 2 of FmHA Instruction 444.1)" to "§ 1944.18(b)(6) of Part 1944 Subpart A".

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1944.205 [Amended]

28. In § 1944.205(d) change the reference from "Exhibits C and D of Subpart A of Part 1822, (Farmers Home Administration (FmHA) Instruction 444.1)" to "Exhibit C of Part 1944 Subpart A".

29. In § 1944.205(l) change the reference from "§ 1822.3(c) of Subpart A to Part 1924 (paragraph III C of FmHA Instruction 444.1)" to "§ 1944.10 of Part 1944 Subpart A".

§ 1944.215 [Amended]

30. In § 1944.215(i)(1) change the reference from "Exhibits C and D of Subpart A to Part 1822, (FmHA Instruction 444.1)" to "Exhibit C of Part 1944 Subpart A".

§ 1944.222 [Amended]

31. In § 1944.222(b) change the reference from "Part 1807 and Subpart A of Part 1822 of this Chapter (FmHA Instructions 427.1 and 444.1, respectively)" to "Subpart A of Part 1944 and Part 1807 of this chapter (FmHA Instruction 427.1)".

Subpart K—Technical and Supervisory Assistance Grants

§ 1944.506 [Amended]

32. In § 1944.506(d), lines 5, 6 and 9, 10 and 11 change the reference from "§ 1822.3(o) of this Chapter (FmHA Instruction 444.1, paragraph III O)" to "§ 1944.2(b) of Part 1944 Subpart A", and from "1822 of this chapter (Exhibit C of FmHA Instruction 444.1)" to "1944."

33. In § 1944.506(f), lines 2, 3 and 4, change the reference from "§ 1822.3(c) of Subpart A of Part 1822 of this Chapter (paragraph III C of FmHA Instruction 444.1)" to "§ 1944.10 of Part 1944 Subpart A".

PART 1945—EMERGENCY

Subpart B—Emergency Loan Policies, Procedures, and Authorizations for Those Applications Associated With Disaster Designations Having a Beginning Incidence Period Date Prior to May 26, 1981

§ 1945.89 [Amended]

34. In § 1945.89(a)(2)(ii), lines 8 and 9, change the reference from "1822 of this Chapter (FmHA Instruction 444.1)" to "1944, Subpart A".

Subpart C—Economic Emergency Loans

§ 1945.129 [Amended]

35. In § 1945.129(b)(2)(i)(D), lines 8 and 9 change the reference from "Part 1822 of this Chapter (FmHA Instruction 444.1)" to "1944".

PART 1945—EMERGENCY

Subpart D—Emergency Loan Policies, Procedures and Authorizations for Applications Associated With FmHA Disaster Designations Having a Beginning Incidence Period Date on or After May 26, 1981

§ 1945.189 [Amended]

36. In § 1945.189, paragraph (a)(2)(ii), change the reference from "Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1)" to "Part 1944 Subpart A".

PART 1948—RURAL DEVELOPMENT

Subpart B—Section 601—Energy Impacted Area Development Assistance Program

§ 1948.84 [Amended]

37. In § 1948.84(d)(2), lines 8 and 9, change the reference from "Part 1822 Subpart A (FmHA Instruction 444.1)" to "Part 1944 Subpart A".

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

§ 1951.17 [Amended]

38. In § 1951.17(a)(2)(i)(B), lines 4, 5 and 6, change the reference from "§ 1822.3(n) of Subpart A of Part 1822 of this Chapter (paragraph N of FmHA Instruction 444.1)" to "§ 1944.2(c) of Part 1944 Subpart A".

39. In § 1951.17(b)(1)(i), lines 2, 3, 4, change the reference from "§ 1822.11(c) of Subpart A of Part 1822 of this Chapter (Paragraph XI C of FmHA Instruction 444.1)" to "§ 1944.26(c) of Part 1944 Subpart A".

40. In § 1951.17(b)(6), lines 8, 9 and 10, change the reference from "Exhibit E Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1)" to "§ 1944.34 of Part 1944 Subpart A".

PART 1980—GENERAL

Subpart D—Rural Housing Program Loans

§ 1980.302 [Amended]

41. In § 1980.302(a), lines 5 and 6, change the reference from "Exhibit D to Part 1822, Subpart A (FmHA Instruction 444.1, Exhibit D)" to "Exhibit C of Part 1944 Subpart A".

§ 1980.305 [Amended]

42. In § 1980.305, lines 3, 4, 5 and 6, change the reference from "§ 1822.3(c) of Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1, paragraph III C)" to "§ 1944.10 of Part 1944 Subpart A".

§ 1980.330 [Amended]

43. In § 1980.330(h)(1), lines 6, 7 and 8, change the reference from "D to Subpart A Part 1822 of this Chapter (FmHA Instruction 444.1, Exhibit D)" to "C to Subpart A, Part 1944 of this chapter."

PART 1944—HOUSING

Subpart A—Section 502, Rural Housing Loan Policies, Procedures and Authorizations

44. As added, Part 1944, Subpart A reads as follows:

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

Sec.

1944.1 General.
1944.2 Definitions.
1944.3 Loan purposes.
1944.4 Loan restrictions.
1944.5–1944.7 [Reserved]
1944.8 Income eligibility requirements.
1944.9 Other eligibility requirements.
1944.10 Rural area designation.
1944.11 Property requirements.
1944.12–1944.14 [Reserved]
1944.15 Ownership requirements.
1944.16 Building requirements.
1944.17 Maximum loan amounts.
1944.18 Security requirements.
1944.19–1944.21 [Reserved]
1944.22 Refinancing debts.
1944.23 Loans to Farm Ownership (FO), Individual Soil and Water (SW), and Recreation (RL) borrowers.
1944.24 Technical services.
1944.25 Rates, terms, and source of funds.
1944.26 Application processing.
1944.27–1944.29 [Reserved]
1944.30 Preparation of loan docket.
1944.31 Loan approval.
1944.32 Actions subsequent to loan approval.
1944.33 Loan closing.
1944.34 Interest credit.
1944.35–1944.36 [Reserved]
1944.37 Subsequent Section 502 loans.
1944.38 Mutual self-help housing loans.
1944.39 RH loans to FmHA employees and loan closing officials.
1944.40 Rural Housing Disaster (RHD) loans.
1944.41–1944.43 [Reserved]
1944.44 Borrower graduation.
1944.45 Conditional Commitments.
1944.46 Construction financing for builders by private credit sources.
1944.47–1944.50 [Reserved]
Exhibit A—Information required to package applications for Section 502 rural housing loans.
Exhibit B—Addresses for authentication of alien registration cards.
Exhibit C—Maximum adjusted incomes for rural housing programs.
Exhibit D—Rural housing applicant interview.
Exhibit E—Sample letter to applicant when loan funds are depleted and long delays are expected in application processing.
Exhibit F—Interest credit agreement renewal.
Exhibit G—Mutual self-help housing guidelines.
Exhibit G–1—Membership agreement.
Exhibit G–2—Promissory note.

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1944.1 General.

This subpart sets forth the policies and procedures and delegates authority for making Section 502 Rural Housing (RH) loans to individuals under Title V of the Housing Act of 1949, as amended. The objective of Section 502 loans is to provide eligible persons who will live in rural areas an opportunity to obtain adequate but modest, decent, safe, and sanitary dwellings and related facilities. The requirements of Farmers Home Administration (FmHA) Instruction 1901–E will be applied as appropriate. Loans and services provided under this Subpart shall not be denied to any person or applicant based on race, sex, national origin, color, religion, marital status, age, physical or mental handicap (applicant must possess the capacity to enter into a legal contract for services), receipt of income from public assistance, or because the applicant has, in good faith, exercised any right under the Consumer Protection Act.

§ 1944.2 Definitions.

The following definitions apply to this Subpart:

(a) *Above-moderate income.* An adjusted annual income that exceeds the maximum limit for moderate-income households as provided in Exhibit C of this Subpart.

(b) *Adjusted annual income.* Annual income as defined in paragraph (c) of

this section less 5 percent thereof and less an additional $300 for each dependent minor person (excluding the applicant and foster children) who is a member of the household.

(c) *Annual income.* Planned income to be received by the applicant, and all adult members of the household during the next twelve months. Income to be projected for the next 12 months will include wage increases which can reasonably be expected based on known facts or historical data. See § 1944.8(c) for supplemental rules on determining annual income.

(d) *Cosigner.* A party who joins in the execution of a promissory note to guarantee its repayment by the borrower. The cosigner becomes jointly and severally liable to comply with the terms of the note in the event of the borrower's default.

(e) *County Supervisor.* Includes Assistant County Supervisor for all duties and responsibilities which are included in the employee's job description and for authorizations which have been delegated in writing in accordance with FmHA Instruction 2006–F (available in any FmHA office). For the areas of Alaska and the Western Pacific Territories it also includes the Area Supervisor.

(f) *Existing dwelling.* One which is (1) more than 1 year old, or (2) previously occupied as a residence.

(g) *Extended family.* A family unit consisting of parents, children and other relatives who will live together on a permanent basis as a part of the household.

(h) *Farm.* Includes the total acreage of one or more tracts of land which (1) is owned by the applicant, (2) is operated as a single unit, (3) is in agricultural production, and (4) annually will produce agricultural commodities for sale and home use with a gross value of at least $400 based on 1944 prices. To aid in estimating the gross annual value of agricultural commodities produced on a particular farm, a State Supplement will be issued listing the 1944 prices for the principal farm commodities in the State.

(i) *Household.* The applicant and all other persons who will make the applicant's dwelling their primary residence for all or part of the next 12 months.

(j) *Low income.* An adjusted annual income that does not exceed the maximum limit for low-income households as provided in Exhibit C of this Subpart

(k) *Moderate income.* An adjusted annual income that does not exceed the maximum limit for moderate-income households as provided in Exhibit C of this subpart.

(l) *Nonfarm tract.* A parcel of land that is not a farm and is located in a rural area, or a building site that is part of a farm, and which secures an RH loan in accordance with § 1944.18(b)(10).

(m) *Place.* An area containing a concentration of inhabitants within a determinable unincorporated area.

(n) *Rehabilitation.* Major repairs and improvements to existing dwellings such as the installation or completion of bathroom facilities, installation of major items of equipment, additions, or structural changes.

(o) *Senior citizen.* A "senior citizen" is a person who is 62 years of age or older.

(p) *Town.* A "town" means a municipality similar to a city but not a New England-type town which resembles a township or county in most States.

(q) *Urban area.* Either a town, village, city, place or any associated combination thereof, which with the immediately adjacent densely settled areas has a population in excess of the limits prescribed in § 1944.10 (a)(2) (i) and (ii).

§ 1944.3 Loan purposes.

(a) A loan may be made to an eligible applicant for the following purposes:

(1) To buy, build, rehabilitate, improve or relocate a dwelling and provide related facilities for use by the applicant as a permanent residence.

(2) To buy, build, rehabilitate, improve or relocate a dwelling, and provide related facilities for a farm owner to provide housing to be occupied by the farm manager, tenants, sharecroppers or farm laborers.

(3) To refinance secured debts or unsecured debts as provided in § 1944.22.

(b) A loan made under § 1944.3(a) (1) or (2) may be used to:

(1) Purchase, in fee title, a minimum adequate site, as outlined in § 1944.11(c) on which the improvements are or will be located, if the applicant does not own an adequate site.

(2) Pay reasonable acquisition cost for a leasehold interest in a minimum adequate site at the time of making the initial RH loan.

(3) Provide an adequate and safe water supply and/or an adequate sewage disposal facility.

(4) Provide site preparation, including grading, foundation plantings, seeding or sodding of lawns, trees, walks, yard fences and driveways to building sites.

(5) Purchase and install essential equipment in the dwelling including items such as a range, refrigerator, clothes washer or clothes dryer, if these items are normally sold with dwellings in the area and if purchase of these items is not the primary purpose of the loan.

(6) Provide special design features or equipment when necessary because of physical handicap or disability of the applicant or a member of the household.

(7) Purchase and install approved solar systems and approved furnaces and space heaters which use a type of fuel that is commonly used, and is economical and dependably available.

(8) Provide storm cellars, and similar protective structures.

(9) Pay incidental expenses such as fees for credit reports, tax monitoring service, legal, title clearance, loan closing, architectural, surveying and other technical services.

(10) Pay reasonable connection fees for utilities such as water, sewer, electricity or gas, which are required to be paid by the borrower and which cannot be paid from other funds.

(11) Pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned improvements.

(12) Pay real estate taxes which are due and payable on the building and/or site at the time of closing on an initial loan, if this amount is not a substantial part of the loan.

(13) Establish escrow accounts for the payment of real estate taxes or property insurance premiums in those states where the use of escrow accounts is authorized by the National Office.

(14) Provide living area for all members of the applicant's household, including "extended family," as provided in § 1944.16(a)(5).

(15) Pay part of the cost of constructing, remodeling, repairing or buying a domestic water system or waste disposal system, provided that the following conditions are met, unless exceptions are authorized by the National Office:

(i) The facility must be jointly owned and used by not more than 10 participants.

(ii) The domestic water or waste disposal system cannot be provided with a Community Facilities loan.

(iii) The group must act as individuals and not as a legal entity such as a partnership, corporation or association.

(iv) The facility will be located in a rural area and will be used only for normal home use.

(v) The applicant will give FmHA a mortgage as required in § 1944.18(a), including the applicant's interest in the system if it is practical to mortgage the system. The interest of any co-owners of the jointly owned facility who are not

applicants may be excluded from the mortgage on prior approval by the State Director, as provided in § 1944.18(b)(8).

(vi) The owners have written agreements as to the construction, use, maintenance and repair of the facility and obtain necessary jointly owned easements.

(vii) The facility will cost not more than $50,000 or have a depreciated replacement value that does not exceed $50,000 if such facility is being purchased, enlarged, or improved.

(viii) All funds to be used to finance construction or installation of the joint facility will be deposited in a supervised bank account.

§ 1944.4 Loan restrictions.

(a) Loan funds may not be used to:

(1) Buy or improve income-producing land, or buildings to be used for income-producing purposes or buildings not essential for RH purposes.

(2) Pay fees, charges or commissions such as finders' fees, fees for packaging the application or placement fees for the referral of prospective applicants to FmHA.

(b) A loan will not be made to an applicant whose previous FmHA debts have been settled pursuant to Part 1864 of this Chapter (FmHA Instruction 456.1) or by release from personal liability under Subpart G of Part 1951 of this chapter as reflected by the County Office records, or where settlement under such regulation is contemplated, unless failure to pay the indebtedness was the result of circumstances beyond the applicant's control, or the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed or will be removed by making the loan. Before approving the property or causing such an applicant to incur any expense in connection with the loan the County Supervisor will complete Form FmHA 431–2, "Farm and Home Plan," or Form FmHA 431–3, "Family Budget," and send it with the application, any available case folders, and recommendations to the State Office for a determination as to whether to proceed with the development of the loan docket.

(c) Loans will not be made to a homestead entryman or desert entryman to improve the entry prior to receipt of patent.

§§ 1944.5–1944.7 [Reserved]

§ 1944.8 Income eligibility requirements.

(a) An applicant is eligible for a Section 502 loan only if the following requirements are met:

(1) The adjusted annual income of the applicant's household as defined in § 1944.2(b) does not exceed the applicable income limit in Exhibit C. Exceptions to this requirement may be authorized by the State Director in accordance with §1944.33 (a) or (b), or by the National Office.

(2) Repayment ability as provided in § 1944.26(e), is demonstrated in the following manner:

(i) The applicant has adequate and dependably available income. The determination of income dependability will include consideration of the applicant's past history of annual income and/or the history of the typical annual income of others in the area with similar types of employment. Such income should be sufficient to meet living expenses, pay taxes, insurance and maintenance costs, and to make required payments on all obligations including the Section 502 loan; or

(ii) The applicant obtains a cosigner with dependably available income which will be sufficient to repay the loan. The cosigner must be an individual but may not be a member of the applicant's household.

(b) All adult members of the household whose income must be included to meet the repayment requirements in paragraph (a)(2)(i) of this section will be considered applicants.

(c) Annual income as defined in § 1944.2(c) will be determined as follows:

(1) The income to be expected during the next 12 months for all adults, including the spouse, will be included for either full-time or part-time employment if presently employed. Projected income will include wage increases which can reasonably be expected, based on known facts or historical data. If the spouse or any other adult is not presently employed but there is a recent history of such employment, that person's income will be considered unless the applicant and the person involved sign a statement that the person is not presently employed and does not intend to resume employment in the foreseeable future or, if interest credit is involved, during the term of the Interest Credit Agreement. The statement will be filed in the borrower's case file.

(2) Income from all sources is included except as provided in paragraph (c)(3) of this section. Income sources include, but are not limited to:

(i) Gross income from wages, salaries, and commissions, including that from seasonal type work which can be expected to be repeated.

(ii) All expected overtime and bonus income which can reasonably be considered dependable.

(iii) All net farm and nonfarm business income. Projected farm or nonfarm business losses will be considered as "0" in determining annual income.

(iv) Pensions, Social Security, welfare, and unemployment compensation.

(v) Child support payments and other payments made on behalf of minors.

(vi) The income of an applicant's spouse, unless the spouse has been living apart from the applicant for at least 6 months (for reasons other than military or work assignment), or court proceedings for divorce or legal separation have been commenced.

(vii) GI bill benefits, fellowships, scholarships, and assistantships.

(viii) Alimony, or other spousal support payment.

(ix) Proceeds from the sale of equipment, mineral rights or real estate sold under long-term contract (usually more than 3 years).

(3) The following income will not be included in determining annual adjusted income, although it will be included under §1944.26 (b)(2) and (e)(2) for documenting repayment ability:

(i) Income received by a full time student (*who is not* the applicant or co-applicant) from employment or income from GI Bill benefits, fellowships, scholarships, or assistantships for schooling.

(ii) Proceeds from the sale of equipment, mineral rights, or real estate sold under a short term contract (usually 3 years or less).

(iii) Cash value of food stamps, real estate tax exemptions, or similar types of assistance.

(iv) Payments received for the care of foster children, foster adults or for services rendered as a volunteer on a project sponsored by any of the following programs:

(A) Retired Senior Volunteer Program.

(B) Foster Grandparent and Older American Community Service Programs (as either a foster grandparent, senior health aide or senior companion).

(C) National Volunteer Programs to Assist Small Business and Promote Volunteer Service by Persons With Business Experience

(D) Peace Corps, VISTA, or any other volunteer program sponsored by ACTION.

(v) Allowances, such as training and travel expenses, paid by the Department of Labor to CETA participants. (Wages paid by the employers of CETA workers will be included).

(vi) Any payments received by "live in" aides for members of a senior citizen borrower's household, paid by state or federal programs which specifically exclude the cost of shelter from the amount received.

(4) In determining the applicant's annual income the following deductions are allowed:

(i) A deduction may be made in the same manner as outlined in Internal Revenue Service (IRS) regulations for the exhaustion, wear and tear, and obsolescence of depreciable property used in the applicant's trade, business, or farming operation. The applicant must provide an itemized schedule showing the depreciation claimed. The schedule should be consistent with the amount of depreciation actually claimed for these items for Federal income tax purposes.

(ii) A deduction may be made in the same manner as outlined in IRS regulations for necessary work related expenses actually paid by the employee in excess of the amount reimbursed by the employer. The deduction must be reasonable and, in the judgment of the approving official, should be deducted from an employee's income to reflect annual income on an equal basis with other employed persons. Deductions, however, are not permitted for the following:

(A) Transportation to and from work.

(B) Cost of meals incurred on one day business trips.

(C) Educational expenses except those incurred to meet the minimum requirements for the employee's present position.

(D) Fines and penalties for violation of laws.

(iii) A maximum aggregate deduction of $400 per month may be made for child care or disabled dependent care which is necessary to enable the borrower to be gainfully employed. The deduction will be based only on monies actually paid for care services. Payments for these services may not be made to persons whom the borrower is entitled to claim as dependents for income tax purposes. Full justification for such deduction must be recorded in detail in the applicant's loan docket.

(iv) A maximum aggregate deduction of $400 per month may be made for full time nursing home or institutional type care which cannot be provided in the home, for a member of the household. Such care must be expected to be required for a period of six months or more. The deduction will be limited to expenditures actually paid for such services.

§ 1944.9 Other eligibility requirements.

In addittion to the income eligibility requirements of § 1944.8, the applicant must:

(a) Qualify as one of the following:

(1) A person who does not own a dwelling which is structurally sound, functionally adequate, and which is large enough to accommodate the needs of the applicant, or

(2) A farmowner without decent, safe and sanitary housing for the farmowner's own use or for the use of farm tenants, sharecroppers, farm laborers, or farm manager.

(b) Be without sufficient resources to provide the necessary housing or related facilities, and be unable to secure the necessary credit from other sources upon terms and conditions which the applicant could reasonably be expected to fulfill. If the applicant has only an undivided interest in the land to be improved, those co-owners whose execution of the mortgage is required under § 1944.18(b)(8) must also be unable to provide the improvement with their own resources or obtain the necessary credit elsewhere either individually or jointly with the applicant.

(c) Be a natural person (individual) who resides as a citizen in any of the 50 States, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands, or a noncitizen who resides in one of the foregoing areas after being legally admitted for permanent residence or on indefinite parole. Permanent residents can verify their status by presentation of Form I–551 "Alien Registration Receipt Card" or any later revision of the form. Those on indefinite parole must present Form I–94 "Arrival/Departure Card" or any later revision of the form. The County Supervisor must further authenticate such information through the Immigration and Naturalization Service if the authenticity of the information provided is in doubt (See Exhibit B).

(d) Possess legal capacity to incur the loan obligation, and have reached the legal age of majority in the State, or have had the disability of minority removed by court action.

(e) Have the potential ability to personally occupy the home on a permanent basis, if the loan is to provide housing for the applicant's own use. To illustrate, because of the probability of their being transferred or moving after graduation, military personnel on active duty and full-time students will not be granted loans unless:

(1) The applicant, if military personnel, will be discharged at an early date (usually within 1 year). The family must continue to occupy the home in case the borrower is transferred to another duty station before discharge, and

(2) The applicant intends to make the home a permanent residence and there are reasonable prospects that employment will be available in the area after graduation or discharge, and

(3) An adult member of the household will be available to make inspections if the home is being constructed and to sign checks for work performed.

(f) Have a credit history which indicates a reasonable ability and willingness to meet obligations as they become due. The following will not indicate an unacceptable credit history:

(1) "No history" of credit transactions by the applicant.

(2) Bankruptcies, foreclosures, satisfied judgments, or delinquent payment records which occurred more than 36 months before the application if no recent similar situations have occurred.

(3) Isolated incidents of delinquent payments which do not represent a general pattern of unsatisfactory or slow payment.

(4) Recent bankruptcy, foreclosure, judgment or delinquent payment when the applicant can satisfactorily demonstrate that:

(i) The circumstances causing any of the above were of a temporary nature, were beyond the applicant's control and have been removed. Examples: loss of job; delay or reduction in government benefits, or other loss of income; increased expenses due to illness, death, etc.

(ii) The adverse action or delinquency was the result of a refusal to make full payment because of defective goods or services or as a result of some other justifiable dispute relating to the goods or services purchased or contracted for.

§ 1944.10 Rural area designation.

(a) For the purposes of this subpart, a rural area is:

(1) Open country which is not part of or associated with an urban area, or

(2) Any town, village, city or place, including the immediately adjacent densely settled area, which is not part of or associated with an urban area and which:

(i) Has a population not in excess of 10,000 if it is rural in character, or

(ii) Has a population in excess of 10,000 but not in excess of 20,000, and

(A) Is not contained within a Standard Metropolitan Statistical Area (SMSA), and

(B) Has a serious lack of mortgage credit for low- and moderate-income households as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development.

(b) A determination that open country, or any town, village, city, or place is not part of or associated with an urban area must include a finding that any densely populated section of the area in question is separated from the densely populated section of any adjacent urban area by open spaces (which are undeveloped, agricultural, or sparsely settled) other than open spaces due to physical barriers, commercial or industrial developments, public parks and similar open spaces, and areas reserved for recreational purposes. This determination should also consider such other factors as:

(1) The existence of known plans for development within the near future (e.g., 3 to 5 years) of a substantial portion of the interveining land between the area in question and an urban area.

(2) Separate school systems and separate utilities such as water and sewer and solid waste disposal; however, consolidated schools and/or combined facilities do not necessarily indicate being "associated with".

(c) Two or more towns, villages, cities, and places may have contiguous boundaries, and each be considered separately if they are not otherwise associated with each other, as determined after consideration of paragraphs (a) and (b) of this section.

(d) The latest official Bureau of the Census data or more recent official population counts (U.S. Census of Population or other Governmental official counts) will be used in determining population.

(e) The State Director will be responsible for determining boundaries of rural areas and shall issue an appropriate State Supplement to identify such areas by list and maps. Areas in excess of 10,000 population will be identified as "rural areas" in a State Supplement only after written authorization by the National Office and compliance with the requirement of paragraph (a)(2)(ii) of this section.

(f) When a change of designation from rural to nonrural is anticipated, all developers and other interested parties should be notified.

(g) If an area designation is changed from rural to nonrural, loans may be made only in the following instances:

(1) Applications received by FmHA prior to the change of designation may be processed.

(2) New conditional commitments may be issued and existing conditional commitments will be honored only in conjunction with the approval of RH loan applications which were received prior to the date the area was designated non-rural.

(3) Credit sales and transfers with assumptions may be processed in such areas as authorized by § 1955.103(e) of this chapter and § 1872.18(c)(1)(i) of this chapter (FmHA Instruction 465.1 paragraph XVIII C 1 a).

(4) Subsequent loans may be made on property in an area where the designation was changed from rural to nonrural after the initial loan was made:

(i) To make necessary repairs.

(ii) To pay equity in connection with an assumption and transfer of an RH loan.

§ 1944.11 Property requirements.

(a) The property on which the loan is made must be located on a farm, or in a designated rural area as defined in § 1944.10 or in an area the designation of which has been changed as provided in § 1944.10(g). A nonfarm tract to be purchased or improved with loan funds must not include or be closely associated with farm service buildings.

(b) Unless an exception is granted by the National Office (notwithstanding the requirement of § 1804.67(b) of this chapter, FmHA Instruction 424.5 Paragraph VII(B) the property must be contiguous to and have direct access from an:

(1) All-weather street which has been dedicated to and accepted by a public body which shall be responsible for continuous maintenance, or

(2) Extended driveway if:

(i) The driveway has an all-weather surface,

(ii) The driveway does not potentially serve more than two individual dwellings,

(iii) The applicant obtains title or an easement to the driveway and it is included in the security for the loan, and

(iv) The maintenance cost for the driveway is considered in determining the applicant's repayment ability.

(c) If the property is being purchased with loan funds, it may not be larger than a minimum adequate site, which is the smallest area sufficient for the dwelling, related facilities, and a yard. In determining whether the property is a minimum adequate site the following considerations apply:

(1) In case of purchase of a site on which to construct a dwelling, or purchase of a new dwelling and site, the site should be not more than one acre of land unless more than one acre is needed to provide for an adequate water supply or waste disposal system.

(2) When an existing dwelling is being purchased or debts are being refinanced, the site may include more than one acre only under the following conditions:

(i) When an existing dwelling is being purchased, the seller will sell the dwelling only with the entire site on which it is located and the cost of extra land is not a substantial portion of the loan, or

(ii) In a refinancing case, the extra land cannot be sold for a significant amount, or

(iii) More than one acre is needed to provide an adequate water supply or waste disposal system.

(3) In all cases, the buying of a site of more than one acre must be fully justified and the reasons recorded in the loan docket. In no case may more than three acres be purchased unless authorized by the National Office.

(d) Loans made to buy, build, or repair dwellings located in an area having special flood or mudslide hazards are subject to the conditions of Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

§§ 1944.12–1944.14 [Reserved]

(a) After the loan is closed, the applicant must have an interest in the property to be purchased, improved, or refinanced, which qualifies as one of the following:

(1) Full marketable title.

(2) The purchaser's interest under a land purchase contract which obligates payment of the purchase price, gives the rights of present possession, control and beneficial use of the property, and entitles the purchaser to a deed upon paying all or a specific part of the purchase price.

(3) An undivided fee interest if the co-owners meet the security requirements imposed by § 1944.18(b)(8).

(4) A life estate interest with rights of present possession, control and beneficial use of the property if the remaindermen meet the security requirements imposed by § 1944.18(b)(9).

(5) Leasehold interest if all of the following conditions are met:

(i) The applicant is unable to obtain fee title to the property and the rent charged for the lease does not exceed the rate being paid for similar leases.

(ii) The lessor owns the fee simple title.

(iii) Neither the leasehold nor the fee simple title is subject to a prior lien, unless the County Supervisor submits complete information to the State

Director for review and authorization prior to approval of the loan. The amount of the RH loan plus any prior liens may not exceed the recommended market value of the leasehold.

(iv) The written lease contains the following provisions:

(A) The lessor's consent to the RH mortgage.

(b) Reasonable security of tenure. The borrower's interest must not be subject to summary forfeiture or cancellation.

(c) The right of FmHA to foreclose the RH mortgage and sell without restrictions that would adversely affect the market value of the securtiy.

(D) The right of FmHA to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(E) The right of FmHA, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit. In case of a credit sale, FmHA will take a mortgage with rights similar to those under the original RH mortgage.

(F) The right of the borrower, in the event of default or inability to continue with the lease and the RH loan, to transfer the leasehold, subject to the RH mortgage, to an eligible transferee with assumption of the RH debt.

(G) Advance notice of at least 90 days to FmHA of lessor's intention to cancel or terminate the lease. Such advance notice will be long enough to permit FmHA to ascertain the amount of delinquencies, the total amount of the lessor's and any other prior interests, and the market value of the leasehold interest and, if litigation is involved, to refer the case with a report of the facts to the United States Attorney for appropriate action.

(H) Express provisions covering the question of liability of FmHA for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during FmHA's possession or ownership, pending further servicing or liquidation.

(I) Any necessary provisions to assure fair compensation to the lessee for any part of the premises taken by condemnation.

(v) The lease has an unexpired term, from the date of loan approval, of at least 50 years (a lease for 25 years with an option to the lessee to renew for an additional 25 years would be considered a 50 year lease) except where:

(A) A lease is granted for the purpose of permitting a person to obtain an RH loan and the time required to process and approve the loan results in the unexpired term of the lease being not less than 49 years, or

(B) A lease is in existence at least 1 year prior to the date of the loan approval, and the unexpired term of the lease is at least 50 percent longer than the repayment period of the loan. In no case may the unexpired term of the lease be less than 15 years.

(6) Possessory rights on an Indian reservation or State-owned land if the security requirements imposed by § 1944.18(b)(2) are met.

(7) The interest of an Indian in land held in severalty under trust patents or deeds containing restrictions against alienation if the security requirements imposed by § 1944.18(b)(3) are met.

(b) If an applicant's title to any part of the property does not qualify as an ownership interest under paragraph (a) of this section and is therefore defective, an RH loan may nevertheless be made if:

(1) The defect cannot be cured at a reasonable cost, and

(2) No improvements to be constructed or repaired with loan funds will be located on the parcel to which title is defective, and

(3) No security value will be accorded to the parcel to which title is defective.

§ 1944.16 Building requirements.

(a) *New dwellings.* Dwellings to be built or purchased new must provide decent, safe and sanitary housing that is modest in size, design, and cost, and consistent with the market and other dwellings owned or being built in the area by others with similar incomes. The dwelling should be designed to fit the needs of the applicant but may include 3 bedrooms and 1½ bathrooms if such a dwelling is within the applicant's repayment ability.

(1) The dwelling will contain no more than 1,200 square feet of living area. When the size of the household results in an average of more than two persons per bedroom a larger dwelling may be justified to provide adequate sleeping space. The following will be considered in determining living area:

(i) Living area will include all finished areas as well as unfinished areas that are designed for or normally considered as living area. This will include those areas which meet or can be improved to meet the Housing and Urban Development (HUD) Minimum Property Standards (MPS) requirements for habitable area.

(ii) Living area will not include such space as a stairway between living areas, enclosed stairway, enclosed entryway, space necessary for utilities in a home without a basement, general storage area, porch not suited for year-round use, solar greenhouse which provides heat to the living area, garage or carport which is attached, detached or in the basement area; basement or other area not designed for or normally considered living area.

(2) Special design features or equipment may be included when necessary because of physical handicap or disability.

(3) Two-car garages or carports will not be authorized. Single-car garages or carports may be included if customarily included in other homes in the area.

(4) Solar systems will be used only after approval by the State Architect and authorization by the State Director. Fireplaces and other woodburning devices may be authorized only if the loan approval official determines and documents that a dependable and economical wood supply is available. All fireplaces and other woodburning devices must comply with HUD Minimum Property Standards and with Exhibit D of Part 1924, Subpart A. To assure compliance and to remove uncertainties regarding safety and efficiency, fireplaces and other woodburning devices are authorized only after approval by the State Architect and subsequent authorization by the State Director.

(5) A dwelling for an extended family as defined in § 1944.2(g) may include bedroom area with an exterior entrance and an additional bathroom. This area should be designed in a manner that will not adversely affect the home's potential for resale.

(b) *Existing dwellings.* Existing dwellings purchased with RH funds must be structurally sound, functionally adequate, either be in good repair or placed in good repair with loan funds and meet the standards required by § 1924.5(d)(1)(ii) of this chapter. The policies stated in paragraph (a)(1) of this section may be used as a guide in making a determination of adequate but modest existing dwellings, however, the maximum square footage of living area should be flexible to adjust for modest adequate existing homes that may be available.

(c) *Repairs.* Any dwelling repaired with RH funds must be structurally sound, functionally adequate, and be placed in good repair with loan funds. If the loan is not more than $7,500 and is scheduled for repayment in not more than 15 years from the date of the note, the dwelling may lack some equipment or features such as a complete bath, kitchen cabinets, closets, or completely finished interior in some rooms. Such dwellings must meet the basic housing needs of the applicant and provide

decent, safe, and sanitary living conditions when the improvements financed with the loan are completed.

(d) *Improvements.* Improvements financed with loan funds must be on land which, after loan closing, is part of a tract owned by the borrower in accordance with § 1944.15(a), or on an easement appurtenant to such a tract.

§ 1944.17 Maximum loan amounts.

(a) An RH loan to buy or build a dwelling may be made up to the market value of the security less the unpaid principal balance and past-due interest of any other liens against the security property for:

(1) An existing dwelling which is more than a year old or previously occupied as a residence.

(2) A new dwelling when any of the following conditions exist:

(i) A conditional commitment was issued in accordance with § 1944.45.

(ii) The RH loan will be closed prior to the start of construction.

(iii) Construction is financed in accordance with § 1944.46.

(iv) The required construction inspections were made by the Federal Housing Administration (FHA) or Veterans Administration (VA). A complete set of plans and specifications will be submitted together with copies of inspection reports or certification by FHA or VA indicating the dwelling was built in accordance with approved plans and specifications. The builder will also furnish a certification of compliance with FmHA thermal standards for new construction as required by Exhibit D of Supbart A of Part 1924 of this chapter.

(v) The dwelling was constructed under an insured 10-year warranty plan. The builder will provide complete plans and specifications together with a certification that construction was completed in compliance with the plans and specifications, HUD–FHA Minimum Property Standards and FmHA thermal standards for new construction. The cost of the insured warranty will be included in the sale price of the dwelling, if it is to be charged to the borrower. Prior to loan approval the builder must provide evidence that he/she is an approved builder in good standing under a 10-year insured warranty plan.

(b) Except as provided in paragraph (c) of this section a loan will be limited to 90 percent of the market value of the security for any dwelling that does not meet the requirements of paragraph (a) of this section.

(c) A loan which causes the total secured indebtedness to exceed the appraised value of the property securing the loan may be made when the amount exceeding the appraised value is all or part of a lien held by a public body, hospital or welfare institution for advances made for medical bills, welfare payments, or state motor vehicle judgments provided:

(1) The borrower is unable to settle or compromise such lien sufficiently to avoid exceeding the market value, and

(2) The lien securing the excess amount will at all times be inferior to the FmHA mortgage securing the initial loan and any subsequent loan or advances determined by the FmHA to be reasonably necessary to carry out the purpose of the initial loan or to protect the Government's financial interest, and

(3) The existence of the excess lien will not jeopardize the security or servicing so as to preclude the making of a sound RH loan, and

(4) The borrower has the ability to meet any payments on the excess debt as they become due or are likely to become due.

§ 1944.18 Security requirements.

(a) *Adequate security.* To protect the interests of FmHA all loans must be adequately secured. Except as provided in paragraph (b) of this section, a loan is adequately secured only when all of the following requirements are met:

(1) FmHA obtains at closing a mortgage on all ownership interests in the entire tract.

(2) No liens prior to the FmHA mortgage exist at the time of closing, and no junior liens are likely to be taken immediately subsequent to or at the time of closing.

(3) The provisions of Part 1807, of this chapter (FmHA Instruction 427.1) regarding title clearance, and the use of legal services are complied with.

(b) *Exceptions.* Exceptions to the usual security requirements will be made as follows:

(1) *Note only.* A loan of $2,500 or less scheduled for repayment in not more than 10 years from the date of the note may be secured by the borrower's promissory note alone when the County Supervisor determines that:

(i) The applicant has a credit history which indicates an ability and willingness to pay debts when they are due;

(ii) The applicant will have sufficient income to readily meet all obligations; and

(iii) The applicant's equity in the real estate as improved equals or exceeds the amount of the proposed loan.

(2) *Mortgage insurance.* When the applicant is the holder of possessory rights on an Indian reservation or State-owned land, adequate security in the form of mortgage insurance guaranteeing payment from a State agency or Indian tribe will be acceptable. Separate State Supplements covering loan approval, title clearance, closing, appropriate loan documents and a Memorandum of Understanding with the State or Indian tribe insuring agency should be developed and used with the approval of the State Director and the concurrence of the Office of General Counsel (OGC). Approval of such supplements by the National Office is required prior to participation in any such program.

(3) *Indian land.* Indian land in trust or restricted status acquired with an RH loan will remain in trust or restricted status. In these cases mortgages must be approved by the Secretary of the Interior. When a lien is to be taken on trust or restricted property, the local Bureau of Indian Affairs (BIA) representative will be requested to furnish advice and information with respect to the property and each applicant. The FmHA State Director should arrange with the BIA Area Director or other appropriate local BIA official as to how the information will be requested and furnished. A State Supplement will be issued to prescribe the actions to be taken by FmHA personnel to implement the making of loans under such conditions.

(4) *Best mortgatge obtainable.* Loans of $7,500 or less scheduled for repayment in not more than 15 years from the date of the note must be secured by a mortgage, except as provided in paragraph (b)(1) of this section, but title clearance and the use of legal services in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1) are not required. The best mortgage obtainable without use of these procedures will be sufficient unless the loan approval official determines that the procedures in Part 1807 of this Chapter (FmHA Instruction 427.1) are necessary to assure repayment or accomplish the objective of the loan. Evidence of ownership must comply with § 1944.24(d)(2).

(5) *Leasehold.* When the applicant owns only a leasehold interest, FmHA may not require a mortgage on the lessor's interest but will treat the lessee's interest like any other type of ownership interest in determining whether a mortgage on the leasehold is required. The lease must meet the requirements of § 1944.15(a)(5) (iv) and (v). In any State in which applicants are likely to own a leasehold interest, the State Director will issue a State Supplement outlining the technical requirements for making such loans.

(6) *Security by junior lien.* FmHA may take a junior mortgage as security for an RH loan if the tract which will secure the FmHA mortgage provides adequate security for the entire prior lien debt and the RH loan, and

(i) The prior mortgage does not contain provisions that may jeopardize FmHA's security position or the borrower's ability to repay the loan, such as provisions for future advances, forfeiture, cancellation, foreclosure without adequate notice to junior lienholders; or

(ii) Such provisions are satisfactorily limited, modified, or waived.

(7) *Liens junior to FmHA lien.* Liens junior to the FmHA lien will be allowed at closing or immediately subsequent to closing only when:

(i) The junior lien will not interfere with the purposes or repayment of the RH loan, and

(ii) The total amount of the RH loan, the junior lien, and any prior liens will not exceed the market value of the security except as provided in § 1944.17(c).

(8) *Undivided interest.* When the applicant owns an undivided interest in the property, the co-owners' interests need not be included in the mortgage in the following cases:

(i) When one or more of the co-owners are not legally competent, or cannot be located, or the ownership rights are divided among such a large number of co-owners that it is not practical for all their interests to be mortgaged, the mortgaging of interests not exceeding 50 percent may be excluded from the security requirements upon prior approval by the State Director. The State Director should review the County Supervisor's recommendation accompanied by a full statement of ownership and conditions which justify the exclusion. All legally competent co-owners using or occupying the property will be required to sign the mortgage. Co-owners will be required to sign the note when necessary for a sound loan or to obtain the required security. The loan may not exceed the percentage of the market value of the property represented by the interests of the owners who sign the mortgage. In determining such value, consideration will be given to any adverse effect which might result from sale of the mortgaged interests separately from the nonmortgaged interests.

(ii) When an applicent owns an undivided interest in part of a farm and seeks a loan to build or improve facilities on another part in which the applicant owns the entire interest, or the applicant owns only an undivided interest in a building site which will be a part of the farm, the interest of the applicant's co-owners may be excluded from the security requirements upon approval by the State Director if:

(A) The loan will be adequately secured by the applicant's equity in the wholly owned tract,

(B) The market value of the jointly owned tract is at least equal to the debts against it, and

(C) The applicant's participation in the joint ownership of part of the farm and its operations has been and is likely to continue to be successful.

(9) *Life estate.* When the applicant owns a life estate interest in the property, the remaindermen's interests need not be included in the mortgage if one or more of the remaindermen are not legally competent or cannot be located or if the remainder rights are divided among such a large number of remaindermen that it is not practicable to obtain the signatures of all the remaindermen. In that case, the mortgaging of remainder interests, not exceeding 50 percent of the total remainder interest may be excluded from the security requirements upon prior approval by the State Director. The State Director should review the County Supervisor's and District Director's recommendations accompained by a memorandum stating complete ownership information and circumstances which justify the exclusion. In such cases, the loan may not exceed the percentage of market value of the property represented by the interests of those remaindermen who sign the mortgage, determined with due regard to all adverse factors involved. Remaindermen will be required to sign the note when necessary for a sound loan or to obtain the required security.

(10) *Farm dwelling.* When the applicant is the owner of a farm, a mortgage may be taken only on the dwelling and dwelling site provided the following conditions can be met:

(i) The tract to be mortgaged must not include or be close to farm service buildings, must be in a good residential location, be otherwise suitable as a residential type of nonfarm tract, provide adequate security for the loan, be contiguous to and have direct access to a public road, or

(ii) The tract to be mortgaged must contain at least enough land to clearly provide adequate security for the loan and to make the tract readily saleable in the area.

(11) *Land purchase contract.* When the ownership interest is by virtue of a land purchase contract a prior lienholder's agreement must be obtained as required by Part 1807 of this chapter (FmHA Instruction 427.1, paragraph II F5.)

(c) *Additional security.* When necessary to supplement the applicant's equity in the farm or nonfarm tract on which the dwelling is located, or to facilitate servicing the loan, FmHA may also take a mortgage on other real estate owned by the applicant.

(d) *Assignment of income from real estate to be mortgaged.* Income to be received by the borrower from royalties, leases, or other existing agreements under which the value of the real estate security will be depreciated will be assigned and disposed of in accordance with § 1872.11 of Part 1872, of this Chapter (FmHA Instruction 465.1, paragraph XI), and the provisions for written consent of any prior lienholder. In small nonfarm tract cases, the State Director may authorize withholding transmittal of assignments to lessees for execution until production begins. The State Director may, in individual cases, waive the requirement of taking an assignment if repayment of the loan is reasonably assured from other sources.

§§ 1944.19–1944.21 [Reserved]

§ 1944.22 Refinancing debts.

(a) Refinancing of FmHA debts is not authorized.

(b) Loan funds may be used for refinancing non-FmHA debts only if the debt was incurred by the applicant prior to the date the application was filed and the following conditions can be met:

(1) The debt was incurred for purposes for which a Section 502 RH loan could be made or is a protective advance by the mortgagee for items covered by the mortgage to be refinanced, such as accrued interest, insurance premium or real estate tax advances or preliminary foreclosure costs.

(2) The debt must be a lien against the property which will be security for the RH loan. The promissory note and security instrument for the debt must represent rates and terms that were typical and customary for long-term residential financing in the area at the time the debt was incurred.

(3) A loan to refinance a qualified secured debt may also include short-term or unsecured debts, if necessary to establish a sound repayment ability, if such short-term or unsecured debts were incurred for authorized Section 502 loan purposes and are not a significant portion of the loan.

(4) Payments on the debt are so seriously delinquent, for reasons beyond the control of the applicant, that the applicant is likely to lose the dwelling at

an early date if the debt is not refinanced. Such deliquency must be due to loss of employment or income, illness, or such other similar events or unforeseen circumstances.

(5) A statement will be obtained for each debt to be refinanced showing the purpose for which the debt was incurred, the date on which it was incurred, the final due date, interest rate, amount and frequency of installments, amount of delinquency, unpaid pricipal and accrued interest.

(c) If a loand of $5,000 or more is necessary for repairs to correct major deficiencies to make the dwelling decent, safe and sanitary, an existing lien which meets the requirements of paragraph (b) (1), (2) and (3) of this section may be refinanced regardless of delinquency, if necessary for the applicant to have repayment ability for the existing loan and the requested loan for repairs.

(d) Debts or costs incurred after the date of application may be refinanced if the costs were incurred for:

(1) Fees for legal, architectural and other techical services, or

(2) Materials, construction or site acquisition.

(3) The County Supervisor may authorize the use of RH funds to pay costs provided for in paragraphs (d) (1) and (2) of this section only when all of the following conditions exist:

(i) The costs were incurred after the applicant filed a written application for a loan but before the loan was closed. In the case of a subsequent loan to complete improvements previously planned, the costs must have been incurred after the initial loan was closed.

(ii) The applicant is unable to pay such costs from personal resources or to obtain credit from other sources and failure to authorize the use of RH funds to pay such costs would jeopardize the applicant's capability of repaying the loan.

(iii) The construction or repair work conforms to that shown on the building plans and specifications or Form FmHA 424–1, "Development Plan." when applicable, and the costs were incurred for authorized Section 502 loan purposes.

§ 1944.23 Loans to Farm Ownership (FO), Individual Soil and Water (SW), and Recreation (RL) borrowers.

A Section 502 loan may be made to an FO, SW, or RL borrower or simultaneously with an FO loan and a loan from another lender if all conditions of this Subpart are met. In these cases, the borrower's current FO, SW, or RL loan may be reamortized in accordance with § 1951.40 of Subpart A of Part of this chapter.

§ 1944.24 Technical services.

(a) *Planning and performing construction work.* Any construction work will be planned and completed in accordance with Subpart A of Part 1924 of this chapter.

(b) *Planning and performing site development work.* Any site development will be planned and completed in accordance with Subpart D of Part 1804 of this chapter (FmHA Instruction 424.5).

(c) *Appraisal.* The value of property securing RH loans will be determined as follows:

(1) When a mortgage will be taken on a nonfarm tract or small farm, or on a leasehold interest in a nonfarm tract or small farm, to secure a total indebtedness of more than $7,500, an appraisal of the security property will be made in accordance with FmHA Instruction 422.3 (available in any FmHA office). A small farm for the purpose of this Subpart is a farm as defined in § 1944.2(h) of this Subpart which has value primarily as a residence rather than for the production of agricultural commodities, and repayment of the RH loan is not dependent on farm income.

(2) When a mortgage will be taken on a farm tract or leasehold interest in a farm tract to secure a total indebtedness of more than $7,500, an appraisal of the security property will be made in accordance with Subpart A of Part 1809, of this chapter (FmHA Instruction 422.1).

(3) When the total indebtedness will be not more than $7,500, an appraisal of the real estate or leasehold interest is not required, unless the County Supervisor or loan approval official is uncertain as to the adequacy of the security. When an appraisal is not completed the County Supervisor will document in the case file the estimated market value of the property.

(4) When a loan is being made to an FmHA real estate borrower and the FmHA appraisal report in the borrower's case folder indicates the value of the security property is adequate to secure the total real estate indebtedness, including the planned loan, an appraisal is not required.

(5) Real estate mortgaged as additional security will be appraised when it represents a substantial portion of the security for the loan or when requested by the loan approving official.

(d) *Title clearance and legal services.* (1) When real estate will be taken as security except on a best mortgage obtainable basis (including a mortgage on a leasehold), title clearance and legal services for making and closing the loan will be provided in accordance with Part 1807 of this chapter (FmHA Instruction 427.1). Title clearance and legal services will not be requested until the loan is approved.

(2) When real estate will not be mortgaged or when the best real estate mortgage obtainable is taken as security without title clearance or use of legal services, each applicant will be required to submit evidence of ownership of the farm or nonfarm tract. This may be the original or a certified or photostatic copy of the deed, purchase contract, or other instrument evidencing ownership. When the County Supervisor is uncertain as to whether or not the applicant is a qualified owner, such action will be taken as the County Supervisor considers necessary, such as requiring the applicant to furnish additional information or obtaining the advice of the OGC regarding the evidence of ownership submitted and any further information or action that may be needed. Proof of ownership need not be as much as that required by Part 1807 of this Chapter (FmHA Instruction 427.1). For example, it may include such evidence as the levy and payment, in the applicant's name, of taxes on the real estate and affidavits by others in the community to the effect that the applicant has occupied the property as the apparent owner for a given length of time and is believed and generally reputed to be the owner. No loan will be made if the County Supervisor has actual knowledge that the applicant does not have a valid title to the property.

§ 1944.25 Rates, terms, and source of funds.

(a) *Source of funds.* Insured loan funds from the Rural Housing Insurance Fund (RHIF) will be used for all Section 502 loans.

(b) *Interest rate per annum on unpaid principal.* Loans will be made at the interest rate(s) specified in FmHA Instruction 440.1, Exhibit B (available in any FmHA office). If only one interest rate is so specified such rate will be the maximum interest rate established for mortgages under section 203(b) of the National Housing Act by the Secretary of Housing, and Urban Development (HUD). If there are two interest rates for Section 502 insured RH loans specified in FmHA Instruction 440.1, Exhibit B, borrowers will pay the HUD rate if the annual payments required for principal and interest on existing Section 502 RH loans, if any, the annual principal and interest payments on the loan for which application is being made (with

payments calculated at the HUD rate), taxes, and insurance are not more than twenty percent (20%) of the borrower's adjusted annual income; in all other cases the borrower will pay the rate specified as the section 502 rate.

(c) *Amortization.* Each loan will be scheduled for repayment over a period not to exceed 33 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probability of depreciation of the security. A loan for $2,500 or less not secured by a real estate mortgage will be scheduled for repayment over a period not to exceed 10 years from the date of the note.

(d) *Interest credit.* Borrowers may be eligible for an interest credit subsidy which can reduce the borrower's effective interest rate to as low as 1 percent. The policies and procedures for granting and servicing interest credit on RH loans are set forth in § 1944.34.

§ 1944.26 Application processing.

(a) *Processing priorties.* Applications for section 502 RH loans will ve processed in accordance with § 1910.4[a) of this chapter except that applications for the following types of loans will have processing priority:

(1) Loans to refinance qualified debts in accordance with § 1944.22(b). Cases where the applicant is in immediate danger of losing the dwelling may be funded from National Office reserve funds if allocated funds are not available.

(2) Subsequent loans which are necessary to complete transfers by assumption, complete credit sales, or for essential improvements or repairs.

(b) *Application forms.* (1) Applications for Section 502 RH loans will be made on Form FmHA 410–4, "Application for Rural Housing Loans [Nonfarm Tract]", or Form FmHA 410–1, "Application for FmHA Services", which are available at local County Offices, and processed in accordance with Subpart A of Part 1910 of this chapter.

(2) If Form FmHA 410–4 does not provide sufficient information to clearly determine the applicant's repayment ability, or if the applicant needs credit counseling, Form FmHA 431–3 will be completed by the applicant and County Supervisor. In preparing Form FmHA 431–3 the following will be considered:

(i) Non-cash items (*e.g.*, food stamps, scholarships, free clothing, or transportation which help reduce the applicant's budgeted expenses) will be properly documented, and budgeted expenses will be reduced accordingly.

(ii) Income from all sources not used to determine adjusted annual income, such as earnings from employment of minors or full-time students, foster care payments, and similar income items, will be considered to the extent it is used to offset budgeted expenses even though such income will not be included in "annual income."

(3) An applicant who completes Form FmHA 410–1 will also complete Form FmHA 431–2 as prescribed in Subpart B or Part 1924 of this chapter. In preparing Form 431–2, the provisions of paragraphs (b)(2)(i) and (ii) of this section will apply to allow consideration of all income and non-cash items. When a loan is to be made to a non-operator farmowner, the columns in Tables B and C pertaining to the operator's share will be changed to the owner's share.
If an application is being considered early in the crop year for a borrower who has a current Form FmHA 431–2, such form will be revised to show changes in the financial statement and significant changes in the planned operation. However, if the crop year is well advanced or completed, a farm and home plan will be developed for the ensuring year. The applicant will also complete Form FmHA 431–1, "Long-Time Farm and Home Plan", when needed.

(4) When available funds are not adequate to complete the processing of all applications as they are received, a preliminary determination of eligibility will be made in accordance with §1910.8(c) of this chapter. Applicants who appear eligible based on information provided at time of application will be advised of the estimated waiting period and that a final determination of eligibility will be made when loan funds are available for the processing of their applications. Exhibit E should be used as a guide to notify applicants of preliminary eligibility. Applicants on the waiting list will be notified when funds are available and will be advised of information necessary to determine final eligibility for loan approval.

(c) *Applicant interview.* A personal interview will be conducted by FmHA employees with all applicants before approval of the requested loan. During the interview, the applicant will verify information, including any submitted by a packager or others, concerning the applicant's employment and income. The applicant will also verify information concerning persons who will occupy the dwelling and on whose income eligibility for the loan and any interest credit is based. The County Supervisor will inform the applicant, and reach an understanding with the applicant, as to the FmHA loan making and servicing authorities, and the responsibilities of the applicant or borrower. The *discussion* will include an explanation of all options of assistance which may be available to the applicant or borrower. A documentation of the items *discussed* will be placed in each applicant case file and will be dated and signed by both the applicant and County Supervisor. A copy will be provided to the applicant or borrower at the time of the personal interview. Exhibit D of this Subpart sets forth items which must be included and may be used as a guide in preparing the required documentation for this purpose. *No housing loan will be approved without such evidence that a personal interview has been completed.*

(d) *Credit counseling.* During the time of the applicant's initial interview and application processing, consultation will be provided as necessary to assist the applicant in preparing and understanding a meaningful budget, Form FmHA 431–2, or Form FmHA 431–3, which will reasonably reflect the applicant's repayment ability. County Supervisors will work closely with applicants to better understand all sources of income and cash substitutes. Credit and financial counseling will also be provided, as needed, to suggest financial management methods by which the applicant's success as a homeowner may most likely be achieved. When the County Supervisor determines that the applicant does not have sufficient income to repay the requested loan, other alternatives will be considered such as reducing amenities in the dwelling, selecting a less expensive dwelling or site, obtaining a cosigner, reduction of present debt load or when appropriate, building the dwelling by the self-help method.

(e) *Determining eligibility.* (1) The County Committee will determine eligibility of RH applicants who are also applying for or are indebted for a Farmer Program loan. The County Supervisor will determine eligibility for all other RH applicants.

(2) Repayment ability as outlined in § 1944.8(a)(2), will be evaluated on the circumstances surrounding the individual case including possible eligibility for interest credits as provided in § 1944.34. Obvious repayment ability may be determined by use of the short budget on Form FmHA 410–4. Form FmHA 431–3 will be completed by the applicant and the County Supervisor if eligibility cannot be clearly determined from the short budget. Under no condition(s) will arbitrary guidelines or "rules of thumb" be used. If the applicant(s) can verify payment of a

comparable or greater amount for housing costs for the previous 12 months, the applicant will be presumed to have repayment ability for the requested loan unless:

(i) Projected annual income is less than current or past income,

(ii) Planned expenses are proportionally greater than current expenses, when compared to income, or

(iii) The applicant has increased debts, or failed to pay existing debts in order to maintain the present standard of living.

(3) Credit history will be considered to the extent that it is used in evaluating all applicants for similar types and amounts of credit. For instance, credit requirements for a female applicant will not differ from those of a male applicant.

(4) The age of the applicant will not be used as a consideration of eligibility, except as provided in § 1944.9(d).

(5) The County Supervisor must determine whether the applicant could obtain housing credit elsewhere as follows:

(i) In any case in which a County Supervisor determines there is no possibility of the applicant's obtaining adequate housing credit elsewhere and, therefore, does not require the applicant to provide evidence that an effort has been made to obtain such credit, the County Supervisor will record that conclusion and the basis for it in the loan docket.

(ii) In any case where there may be a possibility that credit could be obtained from another source, the County Supervisor will require the applicant to make a diligent effort to obtain other credit.

(A) Applicants will be expected to apply for credit from lenders engaged in extending long-term housing credit in the area.

(B) Applicants should be advised to request lenders to indicate the amount, interest rate, and terms of housing credit they would be willing to extend to the applicant.

(C) When appropriate, the County Supervisor should verify evidence presented by an applicant that adequate credit is not available elsewhere.

(D) Letters from the lenders and any other evidence indicating that the applicant is unable to obtain credit elsewhere will be included in the loan docket.

(E) In no case will a loan be made to an applicant who is able to obtain the credit needed from another source at terms that can reasonably be expected to be within the applicant's repayment ability.

(f) *Veterans preference.* Veterans preference will apply when:

(1) There is a shortage of funds.

(2) Obligating froms are ready to be submitted to the Finance Office, and

(3) There is more than one application having the same date.

(g) *Optioning of real estate.* The County Supervisor should advise the applicant with respect to the size, design, quality, cost and location of the dwellings and dwelling sites suitable for the RH program. If possible this should be done before the applicant selects a property to be purchased. Form FmHA 440–34, "Option to Purchase Real Property", should be used; however, other option forms may be used if their provisions are acceptable.

(h) *Application assistance.* Builders, brokers, contractors, and others including organizations such as those providing self-help assistance, who can provide complete information on the applicant and the house that is to be purchased, may assist in the assembly and processing of loan applications. Form FmHA 1944–12 "Rural Housing Loan Application Package" will be used for this purpose. Builders or sellers who received conditional commitments may also assist applicants in applying for an RH loan to buy a house for which a conditional commitment was issued in accordance with § 1944.45. The County Supervisor will meet with such interested parties to explain:

(1) The eligibility requirements of RH loans,

(2) The size, design, cost and location of homes that can be financed,

(3) The requirements of FmHA Instruction 1901–E,

(4) How applications will be handled, and

(5) The type of information that must be submitted. The information to be submitted is listed in Exhibit A of this Subpart which may be used as a guide.

(i) *Appeal.* If the decision on the applicant's request for assistance is unfavorable and was based on appealable actions, the applicant will be notified of appeal rights as required by § 1910.6(b) and Subpart B of Part 1910 of this chapter.

§§ 1944.27–1944.29 [Reserved]

§ 1944.30 Preparation of loan docket.

(a) Forms and documents will be fastened in the designated filing positions of the case folder as prescribed in Exhibit A of FmHA Instruction 2033–A (available in any FmHA office). Appropriate loan docket forms will be prepared in accordance with the Forms Manual Insert (FMI) for distribution as follows:

Form No	Name of form	Total No of copies	No signed by borrower	Loan docket	Copy for borrower
FmHA 410-1	Application for FmHA Services	1	1-O	1-O	
FmHA 410-4	Application for Rural Housing Loans (Nonfarm Tract)	1	1-O	1-O	
FmHA1944-12	Rural Housing Loan Application Package	1		1-O	
FmHA 410-5	Request for Verification of Employment	1		1-O	
FmHA 410-7	Notification to Applicant on Use of Financial Information from Financial Institution	2		1-C	1-O
FmHA 410-8	Applicant Reference Letter	1		1-O	
FmHA 410-9	Statement required by the Privacy Act.	2	2-O and C	1-C	1-O
FmHA 431-2	Farm and Home Plan	1	1-O	1-O	(in record book)
FmHA 431-1	Long-Tame Farm and Home Plan	2	2-O and C	1-C	1-O
FmHA 431-3	Family Budget	2	2-O and C	1-C	1-O
FmHA 440-2	County Committee Certification or Recommendation	1		1-O	
FmHA 427-8	Agreement with Prior Lienholder (or similar form)	***3		1-O	1-C.
FmHA 440 34	Option to Purchase Real Property	****3	2-O and C	1-O	1-C.
FmHA 424-1	Development Plan (including any plans, specifications, and cost estimates)	**2	1-O	1-O	1-C
FmHA 422-1	Appraisal Report (Farm Tract) (with attachments)	1		1-O	
FmHA 427-9	Preliminary Title Opinion	2		1-O	1-C (Designated Attorney)
FmHA 1944-8	Interest Credit Agreement (Section 502 RH Loans)	3	1-O	1-O	1-C (Finance) 1-C.
FmHA 1940-1	Request for Obligation of Funds.	4	2-O and C	1-O	1-C.

Form No	Name of form	Total No of copies	No signed by borrower	Loan docket	Copy for borrower
FmHA 444-2	Single Family Housing Fund Analysis	4		1-C	
FmHA 440-35	Acceptance of Option	2	1-O	1-C	1-O +.
FmHA 440-41	Disclosure Statement for Loans Secured by Real Estate	3	(See FMI)	1-C	1-O
FmHA 440-42	Credit Sale Disclosure Statement.	3	(See FMI)	1-C	1-O
FmHA 440-43	Notice of Right to Rescind.	3	(See FMI)	1-C	2-O and C
FmHA 400-3	Notice to Contractors and Applicants	3		1-C	1-C 1-O (contractor)
FmHA 400-6	Compliance Statement	3		1-C	1-O (contractor) 1-C.
FmHA 440-9	Supplementary Payment Agreement.	2	1-O	1-O	1-C
FmHA 440-45	Nondiscrimination Certificate (Individual Housing).	2	2-O and C	1-O	1-C

O Original, C—Copy
**When contract method will be used, 3 copies of plans and specifications will be required.
***Copy to lienholder
****Signed copy of option previously delivered to seller.
+ Original to seller

(b) All other documents necessary for approval of the particular loan will be included in the loan docket. This will include the following or others as appropriate:

(1) A copy of Exhibit D, "Rural Housing Applicant Interview", or a similar document executed by the applicant.

(2) Credit report(s) on the applicant(s).

(3) Evidence of ownership such as a certified copy of the applicant's deed, lease, purchase contract, or other evidence specified in § 1944.24 (d), or a statement by the County Supervisor that such documents have been reviewed.

(4) Estimates of the value of any security for which a formal appraisal report is not required.

(5) Agreements from prior lienholders, if any, when necessary to comply with § 1944.18(b)(6) and § 1807.2(f) of this chapter (paragraph II F of FmHA Instruction 427.1).

(6) When the loan is to be secured by a junior real estate mortgage, the docket must include a copy of each prior mortgage and, if available, a copy of each secured note or other obligation, furnished by the applicant at the applicant's own expense. The docket must include a current statement signed by the mortgagee showing the amount of unpaid principal secured by the mortgage; the amount of any accrued interest; the amount of any delinquency, with interest and principal shown separately; and, if a copy of the note is not furnished, its maturity date, payment schedule, interest rate, and a summary of any other provisions of the note.

(7) When the applicant obtains a cosigner, the docket must include that cosigner's current financial statement, income statement, and employment or business history. This will be supplemented by a statement from the County Supervisor as to the cosigner's financial condition and reputation for paying debts, and any other information, such as a credit report, that will be of assistance to the loan approval official.

§ 1944.31 Loan approval.

(a) The State Director, District and Assistant District Directors, County and Assistant County Supervisors are authorized to approve or disapprove loans in accordance with FmHA Instruction 1901–A (available in any FmHA office).

(b) The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations and that funds are available for the loan.

(c) Prior to loan approval a new verification of employment will be required if more than 90 days have elapsed since the date of the last verification of employment, or if evidence is brought to the attention of the loan approval official that indicates the applicant's financial status has changed significantly.

(d) When a loan is approved, the loan approval official will:

(1) Indicate on all copies of Form FmHA 1940–1 any condition that must be met before the loan is closed. Also, the loan approval official will specify all security requirements that the applicant will need to meet, such as a first real estate lien or a junior lien subject to certain prior liens. If title evidence is required in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1) or in accordance with any special requirements for the loan but is not included in the docket, the loan may be approved subject to the applicant's furnishing the required title evidence. When the applicant furnishes required title evidence, the County Supervisor will proceed with processing the loan. In those cases in which the title evidence does not comply with the conditions specified by the approval official, the docket will be reconsidered by the loan approval official.

(2) Sign the approval certification on the original and one copy of Form FmHA 1940–1 and insert title in the space provided. The remaining copies will be conformed.

(3) If a loan is not approved after the docket has been developed, the reason for such action with date and initial of the approval official will be shown on the original Form FmHA 1940–1; the County Supervisor will notify the applicant in accordance with § 1910.6 (b) of this chapter.

(e) After the loan is approved the docket forms will be distributed as outlined below.

(1) *To the Finance Office.* (i) Form FmHA 1940–1 (first copy); (ii) Form FmHA 444–2 (original).

(2) *To the State Office.* If the loan is approved by the County Supervisor, or the District Director, an unsigned copy of Form FmHA 1940–1 (unless exempted by State Supplement) and a copy of Form FmHA 444–2 will be sent to the State Office. If the loan is approved in the State Office, an unsigned copy of Form FmHA 1940–1 and a copy of Form FmHA 444–2 will be retained in the State Office.

(3) *To the borrower.* A signed copy of Form FmHA 1940–1, the original of Form FmHA 440–1, and if applicable, the original and copy of Form FmHA 440–43.

§ 1944.32 Actions subsequent to loan approval.

(a) *Requesting a loan check.* (1) A loan check may be requested when all approval conditions can be met and necessary curative actions have been taken to provide a satisfactory title to real estate security. Form FmHA 440–57, "Acknowledgment of Obligated Funds/ Check Request," will be completed and a copy sent to the Finance Office to request the check.

(2) A loan check may be requested at the time of loan approval by entering the amount of the check requested on Form FmHA 1940–1 when one of the following conditions exist:

(i) The loan will be secured by a promissory note only, or

(ii) Real estate security will be taken and the County Supervisor is reasonably certain that satisfactory title evidence can be obtained and the loan can be closed within 21 days from the date of the check request.

(3) When not more than $4,000 of the loan funds will remain unexpended for more than 15 days after loan closing the

total amount of the loan will be requested in a single advance.

(4) If loan funds cannot be expended within 15 days the County Supervisor will enter in the appropriate "block" of Form FmHA 1940–1 the amount of loan funds to be disbursed at loan closing. Additional loan funds will be requested when, and in amounts, needed by submitting a completed copy of Form FmHA 440–57 to the Finance Office, or by telephone request if the additional funds cannot be received by the date needed using mail service. The County Supervisor should work with borrowers, developers, and others to be sure that funds will be available when needed and to reduce the multiple advances to a reasonable number. Any loan funds not requested by the "amortization effective date" for the loan, will be disbursed by the Finance Office to the County Office by check dated on the amortization effective date. The check will be deposited in the borrower's supervised bank account if it cannot be endorsed directly to a payee within 20 working days from the date of the check.

(b) *Handling loan checks.* (1) When the loan check or borrower's personal funds are to be deposited in the designated loan closing agent's escrow account, this will be done no later than the date of loan closing. If loan funds or borrrower's personal funds are to be deposited in a supervised bank account, this will be done in accordance with § 1902.6 of this chapter no later than the first banking day following the date of loan closing.

(2) If a loan check is received and the loan cannot be closed within 20 working days from the date of the check, the County Supervisor will take appropriate action in accordance with FmHA Instruction 102.1 (available in any FmHA office).

(c) *Cancellation of loan.* Loans may be cancelled before loan closing by the use of Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation", prepared in accordance with the FMI for that form. Checks received in the County Office will be returned with a copy of Form FmHA 440–10 to the Disbursing Center, U.S. Treasury Department, P.O. Box 3329, Kansas City, Kansas 66103. Interested parties will be notified of the cancellation as provided in § 1807.6 of this Chapter (FmHA Instruction 427.1). If the cancellation is not a voluntary action by the applicant, the applicant will be notified in accordance with § 1910.6(b) of this chapter.

(d) *Increase or decrease in amount of loan.* If it becomes necessary that the amount of the loan be increased or decreased prior to loan closing, the County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed.

(e) *Property insurance.* Buildings on the property which is to be taken as security for the loan will be insured in accordance with Subparts A and B of Part 1806 of this Chapter (FmHA Instructions 426.1 and 426.2) when appropriate.

§ 1944.33 Loan closing.

(a) *Loans approved with interest credit.* If the loan will be closed and Form FmHA 1944–6 or 1944–A6, "Interest Credit Agreement (section 502 RH Loans)", will be executed more than 90 days after the last "Verification of Employment", or if there is evidence to indicate the applicant's financial status has changed significantly, a current "Verification of Employment" will be obtained and the amount of interest credit will be determined on the basis of the applicant's new circumstances. If the adjusted income exceeds the low-income limit set forth in Exhibit C of this Subpart, the loan will not be closed unless authorized by the State Director. Such authorization may be granted if there is documented evidence to clearly indicate other credit is not available. Interest credit will not be granted in any case in which the adjusted income exceeds the moderate-income limit set forth in Exhibit C.

(b) *Loans approved without interest credit.* Further review of the applicant's financial status is not required at the time of closing unless the loan is closed more than 90 days after the date of loan approval, or there is evidence to indicate the financial status has changed significantly. If the adjusted income exceeds the limit for moderate income set forth in Exhibit C of this Subpart, the case will be referred to the State Director. The State Director may authorize closing of the loan if there is documented evidence to clearly indicate other credit is not available.

(c) *Promissory note.* Form FmHA 440–16, "Promissory Note", will be prepared and signed in accordance with Part 1807 of this chapter (FmHA Instruction 427.1), and the FMI for the form.

(1) The payment alternatives of the note will be completed in accordance with the FMI for the form. Payments of principal and interest will be deferred during the period the dwelling is not expected to be suitable for occupancy as a residence because of construction or repairs to be made. In such cases if the loan is closed before any funds are advanced by the Finance Office or loan funds are distributed by multiple advance, accrued interest is added to principal and repaid in regular amortized installments (payment alternative II) after the deferment period.

(2) The payment provision of the note will be completed in accordance with the FMI for the form and the following:

(i) The monthly payment provision will be used for all borrowers who regularly receive monthly income and who can repay the loan in 12 equal monthly payments.

(ii) The annual payment provision will be used only for borrowers who do not regularly receive monthly income throughout the year. If installments are not to be deferred, the following provisions apply:

(A) The amount of the first installment will be determined by the County Supervisor after considering the immediate debt paying ability of the borrower. The amount of the first installment may be less, but not more, than a regular annual installment.

(B) The amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to the next January 1.

(C) Form FmHA 440–9 should be used to supplement this payment provision to facilitate servicing of loans for borrowers who pay more than one time a year.

(d) *Real estate mortgage.* Form FmHA 427–1, "Real Estate Mortgage for *(state)*" will be used for loans to be secured by a real estate mortgage. Any changes made in the text by deletion, substitution, or addition (excluding filling in blanks) will be initialed in the margin by all persons signing the mortgage. Additions will be made on the mortgage in the following cases:

(1) For a loan secured by a mortgage on a leasehold, the following language, or similar language which in the opinion of OGC is legally adequate, will be inserted in the mortgage just before the legal description of the real estate:

All Borrower's right, title, and interest in and to the leasehold estate for a term of years beginning on , 19 , created, executed and established by certain Lease dated , 19 , by as lessor(s), and recorded at Book , Page of the Records of said County and State, and any renewals and extensions thereof, and all Borrower's right, title, and interest in and to said Lease, covering the following real estate:

(2) For a loan secured by a mortgage on a leasehold an additional covenant will be inserted in the mortgage to read as follows:

Borrower will pay when due all rents and any and all other charges required by said Lease, will comply with all other

requirements of said Lease, and will not surrender or relinquish, without the Government's written consent, any of Borrower's right, title or interest in or to said leasehold estate or under said Lease while this instrument remains in effect.

(3) For all initial and subsequent Section 502 RH loans, until the mortgage forms are revised, the following additional covenant will be inserted above the signature line on the mortgage and be initialed at loan closing by all parties signing the mortgage.

This instrument also secures the recapture of any interest credit or subsidy which may be granted to the borrower(s) by the Government pursuant to 42 U.S.C. 1490a.

(e) *Collection of first installment.* If the annual payment provision of the note is used and payments are not deferred, the first installment of a loan closed during December will be collected at the time of loan closing.

(f) *Direct payments.* Direct payment cards for all new borrowers, including transferees, will be retained in the County Office until the borrower has made at least three monthly payments on time. The cards may then be delivered to the borrower and payments made directly to the Finance Office.The County Supervisor may retain the payment cards for a longer period if such action is considered to be necessary to determine that the borrower is able to make timely payments as agreed. Payments made to the County Office will be forwarded to the Finance Office with the appropriate direct payment card in the Finance Office mail. Cash payments, refunds, and extra payments made by borrowers will be handled in accordance with Subpart B of Part 1951 of this chapter.

(g) *Owner's policy of title insurance.* If an owner's policy of title insurance is obtained, it will be delivered to the borrower as soon as it is received from the title insurance company.

(h) *Real estate mortgage after filing.* When the real estate mortgage is returned by the filing official or loan closing official, the original will be filed in the borrower's case folder. If the original is retained by the filing official in the official records, a copy conformed to show the recording data including the date and place of recording and the book and page number will be filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower.

(i) *Effective date of loan closing.* A loan secured by a real estate mortgage is closed when the mortgage is filed for record. In other cases a loan is closed when the borrower executes the note and any other required instruments.

(j) *Water stock certificate or other such collateral.* When water stock certificates or other such collateral are part of the security, they will be retained in the County Office. A notation will be made on Form FmHA 1905–1, "Management System Card-Individual", or Form FmHA 1905–5, "Management System Card-Individual (RH Only)", as appropriate, showing that such security has been retained.

(k) *Account record and case folder.* The account record and case folder will be established in accordance with FmHA Instructions 2033–A and 1905–A (available at any FmHA office).

§ 1944.34 Interest credit.

(a) *General.* It is the policy of FmHA to grant interest credit on loans to low-income borrowers to assist them in obtaining decent, safe, and sanitary dwellings and related facilities.

(b) *Definitions.* (1) *Annual payment borrowers.* Borrowers who signed promissory notes providing for annual payments, including borrowers converted to monthly payments through the use of Form FmHA 451–34, "Direct Payment Plan Change".

(2) *Monthly payment borrowers.* Borrowers who signed promissory notes providing for monthly payments.

(3) *Review period.* The review period for an annual payment borrower will be the months of August, September, and October. The review period for a monthly payment borrower will be the third, fourth, and fifth months prior to the anniversary date of the borrower's current Interest Credit Agreement.

(4) *Real estate taxes.* Real estate taxes for interest credit purposes means the amount of real estate taxes and assessments that will actually be due and payable on the dwelling and the dwelling site during the interest credit period, reduced by the amount of any tax exemption available to the borrower, regardless of whether such exemption is actually claimed. Tax exemptions may include such things as homestead exemptions, special exemptions for low-income families, senior citizens, veterans and others.

(c) *Approval authority.* Those FmHA officials who are authorized to approve Section 502 loans are also authorized to approve the Interest Credit Agreement.

(d) *Amount of interest credit.* (1) Loans qualified to be considered in the interest credit calculation include only those advanced for authorized Section 502 RH purposes and which are a lien against the FmHA security by virtue of a prior mortgage or a junior mortgage consented to by FmHA. Except as provided in paragraph (d)(2) of this section, the amount of interest credit granted will be the lesser of:

(i) The difference between 20 percent of the borrower's adjusted annual income and the sum of the annual installments due at the note interest rate on qualified loans plus the cost of real estate taxes and insurance, or

(ii) The difference between the annual installment due on the FmHA promissory notes eligible for interest credit and the amount the borrower would pay if the loan(s) were amortized at an interest rate of 1 percent.

(2) For repair and rehabilitation loans which meet the requirements of paragraph (f) (5) of this section, interest credit will be granted in an amount to achieve the following effective interest rates:

(i) For borrowers whose adjusted annual income is not more than $5,000, interest credit will be calculated to reduce the effective interest rate to 1 percent.

(ii) For borrowers whose adjusted annual income is more than $5,000 but not more than $7,000, interest credit will be calculated to reduce the effective interest rate to 2 percent.

(iii) For borrowers whose adjusted annual income is more than $7,000 but not more than $10,000, interest credit will be calculated to reduce the effective interest rate to 3 percent.

(3) Borrowers qualifying for interest credit assistance under both paragraphs (d)(1) and (d)(2) of this section will be granted only the one type of interest credit assistance that is most beneficial to them. Interest credit on initial and subsequent loans will always be the same type. There is no provision for switching from one type of interest credit to the other.

(e) *Recapture.* At the applicant interview, the County Supervisor will advise all section 502 RH applicants that interest credit is subject to recapture. Applicants who receive interest credit will be required to sign a "Subsidy Repayment Agreement" (Subpart I of Part 1951, Exhibit A of this chapter) at the time the initial interest credit agreement is signed.

(f) *Eligibility.* To be eligible for interest credit, a borrower must qualify for a Section 502 loan, must personally occupy the dwelling, and must meet the following additional requirements:

(1) *Initial loans.* Interest credit may be granted at loan closing if:

(i) The borrower's adjusted annual income does not exceed the applicable low-income limit in Exhibit C.

(ii) The borrower's net worth does not exceed $7,500 (a maximum net worth of $10,000 will be allowed for senior

citizens) unless an exception is authorized. The calculation of net worth will exclude the value of the dwelling and dwelling site, cash on hand which will be used to reduce the amount of the loan, and household goods and the debts against them. For the purpose of determining whether an exception is justified, consideration will be given to the nature of the assets, particularly whether they are assets upon which a borrower is currently dependent for a livelihood or which could be used to reduce or eliminate the need for interest credit. The District Director may authorize exceptions of the net worth limitation up to $20,000. Cases recommended by the State Director for which the net worth exceeds $20,000 will be submitted to the National Office for authorization to grant interest credit.

(iii) The term of the loan is for 33 years, unless authorized otherwise by the State Director, based on complete documentation of the justifiable reasons on an individual case basis. Interest credit will not be granted on loans with a term of less than 25 years, except as provided in paragraph (f)(5) of this section.

(iv) The loan was approved on or after August 1, 1968.

(v) The amount of interest credit will be $5 or more per month or $60 or more annually.

(2) *Subsequent loans.* Interest credit may be granted on subsequent loans which meet the requirements of paragraph (f)(1) of this section or the following conditions:

(i) Interest credit is presently being or will be granted on the initial loan and the borrower's adjusted income does not exceed the moderate-income limit for the State as shown in Exhibit C, and

(ii) The sum of interest credit being granted on the initial and subsequent loans will be $5 or more per month or $60 or more per year.

(3) *Reamortization, transfers and credit sales.* Interest credit may be granted to a borrower buying an inventory dwelling or assuming an RH loan, or when a loan approved after August 1, 1968, is being reamortized provided:

(i) The requirements of paragraph (f)(1) of this section are met except that if the loan being assumed was initially approved before August 1, 1968, the assumption must be on new terms.

(ii) The loan will be reamortized for a term of 25 years or more except as provided in paragraph (f)(5) of this section.

(iii) The note being assumed is not an above-moderate loan.

(4) *Existing loans.* Interest credit may be granted at any time after loan closing if:

(i) The requirements of paragraph (f)(1) of this section are met.

(ii) The loan was approved as a "low or moderate" section 502 loan on or after August 1, 1968.

(iii) The borrower requests interest credit, or the County Supervisor determines that interest credit is needed to enable the borrower to repay the loan. In the case of married borrowers, when one spouse has left the dwelling due to marital discord, interest credit based on the remaining spouse's income may be extended to the remaining spouse if:

(A) The remaining spouse is occupying the dwelling, owns a legal interest in the property, and is liable for the debt;

(B) The FmHA loan account is put in the remaining spouse's name;

(C) Legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings, or one spouse has not been living in the dwelling for at least six months. Interest credit will not be granted if separation is due only to work assignment or military order; and

(D) The remaining spouse is informed and agrees that should the spouse begin to live in the dwelling, that spouse's income will then be counted toward annual income and interest credit may be reduced or cancelled.

(5) *Repair and rehabilitation loans.* Interest credit may be granted on section 502 RH loans made to repair or rehabilitate a dwelling already owned by the applicant provided the following conditions are met:

(i) The initial interest credit will be granted at the time of loan closing;

(ii) The dwelling is, or will be, occupied by an eligible borrower after the loan is made;

(iii) The amount of the loan will not exceed $10,000, or be amortized for not more than 25 years;

(iv) The applicant's adjusted annual income does not exceed $10,000;

(v) The repairs will be made to bring a substandard dwelling up to the standards outlined in § 1944.16(c); and

(vi) The net worth requirements in paragraph (f)(1)(ii) of this section are met.

(g) *Processing interest credit.* (1) *General.* The amount of interest credit for which a borrower may be eligible will be determined by use of Form FmHA 1944–6 or Form FmHA 1944–A6 as outlined in paragraph (d) of this section.

(i) *Determination of income.* The County Supervisor is responsible for determining the borrower's adjusted annual and annual income as defined in § 1944.2, paragraphs (b) and (c) respectively, of this Subpart. A borrower interview will be conducted in all cases for granting initial interest credit. Form FmHA 410–5 will be used to verify the earnings from employment of all persons whose income is included in "Annual Income".

(ii) *Effective period.* Interest Credit Agreements on loans made to monthly payment borrowers will be effective for a two-year period. For annual payment borrowers the agreement will be in effect until the second December 31 after the effective date. The effective date will be as indicated on the FMI for Form FmHA 1944–6.

(iii) *Partial year interest credit.* For an annual payment borrower with an initial installment less than a regular installment, and who will receive less than a full year of interest credit assistance, the interest credit granted will be a pro rata portion calculated on the number of months left in the current calendar year, including the month in which the loan is closed.

(iv) *Advance from the insurance fund.* The repayment schedule for advances made from the Rural Housing Insurance Fund will be computed at the interest rate shown on the promissory note. However, interest will accure and payments will be applied on the amount advanced at the reduced interest rate in effect at the time of payment.

(v) *Preparation of the transaction record.* For borrowers receiving interest credit, the following changes will be shown on Form FmHA 451–26, "Transaction Record", when prepared by the Finance Office:

(A) *Interest rate field.* The interest rate field of the form will continue to show the interest rate on the note. The Finance Office will compute the effective interest rate charged the borrower based on the amount of interest credit granted. The computed rate, rounded to the nearest ⅛ of a percent, will be shown as a footnote on the form as "Interest Rate reduced to ——%". Subsequent transactions will be applied to the loan by the Finance Office at the reduced interest rate until such time as renewal, change, or cancellation occurs.

(B) *Daily interest accrual field.* The daily interest accrual will be shown at the reduced interest rate and the interest will accrue at the same interest rate until such time as the interest credit is renewed, changed, or cancelled.

(C) *Application of credit field.* The initial transaction record form will not have an entry in the "Application of

Credit" field. The Interest Credit Transaction Code for this method of processing interest credit will be 4 Z.

(D) *Payment status field.* The payment status field will not reflect the dollar amount of the interest credit granted. No entry will be made for monthly payment borrowers.

(E) *Minimum amount due by date shown field.* For annual payment borrowers, the amount of the installment, reduced by the amount of interest credit granted, will be shown. For monthly payment borrowers the word "monthly" will be entered in the space provided.

(2) *Initial and subsequent loans.*—(i) *County office action.* The County Supervisor will:

(A) Determine the borrower's adjusted annual income and document the calculations in the case file running record.

(B) Enter on Form FmHA 1940–1, the adjusted annual income, the estimated real estate taxes that will become due and payable during the first and second years of the agreement, and the amount of the annual property insurance premium for the dwelling.

(C) For initial loans approved with interest credit and closed under the multiple advance feature of the loan disbursement system outlined in Subpart A of Part 1902 of this chapter, further review of the borrower's financial status is not required unless the Interest Credit Agreement will be approved more than 90 days after the last "Verification of Employment", or there is evidence which indicates the borrower's financial status has changed significantly. If prior to approval of the Interest Credit Agreement the County Supervisor finds that the adjusted income has increased, interest credit will be granted on the basis of the borrower's new circumstances. Interest credit will not be granted if the borrower's adjusted income exceeds the moderate-income limit indicated in Exhibit C of this subpart.

(D) Complete and submit a corrected Interest Credit Agreement to the Finance Office when the loan is closed, or at the amortization effective date, if the borrower's circumstances have changed so that the amount of interest credit would be increased or decreased by at least $5 monthly or $60 annually.

(ii) *Finance office actions.* The Finance office will:

(A) Enter the information concerning adjusted annual income, the estimated real estate taxes, and the insurance premium on Form FmHA 440–57.

(B) Calculate the amount of interest credit to be granted to the borrower. The amount of interest credit will be determined from the information initially shown on Form FmHA 1940–1.

(C) Prepare and mail Form FmHA 1944–A6 to the County Office when the final loan check is issued. Upon receipt, the form will be completed and a copy returned to the Finance Office only when indicated on the form.

(D) Prepare and issue payment cards to the County Office.

(3) *Reamortization, credit sales and transfers.* Interest credit to a borrower whose loan is being reamortized, or a borrower who assumes an RH loan or purchases property from inventory will be calculated by the County Office on Form FmHA 1944–6. A copy of Form FmHA 1944–6 will be forwarded to the Finance Office along with the copy of the Reamortization Agreement, Advice of Mortgaged Real Estate Sold, or Assumption Agreement. The Finance Office will issue payment cards to the County Office.

(4) *Existing loans.* Interest credit granted in accordance with paragraph (f)(4) of this section can be processed at any time in the same manner as interest credit on initial loans, except that the County Office will complete Form FmHA 1944–6 and calculate the amount of interest credit assistance the borrower will receive. A copy of Form FmHA 1944–6 will be used to send interest credit information to the Finance Office. The daily interest accrual will be reduced as of the effective date entered on the form or as of the date the last cash credit was made to the account, whichever is later.

(h) *Interest credit modification.* (1) *Before expiration.* When approving a change in interest credit assistance before the expiration of a current Interest Credit Agreement in accordance with paragraph (i)(3) of this section, the County Supervisor will again interview the borrower, determine the borrower's adjusted annual income and document the findings in the case file running record. A Form FmHA 1944–6 will be completed in accordance with the FMI and a copy of the form will be forwarded to the Finance Office. The Finance Office will adjust the daily interest accrual as of the date entered on the form or as of the date of the last cash credit made to the account, whichever is later.

(2) *Correction of Interest Credit Agreements.* A corrected Interest Credit Agreement will be prepared if the borrower is still eligible to receive interest credit. The corrected agreement will be submitted to the Finance Office only after the borrower's appeal right has expired or, if the borrower has filed an appeal, after a final decision has been made. In such cases, a Form FmHA 1944–6 showing the proper amount of interest credit which the borrower is entitled to receive will be submitted to the Finance Office to replace the incorrect agreement. The notation "Corrected in accordance with § 1944.34" will be entered on the face of the form. The Finance Office will cancel the incorrect Interest Credit Agreement as of its effective date. Payments made under the previous agreement will be reversed and reapplied at the adjusted interest rate of the new Interest Credit Agreement.

(3) *Interest credit renewal.*—(i) *Initiation of renewal action.* At the beginning of the review period, the Finance Office will mail to the County Office a list of borrowers whose Interest Credit Agreements are expiring, together with a package to be mailed by the County Supervisor to each borrower. The package will contain the following:

(A) A letter of explanation and the instructions for completing the Interest Credit Agreement (Exhibit F of this subpart).

(B) Form FmHA 1944–A6 (3 parts with carbon interleaved).

(C) Two Forms FmHA 410–A5, "Request for Verification of Employment". The County Office name and address will be preprinted in the space provided.

(D) Two window envelopes to be used by the employer(s) to mail the Verification of Employment form(s) to the County Office.

(ii) *Borrower responsibility.* Upon receipt of the package, the borrower will give one copy of the Verification of Employment form to the employer or employers of each member of the household who has income to be considered. A window envelope will be provided each employer to facilitate the mailing of the Verification of Employment form directly to the County Office. The borrower will also complete part II of the Interest Credit Agreement form (leaving carbon intact), sign the original form and bring the original and all copies to the County Office.

(iii) *County office actions.* The County Supervisor, or designee, will:

(A) Maintain the list of borrowers as a record of Interest Credit Agreements processed and sent to the Finance Office.

(B) Conduct an interview with the borrower to review the information on Forms FmHA 1944–A6 and 410–A5 for completeness and accuracy. The interview should, whenever possible, be a personal contact.

(c) Determine the adjusted annual income and document the calculations in the case file running record.

(D) Complete the Interest Credit Agreement and send a copy of the agreement to the Finance Office. If an annual note installment borrower is not eligible for interest credit, enter "0" in the blocks which indicate the amount of interest credit and send a copy of the agreement to the Finance Office. For monthly note installment borrowers not eligible for interest credit a copy of the agreement need not be sent to the Finance Office.

(E) If the Form FmHA 1944–A6 is mutilated or unusable, transfer *all* information preprinted on the form to a new Form FmHA 1944–6 to be signed by the borrower and submit the completed form to the Finance Office.

(F) Retain the original of the Interest Credit Agreement and return the other copy to the borrower.

(G) Notify by letter borrowers not eligible for continued interest credit and those whose interest credit has been reduced of the amount of their revised payments. The letter must notify the borrower of the right to appeal as outlined in § 1944.34(1). A new Form FmHA 440–9 will be obtained when needed.

(iv) *Finance Office actions.* The Finance Office will:

(A) Upon receipt of Form FmHA 1944–A6 from the County Office, send the borrower or the County Office a new set of payment cards.

(B) Before the end of the review period, send the County Office a list of borrowers for whom a renewal Interest Credit Agreement has not been received. The County Office staff will place a checkmark in the appropriate column of the list to indicate those borrowers who are no longer eligible for interest credit or whose agreements will not be renewed. The original of the completed list will be retained in the County Office and a copy returned to the Finance Office.

(v) *Processing interest credit renewals not received during the review period.* The County Supervisor may approve interest credit renewals not completed during the review period. They will be handled as follows:

(A) The amount of interest credit assistance granted will be based on the borrower's planned annual income during the first year of the agreement. The effective date of the Interest Credit Agreement will be as indicated on the FMI for Form FmHA 1944–6.

(B) Payments made by the borrower after the expiration date of the previous Interest Credit Agreement will be applied at the note interest rate until the Finance Office receives a new Form FmHA 1944–6.

(C) Upon receipt of Form FmHA 1944–6, the Finance Office will reduce the daily interest accrued in accordance with the following conditions and limitations:

(*1*) If failure to renew was due to error or oversight by FmHA, the State Director will authorize the Finance Office to reduce the interest accrual as of the effective date entered on the form and reverse and reapply payments processed after the effective date. Such authorization must be in writing.

(*2*) In all other cases the Finance Office will reduce the daily interest accrual as of the effective date entered on the form or as of the date of the last cash credit made to the account, whichever is later.

(i) *Eligibility Review.* The eligibility of those borrowers currently receiving interest credit will be reviewed as follows:

(1) *Biennial review.* The eligibility of all borrowers will be redetermined biennially during the review period.

(i) If the borrower's net worth increases above the applicable eligibility limit, interest credit may nevertheless be renewed unless the increase is sufficient to enable the borrower to graduate to another source of credit.

(ii) Interest credit will not be renewed if:

(A) The amount of interest credit for which the borrower qualifies is less than $5 monthly or $60 annually, or

(B) The borrower's adjusted annual income exceeds the moderate-income limit set forth in Exhibit C of this subpart.

(iii) Interest credit will not be renewed if the borrower has enlarged or improved the dwelling or added related facilities so that the housing exceeds modest standards for size, design, and cost for previously occupied homes as compared to other housing in the locality for low- and moderate-income families.

(2) *Renewals not completed during the review period.* When the borrower's renewal Interest Credit Agreement is not completed during the review period, it will be processed in accordance with § 1944.34(h)(3)(v).

(3) *Change in borrower's circumstances.* The County Supervisor is not responsible for monitoring whether a borrower's income, family size, real estate taxes, or insurance costs have changed after an Interest Credit Agreement is approved. If, however, it becomes known that the borrower's circumstances have changed so that the amount of interest credit assistance the borrower is eligible to receive has increased or decreased, the County Supervisor will take action in accordance with the following:

(i) *Increased adjusted income.* If the County Supervisor determines that the borrower's income exceeds the applicable moderate-income limit in Exhibit C, or that the amount of interest credit for which the borrower qualifies is less than $5 per month or less than $60 per year, interest credit will be cancelled in accordance with § 1944.34(k) effective the date the County Supervisor becomes aware of the situation. If the interest credit will be decreased by $15 or more per month or $180 or more per year a revised interest credit agreement will be submitted to the Finance Office. In the latter case if the term of the agreement has less than five months remaining, no action will be taken until the review period and the change will be effective at the expiration of the current agreement.

(ii) *Decreased adjusted income.* Changes in interest credit may be approved at any time if the amount of interest credit the borrower is eligible to receive is increased by at least $15 per month or $180 per year. Such changes noted during the review period will not be effective until the expiration of the current agreement. Cases involving marital separation must meet the requirements of paragraph (f)(4)(iii) of this section before existing interest credit can be increased.

(j) *Improper interest credit.* (1) *When to take action.* Servicing under this section will be taken when, at the time of interest credit approval, incorrect information was provided by a borrower or any other person or an error by any FmHA employee results in the borrower receiving improper interest credit of $5 or more per month or $60 or more annually.

(2) *Determining improper interest credit.* Whenever there is a reason to believe a borrower was granted improper interest credit the County Supervisor will immediately reverify the information on which the interest credit was based. The County Supervisor will determine if improper interest credit was granted. If there is reason to believe there may be fraud or fiscal irregularities the complete case file together with all facts will be submitted to the State Director. If the State Director believes there is indication of fraud or fiscal irregularity, further investigation will be considered as provided in FmHA Instruction 2012–B (available in any FmHA office). If there is no indication of fraud or fiscal irregularity the case will be returned to the County Supervisor for appropriate corrective action.

(3) *Falsification or error by borrower.* The following actions will be taken when it is determined that excessive interest credit was granted because the borrower intentionally or otherwise provided incorrect information.

(i) The County Supervisor will inform the borrower by certified mail (return receipt requested) of the intent to cancel the Interest Credit Agreement and the effective date of such cancellation. The notice to the borrower will include the right to appeal as provided in § 1900.56 of this chapter. The borrower will also be informed of the amount of monthly payment required after proper corrections are made. A corrected Interest Credit Agreement will be prepared if the borrower remains eligible for a reduced amount of interest credit. The corrected agreement or cancellation will be submitted to the Finance Office only after the borrower's appeal right has expired or if the borrower has filed an appeal and a final decision has been made.

(ii) If the borrower does not appeal, or it is determined that the appeal is not valid, the case will be handled by one of the following methods:

(A) The State Director will request the Finance Office to cancel the Interest Credit Agreement as of the effective date of the current Form FmHA 1944–6 or earlier Form FmHA 1944–6 involved in the period of review or investigation. The Finance Office will then reapply any payment to the account at the note rate of interest or at the rate of the corrected Interest Credit Agreement and will notify the County Supervisor and borrower of any adjustment made in the account.

(B) If the borrower's action appears to have been deliberate and a major error occurred, liquidation may be warranted. For example, such actions may be taken if the information obtained indicates that the borrower was not eligible for an RH loan. Such a borrower will be asked to repay the RH loan by refinancing or otherwise satisfying the account. In other cases, the borrower may already be in default and the fact that the borrower had not correctly reported income may justify liquidation of the loan. The State Director may authorize the account to be repaid under an acceleration agreement if the conditions of § 1872.17(g) of this chapter (FmHA Instruction 465.1 paragraph XVII G) are met.

(C) When falsified information is provided to FmHA in order to qualify the borrower for interest credit (for example, a packager provides information for a borrower), but there is evidence that the borrower is not at fault or definitely did not intend to provide false information, the borrower will be requested to pay the loan in full, including any improper and excessive interest credit that may have been granted. If, however, the borrower is unable to satisfy the account and the State Director determines that the Government's financial interest would not be jeopardized by leaving the loan outstanding, and that it would be inequitable to call it, the loan may be continued.

(D) In cases for which immediate liquidation is not warranted and the State Director determines the loan may be continued, the County Supervisor will make a diligent effort to obtain a lump sum restitution of the improperly advanced interest credit. If the borrower is unable to pay by lump sum payment Form FmHA 451–37 will be used to establish a new repayment schedule. The borrower will be charged interest on the improperly advanced interest credit at the same rate charged on the principal indebtedness.

(4) *Error by FmHA employee.* (i) When the borrower presented correct information and an FmHA employee erroneously granted excessive credit, the following action will be taken:

(A) The County Supervisor will inform the borrower by letter of the action to be taken and of the right to appeal as provided in paragraph (1) of this section.

(B) A cancellation of interest credit or a corrected interest credit agreement will be submitted to the Finance Office only after the borrower's appeal right has expired or if the borrower has filed an appeal and a final decision has been made. The State Director will authorize the Finance Office in writing to reverse and reapply payments made since the effective date of the cancellation or the corrected agreement. The Finance Office will then reapply any payments made on the account during the period in which incorrect interest credit was granted. Interest will be charged at the note rate or at the corrected interest credit rate as provided in paragraph (h)(2) of this section. The amount of improper interest credit will be charged to the borrower's account and become immediately due and payable. The County Supervisor and borrower will be notified of adjustments made in the account.

(C) If the Interest Credit Agreement is cancelled, the County Supervisor will make a diligent effort to obtain a lump sum restitution of the improperly advanced interest credit from the borrower. If this cannot be done, the County Supervisor will take one of the following courses of action:

(*1*) If the borrower can repay the improperly advanced interest credit over a reasonable period of time, the County Supervisor will use Form FmHA 451–37 to establish a new repayment schedule. The borrower will be charged interest on the improperly advanced interest credit at the same rate charged on the principal indebtedness.

(*2*) If the County Supervisor determines that the borrower is unable to repay the improperly granted interest credit, that fact should be documented and the case forwarded to the State Director for review. If the State Director concurs with the findings of the County Supervisor, the case will be forwarded to the National Office with recommendations that the improperly advanced interest credit be forgiven.

(ii) When an error by an FmHA employee results in too little interest credit being granted a corrected agreement will be prepared effective the date of the error, if the error is $5 or more per month or $60 or more per year.

(k) *Cancellation of interest credit agreements.*—(1) *Reasons for cancellation.* An existing Interest Credit Agreement will be cancelled whenever:

(i) The borrower has never occupied the dwelling and FmHA will not continue with the loan.

(ii) The borrower ceases to occupy the dwelling.

(iii) The borrower sells or conveys the title to the property.

(iv) The borrower has received improper interest credit as outlined in § 1944.34(j) and a corrected Interest Credit Agreement will not be submitted.

(v) The borrower has an increase in income as outlined in § 1944.34(i)(3)(i) and is no longer eligible for interest credit.

(vi) The borrower has enlarged or improved the dwelling or added related facilities so that the housing exceeds modest standards for size, design and cost for previously occupied homes compared to other housing in the locality for low- and moderate-income families.

(2) *Effective date of cancellation.* The effective date of cancellation for paragraph (k)(1)(i) of this section will be date of loan closing. The effective date of cancellation for paragraphs (k)(1) (ii), (iii) and (iv) of this section will be the date on which the earliest action occurs which causes the cancellation. If the date cannot be determined, the date on which the County Supervisor became aware of the situation will be used. The effective date of cancellation for paragraph (k)(1) (v) and (vi) of this section will be the date on which the County Supervisor became aware of the situation. When an account has been accelerated and none of the conditions outlined in paragraph (k)(1) of this

section exist, the Interest Credit Agreement will remain in effect until the final foreclosure action is completed. However, if the existing agreement expires before the foreclosure action is completed an interest credit renewal agreement will not be prepared. If foreclosure action is dismissed, withdrawn or terminates without sale of the property or payment of the loan in full a renewal agreement will be prepared with an effective date as of the expiration of the previous agreement.

(3) *Notification to the Finance Office.* The County Supervisor will determine the date of cancellation and notify the Finance Office on Form FmHA 1944–15, "Interest Credit Agreement Cancellation (section 502 RH Loans)." The Finance Office will process the cancellation and will accrue interest from the date of cancellation at the rate of interest shown on the promissory note. Prompt notification to the Finance Office, using Form 1944–15, is extremely important, as any transaction affecting the borrower's account subsequent to cancellation will be incorrect if cancellation action has not been completed by the Finance Office.

(l) *Applicant or borrower notice of right to appeal.* All applicants or borrowers who request and are denied interest credit or whose interest credits are reduced, cancelled, or not renewed, will be notified of their appeal rights as required by § 1900.56 of this chapter except when:

(1) Interest credit is denied and the borrower acknowledges income is above published limits, or

(2) Interest credit is reduced because of income increases which the borrower acknowledges.

(m) *Submission to National Office.* The State Director may submit to the National Office for determination by the Administrator or a delegate any proposed transaction in which the conditions prescribed in the foregoing paragraphs of this section cannot be met, and it is determined that interest credit is necessary to avoid extreme hardship to the family or prevent foreclosure action. This paragraph is primarily intended to be used for those cases in which the granting of interest credit is necessary for the borrower to retain a dwelling for the borrower's own use, and there are no other means to do so. The State Director will submit to the National Office the County Office files together with full facts, justification, and recommendation.

§§ 1944.35–1944.36 [Reserved]

§ 1944.37 Subsequent Section 502 loans.

Subsequent Section 502 loans may be made to present borrowers for the same purpose and under the same conditions and limitations as initial loans, except as provided in this section.

(a) The subsequent loan will be processed in the same manner as initial loans, except that a new appraisal report will be required in accordance with § 1944.24 only when real estate will be taken as security and at least one of the following conditions exists:

(1) The property was not appraised in connection with the initial loan.

(2) The latest appraisal report of the real estate is over two years old.

(3) The physical characteristics of the property have changed significantly.

(4) The County Supervisor or loan approval official is uncertain of the adequacy of the security and request a new appraisal report.

(b) A subsequent RH loan may be made on a note-only basis, provided the amount of the subsequent loan plus the unpaid principal balance of any prior note-only RH loan or loans does not exceed $2,500. Applicants for such loans must meet the requirements of § 1944.18(b)(1).

(c) When a real estate mortgage is required in connection with a subsequent RH loan, any outstanding RH notes will be described in the mortgage unless an exception can be made in accordance with Exhibit A, paragraph II F of FmHA Instruction 427.1 (available in any FmHA office).

(d) The subsequent loan will bear interest at a rate determined in accordance with Exhibit B of FmHA Instruction 440.1 (available in any FmHA office).

(e) When necessary to settle a divorce action, a subsequent loan may be made to permit the remaining borrower, if eligible, to purchase the equity of the departing spouse.

(f) When an area designation has been changed from rural to non-rural, subsequent RH loans may be made only in accordance with the provisions of § 1944.10(g)(4).

(g) The initial RH loan may be reamortized with the prior authorization of the District Director. Authority to reamortize an account will be granted in those cases in which it is determined that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. It will be processed in accordance with § 1951.314 or § 1951.40 of this chapter.

§ 1944.38 Mutual self-help housing loans.

Applicants who are unable to build modest dwellings by customary methods, because of limited income and repayment ability, may build their homes by participating in a mutual self-help housing project. The County Supervisor will not approve RH loans or proceed in the development of a self-help project without prior authorization of the State Director. If an organization applies for a Technical Assistance (TA) grant, the District Director will submit Form AD–625, "Application for Federal Assistance (Short Form)", and all related information concerning the technical assistance grant to the State Director. If it is determined that the technical assistance grant has been approved for funding, the State Director may issue written authorization for the County Supervisor to approve Mutual Self-Help Housing loans. Exhibit G, "Mutual Self-Help Housing Guidelines", will be used as a guide for developing self-help projects and counseling with participating families. The County Supervisor, in counseling with families participating in self-help housing projects, will determine the anticipated time required for construction.

§ 1944.39 RH loans to FmHA employees and loan closing officials.

FmHA employees, County Committee members, and loan-closing officials, or their spouses may receive a Section 502 RH loan subject to the provisions of this Subpart and the following conditions:

(a) The application will be submitted to the County Office in the usual manner. Written evidence indicating the applicant's inability to obtain the needed credit will be included. The County Office will obtain the verification of employment and credit report and submit the application and related information to the District Director for review. The District Director will forward the applicant's docket, along with written recommendation concerning the applicant's eligibility, to the State Director for eligibility determination.

(b) The State Director will determine the eligibility of the applicant. If eligible, the docket will be returned to the District Director for processing. If the applicant is determined ineligible, the State Director will notify the applicant in writing and will provide the applicant all information required by § 1910.6(b) of this chapter.

(c) The application will be retained in the County Office and will be processed in the same order as other applications. The District Director will be notified when the application is in order for

processing and will be responsible for the complete loan processing.

(d) If the loan applicant works outside the county in which the application is filed, the District Director may permit authorized County Office staff to perform the appraisal function. In all other cases the District Director will appraise the property or have it appraised by a qualified FmHA appraiser from outside the County Office area in which the loan is to be made. The completed loan docket together with the District Director's written recommendation will be submitted to the State Director for consideration of approval.

(e) If the applicant is an employee in the District Office, the State Director will designate another District Director to process the application.

(f) The State Director must, before approving the loan, determine that the applicant has not been and will not be given any advantage because of the FmHA relationship and the making of a loan will not result in a conflict of interest under FmHA Instruction 2045–BB (available in any FmHA office). The dwelling may not exceed the needs of the applicant or be excessive in size, design, or cost when compared to other FmHA financed dwellings in the area.

(g) If the loan is approved, the borrower's case file will not be maintained or serviced in the office where the borrower is or will be employed. If the property is in the area serviced by the office of employment the State Director will designate another District or County Office to service the loan.

(h) If the loan involves any type of construction, the inspections for FmHA will be made by the District Director or another member of the District Director's staff as designated by the District Director. Under no circumstances will the employee receiving the loan make the inspections for FmHA.

(i) Loans, credit sales, or assumption agreements *will not* be approved under this authority for any of the following purposes:

(1) Purchase of inventory property.

(2) Purchase of a dwelling from a RH borrower.

(3) Purchase of FmHA security property being sold at foreclosure sale.

§ 1944.40 Rural housing disaster (RHD) loans.

RHD loans may be made to repair or replace dwellings which were damaged or destroyed by a natural disaster such as earthquake, flood, forest fire, severe windstorm, or lightning.

(a) *Eligibility requirements.* (1) The applicant must meet the requirements of § 1944.8 and § 1944.9.

(2) Nonfarm applicants must have occupied the dwelling as their permanent residence.

(3) The loss by a nonfarm applicant was not the result of a major disaster designated by the President or a natural disaster designated by the Administrator of the Small Business Administration.

(4) The loss by a farmer was not the result of a major disaster designated by the President or a natural disaster designated by the Secretary of Agriculture.

(5) The loan application must be filed within 12 months after the date the loss occurred.

(6) The applicant must use available assets, including insurance loss payments, and other assistance, to the extent available, to repair or replace the damaged or destroyed buildings.

(b) *Repair or replacement of buildings.* Repair or replacement of any damaged or destroyed building must be consistent with the basic section 502 loan policies. Changes may be made in the building, but in any case the repaired or replaced building should not be significantly larger or more costly than the original building except as necessary to provide a building which is adequate but modest. Any new dwelling constructed must meet the limitations established by § 1944.16.

(c) *Interest rate and source of funds.* (1) RHD loans will be made at an interest rate of 5 percent. Interest credit will not be granted for RHD loans.

(2) Insured loan funds will be used for RHD loans.

(d) *Approval authorization.* The State Director, County and Assistant County Supervisors are authorized to approve RHD loans in accordance with FmHA Instruction 1901–A (available in any FmHA office) for Section 502 RH loans.

(e) *Deferred payments.* The initial payments of principal and interest, or principal only, may be deferred so as not to become due until as late as the third January 1 for annual payment notes, or the third anniversary date of the note for monthly payment notes, subject to all of the following conditions:

(1) The applicant, as a result of the loss suffered from the disaster, has had a substantial loss of income; or debts, including the proposed RHD loan, have increased substantially as a result of the disaster.

(2) The income loss or increase in debts must be sufficiently great so that the applicant will not likely be able to pay in full the installments that ordinarily would be due during the proposed deferment period and also meet other obligations.

(3) The applicant's other debts must be adjusted by reduction, reamortization, extension, or other means to the extent possible by negotiation with other creditors.

(4) The applicant's income will be sufficient after the deferment period to enable the applicant to meet the payments on the RHD loan and all other obligations.

(f) *Form FmHA 1940–1.* The appropriate assistance code number will be entered in the space provided to indicate the nature of the loss.

§§ 1944.41–1944.43 [Reserved]

§ 1944.44 Borrower graduation.

Borrowers will be requested to apply for refinancing of RH loans if credit may be available from another source at rates and terms prevailing in the area for homeownership loans. The borrower must apply for and, if approved by the lender, accept the refinancing loan. Graduation reviews will be conducted in accordance with Part 1865 of this chapter (FmHA Instruction 451.6).

§ 1944.45 Conditional commitments.

(a) *General.* A conditional commitment is assurance from FmHA to a qualified builder or seller that dwellings to be built or rehabilitated and offered for sale, will be acceptable for purchase by qualified RH loan applicants if built in accordance with FmHA approved plans and specifications and priced at not more than a specified maximum amount. The conditional commitment does not reserve funds for a loan nor does it assure that a loan applicant will be available to buy the dwelling.

(b) *Eligibilty:* To be eligible for conditional commitments, the builder or seller must:

(1) Be the owner as defined in § 1944.15, before construction is started, of the site on which the dwelling is located or to be built, except as indicated in Subpart G of Part 1822 of this chapter (paragraph VII L of FmHA Instruction 444.8).

(2) Have the experience and ability to complete the type of proposed work in a competent and workmanlike manner.

(3) Be financially responsible and have the ability to finance or obtain financing for the proposed housing or rehabilitation.

(4) Comply with the requirements of Subpart E of Part 1901 of this chapter and the Equal Credit Opportunity Act as required by § 1910.2 of this chapter.

(5) Plan to build or rehabilitate dwellings which will qualify for

purchase by RH applicants and which will be in compliance with all applicable laws, ordinances, and codes.

(6) Have the legal capacity to enter into the required agreements and the actual capacity to carry them out.

(c) *Limitations:* (1) Conditional commitments will be issued only in cases where the commitment applicant's selling price does not exceed the commitment price, which will never be more than the appraised value minus customary closing costs.

(2) Conditional commitments will be issued by FmHA only for new homes to be constructed or existing homes to be rehabilitated.

(3) Conditional commitments will not be issued after construction has started.

(4) Number of conditional commitments.

(i) The total number of commitments issued in any locality will not exceed the number of homes for which there is an immediate and ready market in that locality.

(ii) The number of houses on which conditional commitments will be outstanding to a commitment applicant at any time will not exceed 15 in any one county unless authorized by the State Director after the State Director:

(A) Determines that a larger number of commitments must be made to meet the immediate housing needs in the area;

(B) Determines that authorizing more than 15 commitments to one commitment applicant will not reduce the participation of small volume builders in the Rural Housing program; and

(C) Provides guidelines to the County Supervisor to assure that all builders active in the area have equal opportunity to obtain more than 15 conditional commitments.

(iii) The total number of conditional commitments outstanding in the area served by a County Office will not exceed the number on which the County Supervisor can reasonably expect to be able to approve RH loans within 3 months after the houses covered by the commitments are completed, considering the availability of loan funds and the number of applications in the County Office.

(5) The period of the conditional commitment will be for 12 months from the date of issue. The commitment may be extended for an additional 6 months if justified because of (1) unexpected delays in construction caused by such factors as bad weather or materials shortages, or (2) marketing difficulties.

(6) When five or more conditional commitments have been issued during a 12 month period an affirmative marketing plan will be submitted in accordance with § 1901.203 (c) of Subpart E of Part 1901 of this chapter.

(d) *Conditional commitments involving packaging of applications:* A conditional commitment may be made to a builder who packages a Rural Housing application for an applicant to buy the property. In cases when the dwelling is presold and is to be constructed for sale only to a specific applicant and the information on the house and the loan applicant is submitted at the same time, all of the following conditions must be met to avoid misunderstanding of FmHA's obligation to either the RH applicant or the conditional commitment applicant:

(1) The conditional commitment will not be approved until the RH loan has been approved.

(2) Construction will not begin until the County Office has received notice from the Finance Office that funds are obligated for the RH loan.

(3) The RH loan will be closed only after the dwelling is constructed or the rehabilitation completed and final inspection has been made.

(e) *Fees:* Each commitment applicant will pay an application fee at the time an application is submitted for a conditional commitment. The fee for each dwelling will be:

(1) For proposed construction of new dwellings—$65.

(2) For existing dwellings to be rehabilitated—$50.

(f) *Processing applications.* (1) Applications for conditional commitments will be submitted on Form FmHA 1944–36 "Application for Conditional Commitment". Attachments as outlined on the form will be included for each individual dwelling for which a conditional commitment is requested.

(2) *Transmittal of fees.* The County Supervisor will transmit application fees on Form FmHA 451–2, "Schedule of Remittances". The payment will be handled with all other payments for the day in accordance with Subpart B of Part 1951 of this chapter and the FMI for Form FmHA 451–2.

(3) *Evaluation of applications.* The County Supervisor will take the following actions in the order specified:

(i) Determine whether the commitment applicant meets the requirements of paragraph (b) and (c) of this section.

(ii) Determine whether the dwelling and site meet the requirements of this Subpart and Subpart A of Part 1924 of this chapter and will comply with all local codes and ordinances. The property must meet the requirements of Subpart D of Part 1804 of this chapter (FmHA Instruction 424.5).

(iii) If the commitment applicant and the dwelling and site have qualified, an appraisal will be made in accordance with FmHA Instruction 422.3 (available in any FmHA office).

(4) *Failure of applicant or dwelling to qualify.* In case any commitment applicant or dwelling does not qualify for a conditional commitment, the documents attached to the application will be returned to the commitment applicant with a letter explaining why the application was not approved. If the application is denied for failure to meet the requirements of paragraph (b)(2) or (3) of this section, notice of appeal rights will be given as required by § 1900.56 of this chapter.

(i) The application fee will be refuned if for any reason preliminary inspection of the property or investigation of the commitment applicant indicates that a conditional commitment cannot be issued. For example, the property might be located in a nonrural area or the dwellings may not be of a type that the FmHA can appropriately finance. If a refund is required, a memorandum should be sent to the Finance Office indicating the commitment applicant's name together with the date and amount of fees paid. The memorandum should also indicate the number of commitments being denied and amount of fees to be refunded.

(ii) Application fees will not be refunded for any property on which the appraisal has been made.

(5) *Conditional commitment approval.* The State Director, District Director, County and Assistant County Supervisors are authorized to approve conditional commitments provided the commitment price does not exceed the loan approval authority for Section 502 RH loans as outlined in Subpart A of Part 1901 of this chapter (available in any FmHA office). If the application is approved, the County Supervisor will complete and sign Form FmHA 444–11 "Conditional Commitment". When a qualified applicant applies for a loan to buy a dwelling on which a conditional commitment has been issued, the RH loan docket will be transferred to the conditional commitment folder.

(g) *Inspections.* Inspections of work to be done will be performed in accordance with Subpart A of Part 1924 of this chapter. Failure to correct any deficiencies or to complete the work in accordance with plans and specifications approved by FmHA will be a basis for cancelling the conditional commitment.

(h) *Changes in plans, specifications, and/or commitment price.* The County Supervisor is authorized to approve

changes in plans and specifications that are consistent with HUD MPS and Exhibit D of Subpart A of Part 1924 of this chapter. If the changes are requested after an option has been executed by a rural housing applicant, the change will be approved only after the applicant and the commitment holder submit a written request for approval. If a change will reduce or increase the appraised value of the property, the County Supervisor will revise the commitment price and inform the commitment holder. Also, in cases when the holder of a commitment reports to the County Supervisor that costs associated with the construction or repair of a dwelling have increased, the approval official may increase the commitment price provided the property has not been optioned by an RH applicant, and the County Supervisor determines that the increase is clearly justified, the circumstances causing the price increase were beyond the commitment holder's control, and the value of the property is adequate to permit the increased commitment price. A revised appraisal report will be prepared. The conditional commitment will be revised, initialed, and dated by the person authorizing the change.

(i) *Cancellation of outstanding conditional commitments.* (1) Conditional commitments may be cancelled when construction of the dwelling is not begun within 60 days after the commitment is issued.

(2) Conditional commitments will be cancelled when construction is not in accordance with all FmHA requirements, approved plans, specifications, or MPS, and the builder refuses to make corrections necessary for compliance.

(j) *Folder maintenance.* Documents prescribed in this Subpart will be filed in accordance with FmHA Instruction 2033–A (available in any FmHA office.).

(k) *Builder's warranty.* The builder or seller, as appropriate, will execute Form FmHA 424–19, "Builder's Warranty", or provided a 10-year insured warranty when the loan to buy the dwelling is closed.

§ 1944.46 Construction financing for builders by private credit sources.

(a) The purpose of this section is to provide a method by which a builder may be able to obtain construction credit from commercial sources of credit. It may eliminate the need to use a supervised bank account and also eliminate the need for the borrower to make payments on the loan during construction.

(b) This method may be used under the following conditions:

(1) A conditional commitment has been or will be issued, an RH loan approved, and funds obligated for the applicant in accordance with § 1944.45, or

(2) The applicant owns a building site and will contract the construction or improvement of the building or buildings. In such a case:

(i) The applicant will retain ownership of the site and not convey title to the builder, and

(ii) The lender providing the construction financing will not take a mortgage on the site owned by the applicant or otherwise require the applicant to secure the construction loan.

(c) This method may not be used if the RH loan is made in participation with an FO or an individual SW loan.

(d) Loan docket forms will be prepared in accordance with § 1944.30 of this Subpart. Applicants who own the building site will be required to obtain and submit to the County Supervisor preliminary title evidence in accordance with Part 1807 of this chapter (FmHA Instruction 427.1). Satisfactory title or leasehold interest in the property must be confirmed before execution of Form FmHA 424–6, "Construction Contract," and Form FmHA 444–16, "Notice of Loan Approval".

(e) When Form FmHA 440–57 is received from the Finance Office, the County Supervisor will complete and sign an original and one copy of Form FmHA 444–16. The original of Form FmHA 444–16 will be given to the builder and a copy will be retained in the loan docket.

(f) The builder may present Form FmHA 444–16, Form FmHA 444–11, Form FmHA 440–34, or Form FmHA 424–6, as appropriate, to a commercial lender to obtain construction financing. The County Supervisor will make no commitments to the lender except as indicated on the above forms.

(g) The required inspections will be made by FmHA or a firm or company that will provide a 10 year insured warranty. In all cases the final inspection will be made by FmHA. Copies of Form FmHA 424–12, "Inspection Report," will be provided to the builder and, if requested, to the commercial lender.

(h) The lender is responsible for determining the amount that will be advanced to the builder under the construction financing arrangement, and for determining any measures necessary to protect its interest.

(i) When construction is completed, the loan will be closed in accordance with Subpart A of Part 1807 of this Chapter (FmHA Instruction 427.1), usually within 10 days after satisfactory completion of construction.

§§ 1944.47–1944.50 [Reserved]

Exhibit A—Information Required To Package Applications for Section 502 Rural Housing Loans

I *General Information:* Persons or organizations that want to assist applicants in submitting applications to the Farmers Home Administration FmHA) should first meet with the County Supervisor. If these discussions indicate that the person or organization is capable of satisfactorily delivering complete information about applicants and houses that are likely to qualify for Rural Housing (RH) loans, the County Supervisor will review in detail the information that is needed and the processing steps required in completing an RH loan. The County Supervisor will provide assistance and guidance to all packagers in obtaining the required information. The following FmHA forms and this exhibit may be provided to prospective packagers as needed:

A Form FmHA 1944–12, "Rural Housing Loan Application Package."

B Form FmHA 410–4, "Application for Rural Housing Loans (Nonfarm Tract)."

C Form FmHA 410–1, "Application for FmHA Services."

D Form FmHA 410–5, "Request for Verification of Employment."

E Form FmHA 424–2, "Description of Materials."

F Form FmHA 440–34, "Option to Purchase Real Property."

II *Information Packager or Applicant Must Provide.*—A *Information to be submitted for all applicants.*

1 The applicant should complete the appropriate application form (Form FmHA 410–1 or 410–4).

a All information must be complete and accurate.

b If the applicant has business income, the current operating statement must be attached.

c The applicant must date and sign the application form.

2 Form FmHA 410–5 is used to check employment and income of applicants. The form should be mailed to the employer to be completed and returned directly to the County Office. FmHA will not provide franked envelopes to a packager for this purpose.

3 In cases where it appears that the applicant has sufficient income or assets to qualify for housing credit from another source, a diligent effort must be made to obtain such credit from at least two lenders who customarily make long-term housing loans in the area. If such lenders are unable to provide the credit needed, their written response stating why they cannot assist the applicant should be included in the loan package.

4 The information specified in paragraphs II B or II C of this Exhibit, whichever is applicable, will be submitted. In case FmHA has issued a conditional commitment on the property, information on the house will be on

file in the County Office and need not be resubmitted.

5 If a house to be purchased is under construction, the loan will not be closed until construction is completed. In such a case the information in paragraph II C of this Exhibit will be submitted.

B *Information needed for loans to purchase new homes or to build or rehabilitate homes.* The information requested on the front page of Form FmHA 1944–36 will be submitted along with the completed form. This applies regardless of whether a conditional commitment is being requested in connection with the package.

C *Information to be submitted for loans to buy existing homes.* 1 Form FmHA 1944–12 "Rural Housing Loan Application Package."

2 A signed or certified copy of an option on the property. The option must provide that any payments made by the applicant will be refunded if the loan cannot be made. Form FmHA 440–34, may be used for this purpose.

3 A termite certification whenever required.

4 In case major improvements are involved, submit three sets of complete drawings and specifications of the work that must be done, and a contractor's bid or a reliable cost estimate.

5 If the house qualifies as an existing home, is less than a year old, and an individual water or sewage system is involved, include a certification by the builder that the house and any water and waste disposal system have been or will be built or installed in accordance with the local building codes and plans and specifications. Such plans and specifications will also be submitted. Evidence of approval by health authorities having jurisdiction in the area also will be included. If the house is a year or more old, the County Supervisor will determine that the water and/or sewage system is functionally adequate and that the house meets FmHA requirements.

6 Direction map to the property.

7 Plot plan drawn to scale showing house location and related facilities.

III *Review and Acceptance of Completed Package:* During the initial discussions with packagers, the packager should understand the necessity for, and agree that, the loan packages will be assembled in the order shown on Form FmHA 1944–12 before they are delivered to the County Office. Form FmHA 1944–12 must be signed by the packager and be included with the materials submitted; otherwise, the packaged application will not be accepted. The County Supervisor will review each loan package when it is received and request any additional information needed. An affirmative fair housing plan will be submitted in accordance with § 1901.203 (c) of Subpart E of Part 1901 of this chapter. The County Supervisor will determine eligibility according to Subpart A of Part 1910 of this chapter but will not proceed with the processing of the loan until the applicant has been interviewed. A personal interview will be conducted by an FmHA employee with all applicants before approval of the requested loan in accordance with § 1944.26(c).

A If the applicant appears to be qualified and all needed material is available, the County Supervisor will process the application in accordance with the regulations.

B If a loan can be approved, the County Supervisor will notify the applicant including any requirements that must be met prior to closing the loan. If for any reason a loan cannot be made, the County Supervisor will notify the applicant and the packager. If the loan is denied because the applicant is determined ineligible the applicant will be notified in accordance with § 1910.6 of this chapter.

IV *Packagers' Responsibilities:* Packagers should fully understand their responsibilities in helping applicants to assemble their RH loan applications and that no fees may be charged for providing this service. Packagers must also comply with the requirements of Subpart E, Part 1901 of this chapter, "Civil Rights Compliance Requirements", and the Equal Credit Opportunity Act as provided in § 1910.2 of this chapter.

V *District Directors' Review of Loans Originated by Application Packagers:* District Directors are responsible for reviewing the file of a representative number of borrowers whose RH applications were submitted to the County Office by a packager. At least 5 percent of the cases packaged by each packager working in the county will be reviewed. The folders reviewed will be randomly selected and reviewed at scheduled office visits throughout the year in accordance with §§ 2006.604(c) and 2006.605(a)(1) of FmHA Instruction 2006–M (available in any FmHA office). The review will be made to determine whether: The applicant's income was properly verified; any credit report received was mailed from the Credit Reporting firm directly to the County Supervisor; the County Supervisor interviewed and counseled with the applicant prior to loan approval; the applicant was eligible for the RH assistance granted; and the loan was in accordance with FmHA procedures. Any incidence of unethical activity by a packager or the approval of improper loans by a County Supervisor will be reported promptly to the State Director for appropriate handling.

Exhibit B—Addresses for Authentication of Alien Registration Cards

This Exhibit lists the addresses of the Immigration and Naturalization Service district offices. To comply with § 1944.9(c) of this Subpart, County Supervisors will request verification of the validity of alien registration cards by writing to the nearest office. Following the list of offices is a sample letter that may be used for authenticating the Alien Registration cards.

A list of these offices follows:

Albany, New York 12207, Post Office and Courthouse, Room 220, 445 Broadway
Anchorage, Alaska 99501, U.S. Post Office and Courthouse Building, Room 401, 632 W. 6th Avenue.
Atlanta, Georgia 30309, 1430 West Peachtree Street, NW.
Baltimore, Maryland 21201, E. A. Garmatz Federal Building, 100 S. Hanover St.
Boston, Massachusetts 02203, John Fitzgerald Kennedy Federal Building, Government Center
Buffalo, New York 14202, 68 Court Street
Chicago, Illinois 60604, Dirksen Federal Office Building, 219 South Dearborn Street
Cincinnati, Ohio 45201, U.S. Post Office and Courthouse, 5th and Walnut Streets, Post Office Box 537
Cleveland, Ohio 44199, Anthony J. Clebrezze, Room 1917, Federal Building, 1240 East 9th Street
Dallas, Texas 75202, Room 1C13, Federal Building, 1100 Commerce Street
Denver, Colorado 80202, 17027 Federal Office Building
Detroit, Michigan 48207, Federal Building, 333 Mount Elliott Street
El Paso, Texas 79984, 343 U.S. Courthouse, Post Office Box 9398
Hammond, Indiana 46320, 102 Federal Building, 507 State Street
Hartford, Connecticut 06105, 900 Asylum Avenue
Helena, Montana 59601, Federal Building, Post Office Box 1724
Honolulu, Hawaii 96809, 595 Ala Moana Boulevard, Post Office Box 461
Houston, Texas 77208, Federal Building, U.S. Courthouse, 515 Rusk Avenue, Post Office Box 61630
Kansas City, Missouri 64106, Suite 1100, 324 E Eleventh Street
Los Angeles, California 90012, 300 North Los Angeles Street
Los Fresnos, Texas 78566, Route 3, Box 341
Memphis, Tennessee 38104, 814 Federal Building, 167 North Main Street
Miami, Florida 33130, Room 1324, Federal Building, 51 Southwest First Avenue
Milwaukee, Wisconsin 53202, Room 186 Federal Building, 517 East Wisconsin Avenue
Newark, New Jersey 07102, Federal Building, 970 Broad Street
New Orleans, Louisiana 70113, Postal Services Building, 701 Loyola Avenue
New York, New York 10007, 26 Federal Plaza
Norfolk, Virginia 23502, Room 207, Bank of Virginia Building, 870 North Military Highway
Omaha, Nebraska 68102, Room 1008, Federal Office Building, 106 South 15th Street
Philadelphia, Pennsylvania 19106, Room 1321 U.S. Courthouse, Independence Mall West, 601 Market Street
Phoenix, Arizona 85025, Federal Building, 230 North First Avenue
Pittsburgh, Pennsylvania 15222, 2130 Federal Building, 1000 Liberty Avenue
Port Isabel, Texas 78566, Rural Route 3
Portland, Maine 04112, 76 Pearl Street
Portland, Oregon 97209, Federal Office Building, 511 N.W. Broadway
Providence, Rhode Island 02903, Federal Building, U.S. Post Office, Exchange Terrace
Reno, Nevada 89502, Suite 150, 350 South Center Street
Saint Albans, Vermont 05478, Federal Building, Post Office Box 591
Saint Louis, Missouri 63101, Room 423, U.S. Courthouse and Customhouse, 1114 Market Street
Saint Paul, Minnesota 55111, 180 East Kellogg Blvd.
Salt Lake City, Utah 84138, Room 4103, New Federal Building, 125 South State Street

San Antonio, Texas 78206, Suite A301, U.S. Federal Building, 727 East Durango
San Diego, California 92188, 880 Front Street
San Francisco, California 94111, Appraisers Building, 630 Sansome Street
San Juan, Puerto Rico 00936, U.S. Immigration and Naturalization Service, GPO Box 5068, Hato Rey, Puerto Rico
Seattle, Washington 98134, 815 Airport Way, South
Spokane, Washington 99201, 691 U.S. Courthouse Building
Washington, D.C. 20538, 1025 Vermont Avenue NW.

Sample Letter for Authenticating Alien Registration Cards

To: Immigration and Naturalization Officer

Subject: (Mr.) (and Mrs.) _____

(Passport or Alien Registration Number)
(Address) _____

(Mr.) (and Mrs.) (Ms.) _____ (has) applied for a Rural Housing loan from the Farmers Home Administration (FmHA). One condition for eligibility of noncitizens is that the applicant has been admitted to the United States for permanent residency or on indefinite parole.

Please advise whether the identified alien registration card is valid and entitles the holder to remain in the United States for permanent residency or on indefinite parole by completing the last paragraph of this letter and signing in the space provided. Attached is a self-addressed franked envelope for returning the information to this office.

Sincerely,

_____
County Supervisor, FmHA

_____
County Office Address

Privacy Act Consent

I have stated to FmHA personnel that I have been admitted to the U.S. (for permanent residency) (on indefinite parole). My signature below authorizes verification of the requested information.
Applicant _____

Alien Registration Card No. _____ (is) (is not) valid and (does) (does not) entitle the holder to remain in the U.S. (for permanent residency) (on indefinite parole).
Signature _____
Title _____
Immigration and Naturalization Service

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS

Area/county	Very low 50% median	Low income	Moderate income
Maximum adjusted incomes for rural housing programs in Alabama			
Northwest: Colbert, Franklin, Lauderdale, Marion, Winston	$8,700	$14,000	$19,500
West: Bibb, Fayette, Greene, Hale, Lamar, Pickens, Tuscaloosa	7,000	11,500	17,000
Birmingham: Blount, Chilton, Jefferson, Shelby, St. Clair, Walker	9,900	15,000	20,500
East: Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, Etowah, Randolph, Talladega, Talladoosa	8,500	14,000	19,500
South Central: Bullock, Butler, Crenshaw, Lowndes, Macon, Pike	6,200	11,500	17,000
Tombigbee: Choctaw, Clarke, Conecuh, Dallas, Marengo, Monroe, Perry, Sumter, Washington, Wilcox	6,600	11,500	17,000
Southeast: Barbour, Coffee, Covington, Dale, Geneva, Henry, Houston	8,000	13,000	18,500
South: Baldwin, Escambia, Mobile	9,200	15,000	20,500
Central: Autauga, Elmore, Montgomery	10,300	15,000	20,500
Lee County: Lee, Russell	9,900	15,000	20,500
North Central: Cullman, Lawrence, Morgan	8,200	13,500	19,000
Top of Alabama: De Kalb, Jackson, Limestone, Madison, Marshall	8,600	14,000	19,500
Maximum adjusted incomes for rural housing programs in Arizona			
Maricopa: Mesa, Peoria, Buckeye, Avondale	12,200	18,000	23,500
Tucson: Tucson	11,000	18,000	23,500
District III: Prescott, Cottonwood, Flagstaff, Holbrook, Snowflake, Springerville, Winlow Rock	8,500	14,000	19,500
District IV: Kingman; Lake Havasu, Parker, Yuma	10,600	17,000	22,500
District V: Sacaton, Florence, Eloy, Casa Grande, Globe	9,900	16,000	21,500
District VI: Wilcox, Benson, Douglas, Nogales, Safford	10,100	16,500	22,000
Maximum adjusted incomes for rural housing programs in Arkansas			
West Central: Clark, Conway, Garland, Hot Springs, Johnson, Montgomery, Perry, Pike, Pope, Yell	7,500	12,500	18,000
Southwest: Calhoun, Columbia, Dallas, Hempstead, Howard, Lafayette, Little River, Miller, Nevada, Ouachita, Sevier, Union	7,700	12,500	18,000
Southeast: Arkansas, Ashley, Bradley, Chicot, Cleveland, Desha, Drew, Grant, Jefferson, Lincoln	7,000	11,500	17,000
Northwest: Baxter, Benton, Boone, Carroll, Madison, Marion, Newton, Searcy, Washington	7,300	12,000	17,500
East: Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lee, Mississippi, Phillips, Poinsett, Randolph, St. Francis	7,100	11,500	17,000
White River: Cleburne, Fulton, Independence, Izard, Jackson, Sharp, Stone, Van Buren, White, Woodruff	8,300	11,500	17,000
Central: Faulkner, Lonoke, Monroe, Prairie, Pulaski, Saline	9,400	15,000	20,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Western:			
Crawford, Franklin, Logan, Polk, Scott, Sebastian	7,400	12,000	17,500
Maximum adjusted incomes for rural housing programs in California			
District 1:			
Colusa, Del Norte, Glenn, Humboldt, Lassen, Modoc, Shasta, Siskiyou, Tehama, Trinity	10,300	16,500	[illegible]
District 2:			
Butte, El Dorado, Nevada, Placer, Plumas, Sacramento, Sierra, Sutter, Yolo, Yuba	11,800	18,000	23,500
District 3:			
Alpine, Amador, Calavaras, Madera, Manposa, Merced, San Joaquin, Stanislaus, Tuolumne	11,400	18,000	[illegible]
District 4:			
Alameda, Conta Costa, Lake, Mann, Mendocino, Monterey, Napa, San Benito, San Francisco, San Luis Obispo, Santa Cruz, Santa Barbara, Solano, Sonoma, Ventura, San Mateo, Santa Clara	12,900	18,000	23,500
District 5:			
Fresno, Kings, Tulare	10,100	16,500	[illegible]
District 6:			
Imperial, Inyo, Kern, Orange, Riverside, San Bernardino, San Diego, Los Angeles, Mono	11,800	18,000	23,500
Maximum adjusted incomes for rural housing programs in Colorado			
Region 1:			
Morgan, Washington, Logan, Sedgwick, Yuma, Philips	10,000	16,500	22,000
Region 2			
Wild, Larimer	11,800	18,000	23,500
Region 3			
Boulder, Gilpin, Clear Creek, Jefferson, Adams, Arapahoe, Douglas	14,100	18,000	[illegible]
Region 4			
Park, Teller, El Paso	11,400	18,000	23,500
Region 5:			
Elbert, Lincoln, Cheyenne, Kit Carson	9,600	15,500	21,000
Region 6			
Baca, Bent, Prowers, Kiowa, Otero, Crowley	8,700	14,000	19,500
Region 7:			
Pueblo	12,100	18,000	23,500
Region 7B			
Las Animas, Huerfano	7,800	13,500	19,000
Region 8			
Saguache, Mineral, Rio Grande, Alamosa, Conejos, Costilla	9,000	14,500	20,000
Region 9			
Dolores, Montezuma, San Juan, La Plata, Archuleta	9,500	15,500	21,000
Region 10:			
Gunnison, Hinsdale, Ouray, San Miguel, Montrose, Delta	8,800	14,500	20,000
Region 11:			
Mesa, Garfield, Rio Blanco, Moffat	10,300	16,500	22,000
Region 12			
Routt, Jackson, Grand, Summit, Eagle	12,000	18,000	23,500
Region 13:			
Lake, Chaffee, Fremont, Custer, Pitkin	9,800	16,000	21,500
Maximum adjusted incomes for rural housing programs in Connecticut			
Hartford	14,600	18,000	23,500
Litchfield	14,000	18,000	23,500
Middlesex	14,800	18,000	23,500
New Haven	13,800	18,000	23,500
New London (E)	13,900	18,000	23,500
New London (W)	13,900	18,000	[illegible]
Windham (E)	12,200	18,000	[illegible]
Windham (W)	12,200	18,000	23,500
Tolland	16,100	18,000	[illegible]
Fairfield	21,800	18,000	23,500
Maximum adjusted incomes for rural housing programs in Delaware			
Kent	10,400	15,000	[illegible]
New Castle	13,800	15,000	20,500
Sussex	10,100	15,000	20,500
Maximum adjusted incomes for rural housing programs in Florida			
District 1:			
Escambia, Okaloosa, Santa Rosa	9,300	15,000	20,500
District 2			
Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Walton, Washington	7,800	13,000	18,500
District 3:			
Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Suwannee, Madison, Taylor, Union	[illegible]	14,000	19,500
District 4:			
Baker, Clay, Duval, Flagler, Nassau, Putnam, St. John	10,300	15,000	[illegible]
District 5:			
Citrus, Hernando, Levy, Marion, Sumter,	7,400	12,000	17,500
District 6:			
Brevard, Lake, Seminole, Orange, Osceola, Volusia	[illegible]	15,000	[illegible]
District 7:			
De Soto, Hardee, Highlands, Okeechobee, Polk	[illegible]	14,500	[illegible]

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
District 8:			
Hillsborough, Manatee, Pasco, Pinellas	9,500	15,000	20,500
District 9:			
Charlotte, Collier, Glades, Hendry, Sarasota, Lee	9,500	15,000	20,500
District 10:			
Indian River, Martin, Palm Beach, St. Lucie	9,500	15,000	20,500
District 11:			
Broward, Dade, Monroe	11,600	15,000	20,500
Maximum adjusted incomes for rural housing programs in Georgia			
Coastal APDC:			
Liberty, Long, McIntosh, Glynn, Camden, Effingham, Bryan, Chatham	9,800	15,000	20,500
Northeast:			
Jackson, Barrow, Madison, Elbert, Clarke, Oglethorpe, Oconee, Walton, Morgan, Greene	11,000	15,000	20,500
Central Savannah River:			
Lincoln, Walker, Taliaferro, Warren, McDuffie, Glascock, Jefferson, Emanuel Screven, Jenkins, Columbia, Burke, Richmond	8,400	13,500	19,000
Altamaha South:			
Appling, Candler, Bulloch, Evans, Jeff Davis, Tattnall, Toombs, Wayne	7,700	12,500	18,000
Atlanta Reg:			
Cobb, Douglas, Fulton, Clayton, De Kalb, Rockdale, Gwinnett	12,800	15,000	20,500
Middle:			
Monroe, Jones, Crawford, Bibb, Twiggs, Peach, Houston	10,100	15,000	20,500
South:			
Turner, Ben Hill, Irwin, Tift, Cook, Berrien, Brooks, Lowndes, Lanier, Echols	7,900	13,000	18,500
Middle Flint:			
Webster, Taylor, Macon, Marion, Schley, Dooly, Crisp, Sumpter	7,600	12,500	18,000
Lower Chattaho:			
Clay, Columbus, Harris, Talbot, Chattahoochee, Stewart, Quitman, Randolph	7,400	12,000	17,500
Oconee area:			
Jasper, Putnam, Hancock, Baldwin, Washington, Wilkinson, Johnson	8,100	13,000	18,500
Coosa region:			
Dade, Haralson, Walker, Catoosa, Chattooga, Gordon, Floyd, Bartow, Polk, Paulding	10,100	15,000	20,500
Southeast:			
Coffee, Bacon, Atkinson, Ware, Pierce, Brantley, Clinch, Charlton	7,500	12,000	17,500
Chattaho-Flint:			
Carroll, Heard, Coweta, Troup, Meriwether	9,200	15,000	20,500
McIntosh Trail:			
Henry, Fayette, Spalding, Newton, Butts, Pike, Lamar, Upson	11,300	15,000	20,500
Southwest:			
Terrell, Lee, Calhoun, Dougherty, Worth, Early, Baker, Mitchell, Colquitt, Miller, Seminole, Decatur, Grady, Thomas	7,600	12,500	18,000
North:			
Whitfield, Murray, Fannin, Gilmer, Pickens, Cherokee	10,300	15,000	20,500
Heart of Georgia:			
Laurens, Treutlen, Bleckley, Pulaski, Dodge, Wilcox, Wheeler, Telfair, Montgomery	7,200	11,500	17,000
Georgia Mountains:			
Towns, Rabun, Union, Lumpkin, White, Habersham, Dawson, Forsyth, Hall, Banks, Franklin, Hart, Stephens	9,000	14,500	20,000
Maximum adjusted incomes for rural housing programs in Idaho			
District I:			
Boundary, Benewah, Kootenai, Shoshone, Bonner	10,400	17,000	22,500
District II:			
Idaho, Lewis, Clearwater, Nez Perce, Latah	11,200	18,000	23,500
District III:			
Canyon, Boise, Gem, Valley, Owyhee, Ada, Elmore, Payett, Adams, Washington	10,900	17,500	23,000
District IV:			
Cassia, Camas, Gooding, Blaine, Jerome, Minidoka, Lincoln, Twin Falls	9,300	15,000	20,500
District V			
Bingham, Oneida, Bear Lake, Bannock, Power, Franklin, Caribou	10,400	17,000	22,500
District VI:			
Butte, Custer, Bonneville, Clark, Fremont, Madison, Teton, Jefferson, Lemhi	10,100	16,500	22,000
Maximum adjusted incomes for rural housing programs in Illinois			
District I:			
Jo Davies, Stephenson, Ogle, Bureau, Stark, Marshall, Putnam	11,400	18,000	23,500
Northwest:			
Carroll, Lee, Whiteside	11,700	18,000	23,500
District II:			
De Kalb, La Salle, Kendall, Grundy, Kankakee, Iroquois	12,100	18,000	23,500
Rock Valley M:			
Winnebago, Boone	13,700	18,000	23,500
Northeastern:			
Cook, Du Page, Kane, McHenry, Will, Lake	14,800	18,000	23,500
District III (Part)			
Knox, Livingston, McLean	12,000	18,000	23,500
Bi-State Metro:			
Mercer, Henry, Rock Island	13,200	18,000	23,500
District IV (Part):			
Macon, Sangamon, Cass, Morgan, Scott	11,900	18,000	23,500
Western:			
Fulton, Hancock, Henderson, McDonough, Warren	10,500	17,000	22,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
District V:			
Ford, Mason, Menard, Logan, De Witt, Piatt, Champaign, Vermillion, Shelby, Moultrie, Douglas, Coles, Edgar	11,000	18,000	23,500
Tri-County:			
Peoria, Woodford, Tazewell	14,000	18,000	23,500
District VI (Part):			
Clark, Cumberland	9,300	15,000	20,500
Two River:			
Adams, Schuyler, Brown, Pike	9,700	16,000	21,500
West Central V:			
Calhoun, Greene, Jersey, Macoupin, Montgomery, Christian	10,000	16,000	21,500
Southwestern Me:			
Madison, Bond, St. Clair, Monroe, Clinton, Washington, Randolph	12,400	18,000	23,500
South Central:			
Effingham, Fayette, Marion	9,500	15,500	21,000
Greater Egypt:			
Jefferson, Franklin, Perry, Jackson, Williamson	8,200	13,500	19,000
Southern Five:			
Union, Johnson, Alexander, Pulaski, Massac	8,000	13,500	19,000
Embarras:			
Jasper, Crawford, Clay, Lawrence, Richland	9,400	15,500	21,000
Greater Wabash:			
Wayne, Edwards, Wabash, White	8,000	13,500	20,000
Southeastern:			
Hamilton, Saline, Gallatin, Pope, Hardin	9,000	14,500	19,000
Maximum adjusted incomes for rural housing programs in Indiana			
District 1A:			
Lake, Porter	14,200	18,000	23,500
District 1B:			
Newton, Jasper, Starke, Pulaski	10,000	16,000	21,500
District 2:			
La Porte, St. Joseph, Elkhart, Marshall, Kosciusko	12,100	18,000	23,500
District 3A:			
Whitley, Noble, Lagrange, Huntington, Steuben	11,300	18,000	23,500
District 3B:			
De Kalb, Allen, Wells, Adams	12,800	18,000	23,500
District 4:			
Benton, White, Warren, Fountain, Tippecanoe, Carroll, Montgomery, Clinton	11,100	18,000	23,500
District 5:			
Fulton, Cass, Miami, Wabash, Howard, Tipton	11,500	18,000	23,500
District 6:			
Grant, Blackford, Jay, Madison, Delaware, Randolph, Henry	11,000	18,000	23,500
District 7:			
Putnam, Parke, Vigo, Vermillion, Clay, Sullivan	10,200	16,500	22,000
District 8:			
Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby	12,900	18,000	23,500
District 9:			
Wayne, Rush, Fayette, Union, Franklin	10,700	17,500	23,000
District 10:			
Owen, Monroe	10,700	17,500	23,000
District 11:			
Brown, Bartholomew, Decatur, Jackson, Jennings	11,100	18,000	23,500
District 12:			
Ripley, Dearborn, Ohio, Jefferson, Switzerland	10,800	17,500	23,000
District 13A:			
Greene, Lawrence, Martin, Daviess, Knox	10,000	16,000	21,500
District 13B:			
Gibson, Pike, Vanderburgh, Posey, Warrick	10,700	17,500	23,000
District 14:			
Washington, Scott, Clark, Harrison, Floyd	10,700	17,500	23,000
District 15:			
Orange, Dubois, Crawford, Spencer, Perry	9,700	16,000	21,500
Maximum adjusted incomes for rural housing programs in Iowa			
District 1:			
Allamakee, Clayton, Fayette, Howard, Winneshiek	[illegible]	15,000	20,500
District 2:			
Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth	10,100	16,500	22,000
District 3:			
Buena Vista, Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Sioux	[illegible]	16,000	21,500
District 4:			
Cherokee, Ida, Monona, Plymouth, Woodbury	10,800	17,500	23,000
District 5:			
Calhoun, Hamilton, Humboldt, Pocahontas, Webster, Wright	10,300	17,000	22,500
District 6:			
Hardin, Marshall, Poweshiek, Tama	10,600	17,000	22,500
District 7:			
Black Hawk, Bremer, Buchanan, Butler, Chickosaw, Grundy	10,900	18,000	23,500
District 8:			
Cedar, Clinton, Delaware, Dubuque, Jackson	11,600	18,000	23,500
District 9:			
Muscatine, Scott	13,500	18,000	23,500
District 10:			
Benton, Iowa, Johnson, Jones, Linn, Washington	11,500	18,000	23,500
District 11:			
Boone, Dallas, Jasper, Madison, Marion, Polk, Story, Warren	11,800	18,000	23,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
District 12:			
Audubon, Carroll, Crawford, Greene, Guthrie, Sac	9,800	16,000	21,500
District 13:			
Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby	10,500	17,000	22,500
District 14:			
Adair, Adams, Clarke, Decatur, Ringgold, Taylor, Union	8,300	13,500	19,000
District 15:			
Appanoose, Davis, Jefferson, Keokuk, Lucas, Mahaska, Monroe, Van Buren, Wapello, Wayne	9,000	14,500	20,000
District 16:			
Des Moines, Henry, Lee, Louisa	11,400	18,000	23,500
Maximum adjusted incomes for rural housing programs in Kansas			
Northwest:			
Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, Russell	9,100	15,000	20,500
Gr. Southwest:			
Greeley, Wichita, Scott, Lane, Ness, Hamilton, Kearny, Finney, Hodgeman, Stanton, Grant, Haskell, Gray, Ford, Morton, Stevens, Seward, Meade, Clark	10,400	17,000	22,500
North Central:			
Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth, Saline	8,700	14,000	19,500
Golden Belt:			
Rush, Barton, Pawnee, Stafford, Edwards	10,100	16,500	22,000
Indian Hill:			
Kiowa, Pratt, Comanche, Barber	10,100	16,500	22,000
Mid-State:			
Rice, McPherson, Reno	10,100	16,500	22,000
Chikaskia:			
Kingman, Harper, Sumner	9,200	15,000	20,500
Blue Stem:			
Greenwood, Elk, Chautauqua, Cowley	8,600	14,000	19,500
Central Plain:			
Harvey, Sedgwick, Butler	11,300	18,000	23,500
Flint Hills:			
Dickinson, Morris, Marion, Chase, Lyons	9,000	14,500	20,000
Big Lake:			
Clay, Riley, Pottawatomie, Geary	9,200	15,000	20,500
Mo-Kan:			
Doniphan, Atchison	9,400	15,500	21,000
Marc:			
Leavenworth, Wyandotte, Johnson	12,300	18,000	23,500
Southeast:			
Woodson, Allen, Bourbon, Wilson, Neosho, Crawford, Montgomery, Labette, Cherokee	8,400	13,500	19,000
In process:			
Jefferson, Shawnee, Douglas, Osage, Franklin, Miami, Coffey, Anderson, Linn	10,500	17,000	22,500
Unorganized:			
Washington, Marshall, Nemaha, Brown, Jackson, Wabaunsee	8,500	14,000	19,500
Maximum adjusted incomes for rural housing programs in Kentucky			
Barron River:			
Allen, Barren, Butler, Edmonson, Hart, Logan, Metcalfe, Monroe, Simpson, Warren	7,300	12,000	17,500
Big Sandy:			
Floyd, Johnson, Magoffin, Martin, Pike	5,800	11,500	17,000
Bluegrass:			
Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford	9,600	15,000	20,500
Buffalo Trace:			
Bracken, Fleming, Lewis, Mason, Robertson	7,400	12,000	17,500
Cumberland V:			
Bell, Clay, Harlan, Jackson, Knox, Laurel, Rockcastle, Whitley	5,400	11,500	17,000
Fivco:			
Boyd, Carter, Elliott, Greenup, Lawrence	7,900	13,000	18,500
Gateway:			
Bath, Menifee, Montgomery, Morgan, Rowan	6,700	11,500	17,000
Green River:			
Daviess, Hancock, Henderson, McLean, Ohio, Union, Webster	9,400	15,000	20,500
Kentuckiana:			
Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, Trimble	10,300	15,000	20,500
Kentucky River:			
Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry, Wolfe	5,000	11,500	17,000
Lake Cumberland:			
Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor, Wayne	6,200	11,500	17,000
Lincoln Trail:			
Breckinridge, Grayson, Hardin, Larue, Marion, Meade, Nelson, Washington	7,900	13,000	18,500
Northern:			
Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, Pendleton	10,800	15,000	20,500
Pennyrile:			
Caldwell, Christian, Crittenden, Hopkins, Livingston, Lyon, Muhlenberg, Todd, Trigg	8,200	13,500	19,000
Purchase:			
Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall, McCracken	8,800	14,500	20,000
Maximum adjusted incomes for rural housing programs in Louisiana			
Acadiana:			
Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion	7,800	13,000	18,500
Central Reg:			
Avoyelles, Catahoula, Concordia, Grant, La Salle, Rapides, Vernon, Winn	7,200	11,500	17,000

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Florida:			
Ascension, E. Baton Rouge, E. Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, Tangipahoa, Washington, W. Baton Rouge, W. Feliciana	8,900	14,500	20,000
Northeast:			
Caldwell, E. Carroll, Franklin, Jackson, Madison, Morehouse, Ouachita, Richland, Tensas, Union, W. Carroll	6,700	11,500	17,000
Northwest			
Bienville, Bossier, Caddo, Claiborne, De Soto, Lincoln, Natchitoches, Red River, Sabine, Webster	7,800	12,500	18,000
Imperial Cal:			
Allen, Beauregard, Calcasieu, Cameron, Jeff Davis	8,700	14,000	19,500
Teche:			
Assumption, Lafourche, St. Charles, St. James, St. John Baptist, Terrebonne	9,700	15,000	[illegible]
Metro-Reg:			
Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany	10,500	15,000	20,500
Maximum adjusted incomes for rural housing programs in Maine			
Androscoggin	10,500	17,000	22,500
Aroostook	9,000	14,500	20,000
Cumberland	10,700	17,500	23,000
Franklin	10,300	16,500	[illegible]
Hancock	[illegible]	16,000	21,500
Kennebec	11,400	18,000	23,500
Knox	9,500	15,500	21,000
Lincoln	10,100	16,500	[illegible]
Oxford	10,400	17,000	22,500
Piscataquis	9,300	15,000	20,500
Sagadahoc	10,400	17,000	22,500
Somerset	9,700	15,500	21,200
Waldo	9,700	16,000	21,500
Washington	7,900	13,500	19,000
York	11,000	18,000	23,500
Penobscot	10,700	17,500	23,000
Maximum adjusted incomes for rural housing programs in Maryland			
Lower Eastern S:			
Dorchester, Wicomico, Worcester, Somerset	9,400	15,000	20,500
Upper East S:			
Kent, Queen Annes, Caroline, Talbot	9,600	15,500	21,000
Wilmapco:			
Cecil	13,800	18,000	23,500
Tri-Cty South:			
Charles, Calvert, St. Marys	12,900	18,000	23,500
Washington:			
Montgomery, Prince Georges	16,200	18,000	23,500
Baltimore-NP			
Baltimore, Harford, Carroll, Howard, Anne Arundel	13,500	18,000	23,500
Frederick:			
Frederick	11,700	18,000	23,500
Tri-County-W:			
Garrett, Allegany Washington	[illegible]	14,500	20,000
Maximum adjusted incomes for rural housing programs in Massachusetts			
District 1:			
Berkshire, Franklin, Hampshire, Hampden, Worcester	12,700	18,000	23,500
District 2:			
Middlesex, Essex, Suffolk, Norfolk, Bristol, Plymouth, Barnstable, Dukes, Nantucket	12,800	18,000	23,500
Maximum adjusted incomes for rural housing programs in Michigan			
Region 1:			
Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, Wayne	14,900	18,000	23,500
Region 2:			
Hillsdale, Jackson, Lenawee	12,800	18,000	23,500
Region 3:			
Barry, Branch, Calhoun, Kalamazoo, St. Joseph	12,400	18,000	23,500
Region 4:			
Berrien, Cass, Van Buren	12,200	18,000	23,500
Region 5:			
Genesee, Lapeer, Shiawassee	14,000	18,000	23,500
Region 6:			
Clinton, Eaton, Ingham	12,900	18,000	23,500
Region 7			
Arenac, Bay, Clare, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Ogemaw, Roscommon, Saginaw, Sanilac, Tuscola	10,900	17,500	23,000
Region 8:			
Allegan, Ionia, Kent, Lake, Mason, Mecosta, Montcalm, Newaygo, Osceola	11,600	18,000	23,500
Region 9:			
Alcona, Alpena, Cheboygan, Crawford, Montmorency, Oscoda, Otsego, Presque Isle	9,200	15,000	20,500
Region 10:			
Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Wexford	9,800	16,000	21,500
Region 11:			
Chippewa, Luce, Mackinac	8,500	14,000	19,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Region 12:			
Alger, Delta, Dickinson, Marquette, Menominee, Schoolcraft	10,200	16,500	22,000
Region 13:			
Baraga, Gogebic, Houghton, Iron, Keeweenaw, Ontonagon	8,500	14,000	19,500
Region 14			
Muskegon, Oceana, Ottawa	11,800	18,000	23,500
Maximum adjusted incomes for rural housing programs in Minnesota			
RDC I:			
Kittson, Marshall, Norman, Pennington, Polk, Redlake, Roseau	9,100	15,000	20,500
RDC II:			
Beltrami, Clearwater, Hubbard, Lk of Woods, Mahnomen	7,800	13,500	19,000
RDC III:			
Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, St. Louis	10,400	17,000	22,500
RDC IV:			
Becker, Clay, Douglas, Grant, Otter Tail, Pope, Stevens, Traverse, Wilkin	8,800	14,500	20,000
RDC V:			
Cass, Crow Wing, Morrison, Todd, Wadena	8,100	13,500	19,000
RDC VI–E:			
Kandiyohi, McLeod, Meeker, Renville	9,400	15,000	20,500
RDC VI–W:			
Big Stone, Chippewa, Lac qui Parle, Swift, Yellow Medicine	8,200	13,500	19,000
RDC VII–E:			
Chisago, Isanti, Kanabec, Mille Lacs, Pine	10,600	17,000	22,500
RDC VII–W:			
Benton, Sherburne, Stearns, Wright	11,600	18,000	23,500
RDC VIII:			
Cottonwood, Jackson, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Rock	9,000	14,500	20,000
RDC IX:			
Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Sibley, Waseca, Watonwan	10,000	16,500	22,000
RDC X:			
Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, Winona	10,700	17,500	23,000
RDC XI:			
Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington	14,300	18,000	23,500
Maximum adjusted incomes for rural housing programs in Mississippi			
Southwest:			
Claiborne, Jefferson, Adams, Franklin, Wilkinson, Amite, Pike, Walthall, Lincoln, Lawrence	6,200	11,500	17,000
Central:			
Yazoo, Madison, Warren, Hinds, Copiah, Rankin, Simpson	7,900	13,000	18,500
North Central:			
Yalobusha, Grenada, Leflore, Carroll, Montgomery, Holmes, Attala	5,800	11,500	17,000
South Delta:			
Bolivar, Humphreys, Sharkey, Issaquena, Washington, Sunflower	5,300	11,500	17,000
North Delta:			
Coahoma, De Soto, Quitman, Panola, Tallahatchie, Tate, Tunica	6,300	11,500	17,000
North East:			
Alcorn, Benton, Marshall, Prentiss, Tippah, Tishomingo	7,000	11,500	17,000
Three River:			
Calhoun, Chickasaw, Itawamba, Lafayette, Lee, Pontotoc, Monroe, Union	7,300	12,000	17,500
Golden Tri:			
Clay, Lowndes, Choctaw, Oktibbeha, Noxubee, Webster, Winston	7,100	11,500	17,000
East Central:			
Clarke, Jasper, Leake, Kemper, Lauderdale, Newton, Neshoba, Smith, Scott	6,500	11,500	17,000
Southern:			
Covington, Jones, Wayne, Jeff Davis, Marion, Lamar, Forrest, Perry, Greene, George, Stone, Pearl River, Jackson, Harrison, Hancock	8,100	13,000	18,500
Maximum adjusted incomes for rural housing programs in Missouri			
Lake of Ozarks:			
Camden, Laclede, Miller, Morgan, Pulaski	7,300	13,500	19,000
Mark Twain:			
Lewis, Macon, Marion, Monroe, Pike, Ralls, Randolph, Shelby	8,700	14,000	19,500
Ozark Foothills:			
Butler, Carter, Reynolds, Ripley, Wayne	6,200	13,500	19,000
Ozark Gateway:			
Barton, Jasper, McDonald, Newton	7,700	13,500	19,000
Show-Me:			
Johnson, Lafayette, Pettis	9,100	15,000	20,500
So. Cent. Ozark:			
Douglas, Howell, Oregon, Ozark, Shannon, Texas, Wright	5,800	13,500	19,000
Southeast:			
Bollinger, Cape Girardeau, Iron, Madison, Perry, St Francois, Ste Genevieve	8,300	13,500	19,000
Southwest:			
Barry, Christian, Dade, Dallas, Greene, Lawrence, Polk, Stone, Taney, Webster	7,700	13,500	19,000
Kaysinger B:			
Bates, Benton, Cedar, Henry, Hickory, St Clair, Vernon	7,000	13,500	19,000
Green Hills:			
Caldwell, Daviess, Grundy, Harrison, Linn, Livingston, Mercer, Putnam, Sullivan	7,300	13,500	19,000
Bootheel:			
Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard	6,900	13,500	19,000
Northwest:			
Atchison, Gentry, Holt, Nodaway, Worth	7,900	13,500	19,000

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Northeast:			
Adair, Clark, Knox, Schuyler, Scotland	7,500	13,500	19,000
Mo-Kan:			
Andrew, Buchanan, Clinton, De Kalb	9,400	15,500	21,000
Valley-Region:			
Carroll, Charlton, Saline	8,400	13,500	19,000
Mid-Missouri:			
Audrain, Boone, Callaway, Cole, Cooper, Howard, Monteau, Osage	10,100	16,500	22,000
Meramec:			
Crawford, Dent, Gasconade, Maries, Phelps, Washington	7,800	13,500	19,000
E-W Gateway			
St Louis City, Jefferson, St Charles, St Louis, Franklin	13,000	18,000	23,500
Mid-America:			
Cass, Clay, Jackson, Platte, Ray	13,000	18,000	23,500
Boonslick			
Montgomery, Lincoln, Warren	9,000	14,500	20,000
Maximum adjusted incomes for rural housing programs in Montana			
District 1:			
Daniels, Phillips, Roosevelt, Sheridan, Valley	10,200	16,500	22,000
District 2:			
Dawson, Garfield, McCone, Prairie, Richland, Wibaux	10,400	17,000	22,500
District 3:			
Carter, Custer, Fallon, Powder River, Rosebud, Treasure	9,600	15,500	21,000
District 4			
Blaine, Hill, Liberty	10,200	16,500	22,000
District 5:			
Cascade, Chouteau, Glacier, Pondera, Teton, Toole	10,000	16,000	21,500
District 6:			
Fergus, Golden Valley, Judith Basin, Petroleum, Wheatland, Musselshell	9,500	15,500	21,000
District 7			
Big Horn, Carbon, Stillwater, Sweet Grass, Yellowstone	9,700	16,000	21,500
District 8:			
Broadwater, Jefferson, Lewis & Clark	11,400	18,000	23,500
District 9			
Gallatin, Meagher, Park	10,000	16,000	21,500
District 10:			
Flathead, Lake, Lincoln, Sanders	10,700	17,500	23,000
District 11			
Mineral, Missoula, Ravalli	10,700	17,500	23,000
District 12:			
Beaverhead, Deer Lodge, Granite, Madison, Powell, Silver Bow	10,400	17,000	22,500
Maximum adjusted incomes for rural housing programs in Nebraska			
Scottsbluff			
Sioux, Dawes, Sheridan, Box Butte, Scotts Bluff, Morrill, Garden, Banner, Cheyenne, Deuel, Kimball	9,700	16,000	21,500
Ainsworth:			
Cherry, Keya Paha, Boyd, Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman	7,700	13,500	19,000
North Platte.			
Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, Dawson	9,400	15,500	21,000
Kearney.			
Howard, Merrick, Buffalo, Hall, Hamilton, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, Nuckolls	9,400	15,500	21,000
Norfolk			
Knox, Cedar, Dixon, Dakota, Thurston, Cuming, Burt, Antelope, Pierce, Wayne, Boone, Madison, Platte, Colfax, Nance, Stanton	9,100	15,000	20,500
Omaha.			
Dodge, Washington, Douglas, Sanders, Sarpy, Cass, Otoe	11,100	18,000	23,500
Lincoln:			
Butler, Polk, York, Seward, Fillmore, Lancaster, Saline, Thayer, Jefferson, Gage, Johnson, Pawnee, Richardson, Nemaha	9,700	15,500	21,000
Maximum adjusted incomes for rural housing programs in Nevada			
District 6:			
Humboldt, Pershing, Lander, Elko, Eureka, White Pine, Nye	10,600	17,500	23,000
District 7:			
Washoe, Storey, Carson City, Douglas, Lyon, Churchill, Mineral, Esmeralda, Clark, Lincoln	12,500	18,000	23,500
Maximum adjusted incomes for rural housing programs in New Hampshire			
District III VE:			
Coos, Carroll, Grafton, Belknap, Sullivan	10,700	17,500	23,000
District IV VER:			
Cheshire, Hillsboro, Merrimack, Rockingham, Strafford	12,200	18,000	23,500
Maximum adjusted incomes for rural housing programs in New Jersey			
District I:			
Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, Warren	14,900	18,000	23,500
District II:			
Atlantic, Burlington, Cape May, Monmouth, Ocean	13,300	18,000	23,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
District III:			
Camden, Cumberland, Gloucester, Salem	13,900	18,000	23,500
Maximum adjusted incomes for rural housing programs in New Mexico			
San Juan:			
San Juan, McKinley	9,500	15,500	21,000
North Central:			
Colfax, Mora, Rio Arriba, San Miguel, Santa Fe, Taos	7,400	13,500	19,000
Mid Rio Grande:			
Bernalillo, Los Almos, Sandoval, Torrance, Valencia	11,900	18,000	23,500
Eastern PLS:			
Curry, De Baca, Guadalupe, Harding, Quay, Roosevelt, Union	8,000	13,500	19,000
South West:			
Catron, Grant, Hidalgo, Luna	8,900	14,500	20,000
Southeastern:			
Chaves, Eddy, Lea, Lincoln, Otero	9,600	15,500	21,000
South Rio Grand:			
Dona Ana, Sierra, Socorro	7,800	13,500	19,000
Maximum adjusted incomes for rural housing programs in New York			
District 1:			
Allegany, Cattaraugus, Chautauqua, Erie, Niagara	12,200	18,000	23,500
District 2:			
Genesse, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates	14,200	18,000	23,500
District 3:			
Broome, Chemung, Chenango, Delaware, Otsego, Schuyler, Steuben, Tioga, Tompkins	11,200	18,000	23,500
District 4:			
Cayuga, Cortland, Madison, Oneida, Onondaga, Oswego, Herkimer	12,600	18,000	23,500
District 5.			
Franklin, Jefferson, Lewis, St Lawrence	10,700	17,500	23,000
District 6:			
Clinton, Essex, Hamilton, Warren, Washington	12,100	18,000	23,500
District 7			
Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schohane	11,400	18,000	23,500
District 8:			
Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester	14,600	18,000	23,500
Maximum adjusted incomes for rural housing programs in North Carolina			
District A:			
Macon, Swain, Clay, Cherokee, Graham, Jackson, Haywood	7,800	12,500	18,000
District B:			
Buncombe, Transylvania, Henderson, Madison	9,500	15,000	20,500
District C:			
McDowell, Polk, Rutherford, Cleveland	9,400	15,000	20,500
District D:			
Yancey, Ashe, Alleghany, Avery, Mitchell, Watauga, Wilkes	7,400	12,000	17,500
District E:			
Alexander, Caldwell, Burke, Catawba	10,400	15,000	20,500
District F:			
Stanly, Mecklenburg, Cabarrus, Gaston, Lincoln, Union, Rowan, Iradell	11,400	15,000	20,500
District G:			
Alamance, Guilford, Randolph, Davidson, Rockingham, Caswell	11,100	15,000	20,500
District H:			
Moore, Richmond, Montgomery, Anson	8,300	13,500	19,000
District I:			
Stokes, Surry, Forsyth, Davie, Yadkin	10,700	15,000	20,500
District J:			
Durham, Orange, Chatham, Wake, Lee, Johnston	10.300	15,000	20,500
District K:			
Vance, Franklin, Granville, Person, Warren	8,100	13,500	19,000
District L:			
Halifax, Northampton, Nash, Edgecombe, Wilson	7,800	13,000	18,500
District M:			
Sampson, Cumberland, Harnett	8,400	13,500	19,000
District N:			
Bladen, Scotland, Robeson, Hoke	7,600	12,500	18,000
District O:			
Brunswick, Pender, New Hanover, Columbus	9,100	15,000	20,500
District P:			
Carteret, Wayne, Onslow, Duplin, Lenoir, Craven, Pamlico, Greene, Jones	8,100	13,500	19,000
District Q:			
Pitt, Beaufort, Martin, Bertie, Hertford	7,500	12,000	17,500
District R:			
Tyrrell, Camden, Currituck, Pasquotank, Chowan, Gates, Perquimans, Washington, Hyde, Dare	8,200	13,500	19,000
Maximum adjusted incomes for rural housing programs in North Dakota			
District 1:			
Divide, McKenzie, Williams	10,200	16,500	22,000
District 2:			
Burke, Mountrail, Renville, Bottineau, Ward, McHenry, Pierce	9,600	15,500	21,000
District 3:			
Rolette, Towner, Cavalier, Benson, Ramsey, Eddy	8,700	14,000	19,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
District 4:			
Pembina, Walsh, Nelson, Grand Forks	9,700	15,500	21,000
District 5:			
Steele, Traill, Cass, Ransom, Sargent, Richland	9,600	15,500	21,000
District 6:			
Wells, Foster, Griggs, Stutsman, Barnes, Logan, La Moure, McIntosh, Dickey	9,200	15,000	20,500
District 7:			
McLean, Sheridan, Mercer, Oliver, Burleigh, Morton, Grant, Emmons, Sioux, Kidder	9,200	15,000	20,500
District 8:			
Adams, Billings, Golden Valley, Bowman, Slope, Dunn, Hettinger, Stark	9,100	15,000	20,500
Maximum adjusted incomes for rural housing programs in Ohio			
District 1:			
Williams, Fulton, Lucas, Ottawa, Sandusky, Seneca, Hancock, Wyandot, Hardin, Putnam, Henry, Defiance, Paulding, Van Wert, Allen, Auglaize, Mercer, Shelby, Darke, Miami, Wood	11,900	18,000	23,500
District 11:			
Preble, Montgomery, Greene, Fayette, Butler, Warren, Clinton, Hamilton, Clermont, Brown, Highland, Pike, Adams, Scioto	11,700	18,000	23,500
District III:			
Ashtabula, Lake, Geauga, Cuyahoga, Loraine, Erie, Huron, Medina, Summit, Portage, Trumbull, Mahoning, Columbiana, Carroll, Jefferson, Stark, Wayne, Holmes, Ashland, Richland, Crawford	12,600	18,000	23,500
District 4:			
Tuscarawas, Harrison, Guernsey, Belmont, Muskingum, Noble, Monroe, Morgan, Washington, Athens, Vinton, Jackson, Meigs, Gallia, Lawrence	9,400	15,000	20,500
District 5			
Logan, Union, Marion, Morrow, Knox, Cushocton, Licking, Delaware, Champaign, Clark, Madison, Franklin, Pickaway, Fairfield, Perry, Hocking, Ross	11,000	18,000	23,500
Maximum adjusted incomes for rural housing programs in Oklahoma			
KEDDO			
Pittsburg, Haskell, Le Flore, Latimer, Pushmataha, Choctaw, McCurtain	7,000	11,500	17,000
SODA:			
Garvin, Pontotoc, Coal, Carter, Murray, Johnston, Atoka, Love, Marshall, Bryan	7,500	12,000	17,500
OEDA:			
Cimarron, Texas, Beaver, Harper, Ellis, Woods, Woodward, Dewey	9,300	15,000	20,500
NODA			
Alfalfa, Grant, Kay, Major, Garfield, Noble, Blaine, Kingfisher	9,200	15,000	20,500
AGOC:			
Canadian, Logan, Oklahoma, Cleveland	11,400	15,000	20,500
ASCOG:			
Caddo, Grady, McClain, Comanche, Stephens, Tillman, Cotton, Jefferson	8,600	14,000	19,500
EODD:			
Okmulgee, McIntosh, Wagoner, Muskogee, Cherokee, Adair, Sequoyah	7,800	12,500	18,000
COEDD			
Pawnee, Payne, Lincoln, Pottawatomie, Seminole, Okfuskee, Hughes	8,300	13,500	19,000
SWODA:			
Roger Mills, Custer, Beckhman, Washita, Harmon, Greer, Kiowa, Jackson	7,900	13,000	18,500
INCOG:			
Creek, Tulsa, Osage	10,900	15,000	20,500
NECO:			
Washington, Nowata, Craig, Ottawa, Rogers, Mayes, Delaware	9,400	15,000	20,500
Maximum adjusted incomes for rural housing programs in Oregon			
District 1:			
Clatsop, Tillamook	11,400	18,000	23,500
District 2:			
Clackamas Columbia, Multnomah, Washington	13,300	18,000	23,500
District 3:			
Marion, Polk, Yamhill	11,300	18,000	23,500
District 4:			
Benton, Lincoln, Linn	11,300	18,000	23,500
District 5:			
Lane	12,100	18,000	23,500
District 6:			
Douglas	11,100	18,000	23,500
District 7:			
Coos, Curry	11,500	18,000	23,500
District 8:			
Jackson, Josephine	10,100	16,500	[illegible]
District 9			
Hood River, Sherman, Wasco	12,300	18,000	23,500
District 10:			
Crook, Deschutes, Jefferson	11,300	18,000	23,500
District 11:			
Klamath, Lake	11,000	18,000	[illegible]
District 12:			
Gilliam, Grant, Morrow, Umatilla, Wheeler	10,900	17,500	[illegible]
District 13:			
Baker, Union, Wallowa	10,400	17,000	22,500
District 14:			
Harney, Malheur	10,600	17,000	22,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Maximum adjusted incomes for rural housing programs in Pennsylvania			
Northwestern: Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, Warren	11,400	18,000	23,500
Southwestern: Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington, Westmoreland	11,800	18,000	23,500
North Central: Cameron, Clearfield, Elk, Jefferson, McKean, Potter	10,000	16,000	21,500
South Alleghenies: Bedford, Blair, Cambria, Fulton, Huntingdon, Somerset	10,900	17,500	23,000
Sed-Cog: Centre, Clinton, Columbia, Juniata, Lycoming, Mifflin, Northumberland, Montour, Snyder, Union	10,600	17,000	22,500
Northern tier: Bradford, Sullivan, Susquehanna, Tioga, Wyoming	10,500	17,000	22,500
Northeastern: Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Wayne	10,700	17,500	23,000
Del Valley: Bucks, Berks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia	13,200	18,000	23,500
Capital Reg: Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York	13,100	18,000	23,500
Maximum adjusted incomes for rural housing programs in Rhode Island			
Entire State: Bristol, Kent, Newport, Providence, Washington	11,800	18,000	23,500
Maximum adjusted incomes for rural housing programs in South Carolina			
Appalachian: Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg	10,900	15,000	20,500
Ber-Cha-Dor: Berkeley, Charleston, Dorchester	9,700	15,000	20,500
Low Country: Beaufort, Colleton, Hampton, Jasper	7,900	13,000	18,500
Lower Savannah: Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	8,500	14,000	19,500
Waccamaw: Georgetown, Horry, Williamsburg	7,400	12,000	17,500
Pee Dee: Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	8,500	14,000	19,500
Santee Wateree: Clarendon, Kershaw, Lee, Sumter	7,800	12,500	18,000
Central Midland: Fairfield, Lexington, Richland, Newberry	9,500	15,000	20,500
Catawba: Chester, Lancaster, Union, York	10,100	15,000	20,500
Upper Savannah: Abbeville, Edgefield, Greenwood, Laurens, McCormick, Saluda	9,400	15,000	20,500
Maximum adjusted incomes for rural housing programs in South Dakota			
District 1: Grant, Clark, Codington, Deuel, Hamlin, Kingsbury, Brookings, Miner, Lake, Moody	8,500	14,000	19,500
District 2: McCook, Minnehaha, Turner, Lincoln, Clay, Union	9,300	15,000	20,500
District 3: Jerauld, Sanborn, Brule, Aurora, Davison, Hanson, Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton	8,200	13,500	19,000
District 4: Hand, Faulk, Edmunds, McPherson, Brown, Spink, Beadle, Marshall, Day, Roberts	8,500	14,000	19,500
District 5: Perkins, Corson, Campbell, Ziebach, Dewey, Walworth, Haakon, Stanley, Potter, Sully, Hyde, Hughes, Jones, Lyman, Buffalo, Mellette, Todd, Tripp	8,900	14,500	20,000
District 6: Harding, Butte, Meade, Lawrence, Pennington, Jackson, Custer, Shannon, Washabaugh, Fall River, Bennett	9,400	15,000	20,500
Maximum adjusted incomes for rural housing programs in Tennessee			
First Tennessee: Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Washington, Unicoi	8,300	13,500	19,000
East: Anderson, Campbell, Claiborne, Cocke, Hamblen, Grainger, Union, Jefferson, Blount, Knox, Sevier Loudon, Monroe, Morgan, Roane, Scott	8,400	13,500	19,000
Southeast: Bradley, Polk, Grundy, McMinn, Meigs, Marion, Rhea, Hamilton, Sequatchie, Bledsoe	8,900	14,500	20,000
Upper Cumberland: Cannon, Cumberland, De Kalb, Van Buren, Warren, White, Clay, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith	6,900	11,500	17,000
Mid-Cumberland: Cheatham, Montgomery, Robertson, Davidson, Stewart, Houston, Sumner, Dickson, Humphreys, Rutherford, Trousdale, Williamson, Wilson	10,900	15,000	20,500
South Central: Bedford, Coffee, Franklin, Moore, Lincoln, Marshall, Giles, Hickman, Lewis, Lawrence, Maury, Wayne, Perry	7,900	13,000	18,500
Northwest: Benton, Carroll, Crockett, Dyer, Gibson, Henry, Obion, Lake, Weakley	8,100	13,000	18,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Southwest:			
Chester, Decatur, Hardeman, Hardin, Haywood, Henderson, McNairy, Madison	7,200	12,000	17,500
Memphis-Delta:			
Fayette, Lauderdale, Shelby, Tipton	8,800	14,500	20,000
Maximum adjusted incomes for rural housing programs in Texas			
Panhandle:			
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchison, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall	10,000	15,000	20,500
South Plains:			
Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza	9,000	14,500	20,000
Nortex:			
Childress, Hardeman, Cottle, Foard, Wilbarger, Baylor, Wichita, Archer, Young, Clay, Jack, Montague	8,700	14,000	19,500
North Central:			
Wise, Denton, Collin, Hunt, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Erata, Hood, Johnson, Ellis, Somervell, Nayarro, Kaufman	11,500	15,000	20,500
Texoma:			
Cooke, Grayson, Fannin	9,400	15,000	20,500
Ark-Tex:			
Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass	8,200	13,500	19,000
West Texas:			
El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster	8,500	14,000	19,500
Permiam:			
Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Glasscock, Reeves, Ward, Crane, Upton, Pecos, Terrell	10,400	15,000	20,500
West Central:			
Knox, Kent, Stonewall, Haskell, Throckmorton, Scurry, Fisher, Jones, Shackelford, Stephens, Mitchell, Nolan, Taylor, Callahan, Eastland, Runnels, Coleman, Brown, Comanche	8,100	13,000	18,500
Concho Valley:			
Sterling, Coke, Reagan, Irion, Tom Green, Concho, Crockett, Schleicher, Menard, McCulloch, Mason, Sutton, Kimble	8,200	13,500	19,000
Mid Rio Grande:			
Valverde, Edwards, Real, Kinney, Uvalde, Maverick, Zavala, Dimmit, La Salle	8,100	11,500	17,000
Central Texas:			
Mills, Hamilton, San Saba, Lampasas, Coryell, Bell, Milam	7,600	12,500	18,000
Heart of Texas:			
Bosque, Hill, McLennan, Limestone, Freestone, Falls	7,500	12,000	17,500
East Texas:			
Rains, Wood, Camp, Upshur, Marion, Vanzandt, Smith, Gregg, Harrison, Henderson, Rusk, Panola, Anderson, Cherokee	8,200	13,500	19,000
Alamo:			
Gillespie, Kerr, Kendall, Bandera, Comal, Bexar, Medina, Guadalupe, Frio, Atascosa, Karnes	9,000	14,500	20,000
Capital area:			
Llano, Burnet, Williamson, Blanco, Travis, Lee, Bastrop, Hayes, Caldwell, Fayette	9,300	15,000	20,500
Brazos:			
Leon, Robertson, Brazos, Madison, Burleson, Grimes, Washington	7,000	11,500	17,000
Deep East Texas:			
Shelby, Nacogdoches, Houston, Trinity, Polk, San Jacinto, Tyler, Jasper, Newton, San Augustine, Sabine, Angelina	6,900	11,500	17,000
Southeast Texas:			
Hardin, Orange, Jefferson	11,700	15,000	20,500
Lower Rio Grande:			
Hidalgo, Willacy, Cameron	6,600	11,500	17,000
South Texas:			
Webb, Zapata, Jim Hogg, Starr	4,700	11,500	17,000
Coastal Bend:			
McMullen, Live Oak, Bee, Refugio, Duval, Jim Wells, Nueces, San Patricio, Aransas, Kleberg, Brooks, Kenedy	8,700	14,000	19,500
Golden Crescent:			
Gonzales, Lavaca, De Witt, Jackson, Victoria, Goliad, Calhoun	8,100	13,000	18,500
Houston Galveston:			
Walker, Montgomery, Austin, Waller, Harris, Liberty, Colorado, Ft. Bend, Chambers, Matagorda, Brazoria, Galveston, Wharton	11,700	15,000	20,500
Maximum adjusted incomes for rural housing programs in Utah			
District I:			
Box Elder, Cache, Rich	10,800	17,500	23,000
District II:			
Tooele, Weber, Davis, Morgan, Salt Lake	12,800	18,000	23,500
District III:			
Utah, Wasatch, Summit	10,300	16,500	22,000
District IV			
Juab, Millard, Sanpete, Sevier, Piute, Wayne	8,800	14,500	[illegible]
District V:			
Beaver, Iron, Washington, Garfield, Kane	8,400	13,500	19,000
District VI:			
Duchesne, Uintah, Daggett	10,000	16,000	21,500
District VII:			
Carbon, Emery, Grand, San Juan	9,700	16,000	21,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Maximum adjusted incomes for rural housing programs in Vermont			
District I:			
Caledonia, Essex, Orleans, Chittenden, Franklin, Grand Isle, Lamoille, Washington, Orange	10,500	17,000	22,500
District II:			
Addison, Bennington, Rutland, Windham, Windsor	10,600	17,500	23,000
Maximum adjusted incomes for rural housing programs in Virginia			
District 1:			
Lee, Wise, Scott	7,100	11,500	17,000
District 2:			
Dickenson, Russell, Buchanan, Tazewell	7,600	12,500	18,000
District 3:			
Washington, Smyth, Bland, Wythe, Grayson, Carroll	8,300	13,500	19,000
District 4:			
Giles, Pulaski, Montgomery, Floyd	10,300	15,000	20,500
District 5:			
Craig, Alleghany, Botetourt, Roanoke	11,000	15,000	20,500
District 6:			
Bath, Rockbridge, Highland, Augusta, Rockingham	9,800	15,000	20,500
District 7:			
Shenandoah, Page, Warren, Frederick, Clarke	9,300	15,000	20,500
District 8:			
Loudoun, Prince William, Fairfax, Arlington	16,200	15,000	20,500
District 9:			
Culpepper, Madison, Orange, Rappahannock, Fauquier	9,000	14,500	20,000
District 10:			
Albemarle, Fluvanna, Greene, Louisa, Nelson	9,700	15,000	20,500
District 11:			
Amherst, Appomattox, Bedford, Campbell	10,600	15,000	20,500
District 12:			
Franklin, Henry, Patrick, Pittsylvania	9,900	15,000	20,500
District 13:			
Brunswick, Halifax, Mecklenburg	7,800	13,000	18,500
District 14:			
Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Nottoway, Prince Edward	7,700	12,500	18,000
District 15:			
Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan	12,700	15,000	20,500
District 16:			
Caroline, King George, Spotsylvania, Stafford	10,200	15,000	20,500
District 17:			
Lancaster, Northumberland, Richmond, Westmoreland	7,500	12,000	17,500
District 18:			
Essex, Gloucester, King and Queen, King William, Mathews, Middlesex	9,500	15,000	20,500
District 19:			
Dinwiddie, Greensville, Prince George, Surry, Sussex	10,100	15,000	20,500
District 20:			
City of Suffolk City, Isle of Wight, Southampton, Virginia Beach	10,200	15,000	20,500
District 21:			
James City, York	11,500	15,000	20,500
District 22:			
Accomack, Northampton	6,500	11,500	17,000
Maximum adjusted incomes for rural housing programs in Washington			
District I:			
King, Kitsap, Pierce, Snohomish	14,900	18,000	23,500
District II:			
Clallam, Island, Jefferson, San Juan, Skagit, Whatcom	12,300	18,000	23,500
District III:			
Clark, Cowlitz, Grays Harbor, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, Wahkiakum	12,300	18,000	23,500
District IV:			
Chelan, Douglas, Kittitas, Okanogan, Yakima	10,700	17,500	23,000
District V:			
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	11,500	18,000	23,500
Maximum adjusted incomes for rural housing programs in West Virginia			
Region I:			
McDowell, Mercer, Monroe, Raleigh, Summers, Wyoming	8,000	13,000	18,500
Region II:			
Cabell, Lincoln, Logan, Mason, Mingo, Wayne	8,400	13,500	19,000
Region III:			
Boone, Clay, Kanawha, Putnam	9,700	15,000	20,500
Region IV:			
Fayette, Greenbrier, Nicholas, Pocahantas, Webster	7,200	12,000	17,500
Region V:			
Calhoun, Jackson, Pleasants, Richie, Roane, Tyler, Wirt, Wood	9,200	15,000	20,500
Region VI:			
Doddridge, Harrison, Marion, Monongalia, Preston, Taylor	8,300	13,500	19,000
Region VII:			
Barbour, Braxton, Gilmer, Lewis, Randolph, Tucker, Upshur	6,400	11,500	17,000
Region VIII:			
Grant, Hampshire, Hardy, Mineral, Pendleton	7,900	13,000	18,500

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Region IX:			
Berkeley, Jefferson, Morgan	9,500	15,000	20,500
Region X:			
Marshall, Ohio, Wetzel	9,400	15,000	20,500
Region XI:			
Brooke, Hancock	9,500	15,000	20,500
Maximum adjusted incomes for rural housing programs in Wisconsin			
Southwest:			
Grant, Iowa, Lafayette, Green, Richland, Sauk, Columbia, Dodge, Jefferson	11,100	18,000	23,500
Dane:			
Dane	13,600	18,000	23,500
Rock Valley:			
Rock	12,700	18,000	23,500
Southeastern:			
Kenosha, Racine, Walworth, Waukesha, Milwaukee, Ozaukee, Washington	13,100	18,000	23,5000
Bay Lake:			
Sheboygan, Manitowoc, Brown, Kewaunee, Door, Oconto, Marinette, Florence	11,100	18,000	23,500
East Central:			
Fond du Lac, Green Lake, Marquette, Waushara, Winnebago, Calumet, Outagamie, Waupaca, Shawano, Menominee	10,800	17,500	23,000
North Central:			
Vilas, Forest, Oneida, Lincoln, Langlade, Marathon, Wood, Portage, Juneau, Adams	10,400	17,000	22,500
Northwestern:			
Douglas, Bayfield, Ashland, Iron, Burnett, Washburn, Sawyer, Price, Rusk, Taylor	8,400	13,500	19,000
West Central:			
Polk, Barron, St. Croix, Dunn, Chippewa, Eau Claire, Clark	10,400	17,000	22,500
Mississippi:			
Pierce, Pepin, Buffalo, Trempealeau, Jackson, Monroe, La Crosse, Vernon, Crawford	9,300	15,000	[illegible]
Maximum adjusted incomes for rural housing programs in Wyoming			
District 1:			
Park, Big Horn, Sheridan, Johnson, Washakie, Hot Springs, Fremont	11,200	18,000	23,500
District 2:			
Campbell, Crook, Weston, Converse, Niobrara, Albany, Natrona, Platte, Goshen, Laramie	12,400	18,000	23,500
District 3:			
Teton, Sublette, Lincoln, Sweetwater, Uinta, Carbon	11,300	18,000	23,500
Maximum adjusted incomes for rural housing programs in Alaska			
Soldotna	14,500	23,500	[illegible]
Palmer	15,700	25,500	31,000
Fairbanks	12,700	20,500	26,000
Juneau	17,100	27,500	33,000
Maximum adjusted incomes for rural housing programs in Hawaii			
Honolulu	14,900	18,000	23,500
Kauai	13,700	18,000	23,500
Maui	13,200	18,000	[illegible]
Hawaii	13,400	18,000	23,500
Maximum adjusted incomes for rural housing programs in Guam			
Entire	6,100	13,500	19,000
Maximum adjusted incomes for rural housing programs in Puerto Rico			
Aguadilla:			
Aquada, Aquadilla, Isabela, Moca, Rincon, San Sebastian	1,800	11,500	17,000
Arecibo:			
Arecibo, Barceloneta, Camuy, Florida, Ciales, Hatillo, Lares, Manati, Quebradillas, Utuado	1,900	11,500	17,000
Bayamon:			
Bayamon, Barranquitas, Catano, Comerio, Corozal, Dorado, Naranjito, Toa Baja, Toa Alta, Vega Alta, Vega Baja	2,200	11,500	17,000
Caguas:			
Aibonito, Aguas Buenas, Cayey, Cidra, Gurabo, Juncos, San Lorenzo, Caguas	2,600	11,500	17,000
Guayama:			
Guayama, Arroyo, Maunabo, Patillas, Salinas	2,400	11,500	17,000
Humacao:			
Humacao, Ceiba, Las Piedras, Naguabo, Yabucoa	2,300	11,500	17,000
Mayaguez:			
Mayaguez, Anasco, Cabo, Hormigneros, Lajas, Las Marias, Mancao, Sabana Grande, San German	2,200	11,500	17,000
Ponce:			
Ponce, Adjuntas, Coamo, Guanica, Jayuya, Juana Diaz, Orocovis, Penuelas, Santa Isabel, Villalba, Yauco, Guayanilla	1,800	11,500	17,000
San Juan:			
San Juan, Carolina, Canovanas, Culebras, Fajardo, Guaynabo, Loiza, Luquillo, Rio Grande, Trujillo Alto, Vieques	3,100	11,500	17,000

EXHIBIT C.—MAXIMUM ADJUSTED INCOMES FOR RURAL HOUSING PROGRAMS—Continued

Area/county	Very low 50% median	Low income	Moderate income
Maximum adjusted incomes for rural housing programs in Virgin Islands			
Entire area: St. Croix, St. Thomas, St. John..	7,200	13,500	19,000
Maximum adjusted incomes for rural housing programs in North Mananas			
Entire area	1,700	13,500	19,000
Maximum adjusted incomes for rural housing programs in Trust Territory			
Entire Palau, Ponape, Truk, Yap....	1,200	13,500	19,000
Maximum adjusted incomes for rural housing programs in American Samoa			
Entire:	2,000	13,500	19,000

Exhibit D—Rural Housing Applicant Interview

The following items will be reviewed in detail during a personal interview between the rural housing loan applicant and County Supervisor to assure an understanding of Farmers Home Administration loan making and loan servicing authorities, and the responsibilities of the applicant/borrower. *No loan will be closed without signed evidence that this interview has been held.*

1. *Equal Credit Opportunity*: FmHA assistance and services shall not be denied to any person or applicant as a result of race, sex, national origin, color, religion, marital status, age, physical or mental handicap (applicant must possess the capacity to enter into a legal contract for services), receipt of income from public assistance, or because the applicant has, in good faith, exercised any right under the Consumer Credit Protection Act.

2. *Income*: Eligibility is limited to those applicants with low or moderate income who are creditworthy and have repayment ability for the loan requested. The planned income to be received by the applicant and all other adults who live or propose to live in the dwelling during the next 12 months must be included.

3. *Adjusted Income*: Qualification for low or moderate income is based on adjusted income. This is the total annual income less 5 percent thereof and less $300 for each minor person who is a member of the immediate household and lives in the home. Other deductions are contained in the regulations.

4. *Eligibility*: A determination of applicant eligibility is not an assurance that a loan will be approved. Loan approval will depend on an inspection and appraisal of the dwelling the applicant wishes to purchase and the applicant's repayment ability for the amount of loan needed to purchase the dwelling.

5. *Counseling*: Credit counseling is available at the local County Office for any applicant or borrower who needs or desires such assistance. This will include assistance in budgeting and the use and management of household income.

6. *Energy Conservation*: The local county office will provide suggested ways homeowners may conserve on the use of energy in the home. They can also provide local sources of information such as utility companies and county extension offices, which may suggest methods of conservation.

7. *Cosigner*: An applicant who does not have repayment ability may furnish a cosigner who will guarantee repayment of the loan. Such cosigner must be approved by Farmers Home Administration.

8. *Legal Fees*: The applicant must pay necessary legal fees for title examination and loan closing. Escrow Agents or Designated Attorneys will be employed for this service. In some cases the fees may be included in the loan.

9. *Interest Credit*: Interest credit is available to qualified applicants whereby the interest rate on the loan may be reduced to a minimum of 1 percent. The amount of interest credit granted depends on the borrower's income which will be reviewed at least every 2 years.

10. *Improper Interest Credit*: Interest Credit or other subsidy assistance granted improperly either as a result of false information or through error, will be repaid by the borrower.

11. *Recapture of Interest Credit*: Interest credit received by a borrower will be subject to repayment to the Government when the mortgage is released, when the loan is assumed by another person(s), when the property is sold, or when it is no longer occupied by the borrower.

12. *Monthly Payments*: Regular payments must be made on or before the due date. Payments will be applied first to unpaid interest and the balance to principal. If for any reason a payment cannot be made on time the borrower should immediately contact the local county office.

13. *Insurance*: Every borrower will be required to obtain property insurance in a minimum amount specified by FmHA. The cost must be paid by the borrower and is not included in the regular monthly payment.

14. *Taxes*: All real estate taxes must be paid by the borrower directly to the local taxing office. They are not included in the regular monthly payment. Nonpayment of taxes can result in public sale of the property by the local tax authority or foreclosure by the Farmers Home Administration.

15. *Graduation*: FmHA is a supplemental source of credit and does not replace conventional lenders. When it appears another source of credit may be available, the borrower will be so advised and will be expected to make application for such credit and, if available, pay the FmHA loan in full.

16. *Inspection of Property:* The borrower will be responsible for making inspections necessary to protect the borrower's interest. The FmHA inspections create or imply no duty or obligation to the particular borrower but are, rather, for the dual purpose of determining that FmHA has adequate security for its loan and to enable FmHA to determine that the agency is working toward achieving the statutory goal of providing adequate housing.

17. *Compensation for Construction Defects:* For newly built dwellings the government may in some cases pay for major defects in dwelling construction which are not repaired by the builder. To be eligible, a claim must be filed at the FmHA County Office within 18 months after financial assistance is granted.

18. *Moratorium:* Borrowers may apply for a postponement of payments if due to circumstances beyond their control they are unable to continue making scheduled payments on the loan without unduly impairing their standard of living. Some of these circumstances are: Loss of job or sudden reduction of income from other sources; a loss of income or a substantial increase in expenses due to injury, illness, or death in the family.

19. *Occupancy:* Borrowers must personally occupy the dwelling. Failure to do so may result in the loan being declared due and payable in full. If for reasons beyond their control it becomes necessary to rent the dwelling temporarily, permission may be granted by the County Supervisor.

20. *Home improvements or additions:* If a borrower's home is enlarged or improved so that it exceeds modest standards for size, design and cost, the borrower may no longer be eligible to receive interest credit.

21. *Appeal:* Applicants or borrowers may appeal any FmHA program administrative action by which they are directly or adversely affected. This includes having a request for FmHA assistance denied or having FmHA assistance reduced, cancelled, or not renewed. The County Supervisor will provide information on appeal procedures.

The above items were discussed on _____ and we acknowledge receipt of a copy of the discussion outline.

_____
County Supervisor.

_____
Applicant.

_____
Co-Applicant.

Original to Borrower case file.
Copy to Borrower.

Exhibit E—Sample Letter to Applicant When Loan Funds Are Depleted and Long Delays are Expected in Application Processing

Dear _____:

As will be explained in this letter, we cannot complete processing of your loan application at this time. However, based on the information you presented, it appears that you may be eligible for a rural housing loan from this Agency.

although applicants may be considered eligible, all loans are approved subject to the availability of funds. Presently, there are no housing loan funds available. We are continuing to take applications; however, we estimate it may be —— months before funds are available for your loan. Therefore, this is not a final determination of your eligibility.

When funds become available for the processing of your application it will then be necessary to make a final determination of eligibility before a loan can be approved. To avoid duplication of work, we will not order a credit report or verify your income until closer to the time when your loan can be processed to conclusion. We will notify you at that time and request to be informed of any changes in your debt structure or employment. In the meantime, it is important that you not jeopardize your position by anticipating that a loan will be made and thereby incur debts for things such as a building site, or the repair, purchase or construction of a home. These can be no assurance that such debts could be refinanced.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

We regret that you must be inconvenienced by this unavoidable delay. You can be sure that every effort is being made to assist you to obtain the financing you need. Your cooperation and understanding is appreciated. If you have any questions concerning the status of your application, please feel free to contact our office at any time.

Sincerely,

County Supervisor.

Exhibit F—Interest Credit Agreement Renewal

Dear (FmHA Borrower):

The Interest Credit Agreement you signed, reducing the effective interest rate on your Rural Housing loan, expires soon. To determine whether you are eligible to continue to receive a reduction in your housing loan payment, we will need information about:

1. Your income and the incomes of all other adults who live or propose to live in the dwelling during the next 12 months. You should report *all* income to be received from employment, including overtime pay, bonuses, commissions, tips, etc. You should also include *all* income to be received from other sources such as unemployment benefits, workman's compensation, disability income, pensions, veteran's benefits, social security, child support, alimony, welfare payments, and any other source.

2. Information that will justify income deductions or exemptions to which you may be entitled. This may include items such as: (1) income received for the care of foster children, (2) income for services rendered as a volunteer in organizations such as VISTA, Peace Corps, Foster Grandparent and Retired Senior Volunteer, (3) payment received for training or travel expenses paid by the Department of Labor to CETA participants, (4) depreciation of essential business or farm property, (5) qualified work related expenses, (6) qualified payment for child care or disabled dependent care, and (7) qualified payments for nursing home or institutional type care.

3. The number of dependent minor children (not including foster children) residing in the dwelling.

4. The amount of real estate taxes paid by you on your dwelling last year reduced by any tax exemptions available but not taken.

5. The amount you pay each year for fire or hazard insurance on your dwelling.

This information must be provided promptly to the Farmers Home Administration (FmHA) by completing the enclosed Interest Credit Agreement in Section II. When applicable, the enclosed Request for Verification of Employment should also be completed. If you are self-employed or a farmer, contact the County Office so we may assist you in providing the required information.

1. Interest Credit Agreement—Complete section II of the agreement, sign the form in the space provided, and bring all copies of the form to the FmHA County Office.

2. Request for Verification of Employment—You and each of the employed adult members of your household must complete one of the forms for each source of employment income. Items 1, 2, and 3 must be completed and the form signed in block 4. The form and one of the enclosed envelopes should be sent or given to each employer. You should request the employer to complete and send the form to the FmHA County Office within 10 days. To ensure that the form is returned you should place a stamp on the envelope before giving it to the employer. If additional copies of the form are needed they may obtain from the FmHA County Office.

An interview with you is required to make certain that all information is complete and accurate. You are scheduled for an interview at our office on (*date*) at (*time*). A copy of the completed Interest Credit Agreement will be returned to you showing the amount of interest credit, if any, that will be credited to your loan account.

The enclosed Interest Credit Agreement and Verification of Employment must be completed and returned to your local County Supervisor by (*expiration date of current agreement*). Failure to return the forms with information completed as requested will result in loss of interest credit which you may otherwise be eligible to receive and your loan payments will be increased to $—— beginning with your (*date*) payment. Please bring *all* papers with you as all income must be considered to compute Interest Credit. If you have any questions you should contact the local County Office immediately at (*phone number*).

Sincerely,

County Supervisor.

Exhibit G—Mutual Self-Help Housing Guidelines

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Exhibit G—Mutual Self-Help Housing Guidelines

How to give low-income rural people an opportunity to have a decent home of their own is a major challenge in rural America. To help such persons have an adequate home at a cost they can afford, the Farmers Home Administration (FmHA) makes Rural Housing (RH) loans to individual persons to enable them to participate in a mutual self-help housing project. This program is specifically designed to help those who do not have enough income to build modest homes by customary methods, to work together to build modest homes of their own.

Participating applicants who are approved by FmHA may obtain rural housing loans to buy materials, to pay for any skilled labor and contract costs required for work on their own homes and if necessary buy a building site. Basic construction labor will be performed by families mutually helping each other, after forming an unincorporated or incorporated association for this purpose.

This exchange of labor, without a cash cost to the families, is the key to the mutual self-help housing program. In this way the houses can be built for considerably less cash cost than by customary methods.

There also may be savings in the cost of materials purchased. All members of the group may buy their materials from suppliers who offer the most favorable prices. Material suppliers may offer discounts to those participating in mutual self-help housing if they know they will have a large volume of sales to members of the group.

Families have been able to build modest homes suited to their needs at savings of several thousand dollars. This substitution of labor equity for cash can reduce the cost of homes enough to bring the price of a modest home within reach of low-income rural families.

Persons interested in working with other families on an organized basis to build their own homes should contact the FmHA County Supervisor serving the area in which the housing will be located.

The County Supervisor will obtain the prior approval of the State Director for committing the FmHA to participate in each mutual self-help project.

Leadership and Supervision

FmHA will provide the overall leadership and supervision and determine the eligibility of the participating applicants to receive Rural Housing loans. A special construction supervisor may, with prior authorization of the National Office, be hired by the State Director to help the applicants with their

home building. In some cases construction supervision assistance may be offered by another agency or organization. FmHA will consider such offers under the following conditions:

1. The agency or organization must have the legal, financial and actual capacity and resources to provide the construction supervision assistance under the direction of the FmHA County Supervisor.

2. The respective responsibilities of all parties should be clearly defined and stated in a written agreement to be signed by the participating agencies.

3. The proposal must be compatible with the FmHA borrower method of operation, more specifically:

a. FmHA will make Rural Housing loans to applicants based on the need and qualifications of each.

b. FmHA will determine the eligiblilty of each applicant, approve the house plans, inspect the construction, and disburse loan funds as needed on an individual-case basis. Loan funds will *not* be pooled.

c. No advance commitments of loan funds will be made for any project. A commitment of funds will be made for each loan when it is approved subject to the conditions stated in each loan approval.

d. No loan funds may be used to pay for construction supervision or to pay borrowers for working on their homes or on the homes of others who are participating.

e. The construction will involve as much on-site work as practicable, to obtain maximum savings to those participating.

f. Basic plans and construction methods should be standardized to the extent practicable.

Basic Requirements

Rural housing loans will be made by FmHA to those who participate in a self-help housing group and who:

1. Do not have sufficient income to build a modest home by customary methods.

2. Are creditworthy by FmHA standards and can comply with all other eligibility requirements for rural housing loans.

3. Desire to build a home of their own that is simple in design, structurally sound, and low in cost.

The following basic conditions are essential to the success of a self-help housing venture:

1. A sincere spirit of cooperation on the part of all participants.

2. Competent leadership and technical supervision.

3. A complete understanding by each person of the responsibilities involved.

4. Adequate time available to participants to do the work.

5. Sufficient skills among the members of the group to do at least the basic construction work.

6. All the building sites must be close enough together to permit convenient exchange of work.

7. Ordinarily from 6 to 10 families can work together satisfactorily.

Organization and Agreements

An understanding should be reached on important items such as when the individuals in the group will be available to work, the amount of work to be performed, the number to be involved in the various work groups and the amount of time each will spend working on the homes. The group will develop a written agreement drawn so as to be binding upon all members signing it. Attached as Exhibit G is a suggested form of such an agreement called a Membership Agreement. All participating members will sign the Membership Agreement and each applicant will be given a copy. Any such document used will be given prior review and approval by the FmHA to be sure that it is legally adequate and does not conflict with applicable State laws or FmHA regulations. This should be done with the assistance of the Office of the General Counsel.

Each applicant will execute a promissory note for an amount equal to the value of the services they agree to perform for the association to build the houses. See Exhibit G–2. Such a note should not be secured by a lien against the property.

Preconstruction Meetings

The successful conduct of a mutual self-help housing program requires a series of meetings with those participating. These meetings should be held to discuss fully all of the planning, construction, and maintenance of a home, the responsibilities of home ownership, and the requirements for an FmHA rural housing loan. These meetings also will familiarize the applicants with the self-help approach, develop mutual confidences among participants and develop the interest of community leaders in the project. During the group meetings the FmHA County Supervisor and those who will be responsible for the supervision of the construction should be able to learn about the capabilities of the individuals and determine the extent to which construction can be carried out under the self-help method.

The actual number of meetings held will depend on the rate at which the group progresses toward reaching a full understanding of the responsibilities involved. Experience indicates that from 8 to 10 meetings usually will be adequate. Local people should be used, where practical, to discuss appropriate subjects in the meetings. This will help in making the local community aware of the self-help program, and also help obtain local acceptance and support for the project. The following is a recommended sequence of meetings and a suggested list of subjects to be discussed:

The first meeting should be explanatory in nature. The FmHA County Supervisor should discuss the basic principles involved in mutual self-help housing, together with a brief explanation of the purposes and limitations of and the requirements for rural housing loans. The County Supervisor should also discuss obligations of home ownership such as loan payments, taxes, insurance and maintenance. At the first meeting, time should be allowed for the individuals to become acquainted with one another. In closing the first meeting, the group should be informed of the duties and responsibilities of the officers and committees needed to carry out a mutual self-help program. The members of the group should be considering a name for the organization and the persons best suited for the various positions in order that the officers and committees can be selected at the next meeting.

At the second meeting an association should be formed and the officers and committees selected. They might include the following:

1. President.
2. Vice President.
3. Secretary-Treasurer.
4. Labor Manager.
5. Purchasing Committee.
6. Program Committee.

Additional meetings are essential, but the order in which the subjects are presented or the number of subjects included in any meeting may vary. The following topics are suggested for a series of meetings:

1. *Site Planning and Building Codes.* An architect, FmHA engineer, or a good builder who also does home designing could be invited to discuss factors in selecting house size. The local building inspector could be asked to speak on building and health code requirements.

2. *Home Planning.* An architect or home economist may be invited to discuss home kitchen layouts, traffic patterns, window placement, economical construction, and other considerations in the selection of a good house plan.

3. *Plans and Specifications.* The group will probably have questions and need individual help in making decisions concerning plans and specifications for their homes. The County Supervisor and the construction supervisor should help each applicant develop suitable specifications.

4. *Cost of Materials.* The purchasing committee will obtain and review prices of materials and contract work. At one of the last meetings to be held before the construction starts, the purchasing committee should report on its recommendations for buying materials and awarding contracts.

5. *Taxes.* A discussion of the method of tax appraising could be given by the local tax assessor. Based on plans and locations a rough estimate should be made of expected taxes.

6. *Insurance.* A local insurance agent may be asked to speak on insurance for fire and extended coverage, household policies, and other coverages of interest to the group such as liability insurance. The FmHA County Supervisor should discuss fire, windstorm and other hazard insurance requirements of RH loans.

7. *Mortgage Requirements.* The FmHA County Supervisor might discuss the FmHA mortgage and related requirements. A local attorney might be asked to discuss other legal aspects of the program.

8. *Maintenance Costs.* The County Supervisor, the construction supervisor or a local real estate agent might discuss the importance of proper maintenance for a home. They should emphasize how money spent for maintenance improves appearance, helps maintain value and saves money in the long run.

9. *Money Management.* The FmHA County Supervisor should impress upon the group the

necessity of following the basic principles of money management such as keeping records, following a budget, and not overspending on non-essentials.

10. *Labor Sharing Arrangement.* The group should discuss and reach decisions as to how the members will share the labor, how records will be kept of time worked, how to make sure that labor will be exchanged on a basis that is fair to all members and how to evidence and record these decisions.

11. *Use of Tools.* One or more of the meetings should include demonstrations and training by the construction supervisor of the safe and proper use of tools. Special attention should be given to the use of basic tools such as level, square, rule, saw, and any power tools that might be used in the construction.

12. *Construction and Work Procedures.* The authority and duties of the construction supervisor will be discussed in detail. The procedures for actual construction will be discussed including labor sharing, work programs, order of development, function of committees, time reporting for work completed and future hours available.

13. *Ground Breaking Plans.* The final preconstruction meeting should be more of a social get-together than a business meeting. This is also the logical time to plan a ground breaking ceremony for the day the loans are closed.

Construction

The basic work is performed, largely on a labor exchange basis, by the participating families under the guidance of the construction supervisor.

The group may, depending on the skills of the individuals, plan to do all the work or plan to contract for work which they cannot do readily, such as installation of wiring, plumbing and kitchen cabinets and equipment, excavating for basements and dry-wall finishing. Highly skilled or specialized jobs will be contracted when such services are not available in the group.

There may be an inclination on the part of some participants to want to concentrate on their own homes, particularly after the framing is in place. Therefore, a prior understanding should be reached regarding the specific responsibilities of each family. Rather than completing or nearly completing each house one at a time, work should start on all houses and each stage of construction be finished on all before starting the next stage of construction on any house, to the extent consistent with good construction practices.

To effect savings, materials for all the houses may be purchased from the one or several suppliers who offer the lowest prices. Also, all contracts for members of the group may be awarded to the same contractors. To illustrate, the plumbing contractor offering the lowest price ordinarily should perform the plumbing for all of the dwellings.

Each borrower will pay the material supplier for materials used, and the contractor for work done, on its own home. All deliveries of materials will be itemized separately for each home. The Association as a whole, after considering the suggestions of the purchasing committee will recommend the suppliers from whom materials will be purchased and the contractors to whom the contracts will be awarded.

The construction supervisor with the advice of the president of the association should divide the group into work teams. Work teams should be organized on the basis of skills, compatability, and availability. For example, one team could lay out and pour footings and another team could lay bricks. The third team could begin framing as soon as the foundation is ready.

A firm understanding will be reached that no changes in construction from the approved plans and specifications may be made without furnishing the County Supervisor with full cost figures and obtaining approval in advance. If any change results in a need for additional funds, they must be furnished by the borrower before approval. All homes should be finished at or about the same time and none should be occupied prior to completion of them all.

The Association should have brief meetings, at least once a week, to:

1. Report on performance and hours of work performed.
2. Settle any disagreements.
3. Plan work schedule and purchases for the coming week.

Exhibit G–1—Membership Agreement

———— Association

Membership Agreement

We understand that by signing this agreement we will become members in the ———— Association when we receive adequate credit to finance the home we intend to build. We have read the agreement or have had it read to us and agree to comply with all its provisions. Each applicant has been given a copy to keep.

Purpose

The purpose of this Association is to provide a way whereby each member can help itself and every other member to build its own home.

Membership

Membership will be limited to those persons who:

1. Do not have an adequate home;
2. Are willing to work with the other members of the Association in building their homes;
3. Have a commitment to obtain financing for the cash cost of their home; and
4. Sign the Membership Agreement.

Applicants and co-applicants may both sign the Membership Agreement. As used in this agreement the term "Applicant" means either applicant or co-applicant when both sign the agreement, or the person signing when only one signs.

Voting Rights

Each member will have one vote in the election of officers and all other matters involving a decision by the membership.

Officers

The officers of the Association will be a President, Vice-President and a Secretary-Treasurer. Each will be elected, at a meeting, by a majority vote of all the members and will continue to hold office unless the officer resigns, dies, is incapacitated, or is removed by vote of two-thirds of all the members at a called meeting for the purpose of considering such removal. The duties of the officers will be as follows:

The President will:

1. Call membership meetings and officers' meetings;
2. Preside over all meetings;
3. Work closely with the construction supervisor; and
4. See that committees and members carry out their responsibilities in connection with mutual self-help project.

The Vice-President will:

1. Act for the President in the President's absence, and
2. Be chairman of the Program Committee.

The Secretary-Treasurer will:

1. Keep the minutes of each meeting.
2. Handle correspondence of the Association.
3. Collect and handle through a checking account in the Association's name, funds the organization may need. These may include items such as stationery, stamps and record book.
4. Maintain other records of the Association at the direction of the President.

Appointed Committees and Positions

The officers by majority vote will appoint the following from the membership:

1. A Labor Manager who will keep records of the hours worked by each member and notify the construction supervisor as to the availability of members for work on the housing.
2. A Purchasing Committee of three members of the Association that will obtain and review prices and cost estimates for the houses to be built and recommend contractors and suppliers to be used by the members.
3. Two of the three members of the Program Committee. The third member will be the Vice-President, who will be chairperson. This committee will help plan meetings and assist in obtaining outside speakers.

Meetings

Meetings of officers and meetings of members will be held as often as necessary to successfully complete the mutual self-help housing. Meetings may be called by the President when considered advisable and will be called by the President at the written request of not less than ——— members, or at the request of the Farmers Home Administration County Supervisor or other authorized Farmers Home Administration employee. Each officer or member will be notified at least three days before the meeting as to the time, date and place of each meeting by mail, telephone or by announcement at the preceding meeting.

Labor Exchange Agreement

Each member agrees to furnish 700 hours of labor for the construction of houses of the other members of this Association in return for 700 hours of labor from other members in the actual construction of its house. We understand that if more than 700 hours labor is required from each member to complete all houses, each member will furnish its share of

additional labor needed. In case less than 700 hours labor is required from each to complete all the houses, each family's obligation under this agreement will be satisfied when it has contributed the number of hours labor actually required.

The number of hours worked by each member or by any other person for any applicant credit will be verified by the Labor Manager. Each member will sign a promissory note to the Association in the amount of $———. It is understood the amount of $——— for each approved hour of labor performed will be credited on the note and that the note will be satisfied when the number of hours required of each member has been worked. However, if any member because of death, illness, or injury is unable to make its full labor contribution personally or from other sources as required, that member will be excused to that extent from performing its labor agreement, and all the other members will assist such a member in completing its house and will contribute the additional amount of labor for all the houses which otherwise the stricken member would have furnished.

We agree to exchange labor on the following basis:

1. Equal time will be allowed for labor performed by members in the actual construction of the homes regardless of the type of work involved.

2. Rates for time allowances for labor performed by persons other than members, will be determined by the Officers with the approval of the Labor Manager and the construction supervisor.

3. A member may not work alone on the member's own house unless the job can be done alone and the consent of the construction supervisor has been obtained.

4. The hours worked will be reported by each worker to the construction supervisor each day. The construction supervisor will promptly turn in a work sheet for each worker to the Labor Manager, who will credit the hours worked to that member's account. In case of a dispute as to the number of hours to be credited, the question will be resolved by a majority vote of the officers of the Association.

General Agreements

We agree that:

The Association, by majority vote, will determine and recommend the best way to buy materials and recommend contractors for any skilled work. Each member shall make its own decision in selecting the type of building materials and in selecting a contractor from those recommended by the Association. Each member shall pay the cost of materials and the contractor in connection with its own home.

2. The Association will collect cost of operation of the Association from members, not to exceed $——— from each member.

The Association will collect, by any means available, payment for failing to provide the amount of labor agreed.

4. The Association will act for the group in other matters related to the project when authorized by a majority of the members.

5. Property insurance will be obtained by the members as required by the Farmers Home Administration. Members also will obtain workmen's compensation insurance as required by State law or public liability insurance against claims of others when required by the Farmers Home Administration.

Dissolution

After a determination is made by the officers that the last house is completed and that there are no obligations of or to the Association, upon majority vote of the members and with the consent of the Farmers Home Administration the Association shall terminate.

Amendments

Amendments to this agreement may be made by a majority vote of the members, at a meeting called for the announced purpose of considering amendments, to take effect upon approval by the Farmers Home Administration County Supervisor; but no amendments may decrease the rights or increase the liability of any member without such member's consent.

Date ——— Signed Applicant ———
Date ——— Signed Co-applicant
———

Date ——— Signed Applicant ———
Date ——— Signed Co-applicant
———

Date ——— Signed Applicant ———
Date ——— Signed Co-applicant
———

Date ——— Signed Applicant ———
Date ——— Signed Co-applicant
———

Exhibit G–2—Promissory Note

Date ———

Eighteen months after date for value received, we promise to pay to the ——— Association or order the sum of ——— ($). We have agreed to furnish said Association 700 hours of our own labor or the labor of other persons as approved by the officers and Labor Manager of the Association and the construction supervisor in accordance with the Membership Agreement of the Association. Credits will be made on this note at the rate of $——— for each hour worked by either of the undersigned, and at a rate determined in accordance with the Membership Agreement for each hour worked by any other person for the account of the undersigned, in the next eighteen months. This note will be satisfied when the undersigned have furnished the actually required number of hours labor. All time worked must be approved by the Labor Manager of the Association. This note is subject to all provisions of the Membership Agreement.

Applicant ———
Witness ———
Co-applicant———
Address ———

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: November 6, 1981.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 81–35827 Filed 12–18–81; 8:45 am]

BILLING CODE 3410–07–M

federal register

Monday
December 21, 1981

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Issuance of Technical Memorandum

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Issuance of Technical Memorandum

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of Issuance of Technical Memorandum.

SUMMARY: The Office of Surface Mining (OSM) is issuing Technical Memoransum #1 which deals with the issue of drainage or road structures on backfilled materials in steep slope areas.

DATES: This Technical Memoransum will become final on publication of this notice.

ADDRESSES: Additional copies of Technical Memorandum #1 are available at the following location: OSM Headquarters, Department of the Interior, South Building, Room 153; 1951 Constitution Avenue NW., Washington, D.C. 20240; 202–343–4728.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Engineering Analysis Division, 1951 Constitution Avenue, NW, Washington, D.C. 20240, 202–343–5244.

SUPPLEMENTARY INFORMATION: The OSM is issuing a Technical Memorandum which was developed by the Directorate of Technical Standards and Research for the purpose of assisting the public in complying with and understanding statutory and regulatory requirements in various technical areas. Technical Memorandum #1 (Appendix 1) discusses methods of constructing drainage or road structures on backfilled material in steep slope surface coal mining operations. Technical Memoranda are issued by OSM to provide operators, regulatory authorities and the public with guidance in how to cope with specific technical or practical problems.

OSM's technical staff continuously evaluates the specific problems in light of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*), permanent program regulations, technical literature and on-the-ground experience. Technical Memoranda are then developed which suggest methods, designs or tests which OSM believes present solutions to the problems. These memoranda merely formalize and make publicly available the results of OSM's ongoing evaluations of ways to resolve specific mining or reclamation problems. OSM emphasizes that the operator must still comply with applicable requirements of an approved State program, the Act, and Federal regulations. Compliance with a Technical Memorandum may not be relied upon as a defense for failure to comply with the Act or applicable State or Federal program nor may an operator be cited for failure to comply with a Technical Memorandum.

Technical Memoranda may relate to any technical problem which requires an explanation or technical discussion. Their necessity will be determined by the Assistant Director, Technical Standards and Research.

Technical Memorandum #1 (Appendix 1) "Drainage or Road Structures on Backfilled Materials in Steep Slope Areas" is being issued today.

Dated: December 15, 1981.

J. R. Harris,

Director, Office of Surface Mining.

APPENDIX 1

Technical Memorandum 1: [1]

Subject: Drainage or Road Structures on Backfilled Material in Steep Slope Areas.

This Technical Memorandum (TM) discusses methods of constructing drainage or road structures on backfilled material in steep slope surface coal mining operations. Technical memoranda are issued by the Office of Surface Mining (OSM) to provide operators, regulatory authorities and the public with guidance in how to cope with specific technical or practical problems. OSM's technical staff continuously evaluates the specific problems in light of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*), permanent program regulations, technical literature and on-the-ground experience. Technical memoranda are then developed which suggest methods, designs or tests which OSM believes present solutions to the problems. These memoranda merely formalize and make publicly available the results of OSM's ongoing evaluations of ways to resolve specific mining or reclamation problems. Compliance with these technical memoranda may not be relied upon as a defense for failure to comply with the Act or the applicable State or Federal program nor may an operator be cited for failure to comply with any technical memoranda.

Under certain conditions both drainage and road structures may be permitted on backfilled material in steep slope areas provided the structure is consistent with the long term stability of the backfilled area and is in accordance with the approved post mining land use. The constructed facility should include the following:

(a) Elimination of the highwall resulting from construction of the structure by backfilling or shaving soft unconsolidated material (shale, soil) in a manner which blends into the natural ground and complements existing drainage patterns. No vertical rise of the highwall may be retained. However, an occasional short segment of hard or consolidated rock (sandstone, limestone) which cannot be reduced mechanically is acceptable;

(b) The structure should be riprapped, vegetated, or otherwise protected by erosion-resistent material;

(c) Sufficient gradient should be maintained so as to eliminate any potential for the ponding of water on top of the backfill, unless otherwise approved by the regulatory authority; and

(d) Water should not be discharged over the outslope of the backfill in areas other than those protected by proper erosion control areas which constitute an extension of a natural drainage course.

Background

30 CFR Section 715.17, 816.43, and 817.43 provide the performance standards with respect to diversions for conveyance of overland flow, specifically with respect to diverting this type of flow from disturbed areas by means of temporary or permanent diversions. On September 28, 1978, the Director, Office of Surface Mining, wrote to Mr. David Callaghan, the Director, Department of Natural Resources of the State of West Virginia, answering several issues that had been raised. One of those issues related to drainage structures at the top of backfilled highwalls. The Director of OSM indicated that the requirement to restore to approximate original contour would not be violated if a drainage structure were placed on backfilled material. This guidance was accepted by the State of West Virginia and disseminated to the surface coal mining operators in that State.

A similar issue was raised by the Commonwealth of Virginia in their alternatives section of the State program submission. This issue dealt with road and drainage structures "* * * located in the upper portion of backfilled areas* * *"

Subsequently, OSM became aware that some operators were not backfilling the highwall completely, but were leaving the upper portion of the highwall as part of the road or drainage structure. In some cases, the height of these remaining highwalls was as much as 15 feet of greater. This practice could be in conflict with the Director's September 28, 1978, letter and the statute. Consequently, a second letter was issued on May 15, 1980, advising that while OSM could allow top of fill drainage control, the statute did not intend that large portions of the highwall would be left that were not properly backfilled. Rather, an engineered channel designed to handle anticipated flows or a properly designed road would have to be constructed and blended into a shaved highwall with little or no vertical component of the highwall remaining.

A recent decision by the Interior Board of Surface Mining and Reclamation Appeals provides some guidance as to the dimensions of remaining vertical rock faces which will be

[1] This Technical Memorandum was prepared by OSM to assist the public in complying with or understanding statutory requirements. It is not legal authority for any action or sanction associated with official OSM programs. It is available from Office of Surface Mining, 1951 Constitution Ave., N.W., Washington, D.C. 20240

considered by the Board to be unreclaimed highwall in violation of the Act and regulations. In *Grafton Co., Inc.*, 3 IBSMA 175 (1981), the Board held that leaving a 525 foot long section of vertical rock face 3 to 12 feet in height constituted a violation of 30 CFR 715.14. 3 IBSMA 179. The permanent program rule (30 CFR 816.101(b)(1)) requiring elimination of all highwalls is essentially identical to the interim program rule construed in *Grafton*. Both rules implement section 515(b)(3) and (d)(2) which require backfilling to eliminate or cover completely all highwalls. This Technical Memorandum is intended to help provide technical guidance to the States and the public with respect to this issue.

Definitions: N/A

References: 30 CFR 715.14, .17; 30 CFR 816.43., .101, .151, .161, and .171; 30 CFR 817.43, .101, .151, .161, .171

Contact: Assistant Director, Technical Standards and Research (202) 343–4264.

OSM File #TSR 23–1.1, 23–3.1.

[FR Doc. 81–36319 Filed 12–18–81; 8:45 am]

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federal register

Monday
December 21, 1981

Part IV

Department of the Interior

Bureau of Land Management

National Park Service

Oil and Gas Leasing and Leasing of Minerals Other Than Oil and Gas and Noncompetitive Leases

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Park Service

43 CFR Parts 3100, 3110 and 3500

Oil and Gas Leasing and Leasing of Minerals Other Than Oil and Gas; Special Acts; Non-Competitive Leases

AGENCY: Bureau of Land Management and National Park Service, Interior.

ACTION: Final rulemaking.

SUMMARY: On December 22, 1980 the Bureau of Land Management and the National Park Service published in the **Federal Register** (45 FR 84390) as proposed rules, regulations to amend sections of the mineral leasing procedures contained in 43 CFR Groups 3100 and 3500 which pertain to units of the National Park System. The intent was to provide a uniform set of regulations to govern mineral leasing in units of the National Park System where such activity is authorized. The proposed regulations adopted the Bureau of Land Managment's general leasing procedures contained in Subchapter C, Title 43 of the Code of Federal Regulations and provided the National Park Service with consent authority for leases on lands administered by them, along with the ability to require special lease stipulations for protection of the environment and to designate certain areas in these units as excepted from mineral leasing. The proposal also defined which minerals would be subject to leasing in units of the National Park System and opened an additional 402,800 acres of National Park lands for mineral leasing.

The National Park Service is therefore adopting the proposed rules as final. Based on the public comments received, these final regulations have been modified to allow the leasing of all minerals in the recreation areas, which are leasable under 43 CFR Parts 3100 and 3500.

EFFECTIVE DATE: January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Keith Miller, Chief, Division of Mining and Minerals, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225 or telephone (303) 234–2125.

SUPPLEMENTARY INFORMATION:

Drafting Information

The following persons participated in the writing of these regulations: Norman J. Reigle, Dennis L. Schramm, Charles W. Wood, James S. Holland, National Park Service, Denver, Colorado; William Burke, Resource Management Specialist and David J. McClean, Assistant Chief Ranger, Lake Mead National Recreation Area, Arizona-Nevada; William R. Supernaugh, Resource Management Specialist, National Park Service, Washington, D.C.; Ray C. Foust, Superintendent, Whiskeytown Unit of Whiskeytown-Shasta-Trinity National Recreation Area, California; Keith E. Miller, Superintendent and Alan D. Eliason, Management Assistant, North Cascades Complex, Washington; David Jones, former Chief, National Park Service, Division of Mining and Minerals, San Francisco, California; C. Keith Miller, Chief, National Park Service, Division of Mining and Minerals, Rocky Mountain Region, Denver, Colorado; Harold A. Ellingson, Mining Engineer Technician, National Park Service Utah Mining Office, Salt Lake City, Utah; John H. Kelly, Office of the Regional Solicitor, Salt Lake City, Utah; Barbara Levin, Office of Solicitor, Division of Conservation and Wildlife; William R. Murray, Jr., Office of the Solicitor, Division of Energy and Resources, Washington, D.C.; James V. Piani, Bureau of Land Management, Division of Resources, Salt Lake City, Utah; Jeff Zabler and Doris Koivula, Bureau of Land Management, Division of Onshore Energy Resources, Washington, D.C. and David M. Carty, Bureau of Land Mangement, Division of Mineral Resources, Washington, D.C.

Analysis of Public Comments

As of March 2, 1981 a total of 37 written replies were received, including 26 from Federal, state and county agencies, seven from petroleum and mineral industry representatives, three from conservation interest group representatives, and one from an individual.

Fourteen of the state responses indicated they had no comment on the proposal and five supported the regulations as written. The comments of support included specific mention of the value of a unified set of regulations for mineral leasing in the National Park Service and the value of NPS consent prior to leasing. One state comment indicated that no regulations are needed and the methods of mining and restoring lands are already strong enough. One comment supported maximum protection of recreation due to its impact on the economy of Nevada. One comment stated that mineral development should be allowed only when it would not interfere with public recreation or unnecessarily alter the natural scene and there should be no leasing without adequate reclamation.

Two comments were received supporting multiple use in the recreation areas and are hereby acknowledged as supporting the regulations. Although multiple use is not normal Park Service policy, the situation in the recreation areas involved lends itself to a limited application of this doctrine.

The remaining responses contained specific recommendations. The majority of comments concerned minerals subject to leasing, consent of the NPS, excepted areas, lease stipulations and appeals.

An attempt was made to utilize as many of the comments and recommendations received as was appropriate in carrying out the statutory and policy responsibilities of the National Park Service during preparation of final regulations.

These comments are addressed below:

One comment received suggested the exchange of state trust lands located within certain national recreation areas for lands outside the national recreation areas. The purpose of the exchange would be to insure use of the state trust land without restrictions related to mineral development. This suggestion is noted but is outside the scope of these regulations.

One recommendation stated that the National Park Service should continue to strictly adhere to its established 1978 Management Policy for mineral disposition. That policy guideline states in part that: mineral exploration, leasing, and mining are not permitted, except where expressly authorized by law and such utilization is authorized only when it will promote, or is compatible with and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment. Further, the Service's management goal for the areas where resource use is authorized by legislation is to "avoid interference with public recreation, unnecessary alteration of the natural scene or interference with natural processes when developing these resources." These regulations have been developed to conform with NPS management policies and the above comment is acknowledged.

One comment encouraged the Park Service to actively participate at each phase of the leasing procedure in compliance with the 1978 NPS Management Policies and the National Environmental Policy Act of 1969 (NEPA). It was further felt that the Service, as the surface management agency, should review each phase of leasing operations including: the preliminary field examination,

exploration, development, production, and reclamation. This procedure is built into the existing leasing system and the final regulations. The original decision by the Regional Director concerning leasing or not leasing will be based on NEPA documentation. In addition, all operations on a lease require a permit, and this permit also requires the concurrence of the Regional Director (this has been clarified in the regulations in §§ 3109.5–2(e) and 3566.3). For all minerals, including oil and gas, activities on a lease require submission and approval of a plan before any activities begin. For minerals other than oil and gas, the contents of the exploration plan are governed by 43 CFR 23.7(c) and 30 CFR 231.10(b) while the mining plan is governed by 43 CFR 23.8(b) and 30 CFR 231.10(c). For oil and gas, activities must be detailed in a Multi-Point Surface Use Plan pursuant to NTL–6 (Notice to Lessees No. 6—USGS). The regulations contained in 30 CFR 221 also detail specific oil and gas operating regulations. NTL–6 is, however, the key document which the USGS uses to ensure that oil and gas operations are conducted with due regard for protection of the environment. NTL–6 Part III details the requirements of the surface use plan and lists the responsibilities of each agency in review of that plan. Part IV of that Notice details the NEPA compliance procedures to be followed.

For minerals other than oil and gas, surface exploration, mining and reclamation are governed by regulations contained in 43 CFR Part 23 and 30 CFR 231. Where conflicts between these regulations occur, 43 CFR Part 23 takes precedence (30 CFR 231.1(c)). Pursuant to 43 CFR 23.5, the BLM is required to conduct "a technical examination of the prospective effects of the proposed exploration or surface mining operations on the environment." Also, according to 43 CFR 23.5(c), the BLM is required to consult representatives of the surface management agency, if other than BLM, in the preparation of the technical examination.

The environmental assessment which was made available concurrent with release of the draft rulemaking (45 CFR 84390) gives a more detailed discussion on pages 3–5 of the steps that are taken by each agency when a lease application is received and when a lessee expresses interest in conducting operations on a lease.

The Bureau of Reclamation (BUREC) recommended a provision in the regulations which would require consultation with the Bureau whenever a lease application is received on reclamation withdrawn lands in the applicable recreation areas. This would provide the Bureau of Reclamation with the opportunity to recommend lease stipulations to protect facilities and avoid conflicts of resource use. This would be applicable only at Lake Mead, Glen Canyon and Whiskeytown. Such a provision has been added to §§ 3109.5–2(e) and 3566.3.

One comment was received that questioned whether the standard for NPS consent in the regulations is in accordance with the statutory standard as set forth in the Glen Canyon enabling legislation in 16 USC 460dd–2. This section does not specifically mention "resources;" however, it does refer to Sections 460dd to 460dd–9. Since the administration of the area in the sections cited above requires the protection of the "scenic, scientific, and historic resources contributing to public enjoyment of the area," the references to "resources" in the regulations is considered appropriate. The same administrative criteria occur in the other areas. To meet the commenter's concern for consistency; however, Section 3566.3 as well as § 3109.5–2(e) has been modified by adding the language "pursuant to the authorizing legislation of the area."

Another comment suggested that more information be made available to explain the procedural aspects of considering areas for leasing. It was felt that there is a need to expand upon the evaluation process, particularly the criteria to be employed in determining land suitability for mineral leasing. The excepted areas identified in the draft regulations constitute the majority of the lands in the recreation areas where mineral leasing will not be allowed. The justification for establishment of these areas is elaborated on in the draft rulemaking under "Excepted Areas" (45 FR 84392) and in this final rulemaking under "Excepted Areas." Lease applications will be accepted for all other areas and reviewed on a case-by-case basis. It is assumed that the majority of these leases will be allowed, with stipulations specific to each lease. The stipulations will be developed jointly by the NPS, BLM, USGS, BUREC (where applicable) and the lessee after joint field examination of the site. In the rare instance where a lease application is denied, the justification for denial will accompany the rejected application. Appeal of that decision will follow standard BLM procedures.

One comment stated that opportunity should be provided for public review and input at every phase of the operations. To solicit public comment at each phase of the lease program would create unwarranted delay.

Another comment urged the National Park Service to strongly enforce the operation plans and to provide for Service initiated suits requesting monetary damages and/or penalties in a court of law and for private citizens' ability to file administrative appeals. Enforcement provisions are already provided in 43 CFR Part 23 and 30 CFR Parts 221 and 231 which provide for enforcement by BLM and USGS. The National Park Service also has general enforcement authority on lands administered by them. Providing for citizens' appeals is beyond the scope of these regulations.

An additional comment asked for changes in the wording of the sections dealing with the authority of the Secretary to permit mineral leasing on park lands. The concern expressed was over the use of the phrase "would not impair" the resources of the area. It was felt that this language was too absolute and if taken in its strictest sense would prevent all mining. Changes were made in the regulations which reflect this concern. Language was taken from enabling legislation which relates to the Secretary's mandate to preserve the scenic, scientific, and historic resources.

One comment expressed concern over any future amendments to excepted areas. The comment received was in reference to Glen Canyon's excepted areas which are identified in their Mineral Management Plan (March 1980). It was felt that future amendments to this plan would constitute an amendment to this "rulemaking" and thus could only be carried out by publication in the **Federal Register**. The Park Service concurs with this observation.

In two of the comments received there was some confusion as to whether coal is leasable in these national recreation areas. The environmental assessment stated that coal is not leasable, while in the draft rulemaking, the alternative to allow only leasing of normally leasable minerals (45 FR 84396) apparently contradicted this by citing a definition which included coal. This was an oversight in the drafting of that alternative. Coal and geothermal resources are not leasable in any unit of the National Park System or any national recreation area designated by law (43 CFR 3201.6(a)(b) and 3400.2(a)(1) and (8)). This will be clarified in the regulations by simplifying the definition of "Minerals Subject to Leasing" (43 CFR 3500.1–3(f)).

Consent

Six comments dealt with the consent authority of the NPS Regional Director. These comments all supported NPS consent on issuing leases. One comment further stated that NPS consent should be based on certain parameters as follows:

1. *Suitability:* The determination regarding significant adverse effects on the administration of the recreation areas should include an analysis of whether the land is suitable for the proposed operation. The existence of a resource should not guarantee the right to extract the material without balancing the adverse effects of the activity. The suitability criteria should address general issues and concerns (such as effects on air and water quality, scenic impacts, noise, and solid waste) that would be affected by lease operations, especially the preservation of a wilderness option. Consideration of suitability should be required at each stage, but it is particularly important that an area's suitability be determined before allowing initial lease issuance.

2. *Reclamation and Bonding:* The terms of reclamation stipulations should attempt to rectify any short and/or long term effects on ecosystems, wildlife, unique geological features and other natural characteristics. The amount of bond set should be commensurate with the level of environmental disturbance so it will be sufficient to ensure complete reclamation in the event the operator proves incapable of performing the task. In no event should the bonding amount be mitigated once the proposed activity commences.

3. *Access:* The Service is authorized to control access to leased areas over parklands through special use permit procedures. Due to the unique characteristics of national recreation areas, it was felt that the Service should exercise more restrictive access requirements than those adopted by the BLM.

4. *Recreation:* In accordance with the purpose of the national recreation areas, visitor use should be taken into consideration when assessing the impact of any activity within the NRA. The leasing activities should not inflict a significant adverse effect on the administration of the recreation area. The activities also should not impair the scenic, scientific, and historic features contributing to public enjoyment of the area.

5. *Surface Occupancy:* No surface occupancy should be permitted for as much of the lease as practical.

These comments are acknowledged and during the preparation of the NEPA document for the consent decision the above parameters along with others will be considered.

One comment suggested that consent authority be vested in the Superintendent of the affected recreation area and not the Regional Director. Currently, the authority for all mineral matters rests with the Regional Director and his/her decision traditionally considers the recommendation of the Area Superintendent. For the sake of consistency, this line of authority was maintained for mineral leasing. The Regional Director may, however, delegate this authority to the Area Superintendent.

The consent sections have been modified in one regard. Site specific approval of operations on a lease no longer requires a finding of no significant impact, but requires only the concurrence of the Regional Director. This change was made to remove the implication that development of a resource could be substantially curtailed after discovery under a lease or prospecting permit. Questions of incompatible development should be addressed at the time of lease or permit application, and stipulations in the lease or permit should establish major limitations on development at the outset.

Lease Stipulations

Five comments were received that objected to the preparation of standard lease stipulations for all NPS areas and favored stipulations on a case-by-case basis that are tailored to the site and resource.

These suggestions are accepted and standard lease stipulations will not be prepared. Rather, each affected recreation area will be provided with a list of suggested stipulations which can serve as a basis for drafting site-specific stipulations. These can be inserted on a case-by-case basis as appropriate.

Appeals

Two comments received expressed concern over the provisions for administrative appeals in the proposed regulations. Currently, all adverse decisions are subject to review by the Interior Board of Land Appeals (IBLA).

Sections 3109.5–2(e) and 3566.3 proposed changing this procedure to place the right of review under the NPS Regional Director where the decision appealed from was NPS consent or lease stipulations. It was pointed out that this provision would be a significant departure from existing Departmental policy and is contrary to the polices which the public and Congress expect the Department to follow. It was noted that the Public Land Commission and the Congress clearly felt that the balanced perspective needed for objective administrative review could best be assured by placing review authority in a secretarial office outside of the Department's bureaus. The Office of Hearings and Appeals and the Interior Board of Land Appeals were thus established in 1970 in response to almost a decade of criticism from the public about the Department's administrative appeal procedures. It was felt that those seeking to use land administered by the Department of the Interior should be entitled to the same administrative review procedures regardless of the bureau administering the land.

One comment pointed out that the enabling legislation for Glen Canyon National Recreation Area requires under Section 6 that "the same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of Sections 3(a) and 4 of this act."

In light of these concerns, the sections concerning appeals through the Regional Director were removed. Appeals will be through the IBLA.

Minerals Subject to Leasing

Several comments raised legal and policy questions regarding the proposal to lease energy related minerals, including normally locatable minerals.

Two comments were received which questioned the legal authority of the National Park Service to allow leasing of uranium and thorium, minerals which are normally subject to location under the general mining laws of 1872. Specifically questioned was that leasing of locatables was "clearly" the intent of Congress. One comment suggested that removing all locatable minerals (except uranium and thorium) from leasing at Whiskeytown and Lake Mead constituted a withdrawal under the Federal Land Policy and Management Act of 1976. There was also concern about the potential conflicts which may arise between those who claim a lease and those who claim a mining claim for the same mineral.

The authority for leasing locatable minerals is reflected in both the enabling legislation and the legislative history for each of the recreation areas. A discussion of this authority is contained in the preamble to the

proposed rulemaking (45 FR 84394) under "Leasing of Locatable Minerals."

The relevance of the Federal Land Policy and Management Act of 1976 is contained under the discussion of excepted areas. The potential for conflicts resulting from leasing and location of the same mineral is extremely small since all National Park Service areas are now closed to mineral entry under the general mining laws. Very few patented or valid unpatented mining claims exist in these units and if a lease were approved which overlaid a valid mining claim, the claim would have the prior rights to the mineral and the lease would be void.

While several comments were received which urged leasing of no locatable minerals, others argued that all minerals (or all locatable minerals) be subject to leasing. Two comments pointed out that our nation is not only dependent upon foreign sources for petroleum, but is equally dependent upon foreign sources for numerous hardrock minerals essential to the national economy and its defense needs. Two comments pointed out that environmental safeguards in the regulations would adequately protect the recreation areas from adverse consequences of leasing all minerals. One comment pointed out that evolving technologies and market conditions could render some deposits not previously of economic interest to become so.

We concur with these points. The regulations have therefore been modified to allow the leasing of all minerals in the recreation areas which are leasable under 43 CFR Parts 3100 and 3500.

Excepted Areas

Several comments were received regarding the concept of excepting areas from mineral leasing. Two of these comments supported the concept for all the areas and further suggested that additional excepted areas be established in Lake Mead where lands have been identified as having wilderness potential. Also, opposition was expressed to the practice of reviewing each lease application on proposed wilderness lands on a case-by-case basis. Another comment on Lake Mead's excepted areas suggested that the buffer zone around the lakeshores be extended from the current 300 feet to a distance of one mile, as it is for Whiskeytown. As stated in the draft rulemaking, however, it would be premature to establish additional excepted areas in Lake Mead at this time since there currently is not a General Management Plan or a Mineral Management Plan for that area and the wilderness proposal is only under consideration. A revised excepted areas' map will be completed at an appropriate time in the planning sequence.

We hereby acknowledge and concur with another comment which suggested that preparation of a General Management Plan and a Mineral Management Plan for Lake Mead should be moved up in priority and completed as soon as possible and in the meantime, lease applications should be reviewed very cautiously.

Another comment received suggested that Glen Canyon is the only national recreation area which Congress "clearly" intended to remain open to mineral leasing after its designation, based on the use of the word "shall" in the enabling legislation. In all the other enabling acts the language used states the Secretary "may" permit mineral leasing. The NPS agrees with the above verbiage but felt that it would be appropriate at this time to exercise the Secretary's discretion to allow mineral leasing in all the areas, but only in locations where resource values would not be compromised.

The comments objecting to establishing excepted areas in any of the recreation areas centered on two issues. First, it was felt that insufficient exploration has been conducted on the excepted areas to determine the mineral potential and secondly, it was suggested that the excepted areas constitute a withdrawal under section 204 of the Federal Land Policy and Management Act of 1976 (FLPMA).

In regard to the first issue, considerable exploration and prospecting has been conducted in these areas for many years, both before and after becoming National Park Service areas. The section on "Mineral Activity in the National Recreation Areas" in the proposed rulemaking (45 FR 84394) addressed the concern of past activity. The areas which have been identified through these and other efforts as having resource potential have not been included in the excepted areas and remain open to leasing.

Despite these efforts to allow for identification and removal of known mineral deposits, mineral leasing in the National Park System is still subject to the primary purposes for which the areas were established. In each enabling act for a recreation area where mineral leasing is authorized, it can only be permitted to the extent that such activity would not adversely affect the primary purposes for which the area was established or the administration of the area. The mandate in the legislation does not base this requirement upon knowledge of mineral resources. The National Park Service, through its planning efforts, has classified the lands in these recreation areas and has identified public recreation areas, outstanding or sensitive natural and cultural resources, and development areas where mineral leasing would categorically interfere with protection of resources and/or administration of the areas. By excepting these areas from leasing in the regulations, the NPS is providing notice to all prospective lessees of those areas where mineral leasing will not be authorized. The establishment of excepted areas is expected to save industry and the government considerable time and paperwork, since all lease applications for these areas would have to be denied upon receipt regardless of whether or not the concept of excepted areas were adopted.

The second issue brought forward in the comments dealt with the concern that the National Park Service did not comply with section 204 of the Federal Land Policy and Management Act of 1976 (FLPMA) in excepting areas from mineral leasing. The National Park Service contends that exercising the Secretary's discretion granted by Congress in the enabling legislation not to allow mineral leasing in certain areas in order to protect resource values does not constitute a withdrawal under FLPMA. Section 204 requires the Secretary to comply with certain procedures whenever Federal lands are withdrawn from "settlement, sale, location, or entry under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program." (Section 103(j) of FLPMA, 43 U.S.C. 1702(j)). The NPS contends that the "excepted areas" do not constitute "withdrawals" as that term is defined in section 103(j) because each recreation area has already been withdrawn by Congress in its entirety. The enabling legislation for each of these areas removed them from settlement, sale, location, and entry under the general land laws. The authority to lease minerals derives from the enabling legislation of the areas, providing the Secretary could make necessary findings of compatibility between mineral activity and the primary purposes for which the recreation areas were established. The excepted areas are those areas in which it has been determined that mineral activity would be incompatible with the primary purposes for which these recreation

areas were established. Because these determinations do not constitute withdrawals as that term is defined in section 103(j) of FLPMA, compliance with section 204 is not required.

In partial response to the comments received, the NPS will re-examine the excepted areas in the months to come to determine if mineral development in any of these areas would be compatible with the primary purposes for which the recreation areas were established. Should the NPS find that mineral development is compatible, the excepted areas will be modified accordingly, after notice and an opportunity for public comment.

Compliance With Other Laws

The National Park Service has prepared an environmental assessment on the proposed regulations. Based on the assessment and the analysis of public comments received, it has been determined that the proposed rulemaking does not constitute a major Federal action significantly affecting the human environment, and therefore, an environmental statement pursuant to Section 102(c) of the National Environmental Policy Act is not required prior to promulgation of final comprehensive regulations.

The National Park Service has determined that this document is not a "major rule" within the meaning of E.O. 12291 ((46 FR 13193); February 19, 1981). Since this regulation was proposed in 1980 (45 FR 84390), it is not subject to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354) which became effective January 1, 1981.

This rulemaking contains no provisions that would entail the collection of information or require compliance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Authority: The Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181 *et seq.*), as amended, the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 *et seq.*), as amended, sec. 10 of the Reclamation Act of August 4, 1939 (43 U.S.C. 387), Pub. L. 88–639 (16 U.S.C. 460n), Pub. L. 89–336 (16 U.S.C. 460q), Pub. L. 90–544 (16 U.S.C. 90), Pub. L. 92–593 (16 U.S.C. 460dd)

Russell E. Dickenson,

Director, National Park Service.

In consideration of the foregoing, the following sections of Title 43 of the Code of Federal Regulations, Group 3100, are hereby amended: Sections 3100.0–3(d)(5) and (7), 3101.4–5, 3101.4–7, 3109.5–2(e) and (g), and 3111.1–3 (e) and (g); and in Group 3500, §§ 3500.0–3(c) (7) and (9), 3500.1–3 (f) and (h), 3504.1–2 (f) and (h), and Subparts 3566 and 3568, as follows:

PART 3100—OIL AND GAS LEASING

1. Section 3100.0–3 is amended by revising paragraph (d)(5) as follows:

§ 3100.0–3 Authority.

* * * * *

(d) *Special Acts*—

* * * * *

(5) *National Park Service Areas.* The Secretary is authorized to permit mineral leasing in the following areas if he finds that such disposition would not have significant adverse effects on the administration of the area and if it can be conducted in a manner that will preserve the scenic, scentific, and historic features contributing to public enjoyment of the area, pursuant to the following authorities:

(i) *Lake Mead National Recreation Area*—The act of October 8, 1964 (78 Stat. 1039; 16 U.S.C. 460n *et seq.*).

(ii) *Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area*—The act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q *et seq.*).

(iii) *Ross Lake and Lake Chelan National Recreation Areas*—The act of October 2, 1968 (82 Stat. 926; 16 U.S.C. 90 *et seq.*).

(iv) *Glen Canyon National Recreation Area*—The act of October 27, 1972 (86 Stat. 1311; 16 U.S.C. 460dd *et seq.*).

2. Section 3100.0–3 is further changed by amending paragraph (d)(7) as follows:

Remove "under his jurisdiction within the Whiskeytown-Shasta-Trinity National Recreation Area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196 (43 U.S.C. 387)), and from those".

3. Section 3101.4 is amended by revising § 3101.4–5 as follows and by revising the title of § 3101.4–7 as follows:

§ 3101.4 Special leasing acts (areas).

* * * * *

§ 3101.4–5 National Park Service areas.

(a) *Boundary Maps.* The areas subject to the regulations in this part are those areas of land and water which are shown on the following maps on file and available for public inspection in the office of the Director of the National Park Service and in the Superintendent's Office of each area. The boundaries of these areas may be revised by the Secretary as authorized in the acts.

(1) *Lake Mead National Recreation Area*—The map identified as "boundary map, 8360–80013A, revised December 1979."

(2) *Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area*—The map identified as "Proposed Whiskeytown-Shasta-Trinity National Recreation Area," numbered BOR–WST 1004, dated July 1963.

(3) *Ross Lake and Lake Chelan National Recreation Areas*—The map identified as "Proposed Management Units, North Cascades, Washington," numbered NP–CAS–7002, dated October 1967.

(4) *Glen Canyon National Recreation Area*—The map identified as "boundary map, Glen Canyon National Recreation Area," numbered GLC–91,006, dated August 1972.

(b) *Excepted Areas.* The following areas shall not be open to mineral leasing:

(1) *Lake Mead National Recreation Area.* (i) All waters of Lakes Mead and Mohave and all lands within 300 feet of those lakes measured horizontally from the shoreline at maximum surface elevation.

(ii) All lands within the area of supervision of the Water and Power Resources Service around Hoover and Davis Dams and all land within any developed and/or concentrated public use area or other area of outstanding recreational significance as designated by the Superintendent on the map (NRA–L.M. 2291A, dated July 1966) of Lake Mead National Recreation Area which is available for inspection in the Office of the Superintendent.

(2) *Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area.* (i) All waters of Whiskeytown Lake and all lands within one mile of that lake measured from the shoreline at maximum surface elevation.

(ii) All lands classified as high density recreation, general outdoor recreation, outstanding natural, and historic, as shown on the map numbered 611–20,004B, dated April 1978, entitled "Land Classification, Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area." This map is available for public inspection in the Office of the Superintendent.

(iii) All lands within section 34 of Township 33 north, Range 7 west, Mt. Diablo Meridian.

(3) *Ross Lake and Lake Chelan National Recreation Areas.* (i) All of Lake Chelan NRA.

(ii) All lands within ½ mile of Gorge, Diablo and Ross Lakes measured from the shoreline at maximum surface elevation.

(iii) All lands proposed for or designated as wilderness.

(iv) All lands within ⅛ mile of State Highway 20.

(v) Pyramid Lake Research Natural Area and all lands within ½ mile of its boundaries.

(4) *Glen Canyon National Recreation Area.* Those areas closed to mineral disposition within the natural zone, development zone, cultural zone and portions of the recreation and resource utilization zone as shown on the map numbered 80,022A dated March 1980, entitled "Mineral Management Plan—Glen Canyon National Recreation Area." This map is available for public inspection in the Office of the Superintendent and the offices of the State Directors, Bureau of Land Management, Arizona and Utah.

§ 3101.4–7 Shasta and Trinity units of the Whiskeytown-Shasta-Trinity National Recreation Area.

4. Section 3109.5–2 is amended by revising paragraph (e) as follows and by revising the title of paragraph (g) as follows:

§ 3109.5–2 Special stipulations.

* * * * *

(e) *National Park Service Areas.* Any lease or permit respecting minerals shall be issued or renewed only with the consent of the Regional Director, National Park Service. Such consent shall only be granted upon a determination by the Regional Director that the activity permitted under the lease or permit will not have significant adverse effect upon the resources or administration of the area pursuant to the authorizing legislation of the area. Any lease or permit issued will be subject to such conditions as may be prescribed by the Regional Director to protect the surface and significant resources of the area, to preserve their use for public recreation, and to the condition that site specific approval of any activity on the lease will only be given upon concurrence by the Regional Director. All lease applications received for reclamation withdrawn lands shall also be submitted to the Bureau of Reclamation for review.

* * * * *

(g) *Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.*

* * * * *

PART 3110—NONCOMPETITIVE LEASES

5. Section 3111.1–3 is amended by revising paragraph (e) as follows and by revising the title of paragraph (g) as follows:

Subpart 3111—Regular Offers

§ 3111.1–3 Special acts.

* * * * *

(e) *National Park Service Areas.*

Regulations Applicable—Oil and gas leasing shall be governed by 43 CFR Group 3100. All operations conducted on a lease or permit shall be governed by 30 CFR 221 and 226.

* * * * *

(g) *Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.*

* * * * *

6. Section 3500.0–3 is amended by revising paragraph (c)(7) as follows:

§ 3500.0–3 Authorities.

* * * * *

(c) Special Acts.

* * * * *

(7) *National Park Service Areas.* The Secretary is authorized to permit mineral leasing in the following areas if he finds that such disposition would not have significant adverse effects on the administration of the area and if it can be conducted in a manner that will preserve the scenic, scientific, and historic features contributing to public enjoyment of the area, pursuant to the following authorities:

(i) *Lake Mead National Recreation Area*—The act of October 8, 1964 (78 Stat. 1039; 16 U.S.C. 460n *et seq.*).

(ii) *Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area*—The act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q *et seq.*).

(iii) *Ross Lake and Lake Chelan National Recreation Areas*—The act of October 2, 1968 (82 Stat. 926; 16 U.S.C. 90 *et seq.*).

(iv) *Glen Canyon National Recreation Area*—The act of October 27, 1972 (86 Stat. 1311; 16 U.S.C. 460dd *et seq.*).

* * * * *

7. Section 3500.0–3 is further changed by amending paragraph (c)(9) as follows:

Remove "(a) section 10 of the act of August 4, 1939 as amended (53 Stat. 1196; 43 U.S.C. 387). (b)"

8. Section 3500.1–3 is amended by revising paragraph (f) as follows and by revising the title of paragraph (h) as follows:

§ 3500.1 Minerals subject to leasing.

* * * * *

§ 3500.1–3 Special acts.

* * * * *

(f) *National Park Service Areas.* Minerals subject to leasing are: all minerals identified in § 3500.1–1.

* * * * *

(h) *Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.*

* * * * *

9. Section 3504.1–2 is amended by revising paragraph (f) as follows and by revising the title of paragraph (h) as follows:

Subpart 3504—Bonds

§ 3504.1–2 Special Acts.

* * * * *

(f) *National Park Service Areas.* A bond must be filed in compliance with 43 CFR 3504.2–1.

* * * * *

(h) *Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area.*

* * * * *

10. Part 3560 is amended by revising Subpart 3566 to read as follows:

PART 3560—SPECIAL LEASING ACTS

Subpart 3566—National Park Service Areas

Sec.

3566.1 Regulations applicable.
3566.2 Lands to which applicable.
3566.2–1 Boundary maps.
3566.2–2 Excepted areas.
3566.3 Consent and consultation.
3566.4 Procedures for leasing locatable minerals.

Subpart 3566—National Park Service Areas

§ 3566.1 Regulations applicable.

Mineral leasing, except as otherwise specifically provided for in this subpart, shall be governed by 43 CFR Group 3500. All operations conducted on a lease or permit shall be governed by 43 CFR Part 23 and 30 CFR 231.

§ 3566.2 Lands to which applicable.

§ 3566.2–1 Boundary maps.

The area subject to the regulations in this subpart are those areas of land and water which are shown on the following maps on file and available for public inspection in the Office of the Director of the National Park Service and in the Superintendent's Office of each area. The boundaries of these areas may be revised by the Secretary as authorized in the acts.

(a) *Lake Mead National Recreation Area*—The map identified as "boundary map, 8360–80013A, revised December 1979."

(b) *Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area*—The map identified as "Proposed Whiskeytown-Shasta-Trinity National Recreation Area," numbered BOR–WST 1004, dated July 1963.

(c) *Ross Lake and Lake Chelan National Recreation Areas*—The map identified as "Proposed Management Units, North Cascades, Washington,"

numbered NP–CAS–7002, dated October 1967.

(d) *Glen Canyon National Recreation Area*—The map identified as "Boundary Map, Glen Canyon National Recreation Area," numbered GLC–91,006, dated August 1972.

§ 3566.2–2 Excepted areas.

The following areas shall not be open to mineral leasing.

(a) *Lake Mead National Recreation Area.* (1) All waters of Lakes Mead and Mohave and all lands within 300 feet of those lakes measured horizontally from the shoreline at maximum water surface elevations.

(2) All lands within the area of supervision of the Water and Power Resources Service around Hoover and Davis Dams and all land within any developed and/or concentrated public use area or other area of outstanding recreational significance as designated by the Superintendent on the map (NRA–L.M. 2291A, dated July 1966) of Lake Mead National Recreation Area which is available for inspection in the Office of the Superintendent.

(b) *Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area.* (1) All waters of Whiskeytown Lake and all lands within one mile of that lake measured from the shoreline at maximum surface elevation.

(2) All lands classified as high density recreation, general outdoor recreation, outstanding natural, and historic, as shown on the map numbered 611–20, 004B, dated April 1976, entitled "Land Classification, Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area." This map is available for public inspection in the Office of the Superintendent.

(3) All lands within Section 34 of Township 33 north, Range 7 west, Mt. Diablo Meridian.

(c) *Ross Lake and Lake Chelan National Recreation Areas.* (1) All of Lake Chelan NRA.

(2) All lands within ½ mile of Gorge, Diablo and Ross Lakes measured from the shoreline at maximum surface elevation.

(3) All lands proposed for or designated as wilderness.

(4) All lands within ½ mile of State Highway 20.

(5) Pyramid Lake Research Natural Area and all land within ½ mile of its boundaries.

(d) *Glen Canyon National Recreation Area.* Those areas closed to mineral disposition within the natural zone, development zone, cultural zone and portions of the recreation and resource utilization zone as shown on the map numbered 80,022A, dated March 1980, entitled "Mineral Management Plan—Glen Canyon National Recreation Area." This map is available for public inspection in the Office of the Superintendent and the Offices of the State Directors, Bureau of Land Management, Arizona and Utah.

§ 3566.3 Consent and consultation.

Any lease or permit respecting minerals shall be issued or renewed only with the consent of the Regional Director, National Park Service. Such consent shall only be granted upon a determination by the Regional Director that the activity permitted under the lease or permit will not have significant adverse effect upon the resources or administration of the area pursuant to the authorizing legislation of the area. Any lease or permit issued shall be subject to such conditions as may be prescribed by the Regional Director to protect the surface and significant resources of the area, to preserve their use for public recreation, and subject to the condition that site specific approval of any activity on the lease will only be given upon a concurrence by the Regional Director. All lease applications received for reclamation withdrawn lands shall also be submitted to the Bureau of Reclamation for review.

§ 3566.4 Special procedures for noncompetitive leasing of locatable minerals.

When a prospecting permit for locatable minerals is issued in accordance with the procedures in Part 3510 and § 3566.3 of this title, a lease will be granted to the holder of the prospecting permit upon demonstration of a discovery of a valuable deposit in accordance with the provisions of Part 3520 of this title, and subject to the provisions of § 3566.3 of this title.

11. Part 3560 is further changed by amending § 3568.0–3 as follows:

Subpart 3568—Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area

§ 3568.0–3 Authority.

Remove the words "under his jurisdiction within the Whiskeytown-Shasta-Trinity National Recreation Area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and from those".

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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